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Entries in the Index are carried primarily under the names of the issuing agencies, with the most significant entries additionally carried in appropriate alphabetical position.

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1965

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The List of CFR Sections Affected is published monthly on a cumulative basis. It lists by number the titles, parts, and sections of the Code of *Federal Regulations* amended or otherwise affected by documents published in the *Federal Register* since January 1, 1965. Entries indicate the nature of changes effected. Proposed rules are listed at the end of appropriate titles.

Daily numerical guides listing parts affected are carried following the Contents of each issue of the *Federal Register*, and within-the-month cumulations appear at the end of each issue.

A subject Index to the daily *Federal Register* is published separately, covering the contents of the *Federal Register* as follows: Monthly for the months of January, February, April, May, July, August, October, November, and December; quarterly for the quarters ending in March, June, and September; and annually for the calendar year.

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(h)(4) corrected	5787
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213.3312
(a) (27) and (28) added 1029
(a) (29) added 4663
213.3313
(a) (17) revised 701
(m) amended 4057
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(f) (1) revised; (f) (6) added 3745
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(c) (4), (5), and (6) added 5471
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(j) added 15203
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(a) (26) added 16061
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(j) (2) added 3263
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(ee) and (ff) added 11208
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(e) added 7271
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(g) and (i) revoked; (k) added 12720
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(c) added 7646
213.3373
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(a) revised 15282
531.505
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531.516
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Chapter I—Administrative Committee of the Federal Register

CFR CHECKLIST

This checklist, arranged in order of titles, shows the issuance date and price of current bound volumes and supplements of the Code of Federal Regulations. The rate for subscription service to all revised volumes and supplements issued as of January 1, 1965, is $100 domestic, $30 additional for foreign mailing. The subscription price for revised volumes and supplements issued as of January 1, 1966, will be at the same rate.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C., 20402.

CFR Unit:	Price
1–4 (Rev. Jan. 1, 1965)	$1.75
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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show the exception under Schedule C of the position of Deputy Commissioner of Vocational Rehabilitation. Effective on publication in the FEDERAL REGISTER, subparagraph (2) is added to paragraph (b) of § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

* * * * * *

(b) *Vocational Rehabilitation Administration.* * * *

(2) One Deputy Commissioner.

* * * * * *

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65–11744; Filed, Nov. 1, 1965; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show the exception under Schedule C of a third position of Special Assistant to the Assistant Secretary for Legislation. Effective on publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (f) of § 213.3316 is amended as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

• • • • • •

(f) *Office of the Assistant Secretary for Legislation.* (1) Three Special Assistants to the Assistant Secretary.

• • • • • •

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65–11743; Filed, Nov. 1, 1965; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Department of State

Section 213.3304 is amended to show that the position of Special Assistant to the Secretary (Food-for-Peace Program) is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (21) is added to paragraph (a) of § 213.3304 as set out below.

§ 213.3304 Department of State.

(a) *Office of the Secretary.* • • •

(21) One Special Assistant to the Secretary (Food-for-Peace Program).

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65–11826; Filed, Nov. 1, 1965; 9:50 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[850.147, as amended; Supp. 12]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

Nevada Proportionate Share Areas and Farm Proportionate Shares for 1965 Crop

Pursuant to the provisions of § 850.147 (29 F.R. 14620, 15801, 17029), the Agricultural Stabilization and Conservation Nevada State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm shares for the 1965 sugarbeet crop from acreage allocated and from any unused acreage redistributed to Nevada. Copies of these bases and procedures are available for public inspection at the office of the Agricultural Stabilization and Conservation Committee, 1479 South Wells Avenue, Reno, Nev., and at the offices of the Agricultural Stabilization and Conservation Committees in the sugarbeet producing counties in Nevada. These bases and procedures incorporate the following:

§ 850.159 Nevada.

(a) *Proportionate share area.* Nevada shall be divided into three proportionate share areas, each area consisting of a single sugarbeet producing county. The areas shall be designated Area I (Churchill County), Area II (Pershing County), and Area III (Washoe County). Acreage allocations of 443.4, 1,115.0 and 782.6 acres respectively, are established for these areas on the basis of a formula giving 30 percent weighting to the average accredited acreage for the crop years 1962 and 1963 and 70 percent weighting to the accredited acreage for the crop year 1964 for each area as a measure of "past production" and "ability to produce" sugarbeets, with prorata adjustments to the State allocation less such set-asides as provided in paragraph (b) of this section.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from the State acreage allocation as follows: 12 acres for new producers and 12 acres for appeals and adjustments in initial shares.

(c) *Requests for proportionate shares.* A request for each farm share shall be filed at the local ASC County Office on Form SU–100, Request for Sugarbeet Proportionate Share, under the conditions, and on or before the closing date for such filing, as provided in § 850.147. If a preliminary request for a tentative farm share is filed as provided in § 850.147, a fully-completed Form SU–100 shall be filed by April 12, 1965. However, requests for shares may be accepted after such dates and shares may be established if the State Committee determines that in any such case the farm operator was prevented from filing a completed Form SU–100 by such dates because of illness or other reasons beyond his control, and provided further, that requests may be accepted generally by the State committee after such date if acreage is available within the area allotment.

(d) *Establishment of individual proportionate shares for old-producer farms*—(1) *Farm bases*—(i) *Area I and Area III.* For each old-producer farm, a farm base shall be determined on the basis of a formula giving 30 percent weighting to the average accredited acreage of the farm for the crop years 1962 and 1963 and 70 percent weighting to the accredited acreage record for the crop year 1964.

(ii) *Area II.* For each old-producer farm, a farm base shall be determined on the basis of the personal accredited acreage record of the person who will operate such farm for the 1965-crop year. The base shall be determined on the basis of a formula giving a 30 percent weighting to the average of the personal accredited acreage record, within the area, of such operator for the crop years 1962 and 1963 and a 70 percent weighting to such record for the crop year 1964.

(2) *Initial proportionate shares.* For Area I, the total of individual farm bases for old-producer farms in the State, as established pursuant to this paragraph, is less than the area allotment. Accordingly, initial proportionate shares shall be established from farm bases as follows: For farms for which the respective requested acreages are equal to or less than their farm bases, the initial shares shall coincide with the requested acreages; and for all other farms, initial shares shall be computed by prorating to such farms in accordance with their respective bases, the area allotment less such set-asides and the total of the initial shares of the farms for which the requested acreages are equal to or less than their farm bases. The proration factor for the area shall be 1.5374. For Areas II and III, the total of the individual farm bases for old-producer farms, as established pursuant to this paragraph, exceeds the area allotment. Accordingly, initial shares shall be established from the farm bases in each such area by prorating the area allotment to the farms in accordance with their respective bases, but not in excess of their requests. The proration factor for each area shall be 0.91901.

(e) *Establishment of individual proportionate shares for new-producer farms.* The State committee has determined that a 12 acre share is the minimum acreage which is economically feasible to plant as a new-producer farm share. Since only one share may be established within the acreage set aside for new producers no distribution of such acreage will be made. In determining whether a farm for which a request is filed for a new-producer share may qualify for such a share, and to assist in establishing new-producer share which is fair and equitable as to relative size among qualified farms, the State committee, by taking into consideration availability and suitability of land, availability of irrigation water, adequacy of drainage, the production experience of the operator, and the availability of production and marketing facilities, shall rate each farm, as provided in § 850.147 (k), and shall establish a new-producer farm share as provided therein.

(f) *Adjustments and appeals.* Within the acreage available from the set-aside for adjustments and appeals, and from any acreage of initial shares in excess of requested acreages in each proportionate share area, adjustments may be made in initial shares for old producers so as to establish a share for each farm which is fair and equitable as compared with shares for all other farms in the area by

taking into consideration availability and suitability of land, area of available fields, crop rotation, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator. Such acreage shall also be used to make adjustments in shares under appeals to establish fair and equitable shares in accordance with the provisions of § 891.1 of this chapter applicable to appeals.

(g) *Adjustments because of unused or unallotted acreage.* Any acreage made available during the 1965-crop season by under planting or failure to plant proportionate share acreage on farms in any county shall be reported to the ASC State Committee. Acreages released and so reported, together with available acreages from unused set-aside or from other sources of unused acreage shall be distributed to farms in the State whereon additional acreage may be used. Such distribution shall be made prior to September 1, 1965.

(h) *Notification of farm operators.* The farm operator shall be notified concerning the share established for his farm on Form SU–103, Notice of Farm Proportionate Share—1965 Sugarbeet Crop, even if the acreage established is "none." In each case of approved adjustment, whether resulting from the release of acreage, the redistribution of unused acreage, appeals, or the reconstitution of the farm, the farm operator shall be notified regarding the adjusted share on a Form SU–103 marked "revised." For each tentative share which is established, the person filing the request for such share shall be notified on a Form SU–103–B specifying that such tentative share does not constitute a farm share for the purpose of payment under the Sugar Act of 1948, as amended.

(i) *Redetermination of proportionate share.* The share determined for any farm which is subdivided into, combined with, or becomes a part of another farm or farms shall be redetermined as provided in § 850.147.

(j) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.147.

Statement of bases and considerations. This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation, Nevada State Committee for determining farm proportionate shares in Nevada for the 1965 crop of sugarbeets.

Informal relationships are maintained with grower and processor representatives. In establishing proportionate shares for old producers, the factors of "past production" and "ability to produce" sugarbeets are measured, in Area I, by a formula which gives a 30 percent weighting to the average accredited acreage for the farms for the crop years 1962 and 1963 and 70 percent weighting to the 1964 record. In Areas II and III, such factors are measured by applying the formula to the accredited acreage record of the operator for the same crop years. One 12 acre new-producer share was established in accordance with the provisions of § 850.147. Such share was determined to be a minimum economic unit.

The bases and procedures for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugarbeets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Secs. 301, 302, 61 Stat. 929, 930 as amended; 7 U.S.C. 1131, 1132)

Dated: October 11, 1965.

FERLIN H. HUNT,
Chairman, Agricultural Stabilization and Conservation, Nevada State Committee.

Approved: October 27, 1965.

CHAS. M. COX,
Acting Deputy Administrator, State and County Operations.

[F.R. Doc. 65–11758; Filed, Nov. 1, 1965; 8:49 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 184, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 910.484 (Lemon Reg. 184, 30 F.R. 13529) are hereby amended to read as follows:

§ 910.484 Lemon Regulation 184.

• • • • • •

(b) *Order.* (1) • • •

(ii) District 2: 111,600 cartons.

• • • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 28, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–11735; Filed, Nov. 1, 1965; 8:47 a.m.]

Chapter XVI—Consumer and Marketing Service (Food Stamp Program), Department of Agriculture

[Amdt. 1]

PART 1602—PARTICIPATION OF RETAIL FOOD STORES, WHOLESALE FOOD CONCERNS AND BANKS

Participation of Retail Food Stores

The regulations governing the Food Stamp Program, as issued in 30 F.R. 6859, are amended as follows:

Paragraph (b) of § 1602.2 is amended to read as follows:

§ 1602.2 Participation of retail food stores.

• • • • • •

(b) Coupons shall be accepted by an authorized retail food store only in exchange for eligible foods, as defined in § 1600.2(i) of this chapter. A food retailer shall not knowingly accept coupons for any imported meat or meat products. The acceptance of coupons for meat or meat products which are labeled or can be identified as imported when they are delivered to the retail food store or to a central warehouse, a distribution center or meat fabricating facility, operated by the food retailer shall be deemed to have been done with knowledge of the fact

that such meat or meat products were imported. Any other food product which is clearly identified on the package as being imported shall not be exchanged for coupons. Coupons shall be accepted for eligible foods at the same prices and on the same terms and conditions applicable to cash purchases of the same foods at the same store: *Provided, however,* That nothing in this part shall be construed as authorizing C&MS to specify the prices at which food may be sold by retail food stores.

* * * * *

GEORGE L. MEHREN,
Assistant Secretary.

OCTOBER 26, 1965.

[F.R. Doc. 65-11737; Filed, Nov. 1, 1965; 8:47 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6861]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Foreign Tax Credit

In order to amend the Income Tax Regulations (26 CFR Part 1) under section 902 of the Internal Revenue Code of 1954 to provide rules respecting the choice of controlling United States shareholders to compute earnings and profits of a foreign corporation under the rules of § 1.964-1, such regulations are amended as follows:

Section 1.902-3 is revised by adding a new subdivision (iii) to paragraph (c)(5) which reads as follows:

§ 1.902-3 Credit for domestic corporate shareholder of a foreign corporation (after amendment by Revenue Act of 1962).

* * * * *

(c) *Determination of accumulated profits and taxes paid on or with respect thereto.* * * *

(5) *Determination of earnings and profits.* * * *

(iii) *Time and manner of making choice.* The controlling United States shareholders (as defined in paragraph (c)(5) of § 1.964-1) of a foreign corporation shall make the choice referred to in subdivision (i) of this subparagraph (including the elections permitted by paragraphs (b) and (c) of § 1.964-1) by filing a written statement to such effect with the Director of International Operations, Washington, D.C., 20225, within 180 days after the close of the first taxable year of the foreign corporation during which such shareholders receive a distribution of earnings and profits with respect to which the benefits of this section are claimed or on or before November 15, 1965, whichever is later. For purposes of this subdivision, the 180-day period shall commence on the date of receipt of any distribution which is considered paid from the accumulated profits of a preceding year or years under subparagraph (6) of this paragraph. See paragraph (c)(3)(ii) and (iii) of § 1.964-1 for procedures requiring notification of the Director of International Operations and noncontrolling shareholders of action taken.

* * * * *

Because it is necessary to provide at the earliest practicable date the rules of this Treasury decision respecting determination of earnings and profits of foreign corporations for purposes of the foreign tax credit under section 902, it is hereby found that it is impracticable to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

(Sec. 7805 of the Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

Approved: October 27, 1965.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 65-11745; Filed, Nov. 1, 1965; 8:47 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS

PART 264—REGISTRATION AND FINGERPRINTING OF ALIENS IN THE UNITED STATES

PART 299—IMMIGRATION FORMS

Miscellaneous Amendments

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

1. Paragraph (c) *Additional fees* of § 103.7 *Records and fees* is amended in the following respects:

a. The third item which reads as follows is deleted:

For filing application for alien laborer's permit in lieu of one lost, mutilated, or destroyed $1.00

b. The sixth item is amended to read as follows:

For filing application for Alien Registration Receipt Card (Form I-151), in lieu of one lost, mutilated or destroyed, or in a changed name..... $5.00

2. Paragraph (a) *Prescribed registration forms* of § 264.1 *Registration and fingerprinting* is amended with respect to Form I-485 to read as follows:

Form No.	Class
I-485 Application for Status as Permanent Resident.	Applicants under sections 245 and 249 of the Immigration and Nationality Act, as amended, and section 13 of the Act of September 11, 1957.

3. Paragraph (b) *Evidence of registration* of § 264.1 *Registration and fingerprinting* is amended with respect to Forms I-90 and I-102 to read as follows:

Form No.	Class
I-90 Application by Lawful Permanent Resident Alien for Alien Registration Receipt Card, Form I-151.	While application is pending, aliens whose evidence of registration has been lost, mutilated, or destroyed; aliens whose name has been changed; aliens whose evidence of registration is on a form other than Form I-151; aliens who have never received Form I-151; aliens who have surrendered Forms I-151 which are in poor condition because of improper lamination and aliens who have surrendered Form I-151 issued prior to their fourteenth birthday and who are applying for registration pursuant to section 262(b) after attaining that birthday.
* * *	* * *
I-102 Application by Nonimmigrant Alien for Replacement of Arrival Document or for Alien Registration.	While application is pending, nonimmigrants and other aliens not in lawful permanent resident status; children who are not lawful permanent residents applying for registration upon attaining fourteenth birthday.

4. Paragraph (c) of § 264.1 *Registration and fingerprinting* is amended and a new paragraph (f) is added to read as follows:

(c) *Replacement of registration.* Any alien whose evidence of registration has been lost, mutilated, or destroyed, shall immediately apply for new evidence thereof. Application by a nonimmigrant crewman for replacement of Form I-184, Alien Crewman Landing Permit and Identification Card, shall be made on Form I-174. Application for replacement of Form I-185, Nonresident Alien Canadian Border Crossing Card, shall be made on Form I-175. Application for replacement of Form I-186, Nonresident Alien Mexican Border Crossing Card, shall be made on Form I-190. Application for replacement of Form I-94, Arrival-Departure Record, or Form I-95, Crewman's Landing Permit, shall be made on Form I-102, except that a new Form I-94 may be issued in lieu of one lost, mutilated, or destroyed without application therefor, when the alien is an applicant for extension of his temporary stay or change of nonimmigrant classification. Application by an alien lawfully admitted for permanent residence for Form I-151, Alien Registration Receipt Card, in lieu of one lost, mutilated or destroyed, or who requests issuance of such card in a name which has been changed after registration by order of any court of competent jurisdiction or by marriage, shall be made on Form I-90 accompanied by the fee required by § 103.7(c) of this chapter, two photographs and, when issuance of Form I-151 is desired in a changed name, by appropriate documentary evidence of such change. Any Form I-151 in the applicant's possession must also be submitted with the application. An application on Form I-90, with two photographs, but without fee, is required for issuance of Form I-151 in the case of a lawful permanent resident who surrenders evidence of registration on other than Form I-151; who establishes that Form I-151 was not received by him when the Form I-151 sent to him has not been returned to the issuing Service office; who is the holder of a Form I-151 which is in poor condition because of improper lamination and surrenders such form, or in the case of an alien who has attained the age of fourteen and is seeking to be registered and fingerprinted pursuant to section 262(b) of the Act and who surrenders evidence of registration previously issued to him. An application by an alien within the United States for replacement of evidence of registration shall be submitted to the Service office having jurisdiction over the applicant's place of residence in the United States. An alien lawfully admitted for permanent residence who is outside the United States shall submit his application for a new Form I-151 in person or through an American consular officer to the Service officer stationed outside the United States having jurisdiction over the place where the applicant is temporarily sojourning or, if physically present in the area of jurisdiction of the following consular officers directly to such a consular officer in South America (except Venezuela), in areas of Asia lying to the east of the western borders of Afghanistan and Pakistan (but not including Hong Kong and adjacent islands, Taiwan, Japan, Okinawa, Korea, and the Philippines), in Australia, New Zealand, Bulgaria, Czechoslovakia, Hungary, Iceland, Rumania, the Union of Soviet Socialist Republics, Iran, Iraq, Jordan, Saudi Arabia, Syrian Arab Republic, Yemen, Aden, Kuwait, and in Africa (including the United Arab Republic). An application filed abroad will be forwarded to the district director having jurisdiction over the alien's place of residence in the United States and, if the application is approved, Form I-151 will be transmitted to the Service officer stationed outside the United States or the American consular officer for delivery to the applicant. An alien who files application Form I-90 may be required, as a matter of discretion, to appear in person before an immigration officer prior to adjudication of the application and be interrogated under oath concerning his eligibility for issuance of Form I-151 as evidence of his registration. If the applicant is outside the United States, such interrogation may be conducted by an immigration officer or a consular officer. The decision on an application for replacement of evidence of registration shall be made by the district director having jurisdiction over the alien's place of residence in the United States. No appeal shall lie from the decision of the district director denying the application.

* * * * *

(f) *Registration and fingerprinting of children who reach age fourteen.* Within 30 days after reaching the age of fourteen, any alien in the United States not exempt from alien registration under the Act and this chapter shall present himself to a Service office for registration in accordance with section 262(b) of the Act, and for fingerprinting unless fingerprinting is waived pursuant to paragraph (e) of this section. He shall submit Form I-90 if he is a lawful permanent resident, or Form I-102 if he is not a lawful permanent resident. If such alien is a lawful permanent resident of the United States and is temporarily absent from the United States when he reaches the age of fourteen, he shall comply with the foregoing within 30 days of his return to the United States. The alien, if a lawful permanent resident of the United States, shall surrender his prior evidence of alien registration and shall be issued Form I-151 bearing a photograph submitted by him in accordance with the instructions on Form I-90. In the case of an alien who is not a lawful permanent resident, the Form I-102 and evidence of registration in his possession shall be noted to show that he has been registered and the date of registration.

5. The references to Forms I-90 and I-102 in the list of forms in § 299.1 *Prescribed forms* are amended to read as follows:

Form No.	Title and description
I-90	Application by Lawful Permanent Resident Alien for Alien Registration Receipt Card, Form I-151.
* * *	* * *
I-102	Application by Nonimmigrant Alien for Replacement of Arrival Document or for Alien Registration.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order relate to agency procedure.

Dated: October 28, 1965.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 65-11749; Filed, Nov. 1, 1965; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 65-AL-29]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the Portage, Alaska, transition area. The Portage, Alaska, radio beacon was partially destroyed and removed from service as a result of the 1964 earthquake. The facility was formally decommissioned on June 9, 1964. Therefore, the requirement for a transition area with a 1,200-foot floor is no longer necessary at this location.

Since this amendment imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective within less than the 30-day statutory period.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended upon publication in the FEDERAL REGISTER as hereinafter set forth:

In § 71.181 (29 F.R. 17690), the Portage, Alaska, transition area is deleted.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Anchorage, Alaska, on October 21, 1965.

GEORGE M. GARY,
Director, Alaskan Region.

[F.R. Doc. 65-11715; Filed, Nov. 1, 1965; 8:45 a.m.]

[Airspace Docket No. 65-SO-31]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Colored Federal Airway, Additional Control Area and Designation of Reporting Point

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to redesignate Blue 48 Federal airway, Control 1230, and the Gulf Stream INT reporting point, due to the relocation of the Miami, Fla., radio beacon.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that

civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

On January 6, 1966, the Miami RBN will be relocated from its present site at latitude 25°55'47" N., longitude 80°25'-15" W., to latitude 25°47'49" N., longitude 80°23'05" W. This relocation will position the RBN at the ILS outer marker serving Runway 9L at the Miami International Airport. This relocation will require a slight adjustment to the descriptions of the foregoing controlled airspaces and reporting point. Because these readadjustments will involve a small amount of controlled airspace and the requirement for the descriptions to conform to the relocation of the Miami RBN on January 6, 1966, the Administrator finds that notice and public procedure hereon are impracticable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001, e.s.t., January 6, 1966, as hereinafter set forth.

a. In § 71.109 (29 F.R. 17507) Blue 48 Federal airway is amended to read:

B-48: From INT of the 077° bearing from the Marathon, Fla., RBN and the 151° bearing from the Miami, Fla., REN; to the Miami RBN.

b. In § 71.163 (29 F.R. 17552) Control 1230 is amended to read:

That airspace extending from the Miami, Fla., RBN to the INT of the Miami RBN 275° bearing and the eastern boundary of the Miami Oceanic control area, excluding the airspace below 2,000 feet MSL outside the United States, and the airspace within W-168.

c. In § 71.209 (29 F.R. 17721) the Gulf Stream INT is amended to read:

Gulf Stream INT: INT 077° bearing Marathon, Fla., RBN, 151° bearing Miami, Fla., RBN.

(Secs. 307(a) and 1110 of the Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510; and Executive Order 10854; 24 F.R. 9565)

Issued in Washington, D.C., on October 26, 1965.

JAMES L. LAMPL,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-11716; Filed, Nov. 1, 1965; 8:45 a.m.]

[Airspace Docket No. 65-WE-41]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On August 11, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 9986) stating that the Federal Aviation Agency was considering an amendment to Part 71 that would alter the Red Bluff, Calif., control zone and transition area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 6, 1966, as hereinafter set forth.

1. In § 71.171 (29 F.R. 17627), the Red Bluff, Calif., control zone is amended to read as follows:

Within a 5-mile radius of Bidwell Airport, Red Bluff, Calif. (latitude 40°09'15" N., longitude 122°14'50" W.), and within 2 miles each side of the Red Bluff VORTAC 167° radial, extending from the 5-mile radius zone to 8 miles S of the VORTAC.

2. In § 71.181 (29 F.R. 17693), the Red Bluff, Calif., transition area is amended by adding the following:

That airspace NW of Red Bluff extending upward from 1,200 feet above the surface bounded on the SW by a line 9 miles NE of and parallel to the Red Bluff VORTAC 291° radial, on the NW by a line 5 miles NW of and parallel to the Redding VOR 233° radial, and on the NE by a line 9 miles W of and parallel to the Red Bluff VORTAC 342° radial.

These amendments are made under the authority of Sec. 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on October 22, 1965.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 65-11717; Filed, Nov. 1, 1965; 8:45 a.m.]

[Airspace Docket No. 65-WA-60]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

Designation of Temporary Restricted Area and Alteration of Controlled Airspace

The purpose of this amendment is to designate a temporary restricted area in the vicinity of Nashua, N.H., and to include this area within the continental control area.

On October 28, 1965, the Department of the Navy submitted a request for the designation of a temporary restricted area, stating that it has an urgent military requirement to perform operations of a classified nature within the area requested. These operations will involve unusual maneuvers by jet aircraft at subsonic speeds between FL 200 and 1,500 feet above the surface that would be hazardous to nonparticipating aircraft. Ordnance will not be expanded in these operations. The request states that the availability of this area is required between 0900 e.s.t., and sunset daily from November 4, 1965, through February 4, 1966. When the restricted area is not being utilized during the period designated, it will be released to the controlling agency for use by the public. A direct telephone circuit between the controlling agency and the using agency is available to expedite communications.

Due to insufficient notice, the restricted area cannot be depicted on radio navigation charts until December 9, 1965. However, information on this area has been disseminated by NOTAM, Airman's Advisories, and the distribution of a Special Notice to Subscribers of radio navigation charts. Local dissemination of this information is being made by the FAA Boston Area Office.

The Administrator has been authorized by Congress to order the use of airspace under such terms, conditions, and limitations as he may deem necessary in order to insure the safety of aircraft and the efficient utilization of airspace. In exercising the authority granted to him, the Administrator also is required to give full consideration to the requirements of national defense.

Since the Department of the Navy has stated that the designation of this restricted area is of urgent military necessity, the Administrator has determined that it is contrary to the public interest to comply with the notice, public procedure, and effective date requirements of the Administrative Procedure Act and, therefore, this amendment may become effective in less than thirty days.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective 0001 e.s.t., November 4, 1965, as hereinafter set forth.

a. In § 71.151 (30 F.R. 17550) "R-4902 Nashua, N.H. (Temporary)" is added.

b. In § 73.49 (30 F.R. 17755) the following is added:

R-4902 NASHUA, N.H. (TEMPORARY)

Boundaries. Beginning at latitude 43° 07'30" N., longitude 71°47'00" W.; to latitude 42°56'30" N., longitude 71°33'00" W.; to latitude 42°51'30" N., longitude 71°41'00" W.; to latitude 43°03'00" N., longitude 71°55'00" W.; to the point of beginning.

Designated altitudes. 1,500 feet AGL to FL 200.

Time of designation. 0900 e.s.t. to sunset, November 4, 1965, through February 4, 1966.

Controlling Agency. Federal Aviation Agency, Boston ARTC Center.

Using Agency. Commander, Operational Test and Evaluation Force, Norfolk, Va.

(Secs. 306 and 307 of the Federal Aviation Act of 1958; 49 U.S.C. 1347, 1348)

Issued in Washington, D.C., on October 29, 1965.

CLIFFORD P. BURTON,
Acting Director, Air Traffic Service.

[F.R. Doc. 65-11799; Filed, Nov. 1, 1965; 8:49 a.m.]

[Airspace Docket No. 65-WA-7]

PART 75—ESTABLISHMENT OF JET ROUTES

Designation of Jet Route

On May 21, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 6924) stating that the Federal Aviation Agency proposed the designation of a jet route between Winslow, Ariz., and El Paso, Tex.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. Due consideration was given to all comments received.

The Department of the Air Force objected to the proposal because the jet route would cross areas between San Simon, Ariz., and Zuni, N. Mex., that are used for military training, thereby impairing the training operations conducted therein. The FAA does not consider the Air Force objection valid since these training areas presently are crossed by four existing jet routes for which separation is provided without impairment to the training operations. The most recent peak day survey made by the FAA indicates that there were 76 en route flights through these training areas via the jet routes. En route aircraft presently operate direct between Winslow and El Paso, and it is anticipated that designation of a jet route between these points will result in a negligible increase in traffic. The FAA traffic control facility at Albuquerque, N. Mex., can provide procedural separation between the en route jet route traffic and military traffic without impairment of the Air Force mission.

Although not mentioned in the notice, the jet route will extend from Boulder, Nev., via the alignment of Jet Route No. 72 to Winslow, thence direct to El Paso as proposed in the notice, connecting therewith the present terminus of Jet Route No. 86. This alignment will provide a continuous jet route between Las Vegas, Nev., and Houston, Tex. Since the extension of Jet Route No. 86 from Winslow to Boulder is for flight planning convenience and is coextensive with an existing jet route, no additional burden is imposed upon the public, and notice and public procedure hereon is unnecessary.

In consideration of the foregoing and for the reasons stated herein and in the notice, § 75.100 (29 F.R. 17776, 30 F.R. 11314) is amended effective 0001 e.s.t., December 9, 1965, as hereinafter set forth:

In Jet Route No. 86—

a. "El Paso, Tex." is deleted in the caption and "Boulder, Nev." is substituted therefor.

b. In the text "From El Paso, Tex., via" is deleted, and "From Boulder, Nev., via Peach Springs, Ariz.; Winslow, Ariz.; El Paso, Tex.;" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 26, 1965.

JAMES L. LAMPL,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-11718; Filed, Nov. 1, 1965; 8:45 a.m.]

[Reg. Docket No. 6991; Amdt. 95-134]

PART 95—IFR ALTITUDES

Miscellaneous Changes

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of the Federal Aviation Regulations is amended, effective December 9, 1965, as follows:

1. By amending Subpart C as follows:

From, to, and MEA

Section 95.41 *Green Federal airway 1* is amended to read:

United States-Canadian border; Millinocket, Maine, LF/RBN; 6,000.
Millinocket, Maine, LF/RBN; United States-Canadian border; *2,800. *2,100—MOCA.

Section 95.1001 *Direct route—United States* is amended to delete:

Charleston, S.C., VOR; Ritter INT, S.C.; *1,700. *1,500—MOCA.
Key West, Fla., LFR; Tampa, Fla., LF/RBN; *2,000. *1,400—MOCA.
Biscayne Bay, Fla., VOR; Fisher INT, Fla.; 2,000.
Fisher INT, Fla.; Dolphin INT, Fla.; 2,500.
Allentown, Pa., LFR or VOR; North Philadelphia, Pa., LF/RBN; 2,500.
Colts Neck, N.J., VOR; Newark, N.J., LF/RBN; 1,500.
Reading, Pa., LOM; INT., W crs, Allentown, Pa., LFR and NW crs, Millville, N.J., LFR; 4,000.
*Int., Binghamton, N.Y., VOR 058° rad and Syracuse, N.Y., VOR, 142° rad; Wilkes-Barre, Pa., VOR; 5,000. *5,000—MCA southbound.

Section 95.1001 *Direct routes—United States* is amended by adding:

Spiro INT, Okla.; Fort Smith, Ark., VOR; 2,000.
Danville INT, Ala.; Huntsville, Ala., VOR; *2,900. *2,400—MOCA.
Dyersburg, Tenn., VOR; Int., 061° M rad, Memphis VOR and 181° M rad, Dyersburg VOR; *2,000. *1,800—MOCA.
Cambridge, N.Y., VOR; Glens Falls, N.Y., VOR; 3,800.
Priest, Calif., VOR; *Hollister INT, Calif.; **7,000. *7,000—MCA Hollister INT, southeastbound; **6,500—MOCA.

Section 95.1001 *Direct routes—United States* is amended to read in part:

Palm Beach, Fla.; Barracuda INT, Fla.; 25,000. (Via control, 1,150); MAA—45,000.
*Porpoise INT, Fla.; Sturgeon INT, Fla., via control, 1,150; 2,000. *15,000—MRA.
Dyersburg, Tenn., VOR via MEM, 036/DYR, 181—COP, 33 miles from DYR; Memphis, Tenn., VOR; 2,000.

Section 95.6002 *VOR Federal airway 2* is amended to read in part:

Marion INT, New York, N.Y.; *Whitford INT; **2,400. *3,000—MRA. **1,700—MOCA.
Sodus INT, N.Y., via N alter.; *Lysander INT, N.Y., via N alter.; **2,300. *3,000—MRA. **1,600—MOCA.

Section 95.6003 *VOR Federal airway 3* is amended to read in part:

Ipswich INT, Mass.; Kennebunk, Maine, VOR; 2,500.
Biscayne Bay, Fla., VOR; Palm Beach, Fla., VOR; 2,000.
Martin INT, Fla., via E alter.; Palm Beach, Fla., VOR via E alter.; 2,000.
Palm Beach, Fla., VOR via E alter.; Willy INT, Fla., via E alter.; 1,600.
Palm Beach, Fla., VOR; *Fort Pierce INT, Fla.; **2,000. *3,000—MRA. **1,300—MOCA.

Section 95.6005 *VOR Federal airway 5* is amended to read in part:

Folkston INT, Ga.; Pafford INT, Ga.; *2,000. *1,400—MOCA.
Pafford INT, Ga.; Alma, Ga., VOR; *2,000. *1,700—MOCA.

Section 95.6007 *VOR Federal airway 7* is amended to read in part:

From, to, and MEA

•Malone INT, Fla., via W alter.; Dothan, Ala., VOR via W alter.; ••2,000. •3,000—MRA. ••1,700—MOCA.

Section 95.6009 *VOR Federal airway 9* is amended by adding:

Grand Isle, La., VOR; New Orleans, La., VOR; •2,500. •1,500—MOCA.

Section 95.6009 *VOR Federal airway 9* is amended to read in part:

Oshkosh, Wis., VOR; •Little Chute INT, Wis.; ••2,500. •3,000—MRA. ••2,100—MOCA.
Greenwood, Miss., VOR; Coldwater INT, Miss.; •2,000. •1,800—MOCA.
Coldwater INT, Miss.; Memphis, Tenn., VOR; •1,900. •1,600—MOCA.
Greenwood, Miss., VOR via E alter.; Sardis INT, Tenn., via E alter.; •2,000. •1,600—MOCA.
Sardis INT, Tenn., via E alter.; Memphis, Tenn., VOR via E alter.; •1,900. •1,600—MOCA.
Greenwood, Miss., VOR via W alter.; Savage INT, Miss., via W alter.; •2,100. •1,500—MOCA.
Savage INT, Miss., via W alter.; Memphis, Tenn., VOR via W alter.; •1,900. •1,600—MOCA.
Memphis, Tenn., VOR; Malden, Mo., VOR; •2,500. •2,300—MOCA.
Memphis, Tenn., VOR via W alter.; Joiner INT, Ark., via W alter.; •2,000. •1,700—MOCA.
Joiner INT, Ark., via W alter.; Malden, Tenn., VOR via W alter.; •2,500. •1,800—MOCA.
Jackson, Miss., VOR via W alter.; Greenwood, Miss., VOR via W alter.; •2,000. •1,700—MOCA.

Section 95.6011 *VOR Federal airway 11* is amended to read in part:

Memphis, Tenn., VOR via W alter.; Joiner INT, Tenn., via W alter.; •2,000. •1,700—MOCA.
Memphis, Tenn., VOR via E alter.; Fisherville INT, Tenn., via E alter.; 1,900.
Fisherville INT, Tenn., via E alter.; Anderson INT, Tenn., via E alter.; •2,200. •1,700—MOCA.

Section 95.6013 *VOR Federal airway 13* is amended to read in part:

Page, Okla., VOR; •Hackett INT, Ark.; ••4,800. •4,200—MRA. ••3,900—MOCA.

Section 95.6014 *VOR Federal airway 14* is amended to read in part:

Geneseo, N.Y., VOR; Bellona INT, N.Y.; 4,000.

Section 95.6015 *VOR Federal airway 15* is amended to read in part:

Parker INT, Tex., via W alter.; Britton, Tex., VOR via W alter.; •2,400. •2,200—MOCA.
Houston, Tex., VOR via W alter.; Andrau INT, Tex.; via W alter.; 1,800.
Andrau INT, Tex., via W alter.; Sealy INT, Tex.; via W alter.; •2,000. •1,500—MOCA.
Sealy INT, Tex., via W alter.; College Station, Tex., VOR via W alter.; •2,100. •1,500—MOCA.

Section 95.6016 *VOR Federal airway 16* is amended to read in part:

Pine Bluffs, Ark., VOR; Walls INT, Miss.; •3,000. •1,500—MOCA.
Walls INT, Miss.; Memphis, Tenn., VOR; •1,800. •1,600—MOCA.
Memphis, Tenn., VOR; Fisherville INT, Tenn.; 1,900.
Fisherville INT, Tenn., Anderson INT, Tenn., •2,200. •1,700—MOCA.

From, to, and MEA

Pine Bluff, Ark., VOR via S alter.; Int., 075° M rad, Pine Bluff VOR and 227° M rad, Memphis VOR via S alter.; •3,000. •1,500—MOCA.
Int., 075° M rad, Pine Bluff VOR and 227° M rad, Memphis VOR via S alter.; Prichard INT, Miss., via S alter.; •2,000. •1,600—MOCA.
Prichard INT, Tenn., via S alter.; Memphis, Tenn., VOR via S alter.; •1,800. •1,500—MOCA.
Memphis, Tenn., VOR via S alter.; Mount Pleasant INT, Tenn., via S alter.; •1,900. •1,600—MOCA.
Mount Pleasant INT, Tenn., via S alter.; Moscow INT, Tenn., via S alter.; •2,200. •1,500—MOCA.
Moscow INT, Tenn., via S alter.; •Selmer INT, Tenn., via S alter.; ••3,500. •4,000—MRA. ••1,700—MOCA.
Selmer INT, Tenn., via S alter.; Graham, Tenn., VOR via S alter.; •4,000. •2,000—MOCA.

Section 95.6016 *VOR Federal airway 16* is amended to delete:

Pine Bluff, Ark., VOR via N alter.; •Haynes INT, Ark., via N alter.; ••4,000. •4,000—MRA. ••1,600—MOCA.
Haynes INT, Ark., via N alter.; •Round Pond INT, Ark., via N alter.; ••5,000. •4,000—MRA. ••1,700—MOCA.
Round Pond INT, Ark., via N alter.; Memphis, Tenn., VOR via N alter.; 1,800.

Section 95.6017 *VOR Federal airway 17* is amended by adding:

McAllen, Tex., VOR; McCook INT, Tex.; 1,500.
McCook INT, Tex.; •Jennings INT, Tex.; ••2,500. •4,500—MRA. ••1,800—MOCA.
Jennings INT, Tex.; Laredo, Tex., VOR Tex.; •2,500. •1,900—MOCA.

Section 95.6020 *VOR Federal airway 20* is amended to read in part:

Mobile, Ala., VOR; Evergreen, Ala., VOR; •2,200. •1,700—MOCA.

Section 95.6021 *VOR Federal airway 21* is amended to read in part:

Hector, Calif., VOR; •Wheaton INT, Calif.; 10,000. •12,000—MRA.
Wheaton INT, Calif.; Boulder, Nev., VOR; 10,000.

Section 95.6025 *VOR Federal airway 25* is amended to read in part:

•The Dalles, Oreg., VOR; Satus DME Fix, Wash.; ••8,000. •4,800—MCA the Dalles VOR, northbound. •7,500—MOCA.
Satus DME Fix, Wash.; Yakima, Wash., VOR, southbound; •8,000. Northbound; •8,000. •5,600—MOCA.

Section 95.6035 *VOR Federal airway 35* is amended to read in part:

Macon, Ga., VOR; Clinton INT, Ga.; 2,200. Clinton INT, Ga.; Godfrey INT, Ga.; •2,000. •1,800—MOCA.
Elmira, N.Y., VOR; Scipio INT, N.Y.; 3,700.

Section 95.6037 *VOR Federal airway 37* is amended to read in part:

Ellwood City, Pa., VOR; Erie, Pa., VOR; 3,000.
Allendale, S.C., VOR; Columbia, S.C., VOR; •2,000. •1,700—MOCA.

Section 95.6039 *VOR Federal airway 39* is amended to read in part:

Myrtle Beach, S.C., VOR; •Dock INT, N.C.; ••1,800. •3,000—MRA. ••1,300—MOCA.
Dock INT, N.C., Fayetteville, N.C., VOR; •3,000. •1,500—MOCA.

Section 95.6041 *VOR Federal airway 41* is amended to read in part:

From, to, and MEA

Imperial, Pa., VOR; Elser INT, Ohio; 3,000.
Elser INT, Ohio; Youngstown, Ohio, VOR; 3,100.

Section 95.6045 *VOR Federal airway 45* is amended to delete:

Raleigh-Durham, N.C., VOR via E alter.; Reid INT, N.C., via E alter.; •2,500. •2,000—MOCA.
Reid INT, N.C., via E alter.; Greensboro, N.C., VOR via E alter.; 2,500.
Raleigh-Durham, N.C., VOR via W alter.; Goldston INT, N.C., via W alter.; •2,200. •2,000—MOCA.
Goldston INT, N.C., via W alter.; Liberty, N.C., VOR via W alter.; •2,300. •2,000—MOCA.
Liberty, N.C., VOR via W alter.; Greensboro, N.C., VOR via W alter.; •2,500. •2,000—MOCA.

Section 95.6051 *VOR Federal airway 51* is amended to read in part:

Folkston INT, Ga., Pafford INT, Ga.; •2,000. •1,400—MOCA.
Pafford INT, Ga., Alma, Ga., VOR; •2,000. •1,700—MOCA.

Section 95.6053 *VOR Federal airway 53* is amended to read in part:

St. George INT, S.C., Columbia, S.C., VOR; •2,000. •1,700—MOCA.

Section 95.6054 *VOR Federal airway 54* is amended to read in part:

Waco, Tex., VOR; Brandon INT, Tex.; •2,500. •1,800—MOCA.
Little Rock, Ark., VOR; Biscoe INT, Ark.; •2,000. •1,500—MOCA.
Biscoe INT, Ark.; Porter INT, Ark.; •2,500. •1,600—MOCA.
Porter INT, Ark.; Memphis, Tenn., VOR; •1,800. •1,500—MOCA.
Little Rock, Ark., VOR via N alter.; Tank INT, Ark., via N alter.; •1,800. •1,500—MOCA.
Tank INT, Ark., via N alter.; Hillemann INT, Ark., via N alter.; •2,500. •1,800—MOCA.
Hillemann INT, Ark., via N alter.; •Round Pond INT, Ark., via N alter.; ••3,000. •4,000—MRA. ••1,700—MOCA.
Round Pond INT, Ark., via N alter.; Memphis, Tenn., VOR via N alter.; •1,800. •1,700—MOCA.
Memphis, Tenn., VOR; Slayton INT, Tenn.; •1,900. •1,600—MOCA.
Slayton INT, Tenn., Muscle Shoals, Ala., VOR; •3,000. •2,000—MOCA.
Memphis, Tenn., VOR via N alter.; Mt. Pleasant INT, Tenn., via N alter.; •1,900. •1,600—MOCA.
Mt. Pleasant INT, Tenn., via N alter.; Moscow INT, Tenn, via N alter.; •2,200. •1,500—MOCA.
Moscow INT, Tenn., via N alter.; •Selmer INT, Tenn., via N alter.; ••3,500. •4,000—MRA. ••1,700—MOCA.
Memphis, Tenn., VOR via S alter.; Holly Springs, Miss., VOR via S alter.; •2,000. •1,700—MOCA.

Section 95.6056 *VOR Federal airway 56* is amended to read in part:

Macon, Ga., VOR; •Anna INT, Ga.; 2,200. •2,600—MRA.
Anna INT, Ga.; Gordon INT, Ga.; 2,200.
Gordon INT, Ga.; Augusta, Ga., VOR; •2,000. •1,800—MOCA.

Section 95.6062 *VOR Federal airway 62* is amended to read in part:

Joshua INT, Tex.; Britton, Tex., VOR; •2,400. •2,200—MOCA.

From, to, and MEA

Lubbock, Tex., VOR; Acuff INT, Tex.; •4,800. •4,500—MOCA.
Acuff INT, Tex.; •Rotan INT, Tex.; ••6,000. •4,500—MRA. ••4,300—MOCA.

Section 95.6066 *VOR Federal airway 66* is amended to read in part:

Chapel INT, Tex.; Bridgeport, Tex., VOR; •3,000. •2,500—MOCA.
Hudspeth, Tex., VOR; Pecos, Tex., VOR; •9,000. •8,000—MOCA.

Section 95.6069 *VOR Federal airway 69* is amended to read in part:

Pine Bluff, Ark., VOR; Biscoe INT, Ark.; •2,000. •1,500—MOCA.
Biscoe INT, Ark., Walnut Ridge, Ark., VOR; •3,000. •1,500—MOCA.

Section 95.6071 *VOR Federal airway 71* is amended to read in part:

Hot Springs, Ark., VOR; Ola INT, Ark.; •3,500. •2,900—MOCA.
Ola INT, Ark., Harrison, Ark., VOR; •4,500. •3,400—MOCA.
Hot Springs, Ark., VOR via W alter.; •Danville INT, Ark.; via W alter.; ••3,500. •5,000—MCA Danville INT, northbound. ••3,100—MOCA.
Danville INT, Ark., via W alter.; •College INT, Ark., via W alter.; ••5,500. •3,300—MRA. ••3,800—MOCA.
Harrison, Ark., VOR; Crane INT, Mo.; •3,100. •2,400—MOCA.
Crane INT, Mo.; Springfield, Mo., VOR; 3,000.

Section 95.6072 *VOR Federal airway 72* is amended to read in part:

Fayetteville, Ark., VOR; Reeds INT, Mo.; •3,200. •2,700—MOCA.
Reeds INT, Mo.; Chadwick INT, Mo.; •3,200. •2,400—MOCA.

Section 95.6074 *VOR Federal airway 74* is amended to read in part:

Fort Smith, Ark., VOR via S alter.; Barber INT, Ark., via S alter.; •2,700. •2,200—MOCA.
Barber INT, Ark., via S alter.; Little Rock, Ark., VOR via S alter.; •4,500. •3,600—MOCA.
Fort Smith, Ark., VOR via N alter.; •College INT, Ark., via N alter.; ••2,500. •3,300—MRA. ••2,000—MOCA.
College INT, Ark., via N alter.; Houston INT, Ark., via N alter.; •4,500. •3,000—MOCA.
Houston INT, Ark., via N alter.; Little Rock, Ark., VOR via N alter.; 3,200.

Section 95.6076 *VOR Federal airway 76* is amended to read in part:

Austin, Tex., VOR; Butler INT, Tex.; 2,100.
Butler INT, Tex., Industry, Tex., VOR; •2,000. •1,700—MOCA.
Industry, Tex., VOR; Sealy INT, Tex.; •2,000. •1,600—MOCA.
Sealy INT, Tex., Andrau INT, Tex.; •2,000. •1,500—MOCA.
Andrau INT, Tex., Houston, Tex., VOR; 1,800.

Section 95.6076 *VOR Federal airway 76* is amended by adding:

Industry, Tex., VOR via S alter.; Eagle Lake, Tex., VOR via S alter.; •2,000. •1,700—MOCA.
Eagle Lake, Tex., VOR via S alter.; Sinclair INT, Tex.; via S alter.; •2,000. •1,200—MOCA.
Sinclair INT, Tex., via S alter.; Texaco INT, Tex.; via S alter.; 2,000.
Texaco INT, Tex., via S alter.; Houston, Tex., VOR via S alter.; 2,100.

Section 95.6084 *VOR Federal airway 84* is amended to read in part:

From, to, and MEA

Geneseo, N.Y., VOR; Bellona INT, N.Y.; 4,000.

Section 95.6094 *VOR Federal airway 94* is amended to read in part:

Joshua INT, Tex.; Britton, Tex., VOR; •2,400. •2,200—MOCA.

Section 95.6114 *VOR Federal airway 114* is amended to read in part:

Stoneburg INT, Tex.; •Slidell INT, Tex.; ••3,000. •3,500—MRA. ••2,600—MOCA.

Section 95.6132 *VOR Federal airway 132* is amended to read in part:

Walnut INT, Kans.; Nashville INT, Mo.; •2,700. •2,300—MOCA.

Section 95.6139 *VOR Federal airway 139* is amended to read in part:

Whitman, Mass., VOR; East Boston INT, Mass.; •2,000. •1,200—MOCA.
East Boston INT, Mass.; Shipper INT, Mass.; •2,000. •1,000—MOCA.

Section 95.6141 *VOR Federal airway 141* is amended to read in part:

Boston, Mass., VOR; Revere INT, Mass.; 2,000.
Revere INT, Mass.; Ipswich INT, Mass.; •2,000. •1,300—MOCA.

Section 95.6148 *VOR Federal airway 148* is amended to read in part:

O'Neill, Nebr., VOR; Tyndall INT, S. Dak.; •4,000. •3,500—MOCA.
Tyndall INT, S. Dak.; Parker INT, S. Dak.; •4,000. •3,200—MOCA.
Parker INT, S. Dak.; Sioux Falls, S. Dak., VOR; •3,400. •3,000—MOCA.

Section 95.6157 *VOR Federal airway 157* is amended to delete:

Wilmington, N.C., VOR; Kinston, N.C., VOR; •2,000. •1,500—MOCA.

Section 95.6159 *VOR Federal airway 159* is amended to read in part:

Andrews INT, Fla.; Palm Beach, Fla., VOR; 2,000.
Miami, Fla., VOR via E alter.; Palm Beach, Fla., VOR via E alter.; 2,000.
Palm Beach, Fla.; Monet INT, Fla.; •1,500. •1,300—MOCA.

Section 95.6169 *VOR Federal airway 169* is amended to read in part:

Rapid City, S. Dak., VOR; Belle INT, S. Dak.; 4,500.

Section 95.6172 *VOR Federal airway 172* is amended to read in part:

Wolbach, Nebr., VOR; Bellwood INT, Nebr.; •4,000. •3,300—MOCA.
Bellwood INT, Nebr.; Kennard INT, Nebr.; •4,000. •2,800—MOCA.

Section 95.6176 *VOR Federal airway 176* is amended to read in part:

Memphis, Tenn., VOR; Holly Springs, Miss., VOR; •2,000. •1,700—MOCA.
Memphis, Tenn., VOR via S alter.; Hamilton, Ala., VOR via S alter.; •3,000. •1,900—MOCA.

Section 95.6180 *VOR Federal airway 180* is amended to read in part:

San Antonio, Tex., VOR; Bracken INT, Tex.; •2,700. •2,200—MOCA.
Bracken INT, Tex., Weimar INT, Tex.; •3,000. •1,800—MOCA.
Weimar INT, Tex., Eagle Lake, Tex., VOR; •2,100. •1,700—MOCA.

Section 95.6181 *VOR Federal airway 181* is amended by adding:

From, to, and MEA

Yankton, S. Dak., VOR via W alter.; Parker INT, S. Dak., via W alter.; •3,400. •3,100—MOCA.
Parker INT, S. Dak., via W alter.; Sioux Falls, S. Dak., VOR via W alter.; •3,400. •3,000—MOCA.

Section 95.6187 *VOR Federal airway 187* is amended to read in part:

Cabezon INT, N. Mex., •Mission INT, N. Mex.; ••11,000. •9,800—MRA. ••10,100—MOCA.
Mission INT, N. Mex., Farmington, N. Mex., VOR; 8,000.

Section 95.6189 *VOR Federal airway 189* is amended to read in part:

Rocky Mount, N.C., VOR; Franklin, Va., VOR; •2,000. •1,500—MOCA.

Section 95.6191 *VOR Federal airway 191* is amended to read in part:

Memphis, Tenn., VOR; •Gilmore INT, Ark.; ••2,000. •3,000—MRA. ••1,800—MOCA.
Gilmore INT, Ark.; Walnut Ridge, Ark., VOR; •2,300. •1,800—MOCA.

Section 95.6194 *VOR Federal airway 194* is amended to delete:

Raleigh-Durham, N.C., VOR via N alter.; Franklinton INT, N.C., via N alter.; •2,000. •1,800—MOCA.
Franklinton INT, N.C., via N alter.; Rocky Mount, N.C., VOR via N alter.; •3,000. •1,600—MOCA.

Section 95.6198 *VOR Federal airway 198* is amended to read in part:

San Antonio, Tex., VOR; Bracken INT, Tex.; •2,700. •2,200—MOCA.
Bracken INT, Tex.; Weimar INT, Tex.; •3,000. •1,800—MOCA.
Weimar INT, Tex.; Eagle Lake, Tex., VOR; •2,100. •1,700—MOCA.
Eagle Lake, Tex., VOR; Sinclair INT, Tex.; •2,000. •1,200—MOCA.
Sinclair INT, Tex.; Texaco INT, Tex.; 2,000.
Texaco INT, Tex.; Houston, Tex., VOR; 2,100.

Section 95.6205 *VOR Federal airway 205* is amended to read in part:

Dogwood, Mo., VOR; Springfield, Mo., VOR; 3,600.

Section 95.6210 *VOR Federal airway 210* is amended to read in part:

Tiverton, Ohio, VOR; Kilgore INT, Ohio; 3,000.
Kilgore INT, Ohio; Irondale INT, Ohio; •3,100. •2,500—MOCA.

Section 95.6212 *VOR Federal airway 212* is amended to read in part:

San Antonio, Tex., VOR; Bracken INT, Tex.; •2,700. •2,200—MOCA.
Bracken INT, Tex., Weimar INT, Tex.; •3,000. •1,800—MOCA.
Weimar INT, Tex., Industry, Tex., VOR; •2,000. •1,700—MOCA.
Industry, Tex., VOR; Navasota, Tex., VOR; •2,000. •1,700—MOCA.
Navasota, Tex., VOR; Dacus INT, Tex.; •2,000. •1,300—MOCA.
Dacus INT, Tex., Lufkin, Tex., VOR; •2,000. •1,800—MOCA.

Section 95.6222 *VOR Federal airway 222* is amended to read in part:

San Antonio, Tex., VOR; Hunter INT, Tex.; 2,500.
Hunter INT, Tex.; Redwood INT, Tex.; 2,800.
Redwood INT, Tex.; Lockhart INT, Tex.; •2,600. •1,900—MOCA.

From, to, and MEA

Lockhart INT, Tex.; Industry, Tex., VOR; *2,000. *1,800—MOCA.
Industry, Tex., VOR; Sealy INT, Tex.; *2,000. *1,600—MOCA.
Sealy INT, Tex.; Andrau INT, Tex.; *2,000. *1,500—MOCA.
Andrau INT, Tex.; Houston, Tex., VOR; 1,800.

Section 95.6243 *VOR Federal airway 243* is amended to read in part:

Folkston INT, Ga.; Pafford INT, Ga.; *2,000. *1,400—MOCA.
Pafford INT, Ga., Waycross, Ga., VOR; 2,200.
Bowling Green, Ky., VOR; Apalona INT, Ind.; *3,500. *2,500—MOCA.

Section 95.6252 *VOR Federal airway 252* is amended to read in part:

Gibson INT, N.Y., Binghamton, N.Y., VOR; 3,800.

Section 95.6255 *VOR Federal airway 255* is amended to delete:

Morey INT, Wis., Dells, Wis., VOR; 3,300.

Section 95.6255 *VOR Federal airway 255* is amended by adding:

Janesville, Wis., VOR; Kokey INT, Wis.; *2,800. *2,100—MOCA.
Kokey INT, Wis., Dells, Wis., VOR; 3,300.

Section 95.6266 *VOR Federal airway 266* is amended to read in part:

Hickory, N.C., VOR; Pine Hall INT, N.C.; *3,500. *3,000—MOCA.
Pine Hall INT, N.C.; South Boston, Va., VOR; 3,000.

Section 95.6272 *VOR Federal airway 272* is amended to read in part:

Bessie INT, Okla.; Union INT, Okla.; *3,500. *3,000—MOCA.

Section 95.6278 *VOR Federal airway 278* is amended to read in part:

*Westover INT; **Archer INT, Tex.; ***5,000. *5,000—MRA. **4,000—MRA. ***2,800—MOCA.

Section 95.6297 *VOR Federal airway 297* is amended to read in part:

Ellwood City, Pa., VOR; Akron, Ohio, VOR; 3,000.

Section 95.6303 *VOR Federal airway 303* is amended to read in part:

Hot Springs, Ark., VOR; Avant INT, Ark.; *2,500. *2,400—MOCA.
Avant INT, Ark., Barber INT, Ark.; *4,500. *3,600—MOCA.
Barber INT, Ark., Fort Smith, Ark., VOR; *2,700. *2,200—MOCA.
Hot Springs, Ark., VOR via E alter.; *Danville INT, Ark., via E alter.; **3,500. *5,000—MCA Danville INT, northbound. **3,100—MOCA.
Danville INT, Ark., via E alter.; *College INT, Ark., via E alter.; **5,500. *3,300—MRA. **3,800—MOCA.
College INT, Ark., via E alter.; Fort Smith, Ark., VOR via E alter.; *2,500. *2,000—MOCA.

Section 95.6444 *VOR Federal airway 444* is amended by adding:

Bettles, Alaska, VOR; Rampart INT, Alaska; *7,000. *6,400—MOCA.
Rampart INT, Alaska; Fairbanks, Alaska, VOR; *8,000. *6,400—MOCA.

Section 95.6464 *VOR Federal airway 464* is amended to read in part:

Langford INT, N.Y.; Geneseo, N.Y., VOR; 4,000.

Section 95.6490 *VOR Federal airway 490* is amended to read in part:

From, to, and MEA

Cambridge, N.Y., VOR; Newfane INT, N.Y.; *6,000. *5,800—MOCA.
Newfane INT, N.Y., Manchester, N.H., VOR; 5,000.
Manchester, N.H., VOR; Ipswich INT, Mass.; *2,300. *1,600—MOCA.

Section 95.6492 *VOR Federal airway 492* is amended to read in part:

Pahokee, Fla., VOR; Palm Beach, Fla., VOR; *1,500. *1,300—MOCA.
Monet INT, Fla., via N alter.; Palm Beach, Fla., VOR via N alter.; *1,500. *1,300—MOCA.
Canal INT, Fla., via S alter.; Palm Beach, Fla., VOR via S alter.; 2,000.

Section 95.6503 *VOR Federal airway 503* is amended to read in part:

*Goffs, Calif., VOR; **Wheaton INT, Calif.; ***12,000. *8,800—MCA Goffs VOR, northwestbound. **12,000—MRA. ***9,900—MOCA.
Wheaton INT, Calif.; Clark INT, Calif.; *12,000. *9,900—MOCA.

Section 95.6804 *VOR Federal airway 804* is amended to read in part:

Irondale, Pa., VOR; Kilgore INT, Ohio; *3,100. *2,500—MOCA.
Kilgore INT, Ohio; Tiverton, Ohio, VOR; 3,000.

Section 95.6830 *VOR Federal airway 830* is amended to read in part:

Pine Bluff, Ark., VOR; Walls INT, Miss.; *3,000. *1,500—MOCA.
Walls INT, Miss., Memphis, Tenn., VOR; *1,800. *1,600—MOCA.
Memphis, Tenn., VOR; Fisherville INT, Tenn.; 1,900.
Fisherville INT, Tenn., Anderson INT, Tenn.; *2,200. *1,700—MOCA.

Section 95.6839 *VOR Federal airway 839* is amended to read in part:

Allendale, S.C., VOR; Columbia, S.C., VOR; *2,000. 1,700—MOCA.

Section 95.6837 *VOR Federal airway 837* is amended to read in part:

Providence, R.I., VOR; Whitman, Mass., VOR; 2,100.

Section 95.6843 *VOR Federal airway 843* is amended to read in part:

Apalona INT, Ind.; Bowling Green, Ky., VOR; *3,500. *2,500—MOCA.

Section 95.6846 *VOR Federal airway 846* is amended to read in part:

Kennard INT, Nebr.; Bellwood INT, Nebr.; *4,000. *2,800—MOCA.
Bellwood INT, Nebr.; Wolbach, Nebr., VOR; *4,000. *3,300—MOCA.

Section 95.6887 *VOR Federal airway 887* is amended to read in part:

Anderson INT, Tenn.; Fisherville INT, Tenn.; *2,200. *1,700—MOCA.
Fisherville INT, Tenn.; Memphis, Tenn., VOR; 1,900.
Memphis, Tenn., VOR; Walls INT, Miss.; *1,800. *1,600—MOCA.
Walls INT, Miss.; Pine Bluff, Ark., VOR; *3,000. *1,500—MOCA.

Section 95.7002 *Jet Route No. 2* is amended to read in part:

From, to, MEA, and MAA

Fort Stockton, Tex., VORTAC; *Sonora INT, Tex.; #20,000; 45,000. *24,000—MRA.
Sonora INT, Tex., VORTAC; Int., 301° M rad, San Antonio VORTAC and 269° M rad, Austin VORTAC; #20,000; 45,000. #MEA is established with a gap in navigation signal coverage.
Int., 301° M rad, San Antonio VORTAC and 269° M rad, Austin VORTAC; San Antonio, Tex., VORTAC; 18,000; 45,000.

Section 95.7015 *Jet Route No. 15* is amended to delete:

San Antonio, Tex., VORTAC; Wink, Tex., VOR; 23,000; 45,000.

Section 95.7015 *Jet Route No. 15* is amended by adding:

Austin, Tex., VORTAC; *Sonora INT, Tex.; #20,000; 45,000. *24,000—MRA. #MEA is established with a gap in navigation signal coverage. Sonora INT, Tex.; Wink, Tex., VORTAC; 24,000; 45,000.

Section 95.7050 *Jet Route No. 50* is amended to read in part:

Wink, Tex., VORTAC; Abilene, Tex., VORTAC; 18,000; 45,000.
Abilene, Tex., VORTAC; Waco, Tex., VORTAC; 18,000; 45,000.

Section 95.7086 *Jet Route No. 86* is amended to read in part:

Fort Stockton, Tex., VORTAC; *Sonora INT, Tex.; #20,000; 45,000. *24,000—MRA.
Sonora INT, Tex.; Austin, Tex., VORTAC; #20,000; 45,000. #MEA is established with a gap in navigation signal coverage.

Section 95.7134 *Jet Route No. 134* is added to read:

Los Angeles, Calif., VORTAC; Parker, Calif., VORTAC; 18,000; 45,000.
Parker, Calif., VORTAC; Prescott, Ariz., VORTAC; 18,000; 45,000.
Prescott, Ariz., VORTAC; Winslow, Ariz., VORTAC; 18,000; 45,000.
Winslow, Ariz., VORTAC; Cimarron, N. Mex., VOR; #31,000; 45,000. #MEA is established with a gap in navigation signal coverage.
Cimarron, N. Mex., VOR; Liberal, Kans., VOR; 18,000; 45,000.
Liberal, Kans., VOR; Wichita, Kans., VORTAC; 18,000; 45,000.
Wichita, Kans., VORTAC; Kansas City, Mo., VORTAC; 18,000; 45,000.

Section 95.7138 *Jet Route No. 138* is added to read:

Fort Stockton, Tex., VORTAC; San Antonio, Tex., VORTAC; 18,000; 45,000.

2. By amending Subpart D as follows:

Section 95.8003 VOR Federal airway changeover points:

Airway segment: From; to—Changeover point: Distance; from

V–3 is amended to read in part:
Boston, Mass., VOR; Hennebunk, Maine, VOR; 20; Boston.

V–7 is amended by adding:
Marianna, Fla., VOR via W alter.; Dothan, Ala., VOR via W alter.; 14; Marianna.

V–16 is amended to read in part:
Memphis, Tenn., VOR; Jacks Creek, Tenn., VOR; 48; Memphis.

V–62 is amended to delete:
Lubbock, Tex., VOR; Abilene, Tex., VOR; 60; Lubbock.

V–66 is amended to read in part:
Douglas, Ariz., VOR; Columbus, N. Mex., VOR; #44; Douglas. #Utilize Deming VOR 233° M rad from COP to Animas INT.

Airway segment: From; to—Changeover point: Distance; from

V–495 is amended to read in part:
Biorka Island, Alaska, VOR; Sisters Island, Alaska, VOR; 41; Biorka Island.

V–830 is amended by adding:
Memphis, Tenn., VOR; Jacks Creek, Tenn., VOR; 46; Memphis.

V–887 is amended by adding:
Jacks Creek, Tenn., VOR; Memphis, Tenn., VOR; 42; Jacks Creek.

(Secs. 307 and 1110 of the Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510)

Issued in Washington, D.C., on October 26, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65–11660; Filed, Nov. 1, 1965; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 113—TREATMENT OF OUTGOING POSTAL UNION MAIL

Shortpaid and Unpaid Mail and Forwarding of Domestic Mail

The regulations of the Post Office Department are amended as follows:

In Part 113 make the following changes:

A. Section 113.2 is revised and amended to provide that outgoing shortpaid or unpaid postal union mail received at sectional centers from associated offices shall be returned to the senders for deficient postage. Also, quantity mailings of ten or more pieces of unpaid or shortpaid mail from the sender for addressees in Canada will be returned for adjustment of the deficiency if observed at the mailing office or sectional center. In addition, § 113.2 is expanded to provide regulations concerning mail in transit to dispatching exchange offices. As so revised, § 113.2 reads as follows:

§ 113.2 Shortpaid and unpaid.

(a) *At mailing office or section center.* Check carefully all locally mailed articles and mail received at sectional centers from associated offices for postage payment before it is dispatched. Return shortpaid and unpaid articles to the sender for deficient postage, using stock rubber stamp R–1300–230. The following exceptions apply:

(1) *Special delivery.* Dispatch to appropriate exchange office, unless deficiency can be obtained without delaying the article.

(2) *Letter mail and post cards with return address at an office other than the mailing office.* Dispatch to appropriate exchange office, unless the articles (i) can be returned to the office shown in the return address by the next business day; or (ii) are paid at domestic rates; or (iii) are totally unpaid.

(3) *Articles without return address.* Send letter mail and post cards to appropriate exchange office. Send "Other Articles" to proper dead letter branch.

(4) *Mail for Canada.* When quantity mailings of 10 or more pieces from the same sender are received return them for the deficiency or arrange that the postage charges be adjusted before the mail is dispatched. Otherwise endorse articles to show that postage due charges are to be collected from the addressee, as follows, and dispatch to appropriate exchange office: (i) Double the amount of the deficient postage on ordinary (unregistered) letter mail and post cards. (ii) The actual amount of the deficiency on ordinary "Other Articles" and on all registered mail.

(b) *Dispatch to exchange office or dead letter branch.* When shortpaid or unpaid mail is dispatched to exchange offices or to dead letter branches pursuant to paragraph (a) of this section, apply stock rubber stamp R–1300–4, "Postage Due _____ Cents", but do not indicate the amount of shortpayment, except as provided in paragraph (a)(4) of this section for mail addressed to Canada. Dispatch to exchange offices by surface means when surface mail is involved and by air when airmail is involved.

(c) *In transit to dispatching exchange offices.* Except as provided in paragraph (a) of this section, no check shall be made for postage deficiencies, but any articles seen to be paid at domestic postage rates (except special delivery) or to be totally unpaid shall be returned. Endorse "Returned for additional postage" or "Returned for postage". Do not return if the senders are in Alaska, Hawaii, or an overseas territory or possession and the articles are seen after arrival in continental United States, or vice versa; allow them to go forward to the dispatching exchange office for appropriate treatment.

(d) *Credit for postage already affixed.* Credit is allowed for postage already affixed in figuring correct amount on articles returned to senders for deficient postage.

NOTE: The corresponding Postal Manual section is 223.2.

B. In § 113.4, paragraph (b)(1) is amended to clarify instructions on forwarding domestic mail when the addressee has moved to another country. As so amended, paragraph (b)(1) reads as follows:

§ 113.4 Forwarding.

* * * * *

(b) *Domestic—(1) Addressee moved to another country.* Treat as undeliverable and dispose of as provided in Part 48 of this chapter, except that post or postal cards and ordinary letters that do not appear to contain merchandise and do not bear a notice forbidding forwarding may be directed to the original addressee in another country. Letters and cards are forwarded by surface if surface mail is involved and by air if airmail is involved, without prepayment of additional postage.

* * * * *

NOTES The corresponding Postal Manual section is 223.421.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501)

HARVEY H. HANNAH,
Acting General Counsel.

[F.R. Doc. 65–11748; Filed, Nov. 1, 1965; 8:48 a.m.]

Title 45—PUBLIC WELFARE

Chapter V—Foreign Claims Settlement Commission of the United States

SUBCHAPTER A—RULES OF PRACTICE

PART 500—APPEARANCE AND PRACTICE BEFORE THE COMMISSION

SUBCHAPTER C—RECEIPT, ADMINISTRATION AND PAYMENT OF CLAIMS UNDER THE INTERNATIONAL CLAIMS SETTLEMENT ACT OF 1949, AS AMENDED

PART 531—FILING OF CLAIMS AND PROCEDURES THEREFOR

SUBCHAPTER F—RECEIPT, ADMINISTRATION AND PAYMENT OF CLAIMS UNDER TITLE II OF THE WAR CLAIMS ACT OF 1948, AS AMENDED BY PUBLIC LAW 87–846

PART 580—FILING OF CLAIMS AND PROCEDURES THEREFOR

Miscellaneous Amendments

1. In § 500.3 *Fees*, paragraph (d) is hereby redesignated paragraph (e), and a new paragraph (d) is added. Paragraphs (d) and (e) of § 500.3 now read as follows:

§ 500.3 Fees.

* * * * *

(d) No remuneration on account of any services rendered on behalf of any claimant in connection with any claim filed with the Commission under Title V of the International Claims Settlement Act of 1949, as amended (claims against the Government of Cuba), shall exceed 10 per centum of so much of the total amount of such claim, as determined by the Commission under Title V of the Act, as does not exceed $20,000, plus 5 per centum of so much of such amount, if any, as exceeds $20,000.

(e) The total remuneration on account of services rendered or to be rendered to or on behalf of any applicant in connection with any application filed under Public Law 87-616 (76 Stat. 411) shall not exceed five per centum of the amount paid by the Commission on account of such application.

2. The section heading of § 500.5 is hereby amended to read as follows:

§ 500.5 Order allowing fees in excess of ten percentum of amount paid on account of claims under Title III of the International Claims Settlement Act of 1949, as amended.

3. Paragraph (a)(3) of § 500.6 is hereby amended to read as follows:

§ 500.6 Suspension of attorneys.

(a) * * *

(3) To have violated sections 10 and 214 of the War Claims Act of 1948, as amended, or sections 4(f), 317(a), 414, and 512 of the International Claims Settlement Act of 1949, as amended, or § 500.3 of Part 500 of the regulations.

* * * * *

4. Section 531.1 is hereby amended by adding at the end thereof a new paragraph (d) which reads as follows:

§ 531.1 Time for filing.

* * * * *

(d) Claims under Title V of the Act (Cuban claims) shall be filed with the Commission on or before May 1, 1967.

5. In § 531.2 paragraphs (e) and (f) are hereby redesignated paragraphs (f) and (g), respectively, and a new paragraph (e) is added to read as follows:

§ 531.2 Form, content and filing of claims.

* * * * *

(e) FCSC Form 666—Claims against the Government of Cuba.

(f) Notice to the Foreign Claims Settlement Commission, the Department of State, or any other governmental office or agency, prior to the enactment of the statute authorizing a claims program or the effective date of a lump-sum claims settlement agreement, or an intention to file a claim against a foreign country, shall not be considered as a timely filing of a claim under the statute or agreement.

(g) Any initial written indication of an intention to file a claim received within 30 days prior to the expiration of the filing period thereof shall be considered as a timely filing of a claim if formalized within 30 days after the expiration of the filing period.

6. Paragraphs (j)(1) and (k) of § 531.5 are amended to read as follows:

§ 531.5 Procedure for determination of claims.

* * * * *

(j)(1) In case an individual claimant dies prior to the issuance of a Final Decision his legal representative shall be substituted as party claimant. However, upon failure to comply with the foregoing, the Commission may issue its decision in the name of the estate and, in case of an award, certify the award to the Secretary of the Treasury for payment, if the payment of such award is provided for by statute.

* * * * *

(k) After the date of filing with the Commission no claim shall be amended to reflect the assignment thereof by the claimant to any other person or entity except as otherwise provided by statute.

* * * * *

7. Section 580.7 is hereby amended to read as follows:

§ 580.7 Procedure for determination of claims.

The procedures set forth under § 531.5, Subchapter C of this chapter, shall be applicable to claims filed pursuant to Title II of the War Claims Act of 1948, as amended by Public Law 87–846.

These amendments shall become effective on the date of publication in the FEDERAL REGISTER.

Dated: October 27, 1965, Washington, D.C.

EDWARD D. RE,
Chairman.

[F.R. Doc. 65–11689; Filed, Nov. 1, 1965; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 10—MIGRATORY BIRDS

Seasons and Limits on Waterfowl in California

Section 3 of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 704), authorizes and directs the Secretary of the Interior, from time to time, having due regard for the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds, to determine when, to what extent, and by what means, such birds or any part, nest, or egg thereof, may be taken, captured, killed, possessed, sold, purchased, shipped, carried, or transported.

By notice of proposed rule making published in the FEDERAL REGISTER of April 21, 1965 (30 F.R. 5640), notification was given that the Secretary of the Interior proposed to amend Part 10, Title 50, Code of Federal Regulations, to specify, among other things, open seasons for the taking of migratory game birds. All interested persons were invited to submit their views, data, or arguments regarding such proposed amendments to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C., within 30 days following publication of the notice.

Subsequently, after giving due consideration to the status of migratory game bird populations and to all comments received, open season dates for the hunting of migratory game birds were adopted. When these open season dates were adopted it was intended that the hunting of Canada geese in a certain portion of California Fish and Game District No. 22 be permitted during the period from October 23, 1965, through December 26, 1965, and that the hunting of all other species of geese in this area be permitted during the period from October 12, 1965, through January 9, 1966.

However, contrary to the intended meaning, the wording of the regulation as adopted would restrict the hunting of all species of geese in this area to the period from October 23, 1965, through December 26, 1965. The purpose and effect of this amendment is to permit the hunting of all species of geese other than Canada geese in this area during the period from October 12, 1965, through January 9, 1966, as was originally intended.

Since this amendment will benefit the public by relieving an existing restriction, it shall become effective upon publication in the FEDERAL REGISTER.

Footnote 7 of paragraph (f) § 10.53 is amended to read as follows:

§ 10.53 Seasons and limits on waterfowl, coots, gallinules, and Wilson's snipe.

* * * * *

(f) *Pacific Flyway States—Waterfowl.*

* * *

[7] California: In that portion of the State lying east and north of a line beginning at the point where U.S. Highway 99 intersects the California-Oregon State line; thence south and east following U.S. Highway 99 to the junction with State Highway 89; thence south and east on State Highway 89 to the junction with State Highway 49; thence east and north on State Highway 49 to the junction with State Highway 70; thence east on State Highway 70 to the junction with U.S. Highway 395; thence south and east on U.S. Highway 395 to the point of intersection with the California-Nevada State line, the open season for taking ducks, coots, gallinules, and geese is Oct. 9–Jan. 6. In this area the basic daily bag limit on ducks other than mergansers is 4 and the possession limit is 8.

In that portion of California Fish and Game District No. 22 lying east of a line beginning at the point where U.S. Highway 95 intersects the California-Nevada State line; thence south on U.S. Highway 95 to Vidal junction; thence southwesterly on the paved county road through Rice to the junction with U.S. Highway 60–70 at Desert Center; thence easterly 31 miles on U.S. Highway 60–70 to the intersection with the Wiley Wells road; thence south on this road through Wiley Wells and continue southeasterly on the Army-Milpitas road to the Davis Lake intersection with the paved county road running south to Ogilby; thence south on this paved county road through Ogilby to the junction with U.S. Highway 80; thence easterly 7 miles on U.S. Highway 80 to the intersection with the Andrade-Algodones road; thence southerly on the Andrade-Algodones road to the intersection with the California-Mexico border, the open season for taking ducks, coots, gallinules, and geese is Oct. 12–Jan. 9. In this area the daily bag and possession limit on ducks other than mergansers is 5; and the daily bag and possession limit on geese may not include more than 2 Canada geese. In the remainder of California Fish and Game District No. 22, the open season for taking Canada geese is from Oct. 23–Dec. 26 and the daily bag and possession limit may not include more than 1 Canada goose.

* * * * *

(Sec. 3, 40 Stat. 755, as amended; 16 U.S.C. 704; E.O. 10250; 16 F.R. 5385, 3 CFR 1949–1953 Comp. p. 757)

STEWART L. UDALL,
Secretary of the Interior.

OCTOBER 27, 1965.

[F.R. Doc. 65–11724; Filed, Nov. 1, 1965; 8:46 a.m]

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 32—HUNTING

Noxubee National Wildlife Refuge, Miss.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MISSISSIPPI

NOXUBEE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Noxubee National Wildlife Refuge, Miss., is permitted only on the area designated by signs as open to hunting. This open area, comprising 42,490 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga., 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) The open season for hunting deer on the refuge is from November 20 through November 29, 1965, and from December 27, 1965, through January 4, 1966, excluding Sundays.

(2) Only bucks with antlers over 4 inches long may be taken during the first hunt period from November 20 to November 29. During the second hunt period starting December 27, deer of either sex may be taken until 400 anterless deer have been killed, after which only bucks with antlers over 4 inches long may be taken. A total kill quota of 800 deer is established. If this quota is reached during the above open seasons, the refuge hunt will be terminated.

(3) Any type gun may be used except 22 caliber rifles and shotguns smaller than 20 gauge. Shells with buckshot smaller than No. 1 prohibited. Long bows permitted.

(4) The use of dogs is not permitted.

(5) All dear killed must be checked at one of the designated check stations and all anterless deer must be tagged before successful hunters leave the refuge.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 4, 1966.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 65–11725; Filed, Nov. 1, 1965; 8:46 a.m.]

Proposed Rule Making

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 107]

SMALL BUSINESS INVESTMENT COMPANIES

Records and Reports

Notice is hereby given that pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85–699, 72 Stat. 694, as amended, it is proposed to amend, as set forth below, Part 107 of Subchapter B, Chapter I, of Title 13 of the Code of Federal Regulations, as revised in 29 F.R. 16946–16961, and amended in 30 F.R. 534, 1187, 2652, 2653, 2654, 3635, 3856, 7597, 7651, 8775, 8900, 11960, and 13005, by amending § 107.802. Prior to final adoption of such amendment, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in triplicate, to the Investment Division, Small Business Administration, Washington, D.C., 20416, within a period of thirty (30) days of the date of this notice in the FEDERAL REGISTER.

Information. The proposed amendment affects the recordkeeping requirements applicable to Licensees. Section 107.802(a), as amended, would require every Licensee to obtain and keep on file financial reports for the latest fiscal year of each small business concern financed by it.

The periodic financial reports furnished by portfolio concerns would include at least a statement of financial condition and a statement of income and expense for the latest fiscal year, (1) certified by an officer of the portfolio concern (or principal, if unincorporated) or (2) accompanied by an opinion of an independent public accountant based on an audit made in accordance with generally accepted standards. Licensees would be required to obtain audited reports within 3 months, and unaudited reports within 2 months, following the close of the respective period or periods covered thereby.

The information included in the periodic financial reports will provide a proper basis for evaluating the status of Licensees' investments, and assist Licensees in the preparation of required financial reports to SBA. Financial data obtained from portfolio concerns will form part of the Licensees' records, which are subject to SBA examination under § 107.801 of the regulations.

It is proposed to amend the Regulations Governing Small Business Investment Companies by changing the caption accompanying § 107.802 to read, *"Records and reports"*; redesignating present § 107.802(a) as subparagraph (1) of § 107.802(a); and adding a new subparagraph (2) to § 107.802(a). As amended, the heading and paragraph (a) of § 107.802 would read as follows:

§ 107.802 Records and reports.

(a)(1) *General.* Each Licensee shall keep current financial records in accordance with generally accepted accounting principles, including the maintenance of books of account in accordance with the System of Account Classifications prescribed by SBA as set forth in Part 111 of the Regulations. All such financial records and minutes of meetings of stockholders, directors, executive committees or other officials; and all files containing pertinent documents and supporting material employed by a Licensee with respect to any and all transactions of the Licensee shall be kept at its principal place of business: *Provided, however,* That there shall be excepted from the foregoing all portfolio items held by a custodian for Licensee pursuant to written custodian agreement. All financial reports furnished to SBA by Licensees shall make full and complete disclosure of all matters relevant to the Act and Regulations.

(2) *Reports from portfolio small business concern.* Every Licensee shall obtain and keep on file periodic financial reports from each portfolio small business concern (i) as a condition of all financing agreements consummated after the effective date hereof and, wherever possible, (ii) through voluntary cooperation with respect to financing agreements previously made with any such concern. The report shall be obtained as of the close of and shall cover the latest fiscal year of the portfolio concern. The report must include at least statements of financial condition and of income and expense (*a*) certified as correct, by an officer of the portfolio concern (or principal, if unincorporated), or (*b*) accompanied by an opinion on such statements by an independent public accountant on the basis of an audit conducted in accordance with generally accepted auditing standards. Audited reports shall be obtained by Licensee within 3 months, and unaudited reports within 2 months, following the close of the respective period or periods covered thereby.

* * * * *

Dated: October 21, 1965.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 65–11731; Filed, Nov. 1, 1965; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 73]

BIOLOGICAL PRODUCTS

Dating Periods

Notice is hereby given of proposed rule making to amend Part 73 of the Public Health Service Regulations to set forth for specific products the periods beyond which the products cannot be expected beyond reasonable doubt to yield the results as stated in labeling.

Notice is also given that it is proposed to make any amendments that are adopted effective 60 days after publication in the FEDERAL REGISTER.

Inquiries may be addressed, and data, views, and arguments relating to this notice of rule making may be presented by interested parties, in writing, in triplicate, to the Surgeon General, Public Health Service, Washington 25, D.C. All relevant material received not later than 60 days after publication of this notice in the FEDERAL REGISTER will be considered.

1. Delete § 73.104(e).
2. Delete § 73.116(f).
3. Delete § 73.134(h).
4. Delete § 73.306.
5. Delete § 73.325.
6. Delete § 73.354 (e) and (f).
7. Delete § 73.503.
8. Amend Part 73 by adding a new § 73.86 to read as follows:

§ 73.86 Dating periods for specific products.

The following dating periods are based on data relating to usage, clinical experience or laboratory tests that establish the period beyond which the product cannot be expected beyond reasonable doubt to yield its specific results and retain its safety, purity, and potency, provided the product is maintained at the recommended temperatures. The standards prescribed by the regulations in this part, designed to assure safety, purity, and potency of the products, are based on the dating periods set forth below. The manufacturer's cold storage periods as prescribed in § 73.84 shall apply and outside labels shall recommend storage from 2°C to 8°C, except when specifically provided otherwise. Maximum storage temperatures and storage periods are specified in parentheses after the dating period when they differ from those specified in § 73.84.

Antipertussis Serum	*Rabbit:* Two years.
Antirabies Serum	Two years.
Anti-Rh Typing Serum, (Anti-c).	Anti-hr′ One year.
Anti-Rh Typing Serum, (Anti-e).	Anti-hr″ One year.
Anti-Rh Typing Serum, (Anti-V).	Anti-hr‴ One year.
Anti-Rh Typing Serum, (Anti-C).	Anti-rh′ One year.
Anti-Rh Typing Serum, (Anti-E).	Anti-rh″ One year.
Anti-Rh Typing Serum, (Anti-D)	Anti-Rh_o *Liquid:* One year. *Dried:* Five years.
Anti-Rh Typing Serum, (Anti-CD).	Anti-Rh_o′ One year.
Anti-Rh Typing Serum, (Anti-DE).	Anti-Rh_o″ One year.
Anti-Rh Typing Serum, Anti-Rh_o rh′rh″ (Anti-CDE).	*Liquid:* One year. *Dried:* Five years.
Anti-Rh Typing Serum, Anti-Rh_o+Rh_o (Anti-D+D″).	One year.
Anti-Rh Typing Serum, (Anti-O″).	Anti-rh‴ One year.
Anti-rh‴ and Anti-K Serum, (Anti-(C*+Kell)).	(Anti- One year. *Liquid:* One year. *Dried:* Five years.
Anti-e Serum	One year.
Anti-S Serum	One year.
Antivenin (Crotalidae) Polyvalent	Five years with a 10 percent excess of potency.
Antivenin (*Latrodectus mactans*)	Five years with a 10 percent excess of potency.
Antivenin, Scorpion	One year with a 20 percent excess, two years with a 30 percent excess; three years with a 40 percent excess and four years with a 50 percent excess of potency.
Anti-U Serum (Anti-Ss)	One year.
Anti-Wr^a Serum (Anti-Wright)	One year.
B. histolyticus Antitoxin	One year with a 20 percent excess, two years with a 30 percent excess; three years with a 40 percent excess and four years with a 50 percent excess of potency.
B. oedematiens Antitoxin	One year with a 20 percent excess, two years with a 30 percent excess; three years with a 40 percent excess and four years with a 50 percent excess of potency.
B. sordellii Antitoxin	One year with a 20 percent excess, two years with a 30 percent excess; three years with a 40 percent excess and four years with a 50 percent excess of potency.
BCG Vaccine	Six months (5° C., one year).
Blastomycin	Two years (5° C., one year).
Blood Group Specific Substances A and B	Two years.
Blood Group Specific Substance A	Two years.
Blood Group Specific Substance B	Two years.
Botulism Antitoxin	One year with a 20 percent excess, two years with a 30 percent excess; three years with a 40 percent excess and four years with a 50 percent excess of potency.
Adsorbed Anti-A Serum	One year.
Adenovirus and Influenza Virus Vaccines Combined Aluminum Hydroxide Adsorbed.	Six months (5° C., six months).
Adenovirus and Influenza Virus Vaccines Combined Aluminum Phosphate Adsorbed.	Six months (5° C., six months).
Adenovirus Vaccine	Six Months (5° C., six months).
Allergenic Extracts	With 50 percent or more glycerin, three years (5° C., three years).
	With less than 50 percent glycerin, eighteen months (5° C., eighteen months).
	Products for which cold storage conditions are inappropriate, eighteen months, provided labeling recommends storage at not above 30° C. § 73.84 does not apply.
	Powders and tablets, five years, provided labeling recommends storage at not above 30° C. § 73.84 does not apply.
	Freeze dried products, five years (5° C., three years).
Allergenic Extracts, Alum Precipitated	Eighteen months (5° C., eighteen months).
Anti-A Blood Grouping Serum	*Liquid:* One year. *Dried:* Five years.
Anti-A, B Blood Grouping Serum	*Liquid:* One year. *Dried:* Five years.
Anti-B Blood Grouping Serum	*Liquid:* One year. *Dried:* Five years.
Anti-Di^a Serum (Anti-Diego)	One year.
Anti-Fy^a Serum (Anti-Duffy)	One year.
Anti-Gr (Vw) Serum	One year.
Antihemophilic Globulin (Human)	One year.
Antihemophilic Plasma (Human)	*Dried:* Five years. *Liquid:* Two years. *Dried:* Five Years.
Anti-Hemophilus Influenza Type b Serum.	One year. § 73.84 does not apply.
Anti-Human Chorionic Gonadotropic Serum.	*Liquid:* One year. *Dried:* Five years.
Anti-Human Precipitin Serum	One year.
Anti-Human Serum	Two years.
Anti-Influenza Virus Serum for the Hemagglutination Inhibition Test.	One year.
Anti-Jk^a Serum (Anti-Kidd)	One year.
Anti-Jk^b Serum	One year.
Anti-k Serum (Anti-Celiano)	One year.
Anti-K Serum (Anti-Kell)	One year.
Anti-Kp^a Serum (Anti-Penney)	One year.
Anti-Kp^b and Anti-K Serum (Anti-Rautenberg and Anti-Kell).	One year.
Anti-Kp^b Serum (Anti-Rautenberg)	One year.
Anti-Le^a Serum (Anti-Lewis)	*Liquid:* One year. *Dried:* Five years.
Anti-Le^b Serum	*Liquid:* One year. *Dried:* Five years.
Anti-Lu^a Serum (Anti-Lutheran)	One year.
Anti-M Serum	One year.
Anti-M^g Serum	One year.
Anti-N Serum	One year.
Anti-P Serum	One year.

Chicken Pox Immune Serum (Human)	*Liquid:* One year. *Dried:* Five years.
Cholera Vaccine	Eighteen months (5° C., one year).
Citrated Whole Blood (Human)	Twenty-one days provided labeling recommends storage at 1°–10° C. § 73.84 does not apply.
Cobra Venom with Silicic and Formic Acids.	Eighteen months (5° C., one year).
Cobra Venom Solution	Eighteen months (5° C., one year).
Coccidioidin	Three years (5° C., one year).
Collagenase	One year. § 73.84 does not apply.
Diphtheria Antitoxin	*Liquid:* One year with a 20 percent excess, two years with a 30 percent excess, three years with a 40 percent excess and four years with 50 percent excess of potency. *Dried:* Five years.
Diphtheria and Tetanus Toxoids and Pertussis and Poliomyelitis Vaccines Aluminum Phosphate Adsorbed.	Four months (5° C., two months).
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Alum Precipitated and Poliomyelitis Vaccine.	(a) Four months (5° C., two months). (b) One year provided the pertussis and poliomyelitis components unmixed when issued (5° C., one year).
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Aluminum Phosphate Adsorbed and Poliomyelitis Vaccine.	(a) Four months (5° C., two months). (b) One year provided the pertussis and poliomyelitis components unmixed when issued (5° C., one year).
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined.	Eighteen months (5° C., one year).
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Alum Precipitated.	Eighteen months (5° C., one year).
Diphtheria and Tetanus Toxoids Alum Precipitated and Pertussis Vaccine Combined.	Eighteen months (5° C., one year).
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Phosphate Adsorbed.	Eighteen months (5° C., one year).
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Phosphate Precipitated.	Eighteen months (5° C., one year).
Diphtheria and Tetanus Toxoids Aluminum Hydroxide Adsorbed and Pertussis Vaccine Combined.	Eighteen months (5° C., one year).
Diphtheria and Tetanus Toxoids Aluminum Hydroxide Adsorbed Combined.	Two years (5° C., one year).
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Hydroxide Precipitated.	Eighteen months (5° C., one year).
Diphtheria and Tetanus Toxoids and Poliomyelitis Vaccine.	One year (5° C., one year).
Diphtheria and Tetanus Toxoids Combined.	Two years (5° C., one year).
Diphtheria and Tetanus Toxoids Combined Alum Precipitated.	Two years (5° C., one year).
Diphtheria and Tetanus Toxoids Combined Aluminum Hydroxide Precipitated.	Two years (5° C., one year).
Diphtheria and Tetanus Toxoids Combined Aluminum Phosphate Adsorbed.	Two years (5° C., one year).
Diphtheria and Tetanus Toxoids Combined Aluminum Phosphate Precipitated.	Two years (5° C., one year).
Diphtheria Toxin for Schick Test	One year (5° C., one year).
Diphtheria Toxoid	Two years (5° C., one year).
Diphtheria Toxoid Alum Precipitated	Two years (5° C., one year).
Diphtheria Toxoid Alum Precipitated and Pertussis Vaccine Combined.	Eighteen months (5° C., one year).
Diphtheria Toxoid Aluminum Hydroxide Adsorbed.	Two years (5° C., one year).
Diphtheria Toxoid Aluminum Hydroxide Precipitated.	Two years (5° C., one year).
Diphtheria Toxoid Aluminum Phosphate Adsorbed.	Two years (5° C., one year).
Diphtheria Toxoid and Pertussis Vaccine Combined.	Eighteen months (5° C., one year).
Diphtheria Toxoid and Pertussis Vaccine Combined Alum Precipitated.	Eighteen months (5° C., one year).
Diphtheria Toxoid and Pertussis Vaccine Combined Aluminum Phosphate Adsorbed.	Eighteen months (5° C., one year).
Diphtheria Toxoid Aluminum Hydroxide Adsorbed and Pertussis Vaccine Combined.	Eighteen months (5° C., one year).
Diphtheria Toxoid Aluminum Phosphate Adsorbed and Pertussis Vaccine Combined.	Eighteen months (5° C., one year).
Dysentery Antitoxin, Shiga	One year with a 20 percent excess; two years with a 30 percent excess; three years with a 40 percent excess and four years with a 50 percent excess of potency.
Equine Encephalomyelitis Vaccine (Eastern).	One year.
Equine Encephalomyelitis Vaccine (Western).	One year.
Fibrinogen (Human)	*Dried:* Five years.
Fibrinolysin (Human)	Two years.
Fibrinogen with Antihemophilic Factor (Human).	*Dried:* Five years.
Fibrinolysin and Desoxyribonuclease Combined (Bovine).	Three years.
Fibrinolysin and Desoxyribonuclease Combined (Bovine) with Chloramphenicol.	Three years.
Gas Gangrene Polyvalent Antitoxin	*Liquid:* One year with a 20 percent excess; two years with a 30 percent excess; three years with a 40 percent excess and four years with a 50 percent excess of potency.
Haemophilis influenzae Typing Serum	One year.
Heparinized Whole Blood (Human)	Forty-eight hours provided labeling recommends storage at 1°–10° C. § 73.84 does not apply.
Histamine Azoprotein	Two years.
Histoplasmin	Two years (5° C., one year).
Human Blood Cells	*Dried:* Five years.
Immune Serium Globulin (Human)	Three years (5° C., three years).
Influenza Virus Hemagglutinating Antigen.	Two years (5° C., one year).
Influenza Virus Vaccine	Eighteen months (5° C., one year).
Lymphogranuloma Venereum Antigen	One year (5° C., one year).
Measles Immune Serum (Human)	*Liquid:* One year. *Dried:* Five years.

Measles Immune Globulin (Human)	Three years (5° C., three years).
Measles Virus Vaccine, Inactivated	One year (5° C., six months).
Measles Virus Vaccine, Live, Attenuated.	One year. § 73.84 does not apply.
Modified Plasma (Bovine)	Twenty months. § 73.84 does not apply.
Mumps Immune Serum (Human)	*Liquid:* One year. *Dried:* Five years.
Mumps Immune Globulin (Human)	Three years from date the dried or frozen bulk product is placed in final solution. (5° C., three years.)
Mumps Skin Test Antigen	Eighteen months (5° C., one year).
Mumps Vaccine	Eighteen months (5° C., one year).
Normal Bovine Serum	Five years.
Normal Horse Serum	Five years.
Normal Human Plasma	*Liquid:* Three years provided storage before issue is at 15°–30° C., and labeling recommends storage at 15°–30° C. § 73.84 does not apply. *Dried:* Seven years provided labeling recommends storage not above 37° C. § 73.84 does not apply.
Normal Human Serum	*Liquid:* Eighteen months. *Dried:* Five years. *Frozen:* Three years provided labeling recommends storage at −18° C. or below. § 73.84 does not apply. *Melted:* One year after the date of melting. § 73.84 does not apply.
Normal Rabbit Serum	Five years.
Normal Serum Albumin (Human)	(a) Five years provided labeling recommends storage between 2°–10°C. (5° C., three years). or (b) Three years provided labeling recommends storage at room temperature, not to exceed 37° C. (5° C., three years). or (c) Ten years, if in an hermetically sealed metal container and provided labeling recommends storage between 2°–10° C. § 73.84 does not apply.
Oxophenarsine Hydrochloride	Three years (5° C., one year).
Packed Red Blood Cells (Human)	Twenty-one days provided labeling recommends storage at 1°–10° C. and the hermetic seal is not broken during processing. Twenty-four hours provided labeling recommends storage at 1°–10° C., if the hermetic seal is broken during processing. § 73.84 does not apply.
Perfringens Antitoxin	One year with a 20 percent excess; two years with a 30 percent excess; three years with a 40 percent excess and four years with a 50 percent excess of potency.
Pertussis Immune Globulin (Human)	Three years from date the dried or frozen bulk product is placed in final solution (5° C., three years).
Pertussis Immune Serum (Human)	*Liquid:* One year. *Dried:* Five years.
Pertussis Vaccine	Eighteen months (5° C., one year).
Pertussis Vaccine Aluminum Hydroxide Adsorbed.	Eighteen months (5° C., one year).
Pertussis Vaccine Aluminum Phosphate Adsorbed.	Eighteen months (5° C., one year).
Plague Vaccine	Eighteen months (5° C., one year).
Plasma Protein Fraction (Human)	(a) Five years (5° C., one year). (b) Three years, providing labeling recommends storage at 15°–30° C. (5° C., one year).
Pneumococcus Typing Serum	One year.
Poison Ivy Extract	Eighteen months (5° C., eighteen months). Products for which cold storage conditions are inappropriate, eighteen months provided labeling recommends storage at not above 30° C. § 73.84 does not apply.
Poison Ivy Extract Alum Precipitated	Eighteen months (5° C., eighteen months).
Poison Ivy-Oak-Sumac Extracts Combined.	Eighteen months (5° C., eighteen months).
Poison Ivy-Poison Oak Extracts Combined.	Eighteen months (5° C., eighteen months).
Poison Oak Extract	Eighteen months (5° C., eighteen months). Products for which cold storage conditions are inappropriate, eighteen months provided labeling recommends storage at not above 30° C. § 73.84 does not apply.
Poison Sumac Extract	Eighteen months (5° C., eighteen months).
Poliomyelitis Immune Globulin (Human).	Three years (5° C., three years).
Poliomyelitis Vaccine	One year (5° C., one year).
Poliomyelitis Vaccine Aluminum Phosphate Adsorbed.	One year (5° C., one year).
Poliovirus Vaccine, Live, Oral Trivalent	*Frozen:* One year provided labeling recommends storage at a temperature which will maintain ice continuously in a solid state (−10° C., one year). *Liquid:* 30 days provided labeling recommends storage at 2°–8° C. § 73.84 does not apply.
Poliovirus Vaccine, Live, Oral, Type I	*Frozen:* One year provided labeling recommends storage at a temperature which will maintain ice continuously in a solid state (−10° C., one year). *Liquid:* 30 days provided labeling recommends storage at 2°–8° C. § 73.84 does not apply.
Poliovirus Vaccine, Live, Oral, Type II	*Frozen:* One year provided labeling recommends storage at a temperature which will maintain ice continuously in a solid state (−10° C., one year). *Liquid:* 30 days provided labeling recommends storage at 2°–8° C. § 73.84 does not apply.
Poliovirus Vaccine, Live, Oral, Type III	*Frozen:* One year provided labeling recommends storage at a temperature which will maintain ice continuously in a solid state (−10° C., one year). *Liquid:* 30 days provided labeling recommends storage at 2°–8° C. § 73.84 does not apply.
Polyvalent bacterial antigens with "No U.S. Standard of Potency."	*Liquid:* Eighteen months (5° C., one year). *Dried:* Five years (5° C., one year).
Polyvalent bacterial vaccines with "No U.S. Standard of Potency."	*Liquid:* Eighteen months (5° C., one year). *Dried:* Five years (5° C., one year).
Polyvalent modified bacterial antigens with "No U.S. Standard of Potency."	*Liquid:* Eighteen months (5° C., one year). *Dried:* Five years (5° C., one year).
Polyvalent sensitized bacterial vaccines with "No U.S. Standard of Potency."	*Liquid:* Eighteen months (5° C., one year). *Dried:* Five years (5° C., one year).
Profibrinolysin (Human)	Two years.
Pseudomonas Polysaccharide	Eighteen months.
Q Fever Vaccine	One year (5° C., one year).
Rabies Vaccine	*Liquid:* Six months (5° C., three months). *Dried:* Eighteen months.

Radio-Iodinated (I^{131}) Serum Albumin (Human).	Thirty days from date iodination is completed.	
Radio-Iodinated (I^{125}) Serum Albumin (Human).	120 days from date iodination is completed.	
Reagent Red Blood Cells (Human)	Twenty-one days. § 73.84 does not apply.	
Reagent Blood Group Specific Substances A and B.	Two years.	
Resuspended Red Blood Cells (Human)	Ten days. § 73.84 does not apply.	
Rocky Mountain Spotted Fever Vaccine.	Eighteen months (5° C., one year).	
Russell Viper Venom	Eighteen months (5° C., one year).	
Scarlet Fever Immune Serum (Human)	*Liquid:* One year.	
	Dried: Five years.	
Scarlet Fever Streptococcus Toxin for Dick Test.	One year (5° C., one year).	
Scarlet Fever Streptococcus Toxin for Immunization.	One year (5° C., one year).	
Shick Test Control	One year (5° C., one year).	
Single Donor Plasma (Human)	(a) Five years, provided labeling recommends storage at not above −18° C. § 73.84 does not apply.	
	(b) If used in coagulation defects, one year, provided labeling recommends storage at not above −18° C. § 73.84 does not apply.	
Smallpox Vaccine	*Liquid:* Three months provided labeling recommends storage at not above 0° C. (−10° C., nine months, if product is maintained as glycerinated or equivalent vaccine in bulk or final containers).	
	Dried: Eighteen months (5° C., six months).	
Staphylococcus Antitoxin	One year with a 20 percent excess; two years with a 30 percent excess; three years with a 40 percent excess and four years with a 50 percent excess of potency.	
Staphylococcus Toxoid	Two years (5° C., one year).	
Staphylococcus Toxoid and Bacterial Antigen made from Staphylococcus (Albus and Aureus).	Eighteen months (5° C., one year).	
Staphylococcus Toxoid and Bacterial Vaccine made from Staphylococcus (Aureus).	Eighteen months (5° C., one year).	
Staphylococcus Toxoid, Streptococcus Toxin, and Bacterial Vaccine made from Staphylococcus Aureus, Streptococcus (Hemolyticus), *D. pneumonia* and *H. influenzae*.	One year (5° C., one year).	
Streptococcus Erythrogenic Toxin	One year (5° C., one year).	
Streptokinase	Eighteen months.	
Streptokinase-Streptodornase	*Dried:* Eighteen months (5° C., one year).	
	Tablets: One year provided labeling recommends storage at not above 30° C. (5° C., three months).	
Tetanus and Diphtheria Toxoids Combined Alum Precipitated (For Adult Use).	Two years (5° C., one year).	
Tetanus and Diphtheria Toxoids Combined Aluminum Hydroxide Adsorbed (For Adult Use).	Two years (5° C., one year).	
Tetanus and Diphtheria Toxoids Combined Aluminum Hydroxide Precipitated (For Adult Use).	Two years (5° C., one year).	
Tetanus and Diphtheria Toxoids Combined Aluminum Phosphate Adsorbed (For Adult Use).	One year with a 20 percent excess; two years with a 30 percent excess; three years with a 40 percent excess and four years with a 50 percent excess of potency.	
Tetanus Immune Globulin (Human)	Three years with a 10 percent excess of potency (5° C., one year).	
Tetanus Antitoxin	*Liquid:* One year with a 20 percent excess; two years with a 30 percent excess; three years with a 40 percent excess and four years with a 50 percent excess of potency.	
	Dried: Five years.	
Tetanus Toxoid	Two years (5° C., one year).	
Tetanus Toxoid Alum Precipitated	Two years (5° C., one year).	
Tetanus Toxoid Aluminum Hydroxide Adsorbed.	Two years (5° C., one year).	
Tetanus Toxoid Aluminum Hydroxide Precipitated.	Two years (5° C., one year).	
Tetanus Toxoid Aluminum Phosphate Adsorbed.	Two years (5° C., one year).	
Tetanus Toxoid and Pertussis Vaccine Combined.	Eighteen months (5° C., one year).	
Thrombin	Three years.	
Tincture Poison Ivy	Eighteen months, provided labeling recommends storage at not above 30° C. § 73.84 does not apply.	
Trichinella Extract	Eighteen months (5° C., one year).	
Tuberculin, Old	*Concentrated:* Containing 60 percent glycerin, five years.	
	Diluted: One year.	
Tuberculin, Patch Test	Two years (5° C. one year).	
Tuberculin, Purified Protein Derivative.	*Concentrated:* Two years if contains 60 percent glycerin (5° C., one year).	
	Dried: Five years.	
Tuberculin, Tine Test	Two years, provided labeling recommends storage at not above 30° C.	
Typhoid and Paratyphoid Vaccine	Eighteen months (5° C., one year).	
Typhoid Vaccine	Eighteen months (5° C., one year).	
Typhus Vaccine	Eighteen months (5° C., one year).	
Typhus Vaccine (Epidemic)	Eighteen months (5° C., one year).	
Vibrion Septique Antitoxin	One year with a 20 percent excess; two years with a 30 percent excess; three years with a 40 percent excess, and four years with a 50 percent excess of potency.	
Yellow Fever Vaccine	One year provided labeling recommends storage at not above 5° C. (−20° C., one year).	

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Interpret or apply sec. 351 58 Stat. 702, 42 U.S.C. 262)

Dated: October 19, 1965.

[SEAL]

WILLIAM H. STEWART,
Surgeon General.

Approved: October 27, 1965.

WILBUR J. COHEN,
Acting Secretary.

[F.R. Doc. 65-11759; Filed, Nov. 1, 1965; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 298]

[Docket No. 16544]

CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Use of Turbo-Jet Aircraft With a Maximum Certificated Takeoff Weight

OCTOBER 28, 1965.

The Board, by publication in 30 F.R. 12891 and by circulation of notice of proposed rule making EDR-93, dated October 5, 1965, gave notice that it had under consideration promulgation of an amendment to Part 298 of the Board's economic regulations to permit air taxi operators to use turbojet aircraft having a maximum certificated takeoff weight of over 12,500 pounds and less than 25,000 pounds, provided that the maximum passenger capacity thereof does not exceed twelve (12) persons.

Several air carriers have requested that the time for submitting comments be extended ranging from an extension of 2 weeks to 30 days; in addition, several air taxi trade associations seek an extension of time of approximately 2 months.

The undersigned finds that good cause has been shown for a 30-day extension of time. Accordingly, pursuant to authority delegated under section 7.3C of public notice PN-15 dated July 3, 1961, the undersigned hereby extends the date for submitting comments on the subject proposal to December 8, 1965. All relevant matter received on or before that date will be considered by the Board before taking action on the proposal. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

(Secs. 204 and 416 of the Federal Aviation Act of 1958, 72 Stat. 743, 771; 49 U.S.C. 1324, 1386)

By the Civil Aeronautics Board.

[SEAL] ARTHUR H. SIMMS,
Associate General Counsel,
Rules and Rates Division.

[F.R. Doc. 65-11763; Filed, Nov. 1, 1965; 8:49 a.m.]

[14 CFR Part 378]

[Docket No. 15777]

SUPPLEMENTAL AIR CARRIERS AND TOUR OPERATORS

All-Expense Tours

OCTOBER 29, 1965.

By supplemental notice of proposed rule making SPDR-6B, dated October 11, 1965, and published in 30 F.R. 13077, the Board gave notice that it had under consideration the amendment of proposed Part 378(1) to make the tour operator's exemption from Title IV of the Federal Aviation Act coextensive with the all-expense tour authority which might be granted by the Board to supplemental air carriers in the Supplemental Air Service Proceeding, Docket 13795, et al., and the Reopened Transatlantic Charter Investigation (All-Expense Tour Phase), Docket 11908, et al., and (2) to cover all-expense tours in foreign air transportation, as well as those in interstate and overseas air transportation. Interested parties were invited to file comments on the foregoing amendments, to be received on or before November 2, 1965.

Creative Tour Operators Association has requested that the time for submitting comments be extended for a period of 2 weeks.

The undersigned finds that good cause has been shown for a 6-day extension of time. Accordingly, pursuant to authority delegated under section 7.3C of Public Notice PN-15 dated July 3, 1961, the undersigned hereby extends the date for submitting comments on the subject amendments to November 8, 1965. All relevant matter received on or before that date will be considered by the Board before taking action on the proposed amendments. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

(Secs. 101(3), 204(a), 401, 409 and 414 of the Federal Aviation Act of 1958; 72 Stat. 737, 743, 754, 768, 770; 49 U.S.C. 1301, 1324, 1371, 1379, 1384)

By the Civil Aeronautics Board.

[SEAL] ARTHUR H. SIMMS,
Associate General Counsel,
Rules and Rates Division.

[F.R. Doc. 65-11813; Filed, Nov. 1, 1965; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 65-CE-134]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would change the effective hours of operation of the Chicago, Ill. (Meigs Airport) control zone. The Chicago, Ill. (Meigs Airport) control zone is presently in operation from 0600 to 2200 hours, local time, daily.

At the present time, the Meigs Airport is closed when the tower and control zone are not in operation. The city of Chicago has advised that as a result of the increased convention activity in that city, they intend to extend the hours of operation of Meigs Airport from 2200 to 2400 hours, local time, daily. The city has requested the Federal Aviation Agency to extend the hours of operation of the control zone and the control tower to coincide with hours of operation of the airport. The hours of operation of the control zone are directly related to the hours of operation of the control tower inasmuch as the tower provides the necessary communications and weather observation and dissemination services. The Federal Aviation Agency has determined that the public interest will be better served by operating the Meigs control tower between 0600 and 2400 hours, local time, daily.

The Federal Aviation Agency thereby proposes to designate the Chicago, Ill. (Meigs Airport) control zone as that airspace within a 3-mile radius of Meigs Airport (latitude 41°51'30" N., longitude 87°36'30" W.) from 0600 to 2400 hours, local time, daily.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on October 19, 1965.

DONALD S. KING,
Acting Director, Central Region.

[F.R. Doc. 65-11719; Filed, Nov. 1, 1965; 8:45 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Parts 104, 204]

[Docket No. R-288]

UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR CLASS C PUBLIC UTILITIES, LICENSEES AND NATURAL GAS COMPANIES

Work Order and Property Record System

OCTOBER 26, 1965.

1. Pursuant to section 4 of the Administrative Procedure Act, the Commission gives notice that it is proposing to amend the Uniform System of Accounts applicable to Class C public utilities, licensees and natural gas companies, to require that all construction and retirement of electric and gas plant, respectively, shall be recorded by work orders or job orders and other detail and

shall be maintained in relation to plant additions or requirements.

2. An instruction similar to the one here being proposed has always been included in the system of accounts applicable to Classes A and B companies, but at the time the system was being drafted in cooperation with the National Association of Railroad and Utilities Commissioners it was felt that the requirements might be too much of a burden on the small Class C companies. It now appears, however, that several of the state commissions have experienced difficulties because of the lack of a work order accounting system for the Class C companies and, as a result, the Committee on Accounts of the NARUC included the following recommendation in the minutes of a meeting held on April 20 and 21, 1965:

> The present System of Accounts for Class C Electric, Gas and Water Utilities does not specifically require a work order system in accounting for plant. The consensus of opinion was that this class of utilities is large enough that a work order system should be maintained, and that it was the only feasible way in which accurate records could be maintained of construction costs. Accordingly, it was recommended that paragraphs (a) and (b) of Utility Plant Instruction 11 of the Class A and B system of Accounts be adopted also for Class C utilities.

3. We are, therefore, proposing to amend the Uniform System of Accounts, prescribed for Class C public utilities, licensees and natural gas companies by Part 104, Subchapter C, and Part 204, Subchapter F, respectively, of Chapter I, Title 18 of the Code of Federal Regulations, by adding to the Plant Instructions contained in each, the following new paragraph 13:

PART 104—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C PUBLIC UTILITIES AND LICENSEES

* * * * *

Electric Plant Instructions

* * * * *

13. *Work Order and Property Record System Required.*

A. Each utility shall record all construction and retirements of electric plant by means of work orders or job orders. Separate work orders may be opened for additions to and retirements of electric plant or the retirements may be included with the construction work order: *Provided, however,* That all items relating to the retirements shall be kept separate from those relating to construction and provided, further, that any maintenance costs involved in the work shall likewise be segregated.

B. Each utility shall keep its work order system so as to show the nature of each addition to or retirement of electric plant, the total cost thereof, the source or sources of costs, and the electric plant account or accounts to which charged or credited. Work orders covering jobs of short duration may be cleared monthly.

PART 204—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C NATURAL GAS COMPANIES

* * * * *

Gas Plant Instructions

* * * * *

13. *Work Order and Property Record System Required.*

A. Each utility shall record all construction and retirements of gas plant by means of work orders or job orders. Separate work orders may be opened for additions to and retirements of gas plant or the retirements may be included with the construction work order: *Provided, however,* That all items relating to the retirements shall be kept separate from those relating to construction and provided, further, that any maintenance costs involved in the work shall likewise be segregated.

B. Each utility shall keep its work order system so as to show the nature of each addition to or retirement of gas plant, the total cost thereof, the source or sources of costs, and the gas plant account or accounts to which charged or credited. Work orders covering jobs of short duration may be cleared monthly.

4. These amendments to the Commission's Uniform System of Accounts are proposed to be issued under the authority of the Federal Power Act, as amended, particularly sections 301 and 309 thereof (49 Stat. 854, 858; 16 U.S.C. 825, 825h) and the Natural Gas Act, as amended, particularly sections 8 and 16 thereof (52 Stat. 825, 830; 15 U.S.C. 717g, 717o).

5. Any interested person may submit to the Federal Power Commission, Washington, D.C., 20426, on or before November 26, 1965, data, views, and comments in writing concerning the amendments proposed herein. The Commission will consider these written submittals before taking any action upon the proposed amendments. An original and nine (9) copies of any such submittals should be filed.

By direction of the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65–11720; Filed, Nov. 1, 1965; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Filing of Plat of Survey

OCTOBER 25, 1965.

1. Plat of extension survey of the lands described below will be officially filed in the Anchorage District and Land Office, Anchorage, Alaska, effective at 10 a.m., November 15, 1965.

SEWARD MERIDIAN

T. 5 S., R. 11 W.,
Sec. 2: Lot 1;
Sec. 3: Lots 1–8, S½NW¼, N½SW¼, SW¼ NE¼;
Sec. 4: Lots 1–4, SE¼, SW¼, S½NE¼, S½NW¼;
Sec. 5: Lots 1–4, SE¼, SW¼, S½NE¼, S½NW¼;
Sec. 6: Lots 1–7, SE¼, E½SW¼, S½NE¼, SE¼NW¼.

Containing 2397.79 acres.

2. The area surveyed is located on the extension of the East Road, approximately 15 miles northeasterly of Homer, Alaska.

3. The public lands affected by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, rules and regulations.

4. The greater part of the lands affected by this notice has been selected by the State of Alaska in accordance with and subject to the limitations and requirements of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR 2222.9–1(a) and 43 CFR 1840.

5. Inquiries concerning the lands should be addressed to the Manager, Anchorage District and Land Office, 555 Cordova Street, Anchorage, Alaska.

JAMES W. SCOTT,
Manager,
Anchorage District and Land Office.

[F.R. Doc. 65–11726; Filed, Nov. 1, 1965; 8:46 a.m.]

[Serial No. Idaho 016758]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 25, 1965.

The Department of the Army, Corps of Engineers has filed an application, Serial Number Idaho 016758, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws and the issuance of grazing leases.

The applicant desires the land for use in connection with the Ririe Reservoir project planning and the construction of the Ririe Dam to provide conservation, flood control and recreation, together with the relocation of highways and public utilities.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 2237, Boise, Idaho, 83701.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of the Army, Corps of Engineers.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

T. 2 N., R. 40 E.,
Sec. 2, lot 4;
Sec. 3, lots 1, 2, and 3;
Sec. 27, E½E½ and SW¼SE¼;
Sec. 34, N½NE¼ and SE¼SE¼.
T. 3 N., R. 40 E.,
Sec. 27, W½E½;
Sec. 34, NW¼NE¼, E½W½, W½SE¼ and SE¼SE¼.

The areas described aggregate 962.48 acres in Bonneville County, Idaho.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 65–11727; Filed, Nov. 1, 1965; 8:46 a.m.]

[Oregon 016907]

OREGON

Notice of Proposed Withdrawal and Reservation of Land

OCTOBER 22, 1965.

The Bureau of Land Management United States Department of the Interior, has filed an application, Serial No. Oregon 016907, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, or disposal of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604), as amended, subject to valid existing rights.

The applicant desires the land for protection of recreation values of the lands including its use for camping, picknicking, fishing, boating, hiking, and nature study.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal, may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 710 Northeast Holladay, Portland, Oreg., 97232.

The authorized officer of the Bureau of Land Management will prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Land Management.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

OREGON

WILLAMETTE MERIDIAN

T. 12 S., R. 4 E.,
Sec. 19, lots 1, 2, W½NE¼; SE¼NE¼ and E½NW¼.

The area described aggregates 224.48 acres.

DOUGLAS E. HENRIQUES,
Land Office Manager.

[F.R. Doc. 65–11738; Filed, Nov. 1, 1965; 8:47 a.m.]

Geological Survey

[Wyoming 128]

WYOMING

Coal and Noncoal Land Classification Order

Correction

In F.R. Doc. 65–11199, appearing at page 13334 of the issue for Wednesday, October 20, 1965, the first line under the heading "Noncoal Lands" should read as follows:

T. 42 N., R. 108 W.,

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 56518]

LOUISIANA DEVELOPMENT CO., INC.

Notice of Qualification as U.S. Citizen

OCTOBER 27, 1965.

This is to give notice that pursuant to § 3.21, Customs Regulations, issued under the provisions of section 27A of the Merchant Marine Act, 1920, as amended by the Act of September 2, 1958 (46 U.S.C. 883–1), the Louisiana Development Co., Inc., of Legal Building, 110 South Third Street, Louisiana, Mo., incorporated under the laws of the State of Missouri, did on September 28, 1965, file with the Commissioner of Customs, in duplicate, an oath for qualification of a corporation as a citizen of the United States following the form of oath prescribed in customs Form 1260.

The oath shows that:

(a) A majority of the officers and directors of the corporation are citizens of the United States (list of names, home addresses, and citizenship attached to the oath);

(b) Not less than 90 percent of the employees of the corporation are residents of the United States;

(c) The corporation is engaged primarily in a manufacturing or mineral industry in the United States, or in a Territory, District, or possession thereof;

(d) The aggregate book value of the vessels owned by the corporation does not exceed 10 percent of the aggregate book value of the assets of the corporation; and

(e) The corporation purchases or produces in the United States, its Territories or possessions not less than 75 percent of the raw materials used or sold in its operations.

The Commissioner of Customs, having found this oath to be in compliance with the law and regulations, on October 27, 1965, issued to the Louisiana Development Co., Inc., a certificate of compliance on customs Form 1262 as provided in § 3.21(j) of the regulations. The certificate and any authorization granted thereunder will expire 3 years from the date thereof unless there first occurs a change in the corporate status requiring a report under § 3.21(h) of the regulations.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 65–11746; Filed, Nov. 1, 1965; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–16]

POWER REACTOR DEVELOPMENT CO.

Notice of Issuance of Order Extending Expiration Date of Provisional Operating License

Please take notice that the Atomic Energy Commission has issued an order extending to February 10, 1966, the expiration date specified in Provisional Operating License No. DPR–9 issued to Power Reactor Development Co., authorizing operation of the Enrico Fermi Atomic Power Plant located in Monroe County, Mich., at thermal power levels not in excess of one megawatt.

Copies of the Commission's order and the application dated October 8, 1965, filed by Power Reactor Development Co., are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 26th day of October 1965.

For the Atomic Energy Commission.

R. L. DOAN,
Director,
Division of Reactor Licensing.

[F.R. Doc. 65–11713; Filed, Nov. 1, 1965; 8:45 a.m.]

[Docket No. 50–73]

GENERAL ELECTRIC CO.

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 5, set forth below, to Facility License No. R–33. The license as previously amended authorized General Electric Co. ("the licensee") to operate, at steady state thermal power levels up to 30 kilowatts, its Nuclear Test Reactor located at its Vallecitos Atomic Laboratory in Alameda County, Calif. The amendment authorizes the licensee to receive, possess and store, but not to use, up to six kilograms of plutonium contained in Zircaloy-2 clad, rod-type fuel elements, in accordance with the procedures described in the application for license amendment dated October 4, 1965. The licensee, after obtaining AEC approval, plans to use the fuel elements in an experimental program utilizing plutonia-urania fuel.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the application for license amendment, and (2) a related safety evaluation prepared by the Research and Power Reactor Safety Branch of the Division of Reactor Licensing, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 26th day of October 1965.

For the Atomic Energy Commission.

R. L. DOAN,
Director,
Division of Reactor Licensing.

[License No. R–33; Amdt. 5]

The Atomic Energy Commission having found that:

a. The application for license amendment dated October 4, 1965, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

b. There is reasonable assurance that (i) the activities authorized by the license, as amended, can be conducted at the designated location without endangering the health and safety of the public, and (ii) such activities will be conducted in compliance with the rules and regulations of the Commission;

c. The issuance of this license amendment will not be inimical to the common defense and security or to the health and safety of the public; and

d. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated;

Facility License No. R–33, as amended, is hereby further amended by adding a new subparagraph 2.E. to read:

"2.E. Pursuant to the Act and Title 10, CFR, Part 70, 'Special Nuclear Material,' to receive, possess, and store, but not to use, up to six kilograms of plutonium contained in Zircaloy-2 clad, rod-type fuel elements, in accordance with the procedures described in the application for license amendment dated October 4, 1965."

This amendment is effective as of the date of issuance.

Date of issuance: October 26, 1965.

For the Atomic Energy Commission.

R. L. DOAN,
Director,
Division of Reactor Licensing.

[F.R. Doc. 65–11714; Filed, Nov. 1, 1965; 8:45 a.m.]

[Docket No. 50–237]

COMMONWEALTH EDISON CO.

Order and Notice of Prehearing Conference

In the matter of the application by Commonwealth Edison Co., for a provisional construction permit for the Dresden Nuclear Power Station Unit 2 (DRESDEN 2).

1. In Morris Ill., on December 7, 1965, a hearing upon stated issues concerning the above application will be commenced. The notice of hearing which was published at 30 F.R. 13660 (October 27, 1965) described and identified certain hearing procedures and information concerning public participation therein. On October 25, 1965, counsel for the applicant filed a motion for prehearing conference suggesting a date on or before November 4, or at some other convenient early date, and inviting the Board to conduct the prehearing conference upon described premises at the Applicant's Dresden Nuclear Power Station. Counsel for the AEC Regulatory Staff, in its reply which was received on October 28, expressed its assent to the motion, and indicated some procedural matters to be presented by the Staff at the prehearing conference.

2. The Board considered the above motion and response at its meeting on October 28 and determined that a prehearing conference should be convened at the time and place hereinafter specified.[1] The prehearing conference date is fixed so as to allow the Board members to make a brief preliminary review of the voluminous application documents now at hand, and also to permit adequate notice to the public of the prehearing conference time and place.

3. The publicly owned and reasonably accessible courtroom facilities in Morris, Ill., are available and are deemed by the Board to be appropriately useful for conducting the prehearing conference.

4. Upon the basis of the foregoing considerations the Board finds that: an early prehearing conference is desirable to facilitate the conduct of this proceeding; such a conference should be publicly conducted upon notice and near the location of the proposed facility; the courtroom facilities in Morris, Ill., are available and suitable for the public proceedings to be held; and a prehearing conference should be convened at the time and place hereinafter specified.

Accordingly, it is ordered, This 29th day of October 1965, pursuant to 10 CFR 2.721 and 2.752, that the parties or their counsel shall appear at a prehearing conference to be convened at 10 a.m., local time on Tuesday, November 9, 1965, in Courtroom No. 16, Grundy Circuit Courthouse, West Washington and Liberty Streets, Morris, Ill., to consider:

(a) The simplification, clarification and meaningful definition of the issues, including but not limited to a delineation of the scope of the inquiry to be made and the nature of the evidence to be offered under each issue;

(b) Procedures to govern the prior notification and submission in evidence of written testimony and exhibits;

(c) The order and methods of presenting hearing evidence and statements on behalf of the parties and of other participants, if any;

(d) The nature and purposes and dimensions of posthearing pleadings and schedules for their submission; and

(e) Such other matters as may aid in the orderly disposition of the proceeding.

It is further ordered, That this order and notice of prehearing conference be promptly published in the FEDERAL REGISTER.

Issued: October 29, 1965, Germantown, Maryland.

ATOMIC SAFETY AND LICENSING BOARD,
J. D. BOND,
Chairman.

[F.R. Doc. 65–11819; Filed, Nov. 1, 1965; 9:50 a.m.]

[1] It is noted that at this time the Advisory Committee on Reactor Safeguards (ACRS) has not yet completed its review or submitted its report as required by § 182b. of the Atomic Energy Act. Also, probably in part because of the ACRS report is awaited, the "staff hazards analysis" (as referred to in the Commission's Statement of Considerations of Dec. 8, 1962, 27 F.R. 12184) has not been filed. This Board has concluded that, notwithstanding the present incompleteness of the filing and public notification steps contemplated by the Commission's regulations and the Statement of Considerations, an early conference is likely to serve some, but less than all of the useful purposes intended to be accomplished by a prehearing conference.

CIVIL AERONAUTICS BOARD

[Docket No. 16355]

BEKINS AIRVAN CO. ET AL.

Notice of Proposed Approval of Application

Application of Bekins Airvan Co., et al., for approval of control and interlocking relationships pursuant to sections 408 and 409 of the Federal Aviation Act of 1958, as amended, Docket 16355.

Notice is hereby given, pursuant to the statutory requirements of section 408(b), that the undersigned intends to issue the order below under delegated authority. Interested parties are hereby afforded a period of fifteen days from date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., October 27, 1965.

[SEAL] J. W. ROSENTHAL,
Director,
Bureau of Operating Rights.

Application of Bekins Airvan Co., et al., for approval of control and interlocking relationships, Docket 16355; order approving control and interlocking relationships.

In the Air Freight Forwarder Authority Case, Order E–21056, July 10, 1964, Docket 12193, et al., the Board approved under section 408 of the Federal Aviation Act of 1958, as amended (the Act), the control by Bekins Van & Storage Co., a California corporation (Bekins-California), of Bekins Airvan Co. (Airvan) and of various motor carriers and surface freight forwarders of household goods.[1] Such Order also approved under section 409 of the Act interlocking relationships resulting from the positions of certain individuals with these companies.

Bekins-California is a local intrastate moving and warehouse company specializing in the carriage of household goods. Airvan is a domestic and international air freight forwarder limited to the carriage of household goods.

By application filed July 23, 1965, as amended September 10 and October 4, approval is requested for Bekins-California, while it continues in control of Airvan, to control also Bekins Van & Storage Co. (Georgia), Bekins Van & Storage Co., Inc. (Massachusetts), Bekins Van & Storage Co. (Michigan) and Bekins Van & Storage Co. (Virginia), all intrastate motor common carriers of household goods.[2] In addition, approval is sought for the control by Bekins-California of various other companies which although at present inactive, may be activated at any time to conduct local moving and warehouse operations within their respective states of incorporation. The applicants state that it is the policy of Bekins-California to activate a local company in each state where a substantial local business has been developed. Bekins Van Lines Co. (Nebraska), the long-haul motor carrier in the Bekins system, operates the local moving and warehousing business until a local company is activated. Therefore, any future activation of the local subsidiary companies will not, according to applicants, involve any element of monopoly or restraint of competition since the total service to the public remains unchanged.

Finally, approval is requested for certain individuals to hold the positions set forth in Appendix B as well as such other positions within the same system of affiliated and subsidiary companies to which they may be hereafter elected or appointed.

No adverse comments or requests for a hearing have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408 of the Act.

Upon consideration of the application, it is concluded that those companies marked with an asterisk in Appendix A are, or will be, common carriers within the meaning of section 408 of the Act, and that the control by Bekins-California of such companies, while it controls Airvan, is subject to section 408 of the Act. However, it has been further concluded that such relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly and do not restrain competition. Furthermore, no person disclosing a substantial interest in this proceeding is currently requesting a hearing. The control relationships are similar to those which the Board previously approved by Order E–21056 and essentially do not present any new substantive issues. Accordingly, approval thereof would not appear to be inconsistent with the public interest. With respect to those companies which are presently inactive, we will require, however, that Airvan file in this Docket within 30 days after the activation of any of the companies, a notice indicating the date of activation and describing the activities of the company, including the geographical extent of any common carrier activities.[3]

It is also concluded that interlocking relationships within the scope of section 409 of the Act exist between the companies as a result of the holding by Messrs. Andreson, Bekins, Jr., Bryant, Clawson, Patton, Schmidt, and Shaw of the positions described in Appendix B. However, it is further concluded that the parties have made a due showing in the form and manner prescribed that such interlocking relationships will not adversely affect the public interest.

[1] Such companies are those listed in Appendix A hereto, exclusive of the ones whose names are preceded by an asterisk.

[2] Appendix A lists those companies presently controlled by Bekins-California, together with a description of the activities of each.

[3] Our actions herein are based on the representation that such companies will be local moving and warehouse companies. Different activities may require further authorization from the Board.

Similarly, it is found that any interlocking relationships which may result from the election or appointment of the above individuals to other positions within the Bekins system, as shown in Appendix A, will not adversely affect the public interest.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.13, it is found that the foregoing control relationships should be approved under section 408(b) of the Act, without a hearing, and that the interlocking relationships should be approved under section 409.[4]

Accordingly, it is ordered:

1. That the control by Bekins-California of the companies in Appendix A marked with an asterisk be and it hereby is approved;

2. That, subject to the provisions of Part 251 of the Board's Economic Regulations, as now in effect or hereafter amended, the interlocking relationships existing by reason of the holding by Messrs. Andreson, Bekins, Jr., Bryant, Clawson, Patton, Schmidt, and Shaw of the positions set forth in Appendix B be and they hereby are approved;

3. That Messers. Andreson, Bekins, Jr., Bryant, Clawson, Patton, Schmidt, and Shaw are hereby authorized to hold such other positions as officers and/or directors of the companies set forth in Appendix A to which they may hereafter be elected or appointed;

4. That Airvan shall file in this Docket, within thirty (30) days after the effective date thereof, a notice stating the date of activation of any inactive company listed in Appendix A and describing the activities of such company, including the geographical extent of any common carrier activities; and

5. That jurisdiction over this proceeding is retained pursuant to sections 408 and 409 of the Act for the purpose of imposing such other terms and conditions as may be reasonable.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within 5 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

By J. W. ROSENTHAL,
Director,
Bureau of Operating Rights.

[SEAL] HAROLD R. SANDERSON,
Secretary.

APPENDIX A

Companies controlled by Bekins Van & Storage Co. (California):[1] *Intrastate local moving and warehouse companies:*

Bekins Van & Storage Co. (Arizona).
*Bekins Van & Storage Co. (Georgia).
Bekins Van & Storage Co. of Hawaii, Inc. (California).
*Bekins Van & Storage Co., Inc. (Massachusetts).
*Bekins Van & Storage Co. (Michigan).
Bekins Van & Storage Co. (Nevada).
Bekins Van & Storage Co., Inc. (New Mexico).
Bekins Van & Storage Co. (Oklahoma).
Bekins Van & Storage Co. (Texas).
*Bekins Van & Storage Co. (Virginia).
Bekins Van & Storage, Inc. (Santa Barbara) (California).
Bekins Van Lines of California, Inc. (California).

Interstate motor common carriers of household goods:

Bekins Van & Storage Co. (Missouri).
Bekins Van Lines Co. (Nebraska).[3]

Indirect air carrier:

Bekins Airvan Co. (California).

Surface freight forwarders:

Bekins Household Shipping Co. (California).[3]
Bekins Wide-World Van Service, Inc. (California).
American Overseas Van Transport, Inc. (California).
FOR-AM Van Service, Inc. (California).
Mercury International Van Service, Inc. (California).

Inactive companies:

*Bekins Van & Storage Co. (Connecticut).
*Bekins Van & Storage Co. (District of Columbia).
*Bekins Van & Storage Co. (Florida).
*Bekins Van & Storage Co., Inc. (Indiana).
*Bekins Van & Storage Co., Inc. (Kansas).
*Bekins Van & Storage Co., Inc. (Louisiana).
*Bekins Van & Storage Co., Inc. (Maryland).
*Bekins Van & Storage Co., Inc. (New York).
*Bekins Van & Storage Co. (New Jersey).
*Bekins Van & Storage Co. (North Carolina).
*Bekins Van & Storage Co. (Ohio).
*Bekins Storage Co. (Pennsylvania).
*Bekins Van & Storage Co., Inc. (Wisconsin).

APPENDIX B

INTERLOCKING RELATIONSHIPS, DOCKET 16355

Company	W. R. Andreson	M. W. Bekins, Jr.	D. P. Bryant	E. R. Clawson	R. A. Patton	J. Schmidt	L. W. Shaw
Bekins Airvan Co.	VP&D	D	P&D	AS	VP	T	VP, S&D
Bekins Van & Storage Co. (Georgia)	VP&D	VP&D	P&D	AS	----------	T	S&D
Bekins Van & Storage Co., Inc. (Massachusetts)	VP&D	VP&D	P&D	AS	----------	T	S&D
Bekins Van & Storage Co. (Michigan)	VP&D	VP&D	P&D	AS	----------	T	S&D
Bekins Van & Storage Co. (Virginia)	VP&D	VP&D	P&D	AS	----------	T	S&D
Bekins Van & Storage Co. (Texas)	VP&D	D	(1)	(1)	----------	T (1)	(1)
Bekins Van Lines Co. (Nebraska)	(1)	VP	(1)	(1)	VP	T	(1)
Bekins Van & Storage Co. (Connecticut)	VP&D	VP&D	P&D	AS	----------	T	S&D
Bekins Van & Storage Co. (District of Columbia)	VP&D	VP&D	P&D	AS	----------	T	S&D
Bekins Van & Storage Co. (Florida)	VP&D	VP&D	P&D	AS	----------	T	S&D
Bekins Van & Storage Co., Inc. (Indiana)	VP&D	VP&D	P&D	AS	----------	T	S&D
Bekins Van & Storage Co., Inc. (Kansas)	VP&D	VP&D	P&D	AS	----------	T	S&D
Bekins Van & Storage Co., Inc. (Louisiana)	VP&D	VP&D	P&D	AS	----------	T	S&D
Bekins Van & Storage Co., Inc. (Maryland)	VP&D	VP&D	P&D	AS	----------	T	S&D
Bekins Van & Storage Co., Inc. (New York)	VP&D	VP&D	P&D	AS	----------	T	S&D
Bekins Van & Storage Co. (New Jersey)	VP&D	VP&D	P&D	AS	----------	T	S&D
Bekins Van & Storage Co. (North Carolina)	VP&D	VP&D	P&D	AS	----------	T	S&D
Bekins Van & Storage Co. (Ohio)	VP&D	VP&D	P&D	AS	----------	T	S&D
Bekins Storage Co. (Pennsylvania)	VP&D	VP&D	P&D	AS	----------	T	S&D
Bekins Van & Storage Co., Inc. (Wisconsin)	VP&D	VP&D	P&D	AS	----------	T	S&D
Bekins Van & Storage Co. (California)	(1)	(1)	(1)	(1)	VP	(1)	(1)
Bekins Household Shipping Co. (California)	(1)	----------	(1)	(1)	VP&D	(1)	(1)
Bekins Wide-World Van Service (California)	(1)	----------	(1)	(1)	VP&D	(1)	(1)
American Overseas Van Transport, Inc. (California)	(1)	----------	(1)	(1)	VP&D	(1)	(1)
FOR-AM Van Service, Inc. (California)	(1)	----------	(1)	(1)	VP&D	(1)	(1)
Mercury International Van Service, Inc. (California)	(1)	----------	(1)	(1)	VP&D	(1)	(1)

[1] Position previously approved.

[F.R. Doc. 65-11747; Filed, Nov. 1, 1965; 8:48 a.m.]

[1] The instant application requests approval of common control of Bekins Airvan Co. and companies marked with an asterisk. Control relationships involving the other companies have previously been approved.

[4] It has been decided not to enforce the doctrine expressed in Sherman Control and Interlocking Relationships, 15 CAB 876 (1952), and to consider the application on its merits.

[3] These companies have filed applications for domestic and international air freight forwarder authority limited to the movement of used household goods. Our action herein shall not be construed as approval or disapproval of such applications.

SECURITIES AND EXCHANGE COMMISSION

[812-1834]

SECOND PRESIDENTIAL EXCHANGE FUND, INC.

Notice of Application for Order of Exemption

OCTOBER 27, 1965.

Notice is hereby given that Second Presidential Exchange Fund, Inc. ("applicant"), 44 School Street, Boston, Mass., 02108, an open-end, diversified registered investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting applicant from compliance with the provisions of section 14(a) of the Act. Section 14(a) of the Act provides that no registered investment company shall make a public offering of securities of which it is the issuer unless it has a net worth of at least $100,000. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Applicant has filed a registration statement under the Securities Act of 1933 for 300,000 shares of common stock, $1 par value, to be offered to investors in exchange for securities included in a list set forth in the prospectus. Applicant is intended as an investment vehicle for investors who wish to exchange securities they presently hold for shares of the applicant in a simultaneous exchange on a tax-free basis. The minimum deposit to be accepted from any investor is to be securities having a market value of $20,000 and the exchange will not be consummated unless the aggregate market value of the deposited securities as at the effective date of the planned exchange is at least $10,000,000. In the event that such value is not then realized, the deposited securities will be returned to investors without charge to them.

Notice is further given that any interested person may, not later than November 23, 1965 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-11728; Filed, Nov. 1, 1965; 8:46 a.m.]

[812-1835]

THIRD EMPIRE FUND, INC.

Notice of Application for Order of Exemption

OCTOBER, 27, 1965.

Notice is hereby given that Third Empire Fund, Inc. ("applicant"), 44 School Street, Boston, Mass., 02108, an open-end, diversified registered investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting applicant from compliance with the provisions of section 14(a) of the Act. Section 14(a) of the Act provides that no registered investment company shall make a public offering of securities of which it is the issuer unless it has a net worth of at least $100,000. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Applicant has filed a registration statement under the Securities Act of 1933 for 750,000 shares of common stock, $1 par value, to be offered to investors in exchange for securities of the character of those included in a list set forth in the prospectus. Applicant is intended as an investment vehicle for investors who wish to exchange securities they presently hold for shares of the applicant in a simultaneous exchange on a tax-free basis. The minimum deposit to be accepted from any investor is to be securities having a market value of $20,000 and the exchange will not be consummated unless the aggregate market value of the deposited securities as at the effective date of the planned exchange is at least $10,000,000. In the event that such value is not then realized, the deposited securities will be returned to investors without charge to them.

Notice is further given that any interested person may, not later than November 23, 1965 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-11729; Filed, Nov. 1, 1965; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP65-197]

ALABAMA-TENNESSEE NATURAL GAS CO.

Notice of Petition To Amend

OCTOBER 26, 1965.

Take notice that on October 12, 1965, Alabama-Tennessee Natural Gas Co. (Petitioner), filed in Docket No. CP65-197 a petition to amend the order issued in said docket on April 30, 1965, which order authorized the construction and operation of certain natural gas facilities required to provide an additional 6,650 Mcf of daily system delivery capacity in order to enable it to serve its existing customers with their natural gas requirements for the winter heating season of 1965-1966, as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by letter of September 10, 1965, the city of Huntsville, Ala., advised Petitioner that due to the delay in Redstone Arsenal's conversion to the use of natural gas and other factors, Huntsville will not need to increase its presently contracted volume of 36,830 Mcf per day to the previously requested volume of 40,010 Mcf per day. Huntsville has no objection to Petitioner's making the difference of 3,180 Mcf of gas per day available to other customers, provided the larger volume is available to Huntsville during the heating season of 1966-1967.

Petitioner states that Reynolds Metals Co. (Reynolds) now requires an additional 1,000 Mcf, a total of 13,000 Mcf, of gas per day during the 1965-1966 season. Petitioner and Reynolds have entered into an agreement dated October 8, 1965, in which the 13,000 Mcf per day volume is agreed to.

Petitioner proposes to make the additional 1,000 Mcf per day available from the 3,180 Mcf per day reduction agreed to by Huntsville and requests that the certificate issued on April 30, 1965, be amended to authorize the increased sales to Reynolds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before November 18, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-11721; Filed, Nov. 1, 1965; 8:45 a.m.]

[Docket Nos. G-10411 etc.]

JAMES DONOGHUE ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

OCTOBER 26, 1965.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 18, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however*, That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-10411 D 10-7-65	James Donoghue (Operator), et al., 1440 Denver Club Bldg., Denver, Colo.	Panhandle Eastern Pipe Line Co., acreage in Meade County, Kans.	(2)	-------
CI61-1630 C 10-15-65	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla., 74102.	Transcontinental Gas Pipe Line Corp., South Marsh Island Block 48, Offshore, La.	19.0	15.025
CI63-431 E 10-14-65	Freddie Morgan Field, administratrix (successor to Fred Morgan, et al.), % Morgan Petroleum Co., Liberty Bank Bldg., Oklahoma City, Okla.	Northern Natural Gas Co., acreage in Beaver County, Okla.	17.0	14.65
CI64-836 D 10-19-65	The Superior Oil Co., Post Office Box 1521, Houston, Tex., 77001.	Kansas-Nebraska Natural Gas Co., Inc., Bradshaw Field, Hamilton County, Kans.	(3)	-------
CI65-896 C 9-22-65	Cequin Corp. (Operator), et al., 4619 Insurance Lane, Dallas, Tex., 75201.	Gas Transport, Inc., Ravenswood Field, Grant District, Jackson County, W. Va.	25.498	15.325
CI66-92 A 8-2-65 [4] 9-24-65 [4]	Southwestern Natural Gas Co., Inc., % D. E. Cooper, agent, 500 North Big Spring, Midland, Tex.	El Paso Natural Gas Co., Spraberry Trend Area Field, Reagan County, Tex.	14.5	14.65
CI66-303 A 10-13-65	Aylward Drilling Co., 909 First National Bank Bldg., Wichita, Kans., 67202.	Cities Service Gas Co., Deerhead North Field, Barber County, Kans.	14.0	14.65
CI66-304 A 10-13-65	GMC Oil & Gas Corp., 1307 First National Bldg., Oklahoma City, Okla.	Panhandle Eastern Pipe Line Co., Richmond Pool, Woodward County, Okla.	[5] 17.0	14.65
CI66-305 B 10-14-65	International Helium, Inc., Post Office Drawer 951, Longview, Tex.	United Gas Pipe Line Co., Bethany Field, Harrison County, Tex.	Depleted	-------
CI66-306 A 10-13-65	Ezra R. Gawthrop, et al., d.b.a. Gawthrop Oil & Gas Producers, Inc., 231 West Main St., Salem, W. Va.	Pennzoil Co., acreage in Doddridge County, W. Va.	15.0	15.325
CI66-307 A 10-15-65	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla., 74102.	Cities Service Gas Co., Boggs Field, Barber County, Kans.	[6] 14.0	14.65
CI66-308 A 10-15-65	Texam Oil Corp., Operator, Post Office Box 1663, Midland, Tex.	El Paso Natural Gas Co., Spraberry Trend Area, Reagan County, Tex.	[7] 16.196	14.65
CI66-309 A 10-18-65	W. W. F. Oil Corp., 920 Commercial National Bank Bldg., Post Office Box 1746, Shreveport, La.	Trunkline Gas Co., Roanoke Field, Jefferson Davis Parish, La.	17.0	15.025
CI66-310 A 10-18-65	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla., 74102.	Tennessee Gas Transmission Co., Welsh Field, Jefferson Davis Parish, La.	19.625	15.025
CI66-311 B 10-15-65	Sheridan C. Lewis, Jr., trustee, Post Office Box 205, Calallen, Tex.	Coastal States Gas Producing Co., West Adami Field, Webb County, Tex.	Depleted	-------
CI66-312 B 10-15-65	Texo Oil Corp., Post Office Box 650, Alice, Tex.	Coastal States Gas Producing Co., Tiger Field, Duval County, Tex.	Depleted	-------
CI66-313 B 10-15-65	Tri-Ess Corp., Operator, Post Office Box 650, Alice, Tex.	Coastal States Gas Producing Co., Peters Ranch Area, Duval County, Tex.	Depleted	-------
CI66-314 A 10-15-65	Texas Oil & Gas Corp., 2520 Fidelity Union Tower, Dallas, Tex., 75201.	Cities Service Gas Co., Bishop Area, Roger Mills County, Okla.	15.0	14.65
CI66-315 A 10-18-65	Lloyd A. Lynd, Jr., 301 West 11th St., Kansas City, Mo., 64105.	Cities Service Gas Co., acreage in Cowley County, Kans.	12.0	14.65
CI66-316 A 10-18-65	Quaker State Oil Refining Corp., Box 337, Bradford, Pa.	United Fuel Gas Co., Harts Creek District, Lincoln County, W. Va.	23.0	15.325
CI66-317 (G-15308) F 10-18-65	Cabot Corp. (SW) (successor to Michael T. Halbouty), 125 High St., Boston, Mass., 02110.	United Gas Pipe Line Co., Fosteria Field, Montgomery County, Tex.	[8] 15.192	14.65
CI66-318 A 10-19-65	C. B. Ames, d.b.a. Ames Oil & Gas, 3801 Kirby Bldg., Houston, Tex.	Texas Gas Transmission Corp., Mortons Gap Field, Hopkins County, Ky.	15.0	15.025
CI66-319 B 10-19-65	Bright & Schiff, 107 Mercantile Continental Bldg., Dallas, Tex.	Texas Eastern Transmission Corp. East Riverside Field, San Patricio County, Tex.	Depleted	-------
CI66-320 A 10-15-65	L & H Drilling Co., Inc. (Operator) et al., 719 East 18th St., Owensboro, Ky.	Texas Gas Transmission Corp., Sugar Creek Field, Hopkins County, Ky.	15.0	15.025
CI66-321 (G-7193) F 10-12-65	J. L. Trittipo, Inc. (successor to the Pure Oil Co.), 311 Nelson Bldg., Charleston, W. Va.	Consolidated Gas Supply Corp., White Oak Field, Boone County, W. Va.	26.88	15.025
CI66-322 (G-13633) F 10-20-65	South Shore Oil & Development Co. (successor to Union Producing Co.), c/o Exchange Oil & Gas Co., Attn.: Mr. Robert L. Goodwin, 1200 Oil & Gas Bldg., New Orleans, La., 70112.	United Gas Pipe Line Co., Lirette Field, Terrebonne Parish, La.	[9] 15.75	15.025
CI66-323 A 10-21-65	Sun Oil Co., 1608 Walnut St., Philadelphia, Pa., 19103.	United Fuel Gas Co., Funkhouser-Wise Unit, Hardy County, W. Va.	28.0	15.325
CI66-324 A 10-21-65	Roger C. Hanks, 816 8th St., Wichita Falls, Tex.	Panhandle Eastern Pipe Line Co., Northwest Oakdale Area, Woods County, Okla.	[10] 17.0	14.65
CI66-325 A 10-21-65	Estate of B. F. Allison, deceased (Operator), et al., Post Office 719, Graham, Tex.	Kansas-Nebraska Natural Gas Co., Inc., Arrow Field, Washington County, Colo.	10.0	16.4

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[1] Deletes nonproductive acreage.
[2] Deletes from basic contract leases that have terminated.
[3] Application previously noticed Aug. 11, 1965, in Docket Nos. G-4579, et al. at a total initial price of 16.1536 cents per Mcf.
[4] Amendment to application filed reflecting a total initial price of 14.5 cents per Mcf in lieu of 16.1536 cents. The amendment filed Sept. 24, 1965, was erroneously construed as an initial service and assigned Docket No. CI66-233 and noticed as same Oct. 6, 1965, in Docket Nos. G-11034, et al. Docket No. CI66-233 will be canceled.
[5] Plus tax reimbursement and B.t.u. adjustment.
[6] Price will be reduced 1.5 cents per Mcf in the event buyer reduces the pressure in its gathering system below 300 p.s.i.g.
[7] Includes 0.196 cent per Mcf tax reimbursement.
[8] Includes tax reimbursement.
[9] Effective rate as required by order approving settlement issued Dec. 23, 1964, in Docket Nos. G-13811, et al.
[10] Subject to B.t.u. adjustment.

[F.R. Doc. 65-11722; Filed, Nov. 1, 1965; 8:45 a.m.]

[Docket No. CP65-165]

FLORIDA GAS TRANSMISSION CO.

Notice of Petition To Amend

OCTOBER 26, 1965.

Take notice that on October 21, 1965, Florida Gas Transmission Co. (Petitioner), Post Office Box 44, Winter Park, Fla., filed in Docket No. CP65-165 a petition to amend the order of the Commission issued in said Docket on June 8, 1965, which order authorized, among other things, the construction and operation of approximately 51 miles of 18-inch supply lateral pipeline extending from a point in the East White Lake Field in Southern Louisiana to Petitioner's 24-inch main pipeline near Port Barre, La., by means of which Petitioner was authorized to take delivery of an average daily quantity of 80,000 Mcf of natural gas purchased from Pan American Petroleum Corp. (Pan Am) and Austral Oil Co., Inc. (Austral), and transport said quantities into its main pipeline systems, as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the instant filing, Petitioner seeks amendment of said order by requesting authorization to construct and operate 60 miles of 26-inch lateral pipeline in lieu of the 51 miles of 18-inch lateral pipeline authorized by said order, and 3 miles of 26-inch and 20 miles of 30-inch main line loop, in lieu of 26 miles of 30-inch main line loop paralleling Petitioner's 24-inch main line in Louisiana.

Petitioner states that subsequent to the execution of its Gas Purchase Contract with Pan Am and Austral dated November 20, 1964, under which the aforesaid quantities are to be sold and delivered to Petitioner, Pan Am, Austral, Florida Power & Light Co. (Power Company) and Petitioner entered into another Gas Purchase Contract dated March 12, 1965, whereby Power Company will purchase from Pan Am and Austral and Petitioner will transport for Power Company a Contract Demand Quantity of up to 200,000 MMBtu of natural gas per day from at or near the same point for receipt of natural gas in the East White Lake Field as that heretofore authorized. Petitioner has filed an appliaction in Docket No. CP65-393 for authorization, among other things, to construct and operate an additional 22-inch supply lateral approximately 60 miles in length designed to transport said additional Contract Demand Quantity from the East White Lake Field, which application is presently pending before the Commission. The application in Docket No. CP65-393 was filed on June 9, 1965.

The 26-inch lateral facilities for which authorization is requested by Petitioner would be in lieu of the 18-inch supply lateral presently authorized and the 22-inch supply lateral requested in Docket No. CP65-393, and are designed to transport the aggregate quantities of gas from East White Lake Field which are presently authorized and which are proposed in Docket No. CP65-393.

The estimated cost of the substitute 26-inch lateral and associated main line loop facilities is $15,115,000, or $2,928,000 less than the combined estimated cost of the 18-inch and 22-inch lateral lines it is designed to replace, and $2,494,000 more than the estimated cost of the presently authorized 18-inch line. Petitioner states that this increase in cost is only approximately 1.2 percent of its total undepreciated plant, and that on the basis of current construction costs being experienced by Petitioner, it appears that the substitute facilities can be installed without disturbing the estimate of total overall capital costs of Petitioner's project as originally certificated herein.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before November 22, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-11723; Filed, Nov. 1, 1965; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16258; FCC 65-959]

AMERICAN TELEPHONE & TELEGRAPH CO.

Memorandum Opinion and Order Instituting Investigation

In the matter of American Telephone & Telegraph Co. and the Associated Bell System Cos., Docket No. 16258, charges for interstate and foreign communication service.

1. The Commission has under consideration financial data filed with it by American Telephone & Telegraph Company (A.T. & T.) and the Associated Bell System Cos. (referred to collectively herein as the Bell System) relating to operating results achieved in the rendition of the various classes of interstate and foreign communication service. Among such data are the results of a cost study undertaken by A.T. & T. at the Commission's request in connection with the proceedings in its Telegraph Inquiry (Docket No. 14650).[1] This study undertook to determine for the 12 months ending August 31, 1964, the investment, expenses and revenues associated with each of 7 different classes of communication service, making up the Bell System's total interstate operations; i.e., message toll telephone service, wide area telephone service (WATS), teletypewriter exchange service (TWX), private line telephone, private line telegraph, TELPAK, and all other. The results of the study were presented by A.T. & T. for the record in Docket No. 14650 on September 10, 1965. They disclosed wide variations in earnings among the various services. At one extreme, message toll telephone and WATS were earning at the rates of 10 percent and 10.2 percent, respectively, while TELPAK, at the other extreme, was earning at the rate of 0.3 percent, all on the basis of the data as reported by the company and without any adjustment by the Commission. It is significant that message toll telephone and WATS services, with the highest level of earnings, account for 85 percent of total interstate revenues. Although certain message toll telephone rates were reduced, effective February 1 and April 1, 1965, subsequent to the study period, the current level of earnings on total interstate operations is above the total level of interstate earnings which were obtained during the study period. These levels of earnings, as well as the wide variations in such levels for the different classes of service, indicate the desirability of a thorough examination by the Commission of the interstate rate structure of the Bell System to determine the lawfulness of the rate levels and rate relationships within that structure. The importance of such a determination is underscored by the fact that certain of the services involved are furnished by the Bell System in direct competition with services offered by other carriers. To the extent that these services may be underpriced by the Bell System, this may have a competitive impact on such other carriers.

2. Any determination of the lawfulness of existing rate levels and adjustments that should be made therein requires an ascertainment of the revenue requirements of the Bell System applicable to its total interstate operations. Since most of its telephone plant is used in common for both intrastate and interstate services, for jurisdictional and rate-making purposes, the investment in such plant and the costs associated with its operation must be apportioned on a fair and equitable basis between interstate and intrastate services. Heretofore, such apportionments have been made in accordance with principles and procedures set forth in a Separations Manual published by the National Association of Railroad and Utilities Commissioners (NARUC). Although the content of the Separations Manual is the product of cooperative studies and consultations involving the NARUC, this Commission and the telephone industry, it has never been formally evaluated, approved or adopted by this Commission in the context of either a rate-making or rule-making proceeding. This is true with respect to the original Separations Manual as issued in 1947 and the several revisions that have been subsequently incorporated therein. There is now pending consideration by the Commission of another major revision in the Separations Manual which has been approved by the NARUC for use "on an interim basis." The Commission today has advised the NARUC that we will not inter-

[1] The issues in this Inquiry are directed to various matters affecting telegraph service in the United States but do not involve a determination of the lawfulness of any specific rates under the Communications Act of 1934.

pose any objection to the use of the proposed revision on such "interim basis," pending conclusion of the proceedings provided for herein and subject to such changes as may be required as a result of such proceedings. Thus, in connection with our determination of revenue requirements of the Bell System applicable to its interstate services, the rates for which are at issue herein, we will consider the propriety of the principles and procedures of the Separations Manual including the most recent revision. This will afford all interested parties an opportunity to present evidence, views and recommendations concerning these principles and procedures, including the independent segment of the telephone industry which has, in written representations to this Commission, raised certain questions concerning the merits of the recent revision.

3. In determining the revenue requirements for the private line services, in its decision in the Private Line Case, 34 FCC 217, the Commission excluded the costs associated with telephone plant under construction together with the claimed amount representing cash working capital and materials and supplies. However, in its reports of earnings to the Commission since that time, the Bell System has almost universally included these items in its costs. The results of the 7 way cost study cited above similarly include such items. In the investigation which we are hereby instituting, the company will be expected to justify the inclusion of these items, as well as the reasonableness of all other items of rate base, expense, taxes, and reserves upon which it relies in determining its operating results.

4. Also, in the Private Line Case, supra, the Commisison rejected the showings made by the Bell System in support of the reasonableness of the prices and profits of the Western Electric Co. with respect to its sale of equipment, supplies and services to its affiliated companies within the Bell System. We rejected such showings on the grounds that they lacked probative value. (See 34 FCC at 225 supra.) However, we were unable to reach any determination, on the basis of the record made in that case, as to what adjustments, if any, might be warranted in the claimed revenue requirements of the Bell System Cos. by reason of any excessive payments by such companies to Western Electric. Thus, in these proceedings, we will expect the Bell System Cos. to justify the reasonableness of the prices and profits of Western Electric reflected in their claimed rate base and expenses with due regard to the aforementioned conclusions reached by the Commission in the Private Line Case and the specific issues hereinafter enumerated.

5. Concurrently with the issuance of this Memorandum Opinion and Order, we are extending an invitation to the NARUC to designate cooperating Commissioners to sit with the presiding officers of the Commission for the hearing and consideration of the proceedings provided for herein, in accordance with the Plan of Cooperative Procedure set forth in Appendix A of Part 1 of the Commission's rules. This, however, will not foreclose any individual state commission or the NARUC from intervening as party in these proceedings or from presenting relevant, material and competent testimony as provided for in § 1.225 of Part 1 of our rules and regulations.

In view of all of the foregoing matters:

It is ordered, That pursuant to the provisions of sections 201(b), 202(a), 205, and 403 of the Communications Act of 1934, as amended, an investigation is hereby instituted into the lawfulness of the charges of the American Telephone & Telegraph Co. and the associated Bell System Cos. for interstate and foreign communication service;

It is further ordered, That, without in any way limiting the scope of the proceeding, it shall include consideration of the following:

1. What are the revenue requirements of the Bell System Cos. applicable to their interstate and foreign communication services and the basis upon which such revenue requirements are to be determined, including:

A. The reasonableness and propriety of the procedures employed for separating and allocating plant investment, operating expenses, taxes, and reserves between the intrastate and interstate operations of such companies;

B. The amounts properly includible as the net investment of the above-mentioned companies in property and plant used and useful for providing interstate and foreign communication service;

C. The amounts properly includible as expenses and taxes incurred by the above-mentioned companies in the provision of interstate and foreign communication service;

D. The reasonableness of the prices paid by the Bell System Cos. for equipment, supplies and services purchased by such companies from the Western Electric Co. and the adjustments, if any, that should be made in the plant investments, expenses and taxes as reflected by the amounts determined pursuant to items B and C above to the extent that any prices are found to be unreasonable. In this connection, consideration shall be given, among other things, to whether Western Electric requires a greater rate of return on investment related to its sales to the Bell System Cos. than the rate of return determined to be required with respect to the interstate operations of the Bell System Cos.;

E. The fair rate of return required by the Bell System on the amounts of net investment determined pursuant to the foregoing;

F. The amount of operating revenues that are or may reasonably be expected in the foreseeable future to accrue from interstate and foreign communication services rendered by use of the plant and facilities, the costs of which are included in the net investment to be determined herein;

2. In the light of our determinations with respect to the aforementioned issues, whether the overall charges of the Bell System Cos. are just and reasonable within the meaning of section 201(b) of the Communications Act of 1934, as amended.

3. Whether the charges for (1) message toll telephone service, (2) WATS, (3) private line telephone grade service, (4) private line telegraph grade service and (5) all other service, except TWX and TELPAK (as to which separate proceedings are now pending in Docket Nos. 15011 and 14251, respectively), are or will be just and reasonable within the meaning of section 201(b) of the Communications Act of 1934, as amended.

4. Whether the specific charges for the above-mentioned services will subject any person or class of persons to unjust or unreasonable discrimination, or give any undue or unreasonable preference or advantage to any person, class of persons or locality, or subject any person, class of persons or locality to any undue or unreasonable prejudice or disadvantage within the meaning of section 202(a) of the Communications Act of 1934, as amended.

5. Whether the Commission should prescribe just and reasonable charges or the maximum or minimum or maximum and minimum charges to be hereafter followed with respect to any or all of the above-mentioned services placed at issue by this order, and if so, what charges should be prescribed;

It is further ordered, That a hearing be held in this proceeding at the Commission's offices in Washington, D.C., at a time to be specified, before an examiner to be designated, and in accordance with procedures to be specified by subsequent order in this proceeding;

It is further ordered, That the American Telephone & Telegraph Co. and the associated Bell System Cos., are hereby made parties respondent in the proceeding;

It is further ordered, That any connecting or concurring carrier, The Western Union Telegraph Co., the United States Independent Telephone Association, the General Telephone & Electronics Service Corp., the National Association of Railroad and Utilities Commissioners and any State regulatory body is hereby granted leave to intervene upon the filing of a notice of intention to appear and participate in these proceedings within 30 days from the date of publication of this order in the FEDERAL REGISTER.

Adopted: October 27, 1965.

Released: October 27, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-11750; Filed, Nov. 1, 1965; 8:48 a.m.]

[Docket Nos. 13995, 13997; FCC 65M-1401]

ELBERT H. DEAN ET AL.

Order Scheduling Prehearing Conference

In re applications of Elbert H. Dean and Richard E. Newman, Clovis, Calif., Docket No. 13995, File No. BP-12728; Charles W. Jobbins, Grass Valley, Calif., Docket No. 13997, File No. BP-13964; for construction permits.

It is ordered, This 26th day of October 1965, by the Hearing Examiner on his own motion, that a further prehearing conference in the above-entitled matter is scheduled to commence at 9:30 a.m., November 18, 1965, in the Commission's offices in Washington, D.C.

Released: October 27, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-11752; Filed, Nov. 1, 1965; 8:48 a.m.]

[Docket No. 16087; FCC 65M-1403]

PATROON BROADCASTING CO., INC.

Order Continuing Hearing

In reapplication of Patroon Broadcasting Co., Inc., Albany, N.Y., Docket No. 16087, File No. BR-2787, for renewal of license of Station WPTR.

This is on a petition by Patroon Broadcasting Co. for postponement of the hearing which is now due to get under way next Monday, November 1. Patroon has on file with the Commission a request for reconsideration of the designation of its renewal application for hearing and argues for letting the hearing stand over until reconsideration is settled.

Notice is hereby given that the hearing will not open as scheduled. In its place an oral argument will be held on the question of longer term rescheduling. The position of Patroon is already clear from its petition; the Broadcast Bureau will be expected to address itself to Commission precedent on the narrow question of postponement under these circumstances, to give its views on the likelihood that the petition for reconsideration will prevail, and to disclose is position on the petition for reconsideration, on the petition for postponement of the hearing, and on the wisdom ordinarily of pushing forward with hearing when a substantial and serious petition for reconsideration is pending.

Accordingly, it is ordered, This 27th day of October 1965, that the hearing now scheduled to commence on November 1, 1965, is put off without date and that in its place an oral argument will be held on the same date and at the same time on the petition by Patroon for postponement of the hearing.

Released: October 27, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-11753; Filed, Nov. 1, 1965; 8:48 a.m.]

[Docket No. 15450; FCC 65M-1404]

MIDWEST TELEVISION, INC.

Memorandum of Ruling on Motion To Continue Hearing

In re application of Midwest Television, Inc., Springfield, Ill., Docket No. 15450, File No. BPCT-2846; for construction permit for new television broadcast station.

This will formalize an oral ruling made by the Hearing Examiner in the hearing conference held this 27th day of October 1965, upon the conclusion of oral arguments by counsel and after earlier submission of responsive pleadings, denying the "Motion to Continue Hearing," heretofore scheduled for November 2, 1965, pending certain rule-making proceedings, filed by Midwest Television, Inc., on October 20, 1965, for the reasons stated on the record by the Examiner and which will appear in the official transcript.

Accordingly, it is ordered, This 27th day of October 1965, that the "Motion to Continue Hearing" filed by Midwest Television, Inc., on October 20, 1965, is denied.

It is further ordered, In accordance with arrangement therefor made in the hearing conference after discussion with counsel, that the hearing is rescheduled from November 2 to November 3, 1965, at 10 a.m., in the offices of the Commission at Washington, D.C.

Released: October 27, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-11754; Filed, Nov. 1, 1965; 8:48 a.m.]

[FCC 65-965]

FTC STATEMENT ON BROADCAST RATINGS

OCTOBER 28, 1965.

Commission calls attention of licensees to FTC statement on broadcast ratings:

On July 8, 1965, the Federal Trade Commission issued a statement regarding deceptive claims of broadcast audience coverage and setting forth certain basic guidelines to be followed in order to avoid such deception.

In furtherance of its continuing liaison with the FTC, this Commission calls the attention of broadcast licensees to this statement. As we stated in our Public Notice of June 13, 1963 (FCC 63-544), we do not intend to discourage valid audience research or its proper use, but we wish to remind licensees that they must act responsibly in using such research.

The Commission generally intends to continue to refer complaints dealing with the use of broadcast ratings to the Federal Trade Commission for its consideration. In determining whether a licensee is operating in the public interest, we will take into consideration his operation under the guidelines set forth in the FTC statement of July 8, 1965, as well as any findings or orders to cease and desist of the FTC. In order that all broadcast licensees may be fully informed of the contents of the FTC statement, a copy of it appears below.

Adopted: October 27, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

FTC ISSUES STATEMENT REGARDING DECEPTIVE CLAIMS OF BROADCAST AUDIENCE COVERAGE

The Federal Trade Commission today issued the following statement regarding deceptive claims of broadcast audience coverage.

Investigations by Congress and by the Commission have disclosed widespread misuse of audience survey results, use of unreliable survey data, and tampering with and distortion of survey results, which has resulted in deception as to the size, composition, and other characteristics of radio and television audiences. These matters are, of course, important to advertisers in these media.

The Commission believes that, to avoid such deception, television and radio broadcasters, other persons selling advertising or broadcasting time or programs, advertising agencies, and advertisers should, in making claims based on survey results or data, observe the following basic guidelines.

1. A person (or firm) making a claim concerning the size, composition or other important characteristics of a listening or viewing audience is responsible for seeing to it that the claim is truthful and not deceptive. If he bases his claim on the results of an audience survey, he assumes responsibility for interpreting the data accurately. Thus, he should not engage in activities calculated to distort or inflate such data—for example, by conducting a special contest, or otherwise varying his usual programming, or instituting unusual advertising or other promotional efforts, designed to increase audiences only during the survey period. Such variation from normal practices is known as "hypoing."

It is also improper to cite or quote from a survey report or survey data in such a way as to create a misleading impression of the results of the survey, as by unfairly basing audience claims on results achieved only during certain periods of the broadcast day or on a survey of only a segment of the total potential audience.

2. Audience data are based on sample surveys not derived from complete measurements of audiences. As such, they are statistical estimates, and, at best, are of only limited reliability due to errors and distortions inherent in the statistical methods yielding such data. Claims as to audience coverage based on audience surveys should therefore be qualified in recognition of the fact that survey data are inherently imperfect. Any such claim should be accompanied by a disclosure that any figures cited or quoted are estimates only or are based upon estimates, and are not accurate to any precise mathematical degree unless based upon a true probability sample. Audience surveys are not, in practice, based upon true probability samples.

3. Such claims should not be based on data obtained in a survey that the person (or firm) making the claim knows or has reason to know was not designed, conducted, and analyzed in accordance with accepted statistical principles and procedures, reasonably free from avoidable bias, and based on a properly selected sample of adequate size. Such claims should not be based on survey reports or data that do not reliably reflect current audience coverage, either because the passage of time has made the data outdated, or because a later survey report encompassing essentially the same area has been published, or because of the entry or departure of a competitor, or for any other reason.

These guidelines are offered to broadcasters and others concerned for consideration in avoiding possible violation of the Federal Trade Commission Act.

[F.R. Doc. 65-11751; Filed, Nov. 1, 1965; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License 934]

BENNETT FORWARDING CO.

Notice of Compliance With Order To Show Cause

Notice is hereby given that J. E. Bennett doing business as Bennett Forwarding Co., 326 Shell Building, Houston, Tex., has complied with the Commission's order to show cause dated October 14, 1965, and published in the FEDERAL REGISTER (30 F.R. 13336), by filing an effective surety bond with the Commission.

Dated: October 27, 1965.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-11755; Filed, Nov. 1, 1965; 8:48 a.m.]

C. J. TOWER & SONS OF BUFFALO, INC., ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following freight forwarder cooperative working agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814.)

Interested parties may inspect and obtain a copy of the agreements at the Washington Office of the Federal Maritime Commission, 1321 H Street NW., Room 609. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement or request for a hearing should also be forwarded to each of the parties to the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Unless otherwise indicated, these agreements are non-exclusive, cooperative working agreements under which the parties may perform freight forwarding services for each other. Forwarding and service fees are to be agreed upon for each transaction. Ocean freight compensation is to be divided as agreed between the parties.

C. J. Tower & Sons of Buffalo, Inc., Niagara Falls, N.Y., and Barr Shipping Co., Inc., New York, N.Y. FF-2692

J. T. Steeb & Co., Inc., Portland, Oreg., and Ship Service Co., Astoria, Oreg. FF-2693

Davidson Forwarding Co., Inc., Wash., D.C., and Express Forwarding & Storage Co., Inc., New York, N.Y. FF-2694

Seaport Shipping Co. (Portland), Portland, Oreg., and Gotham Shipping Co., Inc., New York, N.Y. FF-2695

Davidson Forwarding Co., Inc., Wash., D.C., and Wilk Forwarding Co., Jacksonville, Fla. FF-2696

Karr, Ellis & Co., Inc., New York, N.Y., and Smith & Kelly, Charleston, S.C. FF-2697

Almac Shipping Co., Inc., New York, N.Y., and Wall Shipping Co., Inc., Baltimore, Md. FF-2698

John S. James, Savannah, Ga., and C. H. Powell Co., Inc., New York, N.Y. FF-2699

John S. James, Savannah, Ga., and Exporters Forwarding Co., Inc., New York, N.Y. FF-2700

Davidson Forwarding Co., Inc., Wash., D.C., and Davies, Turner & Co., Chicago, Ill. FF-2701

Seaboard Forwarding Co., Inc., New York, N.Y., and Foreign Forwarding of Milwaukee, Wauwatosa, Wis. FF-2702

The Hipage Co., Inc., Norfolk, Va., and Seaboard Forwarding Co., Inc., New York, N.Y. FF-2703

Davidson Forwarding Co., Inc., Wash., D.C., and Ellis Forwarding Co., Houston, Tex. FF-2704

W. O. Smith & Co., Inc., Norfolk, Va., and Shipping Unlimited, New York, N.Y. FF-2706

Bevon International, Inc., Charleston, S.C., and Midland Pacific Shipping Co., New York, N.Y. FF-2707

Davidson Forwarding Co., Inc., Washington, D.C., and W. N. Proctor Co., Boston, Mass. FF-2708

Magnolia Forwarding Co., New Orleans, La., and The F. H. Shallus Co., Baltimore, Md. FF-2710

Paul A. Boulo, Mobile, Ala., and James Loudon & Co., Inc., Los Angeles, Calif (Branches) FF-2711

American Union Transport Forwarding, Inc., New York, N.Y., and Reedy Forwarding Co., Inc., Miami, Fla. FF-2712

V. Alexander & Co. of La., Inc., New Orleans, La., and Harper, Robinson & Co., Los Angeles, Calif. FF-2713

J. S. Lipinski Co., Toledo, Ohio, and Tran International Forwarders, Inc., New York, N.Y. FF-2714

Universal Transport Corp., New York, N.Y., and Southern Shipping Co., Inc., Jacksonville, Fla. (Branches) FF-2715

Agreement FF-2705 between Transportelle Co., Inc., New York, N.Y., and Wilk Forwarding Co., Jacksonville, Fla., is a cooperative working arrangement whereunder forwarding and service fees are $5.00; plus 15 percent of the brokerage will be paid by Transportelle for each shipment to Wilk Forwarding Co.

Agreement FF-2709 between Sunshine Forwarders, Inc., Jacksonville, Fla., and Latin American Shipping Co., Miami, Fla., is a cooperative working arrangement whereunder forwarding and service are to be as follows:

Bermuda and Nassau	$2.50
All other countries:	
To pass completed export declarations	1.25
To pass completed bills of lading	1.25
To prepare or complete and pass export declarations	2.50
To prepare or complete and pass bills of lading	2.50
Preparation of Consul documents	5.00
Consular documents (at cost).	
Telephone calls, teletypes, or telegrams (at cost).	

Ocean freight brokerage is to be divided equally on a 50-50 basis between both parties. This division of brokerage will be restricted to those shipments handled on behalf of each other.

Agreement FF-522-1, between Southern Steamship Agency, Inc., Panama City, Pa., and Major Forwarding Co., Inc., New York, N.Y., modifies approved Agreement FF-522 between the parties which covers an agreement whereby Paragraph 1 of the agreement should be changed so that future payment to Southern Steamship Agency, Inc. will be $5.00 for completing export declarations and filing them with the customhouse instead of $1.00 as heretofore. The purpose of this modification is to increase the fee paid by Major Forwarding Co., Inc. to Southern Steamship Agency, Inc. This modification of the existing agreement shall be valid and binding upon either party.

Dated: October 28, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-11756; Filed, Nov. 1, 1965; 8:48 a.m.]

UNITED STATES GREAT LAKES/SOUTH AND EAST AFRICA AGREEMENT

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington Office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Elmer Maddy, Kirlin, Campbell & Keating, 120 Broadway, New York, N.Y., 10005.

Agreement 9509 between Christensen Canadian African Lines; Farrell Lines, Inc.; Moore-McCormack Lines, Inc.; and South African Marine Corp., Ltd., has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916.

The agreement provides for cargo service from United States Great Lakes ports to ports in Southwest, South, Southeast, and East Africa and the Indian Ocean Islands of Madagascar, Reunion, Mauritius, the Comores and Seychelles, and the Islands of Ascension and St. Helena.

Provisions are made in the agreement for the election of a Chairman and designation of a Secretary; rate making; publication of a common tariff declaring "open" rates on specific commodities or for the closing of same; admission, withdrawal or expulsion of members; and, self-policing.

Dated: October 28, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-11757; Filed, Nov. 1, 1965; 8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30; Philadelphia, Pa., Region, Rev. I]

PHILADELPHIA REGIONAL AREA

Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30; Philadelphia, Pa., 30 F.R. 3254, as amended. Delegation of Authority 30 F.R. 6455 is hereby revised to read as follows:

I. The following authority is hereby redelegated to the specific positions as indicated herein:

A. *Size determinations* (Delegated to the positions as indicated below). To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

B. *Eligibility determinations* (Delegated to the positions as indicated below). To determine the eligibility of applicants for assistance under any program of the agency in accordance with Small Business Administration standards and policies.

C. *Chief, Financial Assistance Division* (and Assistant Chief, if assigned). 1. Item I.A. (Size Determinations for Financial Assistance only.)

2. Item I.B. (Eligibility Determinations for Financial Assistance only.)

3. To approve business and disaster loans not exceeding $350,000 (SBA share).

4. To decline business and disaster loans of any amount.

5. To disburse unsecured disaster loans.

6. To enter into business and disaster loan participation agreements with banks.

7. To execute loan authorizations for Washington and Area approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator,*
By ----------
(Name)
Title of person signing.

8. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

9. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

10. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and to certify to the participating bank that such documents are in compliance with the participation authorization.

11. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding principal balance on construction loans and loans involving accounts receivable and inventory financing.

12. To take all necessary actions in connection with the administration, servicing, collection and liquidation of all loans and other obligations or assets, including collateral purchased; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

b. The execution and delivery of contracts of sale or lease or sublease, quit-claim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

D. *Chief, Loan Processing.* 1. Item I.C.3.

2. To decline business and disaster loans of any amount.

3. Items I.C.6. through 10.

4. Item I.A. (Size Determinations for Financial Assistance only.)

5. Item I.B. (Eligibility Determinations for Financial Assistance only.)

E. *Chief, Loan Administration.* 1. To approve the amendments and modifications of loan conditions for loans that have been fully disbursed.

2. Item I.C.12.—Only the authority for servicing, administration and collection, including sub-items a. and b.

F. *Chief, Loan Liquidation.* Item I.C. 12.—Only the authority for liquidation, including collateral purchased, and sub-items a. and b.

G. [Reserved]

H. *Chief, Procurement and Management Assistance.* 1. Item I.A. (Size Determinations on PMA Activities only.)

2. Item I.B. (Eligibility Determinations on PMA Activities only.)

I. *Regional Counsel.* To disburse approved loans.

J. *Administrative Assistant.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by United States Attorney in foreclosure cases.

2. To (a) purchase all office supplies and expendable equipment, including all desk-top items, and rent regular office equipment; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of Disaster Loan Offices, to (a) obligate Small Business Administration to reimburse General Services Administration for the rental of office space; (b) rent office equipment; and (c) procure (without dollar limitation) emergency supplies and materials.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

II. The authority delegated herein cannot be redelegated.

III. The authority delegated herein to a specific position may be exercised by any SBA employee designated as Acting in that position.

IV. All previously delegated authority is hereby rescinded without prejudice to actions taken under such Delegations of Authority prior to the date hereof.

Effective date. October 1, 1965.

WILLIAM T. GENNETTI,
Regional Director,
Philadelphia, Pa.

[F.R. Doc. 65-11730; Filed, Nov. 1, 1965; 8:46 a.m.]

[Delegation of Authority 30; Honolulu Region, Amdt. 1]

HONOLULU REGIONAL AREA

Delegation of Authority To Conduct Program Activities

I. Pursuant to the authority delegated to the Regional Director by Delegation of

Authority No. 30, Pacific Coastal Area, 30 F.R. 8080, as amended, 30 F.R. 8978; Delegation of Authority 30 F.R. 12434 is hereby amended by the addition of Item I.J. to read as follows:

I. * * *

J. The following authority is hereby redelegated to the Representative in Charge of the Guam Branch Office:

1. To approve and decline disaster loans in an amount not exceeding $100,000.

2. To execute the loan authorizations for Washington and Regional Office approved loans and for disaster loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator,*
By ----------
Representative in Charge, Guam Branch Office.

3. To cancel, reinstate modify, and amend authorizations for disaster loans approved under delegated authority.

4. To disburse unsecured loans.

5. To extend the disbursement period on all disaster loan authorizations or undisbursed portions of disaster loans.

6. To take all necessary actions in connection with the administration, servicing, and collection of all loans and other obligations and assets; and to do and perform and to assent to the doing and performance of all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse and warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other items, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

7. To (1) make emergency purchase chargeable to the Administrative expense fund, not in excess of $25 in any one object class in any one instance but not in more than $50 in any one month for total purchases in all object classes; (2) make purchases not in excess of $10 in any one instance for "one-time use items" not carried in stock subject to the total limitations set forth in (1) of this paragraph; and (3) to contract for the repair and maintenance of equipment and furnishings in an amount not to exceed $25 in any one instance.

* * * * *

Effective date. September 28, 1965.

GEORGE SHIROMA,
Regional Director,
Honolulu Regional Office.

[F.R. Doc. 65-11732; Filed, Nov. 1, 1965; 8:46 a.m.]

[Delegation of Authority 30; Middle Atlantic Area, Amdt. 3]

MIDDLE ATLANTIC AREA

Delegation of Authority To Conduct Program Activities in Regional Offices

Pursuant to the authority delegated to the Area Administrator by Delegation of Authority No. 30 (Revision 10), 30 F.R. 972, as amended, 30 F.R. 2742 and 11984; Delegation of Authority 30 F.R. 3254, as amended, 30 F.R. 577 and 8080 is further amended by the Addition of Item I.A. 13.d and the revision of Item II to read as follows:

I. * * *

A. *Financial assistance.* * * *

**13.d To take final action on an offer of compromise of any claim provided such claim is in concurrence with the majority recommendation of the appropriate Regional Office Claims Review Committee on claims not in excess of $5,000 (including CPC advances but excluding interest) or the unanimous recommendation of said committee on claims in excess of $5,000 but not exceeding $100,000 (including CPC advances but excluding interest).

* * * * *

II. The specific authority delegated in subsection I.A.12; subsection I.A.13.d; subsections I.C.1 and 2, and subsection I.D.1 herein cannot be redelegated. These are indicated by asterisks (**). The specific authority in the remaining subsections may be redelegated to appropriate subordinate positions within the regions.

* * * * *

Effective date. October 1, 1965.

EDWARD N. ROSA,
Area Administrator,
Middle Atlantic Area.

[F.R. Doc. 65-11733; Filed, Nov. 1, 1965; 8:46 a.m.]

[License No. 03/02-0056; No. 65-1]

UTILITY CAPITAL CORP.

Notice of Cease and Desist and Suspension Order

And now, effective this 22d day of October 1965, upon consideration of and based upon the record and the attached Initial Decision in this matter: *It is ordered,* That:

I. The captioned Respondent, Utility Capital Corp., License No. 03/02-0056, shall cease and desist from its failure to submit, and shall submit forthwith to SBA, the annual report due June 30, 1965, for its fiscal year ended March 31, 1965, as required by and in compliance with § 107.802 (c), (d), and (e) of the SBA regulations.

II. The captioned Respondent, Utility Capital Corp., License No. 03/02-0056, shall hereafter submit to SBA every report as and when required under § 107.802 (or similar regulation) of the SBA regulations.

III. Until the captioned Respondent, Utility Capital Corp., License No. 03/02-0056, has complied with the portion of this Order contained in Part 1 above, the License of said Licensee is suspended.

LEONARD J. RALSTON,
Hearing Examiner.

[F.R. Doc. 65-11734; Filed, Nov. 1, 1965; 8:47 a.m.]

FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES

CLAIMS AGAINST CUBAN GOVERNMENT UNDER PROVISIONS OF PUBLIC LAW 88-666 BY U.S. NATIONALS

Notice With Respect to Time for Filing

Notice is hereby given that pursuant to paragraph (a) of section 503, Title V of the International Claims Settlement Act of 1949, as amended by Public Law 88-666, approved October 16, 1964, the Foreign Claims Settlement Commission of the United States will receive, during the period ending at midnight, May 1, 1967, claims against the Government of Cuba in accordance with the terms and conditions prescribed by such Act and in accordance with the regulations of the Commission made with respect thereto.

Dated: October 27, 1965.

EDWARD D. RE,
Chairman.

[F.R. Doc. 65-11690; Filed, Nov. 1, 1965; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 77]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 28, 1965.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 53978 (Sub-No. 2 TA), filed October 26, 1965. Applicant: JAMES E. DEPEAU, doing business as JAMES E. DEPEAU TRUCKING COMPANY, 5634 Tonawanda Creek Road, Lockport, N.Y. Applicant's representative: William J. Hirsch, 43 Niagara Street, Buffalo, N.Y., 14202. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Carbon black, ground pitch, clay, coal, and iron ore; bonding mortar; caulking and mudding compounds; wet partings; lignite pitch and lignite liquor,* in straight or mixed truckloads, from Buffalo, N.Y., to Athens, Franklin, Grove City, and Oil City, Pa.; and, from Johnsonburg, Pa., to Buffalo, N.Y., for 180 days. Supporting shipper: Frederick B. Stevens Division, the Udylite Corp., 597 Northland Avenue, Buffalo, N.Y. Send protests to: George M. Parker, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 324 Federal Office Building, Buffalo, N.Y., 14203.

No. MC 106603 (Sub-No. 79 TA), filed October 26, 1965. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, Mich., 49508. Applicant's representative: Frank J. Kerwin, Jr., 1800 Buhl Building, Detroit, Mich., 48226. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Boards and sheets, wood particle core,* between Gaylord, Mich., and points within five (5) miles thereof, on the one hand, and, on the other, points in Illinois, Indiana, Ohio, Pennsylvania, and New York, for 180 days. Supporting shipper: United States Plywood Corp., 127 Main Street, Green Bay, Wis., 54301. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 221, Federal Building, Lansing, Mich., 48933.

No. MC 107002 (Sub-No. 270 TA), filed October 26, 1965. Applicant: HEARIN-MILLER TRANSPORTERS, INC., Post Office Box 1123, Highway 80 West, Jackson, Miss., 39205. Applicant's representative: D. D. Kennedy (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Chemicals,* in bulk, in tank vehicles, from the plantsite of Monsanto Co., Luling, La., to plantsite of Phillips Petroleum Corp., located at or near Borger, Tex., for 180 days. Supporting shipper: Monsanto Co., St. Louis, Mo. (800 North Lindbergh Boulevard). Send protests to: Floyd A. Johnson, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 320 U.S. Post Office Building, Jackson, Miss., 39201.

No. MC 111401 (Sub-No. 183 TA), filed October 26, 1965. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla., 73701. Applicant's representative: Victor R. Comstock (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Piperazine hydrochloride,* in tank trucks, from Denver, Colo., to points in Nebraska, Missouri, Illinois, Indiana, and Kentucky, for 180 days. Supporting shipper: Alpha Laboratories, 1685 South Fairfax Street, Post Office Box 22223, Denver, Colo., 80222, William Titman, manager. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla., 73102.

No. MC 119777 (Sub-No. 49 TA), filed October 26, 1965. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Box 31, U.S. Highway 41 South, Madisonville, Ky., 42431. Applicant's representative: Fred F. Bradley, Suite 202-204, Court Square Office Building, 213 St. Clair Street, Frankfort, Ky., 40601. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel,* and *iron and steel articles* (except commodities requiring special equipment), from the plantsite of H. K. Porter Co., Inc., Conners Steel Division, at Huntington, W. Va., to points in Iowa, for 180 days. Supporting shipper: Mr. N. W. Bowen, Jr., traffic manager, H. K. Porter Co., Inc., Conners Steel Division, Huntington, W. Va. Send protests to: Wayne L. Merilatt, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky., 40202.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 65-11741; Filed, Nov. 1, 1965; 8:47 a.m.]

[Notice 1255]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 28, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice, any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-68166. By order of October 27, 1965, Transfer Board approved the transfer to George B. Old, doing business as Clark Fork Freight, East 528 Trent Avenue, Spokane, Wash., 99202, of the operating rights of Richard J. Wilkinson, doing business as Clark Fork Freight, Box 848, Thompson Falls, Mont., in Certificate No. MC-114543 issued by the Commission July 9, 1965, authorizing the transportation, over regular routes, of general commodities, except household goods, commodities in bulk, and other specified commodities, between Sandpoint, Idaho, and Clark Fork, Idaho, serving intermediate and off-route points located within 8 miles of Clark Fork.

No. MC-FC-68227. By order of October 26, 1965, Transfer Board approved the transfer to Vancouver Fast Freight, Inc., Vancouver, Wash., of the operating rights in Certificates Nos. MC-5152, MC-5152 (Sub-No. 2), MC-5152 (Sub-No. 3), MC-5152 (Sub-No. 4), and MC-5152 (Sub-No. 7), issued January 27, 1941, October 5, 1939, July 29, 1942, July 26, 1949, and July 6, 1964, to Ernest Christensen, doing business as Vancouver Fast Freight, Vancouver, Wash., authorizing the transportation, over regular and irregular routes, of: General commodities, unrestricted, and general commodities, with the usual exceptions, and certain specifically named commodities, between points in Oregon and Washington. Frank W. Foley, 215 Medical Arts Building, Vancouver, Wash., attorney for applicants.

No. MC-FC-68229. By order of October 26, 1965, Transfer Board approved the transfer to Charles Express, Inc., 45 Waterville Street, Waterbury, Conn., of the operating rights issued by the Commission in Certificate No. MC-7590, February 18, 1955, and acquired by Donald C. Koonz, doing business as Westconn Express, Railroad Hills Street, Waterbury, Conn., pursuant to approval and consummation in No. MC-FC-67591, authorizing the transportation, over irregular routes, of general commodities, except household goods, and other specified commodities, between Waterbury, Conn., on the one hand, and, on the other, points in Watertown, Litchfield, Kent, Warren, Morris, Bethlehem, Roxbury, Woodbury, Bridgewater, New Milford, Brookfield, Danbury, Bethel, Newton, Southbury, Oxford, and Middlebury Townships, Conn.

No. MC-FC-68231. By order of October 26, 1965, Transfer Board approved the transfer to Harold Zeisloft, Jr., Danville, Pa., of the operating rights issued by the Commission November 4, 1963, and December 7, 1964, under Certificates Nos. MC-124771 (Sub-No. 1) and MC-124771 (Sub-No. 2), respectively, to Ronald Hackenberger, Thompsontown, Pa., authorizing the transportation, over irregular routes, of soy bean meal, from Delphos and Bellevue, Ohio, to points in

11 counties in Pennsylvania; and brick, from the plantsites of Glen-Gary Shale Brick Corp., located in Royalton Borough, Dauphin County, Pa., Susquehanna Township, Dauphin County, Pa., Delaware Township, Northumberland County, Pa., and Spring Garden Township, York County, Pa., and to points in the Lower Peninsula of Michigan. Richard C. Brittain, 319 Mill Street, Danville, Pa., attorney for applicants.

No. MC-FC-68232. By order of October 26, 1965, Transfer Board approved the transfer to Peter Heinz, Matthew Heinz and Raymond Heinz, a partnership, doing business as Heinz Bros., Guttenberg, N.J., of the operating rights issued by the Commission March 25, 1949, under certificate in No. MC-77381 to Peter Heinz, Matthew Heinz, Raymond Heinz, and John Heinz, a partnership, doing business as Heinz Bros., Guttenberg, N.J., authorizing the transportation, over irregular routes, of household goods, between points in Hudson County, N.J., on the one hand, and, on the other, points in New York, Pennsylvania, Connecticut, and Massachusetts; and hothouse plants and nursery products from North Bergen, N.J., to New York, N.Y. Lewis W. Vanderbach, 6823 Bergenline Avenue, Guttenberg, N.J., attorney for applicants.

No. MC-FC-68246. By order of October 26, 1965, Transfer Board approved the transfer to Ochroch Transportation Co., Inc., Philadelphia, Pa., of Certificates Nos. MC-119821 and MC-119821 (Sub-No. 1), issued December 2, 1960, and May 11, 1961, respectively, to Albert Ochroch and Charles Ochroch, a partnership, doing business as Ochroch Transportation Co., Philadelphia, Pa., authorizing the transportation over irregular routes of petroleum lubricants and cleaning oils, in containers, and advertising material and premiums, display racks, cleaning machines, and sheet-metal ware, used in the distribution and consumption of petroleum lubricating and cleaning oils; paper, paper products, rubber printing plates, and machinery, equipment and supplies used or useful in the manufacturing and processing of such commodities; and paper products, and such commodities as are dealt in by wholesale and retail dry goods and grocery houses, from, to, and between points and areas in the States of Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and the District of Columbia, varying with the commodities transported. Anthony C. Vance, 2001 Massachusetts Avenue N.W., Washington, D.C., 20036, representative for applicants.

No. MC-FC-68252. By order of October 26, 1965, Transfer Board approved the transfer to Vigeant Motor Freight, Inc., a corporation, Orchard Street, Adams, Mass., of the certificate in No. MC-111, issued September 2, 1955, to Sam H. Vigeant, doing business as Vigeant Motor Freight, Orchard Street, Adams, Mass., authorizing the transportation of: General commodities, except household goods and other specified commodities, from points in Massachusetts, Vermont, and New Hampshire, to points in New York as specified; soft drinks and malt beverages, from Utica, N.Y., to points in Massachusetts, Vermont, and New Hampshire; carbonated and malt beverages, from Utica, N.Y., to points in Connecticut, Massachusetts, and Rhode Island; and empty beverage containers, from points in Connecticut, Massachusetts, and Rhode Island to Utica, N.Y. William L. Mobley, 1694 Main Street, Springfield, Mass., 01103, representative for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-11742; Filed, Nov. 1, 1965; 8:47 a.m.]

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die*, and until all public acts have received final Presidential consideration, a listing of public laws approved by the President will appear in the daily FEDERAL REGISTER under *Title 2, The Congress*. A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 89th Congress, First Session.

Approved October 28, 1965:

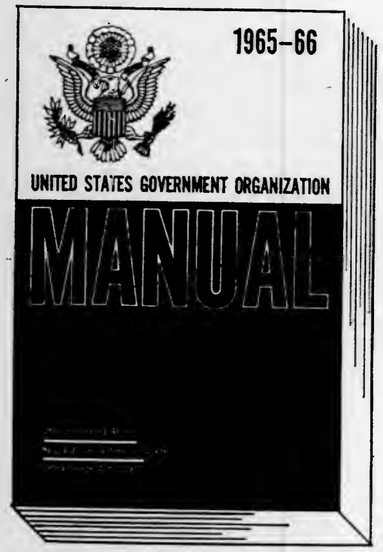
H.R. 5167---------- Public Law 89-300

An Act to amend title 38 of the United States Code to authorize the administrative settlement of tort claims arising in foreign countries, and for other purposes.

H.R. 9220---------- Public Law 89-299

Public Works Appropriation Act, 1966.

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Civil Aeronautics Board
Civil Service Commission
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Consumer and Marketing Service
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Public Housing Administration
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[88th Cong., 2d Sess.]

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(Codification Guide)

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PART 213—EXCEPTED SERVICE

The President's Commission on Law Enforcement and Administration of Justice

Section 213.3181 is added to show the exception under Schedule A of all positions on the President's Commission on Law Enforcement and Administration of Justice. Effective on publication in the FEDERAL REGISTER, § 213.3181 is added as set out below.

§ 213.3181 **The President's Commission on Law Enforcement and Administration of Justice.**

(a) **All positions on the President's Commission on Law Enforcement and Administration of Justice.**

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1953–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65-11822; Filed, Nov. 2, 1965; 8:49 a.m.]

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

[Amdt. 3]

PART 16—MILK INDEMNITY PAYMENT PROGRAM

Subpart—Regulations Governing Milk Indemnity Payments

The regulations issued by the Department of Agriculture which set forth the terms and conditions under which indemnity payments will be made to eligible dairy farmers whose milk is removed from the market because of pesticide residue content, 29 F.R. 14837; 30 F.R. 251; 30 F.R. 7426, are further amended as follows to extend the effective date of the indemnity payment program:

1. Paragraphs (f), (h), and (j) of § 16.2 *Definitions*, are amended to read as follows:

§ 16.2 **Definitions.**

• • • • • •

(f) "Pesticide" means an economic poison which, at the time of its use, was registered with the Secretary pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 135–135k), and was recommended for use in the then current Agriculture Handbook No. 120, "Insecticide Recommendations of the Entomology Research Division for the Control of Insects Affecting Crops, Livestock and Households," or Agriculture Handbook 290, "Suggested Guide for the Use of Insecticides to Control Insects Affecting Crops, Livestock and Households."

(h) "Eligible farmer" means a person who produces milk which is removed from the commercial market anytime from January 1, 1964, through June 30, 1966, pursuant to direction of a public agency or a milk handler because of detection of pesticide residue in such milk by tests made by a public agency or under a milk testing program deemed adequate for the purpose by a public agency.

• • • • • •

(j) "Application period" means any period with respect to which application for payment is made beginning not earlier than January 1, 1964, and ending not later than June 30, 1966, during which an eligible farmer's milk is removed from the commercial market pursuant to direction of a public agency or milk handler for reason specified in paragraph (h) of this section.

• • • • • •

2. Paragraph (b) of § 16.6 *Information to be furnished*, is amended to read as follows:

§ 16.6 **Information to be furnished.**

• • • • • •

(b) A record of the quantity and butterfat test of whole milk and the quantity of butterfat, which he produced on his farm and sold during each pay period from January 1 of the year prior to the year his milk was removed from the market to the time his milk was removed from market. This shall be either a certified statement or record furnished by the handler, or equivalent evidence of the quantity and quality of whole milk or butterfat marketed.

• • • • • •

3. Section 16.8 *Application for payment*, is amended to read as follows:

§ 16.8 **Application for payment.**

Application for payment shall be made, on a form prescribed therefor by the Deputy Administrator, by the eligible farmer or his legal representative, as set forth in section 16.12, who must sign and file the form with the ASCS county office for the county where the farm headquarters are located no later than August 31, 1966. However, applications may be accepted after such date if the State Committee determines that the eligible dairy farmer was prevented from filing by such date because of illness, or other reasons beyond his control. Applications for payment shall cover application periods of at least 28 days, except that, if the entire application period or the last application period is shorter than 28 days, applications for payment may be filed for such shorter period.

4. Section 16.17 *Records and inspection thereof*, is amended to read as follows:

§ 16.17 **Records and inspection thereof.**

The eligible farmer as well as his milk handler and any other person who furnishes evidence to such dairy farmer for the purpose of enabling him to receive a milk indemnity payment under this program shall maintain any existing books, records and accounts supporting any information furnished in connection with this program for 3 years following the end of the year during which the application for payment was filed. Authorized representatives of the Department of Agriculture and the General Accounting Office shall at all times during regular business hours have access to the premises of the eligible dairy farmer, his milk handler and of the person who furnished evidence to the eligible farmer for the purpose of enabling him to receive a payment, in order to inspect, examine and make copies of such books, records, and accounts.

The provisions of this Part issued pursuant to sec. 331, Economic Opportunity Act of 1964, 78 Stat. 525, sec. 303, Second Supplemental Appropriations Act, 1965, 79 Stat. 108, and sec. 331, Economic Opportunity Amendments of 1965, 79 Stat. 977.

Effective date: Date of publication.

Signed at Washington, D.C., on October 29, 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-11821; Filed, Nov. 2, 1965; 8:49 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER I—DETERMINATION OF PRICES

[Sugar Determination 871.18]

PART 871—SUGARBEETS

Fair and Reasonable Prices, 1965 Crop

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation and due consideration of evidence presented at public hearings held during December 1964, the following determination is hereby issued.

§ 871.18 **Fair and reasonable prices for the 1965 crop of sugarbeets.**

A producer of sugarbeets who is also a processor of sugarbeets (herein re-

ferred to as "processor") shall have paid, or contracted to pay for all sugarbeets of the 1965 crop grown by other producers and processed by him, in accordance with the following requirements:

(a) *Purchase agreements.* (1) The price for all sugarbeets delivered by a producer and processed by a processor, shall be not less than that required to be paid pursuant to the 1965–crop sugarbeet purchase contract between the processor and the producer for sugarbeets processed from the acreage specified in such contract.

(2) If the processor, in determining the net proceeds pursuant to the contract, makes a deduction from the gross sales price of sugar for factory-site bulk sugar storage facilities owned by the processor, such deduction shall be limited to amortization of such facilities, including improvements, over a reasonable period, interest at prevailing rates on the unrecovered cost, taxes, insurance, maintenance, and operating costs properly applicable thereto. After the costs of the facilities, including improvements, have been fully recovered such deduction shall be limited to taxes, insurance, maintenance, and operating costs properly applicable thereto.

(3) In determining the net proceeds pursuant to the contract, the gross sales price per 100 pounds to be applicable to sugar sold to an affiliate company or other affiliate business entity, or to sugar used by the processor during the settlement period, shall be not less than the weighted average quoted basis price, less customary allowances, and plus appropriate prepays and package differentials which would have been applicable to such sugar had it been marketed to nonaffiliated purchasers.

(b) *Reporting requirements.* The processor shall submit to the Director, Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250, within 60 days after the close of the sales period specified in the sugarbeet purchase contract an itemized statement, for each settlement district, certified by an independent accountant showing the computation of "net proceeds" or "net returns" as provided in such contract, such statement to be in substantially the form as that contained in Schedule A attached hereto and made a part hereof: *Provided,* That, if the processor markets sugar to an affiliate company or other affiliate business entity or if the processor uses any beet sugar, the weighted average gross sales price for each category, the marketing expenses applicable to each, and the net proceeds derived therefrom shall be reported in substantially the form shown on Schedule A–1 attached hereto and made a part hereof, to supplement the information submitted in accordance with Schedule A: *Provided further,* That, if the processor in determining net proceeds makes a deduction for factory-site bulk sugar storage facilities owned by the processor, the total cost of such facilities, including improvements, the amount of the deduction and the expenses used in determining such deduction shall be reported in substantially the form shown on Schedule A–2 attached hereto and made a part hereof, to supplement the information submitted in accordance with Schedule A.

(c) *Subterfuge.* The processor shall not reduce returns to producers below those determined in accordance with the requirements of this section through any subterfuge or device whatsoever.

Statement of bases and considerations. (a) *General.* The foregoing determination establishes the fair and reasonable price requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugarbeets of the 1965 crop grown by other producers.

(b) *Requirements of the act.* Section 301(c)(2) of the act provides that the producer on the farm who is also, directly or indirectly, a processor of sugarbeets or sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for any sugarbeets or sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

(c) *1965 fair price determination.* This determination provides that a processor shall be deemed to have complied with the fair price provisions of the act if he has paid, or contracted to pay, prices for all sugarbeets processed that are not less than those determined pursuant to the applicable 1965-crop purchase contract with producers.

At the public hearing held at Yakima, Wash., on December 4, 1964, producer representatives testified that labor and other sugarbeet producing costs had increased without a corresponding increase in producer income, and as a result producers' profits were declining; that producers needed a more equitable share of proceeds; and that producers had no choice but to accept the contract offered them by the processor if they wished to grow sugarbeets. They stated that in most areas 1965-crop purchase contracts had not yet been negotiated.

At the hearing held in Stockton, Calif., on December 14, 1964, a representative of producers stated that they were still hoping that the Department will devise another basis of payment for beets other than the net selling price of beet sugar. He stated that the majority of 1965-crop contracts for California had been negotiated without change.

Examination of the 1965-crop purchase contracts, which have been negotiated by producers and processors and submitted to the Department subsequent to the hearings, indicates that with few exceptions the major provisions relating to payments for sugarbeets conform to those of the 1964 crop. One processor reduced the payment for beets at net return levels above 8.5 cents in two contracts, and one processor reduced the payment for beets at 14.5 percent sugar content and below but increased the payments for beets containing 16 percent and above in one contract. The contracts of one processor, which in the past have permitted growers to elect whether they wanted payment for their sugarbeets on an "individual test" basis or a "fifty-fifty" basis have deleted the "fifty-fifty" option. The format and scale of the contract of a new processor in a new producing area in the eastern sugarbeet region is similar to that of some contracts issued in the western sugarbeet region. Other changes in the contracts relate to the prices for sugarbeet seed and the participation by producers and processors in the freight costs for sugarbeets. Changes in the 1965-crop purchase contracts are not expected to alter significantly the sharing relationships between the producer and the processor at normal ranges of sugar prices and sucrose levels.

Consideration has been given to the provisions of the purchase contracts, to the comparative average operating results of producers and processors obtained by field study for a prior crop and recast in terms of prospective price and production conditions for the 1965 crop, and to other pertinent factors. The analysis indicates that the payments for sugarbeets provided in the 1965-crop purchase contracts are fair and reasonable at levels of sugar prices which may be expected during the marketing season.

Accordingly, I hereby find and conclude that the foregoing price determination will effectuate the price provisions of the Sugar Act of 1948, as amended. (Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies Sec. 301, 61 Stat. 929, 7 U.S.C. Sup. 1131).

NOTE: The recordkeeping and reporting requirements of these regulations have been approved by, and subsequent recordkeeping and reporting requirements will be subject to, the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. This determination shall become effective on November 3, 1965, and is applicable to the 1965 crop of sugarbeets.

Signed at Washington, D.C., on October 29, 1965.

ORVILLE L. FREEMAN,
Secretary.

SCHEDULE A—STATEMENT OF AVERAGE NET RETURN OR NET PROCEEDS FROM SALES OF SUGAR[1]

Company ----------
Settlement area ----------
Settlement period ----------

	Per hundredweight sugar (dollars)
Gross sales price	
Less sales and marketing expenses (applicable to sugar only):	
Federal excise tax	
Freight on sugar to destination	
Cash discount	
Allowances	
Public storage (actually paid)	
Off-site storage owned by the processor (amount charged)	
On-site storage (computed charge)[2]	
Loading and handling	
Cost of packing in excess of basis pack	
Taxes	
Insurance	
Brokerage and commissions	
Advertising	
Sales department expenses:	
Salaries	
Travel	
Miscellaneous	
Other (specify)	
Total expense	
Net returns or net proceeds	

(Data will be held confidential and will not be published in any manner as would disclose the operations of any company).

SCHEDULE A–1—STATEMENT OF GROSS SALES PRICES APPLICABLE TO SUGAR SOLD TO AFFILIATED COMPANIES OR ENTITIES AND USED BY THE PROCESSOR, AS COMPARED TO SALES TO NONAFFILIATED PURCHASERS

	Affiliated purchasers	Used by processor	Nonaffiliated purchasers
Sugar sold or used, hundredweight			
	Dollars per hundredweight		
Quoted basis price			
Customary allowances (itemize):			
Open competitive			
Other		XXXX	
		XXXX	
		XXXX	
Basis price less allowances			
Prepay		XXXX	
Package differential		XXXX	
Gross sales price			
Marketing expenses		(1)	
Net proceeds			

[1] If any marketing expenses are deducted from the gross sales price by the processor in computing net return for this particular sugar, such expenses shall be itemized separately.
(Data will be held confidential and will not be published in any manner as would disclose the operations of any company.)

SCHEDULE A–2—STATEMENT RELATING TO CHARGES FOR COMPANY-OWNED FACTORY-SITE BULK SUGAR STORAGE IN COMPUTING NET PROCEEDS, 1965 CROP (SUBMIT SEPARATE SCHEDULE FOR EACH FACILITY)

Company ----------
Location of bulk sugar storage facility ----------
Settlement areas included ----------
Settlement period ----------
Sugar sold during settlement period, hundred weight ----------

	Total dollars
Original cost of facility (year first used ----)	
Improvements (Item and date):	

Total cost of facility including improvements	
Total amount recovered prior to 1965-crop	
Total unrecovered cost of facility	
Operating costs or charges for 1965-crop:	
Interest on unrecovered cost	
Taxes	
Insurance	
Maintenance and operating (Itemize):	

Total operating costs for 1965-crop	
Amount applied against 1965-crop to amortize cost of facility	
Total amount charged for facility in computing net proceeds—1965-crop (to be carried to Schedule A as amount of deduction)	
Unamortized cost of facility at end of 1965-crop	

(Data will be held confidential and will not be published in any manner as would disclose the operations of any company.)

[1] Where the purchase contract provides that the proceeds from the sales of molasses and beet pulp are to be included in calculating the net return or net proceeds, show separately the gross sales price and the marketing expenses applicable to each.

[2] Obtain from Schedule A–2.

[F.R. Doc. 65–11778; Filed, Nov. 2, 1965; 8:46 a.m.]

[Sugar Determination 873.18]

PART 873—SUGARCANE; FLORIDA

Prices, 1965 Crop

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation and due consideration of the evidence presented at the public hearing held in Belle Glade, Fla., on May 14, 1965, the following determination is hereby issued:

§ 873.18 Fair and reasonable prices for the 1965 crop of Florida sugarcane.

A producer of sugarcane in Florida who is also a processor of sugarcane (herein referred to as "processor") shall have paid, or contracted to pay, for sugarcane of the 1965 crop grown by other producers and processed by him, or shall have processed sugarcane of other processor-producers under a toll agreement, in accordance with the following requirements.

(a) *Definitions.* For the purpose of this section, the term: (1) "Price of raw sugar" means the daily spot quotation of raw sugar of the New York Coffee and Sugar Exchange No. 7 domestic contract, except that if the Director of the Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250, determines that such price does not reflect the true market value of raw sugar, because of inadequate volume or other factors, he may designate the price to be effective under this section which he determines will reflect the true market value of raw sugar.

(2) "Season's average price of raw sugar" means (i) the weighted average price of raw sugar for the months in which 1965-crop sugar is delivered to the purchaser, determined by weighting the simple average of the daily prices of raw sugar for each month in which sugar is delivered to the purchaser by the quantity of 1965-crop raw sugar or raw sugar equivalent delivered during each corresponding month, or (ii) the average price of raw sugar received by a processor who disposes of all of his sugar under a single contract with a refiner.

(3) "Raw sugar" means raw sugar, 96° basis.

(4) "Net sugarcane" means the gross weight of sugarcane delivered by a producer to a processor minus a deduction equal to the average percentage weight of trash delivered with all sugarcane ground at each mill operated by a processor.

(5) "Trash" means green or dried leaves, sugarcane tops, dirt, and all other extraneous material delivered with sugarcane.

(6) "Standard sugarcane" means sugarcane containing 12.5 percent sucrose in the normal juice.

(7) "Average percent sucrose in normal juice" means (i) the average percent crusher juice sucrose of the producer's sugarcane multiplied by a factor representing the ratio of factory normal juice sucrose to factory crusher juice sucrose at the processor's mill; or (ii) the average percent sample mill juice sucrose of the producer's sugarcane multiplied by a factor representing the ratio of factory normal juice sucrose to the average sample mill juice sucrose analyses of producers' sugarcane. However, the method of subdivision (ii) above, shall be used by the processor where the crusher juice is diluted or where the sugarcane of one producer is commingled with the sugarcane of another producer.

(8) "Average percent crusher juice sucrose" referred to in subparagraph (7)(i) of this paragraph means the percentage of sucrose in crusher juice as determined by direct analysis. "Factory normal juice sucrose" means the percentage of sucrose in undiluted juice as derived by multiplying factory diluted juice purity by factory normal juice Brix. Factory normal juice Brix is determined by multiplying factory crusher juice Brix, as determined by direct analysis by a dry milling factor which represents the ratio of normal juice Brix to crusher juice Brix. "Factory dilute juice purity" means the ratio of factory dilute juice sucrose to factory dilute juice Brix as determined by direct analysis.

(9) "Average percent sample mill juice sucrose" referred to in subparagraph (7)(ii) of this paragraph means the percentage of sucrose in juice extracted from producers' sugarcane by a sample mill determined by direct analysis. "Factory normal juice sucrose" is derived in one of the following ways: (1) when sugarcane is washed and/or "cush-cush" is distributed in such a manner as to become commingled with sugarcane in front of the crusher mill (or first mill in the absence of a crusher),

the crusher or first expressed juice is diluted and consequently cannot be used as a basis for computing factory normal juice Brix and sucrose. In such case, crusher juice Brix is derived by multiplying the daily average of all sample mill juice Brix determinations with respect to producers' sugarcane by a dilution compensation factor representing the ratio of factory crusher juice Brix to sample mill juice Brix extracted from dry sugarcane as determined by direct analysis. Such factory crusher juice Brix is multiplied by a dry milling factor to obtain factory normal juice Brix. Factory normal juice Brix is multiplied by the factory dilute juice purity to obtain factory normal juice sucrose; or (ii) where crusher juice is not diluted due to sugarcane washing or the return of cush-cush, factory normal juice Brix is determined by multiplying factory crusher juice Brix by a dry milling factor and factory normal juice sucrose is obtained by multiplying factory normal juice Brix by factory dilute juice purity.

(10) "Salvage sugarcane" means sugarcane containing less than 9.5 percent sucrose in the normal juice.

(11) "State office" means the Florida State Agricultural Stabilization and Conservation Service Office, 401 Southeast First Avenue, Gainesville, Fla., 32601.

(12) "State Committee" means the Florida State Agricultural Stabilization and Conservation Committee.

(b) *Basic price for purchased sugarcane.*

(1) The basic price for sugarcane purchased by a processor from producers shall be not less than $1.09 per ton of standard sugarcane for each one-cent per pound of the season's average price of raw sugar.

(2) Net sugarcane (except salvage sugarcane) shall be converted to standard sugarcane by multiplying the total quantity of net sugarcane delivered by each producer by the applicable quality factor in accordance with the following table:

Average percent sucrose in normal juice	*Standard sugarcane quality factor*[1]
9.5	.70
10.0	.75
10.5	.80
11.0	.85
11.5	.90
12.0	.95
12.5	1.00
13.0	1.05
13.5	1.10
14.0	1.15
14.5	1.20
15.0	1.25
15.5	1.30

(3) *Molasses payment.* The processor shall pay to the producer for each ton of net sugarcane ground an amount equal to the product of 5.9 gallons times one-half of the excess above 4.75 cents per gallon of the weighted average net sales price per gallon of blackstrap or final molasses, basis f.o.b. tank truck or railroad car at mill, sold during the 12-month period ending May 31, 1966: *Provided,* That if the processor sells molasses for his own account and for the account of another processor the weighted average net sales price of molasses for all processors involved shall for the purpose of this paragraph be determined on the basis of the price at which all molasses was sold by such processor during such 12-month period.

(4) *General.*

(i) The price for sugarcane specified in this paragraph is applicable to sugarcane loaded on carts or trucks at the farm, or if sugarcane is transported by railroad, loaded in railroad cars at the railroad siding nearest the farm, and the processor is required to bear the cost of transporting sugarcane (gross weight) from such points to the mill: *Provided,* That if sugarcane is transported a distance of more than 14.9 miles to the mill by railroad or other common carrier, the producer may be required to bear the additional cost of transporting such sugarcane (based upon published tariffs): *Provided further,* That if the processor transports, in his own conveyance, or arranges for the transportation of sugarcane with other than a common carrier, he may charge the producer 5 cents per ton for each mile such sugarcane is transported in excess of 14.9 miles, or if the producer transports sugarcane to the mill by other than railroad or other common carrier the processor shall pay to the producer 5 cents per ton for each mile such sugarcane is transported, but not in excess of 14.9 miles.

(ii) Deductions for frozen sugarcane, fiber content determinations and deductions, definitions of delivery schedules and similar specifications employed in connection with the purchase of 1965-crop sugarcane shall be substantially in accordance with the general practices in Florida and as agreed upon between the producer and the processor.

(iii) Nothing in subdivision (ii) of this subparagraph shall be construed as prohibiting modification of customs and practices which may be necessary because of unusual circumstances, any such modification to be reported in writing by the processor to the State office.

(iv) In the event a general freeze causes abnormally low recoveries of raw sugar by a processor in relation to the sucrose test of the sugarcane, payment for such sugarcane may be made as agreed upon between the producer and the processor subject to the written approval of the State office upon a determination by the State committee that the payment is fair and reasonable.

(v) The processor shall submit to the State office for approval: (a) a statement setting forth the weighted average price of raw sugar upon which settlements with producers are based; and (b) a statement setting forth the gross proceeds and the handling and delivery expenses deducted in arriving at the weighted average net sales price of blackstrap molasses.

(c) *Salvage sugarcane.* The price for salvage sugarcane shall be as agreed upon between the processor and the producer, subject to the approval of the State office.

(d) *Toll agreements.* The rate for processing sugarcane produced by a processor and processed under a toll agreement by another processor shall be the rate they agree upon.

(e) *Subterfuge.* The processor shall not reduce returns to the producer below those determined in accordance with the requirements of this section through any subterfuge or device whatsoever.

Statement of bases and considerations.

(a) *General.* The foregoing determination establishes the fair and reasonable rate requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugarcane of the 1965 crop grown by other producers.

(b) *Requirements of the act.* Section 301(c)(2) of the act provides as a condition for payment, that the producer on the farm who is also directly or indirectly a processor of sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

(c) *1965 price determination.* This determination continues the provisions of the 1964-crop determination, except that the price of molasses on which payment to producers is based is on an f.o.b. tank truck or railroad car basis instead of f.o.b. mill tank; and the molasses payment to producers is to be based on 5.9 gallons of blackstrap molasses per net ton of cane, instead of 5.8 gallons, reflecting the most recent 5-year average recovery.

A public hearing was held in Belle Glade, Fla., on May 14, 1965, at which interested persons were afforded the opportunity to present their views on fair and reasonable prices for the 1965 crop of sugarcane. A witness testifying on behalf of the United States Sugar Corp. recommended that producers' share, on a pro rata basis, in the storage and handling costs relating to raw sugar incurred as a result of marketing allotments or raw sugar sales contracts with refiners. He stated that his company had no storage facilities prior to 1954 when the need first arose due to marketing restrictions; that from 1954 through 1959 the pro rata share of storage costs were passed on to producers; and that in 1960 and 1961 some sugar was stored but no charge was made to growers since this storage was for the convenience of the refinery. He stated that not being allowed to charge producers for their share of storage costs is unfair to the processor and changes the cost-sharing ratio in favor of the producer. He further recommended that a standard deduction for trash for each processor be determined in advance of the 1965 crop; that for 1965 the deduction be based on the average of 1963 and 1964 trash tests; and for 1966 and succeeding crops on a 3-year moving average. An independent producer recommended that the standard 4 percent deduction for trash used in prior years be used for the 1965 crop, or alternatively, that no change be made in the method used for the 1964 crop. He stated that independent producers would be unable to bear the additional costs of individual trash tests.

Consideration has been given to the recommendations presented at the hearing, to data on returns, costs, and profits of producing and processing sugarcane obtained by field survey for recent crops and recast in terms of price and production conditions likely to prevail for the 1965 crop, and to other pertinent factors. This analysis indicates that the sharing relationship between processors and producers provided by the 1964 crop determination continues to be equitable for the 1965 crop.

The recommendation that producers share pro rata in the costs associated with the storage and handling of raw sugar resulting from marketing allotments or contractual arrangement with a refiner has not been adopted. Raw sugar storage costs are considered to be processor costs and as such are included in the development of the cost sharing ratio used as a basis for distributing returns between producers and processors. In projecting costs for recent crops full recognition has been given to the processor's storage costs. However, producing costs have tended, over the past few years, to represent an increasingly larger share of total producing and processing costs. Further increase in producing costs, such as sharing in storage costs, would necessitate a change in the sharing relationship.

The recommendation that a standard trash deduction for each processor be determined in advance of the crop based on a 3-year moving average has not been adopted. It is believed that the advantages of using current trash tests outweigh any disadvantages that may result. The method of determining net sugarcane in prior years by deducting a standard 4 percent from the gross weight was changed in 1964 when net sugarcane was defined as the gross sugarcane delivered by a producer minus a deduction equal to the average percentage weight of trash delivered with all sugarcane ground at each mill operated by a processor. This change was made in order to provide a more current method that will keep pace with changing conditions. Determining net sugarcane by using a 3-year average trash basis would not be in line with this objective.

This determination provides that the molasses payment to producers is to be based on the net price of molasses f.o.b. basis tank truck or railroad car instead of f.o.b. mill tank. The operation of pumping molasses from the mill tank to the vehicle is a part of the storage function and as such is a processor cost. The charges to producers should start at a point where costs are more clearly definable.

On the basis of an examination of all pertinent factors, the provisions of this determination are deemed to be fair and reasonable. Accordingly, I hereby find and conclude that the foregoing price determination will effectuate the price provisions of the Sugar Act of 1948, as amended. (Sec. 403, 61 Stat. 932; 7 U.S.C. Sup. 1153. Interprets or applies sec. 301, Stat. 929; 7 U.S.C. Sup. 1131, as amended).

Effective date. This determination shall become effective on November 3, 1965, and is applicable to the 1965 crop of Florida sugarcane.

Signed in Washington, D.C., on October 29, 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-11779; Filed, Nov. 2, 1965; 8:46 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 143, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone and effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1)(ii) of § 908.443 (Valencia Orange Regulation 143, 30 F.R. 13528) are hereby amended to read as follows:

§ 908.443 Valencia Orange Regulation 143.

(b) * * *

(1) * * *

* * * * * *

(ii) District 2: 550,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 29, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-11780; Filed, Nov. 2, 1965; 8:46 a.m.]

PART 982—FILBERTS GROWN IN OREGON AND WASHINGTON

Expenses of Filbert Control Board and Rate of Assessment for 1965–66 Fiscal Year

Notice was published in the October 15, 1965, issue of the FEDERAL REGISTER (30 F.R. 13143) regarding proposed expenses of the Filbert Control Board for the 1965–66 fiscal year and rate of assessment for that fiscal year, pursuant to §§ 982.60 and 982.61 of the marketing agreement, as amended, and Order No. 982, as amended (7 CFR Part 982), regulating the handling of filberts grown in Oregon and Washington. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted within the prescribed time.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Filbert Control Board, and other available information, it is found that the expenses of the Filbert Control Board and rate of assessment for the fiscal year beginning August 1, 1965, shall be as follows:

§ 982.310 Expenses of the Filbert Control Board and rate of assessment for the 1965–66 fiscal year.

(a) *Expenses.* The expenses in the amount of $20,675 are reasonable and likely to be incurred by the Filbert Control Board during the fiscal year beginning August 1, 1965, for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for said fiscal year, payable by each handler in accordance with § 982.61, is fixed at 0.20 cent per pound of filberts.

It is found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)) in that: (1) The relevant provisions of

[1] The quality factor for sugarcane of intermediate percentages of sucrose in normal juice shall be interpolated and for sugarcane having more than 15.5 percent sucrose in the normal juice shall be computed in proportion to the immediately preceding interval.

said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal year shall be applicable to all assessable filberts from the beginning of such year; and (2) the current fiscal year began on August 1, 1965, and the rate of assessment herein fixed will automatically apply to all such assessable filberts beginning with that date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 29, 1965.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 65–11781; Filed, Nov. 2, 1965; 8:46 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 19,466]

PART 541—DEFINITIONS

Other Dwelling Units

OCTOBER 28, 1965.

Resolved that, notice and public procedure having been duly afforded (30 F.R. 11973) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration and of determination by it of the advisability of amendment of § 541.10–3 of the rules and regulations for the Federal Savings and Loan System (12 CFR 541.10–3) and for the purpose of effecting such amendment, hereby amends said § 541.10–3 to read as follows, effective November 3, 1965.

§ 541.10–3 Other dwelling units.

The term "other dwelling units" means real estate upon which there is located or which comprises or includes any of the following improvements:

(a) A structure or structures designed primarily for residential use and consisting of single-family dwellings or dwelling units for more than four families in the aggregate;

(b) A structure or structures, or parts thereof, designed or used as fraternity or sorority houses which include sleeping accommodations for students of a college or university; or

(c) A structure or structures, or parts thereof, designed or used principally for the provision of living accommodations for students, employees, or members of the staff of a college, university, or hospital.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[F.R. Doc. 65–11815; Filed, Nov. 2, 1965; 8:46 a.m.]

[No. 19,467]

PART 545—OPERATIONS

Land Development Loans and Investments

OCTOBER 28, 1965.

Resolved that, notice and public procedure having been duly afforded (30 F.R. 11974) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration and of determination by it of the advisability of amendment of Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) to provide for investment by Federal savings and loan associations in loans to finance land development under Title X of the National Housing Act, as amended, and for the purpose of effecting such amendment, hereby amends said Part 545 as hereinafter set forth, effective November 3, 1965:

Part 545 is hereby amended by the addition of a new section, § 545.6–14a, to read as follows:

§ 545.6–14a Insured loans to finance land development.

Without regard to any other provision of this part, except paragraph (a) of § 545.6–4, a Federal association which has a charter in the form of Charter N or Charter K (rev.) may invest in insured loans, and interests in insured loans, on the security of real estate located within its regular lending area, to finance land development under the provisions of Title X of the National Housing Act.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[F.R. Doc. 65–11816; Filed, Nov. 2, 1965; 8:48 a.m.]

[No. 19,468]

PART 545—OPERATIONS

Brokerage Business and Sale of Loans

OCTOBER 28, 1965.

Resolved That, notice and public procedure having been duly afforded (30 F.R. 11974) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration and of determination by it of the advisability of amendment of § 545.11 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.11), and for the purpose of effecting such amendment, hereby amends said § 545.11 to read as follows, effective December 3, 1965.

§ 545.11 Restrictions.

A Federal association may not engage in the mortgage brokerage business. A Federal association may sell any loan at any time if the total dollar amount of loans sold, including such sale, within the calendar year beginning January 1 immediately preceding the date of such sale, does not exceed a sum equivalent to 20 percent of the dollar amount of all loans held by such Federal association at the beginning of such calendar year. The limitation upon the sale of loans may be adjusted in the case of any Federal association upon application to and approval by the Board. All loans, or interests therein, sold shall be sold without recourse.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[F.R. Doc. 65–11817; Filed, Nov. 2, 1965; 8:48 a.m.]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. FSLIC–2,310]

PART 563—OPERATIONS

Brokerage Business and Sale of Loans

OCTOBER 28, 1965.

Resolved that, notice and public procedure having been duly afforded (30 F.R. 11975) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration and of determination by it of the advisability of amendment of § 563.23 of the rules and regulations for Insurance of Accounts (12 CFR 563.23) as hereinafter set forth, and for the purpose of effecting such amendment, hereby amends said § 563.23 to read as follows, effective December 3, 1965.

§ 563.23 Brokerage business and sale of loans.

No insured institution shall engage in the mortgage brokerage business: *Provided, however,* That any insured institution may sell any loan at any time if the total dollar amount of loans sold, including such sale, within the calendar year beginning January 1 immediately preceding the date of such sale, does not exceed a sum equivalent to 20 percent of the dollar amount of all loans held by such insured institution at the beginning of such calendar year. The limitation upon the sale of loans may be adjusted in the case of any insured institution upon application to and approval by the Corporation. All loans, or interests therein, sold shall be sold without recourse.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[F.R. Doc. 65–11818; Filed, Nov. 2, 1965; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 65–WA–31]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Federal Airways

On July 27, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 9323) stating that the Federal Aviation Agency proposed to revoke the 800 series airways.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable except those submitted by the National Business Aircraft Association (NBAA). The NBAA objected in general to the revocation of the 800 series airways and specifically to the revocation of V–837/875 between New Orleans, La., and Boston, Mass., V–830/887 between Fort Worth, Tex., and Washington, D.C., and V–819/843 between Atlanta, Ga., and Miami, Fla. An Agency survey of these routes during a recent IFR peak day showed limited use by itinerant aircraft between these designated terminals. The 800 series airways were instituted in an attempt to simplify flight planning; however, improved air traffic control capabilities and revision of the airway structure have reduced the use of these airways to a point that they no longer serve the purpose for which they were established.

V–888 is codesignated with V–30 between Norwich, Conn., and Montauk INT. V–30 is presently under consideration for revocation (Airspace Docket No. 64–EA–56; 30 F.R. 10055). Therefore to provide continuity on a preferred route from Boston, action is necessary to extend V–457 from Norwich, Conn., to Hampton, N.Y. Since this action is minor in nature and requires only a renumbering of the airway segment and will not involve an assignment or reassignment of airspace, notice and public procedure is unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 6, 1966, as hereinafter set forth.

Section 71.123 (29 F.R. 17509, 30 F.R. 434, 2928, 8264, 9624, 10984, 11136) is amended as follows:

1. V–802, V–804, V–805, V–806, V–807, V–810, V–819, V–830, V–837, V–839, V–843, V–845, V–846, V–853, V–854, V–855, V–859, V–861, V–863, V–875, V–879, V–880, V–881, V–887, V–888 are revoked.

2. In V–457 "From Norwich, Conn., via" is deleted and "From Hampton, N.Y., via INT Hampton 059° and Norwich, Conn., 177° radials; Norwich;" is substituted therefor and "Excluding the portion below 2,000 feet MSL outside the United States." is added.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 27, 1965.

JAMES L. LAMPL,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65–11765; Filed, Nov. 2, 1965; 8:45 a.m.]

[Airspace Docket No. 65–SO–44]

PART 73—SPECIAL USE AIRSPACE

Revocation and Alteration of Restricted Areas

On August 10, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 9957) stating that the Federal Aviation Agency proposed to alter Restricted Area R–5302 and to revoke Restricted Areas R–5303, R–5304, and R–5305 at Albermarle Sound, N.C.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 6, 1966, as hereinafter set forth.

1. In § 73.53 (29 F.R. 17760) Restricted Area R–5302, Albermarle Sound, N.C., is deleted and the following new description is substituted therefor:

R–5302 ALBERMARLE SOUND, N.C.

Boundaries: Beginning at latitude 36°03'–35'' N., longitude 76°03'05'' W.; to latitude 35°58'05'' N., longitude 76°02'10'' W.; to latitude 35°55'40'' N., longitude 76°24'05'' W.; to latitude 36°01'05'' N., longitude 76°–25'00'' W.

Designated Altitudes: Surface to FL 200.

Time of Designation: 0800 hours to 2300 hours e.s.t.

Using Agency: Commander, Fleet Air Norfolk, NAS Norfolk, Va.

2. In § 73.53 (29 F.R. 17760) Restricted Areas R–5303, R–5304, and R–5305 at Albermarle Sound, N.C., are revoked.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 27, 1965.

CLIFFORD P. BURTON,
Acting Director, Air Traffic Service.

[F.R. Doc. 65–11766; Filed, Nov. 2, 1965; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 166—DEPRESSANT AND STIMULANT DRUGS; DEFINITIONS, PROCEDURAL AND INTERPRETATIVE REGULATIONS

Advisory Committees

For the purpose of implementing section 511(g) of the Federal Food, Drug, and Cosmetic Act (sec. 3, Public Law 89–74; sec. 511, 79 Stat. 231; 21 U.S.C. 360a), and pursuant to the authority provided by the aforementioned act (sec. 701, 52 Stat. 1055 as amended; 21 U.S.C. 371) and delegated by the Secretary of Health, Education, and Welfare to the Commissioner of Food and Drugs (21 CFR 2.90), Title 21, Chapter I, is amended by adding thereto a new part, designated Part 166, reading as follows:

§ 166.101 Advisory committees; appointment; procedure; fees.

(a) *Selection, appointment, qualifications, compensation.* (1) Whenever the Commissioner deems necessary the referral to an advisory committee of any matter, with regard to determining whether a regulation under section 201 (v) (2) (C) or (3) of the act should be proposed, issued, amended, or repealed, whether such referral is made upon the Commission's own initiative or upon the request of an interested person, the Commissioner will request the National Academy of Sciences to select qualified experts willing to serve on the advisory committee. All such experts shall have had sufficient training and experience in pharmacology, psychiatry, internal medicine, anesthesiology, organic chemistry, sociology, psychology, or in other appropriate science to qualify them on the subject matter to be referred to them. The Commissioner will request the National Academy of Sciences, when it furnishes the names of such experts, to supply a biographical sketch showing the background of their experience and their connection, if any, with academic and commercial institutions.

(2) Each advisory committee shall consist of not less than three experts qualified in the subject matter to be referred to the committee and of adequately diversified professional backgrounds. The Commissioner may specify a larger number to serve. He shall appoint one member of the committee as chairman, and the chairman shall be the spokesman for the committee responsible for receiving and forwarding reports and for other functions of the Committee.

(3) The Commissioner shall appoint the experts so selected and fix their compensation not to exceed the maximum permitted by other authority per day for each day or part thereof spent in committee meetings and in traveling to and from committee meetings held outside the city of their residence, plus necessary traveling and subsistence expenses while the experts are serving away from their places of residence. Subsistence expenses shall not exceed $30 per day.

(b) *Procedure.* (1) The Commissioner shall submit to the chairman of the advisory committee all available materials and information relevant to the matter that has been referred to the committee. If the referral of a matter to an advisory committee is made upon the request of an interested person, the Commissioner shall furnish such person with copies of all materials and information that are furnished to the committee, except those materials which may have been transmitted to the Commissioner by such person and such scientific literature readily

available in scientific libraries. The chairman of the committee shall acknowledge receipt of the information and readiness of the committee to act. The date of acknowledgment of receipt of such information shall be considered the beginning of the period allowed for consideration by the committee. A copy of this acknowledgment shall be forwarded by the chairman of the committee to the interested person requesting referral of the matter to the committee. When the Commissioner on his own initiative has referred to an advisory committee any matter concerning a drug which is the subject of a new-drug application, the chairman shall forward a copy of the acknowledgment to any holder of such an application.

(2) A secretariat to the advisory committees will be established by the Commissioner. The secretariat shall furnish members of the committee with copies of any data received by the chairman. If the chairman of the committee believes that a meeting of the committee is necessary before making a recommendation, he shall so inform the Commissioner. Such meetings shall be held in Washington, D.C., or at such other place as the Commissioner shall furnish a suitable meeting place for the committee. If a meeting is held, the secretariat shall keep the minutes and provide clerical assistance.

(3) As soon as practicable, the advisory committee shall make an independent study of the data, and not later than 60 days after acknowledged receipt of such materials and information (unless the time has been extended as provided in subparagraph (4) of this paragraph), the chairman shall certify to the Commissioner the report and recommendations of the committee, including any minority report, together with all underlying data and a statement of the reasons or basis for the recommendations. The report will include copies of all material considered by the committee, except that in the case of scientific literature readily available in scientific libraries proper reference may be made to it instead of furnishing actual copies. A copy of the report of the advisory committee will be supplied to the interested person who requested the referral to the advisory committee, if any there be.

(4) If at any time within 60 days the chairman believes that the advisory committee needs more time, he shall so inform the Commissioner in writing, in which case he shall certify to the Commissioner such report as provided for in subparagraph (3) of this paragraph within an additional 30 days.

(5) The chairman of the committee, after consultation with the committee members, will inform the National Academy of Sciences of the committee's opinion concerning the member who may best represent the committee at a hearing, if one occurs.

(6) More than one referral may be handled by a committee concurrently.

(7) An interested person whose request for a referral of a matter to an advisory committee has been granted in accordance with the provisions of this section, as well as representatives of the Department of Health, Education, and Welfare, shall have a right to consult with the committee in connection with such referred matter. Such person shall notify the chairman and, if practicable, make appointments through him. If any interested person discusses with or offers information to a committee member concerning a referred matter, such committee member shall make a written report of the discussion or offer and submit it to the committee to be made a part of the file of the committee.

(8) Except for discussions with authorized persons, the committee shall not disclose information, material, or data referred to it prior to publication of a regulation unless such disclosure is specifically authorized by the Commissioner.

(c) *Fees.* (1) In the event of a referral of a matter under section 511(g) of the act to an advisory committee, the costs shall be borne by the person who requests the referral of the matter to the committee.

(2) The cost of the advisory committee shall include expenses of the secretariat, compensation of members, necessary travel and subsistence expenses of members, costs of duplicating documents referred to the committee, and other expenses arising by reason of referrals to the committee.

(3) An advance deposit shall be made in the amount of $2,500 to cover the costs. Further advance deposits of $2,500 each shall be made upon request of the Commissioner when necessary to prevent arrears in the payment of such costs. Any deposits in excess of actual expenses will be refunded to the depositor.

(4) All deposits and fees required by the regulations in this section shall be paid by money order, bank draft, or certified check drawn to the order of the Food and Drug Administration, collectible at par at Washington, D.C. All deposits and fees shall be forwarded to the Fiscal Branch, Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C., 20204, for deposit to the appropriation "Revolving Fund for Certification and Other Services, Food and Drug Administration."

(5) The Commissioner may waive or refund such fees in whole or in part when in his judgment such action will promote the public interest.

(6) Any person who believes that payment of these fees will work a hardship on him may petition the Commissioner to waive or refund the fees.

(Sec. 3, Public Law 89-74; secs. 511, 701, 52 Stat. 1055, as amended, 79 Stat. 231; 21 U.S.C. 360a, 371)

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER, since the regulations established thereby are procedural only and are within the excepted provisions of sections 3(a) (2) and (4) of the Administrative Procedure Act regarding notice, public procedure, and delayed effective date.

Dated: October 27, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-11823; Filed, Nov. 2, 1965; 8:49 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

Marina del Rey, Calif.

Pursuant to the provisions of section 1 of an Act of Congress approved April 22, 1940 (54 Stat. 150; 33 U.S.C. 180), § 202.111 is hereby prescribed establishing and governing the use and navigation of a special anchorage area in Marina del Rey Harbor, Calif., wherein vessels not more than 65 feet in length, when at anchor, shall not be required to carry or exhibit anchor lights, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 202.111 Marina del Rey Harbor, Calif.

An area in the main channel within the following described boundaries: Beginning at a point at latitude 33°58'40"; longitude 118°26'45"; thence north to latitude 33°59'00", longitude 118°26'45"; thence west to latitude 33°59'01", longitude 118°26'55"; thence south to latitude 33°58'37", longitude 118°26'55"; thence easterly to the point of beginning.

NOTE: This area is reserved for yachts and other recreational craft and for all types of small craft during storm, stress, or other emergency. Single and fore-and-aft moorings will be allowed in the area as permitted by the Director of the Department of Small Craft Harbors, Los Angeles County.

(Regs., Oct. 20, 1965, 1507-32 (Marina del Rey, Calif.)-ENGCW-ON; sec. 1, 54 Stat. 150; 33 U.S.C. 180)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 65-11764; Filed, Nov. 2, 1965; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Chapter VIII—United States Civil Service Commission

PART 801—VOTING RIGHTS PROGRAM

Louisiana

Appendix A to Part 801 is amended by specifying the date, time, and place for filing applications for listing in an additional parish in Louisiana.

APPENDIX A

* * * * *

LOUISIANA

* * * * *

West Feliciana; Saint Francisville—trailer at U.S. Post Office; November 3, 1965.

(Secs. 7, 9, Voting Rights Act of 1965; Public Law 89-110)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director, Bureau of Management Services.

[F.R. Doc. 65-11903; Filed, Nov. 2, 1965; 10:51 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 32—HUNTING

PART 33—SPORT FISHING

Miscellaneous Amendments

On page 11529 of the FEDERAL REGISTER of September 9, 1965, there was published a notice of proposed amendments to §§ 32.11, 32.21, 32.31, and 33.4 of Title 50, Code of Federal Regulations. The purpose of these amendments is to provide for public hunting of migratory game birds on Bosque del Apache, Kootenai, and Pathfinder National Wildlife Refuges, New Mexico, Idaho, and Wyoming; the public hunting of upland game on Bowdoin and Kootenai National Wildlife Refuges, Montana and Idaho; the public hunting of big game on Kootenai and Tishomiago National Wildlife Refuges, Idaho and Oklahoma; and sport fishing on Bowdoin and Kootenai National Wildlife Refuges, Montana and Idaho, as legislatively permitted.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed amendments. No comments, suggestions, or objections have been received. The proposed amendments are hereby adopted without change.

Since these amendments benefit the public by relieving existing restrictions on hunting and fishing, they shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 10, 45 Stat. 1224; 16 U.S.C. 715i; sec. 4, 48 Stat. 451, as amended, 16 U.S.C. 718d; and sec. 4, 48 Stat. 402; 16 U.S.C. 664)

1. Section 32.11 is amended by the addition of the following areas to those where hunting of migratory game birds is authorized:

§ 32.11 List of open areas; migratory game birds.

* * * * *

Idaho

Kootenai National Wildlife Refuge

New Mexico

Bosque del Apache National Wildlife Refuge

Wyoming

Pathfinder National Wildlife Refuge

* * * * *

2. Section 32.21 is amended by the addition of the following areas to those where hunting of upland game is authorized:

§ 32.21 List of open areas; upland game.

* * * * *

Idaho

Kootenai National Wildlife Refuge

Montana

Bowdoin National Wildlife Refuge

* * * * *

3. Section 32.31 is amended by the addition of the following areas to those where hunting of big game is authorized:

§ 32.31 List of open areas; big game.

* * * * *

Idaho

Kootenai National Wildlife Refuge

Oklahoma

Tishomingo National Wildlife Refuge

* * * * *

4. Section 33.4 is amended by the addition of the following areas to those where sport fishing is authorized:

§ 33.4 List of open areas; sport fishing.

* * * * *

Idaho

Kootenai National Wildlife Refuge

Montana

Bowdoin National Wildlife Refuge

* * * * *

STEWART L. UDALL,
Secretary of the Interior.

OCTOBER 28, 1965.

[F.R. Doc. 65-11787; Filed, Nov. 2, 1965; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Foreign Assets Control Office

IMPORTATION OF DRIED OR PRESERVED LEMONS DIRECTLY FROM VIET NAM

Available Certifications by the Government of Viet Nam

Notice is hereby given that certificates of origin issued by the Ministry of National Economy of the Government of Viet Nam under procedures agreed upon between that Government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Viet Nam of the following additional commodity:

Lemons, dried or preserved.

[SEAL] MARGARET W. SCHWARTZ,
Director, Foreign Assets Control.

[F.R. Doc. 65–11827; Filed, Nov. 2, 1965; 8:49 a.m.]

Office of the Secretary

DIRECTOR, OFFICE OF LAW ENFORCEMENT COORDINATION

Delegation of Authority

Pursuant to the authority delegated to me by Treasury Department Order No. 147 (Revision 2) of August 10, 1965 (30 F.R. 10205), I hereby delegate to the Director, Office of Law Enforcement Coordination, the function of serving as United States Representative with the International Criminal Police Organization (INTERPOL).

This delegation of authority shall be effective as of the date on which it is signed and includes ratification of all acts taken prior hereto which are connected with the terms and scope of this order.

Dated: October 27, 1965.

[SEAL] DAVID C. ACHESON,
Special Assistant to the Secretary (for Enforcement).

[F.R. Doc. 65–11798; Filed, Nov. 2, 1965; 8:48 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

CONRAD BECK ET AL.

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Conrad Beck, St. Johanns Vorstadt 7, 4000 Basel, Switzerland; $927.00.

Marius Casadesus, 8, rue Simon Dereure, Paris 18e, France; $983.05.

Gaspar Cassado, 16 Borgo degli Albizi, Firenze, Italy; $2,260.43.

Mario Castelnuovo-Tedesco, 269 South Clark Drive, Beverly Hills, Calif.; $1,238.97.

Aaron Copland, Rock Hill, R.F.D. 1, Peekskill, N.Y.; $26.58.

Samuel Dushkin, 1150 Park Avenue, New York, N.Y.; $267.85.

Jean Rene Desire Francaix, 10, Av. Ernest Bousson, Chatou (Seine et Oise), France; $21,328.08.

Peter Racine Fricker, 6155 Verdura Avenue, Goleta, Santa Barbara County, Calif.; $808.20.

Jakov Gotovac, Pierottijeva ul. 4/II, Zagreb, Yugoslavia; $13.33.

Karel Husa, 3333 The Parkway, Ithaca, N.Y.; $0.04.

Milko Kelemen, Vocarsko Naselje 102, Zagreb, Yugoslavia; $0.69.

Ernst Krenek, 10424 Pinyon Avenue, Tujunga, Calif., 91042; $602.36.

Enrico Mainardi, Via Fratelli Ruspoli 8, Rome, Italy; $37.33.

Charlotte Martinu, Vieux-Moulin Oise, France; $3,408.77.

Paul Nordoff, R.F.D. 1, Chester Springs, Pa.; $9.87.

Jean Rivier, 18 rue Pierre Curie, Paris V, France; $16.96.

Gertrud Schoenberg, 116 North Rockingham Avenue, Los Angeles 49, Calif.; $7.59.

Michael Kemp Tippett, Parkside, Corsham, Wiltshire, England; $1,076.84.

Claim Nos. 5965 and 62398. Vesting Order Nos. 2096 and 18593. All of the foregoing amounts are held in the Treasury of the United States.

Executed at Washington, D.C., on October 28, 1965.

For the Attorney General.

ANTHONY L. MONDELLO,
Deputy Director, Office of Alien Property.

[F.R. Doc. 65–11776; Filed, Nov. 2, 1965; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Utah 0146037]

UTAH

Amended Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 22, 1965.

Notice of proposed withdrawal, Utah 0146037, dated October 7, 1965, withdrawing locatable minerals in certain lands from location, entry and patent under the general mining laws on behalf of the Forest Service is hereby amended to include the following unpatented mining claims located in T. 3 S., R. 3 E., SLMer., Utah:

Utah, Dutchman Flat, Henrietta, J. Thomas, and 45th Star.

The claims listed aggregate 96.9 acres, more or less.

This withdrawal is subject to valid existing rights in these claims.

J. E. KEOGH,
Acting State Director.

[F.R. Doc. 65–11770; Filed, Nov. 2, 1965; 8:45 a.m.]

[Idaho 016816]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 26, 1965.

The Department of the Army, Corps of Engineers has filed an application, Serial Number Idaho 016816, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws and the issuance of grazing leases.

The applicant desires the land for use in connection with Asotin Reservoir project planning and the construction of the Asotin Dam to provide power and recreation with navigation facilities at a later date, together with the relocation of highways and public utilities.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 2237, Boise, Idaho, 83701.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of the Army, Corps of Engineers.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

T. 32 N., R. 5 W.,
Sec. 11, NE¼NW¼;
Sec. 15, lots 2 and 3, and NW¼SE¼;
Sec. 29, lot 1;
Sec. 34, lot 3.

The area described aggregates 191.50 acres in Nez Perce County, Idaho.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 65–11771; Filed, Nov. 2, 1965; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

ETOWAH COUNTY STOCKYARD COMMISSION CO. ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

Name, location of stockyard, and date of posting

ALABAMA

Etowah County Stockyard Commission Co., a corporation, Gadsden, Oct. 1, 1965.

IDAHO

Alexander Auction Sales & Service, Buhl, Oct. 5, 1965.

ILLINOIS

Midwest Farm Market, Inc., Atkinson, Oct. 12, 1965.

KENTUCKY

Paris Stockyards, Inc., Paris, Oct. 13, 1965.

SOUTH DAKOTA

Chamberlain Livestock Sales, Inc., Chamberlain, Oct. 13, 1965.

TEXAS

Navasota Livestock Commission Co., Navasota, Oct. 1, 1965.
Sonora Livestock Exchange Co., Sonora, Sept. 15, 1965.

Done at Washington, D.C., this 27th day of October 1965.

K. A. POTTER,
Acting Chief, Rates and Registrations Branch, Packers and Stockyards Division, Consumer and Marketing Service.

[F.R. Doc. 65–11782; Filed, Nov. 2, 1965; 8:46 a.m.]

HARRIS SALES CO. ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Name, location of stockyard, date of posting

Harris Sales Co., Odessa, Del., Dec. 21, 1959.
Bristol Livestock Sale, Bristol Station, Ill., Nov. 17, 1959.
Ottumwa Livestock Auction, Ottumwa, Iowa, May 23, 1959.
Tripoli Sales Co., Inc., Tripoli, Iowa, Dec. 8, 1961.
Garrett County Livestock Sales, Inc., Accident, Md., Dec. 1, 1959.
Trinity County Auction, Groveton, Tex., Jan. 21, 1960.
Alleghany County Livestock Market, Inc., Covington, Va., July 1, 1960.
Norton Livestock Market, Norton, Va., Mar. 3, 1959.
Ritchie County Livestock Sales Co., Inc., Lamberton, W. Va., Nov. 6, 1959.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not deposting promptly a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 27th day of October 1965.

K. A. POTTER,
Acting Chief, Rates and Registrations Branch, Packers and Stockyards Division, Consumer and Marketing Service.

[F.R. Doc. 65–11783; Filed, Nov. 2, 1965; 8:47 a.m.]

Office of the Secretary

NORTH DAKOTA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of North Dakota a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

NORTH DAKOTA

Nelson	Ramsey

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1966, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 28th day of October 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65–11784; Filed, Nov. 2, 1965; 8:47 a.m.]

TEXAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Texas natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

TEXAS

Bastrop	Hill
Collin	Lee
Ellis	Navarro

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1966, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 28th day of October 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65–11785; Filed, Nov. 2, 1965; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

CARL W. HASEK, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past 6 months:

A. Deletions
"NO CHANGE"
B. Additions
"NO CHANGE"

This statement is made as of October 9, 1965.

Dated: October 9, 1965.

CARL W. HASEK, Jr.

[F.R. Doc. 65-11769; Filed, Nov. 2, 1965; 8:45 a.m.]

National Bureau of Standards

N.B.S. RADIO STATIONS

Notice of U.S. Standard Frequency and Time Broadcasts

In accordance with the National Bureau of Standards policy of giving monthly notices regarding changes in phases of time pulses, notice is hereby given that there will be an adjustment in the phase of seconds pulses emitted from radio station WWVB, Fort Collins, Colo. On December 1, 1965, the clock at the station will be retarded by 200 ms at 0000 hours UT (7 p.m., e.s.t., of November 30). The successive time pulses emitted from station WWVB are one second apart. The carrier frequency of WWVB is 60 kHz, and is broadcast without offset.

Notice is also hereby given that there will be no change in the phases of time pulses emitted from radio stations WWV, Greenbelt, Md., and WWVH, Maui, Hawaii, on December 1, 1965. These pulses at present occur at intervals which are longer than one second by 150 parts in 10^{10}, due to the offset maintained in carrier frequencies, as coordinated by the Bureau International de l'Heure (BIH).

The phase adjustments ensure that the emitted pulses from all stations will remain within about 100 ms of the UT2 scale. They are made necessary because of changes in the speed of rotation of the earth with which the UT2 scale is associated. Daily UT2 information is obtained from forecasts of UT2 provided weekly by the U.S. Naval Observatory in accordance with the close cooperation maintained between the two agencies.

A. V. ASTIN,
Director.

[F.R. Doc. 65-11786; Filed, Nov. 2, 1965; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CIS-N[(1,1,2,2-TETRACHLOROETHYL) THIO]-4-CYCLOHEXENE-1,2-DICARBOXIMIDE

Notice of Establishment of Temporary Tolerances

Notice is given that at the request of the Chevron Chemical Co., 940 Hensley Street, Richmond, Calif., 94801, temporary tolerances are established for residues of the fungicide *cis*-N[(1,1,2,2-tetrachloroethyl) thio]-4-cyclohexene-1,2-dicarboximide in or on celery at 40 parts per million and in or on apricots, cherries, nectarines, peaches, plums, and prunes at 5 parts per million. The Commissioner of Food and Drugs has determined that these temporary tolerances will protect the public health.

Conditions under which these temporary tolerances are established are as follows:

1. The total amount of the fungicide to be used under the experimental permits issued by the U.S. Department of Agriculture will not exceed 13,600 pounds. Of this amount, 9,600 pounds would be provided for use on celery and 4,000 pounds on the fruits. Distribution will be under the Chevron Chemical Co. name.

2. The fungicide will not be marketed for general use but will be supplied to qualified persons for bona fide experimental use.

3. The Chevron Chemical Co. will comply with the requirements of § 120.31 (e) (3) and (4).

These temporary tolerances expire October 2, 1966.

This action is taken pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.90).

Dated: October 27, 1965.

WINTON B. RANKIN,
Assistant Commissioner for Planning.

[F.R. Doc. 65-11824; Filed, Nov. 2, 1965; 8:49 a.m.]

Office of Education

FEDERAL FINANCIAL ASSISTANCE IN CONSTRUCTION OF NONCOMMERCIAL EDUCATIONAL TELEVISION BROADCAST FACILITIES

Applications Accepted for Filing

Notice is hereby given that effective with this publication the following described applications, for Federal financial assistance in the construction of noncommercial educational television broadcast facilities are accepted for filing in accordance with 45 CFR 60.7:

University of New Hampshire, Durham, N.H., File No. 115, for the establishment of a new noncommercial educational television station on Channel 28, Hanover, N.H.

Greater Washington Educational Television Association, Inc., Washington, D.C., File No. 116, to expand the operation of the educational television station on Channel 26, Washington, D.C.

Any interested person may, pursuant to 45 CFR 60.8, within 30 calendar days from the date of this publication, file comments regarding the above applications with the Director, Educational Television Facilities Program, U.S. Office of Education, Washington, D.C., 20202.

(76 Stat. 64, 47 U.S.C. 390)

RAYMOND J. STANLEY,
Director, Educational Television Facilities Program, U.S. Office of Education.

[F.R. Doc. 65-11800; Filed, Nov. 2, 1965; 8:48 a.m.]

Office of the Secretary

ASSOCIATE GENERAL COUNSEL ET AL.

Designation of Authority To Certify Copies of Documents

Delegation of authority to certify copies of documents (28 F.R. 9402) is hereby amended to read as follows:

Pursuant to the provisions of section 623d, Chapter 11A, Title 5, United States Code, and Reorganization Plan No. 1 of 1953, the following persons in the Department of Health, Education, and Welfare are authorized to certify copies of documents on file in the Department of Health, Education, and Welfare, and to cause the seal of the Department to be affixed:

1. With respect to all documents on file in the Department:
   a. Associate General Counsel;
   b. Assistant General Counsel, Business and Administrative Law Division; and
   c. Secretary to the Associate General Counsel.
2. With respect to documents on file in the Food and Drug Administration:
   a. Commissioner of Food and Drugs;
   b. Deputy Commissioner of Food and Drugs; and
   c. Director, Bureau of Enforcement, Food and Drug Administration.
3. With respect to documents on file in the Social Security Administration:
   a. With respect to all documents on file in the Social Security Administration:
   (1) Commissioner of Social Security;
   (2) Deputy Commissioner of Social Security; and
   (3) Assistant Commissioner for Administration.
   b. With respect to documents on file in the Office of the Actuary:
   (1) Chief Actuary; and
   (2) Deputy Chief Actuary.
   c. With respect to documents on file in the Office of Information:
   (1) Information Officer.
   d. With respect to documents on file in any other Office of the Administration:
   (1) Assistant Commissioner of that Office; and
   (2) Deputy Assistant Commissioner of that Office.
   e. With respect to documents on file in any Bureau:
   (1) Director of that Bureau; and
   (2) Deputy Director of that Bureau.
4. With respect to documents on file in the Welfare Administration:
   a. Commissioner of Welfare;
   b. Deputy Commissioner of Welfare; and
   c. Executive Officer, Welfare Administration.
5. With respect to documents on file in the Public Health Service:
   a. With respect to all documents on file in the Public Health Service:
   (1) Chief, Headquarters Services Branch, Division of Administrative Services.
   b. With respect to documents on file in the National Center for Health Statistics:
   (1) Administrative Officer, Office of the Director.
   c. With respect to documents on file in the National Health Survey Division, National Center for Health Statistics:
   (1) Administrative Officer.
   d. With respect to documents on file in the National Vital Statistics Division, National Center for Health Statistics:
   (1) Administrative Officer.

Dated: October 25, 1965.

RUFUS E. MILES, JR.,
Assistant Secretary for Administration.

[F.R. Doc. 65-11825; Filed, Nov. 2, 1965; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16620; Order E-22816]

AMERICAN AIRLINES, INC.

Jet First-Class and Coach Fares; Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of October 1965.

American Airlines, Inc. (American), filed tariff revisions,[1] marked to become effective October 31, 1965, proposing to establish new jet first-class and coach one-way fares of $17.40 and $15.10, respectively, between Buffalo and Cleveland.

In justification of its proposal, American asserts that it is necessary to establish new jet fares between Buffalo and Cleveland to provide new jet services.

No complaints have been filed against the proposed tariff revisions.

We believe that the proposed new jet first-class and coach fares have not been supported by an adequate economic justification. In view of (1) the industry's present earning trend and the favorable rate of return[2] currently being experienced by American, and (2) the Board's action regarding other tariffs involving fare increases,[3] the proposal to establish (a) a new jet first-class one-way fare at a level higher than the corresponding propeller fare, and (b) a new jet coach one-way fare that includes a jet surcharge element of $1.04 above what would be the proper propeller coach fare appears unwarranted and should be suspended. Upon consideration of all relevant facts, the Board finds that the proposed one-way jet first-class and coach fares set forth below may be unjust or unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial, and should be investigated.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a), 403, 404, and 1002 thereof;

It is ordered, That:

1. An investigation is instituted to determine whether the jet first class fare and jet coach fare between Buffalo and Cleveland, and provisions applicable thereto, on 43d Revised Page 32 of Airline Tariff Publishers, Inc., Agent, tariff CAB No. 44, and rules, regulations, or practices affecting such fares and provisions are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, and practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the jet first class fare and jet coach fare between Buffalo and Cleveland, and provisions applicable thereto, on 43d Revised Page 32 of Airline Tariff Publishers, Inc., Agent, tariff CAB No. 44, are suspended and their use deferred to and including January 28, 1966, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This investigation be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. A copy of this order be filed with the tariff and be served upon American Airlines, Inc., which is made a party to the investigation.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[4]

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65-11814; Filed, Nov. 2, 1965; 8:48 a.m.]

[1] Revisions to Airline Tariff Publishers, Inc., Agent, CAB No. 44.

[2] Rate of return:*

	Industry (percent)	American (percent)
Year 1964	10.0	9.7
Year ending June 30, 1965	11.5	10.6

*Does not reflect investment tax credit provisions accrued by the carriers, ranging from 0.5 to 0.7 percent.

[3] Order E-22483; Order E-22587.

FEDERAL POWER COMMISSION

[Docket No. G-3860 etc.]

ANADARKO PRODUCTION CO. ET AL.

Findings and Order

OCTOBER 25, 1965.

Anadarko Production Co. (successor to Ambassador Oil Corporation) and other applicants listed herein, Docket Nos. G-3869, et al.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending certificates, permitting and approving abandonment of service, terminating certificates, substituting respondent, redesignating proceedings, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC Gas Rate Schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are either equal to or below the ceiling prices established by the Commission's Statement of General Policy 61-1, as amended, or involve sales for which permanent certificates have been previously issued.

Anadarko Production Co., Applicant in Docket Nos. G-17301 and G-19563, proposes to continue the sales of natural gas heretofore authorized in said dockets and made pursuant to Ambassador Oil Corp. FPC Gas Rate Schedule Nos. 6 and 8, respectively. Said rate schedules have been redesignated as those of Anadarko. Ambassador has filed increased rates under its FPC Gas Rate Schedule Nos. 6 and 8 which increases have been suspended in Docket Nos. RI60-363[1] and RI61-486[1], respectively, and have not been made effective. Anadarko has filed motions to be substituted in lieu of Ambassador as respondent in each of the rate proceedings. Accordingly, Anadarko will be substituted as respondent, and said proceedings will be redesignated.

After due notice, a petition to intervene by the Long Island Lighting Co. was filed on September 15, 1965, in Docket No. CI66-143. A notice of withdrawal of the intervention by intervener was filed on September 29, 1965. No other petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on October 20, 1965, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

[4] Dissent of Member Gilliland filed as part of original document.

[1] Consolidated with Docket No. AR64-1, et al.

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in the following dockets should be amended as hereinafter ordered:

G–2612	G–15921	CI64–946
G–3488	G–17301	CI64–988
G–3869	G–17791	CI64–1035
G–4880	G–19563	CI64–1123
G–5452	CI61–183	CI64–1235
G–9324	CI61–253	CI64–1392
G–10525	CI61–711	CI64–1426
G–10830	CI62–1243	CI65–1219
G–11243	CI63–1241	CI65–767
G–11870	CI63–1255	CI65–879
G–13870	CI63–1487	
G–15814	CI64–728	

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the temporary certificate heretofore issued in Docket No. G–18743 should be amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicant in Docket No. CI65–1265.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Applicant in Docket No. CI65–1265 should be authorized to continue the sales of natural gas heretofore authorized in Docket No. CI64–1560, and the certificate heretofore issued in Docket No. CI64–1560 should be terminated.

(8) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the tabulation herein and in the respective applications, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of public convenience and necessity heretofore issued to the respective Applicants herein relating to the abandonments hereinafter permitted and approved should be terminated.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Anadarko Production Co. should be substituted in lieu of Ambassador Oil Corp. as respondent in the proceedings pending in Docket Nos. RI60–363 and RI61–486, and that said proceedings should be redesignated accordingly.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the respective related rate schedules and supplements as designated or redesignated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after April 15, 1965, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d) of the Commission's Statement of General Policy 61–1, as amended, shall be filed prior to the applicable dates, as indicated by footnotes 11 and 21 in the attached tabulation.

(E) The certificate issued herein in Docket No. CI65–763 is subject to the conditions set forth in paragraphs (B), (C), and (D) of the order accompanying Opinion No. 464, issued June 10, 1965, in Docket Nos. G–8087, et al. (33 FPC __).

(F) The certificate issued herein in Docket No. CI65–1265 authorizing the sale of gas by Texas Gas Exploration Corp. to its parent, Texas Gas Transmission Corp. determines the rate which legally may be paid by the buyer to the seller, but is without prejudice to any action which the Commission may take in any future rate proceeding involving either company.

(G) The certificate issued herein in Docket No. CI66–143 is conditioned upon Applicant submitting a rate schedule filing prior to the commencement of service.

(H) The certificate issued herein in Docket No. CI66–144 is issued at a total initial rate of 16.0 cents per Mcf at 15.325 p.s.i.a.

(I) The certificates heretofore issued in Docket Nos. G–10830, G–11870, CI61–711, CI64–1392, CI64–1426, CI65–767, and CI65–1219 are amended by adding thereto or deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(J) The certificates heretofore issued to The Shamrock Oil and Gas Corp. and Phillips Petroleum Co. in Docket Nos. G–4880 and G–3488, respectively, are amended by deleting therefrom authorization to sell natural gas from the Back No. 1 Well under the related exchange agreement.

(K) The certificate heretofore issue in Docket No. G–17791 is amended to include the sale of natural gas from the additional acreage and such authorization is subject to the conditions set forth in paragraphs (B), (C), and (D) of the order accompanying Opinion No. 464 issued June 10, 1965, in Docket Nos. G–8087, et al., (33 FPC __).

(L) The certificates heretofore issued in Docket Nos. CI63–1241 and CI64–946 are amended to include the sales of natural gas from the additional acreage and such authorizations are subject to the conditions set forth in paragraphs (C), (D), and (E) of the order accompanying Opinion No. 353 (27 FPC 449).

(M) The certificate heretofore issued in Docket No. CI64–1035 is amended to include the sale of natural gas from the additional acreage. The rate for the additional service shall be 15.0 cents per Mcf at 14.65 p.s.i.a., including tax reimbursement.

(N) The certificates heretofore issued in Docket Nos. G–2612 and G–10525 are amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicants in Docket Nos. CI66–125 and CI66–141.

(O) The temporary certificate heretofore issued in Docket No. G–18743 is amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicant in Docket No. CI65–1265.

(P) In view of the certificate issued herein in Docket No. CI65–1265 wherein Texas Gas Exploration Corp. is authorized to sell gas from all acreage acquired from Ken-Apex Oil Co. in Docket No. CI64–1560, the certificate heretofore issued in Docket No. CI64–1560 is terminated.

(Q) The certificates heretofore issued in Docket Nos. G–9324 and G–11243 are amended to reflect Amax Petroleum Corp. as Operator of the properties involved in lieu of J. M. Flaitz and R. B. Mitchell.

(R) The certificate heretofore issued in Docket No. G–13870 is amended to reflect a change in delivery point.

(S) The certificate heretofore issued to E. Doyle Penton and D. N. Penton doing business as Penton & Penton (Operator), et al., in Docket No. G–15921 is amended by changing the name of the certificate holder to Ruth I. Penton and D. N. Penton doing business as Penton & Penton (Operator), et al.

(T) The certificates heretofore issued in Docket Nos. G–3869, G–5452, G–15814, G–17301, G–19563, CI61–183, CI61–253, CI62–1243, CI63–1255, CI63–1487, CI64–728, CI64–988, CI64–1123, CI64–1235, and CI65–879 are amended by changing the certificate holders to the respective successors in interest as indicated in the tabulation herein.

(U) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described and as more fully described in the respective applications herein are granted.

(V) The certificates heretofore issued in Docket Nos. G–4675, G–11822, G–12006, G–16266, G–16280, and CI65–113 are terminated.

(W) Anadarko Production Co. is substituted in lieu of Ambassador Oil Corp. as respondent in the proceedings pending in Docket Nos. RI60–363 and RI–61–486, and said proceedings are redesignated accordingly.[2]

(X) The respective related rate schedules and supplements as indicated in the tabulation herein are accepted for filing; further, the rate schedules relating to the successions herein are redesignated and accepted, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates as indicated in the tabulation herein.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[2] Docket No. RI60–363, Anadarko Production Co.; Docket No. RI61–486, Anadarko Production Co., (Operator), et al.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G–3869 E 7–29–65	Anadarko Production Co. (successor to Ambassador Oil Corp.).	Kansas-Nebraska Natural Gas Co., Inc., Padroni Field, Logan County, Colo.	Ambassador Oil Corp., FPC GRS No. 2.	93	
			Supplement Nos. 1–3	93	1–3
			Notice of succession (undated).		
			Assignment 8–2–65 [1]	93	4
			Effective date: 8–1–65		
G–4880 (G–3488) [3] D 8–20–65	The Shamrock Oil & Gas Corp. (partial abandonment).	Phillips Petroleum Co., Panhandle Field, Gray County, Tex.	Letter Agreement 7–16–64 [4] [5]	14	26
G–5452 E 8–25–65	C. T. Moore and K. W. Fox (successor to Ledford Flint, et al.).	Consolidated Gas Supply Corp., Ten Mile District, Harrison County, W. Va.	Ledford Flint, et al., FPC GRS No. 1.	3	
			Supplement Nos. 1–7	3	1–7
			Notice of succession 8–24–65.		
			Assignment 6–10–65	3	8
			Effective date: 6–10–65		
G–9324 E 8–27–65 [6]	Amax Petroleum Corp. (Operator), et al. (successor to J. M. Flaitz and R. B. Mitchell (Operator), et al.).	Tennessee Gas Transmission Co., Magnet-Withers Field, Wharton County, Tex.	J. M. Flaitz and R. B. Mitchell (Operator), et al., FPC GRS No. 1.	18	
			Supplement Nos. 1–6	18	1–6
			Notice of succession 8–21–65. [7]		
			Effective date: 7–1–62		
G–10830 D 7–23–65	International Hellum, Inc. (Operator), et al. (partial abandonment).	United Gas Pipe Line Co., Bethany Field, Harrison County, Tex.	Notice of partial cancellation 7–19–65. [4] [8]	2	6
G–11243 E 8–26–65 [6]	Amax Petroleum Corp. (Operator), et al. (successor to J. M. Flaitz and R. B. Mitchell (Operator), et al.).	Southern Natural Gas Co., Napoleonville Field, Assumption Parish, La.	J. M. Flaitz and R. B. Mitchell (Operator), et al., FPC GRS No. 2.	19	
			Supplement Nos. 1–2	19	1–2
			Notice of succession 5–25–65. [7]		
			Effective date: 7–1–62		
G–11870 D 3–8–65	Socony Mobile Oil Co., Inc. (partial abandonment).	Panhandle Eastern Pipe Line Co., Prairie Field, Hansford County, Tex.	Notice of partial cancellation 3–5–65. [8]	11	7
			Notice of partial cancellation 3–5–65. [4] [8]	11	8
G–13870 7–30–65 [9] [11]	CRA, Inc.	United Gas Pipe Line Co., North Indian Hills, Montgomery County, Tex.	Amendment 5–22–58 [4]	13	5
G–15814 E 7–29–65	Anadarko Production Co. (Operator), et al. (successor to Ambassador Oil Corp. (Operator), et al.).	Kansas-Nebraska Natural Gas Co., Inc., Camrick Field, Texas County, Okla.	Ambassador Oil Corp. (Operator), et al., FPC GRS No. 5.	95	
			Notice of succession (undated). [13]		
			Effective date: 8–1–65		
9–7–65 [12]			Letter agreement 1–27–65.	95	1
			Ratification agreement 5–10–65. [14] [15]	95	2
G–15921 9–13–65 [16]	Ruth I. Penton and D. N. Penton, d.b.a. Penton & Penton (Operator), et al. (formerly E. Doyle Penton and D. N. Penton, d.b.a. Penton & Penton (Operator), et al.).	Trunkline Gas Co., South Bearheard Creek Field, Beauregard Parish, La.	E. Doyle Penton and D. N. Penton, d.b.a. Penton & Penton (Operator), et al. FPC GRS No. 1.	1	
			Supplement Nos. 1–3 [4]	1	1–3
G–17301 E 7–29–65	Anadarko Production Co. (successor to Ambassador Oil Corp.).	Natural Gas Pipeline Co., of America, Camrick Field, Texas County, Okla.	Ambassador Oil Corp., FPC GRS No. 6.	96	
			Supplement Nos. 1–2	96	1–2
			Notice of succession (undated). [13]		
			Effective date: 8–1–65		
G–17791 C 6–14–65	Sohio Petroleum Co. [17] (Operator), et al.	Michigan Wisconsin Pipe Line Co., Mocane-Laverne Field, Harper County, Okla.	Amendment agreement 5–10–65.	47	22
G–19563 E 7–29–65	Anadarko Production Co. (Operator), et al. (successor to Ambassador Oil Corp. (Operator), et al.).	Kansas-Nebraska Natural Gas Co., Inc., Camrick Field, Texas County, Tex.	Ambassador Oil Corp. (Operator), et al., FPC GRS No. 8.	110	
			Supplement Nos. 1–5	110	1–5
			Notice of succession (undated). [13]		
			Effective date: 8–1–65		
CI61–183 E 7–29–65	Anadarko Production Co. (successor to Ambassador Oil Corp.).	Lone Star Gas Co., Tit-Tah Unit, Stephens County, Okla.	Ambassador Oil Corp., FPC GRS No. 10.	98	
			Notice of succession (undated). [13]		
			Effective date: 8–1–65		

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI61-253 E 7-29-65	Anadarko Production Co. (Operator), et al. (successor to Ambassador Oil Corp. (Operator), et al.).	Northern Natural Gas Co., Eis Unit, Beaver County, Okla.	Ambassador Oil Corp. (Operator), et al., FPC GRS No. 11.	99	
			Notice of succession (undated).[13]		
			Effective date: 8-1-65		
CI61-711 D 5-6-65	Cabot Corp. (SW)	Transwestern Pipeline Co., acreage in Beaver County, Okla.	Letter agreement 11-23-64.[4 14]	61	5
CI62-1243 E 7-29-65	Anadarko Production Co. (Operator), et al. (successor to Ambassador Oil Corp. Operator), et al.).	Arkansas Louisiana Gas Co., Wilburton Field, Latimer County, Okla.	(15)	(15)	
			Effective date: 8-1-65		
CI63-1241 C 7-6-65 [21]	Union Oil Co. of California.	Michigan Wisconsin Pipe Line Co., Chester Field, Woodward County, Okla.	Amendatory agreement 5-27-65.[14]	[22] 77	3
CI63-1255 E 8-25-65	Tri-Apco, Inc. (successor to Russell King, d.b.a. Lowell Drilling Co., et al.).	Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va.	Russell King d.b.a. Lowell Drilling Co., et al., FPC GRS No. 1.	1	
			Notice of succession 8-24-65.		
			Assignment 5-20-65	1	1
			Effective date: 5-12-65		
CI63-1487 E 8-11-65	V-T Drilling Co., et al. (successor to Prime Petroleum Co., et al.).	Consolidated Gas Supply Corp., Freemans Creek District, Lewis County, W. Va.	Prime Petroleum Co., et al., FPC GRS No. 2.	2	
			Notice of succession 8-10-65.		
			Assignment 8-6-64 [23]	2	1
			Effective date: 8-1-64		
CI64-728 E 7-29-65	Anadarko Production Co. (Operator), et al. (successor to Ambassador Oil Corp. (Operator), et al.).	Northern Natural Gas Co., acreage in Lipscomb and Ochiltree Counties, Tex.	Ambassador Oil Corp., (Operator), et al., FPC GRS No. 18.	104	
			Supplement No. 1	104	1
			Notice of succession (undated).[13]		
			Effective date: 8-1-65		
CI64-946 C 8-2-65 [21]	Tenneco Oil Co.[24] (Operator), et al.	Michigan Wisconsin Pipe Line Co., Curtis Area, Woodward County, Okla.	Amendatory agreement 6-1-65.[14]	[22] 139	2
CI64-968 E 7-12-65	Charles O. Hardey (Operator), et al. (successor to Tenneco Oil Co. (Operator), et al.).	United Gas Pipe Line Co., Sibley Field, Webster Parish, La.	Contract 10-28-49 [25]	2	
			Amendment 4-4-50	2	1
			Amendment 12-14-55	2	2
			Amendment 11-14-57	2	3
			Letter agreement 12-1-58.	2	4
			Letter agreement 7-1-60.	2	5
			Letter agreement 8-22-62.	2	6
			Letter agreement 5-23-63.	2	7
			Letter agreement 7-1-64.	2	8
			Assignment 4-20-65 [27]	2	9
			Effective date: 4-1-65		
			Assignment 5-31-65 [28]	2	10
			Effective date: 5-31-65		
CI64-1035 C 7-16-65 [21]	Tenneco Oil Co. (Operator), et al.	Mississippi River Transmission Corp., Woodlawn Field, Harrison County, Tex.	Supplement agreement 6-30-65.[13]	[22] 79	12
CI64-1123 E 7-29-65	Anadarko Production Co. (successor to Ambassador Oil Corp.).	Kansas-Nebraska Natural Gas Co., Inc., State "D" Unit, Texas County, Okla.	Ambassador Oil Corp., FPC GRS No. 20.	111	
			Supplement No. 1	111	1
			Notice of succession (undated).[13]		
			Effective date: 8-1-65		

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI64-1235 E 7-29-65	Andarko Production Co. (Operator), et al. (successor to Ambassador Oil Corp. (Operator), et al.).	Arkansas Louisiana Gas Co., Gragg Field, Sebastian County, Ark.	Ambassador Oil Corp. (Operator), et al., FPC GRS No. 21.	106	
			Supplement Nos. 1-3	106	1-3
			Notice of of succession (undated).[13]		
			Effective date: 8-1-65		
CI64-1392 D 8-13-65	Monsanto Co. (Operator), et al. (partial abandonment).	Lone Star Gas Co., North Dibble and Southeast Boyle Areas, McClain County, Okla.	Notice of partial cancellation 8-11-65.[4 30 31]	78	2
CI64-1426 C 9-1-65 [21]	Cleary Petroleum, Inc. (Operator), et al.	Oklahoma Natural Gas Gathering Corp., Northwest Ringwood-East Cleo Field, Major County, Okla.	Amendment 7-23-65	11	1
CI65-763 A 2-3-65 C 2-10-65	Charles W. Scott [33] (Operator), et al.	Michigan Wisconsin Pipe Line Co., Laverne Field, Beaver County, Okla.	Contract 11-30-64	1	
			Supplement agreement 1-22-65.	1	2
CI65-767 C 8-30-65 [11]	Southern Union Production Co.	El Paso Natural Gas Co., acreage in San Juan County, N. Mex.	Supplement agreement 7-23-65.[13]	15	3
CI65-879 E 7-29-65	Anadarko Production Co. (Operator), et al. (successor to Ambassador Oil Corp. (Operator), et al.).	Northern Natural Gas Co., acreage in Ochiltree County, Tex.	Ambassador Oil Corp. (Operator), et al., FPC GRS No. 28.	108	
8-20-65 [23]			Notice of succession (undated).[13]		
			Assignment 7-8-65 [23]	108	1
			Effective date: 8-1-65		
CI65-1210 C 8-27-65 [31]	Jas. F. Smith	Panhandle Eastern Pipe Line Co., acreage in Beaver County, Okla.	Amendment 8-3-65 [13]	15	2
A CI65-1265 (CI64-1560)[34] (G-18743)[34] F 5-28-65	Texas Gas Exploration Corp.	Texas Gas Transmission Corp., Midland Field, Muhlenberg County, Ky.	Contract 5-19-65 [13]	13	
			Assignment 5-14-65 [34]	13	1
			Letter 5-14-65 [34]	13	2
			Effective date: 5-14-65		
CI65-1272 A 6-3-65 [11]	Maynard Oil Co.[34] (Operator), et al.	Natural Gas Pipeline Co. of America, acreage in Wise County, Tex.	Contract 4-10-65	4	
CI66-6 (G-16280) B 7-2-65	Phillips Petroleum Co., Operator.	Cities Service Gas Co., Bradley Plant, Golden Trend Area, Garvin County, Okla.	Notice of cancellation 6-29-65.[4 4]	325	3
CI66-56 A 7-26-65 [11]	Monroe Gas System, Inc.	Arkansas Louisiana Gas Co., Monroe Field, Morehouse Parish, La.	Operating agreement 7-20-65.[37]	2	
CI66-57 A 7-26-65 [11]	American Oil and Gas Properties of Texas, Inc.	do	Contract 7-19-65	[1]	
A CI66-125 (G-2612) F 7-26-65	Charles O. Hardey (Operator), et al. (successor to Phillips Petroleum Co.).	Arkansas Louisiana Gas Co., Greenwood-Waskom Field, Caddo Parish, La.	Contract 9-26-50 [38]	3	
			Assignment 5-23-50 [39]	3	1
			Amendment 10-4-50	3	2
			Amendment 4-22-52	3	3
			Amendment 5-2-52	3	4
			Amendment 6-27-52	3	5
			Assignment 8-1-52 [40]	3	6
			Assignment 5-1-55 [41]	3	7
			Assignment 11-18-60 [42]	3	8
			Assignment 3-13-61 [40]	3	9
			Effective date: 3-13-61		
			Assignment 9-15-61 [41]	3	10
			Assignment 5-9-63 [41]	3	11
			Assignment 6-18-63 [41]	3	12
			Assignment 6-26-63 [41 43]	3	13

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
A CI66-141 (G-10525) F 8-12-65	Beico Petroleum Corp. (successor to Socony Mobil Oil Co., Inc.).	El Paso Natural Gas Co., Hogsback Field, Sublette and Lincoln Counties, Wyo.	Contract 5-15-56	11	
			Letter 6-26-56	11	1
			Letter 9-11-56	11	2
			Letter 1-15-58	11	3
			Letter 3-24-58	11	4
			Letter 8-16-58	11	5
			Letter 1-29-59	11	6
			Letter 1-12-60	11	7
			Letter 1-12-60	11	8
			Supplement agreement 10-4-61.	11	9
			Letter 12-12-62	11	10
			Letter 6-1-64	11	11
			Letter 6-1-64	11	12
			Letter 10-5-64	11	13
			Assignment 2-13-64 [42]	11	14
			Effective date: 7-1-63		
CI66-143 A 8-18-65 [21]	Kerr-Mc Gee Oil Industries, Inc.	American Louisiana Pipe Line Co., Hog Bayou Field, Cameron Parish, La.	Contract 3-5-65 [13]	(44)	
CI66-144 A 8-16-65 [21 45]	Edward B. Hostoffer, et al.	Equitable Gas Co., Salt Lick District, Braxton County, W. Va.	Contract 10-16-39	1	
			Letter agreement 9-20-46.[46]	1	1
CI66-151 A 8-20-65	Ashland Oil & Refining Co.	Texas Gas Transmission Corp., Midland Gas Field, Muhlenberg County, Ky.	Contract 8-11-65 [13]	173	
CI66-159 A 8-24-65	Roberts and Jenkins Nats Creek Co., et al.	Kentucky-West Virginia Gas Co., Nats Creek, Lawrence County, Ky.	Contract 3-28-57 [47]	1	
			Assignment 9-8-61 [48]	1	1
			Effective date: 9-8-61		
CI66-162 A 8-25-65	Ernest Wilson (successor to Rich Oil & Gas Co.).[49]	Pennzoil Co., Murphy District, Ritchie County, W. Va.	Contract 9-27-51 [50]	1	
			Assignment 7-31-65 [51]	1	1
			Effective date: 7-31-65		
CI66-165 (G-16266) B 8-26-65	Socony Mobil Oil Co., Inc.	Cities Service Gas Co., Bradley Plant, Garvin County, Okla.	Notice of cancellation (undated).[4 4]	247	3
CI66-166 (G-12008) B 8-27-65	do	Tennessee Gas Transmission Co., Koontz and East Keeran Fields, Victoria and Jackson Counties, Tex.	Notice of cancellation 8-25-65 [4 4]	65	13
CI66-168 (G-4675) B 8-30-65	A. B. Edwards	Southwest Gas Producing Co., Inc., Monroe Gas Field, Union Parish, La.	Assignment 4-16-63 [52]	2	1
			Notice of cancellation 7-29-65.[4]	2	2
CI66-169 A 8-30-65 [21]	Texaco Inc.	Lona Star Gas Co., Duncan Field, Stephens County, Okla.	Contract 7-27-65 [13 46]	358	
CI66-171 (G-11822) B 8-30-65	Marathon Oil Co.	Kansas-Nebraska Natural Gas Co., Inc., Padroni Area, Logan County, Colo.	Notice of cancellation 8-23-65.[4 4]	19	10
CI66-173 A 8-31-65 [21]	Gulf Oil Corp.	Cities Service Gas Co., South Bishop Field, Ellis County, Okla.	Agreement 7-19-65 [44]	300	
			Contract 10-29-64 [14]	300	1
CI66-174 A 8-31-65	V. H. Simmons, Jr., et al.	Lake Shore Pipe Line Co., Bushnell (Pennsylvania) Field, Erie County, Pa.	Contract 5-20-65 [13]	1	
CI66-175 A 8-30-65 [21]	An-Son Corp.	Northern Natural Gas Co., Mocane-Laverne Field, Beaver County, Okla.	Contract 6-1-65 [14]	14	
CI65-177 (CI65-113) B 9-1-65	Prudential Drilling Co. (Operator), et al.	Texas Eastern Transmission Corp., Chocolate Bayou Field, Brazoria County, Tex.	Notice of cancellation 7-27-65.[4 4]	1	1

[1] General conveyance agreement transferring all of Ambassador's properties to Anadarko; this agreement covers all the leases presently dedicated to Ambassador's FPC GRS Nos. 1 thru 24 (except RS No. 8 covered under G-16460).

[2] By order issued Apr. 12, 1960, Shamrock was authorized in Docket No. G-4880 to deliver gas from the Back No. 1 Well to Phillips Petroleum Co. and Phillips was authorized in Docket No. G-3488 to include such well under its exchange agreement with Shamrock; therefore, Docket No. G-3488 will be amended to exclude therefrom, the Back No. 1 Well from the related exchange agreement.

[3] Filed on July 24, 1964, releases Back No. 1 Well from the terms of the exchange agreement.

[4] Source of gas depleted.

[5] Effective date: Date of this order.

[6] Amendment to the certificate filed by Amax Petroleum Corp. to succeed J. M. Flaitz and R. B. Mitchell as Operator (with the parties retaining their respective interest) of the properties involved.

[7] Assignments whereby an "et al." party to basic contract changed their name to Amax Petroleum Corp. are being made an Exhibit to the related rate schedule.

[8] Reflects May 7, 1959, assignment of acreage to Andrew A. Bradford and J. C. Armstrong. The assignment is attached thereto. Bradford and Armstrong obtained authorization in Docket No. G-19293 to cover their sale of gas from the subject acreage.

[9] Reflects cancellation of a surrendered lease which was non-productive.

[10] Amendment to the certificate filed to reflect change of delivery point.

[11] Jan. 1, 1968, moratorium date pursuant to Commission's Statement of General Policy 61-1, as amended.

[12] Assignment whereby Anadarko acquired this acreage is filed as supplement No. 4 to Anadarko's FPC GRS No. 93.

[13] Amendment to the application filed to include interest of co-owner.

[14] Ratification of basic contract dated July 6, 1957, between Ambassador and Kansas-Nebraska to include interest of co-owner.

[15] Effective date: Date of initial delivery.

[16] Amendment to the certificate filed to reflect a change in name only. The interests of E. Doyle Penton, now deceased, are now owned by his widow, Ruth I. Penton.

[17] Unilateral statement filed Sept. 20, 1965 (dated Sept. 15, 1965) Applicant stated willingness to accept authorization for the additional acreage conditioned same as its original certificate issued in Opinion No. 464.

[18] Releases 60 of 540 acres dedicated to basic contract. Transwestern by letter dated Aug. 20, 1965, stated that the cost to connect the subject well, which is a mile from its line, would be $1.60 per Mcf, based on 12,500 Mcf remaining reserves (Cabot's 25 percent interest) at $20,000 total cost.

[19] Predecessor, Ambassador has not made a proper rate filing; Anadarko is being requested to make such filing.

[20] Omitted.

[21] July 1, 1967, moratorium date pursuant to Commission's Statement of General Policy 61-1, as amended.

[22] Contract rate is 19.5 cents per Mcf with upward B.t.u. adjustment only; however, Applicant states it will accept authorization for the additional acreage at 17.0 cents per Mcf and conditioned as were the certificates issued in Opinion No. 353.

[23] Transfer of acreage from Prime Petroleum Co., et al. to Ira Van Tuyl (V-T Drilling Co.).

[24] By letter filed Sept. 3, 1965, Applicant expressed willingness to execute an amendment with the buyer providing for proportional downward B.t.u. adjustment from a base of 1000 B.t.u.

[25] Contractual base rate is 19.5 cents per Mcf; however, Applicant agreed to accept authorization for the additional acreage at 17.0 cents per Mcf and conditioned as were the certificates issued in Opinion No. 353.

[26] Supersedes Tenneco Oil Co., FPC GRS No. 30, as supplemented.

[27] Instrument whereby Hardey acquires his interest.

[28] Instrument whereby various co-owners acquire their interest.

[29] Contract rate is 15.0 cents per Mcf plus tax reimbursement; however, by letter filed Aug. 30, 1965, Applicant agreed to accept authorization for the additional acreage at 15.0 cents per Mcf including tax reimbursement.

[30] Production of gas no longer economically feasible.

[31] Provides for abandonment and release of acreage only insofar as it pertains to acreage covered by agreements dated June 11, 1965, and Aug. 4, 1965, which are included in Supp. No. 2.

[32] By letter filed Sept. 17, 1965, Applicant advised willingness to accept a permanent certificate conditioned as were the certificates issued in Opinion No. 464.

[33] Corrects filing of July 29, 1965 to complete transfer of property from Ambassador Oil Corp. to Anadarko.

[34] Assigns interest in E. G. Shauer 40-acre lease and Rufus McDonald 40-acre lease dedicated to Ken-Aper Oil Co., FPC GRS No. 1 in Docket No. CI64-1560. Docket No. CI64-1560 will be terminated.

[35] Confirms agreement between Texas Gas Exploration Corp. and Cumberland Natural Gas Co., Inc., relating to deletion of 809.83 acres dedicated to J. C. Miller Oil Co., FPC GRS No. 1, which is being rendered under temporary authorization in Docket No. G-18743. Such temporary certificate is amended herein to reflect the deletion of the subject acreage.

[36] By letter filed Aug. 11, 1965, Applicant advised willingness to accept a permanent certificate at 14.5 cents ceiling rate plus B.t.u. adjustment.

[37] Applicant agrees to gather and deliver gas to buyer for the account of Americana Oil & Gas Properties of Texas, Inc., in Docket No. CI66-57.

[38] Basic contract between Phillips Petroleum and Arkla; on file as Phillip's FPC GRS No. 31.

[39] Assignments convey acreage from Phillips to various predecessors of Hardey.

[40] Instrument whereby Hardey acquires his interest.

[41] Instrument whereby various co-owners acquire their interest.

[42] Effective date: Date of transfer of properties involved.

[43] Transfers interest in the Frontier Formation between the depths of 6,060 feet and 7,171 feet in the Green River Bend Union Well No. 19.

[44] No rate schedule submitted with application, contract submitted as an exhibit to the application.

[45] This is a June 7, 1954, filing.

[46] Increased the rate from 12.0 cents per Mcf to 16.0 cents per Mcf.

[47] Contract between Evans Oil & Gas Co. and Oliver Jenkins, sellers and Kentucky-West Virginia Gas Co.

[48] Transfer of interest from Evans Oil & Gas Co. to Roberts and Jenkins, et al. Predecessor has made no filings.

[49] Predecessor never made rate or certificate filing.

[50] Between Rich Oil & Gas Co. and South Penn Natural Gas Co. (now Pennzoil Co).

[51] From Rich Oil & Gas Co. to Ernest Wilson.

[52] Conveys properties involved to buyer.

[53] Acreage commitment limited to formations above the base of the Missourian Series of the Pennsylvanian System.

[54] Ratifies contract dated Oct. 29, 1964, between Cities Service Gas Co. and Texas Oil & Gas Corp. (successor to Tex-Star Oil & Gas Corp.).

[F.R. Doc. 65-11668; Filed, Nov. 2, 1965; 8:45 a.m.]

[Docket No. CP66–117]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Application

OCTOBER 27, 1965.

Take notice that on October 20, 1965, Consolidated Gas Supply Corp. (Applicant), 204 Richards Building, New Orleans, La., 70112, filed in Docket No. CP66–117 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a "field" sale of natural gas to United Gas Pipe Line Co. (United), and the operation of necessary facilities, as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant proposes to sell natural gas produced in the Lirette Field, Terrebonne Parish, La., pursuant to a basic contract dated September 12, 1957, and amendments thereto, between Applicant's predecessor in interest, Union Producing Co., and United. This service was authorized by the Commission in Docket No. G–13633.

The application states that initial deliveries are estimated to be up to 30,000 Mcf of natural gas per month. The proposed sale would be made at a price of 15.75 cents per Mcf (at 15.025 p.s.i.a.), including taxes.

Applicant states that its working interest in the production stems from its participation in drilling a successful well under a farmout agreement with Union Producing Co. on acreage previously dedicated to United under the basic contract of September 12, 1957.

By the instant filing, Applicant proposes to sell its interest in the production to United, subject to the terms of its assignor's contract. South Shore Oil & Development Co. and Mr. J. P. Owen each own 25 percent of the reserves presently developed under the farmout agreement and subject to the terms thereof. Applicant owns the remaining 50 percent and will act as operator, either directly or through an agent. Applicant states that the other owners will file a separate and contemporaneous application for a certificate authorizing the sale of their interests under the farmout agreement.

Applicant requests that the Commission waive to the extent necessary its rules and regulations applicable to this filing in order to grant promptly the authorization and relief requested.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before November 22, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65–11761; Filed, Nov. 2, 1965; 8:45 a.m.]

[Docket No. CP66–118]

OHIO FUEL GAS CO.

Notice of Application

OCTOBER 27, 1965.

Take notice that on October 21, 1965, The Ohio Fuel Gas Co. (Applicant), 99 North Front Street, Columbus, Ohio, 43215, filed in Docket No. CP66–118 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate 3.4 miles of 24-inch O.D. pipeline extending its Line L–3100 to complete the loop of its Line L–2450 between Treat Station and Weaver Station in Knox and Richland Counties, Ohio, together with valves, fittings and incidental facilities necessary for practical operation.

Applicant states that the facility for which certification is sought is necessary to maintain adequate storage input in its Weaver Storage area during the summer of 1966 and thereafter, and is also necessary in order to provide adequate service to its northern markets during the winter of 1966 and thereafter.

The estimated total cost of the proposed facilities is $333,000, which Applicant proposes to finance through the issuance and sale of promissory notes or common stock to Applicant's parent company, The Columbia Gas System, Inc.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before November 26, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65–11762; Filed, Nov. 2, 1965; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

SECURITY NEW YORK STATE CORP.

Notice of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that the Board of Governors of the Federal Reserve System has received an application by Security New York State Corp., Rochester, N.Y., pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), for the Board's prior approval of action to become a bank holding company through acquisition by Security New York State Corp. of up to 100 percent of the voting shares of each of the following banks: Security Trust Co. of Rochester, Rochester, N.Y., and The State Bank of Seneca Falls, N.Y., Seneca Falls, N.Y.

In determining whether to approve this application, the Board is required by said Act to take into consideration the following factors: (1) The financial history and condition of the company and the banks concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., 20551.

Dated at Washington, D.C., this 28th day of October 1965.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 65–11767; Filed, Nov. 2, 1965; 8:45 a.m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

DELEGATION OF FINAL AUTHORITY

Section II, Delegations of Final Authority, is amended as follows:

Paragraph C6 (30 F.R. 6929, May 21, 1965) is deleted.

Paragraphs C7 (30 F.R. 6929, May 21, 1965) and C8 (30 F.R. 11076, August 26, 1965) are renumbered to paragraphs C6 and C7 respectively.

Paragraph E8 (27 F.R. 10777, November 3, 1962) is changed to read as follows:

E8. To make advance payments, whenever in his judgment this is necessary, with respect to contracts with any Federal, State, or local public agency or instrumentality as authorized by section 502(c)(2) of Public Law 901, 80th Congress.

Assistant Commissioner for Administration, Comptroller.
Certifying Officer, Administrative Audit Section, Fiscal Branch.
Certifying Officer, Loans and Annual Contributions Section, Fiscal Branch.

Approved: October 27, 1965.

[SEAL] MARIE C. McGUIRE,
Commissioner.

[F.R. Doc. 65–11768; Filed, Nov. 2, 1965; 8:45 a.m.]

LIBRARY OF CONGRESS

Copyright Office

REVISED COPYRIGHT OFFICE FEES

OCTOBER 29, 1965.

President Johnson on October 27, 1965, approved Public Law 89–297, which amends the copyright law (title 17, U.S. Code) by providing for an increase in certain copyright fees, effective November 26, 1965. The new fee schedule is as follows:

All registrations (except renewals)	$6.00
All renewals	4.00
Additional certificates	2.00
Other certifications	3.00
Assignments, etc. (containing not more than 6 pages and not more than 1 title)	5.00
Each additional page or title	.50
Notice of use (containing not more than 5 titles)	3.00
Each additional title	.50
Notice of intention to use (containing not more than 5 titles)	3.00
Each additional title	.50
Searches (hourly fee)	5.00

The registration fee for commercial prints and labels remains unchanged at $6.00. Also, the fee for the additional pages and titles in connection with the recordation of documents and notices of use has remained at $0.50. In the case of the recordation of notices of intention to use, the copyright law previously prescribed no fee.

The new law also permits an increase in the maximum price of the Catalog of Copyright Entries. An announcement as to any price increase in the Catalog will be made at a later date.

ABRAHAM L. KAMINSTEIN,
Register of Copyrights.

[F.R. Doc. 65–11820; Filed, Nov. 2, 1965; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–4319 etc.]

KENTUCKY POWER CO. AND AMERICAN ELECTRIC POWER CO., INC.

Proposed Issue and Sale of Bonds etc.

OCTOBER 28, 1965.

In the matters of Kentucky Power Co., 15th Street and Carter Avenue, Ashland, Ky., File Nos. 70–4319, 68–181; American Electric Power Co., Inc., 2 Broadway, New York, N.Y., 10008, File No. 70–4319, notice of proposed issue and sale of first mortgage bonds; solicitation of proxies for modification of mortgage; capital contribution by parent company; and related transactions.

Notice is hereby given that Kentucky Power Co. ("Kentucky"), an electric utility company, and its parent company, American Electric Power Co., Inc. ("American"), a registered holding company, have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a)(2), 6(b), 7, 12(b), and 12(c) of the Act and Rules 42, 45, and 50 promulgated thereunder as applicable to the proposed transactions. Kentucky has also filed a related declaration pursuant to section 12(e) of the Act and Rule 62 thereunder. All interested persons are referred to said filings, available at the office of the Commission, for statements of the transactions proposed therein which are summarized as follows:

Kentucky proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 under the Act, $32,000,000 principal amount of first mortgage bonds, -- percent series due January 1, 1996 ("new bonds"). The new bonds will be issued as registered bonds only, without coupons. The interest rate on the new bonds (which shall be a multiple of one-eighth of 1 percent) and the price to be paid to Kentucky (which shall be not less than 100 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The new bonds will be issued under and pursuant to the provisions of the mortgage and deed of trust, dated as of May 1, 1949, among Kentucky and Bankers Trust Co., New York, N.Y., and Joseph C. Kennedy, New York, N.Y., as Trustees, as supplemented and amended, and as to be further supplemented and amended by a supplemental indenture dated January 1, 1966. Prior to or concurrently with the issue and sale of the new bonds, American, the holder of all of Kentucky's outstanding shares of common stock, proposes to make a cash capital contribution or contributions to Kentucky in an aggregate amount of $8,000,000.

The net proceeds from the sale of the new bonds, together with said capital contributions to be made by American, will be applied by Kentucky to the payment, without premium, of its then outstanding notes due to banks. Such notes, maturing December 31, 1965, and presently outstanding in the aggregate principal amount of $40,000,000, were incurred for the purpose of financing Kentucky's construction. The filing states that in order to avoid the payment of Federal issuance taxes on the new bonds, Kentucky will set the closing date for the sale thereof on January 3, 1966; and, in order that the company not be in default on said notes, Kentucky also proposes, by agreement with the banks, to extend the maturity date of the notes to February 28, 1966.

Kentucky's mortgage indenture and deed of trust, under which $10,000,000 principal amount of first mortgage bonds are presently issued and outstanding, provides (in sec. 40 thereof) for a maintenance and replacement fund based upon the company's annual operating revenues. In order to conform with the relevant standards set forth in Commission's statement of policy with respect to first mortgage bonds (Holding Company Act Release No. 13105, February 16, 1956), Kentucky proposes to amend said section 40 so as to restate the depreciation or replacement requirement on the basis of 2¼ percent of the annual average of mortgaged depreciable property. Kentucky also proposes to amend the mortgage so as to permit future modifications thereof to be effected by the written consent of the holders of at least 75 percent of all bonds issued and outstanding in lieu of a meeting of bondholders. Effectuation of the proposed amendments requires an affirmative favorable vote by the holders of at least 75 percent of Kentucky's presently outstanding bonds; and Kentucky proposes to solicit proxies from its bond holders to be voted at a meeting scheduled for November 29, 1965. The proposed form of proxy and the related proxy solicitation material have been submitted to the Commission in Kentucky's declaration filed pursuant to Rule 62 under the Act, and Kentucky requests that the Commission accelerate the effectiveness of said declaration.

The filing states that the Public Service Commission of Kentucky, the State in which Kentucky is organized and doing business, has jurisdiction in respect of the proposed issue and sale of the new bonds and extension of the maturity of the notes payable to banks; that the order of that Commission will be filed herein by amendment; and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred by Kentucky in connection with the proposed transactions, together with the fee and disbursements of counsel to

the underwriters (to be paid by the successful bidders), will be supplied by amendment.

Notice is further given that any interested person may, not later than November 23, 1965, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said filings which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-noted addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided by Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

It appearing to the Commission that Kentucky's request for acceleration of the effectiveness of its declaration under Rule 62 should be granted:

It is ordered, That the declaration of Kentucky, regarding the proposed proxies and the related solicitation material, filed pursuant to section 12(e) of the Act and Rule 62 thereunder, be, and the same hereby is, permitted to become effective forthwith.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-11772; Filed, Nov. 2, 1965; 8:46 a.m.]

[01-55]

MERIT CLOTHING CO., INC.

Hearing on Application for Exemption

OCTOBER 27, 1965.

In the matter of Merit Clothing Co., Inc., Mayfield, Ky. (01-55), notice of and order for hearing on application for an exemption from section 12(g) of the Securities Exchange Act of 1934, as amended, pursuant to section 12(h) of that Act.

Notice is hereby given that Merit Clothing Co., Inc. (applicant), has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended (Exchange Act), for a finding that by reason of the number of public investors in applicant's common stock, the amount of trading interest therein, the nature and extent of the activities of the applicant and the income and the assets of the applicant, as well as other facts pertaining to the affairs of applicant and the existing and potential investor interest in its common stock an exemption from the registration provisions of section 12(g) of the Exchange Act with respect to its common stock would not be inconsistent with the public interest or the protection of investors. Exemption from section 12(g) will have the additional effect of exempting applicant from sections 13 and 14 of the Exchange Act and any officer, director or beneficial owner of more than 10 percent of applicant's equity securities from section 16 of the Exchange Act.

Section 12(g) of the Exchange Act requires the registration of the equity securities of every issuer engaged in interstate commerce, or in a business affecting interstate commerce, or whose securities are traded by use of the mails or any means or instrumentality of interstate commerce, with certain exceptions, set forth therein, within 120 days of the last day of its first fiscal year ended subsequent to the effective date of section 12(g) on which each issuer has total assets exceeding $1,000,000, and a class of equity security held of record by 750 or more persons, or after July 1, 1966, by 500 or more persons.

Section 12(h) empowers the Commission upon application of an interested person, by order after notice and opportunity for hearing, to exempt in whole or in part any issuer from the registration provisions of section 12(g) or from the periodic reporting and proxy soliciting provisions of sections 13 and 14 of the Exchange Act and from the reporting and trading provisions of section 16 of the Exchange Act, if the Commission finds, by reason of the number of investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, income or assets of the issuer, or otherwise that such exemption is not inconsistent with the public interest or the protection of investors.

The applicant's application states in part:

1. That applicant was organized in 1899, and since that time has been a manufacturer of men's clothing. Its principal activities are conducted in Mayfield, Ky. As at May 31, 1959, the 180,000 shares of common stock in applicant were owned by 161 individuals, who were employees or former employees of applicant and who lived in or about Mayfield, Ky.

2. That as at May 31, 1965, the end of applicant's last fiscal year, applicant had 1,000 shares of preferred stock outstanding owned by 55 individuals and 180,000 shares of its common stock outstanding held by 1,259 individuals. Applicant does not wish to register voluntarily its preferred stock, and does not believe that Exchange Act requires its preferred stock to be registered.

3. That commencing in the latter part the year 1959 and continuing until sometime during the fiscal year ended May 31, 1965, members of two families, which owned 36,000 shares of common stock in applicant, sold said shares to the employees and customers of applicant. The applicant's employees purchased the aforementioned shares in installments paid for by payroll deductions, pursuant to an arrangement between applicant and the union representing certain of applicant's employees. As at May 31, 1965, of the 1,259 owners of common stock in applicant, 1,149 were employees or customers of applicant and the remaining 110 were former employees of applicant or their heirs.

4. That there has been virtually no trading interest in applicant's common stock, and to the knowledge of applicant no brokerage firm has ever made a market for applicant's common stock.

5. That applicant does not believe that any broker or other trader will make a market for its common stock for the reasons that the nature of applicant's business, its position in the clothing manufacturing industry and its financial history are such as to warrant little, if any, investor interest. The clothing industry is highly competitive and applicant's position in it is not strong. Applicant's financial history for the past 5 years has been poor. Its net worth for the past 5 years has been approximately $5,700,000, and its overall net loss on its common stock has been approximately $340,000. Its overall percentage of net after tax profit to sales was a negative 1.1 percent. Net earning applicable to its common stock for the fiscal year ended May 31, 1965, amounted to approximately $49,600, and total earnings applicable to both its common and preferred stock amounted to only one-half of 1 percent of net sales.

6. That applicant's employees are aware of its financial difficulties, but requiring information as to applicant's vulnerable position in the clothing industry and its poor earnings record will cause unrest and apprehension in the community in which applicant is located, and applicant's competitors will use the information to gain a substantial advantage over applicant in the industry.

7. That the benefits derived by the common stockholders from registration under section 12(g) will not be commensurate with the cost of registration.

For a more detailed statement of the information presented in the application all persons are hereby referred to the above-captioned application which is on file in the offices of the Commission at 425 Second Street NW., Washington, D.C.

Applicant requests that, in the event that its application for hearing is not granted ex parte, an opportunity for hearing before the Commission be granted.

It is ordered, Pursuant to section 12(h) of the Exchange Act, that a hearing on the aforesaid application be held at 10 a.m., e.s.t., November 22, 1965, at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington, D.C., 20549. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in this proceeding is directed to file with the Secretary of the Commission his application as provided by Rule 9(c) of the Commission's rules of practice, on or before the date provided in said rule, setting forth any issues of fact or law which he desires to controvert or any additional issues which he deems raised by this notice and order or by such application.

It is further ordered, That Sidney Ullman, an officer of the Commission, or such other officer as the Commission may designate be and hereby is designated to preside as the hearing officer with all powers vested in him pursuant to the Commission's rules of practice.

The Division of Corporation Finance has advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following matters and questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

1. Whether the number of public investors and the amount of trading interest, actual or potential, in applicant's securities is sufficiently limited to justify the requested exemption;

2. Whether the nature and extent of the activities of applicant are such to justify the requested exemption;

3. Whether adequate information is and will be available to investors concerning the financial and business affairs of applicant, the management of applicant, the principal holders of the securities of applicant, recent sales of unregistered securities of applicant, and the nature and description of applicant's securities; and

4. Generally, whether the requested exemption is consistent with the public interest and with the protection of investors.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this Notice and Order by certified mail to Merit Clothing Co., Inc., and its attorneys and that notice to all other persons be given by publication of this notice and order in the FEDERAL REGISTER, and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to those persons whose names appear on the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-11773; Filed, Nov. 2, 1965; 8:46 a.m.]

[File No. 1-3393]

VTR, INC.

Order Suspending Trading

OCTOBER 28, 1965.

The common stock, $1 par value, of VTR, Inc., being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 29, 1965, through November 7, 1965, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-11774; Filed, Nov. 2, 1965; 8:46 a.m.]

[01-9]

WABASH RAILROAD CO.

Notice of Application and Opportunity for Hearing

OCTOBER 27, 1965.

In the Matter of Wabash Railroad Co., Railway Exchange Building, St. Louis 1, Mo. (01-9), notice of application and opportunity for hearing.

Notice is hereby given that the Wabash Railroad Co., an Ohio corporation (Wabash) and The Pennsylvania Railroad Co. (Pennsylvania) have made application to the Securities and Exchange Commission seeking an exemption under section 12(h) of the Securities Exchange Act of 1934 (Act) from the requirements of section 14(c) of the Act, for and in connection with any annual or other meeting of the stockholders of Wabash at which the only actions to be taken are the election of directors and/or such other action as does not directly or indirectly affect the interest of the holders of the Preferred Stock of Wabash.

Section 12(h) of the Act permits the Commission, upon application of an interested person, by order, after notice and opportunity for hearing, to exempt in whole or in part any issuer or class of issuers from section 14 upon such terms and conditions and for such period as it deems appropriate, if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, income or assets of the issuer, or otherwise, that such action is not inconsistent with the public interest or the protection of investors.

Wabash presently has outstanding 311,067 shares of 4½ percent Preferred Stock which shares are registered pursuant to the Securities Exchange Act of 1934 for listing on the New York Stock Exchange. As of December 31, 1964, Pennsylvania (and a subsidiary thereof) owned 62.12 percent of the aforesaid Preferred Stock of Wabash. Pennsylvania then also owned 99.51 percent of the outstanding 598,186 shares of Common Stock of Wabash. Since both the Preferred and Common Stock of Wabash possess voting rights, Pennsylvania on December 31, 1964, held 86.72 percent of the total stock voting rights of Wabash.

All of the properties of Wabash are presently operated by Norfolk and Western Railway Co. (Norfolk) as a lessee under a lease dated as of March 1, 1961, which became effective October 16, 1964, and will remain in effect for a term of eight years. The rental payable annually by Norfolk to Wabash under the lease includes an amount sufficient to pay an annual dividend of $4.50 on each outstanding share of Preferred Stock of Wabash. The Interstate Commerce Commission has approved an agreement between Pennsylvania and Norfolk pursuant to which Norfolk will acquire from Pennsylvania all of Pennsylvania's holdings of the Common Stock of Wabash on or before the expiration of the first 6 years of the aforesaid lease. Norfolk also has the right under the lease to require Wabash to call its Preferred Stock for redemption or offer to exchange Wabash bonds, debentures or notes for such Preferred Stock, and to issue such bonds, debentures or notes as may be necessary to effect said exchange or to provide funds to effect said redemption.

The Board of Directors of Wabash includes officers of Pennsylvania and will, from and after the annual meeting of Wabash in May, 1965, include such other persons as are chosen and nominated by Pennsylvania. The officers of Wabash are also officers of Pennsylvania and they receive no compensation in their capacity as officers of Wabash.

As of December 31, 1964, the number of holders of record of Wabash's Preferred Stock aggregated 1,099 and the number of holders of record of Wabash's Common Stock aggregated 62.

Balance sheet and income statement information with respect to Wabash, together with other significant data, is contained in annual reports filed by Wabash with the Interstate Commerce Commission, copies of which have been filed with this Commission as an exhibit to Wabash's Form 10-K for the calendar year 1963 and for years prior thereto. Heretofore notice of annual meeting and proxy solicitation material have been mailed each year to registered holders of Wabash stock. In connection with the annual meeting of Wabash in the year 1965, proxies were not solicited from such holders.

The applicants have undertaken, beginning in 1966, to send to each registered stockholder of Wabash with the notice of each annual meeting of Wabash, a copy of Wabash's customary financial statements containing balance sheets and income statements and a copy of Norfolk's annual report to its shareholders.

Notice is further given that any interested person may, not later than November 22, 1965, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secre-

tary, Securities and Exchange Commission, Washington, D.C., 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission. The applicants waive such notice and opportunity for hearing, but only if the Commission finds itself unable to grant the application.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-11775; Filed, Nov. 2, 1965; 8:46 a.m.]

TARIFF COMMISSION

[TEA-F-6]

GENERAL PLYWOOD CORP.

Report to the President on Petition for Adjustment Assistance

OCTOBER 29, 1965.

The U.S. Tariff Commission today reported to the President that, being equally divided, it makes no affirmative finding on whether, as a result in major part of concessions granted under trade agreements, birch and lauan plywood door skins are being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to the General Plywood Corp. Commissioners Sutton and Culliton voted in the negative; Commissioners Fenn and Thunberg voted in the affirmative. Commissioner Talbot was absent on account of illness during the investigation and therefore did not participate. The investigation was conducted under section 301(c)(1) of the Trade Expansion Act of 1962.

The Commission's report to the President, exclusive of information received in confidence, is filed with the Office of the Federal Register as part of the original document.

DONN N. BENT, *Secretary.*

[F.R. Doc. 65-11797; Filed, Nov. 2, 1965; 8:49 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order 579 (28 F.R. 11524) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods, for certificates issued under general learner regulations (29 CFR 522.1 to 522.9), and the principal product manufactured by the employer are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Bernice Manufacturing Corp., Bernice, La.; effective 10-8-65 to 10-7-66 (ladies' and girls' knit blouses, nightwear).

Blue Bell, Inc., Comer, Ga.; effective 10-18-65 to 10-17-66 (men's and women's denim dungarees).

Blue Bell, Inc., Commerce, Ga.; effective 10-18-65 to 10-17-66 (men's, ladies' and boys' outerwear jackets).

Blue Gem Manufacturing Co., 604 Hoover Street, Asheboro, N.C.; effective 10-1-65 to 9-30-66 (men's and boys' dungarees).

Collinwood Manufacturing Co., Collinwood, Tenn.; effective 10-10-65 to 10-9-66 (women's washable cotton service uniforms).

Cowden-Morehead Co., 800 West Main Street, Morehead, Ky.; effective 10-1-65 to 9-30-66 (men's and boys' denim dungarees).

Edgewood Casuals, Inc., East Second Avenue, Lexington, N.C.; effective 9-29-65 to 9-28-66 (men's sport and dress shirts, boys' sport shirts).

Elberton Manufacturing Co., Post Office Box 878, Elberton, Ga.; effective 10-4-65 to 10-3-66 (women's blouses).

Ephrata Apparel Co., Fulton Street, Ephrata, Pa.; effective 10-6-65 to 10-5-66 (children's dresses).

Form-O-Uth Brassiere Co., Inc., doing business as Marie Foundations, McLean, Tex.; effective 9-30-65 to 9-29-66 (brassieres and girdles).

Glenn Manufacturing Co., Inc., Amory, Miss.; effective 10-15-65 to 10-14-66 (men's, boys' and ladies' slacks).

Kent Sportswear, Inc., Curwensville, Pa.; effective 9-28-65 to 9-27-66 (men's outerwear jackets).

Kent Uniforms, Inc., Burkesville, Ky.; effective 10-2-65 to 10-1-66 (nurses' and waitresses' uniforms).

Lebanon Garment Co., East Market Street, Lebanon, Tenn.; effective 10-15-65 to 10-14-66 (men's and boys' trousers).

Louisiana Garment Manufacturing Co., Inc., 2001 St. Bernard Avenue, New Orleans, La.; effective 10-11-65 to 10-10-66 (men's and boys' sport pants).

Mercer Clothing Manufacturers, Inc., Route No. 2, Mercersburg, Pa.; effective 10-6-65 to 10-5-66 (girls' and ladies' blouses).

Phillips-Van Heusen Corp., Geneva, Ala.; effective 10-1-65 to 9-30-66 (men's dress and sport shirts).

Red Hill Apparel Co., Main Street, Red Hill, Pa.; effective 10-6-65 to 10-5-66 (children's dresses).

Royal Manufacturing Co., Inc., Sandersville, Ga.; effective 10-12-65 to 10-11-66 (men's and boys' sport shirts).

J. H. Rutter Rex Manufacturing Co., Inc., 3725 Dauphine Street, New Orleans, La.; effective 10-11-65 to 10-10-66 (men's work shirts and work pants).

Boris Smoler & Sons, Inc., 600-620 Crawford Avenue, Elkart, Ind.; effective 10-7-65 to 10-6-66 (dresses).

Southland Manufacturing Co., Inc., 1510 South Third Street, Wilmington, N.C.; effective 10-3-65 to 10-2-66 (men's sport and dress shirts).

Standard Romper Co., Inc., 558 Roosevelt Avenue, Central Falls, R.I.; effective 10-4-65 to 10-3-66 (children's outer garments).

Levi Strauss & Co., 201 Dillard Street, Blackstone, Va.; effective 10-2-65 to 10-1-66 (men's work pants).

Sullcraft Manufacturing Co., Inc., Dushore, Pa.; effective 10-4-65 to 10-3-66 (boys' cotton pajamas).

Tom & Huck Togs, Inc., Beaverton, Ala.; effective 10-15-65 to 10-14-66 (men's and boys' dress and sport pants).

Tracy City Manufacturing Co., Tracy City, Tenn.; effective 9-27-65 to 9-26-66 (men's and boys' sport shirts).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Apco Manufacturing Co., 1501 West Seventh Avenue, Brodhead, Wis.; effective 10-11-65 to 10-10-66; 10 learners (infants' and children's cotton knit polo shirts).

Brevard Manufacturing Co., 200 McLean Road, Brevard, N.C.; effective 10-4-65 to 10-3-66; 10 learners (children's dresses).

Bryan Infants' Wear, Inc., 6907 East 14th Street, Tulsa, Okla.; effective 9-29-65 to 9-28-66; 10 learners (infants' gowns, pajamas, etc.).

Irene Sportswear Co., Inc., Plant No. 2, Main Street, Dalton, Pa.; effective 10-2-65 to 10-1-66; 5 learners (ladies' blouses).

Meyers & Son Manufacturing Co., Inc., Corner First and Jefferson Streets, Madison, Ind.; effective 10-9-65 to 10-8-66; 10 learners (men's work clothing).

Miss Mary Fashions, Inc., 62 South Main Street, Carbondale, Pa.; effective 9-29-65 to 9-28-66; 10 learners (ladies' dresses).

Sunstate Sportswear of Vienna, Inc., East Pine Street, Box 386, Vienna, Ga.; effective 10-9-65 to 10-8-66; 10 learners (casual slacks).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Collinwood Manufacturing Co., Collinwood, Tenn.; effective 10-19-65 to 4-18-66; 25 learners (women's washable cotton service uniforms).

Phillips-Van Heusen Corp., Fort Payne, Ala.; effective 9-29-65 to 3-28-66; 60 learners (men's dress shirts).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.80 to 522.85, as amended).

Burnham-Edina Manufacturing Co., Edina, Mo.; effective 10-2-65 to 10-1-66; 5 learners for normal labor turnover purposes (work gloves).

Lambert Manufacturing Co., Kirksville, Mo.; effective 10-17-65 to 10-16-66; 10 learners for normal labor turnover purposes (work gloves).

Richmond Glove Corp., 601 North D Street, Richmond, Ind.; effective 10-10-65 to 10-9-66; 10 learners for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Amos Hosiery Mills, Inc., 325 East Russell Avenue, High Point, N.C.; effective 10-5-65 to 10-8-66; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Burlington Industries, Inc., Scottsboro Hosiery Co., Scottsboro, Ala.; effective 10-9-65 to 10-8-66; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Drexel Knitting Mills Co., Drexel, N.C.; effective 10-9-65 to 10-8-66; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Morton Hosiery Mills, Inc., 610 Black Horse Pike, Runnemede, N.J.; effective 10-4-65 to 10-3-66; 5 learners for normal labor turnover purposes (seamless).

Wee-Sox Hosiery Mills, Inc., Randleman, N.C.; effective 10-12-65 to 10-11-66; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Honaker Mills Corp., Honaker, Va.; effective 10-4-65 to 2-1-66; 40 learners for plant expansion purposes (women's and misses' sleepwear) (replacement certificate).

Mense, Inc., 10723 Fair Oaks Boulevard, Fair Oaks, Calif.; effective 10-4-65 to 10-3-66; 2 learners for normal labor turnover purposes (men's and women's knit underwear).

Norwich Mills, Inc., Clayton, N.C.; effective 10-1-65 to 9-30-66; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' cotton knit underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number of learners authorized to be employed, are indicated.

Billfold Corp. of America, Apartado 307, Gurabo, P.R.; effective 9-13-65 to 3-12-66; 36 learners for plant expansion purposes in the occupations of: (1) Stitching machine operator, for a learning period of 320 hours at the rates of 68 cents an hour for the first 160 hours and 76 cents an hour for the remaining 160 hours; and (2) die and clicker machine operating, breaking in: button machine operating, skiving, foot turning, gold stamping, and embossing, framing machine operating, assembling, each for a learning period of 160 hours at the rate of 68 cents an hour (key cases and small leather goods).

Consolidated Cigar Corp. of Cayey, Planta No. 21, Bo. Montellano—Apartado 937, Cayey, P.R.; effective 9-7-65 to 9-6-66; 123 learners for normal labor turnover purposes in the occupations of cigar making, packing, each for a learning period of 320 hours at the rates of 94 cents an hour for the first 160 hours and $1.04 for the remaining 160 hours (cigars).

Consolidated Cigar Corp. of Cayey, Plant No. 22—Barrio Montellano, Apartado 937, Cayey, P.R.; effective 9-7-65 to 9-6-66; 124 learners for normal labor turnover purposes in the occupations of: (1) Selecting, for a learning period of 240 hours at the rate of 80 cents an hour; and (2) machine stripping, inspecting, each for a learning period of 160 hours at the rate of 94 cents an hour (wrapper type tobacco).

Consolidated Cigar Corp. of Cayey, Plant No. 24, Apartado 937, Cayey, P.R.; effective 9-7-65 to 9-6-66; 81 learners for normal labor turnover purposes in the occupations of: (1) Sorting, sizing and tying, each for a learning period of 240 hours at the rate of 80 cents an hour; and (2) inspecting, for a learning period of 160 hours at the rate of 94 cents an hour (wrapper type tobacco).

La Torre Co., Inc., Apartado 605, Aibonito, P.R.; effective 9-20-65 to 9-19-66; 79 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of 75 cents an hour (ladies' underwear, sleepwear and shoulder straps).

La Vega Co., Inc., Apartado 605, Aibonito, P.R.; effective 9-20-65 to 9-19-66; 10 learners for normal labor turnover purposes in the occupation of sewing machine operator, for a learning period of 320 hours at the rate of 75 cents an hour (ladies' slips, petticoats and sleepwear).

Parisian Maid Lingerie Co., Inc., Industrial Subdivision, Post Office Box 384, San German, P.R.; effective 9-20-65 to 3-19-66; 47 learners for plant expansion purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of 75 cents an hour (ladies' lingerie).

Rico Glove Corp., Apartado 1087, Cayey, P.R.; effective 9-1-65 to 8-31-66; 10 learners for normal labor turnover purposes in the occupation of machine stitching, for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 92 cents an hour for the remaining 240 hours (fabric gloves).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 22d day of October 1965.

ROBERT G. GRONEWALD, *Authorized Representative of the Administrator.*

[F.R. Doc. 65-11796; Filed, Nov. 2, 1965; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 29, 1965.

Protests to the granting of an application must be prepared in accordance with § 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40087—*Coke to points in southwestern territory.* Filed by Southwestern Freight Bureau, agent (No. B-8773), for interested rail carriers. Rates on coke, coke breeze, coke dust and coke screenings (the direct product of coal), in carloads, from Chicago, Joliet, and Lockport, Ill., Gary, Ind., and Milwaukee, Wis., to points in southwestern territory.

Grounds for relief—Market competition.

Tariff—Supplement 57 to Southwestern Freight Bureau, agent, tariff ICC 4449.

FSA No. 40088—*Joint motor-rail rates—Southern Motor Carriers.* Filed by Southern Motor Carriers Rate Conference, agent, (No. 123), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in southern territory, on the one hand, and, points in middle Atlantic and New England territories, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 11 to Southern Motor Carriers Rate Conference, agent, tariff MF—ICC 1361.

FSA No. 40089—*Iron and steel articles to New Orleans, La.* Filed by O. W. South, Jr., agent (No. A4781), for interested rail carriers. Rates on iron and steel articles, named in the application, in carloads, from East St. Louis, Alton, Federal, Ill., and St. Louis, Mo., to New Orleans, La.

Grounds for relief—Barge competition.

Tariff—Supplement 25 to Southern Freight Association, agent, tariff ICC S-502.

FSA No. 40090—*Iron and steel articles to Vicksburg, Miss.* Filed by O. W. South, Jr., agent (No. A4783), for interested rail carriers. Rates on iron and steel articles, named in the application, in carloads, from East St. Louis, Alton, Federal, Ill., and St. Louis, Mo., to Vicksburg, Miss.

Grounds for relief—Barge competition.

Tariff—Supplement 25 to Southern Freight Association, agent, tariff ICC S-502.

FSA No. 40091—*Liquid caustic soda to Naheola, Ala.* Filed by O. W. South, Jr., agent (No. A4785), for interested rail carriers. Rates on liquid caustic soda, in multiple shipments of 5 tank cars, in tank carloads, from Brunswick, Ga., to Naheola, Ala.

Grounds for relief—Market competition.

Tariff—Supplement 217 to Southern Freight Association, agent, tariff ICC S-194.

FSA No. 40092—*Iron and steel articles to points in Mississippi.* Filed by O. W. South, Jr., agent (No. A4780), for interested rail carriers. Rates on iron and steel articles; viz, bars or rods, noibn, plate or sheet, noibn, and strip steel, noibn, in carloads, from Birmingham, Ala., and points grouped with Birmingham, to Cedars, Le Tourneau and Vicksburg, Miss.

Grounds for relief—Market competition.

Tariff—Supplement 25 to Southern Freight Association, agent, tariff ICC S-502.

FSA No. 40093—*Iron and steel articles to Cedars and Le Tourneau, Miss.* Filed by O. W. South, Jr., agent (No. A4782), for interested rail carriers. Rates on iron and steel articles; viz, bars or rods, noibn, plate or sheet, noibn, and strip steel, noibn, in carloads, from Alton, East St. Louis and Federal, Ill., and St. Louis, Mo., to Cedars and Le Tourneau, Miss.

Grounds for relief—Barge-rail competition.

Tariff—Supplement 25 to Southern Freight Association, agent, tariff ICC S–502.

FSA No. 40094—*Class and commodity rates to and from Palmer, Ga.* Filed by O. W. South, Jr., agent (No. A4786), for interested rail carriers. Rates on property moving on class and commodity rates, in carloads and less than carloads, from or to Palmer, Ga., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—New station and grouping.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65–11788; Filed, Nov. 2, 1965; 8:47 a.m.]

[S.O. 947, 2d Rev. Pfahler's Car Distribution Direction No. 3]

NEW YORK CENTRAL RAILROAD CO. AND ATCHISON, TOPEKA AND SANTA FE RAILWAY CO.

Freight Car Distribution

Pursuant to section I (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (a) (5) (ii) of the Interstate Commerce Commission Second Revised Service Order No. 947 (28 F.R. 12127; 29 F.R. 6014, 9670, 18506; 30 F.R. 6220, 7522, 12839).

It appearing, that there exists a shortage of box cars in sections of the country served by the Atchison, Topeka and Santa Fe Railway Co. because of inequitable distribution, and it appearing that the present carrier rules, regulations, and practices with respect to the use, supply control, movement, distribution, exchange, interchange, and return of cars to the railroads owning such cars are ineffective; this Agent is of the opinion that an emergency exists requiring immediate action, and that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this direction effective upon less than thirty days' notice.

It is ordered, That:

(1) The New York Central Railroad Co. and the Atchison, Topeka and Santa Fe Railway Co. shall observe, enforce, and obey the following directions, rules, regulations, and practices with respect to freight-car distribution:

(a) The New York Central Railroad Co. shall deliver to the Atchison, Topeka and Santa Fe Railway Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44'8" and doors less than 8 feet wide. Exception: Canadian ownerships.

(b) The rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

(c) Cars applied under this direction shall be carded to the Atchison, Topeka and Santa Fe Railway Co. and each car shall be identified by the New York Central Railroad Co. on its empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(2) No common carrier by railroad subject to the Interstate Commerce Act shall intercept, appropriate, or divert any empty cars moving under the provisions of this direction.

(a) The New York Central Railroad Co. must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m., to the Atchison, Topeka and Santa Fe Railway Co.

(b) The Atchison, Topeka and Santa Fe Railway Co. must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, received from the New York Central Railroad Co. during the preceding week, ending each Sunday at 11:59 p.m.

(3) Application: The provisions of this direction shall apply to intrastate, interstate, and foreign commerce.

(4) Regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(5) Effective date: This direction shall become effective at 12:01 a.m., October 30, 1965.

(6) Expiration date: This direction shall expire at 11:59 p.m., November 30, 1965, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 28, 1965.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 65–11789; Filed, Nov. 2, 1965; 8:47 a.m.]

[Notice 78]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 29, 1965.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 69052 (Sub-No. 34 TA), filed October 27, 1965. Applicant: REED TRUCKING COMPANY, Chestnut Street, Milton, Del. Applicant's representative: Ralph Reed (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuff*, canned, prepared other than frozen, from Fruitland, Md., to points in Wisconsin, Iowa, Minnesota, and Nebraska, for 180 days. Supporting shipper: Dulany Foods Inc., Fruitland, Md., W. W. Lang, sales manager, Canned Food Sales Division. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 206 Post Office Building, Salisbury, Md., 21801.

No. MC 102982 (Sub-No. 9 TA), filed October 27, 1965. Applicant: GEORGE W. KUGLER, INC., 2800 East Waterloo Road, Post Office Box 6064, Ellet Station, Akron, Ohio, 44312. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, from the plantsite of United States Concrete Pipe Co. at Mogadore, Ohio, to points in Maine, Vermont, New Hampshire, Connecticut, Rhode Island, Massachusetts, New Jersey, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia, *returned clay products and materials and supplies* used in the manufacture of clay products, from points in Maine, New Hampshire, Connecticut, Rhode Island, Massachusetts, New Jersey, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, New York, Michigan, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia to the plantsite of United States Concrete Pipe Co. at Mogadore, Ohio, *refractory materials, refractory products and materials* used in the installation of refractory materials and refractory products, from the plantsite of United States Concrete Pipe Co. at Mogadore, Ohio, to points in Connecticut, Rhode Island, Massachusetts, New Hampshire, Maine, Vermont, Delaware, New Jersey, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized, *refractory materials, refractory products and materials* used in the installation of refractory materials and refractory products which had a prior origination at Mogadore, Ohio, from points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia to Mogadore, Ohio, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized above are limited to a transportation service to be performed under a continuing contract or contracts with United States Concrete Pipe Co., Cleveland, Ohio, for 150 days. Supporting shipper: The United States Concrete Pipe Co., 2120 East Ohio Building, Cleveland, Ohio. Send protests to: G. J. Baccei, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 435 Federal Building, Cleveland, Ohio.

No. MC 109064 (Sub-No. 14 TA), filed October 27, 1965. Applicant: TEX-O-KA-N TRANSPORTATION COMPANY, INC., Post Office Box 4278, 221 Northeast 28th Street, Fort Worth, Tex., 76106. Applicant's representative: Reagan Sayers, Century Life Building, Fort Worth, Tex., 75102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, tubing, conduit, valves, or fittings; compound, joint sealer; bonding cement; primer; coating; thinner; and accessories* used in the installation of such products from points in Oklahoma County, Okla., to points in Alabama, Arizona, Arkansas, California, Colorado, Kansas, Kentucky, Louisiana, Mississippi, Montana, Nebraska, New Mexico, North Dakota, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, and Wyoming, for 180 days. Supporting shipper: Mr. Wm. M. Clark, analyst, Transportation Department, Continental Oil Co., Ponca City, Okla. Send protests to: Ralph Bezner, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 816 T&P Building, Fort Worth, Tex., 76102.

No. MC 110420 (Sub-No. 489 TA), filed October 27, 1965. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Post Office Box 339, Burlington, Wis., 53105. Applicant's representative: Fred H. Figge (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup*, in bulk, in stainless steel tank vehicles, from Clinton, Iowa, to Denver, Colo., for 180 days. Supporting shipper: Clinton Corn Processing Co., Clinton, Iowa, 52733, J. R. Hendricks, traffic manager. Send protests to: W. F. Sibbald, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 108 West Wells Street, Room 511, Milwaukee, Wis., 53203.

No. MC 116077 (Sub-No. 187 TA), filed October 27, 1965. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 9527, Houston, Tex., 77011. Applicant's representative: Mr. J. C. Browder (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Luling, La., to Borger, Tex., for 180 days. Supporting shipper: Monsanto Co., Mr. John Powell, 800 North Lindbergh Boulevard, St. Louis, Mo., 63166. Send protests to: Mr. John C. Redus, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex., 77061.

No. MC 116125 (Sub-No. 1 TA), filed October 27, 1965. Applicant: JAMES M. CRAIN, doing business as JIM CRAIN MOBILE HOME TRANSPORT, 3223 Wade Hampton Boulevard, Taylors, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile home trailers*, in initial movements, in truckaway service, from points in Greenville and Spartanburg Counties, S.C., to points in North Carolina, Tennessee, Georgia, Alabama, and Florida, for 180 days. Supporting shippers: Mascot Homes, Inc., Box 127, Gramling, S.C.; and, Fairmont Mobile Homes, Donaldson Center, Greenville, S.C. Send protests to: Arthur B. Abercrombie, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 509 Federal Building, 901 Sumter Street, Columbia, S.C.

No. MC 117119 (Sub-No. 282 TA), filed October 27, 1965. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark., 72728. Applicant's representative: John H. Joyce, 26 North College Street, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Watertown, Mass., to East Meadows, New York City, Olean, and Ozone Park, N.Y., Lodi, Jersey City, Bayonne, and East Brunswick, N.J., for 180 days. Supporting shipper: Stokely Van Camp, Inc., Frozen Food Division, Post Office Box 1113, Indianapolis 6, Ind. Send protests to: D. R. Partney, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2519 Federal Office Building, Little Rock, Ark., 72201.

No. MC 123992 (Sub-No. 18 TA), filed October 27, 1965. Applicant: SCHWERMAN CO. OF PA., INC., 611 South 28th Street, Milwaukee, Wis., 53246. Applicant's representative: James R. Ziperski (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Perlite*, in bulk, from Allentown, Pa., to Newark, N.J., for 150 days. Supporting shipper: Pennsylvania Perlite Corp., Post Office Box 694, Allentown, Pa., Joseph G. Sharkan, general manager. Send protests to: W. F. Sibbald, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 108 West Wells Street, Room 511, Milwaukee, Wis., 53203.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65–11790; Filed, Nov. 2, 1965; 8:47 a.m.]

[Notice 371]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 29, 1965.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 6894 (Deviation No. 11), MELVIN TRUCKING CO., Bridge Street and Schuylkill Road, Spring City, Pa., 19475, filed October 21, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Eureka, Ill., over Illinois Highway 117 to junction U.S. Highway 150, and thence over U.S. Highway 150 to junction Interstate Highway 74, and thence over Interstate Highway 74 to Morton, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Peoria, Ill., over Illinois Highway 116 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction Alternate U.S. Highway 66, thence over Alternate U.S. Highway 66 to junction U.S. Highway 66, and thence over U.S. Highway 66 to Chicago, Ill., and (2) from Peoria, Ill. over U.S. Highway 150 to Morton, Ill., thence over Illinois Highway 121 to Lincoln, Ill., and return over the same routes.

No. MC 6894 (Deviation No. 12), MELVIN TRUCKING CO., Bridge Street, and Schuylkill Road, Spring City, Pa., 19475, filed October 22, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions,

over a deviation route as follows: From Chicago, Ill., over Interstate Highway 55 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Illinois Highway 78, thence over Illinois Highway 78 to Kewanee, Ill., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Peoria, Ill., over Illinois Highway 116 to junction U.S. Highway 66, thence over U. S. Highway 66 to junction Alternate U.S. Highway 66, thence over Alternate U.S. Highway 66 to junction U.S. Highway 66, thence over U.S. Highway 66 to Chicago, Ill., and (2) from Peoria, Ill., over Illinois Highway 88 to junction Illinois Highway 93, thence over Illinois Highway 93 to junction Illinois Highway 91 (formerly portion of Illinois Highway 93), thence over Illinois Highway 91 to junction U.S. Highway 34, thence over U.S. Highway 34 to Kewanee, Ill., and return over U.S. Highway 34 to junction Illinois Highway 91 (formerly portion of Illinois Highway 93) and U.S. Highway 34, thence over U.S. Highway 34 to junction U.S. Highway 67, thence over U.S. Highway 67 to Macomb, Ill., thence over U.S. Highway 136 (formerly Illinois Highway 10) to the Illinois-Iowa State line, and thence across the Mississippi River to Keokuk, Ill., and return over the same routes.

No. MC 13865 (Deviation No. 1), FRAZER TRUCK LINE, INC., 402 North Main Street, Pinckneyville, Ill., filed October 22, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Pinckneyville, Ill., over Illinois Highway 13 to Freeburg, Ill., thence over U.S. 460 to East St. Louis, Ill., and thence across the Mississippi River to St. Louis, Mo., and (2) from Pinckneyville, Ill., over Illinois Highway 13 to junction Illinois Highway 4 (formerly Illinois Highway 43) at Marissa, Ill., thence over Illinois Highway 4 to junction U.S. Highway 460, thence over U.S. Highway 460 to East St. Louis, Ill., and thence to St. Louis as stated above, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Pinckneyville, Ill., over Illinois Highway 13 via Craig and Marissa, Ill., to East St. Louis, Ill., thence across the Mississippi River to St. Louis, Mo., and (2) from Pinckneyville, Ill., over Illinois Highway 154 to Sparta, Ill., thence over Illinois Highway 43 to Marissa, Ill., and thence to St. Louis, Mo., as specified above, and return over the same routes.

No. MC 20207 (Deviation No. 9), CONTINENTAL TRANSPORTATION LINES, INC., Graham Street, McKees Rocks, Pa., 15136, filed October 15, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction U.S. Highway 19 and Interstate Highway 90 near Erie, Pa., over Interstate Highway 90 to Buffalo, N.Y., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Buffalo, N.Y., over U.S. Highway 20 to Erie, Pa. (also from Buffalo over New York Highway 5 to the New York-Pennsylvania State line, thence over Pennsylvania Highway 5 to Erie), and return over the same routes.

No. MC 20207 (Deviation No. 10), CONTINENTAL TRANSPORTATION LINES, INC., Graham Street, McKees Rocks, Pa., 15136, filed October 15, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction Interstate Highway 75 and Interstate Highway 70 near Murlin Heights, Ohio, over Interstate Highway 70 to the New Stanton Interchange of the Pennsylvania Turnpike, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Murlin Heights, Ohio, over U.S. Highway 40 to Washington, Pa., thence over U.S. Highway 19 to Pittsburgh, Pa., and return over the same route.

No. MC 20207 (Deviation No. 11), CONTINENTAL TRANSPORTATION LINES, INC., Graham Street, McKeesport, Pa., 15136, filed October 15, 1965. Carrier proposes to operate as a *common carrier*, by *motor vehicle*, of *general commodities* with certain exceptions, over a deviation route as follows: From the junction U.S. Highway 19 and Interstate Highway 79 near Erie, Pa., over Interstate Highway 79 to Morrisville (Greene County), Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Erie, Pa., over U.S. Highway 20 to Girard, Pa., thence over Pennsylvania Highway 18 to junction U.S. Highway 30, and thence over U.S. Highway 30 to Pittsburgh (also from Girard over Pennsylvania Highway 18 to junction U.S. Highway 22, and thence over U.S. Highway 22 to Pittsburgh), (2) from Erie, Pa., over U.S. Highway 19 to Pittsburgh, and (3) from Erie, Pa., over U.S. Highway 19 to Mercer, Pa., and thence over Pennsylvania Highway 158 to New Wilmington, Pa., thence over Pennsylvania Highway 18 to Rochester, Pa., and thence over Pennsylvania Highway 51 to Pittsburgh (also from Rochester over Pennsylvania Highway 65 (formerly portion Pennsylvania Highway 88) to Pittsburgh), and return over the same routes.

No. MC 20207 (Deviation No. 12), CONTINENTAL TRANSPORTATION LINES, INC., Graham Street, McKees Rocks, Pa., 15136, filed October 15, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From the junction of the Pennsylvania Turnpike and Interstate Highway 70 near Breezewood, Pa., over Interstate Highway 70 to junction Interstate Highway 70N near Frederick, Md., thence over Interstate Highway 70N to Baltimore, Md., and (2) from Breezewood, Pa., over Interstate Highway 70 to junction Interstate Highway 70S near Frederick, Md., thence over Interstate Highway 70S to Washington, D.C., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Breezewood, Pa., over Pennsylvania Highway 126 to junction U.S. Highway 522, thence over U.S. Highway 522 to Hancock, Md., thence over U.S. Highway 40 to Baltimore, Md., and (2) from Breezewood, Pa., over Pennsylvania Highway 126 to junction U.S. Highway 522, thence over U.S. Highway 522 to Hancock, Md., thence over U.S. Highway 40 to Frederick, Md., thence over U.S. Highway 240 to Washington, D.C., and return over the same routes.

No. MC 35737 (Deviation No. 1), CASSELL TRUCK LINES, INC., 115 North Rock Island Avenue, Wichita 2, Kans., filed October 22, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Wichita, Kans., over U.S. Highway 81 to junction Kansas Highway 254, and thence over Kansas Highway 254 to Eldorado, Kans., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Wichita, Kans., over U.S. Highway 54 to Eldorado, Kans., and (2) from Wichita, Kans., over the Kansas Turnpike to Eldorado, Kans., and return over the same routes.

No. MC 108185 (Deviation No. 9), DIXIE HIGHWAY EXPRESS, INC., 1900 Vanderbilt Road, Post Office Box 365, Birmingham, Ala., filed October 18, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Tuscaloosa, Ala., over U.S. Highway 43 to junction Alabama Highway 13, thence over Alabama Highway 13 to Natural Bridge, Ala., thence over Alabama Highway 5 to Phil Campbell, Ala., and thence over U.S. Highway 43 to Columbia, Tenn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Tuscaloosa, Ala., over U.S. Highway 11 to Birmingham, Ala., and thence over U.S. Highway 31 to Columbia, Tenn., and return over the same route.

No. MC 111383 (Sub-No. 5) (Deviation No. 6), BRASWELL MOTOR FREIGHT LINES, INC., Post Office Box 1966, Fort Worth, Tex., filed October 22, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between junction U.S. Highway 80 and Interstate Highway 20 (near Mesquite, Tex.), and Shreveport, La., over Interstate Highway 20, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From junction U.S. Highway 80 and Interstate Highway 20 (near Mesquite, Tex.), over U.S. Highway 80 to Shreveport, La., and return over the same route.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-11791; Filed, Nov. 2, 1965; 8:47 a.m.]

[Notice 837]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 29, 1965.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications *as filed* by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 51146 (Sub-No. 29) (Republication), filed October 1, 1965, published in FEDERAL REGISTER issue of October 28, 1965, and republished this issue. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. Applicant's representative: Charles W. Singer, 33 North LaSalle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glassware, glass containers, caps, covers, tops, stoppers and accessories for glass containers and paper cartons*, between Bremen, Canal Winchester, and Lancaster, Ohio, on the one hand, and, on the other, points in Illinois, Michigan, and Wisconsin; and (2) *damaged and rejected shipments* of the above commodities from points in Illinois, Michigan, and Wisconsin to Bremen, Canal Winchester, and Lancaster, Ohio. NOTE: The purpose of this republication is to indicate (1) the exclusion of the States of Iowa and Minnesota from applicant's requested authority and (2) hearing information set forth below.

HEARING: November 19, 1965, at the U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 115331 (Sub-No. 99) (Clarification) filed February 11, 1965, published FEDERAL REGISTER issue of March 3, 1965, clarified October 19, 1965, and republished, as clarified, this issue. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo. Applicant's representative: Thomas F. Kilroy, Federal Bar Building, 1815 H Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yeast*, and *blends* and *derivatives* thereof, liquid, in tank or other specialized vehicles, from points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Mississippi, Oklahoma, Tennessee, and Wisconsin, to Bonne Terre, Mo. NOTE: The purpose of this republication is to show the proposed operation will be "in tank or other specialized vehicles."

HEARING: November 17, 1965, at the U.S. Court and Custom House, St. Louis, Mo., before Examiner George A. Dahan.

No. MC 96318 (Sub-No. 8) (Republication), filed March 24, 1965, published FEDERAL REGISTER, issue of April 8, 1965, and republished this issue after Decision and Order. Applicant: YELLOW COACH LINES, INC., 19 Center Street, Pittsfield, Mass. Applicant's representative: Frank Daniels, 15 Court Square, Boston, Mass., 02108. By application filed March 24, 1965, applicant sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Passengers and their baggage, in the same vehicle with passengers, limited to the transportation of not more than eleven (11) passengers in any one vehicle, not including the driver thereof, and not including children under ten (10) years of age who do not occupy a separate seat or seats, beginning and ending at points in Berkshire County, Mass., and extending to New York, N.Y. A Decision and Order, dated October 13, 1965, served October 18, 1965, finds that applicant is entitled to a Certificate authorizing the following service: "Operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of *passengers and their baggage*, in the same vehicle with passengers, in special operations, limited to the transportation of not more than eleven passengers in any one vehicle, not including the driver thereof and not including children under 10 years of age who do not occupy a separate seat or seats, between points in Berkshire County, Mass., on the one hand, and, on the other, New York, N.Y. NOTE: That the issuance of a certificate in the above-entitled proceeding is conditional upon; (1) prior publication in the FEDERAL REGISTER of the authority actually granted herein, and (2) receipt from applicant of a written request for the coincidental cancellation of its Certificate No. MC-96318 (Sub-No. 4)." Any person or persons desiring to object to the issuance of such Certificate should file an appropriate pleading, consisting of an original and six copies each, within 30 days from the date of this publication in the FEDERAL REGISTER.

No. MC 115491 (Sub-No. 54) (republication), filed February 15, 1965, published in FEDERAL REGISTER issue of March 10, 1965, and republished, this issue. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, Auburndale, Fla. Applicant's representative: M. Craig Massey, 223 South Florida Avenue, Drawer J, Lakeland, Fla., 33802. By application filed February 15, 1965, as amended, applicant

seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of animal and poultry feeds and supplements therefor, between points in Alabama, Georgia, Mississippi, and South Carolina on the one hand, and, points in Florida on the other, except between Birmingham, Ala., and points within 65 miles thereof, and Mobile, Ala., on the one hand, and points in Florida on the other, and except phosphatic products and byproducts from Bonnie and Tampa, Fla., to points in Alabama and Mississippi, restricted against shipments in tank and hopper vehicles from points in Alabama, Muscogee County, Ga., and points within 20 miles of Columbia and Eufala, Ala. A Supplemental Order of the Commission, Operating Rights Board No. 1, dated October 15, 1965, and served October 25, 1965, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *animal* and *poultry feeds* and *supplements* therefor, between points in Alabama (except Mobile and points in Bibb, Blount, Cullman, Jefferson, Saint Clair, Shelby, Talladega, Tuscaloosa, and Walker Counties), Georgia, Mississippi, and South Carolina, on the one hand, and, on the other, points in Florida, restricted against the transportation (1) of phosphatic products and byproducts from Bonnie and Tampa, Fla., to points in Alabama and Mississippi and (2) of shipments in bulk from points in Alabama and points in Clay, Early, Miller, Muscogee, Quitman, Randolph, Seminole, and Stewart Counties, Ga., that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

NOTICE OF FILING OF PETITION

No. MC 74141 (Petition to reopen grandfather proceedings to correct commodity description), filed October 15, 1965. Petitioner: BAY & BAY TRANSFER CO., INC., Minneapolis, Minn. Petitioner's representative: Grant J. Merritt, 1000 First National Bank Building, Minneapolis, Minn., 55402. Petitioner holds authority to engage in transportation in interstate or foreign commerce as a *common carrier* by motor vehicle, which reads, in part, as follows: *Machinery* and *building contractors' supplies and equipment*, over irregular routes, between points and places in Minnesota, on the one hand, and, on the other, points and places in Iowa, South Dakota, North Dakota, and Wisconsin; between points and places in Minneapolis and St. Paul, Minn. By the instant petition, petitioner requests that the commodity description be changed so it will read as follows: "Contractors' and construction equipment, materials and supplies, machinery, transformers, generators, tanks, boilers, smoke stacks, telephone poles, powerplant equipment, electrical equipment and commodities requiring specialized handling or equipment because of size or weight." Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading, consisting of an original and six copies each.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 59728 (Sub-No. 14), filed October 18, 1965. Applicant: MORRISON MOTOR FREIGHT, INC., 1100 East Jenkins Boulevard, Akron, Ohio. Applicant's representative: Jack Goodman, 39 S. La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *Irregular routes:* (1) *General commodities* (except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (a) between Zanesville, Ohio, on the one hand, and, on the other, points in Ohio; (b) between Newcomerstown, Ohio, on the one hand, and, on the other, points in Ohio; (c) between Columbus, Ohio and points in Franklin County, Ohio, within 15 miles from junction of Board and High Streets (Columbus, Ohio) (except Westerville, Worthington, Groveport, and Grove City) on the one hand, and, on the other, points in Ohio; (2) *clay, clay products, machinery, ferrous supplies* and *woolen products*, between points in Muskingum County, Ohio, on the one hand, and, on the other, points in Ohio. *Regular routes: General commodities* (except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Zanesville and Wooster, Ohio, from Zanesville over Ohio Highway 60 (formerly Ohio Highway 77) via Dresden to junction Ohio Highway 16, thence over Ohio Highway 16 via Conesville to Coshocton, thence over Ohio Highway 76 via Bloomfield, Millersburg, Holmesville, and Moreland to Wooster, and return over the same route, serving all intermediate points; (2) between Coshocton and New Philadelphia, Ohio; from Coshocton over U.S. Highway 36 via Newcomerstown, Port Washington, Gnadenhutten, Uhrichsville to Dennison, thence over U.S. Highway 250 and Ohio Highway 8 via Midvale to New Philadelphia, and return over the same route, serving all intermediate points; (3) between Newcomerstown and New Philadelphia, Ohio; from Newcomerstown over U.S. Highway 21 via Wolfe and Stone Creek to New Philadelphia, and return over the same route, serving all intermediate points; (4) between Newcomerstown and Cambridge, Ohio; from Newcomerstown over U.S. Highway 21 via North Salem to Cambridge, and return over the same route, serving all intermediate points; (5) between Dennison and Cambridge, Ohio; from Dennison over Ohio Highway 8 to junction U.S. Highway 22, thence over U.S. Highway 22 to Cambridge, and return over the same route, serving all intermediate points.

Restriction: No service may be rendered between Holmesville and Millersburg, Ohio; or between New Philadelphia and Newcomerstown, Ohio, over U.S. Highway 21; (6) between West Lafayette and Shanesville, Ohio, over Ohio Highway 93, serving all intermediate points; (7) between junction Ohio Highway 76 and U.S. Highway 62 and Killbuck, over U.S. Highway 62, serving all intermediate points; (8) between Coshocton and Warsaw, Ohio; from Coshocton over U.S. Highway 36 via Roscoe to Warsaw, and return over the same route, serving all intermediate points; (9) between Dover and Shanesville, Ohio, over Ohio Highway 39, serving all intermediate points. Serving the plant sites of Cambridge Glass Co., The Andrews Lumber & Box Co., and Radio Corp. of America, Cambridge, Ohio, as off-route points in connection with carrier's regular route operations to and from Cambridge, Ohio; (10) between New Philadelphia, Ohio, and junction Ohio Highway 16 and U.S. Highway 36, from New Philadelphia over Ohio Highway 16 via Tuscarawas to junction U.S. Highway 36, and return over the same route, serving all intermediate points; (11) between junction U.S. Highway 250 and Ohio Highway 259 and junction Ohio Highways 259 and 16, over Ohio Highway 259, serving all intermediate points; (12) between Zanesville and West Lafayette, Ohio; from Zanesville over Ohio Highway 93 (formerly Ohio Highway 75) via Adamsville, Otsego, and Plainfield to West Lafayette, and return over the same route, serving all intermediate points; (13) between Coshocton and Cambridge, Ohio; from Coshocton over Ohio Highway 76 via Marquand Mills, and Otsego to Bloomfield, thence over Ohio Highway 209 to Cambridge, and return over the same route, serving all intermediate points; (14) between Plainfield and North Salem, Ohio, from Plainfield over Ohio Highway 541 (formerly Ohio Highway 271) via Birds Run and Kimbolton to North Salem, and return over the same route, serving all intermediate points. Serving the site of the General Electric Distribution Center as an off-route point in connection with carrier's regular route operations to and from Cambridge, Ohio; (15) between Wooster and Akron, Ohio, over Ohio Highway 5, serving all intermediate points; (16) between Dover and Akron, Ohio, over Ohio Highway 8, serving all intermediate points.

Restriction: The two immediately preceding routes (15) and (16) are restricted as follows: (a) against the transportation of traffic originating at or destined to Akron, Ohio, but not restricted to the interchange of freight at Akron, Ohio, with other carriers; (b) against the transportation of traffic originating at or destined to any point on Ohio Highway 5 between Wooster and Akron, but not restricted from interchange of freight with other carriers at any intermediate point; and (c) against the transportation of traffic originating at or destined to any point on Ohio Highway 8 between Dover and Akron, but not restricted to the interchange of freight with other motor carriers at any intermediate point. *Alternate routes for operating convenience only: General commodities* (except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Shanesville and Millersburg, Ohio, over Ohio Highway 39; (2) between Killbuck, Ohio, and junction Ohio Highway 60 (formerly Ohio Highway 77) and U.S. Highway 36, over Ohio Highway 60; (3) between Zanesville and Cambridge, Ohio, over U.S. Highway 40; Restriction: No transportation may be performed between Zanesville and Cambridge, Ohio; (4) between New Philadelphia and Wooster, Ohio, over U.S. Highway 250; and (5) between Adamsville and Dresden, Ohio, over Ohio Highway 208, serving no intermediate points on alternate routes (1) through (5) inclusive. This is a matter directly related to MC-F 9213, published FEDERAL REGISTER, issue of September 22, 1965.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-9241. Authority sought for control by C & H TRANSPORTATION CO., INC., Post Office Box 5978, Dallas, Tex., of CAGLE BROS., INC., 402 West Watkins Road, Phoenix, Ariz., and for acquisition by W. O. HARRINGTON, Coppell, Tex., of control of CAGLE BROS., INC., through the acquisition by C & H TRANSPORTATION CO., INC. Applicants' attorneys: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla., and Pete Dawson, 4453 East Picadilly Road, Phoenix 18, Ariz. Operating rights sought to be controlled: *Iron and steel, prefabricated iron and steel products, pipe, construction tools, machinery,* and *heavy and cumbersome commodities* which, because of size or weight, require the use of special equipment, except the stringing and picking up of pipe in connection with petroleum and natural gas pipelines, as a *common carrier*, over irregular routes, between points in Arizona, on the one hand, and, on the other, points in California, Colorado, Nevada, New Mexico, and Utah. C & H TRANSPORTATION CO., INC., is authorized to operate as a *common carrier* in all States in the United States (except Hawaii), and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

No. MC-F-9242. Authority sought for purchase by RODNEY STEWART AND TROY STEWART, a partnership, doing business as FRED STEWART COMPANY, 129 South Clay Street, Post Office Box 659, Magnolia, Ark., of the operating rights of ROMIE WILSON, doing business as WILSON TRUCKING COMPANY, Ozark, Ark. Applicants' attorney: Thomas Harper, Post Office Box 43, Fort Smith, Ark. Operating rights sought to be transferred: *Machinery, equipment, materials, and supplies,* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas, and its products and byproducts, as a *common carrier*, over irregular routes, between points in Crawford, Franklin, Johnson, and Sebastian Counties, Ark., on the one hand, and, on the other, Muskogee, Okemah, Oklahoma City, Okmulgee, Seminole, and Tulsa, Okla.; *machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts; *machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, and production of coal; *machinery, materials, supplies, and equipment*, used in, or in connection with, the construction, development and maintenance of facilities for telephone and electric power companies; and *agricultural products;* restricted to shipments of a maximum of 15,000 pounds, between points on specified highways in Arkansas. Vendee is authorized to operate as a *common carrier* in Arkansas, Louisiana, Texas, Tennessee, Mississippi, Oklahoma, Kansas, Kentucky, and Alabama. Application has not been filed for temporary authority under section 210a (b).

No. MC-F-9244. Authority sought for purchase by C & H TRANSPORTATION CO., INC., Post Office Box 5978, Dallas, Tex., of a portion of the operating rights of ALLMEN TRANSFER & MOVING COMPANY, 29473 Lorain Road, North Olmsted, Ohio, and for acquisition by W. O. HARRINGTON, Coppell, Tex., of control of such rights through the purchase. Applicants' attorney and representative: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla., 73102, and Vito J. Piccione, 29473 Lorain Road, North Olmsted, Ohio, 44070. Operating rights sought to be transferred: *Commodities* the transportation of which because of their size or weight require the use of special equipment, as a *common carrier*, over irregular routes, between points in Cuyahoga County, Ohio, on the one hand, and, on the other, points in New Jersey. Vendee is authorized to operate as a *common carrier* in all States in the United States (except Hawaii), and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9245. Authority sought for purchase by ORSCHELN BROS. TRUCK LINES, INC., Highway 24 East, Moberly, Mo., of a portion of the operating rights and certain property of IML FREIGHT, INC., 235 West Third South Street, Salt Lake City, Utah, and for acquisition by H. W. ORSCHELN, 510 Hafner Street, Hannibal, Mo., E. G. ORSCHELN, GEORGE VITT, ELMER ORSCHELN, E. J. ORSCHELN, all of Highway 24 East, Moberly, Mo., FRANCIS ORSCHELN, 1519 North Morley, Moberly, Mo., LOUIS LUTH, T. B. ORSCHELN, both of 7410 North Hall Street, St. Louis, Mo., and A. G. ORSCHELN, 3500 Gardner Avenue, Kansas City, Mo., of control of such rights and property through the purchase. Applicants' attorney: G. M. Rebman, 314 North Broadway, St. Louis, Mo., 63102. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Sedalia, Mo., and Warsaw, Mo., serving all intermediate points and the off-route points of Lincoln, Ionia, and Cole Camp, Mo., between Warsaw, Mo., and Springfield, Mo., serving all intermediate points and the off-route points of Hermitage and Wheatland, Mo., between Halfway, Mo., and Springfield, Mo., serving the intermediate point of Bolivar, Mo., between Halfway, Mo., and Springfield, Mo., serving no intermediate points, serving numerous other intermediate and off-route points in connection with carrier's regular route operations authorized above; *general commodities*, excepting, among others, household goods, but not excepting commodities in bulk, between Bolivar, Mo., and East St. Louis, Ill., serving the intermediate point of St. Louis, Mo., for traffic other than livestock, and intermediate and off-route points within 15 miles of Bolivar, restricted to pick-up and delivery of livestock; and *household goods* as defined by the Commission, and *general commodities*, except those of unusual value, classes A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Warrensburg, Mo., and Clinton, Mo., serving the intermediate points of Postoak, Shawnee Mound, Calhoun, Lewis Station, Windsor, Cornelia, and Leeton, Mo., between Clinton, Mo., and Kansas City, Mo., serving no intermediate points as an alternate route for operating convenience only. Vendee is authorized to

operate as a *common carrier* in Missouri, Illinois, Iowa, and Kansas. Application has not been filed for temporary authority under section 210a(b). NOTE: Docket No. MC–49387 (Sub-No. 27), is a matter directly related, in part.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65–11792; Filed, Nov. 2, 1965; 8:47 a.m.]

[Notice 839]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 29, 1965.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below:

SPECIAL RULES OF PROCEDURE FOR HEARING

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 114274 (Sub-No. 7), filed October 18, 1965. Applicant: ELMER VITALIS, doing business as VITALIS TRUCK LINES, 1656 East Grand, Des Moines, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines, Iowa, 50316. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of Missouri Beef Packers, Inc., located at or near Phelps City, Mo., restricted to traffic originating at such facilities, to points in Illinois, Indiana, Iowa, Minnesota, Ohio, and Wisconsin.

HEARING: November 15, 1965, at the Pickwick Motor Inn, McGee and 10th Street, Kansas City, Mo., before Examiner Charles J. Murphy.

No. MC 119384 (Sub-No. 10), filed October 20, 1965. Applicant: MORTON TRUCK LINES, INC., 101 West Willis Avenue, Perry, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of Missouri Beef Packers, Inc., located at or near Phelps City, Mo., restricted to traffic originating at such facilities, to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, Ohio, and South Dakota.

HEARING: November 15, 1965, at the Pickwick Motor Inn., McGee and 10th Street, Kansas City, Mo., before Examiner Charles J. Murphy.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65–11793; Filed, Nov. 2, 1965; 8:48 a.m.]

[Notice 1256]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 29, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–68053. By order entered October 28, 1965, Transfer Board, on reconsideration, approved the transfer to Blackshear Transportation Co., Inc. (formerly P. & S. Trucking Co., Inc.), Camden, N.J., of the operating rights in Certificate No. MC–19106, issued December 8, 1954, to William H. Folker, doing business as Folker's Motor Freight, Camden, N.J., authorizing the transportation, over irregular routes, of: Coal, from points in Northumberland, Schuylkill, Dauphin, Columbia, Luzerne, Carbon, Wyoming, Wayne, and Susquehanna Counties, Pa., to points in Camden and Gloucester Counties, N.J. Fertilizer materials and fertilizer, from Philadelphia, Pa., to points on Long Island, N.Y., and those in New Jersey, except those in Cumberland County, N.J. Oil, from Paulsboro, N.J., to New York, N.Y., and Philadelphia, Pa. Powder and agricultural commodities, from Bridgeport, N.J., to New York, N.Y., and Philadelphia, Pa. Lenwood W. Harris, 4401 Germantown Avenue, Philadelphia, Pa., 19140, attorney for applicants.

No. MC–FC–68190. By order entered October 28, 1965, Transfer Board approved the transfer to Milton N. Mencis and Lloyd R. Butcher, a partnership, doing business as Haverhill Movers, Haverhill, Mass., of the operating rights of Arthur J. Gouin, Haverhill, Mass., in Certificate No. MC–47563, issued October 26, 1955, authorizing the transportation, over irregular routes, of household goods, between Amesbury, Mass., on the one hand, and, on the other, points in Connecticut, and between Amesbury, Mass., and points within 15 miles of Amesbury, on the one hand, and, on the other, points in Maine and New Hampshire, show cases, from Amesbury, Mass., to points in Maine and New Hampshire, lumber, from Dover, N.H., to Amesbury, Mass., and boats, from Amesbury, Mass., to Providence, Portsmouth, and Westerly, R.I., Greenwich and Hartford, Conn., Wolfeboro, Alton Bay, and Westport, N.H., and Ellsworth and Biddeford, Maine. Kenneth B. Williams, 111 State Street, Boston, Mass., 02109, attorney for applicants.

No. MC–FC–68253. By order of October 27, 1965, Transfer Board approved the transfer to Victor Bender, doing business as B & S Rigging, 913 South Bodine Street, Philadelphia, Pa., of the certificate in No. MC–50649 (Sub-No. 1), issued January 23, 1962, to John Stasis and Victor Bender, doing business as B & S Rigging, 2731 Porter Street, Philadelphia, Pa., authorizing the transportation of: Printing machinery, type cabinets, motors, generators, sheet metal, fabricated sheet metal, and tools and equipment necessary for the installation of sheet metal work, in connection with heating, ventilation, air conditioning and smoke breechings, between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey, Delaware, and Maryland, within 75 miles of Philadelphia.

No. MC–FC–68256. By order of October 27, 1965, Transfer Board approved the transfer to Irving F. Mix, Jr., doing business as I. F. Mix, Jr., Transportation, Pembroke, Mass., of the Certificate of Registration No. MC–87451 (Sub-No. 2), issued April 29, 1964, to Walter C. Berry, Hanover, Mass., evidencing a right to engage in the transportation of general commodities, in interstate or foreign commerce, anywhere within the Commonwealth of Massachusetts, over irregular routes. Joseph A. Kline, 185 Devonshire Street, Boston, Mass., 62110, attorney for applicants.

No. MC–FC–68259. By order of October 26, 1965, Transfer Board approved the transfer to McRay Truck Line, Inc., Floomfield Road, Springfield, Ky., of the operating rights in Permits Nos. MC–112567 and MC–112567 (Sub-No. 1), issued July 31, 1951, and February 2, 1959, to Arthur B. McRay, doing business as McRay Truck Line, Bloomfield Road, Springfield, Ky., authorizing the transportation, over irregular routes, of: Roofing, wire fencing, gates, nails, and supplies used in the installation of roofing, fencing, and gates, from Crawfordsville, Ind., to points in Alabama (except Birmingham and points within 65 miles thereof), Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Virginia, and West Virginia, with no transportation for compensation on return except as otherwise authorized. From Jacksonville, Fla., to Crawfordsville, Ind., with no transportation for compensation on return except as otherwise authorized.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65–11794; Filed, Nov. 2, 1965; 8:48 a.m.]

[Notice 840]

MOTOR CARRIERS OF PROPERTY

Application

OCTOBER 29, 1965.

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act, and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIERS OF PROPERTY

No. MC–F–9246. Authority sought for control and merger by LOS ANGELES-SEATTLE MOTOR EXPRESS, INC., 3200 Sixth Avenue South, Seattle, Wash., 98104, of the operating rights and property of INTERSTATE FREIGHT LINES, INC., 2201 Sixth Avenue South, Seattle, Wash., 98104, and for acquisition by NATIONAL CITY LINES, INC., 1701 North West Shore Boulevard, Box 4676, Tampa, Fla., 33607, of control of such rights and property through the transaction. Applicants' attorneys: William B. Adams, 624 Pacific Building, Portland, Oreg., 97204, and Vernon V. Baker, Suite 300, 1411 K Street NW., Washington, D.C., 20005. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Tenino, Wash., and Tacoma, Wash., serving no intermediate points or at Tenino, as an alternate route for operating convenience only; *general commodities*, except livestock in truckloads, commodities of unusual value, household goods as defined by the Commission, and commodities in bulk, between Portland, Oreg., and Seattle, Wash., serving the intermediate points of Chehalis, Centralia, Olympia, and Tacoma, Wash., on northbound traffic; and Tacoma and Vancouver, Wash., on southbound traffic, and the intermediate point of Grand Mound, Wash., restricted to the transportation of classes A, B, and C explosives, and also restricted to traffic received from or delivered to connecting motor carriers at Grand Mound; and *frozen berries*, over irregular routes, from points in Clark, King, Skagit, and Pierce Counties, Wash., to Portland, Oreg., and points in Marion and Washington Counties, Oreg., and to ports of entry on the United States-Canada boundary line at, near, and between Point Roberts and Sumas, Wash., from points in Marion and Washington Counties, Oreg., to ports of entry on the United States-Canada boundary line at, near, and between Point Roberts and Sumas, Wash. LOS ANGELES-SEATTLE MOTOR EXPRESS, INC., is authorized to operate as a *common carrier* in Washington, California, and Oregon. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65–11860; Filed, Nov. 2, 1965; 8:49 a.m.]

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die*, and until all public acts have received final Presidential consideration, a listing of public laws approved by the President will appear in the daily FEDERAL REGISTER under *Title 2, The Congress*. A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 89th Congress, First Session.

Approved October 29, 1965

H.R. 10281 ..... Public Law 89–301
Federal Employees Salary Act of 1965.

Approved October 30, 1965

S. 516 ..... Public Law 89–307
An Act to amend the joint resolution entitled "Joint resolution to establish the Saint Augustine Quadricentennial Commission, and for other purposes", approved August 14, 1962 (76 Stat. 386), to provide that eight members of such Commission shall be appointed by the President, and that such Commission may continue in existence until December 31, 1966.

S. 1735 ..... Public Law 89–302
An Act relating to the use by the Secretary of the Interior of land at La Jolla, Calif., donated by the University of California for a marine biological research laboratory, and for other purposes.

H.R. 23 ..... Public Law 89–304
An Act to authorize the Secretary of the Interior to initiate with the several States a cooperative program for the conservation, development, and enhancement of the Nation's anadromous fish, and for other purposes.

H.R. 4845 ..... Public Law 89–306
An Act to provide for the economic and efficient purchase, lease, maintenance, operation, and utilization of automatic data processing equipment by Federal departments and agencies.

H.R. 9495 ..... Public Law 89–305
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Approved October 31, 1965

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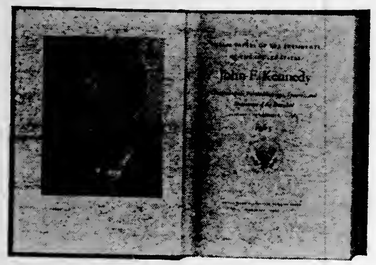
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FEDERAL REGISTER

VOLUME 30 • NUMBER 214

Thursday, November 4, 1965 • Washington, D.C.

Pages 13929–14002

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Civil Aeronautics Board
Civil Service Commission
Consumer and Marketing Service
Federal Aviation Agency
Federal Communications Commission
Federal Maritime Commission
Fiscal Service
Fish and Wildlife Service
Food and Drug Administration
Immigration and Naturalization Service
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THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

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Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Order Amending Order, as Amended, Regulating the Handling

§ 905.0 **Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of this order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Lakeland, Fla., June 23, 1965, upon proposed amendment of the marketing agreement, as amended, and to Order No. 905, as amended (7 CFR Part 905) regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of oranges (including Temple and Murcott Honey oranges), grapefruit, tangerines, and tangelos grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as amended and as hereby further amended, is limited in its application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act;

(4) The said order, as amended and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of the oranges (including Temple and Murcott Honey oranges), grapefruit, tangerines, and tangelos grown in the production area; and

(5) All handling of oranges (including Temple and Murcott Honey oranges), grapefruit, tangerines, and tangelos grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Determination.* It is hereby determined that:

(1) The "Marketing Agreement, as Amended, Regulating the Handling of Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida," upon which the aforesaid public hearing was held, has been executed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the fruit covered by this order) who, during the period August 1, 1964, through July 31, 1965, handled not less than 50 percent of the volume of oranges (including Temple and Murcott Honey oranges), not less than 50 percent of the volume of grapefruit, not less than 50 percent of the volume of tangerines, and not less than 50 percent of the volume of tangelos covered by the said amended order, as hereby further amended; and

(2) The issuance of this order, amending the aforesaid amended order, is favored or approved by at least two-thirds of the respective producers who participated in a referendum on the question of its approval and who, during the determined representative period (August 1, 1964, through July 31, 1965), were engaged, within the production area specified in the aforesaid amended order, in the production for market of oranges (including Temple and Murcott Honey oranges), grapefruit, tangerines, or tangelos; such producers having also produced for market at least two-thirds of the volume of each fruit represented in such referendum.

(c) *Additional findings.* It is hereby found, on the basis hereinafter indicated, that good cause exists for making the provisions of this amendatory order effective upon publication in the FEDERAL REGISTER, and that it would be contrary to the public interest to postpone such effective time until 30 days after publication (5 U.S.C. 1001–1011). The provisions of this order add Murcott Honey oranges to the fruits currently regulated thereunder and provide for regulations specifying the percentage of a grade or size of a variety that handlers may ship during each week of the particular regulation period. Shipments of oranges, grapefruit, tangerines, and tangelos, grown in the production area, have already begun. Hence for this order to be of maximum benefit during the 1965–66 marketing season, it should be made effective as soon as practicable. The provisions of this order are well known to producers and handlers. The hearing in connection therewith was held at Lakeland, Fla., on June 23, 1965, and the recommended decision and final decision were published in the FEDERAL REGISTER on August 31, 1965 (30 F.R. 11174), and September 25, 1965 (30 F.R. 12298), respectively. Copies of the text of the amendatory order have been made available to all known producers and handlers; the provisions of this order do not impose any restrictions on handlers until regulations in accordance therewith are issued; and compliance with such provisions will not require advance preparation on the part of persons subject thereto which cannot be completed prior to the effective time of such regulations.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of oranges (including Temple and Murcott Honey oranges), grapefruit, tangerines, and tangelos grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

(1) The provisions of § 905.4 *Fruit* are revised to read as follows:

§ 905.4 **Fruit.**

"Fruit" means any or all varieties of the following types of citrus fruits grown in the production area:

(a) Citrus sinensis, Osbeck, commonly called "oranges";

(b) Citrus paradisi, MacFadyen, commonly called "grapefruit";

(c) Citrus nobilis deliciosa, commonly called "tangerines";

(d) Temple oranges;

(e) Tangelos; and

(f) Murcott Honey oranges.

(2) The provisions of § 905.5 *Variety* are revised to read as follows:

§ 905.5 **Variety.**

"Variety" or "varieties" means any one or more of the following classifications or groupings of fruit:

(a) Early and Midseason oranges, including Navel and other types commonly called "round oranges", except Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type;

(b) Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type;

(c) Temple oranges;

(d) Marsh and other seedless grapefruit, excluding pink grapefruit;

(e) Duncan and other seeded grapefruit, excluding pink grapefruit;
(f) Pink seedless grapefruit;
(g) Pink seeded grapefruit;
(h) Tangelos;
(i) Dancy and similar tangerines, including Robinson; and
(j) Murcott Honey oranges.

(3) The first sentence of § 905.21 is revised to read as follows: "The Growers Administrative Committee shall consist of at least eight but not more than nine members, each of whom shall have an alternate, all of whom shall be producers who shall not be handlers or employed by handlers."

(4) The first and second sentences of § 905.22(b) are deleted and the following inserted in lieu thereof: "Producers in each respective district shall nominate for membership on the Growers Administrative Committee, at least twice the number of producers as the number of positions to be filled from the district. At least half the producers so nominated in each district shall be affiliated with a cooperative marketing association."

(5) The first sentence of § 905.23 is revised to read as follows: "In selecting the members and alternate members of the Growers Administrative Committee, the Secretary shall select one member and one alternate member from the nominees of each of Districts One, Two, Three, Four, Five, and Six and two members and two alternates from District Seven, or such other number of members and alternate members from each district as may be prescribed pursuant to § 905.31(k)."

(6) The word "and" is deleted at the end of paragraph (i), the period at the end of paragraph (j) is changed to "; and", and a new paragraph (k) is added to § 905.31 *Duties of Growers Administrative Committee* reading as follows:

(k) To maintain equitable representation among districts, with approval of the Secretary, to redefine the districts into which the production area is divided or to reapportion or otherwise change the committee membership of districts, or both: *Provided*, That the membership shall consist of at least eight but not more than nine members, and any such change shall be based, so far as practicable, upon the respective averages for the immediately preceding five fiscal periods of (1) the volume of fruit shipped from each district; (2) the volume of fruit produced in each district; and (3) the total number of acres of citrus in each district. The committee shall consider such redistricting and reapportionment during the 1965–66 fiscal period, and only in each fifth fiscal period thereafter, and each such redistricting or reapportionment shall be announced on or before March 1 of the then current fiscal period.

(7) Paragraph (d) of § 905.50 *Marketing Policy* is revised to read as follows:

(d) The Growers Administrative Committee shall transmit a copy of each marketing policy report or revision thereof to the Secretary and to each producer and handler who files a request therefor. Copies of all such reports shall be maintained in the office of the committee where they shall be available for examination by producers and handlers.

(8) Paragraph (c) of § 905.51 *Recommendations for Regulations* is revised to read as follows:

(c) The Growers Administrative Committee shall give notice of any meeting to consider the recommendation of regulations pursuant to § 905.52 by mailing a notice of meeting to each handler who has filed his address with said committee for this purpose. The said committee shall give the same notice of any such recommendation before the time it is recommended that such regulation become effective.

(9) Paragraph (b) of § 905.52 *Regulation by the Secretary* is revised to read as follows:

(b) Prior to the beginning of any such regulations, the Secretary shall notify the Growers Administrative Committee of the regulation issued by him, which committee shall notify all handlers by mailing a copy thereof to each handler who has filed his address with said committee for this purpose.

(10) Paragraph (a)(1) of § 905.52 *Regulation by the Secretary* is revised to read as follows:

(1) Limit the shipment of any grade or size, or both, of any variety, in any manner as may be prescribed, and any such limitation may provide that shipments of any variety grown in Regulation Area II shall be limited to grades and sizes different from the grade and size limitations applicable to shipments of the same varieties grown in Regulation Area I: *Provided*, That whenever any such grade or size limitation restricts the shipment of a portion of a specified grade or size of a variety the quantity of such grade or size that may be shipped by a handler during a particular week shall be established as a percentage of the total shipments of such variety by such handler during such week of the regulation period.

(11) The first sentence in § 905.40 *Expenses* is revised to read as follows: "The Growers Administrative Committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred to carry out the functions of both committees under this subpart during each fiscal period."

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, October 29, 1965, to become effective upon publication in the FEDERAL REGISTER.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 65–11871; Filed, Nov. 3, 1965; 8:48 a.m.]

PART 909—GRAPEFRUIT GROWN IN ARIZONA; IMPERIAL COUNTY, CALIF.; AND THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

Expenses and Rate of Assessment, and Carryover of Unexpended Funds.

Notice was published in the October 15, 1965, issue of the FEDERAL REGISTER (30 F.R. 13143) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the fiscal period ending July 31, 1966, under the marketing agreement, as amended, and Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, Calif.; and in that part of Riverside County, Calif., situated south and east of White Water, Calif., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Administrative Committee (established pursuant to the said amended marketing agreement and order), it is hereby found and determined that:

§ 909.204 Expenses and rate of assessment and carryover of unexpended funds.

(a) *Expenses.* The expenses that are reasonable and necessary to be incurred by the Administrative Committee during the period August 1, 1965, through July 31, 1966, will amount to $150,000.

(b) *Rate of assessment.* The rate of assessment for such period, payable by each handler in accordance with § 909.41 is hereby fixed at three cents ($0.03) per carton.

(c) *Operating reserve.* Unexpended assessment funds, in excess of expenses incurred during such period, shall be carried over as a reserve in accordance with the applicable provisions of § 909.42.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the relevant provisions of said amended marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable grapefruit from the beginning of such year; and (2) the current fiscal period began on August 1, 1965, and the rate of assessment herein fixed will automatically apply to all assessable grapefruit beginning with such date.

Terms used in said amended marketing agreement and order, shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 29, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–11872; Filed, Nov. 3, 1965; 8:49 a.m.]

PART 971—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY OF SOUTH TEXAS

Limitation of Shipments

Notice of rule making with respect to a proposed limitation of shipments regulation to be made effective under Marketing Agreement No. 144 and Order No. 971 (7 CFR Part 971), regulating the handling of lettuce grown in the Lower Rio Grande Valley in South Texas, was published in the FEDERAL REGISTER, October 7, 1965 (30 F.R. 12785). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

This notice afforded interested parties an opportunity to file written data, views, or arguments pertaining thereto within 15 days after publication. The notice contained a proposal to prohibit packaging on New Year's Day.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, and other available information, it is hereby found that the limitation of shipments regulation, as hereinafter set forth, which does not contain a prohibition against packaging on New Year's Day, will tend to effectuate the declared policy of the act.

§ 971.308 Limitation of shipments.

During the period December 6, 1965, through March 31, 1966, no person may handle any lot of lettuce grown in the production area unless the lettuce meets requirements of paragraphs (a) grade, (b) size and pack, and (c) containers, or unless the lettuce is handled in accordance with paragraphs (d) or (e), of this section. Further, no handler may package lettuce during the above period on any Sunday or on Christmas Day.

(a) *Grade.* Seventy-five percent U.S. No. 1 quality, or better, with not more than 10 percent serious damage including not more than 5-percent decay in any lot. Individual containers shall have not less than 60 percent U.S. No. 1 quality, with not more than 23 percent serious damage, including not more than three heads affected by decay.

(b) *Sizing and pack.* (1) Lettuce heads, if wrapped, may be packed only 18, 20, 22, 24, or 30 heads per container.

(2) Lettuce heads, if not wrapped, may be packed only 18, 24, or 30 heads per container.

(c) *Containers.* Containers may be only:

(1) Cartons with inside dimensions of 10 x 14¼ x 21$^{5}/_{16}$ inches (designated as carrier container No. 7303), or

(2) Cartons with inside dimensions of 9¾ x 14 x 21 inches (designated as carrier container Nos. 7306 and 7313).

(d) ***Minimum quantities.*** Any person may handle up to, but not to exceed two cartons of lettuce a day without regard to inspection, assessment, grade, size, and pack requirements, but it must meet container requirements. This exception may not be applied to any portion of a shipment of over two cartons of lettuce.

(e) *Special purpose shipments.* Lettuce not meeting grade, size, or container requirements of paragraph (a), (b), or (c) of this section may be handled for any purpose listed, if handled as prescribed in this paragraph. Inspection or assessments are not required on such shipments.

(1) For relief, charity, or experimental purposes, if prior to handling, the handler pursuant to §§ 971.120–971.125 obtains a Certificate of Privilege applicable thereto and reports thereon.

(2) For export to Mexico, if the handler of such lettuce loads or transports it only in a vehicle bearing Mexican registration (license) and he maintains the following records of each transaction.

(i) Name and address of the purchaser;
(ii) Quantity involved in each sale;
(iii) Date of sale; and
(iv) Identification by make, model, and license number of the purchaser's or trucker's vehicle.

(f) *Inspection.* (1) No handler may handle any lettuce for which an inspection certificate is required unless an appropriate inspection certificate has been issued with respect thereto.

(2) No handler may transport, or cause the transportation of, by motor vehicle, any shipment of lettuce for which an inspection certificate is required unless each such shipment is accompanied by a copy of an inspection certificate or by a copy of a shipment release form (SPI–23) furnished by the inspection service verifying that such shipment meets the current grade, size, pack and/or container regulations promulgated under this part. A copy of the inspection certificate, or shipment release form, applicable to each truck lot shall be available and surrendered upon request to authorities designated by the committee.

(3) For administration of this part, an inspection certificate or shipment release form required by the committee as evidence of inspection is valid for only 72 hours following completion of inspection, as shown on such certificate or form.

(g) *Definitions.* (1) "Wrapped" heads of lettuce refers to those which are enclosed individually in parchment, plastic, or other commercial film (cf. AMS 481) and then packed in cartons or other containers.

(2) "U.S. No. 1" and "serious damage" shall have the same meaning as in the U.S. Standards for Lettuce (§§ 51.2510–51.2531 of this title).

(3) All other terms used in this section shall have the same meaning as when used elsewhere in this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated October 29, 1965, to become effective December 6, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division.

[F.R. Doc. 65–11873; Filed, Nov. 3, 1965; 8:49 a.m.]

[980.1—Amdt. 2, Irish Potatoes]

PART 980—VEGETABLES; IMPORT REGULATIONS

During the current year, and for several months prior thereto, Irish potatoes have been imported in largest volumes at various places different from those currently set forth in § 980.1(g)(1)(ii). This amendment reflects the foregoing and lists the areas where substantially all of the imports were made, together with the respective addresses of the governmental inspection services, and where requests for inspection and certification of imported potatoes should be directed. Giving at least the specified advance notice to the applicable inspection office should assure the availability of an inspector to perform the required inspection and certification pursuant to § 980.1.

Therefore, subparagraph (1)(ii) of paragraph (g) of § 980.1 Import Regulations; Irish potatoes (7 CFR 980.1) is hereby amended to read as follows:

§ 980.1 Import regulations; Irish potatoes.

* * * * * *

(g) * * *

(1)(ii) Since inspectors may not be stationed in the immediate vicinity of a port, or point of entry, an importer of uninspected and uncertified Irish potatoes should make advance arrangements for inspection. Each importer should give at least the specified advance notice to one of the following applicable inspection offices prior to the time the Irish potatoes would be imported.

Ports and points	Inspection office	Advance notice (days)
All Maine ports and points.	Officer-In-Charge, Post Office Box 688, Caribou, Maine, 04736 (Telephone: 496–8511).	1
Port of Boston, Mass.	Officer-In-Charge, Room 725, 408 Atlantic Ave., Boston, Mass., 02210 (Telephone: 223–7753).	1
Port of New York, N.Y.	Officer-In-Charge, Room 306, 346 Broadway, New York, N.Y., 10013 (Telephone: 264–1130, 1131, 1132).	1
Port of Philadelphia, Pa.	Officer-In-Charge, Room 239, Produce Bldg., 3301 South Galloway St., Philadelphia, Pa., 19148 (Telephone: Dewey 6–0646).	1
Port of New Orleans, La.	Officer-In-Charge, Room 5027, Federal Office Bldg., 701 Loyola Ave., New Orleans, La., 70113 (Telephone: 527–6741 and 527–6742).	1
All other ports and points.	Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, C&MS, USDA, Washington, D.C., 20250 (Telephone: Dudley 8–6870).	3

It is hereby found that it is impracticable and unnecessary to give preliminary notice and engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER, and for making this amendment effective not later than the date hereinafter prescribed (5 U.S.C. 1003), in that (1) compliance with this amendment will not require any special preparation on the part of importers which cannot be completed by the effective time hereof; (2) this amendment is designed to facilitate the importation of Irish potatoes at the ports, and points, of entry most used; (3) sufficient time is afforded importers to obtain inspection service as required by current § 980.1(g)(1)(ii) as well as to conduct their future operations in conformity with this amendment; and (4) no useful purpose would be served by delaying the effective date hereof beyond that hereinafter prescribed.

Dated October 29, 1965, to become effective 7 days after publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 65-11874; Filed, Nov. 3, 1965; 8:49 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS

Records and Fees

Reference is made to the notice of proposed rulemaking which was published in the FEDERAL REGISTER of October 7, 1965 (30 F.R. 12785) pursuant to section 4 of the Administrative Procedure Act (60 Stat 238; 5 U.S.C. 1003) and in which there was set out in full the terms of the proposed amendment to paragraph (c) of § 103.7, Chapter I, Title 8, Code of Federal Regulations, relating to fees. No representations were received. The rule as set out below is adopted.

The list of fees in paragraph (c) of § 103.7 is amended by the addition of a new fee as the 6th item of that list so that when taken with the introductory material the new fee will read as follows:

§ 103.7 Records and fees.

* * * * *

(c) *Additional fees.* In addition to the fees enumerated in sections 281 and 344 of the Act, the following fees and charges are prescribed:

* * * * *

For filing an application for a U.S. Citizen Identification Card $5.00

* * * * *

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103; sec. 501, 65 Stat. 290; 5 U.S.C. 140)

The basis and purpose of the rule is to require the submission of the prescribed fee to cover the cost of processing the application.

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the requirements of section 4(c) of the Administrative Procedure Act relating to delayed effective date is unnecessary in this instance because the persons affected by the foregoing rule will not require additional time.

Dated: October 28, 1965.

RAYMOND F. FARRELL,
Commissioner of
Immigration and Naturalization.

[F.R. Doc. 65-11850; Filed, Nov. 3, 1965; 8:46 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Order No. 66B; Docket No. 3666]

PART 73—SHIPPERS

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

Miscellaneous Amendments

At a session of the Interstate Commerce Commission, Explosives and Other Dangerous Articles Board, held at Washington, D.C., on the 26th day of October 1965.

Upon further consideration of the cancellation of Note 1 following the bracketed paragraphs after Parts 73 and 77 Indexes and immediately preceding §§ 73.1 and 77.800 of the amendment to the regulations for the Transportation of Explosives and Other Dangerous Articles, as adopted by Order No. 66 in Docket 3666, dated April 9, 1965, effective date of which was postponed until October 31, 1965 by Order No. 66A dated June 25, 1965, and good cause appearing;

It is ordered, That the effective date of the cancellation of the above referred-to Notes is hereby postponed, and the provisions of those Notes shall remain in effect until further order of the Commission.

It is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

(62 Stat. 738, 74 Stat. 808; 18 U.S.C. 834)

By the Commission, Explosives and Other Dangerous Articles Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 65-11856; Filed, Nov. 3, 1965; 8:47 a.m.]

[Order No. 50; No. 3666]

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

Subpart F—Regulations Applying to Transportation of Explosives and Other Dangerous Articles by Private Motor Carriers

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., this 21st day of October A.D. 1965.

It appearing, that notice of proposed rule making was issued in the above-entitled proceeding on May 12, 1961 (26 F.R. 4121), pursuant to section 4(a) of the Administrative Procedure Act (5 U.S.C. 1003);

It further appearing, that hearing on the matter and things has been held;

And it further appearing, that the Division has, on the date hereof, made and filed its report in this proceeding containing its findings of fact and conclusions thereon, which said report is hereby referred to and made a part hereof; and good cause appearing therefor:

It is ordered, That 49 CFR Part 77, be, and the same is hereby, amended, effective February 1, 1966, by adding thereto a new Subpart F reading as follows:

Sec.
77.875 Reports required.
77.876 Identification of vehicles.

AUTHORITY: The provisions of this Subpart F issued under secs. 204, 220, 224, 49 Stat. 546, as amended, 563, as amended, 566, as amended; 49 U.S.C. 304, 320, 324; 62 Stat. 738, 74 Stat. 808; 18 U.S.C. 834.

§ 77.875 Reports required.

(a) Every private carrier engaged in transporting in interstate or foreign commerce, explosives or other dangerous articles of such kind and in such quantities as to require that a vehicle be marked or placarded by the provisions of § 77.823 shall, on or before February 1 of each year, submit to the Interstate Commerce Commission, Washington, D.C., a report by letter or postal card which report shall include, in addition to the carrier's name and principal address, the following information concerning the operations of such carrier during the preceding calendar year:

(1) The maximum number of trucks and tractors operated at any time during such year in interstate or foreign commerce in transporting said explosives or other dangerous articles;

(2) The names of all States in or through which those vehicles were operated; and

(3) The number of accidents in which those vehicles were involved wherein bodily injury, death, or property damage to the extent of $250 or more, resulted.

§ 77.876 Identification of vehicles.

(a) *General requirements.* There shall be displayed on both sides of each vehicle operated under its own power, either alone or in combination, in the service of a private carrier engaged in the transportation in interstate or foreign commerce of the articles embraced in § 77.875 the name or trade name of the carrier operating such vehicle and the city or community in which such carrier maintains its principal office or in which the vehicle is customarily based. If the name of any person other than the operating carrier appears on the vehicle operated under its own power, either alone or in combination, the name of the operating carrier shall be followed by the information required by this paragraph, and be preceded by the words 'operated by'. Nothing in these regulations shall prohibit display of such additional identification as is not inconsistent herewith.

(b) *Size, shape, and color.* The display of name and address prescribed in paragraph (a) of this section shall be in letters in sharp color contrast to the background and be of such size, shape, and color as to be readily legible, during daylight hours, from a distance of 50 feet while the vehicle is not in motion, and such display shall be kept and maintained in such manner as to remain so legible. If desired, display may be accomplished through use of a removable device so prepared as otherwise to meet the identification and legibility requirements of this section.

Notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 65-11855; Filed, Nov. 3, 1965; 8:47 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER C—EMPLOYMENT TAXES

[T.D. 6860]

PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

Income Tax Collected at Source

In order to conform the Employment Tax Regulations (26 CFR Part 31) under section 3402 of the Internal Revenue Code of 1954 to subsections (a) and (b) of section 302 of the Revenue Act of 1964 (78 Stat. 140), such regulations are amended as follows:

PARAGRAPH 1. Section 31.3402(a) is amended by revising section 3402(a) and the historical note to read as follows:

§ 31.3402(a) Statutory provisions; income tax collected at source; requirement of withholding.

SEC. 3402. *Income tax collected at source—*
(a) *Requirement of withholding.* Every employer making payment of wages shall deduct and withhold upon such wages (except as provided in subsection (j)) a tax equal to 14 percent of the amount by which the wages exceed the number of withholding exemptions claimed, multiplied by the amount of one such exemption as shown in subsection (b)(1).

[Sec. 3402(a) as amended by sec. 2(a), Act of Aug. 9, 1955 (Pub. Law 306, 84th Cong., 69 Stat. 605); sec. 302(a), Rev. Act 1964 (78 Stat. 140)]

PAR. 2. There is inserted immediately after § 31.3402(a)-1 the following new section:

§ 31.3402(a)-2 Rate under percentage method of withholding.

(a) In respect of wages paid before March 5, 1964, the rate of tax specified in section 3402(a) is 18 percent.

(b) In respect of wages paid after March 4, 1964, the rate of tax specified in section 3402(a) is 14 percent.

PAR. 3. Section 31.3402(b)-1 is amended by revising paragraphs (a)(2) and (c)(1) to read as follows:

§ 31.3402(b)-1 Percentage method of withholding.

(a) *In general.* * * *

(2) The steps in computing the tax under the percentage method of withholding are summarized as follows:

Step 1. Determine the amount of one withholding exemption for the particular payroll period from the percentage method withholding table.

Step 2. Multiply the amount determined in Step 1 by the number of exemptions claimed by the employee.

Step 3. Subtract the amount determined in Step 2 from the employee's wages.

Step 4. Multiply the difference by the applicable percentage figure under section 3402(a) (see §§ 31.3402(a) and 31.3402(a)-2),

The result is the amount of tax to be withheld.

Example. During the period in which the rate under the percentage method of withholding is 14 percent, an employee has a weekly payroll period, for which he is paid $75, and has in effect a withholding exemption certificate claiming three withholding exemptions. His employer, using the percentage method, computes the tax to be withheld as follows:

Step 1: Amount of one withholding exemption	$13.00
Step 2: Multiplied by number of exemptions claimed on Form W-4	×3
Total withholding exemption	39.00
Step 3: Total wage payment	75.00
Less amount determined in Step 2	39.00
Balance subject to tax	36.00
Step 4: Tax to be withheld (balance multiplied by 0.14)	5.04

* * * * *

(c) *Periods to which the daily or miscellaneous withholding exemption is applicable—*

(1) *In general.* The percentage method withholding table shows for a daily or miscellaneous payroll period the amount of one withholding exemption allowable with respect to one day. For the purpose of determining the amount of tax to be withheld with respect to wages paid for a particular miscellaneous payroll period (see paragraph (c) of § 31.3401(b)-1), the amount of one withholding exemption shown in the table for one day of such period and the wages paid for the period must be placed on a comparable basis. The amount of tax to be withheld may be determined by either of the following methods:

(i) Under the first method the following steps are taken:

Step 1. Multiply the amount shown in the percentage method withholding table as applicable per day of a miscellaneous payroll period by the number of days (including Sundays and holidays) in such period.

Step 2. Multiply the amount determined in Step 1 by the number of withholding exemptions claimed by the employee.

Step 3. Subtract the amount determined in Step 2 from the employee's wages.

Step 4. Multiply the difference by the applicable percentage figure under section 3402 (a) (see §§ 31.3402(a) and 31.3402(a)-2),

(ii) Under the second method the following steps are taken:

Step 1. Divide the wages paid to the employee for the period by the number of days (including Sundays and holidays) in the period.

Step 2. Multiply the amount shown in the percentage method withholding table as applicable per day of a miscellaneous payroll period by the number of withholding exemptions claimed by the employee.

Step 3. Subtract the amount determined in Step 2 from the amount determined in Step 1.

Step 4. Multiply the difference by the applicable percentage figure under section 3402 (a) (see §§ 31.3402(a) and 31.3402(a)-2).

Step 5. Multiply the amount determined in Step 4 by the number of days (including Sundays and holidays) in the period.

* * * * *

PAR. 4. Section 31.3402(c) is amended by revising paragraph (1) of section 3402(c) and by adding a historical note. The revised and added provisions read as follows:

§ 31.3402(c) Statutory provisions; income tax collected at source; wage bracket withholding.

SEC. 3402. *Income tax collected at source.*
* * * (c) *Wage bracket withholding.* (1) At the election of the employer with respect to any employee, the employer shall deduct and withhold upon the wages paid to such employee a tax determined in accordance with the following tables, which shall be in lieu of the tax required to be deducted and withheld under subsection (a):

If the payroll period with respect to an employee is weekly—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
$0	$13	14% of wages	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$13	$14	$1.90	.10	0	0	0	0	0	0	0	0	0
$14	$15	2.00	.20	0	0	0	0	0	0	0	0	0
$15	$16	2.20	.40	0	0	0	0	0	0	0	0	0
$16	$17	2.30	.50	0	0	0	0	0	0	0	0	0
$17	$18	2.50	.70	0	0	0	0	0	0	0	0	0
$18	$19	2.60	.80	0	0	0	0	0	0	0	0	0
$19	$20	2.70	.90	0	0	0	0	0	0	0	0	0
$20	$21	2.90	1.10	0	0	0	0	0	0	0	0	0
$21	$22	3.00	1.20	0	0	0	0	0	0	0	0	0
$22	$23	3.20	1.40	0	0	0	0	0	0	0	0	0
$23	$24	3.30	1.50	0	0	0	0	0	0	0	0	0
$24	$25	3.40	1.60	0	0	0	0	0	0	0	0	0
$25	$26	3.60	1.80	0	0	0	0	0	0	0	0	0
$26	$27	3.70	1.90	.10	0	0	0	0	0	0	0	0
$27	$28	3.90	2.10	.30	0	0	0	0	0	0	0	0
$28	$29	4.00	2.20	.40	0	0	0	0	0	0	0	0
$29	$30	4.10	2.30	.50	0	0	0	0	0	0	0	0
$30	$31	4.30	2.50	.70	0	0	0	0	0	0	0	0
$31	$32	4.40	2.60	.80	0	0	0	0	0	0	0	0
$32	$33	4.60	2.80	1.00	0	0	0	0	0	0	0	0
$33	$34	4.70	2.90	1.10	0	0	0	0	0	0	0	0
$34	$35	4.80	3.00	1.20	0	0	0	0	0	0	0	0
$35	$36	5.00	3.20	1.40	0	0	0	0	0	0	0	0
$36	$37	5.10	3.30	1.50	0	0	0	0	0	0	0	0
$37	$38	5.30	3.50	1.70	0	0	0	0	0	0	0	0
$38	$39	5.40	3.60	1.80	0	0	0	0	0	0	0	0
$39	$40	5.50	3.70	1.90	.10	0	0	0	0	0	0	0
$40	$41	5.70	3.90	2.10	.30	0	0	0	0	0	0	0
$41	$42	5.80	4.00	2.20	.40	0	0	0	0	0	0	0
$42	$43	6.00	4.20	2.40	.60	0	0	0	0	0	0	0
$43	$44	6.10	4.30	2.50	.70	0	0	0	0	0	0	0
$44	$45	6.20	4.40	2.60	.80	0	0	0	0	0	0	0
$45	$46	6.40	4.60	2.80	1.00	0	0	0	0	0	0	0
$46	$47	6.50	4.70	2.90	1.10	0	0	0	0	0	0	0
$47	$48	6.70	4.90	3.10	1.30	0	0	0	0	0	0	0
$48	$49	6.80	5.00	3.20	1.40	0	0	0	0	0	0	0
$49	$50	6.90	5.10	3.30	1.50	0	0	0	0	0	0	0
$50	$51	7.10	5.30	3.50	1.70	0	0	0	0	0	0	0
$51	$52	7.20	5.40	3.60	1.80	0	0	0	0	0	0	0
$52	$53	7.40	5.60	3.80	2.00	.20	0	0	0	0	0	0
$53	$54	7.50	5.70	3.90	2.10	.30	0	0	0	0	0	0
$54	$55	7.60	5.80	4.00	2.20	.50	0	0	0	0	0	0
$55	$56	7.80	6.00	4.20	2.40	.80	0	0	0	0	0	0
$56	$57	7.90	6.10	4.30	2.50	.70	0	0	0	0	0	0
$57	$58	8.10	6.30	4.50	2.70	.90	0	0	0	0	0	0
$58	$59	8.20	6.40	4.60	2.80	1.00	0	0	0	0	0	0
$59	$60	8.30	6.50	4.70	2.90	1.20	0	0	0	0	0	0
$60	$62	8.50	6.70	5.00	3.20	1.40	0	0	0	0	0	0
$62	$64	8.80	7.00	5.20	3.40	1.60	0	0	0	0	0	0
$64	$66	9.10	7.30	5.50	3.70	1.90	.10	0	0	0	0	0
$66	$68	9.40	7.60	5.80	4.00	2.20	.40	0	0	0	0	0
$68	$70	9.70	7.90	6.10	4.30	2.50	.70	0	0	0	0	0
$70	$72	9.90	8.10	6.40	4.60	2.80	1.00	0	0	0	0	0
$72	$74	10.20	8.40	6.60	4.80	3.00	1.20	0	0	0	0	0
$74	$76	10.50	8.70	6.90	5.10	3.30	1.80	0	0	0	0	0
$76	$78	10.80	9.00	7.20	5.40	3.60	1.80	0	0	0	0	0
$78	$80	11.10	9.30	7.50	5.70	3.90	2.10	.30	0	0	0	0
$80	$82	11.30	9.50	7.80	6.00	4.20	2.40	.60	0	0	0	0
$82	$84	11.60	9.80	8.00	6.20	4.40	2.60	.90	0	0	0	0
$84	$86	11.90	10.10	8.30	6.50	4.70	2.90	1.10	0	0	0	0
$86	$88	12.20	10.40	8.60	6.80	5.00	3.20	1.40	0	0	0	0
$88	$90	12.50	10.70	8.90	7.10	5.30	3.50	1.70	0	0	0	0
$90	$92	12.70	10.90	9.20	7.40	5.60	3.80	2.00	.20	0	0	0
$92	$94	13.00	11.20	9.40	7.60	5.80	4.00	2.30	.50	0	0	0
$94	$96	13.30	11.50	9.70	7.90	6.10	4.30	2.50	.70	0	0	0
$96	$98	13.60	11.80	10.00	8.20	6.40	4.60	2.80	1.00	0	0	0
$98	$100	13.90	12.10	10.30	8.50	6.70	4.90	3.10	1.30	0	0	0
$100	$105	14.40	12.60	10.80	9.00	7.20	5.40	3.60	1.80	0	0	0
$105	$110	15.10	13.30	11.50	9.70	7.90	6.10	4.30	2.50	.70	0	0
$110	$115	15.80	14.00	12.20	10.40	8.60	6.80	5.00	3.20	1.40	0	0
$115	$120	16.50	14.70	12.90	11.10	9.30	7.50	5.70	3.90	2.10	.30	0
$120	$125	17.20	15.40	13.60	11.80	10.00	8.20	6.40	4.60	2.80	1.00	0
$125	$130	17.90	16.10	14.30	12.50	10.70	8.90	7.10	5.30	3.50	1.70	0
$130	$135	18.60	16.80	15.00	13.20	11.40	9.60	7.80	6.00	4.20	2.40	.60
$135	$140	19.30	17.50	15.70	13.90	12.10	10.30	8.50	6.70	4.90	3.10	1.30
$140	$145	20.00	18.20	16.40	14.60	12.80	11.00	9.20	7.40	5.60	3.80	2.00
$145	$150	20.70	18.90	17.10	15.30	13.50	11.70	9.90	8.10	6.30	4.50	2.70
$150	$160	21.70	19.90	18.10	16.30	14.50	12.70	10.90	9.10	7.30	5.50	3.80
$160	$170	23.10	21.30	19.50	17.70	15.90	14.10	12.30	10.50	8.70	6.90	5.20
$170	$180	24.50	22.70	20.90	19.10	17.30	15.50	13.70	11.90	10.10	8.30	6.60
$180	$190	25.90	24.10	22.30	20.50	18.70	16.90	15.10	13.30	11.50	9.70	8.00
$190	$200	27.30	25.50	23.70	21.90	20.10	18.30	16.50	14.70	12.90	11.10	9.40
		14 percent of the excess over $200 plus—										
$200 and over		28.00	26.20	24.40	22.60	20.80	19.00	17.20	15.40	13.60	11.80	10.10

If the payroll period with respect to an employee is biweekly—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
$0	$26	14% of wages	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$26	$28	$3.80	.20	0	0	0	0	0	0	0	0	0
$28	$30	4.10	.50	0	0	0	0	0	0	0	0	0
$30	$32	4.30	.80	0	0	0	0	0	0	0	0	0
$32	$34	4.60	1.00	0	0	0	0	0	0	0	0	0
$34	$36	4.90	1.30	0	0	0	0	0	0	0	0	0
$36	$38	5.20	1.60	0	0	0	0	0	0	0	0	0
$38	$40	5.50	1.90	0	0	0	0	0	0	0	0	0
$40	$42	5.70	2.20	0	0	0	0	0	0	0	0	0
$42	$44	6.00	2.40	0	0	0	0	0	0	0	0	0
$44	$46	6.30	2.70	0	0	0	0	0	0	0	0	0
$46	$48	6.60	3.00	0	0	0	0	0	0	0	0	0
$48	$50	6.90	3.20	0	0	0	0	0	0	0	0	0
$50	$52	7.10	3.60	0	0	0	0	0	0	0	0	0
$52	$54	7.40	3.80	.20	0	0	0	0	0	0	0	0
$54	$56	7.70	4.10	.50	0	0	0	0	0	0	0	0
$56	$58	8.00	4.40	.80	0	0	0	0	0	0	0	0
$58	$60	8.30	4.70	1.10	0	0	0	0	0	0	0	0
$60	$62	8.50	5.00	1.40	0	0	0	0	0	0	0	0
$62	$64	8.80	5.20	1.60	0	0	0	0	0	0	0	0
$64	$66	9.10	5.50	1.90	0	0	0	0	0	0	0	0
$66	$68	9.40	5.80	2.20	0	0	0	0	0	0	0	0
$68	$70	9.70	6.10	2.50	0	0	0	0	0	0	0	0
$70	$72	9.90	6.40	2.80	0	0	0	0	0	0	0	0
$72	$74	10.20	6.60	3.00	0	0	0	0	0	0	0	0
$74	$76	10.50	6.90	3.30	0	0	0	0	0	0	0	0
$76	$78	10.80	7.20	3.60	0	0	0	0	0	0	0	0
$78	$80	11.10	7.50	3.90	.30	0	0	0	0	0	0	0
$80	$82	11.30	7.80	4.20	.60	0	0	0	0	0	0	0
$82	$84	11.60	8.00	4.40	.90	0	0	0	0	0	0	0
$84	$86	11.90	8.30	4.70	1.10	0	0	0	0	0	0	0
$86	$88	12.20	8.60	5.00	1.40	0	0	0	0	0	0	0
$88	$90	12.50	8.90	5.30	1.70	0	0	0	0	0	0	0
$90	$92	12.70	9.20	5.60	2.00	0	0	0	0	0	0	0
$92	$94	13.00	9.40	5.80	2.30	0	0	0	0	0	0	0
$94	$96	13.30	9.70	6.10	2.50	0	0	0	0	0	0	0
$96	$98	13.60	10.00	6.40	2.80	0	0	0	0	0	0	0
$98	$100	13.90	10.30	6.70	3.10	0	0	0	0	0	0	0
$100	$102	14.10	10.60	7.00	3.40	0	0	0	0	0	0	0
$102	$104	14.40	10.80	7.20	3.70	.10	0	0	0	0	0	0
$104	$106	14.70	11.10	7.50	3.90	.30	0	0	0	0	0	0
$106	$108	15.00	11.40	7.80	4.20	.60	0	0	0	0	0	0
$108	$110	15.30	11.70	8.10	4.50	.90	0	0	0	0	0	0
$110	$112	15.60	12.00	8.40	4.80	1.20	0	0	0	0	0	0
$112	$114	15.80	12.20	8.60	5.10	1.50	0	0	0	0	0	0
$114	$116	16.10	12.50	8.90	5.30	1.70	0	0	0	0	0	0
$116	$118	16.40	12.80	9.20	5.60	2.00	0	0	0	0	0	0
$118	$120	16.70	13.10	9.50	5.90	2.30	0	0	0	0	0	0
$120	$124	17.10	13.50	9.90	6.30	2.70	0	0	0	0	0	0
$124	$128	17.60	14.10	10.50	6.90	3.30	0	0	0	0	0	0
$128	$132	18.20	14.60	11.00	7.40	3.80	.30	0	0	0	0	0
$132	$136	18.80	15.20	11.60	8.00	4.40	.80	0	0	0	0	0
$136	$140	19.30	15.70	12.10	8.60	5.00	1.40	0	0	0	0	0
$140	$144	19.90	16.30	12.70	9.10	5.50	1.90	0	0	0	0	0
$144	$148	20.40	16.90	13.30	9.70	6.10	2.50	0	0	0	0	0
$148	$152	21.00	17.40	13.80	10.20	6.60	3.10	0	0	0	0	0
$152	$156	21.60	18.00	14.40	10.80	7.20	3.60	0	0	0	0	0
$156	$160	22.10	18.50	14.90	11.40	7.80	4.20	.60	0	0	0	0
$160	$164	22.70	19.10	15.50	11.90	8.30	4.70	1.10	0	0	0	0
$164	$168	23.20	19.70	16.10	12.50	8.90	5.30	1.70	0	0	0	0
$168	$172	23.80	20.20	16.60	13.00	9.40	5.90	2.30	0	0	0	0
$172	$176	24.40	20.80	17.20	13.60	10.00	6.40	2.80	0	0	0	0
$176	$180	24.90	21.30	17.70	14.20	10.60	7.00	3.40	0	0	0	0
$180	$184	25.50	21.90	18.30	14.70	11.10	7.50	3.90	.40	0	0	0
$184	$188	26.00	22.50	18.90	15.30	11.70	8.10	4.50	.90	0	0	0
$188	$192	26.60	23.00	19.40	15.80	12.20	8.70	5.10	1.50	0	0	0
$192	$196	27.20	23.60	20.00	16.40	12.80	9.20	5.60	2.00	0	0	0
$196	$200	27.70	24.10	20.50	17.00	13.40	9.80	6.20	2.60	0	0	0
$200	$210	28.70	25.10	21.50	17.90	14.30	10.80	7.20	3.60	0	0	0
$210	$220	30.10	26.50	22.90	19.30	15.70	12.20	8.60	5.00	1.40	0	0
$220	$230	31.50	27.90	24.30	20.70	17.10	13.60	10.00	6.40	2.80	0	0
$230	$240	32.90	29.30	25.70	22.10	18.50	15.00	11.40	7.80	4.20	.60	0
$240	$250	34.30	30.70	27.10	23.50	19.90	16.40	12.80	9.20	5.60	2.00	0
$250	$260	35.70	32.10	28.50	24.90	21.30	17.80	14.20	10.60	7.00	3.40	0
$260	$270	37.10	33.50	29.90	26.30	22.70	19.20	15.60	12.00	8.40	4.80	1.20
$270	$280	38.50	34.90	31.30	27.70	24.10	20.60	17.00	13.40	9.80	6.20	2.60
$280	$290	39.90	36.30	32.70	29.10	25.50	22.00	18.40	14.80	11.20	7.60	4.00
$290	$300	41.30	37.70	34.10	30.50	26.90	23.40	19.80	16.20	12.60	9.00	5.40
$300	$320	43.40	39.80	36.20	32.60	29.00	25.50	21.90	18.30	14.70	11.10	7.50
$320	$340	46.20	42.60	39.00	35.40	31.80	28.30	24.70	21.10	17.50	13.90	10.30
$340	$360	49.00	45.40	41.80	38.20	34.60	31.10	27.50	23.90	20.30	16.70	13.10
$360	$380	51.80	48.20	44.60	41.00	37.40	33.90	30.30	26.70	23.10	19.50	15.90
$380	$400	54.60	51.00	47.40	43.80	40.20	36.70	33.10	29.50	25.90	22.30	18.70
		14 percent of the excess over $400 plus—										
$400 and over		56.00	52.40	48.80	45.20	41.60	38.10	34.50	30.90	27.30	23.70	20.10

If the payroll period with respect to an employee is semimonthly—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
$0	$28	14% of wages	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$28	$30	$4.10	.20	0	0	0	0	0	0	0	0	0
$30	$32	4.30	.50	0	0	0	0	0	0	0	0	0
$32	$34	4.60	.70	0	0	0	0	0	0	0	0	0
$34	$36	4.90	1.00	0	0	0	0	0	0	0	0	0
$36	$38	5.20	1.30	0	0	0	0	0	0	0	0	0
$38	$40	5.50	1.60	0	0	0	0	0	0	0	0	0
$40	$42	5.70	1.90	0	0	0	0	0	0	0	0	0
$42	$44	6.00	2.10	0	0	0	0	0	0	0	0	0
$44	$46	6.30	2.40	0	0	0	0	0	0	0	0	0
$46	$48	6.60	2.70	0	0	0	0	0	0	0	0	0
$48	$50	6.90	3.00	0	0	0	0	0	0	0	0	0
$50	$52	7.10	3.30	0	0	0	0	0	0	0	0	0
$52	$54	7.40	3.50	0	0	0	0	0	0	0	0	0
$54	$56	7.70	3.80	0	0	0	0	0	0	0	0	0
$56	$58	8.00	4.10	.20	0	0	0	0	0	0	0	0
$58	$60	8.30	4.40	.50	0	0	0	0	0	0	0	0
$60	$62	8.50	4.70	.80	0	0	0	0	0	0	0	0
$62	$64	8.80	4.90	1.00	0	0	0	0	0	0	0	0
$64	$66	9.10	5.20	1.30	0	0	0	0	0	0	0	0
$66	$68	9.40	5.50	1.60	0	0	0	0	0	0	0	0
$68	$70	9.70	5.80	1.90	0	0	0	0	0	0	0	0
$70	$72	9.90	6.10	2.20	0	0	0	0	0	0	0	0
$72	$74	10.20	6.30	2.40	0	0	0	0	0	0	0	0
$74	$76	10.50	6.60	2.70	0	0	0	0	0	0	0	0
$76	$78	10.80	6.90	3.00	0	0	0	0	0	0	0	0
$78	$80	11.10	7.20	3.30	0	0	0	0	0	0	0	0
$80	$82	11.30	7.50	3.60	0	0	0	0	0	0	0	0
$82	$84	11.60	7.70	3.80	0	0	0	0	0	0	0	0
$84	$86	11.90	8.00	4.10	.20	0	0	0	0	0	0	0
$86	$88	12.20	8.30	4.40	.50	0	0	0	0	0	0	0
$88	$90	12.50	8.60	4.70	.80	0	0	0	0	0	0	0
$90	$92	12.70	8.90	5.00	1.10	0	0	0	0	0	0	0
$92	$94	13.00	9.10	5.20	1.40	0	0	0	0	0	0	0
$94	$96	13.30	9.40	5.50	1.60	0	0	0	0	0	0	0
$96	$98	13.60	9.70	5.80	1.90	0	0	0	0	0	0	0
$98	$100	13.90	10.00	6.10	2.20	0	0	0	0	0	0	0
$100	$102	14.10	10.30	6.40	2.50	0	0	0	0	0	0	0
$102	$104	14.40	10.50	6.60	2.80	0	0	0	0	0	0	0
$104	$106	14.70	10.80	6.90	3.00	0	0	0	0	0	0	0
$106	$108	15.00	11.10	7.20	3.30	0	0	0	0	0	0	0
$108	$110	15.30	11.40	7.50	3.60	0	0	0	0	0	0	0
$110	$112	15.50	11.70	7.80	3.90	0	0	0	0	0	0	0
$112	$114	15.80	11.90	8.00	4.20	.30	0	0	0	0	0	0
$114	$116	16.10	12.20	8.30	4.40	.50	0	0	0	0	0	0
$116	$118	16.40	12.50	8.60	4.70	.80	0	0	0	0	0	0
$118	$120	16.70	12.80	8.90	5.00	1.10	0	0	0	0	0	0
$120	$124	17.10	13.20	9.30	5.40	1.50	0	0	0	0	0	0
$124	$128	17.60	13.80	9.90	6.00	2.10	0	0	0	0	0	0
$128	$132	18.20	14.30	10.40	6.50	2.60	0	0	0	0	0	0
$132	$136	18.80	14.90	11.00	7.10	3.20	0	0	0	0	0	0
$136	$140	19.30	15.40	11.50	7.70	3.80	0	0	0	0	0	0
$140	$144	19.90	16.00	12.10	8.20	4.30	.40	0	0	0	0	0
$144	$148	20.40	16.60	12.70	8.80	4.90	1.00	0	0	0	0	0
$148	$152	21.00	17.10	13.20	9.30	5.40	1.60	0	0	0	0	0
$152	$156	21.60	17.70	13.80	9.90	6.00	2.10	0	0	0	0	0
$156	$160	22.10	18.20	14.30	10.50	6.60	2.70	0	0	0	0	0
$160	$164	22.70	18.80	14.90	11.00	7.10	3.20	0	0	0	0	0
$164	$168	23.20	19.40	15.50	11.60	7.79	3.80	0	0	0	0	0
$168	$172	23.80	19.90	16.00	12.10	8.20	4.40	.50	0	0	0	0
$172	$176	24.40	20.50	16.60	12.70	8.80	4.90	1.00	0	0	0	0
$176	$180	24.90	21.00	17.10	13.30	9.40	5.50	1.60	0	0	0	0
$180	$184	25.50	21.60	17.70	13.80	9.90	6.00	2.10	0	0	0	0
$184	$188	26.00	22.20	18.30	14.40	10.50	6.60	2.70	0	0	0	0
$188	$192	26.60	22.70	18.80	14.90	11.00	7.20	3.30	0	0	0	0
$192	$196	27.20	23.30	19.40	15.50	11.60	7.70	3.80	0	0	0	0
$196	$200	27.70	23.80	19.90	16.10	12.20	8.30	4.40	.50	0	0	0
$200	$210	28.70	24.80	20.90	17.00	13.10	9.30	5.40	1.50	0	0	0
$210	$220	30.10	26.20	22.30	18.40	14.50	10.70	6.80	2.90	0	0	0
$220	$230	31.50	27.60	23.70	19.80	15.90	12.10	8.20	4.30	.40	0	0
$230	$240	32.90	29.00	25.10	21.20	17.30	13.50	9.60	5.70	1.80	0	0
$240	$250	34.30	30.40	26.50	22.60	18.70	14.90	11.00	7.10	3.20	0	0
$250	$260	35.70	31.80	27.90	24.00	20.10	16.30	12.40	8.50	4.60	.70	0
$260	$270	37.10	33.20	29.30	25.40	21.50	17.70	13.80	9.90	6.00	2.10	0
$270	$280	38.50	34.60	30.70	26.80	22.90	19.10	15.20	11.30	7.40	3.50	0
$280	$290	39.90	36.00	32.10	28.20	24.30	20.50	16.60	12.70	8.80	4.90	1.00
$290	$300	41.30	37.40	33.50	29.60	25.70	21.90	18.00	14.10	10.20	6.30	2.40
$300	$320	43.40	39.50	35.60	31.70	27.80	24.00	20.10	16.20	12.30	8.40	4.50
$320	$340	46.20	42.30	38.40	34.50	30.60	26.80	22.90	19.00	15.10	11.20	7.30
$340	$360	49.00	45.10	41.20	37.30	33.40	29.60	25.70	21.80	17.90	14.00	10.10
$360	$380	51.80	47.90	44.00	40.10	36.20	32.40	28.50	24.60	20.70	16.80	12.90
$380	$400	54.60	50.70	46.80	42.90	39.00	35.20	31.30	27.40	23.50	19.60	15.70
$400	$420	57.40	53.50	49.60	45.70	41.80	38.00	34.10	30.20	26.30	22.40	18.50
$420	$440	60.20	56.30	52.40	48.50	44.60	40.80	36.90	33.00	29.10	25.20	21.30
$440	$460	63.00	59.10	55.20	51.30	47.40	43.60	39.70	35.80	31.90	28.00	24.10
$460	$480	65.80	61.90	58.00	54.10	50.20	46.40	42.50	38.60	34.70	30.80	26.90
$480	$500	68.60	64.70	60.80	56.90	53.00	49.20	45.30	41.40	37.50	33.60	29.70
		14 percent of the excess over $500 plus—										
$500 and over		70.00	66.10	62.20	58.30	54.40	50.60	46.70	42.80	38.90	35.00	31.10

If the payroll period with respect to an employee is monthly—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
$0	$56	14% of wages	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$56	$60	$8.10	.30	0	0	0	0	0	0	0	0	0
$60	$64	8.70	.90	0	0	0	0	0	0	0	0	0
$64	$68	9.20	1.50	0	0	0	0	0	0	0	0	0
$68	$72	9.80	2.00	0	0	0	0	0	0	0	0	0
$72	$76	10.40	2.60	0	0	0	0	0	0	0	0	0
$76	$80	10.90	3.10	0	0	0	0	0	0	0	0	0
$80	$84	11.50	3.70	0	0	0	0	0	0	0	0	0
$84	$88	12.00	4.30	0	0	0	0	0	0	0	0	0
$88	$92	12.60	4.80	0	0	0	0	0	0	0	0	0
$92	$96	13.20	5.40	0	0	0	0	0	0	0	0	0
$96	$100	13.70	5.90	0	0	0	0	0	0	0	0	0
$100	$104	14.30	6.50	0	0	0	0	0	0	0	0	0
$104	$108	14.80	7.10	0	0	0	0	0	0	0	0	0
$108	$112	15.40	7.60	0	0	0	0	0	0	0	0	0
$112	$116	16.00	8.20	.40	0	0	0	0	0	0	0	0
$116	$120	16.50	8.70	1.00	0	0	0	0	0	0	0	0
$120	$124	17.10	9.30	1.50	0	0	0	0	0	0	0	0
$124	$128	17.60	9.90	2.10	0	0	0	0	0	0	0	0
$128	$132	18.20	10.40	2.60	0	0	0	0	0	0	0	0
$132	$136	18.80	11.00	3.20	0	0	0	0	0	0	0	0
$136	$140	19.30	11.50	3.80	3	0	0	0	0	0	0	0
$140	$144	19.90	12.10	4.30	0	0	0	0	0	0	0	0
$144	$148	20.40	12.70	4.90	0	0	0	0	0	0	0	0
$148	$152	21.00	13.20	5.40	0	0	0	0	0	0	0	0
$152	$156	21.60	13.80	6.00	0	0	0	0	0	0	0	0
$156	$160	22.10	14.30	6.60	0	0	0	0	0	0	0	0
$160	$164	22.70	14.90	7.10	0	0	0	0	0	0	0	0
$164	$168	23.20	15.50	7.70	0	0	0	0	0	0	0	0
$168	$172	23.80	16.00	8.20	.50	0	0	0	0	0	0	0
$172	$176	24.40	16.60	8.80	1.00	0	0	0	0	0	0	0
$176	$180	24.90	17.10	9.40	1.60	0	0	0	0	0	0	0
$180	$184	25.50	17.70	9.90	2.10	0	0	0	0	0	0	0
$184	$188	26.00	18.30	10.50	2.70	0	0	0	0	0	0	0
$188	$192	26.60	18.80	11.00	3.30	0	0	0	0	0	0	0
$192	$196	27.20	19.40	11.60	3.80	0	0	0	0	0	0	0
$196	$200	27.70	19.90	12.20	4.40	0	0	0	0	0	0	0
$200	$204	28.30	20.50	12.70	4.90	0	0	0	0	0	0	0
$204	$208	28.80	21.10	13.30	5.50	0	0	0	0	0	0	0
$208	$112	29.40	21.60	13.80	6.10	0	0	0	0	0	0	0
$212	$216	30.00	22.20	14.40	6.60	0	0	0	0	0	0	0
$216	$220	30.50	22.70	15.00	7.20	0	0	0	0	0	0	0
$220	$224	31.10	23.30	15.50	7.70	0	0	0	0	0	0	0
$224	$228	31.60	23.90	16.10	8.30	.50	0	0	0	0	0	0
$228	$232	32.20	24.40	16.60	8.90	1.10	0	0	0	0	0	0
$232	$236	32.80	25.00	17.20	9.40	1.60	0	0	0	0	0	0
$236	$240	33.30	25.50	17.80	10.00	2.20	0	0	0	0	0	0
$240	$248	34.20	26.40	18.60	10.80	3.00	0	0	0	0	0	0
$248	$256	35.30	27.50	19.70	11.90	4.20	0	0	0	0	0	0
$256	$264	36.40	28.60	20.80	13.10	5.30	0	0	0	0	0	0
$264	$272	37.50	29.70	22.00	14.20	6.40	0	0	0	0	0	0
$272	$280	38.60	30.90	23.10	15.30	7.50	0	0	0	0	0	0
$280	$288	39.80	32.00	24.20	16.40	8.60	.90	0	0	0	0	0
$288	$296	40.90	33.10	25.30	17.50	9.80	2.00	0	0	0	0	0
$296	$304	42.00	34.20	26.40	18.70	10.90	3.10	0	0	0	0	0
$304	$312	43.10	35.30	27.60	19.80	12.00	4.20	0	0	0	0	0
$312	$320	44.20	36.50	28.70	20.90	13.10	5.40	0	0	0	0	0
$320	$328	45.40	37.60	29.80	22.00	14.20	6.50	0	0	0	0	0
$328	$336	46.50	38.70	30.90	23.10	15.40	7.60	0	0	0	0	0
$336	$344	47.60	39.80	32.00	24.30	16.50	8.70	.90	0	0	0	0
$344	$352	48.70	40.90	33.20	25.40	17.60	9.80	2.10	0	0	0	0
$352	$360	49.80	42.10	34.30	26.50	18.70	11.00	3.20	0	0	0	0
$360	$368	51.00	43.20	35.40	27.60	19.80	12.10	4.30	0	0	0	0
$368	$376	52.10	44.30	36.50	28.70	21.00	13.20	5.40	0	0	0	0
$376	$384	53.20	45.40	37.60	29.90	22.10	14.30	6.50	0	0	0	0
$384	$392	54.30	46.50	38.80	31.00	23.20	15.40	7.70	0	0	0	0
$392	$400	55.40	47.70	39.90	32.10	32.10	24.10	8.80	1.00	0	0	0
$400	$420	57.40	49.60	41.80	34.10	26.20	18.50	10.70	3.00	0	0	0
$420	$440	60.20	52.40	44.60	36.90	29.10	21.30	13.50	5.80	0	0	0
$440	$460	63.00	55.20	47.40	39.70	31.90	24.10	16.30	8.60	.80	0	0
$460	$480	65.80	58.00	50.20	42.50	34.70	26.90	19.10	11.40	3.60	0	0
$480	$500	68.60	60.80	53.00	45.30	37.50	29.70	21.90	14.20	6.40	0	0
$500	$520	71.40	63.60	55.80	48.10	40.30	32.50	24.70	17.00	9.20	1.40	0
$520	$540	74.20	66.40	58.60	50.90	43.10	35.30	27.50	19.80	12.00	4.20	0
$540	$560	77.00	69.20	61.40	53.70	54.90	38.10	30.30	22.60	14.80	7.00	0
$560	$580	79.80	72.00	64.20	56.50	48.70	40.90	33.10	25.40	17.60	9.80	2.00
$580	$600	82.60	74.80	67.00	59.30	51.50	43.70	35.90	28.20	20.40	12.60	4.80
$600	$640	86.50	79.00	71.20	63.50	55.70	47.90	40.10	32.40	24.60	16.80	9.00
$640	$680	92.40	84.60	76.80	69.10	61.30	53.50	45.70	38.00	30.20	22.40	14.60
$680	$720	98.00	90.20	82.40	74.70	66.90	59.10	51.30	43.60	35.80	28.00	20.20
$720	$760	103.60	95.80	88.00	80.30	64.70	64.70	56.90	49.20	41.40	33.80	25.80
$760	$800	109.20	108.40	98.60	85.90	87.10	70.30	62.50	54.80	47.00	39.20	31.40
$800	$840	114.80	107.00	99.20	91.50	83.70	75.90	68.10	60.40	52.60	44.80	37.00
$840	$880	120.40	112.60	104.80	97.10	89.30	81.50	73.70	66.00	58.20	50.40	42.60
$880	$920	126.00	118.20	110.40	102.70	94.90	87.10	79.30	71.60	63.80	56.00	48.20
$920	$960	131.60	123.80	116.00	108.30	100.50	92.70	84.90	77.20	69.40	61.60	53.80
$960	$1,000	137.20	129.40	121.60	113.90	106.10	98.30	90.50	82.80	75.00	67.20	59.40
		14 percent of the excess over $1,000 plus—										
$1,000 and over		140.00	132.20	124.40	116.70	108.90	101.10	93.30	85.60	77.80	70.00	62.20

If the payroll period with respect to an employee is a daily payroll period or a miscellaneous payroll period—

And the wages divided by the number of days in such period are—		And the number of withholding exemptions claimed is—										
		0	1	2	3	4	5	6	7	8	9	10 or more
At least—	But less than—	The amount of tax to be withheld shall be the following amount multiplied by the number of days in such period—										
		14% of wages	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$0	$2.00	$.30	.05	0	0	0	0	0	0	0	0	0
$2.00	$2.25	.35	.10	0	0	0	0	0	0	0	0	0
$2.25	$2.50	.35	.10	0	0	0	0	0	0	0	0	0
$2.50	$2.75	.40	.15	0	0	0	0	0	0	0	0	0
$2.75	$3.00	.45	.20	0	0	0	0	0	0	0	0	0
$3.00	$3.25	.45	.20	0	0	0	0	0	0	0	0	0
$3.25	$3.50	.50	.25	0	0	0	0	0	0	0	0	0
$3.50	$3.75	.55	.30	.05	0	0	0	0	0	0	0	0
$3.75	$4.00	.60	.30	.05	0	0	0	0	0	0	0	0
$4.00	$4.25	.60	.35	.10	0	0	0	0	0	0	0	0
$4.25	$4.50	.65	.40	.15	0	0	0	0	0	0	0	0
$4.50	$4.75	.70	.45	.15	0	0	0	0	0	0	0	0
$4.75	$5.00	.70	.45	.20	0	0	0	0	0	0	0	0
$5.00	$5.25	.75	.50	.25	0	0	0	0	0	0	0	0
$5.25	$5.50	.80	.55	.30	0	0	0	0	0	0	0	0
$5.50	$5.75	.80	.55	.30	.05	0	0	0	0	0	0	0
$5.75	$6.00	.85	.60	.35	.10	0	0	0	0	0	0	0
$6.00	$6.25	.90	.65	.40	.15	0	0	0	0	0	0	0
$6.25	$6.50	.95	.65	.40	.15	0	0	0	0	0	0	0
$6.50	$6.75	.95	.70	.45	.20	0	0	0	0	0	0	0
$6.75	$7.00	1.00	.75	.50	.25	0	0	0	0	0	0	0
$7.00	$7.25	1.05	.80	.50	.25	0	0	0	0	0	0	0
$7.25	$7.50	1.05	.80	.55	.30	.05	0	0	0	0	0	0
$7.50	$7.75	1.10	.85	.60	.35	.10	0	0	0	0	0	0
$7.75	$8.00	1.15	.90	.65	.35	.10	0	0	0	0	0	0
$8.00	$8.25	1.15	.90	.65	.40	.15	0	0	0	0	0	0
$8.25	$8.50	1.20	.95	.70	.45	.20	0	0	0	0	0	0
$8.50	$8.75	1.25	1.00	.75	.50	.20	0	0	0	0	0	0
$8.75	$9.00	1.30	1.00	.75	.50	.25	0	0	0	0	0	0
$9.00	$9.25	1.30	1.05	.80	.55	.30	.05	0	0	0	0	0
$9.25	$9.50	1.35	1.10	.85	.60	.30	.05	0	0	0	0	0
$9.50	$9.75	1.40	1.15	.85	.60	.35	.10	0	0	0	0	0
$9.75	$10.00	1.45	1.20	.90	.65	.40	.15	0	0	0	0	0
$10.00	$10.50	1.50	1.25	1.00	.75	.50	.25	0	0	0	0	0
$10.50	$11.00	1.60	1.30	1.05	.80	.55	.30	.05	0	0	0	0
$11.00	$11.50	1.65	1.40	1.15	.90	.60	.35	.10	0	0	0	0
$11.50	$12.00	1.70	1.45	1.20	.95	.70	.45	.20	0	0	0	0
$12.00	$12.50	1.80	1.55	1.25	1.00	.75	.50	.25	0	0	0	0
$12.50	$13.00	1.85	1.60	1.35	1.10	.85	.60	.30	.05	0	0	0
$13.00	$13.50	1.95	1.65	1.40	1.15	.90	.65	.40	.15	0	0	0
$13.50	$14.00	2.00	1.75	1.50	1.25	.95	.70	.45	.20	0	0	0
$14.00	$14.50	2.05	1.80	1.55	1.30	1.05	.80	.55	.30	0	0	0
$14.50	$15.00	2.15	1.90	1.60	1.35	1.10	.85	.60	.35	.10	0	0
$15.00	$15.50	2.20	1.95	1.70	1.45	1.20	.95	.65	.40	.15	0	0
$15.50	$16.00	2.30	2.00	1.75	1.50	1.25	1.00	.75	.50	.25	0	0
$16.00	$16.50	2.35	2.10	1.85	1.60	1.30	1.05	.80	.55	.30	.05	0
$16.50	$17.00	2.40	2.15	1.90	1.65	1.40	1.15	.90	.65	.35	.10	0
$17.00	$17.50	2.50	2.25	1.95	1.70	1.45	1.20	.95	.70	.45	.20	0
$17.50	$18.00	2.55	2.30	2.05	1.80	1.55	1.30	1.00	.75	.50	.25	0
$18.00	$18.50	2.65	2.35	2.10	1.85	1.60	1.35	1.10	.85	.60	.30	.05
$18.50	$19.00	2.70	2.45	2.20	1.95	1.65	1.40	1.15	.90	.65	.40	.15
$19.00	$19.50	2.75	2.50	2.25	2.00	1.75	1.50	1.25	1.00	.70	.45	.20
$19.50	$20.00	2.85	2.60	2.35	2.10	1.85	1.60	1.35	1.10	.80	.55	.30
$20.00	$21.00	3.00	2.75	2.50	2.25	2.00	1.75	1.50	1.20	.95	.70	.45
$21.00	$22.00	3.15	2.90	2.65	2.40	2.15	1.85	1.60	1.35	1.10	.85	.60
$22.00	$23.00	3.30	3.05	2.80	2.50	2.25	2.00	1.75	1.50	1.25	1.00	.75
$23.00	$24.00	3.45	3.15	2.90	2.65	2.40	2.15	1.90	1.65	1.40	1.15	.85
$24.00	$25.00	3.55	3.30	3.05	2.80	2.55	2.30	2.05	1.80	1.50	1.25	1.00
$25.00	$26.00	3.70	3.45	3.20	2.95	2.70	2.45	2.20	1.90	1.65	1.40	1.15
$26.00	$27.00	3.85	3.60	3.35	3.10	2.85	2.55	2.30	2.05	1.80	1.55	1.30
$27.00	$28.00	4.00	3.75	3.50	3.20	2.95	2.70	2.45	2.20	1.95	1.70	1.45
$28.00	$29.00	4.15	3.85	3.60	3.35	3.10	2.85	2.60	2.35	2.10	1.85	1.55
$29.00	$30.00											
		14 percent of the excess over $30 plus—										
$30 and over		4.20	3.95	3.70	3.45	3.20	2.90	2.65	2.40	2.15	1.90	1.65

[Sec. 3402(c) as amended by sec. 302(b), Rev. Act 1964 (78 Stat. 140)]

PAR. 5. Section 31.3402(c)–1 is amended by revising paragraphs (a)(1), (b), (c)(2) and (3), and (d)(1) to read as follows:

§ 31.3402(c)–1 Wage bracket withholding.

(a) *In general.* (1) The employer may elect to use the wage bracket method provided in section 3402(c) instead of the percentage method with respect to any employee. The tax computed under the wage bracket method shall be in lieu of the tax required to be deducted and withheld under section 3402(a). Wage bracket withholding tables for weekly, biweekly, semimonthly, monthly, and daily or miscellaneous payroll periods are contained in section 3402(c). See § 31.3402(c)–2 for tables relating to wages paid before March 5, 1964.

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(b) *Established payroll periods, other than daily or miscellaneous, covered by wage bracket withholding tables.* The wage bracket withholding tables contained in section 3402(c) for established payroll periods other than daily or miscellaneous should be used in determining the tax to be withheld for any such period without reference to the time the employee is actually engaged in the performance of services during such payroll period.

Example (1). During 1965 employee C has a semimonthly payroll period. The number of withholding exemptions claimed by C is two. During a certain payroll period C works only 40 hours and earns $48. Although C worked only 40 hours during the semimonthly payroll period, the wage bracket withholding table for a semimonthly payroll period should be used in determining the tax to be withheld. Under this table it will be found that no tax is required to be withheld from a wage payment of $48 when two withholding exemptions are claimed.

Example (2). During 1965 employee D has a weekly payroll period. The number of withholding exemptions claimed by D is two. D's wages are determined at the rate of $1.20 per hour. During a certain payroll period D works 30 hours and earns $36. Although D worked only 30 hours during the weekly payroll period, the wage bracket withholding table for a weekly payroll period should be used in determining the tax to be withheld. Under this table it will be found that $1.50 is the amount of tax to be withheld from a wage payment of $36 when two withholding exemptions are claimed.

(c) *Periods to which the table for a daily or miscellaneous payroll period is applicable.*

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(2) *Period not a payroll period.* If wages are paid for a period which is not a payroll period, the amount to be deducted and withheld under the wage bracket method shall be the amount applicable in the case of a miscellaneous payroll period containing a number of days (including Sundays and holidays) equal to the number of days (including Sundays and holidays) in the period with respect to which such wages are paid.

Example. During 1965, an individual is hired by a contractor to perform services in connection with a construction project. The number of withholding exemptions claimed by the individual is two. Wages are fixed at the rate of $9 per day, to be paid upon completion of the project. The project is completed during 1965 in 12 days, at the end of which period the individual is paid wages of $90 for 10 days' services performed during the period. Under the wage bracket method the amount to be deducted and withheld from such wages is determined by dividing the amount of the wages ($90) by the number of days in the period (12), the result being $7.50. The amount of tax required to be withheld is determined under the table applicable to a miscellaneous payroll period. Under this table the tax required to be withheld is $6.60 (12×$0.55).

(3) *Wages paid without regard to any period.* If wages are paid to an employee without regard to any particular period, as, for example, commissions paid to a salesman upon consummation of a sale, the amount of tax to be deducted and withheld shall be determined in the same manner as in the case of a miscellaneous payroll period containing a number of days (including Sundays and holidays) equal to the number of days (including Sundays and holidays) which have elapsed, beginning with the latest of the following days:

(i) The first day after the last payment of wages to such employee by such employer in the calendar year, or

(ii) The date on which such individual's employment with such employer began in the calendar year, or

(iii) January 1 of such calendar year, and ending with (and including) the date on which such wages are paid.

Example. On April 2, 1965, A is employed by the X Real Estate Co. to sell real estate on a commission basis, commissions to be paid only upon consummation of sales. The number of withholding exemptions claimed by A is one. On May 21, 1965, A receives a commission of $300. Again, on June 16, 1965, A receives a commission of $400. Under the wage bracket method, the amount of tax to be deducted and withheld in respect of the commission paid on May 21, is $30, which amount is obtained by multiplying $0.60 (tax under wage bracket table for a daily or miscellaneous payroll period where wages are at least $6 but less than $6.25 a day) by 50 (number of days elapsed); and the amount of tax to be withheld with respect to the commission paid on June 16 is $49.40, which amount is obtained by multiplying $1.90 (tax under wage bracket table for a daily or miscellaneous payroll period where wages are at least $15 but less than $15.50 a day) by 26 (number of days elapsed).

(d) *Period or elapsed time less than 1 week.* (1) It is the general rule that if wages are paid for a payroll period or other period of less than 1 week, the tax to be deducted and withheld under the wage bracket method shall be the amount computed for a daily payroll period, or for a miscellaneous payroll period containing the same number of days (including Sundays and holidays) as the payroll period, or other period, for which such wages are paid. In the case of wages paid without regard to any period, if the elapsed time computed as provided in paragraph (c) of this section is less than 1 week, the same rule is applicable.

Example (1). During 1965 an employee having a daily payroll period is paid wages of $7 per day. The number of withholding exemptions claimed by the employee is one. Under the table applicable to a daily payroll period, the amount of tax to be deducted and withheld from each such payment of wages is $0.75.

Example (2). During 1965 an individual is employed for 4 days, for which he is paid wages of $36. The number of withholding exemptions claimed by him is two. The amount of tax to be deducted and withheld under the wage bracket method is $3 (4×$0.75).

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PAR. 6. There is inserted immediately after § 31.3402(c)–1 the following new section:

§ 31.3402(c)–2 Wages paid before March 5, 1964.

In respect of wages paid before March 5, 1964, the following tables shall be used in lieu of those set forth in section 3402(c):

If the payroll period with respect to an employee is weekly—

And the wages are—		And the number of withholding exemptions claimed is—										
		0	1	2	3	4	5	6	7	8	9	10 or more
At least—	But less than—	The amount of tax to be withheld shall be—										
		18% of wages	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$0	$13	$2.40	.10	0	0	0	0	0	0	0	0	0
$13	$14	2.60	.30	0	0	0	0	0	0	0	0	0
$14	$15	2.80	.50	0	0	0	0	0	0	0	0	0
$15	$16	3.00	.70	0	0	0	0	0	0	0	0	0
$16	$17	3.20	.80	0	0	0	0	0	0	0	0	0
$17	$18	3.30	1.00	0	0	0	0	0	0	0	0	0
$18	$19	3.50	1.20	0	0	0	0	0	0	0	0	0
$19	$20	3.70	1.40	0	0	0	0	0	0	0	0	0
$20	$21	3.90	1.60	0	0	0	0	0	0	0	0	0
$21	$22	4.10	1.70	0	0	0	0	0	0	0	0	0
$22	$23	4.20	1.90	0	0	0	0	0	0	0	0	0
$23	$24	4.40	2.10	0	0	0	0	0	0	0	0	0
$24	$25	4.60	2.30	0	0	0	0	0	0	0	0	0
$25	$26	4.80	2.50	.20	0	0	0	0	0	0	0	0
$26	$27	5.00	2.60	.30	0	0	0	0	0	0	0	0
$27	$28	5.10	2.80	.50	0	0	0	0	0	0	0	0
$28	$29	5.30	3.00	.70	0	0	0	0	0	0	0	0
$29	$30	5.50	3.20	.90	0	0	0	0	0	0	0	0
$30	$31	5.70	3.40	1.10	0	0	0	0	0	0	0	0
$31	$32	5.90	3.50	1.20	0	0	0	0	0	0	0	0
$32	$33	6.00	3.70	1.40	0	0	0	0	0	0	0	0
$33	$34	6.20	3.90	1.60	0	0	0	0	0	0	0	0
$34	$35	6.40	4.10	1.80	0	0	0	0	0	0	0	0
$35	$36	6.60	4.30	2.00	0	0	0	0	0	0	0	0
$36	$37	6.80	4.40	2.10	0	0	0	0	0	0	0	0
$37	$38	6.90	4.60	2.30	0	0	0	0	0	0	0	0
$38	$39	7.10	4.80	2.50	.20	0	0	0	0	0	0	0
$39	$40	7.30	5.00	2.70	.40	0	0	0	0	0	0	0
$40	$41	7.50	5.20	2.90	.50	0	0	0	0	0	0	0
$41	$42	7.70	5.30	3.00	.70	0	0	0	0	0	0	0
$42	$43	7.80	5.50	3.20	.90	0	0	0	0	0	0	0
$43	$44	8.00	5.70	3.40	1.10	0	0	0	0	0	0	0
$44	$45	8.20	5.90	3.60	1.30	0	0	0	0	0	0	0
$45	$46	8.40	6.10	3.80	1.40	0	0	0	0	0	0	0
$46	$47	8.60	6.20	3.90	1.60	0	0	0	0	0	0	0
$47	$48	8.70	6.40	4.10	1.80	0	0	0	0	0	0	0
$48	$49	8.90	6.60	4.30	2.00	0	0	0	0	0	0	0
$49	$50	9.10	6.80	4.50	2.20	0	0	0	0	0	0	0
$50	$51	9.30	7.00	4.70	2.30	0	0	0	0	0	0	0
$51	$52	9.50	7.10	4.80	2.50	.20	0	0	0	0	0	0
$52	$53	9.60	7.30	5.00	2.70	.40	0	0	0	0	0	0
$53	$54	9.80	7.50	5.20	2.90	.60	0	0	0	0	0	0
$54	$55	10.00	7.70	5.40	3.10	.80	0	0	0	0	0	0
$55	$56	10.20	7.90	5.60	3.20	.90	0	0	0	0	0	0
$56	$57	10.40	8.00	5.70	3.40	1.10	0	0	0	0	0	0
$57	$58	10.50	8.20	5.90	3.60	1.30	0	0	0	0	0	0
$58	$59	10.70	8.40	6.10	3.80	1.50	0	0	0	0	0	0
$59	$60	11.00	8.70	6.40	4.10	1.70	0	0	0	0	0	0
$60	$62	11.30	9.00	6.70	4.40	2.10	0	0	0	0	0	0
$62	$64	11.70	9.40	7.10	4.80	2.50	.20	0	0	0	0	0
$64	$66	12.10	9.80	7.40	5.10	2.80	.50	0	0	0	0	0
$66	$68	12.40	10.10	7.80	5.50	3.20	.90	0	0	0	0	0
$68	$70	12.80	10.50	8.20	5.90	3.50	1.20	0	0	0	0	0
$70	$72	13.10	10.80	8.50	6.20	3.90	1.60	0	0	0	0	0
$72	$74	13.50	11.20	8.90	6.60	4.30	2.00	0	0	0	0	0
$74	$76	13.90	11.60	9.20	6.90	4.60	2.30	0	0	0	0	0
$76	$78	14.20	11.90	9.60	7.30	5.00	2.70	.40	0	0	0	0
$78	$80	14.60	12.30	10.00	7.70	5.30	3.00	.70	0	0	0	0
$80	$82	14.90	12.60	10.30	8.00	5.70	3.40	1.10	0	0	0	0
$82	$84	15.30	13.00	10.70	8.40	6.10	3.80	1.50	0	0	0	0
$84	$86	15.70	13.40	11.00	8.70	6.40	4.10	1.80	0	0	0	0
$86	$88	16.00	13.70	11.40	9.10	6.80	4.50	2.20	0	0	0	0
$88	$90	16.40	14.10	11.80	9.50	7.10	4.80	2.50	.20	0	0	0
$90	$92	16.70	14.40	12.10	9.80	7.50	5.20	2.90	.60	0	0	0
$92	$94	17.10	14.80	12.50	10.20	7.90	5.60	3.30	.90	0	0	0
$94	$96	17.50	15.20	12.80	10.60	8.20	5.90	3.60	1.30	0	0	0
$96	$98	17.80	15.50	13.20	10.90	8.60	6.30	4.00	1.70	0	0	0
$98	$100	18.50	16.10	13.80	11.50	9.20	6.90	4.60	2.30	0	0	0
$100	$105	19.40	17.00	14.70	12.40	10.10	7.80	5.50	3.20	.90	0	0
$105	$110	20.30	17.90	15.60	13.30	11.00	8.70	6.40	4.10	1.80	0	0
$110	$115	21.20	18.80	16.50	14.20	11.90	9.60	7.30	5.00	2.70	.40	0
$115	$120	22.10	19.70	17.40	15.10	12.80	10.50	8.20	5.90	3.60	1.30	0
$120	$125	23.00	20.60	18.30	16.00	13.70	11.40	9.10	6.80	4.50	2.20	0
$125	$130	23.90	21.50	19.20	16.90	14.60	12.30	10.00	7.70	5.40	3.10	.80
$130	$135	24.80	22.40	20.10	17.80	15.50	13.20	10.90	8.60	6.30	4.00	1.70
$135	$140	25.70	23.30	21.00	18.70	16.40	14.10	11.80	9.50	7.20	4.90	2.60
$140	$145	26.60	24.20	21.90	19.60	17.30	15.00	12.70	10.40	8.10	5.80	3.50
$145	$150	27.90	25.60	23.30	21.00	18.70	16.40	14.10	11.70	9.40	7.10	4.80
$150	$160	29.70	27.40	25.10	22.80	20.50	18.20	15.90	13.50	11.20	8.90	6.60
$160	$170	31.80	29.20	26.90	24.60	22.30	20.00	17.70	15.30	13.00	10.70	8.40
$170	$180	33.30	31.00	28.70	26.40	24.10	21.80	19.50	17.10	14.80	12.50	10.20
$180	$190	35.10	32.80	30.50	28.20	25.90	23.60	21.30	18.90	16.60	14.30	12.00
$190	$200											
		18 percent of the excess over $200 plus—										
$200 and over		36.00	33.70	31.40	29.10	26.80	24.50	22.20	19.80	17.50	15.20	12.90

If the payroll period with respect to an employee is biweekly—

And the wages are—		And the number of withholding exemptions claimed is—										
		0	1	2	3	4	5	6	7	8	9	10 or more
At least—	But less than—	The amount of tax to be withheld shall be—										
		18% of wages	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$0	$26	$4.90	.20	0	0	0	0	0	0	0	0	0
$26	$28	5.20	.60	0	0	0	0	0	0	0	0	0
$28	$30	5.60	1.00	0	0	0	0	0	0	0	0	0
$30	$32	5.90	1.30	0	0	0	0	0	0	0	0	0
$32	$34	6.30	1.70	0	0	0	0	0	0	0	0	0
$34	$36	6.70	2.00	0	0	0	0	0	0	0	0	0
$36	$38	7.00	2.40	0	0	0	0	0	0	0	0	0
$38	$40	7.40	2.80	0	0	0	0	0	0	0	0	0
$40	$42	7.70	3.10	0	0	0	0	0	0	0	0	0
$42	$44	8.10	3.50	0	0	0	0	0	0	0	0	0
$44	$46	8.50	3.80	0	0	0	0	0	0	0	0	0
$46	$48	8.80	4.20	0	0	0	0	0	0	0	0	0
$48	$50	9.20	4.60	0	0	0	0	0	0	0	0	0
$50	$52	9.50	4.90	.30	0	0	0	0	0	0	0	0
$52	$54	9.90	5.30	.70	0	0	0	0	0	0	0	0
$54	$56	10.30	5.60	1.00	0	0	0	0	0	0	0	0
$56	$58	10.60	6.00	1.40	0	0	0	0	0	0	0	0
$58	$60	11.00	6.40	1.70	0	0	0	0	0	0	0	0
$60	$62	11.30	6.70	2.10	0	0	0	0	0	0	0	0
$62	$64	11.70	7.10	2.50	0	0	0	0	0	0	0	0
$64	$66	12.10	7.40	2.80	0	0	0	0	0	0	0	0
$66	$68	12.40	7.80	3.20	0	0	0	0	0	0	0	0
$68	$70	12.80	8.20	3.50	0	0	0	0	0	0	0	0
$70	$72	13.10	8.50	3.90	0	0	0	0	0	0	0	0
$72	$74	13.50	8.90	4.30	0	0	0	0	0	0	0	0
$74	$76	13.90	9.20	4.60	0	0	0	0	0	0	0	0
$76	$78	14.20	9.60	5.00	.40	0	0	0	0	0	0	0
$78	$80	14.60	10.00	5.30	.70	0	0	0	0	0	0	0
$80	$82	14.90	10.30	5.70	1.10	0	0	0	0	0	0	0
$82	$84	15.30	10.70	6.10	1.50	0	0	0	0	0	0	0
$84	$86	15.70	11.00	6.40	1.80	0	0	0	0	0	0	0
$86	$88	16.00	11.40	6.80	2.20	0	0	0	0	0	0	0
$88	$90	16.40	11.80	7.10	2.50	0	0	0	0	0	0	0
$90	$92	16.70	12.10	7.50	2.90	0	0	0	0	0	0	0
$92	$94	17.10	12.50	7.90	3.30	0	0	0	0	0	0	0
$94	$96	17.50	12.80	8.20	3.60	0	0	0	0	0	0	0
$96	$98	17.80	13.20	8.60	4.00	0	0	0	0	0	0	0
$98	$100	18.20	13.60	8.90	4.30	0	0	0	0	0	0	0
$100	$102	18.50	13.90	9.30	4.70	.10	0	0	0	0	0	0
$102	$104	18.90	14.30	9.70	5.10	.40	0	0	0	0	0	0
$104	$106	19.30	14.60	10.00	5.40	.80	0	0	0	0	0	0
$106	$108	19.60	15.00	10.40	5.80	1.20	0	0	0	0	0	0
$108	$110	20.00	15.40	10.70	6.10	1.50	0	0	0	0	0	0
$110	$112	20.30	15.70	11.10	6.50	1.90	0	0	0	0	0	0
$112	$114	20.70	16.10	11.50	6.90	2.20	0	0	0	0	0	0
$114	$116	21.10	16.40	11.80	7.20	2.60	0	0	0	0	0	0
$116	$118	21.40	16.80	12.20	7.60	3.00	0	0	0	0	0	0
$118	$120	22.00	17.30	12.70	8.10	3.50	0	0	0	0	0	0
$120	$124	22.70	18.10	13.40	8.80	4.20	0	0	0	0	0	0
$124	$128	23.40	18.80	14.20	9.60	4.90	.30	0	0	0	0	0
$128	$132	24.10	19.50	14.90	10.30	5.70	1.00	0	0	0	0	0
$132	$136	24.80	20.20	15.60	11.00	6.40	1.80	0	0	0	0	0
$136	$140	25.60	20.90	16.30	11.70	7.10	2.50	0	0	0	0	0
$140	$144	26.30	21.70	17.00	12.40	7.80	3.20	0	0	0	0	0
$144	$148	27.00	22.40	17.80	13.20	8.50	3.90	0	0	0	0	0
$148	$152	27.70	23.10	18.50	13.90	9.30	4.60	0	0	0	0	0
$152	$156	28.40	23.80	19.20	14.60	10.00	5.40	.70	0	0	0	0
$156	$160	29.20	24.50	19.90	15.30	10.70	6.10	1.50	0	0	0	0
$160	$164	29.90	25.30	20.50	16.00	11.40	6.80	2.20	0	0	0	0
$164	$168	30.60	26.00	21.40	16.80	12.10	7.50	2.90	0	0	0	0
$168	$172	31.30	26.70	22.10	17.50	12.90	8.20	3.50	0	0	0	0
$172	$176	32.00	27.40	22.80	18.20	13.60	9.00	4.30	0	0	0	0
$176	$180	32.80	28.10	23.50	18.90	14.30	9.70	5.10	.50	0	0	0
$180	$184	33.50	28.90	24.20	19.60	15.00	10.40	5.80	1.20	0	0	0
$184	$188	34.20	29.60	25.00	20.40	15.70	11.10	6.50	1.90	0	0	0
$188	$192	34.90	30.30	25.70	21.10	16.50	11.80	7.20	2.60	0	0	0
$192	$196	35.60	31.00	26.40	21.80	17.20	12.60	7.90	3.30	0	0	0
$196	$200	36.90	32.30	27.70	23.10	18.40	13.80	9.20	4.60	0	0	0
$200	$210	38.70	34.10	29.50	24.90	20.20	15.60	11.00	6.40	1.80	0	0
$210	$220	40.50	35.90	31.30	26.70	22.00	17.40	12.80	8.20	3.60	0	0
$220	$230	42.30	37.70	33.10	28.50	23.80	19.20	14.60	10.00	5.40	.80	0
$230	$240	44.10	39.50	34.90	30.30	25.60	21.00	16.40	11.80	7.20	2.60	0
$240	$250	45.90	41.30	36.70	32.10	27.40	22.80	18.20	13.60	9.00	4.40	0
$250	$260	47.70	43.10	38.50	33.90	29.20	24.60	20.00	15.40	10.80	6.20	1.50
$260	$270	49.50	44.90	40.30	35.70	31.00	26.40	21.80	17.20	12.60	8.00	3.30
$270	$280	51.30	46.70	42.10	37.50	32.80	28.20	23.60	19.00	14.40	9.80	5.10
$280	$290	53.10	48.50	43.90	39.30	34.60	30.00	25.40	20.80	16.20	11.60	6.90
$290	$300	55.80	51.20	46.60	42.00	37.30	32.70	28.10	23.50	18.90	14.30	9.60
$300	$320	59.40	54.80	50.20	45.60	40.90	36.30	31.70	27.10	22.50	17.90	13.20
$320	$340	63.00	58.40	53.80	49.20	44.50	39.90	35.30	30.70	26.10	21.50	16.80
$340	$360	66.60	62.00	57.40	52.80	48.10	43.50	38.90	34.30	29.70	25.10	20.40
$360	$380	70.20	65.60	61.00	56.40	51.70	47.10	42.50	37.90	33.30	28.70	24.00
$380	$400											
		18 percent of the excess over $400 plus—										
$400 and over		72.00	67.40	62.80	58.20	53.50	48.90	44.30	39.70	35.10	30.50	25.80

If the payroll period with respect to an employee is semimonthly—

And the wages are—		And the number of withholding exemptions claimed is—										
		0	1	2	3	4	5	6	7	8	9	10 or more
At least—	But less than—	The amount of tax to be withheld shall be—										
		18% of wages	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$0	$28	$5.20	.20	0	0	0	0	0	0	0	0	0
$28	$30	5.60	.60	0	0	0	0	0	0	0	0	0
$30	$32	5.90	.90	0	0	0	0	0	0	0	0	0
$32	$34	6.30	1.30	0	0	0	0	0	0	0	0	0
$34	$36	6.70	1.70	0	0	0	0	0	0	0	0	0
$36	$38	7.00	2.00	0	0	0	0	0	0	0	0	0
$38	$40	7.40	2.40	0	0	0	0	0	0	0	0	0
$40	$42	7.70	2.70	0	0	0	0	0	0	0	0	0
$42	$44	8.10	3.10	0	0	0	0	0	0	0	0	0
$44	$46	8.50	3.50	0	0	0	0	0	0	0	0	0
$46	$48	8.80	3.80	0	0	0	0	0	0	0	0	0
$48	$50	9.20	4.20	0	0	0	0	0	0	0	0	0
$50	$52	9.50	4.50	0	0	0	0	0	0	0	0	0
$52	$54	9.90	4.90	0	0	0	0	0	0	0	0	0
$54	$56	10.30	5.30	.30	0	0	0	0	0	0	0	0
$56	$58	10.60	5.60	.60	0	0	0	0	0	0	0	0
$58	$60	11.00	6.00	1.00	0	0	0	0	0	0	0	0
$60	$62	11.30	6.30	1.30	0	0	0	0	0	0	0	0
$62	$64	11.70	6.70	1.70	0	0	0	0	0	0	0	0
$64	$66	12.10	7.10	2.10	0	0	0	0	0	0	0	0
$66	$68	12.40	7.40	2.40	0	0	0	0	0	0	0	0
$68	$70	12.80	7.80	2.80	0	0	0	0	0	0	0	0
$70	$72	13.10	8.10	3.10	0	0	0	0	0	0	0	0
$72	$74	13.50	8.50	3.50	0	0	0	0	0	0	0	0
$74	$76	13.90	8.90	3.90	0	0	0	0	0	0	0	0
$76	$78	14.20	9.20	4.20	0	0	0	0	0	0	0	0
$78	$80	14.60	9.60	4.60	0	0	0	0	0	0	0	0
$80	$82	14.90	9.90	4.90	0	0	0	0	0	0	0	0
$82	$84	15.30	10.30	5.30	.30	0	0	0	0	0	0	0
$84	$86	15.70	10.70	5.70	.70	0	0	0	0	0	0	0
$86	$88	16.00	11.00	6.00	1.10	0	0	0	0	0	0	0
$88	$90	16.40	11.40	6.40	1.40	0	0	0	0	0	0	0
$90	$92	16.70	11.70	6.70	1.70	0	0	0	0	0	0	0
$92	$94	17.10	12.10	7.10	2.10	0	0	0	0	0	0	0
$94	$96	17.50	12.50	7.50	2.50	0	0	0	0	0	0	0
$96	$98	17.80	12.80	7.80	2.80	0	0	0	0	0	0	0
$98	$100	18.20	13.20	8.20	3.20	0	0	0	0	0	0	0
$100	$102	18.50	13.50	8.50	3.50	0	0	0	0	0	0	0
$102	$104	18.90	13.90	8.90	3.90	0	0	0	0	0	0	0
$104	$106	19.30	14.30	9.30	4.30	0	0	0	0	0	0	0
$106	$108	19.60	14.60	9.60	4.60	0	0	0	0	0	0	0
$108	$110	20.00	15.00	10.00	5.00	0	0	0	0	0	0	0
$110	$112	20.30	15.30	10.30	5.30	.30	0	0	0	0	0	0
$112	$114	20.70	15.70	10.70	5.70	.70	0	0	0	0	0	0
$114	$116	21.10	16.10	11.10	6.10	1.10	0	0	0	0	0	0
$116	$118	21.40	16.40	11.40	6.40	1.40	0	0	0	0	0	0
$118	$120	22.00	17.00	12.00	7.00	2.00	0	0	0	0	0	0
$120	$124	22.70	17.70	12.70	7.70	2.70	0	0	0	0	0	0
$124	$128	23.40	18.40	13.40	8.40	3.40	0	0	0	0	0	0
$128	$132	24.10	19.10	14.10	9.10	4.10	0	0	0	0	0	0
$132	$136	24.80	19.80	14.80	9.80	4.80	0	0	0	0	0	0
$136	$140	25.60	20.60	15.60	10.60	5.60	.60	0	0	0	0	0
$140	$144	26.30	21.30	16.30	11.30	6.30	1.30	0	0	0	0	0
$144	$148	27.00	22.00	17.00	12.00	7.00	2.00	0	0	0	0	0
$148	$152	27.70	22.70	17.70	12.70	7.70	2.70	0	0	0	0	0
$152	$156	28.40	23.40	18.40	13.40	8.40	3.40	0	0	0	0	0
$156	$160	29.20	24.20	19.20	14.20	9.20	4.20	0	0	0	0	0
$160	$164	29.90	24.90	19.90	14.90	9.90	4.90	0	0	0	0	0
$164	$168	30.60	25.60	20.60	15.60	10.60	5.60	.60	0	0	0	0
$168	$172	31.30	26.30	21.30	16.30	11.30	6.30	1.30	0	0	0	0
$172	$176	32.00	27.00	22.00	17.00	12.00	7.00	2.00	0	0	0	0
$176	$180	32.80	27.80	22.90	17.80	12.80	7.80	2.80	0	0	0	0
$180	$184	33.50	28.50	23.60	18.50	13.50	8.50	3.50	0	0	0	0
$184	$188	34.20	29.30	24.20	19.20	14.20	9.20	4.20	0	0	0	0
$188	$192	34.90	29.90	24.90	19.80	14.90	9.90	4.90	0	0	0	0
$192	$196	35.60	30.60	25.80	20.60	15.60	10.60	5.60	.60	0	0	0
$196	$200	36.90	31.90	28.90	21.90	16.90	11.90	6.90	1.90	0	0	0
$200	$210	38.70	33.70	28.70	23.70	18.70	13.70	8.70	3.70	0	0	0
$210	$220	40.50	35.50	30.50	25.50	20.50	15.50	10.50	5.50	.50	0	0
$220	$230	42.30	37.30	32.30	27.30	22.30	17.30	12.30	7.30	2.30	0	0
$230	$240	44.10	39.10	34.10	29.10	24.10	19.10	14.10	9.10	4.10	0	0
$240	$250	45.90	40.90	35.90	30.90	25.90	20.90	15.90	10.90	5.90	.90	0
$250	$260	47.70	42.70	37.70	32.70	27.70	22.70	17.70	12.70	7.70	2.70	0
$260	$270	49.50	44.50	39.50	34.50	29.50	24.50	19.50	14.50	9.50	4.50	0
$270	$280	51.30	46.30	41.30	36.30	31.30	26.30	21.80	16.30	11.30	6.30	1.30
$280	$290	53.10	48.10	43.10	38.10	33.10	28.10	23.10	18.10	13.10	8.10	3.10
$290	$300	55.80	50.80	45.80	40.80	35.80	30.80	25.80	20.80	15.80	10.80	5.80
$300	$320	59.40	54.40	49.40	44.40	39.40	34.40	29.40	24.40	19.40	14.40	9.40
$320	$340	63.00	58.00	53.00	48.00	43.00	38.00	33.00	28.00	23.00	18.00	13.00
$340	$360	66.60	61.60	56.60	51.60	46.60	41.60	36.60	31.60	26.60	21.60	16.60
$360	$380	70.20	65.20	60.20	55.20	50.20	45.20	40.20	35.20	30.20	25.20	20.20
$380	$400	73.80	68.80	63.80	58.80	53.80	48.80	43.90	38.80	33.80	28.80	23.80
$400	$420	77.40	72.40	67.40	62.40	57.40	52.40	47.40	42.40	37.40	32.40	27.40
$420	$440	81.00	76.00	71.00	66.00	61.00	56.00	51.00	46.00	41.00	36.00	31.00
$440	$460	84.60	79.60	74.60	69.60	64.60	59.60	54.60	49.60	44.60	39.60	34.60
$460	$480	88.20	83.20	78.20	73.20	68.20	63.20	58.20	53.20	48.20	43.20	38.20
$480	$500											
		18 percent of the excess over $500 plus—										
$500 and over		90.00	85.00	80.00	75.00	70.00	65.00	60.00	55.00	50.00	45.00	40.00

If the payroll period with respect to an employee is monthly—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
$0	$56	18% of wages	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$56	$60	$10.40	.40	0	0	0	0	0	0	0	0	0
$60	$64	11.20	1.20	0	0	0	0	0	0	0	0	0
$64	$68	11.90	1.90	0	0	0	0	0	0	0	0	0
$68	$72	12.50	2.60	0	0	0	0	0	0	0	0	0
$72	$76	13.30	3.30	0	0	0	0	0	0	0	0	0
$76	$80	14.00	4.00	0	0	0	0	0	0	0	0	0
$80	$84	14.80	4.80	0	0	0	0	0	0	0	0	0
$84	$88	15.50	5.50	0	0	0	0	0	0	0	0	0
$88	$92	16.20	6.20	0	0	0	0	0	0	0	0	0
$92	$96	16.90	6.90	0	0	0	0	0	0	0	0	0
$96	$100	17.60	7.60	0	0	0	0	0	0	0	0	0
$100	$104	18.40	8.40	0	0	0	0	0	0	0	0	0
$104	$108	19.10	9.10	0	0	0	0	0	0	0	0	0
$108	$112	19.80	9.80	0	0	0	0	0	0	0	0	0
$112	$116	20.50	10.50	.50	0	0	0	0	0	0	0	0
$116	$120	21.20	11.20	1.20	0	0	0	0	0	0	0	0
$120	$124	22.00	12.00	2.00	0	0	0	0	0	0	0	0
$124	$128	22.70	12.70	2.70	0	0	0	0	0	0	0	0
$128	$132	23.40	13.40	3.40	0	0	0	0	0	0	0	0
$132	$136	24.10	14.10	4.10	0	0	0	0	0	0	0	0
$136	$140	24.80	14.80	4.80	0	0	0	0	0	0	0	0
$140	$144	25.60	15.60	5.60	0	0	0	0	0	0	0	0
$144	$148	26.30	16.30	6.30	0	0	0	0	0	0	0	0
$148	$152	27.00	17.00	7.00	0	0	0	0	0	0	0	0
$152	$156	27.70	17.70	7.70	0	0	0	0	0	0	0	0
$156	$160	28.40	18.40	8.40	0	0	0	0	0	0	0	0
$160	$164	29.20	19.20	9.20	0	0	0	0	0	0	0	0
$164	$168	29.90	19.90	9.90	0	0	0	0	0	0	0	0
$168	$172	30.60	20.60	10.60	.60	0	0	0	0	0	0	0
$172	$176	31.30	21.30	11.30	1.30	0	0	0	0	0	0	0
$176	$180	32.00	22.00	12.00	2.00	0	0	0	0	0	0	0
$180	$184	32.80	22.80	12.80	2.80	0	0	0	0	0	0	0
$184	$188	33.50	23.50	13.50	3.50	0	0	0	0	0	0	0
$188	$192	34.20	24.20	14.20	4.20	0	0	0	0	0	0	0
$192	$196	34.90	24.90	14.90	4.90	0	0	0	0	0	0	0
$196	$200	35.60	25.60	15.60	5.60	0	0	0	0	0	0	0
$200	$204	36.40	26.40	16.40	6.40	0	0	0	0	0	0	0
$204	$208	37.10	27.10	17.10	7.10	0	0	0	0	0	0	0
$208	$212	37.80	27.80	17.80	7.80	0	0	0	0	0	0	0
$212	$216	38.50	28.50	18.50	8.50	0	0	0	0	0	0	0
$216	$220	39.20	29.20	19.20	9.20	0	0	0	0	0	0	0
$220	$224	40.00	30.00	20.00	10.00	0	0	0	0	0	0	0
$224	$228	40.70	30.70	20.70	10.70	.70	0	0	0	0	0	0
$228	$232	41.40	31.40	21.40	11.40	1.40	0	0	0	0	0	0
$232	$236	42.10	32.10	22.10	12.10	2.10	0	0	0	0	0	0
$236	$240	42.80	32.80	22.80	12.80	2.80	0	0	0	0	0	0
$240	$248	43.90	33.90	23.90	13.90	3.90	0	0	0	0	0	0
$248	$256	45.40	35.40	25.40	15.40	5.40	0	0	0	0	0	0
$256	$264	46.80	36.80	26.80	16.80	6.80	0	0	0	0	0	0
$264	$272	48.20	38.20	28.20	18.20	8.20	0	0	0	0	0	0
$272	$280	49.70	39.70	29.70	19.70	9.70	0	0	0	0	0	0
$280	$288	51.10	41.10	31.10	21.10	11.10	1.10	0	0	0	0	0
$288	$296	52.60	42.60	32.60	22.60	12.60	2.60	0	0	0	0	0
$296	$304	54.00	44.00	34.00	24.00	14.00	4.00	0	0	0	0	0
$304	$312	55.40	45.40	35.40	25.40	15.40	5.40	0	0	0	0	0
$312	$320	56.90	46.90	36.90	26.90	16.90	6.90	0	0	0	0	0
$320	$328	58.30	48.30	38.30	28.30	18.30	8.30	0	0	0	0	0
$328	$336	59.80	49.80	39.80	29.80	19.80	9.80	0	0	0	0	0
$336	$344	61.20	51.20	41.20	31.20	21.20	11.20	1.20	0	0	0	0
$344	$352	62.60	52.60	42.60	32.60	22.60	12.60	2.60	0	0	0	0
$352	$360	64.10	54.10	44.10	34.10	24.10	14.10	4.10	0	0	0	0
$360	$368	65.50	55.50	45.50	35.50	25.50	15.50	5.50	0	0	0	0
$368	$376	67.00	57.00	47.00	37.00	27.00	17.00	7.00	0	0	0	0
$376	$384	68.40	58.40	48.40	38.40	28.40	18.40	8.40	0	0	0	0
$384	$392	69.80	59.80	49.80	39.80	29.80	19.80	9.80	0	0	0	0
$392	$400	71.30	61.30	51.30	41.30	31.30	21.30	11.30	1.30	0	0	0
$400	$420	73.80	63.80	53.80	43.80	33.80	23.80	13.80	3.80	0	0	0
$420	$440	77.40	67.40	57.40	47.40	37.40	27.40	17.40	7.40	0	0	0
$440	$460	81.00	71.00	61.00	51.00	41.00	31.00	21.00	11.00	1.00	0	0
$460	$480	84.60	74.60	64.60	54.60	44.60	34.60	24.60	14.60	4.60	0	0
$480	$500	88.20	78.20	68.20	58.20	48.20	38.20	28.20	18.20	8.20	0	0
$500	$520	91.80	81.80	71.80	61.80	51.80	41.80	31.80	21.80	11.80	1.80	0
$520	$540	95.40	85.40	75.40	65.40	55.40	45.40	35.40	25.40	15.40	5.40	0
$540	$560	99.00	89.00	79.00	69.00	59.00	49.00	39.00	29.00	19.00	9.00	0
$560	$580	102.60	92.60	82.60	72.60	62.60	52.60	42.60	32.60	22.60	12.60	2.60
$580	$600	106.20	96.20	86.20	76.20	66.20	56.20	46.20	36.20	26.20	16.20	6.20
$600	$640	111.60	101.60	91.60	81.60	71.60	61.60	51.60	41.60	31.60	21.60	11.60
$640	$680	118.80	108.80	98.80	88.80	78.80	68.80	58.80	48.80	38.80	28.80	18.80
$680	$720	126.00	116.00	106.00	96.00	86.00	76.00	66.00	56.00	46.00	36.00	26.00
$720	$760	133.20	123.20	113.20	103.20	93.20	83.20	73.20	63.20	53.20	43.20	33.20
$760	$800	140.40	130.40	120.40	110.40	100.40	90.40	80.40	70.40	60.40	50.40	40.40
$800	$840	147.60	137.60	127.60	117.60	107.60	97.60	87.60	77.60	67.60	57.60	47.60
$840	$880	154.80	144.80	134.80	124.80	114.80	104.80	94.80	84.80	74.80	64.80	54.80
$880	$920	162.00	152.00	142.00	132.00	122.00	112.00	102.00	92.00	82.00	72.00	62.00
$920	$960	169.20	159.20	149.20	139.20	129.20	119.20	109.20	99.20	89.20	79.20	69.20
$960	$1,000	176.40	166.40	156.40	146.40	136.40	126.40	116.40	106.40	96.40	86.40	76.40
		18 percent of the excess over $1,000 plus—										
$1,000 and over		180.00	170.00	160.00	150.00	140.00	130.00	120.00	110.00	100.00	90.00	80.00

If the payroll period with respect to an employee is a daily payroll period or a miscellaneous payroll period—

And the wages divided by the number of days in such period are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be the following amount multiplied by the number of days in such period—										
$0	$2.00	18% of wages	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$2.00	$2.25	$0.40	.05	0	0	0	0	0	0	0	0	0
$2.25	$2.50	.45	.10	0	0	0	0	0	0	0	0	0
$2.50	$2.75	.45	.15	0	0	0	0	0	0	0	0	0
$2.75	$3.00	.50	.20	0	0	0	0	0	0	0	0	0
$3.00	$3.25	.55	.25	0	0	0	0	0	0	0	0	0
$3.25	$3.50	.60	.30	0	0	0	0	0	0	0	0	0
$3.50	$3.75	.65	.30	0	0	0	0	0	0	0	0	0
$3.75	$4.00	.70	.35	.05	0	0	0	0	0	0	0	0
$4.00	$4.25	.75	.40	.10	0	0	0	0	0	0	0	0
$4.25	$4.50	.80	.45	.15	0	0	0	0	0	0	0	0
$4.50	$4.75	.85	.50	.15	0	0	0	0	0	0	0	0
$4.75	$5.00	.90	.55	.20	0	0	0	0	0	0	0	0
$5.00	$5.25	.90	.60	.25	0	0	0	0	0	0	0	0
$5.25	$5.50	.95	.65	.30	0	0	0	0	0	0	0	0
$5.50	$5.75	1.00	.70	.35	.05	0	0	0	0	0	0	0
$5.75	$6.00	1.05	.75	.40	.05	0	0	0	0	0	0	0
$6.00	$6.25	1.10	.75	.45	.10	0	0	0	0	0	0	0
$6.25	$6.50	1.15	.80	.50	.15	0	0	0	0	0	0	0
$6.50	$6.75	1.20	.85	.55	.20	0	0	0	0	0	0	0
$6.75	$7.00	1.25	.90	.60	.25	0	0	0	0	0	0	0
$7.00	$7.25	1.30	.95	.60	.30	0	0	0	0	0	0	0
$7.25	$7.50	1.35	1.00	.65	.35	0	0	0	0	0	0	0
$7.50	$7.75	1.35	1.05	.70	.40	.05	0	0	0	0	0	0
$7.75	$8.00	1.40	1.10	.75	.45	.10	0	0	0	0	0	0
$8.00	$8.25	1.45	1.15	.80	.50	.15	0	0	0	0	0	0
$8.25	$8.50	1.50	1.20	.85	.50	.20	0	0	0	0	0	0
$8.50	$8.75	1.55	1.20	.90	.55	.25	0	0	0	0	0	0
$8.75	$9.00	1.60	1.25	.95	.60	.30	0	0	0	0	0	0
$9.00	$9.25	1.65	1.30	1.00	.65	.35	0	0	0	0	0	0
$9.25	$9.50	1.70	1.35	1.05	.70	.35	.05	0	0	0	0	0
$9.50	$9.75	1.75	1.40	1.05	.75	.40	.10	0	0	0	0	0
$9.75	$10.00	1.80	1.45	1.10	.80	.45	.15	0	0	0	0	0
$10.00	$10.50	1.85	1.50	1.20	.85	.55	.20	0	0	0	0	0
$10.50	$11.00	1.95	1.60	1.30	.95	.60	.30	0	0	0	0	0
$11.00	$11.50	2.05	1.70	1.35	1.05	.70	.40	.05	0	0	0	0
$11.50	$12.00	2.10	1.80	1.45	1.15	.80	.45	.15	0	0	0	0
$12.00	$12.50	2.20	1.90	1.55	1.20	.90	.55	.25	0	0	0	0
$12.50	$13.00	2.30	1.95	1.65	1.30	1.00	.65	.30	0	0	0	0
$13.00	$13.50	2.40	2.05	1.75	1.40	1.05	.75	.40	.10	0	0	0
$13.50	$14.00	2.50	2.15	1.80	1.50	1.15	.85	.50	.15	0	0	0
$14.00	$14.50	2.55	2.25	1.90	1.60	1.25	.90	.60	.25	0	0	0
$14.50	$15.00	2.65	2.35	2.00	1.65	1.35	1.00	.70	.35	0	0	0
$15.00	$15.50	2.75	2.40	2.10	1.75	1.45	1.10	.75	.45	.10	0	0
$15.50	$16.00	2.85	2.50	2.20	1.85	1.50	1.20	.85	.55	.20	0	0
$16.00	$16.50	2.95	2.60	2.25	1.95	1.60	1.30	.95	.60	.30	0	0
$16.50	$17.00	3.00	2.70	2.35	2.05	1.70	1.35	1.05	.70	.40	.05	0
$17.00	$17.50	3.10	2.80	2.45	2.10	1.80	1.45	1.15	.80	.45	.15	0
$17.50	$18.00	3.20	2.85	2.55	2.20	1.90	1.55	1.20	.90	.55	.25	0
$18.00	$18.50	3.30	2.95	2.66	2.30	1.95	1.65	1.30	1.00	.65	.35	0
$18.50	$19.00	3.40	3.05	2.70	2.40	2.05	1.75	1.40	1.05	.75	.40	.10
$19.00	$19.50	3.45	3.15	2.80	2.50	2.15	1.80	1.50	1.15	.85	.50	.20
$19.50	$20.00	3.55	3.25	2.90	2.55	2.25	1.90	1.60	1.25	.90	.60	.25
$20.00	$21.00	3.70	3.35	3.05	2.70	2.35	2.05	1.70	1.40	1.05	.75	.40
$21.00	$22.00	3.85	3.55	3.20	2.90	2.55	2.25	1.90	1.55	1.25	.90	.60
$22.00	$23.00	4.05	3.70	3.40	3.05	2.75	2.40	2.10	1.75	1.40	1.10	.75
$23.00	$24.00	4.25	3.90	3.55	3.25	2.90	2.60	2.25	1.95	1.60	1.25	.95
$24.00	$25.00	4.40	4.10	3.75	3.40	3.10	2.75	2.45	2.10	1.80	1.45	1.10
$25.00	$26.00	4.60	4.25	3.95	3.60	3.25	2.95	2.60	2.30	1.95	1.65	1.30
$26.00	$27.00	4.75	4.45	4.10	3.80	3.45	3.15	2.80	2.45	2.15	1.80	1.50
$27.00	$28.00	4.95	4.60	4.30	3.95	3.65	3.30	3.00	2.65	2.30	2.00	1.65
$28.00	$29.00	5.15	4.80	4.45	4.15	3.80	3.50	3.15	2.85	2.50	2.15	1.85
$29.00	$30.00	5.30	5.00	4.65	4.30	4.00	3.65	3.35	3.00	2.70	2.35	2.00
		18 percent of the excess over $30 plus—										
$30.00 and over		5.40	5.05	4.75	4.40	4.10	3.75	3.45	3.10	2.75	2.45	2.10

PAR. 7. Section 31.3402(g)–1 is amended by revising paragraphs (a)(2) and (b)(1) to read as follows:

§ 31.3402(g)–1 **Supplemental wage payments.**

(a) *In general.* • • •

(2) The supplemental wages, if paid concurrently with wages for a payroll period, shall be aggregated with the wages paid for such payroll period. If not paid concurrently, the supplemental wages shall be aggregated with the wages paid or to be paid within the same calendar year for the last preceding payroll period or for the current payroll period. The amount of tax to be withheld shall be determined as if the aggregate of the supplemental wages and the regular wages constituted a single wage payment for the regular payroll period.

Example (1). A is employed as a salesman at a monthly salary of $100 plus commissions on sales made during the month. The number of withholding exemptions claimed is one. During January 1965 A earns $275 in commissions, which together with the salary of $100 is paid on February 10, 1965. Under the wage bracket method the amount of the tax required to be withheld is shown in the table applicable to a monthly payroll period. Under this table it will be found that the amount of tax required to be withheld is $44.30.

Example (2). B is employed at a salary of $3,000 per annum paid semimonthly on the 15th day and the last day of each month, plus a bonus and commission determined at the end of each 3-month period. The number of withholding exemptions claimed is four. The bonus and commission for the 3-month period ending on March 31, 1965, amount to $250, which is paid on April 10, 1965. Under the wage bracket method, the amount of tax required to be withheld on the aggregate of the bonus of $250 and the last preceding semimonthly wage payment of $125, or $375 is $36.20. Since tax in the amount of $2.10 was withheld on the semimonthly wage payment of $125, the amount to be withheld on April 10, 1965, is $34.10.

If, however, supplemental wages are paid and tax has been withheld from the employee's regular wages, the employer may determine the tax to be withheld from supplemental wages by using the applicable rate under section 3402(a) without allowance for exemption and without reference to any regular payment of wages.

• • • • •

(b) *Special rule where aggregate withholding exemption exceeds wages paid.* (1) If supplemental wages are paid to an employee during a calendar year for a period which involves two or more consecutive payroll periods, for which other wages also are paid during such calendar year, and the aggregate of such other wages is less than the aggregate of the amounts determined under the table provided in section 3402(b)(1) as the withholding exemptions applicable for such payroll periods, the amount of the tax required to be withheld on the supplemental wages shall be computed as follows:

Step 1. Determine an average wage for each of such payroll periods by dividing the sum of the supplemental wages and the wages paid for such payroll periods by the number of such payroll periods.

Step 2. Determine a tax for each payroll period as if the amount of the average wage constituted the wages paid for such payroll period.

Step 3. From the sum of the amounts of tax determined in Step 2 subtract the total amount of tax withheld, or to be withheld, from the wages, other than the supplemental wages, for such payroll periods. The remainder, if any, shall constitute the amount of the tax to be withheld upon the supplemental wages.

Example. An employee has a weekly payroll period ending on Saturday of each week, the wages for which are paid on Friday of the succeeding week. On the 10th day of each month he is paid a bonus based upon production during the payroll periods for which wages were paid in the preceding month. The employee is paid a weekly wage of $64 on each of the five Fridays occurring in April 1965. On May 10, 1965, the employee is paid a bonus of $125 based upon production during the five payroll periods covered by the wages paid in April. On the date of payment of the bonus, the employee who is married and has three children, has a withholding exemption certificate in effect claiming five withholding exemptions. The amount of the tax to be withheld from

the bonus paid on May 10, 1965, is computed as follows:

Wages paid in April 1965 for 5 payroll periods (5×$64)	$320.00
Bonus paid May 10, 1965	125.00
Aggregate of wages and bonus	445.00
Average wage per payroll period ($445÷5)	89.00
Computation of tax under percentage method: Withholding exemptions (5×$13)	65.00
Remainder subject to tax	24.00
Tax on average wage for 1 week (14 percent of $24)	3.36
Tax on average wage for 5 weeks	16.80
Less: Tax previously withheld on weekly wage payments of $64	None
Tax to be withheld on supplemental wages	16.80
Computation of tax under wage bracket method: Tax on $89 wage under weekly wage table ($3.50 per week for 5 weeks)	17.50
Less: Tax previously withheld on weekly wage payments of $64 ($0.10 per week for 5 weeks)	0.50
Tax to be withheld on supplemental wages	17.00

• • • • •

Because this Treasury decision amends existing regulations merely by setting forth the rate and tables prescribed by section 302 (a) and (b) of the Revenue Act of 1964 (78 Stat. 140) to be used in determining the amount of tax to be deducted and withheld from wages paid after March 4, 1964, and by making conforming changes in the examples in the regulations to reflect such statutory changes, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of said Act.

(Sec. 7805, Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

Approved: October 26, 1965.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 65-11647; Filed, Nov. 3, 1965; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 6904; Amdt. 39-153]

PART 39—AIRWORTHINESS DIRECTIVES

Mooney Models M20 and M20A Airplanes

Amendment 39-138 (30 F.R. 11849), AD 65-22-3, requires repetitive reinspection, and repair or replacement where necessary of the tail truss on the subject airplanes. Subsequent to the issuance of Amendment 39-138, there have been reports of confusion in determining to which Mooney models the subject AD applies. The alleged confusion exists since there are certain Mooney models with wood wings and empennage. This AD applies to Models M20 and M20A, all of which have wood wings and empennage. Therefore, the AD is amended to reflect this change.

Since this amendment provides a clarification only, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-138 (30 F.R. 11849), AD 65-22-3, is amended as follows:

By inserting the words "on airplanes with wood wings and wood empennage" immediately after the words "supports the empennage" in the introductory paragraph of this directive.

This amendment becomes effective November 4, 1965.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1423)

Issued in Washington, D.C., on October 28, 1965.

C. W. WALKER,
Acting Director, Flight Standards Service.

[F.R. Doc. 65-11828; Filed, Nov. 3, 1965; 8:45 a.m.]

[Airspace Docket No. 65-CE-102]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone, Designation of Transition Area and Revocation of Control Area Extension

On August 24, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 10953) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the vicinity of Jamestown, N. Dak.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. The one comment received was favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., March 3, 1966, as hereinafter set forth:

(1) In § 71.165 (29 F.R. 17557) the Jamestown, N. Dak., control area extension is revoked in its entirety.

(2) In § 71.171 (29 F.R. 17581) the Jamestown, N. Dak., control zone is amended to read:

JAMESTOWN, N. DAK.

Within a 5-mile radius of Jamestown, N. Dak, Municipal Airport (latitude 46°55'48" N., longitude 98°40'42" W.).

(3) In § 71.181 (29 F.R. 17643) the following transition area is added:

JAMESTOWN, N. DAK.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Jamestown, N. Dak., Municipal Airport (latitude 46°55'48" N., longitude 98°40'42" W.); and within 2 miles each side of the Jamestown VOR 190° radial extending from the 7-mile radius area to 8 miles S of the VOR; and that airspace extending upward from 1,200 feet above the surface within 8 miles E and 5 miles W of the Jamestown VOR 010° and 190° radials, extending from 4 miles N to 13 miles S of the VOR.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on October 26, 1965.

DONALD S. KING,
Acting Director, Central Region.

[F.R. Doc. 65-11829; Filed, Nov. 3, 1965; 8:45 a.m.]

[Airspace Docket No. 65-EA-45]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On page 11393 of the FEDERAL REGISTER for September 8, 1965, the Federal Aviation Agency published a proposed regulation which would alter the North Philadelphia, Pa., control zone.

Interested parties were given 30 days after publication in which to submit written data or views. All comments received were favorable.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., January 6, 1966.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on October 26, 1965.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the North Philadelphia control zone the words and figures "039°" and "NE of the VOR" and insert in lieu thereof "234°" and "SW of the VOR" respectively.

[F.R. Doc. 65-11830; Filed, Nov. 3, 1965; 8:45 a.m.]

[Airspace Docket No. 65-EA-49]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On Page 11393 of the FEDERAL REGISTER for September 8, 1965, the Federal Aviation Agency published proposed regulations which would alter the Richmond, Va., control zone.

Interested parties were given 30 days after publication in which to submit written data or views. All comments received were favorable.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., January 6, 1966.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on October 26, 1965.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete in the Richmond, Va., control zone description the figures "132°" appearing after "Richmond VOR" and insert in lieu thereof "134°". Further, delete the period(.) at the end of the description, insert therefor a semicolon (;) and add "within 2 miles each side of the Richmond VOR 341° radial, extending from the 5-mile radius zone to 7 miles north of the VOR."

[F.R. Doc. 65-11831; Filed, Nov. 3, 1965; 8:45 a.m.]

[Airspace Docket No. 65-EA-61]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On page 11395 of the FEDERAL REGISTER of September 8, 1965, the Federal Aviation Agency published proposed regulations which would alter the Morristown, N.J., control zone.

Interested parties were given 30 days after publication in which to submit written data or views. All comments received were favorable.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., January 6, 1966.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on October 26, 1965.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting in the Morristown, N.J., control zone the figures "227°" and insert in lieu thereof the figures "204°".

[F.R. Doc. 65-11832; Filed, Nov. 3, 1965; 8:45 a.m.]

[Airspace Docket No. 65-EA-85]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Control Area Extensions

The Federal Aviation Agency proposes to amend § 71.165 of Part 71 of the Federal Aviation Regulations so as to revoke the Richmond, Va. (29 F.R. 17575), and Washington, D.C. (29 F.R. 17579), control area extensions.

These control area extensions are now encompassed in transition areas thereby voiding their usefulness.

Since this amendment effects no substantial change to the regulations, notice and public procedure hereon are unnecessary.

In view of the foregoing, the proposed regulations are adopted effective 0001 e.s.t., January 6, 1966, as follows:

1. Amend § 71.165 so as to delete the Richmond, Va., and Washington, D.C., control area extensions.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on October 26, 1965.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

[F.R. Doc. 65-11833; Filed, Nov. 3, 1965; 8:45 a.m.]

[Airspace Docket No. 65-WE-62]

PART 73—SPECIAL USE AIRSPACE

Designation of Restricted Area

On July 23, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 9221) stating that the Federal Aviation Agency proposed to designate a restricted area at Hawthorne, Nev.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. One objection was submitted on the grounds that the proposed restricted area would create navigation difficulties for VFR traffic in this vicinity and that the Navy could conduct its demolition activities elsewhere. The Agency has considered this comment carefully and determined that VFR traffic in the area generally follows Nevada State Highway 31, a readily discernible landmark. Therefore, circumnavigation of the proposed restricted area should not be difficult for VFR traffic. Due to the relatively small size and remote location of the proposed restricted area the suggestion that the explosives should be transported from the ammunition depot to another existing restricted area would place an undue burden upon the Navy because of the hazards and costs involved.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 6, 1966, as hereinafter set forth.

Section 73.48 (29 F.R. 17754) is amended by adding the following:

R-4811 HAWTHORNE, NEV.

Boundaries. A 1½-nautical-mile radius circle centered at latitude 38°14'45" N., longitude 118°38'15" W.

Designated altitudes. Surface to 15,000 feet MSL.

Time of designation. 0800 to 1500 local time, Monday through Friday.

Using agency. Commanding Officer, Naval Ammunition Depot, Hawthorne, Nev.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 27, 1965.

CLIFFORD P. BURTON,
Acting Director, Air Traffic Service.

[F.R. Doc. 65-11835; Filed, Nov. 3, 1965; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 16083; FCC 65-970]

PART 31—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS A AND B TELEPHONE COMPANIES

Accounting Classification of Costs Incurred in Recovering Salvage on Station Apparatus

Order. At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 27th day of October 1965;

The Commission having under consideration the notice of proposed rule making in the above-entitled matter which was published in the FEDERAL REGISTER on July 9, 1965 (30 F.R. 8692), in accordance with section 4(a) of the Administrative Procedure Act; and

It appearing, that the time for filing comments with respect to this matter has expired and no comments have been received; and

It further appearing, that the proposed amendments should be adopted exactly as proposed in the notice of proposed rule making with respect to this matter; and

It further appearing, that the amendments ordered herein are issued pursuant to authority contained in sections 4(i) and 220 of the Communications Act of 1934, as amended:

It is ordered, That Part 31, Uniform System of Accounts for Class A and Class E Telephone Companies, of the Commission's rules is amended as set forth below, effective January 1, 1967: *Provided, however*, That any company may, at its option, adopt these changes as of any earlier date which is subsequent to the date of this order; and

It is further ordered, That this proceeding is hereby terminated.

Released: October 29, 1965.

(Secs. 4, 220, 48 Stat. 1066, 1078, as amended, U.S.C. 154, 220)

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

Part 31—Uniform System of Accounts for Class A and Class B Telephone Companies, is amended as follows:

1. Section 31.01-3 is amended as follows:

§ 31.01-3 Definitions.

• • • • • •

(dd) "Service value" means the difference between the original cost and:

[1] Commissioner Hyde absent.

(1) The net salvage value as defined in paragraph (t) of this section as specially modified in § 31.92–80(c) for station apparatus and station connections.

(2) The net salvage value as defined in paragraph (t) of this section for other telephone plant.

• • • • •

2. Section 31.02–80 is amended as follows:

§ 31.02–80 Computation of depreciation rates.

• • • • •

(c) The company shall keep such records of property and property retirements as will reflect the service life of property which has been retired, or will permit the determination of service-life indications by mortality, turnover, or other appropriate methods, and also such records as will reflect the percentage of salvage value, or net salvage value, as appropriate, for property retired from each class of depreciable telephone plant. For purposes of the records required to be kept under this paragraph, that portion of the costs incurred in the removal (see § 31.01–3(k)) of station apparatus from customers' premises, by reason of service discontinuance, from the inception of the removal through transportation of the removed apparatus to the company's premises shall be recorded as applicable to account 232, "Station connections," rather than being associated with account 231, "Station apparatus." (See also account 605.)

3. Section 31.704 is amended as follows:

§ 31.704 Supply expense.

• • • • •

NOTE B: Transportation charges on material purchased shall be, so far as practicable, included as a part of the cost of the particular material to which they relate.

[F.R. Doc. 65–11875; Filed, Nov. 3, 1965; 8:49 a.m.]

[Docket No. 16063; FCC 65–980]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations

First report and order. In the matter of amendment of § 73.202, *Table of Assignments*, FM broadcast stations (Portage and Shawano, Wis., Murray, Ky., New Port Richey and Clearwater, Fla., Scott City, Kans., Maquoketa and Cedar Rapids, Iowa, Fairmont, W. Va., Galesburg, Ill., Prestonsburg, Ky., Austin and Georgetown, Tex., Bellevue, Ohio, Dalhart, Tex., Las Cruces, N. Mex., Petersburg, Va., Wichita, Kans., Fergus Falls, Minn., Pittsfield, Ill.); Docket No. 16063, RM–720, RM–756, RM–757, RM–763, RM–759, RM–762, RM–767, RM–768, RM–770, RM–771, RM–769, RM–777.

1. The Commission has before it for consideration its notice of proposed rule making, released June 18, 1965 (FCC 65–543), and published in the FEDERAL REGISTER on June 23, 1965 (30 F.R. 8067), proposing a number of changes in the FM Table of Assignments.

2. This decision disposes of all petitions except RM–762 which is not covered here because of receipt of a conflicting request and will be handled separately. We have considered all of the numerous statements filed in response to the notice proposals.

3. *RM–720, Portage, Wis.* In acknowledgment of the amended petition of Comstock Publishing Co., licensee of Station WPDR(AM), our notice proposed the assignment of a first FM channel, 261A, to Portage by replacing Channel 262 in Shawano with Channel 261A, or simply deleting Channel 262 in that community.

4. 36,708 persons live in Columbia County.[1] Its county seat, and largest community, Portage, has a population of 7,822. This community has but one station, WPDR, a daytime-only operation. At the present time, it is not assigned an FM channel. Shawano, the county seat of Shawano County, has a population of 6,103. Its county's population is 34,351. Its only AM facility (WTCH) is an unlimited-time operation. Two wide-coverage FM channels are assigned to the community—262, for which there is a construction permit outstanding granted on BPH–4400, and 274, for which there are no applications pending. Petitioner supports the assignment of a Class A channel to Portage by underlining its size and its importance to the surrounding area as a center for civic, social, and economic activity. It argues, we believe correctly, that a community with the characteristics of Portage both deserves and needs full time radio service. It appears that the only way the community can receive such local service in the early morning and nighttime hours is by locating an FM station there. Shawano County Leader Publishing Co. opposes petitioner's proposal on the grounds that it would have to shift its proposed operation on Channel 262 in Shawano to either Channel 274 or a possible Channel, 261A. Its construction permit for Channel 262 was granted on July 14, 1965, with the expressed condition that it would be subject to any alteration required by the action taken in the instant proceeding. The action we are taking in this proceeding will permit the choice of either a limited-coverage Channel (261A) or a wide-coverage Channel (274).[2]

5. In light of the above, we are of the view that it is in the public interest to delete Channel 262 from Shawano, and assign Channel 261A to both Shawano and Portage.

6. *RM–756, Murray, Ky.* On April 7, 1965, the Commission received a petition from Michael R. Freeland, doing business as Murray Broadcasting Co. In light of this petition, our notice proposed to assign Channel 279 to Murray.

7. Murray is the largest community in, and the county seat of, Calloway County. Its population is 9,303, while the county's population is 20,972. There are no FM channels assigned to the community. However, it does have AM Station WNBS, an unlimited-time operation. Petitioner's view is that in light of the community's growth and size, significance to the surrounding area in governmental, business, and social matters, that it deserves a first local FM service so as to give it two full-time services providing a variety of local programs. We agree and note that the proposed assignment meets our minimum mileage separation requirements, does not disturb other FM assignments, and that petitioner claims that he will promptly apply for the channel's use. In view of the foregoing, we are of the opinion it is in the public interest to assign Channel 279 to Murray.

8. *RM–763, Clearwater, Fla.; RM–757, New Port Richey, Fla.* In this rule-making proceeding, we proposed the examination of the possible assignment of wide-coverage Channel 250 to either Clearwater or New Port Richey. The assignments are mutually exclusive. Mr. John K. Pringle requests the channel's assignment to Clearwater while Richey Airwaves, Inc., requests its assignment to New Port Richey.

9. Clearwater (population 34,653), is located in Pinellas County with 374,665 persons residing there. At the present time, it is assigned one wide-coverage FM channel, 239, which is occupied, as well as two AM stations, WAZE, a daytime-only operation and WTAN, an unlimited-time Class IV station. Pasco County (population 36,785), contains the community of New Port Richey which has a population of 3,520. It has no FM assignment and receives its only immediate local radio service from WGUL, a daytime-only operation. Careful examination of the record brings several basic policies and facts to the forefront which argue for the assignment of Channel 250 to Clearwater. First, since the establishment of our Table of FM Assignments, it has been our policy to assign wide-coverage channels to larger communities and not to smaller communities unless a strong showing of isolation is made.[3] Second, New Port Richey is approximately 1/10th of the size of Clearwater. Third, a wide-coverage channel, 250, located in Clearwater would serve a population which has both ties to, and interest in, that city, whereas a wide-coverage channel, 250, assigned to New Port Richey would serve a segment of the surrounding population which has no real economic or social connection with that community. Fourth, it is our policy to attempt to avoid the intermixture of wide and narrow coverage channels. It does not appear that a wide-coverage channel other than 250 can be used to meet Clearwater's needs.

10. An examination of local service available to each community indicates to us that both communities do deserve additional service. We are convinced

[1] All population figures herein are those of the 1960 U.S. Census.

[2] We are aware of the fact that the use of Channel 274 will require an installation 11 miles distant from Shawano, however, an FM transmitter located at that distance can effectively serve Shawano and the surrounding area.

[3] Assignments which may appear to be deviations from this policy pre-date our Table of Assignments.

that the most prudent and orderly manner of providing such additional service is by adopting a counter-proposal filed by Mr. John K. Pringle, i.e., to assign the wide-coverage Channel 250 to Clearwater, and the limited-coverage Channel 288A to New Port Richey. It is our view that such assignments are the most appropriate way to meet the needs of each community. Both assignments meet our minimum mileage spacing requirements.

11. The above indicates to us that it is in the public interest to assign Channel 250 to Clearwater and Channel 288A to New Port Richey.

12. *RM–759, Scott City, Kans.* Our notice, in response to the petition of George Basil Anderson and Florence L. Anderson, doing business as The Broadcasters of Scott City, proposed to delete Channel 232A from Scott City and replace it with Channel 233.

13. Petitioner, licensee of KFLA–FM (Channel 232A in Scott City), bases its proposal primarily on three factors—a wide-coverage Channel 233 can be assigned to Scott City and meet all of our minimum mileage separation requirements—a basic need for early morning and nighttime service in the area—the fact that Scott City falls within, allegedly, our exception to the policy of assigning wide-coverage channels only to urban areas. A careful review indicates that petitioner is correct and that wide-coverage Channel 233 can be assigned to Scott City without violating our rules if Channel 232A is deleted from that community. In respect to the need for service, Scott City, with a population of 3,555, is located in Scott County with its population of 5,228. It has only one FM channel assigned to it, Channel 232A (petitioner is licensee), and one AM station, a daytime-only operation. Engineering statements submitted by petitioner, indicate that a wide-coverage channel will serve, both during day and night, a substantial portion of west central Kansas presently not receiving radio service local in nature. Although Scott City is a small community, it is substantial in view of the density of population in its county and area, and therefore (being the county seat and largest community in its county), it does serve as a center for the area to be served by the proposed wide-coverage channel. This community is the type which we consider merits an exception to our general policy of assigning wide-coverage channels only to urban areas. There is no question as to its isolation. Wichita is approximately 200 miles distant, Hutchinson is approximately 150 miles distant while the next nearest communities with populations in excess of 10,000 persons are Hays (population 11,947), 88 miles distant, Dodge City (population 13,520) 69 miles distant and Garden City (population 11,811) 35 miles distant.

14. These facts, as well as the lack of demand or possible use of wide-coverage Channel 233 in an urban area, bring us to the decision that it is in the public interest to delete Channel 232A from Scott City and replace it with Channel 233.

15. *RM–767, Fairmont, W. Va.* With the purpose of providing Fairmont with a wide-coverage channel, Broadcast Enterprises, Inc., requested a series of FM reassignments as set forth in our notice. We excluded for consideration several of the reassignments proposed in that they were not directly pertinent to petitioner's aim. However, we did propose the following pertinent changes:

City	Channel No.	
	Present	Proposed
Fairmont, W. Va.	261A, 276A	250, 276A
Clarksburg, W. Va.	224A, 249A, 293	224A, 285A, 293

16. Fairmont, the largest city and county seat of Marion County (population 63,717), has a population of 27,477. As indicated above, at the present time Channels 261A and 276A are assigned to Fairmont. Neither is licensed or applied for. The two unlimited-time AM stations located in the community are WMMN and WTCS. Petitioner's main contention is that since Fairmont is equal in approximate size and importance to Clarksburg (18 miles distant, population 28,112) and Morgantown population 22,487, 15 miles distant), it too is worthy of a wide-coverage channel assignment. Clarksburg has two limited and one wide-coverage assignment while Morgantown has one wide-coverage and one limited-coverage assignment. We have noted the size of the three communities and their close proximity, and are of the view that there is some substance to the claim that a limited-coverage operation at Fairmont would be at a disadvantage in competing with nearby wide-coverage operations in Morgantown and Clarksburg in respect to the ability to attract regional and national advertisers. The substantial size of Fairmont and its importance as a county seat as well as the rugged terrain in the area, are additional factors which indicate the assignment of a wide-coverage channel to the community. The proposed reassignments meet our minimum mileage separation requirements.[4] No objections have been filed to the proposal.

17. The public interest will best be served, we think, by deleting Channel 261A from Fairmont and replacing it with Channel 250 while deleting Channel 249A and replacing it with Channel 285A in Clarksburg.[5]

18. *RM–768, Galesburg, Ill.* Petitioner, Galesburg Broadcasting Corp., stated in its petition filed with the Commission on April 20, 1965, "• • • Class B and C FM stations are designed to render service to a sizable community, city or town, or to the principal city or cities of an urbanized area, and to the surrounding area," and that Galesburg, in its view, under this principle should have assigned to it wide-coverage Channel 235. Our Notice responded by proposing this channel's assignment to the community.

19. The status of broadcast service in Galesburg is as follows: One daytime-only AM station WAIK; one unlimited-time AM station, WGIL, a Class IV operation; and one educational FM station licensed and operating on Channel 213. There is also one unapplied for FM channel (272A). With 37,243 persons residing in Galesburg, it is the largest city in Knox County (population 61,280). As the county seat and largest community in this county, it has a significance to a relatively large area surrounding it in its political, business and social functions. Petitioner is of the view that Galesburg is the size community which deserves and needs a wide-coverage and additional local early morning and nighttime service. On the whole, we concur with petitioner that the factors in favor of the assignment, in this instance, more than counterbalance the undesirability of mixing wide and limited-coverage assignments.

20. Therefore, we hereby assign Channel 235 to Galesburg in order that the public interest might best be served.

21. *RM–770, Prestonsburg, Ky.* Stephens Industries, Inc., licensee of Station WPRT (AM), in a petition received April 21, 1965, requested the substitution of wide-coverage Channel 255 for limited-coverage Channel 288A in Prestonsburg. Our notice responded by setting out the facts and proposal.

22. In this proceeding, July 20, 1965, was set as the date by which all comments were to be filed. We subsequently extended the time for filing reply comments from July 30, 1965 to August 16, 1965, on RM–770 only. A number of pleadings were filed late; however, since we believe the reasons given for the late filings do have merit, we have considered them all in this proceeding.

23. The petition and Comments in this Rule Making indicate that there are three communities in the area to which Channel 255 can be assigned which are desirous of having that channel assigned—Prestonsburg, Paintsville, and Jackson, all in the State of Kentucky. These three communities are well isolated from any urban areas, are county seats and the largest communities in their respective counties.

24. Prestonsburg, a community of 3,133 persons is located in Floyd County (population 41,462). FM Channels 238 (licensed to Gordon Collins as WDOC–FM), and 288A (unlicensed and unapplied for) are assigned to Prestonsburg. WDOC–AM (also licensed to Gordon Collins) broadcasts in Prestonsburg on 1310 kc, 5 kw, daytime-only, while WPRT–AM (licensed to Stephens Industries, Inc.), broadcasts in the community on 960 kc, 5 kw, daytime-only. Stephens' Industries, Inc., position is that the Commission should provide it with an opportunity to apply for a wide-coverage FM channel, 255, in order to permit it to establish an FM service which would be completely competitive with the FM operation of WDOC, AM

[4] A site for Channel 250 will have to be selected about 4 miles out of town.

[5] For the reasons stated in the text, we believe the mixture of a Class A and B assignment in this community is warranted.

and FM—the rationale for our policy of attempting to avoid the inter-mixture of wide and limited coverage FM assignments. We concede that competitive equality is an important factor in assigning FM stations. It is our view, however, that a community the size of Prestonsburg does not warrant a second wide-coverage assignment,[6] particularly, in light of the needs of other communities described below.

25. Two counter-proposals have been filed in this rule making. Big Sandy Broadcasting Co., Inc., proposes the replacement of its Channel 261A in Paintsville with Channel 255, while Jerry F. Howell of Jackson, proposes the assignment of Channel 255 to Jackson. Johnson County (population 19,748) has as its county seat Paintsville, a community in which 4,025 persons reside. Big Sandy Broadcasting Co., Inc., broadcasts on the only FM channel assigned there, 261A, and on the community's only AM station, WSIP, an unlimited-time operation. Its contention is that Paintsville needs a wide-coverage channel in order to obtain adequate coverage for their service area. Jackson, a community of 1,852 persons, is the county seat of Breathitt County (population 15,490). There is no FM channel assigned to the community nor is there an AM station. The basic arguments forwarded for an assignment of Channel 255 there are, that a limited-coverage channel broadcasting from Jackson could not survive because its coverage would not be sufficiently broad, in this sparsely populated area, to attract advertisers, that there is no broadcast service of any kind presently assigned to this county seat, and that a wide-coverage assignment at Jackson would not merely duplicate the service of wide-coverage Channel 238 presently located in Prestonsburg, but would, instead, serve a new area as Jackson is approximately 35 miles southwest of Prestonsburg. Channel 261A was assigned to Paintsville to replace the channel presently in contention, 255, in our report and order, FCC 64-616, adopted July 1, 1964, released July 7, 1964, Docket Number 15424, RM-569, at the request of Big Sandy Broadcasting Co., Inc., because it made a good showing to the effect that a limited-coverage channel was more appropriate for Paintsville than a wide-coverage assignment. We do not feel that Big Sandy's change of mind and current desire to have a wide-coverage FM channel are sufficient grounds to overturn the action we took at its request on July 1, 1964, particularly in view of the limited time (6 months) that Channel 261A has been in operation. The arguments given as a basis for assigning Channel 255 to Jackson are the most convincing. In order for a station to survive in Jackson (this centrally located community is the largest in its sparsely populated county), it does appear that it may need wide-coverage facilities so as to reach a sufficient number of residents to attract advertisers. Furthermore, there is no question that this community does deserve, as a county seat and the largest city in its county, at least one aural facility to meet its entertainment, news, and cultural needs. Jerry F. Howell has stated that he would promptly apply for Channel 255 on its assignment to Jackson.

26. We have decided, in view of the number and nature of existing and potential aural services in Prestonsburg, Paintsville, and Jackson, as well as the other factors discussed above in respect to each of the communities, that it is in the public interest to assign Channel 255 to Jackson. Because of our separation requirements, the transmitter for this channel will have to be located some distance from the center of Jackson.

27. *RM-777, Austin, Tex.* On May 6, 1965, we received a petition from KVET Broadcasting Co., Inc. which sought "a practical" FM assignment for Austin. Our notice proposed to replace Austin's Channel 234 (an allegedly impractical present assignment) with Channel 264 by deleting Channel 265A in Georgetown, Tex., and replacing it with Channel 280A.

28. The petition and this rule making in no way indicates a desire to vary the number or nature of FM assignments to Austin. They do indicate a realization of the need to examine the necessity for replacing presently assigned Channel 234. Petitioner states in respect to Austin's Channel 234 "* * * Because of requirements for spacing from Channel 234 in San Angelo, Channel 233 in Houston, and Channel 235 in Cleburne, it would be necessary to locate a Channel 234 station in Austin in a narrow, wedge-shaped area south-southwest of the city. The nearest point of the wedge is more than 20 miles from the farthest city limit. Under the circumstances, a station which would place the required minimum signal over the city of Austin would require an uneconomic tower height and/or transmitter power." In addition, petitioner makes a showing that its good faith effort to obtain a suitable transmitter site has failed. In light of the distance Austin's Channel 234 must be located from the city, and technical and economic problems the distance presents, as well as the availability of Channel 264 for assignment to Austin, we are convinced of the prudence of the proposal set out in our notice. The substitution of Channel 280A for Channel 265A in Georgetown required by an assignment of Channel 264 to Austin, presents no problem in that presently assigned Channel 265A is unapplied for. Both the assignments of Channels 264 and 280A meet our minimum mileage separation requirements. Georgetown Broadcasting Co., licensee of Station KGTN (AM), Georgetown and a prospective applicant for an FM station in that community opposes the substitution of Channel 280A for 265A. KGTN states that this assignment is objectionable since Channel 285A is assigned and in operation in Temple, Tex., about 30 miles distant. No data is given by KTGN to warrant the opposition. Under our rules stations five channels removed (or even four channels removed) may be assigned in the same community. We therefore find no merit to the opposition by KTGN.

29. We are persuaded, as a result of the above, that it is in the public interest to replace Channel 234 with Channel 264 in Austin and Channel 265A with Channel 280A in Georgetown.

30. *RM-769, Bellevue, Ohio.* We invited Comments on the possible assignment of Class A Channel 221A to Bellevue as requested by the Gazette Publishing Company, with the stated intention of applying for its use, in its petition received by the Commission on April 21, 1965. One supporting comment was filed.

31. At the present time there is no local AM, FM or TV service in Bellevue, a community of 8,286 persons located, roughly, half in Huron County (population 47,326) and half in Sandusky County (population 56,486). It is stated that Bellevue's trade area includes approximately 20,000 people. There are 98 retail stores in the city with total annual sales approximating $16,000,000, and an annual payroll of about $2,000,000.

32. In view of the availability of Channel 221A for assignment to the community, and petitioner's statement as to the supporting economic structure in the community, a first aural service for Bellevue appears warranted and, we find, in the public interest.

33. *RM-771, Petersburg, Va.* An assignment of FM Channel 237A to Petersburg was proposed in our notice as a result of the petition of Smiles of Virginia, Inc., filed on June 22, 1965.

34. Petersburg, an independent incorporated city containing 36,750 persons, presently has 2 AM stations—WSSV, an unlimited-time Class IV operation is licensed to Petersburg Broadcasting Co., and WPVA, a daytime-only station, is licensed to petitioner, Smiles of Virginia, Inc. Both interests have filed applications (which have been designated for hearing) for the one FM channel presently assigned to the community (257A). It is petitioner's contention, and our belief, that there is ample precedent for two Class A FM assignments in a city with a population of over 36,000 persons. This, particularly in light of petitioner's statement to the effect that the three surrounding counties, Chesterfield, Dinwiddie, and Prince George, have no FM assignments at this time. Furthermore, the establishment of two FM services would substantially improve the early morning and nighttime service in the area. Such an improvement can be expected in the relatively near future if petitioner's request is granted as it is petitioner's stated intention to amend its competing application for Channel 257A to specify Channel 237A, thereby avoiding the necessity of a lengthy and costly comparative hearing. Channel 237A can be assigned to Petersburg in full compliance with our minimum mileage separation requirements if its transmitter is located approximately 4 miles distant from the community. No objections to the proposed assignment were filed.

35. We find, therefore, that it is in the public interest to assign Channel 237A to Petersburg.

36. *Dalhart, Tex.; Fergus Falls, Minn.; Las Cruces, N. Mex.; Pittsfield, Ill.; and Wichita, Kans.* On our own motion, in this proceeding, we proposed to make the following substitutions for existing short-spaced assignments:

City	Short-spaced assignment [8]	Proposed substitnted assignment
Dalhart, Tex.	232A	240A
Fergus Falls, Minn.	256	277
Las Cruces, N. Mex.	237A	280A
Pittsfield, Ill.	228A	249A
Wichita, Kans.	262	----------

[8] Applications have been tendered for the following: Channel 232A in Dalhart by Dalhart Broadcasters; Channel 237A in Las Cruces by Chaparral Broadcasting Services, Inc.; and Channel 228A in Pittsfield by Pike Broadcasting Co., Inc. None have been accepted by the Commission due to the short-spacing problems confronting the channels applied for.

37. In view of the violations of our minimum mileage separation requirements, the fact that substitute channels equivalent to those proposed to be deleted are available for assignment, that no objections to our substitutions have been filed, and that the substitutions will permit interested parties to proceed with their plans for FM stations in these communities, we believe that it is in the public interest to adopt the above-outlined substitutions. Channel 262 was previously authorized to Station KFH-FM at Wichita, Kans., at a very short spacing to co-channel Station KTOP-FM at Topeka (about 130 miles as against the required 180 miles). KFH-FM is now operating on Channel 250 (grant BLH-2963). With Channel 262 deleted, Wichita would still have five Class C FM assignments as well as six AM stations. Hence, we are of the view that it is in the public interest to delete Channel 262.

38. Authority for the amendment adopted herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

39. In accordance with the determinations made above: *It is ordered*, That effective December 6, 1965, § 73.202 of the Commission's rules, the Table of Assignments, is amended to read, with respect to the communities listed below, as follows:

City	*Channel No.*
Florida:	
Clearwater	239, 250
New Port Richey	288A
Illinois:	
Galesburg	235, 272A
Pittsfield	249A
Kansas:	
Scott City	233
Wichita	250, 267, 275, 279, 297
Kentucky:	
Jackson	255
Murray	279
Minnesota: Fergus Falls	243, 277
New Mexico: Las Cruces	280A
Ohio: Bellevue	221A
Texas:	
Austin	229, 238, 252A, 264
Dalhart	240A
Georgetown	280A
Virginia: Petersburg	237A, 257A
West Virginia:	
Clarksburg	224A, 285A, 293
Fairmont	250, 276A
Wisconsin:	
Portage	261A
Shawano	261A, 274

40. *It is further ordered*, That effective December 6, 1965, and pursuant to section 316(a) of the Communications Act of 1934, as amended, the outstanding Construction Permit (BPH-4400) of Shawano County Leader Publishing Co. for operation on FM Channel 262 in Shawano, Wis., is modified to specify operation on Channel 261A or 274, the channels assigned to Shawano as of the date herein specified; this in lieu of operation on Channel 262 and subject to the following conditions:

(a) The permittee shall inform the Commission by November 22, 1965, of its choice of Channel 261A or 274 for its Shawano operation.

(b) The permittee shall submit to the Commission by November 22, 1965, the technical information normally required for the issuance of a construction permit for operation on Channel 261A or Channel 274, including any changes in antenna and transmission line.

41. *It is further ordered*, That effective December 6, 1965, and pursuant to section 316(a) of the Communications Act of 1934, as amended, the outstanding license of George Basil Anderson and Florence L. Anderson, doing business as The Broadcasters of Scott City, for station KFLA-FM, Scott City, Kans., is modified to specify operation on Channel 233 in lieu of 232A, subject to the following conditions:

(a) The licensee shall inform the Commission by November 22, 1965, of its acceptance of this modification.

(b) The licensee shall submit to the Commission by November 22, 1965, the technical information normally required for the issuance of a construction permit for operation on Channel 233, including any changes in antenna and transmission line.

(c) The licensee may continue to operate on Channel 232A until upon its request, the Commission authorizes interim operation on Channel 233, following which the licensee shall submit (within 30 days) the measurement data normally required of an applicant for an FM broadcast station license.

42. *It is further ordered*, That all petitions, comments, reply comments, pleadings, briefs, and other instruments filed in this proceeding are adopted or denied in whole or part as is consistent with the actions we take herein.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: October 27, 1965.

Released: October 29, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[7]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 65-11876; Filed, Nov. 3, 1965; 8:49 a.m.]

[7] Commissioners Hyde and Bartley absent.

[6] An additional wide-coverage assignment to Prestonsburg would not bring service to any area not presently receiving service from Channel 238.

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Bosque del Apache National Wildlife Refuge, N. Mex.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

NEW MEXICO

BOSQUE DEL APACHE NATIONAL WILDLIFE REFUGE

The public hunting of geese on the Bosque del Apache National Wildlife Refuge, N. Mex., is permitted from December 4, 1965, through January 9, 1966, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 4,700 acres in Unit A and 1,300 acres in Unit B, is delineated on maps available at refuge headquarters, San Antonio, N. Mex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex., 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of geese.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 9, 1966.

H. O. CROWLEY,
Acting Regional Director,
Albuquerque, N. Mex.

OCTOBER 28, 1965.

[F.R. Doc. 65-11846; Filed, Nov. 3, 1965; 8:46 a.m.]

PART 33—SPORT FISHING

Mattamuskeet National Wildlife Refuge, N.C.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH CAROLINA

MATTAMUSKEET NATIONAL WILDLIFE REFUGE

Sport fishing on the Mattamuskeet National Wildlife Refuge, New Holland, N.C., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 40,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga., 30323. Sport fishing shall be in accordance with all applicable State

regulations subject to the following special conditions:

(1) The sport fishing season on the refuge extends from January 15, 1966, through the day before the opening of the waterfowl hunting season.

(2) Certain areas will be posted as closed to motor boats to prevent disturbance in prime spawning zones.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 28, 1965.

[F.R. Doc. 65-11847; Filed, Nov. 3, 1965; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Fiscal Service

[31 CFR Part 209]

DRAWING OF CHECKS IN FAVOR OF FINANCIAL ORGANIZATIONS FOR THE CREDIT OF PERSONS' ACCOUNTS

Notice of Proposed Rule Making

Notice is hereby given pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) that the Secretary of the Treasury is considering the adoption of regulations, pursuant to section 3620 of the Revised Statutes (31 U.S.C. 492), as amended by Public Law 89-145 (79 Stat. 582), to govern the drawing of checks in favor of financial organizations for the credit of persons' accounts. The regulations under consideration apply to checks in payment of (1) salaries or wages, and (2) other classes of recurring payments with specific approval of the Fiscal Assistant Secretary of the Treasury.

The regulations proposed for adoption would constitute a new part, designated Part 209, of Subchapter A, Chapter II, Title 31 of the Code of Federal Regulations, and would read as follows:

PART 209—DRAWING OF CHECKS IN FAVOR OF FINANCIAL ORGANIZATIONS FOR THE CREDIT OF PERSONS' ACCOUNTS

Sec.

209.1 Authority.
209.2 Definitions.
209.3 Individual checks.
209.4 Composite checks.
209.5 Depositor account numbers.
209.6 Assignments prohibited.
209.7 Financial organization as agent.
209.8 Acquittance to United States.
209.9 Financial organization not Government depositary.
209.10 Procedural instructions.

AUTHORITY: The provisions of this Part 209 issued under R.S. 3620, as amended by Pub. L. 89-145; 31 U.S.C. 492, unless otherwise noted.

SOURCE: §§ 209.1 to 209.10 contained in Treasury Department Circular No. ——, —— F.R. ———, ——— 1965, unless otherwise noted.

§ 209.1 Authority.

This part is issued pursuant to section 3620 of the Revised Statutes (31 U.S.C. 492), as amended by Public Law 89-145 (79 Stat. 582).[1] Public Law 89-145 further amended section 3620 of the Revised Statutes to permit the heads of agencies to authorize disbursing officers to make certain payments by checks drawn in favor of financial organizations under certain conditions.

§ 209.2 Definitions.

As used in this part:

(a) "Agency" means any department, agency, independent establishment, board, office, commission or other establishment in the executive, legislative or judicial branch of the Government, any wholly owned or controlled Government corporation, and the municipal government of the District of Columbia;

(b) "Financial organization" means any bank, savings bank, savings and loan association or similar institution, or Federal or State-chartered credit union.

§ 209.3 Individual checks.

(a) The head of an agency may authorize the appropriate disbursing officer to pay a person by sending to the financial organization designated by that person a check that is drawn in favor of that organization and for credit to the account of that person.

(b) The procedure set out in paragraph (a) of this section may be adopted only:

(1) If the person to whom payment is to be made provides the agency with a written request, on a standardized Government form established by the Treasury for the purpose, which designates the financial organization and such financial organization, by endorsement thereon, states its willingness to act in this respect as agent of such person;

(2) For credit to an account established by the person to whom payment is to be made, the title of which contains the name of that person exactly as carried in the official records of the agency;

(3) If the head of the agency makes a determination that economy will result and that no interest of the Government or of the person to whom payment is to be made will be impaired;

(4) For payments of salaries or wages and, with the specific approval of the Fiscal Assistant Secretary of the Treasury, for other classes of recurring payments; and

(5) In the case of an agency under the Treasury disbursing system, after such consultation with the Bureau of Accounts as is necessary to coordinate the agency's operations with disbursing office requirements.

§ 209.4 Composite checks.

(a) Whenever, under the procedure set out in § 209.3(b), payments may be made by an agency on the same regularly recurring dates to two or more persons who designate the same financial organization, the head of the agency may, with the approval specified in paragraph (b) of this section or upon the determination specified in paragraph (c) of this section, as the case may be, authorize the appropriate disbursing officer to draw a single check for the total amount in favor of that organization for credit to the accounts of the several persons.

(b) An agency under the Treasury disbursing system desiring to use the procedure set out in paragraph (a) of this section may, after consultation with the Bureau of Accounts regarding its requirements, submit through that Bureau a request for approval by the Fiscal Assistant Secretary of the Treasury. The request shall be accompanied by findings as to the effect of the procedure on the agency's costs. The approval of the Fiscal Assistant Secretary will be contingent on his determining that economy will result, considering the effect of the procedure on Government-wide costs.

(c) An agency which does its own disbursing may use the procedure set out in paragraph (a) of this section if the head of the agency makes a determination that, in accordance with standards prescribed in regulations of the agency concurred in by the Fiscal Assistant Secretary of the Treasury, economy will result. Agency regulations shall provide for taking Government-wide costs into account for each application of the procedure, including costs of the agency's internal operations and other Government costs determined by the Treasury.

(d) An agency which uses the procedure set out in paragraph (a) of this section shall prepare and supply to the

[1] Public Law 89-145 provides: "That section 3620 of the Revised Statutes, as amended (31 U.S.C. 492), is amended—

"(1) By inserting the designation '(a)' before the word 'It' at the beginning thereof; and

"(2) By adding the following new subsections at the end thereof:

"(b) Notwithstanding subsection (a) or any other provision of law, and under regulations to be prescribed by the Secretary of the Treasury, the head of an agency may, upon the written request of a person to whom a payment is to be made, authorize a disbursing officer to make the payment—

"(1) By sending to the financial organization designated by that person a check that is drawn in favor of that organization and for credit to the account of that person; or

"(2) If more than one person to whom a payment is to be made designates the same financial organization, by sending to the organization a check that is drawn in favor of the organization for the total amount due those persons and by specifying the amount to be credited to the account of each of those persons.

In this subsection, 'agency' means any department, agency, independent establishment, board, office, commission, or other establishment in the executive, legislative, or judicial branch, of the Government, any wholly owned or controlled Government corporation, and the municipal government of the District of Columbia; 'financial organization' means any bank, savings bank, savings and loan association or similar institution, or Federal or State chartered credit union.

"(c) Payment by the United States of a check, drawn in accordance with subsection (b) and properly endorsed, shall constitute a full acquittance for the amount due to the person requesting payment."

disbursing office for forwarding to each financial organization with each check a record which, as a minimum, indentifies the agency, the financial organization, the name and amount for each account to be credited, and the date and aggregate amount of the check to be drawn.

§ 209.5 Depositor account numbers.

At the request of a financial organization to which checks are sent under the procedures set out in § 209.3 or § 209.4, an agency may use depositor account numbers supplied by the financial organization as additional identification on the checks or on the records accompanying them. The United States shall not assume responsibility for the correctness of such account numbers and the name of the person to whom payment is to be made will govern the crediting of the account.

§ 209.6 Assignments prohibited.

The procedures set out in §§ 209.3 and 209.4 may not be used for allotting a part of a payment or for effectuating an assignment of a payment.

§ 209.7 Financial organization as agent.

A financial organization which receives checks under the procedures set out in § 209.3 or § 209.4 does so in each case as the agent of the person who has designated the financial organization to receive the check and credit his account. The death of that person revokes the authority of the financial organization to credit the amount to the account of that person. In the case of a check covering a payment to one person, the proceeds of which cannot be credited to the account because of death or any other reason, the financial organization shall promptly return the check to the issuing disbursing officer or remit its own check in an equal amount, with a statement in either case identifying the reason therefor and the person. In the case of a check covering payment to more than one person, a portion of which cannot be credited to an account because of death or for any other reason, the financial organization shall promptly remit to the agency responsible for making payment a check in an amount equal to that portion which could not be properly credited to the account, with a statement identifying the person and the reason for refund.

§ 209.8 Acquittance to the United States.

Payment by the Treasurer of the United States of a check drawn in favor of and properly endorsed by the financial organization designated by a person to whom payment is to be made shall, if the check or the accompanying document properly specifies that person's name, constitute a full acquittance to the United States for the amount due the person.

§ 209.9 Financial organization not Government depositary.

A financial organization to which a check is drawn under the procedure set out in § 209.3 or § 209.4 does not thereby become a Government depositary and shall not advertise itself as one because of that fact.

§ 209.10 Procedural instructions.

Procedural instructions for the guidance of agencies in the implementation of this part, as needed, will be issued by the Commissioner of Accounts.

Prior to the adoption of the proposed regulations, set forth above, and the promulgation of the proposed form set forth below, consideration will be given to any relative data, views or arguments which are submitted in writing to the Commissioner of Accounts, Treasury Department, Washington, D.C., 20226, and received not later than thirty days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held to consider this matter.

Dated: October 29, 1965.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

REQUEST BY EMPLOYEE FOR PAYMENT OF SALARIES OR WAGES BY CREDIT TO ACCOUNT AT A FINANCIAL ORGANIZATION (TO BE SUBMITTED BY EMPLOYEE TO EMPLOYING AGENCY)

(To be completed by employee)	
(Name of employee (as carried on official records of agency))	(Social security number (or other employee number used by agency))
(Home address)	
(Agency include also bureau, division, branch or other designation of employing organization)	
To:	
You are hereby authorized and requested to pay the net amount of salaries or wages due me by credit to my account with the financial organization designated below; beginning with pay for the next full pay period and continuing until canceled by me in writing.	
(Name of financial organization)	(My account number at the financial organization)
(Street address)	
(City) (State) (ZIP code)	
(Signature of employee)	(Date submitted to agency)

(To be completed by financial organization (for return to employee))	
We, the above-designated financial organization, hereby agree to act as agent of the above-named person in the capacity indicated. If possible, our account number shown above for the person named herein, should be included as additional identification, for our convenience, on individual checks forwarded for credit to his account or on records accompanying composite checks for credit to his and other persons' accounts.	
(Authorized signature)	(Title)

This tentative form is made available with these proposed regulations for general information purposes at this time. When made final, it will be promulgated, apart from the regulations, for use by Government agencies and their employees.

[F.R. Doc. 65–11863; Filed, Nov. 3, 1965; 8:48 a.m.]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Parts 103, 204, 205, 206, 211, 212, 212a, 221, 235, 242, 243, 245, 249, 299]

IMMIGRATION REGULATIONS

Notice of Proposed Rule Making

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), notice is hereby given of the proposed issuance of the following rules implementing the Act of October 3, 1965 (79 Stat. 911). In accordance with subsection (b) of said section 4, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 757, 119 D Street NE., Washington, D.C., 20536, written data, views, or arguments relative to these proposed rules. Such representations may not be presented orally in any manner. All relevant material received within 15 days following the day of publication of this notice will be considered.

In addition to the proposed rules set out below, it has been determined that with respect to aliens who on December 1, 1965, are the beneficiaries of valid visa petitions approved prior to that date for first-preference classification, such classification is converted under the Immigration and Nationality Act, as amended by the Act of October 3, 1965, as follows: (1) The first-preference classification accorded to members of the professions and to persons having exceptional ability in the sciences or the arts is converted to third-preference classification; (2) the first-preference classification accorded to all other aliens is converted to sixth-preference classification. In addition, if the approval of any of the foregoing petitions is automatically revoked on or before December 1, 1966, by

the passage of time, such petition is revalidated as of the date of the original approval to December 1, 1966, provided there has been no disqualifying change in the eligibility of a member of the professions or a person having exceptional ability in the sciences or arts, and in the case of other aliens, that there has been no disqualifying change in the circumstances on the basis of which the petition was initially approved. No further certification from the Secretary of Labor is needed since the Department of Labor has notified the Immigration and Naturalization Service that individual clearance orders, and blanket clearance orders for specified occupations, previously issued in these cases are still valid as certifications which are required by section 212(a)(14) of the Immigration and Nationality Act, as amended by the Act of October 3, 1965.

It has also been determined that, with respect to aliens who on December 1, 1965, are the beneficiaries of valid visa petitions approved prior to that date, the classification accorded to the beneficiaries on the basis of relationship to a United States citizen or a lawful permanent resident alien is converted effective December 1, 1965, to the appropriate classification under the Immigration and Nationality Act, as amended by the Act of October 3, 1965, as follows: (1) The nonquota classification accorded to spouses and children of United States citizens and the second-preference classification accorded to parents of United States citizens is converted to the classification of immediate relative under section 201(b) of the Act, as amended; (2) the second-preference classification accorded to unmarried sons and unmarried daughters of United States citizens is converted to first-preference classification under section 203(a)(1) of the Act, as amended: (3) the third-preference classification accorded to spouses and unmarried sons and unmarried daughters of aliens lawfully admitted for permanent residence is converted to second-preference classification under section 203(a)(2) of the Act, as amended; (4) the fourth-preference classification accorded to the married sons and married daughters of United States citizens is converted to fourth-preference classification under section 203(a)(4) of the Act, as amended; (5) the fourth-preference classification accorded to brothers and sisters of United States citizens is converted to fifth-preference classification under section 203(a)(5) of the Act, as amended. In addition, if such converted petition is automatically revoked between December 1, 1965, and December 1, 1968, because of the passage of time, it is revalidated as of the date of initial approval to December 1, 1968, provided there has been no change in the circumstances on which the initial approval was based; furthermore, if the approval of a visa petition based on relationship to a United States citizen or lawful permanent resident alien has been or will be automatically revoked prior to December 1, 1965, because of the passage of time, such petition is revalidated as of the date of initial approval to December 1, 1968, provided there has been no change in the circumstances on which the initial approval was based and the classification of the beneficiary is converted as set forth herein.

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS

1. Subparagraphs (1) through (7) of paragraph (e) of § 103.1 *Delegations of authority* are amended to read as follows:

§ 103.1 Delegations of authority.

* * * * *

(e) *Regional commissioners.* The activities of the Service within their respective regional areas, including the following appellate jurisdiction specified in this chapter:

(1) Decisions on third-preference petitions, as provided in § 204.1(c) of this chapter;

(2) Decisions on sixth-preference petitions, as provided in § 204.1(d) of this chapter;

(3) Decisions on orphan petitions, as provided in § 204.1(b) of this chapter;

(4) Decisions on requests for revalidation of certain petitions, as provided in § 205.1(c) of this chapter;

(5) Decisions revoking approval of certain petitions, as provided in § 205.3 of this chapter;

(6) Decisions on applications for permission to reapply for admission to the United States after deportation or removal, as provided in § 212.2 of this chapter;

(7) Decisions on applications for waiver of certain grounds of excludability, as provided in § 212.7(a) of this chapter;

* * * * *

§ 103.2 [Amended]

2. The fourth sentence of paragraph (a) *General* of § 103.2 *Applications, petitions, and other documents* is amended to read as follows: "Applications or petitions received in any Service office shall be stamped to show the time and date of their actual receipt and, unless otherwise specified in Part 204 of this chapter or returned because they are improperly executed, shall be regarded as filed when so stamped."

§ 103.7 [Amended]

3. The following item in paragraph (c) *Additional fees* of § 103.7 *Records and fees* is revoked:

For filing application for waiver of grounds of exclusion contained in section 212(a)(14) of the Act-----	$10.00

4. The last item in paragraph (c) *Additional fees* of § 103.7 *Records and fees* is amended to read as follows:

For filing application for waiver of grounds of excludability under section 212 (h) or (i) of the Act (only a single application and fee shall be required when the alien is applying simultaneously for a waiver under both those sections)----------	$25.00

PART 204—PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF UNITED STATES CITIZEN, OR AS PREFERENCE IMMIGRANT

The headnote to Part 204 is amended as set forth above and that part is amended to read as follows:

§ 204.1 Petition.

(a) *Relative.* A petition to accord preference classification under section 203(a) of the Act or classification as an immediate relative under section 201(b) of the Act, other than a child as defined in section 101(b)(1)(F) of the Act, shall be filed on a separate Form I–130 for each beneficiary and shall be accompanied by a fee of $10. The petition shall be filed in the office of the Service having jurisdiction over the place where the petitioner is residing in the United States. When the petitioner resides outside of the United States, the petition shall be filed with the foreign office of the Service designated to act on the petition which can be ascertained by consulting the nearest American consul. The following American consular officers are also authorized to approve any petition on Form I–130 when the petitioner and the beneficiary are physically present in the area over which the consular officers have jurisdiction: American consular officers assigned to visa-issuing posts in South America (except Venezuela), areas of Asia lying to the east of the western borders of Afghanistan and Pakistan (but not including Hong Kong and adjacent islands, Taiwan, Japan, Okinawa, Korea, and the Philippines), Australia, New Zealand, and Africa (excluding posts in the United Arab Republic, the Mediterranean islands, and Portuguese island possessions); while such consular officers are authorized to approve such petitions, they shall refer any petition which is not clearly approvable to the appropriate Service office outside the United States for decision. The petitioner shall be notified of the decision and, if the petition is denied, of the reasons therefor and of his right to appeal to the Board within 15 days after mailing of the notification of the decision in accordance with the provisions of Part 3 of this chapter. Without the approval of a separate petition in his behalf, an alien spouse or a child as defined in section 101(b)(1)(A), (B), (C), (D), or (E) of the Act, may be accorded the same classification as his spouse or parent whom he is accompanying or following to join, if the immediate issuance of a visa or conditional entry is not otherwise available under the provisions of section 203(a)(1) through (8) of the Act.

(b) *Orphan.* A petition in behalf of a child defined in section 101(b)(1)(F) of the Act shall be filed by the United States citizen spouse in the office of the Service having jurisdiction over the place where the petitioner is residing on Form I–600, shall identify the child, and shall be accompanied by a fee of $10. When

the petitioner resides outside of the United States, the petition shall be filed with the foreign office of the Service designated to act on the petition which can be ascertained by consulting the nearest American consul. The petitioner shall be notified of the decision and, if the petition is denied, of the reasons therefor and of the right to appeal in accordance with the provisions of Part 103 of this chapter. If the petitioner or spouse intends to proceed abroad to locate an orphan for adoption, a request in writing may be submitted to the district director in whose jurisdiction the petitioner resides to initiate preliminary processing prior to filing a petition.

(c) *Member of the professions or an alien of exceptional ability in the sciences or arts.* A petition to classify the status of an alien under section 203(a)(3) of the Act shall be filed on Form I–140 by such alien or by any person on his behalf. A separate Form I–140 must be submitted for each beneficiary, executed under oath or affirmation, accompanied by a fee of $10, and by any required certification of the Secretary of Labor specified in § 204.2(f) before it may be accepted by the Service and considered properly filed. The petition shall be filed in the office of the Service having jurisdiction over the place in the United States where the alien intends to reside. An alien abroad who desires to submit a petition in his own behalf must execute the oath or affirmation on the petition before a Service or consular officer abroad. That officer will furnish the address of the Service office in the United States to which the alien should send the petition. The beneficiary and the petitioner may be required, as a matter of discretion, to appear in person before an immigration or consular officer prior to the adjudication of the petition and be interrogated under oath concerning the allegations in the petition. The petitioner shall be notified of the decision and, if the petition is denied, of the reasons therefor and of his right to appeal in accordance with the provisions of Part 103 of this chapter.

(d) *Aliens who will perform skilled or unskilled labor.* A person, firm, or organization desiring and intending to employ within the United States an alien entitled to classification as a preference immigrant under section 203(a)(6) of the Act shall file a petition on Form I–140. A separate form must be submitted for each beneficiary, executed under oath or affirmation, accompanied by a fee of $10, and by any required certification of the Secretary of Labor specified in § 204.2(g) before it may be accepted by the Service and considered properly filed. The petition shall be filed in the office of the Service having jurisdiction over the place where the alien's services are to be performed. The beneficiary and the petitioner may be required, as a matter of discretion, to appear in person before an immigration or consular officer prior to the adjudication of the petition and be interrogated under oath concerning the allegations in the petition. The petitioner shall be notified of the decision and, if the petition is denied, the reasons therefor and of his right to appeal in accordance with the provisions of Part 103 of this chapter.

§ 204.2 Documents.

(a) *General.* When the beneficiary is in the United States, his passport and Form I–94, if one was issued to him, shall be submitted with the petition.

(b) *Evidence of United States citizenship*—(1) *Birth in the United States.* A petition filed under § 204.1 (a) or (b) by a United States citizen whose citizenship is based on birth in the United States must be accompanied by his birth certificate; or, if his birth certificate is unobtainable, a copy of his baptismal certificate under seal of the church, showing his place of birth and a date of baptism occurring within two months after birth; or if his birth or baptismal certificate cannot be obtained, affidavits of two United States citizens who have personal knowledge of his birth in the United States. A native-born citizen of the United States who files a petition while physically outside the United States may establish his birth by presenting his valid unexpired United States passport containing the date and place of his birth in the United States. A statement executed by a consular officer, certifying the petitioner to be a United States citizen and the bearer of a valid United States passport showing him to be a native-born citizen, may be accepted in lieu of the passport. When a native-born member of the armed forces of the United States serving outside the United States submits a petition without documentary proof of his birth in the United States, a statement from the appropriate authority of the armed forces to the effect that the personnel records of the armed forces show the petitioner was born in the United States on a certain date may be accepted as proof of his birth in the United States if the approving officer finds that to require documentary proof of the petitioner's birth in the United States would cause the petitioner unusual delay or hardship.

(2) *Birth outside the United States.* A petition filed under § 204.1 (a) or (b) by a United States citizen born abroad who became a citizen through the naturalization or citizenship of a parent or husband, and who has not been issued a certificate of citizenship in his or her own name, must be accompanied by evidence of the citizenship and marriage of such parent or husband, as well as the termination of any prior marriages. In addition, if the petitioner claims citizenship through a parent, he must submit his birth certificate and a separate statement showing the date, port, and means of all his arrivals and departures into and out of the United States. If the petitioner is a naturalized citizen of the United States whose naturalization occurred within 90 days immediately preceding the filing of the petition, or if it occurred prior to September 27, 1906, the naturalization certificate must accompany the petition.

(c) *Evidence of lawful admission for permanent residence.* The status of a petitioner who claims that he is a lawful permanent resident alien of the United States will be verified from official records of the Service. In the absence of such a record, the petitioner shall be required to establish that he is a lawful permanent resident alien by the submission of evidence such as his passport bearing a Service endorsement reflecting a lawful admission for permanent residence, his Form I–151 alien registration receipt card, or his immigrant identification card.

(d) *Evidence of family relationship between petitioner and beneficiary*—(1) *General.* A petition filed under § 204.1 (a) must be accompanied by evidence of family relationship.

(2) *Petition for a spouse.* If a petition is submitted on behalf of a wife or husband, it must be accompanied by a certificate of marriage to the beneficiary and proof of the legal termination of all previous marriages of both wife and husband.

(3) *Petition for child.* If a petition is submitted by a mother on behalf of a child, regardless of the child's age, the birth certificate of the child showing the name of the mother must accompany the petition. If a petition is submitted by a father or stepparent on behalf of a child, regardless of age, a certificate of marriage of the parents, proof of termination of their prior marriages, and the birth certificate of the child must accompany the petition.

(4) *Petition for a brother or sister.* If a petition is submitted on behalf of a brother or sister, the birth certificate of the petitioner and the birth certificate of the beneficiary, showing a common mother, must accompany the petition. If the petition is on behalf of a brother or sister having a common father and different mothers, the marriage certificate of the petitioner's parents, and the beneficiary's parents, and proof of the termination of the parents' prior marriages, if any, must accompany the petition.

(5) *Petition in behalf of a parent.* If a petition is submitted in behalf of a mother, the petitioner's birth certificate showing the name of the mother must accompany the petition. If a petition is submitted on behalf of a father or stepparent, the petitioner's birth certificate and the marriage certificate of his parent and stepparent must accompany the petition, as well as proof of the termination of their prior marriages, if any.

(6) *Married women.* If either the petitioner or the beneficiary is a married woman, her marriage certificate must accompany the petition. However, when the relationship between the petitioner and beneficiary is that of a mother and child, regardless of the child's age, the mother's marriage certificate need not be submitted if the mother's present married name appears on the birth certificate of the child.

(7) *Relationship by adoption.* If the petitioner and the beneficiary are related to each other by adoption, a certified copy of the adoption decree must accompany the petition.

(e) *Evidence required to accompany petition for orphan*—(1) *General.* A petition filed in behalf of an orphan under § 204.1(b) must be accompanied by evidence of the United States citizenship of the petitioning husband or wife as provided in paragraph (b) of this section; a certificate of marriage of the petitioner and spouse and proof of legal termination of their previous marriages, if any; proof of age of the orphan in the form of a birth certificate, or if such certificate is not available other evidence of his birth; evidence that the petitioner and spouse are able to care for the orphan properly, such as letters from employers, banks and accountants, financial statements, copies of income-tax returns; a certified copy of the adoption decree together with certified translation, if the orphan has been lawfully adopted abroad; evidence that the sole or surviving parent is incapable of providing for the orphan's care and has in writing irrevocably released the orphan for emigration and adoption if the orphan has only one parent; and fingerprint charts of the petitioning husband and spouse on Form FD–258.

(2) *Preadoption requirements.* If the orphan is to be adopted in the United States, the petitioner must submit evidence of compliance with the preadoption requirements, if any, of the state of the orphan's proposed residence, except any such requirements that cannot be complied with prior to the child's arrival in the United States.

(3) *Beneficiary adopted abroad without having been seen and observed.* An orphan who is adopted abroad without having been personally seen and observed by the petitioning husband and wife prior to or during the adoption proceedings shall be processed as a child coming to the United States for adoption. Before a petition in behalf of such a child is approved, the petitioner and spouse must submit a statement indicating their willingness and intent to readopt the child in the United States. Unless the Service has already ascertained from the appropriate state authority that readoption is permissible in that state, the petitioner shall be required to submit evidence in the form of a statement from the court having jurisdiction over adoption, the state department of welfare, or the attorney general of the state, indicating that readoption is permissible. As in the case of a petition for any other orphan coming to the United States for adoption, evidence of compliance with the preadoption requirements, if any, of the state of proposed residence must be submitted.

(f) *Evidence of professional status or of exceptional ability in the sciences or arts.* An alien shall not be considered to be a member of the professions within the meaning of section 203(a)(3) of the Act unless he has successfully completed a course of study equivalent, at a minimum, to a four-year course of study at a college or university in the United States, has been awarded a degree or diploma preparatory to entering the profession, and has been granted a license or similar official permission to practice his profession if a license or similar official permission is required in the country where he has been found qualified to practice his profession. A petition to classify an alien as a member of the professions or as an alien of exceptional ability in the sciences or arts must be accompanied by documentary evidence of the alien's qualifications. A petition in behalf of a member of the professions, or in behalf of an alien with exceptional ability in the arts or sciences whose eligibility is based in whole or in part on high education, must be accompanied by a certified copy of the alien's school record. The record must show the period of attendance, major field of study, and the degrees or diplomas awarded. If a license or other official permission is required to practice a profession in the place where the alien has been found qualified to practice his profession, a copy of the license or other official permission to practice must also be submitted. If the alien's eligibility is based on exceptional ability in the sciences or the arts, documentary evidence thereof, such as affidavits by the alien's present or former employers or by recognized experts familiar with the alien's work, or published material, must be submitted by the petitioner. Each such affidavit must set forth the name and address of the affiant, state how he acquired his knowledge of the alien's qualifications, state the place where and the dates during which the alien acquired his exceptional ability, and must describe in detail the duties performed by the alien. When any material published by or about the alien is submitted, it must be accompanied by information as to date, place, and title of publication. Unless the Secretary of Labor has issued a blanket certification covering the alien's profession or occupation, the petition must be accompanied by a certification of the Secretary of Labor that there are not sufficient workers in the United States who are able, willing, qualified, and available at the place to which the alien is destined to perform like services, and that the alien's admission will not adversely affect the wages and working conditions of workers in the United States similarly employed. An alien who does not meet the foregoing qualifications for consideration as a member of the professions, but who has had a substantial amount of education, specialized experience or technical training, may be processed as an immigrant capable of performing specified skilled labor within the meaning of section 203(a)(6) of the Act.

(g) *Evidence required to accompany petition for skilled or unskilled laborer.* A petition to classify an alien as a skilled or unskilled laborer under section 203(a)(6) of the Act must be accompanied by documentary evidence that the alien is qualified to perform the services specified in the petition. If the alien's eligibility is based in whole or in part on high education or attendance at a technical or vocational school, a certified copy of his school record must be submitted by the petitioner. The record must show the period of attendance, major field of study, and degrees or diplomas awarded. If the alien's eligibility is based on technical training, specialized experience, or exceptional ability, documentary evidence thereof, such as affidavits or published material must be submitted by the petitioner. Affidavits must be made by the alien's present and former employers, or by recognized experts familiar with the alien's work. Each such affidavit must set forth the name and address of the affiant, and state how he acquired his knowledge of the alien's qualifications, state the place where and the dates during which the alien gained his experience, and must describe in detail the duties performed by the alien, any tools used, and any supervision received or exercised by the alien. When any material published by or about the alien is submitted, it must be accompanied by information as to date, place, and title of publication. Unless the Secretary of Labor has issued a blanket certification covering the alien's occupation, the petition must be accompanied by a certification of the Secretary of Labor that there are not sufficient workers in the United States who are able, willing, qualified and available at the place to which the alien is destined to perform like services, and that the alien's admission will not adversely affect the wages and working conditions of workers in the United States similarly employed.

§ 204.3 Disposition of approved petitions.

If the beneficiary of an approved petition will apply to an American consulate for a visa, the approved petition shall be forwarded to the consulate designated by the petitioner. When the beneficiary of an approved petition will file an application for adjustment of status under section 245 of the Act, as amended, the approved petition will be retained by the Service for consideration in connection with that application.

§ 204.4 Validity of approved petitions.

The approval of a petition to classify an alien as a preference immigrant under section 203(a)(3) or (6) of the Act shall remain valid for a period of one year from the date of any individual certification issued by the Secretary of Labor pursuant to section 212(a)(14) of the Act; if a blanket certification has been issued covering the alien's profession or occupation, the approval shall remain valid for a period of one year from the date of approval. The approval of a petition to classify an alien as a preference immigrant under section 203(a)(1), (2), (4), or (5) or as an immediate relative under section 201(b) of the Act shall remain valid for a period of five years from the date of approval. The validity of any petition under this section may be revoked pursuant to the provisions of Part 205 of this chapter prior to the one- or five-year limitations set forth herein.

§ 204.5 Automatic conversion of classification of beneficiary.

(a) *By change in beneficiary's marital status.* (1) A currently valid petition

classifying the child of a United States citizen as an immediate relative under section 201(b) of the Act, or classifying the unmarried son or unmarried daughter of a United States citizen under section 203(a)(1) of the Act, shall be regarded as approved for preference status under section 203(a)(4) of the Act as of the date the beneficiary marries.

(2) A currently valid petition classifying the married son or married daughter of a United States citizen for preference status under section 203(a)(4) of the Act shall, upon the presentation of satisfactory evidence of the legal termination of the beneficiary's marriage, be regarded as approved for preference status under section 203(a)(1) of the Act or, if the beneficiary is under 21 years of age, for status as an immediate relative under section 201(b) of the Act, as of the date of termination of the marriage.

(b) *By beneficiary's attainment of the age of 21 years.* A currently valid petition classifying the child of a United States citizen as an immediate relative under section 201(b) of the Act shall, if the beneficiary is still unmarried, be regarded as approved for preference status under section 203(a)(1) of the Act as of the beneficiary's attainment of his twenty-first birthday.

(c) *By petitioner's naturalization.* Effective upon the date of naturalization of a petitioner who had been lawfully admitted for permanent residence, a currently valid petition according preference status under section 203(a)(2) of the Act to the petitioner's spouse, unmarried son, or unmarried daughter, shall be regarded as approved to accord status as an immediate relative under section 201(b) of the Act to the spouse and unmarried son or unmarried daughter who is under 21 years of age, and to accord preference status under section 203(a)(1) of the Act to the unmarried son or unmarried daughter who is 21 years of age or older.

PART 205—REVOCATION OF APPROVAL OF PETITIONS

The headnote to Part 205 is amended as set forth above and that part is amended to read as follows:

§ 205.1 Automatic revocation.

The approval of a petition made under section 204 of the Act and in accordance with Part 204 of this chapter is revoked as of the date of approval in any of the following circumstances:

(a) *Relative petitions.* (1) Upon formal notice of withdrawal filed by the petitioner with the officer who approved the petition.

(2) Upon the death of the petitioner or beneficiary.

(3) Upon the legal termination of the relationship of husband and wife when a petition has accorded status as the spouse of a citizen or lawful resident alien, respectively, under section 201(b), or section 203(a)(2) of the Act.

(4) Upon a beneficiary accorded immediate relative status as the child of a United States citizen reaching the age of 21, except that such petition is valid to accord a status under section 203(a)(1) of the Act if the beneficiary remains unmarried, and a status under section 203(a)(4) of the Act in the event of marriage, for a period of five years from the date of initial approval or last revalidation.

(5) Upon the marriage of a beneficiary accorded a status as a son or daughter of a United States citizen under section 203(a)(1) of the Act, except that such petition is valid to accord a status under section 203(a)(4) of the Act for a period of five years from the date of initial approval or last revalidation.

(6) Upon the marriage of a beneficiary accorded a status as a son or daughter of a lawful resident alien under section 203(a)(2) of the Act.

(7) Upon the expiration of five years from the date of initial approval or last revalidation.

(b) *Other petitions.* (1) The beneficiary is an alien seeking classification under section 203(a)(3) or (6) of the Act and is not issued a visa on or prior to the expiration date of approval shown on the approved petition.

(2) The petitioner dies, goes out of business, or files a written withdrawal of the petition before the beneficiary's journey to the United States commences.

(3) The certification required by section 212(a)(14) of the Act is cancelled, withdrawn, or expires.

(c) *Revalidation.* Any petition approved under section 204 of the Act, which was automatically revoked, may be revalidated by a district director retroactively as of the date of the initial approval, if the requirements of section 204 of the Act currently exist. The following American consular officers are also authorized to revalidate any petition on Form I–130 when the petitioner and the beneficiary are physically present in the area over which the consular officers have jurisdiction: American consular officers assigned to visa-issuing posts in South America (except Venezuela), areas of Asia lying to the east of the western borders of Afghanistan and Pakistan (but not including Hong Kong and adjacent islands, Taiwan, Japan, Okinawa, Korea, and the Philippines), Australia, New Zealand, and Africa (excluding posts in the United Arab Republic, the Mediterranean islands and Portuguese island possessions); while such consular officers are authorized to revalidate such petitions, they shall refer any petition which is not clearly subject to revalidation to the appropriate Service office outside the United States for decision. A petitioner may request revalidation of a petition approved under section 204 of the Act. Before the petition may be revalidated, the beneficiary's current eligibility must be established. The petitioner shall be notified of the decision on his request for revalidation and, if revalidation is not granted, of the reasons therefor, and shall have 15 days after the mailing of the notification of decision within which to appeal, as provided in Part 3 of this chapter, if the petition was filed for a preference under paragraph (1), (2), (4), or (5) of section 203(a) of the Act, or for an immediate relative as defined in section 201(b) of the Act other than a child as defined in section 101(b)(1)(F) of the Act, or as provided in Part 103 of this chapter, if the petition was filed for a preference under paragraph (3) or (6) of section 203(a) of the Act, or for a child as defined in section 101(b)(1)(F) of the Act. When a visa petition has been approved, and subsequently a new petition by the same petitioner is approved in behalf of the same beneficiary, the latter approval shall be regarded as a revalidation of the original petition.

(d) *Notice.* When it shall appear to a district director that the approval of a petition has been automatically revoked, he shall cause a notice of such revocation to be sent promptly to the consular office having jurisdiction over the visa application and a copy of such notice to be mailed to the petitioner's last known address.

§ 205.2 Revocation on notice.

The approval of a petition made under section 204 of the Act and in accordance with Part 204 of this chapter may be revoked on any ground other than those specified in § 205.1 by any officer authorized to approve such petition when the propriety of such revocation is brought to the attention of the Service, including requests for revocation or reconsideration made by consular officers.

§ 205.3 Procedure.

Revocation of approval of a petition under § 205.2 shall be made only upon notice to the petitioner who shall be given an opportunity to offer evidence in support of the petition and in opposition to the grounds alleged for revocation of the approval. If upon reconsideration the approval previously granted is revoked, the petitioner shall be informed of the decision with the reasons therefor and shall have 15 days after the mailing of the notification of decision within which to appeal as provided in Part 3 of this chapter, if the petition was filed for a preference under paragraph (1), (2), (4), or (5) of section 203(a) of the Act, or for an immediate relative as defined in section 201(b) of the Act other than a child as defined in section 101(b)(1)(F) of the Act, or as provided in Part 103 of this chapter, if the petition was filed for a preference under paragraph (3) or (6) of section 203(a) of the Act, or for a child as defined in section 101(b)(1)(F) of the Act, and the consular office having jurisdiction over the visa application shall be notified of the revocation.

PART 206—REVOCATION OF APPROVAL OF PETITIONS

Part 206 is revoked.

PART 211—DOCUMENTARY REQUIREMENTS: IMMIGRANTS; WAIVERS

§ 211.2 [Amended]

Section 211.2 *Passports* is amended by deleting the words "first-preference quota immigrant" and inserting in lieu thereof the words "third-preference immigrant."

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

§ 212.2 [Amended]

1. The second sentence of § 212.2 *Consent to reapply for admission after deportation, removal, or departure at Government expense* is amended by deleting the words "section 212 (g) or (h)" and inserting in lieu thereof the words "section 212 (g), (h), or (i)" wherever they appear.

§ 212.5 [Amended]

2. Paragraph (b) *Refugee-escapees* of § 212.5 *Parole of aliens into the United States* is revoked.

§ 212.7 [Amended]

3. The headnote to paragraph (a) of § 212.7 *Waiver of certain grounds of excludability* is amended to read "*Section 212 (h) or (i)*" and the first sentence of paragraph (a) is amended by deleting the words "section 212 (g) or (h)" and inserting in lieu thereof the words "section 212 (h) or (i)."

4. Paragraph (b) of § 212.7 *Waiver of certain grounds of excludability* is amended to read as follows:

(b) *Section 212(g) (tuberculosis and certain mental conditions).* An alien who is an applicant for an immigrant visa and who, pursuant to section 212(g) of the Act, as amended, is seeking a waiver of his excludability under section 212(a) (1), (3), or (6) of the Act shall file (or if the alien is incompetent to do so, the family member specified in section 212(g) shall file) an application on Form I–601 at the consular office considering the application for a visa. An alien who is applying at a port of entry for admission to the United States, or who is within the United States and who is under any proceeding before the Service in which a waiver pursuant to section 212(g) is required before it may be determined that he is not excludable under section 212(a) (1), (3), or (6) of the Act, may file an application on Form I–601 with the Service office having jurisdiction over the port of entry or place where he is located.

(1) *Section 212(a)(6) (tuberculosis).* If the alien is excludable under section 212(a)(6) of the Act because of tuberculosis, he or his sponsoring family member shall submit with his Form I–601 a statement by a state, territorial, or local health department, or by a recognized hospital or other institution in the United States engaged in the treatment of tuberculosis. The statement shall include the name and address of the facility where the alien will be treated, and shall affirm (i) that arrangements have been made for any treatment and observation required for proper management of the alien's condition, in conformity with local standards of medical practice, and that upon arrival at such facility the alien will be placed in an inpatient or outpatient status as determined by the responsible local physician; (ii) that such facility will submit the following to the United States Quarantine Station, Rosebank, Staten Island, N.Y., 10305: an initial report giving a clinical evaluation of the alien, including necessary X-ray films, within 30 days after the alien's arrival at the hospital or other institution (or, if within 30 days after receipt of notice from the United States Public Health Service that the alien has arrived in the United States he has not reported to the facility, a notice of his failure to report), and a report of the final disposition of the case; and (iii) that complete financial arrangements for the alien's care have been made by the alien, the sponsoring family member, or other responsible person; or that the eligibility of the alien under the dependents medical care provisions of sections 1071–1085 of Title 10 of the United States Code has been established. Whenever the required statement is submitted by a hospital or other institution, it must bear an endorsement by a state, territorial, or local health department affirming its recognition of the facility as being qualified to engage in the treatment of tuberculosis, unless the United States Public Health Service shall have determined that the facility is qualified for that purpose.

(2) *Section 212(a) (1) and (3) (certain mental conditions).* If the alien is excludable under section 212(a) (1) or (3) (because of mental retardation, or because of a past history of mental illness), he or his sponsoring family member shall submit an executed Form I–601 to the consular or Service office with a statement that arrangements have been made for submission to that office of a medical report. The medical report shall contain a complete medical history of the alien, including details of any hospitalization or institutional care or treatment for any physical or mental condition; findings as to the current physical condition of the alien, including reports of chest X-ray examination, of serologic test for syphilis, and other pertinent diagnostic tests; findings as to the current mental condition of the alien, with information as to prognosis and life expectancy; and a report of a psychiatric examination conducted by a psychiatrist and, in case of mental retardation, a report of a psychologist. Upon receipt of the medical report, the consular or Service office shall refer it to the United States Public Health Service for review. Upon being notified that the medical report has been reviewed by the United States Public Health Service and determined to be acceptable, the alien or the sponsoring family member shall submit to the consular or Service office a statement, from a hospital, institution, school, or other specialized facility, or specialist in the United States acceptable to the United States Public Health Service which shall include the name and address of the hospital, institution, school, or other specialized facility, or specialist, and shall affirm that such facility or specialist has agreed to accept the alien for all necessary diagnostic studies, care, training, or schooling for a period of at least five years; that complete financial arrangements have been made by the alien, the sponsoring family member, or other responsible person for payment for all care, training, or schooling to be provided to the alien; that such facility or specialist will provide the United States Quarantine Station, Rosebank, Staten Island, N.Y., 10305, with an initial report giving a current evaluation of the mental status of the alien within 30 days after his arrival; semiannual reports of his mental status for a period of at least 5 years, even if he has been discharged from care, training, or schooling unless approval has been granted by the United States Public Health Service to transfer responsibility for the care and observation of the alien to another facility or specialist; prompt notification of the death of the alien, of his departure without approval of the facility or specialist, or of his failure to report to the facility or specialist as may be required in connection with semiannual reports, or of his failure to report to the facility or specialist within 30 days after the facility or specialist receives notice from the United States Public Health Service that he has arrived in the United States; and that upon arrival at the designated facility or specialist's office in the United States the alien will be placed in an outpatient, inpatient, or other status as determined by the responsible local physician or specialist.

(3) *Assurances: bonds.* In all cases under this paragraph (b) the alien or sponsoring family member shall also submit an assurance that the alien will comply with any special travel requirements as may be specified by the United States Public Health Service and that upon the admission of the alien into the United States, he will proceed directly to the facility or specialist specified for the initial evaluation, and submit to such further examination, treatment, schooling, training, and medical regimen as may be required, whether on an inpatient, outpatient, or other basis, and that before responsibility for the care, observation, training, or schooling of the alien is transferred to another facility or specialist the alien or the sponsoring family member will obtain approval from the United States Quarantine Station, Rosebank, Staten Island, N.Y., 10305. The alien, the sponsoring family member, or some other responsible individual shall provide such assurances or bond as may be required to assure that the necessary expenses of the alien will be met and that he will not become a public charge.

5. The fourth sentence of paragraph (c) *Section 212(e)* of § 212.7 *Waiver of certain grounds of excludability* is amended by deleting the words "Part 205" and inserting in lieu thereof the words "Part 204."

PART 212a—ADMISSION OF CERTAIN ALIENS TO PERFORM SKILLED OR UNSKILLED LABOR

Part 212a is revoked.

PART 221—ADMISSION OF VISITORS OR STUDENTS

Part 221 is added to read as follows:

§ 221.1 Admission under bond.

The district director having jurisdiction over the intended place of residence of an alien may accept a bond on behalf of an alien defined in section 101(a)(15)(B) or (F) of the Act prior to the issuance of a visa to the alien upon receipt of a request directly from a United States consular officer or upon presentation by an interested person of a notification from the consular officer requiring such a bond. All bonds given as a condition of admission of an alien under section 221(g) of the Act shall be executed on Form I-352 and shall be in the sum of not less than $500. The officer accepting such deposit shall give his receipt therefor on Form I-305.

PART 235—INSPECTION OF ALIENS APPLYING FOR ADMISSION

Section 235.9 is added to read as follows:

§ 235.9 Conditional entries.

(a) *Application.* A separate application for conditional entry under section 203(a)(7) of the Act shall be executed and submitted by each applicant on Form I-590 to the officer in charge of the nearest Service office outside the United States. Each applicant under this paragraph shall appear in person before an immigration officer and excepting a child under 14 years of age shall, prior to the adjudication of his application, be interrogated under oath concerning his eligibility for conditional entry into the United States. Conditional entry will not be authorized until a medical examination has been completed and until assurances of employment and housing in the United States for a period of two years on Form I-591 and assurances of transportation from the applicant's place of abode to point of final destination in the United States have been provided. The approval of an application by an officer in charge outside the United States authorizes the district director at a port of entry to effect the conditional entry of the applicant upon arrival at such port within four months after the date of the approval. Upon arrival, every conditional entrant 14 years old or over shall execute Form I-592. For the purposes of section 203(g) and (h) of the Act, the two-year period shall commence on the date of the applicant's conditional entry following his arrival in the United States.

(b) *Inspection of conditional entrant as to admissibility for permanent residence.* Two years subsequent to conditional entry in the United States, each conditional entrant shall be required to appear before an immigration officer. The conditional entrant, if over 14 years of age, shall be interrogated by an immigration officer under oath and a determination of admissibility shall be made in accordance with this part and Part 236 of this chapter. Except as provided in Parts 245 and 249 of this chapter, an application under this part shall be the sole method of requesting the exercise of discretion under sections 212(g), (h), and (i) of the Act, insofar as they relate to the excludability of an alien in the United States. When a reduction of the preference or nonpreference category is required to be made, the current Department of State Visa Office Bulletin will be consulted to determine whether an immigrant visa is immediately available; and immigrant visa is considered available for accepting and processing the application if the applicant has a priority date on the waiting list which is not more than 90 days later than the date shown in the bulletin. The application shall not be approved until an immigrant visa number has been allocated by the Department of State. Information as to immediate availability of an immigrant visa may be obtained at the nearest Service office."

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

§ 242.17 [Amended]

The sixth sentence of paragraph (c) *Temporary withholding of deportation* of § 242.17 *Ancillary matters, applications* is amended to read as follows: "The respondent has the burden of satisfying the special inquiry officer that he would be subject to persecution on account of race, religion, or political opinion as claimed."

PART 243—DEPORTATION OF ALIENS IN UNITED STATES

§ 243.8 [Amended]

The second sentence of § 243.8 *Imposition of sanctions* is amended to read as follows: "The sanctions imposed on residents of the Union of Soviet Socialist Republics, Czechoslovakia, and Hungary pursuant to section 243(g) may be waived in an individual case for the beneficiary of a petition accorded a status under section 201(b) or section 203(a)(1), (2), (4), or (5) of the Act, and may also be waived for the beneficiary of a petition accorded a status under section 203(a)(3) of the Act who resides in Hungary."

PART 245—ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE

1. the headnote to Part 245 is amended as set forth above.

§ 245.1 [Amended]

2. Section 245.1 is amended by deleting the existing fifth, sixth, seventh, eighth, and ninth sentences, and inserting in lieu thereof the following: "A visa shall not be held to be available for an alien claiming immediate relative status under section 201(b) or preference status under section 203(a)(1) through 203(a)(6) of the Act unless a petition to accord such status has been approved in accordance with Part 204 of this chapter, including the certification from the Secretary of Labor required for aliens claiming preference status under section 203(a)(3) or 203(a)(6) of the Act. A visa shall not be held to be available for an alien claiming nonpreference classification unless he presents with his application a certification from the Secretary of Labor as required by section 212(a)(14) of the Act. Except as provided in §§ 235.9 and 249.1 of this chapter, an application under this part shall be the sole method of requesting the exercise of discretion under sections 212(g), (h), and (i) of the Act, insofar as they relate to the excludability of an alien in the United States.

§§ 245.5, 245.6 [Redesignated]

3. Existing §§ 245.4 and 245.5 are redesignated as 245.5 and 245.6, respectively and new § 245.4 is added to read as follows:

§ 245.4 Adjustment of status under the proviso to section 203(a)(7) of the Act, as amended.

The provisions of section 245 of the Act and this part shall govern the adjustment of status provided for in the proviso to section 203(a)(7) of the Act, as amended. In addition to establishing admissibility and visa availability, the applicant under this section shall establish that he is within the class of persons described in section 203(a)(7) of the Act, as amended, including his present inability to return to the country from which he fled, if eligibility is based on section 203(a)(7)(A) of the Act, as amended, or from his usual place of abode, if under section 203(a)(7)(B) of the Act, as amended, for the reasons set forth in that section.

PART 249—CREATION OF RECORDS OF LAWFUL ADMISSION FOR PERMANENT RESIDENCE

§ 249.1 [Amended]

1. Section 249.1 *Waiver of inadmissibility* is amended by deleting the words "section 212(g)" and inserting in lieu thereof the words "section 212(h)."

§ 249.2 [Amended]

2. Section 249.2 *Application* is amended by deleting the date "June 28, 1940," in the third sentence and inserting in lieu thereof the date "June 30, 1948."

PART 299—IMMIGRATION FORMS

§ 299.1 [Amended]

The list of forms in § 299.1 *Prescribed forms* is amended by adding the following form in numerical sequence:

Form No.	Title and description
I-592	Declaration of Conditional Entrant at Time of Arrival.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

Dated: October 29, 1965.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 65-11861; Filed, Nov. 3, 1965; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 42]

EGGS AND EGG PRODUCTS

Extension of Time for Filing Comments on Proposed Amendments to Provide Salmonella-Free Products

In the matter of amending the identity standards for whole egg products and for egg yolk products and of establishing identity standards for egg white products to provide that such egg products shall be pasteurized or otherwise treated to result in finished products that are free of viable Salmonella micro-organisms:

A notice of proposed rule making in the above-identified matter was published in the FEDERAL REGISTER of August 21, 1965 (30 F.R. 10905). It announced a period of 60 days for interested persons to file comments. The Commissioner of Food and Drugs has received requests for an extension of the time for filing comments. Good reasons therefor having been furnished, the time for filing comments in this matter is extended to November 21, 1965.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90).

Dated: October 28, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-11845; Filed, Nov. 3, 1965; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 39]

[Docket No. 6999]

AIRWORTHINESS DIRECTIVES

Mooney Models M20 and M20A Airplanes

The Federal Aviation Agency is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Mooney Models M20 and M20A airplanes. There have been reports of wood and glue joint deterioration on the subject airplanes. Since this condition is likely to exist or develop in other Model M20 and M20A airplanes, the proposed AD would require inspection, and repair where necessary, of the wood wing and wood empennage.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before December 6, 1965, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

MOONEY. Applies to Models M20 and M20A airplanes.

Compliance required at the next periodic inspection after the effective date of this AD and thereafter at each periodic inspection.

To detect wood and glue joint deterioration on wood wing and wood empennage airplanes, accomplish the following:

a. Remove rear seat, auxiliary fuel tank and wing-to-fuselage fairing. Visually inspect all exposed areas for wood or glue joint deterioration. Apply one coat of aluminized sealer or spar varnish to the interior center section after inspection or repair.

b. Visually inspect the main wheel well areas for wood or glue joint deterioration. Apply one coat of aluminized sealer or spar varnish to the wing wheel well compartment after inspection or repair.

c. Remove all wing access panels. Visually inspect all areas that can be viewed through these openings for wood or glue deterioration.

d. Visually inspect the wing trailing edge for wood or glue joint deterioration. Visually inspect the fabric for cracks or breaks. In areas where fabric is cracked or broken, open the fabric and inspect the adjacent wood or glue joint.

e. Clear all wing drain holes.

f. Scupper Boxes: Fill any space between the sides of the fuel tank scupper boxes and wing with Scotch calking compound or equivalent.

g. Wing-Fuselage Joint: Check the condition of the tape that seals the joint between the wing and fuselage. Inspect and determine that the tape is applied tightly against the wing and fuselage from the leading edge to the trailing edge of the wing. Replace this seal if necessary using a water resistant tape. Add this tape on airplanes prior to S/N 1196.

h. Remove fairings between fuselage and empennage and visually inspect the empennage areas which are not covered with fabric for wood and glue joint deterioration. In areas where the fabric is cracked or broken, open the fabric and inspect the adjacent wood and glue joints for deterioration.

i. Clear empennage drain holes.

j. Add a piece of water resistant tape over cutout adjacent to fin on right and left sides of horizontal stabilizer.

k. Repair all structure having wood or glue joint deterioration in accordance with Mooney Service Letters Nos. 20-67 and 20-70 within the next 10 hours time in service after the inspection.

Issued in Washington, D.C., on October 28, 1965.

C. W. WALKER,
Acting Director, Flight Standards Service.

[F.R. Doc. 65-11836; Filed, Nov. 3, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-WE-93]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the transition area at The Dalles, Oreg.

The Agency has completed a comprehensive review of the terminal airspace structure requirements in The Dalles, Oreg., terminal area and is considering the following airspace action:

Amend The Dalles transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of The Dalles Municipal Airport (latitude 45°37'05" N., longitude 121°-10'05" W.), and within 2 miles each side of The Dalles VORTAC 270° radial from the 5-mile radius area to the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 5 miles north and 8 miles south of The Dalles VORTAC 276°/096° radials, extending from 7 miles west to 14 miles east of the VORTAC.

Alteration of the transition area, as proposed, would provide protection for instrument approach, departure, and holding procedures in The Dalles, Oreg., terminal area.

Certain minor revisions to prescribed instrument procedures would accompany the action proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or landing minimums be adversely affected.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in

order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 5651 West Manchester Avenue, Los Angeles, Calif., 90045.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on October 27, 1965.

LEE E. WARREN,
Acting Director,
Western Region.

[F.R. Doc. 65–11837; Filed, Nov. 3, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65–WE–99]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations which would designate controlled airspace in the Greeley, Colo., terminal area.

The Agency has completed a comprehensive review of the terminal airspace structure requirements and is considering the following airspace action:

Designate the Greeley transition area as that airspace extending upward from 700 feet above the surface within a 6-mile radius of Weld County Airport (latitude 40°26'57" N., longitude 104°42'38" W.), and within 2 miles each side of the Gill VOR 038° and 218° radials, extending from the 6-mile radius area to 8 miles northeast of the VOR; that airspace extending upward from 1,200 feet above the surface within 10 miles northwest and 7 miles southeast of the Gill VOR 038° and 218° radials, extending from 20 miles northeast to 13 miles southwest of the VOR.

The transition area proposed herein would provide protection for aircraft executing instrument approach, departure, and holding procedures proposed to be established at Weld County Airport.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 5651 West Manchester Avenue, Los Angeles, Calif., 90045.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on October 27, 1965.

LEE E. WARREN,
Acting Director,
Western Region.

[F.R. Doc. 65–11838; Filed, Nov. 3, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65–WE–103]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the controlled airspace in the Durango, Colo., terminal area.

The Agency has completed a comprehensive review of the airspace structure required pursuant to the commissioning of the Bondad Fan Marker at latitude 37°02'59" N., longitude 107°52'34" W., and is considering the following airspace actions:

1. Alter the Durango control zone by redesignating it as that airspace within a 5-mile radius of La Plata Field (latitude 37°09'15" N., longitude 107°45'00" W.), and within 2 miles either side of the Durango VOR 225° radial extending from the 5-mile radius zone to 9 miles southwest of the VOR, effective from 0600 to 2200 hours, local time, daily.

2. Alter the Durango transition area by redesignating it as that airspace extending upward from 700 feet above the surface within a 5-mile radius of La Plata Field (latitude 37°09'15" N., longitude 107°45'00" W.), and within 2 miles southwest and 3 miles northeast of the Durango VOR 118° radial, extending from the 5-mile radius area to 8 miles southeast of the VOR, and within 2 miles each side of the Durango VOR 225° radial extending from the 5-mile radius area to 9 miles southwest of the VOR; and that airspace extending upward from 1,200 feet above the surface within 9 miles southwest and 6 miles northeast of the Durango VOR 298° and 118° radials, extending from 7 miles northwest to 14 miles southeast of the VOR.

The alteration of the control zone would provide protection to aircraft executing instrument approaches at La Plata Field based on the Durango VOR 225° radial and the Bondad Fan Marker when the zone is effective. The 700-foot transition area alteration would provide protection to aircraft executing the same approach at altitudes between 1,000 and 1,500 feet above the surface during time when the control zone is not effective.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public Docket will be available for examination by interested persons in the office of the Regional Counsel Federal Aviation Agency 5651 West Manchester Avenue Los Angeles Calif. 90045.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on October 28, 1965.

A. E. HORNING,
Acting Director,
Western Region.

[F.R. Doc. 65–11839; Filed, Nov. 3, 1965; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 16212]

TABLE OF ASSIGNMENTS, FM BROADCAST STATIONS

Order Extending Time To File Comments and Reply Comments

In the matter of amendment of § 3.202, Table of Assignments, FM broadcast stations (Carrollton, Ky., Columbia, Tenn., San Clemente and Lancaster, Calif., Providence, R.I., Salt Lake City and Toole, Utah, Carroll, Cherokee, and Algona, Iowa, Nacogdoches and Lufkin, Tex., Charleroi and Uniontown, Pa., Clarksburg, Fairmont, Morgantown and New Martinsville, W. Va., Denison, Iowa, Immokalee, Fla., New London, Neenah-Menasha and Green Bay, Wis.); Docket No. 16212, RM–818, RM–819, RM–816, RM–830, RM–822, RM–808, RM–817, RM–837, RM–825, RM–838, RM–841, RM–844.

1. On October 1, 1965, the Commission issued a notice of rule making (FCC 65–881) in Docket No. 16212, proposing changes in the FM Table of Assignments contained in § 73.202 of the Commission's rules, pertaining to the communities referred to in the caption. Comments in this proceeding were due on or before October 29, 1965, and reply comments on or before November 8, 1965.

2. On October 25, 1965, Kirk Munroe, trading as El Camino Broadcasting Co., petitioned for an extension of time to November 15, 1965, to file comments and to November 22, 1965, to file reply comments directed toward alternative proposals to assign either Channel 300 (RM–822) or Channel 285A (RM–837) to San Clemente, Calif. Petitioner states he needs additional time to prepare an engineering study concerning both assignments, which will materially aid the Commission in reaching its decision.

3. On October 27, 1965, J. C. Stallings, licensee of Station KEEE, Nacogdoches, Tex., petitioned for an extension of time to November 12, 1965, to file comments and to November 22, 1965, to file reply comments directed to the proposal to delete Channel 277 from Lufkin, Tex., and to reassign that Channel to Nacogdoches, Tex. (RM–830). Stallings also states that an adequate engineering study will require more time than that allowed by the Commission.

4. The Commission is of the view that good cause has been shown for granting the requested extensions. Furthermore, since several counterproposals pertaining to other communities are involved in this proceeding, the time for filing comments and reply comments for all the amendments proposed in Docket No. 16212 will likewise be extended.

5. *Accordingly, it is ordered,* This 29th day of October 1965, that the time for filing comments in this proceeding is extended from October 29, 1965, to November 15, 1965, and the time for filing reply comments is extended from November 8, 1965, to November 26, 1965.

6. This action is taken pursuant to authority found in Sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Released: November 1, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65–11877; Filed, Nov. 3, 1965; 8:49 a.m.]

[47 CFR Parts 89, 91, 93]

[Docket No. 16259; FCC 65–964]

SECONDARY FREQUENCY ASSIGNMENTS IN CALIFORNIA, TEXAS, AND CHICAGO

Notice of Proposed Rule Making

1. On May 10, 1965, Parts 89, 91 and 93 of the Commission's rules were amended in Docket 15399 (see the Report and Order published in the FEDERAL REGISTER on April 9, 1965 (30 F.R. 4614) (FCC 65–250)), in order to conduct an experiment in the State of California to explore the possibility of "borrowing," by certain land mobile services, unused or lightly used frequencies which are presently allocated to other land mobile services in the Safety and Special Radio Services. The test program was to be limited to five hundred applicants with an April 1, 1966, deadline for filing applications. To date, however, no applications for secondary assignments have been filed. Since the experiment was undertaken as one possible means of relieving the problem of frequency congestion existing in certain of the land mobile radio services, the Commission has been concerned over the reason for such a negative response.

2. The Commission's staff has had informal discussions with representatives of land mobile users in an effort to obtain information regarding this matter. Also, the California Public Safety Radio Association, Inc. (CPRA) has submitted a report of a survey it conducted concerning the feasibility of the secondary sharing in 210 cities and counties in Southern California which gives the reasons why potential public safety applicants for secondary frequencies in that area have not participated in the test. In addition, the City of Burbank, Calif., filed a petition for reconsideration of our report and order in Docket 15399 requesting that we permit licensees of secondary frequencies to operate also on their primary frequency while using their secondary assignments. The information thus gathered indicates that potential participants have not applied for secondary frequencies because of the various limitations we incorporated in the rules concerning frequency selection and assignment, operating limitations, and the secondary status of secondary frequency assignments.

3. The major conditions, limitations and requirements in the rules governing the test in California may be summarized as follows:

(a) The applicant for a secondary frequency has to show that all primary frequencies are assigned and in use within 75 miles from his proposed base station location;

(b) That he has operated on his primary frequency for 90 days and found it unsatisfactory because of congestion;

(c) The secondary frequency selected must be within tuning range of his primary;

(d) Only one secondary frequency would be assigned in the 150 Mc/s range and two frequencies in the 450 Mc/s range;

(e) Secondary frequencies selected are to be coordinated through a frequency coordinating committee or by an independent field study showing that no base or fixed stations are on that frequency within a radius of 125 miles from the proposed base station;

(f) Licensees would not be permitted to use their primary frequencies until they have given up their secondary frequency;

(g) Licensees must have capability to revert to their primary frequency in fifteen days; and

(h) Secondary assignments are subject to cancellation without a hearing.

4. These limitations, we are told, have discouraged participation. For example, the CPRA in its report to the Commission on its survey concludes that "* * * the secondary frequency plan, in its present form, does not appear to be workable," and that "administrators (of public safety agencies) cannot afford to gamble with tax money" in taking advantage of the availability of secondary frequencies, although "there is congestion on the frequencies assigned to the Public Safety services." Specifically, prospective participants claim that permitting only one secondary frequency per system in the 150 Mc/s band precludes licensees from operating either a mobile relay system or a two frequency duplex system in the test. They claim that the requirement for having a valid primary assignment for ninety days before they may apply for a secondary assignment is unnecessary, and that the co-channel restriction of 125 miles operation is inconsistent with the rules governing coordination of primary assignments, where it is 75 miles, and restricts the availability of frequencies for secondary assignment.

5. But the basic objection is directed to the requirement of the rules that a licensee of a secondary frequency may not use his primary frequency until he no longer has his secondary assignment. On this, the CPRA report states that "most requests for frequency recommendations directed to this organization are for new systems or established systems in larger communities which need separating, requiring another frequency and retention of their existing frequency in its present form." In the petition for reconsideration filed by the City of Burbank, California, it is stated that the frequency congestion problem is most serious for those licensees operating many mobile units and who are unable to obtain an additional primary frequency, because additional frequencies are not available, and the secondary frequency would enable such licensees to reduce the loading of the primary frequency and possibly would permit expansion of their systems.

6. Further, with respect to the temporary nature of the operation, it was claimed that the 5-year period during which, under the terms of the test, licensees would be permitted on secondary frequencies is too restrictive and that secondary frequencies should be available on a permanent basis because otherwise the cost of changing over to a new frequency on such temporary basis cannot be justified.

7. It should be emphasized that, in Docket 15399, we merely instituted a test to see if borrowing of frequencies among some of the land mobile services is feasible. We did not adopt the secondary frequency concept as a permanent arrangement. Rather, we wanted to find out, on the basis of experience with a limited number of participants and during a 5-year period, the possible frequency relief this concept could afford and the operational and administrative problems we expect to encounter. The conditions and limitations we imposed for participation were designed to keep

the test under strict control. More specifically, our rules were designed to (1) contain the test within the general principles and context of rules governing the Safety and Special Radio Services; (2) insure that licensees participating in the test would be able to revert easily to their primary frequency assignment should interference develop; (3) provide and retain interference protection to existing licensees; and (4) prevent systems from expanding, by the use of secondary assignments, to a point where it would be impossible to revert to the primary assignment, thereby making a de facto reallocation.

8. If the test proves successful and the concept of secondary sharing is adopted on a more permanent basis, we expect to adopt rules based on the knowledge we gain from the test. Participation in this test would not only enable a number of users to ease their interference problems, but also would develop the information we need to evaluate the possibilities of secondary sharing. Since this is a test, it would not be advisable to say, at the outset, for example, that assignees of secondary frequencies would be able to use those frequencies beyond the five-year period, as it has been suggested, although, if the results of the test are favorable and we adopt this concept, those who have been assigned secondary frequencies during the test may be permitted to continue operation on those frequencies. Therefore, we do not propose to remove all of the conditions and limitations that have caused concern.

9. However, we think that some changes in the present rules may be warranted. Thus, we propose to permit participants to use their primary frequency while also operating on the secondary frequency and to apply for as many secondary frequencies as primary frequencies used in the system. This would grant, in substance, the petition of the City of Burbank, Calif. This would enable us, we believe, to gain information as to whether the secondary frequency concept we are testing may be used to relieve congestion for licensees operating large systems, for expansion of systems, as well as for switching completely to a borrowed frequency if congestion on primary frequencies becomes severe. However, in order to get the widest possible range of information, we would urge participants, where possible, to switch their entire system to a secondary frequency so that we may obtain information on this aspect of the experiment. Applicants would be required to inform the Commission in their application for a secondary frequency whether they propose to operate on both primary and secondary or on the secondary frequency alone. It should be made clear, however, that those licensees who establish a system on a secondary frequency alone should expect to give up that frequency and make other arrangements should interference be caused to a primary user.

10. Further, we propose to delete the requirement that an applicant must first operate for 90 days on his primary frequency before applying for a secondary frequency. Instead, we propose to require that the applicant first obtain a primary authorization and show that all of the primary frequencies, including his own, in the 150 or in the 450 Mc/s area, as the case may be, are assigned to qualify for a secondary frequency. In addition, we would reduce the primary-secondary co-channel separation from 125 miles to 75 miles.

11. Our present rules confine the test to the State of California. The State of California was initially chosen as the test area for the following reasons:

(a) The various metropolitan areas of California currently experience varying degrees of congestion believed to be representative of similar situations elsewhere in the nation; and

(b) The extent of land mobile frequency usage in adjacent states is such that border problems during the test period are expected to be minimal.

12. However, to insure wider participation and to test the secondary sharing concept in areas with different frequency usage patterns, we propose to permit the test, in addition to California, in the State of Texas and in the area within a 100-mile radius of the Navy Pier in Chicago, Ill. The State of Texas was selected because of its size and terrain and because in that State there is frequency congestion in the metropolitan area as well as in areas removed from urban centers. The Chicago metropolitan area is highly congested in certain radio services while frequencies are available in other services for borrowing.

13. Because of the modification to the experiment we propose, the initial cut-off date of April 1, 1966, would be cancelled and a new cut-off date would be established. The new date would be given in a public notice. However, we propose to limit the number of applications to 500. The proposed changes are reflected in the Appendix for Part 89. If the proposals contained herein are adopted, corresponding sections of Parts 91 and 93 should be modified accordingly.

14. Authority for the proposed amendment to the appropriate rules is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

15. Any interested person who is of the opinion that the proposed amendment should not be adopted in the form set forth herein may file with the Commission on or before December 6, 1965, written data, views or arguments setting forth his comments. Comments in support of the proposal may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed on or before December 21, 1965. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

16. In accordance with § 1.419 of the Commission's rules, an original and fourteen copies of all statements, views or comments filed shall be furnished the Commission.

Adopted: October 27, 1965.

Released: October 29, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

1. Subpart D of Part 89 is amended to read as follows:

Subpart D—Secondary Frequency Assignments

Sec.
89.221 Purpose.
89.223 Scope.
89.225 Frequency selection and assignments.
89.227 Operating limitations.
89.229 Preparation and filing of applications.
89.231 Secondary licenses.

AUTHORITY: The provisions of this Subpart D issued under sections 4(i) and 303, Communications Act of 1934, as amended.

§ 89.221 Purpose.

The purpose of this subpart is to establish the procedures and conditions for a limited trial of the practicability of making secondary frequency assignments in the land mobile services. The objective is to determine whether the secondary assignment principle can be used successfully as a device for obtaining greater efficiency of frequency utilization. It is intended for application only in cases where all frequencies normally available for assignment to an applicant already are used in the area and band concerned, and where the applicant is prepared to pay the extra costs to obtain at least temporary use of a more satisfactory channel. In conducting the trial, the Commission will authorize a total of no more than 500 licensees in this Part and in Parts 91 and 93 of this Chapter combined.

§ 89.223 Scope.

(a) This subpart is applicable only to certain land mobile service radio operations now located, or to be located, wholly within one of the following areas:

(1) The State of California, or

(2) The State of Texas, or

(3) Locations within a 100-mile radius of the Navy Pier in Chicago, Ill.

(b) Persons eligible to operate in the Local Government, Police, Fire, Highway Maintenance, and Forestry-Conservation Radio Services are eligible to file for secondary frequency assignments pursuant to the provisions of this subpart.

(c) Any assignable frequency in the bands 150.8–162 Mc/s and 450–470 Mc/s which presently is allocated to the Public Safety, Industrial, or Land Transportation Radio Services on a primary basis may be requested as a secondary assignment on a basis of non-interference to the primary service except for those frequencies allocated to the State Guard, Special Emergency, Telephone Maintenance, Business Relay Press, and Taxicab Radio Services; except for the 15 kc/s tertiary frequencies in the 150.8–162 Mc/s band; and except for those frequencies designated for itinerant use only.

[1] Commissioner Hyde absent.

§ 89.225 Frequency selection and assignments.

(a) The applicant for a secondary assignment must submit a statement that all assignable frequencies in his own service and in the band concerned (except tertiaries) are already assigned within 75 miles of his base station location. Further, the applicant must have a valid primary assignment. He must also, in his application for a secondary frequency, state whether he proposes to operate on both the primary and secondary frequencies or solely on the secondary frequency. An applicant may apply for, and be authorized to use, no greater number of secondary frequencies than there are primary frequencies assigned to him for use in his system.

(b) To minimize the possibility of harmful interference, the applicant for a secondary assignment must submit one of the following:

(1) A statement from the area frequency advisory committee(s) for the radio service(s) to which the frequency is allocated on a primary basis indicating no assignment of the frequency by a primary user within 75 miles of the proposed new base station.

(2) His own statement that no co-channel base or fixed station assignments to a primary service licensee exist within 75 miles of the secondary base station location and, in the case of the 150.8–162 Mc/s band, that no primary assignments exist within 15 kc/s of the requested frequency within a radius of 25 miles from the secondary base station location.

(c) A prospective applicant for a secondary assignment should not communicate with the area frequency advisory committee until he has made his own frequency search and has good reason to believe he has found an available frequency.

(d) Secondary assignment will not be made to base stations authorized for operation at temporary locations, to mobile stations not associated with one or more base stations, or to fixed relay, repeater, or control stations (except control stations which are part of a mobile relay system operation in the 450–470 Mc/s band).

(e) There are a number of assignments to stations in the fixed services in the bands 150.8–162 Mc/s and 450–470 Mc/s. By rule, such fixed relay, repeater, and control stations are assigned on the basis of noninterference to the land mobile services. However, for the purpose of this experiment, persons seeking a secondary assignment in the land mobile services shall regard these fixed station assignments as though they have primary status.

(f) Applications for a secondary frequency assignment will not be granted, despite compliance with the provisions of paragraphs (a) to (e) of this section, if other circumstances coming to the attention of the Commission indicate that the public interest would not be served thereby. Further, applications for secondary assignments will be accepted for filing with the understanding that, should the application be denied, the applicant waives any right to a formal hearing to which he might otherwise be entitled.

§ 89.227 Operating limitations.

(a) Operational conditions which apply to the service to which the secondary frequency is allocated on a primary basis will apply to the secondary user unless the operational conditions of his own service are more restrictive, in which case the latter will apply.

(b) A licensee of a secondary frequency who operates on that frequency only must at all times during the term of authorization:

(1) Be capable of reverting to his primary assignment within 15 days after receipt of written notice from the Commission, and

(2) Retain a complete set of crystals for his primary frequency assignment, and

(3) Utilize equipment with a tuning range encompassing his primary and secondary frequency assignments.

(c) Every application for a secondary assignment shall be accompanied by a statement signed by the applicant in which he agrees that any authorization issued pursuant thereto will be accepted with the express understanding of the applicant that it is subject to change in any of its terms, or to cancellation in its entirety at any time, upon reasonable notice, but without a hearing, if, in the judgment of the Commission, circumstances should so require.

§ 89.229 Preparation and filing of applications.

(a) All applications for a secondary frequency assignment shall be submitted on FCC Form 400. Type the word "Secondary" in Item 1(a) above the requested secondary frequency(s). In Item 16(c) enter the call sign of the existing station to which the secondary frequency is to be assigned.

(b) Licensees wishing to request a secondary frequency assignment shall complete and submit separate FCC Form 400 for each base and/or mobile station already licensed in the system for operation on a primary frequency for which a secondary assignment is desired.

(c) Applications for new stations to be added to an existing system operating under the secondary concept shall be filed on FCC Form 400 in accordance with Subpart A of this Part for the primary frequency. A separate application shall be submitted for the secondary frequency(s) in accordance with the provisions of paragraph (a) of this section.

§ 89.231 Secondary licenses.

(a) A license to operate on a secondary frequency under the experimental program provided for in this subpart will be issued to run concurrently with the primary authorization and may be renewed simultaneously with the primary assignment. However, a secondary frequency assignment will not be made for a total period in excess of 5 years.

(b) An authorization to use a secondary frequency will be issued subject to the following conditions:

(1) The licensee will cease operation on the secondary assignment within 15 days after being directed to do so by the Commission.

(2) The secondary authorization will expire simultaneously with the expiration of the primary assignment.

(3) The secondary license may be withdrawn, modified, or suspended by the Commission upon reasonable notice, and without a hearing, if, in the judgment of the Commission, such action should be required to eliminate harmful inteference to a primary user.

(c) No subsequent secondary frequency assignment will be granted to a licensee who has previously held such an assignment and failed to cease operation within 15 days after having been notified by the Commission to do so.

[F.R. Doc. 65–11878; Filed, Nov. 3, 1965; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 71–90]

[Ex Parte No. MC–13; No. 3666]

EXPLOSIVES AND OTHER DANGEROUS COMMODITIES

Transportation of Nitromethane

It appearing, that by an order entered February 23, 1965, in the above-entitled proceeding, the matter of considering the amendment of the order of September 10, 1958, to permit the transportation of "Nitromethane Mixture, Stabilized" in bulk, in railroad tankcars, and in tank motor cars when approved for transportation by the Bureau of Explosives was assigned for hearing at such time and place as hereinafter may be designated;

It is ordered, That this proceeding be, and it is hereby, referred to Examiners Henry J. Vinskey and Albert E. Luttrell for hearing on November 29, 1965, at 9:30 a.m., U.S. standard time at the Offices of the Interstate Commerce Commission in Washington, D.C.;

And it is further ordered, That the Bureau of Enforcement, Interstate Commerce Commission, be authorized and directed to participate in this proceeding and to introduce such evidence as may be pertinent to a proper consideration of the issues.

Dated at Washington, D.C., this 25th day of October A.D. 1965.

By the Commission, Commissioner Tuggle.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65–11857; Filed, Nov. 3, 1965; 8:47 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Arizona 030264]

ARIZONA

Order Providing for Opening of Lands for Recreation and Public Purposes

OCTOBER 29, 1965.

1. Pursuant to the Act of June 14, 1926 (44 Stat. 741; U.S.C. 869), as amended by the Act of June 4, 1954 (68 Stat. 173), as amended, the following described lands have been reconveyed to the United States:

GILA AND SALT RIVER MERIDIAN

T. 14 S., R. 12 E.,
Sec. 25, NW¼SW¼SW¼, NW¼SW¼SW¼SW¼, N½SW¼SW¼SW¼SW¼, W½NE¼SW¼SW¼SW¼, and NE¼NE¼SW¼SW¼SW¼.

The area described aggregates 15.625 acres.

2. The lands are located in Pima County, approximately 6 miles west of the city of Tucson. Soils vary from deep silty to sandy loam. The topography is gently sloping to flat.

3. No application for these lands will be allowed except for recreation and public purposes.

4. This order shall become effective at 10 a.m. on December 6, 1965.

5. Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, 3022 Federal Building, Phoenix, Ariz., 85025.

RILEY E. FOREMAN,
Acting State Director.

[F.R. Doc. 65-11848; Filed, Nov. 3, 1965; 8:46 a.m.]

[Riverside 07094]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 28, 1965.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial Number Riverside 07094, for the withdrawal of certain lands from location and entry under the General Mining Laws, subject, however, to existing withdrawals and to valid existing rights.

The lands have previously been withdrawn for the San Bernardino National Forest Reserve by Presidential Proclamation, February 25, 1893, and as such have been open to entry under the general mining laws.

The applicant desires the exclusion of mining activity to permit use of such lands as the Cedar Springs Reservoir Area No. 2 (Feather River Project) for recreation, watershed management and public access, which use is incompatible with mineral development.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1414 8th Street, Box 723, Riverside, Calif., 92502.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SAN BERNARDINO MERIDIAN

A strip of land 200 feet wide on each side of the centerline of the proposed State Highway No. 188 through the following described lands, and an area between the proposed roadside zone north to the southerly boundary of withdrawal Los Angeles 0170428 (Cedar Springs Reservoir Area):

T. 2 N., R. 4 W.,
Sec. 7, lot 2 and NE¼SW¼;
Sec. 8, N½SW¼, S½NE¼SE¼, NW¼SE¼, S½SE¼;
Sec. 9, E½SW¼NE¼, SE¼NE¼, S½N½SW¼, S½SW¼, NE¼SE¼, S½NW¼SE¼, S½SE¼;
Sec. 10, S½SW¼NW¼, W½SW¼.
T. 2 N., R. 5 W.,
Sec. 2, E½SW¼SE¼, SE¼SE¼;
Sec. 12, S½N½NE¼, S½NE¼, S½NE¼NW¼, NW¼NW¼, SE¼NW¼, NE¼SE¼.

The areas described aggregate 420 acres.

KEITH H. CORRIGALL,
Acting Manager.

[F.R. Doc. 65-11849; Filed, Nov. 3, 1965; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

FLORIDA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Florida a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

FLORIDA

Broward.	Palm Beach.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1966, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 29th day of October 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-11842; Filed, Nov. 3, 1965; 8:46 a.m.]

PENNSYLVANIA AND UTAH

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Pennsylvania and Utah, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

PENNSYLVANIA

Adams.	Fayette.
Allegheny.	Forest.
Armstrong.	Greene.
Beaver.	Indiana.
Blair.	Somerset.
Cambria.	Venango.
Clarion.	Washington.
Clearfield.	Westmoreland.
Cumberland.	York.

UTAH

Sanpete.	Sevier.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named Pennsylvania counties after December 31, 1966, or in the above-named Utah counties after June 30, 1966, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 29th day of October 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-11843; Filed, Nov. 3, 1965; 8:46 a.m.]

WISCONSIN

Extension of Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named county in the State of Wisconsin natural disasters have caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Wisconsin	*Present designation*
Jefferson	30 F.R. 5911

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after December 31, 1966, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 29th day of October 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-11844; Filed, Nov. 3, 1965; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16584]

LOUISVILLE-INDIANAPOLIS LOCAL SERVICE

Investigation; Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled investigation is assigned to be held on November 16, 1965, at 10 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner James S. Keith.

Dated at Washington, D.C., October 28, 1965.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 65-11864; Filed, Nov. 3, 1965; 8:48 a.m.]

[Docket No. 16490]

PUERTO RICAN FORWARDING CO., INC., ET AL.

Notice of Proposed Approval

Application of Puerto Rican Forwarding Co., Inc., et al., for approval of control and interlocking relationships pursuant to sections 408 and 409 of the Federal Aviation Act of 1958, as amended, Docket No. 16490.

Notice is hereby given, pursuant to the statutory requirements of section 408(b), that the undersigned intends to issue the attached order under delegated authority. Interested parties are hereby afforded a period of 15 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., November 1, 1965.

[SEAL] J. W. ROSENTHAL,
Director, Bureau of Operating Rights.

UNITED STATES OF AMERICA
CIVIL AERONAUTICS BOARD
WASHINGTON, D.C.

Issued under delegated authority

Application of Puerto Rican Forwarding Co., Inc., Et Al.; Docket 16490; for approval of control and interlocking relationships under sections 408 and 409 of the Federal Aviation Act of 1958, as amended.

ORDER APPROVING CONTROL AND INTERLOCKING RELATIONSHIPS

By joint application filed September 13, 1965, as amended September 27, Max Margolin, Henry Kantzer, Puerto Rican Forwarding Co., Inc. (Forwarding), a domestic and international air freight forwarder, and International Transport, Inc. (Transport) request the Board to approve, pursuant to section 408 of the Federal Aviation Act of 1958, as amended (the Act), the equal common control by Messrs. Margolin and Kantzer of Forwarding and Transport and the proposed acquisition of New England Forwarding Co. (New England) by Transport. They also request approval under section 409 of the Act of interlocking relationships resulting from the positions of Messrs. Kantzer and Margolin as president and director and treasurer and director, respectively, of Forwarding, Transport, and New England.[1] Approval is also requested for the individuals to hold such other positions within the same system of affiliated and subsidiary companies to which they may be hereafter elected or appointed.

Transport is a motor common carrier operating wholly within the State of Massachusetts and New England is a surface freight forwarder. Applicants contend that the above relationships are consistent with the public interest and will tend to promote air transportation by enabling Forwarding to serve the public more effectively. Applicants also contend that approval of this application will be consistent with Board actions in the past[2] and will not tend to restrain competition, create a monopoly or jeopardize any other air carrier.

No adverse comments or requests for a hearing have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408 of the Act.

Upon consideration of the application, it is concluded that Transport and New England are common carriers and that the above-described control relationships are subject to section 408 of the Act. However, it has been further concluded that such relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly and do not restrain competition or jeopardize another air carrier not a party to the relationships. Furthermore, no person disclosing a substantial interest in this proceeding is currently requesting a hearing and it is found that the public interest does not require a hearing. The control relationships are similar to others which have been approved by the Board and essentially do not present any new substantive issues.[3] It therefore appears that approval of the control relationships would not be inconsistent with the public interest. However, should Transport's motor common carrier services be expanded, new issues would be raised which could only be resolved upon the filing of a further application for prior approval by the Board. Accordingly, approval of the instant relationships will be conditioned so that such approval shall be effective only so long as the operation of motor vehicles by Transport is limited to the State of Massachusetts.

It is also concluded that interlocking relationships within the scope of section 409 (a) of the Act will result from the holding by Messrs. Kantzer and Margolin of the above-described positions with Forwarding, Transport, and New England. However, it is further concluded that the parties have made a due showing in the form and manner prescribed that such interlocking relationships will not adversely affect the public interest. Similarly, it is found that any interlocking relationships which may result from the election or appointment of Messrs. Kantzer and Margolin to other positions with Forwarding, Transport, and New England will not adversely affect the public interest.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.13, it is found that the foregoing control relationships should be approved under section 408(b) of the Act, without a hearing, and that the interlocking relationships should be approved under section 409 of the Act.[4]

Accordingly, it is ordered:

1. That the control by Messrs. Kantzer and Margolin of Forwarding and Transport and the proposed acquisition of New England by Transport be and it hereby is approved;

2. That, subject to the provisions of Part 251 of the Board's Economic Regulations, as now in effect or hereafter amended, the interlocking relationships existing by reason of the holding by Messrs. Kantzer and Margolin of the positions set forth above be and they hereby are approved;

3. Messrs. Kantzer and Margolin are also authorized to hold other positions as officers and/or directors of Forwarding, Transport, and New England to which they may be hereafter elected or appointed; and

4. That the approvals herein shall be effective only so long as the operation of motor vehicles by Transport is limited to the State of Massachusetts.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 5 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed or the Board gives notice that it will review this Order on its own motion.

By J. W. ROSENTHAL,
Director, Bureau of Operating Rights.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65-11865; Filed, Nov. 3, 1965; 8:48 a.m.]

[1] Messrs. Kantzer and Margolin now hold positions with Forwarding and Transport and they will be elected to positions with New England upon the acquisition thereof.

[2] For example, Alaska Air Forwarding Corporation, Order E-18904 and Wheaton Van Lines, et al., Order E-22468.

[3] See Footnote 2, supra.

[4] It has been decided not to enforce the doctrine expressed in Sherman Control and Interlocking Relationships, 15 CAB 876 (1952), and to consider the application on its merits.

[Docket No. 16621; Order E-22819]

UNITED AIR LINES, INC.

New Jet Fares; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of October 1965.

By tariff revisions[1] filed October 1, 1965, and marked to become effective October 31, 1965, United Air Lines, Inc. (United), proposes to add new jet fares for first-class, coach, and one-class standard services in various markets. Approximately half of the proposed fares are at the same level as existing propeller fares for the same markets, with the balance being either at higher levels than existing propeller fares, or, in connection with one-class fares, constructed by a formula reflecting a jet service differential. No complaints have been filed.

In support of its proposal, the carrier states that the proposed first-class and coach fares that are higher than existing propeller fares have been constructed at either the lowest jet fare level now in effect or at other levels so as not to undercut existing jet fares in related markets. In addition, the carrier indicates that the one-class standard service fares have been established at the jet coach fare plus approximately one-third of the difference between the jet first-class and jet coach fares.

We note from data reported to the Board that United's earnings have been increasing steadily in recent periods, even though its return is somewhat lower than that for the industry. On this basis, we cannot find an adequate economic justification supporting the jet fares that are proposed at levels higher than existing propeller fares, and we conclude that these fares may be unjust and unreasonable. However, some of the proposed fares have been constructed under a principle designed to avoid undercuts of existing jet fares in other markets. We will permit for a 60-day period (1) the proposed Akron-Chicago and Atlanta-Cleveland jet fares, to avoid "long-and-short-haul" situations; (2) the proposed New York-South Bend jet first-class fare of $52.30, via Chicago, to avoid the charging of higher fares; and (3) the Cleveland-Jacksonville jet coach fare, to avoid breaking the Cleveland-Miami fare via Jacksonville. Except for these fares which we will permit to become effective, we are suspending and will investigate the jet coach fare increases proposed by United above the current propeller coach fares, as these proposals constitute fare increases above the level of corresponding fares in the applicable market.[2]

Accordingly, pursuant to the Federal Aviation Act of 1958, particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions described in Appendix A attached hereto,[3] and rules, regulations, or practices affecting such fares and provisions, are or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and if found to be unlawful to determine and prescribe the lawful fares and provisions, and classifications, rules, regulations or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A hereto are suspended and their use deferred to and including January 28, 1966, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This investigation be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated; and

4. A copy of this order will be filed with the aforesaid tariff and be served on United Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[4]

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 65-11866; Filed, Nov. 3, 1965; 8:48 a.m.]

[1] Airline Tariff Publishers, Inc., Agent, CAB No. 44.

[2] Orders E-22483 and E-22587.

CIVIL SERVICE COMMISSION

SPECIAL PAY RANGES

Notice of Increase

1. Under authority of section 504 of the Federal Salary Reform Act of 1962 and Executive Order 11073, the Civil Service Commission determined on October 22, 1965, that the minimum rates and rate ranges will be adjusted on the effective date of the Classification Act and Postal Field Service salary schedules provided in the Federal Employees Salary Act of 1965 as set forth below. For each grade, the new special minimum salary rate will be equal to the indicated rate on the new statutory salary schedule.

a. For the following occupations on a worldwide basis:

GS-690 Industrial Hygiene Series.
All professional series in the GS-800 Engineering Group.
The following science series and specializations:

GS-015	Operations Research.[1]
GS-1221	Patent Adviser.
GS-1223	Patent Classifying.[2]
GS-1224	Patent Examining.
GS-1301.1	Physical Science Subseries.
GS-1306	Health Physics.
GS-1310	Physics.
GS-1313	Geophysics (Seismology).
GS-1313	Geophysics (Geomagnetics).
GS-1313	Geophysics (Earth Physics).
GS-1315	Hydrology.
GS-1320	Chemistry.
GS-1321	Metallurgy.
GS-1330	Astronomy and Space Science.
GS-1340	Meteorology.
GS-1360	Oceonography.
GS-1372	Geodesy.
GS-1380	Forest Products Technology.
GS-1390	Technology, in the following specializations: Aviation Survival Equipment. Industrial Radiography. Packaging and Preservation. Photographic Equipment.
GS-1510	Actuary.
GS-1520	Mathematics.
GS-1529	Mathematical Statistics.

GS-5 minimum equal to 7th rate of regular range.
GS-6 minimum equal to 6th rate of regular range.
GS-7 minimum equal to 6th rate of regular range.
GS-8 minimum equal to 4th rate of regular range.
GS-9 minimum equal to 3d rate of regular range.
GS-10 minimum equal to 2d rate of regular range.
GS-11 minimum equal to 2d rate of regular range.

b. For GS-602 Medical Officers under the Classification Act on a worldwide basis:

GS-11 minimum equal to 7th rate of regular range.
GS-12 minimum equal to 7th rate of regular range.
GS-13 minimum equal to 7th rate of regular range.
GS-14 minimum equal to 5th rate of regular range.
GS-15 minimum equal to 2d rate of regular range.

c. For Medical Officers, Occupational Code: 602, Postal Field Service on a nationwide basis:

PFS-12 minimum equal to 6th rate of regular range.
PFS-13 minimum equal to 6th rate of regular range.
PFS-14 minimum equal to 6th rate of regular range.
PFS-15 minimum equal to 6th rate of regular range.
PFS-16 minimum equal to 6th rate of regular range.

d. For Pharmacologists, GS-405 on a nationwide basis:

GS-7 minimum equal to 4th rate of regular range.
GS-9 minimum equal to 4th rate of regular range.
GS-11 minimum equal to 4th rate of regular range.
GS-12 minimum equal to 3d rate of regular range.
GS-13 minimum equal to 2d rate of regular range.

e. For Veterinarian, GS-701 on a worldwide basis:

GS-9 minimum equal to 3d rate of regular range.

f. For Accountants, GS-510, and Internal Revenue Agents, GS-512, California.

GS-5 minimum equal to 5th rate of regular range.
GS-6 minimum equal to 4th rate of regular range.
GS-7 minimum equal to 3d rate of regular range.

[1] Rates do not apply at grades 5 through 8.
[2] Rates apply at GS-11 only.
[3] Filed as part of original document.
[4] Dissent by Member Gillilland filed as part of original document.

GS-8 minimum equal to 2d rate of regular range.
GS-9 minimum equal to 2d rate of regular range.

g. For Dental Officer (Public Health-Pedodontia), GS-680, Washington, D.C., Metropolitan Area:

GS-14 minimum equal to 3d rate of regular range.

h. For Podiatrist, GS-668, Washington, D.C., Metropolitan Area:

GS-9 minimum equal to 7th rate of regular range.
GS-10 minimum equal to 7th rate of regular range.
GS-11 minimum equal to 7th rate of regular range.

2. Corresponding increases are made in the other rates of the rate ranges listed above.

3. Special rate ranges not listed will be adjusted in accordance with § 530.307(a) of the Commission's regulations.

4. The pay of employees on the rolls will be converted in accordance with § 530.307(b)(1) of the Commission's regulations.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS, *Director, Bureau of Management Services.*

[F.R. Doc. 65-11870; Filed, Nov. 3, 1965; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 65-CE-13]

MOTOROLA COMMUNICATIONS AND ELECTRONICS, INC.

Notice of Affirmation of Determination

On April 2, 1965, the Motorola Communications and Electronics, Inc., submitted to the Agency a notice of proposed construction. This notice described a tower to be located at latitude 42°42'07", longitude 83°14'35" and to be built at a height of 300 feet above the ground level, 1,248 feet above mean sea level.

On May 18, 1965, the Central Region office of the Federal Aviation Agency issued a determination of no hazard to air navigation in Aeronautical Study No. CE-OE-7620. The determination stated that its findings would become effective and final 30 days after issuance unless an appeal was filed.

The Michigan Department of Aeronautics and the Oakland County Board of Auditors made an appeal within the 30-day period by filing a petition for review under §.77.37 of Part 77 of the Federal Aviation Regulations. Notice of the filing of these petitions was given on June 22, 1965 (30 F.R. 8283), and notice of the grant of review of these petitions was given on August 11, 1965 (30 F.R. 10065).

On June 15, 1965, Motorola Communications and Electronics, Inc., constructed a tower at a height of 300 feet above ground level and in addition attached a 21-foot whip antenna on top thus erecting a structure with a total overall height of 321 feet above ground level. It was later discovered that the elevation at the proposed site was in error and should have been reported at 1,018 feet instead of 948 feet. This error was the result of a transposition of two elevations on separate projects under construction by the contractor. After discovering this error, the sponsor voluntarily reduced the overall height of the tower to 230 feet above ground level, 1,248 feet above mean sea level. On September 21, 1965, the sponsor submitted an amended Form FAA-117 that indicated the proper elevation and the final overall height of the tower.

The Notice of Grant of Petition for Review listed three issues for consideration requested by the petitioners as follows:

1. The determination is erroneous since the proposed structure was not circularized to interested parties for their consideration prior to the issuance of the determination.

2. The determination is erroneous since the structure would be situated in the area of the planned Oakland County Airport, the proposal for which airspace approval was given on May 1, 1963.

3. The determination is erroneous since the structure would be a hazard to aeronautical operations at Allen Airport.

The three issues for consideration raised by the petitioners have been carefully considered and are answered as follows:

1. There is no requirement in Part 77 of the Federal Aviation Regulations for the circularization of any determination made under that part. Therefore, this is not a proper basis upon which to challenge the determination of no hazard.

2. Although a proposed airport is in the planning stage at Pontiac, Mich., the Central Region found on April 9, 1963, that any such airport would be acceptable for visual flight rules operations only. In view of the fact that there are no definitive plans for the proposed Oakland County Airport, it is not possible to make a precise evaluation of the effect of the tower on any future airport; however, based upon all the information available at this time, there is nothing to indicate that the tower would have any substantial adverse effect on the Oakland County Airport as it is now proposed.

3. The Agency has made an additional study of the effect on the traffic at the Allen Airport of the tower as presently erected. The tower with an overall height of 230 feet above ground level, 1,248 feet above mean sea level, presents no substantial adverse effect on the aeronautical operations at the Allen Airport.

Therefore, pursuant to the authority delegated to me by the Administrator, I find that the determination issued by the Central Region in Aeronautical Study No. CE-OE-7620, with the amended specifications, is affirmed and the determination as modified is final.

Issued in Washington, D.C., on October 28, 1965.

CLIFFORD P. BURTON, *Acting Director, Air Traffic Service.*

[F.R. Doc. 65-11840; Filed, Nov. 3, 1965; 8:45 a.m.]

[OE Docket No. 65-EA-10]

COUNTY OF HENRICO, VA.

Affirmation of Determination of No Hazard to Air Navigation

The Federal Aviation Agency was notified by Form FAA-117 dated March 31, 1965, that the County of Henrico, Va., proposed to construct an antenna tower in Richmond, Va., at latitude 37°32'36" N., longitude 77°23'08" W. The overall height of the structure would be 357 feet above mean sea level (201 feet above ground).

On July 28, 1965, the Eastern Regional Office of the Federal Aviation Agency issued a determination that the proposed structure would not be a hazard to air navigation (Aeronautical Study No. EA-OE-7136). The determination acknowledged that the proposed tower would require an increase from 400 feet to 500 feet in the landing minimum for the ASR approach to Runway 15 at Byrd Field, Richmond, Va. It was determined however, that a modification of the ASR approach procedure to permit retention of the 400-foot minimum would be feasible and acceptable. It was further determined that the proposed antenna tower would have no adverse effect on other aeronautical operations, procedures or minimum flight altitudes.

On August 23, 1965, Worley Brothers Co., Inc., Richmond, Va., petitioned the Administrator for a review of the determination pursuant to § 77.37 of the Federal Aviation Regulations. On September 22, 1965, notice was given that the petition was granted and a review would be conducted on the basis of written materials (30 F.R. 12427).

The review included a study of the instrument flight rules (IFR) operations at Byrd Field, with primary consideration given to the effect the structure would have on approaches to Runway 15. In addition to this study, the material developed in the regional study was reexamined and a survey flight conducted of the area involved.

The petition claims the proposed tower would be a hazard to IFR operations at Byrd Field. No information was submitted by the petitioner in support of this claim, nor was any material developed during the course of the review which would substantiate this allegation. The review confirmed the Region's finding that the only effect the structure would have on operations at Byrd Field was as acknowledged in the determination. The modification of the ASR approach procedure as proposed in the determination was found to alleviate this single effect. Therefore, it was concluded the structure would have no substantial adverse effect upon IFR operations at Byrd Field.

The petition further claimed the structure would be a hazard to IFR and visual flight rules operations at the petitioner's proposed airport. The review disclosed the Agency had no record of a proposal by Worley Brothers Co., Inc., for the airport described in the petition. In this regard, § 77.21(a) of the Federal Aviation Regulations provides for the consideration of a proposed airport only when a plan or proposal for such an airport is on file with the Agency on the date the notice of proposed construction is filed.

Based on the review, it is concluded the determination issued by the Agency's Eastern Region reflected properly the effect the tower would have on aeronautical operations, procedures or minimum flight altitudes. Accordingly, it is the finding of the Agency that the proposed structure would have no substantial adverse effect upon aeronautical operations in the Richmond area and the finding of "no hazard to air navigation" issued by the Eastern Region is affirmed.

Therefore, pursuant to the authority delegated to me by the Administrator (30 F.R. 13023), the Determination of No Hazard to Air Navigation issued by the Eastern Region on July 28, 1965, is affirmed, effective this date.

Issued in Washington, D.C., on October 28, 1965.

CLIFFORD P. BURTON,
Acting Director, Air Traffic Service.

[F.R. Doc. 65-11841; Filed, Nov. 3, 1965; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15469, 15470; FCC 65R-389]

ADVANCED ELECTRONICS AND INDUSTRIAL COMMUNICATIONS SYSTEMS, INC.

Memorandum Opinion and Order Remanding Proceeding

In re applications of R. L. Mohr, doing business as Advanced Electronics, Docket No. 15469, File No. 214-C2-P-63; for a construction permit in the Domestic Public Land Mobile Radio Service at Palos Verdes, Calif.; Industrial Communications Systems, Inc., Docket No. 15470, File No. 1050-C2-P-63; for a construction permit for station KMD990 in the Domestic Public Land Mobile Radio Service at Los Angeles, Calif.

1. The Review Board has before it for consideration a petition to reopen the record and for other appropriate relief, filed on August 2, 1965, by Advanced Electronics (Advanced)[1] to determine the availability of one of the two transmitter sites proposed by Industrial and to determine whether Industrial was lacking in candor in failing to report the change in the location of one of the sites specified in its application. In an Initial Decision release on February 12, 1965 (FCC 65D-7), Hearing Examiner Charles J. Frederick recommended a grant of the application of Advanced and a denial of that of Industrial. Exceptions were filed and oral argument before the Board was requested prior to the filing of the instant petition. On the basis of, among other things, its larger service area Industrial seeks reversal of the Examiner's Initial Decision. The applicants herein are mutually exclusive as both propose to operate base stations on 454.30 mc/s. These applications were designated for consolidated hearing[2] on a number of issues, including the nature and extent of the services proposed (37 dbu contour) and the areas and populations the applicants propose to serve, and the need for service in said areas.

2. Industrial proposes to operate on 454.30 mc/s utilizing its two existing transmitters on Santiago Peak and Verdugo Peak, both within Los Angeles County, Calif. The Verdugo Peak site is identified as North latitude 34°12'55", West longitude 118°16'33"; ground elevation 3,075 feet; height of antenna above ground 40 feet. This location was used to compute the area and population within Industrial's 37 dbu contour. (Industrial Exh. 1.) In support of the present petition, Advanced alleges that Mountain Investment Corp. (MIC), lessor of the Verdugo Peak site, has taken several actions concerning Industrial's use of the proposed site, i.e.: on September 4, 1964, MIC informed Industrial that Industrial would be required to move its radio equipment into a building constructed by the lessor on Verdugo Peak by September 30, 1964; on March 29, 1965, MIC gave notice that as of May 30, 1965, Industrial's lease permitting the use of Verdugo Peak would be terminated due to nonpayment of rent and failure to move radio equipment into a building constructed by lessor; terms for a new lease were set forth by MIC on June 11, 1965; no lease was signed by Industrial; and on June 22, 1965, MIC communicated its demand that Industrial vacate the premises. Advanced further alleges that on or about July 6, 1965, Industrial removed its radio equipment from the MIC site to another location on Verdugo Peak without proper zoning authority from the City of Glendale; on July 13, 1965, the City Council of Glendale, Calif., authorized the City Attorney to bring action against Industrial and its president, Homer N. Harris; and on July 16, 1965, a complaint was filed by the City of Glendale in the Superior Court of the State of California for the County of Los Angeles requesting that Industrial be enjoined from operating its radio equipment on Verdugo Peak. Advanced argues that Industrial has been less than candid with the Commission due to its failure to obtain Commission authorization to modify or relocate its transmitter and its failure to make known the impending change in its antenna structure at the time of hearing. In support of the latter argument, Advanced contends that Industrial knew of the impending change at the time of hearing[3] and willfully failed to disclose such information.

3. Industrial's opposition to the instant petition is, in substance, that Industrial has a ten-year lease on the property where its transmitter is now located; applications for conditional use or variance permits for the present site were filed with the City of Glendale in January, 1964, and March, 1964; on June 1, 1965, Industrial was informed by the zoning administrator that the City Council had directed that no conditional use permit be granted for the property in question and Industrial filed an appeal to the Board of Zoning Adjustments, the hearing on which is now scheduled for January 13, 1966; Industrial removed its equipment from the MIC site on June 29, 1965, to its present location; on July 2, 1965, the requested variance was denied and Industrial filed another appeal to the Board of Zoning Adjustments on July 8, 1965; on July 16, 1965, the City of Glendale filed an action to enjoin Industrial; and that on August 10, 1965, Industrial filed a writ of mandate to require the City of Glendale to furnish power and act on Industrial's applications.[4] On the basis of this chronology Industrial argues no issue should be added as it is "confident that it would [ultimately] prevail," that the actions of the City of Glendale were "improper, illegal and unauthorized" and that the Board does not question the availability of site if "reasonable assurance of zoning exists." Industrial cites Chronicle Publishing Company, FCC 64R-309, 3 RR 2d 529. In addition, Industrial asserts that, in view of the long period of time involved, Advanced cannot claim its petition is based on newly discovered evidence. Moreover, Industrial claims it was informed by a Commission staff member that § 21.109(b) did not require prior Commission approval for the relocation of the transmitter and that on July 30, 1965, a letter was sent to the Commission informing it of the relocation of the Verdugo Peak transmitter.

4. In its reply, Advanced notes that Industrial admits that the Verdugo Peak transmitter is not located at the site identified in Industrial's above-specified application; Industrial's reliance on § 21.109(b) is misplaced and additional information was requested by the Commission by letter dated August 20, 1965; the geographical coordinates given for the new site are incorrect, being those specified for the old site; the antenna sketch supplied to the Commission in Industrial's July 30, 1965, letter is at variance with the sketch contained in Exhibit 1 of the record; and Industrial has not explained the technical effects of the new antenna arrangement. Advanced also asserts that information regarding the zoning matter was peculiarly within the knowledge of Industrial and good cause for the instant petition has been shown.

5. The Common Carrier Bureau (Bureau) supports the reopening of the record to determine the availability of the site proposed by Industrial. The Bureau submits that it is apparent from the pleadings that the Verdugo Peak site specified by Industrial is presently a matter of controversy and that certain changes in its presently authorized facilities have been instituted by Industrial as a result of this controversy; under § 1.65 of the rules, Industrial was obligated to give notice of changes in its facilities to the Commission and the parties in this proceeding and to amend its application, if necessary; and the availability of the site proposed by Industrial is significant both as a comparative matter and as a factor in determining the need which Industrial purports to serve.

6. The facts surrounding the difficulties in acquiring a site for its transmitter were within the knowledge of Industrial. There is no evidence presented to controvert Advanced's assertion that it recently discovered such evidence. The Board therefore finds good cause for the late filing of the petition and will consider the merits thereof.

7. It is apparent from the foregoing that the conditions under which Industrial will now perform its proposed operation are not those upon which it relied at the hearing and upon which the Examiner based his findings, including those under Issue C—areas and populations within the 37 dbu contour of each applicant and the need for the proposed service. This is apparently the case whether Industrial has available to it the MIC Verdugo Peak site as specified (see footnote 3) or whether the Examiner allows an amendment to the Industrial application specifying a different site. Under the circumstances it is necessary to reopen the record to allow the Examiner to determine the effect of such changes and to determine whether Industrial possesses the qualifications requisite to construct and operate the proposed station. Industrial's assertion that no issue should be added as to the availability of its proposed site because there is "reasonable assurance that it will prevail" is untenable in light of the actions taken by the City of Glendale. While it is true that the Board has assumed that local zoning authorities would approve an applicant's proposal absent allegations "that zoning approval is unlikely," as of now the local authorities have made a determination adverse to Industrial, thereby overcoming any favorable assumption. Chronicle Publishing Co., supra; Edina Corp., FCC 62R-82, 24 RR 455. There is sufficient doubt as to whether Industrial has a site available for its proposed operation to warrant the addition of an issue. Coastal Broadcasters, Inc., FCC 63R-50, 24 RR 949. Further, the Board finds no merit in Industrial's contention that it was not aware of its obligation to report such a material change of circumstances to the Commission. Aside from the express requirements of prior authorization contained in § 21.109(b), it has long been Commission policy to require applicants to notify the Commission of significant changes in circumstances so long as the case remains in hearing. See Page Boy Radio Corp., FCC 63R-320, 25 RR 765; § 1.65 of the Rules.

8. The Board recognizes that the evidence adduced under the issues added herein will require additional findings to be made under existing Issue C. In this respect the Board notes that a review of the Initial Decision and the exceptions filed thereto[5] indicate that the state of the record with respect to existing Issue C is inadequate. For this reason, and for the reasons stated in the preceding paragraph, the Board will order the record in this proceeding reopened. The applicants and the Common Carrier Bureau are advised that evidence pertaining to the following questions is deemed necessary to allow the Board to make a meaningful choice under existing Issue C ("comparative need issue") and to determine whether the public interest, convenience or necessity will be served by a grant of either of the above-captioned applications: (1) The number of services currently available within the proposed 37 dbu contours of the applicants; (2) the theoretical channel capacity of each of the existing services; (3) the amount of channel congestion presently experienced on those existing services, if any; and (4) whether, and, if so, in what sense, the respective service areas proposed by each of the applicants are not adequately served by existing mobile common carriers.

It is ordered, This 28th day of October 1965, That the petition for leave to file additional pleading, filed on October 25, 1965, by Industrial Communications Systems, Inc., is granted and the comments of Industrial Communications Systems, Inc., on the response of the Common Carrier Bureau to the petition to reopen hearing record and for other appropriate action, filed October 25, 1965, by Industrial Communications Systems, Inc. are accepted;

It is further ordered, That the petition to reopen the record and for other appropriate relief filed on August 2, 1965, by Advanced Electronics is granted; and that this proceeding is remanded to the Hearing Examiner for further hearing consistent with this opinion and for the issuance of a Supplemental Initial Decision in accordance with additional findings on existing Issue C and the following additional issues:

(a) To determine whether the Verdugo Peak site specified by Industrial Communications Systems, Inc., in its application is available for its proposed operation and, if not, whether Industrial Communications Systems, Inc., has reasonable expectancy of obtaining use of the site from the owner, Mountain Investment Corp., or its successors in interest.

(b) To determine, in light of the evidence adduced under Issue (a), if the Verdugo Peak site is not available and if an amendment to Industrial's application is permitted by the Examiner, whether Industrial Communications Systems, Inc., has the amended transmitter site available for its proposed operation and, if not, whether there is reasonable expectancy of obtaining the use of such site.

(c) To determine whether Industrial Communications Systems, Inc., has violated §§ 1.65 and/or 21.109(b) of the Commission's rules in failing to notify the Commission of the relocation of its Verdugo Peak transmitter.

(d) To determine whether Industrial Communications Systems, Inc., was lacking in candor in this proceeding in failing to properly notify the Commission of the relocation of its Verdugo Peak transmitter and the non-availability of the site as specified in its application and evidenced in the hearing record.

Released: October 29, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-11879; Filed, Nov. 3, 1965; 8:49 a.m.]

[Docket Nos. 16107, 16108; FCC 65M-1412]

ALABAMA MICROWAVE, INC.

Memorandum Opinion and Order Continuing Hearing

In re applications of: Alabama Microwave, Inc., Docket No. 16107, File No. 5404-C1-P-64; for a construction permit to establish additional facilities at licensed Station KJJ57, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Capshaw Mountain, Ala.; Docket No. 16108, File No. 5405-C1-P-64; for a construction permit to establish a new radio station in the Domestic Public Point-to-Point Microwave Radio Service near Rogersville, Ala.

1. The Hearing Examiner has under consideration a "Joint Motion," filed in the above-entitled proceeding on October 27, 1965, by respondents North Alabama Broadcasters, Inc., and Muscle Shoals TV Cable Co., requesting indefinite postponement of the hearing (presently scheduled to convene on Novem-

[1] Other pleadings before the Board are: an opposition, filed Aug. 17, 1965, by Industrial Communications Systems, Inc. (Industrial); and a reply, filed Aug. 27, 1965, by Advanced; response to the petition, filed Oct. 18, 1965, by the Common Carrier Bureau in accordance with the Review Board's Order, FCC 65R-371, released Oct. 8, 1965; and a petition for leave to file additional pleading and comments on response of the Bureau, filed Oct. 25, 1965, by Industrial. The Board has determined that good cause exists for the filing of Industrial's comments of Oct. 25, 1965, and has therefore considered the merits of the additional pleading in this Memorandum Opinion and Order.

[2] Memorandum Opinion and Order, FCC 64-421, released May 18, 1964.

[3] MIC informed Industrial on Sept. 4, 1964, that its equipment would have to be moved into the building constructed on the site. The FCC hearing was held subsequently, on Sept. 16-18 and Oct. 9, 1964. This change could modify the radiation figures Industrial supplied relative to its transmitter and the placement of its 37 dbu contour.

[4] Industrial in its additional pleading of Oct. 25, 1965, states that this matter is now set for trial on Dec. 2, 1965.

[5] Initial Decision of Hearing Examiner Charles J. Frederick (FCC 65D-7) released Feb. 12, 1965; exceptions and request for oral argument, filed Mar. 15, 1965, by Advanced; exceptions, supporting brief and request for oral argument, filed Mar. 15, 1965, by Industrial; reply to Advanced's exceptions, filed Mar. 29, 1965, by Industrial; and reply to Industrial's exceptions, filed Mar. 30, 1965, by Advanced.

ber 1). The applicant, Alabama Microwave, Inc., through its counsel, has informed the Hearing Examiner orally that it has no objection to the motion. The Commission's Broadcast Bureau has advised him that the staff has no objection to a 60-day continuance.

2. The Hearing Examiner, as a matter of general principle, disfavors indefinite postponements of hearings in any type of proceeding. Continuances, if justified, to dates certain, serve to keep the parties' (and their lawyers') feet to the fire, thereby helping to expedite the adjudicatory process. In the present situation, moreover, there are factors which militate against granting the indefinite postponement requested herein. The moving parties assert that they have reached an amicable settlement which is presently being formalized and that this agreement will be submitted to the Commission for inclusion in the record of this proceeding. They have made no commitment as to when this agreement is to be submitted. In the meantime, the applicant, Alabama Microwave, Inc., has submitted to the Examiner a petition in which it requests leave for the dismissal of its application "without prejudice". Time must be afforded under the Commission's rules for the submission of comments addressed to the petition to dismiss, and a question is raised whether action on that pleading ought to be withheld pending Commission consideration of an "agreement" which is not yet on file. If dismissal is granted, whether "with prejudice" or "without prejudice," it may be doubted that the stated purpose of the moving parties to present their agreement to the Commission "for inclusion in the record in this proceeding" can be accomplished, because a concomitant of dismissal of the application, on which the proceeding is based, is termination of the proceeding itself.

3. Under the circumstances outlined above, the Hearing Examiner has decided, on his own motion, to continue the hearing until Monday, January 3, 1966, subject, of course, to such further Order or Orders as future developments may necessitate. At the same time, the Examiner requests the parties to address themselves to the procedural questions raised in paragraph 2 above in such comments as they may wish to file in response to the applicant's petition to dismiss.

Accordingly, it is ordered, This 29th day of October 1965, that the "Joint Motion" for indefinite postponement of the hearing is denied; and

It is ordered further, On the Hearing Examiner's own motion, as noted in paragraph 3 hereinabove, that the hearing is hereby continued until 10 a.m., Monday, January 3, 1966, at the Commission's offices, Washington, D.C.

Released: October 29, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-11880; Filed, Nov. 3, 1965; 8:49 a.m.]

[Docket Nos. 13341—13344; FCC 65M-1416]

CREEK COUNTY BROADCASTING CO. ET AL.

Order Scheduling Prehearing Conference

In re applications of: T. M. Raburn, Jr., trading as Creek County Broadcasting Co., Sapulpa, Okla., Docket No. 13341, File No. BP-11605; Tinker Area Broadcasting Co., Midwest City, Okla., Docket No. 13342, File No. BP-12410; Sapulpa Broadcasting Corp., Sapulpa, Okla., Docket No. 13343, File No. BP-12595; M. W. Cooper, Midwest City, Okla., Docket No. 13344, File No. BP-12887; for construction permits.

The hearing in the above-entitled proceeding was continued without date on September 28, 1961, over 4 years ago, in conformity with the "freeze" imposed by the Commission in Docket 6741 (Clear Channels), effective September 14 of that year.[1] It appears quite likely that the passage of so much time can only have made the proposals of these applicants stale; and it may also be questioned whether the applicants would be disposed to prosecute the applications in their present form at any foreseeable date in the future, even if the door were opened to them. The Hearing Examiner has therefore decided to summon the parties, or their counsel, to a prehearing conference to attempt to ascertain for the record just where they can "expect to go from here". It is hoped that a disposition that would either result in the reactivation of the hearing process in the near future or in the voluntary dismissal of these applications (or their removal from the Hearing Examiner's caseload)[2] will eventuate from the prehearing conference discussions.

Accordingly, it is ordered, This 29th day of October 1965, that a prehearing conference in the above-captioned proceeding will be convened at 10 a.m., Wednesday, November 10, 1965, at the Commission's offices, Washington, D.C.;

It is ordered further, That all the parties, by themselves or through their counsel, shall be present at the aforesaid prehearing conference and shall be prepared to discuss the matters referred to hereinabove.[3]

Released: October 29, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-11881; Filed, Nov. 3, 1965; 8:49 a.m.]

[1] The "freeze" remains in effect under present Rule 1.569(b)(3), which prescribes that "Applications which fail to comply with one or more of the standards (set forth elsewhere in the Rule) will be retained in the pending file without further processing or consideration".

[2] Possibly, the applications could be removed from the Examiner's jurisdiction and placed in the general "pending file without further processing or consideration". Rule 1.569(b)(3). Inquiries concerning the status of this proceeding may then be directed to the custodian of the "pending file" rather than to the Office of Hearing Examiners or this Hearing Examiner.

[3] Failure of any applicant to appear at the prehearing conference, without "good cause", will be construed as a default, subjecting the applicant concerned to possible dismissal of its application.

[Docket Nos. 16209, 16210; FCC 65M-1406]

ELYRIA-LORAIN BROADCASTING CO. ET AL.

Order Continuing Hearing

In re applications of Elyria-Lorain Broadcasting Co., Docket No. 16209, File Nos. BR-2173, BRH-571, for renewal of licenses of Stations WEOL AM and FM, Elyria, Ohio; and Loren M. Berry Foundation (Transferor), and The Lorain County Printing and Publishing Co. (Transferee), Docket No. 16210, File No. BTC-4707; for transfer of control of Elyria-Lorain Broadcasting Co.

The Hearing Examiner having under consideration communication from counsel for Elyria-Lorain Broadcasting Co., dated October 27, 1965, requesting that the hearing now scheduled for February 1, 1966, be continued to February 8, 1966. Counsel further advises that all other counsel in this proceeding have acceded to the request;

It appearing, that good cause exists why said request should be granted and there is no opposition thereto;

Accordingly, it is ordered, This 28th day of October 1965, that the request is granted and the hearing now scheduled for February 1, 1966, be and the same is hereby rescheduled for February 8, 1966, 10 a.m., in the Commission's Offices, Washington, D.C.

Released: October 28, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-11882; Filed, Nov. 3, 1965; 8:50 a.m.]

[Docket Nos. 15875, 15876; FCC 65M-1420]

ERWAY TELEVISION CORP. AND CHESAPEAKE ENGINEERING PLACEMENT SERVICE, INC.

Orders Scheduling Further Prehearing Conference

In re applications of Erway Television Corp., Baltimore, Md., Docket No. 15875, File No. BPCT-3058; Chesapeake Engineering Placement Service, Inc., Baltimore, Md., Docket No. 15876, File No. BPCT-3479; for construction permit for new television broadcast station.

On the Examiner's own motion: *It is ordered,* This 29th day of October 1965, that a further prehearing conference in the above-entitled proceeding, be, and the same is, hereby scheduled for November 4, 1965, at 9 a.m.; and that the presently scheduled date of November 5, 1965, for the final exchange of exhibits is hereby continued to a date to be set at the aforesaid prehearing conference.

Released: November 1, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-11883; Filed, Nov. 3, 1965; 8:50 a.m.]

[Docket No. 14832; FCC 65M-1414]

BIGBEE BROADCASTING CO.

Memorandum Opinion and Order Scheduling Prehearing Conference

In re application of Paul D. Nichols, William C. Reid, and Houston L. Pearce, doing business as Bigbee Broadcasting Co., Demopolis, Ala., Docket No. 14832, File No. BP-13976; for construction permit.

1. On October 21, 1964, the above-styled applicant, hereinafter referred to as Bigbee, filed a "Petition for Leave to Dismiss" its application. The Broadcast Bureau filed an opposition to such petition on October 30, 1964. On January 4, 1965, Bigbee filed its "Reply to Opposition of the Broadcast Bureau", and on January 19, 1965, oral argument with respect to said pleadings was held before the Examiner. By Memorandum Opinion and Order dated February 2, 1965, the Examiner, after considering the aforesaid pleadings and oral argument thereon, released an order granting the Bigbee "Petition for Leave to Dismiss", but with prejudice, and approving the agreement for reimbursement of Bigbee's out-of-pocket expenses in an amount not to exceed $5,000. Said order also terminated the proceeding. On February 10, 1965, the Broadcast Bureau filed an appeal to the Review Board from the Examiner's Memorandum Opinion and Order dismissing the above-captioned application; on February 23, Bigbee filed its opposition to the Broadcast Bureau's appeal; and on March 5, 1965, the Broadcast Bureau filed its reply to Bigbee's opposition to the aforesaid appeal. By Memorandum Opinion and Order released May 7, 1965, the Review Board set aside the Hearing Examiner's Memorandum Opinion and Order dated February 2, 1965, which dismissed Bigbee's application and approved the proposed settlement between Bigbee and Demopolis Broadcasting Co., thus, in effect, remanding the case to the Hearing Examiner for further proceedings.

2. On May 14, 1965, Bigbee filed, before the Commission, its application for review of said Memorandum Opinion and Order of the Review Board; on June 1, 1965, the Broadcast Bureau filed its opposition to Bigbee's application for review; and on June 11, 1965, Bigbee filed its reply to the latter-mentioned opposition. By Order released July 2, 1965, the Commission denied Bigbee's application for review.

3. An examination of the Review Board's Memorandum Opinion and Order of May 7, 1965, reveals that it held, contrary to the Broadcast Bureau's contention, that the Hearing Examiner had the delegated authority to act upon this particular petition to dismiss, and apparently based its order setting aside the Examiner's ruling on the fact that the Broadcast Bureau had not had the opportunity to cross-examine Mr. Gross, nor had his study ever been introduced into evidence, nor that he had been qualified as an expert, contentions, which incidentally, the Bureau raised for the first time in its application for review of the Examiner's ruling. It is true that the Broadcast Bureau had given notice to the parties that it desired the presence of Mr. Gross as a witness when the case was originally scheduled for hearing, but after the petition to dismiss had been filed and the agreement to reimburse Bigbee for out-of-pocket expenses had been entered into, the record, prior to the Examiner's ruling of February 2, 1965, contains no request by the Bureau for either the introduction into evidence of the Gross report which the Bureau, as well as the other parties, including the Examiner, had received on August 11, 1964, or the right to cross-examine Mr. Gross on his report.

4. After the Commission denied Bigbee's petition for review of the Review Board's Memorandum Opinion and Order, on the Examiner's own motion a further prehearing conference in the above-entitled matter was scheduled for October 5, 1965, at which conference all parties appeared and presented their views as to the proper procedural steps to be taken. It was the position of counsel for Bigbee and Demopolis that the Review Board's Memorandum Opinion and Order had been based upon the Broadcast Bureau's lack of cross-examination of Mr. Gross and that a hearing should be scheduled to afford the Bureau an opportunity to test the qualifications of Mr. Gross as an expert and afford it the right to cross-examine him. It was the contention of the Broadcast Bureau that the only question before the Examiner was whether or not the applicant intended to prosecute his application and that in the event it did not so desire its application should be dismissed. During the argument upon the position of the Bureau and the other parties, the Examiner specifically requested of counsel for Bigbee that he obtain from his client a statement as to its intention to prosecute its application, and on October 13, 1965, counsel duly presented a statement from Bigbee which is as follows:

OCTOBER 8, 1965.

Re Docket No. 14832.

HON. MILLARD F. FRENCH,
Hearing Examiner,
Federal Communications Commission,
Washington, D.C., 20554.

DEAR MR. FRENCH: In response to the question you asked of our counsel, Percy H. Russell, at the pre-hearing conference on October 5 regarding our intentions concerning our application for a new AM station at Demopolis, Ala., we wish to advise you that we entered in good faith into an agreement with Demopolis Broadcasting Co. concerning the payment of our out-of-pocket expenses up to $5,000 along with the dismissal of our application. The agreement was entered into after examining carefully the detailed exhibit presented by Mr. Gross. We were very disappointed that the Review Board did not see fit to approve the agreement. We wish to advise you that we desire to have our agreement with Demopolis Broadcasting Co. approved and to dismiss our application. We feel in all equity that this should be done because the agreement was entered into in good faith on both sides. In view of this agreement, it is not our intention to ask for a grant of our application, regardless of the decision respecting the agreement.

Sincerely,

PAUL D. NICHOLS,
WILLIAM C. REID,
HOUSTON L. PEARCE,
Doing business as
Bigbee Broadcasting Co.
By /s/ Paul D. Nichols
PAUL D. NICHOLS

From the foregoing statement of intent, it is noted that the applicant desires to have its agreement with Demopolis approved, and "In view of this agreement, it is not our intention to ask for a grant of our application, regardless of the decision respecting the agreement". It thus appears that the applicant is willing to stand on the approval or disapproval of its agreement with Demopolis for repayment of its out-of-pocket expenses, and that, in either event, its application should be dismissed.

5. After having fully considered the Review Board's Memorandum Opinion and Order, the contentions of the applicant and the Bureau with respect to the interpretation to be placed on said order, and the statement of intent presented by the applicant, it is the opinion of the Examiner that the position taken by the applicant is in accord with the public interest, and that a hearing in this matter should be held. The evidence to be presented at said hearing shall be restricted to the basis for the applicant's action in dismissing its application and entering into the agreement to reimburse it for its out-of-pocket expenses. In no event will evidence outside of the Carroll issue be received, either in the affirmative presentation or in rebuttal thereto. The purpose of the hearing shall be solely to determine whether the applicant has made a "clear and compelling showing" as required in Woma Typa Broadcasting Co., 25 RR 900, that the institution of a second broadcast service in Demopolis would not be in the public interest.

Accordingly, it is ordered, This 28th day of October 1965 that a hearing in accordance with the provisions of paragraph 5, supra, shall be held in the above-entitled proceeding; and

It is further ordered, That for the purpose of ascertaining procedural dates and a date for the holding of said hearing, a further prehearing conference, be, and the same is, hereby scheduled for November 9, 1965, at 9 a.m., in the Offices of the Commission, Washington, D.C.

Released: October 29, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-11884; Filed, Nov. 3, 1965; 8:50 a.m.]

[Docket Nos. 16266, 16267; FCC 65-975]

PALMETTO BROADCASTING SYSTEM, INC. (WAGL) AND WPEG, INC. (WPEG)

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Palmetto Broadcasting System, Inc. (WAGL), Lancaster, S.C., Docket No. 16266, File No. BP-16,486; has: 1560 kc, 1 kw, Day (500 w, C-H), Class II, requests: 1560 kc, 10 kw, Day (500 w, C-H), Class II; WPEG, Inc. (WPEG), Winston-Salem, N.C., Docket No. 16267, File No. BP-16,492; has: 1550 kc, 1 kw, Day, Class II, requests: 1560 kc, 10 kw, DA-D, Class II; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 27th day of October 1965;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the applicants is legally, technically, financially, and otherwise qualified to construct and operate as proposed; and

It further appearing, that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The applications propose co-channel operations at a distance of approximately 100 miles and are mutually exclusive in that they involve prohibited overlap of contours as defined by § 73.37 (a) of the Commission's rules.

2. The proposed WPEG directional antenna parameters, as amended September 21, 1965, do not accurately depict the proposed radiation pattern along all azimuths. Accordingly, a question obtains as to whether the proposal would provide adequate daytime skywave protection to co-channel Class 1-B Station WQXR, New York, N.Y., in accordance with § 73.187 of the rules. Thus, issues with respect thereto will be included and the licensee of WQXR made a party to the proceeding.

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations of Stations WAGL and WPEG and the availability of other primary service to such areas and populations.

2. To determine whether the directional antenna parameters proposed by WPEG accurately depict the radiation values indicated on the horizontal and vertical plane radiation patterns specified in the application.

3. To determine, in the light of evidence adduced pursuant to the foregoing issue, whether adequate daytime skywave protection would be afforded Class 1-B Station WQXR, New York, N.Y., in accordance with § 73.187 of the Commission's rules.

4. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

It is further ordered, That Interstate Broadcasting Co., Inc., licensee of Station WQXR is made a party to the proceeding.

It is further ordered, That, in the event of a grant either application, the construction permit shall contain the following condition:

Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, the present provisions of § 73.87 of the Commission rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: November 1, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.D. Doc. 65-11885; Filed, Nov. 3, 1965; 8:50 a.m.]

[Docket No. 15871; FCC 65M-1415]

SOUTHINGTON BROADCASTERS

Order Continuing Hearing

In re application of Fitzgerald C. Smith trading as Southington Broadcasters, Southington, Conn., Docket No. 15871, File No. BP-16405; for construction permit.

Under consideration is a Motion for Continuance filed by Southington on October 26, 1965, requesting continuance of hearing until the Commission has acted upon pending petitions to consolidate this proceeding with two other proceedings in which applicant's principal, Fitzgerald C. Smith, is involved; and

It appearing that neither the Broadcast Bureau nor Intervenor, Meriden-Wallingford Radio, Inc., the only other parties to the proceeding, has objection to grant of the petition or to its immediate consideration; and

It further appearing that there are considerations militating against grant of the motion, namely, the desirability of clearing up character qualification issues as promptly as possible and not unnecessarily breaching a general policy of the Examiner, which over the years has proven effective in expediting proceedings, not to postpone proceedings because of pendency of interlocutory matters before other authority; but

It also appearing that should hearing move forward as scheduled, parties at odds with Smith in other proceedings might well insist that character matters developed here against him should be injected into their proceedings for their own culling and amplification; and

It finally appearing that, on balance, the threat of duplicating effort and its attendant waste of time, effort, and money accompanying this latter consideration outweigh those considerations suggesting denial of continuance;

It is therefore ordered, This 28th day of October 1965, that the Motion for Continuance filed by Southington Broadcasters on October 26, 1965, is granted and hearing is continued from November 1, 1965, to a date to be determined at a conference to convene at the call of the Examiner.

Released: October 29, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-11886; Filed, Nov. 3, 1965; 8:50 a.m.]

[Docket No. 12782; FCC 65M-1422]

STUDY OF RADIO AND TELEVISION NETWORK BROADCASTING

Order Scheduling Hearing

It is ordered, This 1st day of November 1965, in accordance with the order of the United States District Court, Southern District of California, filed October 14, 1965 (FCC v. Taft B. Schreiber and MCA, Inc., Civil No. 1258-61-Y), that public sessions of this investigatory proceeding shall be reconvened at 10 a.m., Thursday, December 16, 1965, at the Offices of the Commission, Washington, D.C.; and Taft B. Schreiber and MCA, Inc., are hereby commanded to appear at the said time and place and to testify and produce evidence in accordance with the order of the Commission released January 27, 1961 (FCC 61-122; Mimeo. No. 99337), heretofore duly served on said Taft B. Schreiber and MCA, Inc., and in accordance with the further orders and directions of the Presiding Officer in pursuance thereof, and to produce all the information and data required by subpoena duces tecum issued October 17, 1960, by the Presiding Officer herein heretofore duly served on Taft B. Schreiber and MCA, Inc.

Released: November 1, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-11887; Filed, Nov. 3, 1965; 8:50 a.m.]

[1] Commissioners Hyde and Bartley absent.

FEDERAL MARITIME COMMISSION

AMERICAN EXPORT ISBRANDTSEN LINES, INC., AND DANUBE EAST MEDITERRANEAN LINE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington Office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. P. J. Warmstein, Manager, Conference & Tariffs, American Export Isbrandtsen Lines, Inc., 26 Broadway, New York, N.Y., 10004.

Agreement 9481 covers a through billing arrangement for the transportation of general cargo under through bills of lading from loading ports of the originating carrier, Danube East Mediterranean Line (Demline), in Roumania to United States ports of call of the second carrier, American Export Isbrandtsen Lines, Inc., north of Cape Hatteras with transshipment at Beirut. Notice of the filing of Agreement 9481 was originally published in the FEDERAL REGISTER on August 10, 1965, but the agreement has been refiled to: (1) Add the transshipment ports of Salonica, Pireeus, and Istanbul, and (2) provide that the agreement and/or any modifications thereto shall not become effective or be implemented prior to approval by the Federal Maritime Commission.

Dated: November 1, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-11867; Filed, Nov. 3, 1965; 8:48 a.m.]

COMPAGNIE MARITIME DES CHARGEURS REUNIS, S.A., AND ELDER DEMPSTER LINES, LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Thomas K. Roche, Haight, Gardner, Poor & Havens, 80 Broad Street, New York, N.Y., 10004.

Agreement 9475-1, between Compagnie Maritime Des Chargeurs Reunis, S.A. and Elder Dempster Lines, Ltd., proposes to modify Agreement 9475 by changing the scope thereof to include the trade in both directions as set forth in the agreement.

Dated: November 1, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-11868; Filed, Nov. 3, 1965; 8:48 a.m.]

HARRIS COUNTY HOUSTON SHIP CHANNEL NAVIGATION DISTRICT AND SEA-LAND SERVICE, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington Office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Sea-Land Service, Inc., Post Office Box 1050, Elizabeth, N.J.

Agreement No. T-1873, between the Harris County Houston Ship Channel Navigation District (Port) and Sea-Land Service, Inc. (Sea-Land), provides that Port install a dockside gantry crane on Wharf 16 for Sea-Land's preferential use in connection with its container service. As compensation for the use of the crane, Sea-Land agrees to pay annually, during the 20 year term of the agreement, eight percent of the total construction cost. The Port has the right to use the crane, if such use does not interfere with Sea-Land's operations, and to assess and collect for its own account, its tariff charges for crane usage. Sea-Land will furnish the crane operator and will receive credit, against the annual rental, for all revenues which the Port earns in exercising its right of secondary use.

Dated: November 1, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-11869; Filed, Nov. 3, 1965; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3882]

BELOCK INSTRUMENT CORP.

Order Suspending Trading

OCTOBER 29, 1965.

The common stock, 50 cents par value, and the 6 percent convertible subordinated debentures, series A (due 1975), of Belock Instrument Corp., being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and the 6 percent cumulative preferred stock and the 6 percent convertible subordinated debentures, series B (due 1975), being traded over the counter; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities

on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 30, 1965, through November 8, 1965, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-11851; Filed, Nov. 3, 1965; 8:47 a.m.]

[812-1832]

INSURORS MUTUAL FUND, INC.

Notice of Application by Investment Company for Exemption

OCTOBER 29, 1965.

Notice is hereby given that Insurors Mutual Fund, Inc. ("Applicant"), 1438 North Stoughton Road, Madison, Wis., a Wisconsin corporation and a registered, open-end, diversified investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for exemption from sections 24(d), 22(d) and 20(a) of the Act, and from Rule 20a-1 of the general rules and regulations promulgated thereunder. All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations, which are summarized below.

Applicant, since its organization in April 1959, has served as a medium for the common investment of surplus funds and reserves held by certain town mutual insurance companies ("town mutuals") located in Wisconsin. The town mutuals were organized, pursuant to Wisconsin law, during the period 1860-1927 in order to provide fire insurance coverage to persons within a limited rural vicinity, sometimes as small as a single township. There are 160 town mutuals presently operating in Wisconsin.

At December 31, 1964, Applicant's net assets amounted to $812,366 and it had 785 shares of common stock outstanding which were owned by 51 town mutuals. Under Applicant's Articles of Incorporation only town mutuals may be shareholders, and their elected representatives are the only persons qualified to serve as Applicant's officers and directors. Applicant's investments are limited to investments permitted to town mutuals under the laws of Wisconsin, and by the "prudent man" rule which governs investments by Wisconsin insurance companies.

Pursuant to contract Lakeland Securities, Inc. ("Lakeland") acts as Applicant's investment advisor and manager for compensation equal to one-twenty-fourth of 1 percent of the average monthly net asset value (½ of 1 percent annually). Lakeland is the sole distributor of Applicant's shares which are sold at their net asset value plus a sales load ranging from 1¼ percent to 3 percent as described in Applicant's prospectus.

Applicant's shareholders are divided into 9 regional districts. By vote of shareholders present at each annual district meeting there is selected a district representative for Applicant's Board of Directors, subject to the vote of all of Applicant's shareholders. All of Applicant's directors are active officers of a town mutual. Applicant states that prospectuses, and quarterly and annual reports are distributed to all of the town mutuals. In order to avoid the expense of compliance with the Commission's proxy rules there has been no voting by proxy. Applicant seeks exemption pursuant to section 6(c) from the provisions of sections 24(d), 22(d) and 20(a) of the Act and Rule 20a-1 promulgated thereunder.

If Applicant were not a registered investment company, the offer and sale of its common stock would qualify for the exemption granted by section 3(a)(11) of the Securities Act of 1933 from the registration requirements of that Act, as an offer and sale made by a Wisconsin Corporation solely to persons resident within that state. Section 24(d) of the Act provides that this exemption shall not apply to a security issued by a registered investment company.

Section 22(d) of the Act requires that registered investment companies sell their securities at a public offering price described in a current prospectus, intended to meet certain requirements of the Securities Act of 1933. Because the exemption from section 24(d) of the Act would allow it to offer and sell its shares to town mutuals without such a prospectus, the Applicant also requests exemption from section 22(d).

Section 20(a) of the Act and Rule 20a-1 of the rules and regulations promulgated thereunder require registered investment companies soliciting proxies to comply with the proxy rules promulgated under the Act and under the Securities Exchange Act of 1934.

Applicant asserts that under all the circumstances registration of its common stock and compliance with the Commission's proxy rules are not required in the protection of investors, and would involve unduly burdensome expense. Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than November 19, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon said proposal shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-11852; Filed, Nov. 3, 1965; 8:47 a.m.]

[File No. 70-4320]

LOUISIANA POWER & LIGHT CO.

Notice of Proposed Issue and Sale of $15,000,000 Notes to Banks

OCTOBER 29, 1965.

Notice is hereby given that Louisiana Power & Light Co. ("Louisiana"), 142 Delaronde Street, New Orleans, La., 70114, a public utility subsidiary company of Middle South Utilities, Inc., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act as applicable to the proposed transaction. All interested persons are referred to said declaration, on file at the office of the Commission, for a statement of the transaction therein proposed which is summarized below.

Louisiana has entered into an agreement, dated October 13, 1965, with the Chase Manhattan Bank, New York, pursuant to which Louisiana proposes to borrow, as needed, amounts not to exceed an aggregate of $15,000,000 at any one time outstanding. Such borrowings are to be evidenced by notes which will be payable on or before June 30, 1966, and will bear interest at the bank's prime commercial rate (presently 4½ percent per annum) for unsecured loans prevailing from time to time during the life of the notes. The notes may be prepaid, in whole at any time, or in part from time to time, without penalty or premium.

The proceeds from the sale of the proposed notes will be used by Louisiana in part to pay, at or before maturity, its then outstanding short-term notes currently amounting to $9,000,000 (heretofore issued and sold by Louisiana to said bank pursuant to the exemptive provi-

sions of the first sentence of section 6(b) of the Act) and the balance will be used to reimburse the company's treasury for funds expended to restore the company's property following the damage caused by the recent Hurricane "Betsy", and for other corporate purposes. The filing indicates that four New Orleans, La., banking institutions (namely, Whitney National Bank of New Orleans, the National American Bank of New Orleans, the National Bank of Commerce, and the Hibernia National Bank) may, if they so desire, become participants in the loans to the total amount of 55 percent of each borrowing made by Louisiana from the Chase Manhattan Bank.

There is no commitment or standby fee, and no special and separate expenses are anticipated in connection with this financing other than minor expenses for travel and miscellaneous matters.

The declaration states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than November 19, 1965, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-11853; Filed, Nov. 3, 1965; 8:47 a.m.]

[812-1836]

WELLINGTON FUND, INC.

Application for Order Exempting Sale by Open-End Company of Its Shares at Other Than Public Offering Price in Exchange for Assets of Closely Held Company

OCTOBER 29, 1965.

Notice is hereby given that Wellington Fund, Inc. ("Wellington Fund"), 1630 Locust Street, Philadelphia, Pa., a Delaware corporation which is registered under the Investment Company Act of 1940 ("Act") as an open-end diversified management investment company, has filed an application pursuant to section 6(c) of the Act requesting an order of the Commission exempting from the provisions of section 22(d) of the Act the proposed issuance of its shares, without sales charge, for substantially all of the cash and securities of Commodore Corp. ("Commodore"). Said exemptive order is requested since the shares of Wellington Fund are offered to the public at a price which includes a sales charge in addition to the net amount which Wellington Fund receives from the underwriter through whom such public offering is made. All interested persons are referred to the application as filed with the Commission for a statement of the representations made therein which are summarized below.

As of August 31, 1965, the net assets of Wellington Fund amounted to approximately $1,998,440,000. Commodore, a corporation organized under the laws of Delaware, since its creation in 1930 has been a personal holding company owned by a maximum of 13 stockholders. The assets of Commodore consist entirely of cash and marketable securities and, at August 31, 1965, had a value of approximately $2,492,000. Pursuant to an Agreement and Plan of Reorganization, Wellington Fund will acquire substantially all of the assets of Commodore in exchange for stock of Wellington Fund which will be distributed to shareholders of Commodore upon liquidation. Neither Commodore nor any of the shareholders thereof has any present intention of redeeming shares of Wellington Fund which they acquire.

The amount of stock of Wellington Fund to be delivered to Commodore will be determined on the basis of the values at 3:30 p.m. on the business day next succeeding the first dividend record date established by Wellington Fund after September 27, 1965, or on such other date as may be mutually agreed upon; the number of shares to be delivered will be obtained by dividing the adjusted market value of the assets of Commodore by the net amount per share which Wellington Fund receives from the underwriter of its shares on sale of its shares to the public. This amount is the net asset value per share plus a charge, recently computed at 4 cents per share, to reflect the per-share amount of annual brokerage commissions paid by Wellington Fund in acquiring portfolio securities. The market value of the assets of Commodore will be adjusted according to a formula set forth in the application which reflects the higher ratio of unrealized appreciation in the assets of Commodore than in the assets of Wellington Fund as well as the federal income taxes which may be payable upon present or future realization of the excess appreciation. As of August 31, 1965, unrealized appreciation represented approximately 56 percent and 11 percent of the net asset value of the shares of Commodore and Wellington, respectively. Of the securities to be acquired, Wellington Fund intends to retain, subject to changes in investment conditions and considerations, securities having a value as of August 31, 1965, of approximately $2,134,839, and to sell securities having a value of approximately $251,369.

Notice is further given that any interested person may, not later than November 19, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-11854; Filed, Nov. 3, 1965; 8:47 a.m.]

TARIFF COMMISSION

TRADE AGREEMENTS PROGRAM

Notice of Issuance of 16th Report

NOVEMBER 1, 1965.

By June 1964, the United States had trade-agreement obligations in force with 69 countries, according to a Tariff Commisison report on the operation of the trade agreements program which the Commission released today. Of these, 62 countries were contracting parties to the General Agreement on Tariffs and Trade (GATT), and 5 were countries with which the United States had bilateral trade agreements; 2 countries were GATT contracting parties and also had bilateral agreements in force with the United States.

The report, 16th in the Commission's series, covers events from July 1963 to June 1964. It describes U.S. preparations for participation in the sixth round of multilateral trade agreement negotiations—widely known as "the Kennedy round"—which formally opened in May, and the status of negotiations at the close of the period. The 21st Session of the Contracting Parties to the General

Agreement was held in the spring of 1964. GATT activities of interest to the less-developed countries were among the major topics explored at the session. The Commission's report describes these and other major developments respecting the trade agreements program.

The 16th report was made pursuant to section 402(b) of the Trade Expansion Act of 1962, which requires the Commission to submit to the Congress, at least once a year, a factual report on the operation of the trade agreements program. Copies of the report may be obtained from the Secretary, U.S. Tariff Commission, Washington, D.C., 20436.

DONN N. BENT,
Secretary.

[F.R. Doc. 65-11862; Filed, Nov. 3, 1965; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 838]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

OCTOBER 29, 1965.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of § 1.247(d)(4) of the special rule. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

[1] Copies of Special Rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

No. MC 730 (Sub-No. 262), filed October 22, 1965. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Post Office Box 958, Oakland 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, from West Jordan, Utah, to Las Vegas, Nev. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 923 (Sub-No. 8), filed October 21, 1965. Applicant: MEADE TRANSFER, INC., 421 East Second Street, Owensboro, Ky. Applicant's representative: Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky., 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Hawesville and Fordsville, Ky., over Kentucky Highway 69, serving all intermediate points and the off-route points within three (3) miles of the specified route, (2) between Fordsville and Hardinsburg, Ky., over Kentucky Highway 261, serving all intermediate points and the off-route points within 3 miles of specified route, (3) serving points in Daviess, Hancock, Breckinridge, and Meade Counties, Ky., as off-route points in connection with applicant's regular-route operations over U.S. Highway 60, and (4) between Owensboro and Sorgho, Ky., over Kentucky Highway 54, serving all intermediate points and the off-route points within three (3) miles of the specified route. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 1124 (Sub-No. 209), filed October 15, 1965. Applicant: HERRIN TRANSPORTATION COMPANY, a corporation, 2301 McKinney Avenue, Houston, Tex., 77007. Applicant's representative: Ralph W. Pulley, Jr., 45th Floor, First National Bank Building, Dallas, Tex., 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), between Memphis, Tenn., and Baton Rouge, La.; from Memphis over U.S. Highway 61 to Baton Rouge, and return over the same route, serving the intermediate points of Zee, St. Francisville, and Port Hudson, La. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 1124 (Sub-No. 210), filed October 22, 1965. Applicant: HERRIN TRANSPORTATION COMPANY, a corporation, 2301 McKinney Avenue, Houston, Tex. Applicant's representative: Leroy Hallman, 45th Floor, First National Bank Building, Dallas, Tex., 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, those of unusual value, baled cotton, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), (1) between Freeport and Texas City, Tex.; from Freeport over Texas Farm-To-Market Road 1561 to junction Texas Highway 6 at or near Hitchcock, Tex. thence over Texas Farm-To-Market Road 519 to junction Texas Highway 341, thence over Texas Highway 341 to junction Loop 197, and thence over Loop 197 to Texas City, and return over the same route, serving all intermediate points, and (2) between Freeport and Galveston, Tex.; (a) from Freeport over Texas Farm-To-Market Road 1561 to junction Texas Highway 6 at or near Hitchcock, Tex., thence over Texas Highway 6 to junction U.S. Highway 75, and thence over U.S. Highway 75 to Galveston, and return over the same route, serving all intermediate points, and (b) over County Road 257, commonly known as "San Luis Beach Road," serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 1187 (Sub-No. 25), filed October 14, 1965. Applicant: CUSHMAN MOTOR DELIVERY COMPANY, a corporation, 1480 West Kinzie Street, Chicago, Ill. Applicant's representative: Edw. G. Bazelon, 39 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, between points in Pennsylvania, Ohio, West Virginia, Indiana, Illinois, Wisconsin, and Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 2136 (Sub-No. 19), filed October 18, 1965. Applicant: CLEMANS TRUCK LINE, INC., 815 East Pennsylvania Avenue, South Bend, Ind. Applicant's representative: Ferdinand Born, 1017-19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, livestock, perishables, commodities in bulk, and those requiring special equipment), between Grand Rapids and Lowell, Mich., over Michigan Highway 21, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 2253 (Sub-No. 27), filed October 18, 1965. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, Post Office Box 697, Cherryville, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), (1) between Greensboro, N.C., and Miami, Fla.; from Greensboro over U.S. Highway 29 to Charlotte, N.C., thence over U.S. Highway 21 to Columbia, S.C., thence over U.S. Highway 1 through Jacksonville, Fla., to Miami and return over the same route, serving all intermediate points; (2) between Raleigh, N.C., and Miami, Fla.; from Raleigh over U.S. Highway 1 to Jacksonville, Fla., thence over U.S. Highway 17 to Orlando, Fla., thence over Interstate Highway 4 to Tampa, Fla., thence over U.S. Highway 41 to Miami and return over the same route, serving all intermediate points; (3) between Raleigh, N.C., and Atlanta, Ga.; from Raleigh over U.S. Highway 64 to junction North Carolina Highway 49, thence over North Carolina Highway 49 to Charlotte, N.C., thence over U.S. Highway 29 to Atlanta and return over the same route, serving all intermediate points; (4) between Asheville, N.C., and Jacksonville, Fla.; from Asheville over U.S. Highway 25 to Statesboro, Ga.

Thence over U.S. Highway 80 to Savannah, Ga., thence over U.S. Highway 17 to Jacksonville, and return over the same route, serving all intermediate points; (5) between Winston-Salem, N.C., and Tampa, Fla.; from Winston-Salem over U.S. Highway 158 to Mocksville, N.C., thence over U.S. Highway 601 to Salisbury, N.C., thence over U.S. Highway 29 to Charlotte, N.C., thence over U.S. Highway 21 to Columbia, S.C., thence over U.S. Highway 1 to Swainsboro, Ga., U.S. Highway 221, thence over U.S. Highway 221 to Perry, Fla., thence over U.S. Highway 98 to junction Florida Highway 336, thence over Florida Highway 336 to Dunnellon, Fla., thence over U.S. Highway 41 to Tampa and return over the same route, serving all intermediate points; (6) between Atlanta, Ga., and Miami, Fla.; from Atlanta over U.S. Highway 41 to junction U.S. Highway 341, thence over U.S. Highway 341 to junction U.S. Highway 41, thence over U.S. Highway 41 to Lake City, Fla., thence over Interstate Highway 75 to junction Interstate Highway 95, thence over Interstate Highway 95 to Miami, and return over the same route, serving all intermediate points; and (7) between Lake City, Fla., and Jacksonville, Fla., over U.S. Highway 90, serving all intermediate points; and in connection with (1) through (7) above, serving all off-route points in North Carolina, South Carolina, Georgia, and Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 2253 (Sub-No. 28), filed October 18, 1965. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, Post Office Box 697, Cherryville, N.C., 28021. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), (1) between Augusta, Ga., and Birmingham, Ala.; from Augusta, over U.S. Highway 278 to Atlanta, Ga., thence over U.S. Highway 78 to Birmingham and return over the same route, serving all intermediate points; (2) between Savannah, Ga., and Mobile, Ala.; from Savannah over U.S. Highway 80 to Montgomery, Ala., thence over U.S. Highway 31 to Mobile and return over the same route, serving all intermediate points; and (3) between Atlanta, Ga., and Florence, Ala.; from Atlanta over U.S. Highway 278 to Gadsden, Ala., thence over U.S. Highway 431 to Huntsville, Ala., thence over U.S. Highway 72 to Florence and return over the same route, serving all intermediate points; in connection with (1) through (3) above, serving all off-route points in Georgia and Alabama. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 2253 (Sub-No. 29), filed October 18, 1965. Applicant: CAROLINA FREGHT CARRIERS CORPORATION, Post Office Box 697, Cherryville, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), (1) between Baltimore, Md., and Buffalo, N.Y.; from Baltimore over U.S. Highway 111 to junction U.S. Highway 15, thence over U.S. Highway 15 to Wayland, N.Y., thence over New York Highway 63 to junction U.S. Highway 20A, thence over U.S. Highway 20A to junction New York Highway 16, thence over New York Highway 16 to Buffalo and return over the same route, serving all intermediate points in New York; (2) between Baltimore, Md., and Rochester, N.Y.; from Baltimore to Wayland, N.Y., as specified above, thence over U.S. Highway 15 to Rochester and return over the same route, serving all intermediate points in New York; (3) between Baltimore, Md., and Syracuse, N.Y.; from Baltimore to U.S. Highway 15 as described above, thence over U.S. Highway 15 to junction U.S. Highway 11, thence over U.S. Highway 11 to Syracuse and return over the same route, serving all intermediate points in New York; and (4) between Baltimore, Md., and Utica, N.Y.; from Baltimore over U.S. Highway 40 to junction U.S. Highway 13, thence over U.S. Highway 13 to junction U.S. Highway 202, thence over U.S. Highway 202 to junction Pennsylvania Turnpike Extension, thence over Pennsylvania Turnpike Extension to junction U.S. Highway 11, thence over U.S. Highway 11 to Binghamton, N.Y., thence over New York Highway 12 to Utica and return over the same route, serving all intermediate points in New York; in connection with (1) through (4) above, serving all off-route points in that part of New York on, north and west of New York Highway 7. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Binghamton, N.Y.

No. MC 3094 (Sub-No. 15), filed October 21, 1965. Applicant: SERVICE MOTOR FREIGHT, INC., Atlantic Avenue, Lawnside, N.J. Applicant's representative: Clarence D. Todd, 1825 Jefferson Place NW., Washington, D.C., 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete products*, from Hickstown, N.J., to points in Connecticut, Delaware, Maryland, Massachusetts, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states the proposed operations will be performed under a continuing contract, or contracts, with the Camden Architectural Cast Stone Co., Inc. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 8948 (Sub-No. 64), filed October 11, 1965. Applicant: WESTERN GILLETTE, INC., 2550 East 28th Street, Post Office Box 15274, Vernon Station, Los Angeles, Calif., 90058. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied helium*, in specially designed dewars, between points in California, Ohio, Texas, Florida, Mississippi, and Louisiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 10761 (Sub-No. 184), filed October 5, 1965. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich., 48209. Applicant's representative: Howell Ellis, 616-618 Fidelity Building, Indianapolis, Ind., 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except loose bulk commodities, livestock, explosives, except small arms ammunition, currency, bullion, commodities that are contaminating or injurious to other lading, commodities exceeding ordinary equipment and loading facilities), (1) between Pittsburgh, Pa., and Birmingham, Ala.; from Pittsburgh over U.S. Highway 19 through Washington, Pa., to Morgantown, W. Va. (also from Pittsburg over Pennsylvania Highway 51 to Uniontown, Pa., thence over U.S. Highway 119 to Morgantown), thence over U.S. Highway 19 to Bluefield, W. Va. (also from Pittsburgh over U.S. Highway 22 to Cadiz, Ohio), thence over U.S. Highway 250 (formerly U.S. Highway 36) to junction U.S. Highway 36, thence over U.S. Highway 36 to Newcomerstown, Ohio, thence over U.S. High-

way 21 (also over Interstate Highway 77) through Ripley, W. Va., to Charleston, W. Va., thence over U.S. Highway 21 (also over the West Virginia Turnpike to Bluefield), thence over U.S. Highway 21 and 52 to Wytheville, Va. (also from Athens, Ohio, over U.S. Highway 33 to junction U.S. Highway 21 (also Interstate Highway 77), near Ripley, W. Va.), thence over Interstate Highway 81 to Fort Chiswell, Va., thence over U.S. Highway 52 through Winston-Salem, N.C., to Lexington, N.C., thence over U.S. Highway 29 (also over Interstate Highway 85) to Greenville, S.C., thence over U.S. Highway 123 (also over Interstate Highway 85) to junction U.S. Highway 23, thence over U.S. Highway 23 (also over Interstate Highway 85) to Atlanta, Ga., thence over U.S. Highway 78 to Birmingham, also from Greenville, S.C., over U.S. Highway 29 to Athens, Ga., thence over U.S. Highway 129 to Macon, Ga.

Thence over U.S. Highway 80 to Columbus, Ga., thence over U.S. Highway 80 to Montgomery, Ala., thence over U.S. Highway 31 (also over Interstate Highway 65) to Birmingham, and return over the same route, serving the intermediate points of Winston-Salem, Charlotte and Gastonia, N.C., Greenville, S.C., Atlanta, Macon, Columbus, and Athens, Ga., and Montgomery, Ala., and the off-route points of Augusta and Savannah, Ga., Anniston, Ala., Wilmington, Rocky Mount, and Goldsboro, N.C., and Charleston, S.C.; (2) between Dallas, Tex., and Montgomery, Ala., over U.S. Highway 80, serving the intermediate point of Demopolis, Ala.; (3) between Dallas, Tex., and Birmingham, Ala.; from Dallas over U.S. Highway 80 to junction U.S. Highway 11 near the Mississippi-Alabama State line, thence over U.S. Highway 11 to Birmingham and return over the same route, serving the intermediate point of Tuscaloosa, Ala.; (4) between Cincinnati, Ohio, and Birmingham, Ala.; (a) from Cincinnati over U.S. Highway 52 to junction U.S. Highway 21 at Bluefield, W. Va., thence to Birmingham as described in (1) above and return over the same route, serving the intermediate points of Winston-Salem, Charlotte, and Gastonia, N.C., Greenville, S.C., Atlanta, Macon, Columbus, and Athens, Ga., and Montgomery, Ala., and the off-route points of Augusta and Savannah, Ga., Anniston, Ala., Wilmington, Rocky Mount, and Goldsboro, N.C., and Charleston, S.C.; (b) from Cincinnati over U.S. Highway 25 (also over Interstate Highway 75) to Lexington, Ky., thence over U.S. Highway 27 to Chattanooga, Tenn., thence over U.S. Highway 11 to Birmingham and return over the same route, serving no intermediate points and serving the off-route points of Decatur, Huntsville, and Gadsden, Ala.; (5) between Cincinnati, Ohio, and Winston-Salem, N.C.; from Cincinnati over U.S. Highway 25 (also over Interstate Highway 75) to Lexington, Ky. (also from Louisville, Ky., over U.S. Highway 60 (also over Interstate Highway 64) to Lexington), thence over U.S. Highway 421 to Winston-Salem and return over the same route, serving no intermediate points; (6) between Cincinnati, Ohio, and Greenville, S.C.; from Cincinnati to Lexington, Ky., as described in (5) above, thence over U.S. Highway 25 to Mount Vernon, Ky. (also from junction U.S. Highways 127 and 60 (also Interstate Highway 64) west of Frankfort, Ky., over U.S. Highway 127 to junction U.S. Highway 150, thence over U.S. Highway 150 through Stanford, Ky., to Mount Vernon).

Thence over U.S. Highway 25 to Corbin, Ky., thence over U.S. Highway 25E to Newport, Tenn., thence over U.S. Highway 25 to Greenville and return over the same route, serving the intermediate point of Asheville, N.C.; (7) between Cincinnati, Ohio, and Macon, Ga.; from Cincinnati to Corbin, Ky., as described above, thence over U.S. Highway 25W to Knoxville, Tenn., thence over U.S. Highway 129 to junction U.S. Highway 411 at Maryville, Tenn., thence over U.S. Highway 411 to junction U.S. Highway 41, thence over U.S. Highway 41 through Atlanta, Ga., to Macon and return over the same route, serving the intermediate points of Marietta and Griffin, Ga., and the off-route point of Rome, Ga.; (8) between Cincinnati, Ohio, and Columbus, Ga.; from Cincinnati to Atlanta, Ga., as described above, thence over Georgia Highway 85 to Columbus and return over the same route, serving the intermediate point of Marietta, Ga., and the off-route point of Rome, Ga.; (9) between Cincinnati, Ohio, and Atlanta, Ga.; from Cincinnati to Chattanooga, Tenn., as described above, thence over U.S. Highway 41 to Atlanta and return over the same route, serving the intermediate point of Marietta, Ga., and the off-route point of Rome, Ga.; (10) between Cincinnati, Ohio, and Wytheville, Va.; from Cincinnati to Lexington, Ky., as described above, thence over U.S. Highway 27 to junction Interstate Highway 40 near Harriman, Tenn., thence over Interstate Highway 40 to Knoxville, Tenn., thence over U.S. Highway 11W to Bristol, Tenn., thence over U.S. Highway 11 (also over Interstate Highway 81) to Wytheville and return over the same route, serving no intermediate points; and (11) serving points within 15 miles of Birmingham, Ala., points within 10 miles of Montgomery, Ala., points within 5 miles of Tuscaloosa, Ala., points within 5 miles of Huntsville, Ala., points within 5 miles of Gadsden, Ala., points within 15 miles of Atlanta, Ga., points within 5 miles of Columbus, Ga., points within 5 miles of Macon, Ga., points in North Carolina on and west of U.S. Highway 301 and points in South Carolina on and west of U.S. Highway 301, as off-route points in connection with all of the above proposed routes.

NOTE: Applicant states that it intends to tack the above proposed authority with that authority previously granted in Certificate No. MC 10761 and subs thereunder, wherein applicant is authorized to serve certain points in the States of Michigan, Illinois, Indiana, Ohio, Pennsylvania, Missouri, Kentucky, Wisconsin, New Jersey, New York, Connecticut, Iowa, Nebraska, Mississippi, Minnesota, Colorado, Massachusetts, Rhode Island, Kansas, Maryland, District of Columbia, Virginia, West Virginia, Oklahoma, Texas, Arkansas, Maine, New Hampshire, Vermont, Delaware, and Tennessee. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Charlotte, N.C., or Pittsburgh, Pa.

No. MC 11220 (Sub-No. 98), filed October 18, 1965. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, Tenn. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn., 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) serving the plantsite of International Paper Co., approximately 4 miles east of Redwood, Miss., as an off-route point in connection with applicant's presently authorized regular route operations in Docket Nos. MC 11220, Sub 4, and Sub 91. NOTE: If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala.

No. MC 17002 (Sub-No. 24), filed October 25, 1965. Applicant: CASE DRIVEWAY, INC., 6001 U.S. Highway 60, East, Huntington, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel* and *iron and steel articles* as described in appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except those commodities which because of size and weight require special equipment), from points in Cabell and Wayne Counties, W. Va., to points in Arkansas, Missouri (except St. Louis), and Oklahoma, and *rejected and refused shipments* on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 29886 (Sub-No. 218) (Amendment), filed October 8, 1965, published in FEDERAL REGISTER, issue of October 28, 1965, and republished as amended this issue. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's representative: Charles M. Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrical transformers, circuit breakers and/or switchgear*, which because of their size or weight require the use of special equipment or special handling, and (2) *electrical transformers, circuit breakers and/or switchgear*, which because of their size or weight do not require the use of special equipment or special handling, *insulators, motors, lightning arresters, oil, switches and parts*, for each of the above items when being transported in mixed shipments with those commodities named in (1) above, from Canonsburg, Pa., to points in Michigan, Indiana, Illinois, Wisconsin, Iowa, Massachusetts, Maine, New Hampshire, Vermont, Connecticut, and that part of Ohio on and north of U.S. Highway 6 and on and west of Ohio Highway 19. NOTE: Applicant states that no duplicating authority is sought. The purpose of this republication is to enlarge the commodity description. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Chicago, Ill.

No. MC 30319 (Sub-No. 132), filed October 13, 1965. Applicant: SOUTHERN PACIFIC TRANSPORT COMPANY, a corporation, Post Office Box 6187, Dallas, Tex., 75222. Applicant's representative: Edwin N. Bell, 1600 Esperson Building, Houston, Tex., 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk and those requiring special equipment), (1) between Austin and Kerrville, Tex.; from Austin over U.S. Highway 290 to Fredericksburg, Tex., thence over Texas Highway 16 to Kerrville, and return over the same route, serving the intermediate point of Fredericksburg, Tex., and (2) between Comfort and Fredericksburg, Tex., over U.S. Highway 87, serving no intermediate points. NOTE: Applicant states, by virtue of authority granted in Certificate No. MC 30319 (Sub-Nos. 47 and 91), it is authorized to operate over the above routes. However, in its Sub 47, between Austin and Kerrville, Tex., no service was authorized at intermediate points; in its Sub 91, between Comfort and Fredericksburg, Tex., service at Fredericksburg was restricted for purpose of joinder only. The purpose of this application is to remove the closed door restriction at Fredericksburg, Tex. Applicant is wholly owned by Southern Pacific Co. If a hearing is deemed necessary, applicant requests it be held at Fredericksburg, Tex.

No. MC 36473 (Sub-No. 73) (Republication), filed September 15, 1965, published FEDERAL REGISTER issue of October 14, 1965, and republished this issue. Applicant: CENTRAL TRUCK LINES, INC., 600 International Building, 3825 Henderson Boulevard, Post Office Box 18464, Peninsula Station, Tampa, Fla., 33609. Applicant's representative: William R. Fifner, 1602 Union Commerce Building, Cleveland, Ohio. NOTE: The purpose of this republication is to show the above representative in lieu of that previously published.

No. MC 41404 (Sub-No. 66), filed October 12, 1965. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, Post Office Box 151, Fulton Highway, Martin, Tenn., 38237. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Mankato and Worthington, Minn., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississipppi, North Carolina, South Carolina, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 51146 (Sub-No. 31), filed October 18, 1965. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. Applicant's representative: Charles W. Singer, Suite 3600, 33 North La Salle Street, Chicago, Ill., 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap and waste paper*, from points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and the District of Columbia, to points in Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 52751 (Sub-No. 51), filed October 20, 1965. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, Iowa, 50317. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines, Iowa, 50316. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (not including tractors with vehicle beds, bed frames or fifth wheels), (2) *agricultural machinery and implements*, (3) *industrial and construction machinery and equipment*, (4) *equipment* designed for use in conjunction with tractors, (5) *trailers*, designed for the transportation of the commodities described above (other than those designed to be drawn by passenger automobiles), (6) *attachments* for the commodities described above, (7) *internal combustion engines*, and (8) *parts* of the commodities described in (1) through (7) above when moving in mixed loads with such commodities, from the plant and warehouse sites and experimental farms of Deere & Co., located in Black Hawk, Dubuque, Polk, and Wapello Counties, Iowa, and Rock Island County, Ill., to Omaha, Nebr., St. Louis, Mo., and points in Illinois, Iowa, Minnesota, North Dakota, and South Dakota, restricted to traffic originating at the described plants and warehouse sites. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 52751 (Sub-No. 52), filed October 20, 1965. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, Iowa, 50317. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa, 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, agricultural machinery parts, and self-propelled loaders*, from Owatonna, Minn., to Omaha, Nebr., and points in Illinois, Iowa, Minnesota, North Dakota, and South Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Madison, Wis., or Minneapolis, Minn.

Mo. MC 59150 (Sub-No. 21), filed October 20, 1965. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Fla. Applicant's representative: Martin Sack, Atlantic National Bank Building, Jacksonville, Fla., 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asbestos fiber, waste*, and *shorts*, from Jacksonville, Fla., to Green Cove Springs, Fla., and *wooden pallets*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 59680 (Sub-No. 150), filed October 8, 1965. Applicant: STRICKLAND TRANSPORTATION CO., INC., Post Office Box 5689, Dallas, Tex. Applicant's representative: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City 3, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Newark, N.J., and Philadelphia, Pa., over U.S. Highway 1, serving no intermediate points. NOTE: The purpose of this application is to convert a portion of applicant's present authority from irregular to regular route. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 71061 (Sub-No. 15), filed October 20, 1965. Applicant: BATTLETOWN TRANSFER, INC., 330 South Central Avenue, Baltimore, Md., 21202. Applicant's representative: Chester A. Zyblut, 1000 Connecticut Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), from the plant and warehouse facilities of General Motors, Inc., located at or near Dorsey, Md., and from Baltimore, Md., to points in that part of Virginia and West Virginia bounded by a line beginning at the Potomac River and extending along U.S. Highway 15 to Warrenton, Va., thence west along U.S. Highway 211 to New Market, Va., thence along U.S. Highway 11 to the Potomac River, and thence along the Potomac River to point of beginning, to Hagerstown, Md., and points within 25 miles of Hagerstown, and to points in Berkeley County, W. Va. NOTE: Applicant states it is presently authorized to provide service from Baltimore, Md., to the destination territory set forth above. The purpose of this application is to allow applicant to serve the facilities of General Motors, which are located approximately one-half mile beyond the present

commercial zone limits of Baltimore to the territory now authorized. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 71516 (Sub-No. 73), filed October 18, 1965. Applicant: ALABAMA HIGHWAY EXPRESS, INC., 3300 Fifth Avenue South, Birmingham, Ala. Applicant's representative: Robert E. Tate, 2025 City Federal Building, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay or earthenware, floor tile, wall tile, china or earthenware fixtures, tile, facing or flooring, molding, facing, baseboard or cove, tile cement, and tile quarries*, from Florence, Ala., to Lexington, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio.

No. MC 73165 (Sub-No. 201), filed October 18, 1965. Applicant: EAGLE MOTOR LINES, INC., Post Office Box 1348, 830 North 33d Street, Birmingham, Ala. Applicant's representative: Robert E. Tate, 2025 City Federal Building, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles* (except those requiring special equipment), between Sterling and Rock Falls, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Nashville, Tenn.

No. MC 73165 (Sub-No. 202), filed October 18, 1965. Applicant: EAGLE MOTOR LINES, INC., Post Office Box 1348, Birmingham, Ala. Applicant's representative: Robert E. Tate, 2025 City Federal Building, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building panels*, from Dierks and Mount Pine, Ark., and Wright City and Broken Bow, Okla., to points in Alabama, Arkansas, Tennessee, Louisiana, Mississippi, Georgia, and Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 73165 (Sub-No. 203), filed October 22, 1965. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Birmingham, Ala., 35201. Applicant's representative: Maurice F. Bishop, 325–29 Frank Nelson Building, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement asbestos products and fittings, materials and accessories* for the installation and transportation thereof (except in bulk), (1) between Ragland, Ala., on the one hand, and, on the other, points in Alabama, Florida, Tennessee, Mississippi, Louisiana, Oklahoma, Virginia, and West Virginia, and (2) from points in Arkansas, Georgia, Kansas, Kentucky, Missouri, North Carolina, South Carolina, and Texas, to Ragland, Ala. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 75406 (Sub-No. 26), filed October 20, 1965. Applicant: SUPERIOR FORWARDING COMPANY, INC., 2600 South Fourth Street, St. Louis, Mo. Applicant's representative: G. F. Gunn, Jr., Suite 1230, Boatmen's Bank Building, St. Louis, Mo., 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Classes A and B explosives* and *general commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, those requiring specialized equipment, and those injurious or contaminating to other lading), between Little Rock and Sheridan, Ark., over U.S. Highway 167, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 76985 (Sub-No. 6), filed October 18, 1965. Applicant: LAVERY TRANSPORTATION, INC., 7430 South Ashland Avenue, Chicago, Ill., 60636. Applicant's representative: Eugene L. Cohn, One North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles and equipment and supplies used or useful in the production and distribution thereof*, between the plantsite of the Bethlehem Steel Corp., in Burns Harbor, Porter County, Ind., and points in Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 82063 (Sub-No. 13), filed October 18, 1965. Applicant: KLIPSCH HAULING CO., a corporation, 119 East Loughborough Street, St. Louis 11, Mo. Applicant's representative: Ernest A. Brooks II, 1301–02 Ambassador Building, St. Louis, Mo., 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Wood River, Ill., and points within five (5) miles thereof, to points in Arkansas, Indiana, Iowa, Kansas, Kentucky, Michigan, Mississippi, Missouri, New Jersey, New York, Ohio, Pennsylvania, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 82063 (Sub-No. 14), filed October 18, 1965. Applicant: KLIPSCH HAULING CO., a corporation, 119 East Loughborough Street, St. Louis 11, Mo. Applicant's representative: Ernest A. Brooks II, 1301–02 Ambassador Building, St. Louis, Mo., 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, between St. Louis, Mo., Wood River, Ill., Louisville, Ky., Madison, Ind., and East Liverpool, Ohio, on the one hand, and, on the other, St. Louis, Mo., Wood River, Ill., Louisville, Ky., Madison, Ind., and East Liverpool, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 82063 (Sub-No. 15), filed October 20, 1965. Applicant: KLIPSCH HAULING CO., a corporation, 119 East Loughborough Street, St. Louis, Mo. Applicant's representative: Ernest A. Brooks II, 1301–02 Ambassador Building, St. Louis, Mo., 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, in dump vehicles from points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission and points within 10 miles thereof, to points in Illinois, Indiana, Michigan, Missouri, Wisconsin, Iowa, Nebraska, Kansas, Oklahoma, Arkansas, Tennessee, and Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 84511 (Sub-No. 29), filed October 18, 1965. Applicant: COMMERCIAL FREIGHT LINES, INC., 1700 West Ninth Street, Kansas City, Mo. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans., 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Des Moines, Iowa, and Kansas City, Mo., from Des Moines over Interstate Highway 35 to junction U.S. Highway 34, thence over U.S. Highway 34 to Osceola, Iowa, and thence over U.S. Highway 69 to Kansas City, and return over the same route, serving no intermediate points. NOTE: Applicant states the proposed service will be restricted for use solely for the purpose of joinder with authorized regular route service between Chicago, Ill., and Des Moines, Iowa, and to traffic originating at or interchanged at or destined to Chicago, Ill. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 93003 (Sub-No. 44), filed October 20, 1965. Applicant: CARROLL TRUCKING COMPANY, a corporation, 4901 U.S. Route 60, East, Huntington, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, as described in appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except those commodities which because of size or weight require special equipment), from points in Cabell and Wayne Counties, W. Va., to points in Arkansas, Missouri (except St. Louis), and Oklahoma, and *refused or rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 103880 (Sub-No. 351), filed October 21, 1965. Applicant: PRODUCERS TRANSPORT, INC., 215 East Waterloo Road, Akron, Ohio. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Carrollton, Ky., to Midland, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 105413 (Sub-No. 19), filed October 18, 1965. Applicant: PETROLEUM TRANSPORT SERVICE, INC., Council Bluffs, Iowa. Applicant's representative: Einar Viren, 904 City National Bank Building, Omaha, Nebr., 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizers and fertilizer ingredients*, in bulk, in tank vehicles, between points in Illinois, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Iowa. NOTE: If a hearing is deemed necessary, applicant does not specify location.

No. MC 105413 (Sub-No. 20), filed October 18, 1965. Applicant: PETROLEUM TRANSPORT SERVICE, INC., Council Bluffs, Iowa. Applicant's representative: Einar Viren, 904 City National Bank Building, Omaha, Nebr., 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, fertilizer and fertilizer solutions*, in bulk, in tank vehicles, from Creston, Iowa, and points within ten (10) miles thereof, to points in Illinois, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota. NOTE: If a hearing is deemed necessary, applicant does not specify a place of hearing.

No. MC 105413 (Sub-No. 21), filed October 18, 1965. Applicant: PETROLEUM TRANSPORT SERVICE, INC., Council Bluffs, Iowa. Applicant's representative: Einar Viren, 904 City National Bank Building, Omaha, Nebr., 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, fertilizer and fertilizer ingredients*, in bulk, in tank vehicles, from the site of the Consumers Cooperative Association fertilizer terminal located at or near Council Bluffs, Iowa, to points in Illinois, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and North Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 105461 (Sub-No. 68), filed October 19, 1965. Applicant: HERR'S MOTOR EXPRESS, INC., Quarryville, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa., 17566. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass containers* and *advertising materials* and *cartons* for glass containers moving in the same vehicle and at the same time with glass containers, from Wharton Township, town of Wharton, Morris County, N.J., to points in Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island, and Vermont, (2) *damaged, rejected and returned shipments* of the above-specified commodities, *cullet, wooden shells or bottle carrying boxes* with or without partitions, and *fibreboard and pulpboard packing materials*, and *containers* used in the manufacture, sale and distribution of glass bottles from the above-described destination territory to Wharton Township, town of Wharton, Morris County, N.J., (3) *glass containers and advertising materials* and *cartons* for glass containers moving in the same vehicle, and at the same time with glass containers, from Elmira, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, (4) *damaged, rejected and returned shipments* of the above-specified commodities, *cullet, wooden shells or bottle carrying boxes* with or without partitions, and *fibreboard and pulpboard packing materials*, and *containers* used in the manufacture, sale and distribution of glass bottles from the above described destination territory, to Elmira, N.Y., and (5) *cullet, wooden shells or bottle carrying boxes* with or without partitions, from points in Delaware, New Jersey, and Pennsylvania to Elmira, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106401 (Sub-No. 21), filed October 18, 1965. Applicant: JOHNSON MOTOR LINES, INC., 2426 North Graham Street, Charlotte, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving points in Alabama and Georgia as intermediate and off-route points in connection with applicant's authorized regular-route operations (1) between South Carolina-Georgia State line and Atlanta, Ga.; (2) between Atlanta, Ga., and Mobile, Ala.; (3) between junction U.S. Highways 31 and 84 and Opp, Ala.; and (4) between junction U.S. Highways 31 and 80 near Montgomery, Ala., and Atmore, Ala. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 106401 (Sub-No. 22), filed October 18, 1965. Applicant: JOHNSON MOTOR LINES, INC., 2426 North Graham Street, Post Office Box 10877, Charlotte, N.C., 28201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment); (1) between Harrisburg, Pa., and Rochester, N.Y., over U.S. Highway 15, serving all intermediate points in New York; (2) between junction U.S. Highways 20 and 15 and Buffalo, N.Y., over U.S. Highway 20, serving all intermediate points; (3) between Allentown, Pa., and Champlain, N.Y.; (a) from Allentown over U.S. Highway 309 to junction U.S. Highway 11, thence over U.S. Highway 11 to Champlain and return over the same route, serving all intermediate points in New York; (b) from Allentown over Pennsylvania Highway 512 to junction Pennsylvania Highway 115, thence over Pennsylvania Highway 115 to junction U.S. Highway 209, thence over U.S. Highway 209 to junction U.S. Highway 9W, thence over U.S. Highway 9W to junction U.S. Highway 9, thence over U.S. Highway 9 to Champlain and return over the same route, serving all intermediate points in New York; (4) between Binghamton, N.Y., and junction U.S. Highway 9 and New York Highway 3 at Plattsburgh, N.Y.; from Binghamton over New York Highway 12 to junction New York Highway 28, thence over New York Highway 28 to junction New York Highway 30, thence over New York Highway 30 to junction New York Highway 3, thence over New York Highway 3 to junction U.S. Highway 9 at Plattsburgh and return over the same route, serving all intermediate points; (5) between New York, N.Y., and junction U.S. Highways 9 and 9W at Albany, N.Y., over U.S. Highway 9, serving all intermediate points; and (6) between Rochester, N.Y., and Albany, N.Y.; from Rochester, over New York Highway 31 to junction New York Highway 31B, thence over New York Highway 31B to junction New York Highway 5, thence over New York Highway 5 to Albany and return over the same route, serving all intermediate points; in connection with (1) through (6) above, serving all off-route points in New York. NOTE: Applicant states that the above proposed authority will be restricted to traffic moving between points in New York, on the one hand, and, on the other, Richmond, Va., and points south of Richmond now authorized to be served by applicant. If a hearing is deemed necessary, applicant requests it be held at Albany and Binghamton, N.Y.

No. MC 106674 (Sub-No. 43), filed October 15, 1965. Applicant: OSBORNE TRUCKING CO., INC., 709 South 13th Street, Post Office Box 82, Vincennes, Ind. Applicant's representative: Thomas F. Kilroy, 1815 H Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building supplies and building materials*, from points in Illinois, Indiana, Ohio, and Michigan, to points in Georgia and Florida, (2) *sewer pipe and related items*, from points in Indiana, and Owensboro, Ky., to points in Florida, and (3) *clay*, from points in Georgia and South Carolina to points in Connecticut, Illinois, Indiana, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Vermont, and *damaged, rejected, and returned shipments*, on return. NOTE: If a hearing is deemed neccessary, applicant requests it be held at Columbus, Ohio.

No. MC 106674 (Sub-No. 44), filed October 20, 1965. Applicant: OSBORNE TRUCKING CO., INC., Vincennes, Ind. Applicant's representative: Thomas F. Kilroy, Federal Bar Building, 1815 H Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Iron and steel and iron and steel articles* (except those requiring special equipment), and *damaged, rejected, and returned shipments*, between Sterling and Rock Falls, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Nashville, Tenn.

No. MC 107403 (Sub-No. 645), filed October 15, 1965. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils and vegetable oil products*, in bulk, in tank vehicles, from Columbus, Ohio, to points in Connecticut, Massachusetts, and Rhode Island. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107403 (Sub-No. 646), filed October 22, 1965. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, vegetable oil and blends*, thereof, in bulk, in tank vehicles, from Pittsburgh, Pa., to points in Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107496 (Sub-No. 414), filed October 20, 1965. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, between St. Louis, Mo., Wood River, Ill., Louisville, Ky., Madison, Ind., and East Liverpool, Ohio, on the one hand, and, on the other, St. Louis, Mo., Wood River, Ill., Louisville, Ky., Madison, Ind., and East Liverpool, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107500 (Sub-No. 96), filed October 15, 1965. Applicant: BURLINGTON TRUCK LINES, INC., 796 South Pearl Street., Galesburg, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between St. Joseph, Mo., and junction U.S. Highways 36 and 73 (near Hiawatha, Kans.), over U.S. Highway 36, serving the junction U.S. Highways 36 and 73 for the purpose of joinder only, as an alternate route for operating convenience only, serving no intermediate points. NOTE: Applicant is a wholly owned subsidiary of The Chicago, Burlington & Quincy Railroad. Applicant states it intends to use the proposed route in connection with traffic it presently is handling between points in Illinois and Missouri, on the one hand, and, on the other, points in Nebraska, Colorado, Wyoming, and Montana. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Omaha, Nebr.

No. MC 109637 (Sub-No. 290), filed October 14, 1965. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville, Ky., 40211. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, from Louisville, Ky., to points in Alabama, Georgia, Illinois, Indiana, Kentucky, Missouri, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110193 (Sub-No. 122), filed October 15, 1965. Applicant: SAFEWAY TRUCK LINES, INC., 20450 Ireland Road, Post Office Box 2628, South Bend, Ind. Applicant's representative: Walter J. Kobos (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, except meats, from Albert Lea, Fairmont, Mankato, Winnebago, and Worthington, Minn., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110193 (Sub-No. 123), filed October 15, 1965. Applicant: SAFEWAY TRUCK LINES, INC., 20450 Ireland Road, Post Office Box 2628, South Bend, Ind. Applicant's representative: Walter J. Kobos (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, dairy products, articles distributed by meat packinghouses* and *such commodities as are used by meatpackers in the conduct of their business* when destined to and for use by meatpackers, as described in sections A, B, C, and D of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766 (except hides and commodities in bulk, in tank vehicles), from points in Iowa to points in Illinois and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 110525 (Sub-No. 751), filed October 15, 1965. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's representatives: Leonard A. Jaskiewicz, 1155 15th Street NW., Madison Building, Washington, D.C., 20005, and Edwin H. van Deusen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Varnish*, in bulk, in tank vehicles, from Pennsauken, N.J., to Tampa, Fla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110525 (Sub-No. 752), filed October 15, 1965. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downington, Pa. Applicant's representatives: Leonard A. Jaskiewicz, 1155 15th Street NW., Madison Building, Washington, D.C., 20005, and Edwin H. van Deusen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and asphalt products and coal tar and coal tar products*, in bulk, in tank vehicles, from points in Hamilton County, Ohio, to points in Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 110563 (Sub-No. 34), filed October 15, 1965. Applicant: COLDWAY FOOD EXPRESS, INC., Ohio Building, Box 259, Sidney, Ohio. Applicant's representative: Joseph Scanlan, 111 West Washington Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery* and *confectionery products, and advertising matter, premiums, and display materials*, when shipped in the same vehicle with the foregoing commodities, from the plantsite of the Topps Chewing Gum Co., located at or near Duryea, Pa., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, and *refused or rejected shipments*, on return. NOTE: Applicant states the above proposed operations will be restricted against (1) tacking at origin and (2) the transportation of commodities in bulk in tank vehicles. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 110563 (Sub-No. 35), filed October 15, 1965. Applicant: COLDWAY FOOD EXPRESS, INC., Ohio Building, Box 259, Sidney, Ohio. Applicant's representative: Joseph Scanlan, 111 West Washington Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and warehouse of the Pet Milk Co., located at Allentown and Chambersburg, Pa., to points in Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin, and St. Louis, Mo. NOTE: If a hearing is deemed necessary, applicant did not specify any particular area.

No. MC 110988 (Sub-No. 152), filed October 15, 1965. Applicant: KAMPO TRANSIT, INC., 200 Cecil Street, Neenah, Wis. Applicant's representative: E. Stephen Heisley, 529 Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer ingredients*, in bulk, from Minneapolis, St. Paul, Savage, and Winona, Minn., to points in Wisconsin, North Dakota, South Dakota, Iowa, and Minnesota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

deemed necessary, applicant does not specify place of hearing.

No. MC 110988 (Sub-No. 153), filed October 15, 1965. Applicant: KAMPO TRANSIT, INC., 200 Cecil Street, Neenah, Wis. Applicant's representative: E. Stephen Heisley, 529 Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastics*, in bulk, in tank or hopper type vehicles, from Chicago, Ill., to points in Wisconsin (except points in that part of Wisconsin north of the corporate limits of Milwaukee, Wis., to and including points on a line drawn from Shawano to Two Rivers, through Green Bay, Wis., and bounded on the east by Lake Michigan and on the west by Wisconsin Highways 41, 45, and 22). NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 111045 (Sub-No. 51), filed October 21, 1965. Applicant: REDWING CARRIERS, INC., Post Office Box 426, Palm River Road, Tampa, Fla., 33601. Applicant's representative: James E. Wilson, 1735 K Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Albany and Alma, Ga., and points within 15 miles of each, to points in Florida, Alabama, South Carolina, and North Carolina. NOTE: If a hearing is deemed necessary, applicant does not specify particular place.

No. MC 111401 (Sub-No. 182), filed October 21, 1965. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla., 73701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, from Guymon, Okla., and points within 10 miles thereof, to points in the United States, except Alaska and Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 111812 (Sub-No. 315), filed September 28, 1965. Applicant: MIDWEST COAST TRANSPORT, INC., Post Office Box 747, Sioux Falls, S. Dak., 57101. Applicant's representatives: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr., 68102, and William J. Walsh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products* and *commodities used by packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from points in Iowa, to points in Illinois, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, and the Indiana portion of the Chicago, Ill., commercial zone. NOTE: Applicant states that no duplicating authority is sought herein. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 111812 (Sub-No. 316), filed September 29, 1965. Applicant: MIDWEST COAST TRANSPORT, INC., Post Office Box 747, Sioux Falls, S. Dak., 57101. Applicant's representatives: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr., 68102, and William J. Walsh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products* and *commodities used by packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Perry, Iowa, to points in Wisconsin, South Dakota, Ohio, North Dakota, Nebraska, Missouri, Minnesota, Michigan, Illinois, and points in the Indiana portion of the Chicago, Ill., commercial zone. NOTE: Applicant states that no duplicating authority is sought herein. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 112223 (Sub-No. 75), filed October 21, 1965. Applicant: QUICKIE TRANSPORT COMPANY, a corporation, 501 11th Avenue South, Minneapolis, Minn. Applicant's representative: Earl Hacking, 503 11th Avenue South, Minneapolis, Minn., 55415. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients, including*, but not limited to *anhydrous ammonia, nitrogen fertilizer solutions* and *aqua ammonia*, in bulk, (1) from the plantsite of Tuloma Gas Products Co., facility located between East Peoria and North Pekin, Ill., to points in Iowa, Indiana, Michigan, Minnesota, Missouri, Ohio, South Dakota, and Wisconsin, and (2) from the plantsite of Tuloma Gas Products Co., facility located at or near Burlington, Iowa, to points in Illinois, Indiana, Michigan, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112520 (Sub-No. 129), filed October 18, 1965. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Post Office Box 1200, Tallahassee, Fla. Applicant's representative: Sol H. Proctor, 1730 American Heritage Life Building, Jacksonville, Fla., 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulfuric acid*, in bulk, in tank vehicles, from points in Hamilton County, Fla., to points in Georgia and Alabama. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla., or Atlanta, Ga.

No. MC 112520 (Sub-No. 130), filed October 18, 1965. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. Applicant's representative: Sol. H. Proctor, 1730 American Heritage Life Building, Jacksonville, Fla., 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum gas*, in bulk, in tank vehicles, from points in Dougherty and Bacon Counties, Ga., to points in Florida, Alabama, South Carolina, and North Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla., or Atlanta, Ga.

No. MC 112696 (Sub-No. 29), filed October 19, 1965. Applicant: HARTMANS, INCORPORATED, Post Office Box 898, Harrisonburg, Va. Applicant's representative: James E. Wilson, 1735 K Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen food*, and *fresh* and *frozen meat and dairy products*, from points in New York, N.Y., commercial zone, to Winchester, Va., and Martinsburg, W. Va. NOTE: Applicant states the proposed service to be restricted against tacking with authority presently held. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113047 (Sub-No. 5), filed October 18, 1965. Applicant: BUANNO TRANSPORTATION CO., INC., Rural Delivery No. 1, Fort Johnson, N.Y. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Montgomery County, N.Y. NOTE: Applicant states the above proposed operations will be conducted in connection with its presently authorized operations in the States of New Jersey and New York. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 113362 (Sub-No. 93), filed October 15, 1965. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's representative: William J. Boyd, 30 North La Salle Street, Chicago, Ill., 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products*, in vehicles equipped with mechanical refrigeration, from New York, N.Y., and points in the New York, N.Y., commercial zone and Union County, N.J., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 113488 (Sub-No. 1), filed October 20, 1965. Applicant: L. H. SIMS, 809 Driver Avenue, Winter Park, Fla. Applicant's representative: Sol H. Proctor, 1730 American Heritage Life Building, Jacksonville, Fla., 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals*, between Orlando, Fla., on the one hand,

and, on the other, port cities in Florida, restricted to shipments having prior or subsequent movement by water carrier. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 113678 (Sub-No. 183), filed October 18, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's representative: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, canned, prepared or preserved other than frozen, from Fruitland, Md., to points in Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin. NOTE: If a hearing is deemed necessary applicant does not specify place of hearing.

No. MC 113678 (Sub-No. 184), filed October 20, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's representative: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 from New York, N.Y., to points in New York on and east of U.S. Highway 11, New Jersey, Connecticut (except New Haven); Massachusetts (except Boston), and Rhode Island, restricted (1) to tacking with other authority held by applicant; (2) against traffic originating at New York, N.Y., and its commercial zone; and (3) against the transportation of named commodities in bulk in tank and hopper type vehicles. NOTE: Applicant states that it intends to tack said authority with its MC 113678 and MC 113678 (Sub-No. 7) from Denver, and Greeley, Colo., origins to eliminate interline service now being performed at New York, N.Y., for subsequent movement to the above-specified destinations by other carriers. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 113843 (Sub-No. 105), filed October 21, 1965. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass., 02210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, including petrolatum, wax, rust preventatives, and lubricating oils and greases, other than in bulk in tank vehicles, from Buffalo, N.Y., Bradford, Emlenton, Farmers Valley, Franklin, Freedom, Karns City, Oil City, Petrolia, Reno, Rouseville, and Warren, Pa., and St. Marys, W. Va., to points in Illinois, Indiana, and Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 113843 (Sub-No. 106), filed October 21, 1965. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass., 02210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from Detroit, Mich., to points in Missouri, Tennessee, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 114045 (Sub-No. 195), filed October 14, 1965. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Finley and Belt Line Road, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766 (except commodities in bulk, in tank vehicles); (2) *frozen foods*; (3) *canned and preserved foods*; (4) *chemicals, chemical blends*, and *ingredients to be used in further manufacturing processes*; transportation of which does not require special equipment or bulk or tank vehicles; (5) *inedible meats, meat products and meat byproducts, lard, tallows, and oils*; (6) *agricultural products* and those commodities embraced in section 203(b)(6) of Part II of the Interstate Commerce Act when moving in the same vehicle with economic regulated commodities; (7) *frozen animal and poultry foods*; (8) *industrial products* in packages, requiring refrigeration; and (9) *coffee, condensed; coffee extracts; coffee, green; tea and tea dust, and sugar*, from Gulfport, Miss., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 114045 (Sub-No. 196), filed October 15, 1965. Applicant: TRANS-COLD EXPRESS, INC., Finley and Belt Road, Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foods*, from Tyler and Lindale, Tex., to points in Arkansas, Kansas, Oklahoma, and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 114045 (Sub-No. 197), filed October 15, 1965. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Finley and Belt Line Road, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Dayton, Ohio, to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio.

No. MC 114045 (Sub-No. 198), filed October 21, 1965. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex., 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Gooding, Idaho, and points within five (5) miles thereof, to points in Utah, Nevada, Arizona, California, Oregon, Washington, Texas, Colorado, Iowa, Illinois, Pennsylvania, New Jersey, New York, and Massachusetts. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 114045 (Sub-No. 199), filed October 22, 1965. Applicant: TRANS-COLD EXPRESS, INC., Belt Line and Finley Road, Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except meats, meat products, meat byproducts, frozen foods, dairy products, salad dressings, yeast, and uncooked bakery products), from Moline, Ill., to points in Oklahoma, Texas, New Mexico, Arizona, and California. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114211 (Sub-No. 91), filed October 11, 1965. Applicant: WARREN TRANSPORT, INC., Post Office Box 420, Waterloo, Black Hawk County, Iowa. Applicant's representative: Charles W. Singer, 33 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and farm machinery and parts*, from South Bend, Ind., to points in the United States (except Alaska and Hawaii), and *rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 114273 (Sub-No. 16), filed October 13, 1965. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., 3930 16th Avenue SW., Post Office Box 1904, Cedar Rapids, Iowa. Applicant's representative: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, articles distributed by meat packinghouses* and *such commodities as are used by meatpackers in the conduct of their business when destined to and for use by meatpackers*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between

Tama, Iowa, and points within 5 miles of Tama, Iowa, on the one hand, and, on the other, points in Colorado, Georgia, Illinois, Indiana, Maryland, Massachusetts, Lower Peninsula of Michigan, Minnesota, Nebraska, New Jersey, New York, Ohio, Pennsylvania, South Carolina, Virginia, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 114364 (Sub-No. 109), filed October 18, 1965. Applicant: WRIGHT MOTOR LINES, INC., 16th and Elm Streets, Post Office Box 672, Rocky Ford, Colo. Applicant's representative: Marion F. Jones, Suite 420, Denver Club Building, Denver, Colo., 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Benton County, Wash., to points in Arizona, Arkansas, Colorado, Idaho, Iowa, Kansas, Montana, Missouri, Nebraska, Nevada, New Mexico, Oklahoma, Texas, Utah, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 114533 (Sub-No. 108), filed October 20, 1965. Applicant: B. D. C. CORPORATION, 4970 South Archer Avenue, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Papers* used in the processing of data by computing machines, *punch cards, magnetic encoded documents, magnetic tape, punch paper tape, printed reports*, and *documents*, and *office records*, (1) between Chicago, Ill., on the one hand, and on the other, points in Indiana on and north of U.S. Highway 40, points in Brown, Calumet, Dane, Fond du Lac, Kewaunee, Manitowoc, Milwaukee, Outagamie, Ozaukee, Racine, Rock, Sheboygan, Washington, Waukesha, and Winnebago Counties, Wis., and points in Allegan, Barry, Bay, Berrien, Branch, Calhoun, Cass, Clinton, Eaton, Genesee, Gratiot, Hillsdale, Huron, Ingham, Ionia, Isabella, Jackson, Kalamazoo, Kent, Lapeer, Lenawee, Livingston, Macomb, Mecosta, Midland, Monroe, Montcalm, Muskegon, Newaygo, Oakland, Oceana, Ottawa, St. Clair, St. Joseph, Saginaw, Sanilac, Shiawasee, Tuscola, Van Buren, Washtenaw, and Wayne Counties, Mich.; (2) between Detroit, Mich., and Indianapolis, Ind.; (3) between Toledo, Ohio, and Alma, Mich. and (4) between Kansas City, Mo., on the one hand, and, on the other, points in that part of Kansas east of a line beginning at the Oklahoma-Kansas State line and extending along the western boundary of Harper County, Kans., to the southern boundary of Kingman County, Kans., thence along the southern boundary of Kingman County to the western boundary of Kingman County, and thence along the western boundaries of Kingman, Reno, Rice, Ellsworth, Lincoln, Mitchell, and Jewell Counties, Kans., to the Kansas-Nebraska State line, and points in Nuckolls and Richardson Counties, Nebr. Restriction: The service proposed herein will be subject to the following conditions: (1) The service shall be limited to the transportation of packages each weighing 100 pounds or less, and (2) that carrier shall not transport more than one package from one consignor at one location to one consignee at one location on any one day. NOTE: Applicant states it is presently authorized under MC-114533, Sub 24, to transport the commodities involved herein within the territory sought to be served herein, limited to shipments of packages each weighing 25 pounds or less. The purpose of this application is to increase the weight of packages sought to be transported to *100 pounds or less*. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114939 (Sub-No. 36), filed October 15, 1965. Applicant: BULK CARRIERS LIMITED, Box 10, Cooksville, Ontario, Canada. Applicant's representative: Walter N. Bieneman, Suite 1700, Woodward Avenue, Detroit, Mich., 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal*, in bulk, in tank and hopper type vehicles, from Decatur, Ill., to ports of entry on the international boundary line between the United States and Canada located at or near Detroit and Port Huron, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 115093 (Sub-No. 4), filed October 18, 1965. Applicant: MERCURY MOTOR EXPRESS, INC., Post Office Box 3391, Tampa, Fla. Applicant's representative: F. T. Stroud, 11 East Forsyth Street, Room 804, Jacksonville, Fla., 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), (1) between Greensboro, N.C., and Miami, Fla.; from Greensboro over U.S. Highway 29 to Charlotte, N.C., thence over U.S. Highway 21 to Columbia, S.C., thence over U.S. Highway 1 through Jacksonville, Fla., to Miami and return over the same route, serving all intermediate points; (2) between Durham, N.C., and Miami, Fla.; from Durham over U.S. Highway 15 to Sanford, N.C., thence over U.S. Highway 1 to Jacksonville, Fla., thence over U.S. Highway 17 to Orlando, Fla., thence over Interstate Highway 4 to Tampa, Fla., thence over U.S. Highway 41 to Miami and return over the same route, serving all intermediate points; (3) between Raleigh, N.C., and Atlanta, Ga.; from Raleigh over U.S. Highway 64 to junction North Carolina Highway 49, thence over North Carolina Highway 49 to Charlotte, N.C., thence over U.S. Highway 29 to Atlanta and return over the same route, serving all intermediate points; (4) between Asheville, N.C., and Jacksonville, Fla.; from Asheville over U.S. Highway 25 to Statesboro, Ga., thence over U.S. Highway 80 to Savannah, Ga., thence over U.S. Highway 17 to Jacksonville, and return over the same route, serving all intermediate points; and (5) between Winston-Salem, N.C., and Tampa, Fla.; from Winston-Salem over U.S. Highway 158 to Mocksville, N.C., thence over U.S. Highway 601 to Salisbury, N.C., thence over U.S. Highway 29 to Charlotte, N.C., thence over U.S. Highway 21 to Columbia, S.C., thence over U.S. Highway 1 to Swainsboro, Ga., thence over Georgia Highway 56 to junction U.S. Highway 221, thence over U.S. Highway 221 to Perry, Fla., thence over U.S. Highway 98 to junction Florida Highway 336, thence over Florida Highway 336 to Dunnellon, Fla., thence over U.S. Highway 41 to Tampa and return over the same route, serving all intermediate points; serving, in connection with routes (1) through (5) above, all off-route points in North Carolina, Georgia, and Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 115093 (Sub-No. 5), filed October 18, 1965. Applicant: MERCURY MOTOR EXPRESS, INC., Post Office Box 3391, Tampa, Fla. Applicant's representative: F. T. Stroud, 11 East Forsyth Street, Room 804, Jacksonville, Fla., 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), (1) between Pittsburgh, Pa., and Columbus, Ohio; from Pittsburgh over U.S. Highway 22 to Cambridge, Ohio, thence over U.S. Highway 40 to Columbus and return over the same route, serving all intermediate points; (2) between Pittsburgh, Pa., and Cleveland, Ohio; (a) from Pittsburgh over Pennsylvania Highway 65 to junction Pennsylvania Highway 68, thence over Pennsylvania Highway 68 to junction Pennsylvania Highway 51, thence over Pennsylvania Highway 51 to the Pennsylvania-Ohio State line, thence over Ohio Highway 14 to Cleveland and return over the same route, serving all intermediate points; (b) from Pittsburgh to Ohio Highway 14 as described above, thence over Ohio Highway 14 to junction Ohio Highway 7, thence over Ohio Highway 7 to Youngstown, Ohio, thence over U.S. Highway 422 to Cleveland and return over the same route, serving all intermediate points; and (c) from Pittsburgh to Ohio Highway 14 as described above, thence over Ohio Highway 14 to junction Ohio Highway 14A, thence over Ohio Highway 14A to Salem, Ohio, thence over U.S. Highway 62 to Canton, Ohio, thence over Ohio Highway 8 to Akron, Ohio, thence over Ohio Highway 18 to junction U.S. Highway 21, thence over U.S. Highway 21 to Cleveland and return over the same route, serving all intermediate points; and in connection with (1) through (2) above, serving all off-route points in that part of Ohio on, north and east of a line beginning at the West Virginia-Ohio State line and extending along U.S. Highway 40 to junction U.S. Highway 42,

thence along U.S. Highway 42 to Cleveland, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 115093 (Sub-No. 6), filed October 18, 1965. Applicant: MERCURY MOTOR EXPRESS, INC., Post Office Box 3391, Tampa, Fla. Applicant's representative: F. T. Stroud, 11 East Forsyth Street, Room 804, Jacksonville, Fla., 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Augusta, Ga., and Birmingham, Ala., from Augusta over U.S. Highway 278 to Atlanta, thence over U.S. Highway 78 to Birmingham, Ala., and return over the same route, serving all intermediate points, (2) between Savannah, Ga., and Mobile, Ala., from Savannah over U.S. Highway 80 to Montgomery, Ala., thence over U.S. Highway 31 to Mobile and return over the same route, serving all intermediate points, and (3) between Atlanta, Ga., and Florence, Ala., from Atlanta over U.S. Highway 278 to Gadsden, Ala., thence over U.S. Highway 431 to Huntsville, thence over U.S. Highway 72 to Florence and return over the same route, serving all intermediate points. Service is proposed to and from all off-route points in Georgia and Alabama. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 115093 (Sub-No. 7), filed October 18, 1965. Applicant: MERCURY MOTOR EXPRESS, INC., Post Office Box 3391, Tampa, Fla. Applicant's representative: F. T. Stroud, 11 East Forsyth Street, Room 804, Jacksonville, Fla., 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Scranton, Pa., and Buffalo, N.Y., from Scranton over U.S. Highway 6 to junction U.S. Highway 220, thence over U.S. Highway 220 to Waverly, N.Y., thence over New York Highway 17 to Painted Post, thence over U.S. Highway 15 to Wayland, thence over New York Highway 63 to junction Alternate U.S. Highway 20, thence over Alternate U.S. Highway 20 to junction U.S. Highway 62, thence over U.S. Highway 62 to Buffalo, and return over the same route, serving all intermediate points; (2) between Scranton, Pa., and Rochester, N.Y., from Scranton as described above to Wayland, N.Y., thence over New York Highway 17 to junction U.S. Highway 15, thence over U.S. Highway 15 to Rochester and return over the same route, serving all intermediate points; (3) between Scranton, Pa., and Syracuse, N.Y., over U.S. Highway 11, serving all intermediate points; and (4) between Scranton, Pa., and Utica, N.Y., from Scranton over U.S. Highway 11 to Binghamton, N.Y., thence over New York Highway 12 to Utica and return over the same route, serving all intermediate points. Service proposed to and from all off-route points in New York north of New York Highway 7. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo or Binghamton, N.Y.

No. MC 115215 (Sub-No. 7), filed October 19, 1965. Applicant: NEW TRUCK LINES, INC., 500 West Hampton Springs Avenue, Perry, Fla. Applicant's representative: Sol H. Proctor, 1730 American Heritage Life Building, Jacksonville, Fla., 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bottle carrying crates*, from Perry, Fla., to points in Alabama, Arkansas, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Missouri, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, points in Virginia north of U.S. Highway 60, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 115322 (Sub-No. 45), filed October 18, 1965. Applicant: BLYTHE MOTOR LINES, INC., Post Office Box 1698, 2939 Orlando Drive, Sanford, Fla. Applicant's representative: James A. Harkins, Post Office Box 426, Tampa, Fla., 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grape juice*, in bulk, in tank vehicles, from points in the southern peninsula of Michigan; those in New York on and west of New York Highway 26; those in Ohio on and north of U.S. Highway 224; and those in Pennsylvania on, north and west of U.S. Highway 62 to points in Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 115331 (Sub-No. 160), filed October 21, 1965. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis. Mo., 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, from the plantsite of Central Farmers Terminal Co., located at or near Albany, Ill., to points in Iowa, Minnesota, Wisconsin, Indiana, Missouri, Nebraska, South Dakota, and Illinois. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115331 (Sub-No. 161), filed October 21, 1965. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo., 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry lithcarge*, in bulk, from Chicago, Ill., to points in Minnesota, Wisconsin, Iowa, Missouri, Indiana, Michigan, Ohio, Kentucky, Nebraska, Pennsylvania, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 115331 (Sub-No. 162), filed October 21, 1965. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo., 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials, compounds, and ingredients, feed and feed ingredients*, from Cairo, Ill., to points in Arkansas, Kentucky, Missouri, Tennessee, Indiana, and Illinois. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 115491 (Sub-No. 80), filed October 13, 1965. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue., Auburndale, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Salina, Kans., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee (except Memphis, Tenn., and points in the commercial zone thereof). NOTE: If a hearing is deemed necessary, applicant requests it be held at Topeka, Kans., or Kansas City, Mo.

No. MC 115504 (Sub-No. 26), filed October 15, 1965. Applicant: KENISON TRUCKING, INC., Post Office Box 324, 1975 South, 1045 West, Salt Lake City, Utah. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Items* dealt with and handled by wholesale and retail grocery firms, except animal and poultry foods and feeds and ingredients used in the manufacturing of both commodities, from points in Alameda, Contra Costa, Fresno, Los Angeles, Merced, Orange, Sacramento, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Stanislaus, and Ventura Counties, Calif., to Ely and Elko, Nev., and Cedar City, Richfield, Provo, Price, Ogden, and Salt Lake City, Utah, and *contaminated and rejected shipments*, on return, and (2) *items in (1) above* and *contaminated and rejected shipments*, between Ely, Elko, and Reno, Nev., and Salt Lake City, Clearfield, and Ogden, Utah. NOTE: Applicant holds common carrier authority in MC 119848 and Subs thereto, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 115615 (Sub-No. 5), filed October 15, 1965. Applicant: JOSHUA J. MITCHELL, Post Office Box 18, Quantico, Md. Authority sought to operate at a *common carrier*, by motor vehicle, over irregular routes, transporting: *Creosoted* and/or *untreated lumber, poles*, and *piling*, from the plantsite of J. I. Wells Co., Inc., near Quantico, Md., to points in Pennsylvania, New Jersey, those in Bronx, Delaware, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Suffolk, Sullivan, Ulster, and Westchester Counties, N.Y., those in Virginia (except those located on the Delmarva Peninsula), and

the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115826 (Sub-No. 109), filed October 15, 1965. Applicant: W. J. DIGBY, INC., 1950 31st Street, Post Office Box 5088, Terminal Annex, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Great Falls, Mont., to points in California on and south of a line beginning at Fort Bragg, Calif., and extending along California Highway 20 to junction U.S. Highway 40, thence along U.S. Highway 40 to the California-Nevada State line. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 115841 (Sub-No. 250), filed September 3, 1965. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh or frozen poultry and poultry products and byproducts*, between points in Jefferson County, Ala. NOTE: Applicant states "this authority can be tacked or joined with subs already held from Birmingham, Ala., to points in Connecticut, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, District of Columbia, Arkansas, Missouri, Delaware, Iowa, Oklahoma, Kansas, and Nebraska on and east of U.S. Highway 81. This service can be performed under original lead certificate and its subs, by tacking or joining, 29, 71, 79, 134, 135, 146, and 159." If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 115841 (Sub-No. 253), filed October 19, 1965. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods*, from Elizabeth, N.J., to Union City and Jersey City, N.J. NOTE: Applicant states that it intends to tack the above proposed authority with that authority previously granted in Certificate MC 115841 sub 4, wherein applicant is authorized to serve points in the States of Mississippi, Louisiana, Alabama, Tennessee, Pennsylvania, New Jersey, and New York. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 116077 (Sub-No. 186), filed October 15, 1965. Applicant: ROBERTSON TANK LINES, INC., Post Office Box 9527, 5700 Polk Avenue, Houston, Tex., 77011. Applicant's representative: Thomas E. James, 721 Brown Building, Austin, Tex., 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar emulsion* (other than chemical or petroleum, in bulk), from Toledo, Ohio, to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 116273 (Sub-No. 50) (Amendment), filed August 30, 1965, published FEDERAL REGISTER issue of September 15, 1965, amended October 14, 1965, and republished, as amended this issue. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, nitrogen fertilizer solutions, aqua ammonia*, in bulk, in tank vehicles, and *fertilizer* and *fertilizer ingredients*, in bulk, (1) from the plantsites of the Midsouth Chemical Co. and Tuloma Gas Products Co., located between Peoria and North Pekin, Ill., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin, and (2) from the plantsite of Tuloma Gas Products Co. located at or near Burlington, Iowa, to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin. NOTE: The purpose of this republication is to clearly set forth the proposed operations. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 116544 (Sub-No. 63), filed October 18, 1965. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Avenue, Carthage, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, tranpsorting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from points in Adams County, Nebr., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha or Lincoln, Nebr., or Kansas City, Mo.

No. MC 116544 (Sub-No. 64), filed October 22, 1965. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Avenue, Post Office Box 516, Carthage, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Grand Forks, N. Dak., to points in Alabama, Arkansas, Florida, Georgia, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak.

No. MC 116763 (Sub-No. 66), filed October 19, 1965. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Beaver Dam, Fox Lake, Ripon, and Rosendale, Wis., to points in Indiana, Kentucky, Lower Peninsula of Michigan, and Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 116763 (Sub-No. 67), filed October 20, 1965. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and potato products*, from Robbinsville, N.J., to points in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 117119 (Sub-No. 279), filed October 19, 1965. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's representative: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Lafayette, Ind., to St. Paul, Minn., and St. Joseph, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117119 (Sub-No. 280), filed October 22, 1965. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's representative: John H. Joyce, 26 North College, Fayetteville, Ark., 72702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Watertown, Mass., to points in New York and New Jersey. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117327 (Sub-No. 6), filed October 18, 1965. Applicant: AIR CARGO TERMINALS, INC., Municipal Airport, Kansas City 16, Mo. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Lambert Field, St. Louis, Mo., on the one hand, and, on the other, points in Bond, Calhoun, Christian, Clinton, Fayette, Greene, Jersey, Macoupin, Madison, Marion, Monroe, Montgomery, Morgan, Perry, Pike, Randolph, Saint Clair, Scott, and Washington Counties, Ill.; and Audrain, Callaway, Crawford, Franklin, Gasconade, Iron, Jefferson, Lincoln, Madison, Maries, Montgomery, Osage, Perry, Pike, Saint Charles, St. Louis, St. Francois, Ste. Genevieve, Warren, and Washington Counties, Mo., restricted to traffic having an immediately prior or subsequent movement by aircraft. NOTE: If a hearing is deemed necessary, ap-

plicant requests it be held at St. Louis, Mo.

No. MC 117427 (Sub-No. 48), filed October 18, 1965. Applicant: G. G. PARSONS TRUCKING CO., a corporation, Post Office Box 746, North Wilkesboro, N.C., 28659. Applicant's representative: Earl F. Rieger, 1366 National Press Building, Washington, D.C., 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardboard sheets and boards*, from Catawba, S.C., and points within 5 miles thereof, to points in Kansas and Missouri. NOTE: Applicant is also authorized to conduct operations as contract carrier by Permit No. MC 116145 and sub thereunder; therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117427 (Sub-No. 49), filed October 18, 1965. Applicant: G. G. PARSONS TRUCKING CO., a corporation, Post Office Box 746, North Wilkesboro, N.C., 28659. Applicant's representative: Francis J. Ortman, 1366 National Press Building, Washington, D.C., 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boards or sheets* made with wood particle core based with wood flakes-edge banded with wood or not edge banded, from South Boston, Va., and points within 5 miles thereof to points in Delaware, Georgia, Maryland, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, West Virginia, and the District of Columbia. NOTE: Applicant is also authorized to operate as a contract carrier in Permit No. MC 116145 and sub thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117686 (Sub-No. 64), filed October 18, 1965. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Sioux City, Iowa. Applicant's representative: J. Max Harding, Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C, of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles) from points in Adams County, Nebr., to points in Kansas and Missouri, and *damaged or rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 117867 (Sub-No. 5), filed October 11, 1965. Applicant: SMITH BANANA TRANSPORT, INC., 4003 Valley Drive, Pueblo, Colo., 81002. Applicant's representative: Michael T. Corcoran, 1360 Locust Street, Denver Colo., 80220. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Mobile, Ala., New Orleans, La., and Gulfport, Miss., to points in New Mexico. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pueblo, Colo.

No. MC 117883 (Sub-No. 66), filed October 21, 1965. Applicant: SUBLER TRANSFER, INC., East Main Street, Versailles, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite of the Green Giant Co. located at Belvidere, Ill., to points in Indiana, Michigan, Kentucky, Ohio, West Virginia, and points in the States of New York and Pennsylvania on and west of Interstate Highway 81. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119555 (Sub-No. 4), filed October 18, 1965. Applicant: OIL AND INDUSTRY SUPPLIERS LTD., 400 Archibald Street, Winnipeg 6, Manitoba, Canada. Applicant's representative: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, in foreign commerce only, from ports of entry on the international boundary line between the United States and Canada located in North Dakota and Minnesota, to points in North Dakota and Minnesota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 119741 (Sub-No. 22), filed October 15, 1965. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., Post Office Box 1453, Winter Haven, Fla. Applicant's representative: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Lafayette, Ind., to points in Colorado, Iowa, Kansas, Missouri, and Nebraska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 119767 (Sub-No. 134), filed October 18, 1965. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Post Office Box 339, Burlington, Wis. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen food*, from the plantsite of the Green Giant Co., located at or near Belvidere, Ill., to points in West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119777 (Sub-No. 48), filed October 7, 1965. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Box 31, Madisonville, Ky. Applicant's representative: Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel* and *iron and steel articles*, from points in Cabell and Wayne Counties, W. Va., to points in Arkansas, Iowa, Missouri, and Oklahoma. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119778 (Sub-No. 96), filed October 18, 1965. Applicant: REDWING CARRIERS, INC., Post Office Box 34, Powderly Station, Birmingham, Ala., 35211. Applicant's representative: James A. Harkin, Post Office Box 426, Tampa, Fla., 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro-alloys*, in bulk, from Rockwood, Tenn., to Fairchild, Ala. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham or Montgomery, Ala., or Nashville, Tenn.

No. MC 119778 (Sub-No. 97), filed October 21, 1965. Applicant: REDWING CARRIERS, INC., Post Office Box 34, Powderly Station, Wilson Road, Birmingham, Ala., 35211. Applicant's representative: James E. Wilson, 1735 K Street, NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, ground or powdered, in bulk, and compounds thereof, from points in Tuscaloosa County, Ala., to points in Tennessee, Georgia, Florida, and Mississippi. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham or Montgomery, Ala., or Atlanta, Ga.

No. MC 119864 (Sub-No. 16), filed October 20, 1965. Applicant: HOFER MOTOR TRANSPORTATION CO., a corporation, 26740 Eckel Road, Perrysburg, Ohio, 43551. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glassware, glass bottles and jars, caps or covers for glass containers, and paper cartons*, between Terre Haute, Ind., on the one hand, and, on the other, Chicago, Ill., and points in Kentucky, Michigan, and Ohio, and (2) *damaged or rejected shipments* and *returned pallets with their protective packaging equipment*, from Chicago, Ill., and points in Kentucky, Michigan, and Ohio, to Terre Haute, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 120634 (Sub-No. 9), filed October 21, 1965. Applicant: JOE HODGES TRANSPORTATION CORPORATION, Post Office Box 82397, Oklahoma City, Okla. Applicant's representative: Ralph W. Pulley, Jr., 4555 First National Bank Building, Dallas, Tex., 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and livestock), (1) between Hollis, Okla., and Wellington, Tex.; from Hollis over U.S. Highway 62 to junction Texas Highway 1642, thence over Texas Highway 1642 to Dodson, Tex., thence over Texas Highway 338 to Wellington and return over the same route, serving all intermediate points; (2) between Wellington, Tex., and Wheeler, Tex., over U.S. Highway 83, serving all intermediate points and the off-route point of United Carbon Co. plant located approximately 6 miles east of Shamrock, Tex., on U.S. Highway 66 at Norrick, Tex.; (3) between Wheeler, Tex., and junction Interstate Highway 40 and Oklahoma Highway 34; from Wheeler over Texas Highway 152 to the Texas-Oklahoma State line, thence over Oklahoma Highway 152 to Sayre, Okla., thence over Interstate Highway 40 to junction Oklahoma Highway 34 (approximately four (4) miles west of Elk City), and return over the same route, serving no intermediate points and serving junction Interstate Highway 40 and Oklahoma Highway 34 as a point of joinder only, as an alternate route for operating convenience only; (4) between Shamrock, Tex., and junction Interstate Highway 40 and Oklahoma Highway 34 (approximately four (4) miles west of Elk City, Okla.), over Interstate Highway 40, serving no intermediate points and serving junction Interstate Highway 40 and Oklahoma Highway 34 as a point of joinder only, as an alternate route for operating convenience only; and (5) between Wellington, Tex., and Mangum, Okla.; from Wellington over Texas Highway 203 to the Texas-Oklahoma State line, thence over Oklahoma Highway 9 to Mangum and return over the same route, serving all intermediate points and serving the junction of Texas Highway 203 and Oklahoma Highway 9 at the Texas-Oklahoma State line, as a point of joinder only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 121142 (Sub-No. 5), filed October 13, 1965. Applicant: J & G EXPRESS, INC., Post Office Box 2069, Jackson, Miss. Applicant's representative: James N. Clay III, 340 Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk), (1) between Grenada and Houston, Miss., over Mississippi Highway 8, serving all intermediate points, (2) between junction Mississippi Highway 7 and the Mississippi-Tennessee State line and Belzoni, Miss., over Mississippi Highway 7, serving all intermediate points, and (3) between Grenada and Jackson, Miss., over U.S. Highway 51, with closed doors (except for shipments originating at or destined to points on the route described in (2) above). NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 123067 (Sub-No. 33), filed October 8, 1965. Applicant: M & M TANK LINES, INC., Post Office Box 4174, North Station, Winston-Salem, N.C. Applicant's representative: Frank C. Philips, Post Office Box 612, Winston-Salem, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, as described in appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except petroleum wax, and those commodities listed in appendix XV to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209), from Bayonne and Bayway, N.J., to points in South Carolina, and *rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 123393 (Sub-No. 100), filed October 13, 1965. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 2105 East Dale, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and except vegetable oils and animal fats in bulk, in tank vehicles), from points in Adams County, Nebr., to points in Alabama, Georgia, Florida, North Carolina, and South Carolina. NOTE: If a hearing is deemed necessary, applicant does not specify location.

No. MC 123393 (Sub-No. 101), filed October 18, 1965. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 2105 East Dale Street, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Salina, Kans., to points in Mississippi and Louisiana and *exempt commodities*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans., or Washington, D.C.

No. MC 123405 (Sub-No. 13), filed October 19, 1965. Applicant: FOOD TANSPORT, INC., Post Office Box 1041, York, Pa. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods, table syrups*, and *maple syrup*, from Lewes, Del., to Brundidge, Ala. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123405 (Sub-No. 14), filed October 19, 1965. Applicant: FOOD TRANSPORT, INC., Post Office Box 1041, York, Pa. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned mushrooms*, (1) from Wilmington, Del., to New Orleans, La., and Dallas, El Paso, Houston, and San Antonio, Tex., and Memphis, Tenn., and (2) from Coatesville and Concordville, Pa., to Memphis, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123639 (Sub-No. 39), filed October 22, 1965. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver, Colo. Applicant's representative: Charles W. Singer, Tower Suite 3600, 33 North La Salle Street, Chicago, Ill., 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from points in Adams County, Nebr., to points in Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Denver, Colo.

No. MC 124078 (Sub-No. 161), filed October 11, 1965. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis., 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, from Hanover, Wis., and points within 5 miles thereof, to points in Iowa and Illinois. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124078 (Sub-No. 162), filed October 20, 1965. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, Wis., 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, limestone, and limestone products*, from Valmeyer, Ill., and points within ten (10) miles thereof, to points in Illinois, Indiana, Kentucky, Tennessee, Mississippi, Arkansas, Missouri, Iowa, Michigan, Ohio, Kansas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 124083 (Sub-No. 24), filed October 15, 1965. Applicant: SKINNER MOTOR EXPRESS, INC., 1035 South Keystone, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt, coke, pig iron, scrap metal, ferro alloys, coal, roadbuilding construction materials, dry bulk commodities*, in bulk, *sand, gravel, dirt, cement, brick*, and *construction materials and supplies*, between points in Indiana, with shipments having prior movement by rail, water or motor vehicle in interstate commerce. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 124211 (Sub-No. 69), filed October 18, 1965. Applicant: HILT TRUCK LINE, INC., 3751 Sumner Street, Post Office Box 824, Lincoln 1, Nebr. Applicant's representative: J. Max Harding, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as de-

scribed in sections A and C, appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766 (except commodities in bulk in tank vehicles), between points in Iowa, on the one hand, and, on the other, points in Illinois, Kansas, Missouri, Minnesota, Nebraska, Wisconsin, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 124324 (Sub-No. 6), filed October 15, 1965. Applicant: MURPHY TRUCKING CO., INC., Denver, Ind. Applicant's representative: Donald W. Smith, Suite 511 Fidelity Building, Indianapolis, Ind., 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry urea* from Lima, Ohio, to points in Indiana, and (2) *dyna-floss dical* from Sylvania, Ohio, to points in Indiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 125433 (Sub-No. 3), filed October 25, 1965. Applicant: F–B TRUCK LINE COMPANY, a corporation, Post Office Box 1625, 365 West 1370 South Street, Salt Lake City, Utah., 84110. Applicant's representative: Martin J. Rosen, 140 Montgomery Street, San Francisco, Calif., 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, as described in appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (a) between points in California and Utah, and (b) (1) from points in Colorado to points in Utah, Nevada, California, Idaho, and Montana, (2) from points in Utah to points in Montana, New Mexico, Nevada, Idaho, and Wyoming, and (3) from points in California to points in Nevada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 125708 (Sub-No. 33), filed October 18, 1965. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities in bulk*, in dump vehicles, from points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone as defined by the Commission and points within 10 miles thereof, to points in Illinois, Indiana, Michigan, Wisconsin, Iowa, Nebraska, Kansas, Oklahoma, Arkansas, Tennessee, and Kentucky. NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 116434 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 125708 (Sub-No. 34), filed October 25, 1965. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and articles of iron and steel manufacture*, from points in Whiteside County, Ill., to points in Arkansas, Kentucky, and Tennessee. NOTE: Applicant has contract carrier authority under MC 116434 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126224 (Sub-No. 3), filed October 13, 1965. Applicant: JAMES F. BAILEY, doing business as BAILEY TRUCKING, Rural Route No. 1, Garrett, Ind. Applicant's representative: Donald W. Smith, Suite 511 Fidelity Building, Indianapolis, Ind., 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt*, from Rittman, Ohio, and St. Louis, Mich., to points in De Kalb, Noble, Kosciusko, Whitley, Allen, Lagrange, and Steuben Counties, Ind., (2) *alfalfa meal*, from Blissfield, Mich., and Toledo, Ohio, to points in De Kalb, Noble, Kosciusko, Whitley, Allen, Lagrange and Steuben Counties, Ind., (3) *nitrogen fertilizer*, dry from Lima, Ohio, to points in De Kalb, Noble, Kosciusko, Whitley, Allen, Lagrange and Steuben Counties, Ind., (4) *picket cribbing, fence posts* and *poles*, and *roofing*, from Chicago, Ill., to points in De Kalb, Noble, Kosciusko, Whitley, Allen, Lagrange and Steuben Counties, Ind., (5) *soybean meal*, from Danville and Decatur, Ill., to points in De Kalb, Noble, Kosciusko, Whitley, Allen, Lagrange and Steuben Counties, Ind., and (6) *meat scraps and tankage*, from Toledo, Ohio, to points in De Kalb, Noble, Kosciusko, Whitley, Allen, Lagrange and Steuben Counties, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 126245 (Sub-No. 1), filed October 18, 1965. Applicant: EARL BROOKS, doing business as BROOKS TRUCK LINE, 118 North Salt Pond, Marshall, Mo. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo., 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between St. Louis and Windsor, Mo.; from St. Louis over Interstate Highway 70 to junction U.S. Highway 65, thence over U.S. Highway 65 to junction Missouri Highway 52, and thence over Missouri Highway 52 to Windsor, and return over the same route, serving the intermediate points of Sedalia and Marshall Junction, Mo., (2) between St. Louis and Marshall, Mo.; from St. Louis over Interstate Highway 70 to junction U.S. Highway 65, and thence over U.S. Highway 65 to Marshall, and return over the same route, serving the intermediate point of Marshall Junction, Mo., and the off-route points of Slater, Gilliam, Glasgow, Fayette, Nelson, Napton, Miami, Malta Bend, Blue Lick, Alma, Grand Pass, Carrollton, Waverly, Shackleford, Mount Leonard, Blackburn, Dover, and Corder, Mo., and (3) between St. Louis and Lexington, Mo.; from St. Louis over Interstate Highway 70 to junction Missouri Highway 13, and thence over Missouri Highway 13 to Lexington, and return over the same route, serving the intermediate points of Marshall Junction, Sweet Springs, Emma, Concordia, and Higginsville, Mo., and the off-route points of Buckner, Corder, Dover, Waverly, and Carrollton, Mo. NOTE: Applicant states the authority listed in (1), (2), and (3) above may not be tacked with any other authority held by applicant so that applicant could provide service between St. Louis and Kansas City, Mo. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 126631 (Sub-No. 1), filed October 14, 1965. Applicant: G. L. PLANK, Bluff City, Tenn. Applicant's representative: Clarence Evans, Third National Bank Building, Nashville 3, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer materials or compounds*, in bulk and bags, and *liquid nitrogen fertilizer*, in bulk, from Johnson City, Tenn., to points in Ashe, Avery, Buncombe, Haywood, Henderson, Madison, Mitchell, Transylvania, Watauga, and Yancey Counties, N.C., and points in Dickenson, Lee, Russell, Scott, Smyth, Tazewell, Washington, and Wise Counties, Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 126745 (Sub-No. 13), filed October 22, 1965. Applicant: SOUTHERN COURIERS, INC., 222–17 Northern Boulevard, Bayside, N.Y., 11361. Applicant's representative: Ewell H. Muse, Jr., Suite 415, Perry Brooks Building, Austin, Tex., 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit and accounting media*, between Birmingham, Ala., on the one hand, and, on the other, New Orleans, La., Pensacola, Fla., and Pascagoula and Jackson, Miss. NOTE: Applicant is also authorized to conduct operations as contract carrier in Permit No. MC 123304 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 127033 (Sub-No. 2), filed October 25, 1965. Applicant: C. & B. TRUCKING CO., INC., Post Office Box 192, Chester, S.C. Applicant's representative: Henry P. Willimon, Box 1075, Grennville, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer* in bulk and in bags, from Augusta, Ga., to points in South Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 127042 (Sub-No. 7), filed October 18, 1965. Applicant: HAGEN, INC., 4120 Floyd Street, Sioux City, Iowa. Applicant's representative: J. Max Harding, Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts, and articles distributed by meat packinghouses*, as

described in sections A and C, of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from points in Adams County, Nebr., to points in Idaho, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, North Dakota, South Dakota, Wisconsin, and Wyoming, and *damaged and rejected shipments* of the commodities specified above, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 127267 (Sub-No. 1), filed October 15, 1965. Applicant: CLYDE G. WALKER, doing business as WALKER'S VAN SERVICE, 195 Stockton Street, San Jose, Calif. Applicant's representative: C. R. Nickerson, 9 First Street, San Francisco, Calif., 94105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* and *new office and store fixtures*, uncrated, from Berkeley, Oakland, San Leandro, San Francisco, and South San Francisco, Calif., to points in Oregon and Washington. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 127291 (Sub-No. 2) (Amendment), filed July 16, 1965, published FEDERAL REGISTER issue of August 26, 1965, amended October 21, 1965, and republished as amended this issue. Applicant: HENRY SCHULER, doing business as SCHULER TRUCK LINE, Rural Route, Dalton, Nebr. Applicant's representative: Frank J. Mattoon, Box 218, Sidney, Nebr., 69162. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Compressed strawboard and wood*, combined, and *parts* used for the installation thereof, from the Midwest Stramit Corp. processing plant located at Dalton, Cheyenne County, Nebr., to points in Colorado, Wyoming, Iowa, Washington, South Dakota, and Kansas, and (2) *wood pulp, paper* and *rosin* from points in Colorado, Wyoming, Iowa, Washington, South Dakota, and Kansas to the Midwest Stramit Corp. processing plant located at Dalton, Cheyenne County, Nebr., for the account of Midwest Stramit Corp. of Dalton, Nebr. NOTE: The purpose of this republication is to clearly set forth the authority sought. If a hearing is deemed necessary, applicant requests it be held at Cheyenne, Wyo.

No. MC 127330 (Sub-No. 1), filed October 4, 1965. Applicant: CITY TRANSFER & WAREHOUSE, INC., 400 Southwest First Avenue, Miami, Fla. Applicant's representative: John Gale, 525 Pan American Bank Building, Miami, Fla., 33131. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Miami, Port of Laudania, Fort Lauderdale, Palm Beach, and West Palm Beach, Fla., on the one hand, and, on the other hand, points in Dade, Broward, and Palm Beach Counties, Fla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 127341 (Sub-No. 2), filed October 18, 1965. Applicant: JOHN R. DAILY, INC., 115 West Front Street, Missoula, Mont. Applicant's representative: Jeremy G. Thane, Savings Center Building, Missoula, Mont. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products*, and *articles distributed by meat packinghouses*, as described in sections A, B, and C, appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Missoula, Mont., to points in Missoula, Ravalli, Deer Lodge, Granite, Silver Bow, Mineral, Lewis and Clark, Powell, Lake, Sanders, Flathead, Lincoln, Glacier, and Beaverhead Counties, Mont. NOTE: Applicant states the proposed service will be performed for the account of John Morrell & Co., of Sioux Falls, S. Dak. If a hearing is deemed necessary, applicant requests it be held at Missoula, Mont.

No. MC 127431 (Sub-No. 3), filed October 22, 1965. Applicant: CAROLINA-VIRGINIA COURIERS INC., 222–17 Northern Boulevard, Bayside, N.Y. Applicant's representative: Ewell H. Muse, Jr., Suite 415, Perry Brooks Building, Austin, Tex., 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Payroll checks, business papers and records, sales and advertising pamphlets, and audit and accounting media* (excluding plant removals), between Richmond, Va., on the one hand, and, on the other, Asheville, Charlotte, Raleigh, Rocky Mount, and Winston-Salem, N.C. NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 123486 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Richmond, Va.

No. MC 127487 (Sub-No. 1), filed September 15, 1965. Applicant: CALHOUN TRUCKING COMPANY, INC., 4325 Bath Street, Philadelphia 37, Pa. Applicant's representative: Thomas F. Kilroy, 1815 H Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden poles and piling, treated and untreated*, in flatbed trailers, from Philadelphia, Pa., to points in Connecticut, and *damaged, rejected, and returned shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127578 (Sub-No. 1), filed September 17, 1965. Applicant: KAMIAH DAIRY PRODUCTS, INC., Box 785, Kamiah, Idaho. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Dairy products*, in shipper owned refrigerator trailers, between Spokane, Wash., and Lewiston, Idaho; from Spokane over U.S. Highway 195 to junction U.S. Highway 95, thence over U.S. Highway 95 to Lewiston and return over the same route, serving no intermediate points. NOTE: Applicant states that the above proposed operation will be conducted under continuing contract with the Carnation Co., Spokane, Wash. If a hearing is deemed necessary, applicant requests it be held at Kamiah, Idaho.

No. MC 127640 (Sub-No. 1), filed October 21, 1965. Applicant: WALTER LOTTMAN, 116 Franklin Avenue, Union, Mo. Applicant's representative: Harold B. Bamburg, 407 North Eighth Street, St. Louis 1, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milk, cream, butter, ice cream mix, buttermilk powder*, and *other dairy products*, between St. Louis, Mo., on the one hand, and, on the other, Litchfield, Chester, Carbondale, and Harrisburg, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 127644, filed October 12, 1965. Applicant: MALLARD TRANSPORTATION, INC., 2420 Stagnor Avenue, Warrington, Pa. Applicant's representative: G. Donald Bullock, Box 146, Wyncote, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those requiring special equipment, commodities in bulk and commodities injurious to other lading), (1) between Doylestown, Pa., on the one hand, and, on the other, points in Chester, Berks, Bucks, Delaware, Lehigh, Northampton, and Philadelphia Counties, Pa., and (2) between airports located in Chester, Berks, Bucks, Delaware, Lehigh, Northampton, and Philadelphia Counties, Pa., restricted to shipments having a prior or subsequent movement by air. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 127660, filed October 18, 1965. Applicant: KENNETH L. EBY, 10208 Southeast French Road, Vancouver, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in seasonal operations extending from May 1 through November 1 of each year, transporting: *Boats*, not exceeding 36 feet in length, in truckaway service, between Portland, Oreg., and Olympia, Wash. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 127661, filed October 19, 1965. Applicant: ALFRED PRIEST AND DAVID PRIEST, a partnership, doing business as PRIEST TRANSPORT, 202 42d Avenue SE., Calgary, Alberta, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel (prefabricated trusses)*, from Spokane, Wash., to the port of entry on the international boundary line between the United States and Canada located at or near Eastport, Idaho. NOTE: If a hearing is deemed necessary, applicant does not specify location.

No. MC 127662, filed October 18, 1965. Applicant: WILLIAM YONKOVICH, doing business as CHISHOLM TRANSPORTATION COMPANY, 8 1st Street SW., Chisholm, Minn. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *General commodities* (except

those of unusual value, classes A and B explosives, household goods, as defined by the Commission and those requiring special equipment), between points within a 20-mile radius of Chisholm, Minn., restricted to service which is auxiliary or supplemental to rail service. NOTE: Applicant is also authorized to conduct operations as a common carrier of passengers in Certificate MC 28588. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 127668, filed October 21, 1965. Applicant: WILLIAM WELCH AND JOHN WELCH, a partnership, doing business as WELCH TRUCKING COMPANY, Portales, N. Mex. Applicant's representative: Edwin E. Piper, Jr., Suite 715–18, Simms Building, Albuquerque, N. Mex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, between points in Colorado, New Mexico, and Arizona, on the one hand, and, on the other, points in Oklahoma. NOTE: If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex.

No. MC 127672, filed October 21, 1965. Applicant: NYE TRUCKING CO., INC., 888 Clinton Avenue, Irvington, N.J. Applicant's representative: Charles J. Williams, 1060 Broad Street, Newark, N.J., 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and pitch coatings and cement*, in containers, *sheathing paper, roofing and building paper, and wood lath*, from the plantsite of the Seaboard Supply Co., in Irvington, N.J., to New York, N.Y., and points in Westchester, Ulster, Nassau, Suffolk, Albany, Rensselaer, Schenectady, Warren, Sullivan, Rockland, and Orange Counties, N.Y., Philadelphia, Allentown, and Harrisburg, Pa., Wilmington, Del., and points in Connecticut. NOTE: Applicant states the proposed service to be under a continuing contract or contracts with Seaboard Supply Co. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

MOTOR CARRIERS OF PASSENGERS

No. MC (Sub-No. 8), filed October 19, 1965. Applicant: PINE HILL-KINGSTON BUS CORPORATION, 495 Broadway, Kingston, N.Y. Applicant's representative: James E. Wilson, 1735 K Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, serving Kingston, N.Y., as an intermediate point in connection with applicant's authorized regular-route operations between Oneonta, N.Y., and New York, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Albany, N.Y.

No. MC 127564 (Sub-No. 2), filed October 8, 1965. Applicant: TANNER MOTOR TOURS OF NEVADA, LTD., 1406 South Commerce Street, Las Vegas, Nev., 89102. Applicant's representative: S. Harrison Kahn, 733 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, (1) between Las Vegas, Nev., and Lake Mead, Nev., from Las Vegas over U.S. Highways 93 and 466 to Hoover Dam, Nevada-Arizona, thence over unnumbered highway to Lake Mead, and return over the same route, serving the intermediate point of Hoover Dam, Nevada-Arizona, (2) between Las Vegas, Nev., and Los Angeles, Calif.; from Las Vegas over Interstate Highway 15 to junction Interstate Highway 10 (formerly U.S. Highways 91, 466 and 66), thence over Interstate Highway 10 (formerly U.S. Highway 60) to Los Angeles and return over the same route, serving no intermediate points; (3) between Las Vegas, Nev., and the Grand Canyon, Ariz.; from Las Vegas over U.S. Highway 93 to Kingman, Ariz., thence over U.S. Highway 66 to Williams, Ariz., thence over Arizona Highway 64 to the Grand Canyon and return over the same route, serving no intermediate points; and (4) in a circular tour, from Los Angeles, Calif., over U.S. Highway 60 to Phoenix, Ariz., thence over Arizona Highway 69 to junction Arizona Highway 79, thence over Arizona Highway 79 to Flagstaff, Ariz., thence over U.S. Highway 66 to Williams, Ariz., thence over Arizona Highway 64 to the Grand Canyon, Ariz., thence return over Arizona Highway 64 to Williams, Ariz., thence over U.S. Highway 66 to Kingman, Ariz., thence over U.S. Highway 93 to junction unnumbered highway, thence over unnumbered highway to Lake Mead, Nev., thence return over unnumbered highway to junction U.S. Highway 93, thence over U.S. Highway 93 to Las Vegas, Nev., thence over Interstate Highway 15 to junction Interstate Highway 10, thence over Interstate Highway 10 to Los Angeles, the point of beginning, serving the intermediate points of Phoenix, Ariz., Lake Mead and Las Vegas, Nev. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Las Vegas, Nev.

No. MC 127564 (Sub-No. 3), filed October 21, 1965. Applicant: TANNER MOTOR TOURS OF NEVADA, LTD., 1406 South Commerce Street, Las Vegas, Nev. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending at Las Vegas, Nev., and points within its commercial zone, and extending to points in California, Nevada, Arizona, Oregon, Washington, and Utah. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Las Vegas, Nev.

No. MC 127564 (Sub-No. 4), filed October 21, 1965. Applicant: TANNER MOTOR TOURS OF NEVADA, LTD., 1406 South Commerce Street, Las Vegas, Nev., 89102. Applicant's representative: S. Harrison Kahn, 733 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, beginning and ending at Los Angeles, Calif., and points in Santa Barbara, Ventura, Los Angeles, Orange, Riverside, Kern, and San Diego Counties, Calif., and that part of San Bernardino County, Calif., on and south of U.S. Highway 466, and extending to points in California, Nevada, Arizona, Oregon, Washington, and Utah. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 127663, filed October 18, 1965. Applicant: LEON H. LUDOLPH, doing business as LUDOLPH BUS SERVICE, 304 Eighth Avenue NW., Pipestone, Minn., 56164. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter operations beginning and ending at points in Pipestone, Rock, Murray, and Lincoln Counties, Minn., and extending to points in Wisconsin, Illinois, Iowa, Nebraska, South Dakota, North Dakota, Montana, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak., or Minneapolis, Minn.

No. MC 127669, filed October 20, 1965. Applicant: CHERRY HILL TRANSIT, a corporation, 612 Church Road, Cherry Hill, N.J., 08034. Applicant's representative: Walter S. Anderson, Wilson Building, Broadway at Cooper Street, Camden, N.J., 08102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between Cherry Hill Mall, Cherry Hill, N.J., and intersection of Bridge Street and Frankford Avenue at Philadelphia, Pa.; from Cherry Hill Mall over Haddonfield Road (also known as Haddonfield-Sorrel Horse Road) through Cherry Hill and Pennsauken, N.J., to junction New Jersey Highway 73, thence over New Jersey Highway 73 to Tacony-Palmyra Bridge Plaza, Palmyra, N.J., thence over the Tacony-Palmyra Bridge to State Road at Philadelphia, Pa., thence over State Road, Tacony Street and Bridge Street to intersection Frankford Avenue and return over the same route, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Camden, N.J.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12969, filed October 21, 1965. Applicant: MARY DELEMA PASKEY OUTTEN, doing business as KENT SUSSEX TRAVEL AGENCY, R.F.D. 2, Box 115, Greenwood, Del. For a license (BMC 5) to engage in operations as a *broker* at Greenwood, Del., in arranging for transportation by motor vehicle in interstate or foreign commerce of *passengers and their baggage*, in special and charter operations, beginning and ending at points in Kent and Sussex Counties, Del., and those in New Castle, Del., below the C and D canal and Caroline and Queen Annes Counties, Md., and extending to points in the United States, including the ports of entry on the international boundary lines between the United States and Canada and between the United States and Mexico.

FREIGHT FORWARDER APPLICATIONS

FREIGHT FORWARDER OF PROPERTY

No. FF-328 DAVIDSON FORWARDING COMPANY, freight forwarder application, filed October 21, 1965. Applicant: DAVIDSON FORWARDING COMPANY, 3180 V Street NE., Washington. D.C. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C., 20006. Authority sought under Part IV of the Interstate Commerce Act as a freight forwarder in interstate or foreign commerce, in the forwarding of *used household goods, used automobiles* and *unaccompanied baggage*, between points in the United States, including Alaska and Hawaii.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 531 (Sub-No. 200), filed October 21, 1965. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Post Office Box 14287, Houston, Tex., 77021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine*, in bulk, in tank vehicles, from Yonkers, N.Y., to Minneapolis, Minn. NOTE: Common control may be involved.

No. MC 27970 (Sub-No. 41), filed March 1, 1965. Applicant: CHICAGO EXPRESS, INCORPORATED, 617 Waughtown Street, Post Office Box 213, Winston-Salem, N.C. Applicant's representative: David G. Macdonald, 1000 16th Street NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: Part I, routes in the east subject to interterritorial restriction: *General commodities* (except those of unusual value, classes A and B explosives, bullion, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Baltimore, Md., and Wheeling, W. Va., (X–1) from Baltimore over U.S. Highway 40 (also over Interstate Highway 70N to junction Interstate Highway 70, thence over Interstate Highway 70) to Wheeling, and return over the same route, serving no intermediate points, serving Wheeling and all junctions of U.S. Highway 40 and Interstate Highway 70 for joinder only; (X–2) from Baltimore over U.S. Highway 1 (also over U.S. Highway 29) to Washington, D.C., thence over U.S. Highway 240 to junction U.S. Highway 40 (also over Interstate Highway 70S to junction Interstate Highway 70), thence over U.S. Highway 40 (also over Interstate 70) to Wheeling, and return over the same route, serving the intermediate point of Washington, D.C., and serving the junction U.S. Highways 40 and 240 and Interstate Highways 70N and 70S, near Frederick, Md., for joinder only; between Baltimore, Md., and Pittsburgh, Pa., (X–3) from Baltimore over U.S. Highway 140 to junction U.S. Highway 30, thence over U.S. Highway 30 to Pittsburgh, and return over the same route, serving no intermediate points, serving junctions with the Pennsylvania Turnpike (Interstate Highway 76) for joinder only; (X–4) from Baltimore over U.S. Highway 40 by way of Frederick, Md. (also from Baltimore over U.S. Highway 1 and also over U.S. Highway 29) to Washington, D.C., thence over U.S. Highway 240 to junction U.S. Highway 40, thence over U.S. Highway 40 to Uniontown, Pa.

Thence over Pennsylvania Highway 51 to Pittsburgh, and return over the same route, serving the intermediate point of Washington, D.C.; (X–5) from Baltimore over Interstate Highway 70N and U.S. Highway 40 to Hancock, Md., thence over Interstate Highway 70 to junction Interstate Highway 76, thence over Interstate Highway 76 to junction U.S. Highway 30 at Toll Gate No. 7, thence over U.S. Highway 30 to Pittsburgh, and return over the same route, serving no intermediate points, serving junction U.S. Highway 40 and 240 and Interstate Highways 70N and 70S, near Frederick, Md., and junction Interstate Highway 70 and U.S. Highway 30 near Breezewood, Pa., for joinder only; between Baltimore, Md. and Philadelphia, Pa., (X–6) from Baltimore over U.S. Highway 40 (also from Baltimore over Interstate Highway 95) to junction U.S. Highway 13, thence over U.S. Highway 13 to Philadelphia, and return over the same route, serving the intermediate point of Marcus Hook, Pa.; (X–7) from Baltimore over U.S. Highway 40 to junction U.S. Highway 130, thence over U.S. Highway 130 to Camden, N.J., thence over U.S. Highway 30 to Philadelphia, and return over the same route, serving no intermediate points; between Scranton and Harrisburg, Pa., (X–8) over U.S. Highway 11, serving no intermediate points; (X–9) from Harrisburg over U.S. Highway 22 to junction Northwest Extension of the Pennsylvania Turnpike, thence over Northwest Extension of the Pennsylvania Turnpike to Scranton, and return over the same route, serving no intermediate points, serving the junction Interstate Highway 78 and Northwest Extension of the Pennsylvania Turnpike for joinder only; between Scranton, Pa., and Newark, N.J., (X–10) from Scranton over U.S. Highway 611 to junction U.S. Highway 46, thence over U.S. Highway 46 to junction New Jersey Highway 10.

Thence over New Jersey Highway 10 to Newark, and return over the same route, serving no intermediate points; between Scranton, Pa., and Buffalo, N.Y., (X–11) from Scranton over U.S. Highway 6 to junction U.S. Highway 220, thence over U.S. Highway 220 to Waverly, N.Y., thence over New York Highway 17 (also from Scranton over Interstate Highway 81 to Binghamton, thence over New York Highway 17) to Painted Post, thence over U.S. Highway 15 to Wayland, thence over New York Highway 63 to junction U.S. Highway 20, thence over U.S. Highway 20 to Buffalo, and return over the same route, serving the intermediate point of Elmira, N.Y; between Hartford, Conn., and Albany, N.Y., (X–12) from Hartford over U.S. Highway 5 (also over Alternate U.S. Highway 5) to junction U.S. Highway 20, thence over U.S. Highway 20 to Albany, and return over the same route, serving no intermediate points; (X–13) from Hartford over U.S. Highway 44 to junction U.S. Highway 7, thence over U.S. Highway 7 to junction Massachusetts Highway 71, thence over Massachusetts Highway 71 to Massachusetts-New York State line, thence over New York Highway 71 to junction New York Highway 22, thence over New York Highway 22 to junction New York Highway 203 to junction U.S. Highway 9, thence over U.S. Highway 9 to Albany, and return over the same route, serving no intermediate points; (X–14) from Hartford over Interstate Highway 91 to junction Interstate Highway 90, thence over Interstate Highway 90 to Albany, and return over the same route, serving no intermediate points; between Hartford and Bridgeport, Conn.; (X–15) from Hartford over U.S. Highway 5 (also over Connecticut Highway 4 to junction Connecticut Highway 10, thence over Connecticut Highway 10) to junction U.S. Highway 1.

Thence over U.S. Highway 1 to Bridgeport, and return over the same route, serving no intermediate points; between Hartford, Conn., and Providence, R.I., (X–16) over U.S. Highway 6, serving no intermediate points; between Hartford, Conn., and Boston, Mass., (X–17) from Hartford over U.S. Highway 6 to junction Connecticut Highway 15, thence over Connecticut Highway 15 to Connecticut-Massachusetts State line, thence over Massachusetts Highway 15 to junction U.S. Highway 20, thence over U.S. Highway 20 to Boston, and return over the same route, serving no intermediate points, but serving the off-route point of Somerville, Mass; between Washington, D.C., and Charleston, W. Va., (X–18) from Washington over U.S. Highway 211 to New Market, Va., thence over U.S. Highway 11 to junction U.S. Highway 60, thence over U.S. Highway 60 to Charleston, W. Va., and return over the same route, serving no intermediate points and serving Charleston for joinder only; (X–19) from Washington over Interstate Highway 66 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction Interstate Highway 64, thence over Interstate Highway 64 to Charleston, and return over the same route, serving no intermediate points and serving Charleston for joinder only; between Washington, D.C., and Cincinnati, Ohio, (X–20) over U.S. Highway 50, serving no intermediate points; between Hartford, Conn., and Cleveland, Ohio, (X–21) over U.S. Highway 6, serving the intermediate point of Scranton, Pa., and the off-route point of Elmira, N.Y.; (X–22) from Hartford

over Interstate Highway 84 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction U.S. Highway 422, thence over U.S. Highway 422 to Cleveland, and return over the same route, serving the off-route points of Scranton, Pa., and Elmira, N.Y.; (X–23) serving points in New Jersey on and north of New Jersey Highway 33 and those in New Jersey within 25 miles of Philadelphia, as intermediate and off-route points in connection with carrier's regular routes to and from Philadelphia and Marcus Hook, Pa., Newark, N.J., and New York, N.Y. Restriction: Service to and from points east of the Ohio-Pennsylvania State line is restricted to shipments moving to and from points west of the Ohio-Pennsylvania State line.

Part II, routes in the East not subject to interterritorial restriction: *General commodities* (except those of unusual value, classes A and B explosives, bullion, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between New York, N.Y., and Asbury Park, N.J.; (X–32) from New York over U.S. Highway 1 by Newark, N.J., to junction New Jersey Highway 35, thence over New Jersey Highway 35 to junction New Jersey Highway 66, thence over New Jersey Highway 66 to Asbury Park, and return over the same route, serving all intermediate points; (X–33) from New York over U.S. Highway 1 to New Brunswick, N.J., thence over New Jersey Highway 18 to junction New Jersey Highway 516, thence over New Jersey Highway 516 to junction New Jersey Highway 34, thence over New Jersey Highway 34 to junction New Jersey Highway 33, thence over New Jersey Highway 33 to junction New Jersey Highway 71, thence over New Jersey Highway 71 to Asbury Park, and return over the same route, serving all intermediate points; (X–34) from New York over U.S. Highway 22 to Somerville, N.J., thence over U.S. Highway 206 to Trenton, thence over New Jersey Highway 33 to junction New Jersey Highway 71, thence over New Jersey Highway 71 to Asbury Park, and return over the same route, serving all intermediate points; between Newark and Phillipsburg, N.J.; (X–35) over U.S. Highway 22, serving all intermediate points; (X–36) from Newark over New Jersey Highway 10 to junction U.S. Highway 46, thence over U.S. Highway 46 to junction New Jersey Highway 24.

Thence over New Jersey Highway 24 to Phillipsburg, and return over the same route, serving all intermediate points; between Newark and Hamburg, N.J., (X–37) over New Jersey Highway 23, serving all intermediate points; between Newark, N.J. and the New Jersey-New York State line; (X–38) over New Jersey Highway 17, serving all intermediate points; service over routes X–32 through X–38 above, is proposed to and from the off-route points in New Jersey on and north of New Jersey Highway 33; between Philadelphia, Pa. and junction U.S. Highways 130 and 40 near Deepwater, N.J., (X–39) from Philadelphia over U.S. Highway 30 to Camden, thence over New Jersey Highway 44 to Bridgeport, thence over U.S. Highway 130 to junction U.S. Highway 40, and return over the same route, serving all intermediate points; between Camden and Burlington, N.J., (X–40) from Camden over New Jersey Highway 38 to junction New Jersey Highway 541, thence over New Jersey Highway 541 to Burlington, and return over the same route, serving all intermediate points; between Philadelphia, Pa., and Trenton, N.J. (X–41) over U.S. Highway 1, serving all intermediate points in New Jersey; (X–42) from Philadelphia over U.S. Highway 30 to Camden, thence over U.S. Highway 130 (also over New Jersey Highway 543 to Burlington, N.J., thence over U.S. Highway 130) to junction U.S. Highway 206, thence over U.S. Highway 206 to Trenton, and return over the same route, serving all intermediate points in New Jersey; service over routes X–39 through X–42 above, is proposed to and from the off-route points in New Jersey within 25 miles of Philadelphia, Pa.

Part III, central territory: *General commodities* (except those of unusual value, classs A and B explosives, bullion, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Pittsburgh, Pa., and Chicago, Ill.; (X–49) from Pittsburgh over U.S. Highway 19 (also over Interstate Highway 79) to junction Interstate Highway 80S, thence over Interstate Highway 80S to junction Interstate Highway 80, thence over Interstate Highway 80 to junction U.S. Highway 41, thence over U.S. Highway 41 to Chicago, and return over the same route, serving the off-route points of Cleveland, Akron, Toledo, Ohio, and Elkhart, and South Bend, Ind., and serving Pittsburgh for joinder only; (X–50) from Pittsburgh over Pennsylvania Highway 65 to junction Pennsylvania Highway 51, thence over Pennsylvania Highway 51 to the Pennsylvania-Ohio State line, thence over Ohio Highway 14 to junction Ohio Highway 14A thence over Ohio Highway 14A via Salem to Deerfield, thence over U.S. Highway 224 to junction U.S. Highway 250, thence over U.S. Highway 250 to Norwalk, thence over U.S. Highway 20 to junction U.S. Highway 6 near Fremont (also from Deerfield over Ohio Highway 14 to Cleveland, thence over U.S. Highway 6 to junction U.S. Highway 20 near Fremont), thence over U.S. Highway 6 to junction U.S. Highway 41 (also from Norwalk over U.S. Highway 20 to junction U.S. Highway 41), thence over U.S. Highway 41 to Chicago, and return over the same route, serving the intermediate points of Cleveland and Akron, Ohio, and the off-route points of Toledo, Ohio, and Elkhart, and South Bend, Ind., and serving Pittsburgh for joinder only; (X–51) from Pittsburgh over U.S. Highway 30 to junction U.S. Highway 30N, thence over U.S. Highway 30 N to junction U.S. Highway 30, thence over U.S. Highway 30 to Valparaiso, Ind.

Thence over Indiana Highway 130 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction U.S. Highway 41, thence over U.S. Highway 41 to Chicago, and return over the same route, serving the intermediate points of Canton, Massillon, and Mansfield, Ohio, and Fort Wayne, Ind., and serving Pittsburgh for joinder only; (X–52) from Pittsburgh over U.S. Highway 19 (also over Interstate Highway 79) to Washington, Pa., thence over U.S. Highway 40 (also over Interstate Highway 70) to Wheeling, W. Va., thence over U.S. Highway 250 to Wooster, Ohio, thence to Chicago as in Route (X–51) above (also from Wooster over U.S. Highway 250 to Norwalk, thence to Chicago as in Route (X–50) above), and return over the same route, serving the intermediate points of Toledo, Ohio, and Fort Wayne, Elkhart, and South Bend, Ind., and the off-route points of Mansfield and Massillon, Ohio, and serving Wheeling, W. Va., for joinder only; between Wheeling, W. Va., and Chicago, Ill.; (X–53) from Wheeling over U.S. Highway 40 by Springfield, Ohio (also from Springfield over Ohio Highway 4 to Dayton, thence over U.S. Highway 35 to Richmond, Ind.), to Indianapolis, Ind. (also from Wheeling over Interstate Highway 70 to Indianapolis), thence over U.S. Highway 52 to junction U.S. Highway 41, thence over U.S. Highway 41 (also from Indianapolis over Interstate Highway 65), to Chicago, and return over the same route, serving the intermediate points of Columbus and Dayton, Ohio, Richmond, Indianapolis, and Lafayette, Ind., and serving Wheeling for joinder only; (X–54) from Wheeling over U.S. Highway 40 to Zanesville, Ohio, thence over U.S. Highway 22 to Cincinnati, thence over U.S. Highway 52 to junction Interstate Highway 74.

Thence over Interstate Highway 74 (also over U.S. Highway 52) to Indianapolis, thence over U.S. Highway 136 to Crawfordsville, thence over U.S. Highway 231 to junction U.S. Highway 52, thence over U.S. Highway 52 to junction U.S. Highway 41, thence over U.S. Highway 41 to Chicago, and return over the same route, serving the intermediate points of Cincinnati, Ohio, Indianapolis, Crawfordsville, and Lafayette, Ind., and serving Wheeling for joinder only; (X–55) from Wheeling over U.S. Highway 40 (also over Interstate Highway 70) to Columbus, Ohio, thence over U.S. Highway 33 to Huntsville, thence over Ohio Highway 117 to Lima, thence over U.S. Highway 30S to junction U.S. Highway 30N near Delphos, thence over U.S. Highway 30 to Valparaiso, Ind., thence over Indiana Highway 130 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction U.S. Highway 41, thence over U.S. Highway 41 to Chicago, and return over the same route, serving the intermediate points of Columbus, Ohio, and Fort Wayne, Ind.; and serving Wheeling for joinder only; between Charleston, W. Va., and South Bend, Ind., (X–56) from Charleston over U.S. Highway 60 (also over Interstate Highway 64) to Huntington, W. Va., thence over U.S. Highway 52 to Friendship, Ohio, thence over Ohio Highway 125 (also over U.S. Highway 52) to Cincinnati, thence over U.S. Highway 27 to Fort Wayne, Ind., thence over U.S. Highway 33 to Elkhart, Ind., thence over U.S. Highway 20 to South Bend, and return over the same route, serving the intermediate points of Cincinnati, Ohio, Richmond, Fort Wayne, and Elkhart, Ind., and serving Charleston for joinder only; (X–57) from Charleston to Cincinnati, as above, thence over U.S. Highway 52 (also over Interstate Highway 74) to Indianapolis.

Thence over U.S. Highway 31 to South Bend, and return over the same route, serving the intermediate points of Cincinnati, Ohio and Indianapolis, Ind., and serving Charleston for joinder only; (X–58) from Charleston over U.S. Highway 35 by Chillicothe, Ohio to Dayton, thence over Ohio Highway 49 to Greenville, thence over U.S. Highway 127 to Mercer, thence over U.S. Highway 33 to Fort Wayne, Ind. (also from Chillicothe over U.S. Highway 23 to Columbus, thence over U.S. Highway 33 to Fort Wayne), thence over U.S. Highway 30 to junction U.S. Highway 31, thence over U.S. Highway 31 to South Bend, and return over the same route, serving the intermediate points of Dayton and Columbus, Ohio and Fort Wayne, Ind., and serving Charleston for joinder only; between Cincinnati and Cleveland, Ohio; (X–59) over U.S. Highway 42 (also over Interstate Highway 71), serving the intermediate points of Columbus and Mansfield; (X–60) from Cincinnati over U.S. Highway 42 to London, thence over Ohio Highway 142 to West Jefferson, thence over U.S. Highway 40 to Columbus (also from Cincinnati over Interstate Highway 71 to Columbus), thence over Interstate Highway 71 to Cleveland, and return over the same route, serving the intermediate point of Columbus, and serving the junction of Interstate Highway 71 and U.S. Highway 224 and the junction Interstate Highway 71 and U.S. Highway 30 for joinder only; (X–61) from Cincinnati over Interstate Highway 75 to Findlay, thence over Ohio Highway 12 to junction U.S. Highway 6, thence over U.S. Highway 6 to Cleveland, and return over the same route, serving the intermediate point of Dayton and the off-route point of Sandusky; (X–62) from Cincinnati over U.S. Highway 42 to Xenia, thence over U.S. Highway 68 to Springfield.

Thence over Ohio Highway 4 to Sandusky, thence over Ohio Highway 2 to Cleveland, and return over the same route, serving the intermediate point of Sandusky; between Cincinnati and Toledo, Ohio; (X–63) over Interstate Highway 75 and U.S. Highway 25, serving the intermediate point of Dayton, and serving Findlay for joinder only; (X–64) from Cincinnati over U.S. Highway 27 to Fort Wayne, Ind., thence over U.S. Highway 24 to Toledo, and return over the same route, serving the intermediate points of Richmond and Fort Wayne, Ind.; (X–65) from Cincinnati over Interstate Highway 71 to Columbus (also over U.S. Highway 22 to Washington Court House, thence over U.S. Highway 62 to Columbus), thence over U.S. Highway 23 to Toledo, and return over the same route, serving the intermediate point of Columbus; between Cincinnati, Ohio, and South Bend, Ind.; (X–66) from Cincinnati over U.S. Highway 27 to Richmond, Ind., thence over U.S. Highway 35 to Jonesboro, thence over Indiana Highway 15 to Goshen, thence over U.S. Highway 33 to South Bend, and return over the same route, serving the intermediate points of Richmond and Elkhart, Ind.; (X–67) this number intentionally omitted; between Indianapolis, Ind., and Cleveland, Ohio; (X–68) from Indianapolis over U.S. Highway 40 to Springfield, Ohio, thence over Ohio Highway 4 to Marysville, thence over U.S. Highway 36 to junction U.S. Highway 42, thence over U.S. Highway 42 to Cleveland, and return over the same route, serving the intermediate point of Mansfield, Ohio; (X–69) from Indianapolis over Indiana Highway 37 to Huntington, thence over U.S. Highway 24 to junction U.S. Highway 6.

Thence over U.S. Highway 6 (also over U.S. Highway 24 to junction Ohio Highway 2, thence over Ohio Highway 2) to Cleveland, and return over the same route, serving the intermediate points of Fort Wayne, Ind., Toledo and Sandusky, Ohio; (X–70) from Indianapolis over Indiana Highway 67 to junction Indiana Highway 9, thence over Indiana Highway 9 to Anderson, thence over Indiana Highway 32 via Muncie to junction U.S. Highway 27, thence over U.S. Highway 27 to junction U.S. Highway 224, thence over U.S. Highway 224 to Akron, thence over Ohio Highway 8 (also over U.S. Highway 224 to junction Ohio Highway 1, thence over Ohio Highway 1) to Cleveland, and return over the same route, serving the intermediate point of Akron, and serving Findlay for joinder only; between Massillon and Cleveland, Ohio; (X–71) over U.S. Highway 21, serving no intermediate points; (X–72) from Massillon over U.S. Highway 30 to Canton, thence over Ohio Highway 8 by Akron (also from Massillon over Ohio Highway 236 to junction Ohio Highway 93, thence over Ohio Highway 8 to junction Ohio Highway 14, thence over Ohio Highway 14) to Cleveland, and return over the same route, serving the intermediate points of Canton and Akron; between Lafayette and Fort Wayne, Ind.; (X–73) from Lafayette over Indiana Highway 25 to Logansport, thence over U.S. Highway 24 to Fort Wayne, and return over the same route, serving no intermediate points; between Lafayette and South Bend, Ind.; (X–74) from Lafayette over Indiana Highway 25 to Rochester, thence over U.S. Highway 31 to South Bend, and return over the same route, serving no intermediate points; between St. Louis, Mo., and Indianapolis, Ind.; (X–75) over U.S. Highway 40 (also over Interstate Highway 70); between St. Louis, Mo. and Cincinnati, Ohio; (X–76) over U.S. Highway 50; between St. Louis, Mo., and Evansville, Ind.; (X–77) over U.S. Highway 460; between St. Louis, Mo. and Charleston, W. Va.; (X–78) from St. Louis over U.S. Highway 50 to Shoals, Ind.

Thence over U.S. Highway 150 to Louisville, Ky. (also from St. Louis over U.S. Highway 460 to Louisville), thence over U.S. Highway 60 (also over Interstate Highway 64) to Charleston, and return over the same route, serving Charleston for joinder only; service over routes X–75 through X–78 above, is proposed at the intermediate points of O'Fallon, Ill., restricted to delivery of westbound and origination of eastbound shipments, and at points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone as defined by the Commission; between St. Louis, Mo. and Chicago, Ill., and South Bend, Ind., (X–79) from St. Louis over U.S. Highway 66 to junction Illinois Highway 4–A, thence over Illinois Highway 4–A (also over Interstate Highway 55) to Chicago, and return over the same route, serving points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone as intermediate and off-route points, serving Bloomington, Ill., as an intermediate point restricted to delivery of westbound and origination of eastbound shipments, and serving Chicago for joinder only; (X–80) from St. Louis over U.S. Highway 66 to junction Alternate U.S. Highway 66, thence over Alternate U.S. Highway 66 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Indiana Highway 2, thence over Indiana Highway 2 to South Bend, and return over the same route, serving points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone as intermediate and off-route points, serving Bloomington, Ill., as an intermediate point restricted to delivery of westbound and origination of eastbound shipments, and serving Chicago for joinder only; between Peoria and Chicago, Ill., and South Bend, Ind. (X–81) from Peoria over Illinois Highway 116 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction Illinois Highway 4–A, thence over Illinois Highway 4–A to Chicago, and return over the same route, serving no intermediate points and serving Chicago for joinder only; (X–82) from Peoria over U.S. Highway 24 to junction U.S. Highway 66.

Thence over U.S. Highway 66 to junction Alternate U.S. Highway 66, thence over Alternate U.S. Highway 66 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Indiana Highway 2, thence over Indiana Highway 2 to South Bend, and return over the same route, serving no intermediate points and serving Chicago for joinder only; between Peoria, Ill., and Indianapolis, Ind., (X–83) from Peoria over U.S. Highway 150 to junction U.S. Highway 136, thence over U.S. Highway 136 to Indianapolis, and return over the same route, serving the intermediate point of Bloomington, Ill., for delivery of westbound and origination of eastbound shipments only and the intermediate point of Crawfordsville, Ind.; between De Kalb and Chicago, Ill., (X–84) over Alternate U.S. Highway 30, serving no intermediate points and serving Chicago for joinder only; between Waukegan and Chicago, Ill., (X–85) from Waukegan over Illinois Highway 42 (also from Waukegan over Illinois Highway 120 to junction U.S. Highway 41, thence over U.S. Highway 41) to Chicago, and return over the same route, serving no intermediate points and serving Chicago

for joinder only; between Evansville, Ind., and Waukegan, Ill., (X–86) from Evansville over U.S. Highway 41 to Chicago, Ill., thence over U.S. Highway 45 to junction Illinois Highway 120, thence over Illinois Highway 120 to Waukegan, and return over the same route, serving no intermediate points and serving Terre Haute, Ind., and Chicago, Ill., for joinder only; (X–87) from Evansville over U.S. Highway 41 to Kentland, Ind., thence over U.S. Highway 52 to junction U.S. Highway 45, thence over U.S. Highway 45 to junction Illinois Highway 120.

Thence over Illinois Highway 120 to Waukegan, and return over the same route, serving no intermediate points and serving Chicago, for joinder only; between Evansville, Ind., and Peoria, Ill., (X–88) from Evansville over U.S. Highway 41 to Covington, Ind., thence over U.S. Highway 136 to Danville, Ill., thence over U.S. Highway 150 to Peoria, and return over the same route, serving the intermediate point of Bloomington, Ill., restricted to delivery of westbound and origination of eastbound shipments; (X–89) from Evansville over U.S. Highway 41 to Princeton, Ind., thence over Indiana Highway 64 to the Indiana-Illinois State line, thence over Illinois Highway 15 to Albion, Ill., thence over Illinois Highway 130 to Newton, thence over Illinois Highway 33 to junction Illinois Highway 32, thence over Illinois Highway 32 to junction Illinois Highway 121, thence over Illinois Highway 121 to Peoria, and return over the same route, serving the intermediate point of Bloomington, Ill., restricted to delivery of westbound and origination of eastbound shipments. Part IV, routes in Midwest: *General Commodities* (except those of unusual value, classes A and B explosives, bullion, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Kansas City and St. Louis, Mo., (X–100) over U.S. Highway 40 (also over Interstate Highway 70) serving no intermediate points and serving St. Louis for joinder only; between Kansas City and St. Joseph, Mo., (X–101) over U.S. Highway 71 (also over Interstate Highway 29 to junction U.S. Highway 169, thence over U.S. Highway 169) to St. Joseph and return over the same route, serving no intermediate points and serving Kansas City for joinder only; between Kansas City, Mo., and Topeka, Kans., (X–102) over U.S. Highway 40 (also over Interstate Highway 70), serving Kansas City, Kans., as an intermediate point, and serving Kansas City, Mo., for joinder only; between Kansas City, Mo., and Wichita, Kans., (X–103) from Kansas City to Topeka, as above, thence over Interstate Highway 35 (also from Kansas City over U.S. Highway 169 to Iola, Kans., thence over U.S. Highway 54) to Wichita, and return over the same route, serving the intermediate point of Kansas City, Kans., and serving Kansas City for joinder only; between Minneapolis, Minn., and Chicago, Ill., (X–104) from Minneapolis over U.S. Highway 12 (also over Interstate Highway 94) to Madison, Wis.

Thence over U.S. Highway 14 to junction U.S. Highway 45, thence over U.S. Highway 45 to junction U.S. Highway 20, thence over U.S. Highway 20 (also from Madison over Interstate Highway 90) to Chicago and return over the same route, serving the intermediate point of St. Paul, Minn., and serving Chicago for joinder only. Restriction: Service over routes X–100 through X–104 above, is restricted to shipments transported to, from or through Chicago, Ill., South Bend or Elkhart, Ind., Toledo, Sandusky, Cleveland, Akron, or Canton, Ohio, Pittsburgh, Pa., or Wheeling, Parkersburg, or Charleston, W. Va.; service at Chicago is restricted to joinder only. NOTE: This application is filed pursuant to MC–C–4366, effective May 1, 1964, which provides the special rules for conversion of irregular route to regular motor carrier operations. SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 124047 (Sub-No. 38), filed October 13, 1965. Applicant: SCHWERMAN TRUCKING CO. OF OHIO, a corporation, 611 South 28th Street, Milwaukee, Wis., 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural limestone* from Peebles, Ohio, to Ashland, Ky.

No. MC 124211 (Sub-No. 68), filed October 14, 1965. Applicant: HILT TRUCK LINE, INC., 3751 Sumner, Post Office Box 824, Lincoln, Nebr. Applicant's representative: J. Max Harding, Box 2028, Lincoln, Nebr.. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, conduit and tubing* (except oil field commodities as described by the Commission in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459, and except commodities which, because of size or weight, require the use of special equipment), from Fairbury, Ill., to points in California and Idaho, and *damaged and rejected shipments* of the same commodities, on return.

No. MC 124333 (Sub-No. 8), filed May 17, 1965. Applicant: BAKER PETROLEUM TRANSPORTATION CO., INC., Pyles Lane, New Castle, Del. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C., 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt binder*, in bulk, in tank vehicles, from the plantsite of Del Val Asphalt Corp., Edgemoor, Del., to points in that part of New Jersey, Pennsylvania, Maryland, Virginia, and the District of Columbia, bounded by a line beginning at Perth Amboy, N.J., and extending along the Raritan River to junction U.S. Highway 22, thence west along U.S. Highway 22 to junction U.S. Highway 15 at or near Harrisburg, Pa., thence along U.S. Highway 15 to junction U.S. Highway 211, thence along U.S. Highway 211 to junction Interstate Highway 495, thence along Interstate Highway 495 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Atlantic Ocean at or near Ocean City, Md., thence north along the shore of the Atlantic Ocean to the Maryland-Delaware State line, thence along the Maryland-Delaware State line to the Pennsylvania-Delaware State line, thence along the Pennsylvania-Delaware State line to the Delaware River and the Pennsylvania-New Jersey State line, thence along the shores of the Delaware River, Delaware Bay and Atlantic Ocean to Perth Amboy, N.J., the point of beginning, including points on the above named highways.

No. MC 127417 (Sub-No. 1), filed October 11, 1965. Applicant: CALVIN T. SWIM, Route 4, Box 230 N, Princeton, W. Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rock dust or limestone* and *traction sand*, from Ripplemead, Va., to points in McDowell, Mercer, Fayette, Wyoming, Raleigh, Logan, and Kanawha Counties, W. Va.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65–11795; Filed, Nov. 3, 1965; 8:45 a.m.]

[Notice No. 79]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 1, 1965.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 29660 (Sub-No. 14 TA), filed October 28, 1965. Applicant: HERMAN LOZOWICK TRUCKING CO., 1551 Park Avenue, South Linden, N.J., 07036. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y., 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting:

Aluminum products, and in connection therewith, *materials and supplies* used in the manufacture of such products (except commodities in bulk, in tank vehicles), between Bayway and the site of the plant of the Phelps Dodge Copper Products Corp., at or near South Brunswick Township, Middlesex County, N.J., on the one hand, and, on the other, New York, N.Y. commercial zone, from Bayway and the site of the plant of the Phelps Dodge Copper Products Corp., at or near South Brunswick Township, Middlesex County, N.J., to points in Nassau, Suffolk, Westchester, Dutchess, Ulster, Sullivan, Rockland, and Orange Counties, N.Y., Philadelphia, Pa., and points in Pennsylvania within 15 miles thereof, and Bridgeport, New Haven, and Waterbury, Conn.; and *salvaged, damaged, and returned shipments* of the above-described commodities, from points in Nassau, Suffolk, Westchester, Dutchess, Ulster, Sullivan, Rockland, and Orange Counties, N.Y., Philadelphia, Pa., and points in Pennsylvania within 15 miles thereof, and Bridgeport, New Haven, and Waterbury, Conn., to the site of the plant of the Phelps Dodge Copper Products Corp., at or near South Brunswick Township, Middlesex County, N.J. and Bayway, N.J. Restriction: Under continuing contract with the Phelps Dodge Copper Products Corp. Applicant now holds permit authorizing service to and from the same points for the same shipper for bronze, brass, copper, and nickel products and is here seeking aluminum products authority to provide a complete service to the shipper for products made from aluminum, for 180 days. Supporting shipper: Phelps Dodge Copper Products Corp., 300 Park Avenue, New York, N.Y., 10022. Send protests to: Walter J. Grossmann, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1060 Broad Street, Newark, N.J., 07102.

No. MC 45736 (Sub-No. 18 TA), filed October 28, 1965. Applicant: GUIGNARD FREIGHT LINES, INC., 646 Atando Avenue, Charlotte, N.C., 28206. Applicant's representative: W. D. Turner, Sr., Box 3661, Charlotte, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum lubricating oil and greases*, from Farmers Valley and Emlenton, Pa., to points in North Carolina and South Carolina, for 180 days. Supporting shipper: Quaker State Oil Refining Corp., Oil City, Pa. Send protests to: Jack K. Huff, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 206–327 North Tryon Street, Charlotte, N.C., 28202.

No. MC 103993 (Sub-No. 235 TA), filed October 28, 1965. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. Applicant's representative: John F. Kidd (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles in initial movements, from points in Rapides Parish, La., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Kansas, Kentucky, Missouri, Nebraska, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia, for 180 days. Supporting shipper: Schevelle Mobile Homes, Inc., Post Office Box 868, Pineville, La. Send protests to: John G. Edmunds, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind., 46802.

No. MC 111103 (Sub-No. 14 TA), filed October 28, 1965. Applicant: PROTECTIVE MOTOR SERVICE COMPANY, INC., 725–29 South Broad Street, Philadelphia, Pa., 19147. Applicant's representative: Edward D. Marsh (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Purchase reports, sales records, notice of accounts receivable, accounts payable, memos, price sheets, receiving reports, cash collection records, checks for deposit, payroll checks, and other accounting reporting documents used in the wholesale plumbing and electrical supply and distribution business with a data processing center*, between Lancaster, Lancaster County, Pa., on the one hand, and, on the other, points in Howard County, Md., and Frederick County, Va., for the account of Raub Supply Co., Lancaster, Pa., for 180 days. Supporting shipper: Raub Supply Co., Lancaster, Pa. Send protests to: Peter R. Guman, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 900 U.S. Custom House, 2d and Chestnut Streets, Philadelphia, Pa., 19106.

No. MC 120981 (Sub-No. 4 TA), filed October 28, 1965. Applicant: NORTH TENNESSEE FREIGHT LINE, INC., 606 Fifth Avenue, South, Nashville, Tenn., 37203. Applicant's representative: Walter Harwood, Nashville Bank and Trust Building, Nashville, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, Class A and B explosives, commodities in bulk, and articles requiring special equipment), (1) between Elizabethtown and Lexington, Ky., from Elizabethtown over U.S. Highway 62 to its junction with U.S. Highway 60, thence over U.S. Highway 60 to Lexington, and return, serving no intermediate points, (2) between Elizabethtown and Lexington, Ky., from Elizabethtown over Central Kentucky Parkway to its junction with U.S. Highway 60 and thence over U.S. Highway 60 to Lexington, and return, serving no intermediate points, for 180 days. Supporting shippers: The Gates Rubber Co., 999 South Broadway, Denver, Colo., 80217, Vernon D. Gabe, traffic operations coordinator; Genesco, 111 Seventh Avenue North, Nashville, Tenn., 37202, Eugene E. Wagner, director of traffic; Lawnlite, Post Office Box 196, Portland, Tenn., 37148, Bernard Richman, traffic manager; O'Bryan Bros., Inc., Post Office Box 449, Nashville, Tenn., 37202, Wm. W. Cunningham, traffic manager; Washington Manufacturing Co., 218–28 Second Avenue North, Nashville, Tenn., 37203, J. H. Rice, traffic manager; Braid Electric Co., Nashville, Tenn., 37203; D. W. Swindle & Sons Co., Cherokee Avenue, Nashville, Tenn., Charles T. Swindle, sales manager; and, Lasko Metal Products, Inc., Franklin, Tenn., Byrum Finchum. Send protests to: J. E. Gamble, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 706 U.S. Court House, Nashville, Tenn., 37203.

No. MC 125381 (Sub-No. 3 TA), filed October 27, 1965. Applicant: ARTHUR W. SALISBURY, doing business as WINONA DELIVERY AND TRANSFER CO., 404 West 4th Street, Winona, Minn. Applicant's representatives: Hull and Hull, First National Bank Building, Post Office Box 374, Winona, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise and commodities as are commonly dealt in by mail order and retail department stores*, from Winona, Minn., to points in Buffalo, Trempealeau, Jackson, and La Crosse Counties, Wis., and *return of damaged, rejected or returned shipments* to Montgomery Ward & Co., Inc., Winona, Minn., for 180 days. Supporting shipper: Montgomery Ward, 619 West Chicago Avenue, Chicago, Ill. Send protests to: C. H. Bergquist, district supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 448 Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., 55401.

No. MC 125664 (Sub-No. 2 TA), filed October 28, 1965. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Playground equipment, basketball goals and backboards, toys, movie screens, velocipedes, snow shoes, rope, lawn furniture, porch swings, tables and chairs, boards, chalk or bulletin, and parts thereof*, in straight or mixed shipments, from West Point, Miss., Jamestown, Linesville, and Greenville, Pa., and St. Louis, Mo., to points in the United States (except Alaska and Hawaii); and *returned, rejected or damaged shipments of above commodities*, on return, for 150 days. Supporting shippers: Shepco, Division of Blazon, Inc., Rempel Manufacturing, Inc., a subsidiary of Blazon, Inc., Blazon, Inc., Akron, Ohio (executive offices). Reply to: 4301 South Spring Street, St. Louis, Mo., 63116. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 3248–B, 1520 Market Street, St. Louis, Mo., 63103.

No. MC 125924 (Sub-No. 3 TA), filed October 27, 1965. Applicant: MARIS TRANSPORT LIMITED, 1090 South Service Road, Oakville, Ontario, Canada. Applicant's representative: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, Mich., 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks and*

buses, as defined in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in initial and secondary movements, in driveaway and truckaway service, and *parts and accessories thereof* moving at the same time and with the vehicles of which they are a part and on which they are to be installed, between the port of entry on the U.S. international boundary line, between the United States and Canada at Detroit, Mich., on the one hand, and, on the other, Dearborn and Wayne, Mich., for 180 days. Supporting shipper: Ford Motor Co., the American Road, Dearborn, Mich. Send protests to: George M. Parker, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 324 Federal Office Building, Buffalo, N.Y., 14203.

No. MC 127682 TA, filed October 28, 1965. Applicant: WILLIAM M. BARRON, doing business as CUSTOM SERVICE, Box 241, Stewartsville, N.J. Applicant's representative: Herman B. J. Weckstein, 1060 Broad Street, Newark, N.J., 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, building, plumbing and electrical materials, supplies, equipment and fixtures*, from Phillipsburg, N.J., to points in Bucks, Carbon, Lehigh, Monroe, and Northampton Counties, Pa., for 150 days. Supporting shipper: Wickes Lumber & Building Supply Center branch of Wickes Corp., Highway 24 and Hens Foot Road, Box 167, Phillipsburg, N.J. Send protests to: Joel Morrows, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1060 Broad Street, Newark, N.J., 07102.

No. MC 127684 TA, filed October 28, 1965. Applicant: SAMARDICK OF OMAHA, INC., 410 South 18th Street, Omaha, Nebr., 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Money and other valuables*, from Omaha, Nebr., to Sioux City, Iowa and return, for the Federal Reserve Banks of Chicago, Ill., and Omaha, Nebr., and their member banks, for 150 days. Supporting shipper: G. C. RANKIN, vice president, Federal Reserve Bank of Kansas City, Omaha Branch, 102 South 17th Street, Omaha, Nebr., 68102. Send protests to: K. P. Kohrs, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 705 Federal Building, Omaha, Nebr., 68102.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 65-11858; Filed, Nov. 3, 1965; 8:47 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

NOVEMBER 1, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40095—*Fertilizer materials from Abbeville, La.* Filed by Southwestern Freight Bureau, agent (No. B-8772), for interested rail carriers. Rates on dry fish scrap, not ground or pulverized, or acid fish scrap, in packages, or in bulk, in carloads, from Abbeville, La., to points in Illinois, Iowa, Missouri, and Wisconsin.

Grounds for relief—Market competition.

Tariff—Supplement 146 to Southwestern Freight Bureau, agent, tariff ICC 4422.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 65-11859; Filed, Nov. 3, 1965; 8:47 a.m.]

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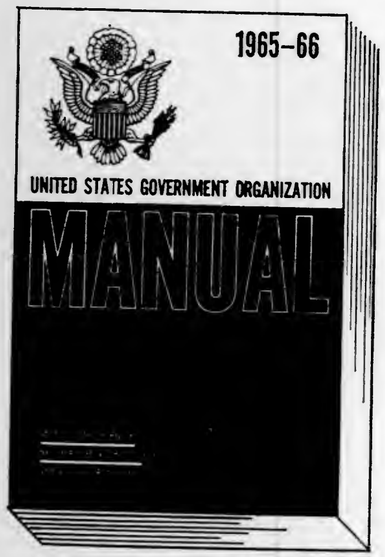
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VOLUME 30 • NUMBER 215

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Pages 14003–14028

Agencies in this issue—

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Atomic Energy Commission
Civil Aeronautics Board
Consumer and Marketing Service
Federal Aviation Agency
Federal Communications Commission
Federal Power Commission
Federal Reserve System
Federal Trade Commission
Fish and Wildlife Service
Food and Drug Administration
Housing and Home Finance Agency
International Commerce Bureau
Interstate Commerce Commission
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Maritime Administration
Public Housing Administration
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THE NATIONAL ARCHIVES OF THE UNITED STATES
1934

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter II—Employment and Compensation in the Canal Zone

PART 1201—GENERAL

PART 1202—FILLING POSITIONS

Miscellaneous Amendments

1. Effective upon publication in the FEDERAL REGISTER, paragraph (b) of § 1201.100 is amended by the addition of subparagraph (10) to read as follows:

§ 1201.100 Exclusions.

• • • • • •

(b) • • •

(10) Positions designated by the Canal Zone Civilian Personnel Policy Coordinating Board as appropriate for use as Student Trainee positions and which are filled under a cooperative work-study agreement between a Canal Zone agency and a college or university approved for participation in such a program by the Canal Zone Civilian Personnel Policy Coordinating Board.

• • • • • •

2. Effective upon publication in the FEDERAL REGISTER, § 1202.14 is amended by the addition of paragraph (c) to read as follows:

§ 1202.14 Noncompetitive appointments.

• • • • • •

(c) A Student Trainee who has successfully completed his cooperative work-study program may be appointed noncompetitively to an NM–5 or NM–7 position for which he meets the qualification requirements, with the exception of any written test requirements, in the field of work in which he received his training, provided:

(1) He has successfully completed all the requirements for a bachelor's degree, including any specialized courses required for the particular position for which he has been in training;

(2) He has completed at least 6 months work experience (i.e., 6 months in a pay status) as a Student Trainee in the agency that recommends his appointment, and

(3) His employing agency recommends him for non-competitive appointment within 90 days after completion of his work-study program.

3. Effective upon publication in the FEDERAL REGISTER, § 1202.15 is amended by the addition of paragraph (e) to read as follows:

§ 1202.15 Tenure following noncompetitive appointment.

• • • • • •

(e) The noncompetitive appointment of a person who has successfully completed a cooperative work-study program under paragraph (c) of this section shall be made as a Canal Zone Career-Conditional Appointment or Canal Zone Career Appointment and shall be subject to the satisfactory completion of a probationary period of one year. Canal Zone Career-Conditional Appointments shall be automatically converted to Canal Zone Career Appointments upon completion of the service requirement. A merit status shall be acquired upon completion of a satisfactory probationary period.

STANLEY R. RESOR,
Secretary of the Army.

[F.R. Doc. 65–11892; Filed, Nov. 4, 1965; 8:45 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 140—FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

Restoration of Limit of Liability Endorsement

On September 16, 1965, the Commission published in the FEDERAL REGISTER (30 F.R. 11873) for public comment, a proposed amendment to 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements," consisting of an amendment to an endorsement to the form of the nuclear energy liability insurance policy set forth in Appendix A, 10 CFR Part 140 (25 F.R. 2948, 26 F.R. 6641, 28 F.R. 7077, 29 F.R. 7710 and 29 F.R. 9529). The amendment would provide for an alternate paragraph in the "Restoration of Limit of Liability Endorsement." The alternative provision would be used when the reduction in the limit of liability results from a clearly identifiable nuclear event and restoration of the limit would be made retroactive to the effective date of the policy for claims other than those resulting from the identified event.

The Commission has decided to adopt the proposed amendment. The text of the amendment set out below is identical with the text of the proposed amendment published September 16, 1965, as corrected by publication September 22, 1965.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, the following amendment of 10 CFR Part 140 is published as a document subject to codification to be effective thirty (30) days after publication in the FEDERAL REGISTER.

Section 140.75, Appendix A, is amended by adding an explanatory note and alternative paragraph 2 to follow existing paragraph 2 of the Nuclear Energy Liability Policy (Facility Form), Restoration of Limit of Liability Endorsement, to read as follows:

NOTE: When the reduction of the limit of liability results from a clearly identifiable nuclear event and restoration is offered retroactive to the effective date of the policy for claims other than those resulting from said event, above paragraph 2 will be replaced by the following:

2. Such reduced limit is restored to the amount stated in Item 4 of the declarations, except with respect to bodily injury or property damage resulting from (describe nuclear event).

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201; sec. 170, 71 Stat. 576; 42 U.S.C. 2210)

Dated at Washington, D.C., this 28th day of October 1965.

For the Atomic Energy Commission.

F. T. HOBBS,
Assistant Secretary.

[F.R. Doc. 65–11888; Filed, Nov. 4, 1965; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 65–SW–30]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Areas

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to relocate the boundary between Restricted Areas R–5107B and R–5107C at White Sands Proving Grounds, N. Mex.

This boundary change will remove a small portion from the southeast corner of R–5107C. R–5107C is a joint use area while R–5107B is a nonjoint use area. Occasionally when R–5107C is not in use except for that portion overlying the White Sands Missile Range, the entire area is withheld from public use because of the need to protect aircraft from the activity within that portion of the missile range. Realignment of the boundary will increase the availability of R–5107C for public use.

Since this amendment is less restrictive upon the public and minor in nature, notice and public procedure hereon are unnecessary and the amendment may be effective in less than 30 days' notice.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 6, 1966, as hereinafter set forth.

In § 73.51 (29 F.R. 17756), the present boundaries of R–5107B and R–5107C at White Sands Proving Grounds, N. Mex., are deleted and the following boundaries are substituted therefor.

R-5107B WHITE SANDS PROVING GROUNDS, N. MEX.

Boundaries: Beginning at latitude 33°44'-45'' N., longitude 106°04'00'' W.; to latitude 32°50'00'' N., longitude 106°04'00'' W.; to latitude 32°3600'' N., longitude 106°06'00'' W.; to latitude 32°25'00'' N., longitude 106°06'00'' W.; to latitude 32°23'18'' N., longitude 106°07'03'' W.; to latitude 32°24'-48'' N., longitude 106°09'00'' W.; to latitude 32°19'30'' N., longitude 106°20'36'' W.; to latitude 32°19'30'' N., longitude 106°39'30'' W.; to latitude 33°13'00'' N., longitude 106°-52'00'' W.; to latitude 33°49'45'' N., longitude 106°45'20'' W.; to latitude 33°49'30'' N., longitude 106°16'30'' W.; thence along the south side of U.S. Highway 380 to the point of beginning.

R-5107C WHITE SANDS PROVING GROUNDS, N. MEX.

Boundaries: Beginning at latitude 34°17'-00'' N., longitude 106°04'00'' W.; to latitude 33°44'45'' N., longitude 106°04'00'' W.; thence along the south side of U.S. Highway 380 to latitude 30°49'30'' N., longitude 106°16'30'' W.; to latitude 33°49'45'' N., longitude 106°-45'20'' W.; to latitude 34°15'45'' N., longitude 106°40'30'' W.; to latitude 34°17'00'' N., longitude 106°12'00'' W.; to the point of beginning.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C. on October 29, 1965.

CLIFFORD P. BURTON,
Acting Director, Air Traffic Service.

[F.R. Doc. 65-11902; Filed, Nov. 4, 1965; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6608.]

PART 13—PROHIBITED TRADE PRACTICES

Fruehauf Trailer Co.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets:* 13.5-20 Federal Trade Commission Act.

[Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18) [Order of divestiture, Fruehauf Trailer Co., Detroit, Mich., Docket 6608, May 28, 1965]

Order requiring the Nation's dominate manufacturer of truck trailers located in Detroit, Mich., to divest itself absolutely within a period of 1 year of two former competitors: (1) Hobbs Manufacturing Co., Fort Worth, Tex., and Hobbs Trailer & Equipment Co., Dallas, Tex., acquired on November 1, 1955, and (2) The Strick Co., Philadelphia, Pa., and Strick Plastic Corp., Perkasie, Pa., acquired on January 1, 1956; and requiring the two firms be recreated as effective competitors in the truck-trailer industry, and to comply with other obligations of the Order as set forth below.

The order of divestiture including further order requiring report of compliance therewith is as follows:

It is ordered, That:

I. (A) Respondent Fruehauf Trailer Co., a corporation, and its officers, directors, agents, representatives, and employees, shall, within one (1) year from the date this order becomes final, divest itself absolutely, in good faith, of all assets acquired by said respondent from Hobbs Manufacturing Co. and Hobbs Trailer & Equipment Co. (hereinafter called Hobbs), together with so much of the plants, machinery, buildings, improvements, equipment, and other property of whatever description that have been added to or placed upon the premises formerly owned by Hobbs, as may be necessary to restore Hobbs as a going concern and effective competitor in all the lines of commerce in which it was engaged immediately prior to its acquisition by respondent.

As used in this order, "assets" shall include any properties, rights and privileges, tangible and intangible, including but not limited to all plants, machinery, equipment, contract rights, patents, licenses, trade names, trademarks, and good will of whatever description.

(B) Pending divestiture, Fruehauf Trailer Co. shall not make any changes in any of the above-mentioned assets which impair their present capacity for the production, distribution, sale of financing of truck trailers, or impair their market value, unless said capacity or value is restored prior to divestiture.

(C) Respondent in such divestiture shall not sell or transfer, directly or indirectly, any of the assets to be divested to anyone who at the time of the divestiture is a stockholder, officer, director, representative, employee, or agent of, or under the control or direction of, respondent or any of respondent's subsidiary or affiliated companies, or to anyone who is not approved as a purchaser in advance by the Federal Trade Commission.

(D) If respondent divests the assets, properties, rights and privileges, described in paragraph A of this order, to a new corporation or corporations, the stock of each of which is wholly owned by Fruehauf Trailer Co., and if respondent then distributes all of the stock in said corporation or corporations to the stockholders of Fruehauf Trailer Co., in proportion to their holdings of Fruehauf Trailer Co. stock, then paragraph (C) of this order shall be inapplicable, and the following paragraphs (E) and (F) shall take force and effect in its stead.

(E) No person who is an officer, director or executive employee of Fruehauf Trailer Co., or who owns or controls, directly or indirectly, more than one (1) percent of the stock of Fruehauf Trailer Co., shall be an officer, director or executive employee of any new corporation or corporations described in paragraph (D) or shall own or control, directly or indirectly, more than one (1) percent of the stock of any new corporation or corporations described in paragraph (D).

(F) Any person who must sell or dispose of a stock interest in Fruehauf Trailer Co. or the new corporation or corporations described in paragraph (D) in order to comply with paragraph (E) of this order may do so within six (6) months after the date on which distribution of the stock of the said corporation or corporations is made to stockholders of Fruehauf Trailer Co.

II. (A) Respondent, Fruehauf Trailer Co., a corporation, and its officers, directors, agents, representatives, and employees shall, within one (1) year from the date this order becomes final, divest itself absolutely, in good faith, of all assets of its Strick Trailers Division and such other assets as may be necessary to restore The Strick Co. and Strick Plastics Corp. as a going concern and effective competitor in all the lines of commerce in which it was engaged immediately prior to its acquisition by respondent.

As used in this order, "assets" shall include any properties, rights and privileges, tangible and intangible, including but not limited to all plants, machinery, equipment, contract rights, patents, licenses, trade names, trademarks, and good will of whatever description.

(B) Pending divestiture, respondent shall not make any changes in any of the above-mentioned assets which impair their present capacity for the production, distribution, sale or financing of truck-trailers, or impair their market value, unless such capacity or value is restored prior to divestiture.

(C) Respondent in such divestiture shall not sell or transfer, directly or indirectly, any of the assets to be divested to anyone who at the time of divestiture is a stockholder, officer, director, representative, employee or agent of, or under the control, influence or direction of respondent or any of respondent's subsidiary or affiliated companies, or to anyone who is not approved in advance by the Federal Trade Commission.

(D) If respondent divests the assets, properties, rights and privileges, described in paragraph A of this order, to a new corporation or corporations, the stock of each of which is wholly owned by Fruehauf Trailer Co., and if respondent then distributes all of the stock in said corporation or corporations to the stockholders of Fruehauf Trailer Co., in proportion to their holding of Fruehauf Trailer Co. stock, then paragraph (C) of this order shall be inapplicable, and the following paragraphs (E) and (F) shall take force and effect in its stead.

(E) No person who is an officer, director or executive employee of Fruehauf Trailer Co., or who owns or controls, directly or indirectly, more than one (1) percent of the stock of Fruehauf Trailer Co., shall be an officer, director or executive employee of any new corporation or corporations described in paragraph (D) or shall own or control, directly or indirectly, more than one (1) percent of the stock of any new corporation or corporations described in paragraph (D).

(F) Any person who must sell or dispose of a stock interest in Fruehauf Trailer Co. or the new corporation or corporations described in paragraph (D) in order to comply with paragraph (E) of this order may do so within six (6) months after the date on which distribution of the stock of the said corporation or corporations is made to stockholders of Fruehauf Trailer Co.

III. Respondent Fruehauf shall, within sixty (60) days from the date this order shall become final, and every ninety (90) days thereafter until divestiture is fully effected, submit to the Commission a detailed written report of its actions, plans, and progress in complying with the provisions of this order.

It is further ordered, That the charges of Count I of the complaint with respect to the Carter, Brown, Independent Metals, and Hyde acquisitions and the charges of Count II of the complaint be, and they hereby are, dismissed.

Issued: May 28, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 65-11918; Filed, Nov. 4, 1965; 8:48 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Order No. 308; Docket No. R-279]

PART 154—RATE SCHEDULES AND TARIFFS

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

PART 250—FORMS

Miscellaneous Amendments

OCTOBER 29, 1965.

This order amends the regulations under the Natural Gas Act to grant relief from certificate and rate filing requirements in the case of small producer sales in the Permian Basin area. By notice of August 5, 1965 (30 F.R. 10058), issued the same day as the Commission's decision in the Permian Basin area rate case (Docket No. AR61-1), the Commission proposed to relieve small producers of the necessity for filing detailed certificate and rate documents for each sale. Instead, a small producer would operate under a general certificate authorizing one or more sales in the area and would file a single annual rate statement of compliance with the appropriate area price restrictions. Our Permian decision provided that sales made pursuant to a small producer certificate should at no time exceed the base price determined as just and reasonable, but would not be subject to the further detailed quality adjustments.

Pursuant to the notice of rulemaking, eleven parties have filed comments with the Commission.[1] Amerada, Cockrell, Hunt, and Sun generally oppose the rulemaking proposal. Thus, Amerada contends that the rule constitutes unwarranted discrimination in favor of small producers. The distinguishing characteristics justifying special relief for small producers were set forth in our Permian decision (Opinion No. 468, 34 FPC ____). Moreover, such procedural relief in favor of small producers compensates for some advantages that only large producers enjoy as a practical matter. Thus, "producer warranty-type" sales which have become prevalent in recent years[2] offer many advantages to pipeline purchasers, but require a degree of reserves support which small producers cannot provide. Our rule helps to correct the imbalance. Moreover, the comments filed by Associated Gas Distributors, OIPA, and TIPRO observe that the rule would improve the marketing of natural gas, simplify the administration of the Act, and benefit both gas consumers and small producers.

Hunt Oil Co., et al. argue that the 10 million Mcf cutoff between large and small producers is arbitrary and unwarranted. Hunt suggests that evidence it offered in another proceeding would justify a higher cutoff. As TIPRO has observed, the 10 million Mcf cutoff evolved out of Commission experience. A line must be drawn at some point; we believe 10 million Mcf is here justified. Addison v. Holly Hill Products, Inc., 322 U.S. 607, 611.

OIPA urges that the proposed rule be extended immediately to pricing areas outside the Permian Basin. There are no just and reasonable rate determinations for the other areas at this time. OIPA would have us use the guideline certificate price under our general policy statement (18 CFR 2.56) as the basis for issuing small producer certificates. However, the appropriate initial price is often subject to controversy and resolution in particular hearings; both producer and consumer interests sometimes contend that the appropriate "in-line" price differs from our guideline. In any event, we believe that our procedural innovation should be tested fully in the Permian Basin area before we consider a separate rulemaking proceeding to extend similar relief to small producer sales elsewhere.

A number of comments question the intent of the proposed rule in situations where two or more producers have an interest in a single sale. We shall clarify the rule to extend relief to every interest of a qualifying small producer, this will include situations in which a small producer's interest is sold under his own contract, or under a large producer's contract, or under another small producer's contract. Where several small producers have interests in a single contract, we shall permit them to be covered by a single small producer certificate. Moreover, where large producer interests in a small producer contract amount to 12½ percent or less, we shall permit the small producer certificate to cover these fractional interests as well as small producer interests. Hunt et al. urge that the rule be amended to cover large producer interests greater than 12½ percent under a small producer certificate. Hunt points out that large producers often farm out leases to small producers retaining an overriding royalty interest in the property (which is sometimes convertible on certain contingencies to a working interest). Hunt says that it "is not uncommon for this overriding royalty interest to exceed 12½ percent." Hunt does not contend, however, that overrides in excess of 12½ percent are common in the Permian Basin area and our attention has not been called to any such instances in this area. On the other hand, the Commission's files reflect a number of farm out agreements in which large producers in the Permian Basin area have retained less than a 12½ percent overriding royalty interest (e.g. seven-eighths of one-eighth interest).[3] On the basis of the information and experience now available, we do not believe that any further modification of the rule is warranted.

In order to permit large producers whose interests are covered by small producer rate schedules to file rate schedules of their own, we shall amend the Regulations to permit such filings, even if the large producer is not a signatory to the gas purchase contract. In such cases, the large producer's rate schedule will consist of a copy of the small producer's contract and a document indicating the large producer's ownership interest. As matters now stand, exercise of this rule will be quite rare.

A number of comments (by Hunt et al., IPAA and TIPRO) criticize the proposed provision creating a presumption that producers who are related are under common control and therefore should be treated as one for purposes of determining whether they are small producers. We shall clarify the intent of the rule by providing that relationship may be the basis of common control without creating a formal presumption that such is the case in every instance.

El Paso has suggested that pipeline companies be excluded from the definition of "affiliated producers" under the common control test. We do not adopt this suggestion and make clear, to the contrary, that a company which is affiliated with a pipeline company is not

[1] Amerada Petroleum Corp., Associated Gas Distributors, E. Cockrell, Jr., El Paso Natural Gas Company, Hunt Oil Company, et al., Independent Petroleum Association of America, Oklahoma Independent Petroleum Association, Southern Natural Gas Company, Sun Oil Company, Texas Independent Producers & Royalty Owners Association, and United Gas Pipe Line Company.

[2] Pan American Petroleum Corp., 34 FPC ____, order issued Sept. 15, 1965, in Docket No. CI65-584.

[3] There are a few instances in the Permian Basin in which a large producer has a working interest exceeding 12½ percent in a small producer contract.

eligible for the "small producer" classification, even though its jurisdictional sales be small. The rationale underlying the special relief afforded small producers applies only to fully-independent entities and not to companies which have the advantage of a pipeline affiliation.

El Paso further suggests a clarification to provide that joint operating agreements between two or more producers will not, standing alone, be deemed to indicate common control. This we adopt.

We also adopt El Paso's suggestion that the volumetric test of a small producer, 10 million Mcf a year, be applied on a calendar year basis.

El Paso suggests that where a small producer becomes a large producer, he should be required to make new certificate and rate schedule filings for his previously authorized contracts. We see no reason to impose this burden upon the producer who expands his operation and we do not adopt the suggestion.

Sun Oil Co. suggests that the rule would be more specific if the 10 million Mcf cutoff were tied to a particular pressure base. We shall adopt this suggestion, and select the pressure base of 14.65 p.s.i.a utilized in Opinion No. 458. Sun further criticizes as vague a provision permitting revocation of a small producer certificate for "other good cause". We agree and shall substitute a provision for revocation in case of violation of the Natural Gas Act, regulations or terms of the certificate.

Sun also expresses the fear that the wording of our rule may subject small producer sales to detailed quality differential adjustments, contrary to the holding in the Permian decision. In order that our rule may be explicit and self-contained, we shall spell out the prices governing sales under a small producer certificate in the language of the Permian decision. If a small producer seeks a different price for a particular sale, he would do so by applying for a separate certificate for that sale.

TIPRO suggests that the application for a small producer certificate list owners of 10 percent or more of the applicant, rather than 5 percent or more as proposed by the notice. TIPRO asserts that this change would substantially reduce the administrative burdens upon applicants. As a matter of administrative convenience we shall adopt TIPRO's proposal.

Southern Natural and El Paso request service of applications for small producer certificates and copies of the Commission's order upon all existing purchasers. Commission practice provides for such service of Commission orders and will continue in effect. We shall adopt the suggestion as to service of the applications.

United Gas Pipeline asserts that the proposed reporting by purchasers from holders of small producer certificates would be unduly burdensome and urges that any reports be filed by the small producers. We do not consider the proposed amendment to the Form 2 to be unduly burdensome. However, the notice proposed reporting in the Form 2 and 2A annual reports only. Since these reports are made only by pipeline companies, the notice did not extend to reporting by independent producers who purchase gas from small producers. The Commission desires to adopt a reporting procedure applicable to all purchasers from small producers and will, to that end, issue a further notice of proposed rulemaking in this docket limited to the matter of reporting.

The Commission finds:

The amendments herein adopted are necessary and appropriate for the purposes of the administration of the Natural Gas Act.

The Commission, acting pursuant to the authority granted by the Natural Gas Act, as amended, particularly sections 4, 7, and 16 thereof (52 Stat. 822, 824, 830; 56 Stat. 83; 76 Stat. 72; 15 U.S.C. 717c, 717f, 717o) orders:

(A) Parts 154 and 157 of Subchapter E and Part 250 of Subchapter G, Chapter I, Title 18 of the Code of Federal Regulations, are amended as follows:

1. Part 157 is amended by adding a new § 157.40 as follows:

§ 157.40 Small producer certificates of public convenience and necessity.

(a) *Definitions.* (1) A "Small Producer" is an independent producer of natural gas as defined in § 154.91 of this chapter, who is not affiliated with a natural gas pipeline company and whose total jurisdictional sales on a nationwide basis, together with such sales of "affiliated producers" are not in excess of 10,000,000 Mcf at 14.65 p.s.i.a. during any calendar year. As used in this section, the term "jurisdictional sales" includes volumes of gas paid for but not taken under prepayment clauses or otherwise, and volumes of gas sold under other independent producer rate schedules in the proportion that the independent producer seeking to come within this section has an interest in such sales, but does not include sales made pursuant to percentage sales contracts.

(2) "Affiliated producers" are persons who, directly or indirectly, control, or are controlled by, or are under common control with, the applicant producer. Such control exists if the producer has the power to direct or cause the direction of, or as a matter of actual practice does direct, the management and policies of a person, whether such power is exercised alone or through one or more intermediary companies, or pursuant to an agreement, and whether such power or practice is established through a majority or minority ownership or voting of securities, common directors, officers or stockholders, voting trusts, holding trusts, associated companies, relationship of blood or marriage, or any other direct or indirect means. For the further purposes of this section, the term "agreement" shall not include any agreement for the operation of a natural gas producing property or a plant processing natural gas unless such agreement otherwise establishes the power to direct or cause the direction of the management and policy of a person.

(3) "Small producer sales" are (i) sales by a small producer of his own interests under his own contracts; (ii) sales of all interests under a small producer's contract if producers not qualifying as smaller producers have interests which in the aggregate are no greater than 12½ percent; and (iii) sales of a small producer's interests under another producer's contract.

(b) *Requirements for the small producer certificate.* Upon the approval of appropriate applications made pursuant to the provisions of this section, Small Producers will be granted "Small Producer Certificates" authorizing "small producer sales" of natural gas in interstate commerce at prices no higher than the applicable just and reasonable area ceiling for such gas, without further certification from the Commission.

(1) Small Producer Certificates are initially available only to Small Producers operating in the Permian Basin and are applicable only to their small producer sales in that area and will authorize sales at prices no higher than:

(i) For new gas-well gas sold and to be sold pursuant to contracts executed on or after January 1, 1961, and any residue gas derived therefrom:

(*a*) In Texas Railroad Districts No. 7–c and 8—16.5 cents per Mcf (at 14.65 p.s.i.a.).

(*b*) In Lea, Eddy and Chaves Counties in New Mexico—15.5 cents per Mcf (at 14.65 p.s.i.a.) plus the applicable state and local production taxes in effect on September 1, 1965.

(ii) For gas-well gas, sold and to be sold pursuant to contracts executed before January 1, 1961, and any residue gas derived therefrom, and for all casinghead gas and any residue gas derived therefrom and to be sold:

(*a*) In Texas Railroad Districts No. 7–c and 8—14.5 cents per Mcf (at 14.65 p.s.i.a.).

(*b*) In Lea, Eddy and Chaves Counties in New Mexico—13.5 cents per Mcf (at 14.65 p.s.i.a.) plus the applicable state and local production taxes in effect on September 1, 1965.

(iii) "Gas-well gas" means gas from dry gas reservoirs and gas condensate reservoirs, and gas from gas-cap wells.

Such certificates will apply to the production in other areas and the producers therein located upon the fixing of just and reasonable rates for such areas by the Commission.

(2) Small producers may apply for a small producer certificate to cover all previous and all future jurisdictional sales in the Permian Basin, which do not raise the producer's total jurisdictional sales on a nationwide basis above 10,000,000 Mcf during any calendar year. Applications by these producers shall include the following information: (i) Total jurisdictional sales on a nationwide basis for the year preceding the application; (ii) a list of outstanding certificates and rate schedules together with names and percentage of interest of other interest owners under such rate schedules; (iii) a list of outstanding rate schedules of others in which applicant owns an interest together with applicant's percentage of interest; and (iv) the names of all owners (stockholders, partners, joint venturers, etc.) of the applicant with an interest of 10 percent or more, their percentage of ownership in the applicant and in any other natural gas company, and any positions such owners may hold with another natural gas company.

(3) An applicant for small producer certificates who has no outstanding certificate issued by, or rate schedule filed with, this Commission for the sale of natural gas shall include the following information in his application:

(i) A list of all contracts to sell natural gas in interstate commerce,

(ii) Source of production, total rate and the annual volume delivery obligations of the producer under each such contract, together with names and percentage of interest of other interest owners under each such contract, and

(iii) A list of owners of the applicant with an interest of 10 percent or more, their percentage of ownership in the applicant and in any other natural gas company and any position such owners may hold with another natural gas company.

(4) The application shall contain the information required by the form set out in § 250.10 of this chapter. A conformed copy shall be served upon each of the applicant's purchasers without regard to the area from which the gas is produced.

(c) *Duration of the small producer certificate.* A small producer certificate issued hereunder shall remain in effect for small producer sales until the Commission on its own motion or on application terminates such certificate because the producer no longer qualifies as a small producer or fails to comply with the requirements of the Natural Gas Act, the regulations thereunder, or the terms of the certificate. Upon such termination the producer will be required to file separate certificate applications and individual rate schedules for future sales but the small producer certificate will still be effective as to those past sales already certificated thereunder.

2. Part 154 is amended by adding a new paragraph (f) to § 154.91; by redesignating § 154.103 as § 154.110 and amending it; and by adding a new § 154.104, as follows:

§ 154.91 Applicability.

* * * * *

(f) *Filings by certain non-signatories.* Where the operator and the signatory co-owners in a particular sale have secured a small producer certificate pursuant to § 157.40 covering the sale, and where any non-signatory co-owner's interests are not covered by the small producer certificate, such co-owner may file rate schedules, rate changes, or certificate applications with respect to such interests notwithstanding the provisions of paragraph (d) of this section.

* * * * *

§ 154.103 [Vacated, reserved]

§ 154.104 Annual statements by small producers.

Annual statements certifying to the matters enumerated in the form set out in § 250.11 of this chapter shall be filed by all producers, either individually or by groups, to whom small producer certificates have been issued. The statements shall be submitted by February 15 of each year for the preceding calendar year.

§ 154.110 Applicability of §§ 154.92 through 154.102.

Sections 154.92 through 154.102 shall apply only to those persons specified in § 154.91 and shall not apply to small producer sales made under small producer certificates issued pursuant to § 157.40 of this chapter.

3. Part 157 is further amended by redesignating § 157.31 as § 157.39 and amending it as follows:

§ 157.31 [Vacated, reserved]

§ 157.39 Applicability of §§ 157.23 through 157.30.

Sections 157.23 through 157.30 shall be applicable to independent producers as defined in § 154.91 of this Chapter, with the exception of those independent producers who are subject to § 157.40.

4. Part 250 is amended by adding two new sections, as follows:

§ 250.10 Application for small producer certificate of public convenience and necessity.

(See § 157.40(b)(4) of this chapter.)

APPLICATION FOR SMALL PRODUCER—CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

NOTE: Independent Producers of natural gas whose total jurisdictional sales on a nationwide basis for the preceding calendar year, combined with those of "affiliated producers," were not in excess of 10,000,000 Mcf may file the information called for in the following form: In four copies, to the Federal Power Commission, Washington, D.C., 20426. Include volume of gas paid for but not taken under prepayment clauses or otherwise, and volumes of gas sold under other independent producer rate schedules in the proportion that the independent producer seeking to come within section 157.40 has an interest in such sales. Do not include sales made pursuant to percentage sales contracts. If insufficient space is given for a complete answer, continue the answer on the reverse side, noting the relevant number.

1. Name of applicant	2. State of organization
3. Location of principal place of business	4. Type of organization (corporation, partnership, joint venture, etc.)
5. Names of States in which authorized to do business.	
6. Name, title and mailing address of person responsible for application.	
(Name and title)	(Mailing address)
7. Total jurisdictional sales volumes at 14.65 p.s.i.a. for preceding calendar year.	
8. List all certificates presently held by docket number and all contracts on file with the Commission as rate schedules by rate schedule name and number.	
9. If applicant does not have any outstanding certificates issued by the Commission for the sale of gas, list for each jurisdictional sale or transportation contract: (a) Name of purchaser; (b) sources of production by State, county and field; (c) annual contract volume delivery obligation (indicate p.s.i.a. per Mcf); (d) total price per Mcf at time of filing.	
10. List all owners of more than 10 percent interest in applicant: (a) Individual name; (b) percent of ownership.	
11. List all interest owned by the individually named owners in other natural gas companies: (a) Individual name; (b) company names; (c) percent of ownership.	
12. List any positions held by these individual owners in applicant company or any other natural gas company.	
13. Is applicant or any individual owner listed, affiliated with any purchaser of jurisdictional gas from applicant (if so list name of buyer and seller for each such sale and nature of affiliation).	
14. List all owners of more than ¼ interest in each gas sale contract to be covered by this certificate and the amount of their interest.	
(Signature)	(Title) (Date)

§ 250.11 Annual statement for independent producers holding small producer certificates.

(See § 157.40(c) of this chapter.)

I hereby certify that total sales subject to the jurisdiction of the Federal Power Commission made by the undersigned under Docket No. -------- for the calendar year 19-- were -------- Mcf at 14.65 p.s.i.a.

I certify also that all sales for which separate certificates were not obtained were "small producer sales" as defined in section 157.40 and were made at prices not in excess of the applicable area rates fixed by the Commission.

(Name of small producer)

Signed ----------
Representative capacity ----------

(Secs. 4, 7, 16, 52 Stat. 822, 824, 830; 56 Stat. 83; 76 Stat. 72; 15 U.S.C. 717c, 717f, 717o)

(B) The amendments prescribed herein shall become effective upon the issuance of this order.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-11893; Filed, Nov. 4, 1965; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

RESINOUS AND POLYMERIC COATINGS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5B1793) filed by American Cyanamid Co., Wayne, N.J., 07470, and other relevant material, has concluded that the food additive regulations should be amended to provide for broader use of cyanoguanidine as a catalyst for epoxy resins in food-contact coatings by deleting the limitation presently restricting this epoxy resin catalyst to use only in coatings intended for repeated use in contact with food. The deletion of this limitation will permit cyanoguanidine to be used as a catalyst for epoxy resins employed in coatings intended for one-time use in contact with food in addition to coatings intended for repeated use in contact with food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.2514(b)(3)(viii)(b) is amended by changing the item "Cyanoguanidine for use only in coatings subject to the provisions of paragraph (c) (3) or (4) of this section" to read as follows:

§ 121.2514 Resinous and polymeric coatings.

* * * * *

(b) * * *
(3) * * *
(viii) * * *
(*b*) * * *

Cyanoguanidine.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 29, 1965.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 65-11904; Filed, Nov. 4, 1965; 8:46 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter III—Public Housing Administration, Housing and Home Finance Agency

PART 1500—GENERAL PROCEDURAL PROVISIONS

Seal

Chapter III, Public Housing Administration, is amended by adding a new § 1500.8 *Seal* as follows:

§ 1500.8 Seal.

On and after November 9, 1965, the seal of the Department of Housing and Urban Development as approved by the Secretary pursuant to section 7(g) of P.L. 89-174, 79 Stat. 670, shall be the seal to be affixed to documents executed in the name of the Public Housing Administration which require the seal of the Public Housing Administration.

Approved: October 29, 1965.

[SEAL] MARIE C. MCGUIRE, *Commissioner.*

[F.R. Doc. 65-11900; Filed, Nov. 4, 1965; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3858]

[Arizona 035025]

ARIZONA

Withdrawal for National Forest Administrative Sites

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the United States mining laws, in aid of programs of the Department of Agriculture:

GILA AND SALT RIVER MERIDIAN

APACHE NATIONAL FOREST

As an Administrative Site

T. 5 N., R. 30 E.,
Sec. 14, N½SE¼.
Containing 80 acres.

COCONINO NATIONAL FOREST

For Protection of Archeological Values of Great Antiquity

T. 13 N., R. 5 E.,
Sec. 11, lots 3 and 4.
T. 21 N., R. 9 E.,
Sec. 11, SE¼SW¼SE¼ and S½SE¼SE¼;
Sec. 12, SW¼SW¼SW¼;
Sec. 13, W½NW¼NW¼ and NW¼SW¼NW¼;
Sec. 14, NE¼NE¼, E½NW¼NE¼, NE¼SW¼NE¼, and N½SE¼NE¼.
T. 16 N., R. 11 E.,
Sec. 12, SW¼SE¼SW¼;
Sec. 13, S½N½NW¼NW¼, S½NW¼NW¼, N½NE¼SW¼NW¼, N½NW¼SE¼NW¼, and W½NE¼NW¼.
Containing 310.20 acres.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON, *Assistant Secretary of the Interior.*

OCTOBER 29, 1965.

[F.R. Doc. 65-11901; Filed, Nov. 4, 1965; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 15722]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Miscellaneous Amendments; Correction

In the matter of amendment of Part 2 of the Commission's Rules to conform, to the extent practicable with the Geneva (1959) Radio Regulations, as revised by the Space EARC, Geneva, 1963.

In the Appendix to the Report and Order in the above entitled matter which was released on May 20, 1965, and published in the FEDERAL REGISTER on May 28, 1965 (30 F.R. 7153), § 2.106 of the Table of Frequency Allocations, is corrected with respect to the band 7300–7750 Mc/s to read as shown below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154; interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: November 2, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Secretary.*

Section 2.106 of the Commission's rules is amended, in part, to read as follows:

* * * * *

Band (Mc/s) (7)	Service (8)
* * *	* * *
7300–7750	COMMUNICATION-SATELLITE (US91). METEOROLOGICAL-SATELLITE (G/NG) (US92). [FIXED(G) MOBILE(G)].

* * * * *

[F.R. Doc. 65-11911; Filed, Nov. 4, 1965; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Kootenai National Wildlife Refuge, Idaho

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting season makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

IDAHO

KOOTENAI NATIONAL WILDLIFE REFUGE

The public hunting of ducks, coots and gallinules on the Kootenai National Wildlife Refuge, Idaho, is permitted from November 6, 1965, through January 16, 1966, and the hunting of geese from November 6, 1965, through January 6, 1966, but only on the area designated by signs as open to hunting. This open area comprising 2,530 acres is delineated on maps available at the refuge headquarters, Bonners Ferry, Idaho, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland, Oreg., 97208.

Hunting shall be in accordance with all applicable State and Federal regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 16, 1966.

JOHN D. FINDLAY, *Acting Regional Director, Bureau of Sport Fisheries and Wildlife.*

SEPTEMBER 29, 1965.

[F.R. Doc. 65-11908; Filed, Nov. 4, 1965; 8:47 a.m.]

PART 32—HUNTING

Kootenai National Wildlife Refuge, Idaho

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

IDAHO

KOOTENAI NATIONAL WILDLIFE REFUGE

The public hunting of ring-necked pheasants and blue, ruffed and spruce grouse on the Kootenai National Wildlife Refuge, Idaho, is permitted from November 6 through November 14, 1965, but only on the area designated by signs as open to hunting. This open area comprising 2,530 acres is delineated on maps available at refuge headquarters, Bonners Ferry, Idaho, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland, Oreg., 97208.

Hunting shall be in accordance with all applicable State and Federal regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 14, 1965.

JOHN D. FINDLAY, *Acting Regional Director, Bureau of Sport Fisheries and Wildlife.*

SEPTEMBER 29, 1965.

[F.R. Doc. 65-11907; Filed, Nov. 4, 1965; 8:47 a.m.]

PART 32—HUNTING

Kootenai National Wildlife Refuge, Idaho

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

IDAHO

KOOTENAI NATIONAL WILDLIFE REFUGE

The public hunting of deer and bear on the Kootenai National Wildlife Refuge, Idaho, is permitted from November 6 through November 28, 1965, but only on the area designated by signs as open to hunting. This open area comprising 2,530 acres is delineated on maps available at refuge headquarters, Bonners Ferry, Idaho, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland, Oreg., 97208.

Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of deer and bear.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 28, 1965.

JOHN D. FINDLAY, *Acting Regional Director, Bureau of Sport Fisheries and Wildlife.*

SEPTEMBER 29, 1965.

[F.R. Doc. 65-11906; Filed, Nov. 4, 1965; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Parts 201, 206, 251, 287]

CHARGES AND FEES FOR CERTAIN SERVICES

Notice of Extension of Time for Filing Comments

In notice of proposed rule making appearing in F.R. Doc. 65–10742, in the FEDERAL REGISTER issue of October 9, 1965 (30 F.R. 12889), comments on the proposed charges or fees were permitted to be filed "by close of business on November 8, 1965."

Notice is hereby given that the time within which comments may be filed is extended to "by close of business on December 1, 1965."

By order of the Maritime Administrator.

Dated: November 3, 1965.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 65–11947; Filed, Nov. 4, 1965; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 905]

HANDLING OF ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Proposed Approval of Expenses and Fixing of Rate of Assessment for 1965–66 Fiscal Period

Consideration is being given to the following proposals submitted by the Growers Administrative Committee, established under marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(a) That expenses that are reasonable and necessary to be incurred by the Growers Administrative Committee during the period August 1, 1965, through July 31, 1966, will amount to $163,000.

(b) That the rate of assessment for such period, payable by each handler in accordance with § 905.41, be fixed at $0.005 per standard packed box.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: November 2, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–11923; Filed, Nov. 4, 1965; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Parts 2, 50, 115]

LICENSE AND COMPLIANCE PROCEEDINGS

Review of Initial Decisions

The Commission has under consideration amendments to its rules of practice, Part 2, which would eliminate the present procedure for petitions for review of initial decisions in licensing and compliance proceedings and substitute appeals as of right by the filing of exceptions by the parties, and amendments to related sections of Part 50—Licensing of Production and Utilization Facilities; and Part 115—Procedures for Review of Certain Nuclear Reactors Exempted from Licensing Requirements. Those sections presently prescribe, or refer to, a procedure whereby Commission review of initial decisions may be had only by the filing of a petition for review which the Commission in its discretion may or may not grant.

Experience under that procedure indicates that the use of the petition for review delays, rather than expedites, the disposition of cases, by adding additional steps to the adjudicatory process. It has not, on the other hand, lessened the workload of either the Commission or the staff. Accordingly, the Commission is considering adoption of the less cumbersome procedure of allowing appeals from initial decisions by the filing of exceptions. These amendments would not affect the Commission's opportunity to review initial decisions within 45 days on its own motion. The Commission's principal purpose here is not to encourage the taking of appeals from initial decisions, but rather to expedite the Commission's decisional process by the elimination of procedural requirements which have not proved necessary.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, notice is hereby given that adoption of the following amendments of 10 CFR Parts 2, 50, and 115 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary, United States Atomic Energy Commission, Washington, D.C., 20545, within 60 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

1. Paragraph (i) of § 2.743 is revised to read as follows:

§ 2.743 Evidence.

* * * * * * *

(i) *Official notice.* Official notice may be taken of any fact of which judicial notice might be taken by the courts of the United States and of any technical or scientific fact within the knowledge of the Commission as an expert body, if (1) the fact is specified in the record or is brought to the attention of the parties before final decision, and (2) every party adversely affected by the decision is afforded an opportunity to controvert the fact. Any party may oppose a request that official notice be taken of a fact. If a decision is stated to rest in whole or in part on official notice of a fact which the parties have not had a prior opportunity to controvert, a party may controvert the fact by exceptions to an initial decision or a petition for reconsideration of a final decision, clearly and concisely setting forth the information relied on to show the contrary.

2. Paragraph (a) and subparagraphs (3) and (4) of paragraph (c) of § 2.760 are revised to read as follows:

§ 2.760 Initial decision and its effect.

(a) After hearing, the presiding officer will render an initial decision which will constitute the final action of the Commission 45 days after its date when it authorizes the issuance or amendment of a license for a facility, or thirty days after its date in any other case, unless exceptions are taken in accordance with section 2.762 or the Commission directs that the record be certified to it for final decision.

* * * * * * *

(c) * * *

(3) The appropriate ruling, order or denial of relief with the effective date;

(4) The time within which exceptions to the decision may be filed, the time within which briefs in support of or in opposition to the exceptions may be filed and, in the case of an initial decision which may become final in accordance with paragraph (a) of this section, the date when it may become final.

3. Subparagraph (1) of § 2.761(a) and subparagraph (1) of § 2.761(c) are revised to read as follows:

§ 2.761 Expedited decisional procedure.

(a) * * *

(1) All parties stipulate that the initial decision may be omitted and waive their rights to file exceptions, to request oral argument, and to seek judicial review;

* * * * * *

(c) * * *

(1) All parties stipulate that the initial decision may be made effective immediately and waive their rights to file exceptions, to request oral argument, and to seek judicial review.

* * * * * *

4. Section 2.762 is revised to read as follows:

§ 2.762 Exceptions to initial decisions and briefs to the Commission.

(a) Within 20 days after service of any initial decision, or such longer period as may be fixed therein, any party may file exceptions to the decision with the Commission and shall serve copies of such exceptions on all other parties. Each exception shall be separately numbered, shall identify the part of the initial decision to which objection is made; shall specify precisely the portions of the record relied upon; and shall state the grounds for the exception including the citation of authorities in support thereof. Any objection to a ruling, finding, or conclusion which is not made a part of the exceptions will be deemed to be waived.

(b) Within such period after service of an initial decision as may be fixed therein, any party to a proceeding may file a brief before the Commission in support of his exceptions to the decision or in opposition to the exceptions filed by any other party.

5. Section 2.763 is revised to read as follows:

§ 2.763 Oral argument.

In its discretion the Commission may allow oral argument upon the request of a party made in his exceptions or brief, or upon its own initiative.

6. Paragraph (b) of § 2.764 is revised to read as follows:

§ 2.764 Expedited effectiveness of initial decision directing issuance or amendment of construction permit.

* * * * * *

(b) If any party opposes the motion for expedited effectiveness of the initial decision, the presiding officer may stay its effectiveness pending the filing, within five (5) days after its issuance, of an exception to the provision for expedited effectiveness, and thereafter until decision by the Commission on the exception.

7. Paragraph (a) of § 2.771 is revised to read as follows:

§ 2.771 Petition for reconsideration.

(a) A petition for reconsideration of a final decision may be filed by a party within ten (10) days after the date of the decision. No petition may be filed with respect to an initial decision which has become final through failure to file exceptions thereto.

8. Paragraph (e) of § 50.57 is revised to read as follows:

§ 50.57 Provisional operating license.

* * * * * *

(e) In a case where a hearing has been held in connection with a proceeding under this section the presiding officer may, upon written motion and upon good cause shown, provide that any initial decision issued pursuant to this section shall become effective ten (10) days after issuance subject to (1) the review thereof and further decision by the Commission upon exceptions filed by any party, and (2) such order as the Commission may enter upon such exceptions or upon its own motion within forty-five (45) days after the issuance of such initial decision. In the absence of a Commission order pursuant to the foregoing, and in the absence of exceptions to the initial decision, the initial decision shall become the final decision of the Commission at the end of such forty-five (45) day period. If any party opposes the motion for expedited effectiveness of the initial decision, the presiding officer may stay its effectiveness pending filing within five (5) days after its issuance of an exception to the provision for expedited effectiveness, and thereafter until decision by the Commission on the exception.

9. Paragraph (e) of § 115.45 is revised to read as follows:

§ 115.45 Provisional operating authorization.

(e) In a case where a hearing has been held in connection with a proceeding under this section the presiding officer may, upon written motion and upon good cause shown, provide that any initial decision issued pursuant to this section shall become effective ten (10) days after issuance subject to (1) the review thereof and further decision by the Commission upon exceptions filed by any party, and (2) such order as the Commission may enter upon such exceptions, or upon its own motion within forty-five (45) days after the issuance of such initial decision. In the absence of a Commission order pursuant to the foregoing, and in the absence of exceptions to the initial decision, the initial decision shall become the final decision of the Commission at the end of such forty-five (45) day period. If any party opposes the motion for expedited effectiveness of the initial decision, the presiding officer may stay its effectiveness pending filing within five (5) days after its issuance of an exception to the provision for expedited effectiveness, and thereafter until decision by the Commission on the exception.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 28th day of October 1965.

For the Atomic Energy Commission.

F. T. HOBBS,
Assistant Secretary.

[F.R. Doc. 65–11921; Filed, Nov. 4, 1965; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 25]

[Docket No. 7008; Notice No. 65–33]

HYDRAULIC SYSTEM FOR TRANSPORT CATEGORY AIRPLANES

Notice of Proposed Rule Making

The Federal Aviation Agency is considering amending Part 25 of the Federal Aviation Regulations to prescribe more comprehensive design and test requirements for airplane hydraulic systems and to require that the reliability of the systems be established by functional tests and analyses.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before January 5, 1966, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

The current airworthiness regulations governing hydraulic systems on transport category airplanes have been in effect without significant change since 1952. During this period of time, however, aircraft design has advanced to the point where the required hydraulic systems are substantially more complex than any contemplated at the time of the adoption of the current rules. Service experience with hydraulic systems meeting the current design requirements has established that there is a need for more detailed and comprehensive regulations concerning the hydraulic systems. In this connection, it is proposed to amend the present strength, design, and fire protection requirements for hydraulic systems and to add a new regulation concerning the reliability of the systems.

At the present time all elements of the hydraulic system must be designed to withstand all structural loads without permanent detrimental deformation. However, the Agency is aware that a temporary deformation can cause a pressure or flow restriction. Therefore, it is proposed to amend the regulations to require that all elements must be designed to withstand all structural loads without any detrimental deformation.

It is further proposed to change the present regulations to require that there be no detrimental deformation under limit structural loads plus system design operating pressure loads and that there be no rupture under ultimate structural loads plus system design operating pressure loads.

Under this proposal, the pressure test requirements would be amended to make it clear that the complete system as installed in an aircraft must be tested to a pressure of 1.5 times the design operating pressure. On the other hand, each element in a hydraulic system would be required to be pressure-tested to withstand without rupture various specified ultimate pressures.

In some aircraft the fluid surge pressure and the ambient temperature in engine nacelles has been found to exceed the design conditions for the hydraulic system hoses, seals, and packings. Therefore, the Agency considers it necessary to require a fluid temperature indicator at a crewmember station. Moreover, in order to provide, without delay, complete information to the flight crew concerning the condition of the hydraulic system, it is proposed to require a hydraulic fluid quantity indicator as a necessary supplement to the pressure and fluid temperature indicator.

Service experience has shown that the general requirements of § 25.1309 concerning systems and installations are too broad to ensure the necessary reliability in the modern, complex hydraulic systems. Therefore, the Agency considers it necessary to specifically require that compliance with § 25.1309 be shown by functional tests and analyses of the hydraulic system as installed in the aircraft. However, the regulation permits the use of a mockup of the system if it provides for interaction among portions of the hydraulic system. Moreover, in order for reliability requirements to be completely meaningful, it is considered necessary to include substantiation that the system can be relied upon to function normally in the expected environment. Therefore, this proposal requires that the capability of the system to withstand the repeated loads and temperatures of variable magnitude expected in service must be substantiated by tests.

The present requirements concerning hydraulic system fire protection would be amended under this proposal to include the substance of the referenced sections and to delete all reference to the word "flammable" since the Agency is aware that all hydraulic fluids are flammable to varying degrees.

Finally, it is proposed to include requirements designed to prevent harmful or hazardous concentrations of hydraulic fluid or vapors in the crew and passenger compartments, if the hydraulic fluid could be harmful when liberated in any form.

In consideration of the foregoing, it is proposed to amend Part 25 of the Federal Aviation Regulations by amending § 25.1435 as follows:

§ 25.1435 Hydraulic systems.

(a) *Design.* Each hydraulic system must be designed as follows:

(1) Each element of the hydraulic system must be designed to withstand the design operating pressure loads in combination with limit structural loads which may be imposed without deformation that would prevent it from performing its intended function and to withstand the design operating pressure loads in combination with ultimate structural loads without rupture.

(2) There must be means provided at a flight crewmember station to indicate the pressure in each primary hydraulic power system.

(3) There must be means available to the flight crew to indicate the quantity of fluid in each main hydraulic power system. This means must be provided at a flight crewmember station unless the ultimate functional services by the failed system remain adequately served by at least two additional completely separate systems, not including an emergency system.

(4) There must be means provided at a flight crewmember station to indicate the fluid temperature in each primary hydraulic power system.

(5) There must be means to ensure that no pressure, including transient (surge) pressure, in any part of the system will exceed safe limit above design operating pressure and to prevent excessive pressures resulting from fluid volumetric changes in all lines which are likely to remain closed long enough for such changes to occur.

(6) Each hydraulic element must be installed and supported to prevent excessive vibration and to withstand inertia loads and must be protected from abrasion, corrosion, and mechanical damage. If hydraulic fluid could be harmful to occupants when liberated in any form, there must be a means to prevent harmful or hazardous concentration of fluid or vapors in the crew and passenger compartments.

(7) Means for providing flexibility must be used to connect points in a hydraulic fluid line between which relative motion or differential vibration exists.

(b) *Tests.* (1) Each element of the hydraulic system must be tested to show that it can withstand without rupture the following ultimate pressures (excluding surge pressure)—

(i) 250 percent of design operating pressure for elements under oil pressure;

(ii) 300 percent of design operating pressure for elements subject to back pressure;

(iii) 400 percent of design operating pressure for elements under oil and air pressure; and

(iv) 400 percent of design operating pressure for lines, hoses, and fittings.

(2) The complete hydraulic system must be tested to show that it can withstand a pressure of 1.5 times the design operating pressure without a deformation of any part of the system that would prevent it from performing its intended function. For the purpose of this test, the pressure relief valve may be made inoperable to permit application of the required pressure.

(c) *Fire protection.* (1) If hydraulic fluids or vapors might be liberated by the leakage or failure in hydraulic systems, there must be means to—

(i) Prevent the ignition of these fluids or vapors; or

(ii) Control any fire resulting from that ignition.

(2) No tank or reservoir that is part of a system containing hydraulic fluids may be in a designated fire zone unless the fluid contained, the design of the system, the materials used in the tank, the shutoff means, and all connections, lines, and control provide a degree of safety equal to that which would exist if the tank or reservoir were outside such a zone.

(3) There must be at least one-half inch of clear airspace between each tank or reservoir and each firewall or shroud isolating a designated fire zone.

(4) Absorbent materials close to hydraulic fluid system components that might leak must be covered or treated to prevent the absorption of hazardous quantities of fluids.

(5) There must be a means to shut off or otherwise prevent hazardous quantities of hydraulic fluid from flowing into, within, or through, any designated fire zone.

(6) The closing of any fluid shutoff valve for any designated fire zone may not make fluid unavailable to the remaining parts of the system associated with other designated fire zones.

(7) Operation of any shutoff may not interfere with the later emergency operation of other equipment.

(8) Each shutoff must be outside of designated fire zones unless an equal degree of safety is otherwise provided.

(9) No hazardous quantity of hydraulic fluid may drain into any designated fire zone after shutoff.

(10) There must be means to guard against inadvertent operation of the shutoff means and to make it possible for the crew to reopen the shutoff means in flight after it has been closed.

(11) Each line and fitting carrying hydraulic fluids in designated fire zones, except vent and drain lines and their fittings, whose failure will not result in or add to, a fire hazard, must meet the following requirements:

(i) The line and fitting must be at least fire resistant.

(ii) Flexible hose assembly (hose and end fitting) must be approved.

(iii) The ambient and fluid temperature limitations and the fluid pressure limitation of the hose must equal or exceed those limitations of the zone in which the hose is used.

(d) *Reliability.* (1) Compliance with § 25.1309 for hydraulic systems must be shown by functional tests and analyses. Mockup testing of the complete system or subsystems is acceptable if interaction with other subsystems is accounted for. The tests must include a demonstration that the emergency system operates satisfactorily after a failure is introduced in the primary system.

(2) All elements in high-pressure systems must be shown by tests to be capable of withstanding the repeated loads and temperatures of variable magnitude expected in normal operation.

(3) For the tests specified in subparagraphs (1) and (2), the following apply:

(i) Flight loads expected to be experienced in normal operations must be rationally determined and realistically applied.

(ii) The tests must realistically simulate repeated complete flights through all reasonable foreseeable environmental conditions that can affect system operation, so as to duplicate actual conditions wherein all hydraulic elements and subsystems are repeatedly operated in sequence from engine start to engine shutdown, as a check on unusual back pressure, surges, temperature, and other possible causes of failure.

(iii) Cyclic loads used during the tests must take into account flight and ground structural loads, the effects of vibration, and variations in pressure and temperature.

(iv) Elements subject to leakage, fatigue, thermal effects, or deterioration due to usage must be tested under representative environmental conditions.

(v) Elements which have failed during the tests must be redesigned to ensure against similar failures.

These regulations are proposed under sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354 (a), 1421, and 1423).

Issued in Washington, D.C., on November 1, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-11924; Filed, Nov. 4, 1965; 8:49 a.m.]

[14 CFR Part 39]

[Docket No. 7004]

AIRWORTHINESS DIRECTIVES

Boeing Model 727 Series Airplanes

The Federal Aviation Agency is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive aplicable to Boeing Model 727 Series airplanes. There have been failures of the engine cowl latch assembles which could cause loss of the cowl panels in flight with resultant damage to the airplane. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed AD would require modification of the engine cowl latch assemblies on Boeing Model 727 Series airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before December 6, 1965, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BOEING. Applies to Model 727 Series airplanes.

Compliance required as indicated.

To prevent loss of the engine cowl panels in flight and resultant damage to the airplane structure, accomplish the following:

(a) Within 1500 hours' time in service after the effective date of this directive, unless already accomplished, modify the side engine cowl panel latch assemblies in accordance with Boeing Service Bulletin 71-14 or later FAA-approved revisions.

(b) Within 3000 hours' time in service after the effective date of this directive, unless already accomplished, modify the center engine cowl panel latch frames in accordance with Boeing Service Bulletin 71-27 or later FAA-approved revisions.

Any deviation from the above requirements must be approved as an equivalent by Chief, Aircraft Engineering Division, Western Region.

(Boeing Service Bulletins 71-14 and 71-27 cover this subject.)

Issued in Washington, D.C., on October 29, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-11925; Filed, Nov. 4, 1965; 8:49 a.m.]

[14 CFR Part 39]

[Docket No. 7005]

AIRWORTHINESS DIRECTIVES

de Havilland Model 104 Dove Series Airplanes

Amendment 3 (23 F.R. 439) AD 57-20-2, requires replacement of the pistons in Dunlop pneumatic retraction jacks fitted to the main and nose landing gear assemblies on de Havilland Model 104 Dove Series airplanes. Subsequent to the issuance of Amendment 3, the manufacturer has developed a modification that when accomplished, allows the repetitive replacement required in the AD to be discontinued. Also, the compliance time is now stated in terms of hours' time in service instead of landings. This is based based upon an average flight duration of one hour by operators of the subject airplanes. Therefore it is proposed to amend Part 39 of the Federal Aviation Regulations by adding an airworthiness directive superseding Amendment 3 to provide for a permanent repair of the affected pneumatic jacks and to have the compliance time stated in hours' time in service.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before December 6, 1965, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

DE HAVILLAND. Applies to all Model 104 Dove Airplanes with Serial Numbers through 04504.

Compliance required as indicated.

To prevent further cracking of pistons P/N AHO.19742, installed in Dunlop pneumatic retraction jacks (cylinders) P/N AH.8463 and AC.11130, fitted to the main and nose landing gear assemblies, accomplish the following:

(a) Unless already accomplished, replace piston P/N AHO.19742 in the pneumatic retraction jacks P/N AH.8463 and AC.11130 on all airplanes that have accumulated 10,000 hours' time in service and thereafter at intervals not to exceed 10,000 hours' time in service.

(b) Replacement of the pistons required in (a) may be discontinued after installation of de Havilland Modification No. 1144 which provides jacks with pistons that have an increased service life.

(de Havilland Service Technical News Sheet TMS Series C.T.(104) Issue 2 dated July 11, 1960 covers this subject.)

This supersedes Amendment 3 (23 F.R. 439) AD 57-20-2.

Issued in Washington, D.C. on October 29, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-11926; Filed, Nov. 4, 1965; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 14229]

EXPANDED USE OF UHF TELEVISION CHANNELS

Order Further Extending Time for Filing Comments

1. The National Association of Educational Broadcasters (NAEB) has filed a

petition requesting that the time for filing comments with respect to the further notice of proposed rule making concerning the proposal to utilize Channels 70–83 for community television stations, be extended from November 1, 1965, to December 15, 1965.

2. NAEB desires additional time so that it can examine the corrected UHF assignment plan before submitting its comments with respect to the proposed new community TV service.

3. The Commission wishes to have the most comprehensive comments with respect to the proposed new community TV service before reaching a final decision. The desire of NAEB to relate the UHF assignment table to the various aspects of the proposed new service appears reasonable.

4. *Accordingly, it is ordered,* This 1st day of November 1965, that the request of the National Association of Educational Broadcasters is granted and the time for filing comments is extended from November 1, 1965, to December 15, 1965, and the time for filing replies thereto is extended from November 15, 1965, to January 5, 1966.

5. This action is taken pursuant to the authority contained in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission rules.

Released: November 2, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65–11913; Filed, Nov. 4, 1965; 8:47 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 141]

[Docket No. R–289]

POWER SYSTEM STATEMENTS

Notice of Proposed Rule Making

OCTOBER 28, 1965.

1. Notice is given pursuant to section 4 of the Administrative Procedure Act that the Commission is proposing to amend, effective for the reporting year 1965, FPC Forms Nos. 12, 12–A, and 12–D, Power System Statements, prescribed by §§ 141.51, 141.52, and 141.55, respectively, of the Commission's regulations and required to be filed by electric utilities, licensees and others engaged in the generation, transmission or distribution of electric energy.

2. Except for minor editorial changes, the amendments all result from, and are substantially in agreement with, suggestions proposed by representatives of the companies and other entities which make the reports. Furthermore, the proposals for the most part, reduce present reporting requirements but, in addition provide new schedules for the reporting of information relating to the operation of pumped storage facilities by the few hydroelectric licensees which have such facilities.

3. The exact nature of the proposed revisions of existing schedules, together with the new schedule for pumped storage, is fully set forth in the respective appended pages[1] of the following schedules:

Schedule heading	Page No. New	Page No. Old
FPC Form No. 12:		
General information	3	3
Capacity and output, etc	4	4
Do	5	5
System hydroelectric data	8	8
Plant data (small plants)	9	9
Do	10	10
Hydroelectric plant data	11	11
Do	12	12
Pumped storage plant data	13	
Do	14	
Steam electric, etc., plant data	15	13
Internal combustion, etc., plant data	17	15
FPC Form No. 12–A:		
General information	2	2
General instructions	5	5
FPC Form No. 12–D: General information	1	1

4. The amendments described herein are proposed to be issued under the authority granted the Federal Power Commission by the Federal Power Act particularly sections 4 (a), (b), (c), 301(a), 302, 304, 309, and 311 thereof (49 Stat. 839, 854, 855, 858, 859; 16 U.S.C. 797 (a), (b), (c), 825(a), 825a(a), 825(c), 825(h), and 825(j).

5. Any person may submit to the Federal Power Commission, Washington, D.C., 20426, not later than November 29, 1965, data, views, comments and suggestions in writing concerning the proposed revised schedules. An original and nine conformed copies of any such submittal should be filed. The Commission will consider any such written submittals before acting on the proposed revised report forms.

By direction of the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65–11898; Filed, Nov. 4, 1965; 8:49 a.m.]

[1] Amended pages of forms filed with the original document.

Notices

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File No. 24–59]

TRADE-ALL ENTERPRISES, LTD., AND IRVING E. BORDO

Order Denying Export Privileges for an Indefinite Period

In the matter of Trade-All Enterprises, Ltd. and Irving E. Bordo, President, Post Office Box 26, Station T, 1645 Bathurst Street, Toronto 19, Ontario, Canada, respondents; File No. 24–59.

The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above-named respondents all export privileges for an indefinite period because of the failure of said respondents to furnish responsive answers to interrogatories without good cause being shown. This application was made pursuant to § 382.15 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations). A temporary denial order has been in effect against the above respondents since September 1, 1965 (30 F.R. 11534 and 12548).

In accordance with the usual practice, the application for an indefinite denial order was referred to the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted.

The report of the Compliance Commissioner and the evidence in support of the application have been considered. The evidence presented shows that Trade-All Enterprises Limited is a Canadian corporation with a place of business in Toronto, Ontario, Canada, and is engaged in the import-export business; that Irving E. Bordo is president of said firm and is the official primarily responsible for conducting its affairs; that the aforesaid Investigations Division is conducting an investigation into the disposition by said respondents of certain commodities which Trade-All imported into Canada from the United States; that said investigation is to determine whether said respondents reexported said commodities in violation of the U.S. Export Regulations, or otherwise disposed of said commodities with the intention of having them ultimately delivered to an unauthorized destination or with knowledge that the disposition by them of the commodities would result in their ultimate delivery to an unauthorized destination. It is impracticable to subpoena the respondents, and relevant and material interrogatories were served on them pursuant to § 382.15 of the Export Regulations. Said respondents have failed to furnish responsive answers to said interrogatories as required by said section, and they have not shown good cause for such failure. I find that an order denying export privileges to said respondents for an indefinite period is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended.

Accordingly, it is hereby ordered:

I. This order supersedes the Temporary Denial Order entered against the above-named respondents on September 1, 1965 (30 F.R. 11534), and extended on September 27, 1965 (30 F.R. 12548).

II. The respondents, their assigns, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any successor and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondents provide responsive answers, written information and documents in response to the interrogatories heretofore served upon them or give adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Regulations.

V. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondents or any related party, or whereby the respondents or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served upon the respondents.

VII. In accordance with the provisions of § 382.15 of the Export Regulations, the respondents may move at any time to vacate or modify this indefinite denial order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C., 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested shall be held before the Compliance Commissioner in Washington, D.C., at the earliest convenient date.

This order shall become effective forthwith.

Dated: October 30, 1965.

RAUER H. MEYER,
Director, Office of Export Control.

[F.R. Doc. 65–11891; Filed, Nov. 4, 1965; 8:45 a.m.]

Maritime Administration

OCEANIC STEAMSHIP CO.

Notice of Application

Notice is hereby given that The Oceanic Steamship Co. has requested approval under Article II–16 of its Operating-Differential Subsidy Agreement, Contract No. FMB–44, to permit Matson Navigation Co., holding company of Oceanic, to operate a weekly service utilizing non-subsidized U.S. flag freight vessels in foreign commerce between ports in California, Washington, Oregon, British Colombia, and Hawaii and ports

in the Far East (Continent of Asia from the Union of Soviet Socialist Republics to Thailand, inclusive, Japan, Taiwan, Philippines, and Okinawa and other Pacific Islands not owned or controlled by the United States).

Any person, firm or corporation having an interest in this matter and who desires to submit written comments of an advisory nature relating to whether the service already provided by vessels of U.S. registry in the Trans-Pacific foreign commerce between ports within Trade Route No. 29 is inadequate and whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon should submit such comments in triplicate by the close of business on November 15, 1965, to the Secretary, Maritime Administration. The Maritime Administrator will consider these comments and take such action with respect to Oceanic's request as may be deemed appropriate.

Dated: October 29, 1965.

By order of the Acting Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 65-11909; Filed, Nov. 4, 1965; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-3]

CONSOLIDATED EDISON CO. OF NEW YORK, INC.

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 2 to Provisional Operating License No. DPR-5. The amendment authorizes Consolidated Edison Co. of New York, Inc., (1) to replace the present Indian Point reactor core containing thorium oxide with a low-enrichment uranium-oxide core, and (2) to increase the steady state operating power level to 615 thermal megawatts, in accordance with the application for license amendment dated April 6, 1965, and supplements thereto dated May 6, 1965, and June 9, 1965.

The license amendment, as issued, is substantially in the form published in the notice of proposed issuance of provisional Operating License Amendment published in the FEDERAL REGISTER on September 2, 1965, 30 F.R. 11287, except that the Technical Specifications and Schedule of Transfers of Special Nuclear Material referenced therein have been added.

Pursuant to such notice, The Hempstead Town Lands Resources Council, New York, N.Y., filed a "Petition of Intervention" on October 11, 1965. The petition for leave to intervene was denied by the Atomic Energy Commission by order dated October 28, 1965.

Dated at Bethesda, Md., this 29th day of October 1965.

For the Atomic Energy Commission.

E. G. CASE,
Acting Director,
Division of Reactor Licensing.

[F.R. Doc. 65-11889; Filed, Nov. 4, 1965; 8:45 a.m.]

[Docket No. 50-171]

PHILADELPHIA ELECTRIC CO.

Notice of Extension of Completion Date

Please take notice that the Atomic Energy Commission has issued an order extending to January 31, 1966, the latest completion date specified in Construction Permit No. CPPR-12 for construction of the high temperature, gas-cooled power demonstration reactor being constructed near Peach Bottom, Pa.

Copies of the order and of the application by Philadelphia Electric Co. are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 28th day of October 1965.

For the Atomic Energy Commission.

R. L. DOAN,
Director,
Division of Reactor Licensing.

[F.R. Doc. 65-11890; Filed, Nov. 4, 1965; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15469, 15470; FCC 65M-1426]

ADVANCED ELECTRONICS AND INDUSTRIAL COMMUNICATIONS SYSTEMS, INC.

Order Scheduling Prehearing Conference

In re applications of R. L. Mohr, doing business as Advanced Electronics, Docket No. 15469, File No. 214-C2-P-63; for a construction permit in the Domestic Public Land Mobile Radio Service at Palos Verdes, Calif.; Industrial Communications Systems, Inc., Docket No. 15470, File No. 1050-C2-P-63; for a construction permit for station KMD990 in the Domestic Public Land Mobile Radio Service at Los Angeles, Calif.

By its Memorandum Opinion and Order released October 29, 1965 (FCC 65R-389, 75446), the Review Board added four issues in the above-entitled proceeding and remanded the same for further hearing on a reopened record.

Accordingly, it is ordered, This 1st day of November 1965, by the Hearing Examiner on his own motion, that a prehearing conference is hereby scheduled to commence at 10 a.m., November 18, 1965, in the Commission's offices in Washington, D.C.

Released: November 2, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-11912; Filed, Nov. 4, 1965; 8:47 a.m.]

[Docket Nos. 16260-16265; FCC 65-971]

WESTERN UNION TELEGRAPH CO. AND CALIFORNIA INTERSTATE TELEPHONE CO.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of The Western Union Telegraph Co., Docket No. 16260, File No. T-C-1661-10; for removal of restrictions on the use of certain existing facilities in the Domestic Public Point-to-Point Microwave Radio Service between Pasadena and Goldstone, Calif.; California Interstate Telephone Co., Docket No. 16261, File No. 6844-C1-P-65; for a construction permit to add new facilities to Station KMW61 in the Domestic Public Point-to-Point Microwave Radio Service at Barstow, Calif.; Docket No. 16262, File No. 6845-C1-P-65; for a construction permit to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at Goldstone Echo, Calif.; Docket No. 16263, File No. 6846-C1-P-65; for a construction permit to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at Lane Mountain, Calif.; Docket No. 16264, File No. 6847-C1-P-65; for a construction permit to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at Ford Mountain, Calif.; Docket No. 16265, File No. 6848-C1-P-65; for a construction permit to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at Fort Irwin, Calif.

The Commission has before it: (1) An application (pursuant to section 214 of the Communications Act of 1934, as amended), filed by The Western Union Telegraph Co. (Western Union) on February 9, 1965, for authority to increase the services offered on Western Union's existing microwave radio relay system between Pasadena and Goldstone, Calif.; (2) an "Opposition of California Interstate Telephone Co. to Application of Western Union Telegraph Co.," filed on March 1, 1965; (3) a "Reply of The Western Union Telegraph Co.," filed on March 18, 1965; (4) five applications, filed by California Interstate Telephone Co., (CITCO) on June 8, 1965, to modify microwave relay station KMW61 at Barstow, Calif., and to construct new facilities at Lane Mountain, Ford Mountain, Fort Irwin, and Goldstone Echo, Calif.; (5) a "Petition To Deny Applications," filed by Western Union on September 9, 1965; (6) an "Opposition of California Interstate Telephone Co. * * *" filed on September 20, 1965; and (7) a "Reply of The Western Union Telegraph Co. * * *" filed on October 7, 1965.

1. The Western Union Telegraph Co. filed, pursuant to section 214 of the Communications Act of 1934, as amended, an application (File No. T-C-1661-10) concerning its existing microwave radio relay system between Pasadena and Goldstone, Calif., for authority to provide service under all of the company's tariffs on file [1] without restriction as to the type of traffic handled by such facilities. The said microwave radio relay system now provides one simplex 6 Mc/s channel and a duplex 240 Kc/s channel. Its principal function is to meet unique spacecraft telemetry and data transmission requirements of the Jet Propulsion Laboratories (JPL). Pursuant to authorizations heretofore granted, Western Union has installed channelizing equipment in connection with the abovementioned duplex 240-Kc channel (which has a capacity equivalent to 60 voice frequency channels) so as to derive channels of several bandwidths utilizing spectrum space equivalent to 45 voice-grade channels. However, the Commission has not authorized Western Union to use these facilities to handle administrative communications of JPL or to provide general private line communication channels to subscribers. It is this restriction that Western Union now seeks to remove.

2. In support of the subject application (File No. T-C-1661-10), Western Union points out, in effect, that no regulatory restrictions as to use have been placed on any of its other facilities authorized by the Commission, and submits that there is no valid reason why the company should be restricted as to the services which it can provide over its Goldstone-Pasadena microwave facilities. Western Union further contends that in addition to a general public need for the services which the telegraph company offers, JPL and certain other civil and military agencies which operate in the Goldstone area, or which communicate with that area, have indicated specific requirements for additional private line communication channels serving Goldstone. The company argues that in order "that efficient and economic use may be made of these facilities and radio frequencies, Western Union should be permitted to furnish over such facilities all services which it is generally authorized to provide." No specific customer requirements or service orders are delineated in the application.

3. In its opposition to the application of Western Union, CITCO contends that, in conjunction with the Pacific Telephone and Telegraph Company, it now provides all messages toll telephone and private line services, including voice, telegraph, data and other types of communication, between Goldstone and the Pasadena headquarters of JPL, excepting those particular and unique services requested of Western Union by JPL, and that it is able and ready to meet all common carrier communication requirements in its service territory. It alleges that Western Union seeks the authorization of the Commission to utilize the plant in direct competition and duplication with CITCO. The telephone company further states that it has entered into arrangements to serve the United States Army Armor and Desert Training Center at Fort Irwin, and to provide all communication service requirements of NASA space facilities in the area between Goldstone and Pasadena, except the specialized service which Western Union is authorized to render. CITCO also disclosed its intention to construct new microwave radio relay facilities between its office at Barstow and certain locations in the Goldstone area to meet these firm service orders. Additionally, CITCO alleged that Western Union's application was procedurally deficient in a number of respects.

4. Thereafter, CITCO filed applications for construction permits (File Nos. 6844/6845/6846/6847/6848-C1-P-65) to modify an existing microwave radio relay station at Barstow, and to construct new stations at Lane Mountain, Ford Mountain, Fort Irwin and Goldstone Echo, all in California. In support of these applications, CITCO states that there is an increasing demand for additional facilities to provide message toll, teletypewriter, local trunk and private line services to the Fort Irwin-Goldstone area. The company cites an agreement reached with the 6th Army to construct new facilities and render service to the area, and an arrangement with the Government to lease the existing Army-owned open wire system between Barstow and Fort Irwin-Goldstone until completion of the microwave system. The estimated cost of the proposed microwave system is $975,000. In its filing, CITCO alludes to discussions with Western Union concerning the possibility of making physical and economical interconnection of facilities, but states that, while negotiations will continue, no conclusions have been reached which indicate that a workable interconnection can be made.

5. Western Union filed a petition to deny CITCO's applications. This petition alleges that grant of the applications would result in a needless and wasteful duplication of facilities for the reason that Western Union's system already in place has the capacity to serve all communication needs in the area, and suggests that CITCO should meet its anticipated needs by leasing facilities from Western Union rather than by constructing its own duplicating system. In opposition to the petition to deny, CITCO denies that the construction proposed would constitute wasteful duplication, contends that if Western Union had the full authority it seeks it could not meet the communication requirements which CITCO must provide, and asserts that there appears to be no workable plan by which Western Union's microwave system could be utilized, even though the two companies have explored the possibilities of an interconnected system for some 6 months. In its reply to CITCO's opposition, Western Union relates some of the facts concerning a proposed interconnection arrangement, utilizing certain existing Western Union facilities and some new CITCO facilities, which it argues would serve the existing public need at less cost than CITCO's current proposal. By a leasing of Western Union facilities to CITCO, it is alleged that all the new service could be provided by CITCO with a minimum of new construction. Western Union has set an annual rental for the proposed facilities to be leased of $113,800. The pleadings indicate that this annual charge may be less than the annual cost to CITCO of constructing and operating its own facilities.

6. Although we have not discussed the pleadings in detail, we find that they serve to develop and particularize the conflicts and issues posed by the applications. It appears that the Western Union application and the CITCO applications are designed to serve substantially the same local communications requirements and that the economic interests of the public to be served may not justify the establishment of duplicating systems. In short, we are unable, at this time, to find that one or both of the proposals submitted will serve the public interest, convenience or necessity. Therefore, an evidentiary hearing is required. Inasmuch as the public interest may require an arrangement of new and existing facilities which has not been formally proposed by either applicant, a general interconnection issue is included to permit a more complete development of alternatives by the parties. Since any interconnection arrangement would probably be based on greater utilization of Western Union's existing facilities, with some advantage accruing to the carrier, we will place the burden of proof on that issue on Western Union.

7. We also find that except for the matters placed in issue herein, the applicants are legally, financially, technically and otherwise qualified to render the proposed services.

8. Accordingly, in the light of our aforesaid conclusions, and pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended;

It is ordered, That the above-entitled applications are designated for hearing in a consolidated proceeding, at the Commission's offices in Washington, D.C., on a date to be hereafter specified, upon the following issues:

(a) To determine the facts with respect to the facilities proposed by CITCO, including the rates, charges, practices, classifications, regulations, personnel and services;

(b) To determine the need for the services proposed by CITCO and the nature and extent of any benefits to the public which would accrue as a result of authorizing the proposed facilities and services;

(c) To determine whether, and to what extent, any disadvantages may accrue to the public if the facilities and services proposed by CITCO are authorized;

[1] Western Union, a telegraph company, does not propose to offer local exchange or message toll telephone service.

(d) To determine the facts with respect to the existing facilities and services and the proposed extension of services by Western Union, including the rates, charges, practices, classifications, regulations, personnel and services;

(e) To determine the need for the extension and/or increase of services proposed by Western Union and the nature and extent of any benefits to the public which would accrue as a result of authorizing the additional services;

(f) To determine whether, and to what extent, any disadvantages may accrue to the public if the services proposed by Western Union are authorized;

(g) To determine whether it is necessary and desirable to establish physical connections between the existing facilities of Western Union and CITCO, to establish through routes and charges applicable thereto and the divisions of such charges and to provide facilities and regulations for operating such through routes, within the meaning of section 201(a) of the Communications Act of 1934, as amended; and, if so, what connections, routes, charges, facilities and regulations should be established;

(h) To determine, in the light of the evidence adduced on all the foregoing issues, whether or not, and under what conditions, the public interest, convenience or necessity will be served by a grant of any of the subject applications and/or by the establishment of an interconnected system.

9. *It is further ordered*, That the burden of proof with respect to Issues (a), (b), and (f) is placed on CITCO; and the burden of proof with respect to Issues (c), (d), (e) and (g) is placed on Western Union.

10. *It is further ordered*, That, except as otherwise provided herein, the "Opposion of California Interstate Telephone Co. to Application of Western Union Telegraph Co." and Western Union's "Petition To Deny Applications" are denied.

11. *It is further ordered*, That the parties desiring to participate herein shall file their appearances in accordance with § 1.221 of the Commission's rules.

Adopted: October 27, 1965.

Released: November 2, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-11914; Filed, Nov. 4, 1965; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP66-104 etc.]

DEL NORTE NATURAL GAS CO. ET AL.

Notice of Applications

OCTOBER 28, 1965.

Del Norte Natural Gas Co., Docket Nos. CP66-104, CP66-106; El Paso Natural Gas Co. and El Paso Gas Transportation Corp., Docket No. CP66-105; Southern Union Gas Co., Docket No. G-513.

Take notice that on October 12, 1965, Del Norte Natural Gas. Co. (Applicant), 1026 Southwest National Bank Building, El Paso, Tex., filed in Docket No. CP66-104 an application pursuant to section 3 of the Natural Gas Act requesting an order of the Commission authorizing Applicant to export natural gas from the United States to the Republic of Mexico (Mexico). On the same date Applicant filed in Docket No. CP66-106 an application for a permit pursuant to Executive Order No. 10485, dated September 3, 1953, authorizing the operation, maintenance and connection of facilities at the international boundary between the United States and Mexico for the exportation of natural gas to Mexico. By these applications, Applicant proposes to succeed to Southern Union Gas Co. (Southern Union) in the exportation and sale of natural gas which was authorized by the Commission on January 2, 1945, in Docket No. G-513 (4 FPC 826). On October 18, 1965, pursuant to an agreement between Applicant and Southern Union, Southern Union filed in the aforementioned Docket No. G-513 an application for an order of the Commission vacating its Presidential Permit and authorization for exportation of natural gas.

Also filed on October 12, 1965, was a joint application by El Paso Natural Gas Co. (Gas Co.) and El Paso Gas Transportation Corp. (Transportation Corp.), Post Office Box 1492, El Paso, Tex., 79999, in Docket No. CP66-105 for permission and approval under section 7(b) of the Natural Gas Act, and for certificates of public convenience and necessity under section 7(c) of the Natural Gas Act, for, on the part of Gas Co., the abandonment of the sale of natural gas made by Gas Co. to Southern Union and for authorization for the sale and delivery of natural gas by Gas Co. to Applicant and for, on the part of Transportation Corp., the abandonment of the transportation of natural gas by Transportation Corp. for Southern Union and for authorization for the construction and operation of certain facilities and the transportation of natural gas for the account of Applicant.

The proposal involved is more fully set forth in the applications submitted in the above docket numbers. These applications are on file with the Commission and open to public inspection.

The applications incorporate a proposal by Applicant to provide natural gas to Cuidad Juarez, Chihuahua, Mexico, a community situated adjacent to the City of El Paso, Tex. Applicant proposes to succeed to Southern Union in the sale and delivery and natural gas to Juarez Gas Co., S.A. (Juarez Gas), the sole distributor presently serving the community of Juarez, and to initiate the sale and delivery of natural gas to Gas Natural de Juarez, S.A. (Juarez Natural), a new distributor proposing to render natural gas service in areas of Juarez not now served by Juarez Gas. Such export and sale would be made at four points situated on the international boundary between the said communities of Juarez and El Paso.

The exportation and sale of gas to Juarez Gas is presently made by Southern Union by means of gas sold to it by Gas Co. and transported for it by Transportation Corp. It is this sale and this transportation for which Gas Co. and Transportation Corp. seek, respectively, permission and approval to abandon. The exportation and sale to Juarez Natural at the remaining two export points would be initiated by Applicant.

Natural gas available to Applicant from Gas Co. is deliverable at a point situated within El Paso. Transportation Corp. proposes and seeks authorization to transport such gas for the account of Applicant from the point at which it is deliverable by Gas Co. to Applicant, to three points of delivery to Applicant on Transportation Corp.'s existing system within El Paso. At each of such points of delivery to Applicant, Transportation Corp. proposes and seeks authorization to construct and operate a standard orifice-type measuring and regulating station at an aggregate cost of $32,100 to be financed from working funds.

Applicant proposes to lease from Southern Union and operate certain existing facilities and certain other facilities to be constructed by Southern Union, such facilities connecting the three delivery points from Transportation Corp. to Applicant with the four export points. The estimated cost of the facilities to be constructed by Southern Union is $71,990. Distribution facilities are proposed in Juarez by Juarez Natural at an estimated cost of $2,570,500. The other Mexican distributor, Juarez Gas, proposes no substantial construction at this time.

Specifically, the facilities to be constructed by Southern Union and leased to Applicant would consist of the following:

(a) 5,210 feet of 12-inch transmission line and a measuring and regulating station at a cost of $34,050;

(b) 7,000 feet of 6-inch transmission line and a measuring and regulating station at a cost of $30,915;

(c) An addition to existing facilities consisting of 500 feet of 6-inch and 1,800 feet of 4-inch transmission line at a cost of $7,025.

The estimated peak day and annual natural gas requirements of Juarez Natural and Juarez Gas for the first three full years of operation of the proposed facilities are stated to be:

	First year	Second year	Third year
Juarez Natural:			
Annual (Mcf)	2,543,153	2,765,028	3,036,138
Peak day (Mcf)	15,230	18,037	21,084
Juarez Gas:			
Annual (Mcf)	367,500	378,000	388,500
Peak day (Mcf)	4,684	4,819	4,935

Sales and deliveries to be made by Gas Co. to Applicant would be in accordance with Gas Co.'s Rate Schedule A-3 and B-2, FPC Gas Tariff, Original Volume No. 1, on file with the Commission.

[2] Commissioners Hyde and Bartley absent.

Transportation service to be performed by Transportation Corp. for Applicant would be in accordance with and at rates contained in Transportation Corp.'s Rate Schedule T-1, FPC Gas Tariff, First Revised Volume No. 1, on file with the Commission.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before November 19, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 3, 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the permit, certificates and permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-11894; Filed, Nov. 4, 1965; 8:45 a.m.]

[Docket No. CP65-45]

EL PASO NATURAL GAS CO.

Notice of Petition To Amend

OCTOBER 28, 1965.

Take notice that on October 20, 1965, El Paso Natural Gas Co. (Petitioner), Post Office Box 1492, El Paso, Tex., 79999, filed in Docket No. CP65-45 a petition to amend the certificate of public convenience and necessity issued by the Commission in said docket on November 9, 1964, which order authorized the delivery of natural gas to Pacific Gas and Electric Co. (PG&E), as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order of November 9, 1964, Petitioner was authorized to deliver natural gas on an interruptible, best efforts basis under Petitioner's Rate Schedule G-X-3, FPC Gas Tariff, Original Volume No. 1, limited to a quantity, during a limited term, which was not to exceed the quantity which PG&E had paid for in prior years. The gas which PG&E had paid for but not taken, but had the right to take without further payment under Rate Schedule G of Petitioner's said tariff, was authorized to be delivered through December 31, 1965.

By the instant filing, Petitioner requests authorization to extend the term of the authorized deliveries to December 31, 1966, or until such earlier time as PG&E takes delivery of all prepaid gas. Petitioner and PG&E have entered into a service agreement dated September 13, 1965, which provides for the proposed service.

Petitioner states that no additional facilities are required to be constructed to continue the service.

Petitioner estimates that on December 31, 1965, PG&E will have recovered all of the 70,147,076 Mcf of natural gas available and paid for at the time of the order of November 9, 1965, except 21,151,362 Mcf.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (157.10) on or before November 22, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-11895; Filed, Nov. 4, 1965; 8:45 a.m.]

[Docket No. CP66-116]

SOUTHERN NATURAL GAS CO.

Notice of Application

OCTOBER 28, 1965.

Take notice that on October 20, 1965, Southern Natural Gas Co. (Applicant), Post Office Box 2563, Birmingham, Ala., 35202, filed in Docket No. CP66-116 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7(c) of the regulations under the Act for a certificate of public convenience and necessity authorizing it to construct during the 12 months' period commencing on the date of the Commission's order issuing the certificate herein and to operate (1) facilities to make sales of gas to existing distributors in existing market areas, (2) facilities to make direct sales of natural gas to consumers located in areas outside the franchise area of any local natural gas distributor, and (3) facilities which represent miscellaneous rearrangements of existing facilities and will not result in any change in service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The proposed construction will consist of line taps, metering and regulating stations and various types of pipelines, including lateral and loop lines. Applicant's total estimated cost for all such facilities does not exceed $300,000, with no single project estimated to exceed $50,000. These amounts will be financed from funds on hand or funds generated, from operations.

The application states that the certificate requested will augment Applicant's ability to supply, with the least possible delay, the natural gas requirements of its distributors in existing market areas and of small direct sale customers located in areas outside the franchise areas of natural gas distributors.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before November 22, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-11896; Filed, Nov. 4, 1965; 8:45 a.m.]

[Docket No. CP66-122]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

OCTOBER 28, 1965.

Take notice that on October 22, 1965, Transcontinental Gas Pipe Line Corp. (Applicant), Post Office Box 1396, Houston, Tex. 77001, filed in Docket No. CP66-122 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the rendition of additional pipeline service to United Cities Gas Co., South Carolina Division (United Cities), an existing customer, in the amount of 100 Mcf per day under Applicant's Rate Schedule OG-2, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

United Cities has requested the additional service commencing with the 1965-1966 winter heating season.

No additional facilities are required in order to render the service proposed in the application.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (157.10) on or before November 26, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections

7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-11897; Filed, Nov. 4, 1965; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

UNION BANK

Order Approving Merger of Banks

In the matter of the application of Union Bank for approval of merger with The Republic National Bank of San Diego.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by Union Bank, Los Angeles, Calif., a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and The Republic National Bank of San Diego, San Diego, Calif., under the charter and title of the former. As an incident to the merger, the sole office of The Republic National Bank of San Diego would become a branch of the resulting bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger,

It is hereby ordered, For the reasons set forth in the Board's Statement [1] of this date, that said application be and hereby is approved, provided that said merger shall not be consummated (a) within seven calendar days after the date of this order or (b) later than 3 months after said date.

Dated at Washington, D.C., this 29th day of October 1965.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C., 20551, or to the Federal Reserve Bank of San Francisco.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 65-11899; Filed, Nov. 4, 1965; 8:46 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

DEPUTY URBAN RENEWAL COMMISSIONER

Redelegation of Authority With Respect to Open-Space Land and Urban Beautification and Improvement

The Deputy Urban Renewal Commissioner is hereby authorized to exercise the authority delegated to the Urban Renewal Commissioner under the Housing and Home Finance Administrator's delegation of authority effective August 10, 1965 (30 F.R. 11156, August 28, 1965), with respect to open-space land and urban beautification and improvement under Title VII of the Housing Act of 1961, as amended by Title IX of the Housing and Urban Development Act of 1965 (42 U.S.C. 1500).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation)

Effective as of the 10th day of August 1965.

[SEAL] WILLIAM L. SLAYTON,
Urban Renewal Commissioner.

[F.R. Doc. 65-11905; Filed, Nov. 4, 1965; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

PINAL COUNTY DEVELOPMENT ASSOCIATION

Order Suspending Trading

NOVEMBER 1, 1965.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the 5⅞ percent Industrial Development Revenue Bonds of Pinal County Development Association due April 15, 1989, otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934 that trading in such bonds be summarily suspended, this order to be effective for the period November 1, 1965, through November 10, 1965, both dates inclusive.

[2] Voting for this action: Unanimous, with all members present.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-11915; Filed, Nov. 4, 1965; 8:48 a.m.]

[812-1834]

SECOND PRESIDENTIAL EXCHANGE FUND, INC.

Amended Notice of Application for Order of Exemption

NOVEMBER 1, 1965.

Second Presidential Exchange Fund, Inc. ("applicant"), 44 School Street, Boston, Mass., 02108, an open-end, diversified registered investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting applicant from compliance with the provisions of section 14(a) of the Act. Section 14(a) of the Act provides that no registered investment company shall make a public offering of securities of which it is the issuer unless it has a net worth of at least $100,000.

The Commission, on October 27, 1965, issued a notice of the filing of said application (Investment Company Act Release No. 4386). The notice, which is incorporated herein by reference, gives any interested person until November 23, 1965 at 5:30 p.m., to submit to the Commission in writing a request for a hearing on the matter, or request that he be notified if the Commission shall order a hearing thereon.

Notice is given that the said notice is hereby amended to provide that the time within which an interested person may submit such requests on this matter shall be not later than November 12, 1965 at 5:30 p.m.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-11916; Filed, Nov. 4, 1965; 8:48 a.m.]

[812-1835]

THIRD EMPIRE FUND, INC.

Amended Notice of Application for Order of Exemption

NOVEMBER 1, 1965.

Third Empire Fund, Inc. ("applicant"), 44 School Street, Boston, Mass., 02108, an open-end, diversified registered investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting applicant from compliance with the provisions of section 14(a) of the Act. Section 14(a) of the Act provides that no registered investment company shall make a public offering of securities of

which it is the issuer unless it has a net worth of at least $100,000.

The Commission, on October 27, 1965, issued a notice of the filing of said application (Investment Company Act Release No. 4385). The notice, which is incorporated herein by reference, gives any interested person until November 23, 1965, at 5:30 p.m., to submit to the Commission in writing a request for a hearing on the matter, or a request that he be notified if the Commission shall order a hearing thereon.

Notice is given that the said notice is hereby amended to provide that the time within which an interested person may submit such requests on this matter shall be not later than November 12, 1965, at 5:30 p.m.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-11917; Filed, Nov. 4, 1965; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 80]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 2, 1965.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Sub-No. 284 TA), filed October 29, 1965. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio, 44309. Applicant's representative: Douglas W. Faris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silver bullion*, from San Antonio, Dallas, and Houston, Tex., to points in New Jersey, New York, and Connecticut, for 180 days. Supporting shipper: Ametalco, Inc., 1290 Avenue of the Americas, New York, N.Y., 10019. Send protests to: District Supervisor G. J. Baccel, Interstate Commerce Commission, Bureau of Operations and Compliance, 435 Federal Building, Cleveland, Ohio, 44114.

No. MC 107839 (Sub-No. 93 TA), filed October 29, 1965. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 5135 York Street, Post Office Box 16021, Denver, Colo., 80216. Applicant's representative: Marion F. Jones, 420 Denver Club Building, Denver, Colo., 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Meats, meat products, and meat byproducts*, (b) *dairy products*, and (c) *articles distributed* by meat packinghouses in the appendix to the report in *Modification of Permits—Packinghouse Products*, 46 M.C.C. 23, from Denver, Colo., to Taos, Velarde, Sapello, Mora, Fairview, Pecos, Penasco, Ranches de Taos, Socorro, Cuba, Manuelitas, Holman, and Embudo, N. Mex., for 150 days. Supporting shipper: Cudahy Packing Co., 4801 Brighton Boulevard, Denver, Colo. Send protests to: Acting District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations and Compliance, 2022 Federal Building, Denver, Colo., 80202.

No. MC 108120 (Sub-No. 11 TA), filed October 28, 1965. Applicant: KENNEDY MOTOR LINES, INC., 457 38th Street, Brooklyn, N.Y. Applicant's representative: Maurice Kennedy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Domestic science school laboratory tables, or desks*, with or without fume hoods, crated or uncrated, in mixed or unmixed shipments from Carle Place, N.Y., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Indiana, Illinois, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Laboratory Furniture Co., Inc., Post Office Box 2308, Richmond, Va., 23217. Send protests to: District Supervisor R. E. Johnston, Interstate Commerce Commission, Bureau of Operations and Compliance, 346 Broadway, New York, N.Y., 10013.

No. MC 111868 (Sub-No. 1 TA), filed October 29, 1965. Applicant: JOHN HENNES TRUCKING COMPANY, 320 South 19th Street, Milwaukee, Wis., 53233. Applicant's representative: William C. Dineen, 412 Empire Building, 710 North Plankinton Avenue, Milwaukee, Wis., 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Railroad housing castings*, between the plantsite of the Falk Corp. at Milwaukee, Wis., on the one hand, and, on the other, the plantsite of Modern Steel Treating Co. at Chicago, Ill., for 180 days. Supporting shipper: The Falk Corp., Box 492, Milwaukee, Wis., 53201, J. L. Moebus, traffic manager. Send protests to: W. F. Sibbald, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 108 West Wells Street, Room 511, Milwaukee, Wis., 53203.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 65-11919; Filed, Nov. 4, 1965; 8:48 a.m.]

[Notice 1257]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 2, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-68196. By order of October 28, 1965, Transfer Board approved the transfer to McNaughton Bus Lines, Ltd., a corporation, Newbury, Ontario, Canada, of the operating rights issued by the Commission March 6, 1956, under certificate in No. MC-114824, to McNaughton Automotive, Ltd., a corporation, Newbury, Ontario, Canada, authorizing the transportation of passengers, in charter operations, over irregular routes, between ports of entry between the United States and Canada at or near Port Huron, Marine City, and Detroit, Mich., and points within 10 miles of Detroit. Messrs. Benoit and Van Raay, 107 Wellington Street West, Chatham, Ontario, Canada, attorneys for applicants.

No. MC-FC-68213. By order of October 29, 1965, Transfer Board approved the transfer to Samuel Tischler, doing business as Tischler Motor Freight, Rosenhayn, N.J., of the certificate in No. MC-83784, issued May 21, 1963, to Harry Pavel, doing business as Pavel's Express, Philadelphia, Pa., authorizing the transportation of: Glassware, over regular routes, from Philadelphia, Pa., to Wilmington, Del.; and glassware, chinaware, and advertising matter, between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey. V. Baker Smith, 2107 Fidelity-Philadelphia Trust Building, Philadelphia, Pa., 19109, counsel for applicants.

No. MC-FC-68226. By order of October 29, 1965, Transfer Board approved the transfer to Deaton, Inc., Birming-

ham, Ala., of the operating rights in Certificate No. MC–11207, and numerous subsequently issued operating authorities, running from (Sub-No. 47), though not consecutively, through (Sub-No. 237), issued on various dates in the years, 1946, 1950, 1952, 1954, 1955, 1956, 1962, 1963, 1964, and 1965, to Deaton Truck Line, Inc., Birmingham, Ala., 35201, authorizing the transportation of: General commodities, and Commodities of a general commodity nature specifically named, between points in Alabama, Arkansas, Colorado, Florida, Georgia, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia. A. Alvis Layne, 948 Pennsylvania Building, Washington, D.C., 20004, attorney for applicants.

No. MC–FC–68238. By order of October 28, 1965, Transfer Board approved the transfer to Raymond L. Dowler and Merlin E. Dowler, a partnership, doing business as Dowler Bros., St. Charles, Iowa, of Certificate No. MC–66396 issued September 5, 1958, to Susan Dorothy Huffman, doing business as J. P. Maxwell and Son, St. Charles, Iowa, authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over regular routes, between Des Moines, Iowa, and Truro, Iowa, serving the intermediate points of Norwalk, Prole, Martensdale, Wick, St. Marys, and St. Charles, Iowa: And between Truro, Iowa, and New Virginia, Iowa, serving no intermediate points. William A. Landau, 1307 East Walnut Street, Des Moines, Iowa, 50306, practitioner for applicants.

No. MC–FC–68247. By order of October 28, 1965, Transfer Board approved the transfer to Twins, Inc., Kearny, N.J., of Permits Nos. MC–118867 and MC–118867 (Sub-No. 2) issued November 20, 1959, and September 23, 1963, respectively, to Matthew Totich, Jr., Kearny, N.J., authorizing the transportation over irregular routes of contaminated radioactive waste, in containers, each weighing less than 2,000 pounds, when transported in shipper owned vehicles, from points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia to Kearny, N.J., and empty containers and shipper owned vehicles, on return; and contaminated radio-active waste, from points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, to points in Fleming County, Ky., with no transportation for compensation on return except as otherwise authorized. George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306, representative for applicants.

No. MC–FC–68250. By order of October 28, 1965, Transfer Board approved the transfer to Allen M. Galloway, doing business as Arndt Truck Line, Sweet Springs, Mo., of Certificate No. MC–98173 (Sub-No. 4), issued August 23, 1965, to Chester L. Roberts, doing business as Roberts Motor Freight, Sweet Springs, Mo., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over regular routes, between Kansas City, Missouri-Kansas, and Eagleville, Mo., serving the intermediate points of Civil Bend, Pattonsburg, and Bethany, Mo., and the off-route points of Coffey, Gilman City, Ridgeway, Blythedale, Ford City, McFall, Evona, and Martinsville, Mo.; between St. Joseph, Mo., and Bethany, Mo., serving the intermediate points of Avenue City, Rochester, Union Star, King City, Stanberry, Carmack, Albany, and New Hampston, Mo., and the off-route points of Helena, Ford City, McFall, and Evona, Mo.; and between St. Joseph, Mo., and junction U.S. Highways 36 and 69 at or near Cameron, Mo., as an alternate route for operating convenience only, with no service authorized over said route on traffic moving between Kansas City, Missouri-Kansas, and St. Joseph, Mo., serving no intermediate points and serving the junction of U.S. Highways 36 and 69 as a point of joinder only. Carll V. Kretsinger, Suite 510, Professional Building, Kansas City 6, Mo., Representative for applicants.

No. MC–FC–68258. By order of October 28, 1965, Transfer Board approved the transfer to Platte Valley Transport Co., a corporation, Lexington, Nebr., the Certificate of Registration No. MC–97321 (Sub-No. 1), issued November 14, 1963, to Reuben J. Koch, Eustis, Nebr., evidencing a right to engage in interstate or foreign commerce in the transportation of commodities generally, and property, between points in Nebraska. Donald E. Leonard, Box 2028, Lincoln, Nebr., 68501, attorney for applicants.

No. MC–FC–68260. By order of October 28, 1965, Transfer Board approved the transfer to Anderson Truck & Terminal, Inc., Dallas, Tex., of the operating rights in Permits Nos. MC–114900 and MC–114900 (Sub-No. 1), issued April 2, 1957, and August 20, 1964, to Luther M. Anderson, doing business as Anderson Truck Lines, Grand Saline, Tex., authorizing the transportation, over irregular routes, of: Salt, from Grand Saline, Tex., and points within 10 miles thereof, to points in New Mexico, with no transportation for compensation on return except as otherwise authorized. Mineral mixtures, in bags and packages, and pepper, in cartons and packages, in mixed loads with salt (presently authorized), from Grand Saline, Tex., and points within 5 miles thereof, to points in New Mexico; and damaged shipments of the commodities specified above, from points in New Mexico, to Grand Saline, Tex., and points within 5 miles thereof. T. S. Christopher, 2412 Continental Life Building, Fort Worth, Tex., 76102, attorney for applicants.

No. MC–FC–68261. By order of October 29, 1965, Transfer Board approved the transfer to J & G Express, Inc., Jackson, Miss., of the operating rights issued by the Commission, April 22, 1952, under Certificate in No. MC–30808, to John W. Forester, doing business as Parker Truck Line, Holly Springs, Miss., authorizing the transportation, over a regular route, of general commodities, except household goods, and other specified commodities, between Holly Springs, Miss., and Memphis, Tenn., and charcoal furnaces, in truckload lots, over irregular routes, from Holly Springs, Miss., to points in Mississippi, and Tennessee, within 250 miles of Holly Springs. James N. Clay III, 340 Sterick Building, Memphis, Tenn., attorney for applicants.

No. MC–FC–68262. By order of October 28, 1965, Transfer Board approved the transfer to Wurz Carry-All, Inc., Utica, N.Y., of the certificate of registration in No. MC–121059 (Sub-No. 1), issued December 13, 1963, to William E. Force (Hazel G. Force, administratrix), doing business as Airlines Limousine Service, Whiteboro, N.Y., authorizing transportation in interstate and foreign commerce corresponding to the grant authority in State Certificate No. 8099, issued January 17, 1961, by the Public Service Commission of the State of New York. Robert W. Durr, care of Durr & Keinz, 712 First National Bank Building, Utica, N.Y., attorney for applicants.

No. MC–FC–68263. By order of October 29, 1965, Transfer Board approved the transfer to John C. Peterson, doing business as Dapson's Express, Waterville, N.Y., of the operating rights issued by the Commission October 27, 1949, under Certificate No. MC–20453, to Duane R. Slocum and Leith A. Slocum, a partnership, doing business as Dapson's Express, Remsen, N.Y., authorizing the transportation, over regular route, of general commodities, except household goods, commodities in bulk, and other specified commodities, between Utica, N.Y., and Morrisville, N.Y. Service is authorized to and from all intermediate points, and some off-route points. Richard S. Woodman, 130 East Main Street, Waterville, N.Y., attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 65–11920; Filed, Nov. 4, 1965; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 2, 1965.

Protests to the granting of an application must be prepared in accordance with § 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40096—*Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 550), for interested rail carriers. Rates on insulating material, paper articles, chemicals and other commodities named in the application, in carloads, from, to and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Intrastate rates and maintenance of rates from and to points in other States not subject to the same competition.

Tariff—Supplement 39 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

FSA No. 40098—*Lead and zinc from and to points in WTL Territory.* Filed by Western Trunk Line Committee, agent (No. A–2430), for interested rail carriers. Rates on lead, pig or ingot, also zinc, slab or ingot, in carloads, between points in Wyoming, on the one hand, and points in western trunk-line territory, on the other.

Grounds for relief—Market competition, modified short-line distance formula and grouping.

Tariff—Supplement 21 to Western Trunk Line Committee, agent, tariff ICC A–4530.

AGGREGATE-OF-INTERMEDIATES

FSA No. 40097—*Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 551), for interested rail carriers. Rates on insulating material, paper articles, chemicals and other commodities named in the application, in carloads, from, to and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 39 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 65–11922; Filed, Nov. 4, 1965; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13890]

STANDARD AIRWAYS, INC.

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held on November 16, 1965, at 10 a.m. e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the board.

Dated at Washington, D.C., November 2, 1965.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 65–11910; Filed, Nov. 4, 1965; 8:47 a.m.]

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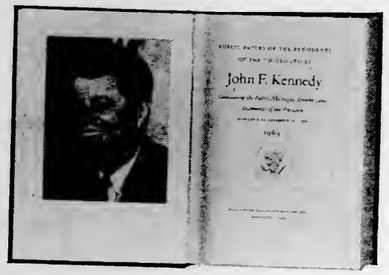
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VOLUME 30 • NUMBER 216

Saturday, November 6, 1965 • Washington, D.C.

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Title 3—THE PRESIDENT

Proclamation 3685

WRIGHT BROTHERS DAY, 1965

By the President of the United States of America

A Proclamation

WHEREAS Orville and Wilbur Wright invented and built the first successful airplane and on December 17, 1903, made the first flight in a power-driven, heavier-than-air machine, near Kitty Hawk, North Carolina; and

WHEREAS this historic flight, a symbol of American ingenuity and resourcefulness, has opened new frontiers of technology, thereby adding an exciting dimension to man's knowledge; and

WHEREAS the airplane has wrought a communications miracle which has brought the people of the world closer together; and

WHEREAS this development has opened new territories to international trade and commerce, has expanded domestic prosperity, and has strengthened the security of our Nation; and

WHEREAS the Congress, by a joint resolution approved December 17, 1963 (77 Stat. 402), designated the seventeenth day of December of each year as Wright Brothers Day and requested the President to issue annually a proclamation inviting the people of the United States to observe that day with appropriate ceremonies and activities:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby call upon the people of this Nation, and their local and national government officials, to observe Wright Brothers Day, December 17, 1965, with appropriate ceremonies and activities, both to recall the accomplishments of the Wright brothers and to provide a stimulus to aviation in this country and throughout the world.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this first day of November in the year of our Lord nineteen hundred and sixty-five, and of the Independence of the United States of America the one hundred and ninetieth.

[SEAL]

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 65-12026; Filed, Nov. 4, 1965; 2:05 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Overtime Work at Border Ports, Seaports, and Airports

Section 354.1 of Part 354, Title 7, Code of Federal Regulations, is further amended to read as follows:

§ 354.1 Overtime work at border ports, seaports, and airports.

(a) Any person, firm, or corporation having ownership, custody or control of plants, plant products, or other commodities or articles subject to inspection, certification, or quarantine under this chapter, and who requires the services of an employee of the Plant Quarantine Division on a holiday or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of overtime or holiday service request the Division inspector in charge to furnish inspection, quarantine or certification service during such overtime or holiday period, and shall pay the Government therefor at the rate of $6.84 per man-hour per employee. A minimum charge of 2 hours shall be made for any holiday or unscheduled overtime duty performed by an employee on a day when no work was scheduled for him or which is performed by an employee on his regular work day beginning at least 1 hour before his scheduled tour of duty or which is not in direct continuation of the employee's regular tour of duty. In addition, each period of unscheduled overtime or holiday work to which the 2 hour minimum charge provision applies which requires the employee involved to perform additional travel may include a commuted travel time period the amount of which shall be prescribed in administrative instructions to be issued by the Director of the Plant Quarantine Division for the areas in which the holiday or overtime work is performed and such period shall be established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty if such travel is performed solely on account of such overtime or holiday service. With respect to places of duty within the metropolitan area of the employee's headquarters, such commuted travel period shall not exceed 3 hours. When inspection, quarantine or certification services are performed at locations outside the metropolitan area in which the employee's headquarters is located, one-half of the commuted travel period applicable to the point at which the services are performed shall be charged when duties involve overtime that begins less than 1 hour before the beginning of the regular tour and/or is in continuation of the regular tour of duty. It will be administratively determined from time to time which days constitute holidays.

(b) The Division inspector in charge in honoring a request to furnish inspection, quarantine or certification service, shall assign employees to such holiday or overtime duty with due regard to the work program and availability of employees for duty.

(64 Stat. 561; 5 U.S.C. 576)

The foregoing amendment shall become effective November 7, 1965, when it shall supersede 7 CFR 354.1, effective August 18, 1964.

The purpose of this amendment is to increase the hourly rate for overtime or holiday services from $6.60 to $6.84 commensurate with salary increases provided in the Federal Employees Salary Act of 1965 (Public Law 89-301).

Determination of the hourly rate for overtime services and of the commuted travel time allowances depends entirely upon facts within the knowledge of the Department of Agriculture. It is to the benefit of the public that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238), it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest and good cause is found for making this amendment effective less than 30 days after publication.

Done at Washington, D.C., this 3d day of November 1965.

[SEAL] E. P. REAGAN,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 65-11978; Filed, Nov. 5, 1965; 8:50 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER A—AGRICULTURAL CONSERVATION PROGRAMS

DIRECTOR, FARMER PROGRAMS DIVISION

Change in Designation

The designations "Director, Conservation and Land Use Division, Agricultural Stabilization and Conservation Service" and "Director, Conservation and Land Use Division, ASCS," wherever they appear in the programs in this subchapter, are deleted and the designation "Director, Farmer Programs Division, ASCS," is substituted therefor.

(Sec. 4, 49 Stat. 164, secs. 7 to 17, 49 Stat. 1148, as amended; 16 U.S.C. 590d, 590g-590q)

Signed at Washington, D.C., on November 3, 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-11979; Filed, Nov. 5, 1965; 8:50 a.m.]

[Bulletin NSCP 2901]

PART 706—NAVAL STORES CONSERVATION

Subpart G—1966

The purpose of the Naval Stores Conservation Program (hereinafter referred to as "this program") is to restrict turpentining to the more productive timber, to conserve the worked trees, to protect and permit undisturbed growth of the uncupped trees and to conserve the soil, water, and timber resources.

Through the 1966 program the Federal Government will share with turpentine farmers the cost of carrying out approved conservation practices in accordance with the provisions of this bulletin and such modifications thereof as may hereafter be made. Cost-shares are predicated upon the economic use and conservation of soil and timber resources on turpentine farms, and computed on the faces in the tract or drift where an approved conservation practice is carried out.

This program provides cost-sharing for conservation practices only on turpentine farms having tracts or drifts of faces which were installed during, or after, the 1962 season, except as provided under § 706.418.

GENERAL PROVISIONS

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706.412 Practice 4: Working only 12 inch d.b.h. or larger trees.
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706.415 Practice 7: Initial use of spiral gutters or Varn aprons and double-headed nails.
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AUTHORITY, AVAILABILITY OF FUNDS, APPLICABILITY, AND ADMINISTRATION

706.431 Authority.
706.432 Availability of funds.
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AUTHORITY: The provisions of this Subpart G issued under sec. 4, 49 Stat. 164, secs. 7–17, 49 Stat. 1148, as amended; 16 U.S.C. 590d, 590g–590q.

GENERAL PROVISIONS

§ 706.401 General requirements.

No tract or drift can qualify for cost-sharing under more than one conservation practice other than as provided for under practices specified in §§ 706.415, 706.416, and 706.418. In each of the practices the faces are to be worked sufficiently to obtain at least one dipping of gum from the current year's working.

§ 706.402 Required performance.

(a) *Approved conservation practices.* Each participating producer shall carry out at least one of the approved conservation practices in every tract or drift of faces operated by him during the 1966 turpentine season. This requirement will not apply if the Forest Service determines that the condition of a particular tract or drift does not warrant carrying out approved conservation practices as a practical or economic matter, in which case the Forest Service may approve face installations made without carrying out a conservation practice. In cases where such approval is given for specific tracts or drifts of the turpentine farm, no cost will be shared for any faces in such tracts or drifts.

(b) *Practice components.* Cost-sharing may be approved under the 1966 program for only the component parts of the practices which are completed during the program year. The producer must complete all the remaining components of the practice in accordance with good forestry practices and all applicable requirements of this program if cost-sharing is offered to him therefor under a subsequent program. Separate rates of cost-sharing have been established for each component part of each practice.

(c) *First year working.* The cost-share for this component is applicable to tracts or drifts having only eligible virgin working faces, i.e., faces installed for the first working during the 1966 season. If faces have been installed contrary to the requirements for eligible faces, the cups and tins for such faces shall be removed within 60 days after the producer is notified by the Forest Service, or the tract or drift will be considered only for qualification for cost-shares under the next lower practice for which qualified.

(d) *Second, third, fourth, or fifth year working.* The cost-shares for working of faces for second, third, fourth, or fifth years are applicable under the 1966 program to faces which were installed and met the eligible face requirements during the 1962, 1963, 1964, or 1965 season. Such cost-shares may also be allowed to new participating producers working tracts or drifts which had some undersized trees from which cups have been removed by the time of first elevation. New faces installed in 1966 and those installed in 1966 or prior years contrary to the requirements for eligible faces will disqualify the tracts or drifts for cost-sharing, unless the cups and tins on such faces shall be removed within 60 days after the producer is notified by the Forest Service. If such faces are not removed within the period approved by the Forest Service there may be withheld or required to be refunded the entire cost-shares for the tract or drift previously paid to the producer who installed the improper faces.

(e) *Practices under §§ 706.409, 706.410, 706.411, 706.412, 706.413, 706.414, 706.415, or 706.417 which require more than one year for completion.* Cost-shares may be approved under this program for the completion of a component of a practice only on the condition that the producer agrees in writing to complete the remaining components of the practice according to program provisions and within the time prescribed by the Forest Service, unless prevented from doing so by reasons beyond his control, or refund the cost-shares paid to him. The extension of the period for completion of the components shall not constitute a commitment to approve cost-shares therefor under a subsequent program. Approval of cost-sharing for other practices under a subsequent program may also be denied until the remaining components are completed.

§ 706.403 Double-headed nails requirement.

Use of double-headed nails is required in the elevation of all cups and tins.

§ 706.404 Fire protection.

Each producer shall during the 1966 turpentine season cooperate with any existing cooperative fire control system serving the general area where his turpentine farm is located, unless he is otherwise following approved forest fire protection on his turpentine farm.

§ 706.405 Bark-bar requirement.

No back face shall be worked on any tree unless a live bark-bar on each side of the back face is provided and maintained throughout the 1966 turpentine season, the total of the two bark-bars being not less than 7 inches in width, measured horizontally along the bark surface at the narrowest point: *Provided, however,* That the restriction with respect to the width of the bark-bar shall not apply to any tree which has on it two or more old faces, including any back face installed prior to 1966. Faces having bark-bars totaling less than 7 inches shall not be worked in a manner that will result in leaving bark-bars less than those of former workings measured at the narrowest point.

§ 706.406 Inspection assistance.

Each producer shall assist representatives of the Forest Service in the administration of this program by:

(a) Giving them free access to his turpentine farm or farms;

(b) Counting all faces and reporting separately thereon by tracts and drifts to the local inspector (Area Forester);

(c) Furnishing information on burned areas, cutting operations, and interest in other turpentine farms as requested;

(d) Furnishing competent labor to assist the local inspector (Area Forester) in counting faces;

(e) Submitting an application for payment of Federal cost-shares (Form NSCP–3200–1) and other prescribed forms;

(f) Notifying the Forest Service promptly of any change in ownership, control, or number of faces worked; and

(g) Otherwise facilitating the work of the inspector (Area Forester) in checking compliance with the terms and conditions of this program.

CONSERVATION PRACTICES AND RATES OF FEDERAL COST-SHARES

§ 706.409 Practice 1: Working only 9 inch d.b.h. or larger trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 9 inch d.b.h. or larger trees over a period of two to five years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 9 inches d.b.h. and only one face on trees less than 14 inches d.b.h.

(c) *Components of practice and rates of cost-sharing.* (1) Initial installation and first year working of 9 inch d.b.h. or larger trees; 2 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; ½ cent per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face. This component is not applicable where § 706.415 is used.

§ 706.410 Practice 2: Working only 10 inch d.b.h. or larger trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 10 inch d.b.h. or larger trees over a period of two to five years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 10 inches d.b.h. and only one face on trees less than 14 inches d.b.h.

(c) *Components of practice and rates of cost-sharing.* (1) Initial installation and first year working of 10 inch d.b.h. or larger trees; 4 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; 3 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face. This component is not applicable where § 706.415 is used.

§ 706.411 Practice 3: Working only 11 inch d.b.h. or larger trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 11 inch d.b.h. or larger trees over a period of two to five years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 11 inches d.b.h. and only one face on trees less than 14 inches d.b.h.

(c) *Components of practice and rates of cost-sharing.* (1) Initial installation and first year working of 11 inch d.b.h. or larger trees; 6 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; 3 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face. This component is not applicable where § 706.415 is used.

§ 706.412 Practice 4: Working only 12 inch d.b.h. or larger trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 12 inch d.b.h. or larger trees over a period of two to five years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 12 inches d.b.h. and only one face on trees less than 14 inches d.b.h.

(c) *Components of practice and rates of cost-sharing.* (1) Initial installation and first year working of 12 inch d.b.h. or larger trees; 7 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; 3 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face. This component is not applicable where § 706.415 is used.

§ 706.413 Practice 5: Restricting turpentining to previously worked trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins over a period of two to five years only on trees having a previously worked face.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces on round trees.

(c) *Components of practice and rates of cost-sharing.* (1) Initial installation and first year working of faces on previously worked trees; 7 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; 3 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face. This component is not applicable where § 706.415 is used.

§ 706.414 Practice 6: Working only selectively marked trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on selectively marked trees over a period of two to five years.

(b) *Eligible faces.* Only trees 9 inches or more d.b.h. which should be removed to improve the timber stand may be cupped and only one face on trees less than 14 inches d.b.h. Cupping shall be limited to trees selectively marked in advance in accordance with good, approved timber management practices to insure production of larger diameter class timber or to provide other stand improvement measures as approved by the Forest Service: *Provided,* That the number of remaining uncupped trees per acre shall average at least the minimum number per acre specified by the Forest Service in its Minimum Stocking Guide issued June 4, 1956, as amended, and be well distributed over the area.

(c) *Components of practice and rates of cost-sharing.* (1) Initial installation and first year working of selectively marked trees; 8 cents per face. If faces have been installed contrary to the requirements or eligible faces, the area will be considered only for qualification for cost-shares under one of the diameter cupping practices, specified in § 706.409, § 706.410, § 706.411, or §706.412.

(2) Working of faces for second, third, fourth, or fifth year; 4 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face. This component is not applicable where § 706.415 is used.

§ 706.415 Practice 7: Initial use of spiral gutters or Varn aprons and double-headed nails.

(a) *Purpose.* To minimize damage to the tree in installing faces for the virgin year or in the first elevation and to conserve the worked portion of the tree.

(b) *Description of practice.* This practice consists of using spiral gutters or Varn aprons attached with double-headed nails when cups and tins are initially installed on the face or when cups and tins are elevated for the first time.

(c) *Eligible faces.* Faces on trees installed to meet the requirements of §§ 706.409, 706.410, 706.411, 706.412, 706.413, 706.414, and 706.417 may qualify for this practice, the cost-share for which is in addition to the aforesaid sections.

(d) *Component of practice and rate of cost-sharing.* (1) Initial use of spiral gutters or Varn aprons in the virgin installation or in the first elevation of cups and tins; 2 cents per face.

(i) The cost-share rate established for initiating this practice is limited to tracts or drifts having only virgin working faces, i.e., faces installed for the first working during the 1966 season or faces upon which the cups and tins are elevated for the first time during the 1966 season. On accepting cost-sharing for this practice the producer agrees to use the spiral gutter or Varn apron and double-headed nails to attach the tins in all subsequent raisings and attachment of tins to the face.

(ii) Cups and tins shall be installed in a manner that will minimize the loss of gum and restrict amount of damage to the trees. Spiral gutters or Varn aprons shall be used and the tins shall be attached to the tree with double-headed nails. In smoothing the tree and seating the cup for virgin installation, exposure of wood shall be limited to areas on the tree having burls, ridges, or other deformities.

§ 706.416 Practice 8: Removal of cups and tins from faces on small trees.

(a) *Purpose.* To encourage producers who have not participated in the 1964 or 1965 programs to discontinue working small unproductive trees, to promote improved naval stores and forestry practices, and to improve productivity of the woodland.

(b) *Description of practice.* This practice consists of removing the cups and tins and discontinuing the working of small unproductive timber and meeting all other requirements for participation in this program.

(c) *Eligible faces.* All faces installed for the first working in 1966 on trees under 9 inches d.b.h. and all but one face on trees between 9 and 14 inches d.b.h. having two or more faces. Working of faces shall be discontinued and cups and tins removed by tracts or drifts within 60 days after the producer is notified by the Forest Service to meet the eligible face requirements of § 706.409. Only producers who did not participate in the 1964 or 1965 programs are eligible for cost-sharing under this practice.

(d) *Component of practice and rate of cost-sharing.* (1) Removal of cups and tins on trees under 9 inches d.b.h. and on trees between 9 and 14 inches d.b.h. having more than one face; 8 cents per face. The cost-share for this component is applicable to faces discontinued by removal of cups and tins to permit the tract or drift to meet the eligible face requirements of § 706.409.

§ 706.417 Practice 9: Pilot plant tests of new methods and equipment.

(a) *Purpose.* To conduct controlled demonstrations or experiments to test values of management practices, new methods and equipment for gum production.

(b) *Description of practice.* This practice consists of carrying out practical demonstrations or tests of management practices, new methods or equipment according to requirements of the Forest Service.

(c) *Eligible faces.* Only faces or check trees in selected tracts used in controlled demonstrations or tests carried out in accordance with provisions prescribed by the Forest Service are eligible for cost-sharing.

(d) *Components of practice and rates of cost-sharing.* (1) Eight cents per face for faces meeting the requirements of § 706.409.

(2) Eleven cents per face for faces meeting the requirements of §§ 706.410, 706.411, 706.412, 706.413, and 706.414.

GENERAL PROVISIONS RELATING TO FEDERAL COST-SHARING

§ 706.419 Increase in small Federal cost-shares.

The total of the payment computed for any producer with respect to his turpentine farm under the Naval Stores Conservation Program and the cost-share computed for him on the same farm under the Agricultural Conservation Program shall be increased as follows: (a) Any Federal cost-sharing amounting to 71 cents or less shall be increased to $1.00; (b) any Federal cost-sharing amounting to more than 71 cents but less than $1.00 shall be increased by 40 percent; (c) any Federal cost-sharing amounting to $1.00 or more shall be increased in accordance with the following schedule:

Amount of cost-shares computed:	*Increase in cost-shares*
$1.00 to $1.99	$0.40
$2.00 to $2.99	0.80
$3.00 to $3.99	1.20
$4.00 to $4.99	1.60
$5.00 to $5.99	2.00
$6.00 to $6.99	2.40
$7.00 to $7.99	2.80
$8.00 to $8.99	3.20
$9.00 to $9.99	3.60
$10.00 to $10.99	4.00
$11.00 to $11.99	4.40
$12.00 to $12.99	4.80
$13.00 to $13.99	5.20
$14.00 to $14.99	5.60
$15.00 to $15.99	6.00
$16.00 to $16.99	6.40
$17.00 to $17.99	6.80
$18.00 to $18.99	7.20
$19.00 to $19.99	7.60
$20.00 to $20.99	8.00
$21.00 to $21.99	8.20
$22.00 to $22.99	8.40
$23.00 to $23.99	8.60
$24.00 to $24.99	8.80
$25.00 to $25.99	9.00
$26.00 to $26.99	9.20
$27.00 to $27.99	9.40
$28.00 to $28.99	9.60
$29.00 to $29.99	9.80
$30.00 to $30.99	10.00
$31.00 to $31.99	10.20
$32.00 to $32.99	10.40
$33.00 to $33.99	10.60
$34.00 to $34.99	$10.80
$35.00 to $35.99	11.00
$36.00 to $36.99	11.20
$37.00 to $37.99	11.40
$38.00 to $38.99	11.60
$39.00 to $39.99	11.80
$40.00 to $40.99	12.00
$41.00 to $41.99	12.10
$42.00 to $42.99	12.20
$43.00 to $43.99	12.30
$44.00 to $44.99	12.40
$45.00 to $45.99	12.50
$46.00 to $46.99	12.60
$47.00 to $47.99	12.70
$48.00 to $48.99	12.80
$49.00 to $49.99	12.90
$50.00 to $50.99	13.00
$51.00 to $51.99	13.10
$52.00 to $52.99	13.20
$53.00 to $53.99	13.30
$54.00 to $54.99	13.40
$55.00 to $55.99	13.50
$56.00 to $56.99	13.60
$57.00 to $57.99	13.70
$58.00 to $58.99	13.80
$59.00 to $59.99	13.90
$60.00 to $185.99	14.00
$186.00 to $199.99	[1]
$200.00 and over	[2]

[1] Increase to $200.
[2] No increase.

§ 705.420 Maintenance of practices.

The sharing of costs by the Federal Government for performance of approved practices included in this program will be subject to the condition that the producer with whom the costs are shared will maintain such practices in accordance with good forestry practices as long as the timber remains under his control. There may be withheld or required to be refunded all cost-shares on tracts or drifts in which failure to maintain any or all practices occurs, except as modified by this section or § 706.402(d). The producer shall not be expected to maintain and complete the practice when prevented by destruction of the timber by fire, weather, insects, diseases, or other conditions beyond his control. Measures which will be considered as failure to maintain practices in accordance with good forestry practices shall include, but are not restricted to the following:

(a) The cutting contrary to good forestry practices of turpentine trees in tracts or drifts (including current nonworking areas) on which costs have been or would be shared under this or the 1962, 1963, 1964, or 1965 program. There may be withheld or required to be refunded the amount previously paid for each face for which costs were shared in 1962, 1963, 1964, 1965, or 1966 in the tracts or drifts in which such cutting occurs. Conformity to the following rules shall be considered good cutting practice:

(1) When turpentine trees are cut for thinnings at least the minimum number of trees per acre specified in the Minimum Stocking Guide issued by the Forest Service June 4, 1956, as amended, shall be left uncut and undamaged and well distributed over the cutting area.

(2) When turpentine trees are cut in a harvest cutting, at least 400 turpentine trees per acre shall be left uncut and undamaged and well distributed over the cutting area, or a minimum of the following number or combination of numbers of thrifty turpentine seed trees per acre: 9 inches or over d.b.h.—6 trees, 8 inches d.b.h.—9 trees, or 7 inches d.b.h.—12 trees, shall be left uncut and undamaged, or if clearcut, artificial planting of at least 500 trees per acre will be accomplished prior to April 1, 1969.

(b) Raising cups and tins without double-headed nails: There may be withheld or required to be refunded all of the cost-shares earned under this or previous programs on the tracts or drifts in which such improper raising occurs.

(c) Picking up additional faces after the first year's working will disqualify the tract or drift for any further cost-sharing, unless the hardware is removed to limit the working to one age class of faces. Such removal must be accomplished within 60 days of notification by the Forest Service.

(d) Failure to meet bark-bar requirement: There may be withheld or required to be refunded all or any part of cost-shares earned under this program on the tracts or drifts in which such improper chipping occurs.

(e) The burning by the producer on any tract or drift of his turpentine farm which will destroy natural reforestation on land which is not fully stocked with turpentine trees or which will result in damage to established turpentine tree reproduction: There may be withheld or required to be refunded all or any part of cost-shares earned under this program on the tracts or drifts in which such improper burning occurs.

(f) The installation of new faces on round trees less than 9 inches d.b.h. or more than one face on round trees less than 14 inches d.b.h. in tracts or drifts having working faces installed during or prior to the 1961 turpentine season: There may be withheld or required to be refunded 2 cents per face for each working face installed during or prior to 1961 in the tracts or drifts in which such installation occurs.

§ 706.421 Practices defeating purposes of programs.

If the Forest Service finds that any producer has adopted or participated in any practice which tends to defeat the purposes of this program or previous programs, it may withhold or require to be refunded all or any part of any cost-share which has been or otherwise would be made to such producer under this program, except as modified by § 706.402 (d) or § 706.420.

§ 706.422 Federal cost-shares not subject to claims.

Any Federal cost-share, or portion thereof, due any person shall be determined and allowed without regard to questions of title under State law; without deduction of claims for advances (except as provided in § 706.423 and except for indebtedness to the United States subject to set-off under order issued by the Secretary (Part 13 of this title)) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 706.423 Assignments.

Any producer who may be entitled to any Federal cost-share under the 1966 program may assign his right thereto, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1966, including the carrying out of soil and water conserving practices. No assignment will be recognized unless it is made in writing on Form ACP–69 and in accordance with the regulations issued by the Secretary (Part 709 of this chapter), witnessed, however, by an inspector or the Program Supervisor of the Forest Service and filed with the Forest Service, Valdosta, Ga.

§ 706.424 Death, incompetency, or disappearance of producer.

In case of death, incompetency, or disappearance of any producer, his share of cost-sharings shall be paid to his successor, determined in accordance with the provisions of the regulations in ACP–122 as amended (Part 707 of this chapter).

§ 706.425 Maximum Federal cost-shares limitation.

The total of all cost-shares under the 1966 Naval Stores Conservation and the 1966 Agricultural Conservation Programs to any person with respect to farms, ranching units, and turpentine places in the United States, Puerto Rico, and the Virgin Islands for approved practices which are not carried out under pooling agreements shall not exceed the sum of $2,500, and for all approved practices, including those carried out under pooling agreements, shall not exceed the sum of $10,000.

§ 706.426 Evasion.

All or any part of any Federal cost-share which has been or otherwise would be made to any producer participating in this program may be withheld or required to be refunded if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means which was designed to evade, or which has the effect of evading, the provisions of § 706.425.

APPLICATIONS FOR PAYMENT OF FEDERAL COST-SHARES

§ 706.427 Persons eligible to file application for payment of Federal cost-shares.

An application for payment of Federal cost-shares may be filed by any producer who contributed to the performance of any approved Naval Stores Conservation practice and is working faces for the production of gum naval stores, during the 1966 turpentine season, which were installed during or after the 1962 season. If it is determined that two or more producers contributed to carrying out the practice the Federal cost-shares shall be divided among such producers in the proportion which the Program Supervisor determines they contributed to carrying out the practice. In making this determination, the Program Supervisor shall take into consideration the value of the labor, equipment, or material contributed by each person toward the carrying out of each practice on a particular acreage, and shall assume that each contributed equally unless it is established to the satisfaction of the Program Supervisor that their respective contributions thereto were not in equal proportion. The furnishing of land, trees, or the right to use water will not be considered as a contribution to the carrying out of any practice.

§ 706.428 Time and manner of filing applications and required information.

Payment of Federal cost-shares will be made only when a report of performance is submitted to the Forest Service on or before December 31, 1966, on the prescribed form (NSCP–3200–1) Application for Payment. Payment of Federal cost-shares may be withheld from any producer who fails to file any form or furnish any information required with respect to any turpentine farm which is being operated by him.

APPEALS

§ 706.429 Appeals.

Any producer may, within 15 days after notice thereof is forwarded to or made available to him, request the Regional Forester in writing to review the recommendation or determination of the Program Supervisor in any matter affecting the right to or the amount of his Federal cost-shares with respect to the producer's turpentine farm. The Regional Forester shall notify the producer of his decision in writing within 60 days after the submission of the appeal. If the producer is dissatisfied with the decision of the Regional Forester he may, within 15 days after the decision is forwarded to or made available to him, request the Chief of the Forest Service to review the case and render his decision, which shall be final.

DEFINITIONS

§ 706.430 Definitions.

(a) *Gum naval stores.* Crude gum (oleoresin), gum turpentine and gum resin produced from living treats.

(b) *Producer or turpentine farmer.* Any person, firm, partnership, corporation, or other business enterprise doing business as a single legal entity, producing gum naval stores from turpentine trees controlled through fee ownership, cash lease, percentage lease, share lease, or other form of control.

(c) *Turpentine tree.* Any tree of either of the two species, longleaf pine (Pinus palustris) or slash pine (Pinus elliottii Engelm).

(d) *Turpentine farm.* This includes (1) land growing turpentine trees, owned or leased by a producer in one general locality, which are currently being worked for gum naval stores, herein referred to as a working area; and (2) all commercially valuable or potentially valuable forest land, owned by a producer on which turpentine trees are growing and which are not being currently worked for gum naval stores, herein referred to as a nonworking area.

(e) *Tract.* A portion of a working area having a continuous stand of trees supporting faces of one age class or intermingled age classes.

(f) *Drift.* A portion or subdivision of a tract set apart for convenience of operation or administration.

(g) *Turpentine season.* The entire calendar year, or, if a farm is operated less than the full calendar year, that period within the calendar year during which a producer is operating his turpentine farm for the production of gum naval stores.

(h) *Face.* The whole wound or aggregate of streaks made by chipping, streaking, or pulling the live tree to stimulate the flow of crude gum (oleoresin), herein referred to as gum.

(i) *Cup.* A container made of metal, clay, or other material hung on or below the face to accumulate the flow of gum.

(j) *Tins.* The gutters or aprons, made of sheet metal or other material, used to conduct the gum from a face into a cup.

(k) *D.b.h.* Diameter breast height; i.e., diameter of tree measured 4½ feet from the ground.

(l) *Round tree.* Any tree which has not been faced or scarred.

(m) *Scarred tree.* A tree having an idle face not over 36 inches in vertical measurement from the shoulder of the first streak to the shoulder of the last streak.

(n) *Worked-out face.* An idle face which is 60 inches or more in vertical measurement between the shoulder of the first streak and the shoulder of the last streak, or a dry face.

(o) *Back face.* A face placed on a tree having a previously worked face.

(p) *Spiral gutter.* A curved gutter that follows a spiral path around the tree.

(q) *Varn apron.* A curved two-piece adjustable apron with tacking flange.

(r) *Double-headed nail.* Double-headed nails specially designed for naval stores use are produced commercially by several manufacturers. The use of a double-headed nail meeting the following minimum specifications is required where this practice is used: The overall length shall be 1⅜ inches; distance between heads a minimum of ¼ inch; its wire gauge no smaller than 13; the driving head shall be of the flat "Common Nail" type with diameter between 5/32 and ¼ inches and diameter of clinching head ¼ inch. Experience has shown that the use of double-headed nails meeting these specifications is satisfactory and meets the requirements for any type of installation and easy removal from the trees.

(s) *Virgin streak.* The first chipping of the tree following initial installation of the face.

(t) *Hardware.* All gutters, aprons, or metal strips of any kind whatsoever together with nails used to support same and nails used to support cups for the collection of raw gum resin.

AUTHORITY, AVAILABILITY OF FUNDS, APPLICABILITY, AND ADMINISTRATION

§ 706.431 Authority.

This program is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended.

§ 706.432 Availability of funds.

(a) The provisions of this program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the paying of the Federal cost-shares herein provided for is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such Federal cost-shares will necessarily be within the limits finally determined by such appropriation and by the extent of participation in this program.

(b) The funds provided for this program will not be available for the payment of applications filed after December 31, 1967.

(c) If the total estimated cost-shares under the Naval Stores Conservation Program exceed the total funds available for cost-sharing, such cost-shares will be reduced equitably.

§ 706.433 Applicability.

(a) The provisions of this program are not applicable to any turpentining operations within the public domain of the United States, including the lands and timber owned by the United States which were acquired or reserved for conservation purposes, or which are to be retained permanently under Government ownership (such lands include, but are not limited to lands owned by the United States which are administered by the Forest Service of the Department of Agriculture or by the Fish and Wildlife Service of the Department of the Interior).

(b) This program is applicable to:

(1) Turpentine farms on privately owned lands;

(2) Lands owned by a State or political subdivision or agency thereof; or

(3) Lands owned by corporations which are either partly or wholly owned by the United States provided such lands are temporarily under such government or corporation ownership and are not acquired or reserved for conservation purposes.

Of the lands covered by subparagraph (3) of this paragraph only turpentine farms on lands meeting eligibility provisions of subparagraph (3) of this paragraph that are administered by the Farmers Home Administration, the Federal Farm Mortgage Corporation, a Production Credit Association, or the U.S. Department of Defense, shall be considered eligible unless the Forest Service finds that land administered by any other agency complied with all of the foregoing provisions for eligibility.

§ 706.434 Administration.

The Forest Service shall have charge of the administration of this program and is hereby authorized to prepare and to issue such bulletins, instructions and forms, and to make such determinations, as may be required to administer this program, pursuant to the provisions of this bulletin, and the field work shall be administered by the Forest Service through the office of the Regional Forester, U.S. Forest Service, 50 Seventh Street NE., Atlanta, Ga., 30323. Information concerning this program may be secured from the Forest Service, Valdosta, Ga., or from any local Area Forester of the Forest Service.

Done at Washington, D.C., this 3d day of November 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-11980; Filed, Nov. 5, 1965; 8:50 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 84]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.384 Navel Orange Regulation 84.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 4, 1965.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., November 7, 1965, and ending at 12:01 a.m., P.s.t., November 14, 1965, are hereby fixed as follows:

(i) District 1: 89,884 cartons;

(ii) District 2: Unlimited movement;

(iii) District 3: 2,003 cartons;

(iv) District 4: 69,285 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 5, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-12081; Filed, Nov. 5, 1965; 11:38 a.m.]

[Valencia Orange Reg. 145]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.445 Valencia Orange Regulation 145.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 4, 1965.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., November 7, 1965, and ending at 12:01 a.m., P.s.t., November 14, 1965, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 450,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 5, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-12082; Filed, Nov. 5, 1965; 11:38 a.m.]

[Lemon Reg. 187]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.487 Lemon Regulation 187.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 2, 1965.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., November 7, 1965, and ending at 12:01 a.m., P.s.t., November 14, 1965, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 102,300 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 4, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-12022; Filed, Nov. 5, 1965; 8:50 a.m.]

[Grapefruit Reg. 27]

PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.327 Grapefruit Regulation 27.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time; are identical with the

aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 4, 1965.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period beginning at 12:01 a.m., e.s.t., November 8, 1965, and ending at 12:01 a.m., e.s.t., November 15, 1965, is hereby fixed at 100,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 5, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–12083; Filed, Nov. 5, 1965; 11:38 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Overtime, Night and Holiday Inspection and Quarantine Activities at Border, Coastal and Air Ports

Pursuant to the authority conferred by the Act of August 28, 1950 (64 Stat. 561; 5 U.S.C. 576), § 97.1 of Part 97, Title 9 of the Code of Federal Regulations is further amended to read as follows:

§ 97.1 Overtime work at border ports, ocean ports and airports.[1]

Any person, firm, or corporation having ownership, custody or control of animals, animal byproducts, or other commodities subject to inspection, certification, or quarantine under this subchapter and Subchapter G of this chapter, and who requires the services of an employee of the Animal Health Division on a holiday or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of overtime or holiday service request the Division inspector in charge to furnish inspection, certification or quarantine service during such overtime or holiday period and shall pay the Administrator of the Agricultural Research Service at the rate of $6.84 per man-hour per employee as follows: A minimum charge of two hours shall be made for any holiday or unscheduled overtime duty performed by an employee on a day when no work was scheduled for him or which is performed by an employee on his regular work day beginning either at least one hour before his scheduled tour of duty or which is not in direct continuation of the employee's regular tour of duty. In addition, each such period of unscheduled overtime or holiday work to which the two-hour minimum charge provision applies which requires the employee involved to perform additional travel may include a commuted travel time period the amount of which shall be prescribed in administrative instructions to be issued by the Director of the Animal Health Division for the ports, stations, and areas in which the employees are located and shall be established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from such overtime or holiday duty if such travel is performed solely on account of such overtime or holiday service. With respect to places of duty within the metropolitan area of the employee's headquarters, such commuted travel period shall not exceed three hours. When inspection, quarantine or certification services are performed at locations outside the metropolitan area in which the employee's headquarters are located, one-half of the commuted travel time period applicable to the point at which the services are performed shall be charged when duties involve overtime that either begins less than one hour before the beginning of the regular tour and/or is in continuation of the regular tour of duty. It shall be administratively determined from time to time which days constitute holidays.

The foregoing amendment shall become effective November 7, 1965, when it shall supersede 9 CFR 97.1, effective August 18, 1964.

The purpose of this amendment is to increase the hourly rate for overtime services from $6.60 to $6.84 commensurate with salary increases provided in the Federal Employees Salary Act of 1965 (Public Law 89–301). It is to the benefit of those who require such overtime services, as well as the public generally, that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238), it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making this amendment effective less than 30 days after publication.

(64 Stat. 561; 5 U.S.C. 576)

Done at Washington, D.C., this 3d day of November 1965.

E. P. REAGAN,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 65–11981; Filed, Nov. 5, 1965; 8:50 a.m.]

[1] For designated ports of entry for certain animals, animal semen, poultry, and hatching eggs see 9 CFR 92.1 through 92.3; and for designated ports of entry for certain purebred animals see 9 CFR 151.1 through 151.3.

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 1—INVESTMENT SECURITIES REGULATION

New York State Housing Finance Agency, General Housing Loan Bonds

§ 1.166 New York State Housing Finance Agency, General Housing Loan Bonds.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $84,735,000 General Housing Loan Bonds of the New York State Housing Finance Agency, 1965 Series A, for dealing in, underwriting, and unlimited holding by National Banks under the provisions of paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* The New York State Housing Finance Agency is a public corporation created in 1960 pursuant to the New York State Housing Finance Agency Act, Article III of the Private Housing Finance Law of the State of New York. One purpose of the Agency is to provide safe and sanitary dwelling accommodations at rentals which families and persons of low income can afford, and which the ordinary operations of private enterprise cannot provide. To accomplish such purpose, and to encourage the investment of private capital through the Agency in mortgage loans to companies which, subject to State regulation as to rents, profits, dividends and disposition of their property, supply multiple dwelling accommodations, and other facilities incidental or appurtenant thereto, to such families and persons, the Agency has issued these bonds. The bonds of the Agency are the direct and general obligations of the Agency, and its full faith and credit are pledged for the payment thereof. The bonds are further secured by a pledge of the mortgages securing the mortgage loans made by the Agency from the proceeds from the sale of the bonds, by a pledge of and lien upon the payments required to be made to the Agency by the mortgagors under such mortgages, and by a Capital Reserve Fund, established and maintained by the Agency for the benefit of bondholders, containing an amount equal to the maximum amount of principal and interest maturing and becoming due in any succeeding calendar year on all outstanding bonds of the Agency. All bonds of the Agency are secured equally and proportionately by the foregoing. The Capital Reserve Fund of the Agency is required to be created by the provisions of the New York State Housing Finance Agency Act, and was established by an appropriation in the amount of $2,000,000 by the State of New York and to which portions of the proceeds of the sale of bonds in 1961 and 1963 have been added. The New York State Housing Finance Agency Act provides that in order to insure the maintenance of the Capital Reserve Fund, there shall be annually apportioned and paid to the Agency for deposit in the Capital Reserve Fund such amounts as shall be certified by the chairman of the Agency to the Governor and Director of the Budget as necessary to restore the Capital Reserve Fund to an amount equal to the maximum amount of principal and interest maturing and becoming due in any succeeding calendar year on the bonds of the Agency then outstanding. The subject bonds of the New York State Housing Finance Agency are the general obligations of a political subdivision of the State of New York as defined in § 1.3 (d) and (e).

(c) *Ruling.* It is the conclusion of this Office that the $84,735,000.00 General Housing Loan Bonds of the New York State Housing Finance Agency, 1965 Series A, are "public securities" as set forth in § 1.3(c), issued pursuant to paragraph Seventh of 12 U.S.C. 24, and are therefore eligible for dealing in, underwriting, and unlimited holding by National Banks.

Dated: October 28, 1965.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 65–11949; Filed, Nov. 5, 1965; 8:46 a.m.]

PART 1—INVESTMENT SECURITIES REGULATION

Port of New York Authority, Consolidated Bonds

§ 1.167 The Port of New York Authority, Consolidated Bonds.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $25,000,000 Consolidated Bonds, Thirtieth Series, Due 1998 (First Installment) of The Port of New York Authority for dealing in, underwriting, and unlimited holding by national banks under paragraph seventh of 12 U.S.C. 24.

(b) *Opinion.* The Port of New York Authority is a municipal corporate instrumentality of the States of New York and New Jersey, created in 1921 by Compact between the two States, with the consent of the Congress of the United States. The purpose of the States in establishing the Authority was to provide transportation, terminal and other facilities of commerce with the Port of New York District, and for such purposes they have from time to time authorized specific facilities and have given the Authority power to borrow money upon its bonds or other obligations and to make charges for the use of such facilities. The proceeds of the subject bonds will provide funds for capital expenditures in connection with facilities of the Authority and for purposes incidental thereto. The Port of New York Authority, possessing resources sufficient to justify faith and credit, has, as authorized under applicable law, pledged its full faith and credit for the payment of principal and interest on these bonds, which are thus direct and general obligations of the Authority. The subject bonds of The New York Port Authority are, therefore, the general obligations of a political subdivision of the State of New York as defined in § 1.3 (d) and (e).

(c) *Ruling.* It is the conclusion of this Office that the $25,000,000 Consolidated Bonds, 30th Series, due 1998 (First Installment) of The Port of New York Authority, are "public securities" as set forth in § 1.3(c), issued pursuant to paragraph Seventh of 12 U.S.C. 24, and are, therefore, eligible for dealing in, underwriting, and unlimited holding by national banks.

Dated: November 1, 1965.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 65–11950; Filed, Nov. 5, 1965; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 6622; Amdt. 39–154]

PART 39—AIRWORTHINESS DIRECTIVES

Canadair Model CL–44D4 Airplanes

Amendment 39–65 (30 F.R. 6639), AD 65–11–2 requires inspection and replacement where necessary of the main landing gear bogie beam. Subsequent to the issuance of Amendment 39–65, the Agency has determined that the bogie beams on the subject airplanes have failed in locations other than those specified for inspection in AD 65–11–2. Therefore the AD is amended to provide for more extensive inspection of the bogie beams on Canadair Model CL–44D4 airplanes.

As a situation exists which demands immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–65 (30 F.R. 6639), AD 65–11–2, is amended as follows:

1. By striking the words "each wheel and" in the last sentence of paragraph (b) and substituting the words "the forward inboard and outboard wheels and the" in place thereof.

2. By striking the words "Remove right * * * wheels and brakes" in subparagraph (c)(1) and substituting the words "Remove the forward inboard and outboard wheels and brakes of the right and left main landing gears." in place thereof.

3. By redesignating paragraphs (d), (e), and (f) as (e), (f), and (g), respectively, and inserting the following new paragraph after paragraph (c):

(d) Within the next 300 hours' time in service after the effective date of this AD unless accomplished within the last 100 hours' time in service and at intervals thereafter not to exceed 400 hours' time in service from the last inspection, remove the forward inboard and outboard wheels and brakes of the right and left main landing gears, remove the bogie actuator lever and inspect for cracks the right and left main landing gear bogie beams forward of plug P/N 44–87688 with a 10-power or greater magnifying glass or an equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

This amendment becomes effective November 6, 1965.

(Sec. 313(a), 601, and 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1423)

Issued in Washington, D.C., on November 2, 1965.

C. W. WALKER,
Acting Director, Flight Standards Service.

[F.R. Doc. 65–11927; Filed, Nov. 5, 1965; 8:45 a.m.]

[Airspace Docket No. 65–CE–104]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On August 21, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 10910) stating that the Federal Aviation Agency proposed to designate controlled airspace in the vicinity of Jefferson, Iowa.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. Due consideration was given to all relevant matter presented. The Air Transport Association endorsed the proposed airspace designation. Mr. G. Robert Sackett, Chairman of the Perry Airport Commission, Perry, Iowa, entered an objection to the proposed action. He stated that the proposed 700-foot transition area would conflict with the arrival and departure procedures for the northwest and southeast runway of the Perry Airport and that aircraft entering this controlled airspace at 700 feet above the ground would be unable to establish radio communications with an Air Traffic Control facility, due to the distance to the nearest FAA radio facility. He also objected on the grounds that the designated airspace would restrict the operation of nonradio equipped aircraft and student pilot training activity at the Perry Municipal Airport. The Federal Aviation Agency has determined that the proposed transition area extending upward from 700 feet above the surface will provide controlled airspace for aircraft departing, holding and executing the public use instrument approach procedure while operating 700 feet above the surface. The transition area extending up-

ward from 1,200 feet above the surface provides controlled airspace for aircraft transitioning to the Jefferson RBN from the Fort Dodge VORTAC and the Grimes Intersection. The proposed 1,200-foot transition area will overlie the Perry Airport. However, the 700-foot and 1,200-foot transition areas would not prevent aircraft from operating in these areas under Visual Flight Rules conditions. Aircraft could also operate below these areas during weather conditions which are less than Visual Flight Rules minimums. Therefore, the proposed transition areas would not restrict student training activities which are usually conducted in Visual Flight Rules weather. Also, aircraft could operate within these transition areas in Instrument Flight Rules weather conditions with a traffic control clearance.

By flight check, it has been established that radio communications can be maintained with the Des Moines, Iowa, approach control at 800 feet above the Jefferson Airport. In view of the fact that Dawson is approximately 25 miles closer to Des Moines than the Jefferson Airport, establishment of radio communications is possible at a lower altitude. Action is also being taken to raise the floor on V–13W and V–172 in the Perry, Iowa, area to 1,200 feet.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 6, 1966, as hereinafter set forth.

In § 71.181 (29 F.R. 17643) the following transition area is added:

JEFFERSON, IOWA

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Jefferson Municipal Airport (latitude 42°00'30" N., longitude 94°20'30" W.), and within 8 miles NE and 5 miles SW of the 152° bearing from the Jefferson RBN, extending from the RBN to 12 miles SE; and that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the 183° radial of the Fort Dodge, Iowa, VORTAC, extending from the Fort Dodge VORTAC, S to the Jefferson RBN; and within 5 miles each side of the 127° bearing from the Jefferson RBN, extending from the RBN SE to the W edge of V–13W and the N edge of V–172, excluding the Fort Dodge, Iowa, and Des Moines, Iowa, transition areas.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on October 28, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65–11928; Filed, Nov. 5, 1965; 8:45 a.m.]

[Airspace Docket No. 65–WE–105]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to § 71.171 of the Federal Aviation Regulations is to alter the time of designation of the Lake Tahoe, Calif., control zone.

The Lake Tahoe control zone is presently designated from 0600 to 2200 hours, local time, daily. It is proposed to the change the Lake Tahoe tower hours of operation to 0700 to 2300 hours, local time, daily to provide more effective air traffic service. Therefore action is taken herein to redesignate the Lake Tahoe control zone with effective hours coincident with those of the control tower.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective as soon as practicable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., November 14, 1965, as hereinafter set forth.

In § 71.171 (30 F.R. 6215), the Lake Tahoe, Calif., control zone is amended as follows: "0600 to 2200 hours, local time, daily" is deleted and "0700 to 2300 hours, local time, daily" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, as amended; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on November 1, 1965.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 65–11929; Filed, Nov. 5, 1965; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER–448; Amdt. 7]

PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Scope of Service Authorized

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of November 1965.

In a notice of proposed rule making published in the FEDERAL REGISTER on August 11, 1965 (30 F.R. 9986), and circulated to the industry as EDR–86, Docket 16388, the Board proposed to amend Part 298 of the Board's Economic Regulations (14 CFR Part 298) so as to eliminate the restriction against regular air taxi service between points between which a certificated route carrier provides daily scheduled service with small aircraft (subparagraph (3) of § 298.21 (b)).[1] In the notice the Board invited interested persons to submit pertinent information and data with respect to the proposed rule.

Pursuant to the above notice, five comments were received. Four of them support the proposed amendment[2]; the fifth one neither supports nor opposes the proposed rule.[3]

Interested persons have been afforded an opportunity to participate in the making of this rule, and due consideration has been given to all relevant matter presented. We shall adopt the rule as proposed.

The only comment not expressly in favor of the proposed amendment is that of the certificated route carrier, Caribbean-Atlantic Airlines, Inc. (Caribair). It asks the Board to consider certain matters affecting safety of operations of scheduled air carriers before the Board takes final action on the proposed rule. It states that (1) the Board recently expanded the authority of air taxi operators to provide scheduled services[4] without taking correlative action upgrading the operating standards under which such services are conducted; (2) admitting that the Federal Aviation Agency is directly responsible for the operating standards imposed upon air taxi operators, nevertheless the Board's responsibility for air safety precludes the Board from ignoring the question of operating standards in promulgating economic regulations; and (3) the Board should assure that all scheduled operators sanctioned by the Board meet an "equivalent level of safety requirements" at least in respect of crew training and proficiency, training of maintenance personnel, flight deck complement and dispatching.

Caribair's contentions concern matters affecting safety regulation which is the sole responsibility of the Federal Aviation Agency rather than of the Board. Thus the carrier's objections pertain to matters beyond the scope of the instant rule making proceeding, and for this reason will be overruled.

Accordingly, the Civil Aeronautics Board hereby amends Part 298 of its Economic Regulations (14 CFR Part 298), effective December 6, 1965, by deleting subparagraph (3) of § 298.21(b). As amended, § 298.21(b) reads as follows:

§ 298.21 Scope of service authorized.

* * * * *

(b) *General limitations.* An air taxi operator is prohibited from providing air transportation, or holding out to the public expressly or by course of conduct, that it provides such transportation regularly or with a reasonable degree of regularity (1) within the State of Hawaii except as provided in paragraph (e) of this section; and (2) between any points where scheduled helicopter passenger service, or community center and interairport service, is provided by the holder of a certificate of public convenience and necessity either in accordance with such certificate or pursuant to exemption order of the Board.

* * * * *

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324(a); interpret or apply sec. 416, 72 Sat. 771; 49 U.S.C. 1386)

Effective date. December 6, 1965.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65–11986; Filed, Nov. 5, 1965; 8:48 a.m.]

[1] Section 298.21(b)(3) provides: "(b) General limitations. An air taxi operator is prohibited from providing air transportation, or holding out to the public expressly or by course of conduct, that it provides such transportation regularly or with a reasonable degree of regularity . . . (3) between any points where an air carrier certificated by the Board to provide unlimited route-type air transportation of persons, property, and mail provides scheduled daily transportation with aircraft having a maximum takeoff weight of 12,500 pounds or less, except as provided in paragraph (e) of this section." Paragraph (e) authorizes regular air taxi service in Hawaii between certain points.

[2] Comment of a certificated route carrier, Caribbean-Atlantic Airlines, Inc.

[3] Two comments of trade associations, National Air Taxi Conference and Association of Commuter Airlines; and two comments of air taxi operators, Commuter Airlines, Inc., and Butler Aviation.

[4] The carrier undoubtedly refers to the Board's removal of the regularity restrictions on air taxi operations (a) within U.S. territories and possessions and (b) to a limited extent within Hawaii. See ER–429 adopted Feb. 26, 1985, 30 F.R. 2779 and ER–438 adopted July 20, 1965, 30 F.R. 9201.

Title 45—PUBLIC WELFARE

Chapter VIII—United States Civil Service Commission

PART 801—VOTING RIGHTS PROGRAM

Amendments to Appendices A, B, C, and D

1. Appendix A to Part 801 is amended as set out below. The amendment sets forth the dates, times, and places for filing in 3 additional counties in Alabama; 6 in Mississippi and 2 in South Carolina, and the application form for South Carolina.

APPENDIX A

* * * * *

DATES, TIMES, AND PLACES FOR FILING

Offices at which applications may he filed will be open in each State in the county or parish and at the place set forth in this appendix beginning on the date specified and continuing thereafter until a closing date is given. Each office will be open Monday through Saturday (except on a legal holiday) between the hours of 8:30 a.m. and 4:30 p.m., except that the Commission may change the hours and days on which any office will be open for filing applications by posting advance notice of the change at the place set forth in this appendix.

ALABAMA

County; Place for Filing; Beginning Date

* * * * *

Autauga; Prattville—U.S. Post Office; November 8, 1965.
Elmore; Wetumpka—U.S. Post Office; November 8, 1965.
Greene; Eutaw—U.S. Post Office; November 8, 1965.

* * * * *

MISSISSIPPI

County; Place for Filing; Beginning Date

* * * * *

De Soto; Walls—U.S. Post Office; November 8, 1965.
Hinds; Jackson—301 Building, 301 North Lamar Street; November 8, 1965.
Hinds; Raymond—U.S. Post Office; November 8, 1965.
Holmes; Lexington—U.S. Post Office; November 8, 1965.
Jefferson; Fayette—Ball Drug Store Building, Main Street; November 8, 1965.
Neshoba; Philadelphia—U.S. Post Office; November 8, 1965.
Walthall; Tylertown—U.S. Post Office; November 8, 1965.

SOUTH CAROLINA

County; Place for Filing; Beginning Date

Clarendon; Manning—Federal Building; November 8, 1965.
Dorchester; St. George—U.S. Post Office; November 8, 1965.

FORMS OF APPLICATION

* * * * *

SOUTH CAROLINA

Front

[Form Approved, Budget Bureau No. 50–R359]

APPLICATION TO BE LISTED UNDER THE VOTING RIGHTS ACT OF 1965

State of South Carolina County of _____

Instructions to the Applicant: Please fill out this side of this form. If you need help in answering any question, the Examiner will help you.

1. Name _____ (First) (Middle) (Last)
2. Age _____
3. Address _____ (RFD or street number) (Street)
_____ (City or town) _____ (State)
4. (a) Are you a minister in charge of an organized church or the spouse of such a minister ☐ Yes ☐ No
(b) Are you a teacher in a public school or the spouse of such a teacher ☐ Yes ☐ No
5. How long have you lived in South Carolina _____
6. How long have you lived at the above address _____
7. What is your ward _____ and precinct _____
8. Are you now (1) a student, (2) a seaman, (3) an employee of the United States, or (4) on active duty in the Armed Forces of the United States ☐ Yes ☐ No
9. (a) Are you now registered to vote in South Carolina ☐ Yes ☐ No
(b) Are you now listed under the Voting Rights Act ☐ Yes ☐ No
10. Are you a citizen of the United States and the State of South Carolina ☐ Yes ☐ No
11. Have you ever been convicted of a crime other than a traffic violation ☐ Yes ☐ No
12. Have you ever been declared legally insane, idiotic, or mentally incompetent by a court ☐ Yes ☐ No
13. Are you a pauper receiving all your support from your county, town, or city government ☐ Yes ☐ No

Any willful false statement on this application is a Federal crime punishable by fine or imprisonment

Stop Here—Take the Form to the Examiner

I hereby solemnly swear (or affirm) that the information I have provided is true to the best of my knowledge and belief and I so certify.
Signature (or mark) of applicant _____
Sworn to (or affirmed) and subscribed before me this date _____
Examiner _____
U.S. Civil Service Commission

CSC Form 805–S, October 1965

SOUTH CAROLINA

Back

Do Not Write on This Side—For Use by Examiner

Additional Information Items

5. If the applicant shows that he has not lived in South Carolina for one year, will he have lived in South Carolina for one year by the next election (or six months if applicant is a minister in charge of an organized church or a teacher in a public school, or the spouse of either) ☐ Yes ☐ No
If yes, write in the date when he began to live in South Carolina _____
Former address _____

6. If the applicant (other than a minister, teacher, or spouse of either) shows that he has not lived at the same address for six months, will he by the date of the next election have:
Lived in the same county for six months ☐ Yes ☐ No

If yes, write in the date when he began to live in the county _____
Former address _____
Lived in the same city or town for four months _____ ☐ Yes ☐ No
If yes, write in the date when he began to live in the city or town _____
Former address _____
Lived in the same precinct for three months _____ ☐ Yes ☐ No
If yes, write in the date when he began to live in the precinct _____
Former address _____

8. If applicant answers yes, is his residence in South Carolina and in his county for temporary purposes _____ ☐ Yes ☐ No
If yes, write in his occupation _____

9. (a) If applicant shows that he is now registered to vote in South Carolina, write in the county where he is registered _____
(b) If applicant shows that he is now listed under the Voting Rights Act, write in the county where he is listed _____ and certificate number if available _____

11. If applicant answers yes, name the crime _____
Where and when convicted _____
Was the conviction for a disqualifying crime _____ ☐ Yes ☐ No
If a disqualifying crime, has the disqualification been removed by pardon of the Governor _____ ☐ Yes ☐ No
If so pardoned, where, when and by whom _____

12. If the applicant shows that he has been declared legally insane, idiotic, or mentally incompetent by a court, has he subsequntly been declared legally sane or mentally competent by a court _____ ☐ Yes ☐ No
If yes, when and by what court _____

13. If the applicant shows that he is a pauper receiving all of his support from his county, town, or city, write details here _____

Certificate of eligibility issued—No. _____ Notice of ineligibility issued—No. _____

2. Appendix B to Part 801 is amended by the addition of the qualifications required for listing on an eligibility list in South Carolina.

APPENDIX B

* * * * *

SOUTH CAROLINA

A person is qualified to be listed as an eligible voter in elections in the State of South Carolina, except municipal elections, if he has all the following qualifications at the time he applies for listing and if he takes the required oath or affirmation.

(1) He is 21 years of age.

(2) He is a citizen of the United States and of the State of South Carolina.

(3) He will have lived in the State of South Carolina for one year, in his county for six months, and in his precinct for three months by the date of the next election. However, if the person is a minister in charge of an organized church or a teacher in the public schools, or the spouse of such a minister or teacher, that person is qualified if he or she will have lived in the State of South Carolina for six months by the date of the next election.

(4) He has not been convicted of burglary, arson, obtaining goods or money under false pretenses, perjury, forgery, robbery, bribery, adultery, bigamy, wife-beating, housebreaking, receiving stolen goods, breach of trust with fraudulent intent, fornication, sodomy, incest, assault with intent to ravish, miscegenation, larceny, challenging or accepting a challenge to duel with a deadly weapon, or crimes against the election laws, or if so convicted his right to vote has been restored by pardon.

(5) He has not been declared legally insane, idiotic, or incompetent by a court, or if so declared he has subsequently been declared legally sane or competent by a court.

(6) He is not a pauper supported at public expense.

(7) He is not otherwise registered or listed as eligible to vote in the county in which he applies for listing.

A person who has all the above qualifications is also qualified to be listed as an eligible voter in municipal elections if he will have lived in his city or town for four months by the date of the next election.

3. Appendix C is amended by the addition of the address of the Examiner (State Supervisor) in South Carolina.

APPENDIX C

* * * * *

SOUTH CAROLINA

Examiner (State Supervisor), U.S. Civil Service Commission, Federal Building, Manning, South Carolina.

4. Appendix D is amended by the addition of the bases for loss of eligibility to vote and removal from an eligibility list in South Carolina.

APPENDIX D

* * * * *

SOUTH CAROLINA

A person loses his eligibility to vote in elections in the State of South Carolina if:

(1) He is no longer a legal resident of the State of South Carolina or the county for which he is listed;

(2) He dies;

(3) He is convicted of burglary, arson, obtaining goods or money under false pretenses, perjury, forgery, robbery, bribery, adultery, bigamy, wife-beating, housebreaking, receiving stolen goods, breach of trust with fraudulent intent, fornication, sodomy, incest, assault with intent to ravish, miscegenation, larceny, challenging or accepting a challenge to duel with a deadly weapon, or crimes against the election laws and his right to vote has not been restored by pardon;

(4) He is declared legally insane, idiotic or incompetent by a court and has not subsequently been declared legally sane or competent by a court;

(5) He becomes a pauper supported at public expense; or

(6) He loses his citizenship in the United States or the State of South Carolina.

A person loses his eligibility to vote in municipal elections only if he is no longer a legal resident of his city or town. Loss of eligibility to vote in a municipal election because of change of residence does not result in a loss of eligibility in any other election.

(Secs. 7 and 9 of the Voting Rights Act of 1965; Pub. Law 89–110)

UNITED STATES CIVIL SERVICE COMMISSION.
[SEAL] DAVID F. WILLIAMS,
Director, Bureau of Management Services.

[F.R. Doc. 65–12054; Filed, Nov. 5, 1965; 9:12 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Proxy Schedules, CFR Designation

Part 240 of Title 17, Chapter II of the Code of Federal Regulations is amended in the following respects:

1. Schedule 14A, which follows § 240.14a–11, is hereby designated as § 240.14a–101. The caption, "SCHEDULE 14A—INFORMATION REQUIRED IN PROXY STATEMENT," is amended to read:

§ 240.14a–101 Schedule 14A. Information required in proxy statement.

The text of Schedule 14A is not changed.

2. Schedule 14B, which follows Item 21 of Schedule 14A (herein designated as § 240.14a–101), is hereby designated as § 240.14a–102. The caption, "SCHEDULE 14B—INFORMATION TO BE INCLUDED IN STATEMENTS FILED ON OR ON BEHALF OF A PARTICIPANT (OTHER THAN THE ISSUER) IN A PROXY SOLICITATION PURSUANT TO § 240.14a–11(c) (RULE X–14A–11 (c)," is amended to read:

§ 240.14a–102 Schedule 14B. Information to be included in statements filed on or behalf of a participant (other than the issuer) pursuant to § 240.14a–11(c) (Rule 14a–11(c)).

The text of Schedule 14B is not changed.

The above designations are intended to clarify Part 240 of the Code of Federal Regulations and are effective immediately upon publication in the FEDERAL REGISTER.

For the Commission, November 2, 1965.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65–11933; Filed, Nov. 5, 1965; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Chlorcyclizine, Cyclizine, Meclizine; Statement of Policy Re Warning, Etc.

Correction

In F.R. Doc. 65–11487 appearing at page 13628 in the issue for Wednesday, October 27, 1965, the tenth line of § 3.29 (b) now reads: "a statement of the following effect:". It is corrected to read: "a statement to the following effect:". In the same section, the sixth line in the center column on page 13629 now reads: "initial use of a nonprenothiazine agent that". It is corrected to read: "initial use of a nonphenothiazine agent that".

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3860]

[Oregon 016440]

OREGON

Revocation of National Forest Administrative Site Withdrawal

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The departmental orders of November 23, 1906, November 22, 1907, January 7, 1908, May 26, 1908, June 12, 1908, June 24, 1908, June 29, 1908, September 8, 1908, October 19, 1908, October 22, 1908, and December 29, 1908, withdrawing national forest lands in the Ochoco National Forest for use as administrative sites by the Forest Service, are hereby revoked so far as they affect the following described lands:

WILLAMETTE MERIDIAN

OCHOCO NATIONAL FOREST

Samora Administrative Site

T. 12 S., R. 18 E.,
Sec. 6, NE¼SE¼.

Trout Creek Administrative Site

T. 12 S., R. 18 E.,
Sec. 12, S½NE¼NW¼ and N½SE¼NW¼.

Bear Creek Administrative Site

T. 12 S., R. 19 E.,
Sec. 3, SW¼SW¼;
Sec. 4, S½SE¼SE¼;
Sec. 9, NE¼NE¼.

Buckhorn Administrative Site

T. 18 S., R. 19 E.,
Sec. 8, E½SW¼NW¼, W½SE¼NW¼, W½NE¼SW¼, and E½NW¼SW¼.

Drake Creek Administrative Site

T. 18 S., R. 20 E.,
Sec. 5, lots 3 and 4.

Maury Administrative Site

T. 17 S., R. 21 E.,
Sec. 30, lots 3, 4, E½SW¼, and W½SE¼.

Keyes Administrative Site

T. 12 S., R. 22 E.,
Sec. 32, W½SW¼.

Badger (Station 5) Administrative Site

T. 13 S., R. 22 E.,
Sec. 18, SW¼SE¼;
Sec. 19, NW¼NE¼.

Deep Creek (Station 1) Administrative Site

T. 14 S., R. 22 E.,
Sec. 27, N½SE¼.

Summit Administrative Site

T. 14 S., R. 23 E.,
Sec. 24, SE¼SW¼SE¼SE¼ and SE¼SE¼SE¼;
Sec. 25, NW¼NE¼NE¼NE¼ and NW¼NE¼NE¼.

T. 14 S., R. 24 E.,
Sec. 19, S½NW¼SW¼SW¼ (S½NW¼ lot 4), N½SW¼SW¼SW¼ (N½SW¼ lot 4), and SW¼SW¼SW¼SW¼ (SW¼SW¼ lot 4).

Squaw Meadows Administrative Site

T. 14 S., R. 24 E.,
Sec. 14, NW¼SE¼.

Mud Springs Administrative Site

T. 15 S., R. 25 E.,
Sec. 1, SW¼NE¼.

Nicoll Creek Administrative Site

T. 21 S., R. 25 E.,
Sec. 32, SW¼NE¼, NE¼SW¼, N½SE¼SW¼, S½NE¼SE¼, NW¼SE¼, N½SW¼SE¼, and SE¼SE¼.

Cougar Creek Administrative Site

T. 16 S., R. 26 E.,
Sec. 15, SE¼SE¼;
Sec. 22, NE¼NE¼.

The areas described aggregate 1227.51 acres.

2. At 10 a.m. on December 7, 1965, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

NOVEMBER 1, 1965.

[F.R. Doc. 65–11930; Filed, Nov. 5, 1965; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 12—AREAS CLOSED TO HUNTING

Lands and Waters Within and Adjacent to Lake Marion and Lake Moultrie, S.C.

The Secretary of the Interior on October 22, 1955 (20 F.R. 7969), issued a designation of an area encompassing certain lands and waters within and adjacent to Lake Marion and Lake Moultrie, S.C., closed to the hunting of migratory birds, pursuant to the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755). The purpose of the designation was to aid administration of the Santee National Wildlife Refuge and to increase the effectiveness of the refuge for the purpose for which it was established by the United States.

The necessity for the closure no longer exists and the designation is hereby revoked. Notice and public procedure on this revocation are deemed impracticable, as the hunting season is scheduled to begin on this area November 8, 1965. Since this revocation benefits the public by relieving existing restrictions on hunting, it shall become effective upon publication in the FEDERAL REGISTER.

JOHN A. CARVER, JR.,
Under Secretary of the Interior.

NOVEMBER 2, 1965.

[F.R. Doc. 65–11953; Filed, Nov. 5, 1965; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 730]

RICE

Acreage Allotments for 1964 and Subsequent Crops

Notice is hereby given that pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301, 1353, 1375), the Department proposes to amend §§ 730.1511 and 730.1529 of the regulations for determination of acreage allotments for 1964 and subsequent crops of rice.

The purpose of these amendments is to provide that (1) a person who acquired producer rice allotment and related history acreage under § 730.1025 or § 730.1525 of this part, shall be considered an old producer with respect to such acquired allotment only if such person continues the required farming operations of the producer from whom the allotment was acquired, and (2) a farm which includes land for which no rice allotment was established because the owner of a parent farm did not designate rice allotment for such land in making a reconstitution pursuant to Part 719 of this chapter, shall not be eligible for a new farm rice allotment for 5 years beginning with the year in which the reconstitution becomes effective.

Prior to the issuance of these amendments, any data, views, or recommendations pertaining thereto which are submitted in writing to the Director, Farmer Programs Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250, will be given consideration provided such submissions are postmarked not later than 30 days after the date of publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

It is proposed that:

§ 730.1511 [Amended]

1. Paragraph (e) of § 730.1511 be amended by changing the period at the end thereof to a colon and adding the following: "*Provided*, That a person who acquired producer rice allotment and related history acreage under § 730.1025 or § 730.1525, shall be considered an old producer with respect to such acquired allotment only if such person continues the required farming operations of the producer from whom the allotment was acquired."

2. Paragraph (g) of § 730.1529 be amended to read:

§ 730.1529 Determination of allotments for new farms.

* * * * * *

(g) Notwithstanding any other provision of this section, (1) a farm which includes land acquired by an agency having the right of eminent domain for which the entire rice allotment was pooled pursuant to Part 719 of this chapter, which is subsequently returned to agricultural production, shall not be eligible for a new farm rice allotment for a period of 5 years from the date the former owner was displaced from the acquired farm, (2) a farm which includes land for which no rice allotment was established because the owner of a parent farm did not designate rice allotment for such land in making a reconstitution pursuant to Part 719 of this chapter, shall not be eligible for a new farm rice allotment for a period of 5 years beginning with the year in which the reconstitution becomes effective.

Signed at Washington, D.C., on November 3, 1965.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65-11982; Filed, Nov. 5, 1965; 8:50 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 561]

[No. FSLIC-2,315]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Definition of Slow Loans

NOVEMBER 2, 1965.

Resolved that, pursuant to Part 508 of the General Regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 567.1 of the Rules and Regulations for Insurance of Accounts (12 CFR 567.1), it is hereby proposed that § 561.16 of the Rules and Regulations for Insurance of Accounts (12 CFR 561.16) be amended by an amendment the substance of which is as follows:

Amend § 561.16 of the Rules and Regulations for Insurance of Accounts by the addition of a new paragraph, paragraph (f), to read as follows:

§ 561.16 Slow loans.

* * * * *

(f) In computing delinquencies for purposes of this section, any loan as to which the insured institution has the benefit of any guaranty by the Federal Savings and Loan Insurance Corporation shall be considered to be current as of the date such guaranty becomes effective with respect to that particular loan and only subsequent delinquencies shall be counted in determining whether the loan is slow.

* * * * * *

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues. (1) Whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D.C., 20552, not later than November 22, 1965, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 65-11976; Filed, Nov. 5, 1965; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 52]

[No. 34648]

RAILROAD CONSOLIDATION PROCEDURE

Extension of Time for Submission of Written Views

Upon consideration of the notice of proposed rule making issued by the Commission on September 23, 1965, as published in the FEDERAL REGISTER on October 13, 1965, 30 F.R. 13018, and of the request filed October 27, 1965, on behalf of the Association of American Railroads for an extension of time in which written views or comments concerning the proposed rule may be filed; and good cause appearing therefor:

It is ordered, That the period within which written views or comments may be filed be, and it is hereby, extended to expire December 13, 1965.

Dated at Washington, D.C., this 28th day of October A.D. 1965.

By the Commission, Acting Chairman Bush.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 65-11965; Filed, Nov. 5, 1965; 8:48 a.m.]

Notices

DEPARTMENT OF COMMERCE

Maritime Administration

ALASKA STEAMSHIP CO.

3 C1-M-AV1 Type Government-Owned Vessels; Continuance of Bareboat Charters

Notice in the above-captioned matter appeared in the FEDERAL REGISTER issue of October 14, 1965 (30 F.R. 13100), in which interested persons were given permission to file written objections or request a hearing by close of business on October 25, 1965.

Notice is hereby given that no objections or requests for a hearing were received; therefore, the findings of the Maritime Administrator are now final.

By order of the Maritime Administrator.

Dated: October 26, 1965.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 65-11948; Filed, Nov. 5, 1965; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

FRANKLIN STUART FEHR

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of October 29, 1965.

Dated: October 29, 1965.

F. STUART FEHR.

[F.R. Doc. 65-11931; Filed, Nov. 5, 1965; 8:45 a.m.]

CHARLES K. MILLEN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of October 29, 1965.

Dated: October 29, 1965.

CHARLES KEITH MILLEN.

[F.R. Doc. 65-11932; Filed, Nov. 5, 1965; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NORTH DAKOTA

Extension of Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of North Dakota natural disasters have caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

North Dakota	*Present Designation*
Griggs	30 F.R. 653
Steele	30 F.R. 653

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1966, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 3d day of November 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-11946; Filed, Nov. 5, 1965; 8:46 a.m.]

FARMERS HOME ADMINISTRATION

Assignment and Reservation of Functions; Agricultural Credit Insurance Fund

Pursuant to the authority contained in R.S. 161 (5 U.S.C. 22) and Reorganization Plan No. 2 of 1953, section 146(a) of the Secretary's Order dated December 3, 1964 (29 F.R. 16840), hereby is amended to increase the authority of the Farmers Home Administration to issue notes to the Secretary of the Treasury to obtain funds for the Agricultural Credit Insurance Fund, and to read as follows:

SEC. 146 *Reservations.* (a) Making and issuing notes to the Secretary of the Treasury for the purposes of the Agricultural Credit Insurance Fund as authorized by the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1929), and requesting advances of funds evidenced by such notes and any similar notes executed under prior authorities (including 7 U.S.C. 1005b(j), 1005c(b), 1006e(a), 16 U.S.C. 590x-3(d)); where such notes or requests for advances thereunder would cause the aggregate outstanding unpaid principal balances thereon to exceed $200,000,000.

* * * * *

Done at Washington, D.C., this 3d day of November 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-11983; Filed, Nov. 5, 1965; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CHEMIRAD CORP.

Notice of Filing of Petition for Food Additives Adhesives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 6B1880) has been filed by Chemirad Corp., Post Office Box 187, East Brunswick, N.J., 08816, proposing that paragraph (c)(5) of § 121.2520 *Adhesives* be amended by inserting alphabetically in the list "Components of Adhesives" the following new item:

Polyethylenimine-epichlorohydrin resins.

Dated: November 1, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-11951; Filed, Nov. 5, 1965; 8:47 a.m.]

CIBA PHARMACEUTICAL CO.

Notice of Filing of Petition for Food Additives Procaine Penicillin and Reserpine

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5C1533) has been filed by CIBA Pharmaceutical Co., CIBA Research

Farm, Three Bridges, N.J., 08887, proposing that § 121.205 *Reserpine* be amended to provide for the safe use of 50 grams of procaine penicillin and 1 part per million of reserpine per ton of feed for broiler chickens to aid in improving performance of growing chickens under stressful environmental conditions and for the prevention of chronic respiratory disease (air-sac infection) and blue comb (nonspecific infectious enteritis).

Dated: November 1, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-11952; Filed, Nov. 5, 1965; 8:47 a.m.]

ARMS CONTROL AND DISARMAMENT AGENCY

PUBLIC AFFAIRS ADVISER

Notice of Basic Compensation

Pursuant to the provisions of section 309 of Public Law 88-426, as modified by the Federal Employees Salary Act of 1965, notice is hereby given that the basic compensation of the Public Affairs Adviser of the U.S. Arms Control and Disarmament Agency has been fixed at the rate of $25,382 per annum, effective October 10, 1965.

ADRIAN S. FISHER,
Acting Director.

NOVEMBER 2, 1965.

[F.R. Doc. 65-11944; Filed, Nov. 5, 1965; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16474]

ALLEGHENY AIRLINES, INC.

Segment 8 Renewal and Route Realignment Investigation; Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on November 18, 1965, at 10 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Walter W. Bryan.

Dated at Washington, D.C., November 2, 1965.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 65-11967; Filed, Nov. 5, 1965; 8:48 a.m.]

[Docket No. 16561]

AERONAVES DE MEXICO, S.A.

Notice of Prehearing Conference

Application of Aeronaves De Mexico, S.A. under section 402 of the Federal Aviation Act of 1958, as amended, for amendment of its foreign air carrier permit.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on November 9, 1965, at 10 a.m., e.s.t., in Room 726, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Barron Fredricks.

Dated at Washington, D.C., November 2, 1965.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 65-11968; Filed, Nov. 5, 1965; 8:48 a.m.]

[Docket No. 16562]

COMPANIA MEXICANA DE AVIACION, S.A.

Notice of Prehearing Conference

Application of Compania Mexicana De Aviacion, S.A. for amendment of its Foreign Air Carrier Permit pursuant to section 402 of the Federal Aviation Act of 1958, as amended.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on November 10, 1965, at 10 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner James S. Keith.

Dated at Washington, D.C., November 2, 1965.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 65-11969; Filed, Nov. 5, 1965; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16050; FCC 65M-1433]

CONTINENTAL BROADCASTING, INC.

Order Scheduling Hearing

In re application of Continental Broadcasting, Inc., Newark, N.J., Docket No. 16050, File No. BR-174; for renewal of license of station WNJR, Newark, N.J.:

It is ordered, On the Hearing Examiner's own motion, that a further hearing session in the above-captioned proceeding will be held in Washington, D.C., on November 24, 1965, at 10 a.m.

Dated: November 1, 1965.

Released: November 2, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-11973; Filed, Nov. 5, 1965; 8:49 a.m.]

[Docket Nos. 16266, 16267; FCC 65M-1435]

PALMETTO BROADCASTING SYSTEM, INC. (WAGL), AND WPEG, INC. (WPEG)

Order Scheduling Hearing

In re applications of Palmetto Broadcasting System, Inc. (WAGL), Lancaster, S.C., Docket No. 16266, File No. BP-16486; WPEG, Inc. (WPEG), Winston-Salem, N.C., Docket No. 16267, File No. BP-16492; for construction permits:

It is ordered, This 2d day of November 1965, that Walther W. Guenther shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on December 13, 1965, at 10 a.m.; and that a prehearing conference shall be held on November 19, 1965, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: November 3, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-11974; Filed, Nov. 5, 1965; 8:49 a.m.]

[Docket Nos. 16260-16265; FCC 65M-1434]

WESTERN UNION TELEGRAPH CO. AND CALIFORNIA INTERSTATE TELEPHONE CO.

Order Scheduling Hearing

In re applications of The Western Union Telegraph Co., for removal of restrictions on the use of certain existing facilities in the Domestic Public Point-to-Point Microwave Radio Service between Pasadena and Goldstone, Calif., Docket No. 16260, File No. T-C-1661-10; and California Interstate Telephone Co., for a construction permit to add new facilities to Station KMW61 in the Domestic, Public Point-to-Point Microwave Radio Service at Barstow, Calif., Docket No. 16261, File No. 6844-C1-P-65; for a construction permit to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at Goldstone Echo, Calif., Docket No. 16262, File No. 6845-C1-P-65; for a construction permit to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at Lane Mountain, Calif., Docket No. 16263, File No. 6846-C1-P-65; for a construction permit to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at Ford Mountain, Calif., Docket No. 16264, File No. 6847-C-P-65; for a construction permit to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at Fort Irwin, Calif., Docket No. 16265, File No. 6848-C1-P-65:

It is ordered, This 2d day of November 1965, that Herbert Sharfman shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on December 14, 1965, at 10 a.m.; and that a prehearing conference shall be held on November 19, 1965, commencing at 10 a.m.: *And, it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: November 3, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-11975; Filed, Nov. 5, 1965; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 119]

TEXAS GULF FORWARDING CO.

Suspension of License

Whereas, James T. Valliere doing business as Texas Gulf Forwarding Co., 1920 West Alabama No. 32, Post Office Box 1077, Houston, Tex., has ceased to operate as an independent ocean freight forwarder; and

Whereas, James T. Valliere doing business as Texas Gulf Forwarding Co. has failed to maintain an effective surety bond on file with the Commission as required by section 44(c) of the Shipping Act, 1916; and

Whereas, James T. Valliere doing business as Texas Gulf Forwarding Co. has requested that his license be suspended for a period of thirty (30) days, in order to allow him time to obtain a valid surety bond and reactivate his business;

It is ordered, That pursuant to section 44(d) of the Shipping Act, 1916, the independent ocean freight forwarder license of James T. Valliere doing business as Texas Gulf Forwarding Co. be and is hereby suspended until further order, effective this date, but not beyond November 30, 1965.

It is further ordered, That Independent Ocean Freight Forwarder License No. 119 be returned to the Commission to be held until its reactivation or revocation.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER.

By the Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-11970; Filed, Nov. 5, 1965; 8:49 a.m.]

[Independent Ocean Freight Forwarder License No. 746]

F. V. VALDES & CO., INC.

Order To Show Cause

On October 18, 1965, the Fireman's Fund Insurance Co. notified the Commission that the surety bond filed pursuant to section 44(c), Shipping Act, 1916 (46 U.S.C. 1245), by F. V. Valdes & Co., Inc., 607 Market Street, San Francisco, Calif., 94105, would be cancelled. This cancellation is to become effective November 17, 1965.

Section 44(c) of the Shipping Act, 1916 (46 U.S.C. 1245) and § 510.5(f) of General Order 4 (46 CFR) provide that no license shall remain in force unless such forwarder shall have furnished a bond.

Section 44(d) of the Shipping Act, 1916 (46 U.S.C. 1245) provides that licenses may, after notice and hearing, be suspended or revoked for willful failure to comply with any provision of the Act, or with any lawful rule of the Commission promulgated thereunder.

Therefore, it is ordered, That F. V. Valdes & Co., Inc., on or before November 12, 1965, either (1) submit a valid bond effective on or before November 17, 1965, or (2) show cause in writing or request a hearing to be held at 10 a.m. on November 16, 1965, in Room 505 Federal Maritime Commission, 1321 H Street NW., Washington, D.C., 20573, to show cause why its license should not be suspended or revoked pursuant to section 44(d), Shipping Act, 1916.

It is further ordered, That a copy of this order to show cause and all subsequent orders in this matter be served upon the licensee and be published in the FEDERAL REGISTER.

By the Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-11971; Filed, Nov. 5, 1965; 8:49 a.m.]

[Independent Ocean Freight Forwarder License No. 409]

INTERNATIONAL SHIPPING SERVICES, INC.

Order To Show Cause

On October 18, 1965, the National Surety Corp. notified the Commission that the surety bond filed pursuant to section 44(c), Shipping Act, 1916 (46 U.S.C. 1245), by International Shipping Services, Inc., Post Office Box 1611, Houston, Tex., 77001, would be canceled effective November 20, 1965.

Section 44(c) of the Shipping Act, 1916 (46 U.S.C. 1245), and § 510.5(f) of General Order 4 (46 CFR) provide that no license shall remain in force unless such forwarder shall have furnished a bond.

Section 44(d) of the Shipping Act, 1916 (46 U.S.C. 1245), provides that licenses may, after notice and hearing, be suspended or revoked for willful failure to comply with any provision of the Act, or with any lawful rule of the Commission promulgated thereunder.

Therefore, it is ordered, That International Shipping Services, Inc., on or before November 12, 1965, either (1) submit a valid bond effective on or before November 20, 1965, or (2) show cause in writing or request a hearing to be held at 10 a.m. on November 17, 1965, in Room 505, Federal Maritime Commission, 1321 H Street NW., Washington, D.C., 20573, to show cause why its license should not be suspended or revoked pursuant to section 44(d), Shipping Act, 1916.

It is further ordered, That the Director, Bureau of Domestic Regulation, forthwith revoke License No. 409, if the Licensee fails to comply with this order.

It is further ordered, That a copy of this order to show cause and all subsequent orders in this matter be served upon the licensee and be published in the FEDERAL REGISTER.

By the Commission.

THOMAS LISI,
[SEAL] *Secretary.*

[F.R. Doc. 65-11972; Filed, Nov. 5, 1965; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RP66-8]

KENTUCKY GAS TRANSMISSION CORP.

Order Providing for Hearing and Suspending Proposed Revised Tariff

OCTOBER 29, 1965.

Kentucky Gas Transmission Corp. (Kentucky Gas) on September 1, 1965, tendered for filing Second Revised Volume No. 1 to its FPC Gas Tariff, proposed to be effective on November 1, 1965. By letter filed September 30, 1965, Kentucky Gas requested that if the Commission should suspend the revised tariff for a period of one day, the proposed effective date be treated as October 31, 1965. The proposed revised tariff would supersede First Revised Volume No. 1.

The proposed revised tariff, is a component of Columbia Gas System's program for restructuring its FPC Gas Tariffs and includes among the basic changes in rates, charges and classifications of service: (1) Higher demand and lower commodity charges, elimination of billing demand ratchet provisions, and elimination of boiler fuel useage restrictions, with respect to Rate Schedules CDS-1 and CDS-PR-1; (2) a new Winter Service (WS) Rate Schedule; (3) the Minimum Commodity Charges provisions of the CDS-PR rate schedule would reflect the transfer of CDS-PR volumes to the WS rate schedule; and (4) a new Emergency Service (ES) rate schedule and a new Excess Gas Service (EX) rate schedule (with separate charges for winter period and summer period service) would replace the present AOS-1 rate schedule.

In support of its proposed tariff filing, Kentucky Gas states that the revised rates, including the new WS rate schedule, will effect an annual reduction to all wholesale customers amounting to approximately $845,900 based upon estimated sales for the year 1966. Additionally, Kentucky Gas states that, by providing a lower CDS commodity rate level, the proposed tariff would place it

in a more competitive position with respect to other pipelines traversing its market areas, and would enable its wholesale customers to hold industrial loads which otherwise might be lost to competing fuels. Additionally, it states, the new tariff will provide lower charges through the WS rate schedule, to wholesale customers with predominantly space heating loads.

Kentucky Gas filed only a portion of the data and material required by §154.63(b)(3) of the Commission's regulations under the Natural Gas Act. It requests waiver of the time requirement and proposes to file the remainder in accordance with a schedule on or before January 10, 1966.

The proposed filing presents issues which should be the subject of further investigation and hearing, among which are: (1) The change in the relative levels of demand and commodity charges in Rate Schedules CDS–1 and CDS–PR–1; (2) the derivation of rate levels in the new WS rate schedule; (3) the availability of Winter Service volumes as offered in service agreements; (4) the Federal income tax allowance insofar as it is based upon the use of straight-line instead of liberalized depreciation deductions; and (5) the capitalization of accumulated deferred taxes at 1.5 percent rate of return and a claimed 6.5 percent rate of return upon capital investment.

The proposed rates and charges have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. However, inasmuch as a rate reduction to all customers is indicated by the company, it appears to be in the public interest to suspend the proposed filing for one day and permit it to be made effective subject to refund, provided that our action is not to be construed as relieving Kentucky Gas of its burden of proof under section 4(e) or of its obligation to submit the data and material required by § 154.63 on or before January 10, 1966. It is our further view that executed service agreements filed under the proposed tariff shall be accepted for filing for an interim period of 2 years and shall be subject to further order herein, consistent with the treatment of service agreements in Atlantic Seaboard Corp., Docket No. RP65–49.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classifications and services contained in Kentucky Gas' FPC Gas Tariff, as proposed to be amended by Second Revised Volume No. 1, and that said proposed revised tariff be suspended and the use thereof deferred as hereinafter provided.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the proposed changes in rates and charges contained in Kentucky Gas' Second Revised Volume No. 1, to be made effective as hereinafter provided and that Kentucky Gas be required to file a motion and an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereunder, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held on a date fixed by notice from the Presiding Examiner as hereinafter provided, concerning the lawfulness of the rates, charges, classifications and services contained in Kentucky Gas' FPC Gas Tariff, as proposed to be amended by Second Revised Volume No. 1.

(B) Pending such hearing and decision thereon, Kentucky Gas' proposed revised tariff, identified in Paragraph (A) above, hereby is suspended and its use deferred until November 1, 1965: *Provided, however,* That, within 20 days from the date of this order, Kentucky Gas shall file a motion as required by section 4(e) of the Natural Gas Act and concurrently execute and file with the Secretary of the Commission the agreement and undertaking described in Paragraph (E) below. Unless Kentucky Gas is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(C) All of the tariff sheets filed herein on September 1, 1965, which relate to the Partial Requirements (PR) issues shall also be subject to hearing and order in the proceedings in Atlantic Seaboard Corp., et al., Docket Nos. G–16401, et al., except issues relating to rate level, which shall remain subject to this proceeding. Kentucky Gas shall serve upon all parties in the PR proceeding, copies of all of its PR tariff sheets as filed herein.

(D) Kentucky Gas shall refund at such times and in such amounts to persons entitled thereto, and in such manner as may be required by final order of the Commission, the portion of rates and charges found by the Commission in this proceeding not justified, together with interest thereon at the rate of 7 percent per annum from the date of payment to Kentucky Gas until refunded; shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the tariff sheets made effective as of November 1, 1965, and each billing period, specifying by whom and in whose behalf such amounts were paid, and shall report (original and four copies) in writing and under oath, to the Commission, monthly, for each billing period and for each purchaser, the billing determinants of natural gas sales to such purchasers, and the revenues resulting therefrom as computed under the tariff sheets in effect immediately prior to November 1, 1965, and under the tariff sheets herein allowed to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, Kentucky Gas shall execute and file in triplicate with the Secretary of this Commission, its written agreement and undertaking to comply with the terms of Paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the Board of Directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the tariff sheet involved as follows:

Agreement and Undertaking of Kentucky Gas Transmission Corp. to comply with the Terms and Conditions of Paragraph (D) of Federal Power Commission's order issued ----------, 1965, in Docket No. RP66–8.

In conformity with the requirements of the order issued ----------, 1965, in Docket No. RP66–8, Kentucky Gas Transmission Corp. hereby agrees and undertakes to comply with the terms and conditions of Paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its Board of Directors, a certified copy of which is appended hereto this -------- date of --------, 1965.

KENTUCKY GAS TRANSMISSION CORP.

By ----------
(President)

Attest:

(Secretary)

(F) If Kentucky Gas shall, in conformity with the terms and conditions of its agreement and undertaking, make the refunds as may be required by order of the Commission in this proceeding, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) The designation of the Presiding Examiner, the dates for service of testimony and exhibits, and the date upon which a prehearing conference shall be held, will be specified by notice to be hereafter issued.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65–11054; Filed, Nov. 5, 1965; 8:47 a.m.]

[Docket No. RP66–7]

OHIO FUEL GAS CO.

Order Providing for Hearing and Suspending Proposed Revised Tariff

OCTOBER 29, 1965.

The Ohio Fuel Gas Co. (Ohio Fuel) on September 1, 1965, tendered for filing Fourth Revised Volume No. 1 to its FPC Gas Tariff, proposed to be effective on November 1, 1965. By letter filed September 30, 1965, Ohio Fuel requested that if the Commission should suspend the revised tariff for a period of one day, that the effective date be treated as October 31, 1965. The proposed revised tariff would supersede the existing Third Revised Volume No. 1.

The proposed tariff, a component of the Columbia Gas System's program of major revision of FPC gas tariffs, constitutes a comprehensive restructuring of Ohio Fuel's rates, charges, classifications, and services. These changes include a proposed Contract Demand Service setting off two classifications. The first, available only to customers whose contract demand does not exceed 5,000 Mcf, consists of Contract Demand Service (CDS–1 and CDS–1A) Rate Schedules. A reduction in the commodity rate and the elimination of the present restriction on boiler fuel has been proposed for Rate Schedules CDS–1 and CDS–1A. The second, available to all customers, consists of Contract Demand Service (CDS–2 and CDS–2A) Rate Schedules and Contract Demand Service Partial Requirements (CDS–2PR and CDS–2A–PR) Rate Schedules. A higher demand charge and a lower commodity charge than rates presently effective, and the elimination of the billing demand ratchet provisions have been proposed for the second classification of Contract Demand Service Rate Schedules. These latter rate schedules likewise contain no boiler fuel usage limitations. The proposed tariff also includes among the changes: a new Winter Service (WS) Rate Schedule available to buyers purchasing under Rate Schedules CDS–2, CDS–2A, CDS–2–PR, and CDS–2A–PR; a new Emergency Service (ES) and Excess Gas Service (EX) Rate Schedules replacing the present Authorized Overrun Service (AOS–1 and AOS–1A) Rate Schedules; and a reduction in the rates in its Small General Services (SGS–1 and SGS–1A) Rate Schedules.

In support of its proposed tariff filing, Ohio Fuel states that the revised rates including the new WS rate schedule, will effect an annual rate reduction to all wholesale customers amounting to approximately $742,000 based upon estimated sales for the year 1966. Ohio Fuel states that the proposed changes are designed to satisfy the needs of some of its customers to achieve a relatively high load factor due to the availability of industrial markets, enable those customers to retain industrial customers which would otherwise be lost, and place Columbia System Companies in a more competitive position with respect to other pipeline companies. Ohio Fuel also indicates that the proposal will allow customers with predominantly space heating loads, i.e., low load factor customers, to meet their peak load requirements economically.

Ohio Fuel's proposed filing contains items which should be the subject of further investigation, among which are: (1) The redesign of contract demand service rate schedules; (2) the derivation of rates contained in WS rate schedules; (3) availability of WS volumes as offered in the service agreements; (4) current, contingent cost of purchased gas; (5) increased depreciation accrual rates; (6) the Federal income tax allowance insofar as it involves use of straight-line instead of liberalized depreciation deductions and the claimed consolidated effective income tax rate; (7) the capitalization of accumulated deferred taxes at 1.5 percent return and the claimed 6.5 percent basic rate of return upon invested capital.

The proposed rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. However to the extent it is indicated that the proposed rates and charges will result in rate reductions to jurisdictional customers, it appears to be in the public interest to suspend the proposed changes for only 1 day and to permit them to become effective on November 1, 1965, upon motion duly filed as hereinafter provided. It is our further view that service agreements filed under the proposed tariff shall be accepted for filing for an interim period of 2 years and shall be subject to further order herein consistent with the treatment of service agreements in Atlantic Seaboard Corp., Docket No. RP65–49.

All of the tariff sheets filed relating to the Partial Requirements (PR) issues, should be subject to hearing and order in the proceedings in Atlantic Seaboard Corp., et al., Docket Nos. G–16401, et al. (where Ohio Fuel's presently effective PR schedules are being considered) except for issues relating to rate level, which shall remain subject to this proceeding.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classifications and services contained in Ohio Fuel's FPC Gas Tariff, as proposed to be amended by Fourth Revised Volume No. 1, and that said proposed revised tariff be suspended and the use thereof deferred as hereinafter provided.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the proposed changes in rates and charges contained in Ohio Fuel's Fourth Revised Volume No. 1, be made effective as hereinafter provided and that Ohio Fuel be required to file a motion and an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereunder, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held on a date fixed by notice from the Presiding Examiner as hereinafter provided, concerning the lawfulness of the rates, charges, classifications and services contained in Ohio Fuel's FPC Gas Tariff, as proposed to be amended by Fourth Revised Volume No. 1.

(B) Pending such hearing and decision thereon, Ohio Fuel's proposed revised tariff, identified in Paragraph (A) above, hereby is suspended and its use deferred until November 1, 1965: *Provided, however,* That, within 20 days from the date of this order, Ohio Fuel shall file a motion as required by section 4(e) of the Natural Gas Act and concurrently execute and file with the Secretary of the Commission the agreement and undertaking described in Paragraph (E) below. Unless Ohio Fuel is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(C) The tariff sheets filed herein on August 31, 1965, which relate to the Partial Requirements (PR) issues shall be subject to hearing and order in the proceedings in Atlantic Seaboard Corp., et al., Docket Nos. G–16401, et al., except as to issues relating to rate level, which shall remain subject to this proceeding. Ohio Fuel shall serve upon all parties in the PR proceeding, copies of all of its PR tariff sheets as filed herein.

(D) Ohio Fuel shall refund at such times and in such amounts to persons entitled thereto, and in such manner as may be required by final order of the Commission, the portion of rates and charges found by the Commission in this proceeding not justified, together with interest thereon at the rate of 7 percent per annum from the date of payment to Ohio Fuel until refunded; shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the tariff sheets made effective as of November 1, 1965, and each billing period, specifying by whom and in whose behalf such amounts were paid, and shall report (original and four copies) in writing and under oath, to the Commission, monthly, for each billing period and for each purchaser, the billing determinants of natural gas sales to such purchasers, and the revenues resulting therefrom as computed under the tariff sheets in effect immediately prior to November 1, 1965, and under the tariff sheets herein allowed to become effective, together with the differences in the revenues computed.

(E) As a condition of this order, Ohio Fuel shall execute and file in triplicate with the Secretary of this Commission, its written agreement and undertaking to comply with the terms of Paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the Board of Directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the tariff sheet involved as follows:

Agreement and Undertaking of Ohio Fuel Gas Co. to comply with the Terms and Conditions of Paragraph (D) of Federal Power Commission's order issued ----------, 1965, in Docket No. RP66–7.

In conformity with the requirements of the order issued ----------, 1965, in Docket No. RP66–7, Ohio Fuel Gas Co. hereby agrees and undertakes to comply with the terms and conditions of Paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its Board of Directors, a certified copy of which is appended hereto this day of ----------, 1965.

OHIO FUEL GAS CO.

By ----------
(President)

Attest:

(Secretary)

(F) If Ohio Fuel shall, in conformity with the terms and conditions of its agreement and undertaking, make the refunds as may be required by order of the Commission in this proceeding, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) The designation of the Presiding Examiner, the dates for service of testimony and exhibits, and the date upon which a prehearing conference shall be held, will be specified by notice to be hereafter issued.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-11955; Filed, Nov. 5, 1965; 8:47 a.m.]

[Docket No. RP66-6]

HOME GAS CO.

Order Providing for Hearing and Suspending Proposed Revised Tariff

OCTOBER 29, 1965.

Home Gas Co. (Home) on August 31, 1965, tendered for filing Fourth Revised Volume No. 1 to its FPC Gas Tariff, proposed to become effective November 1, 1965. By letter filed September 29, 1965, Home requested that should the Commission suspend the revised tariff for a period of one day that the proposed effective date be October 31, 1965. The proposed revised tariff would supersede the existing Third Revised Volume No. 1.

The proposed tariff, a component of the Columbia Gas System's program, constitutes a comprehensive restructuring of Home's rates, charges, classifications, and services. The changes include: Higher demand charges, lower commodity rates, and the elimination of present restrictions on the use of gas for boiler fuel and of the Billing Demand ratchet provisions in CDS-1, CDS-PR-1, and CDS-EPR-1 Rate Schedules; a new Winter Service (WS) Rate Schedule containing an interim Billing Demand ratchet provision for a two year period beginning November 1, 1965; a new Excess Gas (EX-1) Rate Schedule replacing the Authorized Overrun Service (AOS-1) Rate Schedule and a new Emergency (ES-1) Rate having priority over deliveries under Rate Schedule EX-1.

In support of its proposed tariff filing, Home states that the revised rates, including the new WS rate schedule, will effect annual reduction to all wholesale customers amounting to approximately $220,000 based upon estimated sales for the year 1966. Home further states that by changes in rate design it seeks to improve its competitive position with respect to other pipeline companies and to enable its wholesale customers to promote the sale of gas for industrial consumption in competition with other forms of energy. By offering a new WS service with lower charges for winter peaking gas, Home indicates that it hopes to alleviate the impact of the restructured CDS rate schedules upon the low load factor customers with little off-peak business. All of Home's wholesale customers have indicated their support for the proposed restructured tariff.

Home's proposed filing contains items which should be the subject of further investigation, among which are: (1) The redesign of the contract demand service rate schedules; (2) the derivation of rates contained in the WS rate schedule; (3) availability of WS volumes as offered in service agreements; (4) current, contingent cost of purchased gas; (5) increased depreciation accrual rates; (6) the Federal income tax allowance insofar as it involves use of straight-line instead of liberalized depreciation deductions and a claimed consolidated effective income tax rate; (7) the capitalization of accumulated deferred taxes at 1.5 percent rate of return and a claimed 6.5 percent basic rate of return upon invested capital.

The proposed rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. However to the extent it is indicated that the proposed rates and charges will result in rate reductions to jurisdictional customers, it appears to be in the public interest to suspend the proposed changes for only 1 day and to permit them to become effective on November 1, 1965, upon motion duly filed as hereinafter provided. It is our further view that service agreements filed under the proposed tariff shall be accepted for filing for an interim period of two years and shall be subject to further order herein consistent with the treatment of service agreements in Atlantic Seaboard Corp., Docket No. RP 65-49.

All of the tariff sheets filed relating to the Partial Requirements (PR) issues, should be subject to hearing and order in the proceedings in Atlantic Seaboard Corp., et al., Docket Nos. G-16401, et al. (where Home's presently effective PR schedules are being considered) except for issues relating to rate level, which shall remain subject to this proceeding.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classifications and services contained in Home's FPC Gas Tariff, as proposed to be amended by Fourth Revised Volume No. 1, and that said proposed revised tariff be suspended and the use thereof deferred as hereinafter provided.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the proposed changes in rates and charges contained in Home's Fourth Revised Volume No. 1, be made effective as hereinafter provided and that Home be required to file a motion and an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereunder, the Commission's rules of practices and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held on a date fixed by notice from the Presiding Examiner as hereinafter provided, concerning the lawfulness of the rates, charges, classifications and services contained in Home's FPC Gas Tariff, as proposed to be amended by Fourth Revised Volume No. 1.

(B) Pending such hearing and decision thereon, Home's proposed revised tariff, identified as Paragraph (A) above, hereby is suspended and its use deferred until November 1, 1965: *Provided, however,* That, within 20 days from the date of this order, Home shall file a motion as required by section 4(e) of the Natural Gas Act and concurrently execute and file with the Secretary of the Commission the agreement and undertaking described in Paragraph (E) below. Unless Home is advised to the contrary within 15 days after the date of filing such agreement and undertaking the agreement and undertaking shall be deemed to have been accepted.

(C) The tariff sheets filed herein on August 31, 1965, which relate to the Partial Requirements (PR) issues shall be subject to hearing and order in the proceedings in Atlantic Seaboard Corp., et al., Docket Nos. G-16401, et al., except as to issues relating to rate level, which shall remain subject to this proceeding. Home shall serve upon all parties in the PR proceeding, copies of all of its PR tariff sheets as filed herein.

(D) Home shall refund at such times and in such amounts to persons entitled thereto, and in such manner as may be required by final order of the Commission, the portion of rates and charges found by the Commission in this proceeding not justified, together with interest thereon at the rate of 7 percent per annum from the date of payment to Home until refunded; shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the tariff sheets made effective as of November 1, 1965, and each billing period, specifying by whom and in whose behalf such amounts were paid, and shall report (original and four copies) in writing and under oath, to the Commission, monthly, for each billing period and for each purchaser, the billing determinants of natural gas sales to such purchasers, and the revenues resulting therefrom as computed under the tariff sheets in effect immediately prior to November 1, 1965, and under the tariff sheets herein allowed to become effective, together with the differences in the revenues computed.

(E) As a condition of this order, Home shall execute and file in triplicate with the Secretary of this Commission, its written agreement and undertaking to comply with the terms of Paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the Board of Directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the tariff sheet involved as follows:

Agreement and Undertaking of Home Gas Co. to comply with the Terms and Conditions of Paragraph (D) of Federal Power Commission's order issued ——, 1965, in Docket No. RP66-6.

In conformity with the requirements of the order issued ——, 1965, in Docket No. RP66-6, Home Gas Company hereby agrees and undertakes to comply with the terms and conditions of Paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its Board of Directors, a certified copy of which is appended hereto this day of ——, 1965.

HOME GAS CO.

By ——— (President)

Attest:

——— (Secretary)

(F) If Home shall, in conformity with the terms and conditions of its agreement and undertaking, make the refunds as may be required by order of the Commission in this proceeding, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) The designation of the Presiding Examiner, the dates for service of testimony and exhibits, and the date upon which a prehearing conference shall be held, will be specified by notice to be hereafter issued.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-11956; Filed, Nov. 5, 1965; 8:47 a.m.]

[Docket No. RP66-5]

MANUFACTURERS LIGHT & HEAT CO.

Order Providing for Hearing and Suspending Proposed Revised Tariff

OCTOBER 29, 1965.

The Manufacturers Light & Heat Co. (Manufacturers) on August 31, 1965, tendered for filing Fifth Revised Volume No. 1 of its FPC Gas Tariff, proposed to be effective on November 1, 1965. By letter filed September 30, 1965, Manufacturers requested that if the Commission should suspend the revised tariff for a period of 1 day, the proposed effective date be treated as October 31, 1965.

The proposed revised tariff would supersede the existing Fourth Revised Volume No. 1 of Manufacturers' tariff and would make the following basic changes in rates, charges and classifications of service: (1) Rate Schedules CDS-1 and CDS-PR-1 would be redesigned by including higher demand charges and lower commodity charges than presently effective, by eliminating the present restriction on use of gas for boiler fuel, and by eliminating the Billing Demand ratchet provisions; (2) A new "Winter Service" (WS) rate schedule would be included containing a Billing Demand ratchet provision for a two-year interim period commencing November 1, 1965; and (3) A new Excess Gas Service (EX) rate schedule (with separate charges for winter period and summer period service) would replace the present AOS-1 rate schedule.

In support of its proposed tariff filing, Manufacturers states that the revised rates, including the new WS rate schedule, will effect an annual reduction to all wholesale customers amounting to approximately $1,400,000 based upon estimated sales for the year 1966. Manufacurers further states that by changes in rate design it seeks to improve its competitive position with respect to other pipeline companies and to enable its wholesale customers to promote the sale of gas for industrial consumption in competition with other forms of energy. By offering a new WS service with lower charges for winter peaking gas, Manufacturers indicates that it seeks to alleviate the impact of the restructured CDS rate schedules upon the low load factor customers with little off-peak business.

Manufacturers submitted letters from 25 of its 29 wholesale customers which indicate that the 25 customers support the filing of the restructured tariff. However, one of the remaining customers, Pennsylvania Gas & Water Co. (Penn Gas), on September 29, 1965, filed a letter stating that it disagrees with Manufacturers' limitation upon the availability of service under the WS rate schedule.

Manufacturers' proposed filing contains items which should be the subject of further investigation, among which are: (1) The redesign of the contract demand service rate schedule; (2) the derivation of rates contained in the WS rate schedules; (3) availability of WS volumes as offered in service agreements; (4) current, contingent cost of purchased gas; (5) increased depreciation accrual rates; (6) the Federal income tax allowance insofar as it involves use of straight-line instead of liberalized depreciation deduction and a claimed consolidated effective income tax rate; (7) the capitalization of accumulated deferred taxes at 1.5 percent rate of return and a claimed 6.5 percent basic rate of return upon invested capital.

The proposed rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. However to the extent it is indicated that the proposed rates and charges will result in rate reductions to jurisdictional customers, it appears to be in the public interest to suspend the proposed changes for only 1 day and to permit them to become effective on November 1, 1965, upon motion duly filed as hereinafter provided. It is our further view that service agreements filed under the proposed tariff shall be accepted for filing for an interim period of 2 years and shall be subject to further order herein consistent with the treatment of service agreements in Atlantic Seaboard Corp., Docket No. RP65-49.

All of the tariff sheets filed relating to the Partial Requirements (PR) issues should be subject to hearing and order in the proceedings in Atlantic Seaboard Corp., et al., Docket Nos. G-16401, et al. (where Manufacturers' presently effective PR schedules are being considered) except for issues relating to rate level, which shall remain subject to this proceeding.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classifications and services contained in Manufacturers' FPC Gas Tariff, as proposed to be amended by Fifth Revised Volume No. 1, and that said proposed revised tariff be suspended and the use thereof deferred as hereinafter provided.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the proposed changes in rates and charges contained in Manufacturers' Fifth Revised Volume No. 1, be made effective as hereinafter provided and that Manufacturers be required to file a motion and an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereunder, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held on a date fixed by notice from the Presiding Examiner as hereinafter provided, concerning the lawfulness of the rates, charges, classifications and services contained in Manufacturers' FPC Gas Tariff, as proposed to be amended by Fifth Revised Volume No. 1.

(B) Pending such hearing and decision thereon, Manufacturers' proposed revised tariff, identified in Paragraph (A) above, hereby is suspended and its use deferred until November 1, 1965: *Provided, however,* That, within 20 days from the date of this order, Manufacturer shall file a motion as required by section 4(e) of the Natural Gas Act and concurrently execute and file with the Secretary of the Commission the agreement and undertaking described in Paragraph (E) below. Unless Manufacturer is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(C) All of the tariff sheets filed herein on August 31, 1965, which relate to the Partial Requirements (PR) issues shall also be subject to hearing and order in the proceedings in Atlantic Seaboard Corp., et al., Docket Nos. G-16401, et al., except issues relating to rate level, which shall remain subject to this proceeding. Manufacturers shall serve upon all parties in the PR proceeding, copies of all of its PR tariff sheets as filed herein.

(D) Manufacturers shall refund at such times and in such amounts to persons entitled thereto, and in such manner as may be required by final order of the Commission, the portion of rates and charges found by the Commission in this proceeding not justified, together

with interest thereon at the rate of 7 percent per annum from the date of payment to Manufacturers until refunded; shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the tariff sheets made effective as of November 1, 1965, and each billing period, specifying by whom and in whose behalf such amounts were paid, and shall report (original and four copies) in writing and under oath, to the Commission, monthly, for each billing period and for each purchaser, the billing determinants of natural gas sales to such purchasers, and the revenues resulting therefrom as computed under the tariff sheets in effect immediately prior to November 1, 1965, and under the tariff sheets herein allowed to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, Manufacturers shall execute and file in triplicate with the Secretary of this Commission, its written agreement and undertaking to comply with the terms of Paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the Board of Directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the tariff sheet involved as follows:

Agreement and Undertaking of the Manufacturers Light & Heat Co. to comply with the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order issued ----------, 1965, in Docket No. RP66-5.

In conformity with the requirements of the order issued ----------, 1965, in Docket No. RP66-5, Manufacturers Light & Heat Co. hereby agrees and undertakes to comply with the terms and conditions of Paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its Board of Directors, a certified copy of which is appended hereto this ---------- day of ----------, 1965.

THE MANUFACTURERS LIGHT & HEAT CO.

By ----------
(President)

Attest:

(Secretary)

(F) If Manufacturers shall, in conformity with the terms and conditions of its agreement and undertaking, make the refunds as may be required by order of the Commission in this proceeding, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) The designation of the Presiding Examiner, the dates for service of testimony and exhibits, and the date upon which a prehearing conference shall be held, will be specified by notice to be hereafter issued.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-11957; Filed, Nov. 5, 1965; 8:47 a.m.]

[Docket No. CP66-126]

TOWN OF CORN, OKLA., AND NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Application

OCTOBER 29, 1965.

Take notice that on October 22, 1965, the town of Corn, Okla., (Applicant) filed in Docket No. CP66-126 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Natural Gas Pipeline Co. of America (Respondent) to establish a physical connection of its transportation facilities with the proposed facilities of Applicant and to sell natural gas to Applicant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests that Respondent be required to tap its transportation line at a point approximately 9,200 feet west of Applicant and to provide a regulation station at such point where Applicant would connect its proposed 3-inch line. Applicant also proposes to construct and operate a distribution system and appurtenances within its borders to render commercial and domestic service.

The total estimated cost of Applicant's construction of the 9,200 feet of line and the distribution system is $43,549. Applicant proposes to hold an election for issuance of $45,000 in bonds for the financing of the construction.

The estimated annual and peak day gas requirements for the first 3 years of the proposed operations are as follows:

	First year	Second year	Third year
Annual (Mcf)	21,123	23,786	27,302
Peak day (Mcf)	361.4	416.4	480.6

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 26, 1965.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-11958; Filed, Nov. 5, 1965; 8:47 a.m.]

BONNEVILLE POWER ADMINISTRATION, DEPARTMENT OF THE INTERIOR

[Docket Nos. E-6611, 6905, 7242]

Order Providing for Oral Hearing

OCTOBER 29, 1965.

On September 3, 1965, the Secretary of the Interior upon behalf of the Bonneville Power Administration (Bonneville), filed certain rate schedules pursuant to sections 5 and 6 of the Bonneville Act and section 5 of the Flood Control Act of 1944, proposed to become effective December 20, 1965, if confirmed and approved by the Commission.

Notice of the filing of the tendered rate schedules was issued October 1, 1965, by "Notice of Request for Confirmation of Rate Schedules and Rate Schedule Provisions, and for Extension of Confirmation of Wholesale Rates and Charges," served upon interested parties and published in the FEDERAL REGISTER on October 9, 1965, 30 F.R. 12903. Comments have been received objecting to the proposed schedules and a hearing has been requested.

As filed, the rate schedules incorporate a number of changes in the basic rate structure of Bonneville, first adopted in 1939.

During the period of January 1, through December 31, 1964, Bonneville's electric operating revenues from all classes of service totaled $76,262,000. Overall, the revised rates would increase Bonneville's revenues by the average annual amount of $4,000,000, principally from firm power and peaking power rate classifications Schedules E-5, F-5, and C-5 a modified transmission or at-site service providing firm, modified firm, and interruptible power. Also, Bonneville proposes to establish a new class of service, Schedule S-1 for sale of excess energy to purchasers within and outside the Pacific Northwest. No increase is proposed for interruptible power under Bonneville's Schedule H-4.

The Commission's confirmation and approval is requested for an indefinite period, but the Secretary of the Interior states that the Department expects to make a further review of Bonneville's rates for the December 20, 1969 rate adjustment date.

Additionally, Bonneville seeks confirmation and approval, effective December 20, 1965, permitting continued application of rate schedules for the sale of provisional energy to industrial customers as approved heretofore in Docket No. E-6611; and rate schedules for the sale of electric power, in addition to space heating requirements, pursuant to contracts with the Cities of Coulee Dam and Grand Coulee, Wash., as approved heretofore in Docket No. E-6905. These rates had previously been approved for a 1-year period. See order Confirming and Approving Amendment of Rate Schedule and Extending Confirmation and Approval of Rate Schedules and Rate Schedule Provisions issued December 17, 1964, U.S. Department of the Interior, Bonneville Power Administration, Docket Nos. E-6611, 6658, 6887, 6905, 6956, and 7059, 32 FPC 1478.

The proposed schedules would be applicable to Bonneville's sales of power and energy from projects of the Bureau of Reclamation and Corps of Engineers, existing, under construction or authorized together with the currently nonauthorized Grand Coulee Third Powerplant. Completed Projects include Bonneville, Grand Coulee, Hungry Horse, Detroit, McNary, Big Cliff, Lookout Point, Albeni Falls, Dexter, Chief Joseph, Chandler, The Dalles, Roza, Ice Harbor, Hills Creek, Cougar, Minidoka, Boise Diversion, Black Canyon, Anderson Ranch, and Palisades; Projects under construction include Green Peter, Foster, John Day, Lower Monumental, Little Goose, and Dworshak; and Projects now authorized include Libby, Lower Granite, Asotin, Lost Creek, Fremont, and Grand Coulee—Pump Turbines.

We believe it will be of assistance to us in carrying out our statutory responsibilities with respect to the rates of the Bonneville system to hear oral argument in support of or in opposition to the proposed rate schedules. Such argument should be directed to the scope of Commission review of the filing under the relevant statutory criteria of the Bonneville and Flood Control Acts and the application of such standards of review to the instant filing.

The argument should be based upon factual data heretofore submitted by the Secretary of the Interior in support of the proposed rate schedules or other data which has been filed or may be tendered by those participating in the oral hearing before this Commission. The Secretary's factual submissions to the Commission and filings by certain protestants are available in the files of the Commission for public inspection.

To facilitate orderly presentations, any other factual materials to be relied upon in the course of oral argument shall be submitted to the Commission in writing, in quintuplicate, on or before November 15, 1965, with sufficient copies available for distribution to other participants during the course of the argument. Requests for opportunity to participate in the hearing ordered herein shall be submitted to the Secretary of the Federal Power Commission on or before November 10, 1965. Allotments of time for presentation of oral argument will be made as promptly thereafter.

The Commission orders: It is necessary and appropriate in the discharge of the Commission's functions and responsibilities under the Bonneville and Flood Control Acts that oral hearing be held on the matters as referred to above commencing at 9:30 a.m., November 18, 1965, at the Commission's offices, 441 G Street NW., Washington, D.C.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-11959; Filed, Nov. 5, 1965; 8:47 a.m.]

[Docket No. G-2737, RP64-9, etc.]

CONTINENTAL OIL CO. ET AL.

Order Granting Motions To Consolidate Proceedings and To Join Additional Party and Establishing Procedure for Hearing

OCTOBER 29, 1965.

Continental Oil Co. (Continental), on June 25, 1965, filed an application in Docket No. G-2737 pursuant to section 7(c) of the Natural Gas Act requesting the Commission to amend the certificate issued in that proceeding to reflect Continental as the holder of that certificate. On November 30, 1954, a certificate was issued to Cities Service Gas Producing Co. in Docket No. G-2737. By order issued May 18, 1964, that certificate was amended to reflect a change in name of the holder of that certificate to Continental Gas Producing Co. In its application here, Continental alleges that Continental Gas Producing Co., its wholly owned subsidiary, was dissolved and that all of the assets of Continental Gas Producing Co. passed to Continental as sole stockholder in liquidation.

The proceedings in Docket Nos. RP64-9, et al., involve a proposed rate increase filed by Cities Service Gas Co. (Gas Company), wherein a settlement was approved by Commission order issued June 28, 1965. The settlement as approved reserved for future hearing and determination, among other things, the issue of the proper allowance to be included in Gas Company's cost of service for purchases of gas from Continental Gas Producing Co. Testimony and exhibits have been filed in Docket Nos. RP64-9, et al., on that issue and cross-examination is scheduled to commence on November 2, 1965.

Gas Company "spun-off" its producing properties in 1953 to Cities Service Gas Producing Co. and in return therefor received 100 percent of the stock of that company. Following a series of intercorporate transactions within the Cities Service system, the stock of Cities Service Gas Producing Co. was sold on May 8, 1963, by Cities Service Co.—the parent corporation, to Continental Oil Co.

On July 29, 1965, City Group Gas Defense Association (City Group) filed a petition to consolidate the proceeding in Docket No. G-2737 with the proceedings in Docket Nos. RP64-9, et al. On September 9, 1965, City Group also filed a motion in Docket No. G-2737 to join Gas Company as an additional party in that proceeding. On September 10, 1965, City Group filed, in Docket Nos. RP64-9, et al., a motion to join Continental as an additional party in those proceedings and to consolidate those proceedings with the proceedings in Docket No. G-2737.

In its several motions, City Group states that its position on the reserved issue in Docket Nos. RP64-9, et al., is that the proper amount to be included in Gas Company's cost of service is the cost incurred by Continental Gas Producing Co. to produce the volumes of gas delivered to Gas Company because, among other things, the purported "spin-off" of these properties should not be permitted to adversely affect the rates Gas Company's customers should pay for the gas. City Group contends that the attempted "spin-off" is a scheme designed to unnecessarily increase Gas Company's allowable purchased gas costs and to allow Gas Company, or its parent, to reap the benefits from such increased cost in the form of part of the consideration received from the sale of the stock, all to the detriment of Gas Company's consumers and the public interest. City Group further alleges that a decision in the certificate case would prejudge the reserved issue in the pending rate case and tend to render impractical a decision in that rate case on the basis contended by City Group. Additionally, City Group contends that the acquisition of the assets by Continental is an unauthorized abandonment of services by Continental Gas Producing Co. and an unauthorized acquisition of facilities by Continental and that the Commission has jurisdiction over this transaction. City Group also argues that the joinder of parties and consolidation of the proceedings requested by it is necessary to accord it the full relief that it requests and is entitled to receive.

Answers to these motions were filed by Continental on August 9, 1965, and September 20, 1965; by Gas Company on September 20, 1965; and by the Commission's Staff on September 21, 1965. Each of the answering parties request denial of the motions filed by City Group. Continental alleges that the only issue involved in the certificate case is the identity of the holder of the certificate and a decision on that issue will not affect Gas Company's purchased gas cost. Continental also contends that the sale of stock is not a transaction requiring Commission approval and that the return of this stock, urged by City Group is beyond this Commission's power. Additionally, Continental alleges that, when affiliation has ended, as here, the rates of the producer, in a pipeline rate case, are not in issue. Continental further states that the rates from this property is presently in the process of determination in a pending area rate proceeding, Docket No. AR64-1, which proceeding also involves the issue respecting the regulation of pipeline and pipeline affiliate production. Continental also urges that the rates paid by Gas Company from these properties will not be changed inasmuch as the purchases will be made under the same contract and the rates thereunder have been approved by the Commission and are not subject to change in the certificate proceeding. Continental also claims that the "spin-off" occurred and was recognized by the Commission 12 years ago, when Continental had no interest therein. Gas Company alleges that the motion to consolidate the proceedings would enlarge the reserved issue in the rate proceeding in violation of the settlement agreement approved by the parties and the Commission and was not timely filed. The Staff contends that the issue in each proceeding is dissimilar, that Continental is not an indispensible party to the rate proceeding, and that ownership of the properties should not control the cost to be included in Gas Company's cost of service for gas received from reserves heretofore owned by its affiliated production company.

The application filed by Continental in Docket No. G-2737 states that Continental Gas Producing Co. was dissolved and its assets, upon dissolution, were passed on to Continental as sole stockholder in liquidation. It appears, therefore, that in addition to a stock transaction, it is now asserted that an acquisition of assets has been effectuated. Such acquisition of assets is subject to the jurisdiction of this Commission under section 7 of the Natural Gas Act. California v. FPC, 369 U.S. 482, 489. The City Group motion thus

raises at least a threshold question whether by successive applications filed by Continental's subsidiary and Continental itself there has been an effective transfer of facilities from within the Cities Service system to nonaffiliated parties which, if permitted to become effective (assuming without deciding that we have authority to prevent such effectuation), might foreclose City Group from fully developing its theory of the case on the reserved issue in the rate proceeding. We believe that complete and comprehensive evidence regarding the ownership and operation of the assets and facilities involved in Docket No. G–2737 and the effect and relationship, if any, of such evidence on the reserved issue in Docket No. RP64–9 can more appropriately be developed in a consolidated proceeding. Accordingly, it is our view that the motions for consolidation and the joining of an additional party should be granted. We need hardly state that nothing in this action should be taken as indicating any Commission approval or disapproval of the merits of City Group's contentions.

Our decision to consolidate also requires that we establish a hearing procedure for the consolidated proceedings and that the hearing presently set for November 2, 1965, in Docket Nos. RP64–9, et al. be recessed as hereinafter ordered.

The Commission orders:

(A) The motions filed by City Group for consolidation of the above-entitled proceedings and for joining additional party are hereby granted.

(B) The hearing presently scheduled to convene on November 2, 1965, in Docket Nos. RP64–9, et al., is hereby recessed.

(C) The reserved issue in Docket Nos. RP64–9, et al. discussed hereinabove and the proceeding in Docket No. G–2737 are hereby consolidated for purposes of hearing and decision.

(D) Pursuant to § 1.18 of the Commission's rules of practice and procedure, a pre-hearing conference before the Presiding Examiner shall commence at 10 a.m., e.s.t. on November 9, 1965, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., for the purpose of reaching such agreements as will expedite the determination of the issues involved herein, including, but not limited to, stipulation of facts, narrowing and defining issues, and establishment of dates for the service of evidence by all parties and for the cross-examination of all testimony.

(E) The cross-examination, when commenced, shall be continuous unless the Presiding Examiner finds that extraordinary circumstances preclude such procedure.

(F) Presiding Examiner Robert Weston, or any other officer designated by the Chief Examiner for that purpose (See, Delegation of Authority, 18 CFR 3.5(d)), shall prescribe other relevant procedural matters not herein provided, shall preside at the prehearing conferences and at the hearing in these matters, and shall control these proceedings until the completed record is certified to the Commission, pursuant to the Commission's rules of practice and procedure.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65–11960; Filed, Nov. 5, 1965; 8:48 a.m.]

[Docket No. RI66–137]

SOCONY MOBIL OIL CO., INC., ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

OCTOBER 29, 1965.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 C.F.R. Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 15, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI66–137	Socony Mobil Oil Co., Inc. (Operator), et al., Post Office Box 2444, Houston, Tex., 77001.	260	2	Transwestern Pipeline Co. (Kermit Field, Winkler County, Tex.) (R.R. District No. 8) (Permian Basin Area).	$1,325	9–29–65	[1] 10–30–65	[2] 10–31–65	[3] 16.0	[4] [5] 16.5 (Decrease) [6] [7] 14.5	
					(6)	9–29–65	[1] 10–30–65	[2] 10–31–65	[3] 16.0		

[1] The stated effective date is the first day after expiration of the required statutory notice.
[2] The suspension period is limited to 1 day.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Initial rate.
[6] Seller states that to date only residue gas from gas well gas has been delivered.
[7] Decrease in rate to comply with ordering paragraph (E) of Opinion No. 468.

Socony Mobil Oil Co., Inc. (Operator), et al. (Socony) request that their proposed rate increase be permitted to become effective as of September 1, 1965, the contractually provided effective date. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Socony's rate filing and such request is denied.

Socony, a producer-respondent in the Permian Basin Opinion No. 468, has filed a rate change to its FPC Gas Rate Schedule No. 260, which covers a sale of residue gas derived from both gas-well gas and oil-well gas in the Permian Basin Area of Texas. For residue gas from gas-well gas, Socony proposes a rate increase from 16.0 cents to 16.5 cents per Mcf, amounting to $1,325 annually, and for residue gas from oil-well gas, a rate decrease from 16.0 cents to 14.5 cents per Mcf. No annual saving is involved with the rate decrease because to date Socony has delivered only residue gas from gas-well gas. The contract covering the sale contains quality provisions which are within those prescribed in Opinion No. 468 with the exception of delivery pressure. The Opinion calls for a minimum delivery pressure of 500 p.s.i.g. whereas the contract calls for a pressure not to exceed 600 p.s.i.g. Since it is not clear that the gas sold under the subject rate schedule is of pipeline quality in accordance with the standards prescribed in the Commission's Opinion Nos. 468 and 468–A, issued August 5, 1965, and October 4, 1965, respectively, we shall suspend the proposed rate involved here for one day from October 30, 1965, the date of expiration of the statutory notice.

In its Motion for Clarification submitted concurrently with the subject notice of change, Socony inquires as to the applicability of the Commission's "fractured" rate policy to its filing. The Commission's practice has been to suspend a "fractured" rate increase for one day even though the proposed rate did not exceed the applicable increased rate ceiling unless the right to file for the remainder of the contractually authorized rate was waived. This policy has no applicability to the sales of producer-respondents in Opinion No. 468 because of the moratorium on rate increase filings there imposed.

Socony shall file with the Commission as a condition of this order within 60 days of the date of issuance of this order a statement setting forth either that the gas sold under the subject rate schedule accords with all pipeline quality standards established in Opinion Nos. 468 and 468–A, or in which respects the gas deviates from such standards; the agreed cost to the purchaser of processing the gas to bring it to the pipeline quality standards established there with respect to each quality deviation; any upward or downward Btu adjustment; and the resulting applicable area rate for the gas. Such statement shall be signed by both the seller and the purchaser. If the seller and the purchaser are unable to agree upon any or all of the particulars entering into the computation of the applicable area rate, the seller shall file the statement herein required which shall indicate the absence of agreement and supply the information required to compute the applicable area rate as well as the contentions of the parties with respect to the quality and amount of the adjustment for any item in dispute. The purchaser may file a separate statement setting forth its views within the period herein provided.

[F.R. Doc. 65–11961; Filed, Nov. 5, 1965; 8:48 a.m.]

NATIONAL AERONAUTICS AND SPACE COUNCIL

RONALD F. STINNETT

Notice of Promotion and Compensation

Promotion. Name and title, new salary rate, old salary rate, and position number:

Ronald F. Stinnett, Staff Assistant; $20,245 per annum; $18,170 per annum; SCS No. 1.

Authority for this promotion. Title III, section 306, subsection (c) reads: "That part of section 201(f) of the National Aeronautics and Space Act of 1958 (72 Stat. 428; 42 U.S.C. 2471(f)), fixing a limit of $19,000 on the compensation of seven persons in the National Aeronautics and Space Council, is amended by striking out 'compensated at the rate of not more than $19,000 a year,' and inserting in lieu thereof 'compensated at not to exceed the highest rate of grade 18 of the General Schedule of the Classification Act of 1949, as amended.'"

Effective date. June 6, 1965.

E. L. LACEY, *Administrative Officer.*

[F.R. Doc. 65–11945; Filed, Nov. 5, 1965; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812–1843]

M. A. HANNA CO. AND HANNA MINING CO.

Notice of Filing of Application for Order Exempting Proposed Transaction

NOVEMBER 2, 1965.

Notice is hereby given that The Hanna Mining Co. ("Hanna Mining") and The M. A. Hanna Co. ("Hanna"), 100 Erieview Plaza, Cleveland, Ohio, 44114, a closed-end nondiversified investment company registered under the Investment Company Act of 1940 ("Act"), have filed an application pursuant to section 17(b) of the Act for an order exempting from the provisions of section 17(a) of the Act a proposed purchase by Hanna Mining of 1,000,000 shares of Capital Stock of National Steel Corp. ("National Steel") presently held by Hanna in exchange for an issue of $50,000,000 principal amount of 4¾ percent Sinking Fund Debentures of Hanna Mining due December 15, 1990, and $8,750,000 in cash. Hanna Mining is an affiliated person of, and presumptively controlled by, Hanna because of Hanna's ownership of approximately 47 percent of the outstanding common stock of Hanna Mining.

Unless exempted from the provisions of section 17(a) of the Act by an order of the Commission pursuant to section 17(b), the proposed transaction would be unlawful both under section 17(a)(2) as a purchase of securities from a registered investment company by an affiliated person of such investment company, and under section 17(a)(1) as a sale to a registered investment company by an affiliated person of securities of which the seller is the issuer and which are not part of a general offering to the holders of a class of its securities. Section 17(b) of the Act provides that the Commission shall issue an order exempting a proposed transaction from the provisions of section 17(a) if it finds upon application that the terms of said transaction are reasonable and fair and do not involve overreaching and that the proposed transaction is consistent with the policy of the registered investment company and the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

The proposed transaction is part of a Plan of Complete Liquidation of Hanna (the "Plan") which the directors of Hanna have approved and have recommended for approval by shareholders at a special meeting called for November 23, 1965. If the Plan is approved by Hanna's stockholders, it is proposed that various portfolio securities will be converted to cash, and that Hanna's remaining cash and major investments will be distributed to stockholders. The proposed sale to Hanna Mining of shares of Capital Stock of National Steel in exchange for the Debentures and cash will be effected as part of the program of liquidation of Hanna's assets. The Debentures will be included in the liquidating distribution to Hanna stockholders.

The sale price of the Capital Stock of National Steel was based upon the market value of $58.75 per share. This was the closing price for such Capital Stock on the New York Stock Exchange on October 6, 1965, the day preceding the date of the sales agreement between Hanna and Hanna Mining. The value of the Debentures is represented to have been fixed by independent appraisals of The First Boston Corp. and Goldman, Sachs & Co., investment bankers.

The proposed transaction is consistent with Hanna Mining's policy of owning a proprietary interest in companies whose properties it manages. In addition to its iron ore and nickel operations, Hanna Mining manages under contract the operations of various ore mining and vessel transportation companies. Since 1961 it has acted as the operating agent for a substantial portion of National Steel's iron ore properties and transportation facilities.

The proposed transaction is represented to be beneficial to Hanna stockholders in view of the substantial interest in Hanna Mining to be received

by them upon liquidation of Hanna. It is consistent with Hanna's investment policy which provides that Hanna may make loans to controlled companies where appropriate to protect or benefit its equity investments in such companies.

Notice is further given that any interested person may, not later than November 18, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants, at the addresses set forth above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the matter may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon this matter shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65–11934; Filed, Nov. 5, 1965; 8:45 a.m.]

[File No. 1–3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

NOVEMBER 2, 1965.

The common stock, 10 cents par value, of Continental Vending Machine Corp., being listed and registered on the American Stock Exchange and having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange, and the 6 percent convertible subordinated debentures due September 1, 1976, being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 3, 1965, through November 12, 1965, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65–11935; Filed, Nov. 5, 1965; 8:45 a.m.]

[812–1809]

HANNA MINING CO.

Application for Order Declaring Company Primarily Engaged in Non-Investment Businesses

NOVEMBER 3, 1965.

Notice is hereby given that The Hanna Mining Co. ("Hanna Mining"), 100 Erieview Plaza, Cleveland, Ohio, 44114, has filed an application under section 3(b)(2) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring Hanna Mining to be primarily engaged, directly and through majority owned subsidiaries and through a controlled company, in a business or businesses other than that of investing, reinvesting, owning, holding or trading in securities, and that it will continue to be so engaged if and after it purchases 1,000,000 shares of capital stock of National Steel Corp. ("National"). All interested persons are referred to the application on file with the Commission for a statement of Hanna Mining's representations, which are summarized below.

Hanna Mining is engaged in the production and sale of iron ore. It also engages in the production and sale of nickel, and manages the operations of iron ore mining and vessel transportation companies, including companies in which it has substantial ownership interests. It acts as operating agent for a substantial portion of National's iron ore properties and transportation facilities. All of Hanna Mining's sales and managing agency activities, a large part of its iron ore operations, and all of its nickel operations are conducted directly and through wholly owned subsidiaries. A substantial portion of its iron ore operations, however, are conducted through partnership type companies managed by it and in which it has substantial ownership interests, principally Iron Ore Co. of Canada ("IOC"), which has become one of the world's major sources of iron ore. Hanna Mining maintains a large staff which carries on its direct operations and manages its wholly owned and majority owned subsidiaries as well as IOC and other partnership companies through which Hanna Mining obtains the ore which it sells.

Hanna Mining holds 27.7 percent of the voting securities of IOC, and therefore, pursuant to section 2(a)(9) of the Act, is presumed to control IOC. Hanna Mining represents that such presumption is confirmed by the nature of its relationship with IOC. Hanna Mining is the largest stockholder of IOC, the holdings of the other eight stockholders ranging from 16 percent to 4 percent. Hanna Mining conducts the operations of IOC pursuant to a management contract. The chairman of the board of directors and president of IOC and three of the four other principal officers of IOC are officers of Hanna Mining.

Hanna Mining also holds less than a majority of the voting securities of certain companies which it does not manage. Its principal such holding is 655,149 shares (20 percent) of the outstanding stock of Labrador Mining and Exploration Co., Ltd.

The M. A. Hanna Co. ("Hanna"), a registered, closed-end investment company, owns 47 percent of the common stock of Hanna Mining. The board of directors of Hanna recently approved a plan of liquidation of Hanna and has recommended its approval by stockholders. Subject to such approval and the issuance of an order of this Commission under section 17(b) of the Act, for which an application has been filed, Hanna Mining proposes to acquire from Hanna 1,000,000 shares of the capital stock of National in return for the issuance by Hanna Mining of $50,000,000 principal amount of debentures and $8,750,000 in cash.

On a pro forma basis to reflect the proposed acquisition of stock of National, Hanna Mining has valued its assets, for purposes of this proceeding, as follows, as of June 30, 1965:

	Millions
Total assets	$232.6
Assets involved in direct operations	72.3
Interests in wholly owned and majority owned subsidiaries	12.2
Interest in IOC	52.5
Securities of noncontrolled companies:	
Present holdings	$36.7
Capital stock of National	58.8
	95.5

The assets involved in direct operations shown in the above table consist of $41.8 million of net current assets, which Hanna Mining believes it requires as working capital for operations and for capital expenditures; $23.1 million representing fixed assets with a cost of $62.5 million net after reserves of $39.4 million reflecting accelerated depreciation pursuant to certificates of necessity; and $7.4 of prepaid expenses and other assets.

Interests in wholly owned and majority owned companies are shown in the table at carrying value on the books of Hanna Mining based on cost, after write-offs in several instances.

Hanna Mining's interest in IOC, consisting of 27.7 percent of the common stock of IOC and $12,000,000 principal amount of its debentures, is valued by Hanna Mining for purposes of this proceeding at the value of such securities on the books of IOC, which Hanna Mining believes to be a conservative minimum figure.

For the purposes of this proceeding, Hanna Mining has treated all companies of which it holds less than 50 percent of the outstanding voting securities, with the exception of IOC, as noncontrolled companies. Of the $95.5 million value shown for such holdings in the table above, approximately $80 million represents market value at June 30, 1965, or, in the case of the National stock, at October 6, 1965. The remaining interests of Hanna Mining in companies treated as noncontrolled, for which no market value is available, have been valued by Hanna Mining, for purposes of comparison in this proceeding, at amounts which Hanna Mining considers the maximum supportable values on the basis of book values of the securities on the books of the issuing companies and prospective earnings.

On the basis of such valuations, the assets of Hanna Mining devoted to its direct operations and the businesses in which it engages through its wholly owned and majority owned subsidiaries and through IOC aggregate $137.1 million, or 58.9 percent of Hanna Mining's total assets.

Hanna Mining represents that the noninvestment nature of its primary business is demonstrated even more conclusively by an analysis of its income. The following table shows the sources of Hanna Mining's total consolidated income for the year 1964, pro forma to reflect the holding of 1,000,000 shares of stock of National.

	Before income taxes (millions)	After income taxes (millions)
Net operating income	$9.7	$6.3
Interest income from working capital	1.1	0.5
Dividend income from subsidiaries	1.3	1.2
Dividend and interest income from IOC	4.7	4.1
Dividend income from noncontrolled companies:		
Present holdings	2.3	1.8
National stock	2.0	1.8

Hanna Mining's equity in the 1964 earnings of its subsidiaries was $1.2 million; the earnings applicable to its stock interest in IOC were $4.4 million in addition to interest received from IOC of $0.5 million; the 1964 earnings of National applicable to 1,000,000 shares of its stock were $5.4 million.

Section 3(b)(2) of the Act excepts from the definition of an investment company contained in section 3(a)(3) any issuer which the Commission finds and by order declares to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities, either directly or through majority owned subsidiaries or through controlled companies conducting similar types of businesses.

Notice is further given that any interested person may not later than November 18, 1965 at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing), upon Hanna Mining at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65–12017; Filed, Nov. 5, 1965; 8:50 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30 (Southeastern Area), Amdt. 2]

SOUTHEASTERN AREA

Delegation of Authority To Conduct Program Activities in Regional Offices

Pursuant to the authority delegated to the Area Administrator by Delegation of Authority No. 30 (Revision 10), 30 F.R. 972, as amended 30 F.R. 2742, 11984, and 12434; Delegation of Authority, 30 F.R. 2884, as amended, 30 F.R. 8080 is hereby further amended:

1. Item I.A.7. is revised to read as follows:

I. * * *

A. *Financial assistance.* 7. To execute loan authorizations for Washington and Area approved loans and loans approved under delegated authority, said execution to read as follows:

* * * * * * *

2. Item I.A.13.d. is added as follows:

I. * * *

A. *Financial assistance.* ** 13.d. To take final action on an offer of compromise of any claim provided such claim is in concurrence with the majority recommendation of the appropriate Regional Office Claims Review Committee on claims not in excess of $5,000 (including CPC advances but excluding interest) or the unanimous recommendation of said committee on claims in excess of $5,000 but not exceeding $100,000 (including CPC advances but excluding interest).

3. Item I.C.1. is revised to read as follows:

I. * * *

C. *Procurement and management assistance (only to the Atlanta Regional Director).* ** 1. To approve applications for Certificates of Competency received from small business concerns which are located within the geographical jurisdiction of the area office when the total value of the contract to be awarded as a result of the issuance of a COC does not exceed $350,000.

4. Item III. is revised to read as follows:

III. The specific authority delegated in subsections I.A.5, 6, and 12; subsection I.A.13.d; subsections I.C.1. and 2, and subsection I.D.1. herein cannot be redelegated. These are indicated by asterisks (**). The specific authority in the remaining subsections may be redelegated to the appropriate subordinate positions within the regions.

Effective date. October 1, 1965.

JAMES F. HOLLINGSWORTH,
Area Administrator,
Southeastern Area, Atlanta, Ga.

[F.R. Doc. 65–11936; Filed, Nov. 5, 1965; 8:45 a.m.]

[Delegation of Authority No. 30 (Northeastern Area) Amdt. 3]

NORTHEASTERN AREA

Delegation of Authority To Conduct Program Activities in Regional Offices

Pursuant to the authority delegated to the Area Administrator by Delegation of Authority No. 30 (Revision 10), 30 F.R. 972, as amended, 30 F.R. 2742, 11984, and 12434; Delegation of Authority 30 F.R. 3251, as amended, 30 F.R. 13030 and 13419, is hereby further amended by the addition of Item II.10 to read as follows:

II. * * *

10. To the Hartford Regional Director only: Item I.C.1. and 2. above—but not to exceed $50,000.

* * * * * *

Effective date. October 11, 1965.

THOMAS J. NOONAN,
Area Administrator,
Northeastern Area.

[F.R. Doc. 65–11937; Filed, Nov. 5, 1965; 8:46 a.m.]

[Delegation of Authority No. 30, Rocky Mountain Area (Amdt. 4)]

ROCKY MOUNTAIN AREA

Delegation of Authority To Conduct Program Activities in the Regional Offices

Pursuant to the authority delegated in the Area Administrator by Delegation of Authority No. 30 (Revision 10), 30 F.R. 972, as amended, 30 F.R. 2742, 11984, and 12434; Delegation of Authority 30 F.R. 2741, as amended, 30 F.R. 8080, 8426, and 13419, if further amended by revising Item I.C.1 to read as follows:

I. * * *

C. *Procurement and management assistance (only to the Denver Regional Director).* 1. To approve applications for Certificates of Competency received from small business concerns which are located within the geographical jurisdiction of the area office when the total value of the contract to be awarded as a

result of the issuance of a COC does not exceed $350,000.

• • • • •

Effective date. October 1, 1965.

GEORGE E. SAUNDERS,
Area Administrator,
Rocky Mountain Area.

[F.R. Doc. 65-11938; Filed, Nov. 5, 1965; 8:46 a.m.]

[Delegation of Authority No. 30, Midwestern Area (Amdt. 4)]

MIDWESTERN AREA

Delegation of Authority To Conduct Program Activities in the Regional Offices

Pursuant to the authority vested in the Area Administrator by Delegation of Authority No. 30 (Revision 10), 30 F.R. 972, as amended, 30 F.R. 2742, as amended, 30 F.R. 2742, 11984 and 12434; Delegation of Authority 30 F.R. 3252, as amended, 30 F.R. 7686, 8559, and 13556, is further amended by revising Items I.C.1. and II.5., to read as follows:

I. • • •

C. *Procurement and management assistance (only to the Regional Directors of Chicago, Detroit, Kansas City and Minneapolis).* 1. To approve applications for Certificates of Competency received from small business concerns which are located within the geographical jurisdiction of the area office when the total value of the contract to be awarded as a result of the issuance of a COC does not exceed $350,000.

• • • • •

II.5. St. Louis and Indianapolis only—Items I.C.1. and 2., above—but not to exceed $50,000.

• • • • •

Effective date. October 1, 1965.

EINAR JOHNSON,
Acting Administrator,
Midwestern Area.

[F.R. Doc. 65-11939; Filed, Nov. 5, 1965; 8:46 a.m.]

[Delegation of Authority No. 30, Denver, Colo., Rocky Mountain Area, Disaster 2, Rev. 1]

MANAGER, DISASTER FIELD OFFICE, ENGLEWOOD, COLO.

Delegation Relating to Financial Assistance Functions

Notice is hereby given that Delegation of Authority No. 30, Disaster 2, Revision 1, 30 F.R. 11408, is hereby rescinded in its entirety.

Effective date. September 24, 1965.

LACY L. WILKINSON,
Regional Director, Denver, Colo.

[F.R. Doc. 65-11940; Filed, Nov. 5, 1965; 8:46 a.m.]

[Delegation of Authority No. 30, Denver, Colo., Rocky Mountain Area, Disaster 3, Rev. 1]

MANAGER, DISASTER FIELD OFFICE, LAMAR, COLO.

Delegation Relating to Financial Assistance Functions

Notice is hereby given that Delegation of Authority No. 30, Disaster 3, Revision 1, 30 F.R. 11408, is hereby rescinded in its entirety.

Effective date. September 24, 1965.

LACY L. WILKINSON,
Regional Director, Denver, Colo.

[F.R. Doc. 65-11941; Filed, Nov. 5, 1965; 8:46 a.m.]

[Delegation of Authority 30, Denver, Colo., Rocky Mountain Area, Disaster 4, Rev. 2]

MANAGER, DISASTER FIELD OFFICE, PUEBLO, COLO.

Delegation Relating to Financial Assistance Functions

Notice is hereby given that Delegation of Authority No. 30, Disaster 4, Revision 2, 30 F.R. 12650, is hereby rescinded in its entirety.

Effective date. September 24, 1965.

LACY L. WILKINSON,
Regional Director, Denver, Colo.

[F.R. Doc. 65-11942; Filed, Nov. 5, 1965; 8:46 a.m.]

[Delegation of Authority No. 30, Denver, Colo., Rocky Mountain Area, Disaster 5]

COORDINATOR, DISASTER FIELD OFFICES, DENVER, COLO. REGION

Delegation Relating to Financial Assistance Functions

Notice is hereby given that Delegation of Authority No. 30, Disaster 5, 30 F.R. 13340, is hereby rescinded in its entirety.

Effective date. October 1, 1965.

LACY L. WILKINSON,
Regional Director, Denver, Colo.

[F.R. Doc. 65-11943; Filed, Nov. 5, 1965; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 81]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 3, 1965.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 5429 (Sub-No. 16 TA) (Correction), filed October 20, 1965, published FEDERAL REGISTER, issue of October 27, 1965, and republished as corrected this issue. Applicant: LYON VAN LINES, INC., 3416 South La Cienega, Los Angeles, Calif., 90069. Applicant's representative: Warren N. Grossman, 740 Roosevelt Building, 727 West Seventh Street, Los Angeles 17, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Mississippi, Alabama and West Virginia, on the one hand, and, on the other, points in the United States, for 180 days. Supporting shippers: Russell R. Greene, Capitol Records, Inc., Hollywood and Vine, Hollywood 28, Calif.; Herbert T. Lundahl, United California Bank, Los Angeles, Calif., 90054; and, L. J. Rowley, Lockheed-California Co., Burbank, Calif. Send protests to: W. J. Huetig, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif., 90012. NOTE: The purpose of this republication is to show that Sub-No. 16 TA is the correct sub number assigned thereto in lieu of Sub-No. 20 TA which appeared in error in the previous publication.

No. MC 59292 (Sub-No. 21 TA), filed November 1, 1965. Applicant: THE MARYLAND TRANSPORTATION COMPANY, 1111 Frankfurst Avenue, Baltimore, Md., 21225. Applicant's representative: Mr. C. J. Braun, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol and alcoholic liquors*, in barrels, from Loreley and White Marsh, Md., to Williamson, Pa., for 180 days. Supporting shipper: Joseph E. Seagram & Sons, Inc., 375 Park Avenue, New York, N.Y., 10022. Send protests to: William L. Hughes, District Supervisor, Bureau of Operations and Compliance, Interstate

Commerce Commission, 103 South Gay Street, Baltimore, Md., 21202.

No. MC 107002 (Sub-No. 271 TA), filed November 1, 1965. Applicant: HEARIN-MILLER TRANSPORTERS, INC., Post Office Box 1123, Highway 80 West, Jackson, Miss., 39205. Applicant's representative: D. D. Kennedy (same address as above). Authority sought to operate at a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyethylene pellets*, in bulk, in tank or hopper vehicles, from Plaquemine, La., to Mount Clemens, Mich., for 180 days. Supporting shipper: The Dow Chemical Co., Louisiana Division, Plaquemine, La., 70764. Send protests to: Floyd A. Johnson, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 320 U.S. Post Office Building, Jackson, Miss., 39201.

No. MC 116073 (Sub-No. 52 TA), filed November 1, 1965. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Moorhead, Minn. Applicant's representative: John C. Barrett (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers designed to be drawn by passenger automobile and buildings*, complete or in sections traveling on their own or removable undercarriages equipped with hitchball coupler, in initial movement, from Marshfield, Wis., to points in Minnesota, Iowa, Missouri, Arkansas, Louisiana, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Washington, Oregon, Nevada, and Alaska, for 180 days. Supporting shipper: Rollohome Corp., Marshfield, Wis., 54449. Send protests to: Joseph H. Ambs, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1621 South University Drive, Room 213, Fargo, N. Dak.

No. MC 119493 (Sub-No. 19 TA), filed November 1, 1965. Applicant: MONKEM COMPANY, INC., Post Office Box 1196, Joplin, Mo. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans., 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sisal products*, from Houston, Tex., and New Orleans, La., to points in Oklahoma, Arkansas, Colorado, Kansas, Missouri, Illinois, Nebraska, Iowa, South Dakota, Wyoming, Minnesota, Wisconsin, North Dakota, and Montana, for 180 days. Supporting shipper: Frank W. Winne & Son, Inc., 20 West Ninth Street, Kansas City, Mo. Send protests to: John V. Barry, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo., 64106.

No. MC 127623 (Sub-No. 1 TA), filed November 1, 1965. Applicant: R & R FREIGHT TRUCKING, INC., 812 Greene Street, Cumberland, Md. Applicant's representative: Earl Edmund Manges, 120 South Liberty Street, Cumberland, Md. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt, sand and gravel*, in bulk, from Frostburg and Cumberland, Md., to points in Washington, Garrett, and Allegany Counties, Md. (restricted to shipments having a prior movement by rail), for 150 days. Supporting shippers: International Salt Co., Clarks Summit, Pa.; the Cumberland Contracting Co., Cumberland, Md.; and, Robeson Building Supplies, 621 North Centre Street, Cumberland, Md. Send protests to: Robert D. Caldwell, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 1220, 12th and Constitution Avenue NW., Washington, D.C., 20423.

No. MC 127655 TA, filed November 1, 1965. Applicant: CONTAINER SUPPLY CO., INC., Emma Avenue, Springdale, Ark. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Boxes*, fiberboard or pulpboard, corrugated, from Springdale, Ark., to Cabool, Monett, and Noel, Mo., Jay and Muskogee, Okla., for 180 days. Supporting shipper: International Paper Co., Southern Kraft Division, Post Office Drawer A, Mobile, Ala., 36601. Send protests to: D. R. Partney, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2519 Federal Office Building, 700 West Capitol Avenue, Little Rock, Ark., 72201.

No. MC 127693 TA, filed November 1, 1965. Applicant: TRI-STATE TRUCK LINE, INC., 670 Airport, Liberal, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except petroleum and petroleum products, in bulk in tank vehicles and household goods as defined by the Commission in 17 M.C. 467), between Liberal, Kans., and points within five (5) miles thereof, on the one hand, and, on the other, Perryton, Tex., and points within five (5) miles thereof, in either direction over U.S. Highway 83 from Liberal, Kans., to junction of U.S. Highway 83 and U.S. Highway 270; thence over U.S. Highway 270 to Elmwood, Okla.; thence over Oklahoma Highway 23 and Texas Highway 23 to Booker, Tex.; thence over Texas Highway 15 from Booker, Tex., to Perryton, Tex.; thence over U.S. Highway 83 from Perryton, Tex., to Liberal, Kans., and return, operating in either direction, and serving all intermediate points, but excluding transportation of commodities received at either Booker or Perryton, Tex., and destined either to Booker, Tex., or Perryton, Tex., and excluding transportation of commodities originating at Turpin, Forgan, Beaver, or Elmwood, Okla., destined to any of said four last named places, for 180 days. Supporting shippers: Beaver Lumber Co., Beaver, Okla.; Mountain Iron & Supply Co., Perryton, Tex.; the Beaver Hardware & Furniture Co., Beaver, Okla.; Coldwater Hardware & Appliances, Forgan, Okla.; Meddock Implement Co., Beaver, Okla.; Sunflower Electric Supply of Liberal, Inc., Liberal, Kans.; Norton Hardware & Appliances, Beaver, Okla.; R. L. Sipes, assistant manager, tires and other equipment, Liberal, Kans.; Denny's Conoco Service, Beaver, Okla.; Weskem Corp., Liberal, Kans.; the Woolwine Supply Co., Pratt, Kans.; Home Lumber & Supply Co., Forgan, Okla.; and, Jones & Laughlin Supply Division, Tulsa, Okla. Send protests to: M. E. Taylor, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 906 Schweiter Building, Wichita, Kans., 67202.

No. MC 127694 TA, filed November 1, 1965. Applicant: CLAUDE H. WERNTZ, 34 Reeseville Road, Coatesville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Egg packing supplies*, from points in Bergen, Union, Morris, Passaic, and Hudson Counties, N.J., and Manhattan, Bronx, Brooklyn, Queens, Long Island, N.Y., to Coatesville, Pa., for 180 days. Supporting shipper: K. M. Souders, General Manager, Producers Cooperative Exchange, East Chestnut Street, at North 10th Avenue, Coatesville, Pa. Send protests to: Peter R. Guman, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 900 U.S. Customhouse, 2d and Chestnut Streets., Philadelphia, Pa., 19106.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 65-11962; Filed, Nov. 5, 1965; 8:48 a.m.]

[Notice 1258]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 3, 1965.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 179:

No. MC-FC68277. Application filed November 1, 1965, for THE B. T. NEWMAN BUS SERVICE, INCORPORATED, 277 West Putnam Avenue, Greenwich, Conn., to temporarily lease the operating rights of THE 277 WEST PUTNAM AVENUE CORPORATION, 277 West Putnam Avenue, Greenwich, Conn., under section 210a(b). The transfer to THE B. T. NEWMAN BUS SERVICE, INCORPORATED, of the operating rights of THE 277 WEST PUTNAM AVENUE CORPORATION, is pending.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 65-11963; Filed, Nov. 5, 1965; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 3, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40099—*Fertilizer and fertilizer materials to points in Wyoming.* Filed by Union Pacific Railroad Co. (No. 127), for itself and interested rail carriers. Rates on fertilizer and fertilizer materials, liquid and dry, in carloads and tank carloads, from Don and Epco, Idaho, Garfield, Geneva, and Ironton, Utah, to points in Wyoming.

Grounds for relief—Market competition.

Tariff—Supplement 94 to Union Pacific Railroad Co., tariff I.C.C. 5557.

FSA No. 40100—*Synthetic plastic materials to Chicago, Ill.* Filed by O. W. South, Jr., agent (No. A4787), for interested rail carriers. Rates on synthetic plastic materials, in carloads, from Aberdeen, Miss., to Chicago, Ill.

Grounds for relief—Market competition.

Tariff—Supplement 91 to Southern Freight Association, agent, tariff I.C.C. S–272.

FSA No. 40101—*Clay from Stapleton, Ga.* Filed by O. W. South, Jr., agent (No. A4784), for interested rail carriers. Rates on clay, kaolin or pyrophyllite, in carloads, from Stapleton, Ga., to points in southwestern territory.

Grounds for relief—Market competition and grouping.

Tariff—Supplement 9 to Southern Freight Association, agent, tariff ICC S–438.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65–11964; Filed, Nov. 5, 1965; 8:48 a.m.]

[Notice 1259]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 4, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–68163. By order of October 29, 1965, Transfer Board approved the transfer to W. S. Smith Transfer & Storage, Inc., doing business as W. S. Smith Transfer and Storage, Inc., and Alexandria Transfer & Storage, Alexandria, Va., of the operating rights of Walter S. Smith, Alexandria, Va., in Certificate No. MC–30961, issued January 21, 1941, authorizing the transportation, over irregular routes, of household goods, between Washington, D.C., Alexandria, Va., and points in Virginia within 10 miles of Alexandria, on the one hand, and, on the other, points in Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, West Virginia, and North Carolina. R. W. Dech, 117 North Fairfax Street, Alexandria, Va., attorney for applicants.

No. MC–FC–68207. By order of October 29, 1965, Transfer Board approved the transfer to Wrecker Service, Inc., Oak Lawn, Ill., of the operating rights issued by the Commisison August 7, 1962, under Certificate in No. MC–124118, to George Blunk, doing business as Blunk's Towing Service, Oak Lawn, Ill., authorizing the transportation, over irregular routes, of wrecked, disabled, repossessed, and stolen motor vehicles, and buses, tractors, trailers, and trucks for replacement of wrecked, disabled, repossessed, and stolen motor vehicles (except vehicles shipped by the U.S. Government and agencies thereof), between Chicago, Ill., on the one hand, and, on the other, points in Indiana, Michigan, Wisconsin, Iowa, and Ohio (except Summit County, Ohio). Mr. Frank N. McGee, 5316 West 95th Street, Oak Lawn, Ill., attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65–12028; Filed, Nov. 5, 1965; 8:50 a.m.]

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die*, and until all public acts have received final Presidential consideration, a listing of public laws approved by the President will appear in the daily FEDERAL REGISTER under *Title 2, The Congress*. A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 89th Congress, First Session.

Approved October 31, 1965

H.R. 168 ..... Public Law 89–311

An Act to amend title 38 of the United States Code to provide increases in the rates of disability compensation, and for other purposes.

Approved November 1, 1965

H.R. 9022 ..... Public Law 89–313

An Act to amend Public Laws 815 and 874, Eighty-first Congress, to provide financial assistance in the construction and operation of public elementary and secondary schools in areas affected by a major disaster; to eliminate inequities in the application of Public Law 815 in certain military base closings; to make uniform eligibility requirements for school districts in Public Law 874; and for other purposes.

H.R. 10369 ..... Public Law 89–312

An Act to give the consent of Congress to the States of Connecticut, Rhode Island, and Vermont to become parties to title II of the Compact on Taxation of Motor Fuels Consumed by Interstate Buses and the Agreement relating to Bus Taxation Proration and Reciprocity.

H.R. 11303 ..... Public Law 89–314

An Act to amend section 18 of the Civil Service Retirement Act, as amended.

H.R. 11420 ..... Public Law 89–315

An Act to amend title 39, United States Code, to provide certain mailing privileges with respect to members of the United States Armed Forces, and for other purposes.

Approved November 2, 1965

H.J. Res 397 ..... Public Law 89–317

Joint Resolution to authorize the Commissioners of the District of Columbia on behalf of the United States to transfer from the United States to the District of Columbia Redevelopment Land Agency title to certain real property to said District.

H.R. 1781 ..... Public Law 89–319

An Act to amend section 113(a) of title 28, United States Code, to provide that Federal District Court for the Eastern District of North Carolina shall be held at Clinton.

H.R. 8370 ..... Public Law 89–316

Department of Agriculture and Related Agencies Appropriation Act, 1966.

H.R. 9545 ..... Public Law 89–318

An Act providing for the acquisition and preservation by the United States of certain items of evidence pertaining to the assassination of President John F. Kennedy.

CUMULATIVE LIST OF CFR PARTS AFFECTED—NOVEMBER

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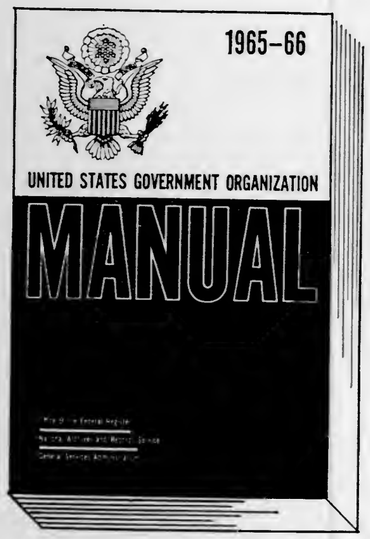
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Tuesday, November 9, 1965 • Washington, D.C.

Pages 14067–14130

Agencies in this issue—

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Army Department
Civil Service Commission
Commodity Credit Corporation
Consumer and Marketing Service
Engineers Corps
Federal Communications Commission
Federal Maritime Commission
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Food and Drug Administration
Interstate Commerce Commission
Land Management Bureau
National Bureau of Standards
Post Office Department
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Small Business Administration
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Detailed list of Contents appears inside.



THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

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Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER A—ARMED SERVICES PROCUREMENT REGULATIONS

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The following amendments to this subchapter are issued by direction of the Assistant Secretary of Defense (Installations and Logistics) pursuant to the authority contained in Department of Defense Directive No. 4105.30, dated March 11, 1959 (24 F.R. 2260), as amended, and 10 U.S.C. 2202.

PART 1—GENERAL PROVISIONS

1. Sections 1.108(a), 1.109–1, 1.201–1, 1.201–18, 1.314, and 1.701 are revised to read as follows:

§ 1.108 Departmental procurement instructions and ASPR implementations.

(a) The Departments and their subordinate organizations shall not issue instructions, including directives, regulations, contract forms, contract clauses, policies, or procedures implementing this subchapter or covering the procurement of supplies or services or the administration of contracts for such supplies or services, unless permitted by one of the following and if consistent with paragraph (b) of this section:

(1) Internal procurement management instructions such as designations and delegations of authority, assignments of responsibilities; work flow procedures, and internal reporting requirements;

(2) Any special contract clause of a non-repetitive nature designed specifically to accomplish the peculiar requirements of an individual procurement, provided a clause relating to the subject matter is not set forth in this subchapter;

(3) A variation of any contract clause which is set forth in this subchapter but not for use verbatim: *Provided*, That such variation is not inconsistent with the intent, principle, and substance of the ASPR clause or related coverage of the subject matter;

(4) Interim instructions having an effective duration not exceeding 6 months (unless approved for a longer period by the ASPR Committee) essential to meet current operational needs or to effect greater efficiency in procurement management, including service tests of new techniques or methods of procurement, provided such instructions are submitted prior to issuance or immediately thereafter for consideration by the ASPR Committee;

(5) Procurement procedures specifically identified as being essential for carrying out the peculiar needs of specialized commodity areas when authorized by: for the Army, Director of Procurement, Office of the Assistant Secretary of the Army (Installations and Logistics); for the Navy, Deputy Chief of Naval Material (Material and Facilities); for the Air Force, Director of Procurement Policy, Office of the Deputy Chief of Staff (Systems and Logistics); for the Defense Supply Agency, Executive Director, Procurement and Production, and notification is given to the ASPR Committee immediately upon such authorization for the purpose of determining whether such procedures should be included in this subchapter;

(6) Procurement instructions specifically identified as being essential for carrying out the peculiar needs of overseas commands when authorized by the cognizant unified commander and notification is given to the ASPR Committee immediately upon such authorization for the purpose of determining whether such instructions should be included in this subchapter;

(7) Material determined by the ASPR Committee to be inappropriate for ASPR coverage, but appropriate for inclusion in Departmental publications.

§ 1.109–1 Applicability.

The regulations of this subchapter are not intended to stifle the development of new techniques or methods of procurement. Innovations to attain desirable objectives will occasionally necessitate deviations from the regulations of this subchapter, and it is the responsibility of contracting officers to request such deviations whenever they are required in the best interest of the Government. For the purpose of this section, a deviation shall be considered to be any of the following:

(a) When a contract clause is set forth in this subchapter for use verbatim, use of a contract clause covering the same subject matter which varies from the ASPR coverage, or use of a collateral provision which modifies either the clause or its prescribed application constitutes a deviation; however, in the case of a purchase or contract of an offshore contracting activity with a foreign contractor made outside the United States, its possessions, or Puerto Rico, such contract clauses may (subject to the direction of authority above the level of the contracting officer) be modified if no change in intent, principle, or substance is made (offshore contracting activities shall keep the cognizant unified Commander advised of significant deviations effected under this paragraph);

(b) When a contract clause is set forth in this subchapter but not for use verbatim, use of a contract clause covering the same subject matter which is inconsistent with the intent, principle and substance of the ASPR clause or related coverage of the subject matter;

(c) Omission of any mandatory contract clause constitutes a deviation;

(d) When a Standard, DD, or other form is prescribed by this subchapter or a Department of Defense Directive, use of any other form for the same purpose constitutes a deviation;

(e) Alteration of a Standard, DD, or other form (other than Departmental forms), except as authorized by this subchapter or a Department of Defense Directive constitutes a deviation;

(f) When limitations are imposed in this subchapter or a Department of Defense Directive upon the use of a contract clause, form, procedure, type of contract, or any other procurement action, including but not limited to the making or amendment of a contract, or actions taken in connection with the solicitation of bids or proposals, award, administration or settlement of contracts, the imposition of lesser or greater limitations constitutes a deviation; or

(g) When a policy, procedure, method or practice of conducting procurement actions of any kind at any stage of the procurement process is covered by this subchapter, any policy, procedure, method, or practice which is inconsistent with that set forth constitutes a deviation.

§ 1.201–1 Change order.

"Change order" means a written order signed by the contracting officer, directing the contractor to make changes which the Changes clause of the contract authorizes the contracting officer to order without the consent of the contractor (see §§ 16.815–1 and 16.813 of this chapter).

§ 1.201–18 Supplemental agreement.

"Supplemental agreement" means any contract modification which is accomplished by mutual action of the parties (see § 16.815–2 of this chapter).

§ 1.314 Disputes and appeals.

(a) When a dispute cannot be settled by agreement and a decision under the Disputes clause is necessary, the contracting officer shall review the available facts pertinent to the dispute before making his final decision. When there is any doubt as to whether the issue in dispute is subject to the disputes procedure, a decision will be made pursuant to the Disputes clause. The disputes procedure shall not be invoked in cases when a dispute is clearly not subject to the procedure. The contracting officer shall obtain, from assigned legal and other advisors, such advice and assistance as is required to render a decision. Prior to issuing the decision, the contracting officer shall consider the neces-

sity for coordination with the contract administration office or the purchasing office, as appropriate. However, the decision must be that of the contracting officer.

(b) The final decision should include a statement of facts sufficient to enable the contractor to understand both the decision and the basis therefor. Normally, the decision should be in the form of a statement of the claim or other description of the nature of the dispute, with necessary references to pertinent contract provisions; a statement as to which of the facts relevant to the dispute the parties are in agreement and, as clearly as possible, the area of disagreement; and the contracting officer's statement of his decision and the basis therefor.

(c) The contracting officer (PCO, ACO, or TCO) shall decide all questions subject to the disputes procedures as to which he has the authority to act.

(d) When a final decision of the contracting officer involves a dispute that is subject to the procedure of a Disputes clause, or when there is doubt as to whether the decision is subject to such procedure, a paragraph substantially as follows, appropriately modified where other appeal Boards are authorized, shall be included in such decision.

This is the final decision of the Contracting Officer. Decisions on disputed questions of fact and on other questions that are subject to the procedure of the Disputes clause may be appealed in accordance with the provisions of the Disputes clause. If you decide to make such an appeal from this decision, written notice thereof (in triplicate) must be mailed or otherwise furnished to the Contracting Officer within 30 days from the date you receive this decision. Such notice should indicate that an appeal is intended and should reference this decision and identify the contract by number. The Armed Services Board of Contract Appeals is the authorized representative of the Secretary for hearing and determining such disputes. The rules of the Armed Services Board of Contract Appeals are set forth in the Armed Services Procurement Regulation, Appendix A, Part 2.

(e) After an appeal has been filed, contracting agencies are not precluded from further seeking agreement as to disposition of the controversy. However, such efforts to dispose of a controversy shall not be conducted pursuant to formal board actions or hearings, and shall not result in suspension of processing of an appeal, except as ordered or authorized by the Armed Services Board of Contract Appeals.

(f) In the event of an appeal, the amount determined to be payable in the decision of the contracting officer, less any portion previously paid, normally should be paid in advance of any decision by the Board without prejudice to the rights of either party or the appeal.

§ 1.701 Definitions.

The definitions of small business concerns are promulgated by the Small Business Administration. As used throughout this subpart, the following terms shall have the meanings set forth below. When a Military Department is in doubt as to the specific small business definition that should apply to a particular procurement, a written determination from the Small Business Administration regional office having jurisdiction over the geographical area in which the contracting officer is located will be requested for inclusion in the procurement file.

2. In § 1.704–3, paragraphs (a)(2) and (b)(3) are revised; paragraph (a) in § 1.705–2 is revised; and §§ 1.705–3, 1.705–4, 1.706–1, 1.706–2, and 1.706–3 are revised, to read as follows:

§ 1.704–3 Small business specialists.

(a) • • •

(2) Navy—Head of a Procuring Activity or the official in charge of an activity having purchase authority of $10,000 or more, or in charge of a contract administration activity;

• • • • •

(b) • • •

(3) Prior to issuance of solicitations or contract modifications for additional supplies or services in excess of $2,500, he shall determine that small business concerns will receive adequate consideration including initiation of set-asides (§ 1.706). This determination may be made jointly with the contracting officer or may be in the form of a recommendation to him. Disagreements between the small business specialist and the contracting officer shall be resolved by the appointing authority or his designee, whose decision shall be final (see § 1.308 (b)(4) as to the required record of contract actions).

• • • • •

§ 1.705–2 SBA representatives.

(a) SBA may assign representatives to any purchasing activity to carry out SBA policies and programs. The SBA representative shall be informed of the procurement mission of the activity and shall be furnished necessary facilities. In accordance with the procedures of the Department concerned, SBA shall obtain security clearances for each of its representatives. SBA representatives and employees shall comply with departmental directives concerning the conduct of Military Department procurement personnel.

• • • • •

§ 1.705–3 Access to procurement information.

Upon request, and subject to applicable security regulations, SBA representatives shall be given access to available or reasonably obtainable information, including technical data (including drawings and specifications), procurement history, and bidders lists. The SBA representative will be furnished such other available or reasonably obtainable information as may be required for the SBA referral program.

§ 1.705–4 Certificates of competency.

(a) SBA has statutory authority to certify the competency of any small business concern as to capacity and credit. "Capacity" means the overall ability of a prospective small business contractor to meet quality, quantity, and time requirements of a proposed contract and includes ability to perform, organization, experience, technical knowledge, skills, "know-how," technical equipment, and facilities or the ability to obtain them. Contracting officers shall accept SBA certificates of competency as conclusive of a prospective contractor's capacity (see §§ 1.903–1(b) and 1.903–2) and credit (see § 1.903–1(a)), unless the contracting officer has substantial doubt as to the concern's ability to perform, in which case the procedures in paragraph (f) of this section apply.

(b) In procurement where the highest competence obtainable or the best scientific approach is needed, as in certain negotiated procurement of research and development, highly complex equipment, or personal or professional services, the certificate of competency procedure is not applicable to the selection of the source offering the highest competence obtainable or best scientific approach. However, if a small business concern has been selected on the basis of the highest competence obtainable or best scientific approach and, prior to award, the contracting officer determines that the concern is not responsible because of lack of capacity or credit, the certificate of competency procedure is applicable.

(c) If a bid or proposal of a small business concern is to be rejected solely because the contracting officer has determined the concern to be non-responsible as to capacity or credit, the matter shall be referred to the SBA. This procedure applies only to proposed awards exceeding $2,500. For proposed awards exceeding $2,500, but not exceeding $10,000, its use is within the discretion of the contracting officer. A pre-award survey (see § 1.905) shall be made prior to a determination by a contracting officer that a small business concern is not responsible because of a lack of capacity or credit on a proposed award of more than $10,000. If a partial set-aside is involved and the bid of a small business concern on the unreserved portion is to be rejected for lack of capacity or credit and the same small business concern is entitled to consideration on the reserved portion of the set-aside if a certificate of competency is issued by the SBA, the entire quantity of the procurement (reserved and unreserved) for which that small business concern may be entitled, if competent, shall be referred to SBA and the referral papers so noted. The SBA may then certify the small business concern for the maximum quantity of the procurement for which it is eligible. The award shall be withheld until SBA action concerning issuance of a certificate of competency, or until 15 working days after the SBA is so notified, whichever is earlier, subject to the following:

(1) Under no circumstances will a referral be made to the SBA prior to a determination by the contracting officer that the bid or proposal of the small business concern is responsive.

(2) The activity performing the preaward survey shall furnish such survey to the procuring contracting officer. If the procuring contracting officer determines, in accordance with § 1.904, that the small business concern is not responsible solely by reason of a lack of capacity or credit, he will refer the matter direct to the SBA, or he may notify the pre-award survey activity to refer the matter to the SBA, whichever is the more expeditious (e.g., where the surveying activity is substantially closer to the cognizant SBA office than the procuring office, it may be more expeditious to have the surveying activity refer the matter to the Small Business Administration).

(3) Upon making a determination to refer the matter to the SBA, the procuring contracting officer shall furnish to the SBA, or to the surveying activity, whichever is consistent with the action taken under subparagraph (2) of this paragraph, the data prescribed in paragraph (d) of this section. The activity that refers the matter to the SBA shall maintain close liaison with the SBA to assure compliance with paragraph (e) of this section. If such activity does not hear from the cognizant SBA Regional Office within 5 working days after the matter has been referred, the activity will contact the SBA Office to which the matter was referred to determine whether a certificate of competency is being processed. When, in accordance with subparagraph (2) of this paragraph, the procuring contracting officer has requested the pre-award survey activity to refer the matter to SBA, that activity shall keep the procuring contracting officer advised of significant developments, including the results of any inquiry to the SBA at the end of the 5 working day period, and any new or additional facts, learned from the SBA, that warrant reversal of the pre-award survey activity's negative finding.

(4) A referral need not be made to the SBA if the contracting officer certifies in writing that the award must be made without delay, includes such certificate and supporting documentation in the contract file, and promptly furnishes a copy to the SBA representative.

(5) A referral need not be made to the SBA if a contracting officer determines a small business concern nonresponsible for a reason other than lack of capacity or credit, i.e., if a concern does not satisfy the criteria of § 1.903–1 (d) or (e). If a contracting officer determines that a concern does not meet the requirements of § 1.903–1(c) as to a satisfactory record of performance, the matter must be referred to the SBA only if the unsatisfactory record of performance was due solely to inadequate capacity or credit. If a contracting officer has any doubts as to whether the unsatisfactory record of performance can reasonably be attributed to lack of capacity or credit, he shall forward the matter to the higher authority of his department identified in § 1.704–3(a), or his designee. The decision of such higher authority shall be final.

(6) A determination by a contracting officer that a small business concern is not responsible for reasons other than deficiencies in capacity or credit (e.g., lack of integrity, business ethics, or persistent failure to apply necessary tenacity or perseverance to do an acceptable job) must be supported by substantial evidence documented in the contract file.

(d) It is the policy of the Department of Defense to endeavor to reach agreement with the SBA regarding the lack of capacity or credit of a small business concern. To assist the SBA and to assure that it has the benefit of the views of the Military Department, the SBA shall be furnished three copies of the solicitation, one copy of the pertinent drawings and specifications, the pre-award survey findings, pertinent technical and financial information, and, if available, the abstract of bids.

(e) If the activity that refers the matter of a negative determination to the SBA learns that an SBA Regional Office is planning to issue a certificate of competency, or to refer the application therefor to Headquarters, SBA, it will inquire of the SBA whether there are new or additional facts in the case. If new or additional facts warrant, the negative determination as to capacity or credit should be reversed. Every effort should be made to resolve any differences between the SBA and the Military Department through a complete exchange of pre-award survey information. Personnel from a purchasing office or surveying activity who participated in a pre-award survey, or other personnel having cognizance of such survey shall be prepared to discuss with the SBA the basis for the pre-award findings in their area of cognizance or responsibility.

(f) If a certificate of competency is issued and the contracting officer has substantial doubt as to the ability of the contractor to perform, the case shall be forwarded through channels on an expedited basis with complete documentation as to the element of substantial doubt to, as appropriate, the Director of Procurement, Office of the Assistant Secretary of the Army (I&L); Director of Procurement, Office of the Assistant Secretary of the Navy (I&L); Director of Procurement Policy (AFSPP), Headquarters USAF; or the Executive Director, Procurement and Production, Headquarters DSA, for review. The contracting officer shall withhold procurement action pending receipt of instructions from departmental headquarters.

§ 1.706–1 General.

(a) Subject to any applicable preference for labor surplus area set-asides as provided in § 1.803(a)(2) and the following criteria, any individual procurement or class of procurements or an appropriate part thereof, shall be set aside for the exclusive participation of small business concerns when such action is determined by the Small Business Specialist and the contracting officer (upon the initiation of either) to be in the interest of (1) maintaining or mobilizing the Nation's full productive capacity, (2) war or national defense programs, or (3) assuring that a fair proportion of Government procurement is placed with small business concerns. If the Small Business Specialist is not available, the foregoing determination may be made by the contracting officer.

(b) In class set-asides, the Small Business Specialist may recommend that current and future procurements, or portions thereof, of selected items or services or groups of like items or services shall be set aside for exclusive small business participation. Such set-asides, when agreed to by the contracting officer, shall be known as class set-asides. Concurrence in a class set-aside shall not depend on the existence of a current procurement if future procurements can be clearly foreseen. Class set-asides shall apply only to the purchasing activity making the agreement, and shall not apply to an individual procurement for which small purchase procedures are to be used. A class set-aside agreement should specifically identify the items or services subject thereto, and provide for annual joint review by the Small Business Specialist and the contracting officer, to determine whether it should be withdrawn (see § 1.706–3). Any class of procurements proposed to be totally set aside shall satisfy the requirements of § 1.706–5. The set-aside determination for any class of procurements proposed to be partially set aside shall specify that it does not apply to any individual procurement not severable into two or more economic production runs or reasonable lots. Records of individual procurements under each class set-aside shall be maintained by individual purchasing activities and shall include the solicitation number and date, item or service, estimated dollar amount of the procurement, and estimated dollar amount of the set-aside. Such record shall be made available to the Small Business Specialist.

(c) None of the following is, in itself, sufficient cause for not making a set-aside:

(1) A large percentage of previous procurements of the item has been placed with small business concerns;

(2) The item is on an established planning list under the Industrial Readiness Planning Program, except that a total set-aside shall not be authorized when one or more large business Planned Emergency Producers of the item desire to participate in the procurement (but see § 1.706–6 as to partial set-asides);

(3) The item is on a Qualified Products List, except that a total set-aside shall not be authorized when the products of one or more large businesses are on the Qualified Products List unless it has been confirmed that none of such large businesses desires to participate in the procurement (but see § 1.706–6 as to partial set-asides).

(4) A period of less than 30 days from date of issuance of solicitations is prescribed for the submission of the bids or proposals;

(5) The procurement is classified;

(6) Small business concerns are considered to be receiving a fair proportion of total contracts for supplies or services;

(7) A class set-aside of the item or service concerned has been made at some other purchasing activity; or

(8) The item will be described by "brand name or equal."

(d) Procurement of supplies which were developed and financed in whole or in part by Canadian sources under the U.S.-Canadian Defense Development Sharing Program shall not be set aside for small business. Supplies covered by the Program shall be identified by the cognizant Military Department.

§ 1.706–2 Contract authority.

Contracts for total or partial set-asides entered into by conventional negotiation (see §§ 1.706–5(b) and 1.706–6(d)) or by "Small Business Restricted Advertising" (see § 1.706–5(b)) are negotiated procurements and shall cite as authority 10 U.S.C. 2304(a)(1) (see § 3.201–2(b)(2)).

§ 1.706–3 Review, withdrawal, or modification of set-asides or set-aside proposals.

(a) Prior to issuing solicitations each individual procurement governed by a class set-aside shall be carefully reviewed to ensure that any changes in the magnitude of anticipated requirements, specifications, delivery requirements, or competitive market conditions, since the initial approval of the class set-aside are not of such material nature as to result in the probable payment of an unreasonable price by the Government or in a change in small business capability. If, prior to award of a contract involving an individual or class set-aside, the contracting officer considers that procurement of the set-aside from a small business concern would be detrimental to the public interest (e.g., because of unreasonable price), he may withdraw a set-side determination by giving written notice to the Small Business Specialist (if one is assigned) stating the reasons for the withdrawal. Similarly, a class set-aside may be modified with the concurrence of the Small Business Specialist (if one is assigned) to withdraw one or more individual procurements.

(b) Upon a recommendation of the Small Business Specialist that an individual procurement or class of procurements, or portion thereof, be set aside, the contracting officer shall promptly either:

(1) Concur in the recommendation, or

(2) Disapprove, stating in writing his reasons for disapproval.

(c) If the contracting officer disagrees with the recommendation of the Small Business Specialist regarding a small business set-aside for an individual procurement or class of procurements or a portion thereof and so notifies the Small Business Specialist in writing, or if the Small Business Specialist disagrees with the contracting officer regarding a withdrawal or modification of a set-aside determination, the Small Business Specialist may appeal in writing to the appointing authority (see § 1.704–3(a)) for decision. A memorandum of the decision by the appointing authority shall be placd in the contract file. After receipt of a decision from the appointing authority, which shall be final, and if the decision approves the action of the contracting officer, the Small Business Specialist shall forward for information and management purposes complete documentation of the case to the appropriate Departmental Small Business Advisor as identified in § 1.704–2.

3. In § 1.706–5, paragraph (a) (2) and (3) is revised, and in paragraph (c), the clause heading and clause paragraph (a) are revised; § 1.706–6 is revised; in § 1.707–3, the introductory text of paragraph (b) is revised; and § 1.800 is revised, to read as follows:

§ 1.706–5 Total set-asides.

(a) • • •

(2) Every proposed procurement for construction, including maintenance and repairs, in excess of $2,500 and under $500,000 shall be considered individually as though the Small Business Specialist had initiated a set-aside request, and the procedures of § 1.706–3 shall apply.

(3) Proposed procurements of $500,000 or more for construction shall not be set aside for exclusive small business participation.

• • • • •

(c) • • •

NOTICE OF TOTAL SMALL BUSINESS SET-ASIDE (JULY 1965)

(a) *Restriction.* Bids or proposals under this procurement are solicited from small business concerns only and this procurement is to be awarded only to one or more small business concerns. This action is based on a determination by the Contracting Officer that it is in the interest of maintaining or mobilizing the Nation's full productive capacity, in the interest of war or national defense programs, or in the interest of assuring that a fair proportion of Government procurement is placed with small business concerns. Bids or proposals received from firms which are not small business concerns shall be considered nonresponsive and shall be rejected.

• • • • •

§ 1.706–6 Partial set-asides.

(a) Subject to any applicable preference for labor surplus area set-asides as provided in § 1.803(a)(2), a portion of a procurement, not including construction, shall be set aside for exclusive small business participation (see § 1.706–1) where:

(1) The procurement is not appropriate for total set-aside pursuant to § 1.706–5;

(2) The procurement is severable into two or more economic production runs or reasonable lots (see § 1.804–1(a)(2)(i) through (v)); and

(3) One or more small business concerns are expected to have the technical competency and productive capacity to furnish a severable portion of the procurement at a reasonable price, except that a partial set-aside shall not be made if there is a reasonable expectation that only two concerns (one large and one small) with technical competency and productive capacity will respond with bids or proposals. Before reaching this conclusion, the contracting officer shall consult with the small business specialist and may make advanced inquiries to determine the number of interested concerns. Any deviation from this partial set-aside procedure must be approved by the Head of the Procuring Activity on a case-by-case basis.

Similarly, a class of procurements, not including construction, may be partially set aside in accordance with §1.706–1(b).

(b) Where a portion of a procurement is to be set aside for small business pursuant to paragraph (a) of this section, the procurement shall be divided into a set-aside portion and a non-set-aside portion, each of which shall be not less than an economic production run or reasonable lot. Insofar as practical, the set-aside portion will be such as to make the maximum use of small business capacity. Delivery and other terms applicable to the set-aside portion of an item and those applicable to the non-set-aside portion of that item shall be comparable.

(c) In advertised procurements involving partial set-asides for small business, each invitation for bids shall contain substantially the following notice. The applicable size standard shall be set forth in the Schedule. In negotiated procurements, the notice shall be appropriately modified for use with request for proposals.

NOTICE OF PARTIAL SMALL BUSINESS SET-ASIDE (JULY 1965)

(a) *General.* A portion of this procurement, as identified elsewhere in the Schedule, has been set aside for award only to one or more small business concerns. Negotiations for award of this set-aside portion will be conducted only with responsible small business concerns who have submitted responsive bids on the non-set-aside portion at a unit price within 120 percent of the highest unit price at which an award is made on the non-set-aside portion. Negotiations shall be conducted with such small business concerns in the following order of priority:

Group 1. Small business concerns which are also persistent labor surplus area concerns.

Group 2. Small business concerns which are also substantial labor surplus area concerns.

Group 3. Small business concerns which are not labor surplus area concerns.

Within each of the above groups, negotiations with such concerns will be in the order of their bids on the non-set-aside portion, beginning with the lowest responsive bid. The set-aside shall be awarded at the highest unit price awarded on the non-set-aside portion, adjusted to reflect transportation and other cost factors which are considered in evaluating bids on the non-set-aside portion, except where a responsive bid has been submitted on the non-set-aside portion at a unit price which when so adjusted is lower than the adjusted highest unit price awarded on the non-set-aside portion but could not be accepted because of quantity limitations or other consideration (such as the bidder's responsibility). In the latter case if the quantity limitation or other considerations do not preclude consideration of the unit price of such unaccepted bid at the time of negotiation for the set-aside portion, a quantity of the set-aside portion equal to the quantity of such unaccepted bid shall be offered to eligible concerns in their order of priority at the adjusted unit price of such unaccepted bid. If no eligible bidder will take the entire quantity so offered at the adjusted unit price of the unaccepted bid, then all eligible concerns in their order of priority shall be offered any lesser portion

at the same price. (In the event more than one such unaccepted bid is involved, the same procedure shall be applied successively to each such bid on negotiation for the set-aside portion.) Subject to the conditions set forth below any remaining quantity of the set-aside portion shall be offered to eligible concerns in their order of priority at the adjusted highest unit price awarded on the non-set-aside portion. If such an unaccepted bid is submitted by a concern eligible to participate in the set-aside, such concern must accept a quantity of the set-aside portion equal to the quantity of the unaccepted bid at the adjusted unit price of the unaccepted bid before any portion of the set-aside may be awarded to that concern at a higher price. If such an unaccepted bid is submitted by a concern not eligible to participate in the set-aside, a quantity of the set-aside portion equal to the unaccepted bid must be awarded at the adjusted unit price of such unaccepted bid before any portion of the set-aside is awarded to any eligible concern at a higher price. The Government reserves the right not to consider token bids or other devices designed to secure an unfair advantage over other bidders eligible for the set-aside portion. The partial set-aside of this procurement for small business concerns is based on a determination by the Contracting Officer that it is in the interest of maintaining or mobilizing the Nation's full productive capacity, or in the interest of war or national defense programs, or in the interest of assuring that a fair portion of Government procurement is placed with small business concerns.

(b) *Definitions.* (1) A "small business concern" is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts, and can further qualify under the criteria set forth in regulations of the Small Business Administration (Code of Federal Regulations, Title 13, sec. 121.3–8). In addition to meeting these criteria, a manufacturer or a regular dealer submitting bids or proposals in his own name must agree to furnish in the performance of the contract end items manufactured or produced in the United States, its possessions, or Puerto Rico, by small business concerns: *Provided*, That this additional requirement does not apply in connection with construction or service contracts.

(2) A "labor surplus area" is a geographical area which is:

(i) classified by the Department of Labor as an "Area of Substantial Labor Surplus" or as an "Area of Substantial and Persistent Labor Surplus" (also called "Area of Substantial and Persistent Unemployment") and listed as such by that Department in conjunction with its publication "Area Labor Market Trends"; or

(ii) not classified as in (i) above, but which is individually certified as an area of persistent or substantial labor surplus by the Department of Labor at the request of any prospective contractor.

(3) Labor surplus area concern includes—

(i) persistent labor surplus area concerns which agree to perform or cause to be performed any contracts awarded to them as labor surplus area concerns substantially in "Areas of Substantial and Persistent Labor Surplus" (also called "Areas of Substantial and Persistent Unemployment"); and

(ii) substantial labor surplus area concerns which agree to perform or cause to be performed any contracts awarded to them as labor surplus area concerns substantially in "Areas of Substantial Labor Surplus."

A concern shall be deemed to perform a contract substantially in "Areas of Substantial and Persistent Labor Surplus" (also called "Areas of Substantial and Persistent Unemployment") if the cost that it incurs on account of manufacturing or production (by itself or its first-tier subcontractors) in such areas amount to more than 50 percent of the contract price. A concern shall be deemed to perform a contract substantially in "Areas of Substantial Labor Surplus" if the costs that it incurs on account of manufacturing or production (by itself or its first-tier subcontractors) in such areas or in "Areas of Substantial or Persistent Labor Surplus" (also called "Areas of Substantial and Persistent Unemployment") amount to more than 50 percent of the contract price.

(4) "Unit price" shall include evaluation factors added for the rent-free use of Government property.

(c) *Identification of areas of performance.* Each bidder desiring to be considered for award as a small business labor surplus area concern on the set-aside portion of this procurement shall identify in his bid the geographical areas in which he proposes to perform, or cause to be performed, a substantial proportion of the production of the contract. If the Department of Labor classification of any such area changes after the bidder has submitted his bid, the bidder may change the areas in which he proposes to perform: *Provided*, That he so notifies the Contracting Officer before award of the set-aside portion. Priority for negotiation will be based upon the labor surplus classification of the designated production areas as of the time of the proposed award.

(d) *Agreement.* The bidder agrees that, if awarded a contract as a small business persistent labor surplus area concern under the set-aside portion of this procurement, he will perform, or cause to be performed, a substantial proportion of the production in areas classified at the time of award, or at the time of performance of the contract, as persistent labor surplus areas; and that if awarded a contract as a small business substantial labor surplus area concern under the set-aside portion of this procurement, he will perform, or cause to be performed, a substantial proportion of the production in areas classified at the time of award, or at the time of performance of the contract, as substantial or persistent labor surplus areas.

(d)(1) After the award price for the non-set-aside portion has been determined, negotiations may be conducted for the set-aside portion. Procurement of the set-aside portion shall in all instances be effected by negotiation. Negotiations shall be conducted only with those bidders or offerors who have submitted responsive bids or proposals on the non-set-aside portion at a unit price no greater than 120 percent of the highest award made or to be made on the non-set-aside portion (taking into account the evaluation factors for rent-free use of Government property pursuant to Subpart E, Part 13 of this chapter) and who are determined to be responsible prospective contractors for the set-aside portion of the procurement. Negotiations shall be conducted with small business concerns in the order of priority as indicated in the foregoing notices: *Provided*, That, where equal low bids are received on the non-set-aside portion from concerns which are equally eligible for the set-aside portion, the concern which is awarded the non-set-aside portion (under the equal low bid procedure of § 2.407–6 of this chapter) shall have first priority with respect to negotiations for the set-aside portion. The set-aside portion will be awarded at the highest unit price awarded or to be awarded for the non-set-aside portion. A bidder or offeror entitled to receive the award for quantities of an item under the non-set-aside portion and who accepts the award of additional quantities under the set-aside portion shall not be requested to accept a lower price because of the increased quantities of the award, nor shall negotiation be conducted with a view to obtaining such a lower price based solely upon receipt of award of both portions of the procurement. This does not prevent acceptance by the contracting officer of voluntary reductions in price from the low eligible offeror prior to award, acceptance of voluntary refunds (see § 1.312), or the change of prices after award by negotiation of a contract modification.

(2) When the award price for the non-set-aside portion has been determined and where an award will be made to a small business concern and the same small business concern is entitled to receive the set-aside portion of a solicitation, the set-aside portion may be added to the basic contract by supplemental agreement. The supplemental agreement shall include the Examination of Records clause, applicable to the set-aside portion only.

§ 1.707–3 Required clauses.

• • • • •

(b) The "Small Business Subcontracting Program" clause below shall be included in all contracts (except maintenance, repair and construction contracts) which may exceed $500,000, which contain the clause required by paragraph (a) of this section and which, in the opinion of the contracting officer, offer substantial subcontracting possibilities. Prime contractors who are to be awarded contracts that do not exceed $500,000 but which, in the opinion of the contracting officer, offer substantial subcontracting possibilities, shall be urged to accept the clause.

• • • • •

§ 1.800 Scope of subpart.

This subpart sets forth Department of Defense policy and procedures with respect to aiding areas of persistent or substantial labor surplus, hereinafter referred to as labor surplus areas, in the United States, its possessions, and Puerto Rico. This subpart implements Defense Manpower Policy No. 4 (Revised), June 6, 1960 (32A CFR ch. 1). Defense Manpower Policy No. 4 states the policy of the Government to encourage the placing of contracts and facilities in areas of persistent or substantial labor surplus, and to assist such areas in making the best use of their available resources.

§ 1.801–1 [Amended]

4. In § 1.801–1, the sentence preceding "Example A" is amended, changing the phrase "(by itself or its subcontractors)" to read "(by itself or its first tier subcontractors)."

5. Sections 1.802 and 1.804–1(a) are revised, and in § 1.804–2, the introductory text of paragraph (b) and all of

paragraph (c) are revised, and paragraph (d) is revoked, to read as follows:

§ 1.802 General policy.

Except as provided in § 1.806 with respect to depressed industries, it is the policy of the Department of Defense to aid labor surplus areas by placing contracts with labor surplus area concerns, to the extent consistent with procurement objectives and where such contracts can be awarded at prices no higher than those obtainable from other concerns, and by encouraging prime contractors to place subcontracts with concerns which will perform substantially in labor surplus areas. In carrying out this policy, to accommodate the small business policies of Subpart G of this part, preference shall be given in the following order of priority to (a) persistent labor surplus area concerns which are also small business concerns, (b) other persistent labor surplus area concerns, (c) substantial labor surplus areas concerns which are also small business concerns, (d) other substantial labor surplus area concerns, and (e) small business concerns which are not labor surplus area concerns. But in no case will price differentials be paid for the purpose of carrying out this policy. Heads of Procuring Activities and Heads of Field Purchasing and Contract Administration Activities are responsible for the effective implementation of the Labor Surplus Area Program within their respective activities. Responsibility for administration of the program may be assigned to small business specialists appointed pursuant to § 1.704–3.

§ 1.804–1 General.

(a) (1) In accordance with the policy set forth in §§ 1.802 and 1.803, a portion of each procurement shall be set aside for labor surplus area concerns if:

(i) The procurement is severable into two or more economic production runs or reasonable lots; and

(ii) One or more labor surplus area concerns are expected to qualify as labor surplus area concerns and to have the technical competency and productive capacity to furnish a severable portion of the procurement at a reasonable price, except that a partial set-aside shall not be made if there is a reasonable expectation that bids or proposals will be received from only two concerns with technical competency and productive capacity (one concern which will not qualify as a labor surplus area concern and one concern which will qualify as a labor surplus area concern). Before reaching this conclusion, the contracting officer shall consult with the labor surplus area specialist and may make advance inquiries to determine the number and expected classification of interested concerns. Any deviation from this partial set-aside prohibition must be approved by the Head of the Procuring Activity on a case-by-case basis.

(2) In determining whether a proposed procurement is susceptible to division into two or more economic production runs or reasonable lots, consideration should be given to the following factors and any others deemed appropriate:

(i) Price and procurement history of the items,

(ii) Open industry capacity,

(iii) Startup cost including special tooling requirements,

(iv) Delivery schedule, and

(v) Nature of item and quantity being procured.

Before a portion or portions, constituting more than 50 percent of the total requirement may be set aside, a determination must be made that there is a reasonable expectation the action proposed will not result in the payment of a price differential. The determination and supporting information will be made part of the contract file.

(3) In furtherance of the policy to assure that a fair proportion of procurements is placed with small business concerns, each labor surplus area set-aside shall provide that, in addition to labor surplus area concerns, small business concerns not performing in such areas are also eligible for participation in the set-aside for such quantities thereof as are not awarded to labor surplus area concerns. In this respect, see the provisions of § 1.804–2(b) for notice to bidders or offerors, and § 1.804–2(c) for conduct of set-aside negotiations.

* * * * *

§ 1.804–2 Set-aside procedures.

* * * * *

(b) In advertised procurements involving set-asides pursuant to this subpart, each invitation for bids shall contain substantially the following notice. In negotiated procurements, the notice shall be appropriately modified for use with requests for proposals. The notice shall be made a part of each contract under the set-aside portion of the procurement.

* * * * *

(c) (1) After the award price for the non-set-aside portion has been determined, negotiations may be conducted for the set-aside portion. Procurement of the set-aside portion shall in all instances be effected by negotiation. Negotiations shall be conducted only with those bidders or offerors who have submitted responsive bids or proposals on the non-set-aside portion at a unit price no greater than 120 percent of the highest award made or to be made on the non-set-aside portion (taking into account the evaluation factors for rent-free use of Government property pursuant to Subpart E, Part 13 of this chapter) and who are determined to be responsible prospective contractors for the set-aside portion of the procurement. Negotiations shall be conducted in the order of priority indicated in the foregoing notices: *Provided*, That, where equal low bids are received on the non-set-aside portion from concerns which are equally eligible for the set-aside portion, the concern which is awarded the non-set-aside portion (under the equal low bid procedures of § 2.407–6 of this chapter) shall have first priority with respect to negotiations for the set-aside portion. The set-aside portion shall be awarded at the highest unit price awarded or to be awarded for the non-set-aside portion. A bidder or offeror entitled to receive the award for quantities of an item under the non-set-aside portion and who accepts the award of additional quantities under the set-aside portion shall not be requested to accept a lower price because of the increased quantities of the award, nor shall negotiation be conducted with a view to obtaining such a lower price based solely upon receipt of award of both portions of the procurement. This does not prevent acceptance by the contracting officer of voluntary reductions in price prior to award, acceptance of refunds, or the change of prices after award by negotiation of a contract modification. If the entire set-aside portion cannot be awarded by the method described herein, any unawarded portion may be procured by advertising or negotiations, as appropriate, in accordance with existing regulations (see §§ 3.201–2 (b) (1) and 3.210–3 of this chapter as to negotiation).

(2) When the award price for a non-set-aside portion has been determined and where an award will be made to a labor surplus area concern and the same labor surplus area concern is entitled to receive a set-aside portion of the solicitation, the set-aside portion may be added to the basic contract by supplemental agreement. The supplemental agreement shall include the Examination of Records clause, applicable to the set-aside portion only.

(d) [Revoked]

6. Sections 1.907, 1.1002–6 (f) and (g) (1), 1.1004(b), 1.1005–2(b), 1.1006–2, 1.1107–2(b), and 1.1604(f) (1) are revised to read as follows:

§ 1.907 Disclosure of pre-award data.

Data, including information obtained from a pre-award survey, accumulated for purposes of determining the responsibility of a prospective contractor shall not be released outside the Government and shall not be made available for inspection by individuals, firms, or trade organizations. Such data may be disclosed to, or summarized for, other elements within the Government on their request, and shall be made available to Department of Defense procurement personnel upon request in accordance with § 1.905–1. Prior to making a determination of responsibility, such data may be discussed with the prospective contractor as determined necessary by the purchasing office. After an award, the findings of the pre-award survey may be discussed by the contracting officer with the company surveyed as provided in §§ 2.408 and 3.508 of this chapter, or if appropriate, by the head of the contract administration office or his designee.

§ 1.1002–6 Paid advertisements in newspapers and trade journals.

* * * * *

(f) *Request for authority to place advertisement.* (1) Special or general authority to place advertisements in newspapers must be secured in advance by the use of DD Form 1535, Request/Approval for Authority to Advertise (see § 16.504 of this chapter). Special authority permits the publication of a given advertisment of a specified number of times in a designated newspaper or newspapers. General authority permits the publication during a fiscal year, as designated, of such advertisements for bids as may be required by the duties of officers engaged in making frequent purchases or contracts.

(2) Requests for authority to place advertisements shall be submitted through channels to the Secretary or his designee.

(3) Consideration shall be given to an equitable distribution of advertising to suitable publications.

(g) *Preparation of advertisement.* (1) Except as provided in subparagraph (2) of this paragraph, all advertisements shall be set solid, without paragraphing. A sample is shown on Standard Form 1143 (Advertising Order) (see § 16.504 of this chapter).

* * * * *

§ 1.1004 Disclosure of information prior to award.

* * * * *

(b) Maximum information may be made available to the public except (1) advance information on proposed plans regarding procurements, which information would provide undue or discriminatory advantage to private or personal interests, (2) information which is received in confidence, (3) information which requires protection in the public interest or (4) information as to referrals (for technical review, contracting authority, or other reasons) or recommendations made with respect thereto in connection with any given procurement. This policy applies to all Government personnel who participate directly or indirectly in any stage of the procurement cycle (see §§ 1.1006, 2.211, 3.507, 3.508, and 3.804 of this chapter). Information submitted by the bidder or offeror in confidence, and information which might jeopardize, the position of the Government or any prospective contractor shall not be released, except as provided in §§ 1.1006 and 3.508 of this chapter. (See § 1.705–3 as to information to be released to the SBA, and § 1.1007 for procedures for publicizing long-range procurement estimates.)

§ 1.1005–2 Other publication award information.

* * * * *

(b) For awards after procurement by negotiation, include the information contained in the notice prescribed by § 3.508(b) (1) of this chapter and where the award was made after competitive negotiation (either price or design competition), include a statement to this effect and state in general terms the basis for selection.

§ 1.1006–2 General public.

Requests from the general public, including suppliers, for specific information such as the number or types of supplies purchased and prices paid during extended periods of time, will generally be denied. The inquirer shall be informed that it is not the Department of Defense policy to compile and disseminate such information; but see §§ 2.408 and 3.508 of this chapter.

§ 1.1107–2 Contract provisions.

* * * * *

(b) When qualified products are to be procured as components of end items, insert the following provision in the solicitation:

QUALIFIED PRODUCTS—COMPONENTS (AUGUST 1965)

When any of the end items which are to be supplied to the Government by the Contractor will contain one or more components which are required to be Qualified Products, such components shall have been tested and have qualified for inclusion in a Qualified Products List identified below (whether or not actually included in the List) before the award of any subcontract by the Contractor for such components, or, in the event the Contractor plans to manufacture such components himself, shall have been so tested and have so qualified before the Contractor begins to manufacture such components for performance of this Contract (not before manufacture of the prototype, preproduction model, or first article, for qualification testing). Unless required for interchangeability or compatibility, the Contractor shall not cite brand names from any Qualified Products List in any subcontract solicitation, but shall refer to the pertinent military specification so that optimum competition may be obtained. Delay resulting from the Contractor awaiting qualification approval by the Government of a component shall not constitute excusable delay when a previously qualified component could have been procured in time to meet the end item delivery schedule.

Contracting officers shall, following the above provision, identify each Qualified Products List involved and give the name and address of the office, as identified in the specification, with which manufacturers should communicate.

§ 1.1604 Processing novation agreements and change of name agreements.

* * * * *

(f) * * *

(1) The original signed copy to the Finance Center listed below which services the Disbursing Office designated in the contract to make payment:

Army—
Commanding General
Finance Center, U.S. Army
Processing & Disposition Branch
Retained Accounts Division
Indianapolis, Ind. 46249

Navy—
Commanding Officer
U.S. Navy Finance Center (SMV)
Cleveland, Ohio 44114

Air Force—
Air Force Accounting & Finance Center
3800 York Street
Denver, Colo. 80205

* * * * *

7. New Subpart S is added to this part, as follows:

Subpart S—First Article Approval

Sec.
1.1900 Scope of subpart.
1.1901 Definitions.
1.1902 General.
1.1903 Fixed-price type contracts.
1.1904 Cost reimbursement type contracts.
1.1905 Government administration procedures.
1.1906 Contract clauses.

AUTHORITY: The provisions of this Subpart S issued under sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1.1900 Scope of subpart.

This subpart sets forth the policy, implementing instructions, and contract clauses with respect to first article testing and approval.

§ 1.1901 Definitions.

As used in this subpart:

(a) "First article" includes preproduction models, initial production samples, test samples, first lots, pilot models, and pilot lots; and

(b) "Approval" involves testing and evaluating the first article for conformance with specified contract requirements before or in the initial stage of production under a contract.

§ 1.1902 General.

(a) A requirement for first article approval is designed to assure that the contractor can furnish a product that is satisfactory for its intended use and, therefore, minimizes risks for both the contractor and the Government. In determining whether first article approval is to be required, consideration shall be given to increased cost and time of delivery by reason of the test, the risk to the Government of foregoing such tests, and the availability to the Government of other less costly methods of achieving the desired quality. First article approval tests are particularly appropriate when:

(1) The interest of the Government requires assurance that a product is satisfactory for its intended use when the product—

(i) Has not been previously furnished by the contractor to the Government; or

(ii) Has been previously furnished by the contractor to the Government but there have been subsequent changes in processes or specifications, or production has been discontinued for an extended period of time; or

(iii) Is described by a performance specification; or

(2) It is essential to have an approved first article to serve as a manufacturing standard.

(b) Except in unusual procurements, first article approval tests shall not be required in contracts:

(1) For research or development;

(2) Where the specifications require qualification of the produc prior to award, i.e., where a Qualified Products List has been established for the product; or

(3) For supplies normally sold in the commercial market.

(c) Pending approval of the first article, acquisition of materials or com-

ponents, or commencement of production is at the sole risk of the contractor.

§ 1.1903 Fixed-price type contracts.

(a) The solicitation for a fixed-price type contract which is to contain a requirement for first article approval shall inform bidders or offerors that where supplies identical or similar to those called for have been previously furnished by the bidder or offeror and have been accepted by the Government, the requirement for first article approval may be waived by the Government. To permit proper evaluation of bids or offers where one or more bidders or offerors may be eligible to have first article approval tests waived, the solicitation shall permit the submission of alternative bids or offers—one including first article approval tests and the other excluding such tests; shall state clearly the relationship of the first article to the contract quantity (see paragraph (e) of the contract clauses in § 1.1906), and shall provide for:

(1) Delivery schedules for the production quantity in accordance with § 1.305; as appropriate, the delivery schedules—

(i) May be the same whether or not first article approval is waived, or

(ii) May provide for a shorter delivery schedule where the first article approval is waived and earlier delivery is in the interest of the Government: *Provided*, That in the latter case any difference in delivery schedules resulting from a waiver of first article approval shall not be a factor in evaluation for award. The delivery schedule based on first article approval shall provide sufficient time for acquisition of material and production after notification of first article approval. The delivery schedule for the first article itself shall be set forth in the first article approval clause; and

(2) The submission of the contract numbers, if any, under which identical or similar supplies were previously accepted from the bidder or offeror by the Government.

(b) Where it is known that first article approval will be required of all bidders or offerors, the provisions of paragraph (a) of this section will not apply.

(c) The solicitation shall also:

(1) State whether an approved first article shall serve as a manufacturing standard; and

(2) Include the applicable clause set forth in § 1.1906, designating whether the contractor or the Government is responsible for first article approval testing—

(i) When the contractor is responsible for such testing, the solicitation and resulting contract shall contain or reference:

(*a*) The performance or other characteristics which the first article must meet, and

(*b*) The detailed technical requirements for first article approval tests, including the necessary data to be submitted to the Government in the first article approval test report.

(ii) When the Government is responsible for such testing, the solicitation and resulting contract shall contain or reference:

(*a*) The performance or other characteristics which the first article must meet in order to be approved, and

(*b*) The test to which the first article will be subjected.

§ 1.1904 Cost reimbursement type contracts.

When first article approval tests are required in cost-reimbursement type contracts, the applicable clause in § 1.1906, appropriately modified, shall be included.

§ 1.1905 Government administration procedures.

(a) Immediately upon shipment by the contractor of a first article or first article approval test report to the designation specified in the contract, the contract administration office shall:

(1) Advise the consignee of the contractual requirements for first article approval; and

(2) Request from the consignee advice as to the date that testing or evaluation will be completed.

(b) The Government laboratory or other activity responsible for first article approval shall advise the purchasing office, in sufficient time to permit notification to the contractor as required by the contract, whether the first article should be approved, conditionally approved, or disapproved. Upon such notification, the contracting officer at the purchasing office shall advise the contractor of his approval, conditional approval, or disapproval, with simultaneous notification to the contract administration office. Changes in the drawings, designs, or specifications determined by the Government to be necessary shall be accomplished pursuant to the Changes clause and not by the notification of approval, conditional approval, or disapproval.

§ 1.1906 Contract clauses.

(a) In accordance with § 1.1902, insert the following clause when the contractor is responsible for conducting first article approval tests:

FIRST ARTICLE APPROVAL—CONTRACTOR TESTING (AUGUST 1965)

(a) The first article is ------ unit(s) of Lot/Item ------ which shall be tested in accordance with the provisions contained or referenced in this contract. At least ------ (—) calendar days prior to the beginning of first article approval tests, the Contractor shall furnish written notice to the Contracting Officer of the time and location of the testing so that the Government may witness such testing if it so elects.

(b) Within ------ (—) calendar days from the date of this contract, the first article approval test report shall be forwarded to ----------
(Set forth address of office to receive the report)
marked "FIRST ARTICLE: Contract No. ------, Lot/Item No. ------". The Contracting Officer shall, by written notice to the Contractor within ------ (—) calendar days after receipt of such test report by the Government, approve, conditionally approve, or disapprove such first article. The notice of approval or conditional approval shall not relieve the Contractor from complying with all requirements of the specifications and all other terms and conditions of this contract. A notice of conditional approval shall state any further action required of the Contractor. A notice of disapproval shall cite reasons therefor.

(c) If the first article is disapproved by the Government, the Contractor may be required, at the option of the Government, to repeat any or all of the first article approval tests. After each notification by the Government of the requirement for additional tests, the Contractor shall at no additional cost to the Government make any necessary changes, modifications, or repairs to the first article or select another first article for testing. Thereafter, the Contractor shall perform the required additional approval tests and deliver another report to the Government under the terms and conditions and within the time specified by the Government. The Government shall take action on this report within the time limit specified in (b) above. All costs related to additional approval tests shall be borne by the Contractor. The Government reserves the right to require an equitable reduction of contract price for any extension of the delivery schedule or for any additional costs to the Government related to additional approval tests.

(d) If the Contractor fails to deliver any first article approval test report within the time or times specified, or if the Contracting Officer disapproves any first article, the Contractor shall be deemed to have failed to make delivery within the meaning of the "Default" clause of this contract, and this contract shall be subject to termination for default: *Provided*, That failure of the Government in such an event to terminate this contract for default shall not relieve the Contractor of his responsibility to meet the delivery schedule for production quantities.

(e) Where the approved first article is not consumed or destroyed in testing, and unless otherwise provided in this contract, the first article may be delivered as part of the contract quantity if it meets all terms and conditions of the contract for acceptance.

(f) In the event the Contracting Officer does not approve, conditionally approve, or disapprove the first article within the time specified in (b) or (c) above, the Contracting Officer shall, upon timely written request made by the Contractor, make a determination of the delay occasioned the Contractor thereby, and shall equitably adjust the delivery or performance dates or the contract price, or both, and any other contractual provision affected by such delay, in accordance with the procedures provided in the "Changes" clause. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(g) Prior to approval of the first article, the acquisition of materials or components for, or the commencement of production of, the balance of the contract quantity shall be at the sole risk of the Contractor; and costs incurred on account thereof shall not, if this contract contains a clause entitled "Progress Payments," be considered allocable to this contract until such approval is granted.

At the option of the contracting officer, the following paragraph may be added to the clause:

(h) The first article offered must be manufactured at the facilities in which that item is to be produced under the contract, or if the first article is a component not manufactured by the Contractor, such component must be manufactured at the facilities in which the component is to be produced for the contract. A certification by the Contractor to this effect must accompany each first article which is offered.

(b) In accordance with § 1.1902, insert the following clause when the Government is responsible for conducting first article approval tests:

FIRST ARTICLE APPROVAL—GOVERNMENT TESTING (AUGUST 1965)

(a) The first article is ------ unit(s) of Lot/Item ------ and shall, within ------ (—) calendar days from the date of this contract, be delivered to the Government at ---------- for first article approval tests. (Set forth consignee and address.) The documentation accompanying the first article shall contain this contract number and the Lot/Item identification. The performance or other characteristics which the first article must meet, and the tests to which it will be subjected, are contained or referenced in this contract.

(b) The Contracting Officer shall, by written notice to the Contractor within ------ (—) calendar days after receipt of the first article by the Government, approve, conditionally approve, or disapprove the first article. The notice of approval or conditional approval shall not relieve the Contractor from complying with all requirements of the specifications and all other terms and conditions of this contract. A notice of conditional approval shall state any further action required of the Contractor. A notice of disapproval shall cite reasons therefor.

(c) If the first article is disapproved by the Government, the Contractor may be required, at the option of the Government, to submit an additional first article for first article approval test. After each notification by the Government to submit an additional first article, the Contractor shall at no additional cost to the Government make any necessary changes, modifications, or repairs to the first article, or select another first article for testing. Such additional first article shall be furnished to the Government under the terms and conditions and within the time specified in the notification. The Government shall take action on this first article within the time limit specified in (b) above. The costs of additional first article approval tests and all costs related to such tests shall be borne by the Contractor. The Government reserves the right to require an equitable adjustment of the contract price for any extension of the delivery schedule necessitated by additional first article approval tests.

(d) If the Contractor fails to deliver any first article for test within the time or times specified, or if the Contracting Officer disapproves any first article, the Contractor shall be deemed to have failed to make delivery within the meaning of the "Default" clause of this contract, and this contract shall be subject to termination for default: *Provided*, That failure of the Government in such an event to terminate this contract for default shall not relieve the Contractor of his responsibility to meet the delivery schedule for production quantities.

(e) Where the first article is not consumed or destroyed in testing, and unless otherwise provided in this contract, the Contractor (i) may deliver an approved first article as a part of the contract quantity if it meets all terms and conditions of this contract for acceptance, and (ii) shall be responsible for removal and disposition of any first article from the Government test site at his expense.

(f) In the event the Contracting Officer does not approve, conditionally approve, or disapprove the first article within the time specified in (b) or (c) above, the Contracting Officer shall, upon timely written request made by the Contractor, make a determination of the delay occasioned the Contractor thereby, and shall equitably adjust the delivery or performance dates, or the contract price, or both, and any other contractual provision affected by such delay, in accordance with the procedures provided in the "Changes" clause. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(g) The Contractor shall be responsible for spare parts support and repair of the first article during any first article approval test.

(h) Prior to approval of the first article, the acquisition of materials or components for, or the commencement of production of, the balance of the contract quantity shall be at the sole risk of the Contractor; and costs incurred on account thereof shall not, if this contract contains a clause entitled "Progress Payments," be considered allocable to this contract until such approval is granted.

At the option of the contracting officer, the following paragraph may be added to the clause:

(i) The first article offered must be manufactured at the facilities in which that item is to be produced under the contract, or if the first article is a component not manufactured by the Contractor, such component must be manufactured at the facilities in which the component is to be produced for the contract. A certification by the Contractor to this effect must accompany each first article which is offered.

PART 2—PROCUREMENT BY FORMAL ADVERTISING

8. In § 2.201(a), subparagraphs (22) and (25) are revised; subparagraph (27) is revoked; subparagraphs (35), (36), and (37) are revised; and subparagraph (38) is revoked. In § 2.201(b), subparagraph (14) is revised and subparagraph (15) is revoked, as follows:

§ 2.201 Preparation of invitation for bids.

* * * * *

(a) * * *

(22) Unless contained elsewhere in the invitation, a statement as follows:

In the event of an inconsistency between provisions of this Invitation for Bids, the inconsistency shall be resolved by giving precedence in the following order: (a) the Schedule; (b) Bidding Instructions, Terms and Conditions of the Invitation for Bids; (c) General Provisions; (d) other provisions of the contract, where incorporated by reference or otherwise; and (e) the Specifications (AUGUST 1965).

* * * * *

(25) Pending revision of the invitation for bids forms, a requirement for inclusion of "county" as part of bidder's address will be inserted.

* * * * *

(27) [Revoked]

* * * * *

(35) A statement as follows:

This procurement is not a set aside for labor surplus area concerns. However, the bidder's status as such a concern may affect entitlement to award in the case of tie bids, or in the evaluation of bids in accordance with the Buy American clause of this solicitation. In order to have his entitlement to a preference determined on the occurrence of those events, the bidder must identify below the areas in which the costs that he will incur on account of manufacturing or production (by himself or his first-tier subcontractors) amount to more than 50 percent of the contract price:

Failure to list the proposed areas of performance as specified above will preclude consideration of such bidder as a labor surplus area concern.

The bidder agrees that if, as a labor surplus area concern, he is awarded a contract for which he would not have qualified in the absence of such a classification, he will perform or cause to be performed the contract in accordance with the circumstances justifying the preference.

(36) A statement that prospective bidders may submit inquiries by writing or calling (collect calls not accepted) Mr. (insert name and address; telephone area code, number, and extension).

(37) When using Standard Form 33, on the face thereof or on a cover sheet, a brief description of the items being procured, unless the contracting officer considers such to be unnecessary or impractical.

(38) [Revoked]

(b) * * *

(14) Any requirement for first article approval (see Subpart S, Part 1 of this chapter).

(15) [Revoked]

* * * * *

9. Sections 2.207, 2.208, 2.209, and 2.210 are revised; new § 2.211 is added; and §§ 2.403 and 2.503–1 (b)(2) and (e) are revised, as follows:

§ 2.207 Pre-bid conference.

The pre-bid conference is a procedure which may be used, generally in complex procurements, as a means of briefing prospective bidders (e.g., where procurements which were formerly negotiated are to be formally advertised) and explaining complicated specifications and requirements to them as early as possible after the invitation has been issued and before the bids are opened. Since the invitations for bids itself must be sufficiently clear and complete to insure that bidders are bidding on the same basis, the need for this procedure should be rare. The pre-bid conference shall never be used as a substitute for amending a defective or ambiguous invitation, and may be used only when approved at a level higher than the contracting officer. It shall be conducted in accordance with the procedure prescribed in § 3.504 of this chapter.

§ 2.208 Amendment of invitation for bids.

(a) If after issuance of an invitation for bids, but before the time for bid opening, it becomes necessary to make changes in quantity, specifications, delivery schedules, opening dates, etc., or to correct a defective or ambiguous invitation, such changes shall be accomplished by issuance of an amendment to the invitation for bids, using DD Form 1260 (see § 16.101 of this chapter), whether or not a pre-bid conference is held. The amendment shall be sent to everyone to whom invitations have been

furnished and shall be displayed in the bid room.

(b) Before issuing an amendment to an invitation for bids, the period of time remaining until bid opening and the need for extending this period by postponing the time set for opening must be considered. Where only a short time remains before the time set for bid opening, consideration should be given to notifying bidders of an extension of time by telegram or telephone. Such notification should be confirmed in the amendment.

(c) Any information given to a prospective bidder concerning an invitation for bids shall be furnished promptly to all other prospective bidders, as an amendment to the invitation, whether or not a pre-bid conference is held, if such information is necessary to the bidders in submitting bids on the invitation or if the lack of such information would be prejudicial to uninformed bidders. No award shall be made on the invitation unless such amendment has been issued in sufficient time to permit all prospective bidders to consider such information in submitting or modifying their bids.

§ 2.209 Cancellation of invitations before opening.

Cancellation of an invitation for bids usually involves the loss of time, effort, and money, spent by Government and bidders in carrying the procurement process up to the point of cancellation. Invitations for bids should not be canceled unless cancellation is clearly in the public interest, such as where there is no longer a requirement for the supplies or services or where amendments to the invitation would be of such magnitude that a new invitation is desirable. Where an invitation is canceled, bids which have been received shall be returned unopened to the bidders and a notice of cancellation shall be sent to all prospective bidders to whom invitations for bids were issued. The notice of cancellation shall identify the invitation for bids; briefly explain the reason the invitation is being canceled; and, where appropriate, assure prospective bidders that they will be given an opportunity to bid on any resolicitation of bids or any future requirements for the type of material or services involved. The cancellation shall be recorded in accordance with § 2.403.

§ 2.210 Qualified products.

See Subpart K, Part 1 of this chapter.

§ 2.211 Release of procurement information.

(a) *Prior to synopsis or solicitation.* Information concerning proposed procurements shall not be released outside the Government prior to solicitation except when pre-invitation notices have been used in accordance with §§ 2.205–6 or 18.205(c) of this chapter, or long-range procurement estimates have been issued in accordance with § 1.1007 of this chapter. Within the Government, such information shall be restricted to those having a legitimate interest therein. Such information shall be released to all potential contractors at the same time, as nearly as possible, so that one potential contractor shall not be given unfair advantage over another.

(b) *After synopsis or solicitation.* Discussions with prospective contractors regarding a potential procurement and the transmission of technical or other information shall be conducted only by the contracting officer or his superiors having contractual authority or by others specifically authorized. Such personnel shall not furnish any information to a potential supplier which alone or together with other information may afford him an advantage over others. However, general information which would not be prejudicial to other bidders may be furnished upon request, e.g., explanation of a particular contract clause or a particular condition of the schedule in the invitation for bids. When necessary to clarify ambiguities, or correct mistakes or omissions, an appropriate amendment to the solicitation shall be furnished in a timely manner to all to whom the solicitation has been furnished (see § 2.208).

§ 2.403 Recording of bids.

(a) The invitation number, bid opening date, general description of the procurement item, names of bidders, prices bid, and any other information required for bid evaluation, shall be entered on Abstract of Bids (DD Form 1501) which, except in the case of classified procurement, shall be available for public inspection. Abstract of Bids—Construction (DD Form 1501–1) shall be used for recording construction bids. When the items are too numerous to warrant the recording of all bids completely, an entry should be made of the opening date, invitation number, general description of the material, item number, and the price bid. The record or abstract shall be completed as soon as practical after the bids have been opened, and, as soon as all bids have been opened and read, the bid opening officer shall so certify on the record or abstract. If the invitation for bids is canceled before the time set for bid opening, this shall be recorded, together with a statement of the number of bids invited and the number of bids received. Copies of the abstract on unclassified bids exhibited to the public shall not contain information such as debarment, failure to meet minimum standards of responsibility, apparent collusion of bidders, or other notations not proper for the knowledge of the general public.

(b) The above forms need not be used by the Defense Fuel Supply Center for procurements of coal or petroleum products.

* * * * *

§ 2.503–1 Step one.

* * * * *

(b) * * *

(2) Technical proposals submitting data marked in accordance with § 3.507–1 of this chapter shall be accepted and handled in accordance with that section; and

* * * * *

(e) Consideration of late technical proposals is governed by the procedure in § 3.506 of this chapter except that the late technical proposals statement in paragraph (a)(6) of this section will be used in any resolicitation (see § 3.506(b) of this chapter).

* * * * *

PART 3—PROCUREMENT BY NEGOTIATION

10. Section 3.101(h) is revised and new §§ 3.106, 3.106–1, 3.106–2, and 3.109 are added, as follows:

§ 3.101 Negotiation as distinguished from formal advertising.

* * * * *

(h) Consideration of the nature and effectiveness of the prospective contractor's cost reduction program (For those contractors that have participated in the Defense Contractor Cost Reduction Program, a transcript of all Contractor Cost Reduction Program Report (DD Form 1514) evaluation certificates (Item 10 of the form) may be obtained from the Defense Documentation Center of the Defense Supply Agency, Cameron Station, Alexandria, Va., 22314. Such transcript or a statement that there is no record on file shall always be obtained for procurements in excess of $1 million. Cost reduction programs of contractors who have not submitted reports under the DOD Contractor Cost Reduction Program or who are not participating in the formal program should also be evaluated.);

§ 3.106 Presolicitation notices and conferences.

§ 3.106–1 General.

This subpart describes a procedure which may be used as a preliminary step to negotiated procurements where the cost of preparing a formal solicitation and response would be substantial for both the Government and industry. This procedure is designed to develop sources for procurement; permit the Government to solicit for preliminary information based on a general description of the supplies or services involved; permit prospective offerors to submit proposals without undue expenditure of effort, time, and money; and to explain complicated specifications and requirements to interested firms. The presolicitation conference shall not be used as a method for prequalification of offerors, and may be used only when approved at a level higher than the contracting officer.

§ 3.106–2 Presolicitation procedure.

(a) When a presolicitation notice is used it shall be prepared by the contracting officer and forwarded to all known potential offerors. It shall at least request an expression of interest in the contemplated procurement and shall designate a time for submission of responses. In cases of complex procurement, it may also request information pertaining to management, engineering, and production capabilities. Each notice shall define as explicitly as possible the information to be furnished by the offeror and shall indicate whether it is contemplated that the presolicitation notice will be followed by a conference and a formal solicitation. Detailed drawings, specifications, or plans shall not normally be included in a presolicitation notice. The presolicitation notice shall be synopsized in accordance with § 1.1003 of this chapter. See § 1.309 of this chapter for solicitations for informational or planning purposes; § 2.205–6 of this chapter for pre-invitation notices in formally advertised procurements; and §§ 2.207 and 3.504 of this chapter for prebid and preproposal conferences, respectively.

(b) All of those responding to the presolicitation notice shall be advised of the details of any pending presolicitation conference. The presolicitation conference shall be conducted by procurement personnel, and attended by technical and legal personnel as appropriate. All prospective offerors attending the conference shall be furnished copies of the solicitation, unless they decline to participate in the procurement. If it is determined to proceed with the procurement without a conference, those responding to the presolicitation notice shall be furnished a formal solicitation, except those who decline to participate. In addition, a copy of the solicitation shall be furnished to any prospective offeror who requests one (but see §§ 1.603 and 1.609–7 of this chapter).

(c) All prospective contractors shall be furnished identical information in connection with the proposed procurement. Care shall be taken to safeguard any information received in confidence (see § 1 1004 of this chapter).

§ 3.109 Abstract of proposals.

The abstract of proposals required by § 1.308(b)(7) of this chapter shall be prepared on Abstract of Bids (DD Form 1501) or Abstract of Bids—Construction (DD Form 1501–1) appropriately modified (see § 16.817 of this chapter) to include all the information necessary for evaluation (but see §§ 3.507–2 and 3.805–1(b)). These forms need not be used in the case of procurement from a single source of supply, for the chartering of vessels by the Military Sea Transportation Service, or for the procurement of coal and petroleum products by the Defense Fuel Supply Center.

11. Sections 3.201–2(b), 3.213–1, 3.213–2, 3.213–3, and 3.213–4 are revised, and new § 3.213–5 is added, as follows:

§ 3.201–2 Application.

* * * * *

(b) For the duration of the national emergency declared pursuant to Presidential Proclamation 2914, dated December 16, 1950, the Assistant Secretary of Defense (Installations and Logistics) has determined that only the following procurements may be made pursuant to the authority of 10 U.S.C. 2304(a)(1):

(1) Procurements made in keeping with (i) labor surplus set-aside programs, including, when no other negotiating authority is appropriate and the use of formal advertising is not feasible and practicable, the placement of contracts for the total or any part of the requirements set-aside which are not filled by awards made in accordance with the provisions of the Notice of Labor Surplus Area Set-Aside (see § 1.804 of this chapter), or (ii) disaster area programs; and

(2) Procurements made in keeping with the small business programs (i) after determinations for set-asides, or (ii) to place the total or any part of the requirements set-aside which are not filled by awards to small business concerns, when no other negotiating authority is appropriate and the use of formal advertising is not feasible and practicable (see § 1.706–7 of this chapter).

§ 3.213–1 Authority.

Pursuant to 10 U.S.C. 2304(a)(137), purchases and contracts may be negotiated if—

* * * for equipment that he [the Secretary] determines to be technical equipment whose standardization and the interchangeability of whose parts are necessary in the public interest and whose procurement by negotiation is necessary to assure that standardization and interchangeability;

§ 3.213–2 Application.

(a) The authority of §§ 3.213—3.213–5 may be used for procuring additional units and replacement items of specified makes and models of technical equipment and parts, which are either: (1) for tactical use, or (2) an integral part of or used in direct support of a weapons system, or (3) for use in Alaska, Hawaii or outside the remainder of the United States, in theaters of operations, on board naval vessels, or at advanced or detached bases; and which have been adopted as standard items of supply in accordance with procedures prescribed by each respective Department. A current or recurring procurement requirement for the item shall be present.

(b) This authority would apply, for example, whenever it is necessary:

(1) To limit the variety and quantity of parts that must be carried in stock;

(2) To make possible, by standardization, the availability of parts that may be interchanged among items of damaged equipment during combat or other emergency;

(3) To procure from selected suppliers technical equipment which is available from a number of suppliers but which would have such varying performance or design characteristics (notwithstanding detailed specifications and rigid inspection) as would prevent standardization and interchangeability of parts; or

(4) To provide a uniform configuration of equipment for materiel programed for a Military Assistance Program (MAP) Country or Countries.

(c) Before making a determination to procure specified makes and models under the authority of §§ 3.213—3.213–5, consideration shall be given to whether:

(1) It is feasible, from an economical and timely deployment standpoint, to distribute or redistribute the equipment and parts already in the supply system on a selected geographic basis;

(2) It is practicable or economical to use or develop a military design which would permit standardization of components and parts under the Defense Standardization Program;

(3) Standardization will impair the capability of industry to produce mobilization requirements of all Departments;

(4) It is practicable to satisfy the requirement by interchanging parts and cannibalizing equipment already in the system;

(5) Future procurement of the selected item of equipment can be effected at reasonable prices;

(6) Standardization will serve to reduce or prevent an increase in the variety of parts that must be carried in stock;

(7) Standardization will render obsolete large dollar value inventories of equipment and supporting parts already in the supply system without compensating benefits;

(8) Standardization will enhance military mission capability;

(9) Savings in training personnel or procuring technical literature will accrue;

(10) Standardization will adversely affect existing coordinated military specifications and standards;

(11) The current design of the specified make and model to be standardized has been changed from the design of equipment of the same make and model now in the supply system; and whether requirement exists for design changes of a scope which would negate the benefits contemplated from this standardization action; and

(12) In cases where military mission capability is not overriding, the anticipated savings to be obtained from standardization, arrived at through an overall economic evaluation, including appropriate factors enumerated in paragraphs (a), (b), and (c) of this section, will equal or exceed the expected savings which would be obtained through unrestricted competition.

(d) In arriving at determinations to standardize under the authority of §§ 3.213—3.213–5, the originating Department shall consult with other user Departments and DSA, as applicable, in order to insure the full benefit of the action.

(e) The period of standardization, not to exceed 6 years, shall be commensurate with the useful life of the property proposed for standardization and the anticipated rate of change in design and interchangeability of components. Actions taken under the authority of §§ 3.213—3.213–5 shall be recorded and reviewed by the originating Department at a level designated by the approving authority, at least once every 2 years to determine whether the standardization should be continued, revised, or canceled. The redesign or redesignation of a model which has been standardized will not require revision or cancellation of standardization approval if interchangeability of parts of the new model with those of the model standardized is not affected in any significant respect.

§ 3.213–3 Limitation.

The authority of §§ 3.213—3.213–5 shall not be used (a) for initial procurements of equipment and parts; (b) or for the purpose of selecting arbitrarily the equipment and parts of certain suppliers; nor shall it be used unless the Secretary of a Department has determined, in accordance with the requirements of Subpart C of this part that: (1) the equipment constitutes technical equipment; (2) standardization of such equipment and interchangeability of its parts are necessary in the public interest; and (3) procurement of such equipment or of its parts by negotiation is necessary to assure that standardization and interchangeability.

§ 3.213–4 Notice of intent to standardize.

In cases involving procurement of technical equipment and parts for applications specified in § 3.213–2(a), where a Department expects that the equipment will be established as standard and that maintenance of such standardization can be secured only by subsequent negotiation, the following notice may be inserted in the initial solicitation of bids or proposals. Prior approval by the Head of the Procuring Activity, his Deputy or Principal Assistant responsible for procurement, shall be obtained:

NOTICE OF POSSIBLE STANDARDIZATION
(AUGUST 1965)

All bidders are informed that it is possible that the products procured through this action may be established as standard and, at the option of the (Army, Navy, Air Force), subsequent procurements may be negotiated under authority of paragraph 3–213 of the Armed Services Procurement Regulation.

§ 3.213–5 Records and reports.

Each Military Department shall maintain on a current basis, a master list of items for which determinations and findings have been made under the authority of §§ 3.213—3.213–5. A copy of each such determination and finding shall be furnished to the Assistant Secretary of Defense (Installations and Logistics) within 5 days after the date thereof.

12. Section 3.409 is revised, and new §§ 3.409–1, 3.409–2, 3.409–3, and 3.409–4 are added, as follows:

§ 3.409 Indefinite delivery type contracts.

One of the following indefinite delivery type contracts may be used for procurement where the exact time of delivery is not known at time of contracting.

§ 3.409–1 Definite quantity contracts.

(a) *Description.* This type of contract provides for a definite quantity of specified supplies or for the performance of specified services for a fixed period, with deliveries or performance at designated locations upon order. Depending on the situation, the contract may provide for (1) firm fixed-prices, (2) price escalation, or (3) price redetermination.

(b) *Applicability.* This type of contract is particularly suitable for use where it is known in advance that a definite quantity of supplies or services will be required during a specified period and are regularly available or will be available after a short lead time. Advantages of this type of contract are that it permits stocks in storage depots to be maintained at minimum levels and permits direct shipment to the user.

§ 3.409–2 Requirements contracts.

(a) *Description.* This type of contract provides for filling all actual purchase requirements of specific supplies or services of designated activities during a specified contract period with deliveries to be scheduled by the timely placement of orders upon the contractor by activities designated either specifically or by class. Depending on the situation, the contract may provide for (1) firm fixed prices, (2) price escalation, or (3) price redetermination. An estimated total quantity is stated for the information of prospective contractors, which estimate should be as realistic as possible. The estimate may be obtained from the records of previous requirements and consumption, or by other means. Care should be used in writing and administering this type of contract to avoid imposition of an impossible burden on the contractor. Therefore, the contract shall state, where feasible, the maximum limit of the contractor's obligation to deliver and, in such event, shall also contain appropriate provision limiting the Government's obligation to order. When large individual orders or orders from more than one activity are anticipated, the contract may specify the maximum quantities which may be ordered under each individual order or during a specified period of time. Similarly, when small orders are anticipated, the contract may specify the minimum quantities to be ordered. Funds are obligated by each order and not by the contract itself.

(b) *Applicability.* A requirements contract may be used for procurements where it is impossible to determine in advance the precise quantities of the supplies or services that will be needed by designated activities during a definite period of time. Advantages of this type of contract are:

(1) Flexibility with respect to both quantities and delivery scheduling;

(2) Supplies or services need be ordered only after actual needs have materialized;

(3) Where production lead time is involved, deliveries may be made more promptly because the contractor is usually willing to maintain limited stocks in view of the Government's commitment;

(4) Price advantages or savings may be realized through combining several anticipated requirements into one quantity procurement; and

(5) It permits stocks to be maintained at minimum levels and allows direct shipment to the user.

Generally, the requirements contract is appropriate for use when the item of service is commercial or modified commercial in type and when a recurring need is anticipated.

§ 3.409–3 Indefinite quantity contracts.

(a) *Description.* This type of contract provides for the furnishing of an indefinite quantity, within stated limits, of specific supplies or services, during a specified contract period, with deliveries to be scheduled by the timely placement of orders upon the contractor by activities designated either specifically or by class. Depending on the situation, the contract may provide for (1) firm fixed prices; (2) price escalation; or (3) price redetermination. The contract shall provide that during the contract period the Government shall order a stated minimum quantity of the supplies or services and that the contractor shall furnish such stated minimum and, if and as ordered, any additional quantities not exceeding a stated maximum which should be as realistic as possible. The maximum may be obtained from the records of previous requirements and consumption, or by other means. When large individual orders or orders from more than one activity are anticipated, the contract may specify the maximum quantities which may be ordered under each individual order or during a specified period of time. Similarly, when small orders are anticipated, the contract may specify the minimum quantities to be ordered. Funds for other than the stated minimum quantity are obligated by each order and not by the contract itself.

(b) *Applicability.* An indefinite quantity contract may be used where it is impossible to determine in advance the precise quantities of the supplies or services that will be needed by designated activities during a definite period of time and it is not advisable for the Government to commit itself for more than a minimum quantity. Advantages of this type of contract are:

(1) Flexibility with respect to both quantities and delivery scheduling;

(2) Supplies or services need be ordered only after actual needs have materialized;

(3) The obligation of the Government is limited; and

(4) It permits stocks to be maintained at minimum levels and allows direct shipment to the user.

The indefinite quantity contract should be used only when the item or service is commercial or modified commercial in type and when a recurring need is anticipated.

§ 3.409–4 Orders.

Orders placed under indefinite delivery type contracts shall contain the following information, consistent with the contract terms:

(a) Date of order;

(b) Contract number and order number;

(c) Item number and description, quantity ordered, and contract price;

(d) Delivery or performance date;

(e) Place of delivery or performance (including consignee);

(f) Packaging, packing, and shipping instructions, if any;

(g) Accounting and appropriation data; and

(h) Any other pertinent information.

13. In § 3.410–1, paragraphs (a) and (c) are revised and new paragraph (d) is added; § 3.410–2(a) is revised; and in § 3.501(b), subparagraphs (10), (17), (21), (23), (26), and (33) are revised, new (39) is added, (40) is revised, and new (49), (54), (55), (56), and (57) are added, as follows:

§ 3.410–1 Basic agreement.

(a) *Description.* A basic agreement is not a contract. It is a written instrument of understanding executed between a Department or procuring activity and a contractor which sets forth the negotiated contract clauses which shall be applicable to future procurements entered into between the parties during the term of the basic agreement. The use of the basic agreement contemplates the coverage of a particular procurement by the execution of a formal contractual document which will provide for the scope of the work price, delivery, and additional matters peculiar to the requirements of the specific procurement involved, and shall incorporate by reference or append the contract clauses agreed upon in the basic agreement as required or applicable. Basic agreements may be used with fixed-price or cost-reimbursement type contracts.

• • • • •

(c) *Content and form.* Basic agreements shall contain a set of "General Provisions". These general provisions shall include two groups of clauses. The first group, identified as "Part A", shall include all of the clauses made mandatory by statute, Executive Order, or this subchapter for use in negotiated Government contracts, and shall be made a part of each formal contractual document. The second group, identified as "Part B", shall consist of clauses which may be made a part of each formal contractual document, depending upon their applicability to the particular procurement. The format set forth below may be adapted to fit specific circumstances.

BASIC AGREEMENT BETWEEN
THE UNITED STATES OF AMERICA AND _____

This Agreement is entered into as of the _____ day of _____ 19__ between the United States of America, hereinafter called the "Government", represented by the Contracting Officer, _____ and _____, a corporation organized and existing under the laws of the State of _____, hereinafter called "Contractor."

The clauses and provisions of Parts A and B hereinafter set forth have been agreed upon by the parties hereto for use in negotiated _____ type contracts and in letter contracts contemplating conversion to _____ type contracts, between the parties, entered into on or after the date of this Agreement, and prior to its termination. It is further agreed that (i) the clauses and provisions set forth in Part A are mandatory clauses and shall, by reference or attachment, be incorporated in each contract awarded pursuant to this Agreement, and (ii) the clauses and provisions set forth in Part B are to be similarly incorporated in such contracts only when applicable and agreed to by the parties for each individual contract.

This Agreement, including Parts A and B hereof, may be amended only by mutual agreement of the parties, and the Agreement may be terminated in its entirety by either party upon thirty (30) days written notice to the other party, except that this Agreement may be terminated by the Government at any time if the parties fail to agree upon any deletion, amendment or addition to this Agreement which is required by statute, Executive Order, or the Armed Services Procurement Regulation. No deletion, modification, addition to, or termination of, this Agreement shall affect any contracts theretofore entered into between the parties in which this Agreement or a portion thereof has been incorporated by reference.

This Agreement shall be reviewed, as a minimum, anually before the anniversary of its effective date, and revised to conform with all requirements of statutes, Executive Orders, or the Armed Services Procurement Regulation. This revision shall be evidenced by an agreement modifying this Basic Agreement or by the issuance of a superseding Basic Agreement.

This Agreement shall not be referred to by the Contractor in bids submitted in response to invitations for bids nor become a part of any contract placed through the process of formal advertising.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written:

UNITED STATES OF AMERICA
By _____
(Contracting Officer)
_____
(Name of Company)
By _____
_____
(Title)

(d) *Limitations.* (1) Basic agreements shall neither cite appropriations to be charged nor be used alone for the purpose of obligating funds.

(2) Basic agreements shall not in any manner provide for or imply any agreement on the part of the Government to place future orders or contracts with the contractor involved, nor shall they be used in any manner to restrict competition.

(3) Basic agreements generally shall be utilized only in connection with negotiated contracts.

§ 3.410–2 Basic ordering agreement.

(a) *Description.* A basic ordering agreement is not a contract. It is an agreement which is similar to a basic agreement (see § 3.410–1) except that it also includes a description, as specific as practicable, of the supplies to be furnished or services to be performed when ordered and a description of the method for determination of the prices, consistent with the contract types authorized by this subpart, to be paid to the contractor for such supplies or services. Either the specific terms and conditions of delivery or a description of the method for their determination shall be set forth in the basic ordering agreement. The basic ordering agreement shall list one or more activities which are authorized to issue orders under the agreement. Any activity so named may issue orders specifying the supplies or services required, which orders may be accepted by the contractor by whatever manner of acceptance is indicated in the basic ordering agreement. Each order will incorporate by reference the provisions of the basic ordering agreement.

• • • • •

§ 3.501 Preparation of request for proposals or request for quotations.

• • • • •

(b) • • •

(10) Requirements for performance and payment bonds (see Subpart A, Part 10 of this chapter);

• • • • •

(17) Identification of special factors, such as Government costs or other expenditures, including reliability and maintainability requirements, which must be considered in the evaluation of proposals or quotations;

• • • • •

(21) Instructions regarding the marking of information which is not to be disclosed to the public or used by the Government for any purpose other than the evaluation of the proposals or quotations (see § 3.507–1);

• • • • •

(23) Where DD Form 746, Request for Proposals and Proposal (Dec. 1, 1963, edition) is not used, a provision for late proposals and modifications as set forth in § 3.506 and, in addition, the following notice shall be prominently set forth in the request for proposals (in the case of request for quotations, the provision in § 3.506 and the following notice will be appropriately modified):

CAUTION—LATE PROPOSALS. See the special provision in this solicitation entitled "Late Proposals".

• • • • •

(26) A requirement that the proposal or quotation state the intended place of performance, including the street address, and the names and addresses of owner and operator of producing facilities, if other than offeror, when it is reasonably anticipated that such facilities will be used in the performance of the contract;

• • • • •

(33) Description of information required to support proposed prices (subcontract structure, make-or-buy program, purchasing system, royalty, and cost and price information) (see Subparts H and I of this part and Subpart A of Part 9 of this chapter);

• • • • •

(39) A statement as follows:

This procurement is not set aside for labor surplus area concerns. However the offeror's status as such a concern may affect entitlement to award in the case of tie offers, or in the evaluation of offers in accordance with the "Buy American" clause of this solicitation. In order to have his entitlement to a preference determined on the occurrence of those events, the offeror must identify below the areas in which the costs that he will incur on account of manufacturing or production (by himself or his first-tier subcontractors) amount to more than 50 percent of the contract price:

_____
_____
_____
_____

Failure to list the proposed areas or performance as specified above will preclude consideration of such offeror as a labor surplus area concern.

The offeror agrees that if, as a labor surplus area concern, he is awarde da contract for which he would not have qualified in the absence of such a classification, he will perform or cause to be performed the contract in accordance with the circumstances justifying the preference.

(40) A statement as follows:

UNNECESSARILY ELABORATE CONTRACTORS PROPOSALS (AUGUST 1965)

UNNECESSARILY ELABORATE CONTRACTOR'S Presentations beyond that sufficient to present a complete and effective proposal are not desired and may be construed as an indication of the offeror's lack of cost consciousness. Elaborate art work, expensive paper and bindings and expensive visual and other presentation aids are neither necessary nor wanted.

The above statement shall be appropriately modified when included in a Request for Quotations.

• • • • •

(49) Unless contained elsewhere in the solicitation, a statement as follows:

ORDER OF PRECEDENCE (AUGUST 1965)

In the event of an inconsistency between provisons of this solicitation, the inconsistency shall be resolved by giving precedence in the following order: (a) the Schedule; (b) Terms and Conditions of the solicitation; (c) General Provisions; (d) other provisions of the contract, where attached or incorporated by reference; and (e) the Specifications.

The foregoing statement may be modified to change the order or to add or delete items to meet the needs of a particular procurement.

• • • • •

(54) The statement in § 2.201(a)(11) of this chapter regarding full, accurate and complete information, modified for proposals or quotations;

(55) A statement requesting the prospective offeror to list the names and telephone numbers of persons authorized to conduct negotiations;

(56) Pending revision of forms used for soliciting proposals or quotations, a requirement for inclusion of "county" as part of quoter's/offeror's address will be inserted; and

(57) Any requirement for first article approval (see Subpart S, Part 1 of this chapter).

14. Section 3.504 is revised; new §§ 3.504–1 and 3.504–2 are added; §§ 3.505 and 3.506 are revised; and §§ 3.506–1 and 3.506–2 are revoked, as follows:

§ 3.504 Pre-proposal conferences.

§ 3.504–1 General.

(a) The pre-proposal conference is a procedure which may be used, generally in complex negotiated procurements, as a means of briefing prospective offerors after a solicitation has been issued but before offers or proposals are prepared. This procedure may be used when approved at a level higher than the contracting officers.

(b) Such a conference permits the Government to explain or clarify complicated specifications and requirements to interested firms. It may also be used to provide an opportunity for interested firms to examine a model of the equipment being procured, where for reasons such as security or limited quantities, such model can only be shown at a specific time and location.

§ 3.504–2 Procedure.

(a) Where it is determined to be in the best interests of the Government to hold a pre-proposal conference, the contracting officer shall make the necessary arrangements and shall notify all those to whom solicitations have been issued as to the time, place, and general nature of the proposed conference. Such a determination may be made as a result of questions and problems raised by prospective offerors. Adequate notice shall be given to prospective offerors so that all who wish to may arrange for representation. The notice shall define as explicitly as possible the nature and scope of the conference. If time permits, prospective offerors should be asked to submit any questions they may have in advance, in order to give the purchasing office time to prepare and to make the conference as fruitful as possible.

(b) The pre-proposal conference shall be conducted by the contracting officer or his representative, and attended by technical and legal personnel as appropriate.

(c) All prospective offerors shall be furnished identical information in connection with the proposed procurement. Remarks and explanations at the conference shall not qualify the terms of the solicitation and specifications. All conferees shall be advised that unless the solicitation is amended in writing it will remain unchanged and that if an amendment is issued, normal procedures relating to the acknowledgment and receipt of solicitation amendments shall be applied. A complete record shall be made of the conference.

§ 3.505 Amendment of request for proposals and request for quotations—prior to closing date.

(a) If after issuance of a request for proposals or quotations, but before the closing date of their receipt, it becomes necessary to make significant changes in quantity, specifications, or delivery schedules, any change in closing dates, or to correct a defect or ambiguity, such change shall be accomplished by issuance of an amendment to the request, whether or not a pre-proposal conference is held. DD Form 746s (see § 16.203 of this chapter) shall be used for amending a request for proposals. Requests for quotations may be amended by letter.

(b) When it is considered necessary to issue an amendment to a request for proposals or request for quotations, the period of time remaining before closing and the need for extending this period by postponing the time set for closing must be considered. Where only a short time remains before the time set for closing, consideration should be given to notifying offerors or quoters of an extension of time by telegram or telephone. Such notification should be confirmed in the amendment.

(c) Any information given to a prospective offeror or quoter concerning a request for proposals or request for quotations shall be furnished promptly to all other prospective offerors or quoters as an amendment to the request, whether or not a pre-proposal conference is held, if such information is necessary to offerors or quoters in submitting proposals or quotations on the request, or if the lack of such information would be prejudicial to uninformed offerors or quoters. No award shall be made on a request for proposals unless such amendment thereto has been issued in sufficient time to permit prospective offerors to consider such information in submitting or modifying their proposals.

§ 3.506 Late proposals and modifications.

(a) Proposals which are received in the office designated in the requests for proposals after the time specified for their submission are "Late Proposals." Late proposals shall not be considered for award, except under the circumstances set forth in § 2.303 of this chapter relating to late bids or where only one proposal is received. (For the purpose of applying the late bid rules to late proposals, unless a specific time for receipt of proposals is stated in the request for proposals, the time for such receipt shall be deemed to be the time for close of business of the office designated for receipt of proposals on the date stated in the request for proposals.) Notwithstanding the provisions of § 1.109 of this chapter, exceptions may be authorized only by the Secretary concerned, and only where consideration of a late proposal is of extreme importance to the Government, as for example where it offers some important technical or scientific breakthrough. To determine the possible existence of such extreme importance, notwithstanding § 2.303–7 of this chapter, all late proposals shall be opened prior to award and if not considered for award shall be returned to the offeror.

(b) In the exceptional circumstance where the Secretary concerned authorizes an exception from paragraph (a) of this section, the contracting officer shall resolicit all firms (including late offerors) which have submitted proposals and are determined to be capable of meeting current requirements. Such resolicitation shall specify a date for submission of new proposals and include the "Late Proposals" provision set forth in paragraph (d) of this section.

(c) The normal revisions of proposals by selected offerors occurring during the usual conduct of negotiations with such offerors are not to be considered as late proposals but shall be handled in accordance with § 3.805–1.

(d) Written requests for proposals shall contain the following provisions.

LATE PROPOSALS (JANUARY 1964)

(a) Proposals and modifications received at the office designated in the request for proposals after the close of business on the date set for receipt thereof (or after the time set for receipt if a particular time is specified) will not be considered unless:

(i) They are received before award is made; and either

(ii) They are sent by registered mail, or by certified mail for which an official dated post office stamp (postmark) on the original Receipt for Certified Mail has been obtained, or by telegraph; and, it is determined by the Government that late receipt was due solely to delay in the mails, or delay by the telegraph company, for which the offeror was not responsible; or

(iii) If submitted by mail or telegram, it is determined by the Government that the late receipt was due solely to mishandling by the Government after receipt at the Government installation: *Provided*, That timely receipt at such installation is established upon examination of an appropriate date or time stamp (if any) of such installation, or of other documentary evidence of receipt at such installation (if readily available) within the control of such installation or of the post office serving it.

(b) Offerors using certified mail are cautioned to obtain a Receipt for Certified Mail showing a legible, dated postmark and to retain such receipt against the chance that it will be required as evidence that a late proposal was timely mailed.

(c) The time of mailing of late proposals submitted by registered or certified mail shall be deemed to be the last minute of the date shown in the postmark on the registered mail receipt or registered mail wrapper or on the Receipt for Certified Mail unless the offeror furnishes evidence from the post office station of mailing which establishes an earlier time. In the case of certified mail, the only acceptable evidence is as follows: (i) Where the Receipt for Certified Mail identifies the post office station of mailing evidence furnished by the offeror which establishes that the business day of that station ended at an earlier time, in which case the time of mailing shall be deemed to be the last minute of the business day of that station; or (ii) an entry in ink on the Receipt for Certified Mail showing the time of mailing and the initials of the postal employee receiving the item and making the entry, with appropriate written verification of such entry from the post office station of mailing, in which case the time of mailing shall be the time shown in the entry. If the postmark on the original Receipt for Certified mark on the original Receipt for Certified Mail does not show a date, the offer shall not be considered.

(e) Offerors submitting late proposals or modifications shall be notified in accordance with § 2.303–6 of this chapter, except that the notices provided for therein shall be appropriately modified to relate to the request for proposals and the proposal or modifications thereunder.

(f) The provisions of paragraphs (a) through (c) of this section are also applicable to late quotations. In the case of a request for quotations, the provision set forth in paragraph (d) of this section will be appropriately modified.

(g) Modifications of proposals (other than the normal revisions of proposals by selected offerors during the usual conduct of negotiations with such offerors) which are received in the office designated in the requests for proposals after the time specified for submission of proposals are "late modifications." Late modifications shall be subject to the rules applicable to late proposals set forth in this section. However, a modification received from an otherwise successful offeror which is favorable to the Government shall be considered at any time that such modification is received. The provisions of this section are also applicable to late modifications to quotations.

(h) The provisions of this section apply only to purchases in excess of $2,500.

§ 3.506–1 Restrictions on disclosure of data in proposals. [Revoked]

§ 3.506–2 Disclosure of information during the pre-award or pre-acceptance period. [Revoked]

15. Section 3.507 is revised; new §§ 3.507–1 and 3.507–2 are added; and §§ 3.508 and 3.509 are revised, as follows:

§ 3.507 Treatment of procurement information.

§ 3.507–1 Restrictions on disclosure of data in proposals.

(a) Requests for proposals may require the offeror to submit data with his proposal which may include a design or plan for accomplishing the objectives of the procurement. Such data may include information which the offeror does not want disclosed to the public or used by the Government for any purpose other than evaluation of the proposals. Offerors shall mark each sheet of data which they so wish to restrict with the legend set forth below:

This data furnished in response to RFP No. ------, shall not be disclosed outside the Government or be duplicated, used or disclosed in whole or in part for any purpose other than to evaluate the proposal: *Provided*, That if a contract is awarded to this offeror as a result of or in connection with the submission of such data, the Government shall have the right to duplicate, use, or disclose this data to the extent provided in the contract. This restriction does not limit the Government's right to use information contained in such data if it is obtained from another source (MARCH 1958).

Contracting officers shall not refuse to consider any proposal merely because data submitted with that proposal is so marked. Data so marked shall be used only to evaluate proposals and shall not be disclosed outside the Government without the written permission of the offeror except under the conditions provided in the legend. If it is desired to duplicate, use, or disclose the data of the offeror to which the contract is awarded, for purposes other than to evaluate the proposal, the contract should so provide in accordance with § 9.202–3(d) of this chapter. See § 9.201 of this chapter for a description of "data" and Subpart B, Part 9 of this chapter, in general, for the policy, instructions, and contract clauses with respect to the acquisition and use of data.

(b) The provisions in paragraph (a) of this section are also applicable to quotations. In the case of a request for quotations, the legend in paragraph (a) of this section shall be appropriately modified.

§ 3.507–2 Disclosure of information during the pre-award or pre-acceptance period.

(a) *General.* After receipt of proposals or quotations, no information contained in any proposal or quotation regarding the number or identity of the offerors shall be made available to the public, or to anyone within the Government not having a legitimate interest therein, except in accordance with § 3.508(a).

(b) *Equal consideration and information to all prospective contractors.* Discussions with prospective contractors regarding a potential procurement and the transmission of technical or other information shall be conducted only by the contracting officer, his superiors having contractual authority or others specifically authorized. Such personnel shall not furnish any information to a potential supplier which alone or together with other information may afford him an advantage over others. However, general information which would not be prejudicial to others may be furnished upon request e.g., explanation of a particular contract clause or a particular condition of the schedule. When necessary to clarify ambiguities, or correct mistakes or omissions, an appropriate amendment to the solicitation shall be furnished in a timely manner to all to whom the solicitation has been furnished (see § 3.505).

§ 3.508 Information to unsuccessful offerors.

(a) *Pre-award notice of unacceptable offers.* In any procurement in excess of $10,000 in which it appears that the period of evaluation of proposals is likely to exceed 30 days or in which a limited number of suppliers have been selected for additional negotiation (see § 3.805–1), the contracting officer, upon determination that a proposal is unacceptable, shall provide prompt notice of that fact to the source submitting the proposal. Such notice need not be given where disclosure will in some way prejudice the Government's interest or where the proposed contract is:

(1) For subsistence;

(2) Negotiated pursuant to 10 U.S.C. 2304(a) (4), (5), or (6) (see §§ 3.204, 3.205, or 3.206);

(3) Negotiated with a foreign supplier when only foreign sources of supplies or services have been solicited; or

(4) To be awarded within a few days and notice pursuant to paragraph (b) of this section would suffice.

In addition to stating that the proposal has been determined unacceptable, notice to the offeror shall indicate, in general terms, the basis for such determination and shall advise that, since further negotiation with him concerning this procurement is not contemplated, a revision of his proposal will not be considered.

(b) *Post-award notice of unaccepted offers.* (1) Promptly after making all

awards in any procurement in excess of $10,000, the contracting officer shall give written notice to the unsuccessful offerors that their proposals were not accepted, except that such notice need not be given where notice has been provided pursuant to paragraph (a) of this section or the contract is for subsistence, or is negotiated pursuant to 10 U.S.C. 2304(a) (4), (5), or (6) (see §§ 3.204, 3.205, or 3.206); or is negotiated with a foreign supplier when only foreign sources of supplies or services have been solicited. Such notice shall also include:

(i) The number of prospective contractors solicited;

(ii) The number of proposals received;

(iii) The name and address of each offeror receiving an award;

(iv) The items, quantities, and unit prices of each award: *Provided*, That, where the number of items or other factors makes the listing of unit prices impracticable, only the total contract price need be furnished; and

(v) In general terms, the reasons why the offeror's proposal was not accepted, except where the price information in subdivision (iv) of this subparagraph readily reveals such reason, but in no event will an offeror's cost breakdown, profit, overhead rates, trade secrets, manufacturing processes and techniques, or other confidential business information be disclosed to any other offeror.

Additional information as to why an offeror's proposal was not accepted should be provided to the offeror upon his request to the contracting officer, subject to the limitation in subdivision (v) of this subparagraph.

(2) In procurements of $10,000 or less and subject to the exceptions in subparagraph (1) of this paragraph, the information described in that subparagraph shall be furnished to unsuccessful offerors upon request.

(c) *Classified information.* Classified information shall be furnished only in accordance with regulations governing classified information.

§ 3.509 Protests against award.

Protests against awards of negotiated procurements shall be treated substantially in accordance with § 2.407-9 of this chapter.

16. New § 3.510 is added; in § 3.605-3, paragraph (b)(2) is revised; in § 3.805-1, paragraphs (a)(5), (b), and (e) are revised; and in § 3.808-5, paragraph (d)(2) and (6)(iv) is revised, as follows:

§ 3.510 Disclosure of mistakes after award.

When a mistake in a contractor's proposal is not discovered until after award, the authority to correct mistakes contained in § 2.406-4 of this chapter may be utilized in accordance with the limitations and procedures set forth therein.

§ 3.605-3 Establishment of blanket purchase agreements.

• • • • • •

(b) • • •

(2) Blanket purchase agreements issued by the Defense Personnel Support Center may be prepared on its form "Order for Subsistence."

• • • • • •

§ 3.805-1 General.

(a) • • •

(5) Procurements in which it can be clearly demonstrated from the existence of adequate competition or accurate prior cost experience with the product or service that acceptance of the most favorable initial proposal without discussion would result in a fair and reasonable price: (*Provided, however*, That in such procurements, the request for proposals shall notify all offerors of the possibility that award may be made without discussion of proposals received and hence, that proposals should be submitted initially on the most favorable terms from a price and technical standpoint which the offeror can submit to the Government. In any case where there is uncertainty as to the pricing or technical aspects of any proposals, the contracting officer shall not make award without further exploration and discussion prior to award. Also, when the proposal most advantageous to the Government involves a material departure from the stated requirements, consideration shall be given to offering the other firms which submitted proposals an opportunity to submit new proposals on a technical basis which is comparable to that of the most advantageous proposal, provided that this can be done without revealing to the other firms any information which is entitled to protection under §3.507-1. Paragraph (f) of the acceptance provision of DD Form 746 advises offerors that the most favorable initial proposal may be accepted without discussion.)

(b) Whenever negotiations are conducted with more than one offeror, no indication shall be made to any offeror of a price which must be met to obtain further consideration since such practice constitutes an auction technique which must be avoided. After receipt of proposals, no information regarding the number or identity of the offerors participating in the negotiations shall be made available to the public or to any one whose official duties do not require such knowledge. Whenever negotiations are conducted with several offerors, while such negotiations may be conducted successively, all offerors selected to participate in such negotiations (see paragraph (a) of this section) shall be offered an equitable opportunity to submit such price, technical, or other revisions in their proposals as may result from the negotiations. All such offerors shall be informed of the specified date (and time if desired) of the closing of negotiations and that any revisions to their proposals must be submitted by that date. All such offerors shall be informed that any revision received after such date shall be treated as a late proposal in accordance with the "Late Proposals" provisions of the request for proposals. (In the exceptional circumstance where the Secretary concerned authorizes consideration of such a late proposal, resolicitation shall be limited to the selected offerors with whom negotiations have been conducted.) In addition, all such offerors shall also be informed that after the specified date for the closing of negotiation no information other than notice of unacceptability of proposal, if applicable (see § 3.508), will be furnished to any offeror until award has been made.

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(e) When, during negotiations, a substantial change occurs in the Government's requirements or a decision is reached to relax, increase or otherwise modify the scope of the work or statement of requirements, such change or modification shall be made in writing as an amendment to the request for proposal or request for quotations, and a copy shall be furnished to each prospective contractor (see §§ 3.505 and 3.507). Oral advice of change or modification may be given if (1) the changes involved are not complex in nature, (2) all prospective contractors are notified simultaneously (preferably by a meeting with the contracting officer), and (3) a record is made of the oral advice given. In such instances, however, the oral advice should be promptly followed by a written amendment verifying such oral advice previously given. The dissemination of oral advice of changes or modifications separately to each prospective bidder during individual negotiation sessions should be avoided unless preceded, accompanied, or immediately followed by a written amendment to the request for proposal or request for quotations embodying such changes or modifications.

§ 3.808-5 Assignment of values to specific factors.

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(d) *Record of contract performance* • • •

(2) Contracting officers should insure that an adequate review is made of contractor's past performance in order that an objective evaluation of this performance may be accomplished. For assistance in evaluating the past and present performance of a contractor who has engaged in advanced development, engineering development or operational systems development, a transcript of his Contractor Performance Evaluation Report may be requested from the Defense Documentation Center of the Defense Supply Agency, Cameron Station, Alexandria, Va., 22314. Such transcript or a statement that there is no record on file shall always be obtained for procurements in excess of $1 million (see § 4.215 of this chapter). Reports of cost reduction monitors, small business, labor surplus and other specialists involved in the evaluation of the various aspects of contractor performance should be obtained.

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(6) • • •

(iv) *Cost reduction program accomplishments.*—Accomplishments of contractors who successfully reduce the cost of defense procurement under a cost reduction program established in accordance with Department of Defense criteria should be considered. Cost reduction programs of contractors who have not submitted reports under the DOD Contractor Cost Reduction Program or who are not participating in the formal program should also be evaluated.

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PART 4—SPECIAL TYPES AND METHODS OF PROCUREMENT

17. Sections 4.205-4 (c) and (d), 4.205-5(d), 4.209(b), and 4.215 are revised to read as follows:

§ 4.205-4 Evaluation for award.

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(c) In determining to whom the contract shall be awarded, the contracting officer shall consider not only technical competence, but also all other pertinent factors including management capabilities, cost controls including the nature and effectiveness of any cost reduction program (see § 3.101(h) of this chapter), and past performance in adhering to contract requirements, weighing each factor in accordance with the requirements of the particular procurement (see § 1.903 of this chapter). The contracting officer shall notify those sources whose proposals or offers have been determined to be unacceptable of that decision in accordance with § 3.508 of this chapter.

(d) In evaluating proposals for advanced development, engineering development, and operational systems development contracts in excess of $1 million, the source selection board or the contracting officer shall obtain from the Defense Documentation Center of the Defense Supply Agency, Cameron Station, Alexandria, Va., 22314 (see § 4.215), a transcript of the performance evaluations of all contractors submitting acceptable proposals, or a statement that there is no record on file. This transcript or statement may be obtained for a procurement below $1 million. This information shall be furnished within 7 working days from receipt of the request.

§ 4.205-5 Evaluation of price and costs.

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(d) Special care should be exercised to comply with §§ 15.205-1 and 15.205-33 of this chapter in the allowance of advertising costs under § 15.309-1 of this chapter.

§ 4.209 Special use allowances for research facilities acquired by educational institutions.

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(b) *Policy.* The expanding requirements of the Department of Defense for the performance of scientific research programs by educational institutions may create special situations wherein the acquisition or construction of additional research facilities by such institutions is essential for the effective performance of scientific research programs of major importance to the Department of Defense. Educational institutions are expected to furnish facilities required for the performance of Defense contracts, and the extent of reimbursement by the Government for the research programs of such institutions shall be governed by the principles set forth in Subpart C, Part 15 of this chapter. However, in certain limited situations an educational institution may be unable to provide capital for new laboratories or other expanded facilities necessitated by Defense contracts unless the institution is given governmental assistance in return for the risks and expenses it assumes in acquiring or constructing such facilities. Special use allowances constitute a means for recognizing these risks and expenses on the part of the educational institution and also provide a basis for permitting essential governmental research programs to go forward. The resort to special use allowances as provided by this section is an extraordinary type of arrangement and constitutes an exception to the provisions for normal use allowances contained in § 15.309-10 of this chapter. Any specific agreement providing for a special use allowance shall be negotiated on a case-by-case basis using the criteria established herein.

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§ 4.215 Contractor Performance Evaluation Program.

The Contractor Performance Evaluation Program is a procedure for determining and recording the effectiveness of advanced development (with measurable contractual commitments), engineering development, and operational systems development contractors in meeting the performance, schedule, and cost provisions of their contracts. The program requires project managers within the Military Departments to submit periodic Contractor Performance Evaluation Reports (see DD Form 1446 series) for such contracts whose projected cost for a single year will exceed $5 million or whose projected over-all cost will exceed $20 million. After review or certification by the appropriate Departmental Contractor Performance Evaluation Group (see DD Form 1447 series), the report is submitted to the contractor and then transmitted, with the contractor's comments, to the Director of Contract Performance Evaluation, Office of the Assistant Secretary of Defense (Installations and Logistics), for storage in a central data bank and use by source selection boards and contracting officers. The central data bank is maintained at the Defense Documentation Center of the Defense Supply Agency, Cameron Station, Alexandria, Va., 22314. Detailed procedures for this program are set forth in the Department of Defense Guide to the Evaluation of the Performance of Major Development Contractors.

PART 5—INTERDEPARTMENTAL AND COORDINATED PROCUREMENT

18. Sections 5.100, 5.101, 5.102-2, and 5.106 are revised and new §§ 5.107 and 5.108 are added, as follows:

§ 5.100 Applicability.

This subpart applies to procurement of supplies to be delivered or services to be performed in the United States (exclusive of Alaska and Hawaii) including the satisfaction of overseas requirements when such requirements are routed to facilities in the United States for supply action in accordance with instructions prescribed by the Military Departments. It does not apply to items under the cognizance of the Defense Personnel Support Center or to items which are being purchased for resale.

§ 5.101 Federal Supply Schedule contracts.

(a) *General.* The Federal Supply Service, General Services Administration, establishes contracts for common use classes of supplies and services. These contracts are summarized in Federal Supply Schedules which list the contractors and the supplies or services that may be purchased from them. Military purchasing offices shall order their requirements for supplies or services covered by these contracts as set forth in §§ 5.102 and 5.103. Copies of the Federal Supply Schedules and the Federal Supply Schedule Check List (a quarterly publication indicating the status of all Federal Supply Schedules) are distributed by the General Services Administration to all purchasing activities. Copies of the Schedules and the Check List and the General Provisions of the Federal Supply Schedule contracts are available from the General Services Administration regional offices listed in § 5.203. Requests for them should be submitted on GSA Form 457, which is also available from the regional offices.

(b) *Standard Form 149, U.S. Government National Credit Card.* The U.S. Government National Credit Card (Standard Form 149) may be used in obtaining service station supplies and services under Federal Supply Schedule Contracts, FSC Group 91.

§ 5.102-2 Exceptions to mandatory use.

(a) *Delivery requirements.* When the delivery period stated in a Federal Supply Schedule does not meet the delivery requirement of the purchasing office, use of the Federal Supply Schedule is not mandatory. However, delivery dates shown in Federal Supply Schedules are based upon the average capability of the contractor and are usually conservative. In most instances, contractors are able to make delivery within a shorter period of time. Therefore, when delivery is required in a shorter time than the maximum shown in the Schedule, the contractor should be asked if the shorter delivery requirements can be met. If the contractor offers to meet the earlier delivery requirements, they should be specified in the order with a reference to such offer. If delivery is offered in a shorter time than the maximum stated in the Schedule, but later than that required by the purchase request, the contracting officer shall ascertain from the activity initiating the purchase request whether the offered delivery is acceptable. This procedure need not be followed when transportation time from the contractor's shipping point or time required for inquiry and reply make conformance impracticable. When multiple award schedules are involved, the purchasing office need query only one contractor after considering the requirements of § 5.106.

(b) *Similar items.* When specific supplies or services listed in a Federal Supply Schedule will not meet a special requirement, use of the Schedule is not mandatory. When supplies or services having the same general characteristics and intended use are to be procured from other sources, the head of the office initiating the purchase request or his designated representative shall furnish the purchasing office a signed statement identifying the supplies or services to be purchased, and explain why similar items listed in the applicable Federal Supply Schedule will not meet the specific requirements. The purchasing office shall, within 15 days of the date of purchase, furnish the statement to the General Services Administration office issuing the Schedule.

(c) *Abnormal requirements.* When the requirements of the purchasing activity are (1) less than the minimum order limitation or (2) in excess of the maximum order limitation provided in the applicable Federal Supply Schedule, use of the Schedule is not mandatory. However, where requirements for supplies or services exceed the maximum limitations of the applicable Schedule, but are within the DOD–GSA Interagency Purchase Assignments, those items will be procured through the General Services Administration (see § 5.1201–7).

§ 5.106 Federal Supply Schedules with multiple source provisions.

(a) *General.* Certain of the Federal Supply Schedules, listed in § 5.102–3, provide several sources for certain requirements. Additionally, some such Schedules indicate that multiple sources are provided to make available a selection of supplies or services to meet a specific or an unusual requirement. When orders in excess of $2,500 are placed at other than the lowest Schedule price, the purchasing office shall include in the contract file a memorandum containing the facts justifying the order. The justification may be based on considerations such as delivery time and administrative expense. When the order is to fulfill a specific or an unusual need, it shall, in addition to any other basis for justification, state the unusual or specific requirements such as differences in performance characteristics, and compatibility with existing equipment or systems.

(b) *Procurement of articles of foreign origin for use in the United States.* When purchase of an item of foreign origin is specifically required, the using activity shall furnish the procuring activity sufficient information to permit the determinations required by Part 6 of this chapter to be made.

§ 5.107 Oral orders under Federal Supply Schedule contracts.

(a) *Oral orders not to exceed $2,500—*(1) *General.* Purchasing offices are authorized to make procurements not in excess of $2,500 by oral orders from Federal Supply Schedule contractors. Ordering activities shall obtain an agreement from the contractor that for each shipment under an oral order he will furnish a delivery ticket, in the number of copies required by each purchasing office, which shall contain the following information:

(i) Contract number;
(ii) Order number under the contract;
(iii) Date of order;
(iv) Name and title of the person placing order;
(v) Itemized listing of supplies or services furnished; and
(vi) Signature of person receiving the item.

(2) *Payment.* Optional methods of invoicing are permissible. An individual invoice accompanied by a receipted copy of the related delivery ticket may be submitted for payment. Alternatively, a summarized monthly invoice covering all oral orders made during the month, accompanied by a receipted copy of each delivery ticket, may be submitted for payment. The monthly billing procedure is preferred when numerous oral orders may be placed.

(b) *Imprest funds (petty cash method).* In buying commodities where cash payment is advantageous, the imprest funds method (see § 3.607 of this chapter) is authorized, provided the order does not exceed $100 ($250 under emergency conditions) and the contractor agrees to such a procedure.

§ 5.108 Administration of orders under Federal Supply Schedule contracts.

(a) *Responsibility of DOD activities.* DOD activities have primary responsibility for contract administration functions incident to the performance of orders under Federal Supply Schedule contracts and, unless otherwise specified in this section, shall deal directly with the contractor concerned. Such functions include:

(1) Inspection and acceptance of supplies and services (see Part 14 of this chapter);
(2) Modification of orders;
(3) Termination of orders for default and charging contractors with resulting excess costs; and
(4) Termination of orders for the convenience of the Government.

In the administration of orders under Federal Supply Schedule contracts, DOD activities shall be governed by the terms of the related contract as evidenced by the applicable Federal Supply Schedule and by the General Provisions for Federal Supply Schedule contracts.

(b) *Defective supplies or services.* If a Federal Supply Schedule contractor tenders delivery of defective supplies or services, the DOD activity pursuant to the Inspection clause contained in the Federal Supply Schedule contract, has the right to reject such defective supplies or services or to require their correction. If the contractor refuses to replace or correct within the required delivery schedule, the DOD activity then may require delivery of such defective supplies or services at an equitable reduction in price or may terminate the order in whole or in part for default. The DOD activity shall notify the General Services Administration regional office executing the contract of all significant incidents of delivery of defective supplies and services.

(c) *Termination for default—*(1) *General.* Purchasing offices may terminate for default orders under Federal Supply Schedule contracts and repurchase the terminated items against the contractors' accounts in accordance with the terms of the Default clause in the contracts and pursuant to the procedures set forth in Subpart F, Part 8 of this chapter. Purchasing offices do not have the authority to terminate the Federal Supply Schedule contract itself. Notices of termination for default shall be sent to all activities having copies of the order being terminated and to the GSA Regional Office which entered into the Federal Supply Schedule contract.

(2) *Repurchase against contractor's account.* When orders are terminated for default, the items, if listed on a mandatory schedule and still required, shall be recorded against another current applicable Federal Supply Schedule contract unless the repurchase can be made more economically from a source other than a supply schedule, price, delivery service and administrative expenses considered. If the item is not on a mandatory schedule, the repurchase shall be made at as reasonable a price as practicable considering the quality required by the Government and the time within which the supplies are required. Copies of all repurchased orders under a Federal Supply Schedule contract, except those furnished to the contractor or any other commercial concern, shall bear the notation: "Repurchase against the account of ------ under Contract ------". A repurchase against the account of a defaulted contractor shall contain the same accounting data as the terminated order, unless the appropriation cited thereon will not be available for expenditure on the repurchase contract or order, in which case the repurchase must be supported by a new purchase request.

(3) *Excess costs.* If the repurchase price is higher than the price of the supplies terminated, the purchasing office shall make a written demand on the contractor for the difference, giving due consideration to any increases or decreases in other ascertainable costs such as transportation and discounts, and shall request payment thereof to the Treasurer of the United States. The purchasing office shall forward the checks to the cognizant disbursing activity. If the defaulted contractor disputes his liability for excess costs, the purchasing office may postpone the assessment of such costs until the decision of the GSA contracting officer has been rendered (see paragraph (e) of this section) and any appeal therefrom has been decided. Copies of all correspondence relating to excess costs shall be sent to the GSA Regional Office which entered into the Federal Supply Schedule contract. Purchasing offices shall report unsuccessful attempts to collect excess costs to the Deputy Regional Director

of the Federal Supply Service, at the GSA Regional Office which executed the Federal Supply Schedule contract involved, which office will, in the absence of available offset in that office, submit such data to the General Accounting Office for collection. Reports shall be made within 60 days from the date of final payment to the new contractor from whom the repurchase was made. Such reports, which may be in letter form, shall include the following:

(i) Name of the defaulting contractor;
(ii) Contract number;
(iii) Order number;
(iv) Item number and description;
(v) Schedule price;
(vi) Amount of excess costs to be collected;
(vii) Name of the successor contractor;
(viii) Purchase price under the new contract;
(ix) Order number or numbers on which payment was made; and
(x) New contract number, if any.

(4) *Termination for default by the General Services Administration.* When notified by the General Services Administration that it has partially or completely terminated a Federal Supply Schedule contract for default, purchasing offices shall, as to the terminated items:

(i) Refuse to accept further performance from the contractor;
(ii) Place no further orders under the contract; and
(iii) Repurchase in such manner as may be directed by the General Services Administration.

(d) *Termination for convenience of the Government.* While Federal Supply Schedule contracts do not include a clause authorizing termination for convenience of the Government, DOD activities may terminate orders under such contracts when such action is in the best interests of the Government, as when the supplies are no longer needed. In contemplating such action, consideration should be given to the fact that the Government may be liable to the contractor for damages, particularly when the terminated supplies are not standard commercial items or "off-the-shelf" articles. Prior to terminating orders for the convenience of the Government, DOD activities shall consult legal counsel and shall endeavor to enter into a "no cost" cancellation agreement with the contractor. Notices of termination of orders for the convenience of the Government shall be in writing and be distributed to all activities having copies of the order and to the GSA Regional Office which entered into the Federal Supply Schedule contract.

(e) *Disputes.* All disputes concerning questions of fact arising under Federal Supply Schedule contracts which cannot be satisfactorily settled by the DOD activity and the contractor shall be decided, in accordance with the Disputes clause contained therein, by the cognizant General Services Administration contracting officer executing the contract.

19. Sections 5.200(a), 5.203, and 5.207 are revised; new § 5.208 is added; and §§ 5.303, 5.502, 5.504–1, and 5.505 are revised, as follows:

§ 5.200 Applicability.

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(a) Any subsistence or medical item which is under the cognizance of the Defense Personnel Support Center; or

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§ 5.203 General Services Administration stores depots and regional offices.

The General Services Administration operates stores depots and regional offices located in or near the cities listed below, serving the areas indicated on the back cover page of the "Stores Stock Catalog." The addresses shown are the mailing addresses to which all orders and correspondence should be forwarded.

GSA Region	*Address*
1. Boston, Mass.	620 Post Office and Court House Building, Boston, Mass., 02109.
2. New York, N.Y.	30 Church Street, New York, N.Y., 10007.
3. Washington, D.C.	General Services Regional Office Building, Seventh and D Streets SW., Washington, D.C., 20407.
4. Atlanta, Ga.	1776 Peachtree Street NW., Atlanta, Ga., 30309.
5. Chicago, Ill.	219 South Dearborn Street, Chicago, Ill., 60604.
6. Kansas City, Mo.	1500 East Bannister Road, Kansas City, Mo., 64131.
7. Dallas, Tex.	Post Office Box 2488, Fort Worth, Tex., 76101.
8. Denver, Colo.	Denver Federal Center, Building 41, Denver, Colo., 80225.
9. San Francisco, Calif.	49 Fourth Street, San Francisco, Calif., 94103.
10. Auburn, Wash.	General Services Administration Center, Auburn, Wash., 98002.

§ 5.207 Additional services.

In addition to the services listed in § 5.206, the General Services Administration regional offices have contracts, available to, but not mandatory on the Department of Defense, for the maintenance, repair, and rehabilitation of many categories of personal property such as fans, door closers, household appliances, water coolers, machine and hand tools, precision instruments, and radio equipment. General Services Administration regional offices will advise Department of Defense agencies as to existing contracts covering these services. Such optional contracts should be used when the contracting officer considers them to be in the best interests of the Government. The provisions of §§ 5.103 and 5.104 do not apply to the services covered by this section.

§ 5.208 Order for services.

Orders for repair or refinishing services from General Services Administration sources shall be placed as follows:

(a) *GSA repair facility.* A delivery order on Order for Supplies or Services (DD Form 1155) (see § 3.608–5 of this chapter) shall be submitted to the General Services Administration regional office which normally serves the procuring activity.

(b) *Federal Supply Schedules.* Delivery orders on DD Form 1155 will be placed directly with the Federal Supply Schedule contractors.

§ 5.303 Order for supplies or services.

Purchasing offices shall submit an order on DD Form 1155 to the General Services Administration Regional Office of the region in which the office is located when requesting purchase action in accordance with this subpart. Each such order placed with the National Buying Program of the General Services Administration shall be recorded as an obligation at the time the order is placed.

§ 5.502 Schedule of supplies which are blind-made.

Supplies manufactured by agencies for the blind are listed in the Schedule of Blind-Made Products, hereinafter referred to as the Schedule, copies of which may be obtained from any of the General Services Administration regional offices or depots listed in § 5.203. Requests for the Schedule shall be submitted on GSA Form 457 (see § 5.101). Items available from stocks at General Services Administration Stores Depots are so identified in the Schedule.

§ 5.504–1 Through National Industries for the Blind.

When procurement of blind-made supplies is to be made through the National Industries for the Blind, a letter request for an allocation (i.e., the designation of an agency to manufacture the supplies) shall be submitted directly to the National Industries for the Blind, 50 West 44th Street, New York, N.Y., 10036. Upon receipt of the request, requirements will be allocated by the National Industries for the Blind, and the purchasing office shall be notified of the name and location of the agency designated to manufacture the requirements. Upon receipt of such notification, a delivery order (DD Form 1155) shall be issued to the designated agency for the blind and a copy thereof shall be forwarded to the National Industries for the Blind. Such orders may be issued without limitation as to dollar amount and shall be recorded as obligations upon issuance.

§ 5.505 Clearances.

Except as provided in § 5.503(c), a purchasing office may procure supplies of the types listed in the Schedule from commercial sources only to the extent that such procurement is specifically authorized in clearances issued by National Industries for the Blind, and then only if purchase action is initiated within 30 days from the date of the authoriza-

tion or such additional period as may be authorized by the National Industries for the Blind. Where specifically authorized clearances are issued by National Industries for the Blind, a copy of the clearance shall be attached to the voucher to assure approval by the General Accounting Office.

20. New §§ 5.507, 5.704, 5.704–1, and 5.704–2 are added, as follows:

§ 5.507 Procurement of services from agencies for the blind.

(a) Services, as distinguished from supplies, shall not be procured pursuant to the procedure in § 5.501 which does not apply to labor or services or anything other than tangible articles produced by the blind. The renovation of cotton felt mattresses is considered a tangible article of supply.

(b) Agencies for the blind may be solicited in connection with proposed procurements of services but contracts must be awarded pursuant to normal contracting procedures.

(c) When it is known that agencies for the blind are qualified to furnish services, requests for bids or proposals shall be forwarded to:

National Industries for the Blind
50 West 44th Street
New York, N.Y. 10036
Area Code: 212 Phone: TN 7–5252

§ 5.704 Procurement from Atomic Energy Commission.

§ 5.704–1 General.

Sections 5.704—5.704–2 cover the procurement of material and supplies from the Atomic Energy Commission (AEC).

§ 5.704–2 Procurement of radioisotopes.

(a) AEC Form 375, "U.S. AEC Isotope Order Blanks", and AEC Form 313, "AEC Application for Byproducts Material License", shall be used for the procurement of radioisotopes from any of the three AEC laboratories listed on the back of AEC Form 375. No other type of order blank, purchase order, or contract shall be used in lieu of these forms.

(b) In the procurement of radioisotopes, AEC Form 313 shall be filed with the Isotope Division, U.S. Atomic Energy Commission, Post Office Box E, Oak Ridge, Tenn. If the application meets all regulatory requirements and applicable standards, AEC Form 374, "U.S. Atomic Energy Commission By Products Material License", will be issued to the applicant by the Isotope Division, Atomic Energy Commission. After receipt of the AEC Form 374, a complete AEC Form 375 (in duplicate, if the purchasing office desires to receive an accepted copy of the form back from the supplier), the license (AEC Form 374), and a Standard Form 1103, "U.S. Government Bill of Lading," shall be sent to the appropriate AEC laboratory. If a bill of lading is not furnished, shipment shall be made collect on a commercial bill of lading, to be converted at destination.

(c) The "Terms and Conditions" on the reverse side of the AEC Form 375 shall control all requisitions for radioisotopes purchased by the Military Departments from the Atomic Energy Commission National Laboratories. Accordingly, if applicable, the "Terms and Conditions" on the reverse side of AEC Form 313 shall be deleted.

(d) AEC Form 313, "AEC Application for By Products Material License", and AEC Form 375, "U.S. AEC Isotope Order Blank", shall be requisitioned directly from:

U.S. Atomic Energy Commission
Attn: Isotopes Branch
Division of Licensing and Regulation
Washington, D.C. 20545

PART 7—CONTRACT CLAUSES

21. New §§ 7.104–55 and 7.104–56 are added; the introductory text in §§ 7.106–3 and 7.106–4 is revised; and new §§ 7.204–39, 7.204–40, 7.303–39 and 7.303–40 are added, as follows:

§ 7.104–55 First article approval.

In accordance with Subpart S, Part 1 of this chapter, insert the appropriate clause set forth in § 1.1906 of that subpart.

§ 7.104–56 Order of precedence.

The following clause, which may be modified to change the order or to add or delete items to meet the needs of a particular procurement, shall be included in all contracts which are not preceded by a written solicitation (see §§ 2.201(b)(22) and 3.501(b)(49) of this chapter):

ORDER OF PRECEDENCE (AUGUST 1965)

In the event of an inconsistency in this contract, unless otherwise provided herein, the inconsistency shall be resolved by giving precedence in the following order: (a) The Schedule; (b) General Provisions; (c) the other provisions of the contract whether incorporated by reference or otherwise; and (d) the Specifications.

§ 7.106–3 Escalation clause for standard supplies.

The following price escalation clause is authorized for use in negotiated fixed-price supply contracts for standard supplies for which established prices exist and have been verified in accordance with criteria in § 3.807–1(b)(2) of this chapter. The clause may be used only when the total contract price is over $5,000 and delivery is not to be completed within 6 months after the contract date. The percentage figure to be used in subparagraph (d)(3) of the clause shall not exceed 10 percent. If any standard trade discounts offered by the contractor against his list or catalog price are taken into account in negotiating the contract unit price, the contracting officer's file should contain a statement setting forth the list or catalog price and the discounts. The discounts referred to do not include prompt payment or cash discounts.

§ 7.106–4 Escalation clause for semistandard supplies.

The following price escalation clause is authorized for use in negotiated fixed-price supply contracts for semistandard supplies, the prices of which can be reasonably related to the prices of nearly equivalent standard supplies for which established prices exist and have been verified in accordance with criteria in § 3.807–1(b)(2) of this chapter. The clause may be used only when the total contract price is over $5,000 and delivery is not to be completed within 6 months after the contract date. A clear understanding should be set forth in writing prior to making the contract as to the identity of the standard supply items which are applicable. The percentage figure to be used in subparagraph (d)(3) of the clause shall not exceed 10 percent. If any standard trade discounts offered by the contractor against his list or catalog price are taken into account in negotiating the contract unit price, the contracting officer's file should contain a statement setting forth the list or catalog price and the discounts. The discounts referred to do not include prompt payment or cash discounts. When the supplies being purchased are standard supplies in all respects except for preservation, packaging, and packing requirements, the following clause should not be used; in such cases the escalation clause for standard supplies, in § 7.106–3, is the appropriate clause.

§ 7.204–39 First article approval.

In accordance with Subpart S, Part 1 of this chapter, insert the appropriate clause set forth in § 1.1906 of that subpart, modified for use in cost-reimbursement type contracts.

§ 7.204–40 Order of precedence.

In accordance with § 7.104–56, insert the clause set forth therein.

§ 7.303–39 First article approval.

In accordance with Subpart S, Part 1 of this chapter, insert the appropriate clause set forth in § 1.1906 of that subpart.

§ 7.303–40 Order of precedence.

In accordance with § 7.104–56, insert the clause set forth therein.

22. New §§ 7.403–34, 7.403–35, and 7.504–5 are added; in § 7.702–12, the clause heading, clause paragraph (b)(3) and clause paragraph (d) are revised; and new §§ 7.705–15, 7.902–21, and 7.1003–12 are added, as follows:

§ 7.403–34 First article approval.

In accordance with Subpart S, Part 1 of this chapter, insert the appropriate clause set forth in § 1.1906 of that subpart, modified for use in cost-reimbursement type contracts.

§ 7.403–35 Order of precedence.

In accordance with § 7.104–56, insert the clause set forth therein.

§ 7.504–5 Order of precedence.

In accordance with § 7.104–56, insert the clause set forth therein.

§ 7.702–12 Use and charges.

USE AND CHARGES (JULY 1965)

. . . . . .

(b) . . .

(3) The Contractor shall submit to the Contracting Officer within ninety (90) days after the close of each rental period a written statement of the use made of the Facilities by the Contractor and the rental due the Government hereunder, and shall make available such records and data as are determined by the Contracting Officer to be necessary to verify the information contained in the statement.

. . . . . .

(d) Concurrently with the submission of the written statement prescribed by paragraph (b)(3) above, the Contractor shall pay the rental due the Government under this clause by check made payable to the Treasurer of the United States. Each check shall be mailed or delivered to the Contracting Officer.* Receipt and acceptance by the Government of the Contractor's checks pursuant to this paragraph shall constitute an accord and satisfaction of the final amount due the Government hereunder unless the Contractor is notified in writing within one hundred eighty (180) days following such receipt that the amount received is not regarded by the Government as the final amount due.

. . . . . .

§ 7.705–15 Order of precedence.

In accordance with § 7.104–56, insert the clause set forth therein.

§ 7.902–21 Order of precedence.

In accordance with § 7.104–56, insert the clause set forth therein.

§ 7.1003–12 Order of precedence.

In accordance with § 7.104–56, insert the clause set forth therein.

23. A new Subpart K is added to this part, as follows:

Subpart K—Clauses for Indefinite Delivery Type Contracts

Sec.
7.1100 Scope of subpart.
7.1101 Required clause—ordering.
7.1102 Clauses to be used when applicable.
7.1102–1 Definite quantity contracts.
7.1102–2 Requirements contracts.
7.1102–3 Indefinite quantity contract.

AUTHORITY: The provisions of this Subpart K issued under sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 7.1100 Scope of subpart.

This subpart sets forth special uniform contract clauses for indefinite delivery type contracts as defined in § 3.409 of this chapter. These clauses are to be used in addition to other required or applicable clauses.

§ 7.1101 Required clause—ordering.

The clause set forth below shall be inserted in indefinite delivery type contracts.

ORDERING (AUGUST 1965)

(a) Supplies or services to be furnished under this contract shall be ordered by the issuance of delivery orders by the _____ (activity)

(b) All delivery orders issued hereunder are subject to the terms and conditions of this contract. This contract shall control in the event of conflict with any delivery order.

*In contracts of the Department of the Navy, insert "U.S. Navy Regional Finance Office, Washington, D.C." in lieu of "the Contracting Officer".

§ 7.1102 Clauses to be used when applicable.

§ 7.1102–1 Definite quantity contracts.

Insert substantially the following clauses.

(a) *Delivery order limitations.*

DELIVERY ORDER LIMITATIONS (AUGUST 1965)

(a) *Minimum order.* When the Government requires supplies or services covered by this contract in an amount of less than _____, the Government shall not be obligated to purchase, nor the contractor obligated to furnish, any supplies or services under this contract.

(b) *Maximum order.* The Contractor shall not be obligated to honor:

(i) any order for a single item in excess of _____;

(ii) any order for a combination of items in excess of _____; or

(iii) a series of orders from the same ordering office in the course of _____ days which in the aggregate call for quantities of items to the extent that the aggregate is in excess of the limitations provided in (i) and (ii) above.

(c) Notwithstanding the foregoing, the Contractor shall honor any order received which exceeds the maximum order limitations set forth above unless the order or orders which exceed the maximum limitations are returned to the issuing office within _____ days from the date of issue thereof, together with written notice of intent not to make shipment of the items called for and the reasons therefor. Upon receipt of this notice, the Government may secure the supplies from another source.

(b) *Definite quantity.*

DEFINITE QUANTITY (AUGUST 1965)

(a) This is a definite quantity, indefinite delivery contract for the supplies or services specified in the Schedule, and for the period set forth therein.

(b) The Government shall order the quantity of supplies or services specified in the Schedule, and the Contractor shall furnish those supplies or services when ordered by the Government. Delivery or performance shall be made to locations to be designated by the Government in orders issued in accordance with the clause entitled "Ordering" set forth in the Schedule. There shall be no limitation as to the number of orders which may be issued, subject to any limitations on quantities set forth in the clause of this contract entitled "Delivery Order Limitations", if any, or in the Schedule.

(c) Any order issued during the effective period of this contract and not completed within that period shall be completed by the Contractor within the time specified in the order, and the rights and obligations of the Contractor and the Government respecting that order shall be governed by the terms of this contract as fully and to the same extent as if completed during the effective period of this contract: *Provided*, That the Contractor shall not be required to make any deliveries under this contract after _____ (date)

(d) The Government may issue orders which require delivery to or performance at multiple destinations.

§ 7.1102–2 Requirements contracts.

(a) *Delivery order limitations.* Insert substantially the clause set forth in § 7.1102–1(a), adding the following paragraph:

(d) The Government is not required to order a part of any one requirement from the Contractor when such requirement exceeds the maximum order limitations set forth in (b) above.

(b) *Requirements.*

REQUIREMENTS (AUGUST 1965)

(a) This is a requirements contract for the supplies or services specified in the Schedule, and for the period set forth therein. Delivery of supplies or performance of services shall be made only as authorized by orders issued in accordance with the clause entitled "Ordering". The quantities of supplies or services specified herein are estimates only, and are not purchased hereby. Except as may be otherwise provided herein, in the event the Government's requirements for supplies or services set forth in the Schedule do not result in orders in the amounts or quantities described as "estimated" or "maximum" in the Schedule, such event shall not constitute the basis for an equitable price adjustment under this contract.

(b) Except as otherwise provided in this contract, the Government shall order from the Contractor all the supplies or services set forth in the Schedule which are required to be purchased by the Government activity identified in the "Ordering" clause.

(c) The Government shall not be required to purchase from the Contractor, requirements in excess of the limit on total orders under this contract, if any.

(d) Orders issued during the effective period of this contract and not completed within that time shall be completed by the Contractor within the time specified in the order, and the rights and obligations of the Contractor and the Government respecting those orders shall be governed by the terms of this contract to the same extent as if completed during the effective period of this contract: *Provided*, That the Contractor shall not be required to make any deliveries under this contract after _____ (date)

(e) If delivery of any quantity of an item covered by the contract is required by reason of urgency prior to the earliest date that delivery may be specified under this contract and if the Contractor will not accept an order providing for the accelerated delivery, the Government may procure this requirement from another source.

(f) The Government may issue orders which provide for delivery to or performance at multiple destinations.

(1) When it is desired to use a requirements contract for nonpersonal services and supplies incidental thereto, covering requirements estimated to be in excess of a specific activity's internal capabilities of performance, the following shall be inserted in paragraph (a) of the clause after the third sentence:

These quantities are not the total requirements of the activity named in the Schedule; they are estimates of requirements in excess of the quantities which such activity may itself furnish within its own capabilities.

Delete paragraph (b) of the clause and substitute the following:

(b) Except as otherwise provided in this contract, the Government shall order from the Contractor all the requirements for supplies and services of the Government activity named in the Schedule in excess of the quantities which the activity may itself furnish within its own capabilities.

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(2) When subsistence requirements for both troop issuance and resale have been included in the same Schedule and it is contemplated that similar products will be procured on a "brand name" basis, include the following paragraph (g) in the clause set forth above:

(g) The requirements referred to in this contract are for items to the manufactured according to Government specifications, and notwithstanding anything to the contrary stated herein, the Government may procure similar products by "brand name" for resale purposes from other sources.

(3) Where a requirements type contract is used to procure work (e.g., repair, modification, overhaul) on existing items of Government property, it shall be specifically stated in the Schedule that failure of the Government to furnish such items in the amounts or quantities described as "estimated" or "maximum" in the Schedule will not entitle the contractor to any equitable adjustment in price under the "Government Property" clause of such contract.

(c) *Area requirements.* A clause similar to the following may be used when it is not known where the supplies or services will be required.

AREA REQUIREMENTS (AUGUST 1965)

Each item is divided into two (2) subitems. Sub-item A is for delivery of the item to destinations East of the Mississippi River within the Continental United States. Sub-item B is for delivery of the item to destinations West of the Mississippi River within the Continental United States, excluding Alaska. With respect to each item, the Government shall order, except as hereinafter set forth, all the purchase requirements of ---------- which are for delivery to
(activity)
any destination East of the Mississippi River, from the Contractor awarded sub-item A, and shall order all of its purchase requirements for delivery to any destination West of the Mississippi River from the Contractor awarded sub-item B.

§ 7.1102–3 Indefinite quantity contract.

(a) *Delivery order limitations.* Insert the clause set forth in § 7.1102–1(a).

(b) *Indefinite quantity.*

INDEFINITE QUANTITY (AUGUST 1965)

(a) This is an indefinite quantity contract for the supplies or services specified in the Schedule and for the period set forth therein. Delivery or performance shall be made only as authorized by orders issued in accordance with the "Ordering" clause of this contract. The quantities of supplies or services specified herein are estimates only and are not purchased hereby.

(b) The Contractor shall furnish to the Government, when and if ordered, the supplies or services set forth in the Schedule up to and including the quantity designated in the Schedule as the "maximum". The Government shall order the quantity of supplies or services designated in the Schedule as the "minimum".

(c) Orders issued during the effective period of this contract and not completed within that time shall be completed by the Contractor within the time specified in the order, and the rights and obligations of the Contractor and the Government respecting those orders shall be governed by the terms of the contract to the same extent as if completed during the effective period of this contract: *Provided*, That the Contractor shall not be required to make any deliveries under this contract after ----------
(date)

(d) The Government may issue orders which provide for delivery to or performance at multiple destinations.

PART 9—PATENTS, DATA, AND COPYRIGHTS

24. Sections 9.111(b) and 9.202–3(d) are revised as follows:

§ 9.111 Adjustment of royalties.

• • • • •

(b) For guidance in evaluating information furnished pursuant to § 9.110 and to paragraph (a) of this section see § 15.205–36 and § 15.309–33 of this chapter. Also see § 15.107 regarding advance understandings on particular cost items, including royalties.

§ 9.202–3 Procedures.

• • • • •

(d) *Technical data furnished on a restricted basis in support of a proposal.* When, in response to a request for a proposal, an offeror submits technical data on a restricted basis in accordance with § 3.507 of this chapter and it is contemplated to award the contract to such offeror, the contracting officer will ascertain whether to acquire rights to use all or part of the technical data furnished with the proposal. If such rights are desired, the contracting officer will negotiate with the offeror in accordance with the policies set forth in §§ 9.202—9.202–3. If the offeror agrees to furnish such technical data under the contract, the appropriate clause set forth in § 9.203 shall be inserted in the contract, and the contract shall identify the data to be covered by such a clause.

PART 12—LABOR

25. Sections 12.101–3(b) (1) and (2) and (d), 12.401(d), and 12.604 are revised to read as follows:

§ 12.101–3 Reporting of labor disputes.

• • • • •

(b) • • •

(1) *Reports involving Army contracts.* Reports shall be submitted to the Head of the Procuring Activity concerned with information copies to intermediate procurement offices. Simultaneously, copies of each report shall be sent directly to the Assistant Secretary of the Army (Installations and Logistics), ATTN: Labor Advisor, and to ODCSLOG, ATTN: Chief, PEMA Execution Division.

(2) *Reports involving Navy contracts.* Reports shall be submitted simultaneously to the Chief of Naval Material, ATTN: Labor Relations Advisor; Head of the Procuring Activity concerned; cognizant contracting officers; inspection offices concerned; status control activities; and the Director, Transportation Division (H1), Bureau of Supplies and Accounts, when contracts involve (i) packing, crating, and drayage of household goods; and (ii) stevedoring services at naval activities.

• • • • •

(d) In cases where the responsible individual originating the report is outside the Military Department which placed the contract, he shall give notice to the procuring office (which shall process the notice in accordance with paragraph (b) of this section) and to the appropriate Departmental headquarters labor relations office (for the Army, the Labor Advisor, OASA (I&L); for the Navy, Chief of Naval Material, ATTN: Labor Relations Advisor; for the Air Force, Headquarters USAF, AFSPPDB; for Defense Supply Agency, Labor Advisor, DSA).

• • • • •

§ 12.401 Statutes, regulations, and determinations.

• • • • •

(d) *Department of Labor regulations.* Pursuant to the foregoing statutes and Reorganization Plan No. 14 of 1950, the Secretary of Labor has issued Regulations, Part 3, Title 29, Subtitle A, Code of Federal Regulations and Regulations, Part 5, Title 29, Subtitle A, Code of Federal Regulations, providing for the administration and enforcement of these statutes in construction contracts. Each Department shall comply with the regulations, rulings, interpretations and decisions of the Department of Labor issued pursuant to the above provisions unless other action is specifically authorized in advance by OASD (Manpower). In any case where resolution of a question by higher authority is deemed appropriate, such question shall be submitted, in the case of the Army, to the Labor Advisor, Office of the Assistant Secretary of the Army (Installations and Logistics); in the case of the Navy, to the Office of Naval Materiel, ATTN: Labor Relations Advisor; in the case of the Air Force, to the Deputy Chief of Staff (Systems and Logistics). ATTN: AFSPM; and, in the case of the Defense Supply Agency, to the Executive Director for Procurement and Production, ATTN: DSAH–PL.

• • • • •

§ 12.604 Responsibilities of contracting officers.

The responsibility for applying the eligibility requirements set forth in §§ 12.601 and 12.603 rests, in the first instance, with the contracting officer. The Department of Labor does not conduct pre-award investigations, nor render final determinations of eligibility until the contracting officer has initially determined whether the eligibility requirements have been met. When the eligibility of a bidder or offeror is challenged before award, it should be treated in a manner similar to a protest before award (see §§ 2.407–9 and 3.509 of this chapter). The contracting officer should make an initial determination and should process the protest in accordance with applicable procedures for submission to the Department of Labor for a final determination. Whenever the Walsh-Healey Public Contracts Act is applicable, the contracting officer shall, pursuant to regulations or instructions issued by the Secretary of Labor and in

accordance with procedures prescribed by each respective Military Department:

(a) Inform prospective contractors of the applicability of minimum wage determinations;

(b) Furnish to the contractor a poster (Form PC–13) and a form letter (Form PC–12) explaining the Walsh-Healey Act (forms are available through normal publication supply channels);

(c) Prepare and transmit three copies of DD Form 350 as provided in § 16.803–2 (c) of this chapter; when a contract of $10,000 or less is modified to exceed $10,000, the report on DD Form 350 shall be prepared and transmitted.

(d) Report to the Department of Labor any violation of the representations or stipulations required by the Walsh-Healey Act.

PART 13—GOVERNMENT PROPERTY

26. In § 13.305–2, paragraphs (c) and (d) are revised, and new paragraph (e) is added; and in § 13.704, the clause heading and clause paragraph (j) are revised, as follows:

§ 13.305–2 Fixed-price contracts.

• • • • •

(c) *Criteria for waiving special tooling provisions in subcontracts.* In determining whether rights to acquire special tooling from subcontractors are not of substantial interest to the Government so as to permit the omission of special tooling provisions from the affected subcontracts pursuant to paragraph (j) of the Special Tooling clause set forth in 13–704, the contracting officer shall consider the factors listed in (b) above. It is desirable that such determination be made before execution of the contract, to the extent practicable, in which case the price shall reflect the authorized omission of special tooling provisions in any affected subcontract. If this question is presented to the contracting officer after execution of the contract, he shall condition his determination upon securing the contractor's consent to an equitable reduction in the contract price to reflect any reduction in the price of the affected subcontracts resulting from the omission of such provisions.

(d) *Procedures.* (1) If the contracting officer has decided not to acquire special tooling or rights thereto, he may include in the solicitation such information as he may have of current planning for future procurements of the item involved, consistent with security requirements. Offerors shall be advised in the solicitation that such statements are estimates and there is no assurance that any quantity will be procured.

(2) In formally advertised procurements, each item of special tooling to be acquired by the Government under the standards set forth above shall be clearly identified in the invitation for bids as a separate item, or by category if individual items are low in value, and the Special Tooling clause in 13–704 shall not be used.

(3) In negotiated procurements, each item of special tooling to be acquired under the standards set forth above shall be identified as a separate item in the solicitation and contract to the maximum extent practicable, or by category if individual items are low in value. If such identification is impracticable, title to special tooling may be obtained through use of the Special Tooling clause in 13–704. If the use of this clause will result in an undesirable acquisition of rights to some special tooling, the Schedule shall specify the special tooling not covered by the clause.

(e) *Protecting Government interest in contractor-owned special tooling.* Where the Government does not acquire special tooling or the rights thereto pursuant to paragraph (d) of this section, but will pay for a substantial portion of the special tooling in the price paid for supplies or services, special provisions may be included in the Schedule of a contract to give recognition to the equitable interest of the Government in the special tooling, if such interest is significant. For example:

(1) Where there is a distinct possibility that the Government eventually may decide to acquire title to the special tooling, the contract may provide for an option in the Government to acquire the special tooling at a specified price or for an amount to be determined in accordance with specified standards (the criteria set forth in paragraph (b) of this section shall be considered in exercising such options); or

(2) If the Government does not acquire or reserve the right to acquire title to the special tooling, the contract may provide for the contractor's future amortization of the special tooling under Government contracts.

§ 13.704 Special tooling clause for fixed-price contracts.

• • • • •

SPECIAL TOOLING (AUGUST 1965)

• • • • •

(j) *Special tooling provisions for subcontracts.* The Contractor agrees that, in placing any subcontracts or purchase orders under this contract which involve the use of special tooling, the full cost of which is charged to such subcontract or purchase order, he will include therein appropriate provisions to obtain rights comparable to those granted to the Government by this clause, unless the Contracting Officer determines, upon the Contractor's request, that, with respect to any subcontract, purchase order, or class thereof, such rights are not of substantial interest to the Government. The Contractor further agrees that he will exercise any such rights for the benefit of the Government as the Contracting Officer may direct.

PART 15—CONTRACT COST PRINCIPLES AND PROCEDURES

27. Section 15.205–22(e) is revised, as follows:

§ 15.205–22 Material costs.

• • • • •

(e) Allowance for all materials and supplies produced by the contractor or by any division, subsidiary or affiliate of the contractor under common control (hereinafter collectively referred to as the "seller") shall be on the basis of the costs incurred in accordance with this subpart, except as follows: Where the item is regularly manufactured or is one of a line of products regularly manufactured by the seller and is substantially the same as one normally produced by and available from one or more outside sources in the open market in significant quantity (quality and other performance factors considered), allowance may be on a price basis not to exceed the lesser of the current market price or the seller's current sales price to its most favored customer (including any division, subsidiary or affiliate of the contractor under common control) for a like quantity of the item when one of the following conditions is met:

(1) The item qualifies as a "commercial item sold in substantial quantities to the general public" as defined in § 3.807–1(b)(2)(ii) through (iv) of this chapter; or

(2) The seller submits the lowest evaluated bid or proposal under conditions of "adequate price competition" as defined in § 3.807–1(b)(1)(i) and (ii) of this chapter.

Such price as may be determined in accordance with the foregoing may be adjusted upward or downward to reflect the actual cost of modification of the item by the seller for the purposes of the contract.

PART 16—PROCUREMENT FORMS

28. Sections 16.101, 16.101–1, and 16.101–2 are revised; §§ 16.102, 16.102–1, and 16.102–2 are revoked; §§ 16.206–2 and 16.207–2 are revised; § 16.207–3 is revoked; § 16.504 is revised; and new § 16.817 is added, as follows:

§ 16.101 Combination Type (Standard Forms 33, 33–A, 32, 26, and 36 and DD Form 1260).

§ 16.101–1 General.

The following supply contract forms shall be used in effecting procurements by formal advertising:

(a) Invitation, Bid, and Award (Supply Contract) (Standard Form 33);

(b) Bidding Instructions, Terms, and Conditions (Supply Contract) (Standard Form 33–A);

(c) General Provisions (Supply Contract) (Standard Form 32);

(d) Any other special terms for the invitation for bids or additional contract provisions which are prescribed by this subchapter or Departmental procedures (Note.—The Federal, State, and Local Taxes clause at § 11.401–1 of this chapter shall be used as a part of Standard Form 32, when that standard form is used in any advertised procurement or in any of the other circumstances set forth in § 11.401–1. When a standard form is used in a negotiated fixed-price type contract in excess of $10,000 where the contracting officer is not satisfied that the contract price, virtue of competition or otherwise, excludes contingencies for State and local taxes, the Federal, State, and Local Taxes clause at § 11.401–2 shall

be made a part of the contract, and the clause at § 11.401–1 shall be deleted from Standard Form 32.);

(e) Continuation Sheet (Supply Contract) (Standard Form 36) (when needed with Standard Forms 33 and 33–A or 26 or DD Form 1260);

(f) Amendment to Invitation for Bids (DD Form 1260) when needed; and

(g) Award (Supply Contract) (Standard Form 26) when needed.

§ 16.101–2 Conditions for use.

(a) The Invitation, Bid, and Award (Standard Form 33) and the Schedule portion of Standard Form 33 shall be prepared in accordance with § 2.201 of this chapter. One copy of Standard Form 33–A shall accompany each copy of Standard Form 33. Bidders shall be requested to return only three signed copies of their bids.

(b) Standard Form 32 and any additional general provisions may be attached to each copy of the Invitation for Bids. Alternatively, only one copy of Standard Form 32 and any additional general provisions need be furnished to each bidder, for retention, if such provisions are specifically incorporated by reference, including each form name, number and date, in the Schedule. Provisions which are inapplicable to a particular procurement, or to military procurements generally may be deleted by appropriate reference in an "Alterations in Contract" clause.

(c) Award of contracts shall be accomplished by completing the Award portion of Standard Form 33 and furnishing a copy of the form, so completed, to each successful bidder. Alternatively, such award may be accomplished by furnishing a completed Standard Form 26 to each successful bidder. Papers previously forwarded to bidders need not accompany the successful bidder's copy of the Award document. The required use of the Award portion of Standard Form 33 or the use of Standard Form 26 does not preclude the additional use of informal documents, including telegrams, as notices of awards.

(d) DD Form 1260 (Amendment to Invitation for Bids) shall be used when it is necessary to issue an amendment.

(e) Continuation Sheet (Supply Contract) (Standard Form 36) shall be used when additional space is required for the Schedule, Amendment, or Award.

§ 16.102 Combination type (Standard Form 33). [Revoked]

§ 16.102–1 General. [Revoked]

§ 16.102–2 Conditions for use. [Revoked]

§ 16.206–2 DD Form 633 (Contract Pricing Proposal).

DD Form 633 shall be used whenever cost analysis is required: *Provided, however*, That departures from the DD Form 633 format are authorized in the following circumstances:

(a) The contractor may submit necessary information in a format acceptable to the contracting officer where the contractor's accounting system makes the use of this form impracticable; or when required for a more effective and efficient presentation of cost or pricing information: *Provided*, That in either case the information furnished includes pertinent details as to cost elements with the specific statements, authorizations, and authentications, required by DD Form 633 or by the special cost or price analysis forms listed in § 16.206–3; or

(b) The Special Cost and Price Analysis Forms referenced in § 16.206–3 may be used.

§ 16.207–2 Conditions for use.

(a) DD Form 784 shall be prepared by the contractor for the submission of cost information required for contract price redetermination except in those instances where the contractor and the contracting officer have agreed upon an alternate method of cost analysis presentation. Any alternate method used shall include, to the maximum degree possible, the information called for by DD Form 784. During the negotiation which may result in a redeterminable or incentive type contract, the contractor shall be advised of the requirement for the use of DD Form 784 or the alternate method and this requirement shall be contained in the contract.

(b) DD Form 783 (Royalty Report (Foreign and Domestic)) is approved for use as the separate schedule required by paragraph (p) of Specific Instructions of DD Form 784.

§ 16.207–3 Forms superseded. [Revoked]

§ 16.504 Forms for Paid Advertisements (DD Form 1535 and Standard Forms 1143 and 1143a).

(a) DD Form 1535 (Request/Approval for Authority to Advertise) shall be used in requesting authority to place advertisements in newspapers (see § 1.1002–6 of this chapter).

(b) The following forms shall be used to order and effect payment for advertisements in newspapers (see § 1.1002–6):

(1) Standard Form 1143, Advertising Order (original) (face) Public Voucher for Advertising (original) (reverse); and

(2) Standard Form 1143a, Advertising Order (memorandum) (face) Public Voucher for Advertising (memorandum) (reverse).

§ 16.817 Abstract forms.

DD Forms 1501, 1501c, and 1501–1, Abstract of Bids, shall be used to record the bid or proposal evaluation information as required in §§ 1.308, 2.403, and 3.109 of this chapter. These forms may be modified by using the extra columns and the continuation sheet to label and record such information as the procuring activity deems necessary.

PART 17—EXTRAORDINARY CONTRACTUAL ACTIONS TO FACILITATE THE NATIONAL DEFENSE

29. Sections 17.207–1(a), 17.207–3(a), 17.208–4(b), and 17.304 are revised, as follows:

§ 17.207–1 Filing requests.

. . . . . .

(a) In the Army, the Head of Procuring Activity listed in § 1.201–14 of this chapter appearing to be cognizant of the contract or commitment involved;

. . . . . .

§ 17.207–3 Records.

. . . . . .

(a) Army activities, to the Army Contract Adjustment Board, Office of the Assistant Secretary of the Army (Installations and Logistics);

. . . . . .

§ 17.208–4 Processing by contract adjustment boards.

. . . . . .

(b) *Records.* When the Board decisions are implemented, the documents listed in § 17.208–2(b) (2) and (3) shall be prepared and submitted to the cognizant Board. The activity which forwarded the case to the Board shall be responsible for the preparation and submission of these documents.

§ 17.304 Records.

The respective Contract Adjustment Boards in the Army, Navy and Air Force; and Headquarters, Defense Supply Agency, shall be responsible for maintaining two copies of each Memorandum of Approval required by § 17.303(b).

PART 18—PROCUREMENT OF CONSTRUCTION AND CONTRACTING FOR ARCHITECT-ENGINEER SERVICES

30. Sections 18.206, 18.208, and 18.209 are revised to read as follows:

§ 18.206 Amendment of invitation for bids.

See §§ 2.208, 16.401–1(h), and 12.404–2 of this chapter. When an amendment will require additional time for bidders to prepare bids, the time for bidding shall be appropriately extended, except in emergencies, and consideration shall be given to notifying bidders by telephone or telegraph of the forthcoming amendment to minimize disruption of their bid preparations. Where such an amendment is issued within a period of 10 days prior to the date set for bid opening, a minimum of 10 days lead time, except in emergencies, shall be allowed prospective bidders to prepare new or revised bids. The nature of any emergency preventing a 10-day lead time will be documented.

§ 18.208 Cancellation of invitations for bids.

(a) Before opening, see § 2.209 of this chapter.

(b) After opening, see §§ 2.404–1 and 2.404–2 of this chapter.

§ 18.209 Prequalification of bidders.

(a) The prequalification of bidders' procedure is used when it is necessary to assure timely and efficient performance of critical construction projects by limiting bidding to concerns of proven competence to perform in the required manner. The result of a prequalification is a list of bidders who are determined to be qualified to bid on a specific construction project.

(b) The Head of a Procuring Activity may authorize the prequalification of bidders when he determines in writing that a construction project is of such urgency or complexity as to require prequalification.

(c) Procedures to be used shall be approved by the Head of a Procuring Activity. They shall provide, in connection with small business concerns that:

(1) If the qualifying authority is of the opinion that a small business concern is not qualified for reasons relating solely to capacity or credit, the recommendation of the appropriate Small Business Regional Office shall be requested;

(2) If that office expresses the opinion that the concern appears to have the requisite capacity or credit, it shall be permitted to submit a bid; and

(3) If a small business concern submits the lowest responsive bid and is found to be nonresponsible because of lack of capacity or credit, the procedures prescribed by § 1.705–4 of the chapter shall be followed.

[Rev. 12, ASPR, Aug. 1, 1965] (Sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 65–11985; Filed, Nov. 8, 1965; 8:45 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 14 (Rev. 3)]

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

Sound Book Value

Pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85–699, 72 Stat. 694, as amended, there is amended, as set forth below, Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations, as revised in 29 F.R. 16946–16961, and amended in 30 F.R. 534, 1187, 2652, 2653, 2654, 3635, 3856, 7597, 7651, 8775, 8900, 11960, and 13005 by adding § 107.1024.

Information and effective date. The amendment published herewith sets forth, as § 107.1024 of the SBIC Regulation, an official interpretation clarifying the term "sound book value" as defined in § 107.505(a).

Since it merely interprets existing provisions of the Regulation and is exempt from the rule-making requirements of the Administrative Procedure Act (5 U.S.C. 1003), the present amendment shall become effective upon publication in the FEDERAL REGISTER.

The Regulations Governing Small Business Investment Companies are hereby amended by adding a new § 107.1024, which reads as follows:

§ 107.1024 Sound book value (interpreting § 107.505).

(a) Sections 107.502 through 107.508 dealing with Equity Securities contemplate that the specific terms of the financing shall be negotiated between the Licensee and the small business concern.

(b) The term "sound book value" as defined in § 107.505(a) means a price determined through negotiation of the parties. "Sound book value" is not synonymous with book value as determined by generally accepted accounting principles. It is arrived at through a meeting of the minds taking into account all pertinent factors including, but not restricted to, those specified in § 107.505(a).

Dated: November 3, 1965.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 65–12018; Filed, Nov. 8, 1965; 8:48 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show the exception under Schedule C of two positions of Confidential Secretary to the Assistant Secretary for Health and Scientific Affairs. Effective on publication in the FEDERAL REGISTER, paragraph (h), subparagraph (1) is added to § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

. . . . . .

(h) *Office of the Assistant Secretary for Health and Scientific Affairs.* (1) Two Confidential Secretaries to the Assistant Secretary for Health and Scientific Affairs.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director,
Bureau of Management Services.

[F.R. Doc. 65–12027; Filed, Nov. 8, 1965; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM ACREAGE ALLOTMENTS AND MARKETING QUOTAS

[Amdt. 18]

PART 724—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52) CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, AND 55) AND MARYLAND TOBACCO

Subpart—Allotment and Marketing Quota Regulations, 1963–64 and Subsequent Years

MISCELLANEOUS AMENDMENTS

Basis and purpose. (a) The amendments contained herein are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), and are made for the purpose of amending the Tobacco Allotment and Marketing Quota Regulations for the 1963–64 and Subsequent Marketing Years (27 F.R. 8937, 9211, 10743; 28 F.R. 7757, 8018, 9144, 11049; 29 F.R. 1315, 6520, 7588, 7763, 9927, 12420, 14099, 14661; 30 F.R. 823, 6146, 7648, 9147, 10283). The amendments relate to the identification of tobacco for purposes of marketing restrictions and price support, and the records and reports incident thereto on the marketing of the 1965 and subsequent crops of burley, fire-cured, dark air-cured, Virginia sun-cured, and Maryland tobacco and include the rate of penalty on marketings of Maryland tobacco during the 1965–66 marketing year. Other changes have been made to simplify and clarify the regulations. These changes include revising provisions which applied only to flue-cured tobacco for the marketing year beginning July 1, 1965, to make them applicable, for the 1965 and subsequent marketing years, to all kinds of tobacco sold at auction warehouses. Regulations for flue-cured tobacco which will incorporate these changes for the 1966 and subsequent marketing years or revisions thereof will be issued prior to July 1, 1966.

(b) Included in the regulations is a revision of the definition of floor sweepings which limits the amount of floor sweepings which may be marketed without being considered leaf account tobacco. Under the revised definition, marketed floor sweepings which exceed the pounds determined by multiplying a designated percentage times the total first sales of tobacco at auction for the season by a warehouse shall be deemed to be leaf account tobacco. The percentage figures were obtained by dividing the total amount of floor sweepings for all warehouses by the total amount of first sales of tobacco at auction at warehouses, as reported by ASCS State

offices by warehouses for the 1962–63, 1963–64, and 1964–65 marketing years, except that for Maryland tobacco the marketing years 1961–62, 1962–63, 1963–64 were used as figures for the 1964–65 marketing year were not available. For the purpose of determining the percentage figures because of the similarity of handling and marketing practices, burley and Maryland tobacco were considered as one kind of tobacco, and fire-cured, dark air-cured and Virginia sun-cured tobacco were considered as one kind of tobacco. The change in the definition of floor sweepings was made as a limitation on the amount of floor sweepings not considered as leaf account tobacco will facilitate the proper identification of marketings of excess tobacco and enable warehousemen to more readily account for such tobacco.

(c) Public notice of intention to issue the amendments was given (30 F.R. 12845) in accordance with the provisions of the Administrative Procedure Act (5 U.S.C. 1001–1011) and due consideration has been given to recommendations received in response to such notice. The public notice did not include notice that the amendments would include the rate of penalties on marketings of Maryland tobacco during the 1965–66 marketing year which rate is the result of a mathematical calculation provided by statute (7 U.S.C. 1314), or that changes would be made with respect to flue-cured tobacco.

(d) Tobacco farmers engaged in the production of burley, fire-cured, dark air-cured and Virginia sun-cured tobacco in 1965 and buyers of such tobacco are prepared to negotiate nonwarehouse sales and warehousemen are making plans for the sale of such tobacco at auction. In addition, producers of flue-cured tobacco are now engaged in marketing the tobacco produced by them in 1965.

Hence, it is essential that the amendments contained herein which deal with the identification of sales of 1965 crop tobacco and for the keeping of records with respect thereto be made effective at the earliest possible date. Accordingly, it is hereby found and determined that compliance with the effective date requirement of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest, and the amendments contained herein shall become effective upon publication in the FEDERAL REGISTER. It is also found and determined, with respect to the changes which affect flue-cured tobacco and designate the rate of penalty for the 1965-66 marketing year on marketings of excess Maryland tobacco, that compliance with the notice and public procedure requirements of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest.

§ 724.51 [Amended]

In § 724.51 Definitions:

1. Paragraph (d), regarding "Buyers Corrections Account", is revised to read:

(d) "Buyers Corrections Account" means the warehouse account of tobacco purchased at auction by the buyer, but not delivered to the buyer, or any tobacco returned by the buyer because of rejection by the buyer, lost ticket, or any other valid reason, which is turned back to the warehouseman and supported by an adjustment invoice from the buyer. This account shall include the pounds and amounts deducted resulting from short baskets and short weights, and pounds and amounts added resulting from long baskets and long weights, which buyers debit or credit to the warehouseman and support with adjustment invoices.

2. Paragraph (h), regarding "Dealer" or "Buyer", is amended by revising the exception for flue-cured tobacco contained therein to read: "except that for flue-cured tobacco for the marketing year beginning July 1, 1965, and for burley, fire-cured, dark air-cured, Virginia sun-cured, and Maryland tobacco for the marketing year beginning October 1, 1965, and subsequent marketing years, the term means a person who engages to any extent in acquiring or selling tobacco in the form normally marketed by producers."

3. Paragraph (j), regarding "Floor sweepings", is amended to read:

(j) "Floor sweepings":

(1) For burley, fire-cured, dark air-cured, Virginia sun-cured and Maryland tobacco for the marketing year beginning October 1, 1965 and subsequent marketing years, means scraps or leaves of tobacco which accumulate on the warehouse floor in the regular course of business: *Provided*, That floor sweepings exceeding the pounds determined by multiplying the applicable following listed percentage times the total first sales of tobacco at auction for the season for the warehouse, shall be deemed to be leaf account tobacco:

Kind of Tobacco	*Percentage*
Burley and Maryland	0.30 (three-tenths of 1 percent).
Fire-Cured, Air-Cured and Virginia Sun-Cured.	0.02 (two-hundredths of 1 percent).

(2) For flue-cured tobacco for the marketing year beginning July 1, 1965, means scraps or leaves of tobacco which accumulate on the warehouse floor in the regular course of business: *Provided*, That, floor sweepings exceeding the pounds determined by multiplying the applicable following listed percentage times the total first sales of tobacco at auction for the season for the warehouse, shall be deemed to be leaf account tobacco:

Location of Warehouse	*Percentage*
Florida, Georgia	1.10 (one and one-tenth percent).
North Carolina, South Carolina and Virginia.	0.17 (seventeen-hundredths of 1 percent).

4. Paragraph (l), regarding "Leaf Account Tobacco", is amended to read as follows:

(l) "Leaf Account Tobacco" means:

(1) For burley, fire-cured, dark air-cured, Virginia sun-cured and Maryland tobacco for the marketing year beginning October 1, 1965, and succeeding marketing years, all tobacco purchased or otherwise acquired by or for the account of the warehouse, and shall include, but not be limited to, tobacco from Buyers Corrections Account and sales and resales of such tobacco, scrap tobacco obtained through grading tobacco for farmers or furnishing farmers curing or stripping space, floor sweepings purchased from another warehouseman or dealer, and floor sweepings deemed to be leaf account tobacco under subparagraph (1) of paragraph (j) of this section.

(2) For flue-cured tobacco for the marketing year beginning July 1, 1965, all tobacco purchased or otherwise acquired by or for the account of a warehouse, and shall include but not be limited to, tobacco from Buyers Corrections Account, sales and resales of such tobacco, floor sweepings purchased from another warehouseman or dealer, and floor sweepings deemed to be leaf account tobacco under subparagraph (2) of paragraph (j) of this section.

5. Paragraph (u), regarding "Sale date" is amended to read:

(u) "Sale date" means the date on which the gross amount of the sales price of a first marketing of tobacco is determined except that for the marketing year beginning October 1, 1965, and succeeding marketing years, for within quota Maryland tobacco at the Baltimore Hogshead Market means the time after such tobacco is received by a warehouse at such market, has been weighed, recorded in the official records and has been graded by Maryland State inspectors.

6. Paragraph (cc), regarding "Warehouse sale," is amended to read:

(cc) "Warehouse sale" for flue-cured tobacco for the marketing year beginning July 1, 1965, and for burley, fire-cured, dark air-cured, Virginia sun-cured and Maryland tobacco for the marketing year beginning October 1, 1965, and succeeding marketing years, means a marketing of tobacco by a sale at public auction through a warehouse in the regular course of business, including sale of all lots or baskets of tobacco at public auction in sequence at a given time and shall include for Maryland tobacco each marketing of farm tobacco through a hogshead tobacco warehouse to a buyer other than the warehouseman and each marketing of resale tobacco through such a warehouse.

§ 724.90 [Amended]

In § 724.90 Identification of marketings, excluding cigar tobacco:

7. Paragraph (a)(1) *Sale memo and bill of nonwarehouse sale*, is amended by striking thereof the following: "(Reverse side of sale memo)".

8. Paragraph (f) *Recording names of additional producers*, is deleted.

9. A new paragraph (i) is added to read:

(i) *Separate display of producer tobacco on auction warehouse floor.* Each basket of burley, fire-cured, dark air-cured, Virginia sun-cured, and Maryland producer's tobacco placed on a warehouse floor shall be displayed on baskets separate from tobacco produced on any other farm and shall be identified on the warehouse bill (floor sheet) covering such baskets by the marketing card for the kind of tobacco issued for the farm on which the tobacco was produced. Such kinds of tobacco not so displayed shall not be eligible for price support.

§ 724.92 [Amended]

In § 724.92 Rate of penalty:

10. Paragraph (h) *1964–65 average market price*, is amended by adding at the end thereof an average market price for Maryland tobacco of 62.6 cents per pound.

11. Paragraph (i) *1965–66 rate of penalty per pound*, is amended by adding at the end thereof the rate of penalty per pound upon marketings of excess Maryland tobacco of 47 cents per pound.

§ 724.94 [Amended]

In § 724.94 Penalties considered to be due from warehousemen, hogshead warehousemen, dealers, buyers, and others excluding the producer:

12. Paragraph (b) *Nonwarehouse sale*, is amended by striking from subparagraph (1) thereof the following: "(Reverse side of sale memo)".

§ 724.99 [Amended]

In § 724.99 Warehouseman's records and reports:

13. Paragraph (a) *Record of marketing*, is amended by changing subparagraph (6) thereof to read:

(6) In the case of resales for dealers, the name of the dealer making each resale, and in the case of resales for the warehouse, the name of the applicable warehouse account shall be shown on the warehouse records so that the individual lots of tobacco sold can be identified, and the word "Resale" shall be clearly shown on each warehouse bill (floor sheet) covering such tobacco.

14. In Paragraph (b) *Identification of producer sales of tobacco*—(1) *Floor sheet*, subdivision (i) is amended to read:

(i) The serial number of the Form MQ–76 or Form MQ–77 on which tobacco is to be marketed at auction shall be recorded by the warehouseman on his office copy of the warehouse bill (floor sheet) prior to the time the tobacco is offered for sale. The letters "NW" shall be shown on each line of a warehouse bill (floor sheet) on which there is recorded tobacco purchased by or for the warehouse at nonwarehouse sale and there shall be recorded on all such warehouse bills (floor sheets) the serial number of the Form MQ–76 or Form MQ–77 on which the tobacco is marketed at the time the tobacco is purchased at nonwarehouse sale. A copy of the warehouse bill (floor sheet) bearing the letters "NW" shall be furnished the producer for any lot or basket of such tobacco purchased by the warehouseman.

15. In Paragraph (c) *Sale memo and bill of nonwarehouse sale*, subparagraph (1) is amended to read:

(1) A record in the form of a valid sale memo from a Form MQ–76 or Form MQ–77 or Form MQ–82, Sale Without Marketing Card, shall be obtained by a warehouseman to cover each marketing of tobacco from a farm through a warehouse and each nonwarehouse sale of tobacco purchased by or for the warehouseman, including scrap tobacco obtained as a result of providing curing space or stripping space for farmers. Each sale memo shall be executed as follows:

(i) *Warehouse sale.* A sale memo issued from a Form MQ–76 to cover an auction sale shall show in the spaces provided therefor, the Bill (floor sheet) No., pounds sold, and the gross amount of the purchase price. A sale memo issued from a Form MQ–77 to cover an auction sale shall show on the first page thereof in all of the spaces provided therefor, the Warehouse Bill(s) No., the pounds sold, the gross amount of the purchase price, and the amount of penalty due.

(ii) *Nonwarehouse sale to a warehouseman who does not prepare a warehouse bill (floor sheet).* A sale memo issued to cover a nonwarehouse sale of tobacco to a warehouseman who does not prepare a warehouse bill (floor sheet) to cover the sale, shall show in Item 2 of a sale memo from Form MQ–76 or on the reverse side of a sale memo from Form MQ–77 the pounds sold, and the gross amount of the purchase price, and the amount of penalty due on a sale memo from MQ–77. The signature of the producer shall be obtained in the space provided.

(iii) *Nonwarehouse sale to a warehouseman who prepares a warehouse bill (floor sheet).* (a) Where a warehouseman purchases all the delivery of a producer's tobacco at a nonwarehouse sale and prepares a warehouse bill (floor sheet) to cover the purchase, Item 2 of a sale memo from Form MQ–76 or the reverse side of a sale memo from Form MQ–77, shall be completed as specified in subdivision (ii) of this subparagraph and in addition, in the spaces provided in Item 1 of a sale memo from Form MQ–76 or on the first page of a sale memo from Form MQ–77 the number of pounds purchased and the gross amount paid shall be shown in the spaces provided therefor and the amount of penalty due on a sale memo from MQ–77. The signature of the producer shall be obtained in the space provided.

(b) Where a warehouseman purchases at nonwarehouse sale part of a delivery of tobacco by a producer and the remainder of the tobacco is sold at auction.

(1) Item 1 of a sale memo from Form MQ–76 shall be completed to show the warehouse Bill (floor sheet) No., the total number of pounds covered by the entire delivery under "Lbs. Sold", and the gross amount paid for the entire delivery under "Gross Amount". The first page of a sale memo from a Form MQ–77 shall be completed to show the Warehouse Bill(s) (floor sheet) No., in the spaces provided therefor, the total number of pounds covered by the entire delivery under "Pounds Sold", the gross amount paid for the entire delivery under "Gross Amount", and the amount of penalty due.

(2) Item 2 of a sale memo from Form MQ–76 shall show the number of pounds under "Lbs. Sold" at nonwarehouse sale and under "Gross Amount" the amount paid for the tobacco sold at nonwarehouse sale. The reverse side of a sale memo from a Form MQ–77 shall show the number of pounds sold at nonwarehouse sale in the space therefor and the amount paid for the tobacco sold at nonwarehouse sale shall be shown in the space provided for "Amount".

16. In paragraph (f) *Record and report of purchases and resales*, subparagraph (1) is amended to read:

(1) All nonwarehouse purchases of tobacco except nonwarehouse purchases for which a warehouseman prepares a floor sheet.

17. In paragraph (h) *Daily report of auction warehouse business*, subparagraph (3) is amended to read:

(3) (i) The total pounds and gross amount of leaf account purchases at auction on the warehouseman's own floor,

(ii) The total pounds and gross amount of leaf account purchases at nonwarehouse sale for which a floor sheet is prepared, and

(iii) The total pounds and gross amount of all leaf account resales at auction on the warehouseman's own floor, including resales of tobacco from the warehouseman's Buyers' Corrections Account.

18. Paragraph (h), "Daily report of warehouse business." Subparagraph (9) is amended by adding thereto a sentence to read: "This subparagraph (9) shall not be applicable to burley, fire-cured, dark air-cured, Virginia sun-cured, and Maryland tobacco for the marketing year beginning October 1, 1965, and subsequent marketing years".

19. A new paragraph (j) is added to read:

(j) *Daily report of data from Buyers Corrections Account.* For burley, fire-cured, dark air-cured, Virginia sun-cured, and Maryland tobacco for the marketing year beginning October 1, 1965, and subsequent marketing years, each warehouseman shall keep a record and make reports on MQ–79, Dealer's Record, showing for each sale day and for each buyer the total pounds and gross amount of debits for the warehouse for short baskets, short weights, and returned baskets and the total pounds and gross amounts of credits for the warehouse for long baskets and long weights, as shown by the Buyers' Corrections Account, excluding billing errors, kept by the warehouseman.

In § 724.101 Dealer's record and reports, excluding cigar tobacco buyers:

20. In paragraph (c) *Bill of nonwarehouse sale and sale memo*, Subparagraph (1) is amended to read:

(1) Each purchase of tobacco by a dealer from a producer, other than through a warehouse sale or hogshead warehouse sale, including farm scrap tobacco obtained from grading tobacco for farmers or as a result of furnishing farmers curing space or stripping space, shall be identified by a sale memo from the marketing card issued for the farm on which the tobacco was produced. The producer's signature shall be obtained in Item 3 on the sale memo from a Form MQ–76 or in the space provided on the bill of Nonwarehouse Sale on the reverse side of a sale memo from a Form MQ–77. Any sale of producer's tobacco which is not identified by a marketing card (Form MQ–76 or Form MQ–77) shall be identified by a Form MQ–82 executed by a marketing recorder or other representative of the State executive director. The dealer shall record or have a marketing recorder record each purchase of nonwarehouse tobacco made by him on Form MQ–79, Dealers' Record.

21. Paragraph (f) is amended to read:

(f) *Report to warehousemen for buyers corrections account of tobacco received.* Notwithstanding the provisions of § 724.102, any dealer, buyer, or any other person receiving tobacco from or through a warehouseman at an auction sale or otherwise, which is not invoiced to him or which is incorrectly invoiced to him by the warehouseman, shall furnish the warehouseman on a daily basis an invoice or an adjustment invoice correctly setting forth the pounds and dollars for which he has not been invoiced or for which he has been invoiced incorrectly.

In § 724.102 Dealers exempt from regular records and reports, excluding cigar tobacco buyers:

22. The proviso contained in paragraph (a) is revised to read: *"Provided, however,* That, any such dealer or buyer who purchases tobacco at nonwarehouse sale or who purchases or resells tobacco from or to another dealer or a warehouseman, but not at a warehouse sale or a hogshead warehouse sale, shall be subject to the provisions of § 724.101 with respect to such purchases and resales".

23. Section 724.108 *Examination of records and reports*, is amended by adding a sentence at the end thereof to read: "The records and reports, including buyer invoices (bill-outs) and basket tickets, shall be kept in an orderly manner by sale day to facilitate examination and verification."

NOTE: The reporting and recordkeeping requirements contained herein have been approvided by, and subsequent reporting and recordkeeping requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Secs. 301, 314, 375, 52 Stat. 38, as amended, 48, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1301, 1314, 1375)

Effective date: Date of publication.

Signed at Washington, D.C., on November 4, 1965.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65–12045; Filed, Nov. 8, 1965; 8:50 a.m.]

PART 730—RICE

Subpart—1966–67 Marketing Year

PROCLAMATIONS AND DETERMINATIONS WITH RESPECT TO MARKETING QUOTAS AND NATIONAL ACREAGE ALLOTMENT FOR 1966 CROP RICE, AND APPORTIONMENT OF 1966 NATIONAL ACREAGE ALLOTMENT OF RICE AMONG THE SEVERAL STATES

Sec.
730.1701 Basis and purpose.
730.1702 Marketing quotas on 1966 crop rice.
730.1703 National acreage allotment of rice for 1966.
730.1704 Apportionment of 1966 national acreage allotment of rice among the several States.

AUTHORITY: The provisions of this subpart issued under secs. 301, 352, 353, 354, 375, 52 Stat. 38, 60, 61, 66, as amended; 7 U.S.C. 1301, 1352, 1353, 1354, 1375.

§ 730.1701 Basis and purpose.

(a) Section 730.1702 is issued under and in accordance with sections 301 and 354 of the Agricultural Adjustment Act of 1938, as amended, to proclaim the total supply and normal supply of rice for the marketing year beginning August 1, 1965, and to proclaim that marketing quotas will be applicable to the 1966 crop of rice. Section 730.1703 is issued under and in accordance with sections 352 and 353 of the Agricultural Adjustment Act of 1938, as amended, to proclaim the national acreage allotment of rice for the calendar year 1966. Section 353(c)(6) of the act, as amended by section 301 of Public Law 85–835, 72 Stat. 994, provides that the national acreage allotment of rice for 1966 shall be not less than the total acreage allotted in 1956.

Section 730.1704 is issued under and in accordance with section 353 of the Agricultural Adjustment Act of 1938, as amended, to apportion among the several States the national acreage allotment of rice for 1966 as proclaimed in § 730.1703 hereof. Section 353 of the act provides that the national acreage allotment of rice for 1966, less a reserve of not to exceed one per centum for apportionment to farms receiving inadequate allotments, shall be apportioned among the States in the same proportion that they shared in the total acreage allotted in 1956.

Section 353(b) of the act, as amended by Public Law 85–443, authorizes the Secretary of Agriculture under certain circumstances to divide any State into two administrative areas to be designated "producer administrative area" and "farm administrative area," and provides that if any State is so divided into administrative areas the term "State acreage allotment" for the purposes of section 353 of the Agricultural Adjustment Act of 1938, as amended, shall be deemed to mean that part of the State acreage allotment apportioned to each administrative area.

Section 353(c)(1) of the act, as amended by Public Law 85–443, provides that if any State is divided into administrative areas, the allotment for each area shall be determined by apportioning the State acreage allotment among counties as provided in section 353(c)(1) of the Agricultural Adjustment Act of 1938, as amended, and totaling the allotments for the counties in each such area. The acreage allotments for the "farm administrative area" and "producer administrative area" in the State of Louisiana which are set out in § 730.1704 were determined by apportioning the State acreage allotment for Louisiana among the counties in the State in the same proportion which each such county shared in the total acreage allotted in the State in 1956, as provided in section 353(c)(1) of the Agricultural Adjustment Act of 1938, as amended, and totaling the allotments for the counties in each such area.

(b) The findings and determinations made in §§ 730.1702, 730.1703, and 730.1704 have been made on the basis of the latest available statistics of the Federal Government. The findings in § 730.1702 show that marketing quotas are required for the 1966 crop of rice. The determinations made in § 730.1703 indicate the amount of the 1966 national acreage allotment of rice.

(c) Prior to taking action herein, public notice (30 F.R. 12684) was given in accordance with the Administrative Procedure Act (5 U.S.C. 1003), that the Secretary was preparing to determine whether marketing quotas are required for the 1966 crop of rice, to determine and proclaim the national acreage allotment of rice for 1966, and to apportion among the States the 1966 national acreage allotment of rice. No data, views, and recommendations were submitted pursuant to such notice.

(d) The Agricultural Adjustment Act of 1938, as amended requires that the proclamation with respect to marketing quotas for the 1966 crop of rice be issued not later than December 31, 1965; that the referendum to determine whether farmers are in favor of or opposed to such quotas be held within 30 days after the issuance of the proclamation; and that insofar as practicable operators of farms be notified of their farm rice acreage allotments prior to the holding of the referendum. Therefore, it is necessary to waive the 30-day effective date provision of section 4 of the Administrative Procedure Act and such provision is hereby waived. Accordingly, the regulations in §§ 730.1701 to 730.1704, inclusive, shall become effective upon filing with the Director, Office of the Federal Register.

§ 730.1702 Marketing quotas on 1966 crop of rice.

The total supply of rice in the United States for the marketing year beginning August 1, 1965, is determined to be 83,500 thousand hundredweight (rough basis). The normal supply of rice for such marketing year is determined to be 81,620 thousand hundredweight. Since the total supply of rice for the 1965–66 marketing year exceeds the normal supply for such marketing year, marketing quotas shall be in effect on the 1966 crop of rice.

§ 730.1703 National acreage allotment of rice for 1966.

The normal supply of rice for the marketing year commencing August 1, 1966, is determined to be 79,054 thousand hundredweight (rough basis). The carryover of rice on August 1, 1966, is determined to be 9,000 thousand hundredweight. Therefore, the production of rice needed in 1966 to make available a total supply of rice for the 1966–67 marketing year equal to the normal supply for such marketing year is 70,054 thousand hundredweight. The national average yield of rice for the 5 calendar years, 1961 through 1965 is determined to be 3,852 pounds per planted acre. The national acreage allotment of rice for 1966 computed on the basis of the production of rice needed in 1966 and the national average yield per planted acre of rice for the 5 calendar years, 1961 through 1965, is 1,818,638 acres. Since this amount is more than the total acreage allotted in 1956, which is the minimum for 1966 provided by law, the national acreage allotment of rice for the calendar year 1966 shall be 1,818,638 acres.

§ 730.1704 Apportionment of 1966 national acreage allotment of rice among the several States.

The national acreage allotment proclaimed in § 730.1703, less a reserve of 672 acres, is hereby apportioned among the several rice-producing States as follows:

State		Acres
Arizona		252
Arkansas		439,019
California		329,822
Florida		1,053
Illinois		22
Louisiana:		
Farm Administrative Area	503,984	
Producer Administrative Area	18,651	
State total		522,635
Mississippi		51,354
Missouri		5,245
North Carolina		42
Oklahoma		164
South Carolina		3,132
Tennessee		569
Texas		464,657
Total apportioned to States		1,817,966
Unapportioned National Reserve		672
U.S. total		1,818,638

Effective date. Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on October 28, 1965.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 65–12020; Filed, Nov. 8, 1965; 8:48 a.m.]

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 5]

PART 751—LAND USE ADJUSTMENT PROGRAM

Subpart—1963 Cropland Conversion Program

DEFINITION; DIRECTOR

The regulations governing the 1963 Cropland Conversion Program, 28 F.R. 1206 as amended are hereby further amended as follows:

Section 751.49(d) is amended by changing the definition of the term "Director" to read as follows:

§ 751.49 Definitions.

* * * * * *

(d) "Director" means the Director or Acting Director of the Farmer Programs Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

* * * * * *

(Sec. 16(c), 76 Stat. 606; U.S.C. 590(e))

Effective date. Date of signature.

Signed at Washington, D.C., on November 4, 1965.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65–12046; Filed, Nov. 8, 1965; 8:51 a.m.]

[Amdt. 1]

PART 751—LAND USE ADJUSTMENT PROGRAM

Subpart—1964–65 Cropland Conversion Program

DEFINITION OF DIRECTOR

The regulations governing the 1964–65 Cropland Conversion Program, 29 F.R. 13559, as amended, are hereby further amended as follows:

Section 751.51(d) is amended by changing the definition of the term "Director" to read as follows:

§ 751.51 Definitions.

* * * * * *

(d) "Director" means the Director or Acting Director of the Farmer Programs Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

* * * * * *

(Sec. 16(e), 76 Stat. 606; 16 U.S.C. 590p (e))

Effective date. Date of signature.

Signed at Washington, D.C., on November 4, 1965.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65–12047; Filed, Nov. 8, 1965; 8:51 a.m.]

[Amdt. 2]

PART 755—REGIONAL PROGRAMS

Subpart—Appalachian Land Stabilization and Conservation Program

DEFINITIONS, STATE PROGRAMS

The regulations governing the Appalachian Land Stabilization and Conservation Program, 30 F.R. 8669, as amended, are hereby further amended as follows:

1. Section 755.1(f) is amended by changing the definition of the term "Director" to read as follows:

(f) "Director" means the Director or Acting Director of the Farmer Programs Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture.

2. The last sentence of § 755.5(f) is amended to read as follows:

(f) * * * Responsibility is assigned to the Farmer Programs Division, ASCS, for review and recommendation for approval or disapproval by the Secretary.

(Pub. Law 89–4, 79 Stat. 5, 12 (1965))

Effective date. Date of signature.

Signed at Washington, D.C., on November 4, 1965.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65–12049; Filed, Nov. 8, 1965; 8:51 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Expenses of Raisin Administrative Committee and Rate of Assessment for 1965–66 Crop Year

Notice was published in the October 22, 1965, issue of the FEDERAL REGISTER (30 F.R. 13456) regarding proposed expenses of the Raisin Administrative Committee for the 1965–66 crop year and rate of assessment for that crop year, pursuant to §§ 989.79 and 989.80 of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in Cali-

fornia. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons opportunity to submit written data, views, or arguments with respect to the proposal. None were received within the prescribed time.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Raisin Administrative Committee, and other available information, it is found that the expenses of the Raisin Administrative Committee and the rate of assessment for the crop year beginning September 1, 1965, shall be as follows:

§ 989.316 Expenses of the Raisin Administrative Committee and rate of assessment for the 1965–66 crop year.

(a) *Expenses.* Expenses (other than these specified in § 989.82) in the amount of $107.840 are reasonable and likely to be incurred by the Raisin Administrative Committee during the crop year beginning September 1, 1965, for the maintenance and functioning of the Committee and the Raisin Advisory Board and for such purposes as the Secretary may, in accordance with § 989.79, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for that crop year which each handler is required, pursuant to § 989.80, to pay to the Raisin Administrative Committee as his pro rata share of the expenses is fixed at 80 cents per ton applicable to each of the following:

(1) Free tonnage raisins acquired by the handler during the crop year, exclusive of such quantity thereof as represents the assessable portions of other handlers' raisins pursuant to subparagraph (3) of this paragraph;

(2) Reserve tonnage raisins sold to the handler by the Committee pursuant to § 989.67 during the crop year; and

(3) Standard raisins (which he does not acquire) recovered by the handler by the reconditioning of off-grade raisins but only to the extent of the aggregate quantity of the free tonnage portions of these standard raisins that are acquired by other handlers during the crop year.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)) in that: (1) The relevant provisions of said amended marketing agreement and order require that the rate of assessment fixed for a particular crop year which handlers are required to pay shall be applicable to all free tonnage raisins of the crop year and to all reserve tonnage raisins sold to handlers by the Committee during the crop year; and (2) the current crop year began on September 1, 1965, and the rate of assessment fixed herein will automatically apply to all such raisins beginning with that date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 3, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–12023; Filed, Nov. 8, 1965; 8:49 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 1]

PART 1427—COTTON

Subpart—Standards for Approval of Cotton Warehouses and Continuing Operation Under Price Support Programs

MAXIMUM NET WORTH REQUIREMENT

On August 5, 1965, there was published in the FEDERAL REGISTER (30 F.R. 9759) standards for approval of cotton warehouses and continuing operation under price support programs of the Commodity Credit Corporation. In order to specify the maximum net worth which is required of any warehouseman, paragraph (a)(4) of § 1427.1084 of such standards is hereby amended to read as follows:

§ 1427.1084 Standards for warehousemen and warehouses.

• • • • • •

(a) • • •

(4) Have a net worth equal to at least the product of the total capacity in bales times $5 per bale with a minimum net worth of $10,000 and a maximum net worth which need not be more than $100,000. A deficiency in net worth must be made up by an increase in the amount of the bond in an equal amount, except that the warehouseman must have at least $10,000 net worth.

• • • • • •

Effective date. Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on November 4, 1965.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 65–12048; Filed, Nov. 8, 1965; 8:51 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 20—FROZEN DESSERTS

Ice Cream; Confirmation of Effective Date of Order Amending Identity Standard

In the matter of amending the standard of identity for ice cream (21 CFR 20.1):

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919; 72 Stat. 948; 21 U.S.C. 341, 371), and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of September 17, 1965 (30 F.R. 11915). Accordingly, the amendments promulgated by that order will become effective December 31, 1965.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: November 1, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65–12007; Filed, Nov. 8, 1965; 8:47 a.m.]

PART 51—CANNED VEGETABLES OTHER THAN THOSE SPECIFICALLY REGULATED

Canned Bean Sprouts; Order Amending Standard of Identity

In the matter of amending the definition and standard of identity for canned bean sprouts to provide for the use of calcium lactate as a permitted optional ingredient:

The Commissioner or Food and Drugs has studied the comments received in response to the notice of proposed rulemaking in the above-identified matter published in the FEDERAL REGISTER of Aug. 13, 1965 (30 F.R. 10115), together with other pertinent information and data, and has concluded that it will promote honesty and fair dealing in the interest of consumers to adopt the amendment proposed, but with the qualification that the calcium lactate be declared as such on the label of the food involved. Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended; 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.90): *It is ordered*, That § 51.990 be amended by adding to paragraphs (c) and (f) new subparagraphs, as follows:

§ 51.990 Canned vegetables other than those specifically regulated; identity; label statement of optional ingredients.

• • • • • •

(c) • • •

(3) • • •

(iii) In the case of canned bean sprouts, calcium lactate may be added in an amount reasonably necessary to improve crispness but not in an amount such that the calcium contained therein exceeds 0.051 percent of the weight of the finished food.

• • • • • •

(f) • • •

(12) If the optional ingredient specified in paragraph (c)(3)(iii) of this section is present, the label shall bear the statement "Calcium lactate added to improve crispness."

Any person who will be adversely affected by the foregoing order may at any time within 30 days following the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 948; 21 U.S.C. 341, 371)

Dated: November 1, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65–12008; Filed, Nov. 8, 1965; 8:47 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Inorganic Bromides Resulting From Soil Treatment With Ethylene Dibromide; Tolerance for Residues

A petition (PP 5F0429) was filed with the Food and Drug Administration by The Dow Chemical Co., Post Office Box 512, Midland, Mich., 48641, requesting the establishment of a tolerance of 25 parts per million for residues of inorganic bromides (calculated as Br) in or on peanuts grown in soil treated with the nematocide ethylene dibromide.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purpose for which a tolerance is being established.

Data before the Commissioner show that peanut hay and peanut hulls grown on soil treated with ethylene dibromide or 1,2-dibromo-3-chloropropane cannot be fed to cattle without transmission of inorganic bromides from feed to meat and milk. A statement regarding limitations on the use of peanut hay and peanut hulls from peanuts grown on such treated soil is being currently published in this order under § 120.126a.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90) the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) are amended as set forth below:

1. Section 120.126 is amended by adding a tolerance of 25 parts per million for residues of inorganic bromides in or on peanuts, as follows:

§ 120.126 Inorganic bromides resulting from soil treatment with ethylene dibromide; tolerances for residues.

• • • • • •

25 parts per million in or on cottonseed, peanuts (see § 120.126a).

2. Part 120 is amended by adding thereto the following new section:

§ 120.126a Inorganic bromide residues in peanut hay and peanut hulls; statement of policy.

(a) Investigations by the Food and Drug Administration show that peanut hay and peanut hulls have been used as feed for meat and dairy animals. While many growers now harvest peanuts with combines and leave the hay on the ground to be incorporated into the soil, some growers follow the practice of curing peanuts on the vines in a stack and save the hay for animal feed. Peanut shells or hulls have been used to a minor extent as roughage for cattle feed. It has been established that the feeding to cattle of peanut hay and peanut hulls containing residues of inorganic bromides will contribute considerable residues of inorganic bromides to the meat and milk.

(b) There are no tolerances for inorganic bromides in meat and milk to cover residues from use of such peanut hay and peanut hulls as animal feed. Peanut hay and peanut hulls containing residues of inorganic bromides from the use of nematocides such as ethylene dibromide or 1,2-dibromo-3-chloropropane are unsuitable as an ingredient in the feed of meat and dairy animals and should not be represented, sold, or used for that purpose.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: November 1, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65–12009; Filed, Nov. 8, 1965; 8:47 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Inorganic Bromides Resulting From Soil Treatment With 1,2-Dibromo-3-Chloropropane; Tolerance for Residues

A petition (PP 5F0430) was filed with the Food and Drug Administration by The Dow Chemical Co., Post Office Box 512, Midland, Mich., 48641, on behalf of itself and Shell Chemical Co., 110 West 51st Street, New York, N.Y., 10020, requesting the establishment of a tolerance of 50 parts per million for residues of inorganic bromides (calculated as Br) in or on peanuts grown in soil treated with the nematocide 1,2-dibromo-3-chloropropane.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purpose for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Sec-

retary (21 CFR 2.90), § 120.197 is amended by adding a tolerance of 50 parts per million for residues of inorganic bromides in or on peanuts, as follows:

§ 120.197 Inorganic bromides resulting from soil treatment with 1,2-dibromo-3-chloropropane; tolerances for residues.

* * * * *

50 parts per million in or on broccoli, brussels sprouts, cabbage, cantaloupes, cauliflower, eggplants, honeydew melons, muskmelons, peanuts,[1] peppers, pineapples, tomatoes.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: October 29, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-12010; Filed, Nov. 8, 1965; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

EMULSIFIERS AND/OR SURFACE-ACTIVE AGENTS

The Commissioner of Food and Drugs, having evaluated the data in a petition (PAP 5B1714) filed by American Cyanamid Co., Wayne, N.J., 07470, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of tetrasodium *N*-(1,2-dicarboxyethyl)-*N*-octadecylsulfosuccinamate as a polymerization emulsifier for resins applied to tea-bag material. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.2541(c) is amended by inserting alphabetically in the list of substances a new item, as follows:

§ 121.2541 Emulsifiers and/or surface-active agents.

* * * * *

(c) List of substances:

* * * * *

Tetrasodium *N*-(1,2-dicarboxyethyl)-*N*-octadecylsulfosuccinamate, for use only as a polymerization emulsifier for resins applied to tea-bag material.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: November 1, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-12011; Filed, Nov. 8, 1965; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart G—Radiation and Radiation Sources Intended for Use in the Production, Processing, and Handling of Food

GAMMA RADIATION FOR THE TREATMENT OF FOOD

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 5M1644) filed by the Department of the Army, Quartermaster Research and Engineering Command, Natick, Mass., 01761, and other relevant material, has concluded that the food additive regulations should be amended to provide an increased total dose of gamma radiation that may be safely used on white potatoes. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.3003 *Gamma radiation for the treatment of wheat and potatoes* is amended by changing the limitation column for white potatoes to read:

Absorbed dose: 5,000 to 15,000 rads.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: November 1, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-12012; Filed, Nov. 8, 1965; 8:48 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

Chesapeake Bay, Md.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 204.36 governing the use and navigation of a danger zone in Chesapeake Bay, in the vicinity of Bloodsworth Island, Md., is hereby amended making minor revisions in paragraph (b), effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 204.36 Chesapeake Bay, in vicinity of Bloodsworth Island, Md.; shore bombardment, air bombing, air strafing, and rocket firing area, U.S. Navy.

* * * * *

(b) *The regulations.* * * *

(4) Warning that ships are firing or soon will be firing will be indicated during daylight by a red flag prominently displayed from a tower off Okahanikan Point at latitude 38°77'45", longitude 76°05'35", and at night by a searchlight beam pointed into the sky. Warning that aircraft are firing or soon will be firing will be indicated by the aircraft patrolling the area. All persons, vessels, and other craft shall clear the area when these signals are displayed or when warned by patrol vessels or by aircraft employing the method of warning known as "buzzing" which consists of low flight by the airplane and repeated opening and closing of the throttle.

(5) During hours when firing is in progress or is about to commence, no fishing or oystering vessels or other craft not directly connected with the firing shall navigate within the restricted area, except that deep-draft vessels proceeding in established navigation lanes and propelled by mechanical power at a speed greater than five knots normally will be permitted to traverse the area. When ships are firing or soon will be firing, permission for such deep-draft vessels to enter and traverse the area will be indicated during daylight by dipping the red warning flag to half-mast, and at night by flashing the warning searchlight. When aircraft are firing or soon will be firing in the danger zone, such deep-draft vessels may proceed unless warned to stay clear of the area by the method of warning known as "buzzing."

(6) When firing is not in progress or is not about to commence, oystering and fishing boats and other craft may operate within the restricted area.

* * * * *

(Regs., Oct. 26, 1965, 1507-32 (Chesapeake Bay, Md.)-ENGCW-ON; sec. 7, 40 Stat. 266; 33 U.S.C. 1)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 65-11984; Filed, Nov. 8, 1965; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 2—DELEGATIONS OF AUTHORITY

Revocations

In Part 2, §§ 2.58, 2.59, 2.60 and 2.61 are revoked effective November 2, 1965; however, these regulations remain in force insofar as they are pertinent to any problems, appeals, litigation, or determinations of liability of educational institutions or training establishments for overpayments under 38 U.S.C. 1666.

Approved: November 2, 1965.

By direction of the Administrator.

[SEAL] A. H. MONK,
Acting Deputy Administrator.

[F.R. Doc. 65-12025; Filed, Nov. 8, 1965; 8:49 a.m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart B—Education of Korean Conflict Veterans

In Part 21, Subpart B is revoked.

Subpart B, Education of Korean Conflict Veterans under 38 U.S.C. Chapter 33, is revoked effective November 2, 1965; however, these regulations remain in force insofar as they are pertinent to any problems, appeals, litigation, or determinations of liability of educational institutions or training establishments for overpayments under 38 U.S.C. 1666.

Approved: November 2, 1965.

By direction of the Administrator.

[SEAL] A. H. MONK,
Acting Deputy Administrator.

[F.R. Doc. 65-12024; Filed, Nov. 8, 1965; 8:49 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 168—DIRECTORY OF INTERNATIONAL MAIL

Individual Countries

The regulations of the Post Office Department are amended as follows:

In § 168.5 *Individual country regulations*, make the following changes:

I. In country "Germany (including Saar)" the following changes are made to eliminate references to "Democratic Republic" in referring mail to Eastern Germany:

A. Under Postal Union Mail, the second and third paragraphs are deleted under the item *Observations*.

B. Under Parcel Post, the following changes are made:

1. Under the item *Observations*, the following material is deleted from the first paragraph:

Observations. * * *

Parcels may be addressed "Federal Republic of Germany" or "Berlin (Western Sector)". * * *

2. Under the item *Observations*, the following material is deleted from the fifth paragraph:

Observations. * * *

The postal authorities of Eastern Germany claim that in order to facilitate delivery of parcels, the place of destination should be given as "German Democratic Republic." Parcels addressed "German Russian Zone" or "Germany-Soviet Zone" may be returned to origin. Persons desiring to mail parcels to Eastern Germany should be advised accordingly.

II. In country "Kenya," under Parcel Post, the items *Prohibitions* and *Import restrictions* are deleted.

III. In country "Mexico," under Parcel Post, the present second paragraph under the item *Observations* is deleted and a new second paragraph is inserted in lieu thereof which requires mailers to mark packages to show that addressees possess Mexican import licenses if required. As so inserted, new paragraph two reads as follows:

Parcel Post

* * * * *

Observation. * * *

Parcel post and postal union mail packages for which the declared value exceeds $16.00 (U.S. currency) are not to be accepted for mailing unless the sender has marked the wrapper "Addressee possesses Mexican import license" or "Addressee does not require Mexican import license". Information concerning the Mexican import duties applicable to specific items and their status under Mexican import control may be obtained by sending a description of the items to the American Republic Division, Bureau of International Programs, Department of Commerce, Washington, D.C., 20230, or any field office of that Department.

IV. In country "Uganda", current regulations read as follows:

Postal Union Mail

Surface rates, classifications, weight limits, and dimensions.—See § 168.1.

Air rates.—(See § 168.1 for classifications, weight limits and dimensions.)

Letters, 25 cents per half ounce.
Single post cards, 11 cents each.
Aerogrammes, 11 cents each.
Other articles, 50 cents first 2 ounces; 30 cents each additional 2 ounces.

Small packets.—Accepted.

Letters packages containing dutiable merchandise.—Accepted. See § 112.1(e) of this chapter.

Postal Manual.—Perishable biological materials accepted. See § 111.3(b)(5) of this chapter.

Registration.—Fee, 60 cents Maximum indemnity, $8.17.

Special delivery.—Yes. See § 168.3 for fees and other conditions.

Money orders.—Yes. See § 61.2 of this chapter.

Prohibitions.—Coins, unless intended for ornament. Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Parcel Post

Surface parcel rates.—Two pounds or less, 90 cents; each additional pound 35 cents.

Air parcel rates.—Four ounces or less, $1.86; each additional 4 ounces, 69 cents.

Weight limit: 22 pounds.
Sealing: Optional.
Registration: No.
Insurance: No.
Postal forms required:
1 Form 2922.
1 Form 2966.

Dimensions.—Length, 3½ feet; length and girth combined, 6 feet.

Special handling.—Available to port of dispatch only. See § 168.4 for fees.

Indemnity.—No provision.

Prohibitions.—Switchblade knives. Firearms including airguns and imitation pistols; military uniforms and clothing resembling them, unless the addressee possesses a permit.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

HARVEY H. HANNAH,
Acting General Counsel.

[F.R. Doc. 65-12014; Filed, Nov. 8, 1965; 8:48 a.m.]

[1] See § 120.126a for restrictions against use of peanut hay and peanut hulls for animal feed.

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER D—GRANTS

PART 51—GRANTS TO STATES FOR PUBLIC HEALTH SERVICES

Home Health Services; Heart Disease Control

Notice of proposed rule making, public rule making procedures, and delay in effective date have been omitted as unnecessary in the issuance of the following amendments to this part which relate solely to grants to States for programs relating to home health services and heart disease control. The purpose of these amendments is to include a new category for home health services and to change the allotment basis (from 50 cents to 70 cents for the first 100,000 population) for heart disease.

Pursuant to section 314(j) of the Public Health Service Act, as amended (58 Stat. 695; 42 U.S.C. 246 (j)), these amendments are made after consultation with, and with the agreement of, a conference of the State health authorities.

Effective date: The amendment to § 51.3(e), in paragraph number 3 below, shall become effective only upon the publication in the FEDERAL REGISTER.

All other amendments listed below shall become effective only upon the enactment of an Act appropriating funds specifically for home health services, as authorized by section 314(c) of the PHS Act, and upon the date of such enactment or the date of publication of such amendments in the FEDERAL REGISTER, whichever is later.

1. Section 51.1(f) is amended to read as follows:

§ 51.1 Definitions.

* * * * *

(f) "Plans" refers to the information and proposals submitted by the State health authority pursuant to the regulations in this part for activities of the State and political subdivisions thereof for (1) the prevention, treatment and control of venereal disease, (2) the prevention, treatment and control of tuberculosis, (3) establishing and maintaining public health services, (4) the prevention, treatment and control of mental illness, including emotional, psychiatric and neurological disorders, (5) establishing and maintaining organized community programs of heart disease control, (6) the prevention, control and eradication of cancer, (7) services for the chronically ill and the aged, (8) establishing and maintaining radiological health services, (9) establishing and maintaining dental health services, or (10) developing, improving and expanding home health services.

* * * * *

2. Section 51.2 is amended by adding thereto a new paragraph (i) which reads as follows:

§ 51.2 Allotments; extent of health problems.

* * * * *

(i) *Home health services.* The extent of the home health services problem shall be equal to the population 65 years of age and over in each State.

3. Section 51.3 is amended by amending paragraph (e) and by adding thereto a new paragraph (j), so that such paragraphs (e) and (j) read as follows:

§ 51.3 Basis of allotments.

* * * * *

(e) *Heart disease.* Of the amount available for allotment for heart disease control programs:

(1) A portion on the basis of a uniform per capita allotment not to exceed 70 cents per capita for the first 100,000 population or part thereof of each State;

(2) The remaining amount on the basis of the remaining population of each State weighted by financial need.

* * * * *

(j) Of the amount available for allotment for home health services, 100 percent on the basis of population 65 years of age and over weighted by financial need.

4. Section 51.4(c) is amended to read as follows:

§ 51.4 Allotments; estimates; time of making; duration.

* * * * *

(c) Allotments for each program for the first six months shall be made prior to the beginning of the fiscal year or as soon thereafter as practicable, and shall equal not less than 60 percent nor more than 70 percent of the total sum determined to be available for allotment during that fiscal year. At the end of the second quarter, the amounts of all allotments for the first six-month period which have not been certified for payment to the respective States pursuant to § 51.8 shall become available for allotment among the States in the same manner as moneys which had not previously been allotted: *Provided*, That with respect to grants from the fiscal year 1966 appropriation for home health services, 100 percent of the funds available for allotment shall be allotted as soon as practicable in the fiscal year, and that such allotments shall remain available for the remainder of the fiscal year.

5. The introductory text of § 51.6(b) preceding subparagraph (1) is amended to read as follows:

§ 51.6 Plans; contents.

* * * * *

(b) The State health department shall, with respect to its total annual expenditures of Federal and required matching funds for its venereal disease, tuberculosis, heart, cancer, mental health, the chronically ill and the aged, radiological health, dental health, and home health services programs, provide in its State plan for the allocation of such expenditures to such programs in accordance with either of the following procedures:

* * * * *

6. Section 51.9(a) is amended to read as follows:

§ 51.9 Required expenditures of State and local funds; funds of cooperating agencies.

(a) Moneys paid to any State or to a cooperating agency pursuant to section 314 of the Act shall be paid upon the condition that there shall be expended in the State during the fiscal year for which payment is made and for purposes specified in the plan with respect to which payment is made, public funds of the State and its political subdivisions (or in the case of payments to a cooperating agency having an approved heart disease control plan, funds of the cooperating agency) in amounts which shall be exclusive of any funds derived from loan or grant from the United States for the same general purpose and which shall equal separately for venereal disease control, tuberculosis, mental health, general health, the chronically ill and the aged, heart disease, radiological health, and dental health, 100 percent of the Federal grant funds expended pursuant to the plan; and which shall equal separately for home health services 10 percent of the Federal grant funds expended pursuant to the plan.

* * * * *

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Interpret or apply sec. 314, 58 Stat. 693, as amended; 42 U.S.C. 246)

Dated:

[SEAL] LUTHER L. TERRY,
Surgeon General.

Approved: November 1, 1965.

WILBUR J. COHEN,
Acting Secretary.

[F.R. Doc. 65-12013; Filed, Nov. 8, 1965; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3861]

[Arizona 031726]

ARIZONA

Powersite Restoration No. 648 and Cancellation No. 238; Partly Revoking Certain Waterpower Withdrawals and Opening Public Lands

By virtue of the authority contained in section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and in the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), as amended, and Reorganization Plan No. 3 (64 Stat. 1262; 5 U.S.C. 133z–15, note), and the Act of June 20, 1910 (36 Stat. 557, 575), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The Executive Orders of March 1, 1912, December 9, 1909, March 21, 1917, and November 22, 1924, creating Powersite Reserve Nos. 242, 83, 590, and 759, respectively; the departmental order of February 1, 1917, creating Waterpower Designation No. 4; and the order of the Geological Survey of November 16, 1956, creating Powersite Classification No. 438, are hereby revoked and cancelled so far as they affect the following described lands:

GILA AND SALT RIVER MERIDIAN

T. 4 S., R. 22 E.,
Sec. 1, S½S½;
Sec. 2, lot 4;
Sec. 11, lot 1;
Sec. 12, S½SE¼.
T. 5 S., R. 26 E.,
Sec. 25, S½;
Sec. 35, E½;
Sec. 36, NE¼, lots 1, 2, W½SE¼, W½.
T. 6 S., R. 28 E.,
Sec. 1, SE¼, W½ (unsurveyed), and lots 1, 2, S½NE¼;
Sec. 16, E½, E½NW¼, SW¼NW¼, SW¼;
Sec. 29, lots 1 to 4, incl., E½W½, E½;
Sec. 30, N½, N½SE¼, SW¼SE¼ (unsurveyed), and lots 1, 2, E½SW¼;
Sec. 31, lots 1, 2, 3;
Sec. 32, lots 1 to 4, incl., W½E½; NW¼;
and all lands within ¼ mile of the Gila River.
T. 4 S., R. 29 E.,
Sec. 1, S½SE¼.
T. 5 S., 29 E.,
Sec. 1, lots 1, 10, 11, 18;
Sec. 11, E½NE¼, SE¼, S½SW¼;
Sec. 12, lots 1, 2, and 5 to 16, incl., W½;
Sec. 13, lots 1 to 4, incl., W½;
Sec. 14, N½, SW¼, W½SE¼;
Sec. 15, S½NE¼, SE¼, S½SW¼;
Sec. 16, S½SE¼;
Sec. 19, S½NE¼, S½;
Sec. 20, S½SE¼;
Secs. 21 and 22;
Sec. 23, S½;
Sec. 24, lots 9 to 16, incl., SW¼;
Sec. 25, lots 1 to 16, incl., W½;
Secs. 26 to 31, incl.;
Sec. 32, N½, NW¼SE¼, SW¼;
Sec. 33, NE¼, N½NW¼;
Sec. 34, N½, SE¼, NE¼SW¼;
Sec. 35;
Sec. 36, lots 1 to 12, incl., W½.
T. 6 S., R. 29 E.,
Every smallest legal subdivision any portion of which lies within ¼ mile of Gila River.
T. 3 S., R. 30 E.,
Sec. 1, lots 1, 2, S½NE¼, SE¼, E½SW¼, SW¼SW¼;
Sec. 9, S½NE¼, SE¼;
Sec. 10, W½NE¼, E½NW¼, SW¼NW¼, W½SE¼, SE¼SE¼, SW¼;
Sec. 11, N½, N½SE¼, SW¼SE¼, SW¼;
Sec. 12, N½NE¼, NW¼, W½SW¼, SE¼SW¼;
Sec. 14, NW¼NE¼, NW¼;
Sec. 15, N½, SW¼, W½SE¼;
Sec. 16, NE¼, SW¼, W½SE¼; N½N½NE¼SE¼, S½S½SE¼SE¼;
Sec. 21, N½NE¼, NW¼;
Sec. 22, N½NW¼.
T. 4 S., R. 30 E.,
Sec. 5, lots 1, 2, 4, S½NE¼, SE¼, SE¼SW¼, S½SW¼SW¼, S½N½SW¼SW¼;
Sec. 6, lots 1, 6, 7, E½SW¼;
Sec. 7, E½NE¼, SW¼NE¼, NW¼SE¼, E½SW¼;
Sec. 8, N½NE¼, SW¼NE¼, NW¼;
Sec. 18, E½SW¼, E½NW¼;
Sec. 19, N½NE¼, SE¼NE¼, SW¼SE¼;
Sec. 30, NW¼NE¼, NE¼SE¼;
Sec. 32, S½S½;
Sec. 33, lots 4 and 5.
T. 5 S., R. 30 E.,
Sec. 6, lots 3 to 9, incl., and 12 to 20, incl., and 23, 24;
Sec. 7, lots 1 to 4, incl., SE¼NW¼, NE¼SW¼;
Sec. 18, lot 1, NE¼NW¼;
Sec. 19, lot 4, SE¼SW¼;
Sec. 28, S½S½;
Sec. 29, S½NW¼, S½;
Sec. 30, lots 3, 4, SE¼SW¼, lots 1, 2, E½NW¼, NE¼SW¼, E½;
Sec. 31, E½, lot 2, NE¼NW¼, lots 3, 4, E½SW¼, lot 1, SE¼NW¼;
Sec. 32, W½, S½SE¼;
Sec. 33, N½, N½SE¼, SE¼SE¼, NE¼SW¼;
Sec. 34, W½SW¼.
T. 6 S., R. 30 E.,
Sec. 1, lots 1 to 4, incl., S½N½;
Sec. 3, lots 5, 6, 7, S½NW¼, SW¼NE¼, S½;
Sec. 4, lots 1 to 7, incl., S½NW¼, S½;
Sec. 5, lots 1 to 4, incl., S½N½;
Sec. 9, lots 1, 2, 3, and S½NE¼;
Sec. 10, lots 1 to 6, incl., SW¼NE¼, and S½NW¼;
Sec. 11.
T. 2 S., R. 31 E. (Part Unsurveyed),
Sec. 31, lots 1, 2, 3, 5, E½W½, E½SW¼-SW¼, E½;
and all land within 1 mile of San Francisco River; every smallest legal subdivision in unsurveyed secs. 17 to 20, incl., and 30 adjacent to Blue River which when surveyed will be in whole or in part under an altitude of 4,000 feet.
T. 3 S., R. 31 E.,
Sec. 2, lots 3, 4, SW¼NW¼;
Sec. 3, lots 1 to 9, incl., SW¼NE¼, W½SW¼, SE¼SW¼;
Sec. 4, lots 1 to 6, incl., W½SE¼;
Sec. 5, lots 1 to 4, incl., and S½NE¼;
Sec. 6, lots 1 and 3, and 6 to 12, incl., SW¼NE¼, SE¼NW¼, E½SW¼NW¼;
Sec. 10, N½NE¼.
T. 3 S., R. 32 (Unsurveyed),
All lands within 1 mile of San Francisco River.

2. In DA–131—Arizona issued July 5, 1960, the Federal Power Commission vacated the withdrawal pertaining to the following described lands under section 24 of the Federal Power Act for Project No. 837:

T. 5 S., R. 28 E.,
Sec. 12, SE¼SE¼;
Sec. 13, E½;
Sec. 25, E½E½;
Sec. 36, E½NE¼, lots 1, 2, W½SE¼.
T. 6 S., R. 28 E.,
Sec. 1, lot 1, S½, S½N½;
Sec. 2, S½NE¼, S½;
Sec. 10, E½;
Sec. 11;
Sec. 12, N½;
Sec. 14, N½, SW¼, W½SE¼;
Sec. 15, E½;
Sec. 21, E½, SE¼SW¼;
Sec. 22, N½NE¼, SW¼NE¼, NW¼, NW¼SW¼;
Sec. 23, NW¼NE¼, N½NW¼;
Sec. 28, N½, NW¼SW¼;
Sec. 29, NE¼NE¼, SW¼NE¼, SE¼NE¼, SE¼NW¼, S½.
T. 5 S., R. 29 E.,
Sec. 1, lots 10, 11, 18;
Sec. 7, S½SW¼;
Sec. 11, SE¼NE¼, S½SW¼, and SE¼;
Sec. 12, lots 1, 8 to 16, incl., SW¼;
Sec. 13, lots 1 to 4, incl., N½NW¼;
Sec. 14, N½NE¼, NW¼, NW¼SW¼;
Sec. 15, S½NE¼, SE¼, S½SW¼;
Sec. 16, S½SE¼;
Sec. 18, W½SE¼, W½;
Sec. 19, W½, W½E½;
Sec. 21, E½, S½SW¼;
Sec. 22, NW¼NE¼, W½;
Sec. 23, SE¼SE¼;
Sec. 24, lots 5 to 16, incl., SW¼SW¼;
Sec. 25, W½;
Sec. 26, NE¼, S½NW¼, and S½;
Sec. 27;
Sec. 28, N½NE¼, NW¼;
Sec. 29, NE¼, S½NW¼, N½S½, SW¼-SW¼;
Sec. 30, NW¼NE¼, S½NE¼, NW¼, S½;
Sec. 31, NE¼NE¼, W½NE¼, W½;
Sec. 35, N½N½, SE¼NW¼, SW¼NE¼;
Sec. 36, N½NW¼.
T. 6 S., R. 29 E.,
Sec. 6, W½, W½NE¼, NE¼NE¼;
Sec. 7, N½NW¼.
T. 5 S., R. 30 E.,
Sec. 6, lots 19, 20, 23, 24;
Sec. 7, lots 1 to 4, incl.;
Sec. 30, lots 3, 4, SE¼SW¼, NE¼SW¼, SE¼;
Sec. 31, NE¼, NE¼SE¼;
Sec. 32, NW¼.
T. 6 S., R. 30 E.,
Sec. 3, SE¼, S½SW¼;
Sec. 4, lots 2 to 7, incl., S½NW¼, N½SW¼, SE¼;
Sec. 9, NE¼NE¼;
Sec. 10, NW¼NE¼, N½NW¼.

The areas described in paragraphs 1 and 2 of this order aggregate approximately 41,231 acres, some of which have been patented and others of which are national forest lands. Portions of the lands are included in a withdrawal application Arizona 030451 of the Corps of Engineers, Department of the Army, as to which the regulations in 43 CFR 2311.1–2 (a) are applicable. The status of any tract may be ascertained by inquiry of the Manager of the Land Office hereinafter named.

3. The lands are located along the Gila River and its tributaries (Bonita Creek and Eagle Creek), from Sanchez to York Valley and along the San Francisco from its confluence with the Gila, to Evans Point. Access is relatively poor.

4. Until 10 a.m. on May 4, 1966, the State of Arizona shall have the preferred right of application to select the restored lands for school land indemnity purposes as provided by R.S. 2276 as amended (43 U.S.C. 852). The State also has a more limited preferred right of application for the restored land for highway easement or for highway material site purposes as provided by section 24 of the Act of June 10, 1920, as amended May 28, 1948 (62 Stat. 275; 16 U.S.C. 818).

5. At 10 a.m. on May 4, 1966, the public lands shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on December 8, 1965, shall be considered as simultaneously filed at that time. Those filed thereafter shall be considered in the order of filing.

6. The national forest lands shall be open at 10 a.m. on February 2, 1966, to such forms of disposition as may by law be made of national forest lands.

7. The lands have been open to applications and offers under the mineral leasing laws and to location under the U.S. mining laws.

Inquiries concerning the lands should be addressed to the Manager, Land Of-

fice, Bureau of Land Management, Phoenix, Ariz.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

NOVEMBER 2, 1965.

[F.R. Doc. 65-12004; Filed, Nov. 8, 1965; 8:46 a.m.]

[Public Land Order 3862]

[Washington 05805]

WASHINGTON

Withdrawal for National Forest Roadside Zone

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the United States mining laws (Ch. 2, Title 30 U.S.C.) in aid of programs of the Department of Agriculture:

WENATCHEE NATIONAL FOREST

WILLAMETTE MERIDIAN

Blewett Pass Highway (U.S. 97-PSH 2) Roadside Zone

A strip of land 200 feet on each side of surveyed centerline of U.S. Highway 97 through the following described lands:

T. 20 N., R. 17 E.,
Sec. 3, lot 2, SW¼NE¼ and W½SE¼;
Sec. 10, W½NE¼.
T. 21 N., R. 17 E.,
Sec. 15, W½NE¼, E½SW¼ and NW¼SE¼;
Sec. 22, N½NW¼, SW¼NW¼, NW¼SW¼, N½SE¼SW¼ and SE¼SE¼SW¼;
Sec. 27, E½SW¼, E½NE¼NW¼ and SE¼NW¼;
Sec. 34, lot 3, E½NW¼ and NE¼SW¼ excepting patented HES-160.

The area described contains approximately 250 acres.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

NOVEMBER 2, 1965.

[F.R. Doc. 65-12005; Filed, Nov. 8, 1965; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 65-991]

PART 0—COMMISSION ORGANIZATION

Authority Delegated to Executive Director

Order. The Commission, having under consideration the amendment of § 0.231 of its rules concerning delegations of authority to the Executive Director; and

It appearing, that the Commission, on July 22, 1965, issued a Public Notice (FCC 65-669) stating that it would consider requests for waiver of the application filing fees for modification applications occasioned by natural disasters; and

It further appearing, that a delegation of authority to act upon such requests for waiver of the filing fees would serve to expedite the Commission's business; and

It further appearing, that requests for waiver of the filing fees should be acted upon by the Executive Director, upon securing the concurrence of the General Counsel; and

It further appearing, that the amendments adopted herein pertain to Commission management and organization, and hence the notice and effective date requirements of section 4 of the Administrative Procedure Act are not applicable; and

It further appearing, that the amendments adopted herein are issued pursuant to authority contained in section 4(i), 5(d), and 303(r) of the Communications Act of 1934, as amended:

It is ordered, Effective November 12, 1965, that § 0.231 of the Commission's rules is amended to add a new paragraph (c) to read as follows:

§ 0.231 Authority delegated.

* * * * *

(c) The Executive Director, or his designee, upon securing concurrence of the General Counsel, is delegated authority to act upon requests for waiver of the filing fee requirements for modification applications occasioned by natural disasters.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U.S.C. 303, 155)

Adopted: November 3, 1965.

Released: November 4, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12034; Filed, Nov. 8, 1965; 8:49 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[Ex Parte No. MC-40]

PART 193—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Miscellaneous Amendments

At a session of the Interstate Commerce Commission, Motor Carrier Safety Board, held at its Office in Washington, D.C., on the 20th day of October A.D. 1965.

The matter of parts and accessories necessary for safe operation under the Motor Carrier Safety Regulations prescribed by order of April 14, 1952, as amended, being under consideration; and

It appearing, that on June 28, 1965, a notice of proposed rule making was issued in the above-numbered proceeding (30 F.R. 9206), proposing to amend § 193.50(b) and § 193.77 (b) and (c), of the Motor Carrier Safety Regulations,

It further appearing, that pursuant to such notice and the invitation contained therein, certain persons have submitted written statements containing data, views, and arguments concerning the proposed amendments, and that such statements have been carefully considered and, to the extent deemed justified, the proposed amendments have been modified accordingly;

Upon consideration of the record herein, and good cause appearing therefor;

It is ordered, That § 193.50(b) of Title 49, Code of Federal Regulations be, and it is hereby revised to read as follows:

§ 193.50 Reservoirs required.

* * * * *

(b) *Safeguarding of air and vacuum.* (1) On and after the effective date of this order, as provided in paragraph (c) of this section, every bus, truck, and truck-tractor, when equipped with air or vacuum reservoirs and regardless of date of manufacture, shall have such reservoirs so safeguarded by a check valve or equivalent device that in the event of failure or leakage in its connection to the source of compressed air or vacuum the air or vacuum supply in the reservoir shall not be depleted by the leak or failure.

(2) On and after the effective date of this order, means shall be provided to establish the check valve to be in working order. On and after May 1, 1966, means other than loosening or disconnection of any connection between the source of compressed air or vacuum and the check valve, and necessary tools for operation of such means, shall be provided to prove that the check valve is in working order. The means shall be readily accessible either from the front, side, or rear of the vehicle, or from the driver's compartment.

(i) In air brake systems with one reservoir, the means shall be a cock, valve, plug, or equivalent device arranged to vent a cavity having free communication with the connection between the check valve and the source of compressed air or vacuum.

(ii) Where air is delivered by a compressor into one tank or compartment (wet tank), and air for braking is taken directly from another tank or compartment (dry tank) only, with the required check valve between the tanks or compartments, a manually operated drain cock on the first (wet) tank or compartment will serve as a means herein required if it conforms to the requirements herein.

[1] Commissioner Hyde absent.

(iii) In vacuum systems stopping the engine will serve as the required means, the system remaining evacuated as indicated by the vacuum gauge.

* * * * *

It is further ordered, That § 193.77 (b) and (c) of Title 49, Code of Federal Regulations be and they are hereby amended by adding subparagraph (6) to paragraph (b) and amending subparagraph (12) of paragraph (c), as follows:

§ 193.77 Heaters.

On every motor vehicle, every heater shall comply with the following requirements:

* * * * *

(b) *Prohibited types of heaters.* The installation or use of the following types of heaters is prohibited:

* * * * *

(6) *Portable heaters.* Portable heaters shall not be used in any space occupied by persons except the cargo space of motor vehicles which are being loaded or unloaded.

(c) *Heater specifications.* All heaters shall comply with the following specifications:

* * * * *

(12) *Heater, automatic fuel control.* Gravity or siphon feed shall not be permitted for heaters using liquid fuels. Heaters using liquid fuels shall be equipped with automatic means for shutting off the fuel or for reducing such flow of fuel to the smallest practicable magnitude, in the event of overturn of the vehicle. Heaters using liquefied petroleum gas or fuel shall have the fuel line equipped with automatic means at the source of supply for shutting off the fuel in the event of separation, breakage, or disconnection of any of the fuel lines between the supply source and the heater.

* * * * *

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304)

It is further ordered, That this order shall become effective December 31, 1965, and shall remain in effect until the further order of the Commission.

And it is further ordered, That notice of this order shall be given to motor carriers, other persons of interest and to the general public by depositing a copy thereof in the Office of the Secretary of the Interstate Commerce Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Motor Carrier Safety Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 65-12029; Filed, Nov. 8, 1965; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[9 CFR Part 304]

MEAT INSPECTION

Retailers' Exemptions; Application for Inspection

Notice is hereby given, in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003), that pursuant to the authority conferred by the Meat Inspection Act, as amended (21 U.S.C. 71–91), it is proposed to delete § 304.4 of the Meat Inspection Regulations (9 CFR 304.4) and to amend §§ 304.2 and 304.3 of said regulations (9 CFR 304.2, 304.3) as follows:

1. In § 304.2, paragraph (a) would be amended by adding the following proviso before the period at the end of the first sentence: "*Provided, however,* That any applicant for inspection who held a certificate of exemption as a retail butcher or retail dealer immediately prior to making application for inspection may submit the drawings and plot plan required by this paragraph at any time within 1 year after making such application."

2. Section 304.3 would be amended to read:

§ 304.3 Retailers' exemptions.

(a) *Statutory provisions; interpretation of term "consumer."* The Meat Inspection Act authorizes the Secretary of Agriculture, at his discretion, to permit any retail butcher or retail dealer to transport in interstate or foreign commerce to consumers and meat retailers in any one week not more than 5 carcasses of cattle, 25 carcasses of calves, 20 carcasses of sheep, 25 carcasses of lambs, 10 carcasses of swine, 20 carcasses of goats, or 25 carcasses of goat kids, or the equivalent of fresh meat therefrom, and to transport in such commerce to consumers only salted, cured, canned or otherwise prepared meat or meat food products, which have not been inspected and marked as "Inspected and Passed" in accordance with the Act and the regulations thereunder. The term "consumer" is interpreted to mean household consumer, restaurant, hotel, boarding house, hospital, or similar institution as determined by the Director of Division.

(b) *Definition of retail butcher and dealer.* The Act defines a "retail butcher" and a "retail dealer" to mean any person, partnership, association, or corporation chiefly engaged in selling meat or meat food products to consumers only. In administration of the Act, any person, partnership, association or corporation will be deemed to be chiefly engaged in selling meat or meat food products to consumers only, if more than 50 percent of the meat and meat food products sold by such entity and all its affiliates are sold to consumers. Any such entity will be deemed to be a retail butcher or dealer under the Act only if in each quarter of the calendar year, the average weekly volume of fresh meat sold by it and all its affiliates does not exceed 35,000 pounds and the average weekly volume of prepared meat and meat food products sold by it and all its affiliates does not exceed 20,000 pounds. For the purposes of this paragraph, any entity that controls, is controlled by, or is under common control with any other entity shall be deemed to be an affiliate of the latter.

(c) *Application for exemption.* Application for permission to transport products which have not been inspected, examined, and marked as inspected and passed may be made by any retail butcher or retail dealer as defined in paragraph (b) of this section. A separate application shall be made with respect to each establishment for which such permission is desired. A separate conditional exemption conferring such permission will be granted and evidenced by an exemption certificate with respect to each eligible establishment.

(d) *Conditions of exemption.* Exemption will not be granted for any establishment if any business is transacted at the establishment in the name of anyone other than the applicant, e.g. in the name of a parent company, subsidiary, or tenant of the applicant; or if the establishment is not regularly maintained in a sanitary condition and consistently operated in a manner that will insure compliance with paragraph (e) of this section; or unless more than 50 percent of the meat and meat food products sold at the establishment by the retail butcher or retail dealer are sold to consumers.

(e) *Requirements applicable to exempted retailers.* (1) Exempted retailers shall, with respect to the operation of their exempted establishments, conform to the same regulations in Parts 301–328 of this subchapter as apply to official establishments to the extent such regulations are applicable, including but not limited to the regulations regarding labeling, the use of dyes, chemicals, and preservatives, and the prescribed treatment of pork to destroy trichinae as required under Part 318 of this subchapter.

(2) On request of the Director of Division, or an employee designated by him, each exempted retailer shall furnish such information concerning his business and operations as is relevant with respect to the exemption of his establishment or establishments under this section. Each such retailer shall maintain adequate records of all of his sales of meat and meat food products for Division review.

(f) *Effect of exemption.* (1) Exemption under this section will authorize the exempted retailer to transport to consumers and meat retailers in any one week from all of his exempted establishments a total of not in excess of the numbers of carcasses of cattle, calves, sheep, lambs, swine, goats, and goat kids, specified in paragraph (a) of this section, or the fresh meat equivalent thereof, which have not been inspected, examined and marked as inspected and passed in accordance with the Act and regulations in Parts 301 through 328 of this subchapter, and to transport to consumers only within the limits permitted under paragraph (b), salted, cured, canned, or otherwise prepared meat or meat food products which have not been so inspected, examined and marked.

(2) Exemption under this section will authorize transportation of such products by the exempted retailer or the eligible customer, or the employees of such retailer or customer, and the offer of such products by such retailer, customer, or employees to a common or other carrier for transportation, and the receipt and transportation of such products by such carrier, in accordance with the Act and this section.

(3) Exemption under this section will authorize the transportation of such products only for the purpose of supplying the customers of the exempted retailer; and carcasses, fresh meat, and prepared meat and meat food products transported under such an exemption to a consumer-customer shall be delivered directly to the domicile or food-preparation facility of such consumer, and carcasses or fresh meat transported under such an exemption to a meat retailer-customer shall be delivered directly to the retail store of such retailer.

(g) *Withdrawal of exemption.* Exemption under this section may be withdrawn and the exemption certificate canceled by the Director of Division with respect to one or more exempted establishments operated by any exempted retail butcher or retail dealer under this section, as provided in § 304.2 or if he determines that the exemption holder no longer qualifies for exemption under paragraph (b) of this section or that there exists any condition specified in paragraph (d) of this section which would disqualify the establishment or establishments for exemption under this section, or that the exemption holder has failed to comply with any requirement under paragraph (e) or (f) of this section or any other applicable provision of the regulations in Parts 301–328 of this subchapter or of the Meat Inspection Act.

Statement of considerations. The retailers' exemption provisions of the Meat Inspection Act were intended to provide exemption for the small retail meat dealer or butcher supplying his customers, principally consumers, across state boundaries. The term "consumer" is not defined in the Act but is construed to include a restaurant, hotel, boarding house, or similar institution, as well as a household consumer. Modern developments in merchandising and marketing have changed the methods of meat distribution in recent years, and there has evolved the large volume operator specializing in sales to hotels and restaurants. Such operators are deemed not to be the kind of operators contemplated by the Congress in the retailers' exemption provisions of the Act, and the amendments of the regulations are proposed in order to limit the retailers' exemptions under the Act more closely to the class of operators intended by the exemption provisions of the law.

Provision would be made in the amendments to permit currently exempted operators who would not qualify for exemption under the amendments, to obtain Federal inspection without interruption of their business operations, by allowing them one year to meet the requirements for submission of drawings and plot plans incidental to obtaining inspection.

Any person who wishes to submit written data, views or arguments concerning the proposed amendments may do so by filing them with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C., 20250, within 30 days after the date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 4th day of November 1965.

R. K. SOMERS,
Deputy Administrator,
Consumer and Marketing Service.

[F.R. Doc. 65–12051; Filed, Nov. 8, 1965; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 16183]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS

Eureka, Calif.; Order Extending Time for Filing Reply Comments

In the matter of amendment of § 73.606 Table of Assignments, Television Broadcast Stations, Eureka, Calif., Docket No. 16183, RM–776.

1. In a notice of proposed rule making released on September 10, 1965, the Commission invited comments and reply comments from interested parties on or before October 18, 1965, and November 3, 1965, respectively, in the above entitled proceeding (FCC 65–778).

2. On October 28, 1965, Redwood Empire Educational Television, Inc. filed a "Request for Extension of Time to File Comments" stating that in view of certain developments which have taken place in the last few days, it will need additional time to study the opposition comments before preparing and filing its reply. On October 28, 1965, the Television Advisory Committee of the State of California through its Television Coordinator filed a "Petition to Extend Period for Reply Comments", stating that since the comments of T. & R. Broadcasters, Inc. opposing the petition of Redwood Empire Educational Television, Inc. were not made available to it until October 25, 1965, it is not possible to consider this matter and file reply comments prior to its next meeting scheduled for November 10, 1965. The extension requested is in both cases 30 days.

3. The Commission is of the view that good cause has been shown and that the requested extension of time should be granted. Accordingly, notice is hereby given that the time for filing reply comments in the above-entitled proceeding is extended from November 3, 1965, to December 3, 1965. Authority for this action is contained in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: November 3, 1965.

Released: November 4, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65–12035; Filed, Nov. 8, 1965; 8:49 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 2]

[Docket No. R–293]

NATURAL GAS PIPELINE COMPANY CERTIFICATE APPLICATIONS

Provision for Reserve Capacity

NOVEMBER 2, 1965.

The Commission is considering the issuance of a Statement of Policy with respect to applications for certificates of public convenience and necessity which may be filed by natural-gas pipeline companies pursuant to §§ 157.6, 157.13 and 157.14 of its regulations under the Natural Gas Act. The statement is intended as a guide to the companies in the filing of their applications to meet the anticipated future needs of their customers. Prior to the issuance of the statement it would be helpful to receive the comments of any interested persons with regard both to its content and the advisability of its promulgation. It is for this reason that we are giving prior notice of our proposed statement even though not required to do so by either the Natural Gas Act or the Administrative Procedure Act. We, therefore, give notice that we are considering the issuance of a statement of policy in substantially the following form:

Statement of general policy. It has been the practice before the Commission in the past for established pipeline companies to file an application annually for additional capacity needed to meet the growth in the coming year. Under this procedure pipeline companies have customarily applied only for sufficient capacity to meet their peak requirements for the coming winter with little or no margin of reserve capacity.

The Commission is aware that an increasing number of such annual expansions are being contested. If for any reason the annual expansion of any natural gas pipeline company cannot be processed expeditiously emergency situations are often created. In addition, pipelines with little or no reserve capacity have greater need for operating at pressures which may exceed reasonable design limitations and thus adversely affect their safe operation. Such reserve capacity would also provide the companies with greater flexibility in providing service to all of their customers and would provide added incentive to market their product at the lowest reasonable price.

The Commission has considered these matters in light of its recent experience and has decided to adopt a policy of encouraging the established pipeline companies subject to its jurisdiction to plan their future expansions so as to provide reserve capacity in the order of one year's growth. The costs associated with such reserve capacity that has been certificated would be considered a prudent investment in any rate proceeding. We believe the construction and operating savings resulting from longer-range planning and other advantages previously mentioned would offset the small addition to the rate base. The Commission reserves the right to reject or condition any such applications if in the particular circumstances the increase in capacity would not be necessary or desirable in the interest of improved service.

Our existing rules, particularly those cited above, appear to be adequate to permit applications containing reserve capacity. Accordingly, Part 2, Subchapter A, Chapter I of Title 18 of the Code of Federal Regulations is amended by adding at an appropriate point the following new section or paragraph:

Applications by natural gas pipeline companies for certificates of public convenience and necessity which provide for expansion of capacity in excess of anticipated peak loads in the order of one year's growth in load (based in general on the average growth over the 5 years preceding the application, but subject to adjustment for special factors affecting any given company) will be accepted for filing and will be processed under our expedited procedures in the absence of unusual circumstances or protest by interested third parties.

Any person may submit to the Federal Power Commission, Washington, D.C., 20426, not later than December 1, 1965, any comments or suggestions concerning the proposed statement. An original and nine conformed copies of any such submittal should be filed. The Commis-

sion will consider any such written submittals before acting on the proposed Policy Statement.

By direction of the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-11987; Filed, Nov. 8, 1965; 8:45 a.m.]

[18 CFR Part 157]

[Docket No. R-290]

OPERATION OF NATURAL GAS PIPELINE FACILITIES AT EXCESS PRESSURES

General Conditions Applicable to Certificates Issued to Pipeline Companies

NOVEMBER 2, 1965.

1. Notice is given pursuant to section 4 of the Administrative Procedure Act that the Commission proposes to prescribe a new general condition applicable to certificates of public convenience and necessity issued to natural gas pipeline companies, which would plainly prohibit the operation of facilities under certificate authorization at pressures in excess of those specified in the Exhibits G, G-I, and G-II which accompany the applications for certificates.

2. Section 7(c) of the Natural Gas Act makes unlawful, inter alia, the transportation or sale of natural gas, subject to the jurisdiction of the Commission, or the construction or extension of any facilities therefor, in the absence of a certificate issued by the Commission authorizing such acts or operations.

The Commission presently requires certificate applicants to indicate in Exhibits G, G-I, and G-II to their applications the specifications of the proposed facilities, the pressures at which they will be operated, and the volume of gas which they are designed to transport to render the service for which they are to be constructed (18 CFR 157.14(a)(7), (8), and (9)). The Commission relies on this information, as it may be supplemented in the hearings, to determine whether proposed facilities are or will be required by the present or future public convenience and necessity.

The Commission, in issuing certificates of public convenience and necessity, uniformly authorizes facilities and operations as described in the application, except as modified in the order granting the certificate. Authorization necessarily includes a finding that the facilities so described are required by the public convenience and necessity and are adequate, when operated as described, to perform the services proposed in the application.

It has come to our attention that some facilities authorized by section 7 certificates may be operated at pressures in excess of those upon which the Commission based its determination that they should be authorized. In such cases, the physical stress on the facilities is greater than was indicated in the application, thereby increasing the risk of failure or reducing the potential service life of the facilities.

3. Accordingly, it is proposed to amend § 157.20, Subchapter E, Chapter I of Title 18 of the Code of Federal Regulations by adding a new paragraph (f) to read as follows:

§ 157.20. General conditions applicable to certificates.

* * * * *

(f) The facilities authorized by the certificate shall not be operated at pressures exceeding the design operating pressures set forth in Exhibits G, G-I, and G-II to the application or as modified by the hearing exhibits.

4. This amendment to the Commission's regulations is proposed to be issued under the authority of the Natural Gas Act, as amended, particularly sections 7, 16, and 20 thereof (52 Stat. 825, 830, 832, 56 Stat. 84, 15 U.S.C. 717f, 717o, 717s).

5. Any interested person may submit in writing to the Federal Power Commission, Washington, D.C., 20426, not later than December 1, 1965, data, views, comments and suggestions concerning the proposed reporting requirement. An original and nine conformed copies of any such submittal should be filed. The Commission will consider any such submittals before acting on the proposed reporting requirement.

By direction of the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-11988; Filed, Nov. 8, 1965; 8:45 a.m.]

[18 CFR Parts 201, 204]

[Docket No. R-292]

ACCOUNTING FOR MEASURING AND REGULATING STATIONS

Uniform System of Accounts Prescribed for Classes A, B, and C Natural Gas Companies

NOVEMBER 2, 1965.

1. Pursuant to section 4 of the Administrative Procedure Act, the Commission gives notice that it is proposing to amend the Uniform System of Accounts applicable to Classes A, B, and C natural gas companies, so as to eliminate the instruction permitting optional accounting for measuring and regulating stations as either a transmission or distribution plant item.

2. The instruction, which includes the "exception" clause proposed for deletion, which appears not only in the Gas Plant Instructions but also in the notes appended to Accounts 369 and 379, provides in pertinent part:

* * * Pipeline companies, however, shall include city gate and main line industrial measuring and regulating stations in the transmission function, except that where pipeline companies measure deliveries of gas to their own distribution systems they shall have the option, if consistently observed, of including such stations either in the transmission or distribution function for the purposes of this system of accounts.

3. Although the elimination of the option now permitted would be in keeping with sound uniform accounting practices, the primary purpose of our proposal is to clarify the eligibility of the property concerned with respect to the investment tax credit percentage to be allowed. The existence of the option in the systems of accounts poses a problem for the Internal Revenue Service since the Internal Revenue Code, as amended in 1962 and 1964 (26 U.S.C. 38, 46(a), 46(c)) provides, in effect, that transmission plant acquisitions would be allowed a 7 percent credit and distribution plant would be allowed a 3 percent credit.

4. The changes being proposed have been considered by representatives of the natural gas industry, the liaison committee of the American Institute of Certified Public Accountants and by the Committee on Accounts of the National Association of Railroad and Utilities Commissioners. There was a near-unanimous agreement that the changes should be made.

5. We are, therefore, proposing to amend the Uniform System of Accounts, prescribed for Classes A, B, and C natural gas companies by Parts 201 and 204, respectively, Subchapter F of Chapter I, Title 18 of the Code of Federal Regulations, as follows:

a. Delete from the last sentence of Gas Plant Instruction 14.A in Part 201 and 12.A in Part 204 the clause reading "except that where pipeline companies measure deliveries of gas to their own distribution systems they shall have the option, if consistently observed, of including such stations either in the transmission or distribution function for the purposes of this system of accounts".

As so amended the sentence will read: "Gas Plant Instructions".

* * * * *

14.[12] *Transmission and distribution plant.* For the purposes of this system of accounts:

A. "Transmission system" * * *

Pipeline companies, however, shall include city gate and main line industrial measuring and regulating stations in the transmission functions.

b. Delete the substantially similar "exception" clause, from the Note appended to Accounts 369 and 379 as they appear, respectively, in Parts 201 and 204.

c. The amendments proposed in a., above, will require conforming amendments to the two instructions. Accordingly delete the words "inlet side" appearing in the second sentence of paragraphs A. and B. of the gas plant instructions 14 and 12, respectively, referred to in a., above, and in lieu thereof insert the words "outlet side."

6. These amendments to the Commission's Uniform System of Accounts are proposed to be issued under the authority of the Natural Gas Act, as amended, particularly sections 8 and 16 thereof (52 Stat. 825, 830; 15 U.S.C. 717g, 717o).

7. Any interested person may submit to the Federal Power Commission, Washington, D.C., 20426, on or before December 1, 1965, data, views and comments in writing concerning the amendments proposed herein. The Commission will consider these written submittals before taking any action upon the proposed amendments. An original and nine (9) copies of any such submittals should be filed.

By direction of the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-11989; Filed, Nov. 8, 1965; 8:45 a.m.]

[18 CFR Part 260]

[Docket No. R-291]

CERTIFICATED FACILITIES OF NATURAL GAS PIPELINE CO.

Telegraphic Reporting of Accidents

NOVEMBER 2, 1965.

1. Notice is given pursuant to section 4 of the Administrative Procedure Act that the Commission proposes to require natural gas pipeline companies subject to its jurisdiction to report immediately upon occurrence accidents or transmission system operating failures which (1) require the taking out of service of a section of pipeline, or which result in (2) gas escaping from a pipeline and igniting, or (3) fatality or serious injury, or (4) property damage of $1,000 or more. The Commission would be notified by telegram immediately upon the occurrence of any such accident or failure, with a detailed report to follow within 10 days.

2. The proposed requirement will enable the Commission to keep informed of developments in this area of pipeline operation. At the present time, individual companies commonly report particular incidents to the Commission, but there is no standard of what constitutes a reportable accident, or of the manner in which reports should be made. In Docket No. R-283, noticed September 20, 1965, 30 F.R. 12361, the Commission is proposing, inter alia, to amend the Annual Report Form for Natural Gas Companies (Forms 2 and 2A) by providing a new definition of the accidents which are required to be reported on page 568 of the Form 2 and by specifying the information which should be supplied in the reports. The instant proposal supplies a definition of a reportable accident which conforms to the standard proposed in Docket No. R-283, subject to any changes which may be made to that proposal.

Upon the occurrence of a reportable accident, the Commission should be informed immediately of the time and place and the extent of damage. The follow-up report should furnish, to the extent then available, the details which are called for in the proposed revision of page 568 of the FPC Form No. 2, Docket No. R-283.

3. This amendment to the Commission's regulations is proposed to be issued under the authority of the Natural Gas Act, particularly sections 7, 10, 14, and 16 (52 Stat. 824-830, 56 Stat. 84; 15 U.S.C. 717f, 717i, 717m, 717o).

4. Accordingly, it is proposed to amend Part 260, Subchapter G, Chapter I of Title 18 of the Code of Federal Regulations by adding a new section to read as follows:

§ 260.9. Report by natural gas pipeline companies immediately upon occurrence of serious accidents.

Every natural gas pipeline company shall report to the Commission by telegram any accident or transmission system operating failure involving facilities operated under certificate authorization from the Commission which (a) requires taking any segment of pipeline out of service, or which result in (b) gas escaping from the pipeline and igniting, or (c) property damage of $1,000 or more, or (d) fatality or personal injury requiring hospitalization. The telegram shall be sent immediately following the accident and shall state briefly the location and time of the accident and the extent of injuries and fatalities. Within 10 days after the accident, all available details (requested at pages 568-568B of the FPC Form No. 2) shall be reported to the Commission by mail.

5. Any interested person may submit in writing to the Federal Power Commission, Washington, D.C., 20426, not later than December 1, 1965, data, views, comments and suggestions concerning the proposed reporting requirements. An original and nine conformed copies of any such submittal should be filed. The Commission will consider any such submittals before acting on the proposed reporting requirement.

By direction of the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-11990; Filed, Nov. 8, 1965; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

OCTOBER 29, 1965.

Notice of an application, Serial No. Anchorage 061928, for withdrawal and reservation of lands was published as F.R. Doc. 64–13109 on page 18182 of the issue for December 22, 1964. The applicant agency has cancelled its application so far as it involves the lands described below. Therefore, pursuant to the regulations contained in 43 CFR 2311 (formerly 43 CFR Part 295), such lands will be at 10 a.m. on November 15, 1965, relieved of the segregative effect of the above mentioned application.

The lands involved in this notice of termination are:

GIBSON COVE AREA, KODIAK ISLAND, ALASKA

A tract of land situated between the Abbert Highway Right-of-Way and St. Paul Harbor, within U.S. Survey No. 2539, at the Eastern end of Gibson Cove and more particularly described as:

Beginning at a point at the intersection of the right-of-way of the Abbert Highway as shown on Bureau of Public Roads Project No. AD–2(3) Sheet "As Built" and the line of Mean High Water of St. Paul Harbor, said point lying S. 50°40' W., approximately 547 feet from Meander Corner No. 1, U.S. Survey 2537B (Tract A) which is also Meander Corner No. 12, U.S. Survey No. 2539; thence on a 3°16' curve right with a tangency of 16°53' and a radius of 1,759.85 feet for a distance of approximately 205 feet to the point of tangency; thence along a tangent S. 74°52'50" W., 1,038.9 feet, to a point of curvature; on a 10°07' curve to the left with a tangency of 26°38' and a radius of 566.20 feet for a distance of 263.18 feet to the point of tangency; south, approximately 105 feet to the line of mean high water; easterly, along the line of mean high water to the point of beginning of this description.

The area described aggregates approximately 10 acres.

BURTON W. SILCOCK,
State Director.

[F.R. Doc. 65–12003; Filed, Nov. 8, 1965; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

RICE

Notice of Marketing Quota Referendum for 1966 Crop

Marketing quotas for the crop of rice to be produced in 1966 have been duly proclaimed pursuant to provisions of the Agricultural Adjustment Act of 1938, as amended. Said act requires a referendum to be conducted within 30 days after the date of the issuance of said proclamation, of farmers who were engaged in the production of rice in 1965 to determine whether such farmers are in favor of or opposed to such quotas. Prior to establishing the date for the referendum on the 1966 crop rice, public notice (30 F.R. 12684) was given in accordance with the Administrative Procedure Act (5 U.S.C. 1003). No data, views, or recommendations pertaining thereto were submitted pursuant to such notice. It is hereby determined that the rice marketing quota referendum under said act for the 1966 crop of rice shall be held on November 23, 1965, which is within 30 days from the date of issuance of the proclamation of marketing quotas.

The date of the referendum is within 30 days after the date of the issuance of the proclamation of marketing quotas on the 1966 crop of rice, as required by law. Accordingly, it is necessary to waive the 30-day effective date provision of the section 4 of the Administrative Procedure Act, and this document shall become effective upon its publication in the FEDERAL REGISTER.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 28th, 1965.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65–12021; Filed, Nov. 8, 1965; 8:48 a.m.]

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

November Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

The prices at which Commodity Credit Corporation commodity holdings are available for sale during November 1965 are as announced by the U.S. Department of Agriculture. The following commodities are available: Butter, cheddar cheese, nonfat dry milk, cotton (upland and extra long staple), wheat, corn, oats, barley, rye, rice, grain sorghum, peanuts, flax and linseed oil.

The November list of commodities is unchanged from October.

Corn, oats, barley or grain sorghum, as determined by CCC, will be sold for unrestricted use for "Dealers' Certificates" issued under the emergency livestock feed program. Grain delivered against such certificates will be sold at the applicable current market price, determined by CCC.

In the following listing of commodities and sales prices or method of sales, "unrestricted use" applies to sales which permit either domestic or export use and "export" applies to sales which require export only. CCC reserves the right to determine the class, grade, quality and available quantity of commodities listed for sale.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Procurement and Sales Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250.

Interest rates per annum under the CCC Export Credit Sales Program (Announcement GSM–3) for November 1965 are 4½ percent for periods up to and including 12 months, and 5 percent for periods from over 12 months up to a maximum of 36 months. Commodities currently offered for sale by CCC, plus tobacco from CCC loan stocks, are available for export sale under the CCC Export Credit Sales Program as provided under specific commodity listings. Commodities from private stocks now eligible for financing under the CCC Export Credit Sales Program include wheat, wheat flour, bulgur, corn, cornmeal, grain sorghum, upland and extra long staple cotton, tobacco, milled and brown rice, cottonseed oil, soybean oil, and dairy products.

The following commodities are available for programming under Title IV, P.L. 480, private trade agreements: Wheat, corn, rice, grain sorghum, upland and extra long staple cotton, tobacco from CCC loan stocks, butter, cheese, and nonfat dry milk. In addition, other surplus agricultural commodities are also eligible for Title IV programming. Information on commodities available under this program, and current information on interest rates and other

phases of the program may be obtained from the Office of the General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C., 20250.

The following commodities are currently available for barter: Cotton (upland and extra long staple), tobacco, wheat, corn, grain sorghum, butter, and nonfat dry milk. (In addition, free market stocks of cottonseed and soybean oils are eligible for barter programming.) This list is subject to change from time to time.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC stocks within a reasonable period of time. Where sales are for export, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington, D.C., 20250, with respect to all commodities or—for specified commodities—within the designated ASCS Commodity Office.

Commodity Credit Corporation reserves the right to amend, from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

CCC reserves the right to refuse to consider an offer, if CCC does not have adequate information of financial responsibility of the offerer to meet contract obligations of the type contemplated in this announcement. If a prospective offerer is in doubt as to whether CCC has adequate information with respect to his financial responsibility, he should either submit a financial statement to the office named in the invitation prior to making an offer, or communicate with such office to determine whether such a statement is desired in his case. When satisfactory financial responsibility has not been established, CCC reserves the right to consider an offer only upon submission by offerer of a certified or cashier's check, a bid bond, or other security, acceptable to CCC, assuring that if the offer is accepted, the offerer will comply with any provisions of the contract with respect to payment for the commodity and the furnishing of performance bond or other security acceptable to CCC.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS office promptly upon appearance and therefore, generally, they do not appear in the monthly sales list.

On sales for which the buyer is required to submit proof to CCC of exportation, the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions and have a person, principal or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to U.S. Government agencies, with only minor exceptions will constitute domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

The Department of Commerce, Bureau of International Commerce, pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities under this program to Cuba, the Soviet Bloc or Communist-controlled areas of the Far East including Communist China, North Korea and the Communist-controlled area of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of International Commerce.

For all exportations, one of the destination control statements specified in Commerce Department regulations (Comprehensive Export Schedule, § 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Commerce or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

SALES PRICE OR METHOD OF SALE

WHEAT, BULK

Unrestricted use.

A. *Nonstorable.* Such dispositions of nonstorable wheat as CCC may designate will be made at not less than market price, as determined by CCC.

B. All sales of storable wheat for unrestricted use have been suspended until further notice. However, the following markups and examples are furnished for use in any upward adjustment in price which becomes necessary under CCC sales programs.

C. *Markup and examples (dollars per bushel—in store).*

Markup in-store received by—		Examples—Agricultural Act of 1949 Stat. minimum [2]
Truck	Rail or barge	
$0.11	$0.07¾	Minneapolis—No. 1 DNS (1.58); 105 percent, $0.07¾; $1.73¾. Portland—No. 1 SW (1.44); 105 percent, $0.07¾; $1.59¾. Kansas City—No. 1 HW (1.43); 105 percent, $0.07¾; $1.58¾. Chicago—No. 1 RW (1.49); 105 percent, $0.07¾; $1.64¾.

D. *Availability information.* For information on the disposition of nonstorable wheat, oils, or Portland ASCS grain offices shown at the end of this sales list.

Export.

Sales will be made pursuant to the following announcements:

A. Announcement GR–345 (Revision III, Aug. 25, 1964) as amended for export under the wheat export payment-in-kind program. When hard winter wheat is delivered on the West Coast by CCC to cover sales under GR–345, evidence of export must show exportation from West Coast ports.

B. Announcement GR–346 (Revision I,) as amended for export as flour.

C. Announcement GR–261 (Rev. 2, Jan. 9, 1961, as amended and supplemented) for export as wheat and under Announcement GR–262 (Rev. 2, Jan. 9, 1961, as amended) for export as flour for application under arrangements for barter and approved CCC credit sales only at prices determined daily. Hard winter wheat will not be sold through West Coast ports under Announcements GR–261 or GR–262.

D. *Available.* Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

CORN, BULK

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Such CCC dispositions of corn as CCC may designate will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The price at which corn shall be valued for such dispositions shall be the highest of (a) market price as determined by CCC, (b) a minimum price for such corn as determined by CCC and, (c) the payment-in-kind formula price for such redemptions. Such formula price shall be the applicable 1965 price-support loan rate for the class, grade and quality of the corn plus the amount shown in C of this unrestricted use section.

B. *General sales.*

1. *Storable.* Such CCC dispositions of storable corn as CCC may designate as general sales will be made during the month at market price, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1965 price-support rate [3] (published loan rate plus 20 cents per bushel) for the class, grade, and quality of the corn, plus the amount shown in C of this unrestricted use section. For corn in store at other than the point of production, the freight and handling charges from point of production to the present point of storage will also be added. CCC will normally make general sales of corn when dispositions of such corn are not being made against domestic payment-in-kind certificates.

2. *Nonstorable.* Such dispositions of nonstorable corn as CCC may designate as general sales will be made at not less than market price, as determined by CCC.

C. *Markups and examples (dollars per bush in-store[1] basis No. 2 yellow corn, 14 percent M.T. 2 percent F.M.)*

Markup in-store received by—	Examples
Truck	
$0.05¾	Feed grain program domestic PIK certificate minimums: McLean County, Ill. ($1.06 and $0.03 and $0.05¾); $1.14¾. Chicago, Ill. (ex-McLean County by rail); County minimum plus freight and handling charges ($1.14¾) and $0.00¾) and $0.08½ and $0.01¾); $1.25¾). Agricultural Act of 1949 stat. minimums: McLean County, Ill. ($1.06 and $0.20 and $0.03); 105 percent and $0.05¾); $1.41¾). Chicago, Ill. (ex-McLean County by rail); County minimum plus freight and handling charges ($1.41¾) and $0.00¾) and $0.08½ and $0.01¾); $1.52¾).

D. *Availability information.* For information on CCC corn sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of corn from other locations, contact the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices shown at the end of this sales list.

Export.

Sales for barter and credit are made at the applicable export market price, as determined by CCC; export payment-in-kind rates, if any, are deducted in arriving at barter and credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the adjustment referred to in C of the unrestricted use section for corn. Sales will be made pursuant to the following announcement:

A. Announcement GR–212 (Revision 2, January 9, 1961), for application to approved CCC barter and credit sales.

B. *Available.* Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

GRAIN SORGHUM (BULK)

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Such CCC dispositions of grain sorghum as CCC may designate will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which grain sorghum shall be valued for such dispositions shall be market price, but not less than the payment-in-kind formula price for such redemption. Such formula price shall be the applicable 1965 price-support loan rate for the class, grade, and quality of the grain sorghum, plus the amount shown in C of this unrestricted use section applicable to the type of carrier involved.

B. *General sales.*

1. *Storable.* Such CCC dispositions of storable grain sorghum as CCC may designate as general sales will be made during the month at market price, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1965 price-support rate[2] (published loan rate plus 35 cents per cwt.) for the class, grade, and quality of the grain sorghum, plus the amount shown in C of this unrestricted use section applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight and handling charges will be added. Examples of these formula minimum prices are shown in C of this unrestricted use section. CCC will normally make general sales of grain sorghum when dispositions of such grain sorghum are not being made against domestic payment-in-kind certificates.

2. *Nonstorable.* Such dispositions of nonstorable grain sorghum as CCC may designate as general sales will be made at not less than market price, as determined by CCC.

C. *Markups and examples (dollars per hundredweight in-store[1] No. 2 or better).*

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.19	$0.13¾	Feed Grain program domestic PIK certificate minimums: Hale County, Tex. ($1.63 and $0.19); $1.82. Kansas City, Mo. (ex-rail) ($1.93 and $0.13¾); $2.06¾. Agricultural Act of 1949: stat. minimums: Hale County, Tex. ($1.63 and $0.35); 105 percent and $0.19; $2.27. Kansas City, Mo. (ex-rail) ($1.93 and $0.35); 105 percent and $0.13¾; $2.53¾.

D. *Availability information.* For information on CCC grain sorghum sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of grain sorghum from other locations, contact the Kansas City, Evanston, Portland, or Minneapolis ASCS grain offices shown at the end of this sales list.

Export.

Sales are made at the applicable export market price, as determined by CCC; export payment-in-kind rates, if any, are deducted in arriving at barter and credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the adjustment referred to in C of the unrestricted use section for grain sorghum. Sales will be made pursuant to the following announcements:

A. Announcement GR–368 (Revision II March 1, 1965), feed grain export payment-in-kind program.

B. Announcement GR–212 (Revision 2, January 9, 1961), for application to arrangements for barter, approved CCC credit and other designated sales.

C. *Available.* Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

BARLEY, BULK

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Such CCC dispositions of barley as CCC may designate will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which barley shall be valued for such dispositions shall be market price, as determined by CCC, but not less than the payment-in-kind formula price for such redemptions. Such formula price shall be the applicable 1965 price-support loan rate for the class, grade, and quality of the barley, plus the amount shown in C of this unrestricted use section applicable to the type of carrier involved.

B. *General sales.*

1. *Storable.* Such CCC dispositions of storable barley as CCC may designate as general sales will be made during the month at market price, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1965 price-support rate[2] (published loan rate plus 16 cents per bushel) for the class, grade, and quality of the barley, plus the amount shown in C of this unrestricted use section, applicable to the type of carrier involved. Examples of these formula minimum prices are shown in C of this unrestricted use section. If delivery is outside the area of production, applicable freight and handling charges will be added. CCC will normally make general sales of barley when dispositions of such barley are not being made against domestic payment-in-kind certificates.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per bushel in-store[1] No. 2 or better).*

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.10¼	$0.07¾	Feed grain program domestic PIK certificate minimums: Cass County, N. Dak. ($0.76 and $0.10¼); $0.86¼. Minneapolis, Minn. (exrail) ($0.99 and $0.07¾); $1.06¾. Agricultural Act of 1949; stat. minimums: Cass County, N. Dak. ($0.76 and $0.16); 105 percent and $0.10¼; $1.07¼. Minneapolis, Minn. (exrail) ($0.99 and $0.16); 105 percent and $0.07¾; $1.28¾.

D. *Availability information.* For information on CCC barley sales from bin sites, contact ASCS State or county offices. For information on the disposition of barley from other locations, contact the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices shown at the end of this sales list.

Export.

Sales are made at the applicable export market price, as determined by CCC; export payment-in-kind rates, if any, are deducted in arriving at credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the adjustment referred to in C of the unrestricted use section for barley. Sales will be made pursuant to the following announcements except that barley will not be sold for applications to Title I, or Title IV, P.L. 480 purchase authorizations or for barter.

A. Announcement GR–368 (Revision II March 1, 1965), feed grain export payment-in-kind program.

B. Announcement GR–212 (Revision 2, January 9, 1961), for application to approved CCC credit sales.

C. *Available.* Evanston and Kansas City ASCS offices. Stocks in Duluth or Minneapolis will be available through the Minneapolis ASCS grain office.

OATS, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 105 percent of the applicable 1965 price-support rate[2] for the class, grade, and quality of the oats plus the amount shown in B below. For oats in-store at other than the point of production, the freight and handling charges from point of production to the present point of storage will also be added.

B. *Markups and examples (dollars per bushel in-store[1] basis No. 2 XHWO).*

Markup in-store received by—	Examples—Agricultural Act of 1949; Stat. minimum
Truck	
$0.08¾	Redwood County, Minn. ($0.56 and $0.03 quality differential); 105 percent and $0.08¾; $0.70¾. Minneapolis, Minn. (ex-Redwood County by rail). County minimum plus freight and handling charges ($0.70¾ and $0.00¾ and $0.05¼ and $0.01¾); $0.78¾.

C. *Nonstorable.* At not less than the market price as determined by CCC.

D. *Availability information.* Sales at bin sites are made through the ASCS county offices; at other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices.

Export.

Sales are made at the applicable export market price, as determined by CCC; export payment-in-kind rates, if any, are deducted in arriving at credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the adjustment referred to in B of the unrestricted use section for oats. Sales will be made pursuant to the following announcements except that oats will not be sold for applications to Title I, or Title IV, P.L. 480 purchase authorizations or for barter.

A. Announcement GR–368 (Revision II, March 1, 1965), feed grain export payment-in-kind program.

B. Announcement GR–212 (Revision 2, January 9, 1961), for application to approved CCC credit and other designated sales.

C. *Available.* Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

RYE, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 105 percent[2] of the applicable 1965 price-support rate for the class, grade, and quality of the grain plus the respective amount shown below applicable to the type of carrier involved. If delivery is outside the area of production applicable freight and handling charges will be added to the above.

B. *Markups and examples (dollars per bushel in-store[1] No. 2 or better).*

Markup in-store received by—		Examples—Agricultural Act of 1949; Stat. minimum
Truck	Rail or barge	
$0.11	$0.07¾	Rollete County, N. Dak. ($0.91); 105 percent $0.11; $1.07. Minneapolis, Minn. (ex-rail) ($1.24); 105 percent and $0.07¾; $1.38¾.

C. *Nonstorable.* At not less than market price as determined by CCC.

D. *Availability information.* Sales at bin sites are made through ASCS county offices; at other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices.

Export.

Sales are made at the applicable export market price, as determined by CCC; export payment-in-kind rates, if any, are deducted in arriving at credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the adjustment referred to in B of the unrestricted use section for rye. Sales will be made pursuant to the following announcements except that rye will not be sold for applications to Title I, or Title IV, P.L. 480 purchase authorizations or for barter.

A. Announcement GR–368 (Revision II, March 1, 1965), feed grain export payment-in-kind program.

B. Announcement GR–212 (Revision 2, January 9, 1961), for application to approved CCC credit and other designated sales.

C. *Available.* Evanston, Kansas City and Portland ASCS offices; also Minneapolis ASCS grain office for rye stored in terminals in Minneapolis.

RICE, ROUGH

Unrestricted use.

Market price but not less than 1965 loan rate plus 5 percent plus 22 cents per hundredweight, basis in store.

Export

As milled or brown under Announcement GR–369, Revision III, rice export program—payment-in-kind, and under GR–379, Revision I, for approved credit sales.

Prices, quantities, and varieties of rough rice available from Kansas City ASCS Commodity Office.

COTTON, UPLAND

Unrestricted use.

A. Competitive bid under the terms and conditions of Announcement NO–C–16, as amended (Sale of Upland Cotton for Unrestricted Use). Under this announcement, upland cotton acquired under price-support programs will be sold at the highest price offered but in no event at less than the higher of (a) 105 percent of the current loan rate for such cotton, plus reasonable carrying charges, or (b) the market price for such cotton, as determined by CCC.

B. Competitive offers under the terms and conditions of Announcement NO–C–26 (Disposition of Upland Cotton—for exchange of PIK certificates or rights in the certificate pool for upland cotton), as amended. Upland cotton may be acquired at its domestic market price which shall be the highest price offered but not less than the minimum price determined by CCC.

Export.

A. *CCC cash sales for export.* Competitive bid under the terms and conditions of Announcements CN–EX–25 (Cotton Export Program—Sales—1964–66 Marketing Years) and NO–C–29 (Sale of Upland Cotton—Cotton Export Program—1964–66 Marketing Years), as amended.

B. *CCC credit sales and barter.* Competitive bid under the terms and conditions of Announcement CN–EX–23 (Purchase of Upland Cotton for Export under the Export Credit Sales Program), Announcement CN–EX–24 (Acquisition of Upland Cotton for Export under the Barter Program), and Announcement NO–C–28 (Sale of Upland Cotton CCC Credit and Barter Programs—1964–66 Marketing Years), as amended.

COTTON, EXTRA LONG STAPLE

Unrestricted use.

A. Competitive bid under the terms and conditions of Announcements NO–C–6 (revised July 22, 1960), as amended, and NO–C–10, as amended. Under these announcements extra long staple cotton (domestically-grown) will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the domestic market price as determined by CCC.

Export.

A. *CCC cash sales for export.* Competitive bid under the terms and conditions of Announcements CN–EX–20 (Foreign-grown Extra Long Staple Cotton Export Program) and NO–C–23 (Sale of Foreign-grown Extra Long Staple Cotton).

Competitive bid under the terms and conditions of Announcements CN–EX–22 (Extra Long Staple Cotton Export Program) and NO–C–27 (Sale of Extra Long Staple Cotton), as amended.

B. *CCC credit sales and barter.* Competitive bid under the terms and conditions of Announcement CN–EX–26 (Purchase of Extra Long Staple Cotton for Export under the Export Credit Sales Program), Announcement CN–EX–27 (Acquisition of Extra Long Staple Cotton for Export under the Barter Program), and Announcement NO–C–27 (Sale of Extra Long Staple Cotton), as amended.

Availability information. Sale of cotton will be made by the New Orleans ASCS Commodity Office and catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and location may be obtained for a nominal fee from that office.

PEANUTS, FARMERS' STOCK OR SHELLED

A. *Domestic crushing or export.*

1. Farmers' stock peanuts may be purchased for crushing into oil or for export of such of those peanuts grading U.S. No. 1 or better shelled, and domestic crushing of the balance.

2. Shelled U.S. No. 1 and better grades may be purchased for export.

3. Shelled peanuts of less than U.S. No. 1 grades may be purchased for foreign or domestic crushing.

4. Terms and conditions of sales appear in CCC Peanut Announcement 1 (revised) January 4, 1962, Amendments 1 through 4, Supplement 1 and in the lot list and Appendix 1 thereto.

B. *Availability information.* When stocks of any of the above categories are available in their area of responsibility, weekly lot lists are issued by the following:

GFA Peanut Association, Camilla, Ga.
Peanut Growers Cooperative Marketing Association, Franklin, Va.
Southwestern Peanut Growers' Association, Gorman, Tex.

All sales are made on the basis of competitive bids each Wednesday, by the Producer Associations Division, Agricultural Stabilization Conservation Service, Washington, D.C., to which all bids are submitted.

FLAXSEED, BULK

Unrestricted use.

A. *Storable.* Market price but not less than the applicable 1965 support price for the class, grade, and quality of flaxseed plus 14½ cents per bushel, and plus the respective amount shown below applicable to the type of carrier involved. If delivery is outside the area of production applicable freight and handling will be added to the above.

B. *Markups and examples (dollars per bushel in-store 1/).*

Markup per bushel received by—		Examples of minimum prices (ex-rail or barge)		
Truck	Rail or barge	Terminal	Class and grade	Price
Cents 12½	*Cents* 8	Minneapolis	No. 1	$3.37½

C. *Nonstorable.* At not less than market price as determined by CCC.

D. *Available.* Through the Minneapolis Grain Merchandising ASCS office.

Export.

Under Announcement PS–GR–4 dispositions of flaxseed, as designated by CCC, will be in redemption of export PIK certificates at the domestic market price as determined by CCC.

Available. Through the Minneapolis Grain Merchandising ASCS office.

LINSEED OIL, RAW (BULK)

Export.

Under Announcement PS–GR–4 dispositions of raw linseed oil, as designated by CCC, will be in redemption of export PIK certificates at the domestic market price as determined by CCC.

Available. Through the Minneapolis ASCS Commodity Office.

DAIRY PRODUCTS

Sales are in carlots only in-store at storage location of products.

Submission of offers.

Submit offers to the Minneapolis ASCS Commodity Office.

NONFAT DRY MILK

Unrestricted use.

Announced prices, under MP–14: Spray process, U.S. Extra Grade, 16.40 cents per pound.

Export.

A. Payment-in-kind under SM–7 (Revision 1).

B. Competitive bid, under MP–10, pursuant to invitation to bid to be issued by Minneapolis ASCS Commodity Office. Sales under this announcement may be made for application to barter and approved CCC credit.

Any nonfat dry milk offered but not sold under the invitation to bid issued pursuant to MP–10 will be offered for sale through the following Monday noon at prices announced by press release from the Minneapolis ASCS Commodity Office each Wednesday.

BUTTER

Unrestricted use.

Announced prices, under MP–14: 63.0 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 62.25 cents per pound—Washington, Oregon, and California. All other States 62.0 cents per pound.

Export.

A. Payment-in-kind under SM–7 (Revision 1).

B. Competitive bid under Announcement MP–10, pursuant to invitations to bid to be issued by Minneapolis ASCS Commodity Office. Sales under this announcement may be made for application to barter and CCC credit.

Any butter offered but not sold under the invitation to bid issued pursuant to MP–10 will be offered for sale through the following Monday noon at prices announced by press release from the Minneapolis ASCS Commodity Office each Wednesday.

CHEDDAR CHEESE (STANDARD MOISTURE BASIS)

Unrestricted use.

Announced prices, under MP–14: 41.25 cents per pound—New York, Pennsylvania, New England, New Jersey, and other States bordering the Atlantic Ocean and Pacific Ocean and the Gulf of Mexico. All other States 40.25 cents per pound.

Export.

Competitive bid under Announcement MP–10, pursuant to invitation to bid to be issued by Minneapolis ASCS Commodity Office. Announced prices under MP–10. Sales under this announcement may be made for application to CCC credit.

Any cheese offered but not sold under the invitation to bid issued pursuant to MP–10 will be offered for sale through the following Monday noon at prices announced by press release from the Minneapolis ASCS Commodity Office each Wednesday.

FOOTNOTES

[1] The formula price delivery basis for bin site sales will be f.o.b.

[2] To compute, multiply applicable support price by 1.05 round product up to nearest whole cent and add amount shown in the appropriate table and any applicable freight and handling charges.

USDA AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE OFFICES

GRAIN OFFICES

Evanston ASCS Commodity Office, 2201 Howard Street, Evanston, Ill., 60202. Telephone: Long distance—University 9–0600 (Evanston Exchange). Local—Rogers Park 1–5000 (Chicago, Ill.).

Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, and West Virginia.

Branch Office—Minneapolis ASCS Branch Office, 310 Grain Exchange Building, Minneapolis, Minn., 55415. Telephone: 334–2051.

Minnesota, Montana, North Dakota, South Dakota, and Wisconsin.

Kansas City ASCS Commodity Office, 8930 Ward Parkway (P.O. Box 205), Kansas City, Mo., 64141. Telephone: Emerson 1–0860.

Alabama, Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Texas, and Wyoming.

Branch Office—Portland ASCS Branch Office, 1218 Southwest Washington Street, Portland, Oreg., 97205. Telephone: 226–3361.

Alaska, Hawaii, Idaho, Nevada, Oregon, Utah, and Washington (Domestic & Export Sales), Arizona and California (Export sales only).

Branch Office—Berkeley ASCS Branch Office, 2020 Milvia Street, Berkeley, Calif., 94704. Telephone: Thornwall 1–5121.

Arizona and California (Domestic sales only).

PROCESSED COMMODITIES OFFICE—(ALL STATES)

Minneapolis ASCS Commodity Office, 6400 France Avenue South, Minneapolis, Minn., 55410. Telephone: 334–3200.

COTTON OFFICES—(ALL STATES)

New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La., 70112. Telephone: 527–7766.

GENERAL SALES MANAGER OFFICES

Representative of General Sales Manager, New York Area: Joseph Reidinger, 60 Lafayette Street, New York, N.Y., 10013. Telephone: 264–8439, 8440, 8441.

Representative of General Sales Manager, West Coast Area: Callan B. Duffy, Appraisers' Building, Room 802, 630 Sansome Street, San Francisco, Calif., 94111. Telephone: 556–6185.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1066; sec. 105, 63 Stat. 1051, as amended by 76 Stat. 612; secs. 303, 306, and 307, 76 Stat. 614–617; 7 U.S.C. 1427; and 1441 (note))

Signed at Washington, D.C., on November 4, 1965.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 65–12050; Filed, Nov. 8, 1965; 8:51 a.m.]

DEPARTMENT OF COMMERCE

National Bureau of Standards

NBS RADIO STATIONS

Standard Frequency and Time Broadcasts; Notice of Changes

The carrier frequencies of broadcasts by National Bureau of Standards radio stations WWV in Greenbelt, Md., WWVH in Maui, Hawaii, and WWVL in Fort Collins, Colo., will be offset during 1966 by 300 parts in 10^{10} from their nominal values. These nominal values are taken with respect to the U.S. Frequency Standard (USFS). The adjustments in carrier frequencies will be made at 0000 UT on 1 January 1966.

The new offset value was announced on 21 September 1965 by the Bureau International de l'Heure (B.I.H.), after an evaluation of predictions of the trend in the UT2 scale. The fractional offset is twice the value -150×10^{-10} used in 1964 and 1965. In accordance with the announcement, changes will be made in the carrier frequencies of all broadcasts which follow the coordinated universal time (UTC) system.

The standard carrier frequency of broadcasts by radio station WWVB in Fort Collins, Colo., will not be changed. It is not offset from its nominal value of 60kHz, taken with respect to the USFS.

As a result of the new offset, the intervals between timing pulses for the UTC system will differ in length from a second by a greater amount than in 1964 and 1965. The intervals will be longer than a second by 300 parts in 10^{10}. By contrast, the time intervals between pulses broadcast from WWVB will continue to be one second in length as referred to the standard atomic time scale, NBS–A, based on the USFS and in accordance with the definition of the unit of time agreed upon internationally.

A. V. ASTIN,
Director.

[F.R. Doc. 65–11966; Filed, Nov. 8, 1965; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15861, 15862; FCC 65R–396]

CHARLOTTESVILLE BROADCASTING CORP. (WINA) AND WBXM BROADCASTING CO., INC.

Memorandum Opinion and Order Amending Issues

In re applications of Charlottesville Broadcasting Corp. (WINA), Charlottesville, Va., Docket No. 15861, File No. BP-15768; WBXM Broadcasting Co., Inc., Springfield, Va., Docket No. 15862, File No. BP–15808; for construction permits.

1. The above-captioned mutually exclusive applications were designated for hearing by Memorandum Opinion and Order, FCC 65–147, released February 25, 1965. By Order, FCC 65M–437, released April 9, 1965, O.K. Broadcasting Corp., licensee of station WEEL, Fairfax, Va. (WEEL) was permitted to intervene in this proceeding. Thereafter, on April 13, 1965, WEEL filed the motion here under consideration requesting that the issues be enlarged to determine: (a) Whether the application of WBXM Broadcasting Co., Inc. (WBXM) proposes to serve a "community" within the meaning of § 73.30(a) of the rules; (b) whether WBXM will provide the required signal coverage to any community it proposes to serve (§ 73.188(b) (1) and (2) of the rules); (c) whether WBXM's program proposals were formulated after a genuine ascertainment of program needs ("Suburban" issue); and (d) whether the proposed service area has any programing needs not already met by existing broadcast stations.[1]

2. At the outset the Board is confronted with the question of whether WEEL's motion was timely filed. The designation order in this proceeding was published in the FEDERAL REGISTER on March 3, 1965. (30 F.R. 2728). On April 2, 1965, the 30th day following publication, WEEL filed its petition to intervene which was granted April 8, 1965. (Order FCC 65M–437, released April 9, 1965). Within 5 days after being made a party to the proceeding, WEEL filed its subject motion alleging therein that it complied with the "good cause" requirement of § 1.229(b) of the rules. Specifically WEEL maintains it did not file its motion to intervene earlier because of the time necessary to review the designation order and to determine whether, in light of its financial position resulting from fire losses sustained in late 1964, it should intervene. WBXM argues that good cause for the delayed filing has not been demonstrated; that WEEL was on repeated notice of the pendency and status of WBXM's application; and that, having been untimely filed, the subject motion should be denied. The Broadcast Bureau is of the opinion that WEEL has demonstrated the requisite "good cause".

3. It is well established that the fact that an intervenor did not enter a proceeding until after the time for filing a motion to enlarge issues has elapsed goes only to the question of good cause for late filing; it does not toll the running of the 15 days specified by § 1.229 of the rules. Kenosha Broadcasting, Inc., FCC 61–1103, 22 R.R. 97. Under the factual circumstances of this case the Board is satisfied that the considerations prompting WEEL's delay in filing were meritorious. WEEL filed its subject motion promptly after it was made a party to the proceeding.[2] Having concluded that WEEL's motion was properly filed, we now direct our attention to the merits of the matter.

THE COMMUNITY ISSUE

4. In support of its request for addition of an issue to determine whether Springfield, Va., is a "community" (§ 73.30(a)) WEEL contends that Springfield is simply a name given to "an amorphous collection of very recent housing developments and shopping centers"; that it has no local government, receives all normal municipal services from Fairfax County and is not circumscribed by natural or man-made boundaries; that on three prior occasions Fairfax County has petitioned the State of Virginia for a city charter which if granted would eliminate the possibility of Springfield ever becomig a distinctive community; and that overall it lacks the usual indicia of a community. To further support its position WEEL has submitted a letter from Stanford E. Parris, elected representative on the Fairfax County Board of Supervisors from the Mason Magisterial District, which includes a "significant portion" of Springfield. Mr. Parris offered his opinion that the Springfield area does not have interests distinctive and distinguishable from those of any other urbanized area of Fairfax County.

5. The 1960 U.S. Census lists Springfield as an unincorporated urban place situated in the Mason District of Fairfax County, with depicted boundaries, whose area is given a 3.8 square miles and whose 1960 population is stated as 10,783 persons. In several past instances the Commission and the Board have held smaller, unincorporated places to be "communities" within the meaning of § 73.30(a) despite the fact that such places relied upon larger political subdivisions for routine governmental services. Seven Locks Broadcasting, Inc., FCC 64–595, 3 R.R. 2d 177; Musical Heights, Inc., 29 FCC 1, 19 R.R. 49 (1960); Rockland Broadcasting Co., 36 FCC 303, 2 R.R. 2d 39. The undisputed census information coupled with existing Commission precedent convinces us that addition of the requested issue would be unwarranted.[3] Mr. Parris' rather vague and indeterminate opinion fails to alter our conclusion.

COMPLIANCE WITH § 73.188(b) (1) AND (2) OF THE RULES

6. Referring to WBXM's engineering statement (engineering exhibit fig. 6), which indicates that the Springfield area has "expanded somewhat in the past 2 years", WEEL argues that because of the indefinite boundaries and the claim of the expanded area it is impossible to determine whether WBXM's proposal complies with § 73.188(b) (1) and (2) of the rules. WBXM's engineering statement demonstrates that its proposed 25 mv/m and 5 mv/m contours cover all of Springfield and portions of the areas contiguous thereto. Under these circumstances it is incumbent upon petitioner to allege facts demonstrating the need for addition of a required coverage issue. No such showing has been made and accordingly the issue will not be added (§ 1.229 of the rules).

THE "SUBURBAN" ISSUE

7. In support of its request for addition of a "Suburban" issue, WEEL alleges that after acceptance of its application for filing WBXM amended its application by substantially reducing its proposed "live" programing; and that this reduction was not supported by evidence of a continuing or additional survey of the program needs of the proposed service area (citing Springfield Telecasting Co., FCC 64R–471, 3 R.R. 2d 727). The primary thrust of WBXM's opposition revolves about the similarity between WBXM's programing proposal and WEEL's present programing. According to WBXM, this similarity tends to show that WBXM and WEEL made comparable determinations as to needs of their service areas, Springfield and Fairfax, Va., respectively. WBXM has also submitted the affidavit of its president, Joseph J. Kessler, who states that he resides in Falls Church, Va.; that his home is in close proximity to Springfield; that he has often driven to Springfield; and that through his participation in many civic organizations and reading of local publications he has kept advised of Springfield's needs. Mr. Kessler also states that in preparing WBXM's program proposal he has taken into account the results of surveys and interviews and has solicited suggestions through personal interviews and news interviews published in the Springfield Independent.

8. WBXM's opposition and the Kessler affidavit fail to meet or even address themselves to the question of whether the amendment to WBXM's programing proposal resulted from a change in the community needs and what steps, if any, were taken to detect this change. The reduction of "live" programing from 16.4 to 8.9 percent alone constitutes a substantial modification requiring a satisfactory explanation. WBXM's failure to supply such explanation compels us to add the requested "Suburban" issue. Springfield Telecasting Co., supra. A comparison between WBXM's and WEEL's programing, involving two different communities is irrelevant to our inquiry concerning only WBXM's proposal.

[1] Also before the Review Board are the following related pleadings: (a) Opposition, filed Apr. 26, 1965, by WBXM; (b) statement of Broadcast Bureau in partial opposition to motion to enlarge issues, filed Apr. 28, 1965; and (c) reply, filed May 10, 1965, by WEEL. Action by the Board on this pleading was held in abeyance because of the pending negotiations of the parties looking to the effectuation of an agreement which could eliminate the necessity for a hearing.

[2] Our determination herein should be contrasted to our denial of WGAY, Inc.'s late filed motion to enlarge. (FCC 65R–214, released June 8, 1965). WGAY was permitted to intervene in this proceeding pursuant to the same order granting WEEL's petition to intervene. However, not only did WGAY wait 2 weeks before filing its motion to enlarge, but it offered no explanation for its delay in either instance.

[3] We recognize the Bureau's concern that an applicant might claim as its "community" an area greater than that shown in a census study. Should that occur in this case, a renewed petition to enlarge issues might then be appropriate.

PROGRAM NEEDS

9. The last issue WEEL seeks to have added (on a contingent basis) is to determine the extent to which the programing of existing stations in the Washington, D.C. area meets the local needs of WBXM's proposed service area. In support of its request for such an issue, WEEL argues that it now provides service to the Springfield area [4] and that the Springfield area receives 2.0 mv/m or better service from at least seven stations, including WAVA, Arlington, Va., WPAX, Falls Church, Va., and WPIK, Alexandria, Va. WEEL enumerates in depth its existing programing designed to cover all of Springfield's needs, including, inter alia, service to Springfield civic organizations; broadcast of Lee High School athletic events (Lee High School draws students from the Springfield area); service to Springfield advertisers; and discussion programs many of whose participants are identified with the Springfield area.

10. Emphasizing the need for first local transmission service to Springfield, WBXM argues that WEEL has made no showing of Springfield's programing needs and the extent to which they are being met. Under such circumstances, it is claimed, WEEL's attempted program showing should not be allowed to offset the strong presumption of need for first local transmission. WBXM cites Greenwich Broadcasting Corp., FCC 62–727, 23 R.R. 962; Cookeville Broadcasting Co., FCC 60–101, 19 R.R. 897 and Service Broadcasting Corp. FCC 63R–234, 25 R.R. 445.

11. Where proposals for standard broadcast stations in different communities are mutually exclusive, evidence of the programing of existing stations serving such communities may in appropriate circumstances be material to a determination, under section 307(b) of the Communications Act, of which community has the greater need for the facility. Cookeville Broadcasting Co., supra. WEEL has made a sufficient threshold showing to raise the question of whether the programing needs of Springfield are now being satisfied by existing stations. Boardman Broadcasting Co., Inc., FCC 64R–21, 1 R.R. 2d 931. However, because of the uncertain status of a proposed joint engineering amendment and the possibility that ultimately the community of Charlottesville may prevail on the section 307(b) issue, the programing needs issue will be added on the following contingent basis only: (a) That the 307(b) issue remains applicable to this proceeding; and (b) that on the basis of the standard section 307(b) evidence (i.e., all evidence relevant to a 307(b) determination except for evidence concerning the programing of existing stations) Springfield would prevail. In other words, this issue need not be considered if Charlottesville would in any event be preferred on 307(b). See Boardman Broadcasting Co., Inc., supra.

Accordingly, it is ordered, This 3d day of November 1965, that the motion to enlarge issues, filed on April 13, 1965, by O.K. Broadcasting Corp. (WEEL) is granted to the extent indicated herein and is denied as to the remainder; and that the issues in this proceeding are enlarged by addition of the following:

(a) To determine the efforts, if any, made by WBXM Broadcasting Co., Inc. or its predecessor in interest [Joseph J. Kessler tr/as WBXM Broadcasting Co.] to ascertain the needs and interests of the area proposed to be served and the manner in which the applicant will meet such needs and interests;

(b) In the event WBXM Broadcasting Co., Inc., should be preferred under the existing section 307(b) issue in this proceeding, to determine the extent to which programing of existing stations meets the local needs and interests of Springfield, Va., and to determine in the light of such evidence which of the applicants should be preferred.

Released: November 3, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[5]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65–12036; Filed, Nov. 8, 1965; 8:50 a.m.]

[Docket Nos. 15668, 15708; FCC 65M–1455]

CHICAGOLAND TV CO. AND CHICAGO FEDERATION OF LABOR AND INDUSTRIAL UNION COUNCIL

Order Continuing Hearing

In re applications of Frederick B. Livingston and Thomas L. Davis, doing business as Chicagoland TV Co., Chicago, Ill., Docket No. 15668, File No. BPCT–3116; Chicago Federation of Labor and Industrial Union Council, Chicago, Ill., Docket No. 15708, File No. BPCT–3439; for construction permits for new television broadcast station (Channel 50).

On the Hearing Examiner's own motion: *It is ordered*, This 4th day of November 1965, that the hearing session now scheduled to commence on December 15, 1965, is continued to December 22, 1965, at 10 a.m., in the offices of the Commission at Washington, D.C.

Released: November 4, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65–12037; Filed, Nov. 8, 1965; 8:50 a.m.]

[Docket Nos. 15752 etc.; FCC 65M–1440]

CHARLES W. JOBBINS ET AL.

Order Continuing Hearing

In re applications of Charles W. Jobbins, Costa Mesa—Newport Beach, Calif., Docket No. 15752, File No. BP–16157; Goodson-Todman Broadcasting, Inc., Pasadena, Calif., Docket No. 15754, File No. BP–16159; Orange Radio, Inc., Fullerton, Calif., Docket No. 15755, File No. BP–16160; Pacific Fine Music, Inc., Whittier, Calif., Docket No. 15756, File No. BP–16161; The Bible Institute of Los Angeles, Inc., Pasadena, Calif., Docket No. 15757, File No. BP–16162; C. D. Funk and George A. Baron, a partnership, doing business as Topanga Malibu Broadcasting Co., Topanga, Calif., Docket No. 15758, File No. BP–16164; California Regional Broadcasting Corp., Pasadena, Calif., Docket No. 15759, File No. BP–16165; Storer Broadcasting Co. (KGBS), Pasadena, Calif., Docket No. 15760, File No. BP–16166; Robert S. Morton, Arthur Hanisch, Macdonald Carey, Ben F. Smith, Donald C. McBain, Robert Breckner, Louis R. Vincenti, Robert C. Mardian, James B. Boyle, Robert M. Vaillancourt, and Edwin Earl, doing business as Brown City Broadcasting Co., Pasadena, Calif., Docket No. 15762, File No. BP–16168; Pasadena Community Station, Inc., Pasadena, Calif., Docket No. 15763, File No. BP–16170; Voice in Pasadena, Inc., Pasadena, Calif., Docket No. 15764, File No. BP–16172; Western Broadcasting Corp., Pasadena, Calif., Docket No. 15765, File No. BP–16173; Pasadena Broadcasting Co., Pasadena, Calif., Docket No. 15766, File No. BP–16174, for construction permits.

The Hearing Examiner having under consideration the matters affecting the future procedural course of the above-entitled proceeding;

It appearing, that as a consequence of informal conferences held among all parties hereto substantial progress has been made in the areas of reducing the volume of the evidentiary exhibits previously exchanged herein with reference to the "307(b) issue" and as a consequence thereof additional time for the resumption of hearing is requested to afford opportunity to prepare revised materials and to arrive at stipulations relative to the presentation of such materials in evidence;

It further appearing, that if successfully concluded, the above proposals should result in substantially shortening the evidentiary phases of the proceeding and that all parties have consented to immediate consideration and grant of the request for continuance;

It is ordered, This 3d day of November 1965, that the said oral request for continuance is granted, the presently scheduled hearings of November 4, 1965, and November 8, 1965, are cancelled and hearing herein shall resume November 15, 1965, commencing at 10 a.m., in the offices of the Commission at Washington, D.C.

Released: November 4, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65–12038; Filed, Nov. 8, 1965; 8:50 a.m.]

[4] The Board's review of the exhibit cited by WEEL in support of this assertion (WEEL exhibit No. 2, page 6, submitted in Docket No. 15079), indicates some uncertainty as to the extent to which WEEL provides the required signal to all of the area alleged.

[5] Board Members Berkemeyer and Nelson not participating.

[Docket No. 18250; FCC 65M–1456]

SERVICE ELECTRIC CABLE TV, INC.

Order Scheduling Prehearing Conference

In the matter of: cease and desist order to be directed to Service Electric Cable TV, Inc., 206–208 East Third Street, Bethlehem, Pa., Docket No. 16250.

On the Hearing Examiner's own motion: *It is ordered*, This 4th day of November 1965, that a prehearing conference in the above-entitled proceeding will be convened at 10 a.m., Friday, November 12, 1965, at the Commission's offices, Washington, D.C.; and

It is ordered further, That the parties will be prepared to discuss areas of possible stipulation, both of procedure and of fact, during the prehearing conference, and to indicate the numbers of witnesses whose testimony they intend to present and their estimates of the length of the hearing.

Released: November 4, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65–12039; Filed, Nov. 8, 1965; 8:50 a.m.]

[Docket No. 15871 etc.; FCC 65–989]

SOUTHINGTON BROADCASTERS ET AL.

Memorandum Opinion and Order Amending Issues

In re application of Fitzgerald C. Smith, trading as Southington Broadcasters, Southington, Conn., Docket No. 15871, File No. BP–16405; for construction permit. In re applications of Joe Zimmermann, Arthur K. Greiner, Glenn W. Winter, William W. Rakow, Robert M. Lesher, doing business as Lebanon Valley Radio, Lebanon, Pa., Docket No. 15835, File No. BP–16098; John E. Hewitt, Thomas A. Ehrgood, Clifford A. Minnich, and Fitzgerald Smith, doing business as Cedar Broadcasters, Lebanon, Pa., Docket No. 15836, File No. BP–16103; Catonsville Broadcasting Co., Catonsville, Md., Docket No. 15838, File No. BP–16105; Radio Catonsville, Inc., Catonsville, Md., Docket No. 15839, File No. BP–16106; Commercial Radio Institute, Inc., Catonsville, Md., Docket No. 15840, File No. BP–16107; for construction permits. In re applications of Eastern Long Island Broadcasters, Inc., Sag Harbor, N.Y., Docket No. 16033, File No. BPH–4321; Reunion Broadcasting Corp., East Hampton, N.Y., Docket No. 16034, File No. BPH–4460; for construction permits.

1. The Commission has under consideration: (a) Memorandum Opinion and Order (FCC 65R–290; 30 F.R. 9889), released August 4, 1965, enlarging issues in Docket No. 15871, supra; (b) Order (FCC 65R–340; 30 F.R. 11980), released September 15, 1965, enlarging issues in Docket Nos. 15835, 15836, 15838–15840, supra; (c) Order (FCC 65R–369; 30 F.R. 13024), released October 6, 1965, enlarging issues in Docket Nos. 16033 and 16034, supra; (d) Petition for Limited Consolidation of Hearings, filed August 23, 1965, by Lebanon Valley Radio in Docket Nos. 15835, 15836, 15838–15840; and (e) Motion to Consolidate Hearings for Limited Purpose, filed August 31, 1965, by Reunion Broadcasting Corp. in Docket Nos. 16033–16034.

2. The above-listed pleadings had their origin in testimony given on May 25, 1965, in Docket No. 15871 before Hearing Examiner Thomas H. Donahue by Fitzgerald C. Smith, sole proprietor, trading as Southington Broadcasters, applicant for a construction permit for a new standard broadcast station in Southington, Connecticut. As a result of appropriate pleadings, the issues in that case were subsequently enlarged (par. 1(a), supra) as follows:

(a) To determine whether the application (BP–16405) contains misrepresentations of fact or fails to reveal information called for in the application.

(b) To determine whether applicant's testimony given on May 25, 1965, before Examiner Thomas Donahue included misrepresentations of fact or was lacking in candor.

(c) To determine whether there are real parties in interest to the application other than Fitzgerald C. Smith and, if so, the identity of each and the relationship of each to the financing, ownership and operation of the proposed station.

(d) To determine whether, in light of the findings on the above issues, the applicant possesses the character qualifications required of a Commission licensee.

Since Fitzgerald C. Smith has substantial interests in Cedar Broadcasters and Eastern Long Island Broadcasters, Inc. (applicants for construction permits in Docket Nos. 15836 and 16033, respectively), issues in those proceedings were subsequently enlarged upon appropriate pleadings to add (in Docket Nos. 15835, 15836, 15838–15840) an issue (par. 1(b), supra) to wit:

To determine, should it be determined in the proceeding for a new standard broadcast station in Southington, Conn. (Fitzgerald C. Smith, trading as Southington Broadcasters, Docket No. 15871), that Fitzgerald C. Smith does not possess the requisite character qualifications to be a licensee of the Commission, whether Cedar Broadcasters possesses the requisite qualifications to be a licensee of the Commission.

and (in Docket Nos. 16033 and 16034) an issue (par. 1(c), supra) in substantially identical terms as to Eastern Long Island Broadcasters, Inc.

3. The Commission has now before it for action two similar petitions (pars. 1(d) and 1(e), supra) to consolidate the three hearings for the limited purpose of taking testimony on the common issue of the character of Fitzgerald C. Smith. The petition of Lebanon Valley Radio (par. 1(d), supra) also points out that the issue in Lebanon, as currently worded, "would not give the applicants in * * * Lebanon-Catonsville * * * the right to participate in the taking of evidence on the character qualifications of Mr. Smith." We agree and shall, on our own motion, reword the issues to permit all counsel equal participation.

Accordingly, it is ordered, This 3d day of November 1965 that the petition of Lebanon Valley Radio and the motion of Reunion Broadcasting Corp. are granted; and

It is further ordered, That the issues added to the respective proceedings by Memorandum Opinion and Order, FCC 65R–290 and Orders, FCC 65R–340 and FCC 65R–369 are deleted; and

It is further ordered, That the following issues are added in Southington Broadcasters (Docket No. 15871), Lebanon Valley Radio (Docket Nos. 15835, 15836, 15838–15840) and Eastern Long Island Broadcasters, Inc. (Docket Nos. 16033 and 16034), to wit:

(a) To determine whether the application in Southington Broadcasters, Southington, Conn., Docket No. 15871 (BP–16405) contains misrepresentations of fact or fails to reveal information called for in the application.

(b) To determine whether applicant's testimony given in Southington Broadcasters, Southington, Conn., Docket No. 15871 (BP–16405) on May 25, 1965, before Examiner Thomas Donahue included misrepresentations of fact or was lacking in candor.

(c) To determine whether there are real parties in interest to the application in Southington Broadcasters, Southington, Conn., Docket No. 15871, other than Fitzgerald C. Smith and, if so, the identity of each and the relationship of each to the financing, ownership and operation of the proposed station.

(d) To determine whether, in light of the findings on the above issues, the applicant herein with which Fitzgerald C. Smith is associated possesses the character qualifications required of a Commission licensee; and

It is further ordered, That the proceedings in Lebanon, Pa. (Docket Nos. 15835 et al.) and Sag Harbor, N.Y. (Docket Nos. 16033 et al.) are consolidated with the Southington, Conn., proceeding (Docket No. 15871) for the limited purpose of taking evidence on the issues relating to the character qualifications of Fitzgerald C. Smith; and

It is further ordered, That the consolidated hearing shall take place at a time, place and date to be designated by the Chief Hearing Examiner, before Hearing Examiners Elizabeth C. Smith, presiding, Thomas H. Donahue and Sol Schildhause; and

It is further ordered, That all parties to the three proceedings above-captioned shall be permitted full participation; and

It is further ordered, That the three Hearing Examiners shall, as soon as practicable thereafter, render a single, joint Initial Decision on the issues common to all three proceedings herein, which joint Initial Decision shall thereafter be subject to all appellate procedures provided for Initial Decision; and

It is further ordered, That each Hearing Examiner shall incorporate the testimony so taken into the hearing record of the proceeding which he is conducting, and in the event that the Initial Decision above-referred to be not absolutely disqualifying to the applicant in his proceeding, he may make such comparative evaluation of such applicant as

may be appropriate in the light of such testimony.

Released: November 4, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12040; Filed, Nov. 8, 1965; 8:50 a.m.]

[Docket No. 14909; FCC 65M-1444]

SOUTHERN RADIO & TELEVISION CO.

Order Continuing Prehearing Conference

In re application of Southern Radio & Television Co., Lehigh Acres, Fla., Docket No. 14909, File No. BP-14297; for construction permit.

On the unopposed oral request of counsel for the applicant: *It is ordered*, This 3d day of November 1965, that the further prehearing conference is rescheduled from November 8, to November 15, 1965, at 10 a.m.

Released: November 4, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12041; Filed, Nov. 8, 1965; 8:50 a.m.]

[Docket No. 16125; FCC 65M-1443]

TINKER, INC.

Order Continuing Hearing

In the matter of revocation of the license of Tinker, Inc., for standard broadcast station WEKY, Richmond, Ky., Docket No. 16125.

A prehearing conference having been held on November 3, 1965, whereat certain agreements were reached and certain rulings were made;

It appearing, that certain pleadings are now pending before the Commission; that the disposition of these pleadings may affect materially the conduct of this proceeding; and that in such circumstances it is appropriate to postpone the date now set for the commencement of hearing;

Accordingly, it is ordered, This 3d day of November 1965, that the hearing now scheduled to commence on November 15, 1965, in Richmond, Ky., is continued, pending further order.

Released: November 3, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12042; Filed, Nov. 8, 1965; 8:50 a.m.]

[1] Commissioner Hyde absent.

[Docket Nos. 16223—16229; FCC 65M-1451]

TRI-STATE TELEVISION TRANSLATORS, INC.

Order Continuing Prehearing Conference

In re applications of Tri-State Television Translators, Inc., Cumberland, Md., Docket No. 16223, File No. BPTTV-2354; Tri-State Television Translators, Inc., Cumberland, Md., Docket No. 16224, File No. BPTTV-2355; Tri-State Television Translators, Inc., Cumberland, Md., Docket No. 16225, File No. BPTTV-2356; Tri-State Television Translators, Inc., Cumberland, Md., Docket No. 16226, File No. BPTTV-2357; Tri-State Television Translators, Inc., Cumberland, Md., Docket No. 16227, File No. BPTTV-2358; Tri-State Television Translators, Inc., Cumberland, Md., Docket No. 16228, File No. BPTTV-2359; Tri-State Television Translators, Inc., Cumberland, Md., Docket No. 16229, File No. BPTTV-2360; for construction permits for new VHF television broadcast translator stations.

In order to meet the convenience of counsel for the applicant and with the consent of all parties, the further prehearing conference now scheduled for Friday, November 5, 1965, is continued to Wednesday, November 10, 1965, beginning at 10 a.m., in the offices of the Commission, Washington, D.C.

It is so ordered, This the 4th day of November 1965.

Released: November 4, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12043; Filed, Nov. 8, 1965; 8:50 a.m.]

[Docket Nos. 15826, 15827; FCC 65M-1454]

KXYZ TELEVISION, INC. AND CREST BROADCASTING CO.

Order Scheduling Hearing

In re applications of KXYZ Television, Inc., Houston, Tex., Docket No. 15826, File No. BPCT-3220; Crest Broadcasting Co., Houston, Tex., Docket No. 15827, File No. BPCT-3302; for construction permit for new television broadcast station (Channel 26).

A prehearing conference having been held on November 4, 1965, whereat certain agreements were reached and certain rulings were made;

It is ordered, This 4th day of November 1965, that hearing herein shall resume on December 10, 1965, commencing at 10 a.m., in the offices of the Commission at Washington, D.C.

Released: November 4, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12044; Filed, Nov. 8, 1965; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 65-23]

PHILIPPINE FORWARDING CO., INC.

Discontinuance of Proceeding and Revocation of Operating Rights

This proceeding was instituted to determine whether applicant Philippine Forwarding Co., Inc., 150 Nassau Street, New York, N.Y., is fit, willing, and able properly to carry on the business of forwarding for others pursuant to section 44(b) of the Shipping Act, 1916, and to conform to the requirements, rules, and regulations of the Commission issued thereunder.

Applicant has now requested that it be allowed to withdraw its application for a license as an independent ocean freight forwarder.

It is ordered, That the request of Philippine Forwarding Co., Inc., to withdraw its application is hereby granted, and the proceeding is discontinued.

It is further ordered, That the right of Philippine Forwarding Co., Inc., to carry on the business of forwarding under section 44(b) of the Shipping Act, 1916, is revoked effective this date pursuant to the terms of that section: *Provided, however*, That this revocation is not intended to prevent Philippine Forwarding Co., Inc., from completing forwarding services for which it has received payment prior to this date.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 65-12052; Filed, Nov. 8, 1965; 8:51 a.m.]

YORK SHIPPING CORP. ET AL.

Independent Ocean Freight Forwarder Applications; Notice of Revision

Notice is hereby given of the change in the following applications for independent ocean freight forwarder licenses filed pursuant to section 44, Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

GRANDFATHER APPLICANT

York Shipping Corp., 225 West 34th Street, New York, N.Y.; Application No. 493, denied October 7, 1965.

NEW APPLICANT

Hampton Roads Shipping Corp., C & O Terminal Building, Room 304B, 2210 Harbor Road, Newport News, Va.; Application withdrawn August 23, 1965.

Notice is hereby given that the following applicant has filed with the Federal Maritime Commission, application for license as independent ocean freight forwarder, pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., 20573. Protests received within 60 days from the date of publication of this notice in the FEDERAL REGISTER will be considered.

Della Fallde, 1810 Central Avenue, Tampa, Fla., 33602; Della Fallde, owner.

ADDRESS CHANGE

International Export Packers, Inc., 631 South Pickett Street, Alexandria, Va.; applicant.

Notice is hereby given of changes in the following independent ocean freight forwarder licenses.

CHANGE OF NAME

T. Parker Host, Inc., to Hampton Roads Shipping Corp., 2210 Harbor Road, Newport News, Va.; License No. 339.
W. J. Browning Co., W. J. Browning, d.b.a., to W. J. Browning, Inc., 103 Granby Street, Norfolk, Va., 23510; License No. 243.
Juan A. Vega to Miguel A. Vega, 151 Marina Street, San Juan, P.R.; License No. 684.
Pan American Shipping Co. to Pan American Shipping Co., Inc., 527 Canal Street, New Orleans, La., 70130; License No. 245.

CHANGE OF OFFICERS

Norton & Ellis, Inc., 120 Atlantic Street, Post Office Box 3257, Norfolk, Va.; License No. 421. James H. Devereux, Jr., Chairman of the board; T. J. Gills, Jr., president-treasurer; Cary M. Early, assistant to president; D. W. Fulton, assistant vice president; R. A. Descoteaux, assistant vice president; and James H. Brock, secretary.
S. H. Pomerance Co., Inc., 50 Broadway, New York, N.Y.; License No. 878. Anna Pomerance, secretary-treasurer.
York Forwarding Corp., 50 Pearl Street, New York, N.Y.; License No. 439. Ernest Zimmerman, secretary.
Transcontinental Export Forwarding Co., Inc., 26 Broadway, New York, N.Y.; License No. 946. Raquel V. Carreras, secretary-director.

CHANGE OF ADDRESS

S. H. Pomerance Co., Inc., 50 Broadway, New York, N.Y.; License No. 876.

GRANDFATHERS LICENSED

October 1965

Valencia Baxt Express, Inc., 451 Fernandez Juncos Avenue, San Juan, P.R.; License No. 587, Issued October 25, 1965.
Norman G. Jensen, Inc., 3565 El Camino Real, Palo Alto, Calif., License No. 800, Issued October 27, 1965.
Del Mar Shipping Corp., 354 South Spring Street, Los Angeles, Calif.; License No. 640, Issued October 4, 1965.

LATE AND NONLICENSED

International Airfreight, Inc., 750 Lairport Street, El Segundo, Calif.; License No. 1095, Issued October 4, 1965.
Foreign Freight Forwarders of Milwaukee, Franklin George Reitz, d.b.a., 4349 Glenway Street, Wauwatosa, Wis., 53222; License No. 1096, Issued October 7, 1965.
Dever, Inc., 21 South Fifth Street, Philadelphia, Pa.; License No. 1097, Issued October 29, 1965.

Dated: November 4, 1965.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-12053; Filed, Nov. 8, 1965; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP66-115]

CITIES SERVICE GAS CO.

Notice of Application

NOVEMBER 1, 1965.

Take notice that on October 20, 1965, Cities Service Gas Co. (Applicant), Post Office Box 1995, Oklahoma City, Okla., 73101, filed in Docket No. CP66-115 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the Commission's regulations under the Act for a certificate of public convenience and necessity authorizing the construction during the calendar year 1966 and operation of gas purchase facilities, as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes the construction during 1966 and the operation of miscellaneous meter and regulator equipment and field gathering lines and compressors to enable Applicant to take into its certificated main pipeline system natural gas which it purchases in the general area of its system, as the gas becomes available to it.

The total cost of the facilities to be constructed under this proposal will not exceed $3,000,000, with no single project to cost more than $500,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before November 22, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-11991; Filed, Nov. 8, 1965; 8:45 a.m.]

[Docket Nos. CP66-127, CP66-128]

EL PASO NATURAL GAS CO.

Notice of Applications

NOVEMBER 1, 1965.

Take notice that on October 25, 1965, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex., 79999, filed in Docket Nos. CP66-127 and CP66-128 separate "budget-type" applications pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the Regulations under the Act for certificates of public convenience and necessity authorizing the construction during the calendar year 1966 and the operation of gas-purchase facilities to be added to its Southern Division System and its Northwest Division System, respectively, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Applicant has made separate filings for the "budget-type" certificates for the two divisions of its system in order to facilitate transfer of the facilities to be installed in the Northwest Division System, of which Applicant seeks to divest itself by its filing of July 23, 1965, in Docket No. CP66-27. Northwest Pipeline Corp. (Northwest), by its filings of the same date in Docket Nos. CP66-28, CP66-29 and CP66-30, seeks to assume control of the facilities and operations of Applicant's Northwest Division System. Applicant contemplates that when divestiture is authorized the authorization sought in Docket No. CP66-128 will be applicable to Northwest.

The purpose of the instant filings is to permit Applicant to act with reasonable dispatch in contracting for and attaching to its respective Systems new or expanded supplies of natural gas in various producing areas generally coextensive with the said Systems.

The aggregate cost for all facilities for which authorization is sought in Docket No. CP66-127 (for the Southern Division System) will not exceed $4,000,000 and the total cost for any single project will not exceed $500,000. The aggregate cost for all facilities for which authorization is sought in Docket No. CP66-128 (for the Northwest Division System) will not exceed $1,000,000, and the total cost for any single project will not exceed $500,000. The financing in each case is to be from working funds.

Applicant further states that no new or additional sales are proposed in the filings in these dockets or otherwise contemplated specifically as a result of such attachment of natural gas.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before November 29, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the

Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-11992; Filed, Nov. 8, 1965; 8:45 a.m.]

[Docket Nos. CP66-110, CP66-112]

GREAT LAKES GAS TRANSMISSION CO.

Notice of Applications

NOVEMBER 2, 1965.

Take notice that on October 15, 1965, Great Lakes Gas Transmission Co. (Applicant), 100 West Tenth Street, Wilmington, Del., filed in Docket No. CP66-112 an application pursuant to section 3 of the Natural Gas Act requesting an order of the Commission authorizing Applicant to import and export natural gas from and to Canada. On the same date Applicant filed in Docket No. CP66-110 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for the interstate transportation of natural gas in the States of Minnesota, Wisconsin, and Michigan, and for the sale of natural gas for resale in the State of Michigan. Applicant filed a third application, on the same day, in Docket No. CP66-111 for a permit pursuant to Executive Order No. 10485, dated September 3, 1953, authorizing the construction, operation, maintenance and connection of facilities at three separate locations on the international boundary between the United States and Canada for the importation and exportation of natural gas from and to Canada. The proposals involved are more fully set forth in the aforementioned applications which are on file with the Commission and open to public inspection.

The above applications incorporate proposals by Applicant involving the receipt of natural gas from Trans-Canada Pipe Lines Ltd. (Trans-Canada) at the international boundary between the United States and Canada near Emerson, Manitoba, and the transportation of portions of such gas in an easterly direction across Minnesota, Wisconsin, and Michigan, to points on the international boundary near Sault Ste. Marie and St. Clair, Mich. Applicant states that at St. Clair, Mich., and Sault Ste. Marie, Mich., gas would be redelivered by Applicant to Trans-Canada, for use in meeting Trans-Canada's expanding market requirements. Such gas would be transported under a transportation agreement between Applicant and Trans-Canada.

By its applications Applicant proposes to construct a new pipeline from an interconnection with Trans-Canada at the international boundary near Emerson, Manitoba, across the States of Minnesota, Wisconsin, and Michigan, to an interconnection with Trans-Canada at a point on the international boundary near St. Clair, Mich. Applicant proposes to construct the new pipeline in two segments. The first segment, which applicant anticipates would be ready for operation commencing in the fall of 1966, would consist of approximately 157 miles of 36-inch pipeline extending from a point near the Austin Field storage area in Michigan to a point on the international boundary near St. Clair, Mich. The second segment, which Applicant anticipates would be ready for operation by the fall of 1967, would consist of approximately 832 miles of 36-inch pipeline extending from a point on the international boundary near Emerson, Manitoba, to a point near the Austin Field storage area where it would connect with the first segment. The second segment would also include a 10-inch lateral pipeline from an interconnection with the 36-inch pipeline in Mackinac County, Mich., extending to the twin cities of Sault Ste. Marie, Mich., and Sault Ste. Marie, Ontario.

Applicant proposes to render the following services by virtue of its proposed new pipeline system. Commencing in the fall of 1966, Applicant proposes to receive from Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin), at the aforementioned point near the Austin Field storage area, for the account of Trans-Canada, a contract demand of 113,000 Mcf of gas per day and to transport and deliver such 113,000 Mcf per day to Trans-Canada at the international boundary near St. Clair, Mich. In 1967, Applicant proposes to transport approximately 10 million Mcf of gas for the account of Michigan Consolidated Gas Co. (Michigan Consolidated) from the Austin Field storage area to Michigan Consolidated's Belle River Mills storage field near St. Clair, Mich.

Commencing in the fall of 1967, Applicant proposes to receive 63,000 Mcf of gas per day from Michigan Wisconsin at the Austin Field storage area, for transportation and delivery to Trans-Canada at St. Clair. In addition, however, since the 36-inch pipeline would be completed from Emerson, Manitoba, to St. Clair, Mich., by the fall of 1967, Applicant proposes to transport for the account of Trans-Canada 392,000 Mcf of gas per day; 372,000 Mcf per day is to be delivered at St. Clair and 20,000 Mcf per day is to be delivered at Sault Ste. Marie. Also commencing in 1967, Applicant proposes to purchase from Trans-Canada and sell and deliver to Michigan Consolidated at delivery points along the new line, a contract demand of 20,000 Mcf per day. In 1968 and 1969, Applicant proposes to transport for Michigan Consolidated's account such volumes of gas as Michigan Consolidated may elect, but not less than 8 billion cubic feet nor more than 12 billion cubic feet annually, reduced by the amount purchased by Michigan Consolidated from Applicant at the Belle River Mills storage field.

Commencing in the fall of 1968, Applicant would not receive gas from Michigan Wisconsin for transportation to Trans-Canada, but would transport for the account of Trans-Canada 530,000 Mcf of gas per day; 507,000 Mcf per day to be delivered to Trans-Canada at St. Clair and 23,000 Mcf per day to be delivered to Trans-Canada at Sault Ste. Marie. Also commencing in the fall of 1968, Applicant proposes to purchase from Trans-Canada and sell and deliver to Michigan Consolidated, a contract demand of 40,000 Mcf of gas per day.

Commencing in the fall of 1968, Applicant proposes to transport for the account of Trans-Canada, a contract demand of 600,000 Mcf of gas per day; 574,000 Mcf per day to be delivered to Trans-Canada at St. Clair and 26,000 Mcf per day to be delivered to Trans-Canada at Sault Ste. Marie. Also commencing in the fall of 1969, and each year thereafter over the period of the contract, Applicant proposes to purchase from Trans-Canada and sell to Michigan Consolidated at delivery points along the proposed pipeline, a contract demand of 57,000 Mcf of gas per day.

Commencing in the fall of 1970, the fifth year of Applicant's proposed operations, Applicant proposes to transport for the account of Trans-Canada a contract demand of 677,000 Mcf of gas per day, 648,000 Mcf per day to be delivered at St. Clair and 29,000 Mcf per day to be delivered at Saint Ste. Marie.

Specifically, Applicant seeks authorization to construct and operate approximately 989 miles of 36-inch gas transmission pipeline, approximately 44 miles of 10-inch pipeline and a total of 134,700 horsepower in compressor facilities at 12 stations.

The estimated cost of Applicant's proposed construction is $211,669,000. The project would be financed through the sale of an equal number of shares of common stock to Trans-Canada and American Natural Gas Company in the total amount of $34,000,000; the issuance of first mortgage bonds in the amount of $145,000,000; promissory notes in the amount of $24,000,000; and funds generated by Applicant internally.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before November 22, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 3, 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-11993; Filed, Nov. 8, 1965; 8:45 a.m.]

[Docket No. CP66-124]

LONE STAR GAS CO.

Notice of Application

NOVEMBER 1, 1965.

Take notice that on October 22, 1965, Lone Star Gas Co. (Applicant), 301 South Harwood Street, Dallas, Tex., 75201, filed in Docket No. CP66-124 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the regulations under the Act for a certificate of public convenience and necessity authorizing the construction during the calendar year 1966 and the operation of various lateral pipelines and related facilities for the transportation of natural gas in interstate commerce, as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the facilities to be constructed will be gas purchase facilities for the purpose of connecting new supplies of gas into its existing certificated pipeline system.

The total aggregate cost of such construction, to be financed out of funds currently on hand, will not exceed $1,890,000 and the cost of any single project would be limited to $472,500.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before November 26, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-11994; Filed, Nov. 8, 1965; 8:46 a.m.]

[Docket No. G-18432 etc.]

NAFCO OIL AND GAS INC., ET AL.

Order Rescinding Certificates, Amending Order Issuing Certificate, Terminating Proceedings, Redesignating FPC Gas Rate Schedules, Accepting Supplements to FPC Gas Rate Schedules for Filing

NOVEMBER 1, 1965.

In the matter of Nafco Oil and Gas Inc. (Operator), et al., Docket No. G-18432; Oil and Gas Property Management, Inc. (Delaware), agent for Nafco Oil and Gas Inc., Docket No. CI65-885; Oil and Gas Property Management, Inc. (Delaware), agent for Nafco Oil and Gas Inc., Docket No. CI65-886; Nafco Oil and Gas Inc. (Operator), et al. v. Oil and Gas Property Management, Inc., Docket No. CI65-1345; Nafco Oil and Gas Inc. (Operator), et al., Docket No. IN-974; Nafco Oil and Gas Inc. (Operator), et al., Docket No. IN-975.

On May 20, 1963, the Commission issued a certificate of public convenience and necessity in Docket No. G-18432 to Nafco Oil and Gas Inc. (Nafco) authorizing, inter alia, the sale for resale and delivery of natural gas in interstate commerce to Tennessee Gas Transmission Co. from acreage in Liberty, San Jacinto, and Wharton Counties, Tex., pursuant to Nafco's FPC Gas Rate Schedule Nos. 1 and 3. Nafco's interest in the subject properties was acquired in 1959. In 1961 Oil and Gas Property Management, Inc., a Delaware corporation (OGPM), assumed physical operation of the properties. During 1964 a dispute arose over operation of the properties and Nafco instituted suits in the State courts of Texas with respect to operation of the properties. At about the same time that the suits were filed in Texas, OGPM made certain filings with the Commission and requested to be substituted in lieu of Nafco as certificated operator of the properties. The Commission, unaware of the controversy between Nafco and OGPM, issued certificates to OGPM, amended the order issuing a certificate in Docket No. G-18432 by deleting therefrom Nafco's authorization to sell gas from the subject properties, and redesignated Nafco's FPC Gas Rate Schedule Nos. 1 and 3 as OGPM's FPC Gas Rate Schedule Nos. 1 and 2, respectively. Upon learning of OGPM's filings with the Commission, Nafco filed informal complaints in Docket Nos. IN-974 and IN-975 and stated that OGPM was without authority to make its filings. By the time said complaints had been filed the Commission had already acted upon OGPM's filings. Nafco subsequently filed a formal complaint in Docket No. CI65-1345.

As a result of the filing of the law actions in Texas, Nafco and OGPM entered into an agreement which provided for the owners of the properties involved to vote for Nafco or OGPM as operator. Nafco was elected operator of the properties dedicated to OGPM's FPC Gas Rate Schelule Nos. 1 and 2 as of September 1, 1965. Nafco has submitted an affidavit attesting to these facts pending receipt of operating agreements executed by the various owners of the properties. Accordingly, it is appropriate to restore Nafco to its position as certificated operator of the properties.

The Commission finds:

(1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificates heretofore issued in Docket Nos. CI65-885 and CI65-886 should be rescinded and that the authorizations provided thereunder should be added to the certificate heretofore issued in Docket No. G-18432.

(2) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the proceedings pending in Docket Nos. CI65-1345, IN-974 and IN-975 should be terminated.

(3) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that OGPM's FPC Gas Rate Schedule Nos. 1 and 2 should be redesignated as rate schedules of Nafco and that the affidavit attesting to the election of Nafco as operator should be accepted for filing as a supplement to each of the rate schedules.

The Commission orders:

(A) The order issuing a certificate of public convenience and necessity in Docket No. G-18432 is amended by adding thereto authorization for Nafco Oil and Gas Inc. (Operator), et al., to sell natural gas from certain properties heretofore dedicated to Oil and Gas Property Management, Inc. (Delaware), agent for Nafco Oil and Gas Inc., FPC Gas Rate Schedule Nos. 1 and 2, and in all other respects said order shall remain in full force and effect.

(B) The certificates of public convenience and necessity heretofore issued to Oil and Gas Property Management, Inc. (Delaware) agent for Nafco Oil and Gas Inc., in Docket Nos. CI65-885 and CI65-886 are rescinded.

(C) The proceedings pending in Docket Nos. CI65-1345, IN-974 and IN-975 are terminated.

(D) Oil and Gas Property Management, Inc. (Delaware), agent for Nafco Oil and Gas Inc., FPC Gas Rate Schedule Nos. 1 and 2, as supplemented, are redesignated as Nafco Oil and Gas Inc. (Operator), et al., FPC Gas Rate Schedule Nos. 1 and 3, as supplemented.

(E) The affidavit dated September 30, 1965, attesting to the fact that Nafco has been elected operator of the subject properties is accepted for filing effective September 1, 1965, and designated as Supplement No. 17 to Nafco Oil and Gas Inc. (Operator), et al., FPC Gas Rate Schedule No. 1 and Supplement No. 13 to Nafco Oil and Gas Inc. (Operator), et al., FPC Gas Rate Schedule No. 3.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-11995; Filed, Nov. 8, 1965; 8:46 a.m.]

[Docket No. CP66-129]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

NOVEMBER 1, 1965.

Take notice that on October 26, 1965, Natural Gas Pipeline Co. of America (Applicant), 122 South Michigan Avenue, Chicago, Ill., 60603, filed an application in Docket No. CP66-129 pursuant to section 7(b) of the Natural Gas Act for permission and approval of the proposed abandonment by sale to Socony Mobil Oil Co., Inc. (Socony), of approximately 13.2 miles of 10-inch and 1.5 miles of 8-inch gas purchase pipeline, two gas purchase meter stations, and facilities appurtenant thereto, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The facilities, known as the Lundell Facilities and located in Duval County, Tex., are currently used to gather and to transport to Applicant's 20-inch Hagist Ranch Lateral natural gas produced in the Lundell Field Area by Socony, Texaco Inc. (Texaco), Sinclair Oil & Gas Co. (Sinclair), Humble Oil & Refining Co. (Humble) and the Lundell Heirs.

The application states that the above-named producers have elected to exercise their rights under the contracts dated March 1, 1963, March 27, 1963, April 10, 1963, and November 1, 1963, respectively, to process the gas which they produce in the Lundell Field prior to delivery to Applicant.

Applicant further states that Socony would gather, process and deliver to Applicant at the tailgate of the Hagist Ranch Gasoline plant such gas as is produced in the Lundell Field by the aforementioned producers. Socony would purchase the facilities from Applicant and operate them as a part of its Hagist Ranch Gas Gathering System.

Applicant has entered into a letter agreement dated September 10, 1965, which provides for amendments to change the delivery points proposed and for the sale of the above-described purchase lateral and appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 29, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-11996; Filed, Nov. 8, 1965; 8:46 a.m.]

[Docket No. E-6797]

NIAGARA MOHAWK POWER CORP.

Notice of Application

NOVEMBER 1, 1965.

Take notice that Niagara Mohawk Power Corp. (Applicant), incorporated under the laws of the State of New York with its principal place of business at Syracuse, N.Y., filed an application in the above-entitled proceeding on October 19, 1965, for a supplemental order, pursuant to section 202(e) of the Federal Power Act, authorizing an increase in the amount and transmission rate of electric energy which Applicant is currently authorized to export to Canada.

By Commission order issued May 15, 1958, in the above docket, 19 FPC 693, Applicant was authorized to transmit electric energy from the United States to Canada in an amount not in excess of 300,000,000 kilowatt-hours per year at a rate of transmission not to exceed 280,000 kilowatts over certain electric transmission facilities located at the international border between the United States and Canada and covered by permits signed by the Chairman of the Federal Power Commission on September 26, 1955 and February 28, 1958, Docket Nos. E-6632 and E-6797, respectively.

Applicant now seeks authorization to transmit electric energy from the United States to Canada in an amount not in excess of 1,000,000,000 kilowatt-hours per year at a rate of transmission not to exceed 1,000,000 kilowatts. The increased amount of energy to be exported will be transmitted from the United States to Canada by Applicant over the same electric transmission facilities which it currently utilizes to export energy in the Niagara and St. Lawrence Rivers areas.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 26, 1965, file with the Federal Power Commission, Washington, D.C., 20426, a petition or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-11997; Filed, Nov. 8, 1965; 8:46 a.m.]

[Docket Nos. CP66-119, CP66-121]

MIDWESTERN GAS TRANSMISSION CO.

Notice of Applications

NOVEMBER 2, 1965.

Take notice that on October 22, 1965, Midwestern Gas Transmission Co. (Applicant), Post Office Box 774, Chicago, Ill., 60690, filed in Docket No. CP66-121 an application pursuant to section 3 of the Natural Gas Act requesting an order of the Commission authorizing Applicant to import natural gas from Canada to the United States. On the same date Applicant filed in Docket No. CP66-119 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for the transportation and sale of additional volumes of natural gas. Concurrently with the above two applications, Applicant also filed in Docket No. CP66-120, an application for a permit pursuant to Executive Order No. 10485 dated September 3, 1953, authorizing the construction, operation, maintenance, and connection of facilities at the international boundary between the United States and Canada. The proposal involved is more fully set forth in the aforementioned applications which are on file with the Commission and open to public inspection.

The above applications incorporate a proposal by Applicant to construct and operate additional facilities on its northern system and to increase its contract service to Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin) from 158,000 Mcf of gas per day to 271,000 Mcf per day, an increase of 113,000 Mcf per day beginning November 1, 1966.

Applicant's northern system extends from the United States-Canadian international boundary near Emerson, Manitoba, to a point near Marshfield, Wis. The sole source of gas supply for Applicant's northern system is a gas purchase contract with Trans-Canada Pipe Lines Limited (Trans-Canada) dated April 14, 1960, as amended. This contract provides for the delivery of natural gas to Applicant at a point on the United States-Canadian border near Emerson, Manitoba. Applicant supplies natural gas to various customers from its northern system and is presently authorized to render a contract demand service of 158,000 Mcf per day to Michigan Wisconsin near Marshfield, Wis., under Applicant's Rate Schedule CD-2. Authorization to import natural gas and a Presidential Permit for construction and operation of facilities at the United States-Canadian border was issued to Applicant on October 31, 1959, in Docket No. G-18313, et al. (22 FPC 775).

The gas proposed to be sold would be produced from fields located in the Province of Alberta, Canada, and would be delivered to Applicant at a point on the United States-Canadian border near Emerson, Manitoba. On October 15, 1965, in Docket Nos. CP66-110, CP66-111 and CP66-112, Great Lakes Gas Transmission Co. filed applications for authorization to import natural gas at or near this same location. Another related application was filed on October 15, 1965 by Michigan Wisconsin in Docket No. CP66-109, which application seeks authorization to construct and operate additional facilities on its system to enable it to receive the proposed additional volumes of gas and to deliver additional natural gas to its existing and proposed customers.

In order to carry out its proposed additional service, Applicant seeks authorization to construct 5.6 miles of 30-inch pipeline and new and additional metering and compressor facilities at five points in the State of Minnesota and at two points in the State of Wisconsin, totaling 25,000 horsepower. These facilities would increase the daily design capacity of Applicant's northern system to 333,719 Mcf of gas per day, an increase of 113,000 Mcf per day over the design capacity resulting from authorization issued in Docket No. CP64-308, et al., on August 10, 1965 (Opinion No. 469). The estimated total cost of the facilities proposed is $13,562,000. Applicant proposes to finance these additional facilities through the issuance of additional common stock.

Applicant states that it has entered into a Precedent Agreement with Trans-Canada wherein Trans-Canada has agreed to sell to Midwestern at the existing delivery point near Emerson, Manitoba, an additional contract demand quantity of 116.332 Mcf per day of natural gas, 113,000 Mcf of which would be sold by Applicant to Michigan Wisconsin and 3,332 Mcf of which would be required for compressor fuel.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before November 22, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 3, 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and if the Commission on its own review of the matter finds that the proposed importation will not be inconsistent with the public interest and that a grant of the requested authorization and the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-11998; Filed, Nov. 8, 1965; 8:46 a.m.]

[Docket Nos. RI66-61, RI66-81]

PAN AMERICAN PETROLEUM CORP., ET AL.

Order Consolidating Proceedings, Permitting Intervention, and Setting Contractual Matters for Hearing

NOVEMBER 2, 1965.

Pan American Petroleum Corp. (Operator), et al. (Pan American) on August 9, 1965, tendered for filing proposed revenue sharing increased rates of 11.7526 cents and 11.5961 cents per Mcf, which were designated as Supplement No. 21 to Pan American's FPC Gas Rate Schedule No. 57, for sales of gas to Phillips Petroleum Co. (Phillips) from Texas Railroad Commission District No. 10 and the Oklahoma Panhandle area, respectively. By order issued September 8, 1965, in Docket No. RI66-61 the Commission suspended Pan American's proposed rates for 1 day from the proposed effective date of September 13, 1965, or for 1 day from the date that Phillips makes effective its related increased rate of 15.22 cents, plus applicable tax reimbursement, which is suspended in Docket No. RI65-526,[1] whichever is later. The alternate suspension period was provided for because it appeared at the time that Pan American was not entitled as a contractual matter to place its proposed rates in effect until Phillips commenced collection of its suspended increased rate in Docket No. RI65-526.

Subsequent to the issuance of the suspension order herein, Phillips filed on September 10, 1965, a protest requesting that Pan American's proposed increased rates be rejected because under its interpretation of the contract there was no contractual basis for the filing made by Pan American. Pan American on September 27, 1965, filed an answer to Phillips' protest contesting Phillips' interpretation of the contract. Pan American contends that it is contractually entitled to the proposed rates because Phillips is "entitled to receive" the higher rate suspended in Docket No. RI65-526 upon which Pan American's filing is based. Pan American therefore requests that the September 8 suspension order be revised to permit it to collect the proposed rates, subject to refund, as of September 14, 1965.

If we were to shorten the suspension period in Docket No. RI66-61, as Pan American has requested, Phillips would be forced either to place its increased rate of 15.22 cents per Mcf in effect subject to refund in Docket No. RI65-526 or to absorb Pan American's rate increase, which is estimated to amount to $266,621 annually. Under these circumstances, we conclude that Pan American's request for a shortened suspension period should be denied. However, in light of the interpretation placed on the contractual provisions by Pan American and Phillips' protest with respect thereto, it is appropriate to set these contractual matters for immediate hearing.

Phillips also protested on September 13, 1965, the proposed revenue sharing increased rate of 12.00273 cents designated as Supplement No. 20 to the Kerr-McGee Oil Industries Inc. (Kerr-McGee), FPC Gas Rate Schedule No. 12, for sales of gas by Kerr-McGee to Phillips from Texas Railroad Commission District No. 10.[2] The proposed rate was suspended by order issued September 29, 1965, in Docket No. RI66-81 for one day until October 1, 1965, and thereafter until made effective as prescribed by the Natural Gas Act. Phillips contends that Kerr-McGee has improperly computed the rate to which it is entitled under the contract. Briefly, Kerr-McGee and Phillips differ as to which of Phillips' base prices for sales made to Michigan Wisconsin Pipeline Co. under its FPC Gas Rate Schedule No. 4 is applicable at this time in computing Kerr-McGee's contract rate. Kerr-McGee contends that Phillips' base rate of 8.84863 cents is applicable and that its base price should be increased by 165.72 percent which equals Phillips' increased rate 14.0635 cents (in effect subject to refund in Docket No. RI60-349) divided by Phillips' base price of 8.84863 cents×100. Phillips contends that its base rate of 9.3796 cents is applicable to the computation and that Kerr-McGee's base price should be increased by 149.937 percent which equals Phillips' 14.0635 cents rate divided by Phillips' base price of 9.3796 cents×100.

While the contractual disputes in Docket Nos. RI66-61 and RI66-81 are not the same, the two proceedings do involve the proper interpretation of similar contractual provisions. We therefore find it appropriate to consolidate these cases and to set the contractual matters involved here for immediate hearing, as hereinafter ordered. The justness and reasonableness of these rates, however, will be subject to determination in the appropriate area rate proceeding in the event and to the extent it is determined that there is contractual authorization for such filings.

Phillips in its protests also requested in the alternative that it be permitted to intervene in the above-entitled proceedings. Kerr-McGee does not object to Phillips' intervention, but Pan American asserts that such intervention is unnecessary. We conclude that the participa-

[1] Phillips could make its increased rate in Docket No. RI65-526 effective but has not as yet seen fit to do so.

[2] On September 29, Kerr-McGee filed an answer to Phillips' protest.

tion of Phillips in Docket Nos. RI66–61 and RI66–81 may be in the public interest.

It is not clear whether there might be some disagreement as to the facts involved here as well as to the proper legal interpretation of the facts. Accordingly, we shall provide for a prehearing conference at which the substantive matters to be resolved by formal hearing, if any will be set forth, and all matters that can be resolved without formal trial will be eliminated from hearing and settled by stipulation.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, and 16 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR, Chapter I), the above-designated proceedings are consolidated for the purpose of hearing and a public hearing shall be held with respect to the contractual issues involved in these proceedings pursuant to the procedures prescribed herein.

(B) A presiding examiner to be hereinafter designated by the Chief Hearing Examiner shall preside at the prehearing conference and the hearing in the above-designated proceedings pursuant to the Commission's rules of practice and procedure, and as further provided by this order.

(C) Pursuant to the provisions of § 1.18 of the Commission's rules of practice and procedure, a prehearing conference before the Presiding Examiner to be designated shall commence at 10 a.m., on November 16, 1965, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., for the purpose of effectuating the intent of the Commission as set forth in the body of this order.

(D) After the prehearing conference, the Presiding Examiner shall give notice of the date of hearing and shall prescribe such other procedures as he deems appropriate in the disposition of these matters.

(E) Phillips is permitted to intervene in the above-entitled proceedings, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of Phillips shall be limited to matters affecting asserted rights and interests as specifically set forth in its petition to intervene: *And, provided further,* That the admission of Phillips shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in these proceedings.

(F) Pan American's request for a shortened suspension period in Docket No. RI66–61 is denied.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65–11999; Filed, Nov. 8, 1965; 8:46 a.m.]

[Docket No. CP66–125]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

NOVEMBER 2, 1965.

Take notice that on October 22, 1965, Panhandle Eastern Pipe Line Co. (Applicant), Post Office Box 1348, Kansas City, Mo. 64141, filed in Docket No. CP66–125 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas in interstate commerce and the construction of certain facilities in connection with a proposed interruptible sale to Marathon Oil Co. (Marathon), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate an operating, measuring, and regulating station to be located in Miami County, Kansas, to serve Marathon pursuant to a contract between Applicant and Marathon dated July 1, 1965. Under the contract, Applicant is not obligated to deliver in excess of 800 Mcf of natural gas per day.

Marathon proposes to use the gas in the secondary recovery of oil. The process involves the injection of air into old oil wells. The air-oil mixture is ignited, heating the formation and driving the oil to the pumping wells. Applicant states that the process is economical if natural gas is made available as proposed.

The estimated cost of the proposed facilities is $6,100, which will be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before November 26, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65–12000; Filed, Nov. 8, 1965; 8:46 a.m.]

[Docket No. RI66–138]

TENNECO OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, Effective Subject to Refund

OCTOBER 29, 1965.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 15, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual decrease	Date filing tendered	Effective date	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed decreased rate	Rate in effect subject to refund in docket Nos.
RI66–138...	Tenneco Oil Co. (Operator), et al., Post Office Box 18, Houston 1, Tex.	138	9	El Paso Natural Gas Co. (Monahans Field, Ward County, Tex.) (R.R. District No. 8) (Permian Basin Area).	$322	9–29–65	[1] 10–30–65	[2] 10–31–65	14.189	[3] [4] 14.5	RI61–475.

[1] The stated effective date is the first day after expiration of the required statutory notice.
[2] The suspension period is limited to 1 day.
[3] "Fractured" rate increase.
[4] Pressure base is 14.65 p.s.i.a.

Tenneco Oil Co. (Operator), et al., (Tenneco) request that their proposed rate increase be permitted to become effective as of October 1, 1965. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Tenneco's rate filing and such request is denied.

Tenneco, a producer-respondent in the Permian Basin Opinion No. 468, proposes a "fractured" rate increase from 14.189 cents to 14.5 cents per Mcf, amounting to $322 annually, for a sale of gas to El Paso Natural Gas Co. (El Paso) in the Permian Basin Area of Texas. Tenneco is contractually entitled to an increased rate of 15.7092 cents per Mcf but is limiting the increased rate to 14.5 cents per Mcf so as not to exceed the applicable area ceiling base rate of 14.5 cents per Mcf prescribed in Opinion No. 468.

The increased rate proposed by Tenneco involves a so-called Spraberry contract, in which the casinghead gas is being processed and treated in buyer's Sealy-Smith plant, under a contract dated September 1, 1948. Since it is not clear that the gas sold under the subject rate schedule is of pipeline quality in accordance with the standards prescribed in Opinion Nos. 468 and 468–A, we shall suspend the proposed rate involved here for one day from October 1, 1965, the date of expiration of the statutory notice.

Tenneco shall file with the Commission as a condition of this order within 60 days of the date of issuance of this order a statement setting forth either that the gas sold under the subject rate schedule accords with all pipeline quality standards established in Opinion Nos. 468 and 468–A, or in which respects the gas deviates from such standards; the agreed cost to the purchaser of processing the gas to bring it to the pipeline quality standards established there with respect to each quality deviation; any upward or downward B.t.u. adjustment; and the resulting applicable area rate for the gas. Such statement shall be signed by both the seller and the purchaser. If the seller and the purchaser are unable to agree upon any or all of the particulars entering into the computation of the applicable area rate, the seller shall file the statement herein required which shall indicate the absence of agreement and supply the information required to compute the applicable area rate as well as the contentions of the parties with respect to the quality and amount of the adjustment for any item in dispute. The purchaser may file a separate statement setting forth its views within the period herein provided.

[F.R. Doc. 65–12002; Filed, Nov. 8, 1965; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812–1849]

W. R. GRACE OVERSEAS DEVELOPMENT CORP.

Notice of Filing of Application for Order Exempting Company From All Provisions of the Act

NOVEMBER 3, 1965.

Notice is hereby given that W. R. Grace Overseas Development Corp. ("applicant"), 7 Hanover Square, New York, N.Y., 10005, a Delaware corporation, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting it from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

The applicant was organized by W. R. Grace & Co. ("Grace") under the laws of the State of Delaware in September 1965. All of the authorized stock of applicant, consisting of 1,000 shares of common stock, without par value, will be purchased for $8,000,000 and held by Grace. Grace will also acquire any additional securities, other than debt securities, which applicant may issue in the future and will not dispose of any of the securities of applicant held by Grace except to the applicant or to a wholly owned subsidiary of Grace.

Grace, a Connecticut corporation, together with its majority owned subsidiaries, is a chemical-manufacturing, petroleum-producing and international industrial concern with transportation interests.

Applicant has been organized in order to finance the expansion and development of Grace's foreign operations in a manner which is designed to assist in improving the balance of payments position of the United States, in compliance with the voluntary cooperation program instituted by President Johnson in February 1965. Applicant intends to issue and sell an aggregate of $20,000,000 principal amount of Guaranteed Sinking Fund Debentures Due 1980 ("Debentures"). Grace will guarantee the principal, sinking fund, and interest payments on the Debentures. Any additional debt securities of applicant which may be issued to or held by the public will be guaranteed by Grace in the same manner as the Debentures.

It is intended that the assets of applicant will be invested in or loaned to foreign subsidiaries and affiliates of Grace and/or applicant and invested in obligations of foreign governments or foreign financial institutions maturing in 1 year or less; that at least 90 percent of such assets will be invested in or loaned to foreign companies, which are or will be immediately after such investments, majority-owned subsidiaries (as defined in section 2(a)(23) of the Act) of Grace and/or applicant, and which are primarily engaged in businesses other than that of investing, reinvesting, owning, holding or trading in securities. Applicant will proceed as expeditiously as possible with the investment of its assets in such manner. Pending the completion of such investment, applicant may invest its assets in obligations of foreign governments or foreign financial institutions maturing in 1 year or less in a proportion greater than that permitted above. Applicants will not acquire the securities representing such loans or investments for the purpose of sale and will not trade in such securities.

The U.S. Internal Revenue Service has ruled that United States persons will be required to report and pay interest equalization tax with respect to acquisitions of the Debentures, except where a specific statutory exemption is available. By financing its foreign operations through the applicant rather than through the sale of its own debt obligations, Grace will utilize an instrumentality the acquisition of whose debt obligations by United States persons would, generally, subject such persons to the interest equalization tax, thereby discouraging them from purchasing such debt obligations.

The Debentures are to be sold to underwriters for offering outside the United States and will be delivered to the underwriters against receipt of payment therefor outside the United States. The agreements among underwriters will contain covenants by each underwriter to the effect that he will not offer, sell or deliver Debentures in the United States or its territories or to citizens of or persons normally resident in the

United States or its territories and that any dealer to whom he sells Debentures will agree that he is purchasing the same as principal and not for reoffering, resale or delivery in the United States or to such citizens or residents. The agreements with dealers are to contain corresponding agreements by them.

Applicant intends to apply for listing of the Debentures on the New York Stock Exchange and register them under the Securities Exchange Act of 1934.

Applicant asserts that it is not necessary or appropriate in the public interest or consistent with the protection of investors to regulate applicant under the Act, for the following reasons: (1) The sole purpose of applicant is to assist in improving the balance of payments program of the United States by serving as a vehicle through which Grace may obtain funds in foreign countries for its foreign operations; (2) applicant will not deal or trade in securities; (3) the public policy underlying the Act is not applicable to applicant and the security holders of applicant do not require the protection of the Act, because the payment of the Debentures, which is guaranteed by Grace, does not depend on the operations or investment policy of applicant, for the Debenture holders may ultimately look to the business enterprise of Grace and its subsidiaries and affiliated companies rather than solely to that of applicant; (4) when the Debentures are listed on the New York Stock Exchange, the applicant's security holders will have the benefit of the disclosure and reporting provisions of the Securities Exchange Act of 1934 and of the New York Stock Exchange, and (5) the Debentures will be offered and sold abroad to foreign nationals under circumstances designed to prevent any reoffering or resale in the United States or to any U.S. citizen or resident.

Notice is further given that any interested person may, not later than November 15, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65–12015; Filed, Nov. 8, 1965; 8:48 a.m.]

[File No. 7–2477]

CALGON CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 3, 1965.

In the matter of application of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges and in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges: Calgon Corp.; File 7–2477.

Upon receipt of a request, on or before November 19, 1965, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65–12016; Filed, Nov. 8, 1965; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30 (Middle Atlantic Area) Amdt. 4]

MIDDLE ATLANTIC AREA

Delegation of Authority to Conduct Program Activities in the Regional Offices

Pursuant to the authority vested in the Area Administrator by Delegation of Authority No. 30 (Revision 10), 30 F.R. 972, as amended, 30 F.R. 2742, 11984 and 12343; Delegation of Authority 30 F.R. 3254, as amended, 30 F.R. 5778, 8080, and 13389, is further amended by revising Item I.C. 1. to read as follows:

I. • • •

C. Procurement and Management Assistance.

1.a. (Only to the Regional Directors, Philadelphia, Cleveland, and Richmond Regions.) To approve applications for Certificates of Competency received from small business concerns which are located within the geographical jurisdiction of the area office when the total value of the contract to be awarded as a result of the issuance of a COC does not exceed $350,000.

1.b. (Only to the Regional Directors, Baltimore and Washington, D.C., Regions.) To approve applications for Certificates of Competency received from small business concerns which are located within the geographical jurisdiction of the area office when the total value of the contract to be awarded as a result of the issuance of a COC does not exceed $100,000.

• • • • •

Effective date: October 1, 1965.

EDWARD N. ROSA, *Area Administrator, Middle Atlantic Area.*

[F.R. Doc. 65–12019; Filed, Nov. 8, 1965; 8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order 579 (28 F.R. 11524) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods, for certificates issued under general learner regulations (29 CFR 522.1 to 522.9), and the principal product manufactured by the employer are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Archbald Sewing Co., 140 Cherry Street, Archbald, Pa.; effective 10–11–65 to 10–10–66 (children's dresses).

Blue Bell, Inc., Oneonta, Ala.; effective 10–17–65 to 10–16–66 (men's and boys' overalls, western jackets).

Crystal Springs Shirt Corp., Crystal Springs, Miss.; effective 10–21–65 to 10–20–66 (boys' shirts).

The Dantan Co., Inc., Rankin Street, Dumas, Ark.; effective 10–18–65 to 10–17–66 (house dresses).

E & W of Kennett, Inc., Kennett, Mo.; effective 10–12–65 to 10–11–66 (men's and boys' dress shirts, western shirts).

E-Town Sportswear Corp., Elizabethtown, Ky.; effective 10–7–65 to 10–6–66 (men's slacks).

Form-O-Uth Brassiere Co., doing business as Marie Foundations Branch, 800 East Kingsmill, Pampa, Tex.; effective 10–14–65 to 10–13–66 (brassierea and girdles).

Greensboro Manufacturing Corp., 1900 East Bessemer Avenue, Greensboro, N.C.; effective 10–7–65 to 10–6–66 (women's and children's flannelette cotton nightwear and pajamas).

Honea Path Shirt Co., Honea Path, S.C.; effective 10–17–65 to 10–16–66 (men's and ladies' sport shirts).

Newport News Children's Dress Co., 824 39th Street, Newport News, Va.; effective 10–12–65 to 10–11–66 (children's and girls' dresses).

Phillips-Van Heusen Corp., Clayton, Ala.; effective 10–4–65 to 10–3–66 (dress shirts).

Henry I. Siegel Co., Inc., South Fulton, Tenn.; effective 10–14–65 to 10–13–66 (men's and boys' single pants).

Standard Romper Co., Inc., 321 Canco Road, Portland, Maine; effective 10–4–65 to 10–3–66 (children's shirts).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Anderson Bros. Consolidated Co's., Inc., 506 Floyd Street, Danville, Va.; effective 10–31–65 to 10–30–66; 10 learners (men's and women's work clothes).

Rob Roy Co., Inc., Ridgley, Md.; effective 10–14–65 to 10–13–66; 10 learners (boys' shirts).

Boris Smoler & Sons, Inc., 507 Jefferson Street, La Porte, Ind.; effective 10–7–65 to 10–6–66; 10 learners (dresses).

Southern Garment Co., Robbins, N.C.; effective 10–4–65 to 10–3–66; 10 learners (women's cotton wash dresses).

Tru-fit Trousers, 1129 Woodmere Avenue, Traverse City, Mich.; effective 10–9–65 to 10–8–66; 10 learners (men's trousers, ladies' slacks and shorts).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.80 to 522.85, as amended).

Monte Glove Co., Inc., Maben, Miss.; effective 10–7–65 to 10–6–66; 10 learners for normal labor turnover purposes (cotton work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 tod 522.43, as amended).

Union Manufacturing Co., 500 Sibley Avenue, Union Point, Ga.; effective 10–21–65 to 10–20–66; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.30 to 522.35, as amended).

Junior Form Lingerie Corp., Cairnbrook, Pa.; effective 10–11–65 to 10–10–66; 5 percent of the total number of factory production workers for normal labor turnover purposes (slips and pajamas).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

The following learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number of learners authorized to be employed, are indicated.

Yauco Super Knits, Ltd.; Apartado 652, Yuaco, P.R.; effective 9–27–65 to 9–26–66; 20 learners for normal labor turnover purposes in the occupations of: (1) knitting, for a learning period of 480 hours at the rates of 88 cents an hour for the first 240 hours and $1.03 an hour for the remaining 240 hours; and (2) machine stitching, for a learning period of 320 hours at the rates of 88 cents an hour for the first 160 hours and $1.03 an hour for the remaining 160 hours (sweaters).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR 528.

Signed at Washington, D.C., this 29th day of October 1965.

ROBERT G. GRONEWALD, *Authorized Representative of the Administrator.*

[F.R. Doc. 65–12006; Filed, Nov. 8, 1965; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[No. 34655]

BRADDOCK MOTOR FREIGHT INC., ET AL.

Joint Through Rates of Carriers Holding Ohio Irregular Route Authorities; Modified Procedure

A petition having been filed by certain motor carriers by their attorney, John S. Fessenden, 618 Perpetual Building, Washington, D.C., 20004, seeking to have stricken from the Commission's files tariffs naming joint-through rates on behalf of carriers holding certificates of registration covering Ohio irregular-route authorities; and good cause appearing:

It is ordered, That representations thereon be filed under modified procedure; that the parties comply with § 1.45 to § 1.54, inclusive, of the Commission's general rules of practice, the filing and service of pleadings to be as follows: (a) Opening statement of facts and argument by petitioners (and any party supporting petitioners) on or before December 6, 1965; (b) 45 days after that date, statement of facts and argument by parties in opposition; and (c) reply by petitioners (and any supporting party) 10 days thereafter.

It is further ordered, That within 15 days from the date hereof any party in opposition who desires to be served with a copy of petitioner's opening statement shall advise petitioner's attorney and this Commission of his identity and address.

And it is further ordered, That a copy of this order be served upon all parties of record; that a copy be posted in the office of the Secretary of this Commission; and that a copy be delivered to the Director, Division of Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 28th day of October A.D. 1965.

By the Commission, Commissioner Freas.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65–12031; Filed, Nov. 8, 1965; 8:49 a.m.]

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Agencies in this issue—

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The President
Agricultural Research Service
Civil Aeronautics Board
Federal Aviation Agency
Federal Communications Commission
Federal Crop Insurance Corporation
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Federal Reserve System
Fish and Wildlife Service
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LITTERA SCRIPTA MANET
1934

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of the United States

LYNDON B. JOHNSON, 1963–64

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Title 3—THE PRESIDENT

Executive Order 11255

DESIGNATION OF VIETNAM AND WATERS ADJACENT THERETO AS AN OVERSEAS COMBAT AREA FOR PURPOSES OF ARMED FORCES MAILING PRIVILEGES

Pursuant to the authority vested in me by sections 4169 and 4303 of title 39 of the United States Code, I hereby designate, for the purposes of those sections, as an overseas combat area where the Armed Forces of the United States are engaged in military operations involving armed conflict with a hostile foreign force:

Vietnam, including the waters adjacent thereto within the following described limits: From a point on the East Coast of Vietnam at the juncture of Vietnam with China southeastward to 21° N Lat., 108° 15′ E Long.; thence southward to 18° N Lat., 108°15′ E Long.; thence southeastward to 17°30′ N Lat., 110°45′ E Long.; thence southward to 11° N Lat., 110°45′ E Long.; thence southwestward to 7° N Lat., 105° E Long.; thence westward to 7° N Lat., 103° E Long.; thence northward to 9°30′ N Lat., 103° E Long.; thence northeastward to 10°15′ N Lat., 104°27′ E Long.; thence northward to a point on the West Coast of Vietnam at the juncture of Vietnam with Cambodia.

LYNDON B. JOHNSON

THE WHITE HOUSE,
November 1, 1965.

[F.R. Doc. 65-12174; Filed, Nov. 9, 1965; 11:35 a.m.]

Executive Order 11256

ESTABLISHING THE PRESIDENT'S COMMITTEE ON FOOD AND FIBER AND THE NATIONAL ADVISORY COMMISSION ON FOOD AND FIBER

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. *Establishment of Committee.* (a) There is hereby established the President's Committee on Food and Fiber (hereinafter referred to as the "Committee").

(b) The Committee shall be composed of the Secretary of Agriculture, who shall be the Chairman of the Committee; the Secretary of State; the Secretary of Commerce; and the Secretary of Labor. Each member of the Committee may designate an alternate member, who shall serve as a member of the Committee whenever the regular member is unable to attend any meeting of the Committee.

SEC. 2. *Duties of the Committee.* (a) The Committee shall:

(1) Appraise existing and alternative agricultural policies and foreign trade policies related thereto in terms of the national interest, the welfare of farmers, workers, consumers, rural Americans, and the general public; their effects on the performance of the economy and on foreign relations; and their implications for the optimum allocation of Federal resources among national objectives; and

(2) Develop such recommendations for action by Government or by private enterprise as it deems most appropriate to advance the general public interest.

(b) Such recommendations shall take into account the final report of the National Advisory Commission on Food and Fiber established by Section 3 of this order, which report shall be transmitted to the President with the recommendations of the Committee.

SEC. 3. *Establishment of Commission.* (a) To assist the Committee in carrying out its functions under Section 2 of this order, there is hereby established the National Advisory Commission on Food and Fiber (hereinafter referred to as the "Commission").

(b) The Commission shall be composed of members appointed by the President. The President shall designate the Chairman of the Commission from among its members.

(c) The Commission shall meet on call of the Chairman.

(d) Each member of the Commission may be compensated for each day such member is engaged upon the work of the Commission, and shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 55a; 5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

(e) The Commission shall have an Executive Director, who shall be designated by the President. Under the direction and supervision of the Chairman, the Executive Director shall direct and supervise staff assigned to assist the Commission in carrying out its responsibilities under this order.

SEC. 4. *Duties of the Commission.* (a) The Commission shall transmit to the Committee its independent analysis, evaluation, and recommendations with respect to all matters assigned to the Committee for study and recommendations.

(b) In carrying out its duties under subsection (a) above, the Commission shall:

(1) Make a comprehensive study and appraisal of the current economic situation and trends in American farming, including productivity, costs, prices, incomes, farm employment, labor standards, foreign trade, and related matters;

(2) Evaluate existing and alternative agricultural policies and foreign trade policies related thereto in terms of the national interest, the welfare of farmers, workers, consumers, rural Americans, and the general public; their effects on the performance of the economy and on foreign relations; and their implications for the optimum allocation of Federal resources among national objectives; and

(3) Develop such recommendations for action by Government or private enterprise as it deems appropriate to advance the general public interest.

(c) The Commission shall submit its final report and recommendations to the Committee no later than eighteen months after the date of its first meeting, and may make any interim reports which it deems would expedite the work of the Committee.

SEC. 5. *Federal departments and agencies.* (a) The Committee or the Commission is authorized to request from any Federal department, agency, or independent instrumentality of the Government any information deemed necessary to carry out its functions under this order; and each department, agency, and instrumentality is authorized, to the extent permitted by law and within the limits of available funds, to furnish such information to the Committee or the Commission.

(b) Each department the head of which is named in Section 1(b) of this order shall, as may be necessary, furnish assistance to the Committee or the Commission in accordance with the provisions of Section 214 of the Act of May 3, 1945 (59 Stat. 134; 31 U.S.C. 691), or as otherwise permitted by law.

(c) The General Services Administration is hereby designated as the agency which shall, on a reimbursable basis, provide administrative services for the Commission.

SEC. 6. *Termination of the Committee and the Commission.* The Committee and the Commission shall terminate ninety days after the submission of the final report of the Commission.

SEC. 7. *Revocation of orders.* Executive Order 10472 of July 20, 1953, and Executive Order 10937 of May 3, 1961, are hereby revoked.

LYNDON B. JOHNSON

THE WHITE HOUSE.
November 4, 1965.

[F.R. Doc. 65-12155; Filed, Nov. 9, 1965; 9:39 a.m.]

Rules and Regulations

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

PART 710—PROCEDURES AND REQUIREMENTS FOR APPOINTMENT AS A MIDSHIPMAN AT THE U.S. NAVAL ACADEMY

Revision of Part

Scope and purpose. Part 710 is revised to reflect pertinent provisions of the current U.S. Naval Academy Catalogue.

Subpart A—Eligibility Requirements and Obtaining a Nomination

Sec.
710.11 Summary of requirements.
710.12 General eligibility requirements.
710.13 Obtaining a nomination.

Subpart B—Scholastic Requirements

710.21 General.
710.22 Submission of scholastic record.
710.23 Acceptable scholastic record.
710.24 Examination method.
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Subpart C—Medical Qualification

710.31 General.
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Subpart D—Entrance Information and Procedures

710.41 Entrance requirements.
710.42 Service obligation for enlisted and other candidates appointed as midshipmen.
710.43 Engagement to serve.
710.44 Foreign students.

Subpart E—Appendices

710.51 Format for requesting a Congressional nomination.
710.52 Format for requesting a Presidential nomination.
710.53 Format for requesting a son-of-deceased veteran nomination.
710.54 Authorized medical examining facilities for Naval Academy medical examinations.

AUTHORITY: The provisions of this Part 710 issued under R.S. 161, sec. 5031, 70A Stat. 278, as amended; 5 U.S.C. 22, 10 U.S.C. 5031. Interpret or apply secs. 651, 6951–6974, 70A Stat. 27, 428–436, as amended, sec. 516, 72 Stat. 1439; 10 U.S.C. 516, 651, 6951–6974.

Subpart A—Eligibility Requirements and Obtaining a Nomination

§ 710.11 Summary of requirements.

Candidates for admission to the Naval Academy must:

(a) Meet general eligibility requirements.

(b) Obtain a nomination.

(c) Qualify scholastically.

(d) Qualify medically.

§ 710.12 General eligibility requirements.

(a) *Citizenship.* All candidates for admission to the U.S. Naval Academy must be male citizens of the United States, except as provided by law for limited numbers of male citizens of other American Republics and the Philippine Republic.

(b) *Age.* Candidates must be at least 17 and not have passed their 22d birthday on July 1 of the year of admission.

(c) *Marriage.* Candidates must never have been married. Any midshipman who marries will be discharged from the Academy.

(d) *Moral character.* Candidates must be of good moral character.

§ 710.13 Obtaining a Nomination.

(a) *General.* It is necessary for a young man to obtain a nomination in order to be considered for appointment to the Naval Academy. The sources of nominations are described in this section. The applicant should study carefully the various sources to determine those through which he is eligible to apply. College Board test results taken for purposes of qualifying for the Naval Academy apply to all nominations a candidate may hold.

(b) *Types and sources of nominations*—(1) *Congressional.* Each Senator, each Representative, and the Resident Commissioner of Puerto Rico individually may have a maximum of five midshipmen attending the Naval Academy at any one time. The applicant should address his request directly to the official concerned. Eligibility for congressional nominations is restricted by law to the two Senators from an individual's home State and to the Representative of the congressional district in which he lives. A sample letter of application is included in § 710.51.

(2) *Vice Presidential.* The Vice President may have a maximum of five midshipmen attending the Naval Academy at any one time. He may nominate candidates from the United States at large. A letter requesting nomination should be addressed directly to the Vice President. It should contain the same information required of a congressional applicant.

(3) *District of Columbia.* The Commissioners of the District of Columbia may have a maximum of five midshipmen attending the Naval Academy at any one time. Applications should be made directly to the Commissioners of the District. A letter requesting nomination from the Commissioners should contain the same information required of a congressional applicant.

(4) *The Governors of Puerto Rico and the Canal Zone.* The Governors of Puerto Rico and the Canal Zone each may have one midshipman attending the Naval Academy at any one time. Applications to these nominating authorities should contain the same information required of congessional applicants.

(5) *The Governors of the Virgin Islands, Guam, and American Samoa.* The Governors of the Virgin Islands, Guam, and American Samoa may collectively have one midshipman attending the Naval Academy at any one time. Applications to these nominating authorities should contain the same information required of congressional applicants.

(6) *Presidential.* The President may appoint 75 midshipmen each year. These appointments are limited by law to the sons and adopted sons of officers and enlisted personnel of the Regular Army, Navy, Air Force, Marine Corps, and Coast Guard on active duty, retired, or deceased, but not discharged before retirement or death. Adopted sons to be eligible must have been adopted prior to their 15th birthday. The Secretary of the Navy is authorized to approve waivers of this policy where adoption proceedings had been initiated but the adoption had not occurred prior to the 15th birthday through circumstances beyond the control of the foster parents. Stepsons are not eligible. Applications should be addressed to the Chief of Naval Personnel, Navy Department, Washington, D.C., 20370. A sample letter of application is included in § 710.52.

(7) *Regular Navy and Marine Corps.* The Secretary of the Navy may appoint 85 enlisted men of the Regular Navy and Marine Corps to the Naval Academy each year. These men must meet all of the entrance requirements and may not have passed their 21st birthday as of July 1 of the year of entrance to the Naval Academy. Applicants must have enlisted before in the Navy or Marine Corps on or before July 1 of the year preceding the desired date of entrance to the Naval Academy. All applicants must attend the U.S. Naval Preparatory School in order to compete for these appointments. Since the selection of candidates for this school begins in the spring, enlisted men who fulfill the age and service requirements should make their desires known to their commanding officers as early in the year as possible. Recruits enlisted prior to July 1 are eligible and encouraged to apply for consideration for this program.

(8) *Naval Reserve and Marine Corps Reserve.* The Secretary of the Navy may appoint 85 enlisted men of the Naval Reserve and Marine Corps Reserve each year. These men must be qualified as to age and must have served in the Reserve for at least 1 year by July 1 of the year of entrance to the Naval Academy. In addition to all other normal requirements for appointment, these men must be on active duty, or must be members of a drilling unit of the Reserve, be recommended by their commanding officers, and have maintained efficiency in drill attendance with their

Reserve units. Midshipmen USNR of the Regular NROTC Program and members of the Aviation Cadet Program are not eligible for appointment under this quota. For further information about enlistment in the Naval Reserve or Marine Corps Reserve, applicants should apply to their nearest Navy or Marine Corps Recruiting Station.

(9) *Sons of deceased veterans.* The President may have a maximum of 40 midshipmen, who are the sons of deceased veterans, attending the Naval Academy at any one time. Eligibility for nomination under this quota is confined to sons of members of the Armed Forces of the United States who were killed in action or have died of wounds or injuries received, or disease contracted, or preexisting injury or disease aggravated, in active service during (1) World War I or World War II (as each is defined by law in providing service-connected compensation or pension benefits for veterans of World War I or World War II and their dependents); or (2) the Korean conflict beginning June 27, 1950, and ending January 31, 1955. The determination in each case of the Veterans' Administration as to the service connection of the cause of death is binding upon the Secretary of the Navy. A sample letter of application is included in § 710.53.

(10) *Honor naval and military schools.* The Secretary of the Navy may appoint annually 10 honor graduates of educational institutions designated as "honor schools" by the Department of the Army, Navy, and Air Force. Each such school may nominate three honor graduates to compete for the appointments. Included in the three may be students who are expected to be honor graduates in June of the year in which the examinations will be held. However, these nominees will not be considered for appointment unless they subsequently fulfill the requirements enabling them to be honor graduates at the time of their graduation. Eligible students should apply to the heads of their schools for nomination.

(11) *Naval Reserve Officers' Training Corps (contract students only).* The Secretary of the Navy may appoint 10 midshipmen annually from among members of the Naval Reserve Officers' Training Corps. Three candidates may be nominated each year by the president of each educational institution in which an NROTC unit is established. Each candidate must be a regularly enrolled contract student in the NROTC and must have completed 1 year of scholastic work in the Corps at the time of entrance to the Naval Academy. Students should request a nomination from their professor of naval science.

(12) *Sons of Medal of Honor winners.* The sons of persons awarded the Medal of Honor may be appointed, provided they are in all other respects qualified. No recommendation or endorsement from any source is required. Applications for these appointments should be addressed to the Chief of Naval Personnel, Navy Department, Washington, D.C., 20370.

(c) *Qualified alternates and competitors.* The Secretary of the Navy is authorized to appoint 150 qualified congressional alternates. These appointments are awarded to the best qualified alternates as recommended by the Academic Board of the Naval Academy. Additional appointments from qualified alternates and competitors may be made by the Secretary to bring the Brigade of Midshipmen to its authorized strength. If these additional appointments are necessary, at least 75 percent must be selected from congressional nominees. The remainder may be made from noncongressional sources. The qualifications of all qualified alternate and competitive candidates will be carefully evaluated. No special application for these appointments by the individual is necessary or desired.

(d) *Foreign students*—(1) *Republic of the Philippines.* On behalf of the President of the United States, the Secretary of the Navy is authorized to permit up to four Filipinos at a time to receive instruction at the Naval Academy. Applications for these appointments must be addressed through diplomatic channels. The appointments are on a competitive basis.

(2) *American Republics other than the United States.* Upon designation by the President of the United States, the Secretary of the Navy is authorized to permit up to 20 persons at a time from foreign American Republics to receive instruction at the U.S. Naval Academy. Not more than three persons from any one Republic may receive instruction at the same time. Applications for these appointments must be addressed through appropriate diplomatic channels. The appointments are on a competitive basis.

(e) *Nominating methods*—(1) *Congressional.* Members of Congress may nominate by either of the following methods:

(i) *Principal-alternate method.* The Congressman may nominate one principal candidate and five alternate candidates listed in order of his preference. If the principal candidate meets the eligibility criteria and qualifies on the entrance examinations, he will be offered the appointment. If he does not, the next designated alternate candidate who qualifies will be chosen.

(ii) *Competitive method.* In evaluating candidates for the Congressman, the Academy analyzes the "whole man," assigning appropriate weighted values to several factors, including examination scores, previous academic work, extracurricular activity, participation in sports, the holding of class office, and the recommendations of principals and teachers. The candidate with the best composite score is offered the appointment.

(2) *Other categories.* (i) The choice between the Principal-Alternate and Competitive Methods is also available to the District Commissioners and the Governors of Puerto Rico and the Canal Zone. The Governors of the Virgin Islands, Guam, and American Samoa must nominate by the Competitive Method in selecting the nominee for their one common appointment.

(ii) *Candidates are selected for appointment on a strictly competitive basis from nominees entered in the several service-connected categories:* Presidential, Sons of Deceased Veterans, Regular and Reserve Components, Honor Military and Naval Schools, and NROTC. Factors considered in the competition are the same as those discussed in the Competitive Method "whole man" analysis used for the evaluation of congressional condidates. There is no limit on the number of eligible candidates who may compete in the Presidential, Sons of Deceased Veterans, or Regular and Reserve categories.

(f) *Nominating schedule.* A candidate is advised to apply early for nomination. If seeking a congressional nomination, it is particularly important to apply early, *preferably during the spring of the junior year in high school.* Senators and Representatives may submit the names of their nominees any time between July 1 of one year and January 31 of the next year for the class entering in June of the latter year. A majority of them will make their selections for nomination early in this period. It is, of course, too late to apply once the Congressman has selected his quota of nominees. In any case, all nominations from all sources must be received by the end of January for the class entering in June of that year.

(g) *Civil Service Commission examinations for Congressional nominations.* Some Congressmen and other authorized nominators utilize competitive examinations of the U.S. Civil Service Commission to assist them in evaluating and selecting their candidates. These special competitive examinations do not determine the candidate's scholastic qualifications for admission to the Naval Academy. The Naval Academy requirements must still be met fully.

Subpart B—Scholastic Requirements

§ 710.21 General.

A candidate's previous academic record and his performance on specified College Entrance Examination Board Tests are the factors used to determine scholastic qualification for admission. The results of any College Board Test taken to qualify for the Naval Academy are applicable to all nominations which a candidate may hold. There are two methods of qualifying scholastically for admission to the Naval Academy: the Examination Method and the College Certificate Method. These two methods are described in §§ 710.24 and 710.25.

§ 710.22 Submission of scholastic records.

(a) *Records of completed courses.* Each candidate is responsible for insuring the submission of detailed records of his completed high school, preparatory school, and college work and lists of any current or proposed courses. The official college transcript should be used for submitting college records.

(b) *Forms and recommendations.* Official forms for submitting high school records will be provided by the Navy Department following receipt of the nomination from the Member of Congress or other authorized appointment source. These certificates should be filled out and submitted to the Naval Academy by the school or schools as soon as practicable after receipt. It is important to each candidate that records be supplied promptly and that previous school records include academic marks, class standing or estimated class standing through the first semester of the final year. In the event that class standing for the end of the junior year is the latest available, it will be acceptable. Recommendations from the candidate's high school principal, teachers, extracurricular advisers, and coaches should be furnished on the forms provided. These records and recommendations will be considered in conjunction with the test results in order to establish the priority of qualified candidates in the various competitive lists and for the purpose of selection under the qualified alternate law. They must be received not later than March 15.

(c) *Order of precedence.* It must be appreciated that, except for qualified congressional principals and qualified sons of Medal of Honor holders (who receive outright appointments), all candidates who have succeeded in qualifying scholastically, medically, and physically must be evaluated and arranged in order of precedence. The method utilized by the Academy to determine the relative merit of these qualified candidates is the identical "whole man" analytical process described previously under the Competitive Method in § 710.13(e)(1)(ii).

(d) *Master list.* Once candidates have been fully evaluated and assigned an appropriate numerical selection score, and their names placed on a master list in order of their scores, their relative positions on the list do not change. Thus the single master list serves to determine a candidate's relative position on any competitive list for which he is eligible.

§ 710.23 Acceptable scholastic record.

(a) *Secondary school certificate.* Each candidate must present an acceptable secondary school certificate from an accredited secondary school, or its equivalent, including at least 15 units of credit in college preparatory subjects and indicating ability to do college-level work successfully. While not an absolute requirement, standing in the top 40 percent of one's high school class is of great importance in determining qualification for admission. (The great majority of midshipmen come from the top 20 percent of their high school classes.) Candidates should, insofar as is practicable, include as many as possible of the following studies in their secondary school programs:

(1) At least 3 years but preferably 4 years of mathematics, including the elements of advanced algebra, geometry, and trigonometry.

(2) Four years of English.

(3) Two years of a foreign language, preferably modern.

(4) One year of chemistry.

(5) One year of physics.

(b) *Recommendation of high school principal.* It is expected that the secondary school official will recommend only those candidates who, in his opinion, have excellent character and the scholastic background needed to pursue a difficult course of college level in which the emphasis is placed on engineering subjects as well as the humanities.

(c) *Compensating for deficiencies.* Deficiences in the secondary school certificate can often be offset by offering acceptable college work. Conversely, evidence of inability to do acceptable college work can be cause for disqualification.

§ 710.24 Examination method.

(a) *Basic method.* The basic method of qualifying is by presenting an acceptable secondary school certificate and by scoring acceptably in the scholastic entrance examination consisting of the administration of the following tests of the College Entrance Board: The Scholastic Aptitude Test (Verbal and Mathematics sections), the English Composition Test, and either the Level I (Standard) or Level II (Intensive) Mathematics Achievement Test. It is the candidate's responsibility to insure that he takes these required tests. No substitute will be considered in qualifying for entrance to the U.S. Naval Academy.[1]

(b) *Tests.* Tests must be taken during the school year preceding admission. Candidates are encouraged to choose the mathematics achievement test on which they feel they can attain the higher score. Level I is recommended for candidates without advanced high school mathematics. No additional weight is given to the results of the test in Level II Mathematics over those in Level I Mathematics.

(c) *Qualifying scores.* Basic qualifying scores in the College Entrance Examination Board Tests for any class will be determined by the Academic Board of the Naval Academy. No candidate will be admitted to the Naval Academy unless in the opinion of the Academic Board he shows the requisite scholastic qualifications.

(d) *Candidate's responsibility for registering.* Each candidate is responsible for registering with the College Entrance Examination Board for the tests. The Naval Academy will accept scores from the December, January, and March administrations given during the year immediately preceding admission and will credit a candidate with the highest scores achieved. Candidates must pay for their own College Board Examinations. A candidate who is unable to pay for such tests should promptly advise the College Board so that special arrangements may be made.

(e) *Information bulletin.* General information on the tests, including dates of administration, location of testing center, dates by which candidates must register, method of application, fees, etc., is published in a booklet entitled "Bulletin of Information." This booklet, published annually by the College Board, may be obtained without charge by writing to:

The College Entrance Examination Board at Post Office Box 592, Princeton, N.J., 08540, or P.O. Box 1025, Berkeley, Calif., 94701.

(f) *Description of tests.* In addition to the above-mentioned "Bulletin," the College Board publishes two booklets, one entitled "A Description of the College Board Scholastic Aptitude Test" and one titled "A Description of the College Board Achievement Tests." Supplies of these two booklets are provided by the College Board to all high schools. Candidates can obtain the booklets from their high schools or may write to the College Board for individual copies free of charge.

(g) *Examining points.* For the majority of candidates, the examining points are in the communities in which they live. It is expected that few, if any, candidates will have to travel more than 75 miles.

(h) *Candidates unable to take tests.* Duly nominated candidates who have registered for and are unable to take the December, January, or March administrations because of sickness, injury, weather, or other extenuating circumstances should promptly advise the Chief of Naval Personnel.

§ 710.25 College certificate method.

(a) *Requirements.* A candidate who holds a nomination as a Congressional, District of Columbia, or Vice Presidential principal or alternate or who is seeking admission as the son of a Medal of Honor winner may fulfill the scholastic requirements for admission by submitting an acceptable secondary school certificate and an acceptable college certificate. He is also required to take the College Board Tests specified in § 710.24 for the information of the Naval Academy. A candidate competing under any other source of nomination than those outlined in this paragraph must qualify by the Examination Method. This includes all Congressional candidates being evaluated by the Competitive Method. All candidates using College Certificate Method should advise the Dean of Admissions, U.S. Naval Academy, of their intent to do so by letter.[2]

(b) *Definition of "acceptable college certificate."* An acceptable college certificate is one attesting at least 1 year's attendance at an accredited junior college, college, university, or technical institution of college grade during which the candidate completed courses totaling at least 24 semester hours of credit for

[1] For the class entering in June 1966, the dates of administrations of the College Entrance Board tests are Dec. 4, 1965, Jan. 8, 1966, or Mar. 5, 1966. The Level II Test of the Mathematics Achievement Test is offered on Jan. 8, 1966, only.

[2] For the class entering in June 1966, the Dean of Admissions should be advised by letter prior to Mar. 15, 1966.

subjects acceptable to the Naval Academy with grades substantially better than the college minimum passing grade. Six semester hours must be in pure mathematics, such as college algebra, trigonometry, analytical geometry, calculus, etc., and 6 semester hours must be in English or history, or a combination English or history, or a combination thereof. The remaining credits necessary to complete the certificate may be offered from a wide range of college liberal arts or engineering subjects. The overall quality of the college record must be acceptable to the Naval Academy.

(c) *Length of college attendance.* The length of college attendance prescribed is defined as requiring actual full-time attendance for one regular school year during which the candidate pursues courses constituting a normal year's load.

(d) *Action prior to completion of year of college.* A candidate who contemplates qualifying by the College Certificate Method but who has not completed the required year of college at the time of receipt of his nomination should have his high school record and a preliminary college record submitted showing the courses contemplated or in progress and the amount of credit in semester hours to be assigned for each course. A form for submitting the high school record will be provided by the Navy Department. The official transcript form of the college should be used for submitting the college record. An early review of the record of completed work and of courses proposed for completion may reveal defects which can be corrected by slight changes in the final semester schedule. The certificate action reports issued by the Naval Academy indicate steps which the candidate should take. However, if in doubt, a candidate should address a letter to the Dean of Admissions, U.S. Naval Academy, Annapolis, Md.

§ 710.26 Qualifying in previous year.

Former midshipmen who have successfully completed the first year of the Naval Academy's course need not requalify scholastically for admission, but they must demonstrate to the satisfaction of the Academic Board that they are qualified for readmission. All other former candidates must requalify scholastically and medically for the class to which they seek admission.

Subpart C—Medical Qualification

§ 710.31 General.

(a) *Authorization.* The Chief of Naval Personnel, Navy Department, Washington, D.C., 20370, will send to each duly nominated candidate an authorization designating the time and place of medical examination. Medical examinations are conducted at some 70 Navy examining centers and at specified examining centers of the Army and Air Force, located throughout the United States. One standardized medical examination is being given at all designated examining centers. (See listing of these centers in § 710.54.)

(b) *Time limits.* Examinations are conducted starting on July 1 of the year preceding the year of admission. A final decision on the medical eligibility of each candidate must be reached by March 15 the year of entry.

(c) *General requirements.* Candidates are required to be physically fit, well formed, and of sound constitution. The medical requirements are exacting, thus protecting the best interests of the Government, the Navy, and the individual.

(d) *Examination by private physician.* All condidates are encouraged to undergo thorough medical and dental examinations by a private physician using the Medical Examination Considerations set forth in this subpart as a guide in determining their medical and dental condition before pursuing nomination and before taking the qualifying medical examination. This will serve to identify obviously disqualified applicants or those who may have remediable defects which must be corrected at the candidates' expense. The candidates who are obviously disqualified will benefit themselves and the U.S. Government by not pursuing candidacies further. All candidates are advised to carry sun glasses for use after the eye examination.

(e) *Reference.* Specific information concerning medical and physical requirements follows in §§ 710.32 to 710.34 and 710.54.

§ 710.32 Medical and physical aptitude examinations.

(a) *Qualifying medical examination.* The Naval Academy Qualifying Medical Examination determines a candidate's medical status for admission to the Academy. Members of Congress may authorize a Naval Academy Medical Examination for an applicant at the authorized medical examining facilities to determine his medical qualification. This examination will be considered a final Naval Academy Qualifying Medical Examination. Thus, it will not be necessary for a formally nominated candidate to return to a medical examining facility for further medical examination. Candidates who have a Qualifying Medical Examination on file taken since July 1 of the year preceding the year in which entering the Naval Academy will be required to take only the Physical Aptitude Examination. Formally nominated candidates to the Naval Academy are required to satisfactorily complete a Physical Aptitude Examination which is in conjunction with the Qualifying Medical Examination. This examination includes a series of exercises designed to determine coordination, strength and endurance of the body musculature. Included are sit-ups, pull-ups, arm hang, and a squat walk exercise. It also includes a battery of tests which will bring out disqualifying orthopedic defects such as shoulder, knee, or other malfunctions. Failure to pass any part of this examination will be cause for rejection.

(b) *Shorts and supporter.* When reporting for Medical and Physical Aptitude Examination, candidates are required to have suitable shorts and supporter for use when undergoing the Physical Aptitude Examination.

(c) *Delay in taking examination.* Candidates who are ordered to report for Medical and Physical Aptitude Examination and who are unable to take the Physical Aptitude Examination at that time will be required to produce substantiating medical evidence. Insufficient evidence will be cause for their disqualification. Formally nominated candidates who are injured or ill for any reason and unable to comply with instructions to report for Medical and Physical Aptitude Examination are required to communicate with the Chief of Naval Personnel and the scheduled examining facilities to explain the circumstances of the injury or illness before further examination or delay in examination will be authorized. Candidates who have undergone major surgery involving knee, ankle, shoulder, elbow, wrist or spine will *Not* be scheduled for examination until six months have elapsed following surgery. Medical and Physical Aptitude Examinations will terminate as indicated in the note to this paragraph.[1] Injury and surgical cases will not be considered after this date. Candidates having orthodontic appliances in place will be required to have them removed prior to reporting for Qualifying Medical Examination.

(d) *Time and place.* While candidates may be scheduled for Medical and Physical Aptitude Examinations at Army, Navy, and Air Force facilities, the major portion of Naval Academy candidates will be scheduled for examination at naval medical examining facilities. Candidates examined at naval medical examining facilities will normally be required to spend one day under examination. Candidates are to report prior to 7:30 a.m. on the day of examination except as otherwise directed in reporting orders. Candidates ordered to Army and Air Force examining centers will be required to spend at least two days to complete examinations.

(e) *Limitations.* Candidates are required to pay their own transportation, berthing and necessary expenses in connection with these examinations. Only one Medical and Physical Aptitude Examination will be authorized for any candidate. Reexamination will not be authorized except as required by the Chief of Naval Personnel.

§ 710.33 Review and waiver procedure.

(a) *Finality.* The results of all medical examinations of candidates for the Naval Academy are subject to review by the Permanent Board of Medical Examiners, U.S. Naval Academy. Medical qualification decisions made by the Board are final. In this respect, where the disqualifying defect is subject to medical or dental correction, the candidate may be conditionally rejected subject to later certification by a registered physician or dentist that the defect has been corrected with complete restoration of function. It is mandatory that such certification reach the Permanent Board of Medical Examiners as soon as possible and not later than March 15 in any case. Final reports of applicants certified by that Board will be distributed to Chief of Naval Personnel, Chief, Bureau of Medicine and Surgery, and the Academic Board, U.S. Naval Academy. The Academic Board may grant waiver of a very minor defect to a candidate who is outstanding in all other respects.

(b) *Waiver.* Since waiver action is predicated upon the overall quality of a candidate's record, it is important that transcripts of secondary school or college work, the report of extracurricular activities, and the required letters of recommendation be submitted as soon as possible. In some instances it will be necessary to delay evaluation of a record until results of the March College Board tests have been received. It is emphasized that review and waiver procedures are automatic for all candidates who were found not medically qualified upon formal Qualifying Medical Examination and that queries regarding the status of waiver action will only delay final determination. Notification of Medical and Physical Aptitude Disqualification will be made to all candidates by the Chief of Naval Personnel. Requests for reexamination of those candidates who fail the medical examination can be approved only by the Chief of Naval Personnel and only under extremely extenuating circumstances.

[1] For the class entering in June 1966, medical and physical aptitude examinations terminate on Mar. 15, 1966.

§ 710.34 Special medical examination considerations.

The following special medical examination considerations are listed in order that candidates, prospective candidates, and their private physicians and dentists may have the basic medical requirements for entrance to the Academy readily available.

(a) *Medical history.* The medical history will be compiled with particular care with elaboration where indicated. Inquiries will be made in detail concerning all illnesses, injuries, and operations which the candidates may have incurred. Failure to fully document these items results in disappointment when medical disqualification is determined later. A history of familial diseases will be investigated with thoroughness. If the candidate has received medical care which significantly affects his physical status he will be required, whenever practicable, to submit evidence from attending physicians or from hospital records concerning this medical care. A candidate who has defects which are remediable, including dental defects, should have them corrected prior to taking the Naval Academy Qualifying Medical Examination.

(b) *Weight standards.*

Height (inches)*	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78
Weight (pounds):															
Minimum	112	116	120	124	128	132	136	140	144	148	152	156	160	164	168
Maximum	160	165	170	175	181	186	192	197	203	209	214	219	225	230	235

*Waiver for height up to 80 inches may be granted to a limited number of candidates with exceptional scholastic and leadership achievements.

These weight standards are necessarily arbitrary. Waiver may be granted in unusual cases under circumstances as follows: When a generally large bony structure and large well-distributed and proportioned muscle masses with little evidence of thick layers of subcutaneous fat account for the apparent excessive weight, exception to the standards may be granted by the Permanent Board of Medical Examiners at the Naval Academy or recommendation may be made by the Board of Medical Examiners to the Academic Board at the Naval Academy for waiver. Likewise, when weight is under the prescribed standards, if the skeletal structure is relatively slight but muscle development and strength is excellent, as manifested by demonstrable performance of physical aptitude tests and history of athletic participation, similar action may be taken.

(c) *Eyes and vision.* A cycloplegic refraction is required on all prospective nominees and candidates. Unaided visual acuity of 20/20 is required. In all cases the actual vision of each eye and the correction lens, if required, must be reported. Any tropia is disqualifying. Both eyes must be free from any disfiguring or incapacitating abnormality and from acute or chronic disease. Candidates wearing contact lenses will remove them at least 36 hours prior to reporting for medical examination. Normal color perception is required. Results of color tests will reflect the name of the test, the number of plates correctly read, and the number of plates in the test; i.e., 14/17. Use of Farnsworth Lantern is required where available. (Waivers for visual acuity up to 20/40, correctable to 20/20, may be granted to a limited number of candidates with exceptional scholastic and leadership achievements.)

(d) *Ears and hearing.* Auditory acuity of all candidates will be determined by audiometer if available. Whispered voice at 15 feet right and left ear is acceptable if audiometric equipment is not available.

Frequency	500 / 512	1000 / 1024	2000 / 2048	3000 / 2896	4000 / 4096	8000 / 8192
Maximum loss (in decibels):						
Better ear	15	15	15	35	(1)	(1)
Worse ear	15	15	15	35	(1)	(1)

[1] Record for baseline information only.

Both ears must be free from any disfiguring or incapacitating abnormality and from acute or chronic disease.

(e) *Nares.* Septal deviation, hypertrophic rhinitis, or other conditions which result in 50 percent or more obstruction of either airway, or which interfere with drainage of a sinus on either side, are causes for rejection.

(f) *Skin.* Chronic skin diseases such as severe acne or eczema or unsightly congenital markings are cause for disqualifications. Pilonidal sinus, if evidenced by presence of mass or discharging sinus, is cause for rejection.

(g) *Heart and vascular system.* An electrocardiogram is required of all candidates. The following conditions are either not acceptable or require extensive medical workup: All organic vascular diseases of the heart, including those improved by surgery; EKG evidence of variations from normal heart beat; hypertension evidenced by predominant blood pressure reading of 140 mm or more systolic or 90 mm or more diastolic; varicose veins if severe or symptomatic; heart rate greater than 100 on repeated examinations; substantiated history of rheumatic fever within the previous 2 years, recurrent attacks of rheumatic fever or evidence of residual cardiac damage; history of recurring rapid heart beat within the preceding 5 years.

(h) *Serologic tests.* A serologic test for syphilis is performed on all candidates. An authentic history of syphilis of any type is cause for rejection without further laboratory procedure.

(i) *Genitourinary system.* Persistent albuminuria of any type or the persistence of casts in the urine will be cause for rejection, even though the etiology cannot be determined. Other causes for rejection: phimosis; epispadias or pronounced hypospadias; atrophy, deformity, or maldevelopment of both testicles; or undescended testicles of any degree. Bed wetting persisting into late childhood or early adolescence is cause for rejection.

(j) *Neurological examination.* A history of motion sickness (i.e., air, sea, swing, train, or carnival ride) should be thoroughly investigated. A history of head injury resulting in unconsciousness must be completely evaluated and an electroencephalogram is required. Investigate for degenerative disorders; these are not acceptable. Neither is established migraine.

(k) *Asthma.* Asthma by diagnosis or history since age 12 is cause for rejection.

(l) *Abdominal wall examination.* If physical findings include hernia of any type, candidate is disqualified until corrected; history of operation for hernia within past 60 days is disqualifying. Other abnormal diseases and conditions which are not acceptable include stomach or small bowel ulcer or history of

same; acute or chronic gall bladder disease; history of removal of the spleen for reason other than trauma.

(m) *Miscellaneous medical findings of significance that are not acceptable unless remedied.* Deviated nasal septum resulting in greater than 50 percent obstruction to either airway or obstruction to the drainage of any sinus; obesity, even though the candidate's weight is within the maximum shown in the height-weight table; and acute communicable diseases, until recovery.

(n) *Miscellaneous medical findings that are disqualifying.* Anemia; abnormal bleeding states; diabetes mellitus or history of diabetes in both parents; persistent sugar in urine regardless of cause; ununited fractures; history of surgery to a major joint within past 6 months; history of derangement of knee joint not corrected by surgery, or evidence of instability subsequent to surgery; total loss of either thumb; tuberculosis, active in past 5 years; hay fever, if severe, or having undergone desensitization therapy during past 3 years prior to examination; nasal polyps; personality disorders; symptomatic immaturity disorders such as stammering or stuttering; arthritis; and herniated nucleus pulposus or history of operation for this condition.

(o) *Dental standards.* A candidate for appointment must have a minimum of 16 natural permanent teeth, of which a minimum of 8 must be in each arch. All missing teeth causing unsightly spaces or significantly reducing masticatory or incisal efficiency must be replaced by well-designed bridges or partial dentures which are in good condition. Except for minor or questionable carious areas, all required dental treatment must be completed. Disqualifying defects are as follows:

Lack of satisfactory incisal or masticatory function.

Failure to have a minimum of 8 natural permanent teeth in each arch.

Edentulous spaces which are unsightly or which significantly reduce masticatory function.

Carious teeth, except minor or questionable carious areas. Infectious or chronic diseases of the soft tissue of the oral cavity. Marked malocclusion resulting in severe dentofacial deformity. Orthodontic appliances attached to teeth for continued orthodontic treatment (retainer appliances are permissible).

Unsatisfactory restorations, bridges, or dentures. Severe or extensive apical or periodontal infection. Perforations from the oral cavity into the nasal cavity or maxillary sinus.

Tumors or cysts of the oral tissues which require treatment or may require treatment in the foreseeable future.

Subpart D—Entrance Information and Procedures

§ 710.41 Entrance requirements.

(a) *General.* Candidates for whom there are vacancies, who have subscribed to the "Engagement to Serve" and who have met the scholastic, moral, and physical requirements will receive appointments as midshipmen and be admitted to the Naval Academy.

(b) *Loyalty certificate.* In keeping with the policy of the Department of Defense and as directed by the Secretary of the Navy, candidates for appointment as midshipmen are required to execute a loyalty certificate. The purpose of this certificate is to aid in determining whether the candidate's conduct or associations, past or present, have been such as to cast any doubt whatever upon his loyalty to the Government of the United States. The loyalty certificate includes a list of those agencies, groups, etc., designated by the Attorney General of the United States to be totalitarian, fascist, communist or subversive, or as having adopted a policy of advocating or approving the commission of acts of force or violence to deny persons their rights under the Constitution of the United States. The admission of conduct or association, past or present, within the purview of acts as defined in the certificate, or association with any of the groups or organizations designated by the Attorney General, shall preclude appointment pending investigation and determination of eligibility by the Department of the Navy. False representation, or failure fully to disclose conduct or associations defined in the certificate shall constitute grounds for trial before a general court-martial with possible consequent conviction and imprisonment, or for separation from the naval service under conditions other than honorable, with or without any preceding court-martial procedure.

(c) *Oath.* Each candidate for midshipman will be required to take the following oath of office upon entrance:

I, ----------, of the State of ---------- aged ------ years ------ months, having been appointed a midshipman in the United States Navy, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter; So Help Me God.

He will also be required to subscribe to the following under oath:

For and in consideration of the privileges, opportunities, and benefits afforded me during the continuance of my service as a midshipman, I agree to and with the Superintendent of the U.S. Naval Academy, as follows:

First: To enter the service of the Navy of the United States and to the utmost of my power and ability to be in everything conformable and obedient to the several requirements and lawful commands of the officers who may be placed over me.

Second: I oblige myself, during such service, to comply with and be subject to the Uniform Code of Military Justice and such other laws and regulations as are or shall be established by the Congress of the United States or other competent authority.

Third: To submit to treatment for the prevention of smallpox, typhoid (typhoid prophylaxis), and to such other preventive measures as may be considered necessary by naval authorities.

(d) *Timing of arrival.* Candidates are usually sworn in as midshipmen on the day they are accepted for admission, i.e., the date of reporting at the Naval Academy as designated in the authorization to report issued by the Bureau of Naval Personnel. Due to limited living accommodations in the city of Annapolis, candidates are urged to time their arrival at Annapolis to coincide as closely as possible with the reporting date, keeping in mind, however, that transportation facilities between Washington and Baltimore and Annapolis are not unlimited. Those arriving in Annapolis a day or two prior to their reporting date may take advantage of berthing and messing facilities usually made available in the Naval Academy at a cost of $1 per night. Additionally, candidates may take their meals in the Midshipmen's Mess at a cost equal to the cost of a midshipman's daily ration allowance.

(e) *Deposit.* Before being admitted as a midshipman, each candidate must deposit with the midshipmen's storekeeper the sum of $300, to be used in part payment to cover cost of uniforms, clothings, etc. In cases of extreme hardship this sum may be reduced to $100 in which case money allowances for the individual will be reduced until the individual account reaches prescribed levels. The amount deposited is not refunded, but is expended for entrance outfit, clothing, uniforms, etc., which become the property of the midshipman.

(f) *Pay.* The pay of the midshipman is $1767.60 a year, commencing at the date of his admission. Its purpose is to permit him to cover his expenses; i.e., uniforms, books, equipment, laundry, income tax, etc., while at the Naval Academy.

(g) *Uniforms and equipment.* The regulation entrance outfit, plus the additional uniforms, clothing, textbooks, and expenses required the first year, are valued at approximately $1,600. The deposit made at the time of entrance is supplemented by an entrance credit of $600 upon first admission to the Naval Academy. The $600 credit is an interest-free loan advanced by the Government to defray the cost of the uniforms and equipment required during the first year. Repayment of the indebtedness is accomplished by monthly deductions of $20 from the midshipman's pay, beginning in October of the second year at the Naval Academy and continuing until the indebtedness is liquidated. Midshipmen who are involuntarily separated from the Naval Academy prior to repayment of the entrance credit, are required to turn in all articles of uniform and equipment deemed suitable for reissue, to an amount sufficient to liquidate the indebtedness. If reclaimed articles are insufficient to cover the indebtedness, parents will be given an opportunity to liquidate the remaining debt; failing this, the remainder of the debt is canceled. Midshipmen applying for voluntary separation for their own convenience are required to repay in full the amount of indebtedness prior to such separation.

(h) *Social Security card.* Every candidate must present his Social Security card upon reporting for appointment.

If an individual has not obtained a Social Security number as a result of work experience prior to entering, he should obtain one based on the strength of expected employment as a midshipman.

(i) *Statement of Personal History.* Shortly after entrance, each midshipman (except Foreign Nationals) will be required to complete a Statement of Personal History. Candidates should be prepared to furnish such information as:

Names and locations of all schools attended.

Family names, dates and places of birth of parents, service data if parents are or were in Armed Forces, naturalization numbers of parents if applicable.

Relatives in Foreign Countries—relationship and location.

Names and addresses of former employers.

Names and addresses of three credit and five personal references. (Credit references may be those of parents.)

Residences during past 15 years. (Dates street addresses, cities, required.)

(j) *Birth certificate.* Candidates admitted as midshipmen will be required to submit evidence of birth to the Superintendent, U.S. Naval Academy, for transmission to the Bureau of Naval Personnel upon admission, or as soon as practicable thereafter. A certified copy of the public record of birth is the best evidence. Supporting evidence will be required if the name on the evidence of birth is not identical with the name being used.

(k) *Regulation entrance outfit.* Upon entrance, midshipmen will be required to obtain from the midshipmen's storekeeper a regulation entrance outfit. Slide rules and drawing sets are furnished as part of the outfit. Candidates are advised, therefore, not to purchase these items prior to entering the Academy.

(l) *Travel and transportation allowances.* After being admitted to the Naval Academy, midshipmen receive travel and transportation allowances as prescribed in "Joint Travel Regulations" (ordinarily, mileage allowance of 6 cents per mile for authorized travel). This reimbursement will be paid to the midshipman. Reimbursement will be made for the actual cost of passage fares on commercial vessels if sea travel is involved and provided no Government transportation was available. In the event travel originates outside the United States, candidates must contact the nearest naval activity for information as to the availability of Government transportation before endeavoring to procure commercial transportation. When Government transportation is not available, a certified statement to this effect must be presented in order for the candidate to be reimbursed after he has become a midshipman.

(m) *Curriculum.* The course of instruction at the Naval Academy is of 4-years' duration and is designed for the purpose of educating and training students to become officers in the Navy. The word "officers" as used in the foregoing sentence means officers of the line and does not include officers of the Medical Corps, Dental Corps, etc. The curriculum provides a basic education in naval science; science and engineering; and the humanities and social sciences. In addition, there is opportunity for advanced work through validation of college-level courses successfully completed elsewhere, and through a program of elective courses. No midshipman can be admitted or readmitted to other than the fourth (freshman) class. Readmitted midshipmen who previously completed successfully one or more years of the Naval Academy course may request advancement to a higher class after reentry. There can be no deviation from the statutory age limits.

(n) *Commissioned officer.* Graduates of the Naval Academy, who meet all requirements, are commissioned as ensigns in the Navy or (a limited number) as second lieutenants in the Marine Corps. Their commissions may be revoked at any time during the first 3 years following graduation from the Naval Academy. On successful completion of the probationary period, officers are permanently commissioned. Officers whose commissions are revoked shall be discharged from the service, without advance pay or allowances.

§ 710.42 Service obligation for enlisted and other candidates appointed as midshipmen.

(a) *Enlisted members appointed as midshipmen.* Enlisted members of the Armed Forces who accept appointments as midshipmen at the Naval Academy will not be discharged from their enlistment contracts or from their period of obligated service while they are in the status of midshipmen except for physical disability or because of the acceptance of a commission. (Act of June 25, 1956, §§ 1–2, reenacted 10 U.S.C. 516.) Midshipmen in this category who are separated from the Naval Academy, except for one of the two reasons given in the first sentence of this paragraph, will have their appointments as midshipmen terminated and will immediately resume their enlisted status. Members so reverted will be required to serve out their enlistments or obligated service, unless sooner discharged. In computing the unexpired portion of an enlistment contract or period of obligated service, the time served as a midshipman shall be counted as time served under such contract or period of obligated service.

(b) *Midshipmen appointed from civil life.* Candidates entering the Naval Academy from civil life who had not previously acquired a military obligation will automatically do so upon acceptance of appointment as midshipmen at the U.S. Naval Academy. Under certain provisions of the Universal Military Training and Service Act, as revised, any person who is enlisted, inducted, or appointed in any of the Armed Services or Reserve Components acquires automatically a 6-year military obligation. Section IV, B. 3.f of Department of Defense Directive 1200.3 of May 23, 1958 (§ 50.4(b)(3)(vi) of this title) includes appointees to the Service Academies among those who are subject to the 6-year obligation. Such candidates will be required to execute the following statement of understanding of this obligation prior to appointment as midshipmen:

I understand that if my appointment as a midshipman is terminated other than for the purpose of accepting a commission, I shall if qualified be transferred to a ready reserve component of the U.S. Navy or the U.S. Marine Corps, in a grade deemed appropriate by the Secretary of the Navy. I fully understand the requirement for satisfactory participation in the Ready Reserve. I also understand that upon completion of a period of satisfactory Ready Reserve service which, when added to my service as a midshipman, totals 5 years, I shall if I request be transferred to the Standby Reserve to complete the total military service obligation of 6 years acquired under section 4(d)(3) of the Universal Military Training and Service Act as amended (50 U.S.C. App. 454(d)(3), 10 U.S.C. 651).

I understand further that if, after termination of my appointment as a midshipman, I should complete my total 6-year military service obligation without serving the minimum period of active duty required for exemption I may be liable for induction under Selective Service regulations to complete the 2-year active duty obligation prescribed by section 4(b) of the Universal Military Training and Service Act as amended (50 U.S.C. App. 454(b)).

§ 710.43 Engagement to serve (10 U.S.C. 6959).

(a) *Agreement.* Each midshipman who is a citizen or national of the United States shall sign an agreement that, unless sooner separated, he will:

Complete the course of instruction at the Naval Academy.

Comply with such provisions of law as may be directed by the Secretary of the Navy for midshipmen who voluntarily disqualify themselves for the course.

Comply with such provisions of law as may be established for separated midshipmen.

Accept an appointment and serve as a commissioned officer of the Regular Navy or the Regular Marine Corps for at least 5 years immediately after graduation.

Accept an appointment as a commissioned officer in the reserve component of the Navy or the Marine Corps, and remain therein until the sixth anniversary of his graduation, if an appointment in the regular component of that armed force is not tendered to him, or if he is permitted to resign as a regular commissioned officer before the sixth anniversary.

(b) *Minors require parents' consent.* If the midshipman is a minor and has parents or a guardian, he may sign the agreement only with the consent of the parents or guardian.

(c) *Commissions without terminal dates.* Officers of the Armed Services serve at the pleasure of the President. No terminal dates are established for their commissions.

§ 710.44 Foreign students.

(a) *General.* Persons from a foreign country receiving instruction at the Naval Academy under authority of law (10 U.S.C. 6957) shall receive the same pay, allowances, and emoluments, to be paid from the same appropriations, and, subject to such exceptions as may be determined by the Secretary of the Navy, shall be subject to the same rules and regula-

tions governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation, as midshipmen at the Naval Academy appointed from the United States; but such persons shall not be entitled to appointment to any office or position in the U.S. Navy by reason of their graduation from the Naval Academy. The entrance deposit will be required of all foreign students. Applications for appointment under provisions of this law must be addressed through diplomatic channels of the applicant's country. Nominations must reach the State Department in Washington, D.C., by January 1 of the year of entering the Naval Academy.

(b) *Qualifications.* Each candidate must:

(1) Be an unmarried, bona fide male citizen of the nominating country and, unless otherwise approved by the Secretary of the Navy, be not less than 17 years of age nor more than 22 years of age on July 1 of the calendar year in which he enters the Naval Academy.

(2) Possess medical qualifications as specified in this part. All candidates must undergo a medical examination and a physical aptitude examination by a board of medical examiners designated by the Chief of Naval Personnel. Qualifying medical and physical aptitude examination will be conducted by the Permanent Medical Examining Board at the U.S. Naval Academy at the time of reporting for admission. Such candidates are therefore urged to undergo careful preliminary examination by qualified medical personnel informed of the physical requirements set forth in §§ 710.31–710.34 before leaving their homes for the Naval Academy. Those with obviously disqualifying defects may be spared the needless expense of the trip to Annapolis. However, in case of reasonable doubt as to whether defects are disqualifying, it is recommended that telegraphic inquiry be addressed to the Superintendent, U.S. Naval Academy, Annapolis, Md., U.S.A.

(3) Be proficient in reading, writing, and speaking idiomatic English and meet the scholastic entrance requirements set forth in paragraph (c) of this section.

(c) *Scholastic requirements.* (1) Candidates may qualify for admission by either of the following two methods:

(i) Certificates from accredited secondary schools and colleges of the United States of America.

(ii) Taking the College Entrance Examination Board Scholastic Aptitude Test and achievement tests in English Composition and Intermediate or Advanced Mathematics. Detailed certificates covering school work will not be required of candidates qualifying by the examination method.

(2) Candidates will be given the same examination in English composition as other candidates, but due consideration will be accorded these foreign students when evaluating test results. Each candidate shall submit a certificate from his government that he is conversant with the literature of his native country and that he has completed a course in the literature of his native language equivalent in general to 2 years of secondary school work in literature in the United States. In lieu of this certification, a candidate may produce evidence of having acquired the units of literature from accredited schools of the United States.

(3) The naval attaché or a diplomatic representative of the United States in the candidate's country shall furnish a report as to the candidate's proficiency in the use of idiomatic English.

(d) *Nominations by governments.* Governments should submit the names of candidates as early as possible in order that they may qualify for entrance by the end of March and enter the Naval Academy in late June or early July, except in the cases of candidates attending secondary schools and colleges in the United States whose school records for the current year are essential to fulfillment of admission requirements. In such cases candidates may be granted until June 25 in order to permit completion of the required certificates. The nomination of the candidate should contain a statement of the method of admission under which he wishes to qualify.

(e) *Oath.* In lieu of the oath of allegiance to the United States, a substitute oath will be required, in substance as follows:

I, ----------, a citizen of ----------, aged ------ years ------ months, having been appointed a midshipman at the U.S. Naval Academy, do solemnly swear to comply with all regulations for the police and discipline of the Academy, and to give my utmost efforts to accomplish satisfactorily the required curriculum; do swear not to divulge any information of military value which I may obtain directly or indirectly in consequence of my presence at the U.S. Naval Academy to any alien government; and do agree that I shall be withdrawn from the U.S. Naval Academy if deficient in conduct, health, or studies.

(f) *Notification of unsatisfactory conduct, studies, or health.* Notification will be given to the governments that students found by proper authority to be unsatisfactory in conduct, studies, or health will be accorded the same consideration given other midshipmen regarding withdrawal from the Academy, or repetition of a year's work.

Subpart E—Appendices

§ 710.51 Format for requesting a Congressional nomination.

Date.

Honorable----------,
House of Representatives,
Washington, D.C., 20515.
Dear Mr.----------

or

Honorable----------,
United States Senate,
Washington, D.C., 20510.
Dear Senator----------

It is my desire to attend the U.S. Naval Academy and to make the U.S. Navy my career. I respectfully request that I be considered as one of your nominees for the class that enters the Academy in June 19--.

The following personal data are furnished for your information:

Name (as recorded on birth certificate).

Address (City, County, State).

Name of Parents.

Date of Birth.

High School Attended.

Date of High School Graduation.

Approximate Grade Average.

My high school transcript of work completed to date is attached.

I have been active in high school extracurricular activities shown on the attached list.

I shall greatly appreciate your consideration of my request for a nomination to the U.S. Naval Academy.

Sincerely yours,

Signature.

§ 710.52 Format for requesting a Presidential nomination.

Date.

Chief of Naval Personnel,
Department of the Navy,
Washington, D.C., 20370.

Attn: Pers–B66.

Dear Sir: I request a nomination under the Presidential category for the class that enters the Naval Academy in June 19-- and submit the following information:

Name (give name as shown on birth certificate. If different from that which you use, attach a copy of court order, if applicable).

Address (give permanent and temporary address).

Date of Birth (spell out month).

Date of High School Graduation.

If Member of Military (list grade, serial number, component, branch of service, and organizational address).

If Previous Candidate (list year).

Information on Parent:

Name, Grade, Serial Number, Component and Branch of Service.

Organizational Address.

Retired or Deceased (give date and attach copy of retirement orders or casualty report).

Officer Personnel (attach statement of service prepared by Personnel Officer specifying Regular or Reserve status for all periods of service).

Enlisted Personnel (attach statement prepared by Personnel Officer listing date of enlistment, date of expiration of enlistment, component and branch of service).

Sincerely yours,

Signature.

§ 710.53 Format for requesting a Son of Deceased Veteran nomination.

Date.

Chief of Naval Personnel,
Department of the Navy,
Washington, D.C., 20370.

Attn.: Pers–B66.

Dear Sir: I request a nomination under the Sons of Deceased Veterans category for the class that enters the Naval Academy in June 19-- and submit the following information:

Name (give name as shown on birth certificate. If different from that which you use, attach a copy of court order, if applicable).

Address (give permanent and temporary address).

Date of Birth (spell out month).

Date of High School Graduation.

If Member of Military (list grade, serial number, component, branch of service, and organizational address).

If Previous Candidate (list year).

Information on Parent:

Name, Grade, Serial Number, Regular or Reserve Component and Branch of Service.

Date and Place of Death.

Cause of Death.

Veterans Administration XC Claim Number: (forwarding a copy of death certificate, preferably the casualty report, will expedite processing of your application).

Address of VA Office where case is filed.

Sincerely yours,

Signature.

§ 710.54 Authorized medical examining facilities for Naval Academy medical examinations.

ALABAMA

Brookley AFB, Mobile.
Fort Rucker, Daleville.
Maxwell AFB, Montgomery.

ALASKA

Elmendorf AFB, Anchorage.
Fort Richardson, Anchorage.
USNAS, Adak.
USNAS, Kodiak.

ARKANSAS

Blytheville AFB, Blytheville.
Little Rock AFB, Jacksonville.

ARIZONA

Davis-Monthan AFB, Tucson.
Fort Huachuca, Cochise County.
Williams AFB, Chandler.

CALIFORNIA

Beale AFB, Marysville.
Castle AFB, Merced.
Edwards AFB, Edwards.
Fort MacArthur, San Pedro.
Fort Ord, Monterey.
George AFB, Victorville.
Hamilton AFB, Ignacio.
Letterman Gen Hosp, San Francisco.
March AFB, Riverside.
Mather AFB, Sacramento.
McClellan AFB, Sacramento.
Norton AFB, San Bernardino.
Travis AFB, Fairfield.
Vandenberg AFB, Lompoc.
USNAS, Alameda.
USN Hosp, Camp Pendleton.
USN Air Facility, El Centro.
USN Aux Air Stn, Ream Fld, Imperial Beach.
USNAS, Lemoore.
USN Hosp, USS Haven, Long Beach.
USNAS, Los Alamitos, Long Beach.
USNAS, Moffett Field.
USN Air Facility, Monterey.
USN Hosp, Oakland.
USN Missle Ctr, Point Mugu.
USMCAS, El Toro, Santa Ana.
USN Hosp, San Diego.
NAS, North Island, San Diego.
USNAS, Miramar, San Diego.

COLORADO

Fitzsimons Gen Hosp, Denver.
Lowry AFB, Denver.
USAF Academy.

DELAWARE

Dover AFB, Dover.

DISTRICT OF COLUMBIA

Andrews AFB.
USN Air Facility, Andrews AFB.
Walter Reed Gen Hosp.

FLORIDA

Eglin AFB, Valparaiso.
Homestead AFB, Homestead.
MacDill AFB, Tampa.
Tyndall AFB, Panama City.
USNAS, Cecil Field.
USN Hosp, Jacksonville.
USNAS, Jacksonville.
USN Hosp, Key West.
USNAS, Key West.
USN Hosp, Pensacola.
USNAS, Pensacola.
USNAS, Sanford.
USNAS, Whiting Field.

GEORGIA

Fort Benning, Columbus.
Fort Gordon, Groveton.
Fort McPherson, Atlanta.
Fort Stewart, Hinesville.
Hunter AFB, Savannah.
Moody AFB, Valdosta.
Robins AFB, Warner Robins.
Turner AFB, Albany.
USNAS, Atlanta.
USNAS, Glynco.

HAWAII

Hickam AFB, Honolulu.
Tripler Gen Hosp, Honolulu.

IDAHO

Mountain Home AFB, Mountain Home.

ILLINOIS

Chanute AFB, Rantoul.
Fort Sheridan, Highland Park.
Scott AFB, Belleville.
USN Hosp, Great Lakes.
USNAS, Glenview.

INDIANA

Bunker Hill AFB, Peru.
Fort Benjamin Harrison, Indianapolis.

KANSAS

Forbes AFB, Topeka.
Fort Leavenworth, Leavenworth.
Fort Riley, Junction City.
McConnell AFB, Wichita.
USNAS, Olathe.

KENTUCKY

Fort Knox, Hardin County.

LOUISIANA

Barksdale AFB, Shreveport.
England AFB, Alexandria.
USNAS, New Orleans.

MAINE

Dow AFB, Bangor.
Loring AFB, Limestone.
USNAS, Brunswick.

MARYLAND

Fort George G. Meade, Odenton.
USN Hosp, Bethesda.
USN Training Center, Bainbridge.
US Naval Academy, Annapolis.
USNAS, Patuxent.

MASSACHUSETTS

Boston Army Base, Boston.
Fort Devens, Ayer.
Otis AFB, Falmouth.
USN Hosp, Chelsea.
USNAS, South Weymouth.
Westover AFB, Chicopee, Falls.

MICHIGAN

Kincheloe AFB, Kincross.
K. I. Sawyer AFB, Gwinn.
Selfridge AFB, Mt. Clemens.
USNAS, Grosse Ile.
Wurtsmith AFB, Oscoda.

MINNESOTA

USNAS, Minneapolis.

MISSISSIPPI

Columbus AFB, Columbus.
Keesler AFB, Biloxi.
USN Aux Air Stn, Meridian.

MISSOURI

Fort Leonard Wood, Waynesville.
Richards-Gebaur AFB, Grandview.
Whiteman AFB, Knob Noster.

MONTANA

Glasgow AFB, Glasgow.
Malmstrom AFB, Great Falls.

NEBRASKA

Lincoln AFB, Lincoln.
Offutt AFB, Omaha.

NEVADA

Nellis AFB, Las Vegas.
Stead AFB, Reno.

NEW HAMPSHIRE

Pease AFB, Portsmouth.
USN Hosp, Portsmouth.

NEW JERSEY

Fort Dix, Wrightstown.
Fort Monmouth, Oceanport.
McGuire AFB, Wrightstown.
USNS, Lakehurst.

NEW MEXICO

Cannon AFB, Clovis.
Holloman AFB, Alamogordo.
Kirtland AFB, Albuquerque.
Walker AFB, Roswell.

NEW YORK

Griffiss AFB, Rome.
Plattsburgh AFB, Plattsburgh.
Stewart AFB, Newburgh.
Suffolk County AFB,
Westhampton Beach, L.I.
US Military Academy, West Point.
USNAS, New York.
USN Hosp, St. Albans, Long Island.

NORTH CAROLINA

Fort Bragg, Fayetteville.
Seymour Johnson AFB, Goldsboro.
USN Hosp, Camp Lejeune.
USMCAS, Cherry Point.
USMC Air Facility, New River.

NORTH DAKOTA

Grand Forks AFB, Mecklnock.
Minot AFB, Minot.

OHIO

Lockbourne AFB, Columbus.
Wright-Patterson AFB, Dayton.

OKLAHOMA

Altus AFB, Altus.
Clinton-Sherman AFB, Burns Flat.
Fort Sill, Lawton.
Tinker AFB, Oklahoma City.

OREGON

Portland International Airport, Portland.

PENNSYLVANIA

Carlisle Barracks, Carlisle.
Olmsted AFB, Middletown.
USN Air Facility, Johnsville.
USN Hosp, Philadelphia.
USNAS, Willow Grove.
Valley Forge Gen Hosp, Phoenixville.

RHODE ISLAND

USN Hosp, Newport.
USN Stn, Newport.
USNAS, Quonset Point.

SOUTH CAROLINA

Charleston AFB, Charleston.
Fort Jackson, Columbia.
Shaw AFB, Sumter.
USN Hosp, Beaufort.
USMCAS, Beaufort.
USN Hosp, Charlestown.

SOUTH DAKOTA

Ellsworth AFB, Rapid City.

TENNESSEE

Fort Campbell, Clarkesville.
Sewart AFB, Smyrna.
USN Hosp, Memphis.
USNAS, Memphis.

TEXAS

Amarillo AFB, Amarillo.
Bergstrom AFB, Austin.
Biggs AFB, El Paso.
Carswell AFB, Fort Worth.
Dyess AFB, Abilene.
Fort Hood, Killeen.
Fort Sam Houston, San Antonio.
James Connally AFB, Waco.
Lackland AFB, San Antonio.
Laredo AFB, Laredo.
Laughlin AFB, Del Rio.
Perrin AFB, Sherman.
Randolph AFB, San Antonio.
Reese AFB, Lubbock.
Sheppard AFB, Wichita Falls.
USN Aux Air Stn, Beeville.
USN Hosp, Corpus Christi.
USNAS, Corpus Christi.
USNAS, Dallas.
USNAS, Kingsville.
Webb AFB, Big Spring.
William Beaumont Gen Hosp, El Paso.

UTAH

Hill AFB, Ogden.

VIRGINIA

Langley AFB, Hampton.
Fort Belvoir, Fairfax County.
Fort Eustis, Lee Hall.
Fort Lee, Petersburg.
Fort Monroe, Old Point Comfort.
USNAS, Norfolk.
USN Hosp, Portsmouth.
USN Hosp, Quantico.
USMCAS, Quantico.
USNAS, Virginia Beach.

WASHINGTON

Fairchild AFB, Spokane.
Fort Lewis, Tacoma.
Larson AFB, Moses Lake.
McChord AFB, Tacoma.
USN Hosp, Bremerton.
USNAS, Oak Harbor.
USNAS, Seattle.

WISCONSIN

Truax Field, Madison.

WYOMING

Francis E. Warren AFB, Cheyenne.

CANAL ZONE

Albrook AFB, Balboa.
Fort Clayton.
USN Stn, Rodman.

CUBA

USN Hosp, Guantanamo Bay.

ENGLAND

S. Ruislip Air Stn, Middlesex.
USN Activities, United Kingdom, London.

FRANCE

Evreux AB.

GERMANY

US Army Hosp, Heidelberg.
Wiesbaden AB, Wiesbaden.

GUAM

USN Hosp.

ITALY

USN Support Activity, Naples.

JAPAN

Camp Zama.
Tachikawa AB, Honshu.
USN Hosp, Yokosuka.

NEWFOUNDLAND

Ernest Harmon AFB, Stephenville.
USN Stn, Argentia.

PHILIPPINE ISLANDS

Clark AB, Luzon.
USN Stn, Subic Bay.

PUERTO RICO

Ramey AFB, Aguadilla.
USNAS, Roosevelt Rds.

SPAIN

Torrejon AB.
USNAS, Rota.

Dated: November 3, 1965.

By direction of the Secretary of the Navy.

[SEAL] WILFRED HEARN,
Rear Admiral U.S. Navy, Judge Advocate General of the Navy.

[F.R. Doc. 65-12033; Filed, Nov. 9, 1965; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P.P.C. 629, 7th Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Imported Fire Ant

REGULATED AREAS

Pursuant to § 301.81-2 of the regulations supplemental to the imported fire ant quarantine (7 CFR 301.81-2), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), administrative instructions appearing as 7 CFR 301.81-2a are hereby revised to read as follows:

§ 301.81-2a Administrative instructions designating regulated areas under the imported fire ant quarantine.

The following counties, parishes, other civil divisions, or parts thereof, in the quarantined States listed below, are designated as imported fire ant regulated areas within the meaning of the provisions of this subpart; and such regulated areas are hereby divided into eradication areas or generally infested areas as indicated below:

ALABAMA

(1) *Generally infested areas.*

Autauga County. The entire county.
Baldwin County. The entire county.
Barbour County. The entire county.
Bibb County. The entire county.
Blount County. That portion of the county lying south of the north line of T. 12 S.
Bullock County. The entire county.
Butler County. The entire county.
Calhoun County. The entire county.
Chambers County. The entire county.
Chilton County. The entire county.
Choctaw County. The entire county.
Clarke County. The entire county.
Clay County. The entire county.
Coffee County. The entire county.
Conecuh County. The entire county.
Coosa County. The entire county.
Covington County. The entire county.
Crenshaw County. The entire county.
Dale County. The entire county.
Dallas County. The entire county.
Elmore County. The entire county.
Escambia County. The entire county.
Fayette County. The entire county.
Geneva County. The entire county.
Greene County. The entire county.
Hale County. The entire county.
Henry County. The entire county.
Houston County. The entire county.
Jefferson County. The entire county.
Lamar County. The entire county.
Lee County. The entire county.
Lowndes County. The entire county.
Macon County. The entire county.
Marengo County. The entire county.
Marion County. The entire county.
Mobile County. The entire county.
Monroe County. The entire county.
Montgomery County. The entire county.
Perry County. The entire county.
Pickens County. The entire county.
Pike County. The entire county.
Russell County. The entire county.
St. Clair County. The entire county.
Shelby County. The entire county.
Sumter County. The entire county.
Talladega County. The entire county.
Tallapoosa County. The entire county.
Tuscaloosa County. The entire county.
Walker County. The entire county.
Washington County. The entire county.
Wilcox County. The entire county.

(2) *Eradication areas.*

Cleburne County. That portion of the county lying south of the north line of T. 16 S. and west of the east line of R. 10 E.
Etowah County. N½ T. 11 S., R. 6 E., S½ T. 11 S., Rs. 5, 6, and 7 E., and all of the county within Rs. 5, 6, and 7 E. lying south of the north line of T. 12 S.
Limestone County. S½ T. 3 S., R. 4 W.; T. 4 S., R. 4 W.; all of T. 5 S., R. 4 W. lying north of the Tennessee River; SE¼ T. 3 S., R. 5 W.; and that part of the E½ T. 4 S., R. 5 W. lying north of the Tennessee River.
Morgan County. N½ T. 6 S., Rs. 4 and 5 W.; and those portions of T. 5 S., Rs. 4 and 5 W., and T. 4 S., R. 5 W., lying south of the Tennessee River.

ARKANSAS

(1) *Generally infested areas.* None.

(2) *Eradication areas.*

Ashley County. Those portions of Tps. 18 and 19 S., Rs. 6, 7, 8, 9, and 10 W., lying in Ashley County.
Union County. The entire county.

FLORIDA

(1) *Generally infested areas.*

Baker County. That portion of the county lying south of the north line of T. 2 S.
Bay County. The entire county.
Calhoun County. The entire county.
Clay County. That portion of the county bounded by a line beginning at a point where the northeast fork of Little Black Creek intersects the Duval-Clay County line; thence extending east along said county line to the St. Johna River; thence south along said river to its intersection with the north boundary line of T. 7 S.; thence west along said line to its intersection with the east boundary line of R. 25 E.; thence north along said line to its interaection with Black Creek; thence west along said creek to its junction with Little Black Creek; thence north along said creek to its northeast fork; thence north along said fork to the point of beginning. Also T. 4 S., R. 23 E.
Duval County. The entire county.
Escambia County. The entire county.
Franklin County. That portion of T. 5 S., R. 7 W. lying within the county; Tps. 6 and 7 S., R. 7 W.; and those portions of Tps. 5, 6, and 7 S., R. 8 W. lying within the county.
Gadsden County. The entire county.
Gulf County. The entire county.
Hardee County. T. 33 S., Rs. 23, 24, 25, and 26 E.; T. 34 S., Rs. 23 and 24 E.; T. 35 S., R. 23 E.
Hernando County. That portion of T. 23 S., Rs. 16 and 17 E. lying west of U.S. Highway 19.
Hillsborough County. The entire county.
Holmes County. The entire county.
Jackson County. The entire county.
Lake County. That portion of the county beginning at a point where State Highway 44 intersects State Highway 437; thence extending northeast along Highway 44 to the St. Johns River; thence south along the east boundary line of Lake County to the Orange County line; thence west along the Lake-Orange County line to State Highway 437; thence north along said highway to the point of beginning.
Leon County. The entire county.
Liberty County. The entire county.
Manatee County. The entire county.
Okaloosa County. The entire county.
Orange County. Tps. 20, 21, and 22 S., R. 28 E.; those portions of Tps. 20 and 21 S., R. 29 E. lying within the county; that portion of T. 21 S., R. 30 E. lying within the county; Tps. 22 and 23 S., R. 30 E.; Tps. 22 and 23 S., R. 31 E.; T. 22 S., Rs. 32 and 33 E.; and that portion of T. 22 S., R. 34 E. lying within the county.
Pasco County. The entire county.
Pinellas County. The entire county.
Polk County. All of Polk County lying west of a line beginning at the intersection of U.S. Highway 27 and the north Polk County line, thence extending south along said highway to its intersection with the Highlands County line, excluding all of the cities of Haines City, Lake Hamilton, and Dundee. All of sections 7 and 18, T. 26 S., R. 27 E.; secs. 15, 16, 21, 22, and 27, T. 29 S., R. 27 E.; and secs. 11, 14, 23, 24, 25, 26, and 36, T. 31 S., R. 27 E. not covered in the above description.
St. Johns County. That portion of the county lying north of the south boundary line of T. 5 S.
Santa Rosa County. The entire county.
Sarasota County. Tps. 36 and 37 S., Rs. 19 and 20 E.
Seminole County. The entire county.
Sumter County. T. 24 S., R. 23 E.; and that portion of T. 25 S., R. 23 E. lying within the county.
Volusia County. That portion of the county beginning at the junction of the north boundary of sec. 19, T. 18 S., R. 29 E. and the St. Johns River; thence extending east along the north boundary of secs. 19 and 20, T. 18 S., R. 29 E., and secs. 21, 22, 23, and 24, T. 18 S., R. 30 E. to the junction of the eastern right-of-way of Interstate Highway 4; thence south along said right-of-way to the junction with the Florida East Coast Railroad; thence easterly along said railroad to its junction with State Highway 415; thence southwesterly along said highway to its junction with the St. Johns River; thence northwesterly along the St. Johns River to the point of beginning.
Wakulla County. S½ T. 2 S., R. 3 W., and all of T. 3 S., R. 3 W.
Walton County. The entire county.
Washington County. The entire county.

(2) *Eradication areas.* None.

GEORGIA

(1) *General infested areas.*

Baker County. The entire county.
Ben Hill County. The entire county.
Chattahoochee County. The entire county.
Clay County. The entire county.
Colquitt County. The entire county.
Crisp County. The entire county.
Decatur County. The entire county.
Dodge County. The entire county.
Dooly County. The entire county.
Dougherty County. The entire county.
Early County. The entire county.
Grady County. The entire county.
Harris County. The entire county.
Irwin County. That portion of the county lying within Georgia Militia Districts 1643, 1388, 1661, 901, 1662, 1670, 1529, and 1421.
Lamar County. That portion of the county lying in Milner Georgia Militia District 540, Barnesville Georgia Militia District 533, and Piedmont Georgia Militia District 1494.
Laurens County. The entire county.
Lee County. The entire county.
Macon County. The entire county.
Marion County. The entire county.
Meriwether County. The entire county.
Miller County. The entire county.
Mitchell County. The entire county.
Muscogee County. The entire county.
Pike County. The entire county.
Pulaski County. The entire county.
Quitman County. The entire county.
Randolph County. That portion of the county lying in Georgia Militia District 718, Georgia Militia District 954, and Georgia Militia District 1566.
Schley County. The entire county.
Spalding County. The entire county except Georgia Militia District 490.
Stewart County. The entire county.
Sumter County. The entire county, excluding Georgia Militia Districts 884 and 759.
Talbot County. The entire county.
Taylor County. The entire county.
Terrell County. The entire county.
Thomas County. The entire county.
Troup County. The entire county.
Turner County. The entire county.
Upson County. The entire county.
Webster County. That portion of the county lying within Preston Georgia Militia District 978 and Slaughter Creek Georgia Militia District 1105.
Wilcox County. The entire county.
Worth County. The entire county.

(2) *Eradication areas.*

Baldwin County. That portion of the county lying west of the Central of Georgia Railroad, including the city of Milledgeville.
Bibb County. The entire county.
Bleckley County. The entire county.
Brantley County. That portion of the county lying within the Schlatterville Georgia Militia District 590.
Bryan County. The entire county.
Bulloch County. That portion of the county lying within Georgia Militia Districts 1803, 1340, 47, and 1523.
Butts County. That portion of the county lying within Buttrill Georgia Militia District 615 and Jackson Georgia Militia District 612.
Calhoun County. That portion of the county lying within the Arlington Georgia Militia District 574.
Chatham County. The entire county.
Clayton County. The entire county.
Coffee County. That portion of the county lying within Broxton Georgia Militia District 1127, Ambrose Georgia Militia District 1556, Douglas Georgia Militia District 748, and Bridgetown Georgia Militia District 1804.
Crawford County. That portion of the county lying in Tabor Georgia Militia District 529.
De Kalb County. The entire county.
Effingham County. The entire county.
Fayette County. That portion of the county lying within Georgia Militia Districts 1293, 538, 496, 1262, 1248, 549, and 709.
Fulton County. That portion of the county lying in the corporate limits of Hapeville, College Park, East Point, and Atlanta; that portion of the county lying north of the corporate limits of Atlanta to the Chattahoochee River; and that portion of the county lying within Georgia Militia Districts 1204, 1725, 499, 479, and 1762.
Gwinnett County. That portion of the county lying south and west of Georgia Highway 120 and Georgia Highway 124, including all of the area in the corporate limits of Snellville, Lawrenceville, and Duluth.
Henry County. The entire county.
Houston County. The entire county.
Jeff Davis County. That portion of the county lying within Ocmulgee Georgia Militia District 1622 and Whitehead Georgia Militia District 1620.
Jones County. The entire county.
Liberty County. The entire county.
Monroe County. That portion of the county lying in Georgia Militia District 473 and Georgia Militia District 618.
Peach County. That portion of the county lying in Fort Valley Georgia Militia District 1813 and Myrtle Georgia Militia District 1815.
Pierce County. The entire county.
Richmond County. That portion of the county lying north of Butler Creek.
Seminole County. The entire county.
Telfair County. The entire county.
Tift County. The entire county.
Twiggs County. That portion of the county lying within McDonald Georgia Militia District 356, Hammock Georgia Militia District 1322, Smith Georgia Militia District 355, Pearson Georgia Militia District 323, and Jeffersonville Georgia Militia District 325.
Ware County. That portion of the county lying within Haywood Georgia Militia District 1030, James-Town Georgia Militia District 1372, Waresboro Georgia Militia District 451, Waycross Georgia Militia District 1231, and Braganzia Georgia Militia District 1404.
Wheeler County. That portion of the county lying within Erick Georgia Militia District 1450.

LOUISIANA

(1) *Generally infested areas.*

Acadia Parish. The entire parish.
Allen Parish. The entire parish.
Ascension Parish. The entire parish.
Assumption Parish. The entire parish.
Avoyelles Parish. The entire parish.
Beauregard Parish. The entire parish.
Calcasieu Parish. The entire parish.
Cameron Parish. The entire parish.
East Baton Rouge Parish. The entire parish.
East Feliciana Parish. The entire parish.
Evangeline Parish. The entire parish.
Iberia Parish. The entire parish.
Iberville Parish. The entire parish.
Jefferson Parish. The entire parish.
Jefferson Davis Parish. The entire parish.
Lafayette Parish. The entire parish.
Lafourche Parish. The entire parish.
Livingston Parish. The entire parish.
Orleans Parish. The entire parish.
Plaquemines Parish. The entire parish.
Pointe Coupee Parish. The entire parish.
St. Bernard Parish. The entire parish.
St. Charles Parish. The entire parish.
St. Helena Parish. The entire parish.
St. James Parish. The entire parish.
St. John the Baptist Parish. The entire parish.

St. Landry Parish. The entire parish.
St. Martin Parish. The entire parish.
St. Mary Parish. The entire parish.
St. Tammany Parish. The entire parish.
Tangipahoa Parish. The entire parish.
Terrebonne Parish. The entire parish.
Vermilion Parish. The entire parish.
Washington Parish. The entire parish.
West Baton Rouge Parish. The entire parish.
West Feliciana Parish. The entire parish.
(2) *Eradication areas.*
Bossier Parish. The entire parish.
Caddo Parish. The entire parish.
Caldwell Parish. The entire parish.
Catahoula Parish. The entire parish.
Concordia Parish. The entire parish.
East Carroll Parish. The entire parish.
Franklin Parish. The entire parish.
Grant Parish. That portion of Grant Parish lying south of the north line of T. 6 N., and east of the west line of R. 1 W.
La Salle Parish. That portion of La Salle Parish lying south of the north line of T. 8 N.
Lincoln Parish. T. 18 N., Rs. 1 and 2 W.
Madison Parish. The entire parish.
Morehouse Parish. The entire parish.
Ouachita Parish. The entire parish.
Rapides Parish. The entire parish.
Red River Parish. That portion of the parish lying north of the north line of T. 12 N., and west of the west line of R. 9 W.
Richland Parish. The entire parish.
Tensas Parish. The entire parish.
Union Parish. The entire parish.
Webster Parish. Tps. 18 and 19 N., Rs. 9 and 10 W., and those portions of Tps. 18 and 19 N., R. 8 W. lying in Webster County.
West Carroll Parish. The entire parish.

MISSISSIPPI

(1) *Generally infested areas.*
Adams County. The entire county.
Amite County. The entire county.
Calhoun County. Tps. 12 and 13 S., R. 1 E. and that portion of the county south of the south lines of T. 13 S. and T. 24 N.
Chickasaw County. The entire county.
Choctaw County. The entire county.
Clarke County. The entire county.
Clay County. The entire county.
Copiah County. The entire county.
Covington County. The entire county.
Forrest County. The entire county.
George County. The entire county.
Greene County. The entire county.
Hancock County. The entire county.
Harrison County. The entire county.
Hinds County. The entire county.
Itawamba County. That portion of the county lying south of the south line of T. 8 S.
Jackson County. The entire county.
Jasper County. The entire county.
Jefferson County. That portion of the county lying west of the west line of R. 3 E.
Jefferson Davis County. The entire county.
Jones County. The entire county.
Kemper County. The entire county.
Lamar County. The entire county.
Lauderdale County. The entire county.
Lawrence County. The entire county.
Leake County. That portion of the county south of the south line of T. 12 N.
Lee County. That portion of the county south of the south line of T. 8 S.
Lowndes County. The entire county.
Madison County. The entire county.
Marion County. The entire county.
Monroe County. The entire county.
Neshoba County. The entire county.
Newton County. The entire county.
Noxubee County. The entire county.
Oktibbeha County. The entire county.
Pearl River County. The entire county.
Perry County. The entire county.
Pike County. The entire county.
Rankin County. The entire county.
Scott County. The entire county.
Simpson County. The entire county.
Smith County. The entire county.
Stone County. The entire county.
Walthall County. The entire county.
Wayne County. The entire county.
Webster County. The entire county.
Wilkinson County. The entire county.
Winston County. The entire county.
(2) *Eradication areas.*
Attala County. N½ T. 14 N., R. 6 E.; S½ T. 15 N., R. 6 E.; and Tps. 14 and 15 N., R. 7 E.
Claiborne County. That portion of the county lying west of the west line of R. 3 E.
Franklin County. T. 6 N., Rs. 1, 2, 3, 4, and 5 E.; T. 7 N., R. 5 E.; and those portions of Tps. 6 and 7 N., R. 6 E., lying in Franklin County.
Issaquena County. That portion of the county south of the south line of T. 12 N., and west of the west line of R. 7 W.
Lincoln County. The entire county.
Pontotoc County. That portion of the county south of the south line of T. 9 S. and east of the east line of R. 1 E., including all of the area in the corporate limits of the city of Pontotoc.
Sharkey County. The entire county.
Warren County. Those portions of Tps. 15, 16, 17, and 18 N., Rs. 1 and 2 E., and those portions of Tps. 15, 16, and 17 N., Rs. 3 and 4 E., lying in the county.
Washington County. The entire county.
Yazoo County. Those portions of T. 9 N., Rs. 1 and 2 W., T. 10 N., R. 2 E., and S½ T. 11 N., Rs. 2 and 3 E. lying in Yazoo County; and that portion of the county west of the west line of R. 4 W. and north of the Yazoo River.

SOUTH CAROLINA

(1) *Generally infested areas.*
Berkeley County. That portion of the county bounded by a line beginning at a point where Alternate U.S. Highway 17 intersects the Berkeley-Dorchester County line, and extending northeast along said highway to its junction with State Secondary Highway 9; thence east along said highway to its junction with State Secondary Highway 260; thence northeast along said highway to its junction with State Secondary Highway 395; thence east along an imaginary line to a point where the Seaboard Air Line Railroad intersects the West Branch of Cooper River; thence in a southerly direction along said river to its junction with the East Branch of Cooper River; thence northeast along said river to its junction with Quenby Creek; thence southeast along said creek to its intersection with State Secondary Highway 98; thence northeast along said highway to its junction with State Secondary Highway 133 at Huger; thence southeast along said highway to its intersection with the Berkeley-Charleston County line; thence in a southwesterly and northwesterly direction along said county line to the point of beginning.
Charleston County. That portion of the county bounded by a line beginning at a point where U.S. Highway 78 intersects the Charleston-Dorchester County line and extending northeast along said county line to its junction with the Charleston and Berkeley County line; thence south and east along said county line to its junction with Cooper River; thence in a southerly direction along said river to its junction with the Wando River; thence northeast along the Berkeley-Charleston County line to its junction with State Secondary Highway 1032; thence southeast along said highway to its junction with U.S. Highway 17 at Awendaw; thence in a westerly direction along said highway to its intersection with State Primary Highway 165; thence northwest along said highway to its intersection with the Charleston-Dorchester County line; thence along said county line to the point of beginning.
Dorchester County. That portion of the county bounded by a line beginning at a point where State Primary Highway 165 intersects the Charleston-Dorchester County line and extending northeast along said highway to its intersection with the southern boundary of the corporate limits of Summerville; thence northeast along said corporate limits to its intersection with the Charleston-Dorchester County line; thence in a southeasterly, southerly and westerly direction along said county line to the point of beginning.
Jasper County. That portion of the county bounded by a line beginning at a point where State Primary Highway 119 intersects the Savannah River; thence extending northeast along said highway to its intersection with State Secondary Highway 119; thence southeast along said highway to the town limits of Tillman; thence along the west boundary of said town limits to its intersection with U.S. Highway 321; thence south along said highway to its intersection with the town limits of Hardeeville; thence, in sequence, along the western, southern and eastern boundary of said town to Secondary Highway 141; thence northeast along said road to its intersection with New River; thence south along said river to the Atlantic Ocean; thence southwest to a point where the Savannah River enters the Atlantic Ocean; thence northwest along said river to the point of beginning.
Orangeburg County. That portion of the county bounded by a line beginning at a point where U.S. Highway 21 intersects the Orangeburg-Calhoun County line, and extending in a southeasterly direction along said county line to its intersection with Four Hole Swamp; thence southeast along said swamp to its intersection with U.S. Highway 301; thence east along U.S. Highway 301 to its intersection with U.S. Highway 176; thence in a southeasterly direction along U.S. Highway 176 to its intersection with State Primary Highway 121; thence in a southwesterly direction along said highway to its intersection with Interstate Highway 26; thence southeast along said highway to its intersection with the Orangeburg-Dorchester County line; thence along said county line in a southwesterly direction to its intersection with U.S. Highway 78; thence northwest along U.S. Highway 78 to its intersection with Branchville city limits; thence along the northern boundary of said city to State Secondary Highway 63; thence northwest along said highway to its intersection with U.S. Highway 601; thence northeasterly along said highway to its intersection with the extension of U.S. Highway 376; thence in a northwesterly direction along this extension and U.S. Highway 376 to its junction with State Secondary Highway 74; thence in a northeasterly direction along said highway to its junction with U.S. Highway 178; thence in a southeasterly direction along said highway to its junction with State Secondary Highway 61; thence in a northerly direction along said highway to its junction with the Calhoun-Orangeburg County line; thence along said county line to the point of beginning.
(2) *Eradication areas.* None.

TEXAS

(1) *Generally infested areas.*
Bexar County. The entire county.
Hardin County. The entire county.
Harris County. The entire county.
Jasper County. The entire county.
Jefferson County. The entire county.
Liberty County. The entire county.
Montgomery County. The entire county.
Newton County. The entire county.
Orange County. The entire county.
Tyler County. The entire county.
(2) *Eradication areas.* None.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33, 7 U.S.C. 162, 150ee. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161; 29 F.R. 16210, as amended, 30 F.R. 5801, 7 CFR 301.81-2)

These administrative instructions shall become effective November 10, 1965, when they shall supersede P.P.C. 629, 6th Revision (7 CFR 301.81-2a), effective August 27, 1964.

The Director of the Plant Pest Control Division has determined that infestations of the imported fire ant exist or are likely to exist in the counties, parishes, other civil divisions, or parts thereof, listed above, or that it is necessary to regulate such localities because of their proximity to imported fire ant infestation or their inseparability for quarantine purposes from imported fire ant infested localities.

This revision extends the regulated areas in 4 counties in Alabama, 6 counties in Florida, 8 counties in Georgia, 7 counties in Mississippi, and 2 counties in South Carolina. In addition, 4 counties in Alabama, 7 counties in Florida, 19 counties in Georgia, and 3 counties in Mississippi, either wholly or in part, are newly regulated. Also, 3 counties in Alabama and 1 county in Georgia are transferred from a generally infested to an eradication status, whereas 1 county in Georgia and 1 county in Mississippi are shifted from an eradication to a generally infested status.

This revision of the administrative instructions supplements the imported fire ant quarantine regulations already in effect and imposes certain restrictions necessary to prevent the spread of fire ants. It should be made effective promptly in order to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing administrative instructions are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 27th day of October 1965.

[SEAL] E. D. BURGESS,
Director,
Plant Pest Control Division.

[F.R. Doc. 65-12097; Filed, Nov. 9, 1965; 8:48 a.m.]

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

COUNTIES DESIGNATED FOR CORN, FLAX, AND TOBACCO CROP INSURANCE

Correction

In the FEDERAL REGISTER of Thursday, October 28, 1965, under Part 401 of Title 7, the following corrections are made:

1. In F.R. Doc. 65-11556, appearing at page 13685, in the list of counties designated for corn crop insurance, under Kansas, "Johson" should read "Johnson".

2. In F.R. Doc. 65-11559, appearing at page 13687, in the list of counties designated for flax crop insurance, under North Dakota, the following counties should appear after Stutsman:

Towner.	Ward.
Traill.	Wells.
Walsh.	

3. In F.R. Doc. 65-11573, appearing at page 13691, in the list of counties designated for tobacco crop insurance, under North Carolina, "Hartford" should read "Hertford".

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 6108; Amdt. 39-156]

PART 39—AIRWORTHINESS DIRECTIVES

de Havilland Model DHC-2 Series Airplanes

Amendment 780, 29 F.R. 11260, AD 64-17-6, as amended by Amendment 39-116, 30 F.R. 10285, requires a repetitive dye penetrant inspection of the wing lift strut upper fitting on certain de Havilland Model DHC-2 airplanes. A proposal to amend Part 39 of the Federal Aviation Regulations to include a new airworthiness directive superseding Amendment 780 as amended by Amendment 39-116, requiring repetitive inspection of certain wing lift strut assemblies and replacement as necessary, and to establish fatigue life retirement times for all wing lift strut assemblies was published in 30 F.R. 11971.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

DE HAVILLAND. Applies to Model DHC-2 Series airplanes.

Compliance required as indicated.

To prevent further failures of the lift strut upper fitting, accomplish the following:

(a) For airplanes with wing lift strut assemblies, C2W-545A/C2W-546A, comply with paragraphs (b) through (d) within the next 100 hours' time in service after the effective date of this AD unless already accomplished within the last 400 hours' time in service, and thereafter at intervals not to exceed 500 hours' time in service from the last inspection.

(b) Detach each wing lift strut assembly from its wing upper lift strut fitting. Using a dye penetrant method with at least a 10-power glass or an FAA-approved equivalent method, inspect the lift strut upper fitting for cracks.

NOTE: During the inspection required by paragraph (b), particular attention should be given to the ⅛-inch radius junction of the lug to the attachment flanges.

(c) With each wing lift strut assembly detached, visually inspect the lift strut upper fitting at each ⅛-inch radius junction of the lug to the attachment flanges to ensure that each radius is smooth and blends smoothly into the lug without machine marks or nicks.

(d) If a crack or an imperfect radius is found, replace the lift strut assembly before further flight with an unused part of the same part number; strut assembly, C2W-1103A/C2W-1104A; or an equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(e) The 500-hour repetitive inspections required by paragraph (a) may be discontinued on airplanes with strut assemblies, C2W-469A/C2W-470A, C2W-473A/C2W-474A, C2W-685A/C2W-686A, C2W-1103A/C2W-1104A, or an equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(f) Replace wing strut assemblies, C2W-469A/C2W-470A, C2W-473A/C2W-474A, C2W-545A/C2W-546A, and C2W-685A/C2W-686A, with less than 900 hours' time in service on the effective date of this AD on airplanes used in those special-purpose operations designated in paragraph (o) before the accumulation of 1,000 hours' time in service and thereafter at intervals not to exceed 1,000 hours' time in service since the last replacement.

(g) Replace wing strut assemblies, C2W-469A/C2W-470A, C2W-473A/C2W-474A, C2W-545A/C2W-546A, and C2W-685A/C2W-686A, with 900 or more hours' time in service on the effective date of this AD on airplanes used in those special-purpose operations designated in paragraph (o) within the next 100 hours' time in service and thereafter at intervals not to exceed 1,000 hours' time in service since the last replacement.

(h) Replace wing strut assemblies, C2W-469A/C2W-470A, C2W-473A/C2W-474A, C2W-545A/C2W-546A, and C2W-685A/C2W-686A, with less than 9,900 hours' time in service on the effective date of this AD on airplanes used in operations other than those special-purpose operations designated in paragraph (o) before the accumulation of 10,000 hours' time in service and thereafter at intervals not to exceed 10,000 hours' time in service since the last replacement.

(i) Replace wing strut assemblies, C2W-469A/C2W-470A, C2W-473A C2W-474A, C2W-545A/C2W-546A, and C2W-685A/C2W-686A, with 9,900 or more hours' time in service on the effective date of this AD on airplanes used in operations other than those special-purpose operations designated in paragraph (o) within the next 100 hours' time in service and thereafter at intervals not to exceed 10,000 hours' time in service since the last replacement.

(j) Replace wing strut assemblies, C2W-1103A/C2W-1104A, with less than 1,500 hours' time in service on the effective date of this AD on airplanes used in those special-purpose operations designated in paragraph (o) before the accumulation of 1,600 hours' time in service and thereafter at intervals not to exceed 1,600 hours' time in service since the last replacement.

(k) Replace wing strut assemblies, C2W-1103A/C2W-1104A, with 1,500 or more hours' time in service on the effective date of this AD on airplanes used in those special-purpose operations designated in paragraph (o) within the next 100 hours' time in service and thereafter at intervals not to exceed 1,600 hours' time in service since the last replacement.

(l) Replace wing strut assemblies, C2W-1103A/C2W-1104A, with less than 19,900 hours' time in service on the effective date of this AD on airplanes used in operations

other than those special-purpose operations designated in paragraph (o) before the accumulation of 20,000 hours' time in service and thereafter at intervals not to exceed 20,000 hours' time in service since the last replacement.

(m) Replace wing strut assemblies, C2W–1103A/C2W–1104A, with 19,900 or more hours' time in service on the effective date of this AD on airplanes used in operations other than those special-purpose operations designated in paragraph (o) within the next 100 hours' time in service and thereafter at intervals not to exceed 20,000 hours' time in service since the last replacement.

(n) Replace strut assemblies replaced in accordance with paragraphs (f) through (m) with an unused part of the same part number; strut assembly, C2W–1103A/C2W–1104A; or an equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(o) For the purposes of this AD, "special-purpose operations" includes—

(1) Agricultural (spraying, dusting, and seeding, and livestock and predatory animal control);

(2) Forest and wildlife conservation;

(3) Aerial surveying (photography, mapping, and oil and mineral exploration);

(4) Patrolling (pipelines, power lines, and canals); and

(5) Fire fighting.

(p) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, may adjust the replacement intervals specified in this AD if the request contains substantiating data to justify the increase for such operator.

(de Havilland Engineering Bulletin, Series "B", No. 15, Issue 3, dated November 2, 1964, available from de Havilland Aircraft of Canada, Ltd., Toronto, Canada, pertains to this subject.)

This supersedes Amendment 780, 29 F.R. 11260, AD 64–17–6, as amended by Amendment 39–116, 30 F.R. 10285.

This amendment becomes effective December 10, 1965.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on November 4, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65–12055; Filed, Nov. 9, 1965; 8:45 a.m.]

[Docket No. 6901; Amdt. 39–155]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Model PA–24 Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring repetitive inspection of the nose landing gear drag link clevis until modified on Piper Model PA–24 Series airplanes was published in 30 F.R. 11732.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PIPER. Applies to Models PA–24 and PA–24–250 airplanes, Serial Numbers 24–1 through 24–3225 except 24–923.

Compliance required as indicated.

To prevent further failures of the nose landing gear drag link clevis, accomplish the following:

(a) Inspect nose landing gear drag link clevis, P/N's 20859–03(HT), 20859–02, or 20859–00, as applicable, for cracks in the thread roots and the shank-to-clevis fillet radius using water-washable or water-emulsifiable dye penetrant methods or an FAA-approved equivalent within the next 25 hours' time in service after the effective date of this AD, unless already accomplished within the last 75 hours' time in service and thereafter at intervals not to exceed 100 hours' time in service from the last inspection until modified in accordance with subparagraphs (b) (2) or (3).

(b) If a crack is found, before further flight—

(1) Replace the clevis with an uncracked clevis in accordance with Piper Service Letter No. 366, dated January 3, 1962, or later FAA-approved revision;

(2) Replace the clevis with an uncracked drag link clevis, P/N 20859–03(HT), reinforced with drag link clevis reinforcement bracket, Piper P/N 25257, in accordance with the sketch on the back of Piper Service Letter No. 445, dated April 21, 1965, or later FAA-approved revision, or an equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region; or

(3) Install Piper Kit Number 754429, or an equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

This amendment becomes effective December 10, 1965.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421 and 1423)

Issued in Washington, D.C., on November 4, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65–12056; Filed, Nov. 9, 1965; 8:45 a.m.]

[Airspace Docket No. 63–SO–75]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area and Alteration of Federal Airway

On August 13, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 10119) stating that the Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would designate a transition area at West Palm Beach, Fla., and alter VOR Federal airway No. 492.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable. The final rule is the same as proposed except that "Palm Beach" is substituted in each place where "West Palm Beach" now appears. This change was proposed by the Board of County Commissioners of Palm Beach County in order to eliminate the confusion caused by a difference in name identification of NAVAIDS at Palm Beach.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 6, 1966, as hereinafter set forth.

1. In § 71.181 (29 F.R. 17643) the following transition area is added:

PALM BEACH, FLA.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Palm Beach International Airport (latitude 26°41'00" N., longitude 80°05'41" W.); that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of Palm Beach VORTAC; and that airspace NW of Palm Beach bounded on the E by V–3, on the S by the 30-mile radius circle, and on the W by the V–51 E alternate; excluding the portion within the arc of a 50-mile radius circle centered at Miami International Airport (latitude 25°47'34" N., longitude 80°17'10" W.), and the portion which coincides with the Pahokee, Fla., transition area.

2. In § 71.123 (29 F.R. 17509) V–492 is amended by deleting the words, "and excluding the airspace between the main and the N alternate."

(Secs. 307(a), 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510; E.O. 10854, 24 F.R. 9565)

Issued in Washington, D.C., on November 4, 1965.

JAMES L. LAMPL,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65–12057; Filed, Nov. 9, 1965; 8:45 a.m.]

[Airspace Docket No. 65–CE–99]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone, Designation of Transition Area and Revocation of Control Area Extension

On August 21, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 10908) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the Sioux City, Iowa, terminal area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. Due consideration was given to all relevant matter presented. The Air Transport Association endorsed the proposed airspace designation. The Aircraft Owners and Pilots Association objected to the proposed control zone designation. They recommended that the radius be designated as 5 miles and that the control zone extensions terminate at the Jackson beacon on the northwest and at the outer marker on the southeast. Messrs. Tommy Martin, Chris Hansen and Eugene T. Martin objected to the proposal because it would include the Martin Airport within the control zone. In their objection, they also pointed out that the Graham Airport would also be within the proposed control zone and would probably suffer a hardship as a result. Since the publication of the notice, the Federal Aviation Agency has again reviewed the terminal airspace requirements in the Sioux City, Iowa, area and has coordinated some procedural changes which allow a reduction in the controlled airspace required. The proposed 6-mile radius control zone is required to protect aircraft departing this Category III airport in their climb to 700 feet above the surface. The control zone extension to the southeast is necessary to provide controlled airspace protection for aircraft executing the JAL–395–TACAN approach procedure. It has been determined that the proposed control zone extension to the southwest will no longer be required. This will exclude the Graham Airport from the control zone. The Martin Airport can remain outside the control zone by excluding from the control zone that airspace within a 1-mile radius of that airport. The 1,200-foot floor transition area can be reduced in size by eliminating the extension to the northwest and by reducing the width of the southeast extension. Although the southeast extension must be extended 1 mile farther to the southeast, the reduction in width will be sufficient to effect an overall reduction in the area of the extension. The above changes will meet the objections presented by Messrs. Tommy Martin, Chris Hansen, and Eugene T. Martin. They will also comply in part with the suggestions made by the Aircraft Owners and Pilots Association. Since these changes reduce the amount of proposed airspace, they impose no additional burden on any person and further notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0001 e.s.t., January 6, 1966, as hereinafter set forth.

1. In § 71.165 (29 F.R. 17557) the Sioux City, Iowa, control area extension is revoked in its entirety.

2. In § 71.171 (29 F.R. 17581) the Sioux City, Iowa, control zone is amended to read:

SIOUX CITY, IOWA

Within a 6-mile radius of Sioux City Municipal Airport (latitude 42°24'03" N., longitude 96°22'55" W.); and within 2 miles each side of the Sioux City VORTAC 140° radial, extending from the 6-mile radius zone to 6 miles SE of the VORTAC; excluding the area within a 1-mile radius of Martin Airport, South Sioux City, Nebr. (latitude 42°27'15" N., longitude 96°28'20" W.).

3. In § 71.181 (29 F.R. 17643) the following transition area is added:

SIOUX CITY, IOWA

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Sioux City Municipal Airport (latitude 42°24'03" N., longitude 96°22'55"W.); within 7 miles SW and 8 miles NE of the Sioux City ILS localizer SE course, extending from the 10-mile radius area to 12 miles SE of the ILS OM; and within 7 miles NE and 8 miles SW of the Sioux City ILS localizer NW course extending from the 10-mile radius area to 12 miles NW of Jackson, Nebr., RBN; and that airspace extending upward from 1,200 feet above the surface within a 27-mile radius of the Sioux City VORTAC, and the area SE of Sioux City bounded on the NE by a line 5 miles NE of and parallel to the Sioux City VORTAC 116° radial, on the SW by a line 5 miles SW of and parallel to the Sioux City VORTAC 140° radial, on the NW by the 27-mile radius area and on the SE by the arc of a 30-mile radius circle centered on the Sioux City ILS OM.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on October 29, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65–12058; Filed, Nov. 9, 1965; 8:45 a.m.]

[Airspace Docket No. 65–SO–60]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone

On September 16, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 11874) stating that the Federal Aviation Agency proposed to designate a control zone at Albert-Whitted Airport, St. Petersburg, Fla.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In the notice, the control zone was proposed to be effective from 0600 to 2200 hours, local time, daily. Subsequent to the publication of the notice, it was determined there is a need to vary the time of designation on a seasonal basis in order to provide air traffic service during periods of highest air traffic activity. Therefore, the time of designation is being omitted and a proviso is being added making allowance for variation in the time of designation through issuance of appropriate Notice to Airmen.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 6, 1966, as hereinafter set forth.

In § 71.171 (29 F.R. 17581) the following control zone is added:

ST. PETERSBURG, FLA. (ALBERT-WHITTED)

Within a 3-mile radius of the Albert-Whitted Airport (latitude 27°45'51" N., longitude 82°37'46" W.). This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on November 2, 1965.

HENRY S. CHANDLER,
Acting Director, Southern Region.

[F.R. Doc. 65–12060; Filed, Nov. 9, 1965; 8:45 a.m.]

[Airspace Docket No. 65–SO–65]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On September 16, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 11875) stating that the Federal Aviation Agency proposed to alter the transition area at Vero Beach, Fla.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001, e.s.t., January 6, 1966, as hereinafter set forth.

In § 71.181 (29 F.R. 17643) the Vero Beach, Fla., transition area (30 F.R. 3353) is amended to read:

VERO BEACH, FLA.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Vero Beach, Fla., Municipal Airport (latitude 27°39'15" N., longitude 80°24'55" W.) and within 2 miles each side of the Vero Beach VORTAC 291° radial extending from the 6-mile radius area to 8 miles W of the VORTAC; within a 5-mile radius of the St. Lucie County Airport, Fort Pierce, Fla. (latitude 27°29'38" N., longitude 80°22'02" W.); within 2 miles each side of the Vero Beach VORTAC 151° radial extending from the 5-mile radius area to the Vero Beach VORTAC; that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Vero Beach VORTAC, including the area SW of Vero Beach bounded on the E by V–51, on the SW by V–492N, on the NW by V–225, and including the airspace W of Vero Beach bounded on the SE by V–225, on the W by V–267, on the NE by V–295; excluding the airspace within a 25-mile radius of Patrick AFB, Cocoa, Fla. (latitude 28°14'-15" N., longitude 80°36'35" W.), and the airspace outside of the continental limits of the United States.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on October 29, 1965.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 65–12061; Filed, Nov. 9, 1965; 8:45 a.m.]

[Airspace Docket No. 65–SO–67]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Designation of Transition Areas

On September 21, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 12042) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the West Palm Beach, Fla., control zone and designate transition areas at Stuart and Lake Placid, Fla.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Subsequent to the publication of the Notice, Part 71 of the Federal Aviation Regulations was amended to change the name of West Palm Beach to "Palm Beach" wherever it appears in § 71.171, effective December 9, 1965 (Airspace Docket No. 65–SO–63). Since this amendment is editorial in nature and imposes no additional burden on the public, it is incorporated in the final rule.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 6, 1966, as hereinafter set forth.

1. In § 71.171 (29 F.R. 17581) the West Palm Beach, Fla., control zone is amended to read:

PALM BEACH, FLA.

Within a 5-mile radius of Palm Beach International Airport (latitude 26°41'00" N., longitude 80°05'41" W.); within 2 miles each side of the Palm Beach VORTAC 275° radial extending from the 5-mile radius zone to 8 miles W of the VORTAC; excluding that airspace within a 1.5-mile radius of the Palm Beach County Park (Lantana) Airport (latitude 26°35'33" N., longitude 80°05'13" W.).

2. In § 71.181 (29 F.R. 17643) the following transition areas are added:

STUART, FLA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Witham Airport (latitude 27°10'51" N., longitude 80°13'25" W.); within 2 miles each side of the 320° bearing from the WSTU Commercial Broadcast Station (latitude 27°-12'58" N., longitude 80°15'19" W.) extending from the 5-mile radius area to 11 miles NW of the WSTU Commercial Broadcast Station; and that airspace extending upward from 1,200 feet above the surface within 5 miles SW and 8 miles NE of the 320° and 140° bearings from the WSTU Commercial Broadcast Station extending to 12 miles NW and 3 miles SE of the WSTU Commercial Broadcast Station.

LAKE PLACID, FLA.

That airspace extending upward from 1,200 feet above the surface bounded on the E by V–267, on the SE by V–225, on the SW by V–157, on the NW by a line extending from the E boundary of V–157 and latitude 27°-14'10" N., to latitude 27°22'00" N., longitude 81°08'00" W., to latitude 27°45'00" N., longitude 81°08'00" W., and on the N by latitude 27°45'00" N. The portion which coincides with R–2901B and R–2901D shall be used only after obtaining prior approval from appropriate authority.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on November 2, 1965.

HENRY S. CHANDLER,
Acting Director, Southern Region.

[F.R. Doc. 65–12062; Filed, Nov. 9, 1965; 8:45 a.m.]

[Airspace Docket No. 65–SO–68]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation and Alteration of Control Zone

On September 28, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 12359) stating that the Federal Aviation Agency proposed to alter the control zones at Miami International and Opa Locka Airports, Miami, Fla.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In the notice, separate control zones were proposed for the Miami International and the Opa Locka Airports. Additionally, the name of the control zone for the Opa Locka Airport was proposed to be changed from Miami, Fla. (NARF Miami) to Miami, Fla. (Opa Locka). Since publication of the notice, it was determined the Opa Locka Airport cannot meet weather observation and reporting requirements necessary to qualify for a separate control zone. In view of the foregoing, the Miami, Fla. (NARF Miami), control zone is being revoked and the proposed Miami, Fla. (Opa Locka), control zone is being incorporated into the Miami, Fla. (International Airport), control zone.

Since these amendments impose no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 6, 1966, as hereinafter set forth.

1. In § 71.171 (29 F.R. 17581) the Miami, Fla. (NARF Miami), control zone is revoked.

2. In § 71.171 (29 F.R. 17581) the Miami, Fla. (International Airport), control zone (29 F.R. 14785) is amended to read:

MIAMI, FLA. (INTERNATIONAL AIRPORT)

Within a 5-mile radius of the Miami International Airport (latitude 25°47'35" N., longitude 80°17'10" W.); within a 3-mile radius of the Tamiami Airport (latitude 25°45'-15" N., longitude 80°22'35" W.); within a 5-mile radius of the Opa Locka Airport (latitude 25°54'25" N., longitude 80°16'40" W.); within 2 miles each side of the Miami VORTAC 108° radial extending from the Opa Locka 5-mile radius zone to 5.5 miles E of the VORTAC; within 2 miles each side of the Miami VORTAC 139° radial extending from the Miami 5-mile radius zone to 10 miles SE of the VORTAC; within 2 miles each side of the Miami Runway 9L ILS localizer W course extending from the Miami 5-mile radius zone to the Runway 9L LOM; and within 2 miles each side of the Miami Runway 27L ILS localizer W course extending from the Miami 5-mile radius zone to the intersection of the Runway 27L ILS localizer W course and the Miami VORTAC 161° radial.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on November 2, 1965.

HENRY S. CHANDLER,
Acting Director, Southern Region.

[F.R. Doc. 65–12063; Filed, Nov. 9, 1965; 8:46 a.m.]

[Airspace Docket No. 65–WE–12]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Control Area Extension; Correction

On September 29, 1965, there were published in the FEDERAL REGISTER (30 F.R. 12386) amendments to Part 71 of the Federal Aviation Regulations, effective December 9, 1965, which, in part, revoked the Colorado Springs, Colo., control area extension.

A subsequent examination of the controlled airspace in the Colorado Springs, Colo., terminal area has revealed that retention of the Colorado Springs control area extension is required until the terminal area 60–21/60–29 study for the Denver area (Airspace Docket No. 64–WE–66) has been completed. Revocation of the Colorado Springs control area extension will be included in the Denver terminal area rule. Therefore, action is taken herein to withdraw the revocation of the Colorado Springs, Colo., control area extension.

Since this action imposes no additional burden on any person, the effective date of the final rule as initially adopted may be retained.

In consideration of the foregoing, effective immediately, Airspace Docket No. 65–WE–12 (30 F.R. 12386) is hereby altered as follows:

Numbered paragraph 2, which amends § 71.165 (29 F.R. 17561), is deleted.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on November 3, 1965.

A. E. HORNING,
Acting Director, Western Region.

[F.R. Doc. 65–12064; Filed, Nov. 9, 1965; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Washington Headquarters

Pursuant to section 701(a) of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1055; 21 U.S.C. 371(a)) and section 3(a)(1) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1002(a)(1)), and under the authority vested in the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 2.101 is amended by deleting "Division of Veterinary Medicine" from its listing under "Bureau of Medicine," by adding "Bureau of Veterinary Medicine" with its divisions, and by changing the footnote to the section to read as indicated. As amended, the affected portions read as follows:

§ 2.101 Washington headquarters.[1]

* * * * *

BUREAU OF MEDICINE

Division of Antibiotic Drugs.
Division of Medical Information.
Division of Medical Review.
Division of New Drugs.

BUREAU OF VETERINARY MEDICINE

Division of Veterinary Medical Review.
Division of Veterinary New Drugs.
Division of Veterinary Products Testing.

* * * * *

Effective date. This order shall become effective on November 7, 1965.

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: October 25, 1965.

WINTON B. RANKIN,
Assistant Commissioner for Planning.

[F.R. Doc. 65–12092; Filed, Nov. 9, 1965; 8:48 a.m.]

[1] Current locations and addresses of these units may be obtained from the Office of Public Information, Room 3807, 200 C Street SW., Washington, D.C., 20204.

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

LUBRICANTS WITH INCIDENTAL FOOD CONTACT

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5B1782) filed by Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex., 77001, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of an additional substance as a gelling agent in mineral oil lubricants used with incidental food contact. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.2553(a)(3) is amended by inserting alphabetically in the list of substances a new item, as follows:

§ 121.2553 Lubricants with incidental food contact.

* * *

(a) * * *

(3) * * *

Substances	Limitations
* * *	* * *
Dialkyldimethylammonium aluminum silicate where the alkyl groups are derived from hydrogenated tallow fatty acids (C 14—C 18) and where the aluminum silicate is derived from bentonite.	For use only as a gelling agent in mineral oil lubricants at a level not to exceed 7 percent by weight of the mineral oil.
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: November 3, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65–12093; Filed, Nov. 9, 1965; 8:48 a.m.]

SUBCHAPTER C—DRUGS

PART 148e—ERYTHROMYCIN

Erythromycin Ethylsuccinate Injection; Sampling Procedure

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 148e.18 is amended by changing the section heading and paragraph (a)(3)(ii) (*b*)(2) to read as follows:

§ 148e.18 Erythromycin ethylsuccinate injection.

(a) * * *

(3) * * *

(ii) * * *

(*b*) * * *

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation, except that if the product is sterilized after filling, a representative sample consisting of 10 immediate containers from each sterilizer load. If only one sterilizer load is involved, the sample shall consist of 20 immediate containers.

* * * * *

This amendment provides a sampling procedure appropriate to the subject drug when it is sterilized after filling into final containers rather than before and I find it consistent with the requirements that the drug be safe and efficacious for use. Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the amendment is noncontroversial in nature and is in the public interest.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: November 3, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65–12094; Filed, Nov. 9, 1965; 8:48 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER L—LEASING AND PERMITTING

PART 131—LEASING AND PERMITTING

Colorado River Reservation

On Page 9924 of the FEDERAL REGISTER of August 10, 1965, there was published a notice of intention to amend § 131.18 of Title 25 Code of Federal Regulations, concerning the leasing of lands on the Colorado River Reservation in Arizona and California.

This amendment will implement the Act of April 30, 1964 (78 Stat. 188), which fixed the beneficial ownership of the Colorado River Reservation in the Colorado River Indian Tribes of the Colorado River Reservation and authorized the Secretary of the Interior to approve leases of reservation lands for such uses and terms as are authorized by the Act of August 9, 1955 (69 Stat. 539), as amended (25 U.S.C. 415, et seq.). Since leasing under the 1955 act is accomplished under 25 CFR Part 131, we feel it is reasonable that the same regulations should be followed in leasing under the 1964 act. On April 23, 1965, the Indian Claims Commission dismissed the petitions in Docket Nos. 185 and 283–A which under section 4 of the act was prerequisite to its becoming effective. The act provided that lands lying west of the present course of the Colorado River and south of section 25, T. 2 S., R. 23 E., San Bernardino base and meridian, California, could be so leased when and if they are determined to be within the reservation.

Interested persons were given an opportunity to submit their comments, suggestions or objections in writing on the

proposed amendment within 30 days from the date of publication of the notice in the FEDERAL REGISTER. During the 30-day period, suggestions were received and considered but no change has been made. The proposed amendment is hereby adopted without change and is set forth below. This amendment shall become effective at the beginning of the thirtieth calendar day following the date of this publication in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

NOVEMBER 3, 1965.

Section 131.18 is amended to read as follows:

§ 131.18 Colorado River Reservation.

The Act of April 30, 1964 (78 Stat. 188), fixed the beneficial ownership of the Colorado River Reservation in the Colorado River Indian Tribes of the Colorado River Reservation and authorized the Secretary of the Interior to approve leases of said lands for such uses and terms as are authorized by the Act of August 9, 1955 (69 Stat. 539), as amended (25 U.S.C. 415, et seq.), including the same uses and terms as are permitted thereby on the Agua Caliente (Palm Springs), Dania, Navajo, and Southern Ute Reservations. Regulations in this Part 131 govern leasing under the Act of August 9, 1955. Therefore, Part 131 shall also govern the leasing of lands on the Colorado River Reservation: *Provided, however*, That application of this Part 131 shall not extend to any lands lying west of the present course of the Colorado River and south of section 25 of township 2 south, range 23 east, San Bernardino base and meridian in California and shall not be construed to affect the resolution of any controversy over the location of the boundary of the Colorado River Reservation; *Provided further*, That any of the described lands in California shall be subject to the provisions of this Part 131 when and if determined to be within the reservation.

[F.R. Doc. 65-12072; Filed, Nov. 9, 1965; 8:46 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter V—Office of Foreign Assets Control, Department of the Treasury

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

Importation of and Dealings in Certain Merchandise

ASIATIC HUMAN HAIR

Section 500.204, Appendix, Item (12), is being amended to reflect a change in the ruling that wigs and certain other items containing Asiatic human hair are manufactures rather than processed forms of Asiatic human hair.

Item (12) is hereby amended to read as follows:

(12) Hair, human, Asiatic includes nets, netting, braids, tresses, buns, wefts, hair pieces, wigs, wiglets, wefted wiglets, chignons, switches, beards, mustaches, and eyelashes.

[SEAL] MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 65-12136; Filed, Nov. 9, 1965; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Imperial National Wildlife Refuge, Arizona and California

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

IMPERIAL NATIONAL WILDLIFE REFUGE

Sport fishing on the Imperial National Wildlife Refuge, Arizona and California, is permitted on all open waters of the refuge. These open areas, comprising 8,100 acres, are delineated on a map available at refuge headquarters, Yuma, Ariz., and from the Office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex., 87103. Sport fishing shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) The sport fishing season on the refuge extends from January 1, 1966, through December 31, 1966, except an area of approximately 165 acres in Martinez Lake as posted to be closed during the periods January 1, 1966, through February 28, 1966, and October 1, 1966, through December 31, 1966.

(2) The use of bow and arrow for the taking of carp, buffalo, mullet, and suckers is permitted.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through December 31, 1966.

CLAUDE F. LARD,
Refuge Manager, Imperial National Wildlife Refuge, Yuma, Ariz.

OCTOBER 22, 1965.

[F.R. Doc. 65-12070; Filed, Nov. 9, 1965; 8:46 a.m.]

PART 33—SPORT FISHING

Wichita Mountains Wildlife Refuge, Okla.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

OKLAHOMA

WICHITA MOUNTAINS WILDLIFE REFUGE

Sport fishing on the Wichita Mountains Wildlife Refuge, Cache, Okla. is permitted only in the waters of that portion of the refuge open to the general public for recreational uses. These open waters comprise some 550 acres of lakes and 1 mile of intermittent stream and are delineated on maps available at the refuge headquarters, mail address Cache, Okla., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex., 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) Fishing will be with closely attended pole and line only, including rod and reel. Trotlines, throw lines and multiple set lines are not permitted.

(2) The use of outboard motors and boats is permitted only on Lake Elmer Thomas where the provisions of Part 28.21 of this Title and those of the Oklahoma Boat and Water Safety Act as amended govern. The use of boats or other floating devices on all other refuge lakes is prohibited except the use of one-man inner tube type "fishing floaters"; inner tubes and similar safety floats commonly used by swimmers are not considered floating devices for purposes of this regulation.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective January 1, 1966, through December 31, 1966.

JULIAN A. HOWARD,
Refuge Manager, Wichita Mountains Wildlife Refuge, Cache, Okla.

OCTOBER 25, 1965.

[F.R. Doc. 65-12071; Filed, Nov. 9, 1965; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3859]

[Anchorage 063004]

ALASKA

Revocation of Public Land Order No. 1316 of July 23, 1956

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 1316 of July 23, 1956, which withdrew the following described lands for use of the Soil Conservation Service, Department of Agriculture, as an administrative site, is hereby revoked:

SEWARD MERIDIAN

T. 6 N., R. 11 W.,
Sec. 31, lots 131, 165, and 166.

The tracts described aggregate 5 acres.

2. Until 10 a.m. on February 1, 1966, the State of Alaska shall have a preferred right to select the lands as provided by the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR 2222.9.

3. This order shall not otherwise become effective to change the status of the lands until 10 a.m. on February 1, 1966. At that time they shall be open to the operation of the public land laws generally, including the mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on February 1, 1966, will be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

Inquiries concerning the lands should be addressed to the Manager, District and Land Office, Bureau of Land Management, Anchorage, Alaska.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

NOVEMBER 1, 1965.

[F.R. Doc. 65-12075; Filed, Nov. 9, 1965; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Charitable, Etc., Contributions and Gifts

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C., 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 170, 381, 545, and 556 of the Internal Revenue Code of 1954 to subsections (a), (c), (d), and (e) of section 209 of the Revenue Act of 1964 (78 Stat. 43), and for certain other purposes, such regulations are amended as follows:

PARAGRAPH 1. Paragraphs (a)(1), (b), and (d) of § 1.170–1 are amended to read as follows:

§ 1.170–1 Charitable, etc., contributions and gifts; allowance of deduction.

(a) *In general*—(1) *General rule.* Any charitable contribution (as defined in section 170(c)) actually paid during the taxable year is allowable as a deduction in computing taxable income, regardless of the method of accounting employed or when pledged. In addition, contributions by corporations may under certain circumstances be deductible even though not paid during the taxable year (see § 1.170–3), and subject to the provisions of section 170(b)(5) and paragraph (g) of § 1.170–2, certain excess charitable contributions made by individuals in taxable years beginning after December 31, 1963, shall be treated as paid in certain succeeding taxable years. The deduction is subject to the limitations of section 170(b) (see §§ 1.170–2 and 1.170–3) and is subject to verification by the district director. For rules relating to the determination of, and the deduction for, amounts paid to maintain certain students as members of the taxpayer's household and treated under section 170(d) as paid for the use of an organization described in section 170(c) (2), (3), or (4), see paragraph (f), of § 1.170–2. For a special rule relating to the computation of the amount of the deduction with respect to a contribution of section 1245 or section 1250 property, see section 170(e).

* * * * *

(b) *Time of making contribution.* Ordinarily a contribution is made at the time delivery is effected. In the case of a check, the unconditional delivery (or mailing) of a check which subsequently clears in due course will constitute an effective contribution on the date of delivery (or mailing). If a taxpayer unconditionally delivers (or mails) a properly endorsed stock certificate to a charitable donee or the donee's agent, the gift is completed on the date of delivery (or mailing, provided that such certificate is received in the ordinary course of the mails). If the donor delivers the certificate to his bank or broker as the donor's agent, or to the issuing corporation or its agent, for transfer into the name of the donee, the gift is completed on the date the stock is transferred on the books of the corporation. For rules relating to a contribution consisting of a future interest in tangible personal property, see paragraph (d)(2) of this section.

* * * * *

(d) *Transfers of income and future interests*—(1) *In general.* A deduction may be allowed for a contribution of an interest in the income from property or an interest in the remainder (but see subparagraph (2) of this paragraph for rules relating to transfers, after December 31, 1963, of future interests in tangible personal property). The income or remainder interest shall be valued according to the tables referred to in paragraph (d) of § 1.170–2. For rules with respect to certain transfers to a trust, see paragraph (d) of § 1.170–2.

(2) *Future interests in tangible personal property.* (i) Except as otherwise provided in subdivision (iii) of this subparagraph, a contribution consisting of a transfer, after December 31, 1963, in a taxable year ending after such date, of a future interest in tangible personal property shall be treated as made only when—

(*a*) All intervening interests in, and rights to the actual possession or enjoyment of, the property have expired, or

(*b*) Are held by persons other than the taxpayer or those standing in a relationship to the taxpayer described in section 267(b) and the regulations thereunder (relating to losses, expenses, and interest with respect to transactions between related taxpayers).

Section 170(f) and this subparagraph have no application in respect of a transfer of an undivided present interest in property. For example, a contribution of an undivided one-quarter interest in a painting with respect to which the donee is entitled to possession during three months of each year shall be treated as made upon the receipt by the donee of a formally executed and acknowledged deed of gift. Section 170(f) and this subparagraph have no application in respect of a transfer of a future interest in intangible personal property or in real property. However, a fixture which is intended to be severed from real property shall be treated as tangible personal property. For example, a contribution of a future interest in a chandelier which is attached to a building is considered a contribution which consists of a future interest in tangible personal property if the transferor intends that it be detached from the building at or prior to the time when the charitable organization's right to possession or enjoyment of the chandelier is to commence. For purposes of section 170(f) and this subparagraph, the term "future interest" has generally the same meaning as it has when used in section 2503, relating to taxable gifts, see § 25.2503–3 of Part 25 of this chapter (Gift Tax Regulations), and such term includes reversions, remainders, and other interests or estates, whether vested or contingent, and whether or not supported by a particular interest or estate, which are limited to commence in use, possession or enjoyment at some future date or time. The term "future interest" includes situations in which a donor purports to give tangible personal property to a charitable organization, but has an understanding, arrangement, agreement, etc. (whether written or oral) with the charitable organization which has the effect of reserving to, or retaining in, such donor a right to the use, possession, or enjoyment of the property.

(ii) The provisions of subdivision (i) of this subparagraph may be illustrated by the following examples:

Example 1. On December 31, 1964, A, an individual who reports his income on the calendar year basis, conveys by deed of gift to a museum title to a painting, but reserves to himself the right to the use, possession, and enjoyment of the painting during his lifetime. At the time of the gift the value of the painting is $90,000. Since the contribution consists of a future interest in tangible personal property in which the donor has retained an intervening interest, no contribution is considered as having been made in 1964.

Example 2. Assume the same facts as in example 1 except that on December 31, 1965, A relinquishes all of his right to the use, possession, and enjoyment of the painting and delivers the painting to the museum. Assuming that the value of the painting has increased to $95,000, A is treated as having made a charitable contribution of $95,000 in 1965.

Example 3. Assume the same facts as example 1 except A dies without relinquishing his right to the use, possession, and enjoyment of the painting. Since A did not relinquish his right to the use, possession, and enjoyment of the property during his life, A is treated as not having made a charitable contribution of the painting for income tax purposes.

Example 4. Assume the same facts as in example 1 except A, on December 31, 1965, transfers his interest in the painting to his son, B. Since the relationship between A and B is one described in section 267(b), no contribution of the remainder interest in the painting is considered as having been made in 1965.

Example 5. Assume the same facts as in example 4. Also assume that on December 31, 1966, B conveys the interest measured by A's life to the museum. B has made a charitable contribution of the present interest in the painting conveyed to the museum (i.e., the life interest measured by A's life expectancy in 1966 valued according to paragraph (f), Table 1, of § 20.2031–7 of Part 20 of this chapter (Estate Tax Regulations). In addition, since all intervening interests in, and rights to the actual possession or enjoyment of the property, have expired, a charitable contribution of the remainder interest is treated as having been made by A in 1966. Such remainder interest shall also be valued according to paragraph (f), Table 1, of § 20.2031–7 of Part 20 of this chapter (Estate Tax Regulations).

(iii) Section 209(f)(3) of the Revenue Act of 1964 (78 Stat. 47) provides an exception to the rule set forth in section 170(f). Pursuant to the exception, section 170(f) and subdivision (i) of this subparagraph shall not apply in the case of a transfer of a future interest in tangible personal property made after December 31, 1963, and before July 1, 1964, where—

(*a*) The sole intervening interest or right is a nontransferable life interest reserved by the donor, or

(*b*) In the case of a joint gift by husband and wife, the sole intervening interest or right is a nontransferable life interest reserved by the donors which expires not later than the death of whichever of such donors dies later.

For purposes of the preceding sentence, the right to make a transfer of the reserved life interest to the donee of the future interest shall not be treated as making a life interest transferable.

* * * * *

PAR. 2. Section 1.170–2 is amended by revising paragraph (b)(1), by redesignating paragraph (b)(5) as paragraph (b)(6), by adding a subparagraph (5) to paragraph (b), and by adding a paragraph (g) at the end of such section. These revised, redesignated, and added provisions read as follows:

§ 1.170–2 Charitable deductions by individuals; limitation.

* * * * *

(b) *Additional 10-percent deduction*—(1) *In general.* In addition to the deduction which may be allowed for contributions subject to the general 20-percent limitation, an individual may deduct charitable contributions made during the taxable year to the organizations specified in section 170(b)(1)(A) to the extent that such contributions in the aggregate do not exceed 10 percent of his adjusted gross income (computed without regard to any net operating loss carryback to the taxable year under section 172). The additional 10-percent deduction may be allowed with respect to contributions to—

(i) A church or a convention or association of churches,

(ii) An educational organization referred to in section 503(b)(2) and defined in subparagraph (3)(i) of this paragraph,

(iii) A hospital referred to in section 503(b)(5) and defined in subparagraph (4)(i) of this paragraph,

(iv) Subject to certain conditions and limitations set forth in subparagraph (4)(ii) of this paragraph, and for taxable years beginning after December 31, 1955, a medical research organization referred to in section 503(b)(5),

(v) Subject to certain limitations and conditions set forth in subparagraph (3)(ii) of this paragraph, and for taxable years beginning after December 31, 1960, an organization referred to in section 503(b)(3) which is organized and operated for the benefit of certain State and municipal colleges and universities,

(vi) For taxable years beginning after December 31, 1963, a governmental unit referred to in section 170(c)(1), and

(vii) Subject to certain limitations and conditions set forth in subparagraph (5) of this paragraph, and for taxable years beginning after December 31, 1963, an organization referred to in section 170(c)(2).

To qualify for the additional 10-percent deduction the contributions must be made "to", and not merely "for the use of", one of the specified organizations. A contribution shall be considered as made "to" an organization referred to in section 170(b)(1)(A) only if the organization is given money or other property absolutely and forever for its immediate, sole, and exclusive use, benefit, and enjoyment. For purposes of the preceding sentence, money or other property may be considered as given absolutely and forever for the immediate, sole, and exclusive use, benefit, and enjoyment of an organization referred to in section 170(b)(1)(A) even though the donor expresses a desire, or specifically provides, that the organization shall use the money or property for a specific purpose in the exercise or performance by such organization of its purpose or function as an organization referred to in section 170(b)(1)(A) or that the organization shall use only the income generated by the donated money or property in the exercise or performance of such purpose or function. Accordingly, the contribution of a future interest in intangible or real property made (or the contribution of a future interest in tangible personal property which, pursuant to the provisions of paragraph (d)(2)(i) of § 1.170–1, is treated as made) after (insert date on which the notice of proposed rule making is published in the FEDERAL REGISTER) shall be considered as made "for the use of" rather than "to" the organization. Further, a contribution to a trust where the beneficiary is an organization referred to in section 170(b)(1)(A) shall be considered as made "for the use of" rather than "to" the organization. A contribution to an organization referred to in section 170(c)(2) (other than an organization specified in subdivisions (i) through (vi) of this subparagraph) which, for taxable years beginning after December 31, 1963, is not "publicly supported" under the rules of subparagraph (5) of this paragraph will not qualify for the additional 10-percent deduction even though such organization makes the contribution available to an organization which is specified in section 170(b)(1)(A). The computation of this additional deduction is not necessary unless the total contributions paid during the taxable year are in excess of the general 20-percent limitation. Where the total contributions exceed the 20-percent limitation, the taxpayer should first ascertain the amount of charitable contributions subject to the 10-percent limitation, and any excess over the 10-percent limitation should then be added to all other contributions and limited by the 20-percent limitation. For provisions relating to a carryover of certain charitable contributions made by individuals, see paragraph (g) of this section.

* * * * *

(5) *Corporation, trust, or community chest, fund, or foundation*—(i) *In general.* (*a*) For taxable years beginning after December 31, 1963, gifts made to a corporation, trust, or community chest, fund, or foundation, referred to in section 170(c)(2) (other than an organization specified in subparagraph (1)(i) through (vi) of this paragraph), may be taken into account in computing the additional 10-percent limitation, provided the organization is a "publicly supported" organization. For purposes of this subparagraph, an organization is "publicly supported" if it normally receives a substantial part of its support from a governmental unit referred to in section 170(c)(1) or from direct or indirect contributions from the general public.

(*b*) An important factor in determining whether an organization normally receives a substantial part of its support from "direct or indirect contributions from the general public" is the extent to which the organization derives its support from or through voluntary contributions made by persons representing the general public. Except in unusual situations (particularly in the case of newly created organizations), an organization is not "publicly supported" if it receives contributions only from the members of a single family or from a few individuals.

(ii) *Special rules and meaning of terms.* (*a*) For purposes of this subparagraph, the term "support", except as otherwise provided in (*b*) of this subdivision (ii), means all forms of support including (but not limited to) contributions received by the organization, investment income (such as, interest, rents, royalties, and dividends), and net income from unrelated business activities whether or not such activities are carried on regularly as a trade or business.

(*b*) The term "support" does not include—

(*1*) Any amounts received from the exercise or performance by an organization of its charitable, educational, or other purpose or function constituting the basis for its exemption under section 501(a). In general, such amounts include amounts received from any activity the conduct of which is substantially related to the furtherance of such purpose or function (other than through the production of income).

(*2*) Any gain upon the sale or exchange of property which would be considered under any section of the Code as gain from the sale or exchange of a capital asset.

(*3*) Contributions of services for which a deduction is not allowable.

(*c*) The term "support from a governmental unit" includes—

(*1*) Any amounts received from a governmental unit including donations or contributions and amounts received in connection with a contract entered into with a governmental unit for the performance of services or in connection with a government research grant, provided such amounts are not excluded from the term "support" under (*b*) of this subdivision (ii). For purposes of (*b*)(*1*) of this subdivision (ii), an amount paid by a governmental unit to an organization is not received from the exercise or performance of its charitable, educational, or other purpose or function constituting the basis for its exemption under section 501(a) if the purpose of the payment is to enable the organization to provide a service to, or maintain a facility for, the direct benefit of the public, as, for example, the maintenance of library facilities which are open to the public.

(*2*) Tax revenues levied for the benefit of the organization and either paid to or expended on behalf of the organization.

(*3*) The value of services or facilities (exclusive of services or facilities generally furnished, without charge, to the public) furnished by a governmental unit to the organization without charge, as, for example, where a city pays the salaries of personnel used to guard a museum, art gallery, etc., or provides, rent free, the use of a building. However, the term does not include the value of any exemption from Federal, State, or local tax or any similar benefit.

(*d*) The term "indirect contributions from the general public" includes contributions received by the organization from organizations which normally receive a substantial part of their support from direct contributions from the general public.

(iii) *Determination of whether organization is "publicly supported".*—(*a*) *In general.* No single test which would be appropriate in every case may be prescribed for determining whether a corporation, trust, or community chest, fund, or foundation, referred to in section 170(c)(2), is "publicly supported". For example, since the statutory test is whether the organization normally receives a substantial part of its support from the prescribed sources, a test which would be appropriate in the case of an organization which has been in operation for a number of years would not necessarily be appropriate in the case of a newly established organization. The determination of whether an organization is "publicly supported" depends on the facts and circumstances in each case. Thus, although a "mechanical test" is set forth in (*b*) of this subdivision (iii), such test is not an exclusive test. Accordingly, an organization which does not qualify as a "publicly supported" organization by application of the "mechanical test" may qualify as a "publicly supported" organization on the basis of the facts and circumstances in its case. For provisions relating to the facts and circumstances test, see (c) of this subdivision (iii).

(*b*) *Mechanical test.* An organization will be considered to be a "publicly supported" organization for its current taxable year and the taxable year immediately succeeding its current year, if, for the four taxable years immediately preceding the current taxable year, the total amount of the support which the organization receives from governmental units, from donations made directly or indirectly by the general public, or from a combination of these sources equals 33⅓ percent or more of the total support of the organization for such four taxable years. The rule in the preceding sentence does not apply if there are substantial changes in the organization's character, purposes, or methods of operation in the current year, and does not apply in respect of the immediately succeeding taxable year if such changes occur in such year. In determining whether the 33⅓-percent-of-support test is met, contributions by an individual, trust, or corporation shall be taken into account only to the extent that the total amount of the contributions by any such individual, trust, or corporation during the four-taxable-year period does not exceed 1 percent of the organization's total support for such four taxable years. In applying the 1-percent limitation, all contributions made by a donor and by any person or persons standing in a relationship to the donor which is described in section 267(b) and the regulations thereunder shall be treated as made by one person. The 1-percent limitation shall not apply to support from governmental units referred to in section 170(c)(1) or to contributions from "publicly supported" organizations. A national organization which carries out its purposes through local chapters with which it has an identity of aims and purposes may, for purposes of determining whether the organization and the local chapters meet the mechanical test, make the computation on an aggregate basis.

Example. For the years 1964 through 1967, X, an organization referred to in section 170(c)(2), received support (as defined in subdivision (ii) of this subparagraph) of $600,000 from the following sources:

Investment income	$300,000
City Y (a governmental unit referred to in section 170(c)(1))	40,000
United Fund (an organization referred to in section 170(c)(2) which is "publicly supported")	40,000
Contributions	220,000
Total support	$600,000

For the years 1964 through 1967, X received in excess of 33⅓ percent of its support from a governmental unit referred to in section 170(c)(1) and from direct and indirect contributions from the general public computed as follows:

33⅓ percent of total support	$200,000
Support from a governmental unit referred to in section 170(c)(1)	40,000
Indirect contributions from the general public (United Fund)	40,000
Contributions by various donors (no one donor having made contributions which total in excess of $6,000—1 percent of total support)	50,000
12 contributions (each in excess of $6,000—1 percent of total support) 12×$6,000	72,000
	$202,000

Since the amount of X's support from governmental units referred to in section 170(c)(1) and from direct and indirect contributions from the general public in the years 1964 through 1967 is in excess of 33⅓ percent of X's total support for such four taxable years, X is considered a "publicly supported" organization with respect to contributions made to it during 1968 and 1969 without regard to whether X receives 33⅓ percent of its support during 1968 or 1969 from such sources (assuming that there are no substantial changes in X's character, purposes, or methods of operation).

(c) *Facts and circumstances test.* (*1*) A corporation, trust, or community chest, fund or foundation referred to in section 170(c)(2) which does not qualify as a "publicly supported" organization under the mechanical test described in (*b*) of this subdivision (iii) (including an organization which has not been in existence for a sufficient length of time to make such test applicable) may be a "publicly supported" organization on the basis of all the facts and circumstances in its case.

(*2*) In applying the facts and circumstances test, no single factor or characteristic is, in itself, conclusive. However, the following characteristics indicate that an organization is "publicly supported":

(*i*) The organization is constituted so as to receive and attract contributions, directly or indirectly, from a wide segment of the public. An organization is so constituted if it can establish that it receives contributions from a number of persons in the community in which it

operates; that pursuant to its organizational structure and method of operation it makes bona fide solicitations for broad based public support, or, in the case of a newly created organization, that its organizational structure and method of operation are such as to require bona fide solicitations for broad based public support; that it is included among those organizations receiving support from a community chest or similar public federated fund raising organization, such as a United Fund or United Appeal; or that it has a substantial number of members (in relation to the community it serves and its total support) who pay annual membership dues.

(*ii*) The organization has a governing body (whether designated in the organization's by-laws, certificate of incorporation, deed of trust, etc. as a Board of Directors, Board of Trustees, etc.) which is comprised of public officials, of individuals chosen by public officials acting in their capacity as such, etc., as distinguished from individuals selected by a limited number of donors to the organization or by any person or persons standing in a relationship to such donors which is described in section 267(b) and the regulations thereunder.

(*iii*) The organization is required to make available and, in the case of other than newly created organizations, does make available at regular intervals to the public financial reports of its operations (exclusive of any information or other return required to be filed with a governmental unit). An organization shall be considered as making financial reports of its operations available to the public if it publishes a financial report in a newspaper which is widely circulated in the community in which the organization operates, or if it makes a bona fide dissemination of a brochure containing a financial report.

(*iv*) If the organization is of a type which generally holds open to the public its buildings (such as a museum) or performances conducted by it (symphonic orchestra), the organization actually follows such practice, or, in the case of a newly created organization, is so organized as to require that it be open to the public.

(*3*) The application of this subdivision (c) may be illustrated by the following examples:

Example (*1*). M, a community trust, is an organization referred to in section 170(c)(2). In 1950, M was organized in the X Community by several leading trusts and financial institutions with the purpose of serving permanently the educational and charitable needs of the X Community by providing a means by which the public may establish funds or make gifts of various amounts to established funds which are administered as an aggregate fund with provision for distribution of income and, in certain cases, principal for educational or charitable purposes by a single impartial committee. The M Organization, by distribution of pamphlets to the public through participating trustee banks, actively solicits members of the X Community and other concerned parties to establish funds within the trust or to contribute to established funds within the trust. Under the declaration of trust, a contributor to a fund may suggest or request (but not require) that his contribution be used in respect of his preferred charitable, educational, or other benevolent purpose, and distributions of the income from the fund, and in certain cases the principal, will be made by the Distribution Committee with regard to such request unless changing conditions make such purpose unnecessary, undesirable, impractical, or impossible in which case income and (where the contributor has so specified) principal will be distributed by the Distribution Committee in order to more effectively promote the public welfare. Where a contributor has not expressed a desire as to a charitable, educational, or other benevolent purpose, the Distribution Committee will distribute the entire annual income from the fund to such a purpose agreed upon by such committee. The Distribution Committee is composed of representatives of the community chosen one each by the X Bar Association, the X Medical Society, the mayor of X Community, the judge of the highest X Court, and the president of the X College, and two representatives chosen by the participating trustee banks. There are a number of separate funds within the trust administered by several participating banks. M has consistently distributed or used its entire annual income (after expenses of the type referred to in section 212 (1) and (2)) for projects with purposes described in section 170(c)(2)(B) from which members of the public may benefit or to other organizations described in section 170(b)(1)(A) which so distribute or use such income. Through its participating trustee banks, M annually makes available to the public a brochure containing a financial statement of its operations including a list of all receipts and disbursements. Under the facts and circumstances, M is a "publicly supported" organization.

Example (*2*). Assume the same facts as in example (1) except that M has been in existence for only one year and only two contributors have established funds within the trust. The Distribution Committee has been chosen and is required by the governing declaration of trust to make annual distribution of the entire income (after expenses of the type referred to in section 212 (1) and (2)) of the trust to projects with purposes described in section 170(c)(2)(B) from which members of the public may benefit or to other organizations described in section 170(b)(1)(A) which so distribute or use such income. The declaration of trust and other governing instruments require (1) that the M Community Trust actively solicit contributions from members of the X Community through dissemination of literature and other public appeals, and (2) that it make available to the members of the X Community, annual financial reports of its operations. Under the facts and circumstances, M is a "publicly supported" organization.

Example (*3*). N, an art museum, is an organization referred to in section 170(c)(2). In 1930, N was founded in Y City by the members of a single family to collect, preserve, interpret, and display to the public important works of art. Since 1945, members of the founding family have annually constituted less than one sixth of N's governing body, the Board of Trustees. The remaining board members are representative citizens of Y City and are not appointed or selected by, or on behalf of, members of the founding family. N solicits contributions from the general public and for each of its four most recent taxable years has received total contributions in small sums (less than $100) in excess of $10,000. For N's four most recent taxable years, investment income from several large endowment funds has constituted 75 percent of its total support. N normally expends its entire income (after expenses of the type referred to in section 212 (1) and (2)) for purposes described in section 170(c)(2)(B). N has, for the entire period of its existence, been open to the public and more than 300,000 people (from the Y Community and elsewhere) have visited the museum in each of its four most recent taxable years. N annually publishes a financial report of its operation in the Y City newspaper. Since a majority of N's governing body are representatives of Y City and contributions are received from a wide segment of the public, N Museum is a "publicly supported" organization.

Example (*4*). In 1960, the O Philharmonic Orchestra was organized in Z City through the combined efforts of a local music society and a local women's club to present to the public a wide variety of musical programs intended to foster music appreciation in the community. O is an organization referred to in section 170(c)(2). The orchestra is composed of professional musicians who are paid by the association. Twelve performances, open to the public, are scheduled each year. The admission charge for each of these performances is $3. In addition, several performances are staged annually without charge. In each of its four most recent taxable years, O has received separate contributions of $10,000 from A, B, C, and D (not members of a single family) and support of $5,000 from the Z Community Chest, a public federated fund raising organization operating in Z City. O is governed by a Board of Directors comprised of five individuals. A local college, a local music society, a local women's club, the mayor of Z City, and the Z Chamber of Commerce each choose one member of the Board of Directors. A, one of the large contributors, served on the Board of Directors for two of O's four most recent taxable years solely as a result of her association with the local women's club. O annually files a financial report with Z City which makes such report available for public inspection. For each of its four most recent taxable years, O has used all of the amounts received through admission charges and contributions in presenting the annual program. Since O's governing body is comprised of representatives of Z City, support is received from a public federated fund raising organization, and all its performances are open to the public, O is a "publicly supported" organization.

Example (*5*). P is a newly created organization of a type referred to in section 170(c)(2). P's charter requires that its governing body be selected by public officials and by public organizations representing the community in which it operates. Pursuant to P's charter, a continuing fund raising campaign which will encompass the entire community has been planned. P's charter requires that its entire annual income be distributed to or used for projects with purposes described in section 170(c)(2)(B) and that it make available to the public annual financial reports of its operations. By reason of the express provisions of P's charter relating to its organizational structure and prescribed methods of operation, P is a "publicly supported" organization.

(6) *Examples.* The application of the special 10-percent limitation and the general 20-percent limitation on contributions by individuals may be illustrated by the following examples:

Example (1). A, an individual, reports his income on the calendar year basis and for the year 1957 has an adjusted gross income of $10,000. During 1957 he made the following charitable contributions:

1. Contributions qualifying for the additional 10-percent deduction under section 170(b)(1)(A)	$2,400	
2. Other charitable contributions	700	
3. Total contributions paid	3,100	
		Deductible contributions
4. Contributions qualifying for the additional 10-percent deduction under section 170(b)(1)(A)	2,400	
5. Special limitation under section 170(b)(1)(A): 10 percent of adjusted gross income	1,000	
6. Deductible amount: line 4 or line 5, whichever is the lesser		$1,000
7. Excess of line 4 over line 5	1,400	
8. Add: Other charitable contributions	700	
9. Contributions subject to the general 20-percent limitation under section 170(b)(1)(B)	2,100	
10. Limitation under section 170(b)(1)(B): 20 percent of the adjusted gross income	2,000	
11. Deductible amount: line 9 or line 10, whichever is the lesser		2,000
12. Contributions not deductible	100	
13. Total deduction for contributions		3,000

Example (2). B, an individual, reports his income on the calendar year basis and for the year 1957 has an adjusted gross income of $10,000. During 1957 he made the following charitable contributions:

1. Contributions qualifying for the additional 10-percent deduction under section 170(b)(1)(A)	$700	
2. Other charitable contributions	2,400	
3. Total contributions paid	3,100	
4. Contributions qualifying for the additional 10-percent deduction under section 170(b)(1)(A)	700	
5. Limitation described in section 170(b)(1)(A): 10 percent of the adjusted gross income	1,000	
6. Deductible amount: line 4 or line 5, whichever is the lesser		$700
7. Excess of line 4 over line 5	0	
8. Add: Other charitable contributions	2,400	
9. Contributions subject to the general 20-percent limitation under section 170(b)(1)(B)	2,400	
10. Limitation under section 170(b)(1)(B): 20 percent of the adjusted gross income	2,000	
11. Deductible amount: line 9 or line 10, whichever is the lesser		2,000
12. Contributions not deductible	400	
13. Total deduction for contributions		2,700

(g) *Charitable contributions carryover of individuals*—(1) *Computation of excess charitable contributions made in contribution year.* Subject to certain conditions and limitations, the excess of—

(i) The amount of the charitable contributions made by an individual in a taxable year beginning after December 31, 1963 (hereinafter in this paragraph referred to as the "contribution year"), to organizations specified in section 170(b)(1)(A) (see paragraph (b) of this section), over

(ii) Thirty percent of his adjusted gross income (computed without regard to any net operating loss carryback to such year under section 172) for such contribution year,

shall be treated as a charitable contribution paid by him to an organization specified in section 170(b)(1)(A) and paragraph (b) of this section, relating to the additional 10-percent deduction, in each of the 5 taxable years immediately succeeding the contribution year in order of time. (For provisions requiring a reduction of such excess, see subparagraph (5) of this paragraph.) The provisions of this subparagraph apply even though the taxpayer elects under section 144 to take the standard deduction in the contribution year instead of itemizing the deductions (other than those specified in sections 62 and 151) allowable in computing taxable income for the contribution year. No excess charitable contribution carryover shall be allowed with respect to contributions "for the use of" rather than "to" organizations described in section 170(b)(1)(A) and paragraph (b) of this section or with respect to contributions made "to" or "for the use of" organizations which are not described in such sections. The provisions of section 170(b)(5) and this paragraph are not applicable in the case of estates or trusts, see section 642(c), relating to deductions for amounts paid or permanently set aside for a charitable purpose, and the regulations thereunder. The provisions of this subparagraph may be illustrated by the following examples:

Example (1). Assume that H and W (husband and wife) have adjusted gross income for 1964 of $50,000 and for 1965 of $40,000 and file a joint return for each year. Assume further that in 1964 they contribute $16,500 to a church and $1,000 to X (an organization not referred to in section 170(b)(1)(A)) and in 1965 contribute $11,000 to the church and $400 to X. They may claim a charitable contribution deduction of $15,000 in 1964, and the excess of $16,500 (contribution to the church) over $15,000 (30 percent of adjusted gross income) or $1,500 constitutes a charitable contribution carryover which shall be treated as a charitable contribution paid by them to an organization referred to in section 170(b)(1)(A) in each of the 5 succeeding taxable years in order of time. No carryover is allowed with respect to the $1,000 contribution made to X in 1964. Since 30 percent of their adjusted gross income for 1965 ($12,000) exceeds the charitable contributions of $11,000 made by them in 1965 to organizations referred to in section 170(b)(1)(A) (computed without regard to section 170(b)(5) and this paragraph) the portion of the 1964 carryover equal to such excess of $1,000 ($12,000 minus $11,000) is treated, pursuant to the provisions of subparagraph (2) of this paragraph, as paid to a section 170(b)(1)(A) organization in 1965; the remaining $500 constitutes an unused charitable contribution carryover. No carryover is allowed with respect to the $400 contribution made to X in 1965.

Example (2). Assume the same facts as in example (1) except that H and W have adjusted gross income for 1965 of $42,000. Since 30 percent of their adjusted gross income for 1965 ($12,600) exceeds by $1,600 the charitable contribution of $11,000 made by them in 1965 to organizations referred to in section 170(b)(1)(A) (computed without regard to section 170(b)(5) and this paragraph), the full amount of the 1964 carryover of $1,500 is treated, pursuant to the provisions of subparagraph (2) of this paragraph, as paid to a section 170(b)(1)(A) organization in 1965. They may also claim a charitable contribution of $100 ($12,600 −$12,500 ($11,000+$1,500)) with respect to the gift to X in 1965. No carryover is allowed with respect to the $300 ($400−$100) of the contribution to X which is not deductible in 1965.

(2) *Determination of amount treated as paid in taxable years succeeding contribution year.* Notwithstanding the provisions of subparagraph (1) of this paragraph, the amount of the excess computed in accordance with the provisions of subparagraphs (1) and (5) of this paragraph which is to be treated as paid in any one of the 5 taxable years immediately succeeding the contribution year to an organization specified in section 170(b)(1)(A) shall not exceed the lesser of the amount computed under subdivision (i) or (ii) of this subparagraph:

(i) The amount by which (*a*) 30 percent of the taxpayer's adjusted gross income for such succeeding taxable year (computed without regard to any net operating loss carryback to such succeeding taxable year under section 172) exceeds (*b*) the sum of (*1*) the charitable contributions actually made (computed without regard to the provisions of section 170(b)(5) and this paragraph) by the taxpayer in such succeeding taxable year to organizations referred to in section 170(b)(1)(A), and (*2*) the charitable contributions made to organizations referred to in section 170(b)(1)(A) in taxable years (excluding any taxable year beginning before January 1, 1964) preceding the contribution year which, pursuant to the provisions of section 170(b)(5) and this paragraph, are treated as having been paid to an organization referred to in section 170(b)(1)(A) in such succeeding year.

(ii) In the case of the first taxable year succeeding the contribution year, the amount of the excess charitable contribution in the contribution year, computed under subparagraphs (1) and (5) of this paragraph. In the case of the second, third, fourth, and fifth succeeding taxable years, the portion of the excess charitable contribution in the contribution year (computed under subparagraphs (1) and (5) of this paragraph) which has not been treated as paid to a section 170(b)(1)(A) organization in a year intervening between the contribution year and such succeeding taxable year.

If a taxpayer, in any one of the four taxable years succeeding a contribution year, elects under section 144 to take the standard deduction in the amount provided for in section 141 instead of itemizing the deductions (other than those specified in sections 62 and 151) allowable in computing taxable income, there shall be treated as paid (but not allowable as a deduction) in the standard deduction year the amount determined under the preceding sentence. The provisions of this subparagraph may be illustrated by the following examples:

Example (1). Assume that B has adjusted gross income for 1966 of $20,000 and for 1967 of $30,000. Assume further that in 1966 B contributed $8,000 to a church and in 1967 he contributes $7,500 to the church. B may claim a charitable contribution deduction of $6,000 in 1966, and the excess of $8,000 (contribution to the church) over $6,000 (30 percent of B's adjusted gross income) or $2,000 constitutes a charitable contribution carryover which shall be treated as a charitable contribution paid by B to an organization referred to in section 170(b)(1)(A) in the 5 taxable years succeeding 1966 in order of time. (B made no excess contributions in 1964 or 1965 which should be treated as paid in years succeeding 1964 or 1965.) B may claim a charitable contribution deduction of $9,000 in 1967. Such $9,000 consists of the $7,500 contribution to the church in 1967 and $1,500 carried over from 1966 and treated as a charitable contribution paid to a section 170(b)(1)(A) organization in 1967. The $1,500 contribution treated as paid in 1967 is computed as follows:

1966 excess contributions		$2,000
30 percent of B's adjusted gross income for 1967		9,000
Less:		
Contributions actually made in 1967 to section 170(b)(1)(A) organizations	$7,500	
Contributions made to section 170(b)(1)(A) organizations in taxable years prior to 1966 treated as having been paid in 1967	0	7,500
		1,500
Amount of 1966 excess treated as paid in 1967—the lesser of $2,000 (1966 excess contributions) or $1,500 (30 percent of adjusted gross income for 1967 ($9,000) over the section 170(b)(1)(A) contributions actually made in 1967 ($7,500) and the section 170(b)(1)(A) contributions made in years prior to 1966 treated as having been paid in 1967 (0))		1,500

If the excess contributions made by B in 1966 had been $1,000 instead of $2,000, then, for purposes of this example, the amount of the 1966 excess treated as paid in 1967 would be $1,000 rather than $1,500.

Example (2). Assume the same facts as in example (1), and, in addition, that B has adjusted gross income for 1968 of $10,000 and for 1969 of $20,000. Assume further with respect to 1968 that B elects under section 144 to take the standard deduction in computing taxable income and that his actual contributions to organizations specified in section 170(b)(1)(A) are $300. Assume further with respect to 1969, that B itemizes his deductions which include a $5,000 contribution to a church. B's deductions for 1968 are not increased by reason of the $500 available as a charitable contribution carryover from 1966 (excess contributions made in 1966 ($2,000) less the amount of such excess treated as paid in 1967 ($1,500)) since B elected to take the standard deduction in 1968. However, for purposes of determining the amount of the excess charitable contributions made in 1966 which is available as a carryover to 1969, B is required to treat such $500 as a charitable contribution paid in 1968—the lesser of $500 or $2,700 (30 percent of adjusted gross income ($3,000) over contributions actually made in 1968 to section 170(b)(1)(A) organizations ($300)). Therefore, even though the $5,000 contribution made by B in 1969 to a church does not amount to 30 percent of B's adjusted gross income for 1969 (30 percent of $20,000=$6,000), B may claim a charitable contribution deduction of only the $5,000 actually paid in 1969 since the entire excess charitable contribution made in 1966 ($2,000) has been treated as paid in 1967 ($1,500) and 1968 ($500).

Example (3). Assume the following factual situation for C who itemizes his deductions in computing taxable income for each of the years set forth in the example:

	1964	1965	1966	1967	1968
Adjusted gross income	$10,000	$7,000	$15,000	$10,000	$9,000
Contributions to section 170(b)(1)(A) organizations (no other contributions)	4,000	3,000	5,000	1,000	1,500
Allowable charitable contributions deductions computed without regard to carryover of contributions	3,000	2,100	4,500	1,000	1,500
Excess contributions for taxable year to be treated as paid in 5 succeeding taxable years	1,000	900	500	0	0

Since C's contributions in 1967 and 1968 to section 170(b)(1)(A) organizations are less than 30 percent of his adjusted gross income for such years, the excess contributions for 1964, 1965, and 1966 are treated as having been paid to section 170(b)(1)(A) organizations in 1967 and 1968 as follows:

1967

Contribution year	*Total excess*	*Less: Amount treated as paid in year prior to 1967*	*Available charitable contribution carryovers*
1964	$1,000	0	$1,000
1965	900	0	900
1966	500	0	500
			2,400
30 percent of B's adjusted gross income for 1967			3,000
Less: Charitable contributions made in 1967 to section 170(b)(1)(A) organizations			1,000
			2,000
Amount of excess contributions treated as paid in 1967—the lesser of $2,400 (available carryovers to 1967) or $2,000 (excess of 30 percent of adjusted gross income ($3,000) over contributions actually made in 1967 to section 170(b)(1)(A) organizations ($1,000))			2,000

1968

Contribution year	*Total excess*	*Less: Amount treated as paid in year prior to 1968*	*Available charitable contribution carryovers*
1964	$1,000	$1,000	0
1965	900	900	0
1966	500	100	$400
1967	0	0	0
			400
30 percent of B's adjusted gross income for 1968			2,700
Less: Charitable contributions made in 1968 to section 170(b)(1)(A) organizations			1,500
			1,200
Amount of excess contributions treated as paid in 1968—the lesser of $400 (available carryovers to 1968) or $1,200 (30 percent of adjusted gross income $2,700) over contributions actually made in 1968 to section 170(b)(1)(A) organizations ($1,500)			400

(3) *Effect of net operating loss carryback to contribution year.* The amount of the excess contribution for a contribution year (computed as provided in subparagraphs (1) and (5) of this paragraph) shall not be increased because a

net operating loss carryback is available as a deduction in the contribution year. In addition, in determining (under the provisions of section 172(b)(2)) the amount of the net operating loss for any year subsequent to the contribution year which is a carryback or carryover to taxable years succeeding the contribution year, the amount of contributions made to organizations referred to in section 170(b)(1)(A) shall be limited to the amount of such contributions which did not exceed 30 percent of the donor's adjusted gross income (computed without regard to any net operating loss carryback or any of the modifications referred to in section 172(d)) for the contribution year.

(4) *Effect of net operating loss carryback to taxable years succeeding the contribution year.* The amount of the charitable contribution from a preceding taxable year which is treated as paid (as provided in subparagraph (2) of this paragraph) in a current taxable year (hereinafter referred to in this subparagraph as the "deduction year") shall not be reduced because a net operating loss carryback is available as a deduction in the deduction year. In addition, in determining (under the provisions of section 172(b)(2)) the amount of the net operating loss for any year subsequent to the deduction year which is a carryback or carryover to taxable years succeeding the deduction year, the amount of contributions made to organizations referred to in section 170(b)(1)(A) in the deduction year shall be limited to the amount of such contributions which were actually made in such year and those which were treated as paid in such year which did not exceed 30 percent of the donor's adjusted gross income (computed without regard to any net operating loss carryback or any of the modifications referred to in section 172(d)) for the deduction year.

(5) *Reduction of excess contributions.* An individual having a net operating loss carryover from a prior taxable year which is available as a deduction in a contribution year must apply the special rule of section 170(b)(5)(B) and this subparagraph in computing the excess described in subparagraph (1) of this paragraph for such contribution year. In determining the amount of excess charitable contributions that shall be treated as paid in each of the 5 taxable years succeeding the contribution year, the excess charitable contributions described in such subparagraph (1) must be reduced by the amount by which such excess reduces taxable income (for purposes of determining the portion of a net operating loss which shall be carried to taxable years succeeding the contribution year under the second sentence of section 172(b)(2)) and increases the net operating loss which is carried to a succeeding taxable year. In reducing taxable income under the second sentence of section 172(b)(2), an individual who has made charitable contributions in the contribution year to both organizations specified in section 170(b)(1)(A) (see paragraph (b) of this section) and to organizations not so specified must first deduct contributions made to the section 170(b)(1)(A) organizations from his adjusted gross income computed without regard to his net operating loss deduction before any of the contributions made to organizations not specified in section 170(b)(1)(A) may be deducted from such adjusted gross income. Thus, if the excess of the contributions made in the contribution year to organizations specified in section 170(b)(1)(A) over the amount deductible in such contribution year is utilized to reduce taxable income (under the provisions of section 172(b)(2)) for such year, thereby serving to increase the amount of the net operating loss carryover to a succeeding year or years, no part of the excess charitable contributions made in such contribution year shall be treated as paid in any of the 5 immediately succeeding taxable years. If only a portion of the excess charitable contributions is so used, the excess charitable contributions will be reduced only to that extent. The provisions of this subparagraph may be illustrated by the following examples:

Example (1). B, an individual, reports his income on the calendar year basis and for the year 1964 has adjusted gross income (computed without regard to any net operating loss deduction) of $50,000. During 1964 he made charitable contributions in the amount of $20,000 all of which were to organizations specified in section 170(b)(1)(A). B has a net operating loss carryover from 1963 of $50,000. In the absence of the net operating loss deduction B would have been allowed a deduction for charitable contributions of $15,000. After the application of the net operating loss deduction, B is allowed no deduction for charitable contributions, and there is (before applying the special rule of section 170(b)(5)(B) and this subparagraph) a tentative excess charitable contribtuion of $20,000. For purposes of determining the net operating loss which remains to be carried over to 1965, B computes his taxable income for his prior taxable year, 1964, under section 172(b)(2) by deducting the $15,000 charitable contribution. After the $50,000 net operating loss carryover is applied against the $35,000 of taxable income for 1964 (computed in accordance with section 172(b)(2), assuming no deductions other than the charitable contribution deduction are applicable in making such computation), there remains a $15,000 net operating loss carryover to 1965. Since the application of the net operating loss carryover of $50,000 from 1963 reduces the 1964 adjusted gross income (for purposes of determining 1964 tax liability) to zero, no part of the $20,000 of charitable contributions in that year is deductible under section 170(b)(1). However, in determining the amount of the excess charitable contributions which shall be treated as paid in taxable years 1965, 1966, 1967, 1968, 1969, the $20,000 must be reduced by the portion thereof ($15,000) which was used to reduce taxable income for 1964 (as computed for purposes of the second sentence of section 172(b)(2)) and which thereby served to increase the net operating loss carryover to 1965 from zero to $15,000.

Example (2). Assume the same facts as in example (1), except that B's total contributions of $20,000 made during 1964 consisted of $15,000 to organizations specified in section 170(b)(1)(A) and $5,000 to organizations not so specified. Under these facts there is a tentative excess charitable contribution of $15,000, rather than $20,000 as in example (1). For purposes of determining the net operating loss which remains to be carried over to 1965, B computes his taxable income for his prior taxable year, 1964, under section 172(b)(2) by deducting the $15,000 of charitable contributions made to organizations specified in section 170(b)(1)(A). Since the excess charitable contribution of $15,000 determined in accordance with subparagraph (1) of this paragraph was used to reduce taxable income for 1964 (as computed for purposes of the second sentence of section 172(b)(2)) and thereby served to increase the net operating loss carryover to 1965 from zero to $15,000, no part of such excess charitable contributions made in the contribution year shall be treated as paid in any of the five immediately succeeding taxable years. No carryover is allowed with respect to the $5,000 of charitable contributions made in 1964 to organizations not specified in section 170(b)(1)(A).

(6) *Change in type of return filed—*(i) *From joint return to separate returns.* If a husband and wife—

(*a*) Make a joint return for a contribution year and compute an excess charitable contribution for such year in accordance with the provisions of subparagraphs (1) and (5) of this paragraph, and

(*b*) Make separate returns for one or more of the 5 taxable years immediately succeeding such contribution year,

any excess charitable contribution for the contribution year which is unused at the beginning of the first such taxable year for which separate returns are filed shall be allocated between the husband and wife. For purposes of the allocation, a computation shall be made of the amount of any excess charitable contribution which each spouse would have computed in accordance with subparagraphs (1) and (5) of this paragraph if separate returns (rather than a joint return) had been filed for the contribution year. The portion of the total unused excess charitable contribution for the contribution year allocated to each spouse shall be an amount which bears the same ratio to such unsued excess charitable contribution as such spouse's excess contribution (based on the separate return computation) bears to the total excess contributions of both spouses (based on the separate return computation). To the extent that a portion of the amount allocated to either spouse in accordance with the foregoing provisions of this subdivision is not treated in accordance with the provisions of subparagraph (2) of this paragraph as a charitable contribution paid to an organization specified in section 170(b)(1)(A) in the taxable year in which a separate return or separate returns are filed, each spouse shall for purposes of subparagraph (2) of this paragraph treat his respective unused portion as the available charitable contributions carryover to the next succeeding taxable year in which the joint excess charitable contribution may be treated as paid in accordance with subparagraph (1) of this paragraph. If such husband and wife make a joint return in one of the five taxable years im-

mediately succeeding the contribution year with respect to which a joint excess charitable contribution is computed and following the first succeeding year in which such husband and wife filed a separate return or separate returns, the amounts allocated to each spouse in accordance with this subdivision for such first year reduced by the portion of such amounts treated as paid to an organization specified in section 170(b)(1)(A) in such first year and in any taxable year intervening between such first year and the succeeding taxable year in which the joint return is filed shall be aggregated for purposes of determining the amount of the available charitable contributions carryover to such succeeding taxable year. The provisions of this subdivision (i) may be illustrated by the following example:

Example. H and W file joint returns for 1964, 1965, and 1966, and in 1967 they file separate returns. In each such year H and W itemize their deductions in computing taxable income. Assume the following factual situation with respect to H and W for 1964:

1964	*H*	*W*	*Joint return*
Adjusted gross income	$50,000	$40,000	$90,000
Contributions to section 170(b)(1)(A) organization (no other contributions)	27,000	20,000	47,000
Allowable charitable contribution deductions	15,000	12,000	27,000
Excess contributions for taxable year to be treated as paid in 5 succeeding taxable years	12,000	8,000	20,000

The joint excess charitable contribution of $20,000 is to be treated as having been paid to a section 170(b)(1)(A) organization in the five succeeding taxable years. Assume that in 1965, the portion of such excess treated as paid by H and W is $3,000 and that in 1966, the portion of such excess treated as paid is $7,000. Thus, the unused portion of the excess charitable contribution made in the contribution year is $10,000 ($20,000 less $3,000 (amount treated as paid in 1965) and $7,000 (amount treated as paid in 1966)). Since H and W file separate returns in 1967, $6,000 of such $10,000 is allocable to H and $4,000 is allocable to W. Such allocation is computed as follows:

$$\frac{\$12{,}000\text{ (excess charitable contributions made by H (based on separate return computation) in 1964)}}{\$20{,}000\text{ (total excess charitable contributions made by H and W (based on separate return computation) in 1964)}} \times \$10{,}000 = \$6{,}000$$

$$\frac{\$8{,}000\text{ (excess charitable contributions made by W (based on separate return computation) in 1964)}}{\$20{,}000\text{ (total excess charitable contributions made by H and W (based on separate return computation) in 1964)}} \times \$10{,}000 = \$4{,}000$$

In 1967 H has adjusted gross income of $70,000 and he contributes $14,000 to an organization specified in section 170(b)(1)(A). In 1967 W has adjusted gross income of $50,000, and she contributes $10,000 to an organization specified in section 170(b)(1)(A). H may claim a charitable contribution deduction of $20,000 in 1967, and W may claim a charitable contribution deduction of $14,000 in 1967. H's $20,000 deduction consists of the $14,000 contribution to the section 170(b)(1)(A) organization in 1967 and $6,000 carried over from 1964 and treated as a charitable contribution paid to a section 170(b)(1)(A) organization in 1967. W's $14,000 deduction consists of the $10,000 contribution made to a section 170(b)(1)(A) organization in 1967 and $4,000 carried over from 1964 and treated as a charitable contribution paid to a section 170(b)(1)(A) organization in 1967. The $6,000 contribution treated as paid in 1967 by H, and the $4,000 contribution treated as paid in 1967 by W are computed as follows:

	H	W
Available charitable contribution carryover (see computations above)	$6,000	$4,000
30-percent of adjusted gross income	21,000	15,000
Contributions made in 1967 to section 170(b)(1)(A) organization (no other contributions)	14,000	10,000
Amount of allowable deduction unused	7,000	5,000
Amount of excess contributions treated as paid in 1967—the lesser of $6,000 (available carryover of H to 1967) or $7,000 (excess of 30 percent of adjusted gross income ($21,000) over contributions actually made in 1967 to section 170(b)(1)(A) organizations ($14,000))	6,000	
The lesser of $4,000 (available carryover of W to 1967) or $5,000 (excess of 30 percent of adjusted gross income ($15,000) over contributions actually made in 1967 to section 170(b)(1)(A) organizations ($10,000))	------	4,000

(ii) *From separate returns to joint return and remarried taxpayers.* If in the case of a husband and wife—

(*a*) Either or both of the spouses make a separate return for a contribution year and compute an excess charitable contribution for such year in accordance with the provisions of subparagraphs (1) and (5) of this paragraph, and

(*b*) Such husband and wife make a joint return for one or more of the taxable years immediately succeeding such contribution year,

the excess charitable contribution of the husband and wife for the contribution year which is unused at the beginning of the first taxable year for which a joint return is filed shall be aggregated for purposes of determining the portion of such unused charitable contribution which shall be treated in accordance with subparagraph (2) of this paragraph as a charitable contribution paid to an organization specified in section 170(b)(1)(A). The provisions of this subdivision are also applicable in the case of two single individuals who are subsequently married and file a joint return. A remarried taxpayer who filed a joint return with a former spouse in a contribution year with respect to which an excess charitable contribution was computed and who in any one of the five taxable years immediately succeeding such contribution year files a joint return with his (or her) present spouse shall treat the unused portion of such excess charitable contribution allocated to him (or her) in accordance with subdivision (i) of this subparagraph in the same manner as the unused portion of an excess charitable contribution computed in a contribution year in which he filed a separate return for purposes of determining the amount which in accordance with subparagraph (2) of this paragraph shall be treated as paid to an organization specified in section 170(b)(1)(A) in such succeeding year.

(7) *Information required in support of a deduction of an amount treated as paid.* If, in a taxable year, a deduction is claimed in respect of an excess charitable contribution which, in accordance with the provisions of subparagraph (2) of this paragraph, is treated (in whole or in part) as paid in such taxable year, the taxpayer shall attach to his return a statement showing:

(i) The year (or years) in which the excess charitable contributions were made (the contribution year or years),

(ii) The excess charitable contributions made in each contribution year,

(iii) The portion of such excess (or each such excess) treated as paid in accordance with subparagraph (2) of this paragraph in any taxable year intervening between the contribution year and the taxable year for which the return is made, and

(iv) Such other information as the return or the instructions relating thereto may require.

PAR. 3. Paragraph (c) of § 1.170–3 is amended to read as follows:

§ 1.170–3 Contributions or gifts by corporations.

* * * * *

(c) *Charitable contributions carryover of corporations—*(1) *Contributions made in taxable years beginning before January 1, 1962.* Subject to the rules set forth in subparagraph (3) of this paragraph, any contributions made by a corporation in a taxable year (hereinafter in this paragraph referred to as the contribution year) subject to the Code beginning before January 1, 1962, in excess of the amount deductible in such contribution year under the 5-percent limitation of section 170(b)(2) are deductible in each of the two succeeding taxable years in order of time, but only to the extent of the lesser of the following amounts:

(i) The excess of the maximum amount deductible for the succeeding year under the 5-percent limitation of section 170(b)(2) over the contributions made in that year; and

(ii) In the case of the first taxable year succeeding the contribution year, the amount of the excess contributions; and, in the case of the second taxable year succeeding the contribution year, the portion of the excess contributions not deductible in the first succeeding taxable year.

The application of the rules in this subparagraph may be illustrated by the following example:

Example. A corporation which reports its income on the calendar year basis makes a charitable contribution of $10,000 in June 1961, anticipating taxable income for 1961 of $200,000. Its actual taxable income (with-

out regard to any deduction for charitable contributions) for 1961 is only $50,000 and the charitable deduction for that year is limited to $2,500 (5 percent of $50,000). The excess charitable contribution not deductible in 1961 ($7,500) represents a carryover potentially available as a deduction in the two succeeding taxable years. The corporation has taxable income (without regard to any deduction for charitable contributions) of $150,000 in 1962 and makes a charitable contribution of $2,500 in that year. For 1962, the corporation may deduct as a charitable contribution the amount of $7,500 (5 percent of $150,000). This amount consists first of the $2,500 contribution made in 1962, and $5,000 of the $7,500 carried over from 1961. The remaining $2,500 carried over from 1961 and not allowable as a deduction in 1962 because of the 5-percent limitation may be carried over to 1963. The corporation has taxable income (without regard to any deduction for charitable contributions) of $100,000 in 1963 and makes a charitable contribution of $3,000. For 1963, the corporation may deduct under section 170 the amount of $5,000 (5 percent of $100,000). This amount consists first of the $3,000 contributed in 1963, and $2,000 of the $2,500 carried over from 1961 to 1963. The remaining $500 of the carryover from 1961 is not allowable as a deduction in any year because of the 2-year limitation with respect to excess contributions made in taxable years beginning before January 1, 1962.

(2) *Contributions made in taxable years beginning after December 31, 1961.* Subject to the rules set forth in subparagraph (3) of this paragraph, any contributions made by a corporation in a taxable year (hereinafter in this paragraph referred to as the contribution year) beginning after December 31, 1961, in excess of the amount deductible in such contribution year under the 5-percent limitation of section 170(b)(2) are deductible in each of the five succeeding taxable years in order of time, but only to the extent of the lesser of the following amounts:

(i) The excess of the maximum amount deductible for such succeeding taxable year under the 5-percent limitation of section 170(b)(2) over the sum of the contributions made in that year plus the aggregate of the excess contributions which were made in taxable years before the contribution year and which are deductible under this paragraph in such succeeding taxable year; or

(ii) In the case of the first taxable year succeeding the contribution year, the amount of the excess contributions, and in the case of the second, third, fourth, or fifth taxable years succeeding the contribution year, the portion of the excess contributions not deductible under this subparagraph for any taxable year intervening between the contribution year and such succeeding taxable year.

The application of the rules of this subparagraph may be illustrated by the following example:

Example. A corporation which reports its income on the calendar year basis makes a charitable contribution of $20,000 in June 1964, anticipating taxable income for 1964 of $400,000. Its actual taxable income (without regard to any deduction for charitable contributions) for 1964 is only $100,000 and the charitable deduction for that year is limited to $5,000 (5 percent of $100,000). The excess charitable contribution not deductible in 1964 ($15,000) represents a carryover potentially available as a deduction in the five succeeding taxable years. The corporation has taxable income (without regard to any deduction for charitable contributions) of $150,000 in 1965 and makes a charitable contribution of $5,000 in that year. For 1965 the corporation may deduct as a charitable contribution the amount of $7,500 (5 percent of $150,000). This amount consists first of the $5,000 contribution made in 1965, and $2,500 carried over from 1964. The remaining $12,500 carried over from 1964 and not allowable as a deduction for 1965 because of the 5-percent limitation may be carried over to 1966. The corporation has taxable income (without regard to any deduction for charitable contributions) of $200,000 in 1966 and makes a charitable contribution of $5,000. For 1966, the corporation may deduct the amount of $10,000 (5 percent of $200,000). This amount consists first of the $5,000 contributed in 1966, and $5,000 of the $12,500 carried over from 1964 to 1966. The remaining $7,500 of the carryover from 1964 is available for purposes of computing the charitable contributions carryover from 1964 to 1967, 1968, and 1969.

(3) *Reduction of excess contributions.* A corporation having a net operating loss carryover (or carryovers) must apply the special rule of section 170(b)(3) and this subparagraph before computing under subparagraph (1) or (2) of this paragraph the charitable contributions carryover for any taxable year subject to the Internal Revenue Code of 1954. In determining the amount of charitable contributions that may be deducted in accordance with the rules set forth in subparagraph (1) or (2) of this paragraph in taxable years succeeding the contribution year, the excess of contributions made by a corporation in the contribution year over the amount deductible in such year must be reduced by the amount by which such excess reduces taxable income (for purposes of determining the net operating loss carryover under the second sentence of section 172(b)(2)) and increases a net operating loss carryover to a succeeding taxable year. Thus, if the excess of the contributions made in a taxable year over the amount deductible in the taxable year is utilized to reduce taxable income (under the provisions of section 172(b)(2)) for such year, thereby serving to increase the amount of the net operating loss carryover to a succeeding year or years, no charitable contributions carryover will be allowed. If only a portion of the excess charitable contributions is so used, the charitable contributions carryover will be reduced only to that extent. The application of the rules of this subparagraph may be illustrated by the following example:

Example. A corporation which reports its income on the calendar year basis makes a charitable contribution of $10,000 during the taxable year 1960. Its taxable income for 1960 is $80,000 (computed without regard to any net operating loss deduction and computed in accordance with section 170(b)(2) without regard to any deduction for charitable contributions). The corporation has a net operating loss carryover from 1959 of $80,000. In the absence of the net operating loss deduction the corporation would have been allowed a deduction for charitable contributions of $4,000 (5 percent of $80,000). After the application of the net operating loss deduction the corporation is allowed no deduction for charitable contributions, and there is a tentative charitable contribution carryover of $10,000. For purposes of determining the net operating loss carryover to 1961 the corporation computes its taxable income for its prior taxable year 1960 under section 172(b)(2) by deducting the $4,000 charitable contribution. Thus, after the $80,000 net operating loss carryover is applied against the $76,000 of taxable income for 1960 (computed in accordance with section 172(b)(2)), there remains a $4,000 net operating loss carryover to 1961. Since the application of the net operating loss carryover of $80,000 from 1959 reduces the taxable income for 1960 to zero, no part of the $10,000 of charitable contributions in that year is deductible under section 170(b)(2). However, in determining the amount of the allowable charitable contributions carryover to the taxable years 1961 and 1962, the $10,000 must be reduced by the portion thereof ($4,000) which was used to reduce taxable income for 1960 (as computed for purposes of the second sentence of section 172(b)(2)) and which thereby served to increase the net operating loss carryover to 1961 from zero to $4,000.

(4) *Year contribution is made.* For purposes of this paragraph, contributions made by a corporation in a contribution year include contributions which, in accordance with the provisions of section 170(a)(2) and paragraph (b) of this section, are considered as paid during such contribution year.

(5) *Effect of net operating loss carryback to contribution year.* The amount of the excess contribution for a contribution year (computed as provided in this paragraph) shall not be increased because a net operating loss carryback is available as a deduction in the contribution year. In addition, in determining (under the provisions of section 172(b)(2)) the amount of the net operating loss for any year subsequent to the contribution year which is a carryback or carryover to taxable years succeeding the contribution year, the amount of contributions shall be limited to the maximum amount deductible under the 5-percent limitation of section 170(b)(2) computed without regard to any net operating loss carryback or any of the modifications referred to in section 172(d)) for the contribution year.

(6) *Effect of net operating loss carryback to taxable years succeeding the contribution year.* The amount of the charitable contribution from a preceding taxable year which is deductible (as provided in this paragraph) in a current taxable year (hereinafter referred to in this subparagraph as the "deduction year") shall not be reduced because a net operating loss carryback is available as a deduction in the deduction year. In addition, in determining (under the provisions of section 172(b)(2)) the amount of the net operating loss for any year subsequent to the deduction year which is a carryback or a carryover to taxable years succeeding the deduction year, the amount of contributions shall be limited to the maximum amount deductible under the 5-percent limitation of section 170(b)(2) (computed without regard to any net operating loss carryback or any of the modifications referred to in section 172(d)) for the deduction year.

PAR. 4. Paragraph (a)(3)(ii) of § 1.172–5 is amended by revising the portion thereof which precedes example (1) to read as follows:

§ 1.172–5 Taxable income which is subtracted from net operating loss to determine carryback or carryover.

(a) *Taxable year subject to the Internal Revenue Code of 1954.* * * *

(3) *Modifications applicable to all taxpayers.* * * *

(ii) *Recomputation of percentage limitations.* Unless otherwise specifically provide in this subchapter, any deduction which is limited in amount to a percentage of the taxpayer's taxable income or adjusted gross income shall be recomputed upon the basis of the taxable income or adjusted gross income, as the case may be, determined with the modifications prescribed in this paragraph. Thus, in the case of an individual the deduction for medical expenses would be recomputed after making all the modifications prescribed in this paragraph, whereas the deduction for charitable contributions would be determined without regard to any net operating loss carryback but with regard to any other modifications so prescribed. See, however, the regulations under paragraph (g) of § 1.170–2 (relating to charitable contributions carryover of individuals) and paragraph (c) of § 1.170–3 (relating to charitable contributions carryover of corporations) for special rules regarding charitable contributions in excess of the percentage limitations which may be treated as paid in succeeding taxable years.

* * * * *

PAR. 5. Section 1.381(c)(19) is amended to read as follows:

§ 1.381(c)(19) Statutory provisions: carryovers in certain corporate acquisitions; items of the distributor or transferor corporation; charitable contributions in excess of prior years' limitation.

Sec. 381. *Carryovers in certain corporate acquisitions.* * * *

(c) *Items of the distributor or transferor corporation.* The items referred to in subsection (a) are:

* * * * *

(19) *Charitable contributions in excess of prior years' limitations.* Contributions made in the taxable year ending on the date of distribution or transfer and the 4 prior taxable years by the distributor or transferor corporation in excess of the amount deductible under section 170(b)(2) for such taxable years shall be deductible by the acquiring corporation for its taxable years which begin after the date of distribution or transfer, subject to the limitations imposed in section 170(b)(2). In applying the preceding sentence, each taxable year of the distributor or transferor corporation beginning on or before the date of distribution or transfer shall be treated as a prior taxable year with reference to the acquiring corporation's taxable years beginning after such date.

[Sec. 381(c)(19) as amended by sec. 209(d)(2), Rev. Act 1964 (78 Stat. 46)]

PAR. 6. Section 1.381(c)(19)–1 is amended by revising paragraph (a), paragraph (b)(3), paragraph (c), and paragraph (d). These revised provisions read as follows:

§ 1.381(c)(19)–1 Charitable contribution carryovers in certain acquisitions.

(a) *Carryover requirement.* Section 381(c)(19) provides that, in computing taxable income for its taxable years which begin after the date of distribution or transfer to which section 381(a) applies, the acquiring corporation shall take into account any charitable contributions made by a distributor or transferor corporation during the taxable year ending on the date of distribution or transfer, and in certain immediately preceding taxable years, which are in excess of the maximum amount deductible for those taxable years under section 170(b)(2) in the following manner:

(1) If the taxable year of the distributor or transferor corporation ending on the date of distribution or transfer begins before January 1, 1962, the acquiring corporation shall, in computing taxable income for its first 2 taxable years which begin after the date of such distribution or transfer, take into account the excess contributions made by the distributor or transferor corporation in the taxable year ending on the date of distribution or transfer and in the immediately preceding taxable year;

(2) If the taxable year of the distributor or transferor corporation ending on the date of distribution or transfer begins after December 31, 1961, the acquiring corporation shall, in computing taxable income for certain taxable years which begin after the date of distribution or transfer, take into account the excess contributions made by the distributor or transferor corporation in the taxable year ending on such date of distribution or transfer and in any of the four taxable years immediately preceding such taxable year but excluding any taxable year beginning before January 1, 1962 (see paragraph (c)(3) of this section). Notwithstanding the preceding sentence, if the taxable year of the distributor or transferor corporation ending on the date of distribution or transfer begins after December 31, 1961, and before January 1, 1963, the acquiring corporation shall, in computing taxable income for its first taxable year which begins after the date of distribution or transfer, also take into account the excess contributions made by the distributor or transferor corporation in the taxable year immediately preceding the taxable year of the distributor or transferor corporation ending on the date of distribution or transfer (see paragraph (c)(2) of this section).

To determine the amount of excess contributions made by a distributor or transferor corporation and to integrate them with contributions made by the acquiring corporation for the purpose of determining the charitable contributions deductible by the acquiring corporation for its taxable years beginning immediately after the date of distribution or transfer, it is necessary to apply the provisions of section 170(b)(2) and § 1.170–3 in accordance with the conditions and limitations of section 381(c)(19) and this section.

(b) *Manner of computing excess charitable contribution carryovers.* * * *

(3) The excess charitable contributions made by a distributor or transferor corporation in its taxable year ending on the date of distribution or transfer and in certain immediately preceding taxable years (see paragraph (c) of this section) which are not deductible by the distributor or transferor corporation because of the 5-percent limitation of section 170(b)(2) shall be available to the acquiring corporation without diminution by reason of the fact that the acquiring corporation does not acquire 100 percent of the assets of the distributor or transferor corporation. Thus, if a parent corporation owning 80 percent of all classes of stock of its subsidiary corporation were to acquire its share of the assets of the subsidiary corporation upon a complete liquidation described in paragraph (b)(1)(i) of § 1.381(a)–1, then, subject to the conditions and limitations of this section, 100 percent of the excess contributions made by the subsidiary corporation would be available to the acquiring corporation.

(c) *Taxable years to which carryovers apply and amount deductible*—(1) *Taxable years beginning before January 1, 1962.* If the taxable year of the distributor or transferor corporation ending on the date of distribution or transfer begins before January 1, 1962:

(i) The excess charitable contributions made by a distributor or transferor corporation in its taxable year immediately preceding that ending on the date of distribution or transfer, to the extent not deductible by it because of the limitations of section 170(b)(2) in its taxable year ending on that date, shall be deductible by the acquiring corporation to the extent prescribed by section 170(b)(2) in its first taxable year beginning after the date of distribution or transfer. Any portion of such excess which is not deductible under this section by the acquiring corporation in such first taxable year shall not be deducted by that corporation in any other taxable year.

(ii) The excess charitable contributions made by a distributor or transferor corporation in its taxable year ending on the date of distribution or transfer shall first be deductible by the acquiring corporation to the extent prescribed by section 170(b)(2) and this section in its first taxable year beginning after that date and then, to the extent prescribed by section 170(b)(2) and this section, in its second taxable year beginning after that date. Any portion of such excess which is not deductible under this section by the acquiring corporation in such first and second taxable years shall not be deducted by that corporation in any other taxable year.

(2) *Taxable years beginning in 1962.* If the taxable year of the distributor or transferor corporation ending on the date of distribution or transfer begins after December 31, 1961, and before January 1, 1963:

(i) The excess charitable contributions made by a distributor or transferor corporation in its taxable year immediately preceding that ending on the date of distribution or transfer, to the extent not deductible by it because of the limitations of section 170(b)(2) in its taxable year ending on that date, shall be deductible by the acquiring corporation to the extent prescribed by section 170(b)(2) in its first taxable year beginning after the date of distribution or transfer. Any portion of such excess which is not deductible under this section by the acquiring corporation in such first year shall not be deducted by that corporation in any other taxable year.

(ii) The excess charitable contributions made by a distributor or transferor corporation in its taxable year ending on the date of distribution or transfer and beginning after December 31, 1961, and before January 1, 1963, shall first be deductible by the acquiring corporation to the extent prescribed by section 170(b)(2) and this section in its first taxable year beginning after that date and then, to the extent prescribed by section 170(b)(2) and this section, in its second, third, fourth, and fifth taxable year, in order of time, beginning after that date. Any portion of such excess which is not deductible under this section by the acquiring corporation in such 5 taxable years shall not be deducted by that corporation in any other taxable year.

(3) *Taxable years beginning after December 31, 1962.* (i) If the taxable year of the distributor or transferor corporation ending on the date of distribution or transfer begins after December 31, 1962, the excess charitable contributions made by a distributor or transferor corporation in its taxable year ending on the date of distribution or transfer and in each of its 4 immediately preceding taxable years (excluding any taxable year beginning before January 1, 1962), to the extent not deductible by it because of the limitations of section 170(b)(2) in its taxable year ending on the date of distribution or transfer or its prior taxable years, shall be deductible by the acquiring corporation to the extent prescribed by section 170(b)(2) and subdivision (ii) of this subparagraph, in its taxable years which begin after the date of distribution or transfer. However, any portion of the excess charitable contributions made by a distributor or transferor corporation in a particular taxable year (to which this subparagraph is applicable) which is not deductible under this section within the 5 taxable years immediately following the taxable year in which the contribution was paid by the distributor or transferor corporation shall not be deductible by the acquiring corporation in any other taxable year.

(ii) For purposes of determining the 5 taxable years in which the excess contributions may be deducted, all taxable years of the distributor or transferor corporation subsequent to the taxable year in which the excess contribution was made, including the taxable year ending on the date of distribution or transfer shall be treated as taxable years of the acquiring corporation.

(iii) The provisions of this subparagraph may be illustrated by the following example:

Example. X Corporation and Y Corporation both compute taxable income on the calendar year basis. X Corporation has excess charitable contributions for 1962 and 1964. On December 31, 1966, X Corporation distributes all its assets to Y Corporation in a complete liquidation to which section 381(a) applies. The excess 1962 charitable contributions of X Corporation (to the extent not deductible by X because of the limitations of section 170(b)(2) in its taxable years 1963 through 1966) may be deducted by Y Corporation only in 1967. Y Corporation's taxable year 1967 is the fifth taxable year succeeding the taxable year 1962 (the year in which the excess contributions were made), and the portion of such excess contributions which is not deductible in the 5 taxable years immediately succeeding 1962 (1963 through 1967) is not deductible by Y Corporation in any other taxable year. Any excess charitable contributions for 1964 to which Y Corporation may be entitled must be deducted by Y Corporation (if deductible at all) in 1967, 1968, and 1969 since such years are the third, fourth, and fifth taxable years succeeding the taxable year 1964 (the year in which the excess contributions were paid).

(4) *General rules.* No excess charitable contributions made by a distributor or transferor corporation shall be deductible by the acquiring corporation in its taxable year which includes the date of distribution or transfer. In addition, an excess charitable contribution made by a distributor or transferor corporation in a taxable year prior to the taxable year of the transfer is only deductible by the distributor or transferor corporation, subject to the limitations of section 170(b)(2), in its subsequent taxable years which begin on or before the date of distribution or transfer, and by the acquiring corporation in its taxable year (or years) beginning after the date of distribution or transfer.

(d) *Rules governing amounts deductible by acquiring corporations.* (1) In applying the provisions of section 170(b)(2) for the purpose of determining the amount of excess charitable contributions which are deductible by the acquiring corporation in its taxable years beginning after the date of distribution or transfer, all taxable years of the distributor or transferor and acquiring corporations which, with respect to a particular taxable year beginning after the date of distribution or transfer, constitute the same numbered preceding taxable year shall together be considered as one taxable year even though the taxable years involved may not end on the same date. Thus, for example, all taxable years of the distributor or transferor and acquiring corporations which, with respect to the first taxable year of the acquiring corporation beginning after the date of distribution or transfer, constitute the second preceding taxable year shall together be considered as one taxable year even though the taxable years involved may not end on the same date. Any excess charitable contributions carried over from preceding taxable years which are considered as one taxable year shall be taken into account by the acquiring corporation as one amount, without regard to the extent to which the contributions were made by a distributor or transferor corporation or the acquiring corporation.

(2) For purposes of this paragraph, each taxable year of the distributor or transferor corporation beginning on or before the date of distribution or transfer shall be treated as a preceding taxable year with reference to the acquiring corporation's taxable years beginning after such date. For example, the taxable year of a distributor or transferor corporation which ends on the date of distribution or transfer shall be considered a first preceding taxable year with reference to the acquiring corporation's first taxable year beginning after that date, a second preceding taxable year with reference to the acquiring corporation's second taxable year beginning after that date, and so forth with respect to succeeding taxable years of the acquiring corporation. Also, for example, the taxable year of a distributor or transferor corporation which immediately precedes its taxable year ending on the date of distribution or transfer shall be considered a second preceding taxable year with reference to the acquiring corporation's first taxable year beginning after that date.

* * * * *

PAR. 7. Section 1.545 is amended by revising section 545(b) (1) and (2), and by revising the historical note. These revised provisions read as follows:

§ 1.545 Statutory provisions; undistributed personal holding company income.

Sec. 545. *Undistributed personal holding company income.* * * *

(b) *Adjustments to taxable income.* * * *

(1) *Taxes.* There shall be allowed as a deduction Federal income and excess profits taxes (other than the excess profits tax imposed by subchapter E of chapter 2 of the Internal Revenue Code of 1939 for taxable years beginning after December 31, 1940) and income, war profits and excess profits taxes of foreign countries and possessions of the United States (to the extent not allowable as a deduction under section 275(a)(4)), accrued during the taxable year or deemed to be paid by a domestic corporation under section 902(a)(1) or 960(a)(1)(C) for the taxable year, but not including the accumulated earnings tax imposed by section 531, the personal holding company tax imposed by section 541, or the taxes imposed by corresponding sections of a prior income tax law. A taxpayer which, for each taxable year in which it was subject to the tax imposed by section 500 of the Internal Revenue Code of 1939, deducted Federal income and excess profits taxes when paid for the purpose of computing subchapter A net income under such Code, shall deduct taxes under this paragraph when paid, unless the taxpayer elects, in its return for a taxable year ending after June 30, 1954, to deduct the taxes described in this paragraph when accrued. Such an election shall be irrevocable and shall apply to the taxable year for which the election is made and to all subsequent taxable years.

(2) *Charitable contributions.* The deduction for charitable contributions provided under section 170 shall be allowed, but in computing such deduction the limitations in section 170(b)(1) (A) and (B) shall apply, and section 170(b) (2) and (5) shall not apply. For purposes of this paragraph, the term "adjusted gross income" when used in section 170(b)(1) means the taxable income computed with the adjustments (other than the 5-percent limitation) provided in the first sentence of section 170(b) (2) and (5) and without deduction of the amount disallowed under paragraph (8) of this subsection.

* * * * *

[Sec. 545 as amended by sec. 32, Technical Amendments Act 1958 (72 Stat. 1631); sec. 9(d)(2), Rev. Act 1962 (76 Stat. 1001); secs. 207(b)(5) and 209(c)(2), Rev. Act 1964 (78 Stat. 42, 46)]

PAR. 8. Paragraph (b) of § 1.545-2 is amended by revising subparagraphs (1) and (2) to read as follows:

§ 1.545-2 Adjustments to taxable income.

* * * * *

(b) *Charitable contributions.* (1) Section 545(b)(2) provides that, in computing the deduction for charitable contributions for purposes of determining undistributed personal holding company income of a corporation, the limitations in section 170(b)(1) (A) and (B) (relating to charitable contributions by individuals) shall apply and section 170(b) (2) and (5) (relating to charitable contributions by corporations and carryover of certain excess charitable contributions made by individuals, respectively) shall not apply.

(2) Although the limitations of section 170(b)(1) (A) and (B) are 10 and 20 percent, respectively, of the individual's adjusted gross income, the limitations are applied for purposes of section 545(b)(2) by using 10 and 20 percent, respectively, of the corporation's taxable income as adjusted for purposes of section 170(b)(2) (that is, the same amount of taxable income to which the 5-percent limitation applied). Thus, the term "adjusted gross income" when used in section 170(b)(1) means the corporation's taxable income computed with the adjustments (other than the 5-percent limitation) provided in the first sentence of section 170(b)(2). However, a further adjustment for this purpose is that the taxable income shall also be computed without the deduction of the amount disallowed under section 545(b)(8) (relating to expenses and depreciation applicable to property of the taxpayer). The carryover of charitable contributions made in a prior year, otherwise allowable as a deduction in computing taxable income to the extent provided in section 170(b)(2) and, with respect to contributions paid in taxable years beginning after December 31, 1963, in section 170(b)(5), shall not be allowed as a deduction in computing undistributed personal holding company income for any taxable year.

* * * * *

PAR. 9. Section 1.556 is amended by revising section 556(b) (1) and (2), and by revising the historical note. These revised provisions read as follows:

§ 1.556 Statutory provisions; undistributed foreign personal holding company income.

Sec. 556. *Undistributed foreign personal holding company income—* * * *

term "adjusted gross income" when used in section 170(b)(1) means the taxable income computed with the adjustments (other than the 5-percent limitation) provided in the first sentence of section 170(b) (2) and (5) and without deduction of the amount disallowed under paragraph (8) of this subsection.

* * * * *

[Sec. 545 as amended by sec. 32, Technical Amendments Act 1958 (72 Stat. 1631); sec. 9(d)(2), Rev. Act 1962 (76 Stat. 1001); secs. 207(b)(5) and 209(c)(2), Rev. Act 1964 (78 Stat. 42, 46)]

PAR. 8. Paragraph (b) of § 1.545-2 is amended by revising subparagraphs (1) and (2) to read as follows:

§ 1.545-2 Adjustments to taxable income.

* * * * *

(b) *Charitable contributions.* (1) Section 545(b)(2) provides that, in computing the deduction for charitable contributions for purposes of determining undistributed personal holding company income of a corporation, the limitations in section 170(b)(1) (A) and (B) (relating to charitable contributions by individuals) shall apply and section 170 (b) (2) and (5) (relating to charitable contributions by corporations and carryover of certain excess charitable contributions made by individuals, respectively) shall not apply.

(2) Although the limitations of section 170(b)(1) (A) and (B) are 10 and 20 percent, respectively, of the individual's adjusted gross income, the limitations are applied for purposes of section 545(b)(2) by using 10 and 20 percent, respectively, of the corporation's taxable income as adjusted for purposes of section 170(b)(2) (that is, the same amount of taxable income to which the 5-percent limitation applied). Thus, the term "adjusted gross income" when used in section 170(b)(1) means the corporation's taxable income computed with the adjustments (other than the 5-percent limitation) provided in the first sentence of section 170(b) (2) and (5) and without the deduction of the amounts disallowed under paragraphs (5) and (6) of this subsection or the inclusion in gross income of the amounts includible therein as dividends by reason of the application of the provisions of section 555(b) (relating to the inclusion in gross income of a foreign personal holding company of its distributive share of the undistributed foreign personal holding company income of another company in which it is a shareholder). However, a further adjustment for this purpose is that the taxable income shall also be computed without the deduction of the amount disallowed under section 556(b)(5) (relating to expenses and depreciation applicable to property of the taxpayer), and section 556(b)(6) (relating to taxes and contributions to pension trusts), and without the inclusion of the amounts includible as dividends under section 555(b) (relating to the inclusion in gross income of a foreign personal holding company of its distributive share of the undistributed foreign personal holding company income of another company in which it is a shareholder). The carryover of charitable contributions made in a prior year, otherwise allowable as a deduction in computing taxable income to the extent provided in section 170(b)(2) and, with respect to contributions paid in taxable years beginning after December 31, 1963, in section 170(b)(5), shall not be allowed as a deduction in computing undistributed foreign personal holding company income for any taxable year.

* * * * *

[Sec. 556 as amended by sec. 33, Technical Amendments Act 1958 (72 Stat. 1632); secs. 207(b)(6) and 209(c)(2), Rev. Act 1964 (78 Stat. 42, 46)]

PAR. 10. Paragraph (b) of § 1.556-2 is amended by revising subparagraphs (1) and (2) to read as follows:

§ 1.556-2 Adjustments to taxable income.

* * * * *

(b) *Charitable contributions.* (1) Section 556(b)(2) provides that, in computing the deduction for charitable contributions for purposes of determining the undistributed foreign personal holding company income of a corporation, the limitations in section 170(b)(1) (A) and (B) (relating to charitable contributions by individuals) shall apply and section 170(b) (2) and (5) (relating to charitable contributions by corporations and carryover of certain excess charitable contributions made by individuals, respectively) shall not apply.

(2) Although the limitations of section 170(b)(1) (A) and (B) are 10 and 20 percent, respectively, of the individual's adjusted gross income, the limitations are applied for purposes of section 556(b)(2) by using 10 and 20 percent, respectively, of the corporation's taxable income as adjusted for purposes of section 170(b)(2) (that is, the same amount of taxable income to which the 5-percent limitation applied). Thus, the term "adjusted gross income" when used in section 170(b)(1) means the corporation's taxable income computed with the adjustments (other than the 5-percent limitation) provided in the first sentence of section 170(b)(2). However, a further adjustment for this purpose is that the taxable income shall also be computed without the deduction of the amount disallowed under section 556(b)(5) (relating to expenses and depreciation applicable to property of the taxpayer), and section 556(b)(6) (relating to taxes and contributions to pension trusts), and without the inclusion of the amounts includible as dividends under section 555(b) (relating to the inclusion in gross income of a foreign personal holding company of its distributive share of the undistributed foreign personal holding company income of another company in which it is a shareholder). The carryover of charitable contributions made in a prior year, otherwise allowable as a deduction in computing taxable income to the extent provided in section 170(b)(2) and, with respect to contributions paid in taxable years beginning after December 31, 1963, in section 170(b)(5), shall not be allowed as a deduction in computing undistributed foreign personal holding company income for any taxable year.

* * * * *

[F.R. Doc. 65-12084; Filed, Nov. 9, 1965; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 65-CE-133]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter controlled airspace in the Columbus, Ind., terminal area.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Columbus terminal area as a result of the recent installation by the City of Columbus, Ind., of an "MH" facility to serve the Columbus Municipal Airport and the development of an ADF instrument procedure utilizing this facility as a navigational aid, proposes the following airspace action:

Designate the Columbus, Ind., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of the Columbus Municipal Airport (latitude 39°08'09" N., longitude 85°55'29" W.), and within 2 miles each side of the 225° T (224° M) bearing from the Columbus Municipal Airport extending from the 5-mile radius

area to 12 miles SW of the airport, excluding that portion which overlies the Atterbury, Ind., 700-foot transition area.

The ADF instrument approach procedure will become effective concurrently with the effective date of the airspace action proposed herein. Specific details concerning this procedure may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

The controlled airspace proposed herein will underlie a 1,200-foot transition area proposed for the Louisville, Ky., terminal area.

The floors of the airways that would traverse the transition area proposed herein would automatically coincide with the floors of the transition area. The proposed transition area will provide protection for departing aircraft during climb from 700 to 1,200 feet above the surface. It will also provide controlled airspace protection for aircraft executing the prescribed instrument approach procedure during descent from 1,500 to 700 feet above the surface.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on October 28, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65-12066; Filed, Nov. 9, 1965; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-SW-31]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the Stuttgart, Ark., transition area.

The Stuttgart, Ark., transition area is designated as that airspace extending upward from 700 feet above the surface within a 5-mile radius of the Stuttgart Municipal Airport (latitude 34°36'15" N., longitude 91°34'30" W.); and within 2 miles each side of the Little Rock VORTAC 098° radial extending from the 5-mile radius area to 20 miles E of the Little Rock VORTAC.

The Federal Aviation Agency proposes to redesignate the Stuttgart, Ark., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of the Stuttgart Municipal Airport (latitude 34°36'15" N., longitude 91°34'30" W.); and within 2 miles each side of the Little Rock VORTAC 098° radial (092° magnetic) extending from the 5-mile radius area to 20 miles E of the Little Rock VORTAC; and within 2 miles each side of the 350° bearing (344° magnetic) from the Stuttgart RBN (latitude 34°39'52" N., longitude 91°35'30" W.) extending from the 5-mile radius area to 8 miles north of the RBN.

This proposal would add a north extension to the existing Stuttgart, Ark., transition area which will be necessary to provide protection for aircraft executing an ADF approach procedure to be established upon the commissioning of the Stuttgart radio beacon approximately November 1, 1965.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Agency, Post Office Box 1689, Fort Worth, Tex., 76101. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Agency, Fort Worth, Tex. An informal Docket will also be available for examination at the Office of the Chief, Air Traffic Division.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on November 1, 1965.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 65-12067; Filed, Nov. 9, 1965; 8:46 a.m.]

[14 CFR Part 91]

[Docket No. 6747; Notice No. 65-34]

CONSUMPTION OF ALCOHOLIC BEVERAGES BY CREWMEMBERS BEFORE OPERATION OF AIRCRAFT

Notice of Proposed Rule Making

The Federal Aviation Agency is considering amending Part 91 of the Federal Aviation Regulations to prohibit any person from acting as a crewmember of a civil aircraft within eight hours after he consumes any alcoholic beverage.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before January 10, 1966, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket before and after the closing date for comments.

The present provisions related to drinking are in § 91.11, and provide that no person may act as a crewmember while under the influence of intoxicating liquor, but there is now no specific regulation against drinking by crewmembers before or during flight.

On June 25, 1965, an advance notice of proposed rule making was issued (30 F.R. 8799) stating the Agency was considering the need for an expanded regulation concerning the drinking of alcoholic beverages by crewmembers before and during flight. Public participation was invited in identifying and selecting a course or alternate courses of action to prohibit or otherwise restrict persons from acting as crewmembers of civil aircraft after the consumption of alcoholic beverages.

Each aircraft accident that occurs has an adverse affect on the entire aviation community. It is the duty of this Agency to take all reasonable steps available to prevent these accidents. From the statistical data available to the Agency, it appears that there is a reasonable possibility that the use of alcohol has contributed to the cause of a number of these accidents. Measurable blood alcohol was found in a number of autopsies performed on pilots in command who were fatally injured. The Agency therefore considers that it would be in the public interest to formulate a practical rule for the guidance of the aviation community with respect to the use of alcohol before or during flight.

Even small amounts of alcohol affect judgment, coordination, performance, and reaction time. Also, altitude accentuates the effects of alcohol, and harmful effects of alcohol continue after the alcohol itself has left the blood, even in the absence of a hangover.

As stated in the advance notice, the ability of a crewmember to perform without impairment of his judgment, coordination, and reaction time is an essential element in the safety of flight, and in the effectiveness of air traffic systems in controlling air traffic. The possible effect of alcohol consumption by a crewmember upon this performance is a matter of serious concern to the Agency. It is also a matter of the most serious concern to the flying public sharing the airspace with the drinker as well as to persons and property on the ground.

The advance notice referred to several possible methods of control: prohibiting a person from acting as a crewmember for some fixed period of time after consuming any alcoholic beverage or at any time the alcohol in his blood exceeded a specific level. It also referred to possible issuance of an Advisory Circular providing guidelines to the public on the alcohol blood levels that would be present after drinking various kinds and quantities of alcoholic beverages, variations among individuals, and the passage of time.

A majority of the comments received from the public on Notice No. 65-15 favored the Agency's proposal to strengthen its regulations. Of those endorsing the program, the majority further indicated that a specific time limit should be established that would prohibit the consumption of alcoholic beverages within twelve hours, or even a longer time, before engaging in flight operations. A smaller number favored only the educational process, or the regulatory establishment of specific blood alcohol levels, and such enforcement means as spot checks, and "implied consent" provisions requiring crewmembers, upon obtaining airman certificates, to consent to sobriety examinations when airport officials or other responsible persons have reason to believe they have been drinking before or during flight. The comments opposed to additional regulatory controls generally were concerned with the problem of enforceability. However, the Agency believes that the proposal made in this notice will strengthen the enforceability of the present regulations and also serve as a deterrent against a person's serving as a crewmember too soon after or while drinking.

After further study of the matter, in view of the available data and in consideration of the views expressed by the large majority of the comments on Notice No. 65-15, the Agency believes that a person should be prohibited from acting as a crewmember of a civil aircraft within a specified period of time after consumption of alcoholic beverages. This notice of proposed rule making proposes the addition of such a prohibition to § 91.11.

Of the favorable comments, some did not specify a preferred time period, a few favored an 8-hour or 8- to 12-hour time period, and approximately one-half favored a time period of 12 hours or longer. The Agency has carefully considered what time limit should be proposed, and it has concluded that an 8-hour rule is appropriate for the deterrence and enforcement purposes involved, as a "rock-bottom" minimum beyond which safety would be jeopardized. It is therefore proposed that the amendment to § 91.11 provide a prohibition for this time period. At the same time, it must be clearly understood that the proposed rule is not intended to induce the relaxation of any stricter rules that a number of air carriers and other operators of aircraft have in effect. The Agency is by no means endeavoring to indicate that longer time limits should not be self-imposed, or should be disregarded, by these aircraft operators.

It should be noted that the discussions of alcohol and flying in the advance notice and this notice of proposed rule making are not intended to indict pilots and other crewmembers as a group. The primary concern, in proposing an additional regulation, is not with the small marginal group for whom it is needed. The Agency believes that the proposed regulation will serve as a deterrent for some of the latter group and, when necessary, will be helpful in the enforcement of the regulations against others of this group.

The Agency will continue its studies with respect to alcohol and flying, and the related matters of publicity, education, and regulatory establishment of specific blood alcohol levels.

The term "intoxicating liquor" has been used in § 91.11(a) and its predecessor provision, § 43.43 of Part 43 of the Civil Air Regulations. The term "alcoholic beverage" has been used in § 121.575 of Part 121 of the Federal Aviation Regulations as well as predecessor provisions from which it was recodified. The terms "alcohol" and "alcoholic beverage" would now be used in § 91.11 for consistency and accuracy.

In consideration of the foregoing, it is proposed to amend paragraph (a) of § 91.11 of the Federal Aviation Regulations to read as follows:

§ 91.11 Liquor and drugs.

(a) No person may act as a crewmember of a civil aircraft—

(1) Within 8 hours after the consumption of any alcoholic beverage;

(2) While under the influence of alcohol; or

(3) While using any drug that affects his faculties in any way contrary to safety.

* * * * * *

This amendment is proposed under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421).

Issued in Washington, D.C., on November 3, 1965.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 65-12068; Filed, Nov. 9, 1965; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 15936; FCC 65-999]

FM BROADCAST STATIONS, NEW CASTLE, IND.

Table of Assignments

Report and order. 1. The Commission has under consideration its notice of proposed rule making, FCC 65-277, issued on April 2, 1965, and proposing to add the assignment of FM Channel 221A to New Castle, Ind.

2. Newcastle Broadcasting Corp., an applicant for a new standard broadcast station at New Castle, filed comments in support of the proposal. However, it has been brought to the Commission's attention that the proposed assignment would be short-spaced to an existing station, WTTV-FM, on Channel 222 at Bloomington, Ind., the transmitter of which is located about 26.5 miles northeast of the city. In view of this short spacing the proposal will have to be withdrawn.

3. In view of the foregoing, the proposed amendment of § 73.202 is withdrawn: *And it is ordered,* That this proceeding is terminated.

Adopted: November 3, 1965.

Released: November 5, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12101; Filed, Nov. 9, 1965; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 176, 187]

[Ex Parte No. MC-19, MC-61]

MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS

Practices and Released Rates

NOVEMBER 2, 1965.

Practices of motor common carriers of household goods, ex parte No. MC-19; released rates of motor common carriers of household goods, ex parte No. MC-61.

In AAA Storage Co. v. United States, Civil No. 65-21-PH, S.D. Cal., August 12, 1965, the decision of the Commission in these proceedings, adopting a number of new rules governing the transportation of household goods, rescinding outstanding released rates orders, and adopting a new uniform released rates order, MC-505, was affirmed in part and reversed in part. The court stated:

The plaintiffs have challenged the action of the Interstate Commerce Commission on

[1] Commissioner Hyde absent. Commissioner Cox concurring and issuing a statement filed as part of the original document.

several grounds and in several particulars. All of such challenges are rejected save one. • • •

With respect to the rate per hundredweight over and above the base rate to be charged by a carrier under Order No. MC–505 to a shipper where the carrier is to be liable for the shipper's actual loss up to an amount of $10,000, Order No. MC–505 establishes a rate which plainly is not "dependent upon or varying with declared or agreed values," as required by the Act.

We therefore hold that Order No. MC–505 is void in its fixing of the rate of fifty (50) cents per hundredweight to be charged by the carrier for liability of the carrier for actual loss to the shipper, released to a value greater than sixty (60) cents per pound per article, up to a total of $10,000 per shipment. The rate to be charged under the order for liability for actual loss to the shipper in an amount to exceed $10,000 insofar as that rate is predicated upon the rate for liability for actual loss up to $10,000 is also void.

In all other respects the Court holds that the action of the Commission complained of is valid.

The matter is remanded to the Interstate Commerce Commission for further consideration and proceedings consistent herewith, and in the meanwhile the present injunction will remain in force, subject to dissolution on motion at the conclusion of such remanded proceedings.

By order dated September 7, 1965, the Commission has reopened these proceedings for further consideration.

There may be any number of courses of action consistent with the Court's instructions, and the Commission, by this notice, invites the suggestions and comments of all interested persons, as well as verified statements by anyone wishing to file them on any pertinent matter herein. Without prejudging the matter, but rather in the interest of stimulating comment, criticism, and counter-proposals, the Commission has prepared and attached hereto proposed orders providing for liability, at basic rates, of 60 cents per pound per article, and further providing for full liability up to a declared value upon payment of a charge of 50 cents per $100 of valuation, with a further provision requiring a minimum declaration in order to prevent excessive undervaluation of shipments.

Suggestions, comments, criticisms, and verified statements, if any, should be submitted in original and 14 copies, to the Secretary of the Commission not later than December 1, 1965. No specific form is prescribed for these comments. However, they should be as brief as possible.

Notice to the general public will be given by depositing a copy of this notice in the office of the Secretary of the Commission for inspection, and by filing a copy with the Director, office of the Federal Register. In addition, copies of this notice will be served upon all parties of record.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

Upon reconsideration of the record in Ex Parte No. MC–61, Released Rates of Motor Common Carriers of Household Goods, the Commission, on the date hereof, has made and filed its report herein setting forth the basis for its conclusions and findings therein, which report is hereby referred to and made a part hereof:

It is ordered, That, § 187.201 (49 CFR 187.201) be, and it is hereby, amended to read as follows:

§ 187.201 Released rates on household goods.

(a) *Establishment authorized; rate bases.* Subject to the conditions specified in succeeding paragraphs hereof, each motor common carrier authorized to perform the specialized service of a household goods carrier be, and it is hereby, authorized to establish and maintain by filing and posting in the manner required by the Interstate Commerce Act, commodity rates for the transportation in interstate or foreign commerce, and charges for accessorial services in connection therewith, of household goods, as defined by the Commission, said rates and charges to be applicable only when the value of the property as declared by the shipper in writing, or agreed upon in writing as the released value thereof is as follows:

Released values and liability limitations	Transportation rate basis	Storage in transit rate basis
Released to a value not exceeding 60 cents per pound per article for the actual weight of any article or articles in a shipment.	Base transportation rate.	Base storage rate.
Released to a declared lump sum value for an entire shipment. However, if the value declared is less than $1.00 times the actual weight (in pounds) of the shipment, such declaration will be ineffective, and the shipment will be deemed instead to have been released to a declared lump sum value equal to $1.00 times the actual total weight (in pounds) of the shipment.	Base transportation rate plus a valuation charge of 50 cents for each $100.00 or fraction thereof of the released value of the entire shipment.	Base storage rate for first 60-day period of storage. Thereafter, base storage rate plus a value charge of 10 cents per $100.00 or fraction thereof, for each storage period of 30 days or fraction thereof.

No rule of coresponsibility may be employed to reduce the liability of the carrier for loss, damage, or delay to the property. The total parts comprising any article knocked down or taken apart for handling or loading shall constitute one article for the purpose of determining the carrier's liability as provided above.

(b) *Changes in rates or released valuations.* Changes may be made in the rates or charges established under the authority of this order, but the released values provided herein may not be decreased, nor may the value charges as specified herein be increased without specific authority of this Commission.

(c) *Statement on orders for services and bills of lading.* The order for services and the bill of lading issued for any shipment accepted for transportation and storage at released rates and charges established and maintained under authority of this order, shall have printed in distinctive color in boldface type on the face thereof a statement reading as follows:

Unless the shipper expressly releases the shipment to a value of 60 cents per pound per article, the carrier's maximum liability for loss and damage shall be either the lump sum value declared by the shipper or an amount equal to $1.00 for each pound of weight in the shipment, whichever is greater.

The release of value must be entered in the following form directly below and immediately following the foregoing statement, and must be completed only by the person signing it.

Shipper, by signature below, agrees to the conditions hereon and the contract terms and conditions on the back hereof and hereby releases the entire shipment to a value not exceeding----------

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(to be completed by the person signing below)

NOTICE: The shipper signing this contract must insert in the space above, in his own handwriting, either his declaration of the actual value of the shipment, or the words "60 cents per pound per article."

(Shipper)

(Date)

(d) *Statement in tariffs.* Tariffs containing rates or charges established under authority of this order shall specifically provide that the carrier's maximum liability for loss of or damage to property shall be the lump sum value declared or an amount equal to $1.00 for each pound of weight in the shipment, whichever is greater, unless the shipper expressly releases the shipment to a value of 60 cents per pound per article, in which case the carrier's liability shall not exceed that value. No rule of coresponsibility may be employed. Such tariffs shall show the following notation:

Rates or charges herein based on released value have been authorized by the Interstate Commerce Commission in Released Rates Order No. ------ of ------ subject to complaint or suspension.

(e) *Limitation of authority.* This section does not constitute authority for the establishment of released rates or charges on any description of traffic other than herein specifically indicated, nor on traffic originating in an adjacent foreign country destined to points in the United States.

(f) *Lawfulness of rates.* The Commission does not hereby approve the lawfulness, except under sections 20(11) and 219 of the Interstate Commerce Act of any rate or charge which may be filed under authority of this section.

It is further ordered, That Released Rates Orders Nos. MC–2–B of April 21, 1953, MC–309 of March 28, 1950, MC–330 of May 22, 1951, MC–362 of May 24, 1954, and MC–429 of September 26, 1958, be, and they are hereby, rescinded as of ----------, the date this order is to become effective.

(Sec. 204, 49 Stat. 546, as amended, 49 U.S.C. 304, interpret or apply Sec. 219, as amended, 20, as amended, 49 Stat. 563, as amended, 24 Stat. 386, as amended, 49 U.S.C. 319, 20)

Upon reconsideration of the record in these proceedings, the Commission, on the date hereof, has made and filed its report herein setting forth the basis for its conclusions and findings therein, which report is hereby referred to and made a part hereof:

It is ordered, That the paragraphs of § 176.12 (49 CFR 176.12) entitled "Transportation rates and released values" and "Carrier responsibility for loss and damage" be, and they are hereby, amended to read as follows:

Transportation rates and released values. Rates are stated in amounts per hundred pounds, depending upon the distance involved. The carriers' charges also vary according to the released or declared value of the shipment. The carrier's tariff provides that at its lowest rates the carrier's responsibility for loss or damage caused by it is limited to 60 cents per pound per article for the actual weight of each lost or damaged article. Many articles are worth more than this, and some are worth a great deal more. If you wish to be paid full value for lost or damaged items, you must declare a lump sum value and pay an extra charge depending upon the value you declare. The charge is 50 cents for each $100 of value declared. The carrier will then be fully liable up to the amount you declare, for loss or damage to any articles unless due to an excepted cause as provided in its tariff. By the time you receive this information sheet, the carrier should have provided you with a copy of its bill of lading containing a full list of these exceptions, and if you have not received one, you should request it.

If you declare a lump sum value but your declaration is for a total value less than $1.00 for each pound of weight in the shipment, your declaration will be automatically increased to the latter amount in order to protect both you and the carrier from an excessive underestimate. The average household goods shipment is worth about $1.00 per pound.

Carrier responsibility for loss and damage. At its lowest rates, the carrier's responsibility for loss or damage caused by it is limited to 60 cents per pound per article for the actual weight of each lost or damaged article. Many articles are worth more than this, and some are worth a great deal more. If you wish to be paid full value for lost or damaged items, you must declare a lump sum value and pay an extra charge depending upon the value you declare. The charge is 50 cents for each $100 of value declared. The carrier will then be fully liable up to the amount you declare, for loss or damage to any articles unless due to an excepted cause as provided in its tariff. By the time you receive this information sheet, the carrier should have provided you with a copy of its bill of lading containing a full list of these exceptions, and if you have not received one, you should request it.

If you declare a lump sum value but your declaration is for a total value less than $1.00 for each pound of weight in the shipment, your declaration will be automatically increased to the latter amount in order to protect both you and the carrier from an excessive underestimate. The average household goods shipment is worth about $1.00 per pound.

It is further ordered, That a new rule numbered § 176.15 (49 CFR § 176.15) be, and it is hereby, added to read as follows:

§ 176.15 Bill of lading conditions.

During the course of the first interview with every prospective shipper, every carrier of household goods shall cause to be given to the prospective shipper a blank form of its bill of lading, showing all exceptions, conditions, and limitations bearing upon the carrier's liability for loss and damage.

It is further ordered, That the rules herein prescribed and the released rates order attached hereto, be, and they are hereby, prescribed to become effective on

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It is further ordered, That the proceedings in Ex Parte No. MC–19, Practices of Motor Common Carriers of Household Goods, and Ex Parte No. MC–61, Released Rates of Motor Common Carriers of Household Goods, be, and they are hereby, discontinued.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

(Secs. 204, 216, 217, 219, 220, 223, 49 Stat. 546, as amended, 558, as amended, 560, as amended, 563, as amended, 565, as amended; 49 U.S.C. 304, 316, 317, 319, 320, 323)

[F.R. Doc. 65–11977; Filed, Nov. 9, 1965; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SIZE STANDARDS

Notice of Hearing on Definition of Small Business for Purpose of Bidding on Government Procurements for Products Classified in SIC 2026, Fluid Milk

Notice is hereby given that the Small Business Administration proposes to hold a hearing on the definition of a small business for the purpose of bidding on Government contracts for products classified in SIC Industry 2026, Fluid Milk. The hearing will take place November 30, 1965, at 10 a.m., e.s.t., in Room 1143, 811 Vermont Avenue NW., Washington, D.C. Interested persons may file with the Office of Economic Analysis, on or before November 26, 1965, written statements of facts, opinions, or arguments concerning the appropriate definition of small business for the purpose of bidding on Government procurements for products classified in SIC Industry 2026, Fluid Milk.

All correspondence on this matter should be addressed to:

Padraic P. Frucht, Assistant Administrator for Economics,
Office of Economic Analysis,
Small Business Administration,
811 Vermont Avenue NW.,
Washington, D.C., 20416.

On September 14, 1965, a notice of proposal was published in the FEDERAL REGISTER (30 F.R. 11734) which proposed to amend the definition of a small business for the purpose of bidding on Government procurements for products classified in SIC Industry No. 2026, Fluid Milk, by increasing the present size standard of 500 employees or less to 750 employees or less.

Due to the wide variance of opinions within industry as to the effect on competition which would result from an increase in the size standard, SBA has decided that it would be in the public interest to hold an industry hearing to allow interested parties an opportunity to state their positions, furnish information in support of their positions, and make comments in rebuttal of or in support of the positions taken by other parties.

The Small Business Act provides that competition should be maintained and strengthened by requiring the Federal Government to purchase a "fair share" of its procurements from small business.

Therefore, SBA is interested in receiving information relating to the following: (1) What is the present competitive structure of the Fluid Milk industry, both nationally and in a given market area? (2) Is there a difference in the size structure of concerns bidding on Government procurements for products classified in SIC 2026, Fluid Milk (both procurements set-aside for small business and non-set-aside procurements) as compared with the overall competitive structure of the industry? and (3) What are the economies of scale in the industry and the competitive advantages of concerns of certain size as compared with concerns of a smaller size?

Dated: November 3, 1965.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 65–12078; Filed, Nov. 9, 1965; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

ASIATIC HUMAN HAIR ITEMS

Importation

Notice is hereby given that effective November 10, 1965, wigs and certain other hair products containing Asiatic human hair formerly considered for purposes of the Regulations as manufactures, and for this reason exempt from the import licensing requirements when made outside Communist China, North Korea, or North Viet-Nam, will be regarded as processed forms of human hair. Henceforth, except as noted below, these items and all other products made from Asiatic human hair will be permitted entry into the U.S. only when an appropriate certificate of origin or specific license has been obtained. Such certificates establish the absence of mainland Chinese, North Korean, or North Viet-Namese hair in the certified product and that it was made in the certifying country. Appropriate certificates of origin are defined in § 500.536 of the regulations (31 CFR 500.536).

The items formerly considered as manufactures and now considered as processed forms of hair are the following: Hair pieces, wigs, wiglets, wefted wiglets, chignons, switches, beards, mustaches, and eyelashes. A number of countries already have established agreed certification procedures which can be extended to cover the affected items and Treasury is prepared to consider proposals from other countries.

Licenses will generally be issued for imports of hair items with respect to which letters of credit have been opened prior to November 10, 1965, the effective date, and with respect to hair items exported (loaded aboard carrier) to the U.S. within 20 days after November 10, 1965, the effective date, whether or not a letter of credit was opened prior thereto.

[SEAL] MARGARET W. SCHWARTZ,
Director, Office of Foreign Assets Control.

[F.R. Doc. 65-12137; Filed, Nov. 9, 1965; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. A-346]

BERT ARTHUR BENDER

Notice of Loan Application

Bert Arthur Bender, 7730 Sunnyside Avenue North, Seattle, Wash., 98103, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 30-foot wood gill net vessel to engage in the fishery for salmon in the Cook Inlet area of Alaska.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised August 11, 1965) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C., 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a deteminationation that the contemplated operations of the vessel will or will not cause such economic injury or hardship.

H. E. CROWTHER,
Acting Director,
Bureau of Commercial Fisheries.

NOVEMBER 4, 1965.

[F.R. Doc. 65-12073; Filed, Nov. 9, 1965; 8:46 a.m.]

[Docket No. A-344]

JULIUS R. MAJDIC

Notice of Loan Application

Julius R. Majdic, Post Office Box 2018, Kodiak, Alaska, 99615, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new 32 foot wood combination seine and gill net vessel to engage in the fishery for salmon in the Kodiak area of Alaska.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised August 11, 1965) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C., 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic injury or hardship.

H. E. CROWTHER,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 65-12074; Filed, Nov. 9, 1965; 8:46 a.m.]

Office of the Secretary

OUTER CONTINENTAL SHELF LANDS OFF SOUTHERN CALIFORNIA

Twinning of Existing Core Holes

Pursuant to sec. 11 of the Outer Continental Shelf Lands Act (67 Stat. 462) the Regional Oil and Gas Supervisor of the U.S. Geological Survey is hereby authorized to approve the drilling of core hole wells on unleased outer Continental Shelf lands off the coast of Southern California for the purpose of obtaining geological data provided (1) the well to be drilled is located within 100 feet of a well heretofore drilled under a State permit or such greater distance from such a well as the Supervisor may prescribe where the prior drilled well is less than three geographical miles from the coast line, (2) the maximum depth to which a well may be drilled shall be the depth of the prior drilled well, (3) the approvals to drill core holes granted by the Supervisor shall be conditioned upon compliance with the regulations in 30 CFR Part 250 including those that pertain to the drilling and abandonment of wells and the prevention of pollution or waste, and such other reasonable requirements as he may prescribe, and (4) no approval to drill shall be granted until the applicant has posted an acceptable corporate surety bond in the amount prescribed in 43 CFR 3384.1, conditioned on compliance with all of the requirements set forth in the permits to drill granted by the Supervisor.

Pending decree of the Supreme Court of the United States pursuant to opinion of May 17, 1965, in United States v. California, No. 5, Original, the authorization provided herein shall not extend to the approval of core drilling on submerged lands landward of lines three geographical miles seaward of lines from Point Dume to Point Vicente (in front of Santa Monica Bay) and from Point Fermin to Point Lasuen (in front of San Pedro Bay), unless a mutually satisfactory procedure governing core drilling in these areas is agreed upon in advance between authorized representatives of the State and Federal Governments.

Dated: November 3, 1965.

STEWART L. UDALL,
Secretary of the Interior.

[F.R. Doc. 65-12077; Filed, Nov. 9, 1965; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ROHM & HAAS CO.

Notice of Filing of Petition for Food Additive Polyglyceryl Phthalate Ester

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 4H1478) has been filed by Rohm & Haas Co., Independence Mall West, Philadelphia, Pa., 19105, proposing the issuance of a regulation to provide for the safe use of polyglyceryl phthalate ester of edible coconut oil fatty acids diluted with ethylene dichloride as an adjuvant which is added to pesticide-use dilutions by a grower or applicator prior to application to the raw agricultural commodity.

Dated: November 3, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-12095; Filed, Nov. 9, 1965; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 15234]

INTERNATIONAL TOURS, JACK E. HUMMEL

Enforcement Proceeding; Notice of Reassignment of Hearing

Notice is given herewith that public hearing in the above-entitled proceeding heretofore assigned to be held in Room 1027, Universal Building, on November 16, 1965, will now be held in Room 925, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., at the same hour and on the same date, 10 a.m., e.s.t., on November 16, 1965.

Dated at Washington, D.C., November 3, 1965.

[SEAL] RICHARD A. WALSH,
Hearing Examiner.

[F.R. Doc. 65-12098; Filed, Nov. 9, 1965; 8:48 a.m.]

[Docket No. 16567]

LOS ANGELES AIRWAYS ET AL.

Notice of Prehearing Conference

Los Angeles Airways, Inc., American Airlines, Inc., and United Air Lines, Inc.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on November 12, 1965, at 10 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Merritt Ruhlen.

Dated at Washington, D.C., November 3, 1965.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 65-12099; Filed, Nov. 9, 1965; 8:48 a.m.]

[Docket No. 16643; Order E-22846]

WTC AIR FREIGHT

Parcel Post Liability Rule; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of November 1965.

By tariff revision[1] marked to become effective November 7, 1965, WTC Air Freight (WTC) proposes to establish exceptions to its liability rule applicable to "parcel-post" type traffic. The exceptions provide that the forwarder's liability for loss or damage regarding any parcel post shipment shall be limited to $25.00 per shipment unless a higher value is declared by the shipper at the time the shipment is received by the forwarder, and also to establish a new sliding scale of charges for excess valuation of parcel post shipments, which reach the level of $5.00 per $1000. The effective liability rule, which is applicable to parcel post shipments as well as other shipments, specifies a declared value of 50 cents per pound (but not less than $50.00), and an excess valuation charge of 10 cents per $100.

No complaints have been filed.

The services rendered by WTC are common carrier services irrespective of the carrier's designation of this service as "parcel post." Such forwarder services have historically been subject to liability rules which contemplate a basic liability on the part of the carrier or forwarder for loss or damage to any shipment, and afford an opportunity to any shipper to increase the carrier liability by declaring excess valuation and paying an added charge therefor. While the proposed tariff exceptions contain these elements, the basic liability of the carrier for loss or damage would be reduced and limited to one-half that applicable to nonparcel post shipments, and the charges for excess valuation would be substantially increased for parcel post shipments. Both the limitations and the rates in the proposed rule appear to be unreasonable and the carrier has submitted no data or information in support of this stringent rule applicable to this particular type of traffic.

Upon consideration of the foregoing matter, it appears that the proposed liability rule, affecting the carrier's liability for loss of or damage to any "parcel post" type shipment and increasing the excess valuation charges therefor, may be unjust and unreasonable, unjustly discriminatory or unduly preferential or prejudicial and therefore should be investigated. In view of the substantial impact which this tariff rule may have upon the shipping public and the novelty of establishing such a significantly different liability rule and increased rate scale for a single type of air freight, the Board finds that the proposal should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the charges and provisions on 6th Revised Page 10 of WTC Air Freight, CAB No. 7, and rules, regulations, or practices affecting such charges and provisions are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and if found to be unlawful, to determine and prescribe the lawful charges and provisions and rules, regulations, and practices affecting such provisions;

2. Pending hearing and decision by the Board, all charges and provisions on 6th Revised Page 10 of WTC Air Freight, CAB No. 7, are suspended and their use deferred to and including February 4, 1966, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This investigation shall be set for hearing before an Examiner of the Board at a time and place hereafter to be designated; and

4. A copy of this order shall be filed with the aforementioned tariff and be served upon WTC Air Freight which is made a party to the investigation ordered herein.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65-12100; Filed, Nov. 9, 1965; 8:48 a.m.]

[1] WTC Air Freight Domestic General Commodity Rate Tariff, CAB No. 7, Rule 35 on 6th revised page 10.

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16033, 16034; FCC 65M-1457]

EASTERN LONG ISLAND BROADCASTERS, INC., AND REUNION BROADCASTING CORP.

Order Continuing Hearing

In re applications of Eastern Long Island Broadcasters, Inc., Sag Harbor, N.Y., Docket No. 16033, File No. BPH-4321; Reunion Broadcasting Corp., East Hampton, N.Y., Docket No. 16034, File No. BPH-4460; for construction permits.

The Hearing Examiner having under consideration the procedure in the above-styled matter; a joint petition filed on November 1, 1965, by the applicants, requesting continuance of the evidentiary hearing scheduled for November 3, 1965;

and the oral argument heard at the hearing on November 3, 1965; and

It appearing, that under the particular circumstances of this proceeding, as set forth in detail on the record of the November 3 argument, it is deemed advisable to continue the evidentiary hearing in this proceeding for a short period of time; and

It further appearing, that all counsel, because of the particular facts and circumstances relating to the procedural posture of this case, are agreeable to a continuance of the evidentiary hearing in this proceeding, but not for the reasons set forth in the joint petition for continuance, and have agreed to the date hereinafter set forth;

It is, therefore, ordered, This 3d day of November 1965, that the evidentiary hearing in the above-styled proceeding be and the same is hereby continued until 2 p.m., November 17, 1965, in Washington, D.C.; and the said joint petition be and the same is hereby dismissed as moot.

Released: November 5, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12102; Filed, Nov. 9, 1965; 8:49 a.m.]

[Docket Nos. 16025, 16026; FCC 65M-1460]

WEBSTER COUNTY BROADCASTING CO. AND HOLMES COUNTY BROADCASTING CO. (WXTN)

Order Scheduling Prehearing Conference

In re applications of William E. Hardy and James E. Myers doing business as Webster County Broadcasting Co., Eupora, Miss., Docket No. 16025, File No. BP-16372; Marvin L. Mathis, Robin H. Mathis, Ralph C. Mathis and John B. Skelton, Jr., doing business as Holmes County Broadcasting Co. (WXTN), Lexington, Miss., Docket No. 16026, File No. BP-16601; for construction permits.

The Hearing Examiner having under consideration the "Motion for Cancellation of Procedural Dates" filed in the above-entitled matter on November 2, 1965, by counsel for Holmes County Broadcasting Co.;

It appearing, that the two above-named parties have reached an agreement whereby the Webster County proposal would be dismissed, and have submitted the same to the Review Board for action; and

It further appearing, that the Review Board has withheld action on the agreement, pending publication of the proposed dismissal by Webster County in the Eupora weekly newspaper; and

It further appearing, that the last publication is to take place November 4, 1965, and that any interested party could file for the same facility proposed by Webster County on or before December 4, 1965; and

It further appearing, that in any event, no useful purpose would be served by the procedural and hearing dates heretofore agreed upon; and

It further appearing, that counsel for Webster County Broadcasting Co. joins in the aforesaid motion, and that counsel for the Broadcast Bureau has indicated that he has no objection to the requested cancellation, nor any objection to the Examiner's immediate consideration of said motion;

It is ordered, This 4th day of November 1965, that the "Motion for Cancellation of Procedural Dates" filed on November 2, 1965, by Holmes County Broadcasting Co., be, and the same is, hereby granted; that the presently scheduled proceeding dates, be, and the same are, hereby cancelled; that the hearing date of December 14, 1965, be, and the same is, hereby cancelled; and that a further prehearing conference shall be scheduled for December 14, 1965, at 9:30 a.m., in the Offices of the Commission in Washington, D.C.

Released: November 5, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12079; Filed, Nov. 9, 1965; 8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30, Chicago Regional Office; Disaster No. 1-66]

MANAGER, DISASTER FIELD OFFICE, LOCKPORT, ILL.

Delegation Relating to Financial Assistance Functions; Rescission

Notice is hereby given that Delegation of Authority No. 30 Disaster 1-66 (30 F.R. 11987), is hereby rescinded in its entirety.

Effective date: October 22, 1965.

THOMAS E. GAUSE,
Regional Director, Chicago, Ill.

[F.R. Doc. 65-12079; Filed, Nov. 9, 1965; 8:47 a.m.]

[Delegation of Authority 30, Chicago Regional Office; Disaster No. 2-66]

MANAGER, DISASTER FIELD OFFICE, MATTESON, ILL.

Delegation Relating to Financial Assistance Functions; Rescission

Notice is hereby given that Delegation of Authority No. 30 Disaster 2-66 (30 F.R. 11987), is hereby rescinded in its entirety.

Effective date: October 22, 1965.

THOMAS E. GAUSE,
Regional Director, Chicago, Ill.

[F.R. Doc. 65-12080; Filed, Nov. 9, 1965; 8:47 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

HHFA REGIONAL ADMINISTRATOR, REGION V (FORT WORTH)

Delegation of Authority With Respect to Urban Planning Program—Portion of St. Louis Metropolitan Area in Illinois

The Regional Administrator of the Housing and Home Finance Agency, Region V (Fort Worth) is hereby authorized to administer the provisions of section 701 of the Housing Act of 1954, as amended (40 U.S.C. 461), with respect to grants for metropolitan planning within that portion of Illinois located in the St. Louis metropolitan area.

The delegation with respect to the urban planning program, republished October 14, 1960 (25 F.R. 9874), as amended, as it applies to the HHFA Regional Administrators, Region V (Fort Worth) and Region IV (Chicago), is modified accordingly.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 8th day of November 1965.

[SEAL] ROBERT C. WEAVER,
Housing and Home Finance Administrator.

[F.R. Doc. 65-12104; Filed, Nov. 9, 1965; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-14953, etc.]

HUGHES SEEWALD, ET AL.

Findings and Order After Statutory Hearing

NOVEMBER 1, 1965.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC Gas Rate Schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are either equal to or below the ceiling prices established by the Commission's Statement of General Policy 61-1, as amended, or involve sales for which permanent certificates have been previously issued.

George P. and Houston Hill, doing business as Hill & Hill, Applicants in Docket No. CI66-183, propose, inter alia, to continue in part the sale of natural gas heretofore authorized in Docket No. G-15188 and made pursuant to Pan American Petroleum Corp. (Operator), et al., FPC Gas Rate Schedule No. 223. The contract comprising Pan American's rate schedule will also be accepted for filing as Applicants' rate schedule. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI63-469.[1] Applicants have filed a motion to be made parties respondent in said proceeding. Accordingly, Applicants will be made co-respondents, the proceeding will be redesignated, and Applicants will be required to file an agreement and undertaking to assure the refund of any amounts collected by them in excess of the amount determined to be just and reasonable in said proceeding.

After due notice, a petition to intervene by the Long Island Lighting Co. and a notice of intervention by the New York Public Service Commission were filed on June 1, 1965, and August 18, 1965, respectively, in Docket Nos. CI65-1168 and CI65-1185, respectively. Notices of withdrawal of the interventions by the respective interveners were filed on October 1, 1965, and October 7, 1965, respectively, in said dockets. No other petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on October 28, 1965, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefore, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G-14953, G-15188, G-19697, CI61-2, CI63-105, CI63-106, CI63-147, CI63-1519, and CI64-1392 should be amended as hereinafter ordered.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Applicants in Docket Nos. CI65-1168 and CI65-1185 should be authorized to continue the sales of natural gas heretofore authorized in Docket No. G-10263, and the certificate heretofore issued in Docket No. G-10263 should be terminated.

(7) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the tabulation herein and in the respective applications, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of public convenience and necessity heretofore issued to the respective Applicants herein relating to the abandonments hereinafter permitted and approved should be terminated.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Applicants in Docket No. CI66-183 should be made co-respondents in the proceeding pending in Docket No. RI63-469, that said proceeding should be redesignated, and that Applicants should be required to file an agreement and undertaking.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the respective related rate schedules and supplements as designated or redesignated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements, and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after April 15, 1965, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d) of the Commission's Statement of General Policy 61-1, as amended, shall be filed prior to the applicable dates, as indicated by footnotes 4 and 7 in the attached tabulation.

(E) The certificates issued herein in Docket Nos. CI64-19 and CI66-184 are subject to the conditions set forth in paragraphs (B), (C), and (D) of the order accompanying Opinion No. 464, issued June 10, 1965, in Docket Nos. G-8087, et al. (33 FPC ____).

(F) The certificates issued herein in Docket Nos. CI64-1109 and CI64-1399 are conditioned upon Applicants filing within 30 days from the date of this order, supplements to the rate schedules providing for proportional downward B.t.u. adjustment as required by the Commission's Opinion No. 464, issued June 10, 1965, in Docket Nos. G-8087, et al. (33 FPC ____).

(G) The certificate issued herein in Docket No. CI65-992 is subject to the conditions set forth in paragraphs (E), (F), and (G) of the order accompanying Opinion No. 350 (27 FPC 35).

(H) In view of the certificates issued herein in Docket Nos. CI65-1168 and CI65-1185 wherein Tenneco Oil Co. and Continental Oil Co., respectively, are authorized to sell gas from acreage acquired from Delhi-Taylor Oil Corp. in Docket No. G-10263, the certificate heretofore issued in Docket No. G-10263 is terminated.

[1] Consolidated with Docket No. AR64-1, et al.

(I) The certificate heretofore issued in Docket Nos. G–14953, CI61–2, CI63–147, and CI64–1392 are amended by adding thereto or deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(J) The certificates heretofore issued in Docket Nos. G–15188 and CI63–1519 are amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicants in Docket Nos. CI66–183 and CI66–184.

(K) The certificates heretofore issued in Docket Nos. G–19697, CI63–105, and CI63–106 are amended by changing the certificate holders to the respective successors in interest as indicated in the tabulation herein.

(L) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described and as more fully described in the respective applications herein are granted.

(M) The certificates heretofore issued in Docket Nos. G–16307, CI63–673, and CI64–356 are terminated.

(N) George P. and Houston Hill, doing business as Hill & Hill, are made corespondents with Pan American Petroleum Corp. (Operator), et al., in the proceeding pending in Docket No. RI63–469, and said proceeding is redesignated accordingly.[2]

(O) Within 30 days from the issuance of this order, George P. and Houston Hill, doing business as Hill & Hill, shall execute, in the form set out below, and shall file with the Secretary of the Commission, an acceptable agreement and undertaking in Docket No. RI63–469 to assure the refund of any amount collected by them, together with interest at the rate of seven percent per annum, in excess of the amount determined to be just and reasonable in said docket. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(P) George P. and Houston Hill, doing business as Hill & Hill, shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and their agreement and undertaking filed in Docket No. RI63–469 shall remain in full force and effect until discharged by the Commission.

(Q) The respective related rate schedules and supplements as indicated in the tabulation herein are accepted for filing; further, the rate schedules relating to the successions herein are redesignated and accepted, subject to the applicable Commission Regulations under the Natural Gas Act to be effective on the dates as indicated in the tabulation herein.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[2] Pan American Petroleum Corp. (Operator), et al., and George P. and Houston Hill, doing business as Hill & Hill.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No	Supp.
G–14953 D 12–16–63	Hughes Seewald (Operator), et al.	Colorado Interstate Gas Co., Keyes Field, Cimarron County, Okla.	Amendatory agreement 9–1–63.	1	15
			Amendatory agreement 3–10–64.[1] [2]	1	16
G–19697 E 9–7–65	W. J. Riley (Operator), et al. (successor to Arnold Well Service (Operator), et al.).	Banquete Gas Co., a Division of Crestmont Consolidated Co., Odem Field, San Patricio County, Tex.	Arnold Well Service (Operator), et a.., FPC GRS No. 2.	6	------
			Notice of succession (undated).	------	------
			Assignment 4–26–60 [3]	6	1
			Effective date: 4–26–60.	------	------
CI61–2 C 8–30–65 [4]	Graham-Michaelis Drilling Co. (Operator), et al.	Kansas-Nebraska Natural Gas Co., Inc., Camrick Field, Texas County, Okla.	Letter agreement 8–17–65.[5]	40	10
CI63–105 E 9–14–65	Texam Oil Corp. (Operator), et al. (successor to Santiago Oil & Gas Co. (Operator), et al.).	Coastal States Gas Producing Co., Tiger Field, Duval County, Tex.	Santiago Oil & Gas Co. (Operator), et al., FPC GRS No. 4.	9	------
			Supplement No. 1	9	1
			Notice of succession 9–8–65.	------	------
			Agreement (undated) [6]	9	2
			Effective date: 3–26–63.	------	------
CI63–106 E 9–13–65	Texam Oil Corp. (Operator), et al. (successor to Santiago Oil & Gas Co. (Operator), et al.).	do	Santiago Oil & Gas Co. (Operator), et al., FPC GRS No. 3.	10	------
			Supplement No. 1	10	1
			Notice of succession 9–8–65.	------	------
			Agreement (undated) [6]	10	2
			Effective date: 3–26–63.	------	------
CI63–147 C 9–7–65 [7]	Hollandsworth and Travis (Operator), et al.	Arkansas Lonisiana Gas Co., Waskom Field, Harrison County, Tex.	Supplemental agreement 8–7–65.[8]	4	4
CI64–19 A 7–5–65	Viersen & Cochran	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	Contract 4–22–63 [9]	6	------
			Letter 8–9–63 [9]	6	1
			Amendment 9–23–65 [3] [10]	6	2
CI64–1109 A 3–20–64	Falcon Seaboard Drilling Co. (Operator), et al.[10a]	Michigan Wisconsin Pipe Line Co., South May Field, Ellis County, Okla.	Contract 12–18–63 [9]	20	------
			Letter 4–30–64 [9]	20	1
CI64–1392 C 9–10–65 [4]	Monsanto Co. (Operator), et al.	Lone Star Gas Co., North Dibble and Southeast Boyle Areas, McClain County, Okla.	Ratified 4–27–65 [9] [11]	78	3
CI64–1399 A 5–22–64	Alma Oringderff [11] [12]	Michigan Wisconsin Pipe Line Co., Lovedale Field, Harper County, Okla.	Contract 3–26–64 [9]	1	------
			Letter 6–30–64 [9]	1	1
CI65–662 A 4–8–65	Thomas N. Berry & Co., et al.[13]	Panhandle Eastern Pipe Line Co., South Teagarden Field, Woods County, Okla.	Contract 6–18–64 [13]	5	------
			Contract 5–27–64 [14]	5	1
			Assignment 1–2–65 [13]	5	2
			Assignment 4–15–65 [15]	5	3
A CI65–1168 (G–10263) F 5–5–65 7–21–65 [17]	Tenneco Oil Co. (successor to Delhi-Taylor Oil Corp.).[15]	Florida Gas Transmission Co., McGill Ranch Field, Kenedy County, Tex.	Delhi-Taylor Oil Corp., FPC GRS No. 25.	177	------
			Notice of succession 4–12–65.[16]	------	------
			Assignment 4–1–60 [18]	177	1
			Assignment 6–1–61 [20]	177	2
			Effective date: 1–1–64.	------	------
A CI65–1185 (G–10263) F 5–10–65 7–22–65 [17]	Continental Oil Co. (successor to Delhi-Taylor Oil Corp.).	Florida Gas Transmission Co., McGill Ranch Field, Kenedy County, Tex.	Contract 12–30–55	304	------
			Notice of succession 5–6–65.[16]	------	------
			Assignment 4–1–60 [18]	304	1
			Assignment 6–1–61 [20]	304	2
			Effective date: 1–1–64.	------	------
CI66–180 A 8–30–65 [4]	Graham-Michaelis Drilling Co. (Operator), et al.	Northern Natural Gas Co., Southwest Hooker Field, Texas County, Okla.	Contract 8–19–65 [9]	73	------
CI66–182 (CI64–356) B 9–3–65	William K. Davis (Operator), et al.	Texas Eastern Transmission Corp., Cosden West Field, Bee County, Tex.	Notice of cancellation 9–1–65 [9] [21]	5	1
A CI66–183 [4] (G–15188) F 9–2–65	George P. and Houston Hill, d.b.a. Hill & Hill.	Panhandle Eastern Pipe Line Co., Mocane-Laverne Field, Beaver County, Okla.	Contract 8–3–65	10	------
			Contract 3–5–58 [22]	11	------
			Assignment 5–18–65 [3] [23]	11	1
A CI66–184 (CI63–1519) F 9–7–65	Global Oils, Inc. (successor to Joe A. Humphrey).	Panhandle Eastern Pipe Line Co., West Valley Center Field, Dewey County, Okla.	Contract 4–23–63 [24]	[25] 7	------
			Assignment 7–6–65	7	1
			Effective date: 7–1–65	------	------
CI66–185 A 9–7–65 9–24–65 [7] [26]	J. M. Huber Corp.	Cities Service Gas Co., Northwest Boggs Field, Barber County, Kans.	Contract 7–8–65	6	------
CI66–192 A 9–13–65 [8]	Anadarko Production Co.	Western Gas Service Co., acreage in Beaver County, Okla.	Contract 9–1–65 [4]	113	------
CI66–200 A 9–13–65 [7]	Austin Brady	Cities Service Gas Co., Hugoton Field, Finney County, Kans.	Contract 7–26–65 [4]	3	------
CI66–203 (G–16307) B 9–13–65	Socony Mobil Oil Co., Inc.	Trunkline Gas Co., Cowpen Creek Field, Beauregard Parish, La.	Notice of cancellation 9–10–65. [3] [27]	165	7
CI66–206 A 9–13–65 [8]	Quintin Little	Lone Star Gas Co., East Doyle Field, Stephens County, Okla.	Ratified 7–6–65 [28]	2	------
			Contract 10–25–62	2	1
			Amendment 4–27–64 [3] [29]	2	2

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No	Supp.
CI66–207 A 9–9–65 [7] [30]	Max Wiley	Wheeler Gas Co., East Panhandle Field, Wheeler County, Tex.	Statement 9–5–65 [31]	1	------
CI66–209 (CI63–673) B 9–10–65	Sooner Pipe & Supply Corp. (Operator), et al.	Cities Service Gas Co., Sporn Field, Lincoln County, Okla.	Notice of cancellation 9–7–65. [3] [27]	1	1

[1] Deletes 160 acres from the basic contract for the reason that acreage was erroneously dedicated to Colorado Interstate Gas Co.
[2] Effective date: Date of this order.
[3] Assignment whereby Riley acquired Arnold Well Service's interest.
[4] July 1, 1967, moratorium date pursuant to Commission's Statement of General Policy 61–1, as amended.
[5] Effective date: Date of initial delivery.
[6] Merger between Santiago Oil & Gas Co. and Texam Oil Corp.
[7] Jan. 1, 1968, moratorium date pursuant to Commission's Statement of General Policy 61–1, as amended.
[8] Date of initial delivery. Filing has previously been accepted by letter order granting temporary certificate.
[9] Accepts conditioned temporary certificate. Has been previously accepted for filing.
[10] Filed Sept. 27, 1965. Applicant unilaterally amends its contract to provide for proportional downward B.t.u. adjustment (1000 B.t.u. base).
[10a] By letter filed Sept. 23, 1969, Applicant agreed to accept a permanent certificate conditioned to require a downward B.t.u. adjustment from a 1000 B.t.u. base.
[11] Sarkeys, Inc., ratifies Monsanto's contract dated May 1, 1964, and Monsanto will dispose of Sarkeys' gas.
[12] By letter filed Oct. 7, 1965, Applicant agreed to accept a permanent certificate conditioned to require a downward B.t.u. adjustment from a 1000 B.t.u. base.
[13] By letter filed June 14, 1965, Applicant advised its willingness to accept a permanent certificate at 17.0 cents per Mcf conditioned as were the certificates issued in Opinion No. 350.
[14] Contract between Barrett Petroleum Co. and Panhandle Eastern which ratifies and adopts contract dated May 27, 1964.
[15] Contract between J. M. Huber Corp. and Panhandle Eastern Pipe Line Co.
[16] Assignment from Barrett Petroleum Co. to Adobe Oil Co. and Thomas N. Berry & Co.
[17] Assignment from Adobe Oil Co. to the Greenlee Children Trust No. 1.
[18] Submitted revised contract summary to reflect initial price of 16.5 cents in lieu of 17.5 cents per Mcf.
[19] Succession to 50 percent interest of Delhi-Taylor Oil Corp.
[20] Conveys acreage from Delhi-Taylor to G. I. Becker, trustee.
[21] Conveys acreage from Delhi-Taylor to W. D. Kennard.
[22] Reservoir is exhausted and unable to produce enough gas of sufficient pressure to economically justify continued production.
[23] Contract also on file as Pan American Petroleum Corp., FPC GRS No. 223 in Docket No. G–15188.
[24] From Pan American Petroleum Corp. to Applicant.
[25] On file as Joe A. Humphrey, FPC GRS No. 1.
[26] Contractual rate is 17.0 cents; however, Applicant states it is willing to accept a certificate conditioned to a rate of 15.0 cents similar to the certificate issued to its predecessor, Joe A. Humphrey, by Opinion No. 464.
[27] No related rate filing. Applicant submits an amended certificate application and a revised billing statement to reflect that its No. 1 Mee Unit is composed of 160 acres in lieu of the 640 acres originally shown. The sale is covered by Huber's FPC GRS No. 67.
[28] Source of gas depleted.
[29] Ratifie's contract of Oct. 25, 1962, between Sinclair Oil & Gas Co. and buyer.
[30] Adds acreage to contract of Oct. 25, 1962.
[31] This is a June 7, 1954, filing.
[32] Reflects terms of oral agreement effective Nov. 20, 1944.

[F.R. Doc. 65–12001; Filed, Nov. 9, 1965; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

VIRGINIA COMMONWEALTH CORP.

Notice of Application for Approval of Acquisition of Shares of a Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(2)), by Virginia Commonwealth Corp., which is a bank holding company located in Richmond, Va., for the prior approval of the Board of the acquisition by Applicant of more than 80 percent of the voting shares of The Bank of Central Virginia, Lynchburg, Va., which, prior to the acquisition of stock, is to be converted from State Industrial Loan Corp., Lynchburg, Va.

In determining whether to approve this application submitted pursuant to section 3(a)(2) of the Bank Holding Company Act, the Board is required by that Act to take into consideration the following factors: (1) The financial history and condition of the company and the bank concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., 20551.

Dated at Washington, D.C., this 4th day of November 1965.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 65–12069; Filed, Nov. 9, 1965; 8:46 a.m.]

RENEGOTIATION BOARD

GENERAL COUNSEL

Notice of Basic Compensation

Pursuant to the provisions of section 309 of P.L. 88–426, and of section 15(b) of P.L. 89–301, the General Counsel of The Renegotiation Board shall receive compensation at the rate of $25,382 per annum, effective October 10, 1965.

Dated: November 5, 1965.

LAWRENCE E. HARTWIG, *Chairman.*

[F.R. Doc. 65–12096; Filed, Nov. 9, 1965; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 83]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 5, 1965.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 58813 (Sub-No. 66 TA), filed November 3, 1965. Applicant: SELMAN'S EXPRESS, INC., 460 West 35th Street, New York, N.Y. Applicant's representative: Solomon Granett, 1740 Broadway, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, loose, on hangers only, from Wedowee, Ala., to New York, N.Y., and *materials and supplies used in the manufacture of wearing apparel*, from New York, N.Y., to Wedowee, Ala., for 120 days. Supporting shipper: M & M Manufacturing Co., Inc., Post Office Box A, Wedowee, Ala. Send protests to: Stephen P. Tomany, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y., 10013.

No. MC 66562 (Sub-No. 2127 TA), filed November 3, 1965. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y., 10017. Applicant's representative: William H. Marx (same address as above). Authority sought to operate as

a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, (1) between White River Junction, Vt., and St. Albans, Vt., from White River Junction over U.S. Highway 4 to junction of Vermont Highway 12, thence over Vermont Highway 12 to junction of U.S. Highway 2, thence over U.S. Highway 2 to junction Interstate Highway 89, thence over Interstate Highway 89 to junction Interstate Highway 189, thence over Interstate Highway 189 to junction of U.S. Highway 7, thence over U.S. Highway 7 to St. Albans, Vt., and return over the same route, serving the intermediate points of Bethel, Randolph, Montpelier, and Burlington, Vt., and the off-route points of Roxbury and Richmond, Vt., and (2) from White River Junction, Vt., over Interstate Highway 89 to St. Albans, Vt., and return over the same route, serving no additional points, not listed in (1) above, when additional sections of this road are completed. Supporting shippers: No shipper letters of support attached to original BOR–95 application. Letter dated October 27, 1965, from Central Vermont Railway, Inc., re discontinuance of certain train service. Send protests to: Stephen P. Tomany, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y., 10013.

No. MC 95540 (Sub-No. 657 TA), filed November 3, 1965. Applicant: WATKINS MOTOR LINES, INC., Post Office Box 828, Albany Highway, Thomasville, Ga. Applicant's representative: Jack Holloway (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yeast*, from Jacksonville, Fla., to Thomasville, Ga., for 180 days. Supporting shipper: Anheuser-Busch, Inc., St. Louis, Mo., 63118. Send protests to: George H. Fauss, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Post Office Box 4969, Jacksonville, Fla., 32201.

No. MC 106400 (Sub-No. 60 TA), filed November 3, 1965. Applicant: KAW TRANSPORT COMPANY, 701 North Sterling, Sugar Creek, Mo., 64054. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium aluminate and ferrous sulfate*, liquid, in bulk, from the plantsite of Conservation Chemical Co., Kansas City, Mo., to points in Kansas, for 180 days. Supporting shipper: Conservation Chemical Co., Box 6404, Sheffield Station, Kansas City, Mo., 64125. Send protests to: B. J. Schreier, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut, Kansas City, Mo., 64106.

No. MC 107496 (Sub-No. 418 TA), filed November 3, 1965. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua at Third, Post Office Box 855, Des Moines, Iowa, 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water solutions of piperazine hydrochloride*, in tank vehicles, from Denver, Colo., to points in Nebraska, Missouri, Illinois, Indiana, and Kentucky, for 180 days. Supporting shipper: Alpha Laboratories, Post Office Box 22223, Denver, Colo., 60222. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa, 50309.

No. MC 107496 (Sub-No. 419 TA), filed November 3, 1965. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua at Third, Post Office Box 855, Des Moines, Iowa, 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup and liquid sugar, and blends of corn syrup and liquid sugar*, in bulk, in tank vehicles, from Sioux City, Iowa, to Sioux Falls and Watertown, S. Dak., and Hastings, Nebr., for 180 days. Supporting shipper: Staley Manufacturing Co., Decatur, Ill. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa, 50309.

No. MC 110393 (Sub-No. 24 TA), filed November 3, 1965. Applicant: FRIGID FOOD EXPRESS, INCORPORATED, 4205 Camp Ground Road, Louisville, Ky., 40216. Applicant's representative: Rudy Yessin, Sixth Floor, McLure Building, Frankfort, Ky., 40601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from plantsite of Plainview Farms, near Louisville, Ky., to Jacksonville, Miami, St. Petersburg, and Tampa, Fla., for 180 days. Supporting shipper: R. D. Blaine, traffic manager, Bowman Dairy Co., 201 North Wells Street, Chicago, Ill., 60606. Send protests to: Wayne L. Merilatt, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky., 40202.

No. MC 115491 (Sub-No. 84 TA), filed November 3, 1965. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, Post Office Drawer 67, Auburndale, Fla. Applicant's representative: George W. Clapp (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared foods*, from Humboldt, Tenn., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, Wisconsin, and the District of Columbia, for 150 days. Supporting shipper: Ocoma Foods Co., Humboldt, Tenn., a subsidiary of Consolidated Foods Corp., 135 South La Salle Street, Chicago, Ill., 60603. Send protests to: Joseph B. Teichert, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 1621, 51 Southwest First Avenue, Miami, Fla., 33130.

No. MC 118561 (Sub-No. 8 TA), filed November 3, 1965. Applicant: HERBERT B. FULLER, doing business as FULLER TRANSFER COMPANY, 212 East Street, Post Office Box 422, Maryville, Tenn., 37801. Applicant's representative: Harold Seligman, Life & Casualty Tower, Nashville, Tenn., 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts* as described in section A of appendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with temperature control devices, in refrigerated vehicles, from Knoxville, Tenn., and points in Blount County, Tenn., to points in the following named counties of the State of Georgia: Catoosa, Chattooga, Dade, Gordon, Murray, Walker, and Whitfield, for 180 days. Supporting shipper: Oscar Mayer & Co., Inc., Madison, Wis., Richard C. Flesch. Send protests to: J. E. Gamble, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 706 U.S. Courthouse, Nashville, Tenn., 37203.

No. MC 124964 (Sub-No. 3 TA), filed November 3, 1965. Applicant: JOSEPH M. BOOTH, doing business as J. M. BOOTH TRUCKING, Post Office Box 907, Eustis, Fla., 32726. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Citrus, and fruit juices* in packages, when transported in the same vehicle with exempt commodities, from Umatilla, Fla., to points in North Carolina, Virginia, Maryland, Delaware, New Jersey, New York, Pennsylvania, Connecticut, Rhode Island, Massachusetts, and the District of Columbia, for 150 days. Supporting shipper: Doric Foods Corp., State Road Nineteen, Umatilla, Fla., 32784. Send protests to: George H. Fauss, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Post Office Box 4969, Jacksonville, Fla., 32201.

No. MC 125417 (Sub-No. 7 TA), filed November 3, 1965. Applicant: BULK FREIGHTWAYS, 8332 Wilcox Avenue, South Gate, Calif. Applicant's representative: Wyman C. Knapp, 740 Roosevelt Building, 727 West Seventh Street, Los Angeles, Calif., 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium phosphate*, in bulk, in hopper type equipment, from Los Angeles, Calif., to points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, for 180 days. Supporting shipper: Monsanto Co., 600 North Lindbergh Boulevard, St. Louis, Mo., 63166. Send protests to: Ernest D. Salm, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 7708, 300 North Los Angeles Street, Los Angeles, Calif., 90012.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65–12086; Filed, Nov. 9, 1965; 8:47 a.m.]

[Notice 372]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

NOVEMBER 5, 1965.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 879 (Deviation No. 7), SERVICE LINES, INC., 225 Lynch Street, St. Louis 18, Mo., filed October 28, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follow: (1) From junction U.S. Highway 460 and By-Pass U.S. Highway 50 at Belleville, Ill., over By-Pass U.S. Highway 50 to junction Illinois Highway 161, thence over Illinois Highway 161 to junction Illinois Highway 37, thence over Illinois Highway 37 to junction U.S. Highway 460 at Mount Vernon, Ill.; and (2) from junction U.S. Highway 460 and Illinois Highway 158 at Belleville, Ill., over Illinois Highway 158 to junction Illinois Highway 161, thence over Illinois Highway 161 to junction Illinois Highway 37, thence over Illinois Highway 37 to junction U.S. Highway 460 at Mount Vernon, Ill.; and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Belleville, Ill., over U.S. Highway 460 to Mount Vernon, Ill., and return over the same route.

No. MC 11220 (Deviation No. 13), GORDONS TRANSPORT, INC., Post Office Box 2696, Memphis, Tenn., 38102, filed October 25, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Idabel, Okla., over Oklahoma Highway 37 to the Oklahoma-Texas State line, thence over Texas Highway 37 to Mount Vernon, Tex., thence over U.S. Highway 67 and/or Interstate Highway 30 to Dallas, Tex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route, as follows: From Idabel, Okla., over U.S. Highway 70 to Durant, Okla., thence over U.S. Highway 75 to Dallas, Tex., and return over the same route.

No. MC 59488 (Deviation No. 7), SOUTHWESTERN TRANSPORTATION COMPANY, 1517 West Front Street, Tyler, Tex., filed October 28, 1965. Applicant's representative: Lloyd M. Roach, 1517 West Front Street, Tyler, Tex., 75702. Carrier proposes to operate as a common carrier, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: (1) From junction U.S. Highway 61 and Missouri Highway 74, west of Cape Girardeau, Mo., over Missouri Highway 74 to junction Missouri Highway 25, thence over Missouri Highway 25 to junction U.S. Highway 60, thence over U.S. Highway 60 to junction U.S. Highway 67, thence over U.S. Highway 67 to North Little Rock, Ark., and (2) from junction U.S. Highway 61 and U.S. Highway 60 near Sikeston, Mo., over U.S. Highway 60 to junction U.S. Highway 67, thence over U.S. Highway 67 to North Little Rock, Ark., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cape Girardeau, Mo., over Missouri Highway 74 to junction U.S. Highway 61, thence over U.S. Highway 61 to junction U.S. Highway 70 at West Memphis, Ark., and thence over U.S. Highway 70 to North Little Rock, Ark., and return over the same route.

No. MC 109095 (Deviation No. 10), ANDERSON MOTOR SERVICE, INC., 1516 East 14th Street, St. Louis, Mo., 63106, filed October 28, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Indianapolis, Ind., over U.S. Highway 36 to junction Indiana Highways 9 and 67, thence over Indiana Highways 9 and 67 to junction Interstate Highway 69, thence over Interstate Highway 69 to junction U.S. Highway 24 at which point it is proposed to resume regular authority over U.S. Highway 24 to Fort Wayne, Ind., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Indianapolis, Ind., over U.S. Highway 36 to junction Indiana Highway 67, thence over Indiana Highway 67 to junction Indiana Highway 9, thence over Indiana Highway 9 to junction Indiana Highway 37, thence Indiana Highway 37 to junction U.S. Highway 24, thence over U.S. Highway 24 to Fort Wayne, Ind., and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 272), GREYHOUND LINES, INC. (WESTERN GREYHOUND LINES DIVISION), Market and Fremont Streets, San Francisco, Calif., 94106. Carrier's representative: W. T. Meinhold, 371 Market Street, San Francisco, Calif., 94105, filed October 25, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage* and *express and newspapers*, in the same vehicle with passengers, over a deviation route as follows: Between Chico, Calif., and junction U.S. Highway 99E and unnumbered highway (Centerville Road Interchange), over U.S. Highway 99E, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: Between Red Bluff, Calif., and Roseville, Calif., over U.S. Highway 99E.

No. MC 1515 (Deviation No. 273) (Cancels Deviation No. 230), GREYHOUND LINES, INC. (WESTERN GREYHOUND LINES DIVISION), Market and Fremont Streets, San Francisco, Calif., 94106. Carrier's representative: W. T. Meinhold, 371 Market Street, San Francisco, Calif., 94105, filed October 29, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage* and *express and newspapers*, in the same vehicle with passengers, over deviation routes as follows: (1) From junction unnumbered highway and U.S. Highway 101 (Crannell Junction), over U.S. Highway 101 to junction unnumbered highway (Mad River Bridge); (2) from junction unnumbered highway and U.S. Highway 101 (Humboldt Hill Road Junction), over U.S. Highway 101 to junction unnumbered highway (Salmon Avenue Junction); (3) from junction unnumbered highway and U.S. Highway 101 (North Fields Landing Junction), over U.S. Highway 101 to junction unnumbered highway (South Fields Landing Junction); (4) from junction unnumbered highway and U.S. Highway 101 (North Whites Slough Junction), over U.S. Highway 101 to junction unnumbered highway (South Whites Slough Junction); (5) from junction unnumbered highway and U.S. Highway 101 (North Fortuna Interchange), over U.S. Highway 101 to junction unnumbered highway (Rohnerville Overcrossing); (6) from junction California Highway 254 and U.S. Highway 101 (Englewood) over U.S. Highway 101 to junction California Highway 254 (Tuttle Creek Junction).

(7) From junction unnumbered highway and U.S. Highway 101 (Forsythe Creek Junction), over U.S. Highway 101, to junction unnumbered highway (South Ukiah Overcrossing); (8) from junction unnumbered highway and U.S. Highway 101 (North Hiatt Road Junction), over U.S. Highway 101 to junction unnumbered highway (Rich Ranch Road Junction); and (9) from junction unnumbered highway and U.S. Highway 101 (North Healdsburg Junction), over U.S. Highway 101 to junction Business Route U.S. Highway 101 (North Santa Rosa Junction); and return over the same routes, for operating convenience only.

The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From the intersection of the Oregon-California State line and U.S. Highway 101, over U.S. Highway 101 to junction unnumbered highway (North Healdsburg Junction), thence over unnumbered highway via Healdsburg to junction U.S. Highway 101 (South Healdsburg Junction), thence over U.S. Highway 101 to junction Business Route U.S. Highway 101 (North Santa Rosa Junction), thence over Business Route U.S. Highway 101 through Santa Rosa to junction U.S. Highway 101 (South Santa Rosa Junction), thence over U.S. Highway 101 to junction unnumbered highway north of Cotati (North Cotati Junction) thence over unnumbered highway through Cotati and Petaluma to junction U.S. Highway 101 (Petaluma Junction), thence over U.S. Highway 101 to San Francisco, Calif., and return over the same route.

No. MC 72349 (Deviation No. 1), EASTERN MASSACHUSETTS STREET RAILWAY COMPANY, 1442 Main Street, Brockton, Mass., filed October 22, 1965. Applicant's representative: Neal Holland, 77 Franklin Street, Boston, Mass., 02110. Carrier proposes to operate as a *common carrier* by motor vehicle, of *passengers and their baggage and express, newspapers and mail*, in the same vehicle with passengers over a deviation route as follows: From the junction of Massachusetts Highways 28 and 125 in Andover, Mass., over Massachusetts Highway 125 to junction Interstate Highway 93, thence over Interstate Highway 93 to Boston, Mass., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: Between Boston, Mass., and Lawrence, Mass., over Massachusetts Highway 28.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-12087; Filed, Nov. 9, 1965; 8:47 a.m.]

[Notice 841]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

NOVEMBER 5, 1965.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 109064 (Sub-No. 11), filed November 12, 1964. Applicant: TEX-O-KA-N TRANSPORTATION COMPANY, INC., 221 Northeast 28th Street, Post Office Box 4278, Fort Worth, Tex. Applicant's attorney: Clayte Binion, Century Life Building, Fort Worth, Tex., 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, materials, equipment* and *supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, (a) between points in Oklahoma and Kansas, those in Lea and Eddy Counties, N. Mex., and those in Texas north of a line beginning at El Paso, Tex., and extending along U.S. Highway 80 to Dallas, Tex., thence along U.S. Highway 175 to Jacksonville, Tex., and thence along U.S. Highway 79 to the Texas-Louisiana State line, including points on the indicated portions of the highways specified, and (b) between points in that part of Texas on and north of a line beginning at El Paso, Tex., and extending along U.S. Highway 80 to Dallas, Tex., thence along U.S. Highway 175 to Jacksonville, Tex., and thence along U.S. Highway 79 to the Texas-Louisiana State line, on the one hand, and, on the other, points in Colorado, Wyoming, Utah, and Montana, (2) *plastic pipe, valves and fittings*, and *materials* used in the installation thereof, from the plantsite of the Carlon Products Co., located approximately four (4) miles south of Corsicana, Tex., to points in Arizona, Arkansas, Colorado, Kansas, Louisiana, Nebraska, New Mexico, Oklahoma, Utah, and Wyoming, and (3) *machinery, materials, equipment and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, (a) between points in Arkansas and Louisiana, and (b) between points in Arkansas and Louisiana, on the one hand, and, on the other, points in Texas and New Mexico.

HEARING: December 13, 1965, at the Baker Hotel, Dallas, Tex., before Examiner Wm. N. Culbertson.

No. MC 127209 (Clarification) filed April 28, 1965, published in FEDERAL REGISTER issue of August 26, 1965, and republished as clarified, this issue. Applicant: SIDNEY LIPMAN, 59 Campbell Street, Woburn, Mass. Applicant's representative: Francis E. Barrett, Jr., 182 Forbes Building, Forbes Road, Braintree, Mass., 02184. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tannery products and tannery by-products* (except those to be transported in tank or hopper type vehicles), between Saco, Maine, Taunton, Danvers, Peabody, and Woburn, Mass., Pennacook, Suncook, Merrimac and Dover, N.H., Wilmington, Del., Philadelphia, Pa., and Johnstown and Gowonda, N.Y. NOTE: Applicant states that any authority granted shall be limited to one under a continuing contract with Sidney Lipman Co., Woburn, Mass. The purpose of this republication is to clarify the commodity description and also to show Dover in New Hampshire in lieu of that previously published. Remains as assigned: December 7, 1965, at the Hotel Bradford, 275 Tremont Street, Boston, Mass., before Examiner Samuel C. Shoup.

No. MC 78947 (Sub-No. 6) (Republication), filed June 21, 1965, published FEDERAL REGISTER issue of July 9, 1965, and republished, this issue. Applicant: ELLIOTT BROS. TRUCK LINE, INC., Dysart, Iowa. Applicant's representative: Kenneth F. Dudley, 901 South Madison Avenue, Post Office Box 279, Ottumwa, Iowa, 52502. By application filed June 21, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a *common carrier* by motor vehicle, of such merchandise as it dealt in by retail hardware dealers, serving the Bethlehem Steel Co. plant at Burns Harbor, Porter County, Ind., as an off-route point in connection with applicant's authorized regular route operations between Chicago, Ill., and Waterloo, Iowa. By order entered on September 30, 1965, applicant was granted authority to transport, over irregular routes, iron and steel articles from the plantsite of the Bethlehem Steel Co. at Burns Harbor, Porter County, Ind., to Waterloo, Iowa. By letter of October 9, 1965, applicant notes that not all of the supporting shippers are situated at Waterloo, Iowa, and that the plant of one shipper, Schield Bantam Division, Koehring Company is at Waverly, Iowa, and it requests that the authority herein be modified to include Waverly, Iowa, as a destination. A Supplemental Order of the Commission, Operating Rights Board No. 1, dated October 22, 1965, and served October 29, 1965, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *iron and steel articles* from the plantsite of the Bethlehem Steel Co. at Burns Harbor, Porter County, Ind., to Waterloo and Waverly, Iowa; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 111729 (Sub-No. 37) (Republication), filed December 28, 1964, published FEDERAL REGISTER issue of January 13, 1965, and republished, this issue. Applicant: ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C., 20006. By application filed December 28, 1964, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of business papers, records, and audit accounting media of all kinds (excluding plant removals), (1) between Cincinnati, Ohio, on the one hand, and, on the other, Lexington and Louisville, Ky., and (2) between Parkersburg, W. Va., on the one hand, and, on the other, Pittsburgh, Pa., subject to the restriction that no service shall be performed for any bank or banking institutions, namely, any national bank, State bank, Federal Reserve bank, savings and loan association, or saving bank. An Order of the Commission, Operating Rights Board No. 1, dated April 13, 1965, and served April 19, 1965, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *business papers and records*, and *audit and accounting media* (except cash letters) (1) from Lexington and Louisville, Ky., to Cincinnati, Ohio, and (2) from Parkersburg, W. Va., to Pittsburgh, Pa. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER, and any proper party in interest may file an appropriate pleading within a period of 30 days from the date of such publication.

No. MC 111729 (Sub-No. 38) (Republication), filed December 28, 1964, published FEDERAL REGISTER issue of January 20, 1965, and republished, this issue. Applicant: ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C., 20006. By application filed December 28, 1964, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of the commodities and between the points substantially as indicated in the findings herein except that applicant requests that the proposed service be limited to shippers other than banks and banking institutions, and include the commodities named "of all kinds" and exclude plant removals. A second corrected order of the Commission, Operating Rights Board No. 1, dated April 23, 1965, and served May 5, 1965, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of (1) *audit media*, except cash letters, and *automobile and industrial bearings* and *rings*, restricted against the transportation of any shipment of said bearings and rings weighing in the aggregate of more than 20 pounds from one consignor at any one location to one consignee at any one location on any one date, between Hartford, Conn., on the one hand, and, on the other, points in Suffolk County, Mass., Providence County, R.I., and Cumberland County, Maine, and (2) *payroll checks, advertising signs, business papers, records*, and *audit and accounting media*, except cash letters, between Pawtucket, R.I., on the one hand, and, on the other, points in Worcester, Plymouth, and Norfolk Counties, Mass., and New York, N.Y. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER, and any proper party in interest may file an appropriate pleading within a period of 30 days from the date of such publication.

No. MC 112750 (Sub-No. 177) (Corrected republication), filed January 14, 1964, published FEDERAL REGISTER issues of January 29, 1964, and March 31, 1965, respectively, and republished, this issue. Applicant: ARMORED CARRIER CORPORATION, Bayside, N.Y. By application filed January 14, 1964, as amended, applicant seeks a permit authorizing operation in interstate or foreign commerce, as a contract carrier by motor vehicle over irregular routes, of (1) imprinted checks, fillers, and check books and orders for the described commodities, between Louisville, Ky., on the one hand, and, on the other, Charleston, W. Va., (2) checks, business papers, records and audit and accounting media, of all kinds (except plant removals), (a) between Columbus, Ohio, on the one hand, and, on the other, Huntington, W. Va., (b) between Cleveland, Ohio, on the one hand, and, on the other, Erie, Pa., (c) between Cleveland, Ohio, on the one hand, and, on the other, Pittsburgh, Pa., and (d) between Akron, Ohio, on the one hand, and, on the other, Boyers, Pa., (3) exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies consisting of labels, envelopes and packaging materials, and advertising literature moving therewith (except motion picture film used primarily for commercial theater and television exhibition), between Findlay and Columbus, Ohio, on the one hand, and, on the other, points in Cabell, Kanawha, and Wood Counties, W. Va., (4) ophthalmic goods and commercial papers (except supplies and plant removals), (a) between Cleveland, Ohio, on the one hand, and, on the other, Pittsburgh, Pa., and (b) between Cincinnati, Ohio, on the one hand, and, on the other, Richmond, Jeffersonville, and Indianapolis, Ind., Lexington, Ky., and Huntington, Charleston and Parkersburg, W. Va., under continuing contract or contracts with Herald Printery, Louisville, Ky., in (1) with Service Bureau Corporation and Ohio Fuel Gas Co., Columbus, Ohio, in (2)(a), with Service Bureau Corp., in (2)(b), with the Peoples Natural Gas Co., in (2)(c), with Firestone Tire & Rubber Co. of Akron, Ohio, in (2)(d), with Eastman Kodak Co., in (3), and with Schuron Optical Co., in (4) (a) and (b). On February 24, 1965, the Commission, Operating Rights Board No. 1, filed and entered an order in the above-entitled proceeding, which was served on March 8, 1965. A corrected notice to the parties, dated March 17, 1965, and served April 16, 1965, corrects the third numbered paragraph of the findings in appendix B thereof to read as follows:

(1) *Imprinted checks, fillers* and *checkbooks* and *orders* for the described commodities, between Louisville, Ky., on the one hand, and, on the other, Charleston, W. Va., (2) *checks, business papers, records* and *audit* and *accounting media* (except cash letters), (a) between Columbus, Ohio, on the one hand, and, on the other, Erie, Pa., (b) between Akron, Ohio, on the one hand, and, on the other, Boyers, Pa., and (c) between Cleveland, Ohio, on the one hand, and, on the other, Pittsburgh and Erie, Pa., (3) *exposed film* and *prints*, excluding motion picture film used primarily for commercial theatre and television exhibition, from points in Cabell, Kanawha, and Wood Counties, W. Va., to Findlay and Columbus, Ohio, and *processed film* and *prints*, excluding motion picture film used primarily for commercial theatre and television exhibition, *complimentary replacement film, labels, envelopes, and packaging materials*, and *advertising literature* moving therewith from Findlay and Columbus, Ohio, to points in Cabell, Kanawha, and Wood Counties, W. Va., (4) *ophthalmic goods* and *commercial papers*, (a) between Cleveland, Ohio, on the one hand, and, on the other, Pittsburgh, Pa., and (b) between Cincinnati, Ohio, on the one hand, and, on the other, Richmond, Jeffersonville, and Indianapolis, Ind., Lexington, Ky., and Huntington, Charleston and Parkersburg, W. Va. Because it is possible that other parties, who have relied upon the notice of this application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, a notice of the authority actually granted will be published in the FEDERAL REGISTER, and any proper party in interest may file an appropriate pleading within a period of 30 days from the date of such publication.

No. MC 112750 (Sub-No. 197) (Corrected republication), filed May 8, 1964, published FEDERAL REGISTER issues of May 27, 1964, and March 31, 1965, respectively, and republished, this issue. Applicant: ARMORED CARRIER CORPORATION, Bayside, N.Y. By application filed May 8, 1964, applicant seeks a permit authorizing operation in inter-

state or foreign commerce, as a contract carrier by motor vehicle over irregular routes, of (1) business records and payroll checks, between Pittsburgh, Pa., on the one hand, and, on the other, Akron, Ashtabula, Cambridge, Cleveland, Dover, Marion, Sandusky, Toledo, and Youngstown, Ohio, (2) glass products and commercial papers (excluding plant removal and supplies) between Brockway (Jefferson County), Pa., on the one hand, and, on the other, Zanesville (Muskingum County), Ohio, and Parkersburg (Wood County), W. Va., and (3) exposed and processed film and prints, complimentary replacement film, incidental dealer and handling supplies consisting of labels, envelopes, and packaging materials, and advertising literature moving therewith (excluding motion picture film used primarily for commercial theater and television exhibition), between points in Allegheny County, Pa., on the one hand, and, on the other, points in Cuyahoga and Columbiana Counties, Ohio, and Brooke and Hancock Counties, W. Va. On February 24, 1965, the Commission, Operating Rights Board No. 1, filed and entered an order in the above-entitled proceeding, which was served on March 8, 1965. A corrected notice to the parties, dated March 17, 1965, and served April 16, 1965, corrects the sixth numbered paragraph of the findings in Appendix B thereof to read as follows:

(1) *Business records* and *payroll checks*, between Pittsburgh, Pa., on the one hand, and, on the other, Akron, Ashtabula, Cambridge, Cleveland, Dover, Marion, Sandusky, Toledo, and Youngstown, Ohio, (2) *glass products* and *commercial papers* (except cash letters, between Brockway (Jefferson County), Pa., on the one hand, and, on the other, Zanesville (Muskingum County), Ohio, and Parkersburg (Wood County), W. Va., and (3) *exposed film* and *prints*, excluding motion picture film used primarily for commercial theater and television exhibition, from points in Cuyahoga and Columbiana Counties, Ohio, and Brooke and Hancock Counties, W. Va., to Wilkinsburg, Pa., and *processed film* and *prints*, excluding motion picture film used primarily for commercial theater and television exhibition, complimentary replacement film, labels, envelopes and packaging materials, and advertising literature moving therewith from Wilkinsburg, Pa., to points in Cuyahoga and Columbiana Counties, Ohio, and Brooke and Hancock Counties, W. Va. Because it is possible that other parties, who have relied upon the notice of this application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, a notice of the authority actually granted will be published in the FEDERAL REGISTER, and any proper party in interest may file an appropriate pleading within a period of 30 days from the date of such publication.

No. MC 126778 (Republication), filed December 7, 1964, published FEDERAL REGISTER issues of December 23, 1964, and September 9, 1965, respectively, and republished, this issue. Applicant: PRESGRAVE BROS., INC., 8114 Harvard, Cleveland, Ohio, 44105. Applicant's representative: Earl N. Merwin, 85 East Gay Street, Columbus 15, Ohio. By application filed December 7, 1964, as amended, applicant seeks a permit authorizing operation, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of steel drums, steel pails, and agitators therefor, and parts and accessories thereof, when moving therewith, from Cleveland, Ohio, to points in Kentucky, Michigan, New York, Pennsylvania, and West Virginia; and rejected and returned shipments of the above-described commodities on return; under a continuing contract or contracts with Inland Steel Container Co., of Cleveland, Ohio. A second supplemental order of the Commission, Operating Rights Board No. 1, dated October 22, 1965, and served October 29, 1965, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *steel drums* and *steel pails* from the plantsite of Inland Steel Container Co., located at Cleveland, Ohio, to points in Kentucky, Michigan, New York, Pennsylvania, and West Virginia; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and within 30 days from the date of such publication, any proper party in interest may file an appropriate protest or other pleading.

NOTICE OF FILING OF PETITIONS

No. MC 96098 (Sub-No. 22) and (Sub-No. 25) (Petition for amendment of shipper), filed October 26, 1965. Petitioner: H. H. FOLLMER CONTRACT HAULING, INC., Post Office Box 389, Milton, Pa. Petitioner's representative: Preston L. Davis, 37 Arch Street, Milton, Pa. In Docket No. MC 96098 (Sub-No. 22) applicant holds the following authority: *Printing paper* (other than newsprint, not printed or imprinted), and *wrapping paper* (other than oiled, waxed, or vegetable parchment, printed or imprinted, or not printed or imprinted), from the plantsite of the New York and Pennsylvania Co., Inc., at Lock Haven (Clinton County), Pa., to points in New York (except Rochester and Buffalo, N.Y.), New Jersey and Connecticut, with no transportation for compensation on return except as otherwise authorized. In Docket No. MC 96098 (Sub-No. 25) applicant holds the following authority: *Paper scrap or waste* (not sensitized), *woodpulp*, not powdered, *cores*, *chocks*, and *canvas covers*, *machinery and machinery parts*, *papermill rolls*, *flour* (cassava, sago, or taploca), except in bulk, in tank vehicles, *oil and grease*, except in bulk, in tank vehicles, and *chemicals*, *chemical products*, and *constituents* used in the manufacture of woodpulp and paper or the processing thereof, except in bulk, in tank vehicles, from points in New York, New Jersey, and Connecticut, to manufacturing plants of the New York & Pennsylvania Co., Inc., at Johnsonburg and Lock Haven, Pa., with no transportation for compensation on return, except as otherwise authorized. Restriction: The service authorized herein is subject to the following conditions: The operations authorized herein are restricted against the transportation of commodities which, because of size, shape or weight, require the use of special equipment to load, unload, or transport the same. The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with New York & Pennsylvania Co., Inc., of New York, N.Y. Petitioner states in the instant petition, that the shipper, New York & Pennsylvania Co., Inc., has sold its plant in Lock Haven, Clinton County, Pa., to Hammermill Paper Co., which has taken over the operations of that plant; and that Hammermill Paper Co. has requested it to continue to provide the same or similar service to it as was supplied to New York & Pennsylvania Co., Inc., under the contracts executed pursuant to the authority granted in the permits listed above.

By the instant petition, petitioner requests that the permit issued in (Sub-No. 22) be amended to read as follows: *Printing Paper* (other than newsprint, not printed or imprinted), and *wrapping paper* (other than oiled, waxed, or vegetable parchment, printed or imprinted, or not printed or imprinted), from the plantsite of the Hammermill Paper Co. at Lock Haven (Clinton County), Pa., to points in New York (except Rochester and Buffalo, N.Y.), New Jersey and Connecticut, with no transportation for compensation on return except as otherwise authorized; and that the Permit in (Sub-No. 25) be amended to read as follows: *Paper scrap or waste* (not sensitized), *woodpulp*, not powdered, *cores*, *chocks*, and *canvas covers*, *machinery and machinery parts*, *papermill rolls*, *flour* (cassava, sago, or taploca), except in bulk, in tank vehicles, *oil and grease*, except in bulk, in tank vehicles, and *chemicals*, *chemical products*, and *constituents* used in the manufacture of woodpulp and paper or the processing thereof, except in bulk, in tank vehicles, from points in New York, New Jersey, and Connecticut, to manufacturing plants of the New York and Pennsylvania Co., Inc., at Johnsonburg, and Hammermill Paper Co. at Lock Haven, Pa., with no transportation for compensation on return, except as otherwise authorized. Restriction: The service authorized herein is subject to the following conditions: The operations authorized herein are restricted against the transportation of commodities which, because of size, shape, or weight, require the use of special equipment to load, unload, or transport the same. The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with New York and Pennsylvania Co., Inc., of New York, N.Y., and with Hammermill Paper Co. of Erie, Pa. Any person or persons desiring to oppose the relief sought by the instant petition, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading, consisting of an original and six copies each.

No. MC 103993 and Sub-Nos. 13, 14, 19, 21, 22, 27, 28, 32, 34, 36, 37, 38, 39, 43, 45, 46, 50, 51, 54, 56, 57, 58, 60, 61, 62, 63, 65, 70, 75, 78, 80, 81, 82, 84, 88, 90, 91, 93, 94, 95, 96, 97, 101, 102, 105, 107, 112, 113, 114, 115, 120, 123, 124, 128, 129, 134, 136, 138, 143, 145, 150, 152, 154, 156, 159, 162, 163, 164, 170, 171, 172, 173, 175, 176, 179, 182, 183, 185, 188, 191, 192, 193, 194, 200, and 201 (Petition to modify certain of its certificates of operating authority), filed September 30, 1965. Petitioner: MORGAN DRIVE AWAY, INC., Elkhart, Ind. Petitioner's representative: James E. Lesh, 3737 North Meridian Street, Indianapolis, Ind. Petitioner states that for many years it has been, and is now, a common carrier by motor vehicle specializing in the transportation, in truckaway service, of house trailers, or mobile homes. Since on or about January 1, 1962, which was about the time that the same first began being manufactured, petitioner also extensively has transported what often in the trade is called "double-wide" homes, or similar sectionalized units. At the present time, it holds extensive authority authorizing the transportation, in truckaway service, over irregular routes, of "trailers, designed to be drawn by passenger automobiles" from and to, and between, numerous points in the United States, in both initial and secondary movements. Such authority is represented by certificates issued petitioner in No. MC 103993 and Sub numbers thereunder. By the instant petition, petitioner requests the Commission to: (1) Modify all of its certificates referred to above to include within the commodity description of each such certificate, insofar as the same pertain to house trailers or mobile homes, or words of like import, the following: "Trailers, designed to be drawn by passenger automobiles, including sectional units thereof transported on undercarriages"; (2) use the above-described commodity description in the issuance of certificates to be issued in connection with all petitioner's trailer applications now pending; (3) grant the relief herein prayed either with or without formal hearing, as the Commission may deem appropriate; and (4) petitioner further asks for all other proper relief. Any person or persons desiring to participate in this proceeding may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading, consisting of an original and six copies each.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 49387 (Sub-No. 27), filed October 28, 1965. Applicant: ORSCHELN BROS. TRUCK LINES, INC., Highway 24 East, Moberly, Mo. Applicant's representative: G. M. Rebman, 1230 Boatmen's Bank Buliding, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between Kansas City, Kans., and Jefferson City, Mo., over U.S. Highway 50, serving the intermediate points of Warrensburg and Sedalia, Mo., and those intermediate and off-route points in the Kansas City, Kansas-Missouri, commercial zone, as defined by the Commission. NOTE: This is a matter directly related in part to MC-F 9245, published in the FEDERAL REGISTER issue of November 3, 1965.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-9240 (EASTERN EXPRESS, INC.—CONTROL AND PURCHASE—WHEELOCK BROS., INC.), published in the October 29, 1965, issue of the FEDERAL REGISTER on page 13802. The prior notice stated that EASTERN EXPRESS, INC., seeks to control through ownership of capital stock, and to *purchase* the operating rights of WHEELOCK BROS., INC. The purpose of this supplemental corrected notice is to state that applicant seeks *only to control* WHEELOCK BROS., INC., through acquisition of all of its outstanding capital stock.

No. MC-F-9247. Authority sought for purchase by GRAF BROS., INC., 180 Main Street, Salisbury, Mass., of the operating rights of THOR TRANSPORTATION, INC., 181 Mendon Road, South Attleboro, Mass., and for acquisition by FRED WN. GRAF, 27 Rolfes Lane, Newbury, Mass., of control of such rights through the purchase. Applicants' attorneys: Kenneth B. Williams, and Robert J. Gallagher, both of 111 State Street, Boston, Mass., 02109. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Attleboro, Mass., and Boston, Mass., serving no intermediate points; *malt beverages*, over irregular routes, from Providence, R.I., to Attleboro, Mass.; and *metal castings*, from North Attleboro, Mass., to Pawtucket and Providence, R.I. Vendee is authorized to operate as a *common carrier* in all States east of the Mississippi River. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9248. Authority sought for purchase by CHICAGO-AURORA MOTOR SERVICE, INC., Aurora Avenue Lane, Aurora, Ill., of a portion of the operating rights and certain property of JAMES V. SHEPLEY, doing business as SHEPLEY MOTOR EXPRESS, 1 South Des Plaines Street, Joliet, Ill., and for acquisition by CARL I. JACKSON, also of Aurora, Ill., of control of such rights and property through the purchase. Applicants' attorney: Paul J. Maton, 10 South La Salle Street, Suite 1149, Chicago, Ill., 60603. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Joliet, Ill., and Chicago, Ill., serving the intermediate points of Lockport and Argo, Ill., and the off-route point of Lemont, Ill. Restriction: The service authorized hereinabove to and from Chicago is restricted to that portion of the Chicago commercial zone which is within the State of Illinois. Vendee is authorized to operate as a *common carrier* in Illinois. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9249. Authority sought for purchase by ANDERSON MOTOR SERVICE, INC., 1516 East 14th Street, St. Louis 6, Mo., of the operating rights of COUNTY EXPRESS, INC., 1358 Thatcher Street, St. Louis 35, Mo., and for acquisition by JOHN P. BUTLER, B. H. BOEGER, DAVID R. BUTLER, JOHN RICHARD BUTLER, ROBERT H. BUTLER, H. J. FISCHER, and R. G. STEVENS, all of St. Louis, Mo., of control of such rights through the purchase. Applicants' attorney: G. M. Rebman, 314 North Broadway, St. Louis, Mo., 63102. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods, but not excepting commodities in bulk, as a *common carrier*, over irregular routes, between points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone as defined by the Commission, on the one hand, and, on the other, points in St. Louis County, Mo., beyond the said commercial zone, except Valley Park, Mo. Vendee is authorized to operate as a *common carrier* in Indiana, Ohio, Illinois, and Missouri. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-12088; Filed, Nov. 9, 1965; 8:47 a.m.]

[Notice 1260]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 5, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–68240. By order of November 4, 1965, Transfer Board approved the transfer to Blair Transit Company, a corporation, Richmond, Va., of Certificate No. MC–113581 issued February 24, 1953, to John D. Blair, Jr., doing business as Blair Transit Co., Richmond, Va., authorizing the transportation of leaf tobacco, leaf tobacco scraps and leaf tobacco stems, and materials, equipment, supplies, and machinery used in the processing, marketing and transportation of leaf tobacco, leaf tobacco scraps and leaf tobacco stems, over irregular routes, from, to, and between specified points and areas in the States of Maryland, North Carolina, and Virginia, varying with the commodities transported. J. Randolph Tucker, Jr., 1407 State Planters Bank Building, Richmond, Va., 23219, attorney for applicants.

No. MC–FC–68241. By order of October 26, 1965, Transfer Board approved the transfer to Trans Country Van Lines, Inc., Elmont, N.Y., of certificate in No. MC–34088, issued November 14, 1960, to Gug Henry Chapin, doing business as Chapin Transfer & Storage, Kinsley, Kans., authorizing the transportation of: Canned goods, agricultural machinery, feed, household goods, and livestock, from, to, or between specified points in Colorado, Kansas, Oklahoma, and Missouri. Edward M. Alfano, 2 West 45th Street, New York, N.Y., 10036, attorney for applicants.

No. MC–FC–68243. By order of October 26, 1965, Transfer Board approved the transfer to Bowen Trucking Co., Inc., Farmington, N. Mex., of certificate in No. MC–97830 (Sub-No. 2), issued January 23, 1963, to C. Lee Williams, doing business as Lee Williams Truck Service, Liberal, Kans., authorizing the transportation of: Machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and machinery, materials, equipment, and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, except the picking up and stringing of main or truck pipelines, between points in Kansas, Oklahoma, and that part of Texas bounded on the south by U.S. Highway 84 extending from the New Mexico-Texas State line to Lubbock, Tex., thence by U.S. Highway 82 to Wichita Falls, Tex., and on the east by U.S. Highway 277 extending from Wichita Falls, Tex., to the Texas-Oklahoma State line, including points on the indicated portions of the highways specified. Erle W. Francis, 719 Capitol Federal Building, 700 Kansas Avenue, Topeka, Kans., attorney for applicants.

No. MC–FC–68265. By order of November 4, 1965, Transfer Board approved the transfer to William Duggan Machinery Movers, Inc., Brooklyn, N.Y., of the operating rights issued by the Commission October 18, 1963, under Certificate No. MC–55809, to Fox Rigging & Hauling Corp., New York, N.Y., authorizing the transportation, over irregular routes, of machinery, between Newark, N.J., New York, N.Y., and points in New Jersey within 10 miles of Newark, N.J., on the one hand, and, on the other, Albany and Binghamton, N.Y., and points in that part of New Jersey, New York, Pennsylvania, and Connecticut, within 125 miles of Newark, N.J. Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N.Y., attorney for transferor. Sidney Spero, 160–16 Jamaica Avenue, Jamaica 32, N.Y., attorney for transferee.

No. MC–FC–68272. By order of October 25, 1965, Transfer Board approved the transfer to Jacob J. Elliott, Jr., and Alvin R. Roth, a partnership, doing business as Shively's, Bethlehem, Pa., of a portion of certificate in No. MC–1344, issued August 14, 1964, to Union Transfer Co. of Allentown, Inc., 728 North 15th Street, Allentown, Pa., authorizing the transportation of: Household goods as defined, between Allentown, Pa., and points within 50 miles of Allentown, on the one hand, and, on the other, points in New Jersey, New York, and the District of Columbia, and, between Allentown, Pa., and points within 25 miles of Allentown, on the one hand, and, on the other, points in New York, New Jersey, and Maryland. Morris Mindlin, 146 East Broad Street, Bethlehem, Pa., attorney for transferees.

No. MC–FC–68273. By order of October 29, 1965, Transfer Board approved the transfer to La Flor De Mayo Express, Inc., New York, N.Y., of certificate in No. MC–52900, issued November 25, 1963, to Trans-World Moving & Storage Co., Inc., 270 East 42d Street, Brooklyn, N.Y., authorizing the transportation of: Household goods, as defined, between New York, N.Y., on the one hand, and, on the other, points in Connecticut, New Jersey, New York, and Pennsylvania. Harry B. Rosenbaum, 350 Broadway, New York, N.Y., 10013, attorney for transferee.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 65–12089; Filed, Nov. 9, 1965; 8:47 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

NOVEMBER 5, 1965.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State docket number assigned C–160 Case No. 2, filed October 18, 1965. Applicant: CHARLES A. VAN ZOEREN, doing business as ALVAN MOTOR FREIGHT, 1015 West Paterson Avenue, Kalamazoo, Mich. Applicant's representative: Walter N. Bieneman, Suite 1700, One Woodward Avenue, Detroit, Mich., 48226. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, serving the plantsite of Northern Fibre Products Co., approximately 4 miles north of Holland, Mich., in Olive Township, Ottawa County, Mich., as an off-route point in connection with otherwise authorized operations.

HEARING: December 9, 1965, at 9:30 a.m., in the offices of the Michigan Public Service Commission, Lewis Cass Building, Lansing, Mich. Requests for procedural information including time for filing protests concerning this application should be addressed to the Michigan Public Service Commission, Lewis Cass Building, Lansing, Mich., and should not be directed to the Interstate Commerce Commission.

State docket number assigned 3755, filed October 29, 1965. Applicant: ANDERSON DEVELOPMENT CORPORATION, Post Office Box 4027, Ambrosia Lake Station, Grants, N. Mex. Applicant's representative: R. Russell Rager, Post Office Box 1031, Albuquerque, N. Mex. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *ore concentrates* and *precipitates*, between all points in New Mexico, over irregular routes, under nonscheduled service.

HEARING: December 7, 1965 at 9:30 a.m., in the offices of the Commission, State Capitol, Santa Fe, N. Mex. Requests for procedural information including time for filing protests concerning this application should be addressed to the New Mexico State Corp. Commission, Motor Transportation Department, Santa Fe, N. Mex., and should not be directed to the Interstate Commerce Commission.

State docket number MC 4731, filed June 23, 1965. Applicant: BEST-WAY TRANSPORTS, INC., 115 Division, Jackson, Tenn. Applicant's representative: Clarence Evans, 710 Third National Bank Building, Nashville, Tenn. Certificate of public convenience and necessity sought to operate a freight service as follows: (1) Transportation of *aluminum ingot* and *aluminum plate* or *sheet*, between the plantsites of Consolidated Aluminum Corp., which are located at Jackson, and New Johnsonville, Tenn., and (2) authority also sought to transport *general commodities* (except used household goods, and commodities in bulk), between Jackson and Milan, Tenn., over U.S. Highways 45 and 45E; between Jackson and Trenton, Tenn., over U.S. Highways 45 and 45W; between Jackson and Henderson, Tenn., over U.S. Highway 45; between Jackson and Lexington, Tenn., over Tennessee Highway 20; between Jackson and Dyersburg, Tenn., over Tennessee Highway 20; between Jackson and Braden, Tenn., over U.S. Highway 70; between Jackson and Waverly, Tenn., over U.S. Highway 70; between junction U.S. Highway 45 and Tennessee Highway 18, and the junction of Tennessee Highways 57 and 18A, over Tennessee Highway 18, and also over Tennessee Highway 18A; between Brownsville, Tenn., and junction Tennessee Highways 57 and 76, over Tennessee Highway 76; between Covington, Tenn., and junction Tennessee Highways 76 and 59, over Tennessee Highway 59; between Covington and Trenton, Tenn., over Tennessee Highway 54; between Covington and Dyersburg, Tenn., over U.S. Highway 51; between Milan and Dyersburg, Tenn., over Tennessee Highway 104; between Ripley and Brownsville, Tenn., over Tennessee Highway 19.

Between Gates and Bells, Tenn., over Tennessee Highway 88, between Brownsville and Huntingdon, Tenn., over U.S. Highway 70A; between Somerville and Bolivar, Tenn., over U.S. Highway 64; between junction U.S. Highway 64 and Tennessee Highway 100, and Jacks Creek, Tenn., over Tennessee Highway 100; between Moscow and Grand Junction, Tenn., over Tennessee Highway 57; between Huntingdon and Jacks Creek, Tenn., over Tennessee Highways 22 and 22A; between junction Interstate Highway 40 and Tennessee Highway 59, and junction Interstate Highway 40 and Tennessee Highway 13, over Interstate Highway 40; and between Waverly, Tenn., and junction Interstate Highway 40 and Tennessee Highway 13 over Tennessee Highway 13; between Jackson and South Fulton, Tenn., over U.S. Highways 45, 45W, and 45E; between Jackson, Tenn., and junction Tennessee Highway 57 and U.S. Highway 45, over U.S. Highway 45; between Jackson and Perryville, Tenn., over Tennessee Highway 20; between Covington and Paris, Tenn., over Tennessee Highway 54; between Covington and Union City, Tenn., over U.S. Highway 51; between Brownsville and Paris, Tenn., over U.S. Highway 79; between Somerville and Savannah, Tenn., over U.S. Highway 64; between junction Tennessee Highways 100 and 64, and Parsons, Tenn., over Tennessee Highway 100; between Moscow, Tenn., and Tennessee-Mississippi State line over Tennessee Highway 57; between Pickwick Dam and Savannah, Tenn., over Tennessee Highway 128; between junction Tennessee Highways 57 and 142, and junction Tennessee Highways 142 and U.S. Highway 45, over Tennessee Highway 142; between junction Tennessee Highways 25 and 57, and Bolivar, Tenn., over Tennessee Highway 125; between junction Tennessee Highways 57 and 22, and Union City, Tenn., over Tennessee Highway 22, and also over Tennessee Highways 22 and 22A; between junction U.S. Highway 64 and Tennessee Highway 69, and Paris, Tenn., over Tennessee Highway 69; between Dyersburg and junction Tennessee Highways 69 and 104, over Tennessee Highway 104; between Paris, Tenn., and junction Tennessee Highways 51 and 77, over Tennessee Highway 77; between junction U.S. Highways 70A and 70, and junction U.S. Highways 70A and 79 over U.S. Highway 70A; between junction U.S. Highway 70A and Tennessee Highway 105, and Trimble, over Tennessee Highway 105; between McKenzie and Greenfield, Tenn., over Tennessee Highway 124; and between Dresden, Tenn., and junction of U.S. Highway 45W and Tennessee Highway 89, over Tennessee Highway 89. NOTE: Applicant seeks authority to use all of the foregoing routes in conjunction with each other, and to serve any and all intermediate points on said routes.

HEARING: December 9, 1965, at C–1–110 Cordell Hull Building, Nashville, Tenn. Requests for procedural information including time for filing protests concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn., 37219, and should *not* be directed to the Interstate Commerce Commission.

State docket number assigned H–4905, filed October 12, 1965. Applicant: RAYMOND F. HUGHES, doing business as HUGHES FREIGHT CO., 105 South 13th Street, Centerville, Iowa. Applicant's representative: Kenneth F. Dudley, 901 South Madison Avenue, Post Office Box 279, Ottumwa, Iowa. Certificate of public convenience and necessity sought to operate a freight service over regular routes, as follows: *General freight*, between Ottumwa, Floris, Drakesville, Paris (Bunch), Unionville, Udell, Centerville, Numa, Seymour, Harvard, Allerton, Clio, and Lineville, Iowa.

HEARING: December 15, 1965, at 10:00 o'clock a.m., at the Office of the Commission, Des Moines, Iowa. Requests for procedural information including time for filing protests concerning this application should be addressed to the Iowa State Commerce Commission, Des Moines, Iowa, 50319, and should not be directed to the Interstate Commerce Commission.

State docket number assigned C–6714, Case No. 17, filed October 7, 1965. Applicant: CENTRAL TRANSPORT, INC., 3399 East McNichols Road, Detroit, Mich., 48212. Applicant's representatives: Snyder, Loomis & Ewert, 117 West Allegan Street, Lansing, Mich., 48933. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of: *General commodities*, serving the plantsite of Phillips Products Co., Inc., located on North Territorial Road in Washtenaw County, Mich. (approximately 1.2 miles east of U.S. Highway 23) as an off-route point in connection with applicant's otherwise authorized service over U.S. Highway 23.

HEARING: December 1, 1965, at 9:30 a.m. in the offices of the Michigan Public Service Commission, Lewis Cass Building, Lansing, Mich. Requests for procedural information including time for filing protests concerning this application should be addressed to the Michigan Public Service Commission, Lewis Cass Building, Lansing, Mich., and should not be directed to the Interstate Commerce Commission.

State docket number assigned 8108–CCT, filed August 24, 1965. Applicant: SUNSHINE MOBILE HOME MOVERS, INC., 595 Northwest 71st Street, Miami, Fla. Applicant's representative: John T. Bond, 1955 Northwest 17th Avenue, Miami, Fla. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *mobile homes* and/or *house trailers, including awnings, cabana rooms* and *such other accessories* as would be a component part in the moving of the complete unit, by the towaway or haulaway method, over irregular routes and on irregular schedules, from, to, and between, all points in Monroe County, Fla., and from points in Monroe County, Fla., to points in Florida, and from points in Florida to points in Monroe County, Fla.

HEARING: November 18, 1965, at the Holiday Inn, Key West, Fla. Requests for procedural information including time for filing protests concerning this application should be addressed to the Florida Public Service Commission, Tallahassee, Fla., 32304, and should not be directed to the Interstate Commerce Commission.

State docket number assigned 77482 M, filed September 24, 1965. Applicant: A. E. SUENRAM, doing business as A. E. SUENRAM TRUCK SERVICE, 3335 South Edwards, Wichita, Kans. Applicant's representative: Erle W. Francis, 719 Capitol Federal Building, Topeka, Kans. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities* and *property* being transported incidental to transportation by aircraft (except those of unusual value, classes A and B explosives (as defined by the Interstate Commerce Commission), household goods (as defined by the Interstate Commerce Commission), and commodities in bulk or requiring special equipment). Restricted to traffic having an immediately prior or immediately subsequent movement by air, between the Wichita commercial airport, on the one hand, and, on the other, all points in Kansas within 50 miles of Wichita and all commercial airports located in the Kansas portion of the Kansas City, Kans.-Mo., commercial zone as defined by the Interstate Commerce Commission.

HEARING: December 20, 1965, at 9:30 a.m., at the Hotel Lassen, Wichita, Kans. Requests for procedural information including time for filing protests concerning this application should be addressed to the Kansas Corporation Commission,

Transportation Division, Topeka, Kans., 66612, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-12090; Filed, Nov. 9, 1965; 8:47 a.m.]

[No. 34471 (Sub-No. 1)]

SEA-LAND SERVICE, INC., ET AL.

Unjust Rates; Assignment for Hearing and Directing Special Procedure

It appearing, that on July 25, 1965, Sea-Land Service, Inc., filed a complaint against the Atlantic Coast Line Railroad Co. and four other participating rail carriers alleging that certain Plan III TOFC rates on foodstuffs, beverages or beverage preparations from Florida to Kearny, N.J., are unjust, unreasonable and unlawful under section 1 of the Interstate Commerce Act and the National Transportation Policy;

And it further appearing, that upon consideration of the record in this proceeding and having determined this proceeding is of such a nature as to require the adoption of special procedure, including a formal hearing before a hearing examiner, and for good cause appearing therefor:

It is ordered, That:

(a) This proceeding be, and it is hereby, referred to Hearing Examiner Richard S. Ries for hearing at the time and place hereinafter designated and for recommendation of an appropriate order thereon, accompanied by the reasons therefor;

(b) The complainant and any interested party in support thereof shall file with the Commission on or before November 29, 1965, their prepared testimony in writing, including all exhibits thereto and, at the same time, serve a copy of such prepared testimony and exhibits upon all parties to the proceeding. The railroad defendants shall file their cost evidence on the same date and serve all parties;

(c) A hearing will be held at the offices of the Interstate Commerce Commission, Washington, D.C., on December 30, 1965, commencing at 9:30 o'clock a.m., U.S. standard time, for the purpose of cross-examining all witnesses that submitted evidence or cost studies on or before November 29, 1965;

(d) On or before January 13, 1966, both the complainants and the defendants shall file their rebuttal evidence including any restatement of costs. Such evidence is to be served upon all parties;

(e) A final hearing will be held at the offices of the Interstate Commerce Commission, Washington, D.C., on February 17, 1966, commencing at 9:30 o'clock a.m., U.S. standard time, for the purpose of the railroad defendants closing their case as to their own costs and for Sea-Land to close its case as to its costs and for cross-examination of any additional evidence submitted on or before January 13, 1966;

(f) An original with the affidavit and signature in ink together with two copies of all prepared testimony shall be filed with the Commission;

(g) Evidence presented which fails to conform to the above-outlined procedure will be grounds for its rejection from the record of the proceeding.

And it is further ordered, That a copy of this order be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all parties.

Dated at Washington, D.C., this 1st day of November A.D. 1965.

By the Commission, Commissioner Freas.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-12085; Filed, Nov. 9, 1965; 8:47 a.m.]

[Notice 82]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 4, 1965.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67, (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 113843 (Sub-No. 107 TA), filed November 2, 1965. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass., 02210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, prepared, from Hamlin, Holley, and Williamson, N.Y., to points in Michigan and Wisconsin, for 150 days. Supporting shipper: Duffy-Mott Co., Inc., 370 Lexington Avenue, New York, N.Y., 10017. Send protests to: Richard D. Mansfield, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 30 Federal Street, Boston, Mass., 02110.

No. MC 124212 (Sub-No. 38 TA), filed November 2, 1965. Applicant: MITCHELL TRANSPORT, INC., 21111 Chagrin Boulevard, Cleveland, Ohio, 44122. Applicant's representative: J. A. Kundtz, Jr., 1050 Union Commerce Building, Cleveland, Ohio, 44115. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plantsite of Lehigh Portland Cement Co., located at or near Jacksonville, Fla., to points in Appling, Atkinson, Bacon, Ben Hill, Berrien, Brantley, Brooks, Bryan, Camden, Charlton, Chatham, Clinch, Coffee, Cook, Echols, Evans, Glynn, Irwin, Jeff Davis, Lanier, Liberty, Long, Lowndes, McIntosh, Montgomery, Pierce, Tattnall, Telfair, Tift, Toombs, Ware, Wayne, and Wheeler Counties, Ga., for 180 days. Supporting shipper: Lehigh Portland Cement Co., Allentown, Pa. Send protests to: G. J. Baccel, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 435 Federal Building, Cleveland, Ohio, 44114.

No. MC 126967 (Sub-No. 3 TA), filed November 2, 1965. Applicant: AUTO HAULAWAY LIMITED, Post Office Box 333, Oakville, Ontario, Canada. Applicant's representative: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, Mich., 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, and buses*, as defined in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in initial and secondary movements, in driveaway and truckaway service, and *parts and accessories thereof* moving at the same time, and with the vehicles of which they are a part and on which they are to be installed, between the port of entry on the international boundary line between the United States and Canada, located at Detroit, Mich., on the one hand, and, on the other, Dearborn and Wayne, Mich., for 150 days. Supporting shipper: Ford Motor Co., the American Road, Dearborn, Mich. Send protests to: George M. Parker, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 324 Federal Office Building, Buffalo, N.Y., 14203.

No. MC 127342 (Sub-No. 3 TA), filed November 2, 1965. Applicant: WILBUR McLAUGHLIN, doing business as TONICA TRANSIT COMPANY, Post Office Box 77, Tonica, Ill. Applicant's representative: Robert H. Levy, 105 West Adams, Chicago, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from Sheffield, Ill., to Glendale, Milwaukee, and Madison, Wis.; Portage, Gary, and Griffith, Ind.; Clinton, Maquoketa, and Davenport, Iowa, for 150 days. Supporting shipper: Sheffield Brick Co., Sheffield, Ill. Send protests to: William E. Gallagher, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 1086, U.S. Courthouse, Federal Office Building, 219 South Dearborn Street, Chicago, Ill., 60604.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-12030; Filed, Nov. 8, 1965; 8:49 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 4, 1965.

Protests to the granting of an application must be prepared in accordance with § 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40102—*Soda ash to St. Louis, Mo., district.* Filed by Southwestern Freight Bureau, agent (No. B-8780), for interested rail carriers. Rates on soda ash, in bulk, in covered hopper cars, in carloads, from Corpus Christi, Freeport, and Houston, Tex., also Lake Charles, La., to Alton, East St. Louis, Federal, Hartford, Roxana, Wood River, Ill., and St. Louis, Mo.

Grounds for relief—Market competition.

Tariffs—Supplements 209 and 70 to Southwestern Freight Bureau, agent, tariffs ICC 4450 and 4564, respectively.

FSA No. 40103—*Iron or steel slabs to Memphis, Tenn.* Filed by Southwestern Freight Bureau, agent (No. B-8778), for interested rail carriers. Rates on iron or steel slabs, in the rough, in carloads, from specified points in Oklahoma and Texas, to Memphis, Tenn.

Grounds for relief—Rate relationship.

Tariff—Supplement 158 to Southwestern Freight Bureau, agent, tariff ICC 4503.

FSA No. 40104—*Fertilizer compounds from points in Utah.* Filed by Western Trunk Line Committee, agent (No. A-2429), for interested rail carriers. Rates on fertilizer compounds (manufactured fertilizer), n.o.i.b.n., dry, containing weed killing compounds and worm killing compounds, in carloads, from Garfield, Geneva, and Salt Lake City, Utah, to points in Minnesota, North Dakota, and South Dakota.

Grounds for relief—Market Competition, modified short-line distance formula and grouping.

Tariffs—Supplement 135 to Western Trunk Line Committee, agent, tariff ICC A-4411 and supplement 94 to Union Pacific Railroad Co. tariff ICC 5557.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-12032; Filed, Nov. 8, 1965; 8:49 a.m.]

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die*, and until all public acts have received final Presidential consideration, a listing of public laws approved by the President will appear in the daily FEDERAL REGISTER under *Title 2, The Congress*. A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 89th Congress, First Session.

Approved November 3, 1965

H.J. Res. 597 ..... Public Law 89-320

Joint Resolution providing for the erection of a memorial to the late Doctor Robert H. Goddard, the father of rocketry.

H.R. 9811 ..... Public Law 89-321

Food and Agriculture Act of 1965.

Approved November 4, 1965

H.R. 9047 ..... Public Law 89-322

An Act to authorize the release of certain quantities of zinc from either the national stockpile or the supplemental stockpile, or both.

Approved November 5, 1965

H.R. 7812 ..... Public Law 89-324

An Act to authorize the loan of naval vessels to friendly foreign countries, and for other purposes.

H.R. 10305 ..... Public Law 89-323

An Act to authorize the disposal, without regard to the prescribed six-month waiting period, of approximately two hundred million pounds of nickel from the national stockpile.

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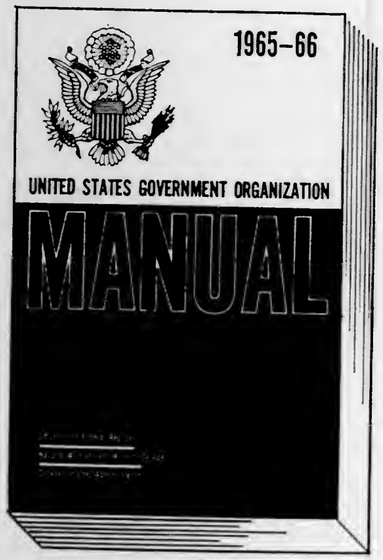
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33 13905, 13953, 14156

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FEDERAL REGISTER

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Atomic Energy Commission
Civil Aeronautics Board
Civil Service Commission
Commerce Department
Federal Aviation Agency
Federal Communications Commission
Federal Home Loan Bank Board
Federal Maritime Commission
Federal Power Commission
Federal Trade Commission
Fish and Wildlife Service
Food and Drug Administration
Health, Education, and Welfare Department
Housing and Urban Development Department
Interior Department
Internal Revenue Service
Interstate Commerce Commission
Land Management Bureau
Maritime Administration
National Aeronautics and Space Council
Post Office Department
Securities and Exchange Commission
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Detailed list of Contents appears inside.



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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show the exception under Schedule C of the position of Deputy Under Secretary for Transportation Research. Effective on publication in the FEDERAL REGISTER, subparagraph (37) is added to paragraph (a) of § 213.3314 as set out below.

§ 213.3314 Department of Commerce.

(a) *Office of the Secretary.* • • •

(37) One Deputy Under Secretary for Transportation Research.

• • • • • •

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director, Bureau of Management Services.

[F.R. Doc. 65–12146; Filed, Nov. 10, 1965; 8:48 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 19,479]

PART 545—OPERATIONS

Loans on Other Improved Real Estate

NOVEMBER 5, 1965.

Resolved that, notice and public procedure having been duly afforded (30 F.R. 11974) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration and of determination by it of the advisability of amendment of § 545.6–1(c) of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6–1(c)), and for the purpose of effecting such amendment, hereby amends said § 545.6–1(c) to read as follows, effective January 1, 1966.

§ 545.6–1 Lending powers under sections 13 and 14 of Charter K.

• • • • • •

(c) *Other improved real estate.* Subject to the limitations of § 545.6–7, a Federal association may, if permitted by the terms of its charter, make loans on other improved real estate, as defined in paragraph (a) of § 541.12, to the extent authorized by this paragraph (c):

(1) Any monthly installment loan may be made in an amount not exceeding 70 percent, and any loan repayable on any other plan may be made in an amount not exceeding 60 percent, of the value of such real estate, except that the maximum loan-to-value ratios for loans made under §§ 545.6–16 and 545.6–18 shall be the ratios provided in those sections.

(2) Any monthly installment loan shall be repayable in not more than 20 years and any loan repayable on any other plan shall be repayable in not more than 5 years but with interest payable at least semiannually, except that the maximum loan terms for monthly installment loans made under §§ 545.6–16 and 545.6–18 shall be the terms provided in those sections;

(3) Any insured loan may be made in such amount and may be repayable upon such terms and conditions as are acceptable to the insuring agency; and

(4) Any guaranteed loan at least 20 percent of which is guaranteed, and any guaranteed loan which does not exceed the amount that the association may otherwise lend plus the amount guaranteed, may be made and may be repayable upon such terms and conditions as are acceptable to the guaranteeing agency.

• • • • • •

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[F.R. Doc. 65–12147; Filed, Nov. 10, 1965; 8:48 a.m.]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. FSLIC–2,319]

PART 563—OPERATIONS

Re-Evaluation of Assets; Adjustment of Book Value; Adjustment Charges

NOVEMBER 5, 1965.

Resolved that, notice and public procedure having been duly afforded (30 F.R. 8972) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration and of determination by it of the advisability of amendment of Part 563 of the rules and regulations for insurance of accounts (12 CFR Part 563) as hereinafter set forth, and for the purpose of effecting such amendment, hereby amends said Part 563 by the addition of a new section, § 563.17–2, to read as follows, effective December 13, 1965.

§ 563.17–2 Re-evaluation of assets; adjustment of book value; adjustment charges.

(a) *By insured institutions.* An insured institution shall appraise each parcel of real estate owned which is or becomes a scheduled item, except that the foregoing requirement shall not apply to any parcel of real estate that is sold and reacquired less than 12 months subsequent to the most recent appraisal made pursuant to this sentence. A dated, signed copy of each report of appraisal made pursuant to any provision of this paragraph (a) shall be retained in the institution's records.

(b) *By examiners.* In connection with each examination of an insured institution, the Board's examiner shall make such re-evaluation of such institution's assets (exclusive of insured or guaranteed loans) as he deems advisable or necessary. Any such re-evaluation of real estate shall be based on an appraisal as provided by § 563.17–1, except that re-evaluation of parcels of real estate that are similar in all essential respects may be based on an appraisal of one or more of such parcels.

(c) *Adjustment of book value.* If the re-evaluation of assets pursuant to paragraph (b) of this section discloses that any asset of an insured institution is over-valued on its books (exclusive of over-valuation due to fluctuations in value which are caused by changes in market interest rates), such institution shall, at the direction of the Supervisory Agent, make an adjustment of the book value of such asset; unless otherwise directed by the Supervisory Agent, such institution shall make such adjustment by establishing and maintaining a specific reserve in an amount equal to the over-valuation.

(d) *Adjustment charges.* Adjustment of the book value of an asset by an insured institution pursuant to any provision of this section may be made by charge against such institution's earnings for the period in which such charge is made, or against surplus, undivided profits, or reserves established for the sole purpose of absorbing losses. Any recovery of any portion of any amount previously charged against reserves established for the sole purpose of absorbing losses shall be credited to such reserves; such credit shall be in addition to all other required credits to such reserves. Any recovery of any portion of any amount previously charged against earnings shall be credited to earnings shall be credited to earnings for the period in which such recovery

is effected. For the purposes of this paragraph (d), any charge against a specific reserve established pursuant to any provision of this section shall be deemed to be a recovery on an asset the book value of which was previously adjusted unless such charge is made for the purpose of concurrently writing down the book value of such asset.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[F.R. Doc. 65-12148; Filed, Nov. 10, 1965; 8:49 a.m.]

[No. FSLIC-2,320]

PART 570—BOARD RULINGS

Computation of Scheduled Items, Assets and Specified Assets

NOVEMBER 5, 1965.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amendment of Part 570 of the rules and regulations for insurance of accounts (12 CFR Part 570) as hereinafter set forth, and for the purpose of effecting such amendment, hereby amends said Part 570 as follows, effective December 13, 1965.

Part 570 is hereby amended by adding, immediately after § 570.7, a new § 570.8, to read as follows:

§ 570.8 Computation of scheduled items, assets and specified assets.

(a) Insurance Regulation 563.17-2 provides for the establishment of specific reserves in connection with the revaluation of assets of an insured institution.

(b) The amount of any specific reserve established to offset the overvaluation of any asset shall be deducted from the book value of the asset in determining scheduled items, assets and specified assets.

Resolved further that, since the aforesaid amendment contains only statements of general policy or interpretations of substantive rules adopted or formulated by the Board for the guidance of the public, the requirements of notice and public procedures set out in § 508.12 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.12) and section 4(a) of the Administrative Procedure Act do not apply.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[F.R. Doc. 65-12149; Filed, Nov. 10, 1965; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 63-SO-55]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zones and Designation of Transition Area

On July 27, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 9323) stating that the Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the Fort Lauderdale, Fla., and Homestead, Fla., control zones and designate the Miami, Fla., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable. The substance of the final rule is the same as that contained in the Notice except for three minor changes as follows: (a) In the Fort Lauderdale control zone the "134°" bearing is changed to "135°" due to a revision of the AL-744-ADF-1 approach to Fort Lauderdale; (b) in the Homestead control zone the "047°" radial is changed to "046°" and the "233°" radial is changed to "232°" due to revisions to several instrument approaches to Homestead AFB; and (c) in the 1,700-foot portion of the Miami transition area the coordinates shown for the Key West VOR are deleted. The Key West VOR will be moved on November 11, 1965, to a new position approximately a mile northwest of its present location.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001, e.s.t., January 6, 1966, as hereinafter set forth.

1. In § 71.171 (29 F.R. 17581) the Fort Lauderdale and Homestead control zones are amended to read as follows:

FORT LAUDERDALE, FLA.

Within a 5-mile radius of Fort Lauderdale-Hollywood International Airport (latitude 26°04'25" N., longitude 80°09'10" W.); within 2 miles each side of the Fort Lauderdale VOR 079° radial, extending from the 5-mile radius zone to 10 miles E of the VOR; within 2 miles each side of the Fort Lauderdale VOR 278° radial, extending from the 5-mile radius zone to 8 miles W of the VOR; within 2 miles each side of the Fort Lauderdale VOR 306° radial, extending from the 5-mile radius zone to the INT of the Fort Lauderdale VOR 306° radial and the Miami, Fla. VORTAC 043° radial; within 2 miles each side of the 135° bearing from the Fort Lauderdale RBN, extending from the 5-mile radius zone to the RBN; excluding that portion within a 1.5-mile radius of Bradley Field Airport, Fort Lauderdale, Fla. (latitude 26°09'15" N., longitude 80°09'50" W.).

HOMESTEAD, FLA.

Within a 5-mile radius of the Homestead AFB (latitude 25°29'15" N., longitude 80°-23'10" W.); within 2 miles each side of the Homestead VOR 048° radial, extending from the 5-mile radius zone to the VOR; within 2 miles each side of the Homestead ILS localizer SW course, extending from the 5-mile radius zone to the LOM; within 2 miles each side of the Homestead TACAN 232° radial, extending from the 5-mile radius zone to 7.5 miles SW of the TACAN; and within 2 miles each side of the Homestead ILS localizer NE course, extending from the 5-mile radius zone to 6 miles NE of Homestead AFB.

2. Section 71.181 (29 F.R. 17643) is amended by adding the following transition area:

MIAMI, FLA.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Miami International Airport (latitude 25°47'35" N., longitude 80°17'10" W.); within 5 miles S and 8 miles N of the Miami Runway 9-L ILS localizer W course, extending from the airport to 12 miles W of the Runway 9-L ILS LOM; within 5 miles N and 8 miles S of the Miami Runway 27-L ILS localizer E course, extending from the airport to 12 miles E of the Runway 27-L ILS LOM; within 5 miles S and 8 miles N of the Runway 9-L ILS localizer E course, extending from the airport to 12 miles E of the INT of Runway 9-L ILS localizer E course and the Biscayne Bay VOR 351° radial; within 2 miles each side of the Miami VORTAC 139° radial, extending from the 7-mile radius area to the VORTAC; within a 4-mile radius of the Tamiami Airport, Fla. (latitude 25°-45'15" N., longitude 80°22'35" W.); within a 6-mile radius of Opa Locka Airport, Fla. (latitude 25°54'25" N., longitude 80°16'40" W.); within 2 miles each side of the Miami VORTAC 108° radial, extending from the 6-mile radius area to the VORTAC; within a 7-mile radius of Fort Lauderdale-Hollywood International Airport (latitude 26°04'-25" N., longitude 80°09'10" W.); within 2 miles each side of the 315° bearing from the Fort Lauderdale RBN, extending from the 7-mile radius area to 8 miles NW of the RBN; within a 7-mile radius of Homestead AFB (latitude 25°29'15" N., longitude 80°-23'10" W.); within 2 miles each side of the Homestead ILS localizer NE course, extending from the 7-mile radius area to 9 miles NE of Homestead AFB; that airspace extending upward from 1,200 feet above the surface within a 50-mile radius of Miami International Airport; that airspace south of Miami extending from the 50-mile radius area bounded on the E and S by V-35, and on the W by V-3; that airspace NW of Miami extending from the 50-mile radius area bounded on the W by V-97, on the N by V-492 S alternate, and on the E by V-267; that airspace extending upward from 1,700 feet above the surface bounded by a line beginning at the INT of the eastern edge of V-225 E alternate and the western edge of V-35, thence S along the eastern edge of V-225 E alternate to the INT of a 35-mile radius arc centered at the Key West VOR, thence clockwise along the 35-mile arc to the northwestern edge of V-51/V-157, thence NE along the northwestern edge of V-51/V-157 to the INT of a 50-mile radius arc centered at Miami International Airport, thence clockwise along the 50-mile radius arc to the W edge of V-35 W alternate, thence NW along the western edge of V-35 W alternate and V-35 to the point of beginning; and that airspace NW of Miami bounded on the N by V-7, on the SW by V-35, and on the E by V-157 W alternate; excluding the portion within W-173.

(Secs. 307(a), 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510; E.O. 10854, 24 F.R. 9565)

Issued in Washington, D.C., on November 4, 1965.

JAMES L. LAMPL,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-12106; Filed, Nov. 10, 1965; 8:45 a.m.]

[Docket No. 7013; Amdt. 151-9]

PART 151—FEDERAL AID TO AIRPORTS

Labor Protective Provisions; Fringe Benefit Requirements

The purpose of this amendment is to revise paragraph A(4) of Appendix H of Part 151 of the Federal Aviation Regulations to conform it to recently amended § 5.5(a)(1)(iv) of the regulations of the Secretary of Labor (30 F.R. 13136), effective October 15, 1965.

Appendix H of Part 151 sets forth the contract provision required by the regulations of the Secretary of Labor. Section 151.49(a) requires sponsors to insert this provision in full in each construction contract. Paragraph A(4) of Appendix H pertains to "Fringe Benefit Requirements" and reflects § 5.5(a)(1)(iv) of the regulations of the Secretary of Labor.

The procedural and effective date requirements of section 4 of the Administrative Procedure Act do not apply to this amendment because it is within the exception in that section relating to public grants, benefits and contracts.

This amendment is made under the authority of the Federal Airport Act, as amended (49 U.S.C. 1101-1120), and Part 5 of Title 29 of the Code of Federal Regulations. It is adopted by the Director, Airports Service, Federal Aviation Agency, under authority delegated in § 151.49(a) of Part 151 of the Federal Aviation Regulations.

In consideration of the foregoing, paragraph A(4) of Appendix H of Part 151 of Chapter I of Title 14 of the Code of Federal Regulations is amended, effective November 11, 1965, to read as follows:

(4) If the contractor does not make payments to a trustee or other third person, he may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing benefits under a plan or program of a type expressly listed in the wage determination decision of the Secretary of Labor which is a part of this contract: *Provided, however,* The Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

Issued in Washington, D.C., on November 3, 1965.

COLE MORROW,
Director, Airports Service.

[F.R. Doc. 65-12107; Filed, Nov. 10, 1965; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER-447]

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Reporting of Revenue Plane Mileage Flown by Scheduled Carriers in Charter and Special Service Operations

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of October 1965.

The Board has published in 30 F.R. 7251 and circulated to the industry in EDR-83, dated May 25, 1965, Docket 16186, a notice of proposed rule making which proposed additional reporting requirements for certificated air carriers. The explanatory statement in the notice sets forth the reasons for the amendment at length. Briefly, they are that by requiring the route carriers to report the details concerning their chapter and special service operations in a manner similar to that now supplied by supplemental carriers, the Board would obtain the overall view of the charter market which it requires in order to cope with the problems arising from the enactment of P.L. 87-528, 76 Stat. 143, which authorizes the certification of the supplemental carriers as charter operators, and grants all-cargo carriers the right to conduct passenger charters subject to regulation. Additionally, the report now required by the amendment will provide the Board with precise information, which it now lacks, to police the Part 207 volume limitation upon the charter operations of the scheduled route carriers.

Industry comments on the notice of proposed rule making were filed by two carriers. United Air Lines, Inc., suggested that the reporting requirements with respect to operations between certificated points be clarified so as to insure that they pertain solely to the points authorized in the certificate of the reporting carrier. In order to remove any possibility of ambiguity, United's suggestion has been adopted.

Cordova Airlines, Inc., has recommended that the regulation be amended so as to be inapplicable to intra-Alaskan air carriers, stating that these carriers are not subject to Part 207 (14 CFR Part 207). However, this recommendation overlooks the fact that the present reporting requirement is designed to obtain industrywide charter operations statistics and that the omission of the charter operations of intra-Alaskan carriers would detract from the overall view of the charter market. For this reason we are not adopting Cordova's suggestion.

We have also determined to make additional modifications in the proposed rule primarily for the purposes of clarification. Thus, with reference to a flight involving both certificated and noncertificated points, we have included an explanation in the instruction for filling out Schedule T-41 that those portions of the flight should be considered mileage between certificated points which are represented by (1) on-loading or off-loading at a certificated point, and then (2) off-loading at a certificated point subsequently reached, so long as there is no off-loading at intermediate noncertificated points. Other mileage on such flights is not between certificated points. We have also provided for separate reporting of paid ferry mileage as a component of revenue aircraft miles in Schedule T-41 although such mileage is not, strictly speaking, part of revenue aircraft mileage. We have done so because separate itemization of paid ferry mileage insures that a paid empty ferry leg on-route cannot be used to enlarge the route carrier's 2-percent allotment of off-route mileage, and that an empty ferry leg off-route will not use up part of the route carrier's allowable off-route mileage. We have also provided for the separate reporting of flights between foreign noncertificated points to insure that such flights will not exhaust part of the route carrier's allowable off-route mileage.

Accordingly, the Board hereby amends Part 241 of the Economic Regulations (14 CFR Part 241), effective December 13, 1965,[1] as follows:

1. By amending paragraph (a) of Section 22 by inserting into the list of schedules a line for new Schedule T-41 "Charter and Special Service Revenue Aircraft Miles Flown," after Schedule T-5 and before Schedule G-41, to read as follows:

Section 22 General reporting instructions.

(a) • • •

[1] Under the revised regulation, the first Schedule T-41, covering the calendar year 1965, shall be filed along with the other annual schedules 90 days after the close of the year.

Schedule No.		Filing	
		Frequency	Postmark interval (days)
• • •	• • • • •	• • •	• • •
T-5	Monthly Listing of Summarized Passenger Loads by Flight Stages—Local Service Air Carriers.	Monthly	(?)
T-41	Charter and Special Service Revenue Aircraft Miles Flown	Annually	90
G-41	Persons Holding More Than 5 Per Centum of Respondent's Capital Stock or Capital.	do	90

• • • • • • •

2. By amending paragraph (a) of "General Instructions" in section 25 and by inserting after the full text of "Schedule T-5 Monthly Listing of Summarized Passenger Loads by Flight Stages—Local Service Air Carriers" language under the heading of "Schedule T-41 Charter and Special Service Revenue Aircraft Miles Flown" to read as follows:

Section 25 Traffic and capacity elements.

General instructions. (a) The prescribed reporting for traffic and capacity elements is designed to reflect, on a uniform basis, the physical factors relating to air transport operations as actually conducted. Schedules T-1 through T-41, reflecting traffic carried, capacity operated and other operating statistics, correlate similar information for the various services regardless of the schedule on which reported. The four-letter codes used on Schedules T-1, T-2 and T-3 are systematically assigned for each item of information to facilitate use of the data irrespective of the schedule in which they appear. Thus, the first digit of the four-letter code denotes basic class of service; for example, 1xxx indicates scheduled First-Class Services, 2xxx Scheduled Coach Services, 8xxx Nonscheduled Services and 9xxx All Services. The second digit denotes the basic operating element involved; for example, x0xx indicates passenger count, x1xx passenger-miles and x9xx unclassified. The last two digits denote the particular detailed operating element involved; for example, xx11 indicates first-class passengers/passenger seats, xx18 nonrevenue passengers, and xx31 through xx53 nonpassenger revenue traffic classes.

• • • • • •

Schedule T-41 Charter and Special Service Revenue Aircraft Miles Flown

(a) This schedule shall be filed by each route air carrier.

(b) A complete report shall be made on this schedule for the overall or system operations conducted by the air carrier during the calendar year.

(c) Total charter and special service revenue aircraft miles flown by the reporting air carrier during the calendar year shall be reflected in this schedule by combination carriers and all-cargo carriers in the sections provided therefor, respectively. Such data shall be broken down to reflect revenue aircraft miles flown for the Department of Defense and for all other customers, moreover, shall be broken down to reflect operations between certificated points of the reporting carrier and operations not between certificated points of the reporting carrier. Include under these headings revenue aircraft miles flown under exemption authority. (When a flight involves both certificated and noncertificated points, that portion or portions of the flight which are represented by (1) on-loading or off-loading at a certificated point, and then (2) off-loading at a certificated point subsequently reached shall be considered revenue aircraft mileage between certificated points: *Provided*, That there is no off-loading at any intermediate non-certificated point. All other revenue aircraft miles flown on such a flight shall be considered as mileage not between certificated points.) Under the heading of operations between certificated points the reported data shall reflect revenue aircraft miles involving (1) passengers exclusively; (2) cargo exclusively; (3) passengers and cargo jointly; and (4) paid ferry mileage. Under the heading of operations not between certificated points the reported data shall reflect revenue aircraft miles involving (1) passengers exclusively; (2) cargo exclusively; (3) passengers and cargo jointly; (4) paid ferry mileage; and (5) flights between foreign points. In the case of charters performed for the Department of Defense by an all-cargo carrier between its certificated points, the passenger legs of trips on which the legs in the other direction involved transportation of cargo shall be shown separately as a subtotal. Also, in the case of an all-cargo carrier, cargo charter revenue aircraft miles flown which are not between points certificated to such carrier shall be broken down to reflect those within and those outside the carrier's "area of operations" as defined in § 207.6 of the Board's Economic Regulations. In the event special services are performed by any reporting carrier, the revenue aircraft miles in such services shall be separately identified.

4. By deleting from Schedule T-3 of CAB Form 41,[3] herein incorporated by reference, Item 9969 reading "Revenue aircraft miles flown off-route (nonscheduled)."

(Secs. 204, 407, Federal Aviation Act of 1958, 72 Stat. 743, 766; 49 U.S.C. 1324, 1377)

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

[3] Filed as part of the original document.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 65-12138; Filed, Nov. 10, 1965; 8:48 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Subtitle A—Department of Housing and Urban Development

[Department Interim Order I]

CONTINUITY OF FUNCTIONS

The heading of Subtitle A of Title 24 is amended to read as set forth above.

Pending the appointment of a Secretary of Housing and Urban Development, this Interim Order I is issued to provide, until changed by appropriate authority, for continuity of functions.

1. *Nomenclature changes.* Reference to the "Housing and Home Finance Administrator" or "Administrator" appearing in a rule, regulation, order, authorization, delegation, or other action continued in effect under section 9(c) of Public Law 89-174 shall hereafter be deemed to refer to the Administrator in the Department of Housing and Urban Development pending the appointment of the Secretary.

2. *Certain offices or positions and organizational units; delegation of authority.* The offices or positions and organizational units in the Department shall include:

Office or position	*Respective organizational unit*
Federal Housing Commissioner.	Federal Housing Administration.
Public Housing Commissioner.	Public Housing Administration.
Community Facilities Commissioner.	Community Facilities Administration.
Urban Renewal Commissioner.	Urban Renewal Administration.
The Board of Directors and the President of the Federal National Mortgage Association.	Federal National Mortgage Association.

Each officer or employee appointed to, or designated to act in, the office or position listed immediately above and each organizational unit so listed is hereby authorized to exercise the functions, powers, and duties vested in, or delegated or assigned to, the office or position or officer or employee or organizational unit having the same title immediately prior to the effective date of the Act, and to redelegate and authorize successive redelegations of such authority to the extent empowered under authority vested, delegated, or assigned immediately prior to the effective date of the Act.

3. *Applicability of rules, regulations, orders, authorizations, delegations, or other actions continued in effect.* Subject to paragraph 2, a reference in a rule, regulation, order, authorization, delegation, or other action continued in effect under section 9(c) of the Act to an office or position, officer or employee, or organizational unit (including board or committee) shall be deemed to refer to the office or position, officer or employee, or organizational unit having the same title in the Department.

4. *Conclusive evidence of authority.* Any instrument or document, including an instrument purporting to transfer any right, title, or interest in or to real or personal property, executed by an officer or employee of the Department under the authority of this order shall be conclusive evidence of the authority of such officer or employee to execute such instrument or document.

5. *Custody of and accountability for assets and liabilities.* The assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations or allotments, or other funds referred to in section 7(a) of Public Law 89-174 shall be in the custody and subject to the accountability of the office or position, officer or employee, or organizational unit, responsible for such custody and accountability immediately prior to the effective date of the Act.

Effective as of the 9th day of November 1965.

ROBERT C. WEAVER, *Housing and Home Finance Administrator.*

[F.R. Doc. 65-12154; Filed, Nov. 9, 1965; 4:00 p.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 168—DIRECTORY OF INTERNATIONAL MAIL

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows:

In § 168.5 *Individual country regulations*, make the following changes:

I. In "El Salvador (Republic of)", under Postal Union Mail, the item *Prohibitions* is amended to prohibit the importation of jewelry and other precious articles. As so amended, the item reads as follows:

Postal Union Mail

• • • • • •

Prohibitions. Banknotes. Coins of gold and silver, jewelry, precious stones, and other precious articles.

Articles prohibited as parcel post are prohibited in the postal union mail.

II. In "Algeria" make the following changes to show that watches are now prohibited in both incoming parcel post and postal union mail:

A. Under Postal Union Mail, the item *Prohibitions and import restrictions* reads as follows:

Postal Union Mail

• • • • • •

Prohibitions and import restrictions. Same as France. Watches are prohibited.

B. Under Parcel Post, under the item *Prohibitions and import restrictions*, a new second paragraph is inserted between the present first and second paragraphs. As so added, the new second paragraph reads as follows:

Parcel Post

• • • • • •

Prohibitions and import restrictions.

• • • • • •

Watches are prohibited.

• • • • • •

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

HARVEY H. HANNAH, *Acting General Counsel.*

[F.R. Doc. 65-12129; Filed, Nov. 10, 1965; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3863]

[Anchorage 062764]

ALASKA

Partial Revocation of Executive Order No. 1919½ of April 21, 1914, and Executive Order No. 2242 of August 31, 1915

By virtue of the authority vested in the President by section 1 of the Act of March 12, 1914 (38 Stat. 305; 48 U.S.C. 303), and pursuant to Executive Order 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Executive Order No. 1919½ of April 21, 1914, which withdrew lands for townsite purposes, and Executive Order No. 2242 of August 31, 1915, which withdrew lands in Alaska for townsite and other purposes in connection with the construction and operation of railroad lines, are hereby revoked so far as they affect the following described lands:

ANCHORAGE TOWNSITE, EASTERN ADDITION

Block 23, lots 1 and 2, 7 to 10, inclusive;
Block 24, lots 4 to 6, inclusive.

The areas described aggregate 63,000 square feet.

2. Until 10 a.m. on February 5, 1966, the State of Alaska shall have a preferred right to select the lands in accordance with the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339) and the regulations in 43 CFR 2222.9 (formerly 43 CFR Part 76).

3. This order shall not otherwise become effective to change the status of the lands until 10 a.m. on February 5, 1966. At that time they shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable laws. All valid applications received at or prior to 10 a.m. on December 11, 1965, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands shall be addressed to the Manager, Anchorage District and Land Office, Bureau of Land Management, Anchorage, Alaska.

HARRY R. ANDERSON, *Assistant Secretary of the Interior.*

NOVEMBER 5, 1965.

[F.R. Doc. 65-12121; Filed, Nov. 10, 1965; 8:46 a.m.]

[Public Land Order 3864]

[Oregon 013158]

OREGON

Powersite Modification No. 441, Umpqua River, Oregon, To Permit Grant of Right-of-Way

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and by virtue of the authority contained in the Act of June 9, 1916 (39 Stat. 218), it is ordered as follows:

The Executive Orders of June 4, 1912, and July 24, 1917, creating Powersite Reserves No. 280 and No. 633, respectively, and the Departmental Order of July 13, 1917, establishing Waterpower Designation No. 11, are hereby modified to the extent necessary to permit the grant of a right-of-way of varying widths but not exceeding 200 feet in any part thereof over the following described lands, to Douglas County, under section 2477, U.S. Revised Statutes (43 U.S.C. 932), for construction of a highway as shown on a map on file with the Bureau of Land Management under Oregon 013158 as a part of the application by the County:

WILLAMETTE MERIDIAN

T. 25 S., R. 7 W.,
Sec. 5, lot 2;
Sec. 6, lot 1.

The lands are described in favorable determination DA-513-Oregon of the Federal Power Commission issued August 23, 1965. As provided by the Commission allowance of the right-of-way shall be subject to the right of the United States, its permittees, or licensees to enter upon, occupy and use any part or all of the subject lands for purposes of power development.

HARRY R. ANDERSON, *Assistant Secretary of the Interior.*

NOVEMBER 5, 1965.

[F.R. Doc. 65-12122; Filed, Nov. 10, 1965; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 65-992]

PART 18—INDUSTRIAL, SCIENTIFIC, AND MEDICAL EQUIPMENT

Certification Regarding Operation

Order. 1. The Commission[1] having under consideration the amendment of § 18.112 of its rules concerning the certification of industrial heating equipment; and

2. It appearing, that § 18.112 provides that in the case of a corporation the certification required in Part I of FCC Form 724 shall be executed by an officer or an authorized employee, but if executed by an authorized employee, an officer shall execute Part II of the certificate; and

3. It further appearing, that the signature requirements of § 18.112 have proved cumbersome for corporations whose officers may not be located near the facility where the industrial heating equipment is being installed; and

4. It further appearing, that an amendment of § 18.112 to permit Part II of FCC Form 724 to be signed either by an officer or any party having authority to bind the corporation would relieve corporations of the cumbersome signature requirements of the present rule, while assuring the Commission of a binding certification; and

5. It further appearing, that the amendments adopted herein pertain to Commission procedure and practice, and hence the notice and effective date requirements of section 4 of the Administrative Procedure Act are not applicable; and

6. It further appearing, that the amendments adopted herein are issued pursuant to authority contained in section 4(i) and 303(r) of the Communications Act of 1934, as amended:

7. *It is ordered*, Effective November 12, 1965, that § 18.112 of the Commission's rules is amended to read as follows:

§ 18.112 Certification regarding operation.

The certification required in Part I of FCC Form 724 shall be executed by the owner or lessee of the equipment, in the case of a proprietorship; by one of the partners, in the case of a partnership; or by an officer or authorized employee, in the case of a corporation. If Part I is signed by an authorized employee, Part II shall be executed either by an officer or a party with respect to whom there is on file with the Commission a letter from an officer of the corporation authorizing that party to execute Part II of FCC Form 724.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

[1] Commissioner Hyde absent.

Adopted: November 3, 1965.

Released: November 8, 1965.

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 65-12141; Filed, Nov. 10, 1965; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Upper Souris National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH DAKOTA

UPPER SOURIS NATIONAL WILDLIFE REFUGE

Sport fishing on the Upper Souris National Wildlife Refuge, N. Dak., is permitted only on the areas designated by signs as open to fishing. These open areas comprise 7,000 acres, are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from December 15, 1965, through March 27, 1966, daylight hours only.

(2) The use of minnows or fish, or parts thereof, for bait is not permitted north of the Lake Darling dam.

(3) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through March 27, 1966.

JOHN M. DAHL,
Refuge Manager, Upper Souris National Wildlife Refuge, Foxholm, N. Dak., 58738.

NOVEMBER 1, 1965.

[F.R. Doc. 65-12119; Filed, Nov. 10, 1965; 8:48 a.m.]

PART 33—SPORT FISHING

Hagerman National Wildlife, Tex.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

TEXAS

HAGERMAN NATIONAL WILDLIFE REFUGE

Sport fishing including frog gigging on the Hagerman National Wildlife Refuge, Tex., is permitted April 1 through September 30, 1966, inclusive, only on areas designated by signs as open to fishing. These open areas, comprising 2,900 acres, are delineated on maps available at refuge headquarters, Sherman, Tex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex., 87103. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulations supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through September 30, 1966.

FRED L. BOLWAHNN,
Refuge Manager, Hagerman National Wildlife Refuge, Sherman, Tex.

OCTOBER 28, 1965.

[F.R. Doc. 65-12120; Filed, Nov. 10, 1965; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8827o.]

PART 13—PROHIBITED TRADE PRACTICES

Bear Sales Co. and E. Robert Baer

Subpart—Using, selling, or supplying lottery devices: § 13.2475 *Devices for lottery selling.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, Bear Sales Co., et al., Chicago, Ill., Docket 8627, July 8, 1965]

Order requiring a Chicago mail-merchandising firm to desist from furnishing its customers pushcards and other devices to be used in selling its merchandise to the public by means of a game of chance, gift enterprise, lottery scheme, chance, or gaming device, or selling or otherwise disposing of any merchandise by such means.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered That respondent Bear Sales Co., a corporation, and its officers, and respondent E. Robert Baer, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of any merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Supplying to or placing in the hands of others, push cards or any other device designed or intended to be used in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise, lottery scheme, chance, or gaming device.

2. Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, lottery scheme, chance, or gaming device.

It is further ordered, That the initial decision of the hearing examiner, as modified, be, and it hereby is, adopted as the decision of the Commission.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained herein.

Issued: July 8, 1965.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65-12118; Filed, Nov. 10, 1965; 8:46 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Use of the Word "Chamois"

§ 15.1 Use of the word "chamois."

Any use of the word "chamois" in conjunction with a product not made from (a) the skin of the Alpine antelope or (b) sheepskin fleshers which have been oil-tanned after removal of the grain layer is unlawful and a deceptive act or practice in commerce.

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

The Commission was requested to express an opinion concerning the legality of describing unsplit sheepskin as "Chamois-like Sheepskin" or "Chamois-type Sheepskin" on the basis, it is claimed, that the product looks and feels like chamois leather, and possesses the same qualities as the genuine product.

This problem has been before the Commission in different forms on several occasions. In each instance the Commission has taken the position that it will prohibit the branding or labeling of leather products as "Chamois," "Chamois Type" or "Chamois Like" unless such products are made, (a) from the skin of the Alpine antelope, commonly known and referred to as Chamois, or (b) from sheepskin fleshers which have been oil-tanned after removal of the grain layer.

The word "chamois" has its origin in the common name of a small goatlike Alpine antelope whose skin was made into a soft, pliable leather used in the manufacture of gloves, and for polishing such articles as glass, jewelry, fine metals and wood. It possessed the additional feature of absorbing water readily and returning, when dry, to its original state of softness and pliability. The animal became virtually extinct for commercial purposes about 1890 and since that time the word acquired a secondary meaning after being widely used commercially to designate certain leathers produced from split sheepskin fleshers.

The necessity for splitting sheepskin is to remove the impervious grain layer so as to make the underside more receptive to tanning. Since the two layers do not react at the same rate, should an amount of the grain layer remain the skin will not stretch uniformly and will eventually rip and crumble. In any event, irrespective of the relative merits of the many processes which may be employed to produce the leather, the fact remains that the grain layer must be separated from the sheepskin flesher in order that an acceptable chamois will result. This requirement the requesting party's product does not fulfill.

The claim that the subject product is equal in all respects to genuine chamois is not true, since the grain layer has not been removed. The genuine product has become firmly established in industry and elsewhere as herein defined, and such product is what the public is entitled to get when it purchases chamois even though the choice may be dictated by caprice or fashion, or perhaps by ignorance. The fact that the product is equal or will serve substantially the same purpose is wholly immaterial. F.T.C. vs. Algoma Lumber Co., 291 U.S. 67, 78. To the same effect see Benton Announcements, Inc., vs. F.T.C., 130 F. 2d 254.

The question posed herein is whether the word chamois might be a permissible designation for the subject product if qualifying terms as "like" or "type" were added. Use of the word in any manner is a representation that the product is that which has traditionally been sold as chamois and so accepted by the public after years of buying experience. Although the ordinary purchaser may not know how chamois is made, he is entitled to believe that the particular product sold under that name is in fact a chamois as it is understood in the industry, and such implication cannot be offset by qualifying words. After reading both, an ordinary consumer would still not know the truth about the product without resort to specialized information. In other words, the capacity and tendency to deceive through any other application of the word chamois would continue to exist.

The requesting party was advised that the definition of chamois has become firmly established in law, in industry, and in the public's mind to mean nothing less than those leather products made from the skin of the Alpine antelope or from the fleshers of sheepskin which have been oil-tanned after removal of the grain layer and that any other use of the word, whether or not modified by qualifying language, to describe leather made by other or incomplete processes would serve only to dilute its accepted meaning and would not be in the general public interest. Consequently, to label the subject product in the manner contemplated would be a deceptive practice and subject the requesting party to a charge of violation of section 5, Federal Trade Commission Act.

By direction of the Commission.

Dated: November 8, 1965.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65-12133; Filed, Nov. 10, 1965; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAXES

Consolidated Returns; Hearing

The proposed amendment to the regulations under section 1502 of the Code, relating to Consolidated Returns, was published in the FEDERAL REGISTER for October 1, 1965.

A public hearing on the provisions of this proposed amendment to the regulations will be held starting on Wednesday, December 8, 1965, at 10 a.m., and continuing if necessary on December 9, and 10. The hearing will be held in Room 43, Smithsonian Institution, Natural History Building, 10th and Constitution Avenue NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C., 20224, by December 3, 1965. Telephone (Washington, D.C.) 964-3970.

[SEAL] PAUL F. SCHMID,
Acting Director,
Legislation & Regulations Division.

[F.R. Doc. 65-12206; Filed, Nov. 10, 1965; 8:49 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[No. 19,480]

FEDERAL SAVINGS AND LOAN SYSTEM

Operations; Loans in Excess of 80 Percent of Value

NOVEMBER 5, 1965.

Resolved that, pursuant to Part 508 of the general regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 542.1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 542.1), it is hereby proposed that § 545.6-1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6-1) be amended by an amendment, the substance of which is as follows:

Amend subdivisions (v), (vi), and (vii) of subparagraph (4) of paragraph (a) of § 545.6-1 to read as follows:

§ 545.6-1 Lending powers under sections 13 and 14 of Charter K.

* * * * *

(a) *Homes or combination of homes and business property.* * * *

(4) *Loans in excess of 80 percent of value.* * * *

(v) The borrower, including a purchaser defined as a borrower in the proviso clause of subdivision (x) of this subparagraph, has executed, not earlier than the date on which the security instrument securing the loan is executed and, except as provided by subdivision (x) of this subparagraph, not later than the date on which any disbursement on the loan is made, a certification in writing stating (*a*) the purpose for which the loan is sought and, if for the purpose of enabling the borrower to purchase the security property, the name of the vendor or vendors; (*b*) that no lien or charge upon such property, other than the lien of the association or liens or charges which will be discharged from the proceeds of the loan, has been given or executed by the borrower or has been contracted or agreed to be so given or executed; and (*c*) that the borrower is actually occupying the property as a dwelling or that the borrower in good faith intends to do so;

(vi) If the loan is sought or assumed for the purpose of enabling a purchaser to acquire the security property, the vendor or vendors have executed, not earlier nor later than the dates specified in subdivision (v) of this subparagraph, a certification in writing stating that no lien or charge upon such property, other than the lien of the association or liens or charges which will be discharged from the proceeds of the loan, has been given or executed to the vendor or vendors by the purchaser or has been contracted or agreed to be so given or executed;

(vii) If the loan is sought or assumed for the purpose of enabling a purchaser to acquire the security property, the purchaser and the vendor or vendors have jointly executed, prior to approval of the loan, a certification in writing stating (*a*) the purchase price of the security property and the items comprising such price and (*b*) that there is outstanding a contract or agreement between the vendor or vendors and the purchaser that the security property will be conveyed to the purchaser;

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 supp.)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D.C., 20552, not later than December 1, 1965, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[F.R. Doc. 65-12150; Filed, Nov. 10, 1965; 8:49 a.m.]

Notices

INTERSTATE COMMERCE COMMISSION

[Notice No. 842]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

NOVEMBER 5, 1965.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of § 1.247(d)(4) of the special rule. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 200 (Sub-No. 209), filed October 29, 1965. Applicant: RISS & COMPANY, INC., Temple Building, 903 Grand Avenue, Kansas City, Mo. Applicant's representative: Ivan E. Moody, 1111 Scarritt Building, Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, live poultry, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving Winchester, Ind., as an off-route point in connection with applicant's regular route operations between Kingdom City, Mo., and New York City, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 1540 (Sub-No. 16), filed October 29, 1965. Applicant: J. D. LEONARD, INC., 232 North George Street, York, Pa. Applicant's representative: Basil A. Shorb, 101 East Market Street, York, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture* and *bedding*, in less than truck load shipments, from points in York County, Pa., to points in Ohio, Michigan, New York, New Jersey, Connecticut, Massachusetts, Rhode Island, Delaware, Maryland, Virginia, West Virginia, Pennsylvania, and District of Columbia, and *refused, damaged, and rejected merchandise*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at York, Pa.

No. MC 2202 (Sub-No. 285), filed October 27, 1965. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Akron, Ohio. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Worcester, Mass., and Providence, R.I., from Worcester over Massachusetts Highway 146 to the Massachusetts-Rhode Island State line, thence over Rhode Island Highway 146 to Providence and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 3560 (Sub-No. 23), filed October 28, 1965. Applicant: GENERAL EXPRESSWAYS, INC., 1205 South Platte River Drive, Denver, Colo., 80223. Applicant's representative: Ken Wolford, 1205 South Platte River Drive, Denver, Colo., 80223. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between junction U.S. Highway 6 and Ohio Highway 192 approximately 2 miles east of Edgerton, Ohio, and junction U.S. Highway 6 and U.S. Highway 20 at or near Fremont, Ohio, over U.S. Highway 6, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations, and serving the junction of U.S. Highway 6 and U.S. Highway 20 for joinder only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 8948 (Sub-No. 65), filed October 25, 1965. Applicant: WESTERN GILLETTE, INC., 2550 East 28th Street, Los Angeles, Calif. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives (other than explosives, incendiary, gas, smoke, or tear-producing ammunition), and except livestock, articles of unusual value, household goods as defined by the Commission, bulk commodities, and commodities requiring special equipment), (1) between Freeport and Texas City, Tex.; from Freeport over Texas Farm-To-Market Road 1561 to junction Texas Highway 6 at or near Hitchcock, Tex., thence over Texas Farm-To-Market Road 519 to junction Texas Highway 341, thence over Texas Highway 341 to junction Loop 197, and thence over Loop 197 to Texas City, and return over the same route, serving all intermediate points, and (2) between Freeport and Galveston, Tex.; (a) from Freeport over Texas Farm-To-Market Road 1561 to junction Texas Highway 6 at or near Hitchcock, Tex., thence over Texas Highway 6 to junction U.S. Highway 75, and thence over U.S. Highway 75 to Galveston, and return over the same route, serving all intermediate points, and (b) over County Road 257 (commonly known as San Luis Beach Road), serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 10928 (Sub-No. 51), filed October 25, 1965. Applicant: SOUTHERN-PLAZA EXPRESS, INC., 175 Linfield Drive, Menlo Park, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Freeport and Texas City, Tex., from Freeport over Texas Highway 288 to junction Texas Farm-To-Market

[1] Copies of Special Rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

Road 1561, thence over Texas Farm-To-Market Road 1561 to junction Texas Highway 6 at or near Hitchcock, thence over Texas Highway 6 to junction Texas Farm-To-Market Road 519, thence over Texas Farm-to-Market Road 519 to junction Texas Highway 341, thence over Texas Highway 341 to Texas City, and return over the same route, serving all intermediate points, (2) between Freeport and Galveston, Tex., from Freeport over Texas Highway 288 to junction Texas Farm-to-Market Road 1561, thence over Texas Farm-to-Market Road 1561 to junction Texas Highway 6 at or near Hitchcock, thence over Texas Highway 6 to junction U.S. Highway 75, thence over U.S. Highway 75 to Galveston, and return over the same route, serving all intermediate points, and (3) between Galveston and Freeport, Tex., over County Highway 257 (commonly known as San Luis Beach Road), serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 21170 (Sub-No. 124), filed October 29, 1965. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Milton, Pa., to points in Illinois, Iowa, Kansas, Missouri, Minnesota, Nebraska, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 21170 (Sub-No. 125), filed October 29, 1965. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa, 50158. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Foodstuffs*, from La Porte, Ind., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 21170 (Sub-No. 126), filed October 29, 1965. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Foodstuffs*, (1) from Decatur and Lawton, Mich., to points in Illinois, Indiana, and Kentucky, and (2) from Decatur, Mich., to points in Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 21170 (Sub-No. 127), filed November 1, 1965. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles*, distributed by meat packinghouses, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Denison and Iowa Falls, Iowa, to points in Connecticut, Delaware, Illinois, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, Colorado, California, Washington, Oregon, Arizona, Idaho, Utah, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 23939 (Sub-No. 160), filed October 25, 1965. Applicant: ASBURY TRANSPORTATION CO., a corporation, 2222 East 38th Street, Los Angeles 58, Calif. Applicant's representative: Warren N. Grossman, 740 Roosevelt Building, 727 West Seventh Street, Los Angeles 17, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid hydrogen*, in bulk, in tank vehicles, between the plantsite of Air Products & Chemicals, Inc., within 1 mile of Long Beach, Calif., and points in Illinois and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 26739 (Sub-No. 51), filed October 25, 1965. Applicant: CROUCH BROS., INC., Post Office Box 1059, St. Joseph, Mo., 64502. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Salina, Kans., to points in Illinois, Iowa, Missouri, and Nebraska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 29566 (Sub-No. 113), filed October 29, 1965. Applicant: SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, dairy products, and articles* distributed by meat packinghouses, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from Wichita, Kans., to points in Arkansas, Illinois, Missouri, Oklahoma, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC 29886 (Sub-No. 219), filed October 22, 1965. Applicant: DALLAS & MAVIS FORWARDING CO. INC., 4000 West Sample Street, South Bend, Ind. Applicant's representative: Charles Pieroni, 4000 West Sample Street, South Bend 21, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Concrete storage and mixing plants*, (2) *grading and road making machinery* and *equipment*, (3) *construction forms*, (4) *attachments and accessory equipment* for the commodities listed in (1), (2), and (3) above, and (5) *parts* for the commodities described in (1), (2), (3), and (4) above, from Madison, Ind., to points in Colorado, Connecticut, Delaware, Illinois, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Missouri, Minnesota, Nebraska, New Jersey, New Hampshire, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, Wisconsin, Wyoming, and the District of Columbia. NOTE: Applicant states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 30844 (Sub-No. 200), filed October 25, 1965. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 5000, Waterloo, Iowa. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Schuyler, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 30844 (Sub-No. 201), filed October 27, 1965. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 5000, Waterloo, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite of American Home Foods, Inc., located at or near Milton, Pa., to points in Colorado, Indiana, Illinois, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Oklahoma, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 33278 (Sub-No. 15), filed October 25, 1965. Applicant: LEE AMERICAN FREIGHT SYSTEM, INC., 418 Olive Street, St. Louis, Mo. Applicant's representative: B. W. La Tourette, Jr., Suite 1230, Boatmen's Bank Building, St. Louis, Mo., 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, classes A and B explosives other than small arms ammunition, household goods as defined by the Commission, currency, bullion, commodities exceeding ordinary equipment and loading facilities, loose bulk commodities, and other commodities expressly prohibited by law), between Bloomington, and Rockford, Ill., from Bloomington over U.S. Highway 51 to Rockford, and return over the same route, serving no intermediate points and serving Bloomington for joinder purposes only, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations between St. Louis, Mo., and Rockford, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 42919 (Sub-No. 7), filed October 28, 1965. Applicant: COASTAL TRUCKWAYS, INC., 200 Factory Street, Post Office Box 225, Wilkesboro, N.C. Applicant's representative: H. Overton Kemp, Room 101, 327 North Tryon Street, Post Office Box 20202, Charlotte, N.C., 28202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, including, but not limited to, beer, beer tonic, ale, porter, and stout, from Baltimore, Md., and Newark, N.J., to points in North Carolina west of U.S. Highway 1. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 42963 (Sub-No. 36), filed October 27, 1965. Applicant: DANIEL HAMM DRAYAGE COMPANY, a corporation, Second and Tyler Streets, St. Louis, Mo., 63102. Applicant's representative: Ernest A. Brooks II, 1301–02 Ambassador Building, St. Louis, Mo., 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plantsite of Marquette Cement Manufacturing Co. at St. Louis, Mo., to points in Illinois. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 48374 (Sub-No. 7), filed October 25, 1965. Applicant: FERNSTROM STORAGE AND VAN COMPANY, a corporation, Post Office Box 8801, Chicago 66, Ill. Applicant's representative: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in the United States (except Hawaii and Alaska). NOTE: Applicant states that it presently holds authority to and from 35 states and the District of Columbia. Twenty-eight of said states are nonradial and 7 of said states are radial to and from 20 states and the District of Columbia. Applicant does not seek any duplicating authority. If the authority applied for is issued, applicant is willing to surrender its existing authority contained in Docket MC 48374 Subs 4 and 6. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52751 (Sub-No. 52) (Amendment), filed October 20, 1965, published in FEDERAL REGISTER issue of November 4, 1965, and republished as amended this issue. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, Iowa, 50317. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa, 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery*, (2) *agricultural machinery parts*, and (3) *self-propelled loaders and attachments*, from Owatonna, Minn., to Omaha, Nebr., and points in Illinois, Iowa, Minnesota, North Dakota, and South Dakota. NOTE: The purpose of this republication is to correct the commodity description of Part (3). If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Madison, Wis., or Minneapolis, Minn.

No. MC 56679 (Sub-No. 14), filed October 22, 1965. Applicant: BROWN TRANSPORT CORP., 1057 Ridge Avenue SW., Atlanta, Ga., 30315. Applicant's representative: R. J. Reynolds, Jr., 403–11 Healey Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) between Millen, Ga., and Savannah, Ga.; from Millen over Georgia Highway 17 to junction U.S. Highway 80, thence over U.S. Highway 80 to Savannah and return over the same route, serving all intermediate points; (2) between Wrens, Ga., and Thomson, Ga., over Georgia Highway 17, serving all intermediate points; (3) between Wrens, Ga., and Harlem, Ga., over Georgia Highway 47, serving all intermediate points; and (4) serving Hephzibah and Blythe, Ga., as off-route points in connection with applicant's authorized regular-route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 61592 (Sub-No. 53), filed October 29, 1965. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa, 52722. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Experimental and show-display tractors and farm industrial machinery and equipment*, which, at the time of movement are being transported for the purposes of display or experiment, and not for sale, *and incidental paraphernalia*, moving in the same vehicles and at the same time, between points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 64932 (Sub-No. 386), filed October 26, 1965. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill., 60643. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gin*, in bulk, in tank vehicles, from Pekin, Ill., to points in Illinois, Missouri, Kentucky, Ohio, Indiana, Minnesota, Michigan, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Connecticut, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 64932 (Sub-No. 387), filed October 28, 1965. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill., 60643. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, from Wichita, Kans., and points within ten (10) miles thereof, to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 71516 (Sub-No. 74), filed October 25, 1965. Applicant: ALABAMA HIGHWAY EXPRESS, INC., 3300 Fifth Avenue South, Birmingham, Ala. Applicant's representative: Robert E. Tate, 2025 City Federal Building, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles* (except those requiring special equipment), from Sterling and Rock Falls, Ill., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Nashville, Tenn.

No. MC 80428 (Sub-No. 52), filed October 28, 1965. Applicant: Mc BRIDE TRANSPORTATION, INC., Main and Nelson Streets, Goshen, N.Y. Applicant's representative: Robert V. Gianniny, 900 Midtown Tower, Rochester 4, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar, invert sugar, and molasses*, in tank vehicles, and *dry sugar*, from Boston, Mass., to points in New York, and *rejected and returned shipments*, on return. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 83539 (Sub-No. 163), filed October 25, 1965. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Post Office Box 5976, Dallas, Tex., 75222. Applicant's representative: W. T. Brunson, 419 Northwest 6th Street, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic conduit, pipe or tubing*, with or without valves or fittings, *compound, joint sealer, bonding cement, primer, coating, thinner, and accessories*, used in the installation of such conduit, pipe or tubing, from points in Oklahoma County, Okla., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, and West Virginia. NOTE: Applicant states it now holds no authority that it will tack with the authority sought herein. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 84737 (Sub-No. 76) (Amendment), filed May 24, 1965, published FEDERAL REGISTER issue of July 15, 1965, amended September 13, 1965, and republished as amended this issue. Applicant: NILSON MOTOR EXPRESS, a corporation, Post Office Box 3616, Charleston, S.C., 29407. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gen-*

eral commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, commodities moving in vehicles equipped mechanical refrigeration and those injurious or contaminating to other lading), between points in Florida (except those west of the Apalachicola River and those in Duval County), on the one hand, and, on the other, points in South Carolina, North Carolina, and Suffolk, Roanoke, Norfolk, Martinsville, Richmond, and Winchester, Va., Washington, D.C., and Baltimore, Md. NOTE: The purpose of this republication is to more clearly set forth the commodity and territorial descriptions. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 84739 (Sub-No. 19), filed November 1, 1965. Applicant: SEVERSON TRANSPORT, INC., Route 1 Box 163, Edgerton, Wis. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich., 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs*, from the plantsites of the Green Giant Co. located at or near Beaver Dam, Fox Lake, Ripon, and Rosendale, Wis., to points in Indiana, Kentucky, Michigan, and Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 87730 (Sub-No. 24), filed October 27, 1965. Applicant: R. W. BOZEL TRANSFER, INC., 414 West Camden Street, Baltimore, Md. Applicant's representative: Donald E. Cross, Munsey Building, Washington, D.C., 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs*, fit for human and animal consumption, in vehicles equipped with mechanical refrigeration, (1) from Baltimore, Md., and Washington, D.C., to points in Virginia and North Carolina, (2) from Richmond and Norfolk, Va., to points in North Carolina, and (3) from Richmond and Norfolk, Va., to Baltimore, Md., and Washington, D.C. NOTE: Applicant seeks no duplicative authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 94265 (Sub-No. 162), filed October 26, 1965. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station, Norfolk, Va. Applicant's representative: Harry C. Ames, Jr., Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Sussex County, Del., and Fruitland, Md., to points in Alabama, Arkansas, Louisiana, Mississippi, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 96498 (Sub-No. 21), filed October 18, 1965. Applicant: BONIFIELD BROS. TRUCK LINES, INC., 1200 East Second Street, Metropolis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between junction U.S. Highway 45 and Illinois Highway 141 and Mount Vernon, Ind.; from junction U.S. Highway 45 and Illinois Highway 141 over Illinois Highway 141 to the Illinois-Indiana State line, thence over Indiana Highway 62 to Mount Vernon, and return over the same route serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 96498 (Sub-No. 23), filed October 28, 1965. Applicant: BONIFIELD BROS. TRUCK LINES, INC., 1200 East Second Street, Metropolis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving points in that portion of Indiana beginning at Mount Vernon, Ind., and extending west along Indiana Highway 62 to the Wabash River, thence south along the shores of the Wabash River to the Ohio River, thence east along the shores of the Ohio River to Mount Vernon, Ind., the point of beginning, and Uniontown, Ky., and points within (5) five miles thereof, as off-route points in connection with applicant's authorized regular-route operations between Benton, Ill., and Evansville, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 102616 (Sub-No. 775), filed October 26, 1965. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa., 17405. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aviation gasoline and jet fuel*, in bulk, in tank vehicles, from Port Mahon, Del., to Wallops Island, Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 103051 (Sub-No. 203), filed October 22, 1965. Applicant: FLEET TRANSPORT COMPANY, INC., 340 Armour Drive NE., Atlanta, Ga., 30324. Applicant's representative: R. J. Reynolds, Jr., Suite 403–411, Healey Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphate rock and phosphate by-products, including phosphoric acid and super phosphate*, in bulk, in tank, hopper or other special vehicles, from Occidental, Fla., and point within 15 miles thereof, to points in Georgia on and south of U.S. Highway 80. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 104893 (Sub-No. 7), filed October 26, 1965. Applicant: H. GORDON TRUEMAN, St. Leonard, Md. Applicant's representative: Chester A. Zyblut, 1000 Connecticut Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials and supplies* (except nails, building materials, in bulk, and gypsum and gypsum products), between La Plata, Md., and points within eight (8) miles thereof, on the one hand, and, on the other, points in West Virginia, Delaware, Pennsylvania, New Jersey, New York, and Virginia (except points in Loudoun, Fauquier, Fairfax, Arlington, Prince William, Stafford, and Culpeper Counties, Va., and Alexandria, Va.), within 250 miles of St. Leonard, Md. NOTE: Applicant states he now holds authority to provide the aforementioned transportation between St. Leonard, and points in Calvert County, Md., within 15 miles of St. Leonard, on the one hand, and, on the other, the territory heretofore described. The purpose of this application is to extend authority to serve La Plata and 8 miles to and from the points in the same destination area. If a hearing is deemed necessary, applicant does not specify a place of hearing.

No. MC 105463 (Sub-No. 5), filed October 28, 1965. Applicant: C. E. HORNBACK, INC., 400 West 9th, Tama, Iowa. Applicant's representative: Homer E. Bradshaw, 5th Floor Central National Building, Des Moines, Iowa, 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, paper mill machinery and parts thereof and commodities used in the manufacture of paper products*, between Tama, Iowa, on the one hand, and, on the other, Griffith, Ind., and points in Indiana lying within the commercial zone of Chicago, Ill., and points in Kansas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 106674 (Sub-No. 45), filed October 22, 1965. Applicant: OSBORNE TRUCKING CO., INC., Vincennes, Ind. Applicant's representative: Thomas F. Kilroy, Federal Bar Building, 1815 H Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials and supplies* (except nails, building materials, in bulk, and gypsum and gypsum products), between La Plata, Md., and points within eight (8) miles thereof, on the one hand, and, on the other, points in West Virginia, Delaware, Pennsylvania, New Jersey, New York, and Virginia (except points in Loudoun, Fauquier, Fairfax, Arlington, Prince William, Stafford, and Culpeper Counties, Va., and Alexandria, Va.), within 250 miles of St. Leonard, Md. NOTE: Applicant states he now holds authority to provide the aforementioned transportation between St. Leonard, and points in Calvert County, Md., within 15 miles of St. Leonard, on the one hand, and, on the other, the territory heretofore described. The purpose of this application is to extend authority to serve La Plata and 8 miles to and from the points in the same destination area. If a hearing is deemed necessary, applicant does not specify a place of hearing.

No. MC 105463 (Sub-No. 5), filed October 28, 1965. Applicant: C. E. HORNBACK, INC., 400 West 9th, Tama, Iowa. Applicant's representative: Homer E. Bradshaw, 5th Floor Central National Building, Des Moines, Iowa, 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, paper mill machinery and parts thereof and commodities used in the manufacture of paper products*, between Tama, Iowa, on the one hand, and, on the other, Griffith, Ind., and points in Indiana lying within the commercial zone of Chicago, Ill., and points in Kansas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 106674 (Sub-No. 45), filed October 22, 1965. Applicant: OSBORNE TRUCKING CO., INC., Vincennes, Ind. Applicant's representative: Thomas F. Kilroy, Federal Bar Building, 1815 H Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aviation gasoline and jet fuel*, in bulk, in tank vehicles, from Port Mahon, Del., to Wallops Island, Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 103051 (Sub-No. 203), filed October 22, 1965. Applicant: FLEET TRANSPORT COMPANY, INC., 340 Armour Drive NE., Atlanta, Ga., 30324. Applicant's representative: R. J. Reynolds, Jr., Suite 403–411, Healey Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphate rock and phosphate by-products, including phosphoric acid and super phosphate*, in bulk, in tank, hopper or other special vehicles, from Occidental, Fla., and point within 15 miles thereof, to points in Georgia on and south of U.S. Highway 80. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 104893 (Sub-No. 7), filed October 26, 1965. Applicant: H. GORDON TRUEMAN, St. Leonard, Md. Applicant's representative: Chester A. Zyblut, 1000 Connecticut Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials and supplies* (except nails, building materials, in bulk, and gypsum and gypsum products), between La Plata, Md., and points within eight (8) miles thereof, on the one hand, and, on the other, points in West Virginia, Delaware, Pennsylvania, New Jersey, New York, and Virginia (except points in Loudoun, Fauquier, Fairfax, Arlington, Prince William, Stafford, and Culpeper Counties, Va., and Alexandria, Va.), within 250 miles of St. Leonard, Md. NOTE: Applicant states he now holds authority to provide the aforementioned transportation between St. Leonard, and points in Calvert County, Md., within 15 miles of St. Leonard, on the one hand, and, on the other, the territory heretofore described. The purpose of this application is to extend authority to serve La Plata and 8 miles to and from the points in the same destination area. If a hearing is deemed necessary, applicant does not specify a place of hearing.

No. MC 105463 (Sub-No. 5), filed October 28, 1965. Applicant: C. E. HORNBACK, INC., 400 West 9th, Tama, Iowa. Applicant's representative: Homer E. Bradshaw, 5th Floor Central National Building, Des Moines, Iowa, 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, paper mill machinery and parts thereof and commodities used in the manufacture of paper products*, between Tama, Iowa, on the one hand, and, on the other, Griffith, Ind., and points in Indiana lying within the commercial zone of Chicago, Ill., and points in Kansas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 106674 (Sub-No. 45), filed October 22, 1965. Applicant: OSBORNE TRUCKING CO., INC., Vincennes, Ind. Applicant's representative: Thomas F. Kilroy, Federal Bar Building, 1815 H Street NW., Washington, D.C., 20006

16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, including canned carbonated beverages*, from Le Roy, Mount Morris, and Oakfield, N.Y., to Baltimore, Bethesda, and Landover, Md., and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Rochester, N.Y.

No. MC 109692 (Sub-No. 19), filed October 25, 1965. Applicant: GRAIN BELT TRANSPORTATION COMPANY, a corporation, Livestock Exchange Building, Kansas City, Mo. Applicant's representative: Tom B. Kretsinger, Suite 510 Professional Building, Kansas City, Mo., 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, perishable commodities, liquid commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment), between points in the Kansas City, Mo.-Kans. commercial zone, on the one hand, and, on the other, points in Nebraska. NOTE: Applicant states that by this application it seeks to remove its Hollenberg, Kans., and Lanham, Nebr., gateways in connection with its existing operation. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 110098 (Sub-No. 70), filed October 26, 1965. Applicant: ZERO REFRIGERATED LINES, a corporation, 815 Merida Street, Box 7249, Station A, San Antonio, Tex. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk in tank vehicles), from Clovis, N. Mex., to points in Arizona. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Antonio, Tex.

No. MC 110098 (Sub-No. 71), filed October 26, 1965. Applicant: ZERO REFRIGERATED LINES, a corporation, 815 Merida Street, Box 7249, Station A, San Antonio, Tex. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles* distributed by meat packinghouses, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from the plantsite of Spencer Packing Co. at or near Schuyler, Nebr., to points in Louisiana, Texas, and Tennessee, restricted to traffic originating at the plantsite of Spencer Packing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 110193 (Sub-No. 124), filed October 27, 1965. Applicant: SAFEWAY TRUCK LINES, INC., 20450 Ireland Road, Post Office Box 2628, South Bend, Ind. Applicant's representative: Walter J. Kobos, Post Office Box 2628, South Bend, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from Schuyler, Nebr., to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, Delaware, New Jersey, Pennsylvania, Maryland, Virginia, and Washington, D.C., restricted to traffic originating at the plantsite of Spencer Packing Co. located at Schuyler, Nebr. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Washington, D.C.

No. MC 110365 (Sub-No. 4), filed October 26, 1965. Applicant: WARD MAUST, DONALD MAUST AND DWIGHT MAUST, a partnership, doing business as MAUST BROTHERS, Rural Delivery 4, Berlin, Pa., 15530. Applicant's representative: Arthur J. Diskin, 302 Frick Building, Pittsburgh 19, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Potato chips* and *other edible food products*, from Berlin, Pa., to points in Ohio, Maryland and West Virginia, and *empty containers*, on return; (2) *sugar*, from Baltimore, Md., to points in Somerset County, Pa.; and (3) *mine supplies* and *mining equipment*, from McKees Rocks, Pa., and points in Somerset County, Pa., to points in West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 110420 (Sub-No. 488), filed October 25, 1965. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup, liquid sugar, and blends or mixtures* thereof, in bulk, in tank vehicles, from Elk Grove Village, Ill., to points in Alabama, Arkansas, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110525 (Sub-No. 753), filed October 25, 1965. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's representatives: Leonard A. Jaskiewicz, 1155 15th Street NW., Madison Building, Washington, D.C., 20005, and Edwin H. van Deusen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum transformer oil*, in bulk, in tank vehicles, from Coraopolis, Pa., to points in Kentucky and that part of Ohio west of U.S. Highway 23 and south of U.S. Highway 40. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110525 (Sub-No. 754), filed October 27, 1965. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downington, Pa. Applicant's representatives: Leonard A. Jaskiewicz, 1155 15th Street NW., Madison Building, Washington, D.C., and Edwin H. van Deusen, 520 East Lancaster Avenue, Downington, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and asphalt products, and coal tar and coal tar products*, in bulk, in tank vehicles, from points in Hamilton County, Ohio, to points in Illinois. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 110541 (Sub-No. 6), filed October 25, 1965. Applicant: MARK E. YODER, INC., 41 Parkway, Schuylkill Haven, Pa. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Anthracite coal*, in bulk, in dump vehicles, from the sites of Manbeck Dredging Co. in Carbon and Schuylkill Counties, Pa., to the plantsite of Matthiessen & Hegeler Zinc Co. at Spelter, Harrison County, W. Va., and (2) *bituminous coal*, in bulk, in dump vehicles, from points in Monongalia, Marion, and Barbour Counties, W. Va., to the plantsite of the New Jersey Zinc Co., in Palmerton, Carbon County, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110563 (Sub-No. 36), filed October 25, 1965. Applicant: COLDWAY FOOD EXPRESS, INC., Ohio Building, Sidney, Ohio, 45365. Applicant's representative: Joseph Scanlan, 111 West Washington Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Worthington and Mankato, Minn., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, and *rejected and refused shipments* on return. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 111015 (Sub-No. 7), filed October 29, 1965. Applicant: L. P. M. CORPORATION, 52 Westway, Chappaqua, N.Y. Applicant's representative: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C., 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by manufacturers and refiners of, and dealers in, precious metals and precious metals alloys, and, in connection therewith, *materials, supplies, and equipment* used in the conduct of such business, between Fairfield, Conn., Providence, R.I., Chicago and Elk Grove, Ill., El Monte, Calif., New York, N.Y. and points in New Jersey and New York within 20 miles of New York, N.Y. on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to transportation to be performed under a continuing contract or contracts with Handy & Harman, of New York, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 111045 (Sub-No. 52), filed October 25, 1965. Applicant: REDWING CARRIERS, INC., 7809 Palm River Road, Post Office Box 426, Tampa, Fla., 33601. Applicant's representative: James A. Harkins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from points in Hamilton County, Fla., to points in Alabama, Georgia, and Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, or Tallahassee, Fla.

No. MC 111231 (Sub-No. 91), filed October 25, 1965. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Kansas City, Kans., to points in Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant does not specify a place for hearing.

No. MC 111231 (Sub-No. 92), filed October 25, 1965. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared food and/or pies*, not baked, *poultry*, dressed or eviscerated, frozen, from Macon, Marshall, Moberly, Carrollton, and Milan, Mo., to points in Missouri on and south of U.S. Highway 40, and those in Arkansas, Oklahoma, and Kansas. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, or Kansas City, Mo.

No. MC 111434 (Sub-No. 62), filed October 25, 1965. Applicant: DON WARD, INC., Post Office Box 1488, Durango, Colo. Applicant's representative: J. Albert Sebald, Equitable Building, Denver, Colo., 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, from Denver, Colo., to points in New Mexico, Utah, Wyoming, Nebraska, and Kansas, and *rejected shipments* on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 112520 (Sub-No. 132), filed October 26, 1965. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Post Office Box 1200, Tallahassee, Fla. Applicant's representative: Sol H. Proctor, 1730 American Heritage Life Building, Jacksonville, Fla., 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in bulk, from Attapulgus, Ga., to points in Illinois, New Jersey, Ohio, Kansas, Kentucky, and New York. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112617 (Sub-No. 208), filed October 25, 1965. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 5135, Cherokee Station, Louisville 5, Ky. Applicant's representative: L. A. Jaskiewicz, 600 Madison Building, 1155 15th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Seymour, Ind., and points within 10 miles thereof, to points in Illinois, Ohio, and Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112617 (Sub-No. 209), filed October 27, 1965. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 5135, Cherokee Station, Louisville 5, Ky. Applicant's representative: L. A. Jaskiewicz, 600 Madison Building, 1155 15th Street, NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plant and terminal facilities of the Olin Mathieson Chemical Corp. at or near Joliet, Ill., to points in Illinois, Indiana, Iowa, Michigan, Missouri, Minnesota, Wisconsin, Kentucky, and Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112668 (Sub-No. 42), filed October 26, 1965. Applicant: HARVEY R. SHIPLEY & SONS, INC., Post Office, Finksburg, Md. Applicant's representative: Donald E. Freeman, 172 East Green Street, Westminster, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea*, in bulk, in dump vehicles, from Claymont, Del., to points in Delaware, Connecticut, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113267 (Sub-No. 159), filed October 25, 1965. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Rubel L. Phillips, Deposit Guaranty Bank Building, Jackson, Miss., 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuff*, in vehicles equipped with mechanical refrigeration, from points in George, Hinds, Rankin, Copiah, and Green Counties, Miss., to points in Louisiana, Texas, Oklahoma, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Michigan, Ohio, Georgia, Florida, Tennessee, Alabama, Arkansas, and Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 113388 (Sub-No. 66), filed October 25, 1965. Applicant: LESTER C. NEWTON TRUCKING CO., a corporation, Post Office Box 265, Bridgeville, Del., 19933. Applicant's representative: H. Charles Ephraim, 1411 K Street NW., Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Florida to points in Georgia, North Carolina, and South Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 113624 (Sub-No. 25), filed October 25, 1965. Applicant: WARD TRANSPORT, INC., Post Office Box 133, Pueblo, Colo. Applicant's representative: Marion F. Jones, Suite 420, Denver Club Building, Denver, Colo., 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feeds*, in bulk, in tank vehicles, (1) from Morrill, Nebr., to points in Colorado, Idaho, Kansas, Montana, South Dakota, Utah, and Wyoming; (2) from Denver, Colo., to points in Arizona, Kansas, Nebraska, New Mexico, California, Oklahoma, Utah, Texas, and Wyoming; and (3) from Omaha, Nebr., to points in Iowa, Minnesota, Missouri, Kansas, and South Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 113651 (Sub-No. 93), filed October 25, 1965. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite of the Spencer Packing Co. located at Schuyler, Nebr., to points in Maine, Vermont, Massachusetts, New Hampshire, Connecticut, Rhode Island, New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, and Washington, D.C., restricted to traffic originating at the plantsite of the Spencer Packing Co., located at Schuyler, Nebr. NOTE: If a hearing is deemed necessary, applicant does not specify location.

No. MC 113651 (Sub-No. 94), filed October 27, 1965. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware and glass containers*, with or without caps, covers or stoppers and *paper cartons*, used in the packing of glassware and glass containers, from Winchester, Ind., to points in Illinois, Iowa, Minnesota, Missouri and Wisconsin. NOTE: If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 113651 (Sub-No. 95), filed October 27, 1965. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Frozen foods*, from Lafayette, Ind., to points in Iowa, Kansas, Nebraska, and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 113666 (Sub-No. 22), filed October 27, 1965. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, Pa. Applicant's representative: James W. Hagar, Commerce Building, Post Office Box 432, Harrisburg, Pa., 17108. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Fly ash, fly ash products and byproducts* from points in Allegheny, Beaver, Armstrong, Indiana, and Washington Counties, Pa., to points in Maryland, New York, Ohio, and West Virginia, and (2) *materials used in the production of fly ash products and byproducts* from points in Maryland, New York, Ohio, and West Virginia, to points in Allegheny, Beaver, Armstrong, Indiana, and Washington Counties, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 113678 (Sub-No. 185), filed October 25, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's representative: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in the *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Schuyler, Nebr., to points in North Carolina, South Carolina, Georgia, Florida, Alabama, Illinois, Michigan, Colorado, Missouri, Ohio, Iowa, Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, Delaware, New Jersey, Pennsylvania, Maryland, Washington, California, Oregon, Utah, Idaho, Arizona, Nevada, Virginia, and Washington, D.C., restricted to traffic originating at the plantsite of Spencer Packing Co. at Schuyler, Nebr. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 113678 (Sub-No. 186), filed October 25, 1965. Applicant: CURTIS INC., 770 East 51st Avenue, Denver, Colo. Applicant's representative: Donald E. Leonard, Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Michigan, to points in Kansas and Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 113908 (Sub-No. 178) (Correction), filed September 22, 1965, published FEDERAL REGISTER of October 14, 1965, and republished as corrected this issue. Applicant: ERICKSON TRANSPORT CORPORATION, 706 West Tampa, Post Office Box 3180, Springfield, Mo. NOTE: The purpose of this republication is to show applicant's correct name as shown in lieu of "GROENSON TRANSPORT CORPORATION" shown in previous publication, in error.

No. MC 114045 (Sub-No. 201), filed October 29, 1965. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, from Sterling, Colo., and points within five (5) miles thereof, to points in Colorado, Alabama, Arizona, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 114045 (Sub-No. 202), filed October 29, 1965. Applicant TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Salina, Kans., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Des Moines, Iowa.

No. MC 115491 (Sub-No. 62) (Amendment), filed March 29, 1965, published FEDERAL REGISTER issue of April 14, 1965, amended October 26, 1965, and republished as amended this issue. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, Auburndale, Fla. Applicant's representative: M. Craig Massey, 223 South Florida Avenue, Post Office Drawer J, Lakeland, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Cameron and Hidalgo Counties, Tex., to points in Minnesota, Iowa, Nebraska, Colorado, Oklahoma, Arkansas, Louisiana, Mississippi, Wisconsin, Michigan, Illinois, Indiana, Kentucky, Tennessee, Alabama, Ohio, Georgia, North Carolina, South Carolina, Florida, Virginia, West Virginia, Pennsylvania, New York, Massachusetts, Connecticut, New Jersey, Delaware, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Arkansas, Kentucky, and Washington, D.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 114211 (Sub-No. 92), filed October 25, 1965. Applicant: WARREN TRANSPORT, INC., Post Office Box 420, Waterloo, Black Hawk County, Iowa. Applicant's representative: Charles W. Singer, 33 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and agricultural implements and parts*, from Hesston, Kans., to points in the United States (except Alaska and Hawaii), and *rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115311 (Sub-No. 51), filed October 25, 1965. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 589, Americus, Ga., 31709. Applicant's representative: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* in bulk, having prior or subsequent movement by rail or water, between points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., Chicago, Ill., or Washington, D.C.

No. MC 115331 (Sub-No. 163), filed October 29, 1965. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo. Applicant's representative: Thomas F. Kilroy, Federal Bar Building, 1815 H Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, from Mid American Pipeline Terminal at or near Cantril, Iowa, to points in Illinois and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Des Moines, Iowa.

No. MC 115491 (Sub-No. 62) (Amendment), filed March 29, 1965, published FEDERAL REGISTER issue of April 14, 1965, amended October 26, 1965, and republished as amended this issue. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, Auburndale, Fla. Applicant's representative: M. Craig Massey, 223 South Florida Avenue, Post Office Drawer J, Lakeland, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Cameron and Hidalgo Counties, Tex., to points in Minnesota, Iowa, Nebraska, Colorado, Oklahoma, Arkansas, Louisiana, Mississippi, Wisconsin, Michigan, Illinois, Indiana, Kentucky, Tennessee, Alabama, Ohio, Georgia, North Carolina, South Carolina, Florida, Virginia, West Virginia, Pennsylvania, New York, New Jersey, Maryland, Delaware, Connecticut, Vermont, New Hampshire, Maine, Massachusetts, Rhode Island, District of Columbia, Kansas, and Missouri. NOTE: The purpose of this republication is to add "points in Cameron County, Tex.," as origin points. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115491 (Sub-No. 81), filed October 25, 1965. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, Post Office Drawer 67, Auburndale, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, commodities in bulk in tank vehicles, and frozen meats), from points in Adams County, Nebr., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 115491 (Sub-No. 82), filed October 25, 1965. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, Post Office Drawer 67, Auburndale, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, and commodities in bulk in tank vehicles), from Schuyler, Nebr., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 115491 (Sub-No. 83), filed October 25, 1965. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, Auburndale, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, and commodities in bulk in tank vehicles) from Mankato and Worthington, Minn., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115826 (Sub-No. 112), filed October 25, 1965. Applicant: W. J. DIGBY, INC., Post Office Box 5088, Terminal Annex, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas*, and (2) *agricultural products* and *commodities*, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with bananas, (1) from points in California to points in Utah, and (2) from points in Utah to points in Colorado, Idaho, Montana, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 115841 (Sub-No. 254), filed October 25, 1965. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectioneries, and confectionery products and ingredients*, from Reading and West Reading, Pa., to points in Tennessee, Alabama, Mississippi, and Louisiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 116645 (Sub-No. 9), filed October 28, 1965. Applicant: DAVIS TRANSPORT CO., a corporation, Post Office Box 56, Gilcrest, Colo. Applicant's representative: Marion F. Jones, Suite 420, Denver Club Building, Denver, Colo., 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Hutchinson and Wichita, Kans., to points in Colorado, Nebraska, and New Mexico. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC 117119 (Sub-No. 281), filed October 25, 1965. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark., 72728. Applicant's representative: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehilce, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C, appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Schuyler, Nebr., to points in Missouri, Kansas, Oklahoma, and Arkansas, restricted to traffic originating at the plantsite of Spencer Packing Co. at Schuyler, Nebr. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 117119 (Sub-No. 283), filed October 25, 1965. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's representative: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs*, from Memphis, Tenn., to points in Arizona, California, Colorado, Nevada, Oregon, Utah, and Washington. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117686 (Sub-No. 65), filed October 28, 1965. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Sioux City, Iowa. Applicant's representative: J. Max Harding, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Salina, Kans., to points in Louisiana, Alabama, Mississippi, Oklahoma, Tennessee, Texas, Kansas, and Missouri. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 118989 (Sub-No. 5), filed October 28, 1965. Applicant: CONTAINER TRANSIT, INC., 5323 South Ninth Street, Milwaukee, Wis. Applicant's representative: Richard A. Heilprin, Post Office Box 941, 222 South Hamilton Street, Madison, Wis., 53701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glassware, bottles and containers*, and (2) *caps, covers* and/or *closures*, for glass containers, and *fiberboard boxes*, when moving in mixed loads with glassware, bottles and containers, from points in Lake and Will Counties, Ill., to points in Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, and Upper Peninsula of Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119384 (Sub-No. 8) (Amendment), filed July 6, 1965, published FEDERAL REGISTER issue of July 29, 1965, amended August 25, 1965, and republished in FEDERAL REGISTER issue of September 9, 1965, and republished as amended this issue. Applicant: MORTON TRUCK LINES, INC., 101 West Willis Avenue, Perry, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 62 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Perry, Iowa, to points in Illinois, Indiana, Michigan, Minnesota, Missouri, Nebraska, Ohio, Wisconsin, and South Dakota. NOTE: The purpose of this republication is to include points in Michigan, Missouri, and South Dakota, and the entire State of Indiana in the destination territory. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 119422 (Sub-No. 34), filed October 27, 1965. Applicant: EE-JAY MOTOR TRANSPORTS, INC., 15th and Lincoln, Post Office Box 1037, East St. Louis, Ill. Applicant's representative: Ernest A. Brooks II, 1301–02 Ambassador Building, St. Louis, Mo., 63101. Author-

ity sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plantsite of Marquette Cement Manufacturing Co. at St. Louis, Mo., to points in Illinois. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 119493 (Sub-No. 18), filed October 27, 1965. Applicant: MONKEM COMPANY, INC., Post Office Box 1196, Joplin, Mo. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans., 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sisal products, baling wire, barbed wire, nails, fence posts, field fence, reinforcement bars and reinforcement mesh*, from Houston and Freeport, Tex., and New Orleans, La., to points in Oklahoma, Arkansas, Colorado, Kansas, Missouri, Illinois, Nebraska, Iowa, South Dakota, Wyoming, Minnesota, Wisconsin, North Dakota, and Montana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 119767 (Sub-No. 135), filed November 1, 1965. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Post Office Box 339, Burlington, Wis., 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite or warehouse facilities utilized by American Home Foods, located at or near La Porte, Ind., to points in Illinois, Missouri, and Kansas City, Kans. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119767 (Sub-No. 136), filed November 1, 1965. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Michigan, north of U.S. Highway 21, to points in Illinois, Indiana, Ohio, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119923 (Sub-No. 6), filed October 29, 1965. Applicant: LOMAR TRANSPORTATION CO., INC., 2440 East Ontario Street, Philadelphia, Pa., 19137. Applicant's representative: Morris J. Winokur, 1920 Two Penn Center Plaza, John F. Kennedy Boulevard at 15th Street, Philadelphia, Pa., 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cans* and (2) *can and bottle tops* and *can parts* when constituting separate shipments or when accompanying shipments of the commodities described in (1), between the plantsite of Crown Cork & Seal Co., Inc., located at Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey, New York, Delaware, and Maryland. NOTE: Applicant states: "Applicant presently transports such commodities under its authority in Sub 1, authorizing the transportation of 'tin ware and tin articles.' The purpose of this application is to enable the applicant to perform exactly the same transportation between the same points if such cans, can and bottle tops and can parts are manufactured of material other than tin." If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 123393 (Sub-No. 102), filed October 27, 1965. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 2105 East Dale, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Macon, Marshall, Moberly, Carrollton, and Milan, Mo., to points in Arkansas, Oklahoma, and Kansas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jefferson City, Mo.

No. MC 123393 (Sub-No. 103), filed October 27, 1965. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 2105 East Dale, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat products, meat byproducts, and articles* distributed by meat packinghouses as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Schuyler, Nebr., to points in North Carolina, South Carolina, Georgia, Florida, and Alabama (restricted to traffic originating at the plantsite of Spencer Packing Co. at Schuyler, Nebr.). NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 123615 (Sub-No. 2), filed October 27, 1965. Applicant: TRANSPET, INC., 36 Cooper Square, New York, N.Y. Applicant's representative: A. David Millner, 1060 Broad Street, Newark, N.J., 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pet supplies, pet foods, and pet accessories, pet tonics and insecticides, and returned, rejected or damaged merchandise*, between New York, N.Y., and Chicago, Ill. Restricted to service under contract with Hartz Mountain Products Corp., New York, N.Y. NOTE: If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 123615 (Sub-No. 3), filed October 27, 1965. Applicant: TRANSPET, INC., 36 Cooper Square, New York, N.Y. Applicant's representative: A. David Millner, 1060 Broad Street, Newark, N.J., 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pet supplies, pet foods, and pet accessories, pet tonics, and insecticides*, from Harrison and Bloomfield, N.J., to Leeds, Ala., Phoenix, Ariz., Denver, Colo., Hialeah, Tampa, and Winter Park, Fla., Hapeville, Ga., Addison and Chicago, Ill., Indianapolis, Ind., Des Moines, Iowa, Wichita, Kans., Lacombe and Haughton, La., Romulus, Mich., Minneapolis, Minn., Bridgeton, Mo., Canandaigua, N.Y., Kernersville, N.C., Independence and Loveland, Ohio, Oklahoma City and Tulsa, Okla., Pittsburgh and Silver Spring, Pa., Chattanooga, Tenn., Dallas, El Paso, Houston, Lubbock and San Antonio, Tex., and New Berlin, Wis., and *returned, rejected, or damaged merchandise*, on return. Restricted to: Service under contract with Aquarium Supply Co. (Division of Sternco Industries, Inc.), Long Life Fish Products (Division of Sternco Industries, Inc.), Pet Needs, Inc., Hartz Mountain Products Corp., and Sternco Industries, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 124078 (Sub-No. 163), filed October 25, 1965. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis., 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the distribution terminal of Lone Star Cement Corp. at Louisville, Ky., to points in Kentucky; Clay, Richland, Lawrence, Wayne, Edwards, Wabash, Hamilton, White, Saline, Gallatin, Pope, and Hardin Counties, Ill.; Posey, Gibson, Knox, Vanderburgh, Daviess, Pike, Warrick, Spencer, Dubois, Martin, Lawrence, Orange, Crawford, Perry, Jackson, Washington, Harrison, Floyd, Clark, Scott, Jefferson, Jennings, Ripley, Dearborn, Ohio, and Switzerland Counties, Ind.; Hamilton, Clermont and Brown Counties, Ohio; and Stewart, Houston, Humphreys, Montgomery, Dickson, Robertson, Cheatham, Davidson, Sumner, Trousdale, Wilson, Macon, Smith, Clay, Jackson, Putnam, Overton, Pickett, Cumberland, Fentress, Scott, Morgan, Campbell, Anderson, Claiborne, Union, Knox, and Grainger Counties, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124174 (Sub-No. 38), filed October 22, 1965. Applicant: MOMSEN TRUCKING CO., a corporation, Highways 71 and 18 North, Spencer, Iowa, 51301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, fertilizer, and fertilizer ingredients*, between points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant did not specify any particular area.

No. MC 124211 (Sub-No. 70), filed October 26, 1965. Applicant: HILT TRUCK LINE, INC., 3751 Sumner Street, Post Office Box 824, Lincoln 1, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and/or storage facilities of Spencer Packing Co., located at or near Schuyler, Nebr., to points in Illinois, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, West Virginia, and Wisconsin, restricted to traffic originating at the plantsite and/or storage facilities of

Spencer Packing Co. located at or near Schuyler, Nebr. NOTE: If a hearing is deemed necessary, applicant requests it to be held at Omaha, Nebr.

No. MC 124213 (Sub-No. 3), filed October 25, 1965. Applicant: SWIFTLINES, INC., Post Office Box 533, Worthington, Minn. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles* distributed by meat packinghouses, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Worthington and Mankato, Minn., to points in Illinois, Indiana, Michigan, Missouri, Ohio and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124221 (Sub-No. 10), filed October 25, 1965. Applicant: HOWARD BAER, 821 East Dunne Street, Post Office Box 127, Morton, Ill. Applicant's representative: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind., 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ice cream, ice cream products, sherbets, water ices and water ice products*, in containers, restricted to shipments in mechanically refrigerated vehicles, from Memphis and Nashville, Tenn., and Huntington, Ind., to points in Missouri and Arkansas, restricted to operations under a continuing contract with Sealtest Foods Division of National Dairy Products Corp., and (2) *milk products, milk byproducts, fruit juices, fruit drinks, and fruit segments*, in containers, from St. Louis, Mo., to points in Arkansas and Tennessee, restricted to operations under a continuing contract with Sealtest Foods Division of National Dairy Products Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124359 (Sub-No. 1), filed October 22, 1965. Applicant: WIL-HELEN, INC., 1409 16th Avenue, Greeley, Colo. Applicant's representative: Paul F. Sullivan, Federal Bar Building, 1815 H Street NW., Washington, D.C., 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpets, carpeting and supplies* used in the installation thereof, (1) from Philadelphia and Willow Grove, Pa., to points in Bent, Boulder, Crowley, Denver, El Paso, Fremont, Jefferson, Kit Carson, Larimer, Las Animas, Mesa, Morgan, Otero, Pueblo, Sedgwick, and Weld Counties, Colo., Lamar, Colo., points in Albany, Fremont, Goshen, Laramie, Natrona, Park, and Sheridan Counties, Wyo., Cheyenne, Kimball, Perkins, and Scottsbluff Counties, Nebr., and Rapid City, S. Dak., and (2) from Denver, Colo., to Cheyenne and Casper, Wyo., and points in Cheyenne, Kimball, Perkins, and Scottsbluff Counties, Nebr.; service to be performed under a continuing contract or contracts, with Wholesale Flooring, Inc., of Denver, Colo. NOTE: Applicant states that the purpose of the subject application is to enable applicant to serve the same shipper authorized in its present permit, i.e., Wholesale Flooring, Inc., of Denver, Colo., from additional origins in the East. It is applicant's intention to transport the subject traffic primarily in mixed loads with commodities presently authorized from other eastern origins moving to the same destination territory. Applicant is not seeking to broaden its destination territory. Applicant is presently authorized to transport floor and wall tile and linoleum and supplies used in the installation of such tile and linoleum from Chicago, Ill., New York, N.Y., Sandusky, Canton, and East Sparta, Ohio, South Plainfield and Trenton, N.J., and Marcus Hook and Lancaster, Pa. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 124472 (Sub-No. 2), filed October 22, 1965. Applicant: HARDING TRANSPORTATION, INC., 715 Hancock, Topeka, Kans. Applicant's representative: Marvin B. Launchbaugh (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rolled glass and glazing units*, from Kingsport, Tenn., St. Louis, Mo., and Toledo, Ohio, to Fayetteville and Fort Smith, Ark., Colorado Springs, Denver, and Pueblo, Colo., Garden City, Manhattan, and Topeka, Kans., Joplin, Kansas City, St. Louis, and Springfield, Mo., and Kearney, Lincoln, Norfolk, and Omaha, Nebr. NOTE: If a hearing is deemed necessary, applicant requests it be held at Topeka, Kans.

No. MC 124632 (Sub-No. 11), filed October 25, 1965. Applicant: M. L. WILKERSON, doing business as WILKERSON TRUCKING COMPANY, Route 5, Lenoir City, Tenn. Applicant's representative: Walter Harwood, Nashville Bank & Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* (except in bulk), from Bradford, Freedom, and Oil City, Pa., to points in Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 124774 (Sub-No. 28), filed October 25, 1965. Applicant: CARAVELLE EXPRESS, INC., Post Office Box 384, Norfolk, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Saunders County, Nebr., to points in Minnesota, North Dakota, South Dakota, Wyoming, Montana, Michigan, and Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 124774 (Sub-No. 29), filed October 25, 1965. Applicant: CARAVELLE EXPRESS, INC., Post Office Box 384, Norfolk, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Adams County, Nebr., to points in New York, New Jersey, Maryland, Pennsylvania, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 124774 (Sub-No. 30), filed October 28, 1965. Applicant: CARAVELLE EXPRESS, INC., Post Office Box 384, Norfolk, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Adams County, Nebr., to points in Washington, Oregon, Idaho, Montana, Nevada, and Utah. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 124774 (Sub-No. 31), filed November 1, 1965. Applicant: CARAVELLE EXPRESS, INC., Post Office Box 384, Norfolk, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Adams County, Nebr., to points in North Carolina, South Carolina, Georgia, Alabama, and Florida, and *exempt commodities* on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 124813 (Sub-No. 26), filed October 25, 1965. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, Iowa, 50533. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines, Iowa, 50316. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizers, insecticides, fungicides, and herbicides*, from Council Bluffs, Iowa, to points in Iowa, Minnesota, Nebraska, and South Dakota. NOTE: Applicant is also authorized to operate as a contract carrier in Permit No. MC 118468 Sub-No. 16, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 124964 (Sub-No. 2), filed October 26, 1965. Applicant: JOSEPH M. BOOTH, doing business as, J. M. BOOTH TRUCKING, Post Office Box 907, Eustis, Fla. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Citrus and fruit juices*, in packages, and (2) *commodities*, the transportation of which is partially exempt un-

der the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with citrus and fruit juices, from Umatilla, Fla., to points in North Carolina, Virginia, Maryland, Delaware, New Jersey, New York, Pennsylvania, Connecticut, Rhode Island, Massachusetts, and the District of Columbia, under a continuing contract with Doric Foods Corp. of Umatilla, Fla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 125247 (Sub-No. 2), filed October 28, 1965. Applicant: WILLIAM G. BECK, 400 Eastwood Road, Michigan City, Ind., 46361. Applicant's representative: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind., 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand* (1) from Oregon, Ill., to points in that part of Indiana south of U.S. Highway 40; and to points in that part of Ohio on, south and east of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 30 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction U.S. Highway 25, thence along U.S. Highway 25 to the Ohio-Michigan State line; (2) from Michigan City, Ind., to points in Ohio on, south and east of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 30 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction U.S. Highway 25, thence along U.S. Highway 25 to the Ohio-Michigan State line; and (3) from points in Berrien County, Mich., to points in Indiana south of U.S. Highway 40; and to points in that part of Ohio on, south and east of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 30 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction U.S. Highway 25, thence along U.S. Highway 25 to the Ohio-Michigan State line. Restriction: The operations proposed herein are limited to a transportation service to be performed, under a continuing contract, or contracts with Manley Sand Division of Martin Marietta Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 125513 (Sub-No. 2), filed October 26, 1965. Applicant: HOWARD G. SLAUGHTER, doing business as SLAUGHTER BEVERAGE TRANSPORT, RFD 1, Townsend, Del. Applicant's representative: Donald E. Freeman, 172 East Green Street, Post Office Box 880, Westminster, Md., 21157. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alcoholic beverages*, from points in New York, New Jersey, Pennsylvania, and Maryland, to Wilmington, Del.; (2) *empty beverage containers*, from Wilmington, Del., to points in New York, New Jersey, Pennsylvania, and Maryland; and (3) *malt beverages* (except in bulk, in tank vehicles), from New York, N.Y., Baltimore, Md., Philadelphia, Pa., Newark, N.J., and Reading, Pa., to Milford, Del. NOTE: Applicant states that he presently holds the above proposed authority as contract carrier authority and by this application seeks to convert that authority to common carrier authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Wilmington, Del.

No. MC 125708 (Sub-No. 35), filed October 28, 1965. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from Kankakee, Ill., to points in Missouri. NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 116434 (Sub-No. 1) and Subs thereunder; therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125708 (Sub-No. 36), filed October 28, 1965. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed and canned foodstuff*, between Collinsville, Ill., and points in Tennessee. NOTE: Applicant holds contract carrier authority under MC 116434 and subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125722 (Sub-No. 12), filed October 26, 1965. Applicant: GREAT WESTERN PACKERS EXPRESS, INC., Post Office Box 16886, Denver, Colo. Applicant's representative: Charles W. Singer, Tower Suite 3600, 33 North La Salle Street, Chicago, Ill., 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts*, and *articles* distributed by meat packinghouses, from Sidney, Nebr., to points in Arizona and California. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 125777 (Sub-No. 83), filed October 27, 1965. Applicant: JACK GRAY TRANSPORT, INC., 3200 Gibson Transfer Road, Hammond, Ind. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, limestone and limestone products*, in bulk, in dump vehicles, from Chicago, Ill., to points in Iowa, Minnesota, and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125996 (Sub-No. 5), filed October 28, 1965. Applicant: JENSEN TRUCKING CO. INC., 807 Washington Street, Gothenburg, Nebr. Applicant's representative: Charles J. Kimball, Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial animal, poultry and fish feed and feed ingredients*, from Buhl, Idaho to points in Arizona, Arkansas, California, Colorado, Montana, Nevada, New Mexico, and Wyoming, and *rejected and damaged shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 126248 (Sub-No. 3), filed October 25, 1965. Applicant: LYLE H. COLE, Elm Street, Madrid, N.Y. Applicant's representative: Herbert M. Canter, 345 South Warren Street, Syracuse, N.Y., 13202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, and *fertilizer ingredients*, from the port of entry on the international boundary line between the United States and Canada located at or near Rooseveltown, N.Y., to points in Jefferson, St. Lawrence, Franklin, and Clinton Counties, N.Y., under continuing contracts with Agway, Inc., of Ithaca, N.Y., and its associated cooperative grange league federation service corporations. NOTE: Applicant states it presently holds seasonal authority to perform the proposed service between April 15, and December 1, inclusive of each year and now seeks year-round authority. No duplicative authority is sought. If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y.

No. MC 126472 (Sub-No. 2), filed October 25, 1965. Applicant: WILLCOX-SON TRANSPORT, INC., Bloomfield, Iowa, 52537. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines, Iowa, 50316. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Mid-American Pipeline Terminal at or near Cantril, Iowa, to points in Illinois and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 127033 (Sub-No. 3), filed October 25, 1965. Applicant: C. & B. TRUCKING CO., INC., Post Office Box 192, Chester, S.C. Applicant's representative: Henry P. Willimon, Box 1075, Greenville, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing material and dry fertilizer*, in bulk and in bags, from Savannah, Ga., to points in South Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 127033 (Sub-No. 4), filed October 25, 1965. Applicant: C. & B. TRUCKING CO., INC., Post Office Box 192, Chester, S.C. Applicant's representative: Henry P. Willimon, Box 1075, Greenville, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk and in bags, from points in Chester County, S.C., to points in North Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 127123 (Sub-No. 2), filed October 27, 1965. Applicant: DWIGHT DICKASON, Castlewood, S. Dak. Applicant's representative: Irving A. Hinderaker, 318 Midland National Life Insurance Co. Building, Watertown, S. Dak., 57201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients* (except liquid molasses), in bags and in bulk, from Minneapolis, Minn., to Waubay, S. Dak., and points within 30 miles thereof and points in Roberts, Marshall, Grant, Spink, Deuel, Codington, Brookings, Kingsbury, Beadle, Hand, Hyde, Faulk, Edmunds, McPherson, Campbell, Walworth, Potter, Sully, Hughes, Stanley, Haakon, Ziebach, Corson, Perkins, Meade, Butte, and Harding Counties, S. Dak. NOTE: If a hearing is deemed necessary, applicant requests it be held at Watertown, S. Dak.

No. MC 127215 (Sub-No. 8), filed October 28, 1965. Applicant: KENDRICK CARTAGE CO., a corporation, Salem, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials, compounds, and ingredients, feed and feed ingredients* from East St. Louis, Ill., to points in Arkansas, Kentucky, Missouri, Tennessee, Indiana, and Illinois. NOTE: Applicant is also authorized to operate as a contract carrier in Permit No. MC 110117 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127215 (Sub-No. 9), filed October 29, 1965. Applicant: KENDRICK CARTAGE CO., a corporation, Salem, Ill. Applicant's representative: Thomas F. Kilroy, 1815 H Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, including but not limited to nitrogen fertilizer solutions*, in bulk, in tank or hopper type vehicles, from Cordova Industrial Park, Ill., to points in Iowa, Minnesota, Wisconsin, and Missouri. NOTE: Applicant is also authorized to operate as a contract carrier in Permit No. MC 110117 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127444 (Sub-No. 1), filed October 27, 1965. Applicant: ALAN N. JOHNSON, doing business as AL JOHNSON TRUCKING, 4000 Orange Avenue, Unit 9 Up, Cleveland, Ohio. Applicant's representative: Daniel B. Johnson, Warner Building, Washington, D.C., 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum building materials, materials and supplies* used in the installation of aluminum building materials, *advertising and promotional material* for aluminum building materials and products when moving at the same time and in the same vehicle, from Cuyahoga Falls, Ohio, to points in Wyoming, Washington, Oregon, Nevada, California, North Dakota, Idaho, and Utah, Phoenix, Ariz., Omaha, Lincoln, and North Bend, Nebr., Onida, Aberdeen, and Sioux Falls, S. Dak., Butte, Great Falls, Billings, and Sunburst, Mont., and Denver, Grand Junction, and Arvada, Colo. NOTE: The proposed service is to be performed under a continuing contract with Alside, Inc., located at Cuyahoga Falls, Ohio. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 127572 (Sub-No. 2), filed September 24, 1965. Applicant: A. E. SUENRAM, doing business as A. E. SUENRAM TRUCK SERVICE, 3335 South Edwards, Wichita, Kans. Applicant's representative: Erle W. Francis, Suite 719, Capitol Federal Building, 700 Kansas Avenue, Topeka, Kans., 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, and property being transported incidental to transportation by aircraft* (except those of unusual value, classes A and B explosives, household goods as defined by the Commisison, and commodities in bulk or those requiring special equipment), restricted to traffic having an immediately prior or an immediately subsequent movement by air, between Wichita, Kans., commercial airport, on the one hand, and, on the other, points in Cowley, Butler, Sumner, Sedgwick, and Harvey Counties, Kans., those in Marion and McPherson Counties on and south of Kansas Highway 150 and U.S. Highway 56, and those in Reno, Kingman, and Harper Counties on and east of Kansas Highways 14 and 179. NOTE: If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC 127675, filed October 22, 1965. Applicant: LYNN J. FREEMAN, doing business as FREEMAN CONTRACT SERVICE, Box 94, Sac City, Iowa. Applicant's representative: J. Max Harding, Box 2028, Lincoln, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Linseed meal* from Minneapolis, Minn., to points in Iowa, Nebraska, North Dakota, South Dakota, and points in Illinois on and west of U.S. Highway 67; (2) *cotton seed cake and cotton seed meal* from points in Arkansas, Louisiana, Mississippi, Tennessee, and Texas to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota and points in Illinois, on and west of U.S. Highway 67; (3) *fish meal and fish scrap* from points in Louisiana, Mississippi, and Texas to same destination territory shown in (2) above; (4) *oyster shell* from points in Texas to same destination territory shown in (2) above; and (5) *fence posts and poles and creosoted lumber* from Hugo, Okla., to same destination territory shown in (2) above, limited, in (1) through (5) above, to a transportation service under continuing contract to Sac City Lumber & Feed Co., Sac City, Iowa, and (6) *damaged and rejected shipments* of commodities specified in (1) through (5) above, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No. MC 127676, filed October 25, 1965. Applicant: LEWIS F. REILLY, doing business as DEER PARK AUTO FREIGHT, Deer Park, Wash. Applicant's representative: Donald A. Ericson, Suite 708 Old National Bank Building, Spokane 1, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), over a regular route: Between Spokane and Colville, Wash., over U.S. Highway 395, serving all intermediate points and points located within a distance of not to exceed five (5) miles on each side of said route as off-route points, and over irregular routes, between Spokane, Wash., and points in Stevens County, Wash. NOTE: If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

No. MC 127679, filed October 25, 1965. Applicant: ANDREW A. GIORDANO AND PETER J. GIORDANO, a partnership, doing business as GIORDANO BROTHERS, 180 Belmont, Watertown, Mass. Applicant's representative: Charles D. Kelley, 472 Highland Ave., Malden 48, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Disabled used motor vehicles*, between points in Massachusetts, Maine, New Hampshire, Vermont and Rhode Island. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 127682 (Sub-No. 1), filed October 26, 1965. Applicant: WILLIAM M. BARRON, doing business as CUSTOM SERVICE, Box 241, Stewartsville, N.J. Applicant's representative: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, building, plumbing*, and *electrical materials, supplies, equipment*, and *fixtures*, from Phillipsburg, N.J., to points in Bucks, Carbon, Lehigh, Monroe, and Northampton Counties, Pa., under a continuing contract with Wickes Lumber & Building Supply Center. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 127684 (Sub-No. 1), filed October 27, 1965. Applicant: SAMARDICK OF OMAHA, INC., 410 South 18th Street, Omaha, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over a regular route, transporting: *Money* and *other valuables*, for the Federal Reserve Banks of Chicago and Omaha and their member banks, between Omaha, Nebr., and Sioux City, Iowa, over Interstate Highway 29, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 127687, filed October 25, 1965. Applicant: HARVEY D. SHUPE, HOWARD YOST, AND CHARLES MYLANDER, a partnership, doing business as SHUPE & YOST, 2721 Eighth Avenue, Post Office Box 1123, Greeley, Colo. Applicant's representative: Michael T. Corcoran, 1360 Locust Street, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fer-*

tilizer, from Council Bluffs, Iowa, to points in Colorado, Kansas, Nebraska, and Wyoming. NOTE: Applicant is also authorized to operate as a contract carrier in Permit No. MC 123075 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 127689, filed October 25, 1965. Applicant: PASCAGOULA DRAYAGE CO., a corporation, Post Office Box 1326, Hattiesburg, Miss. Applicant's representative: Robert M. Pearce, 1033 State Street, Bowling Green, Ky., 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fiberboard, fiberboard faced or finished with decorative or protective material, and accessories and supplies used in the installation thereof*, from Laurel, Miss., to points in Alabama, Arkansas, Louisiana, and to Memphis, Tenn., and points in its commercial zone, and *rejected or returned shipments* on return, (2) *wood sugar molasses, wood sugar molasses blended with blackstrap molasses*, in bulk or bags, from Laurel, Miss., to points in Alabama, Arkansas, Louisiana, and to Memphis, Tenn., and points in its commercial zone, and (3) *blackstrap molasses*, in bulk or bags, from New Orleans, La., and Mobile, Ala., to Laurel, Miss. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 127690, filed October 25, 1965. Applicant: LOREN F. BREWER, doing business as BREWER TRUCKING, Big Timber, Mont. Applicant's representative: Randall Swanberg, 314 Montana Building, Post Office Box 2567, Great Falls, Mont., 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing materials* from Minneapolis, Minn., to points in Montana, North Dakota, South Dakota, and Wyoming, (2) *building materials* (except dry and liquid flowable commodities in bulk), from Billings, Mont., and points within 10 miles thereof to points in North Dakota, South Dakota, and Wyoming, and (3) *lumber and lumber products* from points in Park County, Mont., to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 127691, filed October 28, 1965. Applicant: LAWRENCE D. WILLOUGHBY, 34795 Pettibone Road, Solon, Ohio, 44139. Applicant's representative: James H. Nacey, 502 Park Building, 140 Public Square, Cleveland, Ohio, 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Construction, industrial, road and mining machinery, tools, equipment, parts, accessories*, and *attachments*, from Baraga, Mich., Rome, N.Y., Ashland, Cadiz, Cincinnati, Columbus, Cleveland, Dayton, Hopedale, Maumee, Toledo, and Youngstown, Ohio, Coeburn, Norfolk, Richmond, and Roanoke, Va., and Bluefield, Charleston, Clarksburg, and Parkersburg, W. Va., to points in Indiana, Kentucky, the Lower Peninsula of Michigan (except Baraga, Mich.), Ohio (except Ashland, Cadiz, Cincinnati, Columbus, Cleveland, Dayton, Hopedale, Maumee, Toledo, and Youngstown), Pennsylvania and West Virginia (except Bluefield, Charleston, Clarksburg, and Parkersburg). NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

MOTOR CARRIERS OF PASSENGERS

No. MC 63390 (Sub-No. 13), filed October 29, 1965. Applicant: CARL R. BIEBER, INC., Vine and Baldy Streets, Kutztown, Pa. Applicant's representative: L. C. Major, Jr., 2001 Massachusetts Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations limited to round-trip, sightseeing, or pleasure tours designed for leisurely travel, as distinguished from expeditious point-to-point transportation, subject to all the following requirements: (1) Each tour must include (a) sightseeing stops en route, and (b) an overnight stop every night during the entire tour, (2) on each tour the passengers must (a) maintain their identity as a group for the duration of the tour, (b) engage in some group activities that are organized, supervised, and controlled by the carrier, and (c) be accompanied by a tour conductor or guide, and (3) the price of each tour must include (a) some of the meals, (b) lodging for each night during the entire tour, (c) admission fees to any point or events of interest for which a fee is charged and (d) the cost of transportation, beginning and ending at points in Berks County, Pa., and extending to points in the United States, including Alaska but excluding Hawaii. NOTE: Applicant is also authorized to conduct operations as a common carrier of property in MC 59272 and subs. If a hearing is deemed necessary, applicant requests it be held at Reading, Pa.

No. MC 72349 (Sub-No. 26), filed October 29, 1965. Applicant: EASTERN MASSACHUSETTS STREET RAILWAY COMPANY, a corporation, 1442 Main Street, Brockton, Mass. Applicant's representative: Neal Holland, 77 Franklin Street, Boston, Mass., 02110. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between Lawrence, Mass., and North Andover, Mass., over unnumbered town and city streets, serving all intermediate points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 127642 (Correction), filed October 7, 1965, published in FEDERAL REGISTER issue of October 28, 1965, and republished as corrected this issue. Applicant: ANDREW T. JONES, doing business as ANDREW T. JONES, BUS SERVICE, 2714 Magnolia Street, Portsmouth, Va. The purpose of this republication is to indicate that the carrier is an individual doing business as ANDREW T. JONES, BUS SERVICE, in lieu of the manner previously published.

No. MC 127678, filed October 25, 1965. Applicant: MYER GOODWIN, 67 Rockland Street, Natick, Mass. Applicant's representative: John F. Curley, 15 Court Street, Boston, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in special operations limited to round-trip sightseeing or pleasure tours subject to the following requirements: (1) Each tour must include (a) sightseeing stops en route, and (b) an overnight stop every night during the entire tour, (2) on each tour the passengers must (a) maintain their identity as a group for the duration of the tour, (b) engage in some group activities that are organized, supervised, and controlled by the carrier, and (c) be accompanied by a tour conductor or guide and (3) the price of each tour must include (a) some of the meals, (b) lodging for each night during the entire tour, (c) admission fees to any point or events of interest for which a fee is charged and (d) the cost of transportation. The proposed tours are designed for leisurely travel, as distinguished from expeditious point-to-point transportation, beginning and ending at Natick, Framingham, Wellesley, Waltham, Hopkinton, Norwood, Wayland, Sherborn, Maynard, Marlboro, Canton, Dover, Ashland, Weston, Sudbury, Holliston, Milford, Westwood, Concord, Lincoln and Lexington, Mass., and extending to points in the United States (excluding Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 127688, filed October 25, 1965. Applicant: ALLEN E. HANOLD, Brighton, Ill. Authority sought to operate as a *contract carrier* by motor vehicle, over regular routes, transporting: *Passengers*, between Brighton, Ill., and the McDonnell Aircraft Corp., St. Louis, Mo.; from Brighton over U.S. Highway 67 to junction Illinois Highway 111, thence east over Illinois Highway 111 to junction Alby Street at Alton, Ill., thence south over Alby Street to Ninth Street, thence east over Ninth Street to Henry Street, thence south on Henry Street to Broadway, thence west on Broadway to junction U.S. Highway 67, thence over U.S. Highway 67 to junction Interstate Highway 270, thence over Interstate Highway 270 to junction bypass U.S. Highway 66, thence over bypass U.S. Highway 66 to the McDonnell Aircraft Corp. and return over the same route, serving all intermediate points between Brighton and Alton, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12968, filed October 14, 1965, Applicant: TRAVEL CENTER, INC., 2909 Fort Bragg Road, Fayetteville, N.C. Applicant's representative: Neil V. Davis, Grace Pittman Building, Post Office Box 1140, Fayetteville, N.C., 28302. For a license (BMC 5) to engage in operations as a *broker* at Fayetteville, N.C., in arranging for the transportation in interstate or foreign commerce, of *passengers and their baggage*, in charter and special operations, between points in the United States.

WATER CARRIER APPLICATIONS

No. W-757 (Sub-No. 14), AMERICAN PRESIDENT LINES, LTD.—Extension Port Everglades, filed October 29, 1965. Applicant: AMERICAN PRESIDENT LINES, LTD., 601 California Street, San Francisco, Calif. Application filed October 29, 1965, for a certificate, covering a new operation under Part III of the Interstate Commerce Act, in seasonal operation between December and May, in the transportation of *passengers and baggage* from Port Everglades, Fla., to Los Angeles and San Francisco, Calif.

No. W-1222 ROBERT S. WEBER, doing business as APOSTLE ISLANDS CRUISE SERVICE, COMMON CARRIER APPLICATION, filed October 14, 1965. Applicant: ROBERT S. WEBER, doing business as APOSTLE ISLANDS CRUISE SERVICE, 133 South 4th Street, Bayfield, Wis. Applicant's representative: Robert W. Norlin, Washburn, Wis. Application filed October 14, 1965, for a certificate, covering a new operation under Part III of the Interstate Commerce Act, in seasonal operation May 1st through December 1st inclusive in the transportation of *passengers and property*, as follows: *Regular routes;* two (2) trips daily, leaving city dock, Bayfield, Wis., for tour among Apostle Islands (except Madeline Island), and returning to Bayfield City dock. *Irregular routes:* two (2) to four (4) trips a month originating in Ashland, Washburn, Sand Bay and Cornucopia, Wis., for tour among Apostle Islands (except Madeline Island), returning to point of beginning.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 64994 (Sub-No. 57), filed March 1, 1965. Applicant: HENNIS FREIGHT LINES, INC., Post Office Box 612, Winston-Salem, N.C., 27102. Applicant's representative: James E. Wilson, 1735 K Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, those requiring special equipment, classes A and B explosives, household goods as defined by the Commission, and commodities of unusual value). Part I. (A) Between Chicago, Ill., and Charleston, S.C., (1) from Chicago over U.S. Highway 41 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction U.S. Highway 30S, thence over U.S. Highway 30S to junction Ohio Highway 31, thence over Ohio Highway 31 to junction U.S. Highway 33, thence over U.S. Highway 33 to Columbus, Ohio, thence over U.S. Highway 23 to Chillicothe, Ohio, thence over U.S. Highway 35 to Charleston, W. Va., thence over U.S. Highway 21 to junction U.S. Highway 460, thence over U.S. Highway 460 to Pearisburg, Va., thence over Virginia Highway 100 to junction U.S. Highway 221, thence over U.S. Highway 221 to Hillsville, Va., thence over U.S. Highway 52 to Charleston, S.C., and return over the same routes; (2) from Chicago to Gallipolis, Ohio, as specified above, thence over U.S. Highway 35 to junction West Virginia Highway 17, thence over West Virginia Highway 17 to junction U.S. Highway 60, thence over U.S. Highway 60 to Charleston, W. Va.

Thence to Charleston, S.C., as specified above, and return over the same routes, and (3) from Chicago to Charleston, W. Va., as specified above, thence over West Virginia Turnpike to junction U.S. Highway 460, thence to Charleston, S.C., as specified above, and return over the same routes. Service is proposed to and from all intermediate points except that service to or from points in West Virginia is restricted to that presently authorized: (B) Between Detroit, Mich., and Anderson, S.C., (1) from Detroit over U.S. Highway 24 to Toledo, Ohio, thence over U.S. Highway 25 to Dayton, thence over U.S. Highway 35 to Chillicothe, thence to Lexington, N.C., as specified in (A) (1) above, thence over U.S. Highway 29 to Anderson, S.C., and return over the same routes, (2) from Detroit to Lexington, N.C., as specified above, thence over Interstate Highway 85 to Salisbury, thence over U.S. Highway 29 to Charlotte, thence over Interstate Highway 85 to junction U.S. Highway 29 at or near Belton, S.C., thence over U.S. Highway 29 to Anderson, S.C., and return over the same routes, (3) from Detroit over Interstate Highway 75 to Cincinnati, Ohio, thence over U.S. Highway 22 to Washington Court House, Ohio, thence as specified above to Anderson, S.C., and return over the same routes, (4) from Detroit to Cincinnati, Ohio, as specified above, thence over U.S. Highway 50 to Chillicothe, thence to Anderson, S.C., as specified above, and return over the same routes. Service is proposed to and from all intermediate points except that service to or from points in West Virginia is restricted to that presently authorized, and restricted against service in Virginia as described in the note at the end of Part I below. (D) Between Cleveland, Ohio, and Aiken, S.C., (1) from Cleveland over U.S. Highway 21 to Charleston, W. Va., thence to Charlotte, N.C. as specified above, thence over U.S. Highway 21 to junction South Carolina Highway 72, thence over South Carolina Highway 72 to Whitmire, thence over U.S. Highway 176 to junction South Carolina Highway 121, thence over South Carolina Highway 121 to Saluda, thence over South Carolina Highway 121 to junction South Carolina Highway 19, thence over South Carolina Highway 19 to Aiken, and return over the same routes, and (2) from Cleveland over Ohio Highway 8 to junction U.S. Highway 21 near Dover, Ohio, thence to Rock Hill, S.C., as specified above, thence over U.S. Highway 21 to Columbia, S.C., thence over U.S. Highway 1 to Aiken, and return over the same routes. Service is proposed to and from all intermediate points except that service to or from points in West Virginia is restricted to that presently authorized. (E) Between Toledo, Ohio, and Martinsville, Va., from Toledo over U.S. Highway 23 to Columbus, thence to Roanoke, Va., as specified above, thence over U.S. Highway 220 to Martinsville, Va., and return over the same routes. Service is proposed to all intermediate points except that service to or from points in West Virginia is restricted to that presently authorized. (F) Between Grand Rapids, Mich., and Raleigh, N.C., from Grand Rapids over U.S. Highway 131 to Kalamazoo, thence over Interstate Highway 94 to junction U.S. Highway 27, thence over U.S. Highway 27 to Fort Wayne, Ind.

Thence as specified above to Winston-Salem, N.C., thence over U.S. Highway 421 to junction U.S. Highway 70, thence over U.S. Highway 70 to Raleigh (also, as specified above to Winston-Salem, N.C., thence over Interstate Highways 40 and 85 to Durham, thence over U.S. Highway 70 to Raleigh), and return over the same routes. Service is proposed to and from all intermediate points except that service to or from points in West Virginia is restricted to that presently authorized. (G) Between Flint, Mich., and Hickory, N.C., (1) from Flint over U.S. Highway 23 to Toledo, Ohio, thence as specified above to Winston-Salem, N.C., thence over U.S. Highway 158 to Mocksville, thence over U.S. Highways 64 and 70 to Hickory, and return over the same routes, and (2) from Flint over Interstate Highway 75 to Detroit, thence to Winston-Salem, N.C., as specified above, thence over Interstate Highway 40 to junction U.S. Highway 158, thence over U.S. Highway 158 to junction U.S. Highway 64, thence over U.S. Highway 64 to Statesville, thence over Interstate Highway 40 to Hickory, and return over the same routes. Service is proposed to and from all intermediate points except that service to or from points in West Virginia is restricted to that presently authorized. (H) Between Terre Haute, Ind., and Fayetteville, N.C., (1) from Terre Haute over U.S. Highway 40 to Zanesville, Ohio, thence over Ohio Highway 60 to junction U.S. Highway 21, thence to Greensboro, N.C., as specified above, thence over U.S. Highway 421 to

junction North Carolina Highway 87, thence over North Carolina Highway 87 to Fayetteville, and return over the same routes; (2) from Terre Haute, Ind., to Winston-Salem, N.C., as specified above, thence over U.S. Highway 311 to junction U.S. Highway 220, thence over U.S. Highway 220 to Asheboro.

Thence over U.S. Highway 64 to junction U.S. Highway 421, thence over U.S. Highway 421 to junction North Carolina Highway 87, thence over North Carolina Highway 87 to Fayetteville, and return over the same routes. Service is proposed to and from all intermediate points except that service to or from points in West Virginia is restricted to that presently authorized. (I) Between South Bend, Ind., and Ruby, S.C., (1) from South Bend over U.S. Highway 31 to junction U.S. Highway 35, thence over U.S. Highway 35 to junction U.S. Highway 40, thence as specified above to Mount Airy, N.C., thence over U.S. Highway 601 to Pageland, S.C., thence over South Carolina Highway 9 to Ruby, and return over the same routes; (2) from South Bend, Ind., over U.S. Highway 20 to Cleveland, Ohio, thence as specified above to Ruby, S.C., and return over the same routes. Service is proposed to and from all intermediate points except that service to or form points in West Virginia is restricted to that presently authorized. (J) Between Warren, Ohio, and Myrtle Beach, S.C., (1) from Warren over Ohio Highway 46 to junction Ohio Highway 7, thence over Ohio Highway 7 to Marietta, thence as specified above to Winston-Salem, N.C., thence over U.S. Highway 311 to junction U.S. Highway 220, thence over U.S. Highway 220 to junction U.S. Highway 74, thence over U.S. Highway 74 by Rockingham to Laurinburg, thence over U.S. Highway 501 to Myrtle Beach, S.C., and return over the same routes; (2) from Warren over Ohio Highway 5 to Akron, thence as specified above to Pageland, S.C., thence over South Carolina Highway 151 to Darlington, thence over U.S. Highway 52 to junction U.S. Highway 76, thence over U.S. Highway 76 to Marion, thence over U.S. Highway 501 to Myrtle Beach, and return over the same routes.

Service is proposed to and from all intermediate points except that service to or from points in West Virginia is restricted to that presently authorized. (K) Between Cincinnati, Ohio, and Portsmouth and Norfolk, Va., (1) from Cincinnati over U.S. Highway 52 to Huntington, W. Va., thence over Interstate Highway 64 and U.S. Highway 60 to Charleston, thence to Petersburg, Va., as specified above, thence over U.S. Highway 460 to Portsmouth, and return over the same routes; (2) from Cincinnati over Ohio Highway 125 to junction U.S. Highway 52, thence to Charleston, W. Va., as specified above, thence over U.S. Highway 60 to Norfolk, Va., and return over the same routes. Service is proposed to and from all intermediate points except that service to or from points in West Virginia is restricted to that presently authorized. (L) From Chicago, Ill., to Winston-Salem and Charlotte, N.C., Greenville and Columbia, S.C., from Chicago to Indianapolis, Ind., as specified above, thence over U.S. Highway 31 and Interstate Highway 65 to Louisville, Ky., thence over U.S. Highway 60 and Interstate Highway 64 to junction Kentucky Highway 151, thence over Kentucky Highway 151 to junction U.S. Highway 127, thence over U.S. Highway 127 to junction U.S. Highway 150, thence over U.S. Highway 150 to Mount Vernon, Ky., thence over U.S. Highway 25 and 25E to Morristown, Tenn., thence over U.S. Highway 11E to Greenville, Tenn., thence over Tennessee Highway 70 to Tennessee-North Carolina State line, thence over North Carolina Highway 208 to junction U.S. Highways 25 and 70, thence over U.S. Highways 25 and 70 to Asheville, thence over U.S. Highway 70 and Interstate Highway 40 to Statesville.

Thence over U.S. Highway 64 (also over Interstate Highway 40) to Mocksville, thence over U.S. Highway 158 to Winston-Salem, N.C., (2) from Chicago to Asheville, N.C., as specified above, thence over U.S. Highway 25 to Greenville, S.C., (3) from Chicago, Ill., to Asheville, N.C., as specified above, thence over Interstate Highway 26 to Columbia, S.C., (4) from Chicago, Ill., to Asheville, N.C., as specified above, thence over U.S. Highway 74 to junction Interstate Highway 85, thence over U.S. Highway 74 and Interstate Highway 85 to Charlotte. Service in (L) (1) through (4) will be restricted to traffic moving to points in Alamance, Cabarrus, Chatham, Davidson, Durham, Forsyth, Guilford, Mecklenburg, Orange, Randolph, Rockingham, Rowan, and Wake Counties, N.C., and Anderson, Cherokee, Greenville, Laurens, Newberry, Richland, Spartanburg, and York Counties, S.C., and beyond. (M) From Winston-Salem, N.C., to Asheville, Rocky Mount, Goldsboro, and Wilmington, N.C., (1) from Winston-Salem, N.C., to Hickory as specified above, thence over U.S. Highways 64 and 70 and Interstate Highway 40 to Morganton, thence over U.S. Highway 70 and Interstate Highway 40 to Asheville, (2) from Winston-Salem, N.C., to Raleigh as specified above, thence over U.S. Highway 64 to Rocky Mount, (3) from Winston-Salem, N.C., to Fayetteville as specified above, thence over North Carolina Highway 24 to Clinton, thence over U.S. Highway 421 to Wilmington (also, from Winston-Salem over U.S. Highway 421 to Wilmington, N.C.), and (4) from Winston-Salem, N.C., to Raleigh as specified above.

Thence over U.S. Highway 70 to Goldsboro. Service in (M) will be restricted to traffic originating in Ohio, in Indiana on and north of U.S. Highway 40, in Michigan on and south of Michigan Highway 21 and in the Chicago, Ill., commercial zone; (N) Between Charlotte, Wilmington, and Clinton, N.C., (1) from Charlotte over U.S. Highway 74 to junction North Carolina Highway 211, thence over North Carolina Highway 211 to junction U.S. Highways 74 and 76, thence over U.S. Highways 74 and 76 to Wilmington, and return over the same routes, (2) from Charlotte over U.S. Highway 74 to Laurinburg, thence over U.S. Highway 401 to Fayetteville, thence over North Carolina Highway 24 to Clinton, and return over the same routes. Service is proposed to and from all intermediate points. Restriction: The authority proposed herein and that now held by carrier between the same points shall be construed as comprising a single operating authority not severable by sale or otherwise. NOTE: Service is proposed, in connection with (A) to (K), inclusive, to the off-route points in Indiana on and north of U.S. Highway 40, those in Michigan on and south of Michigan Highway 21, those in Ohio (except Cleveland, Akron, Mogadore, Barberton, Cuyahoga Falls, and Wadsworth on service to or from points in Virginia), those in the Chicago, Ill., commercial zone, those in North Carolina within 100 miles of Greensboro, N.C., those in South Carolina and those in Virginia on and east of Virginia Highway 16, west of the Chesapeake Bay and on and south of a line extending eastward along U.S. Highway 460 to Petersburg, Va.

Thence along U.S. Highway 301 to Richmond, Va., thence along U.S. Highway 60 and Virginia Highway 33 to the Chesapeake Bay. Service in Part I above will be restricted to service between points in Indiana on and north of U.S. Highway 40, those in Michigan on and south of Michigan Highway 21, those in Ohio (except Cleveland, Akron, Mogadore, Barberton, Cuyahoga Falls, and Wadsworth to or from points in Virginia) and those in the Chicago, Ill., commercial zone, on the one hand, and, on the other, those in North Carolina (restricted northbound to points within 100 miles of Greensboro, N.C.), those in South Carolina, and those in Virginia on and east of Virginia Highway 16, west of the Chesapeake Bay and on and south of a line extending eastward along U.S. Highway 460 from the West Virginia-Virginia State line to Petersburg, Va., thence along U.S. Highway 301 to Richmond, Va., thence along Virginia Highway 33 to the Chesapeake Bay (restricted against service on new furniture from points in Virginia on and east of Virginia Highway 16 and west of U.S. Highway 29. Part II. *General commodities* (except commodities in bulk, those requiring special equipment, classes A and B explosives, household goods as defined by the Commission, and commodities of unusual value); (A) between Atlanta, Ga., and Charlotte, N.C., (1) from Atlanta over Interstate Highway 85 to Spartanburg, S.C., thence over South Carolina, Highway 9 to Pageland, thence over U.S. Highway 601 to junction U.S. Highway 74, thence over U.S. Highway 74 to Charlotte, N.C., and return over the same routes; (2) from Atlanta over U.S. Highway 29 to Athens (also over U.S. Highway 78 to Athens), thence over Georgia Highway 72 to the Georgia-South Carolina State line, thence over South Carolina Highway 72 to Chester, thence over South Carolina Highway 9 to junction U.S. Highway 601.

Thence over U.S. Highway 601 to junction U.S. Highway 74, thence over U.S. Highway 74 to Charlotte, N.C., and return over the same routes. Service is proposed to and from all intermediate points, restricted to traffic moving to or from points in Chesterfield and Marlboro Counties, S.C., and Charlotte, N.C., or beyond; (B) between Atlanta, Ga., and Ruby, S.C., (1) from Atlanta over U.S. Highway 278 to Augusta (also from Atlanta over U.S. Highway 78 to Augusta), thence over U.S. Highway 1 to Cheraw, S.C., thence over South Carolina Highway 9 to Ruby, and return over the same routes; (2) from Atlanta to Pageland, S.C., as specified above, thence over South Carolina Highway 9 to Ruby, and return over the same routes. Service is proposed to or from all intermediate points, restricted to traffic moving to or from points in Chesterfield or Marlboro Counties, S.C., or beyond; (C) between Macon, Ga., and Ruby, S.C., (1) from Macon over U.S. Highway 129 to Athens, thence to Ruby, S.C., as specified above, and return over the same routes; (2) from Macon over Georgia Highway 49 to junction Georgia Highway 22, thence over Georgia Highway 22 to junction Georgia Highway 16, thence over Georgia Highway 16 to Warrenton, thence to Ruby, S.C., as specified above, and return over the same routes. Service is proposed to and from all intermediate points, restricted to traffic moving to or from points in Chesterfield or Marlboro Counties, S.C., or beyond; (D) between Ruby and Charleston, S.C., (1) from Ruby over South Carolina Highway 9 to Cheraw, thence over U.S. Highway 52 to Charleston, and return over the same routes; (2) from Ruby over South Carolina Highway 9 to Pageland, thence over U.S. Highway 521 to junction U.S. Highway 52, thence to Charleston as specified above, and return over the same routes.

Service is proposed at all intermediate points, restricted to traffic moving to or from points in Chesterfield or Marlboro Counties, S.C., or beyond; (E) between Ruby and Anderson, S.C., (1) from Ruby over South Carolina 9 to Spartanburg, thence over U.S. Highway 29 to Anderson, and return over the same routes; (2) from Ruby over South Carolina Highway 9 to Chester, thence over South Carolina Highway 72 to Clinton, thence over U.S. Highway 76 to Anderson, and return over the same routes. Service is proposed to and from all intermediate points, restricted to traffic moving to or from points in Chesterfield or Marlboro Counties, S.C., or beyond; (F) between Ruby and Myrtle Beach, S.C., (1) from Ruby over South Carolina Highway 9 to Dillon, thence over U.S. Highway 501 to Myrtle Beach, and return over the same routes. Service is proposed to or from all intermediate points, restricted to traffic moving to or from points in Chesterfield or Marlboro Counties, S.C., or beyond; (G) between Ruby, S.C., and Laurinburg, N.C., (1) from Ruby over South Carolina Highway 9 to Chesterfield, thence over South Carolina Highway 742 to the South Carolina-North Carolina State line, thence over North Carolina Highway 742 to Wadesboro, thence over U.S. Highway 74 to Laurinburg, and return over the same routes; (2) from Ruby to Bennettsville, S.C., as specified above, thence over U.S. Highway 15 to Laurinburg, and return over the same routes. Service is proposed to and from all intermediate points, restricted to traffic moving to or from points in Chesterfield or Marlboro Counties, S.C., or beyond; (H) between Ruby, S.C., and Asheville, N.C., (1) from Ruby to Spartanburg, S.C., as specified above, thence over U.S. Highway 176 to Hendersonville, N.C., thence over U.S. Highway 25 to Asheville, and return over the same routes; (2) from Ruby, S.C., to Charlotte, N.C., as specified above, thence over Interstate Highway 85 to Kings Mountain, thence over U.S. Highway 74 to Asheville, and return over the same routes.

Service is proposed to and from all intermediate points, restricted to traffic moving to or from points in Chesterfield or Marlboro Counties, S.C., or beyond; (I) between Ruby, S.C., and Columbus, Ga., (1) from Ruby, S.C., to Macon, Ga., as specified above, thence over U.S. Highway 80 to Columbus, and return over the same routes; (2) from Ruby, S.C., to Atlanta, Ga., as specified above, thence over Georgia Highway 85 to junction Alternate U.S. Highway 27, thence over Alternate U.S. Highway 27 and Georgia Highway 85 to Columbus, and return over the same routes; (3) from Ruby, S.C., to Atlanta, Ga., as specified above, thence over U.S. Highway 29 to La Grange, thence over U.S. Highway 27 to Columbus, and return over the same routes. Service is proposed to or from all intermediate points, restricted to traffic moving to or from points in Chesterfield or Marlboro Counties, S.C., or beyond; (J) between Ruby, S.C., and Savannah, Ga., (1) from Ruby to Camden, S.C., as specified above, thence over U.S. Highway 1 to junction U.S. Highway 601, thence over U.S. Highway 601 to Orangeburg, thence over U.S. Highway 21 to junction U.S. Highway 17, thence over U.S. Highway 17 to Savannah, Ga., and return over the same routes; (2) from Ruby to Columbia, S.C., as specified above, thence over U.S. Highway 321 to Savannah, Ga., and return over the same routes. Service is proposed to or from all intermediate points, restricted to traffic moving to or from points in Chesterfield or Marlboro Counties, S.C., or beyond. Restriction: The authority proposed herein and that now held by carrier between the same points shall be construed as comprising a single operating authority not severable by sale or otherwise. Part II (A) through (J) will be restricted to service between points in Chesterfield and Marlboro Counties, S.C., on the one hand, and, on the other, points in North Carolina, South Carolina, and Virginia; between Pageland, S.C., and Charlotte, N.C. Service is proposed in connection with Part II (A) to (J), inclusive, to all off-route points in Georgia, North Carolina, and South Carolina.

Part III. *General commodities* (except commodities in bulk, those requiring special equipment, classes A and B explosives, household goods as defined by the Commission, and commodities of unusual value), (A) between Charlotte and Wilmington, N.C., from Charlotte over U.S. Highway 74 to Lumberton, thence over North Carolina Highway 211 to Wilmington, and return over the same routes. Service is proposed to or from all intermediate points, restricted to traffic moving to or from Charlotte, N.C., or beyond; (B) between Charlotte, and Morehead City, N.C., from Charlotte to Laurinburg as specified above, thence over U.S. Highway 401 to Fayetteville, thence over North Carolina Highway 24 to Morehead City, and return over the same routes. Service is proposed to and from all intermediate points, restricted to traffic moving to or from Charlotte, N.C., or beyond; (C) between Charlotte and New Bern, N.C., from Charlotte over North Carolina Highway 27 to Carthage, thence over U.S. Highway 15 to Sanford, thence over U.S. Highway 421 to Dunn, thence over U.S. Highway 301 to junction U.S. Highway 70, thence over U.S. Highway 70 to New Bern, and return over the same routes. Service is proposed to and from all intermediate points, restricted to traffic moving to or from Charlotte, N.C., or beyond; (D) between Charlotte, and Rocky Mount, N.C., from Charlotte over North Carolina Highway 49 to Asheboro, thence over U.S. Highway 64 to Rocky Mount, and return over the same routes. Service is proposed to or from all intermediate points, restricted to traffic moving to or from Charlotte, N.C., or beyond; (E) between Charlotte and Durham, N.C., from Charlotte to Pittsboro, as specified above, thence over U.S. Highway 15 to Durham, and return over the same routes. Service is proposed to or from all intermediate points, restricted to traffic moving to or from Charlotte, N.C., or beyond; (F) between Charlotte and Reidsville, N.C., over U.S. Highway 29. Service is proposed to or from all intermediate points, restricted to traffic moving to or from Charlotte, N.C., or beyond.

Restriction: The authority proposed herein and that now held by carrier between the same points shall be construed as comprising a single operating authority so that the authority herein sought and that now held by carrier between the same points shall not be severable by sale or otherwise. Service is proposed to all off-route points in North Carolina on and east of U.S. Highway 29, in connection with Part III (A) to (F) inclusive. Part IV. *General commodities* (except commodities in bulk, those requiring special equipment, classes A and B explosives, household goods as defined by the Commission, and commodities of unusual value), (A) between Greensboro and Morganton, N.C., (1) from Greensboro over U.S. Highway 421 to Winston-Salem, thence over U.S. Highway 158 to Mocksville, thence over U.S. Highway 64 to Morganton, and return over the same routes, (2) from Greensboro over Interstate Highway 40 to junction U.S. Highway 158, thence over U.S. Highway 158 to Mocksville, thence over U.S. Highway 64 to Statesville, thence over Interstate Highway 40 to Morganton, and return over the same routes. Service is proposed to and from all intermediate points, re-

stricted to traffic moving to or from Greensboro, N.C., or beyond; (B) between Greensboro and Nashville, N.C., (1) from Greensboro over U.S. Highway 70 to Raleigh, thence over North Carolina Highway 98 to junction U.S. Highway 64, thence over U.S. Highway 64 to Nashville, and return over the same routes, (2) from Greensboro over Interstate Highway 85 to Durham, thence over U.S. Highway 70 to Raleigh, thence over U.S. Highway 64 to Nashville, and return over the same routes. Service is proposed to and from all intermediate points, restricted to traffic moving to or from Greensboro, N.C., or beyond; (C) between Greensboro and Wilson, N.C., (1) from Greensboro as specified above to Raleigh, thence over U.S. Highway 64 to junction U.S. Highway 264.

Thence over U.S. Highway 264 to Wilson, and return over the same routes, (2) from Greensboro over U.S. Highway 70 to Clayton, thence over North Carolina Highway 42 to Wilson, and return over the same routes. Service is proposed to and from all intermediate points, restricted to traffic moving to or from Greensboro, N.C., or beyond; (D) between Greensboro and Roseboro, N.C., from Greensboro, N.C., or beyond; (E) to Sanford, thence over North Carolina Highway 87 to Fayetteville, thence over North Carolina Highway 24 to Roseboro, and return over the same routes. Service is proposed to and from all intermediate points, restricted to traffic moving to or from Greensboro, N.C., or beyond; (E) between Greensboro and Dunn, N.C., over U.S. Highway 421. Service is proposed to and from all intermediate points, restricted to traffic moving to or from Greensboro, N.C., or beyond; (F) between Greensboro and Henderson, N.C., (1) from Greensboro as specified above to Durham, thence over U.S. Highway 15 to junction U.S. Highway 158, thence over U.S. Highway 158 to Henderson, and return over the same routes, (2) from Greensboro as specified above to Burlington, thence over North Carolina Highway 49 to Roxboro, thence over U.S. Highway 158 to Henderson, and return over the same routes. Service is proposed to and from all intermediate points, restricted to traffic moving to or from Greensboro, N.C., or beyond; (G) between Greensboro, N.C., and Charleston, S.C., from Greensboro over U.S. Highway 220 to Rockingham, thence over U.S. Highway 1 to Cheraw, S.C., thence over U.S. Highway 52 to Charleston, and return over the same routes. Service is proposed to and from all intermediate points, restricted to traffic moving to or from Greensboro, N.C., or beyond; (H) between Greensboro, N.C., and Columbia, S.C., (1) from Greensboro as specified above to Charlotte, thence over U.S. Highway 21 to Columbia, S.C., and return over the same routes, (2) from Greensboro as specified above to Rock Hill, S.C.

Thence over South Carolina Highway 72 to Chester, thence over U.S. Highway 321 to Columbia, and return over the same routes. Service is proposed to and from all intermediate points, restricted to traffic moving to or from Greensboro, N.C., or beyond; (I) between Greensboro, N.C., and Anderson, S.C., (1) from Greensboro as specified above to Charlotte, thence over U.S. Highway 29 to Anderson, S.C., and return over the same routes, (2) from Greensboro as specified above to Charlotte, thence over Interstate Highway 85 to junction U.S. Highway 29, thence over U.S. Highway 29 to Anderson, S.C., and return over the same routes. Service is proposed at all intermediate points, restricted to traffic moving to or from Greensboro, N.C., or beyond; (J) between Greensboro and Boone, N.C., over U.S. Highway 421. Service is proposed at all intermediate points, restricted to traffic moving to or from Greensboro, N.C., or beyond; (K) between Greensboro, N.C., and Pearisburg, Va., from Greensboro over U.S. Highway 421 to Winston-Salem, thence over U.S. Highway 52 to Hillsville, Va., thence over U.S. Highway 58 to junction Virginia Highway 100, thence over Virginia Highway 100 to Pearisburg, and return over the same routes. Service is proposed at all intermediate points, restricted to traffic moving to or from Greensboro, N.C., or beyond; (L) between Greensboro, N.C., and Roanoke and Winchester, Va., from Greensboro over U.S. Highway 220 to Roanoke, Va., thence over U.S. Highway 11 to Winchester, and return over the same routes. Service is proposed to and from all intermediate points, restricted to traffic moving to or from Greensboro, N.C., or beyond; (M) between Greensboro, N.C., and Alexandria, Charlottesville, Lynchburg, and Richmond, Va., (1) from Greensboro, N.C., over U.S. Highway 29 via Lynchburg and Charlottesville, Va., to junction Virginia Highway 236, thence over Virginia Highway 236 to Alexandria, and return over the same routes, (2) from Greensboro over U.S. Highway 29 to Danville, Va.

Thence over U.S. Highway 360 to Richmond, thence over U.S. Highway 1 to Alexandria, and return over the same routes, (3) from Greensboro over Interstate Highway 85 to Durham, thence over U.S. Highway 15 to Henderson, thence over Interstate Highway 85 to the North Carolina-Virginia State line, thence over U.S. Highway 1 to Alexandria, Va., and return over the same routes. Service is proposed to and from all intermediate points, restricted to traffic moving to or from Greensboro, N.C., or beyond; (N) between Greensboro, N.C., and Newport News, Norfolk, and Portsmouth, Va., (1) from Greensboro as specified above to Danville, Va., thence over U.S. Highway 58 to Portsmouth, thence over U.S. Highway 60 to Norfolk, and return over the same routes, (2) from Greensboro as specified above to Franklin, Va., thence over U.S. Highway 258 to Newport News, and return over the same routes, (3) from Greensboro as specified above to Reidsville, thence over U.S. Highway 158 to Winston-Salem, thence over U.S. Highway 52 to junction U.S. Highway 58, thence over U.S. Highway 58 to Norfolk, and return over the same routes, (4) from Greensboro as specified above to junction U.S. Highways 158 and 258, thence over U.S. Highway 258 to Newport News, and return over the same routes. Service is proposed to and from all intermediate points, restricted to traffic moving to or from Greensboro, N.C., or beyond; (O) between Greensboro, N.C., and Bristol, Va., (1) over U.S. Highway 421; (2) from Greensboro over Interstate Highway 40 to junction U.S. Highway 52, thence over U.S. Highway 52 to Wytheville, Va., thence over U.S. Highway 11 and Interstate Highway 81 to Bristol, and return over the same routes. Service is proposed to and from all intermediate points, restricted to traffic moving to or from Greensboro, N.C., or beyond.

Part IV (A) through (O) inclusive, proposes service at all off-route points in North Carolina within 100 miles of Greensboro, N.C., and those in South Carolina and Virginia in conjunction with carrier's operations to and from Greensboro, N.C. Restriction: The authority proposed herein and that now held by carrier between the same points shall be construed as comprising a single operating authority not severable by sale or otherwise. Part V. *General commodities* (except commodities in bulk, those requiring special equipment, classes A and B explosives, household goods as defined by the Commission, and commodities of unusual value), (A) between Cheraw, S.C., and Philadelphia, Pa., (1) over U.S. Highway 1, (2) from Cheraw over U.S. Highway 1 to Henderson, N.C., thence over Interstate Highway 85 to North Carolina-Virginia State line, thence over U.S. Highway 1 to Petersburg, Va., thence over Interstate Highway 95 to Fredericksburg, thence over U.S. Highway 1 to junction Interstate Highway 95 (south of Washington, D.C.), thence over Interstate Highway 95 to junction U.S. Highway 13, thence over U.S. Highway 13 to Philadelphia, and return over the same routes, serving off-route points in North Carolina and South Carolina within 50 miles of Cheraw, S.C., also serving off-route points in New Jersey and Pennsylvania within 25 miles of Philadelphia, Pa.; (B) between Cheraw, S.C., and York, Pa., from Cheraw as specified above to Baltimore, Md., thence over Interstate Highway 83 to York, Pa., and return over the same routes, serving off-route points in North Carolina and South Carolina within 50 miles of Cheraw, S.C.; (C) (a) between Cheraw, S.C., and Easton, Pa., (1) from Cheraw, S.C., as specified above to Philadelphia, Pa., thence over U.S. Highway 309 to junction U.S. Highway 22, thence over U.S. Highway 22 to Easton, and return over the same routes, (2) from Cheraw, S.C., as specified above to York, Pa.

Thence over U.S. Highway 30 to junction U.S. Highway 222, thence over U.S. Highway 222 to junction U.S. Highway 22, thence over U.S. Highway 22 to Easton, and return over the same routes. Service is proposed to or from off-route points in North Carolina and South Carolina within 50 miles of Cheraw, S.C., (b) between Philadelphia, Pa., and New York, N.Y., (1) over U.S. Highway 1, (2) from Philadelphia over U.S. Highway 130 to junction Interstate Highway 287, thence over Interstate Highway 287 to New York, and return over the same routes, serving all off-route points in New Jersey and Pennsylvania within 25 miles of Philadelphia, Pa., and those in New Jersey within 30 miles of City Hall, New York, N.Y., (C) from New York, N.Y., and points in the New York, N.Y., commercial zone as defined by the Commission, as specified above to Cheraw, S.C., from New York, N.Y., as specified above to Cheraw, S.C., serving all off-route points in New Jersey within 35 miles of New York, N.Y., and those in North Carolina and South Carolina within 50 miles of Cheraw, S.C.; (D) from Baltimore, Md., to Cheraw, S.C., from Baltimore as specified above to Cheraw, serving off-route points in North Carolina and South Carolina within 50 miles of Cheraw, S.C., (E) between Greensboro, N.C., and Baltimore, Md., (1) from Greensboro over U.S. Highway 29 to Washington, D.C., thence over U.S. Highway 1 to Baltimore, and return over the same routes; (2) from Greensboro over Interstate Highway 85 to Durham, thence over U.S. Highway 15 to junction Interstate Highway 85, thence over Interstate Highway 85 to North Carolina-Virginia State line, thence over U.S. Highway 1 to Richmond, Va., thence over Interstate Highway 95 to Baltimore, and return over the same routes; (3) from Greensboro over U.S. Highway 29 to Danville, Va.

Thence over U.S. Highway 360 to Richmond, thence as specified above to Baltimore, and return over the same routes; (4) from Greensboro over Interstate Highway 85 to junction North Carolina Highway 49, thence over North Carolina Highway 49 to North Carolina-Virginia State line, thence over Virginia Highway 49 to Clarksville, Va., thence over U.S. Highway 58 to South Hill, thence as specified above to Baltimore, Md., and return over the same routes. Service is proposed at all off-route points in Guilford, Randolph, Chatham, and Alamance Counties, N.C.; (F) between Pittsboro, N.C., and Baltimore, Md., from Pittsboro over U.S. Highway 15 to Durham, thence as specified above to Baltimore, Md., and return over the same routes. Service is proposed at all off-route points in Guilford, Randolph, Chatham, and Alamance Counties, N.C.; (G) between Durham, N.C., and Baltimore, Md., from Durham as specified above to Baltimore, Md., and return over the same routes. Service is proposed at all off-route points in Guilford, Randolph, Chatham, and Alamance Counties, N.C.; (H) between points in the New York, N.Y., commercial zone and Boston, Mass., (1) over U.S. Highway 1; (2) from New York over U.S. Highway 1 to New Haven, Conn., thence over Interstate Highway 95 to New London, thence over Connecticut Highway 32 to junction Connecticut Turnpike, thence over Connecticut Turnpike to junction U.S. Highway 6, thence over U.S. Highway 6 to Providence, R.I., thence over U.S. Highway 1 to Boston, and return over the same routes, serving all intermediate points in Connecticut, Rhode Island, and Massachusetts; (I) between New York, N.Y., and Springfield, Mass., (1) from New York, N.Y., over U.S. Highway 1 to New Haven, Conn., thence over U.S. Highway 5 to Springfield, Mass. (also from New Haven over Interstate Highway 91 to Springfield), and return over the same routes, (2) from New York to Bridgeport, Conn., as specified above, thence over Connecticut Highway 8 to Waterbury, thence over Alternate U.S. Highway 6 to junction Connecticut Highway 71.

Thence over Connecticut Highway 71 to Hartford, thence as specified above to Springfield, Mass., and return over the same routes, serving all intermediate points in Connecticut, Rhode Island, and Massachusetts; (J) between New York, N.Y., and Pittsfield, Mass., from New York over Interstate Highway 87 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction U.S. Highway 7, thence over U.S. Highway 7 to Pittsfield, and return over the same routes; and (K) in a circuitous manner, from New York as specified above to Pittsfield, Mass., thence over Massachusetts Highway 9 to Boston, thence as specified above to New York, serving all intermediate points in Connecticut, Rhode Island, and Massachusetts. In Parts (H) through (K), serving all intermediate and off-route points on traffic moving between points in the New York, N.Y., commercial zone and those in Bergen and Passaic Counties, N.J., east of the Rampo River, those in Essex and Union Counties, N.J., and those in Middlesex County, N.J., north of the Raritan River, on the one hand, and, on the other, points in Massachusetts, Rhode Island, and Connecticut. Restriction: The authority proposed herein and that now held by carrier between the same points shall be construed as a single operating authority and shall not be severable by sale or otherwise. NOTE: This application is filed pursuant to MC-C-4366, effective May 1, 1964, which provides the special rules for conversion of irregular route to regular motor carrier operations. SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 102462 (Sub-No. 2), filed October 28, 1965. Applicant: CHARLIE F. HUTCHENS, Boonville, N.C. Applicant's representative: H. Overton Kemp, Room 101-327, North Tryon Street, Post Office Box 20202, Charlotte, N.C., 28202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting. *Fertilizer, fertilizer materials* and *farm chemicals*, in bulk and in bags, (1) from Spartanburg and Hartsville, S.C., to points in North Carolina and those in Virginia on and west of U.S. Highway 1 extending from the North Carolina-Virginia State line to junction U.S. Highway 60 at Richmond, Va., thence on and south of U.S. Highway 60 extending from Richmond, Va., to the Virginia-West Virginia State line; and (2) from Winston-Salem, N.C., to Spartanburg and Hartsville, S.C., and points in Virginia on and west of U.S. Highway 1 extending from the North Carolina-Virginia State line to junction U.S. Highway 60 at Richmond, Va., thence on and south of U.S. Highway 60 extending from Richmond, Va., to the Virginia-West Virginia State line.

No. MC 124078 (Sub-No. 164), filed October 29, 1965. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis., 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand* and *sand with additives*, in bulk, in tank or hopper type vehicles, from Michigan City, Ind., and points within 5 miles thereof, to points in Illinois and Missouri.

No. MC 124078 (Sub-No. 165), filed November 1, 1965. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis., 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the site of the transfer terminal of the Alpha Portland Cement Co., at or near Westboro, Mass., to points in Merrimack and Belknap Counties, N.H.

No. MC 126585 (Sub-No. 2), filed October 27, 1965. Applicant: L. BRETON TRANSPORT LTD., Lime Ridge, Quebec, Canada. Applicant's representative: Claude Bedard, 165 Wellington Street, North, Sherbrooke, Quebec, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crushed lime*, in bulk and in bags, for the account of Dominion Lime Ltd., from ports of entry on the international boundary line between the United States and Canada located at or near Norton and Beecher Falls, Vt., to Berlin, N.H.

No. MC 127680, filed October 25, 1965. Applicant: RAYMOND GRENIER, Sawyerville, Quebec, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, between the ports of entry on the international boundary line between the United States and Canada located at Beecher Falls and Derby Line, Vt., on the one hand, and, on the other, points in Maine, Massachusetts, Vermont, and New Hampshire.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-12091; Filed, Nov. 10, 1965; 8:45 a.m.]

[Notice 84]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 8, 1965.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date

notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 124048 (Sub-No. 25 TA), filed November 3, 1965. Applicant: SCHWERMAN TRUCKING CO. OF INDIANA, INC., 611 South 28th Street, Milwaukee, Wis., 53246. Applicant's representative: James R. Ziperski (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, in tank vehicles, from Bridgman, Mich., to South Bend, Ind., for 150 days. Supporting shipper: Manley Sand Division, Martin Marietta Corp., Rockton, Ill., 61072, Mote Reedy, vice president, sales. Send protests to: W. F. Sibbald, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 108 West Wells Street, Room 511, Milwaukee, Wis., 53203.

No. MC 124781 (Sub-No. 3 TA), filed November 3, 1965. Applicant: UNITED FREIGHTWAYS, INC., 671 Chestnut Street, North Andover, Mass. Applicant's representative: George C. O'Brien, 33 Broad Street, Boston, Mass., 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Di-calcium phosphate*, in bulk, in tank vehicles, from Peabody, Mass., to Brattleboro, Richford, and St. Albans, Vt., and Portland and Auburn, Maine, for 180 days. Supporting shipper: Eastman Gelatine Corp., Peabody, Mass., 01961. Send protests to: Maurice C. Pollard, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 30 Federal Street, Boston, Mass., 02110.

No. MC 127701 TA, filed November 3, 1965. Applicant: PLES HARRISON AND CARL HARRISON, a partnership, doing business as HARRISON CONTRACTING COMPANY, 603 Jefferson Avenue, Berryville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardwood flooring*, from Harrison, Ark., Eureka Springs, Ark., and Springfield, Mo., to points in Missouri, Kansas, Nebraska, South Dakota, North Dakota, Iowa, Minnesota, Ohio, Wisconsin, Illinois, Indiana, Michigan, and Colorado, for 180 days. Supporting shippers: Hayes Industries, Inc., Eureka Springs, Ark.; and Cloud Oak Flooring Co., Box 725, Springfield, Mo. Send protests to: D. R. Partney, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2519 Federal Office Building, 700 West Capitol Avenue, Little Rock, Ark., 72201.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-12134; Filed, Nov. 10, 1965; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 8, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40105—*Clay from Lowell, Fla.* Filed by O. W. South, Jr., agent (No. A4788), for interested rail carriers. Rates on clay, kaolin, or pyrophyllite, in carloads, from Lowell, Fla., to points in southern territory, also Ohio and Mississippi River crossings and points in Virginia.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 190 to Southern Freight Association, agent, tariff ICC S-40.

FSA No. 40106—*Tin or terne plate from Fairfield, Ala.* Filed by Southwestern Freight Bureau, agent (No. B-8779), for interested rail carriers. Rates on tin or terne plate and tin mill black plate in carloads, from Fairfield, Ala., to Longview, Tex.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 159 to Southwestern Freight Bureau, agent, tariff ICC 4503.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-12135; Filed, Nov. 10, 1965; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Idaho 04218]

IDAHO

Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

NOVEMBER 5, 1965.

Notice of an application Serial No. Idaho 04218, for withdrawal and reservation of lands was published as FEDERAL REGISTER Document No. 57-9773 on page 9437 of the issue for November 26, 1957. The applicant agency has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 2311, such lands will be at 10 a.m. on November 20, 1965, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

BOISE MERIDIAN, IDAHO

CLEARWATER NATIONAL FOREST

Lolo—Eldorado Creek Road

T. 34 N., R. 6 E.,
Sec. 13, S½NW¼, N½NW¼SW¼, SE¼NW¼SW¼, E½SW¼NW¼SW¼, NE¼SW¼SW¼, E½NW¼SW¼SW¼, and S½SW¼SW¼;
Sec. 14, SW¼NE¼SE¼;
Sec. 27, NE¼SW¼;
Sec. 28, E½NE¼.
T. 35 N., R. 6 E.,
Sec. 9, E½E½, SE¼SW¼ and SW¼SE¼;
Sec. 10, N½N½NE¼, N½SW¼NE¼NE¼, SE¼NE¼NE¼, SW¼NW¼NE¼, N½SE¼NW¼NE¼, NW¼SW¼NE¼, S½S½NE¼, NE¼SE¼NE¼, S½NW¼, NE¼SW¼, W½SW¼ and NE¼SE¼;
Sec. 16, N½NE¼, NE¼NW¼, S½NW¼ and NW¼SW¼;
Sec. 17, lots 6 and 7 and NE¼SE¼;
Sec. 20, W½NE¼, NW¼SE¼, W½E½SE¼SW¼, W½SE¼SW¼, E½SW¼SE¼ and E½W½SW¼SE¼;
Sec. 29, W½NE¼ and SE¼NW¼.

The following lands are also involved in this notice of termination, except for a strip of land 200 feet wide on each side of Eldorado Creek Road No. 529, as presently constructed through these subdivisions:

T. 34 N., R. 6 E.,
Sec. 13, W½NE¼, NE¼NW¼, E½NW¼NW¼ and E½W½NW¼NW¼;
Sec. 14, W½E½NE¼NE¼, W½NE¼NE¼, SE¼NE¼, SE¼SW¼, N½NE¼SE¼, SW¼SE¼, NW¼SE¼SE¼ and S½SE¼SE¼;
Sec. 17, NE¼SE¼;
Sec. 18, NE¼NE¼ and SE¼NW¼NE¼;
Sec. 21, NE¼, N½SE¼ and SE¼SE¼;
Sec. 22, NW¼SW¼, NE¼SW¼SW¼ and W½SW¼SW¼;
Sec. 23, NW¼NE¼, NW¼ and W½SW¼;
Sec. 26, W½NW¼;
Sec. 27, NE¼NE¼, S½NE¼, NW¼NW¼ and S½NW¼.

The terminated lands aggregate 2,650.52 acres.

ORVAL G. HADLEY, *Manager, Land Office.*

[F.R. Doc. 65-12123; Filed, Nov. 10, 1965; 8:46 a.m.]

Office of the Secretary

PROPERTY OF BIG VALLEY RANCHERIA IN CALIFORNIA AND INDIVIDUAL MEMBERS THEREOF

Notice of Termination of Federal Supervision

Notice is hereby given that the Indians and the dependent members of their immediate families named below are no longer entitled to any of the services performed by the United States for Indians because of their status as Indians; that all statutes of the United States which affect Indians because of their status as Indians shall be inapplicable to them, and the laws of the several States shall apply to them in the same manner as they apply to other citizens within their jurisdiction. Title to the land on the Big Valley Rancheria has passed from the U.S. Government under the distribution plan approved March 15, 1960, for the Rancheria.

Big Valley Rancheria: 129 acres in the SE¼SW¼ Sec. 29, and the SE¼NW¼, NE¼SW¼ and NE¼NW¼ of Sec. 32, all in Twp. 14 North, Range 9 West, M.D.B. & M., Lake County, Calif.

Name	Birthdate	Address
Vivian Fred	10-15-1915	Route 1, Box 878, Lakeport, Calif.
Rosalia M. Ellis	12-22-1938	Same.
Raymond C. Ellis	4-24-1941	Same.
Ramona McCloud	3-21-1924	General Delivery, Finley, Calif.
Joanne Knight McCloud	8-19-1939	Same.
Phillip McCloud	6- 9-1941	Same.
Delphine McCloud	7-10-1942	Same.
Ludie McCloud	8-12-1946	Same.
Carl McCloud	10-15-1948	Same.
Angie McCloud	2- 3-1950	Same.
Don McCloud	5-14-1952	Same.
Alida McCloud	9-30-1958	Same.
Kathy Razo	3-26-1958	Same.
Jessie Razo, Jr	7-11-1959	Same.
Stella Johnson	1- 4-1900	Post Office Box 653, Finley, Calif.
Francisco Patino	9-21-1928	Route 1, Lakeport, Calif.
Tom Martin, Jr	10-30-1922	Route 1, Box 881, Lakeport, Calif.
Lorena Landeros	7-17-1929	Route 1,Box 882, Lakeport, Calif.
Judith Landeros	4-23-1948	Same.
Pedro Landeros, Jr	8-31-1950	Same.
Anita Landeros	3-17-1954	Same.
Eugene Inoz	1- 2-1959	Same.
Virginia Elgin	2-23-1912	Route 1, Box 883, Lakeport, Calif.
Loraine Reyes	11-11-1938	Same.
Debra Reyes	2- 8-1957	Same.
Sandra Reyes	3-23-1959	Same.
Frank Marando	12- 7-1874	Route 1, Lakeport, Calif.
Louise Marando	10-14-1883	Same.
Lindsey Williams	2-21-1916	General Delivery, Finley, Calif.
Ada Williams	8-17-1915	Same.
Lindsey Williams, Jr.	8- 3-1942	Same.
Anthony Williams	12-11-1949	Same.
Lynn Williams	7- 9-1952	Same.
Mary John	3-25-1872	Died, 3-18-1964.
Hudson Jack	4-12-1901	Lakeport, Calif.
Annie Jack	3- 9-1909	Same.
Cedric Jack	12-31-1939	Same.
David Jack	11-28-1942	Same.
Lesta Jack	2-24-1946	Same.
Valentine Jack	2-14-1950	Same.
Neal Jack	4-18-1952	Same.
Oscar John	12-29-1898	Died, 3-18-1963.
Agnes John	4- 5-1909	Box 664, Finley, Calif.
Lewis Gomez	12-23-1885	Route 1, Box 887, Lakeport, Calif.
Lincoln Dennison	7- 1-1890	Lakeport, Calif.
Dwight Dennison	3-22-1951	Same.
Francis Dennison	4- 7-1890	Died, 7-5-1963.
Vivian Posh	9-26-1913	Route 1, Box 800, Lakeport, Calif.
Christine Posh	4-27-1938	Same.
Carroll Posh	11- 6-1940	Same.
Wayne Posh	10-11-1957	Same.
Curtis John	2-23-1932	Lakeport, Calif.
Beverly John	1-25-1937	Same.
Mario Williams	8-10-1954	Same.
Craig John	12-26-1956	Same.
Dominic John	5- 8-1959	Same.
William Fred	7-11-1907	Lakeport, Calif.
Harris Holmes	8- 8-1887	Died, 2-12-1961.
Clara Holmes	1- 1-1892	Died, 6-10-1962.
Henry Gonzales	12- 7-1933	Finley, Calif.
Ruby Martinez	7-23-1930	Kelseyville, Calif.
Kenneth Fred	3- 5-1929	Finley, Calif.
Luella Fred	2-27-1935	Same.
Bernadine Fred	10-13-1937	Finley, Calif.
Doyle Fred	6-10-1954	Same.
William Fred	3- 2-1956	Same.
Robert Fred	1- 1-1927	Finley, Calif.
Leola Fred	2-20-1929	Same.
Robert L. Fred, Jr	1- 4-1956	Same.
Lilburn Fred	6-15-1924	General delivery, Finley, Calif.
Francis McCloud	9-25-1934	Post Office Box 160, Geyserville, Calif.
Flamon McCloud	5-10-1950	Same.
Ivan McCloud	6- 6-1952	Same.
Gertrude McCloud	1-24-1954	Same.
Cathryn McCloud	11-13-1955	Same.
Wayde McCloud	3-24-1958	Same.
Evelyn Francis McCloud	9-18-1959	Same.
Andrew Gomez	9-24-1936	Route 1, Box 887.
Dorothy Morrison	10-10-1922	Box 95, Finley, Calif.
Cynthia Williams	9-15-1946	Same.
Eva Morrison	11- 3-1955	Same.
Ethel Moon	12- 2-1958	Same.
Marion Minden	11- 4-1923	3837 Northeast 19th Ave., Portland, Oreg.
David J. Minden	8-25-1955	Same.
Adeline Martin	3-12-1936	Route 1, Box 880, Lakeport, Calif.
Yvonne Johnson	4-26-1955	Same.
Bruce Johnson	7-12-1956	Same.
Larry Johnson	2- 4-1958	Same.
Harvey Martin	12- 8-1908	Route 1, Box 880, Lakeport, Calif.
Gertie Martin	3- 7-1918	Same.
Alex Martin	8-17-1942	Same.
Sharon Martin Perez	6-20-1949	Same.
Joe Gomez	9-11-1915	Post Office Box 2000, Vacaville, Calif.
Nora Gomez	9-30-1933	Same.
Norma Gomez	9-10-1953	Same.
Joe Gomez, Jr	10-24-1954	Same.
Mada Gomez	1- 1-1955	Same.
Eddie Gomez	12-10-1957	Same.
Milford John, Sr	7-30-1917	Represa, Calif.
Mitchell Gomez	1- 1-1910	Lakeport, Calif.
Zelda Gomez	4-18-1941	Same.
Casey Gomez	4-23-1943	Same.
Catherine Gomez	6-27-1948	Same.
Arnold Gomez	7-10-1949	Same.
Norma Gomez	11-17-1950	Same.
Josephine Holmes	7- 8-1909	929 E St., Sacramento, Calif.
James Holmes	1- 2-1932	General delivery, Covelo, Calif.
Diane Batres	10-26-1936	Route 1, Box 884, Lakeport, Calif.
Douglas Martin	5-23-1955	Same.
Rebecca Batres	4- 6-1958	Same.
Ermadine Hopper Geary	4-12-1932	50 Church St., San Francisco, Calif.
Bonnie Morindo	8-16-1951	Same.
Martha Morindo	8-10-1952	Same.
Mayfield Morindo	11- 9-1953	Same.
Barbara Morindo	5-13-1956	Same.
Brenda Geary	6-28-1958	Same.
George Lozinitos, Sr	9- 2-1900	Box 95, Finley, Calif.
George Lozintos, Jr	9-16-1929	Box 95, Finley, Calif
Janice Lozintos	10- 6-1932	Same.
Deborah Lozintos	9-18-1958	Same.
Marx Hopper, Sr	12-24-1919	Post Office Box 435, Colusa, Calif.
Norman Posh	11-14-1935	Died, 5-26-1962.
Wayne Hopper	10-19-1936	412 Hewitt St., Santa Rosa, Calif.
Wilbur Johnson	8-22-1921	Died, 2-28-1962.
Katherine Ray	4-17-1926	Route 1, Box 881, Lakeport, Calif.
Ben G. Ray	8- 1-1944	Same.
Loretta G. Ray	3-10-1945	Same.
Raymond C. Ray	12-25-1946	Same.
Peggy Ray	12-29-1948	Same.
Conrad Velez	6-11-1950	Same.
Gregory Velez	5-19-1951	Same.
Richard Velez	3- 8-1952	Same.
Lola Mae Velez	8- 5-1954	Same.
Kenneth Martin	12-30-1937	Route 1, Box 881, Lakeport, Calif.
Jeanette Martin	12-30-1938	Same.
Wanda Martin	1-14-1955	Same.
Vincent Martin	12-12-1956	Same.
Rose Barnes	7-26-1929	276 East Bloom St., Los Angeles 12, Calif.
Ronald F. Montez	11-17-1949	Same.
Howard R. Chavez	1-21-1955	Same.
Leora Rene Barnes	2-18-1958	Same.
Harline Marando	5-14-1917	Route 1, Box 884, Lakeport, Calif.
Elmer Carl Martin	6-21-1940	Same.
Lorenzo Marando	3-19-1950	Same.
Geraldine Marando	5-21-1951	Same.
Manuel Marando	4-21-1953	Same.
Florence Ponce	12- 5-1937	Route 1, Box 883, Lakeport, Calif.
Lenore Ponce	6-30-1952	Same.
Vera Ponce	7-25-1953	Same.
Robert Ponce, Jr	7-25-1954	Same.
Johnny Ponce	9- 2-1955	Same.
Marcia Ponce	9-25-1957	Same.
Theresa Brown	7- 6-1927	11949 Barnwall St., Norwalk, Calif.
Mabel Esther Brown	5-15-1942	Same.
Stephen A. Brown	3-11-1944	Same.
Anthony J. Brown	5-10-1947	Same.
Nathan M. Brown	10- 5-1950	Same.
Carter G. Brown	12-15-1951	Same.
Saraha J. Brown	8- 9-1954	Same.
Alphonse Robles Brown	11-10-1959	Same.
Harry Johnson	9-16-1929	Died, 6-10-1960.
Ruth Holmes	6- 2-1936	General Delivery, Finley, Calif.
David Mitchell, Jr	5- 7-1 56	Same.
Marlene Mitchell	11-20-1958	Same.
Margaret Jordon	5-24-1919	General Delivery, Finley, Calif.
Priscilla Elgin	1- 8-1934	Route 1, Box 883, Lakeport, Calif.
Ruben Elgin	9- 6-1950	Same.
Rita Elgin	3-21-1953	Same.
Dolores Arquilada	12-27-1954	Same.
Alberta Guzman	5-26-1932	Route 1, Box 883, Lakeport, Calif.
Emilio Pasolo	4-14-1959	Same.
Mary Campa	3- 8-1935	Route 1, Box 883, Lakeport, Calif.
Cynthia Elgin	11-11-1952	Same.
Maria Campa	10-24-1953	Same.
Ralph Campa, Jr	10-17-1954	Same.
Elvina Brown	5- 4-1923	1012 East 12th St., Oakland, Calif.
Geraldine Brown Charboneau	6-28-1940	Same.
Raymond Brown	11-23-1942	Same.
Marvin Brown	2- 5-1945	Same.
Cecil Brown	4- 8-1947	Same.
Sharon Brown	3- 6-1950	Same.
Thomas Brown	3-26-1951	Same.
Jim Brown, Jr	2-15-1953	Same.
McKinley Knight	8- 1-1923	Route 1, Box 881, Lakeport, Calif.
Gloria Knight	12-10-1941	Same.
Rose Mary Hernandez	10-14-1958	Same.
Charlotte D. John	1- 5-1938	Route 1, Box 882, Lakeport, Calif.
Kenneth N. Fred	2-25-1952	Same.
Shirley A. Fred	12-18-1953	Same.
Nancy Martin Ramos	9-22-1932	Box 271, Ukiah, Calif.
Nina Ann Ramos	8- 3-1957	Same.
Sybil John	10-23-1921	General delivery, Lakeport, Calif.
Milford John, Jr	1-15-1939	Same.
Marsion John	1- 4-1940	Same.
Godfrey John	3-16-1941	Same.
Harmon J. John	5-15-1943	Same.
Walter V. John	2- 6-1947	Same.
Evelyn Martin	12-30-1934	Route 1, Box 882, Lakeport, Calif.
Lydia Martin	1- 7-1958	Same.
Harry Hopper	6- 6-1936	Finley, Calif.
Nelson Hopper	11-15-1917	Box 632, Finley, Calif.
Violet Gonzales	4-16-1906	General delivery, Finley, Calif.
Rebecca Molino	12-22-1946	Same.
Maynard McCloud	5-20-1956	Same.
Lillian Holmes	5-29-1929	Post Office Box 604, Finley, Calif.
Darnell McCloud	10- 5-1951	Same.
Margaret McCloud	5-29-1954	Same.
Cherene Mota	9- 3-1957	Same.
Elizabeth Del Valle	10-13-1921	Post Office Box 153, Maxwell, Calif.
Carmen Del Valle Hartman	7-31-1940	Same.
Delores Del Valle	9-14-1942	Same.
Mary Del Valle	9-19-1944	Same.
Joseph Del Valle, Jr	7-23-1947	Same.
Freddy Del Valle	12-14-1949	Same.
Patricia Del Valle	10- 1-1952	Same.
Leonard Del Valle	8-21-1954	Same.
Frankie Del Valle	2-15-1958	Same.
Dorothy Partida	4- 4-1920	Box 53, Finley, Calif.
Frederick Lozintos	1-14-1941	Same.
Connie Partida	4-15-1950	Same.
Jane Partida	8-12-1953	Same.
Darryl Partida	8-21-1954	Same.
Pedro Partida, Jr	9-12-1956	Same.
Chris Partida	11-12-1957	Same.

This notice is issued pursuant to the Act of August 18, 1958 (72 Stat. 619), amended August 11, 1964 (78 Stat. 390), including the provisions in the 1964 Act that this notice affects only those Indians who are not members of any other tribe or band of Indians, and that all restrictions and tax exemptions applicable to trust or restricted lands or interests therein owned by the Indians who are affected by this notice are terminated.

This notice becomes effective as of the date of publication in the FEDERAL REGISTER.

STEWART L. UDALL, *Secretary of the Interior.*

NOVEMBER 3, 1965.

[F.R. Doc. 65-12076; Filed, Nov. 10, 1965; 8:46 a.m.]

HOWARD LESTER LIVINGOOD

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of November 1, 1965.

Dated: November 1, 1965.

H. LESTER LIVINGOOD.

[F.R. Doc. 65-12124; Filed, Nov. 10, 1965; 8:46 a.m.]

MARVIN FRANCIS PERSONS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of November 1, 1965.

Dated: November 1, 1965.

MARVIN F. PERSONS.

[F.R. Doc. 65-12125; Filed, Nov. 10, 1965; 8:46 a.m.]

GEORGE LESTER WILKINS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of November 1, 1965.

Dated: November 1, 1965.

GEO. L. WILKINS.

[F.R. Doc. 65-12126; Filed, Nov. 10, 1965; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

TANKERS

Availability for Exchange

Pursuant to the provisions of Public Law 89-254 amending the Ship Exchange Act, Public Law 86-575, tankers from the Maritime Administration Reserve Fleets may be traded out for use in the Great Lakes trades or for use, after major conversions, for dry cargo carriers or liquid bulk carriers including natural gas carriers but excluding bulk petroleum carriers.

The following T2 tankers are now available for trade-out under the provisions of the Ship Exchange Act, as amended:

Type	Name	Reserve Fleet Location
T2-SE-A1	Memphis	James River.
Do	Parkersburg	Do.
Do	Abiqua	Beaumont.
Do	Lynchburg	Do.
Do	Paoli	Do.
Do	Roanoke	Do.
Do	Cedar Creek	Suisun Bay.
Do	Petrolite	Olympia.
Do	Bull Run	Do.
Do	French Creek	Do.
Do	Lone Jack	Do.
T2-SE-A2	Anacostia (AO-94)	James River.
Do	Tamalpais	Do.
Do	Sebec	Beaumont.
Do	Pamanset	Do.
Do	Mission San Luis Obispo	Do.
Do	Mission San Carlos	Do.
Do	Mission San Luis Rey	Do.
Do	Mission Santa Barbara	Do.
Do	Mission Solano	Olympia.
Do	Mission Carmel	Do.
Do	Mission Dolores	Do.
Do	Mission Soledad	Do.

Shipowners interested in acquiring T2 tankers, under the Ship Exchange Program, should file their applications for exchange of ships with the Chief, Office of Property and Supply, Maritime Administration, Washington, D.C., by November 19, 1965. Application forms and further information may be obtained from the above office.

Assignment of the tankers will be made in accordance with the provisions of General Order 92 as published March 1, 1962 (27 F.R. 2011), except that applications will be carefully evaluated and allocations made among trades and among applicants within trades which, in the judgment of the Maritime Administration, will achieve the greatest shipping capability and productivity, taking into account the relative needs of trades, in keeping with the purposes and policies of the Merchant Marine Act, 1936, as amended.

Due to the limited number of ships available, the needs for the ships in various trades, and their adaptability for conversion to containerships, dry bulk cargo ships, or other specialized and desirable types of ships for efficient operation, the Maritime Administration will, in making judgments as to allocations of the ships, consider factors of capability, productivity, trade needs, and other related matters typified by the following:

1. Requirements of the contemplated trade in the operation of the ship.
2. Type of conversion and resulting efficiency of ship.
3. Applicant's operating ability and financial responsibility.
4. Extent by which the Merchant Marine will be upgraded and other factors having a bearing on the requirements and intent of the Ship Exchange Act, as amended.

Upon request, applicants shall submit such additional information concerning the applicants, their applications or other pertinent matters as may be required by the Maritime Administration.

Dated: November 5, 1965.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 65-12132; Filed, Nov. 10, 1965; 8:47 a.m.]

Office of the Secretary

GEORGE E. LAWRENCE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months:

A. Deletions:
Hewlett Packard Co.
Leeds & Northrup Co.
B. Additions: None

This statement is made as of October 30, 1965.

Dated: October 30, 1965.

GEORGE E. LAWRENCE.

[F.R. Doc. 65-12105; Filed, Nov. 10, 1965; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

FRANK B. ROSS CO., INC.

Notice of Filing of Petition for Food Additive; Correction

In F.R. Doc. 65-11230, published in the FEDERAL REGISTER of October 20, 1965 (30 F.R. 13335), the section number "121.2550" should read "121.2520".

Dated: November 5, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-12151; Filed, Nov. 10, 1965; 8:49 a.m.]

MERCK SHARP AND DOHME RESEARCH LABORATORIES

Notice of Filing of Petitions for Food Additives Amprolium and Additional Ingredients

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that petitions (FAP's 5C1790, 5D1796) have been filed by Merck Sharp & Dohme Research Laboratories, Division of Merck & Co., Inc., Rahway, N.J., 07065, proposing an amendment to § 121.210(c), table 1, of the food additive regulations to provide for the safe use of amprolium alone at levels from 0.008 percent to 0.0125 percent (72.6-113.5 grams per ton) in feed for broiler chickens for prevention of coccidiosis caused by *E. tenella* or in combination with the secondary ingredients permitted in feed for broiler chickens.

Dated: November 5, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-12152; Filed, Nov. 10, 1965; 8:49 a.m.]

Office of the Secretary

STATEMENT OR ORGANIZATION AND DELEGATIONS OF AUTHORITY

Miscellaneous Amendments

The Statement of Organization and Delegations of Authority of the Department of Health, Education, and Welfare (22 F.R. 1045 as amended), Part 2 thereof entitled "Office of the Secretary," under the heading "Office of the General Counsel," is hereby amended as follows:

1. Section 2-300.10 entitled "Organization", is amended to add a new "Division of Health Insurance," a new "Division of Education," and to change the "Division of Welfare and Education" to the "Division of Welfare and Rehabilitation", so that the section will read as follows:

SEC. 2-300.10 *Organization.*

Immediate Office of the General Counsel:
Regional Attorneys.
Division of Business and Administrative Law.
Division of Education.
Division of Food and Drugs.
Division of Health Insurance.
Division of Legislation.
Division of Old-Age and Survivors Insurance.
Division of Public Health.
Division of Welfare and Rehabilitation.

2. Chapter 2-320, for the reasons set forth in 1 above, is revised to read as follows:

CHAPTER 2-320—DIVISIONS IN THE OFFICE OF THE GENERAL COUNSEL

Sec.
2-320.10 Organization.
2-320.20 Division of Business and Administrative Law.
2-320.30 Division of Education.
2-320.40 Division of Food and Drugs.
2-320.50 Division of Health Insurance.
2-320.60 Division of Legislation.
2-320.70 Division of Old-Age and Survivors Insurance.
2-320.80 Division of Public Health.
2-320.90 Division of Welfare and Rehabilitation.

SEC. 2-320.10 *Organization.* A. The Divisions in the Office of the General Counsel are:

Division of Business and Administrative Law.
Division of Education.
Division of Food and Drugs.
Division of Health Insurance.
Division of Legislation.
Division of Old-Age and Survivors Insurance.
Division of Public Health.
Division of Welfare and Rehabilitation.

B. Each division shall be under the general supervision of the Associate General Counsel and the immediate supervision of an Assistant General Counsel.

SEC. 2-320.20 *Division of Business and Administrative Law.* A. The Division of Business and Administrative Law shall be responsible for:

1. Providing legal services on business management activities and administrative operations throughout the Department, including procurement, contracting, personnel, patents, copyrights, and administrative tort claims.
2. Legal services for the Department's surplus property, civil defense and security programs.
3. Liaison to the Comptroller General.

SEC. 2-320.30 *Division of Education.* A. The Division of Education shall be responsible for:

1. Providing legal services in connection with the Office of Education, and
2. To the extent of the Department's concern, providing legal services in connection with the American Printing House for the Blind, Gallaudet College, and Howard University.

SEC. 2-320.40 *Division of Food and Drugs.* A. The Division of Food and Drugs shall be responsible for:

1. Performing legal services in connection with the administration of the Federal Food, Drug, and Cosmetic Act, and related Acts.
2. Conducting hearings, preparing pleadings, briefs, and legal memoranda.
3. Assisting in the preparation for, and the trial of cases and their judicial review.

SEC. 2-320.50 *Division of Health Insurance.* The Division of Health Insurance shall be responsible for providing legal services in connection with the administration of the programs of hospital insurance benefits and supplementary medical insurance benefits for the aged under Title XVIII of the Social Security Act.

SEC. 2-320.60 *Division of Legislation.* 1. Drafting all proposals for legislation originating in the Department and reviewing all proposed legislation submitted to the Department or to any constituent unit of the Department for comment.

2. Preparing reports and letters to Congressional Committees, the Bureau of the Budget, and others on proposed legislation.

3. Prescribing procedures to govern the routing and review, within the Department, of material relating to proposed Federal legislation.

SEC. 2-320.70 *Division of Old-Age and Survivors Insurance.* A. The Division of Old-Age and Survivors Insurance shall be responsible for:

1. Legal advice and services, including the preparation of regulations in connection with the administration of old-age and survivors insurance and disability insurance programs under Title II of the Social Security Act, and related statutes.

2. Coordination with the Internal Revenue Service, and with other agencies in connection with legal matters relating to such programs.

3. Preparing legal materials for use by the Department of Justice in connection with civil litigation or criminal prosecution relating to such programs.

SEC. 2-320.80 *Division of Public Health.* The Division of Public Health shall be responsible for providing legal services with respect to the Public Health Service, Saint Elizabeths Hospital and Freedmen's Hospital.

SEC. 2-320.90 *Division of Welfare and Rehabilitation.* The Division of Welfare and Rehabilitation shall be responsible for providing legal services in connection with the Welfare Administration, Vocational Rehabilitation Administration, Administration on Aging, and the Bureau of Federal Credit Unions in the Social Security Administration.

Dated: November 5, 1965.

JAMES F. KELLY,
Acting Assistant Secretary for Administration.

[F.R. Doc. 65-12153; Filed, Nov. 10, 1965; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-244]

ROCHESTER GAS AND ELECTRIC CORP.

Notice of Application for Construction Permit and Facility License

Please take notice that Rochester Gas and Electric Corp., 89 East Avenue, Rochester, N.Y., 14604, pursuant to section 104b of the Atomic Energy Act of 1954, as amended, has filed an application, dated October 28, 1965, for a construction permit and facility license to authorize construction and operation of a pressurized water nuclear reactor having a net electrical capacity of approximately 420 megawatts derived from a thermal capacity of approximately 1300

megawatts. The proposed reactor is to be located at the applicant's 338-acre site on Lake Ontario in the town of Ontario, Wayne County, N.Y., about 16 miles from the city of Rochester.

A copy of the application is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 4th day of November 1965.

For the Atomic Energy Commission.

R. L. DOAN,
Director,
Division of Reactor Licensing.

[F.R. Doc. 65-12059; Filed, Nov. 10, 1965; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 15234]

INTERNATIONAL TOURS AND JACK E. HUMMEL

Enforcement Proceeding; Notice of Reassignment of Hearing

Notice is given herewith that public hearing in the above-entitled proceeding now assigned to be held on November 16, 1965, is reassigned and will now be held on November 17, 1965, at 10 a.m., e.s.t., in Room 925, Universal Building, Florida and Connecticut Avenues NW., Washington, D.C.

Dated at Washington, D.C., November 8, 1965.

[SEAL] RICHARD A. WALSH,
Hearing Examiner.

[F.R. Doc. 65-12139; Filed, Nov. 10, 1965; 8:48 a.m.]

[Docket 14263 etc.]

SERVICE TO WAYCROSS AND ROME CASE

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on November 30, 1965, at 10 a.m., e.s.t., in Room 726, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner James S. Keith.

Dated at Washington, D.C., November 5, 1965.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 65-12140; Filed, Nov. 10, 1965; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15303, 15304; FCC 65M-1464]

CASCADE BROADCASTING CO. AND SUNSET BROADCASTING CO. (KNDX-FM)

Order Continuing Hearing

In re applications of Cascade Broadcasting Co., Yakima, Wash., Docket No. 15303, File No. BPH-4072; David Zander Pugsley tr/as Sunset Broadcasting Co. (KNDX-FM), Yakima, Wash., Docket No. 15304, File No. BPH-4180; for construction permits.

The Hearing Examiner having under consideration a verbal request from counsel for Cascade Broadcasting Co. for a further continuance of the hearing;

It appearing, that rule making is in process which could have the effect of rendering the hearing unnecessary and that all parties consent to the continuance;

It is ordered, This 4th day of November 1965, that the hearing is continued from November 9 at 2 p.m. to December 9, 1965, at 2 p.m.

Released: November 5, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12142; Filed, Nov. 10, 1965; 8:48 a.m.]

[Docket Nos. 16116-16118; FCC 65M-1465]

HUNTINGDON BROADCASTERS, INC., ET AL.

Order Following Further Prehearing Conference

In re applications of Huntingdon Broadcasters, Inc., Huntingdon, Pa., Docket No. 16116, File No. BPH-4394; WDAD Inc., Indiana, Pa., Docket No. 16117, File No. BPH-4415; Clearfield Broadcasters, Inc., Clearfield, Pa., Docket No. 16118, File No. BPH-4416; for construction permits.

Pursuant to agreements on certain procedural dates reached at the further prehearing conference held this date:

It is ordered, This 4th day of November 1965, as follows:

(1) The proposed exhibits of the applicants will be exchanged by December 14, 1965;

(2) Notifications as to those of applicants' sponsoring witnesses required to be present at the hearing for cross-examination will be given by January 4, 1966; and

(3) The hearing heretofore scheduled for December 14, 1965 is postponed to January 12, 1966, at 10 a.m., at the offices of the Commission in Washington, D.C.

Released: November 5, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12143; Filed, Nov. 10, 1965; 8:48 a.m.]

[Docket No. 15450; FCC 65R-399]

MIDWEST TELEVISION, INC.

Order Continuing Hearing

In re application of Midwest Television, Inc., Springfield, Ill., Docket No. 15450, File No. BPCT-2846; for construction permit for new television broadcast station.

The Review Board having before it for consideration the Petition for Stay and the Appeal From Adverse Ruling of Hearing Examiner, filed on November 4, 1965, by Plains Television Corp. (hereinafter referred to as petitioner);

It appearing, that the petitioner's requests herein are based in part upon allegations of violations of Subpart H of the Commission's rules; and

It further appearing, that in view of the nature of the allegations made by petitioner it would be appropriate that the entire matter be certified to the Commission, and that a stay of the evidentiary hearing be ordered to permit consideration by the Commission of the matters certified to it;

Accordingly, it is ordered, This 5th day of November 1965, on the Board's own motion, that the petition for stay, responsive pleadings, and the appeal from the Hearing Examiner's ruling, are certified to the Commission;

It is further ordered, On the Board's own motion, that the evidentiary hearing in this proceeding is continued without date.

Released: November 8, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12144; Filed, Nov. 10, 1965; 8:48 a.m.]

[FCC 65-996]

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

NOVEMBER 5, 1965.

Notice is hereby given, pursuant to § 1.571(c) of the Commission rules, that on December 15, 1965, the standard broadcast applications listed in the Appendix below will be considered as ready and available for processing. Pursuant to §§ 1.227(b)(1) and 1.591(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on December 14, 1965, which involves a conflict necessitating a hearing with an application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on December 14, 1965 or (b) the earlier effective cut-off date which a listed application or any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: November 3, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX

Applications from the top of the processing line

BML-2138	WESA, Charleroi-Monessen, Pa. Laubach Radio Properties, Inc. Has: 940 kc, 250 w, Day (Charleroi, Pa.). Req: 940 kc, 250 w, Day (Charleroi-Monessen, Pa.).
BP-14769	New, Conejo Valley, Calif. Conejo Broadcasters. Req: 850 kc, 500 w, DA-1, U.
BP-16566	WAOP, Otsego, Mich. Allegan County Broadcasters, Inc.. Has: 980 kc, 500 w, Day. Req: 980 kc, 1 kw, Day.
BP-16648	New, Brownsville, Pa. Brownsville Radio, Inc. Req: 1130 kc, 1 kw, Day.
BP-16651	New, Dillon, Mont. Beaverhead Broadcasting Co. Req: 1240 kc, 250 w, 1 kw-LS, U.
BP-16654	WNKY, Neon, Ky. Headwaters Broadcasting Corp. Has: 1480 kc, 1 kw, Day. Req: 1500 kc, 5 kw, 500 w (CH), Day.
BP-16657	KIOT, Barstow, Calif. Beam Broadcasting Co. Has: 1310 kc, 500 w, Day. Req: 1310 kc, 5 kw, DA, Day.
BP-16659	New, Norwalk, Ohio. Ohio Radio, Inc. Req: 1510 kc, 1 kw, DA, Day.
BP-16660	New, Gallatin, Tenn. Ellis F. Jones, Jr. Req: 1130 kc, 250 w, Day.
BP-16662	WTHB, North Augusta, S.C. North Augusta Broadcasting Co. Has: 1550 kc, 1 kw, Day. Req: 1550 kc, 5 kw, Day.
BP-16666	WNUW, New Albany, Ind. Kentuckiana Broadcasting, Inc. Has: 1570 kc, 1 kw, Day. Req: 1130 kc, 1 kw, Day.
BP-16667	New, Rutherfordton, N.C. Clayton Sparks. Req: 1520 kc, 250 w, Day.
BP-16669	WWCM, Brazil, Ind. Albert S. Tedesco. Has: 1380 kc, 500 w, DA, Day. Req: 1130 kc, 500 w, Day.
BP-16670	WSNW, Seneca, S.C. Blue Ridge Broadcasting Co., Inc. Has: 1150 kc, 1 kw, Day. Req: 1190 kc, 5 kw, DA, Day.
BP-16675	New, Gardiner, Maine. Durgin Associates, Inc. Req: 1280 kc, 5 kw, DA-N, U.
BP-16676	New, Mendocino, Calif. Mathew V. Huber & Maria J. Huber, Joint Tenants. Req: 1520 kc, 1 kw, Day.
BP-16677	KACY, Port Hueneme, Calif. KACY, Inc. Has: 1520 kc, 1 kw, 10 kw-LS, DA-2, U. Req: 1520 kc, 1 kw, 50 kw-LS, DA-2, U.
BP-16678	New, Newberry, S.C. Service Radio Co. Req: 1520 kc, 1 kw, Day.
BP-16679	WALD, Walterboro, S.C. Walterboro Radiocasting Co. Has: 1220 kc, 1 kw, Day. Req: 1080 kc, 1 kw, Day.
BP-16687	New, Andalusia, Ala. Companion Broadcasting Service, Inc. Req: 1530 kc, 1 kw, Day.
BP-16691	New, Port Sulphur, La. Plaquemines Broadcasting Co., Inc. Req: 1510 kc, 500 w, Day.
BP-16695	New, Santa Fe, N. Mex. Guy Christian. Req: 810 kc, 5 kw, Day.
BP-16698	WPLK, Rockmart, Ga. Georgia Radio, Inc. Has: 1220 kc, 500 w, Day. Req: 1060 kc, 5 kw, DA, Day.
BP-16700	New, Jacksonville, N.C. Brown Broadcasting Co., Inc. Req: 1290 kc, 1 kw, Day.
BP-16701	New, Houma, La. Branch Associates, Inc. Req: 1090 kc, 5 kw, DA, Day.
BP-16702	New, St. Maries, Idaho. Clearwater Broadcasting Co. Req: 1600 kc, 1 kw, Day.
BMP-11612	WDEA, Ellsworth, Maine. Coastal Broadcasting Co., Inc. Has Lic: 1370 kc, 5 kw, Day. Has CP: 1370 kc, 1 kw, 5 kw-LS, DA-N, U. Req MP: 1370 kc, 5 kw, DA-2, U.
BP-16703	WRPM Poplarville, Miss. Ben O. Griffin. Has: 1530 kc, 1 kw, Day. Req: 1530 kc, 10 kw, 1 kw(CH), Day.
BP-16706	New, Milton-Freewater, Oreg. James L. Hutchens. Req: 1370 kc, 500 w, Day.
BP-16710	WMAP, Monroe, N.C. Union Broadcasting Corp. Has: 1060 kc, 250 w, Day. Req: 1060 kc, 1 kw, Day.
BP-16715	WEEP, Pittsburgh, Pa. Golden Triangle Broadcasting, Inc. Has: 1080 kc, 1 kw, Day. Req: 1080 kc, 50 kw, 25 kw(CH), DA, Day.
BP-16718	New, Estherville, Iowa. Emmet Radio Corp. Req: 1070 kc, 250 w, DA, Day.
BP-16720	New, Delhi, La. Richland Broadcasting Co. Req: 1390 kc, 1 kw, Day.
BP-16724	New, St. Pauls, N.C. Dublin Broadcasting Co. Req: 1060 kc, 250 w, Day.
BP-16725	KDEF, Albuquerque, N. Mex. Television Properties, Inc. Has: 1150 kc, 500 w, 1 kw-LS, U. Req: 1150 kc, 500 w, 5 kw-LS, DA-N, U.
BP-16726	New, Lockhart, Tex. Heath-Reasoner Broadcasters. Req: 1060 kc, 250 w, DA, Day.
BP-16824	WRHC, Jacksonville, Fla. Radio Station WRHC, Inc. Has: 1400 kc, 250 w, U. Req: 1400 kc, 250 w, 1 kw-LS, U.
BP-16860	New, Gordon, Ga. Heart of Georgia Broadcasting Co., Inc. Req: 1560 kc., 5 kw, DA (CH), Day.
BP-16868	WMPA, Aberdeen, Miss. J. W. Furr. Has: 1240 kc, 250 w, S. H. Req: 1240 kc, 250 w, 1 kw-LS, S.H.
BP-16883	WNUZ, Talladega, Ala. Radio Alabama, Inc. Has: 1230 kc, 250 w, U. Req: 1230 kc, 250 w, 1 kw-LS, U.
BP-16899	KOAD, Lemoore, Calif. Elbert H. Dean and B. L. Golden. Has: 1240 kc, 250 w, U. Req: 1240 kc, 250 w, 1 kw-LS, U.
BP-16922	WLKS, West Liberty, Ky. Morgan County Industries, Inc. Has: 1450 kc, 250 w, U. Req: 1450 kc, 250 w, 1 kw-LS, U.
BP-16925	WSEB, Sebring, Fla. H. Philip Nesbitt and Maryan B. Nesbitt, Joint Tenants. Has: 1340 kc, 250 w, U. Req: 1340 kc, 250 w, 1 kw-LS, U.

Application deleted from Public Notice of April 2, 1965 (FCC 65-267) (30 F.R. 4554)

BP-16545	New, Colonial Heights, Tenn. Ogram Broadcasting Corp. Req: 1090 kc, 1 kw, Day.

(Assigned new File Number BP-16859.)

Application deleted from Public Notice of May 14, 1964 (FCC 64-434) (29 F.R. 6569)

BP-15554	New, Gordon, Ga. Heart of Georgia Broadcasting Co., Inc. Req: 1560 kc, 5 kw, DA-D (CH), Day, Class II.

(Assigned new File Number BP-16860.)

[F.R. Doc. 65-12145; Filed, Nov. 10, 1965; 8:48 a.m.]

[1] Commissioner Hyde absent.

FEDERAL MARITIME COMMISSION

U.S. ATLANTIC AND GULF-JAMAICA CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. H. T. Schoonebeek,
Vice Chairman,
U.S. Atlantic and Gulf-Jamaica Conference,
11 Broadway,
New York, N.Y., 10004.

Agreement 4610-9, between the member lines of the U.S. Atlantic and Gulf-Jamaica Conference, has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended. This amendment modifies the basic agreement to enlarge its scope by adding the Northbound trade from Jamaican ports to U.S. Atlantic and Gulf

ports in accordance with terms and conditions set forth therein.

Dated: November 8, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-12108; Filed, Nov. 10, 1965; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI66-139]

AMERADA PETROLEUM CORP.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

NOVEMBER 3, 1965.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37 (f)) on or before December 22, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Docket Nos.
RI66-139...	Amerada Petroleum Corporation, P.O. Box 2040, Tulsa, Oklahoma, 74102. Attn: Mr. W. H. Bourne.	122	17	Northwest Production Corp. (Barnhart Field, Reagan County, Tex.) (R.R. District No. 7-c) (Permian Basin Area).	$138	10-4-65	[1] 11-4-65	[2] 11-5-65	9.3470	[3] [4] 9.9696	RI61-56.

[1] The stated effective date is the first day after expiration of the required statutory notice.
[2] The suspension period is limited to 1 day.
[3] Revenue-sharing rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Based on buyer's resale rate of 18.2430 cents per Mcf effective subject to refund in Docket No. RI65-113.

Amerada Petroleum Corp. (Amerada) requests that its proposed rate increase be permitted to become effective as of October 1, 1965. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Amerada's rate filing and such request is denied.

Amerada proposes a rate increase from 9.3470 cents to 9.9696 cents per Mcf, amounting to $138 annually, for a sale of casinghead gas in the Permian Basin Area of Texas to Northwest Production Corp. (Northwest). Northwest processes the gas in its gasoline plant and sells the residue gas derived therefrom to El Paso Natural Gas Co. (El Paso).

The proposed increase is based on a contract provision which provides that beginning January 1, 1960, until termination of the contract, Northwest shall pay Amerada sixty percent (60%) of the price Northwest receives from its sale of residue gas to El Paso, less compression and treating charges.

Amerada's proposed rate of 9.9696 cents per Mcf is based on the Northwest increased rate of 18.2430 cents per Mcf which has been in effect subject to refund in Docket No. RI65-113 and which exceeds the applicable 14.5 cents per Mcf base ceiling prescribed in Opinion No. 468 for the sale by Northwest. Amerada's and Northwest's contracts were executed prior to January 1, 1961.

Since the section 5(a) determinations made in Opinion Nos. 468 and 468-A, including the determination with respect to Northwest's just and reasonable rate, are effective as of September 1, 1965, there appears to be no contractual basis for Amerada's filing. Nevertheless, we have decided to suspend Amerada's proposed rate for one day pending decision on the contractual question presented here or the justness and reasonableness of the proposed rate. A suspension period of only 1 day is provided because the buyer's resale rate has been in effect subject to refund.

[F.R. Doc. 65-12109; Filed, Nov. 10, 1965; 8:45 a..m]

[Docket No. AR61-1 etc.]

AREA RATE PROCEEDING; PERMIAN BASIN

Order To Show Cause; Correction

OCTOBER 7, 1965.

In the Order To Show Cause, issued August 5, 1965, and published in the FEDERAL REGISTER August 12, 1965 (F.R. Doc. 65-8452; 30 F.R. 10066), the following corrections should be made in Appendix A: Change "Helmrick & Payne" to read "Helmerich & Payne".

The following corrections should be made in Appendix C: Delete Docket No. "RI63-304" after Champlin Petroleum Co.; change Docket No. "G-18688" to "G-18668" after Hunt Oil Co.; delete "Docket No. G-18185, G-18186, G-18266, G-18267 and RI60-235" after Shell Oil Co., Shell Oil Co. (Operator), Shell Oil Co. (Operator), et al.; delete Docket No. "G-18184 and RI65-802" after Sun Oil Co.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-12110; Filed, Nov. 10, 1965; 8:45 a.m.]

[Docket No. G-9792 etc.]

CITIES SERVICE OIL CO. ET AL.

Findings and Order; Correction

OCTOBER 7, 1965.

In the Findings and Order After Statutory Hearing Issuing Certificates of Public Convenience and Necessity, Amending Certificates, Permitting and

Approving Abandonment of Service, Terminating Certificates, Making Successors Co-Respondent, Redesignating Proceedings, Requiring Filing of Agreement and Undertaking, Requiring Filing of Surety Bond, and Accepting Related Rate Schedules and Supplements for Filing, issued July 29, 1965, and published in the FEDERAL REGISTER August 6, 1965 (F.R. Doc. 65-8211; 30 F.R. 9835), in the chart change Applicant's name to read "Tri-Apco, Inc., et al." in lieu of "John S. Bailey, Jr., et al., d.b.a. Tri-Apco, Inc." after docket No. CI65-1299.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-12111; Filed, Nov. 10, 1965; 8:45 a.m.]

[Docket No. CP66-123]

EL PASO NATURAL GAS CO.

Notice of Application

NOVEMBER 3, 1965.

Take notice that on October 22, 1965, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex., 79999, filed an application in Docket No. CP66-123 pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain measuring and regulating facilities and the acquisition from Southern Union Gas Co. (Southern Union) and operation of certain segments of transmission pipelines to be constructed by Southern Union. By the same filing, Applicant seeks authorization to sell and deliver to Southern Union natural gas for resale and distribution to consumers in the community of Lake Havasu City, Ariz., and natural gas for resale to Bagdad Copper Corp. (Bagdad Copper) for use in Bagdad Copper's copper mining and refining operations in Bagdad, Ariz. These proposals are more fully described in the application which is on file with the Commission and open to public inspection.

The application states that Applicant and Southern Union have undertaken two projects designed to introduce natural gas into Lake Havasu City and Bagdad, Ariz., respectively. Applicant proposes to construct two measuring and regulating stations situated, respectively, at a point adjacent to its San Juan mainline system in Mohave County, Ariz., and at a point adjacent to its Havasu crossover line in Mohave County, Ariz., at an estimated cost of $5,700 each.

Southern Union proposes to construct a 4½-inch O.D. transmission pipeline, at an estimated cost of $179,793, extending from the aforementioned San Juan mainline measuring and regulating station in a southerly direction for approximately 16.3 miles to the Lake Havasu City area. Southern Union would also construct a 3½-inch O.D. transmission pipeline, at an estimated cost of $567,269, extending from the aforementioned Havasu crossover line measuring and regulating station in an easterly direction for approximately 46.8 miles.

Applicant proposes to acquire and operate that portion of Southern Union's Lake Havasu City pipeline, estimated at 9.83 miles, representing $125,000 (less the cost of Applicant's measuring station and any title curative costs incurred by Applicant) of the total installed cost of such pipeline which is estimated to be $179,793.

Applicant also proposes to acquire and operate the initial portion of Southern Union's Bagdad pipeline, estimated at 7.17 miles, representing $100,000 (less the cost of Applicant's measuring and regulating station and any title curative costs incurred by Applicant) of the total installed cost of such pipeline which is estimated to be $567,269.

The maximum daily and annual natural gas requirements of Southern Union during the third full year of the proposed service are estimated to be, respectively, 2,388 Mcf and 476,532 Mcf for the Lake Havasu City area and 1,157 Mcf and 255,400 Mcf for the Bagdad area.

Southern Union proposes to construct distribution facilities costing an estimated $353,800, to provide service in the Lake Havasu City area.

The sales and deliveries of natural gas to Southern Union as set forth above are proposed to be made in accordance with and at rates contained in Applicant's Rate Schedules A-1 and B-1, FPC Gas Tariff, Original Volume No. 1, and Applicant states that no changes will be required in its tariff.

The cost of the facilities to be constructed and acquired by Applicant will be paid for from working funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before November 29, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-12112; Filed, Nov. 10, 1965; 8:45 a.m.]

[Docket No. RP66-14]

MONTANA-DAKOTA UTILITIES CO.

Notice of Proposed Change in Rates and Charges

NOVEMBER 3, 1965.

Take notice that on October 28, 1965, Montana-Dakota Utilities Co. (Montana-Dakota) tendered for filing certain changes in its FPC Gas Tariff, Original Volume No. 4, to become effective as of December 15, 1965. Montana-Dakota proposes to increase the rates and charges in its Rate Schedules G-1 and RP-1 and to establish a new rate schedule, designated as I-1, for service to large industrial customers on an interruptible basis. The tender reflects an annual increase in jurisdictional revenues of approximately $230,000 (from $280,000 to $510,000) based on sales during the twelve months ended June 30, 1965.

Copies of the proposal have been served on the Public Service Commission of Wyoming and the company's jurisdictional customers. Comments may be filed with the Federal Power Commission, Washington, D.C., on or before December 1, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-12114; Filed, Nov. 10, 1965; 8:45 a.m.]

[Docket No. RI66-68, etc.]

STEVENS COUNTY OIL & GAS CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

OCTOBER 7, 1965.

In the Order Providing for Hearings on and Suspension of Proposed Changes in Rates, issued September 22, 1965, and published in the FEDERAL REGISTER September 29, 1965 (F.R. Doc. 65-10297; 30 F.R. 12425); in the chart after Docket No. RI66-71, Sun Oil Co. change the "Date Suspended Until" from "2-28-65" to "2-28-66".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-12115; Filed, Nov. 10, 1965; 8:46 a.m.]

[Docket No. G-14624][1]

SHARPLES & CO. PROPERTIES ET AL.

Order Accepting Increased Rate Filing, Severing and Terminating Proceeding

NOVEMBER 3, 1965.

Sharples & Co. Properties (Operator), et al. (Sharples), a producer-respondent in the Permian Basin Opinion No. 468, has filed a motion to place a suspended

[1] The above-designated proceeding was consolidated with the Area Rate Proceeding in Docket Nos. AR61-1, et al.

rate of 17.2295 cents per Mcf "partially into effect", Sharples wants the rate of 14.5 cents per Mcf (Permian Basin Area Rate) to be effective. The motion is being treated as a "fractured" rate increase from 10.096 cents to 14.5 cents per Mcf, amounting to $317 annually. The rate filing pertains to residue gas derived from casinghead gas sold to El Paso Natural Gas Co. in the Permian Basin Area of Texas as set forth in Appendix A hereof.

On February 8, 1960, Sharples filed a renegotiated rate increase from 10.0 cents to 17.1632 cents per Mcf which was suspended in Docket No. G-14624. The renegotiated rate was subsequently corrected to 17.2295 cents per Mcf to reflect the proper amount of tax reimbursement. The suspended rate has not been placed into effect. The rate increase involved is applicable to a so-called Spraberry contract dated August 28, 1963, in which the casinghead gas is processed in buyer's Midkiff plant. The buyer pays Sharples a fixed rate for the residue gas, plus a percentage of the extracted liquids. Docket No. G-14624 is consolidated in the Permian Basin Opinion No. 468.

Since Sharples is limiting the increased rate so as not to exceed the applicable area rate of 14.5 cents per Mcf prescribed in Opinion No. 468 and 468-A, we believe it should be accepted for filing to be effective as of November 4, 1965, the date of expiration of the statutory notice, and Docket No. G-14624 should be severed from Part III of Appendix A of the Permian Basin Opinion No. 468 and the rate suspension proceeding therein terminated as hereinafter ordered.

The Commission finds:

(1) It is necessary and proper in carrying out the provisions of the Natural Gas Act and the regulations thereunder to accept for filing the increased rate change listed in Appendix "A" hereof to become effective as of November 4, 1965, the date of expiration of the statutory notice.

(2) Docket No. G-14624 should be severed from Part III of Appendix A of the Permian Basin Opinion No. 468 and the related rate suspension proceeding therein terminated as hereinafter ordered.

The Commission orders:

(A) Sharples' rate filing, designated as Supplement No. 9 to Sharples' FPC Gas Rate Schedule No. 2, is accepted for filing to become effective as of November 4, 1965.

(B) The proceeding in Docket No. G-14624 is severed from Part III of Appendix A (AR61-1, et al.) of the Permian Basin Opinion No. 468 and is terminated.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Docket Nos.
G-14624....	Sharples and Co. Properties (Operator), et al., Suite 1001, 1700 Broadway, Denver, Colo., 80202.	2	[4] 9	El Paso Natural Gas Co. (Spraberry Field, Reagan County, Tex.) (R.R. District No. 7-c) (Permian Basin Area).	$317	10-4-65	[3] 11-4-65	(Accepted).	[5] 10.096	[6] 14.5	

[1] The stated effective date is the first day after expiration of the required statutory notice.
[2] "Fractured" rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Excludes acreage dedicated by Supplements Nos. 7 and 8.
[6] Proposed rate of 17.2295 cents per Mcf was suspended in Docket No. G-14624 (rate not placed into effect).

[F.R. Doc. 65-12116; Filed, Nov. 10, 1965; 8:46 a.m.]

NATIONAL AERONAUTICS AND SPACE COUNCIL

RONALD F. STINNETT

Notice of Basic Compensation

Position to be changed. Staff Assistant, $20,245 per annum SCS No. 1.

Notice of basic compensation. Name and title, Ronald F. Stinnett, Staff Assistant; new pay rate, $20,975 per annum; old pay rate, $20,245 per annum; and position no. SCS No. 1.

Authority for pay change. P.L. 88-426 approved August 14, 1964, Title III, section 306, subsection (c) reads: "That part of section 201(f) of the National Aeronautics and Space Act of 1958 (72 Stat. 428; 42 U.S.C. 2471(f)), fixing a limit of $19,000 on the compensation of seven persons in the National Aeronautics and Space Council, is amended by striking out 'compensated at the rate of not more than $19,000 a year,' and inserting in lieu thereof 'compensated at not to exceed the highest rate of grade 18 of the General Schedule of the Classification Act of 1949, as amended,'" and section 15(b) of P.L. 89-301 approved October 1965.

Effective date. October 10, 1965.

E. L. LACEY, *Administrative Officer.*

[F.R. Doc. 65-12127; Filed, Nov. 10, 1965; 8:47 a.m.]

CHARLES S. SHELDON AND EUGENE B. KONECCI

Notice of Basic Compensation

Positions to be changed.

	Old pay rate (per annum)	Position No.
Aerospace Assistant	$24,500	SCS No. 2
Aerospace Assistant	24,500	SCS No. 3

Notice of basic compensation.

Name and title	New pay rate (per annum)	Old pay rate (per annum)	Position No.
Charles S. Sheldon II, Aerospace Assistant	$25,382	$24,500	SCS No. 2
Eugene B. Konecci, Aerospace Assistant	25,382	24,500	SCS No. 3

Authority for pay change. P.L. 88-426 approved August 14, 1964, Title III, section 306, subsection (c) reads: "That part of section 201(f) of the National Aeronautics and Space Act of 1958 (72 Stat. 428; 42 U.S.C. 2471(f)), fixing a limit of $19,000 on the compensation of seven persons in the National Aeronautics and Space Council, is amended by striking out 'compensated at the rate of not more than $19,000 a year,' and inserting in lieu thereof 'compensated at not to exceed the highest rate of grade 18 of the General Schedule of the Classification Act of 1949, as amended,'" and section 15(b) of P.L. 89-301 approved October 1965.

Effective date. October 10, 1965.

E. L. LACEY, *Administrative Officer.*

[F.R. Doc. 65-12128; Filed, Nov. 10, 1965; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4322]

MONONGAHELA POWER CO. ET AL.

Notice of Proposed Transactions Related to Merger of Subsidiary Companies

NOVEMBER 5, 1965.

Notice is hereby given that Allegheny Power System, Inc. ("Allegheny"), 320 Park Avenue, New York, N.Y., 10022, a registered holding company, and its subsidiary company, Monongahela Power Co. ("Monongahela"), a West Virginia corporation, all of whose outstanding common stock is owned by Allegheny, together with Monongahela's wholly owned subsidiary companies. The Marietta Electric Co. ("Marietta"), an Ohio corporation, and The West Maryland Power Co. ("West Maryland"), a Maryland corporation, have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 9(a), 9(b), 10, 11(b), 12(b), 12(d), and 12(f) of the Act and Rules 42, 43, 45, and 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

The aforesaid subsidiary companies have entered into an agreement under which it is proposed that Monongahela and West Maryland be merged into Marietta, the surviving corporation, which will assume the name of Monongahela Power Co. It is stated that the proposed merger will simplify the intercorporate structure, will conform with the relevant provisions of section 11(b) of the Act, will facilitate further efficiencies in operations, and will not result in any change in control or service performed for the public.

Monongahela, West Maryland, and Marietta are electric utility companies serving adjacent areas of West Virginia, Maryland, and Ohio, respectively. West Maryland and Marietta purchase all of their firm power requirements from Monongahela. As at June 30, 1965, the total assets of Monongahela, West Maryland, and Marietta were $164,670,605, $1,485,166, and $7,578,680, respectively.

The filing states that Marietta was chosen as the surviving corporation in the proposed merger because the General Corporation Law of Ohio requires a public-utility company which is an electric utility company operating in Ohio to be incorporated under the laws of Ohio. The surviving corporation will have only one subsidiary company, Monterey Utilities Corp. ("Monterey"), a Virginia corporation and presently a wholly owned subsidiary company of Monongahela. It is not proposed to merge Monterey into Marietta because the Constitution of Virginia prohibits a foreign corporation from operating as a public service company in Virginia.

Under the merger agreement, the surviving corporation will acquire all of the assets of Monongahela and West Maryland and assume all their liabilities, including Monongahela's outstanding first mortgage bonds in the aggregate principal amount of $71,000,000. It will amend its charter (a) to increase its authorized capital stock from $3,250,000 to $49,500,000, divided into 190,000 shares of cumulative preferred stock, par value $100 per share, issuable in series, and 610,000 shares of common stock, par value $50 per share; and (b) to include in the charter of the surviving corporation substantially all of the present provisions of the Monongahela charter. It will issue to Allegheny 498,823 shares of its $50 par value common stock for the presently outstanding 3,837,100 shares of Monongahela common stock $6.50 par value per share, owned by Allegheny. All of Monongahela's outstanding $100 par value cumulative preferred stock will be retired, in exchange for which the surviving corporation will issue the same number of identical shares of its preferred stock, as follows: 90,000 shares of 4.40 percent Cumulative Preferred Stock, 40,000 shares of 4.80 percent Cumulative Preferred Stock, Series B, and 60,000 shares of 4.50 percent Cumulative Preferred Stock, Series C. All of the outstanding 7,000 shares of capital stock of West Maryland and all of the outstanding 32,500 shares of capital stock of Marietta will be retired.

The surviving corporation will record the assets to be acquired and the liabilities to be assumed, with appropriate inter-company eliminations, at the amounts recorded on the books of the merging companies at the effective date of the merger. The preferred and common stocks to be issued by the surviving corporation will be similarly recorded. The earned surplus of the surviving corporation will reflect the combined earned surplus of the merging companies.

Fees and expenses incident to the proposed merger are to be paid by the surviving corporation and are estimated at $25,000, including counsel fees and expenses of $10,000, and filing and recording taxes and fees of $8,200.

The joint application-declaration states that prior authorization of the Maryland Public Service Commission and of the West Virginia Public Service Commission is required for the proposed merger; that prior authorization of the Ohio Public Utilities Commission is required for the proposed merger, for the assumption by the surviving corporation of the Monongahela first mortgage bonds and indenture, and for the acquisition by the surviving corporation of the stock of Monterey; and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is hereby given that any interested person may, not later than December 1, 1965, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-12130; Filed, Nov. 10, 1965; 8:47 a.m.]

[File No. 1-3393]

VTR, INC.

Order Suspending Trading

NOVEMBER 5, 1965.

The common stock, $1 par value, of VTR, Inc., being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 8, 1965, through November 17, 1965, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-12131; Filed, Nov. 10, 1965; 8:47 a.m.]

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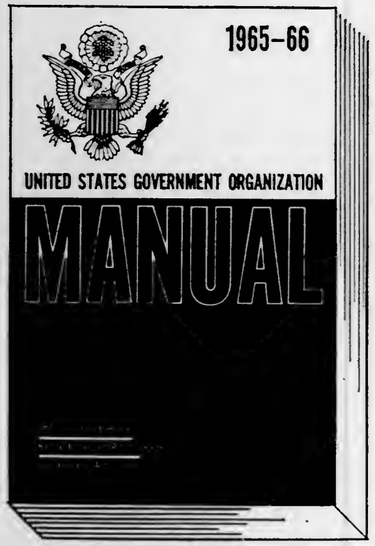
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Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Export-Import Bank of Washington

Section 213.3342 is amended to reflect the new title of the position of Chief, Office of Program Planning and Information, and to show that the position of Vice President for Project Financing is no longer expected under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (h) of § 213.3342 is revoked and paragraph (f) is amended as set out below.

§ 213.3342 Export-Import Bank of Washington.

* * * * * *

(f) Chief, Office of Program Planning and Information.

* * * * * *

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director,
Bureau of Management Services.

[F.R. Doc. 65–12210; Filed, Nov. 12, 1965; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

National Foundation on the Arts and the Humanities

Section 213.3182 is added to show the exception under schedule A of certain positions in the National Endowment for the Arts until December 31, 1967. Effective on publication in the FEDERAL REGISTER, a new section 213.3182 is added as set out below.

§ 213.3182 National Foundation on the Arts and the Humanities.

(a) *National Endowment for the Arts.*
(1) Deputy Director.
(2) Director of State and Local Operations.
(3) Seven Arts Program Directors.
(4) Director of Education and Government Liaison.
(5) Director of Studies and Analysis.
(6) Project Coordinator.
(7) Three Project Evaluators.
(8) Four Grant Processors.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director,
Bureau of Management Services.

[F.R. Doc. 65–12252; Filed, Nov. 12, 1965; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Bombay Hook National Wildlife Refuge, Del.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Public hunting of upland game on Bombay Hook National Wildlife Refuge, Del., is permitted from November 10, 1965, through March 31, 1966, inclusive, on the Upland Game Hunting Area designated by signs as open to hunting. This open Upland Game Hunting Area, comprising 141 acres, is delineated on maps available at refuge headquarters, Rural Delivery 1, Smyrna, Del., 19977 and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass., 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of upland game subject to the following special conditions:

(1) No mink, otter, hawks (including vultures) nor owls may be taken.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through March 31, 1966.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

NOVEMBER 5, 1965.

[F.R. Doc. 65–12166; Filed, Nov. 12, 1965; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT

[Docket No. 7012; Amdt. 23–3]

PART 23—AIRWORTHINESS STANDARDS: NORMAL, UTILITY, AND ACROBATIC CATEGORY AIRPLANES

One-Engine-Inoperative Stalls

The purpose of this amendment to Part 23 of the Federal Aviation Regulations is to provide more realistic stall characteristic requirements for multiengine airplanes.

Prior to May 3, 1962, § 3.123 (now § 23.205 of the FAR's) of the Civil Air Regulations concerning one-engine-inoperative stalls required, in pertinent part, that multiengine airplanes not display any undue spinning tendency and be safely recoverable without applying power to the inoperative engine when stalled with the critical engine inoperative and the remaining engine operating at up to 75 percent of maximum continuous power. In showing compliance with the regulation, power could be reduced on the operating engines sufficiently to permit lateral and directional control to be maintained throughout the approach to and during the stall. However, with the advent of the light twin-engine airplane in large numbers, the Agency considered it appropriate to reexamine these one-engine-inoperative stall requirements. In this connection, Amendment 3–7 was adopted effective May 3, 1962, requiring that multiengine airplanes have stall characteristics that prevent unintentional spin entry and that this be shown by a flight demonstration of lateral and directional control in the stall with the critical engine inoperative and the remaining engines at full throttle or maximum continuous power.

Subsequent to the issuance of Amendment 3–7, the industry advised the Agency to the effect that the current requirements were unrealistic and tended to penalize the more efficient airplanes. It was reported that the levels of lateral control and rudder power which are required to meet the requirements of the regulation are in conflict with the other control requirements set forth in the regulations. Moreover, industry pointed out that providing the additional flight control power which is required to control an aircraft down to the stall with one engine inoperative does not preclude the possibility of unintentional spins. On the basis of the foregoing, the Agency was requested to amend the regulation by incorporating the requirements that were in effect immediately prior to May 3, 1962, and to provide a system for marking the airspeed indicator of all twin-engine airplanes to indicate safe limits of, and optimum performance, single-engine speeds. In this connection, it was recommended that a cautionary range of safe single-engine speeds be marked by the minimum control speed, V_{MC}, on the lower end and the best single-engine angle-of-climb speed, V_X, on the upper end.

Based on industry's experience in attempting to comply with the current re-

quirements of § 23.205 and after further flight tests and studies, the agency agrees that the requirements of § 23.205 should be revised. It has become apparent that the tests prescribed in § 23.205 result in a combination stall and directional controllability test rather than a one-engine-inoperative stall test. Moreover, the stall requirements are not appropriate for airplanes which have a higher minimum control speed (V_{MC}) than stall speed. As indicated in the minimum control speed requirements set forth in § 23.149, the airplane is not required to be capable of maintaining directional control below 1.2 V_{S1} with maximum power, and the other provisions of Part 23 do not envision continued flight investigation below the V_{MC} speed. The flight demonstration specified in § 23.205 would, therefore, require flight investigation outside of the airplane flight envelope as defined by § 23.149. In addition, manufacturers have indicated the difficulty, if not impossibility, of designing an airplane that will meet the requirements of § 23.205.

In view of the foregoing, § 23.205 is amended to incorporate substantially the same requirements for one-engine-inoperative stalls as were in effect immediately prior to May 3, 1962. As amended, § 23.205 will specify only that a multiengine airplane must not display any undue spinning tendency and that it be safely recoverable without applying power under certain stall conditions. Since the regulation will no longer require that the airplane be designed to prevent unintentional spin entry and will no longer require a critical engine inoperative demonstration of lateral and directional control at the stall with the remaining engines at full throttle or maximum continuous power, the Agency believes that the limits of safe single-engine speed should be brought to the attention of the pilots by means of airspeed indicator markings. Moreover, the Agency considers that in view of this amendment, the airplane flight manual must contain procedures (1) for maintaining and recovering control of the airplane with one engine inoperative at speeds above and below V_{MC}, (2) for making a landing and a go-around with one engine inoperative, and (3) for obtaining the best performance with one engine inoperative.

While the industry recommended that the best angle-of-climb speed (V_X) should be included in the marking of the airspeed indicator, the Agency considers that the markings must include the best rate-of-climb speed (V_Y). V_X would be the optimum speed for clearing nearby obstacles under those conditions when the airplane has positive climb. However, V_Y is considered the key performance speed since it is the speed at which the airplane will be able to maintain the highest possible altitude with one engine inoperative. Therefore, § 23.1545(b) has been amended to require that the airspeed indicator be marked to show the one-engine-inoperative best rate-of-climb speed, V_Y, as a blue radial line and the minimum control speed (one engine inoperative), V_{MC}, as a red radial line. Corresponding airspeed information heretofore required on airspeed placards by § 23.1563 (a)(3) and (b)(3) is no longer necessary and these sections are deleted.

The Agency believes that these amendments, together with the present provisions of § 23.149 requiring one-engine-inoperative controllability with takeoff power down to the minimum control speed, V_{MC}, will provide an adequate level of safety for multiengine airplanes.

In view of the immediate need for an effective regulation concerning one-engine-inoperative stalls, further delay in adopting these amendments would be contrary to the public interest. Therefore, good cause exists for making these amendments effective without compliance with the notice, public procedure, and effective date provisions of the Administrative Procedure Act.

These amendments are made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1423).

In consideration of the foregoing, Part 23 of the Federal Aviation Regulations (14 CFR Part 23) is amended effective November 11, 1965, as follows:

1. Section 23.205 is amended to read as follows:

§ 23.205 One-engine-inoperative stalls.

A multiengine airplane must not display any undue spinning tendency and must be safely recoverable without applying power to the inoperative engine when stalled with—

(a) The critical engine inoperative;

(b) Flaps and landing gear retracted; and

(c) The remaining engines operating at up to 75 percent of maximum continuous power, except that the power need not be greater than that at which the use of maximum control travel just holds the wings laterally level in approaching the stall. The operating engines may be throttled back during the recovery from the stall.

2. Section 23.1545(b) is amended by adding a new subparagraph (5) reading as follows:

(5) For the one-engine-inoperative best rate-of-climb speed, V_Y, a blue radial line and for the minimum control speed (one engine inoperative), V_{MC}, a red radial line.

3. Section 23.1563 is amended by deleting present paragraphs (a)(3) and (b)(3), by adding the word "and" after the semicolon at the end of paragraphs (a)(2) and (b)(2), and redesignating present paragraphs (a)(4) and (b)(4) as (a)(3) and (b)(3).

4. Section 23.1585 is amended by adding a new paragraph (c) reading as follows:

(c) For multiengine airplanes, the information must include:

(1) Procedures for maintaining or recovering control of the airplane with one engine inoperative at speeds above and below V_{MC}.

(2) Procedures for making a landing with one engine inoperative and procedures for making a go-around with one engine inoperative, if this latter maneuver can be performed safely; otherwise, a warning against attempting the maneuver.

(3) Procedures for obtaining the best performance with one engine inoperative, including the effects of the airplane configuration.

Issued in Washington, D.C., on November 4, 1965.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 65-12157; Filed, Nov. 12, 1965; 8:45 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 65-WE-107]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to § 71.181 of the Federal Aviation Regulations is to alter the Oxnard, Calif., transition area.

On October 18, 1965, the Federal Aviation Agency received formal notification that the Rancho Canejo, Calif., Airport (latitude 34°11'47" N., longitude 118° 54'59" W.) was deactivated and the site was to be turned to industrial use. As a portion of the Oxnard, Calif., transition area was designated to provide protection for approved departure procedures from the Rancho Canejo Airport, the deactivation precludes continuing the assignment of controlled airspace.

Accordingly, action is taken herein to revoke the portion of the Oxnard, Calif., transition area that is based on the Rancho Conejo Airport.

Since the change effected by this amendment is less restrictive in nature than the present requirements and imposes no additional burden on any person, notice and public procedures hereon are unnecessary and the amendment may be made effective immediately.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended as hereinafter set forth.

Section 71.181 (30 F.R. 2856) is amended by deleting the following: "within a 3-mile radius of the Rancho Canejo, Calif., Airport (latitude 34° 11'47" N., longitude 118°54'59" W.); that airspace."

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on November 4, 1965.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 65-12158; Filed, Nov. 12, 1965; 8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 6934; Amdt. 449]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following low or medium frequency range procedures prescribed in § 97.11(a) to read:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	

PROCEDURE CANCELED, EFFECTIVE 30 OCT. 1965.

City, Burley; State, Idaho; Airport name, Burley Municipal; Elev., 4150'; Fac. Class., BMRAZ; Ident., BY; Procedure No. 1, Amdt. 10; Eff. date, 31 July 65; Sup. Amdt. No. 9; Dated, 26 June 65

2. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
York VOR	AKY RBn	Direct	2600	T-dn	300-1	300-1	NA
Huntington RBn	AKY RBn	Direct	2600	C-dn	1000-1	1000-1	NA
Huntington LOM	AKY RBn	Direct	2600	A-dn	NA	NA	NA
Crown City Int	AKY RBn	Direct	2600				
Newcombe VOR	AKY RBn	Via ECB R-021	2600				

Procedure turn S side of crs, 290° Outbnd, 110° Inbnd, 2600' within 10 miles.
Facility on airport.
Minimum altitude over facility on final approach crs, 1500'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make climbing right turn to 2600', return to Ashland RBn, hold W, right turns, 1 minute, 110° Inbnd.
Facility owned and operated by city. No weather service on field.
MSA within 25 miles of facility: 000°-360°—2600'.

City, Ashland; State, Ky.; Airport name, Ashland Boyd County; Elev., 546'; Fac. Class., MIIW; Ident., AKY; Procedure No. 1, Amdt. 2; Eff. date, 30 Oct. 65; Sup. Amdt. No. 1; Dated, 20 July 63

				T-dn%	300-1	300-1	NA
				C-dn	500-1	500-1½	NA
				S-dn-20	400-1	400-1	NA
				A-dn	800-2	800-2	NA

Procedure turn W side of crs, 019° Outbnd, 199° Inbnd, 6000' within 10 miles.
Minimum altitude over facility on final approach crs, 4900'.
Crs and distance, facility to airport, 199°—2.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles after passing BYI RBn, left climbing turn direct to BYI RBn. Climb to 6000' on 019° crs, within 10 miles.
%Takeoff all runways—Unless otherwise directed by ATC the following departure procedure is recommended to insure adequate terrain and obstruction clearance: Shuttle climb on the R 272° of the Burley VORTAC within 20 miles to minimum altitude required for direction of flight.
Direction of flight: E, V4, MCA., 5,500'; SE, V101, MCA, 8,000'.
MSA within 25 miles of facility: 000°-090°—6800'; 090°-180°—11,400'; 180°-270°—8700'; 270°-360°—6100'.

City, Burley; State, Idaho; Airport name, Municipal; Elev., 4150'; Fac. Class., H-SAB; Ident., BYI; Procedure No. 1, Amdt. Orig.; Eff. date, 30 Oct. 65

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
HSV VOR	LOM	Direct	2600	T-dn	300–1	300–1	200–½
Gurley Int	LOM	Direct	3000	C-d#	800–1½	900–1½	900–2
Toney Int	LOM	Direct	2600	C-n#	800–2	900–2	900–2
Owens Int	LOM	Direct	3000	S-d-18*	800–1	800–1	800–1
Princeton Int	LOM	Direct	3000	S-n-18*	800–2	800–2	800–2
Fayetteville Int	LOM (final)	Direct	2600	A-dn	1000–2	1000–2	1000–2

Procedure turn W side of crs, 359° Outbnd, 179° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 2600′.
Crs and distance, facility to airport, 179°—6.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.2 miles after passing LOM, climb to 3000′ on HSV VOR, R 158°, then turn left to intercept HSV VOR, R 149° within 20 miles or, when directed by ATC, climb to 3000′ on crs of 158° from LMM (Ident SV), turn left and return direct to LOM (Ident HS).
*Reduction of landing visibility not authorized.
#CAUTION: Circling approaches avoid high terrain and trees, 1109′—1.3 miles E of airport.
MSA within 25 miles of facility: 000°–090°—2900′; 090°–180°—3000′; 180°–270°—2400′; 270°–360°—2600′.

City, Huntsville; State, Ala.; Airport name, Huntsville Madison County; Elev., 619′; Fac. Class., LOM; Ident., HS; Procedure No. 1, Amdt. 3; Eff. date, 30 Oct. 65; Sup. Amdt. No. 2; Dated, 26 Oct. 63

MLT VOR	Millinocket RBn	Direct	2200	T-dn	400–1	400–1	400–1
				C-dn	500–1	500–1	500–1½
				S-dn	NA	NA	NA
				A-dn	800–2	800–2	800–2

Procedure turn N side of crs, 114° Outbnd, 294° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 294°—1.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.4 miles after passing MLT RBN, make right-climbing turn to 2300′, return to MLT RBN. Hold E, 294° Inbnd, right turns, 1 minute.
NOTE: Approach from a holding pattern not authorized. Procedure turn required.
CAUTION: 600′ smoke stacks, 0.3 mile WSW of airport.
MSA within 25 miles of facility: 000°–090°—4000′; 090°–180°—2500′; 180°–270°—4000′; 270°–360°—6500′.

City, Millinocket; State, Maine; Airport name, Millinocket Municipal; Elev., 408′; Fac. Class., SABH; Ident., MLT; Procedure No. 1, Amdt. 3; Eff. date, 30 Oct. 65; Sup. Amdt. No. 2; Dated, 11 Jan. 64

SAT VOR	SAT RBn	Direct	2500	T-dn	3001	300–1	200–½
SAT VOR	SAT RBn (final)	Direct	1500	C-dn	400–1	500–1	500–1½
				S-dn-17	400–1	400–1	NA
				A-dn	800–2	800–2	800–2
				If passage of SAT VOR on final approach not determined, minimums become:			
				C-dn*	700–1	700–1	700–1½
				S-dn-17*	NA	NA	NA

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 355° Outbnd, 175° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.*
Crs and distance, SAT RBn to airport, 175°—2.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles after passing SAT RBn, climb to 2500′ on 175° bearing from SAT RBn within 30 miles.
NOTE: Radar Fix over SAT VOR may be used to determine VOR passage on final approach.
Runways 17–35 restricted to 2-engine aircraft and smaller.
*Maintain 2600′ until S of SAT VOR on final approach. If passage of SAT VOR not determined, minimum altitude over SAT RBn, 2600′.
MSA within 25 miles of facility: 000°–360°—3100′.

City, San Antonio; State, Tex.; Airport name, San Antonio International; Elev., 808′; Fac. Class., SABH; Ident., SAT; Procedure No. 2, Amdt. 9; Eff. date, 30 Oct. 65; Sup. Amdt. No. 8; Dated, 4 Sept. 65

3. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
AEX VOR	ESF VOR	Direct	1700	T-dn	300–1	300–1	200–½
AEX RBn	ESF VOR	Direct	1700	C-dn	400–1	500–1	500–1½
Boyce Int	ESF VOR	Direct	1700	S-dn-32	400–1	400–1	400–1
Larto Int	ESF VOR	Direct	2000	A-dn	800–2	800–2	800–2
V-114	Marks Int	AEX 119/ESF-148.	1700				
Marks Int	Cox Int (final)	Direct	1300				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 148° Outbnd, 328° Inbnd, 1600′ within 10 miles of Cox Int.
Minimum altitude over Cox Int on final approach crs, 1300′.
Crs and distance, Cox Int to airport, 328°—4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 miles after passing Cox Int climb to 1700′ and proceed to ESF VOR. Hold NW on ESF, R 331° left turns.
MSA within 25 miles of the facility: 000°–090°—1400′; 090°–180°—1400′; 180°–270°—1700′; 270°–360°—1800′.

City, Alexandria; State, La.; Airport name, Esler Field; Elev., 108′; Fac. Class., L-BVOR; Ident., ESF; Procedure No. 2, Amdt. 3; Eff. date, 30 Oct. 65; Sup. Amdt. No. 2; Dated, 22 May 65

				T-dn#	700–1½	700–1½	NA
				C-d	1100–1½	1100–1½	NA
				C-n#	1100–2	1100–2	NA
				A-dn	NA	NA	NA

Procedure turn S side of crs, 230° Outbnd, 050° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 050°—6.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.7 miles after passing CMK VOR, climb on crs to 2600′, intercept POU VOR, R 161° and proceed via POU VOR, R 161° climbing to 3000′ to Long Hill Int. Hold NE 3000′ 1-minute right turns, crs Inbnd, 257°.
#Runways 8–26 only authorized for night IFR procedures. Runways 8–26 have displaced thresholds.
CAUTION: (1) High terrain all quadrants vicinity of airport. (2) Radio tower, 1020′—1.3 nautical miles E of airport.
MSA within 25 miles of facility: 000°–270°—2500′; 270°–360°—2800′.

City, Danbury; State, Conn.; Airport name, Danbury Municipal; Elev., 457′; Fac. Class., L-BVOR; Ident., CMK; Procedure No. 1, Amdt. 1; Eff. date, 30 Oct. 65; Sup. Amdt. No. Orig.; Dated, 6 Mar. 65

				T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 289° Outbnd, 109° Inbnd, 4000′ within 10 miles.
Minimum altitude over facility on final approach crs, 3800′.
Crs and distance, facility to airport, 109°—5.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing GAG VOR, climb to 4100′, turn left, return to GAG VOR.
MSA within 25 miles of facility. 000°–090°—3600′; 090°–180°—3900′; 180°–270°—4200′; 270°–360°—3900′.

City, Gage; State, Okla.; Airport name, Municipal; Elev., 2223′; Fac. Class., BVORTAC; Ident., GAG; Procedure No. 1, Amdt. 4; Eff. date, 30 Oct. 65; Sup. Amdt. No. 3; Dated, 5 June 65

HSV VOR	Factory Int (final)	Direct	1600	T-dn	300–1	300–1	200–½
Toney Int	HSV VOR	Direct	2600	C-d#	1000–1	1000–1	1000–1½
Grant Int	HSV VOR	Direct	3000	C-n#	1000–2	1000–2	1000–2
Gurley Int	HSV VOR	Direct	3000	S-d-18*	1000–1	1000–1	1000–1
Owens Int	HSV VOR	Direct	3000	S-n-18*	1000–2	1000–2	1000–2
				A-dn	1000–2	1000–2	1000–2
				If aircraft is equipped with two operating VOR receivers or one VOR and one ADF receiver, and Factory Int received, minimums become:			
				C-dn#	800–1½	900–1½	900–2
				S-dn-18*	700–1	700–1	700–1

Procedure turn W side of crs, 338° Outbnd, 158° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 2500′; over Factory Int, 1600′.
Crs and distance, facility to airport, 158°—6.4 miles; Factory Int to airport, 158°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.4 miles after passing HSV VOR, climb to 3000′ on HSV VOR, R 158°, then turn left to intercept HSV VOR, R 140° within 20 miles.
*Reduction of landing visibility not authorized.
#CAUTION: Circling approaches avoid high terrain and trees, 1100′—1.3 miles E of airport.
MSA within 25 miles of facility: 000°–090°—2900′; 090°–180°—3000′; 180°–270°—2400′; 270°–360°—2600′.

City, Huntsville; State, Ala.; Airport name, Huntsville Madison County; Elev., 619′; Fac. Class., BVOR; Ident., HSV; Procedure No. 1, Amdt. 10; Eff. date, 30 Oct. 65; Sup. Amdt. No. 9; Dated, 10 Oct. 64

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300–1	300–1	200–½
				C-d	700–1	700–1	700–1½
				C-n	700–2	700–2	700–2
				A-dn	NA	NA	NA

Procedure turn E side of crs, 136° Outbnd, 316° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport, 316°—9.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.3 miles after passing LRD VOR, climb to 2500′ on LRD, R 316° within 20 miles.
CAUTION: Final approach crosses Laredo AFB where extensive jet training is being conducted. If flight clear of clouds at 2500′ is possible after passing LRD VORTAC Inbnd on final approach, aircraft should maintain 2500′ until NW of LRD AFB traffic pattern unless descent to a lower altitude is authorized by ATC.
MSA within 25 miles of facility: 000°–360°—2200′.

City, Laredo; State, Tex.; Airport name, Laredo Municipal; Elev. ,524′; Fac. Class., H-VORTAC; Ident., LRD; Procedure No. 1, Amdt. 4; Eff. date, 30 Oct. 65; Sup. Amdt. No. 3; Dated, 4 Sept. 65

Eagle Int	RAY VORTAC	Direct	3000	T-dn	300–1	300–1	*200–½
Touhy Int	RAY VORTAC	Direct	3000	C-dn	500–1	500–1	500–1½
				S-dn-17R#	400–1	400–1	400–1
				S-dn-17L	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Radar available.
Procedure turn W side of crs, 007° Outbnd, 187° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to Runway 17L, 177°—4.1 miles; Runway 17R, 185°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing RAY VORTAC, proceed to LN LOM climbing to 2700′, or when directed by ATC, intercept RAY VORTAC, R 176° climbing to 3000′ within 10 miles, turn left, return to RAY VORTAC.
NOTE: (1) Approach from holding pattern not authorized, procedure turn required.
*300–1 required Runways 17L–35R.
#400–¾ authorized, with operative high-intensity runway lights, except for 4-engine turbojets.
MSA within 25 miles of facility: 000°–090°—3000′; 090°–180°—2700′; 180°–270°—3500′; 270°–360°—3000′.

City, Lincoln; State, Nebr.; Airport name, Lincoln Municipal/AFB; Elev., 1108′; Fac. Class., L-BVORTAC; Ident., RAY; Procedure No. 1, Amdt. 2; Eff. date, 30 Oct. 65; Sup. Amdt. No. 1; Dated, 4 Sept. 65

MFR VOR	Evans Creek FM	Direct	6500	T-dn%	300–1	300–1	200–½
Evans Creek FM, V23	MFR VOR (final)	Direct	3900	C-dn*	1000–1	1000–1	1000–1½
Evans Creek FM, V23W	MFR VOR (final)	Direct	3900	C-n*	1000–2	1000–2	1000–2
				A-dn	1000–2	1000–2	1000–2
				If table Int is positively identified, the following minimums apply:*			
				C-dn	700–1	700–1	700–1½

Procedure turn E side of crs, 333° Outbnd, 153° Inbnd, 6500′ within 10 miles of Evans Creek FM.
Minimum altitude over Evans Creek FM on final approach crs, 6000′; over MFR VOR 3900′; over Table Int, 2900′.
Crs and distance, MFR VOR to airport, 146°—6.3 miles; Table Int to airport, 146°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 miles after passing MFR VOR or 4.5 miles after passing Table Int, make immediate right turn, climb direct to MFR VOR, thence continue climb to 6500′ in a 1-minute right turn holding pattern S of MFR VOR on R 157°.
NOTE: When authorized by ATC, DME may be used between R 216° MFR VOR clockwise to R 333° MFR VOR within 15 miles at 6500′ to position aircraft for straight-in approach with elimination of procedure turn.
CAUTION: High terrain in all quadrants.
MSA within 25 miles of facility: 000°–090°—9600′; 090°–180°—8600′; 180°–270°—7400′; 270°–360°—6300′.
*ADF equipment required to execute this procedure to the reduced minimums.
%All IFR departures must comply with published Medford SID's.

City, Medford; State, Oreg.; Airport name, Medford Municipal; Elev., 1330′; Fac. Class., H-BVORTAC; Ident., MFR; Procedure No. 1, Amdt. 7; Eff. date, 30 Oct. 65; Sup. Amdt. No. 6; Dated, 21 Nov. 64

				T-dn	400–1	400–1	400–1
				C-dn	600–1	600–1	600–1½
				S-dn	NA	NA	NA
				A-dn	800–2	800–2	800–2
				DME minimums (DME equipment required):			
				C-dn	500–1	500–1	500–1½

Procedure turn E side of crs, 138° Outbnd, 318° Inbnd, 2200′ within 10 miles.
Minimum altitude over the facility on final approach crs, 2200′ (after 5 miles DME Fix, R 318°—908′ is authorized).
Crs and distance, facility to airport, 318°—8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8 miles of MLT VOR, make right-climbing turn to 2200′ direct to MLT VOR. Hold SE of MLT VOR, 1-minute right turns, 318° Inbnd.
CAUTION: 600′ stacks (0.3 mile WSW of airport).
MSA within 25 miles of facility: 000°–090°—3600′; 090°–180°—2500′; 180°–270°—2500′; 270°–360°—6500′.

City, Millinocket; State, Maine; Airport name, Millinocket Municipal; Elev., 408′; Fac. Class., H-BVORTAC; Ident., MLT; Procedure No. 1, Amdt. 3; Eff. date, 30 Oct. 65; Sup. Amdt. No. 2; Dated, 12 June 65

4. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-d	800–2	800–2	NA
				T-n	1300–2	1300–2	NA
				C-d	1500–2	1500–2	NA
				C-n	1500–3	1500–3	NA
				S-dn-35	NA	NA	NA
				A-dn	2000–3	2000–3	NA
				After passing MPV RBn or Fan Marker, the following minimums are authorized:			
				C-d	900–2	900–2	NA
				C-n	1300–3	1300–3	NA
				S-d-35	800–2	800–2	NA
				S-n-35	1300–3	1300–3	NA

Procedure turn W side of crs, 175° Outbnd, 355° Inbnd, 3900′ within 10 miles.
Minimum altitude over facility on final approach crs, 2657′; if MPV RBn or FM received, 1957′.
Facility on airport. Breakoff point to runway, 347°—1.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of MPV VOR (or 5.8 miles after passing MPV RBn), climb straight ahead on MPV VOR, R 355° to 2500′ within 5 miles. Make right-climbing turn to 3900′ direct to MPV VOR. Hold S of MPV VOR, 1-minute left turns, 355° Inbnd.
NOTE: Approach from a holding pattern not authorized. Procedure turn required.
CAUTION: Do not descend below authorized minimum unless airport and landing runway are in clear view. High terrain W of the airport.
IFR departure: Climb on the MPV VOR, R 355° to 2500′ within 5 miles. Make right-climbing turn to 3900′ direct to MPV VOR. Depart the facility at minimum en route altitude.
MSA within 25 miles of facility: 000°–090°—5000′; 090°–180°—4800′; 180°–270°—5500′; 270°–360°—5500′.

City, Barre-Montpelier; State, Vt.; Airport name, Barre-Montpelier Municipal; Elev., 1157′; Fac. Class., L-BVOR; Ident., MPV; Procedure No. TerVOR-35, Amdt. 2; Eff. date, 30 Oct. 65; Sup. Amdt. No. 1; Dated, 14 Mar. 64

Steele Int	Clair Int (final)	Direct	2200	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-6	400–1	400–1	400–1
				A-dn#	800–2	800–2	800–2

Procedure turn S side of crs, 231° Outbnd, 051° Inbnd, 3000′ within 10 miles of Clair Int.
Minimum altitude on final approach crs until passing Clair Int, 2200′.
Crs and distance, Clair Int to VOR, 051°—5.8 miles; breakoff point to Runway 6, 060°—1 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 3000′ on R 040° within 10 miles.
NOTE: This procedure is authorized only for aircraft having two operating VOR receivers and Clair Int received.
#Alternate minimums authorized for air carriers only, provided such air carriers have approval of their arrangement for weather service at this airport. Weather service not available to the general public.
MSA within 25 miles of facility: 000°–090°—3600′; 090°–180°—3200′; 180°–270°—2600′; 270°–360°—2600′.

City, Gadsden; State, Ala.; Airport name, Gadsden Municipal; Elev., 564′; Fac. Class., BVOR; Ident., GAD; Procedure No. TerVOR-6, Amdt. 2; Eff. date, 30 Oct. 65; Sup. Amdt. No. 1; Dated, 28 Mar. 64

5. By amending the following very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Jacksonville RBn	JAX VOR	Direct	2000	T-dn	300–1	300–2	200–½
				C-d	700–1	700–1	700–1½
				C-n	700–2	700–2	700–2
				A-dn	NA	NA	NA
				If aircraft equipped with operating DME and 5.5-mile DME Fix identified, the following minimums are authorized:			
				C-dn	400–1	500–1	500–1½

Procedure turn E side of crs, 010° Outbnd, 190° Inbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′; over 5.5-mile DME Fix, 700′.
Crs and distance, facility to airport, 160°—6.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.8 miles after passing JAX VOR, climb to 1600′ on R 159° within 20 miles of JAX VORTAC.
NOTES: (1) Radar available. (2) No weather reporting facilities available.
MSA within 25 miles of facility: 000°–090°—1200′; 090°–180°—1400′; 180°–270°—2100′; 270°–360°—1400′.

City, Jacksonville; State, Fla.; Airport name, Craig Municipal; Elev., 41′; Fac. Class., BVORTAC; Ident., JAX; Procedure No. VOR/DME No. 1, Amdt. 1; Eff. date, 30 Oct. 65; Sup. Amdt. No. Orig.; Dated, 11 Sept. 65

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
15-mile DME Fix, R 333°	7.8-mile DME Fix, R 333°	Direct	6000	T-dn%	300–1	300–1	200–½
7.8-mile DME Fix, R 333°	3.5-mile DME Fix, R 333°	Direct	3900	C-dn	700–1	700–1	700–1½
3.5-mile DME Fix, R 333°	0-mile DME Fix, R 333°	Direct	3300	S-dn-14	500–1	500–1	500–1
10-mile DME Fix, R 138°	MFR VOR	Direct	6000	A-dn	1000–2	1000–2	1000–2
10-mile DME Fix, R 157°	MFR VOR	Direct	6000				

Procedure turn E side of crs, 333° Outbnd, 153° Inbnd, 5700′ within 12 miles.
Minimum altitude over 3.5-mile DME Fix, R 333° on final approach crs, 3900′; over MFR VOR, 3300′; over 2.5-mile DME Fix, R 146°—2500′.
Crs and distance, facility to airport, 146°—6.3 miles; 2.5-miles DME Fix, R 146° to airport, 146°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 miles after passing MFR VOR or at the 6.3-mile DME Fix, R 146°, make immediate right turn, climb direct to MFR VOR, thence continue climb to 6000′ in a 1-minute right turn holding pattern S of MFR VOR on R 157°.
CAUTION: High terrain all quadrants.
NOTE: When authorized by ATC, DME may be used between R 216° MFR VOR clockwise to R 333° MFR VOR within 15 miles at 6500′ to position aircraft for straight-in approach with elimination of procedure turn.
Other changes: Deletes transitions via R 315° MFR.
%All IFR departures must comply with published Medford SID's.
MSA within 25 miles of facility: 000°–090°—9600′; 090°–180°—8600′; 180°–270°—7400′; 270°–360°—6300′.

City, Medford; State, Oreg.; Airport name, Medford Municipal; Elev., 1330′; Fac. Class., H-BVORTAC; Ident., MFR; Procedure No. VOR/DME No. 1, Amdt. 2; Eff. date, 30 Oct. 65; Sup. Amdt. No. 1; Dated, 21 Nov. 64

15-mile DME Fix, R 316°	8.7-miles DME Fix, R 316°	Direct	6000	T-dn%	300–1	300–1	200–½
8.7-mile DME Fix, R 316°	3.5-miles DME Fix, R 316°	Direct	3900	C-dn	700–1	700–1	700–1½
3.5-mile DME Fix, R 316°	0-mile DME Fix, R 316°	Direct	3300	S-dn-14	500–1	500–1	500–1
				A-dn	1000–2	1000–2	1000–2

Procedure turn not authorized.
Minimum altitude over facility on final approach crs, 3300′; over 2.5-mile DME Fix, R 146°—2500′.
Crs and distance, facility to airport, 146°—6.3; 2.5-miles DME Fix, R 146° to airport, 146°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 miles after passing MFR VOR or at the 6.3-mile DME Fix, R 146°, make immediate right turn, climb direct to MFR VOR, thence continue climb to 6000′ in a 1-minute right turn holding pattern S of MFR VOR on R 157°.
NOTE: When authorized by ATC, DME may be used between R 216° MFR VOR clockwise to R 333° MFR VOR within 15 miles at 6500′ to position aircraft for straight-in approach with elimination of procedure turn.
CAUTION: High terrain all quadrants.
%All IFR departures must comply with published Medford SID's.
MSA within 25 miles of facility: 000°–090°—9600′; 090°–180°—8600′; 180°–270°—7400′; 270°–360°—6300′.

City, Medford; State, Oreg.; Airport name, Medford Municipal; Elev., 1330′; Fac. Class., H-BVORTAC; Ident., MFR; Procedure No. VOR/DME No. 2, Amdt. Orig.; Eff. date, 30 Oct. 65

6. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Shafter Int	Famoso Int	Direct	4000	T-dn%	300–1	300–1	200–½
PTV VOR	Famoso Int	Direct	3000	C-dn	500–1	500–1	500–1½
Int of BFL, R 322° and PTV, R 195°	Famoso Int	Direct	3000	S-dn-12L#	400–1	400–1	400–1
Famoso Int	Lerdo Int (final)	Direct	2000	A-dn	800–2	800–2	800–2

Procedure turn not authorized.
Minimum altitude over Lerdo Int on final approach crs, 2000′.
Crs and distance, Lerdo Int to airport, 119°—4.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing Lerdo Int, climb straight ahead to 1500′ within 6 miles, turn right, climb via localizer crs, to Lerdo Int at 3000′ or, when directed by ATC, climb to McKittrick Int via R 227° at 3000′.
NOTE: When authorized by ATC, DME may be used at 9 miles from BFL VOR at 3099′ from BFL, R 121° clockwise R 352° to position aircraft on BFL, R 296° localizer back crs for a straight-in approach with the elimination of the procedure turn.
Other change: Deletes transition from Int PTV, R 183° and BFL localizer back crs.
#400–¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
%E and southbound (015° thru 210°) IFR departures must comply with published Bakersfield SID's.

City, Bakersfield; State, Calif.; Airport name, Meadows Field; Elev., 488′; Fac. Class., ILS; Ident., I-BFL; Procedure No. ILS-12L (back crs), Amdt. 3; Eff. date, 30 Oct. 65; Sup. Amdt. No. 2; Dated, 27 May 65

Appleton VOR	E crs ILS (final)	Direct	2600	T-dn**	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-28L%*	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2

Radar available.
Procedure turn N side E crs, 096° Outbnd, 276° Inbnd, 2600′ within 10 miles. Not authorized beyond 10 miles.
Minimum altitude at glide slope interception Inbnd, 2600′.
Altitude of glide slope and distance to approach end of runway at OM, 2605′—5.4 miles; at MM, 1093′—0.8 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2500′ and proceed to CB LOM. Hold W, 1-minute right turns, 096° Inbnd.
*When glide slope not utilized, 500–¾ will apply.
%RVR 2400′. Descent below 1016′ not authorized unless approach lights are visible.
**RVR 2400′ authorized 28L.

City, Columbus; State, Ohio; Airport name, Port Columbus; Elev., 816′; Fac. Class., ILS; Ident., I-CMH; Procedure No. ILS-28L, Amdt. 12; Eff. date, 30 Oct. 65; Sup. Amdt. No. 11; Dated, 14 Mar. 64

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
HSV VOR	LOM	Direct	2600	T-dn	300–1	300–1	200–½
Gurley Int	LOM	Direct	3000	C-dn#	800–1½	900–1½	800–2
Toney Int	LOM	Direct	2600	S-dn-18*	300–¾	300–¾	300–¾
Owens Int	LOM	Direct	3000	A-dn	1000–2	1000–2	1000–2
Princeton Int	LOM	Direct	3000				
Fayetteville Int	LOM (final)	Direct	2600				

Procedure turn W side of crs, 359° Outbnd, 179° Inbnd, 2600′ within 10 miles.
Minimum altitude at glide slope intercept Inbnd, 2600′.
Altitude of glide slope and distance to approach end of runway at OM, 2558′—6.2 miles; at MM, 827′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3000′ on HSV VOR, R 158°, then turn left to intercept HSV VOR, R 149° within 20 miles or, when directed by ATC, climb to 3000′ on crs of 158° from LMM (Ident SV), turn left and return direct to LOM (Ident HS).
*700–1 required when glide slope not utilized. Reduction of landing visibility not authorized.
#CAUTION: Circling approaches avoid high terrain and trees, 1100′—1.3 miles E of airport.

City, Huntsville; State, Ala.; Airport name, Huntsville-Madison County; Elev., 619′; Fac. Class., ILS; Ident., I-HSV; Procedure No. ILS-18, Amdt. 4; Eff. date, 30 Oct. 65; Sup. Amdt. No. 3; Dated, 26 Oct. 65

Huntsville VOR	Harrison Int	Direct	3000	T-dn	300–1	300–1	200–½
Decatur VOR	Harrison Int	Direct	2500	C-dn#	900–1½	900–1½	900–2
Princeton Int	LMM	Direct	3000	A-dn	1000–2	1000–2	1000–2

Procedure turn E side of S crs, 179° Outbnd, 359° Inbnd, 3000′ within 10 miles of Harrison Int.
No glide slope.
Minimum altitude over Harrison Int on final approach crs, 2500′.
Crs and distance, Harrison Int to approach end of Runway 36, 359°—3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3 miles after passing Harrison Int, climb to 2600′ on N crs, ILS (359°) within 20 miles or, when directed by ATC; turn left, climb to 3000′ on R 158°, proceed to HSV VOR.
Other change: Deletes MSA's.
#CAUTION: (1) Circling approaches avoid high terrain and trees, 1100′—1.3 miles E of airport. (2) Descent below 2500′ not authorized until past Harrison Int Inbnd due to R 210°.

City, Huntsville; State, Ala.; Airport name, Huntsville Madison County; Elev., 619′; Fac. Class., ILS; Ident., I-HSV; Procedure No. ILS-36 (back crs), Amdt. 2; Eff. date, 30 Oct. 65; Sup. Amdt. No. 1; Dated, 27 June 64

MKC VOR	Platte City Int	Direct	2600	T-dn#	300–1	300–1	200–½
MC LOM	Platte City Int	Direct	2600	C-dn	500–1	500–1	500–1½
Camden Int	Platte City Int (final)	Direct	2200	S-dn-18@$	400–1	400–1	400–1
				A-dn$	800–2	800–2	800–2

Radar available.
Procedure turn W side of crs, 005° Outbnd, 185° Inbnd, 2600′ within 10 miles of Platte City Int.
Minimum altitude over Platte City Int on final approach crs, 2200′.
Crs and distance, Platte City Int to airport, 185°—3.7 miles.
No glide slope.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing Platte City Int, turn right, climb to 2700′, proceed to FRY RBn.
NOTE: Control tower service and control zone designated during hours 0700–2300 local time daily and by NOTAM.
$No reduction authorized and alternate minimums not applicable during hours control tower service not available.
#RVR 2400′ authorized Runway 36.
@400–¾ authorized with operative high-intensity runway lights, except for 4-engine turbojets.

City, Kansas City; State, Mo.; Airport name, Mid-Continent International; Elev., 1011′; Fac. Class., ILS; Ident., I-MCI; Procedure No. ILS-18 (back crs), Amdt. 3; Eff. date, 30 Oct. 65; Sup. Amdt. No. 2; Dated, 29 June 63

MKC VOR	MC LOM	Direct	2600	T-dn##	300–1	300–1	200–½
Farley Int	MC LOM	Direct	2600	C-dn	500–1	500–1	500–1½
Lansing Int	MC LOM	Direct	2600	S-dn-36$&#	200–½	200–½	200–½
Bonner Springs Int	MC LOM	Direct	2600	A-dn$	600–2	600–2	600–2
Camden Int	MC LOM	Direct	2600				
BSP VOR	MC LOM	Direct	3000				

Radar available.
Procedure turn W side of crs, 185° Outbnd, 005° Inbnd, 2600′ within 10 miles.
Minimum altitude at glide slope intercept Inbnd, 2500′.
Altitude of glide slope and distance to approach end of runway at OM, 2470′—4.4 miles; at MM, 1239′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing MC LOM, climb to 2800′ on N crs, MCI localizer and proceed to Camden Int, or when directed by ATC, turn left, climbing to 2700′ and proceed to FRY RBn.
NOTE: Control tower service and control zone designated during hours 0700–2300 local time daily and by NOTAM.
$400–1 required, no reduction authorized and alternate minimums not applicable during hours control tower service not available.
@400–¾ required when glide slope not utilized. Reduction below ¾ mile (RVR 4000′) not authorized.
#RVR 2400′. Descent below 1211′ not authorized unless approach lights are visible.
##RVR 2400′ authorized Runway 36.

City, Kansas City; State, Mo.; Airport name, Mid-Continent International; Elev., 1011′; Fac. Class., ILS; Ident., I-MCI; Procedure No. ILS-36, Amdt. 3; Eff. date, 30 Oct. 65; Sup. Amdt. No. 2; Dated, 29 June 63

Little Rock VORTAC	LOM	Direct	1800	T-dn	300–1	300–1	*200–½
Bauxite Int	SW crs ILS	011°—2.3 miles	1800	C-dn	500–1	600–1	600–1½
Mabelvale Int	LOM (final)	Direct	1800	S-dn-4**	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2

Radar available.
Procedure turn N side of crs, 221° Outbnd, 041° Inbnd, 1800′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 1800′.
Altitude of glide slope and distance to approach end of runway at LOM, 1800′—4.6 miles; at LMM 500′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000′ on NE crs ILS (041°) within 20 miles or, when directed by ATC, (1) turn right, climb to 2000′ and proceed to VORTAC, or (2) turn right, climb to 2000′ on R 056° within 20 miles.
NOTE: Visibility reduction below ¾ mile not authorized.
*300–1 required for takeoff Runways 17, 35, 32.
**500–1 required when glide slope not utilized. Visibility reduction below ¾ mile not authorized.

City, Little Rock; State, Ark.; Airport name, Adams Field; Elev., 257′; Fac. Class., ILS; Ident., I-LIT; Procedure No. ILS-4, Amdt. 9; Eff. date, 30 Oct. 65; Sup. Amdt. No. 8; Dated, 29 May 65

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Medford VOR	MF LOM	Direct	6500	T-dn%	300–1	300–1	200–½
Gold Hill Int	MF LOM	Direct	6500	C-dn	700–1	700–1	700–1½
Klamath Junction Int	MF LOM	Direct	8000	S-dn-14	200–½	200–½	200–½
Talent Int	MF LOM	Direct	8000	A-dn	1000–2	1000–2	1000–2
15-mile DME Fix and N crs, MFR Loc	Evans Creek FM (final)	Direct	*6500				

Procedure turn E side N crs, 320° Outbnd, 140° Inbnd, 6500′ within 10 miles of Evans Creek FM.
Minimum altitude at glide slope interception Inbnd, 6000′.
Altitude of glide slope and distance to approach end of runway at Evans Creek, 6000′—14.6; at OM, 2860′—4.7 miles; at MM, 1550′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing MF OM, make immediate climbing right turn, climbing direct to MF OM, thence continue climb to 6500′ in a 1-minute right turn holding pattern S of MF LOM on the localizer crs.
NOTE: (1) Evans Creek FM and all components of the ILS and related airborne equipment must be fully operational and used when executing this approach. Evans Creek FM and procedure turn may be eliminated provided VFR on-top is maintained to MF LOM, and further, the aircraft must be able to arrive over MF LOM at 2860′ on-top. (2) When authorized by ATC, DME may be used between R 216° MFR VOR clockwise to R 333° MFR VOR within 15 miles at 6500′ to position aircraft for straight-in approach with elimination of procedure turn.
CAUTION: High terrain all quadrants.
*Descent on glide slope to cross Evans Creek FM at 6000′ is authorized.
%All IFR departures must comply with published Medford SID's.

City, Medford; State, Oreg.; Airport name, Medford Municipal; Elev., 1330′; Fac. Class., ILS; Ident., I-MFR; Procedure No. ILS-14, Amdt. 9; Eff. date, 30 Oct. 65; Sup. Amdt. No. 8; Dated, 27 May 65

Oklahoma City VOR	TWO RBn	Direct	3100	T-dn	300–1	300–1	200–½
Oklahoma City LOM	TWO RBn	Direct	3100	C-dn	400–1	500–1	500–1½
Cashion Int	TWO RBn	Direct	3100	S-dn-17*	300–1	300–1	300–1
Bethany Int	TWO RBn (final)	Direct	2300	A-dn	800–2	800–2	800–2
Edmond Int	TWO RBn (final)	Direct	2300				

Radar available.
Procedure turn W side crs, 351° Outbnd, 171° Inbnd, 3100′ within 10 miles. Beyond 10 miles not authorized.
No glide slope.
Minimum altitude over TWO RBn on final approach crs, 2300′.
Crs and distance, TWO RBn to Runway 17, 171°—4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 miles after passing TWO RBn, climb to 2800′ on S crs, ILS within 20 miles or on crs, 171° from TWO RBn within 20 miles or, when directed by ATC, make immediate right turn, climb to 2500′ and proceed direct to OKC VOR.
*300–¼ authorized, except for 4-engine turbojet aircraft, with high-intensity runway lights.

City, Oklahoma City; State, Okla.; Airport name, Will Rogers World; Elev., 1284′; Fac. Class., ILS; Ident., I-OKC; Procedure No. ILS-(back crs), Amdt. 11; Eff. date, 30 Oct. 65; Sup. Amdt. No. 10; Dated, 10 Apr. 65

SEA VOR	SZ LOM	Direct	2000	T-dn#	300–1	300–1	200–½
PAE VOR	SZ LOM	Direct	2000	C-dn	500–1	500–1	500–1½
Burton VHF Int	SZ LOM	Direct	2000	S-dn-16##%	200–½	200–½	200–½
Lofall VHF Int	SZ LOM	Direct	2000	A-dn	600–2	600–2	600–2

Radar available.
Procedure turn W side of crs, 338° Outbnd, 158° Inbnd, 2000′ within 10 miles.
Final approach from holding pattern at SZ LOM not authorized, procedure turn required.
Minimum altitude at glide slope interception Inbnd, 1700′.
Altitude of glide slope and distance to approach end of runway at OM, 1672′—4.1 miles;* at MM, 632′—0.6 mile.*
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1700′ direct to SE LOM or, when directed by ATC turn right, climb to 3000′ on R 225° SEA VOR to Burton Int.
CAUTION: Terrain and trees to 591′ located immediately N and NE of airport.
%400–1 required when glide slope not utilized. 400–¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights. 400–½ authorized, except for 4-engine turbojet aircraft, with operative ALS.
*Distance indicated is to the displaced threshold.
##RVR 2400′. Descent below 628′ not authorized unless approach lights are visible.
#RVR 2400′ authorized Runway 16.

City, Seattle; State, Wash.; Airport name, Seattle-Tacoma International; Elev., 428′; Fac. Class., ILS; Ident., I-SZI; Procedure No. ILS-16, Amdt. 6; Eff. date, 30 Oct. 65; Sup. Amdt. No. 5; Dated, 5 June 65

7. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
		Within:		Surveillance approach			
000°	360°	10 miles	2800				
000°	360°	25 miles	3000	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn*	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished for approach to Runways 1, 5, 32: Climb straight ahead to 3000′ within 10 miles and proceed to ACO VOR. Hold E, 1-minute right turns, 276° Inbnd. For approach to Runways 14, 19, 23: Climb straight ahead to 3000′ within 10 miles and proceed to BSV VOR. Hold S, 1-minute right turns, 008° Inbnd.
NOTE: No IFR operations authorized for Runways 9 and 27.
CAUTION: Smoke stack, 1335′—2.5 miles SE, Runway 32. Antenna, 1410′—4.5 miles S, Runway 1.
*Runways 1, 19: 400–¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
*Runway 1: 400–½ authorized, except for 4-engine turbojet aircraft, with operative ALS.
*Runway 23: 400–¾ authorized, except for 4-engine turbojet aircraft, with operative REIL.

City, Akron; State, Ohio; Airport name, Akron-Canton; Elev., 1228′; Fac. Class., and Ident., Akron Radar; Procedure No. 1, Amdt. 4; Eff. date, 30 Oct. 65; Sup. Amdt. No. 3; Dated, 14 Aug. 65

All directions	Radar site	Within: 20 miles	1600	Surveillance approach			
				T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-3, 12, 30, 21, 35.**	400–1	400–1	400–1
				S-dn-17	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2500′ straight ahead, then proceed to HOU VOR. Aircraft on any direct crs to HOU VOR may descend to 750′ from 5-mile Radar Fix.
**400–½ authorized for Runway 3, except for 4-engine turbojet aircraft, with operative ALS.
**400–¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
*Radar control must provide 3-mile or 1000′ vertical separation from the following obstructions:

Obstruction	MSL altitude	HOU VOR Radial	Distance NM
Tower	1235	159	11.0
Tower	1051	240	11.5
Tower	751	291	11.4
Tower	753	309	6.0
Tower	1549	238	13.1

City, Houston; State, Tex.; Airport name, William P. Hobby; Elev., 50′; Fac. Class. and Ident., Houston Radar; Procedure No. 1, Amdt. 13; Eff. date, 30 Oct. 65; Sup. Amdt. No. 12; Dated, 17 Apr. 65

		Within:		Precision approach			
000°	360°	10 miles	2500				
000°	360°	20 miles	5500	T-dn#	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-16##,##	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2
				Surveillance approach			
				T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-34$	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runway 34: Climb to 2000′ direct to SZ LOM or, when directed by ATC, turn left, climb to 2000′, intercept R 225° of Seattle VOR, thence to Burton Int. Runway 2: Left turn, climb to 2000′ direct to SZ LOM or, when directed by ATC, turn left, climb to 2000′, intercept R 225° of Seattle VOR, thence to Burton Int. Runway 16: Climb to 2000′ direct to SE LOM or, when directed by ATC, turn right, climb to 2000′, intercept R 225°, thence to Burton Int. Runway 20: Left turn, climb to 2000′ direct to SE LOM or, when directed by ATC, turn right, climb to 2000′, intercept R 225°, thence to Burton Int.
CAUTION: Terrain and trees to 591′ located immediatly N and NE of airport.
##RVR 2400′. Descent below 628′ not authorized unless approach lights are visible.
#RVR 2400′ authorized Runways 16 and 34.
$400–¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
400–½ authorized, except for 4-engine turbojet aircraft, with operative ALS.

City, Seattle; State, Wash.; Airport name, Seattle-Tacoma International; Elev., 428′; Fac. Class. and Ident., Seattle-Tacoma Radar; Procedure No. 1, Amdt. 12; Eff. date, 30 Oct. 65; Sup. Amdt. No. 11; Dated, 5 June 65

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on September 23, 1965.

C. W. WALKER,
Acting Director, Flight Standards Service.

[F.R. Doc. 65-10334; Filed, Nov. 12, 1965; 8:49 a.m.]

[Docket No. 7016; Amdt. No. 103-1]

PART 103—TRANSPORTATION OF DANGEROUS ARTICLES AND MAGNETIZED MATERIALS

Transportation of Gasoline in Alaska; Aircraft Operated in Other Than Scheduled Passenger-Carrying Operations

The purpose of this amendment is to delete the notification requirement in § 103.33(a) which requires small aircraft operators, who operate entirely within the State of Alaska in other than scheduled passenger-carrying operations, to notify the Administrator of the type of aircraft, registration number, and area of operation when transporting certain quantities of gasoline.

The notification requirement formerly appearing in Special Regulation No. 447 (SR 447) was designed to enable the Administrator to obtain sufficient information upon which to base a determination of whether the substance of SR 447 authorizing the operation under consideration should be incorporated in the permanent body of the regulations. The information received by the Agency as a result of this notice has been evaluated, and SR 447 has been incorporated in the permanent body of the Federal Aviation Regulations as § 103.33(a). Since the notification requirement of § 103.33(a) has fulfilled its original purpose, retention of this requirement is no longer necessary.

Deletion of the notification requirement in § 103.33 in no way relaxes the additional requirements of paragraph (a) that operations under this section occur only when necessary to meet the needs of the passengers and where air transportation is the only practical means of transportation.

Since this amendment is minor in nature, notice and public procedure hereon are unnecessary, and good cause exists for making this amendment effective immediately.

In consideration of the foregoing, § 103.33(a) of Part 103 of the Federal Aviation Regulations (14 CFR § 103.33 (a)) is amended to read as follows:

§ 103.33 Transportation of gasoline in Alaska; aircraft operated in other than scheduled passenger-carrying operations.

• • • • •

(a) The particular operation must be necessary to meet the needs of the passengers, and air transportation must be the only practical means of transportation.

• • • • •

(Sec. 313(a), Federal Aviation Act of 1958; 49 U.S.C. 1354(a))

Issued in Washington, D.C., on November 5, 1965.

D. D. THOMAS,
Deputy Administrator.

[F.R. Doc. 65-12159; Filed, Nov. 12, 1965; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Dockets C-328 et al., o.]

PART 13—PROHIBITED TRADE PRACTICES

Abby Kent Co., Inc., et al.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for Services or Facilities for Processing or Sale Under 2(d): § 13.825 *Allowances for services or facilities.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies Sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist orders and orders setting effective date of orders to cease and desist, Abby Kent Co., Inc. (New York, N.Y.), et al., Dockets C-328 et al., August 9, 1965]

Consent orders requiring 55 wearing apparel manufacturers, respondents named in Appendix A attached hereto, docket numbers C-925 through C-979, to cease discriminating among their competing customers in the payment of advertising and promotional allowances, in violation of section 2(d) of the Clayton Act; and orders setting effective date of 243 identical cease and desist orders, respondents named in Appendix B attached hereto, previously issued with effective date postponed until further order of the Commission against other industry members, all 298 identical cease and desist orders were made effective simultaneously on August 9, 1965, and the firms directed to file reports of compliance.

The orders to cease and desist and orders setting effective date of orders to cease and desist, including further order requiring reports of compliance therewith, are as follows:

CEASE AND DESIST ORDERS—RESPONDENTS NAMED IN APPENDIX A

It is ordered That each respondent named in appendix A, a corporation, its officers, directors, agents, representatives, and employees, directly or through any corporate or other device, in the course of its business in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

(1) Paying or contracting for the payment of anything of value to, or for the benefit of, any customer of the respondent as compensation or in consideration for advertising or promotional services, or any other service or facility, furnished by or through such customer in connection with the handling, sale or offering for sale of wearing apparel products manufactured, sold or offered for sale by respondent, unless such payment or consideration is made available on proportionally equal terms to all other customers competing with such favored customer in the distribution or resale of such products.

It is further ordered That each respondent named in appendix A herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

ORDERS SETTING EFFECTIVE DATE OF ORDERS TO CEASE AND DESIST, PREVIOUSLY ISSUED—RESPONDENTS NAMED IN APPENDIX B

It is ordered That the orders, docket Nos. C-328 through C-490, issued on May 1, 1963 [28 F.R. 5417], and modified by an order of June 28, 1963, which postponed the effective date until further order of the Commission, be, and they hereby are, effective this date;

It is ordered That the orders, docket Nos. C-540 through C-566, issued on August 12, 1963 [28 F.R. 9432], be, and they hereby are, effective this date;

It is ordered That the orders, docket Nos. C-639 through C-671, issued on December 27, 1963 [29 F.R. 1721], be, and they hereby are, effective this date;

It is ordered That the order, docket No. C-717, issued on February 27, 1964 [29 F.R. 3565], be, and it hereby is, effective this date;

It is ordered That the orders, docket Nos. C-769 through C-775, issued June 30, 1964 [29 F.R. 10504], be, and they hereby are, effective this date;

It is ordered That the order, docket No. C-794, issued on July 17, 1964 [29 F.R. 11495], be, and it hereby is, effective this date;

It is ordered That the order, docket No. C-803, issued on August 3, 1964 [29 F.R. 12114], be and it hereby is, effective this date;

It is ordered, That the orders, docket Nos. C-834 through C-836, issued on September 18, 1964 [29 F.R. 13892], be, and they hereby are, effective this date;

It is ordered, That the order, docket No. C-841, issued on September 29, 1964 [29 F.R. 14170], be and it hereby is, effective this date;

It is ordered, That the order, docket No. 8633, issued on November 10, 1964 [29 F.R. 15811], be, and it hereby is, effective this date;

It is ordered, That the orders, docket Nos. 8625, 8626, and 8632, issued on January 18, 1965 [30 F.R. 3878], be, and they hereby are, effective this date;

It is ordered, That the order, docket No. C-882, issued on February 23, 1965 [30 F.R. 4712], be, and it hereby is effective this date;

It is ordered, That the order, docket No. 8630, issued on April 9, 1965 [30 F.R. 8043], be, and it hereby is, effective this date.

It is further ordered, That each respondent named in appendix B herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: August 9, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

APPENDIX A

Following is a listing of the 55 respondents named in cease and desist orders (New York City unless otherwise indicated):

(C-925) Aansworth, Ltd., 1407 Broadway.
(C-926) Guttman Knitwear Creations, Inc., 1407 Broadway.
(C-927) Society Brand Division of Hart Schaffner & Marx, 36 South Franklin Street, Chicago, Ill.
(C-928) House of Jamison, Inc., 498 Seventh Avenue.
(C-929) Alison Ayres, Inc., 1400 Broadway.
(C-930) Alper-Schwartz Co., Inc., 530 Seventh Avenue.
(C-931) Audrey Lee Classics, Inc., 1359 Broadway.
(C-932) Stanley Blacker, Inc., 2200 Arch Street, Philadelphia, Pa.
(C-933) Blouses By Vera, Inc., 417 Fifth Avenue.
(C-934) Brentwood Sportswear Co., 19th and Allegheny, Philadelphia, Pa.
(C-935) Campus Casuals of California, 1200 South Hope Street, Los Angeles, Calif.
(C-936) Christian Dior-New York, 498 Seventh Avenue.
(C-937) Arthur Cole Associates, Inc., 498 Seventh Avenue.
(C-938) Davenshire, Inc., 930 South Rolff Street, Davenport, Iowa.
(C-939) Diane Young Sportswear, Inc., 525 Seventh Avenue.
(C-940) Handmacher-Vogel, Inc., 533 Seventh Avenue.
(C-941) Huntington Manufacturing Co., Inc., 312 West Randolph Street, Chicago, Ill.
(C-942) Joseph & Feiss Co., 2149 West 53d Street, Cleveland, Ohio.
(C-943) Junior Sophisticates Co., Inc., 498 Seventh Avenue.
(C-944) Junior Theme, Inc., 1400 Broadway.
(C-945) R. Kolodney & Co., Inc., 450 Capitol Avenue, Hartford, Conn.
(C-946) Lamm Brothers, Inc., Gleneagles Court, Baltimore, Md.
(C-947) Leslie Fay, Inc., 1400 Broadway.
(C-948) Linker & Herbert, Inc., 205 West 39th Street.
(C-949) New York Manufacturing Corp., 214 West 39th Street.
(C-950) Mam'selle Dress, Inc., 498 Seventh Avenue.
(C-951) Marlene Industries Corp., 141 West 36th Street.
(C-952) Mister Pants, Inc., 550 Seventh Avenue.
(C-953) Modella, Inc., 205 West 39th Street.
(C-954) Old Colony Knitting Mills, Inc., 40 Glen Avenue, Newton Center, Mass.
(C-955) Pat Fashions, Inc., 1370 Broadway.
(C-956) Petrocelli Clothes, Inc., 28 West 23d Street.
(C-957) Publix Shirt Corp., 350 Fifth Avenue.
(C-958) Queen Knitting Mills, Inc., 2701 North Broad Street, Philadelphia, Pa.
(C-959) Rosanna Knitted Sportswear, Inc., 1410 Broadway.
(C-960) Russ Togs, Inc., 1372 Broadway.
(C-961) H. A. Seinsheimer Co., 400 Pike Street, Cincinnati, Ohio.
(C-962) Shipmates Sportswear, Inc., 1307 Washington Avenue, St. Louis, Mo.
(C-963) Jerry Silverman, Inc., 530 Seventh Avenue.
(C-964) Smart-Maid Coat & Suit Corp., 545 Eighth Avenue.
(C-965) Stern-Siegman-Prins Co., Inc., 3122 Gillham Plaza, Kansas City, Mo.
(C-966) Susan Laurie, Inc., 902 Broadway.
(C-967) T.P. Industries, Inc., 1375 Broadway.
(C-968) United Sheeplined Clothing Co., Inc., 804 Broadway, Long Branch, N.J.
(C-969) The Villager, Inc., 330 North 12th Street, Philadelphia, Pa.
(C-970) Westbury Fashions, Inc., 1400 Broadway.
(C-971) M. Wile & Co., Inc., 77 Goodell Street, Buffalo, N.Y.
(C-972) Zelinka-Matlick, Inc., 512 Seventh Avenue.
(C-973) Mattique, Ltd., 1410 Broadway.
(C-974) Sporteens, Inc., 1407 Broadway.
(C-975) Gotham Knitting Mills, Inc., 1407 Broadway.
(C-976) Beacon Frocks, Inc., 1385 Broadway.
(C-977) Lady Carol Dresses, Inc., 1400 Broadway.
(C-978) George Small, Inc., 1375 Broadway.
(C-979) Boys' Tone Shirt Co., Inc., 350 Fifth Avenue.

Following is a listing of the 243 respondents cited in the previously issued but postponed orders which the Commission put into effect on this date (again, addresses are New York City unless otherwise stated):

(C-328) Abby Kent Co., Inc., 1400 Broadway.
(C-329) Adelaar Bros., Inc., 525 7th Avenue.
(C-330) All State Garment Corp., 205 West 39th Street.
(C-331) Alps Sportswear Manufacturing Co., Inc., 65 Bedford Street, Boston, Mass.
(C-332) The Bernhard Altmann Corp., 100 West 40th Street.
(C-333) Aquascutum Imports, Inc., 2 East 37th Street.
(C-334) Aquascutum Co., Ltd., 2 East 37th Street.
(C-335) Andrew Arkin, Inc., 530 Seventh Avenue.
(C-336) Aronoff & Richling, Inc., 1400 Broadway.
(C-337) Cay Artley Apparel, Inc., 232 Levergood Street, Johnstown, Pa.
(C-338) S. Augstein & Co., 15-58 127th Street, College Point, Long Island, N.Y.
(C-339) Ballantyne Sweaters, Ltd., 40 East 34th Street.
(C-340) Barmon Brothers Co., Inc., 893 Broadway, Buffalo, N.Y.
(C-341) Ben Barrack Dresses, Inc., 498 Seventh Avenue.
(C-342) Ben Barrack Petites, Inc., 498 Seventh Avenue.
(C-343) The Beaumart Co., 498 Seventh Avenue.
(C-344) Beaver Shirt Manufacturing Co., Inc., 350 Fifth Avenue.
(C-345) Beldoch Popper, Inc., 1410 Broadway.
(C-346) Bermuda Knitwear Corp., 1410 Broadway.
(C-347) Biltwell Co., Inc., 1128 Washington Avenue, St. Louis, Mo.
(C-348) Biltwell Slacks, Inc., 1324 Santee, Los Angeles, Calif.
(C-349) Blairmoor Knitwear Corp., 33-00 Northern Boulevard, Long Island City, N.Y.
(C-350) Braemar Knitwear (U.S.A.), Ltd., 1407 Broadway.
(C-351) Sue Brett, Inc., 1400 Broadway.
(C-352) British Vogue, Inc., 1410 Broadway.
(C-353) Robert Bruce, Inc., 2867 East Allegheny Avenue, Philadelphia, Pa.
(C-354) Candy Frocks, Inc., 501 Seventh Avenue.
(C-355) Streamline Garment Corp., 530 West First Street, Greensburg, Ind.
(C-356) Casualcraft, Inc., 350 Fifth Avenue.
(C-357) David A. Church Co., Inc., 47 Greenpoint Avenue, Brooklyn, N.Y.
(C-358) Climatic, Inc., 1 Jackson Place, Yonkers, N.Y.
(C-359) Martha Clyde, Inc., 525 Seventh Avenue.
(C-360) Joseph H. Cohen, Inc., 71 Fifth Avenue.
(C-361) Cotton Club Frocks, Inc., 275 Seventh Avenue.
(C-362) Country Set, Inc., 1520 Washington Avenue, St. Louis, Mo.
(C-363) Carol Crawford, Inc., 1400 Broadway.
(C-364) David Crystal, Inc., 498 Seventh Avenue.
(C-365) Dalton of America, Inc., 6611 Euclid Avenue, Cleveland, Ohio.
(C-366) Darlene Knitwear, Inc., North Commercial Street, Manchester, N.H.
(C-367) H. Daroff & Sons, Inc., 2300 Walnut Street, Philadelphia, Pa.
(C-368) Davidow Suits, Inc., 550 Seventh Avenue.
(C-369) Defiance Manufacturing Co., Inc., 350 Fifth Avenue.
(C-370) Jacques deLoux, Inc., Sellersville, Pa.
(C-371) Derby Sportswear, Inc., 1333 Broadway.
(C-372) Donmoor-Isaacson, 1115 Broadway.
(C-373) Donwood, Ltd., 1407 Broadway.
(C-374) Dorset Knitwear, Ltd., 381 Park Avenue South.
(C-375) Dotti Original, Inc., 525 Seventh Avenue.
(C-376) Eagle Clothes, Inc., 1107 Broadway.
(C-377) Eagle - Freedman - Rodelheim Co., Fifth and Juniper Streets, Quakertown, Pa.
(C-378) Elder Manufacturing Co., 13th and Lucas Avenue, St. Louis, Mo.
(C-379) Esquire Sportswear Manufacturing Co., 43 West 23d Street.
(C-380) Excello Shirts, Inc., 390 Fifth Avenue.
(C-381) Exmoor Knitwear Co., Inc., 40 Spring Street, Haverstraw, N.Y.
(C-382) Stanley M. Feil, Inc., 2073 East Fourth Street, Cleveland, Ohio.
(C-383) Fordham-Bardell Shirt Corp., 212 Fifth Avenue.
(C-384) French Knitwear Co., Inc., 1407 Broadway.
(C-385) Gant of New Haven, Inc., 162 James Street, New Haven, Conn.
(C-386) Garland Knitting Mills, 117 Bickford Street, Jamaica Plain, Mass.
(C-387) Jerry Gilden Fashions, Inc., 498 Seventh Avenue.
(C-388) Globe Knitwear Co., Inc., 831 Arch Street, Philadelphia, Pa.
(C-389) Gordon & Ferguson Co., 250 East Fifth Street, St. Paul, Minn.
(C-390) Grunwald-Marx, 932 Wall Street, Los Angeles, Calif.
(C-391) Harper Shirt Co., Inc., 350 Fifth Avenue.
(C-392) B. W. Harris Manufacturing Co., 396 Sibley Street, St. Paul, Minn.
(C-393) Haspel Brothers, Inc., 2527 St. Bernard Street, New Orleans, La.
(C-394) Hayette, Inc., 498 Seventh Avenue.
(C-395) Haymaker Sports, Inc., 498 Seventh Avenue.
(C-396) Helga, 722 Los Angeles Street, Los Angeles, Calif.
(C-397) Highlander Sportswear, Inc., 135 Monroe Street, Newark, N.J.
(C-398) Hochenberg & Gelb, Inc., 915 Broadway.
(C-399) Jane Holly, Inc., 525 Seventh Avenue.
(C-400) Henry I. Siegel Co., Inc., 16 East 34th Street.
(C-401) Hortex Manufacturing Co., Inc., 100 South Cotton Street, El Paso, Tex.
(C-402) House of Perfection, Inc., 45 West 36th Street.
(C-403) House of Worsted-Tex, Inc., 2300 Walnut Street, Philadelphia, Pa.
(C-404) F. Jacobson & Sons, Inc., 390 Fifth Avenue.
(C-405) Juniorite, Inc., 1407 Broadway.
(C-406) Kadet, Kruger & Co., 216 West Adams Street, Chicago, Ill.
(C-407) The Kaynee Co., Greenville, S.C.
(C-408) William B. Kessler, Inc., Pleasant and Tilton Streets, Hammonton, N.J.
(C-409) Lackawanna Pants Manufacturing Co., Inc., 300 Brook Street, Scranton, Pa.
(C-410) Lawrence of London, Ltd., 512 Seventh Avenue.

(C–411) The H. D. Lee Co., Inc., 117 West 20th Street, Kansas City, Mo.
(C–412) Rhoda Lee, Inc., 525 Seventh Avenue.
(C–413) Lehigh Trouser Co., 514 South Main Street, Wilkes-Barre, Pa.
(C–414) Levin & Co., Inc., 1350 Broadway.
(C–415) Londontown Manufacturing Co., 3600 Clipper Mill Road, Baltimore, Md.
(C–416) Loomtogs, Inc., 1410 Broadway.
(C–417) MacShore Classics, Inc., 1410 Broadway.
(C–418) Majestic Specialties, Inc., 340 Claremont Avenue, Jersey City, N.J.
(C–419) Major Blouse Co., Inc., 525 Seventh Avenue.
(C–420) The Majer Brand Co., Inc., 200 Fifth Avenue.
(C–421) Masket Bros. Sport Wear, Inc., 498 Seventh Avenue.
(C–422) Lynne Manufacturing Co., 27–01 Bridge Plaza North, Long Island City, N.Y.
(C–423) Abby Michael, Ltd., 1407 Broadway.
(C–424) Michaels Stern & Co., Inc., 87 North Clinton Avenue, Rochester, N.Y.
(C–425) Miller Manufacturing Co., Inc., 915 Main Street, Joplin, Mo.
(C–426) Morrison Knitwear, Inc., 130 Palmetto Street, Brooklyn, N.Y.
(C–427) Nelly De Grab, 533 Seventh Avenue.
(C–428) Nelly Don, Inc., 3500 East 17th Street, Kansas City, Mo.
(C–429) Nelson-Caine, 1400 Broadway.
(C–430) Newman & Newman, 11 East 26th Street.
(C–431) Palm Beach Co., 426 East Fourth Street, Cincinnati, Ohio.
(C–432) Park-Storyk Corp., 1407 Broadway.
(C–433) Pattullo-Jo Copeland, Inc., 498 Seventh Avenue.
(C–434) Pauker Boyswear Corp., 25 West 31st Street.
(C–435) Peerless Robes & Sportswear, Inc., 350 Fifth Avenue.
(C–436) Fashions by Blauner, Inc., 134 West 37th Street.
(C–437) Pickwick Knitting Mills, Inc., 49 Junius Street, Brooklyn, N.Y.
(C–438) Plymouth Manufacturing Co., 500 Harrison Avenue, Boston, Mass.
(C–439) Milton Saunders Co., 525 Seventh Avenue.
(C–440) Princess Peggy, Inc., 1001 Southwest Adams Street, Peoria, Ill.
(C–441) Rabhor Robes, Inc., South Norwalk, Conn.
(C–442) Ratner Manufacturing Co., 730 13th Street, San Diego, Calif.
(C–443) Rona Dresses, 1400 Broadway.
(C–444) S. Rudofker's Sons, Inc., 22d and Market Streets, Philadelphia, Pa.
(C–445) Rugby Knitting Mills, Inc., 1490 Jefferson Avenue, Buffalo, N.Y.
(C–446) Sagner, Inc., South Wisner Street, Frederick, Md.
(C–447) Savoy Knitting Mills Corp., 801 Meadow Street, Allentown, Pa.
(C–448) Abe Schrader Corp., 530 Seventh Avenue.
(C–449) Alfred Shapiro, Inc., 240 Madison Avenue.
(C–450) Shelby Manufacturing Co., 1350 Broadway.
(C–451) M & D Simon Co., 700 St. Clair Avenue West, Cleveland, Ohio.
(C–452) Miss Smart Frocks, Inc., 501 Seventh Avenue.
(C–453) Smartee, Inc., 45 East 12th Street.
(C–454) Sorority Frocks, Inc., 120 West 28th Street.
(C–455) Sport Kraft, Inc., 413 West Third Street, Lewes, Del.
(C–456) Sportsville Men's Wear, Inc., 16 East 34th Street.
(C–457) Sigma Fashions, Inc., 1400 Broadway.
(C–458) Talbott, Inc., 1407 Broadway.
(C–459) Tellshire, Inc., 270 West 38th Street.
(C–460) Thomson Co., 405 Park Avenue.
(C–461) Timely Clothes, Inc., 1415 Clinton Avenue, North, Rochester, N.Y.
(C–462) Towncliffe, Inc., 512 Seventh Avenue.
(C–463) Triton Manufacturing Co., Inc., 18 Pocasset Street, Fall River, Mass.
(C–464) Troy Shirt Makers Guild, Inc., 71 Lawrence Street, Glens Falls, N.Y.
(C–465) Usona Shirt Co., 230 Fifth Avenue.
(C–466) Weber and Lott, Inc., 525 Seventh Avenue.
(C–467) Weber Originals, Inc., 525 Seventh Avenue.
(C–468) Margo Walters, Inc., 1400 Broadway.
(C–469) Wentworth Manufacturing Co., Blanding Street, Lake City, S.C.
(C–470) White Stag Manufacturing Co., 5100 Southeast Harney Drive, Portland, Oreg.
(C–471) Wolfson & Greenbaum, Inc., 132 West 36th Street.
(C–472) Wright Manufacturing Co., Toccoa, Ga.
(C–473) Ben Zuckerman, Inc., 512 Seventh Avenue.
(C–474) The Enro Shirt Co., Inc., 4300 Leghorn Drive, Louisville, Ky.
(C–475) Famous-Sternberg, Inc., 950 Poeyfarre Street, New Orleans, La.
(C–476) Glen Mfg., Inc., 320 East Buffalo Street, Milwaukee, Wis.
(C–477) Ilene Manufacturing Co., Inc., 525 Seventh Avenue.
(C–478) Jolee, Inc., 250 West 39th Street.
(C–479) M. J. Levine, Inc., 250 West 39th Street.
(C–480) Kelita, Inc., 1407 Broadway.
(C–481) Malcolm Kenneth Co., 11 Leon Street, Boston, Mass.
(C–482) Kimberly Knitwear, Inc., 1410 Broadway.
(C–483) Leathermode Sportswear, Inc., 357 Kossuth Street, Bridgeport, Conn.
(C–484) Mode de Paris, Inc., 58 Second Street, San Francisco, Calif.
(C–485) New Era Shirt Co., 316 North 18th Street, St. Louis, Mo.
(C–486) Raab-Meyerhoff Co., 350 Fifth Avenue.
(C–487) Ronnie Fashions, Inc., 1400 Broadway.
(C–488) M. C. Schrank Co., 17–21 Broad Street, Bridgeton, N.J.
(C–489) Norman Wiatt Co., 124 East Olympic Boulevard, Los Angeles, Calif.
(C–490) Wonderknit Corp., 112 West 34th Street.
(C–540) Baracuta, Inc., 16 East 40th Street.
(C–541) Blue Jeans Corp., 130 West 34th Street.
(C–542) College-Town Sportswear, 35 Morrisey Boulevard, Boston, Mass.
(C–543) Davis Sportswear Co., Inc., 5 Franklin Street, Lawrence, Mass.
(C–544) Gail Byron Frocks Co., Inc., 463 Seventh Avenue.
(C–545) Giritown, Inc., 35 Morrisey Boulevard, Boston, Mass.
(C–546) C. F. Hathaway Co., 10 Water Street, Waterville, Maine.
(C–547) Junior Accent, Inc., 498 Seventh Avenue.
(C–548) Century Sportswear Co., Inc., 20 Boylston Street, Boston, Mass.
(C–549) Jonathan Logan, Inc., 3901 Liberty Avenue, North Bergen, N.J.
(C–550) The Manhattan Shirt Co., 1271 Avenue of the Americas.
(C–551) Novelty Veiling Co., Inc., 675 Sixth Avenue.
(C–552) Petite Lady Dress Co., Inc., 1375 Broadway.
(C–553) Phillips-Van Heusen Corp., 417 Fifth Avenue.
(C–554) Rosecrest, Inc., 24 Binford Street, Boston, Mass.
(C–555) Boris Smoler & Sons, Inc., 3021 North Pulaski, Chicago, Ill.
(C–556) Alice Stuart, Inc., 525 Seventh Avenue.
(C–557) Sunnyvale, Inc., 1350 Broadway.
(C–558) Tanner of North Carolina, Inc., Rutherfordtown, N.C.
(C–559) Warshauer & Franck, Inc., 75 Kneeland Street, Boston, Mass.
(C–560) Westover Fashions, Inc., 1400 Broadway.
(C–561) Boston Maid, Inc., 560 Harrison Avenue, Boston, Mass.
(C–562) Devonbrook, Inc., 1400 Broadway.
(C–563) R. and M. Kaufman, Inc., 41 Holbrook Street, Aurora, Ill.
(C–564) Linsk of Philadelphia, Inc., 3111 West Allegheny Avenue, Philadelphia, Pa.
(C–565) Modern Juniors, Inc., 1407 Broadway.
(C–566) D. F. Rodgers Manufacturing Co., Inc., 1350 Broadway.
(C–639) Adele Fashions, Inc., 1407 Broadway.
(C–640) Blume Knitwear, Inc., 30–02 48th Avenue, Long Island City, N.Y., and a subsidiary at the same address, Impromptu Casuals, Inc.
(C–641) Cluett, Peabody & Co., Inc., 530 Fifth Avenue.
(C–642) Country Tweeds, Inc., 250 West 39th Street.
(C–643) Litt-Gluck Co., 111 West 19th Street.
(C–644) Sy Frankl, Inc., 1350 Broadway.
(C–645) Glensder Corp., 417 Fifth Avenue.
(C–646) The Hadley Corp., Weaverville, N.C.
(C–647) Larry Levine, Inc., 252 West 37th Street.
(C–648) Lord Jeff Knitting Co., Inc., 58–30 64th Street, Maspeth, N.Y.
(C–649) Miss Maude, Inc., 1311 Park Avenue, Hoboken, N.J.
(C–650) Mayflower Dress Co., Inc., 1350 Broadway.
(C–651) Munsingwear, Inc., 718 Glenwood Avenue, Minneapolis, Minn.
(C–652) Puritan Skirt & Dress Co., Inc., 144 Moody Street, Waltham, Mass.
(C–653) The Puritan Sportswear Corp., 813 25th Street, Altoona, Pa.
(C–654) Rainfair, Inc., 1501 Albert Street, Racine, Wis.
(C–655) Sportswear Corp. of America, 6516 Page Boulevard, St. Louis.
(C–656) Serbin, Inc., 1280 Southwest First Street, Miami, Fla.
(C–657) Sir James, Inc., 910 South Los Angeles Street, Los Angeles, Calif.
(C–658) Kandahar Sportswear Co., Inc., 8 West 30th Street.
(C–659) Bobbie Brooks, Inc., 3839 Kelley Avenue, Cleveland, Ohio.
(C–660) Gay Gibson, Inc., 2617 Grand Avenue, Kansas City, Mo.
(C–661) The Grove Co., 8300 Manchester Road, St. Louis, Mo.
(C–662) Irwill Knitwear Corp., 1407 Broadway.
(C–663) Kathi Originals, Inc., 1350 Broadway.
(C–664) Lofties Knitting Mills, Inc., 85 De Kalb Avenue, Brooklyn, N.Y.
(C–665) Mademoiselle Modes, Inc., 520 Eighth Avenue.
(C–666) Donkenny, Inc., 1407 Broadway, and a subsidiary at the same address, Melray Blouse Co., Inc.
(C–667) Albert Rosenblatt & Sons, Inc., 1400 Broadway.
(C–668) Economy Blouse Corp., 1407 Broadway.
(C–669) E. D. Winter & Co., Inc., 525 Seventh Avenue.
(C–670) Jack Winter, Inc., 233 East Chicago Street, Milwaukee, Wis.
(C–671) Young Timers, Inc., 520 Eighth Avenue.

(C–717) L'Aiglon Apparel, Inc., 15th and Mount Vernon Streets, Philadelphia, Pa.
(C–769) The Alligator Co., 4153 Bingham Avenue, St. Louis, Mo.
(C–770) Sportswear By Revere, Inc., 11 Lake Street, Wakefield, Mass.
(C–771) Sportempos, Inc., 525 Seventh Avenue.
(C–772) Teal Traina, Inc., 550 Seventh Avenue.
(C–773) Max Wiesen & Sons, Inc., 463 Seventh Avenue.
(C–774) Lanz Originals, Inc., 6150 Wilshire Boulevard, Los Angeles, Calif.
(C–775) Smoler Bros., Inc., 2300 Wanansia Avenue, Chicago, Ill.
(C–794) Fashion Park, Inc., 432 Portland Avenue, Rochester, N.Y.
(C–803) National Togs, Inc., 1370 Broadway.
(C–834) Cotton City Wash Frocks, Inc., 1350 Broadway.
(C–835) Premier Knitting Co., Inc., 1410 Broadway.
(C–836) Regal Knitwear Co., Inc., 1333 Broadway.
(C–841) Chestnut Hill Industries, Inc., 2025 McKinley Street, Hollywood, Fla.
(C–882) The Kramer Co., 1405 Broadway.
(D. 8625) Brandford Co., Inc., 1410 Broadway.
(D. 8626) Brownie Knitting Mills, Inc., 120 East 23d Street.
(D. 8630) Nancy Greer, Inc., 1400 Broadway.
(D. 8632) Barclay Knitwear Co., Inc., 1239 Broadway.
(D. 8633) Boepple Sportswear Mills, Inc., 1410 Broadway.

[F.R. Doc. 65–12204; Filed, Nov. 12, 1965; 8:49 a.m.]

SUBCHAPTER C—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS

PART 303—RULES AND REGULATIONS UNDER THE TEXTILE FIBER PRODUCTS IDENTIFICATION ACT

Miscellaneous Amendments

On July 22, 1965, a notice of proposed rule making was issued by the Commission. Such notice was published in the FEDERAL REGISTER on July 27, 1965, and provided that the Commission proposed to consider an amendment of § 303.3 (Rule 3) of Part 303, rules and regulations under the Textile Fiber Products Identification Act so as to (1) provide that § 303.3 (Rule 3) relates to fibers present in amounts of less than 5 percent of the total fiber weight of the textile fiber product rather than to fibers present in amounts of 5 percent or less in order to properly reflect the application of section 4(a)(1) and 4(a)(2) of the Textile Fiber Products Identification Act as indicated by the title of the June 5, 1965, amendment thereto (79 Stat. 124) and (2) to specify the manner and form of disclosure of fibers present in amounts of less than 5 percent where such fibers have a clearly established and definite functional significance where present in the amount contained in the product so as to fall within the provisions of the June 5, 1965, amendment (79 Stat. 124) to section 4(a)(1) and 4(a)(2) of the Textile Fiber Products Identification Act. The notice further provided that interested parties could participate by submitting their written views, arguments or other data to the Federal Trade Commission on or before August 18, 1965, and that written rebuttal could be submitted until August 30, 1965. A draft of the proposed amendment was made a part of the notice.

Pursuant to such notice, interested parties were afforded an opportunity to submit their views, arguments, or other data in writing and written rebuttal thereto as provided in the notice. All views, arguments, and data presented have been made a part of the record.

After due consideration of the proposed amendment and all pertinent information and material relating thereto, including suggested revisions, deletions and additions thereto and all views, arguments and other data submitted, the Commission has determined to amend § 303.3 (Rule 3) of Part 303, rules and regulations under the Textile Fiber Products Identification Act, for the purposes above specified. The Commission has further determined to amend § 303.6 (Rule 6), paragraph (a) of § 303.10 (Rule 10), paragraph (a) of § 303.16 (Rule 16), and paragraph (a) of § 303.42 (Rule 42) of Part 303, rules and regulations under the Textile Fiber Products Identification Act, so as to make such provisions consistent with paragraph (a) of amended § 303.3 (Rule 3).

Section 303.3 (Rule 3) of the rules and regulations under the Textile Fiber Products Identification Act shall hereafter read:

§ 303.3 Fibers present in amounts of less than 5 percent.

(a) Except as permitted in paragraph (b) of this section and section 4(b)(1) and 4(b)(2) of the Act, as amended, no fiber present in the amount of less than 5 per centum of the total fiber weight shall be designated by its generic name or fiber trademark in disclosing the constituent fibers in required information, but shall be designated as "other fiber." Where more than one of such fibers are present in a product they shall be designated in the aggregate as "other fibers."

(b) Where a textile fiber present in a textile fiber product in the amount of less than 5 per centum of the total fiber weight of the product has a clearly established and definite functional significance where present in the product in the amount contained in such product so as to fall within the provisions of section 4(b)(1) and 4(b)(2) of the Act, as amended, relating to the disclosure of fibers having such functional significance and it is desired to disclose the presence of such fiber by generic name or fiber trademark name, the generic name of such fiber, the percentage by weight of the fiber in the total fiber content of the product, and the functional significance of the fiber shall be set out in the required fiber content disclosure, as for example:

96 percent Acetate.
4 percent Spandex for elasticity.

In making such disclosure all of the provisions of the Act and regulations setting forth the manner and form of disclosure of fiber content informaiton including the provisions of §§ 303.17 (Rule 17) and 303.41 (Rule 41) relating to the use of generic names and fiber trademarks shall be applicable.

Section 303.6 (Rule 6) of the rules and regulations under the Textile Fiber Products Identification Act shall hereafter read:

§ 303.6 Generic names of fibers to be used.

(a) Except where another name is permitted under the Act and regulations, the respective generic names of all fibers present in the amount of 5 per centum or more of the total fiber weight of the textile fiber product shall be used when naming fibers in the required information; as for example: "cotton," "rayon," "silk," "linen," "nylon," etc.

(b) Where a textile fiber product contains the hair or fiber of a fur-bearing animal present in the amount 5 per centum or more of the total fiber weight of the product, the name of the animal producing such fiber may be used in setting forth the required information, provided the name of such animal is used in conjunction with the words "fiber," "hair," or "blend;" as for example:

80 percent Rabbit hair.
20 percent Nylon.

or

80 percent Silk.
20 percent Mink fiber.

(c) The term "fur fiber" may be used to describe the hair or fur fiber or mixtures thereof of any animal or animals other than the sheep, lamb, Angora goat, Cashmere goat, camel, alpaca, llama or vicuna where such hair or fur fiber or mixture is present in the amount of 5 per centum or more of the total fiber weight of the textile fiber product and no direct or indirect representations are made as to the animal or animals from which the fiber so designated was obtained; as for example:

60 percent Cotton.
40 percent Fur fiber.

or

50 percent Nylon.
30 percent Mink hair.
20 percent Fur fiber.

(d) Where textile fiber products subject to the Act contain (1) wool, (2) reprocessed wool, or (3) reused wool in amounts of 5 per centum or more of the total fiber weight, such fibers shall be designated and disclosed as wool, reprocessed wool, or reused wool as the case may be.

Paragraph (a) of § 303.10 (Rule 10) of the rules and regulations under the Textile Fiber Products Identification Act, "Fiber Content of Special Types of Products," shall hereafter read:

§ 303.10 Fiber content of special types of products.

(a) Where a textile product is made wholly of elastic yarn or material, with minor parts of non-elastic material for structural purposes, it shall be identified as to the percentage of the elastomer, together with the percentage of all textile coverings of the elastomer and all other yarns or materials used therein.

Where a textile fiber product is made in part of elastic material and in part of other fabric, the fiber content of such

fabric shall be set forth sectionally by percentages as in the case of other fabrics. In such cases the elastic material may be disclosed by describing the material as elastic followed by a listing in order of predominance by weight of the fibers used in such elastic, including the elastomer, where such fibers are present by 5 per centum or more with the designation "other fiber" or "other fibers" appearing last when fibers required to be so designated are present. An example of labeling under this paragraph is:

Front and back non-elastic sections:
50 percent Acetate.
50 percent Cotton.
Elastic: Rayon, cotton, nylon, rubber.

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Paragraph (a) of §303.16 (Rule 16) of the rules and regulations under the Textile Fiber Products Identification Act, "Arrangement and Disclosure of Importation on Labels," shall hereafter read:

§ 303.16 Arrangement and disclosure of information on labels.

(a) The information with respect to textile fiber products required to be shown and displayed upon the label shall be that which is required by the Act and Regulations, including the following:

(1) The generic names and percentages by weight of the constituent fibers present in the textile fiber product, exclusive of permissive ornamentation, in amounts of 5 per centum or more and any fibers disclosed in accordance with paragraph (b) of § 303.6 (Rule 6) shall appear in order of predominance by weight with any percentage of fiber or fibers required to be designated as "other fiber" or "other fibers" appearing last.

(2) The name, provided for in § 303.19 (Rule 19), or registered identification number issued by the Commission, of the manufacturer or of one or more persons marketing or handling the textile fiber product.

(3) If such textile fiber product is an imported product, the name of the country where such product was processed or manufactured.

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Paragraph (a) of § 303.42 (Rule 42) of the rules and regulations under the Textile Fiber Products Identification Act, "Arrangement of Information in Advertising Textile Fiber Products," shall hereafter read:

§ 303.42 Arrangement of information in advertising textile fiber products.

(a) Where a textile fiber product is advertised in such manner as to require disclosure of the information required by the Act and regulations, all parts of the required information shall be stated in immediate conjunction with each other in legible and conspicuous type or lettering of equal size and prominence. In making the required disclosure of the fiber content of the product, the generic names of fibers present in an amount 5 per centum or more of the total fiber weight of the product together with any fibers disclosed in accordance with paragraph (b) of § 303.6 (Rule 6) shall appear in order of predominance by weight, to be followed by the designation "other fiber" or "other fibers" if a fiber or fibers required to be so designated be present.

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(Sec. 7, 72 Stat. 1717; 15 USC 70e)

Issued: November 9, 1965.

Effective. Thirty days after publication in FEDERAL REGISTER.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65-12165; Filed, Nov. 12, 1965; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 141e—BACITRACIN AND BACITRACIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

Sterile Antibiotic Ointment; Final Order

In the matter of amending the antibiotic regulations to provide for tests and methods of assay and certification of sterile bacitracin-neomycin sulfate-polymyxin B sulfate ophthalmic ointment; sterile bacitracin-neomycin sulfate-polymyxin B sulfate-hydrocortisone acetate ophthalmic ointment:

No comments were submitted in response to the notice of proposed rulemaking in the above-identified matter published in the FEDERAL REGISTER of September 17, 1965 (30 F.R. 11922). Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507(f), 59 Stat. 463 as amended; 21 U.S.C. 357(f)), and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90): *It is ordered,* That the amendments be adopted as proposed, and as set forth below.

Any person who will be adversely affected by the foregoing order may at any time within 30 days following the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 507(f), 59 Stat. 463 as amended; 21 U.S.C. 357(f))

Dated: November 8, 1965.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

Parts 141e and 146e are amended by adding thereto the following new sections.

§ 141e.433 Sterile bacitracin-neomycin sulfate-polymyxin B sulfate ophthalmic ointment; sterile bacitracin-neomycin sulfate-polymyxin B sulfate-hydrocortisone acetate ophthalmic ointment.

(a) *Potency.*—(1) *Bacitracin content.* Proceed as directed in § 141e.409(a)(1). Its content of bacitracin is satisfactory if it contains not less than 90 percent and not more than 140 percent of the number of units of bacitracin per gram that it is represented to contain.

(2) *Polymyxin B content.* Proceed as directed in § 141e.409(a)(2), except calculate from the quantity of neomycin found (using the method prescribed in subparagraph (3) of this paragraph) the quantity of neomycin that would be present when the sample is diluted to contain 10 units of polymyxin B (labeled potency) per milliliter. Prepare the polymyxin standard curve by adding this calculated quantity of neomycin to each concentration of polymyxin used for the curve. Use this standard curve to calculate the polymyxin content of the sample. Its content of polymyxin B is satisfactory if it contains not less than 90 percent and not more than 140 percent of the number of units of polymyxin B that it is represented to contain.

(3) *Neomycin content.* Proceed as directed in § 141e.411(a)(2). Its content of neomycin is satisfactory if it contains not less than 90 percent and not more than 140 percent of the number of milligrams of neomycin that it is represented to contain.

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section, except:

(1) In lieu of diluting fluid A, prepare the following:

(i) *Diluting fluid.* Dispense 100-milliliter portions of isopropyl myristate into 250-milliliter flasks and sterilize by dry heat at 200° C. for 2 hours.

(ii) *Rinse medium.* Using ingredients that conform to the standards prescribed in the U.S.P. or N.F. if the name of any such ingredient appears in either compendium, prepare, sterilize, and dispense in flasks either of the following:

Peptic digest of animal tissue	2.5 gm.
Pancreatic digest of casein	2.5 gm.
Beef extract	3.0 gm.
Polysorbate 80	10.0 ml.
Sodium chloride	30.0 gm.
Distilled water, q.s	1,000.0 ml.

pH 6.9±0.1 after sterilization.

or

Peptic digest of animal tissue	5.0 gm.
Beef extract	3.0 gm.
Polysorbate 80	10.0 ml.
Sodium chloride	30.0 gm.
Distilled water, q.s	1,000.0 ml.

pH 6.9±0.1 after sterilization.

The medium may be prepared as described in this subdivision, or a dehydrated mixture may be used if it is composed of the same ingredients and yields a medium comparable thereto.

(2) Add 27.5 grams of sodium chloride, 1.0 gram of ascorbic acid, and 0.5 gram of polysorbate 80 to each liter of medium A.

(3) Add 30.0 grams of sodium chloride, 1.0 gram of ascorbic acid, and 0.5 gram of polysorbate 80 to each liter of medium E.

(4) Prepare the sample for filtration, and filter as follows: From each of 10 immediate containers aseptically transfer 0.1 gram to 100 milliliters of isopropyl myristate in a 250-milliliter flask which has previously been heated to a temperature of 47° C. Repeat the process, using 10 additional containers. Swirl both of the warmed flasks to dissolve the ointment. Immediately filter the solutions through two separate membrane filters. Rinse each filter five times with 100 milliliters of the rinse medium described in subparagraph (1)(ii) of this paragraph. (Some of the rinse medium should be added to the membranes before filtration and during the filtration procedure since the membranes should not be allowed to dry. Approximately 0.2 milliliter of the rinse medium is sufficient to moisten the membrane prior to filtration.)

(c) *Moisture.* Proceed as directed in § 141a.8(b) of this chapter.

§ 146e.433 Sterile bacitracin-neomycin sulfate-polymyxin B sulfate ophthalmic ointment; sterile bacitracin-neomycin sulfate-polymyxin B sulfate-hydrocortisone acetate ophthalmic ointment.

(a) *Standards of identity, strength, quality, and purity.* Sterile bacitracin-neomycin sulfate-polymixin B sulfate ophthalmic ointment is composed of bacitracin, neomycin sulfate, and polymyxin B sulfate in a petrolatum base. Sterile bacitracin-neomycin sulfate-polymyxin B sulfate-hydrocortisone acetate ophthalmic ointment is composed of bacitracin, neomycin sulfate, polymyxin B sulfate, and hydrocortisone acetate in a petrolatum base. Each gram of ointment contains 500 units of bacitracin, 3.5 milligrams of neomycin, 10,000 units of polymyxin B, and if it is represented to contain the steroid, either 5 milligrams or 10 milligrams of hydrocortisone acetate. They are sterile. Their moisture content is not more than 1 percent. The bacitracin used conforms to the standards prescribed therefor by § 146e.401(a). The neomycin sulfate used conforms to the standards prescribed therefor by § 148i.1(a)(1) of this chapter. The polymyxin B sulfate used conforms to the standards prescribed therefor by § 148p.1(a)(1) of this chapter. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* It shall be packaged in collapsible tubes which shall be well-closed containers as defined by the U.S.P., and which shall not be larger than the ⅛-ounce size.

(c) *Labeling.* In addition to the labeling requirements prescribed by § 1.106(b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on the outside wrapper or container and the immediate container the statement "Expiration date _____," the blank being filled in with the date that is not more than 12 months after the month during which the batch was certified.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch marks and (unless they were previously submitted) the date(s) on which the latest assays of the antibiotics used in making such batch were completed, the quantity of each ingredient used in making the batch, the date on which the latest assays of the drugs comprising such batch were completed, and that each component of the ointment base used conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch: Bacitracin content, neomycin content, polymyxin B content, sterility, and moisture.

(ii) The bacitracin used in making the batch: Potency, toxicity, pH, and ash content.

(iii) The neomycin sulfate used in making the batch: Potency, toxicity, pH, and identity.

(iv) The polymyxin B sulfate used in making the batch: Potency, toxicity, pH, residue on ignition, and identity.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch:

(*a*) For all tests except sterility: One package for each 5,000 packages in the batch, but in no case less than seven packages, collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing: 20 packages collected at regular intervals throughout each filling operation.

(ii) The bacitracin used in making the batch: 10 packages, each containing approximately 300 milligrams.

(iii) The neomycin sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(iv) The polymyxin B sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(v) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 200 grams, except if a steroid is used, such package shall contain approximately 100 milligrams.

(4) Neither the results referred to in subparagraph (2)(ii), (iii), and (iv) of this paragraph nor the samples referred to in subparagraph (3)(ii), (iii), and (iv) of this paragraph are required if such results or samples have been previously submitted.

(e) *Fees.* The fees for the services rendered with respect to each batch under the regulations in this section shall be:

(1) $4.00 for each package in the samples submitted in accordance with paragraph (d)(3)(ii), (iii), (iv), and (v) of this section; $7.00 for each package in the sample submitted in accordance with paragraph (d)(3)(i)(*a*) of this section; $12.00 for all packages in the sample submitted for the initial sterility test, and $24.00 for all packages in the sample submitted for any repeat sterility test, if necessary, in accordance with § 141.2(f) of this chapter.

(2) If the Commissioner considers that investigations, other than examination of such packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8(d) of this chapter.

[F.R. Doc. 65-12201; Filed, Nov. 12, 1965; 8:49 a.m.]

PART 148—ANTIBIOTIC DRUGS; PACKAGING AND LABELING REQUIREMENTS

Labeling Requirements, Antibiotic-Containing Drugs for Use in Milk-Producing Animals; Extension of Effective Date

There was published in the FEDERAL REGISTER of May 26, 1965 (30 F.R. 7041), an amendment to § 148.5 *Antibiotic and antibiotic-containing drugs intended for use in milk-producing animals; labeling* with an effective date of August 24, 1965. The amendment provided that the milk-

rejection time in the label warning statement be also expressed in terms of the number of milkings, which had hitherto been required to be expressed only in terms of hours.

The Food and Drug Administration is in receipt of representations from the industry that the presently effective date will result in a significant economic loss through the destruction of label stocks not necessary in the interest of the public health. The Commissioner has considered the matter and concluded that an advancement of the effective date of the amendment to May 1, 1966, will not adversely affect the public health.

This order is effective on the date of signature.

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: November 8, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-12202; Filed, Nov. 12, 1965; 8:49 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart A—Origin and Establishment

MEANING OF TERM "COMMISSIONER"

Section 200.4 is revoked as follows:

§ 200.4 Meaning of term "Commissioner". [Revoked]

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; sec. 712, 62 Stat. 1281, as amended; sec. 907, 65 Stat. 301, as amended; sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D.C., November 8, 1965.

[SEAL] PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

[F.R. Doc. 65-12185; Filed, Nov. 12, 1965; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER M—MISCELLANEOUS

PART 254—PROVISIONING SCREENING

The Assistant Secretary of Defense (Installations and Logistics) approved the following on October 18, 1965:

Sec.
254.1 Purpose.
254.2 Scope and application.
254.3 Background.
254.4 Definitions.
254.5 Policy.

AUTHORITY: The provisions of this Part 254 issued under section 2202 of Title 10, U.S.C.

§ 254.1 Purpose.

This part establishes policy governing the application of provisioning screening within the Department of Defense in furtherance of the policies and objectives cited in Department of Defense Instruction 3232.4, "Policy and Principles Governing Provisioning of End Items of Materiel," April 2, 1956, Department of Defense Instruction 5100.42, "Provisioning Relationships With the Defense Supply Agency," September 14, 1965; Department of Defense Directive 4130.2, "Development, Maintenance, and Utilization of the Federal Catalog System Within the Department of Defense," December 4, 1963; Department of Defense Instruction 4100.32, "Controlling the Entry of Items into the Military Supply Systems," January 17, 1961; Department of Defense Instruction 4140.3, "Management of Materiel in Long Supply," January 11, 1956.

§ 254.2 Scope and application.

The provisions of this part apply to initial provisioning, as defined in Department of Defense Instruction 3232.4, "Policy and Principles Governing Provisioning of End Items of Materiel," April 2, 1956, of all weapon systems, support systems and equipments requiring materiel maintenance and supply support by the Army, Navy, Air Force, Marine Corps, the Defense Supply Agency, and the National Security Agency (hereinafter referred to collectively as "DoD Components").

§ 254.3 Background.

An important objective of the Department of Defense is to limit the entry of items into the DoD Supply System to only those necessary to support operational requirements, Department of Defense Instruction 4100.32, "Controlling the Entry of Items into the Military Supply Systems," January 17, 1961. Most of the items added to the supply system enter through the provisioning process. In recognition of this fact, DoD provisioning screening procedures have been developed. To date, these procedures have been used on a permissive basis while experience was being gained in uniform screening operations and data formats. The master Federal Catalog Data files at the Defense Logistics Services Center (DLSC), DSA are the basic source of data used for provisioning screening and validation of existing Federal Stock Numbers (FSNs). When duplicate or interchangeable items are revealed through provisioning screening, (1) a potential arises for the utilization of existing DoD supply system assets in long supply, as defined by Department of Defense Instruction 4140.3, "Management of Materiel in Long Supply," January 11, 1956, in lieu of new procurements, and (2) the need for processing new items into the DoD supply system is eliminated.

§ 254.4 Definitions.

(a) Provisioning screening is an operation within the provisioning process whereby manufacturers' part numbers are screened against data maintained in the master Federal Catalog Files for purposes of revealing their association with existing Federal Stock Numbers (FSNs), and the validation of existing FSNs. Provisioning screening also provides for the screening of data files on assets in long supply for materiel utilization purposes.

(b) Manufacturers' Part Numbers are those numbers used by manufacturers (individual companies, firms, corporations, or Government activities) to identify items of production, or a range of items of production. Manufacturers control the design characteristics and the production of these items by means of engineering drawings and inspection requirements.

§ 254.5 Policy.

(a) Provisioning screening will be applied by DoD components to all items being considered for procurement during the provisioning process to determine the availability of existing FSNs and additional DoD logistic information, including the availability of assets in long supply.

(b) For each item being considered for procurement during provisioning, DoD components will:

(1) Submit directly to DLSC, or arrange for contractors to make direct submissions of, the uniform provisioning screening data in accordance with Military Specification MIL-P-84000, "Provisioning Screening Data to be Furnished by Government Suppliers." The requirements for this specification and any supplementary data needed by DoD components will be cited on DD Form 1423, "Contractor Data Requirements List," for inclusion in all contracts where provisioning screening data are to be prepared by contractors. This specification will be supplemented as required by DoD components.

(2) Submit, or arrange for the submission of, either the manufacturer's code and part number and/or the FSN, when available, for validation.

(3) Designate the provisioning activity or another DoD activity and/or the contractor that are to receive the applicable Federal Catalog File data revealed from provisioning screening.

(4) Specify the time limits within which provisioning screening must be accomplished to meet the requirements of each submitting activity.

(5) Assure the nonavailability of DoD assets in long supply prior to taking procurement action when provisioning screening reveals existing FSNs, and the FSNs are validated by the provisioning activity.

(c) The following items will be excluded from the provisioning screening requirements of this part:

(1) Those items excluded from the Federal Catalog System by subsection VI B of DoD Instruction 4140.3, "Management of Materiel in Long Supply," January 11, 1965.

(2) Items assigned manufacturers' part numbers, government specifications and type numbers which are not item identifying (i.e., numbers that do not identify specific items of production or items of supply).

(3) Items assigned part numbers by manufacturers who have not been assigned Federal Supply Codes in DoD Cataloging Handbook H4-1.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 65-12176; Filed, Nov. 12, 1965; 8:46 a.m.]

Chapter XVIII—Office of Civil Defense, Office of the Secretary of the Army

PART 1801—CONTRIBUTIONS FOR CIVIL DEFENSE EQUIPMENT

Conditions of Contributions; Certification

Paragraph (a) of § 1801.4 is revised to read as follows:

§ 1801.4 Conditions of contributions.

* * * * *

(a) *Certification.* The making of a request for a contribution shall constitute a certification by the State (and political subdivision, where applicable) that the necessary funds to provide the State's share are available or will be available before Federal funds are disbursed; that the civil defense equipment, regarding which a contribution is requested, is needed by the applicant civil defense organization, over and above its other-than-civil defense needs, in order to meet its requirements under civil defense operational plans approved by OCD (local plans are approved as part of the State plans); and that the State (and political subdivision, where applicable) will comply with OCD regulations (Code of Federal Regulations, Title 32, Subtitle A, Chapter XVIII—Office of Civil Defense, Office of the Secretary of the Army) and with criteria set forth in the Federal Civil Defense Guide pertaining to Federal contributions for civil defense equipment (Part F, Chapter 5, Appendix 1 and related guidance material).

* * * * *

(64 Stat. 1250, 1255, 50 U.S.C. App. 2253, 2281; Reorg. Plan No. 1 of 1958 as amended, 72 Stat. 1799-1801, 23 F.R. 4991; E.O. 10952, as amended, 26 F.R. 6577; Delegation of Authority Regarding Civil Defense Functions and Establishment of the Office of Civil Defense, published 10 April 1964, 29 F.R. 5017)

Effective date. This amendment shall be effective upon publication in the FEDERAL REGISTER.

WILLIAM P. DURKEE,
Director of Civil Defense.

[F.R. Doc. 65-12178; Filed, Nov. 12, 1965; 8:46 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—Business and Defense Services Administration, Department of Commerce

[BDSA Order M-11A, Direction 1]

M-11A—COPPER AND COPPER-BASE ALLOYS

Dir. 1—Ammo Strip Set-Aside

This direction to BDSA Order M-11A is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, consultation with industry representatives has been rendered impracticable because of the need for immediate action.

Sec.
1. What this direction does.
2. Definitions.
3. Rules for the placement and acceptance of certified orders for ammo strip.

AUTHORITY: Sec. 704, 64 Stat. 816, as amended, 50 U.S.C. App. 2154; Sec. 1, P.L. 88-343, 78 Stat. 235.

Section 1. What this direction does.

This direction contains rules for placement and acceptance of certified orders for ammo strip (as defined). It establishes a set-aside for ammo strip which is separate from the set-aside for other copper-base alloy strip shown in Schedule A to this Order M-11A. It permits an ammo strip producer (as defined) who is also a producer of cups (as defined) to place certified orders with other ammo strip producers if he has filled his set-aside and needs additional ammo strip to fill ACM orders for cups which he has accepted.

Sec. 2. Definitions.

As used in this direction:

(a) "Cups" mean military ammunition cups and discs.

(b) "Ammo strip" means the types of copper-base alloy strip used in the production of cups.

(c) "Ammo strip producer" means a producer of copper controlled materials who has production capacity and/or capability to produce ammo strip.

(d) "ACM order" means authorized controlled material order.

Sec. 3. Rules for the placement and acceptance of certified orders for ammo strip.

Notwithstanding the provisions of section 8(c) and section 9(b) of this order, the following rules shall apply to the placement and acceptance of certified orders for ammo strip:

(a) Each ammo strip producer must reserve production capacity for the production of ammo strip in any month in a minimum amount determined by multiplying his average monthly shipments by weight of copper-base alloy plate, sheet, rolls, and strip (excluding ammo strip) and cups in the base period (January-June 1965, both inclusive) as shown in Table 1 of this direction by the applicable percentage shown in that table. This reserved portion of his production capacity for ammo strip shall be separate from the set-aside provided in Schedule A to this order, revised as of August 16, 1965, for brass mill products—alloyed—plate, sheet, strip, and rolls.

(b) Each ammo strip producer must accept certified orders for ammo strip from producers of cups; provided, however, that he need not accept such certified orders for delivery in any month in which the total cup weight of ACM orders which he has accepted for cups, together with the total weight of certified orders for ammo strip accepted by him for delivery in that month to other producers of cups, exceeds the weight of ammo strip which he is required to reserve pursuant to paragraph (a) of this section.

(c) Each producer of cups who is also an ammo strip producer may place with other ammo strip producers certified orders for delivery of ammo strip in any month to the extent that the total cup weight of ACM orders for cups which he has accepted exceeds the weight of ammo strip which he is required to reserve pursuant to paragraph (a) of this section. Certified orders for ammo strip placed with other ammo strip producers in any one month by producers of cups must be restricted in quantity to the net weight of such cups.

(d) The provisions of section 10(c) and Schedule III to DMS Regulation 1 relating to mill lead times and sections 10(e) and 11(a) and Schedule IV to DMS Regulation 1 relating to minimum mill quantities which apply to the placement and acceptance of ACM orders for copper-base alloy strip shall apply to the placement and acceptance of certified orders for ammo strip.

(e) All certified orders placed pursuant to this direction shall be certified as follows:

Certified for national defense use for manufacture of cups under Direction 1 to BDSA Order M-11A.

This certification constitutes a representation to the supplier of the ammo strip and to BDSA that the ammo strip ordered is required by the purchaser to be used in his production of cups to fill ACM orders.

(f) Each producer of ammo strip who accepts certified orders for ammo strip pursuant to this direction shall make delivery pursuant to such orders in preference to any other delivery order for copper-base alloy plate, sheet, strip and rolls which is not an ACM order or a certified order.

This direction shall become effective November 15, 1965.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
FORREST D. HOCKERSMITH,
Acting Administrator.

TABLE 1 OF DIRECTION 1 TO BDSA ORDER M-11A

SET-ASIDE PERCENTAGES (SEE SEC. 3 OF THIS DIRECTION), BASE PERIOD JANUARY–JUNE 1965, BOTH INCLUSIVE

Calendar quarter, 1966	Percentage set-aside of average monthly shipments in base period of copper-base alloy plate, sheet, rolls, strip (excluding ammo strip), and cups
1st quarter	17
2d quarter	19
3d quarter	24
4th quarter	26

[F.R. Doc. 65-12184; Filed, Nov. 12, 1965; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9-3—PROCUREMENT BY NEGOTIATION

Subpart 9-3.8—Price Negotiation Policies and Techniques

PART 9-7—CONTRACT CLAUSES

Subpart 9-7.50—Use of Standard Clauses

Section 9-3.807-2(b), *Price analysis*, is deleted.

Section 9-3.807-3(b)(2), *Requirements for cost or pricing data*, is deleted and replaced by § 9-3.807-3, *Requirements for cost or pricing data*.

§ 9-3.807-3 Requirements for cost or pricing data.

(a) The requirements of 1-3.807-3(a) should not be applied to cost-type operating contracts; on-site service contracts of a continuing nature; fixed-price research contracts with educational institutions; or architect-engineer contracts where lump sum or CPFF fees are based on Government estimates of construction costs. They are applicable when the architect-engineer fee is based on the architect-engineer's estimates of cost of services.

(b) Managers of Field Offices shall take the necessary steps to assure AECPR 9-3.8 and FPR 1-3.8 are followed with respect to procurements under (1) cost-type research contracts with educational institutions, and cost-type architect-engineer and construction contracts, where the estimated cost of procurement activities under such contracts exceeds $100,000 annually; and (2) to procurements under cost-type operating contracts and on-site service contracts of a continuing nature. Contracts subject to this paragraph shall include paragraph (a) (or equivalent language) and paragraph (b) of the Subcontracts and Purchase Orders clause in AECPR 9-7.5006-29 with respect to the contractor's obligation for requiring subcontractors to furnish cost or pricing data, and for including the article in AECPR 9-3.814-50 in subcontracts when certified cost or pricing data is required in the award of or modification to the subcontract.

Section 9-3.807-4, *Certificate of current cost or pricing data*, is deleted.

Section 9-3.807-52, *Authority to waive "price data" and "cost or pricing data"*, is deleted.

Section 9-3.807-52, *Authority to waive requirements of 1-3.807*, is revised to read as follows:

§ 9-3.807-52 Approvals and waiver.

(a) Field Office Managers, for contracts estimated to be within the limits of their delegation of authority, may, without power of redelegation, approve the findings required by 1-3.807-1(b)(1)(ii)(C) and 1-3.807-3(f)(1).

(b) Field Office Managers, for contracts estimated to be within the limits of their delegation of authority, may, without power of redelegation, waive the requirements for cost or pricing data under the circumstances set forth in 1-3.807-6 and 1-3.807-3(b) provided that any such waivers are promptly reported to the Headquarters Division of Contracts for its information and coordination with the Office of the Controller and other Headquarters staff.

Section 9-3.814-50, *Subcontractor cost or pricing data clause*, is added.

§ 9-3.814-50 Subcontractor cost or pricing data clause.

The following clause shall be inserted in all subcontracts under the prime contracts referred to in 9-3.807-3(b) where such subcontracts are over $100,000, and in all modifications over $100,000 to such subcontracts even though the original amount of the subcontract is $100,000 or less:

COST OR PRICING DATA

(a)(1) The Subcontractor agrees to submit, under the situations described in (2) below, unless exempted under the exceptions set forth in (3) below, and shall require each Sub-subcontractor under this subcontract to submit cost or pricing data, and to certify that, to the best of his knowledge and belief, such cost or pricing data are accurate, complete, and current.

(2) The cost or pricing data called for under (1) above shall be submitted prior to (i) the award of each sub-subcontract the price of which is expected to exceed $100,000 and (ii) the pricing of each change or modification to this subcontract or to a sub-subcontract under this subcontract for which the price adjustment is expected to exceed $100,000.

(3) Cost or pricing data need not be furnished pursuant to this paragraph (a) where (i) the price or price adjustment is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation; or (ii) the Subcontractor has not been required to furnish cost or pricing data and to certify that it is accurate, complete, and current.

(4) In submitting the cost or pricing data, the Subcontractor shall use the form of certificate set forth in paragraph (b) below and certify that the data are accurate, complete, and current as of a date prior to and as close as practicable to the date of award of the subcontract or to the date of the price adjustment of any change or modification. Such cost or pricing data and certificate of current cost or pricing data shall be submitted by subcontractors to the Prime Contractor (or to their immediate next higher tier subcontractor, for delivery to the prime contractor). Such data and certificates shall become a part of the prime contract records.

(b) The certificates required by this clause shall be in the form set forth below. The Subcontractor shall be required to submit the certificate as soon as practicable after agreement is reached on the contract price. For definitions of cost or pricing data, and other requirements applicable to the certificate, see FPR 1-3.807-3 and FPR 1-3.807-4.

SUBCONTRACTOR'S CERTIFICATE OF CURRENT COST OR PRICING DATA

This is to certify that, to the best of my knowledge and belief, cost or pricing data submitted to the prime contractor in support of _____ are accurate, complete, and current as of the date of execution of this certificate.

Firm _____
Name _____
Title _____

_____
(Date of execution)

(c) For purposes of verifying that cost or pricing data required to be submitted and certified to are accurate, complete and current, the Commission or any of its authorized representatives shall until 3 years after final payment under this subcontract have the right to examine those books, records, documents and other supporting data which will permit adequate evaluation of the cost or pricing data submitted, along with computations and projections used therein which were available to the subcontractor as of the date of execution of his certificate of current cost or pricing data, and such other data, including books, records, and other documents generated during the subcontract period which the Commission or any of its authorized representatives consider necessary to verify that the data submitted were accurate, complete, and current.

(d) Whenever the price of any change or modification to this subcontract is expected to exceed $100,000, except where the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation, the Subcontractor agrees to furnish the Contractor cost or pricing data and shall certify, using the certificate set forth in paragraph (b) above, that to the best of his knowledge and belief such cost or pricing data are accurate, complete, and current as of a date prior to and as close as practicable to the date of agreement of the price adjustment.

(e) Whenever the Subcontractor was required to furnish a certificate of current cost or pricing data, either during negotiation of this contract or pursuant to the provisions of this clause, or whenever a Sub-subcontractor hereunder was required to furnish such a certificate pursuant to the provisions of this clause or of a clause in the subcontract, and the Prime Contractor determines that the price of this subcontract, including any profit or fee, or that any price adjustment negotiated for any change or modification to this subcontract, has been increased by any significant sums because such cost or pricing data was inaccurate or incomplete or was not current as of the date set forth in the certificate applicable to such data, such price or price adjustment shall be reduced accordingly and the subcontract shall be modified in writing to reflect such reduction.

(f) The Subcontractor agrees to insert paragraph (c) without change[1] and the substance of paragraphs (a), (b), (d), (e), and (f) of this clause in each sub-subcontract hereunder in excess of $100,000, and in each sub-subcontract of $100,000 or less at the time of making a change or modification thereto in excess of $100,000.

(g) Failure of the Contractor and the Subcontractor to agree on any of the matters in paragraph (e) above shall be a dispute concerning a question of fact within the meaning of the Disputes clause of this subcontract.

Revise the first paragraph of the Note under paragraph (g) of § 9-7.5006-1, *Accounts, records, and inspection*, to read as follows:

§ 9-7.5006-1 Accounts, records, and inspection.

(g) * * *

* * * * * *

NOTE: If the prime contract contains a "defective cost or pricing data" clause this paragraph (g) shall be modified by adding the following:

* * * * * *

Add the following paragraph (b) to AECPR 9-7.5006-29, *Subcontracts and purchase orders*, and renumber the present paragraph (b) as (c):

§ 9-7.5006-29 Subcontracts and purchase orders.

* * * * * *

(b) In addition to, and without derogation of any rights under paragraph (a) of this clause and any other provision in this contract, the Contractor shall require Subcontractors to furnish cost or pricing data, and to include in such subcontracts the clause set forth in AECPR 9-3.814-50, except as otherwise directed or approved by the Commission.

NOTE: This paragraph (b) is to be used only when the contract is subject to the provisions of 9-3.807-3(b).

(Sec. 161 of the Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205 of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 3d day of November 1965.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director, Division of Contracts.

[F.R. Doc. 65-12156; Filed, Nov. 12, 1965; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Death Gratuity

1. In § 3.261(a), subparagraph (20) is amended to read as follows:

§ 3.261 Character of income; exclusions and estates.

* * * * * *

[1] The words "subcontractor" and "sub-subcontractor" may, however, be changed to describe the contractual relationship in lower tier subcontracts.

	Dependency (parents)	Dependency and indemnity compensation (parents)	Pension; protected (veterans, widows and children)	Pension Pub. Law 86-211 (veterans, widows and children)	See
(a) Income:					
* * * *	* * *	* * *	* * *	* * *	* * *
(20) Veterans Administration payments:					
Pension	Excluded	Included	Excluded	Excluded	
Compensation and dependency and indemnity compensation.	do	Excluded	do	do	
World War I adjusted compensation.	do	Included	do	Included	
U.S. Government life insurance or National Service life insurance for disability or death, maturity of endowment policies, and dividends, including special and termination dividends.	do	do	do	Excluded	
Servicemen's group life insurance.	do	do	do	Included	
Servicemen's indemnity	do	do	do	Excluded	
Death gratuity (P.L. 89-214)	do	do	do	Included	
Subsistence allowance (38 U.S.C. ch. 31).	Included	do	Included	do	
Educational assistance (38 U.S.C. ch. 35).			Excluded	Excluded	
Special allowance under 38 U.S.C. 412.	Excluded	Included	do	Included	
Statutory burial allowance	do	Excluded	do	Excluded	
Accrued	do	Included, except accrued as reimbursement.	do	Included, except accrued as reimbursement.	
* * * *	* * *	* * *	* * *	* * *	* * *

2. In § 3.500, paragraph (x) is added to read as follows:

§ 3.500 General.

* * * * * *

(x) *Death gratuity* (§ 3.1853(b)). Date of last payment.

3. In Part 3, Subpart D, Waiver of Overpayments, is redesignated Subpart E, Waiver of Overpayments, and a new Subpart D, Death Gratuity, is added to read as follows:

Subpart D—Death Gratuity

Sec.
3.1850 Basic requirements of service and death.
3.1851 Amount payable.
3.1852 Eligible persons.
3.1853 Conditions of eligibility.

AUTHORITY: The provisions of this Subpart D issued under 72 Stat. 1114; 38 U.S.C. 210; sec. 3, Pub. Law 89-214, 79 Stat. 886.

§ 3.1850 Basic requirements of service and death.

A death gratuity is payable under the conditions outlined in this subpart in the case of each veteran who died on or after January 1, 1957, and before September 29, 1965, while in active service. The term "veteran" includes a person who died while in such service.

(a) *Service.* The veteran's service must meet the requirements of § 3.6 except paragraph (c)(4).

(b) *Death.* Death must have occurred:

(1) As a direct result of actions of hostile forces;

(2) As a direct result of an accident involving a military or naval aircraft, or an aircraft under charter to the Department of Defense, Army, Navy or Air Force;

(3) As a direct result of the extra hazard of military or naval service; or

(4) While performing service for which incentive pay for hazardous duty or special pay is authorized by 37 U.S.C. 301, 304, or 310.

(c) *Extra hazard.* This means a risk greater than that ordinarily encountered in civilian life.

§ 3.1851 Amount payable.

(a) *General.* The amount of the death gratuity will be $5,000, reduced by the total of the following:

(1) The amount of U.S. Government life insurance or National Service life insurance paid or payable to any beneficiary on account of the death of the veteran, and

(2) The amount of death compensation or dependency and indemnity compensation received on account of the death of the veteran by the person or persons who receive the death gratuity.

(b) *Members of class.* Where one or more members of an eligible class of dependents have not submitted a timely claim or, having made claim, do not waive future rights to death compensation or dependency and indemnity compensation as required by § 3.1853(b), or fail to complete a claim for death gratuity, the share otherwise payable to that person or persons may be paid to the other member or members of the class. The share of a person who has not waived such future rights will not be paid until the expiration of the period allowed for submitting or for completing a claim.

§ 3.1852 Eligible persons.

(a) *Precedence.* The death gratuity may be paid to the living person or persons first listed as follows:

(1) The veteran's widow or widower, as defined in §§ 3.50, 3.51, and 3.52 who has not remarried before payment of the death gratuity;

(2) The veteran's child or children (in equal shares), as defined in § 3.57 but without regard to their age or marital status;

(3) The parent or parents of the veteran (in equal shares) as defined in § 3.59.

(b) *Person next entitled to precedence.* Any person next entitled to precedence will not become eligible to receive death gratuity if, during the entire period ending September 28, 1966, there is an eligible person in a class having a higher order of precedence.

(c) *Payee deceased or widow disqualified.* No person has a vested right to death gratuity and entitlement is subject to the requirement that the person shall be alive and eligible to receive payment. Where a check has been issued and the payee dies or a widow remarries before negotiating the check, the death gratuity is payable to any other person or persons in the same class of eligibility, or if there are no other persons in the same class of eligibility, to the person or persons next entitled to precedence. Payment will not be authorized until the unnegotiated check has been returned and canceled.

§ 3.1853 Conditions of eligibility.

Payment of the death guatuity is subject to the following requirements:

(a) *Claim.* A claim from the eligible person must be received before September 29, 1966.

(b) *Waiver.* The eligible person must waive all future rights to death compensation and dependency and indemnity compensation on account of the death of the veteran. Waiver by an eligible person in order to receive the death gratuity will not serve to increase the rate of death compensation or dependency and indemnity compensation payable to any other person in the same class of eligibility.

(c) *Completion of claim.* The provisions of § 3.109 requiring the submission of evidence within 1 year from the date of request are applicable to claims for the death gratuity.

These VA Regulations are effective September 29, 1965.

Approved: November 4, 1965.

By direction of the Administrator.

[SEAL] A. H. MONK,
Acting Deputy Administrator.

[F.R. Doc. 65-12183; Filed, Nov. 12, 1965; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 5]

PART 717—HOLDING OF REFERENDA ON MARKETING QUOTAS

Subpart—Regulations Governing the Holding of Referenda on Marketing Quotas

COUNTY REFERENDA FOR TRANSFERS OF UPLAND COTTON ALLOTMENTS

This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.), as amended by the Food and Agricultural Act of 1965 (Public Law 89-321; 79 Stat. 1187; November 3, 1965).

(a) The purpose of this amendment is to establish procedure for holding a referendum in each county having upland cotton allotments to determine whether transfers of upland cotton allotments by sale or lease out of the county to other counties in the State shall be authorized under section 344a of the act.

(b) Since it is expected that such county referenda will be held on November 23, 1965 in conjunction with the upland cotton marketing quota referendum for the 1966 crop, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure requirements and the 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing this document with the Director, Office of the Federal Register.

The Regulations Governing the Holding of Referenda on Marketing Quotas (28 F.R. 13249, 29 F.R. 16184, 30 F.R. 2521, 2588, 6144) are amended by adding the following new section at the end thereof:

§ 717.17 County referenda for transfers of upland cotton allotments.

(a) *Authority.* (1) Subsection (b)(ii) of Section 344a of the Act provides as follows:

(ii) no farm allotment may be sold or leased for transfer to a farm in another county unless the producers of cotton in the county from which transfer is being made have voted in a referendum within three years of the date of such transfer, by a two-thirds majority of the producers participating in such referendum, to permit the transfer of allotments to farms outside the county, which referendum, insofar as practicable, shall be held in conjunction with the marketing quota referendum for the commodity;

(2) This provision permits transfer of allotment by sale or lease under subsection (a)(1) of section 344a out of a county if the referendum vote is favorable. If the referendum to be held in 1965 carries in a county; transfers of allotment by sale or lease may be made to to other counties in the State to take effect during 1966, 1967 or 1968. If the referendum to be held in 1965 does not carry in a county, no transfers of allotment by sale or lease may be made out of such county and a referendum would be required in 1966 with respect to transfers of allotment by sale or lease to other counties in the State to take effect during 1967, 1968 or 1969. Transfers of allotment by an owner to any other farm owned or controlled by him in the same State authorized under subsection (a)(2) of section 344a may be made across county lines without regard to any referendum which applies only to sale and lease transfers undr subsection (a)(1) of section 344a.

(b) *Applicability.* The provisions of §§ 717.1 to 717.14 shall be applicable, insofar as practicable, to the county referenda for transfers of upland cotton allotments under section 344a of the Act except that:

(1) The Deputy Administrator shall prescribe the necessary forms and ballots to be used and may authorize the modification of marketing quota referendum Forms MQ-4, 6, 7, and 8 for use in the county referenda,

(2) The voting eligibility requirements pertaining to upland cotton in § 717.3(a)(1) shall be applicable,

(3) The limitation in § 717.3(b)(1) that a person shall be entitled to only one vote regardless of the number of farms in which the person is interested or the number of communities, counties, or States in which are located farms in which such person is interested shall not be applicable and in lieu thereof the limitation on voting shall be as follows:

(i) No person shall be entitled to more than one vote in any county referendum regardless of the number of farms in which the person is interested which are located in the county,

(ii) An eligible voter shall be entitled to one vote in each county in which he is eligible to vote in the county referendum.

(Secs. 344a, 375, 79 Stat. 1187, 52 Stat. 66, as amended; 7 U.S.C. 1344a, 1375)

Effective date. Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on: November 9, 1965.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65-12180; Filed, Nov. 12, 1965; 8:45 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 7]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements, Quotas and Quota Deficits for 1965

Basis and purpose and statement of bases and considerations. The purpose of this amendment to Sugar Regulation 811 (29 F.R. 18149, 30 F.R. 2206, 2397, 4314, 10183, 12329 and 13010) is to revise the determination of sugar requirements for the calendar year 1965 and to establish quotas and direct-consumption limits thereof consistent with such requirements pursuant to the Sugar Act of 1948, as amended (61 Stat. 922) and as further amended and extended by the Act enacted November 8, 1965, hereinafter referred to as the "Act".

Section 201 of the Act requires that the Secretary shall revise the determination of sugar requirements at such times during the calendar year as may be necessary. It is necessary to increase the estimate of requirements for the calendar year 1965 by 611,783 short tons, raw value, to a total of 9,911,783 short tons, raw value. This change in requirements will permit the increases in quotas provided for by the Act, as recently amended. Such requirements are consistent with the needs of the market and permit establishing the following quotas as required by Sec. 202 of the amended Act:

3,025,000 tons for the Domestic Beet Sugar Area; 1,100,000 tons for the Mainland Cane Sugar Area; 1,136,753 tons for Hawaii and 1,073,000 tons for the Republic of the Philippines. Quotas for all foreign countries other than the Republic of the Philippines would remain unchanged as established by Amendment 5 of this Regulation (30 F.R. 12329). The quota for Hawaii is increased by this amendment to 1,136,753 short tons, raw value, pursuant to Sec. 202(a)(2)(B) of the Act, because the 1964 crop production of Hawaii resulted in there being 26,753 tons of sugar available for marketing in excess of the 1964 quota for that area.

Effective date. This action increases the quotas for the Domestic Beet Area, Mainland Cane Area, Hawaii and the Republic of the Philippines by 375,000, 205,000, 8,783, and 23,000 short tons, raw value, respectively. In order to promote orderly marketing, it is essential that all persons selling and purchasing sugar for consumption in the United States be able as soon as possible to make plans based on changes in marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest and the amendment herein shall become effective when filed for public inspection in the Office of the Federal Register.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended, by amending §§ 811.30, 811.31 and 811.33 as follows:

1. Section 811.30 is amended to read as follows:

§ 811.30 Sugar Requirements, 1965.

The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1965 is hereby determined to be 9,911,783 short tons, raw value.

2. Section 811.31 is amended by amending paragraph (a)(1) to read as follows:

§ 811.31 Quotas for domestic areas.

(a)(1) For the calendar year 1965 domestic area quotas limiting the quantities of sugar which may be brought into or marketed for consumption in the continental United States are established, pursuant to section 202(a) of the Act, in column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established, pursuant to section 207 of the Act, in column (2), as follows:

Area	Quotas (1)	Direct-consumption limits (2)
	(Short tons, raw value)	
Domestic beet sugar	3,025,000	No limit
Mainland cane sugar	1,100,000	No limit
Hawaii	1,136,753	33,898
Puerto Rico	1,140,000	148,677
Virgin Islands	15,232	0

• • • • •

3. Section 811.33 is amended by amending paragraph (b) thereof to read as follows:

§ 811.33 Quotas for foreign countries.

• • • • •

(b)(1) For the calendar year 1965 the quota for the Republic of the Philippines is 1,073,000 short tons, raw value, and the quantity established in subparagraph (2) of this paragraph. Of the quantity 1,073,000 short tons, raw value, 59,920 short tons, raw value, may be filled by direct-consumption sugar.

(2) In addition to the quantity of 1,073,000 short tons, raw value, for the Republic of the Philippines in subparagraph (1) of this paragraph, a quantity of 105,216 short tons, raw value, representing a proration of quota deficits as provided in § 811.32, is added to and established as a part of the quota for such country. Such quantity of 105,216 short tons, raw value, of sugar may be imported during the period of October 1, 1965, through December 16, 1965, only as raw sugar in accordance with procedures set forth in Part 817 of this chapter.

• • • • •

(Sec. 403, 61 Stat. 932, 7 U.S.C. 1153, and as further amended by the Act enacted November 8, 1965)

Effective date. Date of signature.

Issued at Washington, D.C., this 9th day of November 1965.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 65-12212; Filed, Nov. 9, 1965; 4:53 p.m.]

[Sugar Reg. 814.3, Amdt. 6]

PART 814—ALLOTMENT OF SUGAR QUOTA MAINLAND CANE SUGAR AREA

1965

Basis and purpose. This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (61 Stat. 922), and as further amended and extended by the act enacted November 8, 1965 (hereinafter called the "Act"), for the purpose of amending Sugar Regulation 814.3 (30 F.R. 4746 and 7945), which established allotments for the Mainland Cane Sugar Area for the calendar year 1965.

This amendment is necessary to allot a portion of the larger quota for the area of 1,100,000 short tons, raw value, established by Sugar Regulation 811, amendment 7 for 1965 which was published in the FEDERAL REGISTER on November 13, 1965.

New provisions in Section 205 of the Sugar Act Amendments of 1965, authorize the Secretary, in determining allotments, to give special consideration to any processor of sugarcane as may be necessary to avoid unreasonable carryover of sugar in relation to other processors in the area and to increase the marketing allotments of such processors by a total quantity not to exceed 16,000 short tons, raw value. To give consideration to the new provisions, 16,000 tons of the quota is not allotted in § 814.3(a) of this amendment and is withheld for subsequent allocation on the basis of the record of a hearing to be held at the earliest practical date. Any part of this withheld quantity not allocated pursuant to the new provisions will be allocated on the basis of this order.

Effective date. Allotments established in this order for all processors are larger than the allotments established in S.R. 814.3 (30 F.R. 7945). To afford adequate opportunity to plan and to market the additional quantities of sugar in an orderly manner, it is imperative that this amendment becomes effective as soon as possible. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and consequently, this amendment shall be effective when filed for public inspection in the office of the Federal Register.

Pursuant to provisions of section 205(a) of the Act and in accordance with paragraph (e) of § 814.3 of this chapter, paragraph (a) of such § 814.3 is amended to read as follows:

§ 814.3 Allotment of the 1965 Sugar Quota for the Mainland Cane Sugar Area.

(a) The 1965 sugar quota for the Mainland Cane Sugar Area of 1,100,000 short tons raw value, less 16,000 short tons, raw value, withheld for subsequent allocation, is hereby allotted to the following processors in the quantities which appear opposite their respective names:

Processors	Allotments (short tons, raw value)
Albania Sugar Co	9,605
Alma Plantation, Ltd	9,659
J. Aron & Co., Inc	15,357
Billeaud Sugar Factory	10,162
Breaux Bridge Sugar Coop	8,790
Wm. T. Burton Industries, Inc	7,512
Caire & Graugnard	5,871
Cajun Sugar Cooperative, Inc	16,047
Caldwell Sugars Cooperative, Inc	13,951
Catherine Sugar Co., Inc	5,236
Columbia Sugar Co	7,726
Cora-Texas Mfg. Co., Inc	6,977
Dugas & LeBlanc, Ltd	13,467
Dube & Bourgeois Sugar Co	10,774
Erath Sugar Co., Ltd	7,265
Evan Hall Sugar Coop., Inc	21,506
Frisco Cane Co., Inc	3,047
Glenwood Coop., Inc	15,067
Helvetia Sugar Coop., Inc	11,301
Iberia Sugar Coop., Inc	18,406

Processors	Allotments (short tons, raw value)
LaFourche Sugar Co	17,653
Harry L. Laws & Co., Inc	12,566
Levert-St. John, Inc	14,541
Louisa Cooperative	11,032
Louisiana State Penitentiary	2,200
Louisiana State University	150
Meeker Sugar Coop., Inc	10,592
Milliken & Farwell, Inc	12,771
M. A. Patout & Son, Ltd	14,992
Poplar Grove Planting & Refining Co	8,703
Reserve Sugar Co	3,735
Savoie Industries	13,447
St. James Sugar Coop., Inc	17,331
St. Mary Sugar Coop., Inc	13,608
South Coast Corp	72,469
Southdown, Inc	41,092
Sterling Sugars, Inc	24,661
J. Supple's Sons Planting Co., Inc	5,322
Valentine Sugars, Inc	12,535
Vida Sugars, Inc	5,536
A. Wilbert's Sons Lbr. & Sh. Co	9,068
Young's Industries, Inc	7,844
Louisiana subtotal	549,574
Atlantic Sugar Association	24,600
Florida Sugar Corp	12,137
Glades Co. Sugar Growing Coop., Association	37,482
Okeelanta Sugar Refinery, Inc	75,163
Osceola Farms Co	42,357
South Florida Sugar Co., Inc	9,749
Sugarcane Growers Coop. of Florida	93,717
Talisman Sugar Corp	23,711
United States Sugar Corp	215,510
Florida subtotal	534,426
Unallotted	16,000
Total, all mainland cane	1,100,000

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 205, 209; 61 Stat. 926, as amended, 928; 7 U.S.C. 1115, 1119; and as further amended by the Act enacted November 8, 1965)

Issued at Washington, D.C. this 9th day of November 1965.

Effective date. Date of signature.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65-12213; Filed, Nov. 9, 1965; 4:55 p.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Grapefruit Reg. 59]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.472 Grapefruit Regulation 59.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905; 30 F.R. 13933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 9, 1965, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; the term "week" shall mean the 7-day period beginning at 12:01 a.m., e.s.t., on Monday of one calendar week and ending at 12:01 a.m., e.s.t., on Monday of the following calendar week; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the U.S. Standards for Florida Grapefruit (§§ 51.750–51.783 of this title).

(2) Grapefruit Regulation 58 (30 F.R. 11683) is hereby terminated at 12:01 a.m., e.s.t., November 15, 1965.

(3) During the period beginning at 12:01 a.m., e.s.t., November 15, 1965, and ending at 12:01 a.m., e.s.t., August 1, 1966, no handler shall, except to the extent otherwise permitted under this paragraph, ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which does not grade at least U.S. No. 1 Golden;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than $3\frac{15}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the U.S. Standards for Florida Grapefruit; or

(iii) Any seedless grapefruit, grown in the production area, which are smaller than $3\frac{9}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said U.S. Standards for Florida Grapefruit.

(4) During any week of the aforesaid period, any handler may ship a quantity of white seedless grapefruit, grown in Regulation Area II, which does not meet the grade requirements prescribed in subparagraph (3) (i) of this paragraph if (i) the number of standard packed boxes of such grapefruit, which do not meet the grade requirements of subparagraph (3) (i) of this paragraph, does not exceed 15 percent of the total standard packed boxes of such grapefruit shipped by such handler during the same week, and (ii) such grapefruit, which do not meet the grade requirements of subparagraph (3) (i) of this paragraph, grade at least U.S. No. 2 and also meet the requirements of the U.S. No. 1 grade as to shape (form) and color.

(5) During any week of the aforesaid period, any handler may ship a quantity of pink seedless grapefruit, grown in Regulation Area II, which does not meet the grade requirements provided in subparagraph (3) (i) of this paragraph if (i) the number of standard packed boxes of such grapefruit, which do not meet the grade requirements of subparagraph (3) (i) of this paragraph, does not exceed 15 percent of the total standard packed boxes of such grapefruit shipped by such handler during the same week, and (ii) such grapefruit, which do not meet the grade requirements of subparagraph (3) (i) of this paragraph, grade at least U.S. No. 2 and also meet the requirements of the U.S. No. 1 grade as to shape (form) and color.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 10, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-12264; Filed, Nov. 12, 1965; 8:57 a.m.]

[Orange Reg. 50]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.473 Orange Regulation 50.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905, 30 F.R. 13933) regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, including Temple oranges, but not including Murcott Honey oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, except Temple and Murcott Honey oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 9, 1965, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, including Temple oranges but not including Murcott Honey oranges; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the applicable meaning given to the respective term in the U.S. Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title) or in Regulation 105–1.02 of the regulations of the Florida Citrus Commission.

(2) Orange Regulation 49 (30 F.R. 11683) is hereby terminated at 12:01 a.m., e.s.t., November 15, 1965.

(3) During the period beginning at 12:01 a.m., e.s.t., November 15, 1965, and ending at 12:01 a.m., e.s.t., August 1, 1966, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, except Temple and Murcott Honey oranges, grown in the production area, which do not grade at least Florida Special No. 1 grade for oranges (including tangelos, Temples, and Murcott Honey oranges);

(ii) Any oranges, except Temple and Murcott Honey oranges, grown in the production area, which are of a size smaller than $2\frac{8}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Oranges and Tangelos: *Provided*, That in determining the percentage of oranges in any lot which are smaller than $2\frac{8}{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size $2\frac{14}{16}$ inches in diameter or smaller;

(iii) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 1 Russet; or

(iv) Any Temple oranges, grown in the production area, which are of a size smaller than $2\frac{8}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the aforesaid U.S. Standards for Florida Oranges and Tangelos.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 10, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-12263; Filed, Nov. 12, 1965; 8:56 a.m.]

[Tangerine Reg. 29]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.474 Tangerine Regulation 29.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905; 30 F.R. 13933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangerines, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 9, 1965, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; the term "week" shall mean the 7-day period beginning at 12:01 a.m., e.s.t., on Monday of one calendar week and ending at 12:01 a.m., e.s.t., on Monday of the following calendar week; and trems relating to grade, diameter, and standard pack, as used herein, shall have the same meaning as is given to the respective term in the U.S. Standards for Florida Tangerines (§§ 51.1810–51.1834 of this title).

(2) Tangerine Regulation 29 (30 F.R. 12636) is hereby terminated at 12:01 a.m., e.s.t., November 15, 1965.

(3) During the period beginning at 12:01 a.m., e.s.t., November 15, 1965, and ending at 12:01 a.m., e.s.t., August 1, 1966, no handler shall, except to the extent otherwise permitted under this paragraph, ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangerines, grown in the production area, which do not grade at least U.S. No. 1 Russet; or

(ii) Any tangerines, grown in the production area, which are of a size smaller than 2$^{2}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Tangerines.

(4) During any week of the aforesaid period, any handler may ship a quantity of tangerines which are smaller than the size prescribed in subparagraph (3) (ii) of this paragraph if (i) the number of standard packed boxes of such smaller tangerines does not exceed 15 percent of the total standard packed boxes of all sizes of tangerines shipped by such handler during the same week; and (ii) such smaller tangerines are of a size not smaller than 2$^{1}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Tangerines.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 10, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–12262; Filed, Nov. 12, 1965; 8:56 a.m.]

[Navel Orange Reg. 85]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.385 Navel Orange Regulation 85.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the past week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 4, 1965.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., November 14, 1965, and ending at 12:01 a.m., P.s.t., October 31, 1966, no handler shall handle any Navel oranges, grown in District 1, District 3, or District 4, which are of a size smaller than 2.32 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided,* That not to exceed 5 percent, by count, of the oranges contained in any type of container may measure smaller than 2.32 inches in diameter.

(2) As used in this section, "handle," "handler," "District 1," "District 3," and "District 4" shall have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 9, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–12172; Filed, Nov. 12, 1965; 8:46 a.m.]

[Navel Orange Reg. 86]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.386 Navel Orange Regulation 86.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and

good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 10, 1965.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., November 14, 1965, and ending at 12:01 a.m., P.s.t., November 21, 1965, are hereby fixed as follows:

(i) District 1: 263,736 cartons;
(ii) District 2: unlimited movement;
(ii) District 3: 7,908 cartons;
(iii) District 3: 7,908 cartons;
(iv) District 4: 95,350 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–49, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 10, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–12309; Filed, Nov. 12, 1965; 12:02 p.m.]

[Lemon Reg. 188]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.488 Lemon Regulation 188.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 9, 1965.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., November 14, 1965, and ending at 12:01 a.m., P.s.t., November 21, 1965, are hereby fixed as follows:

(i) District 1: 18,600 cartons;
(ii) District 2: 93,000 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 10, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–12310; Filed, Nov. 12, 1965; 12:03 p.m.]

[Grapefruit Reg. 28]

PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.328 Grapefruit Regulation 28.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Fla., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time; are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 11, 1965.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period beginning at 12:01 a.m., e.s.t., November 15, 1965, and ending at 12:01 a.m., e.s.t., November 22, 1965, is hereby fixed at 165,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 12, 1965.

F. L. SOUTHERLAND,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–12318; Filed, Nov. 12, 1965; 12:03 p.m.]

PART 919—PEACHES GROWN IN MESA COUNTY, COLO.

Expenses and Rate of Assessment

Pursuant to the marketing agreement, as amended, and Order No. 919, as amended (7 CFR Part 919), regulating the handling of peaches grown in Mesa County, Colo., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the proposals submitted by the Administrative Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 924.204 Expenses and rate of assessment.

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Administrative Committee during the period March 1, 1965, through February 28, 1966, will amount to $15,250.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 919.41, is fixed at 26 mills ($0.026) per bushel basket, or equivalent quantity of peaches in other containers or in bulk.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rule-making procedure, and good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal year shall be applicable to all assessable peaches handled during such fiscal year, (2) the committee has already incurred substantial obligations during such year, which began March 1, 1965, and the specification of the expenses and rate of assessment should be completed as soon as practicable so that the committee may meet its obligations, and (3) the rate of assessment herein fixed will automatically apply to all such peaches beginning with such date.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 9, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–12309; Filed, Nov. 12, 1965; 8:49 a.m.]

PART 967—CELERY GROWN IN FLORIDA

Order Regulating Handling

Sec.

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AUTHORITY: The provisions of this Part 967 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 967.0 Findings and determinations.

(a) Findings upon the basis of the hearing record. Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, (7 U.S.C. 601–674) and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Orlando, Fla., July 28–30, 1965, upon a proposed marketing agreement and a proposed marketing order regulating the handling of celery grown in Florida. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The marketing agreement and order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said marketing agreement and order regulate the handling of celery grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed marketing agreement and order upon which a hearing has been held;

(3) The said marketing agreement and order are limited in their application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of celery grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of celery grown in the production area, as defined in said marketing agreement and order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is hereby found that good cause exists for making the provisions of this order effective not later than the time hereinafter specified so that the Florida Celery Committee, the administrative agency provided for in the order, can be organized and start to function as soon as possible. In this manner, it will be possible, should the circumstances warrant, for regulations to be formulated and issued in order to effectuate the declared policy of the act so that producers will be in a position to obtain the benefits of this program on as much of their 1965–66 crop of celery as is possible.

The provisions of the order are well known to handlers of celery grown in the production area by reason of the following facts: (1) the public hearing, at which evidence was received from the industry and upon which this order is based, was held at Orlando, Florida, July 28–30, 1965; (2) the recommended decision and the final decision were published in the FEDERAL REGISTER on September 30, 1965 (30 F.R. 12474), and October 28, 1965 (30 F.R. 13708), respectively; (3) copies of the regulatory provisions of the order were made available, prior to or during the course of the referendum which was held during the period November 1 through November 3, 1965, to determine whether producers of celery in the production area favor or approve issuance of this order, to all known parties who may be subject thereto; and (4) all known handlers in the production area were mailed a copy of the marketing agreement, the regulatory provisions of which are the same as those contained in this order. Compliance with the regulatory provisions of this order will not require advance preparation on the part of persons subject thereto which cannot be completed prior to the effective date of regulations that may be issued thereunder. Therefore, good cause exists for not delaying the effective date hereof beyond the date hereinafter set forth (5 U.S.C. 1003).

(c) *Determinations.* It is hereby determined that:

(1) A marketing agreement regulating the handling of celery grown in Florida upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the celery covered by this order) who, during the period beginning August 1, 1964, and ending July 31, 1965, both dates inclusive, handled not less than 50 percent of the volume of celery covered by this order; and

(2) The issuance of this order is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (August 1, 1964, through July 31, 1965) were engaged, within the production area specified in this order, in the production of celery for market, such producers having also produced for market at least two-thirds of the volume of celery represented in such referendum.

It is therefore ordered, That, on and after the effective date hereof, all handling of celery grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of this order; and such terms and conditions are as follows:

DEFINITIONS

§ 967.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 967.2 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, as amended, 7 U.S.C. 601–674).

§ 967.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 967.4 Celery.

"Celery" means all varieties and types of celery, *apium graveolens*, grown in the production area.

§ 967.5 Production area.

"Production area" means all territory in the State of Florida.

§ 967.6 Producer.

"Producer" means any person engaged in a proprietary capacity in the production of celery.

§ 967.7 Handler.

"Handler" means any person (except a common or contract carrier of celery owned by another person) who handles harvested celery on behalf of a producer or on his own behalf.

§ 967.8 Handle.

"Handle" means to purchase harvested celery from a producer or to sell or transport harvested celery within the production area or between the production area and any point outside thereof.

§ 967.9 Marketing year, fiscal year or season.

"Marketing year," "fiscal year" or "season" means the 12 months from August 1 to the following July 31 inclusive, or such other period which the committee, with the approval of the Secretary, may establish.

§ 967.10 Committee.

"Committee" means the Florida Celery Committee established pursuant to § 967.25 of this part.

§ 967.11 Crate.

"Crate" means celery crate No. 3601 or its equivalent.

§ 967.12 Base Quantity.

"Base Quantity" means the number of crates of harvested celery determined by the committee pursuant to § 967.37 for a producer.

§ 967.13 Marketable Quantity.

"Marketable Quantity" means the total amount of celery which should be handled in a current season.

§ 967.14 Marketable Allotment.

"Marketable Allotment" means with respect to each producer the amount of harvested celery which may be purchased from, or handled on behalf of, such producer.

§ 967.15 Uniform Percentage.

"Uniform Percentage" means the percentage for any given season resulting from dividing the Marketable Quantity by the total Base Quantities as provided in § 967.38.

FLORIDA CELERY COMMITTEE

§ 967.25 Establishment and membership.

A Florida Celery Committee consisting of 15 members, each of whom shall have an alternate, is hereby established to administer the terms and provisions of this part.

§ 967.26 Eligibility.

Each member and alternate of the committee shall be, at the time of his selection and during his term of office, a producer, or an employee of a producer, a handler, or an employee of a handler, in the group for which selected.

§ 967.27 Nominations.

Nominations for committee members and alternates may be made in the following manner:

(a) Growers in each group, as provided in paragraph (d) of this section, may nominate persons for each member and alternate position in their respective group.

(b) (1) Nominations for the initial committee may be presented to the Secretary by any agency or group. Such nominations shall be accompanied by information on the manner and time of nominations, and the respective group from which each nominee is to be selected.

(2) For succeeding committees, a meeting of producers shall be held in the production area to nominate members and alternates to the committee. The incumbent committee shall hold such meeting or cause it to be held prior to July 1 of each year. Nominations thereat shall be certified to by the committee and submitted to the Secretary by July 1 of each year together with information deemed pertinent by the committee or as requested by the Secretary. If such nominations are not made in the manner specified by July 1, the Secretary may select representatives for such positions without nominations.

(c) At each such meeting, the eligibility of each producer, and each handler shall be recorded for purposes of determining participation in respective groupings.

(d) Five groups shall be established from which nominations and committee selections shall be made, as follows:

Group 1—South Florida District: Martin, Dade, Broward, Collier, Monroe, Lee, Charlotte, St. Lucie, Okeechobee, Highlands, Indian River, Gladea, Hendry, and Palm Beach Counties—five (5) members and their alternates.

Group 2—Central Florida District: Orange, Seminole, Lake, Polk, Osceola, Brevard, and Volusia Counties—three (3) members and their alternates.

Group 3—West Coast-North Florida District: All the counties not embraced in Groups 1 and 2—two (2) members and their alternates.

Group 4—The producer or producers whose celery was handled by the handler who handled in the previous or current season, whichever is applicable, the second largest volume of celery—two (2) members and their alternates.

Group 5—The producer or producers whose celery was handled by the handler who han-

died in the previous or current season, whichever is applicable, the largest volume of celery—three (3) members and their alternates.

(e) Each producer is entitled to cast only one vote for each position in the group wherein he produced celery for market in the current season and possesses a Base Quantity. If a producer has so qualified in more than one group, he may elect the group in which he shall vote but he can vote for nominees in only one group. Any producer in Group 4 or Group 5 shall not be entitled to vote for nominees in other groups.

§ 967.28 Alternate members.

An alternate for a member shall act in the place of such member (a) in his absence, or (b) in the event of his death, removal, resignation, or disqualification, until a successor for his unexpired term has been selected and has qualified.

§ 967.29 Procedure.

(a) At an assembled meeting all votes shall be cast in person and twelve (12) members (including alternates acting for absent members) of the committee shall constitute a quorum. Decision of the committee shall require the concurring vote of at least 75 percent of the members and alternates in attendance and entitled to vote.

(b) If both a member and his alternate are unable to attend a committee meeting, the committee may designate any other alternate present from the same group to serve in the place of the member.

(c) The committee may provide for meeting by telephone, telegraph, or any other means of communication. All votes shall be recorded in the minutes of each meeting so as to reflect how each member or alternate voted.

§ 967.30 Powers.

The committee shall have the following powers:

(a) To administer this sub-part in accordance with its terms and provisions;

(b) To make rules and regulations to effectuate the terms and provisions of this sub-part;

(c) To receive, investigate, and report to the Secretary complaints of violations of this part;

(d) To recommend to the Secretary amendments to this sub-part.

§ 967.31 Duties.

The committees shall have, among others, the following duties:

(a) To select from among its members and alternates such officers and subcommittees, and to adopt such rules or bylaws for the conduct of its business as it deems necessary;

(b) To employ necessary personnel, including professional and technical services, fix their compensation and terms of employment;

(c) To keep minutes, books and records which will reflect all the acts and transactions of the committee and which shall be subject to examination by the Secretary;

(d) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to producers and handlers for examination at the offices of the committee;

(e) To cause the books of the committee to be audited by a certified public accountant at least once each marketing year and at such other times as the committee may deem necessary, or as the Secretary may request; to submit two copies of each such audit report to the Secretary, and to make available a copy which does not contain confidential data for inspection at the offices of the committee by producers and handlers;

(f) To act as intermediary between the Secretary and any producer or handler;

(g) To investigate and assemble data on the growing, handling, and marketing conditions with respect to celery;

(h) To submit to the Secretary such available information as he may request or the committee may deem desirable and pertinent;

(i) To notify producers and handlers of all meetings of the committee to consider recommendations for regulations and of all regulatory actions taken affecting producers and handlers;

(j) To give the Secretary the same notice of meetings of the committee and its subcommittees as is given to its members;

(k) To investigate compliance and use means available to prevent violations of the provisions of this part; and

(l) To consult, cooperate, and exchange information with other marketing agreement committees and other individuals or agencies in connection with all proper committee activities and objectives under this part.

§ 967.32 Selection and term of office.

(a) *Selection.* The committee shall be selected by the Secretary from nominees submitted by the committee, or from among other eligible persons. Each person so selected shall qualify by filing a written acceptance with the Secretary prior to assuming the duties of the position.

(b) *Term of office.* The term of office of each committee member and alternate shall be for a period of one year beginning August 1 and ending the following July 31. Committee members and alternates shall serve for the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified.

§ 967.33 Vacancy.

Any vacancy occasioned by the death, removal, resignation, or disqualification of any committee member or alternate shall be recognized by the committee by certifying to the Secretary a successor for the unexpired term unless a selection is deemed unnecessary by the Secretary.

§ 967.34 Expenses.

Members and alternates of the committee shall serve without compensation, but may be reimbursed for expenses necessarily incurred by them in attending committee and subcommittee meetings and in the performance of their duties under this part.

VOLUME LIMITATIONS

§ 967.35 Marketing policy.

(a) As soon as practical, but no later than June 15 of each year, the committee shall meet, consider, and adopt a marketing policy for the ensuing marketing season. Committee considerations shall include probable celery acreage, celery production within the production area and in competing areas, the quantity of celery which should be made available for market during the ensuing season to meet market requirements and establish orderly marketing conditions, and other pertinent information. On the basis of these considerations, the committee may recommend to the Secretary a Marketable Quantity for the ensuing season.

(b) Prior to November 1 of each year, the committee shall review the marketing policy and as changes are indicated, the committee may recommend appropriate revisions in the Marketable Quantity. Notice of the initial marketing policy for a marketing season and any later changes shall be submitted promptly to the Secretary and all producers and handlers.

(c) For the season in which this marketing order becomes effective, the marketing policy may be adopted and the Marketable Quantity may be recommended for the current season as soon as practical after the organization of the committee.

§ 967.36 Marketable Quantity.

(a) Whenever the committee recommends and the Secretary finds on the basis of such recommendations or other information, that limiting the total quantity of celery to be handled during a marketing season, or revising a Marketable Quantity previously established, would tend to effectuate the declared policy of the act, he shall establish the Marketable Quantity which handlers may handle as first handlers for such season, or revise a previously established Marketable Quantity.

(b) When a Marketable Quantity is established for any season, no handler may handle any harvested celery during such season unless (1) it is within the Marketable Allotment of a producer who has a Base Quantity pursuant to § 967.38, and (2) such producer authorized the first handler thereof to purchase or otherwise handle it.

§ 967.37 Base Quantities.

(a) Upon the request of the committee, after the effective date of this marketing order, each producer of celery shall register with the committee and furnish to it a report of the number of crates of harvested celery sold by him or on his behalf, broken down by crates, handlers and seasons for the seven (7) seasons, 1958–59 through 1964–65.

(b) A Base Quantity for each registered producer shall be determined by selecting (1) the greatest number of crates of harvested celery sold by him or on his behalf during one of the four seasons, 1961–62 through 1964–65, or (2) the average of the greatest number of crates of celery sold by him or on his behalf during any two of the seven seasons, 1958–59 through 1964–65. A Base Quantity shall be issued by the committee denoting this amount. In the case of producers who prior to September 30, 1965, had made firm and substantial commitments for the production of celery and were actually engaged in the production thereof but who have no Base Quantities as determined on base period sales or whose Base Quantities based on such sales clearly are not representative of such commitments, the committee shall, by rules approved by the Secretary, provide for the assignment or adjustment of Base Quantities to such producers consistent with such commitments and as will be equitable to all producers.

(c) The committee may recommend rules pertaining to producers who wish to obtain, hold, or transfer Base Quantities or Marketable Allotments. Such rules shall be subject to approval of the Secretary and may require producers to file reports and information with respect thereto, including but not limited to quantities marketed in the representative period, their qualifications as producers, as well as particulars on sale and handling of celery as a result of any Base Quantities or Marketable Allotments that may be issued to them.

(d) (1) Each marketing season the committee, with approval of the Secretary, may set aside a reserve for persons who request an increase in their Base Quantities or who have no Base Quantity.

(2) The committee may recommend rules for establishing such reserve and for procedures whereby persons may apply for Base Quantities thereunder. Such rules shall be subject to approval by the Secretary. Rules may provide for open informal hearings by the committee on applicants' requests and may establish guides or standards for equitable and thorough consideration of pertinent factors relating to each case, including but not limited to past production of celery by applicant, acreage planted, average yields, the production capacity of the farm or land the applicant expects to use, land, labor, and equipment available to applicant for celery production, economic and marketing factors, and other factors deemed pertinent by the committee.

(3) Each person filing an application hereunder for adjustment in or a new Base Quantity shall be notified by the committee of its determination thereon. Such determination and considerations appertaining thereto, shall be subject to review by the Secretary. If a Base Quantity is issued to an applicant hereunder, the requirements of § 967.38(c) shall then apply.

§ 967.38 Marketable Allotments.

(a) When the Secretary establishes a season's Marketable Quantity, a percentage shall be determined by dividing the amount fixed as the season's Marketable Quantity by the total Base Quantities of producers. The result shall be the Uniform Percentage for any given season unless changed by a revised Marketable Quantity.

(b) The Marketable Allotment for each producer shall be established by the committee by multiplying his Base Quantity by the appropriate Uniform Percentage. The resulting amount shall be his Marketable Allotment for a season. The committee shall notify each producer of his allotment.

(c) After a producer has been notified of his Marketable Allotment, he shall, in turn, notify the committee, on forms furnished by it, the handler or handlers who will first handle all or a portion of his Marketable Allotment for the ensuing season, as well as the number of crates each such handler will so handle. This information shall be sent by the committee to the respective handlers.

(d) If the committee recommends and the Secretary approves, that no season's Marketable Quantity be established, the Marketable Allotment of each producer shall be unlimited.

(e) The Base Quantities of all producers whose Base Quantities are 37,500 crates or less shall be eliminated from both the Marketable Quantity and total Base Quantities when the Uniform Percentage is calculated in this section (§ 967.38(a)). The Uniform Percentage for such producers will always be 100 percent except when the Uniform Percentage calculated in this section (§ 967.38(a)) exceeds 100 percent in which event the higher percent shall be used.

§ 967.39 Transfers.

(a) Producers' Base Quantities or Marketable Allotments, or both, may be transferred upon appropriate requests therefor, pursuant to § 967.37 and upon approval of the committee.

(b) Any producer with a Base Quantity may request a transfer of all or a portion of his Base Quantity for a specified period of time.

(c) Any producer with a Marketable Allotment may request a transfer of all or a portion of his Marketable Allotment during a current season.

(d) Producers must advise the committee, prior to final approval of a transfer, that a different amount will be handled by a handler or handlers due to any transfer authorized in paragraph (c) of this section. The committee, upon receipt of such notification, shall advise the handler or handlers involved of the adjustments in the amount they may handle as first handlers thereof for the current season, based upon the number of crates involved in the transfer, as well as issue revised Marketable Allotments to the producers involved.

EXPENSES AND ASSESSMENTS

§ 967.40 Expenses.

The committee may incur such expenses as the Secretary finds reasonable and likely to be incurred by it during each fiscal year for its maintenance and functioning, and for such other purposes as the Secretary determines appropriate under this part. To assist the Secretary, the committee shall submit a budget of expenses and prospective revenue to him for each season, with explanations therefor, and recommendations as to the rate of assessment for such fiscal year.

§ 967.41 Assessments and requirements for payment.

Each first handler shall pay to the committee upon demand, his pro rata share of the expenses authorized by the Secretary for each marketing year. Each handler's pro rata share shall be the rate of assessment per unit fixed by the Secretary times the total assessable units of celery which he handles. At any time during or after a marketing year, the Secretary may increase the rate of assessment as necessary to cover authorized expenses. The payment of expenses and assessments for the maintenance and functioning of the committee may be required during periods when no regulations are in effect.

§ 967.42 Accounting.

At the end of a fiscal year, funds in excess of such year's expenses may be placed in an operating reserve not to exceed approximately one marketing year's operational expenses or such lower limits as the committee, with the approval of the Secretary, may establish. Funds in such reserve shall be available for use by the committee for expenses authorized pursuant to § 967.40. Funds in excess of those necessary to pay expenses and those placed in the operating reserve shall be refunded pro rata to handlers from whom such funds were collected.

REPORTS AND RECORDS

§ 967.45 Reports.

Upon request of the committee, with the approval of the Secretary, each producer and handler shall furnish to the committee such reports and information as may be necessary to enable it to exercise its powers and perform its duties under this part. Such reports may include, but are not necessarily limited to the following:

(a) Reports by any or all handlers on the number of crates of harvested celery purchased from or handled on behalf of any or all producers during any prior or current season;

(b) Reports by any or all producers on the number of crates of harvested celery sold by such producers during any prior or current season or the current quantities available for sale by such producers;

(c) Reports by any or all producers on the number of crates of harvested celery sold to or through any or all handlers during any prior or current period.

§ 967.46 Records.

Each producer and handler shall maintain and make available upon request, such records pertaining to celery handled by him as will substantiate the reports required by the committee. All such records shall be maintained for not less than one year after the termination of the marketing season to which such records relate.

§ 967.47 Verification of reports and records.

For the purpose of assuring compliance with record keeping requirements and verifying reports of producers and handlers, the Secretary and the committee, through its duly authorized employees, Shall have access to any premises where applicable records are maintained, where celery is handled, and at any time during reasonable business hours shall be permitted to inspect such producer and handler premises and any and all records of such persons with respect to matters within the purview of this part.

§ 967.48 Confidential information.

All reports, data, or information obtained by the committee constituting a trade secret or disclosing the trade position, financial condition, or business operations of particular producers or handlers shall be kept in the custody and under the control of one or more committee employees and shall be treated as confidential. Compilations of general reports from data submitted by producers or handlers are authorized, subject to prohibition of disclosure of individual producers' or handlers' identities or operations.

MISCELLANEOUS PROVISIONS

§ 967.50 Compliance.

No person may handle celery except in conformity with the provisions of this part.

§ 967.51 Right of the Secretary.

The members and alternates of the committee and any agents, employees or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 967.52 Derogation.

Nothing in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary, or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 967.53 Agents.

The Secretary may by designation in writing, name any person, including any officer or employee of the Government, or name any agency or division in the U.S. Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 967.54 Effective time.

The provisions of this part shall become effective at such time as the Secretary may declare above his signature to this part, and shall continue in force until terminated in one of the ways specified in § 967.55.

§ 967.55 Termination.

(a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary shall terminate the provisions of this part at the end of any fiscal year whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal year, have been engaged in the production of celery for market; provided, that such majority have, during such period produced for market more than 50 percent of the volume of such celery produced for market, but such termination shall be effective only if announced on or before August 1 of the then current fiscal year.

(c) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 967.56 Proceedings after termination.

(a) Upon the termination of the provisions of this part, the then functioning members of the committee shall continue as joint trustees, for the purpose of liquidating the affairs of the same committee, of all the funds and property then in possession of, or under control of such committee, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees (1) shall continue in such capacity until discharged by the Secretary; (2) shall, from time to time, account for all receipts and disbursements, or deliver all property on hand, together with all books and records of the committee and of the joint trustees, to such person as the Secretary may direct; and (3) shall, upon the request of the Secretary, execute such assignments or other instruments necessary and appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee, or the joint trustees pursuant to this part.

(c) Any funds collected pursuant to § 967.41 over and above the amounts necessary to meet outstanding obligations and expenses necessarily incurred during the operation of this part and during the liquidation period, shall be returned to handlers as soon as practicable after the termination of this part. The refund to each handler shall be represented by the excess of the amount paid by him over and above his pro rata share of the expenses.

(d) Any person to whom funds or claims have been transferred or delivered by the committee, or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of said committee and upon the said joint trustees.

§ 967.57 Effect of termination or amendments.

Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued hereunder, or (b) release or extinguish any violation of this part or any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary or any other person with respect to any such violation.

§ 967.58 Personal liability.

No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler, or to any other person for errors in judgment, mistakes, or other acts, either of commission or omission as such member, alternate, employee, or agent except for acts of dishonesty.

§ 967.59 Duration of immunities.

The benefits, privileges and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

§ 967.60 Separability.

If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Issued at Washington, D.C., this 9th day of November 1965, to become effective November 15, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 65–12220; Filed, Nov. 12, 1965; 8:49 a.m.]

PART 984—HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Expenses of the Walnut Control Board and Rates of Assessment for 1965–66 Marketing Year

Notice was published in the October 27, 1965, issue of the FEDERAL REGISTER (30 F.R. 13650) regarding proposed expenses of the Walnut Control Board for the 1965–66 marketing year and rates of assessment for that marketing year, pursuant to §§ 984.68 and 984.69 of the marketing agreement, as amended, and Order No. 984, as amended (7 CFR Part 984), regulating the handling of walnuts grown in California, Oregon, and Washington. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted within the prescribed time.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Walnut Control Board, and other available information, it is found that the expenses of the Board and rates of assessment for the marketing year beginning August 1, 1965, shall be as follows:

§ 984.317 Expenses of the Walnut Control Board and rates of assessment for the 1965–66 marketing year.

(a) *Expenses.* The expenses in the amount of $124,100 are reasonable and likely to be incurred by the Walnut Control Board during the marketing year beginning August 1, 1965, for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rates of assessment.* The rates of assessment for said marketing year, payable by each handler in accordance with § 984.69, is fixed at 0.125 cent per pound for merchantable inshell walnuts and 0.25 cent per pound for merchantable shelled walnuts.

It is found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)) in that: (1) The relevant provisions of said marketing agreement and this part require that the rates of assessment fixed for a particular marketing year shall be applicable to all assessable walnuts from the beginning of such year; and (2) the current marketing year began on August 1, 1965, and the rates of assessment herein fixed will automatically apply to all such assessable walnuts beginning with that date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 9, 1965.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 65–12173; Filed, Nov. 12, 1965; 8:46 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1423—PROCESSED AGRICULTURAL COMMODITIES (DRY AND COLD)

Subpart—Standards for Approval of Dry and Cold Storage Warehouses for Processed Agricultural Commodities

Sec.
1423.1 General statement and administration.
1423.2 Exceptions.
1423.3 Application requirements.
1423.4 Standards for warehousemen and warehouses.
1423.5 Inspection of warehouses.
1423.6 Basis for approval or disapproval.
1423.7 Other conditions for disapproval.
1423.8 Bonding requirements.
1423.9 Approval of warehouse and duration of approval.
1423.10 Waiver of requirements.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b.

§ 1423.1 General statement and administration.

This subpart prescribes the procedure to be followed by warehousemen who desire initial or continuing approval of their warehouses by Commodity Credit Corporation and the U.S. Department of Agriculture (which two are hereinafter referred to as the "Government") for the storage and handling, under Government storage contracts, of processed agricultural commodities requiring common dry or refrigerated storage (including dairy and poultry products, canned and frozen meat, and honey, but not bulk oils, hereinafter referred to collectively as "processed commodities") either by Commodity Credit Corporation, or by the U.S. Department of Agriculture under section 32 of the Act of June 28, 1937, as amended (7 U.S.C. 612c) or section 6 of the National School Lunch Act (42 U.S.C. 1755), and also prescribes the requirements of the Government for approval of such warehouses. Warehousemen desiring to secure approval of their warehouses under this subpart may obtain information and the necessary application and other forms from the Minneapolis Agricultural Stabilization and Conservation Service Commodity Office, 6400 France Avenue, South, Minneapolis, Minnesota 55410 (hereinafter referred to as "the Minneapolis Office"). A warehouse must be approved by the Minneapolis Office before such warehouse will be used by the Government for the storage and handling of processed commodities. The approval of a warehouse or the execution of a contract with the warehouseman does not constitute a commitment that the warehouse will be used by the Government and no official or employee of the U.S. Department of Agriculture is authorized to make any such commitment.

§ 1423.2 Exceptions.

Notwithstanding any other provision hereof:

(a) This subpart is not applicable to storage and handling of processed commodities outside of the limits of the several States of the United States and the District of Columbia, to the purchase of processed commodities in storage for prompt shipment, or to handling of a temporary nature.

(b) Warehousemen licensed under the United States Warehouse Act for the storage and handling of commodities for which approval has been requested will not be required to furnish performance bonds, financial statements, or forms of warehouse receipts in order to be approved hereunder. Warehouses licensed under the U.S. Warehouse Act will not be subject to examinations other than those required by that Act, except for such special examinations as may be necessary. However, all other requirements of this subpart shall be met by such warehousemen seeking approval under this subpart.

(c) If a Certificate of Competency is issued by the Small Business Administration with respect to a warehouseman, the certificate will be accepted as establishing conformance by the warehouseman with the standards prescribed in § 1423.4 (a) (1), (2), (4), and (5); (b) (1); and (d) (1), (2), (3), and (4), and the warehouseman will not be required to furnish bond coverage for deficiency in net worth or working capital.

§ 1423.3 Application requirements.

In applying for approval of a warehouse for storage and handling of processed commodities, the warehouseman must furnish (except as provided in § 1423.2(b)) a completed Form CCC–560, Application for Approval of Warehouse (Processed Commodities); a current financial statement (Form CCC–68, Statement Showing Assets and Liabilities) with appropriate supporting schedules, if applicable; copies of the warehouseman's tariff or, if the warehouseman does not publish a tariff, submit Form CCC–568, Warehouse Tariff Inquiry, certifying that the rates quoted in the contract are not in excess of rates charged other customers; and such other documents or information as may be required by the Government. If the warehouseman employs the services of a public accountant, the financial statement must be certified or otherwise authenticated by the public accountant to the extent consistent with the accountant's verification of facts contained in the statement. Such certification or statement may be separate from the financial statement. A financial statement may also be required (except as provided in § 1423.2(b)) with an application for approval of additional storage space under an existing contract. A financial statement shall show the financial condition of the warehouseman as of a date not earlier than 90 days prior to date of the statement.

§ 1423.4 Standards for warehousemen and warehouses.

The Government will consider applications for approval of warehouses upon the basis of the applicant's conformance with the standards prescribed in this section.

(a) The warehouseman shall:

(1) Be an individual, or an existing legal entity organized in good faith to operate a public warehousing business and, if organized in the corporate forms, must have charter authority to conduct a public warehousing business.

(2) Have sufficient experience in, and knowledge of, the warehousing business, as related to the commodity to be stored or handled to enable him to give adequate protection and services for the proper storage and handling of that commodity.

(3) Have satisfactorily complied with all previous contracts with the Government and instructions issued thereunder: *Provided, however,* That this provision shall be applied only to circumstances where (i) applicable regulations of the Government governing suspension and debarment would permit denial of ap-

proval without suspension or debarment action and (ii) suspension or debarment action has not been taken in accordance with applicable regulations.

(4) Have a net worth of at least $10,000 to assure his financial responsibility.

(5) Have sufficient funds available to meet ordinary operating expenses which, if not paid, would cause cessation of operations.

(6) Maintain adequate inventory and operating records.

(7) Make application for approval in the manner specified in § 1423.3.

(8) Furnish surety bonds as may be required under § 1423.8.

(9) Furnish annually, or at such other times as may be required by the Government, a current financial statement supported by such supplemental schedules as may be requested for the purpose of evaluating the financial condition of the warehouseman.

(b) Supervisory employees of the warehouse shall meet the requirements of: (1) paragraph (a)(2) of this section, and (2) paragraph (a)(3) of this section.

(c) Owners, directors, responsible officers and employees of the warehouse shall meet requirements of paragraph (a)(3) of this section.

(d) The warehouse shall meet the following requirements:

(1) Be of sound construction with equipment in good repair.

(2) Be under the control at all times of the warehouseman who executes the storage contract.

(3) Not be subject to greater than normal risk or fire, flood, or other hazards.

(4) Have such fire-fighting equipment as is customary for the type of warehouse for which approval is sought.

(5) Must be able to load out the total quantity of all processed commodities stored for the Government within forty-five (45) working days. Pier facilities must have load-out equipment for adequate load-out capacity, as determined by the Government, to perform required services.

(6) Where State or local law requires licensing to act as a public warehouseman, the license must be made available or posted in the warehouse or a satisfactory notice of approval must have been received by the Government from the licensing authority.

§ 1423.5 Inspection of warehouses.

Except in the case of a warehouse licensed under the U.S. Warehouse Act for the storage and handling of commodities for which approval has been requested, prior to the time the Government approves a warehouse for the storage and handling of processed commodities, the Government will have the warehouse examined by a warehouse examiner. In addition, the Government will take such other action as it considers necessary to determine whether the requirements of § 1423.4 have been met. The warehouse examiner will make recommendations regarding the approval or disapproval of the warehouse.

§ 1423.6 Basis for approval or disapproval.

A review and an analysis will be made of the information disclosed by the warehouseman's application, warehouse examiner's report and recommendation, financial statement, credit reports, and other pertinent information available from other sources. If, on the basis of this review and analysis, it is determined that the warehouseman and the warehouse conform with the standards and other requirements set out in this subpart, the warehouse will be approved. If it is determined that the warehouseman fails to meet the standard set forth in paragraph (a)(4) of § 1423.4, the warehouse will not be approved. If it is determined that one or more of the other standards of § 1423.4 are not met, the applicant may be approved if it is determined that the conditions for the storage and handling of processed commodities within the warehouse provide satisfactory protection for processed commodities and that the services of the warehouseman are required by the Government and additional bond coverage (or acceptable substitute security) is furnished in an amount equal to twice the amount of the bond requirement (other than for deficiency in net worth) under § 1423.8(a)(1) and meeting the other requirements of § 1423.8.

§ 1423.7 Other conditions for disapproval.

Applications shall not be approved (or existing approval continued in effect) in the event that:

(a) The warehouseman (if license is required) is in violation of any provisions of the regulations of the licensing authority, or if any condition which has resulted or may result in the refusal, suspension, or revocation of the applicable warehouse license has not been corrected. Correction of any such condition shall not result in automatic approval of the warehouse and the Government may require the submission of a new application, such additional information as it deems pertinent, and a new inspection of the warehouse to determine whether it meets the requirements of this subpart.

(b) The warehouseman operating the warehouse for which approval is being sought or any of the directors, responsible officers and employees thereof are suspended or debarred from contracting pursuant to regulations of the Government.

§ 1423.8 Bonding requirements.

(a) The performance bond to be furnished to the Government by each warehouseman (except as provided in § 1423.2(b)) shall be on Form CCC-61, Warehouseman's Bond-Processed Commodities. Such performance bonds shall be executed by surety companies which have been approved by the U.S. Treasury Department (Circular No. 570) and which maintain an officer or representative authorized to accept service of legal process in the State where the warehouse is located.

(1) A warehouseman who applies for approval of a warehouse for the storage of processed commodities and who fully conforms with all of the standards and other requirements specified in this subpart shall (except as provided in § 1423.2(b)) furnish a surety bond in an amount not less than 5% of the value of the estimated quantity of commodities to be stored. Such bond coverage shall not be less than $5,000 and need not be more than $100,000.

(2) Notwithstanding any other provisions of this subpart, if in the light of all the circumstances relating to the operation of the warehouse, it is determined that the amount of bond coverage required under this section is not sufficient to protect adequately the interests of the Government, additional bond coverage as deemed necessary for such purpose may be required.

(b) Cash, negotiable securities, and legal liability insurance policies may be substituted for bonds on Form CCC-61 under the following conditions.

(1) Cash or negotiable securities may be accepted in lieu of the equivalent amount of required bond coverage. The Government will determine the acceptability of and valuation to be placed on any such securities in substitution for bond coverage. When the period for which the bond was required has ended and it is determined that all liability under the agreement has terminated, the cash or securities will be returned to the warehouseman.

(2) Legal liability insurance policies may be accepted in lieu of the equivalent amount of bond coverage running directly to the Government. Such insurance policies, however, must show the Government as the insured and be approved by the Government.

§ 1423.9 Approval of warehouse and duration of approval.

(a) After a warehouse has been approved and the applicable storage contract has been signed by the Government, a copy of such contract will be forwarded to the warehouseman by the Minneapolis office. The warehouse will then be eligible to store and handle Government-owned processed commodities.

(b) The financial condition of, and the amount of bond or substitute security furnished by, approved warehousemen will be reviewed from time to time to determine that the requirements of the Government are being met and the warehouseman shall furnish any additional bond coverage or substitute security which may be determined to be required under the provisions of this subpart. The warehouse will be reexamined from time to time to determine its continued compliance with the standards and requirements of this subpart. If at any time it is determined that a warehouseman or the warehouse does not conform with the standards and other requirements set out in this subpart, the Government shall take such appropriate actions as may be necessary to protect the interests of the Government.

(c) Approval of the warehouse will remain in effect until the storage contract is terminated or the warehouseman is suspended or debarred from contracting with the Government under applicable regulations.

§ 1423.10 Exemption of requirements.

If warehousing services required in fulfilling responsibilities under the Government's programs cannot be secured under the provisions of this subpart and no reasonable and economical alternative is available, the Government may exempt the applicant from one or more of the provisions of this subpart and may establish other requirements in lieu thereof as determined necessary to safeguard the interests of the Government. The authority provided by this section § 1423.10 shall be exercised only by the Administrator or Acting Administrator, Agricultural Stabilization and Conservation Service, acting for the U.S. Department of Agriculture and acting as Executive Vice President, Commodity Credit Corporation.

Effective date. Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on November 8, 1965.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation, Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65-12171; Filed, Nov. 12, 1965; 8:46 a.m.]

[Amdt. 1]

PART 1464—TOBACCO

Subpart—Tobacco Loan Program

ADMINISTRATION

Statement with respect to the tobacco price support loan program issued July 30, 1965 (30 F.R. 9533), is amended for the purpose of providing that producer associations through which the program is carried out in the field may be required to meet eligibility requirements prescribed generally for cooperative marketing associations used in price support programs. Accordingly § 1464.1705 is revised by amending paragraph (a) thereof to read as follows:

§ 1464.1705 Administration.

(a) This program will be administered by the Producer Associations Division, ASCS, under the general direction and supervision of the Executive Vice President, CCC. The program will be carried out in the field by producer associations (heretofore referred to as "associations") acting for groups of producers. To obtain a loan, an association must enter into a loan agreement with CCC, which agreement will set forth terms and conditions prescribed by CCC. To the extent provided in the loan agreement, an association shall meet the eligibility requirements for price supports prescribed in Cooperative Marketing Associations Eligibility Requirements for Price Support (30 F.R. 6907), as amended. CCC reserves the right to restrict the number of associations with which it will contract, and in so doing will select such associations as it deems necessary or desirable to effectuate the purposes of this program with a maximum of efficiency and economy of operation. The names of such associations may be obtained from the Producer Associations Division, ASCS, U.S. Department of Agriculture, Washington, D.C., 20250.

(Sec. 4, 62 Stat. 1070, as amended, sec. 5, 62 Stat. 1072, secs. 101, 106, 401, 403, 63 Stat. 1051 as amended, 1054, sec. 125, 70 Stat. 198, 74 Stat. 6; 7 U.S.C. 1441, 1445, 1421, 1423, 7 U.S.C. 1813, 15 U.S.C. 714b, 714c)

Effective date. Date of filing with the Office of the Federal Register.

Signed at Washington, D.C., on November 9, 1965.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 65-12208; Filed, Nov. 12, 1965; 8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Y]

PART 222—BANK HOLDING COMPANIES

Meaning of Term "Bank"

§ 222.119 Industrial banks as "banks" under Bank Holding Company Act.

(a) The Board of Governors recently considered (1) whether certain industrial banks are "banks" within the meaning of section 2(c) of the Bank Holding Company Act of 1956, and the interpretation published in 1963 at § 222.116; and (2) if so, whether certain changes in the operations of the institutions would remove them from the "bank" category. Section 2(c) defines "bank" to include "any national banking association or any State bank, savings bank, or trust company • • •."

(b) Classification of industrial banks for purposes of the Holding Company Act is difficult, because they perform some of the functions of commercial or savings banks, particularly in the consumer loan field, but differ from such banks in other respects. It is clear from the legislative history of the Act that Congress did not intend to include all financial intermediaries within the definition of "banks" in section 2(c). The Board concluded, in its 1963 interpretation, that an industrial bank should not be regarded as a "bank" for this purpose • • • unless in a particular case, regardless of the title of the institution or the form of the transaction, it accepts deposits subject to check or otherwise accepts funds from the public that are, in actual practice, repaid on demand, as are demand or savings deposits held by commercial banks.

(c) In the situations recently considered, one of the industrial banks formerly issued "investment certificates" to the public in exchange for funds, and such certificates were repaid, in practice, on demand. Consequently, that institution was a "bank" under the above-cited interpretation of the Board. However, in 1964 it ceased issuing investment certificates in exchange for funds deposited with it and began a gradual program of transferring outstanding certificate accounts of this nature to a savings and loan association. The industrial bank no longer issues new certificates or accepts additional payments on outstanding certificates.

(d) Based on these facts, the Board concluded that the industrial bank in question is no longer accepting funds from the public within the terms of the interpretation quoted above and consequently is no longer a "bank" within the meaning of the Act.

(e) The second situation presented a somewhat different question. In that case the industrial bank accepts what are described as "savings deposits", as permitted by applicable State law. Heretofore, these deposits have been repaid on demand, and for this reason the institution would constitute a "bank" under the above-quoted interpretation. However, the institution proposes to "notify all holders of savings accounts that henceforth such accounts would not be paid [immediately] upon request but that a written notice of withdrawal would be required to be presented" to the institution "for some period of time [not less than 30 days] prior to withdrawal." In order "to cover the emergency cash needs of a holder • • •, [the industrial bank] would loan such holder the cash required not in excess of the balance in the savings account, such loan to be secured by pledge of the savings account and the loan to bear interest at prevailing rates for such loans", but in no event less than 2 percent more than the interest rate currently being paid on the pledged savings.

(f) After the proposed change was put into effect, savings deposits accepted by the industrial bank would no longer be "in actual practice repaid on demand." Accordingly, the Board concluded that, when the proposed change was consummated, the institution would no longer be a "bank" within the purview of the Holding Company Act.

(Interprets 12 U.S.C. 1841(c))

Dated at Washington, D.C., this 27th day of October 1965.

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 65-12164; Filed, Nov. 12, 1965; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 913]

[Docket No. AO–353]

GRAPEFRUIT GROWN IN INTERIOR DISTRICT IN FLORIDA

Decision and Referendum Order With Respect to Proposed Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Lakeland, Fla., June 28, 1965, after notice thereof published in the FEDERAL REGISTER (30 F.R. 6917) on a proposed marketing agreement and order for regulating the handling of grapefruit grown in the Interior District in Florida, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601–674).

On the basis of evidence adduced at the hearing and the record thereof, the recommended decision in this proceeding was filed on October 18, 1965, with the Hearing Clerk, U.S. Department of Agriculture. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F.R. Doc. 65–11325; 30 F.R. 13443). No exception was filed.

The material issues, findings and conclusions, and general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 65–11325; 30 F.R. 13443) are hereby approved and adopted as the material issues, findings and conclusions, and the general findings of this decision as if set forth in full herein.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Grapefruit Grown in the Interior District in Florida" and "Order Regulating the Handling of Grapefruit Grown in the Interior District in Florida" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among the producers who, during the period August 1, 1964, through July 31, 1965 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged in the Interior District of Florida in the production of grapefruit for market to ascertain whether such producers favor the issuance of said annexed order.

Minard F. Miller, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, is hereby designated as the agent of the Secretary of Agriculture to conduct said referendum.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Tree Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended" (28 F.R. 6409).

The ballots used in such referendum shall contain a summary describing the terms and conditions of the proposed order.

Copies of the aforesaid annexed order and of the aforesaid referendum procedure may be examined in the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C., 20250.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained from the referendum agent or any appointee.

It is hereby ordered, That all of this decision and referendum order, except the annexed marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement are identical with those contained in the said order which will be published with this decision.

Dated: November 8, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Regulating the Handling of Grapefruit Grown in the Interior District in Florida

Sec.
913.0 Findings and determinations.

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AUTHORITY: The provisions of this Part 913, inclusive, issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 913.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Lakeland, Fla., June 28, 1965, upon a proposed marketing agreement and a proposed marketing order regulating the handling of grapefruit grown in the Interior District in Florida. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) This order, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) This order regulates the handling of grapefruit grown in the Interior District in Florida in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed marketing agreement and order upon which a hearing has been held;

(3) This order is limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of grapefruit grown in the Interior District in Florida which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of grapefruit grown in the Interior District, as defined in this order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of grapefruit grown in the said Interior District shall be in conformity to, and in compliance with, the terms and conditions of this order; and such terms and conditions are as follows:

DEFINITIONS

§ 913.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 913.2 Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (Sec. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

§ 913.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 913.4 Fruit or grapefruit.

"Fruit" or "grapefruit" means any or all varieties of Citrus Paradisi, MacFadyen, grown in the Interior district in the State of Florida.

§ 913.5 Handler or shipper.

"Handler" is synonymous with "shipper" and means any person (except a common or contract carrier transporting grapefruit owned by another person) who, as owner, agent, or otherwise, handles grapefruit in fresh form, or causes grapefruit to be so handled.

§ 913.6 Handle or ship.

"Handle" or "ship" means to sell or transport grapefruit, or in any other way to place grapefruit in the current of commerce between the regulation area and any point outside thereof in the United States, Canada, or Mexico.

§ 913.7 Standard packed box.

"Standard packed box" means a unit or measure equivalent to one and three-fifths (1⅗) United States bushels of grapefruit, whether in bulk or in any container.

§ 913.8 Fiscal period.

"Fiscal period" means the period of time from August 1, of any year until July 31, of the following year, both dates inclusive: *Provided,* That the initial fiscal period shall begin on the effective date of this part.

§ 913.9 Committee.

"Committee" means Interior Grapefruit Marketing Committee.

§ 913.10 Regulation area.

"Regulation area" means that portion of the State of Florida which is bounded by the Suwannee River, the Georgia border, the Atlantic Ocean, and the Gulf of Mexico.

§ 913.11 Interior district or district.

"Interior district" or "district" means the production area comprised of the following areas in the State of Florida: The counties of Hillsborough, Pinellas, Manatee, Citrus, Sumter, Hernando, Pasco, Lake, Orange, Osceola, Seminole, Alachus, Putnam, St. Johns, Flagler, Marion, Levy, Duval, Nassau, Baker, Union, Bradford, Columbia, Clay, Gilchrist, Suwannee, Polk, Hardee, Sarasota, Monroe, Highlands, Okeechobee, Glades, De Soto, Charlotte, Lee, Hendry, Collier, Dade, Broward and County Commissioner's Districts One, Two and Three of Volusia County and shall include the portions of the Counties of Brevard, Indian River, Martin, and Palm Beach except as particularly described as follows: Beginning at a point on the shore of the Atlantic Ocean where the line between Flagler and Volusia Counties intersects said shore, thence follow the line between said two counties to the southwest corner of Section 23, Township 14 South, Range 31 East; thence continue south to the southwest corner of Section 35, Township 14 South, Range 31, East; thence east to the northwest corner of Township 18 South, Range 32 East; thence south to the southwest corner of Township 17 South, Range 32 East; thence east to the northwest corner of Township 18 South, Range 33 East, thence south to the St. Johns River; thence along the main channel of the St. Johns River and through Lake Harney, Lake Poinsett, Lake Winder, Lake Washington, Sawgrass Lake, and Lake Helen Blazes to the range line between Ranges 35 East and 36 East; thence south to the south line of Brevard County; thence east to the line between Ranges 36 East and 37 East; thence south to the southwest corner of St. Lucie County; thence east to the line between Ranges 39 East and 40 East; thence south to the south line of Martin County, thence east to the line between Ranges 40 East and 41 East; thence south to the West Palm Beach Canal (also known as the Okeechobee Canal); thence follow said canal eastward to the mouth thereof; thence east to the shore of the Atlantic Ocean; thence northerly along the shore of the Atlantic Ocean to the point of beginning.

ADMINISTRATIVE BODY

§ 913.20 Establishment and membership.

There is hereby established an Interior Grapefruit Marketing Committee. The members and alternates of such committee shall be those members and alternates of the Growers Administrative Committee and Shippers Advisory Committee, selected under Order No. 905 (7 CFR Part 905), whose residence and principal place of business are in the Interior district: *Provided,* That in the event the membership of such committees is not selected as aforesaid, the Secretary may select the members and alternate members of the Interior Grapefruit Marketing Committee until such time as a method for the selection of the membership of such committee is prescribed in the provisions of this Part.

§ 913.21 Inability of members to serve.

An alternate for a member of the committee shall act in the place and stead of such member (a) in his absence, or (b) in the event of his removal, resignation, disqualification, or death, and until a successor for his unexpired term has been selected.

§ 913.22 Powers of the Interior Grapefruit Marketing Committee.

The committee, in addition to the power to administer the terms and provisions of this subpart, as provided in this subpart, shall have the power (a) to make, only to the extent specifically permitted by the provisions contained in this subpart, administrative rules and regulations; (b) to receive, investigate, and report to the Secretary complaints of violations of this subpart; and (c) to recommend to the Secretary amendments to this subpart.

§ 913.23 Duties of the Interior Grapefruit Marketing Committee.

It shall be the duty of the committee:

(a) To select a chairman from its membership, and to select such other officers and adopt such rules and regulations for the conduct of its business as it may deem advisable;

(b) To keep minutes, books, and records which will clearly reflect all of its acts and transactions, which minutes, books, and records shall at all times be subject to the examination of the Secretary;

(c) To act as intermediary between the Secretary and producers and handlers;

(d) To furnish the Secretary with such available information as he may request;

(e) To appoint such employees as it may deem necessary and to determine the salaries and define the duties of such employees;

(f) To cause its books to be audited by one or more certified or registered public accountants at least once for each fiscal period, and at such other times as it deems necessary or as the Secretary may request, and to file with the Secretary copies of all audit reports;

(g) To prepare and publicly issue a monthly statement of financial operations of the committee; and

(h) To provide an adequate system for determining the total crop of grapefruit, and to make such determinations, as it may deem necessary, or as may be prescribed by the Secretary, in connec-

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

tion with the administration of this subpart.

§ 913.24 Compensation and expenses of committee members.

The members and alternate members of the committee shall serve without compensation but may be reimbursed for expenses necessarily incurred by them in attending committee meetings and in the performance of their duties under this subpart.

§ 913.25 Procedure of committee.

(a) Except as provided in paragraphs (b) and (c) of this section, a majority of the members shall constitute a quorum and any decision or action shall require concurrence by a majority of the committee.

(b) For any recommendation for regulations to be valid, not less than 60 percent of the committee shall concur, except as provided for in paragraph (c) of this section.

(c) Not less than 75 percent of the committee shall concur to make a recommendation for regulations for any week following three or more weeks of continuous regulations. The requirements of this paragraph shall not apply to recommendations to amend an existing regulation.

(d) The vote of each member cast for or against any recommendations made pursuant to this subpart, shall be duly recorded. Each member must vote in person.

(e) In the event any member of the committee and his alternate are not present at any meeting of the committee, any alternate present who is not acting for any other member may be designated by the chairman of the committee, to serve in the place and stead of the absent member.

(f) The committee shall give to the Secretary the same notice of meetings of the committee as is given to the members thereof.

§ 913.26 Funds.

(a) All funds received by the committee pursuant to the provisions of this subpart shall be used solely for the purposes herein specified and shall be accounted for in the manner provided in this subpart.

(b) The Secretary may, at any time, require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the committee such member shall account for all receipts and disbursements and deliver all property and funds, together with all books and records in his possession, to his successor in office, and shall execute such assignment and other instruments as may be necessary or appropriate to vest in such successor full title to all of the property, funds and claims vested in such member pursuant to this subpart.

EXPENSES AND ASSESSMENTS

§ 913.30 Expenses.

The committee is authorized to incur such expenses as the Secretary may find are reasonable and are likely to be incurred to carry out the functions of the committee under this subpart during each fiscal period. The funds to cover such expenses shall be acquired by the levying of assessments upon handlers as provided in § 913.31.

§ 913.31 Assessments.

(a) Each handler who first handles fruit shall pay to the committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred by such committee for its maintenance and functioning during each fiscal period. Each such handler's share of such expenses shall be that proportion thereof which the total quantity of fruit shipped by such handler as the first handler thereof during the applicable fiscal period is of the total quantity of fruit so shipped by all handlers during the same fiscal period. The Secretary shall fix the rate of assessment per standard packed box of fruit to be paid by each such handler. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) At any time during or after the fiscal period, the Secretary may increase the rate of assessment so that the sum of money collected pursuant to the provisions of this section shall be adequate to cover the said expenses. Such increase shall be applicable to all fruit shipped during the given fiscal period. In order to provide funds to carry out the functions of the committee, handlers may make advance payment of assessments.

§ 913.32 Handler's accounts.

If, at the end of a fiscal period the assessments collected are in excess of expenses incurred, the committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: *Provided*, That funds already in the reserve do not exceed approximately one-half one fiscal period's expenses. Such reserve funds may be used (a) to cover any expenses authorized by this part and (b) to cover necessary expenses of liquidation in the event of termination of this part. If any such excess is not retained in a reserve, each handler entitled to a proportionate refund shall be credited with such refund against the operations of the following fiscal period unless he demands payment of the sum due him, in which case such sum shall be paid to him. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

REGULATION

§ 913.40 Marketing policy.

(a) Prior to the first recommendation for regulation during any marketing season, the committee shall submit to the Secretary its marketing policy for such season. Such marketing policy shall contain the following information:

(1) The estimated available crop of grapefruit in the district, including estimated quality;

(2) The estimated utilization of the crop that will be marketed in domestic, export, and by-product channels, together with quantities otherwise to be disposed of;

(3) A schedule of estimated weekly shipments of grapefruit during the ensuing season;

(4) The available supplies of competitive deciduous fruits in all producing areas of the United States;

(5) Level and trend in consumer income;

(6) Estimated supplies of competitive citrus commodities; and

(7) Any other pertinent factors bearing on the marketing of grapefruit. In the event that it becomes advisable substantially to modify such marketing policy, the committee shall submit to the Secretary a revised marketing policy.

(b) All meetings of the committee held for the purpose of formulating such marketing policies shall be open to growers and handlers.

(c) The committee shall transmit a copy of each marketing policy report or revision thereof to the Secretary and to each grower and handler who files a request therefor. Copies of all such reports shall be maintained in the office of the committee where they shall be available for examination by growers and handlers.

§ 913.41 Recommendation for volume regulation.

(a) The committee may, during any week, recommend to the Secretary the total quantity of grapefruit which it deems advisable to be handled during the next succeeding week: *Provided*, That volume regulations shall not be recommended after such regulations have been effective for an aggregate of 6 weeks during the 1965–66 fiscal period; or an aggregate of 8 weeks during the 1966–67 fiscal period; or an aggregate of 10 weeks during any subsequent fiscal period.

(b) In making its recommendations, the committee shall give due consideration to the following factors:

(1) Market prices for grapefruit;

(2) Supply of grapefruit on track at, and en route to, the principal markets;

(3) Supply, maturity, and condition of grapefruit in the production area;

(4) Market prices and supplies of citrus fruits from competitive producing areas, and supplies of other competitive fruits;

(5) Trend and level in consumer income; and

(6) Other relevant factors.

(c) At any time during a week for which the Secretary, pursuant to § 913.42, has fixed the quantity of grapefruit which may be handled, the committee may recommend to the Secretary that such quantity be increased for such week. Each such recommendation, together with the committee's reason for such recommendation, shall be submitted promptly to the Secretary.

§ 913.42 Issuance of volume regulation.

Whenever the Secretary finds, from the recommendations and information submitted by the committee, or from other available information, that to limit the quantity of grapefruit which may be handled during a specified week will tend to effectuate the declared policy of the act, he shall fix such quantity: *Provided*, That such regulations during each fiscal period shall not in the aggregate limit the volume of grapefruit shipments during the 1965–66 fiscal period for more than 6 weeks; or for more than an aggregate of 8 weeks during the 1966–67 fiscal period; or for more than an aggregate of 10 weeks during any subsequent fiscal period. The quantity so fixed for any week may be increased by the Secretary at any time during such week. Such regulations may, as authorized by the act, be made effective irrespective of whether the season average price of grapefruit is in excess of the parity price specified therefor in the act. The Secretary may upon the recommendation of the committee, or upon other available information, terminate or suspend any regulation at any time.

§ 913.43 Prorate bases.

(a) Each person who desires to handle grapefruit, shall submit to the committee, at such time and in such manner as may be designated by the committee, and upon forms made available by it, a written application for a prorate base and for allotments as provided in this section and § 913.44.

(b) Such application shall be substantiated in such manner and shall be supported by such information as the committee may require.

(c) The committee shall determine the accuracy of the information submitted pursuant to this section. Whenever the committee finds that there is an error, omission, or inaccuracy in any such information, it shall correct the same and shall give the person who submitted the information a reasonable opportunity to discuss with the committee the factors considered in making the correction.

(d) Each week during the marketing season when volume regulation is likely to be recommended, the committee shall compute a prorate base for each handler who has made application in accordance with the provisions of this section. Except as provided in paragraph (e) of this section, such prorate base for each handler shall, for the 1965–66 fiscal period, be the quantity of grapefruit shipped by him during the preceding marketing season; for the 1966–67 fiscal period, be the average quantity of grapefruit shipped by him during the two preceding marketing seasons; and for subsequent fiscal periods, be the seasonal average quantity of grapefruit shipped by him during the three preceding marketing seasons.

(e) Any applicant for a prorate base who has made no shipments of grapefruit in the season immediately preceding the season for which prorate bases are being established, and who controls grapefruit and owns or has contracted for the use of packinghouse facilities to pack such grapefruit, shall be considered a new handler. The committee shall compute a prorate base for such applicant based upon his prior shipments of grapefruit, if any, grapefruit under his control, and any other factors which, in the judgment of the committee are relevant and proper to be used in arriving at an equitable prorate base for such handler. For the next succeeding fiscal period, the prorate base of such handler shall be the quantity of grapefruit shipped by him during the preceding marketing season, and for the second succeeding marketing season, his prorate base shall be the seasonal average quantity of grapefruit shipped by him during the two preceding marketing seasons.

§ 913.44 Allotments.

Whenever the Secretary has fixed the quantity of grapefruit which may be handled during any week, the committee shall calculate the quantity of grapefruit which may be handled during such week by each person who has applied for a prorate base. Such quantity shall be the allotment of such person and shall be that portion of the total quantity fixed by the Secretary which, expressed in terms of percent, is equal to the percentage that such applicant's prorate base is of the aggregate of the prorate bases of all such applicants. The committee shall give reasonable notice to each person of the allotment computed for him pursuant to this section.

§ 913.45 Overshipments.

During any week for which the Secretary has fixed the total quantity of grapefruit which may be handled, any person who has received an allotment may handle, in addition to the total allotment available to him for use during such week, an amount of grapefruit equivalent to 10 percent of such total allotment, or 500 boxes, whichever is greater. The quantity of grapefruit so handled in excess of the total allotment which such person had available for use during such week (but not exceeding an amount equivalent to the excess shipments permitted under this section) shall be deducted from such person's allotment for the next week. If such person's allotment for such week is in an amount less than the excess shipments permitted under this section, the remaining quantity shall be deducted from succeeding weekly allotments issued to such person until such excess has been entirely offset: *Provided*, That at any time there is no volume regulation in effect it shall be deemed to cancel all requirements to undership allotments because of previous overshipments pursuant to this part.

§ 913.46 Undershipments.

If any person handles during any week a quantity of grapefruit, covered by a regulation issued pursuant to § 913.42, in an amount less than the total allotment available to him for such week, he may handle, during the next succeeding week, a quantity of grapefruit, in addition to that permitted by the allotment available to him for such week, equivalent to such undershipment or 25 percent of the allotment issued to him for the week during which the undershipment was made, whichever is the lesser: *Provided*, That the committee, with the approval of the Secretary, may increase or decrease such percentage.

§ 913.47 Allotment loans.

(a) A person to whom allotments have been issued, except a new handler, may lend such allotments to other persons to whom allotments have also been issued. A new handler may borrow allotments and repay same. Each party to any such loan agreement shall, prior to completion of the agreement, notify the committee of the proposed loan and the date of repayment and obtain the committee's approval of the agreement.

(b) The committee may act on behalf of persons desiring to arrange allotment loans. In each case, the committee shall confirm all such transactions immediately after the completion thereof by memorandum addressed to the parties concerned, which memorandum shall be deemed to satisfy the requirements of paragraph (a) of this section as to an approval of the loan agreement.

§ 913.48 Inspection and certification.

Whenever the handling of grapefruit is regulated pursuant to § 913.42, each handler who handles any grapefruit shall, prior to the handling of any lot of grapefruit, cause such lot to be inspected by the Federal or Federal-State Inspection Service and certified by it as meeting all applicable requirements of such regulation: *Provided*, That such inspection and certification shall not be required if the particular lot of fruit previously had been so inspected and certified.

REPORTS AND RECORDS

§ 913.50 Reports and records.

Upon request of the committee, made with approval of the Secretary, each handler shall furnish to the committee, in such manner and at such time as it may prescribe, reports of overshipments and undershipments and such other reports and information as may be necessary for the committee to perform its duties under this part. Each handler shall maintain for such period of time as the committee shall prescribe, with the approval of the Secretary, such records of grapefruit handled as may be necessary to verify reports submitted pursuant to this section.

MISCELLANEOUS PROVISIONS

§ 913.55 Fruit not subject to regulation.

Except as otherwise provided in this section, any person may, without regard

to the provisions of §§ 913.42 through 913.48 and the regulations issued thereunder, ship grapefruit for the following purposes:

(a) To a charitable institution for consumption by such institution;

(b) To a relief agency for distribution by such agency;

(c) To a commercial processor for conversion by such processor into canned or frozen products or into a beverage base;

(d) By parcel post; and

(e) In such minimum quantities, types of shipments, or for such purposes as the committee with the approval of the Secretary may specify. No assessment shall be levied on fruit so shipped. The committee shall, with the approval of the Secretary, prescribe such rules, regulations, or safeguards as it may deem necessary to prevent grapefruit handled under the provisions of this section from entering channels of trade for other than the purposes authorized by this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications with the committee for authorization to handle grapefruit pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the grapefruit will not be used for any purpose not authorized by this section.

§ 913.56 Compliance.

Except as provided in this part, no person shall handle grapefruit during any week in which a regulation issued by the Secretary pursuant to § 913.42 is in effect, unless such grapefruit are, or have been, handled pursuant to an allotment therefor, or unless such person is otherwise permitted to handle such grapefruit under the provisions of this part; and no person shall handle grapefruit except in conformity with the provisions of this part and the regulations issued under this part.

§ 913.57 Right of Secretary.

The members of the committee (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 913.58 Effective time.

The provisions of this part shall become effective at such time as the Secretary may declare above his signature to this part, and shall continue in force until terminated in one of the ways specified in § 913.59.

§ 913.59 Termination.

(a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary shall terminate the provisions of this part at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal period, have been engaged in the production for market of fruit: *Provided*, That such majority have, during such period, produced for market more than 50 percent of the volume of such fruit produced for market, but such termination shall be effective only if announced on or before July 31 of the then current fiscal period.

(c) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 913.60 Proceedings after termination.

(a) Upon the termination of the provisions of this part, the then functioning members of the committee shall continue as joint trustees, for the purpose of liquidating the affairs of the same committee, of all the funds and property then in the possession of or under control of such administrative committee, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees (1) shall continue in such capacity until discharged by the Secretary; (2) shall, from time to time, account for all receipts and disbursements or deliver all property on hand, together with all books and records of the committee and of the joint trustees, to such person as the Secretary may direct; and (3) shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee, or the joint trustees pursuant to this part.

(c) Any funds collected pursuant to § 913.31, over and above the amounts necessary to meet outstanding obligations and expenses necessarily incurred during the operation of this part and during the liquidation period, shall be returned to handlers to the extent practicable after the termination of this part. The refund to each handler shall be represented by the excess of the amount paid by him over and above his pro rata share of the expenses.

(d) Any person to whom funds, or claims have been transferred or delivered by the committee, or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of said committee and upon the said joint trustees.

§ 913.61 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

§ 913.62 Agents.

The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any agency or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 913.63 Derogation.

Nothing contained in this part is, or shall be construed to be in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 913.64 Personal liability.

No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee.

§ 913.64 Personal liability.

If any provision of this part is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part of the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

[F.R. Doc. 65-12175; Filed, Nov. 12, 1965; 8:46 a.m.]

Notices

DEPARTMENT OF DEFENSE

Office of the Secretary

SECRETARY OF THE ARMY ET AL.

Delegation of Authority To Determine Nonfeasibility of Using Foreign Currency To Make Payments Under Certain Contracts

The Deputy Secretary of Defense approved the following delegation of authority on October 22, 1965.

There is hereby delegated to the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, the Directors of Defense Agencies, the Director of Defense Research and Engineering, and the Assistant Secretary of Defense (Administration), with the authority to redelegate, the authority vested in the Secretary of Defense by section 637, P.L. 89-213, and section 110, P.L. 89-202, to determine the nonfeasibility of using foreign currencies acquired pursuant to law to make payments under contracts in such countries.

Delegation of authority published at 27 F.R. 10912, November 8, 1962 is hereby superseded and canceled.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division OASD (Administration).

[F.R. Doc. 65-12177; Filed, Nov. 12, 1965; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. S-320]

JAMES H. AND LEOLA E. BAUMGARTNER

Notice of Loan Application

James H. and Leola E. Baumgartner, 1137 Montana Street, Coos Bay, Oreg., 97420, have applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 45.3-foot registered length wood trolling vessel to engage in the fishery for tuna and salmon in the Coos Bay area of Oregon.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised August 11, 1965), that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic injury or hardship.

H. E. CROWTHER,
Acting Director, Bureau of Commercial Fisheries.

NOVEMBER 9, 1965.

[F.R. Doc. 65-12205; Filed, Nov. 12, 1965; 8:49 a.m.]

National Park Service

[Order 1, Amdt. 2]

CATOCTIN MOUNTAIN PARK, MD.; ADMINISTRATIVE ASSISTANT

Delegation of Authority

Section 1 of Order No. 1 (dated March 11, 1963) is completely revoked and the following inserted in its place:

SECTION 1. *Administrative Assistant.* The Administrative Assistant may issue purchase orders not in excess of $1,500 for supplies or equipment in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

(National Park Service Order No. 14 (19 F.R. 8824) as amended; 39 Stat. 535, 16 U.S.C., sec. 2; National Capital Region Order No. 1 (28 F.R. 1811))

Dated: November 5, 1965.

EARL M. SEMINGSEN,
Superintendent.

[F.R. Doc. 65-12167; Filed, Nov. 12, 1965; 8:45 a.m.]

Office of the Secretary

WILLIAM C. PORTER, Jr.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of November 4, 1965.

Dated: November 4, 1965.

WILLIAM C. PORTER, Jr.

[F.R. Doc. 65-12168; Filed, Nov. 12, 1965; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[Case No. 327]

BENJAMIN WINKLER AND B. W. TRADING CORP.

Order Conditionally Restoring Export Privileges

In the matter of Benjamin Winkler and B. W. Trading Corp., 125 Cedar Street, New York, N.Y., respondents; Case No. 327. By order dated June 6, 1964, effective as of June 26, 1964 (29 F.R. 8150), the above-named respondents were denied all U.S. export privileges for the duration of export controls. The order provided that 1 year after the effective date thereof the said respondents might apply to have the effective denial of export privileges held in abeyance while they remained on probation. The said respondents have filed such an application and have submitted evidence to show their compliance with the terms of said order and other details concerning the nature of their business.

The respondents' application was referred to the Compliance Commissioner. He held a hearing on the matter on October 8, 1965, and received evidence concerning the activities of said respondents since the denial order was entered. He has recommended that an order be entered conditionally restoring export privileges to said respondents.

The undersigned has carefully considered the record herein and is of the opinion that the action recommended by the Compliance Commissioner is fair and just and that such action will contribute to the effective enforcement of the law and regulations.

Accordingly, it is hereby ordered that the export privileges of the above-named respondents be and hereby are restored conditionally, and the respondents are placed on probation for the duration of export controls. The conditions of probation are that the respondents shall fully comply with all of the requirements of the Export Control Act of 1949, as amended, and all regulations, licenses, and orders issued thereunder.

Upon a finding by the Director, Office of Export Control, or such other official as may be exercising the duties now exercised by him, that said respondents have knowingly failed to comply with the conditions of probation, said official, with or without prior notice to said respondents, by supplemental order, may revoke the probation of said respondents and deny to said respondents all export privileges for such period as said official may deem appropriate. Such order shall not preclude the Bureau of International Commerce from taking

further action for any violation as may be warranted.

This order shall become effective on November 15, 1965.

Dated: November 8, 1965.

RAUER H. MEYER,
Director, Office of Export Control.

[F.R. Doc. 65-12193; Filed, Nov. 12, 1965; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

HAWAIIAN SUGARCANE

Notice of Hearing on Prices and Designation of Presiding Officers

Pursuant to the authority contained in section 301(c)(2) of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U.S.C. 1131), and in accordance with the rules of practice and procedure applicable to fair price proceedings (7 CFR 802.1 et seq.), notice is hereby given that a public hearing will be held in Hilo, on the Island of Hawaii, in the auditorium of the Hilo Electric Light Co., Ltd., on December 2, 1965, beginning at 9 a.m.

The purpose of this hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining, pursuant to the provisions of section 301(c)(2) of said act, fair and reasonable prices or rates for the 1966 crop of Hawaiian sugarcane to be paid, under either purchase or toll agreements, by producers who process sugarcane grown by other producers and who apply for payments under the said act.

The hearing after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presiding officers, and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearing by the presiding officers.

In the interest of obtaining the best possible information, all interested persons are requested to appear at the hearing to express their views and present appropriate data in regard to the foregoing matter. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

A. A. Greenwood, W. S. Stevenson, C. F. Denny, and F. W. McCoy, are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Signed at Washington, D.C., on November 8, 1965.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65-12170; Filed, Nov. 12, 1965; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

EASTMAN CHEMICAL PRODUCTS, INC.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Eastman Chemical Products, Inc., Kingsport, Tenn., 37660, has withdrawn its petition (FAP 4B1371), published in the FEDERAL REGISTER of August 4, 1964 (29 F.R. 11197), proposing an amendment to § 121.2511 *Plasticizers in polymeric substances* to add sucrose acetate isobutyrate to the list of plasticizers in paragraph (b) and further proposing an amendment to § 121.2578 *Hot-melt strippable food coatings* to add cellulose acetate to the list of substances in paragraph (b)(2).

The withdrawal of this petition is without prejudice to a future filing.

Dated: November 8, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-12203; Filed, Nov. 12, 1965; 8:49 a.m.]

CIS-N[(1,1,2,2-TETRACHLOROETHYL) THIO]-4-CYCLOHEXENE-1,2-DICARBOXIMIDE

Notice of Establishment of Temporary Tolerances; Correction

In F.R. Doc. 65-11824, published in the FEDERAL REGISTER of November 3, 1965 (30 F.R. 13908), the expiration date "October 2, 1966" should read "October 27, 1966."

Dated: November 8, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-12200; Filed, Nov. 12, 1965; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9093 etc.]

REOPENED SERVICE TO SPOKANE CASE

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held on December 16, 1965, at 10 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., November 5, 1965.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 65-12190; Filed, Nov. 12, 1965; 8:48 a.m.]

[Docket No. 13415 etc.]

REOPENED WEST COAST AIRLINES, INC.

"Use It or Lose It" Investigation and Route Realignment; Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held on December 15, 1965, at 10 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., November 5, 1965.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 65-12191; Filed, Nov. 12, 1965; 8:48 a.m.]

[Docket No. 16507]

TRANS-AIR SYSTEM, INC.

Notice of Proposed Approval

Application of Trans-Air System, Inc., for approval of acquisition by merger of Lifschultz Terminal N.Y. Inc. under section 408 of the Federal Aviation Act of 1958, as amended, Docket No. 16507.

Notice is hereby given, pursuant to the statutory requirements of section 408(b), that the undersigned intends to issue the attached order under delegated authority. Interested parties are hereby afforded a period of 15 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., November 8, 1965.

[SEAL] J. W. ROSENTHAL,
Director, Bureau of Operating Rights.

UNITED STATES OF AMERICA CIVIL AERONAUTICS BOARD

WASHINGTON, D.C.

Issued under delegated authority

ORDER APPROVING CONTROL RELATIONSHIPS

Application of Trans-Air System, Inc.; Docket 16507; for approval of acquisition by merger of Lifschultz Terminal New York, Inc., under section 408 of the Federal Aviation Act of 1958, as amended.

Trans-Air System, Inc. (Trans-Air), has filed an application requesting approval, without a hearing, pursuant to section 408 of the Federal Aviation Act of 1958, as amended (the Act), of its acquisition by merger of all the assets and going business of Lifschultz Terminal New York, Inc. (Lifco).[1] Trans-Air, a domestic air freight forwarder, and Lifco, whose primary business is the consolidation of freight shipments for consignees, are both controlled by Sidney B. Lifschultz and family, such control having heretofore been approved by the Board as noted in Order E-22361, June 25, 1965, Docket 15475.

The application states that the reasons for the merger are to improve the financial status of Trans-Air, and to provide it with facilities indispensable to the development of its domestic air freight forwarding business. Its indebtedness to Lifco will be converted into an equity holding in Trans-Air by Lifco stockholders; furthermore, Trans-Air will acquire upwards of $70,000 of current assets, primarily cash, in exchange for Trans-Air stock to Lifco stockholders. Trans-Air will increase its net worth by more than $136,000, by reason of the merger, and will acquire Lifco's primary business of freight consolidation for the strengthening of this necessary function of Trans-Air as a freight forwarder. It is further pointed out that the pre-existing controls by Lifschultz interests will not be affected adversely.

The application also submits that the merger is consistent with and will not adversely affect the public interest, in that it will promote air freight operations and air transportation generally by strengthening Trans-Air's financial position and enabling it more fully to develop the potentials inherent in its operations. Consummation of the merger will not affect the control of an air carrier directly engaged in the operation of aircraft in air operation, will not result in a monopoly, or tend to restrain competition, nor jeopardize another air carrier not a party to the merger.

No comments relative to the application or requests for a hearing have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the application it is concluded that Trans-Air is an air carrier, and Lifco is a person engaged in a phase of aeronautics, both within the meaning of section 408 of the Act, and that the merger of Lifco into Trans-Air is subject to that section. However, it has further been concluded that such merger does not affect a carrier directly engaged in the operation of aircraft in air transportation, does not result in a monopoly, and does not restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing, and it is found that the public interest does not require a hearing. It therefore appears that approval of the control relationship would not be inconsistent with the public interest.

Pursuant to the authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.13, it is found that the foregoing merger should be approved under section 408(b) of the Act, without a hearing.

Accordingly, it is ordered: That the merger of Lifco into Trans-Air, be and it hereby is approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within 5 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review is filed, or the Board gives notice that it will review this order on its own motion.

By J. W. Rosenthal,
Director, Bureau of Operating Rights.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65-12192; Filed, Nov. 12, 1965; 8:48 a.m.]

[Docket No. 13823; Order E-22863]

DELTA AIR LINES, INC.

Order for Hearing and Denying and Granting Motions for Consolidation and Expedition

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of November 1965.

On August 1, 1962, Delta Air Lines, Inc. (Delta) applied for amendment of its certificate for Route 54 so as to eliminate the intermediate point Greenville-Spartanburg, S.C. (Greenville).[1] Delta also applied for, and subsequently received, authority to suspend temporarily its service to Greenville[2] and has not served the point since October 15, 1962, the date the Greenville-Spartanburg area airport was activated.

While the Delta application for suspension was pending, Southern Airways, Inc. (Southern) filed an application proposing extension of its service beyond Knoxville, Tenn., to the new terminal, Charleston, S.C., via the intermediate points Greenville and Columbia, S.C., and contemporaneously applied for temporary exemption authority to operate over this segment.[3]

The Greenville-Spartanburg Airport District filed answers in both Dockets 13813 and 13928 supporting Delta's application for suspension provided that Southern should be granted its requested exemption authority to serve the Greenville-Knoxville segment. Subsequently, Piedmont Aviation, Inc. (Piedmont) applied for authority to serve Greenville as an intermediate point on its segments 1 and 5[4] and, simultaneously, filed an answer in opposition to Southern's request for exemption authority. For reasons fully set forth in our Order E-18848 we granted Delta's application for temporary suspension of service at Greenville and denied Southern's application for exemption authority to operate nonstop between Greenville-Knoxville.

On October 10, 1962, the Greenville-Spartanburg Airport District and the South Carolina Aeronautics Commission petitioned for reconsideration of Order E-18848 in Dockets 13813 and 13928, requesting that, either the suspension of Delta be denied or that Southern, by exemption, be granted the route extension requested. Concurrently therewith, the petitioners filed in Dockets 13969 and 13927 a motion for expedited hearing on the certificate amendment applications of Southern and Piedmont. By our Order E-19279, February 7, 1963, we denied both the petition for reconsideration and motion for expedited hearing.

On November 23, 1964, the Greenville-Spartanburg Airport Commission and Greenville-Spartanburg Airport District (District) again filed a motion to consolidate the route applications of Delta, Southern, and Piedmont and to expedite the proceedings. In support thereof these civic parties alleged the following, inter alia: Although overall traffic had increased since opening of the regional airport, air traffic to certain points formerly served by Delta had declined,[5] that, rather than drive to Asheville for air service to Knoxville, people drove all the way to Knoxville or used inconvenient circuitous routings via Atlanta; that, since the proposed applications involved new services and/or restoration of a service which had been used, they merited expedition; that traffic volumes in the Greenville markets justified consideration of the applications; that operational changes made by Eastern Air Lines, Inc. (Eastern) since Delta suspended service had created new problems in the Greenville-Nashville, Louisville, St. Louis, and Chicago markets; that the Board should consider the local service needs of Greenville which have been altered by the absence of Delta; and, that the impact of the new airport, the effect on carrier subsidy and the need for more stable route authorizations to relieve uncertainty in airport planning all require early hearing on the applications for local service.

On December 10, 1964, the South Carolina Aeronautics Commission (Commission) filed a petition for leave to intervene in Docket 13927 and a motion to consolidate for hearing and contemporaneous consideration not only Docket 13927 but also several other pending applications.[6] In general, the Commission contended that all these applications sought to modify existing service in the so-called "Piedmont Area"; that the various applications involve adequacy of service between South Carolina's major cities and other cities with which they have a primary community of interest; that separate consideration would disrupt the pattern of service established by the Board in the Piedmont Local Service Area Investigation;[7] that the applications involve substantially the same parties and closely related issues; and, that a consolidated proceeding would be conducive to the proper dispatch of the Board's business and would serve the ends of justice by permitting the Board to have before it an up-to-date and integrated presentation upon which to base a determination of appropriate route assignments in the Piedmont Area.

[1] The application was filed on Sept. 23, 1965 and supplemented by filings on Oct. 7 and 21.

[1] Docket 13823, Aug. 1, 1962.
[2] Docket 13813, July 31, 1962, and Order E-18848, Oct. 1, 1962.
[3] Dockets 13927 and 13928, Aug. 13, 1962.
[4] Docket 13969, Aug. 23, 1962.

[5] According to the parties, the total traffic for the two cities increased from 104,290 passengers in 1961 to 143,630 passengers in 1963. It was estimated that 1964 traffic will amount to 183,000 passengers in and out. On the other hand, traffic between Greenville-Spartanburg and Knoxville, Asheville and Cincinnati declined from a total of 2,000 passengers in 1960 to 1,120 passengers in 1963.

[6] Dockets 13823, 13969, 15702, 14346, 14390, 14387, 14378, 14379, 14388, and 14384. We will not detail the specifics of each of these applications, but will treat with the basic reasons prompting the Commission's motion.

[7] Docket 5713, et al., E-18123, Mar. 19, 1962.

Both Delta (Dec. 3, 1964) and Eastern (Dec. 21, 1964) filed answers strongly opposing the consolidation of the eight additional applications as proposed by the South Carolina Aeronautics Commission.[8]

From our review of all the pleadings and related data we have determined to set down for prompt hearing Delta's application for deletion of Greenville from its certificate. Also, we will grant the motions of the Greenville-Spartanburg Airport Commission and the Greenville-Spartanburg Airport District to the extent that they seek consolidation of the route applications of Southern in Docket 13927 and Piedmont in Docket 13969. All other motions with respect to consolidation and expedition will be denied.[9]

In our Order E–18848 we concluded that Delta's suspension at Greenville should be authorized. In the same order we noted that Greenville/Spartanburg-Knoxville was the principal market in which direct air service would no longer be available after Delta's suspension. The principal thrust of the applications of Southern and Piedmont, as well as the motions of the civic parties, is to provide substitute service in this market. Since we have decided to order a full evidentiary hearing to determine whether Greenville should be deleted permanently from Delta's certificate, we have a proper forum for hearing the applications for substitute service without the necessity for a second hearing which could be duplicative and wasteful of time, effort and money.[10]

While we believe that consideration of the applications of Southern and Piedmont will not inflate the proceeding to unmanageable proportions, we will not entertain consolidation of any other applications as proposed in the motion of the South Carolina Aeronautics Commission filed December 10, 1964. Grant of the Commission's motion would expand the scope of a simple deletion proceeding into a broad area proceeding matching, if not exceeding, in size and complexity the Piedmont Local Service Area Investigation, concluded as recently as 1962, in which we fully considered the air transportation needs of South Carolina and authorized broad new authorities to meet the area's needs. The applications proposed for consolidation involve air service from Baltimore, Washington and Norfolk to Jacksonville, Fla., via various intermediate points in Virginia, North and South Carolina, and Georgia. These applications were filed by Delta, Piedmont and Southern but have marked competitive implications for other carriers, include duplicative new authorizations, are complex and controversial, and would unjustifiably complicate and hinder orderly Board processes and the proper dispatch of the Board's business.

We therefore, find and conclude that, pursuant to section 401(g) of the Federal Aviation Act, as amended, the application of Delta in Docket 13823 for the deletion of Greenville from its certificate for Route 54 be set down for hearing and that the motions for consolidation in this proceeding of Southern's application in Docket 13927 and Piedmont's application in Docket 13969 should be granted. Except as specified herein all other motions for expedition and consolidation shall be denied.

Accordingly, it is ordered, That:

1. A hearing be held on the application of Delta Air Lines, Inc., in Docket 13823 for the amendment of its certificate of public convenience and necessity for its Route 54 so as to delete the point Greenville-Spartanburg therefrom;

2. The motion of the Greenville-Spartanburg Airport Commission and the Greenville-Spartanburg Airport District for consolidation in this proceeding of the applications of Southern Airways, Inc., in Docket 13927 and Piedmont Aviation, Inc., in Docket 13969, is granted;

3. The motion filed by the South Carolina Aeronautics Commission for consolidation and contemporaneous hearing in Docket 13823 of the pending applications in Dockets 13823, 15702, 14346, 14390, 14387, 14388, 14378, 14379, and 14384 is denied; and

4. A copy of this order be served on Delta Air Lines, Inc., Southern Airways, Inc., Piedmont Aviation, Inc., Eastern Air Lines, Inc., the South Carolina Aeronautics Commission, the Greenville-Spartanburg Airport Commission, the Greenville-Spartanburg Airport District, the cities of Greenville and Spartanburg, S.C., the city of Asheville, N.C., and the Assistant Postmaster General for Transportation;

5. This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65–12186; Filed, Nov. 12, 1965; 8:47 a.m.]

[Docket No. 16641; Order E–22844]

EASTERN AIR LINES, INC., ET AL.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its Office in Washington, D.C., on the 4th day of November 1965.

In the matter of joint jet first-class fares proposed by Eastern Air Lines, Inc., Delta Air Lines, Inc., Northwest Airlines, Inc., United Air Lines, Inc.; Docket 16641.

By tariff revisions[1] filed October 11, 1965, and marked to become effective November 10, 1965, several trunkline carriers propose, among other things, to increase joint jet first-class fares in certain markets.[2] Certain of the proposals reflect increases over either existing joint fares or existing fares that would apply for the routings involved.

In support of the filing, it is stated that the revisions are proposed for the purpose of adding joint fares and routings to provide additional passenger routing options, to reflect changes in local fares, or to meet competition. No further justification has been submitted; and no complaints have been filed against the proposed tariff revisions.

In the absence of adequate economic justification, and in view of the industry's present earning trend, there appears to be no basis for the increased fares embodied in certain of these proposals. The Board finds that the proposed joint jet first-class fare increases may be unjust and unreasonable, appear unwarranted, and should be suspended and investigated. This finding is consistent with the Board's recent actions regarding other tariff filings proposing fare increases.[3]

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the fares and provisions described in Appendix A attached hereto,[4] and rules, regulations, or practices affecting such fares and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful fares and provisions, and rules, regulations, and practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A hereto are suspended and their use deferred to and including February 7, 1966, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This investigation be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. A copy of this order be filed with the aforesaid tariff and be served on Eastern Air Lines, Inc., Delta Air Lines, Inc., Northwest Airlines, Inc., and United Air Lines, Inc., parties to the investigation.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65–12187; Filed, Nov. 12, 1965; 8:47 a.m.]

[Docket Nos. 13508, 14828]

HOUSTON-NEW ORLEANS LOCAL SERVICE INVESTIGATION; TRANS-TEXAS AIRWAYS, INC., SEGMENT 7 RENEWAL CASE

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled cases is assigned to be held on December 8, 1965, at 10 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., November 5, 1965.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 65–12188; Filed, Nov. 12, 1965; 8:47 a.m.]

[Docket No. 12137]

NORTH CENTRAL AIRLINES; MADISON-CHICAGO SERVICE

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on December 13, 1965, at 10 a.m., e.s.t. in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

For further information, interested persons are referred to the various orders of the Board, the prehearing conference report, and other material contained in the docket of this proceeding on file with the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., November 8, 1965.

[SEAL] BARRON FREDRICKS,
Hearing Examiner.

[F.R. Doc. 65–12189; Filed, Nov. 12, 1965; 8:48 a.m.]

[8] The Board's docket contains a letter from Counsel for the Commission stating that the Commission does not object to the Board's favorable consideration of the motion for consolidation and expeditious hearing of the three original applications nor does the Commission object to an expeditious hearing on these applications independently of the Commission's pending motion to consolidate.

[9] We note that the Greenville-Spartanburg Airport District and the Chamber of Commerce of Asheville, N.C., have petitioned for leave to intervene in Piedmont's Docket 15702. Our decision to deny consolidation of this docket in the instant proceeding is without prejudice to any later filing of a petition to intervene in the instant proceeding.

[10] Cf. United Air Lines, Inc., Deletion of Route 34 Points Case, Order E–20931, June 12, 1964.

[1] Airline Tariff Publishers, Inc., Agent, CAB No. 44.

[2] The markets, routings, and proposed fares involved are:

Market	Routing	Proposed joint fare
Minneapolis/St. Paul-New Orleans.	NW Chicago EA.	$97.40
Minneapolis/St. Paul-West Palm Beach.	UA Chicago EA.	117.50
Charleston, S.C.-Milwaukee.	DL/EA Chicago NW.	71.50
Charleston, S.C.-Minneapolis/St. Paul.	DL/EA Chicago NW.	89.70
Charleston, S.C.-Portland, Oreg.	DL/EA Chicago NW.	180.05
Charleston, S.C.-Seattle.	DL/EA Chicago NW.	180.05

[3] Orders E–22483, E–22587, E–22773, and E–22783.

[4] Appendix and dissenting statement by Member Gillilland filed as part of original document.

SECURITIES AND EXCHANGE COMMISSION

[811–1158]

INCUBATION FUND, INC.

Notice of Application for Order Declaring That Company Has Ceased To Be Investment Company

NOVEMBER 8, 1965.

Notice is hereby given that the Incubation Fund, Inc. ("applicant"), 120 Broadway, New York, N.Y., 10005, a Delaware corporation and an open-end, nondiversified investment company registered under the Investment Company Act of 1940 ("Act") has filed an application pursuant to section 8(f) of the Act for an order declaring that applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below:

Applicant represents that it has issued no securities, has no stockholders and has no present intention of offering its securities to the public. Applicant also states that a majority of its board of directors has executed a certificate of surrender of corporate franchise pursuant to section 274 of Delaware corporation law, thereby effecting the dissolution of the Incubation Fund, Inc. Applicant further states that it has never done, nor does it intend to engage in business as an investment company.

Section 8(f) of the Act provides in pertinent part, that when the Commission, on application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than November 26, 1965, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65–12169; Filed, Nov. 12, 1965; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI66–140 etc.]

MARATHON OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates[1]

NOVEMBER 3, 1965.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commision finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 20, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
R166-140...	Marathon Oil Co., 539 South Main St., Findlay, Ohio, 45840.	28	11	Texas Eastern Transmission Corp. (Logansport Field, De Soto Parish, La.) (North Louisiana).	$235	10- 4-65	[2] 11-4-65	4-4-66	[9] 15.75	[3] [4] 17.2366	
	do	29	12	do	578	10- 4-65	[2] 11-4-65	4-4-66	[3] [6] 15.75	[3] [4] 17.2366	
	do	69	11	Texas Eastern Transmission Corp. (Greenwood-Waskom Field, Caddo Parish, La.) (North Louisiana).	594	10- 4-65	[2] 11-4-65	4-4-66	[7] 15.75	[3] [4] 17.2366	
R166-141...	Rip C. Underwood, 213 First National Bank Bldg., Amarillo, Tex.		1	Transwestern Pipeline Co. Mocane Laverne Gas Field, (Beaver County, Okla.) (Panhandle Area).	4,190	10- 4-65	[2] 11-4-65	4-4-66	[10] 17.0	[3] [10] 19.5	
R166-142...	Frederick C. and Ferris F. Hamilton, d.b.a. Hamilton Brothers, Ltd., 1517 Denver Club Bldg., Denver 2, Colo.	11	1	Transwestern Pipeline Co. (North Hansford Tonkawa Field, Hansford County, Tex.) (R.R. District No. 10).	205	10- 7-65	[2] 11-7-65	4-7-66	[10] 17.0	[3] [10] 19.5	
R166-143...	Dorchester Gas Producing Co., Post Office Box 750, Amarillo, Tex.	4	2	Panhandle Eastern Pipe Line Co. (Kansas-Hugoton Field, Stevens County, Kans.).	16,250	10-11-65	[2] 1-1-66	6-1-66	11.0	[3] 12.0	
R166-144...	M. H. Marr, 2500 Republic National Bank Bldg., Dallas, Tex.	3	14	Texas Eastern Transmission Corp. (Delhi Plant, Richland Parish, La.). (North Louisiana).	193	10- 7-65	[2] 11-7-65	4-7-66	[12] 16.8263	[4] [11] [13] 17.2366	
R166-145...	H. H. Weinert Estate, et al., c/o Edgar Engelke, Post Office Box 231, Seguin, Tex., 78155.	3	10	United Gas Pipe Line Co., (Burnell-North Pettus Fields, Bee, Goliad, and Karnes Counties, Tex.) (R.R. District No. 2).	7,031	10- 4-65	[2] 11-4-65	4-4-66	14.0	[3] [12] 15.485	
R166-146...	Tidewater Oil Co., Post Office Box 1404, Houston, Tex.	24	17	United Fuel Gas Co. (North Bourg Field, LaFourche and Terrebonne Parishes, La.) (South Louisiana).	3,694	10- 4-65	[2] 11-4-65	4-4-66	[10] [14] 17.0	[4] [14] [15] 18.0	
	do	54	8	Transcontinental Gas Pipe Line Corp. (LeLeux Field, Vermilion Parish, La.) (South Louisiana).	3,426	10- 4-65	[2] 11-4-65	4-4-66	[10] [14] 17.0	[4] [14] [15] 18.0	
R166-147...	Tidewater Oil Co. (Operator), et al.	25	14	United Fuel Gas Co. (Florence Field, Vermilion Parish, La.) (South Louisiana).	103	10- 4-65	[2] 11-4-65	4-4-66	[10] [14] 17.0	[4] [14] [15] 18.0	
	do	62	10	Transcontinental Gas Pipe Line Corp. (Northwest Gueydan Field, Acadia Parish, La.) (South Louisiana).	1,685	10- 4-65	[2] 11-4-65	4-4-66	[10] [14] 17.0	[4] [14] [15] 18.0	

[2] The stated effective date is the effective date requested by Respondent.
[3] Periodic rate increase.
[4] Pressure base is 15.025 p.s.i.a.
[5] Includes 1.75 cent per Mcf tax reimbursement.
[6] Settlement rate as per order issued June 28, 1962, in Docket Nos. R160-92, et al. Moratorium period on increased rate filings expired on Dec. 28, 1963.
[7] Settlement rate as per order issued Aug. 9, 1963, in Docket No. G-13532. Moratorium period on increased rate filings expired on Aug. 9, 1965.
[8] The stated effective date is the first day after expiration of the required statutory notice.
[9] Pressure base is 14.65 p.s.i.a.
[10] Subject to a downward B.t.u. adjustment.
[11] Two-step periodic rate increase.
[12] Buyer deducts handling charge of 1.35 cents per Mcf.
[13] Redetermined rate increase.
[14] Increase permitted by settlement order in Docket Nos. G-13310, et al.
[15] Includes 1.0 cent per Mcf tax reimbursement.
[16] Settlement rate approved by Commission order dated June 15, 1962, accepting Tidewater's settlement in Docket Nos. G-13310, et al.

Rip C. Underwood requests that his proposed rate increase be permitted to become effective "immediately". Frederick C. and Ferris F. Hamilton doing business as Hamilton Brothers, Ltd., request an effective date of September 1, 1965, for their proposed rate increase. M. H. Marr requests an effective date of November 1, 1965, and H. H. Weinert Estate, et al., request that their proposed rate increase be allowed to become effective as of October 1, 1965. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

M. H. Marr (Marr) proposes a periodic increase in rate to 17.2366 cents per Mcf at 15.025 p.s.i.a. for the sale of its share of gas to Texas Eastern Transmission Corp. from the Delhi Gasoline Plant, Richland Parish, La. The area increased rate ceiling is 14.0 cents per Mcf plus a maximum of 1.75 cents per Mcf tax reimbursement. Marr's proposed rates include 1.75 cents tax reimbursement and a deduction, by the buyer, of a 1.35 cents handling charge incurred by the buyer between the tailgate of the Delhi Plant and the transmission line. The Commission has previously considered the rate by producers from this plant to be the net rate received at the tailgate of the plant. After deducting the handling charge from the proposed rate of 17.2366 cents, the net rate received at the tailgate is 15.8866 cents, inclusive of tax reimbursement, which is above the applicable area ceiling of 15.75 cents, inclusive of tax reimbursement, and should be suspended as hereinbefore ordered.

All of the proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR 2.56).

[F.R. Doc. 65–12113; Filed, Nov. 12, 1965; 8:45 a.m.]

[Docket No. G–8851 etc.]

TENNECO OIL CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

NOVEMBER 3, 1965.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 26, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however*, That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed herein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-8851 ..... D 9-23-65	Tenneco Oil Co. (successor to Wilcox Oil Co.), Post Office Box 2511, Houston, Tex., 77001.	Cities Service Gas Co., Hansi Unit, (Hutchinson-Hugoton Field, Texas County, Okla.	11.0	14.65
G-10181 ..... E 10-22-65	Houston Natural Gas Production Co. (Operator), et al. (successor to Emerald Oil & Carbonic Co. (Operator), et al.), Post Office Box 1188, Houston, Tex., 77001.	Texas Eastern Transmission Corp., Salem Field, Victoria County, Tex.	18.8733	14.65
G-10670 ..... E 9-23-65	Tenneco Oil Co. (successor to Wilcox Oil Co.).	Cities Service Gas Co., Eureka Field, Grant, and Alfalfa Counties, Okla.	[11] 13.0	14.65
G-13836 ..... E 10-20-65	Excelsior Oil Corp. (successor to Excelsior Natural Gas Corp.), 300 North St. Joseph Ave., Hastings, Nebr., 68901.	Kansas-Nebraska Natural Gas Co., Inc., acreage in Logan County, Colo.	12.0	16.4
G-16362 ..... E 9-30-65	Harley R. Qualls & Associates (Operator), et al. (successor to W. H. Sharp (Operator), et al., Waterman-Waterbury Oil Co., Edwin G. Bradley, et al. (successor to Norman V. Kinsey, et al.), 826 Union Center Bldg., Wichita, Kans.	Kansas-Nebraska Natural Gas Co.; Inc., Kirk-Lineb and Kirk "A" Leases, Logan County, Colo.	6.4131	15.025
G-16865 ..... E 10-25-65	Production Co., Operator, c/o Jerome M. Alper, Esq., 818 18th Street N.W., Washington, D.C., 20006.	Panhandle Eastern Pipe Line Co., Lerado Field, Reno County, Kans.	13.0	14.65
G-17547 ..... C 10-25-65 [3]	Carlon Oil Co., 12th Floor, Peoples National Bank Bldg., Tyler, Tex.	Michigan Wisconsin Pipe Line Co., Laverne Gas Area, Harper County, Okla.	[4] 18.5	14.65
G-17590 ..... C 10-22-65	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla., 74102.	Michigan Wisconsin Pipe Line Co., Mocane-Laverne Field, Harper County, Okla.	[4] 17.0	14.65
G-17791 ..... C 10-22-65	Sohio Petroleum Co. (Operator), et al., 970 First National Office Bldg., Oklahoma City, Okla., 73102.	Cities Service Gas Co., Forsyth Unit, Medicine Lodge North, Barber County, Kans.	12.0	14.65
G-17949 ..... E 9-23-65	Tenneco Oil Co. (successor to Wilcox Oil Co.).	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	[4] 17.0	14.65
G-18176 ..... E 9-23-65	do	Michigan Wisconsin Pipe Line Co., Laverne Gas Area, Harper County, Okla.	[7] 18.5	14.65
G-18435 ..... C 10-25-65	Pan American Petroleum Corp. (Operator), et al., Post Office Box 591, Tulsa, Okla., 74102.	Natural Gas Pipeline Co. of America, Frantz Unit, Southeast Boyd Area, Beaver County, Okla.	16.0	14.65
G-18620 ..... E 9-23-65	Tenneco Oil Co. (successor to Wilcox Oil Co.).	Panhandle Eastern Pipe Line Co., Blucher Unit, Southwest Oreenough Field, Beaver County, Okla.	16.0	14.65
C160-339 ..... E 9-23-65	do			

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
C160-590 ..... C 10-25-65	Harper Oil Co. (Operator), et al., 904 Liberty Bldg., Oklahoma City, Okla. 73102.	Colorado Interstate Gas Co., Laverne Field, Harper County, Okla.	[9] 16.0	14.65
C161-516 ..... C 10-25-65	Pan American Petroleum Corp. (Operator), et al., Post Office Box 591, Tulsa, Okla., 74102.	Michigan Wisconsin Pipe Line Co., Woodward Area, Major, Dewey, and Woodward Counties, Okla.	[9] 21.545	14.65
C161-521 ..... E 9-23-65	Tenneco Oil Co. (successor to Wilcox Oil Co.).	Colorado Interstate Gas Co., Laverne Field, Tonkawa Formation, Harper County, Okla.	[9] 15.0	14.65
C161-691 ..... C 10-22-65	Sinclair Oil & Gas Co. (Operator), et al., Post Office Box 521, Tulsa, Okla., 74102.	Michigan Wisconsin Pipe Line Co., Woodward Area, Dewey County, Okla.	16.0	14.65
C161-717 ..... E 9-23-65	Tenneco Oil Co. (successor to Wilcox Oil Co.).	Michigan Wisconsin Pipe Line Co., Woodward Area, Woodward, Woods, Dewey, Major, and Alfalfa Counties, Okla.	[9] 15.0 [10] [11] 17.0	14.65
C161-1584 ..... C 9-14-65 [12]	Sun Oil Co. (Southwest Division), 1608 Walnut St., Philadelphia, Pa., 19103.	Tennessee Gas Transmission Co., Lockhart Field, Starr County, Tex.	16.0	14.65
C163-1410 ..... E 9-23-65	Tenneco Oil Co. (successor to Wilcox Oil Co.).	Northern Natural Gas Co., Mourey Unit, Booker East Area, Lipscomb County, Tex.	17.0	14.65
C163-1435 ..... E 9-23-65	do	Arkansas Louisiana Gas Co., Boyd Unit, North Carter Field, Beckham County, Okla.	[9] 15.0	14.65
C163-1504 ..... E 9-23-65	do	Arkansas Louisiana Gas Co., Burfort Unit, Southeast Custer City Area, Custer County, Okla.	[9] [15] 0	14.65
C163-1553 ..... E 9-23-65	do	Panhandle Eastern Pipe Line Co., Marcum Unit, Northwest Ward Field, West Texas Area.	[9] 15.0	14.65
C164-28 ..... C 10-25-65	Robert P. Lammerts, c/o Robert N. Bigby, Suite 405, 402 First National Bldg., Oklahoma City, Okla.	Arkansas Louisiana Gas Co., North Cooper Field, Blaine County, Okla.	15.0	14.65
C164-893 ..... 9-20-65 [13]	Bodcaw Company (Operator), et al., 1300 Mercantile Dallas Bldg., Dallas, Tex., 75201.	Texas Gas Transmission Corp., Perkins Valley Field, Webster Parish, La.	18.26	15.025
C166-175 ..... C 10-25-65	Anadarko Production Co., P.O. Box 806, North Santa Fe, Oklahoma City, Okla., 73118.	Northern Natural Gas Co., Mocane-Laverne Field, Beaver County, Okla.	17.0	14.65
C166-326 ..... A 10-19-65	Clark Oil & Refining Corp., 8530 National Ave., Milwaukee, Wis., 53227.	Kansas-Nebraska Natural Gas Co., Inc., acreage in Washington County, Colo.	14.0	18.4
C166-327 ..... A 10-19-65	Production Co., Operator, c/o Jerome M. Alper, Esq., 818 18th Street N.W., Washington, D.C., 20006.	Lone Star Gas Co., Henderson South Travis Peak and Henderson South Travis Teak "A" fields, Rusk County, Tex.	14.0896	14.65
C166-328 ..... A 10-20-65	Carlon Oil Co., 12th Floor, Peoples National Bank Bldg., Tyler, Tex.	Union Texas Pipe Line Co., Red Branch Field, Northwest Glendale Area, Trinity County, Tex.	12.0	14.65
C166-329 ..... B 10-20-65	Neal Rudder, et al., Post Office Box 128, Belpre, Ohio, 45714.	Equitable Gas Co., Central District, Doddridge County, W. Va.	Depleted	------
C166-330 ..... B 10-20-65	Gulf Sands Oil Co. and Alvin Caudels, Post Office Drawer 6180, Corpus Christi, Tex.	Banquete Gas Co., Adams Division of Banquete Consolidated Corp., Gaines Ranch Field, San Patricio County, Tex.	Depleted	------
C166-331 ..... B 10-11-65	Elmer C. Bentsen (successor to Herbert E. Wollard), Bentsen-Whittington Oil Co., 801 First National Bank Bldg., McAllen, Tex., 78501.	Tennessee Gas Transmission Co., North Ross Field, Starr County, Tex.	Depleted	------
C166-332 ..... A 10-22-65	Oil, Inc. Corp. (Operator), et al., Post Office Box 1589, Tulsa, Okla., 74102.	Tennessee Gas Transmission Co., West Delta Block 52 Field, Plaquemines Parish, La.	20.625	15.025
C166-333 ..... B 10-14-65	J. Glenn, Saul J. Glenn and Leonard Seigel, Box 1104, Tulsa, Okla.	Jernigan & Morgan Transmission Co., East Victor Pool, Lincoln County, Okla.	Declined in pressure.	------
C166-334 ..... B 10-21-65	Armstrong & Horn, 642 Milam Bldg., San Antonio, Tex.	United Gas Pipe Line Co., Blanconia Field, Bee County, Tex.	Depleted	------
C166-335 ..... A 10-22-65	Calcot Corp. (SW), 125 High St., Boston, Mass., 02110.	Colorado Interstate Gas Co., Laverne Field, Harper County, Okla.	16.0	14.65
C166-336 ..... A 10-25-65	Continental Oil Co., Post Office Box 2197, Houston, Tex., 77001.	Arkansas Louisiana Gas Co., Red Oak Field, Latimer and Le Flore Counties, Okla.	[11] 15.0	14.65

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI66-337 ..... A 10-22-65	Foster Petroleum Corp., Post Office Box 729, Bartlesville, Okla., 74004.	Oklahoma Natural Gas Gathering Corp., Ringwood Field, Major County, Okla.	11.0	14.65
CI66-338 ..... A 10-25-65	John H. Hill, c/o Gordon L. Llewellyn, attorney, 906 Southland Center, Dallas, Tex., 75201.	Cities Service Gas Co., Bishop Area, Roger Mills County, Okla.	15.0	14.65
CI66-339 ..... B 10-25-65	Jefferson County Co., Warren, Pa.	Pennsylvania Gas Co., acreage in Jefferson County, Pa.	(14)	.....
CI66-340 ..... B 10-25-65	Champlin Petroleum Co., Post Office Box 9365, Fort Worth, Tex., 76107.	West Texas Gathering Co., Emperor Field, Winkler County, Tex.	Depleted	.....
CI66-341 ..... B 10-25-65	Cumberland Gas Co., Post Office Box 2386, Charleston, W. Va., 25328.	Pennzoil Co., Carroll District, Lincoln County, W. Va.	(17)	.....
CI66-342 ..... A 10-26-65	Jones & Pellow Oil Co., et al., 101 Northeast 26th St., Oklahoma City, Okla., 73105.	Panhandle Eastern Pipe Line Co., Valley Center West Area, Dewey County, Okla.	[4] 17.0	14.65
CI66-343 ..... A 10-26-65	Union Drilling, Inc., Post Office Box 281, Washington, Pa.	Equitable Gas Co., Court House and Hackers Creek Districts, Lewis County, W. Va.	25.0	15.325
CI66-344 ..... (G-10411) F 8-12-65	R. W. Lange (successor to James Donoghue (Operator), et al.), Post Office Box 1034, Garden City, Kans.	Panhandle Eastern Pipe Line Co., acreage in Meade County, Kans.	15.0	14.65
CI66-345 ..... (CI65-617) F 10-21-65	McWood Corporation (successor to Lawrence Drilling Co.), Oil and Gas Bldg., Post Office Box 330, Abilene, Tex.	Texas Eastern Transmission Corp., Spider Field, De Soto Parish, La.	13.5	15.025
CI66-346 ..... (CI65-766) F 10-13-65	Camerina Petroleum Corp. (successor to GMC Oil & Gas Corp., et al.), 1600 First City National Bank Bldg., Houston, Tex.	Michigan Wisconsin Pipe Line Co., acreage in Woodward County, Okla.	17.0	14.65

[1] Rate in effect subject to refund in Docket No. G-20607; 14.0 cents rate suspended in Docket No. RI65-453.
[2] Subject to deduction of 0.75 cent Mcf for dehydration.
[3] Adds acreage acquired from Sinclair Oil & Gas Co.—Docket No. G-13299.
[4] Includes an estimated adjustment of 1.5 cents for upward B.t.u. content.
[5] Subject to upward and downward B.t.u. adjustment.
[6] Subject to upward B.t.u. adjustment.
[7] Includes an estimated adjustment of 1.5 cents for upward B.t.u. content.
[8] Includes 1.0 cent estimated adjustment for B.t.u. content and 1.045 cents per Mcf tax reimbursement.
[9] Oklahoma "Other" area.
[10] Oklahoma "Panhandle" area.
[11] Both rates subject to upward B.t.u. adjustment.
[12] Consolidated with CI62-1544, et al.
[13] Subject to possible deduction by Buyer for compression and/or treating of gas.
[14] Application to amend certificate to reflect "(Operator), et al."
[15] Buyer may charge up to 1½ cents per Mcf if necessary to bring gas up to its quality specifications.
[16] Producing properties sold to an affiliate, United Natural Gas Co., to become a part of its intrastate gathering system.
[17] Wells are depleted to the extent that service is no longer warranted.

[F.R. Doc. 65-12117; Filed, Nov. 12, 1965; 8:45 a.m.]

[Docket No. RI66-154]

PAN AMERICAN PETROLEUM CORP.

Order Granting Application for Rehearing, Conditionally Accepting Filing, and Providing for Hearing on and Suspension of Proposed Change in Rate

NOVEMBER 5, 1965.

Pan American Petroleum Corp. (Pan American) filed an application for rehearing on October 8, 1965, of the Commission's order issued September 10, 1965, rejecting, inter alia, a proposed rate increase from 16.0 cents to 20.5 cents per Mcf[1] tendered on August 13, 1965, by Pan American for the sale of residue gas from gas-well gas and oil-well gas to Transwestern Pipeline Co. under its FPC Gas Rate Schedule No. 329 in the Permian Basin Area of Texas. The contract involved here was executed on March 8, 1962, and thus covers a sale for new gas under Opinion No. 468. Pan American's proposed rate, which exceeds the applicable just and reasonable rate ceilings determined in Opinion No. 468 for the sale of gas in the Permian Basin Area, was rejected for the reasons set forth in the order issued August 26, 1965, in Socony Mobil Oil Company, Inc. (Operator), et al.

On October 20, 1965, subsequent to the issuance of our rejection order, the Tenth Circuit in Skelly Oil Co. v. FPC (C.A. 10 No. 8385 et al.) stayed through January 20, 1966, the effectiveness of Opinion Nos. 468 and 468-A as to Skelly, Phillips and Warren. The Court's order further provided that any member of the Court may grant a similar stay if other petitions for review are filed in or transferred to that Court. Argument was also set for January 7, 1966, on the question of further stay.

Pan American in Case No. 8458 filed in the Tenth Circuit both a petition for review and a motion for stay dated October 25, 1965, of Opinion Nos. 468 and 468-A. Under these circumstances, it is appropriate to grant Pan American's application for rehearing and to suspend its proposed increase for 5 months from the time it would have become effective had it not been rejected. However, we wish to make it clear that we will reject this increase abinitio in the event the stay is dissolved or Opinion Nos. 468 and 468-A are upheld upon judicial review.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that Supplement No. 2 to Pan American's FPC Gas Rate Schedule No. 329 herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Chapter I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the change proposed by Pan American.

(B) Pending hearing and decision thereon, Supplement No. 2 to Pan American's FPC Gas Rate Schedule No. 329 is suspended and its use deferred until February 13, 1966, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 20, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[1] The proposed increased rate is designated herein as Supplement No. 2 to Pan American's FPC Gas Rate Schedule No. 329. Details of the proposed increase are set forth in Appendix A hereof.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI66-154 ...	Pan American Petroleum Corp., Post Office Box 1410, Fort Worth, Tex., 76101, Attn.: J. K. Smith, Esq.	329	2	Transwestern Pipeline Co. (South Kermit Field, Winkler County, Tex.) (R.R. District No. 8) (Permian Basin Area).	$8,910	8-13-65	[1] 9-13-66	2-13-66	[2] 16.0	[3] [4] 20.5	-

[1] The stated effective date is the first day after expiration of the required statutory notice.
[2] Periodic rate increase.
[3] Pressure base is 14.65 p.s.i.a.
[4] Initial rate.

[F.R. Doc. 65-12196; Filed, Nov. 12, 1965; 8:48 a.m.]

[Docket No. RI66-155]

PENROSE PRODUCTION CO. ET AL.

Order Conditionally Accepting Filing and Providing for Hearing on and Suspension of Proposed Change in Rate

NOVEMBER 5, 1965.

On October 6, 1965, Penrose Production Co. et al. (Pencrose),[1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated October 4, 1965.
Purchaser and producing area: El Paso Natural Gas Co. (Eumont Field, Lea County, N. Mex.) (Permian Basin Area).
Rate schedule designation: Supplement No. 7 to Penrose's FPC Gas Rate Schedule No. 6.
Effective date: November 6, 1965.[2]
Amount of annual increase: $2,690.
Effective rate: 11.7199 cents per Mcf.[3]
Proposed rate: 71.0992 cents per Mcf.[4]
Pressure base: 14.65 p.s.i.a.

Penrose requests that its proposed rate increase be permited to become effective "immediately". Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Penrose's rate filing and such request is denied.

Penrose proposes a favored-nation rate increase from 11.7199 cents to 17.0992 cents per Mcf, amounting to $2,690 annually, for a sale of "old" gaswell gas to El Paso Natural Gas Co., in the Permian Basin Area of New Mexico. The proposed rate exceeds the just and reasonable ceiling of 13.5 cents per Mcf, plus applicable State and local production taxes, prescribed in Opinion No. 468.

Up to September 8, 1964, the interest in certain properties involved with Penrose's proposed rate increase was covered by Mapenza Oil Co. (Mapenza) under a contract dated August 20, 1956. Mapenza did not submit filings to the Commission covering such sale. In 1957, Mapenza authorized Continental Oil Co. (Continental) to make such filings in its behalf (Continental's FPC Gas Rate Schedule No. 85). By assignments dated November 13, 1958, Mapenza transferred its interest to Penrose Production Co., who continued to have the acquired interest covered by Continental, until September 8, 1964, when Penrose submited its own certificate application and rate schedule to continue the sale formerly covered by Continental. The sale involved herein was one of those covered when Continental was made a respondent in Docket No. AR61-1. The fact that the assignee, Penrose, received separate certificate authorization in 1964 and filed its own rate schedule did not have the effect of removing that sale from the area rate proceeding in Docket No. AR61-1.

The just and reasonable rate prescribed by the Permian Basin Opinion No. 468 and the moratorium applicable to all sales covered by Opinion No. 468 is therefore deemed to cover the subject sale. The proposed rate increase is thus subject to rejection. We recognize, however, that the Tenth Circuit in Skelly Oil Co. v. F.P.C. (No. 8385, et. al.) has issued a temporary stay until January 20, 1966, of Opinion Nos. 468 and 468-A, which covers the moratorium provisions of ordering paragraph (H) of Opinion No. 468. While this stay in terms is applicable only to Skelly, Phillips and Warren (who had, as of the time of the court's order, filed petitions for review of Opinions 468 and 468-A), we believe Penrose should be treated similarly to the three large producers who secured court stays. Accordingly, instead of rejecting the Penrose filing at this time, we shall conditionally accept it for filing, and simultaneously suspend the rate increase for a period of 5 months from the date of expiration of the statutory notice. Our acceptance of the instant rate increase is expressly conditioned to provide that the rate increase will be rejected, ab initio, in the event the court stay referred to above is dissolved or Opinion Nos. 468 and 468-A are upheld upon judicial review insofar as ordering paragraph (H) is concerned.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 7 to Penrose's FPC Gas Rate Schedule No. 6 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act [18 CFR, Chapter I], a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 7 to Penrose's FPC Gas Rate Schedule No. 6.

(B) Pending such hearing and decision thereon, Supplement No. 7 to Penrose's FPC Gas Rate Schedule No. 6 is conditionally accepted for filing, as noted above, and is hereby suspended and the use thereof deferred until April 6, 1966, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure [18 CFR 1.8 and 1.37(f)] on or before December 22, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[1] 1605 Commerce Building, Fort Worth, Tex., 76102. Attn: Glenn G. Neill.
[2] The stated effective date is the first day after expiration of the required statutory notice.
[3] Present rate previously suspended and is in effect subject to refund in Docket No. RI65-398.
[4] Subject to reduction of 0.4467 cent per Mcf for compression of low pressure gas (below 600 p.s.i.g.).

[F.R. Doc. 65-12197; Filed, Nov. 12, 1965; 8:48 a.m.]

[Project No. 2550]

WISCONSIN MICHIGAN POWER CO.

Notice of Application for License for Constructed Project

NOVEMBER 5, 1965.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Wisconsin Michigan Power Co. (correspondence to: J. S. Wells, Vice President, Wisconsin Michigan Power Co., 807 South Oneida Street, Appleton, Wis.) for license for constructed Project No. 2550, known as the Weyauwega Project, located on the Waupaca River in the county of Waupaca, in the city of Weyauwega, Wis.

The existing project consists of: A gravity dam 240 feet long in four sections, including earth sections of 71 and 90 feet in length, a 29-foot long intake section, and a 50-foot spillway section with three tainter gates; a reservoir having 286 acres; a brick powerhouse integral with the intake section housing a 600-horsepower turbine connected to a 400-kilowatt generator; and appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is December 21, 1965. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65–12198; Filed, Nov. 12, 1965; 8:48 a.m.]

[Docket No. CP66–131]

TRUNKLINE GAS CO.

Notice of Application

NOVEMBER 4, 1965.

Take notice that on October 27, 1965, Trunkline Gas Co., Post Office Box 1642, Houston, Tex., 77001, filed in Docket No. CP66–131 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the sale in interstate commerce of increased volumes of natural gas for resale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to increase its transmission system capacity to 1,040,000 Mcf per day by constructing and operating the following additional facilities:

A. 16.4 miles of 24-inch O.D. pipeline to loop a portion of Applicant's existing main transmission line between Cypress, Tex., and Longville, La.

B. 200.7 miles of 36-inches O.D. pipeline to loop portions of Applicant's existing main transmission lines between Longville, La., and Tuscola, Ill.

C. 4,200 horsepower at a new compressor station to be designated Station No. 313, Centerville, La.

D. 2,000 additional horsepower at existing Compressor Station No. 31, Cypress, Tex.

E. 3,000 additional horsepower at each of the following existing main line compressor stations: Station No. 57, Pollock, La., Station No. 75, Shaw, Miss., Station No. 93, Dyersburg, Tenn., and Station No. 112, Johnsonville, Ill.

F. 2,000 additional horsepower at existing main line Compressor Station No. 121, Tuscola, Ill.

G. 6,000 horsepower at a new compressor station to be designated Station No. 134, North Judson, Ind.

Applicant also seeks to increase the sale of natural gas to the following customers which Applicant states have requested the additional service to commence in November, 1966. Sales to Consumers Power Co. will be made pursuant to Applicant's P–2 rate schedule and the sales to Central Illinois Public Service Co. (CIPSCo) and the other indicated existing customers will be made pursuant to Applicant's G–1, G–2, and SG–1 rate schedules.

Customers	Present contract demand in Mcf	Proposed contract demand in Mcf	Increase in Mcf
Consumers Power Co.--	275,000	350,000	75,000
CIPSCo—Effingham, Ill.	6,400	6,800	400
CIPSCo—Newton, Ill..	2,866	3,200	334
CIPSCo—Hoopeston, Ill.	4,000	4,200	200
Cisne, Ill.	580	650	70
Lake County Utility District	2,590	3,100	510

The proposed increase in facilities is estimated to cost $44,745,000, which will be initially financed from funds on hand and short-term bank loans and later with permanent financing through the sale of long-term securities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before November 29, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedures herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65–12163; Filed, Nov. 12, 1965; 8:45 a.m.]

GENERAL SERVICES ADMINISTRATION

[F.P.R. Temporary Reg. No. 2]

DIRECTOR, UNITED STATES INFORMATION AGENCY

Delegation of Authority

NOVEMBER 8, 1965.

1. *Purpose.* This regulation delegates authority to the Director, U.S. Information Agency to contract for the purchase of auxiliary electric power for the operation of a radio relay station.

2. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(3), 205(d), and 205(e), authority is hereby delegated to the Director, U.S. Information Agency, to enter into a contract, for a period not exceeding 10 years, for the purchase of auxiliary electric power to be used in the operation of the Agency's radio relay station near Dixon, Solano County, Calif.

b. This authority shall be subject to all provisions of law, particularly Title III of said Act, as well as all applicable regulations and shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration. In addition, such authority shall be exercised in cooperation with the responsible officers, officials, and employees of the General Services Administration.

c. The authority delegated herein may be redelegated to any contracting officer or official of the Agency.

d. The Agency shall file a copy of said contract, and any amendments thereto, with the General Services Administration as soon as practicable after the execution thereof.

3. *Effective date.* This regulation is effective on the date of publication in the FEDERAL REGISTER.

4. *Expiration date.* Unless sooner revoked, this regulation shall expire upon the termination of said contract.

LAWSON B. KNOTT, Jr.,
Administrator of General Services.

NOVEMBER 8, 1965.

[F.R. Doc. 65–12199; Filed, Nov. 12, 1965; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 85]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 9, 1965.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 52574 (Sub-No. 21 TA), filed November 4, 1965. Applicant: ELIZABETH FREIGHT FORWARDING CORP., 120 South 20th Street, Irvington, N.J. Applicant's representative: August W. Heckman, 297 Academy Street, Jersey City, N.J., 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products and containers therefor*, from Irvington, N.J., to Martinsburg, W. Va., and Cumberland, Md., under contract with Drake Bakeries, division of the Borden Co., for 180 days. Supporting shipper: Drake Bakeries, division of the Borden Co., 514 Lyons Avenue, Irvington, N.J., 07111, Attention: John Rooney. Send protests to: Walter Grossman, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 363 Industrial Building, 1060 Broad Street, Newark, N.J., 07102.

No. MC 76436 (Sub-No. 28 TA), filed November 5, 1965. Applicant: SKAGGS TRANSFER, INC., 2400 Ralph Avenue, Louisville, Ky., 40216. Applicant's representative: W. D. Kirkpatrick, Post Office Box 102, Bowling Green, Ky., 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, articles of unusual value, commodities injurious or contaminating to other lading, and commodities requiring special equipment), between Nashville, Tenn., and Scottsville, Ky., from Nashville, over U.S. Highway 31E to Scottsville, and return over the same route, serving no intermediate points, for 180 days. Supporting shippers: Mr. Ira York, York and Massey, 103 South Court Street, Scottsville, Ky., 42164; Mr. W. R. Strausburg, partner, Strausburg's 5 & 10 Cents Store, 135 East Main Street, Scottsville, Ky., 42164; and, Mr. Koward Cole, treasurer, J. L. Turner & Son, Scottsville, Ky., 42164. Send protests to: Wayne L. Merilatt, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky., 40202.

No. MC 85255 (Sub-No. 24 TA), filed November 5, 1965. Applicant: PUGET SOUND TRUCK LINES, INC., Pier 62, Seattle, Wash. Applicant's representative: Clyde MacIver, Washington Building, Seattle, Wash., 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, hogged fuel, sawdust and shavings*, described as "wood residuals," from Vancouver, Wash., to Wauna, Oreg., for 180 days. Supporting shipper: Crown Zellerbach Corp., Public Service Building, Portland 4, Oreg., Attention: G. A. Abel, northwest traffic manager. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash., 98101.

No. MC 103378 (Sub-No. 319 TA), filed November 5, 1965. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Post Office Box 2966, Jacksonville, Fla., 32204. Applicant's representative: Wm. J. Cleary (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphate rock*, in bulk, from Occidental, Fla., to Dothan, Ala., for 180 days. Supporting shipper: The Home Guano Co., Post Office Box 700, Dothan, Ala., 36302. Send protests to: George H. Fauss, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Post Office Box 4969, Jacksonville, Fla., 32204.

No. MC 109397 (Sub-No. 129 TA), filed November 5, 1965. Applicant: TRI-STATE MOTOR TRANSIT CO., Post Office Box 113, 315 East Seventh Street Road, Joplin, Mo. Applicant's representative: Max G. Morgan, 450 American National Building, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rocket missile motors*, between Nimbus, Calif., and Wallops Station, Wallops Island, Va., for 150 days. Supporting shipper: National Aeronautics & Space Administration, Washington, D.C., 20546. Send protests to: John V. Barry, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo., 64106.

No. MC 113325 (Sub-No. 63 TA), filed November 5, 1965. Applicant: SLAY TRANSPORTATION CO., INC., 2001 South Seventh Street, St. Louis, Mo., 63104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry sodium phosphates*, in bulk from Long Beach, Calif., to St. Louis, Mo., for 150 days. Supporting shipper: Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo., 63166. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 3248–B, 1520 Market Street, St. Louis, Mo., 63103.

No. MC 114533 (Sub-No. 109 TA), filed November 4, 1965. Applicant: B. D. C. CORPORATION, 4970 South Archer Avenue, Chicago, Ill., 60632. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Eyeglasses, frames, lenses and parts thereof*, between Detroit, Saginaw, Grand Rapids, Kalamazoo, Mount Clemens, Flint, and Lansing, Mich., on the one hand, and, on the other, Elyria, Ohio, for 180 days. Supporting shipper: American Optical Co., 1561 Howard Street, Detroit 16, Mich. Send protests to: Charles J. Kudelka, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 1086, Chicago, Ill., 60604.

No. MC 114533 (Sub-No. 1110 TA), filed November 4, 1965. Applicant: B. D. C. CORPORATION, 4970 South Archer Avenue, Chicago, Ill., 60632. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit, accounting and data processing media, business reports and records*, from Detroit, Mich., to Toledo, Cleveland, Akron, Canton, Mansfield, Cincinnati, Dayton, and Columbus, Ohio, for 180 days. Supporting shipper: Automated Systems International/Hughs Dynamics, Inc., 14501 West McNichols Road, Detroit, Mich., 48235. Send protests to: Charles J. Kudelka, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 1086, Chicago, Ill., 60604.

No. MC 114533 (Sub-No. 111 TA), filed November 4, 1965. Applicant: B. D. C. CORPORATION, 4970 South Archer Avenue, Chicago, Ill., 60632. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit, accounting and data processing media, business reports and records*, from Indianapolis, Ind., to Arlington Heights, Ill., for 150 days. Supporting shipper: Ginn and Co., 205 West Wacker Drive, Chicago, Ill., 60606. Send protests to: Charles J. Kudelka, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 1086, Chicago, Ill., 60604.

No. MC 117165 (Sub-No. 19 TA), filed November 5, 1965. Applicant: C. J. DAVIS, doing business as ST. LOUIS FREIGHT LINES, West Relief Highway U.S. 20, Michigan City, Ind. Applicant's representative: Frank J. Kerwin, Jr., 1800 Buhl Building, Detroit, Mich., 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boards, panels and sheets, and parts, materials and acces-*

sories incidental thereto, on flatbed vehicles, from the site of the plants of United States Plywood Corp. at or near Gaylord, Mich., to points in Ohio, Illinois, Indiana, Pennsylvania, and New York, for 180 days. Supporting shipper: United States Plywood Corp., 127 Main Street, Green Bay, Wis., 54301. Send protests to: District Supervisor Edmunds, Bureau of Operations and Compliance, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind., 46802.

No. MC 123934 (Sub-No. 10 TA), filed November 5, 1965. Applicant: KREVDA BROS. EXPRESS, INC., Post Office Box 68, Gas City, Ind. Applicant's representative: D. W. Smith, Suite 511, Fidelity Building, Indianapolis, Ind., 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers* from Marion, Ind., to points in the Lower Peninsula of Michigan, for 180 days. Supporting shipper: Foster-Forbes Glass Co., Marion, Ind., 46953. Send protests to: John G. Edmunds, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind., 46802.

No. MC 124170 (Sub-No. 9 TA), filed November 4, 1965. Applicant: FROSTWAYS, INC., 2450 Scotten, Detroit, Mich. Applicant's representative: Robert D. Schuler, Suite 1700, One Woodward Avenue, Detroit, Mich., 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meat*, from Detroit, Mich., to Altoona, Pa., for 150 days. Supporting shipper: Great Markwestern Packing Co., 1825 Scott, Detroit, Mich. Send protests to: Gerald J. Davis, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1110 Broderick Tower, 10 Witherell, Detroit, Mich., 48226.

No. MC 127304 (Sub-No. 1 TA), filed November 4, 1965. Applicant: CLEAR WATER TRUCK COMPANY, INC., 410 Fourth National Bank Building, Wichita, Kans., 67202. Applicant's representative: James F. Miller, 7501 Million Road, Shawnee Mission, Kans., 66206. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Trichloromonofluoromethane* (Racon No. 11); *Dichlorodifluoromethane* (Racon No. 12); *Monochlorodifluomethane* (Racon No. 22), from Wichita, Kans., to points in the United States (except Alaska and Hawaii), and *returned, refused or rejected shipments* of the above; and *empty containers* for the above to Wichita, from all points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Racon Inc., 6040 South Ridge Road, Post Office Box 7084, Wichita, Kans., 67201. Send protests to: M. E. Taylor, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 906 Schweiter Building, Wichita, Kans., 67202.

No. MC 127335 (Sub-No. 1 TA), filed November 4, 1965. Applicant: COUSINS, INC., 117 Turk Street, Pontiac, Mich. Applicant's representative: Walter N. Bieneman, Suite 1700, One Woodward Avenue, Detroit, Mich., 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Milwaukee, Wis., to points in Oakland, Macomb, and Genessee Counties, Mich., restricted to traffic moving by rail piggyback service, from Milwaukee to Pontiac, Mich., for movement beyond by applicant to destinations in the named Michigan counties and return of empty containers in the reverse direction, subject to same restrictions, for 180 days. Supporting shippers: H. J. Van Hollenbeck, Distributor, Inc., 60 North Rose Street, Mount Clemens, Mich.; Metes & Powers, Inc., 2000 Pontiac Drive, Pontiac, Mich.; and, Tom Heos Beer Distributor, Inc., 145 West Lakeview, Flint, Mich. Send protests to: Gerald J. Davis, Bureau of Operations and Compliance, Interstate Commerce Commission, 1110 Broderick Tower, 10 Witherell, Detroit, Mich., 48226.

No. MC 127486 (Sub-No. 1 TA), filed November 5, 1965. Applicant: ROBERT AUSTIN AND ROGER AUSTIN, a partnership, doing business as AUSTIN BROS. TRUCKING, Post Office Box 44, Stottville, N.Y. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, N.Y., 12207. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated glass display cases, glass cabinets, metal and glass shelving and counters, and parts thereof*, when moving with shipments thereof for installation only, under continuing contract with Streater Industries, Inc., Chatham, N.Y., from Chatham, N.Y., to points in Maryland, New Jersey, Virginia, Delaware, Pennsylvania, and the District of Columbia, for 120 days. Supporting shipper: Streater Industries, Inc., Post Office Box N, Chatham, N.Y. Send protests to: Wilmot E. James, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 518 Federal Building, Albany, N.Y., 12207.

No. MC 127702 TA, filed November 4, 1965. Applicant: JACK STATON, doing business as BIG "D" MOTOR COMPANY, 915 Southwest Seventh, Oklahoma City, Okla. Applicant's representative: Richard H. Champlin, Post Office Box 82488, Oklahoma City, Okla., 73108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Repossessed automobiles*, in driveaway and towaway service, from points in Texas and California to points in Oklahoma, for 180 days. Supporting shipper: General Motors Acceptance Corp., 114 Northwest Sixth Street, Oklahoma City, Okla., 73101. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla., 73102.

No. MC 127703 TA, filed November 5, 1965. Applicant: D&M LUMBER CO., INC., 1930 Charlott, Missoula, Mont., 59801. Applicant's representatives: Worden, Worden, Thane and Robb, Savings Center Building, Missoula, Mont., 59801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood, panel structures, and laminated beams*, from points within a 150-mile radius of Seeley Lake, Mont., to points within a 200-mile radius of Denver, Colo., for 180 days. Supporting shippers: Pyramid Lumber, Inc., Seeley Lake, Mont., 59860; Gray Lumber Co., Seeley Lake, Mont., 59860; KV Lumber Sales, Post Office Box 9363, Denver, Colo., 80209; Geddes & Borngrebe, Inc., 4 South Santa Fe Drive, Denver, Colo., 80223; Roberts & Dybdahl, Inc., 655 Mariposa Street, Denver, Colo., 80204; and, Douglas Plywood Sales Co., Kalispell, Mont., 59901. Send protests to: Paul J. Labane, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 318 U.S. Post Office Building, Billings, Mont., 59101.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-12179, Filed, Nov. 12, 1965; 8:47 a.m.]

[Notice 1261]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 9, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-68202. By order of November 4, 1965, Transfer Board approved the transfer to Dumont Express (1962) Limited, a corporation, Post Office Box 160, Levis, Quebec, Canada of Certificate No. MC-114003 (Sub-No. 1), issued June 4, 1954, to Ball Bros. Transport Limited, 34 Queen Street, Granby, Quebec, Canada, authorizing the transportation over irregular routes of pipe organs and parts thereof, from the United States-Canada international boundary line at Rouses Point, N.Y., North Troy, and Highgate Springs, Vt., and Port Huron, Mich., to points in all States in the United States, and the District of Columbia; and, shipping crates and empty containers, and other such incidental facilities, used in the transportation of pipe organs and parts thereof, from the above points of destination to the above points of origin.

No. MC-FC-68251. By order of November 5, 1965, Transfer Board approved the transfer to Tom Hicks Transfer Company, Inc., Harvey, La., of the Certificates in Nos. MC-63792, MC-63792 (Sub-No. 8) and MC-63792 (Sub-No. 9), issued May 19, 1958, December 20, 1962 and January 29, 1964, respectively, to Howard T. Tellepsen, doing business as Tom Hicks Transfer Company, Harvey, La., authorizing the transportation of: Machinery, equipment, materials, and supplies used in production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, between points in Alabama, Florida, and Georgia, between points in Louisiana and Mississippi, on the one hand, and, on the other, points in Alabama, Florida, and Georgia, between points in Arkansas, Louisiana, and Mississippi, between points in Louisiana, Texas, and Arkansas, between points in Kansas, Oklahoma, and Texas, and between points in Texas, on the one hand, and, on the other, points in New Mexico, Colorado, Utah, and Wyoming; heavy machinery and heavy or cumbersome commodities requiring the use of special equipment, and parts thereof, between Houston, Tex., on the one hand, and, on the other, points in Arkansas, Louisiana, and Texas; and general commodities, excluding household goods, commodities in bulk, and other specified commodities, from Monroe and West Monroe, La., to Bastrop, Ruston, and Winnsboro, La. Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La., 70130, attorney for applicants.

No. MC-FC-68271. By order of November 8, 1965, Transfer Board approved the transfer to Aarow Van Lines, Inc., Elizabeth, N.J., of that portion of the operating rights of Elsie E. Matsen and Evelyn M. Matsen, a partnership, doing business as Morris C. Matsen's Southside Fireproof Storage, Racine, Wis., in Certificate No. MC-46907, issued June 11, 1958, authorizing the transportation, over irregular routes, of household goods, as defined by the Commission, between points in Wisconsin, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, Pennsylvania, New York, and New Jersey. Robert J. Gallagher, 111 State Street, Boston, Mass., 02109, attorney for transferee. Warren Monroe Dana, 114 Seventh Street, Racine, Wis., attorney for transferor.

No. MC-FC-68279. By order of November 4, 1965, Transfer Board approved the transfer to Murlogg Farm Van Co., Inc., Evansville, Ind., of the operating rights of Helen W. Kellogg, doing business as Murlogg Farm Van Co., Evansville, Ind., in Certificate No. MC-107933, issued September 21, 1951, authorizing the transportation, over irregular routes, of livestock, other than ordinary, for breeding, racing, show, and other special purposes, and in the same vehicle with such livestock, personal effects of attendants, trainers, and exhibitors, and supplies and equipment used in the care and exhibition of such animals, between points in New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Alabama, Florida, Louisiana, Texas, Oklahoma, Nebraska, Kansas, Iowa, Missouri, Illinois, Indiana, Ohio, Kentucky, Michigan, Tennessee, and Arkansas. William L. Mitchell, 315 Old National Bank Building, Evansville, Ind., 47708, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-12180; Filed, Nov. 12, 1965; 8:47 a.m.]

[3d Rev. S.O. 562; Pfahler's ICC Order No. 194-A]

ANN ARBOR RAILROAD CO.

Notice of Order Vacated

Upon further consideration of Pfahler's ICC Order No. 194 (The Ann Arbor Railroad Co.) and good cause appearing therefor:

It is ordered, That:

(a) Pfahler's ICC Order No. 194, be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective at 11:59 p.m., November 8, 1965.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 8, 1965.

INTERSTATE COMMERCE COMMISSION,

[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 65-12181; Filed, Nov. 12, 1965; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 9, 1965.

Protests to the granting of an application must be prepared in accordance with § 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40107—*Bituminous fine coal from points in Missouri.* Filed by Western Trunk Line Committee, agent (No. A-2432), for interested rail carriers. Rates on bituminous fine coal, in carloads, from mine origins in Missouri, to Des Moines and West Des Moines, Iowa.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 33 to Western Trunk Line Committee, agent, tariff ICC A-4468.

FSA No. 40108—*Joint motor-rail rates—Southern Motor Carriers.* Filed by Southern Motor Carriers Rate Conference, agent (No. 124), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in southern territory, on the one hand, and points in southwestern and middlewest territories, on the other.

Grounds for relief—Motor-truck competition.

Tariffs—Supplements 27 and 17 to Southern Motor Carriers Rate Conference, agent, tariffs MF-ICC 1312 and 1338, respectively.

FSA No. 40109—*Joint motor-rail rates—Southern Motor Carriers.* Filed by Southern Motor Carriers Rate Conference, agent (No. 125), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in southern territory, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief—Motor-truck competition.

Tariff—Supplement 12 to Southern Motor Carriers Rate Conference, agent, tariff MF-ICC 1361.

FSA No. 40110—*Grain and grain products between points in Kansas.* Filed by Western Trunk Line Committee, agent (No. A-2433), for interested rail carriers. Rates on grain, grain products, seeds, and related articles, in carloads, between points in Kansas.

Grounds for relief—Carrier competition.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-12182; Filed, Nov. 12, 1965; 8:47 a.m.]

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die*, and until all public acts have received final Presidential consideration, a listing of public laws approved by the President will appear in the daily FEDERAL REGISTER under *Title 2, The Congress*. A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 89th Congress, First Session.

Approved November 7, 1965

H.J. Res. 641---------- Public Law 89-325

Joint Resolution authorizing Father Flanagan's Boys' Home to erect a memorial in the District of Columbia or its environs.

H.J. Res. 671---------- Public Law 89-327

Joint Resolution to authorize the President to proclaim the month of November "Water Conservation Month".

H.R. 1778---------- Public Law 89-326

An Act to amend the Act entitled "An Act to create a Board for the Condemnation of Insanitary Buildings in the District of Columbia, and for other purposes", approved May 1, 1906, as amended.

H.R. 5026---------- Public Law 89-328

An Act to authorize the Burt County Bridge Commission, a public body politic and corporate in the county of Burt and State of Nebraska, to refund the outstanding revenue bonds of said Burt County Bridge Commission heretofore issued to finance the cost of the construction of a bridge, together with the necessary approaches and appurtenances therefor, from a point located in the city of Decatur, Burt County, Nebr., across the Missouri River to a point located in Monona County, Iowa.

Approved November 8, 1965

H.J. Res. 788---------- Public Law 89-340

Joint Resolution establishing that the second regular session of the Eighty-ninth Congress convene at noon on Monday, January 10, 1966.

H.R. 227---------- Public Law 89-349

An Act to amend title 38 of the United States Code to entitle the children of certain veterans who served in the Armed Forces prior to September 16, 1940, to benefit under the war orphans educational assistant program.

H.R. 797---------- Public Law 89-336

An Act to establish the Whiskeytown-Shasta-Trinity National Recreation Area in the State of California, and for other purposes.

H.R. 4421---------- Public Law 89-345

An Act authorizing the Administrator of Veterans' Affairs to convey certain property to the city of Cheyenne, Wyo.

H.R. 5493---------- Public Law 89-335

An Act to provide that the flag of the United States of America may be flown for twenty-four hours of each day in Lexington, Mass.

H.R. 5597---------- Public Law 89-341

An Act to relieve physicians of liability for negligent medical treatment at the scene of an accident in the District of Columbia.

H.R. 7475---------- Public Law 89-338

An Act to name the authorized lock and dam numbered 6 on the Arkansas River in Arkansas and the lake created thereby for David D. Terry.

H.R. 8310---------- Public Law 89-333

"Vocational Rehabilitation Act Amendments of 1965."

H.R. 9567---------- Public Law 89-329

Higher Education Act of 1965.

H.R. 9830---------- Public Law 89-344

An Act to amend the Federal Property and Administrative Services Act of 1949, as amended, to authorize reimbursement to a State or political subdivision thereof for sidewalk repair and replacement or to make other arrangements therefor.

H.R. 11135---------- Public Law 89-331

"Sugar Act Amendments of 1965"

H.R. 11267---------- Public Law 89-342

An Act to amend the joint resolution of March 25, 1953, relating to electrical and mechanical office equipment for the use of Members, officers, and committees of the House of Representatives, to remove certain limitations.

H.R. 11539---------- Public Law 89-339

An Act to provide assistance to the States of Florida, Louisiana, and Mississippi for the reconstruction of areas damaged by the recent hurricane.

S. 1004---------- Public Law 89-343

An Act to amend the Federal Property and Administrative Services Act of 1949, to make title III thereof directly applicable to procurement of property and services by executive agencies, and for other purposes.

S. 1320---------- Public Law 89-347

An Act to amend certain criminal laws applicable to the District of Columbia, and for other purposes.

S. 1758---------- Public Law 89-332

An Act to provide for the right of persons to be represented in matters before Federal agencies.

S. 2092---------- Public Law 89-330

An Act to amend the Agricultural Marketing Agreement Act of 1937 to permit marketing orders applicable to various fruits and vegetables to provide for paid advertising.

S. 2118---------- Public Law 89-346

An Act to amend sections 9 and 37 of the Shipping Act, 1916, and subsection O of the Ship Mortgage Act, 1920.

S. 2150---------- Public Law 89-348

An Act to discontinue or modify certain reporting requirements of law.

S. 2542---------- Public Law 89-334

An Act to amend the Small Business Act.

S. 2679---------- Public Law 89-337

An Act to amend the Watershed Protection and Flood Prevention Act, as amended.

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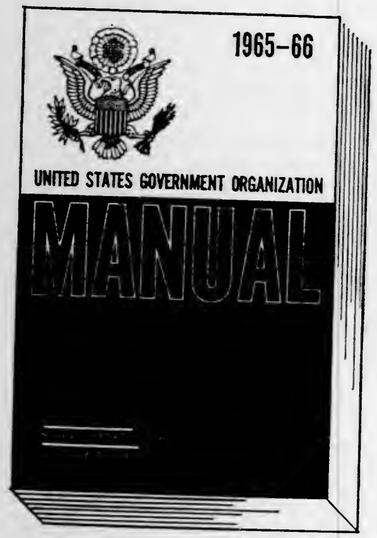
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FEDERAL REGISTER

VOLUME 30 • NUMBER 221

Tuesday, November 16, 1965 • Washington, D.C.

Pages 14295–14342

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Agriculture Department
Civil Aeronautics Board
Civil Service Commission
Coast Guard
Commodity Credit Corporation
Consumer and Marketing Service
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DEFENSE OF SOUTH VIET-NAM

By the President of the United States of America

A Proclamation

WHEREAS, in assisting the people of South Viet-Nam to resist unprovoked aggression, the United States and other nations are carrying on the honored tradition of defending a people's right to freedom; and

WHEREAS the purpose of the United States in Viet-Nam is to help to open the way for social justice in place of unprovoked aggression and peace instead of war; and

WHEREAS there can be no social justice or economic progress without security from external attack and from terror in the night; and

WHEREAS the Government of the United States remains ready without condition for the international discussions that can lead to lasting peace; and

WHEREAS it is the sense of the Congress in S. Res. 159 and H. Res. 626 that it would be fitting for the President to set aside a national day of remembrance dedicated to those Americans who are committing their lives, blood and energies in the defense of world peace.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby designate Sunday, November 28, 1965, as a day of dedication and prayer, honoring the men and women of South Viet-Nam, of the United States, and of all other countries, who are risking their lives to bring about a just peace in South Viet-Nam.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this sixth day of November in the year of our Lord nineteen hundred and sixty-five, and [SEAL] of the Independence of the United States of America the one hundred and ninetieth.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 65-12366; Filed, Nov. 15, 1965; 10:50 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 7—AGRICULTURAL STABILIZATION AND CONSERVATION COMMITTEES

Subpart—Selection and Functions of Agricultural Stabilization and Conservation County and Community Committees

By virtue of the authority vested in the Secretary of Agriculture by the Soil Conservation and Domestic Allotment Act of 1936, as amended, the regulations governing the selection and functions of Agricultural Stabilization and Conservation County and Community Committees are hereby consolidated and reissued, as set forth below. They supersede all previous regulations relating to the selection and functions of county and community committees which have been published in Part 7, Subtitle A, 7 CFR, as amended, and shall be in force and effect until amended or superseded by regulations hereafter made.

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AUTHORITY: §§ 7.1 to 7.37 issued under sec. 4, 49 Stat. 164, as amended; 16 U.S.C. 590d. Interpret or apply sec. 8, 49 Stat. 1149, as amended; 16 U.S.C. 590h.

NAMES OF COMMITTEES

§ 7.1 Local or community committee.

The local committee elected under the provisions of the regulations in this subpart shall be known as the Agricultural Stabilization and Conservation Community Committee, referred to in this subpart as the "community committee."

§ 7.2 County committee.

The county committee elected under the provisions of the regulations in this subpart shall be known as the Agricultural Stabilization and Conservation County Committee, referred to in this subpart as the "county committee."

PURPOSE OF COMMITTEES

§ 7.3 Purpose.

The purpose of the county committee shall be to direct the administration of sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act of 1936, the Agricultural Adjustment Act of 1938, the Sugar Act of 1948, the Soil Bank Act, and any amendments to such acts, and such other acts of Congress as the Secretary of Agriculture or the Congress may designate. This shall be done through community committeemen and other personnel responsible to the county committee, and in accordance with applicable laws, regulations, and official instructions. The county and community committees shall not engage in any other activity.

SELECTION OF COMMITTEES

§ 7.4 Method.

County and community committees shall be elected by eligible voters in accordance with the provisions of the regulations in this subpart.

§ 7.5 Who may vote for committeemen and delegates.

Any person who is of legal voting age and who has an interest in a farm as owner, tenant, or sharecropper and any person not of legal voting age who is in charge of the supervision and conduct of the farming operations on an entire farm shall be eligible to vote for committeemen and delegates in the community in which he has such an interest if:

(a) A payment or grant of conservation materials or services is or will be made with respect to the farm under the current agricultural conservation program or there is being carried out on the farm one or more of the current program practices approved for the State by the State Agricultural Stabilization and Conservation Committee, referred to in this subpart as the "State committee";

(b) A marketing quota or acreage allotment is currently established for the farm;

(c) Such person is eligible for a cooperator's loan or other price support;

(d) Such person is eligible for a payment under the Sugar Act Program;

(e) Such person is eligible for a payment under the National Wool Act Program;

(f) Such person is eligible for a payment under the Soil Bank Act; or

(g) Such person is eligible to participate in any other program administered by the county committee.

In any State having a community property law, the spouse of a person who is eligible to vote under the foregoing provisions shall also be eligible to vote.

§ 7.6 Restrictions on voting.

Each eligible voter shall be entitled to only one vote on any one ballot in any election held in any one community or in the county convention. If the eligible voter has an interest in a farm in more than one community in the county, such voter shall not be entitled to vote in more than one such community in the county. There shall be no voting by proxy.

§ 7.7 Determination of elective areas.

Each county shall be divided into local administrative areas, referred to in this subpart as "communities." The term "county" in Alaska shall be the area so designated by the State committee. The boundaries of the communities shall be fixed by the State committee after considering any recommendations by the county committee. No such community shall include more than one county or parts of different counties.

§ 7.8 Calling of elections.

Each election of county or community committeemen shall be held on a date or within a period of time fixed by the

State committee which will afford full opportunity for participation therein by all persons eligible to vote: *Provided*, That such date or period of time shall fall between July 1 and December 30 each year. Each such election shall be held in accordance with detailed instructions issued by the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service (called "Deputy Administrator" in this subpart). If the number of eligible voters voting in any election of community committeemen is so small that the State committee determines that the result of the election does not represent the views of a substantial number of eligible voters, it shall declare the election void and call a new election. If it is determined by the State committee that the election for any position on a community or county committee has not been held substantially in accordance with instructions, the State committee shall declare such election void and call a new election.

§ 7.9 Conduct of community elections.

The county committee serving at the time shall be responsible for the conduct of the community elections for the election of community committees and delegates to the county convention in accordance with instructions issued by the Deputy Administrator.

§ 7.10 Conduct of county convention.

The county committee serving at the time shall be responsible for designating the place at which the county convention for the election of the county committee will be held and for the conduct of the convention in accordance with instructions issued by the Deputy Administrator.

§ 7.11 Election of community committee and delegates to the county convention.

(a) Except as provided in paragraph (c) of this section, the eligible voters in a community shall elect annually a community committee composed of three members and shall also elect first and second alternates to serve as acting members of the community committee in the order elected in case of the temporary absence of a member, or to become a member of the community committee in the order elected in case of the resignation, disqualification, removal, or death of a member. An acting member of the community committee shall have the same duties and the same authority as a member. Election shall be by secret ballot and by plurality vote, with each eligible voter having the option of writing in the names of candidates of his own choice. Except as provided in paragraph (c) of this section, the three regular members of the community committee shall be the delegates to the county convention and the first and second alternates to the community committee shall also be in that order alternate delegates to the county convention: *Provided, however*, That a person may not serve as delegate if he has been a member of the county committee for that county during the 90 days preceding the community election. Failure to elect the prescribed number of alternates at the regular election shall not invalidate such election or require a special election to elect additional alternates.

(b) In any county where there is only one community, the community committee shall be the county committee.

(c) Where there is only one community in the county, at the first election held on or after January 1, 1965, one committeeman shall be elected to hold office for a term of three years or until his successor is elected and qualified, one committeeman shall be elected to hold office for a term of two years or until his successor is elected and qualified, and one committeeman shall be elected to hold office for a term of one year or until his successor is elected and qualified. At each annual election held thereafter, one committeeman shall be elected to hold office for a term of three years or until his successor is elected and qualified, so that the term of office of one committeeman will expire in each year. There shall also be elected annually a first alternate and second alternate to serve as acting members in the order elected in case of the temporary absence of a member or to become a member in the order elected in the case of resignation, disqualification, removal, or death of any member of the committee: In the event an alternate fills a permanent vacancy on the committee, he shall not thereby assume the unexpired term of the committeeman he replaced. An acting member shall have the same duties and authority as a member.

(d) The community committee shall select a secretary who shall be either the county agricultural extension agent for the county or an employee of the county committee.

(e) Notwithstanding the provisions of paragraphs (a) and (c) of this section, 1964 elections not completed until 1965 shall be held under the regulations which governed 1964 elections.

§ 7.12 Election of the county committee.

(a) The delegates elected pursuant to § 7.11 shall meet in a convention held before the close of the same calendar year in which they were elected to elect committeemen for vacancies on the county committee. A majority of the delegates so elected and qualified to vote at the time of the convention shall constitute a quorum. A county committee shall consist of three members. At the first county convention held on or after January 1, 1965, one committeeman shall be elected to hold office for a term of three years or until his successor is elected and qualified, one committeeman shall be elected to hold office for a term of two years or until his successor is elected and qualified, and one committeeman shall be elected to hold office for a term of one year or until his successor is elected and qualified. At each annual county convention held thereafter, one committeeman shall be elected to hold office for a term of three years or until his successor is elected and qualified, so that the term of office of one committeeman will expire in each year. One member shall be elected annually by the delegates as chairman, and one member as vice chairman. At each convention, the delegates shall also elect annually a first and second alternate to the county committee to serve as acting members of the committee in the order elected in case of the temporary absence of a member, or to become a member in the order elected in case of the resignation, disqualification, removal, or death of a member of the county committee. In the event an alternate fills a permanent vacancy on the county committee, he shall not thereby assume the unexpired term of the committeeman he replaced. An acting member of the county committee shall have the same duties and authority as a member.

(b) The county committee shall select a secretary who shall be either the county office manager, or other employee of the county committee, or the county agricultural extension agent for the county. If the county agricultural extension agent is not selected secretary to the county committee, he shall be ex officio a member of the county committee but shall not have the power to vote.

(c) Notwithstanding the provisions of paragraph (a) of this section, 1964 elections not completed until 1965 shall be held under the regulations which governed 1964 elections.

§ 7.13 Tie votes.

Tie votes in community committee elections may, at the discretion of the county committee and with the consent of the contestants, be settled by lot. In the county convention, tie votes shall be broken by further balloting. Except in a one community county, if election is by mail or polling place and there is a tie vote by the three regular members determining among themselves who shall be chairman and who shall be vice chairman and such tie cannot be broken by further balloting on the same day, it shall be broken by lot.

§ 7.14 Vacancies.

(a) In case of a vacancy in the office of chairman of a county or community committee, the respective vice chairman shall become chairman; in case of a vacancy in the office of vice chairman, the respective third regular member shall become vice chairman; in case of a vacancy in the office of the third regular member, the respective first alternate shall become the third regular member; and in case of a vacancy in the office of the first alternate, the respective second alternate shall become the first alternate: *Provided*, That when unanimously recommended by the three members of the county committee as constituted under this paragraph or as constituted under this paragraph and paragraph (c) of this section, and approved by the State committee, the offices of chairman and vice chairman of the county committee may be filled from such membership without regard to the order of succession prescribed in this paragraph or the action of the delegates to the county convention.

(b) In case of a vacancy in the panel of delegates to the county convention, the respective alternates shall act as delegates.

(c) In the event that a vacancy, other than one caused by temporary absence, occurs in the membership of the county committee and no alternate is available to fill the vacancy, the State committee shall call a meeting of the delegates to the county convention to elect persons to fill such vacancies as exist in the membership of the county committee and in the panel of alternates, except as provided in § 7.28.

(d) In the event that a vacancy, other than one caused by temporary absence, occurs in the membership of the community committee and no alternate is available to fill the vacancy, a special election shall be held to fill such vacancies as exist in the membership and in the panel of alternates.

ELIGIBILITY REQUIREMENTS

§ 7.15 County committeemen, community committeemen, and delegates.

To be eligible to hold office as a county committeeman, a community committeeman, a delegate, or an alternate, to any such office, a person must:

(a) Be eligible to vote in the county in which the election is held if a candidate for county committeeman, and in the community in which the election is held if a candidate for community committeeman or delegate to the county convention;

(b) Be residing in the county in which the election is held if a candidate for county committeeman, and residing in the community in which the election is held if a candidate for community committeeman or delegate to the county convention: *Provided, however*, That in cases where a county or community boundary runs through a farm, eligible persons residing on such farm may hold office in the county or community in which the farm has been determined to be located for program participation purposes;

(c) Not be ineligible under § 7.27;

(d) Not have been dishonorably discharged from any branch of the armed services, or not have been removed for cause from any public office, or not have been convicted of any fraud, larceny, embezzlement, or felony, unless any such disqualification is waived by the State committee or the Deputy Administrator.

(e) Not have been removed as a county committeeman, community committeeman, delegate, alternate to any such office, or as an employee for failure to perform the duties of his office, or committing, or attempting, or conspiring to commit fraud, or incompetency, or impeding the effectiveness of any program administered in the county, or refusal to carry out the Department's policy relating to equal opportunity and civil rights, including the equal employment policy, or interfering with others in carrying out such policy, unless such disqualification is waived by the State committee or the Deputy Administrator;

(f) Not have been disqualified for future service because of a determination by a State committee that during previous service as a county committeeman, community committeeman, delegate, alternate to any such office, or as an employee, he failed to perform the duties of his office or employment, or he committed, attempted, or conspired to commit fraud, or he impeded the effectiveness of any program administered in the county, or refused to carry out the Department's policy relating to equal opportunity and civil rights, including the equal employment policy, or interfered with others in carrying out such policy, unless such disqualification is waived by the State committee or the Deputy Administrator;

(g) Not be during his term of office a full-time employee of the U.S. Department of Agriculture;

(h) If the office is that of county committeeman or alternate county committeeman, not have passed his 70th birthday by the date his term of office, or new term of office begins, unless this provision is waived by the State committee.

(i) If the office is that of county committeeman, not be during his term of office a sales agent or employee of the Federal Crop Insurance Corporation;

(j) If the office is that of delegate to the county convention, not have been a county committeeman for that county during the 90 days preceding the community election;

(k) If the office is that of county committeeman, not be serving as a county committeeman with one or more years following the current election remaining in his term of office;

(l) If the office is that of county committeeman, not have served three consecutive terms as county committeeman just prior to the current election: *Provided, however*, That any term which began on or prior to January 1, 1965, or any partial year served thereafter by an alternate who filled a permanent vacancy on the county committee, shall not count toward this three term limitation; and

(m) The tenure of office of any county committeeman, community committeeman, delegate, or alternate to any such office, shall be terminated as soon as any such person becomes ineligible for office under the provisions of this section.

§ 7.16 All other personnel.

(a) The county office manager or any other employee must not be ineligible under § 7.27.

(b) The county office manager and other employees must not have been dishonorably discharged from any branch of the armed services, or not have been removed for cause from any public office, or not have been convicted of any fraud, larceny, embezzlement, or felony, unless any such disqualification is waived by the State committee or the Deputy Administrator.

(c) The county office manager or any other employee must not have been removed as a county committeeman, community committeeman, delegate, alternate to any such office, county office manager, or other employee for failure to perform the duties of his office, or committing, or attempting, or conspiring to commit fraud, or incompetency, or impeding the effectiveness of any program administered in the county, or refusal to carry out the Department's policy relating to equal opportunity and civil rights, including the equal employment policy, or interfering with others in carrying out such policy, unless such disqualification is waived by the State committee or the Deputy Administrator.

(d) The county office manager or any other employee must not have been disqualified for future employment, because of a determination by a State committee that during previous service as a county committeeman, community committeeman, delegate, alternate to any such office, or as an employee, he failed to perform the duties of his office or employment, or he committed, attempted, or conspired to commit fraud, or he impeded the effectiveness of any program administered in the county, or refused to carry out the Department's policy relating to equal opportunity and civil rights, including the equal employment policy, or interfered with others in carrying out such policy, unless such disqualification is waived by the State committee or the Deputy Administrator.

(e) The tenure of employment of any county office manager or other employee shall be terminated as soon as any such person becomes ineligible for employment under the provisions of this section.

§ 7.17 Dual office.

(a) *County committee membership.* A member of the county committee may not be at the same time:

(1) A member of a community committee;

(2) A delegate to a county convention;

(3) The secretary to or the treasurer of a county committee;

(4) A member of the State committee; or

(5) County office manager or any other county office employee.

(b) *Community committee membership.* A member of the community committee may not be at the same time:

(1) A member of a county committee;

(2) The secretary to or the treasurer of a county committee;

(3) A member of the State committee; or

(4) County office manager.

(c) *Delegate to the county convention.* A delegate to the county convention may not be a member of the State committee.

TERMS OF OFFICE

§ 7.18 County and community committeemen.

The terms of office of county and community committeemen and alternates to such office shall begin on the first day of the month next after their election: *Provided, however*, That before any such county committeeman or alternate county committeeman may take office he

shall sign a pledge that he will faithfully, fairly, and honestly perform to the best of his ability all of the duties devolving on him as a committeeman. A term of office shall continue until a successor has been elected and qualified as provided in §§ 7.11 and 7.12.

§ 7.19 Delegates to the county convention.

The terms of office of delegates and alternates to the county convention shall begin immediately upon their election and shall continue until their respective successors have been elected and qualified.

DUTIES

§ 7.20 County committee.

The county committee, subject to the general direction and supervision of the State committee, and acting through community committeemen and other personnel, shall be generally responsible for carrying out in the county the agricultural conservation program, the price support programs as assigned, the acreage allotment and marketing quota programs, the wool incentive payment program, the programs under the Soil Bank Act, and except in the State of Hawaii the sugar program formulated pursuant to the acts of Congress specified in § 7.3 and any other program assigned to it by the Secretary of Agriculture or the Congress. In so doing the committee shall:

(a) Enter into leasing agreements for such office space as needed in accordance with prescribed procedures;

(b) Employ the county office manager subject to standards and qualifications furnished by the State committee to serve at the pleasure of the county committee, except that incumbent managers shall not be removed other than under the provisions of § 7.29, until all members of the county committee have been in office for at least 90 days: *Provided also*, That there shall be no employment discrimination due to race, creed, color, or national origin. The county office manager may not be removed under this paragraph for advocating or carrying out the Department's policy on equal opportunity and civil rights, including the equal employment policy, and in the event it is claimed that dismissal is for such reason, the dismissal shall not become effective until the State committee and the Deputy Administrator have determined that dismissal was not because of such reason;

(c) Fix the rate of compensation for all personnel in accordance with schedules or instructions approved by the Deputy Administrator;

(d) Direct the activities of the community committees elected in the county;

(e) Pursuant to official instructions, review, approve, and certify forms, reports, and documents requiring such action under such instructions;

(f) Recommend to the State committee needed changes in boundaries of communities;

(g) Make available to farmers and the public information concerning the objectives and operations of the programs administered through the county committee;

(h) Make available to agencies of the Federal Government and others information with respect to the county committee activities in accordance with instructions issued by the Deputy Administrator;

(i) Give public notice of the designation and boundaries of each community within the county not less than 30 days prior to the election of community committeemen and delegates;

(j) Direct the giving of notices in accordance with applicable regulations and instructions;

(k) Recommend to the State committee desirable changes in or additions to existing programs;

(l) Conduct such hearings and investigations as the State committee may request; and

(m) Perform such other duties as may be prescribed by the State committee.

§ 7.21 Chairman of the county committee.

The chairman of the county committee or the person acting in his stead shall preside at meetings of the county committee, certify such documents as may require his certification, and perform such other duties as may be prescribed by the State committee.

§ 7.22 Community committee.

The community committee shall:

(a) Assist the county committee in carrying out programs assigned to it;

(b) Inform farmers concerning the purposes and provisions of programs being administered in the county by the county committee;

(c) Assist in arranging for and conducting necessary community meetings; and

(d) Perform such other duties as may be assigned to it by the county committee.

§ 7.23 Chairman of the community committee.

The chairman of the community committee or the person acting in his stead shall preside at meetings of the community committee, and perform such other duties as may be assigned to him by the county committee.

§ 7.24 Delegate to the county convention.

The delegate shall meet with other delegates in a county convention within a period of time fixed by the State committee and at the place designated by the county committee and elect county committeemen for the county.

§ 7.25 County office manager.

The county office manager shall:

(a) Execute the policies established by the county committee and be responsible for the day-to-day operations of the county office;

(b) Employ the personnel of the county office in accordance with standards and qualifications furnished by the State committee to serve at his pleasure: *Provided, however*, That there shall be no employment discrimination due to race, creed, color, or national origin. An employee may not be removed under this paragraph for advocating or carrying out the Department's policy on equal opportunity and civil rights, including the equal employment policy, and in the event it is claimed that dismissal is for such reason, the dismissal shall not become effective until the State committee and the Deputy Administrator have determined that dismissal was not because of such reason;

(c) Receive, dispose of, and account for all funds, negotiable instruments, or property coming into the custody of the county committee;

(d) Serve as counsellor to the county convention chairman on election procedures; and

(e) Supervise, under the direction of the county committee, the activities of the community committees elected in the county.

PRIVATE BUSINESS ACTIVITY

§ 7.26 All personnel.

No county committeeman, community committeeman, delegate, alternate to any such office, or any person employed in the county office shall at any time use such office or employment to promote any private business interest.

POLITICAL ACTIVITY

§ 7.27 All personnel.

(a) No person may be a member of the county governing body; or hold a Federal, State, or county office filled by an election held pursuant to law and hold office as a county committeeman, community committeeman, delegate, alternate to any such office, or be employed in any capacity, except, that members of school boards, soil conservation district boards, irrigation district boards, drainage district boards, weed control district boards, or of similar boards are not ineligible to hold office or employment under this paragraph solely because of membership on such boards.

(b) No person may be a candidate for membership on the county governing body; or for any Federal, State, or county office filled by an election held pursuant to law and hold office as a county committeeman, community committeeman, delegate, alternate to any such office, or be employed in any capacity, except, that candidates for school boards, soil conservation district boards, irrigation district boards, drainage district boards, weed control district boards, or for similar boards are not ineligible to hold office or employment under this paragraph solely because of candidacy for such boards.

(c) No person may be an officer, employee, or delegate to a convention of any political party or political organization and hold office as a county committeeman, community committeeman, delegate, alternate to any such office, or be employed in any capacity.

(d) The tenure of office of any county committeeman, community committeeman, delegate, alternate to any such office, or the employment of any employee, shall be automatically terminated as soon as any such person becomes ineligible for office or employment under the provisions of paragraph (a), (b), or (c) of this section.

(e) No county committeeman, community committeeman, delegate, or alternate to any such office, or any employee shall at any time engage in the following political activities:

(1) Solicit or receive any contributions (including the sale of tickets) for political party organizations or for a candidate for political office or for any other political purpose in any room or building used for the transaction of any Federal official business, or at any place from any other county committeeman, community committeeman, delegate, or alternate to any such office or employee.

(2) Use official authority or influence to discharge, remove, demote, or promote any employee, or threaten or promise to so do, for withholding or giving contributions (including the buying or the refusal to buy tickets) for political purposes, or for supporting or opposing any candidate or any political organization in any primary, general, or special election for political office.

(f) No county committeeman, or alternate to such office, or any employee on any day when entitled to pay for services in performance of duties, and no employee who serves during a continuous period of 90 days or more and has a regular tour of duty established in advance at any time, shall solicit, collect, receive, disburse or otherwise handle contributions of money, pledges, gifts, or anything of value (including the sale of tickets) made for:

(1) Political party organizations,

(2) A candidate for political office in any primary, general, or special election, but excluding such activities on behalf of individual candidates in township and municipal elections,

(3) Any other political purpose.

REMOVAL FROM OFFICE OR EMPLOYMENT

§ 7.28 County and community committeemen, and delegates to county convention.

(a) Any county committeeman, community committeeman, delegate to the county convention, or any alternate to any such office, who fails to perform the duties of his office, or who commits or attempts, or conspires to commit fraud, or is incompetent, or who impedes the effectiveness of any program administered in the county, or who violates the provisions of § 7.27 (e) or (f), or who refuses to carry out the Department's policy relating to equal opportunity and civil rights, including the equal employment policy, or who interferes with others in carrying out such policy, shall be suspended by the State committee. Any such person who is under formal investigation for any of the above cited reasons may be suspended by the State committee. Any person suspended under the provisions of this paragraph shall be given a written statement of the reasons for such action and 15 days from the date of mailing in which to advise the State committee in writing, in person, or both, why he should be restored to duty. The State committee, following such further investigation as is deemed necessary, shall either restore to duty or remove the suspended person. In the event further investigation develops reasons, in addition to those disclosed in the suspension notice, for the action taken, the suspended person shall be given written notification of such additional reasons and 15 days from the date of mailing in which to advise the State committee why he should be restored to duty. In the event a person under suspension submits his resignation, or his term expires, acceptance thereof shall not prevent a determination by the State committee that he would have been removed had he remained in the position, and such a determination shall constitute removal within the meaning of §§ 7.15 (e), 7.16(c), and 7.31. The person so removed shall be given written notification of any such determination and the reasons therefor.

(b) If in the event of suspensions or vacancies there are less than two members, including alternates, available to serve on the county committee, the State committee shall designate a person to administer the programs in the county pending the exoneration or removal of those under investigation, and if removed, pending the election of new county committee members and alternates. Such person may be the remaining member or alternate member of the committee if available. Any person named by the State committee in such capacity shall have full authority to perform all duties regularly performed by a duly elected county committee.

(c) Any former county committeeman, community committeeman, delegate, or any alternate to any such office, who during such term of office failed to perform the duties of his office, or committed, attempted, or conspired to commit fraud, or who impeded the effectiveness of any program administered in the county, or who violated the provisions of § 7.27 (e) or (f), or who refused to carry out the Department's policy relating to equal opportunity and civil rights, including the equal employment policy, or who interfered with others in carrying out such policy, may be disqualified from future service or employment by the State committee. Before any such disqualification determination is made, the State committee shall undertake such investigation as it deems necessary after which the State committee shall give the affected person a written statement of reasons for the proposed disqualification action. Such person shall have 15 days from the date of mailing to advise in writing, in person, or both, why the action should not be taken. If any further investigation develops substantial additional reasons for disqualification, the person involved shall be given a written statement of such reasons and 15 days from the date of mailing in which to respond.

(d) Any county committeeman, community committeeman, delegate to the county convention, or any alternate to any such office, who, prior to taking his present office, committed, or attempted, or conspired to commit fraud, or who impeded the effectiveness of any program administered in the county, may be suspended by the State committee. Any such person who is under formal investigation for any of the above cited reasons may be suspended by the State committee. The proceedings under this paragraph shall be the same as in paragraph (a) of this section.

§ 7.29 County office personnel.

(a) Any county office manager who fails to perform the duties of his employment, or who commits, or attempts, or conspires to commit fraud, or is incompetent, or who impedes the effectiveness of any program administered in the county, or who violates the provisions of § 7.27 (e) or (f), or who refuses to carry out the Department's policy relating to equal opportunity and civil rights, including the equal employment policy, or who interferes with others in carrying out such policy, shall be suspended by the county committee, or State committee. Any county office manager who is under formal investigation for any of the above cited reasons may be suspended by the county committee or State committee. A person suspended under the provisions of this paragraph shall be given a written statement of the reasons for such action and 15 days from the date of mailing in which to advise the committee which made the suspension, in writing, in person, or both, why he should be restored to duty. The committee which made the suspension following such further investigation as is deemed necessary, shall either restore to duty or remove the suspended person; except that, the county committee may not restore a suspended person to duty without prior written approval of the State committee, and upon refusal of such approval shall promptly remove such person. Upon refusal or failure of the county committee promptly to remove the suspended person, the State committee shall remove such person. In the event further investigation develops reasons, in addition to those disclosed in the suspension notice, for the action taken, the suspended person shall be given written notification of such additional reasons and 15 days from the date of mailing in which to advise why he should be restored to duty. In the event a person under suspension submits his resignation, acceptance thereof shall not prevent a determination by the county committee or State committee, that he would have been removed had he remained in the position, and such a determination shall constitute removal within the meaning of §§ 7.15(e), 7.16(c), and 7.31. The person so removed shall be given written notification of any such determination and the reasons therefor.

(b) Any employee, other than the county office manager, who fails to perform the duties of his employment, or who commits, or attempts, or conspires to commit fraud, or who impedes the effectiveness of any program administered in the county, or who violates the provisions of § 7.27 (e)

or (f), or who refuses to carry out the Department's policy relating to equal opportunity and civil rights, including the equal employment policy, or who interferes with others in carrying out such policy, shall be suspended by the county office manager, county committee, or State committee. Any employee who is under formal investigation for any of the above cited reasons may be suspended by the county office manager, county committee, or State committee. A person suspended under the provisions of this paragraph shall be given a written statement of the reasons for such action and 15 days from the date of mailing in which to advise the county committee, or the State committee if it made the suspension, in writing, in person, or both, why he should be restored to duty. The county committee, or the State committee if it made the suspension, following such further investigation as is deemed necessary, shall either restore to duty or remove the suspended person; except that, the county committee may not restore a suspended person to duty without prior written approval of the State committee, and upon refusal of such approval shall promptly remove such person. Upon refusal or failure of the county committee promptly to remove the suspended person, the State committee shall remove such person. In the event further investigation develops reasons, in addition to those disclosed in the suspension notice, for the action taken, the suspended person shall be given written notification of such additional reasons and 15 days from the date of mailing in which to advise why he should be restored to duty. In the event a person under suspension submits his resignation, acceptance thereof shall not prevent a determination by the county committee, or the State committee, that he would have been removed had he remained in the position and such a determination shall constitute removal within the meaning of §§ 7.15(e), 7.16(c), and 7.31. The person so removed shall be given written notification of any such determination and the reasons therefor.

(c) Any former county office manager or other employee who during his term of employment failed to perform the duties of his employment, or who committed, attempted, or conspired to commit fraud, or who impeded the effectiveness of any program administered in the county, or who violated the provisions of § 7.27 (e) or (f), or who refused to carry out the Department's policy relating to equal opportunity and civil rights, including the equal employment policy, or who interfered with others in carrying out such policy, may be disqualified from future service or employment by the State committee. Before any such disqualification determination is made, the State committee shall undertake such investigation as it deems necessary, after which the State committee shall give the affected person a written statement of reasons for the proposed disqualification action. Such person shall have 15 days from the date of mailing to advise in writing, in person, or both, why the action should not be taken. If any further investigation develops substantial additional reasons for disqualification, the person involved shall be given a written statement of such reasons and 15 days from the date of mailing in which to respond.

(d) Any county office manager who, prior to taking his present office or employment, committed, or attempted, or conspired to commit fraud, or who impeded the effectiveness of any program administered in the county, may be suspended by the county committee or State committee. Any county office manager who is under formal investigation for any of the above cited reasons may be suspended by the county committee or State committee. The proceedings under this paragraph shall be the same as in paragraph (a) of this section.

(e) Any employee, other than the county office manager, who, prior to taking his present office or employment, committed, or attempted, or conspired to commit fraud, or who impeded the effectiveness of any program administered in the county, may be suspended by the county office manager, county committee, or State committee. Any employee who is under formal investigation for any of the above cited reasons may be suspended by the county office manager, county committee, or State committee. The proceedings under this paragraph shall be the same as in paragraph (b) of this section.

§ 7.30 Delegation of authority to deputy administrator.

Notwithstanding the authority vested in the State committee, a county committee, and the county office manager by these regulations, the Deputy Administrator shall have authority to suspend and remove any county committeeman, community committeeman, delegate to the county convention, an alternate to any such office, county office manager, or other county employee, for any and all of the reasons and causes authorizing such suspension and removal by the State committee, the county committee, or the county office manager. When the Deputy Administrator suspends any person hereunder he shall give a written statement of the reasons for such action. Any person suspended shall have 15 days from date of mailing in which to advise the Deputy Administrator in writing, in person, or both, why he should be restored to duty. The Deputy Administrator following such further investigation as he deems necessary shall either restore to duty or remove the suspended person. In the event further investigation develops reasons for the action taken, in addition to those disclosed in the suspension notice, the suspended person shall be given written notification of such additional reasons and 15 days from date of mailing within which to advise the Deputy Administrator why he should be restored to duty.

§ 7.31 Right of review.

Any person removed from employment by the county committee under the provisions of § 7.29 (a) or (b), or § 7.27 (e) or (f) shall have the right to present to the State committee reasons in writing, in person, or both, as to why he should be restored to duty. The State committee may either uphold the decision of the county committee or order the person restored to duty. If the person removed is dissatisfied with the decision of the State committee, he may present the reasons in writing, in person, or both, to the Deputy Administrator as to why he should be restored to duty. The Deputy Administrator may uphold the decision of the county committee or order the person restored to duty. Any person removed from office or employment or disqualified for future office or employment by the State committee under the provisions of § 7.27 (e) and (f), § 7.28, § 7.29, or § 7.30 shall have the right to present to the Deputy Administrator reasons in writing, in person, or both, as to why he should be restored to duty or have the disqualification removed. The Deputy Administrator may uphold the decision or order the person restored to duty, or order the disqualification removed. Any person removed from office or employment by the Deputy Administrator under the provisions of § 7.30 shall have the right to request the Deputy Administrator for a reconsideration of his decision and to present reasons therefor in writing, in person, or both. Any presentation shall be in accordance with such procedure as the Deputy Administrator may prescribe. Notice of any presentation under this section must be filed within 30 days of the date the notice of removal or disqualification decision is mailed to any such person.

CUSTODY AND USE OF BOOKS, RECORDS, AND DOCUMENTS

§ 7.32 Custody.

All books, records, and documents used by the county committee in the administration of programs assigned to it by the Secretary of Agriculture or the Congress shall be the property of the Department of Agriculture and shall be maintained in good order in the county office.

§ 7.33 Use.

The books, records, and documents referred to in this subpart shall be available for use:

(a) At all times to authorized representatives of the Secretary of Agriculture, State committeemen and their employees, county committeemen, community committeemen and employees of the county office in the performance of duties assigned to them under the regulations in this subpart;

(b) At any reasonable time to any program participant insofar as his interests under the programs administered by the county committee may be affected; and

(c) To any other person only in accordance with instructions issued by the Deputy Administrator.

GENERAL PROVISIONS

§ 7.34 Administrative operations.

The administrative operations of county committees such as, but not limited to the following, shall be conducted, except as otherwise provided in these regulations, in accordance with instructions issued by the Deputy Administrator:

(a) Annual, sick, and other types of employee leave;

(b) Location and use of county committee office;

(c) Call, conduct, and records of county and community committee meetings.

§ 7.35 Implementation.

The Deputy Administrator is authorized to issue instructions implementing these regulations.

§ 7.36 Applicability.

The regulations in this subpart shall apply to the States of the Union.

§ 7.37 Secretary; Administrator, or Deputy Administrator, not precluded from exercising authority.

Nothing in these regulations shall preclude the Secretary; Administrator, Agricultural Stabilization and Conservation Service; or Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, from administering any or all programs or exercising other functions delegated to the community committee, county committee, State committee, or any employee. In exercising this authority either the Secretary, Administrator, or Deputy Administrator may designate a person or persons of his choice to be in charge with full authority to carry on the programs or other functions without regard to the committee, committees, or their employees for such period of time as may be necessary.

Effective date. Publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on November 3, 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-12249; Filed, Nov. 15, 1965; 8:48 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM ACREAGE ALLOTMENTS AND MARKETING QUOTAS

PART 722—COTTON

Subpart—1966 Crop of Upland Cotton; Acreage Allotments and Marketing Quotas

TRANSFERS OF ALLOTMENTS, DOMESTIC ALLOTMENTS AND PROJECTED NATIONAL YIELD

Sec.
722.270 Basis and purpose.
722.271 Transfers of allotments.
722.272 National domestic allotment and projected national yield.

AUTHORITY: The provisions of this subpart issued under secs. 301(b)(13)(L), 344a, 350, 79 Stat. 1187, 78 Stat. 175, as amended; 7 U.S.C. 1301(b)(13)(L), 1344a, 1350.

§ 722.270 Basis and purpose.

(a) The provisions of this section and §§ 722.271 to 722.272 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.), referred to as the "act", as amended by the Food and Agriculture Act of 1965 (Pub. L. 89-321; 79 Stat. 1187; November 3, 1965). Under section 344a of the act, the Secretary may permit transfers of upland cotton allotments during the calendar years 1966, 1967, 1968, and 1969 if he determines that such transfers will not impair the effective operation of the acreage allotment and marketing quota program for upland cotton of the year involved. Based on the outlook for production, consumption and exports of upland cotton under present provisions of law, the Secretary has determined that such transfers will not impair the effective operation of the 1966, 1967, 1968, and 1969 acreage allotment and marketing quota programs for upland cotton. The Secretary has also fixed November 23, 1965, as the date for holding a referendum in each county to determine whether producers wish to permit sale and lease transfers out of a county to other counties within a State. The foregoing matters are set forth in § 722.271. The national domestic allotment, the farm domestic acreage allotment percentage and the projected national yield for the 1966 crop of upland cotton are established under § 722.272. The findings and determinations under §§ 722.271 and 722.272 have been made on the basis of the latest available statistics of the Federal Government.

(b) Since § 722.272 contains determinations under section 350 of the act which are required to be made within 15 days after the enactment of the Food and Agriculture Act of 1965, it is essential that § 722.272 be made effective as soon as possible. In order that producers may have as much advance information as possible and so that the State and county committees may carry out their assigned functions as rapidly as possible with regard to transfers of allotments and the holding of county referendums on November 23, 1965, it is also essential that § 722.271 be made effective as soon as possible. Since the county referendums are being held in conjunction with the upland cotton marketing quota national referendum fixed for November 23, 1965, by § 722.269 (30 F.R. 13249), it would serve no purpose to issue a notice of proposed rulemaking respecting the fixing of the date for the county referendums. Accordingly, it is hereby determined and found that compliance with the notice, public procedure and 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and §§ 722.270 to 722.272 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 722.271 Transfers of allotments.

(a) *Authority.* Subsection (a) of section 344a of the act provides as follows:

(a) Notwithstanding any other provision of law, the Secretary, if he determines that it will not impair the effective operation of the program involved, (1) may permit the owner and operator of any farm for which a cotton acreage allotment is established to sell or lease all or any part or the right to all or any part of such allotment (excluding that part of the allotment which the Secretary determines was apportioned to the farm from the national acreage reserve) to any other owner or operator of a farm for transfer to such farm; (2) may permit the owner of a farm to transfer all or any part of such allotment to any other farm owned or controlled by him: *Provided*, That the authority granted under this section may be exercised for the calendar years 1966, 1967, 1968, and 1969, but all transfers hereunder shall be for such period of years as the parties thereto may agree.

It is hereby determined that such transfers of allotment to take effect during 1966, 1967, 1968, and 1969 will not impair the effective operation of the acreage allotment and marketing quota program under the act for the 1966, 1967, 1968, and 1969 crops of upland cotton. Accordingly, such transfers of allotment shall be permitted upon approval of applications filed with the applicable county committee in accordance with regulations which will be issued as soon as possible to establish the procedures for transfers of allotment under section 344a of the act.

(b) *Referendum on transfers out of a county.* Subsection (b)(ii) of section 344a of the act provides as follows:

(ii) No farm allotment may be sold or leased for transfer to a farm in another county unless the producers of cotton in the county from which transfer is being made have voted in a referendum within 3 years of the date of such transfer, by a two-thirds majority of the producers participating in such referendum, to permit the transfer of allotments to farms outside the county, which referendum, insofar as practicable, shall be held in conjunction with the marketing quota referendum for the commodity; * * *

This provision permits transfer of allotment by sale or lease under subsection (a)(1) of section 344a out of a county if the referendum vote is favorable. If the referendum carriers in a county, transfers of allotment by sale or lease may be made to other counties in the State to take effect during 1966, 1967, or 1968. If the referendum does not carry in a county, no transfers of allotment by sale or lease may be made out of such county and a referendum would be required in 1966 with respect to transfers of allotment by sale or lease to other counties in the State to take effect during 1967, 1968, or 1969. Transfers of allotment by an owner to any other farm owned or controlled by him in the same State authorized under subsection (a)(2) of section 344a may be made across county lines without regard to any referendum which applies only to sale and lease transfers under subsection (a)(1) of section 344a. It is hereby determined that a referendum under subsection (b)(ii) of section 344a shall be held in each county on November 23, 1965.

§ 722.272 National domestic allotment and projected national yield.

(a) *Findings under section 350 of the act.* Under section 350 of the act, the Secretary is required to determine a national domestic allotment for the 1966 crop of upland cotton equal to the estimated domestic consumption of upland cotton (standard bales of 480 pounds net weight) for the marketing year beginning August 1, 1966. The Secretary is also required to determine a farm domestic acreage allotment percentage for the 1966 crop of upland cotton which shall be the larger of (1) 65 percent of the farm acreage allotment established under section 344 of the act or (2) the percentage obtained by dividing (i) the national domestic allotment (in net weight pounds) by (ii) the total for all States of the product of the State acreage allotment and the projected State yield. The following findings are hereby made by the Secretary:

(1) Estimated domestic consumption of cotton (standard bales of 480 pounds net weight) for the marketing year beginning August 1, 1966 ------ 4.56 billion pounds.

(2) Total for all States of the product of the State acreage allotment (established under § 722.268 in first column headed "State's share of national allotment") and the projected State yield under section 301(b)(13)(L) of the Act ------ 8.2 billion pounds.

(3) Percentage obtained by dividing the national domestic allotment (in net weight pounds) established as 4.56 billion pounds under paragraph (b) of this section, by the total for all States established as 8.2 billion pounds under item (2) of this paragraph ------ 56 percent.

(4) Percentage established under item (3) of this paragraph is less than 65 percent.

(5) The projected national yield for the 1966 crop of upland cotton under section 301(b)(13)(L) of the act is hereby determined to be 525 pounds per acre on the basis of the average yield per harvested acre in the United States during 1960, 1961, 1962, 1963, and 1964, adjusted for abnormal weather conditions affecting such yield, for trends in yields and for any significant changes in production practices.

(b) *Amount of national domestic allotment in pounds.* The national domestic allotment percentage for the 1966 crop cotton is hereby established as 4.56 billion pounds of cotton (net weight).

(c) *Farm domestic acreage allotment percentage.* The farm domestic acreage allotment percentage for the 1966 crop of cotton is hereby established as 65 percent.

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on November 12, 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-12302; Filed, Nov. 12, 1965; 12:55 p.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 813.4, Amdt. 3]

PART 813—ALLOTMENT OF SUGAR QUOTA DOMESTIC BEET SUGAR AREA

1965

Basis and purpose. This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (61 Stat. 922), and as further amended and extended by the Act enacted on November 8, 1965 (hereinafter called the "Act"), for the purpose of amending Sugar Regulation 813.4 (30 F.R. 435, 8461 and 12282) which established allotments for the Domestic Beet Sugar Area for the calendar year 1965.

This amendment is necessary to revise data, basic to the determination of allotments, on the basis of data which have become a part of the official records of the Department, and to allot a portion of the larger quota for the area of 3,025,000 short tons, raw value, as established by Sugar Regulation 811, Amendment 7 for 1965 published in the FEDERAL REGISTER on November 13, 1965.

New provisions in section 205 of the Sugar Act Amendments of 1965, authorize the Secretary, in determining allotments, to give special consideration to nonaffiliated single plant processors of sugarbeets and to increase the marketing allotments of such processors by a total quantity not to exceed 25,000 short tons, raw value. To give consideration to the new provisions, 25,000 tons of the quota is not allotted in § 813.4(a) of this amendment and is withheld for subsequent allocation on the basis of the record of a hearing to be held at the earliest practical date. Any part of this withheld quantity not allocated pursuant to the new provisions will be allocated on the basis of this order.

Effective date. Allotments established in this order are larger than the allotments established in S.R. 813.4, Amdt. 2 (30 F.R. 12282). To afford adequate opportunity for each processor to revise marketing plans so that the permitted marketings can be made in an orderly manner, it is imperative that this amendment become effective as soon as possible. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and consequently, this amendment shall be effective when filed for public inspection in the Office of the Federal Register.

In accordance with paragraph (5) of the findings and conclusions set forth in S. R. 813.4 (30 F.R. 435) and pursuant to paragraph (e) of such regulation, paragraphs (3) and (4) of such findings and conclusions are amended as follows:

1. The table included in Part II of paragraph (3) of the findings and conclusions is amended to read as follows:

Processor	Crop year	Reserve acreage		Quantity of sugar related to reserve acreage		
				Allotted	Planted [1]	
		Allotted	Planted[1]	Short tons raw value	Short tons raw value	Cwt. refined equivalent
Reserve allocated and processing started in 1963:						
Spreckels Sugar Co., Division of American Sugar Co	1963	19,000	17,141.0	45,700	41,229	770,632
	1964	19,000	18,828.0	45,700	45,286	846,467
Reserve allocated and processing started in 1964:						
Buckeye Sugars Inc	1964	2,415	1,867.0	4,430	3,425	64,019
	1965	2,415	2,415.0	4,430	4,430	82,804
Holly Sugar Corp	1964	24,730	20,002.0	50,000	40,441	755,907
	1965	24,730	24,730.0	50,000	50,000	934,580
Michigan Sugar Co	1964	4,030	3,079.2	6,850	5,234	97,832
	1965	4,030	3,055.1	6,850	5,193	97,065
Utah-Idaho Sugar Co	1964	8,140	4,060.0	18,020	8,988	168,000
	1965	8,140	7,382.7	18,020	16,344	305,493
Reserve allocated and processing to start in 1965:						
American Crystal Sugar Co	1965	31,000	31,000.0	50,000	50,000	934,580
Empire State Sugar Co	1965	29,500	20,372.2	50,000	34,529	645,402

[1] Based on data which were a part of official records of the Department on Oct. 20, 1965.

2. Tables 1 and 2 of paragraph (4) of the findings and conclusions are amended to read as follows:

TABLE 1

Processors	Processings of sugar from 1964-crop beets		Average marketings within the quota 1960-64		Base allotments		Jan. 1, effective inventories hundredweights, refined [1]			Adjustments to base allotments [4]		Tentative allotments
	Hundredweight refined [2]	Percent of total	Hundredweight refined [3]	Percent of total	Percent of total (col. 2× 0.75+col. 4×0.25)	Short tons raw value (col. 5× quota)	1965	1960-64 adjusted average to col. 7 total	Inventory imbalances col. 7— col. 8	Hundredweight refined	Short tons raw value	Short tons raw value (col. 6+ or − col. 11)
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Amalgamated Sugar Co., the	7,655,199	12.2512	6,631,252	13.3558	12.5274	378,954	6,333,602	7,247,644	−914,042	−145,115	−7,764	371,190
American Crystal Sugar Co	6,693,812	10.7127	6,057,223	12,1996	11.0844	335,303	5,150,346	6,037,693	−887,347	−140,876	−7,537	327,766
Buckeye Sugars, Inc	349,938	0.5601	352,204	0.7094	0.5974	18,071	93,582	192,890	−99,308	−15,766	−843	17,228
Empire State Sugar Co	161,350	0.2582	161,350	0.3250	0.2749	8,316	0	0	0	0	0	8,316
Great Western Sugar Co., the	14,860,145	23.7819	12,492,164	25.1600	24.1264	729,824	12,951,457	13,969,531	−1,018,074	−161,631	−8,647	721,177
Holly Sugar Corp	10,408,433	16.6575	7,680,309	15.4969	16.3649	495,038	8,645,819	7,488,188	+1,157,631	+102,203	+5,468	500,506
Layton Sugar Co	348,281	0.5574	264,061	0.5318	.5510	16,668	300,997	306,229	−5,232	−831	−44	16,624
Michigan Sugar Co	1,950,569	3.1217	1,652,742	3.3287	3.1734	95,995	1,563,932	1,667,661	−103,729	−16,468	−881	95,114
Monitor Sugar Co., Division of Robert Gage Coal Co	953,681	1.5263	775,854	1.5626	1.5354	46,446	815,511	844,620	−29,109	−4,621	−247	46,199
National Sugar Manufacturing Co., the [5]	183,382	0.2935	219,706	0.4425	0.3307	10,004	98,769	191,854	−93,085	−14,778	−791	9,213
Spreckels Sugar Co., Division of American Sugar Co	9,548,002	15.2804	6,135,083	12.3564	14.5494	440,119	6,575,495	4,438,344	+2,137,151	+423,329	+22,648	462,767
Union Sugar Division, Consolidated Foods Corp	3,257,461	5.2132	2,079,517	4.1883	4.9570	149,949	2,692,535	2,134,733	+558,102	+86,157	+4,609	154,558
Utah-Idaho Sugar Co	6,114,720	9.7859	5,140,376	10.3530	9.9277	300,313	4,865,541	5,568,499	−702,958	−111,603	−5,971	294,342
Total	62,484,973	100.0000	49,650,931	100.0000	100.0000	3,025,000	50,087,886	50,087,886	±3,852,884	±611,689	±32,725	3,025,000

[1] Includes 25 percent of the quantity pursuant to reserve allocations for new facilities beginning with the 1965 crop equal to 233,645 cwts. for American Crystal and 161,350 cwts. for Empire State Sugar Co.

[2] The following quantities pursuant to reserve allocations have been added to average marketings: 233,645 cwts. for American Crystal; 60,858 cwts. for Buckeye; 161,350 cwts. for Empire State Sugar Co.; 718,112 cwts. for Holly; 92,940 cwts. for Michigan; 282,992 for Spreckels and 159,600 cwts. for Utah-Idaho.

[3] All production attributed to reserve acreage has been deducted from inventories as follows: Jan. 1, 1965, effective inventories were reduced 48,014 cwts. for Buckeye; 88,930 cwts. for Holly; 73,374 cwts. for Michigan; 423,234 cwts. for Spreckels and 126,000 cwts. for Utah-Idaho. The 1960-64 average Jan. 1 effective inventory was reduced 77,063 cwts. for Spreckels.

[4] Plus (+) adjustments in col. 10=(Extent (+) quantity in col. 9 exceeds 10 percent of col. 8)×(25 percent); (−) adjustments in col. 10=the total of (+) adjustments in col. 10, prorated to processors on the basis of minus (−) quantities in col. 9. Plus (+) and minus (−) adjustments in col. 11=(col. 10 adjustments)×(0.0535).

[5] Prior to the Application of the "hardship" provision, 1964-crop processings were 146,706 cwts. and Jan. 1, 1965, effective inventory was 62,093 cwts. for the National Sugar Manufacturing Co.

TABLE 2

Processors	Processings of sugar from 1964-crop beets		Average marketings within the quota 1960-64		Base allotments		Jan. 1, effective inventories hundredweight, refined [4]			Adjustments to base allotments [5]		Tentative allotments
	Hundredweight refined [1]	Percent of total	Hundredweight refined [2]	Percent of total	Percent of total (col. 2× 0.75+col. 4×0.25)	Short tons raw value [3]	1965	1960-64 average adjusted to col. 7 total	Inventory imbalances col. 7— col. 8	Hundredweight refined	Short tons raw value	Short tons raw value (col. 6+ or − col. 11)
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Amalgamated Sugar Co., the	7,655,199	12.6363	6,631,252	13.8823	12.9478	377,903	6,333,602	7,247,644	−914,042	−145,115	−7,764	370,139
American Crystal Sugar Co	6,460,167	10.6637	5,823,578	12.1914	11.0456	334,884	5,150,346	6,037,693	−887,347	−140,876	−7,537	327,347
Buckeye Sugars, Inc	285,919	.4720	288,185	.6033	.5048	18,410	93,582	192,890	−99,308	−15,766	−843	17,567
Empire State Sugar Co	0	0	0	0	0	8,632	0	0	0	0	0	8,632
Great Western Sugar Co., the	14,860,145	24.5294	12,492,164	26.1519	24.9350	727,770	12,951,457	13,969,531	−1,018,074	−161,631	−8,647	719,123
Holly Sugar Corp	9,652,526	15.9333	6,933,492	14.5150	15.5787	497,521	8,645,819	7,488,188	+1,157,631	+102,203	+5,468	502,989
Layton Sugar Co	348,281	.5749	264,061	.5528	.5694	16,617	300,997	306,229	−5,232	−831	−44	16,573
Michigan Sugar Co	1,852,737	3.0583	1,554,910	3.2551	3.1075	95,922	1,563,932	1,667,661	−103,729	−16,468	−881	95,041
Monitor Sugar Co., Division Robert Gage Coal Co	953,681	1.5742	775,854	1.6242	1.5867	46,311	815,511	844,620	−29,109	−4,621	−247	46,064
National Sugar Manufacturing Co., the [6]	183,382	.3027	219,706	.4599	.3420	9,982	98,769	191,854	−93,085	−14,778	−791	9,191
Spreckels Sugar Co., Division of American Sugar Co	9,124,768	15.0621	5,732,704	12.0012	14.2969	439,922	6,575,495	4,438,344	+2,137,151	+423,329	+22,648	462,570
Union Sugar Division, Consolidated Foods Corp	3,257,461	5.3770	2,079,517	4.3534	5.1211	149,468	2,692,535	2,134,733	+558,102	+86,157	+4,609	154,077
Utah-Idaho Sugar Co	5,946,720	9.8161	4,972,376	10.4095	9.9645	301,658	4,865,541	5,568,499	−702,958	−111,603	−5,971	295,687
Total	60,580,986	100.0000	47,767,799	100.0000	100.0000	3,025,000	50,087,886	50,087,886	±3,852,884	±611,689	±32,725	3,025,000

[1] The following quantities pursuant to reserve allocations were deducted from 1964 crop processings: 64,019 cwts. for Buckeye; 755,907 cwts. for Holly; 97,832 cwts. for Michigan; 423,234 cwts. for Spreckels and 168,000 cwts. for Utah-Idaho.

[2] The following quantities pursuant to reserve allocation were deducted from 1960-64 average marketings: 3,201 cwts. for Buckeye; 37,795 cwts. for Holly; 4,892 cwts. for Michigan; 119,387 cwts. for Spreckels and 8,400 cwts. for Utah-Idaho.

[3] Column (5)× (quota less total reserve allocation of 106,333 tons) plus individual reserve allocation of 12,500 tons for American Crystal; 3,676 tons for Buckeye; 5,632 tons for Empire; 42,831 tons for Holly; 5,224 tons for Michigan; 22,643 tons for Spreckels and 10,827 tons for Utah-Idaho.

[4] All production attributed to reserve acreage has been deducted from inventories as follows: Jan. 1, 1965, effective inventories were reduced 48,014 cwts. for Buckeye; 866,930 cwts. for Holly; 73,374 cwts. for Michigan; 423,234 cwts. for Spreckels and 126,000 cwts. for Utah-Idaho. The 1960-64 average Jan. 1 effective inventory was reduced 77,063 cwts. for Spreckels.

[5] Plus (+) adjustments in col. 10=(Extent (+) quantity in col. 9 exceeds 10 percent of col. 8)× (25 percent) minus adjustments in col. 10=the total of (+) adjustments in col. 10, prorated to processors on the basis of minus (−) quantities in col. 9. Plus (+) and minus (−) adjustments in col. 11=(col. 10 adjustments)× (0.0535).

[6] Prior to the application of the "hardship" provision, 1964-crop processings were 146,706 cwts. and Jan. 1, 1965, effective inventory was 62,093 cwts. for the National Sugar Manufacturing Co.

Pursuant to the provisions of section 205(a) of the Act and in accordance with paragraph (e) of § 813.4 of this chapter, paragraph (a) of such § 813.4 is amended to read as follows:

§ 813.4 Allotment of the 1965 Sugar Quota for the Domestic Beet Sugar Area.

(a) *Allotments.* The 1965 calendar year sugar quota for the domestic beet sugar area of 3,025,000 short tons, raw value less 25,000 short tons, raw value withheld for subsequent allocation is hereby allotted to the following processors in the quantities which appear opposite their respective names:

Processor	Short tons, raw value	Equivalent in hundredweight refined beet sugar
Amalgamated Sugar Co., the	367,601	6,871,047
American Crystal Sugar Co	324,849	6,071,944
Buckeye Sugars, Inc	17,254	322,504
Empire State Sugar Co	8,494	157,084
Great Western Sugar Co., the	714,198	13,349,496
Holly Sugar Corp	497,601	9,300,953
Layton Sugar Co	16,461	307,682
Michigan Sugar Co	94,292	1,762,467
Monitor Sugar Division, Robert Gage Coal Co	45,751	855,159
National Sugar Manufacturing Co., the	9,126	170,579
Spreckels Sugar Co., Division of American Sugar Co	458,844	8,576,524
Union Sugar Division, Consolidated Foods Corp	153,043	2,860,617
Utah-Idaho Sugar Co	292,576	5,468,710
Subtotal	3,000,000	56,074,766
Unallotted	25,000	467,290
Total	3,025,000	56,542,056

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 205, 209; 61 Stat. 926; as amended, 928; 7 U.S.C. 1115, 1119) and as further amended by the Act enacted November 8, 1965.

Done at Washington, D.C., this 9th day of November 1965.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65-12211; Filed, Nov. 9, 1965; 4:54 p.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 5]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—Provisions for Participation of Commercial Banks in Pools of CCC Price Support Loans on Certain Commodities

INCREASE IN RATE OF INTEREST

The regulations issued by the Commodity Credit Corporation published in 29 F.R. 3614, as amended, containing the terms and conditions for participation in pools of CCC price support loans on certain commodities, are hereby further amended to change from 4.1 to 4.25 percent per annum, effective November 16, 1965, the rate of interest on certificates evidencing participation in financing price support loans.

Section 1421.3825(a) is amended to read as follows:

§ 1421.3825 Rate of interest and basis of computation of interest earned.

(a) *Rate of interest.* Certificates shall earn interest at the rate of 4.1 percent per annum through and including November 15, 1965, and 4.25 percent thereafter.

* * * * * *

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply Sec. 5, 62 Stat. 1072; 15 U.S.C. 714c)

Signed at Washington, D.C., on November 12, 1965.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 65-12270; Filed, Nov. 15, 1965; 8:50 a.m.]

[Amdt. 1]

PART 1427—COTTON

Subpart—Participation of Financial Institutions in Cotton Loan Pools

INCREASE IN RATE OF INTEREST

The regulations issued by the Commodity Credit Corporation published in 30 F.R. 7814, containing the terms and conditions under which financial institutions may participate in pools of CCC price support loans on cotton are hereby amended to increase from 4.1 to 4.25 percent per annum, effective November 16, 1965, the rate of interest on certificates evidencing participation in financing cotton price support loans.

Section 1427.2239(a) is amended to read as follows:

§ 1427.2239 Rate of interest and basis of computation of interest earned.

(a) *Rate of interest.* Certificates shall earn interest at the rate of 4.1 percent per annum through and including November 15, 1965, and 4.25 percent per annum thereafter.

* * * * * *

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; 15 U.S.C. 714c)

Signed at Washington, D.C. on November 12, 1965.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 65-12271; Filed, Nov. 15, 1965; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 7018; Amdt. 21-7]

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

Duration of Class I Provisional Type Certificate

The purpose of this amendment to Part 21 of the Federal Aviation Regulations is to prescribe a 24-month fixed duration for a Class I provisional type certificate.

In a typical industry situation, Class I provisionally type certificated prototype aircraft which are being used for sales demonstrations, market surveys, development projects and the like during the type certification process, are not in conformity with type design at the time the type certificate issues. Since, under the present requirements of §§ 21.77 and 21.217, a Class I provisional type certificate and associated provisional airworthiness certificates expire at the time of issue of the type certificate, the manufacturer must at that time either cease whatever operations he is conducting with those aircraft until they are brought into conformity with the type design or curtail his operations under an experimental certificate.

The Agency is aware that neither of these alternatives is necessary in the interest of safety and in recognition of this fact and the fact that the present requirement imposes a hardship on the manufacturers, the Agency has previously granted exemptions extending the duration of Class I provisional type certificates.

In the light of the foregoing, the Agency considers it appropriate to amend the regulations to permit all manufactures to continue to use provisionally certificated aircraft under the conditions and limitations applicable thereto, for a total of 24 months notwithstanding the fact that a type certificate has been issued for the aircraft.

This amendment deletes those portions of § 21.77 that automatically terminate the effectiveness of a Class I provisional type certificate upon issuance of the corresponding type certificate, supplemental type certificate, or Class II provisional type certificate. In giving the Class I provisional type certificate a definite duration, it is brought in line with the duration provisions for Class II certificates.

Since this amendment removes an unnecessary restriction and imposes no additional burden on any person, the Agency finds that notice and public procedure on this amendment are unnecessary and that good cause exists for making it effective on less than 30 days, notice.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

In consideration of the foregoing, § 21.77(b), Part 21 of the Federal Aviation Regulations (14 CFR Part 21) is amended, effective November 16, 1965, to read as follows:

§ 21.77 Duration.

* * * * *

(b) A Class I provisional type certificate is effective for 24 months after the date of issue.

* * * * *

Issued in Washington, D.C., on November 8, 1965.

D. D. THOMAS,
Deputy Administrator.

[F.R. Doc. 65-12223; Filed, Nov. 15, 1965; 8:45 a.m.]

[Airspace Docket No. 63-SO-62]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone, Designation of Transition Area, and Revocation of Control Area Extension

On August 13, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 10118) stating that the Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the control zone at Myrtle Beach, S.C., designate a transition area at Myrlte Beach, and revoke the Myrtle Beach control area extension.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable except for those submitted by the Aircraft Owners and Pilots Association (AOPA). AOPA suggested that the more distant portions of the 1,200-foot transition area might be raised to provide more uncontrolled airspace. The Agency reviewed the need for the transition area and found that the area mentioned by the AOPA is required to protect holding patterns, instrument approaches, departure and arrival routes, and certain standard instrument departure procedures at Myrtle Beach.

The final rule is the same as proposed except in the Myrtle Beach transition area V-437E is substituted for V-437 in the three places it appears due to the redesignation of the airway in Airspace Docket No. 64-SO-58. Also in this transition area Grannis Field is substituted for Grannis Airport.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, affective 0001, e.s.t., January 6, 1966, as hereinafter set forth.

1. In § 71.171 (29 F.R. 17581) the Myrtle Beach, S.C., control zone is amended to read as follows:

MYRTLE BEACH, S.C.

Within a 5-mile radius of Myrtle Beach AFB (latitude 33°40'45" N., longitude 78°-55'45" W.); within 2 miles each side of the Myrtle Beach VOR 039° radial, extending from the 5-mile radius zone to 8 miles NE of the VOR; within 2 miles each side of the Myrtle Beach TACAN 160° and 355° radials, extending from the 5-mile radius zone to 8 miles S and 8 miles N of the TACAN; within 2 miles each side of the 167° bearing from the Conway RBN, extending from the 5-mile radius zone to the RBN.

2. In § 71.181 (29 F.R. 17643) the following transition area is added:

MYRTLE BEACH, S.C.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Myrtle Beach AFB (latitude 33°40'45" N., longitude 78°55'45" W.), within a 5-mile radius of Crescent Beach/Myrtle Beach Airport (latitude 33°48'40" N., longitude 78°-43'30" W.); within 2 miles each side of the Myrtle Beach VOR 058° radial extending from the Myrtle Beach AFB 7-mile radius area to the Crescent Beach/Myrtle Beach Airport 5-mile radius area; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the INT of the E boundary of V-437E and a line 5 miles S of and parallel to the Florence, S.C., VORTAC 068° radial, extending eastward along that line and a line 5 miles S of and parallel to the Wilmington, N.C., VORTAC 272° radial to its INT with longitude 78°25'-30" W., thence to latitude 33°58'30" N., longitude 78°10'45" W., thence to latitude 33°40'10" N., longitude 78°40'10" W., thence clockwise along a 15-mile radius arc centered on the Myrtle Beach TACAN (latitude 33°-40'39" N., longitude 78°55'53" W.) to a line 5 miles SE of and parallel to the Myrtle Beach VOR 214° radial, thence SW along that line to a 25-mile radius arc centered on the Myrtle Beach AFB (latitude 33°40'45" N., longitude 78°55'45" W.), thence clockwise along this arc to the SE boundary of V-1, thence along V-1 to latitude 33°16'00" N., longitude 79°24'30" W., thence to the E boundary of V-437E at latitude 33°20'00" N., longitude 79°39'20" W., thence N along V-437E to the point of beginning; and that airspace extending upward from 2,700 feet MSL bounded on the N by a 35-mile radius arc centered on Grannis Field, Fayetteville, N.C. (latitude 34°59'25" N., longitude 78°-52'50" W.), on the E by a line extending from the INT of the S boundary of V-525 and longitude 78°30'00" W. to latitude 34°18'30" N., longitude 79°00'00" W., on the S by a line 5 miles S of and parallel to the Wilmington, N.C., VORTAC 272° radial and Florence, S.C., and V-3E, excluding that airspace within 5 VORTAC 068° radial, on the W by V-437E miles SE of the Florence, S.C., VORTAC 052° radial, extending from the VORTAC to 14 miles NE.

3. In § 71.165 (29 F.R. 17557) the Myrtle Beach, S.C., control area extension is revoked.

(Secs. 307(a), 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510); E.O. 10854 (24 F.R. 9565))

Issued in Washington, D.C., on Nov. 8, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-12224; Filed, Nov. 15, 1965; 8:45 a.m.]

[Airspace Docket No. 64-AL-5]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration, Designation, and Revocation of Federal Airways and Designation of Reporting Points

On August 25, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 10997) stating that the Federal Aviation Agency proposed to extend VOR Federal airways Nos. 300 and 440, designate VOR Federal airways Nos. 307 and 317, revoke VOR Federal airways Nos. 495, 512, 439, revoke the Indian Point, Alaska, low and high altitude reporting points, and designate the Level Island, Alaska, low altitude reporting point.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable. The final amendments are the same as those proposed in the notice except for the revocation of the Indian Point high altitude reporting point. This reporting point was revoked in Airspace Docket No. 63-AL-29 (29 F.R. 19185), effective March 4, 1965.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 6, 1966, as hereinafter set forth.

1. Section 71.123 (29 F.R. 17509) is amended as follows:

a. In V-300 "From Victoria, British Columbia, Canada, RR to Vancouver, British Columbia, Canada." is added at the beginning of the text.

b. V-307 is revoked.

2. Section 71.125 (29 F.R. 16970, 17546) is amended as follows:

a. V-307 is added:

V-307—From Sandspit, British Columbia, via Annette Island, Alaska; Biorka Island, Alaska; to Sisters Island, Alaska, excluding the airspace within Canada.

b. V-317 is added:

V-317—From the Ethelda Bay, British Columbia, RBN via Annette Island, Alaska; Level Island, Alaska; Sisters Island, Alaska; to INT of Sisters Island 272° and Yakutat, Alaska, 139° radials, excluding the airspace within Canada.

c. V-439 is revoked.

d. In V-440 "From Biorka Island, Alaska, via" is deleted and "From Sandspit, British Columbia, via Biorka Island, Alaska;" is substituted therefor and "The airspace within Canada is excluded." is added to the end of text.

e. V-495 is revoked.

f. V-512 is revoked.

3. Section 71.211 (29 F.R. 16970, 17723) is amended as follows:

a. Level Island, Alaska, is added.

b. Indian Point INT is revoked.

(Secs. 307(a), 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510); E.O. 10854 (24 F.R. 9565))

Issued in Washington, D.C., on November 8, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-12225; Filed, Nov. 15, 1965; 8:45 a.m.]

[Airspace Docket No. 64-EA-56]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways

On August 12, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 10055) stating that the Federal Aviation Agency proposed to alter VOR Federal airway segments within the New York Air Route Traffic Control Flight Advisory Area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all relevant matter presented.

A comment suggested that an airway be available between Montauk Point, N.Y., and Norwich, Conn. V-30 and V-888 are presently designated between these points; however, this action will revoke V-30 east of Colts Neck, N.J., including that segment, and Airspace Docket 65-WA-31, issued concurrently with this action, will revoke all 800 series airways. To retain this airway segment, another airway will be designated between these points in 65-WA-31 with the revocation of the 800 series airways.

Since all 800 series airways will be revoked, the amendment to V-880 proposed in the Notice hereto has been omitted. Victor 34 presently excludes the airspace within R-5206. Airspace action 64-EA-47 realigned V-34, and R-5206 no longer lies within its boundaries. Therefore, this exclusion is deleted herein. Since these alterations of the proposal are editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective January 6, 1966, as hereinafter set forth.

Section 71.123 (29 F.R. 17509, 30 F.R. 6241, 6385, 7312, 7744, 8157, 8264, 12332, 12725) is amended as follows:

a. In V-1 "INT of Barnegat 043° and Kennedy, N.Y., 159° radials; to Kennedy." is deleted and "to INT of Barnegat 043° and Kennedy, N.Y., 159° radials." is substituted therefor.

b. In V-16 "INT of Coyle 057° and Riverhead, N.Y., 218° radials;" is deleted and "INT of Coyle 078° and Barnegat, N.J., 043° radials; INT of Kennedy, N.Y., 159° and Riverhead, N.Y., 218° radials; is substituted therefor and "excluding the airspace below 2,000 feet MSL outside the United States." is added at the end of text.

c. In V-30 everything after "East Texas, Pa.;" is deleted and "to Colts Neck, N.J." is substituted therefor.

d. In V-34 "The airspace within R-5206 shall be used only after obtaining prior approval from the appropriate authority." is deleted.

e. In V-46 "From Kennedy, N.Y., via Deer Park, N.Y.;" is deleted and "From Deer Park, N.Y., via" is substituted therefor.

f. In V-157 "Colts Neck, N.J.; INT of Colts Neck 089° and Kennedy, N.Y., 195° radials; to Kennedy." is deleted and "to Colts Neck, N.J." is substituted therefor.

g. In V-167 "INT of Coyle 047° and Kennedy, N.Y., 195° radials;" is deleted and "INT of Coyle 050° and Kennedy, N.Y., 178° radials;" is substituted therefor and "The airspace below 2,000 feet MSL outside the United States is excluded." is added to the end of text.

h. In V-226 everything after "Stillwater, N.J.;" is deleted and "to INT of Stillwater 110° and Sparta, N.J., 194° radials." is substituted therefor.

i. In V-232 everything after "Tannersville, Pa.;" is deleted and "to INT of Tannersville 114° and Solberg, N.J., 051° radials." is substituted therefor.

j. V-249 is amended to read:

V-249—From Sparta, N.J., via Huguenot, N.Y.; De Lancy, N.Y.; to Utica, N.Y.

k. In V-276 everything after "Robbinsville, N.J.;" is deleted and "to INT of Hampton, N.Y., 223° and Kennedy, N.Y., 159° radials, excluding the airspace below 2,000 feet MSL outside the United States." is substituted therefor.

l. V-312 is added:

V-312—From Coyle, N.J., to INT of Hampton, N.Y., 223° and Kennedy, N.Y., 159° radials, excluding the airspace below 2,000 feet MSL outside the United States.

(Secs. 307(a), 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510); E.O. 10854, (24 F.R. 9565))

Issued in Washington, D.C., on November 8, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-12226; Filed, Nov. 15, 1965; 8:46 a.m.]

[Airspace Docket No. 64-SO-64]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alterations of Control Zones and Designation of Transition Area

On July 24, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 9274) stating that the Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the control zone at Milton, Fla., and the Pensacola Municipal Airport, NAS Pensacola—Forrest Sherman Field, and NAAS Saufley Field control zones at Pensacola, Fla., and that would designate the Pensacola transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable. The substance of the final rule is the same as proposed in the notice except for a slight change, consisting of a specification of a direction from NAAS Saufley. At the suggestion of the Coast and Geodetic Survey, the point of intersection of an arc to denote the point of beginning of the 1,200-foot area has been made in the description of the Pensacola transition area to clarify the intended point of beginning.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., February 3, 1966, as hereinafter set forth.

1. In § 71.171 (29 F.R. 17581) the following control zones are amended to read:

a. PENSACOLA, FLA. (PENSACOLA MUNICIPAL)

Within a 5-mile radius of the Pensacola Municipal Airport (latitude 30°28'30" N., longitude 87°11'20" W.); within a 4-mile radius of Navy Ellyson, Fla. (latitude 30°31'30" N., longitude 87°11'45" W.); within 2 miles each side of the 167° bearing from the Pensacola RBN, extending from the 5-mile radius zone to 8 miles S of the RBN; and within 2 miles each side of the 314° bearing from the 4-mile radius zone to 8 miles NW of the OM.

b. PENSACOLA, FLA. (NAS PENSACOLA—FORREST SHERMAN FIELD)

Within a 5-mile radius of NAS Pensacola (Forrest Sherman Field) (latitude 30°21'15" N., longitude 87°19'00" W.); within 2 miles each side of the 229° bearing from the Navy Pensacola RBN, extending from the 5-mile radius zone to 11.5 miles SW of the RBN; within 2 miles each side of the Navy Pensacola TACAN 239° radial, extending from the 5-mile radius zone to 7 miles SW of the TACAN; and within 2 miles each side of the Navy Pensacola TACAN 193° radial, extending from the 5-mile radius zone to 7 miles S of the TACAN.

c. PENSACOLA, FLA. (NAAS SAUFLEY FIELD)

Within a 5-mile radius of NAAS Saufley Field (latitude 30°28'15" N., longitude 87°20'30" W.); within 2 miles each side of the 219° bearing from the Navy Saufley RBN, extending from the 5-mile radius zone to 10 miles SW of the RBN; and within 2 miles each side of the Navy Saufley VOR 219° radial, extending from the 5-mile radius zone to 10 miles SW of the VOR, excluding the portions within the Pensacola (Pensacola Municipal) control zone and the NAS Pensacola (Forrest Sherman Field) control zone.

d. MILTON, FLA.

Within a 5-mile radius of NAAS Whiting (North), Milton, Fla. (latitude 30°43'15" N., longitude 87°01'45" W.); within 2 miles each side of the Whiting VOR 140° radial extending from the 5-mile radius zone to the VOR; and within 2 miles each side of the Whiting TACAN 309° radial, extending from the 5-mile radius zone to 7 miles NW of the TACAN.

2. In § 71.181 (29 F.R. 17643), the following transition area is added:

a. PENSACOLA, FLA.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Pensacola Municipal Airport (latitude 30°28'30" N., longitude 87°11'20" W.); within a 7-mile radius of NAAS Saufley Field (latitude 30°28'15" N., longitude 87°20'30" W.); within 5 miles W and 8 miles E of the Pensacola ILS localizer N course, extending from the airport to 12 miles N of the OM; within 5 miles SW and 8 miles NE of the 314° bearing from the Pensacola OM, extending from the OM to 12 miles NW of the OM; within 5 miles NW and 8 miles SE of the 219° bearing from the Navy Saufley RBN, extending from the RBN to 12 miles SW of the RBN; within 7 miles each side of the NAS Pensacola (Forrest Sherman Field) (latitude 30°21'15" N., longitude 87°19'00" W.), runway 6/24 centerline, extending from 12 miles E to 12 miles W of NAS Pensacola; within 7 miles each side of the NAS Pensacola runway 18/36 centerline, extending from NAS Pensacola to 12 miles S of the airport; within a 7-mile radius of NAAS Whiting (North), Milton, Fla. (latitude 30°43'15" N., longitude 87°01'45" W.); within 2 miles each side of the 315° bearing from the Navy Whiting RBN, extending from the 7-mile radius area to 12 miles NW of the RBN; within 2 miles each side of the Navy Whiting VOR 320° radial, extending from the 7-mile radius area to 12 miles NW of the VOR; within 2 miles each side of the Navy Whiting TACAN 309° radial, extending from the 7-mile radius area to 8 miles NW of the TACAN, excluding the portion within W-155; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the INT of the arc of a 25-mile radius circle centered at NAAS Saufley Field, and latitude 30°15'30" N., SW of Saufley, thence clockwise along this arc to latitude 30°44'20" N., thence to latitude 30°58'45" N., longitude 87°36'00" W., thence clockwise along the arc of a 34.5-mile radius circle centered at the Navy Whiting RBN to longitude 87°-10'30" W., thence SE to the INT of the arc of a 30-mile radius circle centered on the Crestview, Fla., VORTAC, and longitude 87°04'00" W., thence clockwise along this arc to the W boundary of V-115, thence S along the W boundary of V-115 to the NW boundary of V-22, thence to latitude 30°45'40" N., longitude 86°39'45" W., to latitude 30°42'45" N., longitude 86°45'45" W., to latitude 30°38'45" N., longitude 86°55'00" W., to latitude 30°-35'35" N., longitude 86°56'40" W., thence clockwise along the arc of a 25-mile radius circle centered at NAAS Saufley Field to latitude 30°22'05" N., thence to latitude 30°-21'15" N., longitude 87°00'50" W., to latitude 30°18'00" N., longitude 86°59'30" W., to latitude 30°14'30" N., longitude 87°14'30" W., to the INT of the arc of a 38-mile radius circle centered at NAAS Saufley Field, and latitude 29°55'00" N., thence clockwise along this arc to longitude 87°49'00" W., and thence to the point of beginning, excluding the portion within the Fort Rucker, Ala., transition area.

3. In § 71.165 (29 F.R. 17557) the following control area extensions are revoked: Pensacola, Fla., Milton, Fla., and Crestview, Fla.

(Secs. 307(a), 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510); E.O. 10854 (24 F.R. 9565))

Issued in Washington, D.C., on November 8, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-12228; Filed, Nov. 15, 1965; 8:46 a.m.]

[Airspace Docket No. 65-WA-43]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Federal Airway

On August 25, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 10998) stating that the Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations that would revoke that portion of Red Federal airway No. 92 that lies within the United States and which is designated between Sault Ste. Marie, Mich., and Sudbury, Ont., Canada.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable, and concurrence of the proposed action has been received by coordination with the Canadian Department of Transport.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 6, 1966, as hereinafter set forth.

In § 71.107 (29 F.R. 17507), R-92 is revoked.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Washington, D.C., on November 8, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-12229; Filed, Nov. 15, 1965; 8:46 a.m.]

[Airspace Docket No. 64-SO-58]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of Federal Airways and Jet Routes, Designation of Controlled Airspace and Reporting Point

On July 17, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 9009) stating that the Federal Aviation Agency proposed amendments to Part 71 and Part 75 of the Federal Aviation Regulations that would alter VOR Federal airways Nos. 1, 3, and 437, and Jet Routes Nos. 77, 79, 103, and 53. The proposed amendments would alleviate traffic congestion in the Jacksonville, Fla., terminal area, provide controlled airspace for jet route segments outside the continental control area, and designate a high altitude reporting point at Daytona Beach, Fla.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

The final rule contains the same amendments as proposed in the notice except for several minor changes. Recent mathematical computations made by the Coast and Geodetic Survey to determine the precise locations of the Jacksonville, Fla., and Savannah, Ga., VORs have resulted in refinement of airway and jet route radials used herein. Consequently, the Jacksonville radial used in the NPRM to describe J-79 is changed herein from 027° to 028°. The radials previously used in V-437 to describe the Sea Island, Ga., INT are changed herein from the Jacksonville 027° and Savannah 182° radials to the Jacksonville 028° and Savannah 180° radials. Further, the Sea Island, Ga., INT has been renamed the Starfish INT, and this change is reflected herein. The NPRM stated that V-437 east alternate would be designated between Charleston, S.C., and Florence, S.C., via the intersection of the Charleston 029° and the Florence 179° radials. The Florence radial used to describe this intersection should have been the 178° radial, and this correction is made herein.

In consideration of the foregoing, Part 71 and Part 75 of the Federal Aviation Regulations are amended, effective 0001 e.s.t., January 6, 1966, as hereinafter set forth.

1. Section 71.123 (29 F.R. 17509, 30 F.R. 1189, 6241, 8157, 8264, 12332) is modified as follows:

a. In V-1 "The airspace within R-4006, the airspace below 2,000 feet MSL outside the United States, and the airspace below 17,000 feet MSL and above 23,000 feet MSL between Jacksonville and Charleston is excluded." is deleted and "The airspace within R-4006 and the airspace below 2,000 feet MSL outside the United States is excluded." is substituted therefor.

b. V-437 is changed to read:

From Daytona Beach, Fla., via Savannah, Ga.; Charleston, S.C.; to Florence, S.C., including an east alternate from Charleston via INT of the Charleston 029° and the Florence 178° radials to Florence. The airspace below 7,500 feet MSL between Marion, Fla., INT (INT of Daytona Beach 360° and Jacksonville, Fla., 144° radials) and Starfish INT (INT of Jacksonville 028° and Savannah 180° radials), and the airspace below 4,500 feet MSL, between Savannah and Charleston are excluded.

c. In V-3 "The portion outside the United States has no upper limit." is deleted and "The portion outside the United States has no upper limit except that the portion of the east alternate between Jacksonville and Savannah extends up to but does not include 18,000 feet MSL." is substituted therefor.

2. Section 75.100 (29 F.R. 17776, 30 F.R. 7702, 12727) is modified as follows:

a. In the text of Jet Route No. 77 "From Wilmington, N.C., via" is deleted and "From Jacksonville, Fla., via Charleston, S.C.; Wilmington, N.C.;" is substituted therefor.

b. The text of Jet Route No. 79 is changed to read:

From Miami, Fla., via Palm Beach, Fla.; Vero Beach, Fla.; Daytona Beach, Fla.; INT of Daytona Beach 360°, Savannah, Ga., 180° and Jacksonville, Fla., 028° radials; Charleston, S.C.; Wilmington, N.C.; Norfolk, Va.; INT of Norfolk 023° and Coyle, N.J., 208° radials; Coyle; to Kennedy, N.Y.

c. Jet Route No. 103 is changed to read:

Jet Route No. 103 (St. Petersburg, Fla., to Savannah, Ga.) From St. Petersburg, Fla., via Orlando, Fla.; Daytona Beach, Fla.; to Savannah, Ga.

d. In Jet Route No. 53 "INT of the Vero Beach 339° and the Jacksonville, Fla., 163° radials; Jacksonville;" is deleted and "Daytona Beach, Fla.; Jacksonville, Fla.;" is substituted therefor.

3. In Section 71.207 (29 F.R. 17718) the following is added:

a. Daytona Beach, Fla.

4. In Section 71.161 (29 F.R. 17552) the following are added:

a. Jet Route No. 77 from Jacksonville, Fla., to Charleston, S.C.

b. Jet Route No. 79 from Daytona Beach, Fla., to Charleston, S.C.

c. Jet Route No. 103 from Daytona Beach, Fla., to Savannah, Ga.

(Secs. 307(a), 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510); E.O. 10854 (24 F.R. 9565))

Issued in Washington, D.C., on November 8, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-12227; Filed, Nov. 15, 1965; 8:46 a.m.]

[Airspace Docket No. 65-SW-30]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Areas

Correction

In F.R. Doc. 65-11902, appearing at page 14007 of the issue for Friday, November 5, 1965, the following correction is made in the description of restricted area R-5107C White Sands Proving Grounds, N. Mex.: In the fifth line of the description, "latitude 30°49'30" N." should read "latitude 33°49'30" N.".

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-915]

PART 13—PROHIBITED TRADE PRACTICES

New Crosstown Railroad Salvage Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15–105 Identity; § 13.35 *Condition of goods;* § 13.155 *Prices;* § 13.235 *Source or origin;* § 13.285 *Value.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1565 *Trade names;* Misrepresenting oneself and goods—Goods: § 13.1595 *Condition of goods;* § 13.1745 *Source or origin:* 13.1745–60 Maker or seller. Subpart—Using misleading name—Goods: § 13.2300 *Identity;* Using misleading name—Vendor: § 13.2385 *Identity.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, New Crosstown Railroad Salvage Co., Inc., et al., Memphis, Tenn., Docket C-915, July 13, 1965]

In the Matter of New Crosstown Railroad Salvage Co., Inc., New Lamar Avenue Railroad Salvage Co., Inc., New Railroad Salvage Co., Inc., corporations, and I. Leon Underberg, Mrs. Ray Kaplan Underberg, and Ronald P. Underberg, individually and as officers of each of said corporations.

Consent order prohibiting three affiliated Memphis, Tenn., concerns engaged in selling and distributing furniture, appliances and other merchandise to cease using the words "Railroad Salvage," or words of similar import in their corporate or trade names; and from using such words to describe their merchandise unless it was actually so; and from using the word "Value" to misrepresent a previous price of said merchandise; and from using comparative prices to imply that the purchaser would make a savings.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents New Crosstown Railroad Salvage Co., Inc., a corporation, and its officers, New Lamar Avenue Railroad Salvage Co., Inc., a corporation, and its officers, New Railroad Salvage Co., Inc., a corporation, and its officers, I. Leon Underberg, Ronald P. Underberg, and Mrs. Ray Kaplan Underberg, individually, and as officers of each of said corporations, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of furniture, appliances, or any other articles of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith desist from:

1. Using the words "Railroad Salvage" or either of them, or any other word or words of similar import or meaning, as part of any of their corporate names or trade names; *Provided, however,* That should respondents so desire for reasons of continuity, respondents may use the identifying phrases "formerly Railroad Salvage Company" or "formerly Railroad Salvage Furniture Company" or words of similar import in advertising for a period not to exceed 2 years from the effective date of this order.

2. Using the words "Railroad Salvage" to designate or describe such merchandise or representing in any manner that said merchandise has been purchased from railroad companies after said merchandise has been damaged while in transit or for some other reason classified as "salvage" by said railroad companies.

3. Misrepresenting in any manner, directly or by implication, the source or character of any of said merchandise.

4. Representing, directly or by implication, that any merchandise is damaged or distress goods unless respondents are able to establish that such is the fact.

5. Using the word "value" or any word or words of similar import to refer to any amount which is appreciably in excess of the highest price at which substantial sales of such merchandise have been made in the recent regular course of business in respondents' trade area; or otherwise misrepresenting the price at which such merchandise has been sold in respondents' trade area.

6. Misrepresenting, by means of comparative prices, or in any other manner, any savings available to purchasers or prospective purchasers of respondents' merchandise.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 13, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 65-12233; Filed, Nov. 15, 1965; 8:46 a.m.]

[Docket No. C-916]

PART 13—PROHIBITED TRADE PRACTICES

Marzotto Corporation of America et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–90 Wool Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–40 Federal Trade Commission Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Marzotto Corp. of America et al., New York, N.Y., Docket C-916, July 16, 1965]

In the Matter of Marzotto Corp. of America, a Corporation, and George Monfrino, Isabella Di Martino, and Sol Horowitz, Individually and as Officers of Said Corporation.

Consent order requiring a New York City importer and wholesaler of wool products to cease misbranding fabrics as "100 percent Wool" or "All Wool" whereas in fact, such fabrics contained substantially different fibers and amounts of fibers than represented, and to cease misrepresenting the fiber content of fabrics on invoices.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Marzotto Corp. of America, a corporation, and its officers, and George Monfrino, Isabella Di Martino, and Sol Horowitz, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from introducing into commerce, or offering for sale, selling, transporting, distributing or delivering for shipment in commerce wool fabric or any other wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939:

1. Which are falsely and deceptively stamped, tagged, labeled or otherwise identified as to the character or amount of the constituent fibers contained therein.

2. Unless each such product has securely affixed thereto or placed thereon a stamp, tag, label or other means of identification correctly showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents Marzotto Corp. of America, a corporation, and its officers, and George Monfrino, Isabella Di Martino, and Sol Horowitz, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of fabric or any other textile products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the character or amount of constituent fibers contained in fabric or any other textile products on invoices or shipping memoranda applicable thereto or in any other manner.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 16, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 65-12234; Filed, Nov. 15, 1965; 8:46 a.m.]

[Docket No. C-917]

PART 13—PROHIBITED TRADE PRACTICES

St. Regis Paper Co.

Subpart—Acquiring corporate stock and assets: § 13.5 *Acquiring corporate stock or assets.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Order of divestiture, St. Regis Paper Co., New York, N.Y., Docket C-917, July 16, 1965]

Consent order requiring a major manufacturer of paper and paper products with principal place of business located in New York City—having net sales of $594,000,000 in 1963—to divest itself absolutely within 5 years of seven plants which are engaged in the manufacture of corrugated and solid fiber products, located at Salinas, Fullerton, and Emeryville, Calif., Birmingham, Ala., Jersey City, N.J., Jacksonville, Fla., and Tacoma, Wash., acquired as a result of respondent's acquisitions; and requiring company to refrain from making further acquisitions in specified segments of the fiberboard industry for the next 10 years without prior approval of the Commission, and to accomplish the aforesaid divestitures as specified in the order as set forth below.

The order of divestiture, including further order requiring report of compliance therewith, is as follows:

I

It is ordered, That St. Regis Paper Co., hereinafter referred to as "St. Regis", shall divest itself, absolutely and in good faith, subject to the prior approval of the Commission, of all of the right, title, and interest of St. Regis in and to its facilities, machinery, buildings, equipment, or other property of whatever description (hereinafter referred to as the "plant" or "plants") for the manufacture or conversion of corrugated board or solid fiberboard which are situated at the locations hereinafter named and which were acquired by St. Regis as a result of its acquisition of the corporations specified in subparagraphs (a) through (e) herein, including all rights, titles, interests, assets and properties acquired by St. Regis, together with such machinery and equipment as has been added to or placed on the premises at the following specified locations, in a manner contemplating the operation of each such plant by the purchaser as a going concern in the business operations substantially as conducted by St. Regis therein: *Provided,* That each such plant shall be divested by St. Regis in good faith to a person or persons who, insofar as St. Regis can reasonably determine, will operate each such plant as a going concern engaged in such business: *And, provided further,* That pending the aforesaid ordered divestitures, St. Regis shall not make any change in such plants which might substantially impair their present capacities for engaging in such business operations unless such capacities are fully restored prior to divestiture.

	Location	*Corporate acquisition*
(a)	Salinas, Calif.	Growers Container Corp.
(b)	Fullerton, Calif.	Growers Container Corp.
(c)	Birmingham, Ala.	Birmingham Paper Co.
(d)	Jersey City, N.J.	National Kraft Container Corp.
(e)	Jacksonville, Fla.	National Kraft Container Corp.

II

It is further ordered, That St. Regis shall divest itself, absolutely and in good faith, subject to the prior approval of the Commission, of all of the right, title, and interest of St. Regis in and to its plants for the manufacture or conversion of corrugated board or solid fiberboard which are located in, (a) Tacoma, Wash., and (b) Emeryville, Calif., in a manner contemplating the operation of each such plant by the purchaser as a going concern in the business operations substantially as conducted by St. Regis therein: *Provided,* That each such plant shall be divested by St. Regis in good faith to a person or persons who, insofar as St. Regis can reasonably determine, will operate each such plant as a going concern engaged in such business: *And, provided further,* That pending the aforesaid ordered divestitures, St. Regis shall not make any change in such plants which might substantially impair their present capacities for engaging in such business operations unless such capacities are fully restored prior to divestiture.

III

The divestiture ordered herein of the St. Regis plants located at Salinas, Calif; Fullerton, Calif.; Emeryville, Calif.; and Tacoma, Wash., shall include as a part thereof and at the option of the purchaser (a) a nonexclusive license for the application of the St. Regis Wet-lok and Presseal processes in that area of the United States west of the eastern boundaries of Montana, Wyoming, Colorado, and New Mexico at a fair and reasonable royalty; and (b) the sale of all equipment and machinery now located at such plants necessary to apply such processes to corrugated containers.

The divestiture of the St. Regis plants located at Birmingham, Ala., Jersey City, N.J., and Jacksonville, Fla., shall not include, as a part thereof, either (a) the licensing of St. Regis Wet-lok or Presseal processes, or (b) the sale of the machinery and equipment required for the application of such processes to corrugated containers.

IV

It is further ordered, That the divestitures of stock, assets, and properties required by paragraphs I and II of this Order shall not be divested, sold, or transferred, directly or indirectly, to any person who is an officer, director, employee, or agent of, or under the control or direction of St. Regis or any subsidiary of St. Regis, or to any person who owns or controls, directly or indirectly, more than one percent (1%) of the common capital stock of St. Regis, or to any purchaser who is not approved in advance by the Federal Trade Commission.

As used in this Order the terms "person" or "persons" is defined as including, but not being restricted to, corporations, partnerships, associations, and other legal entities.

As used in this paragraph IV only of this Order these terms are defined as including natural persons who are individuals in the classifications hereinbefore set forth and all members of the immediate family of each such individual.

V

With respect to the seven plants hereinbefore named in paragraphs I and II and ordered divested, St. Regis shall make every reasonable effort to accomplish divestiture of one of the seven plants within 1 year from the date of service upon St. Regis of this Order; a second plant within 2 years of such date; a third and fourth plant within the 3 years of such date; a fifth and sixth plant within 4 years of such date; and a seventh plant within 5 years of such date.

If any of the aforesaid divestitures shall not have been accomplished within the periods specified herein, the Commission will give St. Regis written notice and an opportunity to be heard before the Commission issues any further order or orders which the Commission may deem appropriate.

VI

If any of the plants required to be divested by this Order are not sold or disposed of entirely for cash, nothing in this Order shall be deemed to prohibit St. Regis from retaining, accepting, and enforcing a lien, mortgage, deed of trust

or other security interest in or to any of the aforesaid assets or stock for the purpose of securing to St. Regis full payment of prices, with interest, at which any of said plants are sold or disposed of; but if after bona fide disposal of any of the aforesaid plants in accordance with the provisions of this Order, St. Regis, by enforcement of such security interest, regains ownership or control of any such plant or plants, the same shall be revested, subject to the provisions of this Order within six (6) months from the time of such reacquisition.

VII

It is further ordered, That for a period of 10 years after the service upon it of this Order, St. Regis shall cease and desist from acquiring, directly or indirectly, through subsidiaries, or otherwise, the whole or any part of the share capital, or assets (other than products sold or purchased in the regular course of business), of any domestic concern, corporate or noncorporate, which is, or shall have been engaged at any time during the aforesaid 10-year period, in any State of the United States or in the District of Columbia, in the business of manufacturing linerboard, corrugating medium, or container chip and fillerboard, or in the business of converting such products into corrugated board or into solid fiberboard, or in the business of converting corrugated board into corrugated products, or in the business of converting solid fiberboard into solid fiber products, without the prior approval of the Federal Trade Commission.

VIII

It is further ordered, That St. Regis shall, within sixty (60) days after the date of service of this Order, and every ninety (90) days thereafter until St. Regis has fully complied with the provisions of this Order, submit in writing to the Federal Trade Commission a report setting forth in detail the manner and form in which St. Regis intends to comply, is complying or has complied with this Order. All compliance reports shall include, among other things that are from time to time required, a summary of all contacts and negotiations with potential purchasers of the specified plants, the identity of all such potential purchasers, and copies of all written communications to and from such potential purchasers.

Issued: July 16, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65-12235; Filed, Nov. 15, 1965; 8:47 a.m.]

[Docket No. C-918]

PART 13—PROHIBITED TRADE PRACTICES

Jackson's/Byrons Enterprises, Inc.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30-75 Textile Fiber Products Identification Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73-90 Textile Fiber Products Identification Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-80 Textile Fiber Products Identification Act. Subpart—Misbranding or Mislabeling: § 13.1185 *Composition:* 13.1185-80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719 as amended; 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Jackson's/Byrons Enterprises, Inc., Miami, Fla., Docket C-918, July 16, 1965]

Consent order requiring a Miami, Fla., operator of a chain of retail department stores, to cease violating the Textile Fiber Products Identification Act by labeling, invoicing, and advertising textile fiber products falsely as to name and amount of constituent fibers, by using misleading terms such as "Silk Look" and "Look and Feel of Imported Silk", by using fiber trademarks and generic names of fibers in an improper manner, and by omitting required fiber content information.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Jackson's/Byrons Enterprises, Inc., a corporation, and its officers, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, manufacture for introduction, delivery for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce, or in connection with the sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act do forthwith cease and desist from:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising or otherwise identifying such products as to the name or amount of constituent fibers contained therein.

2. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising or otherwise identifying such products by representing either directly or by implication, through the use of such terms as "Silk Look" and "Look and Feel of Imported Silk", or any other words or terms, that any fibers are present in a textile fiber product, when such is not the case, except that nothing herein shall be construed to prevent the use of a nondeceptive statement in advertising that a textile fiber product has one or more of the characteristics of a material or fiber not present in the said product, if the advertisement contains all of the required fiber content information as to such product.

3. Falsely and deceptively advertising textile fiber products by:

(a) Making any representations, by disclosure or by implication, as to the fiber contents of any textile fiber product in any written advertisement which is used to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of such textile fiber product, unless the same information required to be shown on the stamp, tag, label or other means of identification under sections 4(b) (1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, except that the percentages of the fibers present in the textile fiber products need not be stated.

(b) Using a fiber trademark in advertisements without a full disclosure of the required content information in at least one instance in the said advertisement.

(c) Using a fiber trademark in advertising textile fiber products containing more than one fiber, without such fiber trademark appearing in the required fiber content information in immediate proximity and conjunction with the generic name of the fiber in plainly legible type, or lettering, of equal size and conspicuousness.

(d) Using a fiber trademark in advertising textile fiber products containing only one fiber, without such fiber trademark appearing at least once in the advertisement, in immediate proximity and conjunction with the generic name of the fiber, in plainly legible and conspicuous type.

(e) Using a generic name of a fiber in advertising textile fiber products in such a manner as to be false, deceptive or misleading as to fiber content or to indicate, directly or indirectly, that such textile fiber products are composed wholly or in part of such fiber, when such is not the case.

(f) Failing to state all parts of the required information in immediate conjunction with each other in legible and conspicuous type, or lettering, of equal size and prominence, where textile fiber products are advertised in such a manner as to require disclosure of the information required by the Act and regulations.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: July 16, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65-12236; Filed, Nov. 15, 1965; 8:47 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Toy Catalog Advertising Payments

§ 15.2 Toy catalog advertising payments.

No objection will be raised to payments by a toy manufacturer for advertising in a toy catalog published by a firm not owned or controlled by or in any way affiliated with any toy jobber customer of the manufacturer if the catalogs are available, in a practical business sense, to all of the manufacturer's jobber customers.

(38 Stat. 717, as amended; 15 U.S.C. 41-58; 49 Stat. 1526; 15 U.S.C. 13, as amended)

The Commission was asked to express an opinion with respect to the legality of payments by toy manufacturers for advertising in toy catalogs published by a firm which, assertedly, (1) is strictly a publisher and has no connection whatever with any toy manufacturer or toy jobber, and (2) affirmatively offered the catalogs for sale to all jobbers.

Previous Commission actions in this area have been concerned with catalogs which were at least in part owned by jobbers engaged in the sale of the toys advertised in the catalogs. With respect to the instant request, the Commission advised as follows:

Payments for advertising in a catalog published by a firm which is not owned or controlled by, or in any way directly or indirectly affiliated with, any customer of the advertiser or group or class of such customers do not violate section 2(d) of the Clayton Act where no discriminatory benefit is conferred by such payments on a particular customer, or class or group of customers, over competitors. The Commission notes that the catalogs projected * * * are available at low cost to all toy jobbers and are apparently not designed to be usable only by particular jobbers, or classes or groups of jobbers; that you make every effort to distribute your catalogs as broadly as possible among toy jobbers; and that you do not limit distribution to any particular jobbers or group or class of jobbers. The Commission is of the opinion that if your catalogs are available, in a practical business sense, to all of the jobber customers of a manufacturer, then no objection could be raised to payments by that manufacturer for advertising in the catalogs.

Dated: November 9, 1965.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65-12253; Filed, Nov. 15, 1965; 8:48 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56526]

AUTHORITY OF CUSTOMS OFFICERS

As a result of actual and pending reorganizations in the Bureau of Customs both in Washington and throughout the country pursuant to Reorganization Plan No. 1 of 1965, 30 F.R. 7035, certain activities which have been performed by particular customs officials will be performed by other customs officials, or in some cases by the same officials but acting under different official titles.

The Customs regulations are therefore being amended so as to make clear that any action taken under the customs laws by any person who has been delegated authority so to act is not invalid by reason of the fact that any provision of any statute or regulation provides or indicates that the action in question shall be taken by some other named officer or employee.

Chapter I is accordingly amended by the addition of the following provisions at the beginning of said chapter:

AUTHORITY OF CUSTOMS OFFICERS

No action taken by any person pursuant to authority delegated to him by the Secretary of the Treasury (whether directly or by subdelegation) shall be invalid by reason of the fact that any statute or regulation, including any provision of the Customs regulations (19 CFR Ch. I), provides or indicates that such action shall be taken by some other person.

Any action performed by a person pursuant to authority delegated to him by the Secretary of the Treasury (whether directly or by subdelegation) shall constitute compliance with any requirement of any statute or regulation which provides or indicates that it shall be the duty of some other person to perform such action.

(77A Stat. 14, sec. 624, 46 Stat. 759; 19 U.S.C. 1202 (Gen. Hdnote 11), 1624; Treasury Dept. Order 165, Rev. (T.D. 53654, 19 F.R. 7241), Treasury Dept. Order 165-17 (T.D. 56464, 30 F.R. 10913), Customs Delegation Order 22 (T.D. 56470, 30 F.R. 11180))

[SEAL] LESTER D. JOHNSON, *Commissioner of Customs.*

Approved: November 1, 1965.

TRUE DAVIS, *Assistant Secretary of the Treasury.*

[F.R. Doc. 65-12259; Filed, Nov. 15, 1965; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 148e—ERYTHROMYCIN

Erythromycin Ethylsuccinate Injection; Sampling Procedure

Correction

In F.R. Doc. 65-12094, appearing at page 14155 of the issue for Wednesday, November 10, 1965, the date "1964" in the last paragraph should read "1965".

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

Chesapeake Bay, Md.

Correction

In F.R. Doc. 65-11984, appearing at page 14102 of the issue for Tuesday, November 9, 1965, the following correction is made in § 204.36(b)(4): In the first sentence, "latitude 38°77'45'','' should read "latitude 38°11'45'',''.

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 2—DELEGATIONS OF AUTHORITY

PART 19—BOARD OF VETERANS APPEALS

PART 36—LOAN GUARANTY

Waivers and Compromises

1. In Part 2, § 2.6(d) is amended to read as follows:

§ 2.6 Administrator's delegations of authority to certain officials (38 U.S.C. 212(a)).

* * * * *

(d) *Veterans Administration Central Office Loan Guaranty Committee on Compromises.* (1) The personnel of the Veterans Administration Central Office Loan Guaranty Committee on Compromises designated in subparagraph (3) of this paragraph are delegated authority to perform the duties and responsibilities prescribed in § 36.4386 of this chapter.

(2) The Chairman and Alternate Chairman, Committee on Compromises, are delegated authority to certify the actions and decisions of the committee.

(3) The Veterans Administration Central Office Loan Guaranty Committee on Compromises, as established by § 36.4381 of this chapter issued pursuant to provisions of 38 U.S.C. 1820, shall be composed of the following:

Director, Loan Guaranty Service—Chairman.

Assistant Director for Liquidation, Loan Guaranty Service—Alternate to the Chairman.

Assistant General Counsel (Professional Staff Group I)—Member.

Deputy Assistant General Counsel (Professional Staff Group I) as designated by Assistant General Counsel—Alternate.

Chief, Administrative Review Group IV, Compensation, Pension and Education Service—Member.

Legal Consultant, Administrative Review Group I, II, III, or IV, Compensation, Pension and Education Service, as designated by the

Deputy Director for Program Administration—Alternate.

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2. In Part 19, § 19.3 is revised to read as follows:

§ 19.3 Subject matter of appeals.

More specifically, the Board's appellate jurisdiction covers questions of entitlement to compensation for service-connected disabilities; pension for disability without regard to service connection; death compensation and pension; dependency and indemnity compensation; vocational rehabilitation, including need therefor; education and training allowance; subsistence allowance; educational assistance allowance and special training allowance (38 U.S.C. ch. 35); special allowance (38 U.S.C. 412); death gratuity (38 U.S.C. 423); insurance benefits, including maturity of contracts, waiver of premiums, and legal beneficiary; payment or reimbursement for unauthorized medical expenses; burial allowances; disability suffered as the result of examination, treatment or hospitalization or vocational training; emergency officers' retirement benefits; basic eligibility to loans and unemployment compensation; adjusted compensation; waiver or recovery of overpayments; waiver of payment of loan guaranty indebtedness (38 U.S.C. 1820 (a)(4)); forfeiture of rights; and all related mixed questions of fact and law, such as character and type of service, attorney fees, marital relations, dependency, validity of claims, apportionment, reduction and increase in compensation or pension benefits, and similar questions. Under 38 U.S.C. 3203(b)(3), jurisdiction extends to determinations of the Chief Attorney on the following questions: need of a dependent parent; payments from appropriated funds to a dependent parent for his or her support; use of appropriated funds for the veteran's institutional care and maintenance.

§§ 36.4380–36.4386 [Revoked]

3. In Part 36, §§ 36.4380 through 36.4386 are revoked and §§ 36.4380 through 36.4388 are added to read as follows:

§ 36.4380 Jurisdiction; Central Office.

The Director, Loan Guaranty Service, is authorized to determine whether there shall be a waiver of the indebtedness of a veteran or his spouse and to designate personnel to make such determinations within the scope of their assigned duties.

§ 36.4381 Establishment of loan guaranty committees.

There is established in Central Office a Loan Guaranty Committee on Compromises and in each field station having a Loan Guaranty Division, a Regional Loan Guaranty Committee on Waivers and Compromises. Each committee will be comprised of three members, one of whom is to be designated as chairman. The regional committee shall be appointed by and function under the jurisdiction of the Manager or Center Director. The Central Office committee shall be appointed by the Administrator and function under the jurisdiction of the Chief Benefits Director.

§ 36.4382 Jurisdiction of Regional Loan Guaranty Committee on Waivers and Compromises.

(a) The regional committee is authorized to waive the indebtedness or any part thereof of the veteran-borrower or his spouse under the provisions of 38 U.S.C. 1820(a)(4), subject to approval by Central Office. Also, the regional committee is authorized to deny an application for waiver without referral to Central Office.

(b) Whenever the regional committee is unable to reach a unanimous decision on a request for waiver the decision will be rendered by Central Office.

(c) The regional committee will have original jurisdiction to adjucate all compromise cases in its area involving an indebtedness of $2,500 or less resulting from a loan guaranteed, insured, or made under 38 U.S.C. Ch. 37, or as a result of the acquisition of a loan or as a result of a vendee account. With respect to any indebtedness in excess of $2,500, the regional committee shall have the authority to consider and disapprove such compromise offers. The decision of the regional committee disapproving a compromise offer is not subject to appeal.

(d) The regional committee, subject to current Veterans Administration regulations and instructions, shall have jurisdiction to authorize the release of any right, title, claim, lien, or demand, however acquired, against any person obligated on a loan guaranteed, insured, or made by the Veterans Administration pursuant to the provisions of 38 U.S.C. Ch. 37, or on an acquired loan or on a vendee account.

§ 36.4383 Appeals to the Board of Veterans Appeals.

Decisions of Regional Loan Guaranty Committees on Waivers and Compromises or of the Director, Loan Guaranty Service, or his designee, denying waiver of indebtedness, or any part thereof, of the veteran-borrower or his spouse, are appealable to the Board of Veterans Appeals. The provisions of Part 19 of this chapter will be followed in connection with appeals to the Board of Veterans Appeals.

§ 36.4384 Revision of waiver decisions.

(a) A decision may be reversed or modified on the basis of new and material evidence, fraud, a change in law, or interpretation of law specifically stated in a Veterans Administration issue, or clear and unmistakable error shown by the evidence in file at the time the prior decision is rendered:

(1) By the same Regional Loan Guaranty Committee on Waivers and Compromises which rendered the decision, subject to the provisions of § 36.4382(a).

(2) By the Director, Loan Guaranty Service, if the decision was rendered or approved by Central Office.

(b) Except as provided in paragraph (a) of this section a decision rendered by properly constituted authority is final, subject to the provisions of:

(1) Sections 3.104(a), 19.153, 19.154, and 19.155 of this chapter as to finality of decisions.

(2) Section 3.105 (a) and (b) of this chapter as to revision of decisions.

(3) Part 19 of this chapter as to right to appeal to the Board of Veterans Appeals.

§ 36.4385 Basic requirements for waiver.

(a) An indebtedness of a veteran-borrower who used his entitlement, or the indebtedness of his spouse, may be waived in whole or in part only when all of the following factors are determined to exist:

(1) There was a loss of the property which constituted security for the guaranteed or insured or direct loan; and

(2) The default which resulted in the indebtedness arose out of compelling reasons, without fault on the part of the veteran; and

(3) Collection of the indebtedness would work a severe hardship upon the veteran, or his family. However, waiver of the indebtedness of the veteran, or his spouse, may be granted where the indebtedness arose by reason of some fault on the part of the Veterans Administration and without fault on the part of the veteran, irrespective of the veteran's ability to pay.

(b) In order to determine that collection would work a severe hardship on the veteran or his family it must be found that a severe hardship would result from both present and future collection by any means. In making this determination consideration will be given to the present and anticipated income, general financial worth, and shelter and necessary household expenses of the veteran and his spouse.

(c) A widow of a veteran-borrower may be granted a waiver of her indebtedness even though she may have a limited ability to repay the indebtedness without severe hardship: *Provided*, That the income of the veteran-borrower, exclusive of his wife's income, was sufficient to qualify him for the original loan and no portion of her entitlement was used in obtaining the loan: *And, provided further*, That the requirements of paragraph (a) (1) and (2) of this section are met.

(d) In cases in which it is determined that waiver may be granted, the action will take such form (covenant not to sue, or otherwise) as will preserve the rights of the Government against obligors other than the veteran or his spouse.

(e) The waiver of a veteran's indebtedness shall inure to the spouse of such veteran insofar as concerns said indebtedness, unless the obligation of the spouse is specifically excepted. However, the waiver of the indebtedness of the veteran's spouse shall not inure to the benefit of the veteran unless specifically provided for in the waiver decision.

§ 36.4386 Jurisdiction of Central Office Loan Guaranty Committee on Compromises.

(a) The Central Office committee will have jurisdiction to consider and adjudicate:

(1) All compromise offers referred to it by the Chief Benefits Director or Director, Loan Guaranty Service, irrespective of amount, not previously considered by the regional committee.

(2) All compromise cases involving an indebtedness of more than $2,500.

(b) The Central Office committee will determine whether a compromise offer shall be accepted from the veteran-borrower or his spouse or from any obligors including obligors on vendee accounts.

(c) The decision of the majority of the members of the Central Office committee shall be final and conclusive.

(d) The Central Office committee, subject to current Veterans Administration regulations and instructions, shall have jurisdiction to authorize the release of any right, title, claim, lien, or demand, however acquired, against any person obligated on a loan guaranteed, insured, or made by the Veterans Administration pursuant to the provisions of 38 U.S.C. Ch. 37, or on an acquired loan or on a vendee account.

§ 36.4387 Principles applicable to compromises.

(a) An offer of a veteran or other obligor to effect a compromise of an indebtedness shall be reviewed by the committee within its respective authority. Such offer may be accepted if it is deemed advantageous to the Government.

(b) In any case where two or more obligors are liable on the indebtedness and a compromise offer is accepted which does not affect the liability of one or more obligors, the committee's action will take that form (covenant not to sue, or otherwise) which will preserve the rights of the Government against those obligors whose liability is not affected by the acceptance of the compromise offer.

§ 36.4388 Authority to execute necessary documents.

Each of the employees enumerated in §§ 36.4342(b) and 36.4520(b) is authorized to execute on behalf of the Administrator of Veterans Affairs releases or other documents necessary to effectuate a decision of the Central Office Loan Guaranty Committee on Compromises or of a Regional Loan Guaranty Committee on Waivers and Compromises, or a decision of the Board of Veterans Appeals.

(72 Stat. 1114; 38 U.S.C. 210)

These VA Regulations are effective December 1, 1965.

By direction of the Administrator.

Approved: October 21, 1965.

[SEAL] CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 65-12258; Filed, Nov. 15, 1965; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3865]

[Idaho 016489]

IDAHO

Withdrawal for National Forest Administrative Sites

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Subject to valid existing rights, the following described lands in the Boise National Forest are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), for administrative sites of the Department of Agriculture:

BOISE MERIDIAN

BOGUS BASIN WINTER SPORTS AREA AND SHAFER BUTTE CAMPGROUND

T. 5 N., R. 3 E.,
Sec. 9, E½SW¼ and SE¼;
Sec. 10, W½;
Sec. 22, W½NW¼SW¼.

TEN MILE AND BAD BEAR CAMPGROUNDS AND TEN MILE SUMMER HOME

T. 7 N., R. 6 E.,
Sec. 35, S½SW¼NE¼, SE¼NE¼, E½ SW¼, W½NE¼SE¼ and W½SE¼.

MORES CREEK RESERVOIR

T. 6 N., R. 6 E.,
Sec. 30, lots 2 and 3, SW¼NE¼ and NW¼ SE¼.

HAYFORK CAMPGROUND

T. 7 N., R. 6 E.,
Sec. 25, SE¼SW¼.

GRAYBACK GULCH CAMPGROUND

T. 5 N., R. 5 E.,
Sec. 4, W½ of lot 2, lots 3 and 6 and W½ of lot 7.

The areas described aggregate 1,132.78 acres in Boise County.

The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

NOVEMBER 9, 1965.

[F.R. Doc. 65-12239; Filed, Nov. 15, 1965; 8:47 a.m.]

[Public Land Order 3866]

[Utah 0124763]

UTAH

Partial Revocation of Public Water Reserve

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

The Executive order of March 9, 1914, establishing Public Water Reserve No. 16, Utah No. 7, is hereby revoked so far as it affects the following-described lands:

SALT LAKE MERIDIAN

T. 3 S., R. 20 E.,
Sec. 19, SW¼SE¼;
Sec. 33, lot 8.

The areas described aggregate 77.73 acres of nonpublic land.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

NOVEMBER 9, 1965.

[F.R. Doc. 65-12240; Filed, Nov. 15, 1965; 8:47 a.m.]

Title 45—PUBLIC WELFARE

Chapter VIII—Civil Service Commission

PART 801—VOTING RIGHTS PROGRAM

Appendix A; Louisiana

Appendix A to Part 801 is amended under the heading "Dates, Times, and Places for Filing" and the subheading "Louisiana" to show the closing of the office in Plaquemines Parish at Buras and the opening of an office in that parish at Belle Chasse.

APPENDIX A

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LOUISIANA

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Plaquemines; (1) Buras—Post Office Building; August 10, 1965, through November 17, 1965; (2) Belle Chasse—Post Office Building; November 18, 1965.

(Secs. 7, 9, Voting Rights Act of 1965; P.L. 89-110)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director,
Bureau of Management Services.

[F.R. Doc. 65-12266; Filed, Nov. 15, 1965; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 33—SPORT FISHING

Willamette National Wildlife Refuge, Oreg.

On page 12396 of the FEDERAL REGISTER of September 29, 1965, there was pub-

lished a notice of a proposed amendment to § 33.4 of Title 50, Code of Federal Regulations. The purpose of this amendment is to provide for public sport fishing on Willamette National Wildlife Refuge, Oreg., as legislatively permitted.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received. The proposed amendment is hereby adopted without change.

Since this amendment benefits the public by relieving existing restrictions on fishing, it shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 10, 45 Stat. 1224; 16 U.S.C. 715; and sec. 4, 48 Stat. 451, as amended; 16 U.S.C. 718d)

Section 33.4 is amended by the addition of the following area as one where sport fishing is authorized:

§ 33.4 List of open areas; sport fishing.

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OREGON

• • • • •

Willamette National Wildlife Refuge

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KENNETH HOLUM,
Acting Secretary of the Interior.

NOVEMBER 9, 1965.

[F.R. Doc. 65-12237; Filed, Nov. 15, 1965; 8:47 a.m.]

PART 33—SPORT FISHING

Tewaukon National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH DAKOTA

TEWAUKON NATIONAL WILDLIFE REFUGE

Sport fishing on the Tewaukon National Wildlife Refuge, N. Dak., is permitted only on the areas designated by signs as open to fishing. These open areas comprising 1,400 acres are delineated on maps available at refuge headquarters and from the Office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Sport fishing shall be in accordance with all applicable state regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from December 16, 1965, through March 26, 1966, daylight hours only.

(2) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through March 26, 1966.

JAMES T. GILLETT,
Refuge Manager, Tewaukon National Wildlife Refuge, Cayuga, N. Dak.

NOVEMBER 5, 1965.

[F.R. Doc. 65-12238; Filed, Nov. 15, 1965; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 917]

[Docket No. AO-90-A4]

FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Decision and Referendum Order Regarding Proposed Amendment of Amended Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Fresno, Calif., on April 5–6, 1965, after notice thereof published in the FEDERAL REGISTER (30 F.R. 3542), on proposed further amendment of the marketing agreement and Order No. 917 (7 CFR Part 917), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in California, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

On the basis of the evidence adduced at the hearing and the record thereof, the Deputy Administrator, Consumer and Marketing Service, on October 11, 1965, filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F.R. Doc. 65-10978; 30 F.R. 13063).

The material issues, findings and conclusions, and the general findings, of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 65-10978; 30 F.R. 13063) are hereby approved and adopted as the material issues, findings and conclusions, and the general findings of this decision as if set forth in full herein.

Rulings on exceptions. Exceptions to the recommended decision were filed by W. P. Coadry, Hall Packing Co.; by Floyd J. Harkness, United Packing Co.; by James Krass, Krass Joseph, Inc.; by C. A. Swanson, National Tea Co.; by F. T. Elliot, Jr., Wileman Brothers & Elliot, Inc.; by Marshall Anderson, Topco Associates, Inc.; Blueford W. Wyckoff, Royal Valley Fruit Growers Association; S. P. Lundahl, Kilburn Fruit Co., Inc.; V. E. Rasmussen, Ballentine Produce Co., Inc.; E. L. Barr, Jr., Barr Packing Co., and Herman Paine, Jr., Pacific States Box & Basket Co. Each of these exceptions was carefully and fully considered in conjunction with the record evidence and the recommended decision pertaining thereto in arriving at the findings and conclusions set forth in this decision. To the extent that any such exception is not specifically ruled upon and is at variance with the findings, conclusions, and action decided upon in this decision, such exception is denied.

Exception was taken to the inclusion of authority under which limitation of containers may be effected. The exceptors expressed concern as to possible hasty, ill-considered, action by the Plum Commodity Committee in restricting from use current containers, specifically the 4-basket plum crate, in the interest of promoting the adoption of less expensive packing methods and containers. In this connection, it was advanced that such action may be taken before packing facilities and methods are sufficiently perfected to assure the marketing of a product equally satisfactory to that now provided and that acceptance of the fruit may thereby be reduced. Also, a number of the exceptors expressed the view that the lack of experience in the packing and handling of plums on the part of members of the Plum Commodity Committee would handicap the committee in formulating sound recommendations for container regulation. The views so expressed are speculative, and apparently fail to take into full account that under the order as proposed to be amended the Plum Commodity Committee would be comprised of 12 members, and that 6 such members may be commercial plum handlers. In addition, provision is made for the establishment of a committee of sales managers for each commodity committee, including the Plum Commodity Committee, to assist in arriving at recommendations for regulation. Moreover, recommendations for regulation are formulated at open meetings at which all interested parties may participate and the recommendations are submitted to the Secretary for consideration. The authority for establishment of regulations is vested in the Secretary, and any regulations, including container regulations, based upon committee recommendations or upon other available information, would be made effective in conformance with the rule-making requirements prescribed by the Administrative Procedure Act (5 U.S.C. 1001–1011). Thus, growers and handlers of fruit and other interested parties would be afforded adequate opportunity to express their views with respect to any container regulations which may be recommended for any fruit under the program. Such exceptions are therefore denied.

Further amendment of the marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Fresh Pears, Plums, and Peaches Grown in California" and "Amended Order Regulating the Handling of Fresh Pears, Plums, and Peaches Grown in California," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among the producers who, during the period March 1, 1965, through October 31, 1965 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the State of California in the production of Bartlett pears, plums, or Elberta peaches for shipment in fresh form to ascertain whether such producers favor the issuance of the said annexed order amending Order No. 917, as amended (7 CFR Part 917), regulating the handling of Bartlett pears, plums, and Elberta peaches grown in California.

W. B. Blackburn and G. P. Muck, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, are hereby designated agents of the Secretary of Agriculture to conduct said referendum.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Tree Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended," (28 F.R. 6409).

The ballots used in such referendum shall contain a summary describing the terms and conditions of the proposed amendment of the order.

Copies of the aforesaid annexed order and of the aforesaid referendum procedure may be examined in the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C., 20250.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained from any referendum agent or any appointee.

It is hereby ordered, That all of this decision and referendum order, except the annexed amended marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement are identical with those contained in the annexed order which will be published with this decision.

Dated: November 9, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

Amended Order[1] *Regulating Handling of Fresh Pears, Plums, and Peaches Grown in California*

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917.0 Findings and determinations.

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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

AUTHORITY: The provisions of this Part 917 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 917.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary, and in addition, to the findings and determinations which were made in connection with the issuance of the order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such previous findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held in Fresno, Calif., on April 5–6, 1965, upon a proposed further amendment of the marketing agreement and order (7 CFR Part 917) regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in California. On the basis of the evidence adduced at the hearing, and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of pears, plums, and peaches grown in the State of California in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in the marketing agreement upon which hearings have been held;

(3) The said order, as amended and as hereby further amended, is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of such regional production area would not effectively carry out the declared policy of the act;

(4) The said order, as amended and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in production and marketing of the fruit covered thereby; and

(5) All handling of plums grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective time hereof, all handling of fresh pears, plums, and peaches grown in California shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

DEFINITIONS

§ 917.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 917.2 Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601–674).

§ 917.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 917.4 Fruit.

"Fruit" means the edible product of the following three kinds of trees (a) all varieties of plums, (b) the varieties of pears, and (c) the varieties of peaches set forth below together with all mutations thereof which are grown in the production area and shipped in fresh form:

Pears. Bartlett, Dr. Jules Guyot (Guyot, Early Bartlett), Clapps Favorite (Hill Bartlett), Max-Red (Max-Red Bartlett, Red Bartlett), Rosired (Rosired Bartlett), Winter Bartlett, Gorham (Late Bartlett).

Peaches. Elberta (Regular Elberta), Early Elberta (Gleason, Early Fay, Golden Elberta), Fay Elberta (Gold Medal, Golden Elberta), Burbank July Elberta (Early Elberta, Burbank Elberta, Burbank, Jewel, Kim Elberta, July Elberta, Socala).

§ 917.5 Grower.

"Grower" is synonymous with producer and means (a) with respect to plums any person who produces plums for market in fresh form, and who has a proprietary interest therein, and (b) with respect to pears and peaches, any person who produces such for market in fresh form in the current of interstate or foreign commerce, and who has a proprietary interest therein.

§ 917.6 Handle.

"Handle" and ship are synonymous and mean: (a) With respect to pears and peaches, to sell, consign, deliver, or transport such fruit, or cause such fruit to be sold, consigned, delivered, or transported, between the production area and any point outside thereof; and (b) with respect to plums, to sell, consign, deliver, or transport plums, or cause plums to be sold, consigned, delivered, or transported, between the production area and any point outside thereof, or within the production area: *Provided,* That the term handle shall not include the sale of fruit on the tree, the transportation within the production area of fruit from the orchard

where grown to a packing facility located within such area for preparation for market, or the delivery of such fruit to such packing facility for such preparation.

§ 917.7 Handler.

"Handler" is synonymous with shipper and means any person (except a common or contract carrier transporting fruit owned by another person) who handles fruit.

§ 917.8 Commercial plum handler.

"Commercial plum handler" means any person who produces less than 50% of the plums which he handles.

§ 917.9 Fiscal period.

"Fiscal period" is synonymous with fiscal year and means the 12-month period ending on the last day of February of each year, or such other period that may be approved by the Secretary pursuant to recommendations by the committee.

§ 917.11 Production area.

"Production area" means the State of California.

§ 917.12 Container.

"Container" means a box, bag, crate, lug, basket, carton, package, or any other type of receptacle used in the packaging or handling of fruit.

§ 917.13 Pack.

"Pack" means the specific arrangement, size, weight, count, or grade of a quantity of fruit in a particular type and size of container or any combination thereof.

§ 917.14 District.

"District" means any of the following subdivisions of the State of California:

(a) "North Sacramento Valley District" includes and consists of Glenn County, Shasta County, Tehama County, Modoc County, Siskiyou County, Lassen County, Plumas County, and Colusa County.

(b) "Central Sacramento Valley District" includes and consists of Sutter County, Butte County, Yuba County, and Sierra County.

(c) "Sacramento River District" includes and consists of Sacramento County, that portion of Yolo County east of a straight line from the northwest corner of Sacramento County to the Northeast corner of Solano County, and that portion of Solano County east of a straight line from the northeast corner of Solano County to the town of Rio Vista.

(d) "El Dorado District" includes and consists of El Dorado County.

(e) "Placer-Colfax District" includes and consists of Nevada and Placer Counties.

(f) "Solano District" includes and consists of that portion of Yolo County not included in the Sacramento River District, and that portion of Solano County not included in the Sacramento River District.

(g) "Contra Costa District" includes and consists of Contra Costa County.

(h) "Santa Clara District" includes and consists of Alameda County, Monterey County, Santa Clara County, San Mateo County, Santa Cruz County, and San Benito County.

(i) "Lake District" includes and consists of Lake County.

(j) "Mendocino District" includes and consists of Mendocino County, Humboldt County, Trinity County, and Del Norte County.

(k) "South Coast District" includes and consists of San Luis Obispo County, Santa Barbara County, Ventura County, and that portion of Los Angeles County south of the Tehachapi Mountains and west of a straight line running from the town of Saugus to Point Fermin.

(l) "Stockton District" includes and consists of San Joaquin County, Amador County, Calaveras County, and Alpine County.

(m) "Stanislaus District" includes and consists of Merced County, Stanislaus County, Tuolumne County, and Mariposa County.

(n) "Fresno District" includes and consists of Madera County, Fresno County, Mono County, Kings County, and that portion of Tulare County north of the 4th Standard Parallel south of the Mount Diablo Base Line of the General Land Office.

(o) "Tulare District" includes and consists of that portion of Tulare County not included in Fresno District.

(p) "Kern District" includes and consists of that portion of Kern County west of the Tehachapi Mountains.

(q) "Tehachapi District" includes and consists of that portion of Los Angeles County north of the San Gabriel Mountains and north of that portion of Kern County not included in Kern District, and Inyo County.

(r) "Southern California District" includes and consists of San Bernardino County, Orange County, San Diego County, Imperial County, Riverside County, and that portion of Los Angeles County not included in the South Coast District and the Tehachapi District.

(s) "North Bay District" includes and consists of Sonoma County, Napa County, and Marin County.

§ 917.15 Representation area.

"Representation area" means any one of the districts or groups of districts which are designated for nominating members and alternate members to the commodity committees under §§ 917.21 through 917.23 or as changed pursuant to § 917.34(i).

ADMINISTRATIVE BODIES

§ 917.16 Designation of Control Committee.

A Control Committee is hereby established consisting of 12 shipper members and 13 grower members, and the members shall be selected in accordance with the provisions of § 917.17 through § 917.19. The members shall be selected annually for a term ending on the last day of February, and said members shall serve until their respective successors are selected and qualified.

§ 917.17 Nomination of shipper members of the Control Committee.

Nominations for the 12 members of the Control Committee to represent shippers shall be made in the following manner:

(a) Elective bodies may be formed consisting of any shipper or group of shippers who shipped at least one-third of the total tonnage of fruit shipped by all shippers during the preceding season. Each elective body shall be entitled to nominate four persons for members. In the event an elective body is composed of more than one shipper, each such shipper shall cast his vote on the basis of fruit shipped by such shipper during the previous season. Voting shall be cumulative. Shippers who have sufficient tonnage to form one or more elective bodies shall not be entitled to use their additional fractional tonnage, if any, toward the formation of an additional elective body.

(b) In the event all nominations for the shipper membership of the Control Committee are not made by elective bodies, as provided in paragraph (a) of this section, by February 1 of each year, the then existing Control Committee shall promptly announce a time and place for a meeting of all shippers of fruit who have not individually or collectively formed an elective body nor in any manner participated therein, and such Control Committee shall conduct the election of nominees at such meeting. At said election meeting, such shippers shall select a nominee for each of the aforesaid positions of the Control Committee for which nominees have not been selected pursuant to the provisions of paragraph (a) of this section. In such election, each such shipper shall cast only one vote. No shipper who formed an elective body, or participated therein with another shipper or shippers, shall participate in or vote at such election held pursuant to the provisions of this paragraph.

(c) No shipper shall be entitled to participate in the nomination of members of the Control Committee, or be eligible for membership on such committee, if such shipper has failed to pay the assessments, due to be paid by him pursuant to the provisions of § 917.37.

§ 917.18 Nomination of grower members of the Control Committee.

Nominations for the 13 members of the Control Committee to represent growers shall be made by the commodity committees in the following manner:

(a) A nomination for one member shall be made by each commodity committee selected pursuant to § 917.25. Nominations for the remaining members to represent growers shall be made by the respective commodity committees as provided in this section. The number of remaining members which each respective commodity committee shall be entitled to nominate shall be based upon the proportion that the previous three fiscal periods' shipments of the respective fruit is of the total shipments of all fruit to which this part is applicable dur-

ing such periods. In the event provisions of this part are terminated as to any one fruit, nominations of members to the Control Committee shall be composed of representatives of the remaining two fruits. The apportionment shall be determined as aforesaid. In the event provisions of this part are terminated as to any two fruits, the members of the commodity committee of the remaining fruit shall have all of the powers, duties, and functions given to the Control Committee under this part and sections of this part pertaining to the designation of the Control Committee shall be terminated.

(b) A person nominated by any commodity committee for membership on the Control Committee shall be an individual person who produced fruit during the previous season: *Provided, however,* That a person nominated by any commodity committee for membership on the Control Committee shall have the qualifications specified in § 917.24(c). Each member of each commodity committee shall have only one vote in the selection of nominees for membership on the Control Committee.

§ 917.19 Selection of members of the Control Committee.

From the nominations made pursuant to § 917.17, or from other persons, the Secretary shall select the shipper members of the Control Committee. From the nominations made pursuant to § 917.18, or from other persons, the Secretary shall select the grower members of the Control Committee. Any person selected as a member of the Control Committee shall qualify by filing with the Secretary a written acceptance of the appointment.

§ 917.20 Designation of members of commodity committees.

There are hereby established a Pear Commodity Committee and a Plum Commodity Committee each consisting of 12 members, and a Peach Commodity Committee consisting of 7 members. The members of each commodity committee shall be selected annually for a term ending on the last day of February, and such members shall serve until their respective successors are selected and have qualified. The members of each commodity committee shall be selected in accordance with the provisions of § 917.25.

§ 917.21 Nomination of Pear Commodity Committee members.

Nominations for membership on the Pear Commodity Committee shall be made by the growers of pears in the respective representation areas as follows:

(a) North Sacramento Valley District and the Central Sacramento Valley District one nominee.

(b) Sacramento River District, Stockton District, Contra Costa District, Santa Clara District, and Solano District three nominees.

(c) Placer-Colfax District one nominee.

(d) Lake District four nominees.

(e) Mendocino District and the North Bay District one nominee.

(f) El Dorado District and all of the area not included in the North Sacramento Valley District, Central Sacramento Valley District, Placer-Colfax District, Sacramento River District, Stockton District, Solano District, Contra Costa District, Santa Clara District, Lake District, Mendocino District, and North Bay District two nominees.

§ 917.22 Nomination of Peach Commodity Committee members.

Nominations for membership on the Peach Commodity Committee shall be made by the growers of peaches in the respective representation areas, as follows:

(a) Fresno District four nominees.

(b) Tulare District and Kern District one nominee.

(c) Stanislaus District one nominee.

(d) All of the production area not included in the Fresno District, Tulare District, Kern District, and Stanislaus District one nominee.

§ 917.23 Nomination of Plum Commodity Committee members.

Nominations for membership on the Plum Commodity Committee shall be made by the growers of plums in the respective representation areas, as follows:

(a) Kern District and the Southern California District one nominee.

(b) Tulare District two nominees.

(c) Fresno District five nominees.

(d) Placer-Colfax District two nominees.

(e) North Sacramento Valley District and Central Sacramento Valley District one nominee.

(f) All of the production area not included in the Kern District, Southern California District, Tulare District, Fresno District, Placer-Colfax District, North Sacramento Valley District, and Central Sacramento Valley District one nominee.

§ 917.24 Procedure for nominating members of various commodity committees.

(a) The Control Committee shall hold or cause to be held not later than February 15 of each year a meeting or meetings of the growers of the fruits in each representation area set forth in §§ 917.21, 917.22, and 917.23 for the purpose of designating nominees of the commodity committees. These meetings shall be supervised by the Control Committee, which shall prescribe such procedure as shall be reasonable and fair to all persons concerned.

(b) With respect to each commodity committee only growers of the particular fruit who are present at such nomination meetings or represented at such meetings by duly authorized employees may participate in the nomination and election of nominees for commodity committee members. Each such grower, including employees of such grower, shall be entitled to cast but one vote for each position to be filled for the representation area in which he produces such fruit.

(c) A particular grower, including employees of such growers, shall be eligible for membership as principal or alternate to fill only one position on a commodity committee. A grower nominated for membership on the Pear Commodity Committee must have produced at least 51 percent of the pears shipped by him during the previous fiscal period, or he must represent an organization which produced at least 51 percent of the pears shipped by it during such period. A grower nominated for membership on the Plum Commodity Committee may be a producer who has a proprietary interest in or is an employee of a commercial plum handler: *Provided,* That at least one such nominee from each representation area shall be a producer who does not have a proprietary interest in or is not an employee of a commercial plum handler.

§ 917.25 Selection of members of various commodity committees.

The Secretary shall select the members of each commodity committee from nominations made by growers, as provided in §§ 917.21 through 917.24, or from among other eligible persons. Any person selected as a member of a commodity committee shall qualify by filing with the Secretary a written acceptance of the appointment.

§ 917.26 Failure to nominate.

If nominations are not made within the time and in the manner prescribed in §§ 917.21 through 917.24, the Secretary may, without regard to nominations, select the members and alternate members of the commodity committees on the basis of the representation provided in §§ 917.21 through 917.23. In the event nominations are not made for membership on the Control Committee, pursuant to the provisions of §§ 917.17 and 917.18, by May 1 of each year, the Secretary may select such members without waiting for nominees to be designated.

§ 917.27 Alternates.

There shall be an alternate for each member of the Control Committee, and an alternate for each member of each commodity committee. Each such alternate shall possess the same qualifications, shall be nominated and selected in the same manner and shall hold office for the same term, as the member for whom he is alternate. An alternate shall, in the event of such member's absence at a meeting of the committee, act in the place and stead of such member; and, in the event of such member's removal, resignation, disqualification, or death, the alternate for such member shall, until a successor for the unexpired term of said member has been selected, act in the place and stead of said member. In the event both a member and his alternate are unable to attend a meeting the member or the committee members present may designate any other alternate to serve in such member's place and stead provided such action is necessary to secure a quorum.

§ 917.28 Procedure for filling vacancies on committees.

To fill any vacancy on the Control Committee or on any of the commodity committees occasioned by the failure of any person selected as a member or as an alternate member to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member, a successor for the unexpired term of such member or alternate shall be nominated and selected in the manner specified in §§ 917.17 through 917.19, and §§ 917.21 through 917.25. If the names of nominees to fill any such vacancy are not made available to the Secretary within a reasonable time after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations on the basis of representation provided for in §§ 917.16 and 917.21 through 917.23.

§ 917.29 Organization of committees.

(a) A majority of all of the members of the Control Committee shall constitute a quorum, and any action of the Control Committee shall require the concurrence of the majority of all members present at the meeting.

(b) A quorum of the Pear Commodity Committee and of the Plum Commodity Committee shall each consist of eight members; and a quorum of the Peach Commodity Committee shall consist of five members.

(c) The Control Committee and each commodity committee shall give to the Secretary the same notice of each meeting that is given to the members of the respective committee.

(d) The Control Committee or any commodity committee may, upon due notice to all of the members of the respective committee, vote by letter, telegraph, or telephone: *Provided,* That any member voting by telephone shall promptly thereafter confirm in writing his vote so cast.

§ 917.30 Removal and disapproval.

The members of the Control Committee, including their respective successors and alternates, and the members of each commodity committee, including their respective successors and alternates, and any agent or employee appointed or employed by the Control Committee and the members of any other committee established pursuant to the provisions of this subpart shall be subject to removal or suspension at any time by the Secretary. Each regulation, decision, determination, or other act of the Control Committee, or any commodity committee, or any other committee established pursuant to the provisions of this subpart, shall be subject to the continuing right of the Secretary to disapprove of the same at any time; and, upon such disapproval, each such regulation, decision, determination, or other act, shall be deemed null and void except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 917.31 Compensation and expenses.

All committee members shall serve without compensation, but said members, and their respective alternates, shall be reimbursed for expenses necessarily incurred in the performance of their duties. At its discretion any committee may request the attendance of one or more alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members, and may pay expenses as aforesaid.

§ 917.32 Funds and other property.

(a) All funds received by the Control Committee, pursuant to the provisions of this part, shall be used solely for the purpose specified in this part; and the Secretary may require the Control Committee and its members to account for all receipts and disbursements.

(b) Upon the resignation, removal, or expiration of the term of any member or employee of the Control Committee, or of any member of any commodity committee, all books, records, funds, and other property in his possession belonging to the Control Committee or any commodity committee shall be delivered to the Control Committee or to his successor in office; and such assignments and other instruments shall be executed as may be necessary to vest in the Control Committee full title to all the books, records, funds, and other property in the possession or under the control of such member or employee, pursuant to the provisions of this part.

(c) The Control Committee may, with the approval of the Secretary, maintain in its own name, or in the name of its members, a suit against any shipper for the collection of such shipper's pro rata share of expenses, pursuant to the provisions of this part.

§ 917.33 Powers of Control Committee.

The Control Committee shall have the following powers:

(a) To administer, as specifically provided in this part, the terms and provisions of this part.

(b) To make administrative rules and regulations in accordance with and to effectuate the terms and provisions of this part.

(c) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part.

(d) To recommend to the Secretary amendments to this part.

§ 917.34 Duties of Control Committee.

The Control Committee shall have the following duties:

(a) To act as intermediary between the Secretary and any grower or shippers.

(b) To keep minute books and records which will clearly reflect all of the acts and transactions of said Control Committee; and such minute books and records shall be subject at any time to examination by the Secretary or by such person as may be designated by the Secretary.

(c) To investigate, from time to time, and assemble data on the growing, shipping, and marketing conditions respecting fruit, as defined in § 917.4; to engage in such research and service activities in connection with the handling of such fruit as may be approved, from time to time, by the Secretary; and to furnish to the Secretary such available information as may be requested.

(d) To appoint such employees, agents, and representatives as it may deem necessary, and to determine the compensation and define the duties of each.

(e) To submit as soon as practicable after the beginning of each fiscal period to the Secretary, for his approval, a budget of its expenses for such fiscal period, including a report in explanation of the items therein, and a recommendation as to the rate of assessment for each fruit.

(f) To confer with representatives of shippers and growers of fruit produced in other states and areas with respect to the formulation or operation of marketing agreements providing for the regulation of shipments among the several states and areas in the United States in which such fruit is grown.

(g) To establish a Sales Managers' Committee of seven members for each of the fruits regulated under this part to assist the respective commodity committees in arriving at recommendation for regulation. The members of the Sales Managers' Committees shall be selected by the shipper members of the Control Committee.

(h) To establish and define the duties of additional committees or subcommittees to assist in the performance of any of the duties and functions of the Control Committee.

(i) With the approval of the Secretary, to redefine the districts into which the State of California has been divided under § 917.14 or change the representation of any representation area on any commodity committee: *Provided, however,* That, if any such changes are made, representation on any such committee from the various representation areas shall be based, so far as practicable, upon the proportionate quantity of the respective fruit shipped from the respective representation area during the preceding three fiscal periods: *Provided further,* That the Control Committee shall follow the principle, so far as practicable, of assigning a member position on the Pear and Plum Commodity Committees to any representation area from which 5 percent of regulated shipments have originated during such periods.

(j) To defend all legal proceedings against any committee members (individually or as members) or any officers or employees of such committees arising out of any act or omission made in good faith pursuant to the provisions of this part.

(k) To cause the books of the Control Committee to be audited by a competent accountant at least once each fiscal period and at such other time or times as the Control Committee may deem necessary or as the Secretary may request. Such audit shall indicate whether the funds have been received and expended in accordance with the provisions of this part.

(l) To appoint nomination committees if it deems proper for any or each nomination meeting held pursuant to §§ 917.21 through 917.23. Such nomination committees would canvas prospective members and alternate members to the commodity committees to determine their eligibility and willingness to serve and

present a slate of nominees to the meeting or meetings. The presentation of nominees by the nominating committee at these meetings shall not exclude the right of any grower to nominate any eligible person at such meeting.

§ 917.35 Powers and duties of each commodity committee.

Each commodity committee shall have the following powers and duties:

(a) With regard to the respective fruit for which it was established, to recommend to the Secretary regulation of shipments pursuant to the provisions of this part, and to possess such other powers and exercise such other duties as will properly effectuate the purposes of this part: *Provided, however,* That the Pear and Plum Commodity Committees shall each make said recommendation pursuant to §§ 917.40 through 917.43 only upon the affirmative vote of not less than eight members of each said committee: *Provided further,* That the Peach Commodity Committee shall make said recommendation pursuant to such sections only upon the affirmative vote of not less than five members of said committee.

(b) To make such rules and regulations with respect to fruit for which it was established as may be necessary to effectuate the terms and provisions of this part.

(c) To forward to the Control Committee and to the Secretary a record of the minutes of each meeting of the commodity committee.

(d) To establish such other committees to aid the commodity committee in the performance of its duties under this part as may be deemed advisable.

(e) Each season prior to any recommendation to the Secretary for a regulation of shipments pursuant to §§ 917.40 through 917.43 to determine the marketing policy to be followed for the respective commodity during the ensuing fiscal period and to submit such policy to the Secretary, said policy report to contain, among other provisions, information relative to the estimated total production and shipments of the fruit by districts, information as to the expected general quality and size of fruit, possible or expected demand conditions of different market outlets, supplies of competitive commodities, such analysis of the foregoing factors and conditions as the committee deems appropriate, and the type of regulations of shipments expected to be recommended for the respective fruit.

EXPENSES AND ASSESSMENTS

§ 917.36 Expenses.

The Control Committee is authorized to incur such expenses as the Secretary may find are reasonable and are likely to be incurred by the Control Committee during each fiscal period for maintenance and functioning of such committee and the respective commodity committees and for such research and service activities relating to the handling of fruit as the Secretary may determine to be appropriate. The funds to cover such expenses shall be acquired by the levying of assessments as provided in § 917.37.

§ 917.37 Assessments.

(a) As his pro rata share of the expenses which the Secretary finds are reasonable and are likely to be incurred by the Control Committee during a fiscal period, each handler shall pay to the committee, upon demand, assessments on all fruit handled by him. The payment of assessments for the maintenance and functioning of the committees may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the respective rate of assessment which handlers shall pay with respect to each fruit during each fiscal period in an amount designed to secure sufficient funds to cover the respective expenses which may be incurred during such period. At any time during or after the fiscal period, the Secretary may increase the rates of assessment in order to secure funds to cover any later findings by the Secretary relative to such expenses, and such increase shall apply to all fruit shipped during the fiscal period.

(c) In order to provide funds to carry out the functions of the Control Committee and commodity committees prior to the commencement of shipments in any season, shippers may make advance payments of assessments, which advance payments shall be credited to such shippers and the assessments of such shippers shall be adjusted so that such assessments are based upon the quantity of fruit shipped by such shippers during such season. Any shipper who ships fruit for the account of a grower may deduct, from the account of sale covering such shipment or shipments, the amount of assessment levied on said fruit shipped for the account of such grower.

§ 917.38 Accounting.

If, at the end of a fiscal period the assessments collected are in excess of expenses incurred, the Control Committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: *Provided,* That funds already in the reserve do not exceed approximately one fiscal period's expenses. Such reserve funds may be used (1) to cover any expenses authorized by this part and (2) to cover necessary expenses of liquidation in the event of termination of this part. If any such excess is not retained in a reserve, each handler entitled to a proportionate refund shall be credited with such refund against the operations of the following fiscal period or be paid such refund. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided,* That, to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

RESEARCH

§ 917.39 Market research and development.

The committees, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of fruit. The expense of such projects shall be paid from funds collected pursuant to § 917.37.

REGULATIONS

§ 917.40 Recommendations for regulations.

(a) Whenever a commodity committee deems it advisable to regulate the handling of any variety or varieties of fruit in the manner provided in § 917.41, it shall so recommend to the Secretary.

(b) In arriving at its recommendations for regulation pursuant to paragraph (a) of this section, the commodity committee shall give consideration to current information with respect to the factors affecting the supply and demand for such fruit during the period or periods when it is proposed that such regulation should be made effective. With each such recommendation for regulation, the commodity committee shall submit to the Secretary the data and information on which such recommendation is predicated and such other available information as the Secretary may request.

§ 917.41 Issuance of regulations.

(a) The Secretary shall regulate, in the manner specified in this section, the handling of any variety or varieties of fruit whenever he finds, from the recommendations and information submitted by the commodity committee, or from other available information, that such regulations will tend to effectuate the declared policy of the act. Such regulations may:

(1) Limit, during any period or periods, the total quantity of any grade, size, quality, maturity, or pack, or any combination thereof, of any variety or varieties of fruit;

(2) Limit the shipment of any variety or varieties of fruit by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity during any period when season average prices are expected to exceed the parity level;

(3) Fix the size, capacity, weight, dimensions, markings, or pack of the container, or containers, which may be used in the packaging or handling of any fruit;

(b) The commodity committee shall be informed immediately of any such regulation issued by the Secretary, and the commodity committee shall promptly give notice thereof to handlers.

§ 917.42 Modification, suspension, or termination of regulations.

(a) In the event the commodity committee at any time finds that, by reason of changed conditions, any regulations issued pursuant to § 917.41 should be modified, suspended, or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds, from the recommendations and information submitted by the commodity committee or from other available information, that a regulation should be modified, suspended, or terminated with respect to any or all shipments of fruit in order to effectuate the declared policy of the act, he shall modify, suspend, or terminate such regulation. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation. On the same basis and in like manner the Secretary may terminate any such modification or suspension.

§ 917.43 Special purpose shipments.

(a) Except as otherwise provided in this section, any person may, without regard to the provisions of §§ 917.37, 917.41, 917.42, and 917.44, and the regulations issued thereunder, handle fruit (1) for consumption by charitable institutions; (2) for distribution by relief agencies; or (3) for commercial processing into products.

(b) Upon the basis of recommendations and information submitted by the commodity committee, or from other available information, the Secretary may relieve from any or all requirements, under or established pursuant to §§ 917.41, 917.42, 917.45, or 917.37, the handling of fruit; (1) To designated market areas outside the continental United States; (2) for such specified purposes (including shipments to facilitate the conduct of marketing research and development projects established pursuant to § 917.39); or (3) in such minimum quantities or types of shipments, as may be prescribed.

(c) The commodity committee shall, with the approval of the Secretary, prescribe such rules, regulations, and safeguards as it may deem necessary to prevent fruit handled under the provisions of this section from entering the channels of trade for other than the specified purposes authorized by this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications and receive approval from the commodity committee for authorization to handle fruit pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the fruit will not be used for any purpose not authorized by this section.

§ 917.44 Exemptions.

(a) Each commodity committee established pursuant to this part for a particular fruit, shall, subject to the approval of the Secretary, adopt the procedural rules to govern the issuance of exemption certificates.

(b) In the event the Secretary issues a regulation for a particular fruit pursuant to the provisions of §§ 917.40 and 917.41, the commodity committee, or its agents, established pursuant to this part for such fruit shall determine what the percentage of such fruit permitted to be shipped from each district is of the total quantity of such fruit which would be shipped from such district in the absence of such regulation. An exemption certificate shall thereafter be issued by such committee to any grower who furnishes proof, satisfactory to such committee, that by reason of conditions beyond his control he will be prevented, because of the regulation issued, from shipping, or having shipped, a percentage of his crop of such fruit equal to the percentage, determined as aforesaid, of all such fruit permitted to be shipped from his district. The certificate shall permit such grower to ship, or have shipped, a percentage of his crop of such fruit equal to the percentage determined as aforesaid. Each such commodity committee shall maintain a record of all applications submitted for exemption certificates pursuant to the provisions of this section, and shall maintain a record of all certificates issued, including the information used in determining in each instance the quantity of fruit thus to be exempted, and a record of all shipments of exempted fruit. Such additional information as the Secretary may require shall be recorded in the records of such committee. Each commodity committee shall, from time to time, submit to the Secretary reports stating in detail the number of exemption certificates issued, the quantity of fruit thus exempted, and such additional information as may be requested by the Secretary.

(c) In the event the commodity committee, established pursuant to this part for a particular fruit, determines that by reason of general crop failure or any other unusual conditions within a particular district or districts, it is not feasible or would not be equitable to issue exemption certificates to growers within such district or districts on the basis set forth in paragraph (b) of this section, it may issue exemption certificates on the basis of the average of the percentages, as determined under paragraph (b) of this section, of the crops of such fruit permitted to be shipped from all districts. An exemption certificate shall thereafter be issued by such committee to any grower who furnishes proof satisfactory to such committee to the effect that such grower will be prevented, because of the aforesaid regulation, from shipping, or having shipped, as large a percentage of his crop of such fruit as the average of the percentages, as determined under paragraph (b) of this section, of the crops of such fruit permitted to be shipped from all districts. The certificate shall permit such grower to ship, or have shipped, a percentage of his crop of such fruit equal to the average of the percentages determined as aforesaid.

(d) If any grower is dissatisfied with the action of a commodity committee taken with respect to his application for an exemption certificate, such grower may appeal to the Secretary: *Provided,* That such appeal shall be made promptly. The Secretary may, upon an appeal made as aforesaid, modify or reverse the action of the committee from which such appeal was taken. The authority of the Secretary to supervise and control the issuance of exemption certificates is unlimited and plenary; and any determination by the Secretary with respect to an exemption certificate shall be final and conclusive.

§ 917.45 Inspection and certification.

(a) Whenever the handling of any variety of a particular fruit is regulated pursuant to §§ 917.41 or 917.42, each handler who handles such fruit shall, prior thereto, cause such fruit to be inspected by the Federal or Federal-State Inspection Service: *Provided,* That inspection and certification shall not be required if such fruit has previously been so inspected and certified. Promptly after inspection and certification, each such handler shall submit, or cause to be submitted, to the commodity committee a copy of the certificate of inspection issued with respect to such fruit. The commodity committees may, with the approval of the Secretary, prescribe rules and regulations waiving the inspection requirements of this section where it is determined that inspection is not available: *Provided,* That all shipments made under such waiver shall comply with all regulations in effect.

(b) The Control Committee may enter into an agreement with the Federal and Federal-State Inspection Services with respect to the costs of the inspection required by paragraph (a) of this section, for any or all fruits, and may collect from handlers their respective pro rata shares of such costs.

REPORTS

§ 917.50 Reports.

(a) Each handler shall furnish to the Manager of the Control Committee, at such times and for such periods as the Control Committee or the Commodity Committees may designate, certified reports covering, to the extent necessary for the committees to perform their functions, each shipment of fruits as follows:

(1) The name of the shipper and the shipping point;

(2) The car or truck license number (or name of the trucker), and identification of the carrier;

(3) The date and time of departure;

(4) The number and type of containers in the shipment;

(5) The quantities shipped, showing separately the variety, grade, and size of the fruit;

(6) The destination;

(7) Identification of the inspection certificate or waiver pursuant to which the fruit was handled;

(8) The price per package at which sold, including specific and detailed information relative to all discounts, allowances, rebates, or other adjustments thereof.

(b) Upon request of any committee, made with the approval of the Secretary, each handler shall furnish to the Manager of the Control Committee, in such manner and at such times as it may prescribe, such other information as may be necessary to enable the committee to perform its duties under this part.

(c) Each handler shall maintain for at least two succeeding fiscal years, such records of the fruits received and disposed of by him as may be necessary to verify the reports he submits to the committee pursuant to this section.

(d) All reports and records submitted by handlers pursuant to the provisions of this section shall be received by, and at all times be in custody of, one or more designated employees of the Control Committee. No such employee shall disclose to any person, other than the Secretary upon request therefor, data or information obtained or extracted from such reports and records which might affect the trade position, financial condition, or business operation of the particular handler from whom received: *Provided*, That such data and information may be combined, and made available to any person, in the form of general reports in which the identities of the individual handlers furnishing the information are not disclosed and may be revealed to any extent necessary to effect compliance with the provisions of this part and the regulations issued thereunder.

MISCELLANEOUS PROVISIONS

§ 917.60 Effective time.

The provisions of this part and of any amendment thereto, shall become effective at such time as the Secretary may declare above his signature and shall continue in force until terminated in one of the ways specified in § 917.61.

§ 917.61 Termination.

(a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner in which he may determine.

(b) The Secretary shall terminate or suspend the operation of any and all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part or the applicability of the provisions of this part as to a particular fruit whenever he finds by referendum or otherwise that such termination is favored by a majority of the growers of the fruit: *Provided*, That such majority has during the current fiscal period produced more than 50 percent of the volume of the fruit which was produced within the production area for shipment in fresh form. Such termination shall become effective on the first day of March subsequent to the announcement thereof by the Secretary.

(d) The Control Committee shall consider all petitions from growers submitted to it for termination of this part provided such petitions are received by the Control Committee prior to October 1 of the then current fiscal period. Upon recommendation of the Control Committee, received not later than December 1 of the then current fiscal period, the Secretary shall conduct a referendum among the growers of the particular kind of fruit prior to February 15 of such fiscal period to ascertain whether continuance of this part is favored by producers.

(e) The Secretary shall conduct a referendum within the period beginning December 1, 1968, and ending February 15, 1969, to ascertain whether continuance of this part as to any fruit included in this part is favored by the growers. The Secretary shall conduct such a referendum within the same period of every fourth fiscal period thereafter.

(f) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 917.62 Proceedings after termination.

(a) Upon the termination of the provisions of this part pertaining to any fruit or fruits, the Control Committee then functioning shall for the purpose of liquidating the affairs of the Control Committee with respect to such fruit continue as trustee of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and (3) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person, full title and right to all funds, property, and claims vested in the Control Committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the Control Committee and upon the trustees.

§ 917.63 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulation issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 917.64 Compliance.

Each shipper shall comply with all regulations. No shipper shall ship fruit in violation of the provisions of this part or in violation of any regulation issued by the Secretary pursuant to the provisions of this part.

§ 917.65 Duration of immunities.

The benefits, privileges, and immunities conferred by virtue of the provisions of this subpart shall cease upon its termination except with respect to acts done under and during the time the provisions of this part are in force and effect.

§ 917.66 Agents.

The Secretary may by a designation in writing name any person, including any officer or employee of the Government or any agency or Division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 917.67 Derogation.

Nothing contained in this part is or shall be construed to be in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, and in accordance with such powers to act in the premises whenever such action is deemed advisable.

§ 917.68 Liability of committee members.

No member of the Control Committee, any commodity committee, or other committee, or any subcommittee, or any employee of the Control Committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any shipper or any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member or employee, except for acts of dishonesty.

§ 917.69 Separability.

If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, thing, or any particular kind of fruit is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, thing, or kind of fruit shall not be affected thereby.

[F.R. Doc. 65-12248; Filed, Nov. 15, 1965; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 120, 121]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES; FOOD ADDITIVES

DDT, DDD, and DDE in Milk and Manufactured Dairy Products; Notice of Proposals To Establish Tolerances

The California Department of Agriculture, 1220 N Street, Sacramento, Calif., 95814, and the California Department of Public Health, 2151 Berkeley Way, Berkeley, Calif., 94704, have presented a petition requesting that action be taken under the pesticide chemicals amendment of the Federal Food, Drug, and Cosmetic Act to establish tolerances for residues in milk of DDT at 0.05 part per million, DDD at 0.05 part per million, and DDE at 0.05 part per million, with the provision that if more than one of the three chemicals is present, the sum of their residues shall not exceed 0.10 part per million.

The petition also requests tolerances under the food additives amendments to the Act for residues of DDT, DDD, and DDE in milk products on the milk-fat basis bearing the same relationship as that for the raw agricultural commodity milk. The petition requests tolerances on the milk-fat basis for DDT at 1.25 parts per million, DDD at 1.25 parts per million, and DDE at 1.25 parts per million, with the provision that if more than one of the three chemicals is present, the sum of their residues shall not exceed 2.50 parts per million.

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 408(e), 409(d), 68 Stat. 514, 72 Stat. 1787; 21 U.S.C. 346a, 348), and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90), the Commissioner hereby publishes the proposal presented in the petition submitted by the California Department of Agriculture and the California Department of Public Health:

1. It is proposed that the regulations for pesticide chemicals be amended by adding to Part 120 a new section, reading as follows, to provide for tolerances for DDT and its degradation products DDD and DDE in milk:

§ 120.147c DDT and its related degradation products in fluid milk.

Tolerances of 0.05 part per million are established for residues in fluid milk for each of the following: DDT, DDD (1,1-dichloro - 2,2 - bis (*p*-chlorophenyl) ethane), and DDE (1,1-dichloro-2,2-bis(*p*-chlorophenyl)ethylene), provided that the sum of these residues shall not exceed 0.10 part per million.

2. It is proposed that the food additive regulations be amended by adding to Part 121 a new section, reading as follows, to provide for residues of DDT and its degradation products DDD and DDE in manufactured dairy products resulting from presence of these substances in milk:

§ 121.1093a DDT and its related degradation products in manufactured dairy products.

Tolerances of 1.25 parts per million on the milk-fat basis are established for residues in manufactured dairy products for each of the following: DDT, DDD (1,1-dichloro - 2,2 - bis(*p*-chlorophenyl) ethane), and DDE (1,1-dichloro-2,2-bis (*p*-chlorophenyl) ethylene), provided that the sum of these residues shall not exceed 2.50 parts per million on the milk-fat basis. Such residues may be present therein only as a result of permissible residues in milk.

A person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing the pesticide chemicals named in this proposal may request, within 30 days from the date of its publication, that the proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Any interested person may, within 60 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written comments on the proposal, preferably in quintuplicate. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: November 9, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-12254; Filed, Nov. 15, 1965; 8:48 a.m.]

CIVIL SERVICE COMMISSION

[5 CFR Part 890]

FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Notice of Proposed Rule Making

Notice is hereby given that under authority of the Act of September 28, 1959, as amended, 5 U.S.C. 3001 et seq., it is proposed to amend Part 890 of Title 5 of the Code of Federal Regulations as hereinafter set forth.

The amendments are proposed to become effective on January 1, 1966.

Interested persons may submit written comments, objections, or suggestions to the Bureau of Retirement and Insurance, United States Civil Service Commission, Washington, D.C., 20415, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Section 890.201(b)(1) is amended to read as follows:

§ 890.201 Minimum standards for health benefits plans.

* * * * * *

(b) To be qualified to be approved by the Commission, a health benefits plan shall not:

(1) Deny a covered person a benefit provided by the plan for a service performed on or after the effective date of coverage solely because of a pre-existing physical or mental condition, or require a waiting period for any covered person for benefit which it provides. This subparagraph does not preclude a plan (i) offering benefits for dentistry or cosmetic surgery, or both, limited to conditions arising after the effective date of coverage, or (ii) with the approval of the Commission, limiting benefits for services performed for a person who, on the effective date of enrollment or change of enrollment, is confined in a hospital or other institution so long as the person is continuously confined therein, but coverage for persons hospitalized on the effective date of enrollment may not be limited if the change is because of discontinuance of his former health benefits plan, in whole or in part, or pursuant to an order of the Bureau of Retirement and Insurance, or if the services are provided for injuries suffered in an accident which occurred after the date his employing office received the change of registration. In this subparagraph "continuously confined" means one or more periods of confinement without a break of 31 consecutive days between actual confinements except that a carrier, by agreement with the Commission, may provide that a shorter break terminates a continuous confinement.

* * * * *

Section 890.202 is amended by striking "The Commission shall approve a health benefits plan only when the carrier of the plan meets", and inserting instead "The carrier of an approved health benefits plan must meet", and by striking the words "agree to" in paragraphs (c), (d), (e), and (f).

Section 890.301(k) is amended by inserting, after "enrollments", "upon termination of the plan in which enrolled".

Subparagraph (2) of paragraph (d) of § 890.301 is revoked.

Paragraph (r) of § 890.301 is revoked.

Section 890.303(b) is amended by striking "full-time, or part-time with a regular tour of duty" and "(3),".

Paragraph (c) of § 890.306 is revoked.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director,
Bureau of Management Services.

[F.R. Doc. 65-12221; Filed, Nov. 15, 1965; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 39]

[Docket No. 6509]

AIRWORTHINESS DIRECTIVES

Continental Model I0-470 Series Engines

The Federal Aviation Agency has had under consideration a proposed airworthiness directive requiring a reduction in magneto timing from 24 degrees B.T.C. to 20 degrees B.T.C. on Continental Model I0-470 Series engines. This proposed directive was set forth in a notice of proposed rule making which was published in the FEDERAL REGISTER, March 9, 1965 (30 F.R. 3224).

Upon further consideration by the Agency and in the light of comments received in response to the notice of proposed rule making, it has now been determined that the problem of excessively advanced magneto timing on the subject engines does not presently exist to the extent originally believed. Therefore, the proposed airworthiness directive is not required at this time.

Withdrawal of this notice of proposed rule making constitutes only such action and does not preclude the Agency from issuing another notice in the future, or commit the Agency to any course of action in the future.

In consideration of the foregoing, the notice of proposed rule making published in the FEDERAL REGISTER on March 9, 1965 (30 F.R. 3224), is hereby withdrawn.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958, 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, and 1423)

Issued in Washington, D.C., on November 8, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-12230; Filed, Nov. 15, 1965; 8:46 a.m.]

[14 CFR Part 39]

[Docket No. 7017]

AIRWORTHINESS DIRECTIVES

Curtiss-Wright Model C-46 Airplanes

The Federal Aviation Agency is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Curtiss-Wright Model C-46 airplanes. There have been failures of the main hydraulic accumulator on the subject airplanes. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed AD would require repair or replacement of the main hydraulic accumulator on Curtiss-Wright Model C-46 airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before December 13, 1965, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

CURTISS-WRIGHT. Applies to Model C-46 airplanes.

Compliance required as indicated.

To prevent further failures of the main hydraulic accumulator, Vickers P/N AA-14008, accomplish the following:

(a) Unless already accomplished within the last 2,200 hours time in service, within the next 300 hours time in service after the effective date and thereafter at intervals not to exceed 2,500 hours time in service from the last overhaul, overhaul the main hydraulic accumulator, Vickers P/N AA-14008 in accordance with Vickers Service Data 910148, dated March 15, 1957, or FAA-approved equivalent, and inspect the rim mating threads by magnaflux, zyglo, or other equivalent means. If cracks are found, before further flight, replace the accumulator with Vickers P/N AA-14008, AA-14009, AA-14013, or an FAA-approved equivalent.

(b) The periodic reinspection and overhaul required by paragraph (a) may be discontinued upon replacement of Vickers P/N AA-14008 accumulator by P/N AA-14009, AA-14013, or an FAA-approved equivalent.

(c) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA, Southern Region, may adjust the repetitive overhaul intervals or overhaul requirements specified in this AD, if the request contains substantiating data to justify a change.

Issued in Washington, D.C., on November 8, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-12231; Filed, Nov. 15, 1965; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-SO-85]

TRANSITION AREAS

Proposed Revocation, Alteration and Designation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would revoke the Evergreen, Ala., transition area; designate a transition area at Monroeville, Ala.; and alter the transition area at Montgomery, Ala.

The Evergreen VOR is proposed for relocation to the Monroe County, Ala., Airport at latitude 31°27'37" N., longitude 87°21'10" W., and renaming to the Monroeville, Ala., VORTAC in April 1966. The relocation will require the revocation of the Evergreen, Ala., transition area and the designation of a transition area at Monroeville, Ala. It will also require a change in the description of the Montgomery, Ala., 700-foot transition area by deleting "• • • within 2 miles each side of a 269° bearing from the Dannelly Field LOM extending from the LOM to the intersection of Selma VOR 101° radial and Evergreen, Ala., VOR 029° radial • • •" and substituting therefor "• • • within 2 miles each side of a 269° bearing from the Dannelly Field LOM extending from the LOM to a point 17 miles west • • •"

Concurrently with the relocation, the resulting realignment of VOR Federal airway No. 70 between the Monroeville VORTAC and the Eufaula, Ala., VOR will move the boundary of the Montgomery, Ala., 1,200-foot transition area to the south, encompassing a small amount of additional airspace.

The proposed Monroeville, Ala., transition area would be designated as that airspace extending upward from 1,200 feet above the surface within a 12-mile radius of the Monroeville, Ala., VORTAC at latitude 31°27'37" N., longitude 87°-21'10" W.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Memphis Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Agency, Post Office Box 18097, Memphis, Tenn., 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Agency, Room 724, 3400 Whipple Street, East Point, Ga.

These amendments are proposed under sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on November 4, 1965.

HENRY S. CHANDLER,
Acting Director, Southern Region.

[F.R. Doc. 65-12232; Filed, Nov. 15, 1965; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 25]

[Docket No. 16220]

DEVELOPMENTAL STATIONS IN COMMUNICATION-SATELLITE SERVICE

Issuance of Authorizations; Order Extending Time for Filing Comments and Replies

The Commission has before it a request filed November 4, 1965, by the Communications Satellite Corporation that the time within which comments may be filed in the above-mentioned proceeding be extended from November 10, 1965, to December 10, 1965, and that the time within which replies may be filed be extended from November 24, 1965, to December 30, 1965;

It appearing, that additional time is required for the preparation of comments and replies in view of the novel issues and possible future impact adoption of the proposed amendment to Part 25 of the Commission's rules and regulations may have in the field of satellite communications;

It is ordered, This 8th day of November 1965, pursuant to § 0.303(c) of the Commission's rules and regulations that the time for filing comments before this Commission in Docket No. 16220 is extended from November 10, 1965, to December 10, 1965, and the time for filing replies is extended from November 24, 1965, to December 30, 1965.

Released: November 9, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12214; Filed, Nov. 15, 1965; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 65-53]

NEW LONDON HARBOR

Notice of Closure to Navigation During Launching of "USS Henry L. Stimson" (SSBN 655)

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by Treasury Department Order 120 dated July 31, 1950 (15 F.R. 6521), and Executive Order 10173, as amended by Executive Orders 10277, 10352, and 11249, I hereby affirm for publication in the FEDERAL REGISTER the order of Irvin J. Stephens, Rear Admiral, U.S. Coast Guard, Commander, Third Coast Guard District, who has exercised authority as District Commander, such order reading as follows:

SPECIAL NOTICE NEW LONDON HARBOR

Pursuant to the request of the Commander, Submarine Force, U.S. Atlantic Fleet, U.S. Navy and acting under the authority of the Act of June 15, 1917 (40 Stat. 220), as amended, and the regulations in Part 6, Chapter 1, Title 33, Code of Federal Regulations, I hereby establish a Security Zone in the waters of New London Harbor, New London, Conn., between the Latitudes of 41 degrees 20 minutes 32 seconds North, and 41 degrees 21 minutes 03 seconds North, from 1200 Eastern Standard Time, Saturday, 13 November 1965, until the "USS Henry L. Stimson" is made fast to the wetdock at the Electric Boat Division of the General Dynamics Corp., Groton, Conn. The launching of the "USS Henry L. Stimson" is scheduled for 1230 Eastern Standard Time, on Saturday, 13 November 1965. The Northern and Southern Limits of this area will be marked by ranges located on the eastern shore. Coast Guard vessels will be anchored off these ranges between the shore line and the main ship channel.

No person or vessel shall enter this Security Zone without the permission of the Captain of the Port, New London, Conn. No person shall board or take or place any article or thing on board any vessel in this Security Zone without the permission of the Captain of the Port, New London, Conn. No person shall take or place any article or thing upon any waterfront facility in this zone without such permission. This order will be enforced by the Captain of the Port, New London, Conn., and by U.S. Coast Guard vessels under his command. The aid of other Federal, State, and Municipal agencies may be enlisted to assist in the enforcement of this order.

Penalties for violation of the above order. Section 2, Title II of the Act of June 15, 1917, as amended, 50 U.S.C. 192, provides as follows: If any owner, agent, master, officer or person in charge, or any member of the crew of any such vessel fails to comply with any regulations or rule issued or order given under the provisions of this title, or obstructs or interferes with the exercise of any power conferred by this title • • • Or if any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this title, or knowingly obstructs or interferes with the exercise of any power conferred by this title, he shall be punished by imprisonment for not more than ten years and may, at the discretion of the court, be fined not more than $10,000.

Dated: November 8, 1965.

[SEAL] E. J. ROLAND,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 65-12260; Filed, Nov. 15, 1965; 8:49 a.m.]

Office of the Secretary

[Treasury Dept. Order No. 173-3]

U.S. SECRET SERVICE

Realignment of Headquarters Functions and Responsibilities

By virtue of the authority vested in me as Secretary of the Treasury, including the authority in Reorganization Plan No. 26 of 1950, the following offices are hereby established in the Headquarters of the U.S. Secret Service:

Director.
Assistant to the Director (Inspection and Audit).
Assistant to the Director (Information and Liaison).
Counsel.
Assistant Director (Investigations).
Assistant Director (Protective Intelligence).
Assistant Director (Protective Forces).
Assistant Director (Administration).

The Director of the Secret Service will proceed to carry out the provisions of this Order as expeditiously as possible. He shall, with the approval of the Special Assistant to the Secretary (for Enforcement):

(1) Create appropriate subordinate offices and assign to all offices such functions and duties as he determines to be necessary or desirable, and

(2) Eliminate, during the process of realining functions and responsibilities, those positions which in his judgment are made superfluous or duplicative by this Order.

The Counsel of the Secret Service shall be subject to the general supervision of the General Counsel of the Treasury.

All present functions and duties of the Chief, U.S. Secret Service, including functions under any delegation of authority to that officer made pursuant to the provisions of any Treasury Order, are transferred to the Director, U.S. Secret Service.

Dated: October 29, 1965.

[SEAL] JOSEPH W. BARR,
Acting Secretary.

[F.R. Doc. 65-12317; Filed, Nov. 15, 1965; 8:50 a.m.]

PRACTICE OF ATTORNEYS AND CERTIFIED PUBLIC ACCOUNTANTS BEFORE THE INTERNAL REVENUE SERVICE

Notice of Interim Course of Action Regarding Disciplinary Proceedings and Form of Written Declarations

1. Under the provisions of Pub. L. 89-332—

(a) Any attorney, who is a member in good standing of the bar of the highest court of any State, possession, territory, Commonwealth, or the District of Columbia, and who is not currently under suspension or disbarment from practice before the Internal Revenue Service, may practice before the Internal Revenue Service upon filing a written declaration as described below in paragraph 3;

(b) Any person, who is duly qualified to practice as a certified public accountant in any State, possession, territory, Commonwealth, or the District of Columbia, and who is not currently under suspension or disbarment from practice before the Internal Revenue Service, may practice before the Internal Revenue Service upon filing a written declaration, as described below in paragraph 4, and

(c) Any attorney or certified public accountant who is presently enrolled to practice before the Internal Revenue Service may represent a taxpayer, unless he is currently under suspension from practice before the Internal Revenue Service.

2. Pub L. 89-332 also provides that nothing therein shall be construed to limit the discipline, including disbarment of attorneys, certified public accountants and other authorized practitioners before the Internal Revenue Service. Therefore, notice is hereby given that 31 CFR 10.50-10.75 (Rules Applicable to Disciplinary Proceedings) shall remain in force and applicable until such time as new rules, which are presently being prepared in the Treasury Department, shall be promulgated.

3. The written declaration referred to in paragraph 1(a) above shall contain the following statements and information:

(a) A statement that the declarant is currently qualified as a member in good standing of the bar of the highest court of any State, possession, territory, Commonwealth, or the District of Columbia, specifying in which of such jurisdictions he is so qualified,

(b) The declarant's full name, address and telephone number, and

(c) A statement that declarant is authorized to represent a particular party and the name and address of that party.

4. The written declaration referred to in paragraph 1(b) above shall contain

the same statements and information set out in paragraph 3, except that instead of indicating bar membership, the declarant shall state that he is duly qualified to practice as a certified public accountant in any State, possession, territory, Commonwealth, or the District of Columbia, specifying in which of such jurisdictions he is so certified.

5. This notice is issued under the authority of 5 U.S.C. 22, 261 and 26 U.S.C. 7805, and shall become effective upon publication.

Dated: November 9, 1965.

[SEAL] FRED B. SMITH,
Acting General Counsel.

[F.R. Doc. 65-12351; Filed, Nov. 15, 1965; 10:25 a.m.]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

PERSONNEL IN WASHINGTON, D.C., AREA

Housing Assistance

The Deputy Secretary of Defense approved the following on September 7, 1965:

Refs.: (a) Executive Order 11063, "Equal Opportunity in Housing," November 24, 1962.
(b) DoD Directive 5154.2, "Assignment of Responsibility to Secretary of the Army for Providing Housing Assistance to Personnel of the Department of Defense in the Washington, D.C., Area" December 1, 1958 (hereby cancelled).

I. *Reissuance.* This Directive reissues reference (b) to incorporate a new section VI. on equal opportunity in housing. Reference (b) is hereby cancelled.

II. *Purpose and applicability.* A. This Directive (1) assigns responsibility to a single Department of Defense Component for establishing and maintaining a Joint Housing Office to provide assistance to DoD military and civilian personnel in obtaining private housing in the metropolitan Washington, D.C., area; and (2) establishes policy concerning its operation.

B. Policies and Procedures relating to provision of public quarters or acquisition of leased housing by the military departments, as well as assignment to and utilization and operation of Government owned or controlled housing in metropolitan Washington, D.C., area are excluded from the provisions of this Directive.

III. *Definition.* The term "metropolitan Washington area" as applied to official housing assistance includes: The District of Columbia; the cities of Alexandria, Fairfax, and Falls Church, Va.; Fairfax and Arlington Counties, Va.; and Montgomery and Prince Georges Counties, Md.

IV. *Responsibilities.* A. The Secretary of the Army will provide:

1. Assistance in obtaining private housing to military and civilian personnel of all DoD Components in the metropolitan Washington, D.C., area; and

2. Such personnel and administrative services as may be necessary to assure efficient operation of a Joint Housing Office. Military personnel from other DoD Components may be assigned to the Joint Housing Office as required.

B. The Secretaries of the Air Force and Navy will provide assistance in supplying information to military and civilian personnel concerning the functions of the Joint Housing Office, and in carrying out necessary joint activities.

C. The Assistant Secretary of Defense (Installations and Logistics) will provide policy guidance for the operation of the Joint Housing Office.

V. *Functions.* The following services relative to housing assistance and/or counseling in the metropolitan Washington, D.C., area will be provided:

A. Counsel and referral of military and civilian personnel of all Components of the DoD to suitable housing.

B. Inspection of rental housing facilities against established standards in order to determine availability and suitability.

C. Maintenance of liaison with real estate boards, realtors, individual property owners, and other commercial and public organizations.

D. Securing information on new housing developments, schools, shopping areas, transportation and other community facilities; maintenance of listings of homes available for direct purchase from personnel of the DoD who are relocating.

E. In coordination with field recruiters, arranging advance temporary housing for civilian field recruits from outside the area.

VI. *Equal opportunity in housing.* A. Pursuant to Executive Order 11063 (reference (a)), listings maintained by the Joint Housing Office of available private housing shall include only those units which are available without regard to race, color, creed or national origin. Actions by the Joint Housing Office in referrals of military and civilian personnel to suitable housing and in maintaining liaison with commercial and public real estate organizations and others will also reflect this national policy.

B. The Joint Housing Office shall maintain liaison with the appropriate Federal Housing Administration (FHA) regional office to assist military and civilian personnel in determining what specific family housing units in the metropolitan Washington, D.C., area are covered by Executive Order 11063. Such liaison should be on a continuous basis and listings provided to the family housing office by FHA should be kept current.

VII. *Operations.* A. The Joint Housing Office under Department of the Army management will be the only official point of contact between DoD installations and activities in the metropolitan Washington, D.C., area and local real estate owners, real estate associations, and other sources of available housing.

B. DoD Components will not carry on functions that duplicate this central activity in the metropolitan Washington, D.C., area.

VIII. *Implementation and effective date.* A. Two (2) copies of implementing regulations shall be forwarded to the ASD(I&L) within sixty (60) days. Two (2) copies of revisions thereto will be furnished the ASD(I&L) upon issuance.

B. This Directive is effective immediately.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 65-12222; Filed, Nov. 15, 1965; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI66-149, etc.]

HUMBLE OIL & REFINING CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

NOVEMBER 5, 1965.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure [18 CFR 1.8 and 1.37(f)] on or before December 22, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI66-149	Humble Oil & Refining Co. (Operator), et al., Post Office Box 2180, Houston, Tex., 77001.	282	6	Southern Natural Gas Co. (Knoxo Field, Walthall and Marion Counties, Miss.).	$124,018	10-11-65	[2] 12-1-65	5-1-66	[7] 20.6	[4] [8] [9] 24.0	
RI66-150	Gas Properties, Inc., c/o The Lehman Corp., 1 South William St., New York, N.Y., 10004.	1	[5] 6	United Gas Pipe Line Co. (Burnell-North Pettus Field, Bee, Goliad, and Karnes Counties, Tex.) (R.R. District No. 2).	4,633	10-8-65	[6] 11-8-65	4-8-66	14.0	[10] [11] 15.485	
RI66-151	Standard Oil Co. of Texas, a Division of Chevron Oil Co., Post Office Box 1249, Houston, Tex., 77001.	2	17	Texas Eastern Transmission Corp. (Gist and Adams Ranch Fields, Jasper and Newton Counties, Tex.).	397	10-18-65	[2] 11-18-65	4-18-66	15.8	[8] [12] 16.0	R166-329.
	....do	10	9	Texas Eastern Transmission Corp. (Chevron Field, Kleberg County, Tex.) (R.R. District No. 4).	26,063	10-18-65	[2] 11-18-65	4-18-66	15.8	[8] [12] 16.0	RI65-329.
RI66-152	Pan American Petroleum Corp., Post Office Box 3092, Houston, Tex., 77001.	286	2	Transcontinental Gas Pipe Line Corp. (Cooke Field, La Salle County, Tex.) (R.R. District No. 1).	345	10-18-65	[3] 11-18-65	4-18-66	[11] 13.68225	[8] [11] [13] 14.69575	
RI66-153	Paul J. Ottis, et al., Neuman-Ottis Clinic, Okarche, Okla., 73762.	1	7	Panhandle Eastern Pipe Line Co. (Greenwood Field, Morton County, Kans.).	163	10-15-65	[6] 11-15-65	4-15-66	[14] 16.0	[11] [13] [14] 17.0	

[2] The stated effective date is the effective date proposed by Respondent.
[3] Periodic rate increase.
[4] Pressure base is 15.025 p.s.i.a.
[5] Includes 0.5 cent per Mcf tax reimbursement.
[6] "Fractured" rate increase. Seller entitled to periodic increase of 24.9829 cents per Mcf (23.5 cents plus 1.4829 cents tax reimbursement).
[7] Conditioned initial rate provided in Opinion No. 445.
[8] Includes letter agreement dated Aug. 20, 1965, providing for the redetermined rate for the 3-year period commencing Oct. 1, 1965.
[9] The stated effective date is the first day after expiration of the required statutory notice.
[10] Redetermined rate increase.
[11] Pressure base is 14.65 p.s.i.a.
[12] Includes tax reimbursement.
[13] Renegotiated rate increase.
[14] Subject to a proportionate upward and downward B.t.u. adjustment from 1,000 B.t.u. (B.t.u. content of gas is 958).

Gas Properties, Inc. (Gas Properties) requests that its proposed rate increase be permitted to become effective as of October 1, 1965. Paul J. Ottis, et al. (Ottis), request a retroactive effective date of January 1, 1965, for their proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Gas Properties and Ottis' rate filings and such requests are denied.

Humble Oil & Refining Co. (Humble) proposes a "fractured" rate increase, from an initial 20.6 cents per Mcf rate permanently certificated by the Commission's order accompanying Opinion No. 445 issued October 26, 1964, to a 24.0 cents per Mcf rate, so as not to be in conflict with the moratorium provisions in said Opinion. Humble is entitled to a rate of 24.9829 cents per Mcf (23.5 cents base rate and 1.4829 cents tax reimbursement) under the contract involved for the period from December 1, 1965, to December 1, 1969. The proposed 24.0 cents per Mcf rate does not establish a new plateau for increased rates in Mississippi.

All of the proposed increased rates and charges exceed the applicable area price level for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (13 CFR, Ch. I, Pt. 2, Sec. 2.56).

[F.R. Doc. 65-12195; Filed, Nov. 15, 1965; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

MAINLAND CANE SUGAR AREA

Reopening of 1965 and 1966 Crop Proportionate Share Hearings

Notice is hereby given that the hearings on 1965 and 1966 crop sugarcane proportionate shares held at New Orleans on May 19, 1964, and June 4, 1965, respectively, will be reopened to receive views and recommendations to assist the Secretary of Agriculture to make a determination in the matter of the reservation and allocation of sugarcane acreage to farms in the Mainland Cane Sugar Area in an amount estimated to yield not more than 16,000 short tons, raw value, of sugar for each of the 1965 and 1966 crops. The proposed determination will be issued pursuant to paragraph (9), subsection (b) of section 302 of the Sugar Act of 1948, as amended, and the subject and issues involved concern the amount of acreage to be reserved for each of the 1965 and 1966 crops of sugarcane, and the allocation of this acreage for the purposes of relieving hardship on the part of new producers.

The 1965 hearing will be reopened on this matter and conducted in Room 2W, Administration Building, U.S. Department of Agriculture, Washington, D.C., beginning at 1 p.m. on November 16, 1965. The reopened 1966 hearing on this matter will also be conducted in Room 2W, Administration Building, U.S. Department of Agriculture, Washington, D.C., and will be reopened following the close of the 1965 hearing.

The views and recommendations of growers, processors, representatives of growers and processors, or other interested persons as well as data, may be submitted in writing, in triplicate, at the hearing, or may be mailed to the Director, Sugar Policy Staff, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250, postmarked not later than November 16, 1965. Interested persons will be given an opportunity at the hearings to appear and submit orally data, views and arguments in regard to the subjects and issues stated above.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Signed at Washington, D.C., on November 9, 1965.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65-12246; Filed, Nov. 15, 1965; 8:48 a.m.]

SUGARBEETS

Reopened Hearing for Determination of Proportionate Shares for 1966 Crop

Notice is hereby given that the hearing on 1966 sugarbeet proportionate shares originally held at Denver, Colo., on September 8, 1965, will be reopened to receive views and recommendations to assist the Secretary of Agriculture to make determinations for the national sugarbeet acreage requirement for the 1966 crop on the basis of the latest estimate of sugar production from 1965-crop beets and for the reservation and allocation of acreage with respect to any nonaffiliated single plant processor of sugarbeets.

Pursuant to paragraph (9), subsection (b) of section 302 of the Sugar Act of 1948 which was added by the Sugar Act Amendments of 1965, the Secretary

of Agriculture is required to reserve from the national sugarbeet acreage requirement an acreage estimated to yield not more than 25,000 short tons, raw value, of sugar. Allocation of this acreage, as determined by the Secretary of Agriculture, would be for the purpose of providing any nonaffiliated single plant processor of sugarbeets with an acreage, together with accredited acreage in the locality, which will yield an estimated quantity of sugar for marketing of not to exceed 25,000 short tons of sugar, raw value.

The subject and issues involved will concern the national sugarbeet acreage requirement for the 1966 crop of sugarbeets and the reservation and allocation of acreage for any nonaffiliated single plant processor of sugarbeets for the 1966 crop of sugarbeets, including the allocation of such reserved acreage to farms.

The reopened hearing will be conducted in Room 2-W, Administration Building of the U.S. Department of Agriculture, Washington, D.C., beginning at 10 a.m., on November 18, 1965.

The views and recommendations of growers, processors and representatives of growers and processors or other interested persons, as well as data, may be submitted orally at the hearing or in writing, in triplicate, at the hearing or may be mailed to the Director, Sugar Policy Staff, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250, postmarked not later than November 18, 1965.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Signed at Washington, D.C., on November 9, 1965.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65-12247; Filed, Nov. 15, 1965; 8:48 a.m.]

Consumer and Marketing Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Changes in Lists of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 381.1, the lists (30 F.R. 8908-8911, 9962-9963, 11398, and 13020) of establishments which are operated under Federal inspection pursuant to the Meat Inspection Act (21 U.S.C. 71 et seq.) and which use humane methods of slaughter and incidental handling of livestock are hereby amended as follows:

The reference to Camp Packing Co., Inc., establishment 174, and the references to cattle and calves with respect to such establishment are deleted. The reference to Elmer Bender & Son, Inc., establishment 569, and the references to calves and sheep with respect to such establishment are deleted. The reference to sheep, goats, and swine with respect to Austin Community Livestock Processors, Inc., establishment 590, are deleted. The reference to sheep with respect to Haas Davis Packing Co., Inc., establishment 682, is deleted.

The following table lists species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely:

ESTABLISHMENTS SLAUGHTERING HUMANELY

Name of establishment	Estimated No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Wilson & Co.	201					(*)	
Flanery Sausage Co., Inc.	643	(*)					
American Provision Co.	658						
Farmbest, Inc.	717A		(*)				
M. Jacobson Sons Co., Inc.	786					(*)	
New establishments reporting: 5.		(*)	(*)				
Wilson & Co., Inc.	20A						
H. Graver Co.	103		(*)				
Carr Packing Co., Inc.	160				(*)		
Frisco Packing Co.	327		(*)				
Samuels E. Tex Packing Co.	353		(*)				
Montebello Meat Packing Co.	364		(*)				
Wilson & Co., Inc.	655		(*)				
Ohio Packing Co.	736						
Floyd Valley Packing Co.	812			(*)			
Wells & Davies Inc.	860					(*)	
Earl Flick Wholesale Meats Inc.	965			(*)			
Species added: 11.				(*)			

Done at Washington, D.C., this 10th day of November 1965.

R. K. SOMERS,
Deputy Administrator, Consumer and Marketing Service.

[F.R. Doc. 65-12265; Filed, Nov. 15, 1965; 8:49 a.m.]

Office of the Secretary

NORTH DAKOTA

Extension of Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named county in the State of North Dakota new disasters have caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

North Dakota	*Present designation*
Walsh	30 F.R. 6124

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after December 31, 1966, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 9th day of November 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-12250; Filed, Nov. 15, 1965; 8:48 a.m.]

SOUTH CAROLINA AND TEXAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of South Carolina and Texas natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

SOUTH CAROLINA

Allendale.
Colleton.
Darlington.
Dillon.
Hampton.
Jasper.
Kershaw.
Lancaster.
Lee.
Lexington.
Marlboro.
Richland.
Sumter.
Williamsburg.
York.

TEXAS

Bailey.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1966, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 9th day of November 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-12251; Filed, Nov. 15, 1965; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

National Park Service

LAKE MEAD NATIONAL RECREATION AREA, ARIZONA AND NEVADA

Notice of Filing of Revised Boundary Map

Notice is hereby given that, pursuant to and in accordance with section 2 of the Act of October 8, 1964 (78 Stat. 1039), a revised boundary map identified as "boundary map RA-LM-7060-C, revised August 1965" approved by the Secretary of the Interior Stewart L. Udall on October 28, 1965, has been filed with the Office of the Federal Register. The map reflects minor adjustments made in the boundary through the addition of a total of 2,240 acres at various locations and the deletion of a like acreage. Such map is also on file and available for public inspection in the Office of the National Park Service of the Department of the Interior and in the headquarters office of the superintendent of the Lake Mead National Recreation Area.

Dated: November 5, 1965.

JACKSON E. PRICE,
Acting Director, National Park Service.

[F.R. Doc. 65-12241; Filed, Nov. 15, 1965; 8:47 a.m.]

Office of the Secretary

AREA DIRECTOR, PORTLAND AREA OFFICE

Delegation of Authority Regarding Disposition of Judgment Funds of Klamath and Modoc Tribes and Yahooskin Band of Snake Indians

1. The Area Director, Portland Area Office, Bureau of Indian Affairs is authorized, subject to the provisions of 2 below, for the period ending October 1, 1968, to perform the functions and exercise the authority vested in the Secretary of the Interior by the Act of October 1, 1965 (P.L. 89-224, 79 Stat. 897-898) which authorizes the disposition of judgment funds of the Klamath and Modoc Tribes and Yahooskin Band of Snake Indians.

2. The authority granted in 1 above does not include authority to make future distributions per capita of any funds remaining in the U.S. Treasury to the credit of the Klamath Tribe, or any of its constituent parts or groups, after the distribution of funds resulting from Indian Claims Commission Docket 100, or of any other tribal funds, including funds accruing from other judgments against the United States, as permitted by section 4 of the act.

3. The authority granted in 1 above may not be redelegated.

JOHN A. CARVER, JR.,
Under Secretary of the Interior.

NOVEMBER 12, 1965.

[F.R. Doc. 65-12329; Filed, Nov. 15, 1965; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16474]

ALLEGHENY AIRLINES, INC.

Segment 8 Renewal and Route Realignment Investigation; Notice of Postponement of Prehearing Conference

All parties are hereby advised that the prehearing conference now scheduled to be held in the above-entitled proceeding on November 18, 1965, is hereby postponed to December 2, 1965, to be held at 10 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., November 9, 1965.

[SEAL] WALTER W. BRYAN,
Hearing Examiner.

[F.R. Doc. 65-12219; Filed, Nov. 15, 1965; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15856, 15857; FCC 65M-1476]

CHAPMAN RADIO AND TELEVISION CO. AND ANNISTON BROADCASTING CO.

Order Continuing Hearing

In re applications of William A. Chapman and George K. Chapman, doing business as Chapman Radio and Television Co., Anniston, Ala., Docket No. 15856, File No. BPCT-3317; Anniston Broadcasting Co., Anniston, Ala., Docket No. 15857, File No. BPCT-3320; for construction permit for new television broadcast station.

Pending action on a "motion to approve contract between the parties, dismiss the Chapman application and grant the Anniston application," filed on October 25, 1965: *It is ordered*, This 8th day of November 1965, on the Hearing Examiner's own motion, that the hearing is further rescheduled from November 16 to December 30, 1965.

Released: November 9, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12215; Filed, Nov. 15, 1965; 8:45 a.m.]

[Docket No. 16088 etc.; FCC 65M-1474]

THEODORE GRANIK ET AL.

Order Regarding Procedural Dates

In re applications of Theodore Granik, Washington, D.C., Docket No. 16088, File No. BPCT-3453; All American Television Features, Inc., Washington, D.C., Docket No. 16089, File No. BPCT-3459; T.C.A. Broadcasting, Inc., Washington, D.C., Docket No. 16091, File No. BPCT-3498; Colonial Television Corp., Washington, D.C., Docket No. 16092, File No. BPCT-3549; for construction permit for new television broadcast station (Channel 50).

Pursuant to the agreements reached at the further prehearing conference held on November 5, 1965, the following time schedule will be adhered to:

a. December 16, 1965: The parties will exchange the direct written case exhibits.

b. December 29, 1965: The parties will exchange additional written proof in support of their affirmative showing.

c. January 4, 1966: Start of the evidentiary hearing at which time the parties will offer in evidence the written exhibits which have been exchanged. No witnesses need be present at such hearing.

d. January 10, 1966: Commencement of the direct examination and cross-examination of witnesses for Theodore Granik (Docket 16088).

e. January 17, 1966: Commencement of the direct examination and cross-examination of witnesses for All American Television Features, Inc. (Docket 16089).

f. January 24, 1966: Commencement of the direct examination and cross-examination of witnesses for T.C.A. Broadcasting, Inc. (Docket 16091).

g. January 31, 1966: Commencement of the direct examination and cross-examination of witnesses for Colonial Television Corp. (Docket 16092).

The above time schedule is consistent with stipulations entered into by counsel for each of the four applicants and approved by the Hearing Examiner. Copies of said stipulations are in the possession of all parties. Parties may refer to such stipulations for further details concerning the time schedule for this proceeding.

It is so ordered, This the 5th day of November 1965.

Released: November 9, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12216; Filed, Nov. 15, 1965; 8:45 a.m.]

[Docket No. 16087; FCC 65M-1477]

PATROON BROADCASTING CO., INC.

Memorandum Opinion and Order Continuing Hearing

In re application of Patroon Broadcasting Co., Inc., Albany, N.Y., Docket No. 16087, File No. BR-2787; for renewal of license of station WPTR.

1. This is on a petition filed by Patroon Broadcasting Co. on October 22 to put off the hearing until the Commission takes up Patroon's petition for reconsideration of the designation for hearing of the WPTR renewal application. Oral argument on the postponement request was had on November 1. The Broadcast Bureau favors the delay in hearing even though it sees little merit in the petition for reconsideration.

2. The order scheduling oral argument and the transcript of argument sufficiently show the basis, approximately as follows, for the disposition to let the hearing stand over: Available precedent offers no clear-cut help on delaying hearings under these circumstances. The decision is generally held to be discretionary and results seem to have varied with the decider, with the factual setting, and with the type of case. Conflicting considerations tug. On one side, it probably makes for good housekeeping to conclude a hearing quickly, and merely compelling an applicant to go forward with hearing probably does not inflict injury in the legal sense. But where a renewal of license is at stake, the seriousness of the matter justifies giving the licensee every procedural protection. Pushing forward with hearing in the face of a substantial petition for reconsideration may in effect diminish the petition by assuring completion of the very process that reconsideration would avoid. That, perhaps, is reason

enough for postponing the hearing unless the petition to reconsider is on its face frivolous or if there is some overriding reason for speed. Such a reason, it may be supposed, would appear where the conduct complained of is so serious as to make it publicly hazardous to permit a licensee to operate any longer than is necessary to complete process. That seems not to be indicated here, and speed for speed's sake seems too trifling a public goal to warrant its prevailing under these circumstances. The position of the Bureau is therefore agreeable.

Accordingly, it is ordered, This 8th day of November 1965, that the petition of October 22, 1965, by Patroon Broadcasting to postpone the hearing is granted and the hearing as rescheduled to begin on January 31, 1966.

Released: November 9, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12217, Filed, Nov. 15, 1965; 8:45 a.m.]

[Docket No. 15871 etc.; FCC 65M-1472]

SOUTHINGTON BROADCASTERS ET AL.

Order Rescheduling Hearing

In re application of Fitzgerald C. Smith, trading as Southington Broadcasters, Southington, Conn., Docket No. 15871, File No. BP-16405; for construction permit. In re applications of Joe Zimmermann, Arthur K. Greiner, Glenn W. Winter, William W. Rakow, Robert M. Lesher, doing business as Lebanon Valley Radio, Lebanon, Pa., Docket No. 15835, File No. BP-16098; John E. Hewitt, Thomas A. Ehrgood, Clifford A. Minnich, and Fitzgerald Smith, doing business as Cedar Broadcasters, Lebanon, Pa., Docket No. 15836, File No. BP-16103; Catonsville Broadcasting Co., Catonsville, Md., Docket No. 15838, File No. BP-16105; Radio Catonsville, Inc., Catonsville, Md., Docket No. 15839, File No. BP-16106; Commercial Radio Institute, Inc., Catonsville, Md., Docket No. 15840, File No. BP-16107; for construction permits. In re applications of Eastern Long Island Broadcasters, Inc., Sag Harbor, N.Y., Docket No. 16033, File No. BPH-4321; Reunion Broadcasting Corp., East Hampton, N.Y., Docket No. 16034, File No. BPH-4460; for construction permits.

It is ordered, This 8th day of November 1965, that the consolidated hearing in the above-entitled proceeding, which was directed by the Commission upon the applications of Fitzgerald C. Smith, trading as Southington Broadcasters (Docket No. 15871), Joe Zimmermann, et al., doing business as Lebanon Valley Radio (Docket No. 15835), and Eastern Long Island Broadcasters, Inc. (Docket No. 16033), with reference solely to the issues of the character qualifications of Fitzgerald C. Smith,[1] shall be convened by Hearing Examiners Smith, presiding, Donahue and Schildhause, in the offices of the Commission, Washington, D.C., at 10 a.m., December 13, 1965.

Released: November 8, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12218; Filed, Nov. 15, 1965; 8:45 a.m.]

[Docket No. 16128; FCC 65M-1481]

ULTRONIC SYSTEMS CORP. AND WESTERN UNION TELEGRAPH CO.

Order Continuing Prehearing Conference

In the matter of Ultronic Systems Corp., complainant, vs. The Western Union Telegraph Co., defendant; Docket No. 16128.

The Hearing Examiner having for consideration a Joint Motion for Continuance filed on November 5, 1965, by Ultronic Systems Corp. and The Western Union Telegraph Co.;

It appearing, that petitioners have reached an agreement in principle among themselves relative to modification of the tariff in question, and that this draft agreement has been submitted to the Common Carrier Bureau for its study prior to the execution of a final agreement;

It further appearing, that under such circumstances, where the final agreement of the parties is probable and such agreement will obviate the necessity for hearing, a reasonable continuance is appropriate, but, where the effectiveness of a tariff is suspended for the statutory period and thereafter special bookkeeping requirements are imposed on the carrier, an indefinite continuance is not appropriate;

It is ordered, This 8th day of November 1965, that the subject petition is granted to the extent indicated hereinabove; the prehearing conference now scheduled for November 9, 1965, is continued until November 30, 1965, commencing at 10 a.m. in the offices of the Commission at Washington, D.C.; and the hearing now scheduled to commence on November 23, 1965, is continued pending further order.

Released: November 9, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12267; Filed, Nov. 15, 1965; 8:49 a.m.]

[Docket No. 16275; FCC 65-993]

VIRGIN ISLANDS TELEPHONE CORP.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re applications of Virgin Islands Telephone Corp., Docket No. 16275, File No. 5174-C2-P-64; for construction permit to establish new two-way land mobile communication services on St. Thomas, V.I.; File No. 5175-C2-P-64; for construction permit to establish new two-way land mobile communication services on St. Croix, V.I.

1. The Commission has before it for consideration: (a) Two applications of Virgin Islands Telephone Corp. (VITELCO), filed January 31, 1964, to construct and operate two-way communication facilities in the Domestic Public Land Mobile Radio Service (DPLMRS) on St. Thomas and St. Croix, United States Virgin Islands; (b) Petition To Deny Or Designate For Hearing, filed on May 28, 1964 by Virgin Isles Communications (VICOM); (c) Opposition To Petition To Deny Or Designate For Hearing, filed on June 22, 1964 by VITELCO; (d) Reply To Opposition To Petition To Deny Or Designate For Hearing, filed on July 13, 1964 by VICOM; (e) Motion To Strike VICOM's "Reply To Opposition To Petition To Deny Or Designate For Hearing," filed on July 15, 1964 by VITELCO; (f) VICOM's Opposition to said motion, filed on July 28, 1964; and (g) VITELCO's reply thereto, filed on July 30, 1964.

2. VITELCO now provides public landline message telephone service in the United States Virgin Islands pursuant to a franchise covering general telephone services granted by the Government of the Virgin Islands of the United States of America in October, 1959, and proposes in the captioned applications to construct base stations at Crown Mountain, St. Thomas, V.I., and Ridge Hill, St. Croix, V.I., for the purpose of establishing new automatic dial mobile communication services in the DPLMRS. The St. Thomas facilities would operate on frequencies 152.69 Mc/s (base) and 157.95 Mc/s (mobile); and the St. Croix facilities would operate on frequencies 152.57 Mc/s (base) and 157.83 Mc/s (mobile).

3. Petitioner, VICOM, is the licensee of station WWA336 in the DPLMRS[1] on Signal Hill, St. Thomas, V.I., and currently provides a two-way communications service operating on base station frequencies 152.06 and 152.18 Mc/s and mobile station frequencies 158.52 and 158.64 Mc/s. At the time VICOM filed its petition herein, it had a construction permit (granted February 9, 1962) to establish a new base station at St. George Hill, St. Croix, V.I. However, on March 9, 1965, the Commission denied VICOM's request for a seventh extension of time within which to complete said facilities (File No. 4670-C2-MP-65), thereby terminating petitioner's authorization covering the island of St. Croix.

VICOM's Petition To Deny. 4. In the Petition and the attached affidavit of A. R. Crumley, Jr., a partner in VICOM, it is alleged that VICOM furnishes mobile radio, rural radio, and ship-to-shore radiotelephone services on the United States Virgin Islands of St. Thomas, St. Croix, and St. John; that although petitioner has lost money since commencing operations in 1962, it contemplates spending over $150,000 within the next 5 years on new services and facilities; that while its total number of rural and mobile subscribers have fluctuated with the seasonal tourist trade and have ranged from a high of 55 (winter) to a low of 37 (summer), VICOM's ultimate goal is to obtain an overall rural radio and mobile radio subscribership of 275; and that there is presently insufficient public need to warrant the authorization of additional and competing mobile radio facilities on St. Thomas and St. Croix. VICOM asserts that a grant of VITELCO's applications would place applicant in direct competition with petitioner on the aforesaid islands, thereby adversely affecting petitioner economically and preventing attainment of its subscription goals; and that direct and substantial competition from VITELCO's proposed two-way mobile radio service could cause VICOM losses of its mobile radio and rural subscribers, possibly require petitioner to cease marine and rural subscriber service in other areas, and may necessitate a general curtailment of its service to the public. Petitioner further avers that in addition to hearing issues concerning "public need" and "economic impact," a character issue is appropriate, based on the alleged failure of International Telephone & Telegraph Corp. (ITT)[2] to negotiate a formal interconnection agreement with VICOM and the filing of the instant applications to provide service which could be provided in VICOM's existing or planned facilities.[3]

5. In its Opposition, VITELCO contends that its proposals are responsive to a public demand for service; that it seeks frequencies reserved exclusively for assignment to telephone companies under § 21.501(b) of the Commission's rules and regulations;[4] that by setting up separate blocks of frequencies in § 21.501 (b) and (c) for telephone and nontelephone carriers, respectively, the Commission sought to ensure that there would be competition in the rendition of services; and that since VICOM provides a dispatch communication service, VITELCO's proposed automatic dial communications service is complementary rather than competitive. VITELCO also maintains that the presence or absence of a formal interconnection agreement is not germane to a consideration of its applications.[5]

6. In its Reply, VICOM re-emphasizes that it is a carrier offering interconnected service and avers that such an arrangement aggravates the potential economic injury from applicant's proposed interconnected operations. VICOM points out that the Commission has already required hearings to be held where a non-interconnected miscellaneous common carrier opposed applications for frequencies allocated in § 21.501(b). General Telephone Co. of California, 21 Pike & Fischer R.R. 22 (1960). VICOM also questions whether VITELCO's franchise sanctions the proposed service, but urges that even if VITELCO has the legal right to serve St. Thomas and St. Croix, a hearing should be held to determine whether additional two-way service is warranted in light of present needs.

Motion to strike reply. 7. On July 15, 1964, VITELCO moved to strike VICOM's Reply. Movant asserts that although said Reply contains factual allegations and denials, the supporting affidavits required by § 21.27(c) of our rules and regulations were not filed.[6] Movant refers specifically to allegations in petitioner's Reply which, it claims, are either inconsistent with or unsupported by matter in either the petition to deny of Mr. Crumley's affidavit. The disputed allegations concern VICOM's current economic position, its projected growth, the extent of its service offerings, and interconnection. In an Opposition filed July 28, 1964, VICOM contends that all such allegations "are based upon official notice of Commission files or are no more than references to statements which were already made under affidavit." VITELCO's July 30, 1964, Reply to Opposition To Motion To Strike is essentially argumentative and repetitious, except that part which points to the failure of VICOM to include interconnection provisions in its tariff.

Disposition. 8. In its Reply to Opposition To Petition To Deny or Designate for Hearing, VICOM's discussion of its economic condition and related matters, are not necessarily at variance with the statements in Mr. Crumley's affidavit and much of the said Reply is argumentative or based on statements contained in VICOM's first pleading. Nevertheless, we find that specific allegations of fact, rather than references to such, have been made without a supporting affidavit and contrary to the provisions of § 21.27(c) of our rules and regulations. In striking the said pleading as defective, we note that the validity of certain legal arguments contained therein is not thereby denied.

9. VICOM's allegations concerning VITELCO's character qualifications as a Commission licensee are neither substantial nor material, and the adduction of evidence thereon is not warranted. Moreover, we have no reason to infer or conclude that applicant engaged in anticompetitive practices with respect to petitioner; nor do we perceive any basis to question the bona fides of VITELCO's decision to expand its communication business on St. Thomas and St. Croix. Such action is apparently reasonable in view of its local franchise and general obligations to improve and extend telephone service.

10. A petitioner's allegations of potential economic injury are sufficient to establish that it is a party in interest and has standing to file a pre-grant protest under section 309(d) of the Communications Act of 1934, as amended. As to VITELCO's St. Croix application, VICOM is not such a party in interest because the basis for its economic injury allegations was its construction permit for a new base station on St. Croix and this authorization has subsequently been terminated. Furthermore, VICOM neither utilizes nor proposes to utilize any of its radio facilities to provide two-way land mobile radio service on St. Croix. Thus, VICOM's economic impact allegations are rendered moot as to VITELCO's St. Croix application; and since VICOM's allegations concerning VITELCO's qualifications have been rejected on their merits, we find no reason or justification for withholding authority to construct facilities which look toward the rendition of the first common carrier land mobile radio service on the island of St. Croix.

11. Insofar as the St. Thomas application is concerned, it is challenged by an existing miscellaneous common carrier authorized to serve the same geographical area which VITELCO proposes to serve. In view of VICOM's alleged interconnection with the landline facilities of VITELCO, it appears that if the Commission grants VITELCO's applications, VICOM's two-way radio facilities may be duplicated. In this connection, neither party has addressed itself to the question whether said duplication may be wasteful, particularly in light of VICOM's alleged financial losses and its alleged below-capacity operations. Accordingly, in determining whether the public interest, convenience, and necessity will be served by a grant of VITELCO's application, it is particularly pertinent to consider what effect, if any, a duplication of VICOM's radio facilities may have upon common carrier mobile radio service on St. Thomas.

12. The facts relating to the precise nature and extent of the alleged interconnection negotiations between petitioner and applicant are unclear. However, since petitioner has not filed a complaint pursuant to sections 201 and 208 of the Communications Act of 1934, as amended, we do not propose to resolve any dispute on that subject. Our con-

[1] See Commission's Memorandum Opinion and Order released Nov. 5, 1965 (FCC 65-989; Mimeo. No. 74348).

[1] In the DPLMRS, VICOM is a "miscellaneous common carrier," i.e., a communication common carrier not engaged in providing a landline telephone or telegraph service. VICOM also holds authorizations in the Rural Radio Service (station WWY45) and the Marine Radio Service (station WAH).

[2] VITELCO was formerly a subsidiary of ITT. VITELCO is presently controlled by United States Telephone & Telegraph Corp., a wholly owned subsidiary of ITT.

[3] Mr. Crumley states that VICOM's facilities have been interconnected with those of VITELCO since September 1962, although no formal agreement exists between petitioner and ITT. Petitioner characterizes the present arrangement as a "de facto" interconnection.

[4] Section 21.501(b) of the Rules and Regulations allocates two-way paired frequencies to communication common carriers who are engaged in the business of affording public landline message telephone service. Section 21.501(c) allocates another block of such frequencies to non-telephone carriers.

[5] With respect to interconnection, Mr. Hubbard S. Hayes, a VITELCO officer and director, states in his affidavit that applicant would be agreeable to interconnection "if it is on a strictly compatible technical basis."

[6] Section 21.27(c) provides, inter alia, that where allegations of fact or denials thereof (except those concerning matters of which official notice may be taken) are made in a reply pleading, a supporting affidavit shall be filed by someone having personal knowledge thereof.

cern extends only to the development of facts with respect to the nature and extent of service actually offered to the public on the island of St. Thomas. To the extent that VITELCO's planned automatic dial communication facilities will embody technical innovations not offered by VICOM, the two systems may differ in operating efficiency. However, because VICOM is allegedly interconnected with applicant's landline telephone facilities, it appears that VITELCO's interconnected service will compete directly with service currently provided by the authorized carrier.

13. The facts in this case distinguish it from prior cases wherein we declined to adjudicate competitive impact controversies between two carriers subject to the jurisdiction of a state agency as well as our own. See Souris River Mutual Aid Corp., 28 FCC 275 (1960), and Bay Springs Telephone Company, Inc., 25 Pike & Fischer R.R. 622 (1963). Since the United States Virgin Islands' certification of VITELCO does not specifically deal with mobile radio services, and since petitioner's mobile radio service was begun 3 years after VITELCO received its franchise, we cannot presume or conclude that the local authorities prospectively considered the effects of competition upon the economic viability of a then non-existent carrier. Moreover, in January 1960—shortly after VITELCO was enfranchised, but 4 years before the captioned applications were filed—the Governor of the United States Virgin Islands questioned whether a new common carrier mobile radio service contemplated by Mr. Crumley's interests would "conflict" with VITELCO's franchise. ITT's response sharply indicated its displeasure with the prospect of encountering competition at some future date, but apparently said matter was not pursued further by the Virgin Islands and no objections were filed when we authorized VICOM to serve St. Thomas. While it is clear from the preceding that the matters raised by petitioner are of fundamental importance in deciding whether a need exists for the requested assignment of frequencies, it is equally clear that although said matters were anticipated at the local level, there is no showing that a local forum is available for the resolution of such conflicts. Accordingly, this Commission will provide the forum necessary to adjudicate the public interest questions raised herein.

14. We find that except for the matters placed in issue herein, the applicant is legally, financially, technically, and otherwise qualified to render the services it has proposed.

15. Section 21.504 of our rules and regulations describes a median field strength contour of 37 decibels above one microvolt per meter as the limit of reliable service area for base stations engaged in two-way communications service. It appears that the Commission's Report No. T.R.R. 4.3.8., entitled "A Summary of the Technical Factors Affecting the Allocation of Land Mobile Facilities in the 152 to 158 Megacycle Band," and the procedures set forth therein are a proper basis for establishing the location of such service (F50,50) contours of the base station facilities involved in this proceeding.

16. Accordingly, in view of our conclusions above: *It is ordered*, That, except as hereinafter provided, the Petition To Deny Or Designate For Hearing filed by Virgin Isles Communications is denied.

17. *It is further ordered*, That the application of Virgin Islands Telephone Corp. for a construction permit (File No. 5175–C2–P–64) to establish new two-way communication services on St. Croix, United States Virgin Islands, is granted.

18. *It is further ordered*, That the Motion To Strike VICOM's "Reply To Opposition To Petition To Deny Or Designate For Hearing," is granted.

19. *It is further ordered*, That, pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, the St. Thomas application (File No. 5174–C2–P–64) is designated for hearing, at the Commission's offices in Washington, D.C., on a date to be hereafter specified, upon the following issues:

(a) To determine the nature and extent of the two-way land mobile radio services currently provided by VICOM on the island of St. Thomas, including the rates, charges, practices, classifications, regulations, personnel, and facilities pertaining thereto;

(b) To determine the nature and extent of any interconnection between VICOM's two-way land mobile radio facilities and the landline telephone facilities of VITELCO on the island of St. Thomas;

(c) To determine the nature and extent of the services proposed by VITELCO on the island of St. Thomas, including the rates, charges, practices, classification, regulations, personnel, and facilities pertaining thereto;

(d) To determine the area and population that VICOM currently serves on St. Thomas within its 37 dbu contour, based upon the standards set forth in paragraph 15; and to determine the public demand for the existing two-way land mobile radio service;

(e) To determine the area and population VITELCO proposes to serve on St. Thomas within its 37 dbu contour, based upon the standards set forth in paragraph 15; and to determine the public need for the establishment of the proposed service in said area;

(f) To determine what disadvantages to the public, if any, will result from the establishment of the proposed land mobile radio facilities on St. Thomas;

(g) To determine what advantages to the public, if any, will result from the establishment of the proposed land mobile radio facilities on St. Thomas;

(h) To determine, in light of the evidence adduced on all of the foregoing issues, whether or not the public interest, convenience, and necessity will be served by a grant of the St. Thomas application (File No. 5174–C2–P–64), and the terms and conditions which should be attached thereto, if any.

20. *It is further ordered*, That the burden of proof with respect to Issues (a), (b), (d), and (f) is placed on VICOM; and the burden of proof with respect to Issues (c), (e), (g), and (h) is placed upon VITELCO.

21. *It is further ordered*, That Virgin Islands Telephone Corporation is made a party to the proceedings herein.

22. *It is further ordered*, That the parties desiring to participate herein shall file a notice of appearance in accordance with the provisions of § 1.221 of the Commission's rules and regulations.

Adopted: November 3, 1965.

Released: November 4, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65–12268; Filed, Nov. 15, 1965; 8:50 a.m.]

[Docket No. 16275; FCC 65M–1471]

VIRGIN ISLANDS TELEPHONE CORP.

Order Scheduling Hearing

In re applications of Virgin Islands Telephone Corp., Docket No. 16275, File No. 5174–C2–P–64; for construction permit to establish new two-way land mobile communication services on St. Thomas, V.I.

It is ordered, This 8th day of November 1965, that Thomas H. Donahue shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on December 21, 1965, at 10 a.m.; and that a prehearing conference shall be held on November 29, 1965, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: November 10, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65–12269; Filed, Nov. 15, 1965; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 65–40]

NORTH AMERICAN INTERNATIONAL, INC., AND P. D. MARCHESSINI & CO., INC.

Order of Investigation and Hearing

An agreement has been filed for approval between North American International, Inc. (NAI), and P. D. Marchessini & Co., Inc., which has been assigned Federal Maritime Commission Number 9370.

Under this arrangement P. D. Marchessini & Co., Inc. will concur and participate in NAI's Tariffs Nos. FMC–F 1, 2, 3 and 7, supplements thereto, and reissues thereof, covering the movement of non-refrigerated dry cargo (other than used household goods) in metal containers of not less than 135 cubic feet of inside usable space, in the trade between United States Atlantic Coast ports and ports in the United Kingdom, Netherlands, and Belgium and from United States ports to ports in the Republic of the Philippines, British Crown Colony of Hong Kong, Formosa, Republic of South Korea, Japan, and Okinawa. Revenue is to be based upon the rates published in NAI's tariffs, of which 85 percent shall accrue to P. D. Marchessini and 15 percent to NAI.

It appearing that the agreement may contravene the standards for approval set forth in section 15 of the Shipping Act;

It is therefore ordered, That pursuant to sections 15 and 22 of the Shipping Act, 1916, the Commission, upon its own motion enter upon an investigation and hearing for the taking of evidence to determine whether Agreement 9370, should be approved, disapproved or modified.

The Commission desires that a record be established and legal arguments be presented on the following issues:

1. Whether Agreement No. 9370 would operate in violation of section 18b(3) of the Shipping Act, by allowing a common carrier to charge or demand or collect or receive a greater or less or different compensation for the transportation of property or for any service in connection therewith than the rates and charges which are specified in its tariffs on file with the Commission.

2. Whether Agreement No. 9370 would operate in violation of § 536.5(1) of General Order 13, which precludes the publication of duplicative or conflicting rates.

3. Whether Agreement 9370 would operate in violation of section 16, First, of the Act by giving undue or unreasonable preference or advantage to any particular person, locality, or description of traffic in any respect whatsoever, or subject any particular person, locality, or description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever. Whether Agreement 9370 would operate in a manner that would be detrimental to the commerce of the United States. Whether Agreement 9370 would operate in such a manner as to be contrary to the public interest. Whether Agreement 9370 would operate in a manner violative of any other provision of the Shipping Act.

7. Whether Agreement 9370 should be modified to bring it into conformity with section 15 and if so, in what respects.

It is further ordered, That the carriers listed in Appendix A hereto be made parties respondent in this proceeding; and

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and place to be determined and announced by the presiding examiner; and

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon respondents, and

It is further ordered, That any person, other than respondents, who desires to become a party to this proceeding and participate therein, shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before November 26, 1965, with copy to parties.

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

APPENDIX A

North American International, Inc., Post Office Box 201, New Haven, Ind.
P. D. Marchessini & Co., Inc., 26 Broadway, New York 4, N.Y.

[F.R. Doc. 65–12261; Filed, Nov. 15, 1965; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–4323]

OHIO POWER CO. AND AMERICAN ELECTRIC POWER CO., INC.

Notice of Issue and Sale at Competitive Bidding of First Mortgage Bonds and Debentures and of Capital Contribution by Parent Company

NOVEMBER 9, 1965.

Notice is hereby given that Ohio Power Co. ("Ohio"), 301 Cleveland Avenue SW., Canton, Ohio, 44702, an electric utility company, and its parent company, American Electric Power Co., Inc. ("American"), 2 Broadway, New York, N.Y., 10008, a registered holding company, have filed a joint application-declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b) and 12 of the Act and Rules 42, 45, and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, on file at the Office of the Commission, for a statement of the transactions proposed therein which are summarized as follows:

Ohio proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 under the Act, $50,000,000 principal amount of First Mortgage Bonds, _____ percent Series due January 1, 1996 ("New Bonds"), and $40,000,000 principal amount of _____ percent Sinking Fund Debentures due January 1, 1996 ("Debentures"). In respect of each issue, the interest rate (which shall be a multiple of one-eighth of 1 percent) and the price to be paid to Ohio (which shall not be less than 100 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The New Bonds will be issued under and pursuant to the provisions of the Mortgage and Deed of Trust, dated as of October 1, 1938, made by Ohio to Central Hanover Bank & Trust Co. (now Manufacturers Hanover Trust Co.), New York, N.Y., and Frank Wolfe (Donald B. Herterich, successor Individual Trustee, New York, N.Y.), as Trustees, as heretofore supplemented and amended, and as to be further supplemented and amended by a Supplemental Indenture to be dated January 1, 1966. The Debentures will be issued as an initial series pursuant to an Agreement, to be dated as of January 1, 1966, and to be executed by Ohio with First National City Bank, New York, N.Y., as Trustee. The New Bonds and Debentures will be issued only in registered form without coupons.

Prior to or concurrently with the sale of the New Bonds, American, the holder of all of Ohio's outstanding shares of common stock, proposes to make a cash capital contribution or contributions to Ohio in an aggregate amount of $10,000,000.

The proceeds to be derived from the sale of the New Bonds and Debentures will be applied by Ohio, to the extent necessary, to prepay, without premium, its then outstanding notes payable to banks. At September 30, 1965, such outstanding notes amounted to $7,000,000, and are expected to increase to an amount not exceeding $35,000,000, prior to issuance and delivery of the New Bonds and Debentures. The balance of the proceeds, together with the funds received from the proposed capital contributions, will be added to Ohio's general funds and will be used to finance the company's construction program (the cost of which, for 1966, is estimated to total $93,800,000) and for other corporate purposes.

Prior authorization of The Public Utilities Commission of Ohio, the State in which Ohio is organized and doing business, is required for the issue and sale of the New Bonds and Debentures, and a copy of the order entered by said Commission will be supplied by amendment. It is stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred by Ohio and American in connection with the proposed transactions, and the fees and disbursements of counsel for the purchasers of the New Bonds and Debentures (which in each case will be paid by the successful bidders), will also be supplied by amendment.

Notice is further given that any interested person may, not later than December 9, 1965, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by

[7] Commissioner Hyde absent.

mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-12242; Filed, Nov. 15, 1965; 8:47 a.m.]

[File No. 7-2478]

GULF AND WESTERN INDUSTRIES, INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 9, 1965.

In the matter of application of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges: Gulf & Western Industries, Inc., File 7-2478.

Upon receipt of a request, on or before November 26, 1965, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional fects bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-12243; Filed, Nov. 15, 1965; 8:47 a.m.]

[811-1268]

UNIVERSAL INVESTORS FUND, INC.

Notice of Application for Order Declaring That Company Has Ceased To Be an Investment Company

NOVEMBER 9, 1965.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that Universal Investors Fund, Inc. ("applicant"), 1717 East Colfax Avenue, Denver, Colo., a Nevada corporation and an open-end diversified management investment company registered under the Act, has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Applicant filed its registration pursuant to section 8(a) of the Act on May 27, 1964, and as of June 6, 1964, the applicant had received $105,000 in payment for its common stock issued to pre-incorporation subscribers. In July 1965 all such common stock was redeemed by repayment to the shareholders of their purchase price plus their proportionate share of the net interest earned, determined after the deduction of certain expenses amounting to approximately $1,035. Applicant has no securities outstanding at the present time. On August 5, 1965, the Board of Directors of applicant adopted a resolution that applicant dissolve; and a Certificate of Dissolution has been issued by the Secretary of State of Nevada.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than November 24, 1965 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-12244; Filed, Nov. 15, 1965; 8:47 a.m.]

[File No. 1-545]

R. C. WILLIAMS & CO., INC.

Notice of Application To Withdraw From Listing and Registration

NOVEMBER 9, 1965.

The above named issuer has filed an application with the Securities and Exchange Commission, pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The Exchange has had under consideration the delisting of the Company's stock. As of April 24, 1965, the end of the Company's fiscal year, its financial condition was such that its stock may not have qualified for continued listing and registration on the Exchange.

Any interested person may, on or before December 27, 1965, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C., 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. An order disposing of the matter will be issued after the date mentioned above, on the basis of the application and any other information furnished to the Commission, unless prior thereto the Commission orders a hearing.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-12245; Filed, Nov. 15, 1965; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 10, 1965.

Protests to the granting of an application must be prepared in accordance with § 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40111—*Carbon tetrachloride to Calvert, Ky.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2807), for interested rail carriers. Rates on carbon tetrachloride, in tank carloads, from Niagara Falls and Suspension Bridge, N.Y., to Calvert, Ky.

Grounds for relief—Market competition.

Tariff—Supplement 115 to Traffic Executive Association-Eastern Railroads, agent, tariff ICC C-334.

FSA No. 40112—*Chlorine to Palatka, Fla.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2808), for interested rail carriers. Rates on chlorine, in tank carloads, from Grasselli and Newark, N.J., to Palatka, Fla.

Grounds for relief—Market competition.

Tariff—Supplement 115 to Traffic Executive Association-Eastern Railroads, agent, tariff ICC C-334.

FSA No. 40113—*Denatured alcohol to points in Georgia.* Filed by O. W. South, Jr., agent (No. A4790), for interested rail carriers. Rates on denatured alcohol, liquid, in tank carloads, from Baton Rouge and North Baton Rouge, La., and New Orleans, La., to specified points in Georgia.

Grounds for relief—Market competition.

Tariff—Supplement 29 to Southern Freight Association, agent, tariff ICC S-470.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-12257; Filed, Nov. 15, 1965; 8:49 a.m.]

[Section 5a Application No. 93]

GREEN MOUNTAIN RAILROAD CORP. AND BOSTON & MAINE CORP.

Agreement Relating to Use of Facilities and Interchange of Equipment

NOVEMBER 10, 1965.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed: November 2, 1965, by:

Thomas P. Salmon, attorney for Green Mountain Railroad Corp., 39 Square, Bellows Falls, Vt., 05101. John J. Nee, attorney for Boston & Maine Corp., 150 Causeway Street, Boston, Mass., 02114.

Agreement involved: Agreement between Green Mountain Railroad Corp. and Boston & Maine Corp. relating to use of facilities and interchange of equipment.

The complete application may be inspected at the Office of the Commission in Washington, D.C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-12255; Filed, Nov. 15, 1965; 8:48 a.m.]

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THE UNIVERSITY OF MICHIGAN
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VOLUME 30 • NUMBER 222

Wednesday, November 17, 1965 • Washington, D.C.

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Civil Service Commission
Commodity Credit Corporation
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[Revised as of January 1, 1965]

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FEDERAL REGISTER

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Proclamation 3687

THANKSGIVING DAY, 1965

By the President of the United States of America

A Proclamation

For all the blessings that have been bestowed upon our nation during the past 12 months, it is a small thing to give thanks to Almighty God.

When the Pilgrims first observed Thanksgiving nearly 350 years ago, life was harsh and unrelenting. Cold and sickness had diminished their ranks. Their shelter was crude. Their future was uncertain. Yet when their harvest was abundant, they considered themselves blessed—and their hearts were filled with gratitude.

Today we have much more than an abundant harvest. Our nation is rich and strong and united in the cause of liberty and justice. Our physical comforts are unmatched anywhere in the world. Our medicine has conquered ancient diseases.

In the past year we have added greatly to that national legacy. We have guaranteed the right to vote to all our citizens. We have pledged dignity to our elderly—even in sickness. We have added new dimensions to the education of our youth. We have broadened the horizons of opportunity for our poor. And all the while, we have enjoyed the greatest prosperity in history.

But our real blessings lie not in our bounty. They lie in those steadfast principles that the early Pilgrims forged for all generations to come: the belief in the essential dignity of man; the restless search for a better world for all; and the courage—as shown by our sons in Viet-Nam today—to defend the cause of freedom wherever on earth it is threatened.

These are the eternal blessings of America. They are the blessings which make us grateful even when the future is uncertain. They are the blessings which give us the strength to complete the unfinished tasks that remain before us.

For these blessings should we thank God most of all.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, in consonance with the joint resolution of the Congress approved December 26, 1941, 55 Stat. 862 (5 U.S.C. 87b), designating the fourth Thursday of November in each year as Thanksgiving Day, do hereby proclaim Thursday, November 25, 1965, as a day of national Thanksgiving.

On that day, let us gather in our homes and in our places of worship to thank God for His generosity. Let us make ourselves worthy of that generosity by pledging to Him our everlasting devotion. And let us pray to Him that the forces of violence, indifference and intolerance may soon vanish from the face of the earth so that peace and understanding and love may reign supreme.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this tenth day of November in the year of our Lord nineteen hundred and sixty-five, and [SEAL] of the Independence of the United States of America the one hundred and ninetieth.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 65–12392; Filed, Nov. 15, 1965; 2:41 p.m.]

Proclamation 3688

WATER CONSERVATION MONTH

By the President of the United States of America

A Proclamation

Of all the natural resources with which our Nation has been so richly blessed, none is more important than water.

Both urban and rural citizens rely on our water resources to satisfy human needs, to maintain farm and industrial production, and to provide electric power. Our rivers, lakes, and similar bodies of water constitute a vital segment of our transportation and communication system, and provide recreational facilities that enhance our use of leisure time.

The good health of the people of this Nation is in no small measure dependent upon both the quantity and quality of our water.

But none of our resources has been more grossly abused by waste and pollution. Concern as to the quantity and quality of our supply of water is being expressed in all quarters of the Nation. The problem, in many places, is not a need to find new sources of water, but, instead, is a need to develop sound conservation practices and to make more effective use of water resources now available.

We must be farsighted and bold in managing and using our water. What must be done—and done as soon as possible—is to reverse the trends of waste and man-made pollution and contamination which have assumed such massive and lethal proportions as to threaten the health, economy, and natural beauty of the Nation.

The first session of the Eighty-ninth Congress made a number of significant contributions to the strengthening of the Federal Government's role in water resources management. Accordingly, it is particularly fitting that the Congress has enacted House Joint Resolution 671 of November 7, 1965, which calls upon the President to issue a proclamation designating the month of November 1965 as Water Conservation Month.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby designate the month of November 1965 as Water Conservation Month, and I call upon citizens throughout the Nation to participate in observance of that month.

I direct the Secretary of the Interior, the Secretary of Health, Education, and Welfare, the Secretary of Agriculture, and the Secretary of the Army to cooperate with other national, State, and private agencies and organizations in suitable observances of Water Conservation Month, including public meetings, exhibits, and news-media features. I urge that these observances specially emphasize the need for immediate private and public participation in the nationwide effort to cleanse our rivers, lakes, estuaries, shore water, and water underground so that they may serve us and our children and our children's children better.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this tenth day of November in the year of our Lord nineteen hundred and sixty-five, and [SEAL] of the Independence of the United States of America the one hundred and ninetieth.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 65-12394; Filed, Nov. 15, 1965; 2:41 p.m.]

Proclamation 3689

INTERNATIONAL EXPOSITION OF 1968

By the President of the United States of America

A Proclamation

WHEREAS HEMISFAIR 1968, an international exposition with the theme, "The Confluence of Civilizations in the Americas," will be held in San Antonio, Texas, during the six months beginning April 6, 1968, and

WHEREAS this international exposition is designed to reaffirm common ties among the Americas as well as with the continents and countries from which our forefathers came; to increase mutual understanding; to strengthen the foundations of peace and to share our cultures, our knowledge and our skills for a more promising future, and

WHEREAS the exposition will provide a dramatic medium for the peoples of our hemisphere to exhibit the symbols of ancient cultures and contemporary life, and to demonstrate the relationships between their arts, religions, and social development; and

WHEREAS the exposition will encourage travel and stimulate technical, trade and cultural exchange between the Old and New Worlds, and

WHEREAS such an event is appropriate to commemorate the two hundred and fiftieth anniversary of the founding of the bilingual City of San Antonio, Texas, "The Gateway of Latin America," and

WHEREAS the Congress by an Act approved October 22, 1965 (Public Law No. 89-284) authorized and requested the President to issue a Proclamation calling upon the several States of the Union and foreign countries to take part in the exposition, and

WHEREAS the Governor of the State of Texas has agreed to serve as Commissioner General of the exposition and to invite the several States of the Union to participate therein:

NOW, THEREFORE, I, Lyndon B. Johnson, President of the United States of America, do hereby authorize and direct the Secretary of State to invite, on my behalf, such foreign countries as he may consider appropriate to participate in this international exposition.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE AT the City of Washington this eleventh day of November in the year of our Lord, 1965, and of the independence of [SEAL] the United States of America, the one hundred and ninetieth.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 65-12395; Filed, Nov. 15, 1965; 2:41 p.m.]

Executive Order 11257

DELEGATING TO THE CIVIL SERVICE COMMISSION CERTAIN AUTHORITY RELATING TO SEVERANCE PAY UNDER THE FEDERAL EMPLOYEES SALARY ACT OF 1965

By virtue of the authority vested in me by Section 301 of title 3 of the United States Code and Sections 9(b)(8) and 9(c) of the Federal Employees Salary Act of 1965, and as President of the United States, it is ordered that Executive Order No. 11228 of June 14, 1965, entitled "Providing for the performance by the Civil Service Commission of certain functions vested in or subject to the approval of the President," be, and it is hereby, amended by inserting the following at the end of Section 1 thereof:

"(4) The authority vested in the President by Section 9(b)(8) of the Federal Employees Salary Act of 1965 (approved October 29, 1965) to prescribe rules and regulations excluding officers or employees from the application of Section 9 of that Act.

"(5) The authority vested in the President by Section 9(c) of the Federal Employees Salary Act of 1965 to prescribe rules and regulations governing severance pay."

Rules and regulations prescribed in pursuance of the amendments made by this order may be made effective on any date not earlier than the date of enactment of the Federal Employees Salary Act of 1965.

LYNDON B. JOHNSON

THE WHITE HOUSE,
November 13, 1965.

[F.R. Doc. 65-12427; Filed, Nov. 16, 1965; 10:37 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3115 is amended to show that positions in the Office of Federal Contract Compliance, to which the contract compliance functions of the President's Committee on Equal Employment Opportunity were transferred by Executive Order 11246, are excepted under Schedule A. Effective on publication in the FEDERAL REGISTER, paragraph (c) of § 213.3115 is revoked and a new paragraph (f) is added as set out below.

§ 213.3115 Department of Labor.

* * * * * *

(f) *Office of Federal Contract Compliance.* (1) All positions in the Office of Federal Contract Compliance established under Parts II, III, and IV of Executive Order No. 11246 of September 24, 1965.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director,
Bureau of Management Services.

[F.R. Doc. 65–12342; Filed, Nov. 16, 1965; 8:50 a.m.]

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 15—NONDISCRIMINATION

Subpart C—Rules of Practice and Procedure for Hearings, Decisions and Administrative Review Under the Civil Rights Act of 1964

Subtitle A, Title 7 CFR, Part 15, is hereby amended by adding the following new Subpart C.

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AUTHORITY: The provisions of this Subpart C issued under sec. 602, 78 Stat. 252, sec. 15.9(d) of Subpart A to 7 CFR, Part 15, and laws referred to in the Appendix to Subpart A, Part 15, Title 7 CFR.

GENERAL INFORMATION

§ 15.60 Scope of rules.

The rules of practice and procedure in this subpart supplement §§ 15.9–15.10 of Subpart A of this part and govern the practice for hearings, decisions, and administrative review conducted by the Department of Agriculture, pursuant to Title VI of the Civil Rights Act of 1964, section 602 (78 Stat. 252) and this part, Title 7, CFR, except these rules shall not apply to any stage of a proceeding which has occurred prior to the effective date hereof.

§ 15.61 Records to be public.

All documents and papers filed in any proceeding under this part may be inspected and copied in the Office of the Department Hearing Clerk.

§ 15.62 Definitions.

All terms used in this subpart shall, unless the context otherwise requires, have the same meaning as defined in Subpart A of this part.

§ 15.63 Computation of time.

A period of time begins with the day following the act or event and includes the last day of the period, unless it is a Saturday, Sunday, or legal holiday observed in the District of Columbia, in which case it shall be the following workday. When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation.

§ 15.64 Parties.

The term "party" shall include an applicant or recipient with respect to whom the agency has issued a notice of hearing or opportunity to request a hearing in accordance with Subpart A of this part and § 1581. The agency shall be deemed a party to all proceedings.

§ 15.65 Appearance.

Any party may appear in person or by counsel or authorized representative and participate fully in any proceeding.

§ 15.66 Complainants not parties.

A person submitting a complaint pursuant to § 15.6 is not a party to the proceedings governed by this subpart, but may petition, after proceedings have been commenced, to become an intervener.

§ 15.67 Intervener.

Any interested person or organization may file a petition to intervene which will include a statement of position and a statement of what petitioner expects to contribute to the hearing, and a copy of the petition will be served on all parties. Such petition should be filed prior to the prehearing conference, or if none is held, before the commencement of the hearing, unless the petitioner shows good cause for filing the petition later. The hearing officer may grant the petition if he believes that such participation will not unduly delay a hearing and will contribute materially to the proceeding. An intervener is not a party and may not introduce evidence at a hearing, or propound questions to a witness, unless the hearing officer determines that the proposed additional evidence is relevant and will clarify the facts. The intervener may submit and

serve on all parties a brief in support or opposition to any brief of a party. All service and notice required by and upon a party shall apply to an intervener.

§ 15.68 Ex parte communications.

(a) *General.* After proceedings have been commenced, any communication or discussion ex parte, as regards the merits of the proceeding or a factually related proceeding, between an employee of the Department involved in the decisional process and a person not employed by the Department, and any such communication or discussion between any employee of the Department, who is or has been engaged in any way in the investigation or prosecution of the proceeding or a factually related proceeding, and an employee of the Department who is involved or may be involved in the decisional process of a proceeding, except at a conference, hearing or review proceeding under these rules is improper and prohibited.

(b) *Request for information.* A request for information about the status of a proceeding without discussing issues or expressing points of view and inquiries with respect to procedural matters or an emergency request for an extension of time are not deemed ex parte communications. When practical all parties should be notified of any request for an extension of time. Communication between an applicant or recipient and the agency or the Secretary with respect to securing voluntary compliance with any requirement of Subpart A of this part is not prohibited.

(c) *Unsponsored written material.* Letters expressing views or urging action and other unsponsored written material regarding matters in issue in a proceeding will be placed in the correspondence section of the docket of the proceeding. Such are not deemed part of the evidence or record.

FORM, EXECUTION, FILING AND SERVICE OF DOCUMENTS

§ 15.71 Form of documents to be filed.

All copies of documents filed in a proceeding shall be dated, signed in ink, shall show the address and position or title of the signatory, and shall show the docket number and title of the proceeding on the front page.

§ 15.72 Filing.

All documents relating to a proceeding under this subpart shall be filed in an original and two copies of such document with the Office of the Hearing Clerk at Room 112, Administration Building, Department of Agriculture, Washington, D.C., 20250, during regular business hours. Regular business hours are every Monday through Friday (legal holidays in the District of Columbia excepted) from 9 a.m. to 5:30 p.m., eastern standard or daylight saving time, whichever is effective in the District of Columbia at the time.

§ 15.73 Service.

Service shall be made by the Hearing Clerk by personal delivery of one copy to each person to be served or by mailing by first-class mail, or air mail if more than 300 miles, properly addressed with postage prepaid. When a party or intervener has appeared by attorney or representative, service upon such attorney or representative will be deemed proper service. The initial notice of hearing, opportunity to request a hearing, or notice setting a date for a hearing shall be by certified mail, return receipt requested.

§ 15.74 Date of service.

The date of service shall be the day when the matter is deposited in the U.S. mail or is delivered in person, except that the date of service of the initial notice a hearing or notice of opportunity to request a hearing or notice setting a date for a hearing shall be the date of its delivery, or of its attempted delivery if delivery is refused.

INITIAL NOTICE AND RESPONSE

§ 15.81 How proceedings are commenced.

Proceedings are commenced by mailing a notice to an applicant or recipient of alleged noncompliance with the Act and the Secretary's regulations thereunder. The notice will be signed by the interested agency head or by the Secretary and shall be filed with the hearing clerk for proper service by the hearing clerk according to the rules of this subpart. The notice shall include either a notice of hearing or notice of opportunity to request a hearing as determined by the Secretary and shall comply with the requirements of § 15.9(a).

§ 15.82 Notice of hearing and response thereto.

A notice of hearing shall fix a date not less than 30 days from the date of service of the notice of a hearing on matters alleged in the notice. If the applicant or recipient does not desire a hearing, he should so state in writing, in which case the applicant or recipient shall have the right to submit written information and argument for the record, and the additional right to further participate in the proceeding. Failure to appear at the time set for a hearing, without good cause, shall be deemed a waiver of the right to a hearing under section 602 of the Act and the regulations in this part and consent to the making of a decision on such information as is available which may be presented for the record.

§ 15.83 Notice of opportunity to request a hearing and response thereto.

A notice of opportunity to request a hearing shall set a date not less than 20 days from service of said notice within which the applicant or recipient may file a request for a hearing, or may waive a hearing and submit written information and argument for the record, in which case, the applicant or recipient shall have the right to further participate in the proceeding. When the applicant or recipient elects to file a request for a hearing, a time shall be set for the hearing at a date not less than 20 days from the date applicant or recipient is notified of the date set for the hearing. Failure of the applicant or recipient to request a hearing or to appear at the date set shall be deemed a waiver of the right to a hearing, under section 602 of the Act and the regulations in this part and consent to the making of a decision on such information as is available which may be presented for the record.

§ 15.84 Answer.

In any case covered by § 15.82 or § 15.83 the applicant or recipient shall file an answer. Said answer shall admit or deny each allegation of the notice, unless the applicant or recipient is without knowledge, in which case the answer shall so state, and the statement will be considered a denial. Failure to file an answer shall be deemed an admission of all allegations of fact in the notice. Allegations of fact in the notice not denied or controverted by answer shall be deemed admitted. Matters intended to be offered as affirmative defenses must be stated as a separate part of the answer. The answer under § 15.82 shall be filed within 20 days from the date of service of the notice of hearing. The answer under § 15.83 shall be filed within 20 days of service of the notice of opportunity to request a hearing.

§ 15.85 Amendment of notice or answer.

The notice of hearing or notice of opportunity to request a hearing may be amended once as a matter of course before an answer thereto is served, and each applicant or recipient may amend his answer once as a matter of course not later than 10 days before the date fixed for hearing but in no event later than 20 days from the date of service of his original answer. Otherwise a notice or answer may be amended only by leave of the hearing officer. An applicant or recipient shall file his answer to an amended notice within the time remaining for filing the answer to the original notice or within 10 days after service of the amended notice, whichever period may be the longer, unless the hearing officer otherwise orders.

§ 15.86 Consolidated or joint hearings.

Two or more proceedings against the same respondent, or against different respondents in which the same or related facts are asserted to constitute noncompliance, may be consolidated for hearing or decision or both by the agency head, if he has the principal responsibility within the Department for the administration of all the laws extending the Federal financial assistance involved. If laws administered by more than one agency head are involved, such officials may by agreement order consolidation for hearing. The Secretary may order proceedings in the Department consolidated for hearing with proceedings in other Federal Departments or Agencies, by agreement with such other Departments or Agencies. All parties to any proceeding consolidated subsequently to service of the notice of hearing or notice of opportunity to request a hearing shall be promptly served with notice of such consolidation.

HEARING OFFICER

§ 15.91 Who presides.

A hearing officer shall preside over all proceedings held under this part. The hearing officer shall be a hearing examiner qualified under section 11 of the Administrative Procedure Act (5 U.S.C. 1001 et seq.), and designated to hold hearings under the regulations in this subpart or any person authorized to hold a hearing and make a final decision. The hearing officer will serve until he has made an initial decision, certified the record to the Secretary, or made a final decision if so authorized.

§ 15.92 Designation of hearing officer.

Unless otherwise provided by an order of the Secretary at the time the notice of alleged noncompliance provided in § 15.81 is filed with the Office of the Hearing Clerk, the hearing shall be held before a hearing examiner, who shall be appointed by the Chief Hearing Examiner, Office of Hearing Examiners within five days after the filing of such notice. Unless otherwise provided, the hearing examiner shall certify the entire record with his recommended findings and proposed decision to the Secretary for final decision.

§ 15.93 Time and place of hearing.

When a notice of hearing is sent to an applicant or recipient, the time and place of hearing shall be fixed by the Secretary, and when the applicant or recipient requests a hearing, the time and place shall be set by the hearing officer and in either case in conformity with § 15.9(b). The complainant, if any, shall be advised of the time and place of the hearing.

§ 15.94 Disability of hearing officer.

In the case of death, illness, disqualification, or unavailability of the designated hearing officer, another hearing officer may be designated by the Secretary to take his place. If such death, illness, disqualification or unavailability occurs during the course of a hearing, the hearing will be either continued under a substitute hearing officer, or terminated and tried de novo in the discretion of the Secretary. In the absence of the designated hearing officer any hearing examiner may rule on motions and other interlocutory papers.

§ 15.95 Responsibilities and duties of hearing officer.

The hearing officer shall have the duty to conduct a fair hearing, to take all necessary action to avoid delay, and to maintain order. He shall have all powers necessary to these ends, including (but not limited to) the power to:

(a) Arrange and issue notice of the date, time and place of hearings, or, upon due notice to the parties, to change the date, time and place of hearings previously set.

(b) Hold conferences to settle, simplify, or fix the issues in a proceeding, or to consider other matters that may aid in the expeditious disposition of the proceeding.

(c) Require parties and interveners to state their position with respect to the various issues in the proceeding.

(d) Administer oaths and affirmations.

(e) Rule on motions, and other procedural items on matters pending before him.

(f) Regulate the course of the hearing and conduct of parties therein.

(g) Examine witnesses and direct witnesses to testify.

(h) Receive, rule on, exclude or limit evidence.

(i) Fix the time for filing motions, petitions, briefs, or other items in matters pending before him.

(j) In accordance with his authority issue an initial decision, or recommended findings and proposed decision, or final decision.

(k) Take any other action a hearing officer is authorized to take under these rules or Subpart A of this part.

MOTIONS

§ 15.101 Form and content.

(a) *General.* Motions shall state the relief sought and the authority relied upon. If made before or after the hearing, the motion shall be in writing and filed with the hearing clerk with a copy to all parties. If made at the hearing, they should be stated orally but the hearing officer may require that any motion be reduced to writing and filed and served on all parties in the same manner as a formal motion.

(b) *Extension of time or postponement.* A request for an extention of time should be filed and served on all parties and should set forth the reasons for the request and may be granted upon a showing of good cause. Answers to such requests are permitted, if made promptly.

§ 15.102 Responses to motions.

Within 8 days or such reasonable time as may be fixed by the hearing officer, or Secretary, if the motion is properly addressed to him, any party may file a response to the motion, unless the motion is made at a hearing in which case an immediate response may be required. The hearing officer may dispose of motions at a prehearing conference.

§ 15.103 Disposition of motions.

The hearing officer may not sustain or grant a motion prior to expiration of the time for filing responses thereto, but may overrule or deny such motion without waiting on a response: *Provided, however,* That prehearing conferences, hearings, and decisions need not be delayed pending disposition of motions. Oral motions may be ruled on immediately. Motions submitted to the hearing officer not disposed of in separate rulings or in his decision will be deemed denied. Oral argument shall not be held on written motions unless expressly ordered. Interlocutory appeals from rulings on motions shall be governed by § 15.123.

HEARING PROCEDURES

§ 15.110 Prehearing conferences.

(a) In any case in which it appears that such procedure will expedite the proceeding, the hearing officer may, prior to the commencement of the hearing, request the parties to meet with him or to correspond with him regarding any of the following:

(1) Simplification and clarification of the issues;

(2) Necessity or desirability of amendments to the pleadings;

(3) Stipulations, admissions of fact and of the contents and authenticity of documents;

(4) Matters of which official notice will be taken;

(5) Limitation of the number of experts or other witnesses;

(6) Disposal of all motions; and

(7) Such other matters as may expedite and aid in the disposition of the proceeding.

(b) The hearing officer shall enter in the record a written summary of the results of the conference or correspondence with the parties.

§ 15.111 Purpose of hearing.

(a) The hearing is directed to receiving factual evidence and expert opinion testimony related to the issues in the proceeding. Argument will not be received in evidence; rather it should be presented in statements, memoranda or briefs, as determined by the hearing officer. Brief opening statements, which shall be limited to a statement of the party's position and what he intends to prove, may also be made at hearings.

(b) Hearings for the reception of evidence will be held only in cases where issues of fact must be resolved in order to determine whether the respondent has failed to comply with one or more applicable requirements of Subpart A of this part. In any case where it appears from the answer of the applicant or recipient to the notice of hearing or notice of opportunity to request a hearing, from his failure timely to answer, or from his admissions or stipulations in the record, that there are no matters of material fact in dispute, the hearing officer may enter an order so finding, and fixing the time for the submission of evidence by the Government for the record. Thereafter, the proceedings shall go to conclusion in accordance with Subpart A of this part and the rules of this subpart. An appeal from such order may be allowed in accordance with the rules for interlocutory appeal in § 15.123.

§ 15.112 Statement of position and brief.

The hearing officer may require all parties and any intervener to file a written statement of position or brief prior to the beginning of a hearing.

§ 15.113 Testimony.

Testimony shall be given orally under oath or affirmation by witnesses at the hearing, but the hearing officer, in his discretion, may require or permit that the testimony of any witness be prepared in writing and served on all parties in advance of the hearing. Such testimony may be adopted by the witness at the hearing and filed as part of the record thereof. Unless authorized by the hearing officer, witnesses will not be per-

mitted to read prepared testimony into the record. Except as provided in §§ 15.115 and 15.116, witnesses shall be available at the hearing for cross-examination.

Proposed exhibits shall be exchanged either at a prehearing conference, or otherwise prior to the hearing. Proposed exhibits not so exchanged may be denied admission as evidence unless good cause is shown why they were not exchanged. The authenticity of all proposed exhibits exchanged prior to hearing will be deemed admitted unless written objection thereto is filed prior to the hearing or unless good cause is shown at the hearing for failure to file such written objection.

§ 15.115 Affidavits.

An affidavit, intended to be used as evidence without cross-examination of the affiant, will be filed and served on the parties at least 15 days prior to the hearing; and not less than seven days prior to hearing a party may file and serve written objections to any affidavit on the ground that he believes it necessary to test the truth of assertions therein by cross-examination. In such event, the affidavit objected to will not be received in evidence unless the affiant is made available for cross-examination at the hearing or otherwise as prescribed by the hearing officer. In absence of an objection being filed within the time specified, such affidavit will be received in evidence.

§ 15.116 Depositions.

Upon such terms as may be just, the hearing officer, in his discretion, may authorize the testimony of any witness to be taken by deposition.

§ 15.117 Evidence.

Irrelevant, immaterial, unreliable, and unduly repetitious evidence will be excluded, and technical rules of evidence shall not apply but rules or principles designed to assure the most credible evidence available and to subject testimony to test by cross-examination shall apply.

§ 15.118 Cross-examination.

Cross-examination will be limited to the scope of direct examination and matters at issue in the hearing.

§ 15.119 Objections.

Objections to evidence shall be timely and briefly state the ground relied upon. The ruling of the hearing officer will be part of the record. Argument in support of the objection will not be part of the record.

§ 15.120 Exceptions to rulings of hearing officer unnecessary.

Exceptions to rulings of the hearing officer are unnecessary. It is sufficient that a party, at the time the ruling of the hearing officer is sought, makes known the action which he desires the hearing officer to take, or his objection to an action taken, and his grounds therefor.

§ 15.121 Official notice.

A public document, or part thereof, such as an official report decision, opinion, or published scientific or economic statistical data issued by any branch of the Federal or a State Government which has been shown to be reasonably available to the public, may be offered for official notice and accepted in the record without further proof of authenticity. Where official notice is to be taken, any party, on timely request, shall have an opportunity to show the contrary.

§ 15.122 Offer of proof.

An offer of proof made in connection with an objection taken to any ruling of the hearing officer rejecting or excluding proposed oral testimony shall consist of a statement for the record of the substance of the evidence which counsel contends would be adduced by such testimony; and, if the excluded evidence consists of evidence in documentary or written form or of reference to documents or records, a copy of such evidence shall be marked for identification and shall accompany the record as an offer of proof.

§ 15.123 Appeals from ruling of hearing officer.

A ruling of the hearing officer may not be appealed to the Secretary prior to consideration of the entire proceeding by the hearing officer except with the consent of the hearing officer and where he certifies on the record or in writing that the allowance of an interlocutory appeal is clearly necessary to prevent exceptional delay, expense, or prejudice to any party or substantial detriment to the public interest. If an appeal is allowed, any party may file a brief with the Secretary within such period as the hearing officer directs. Oral argument will be heard in the discretion of the Secretary.

THE RECORD

§ 15.131 Official transcript.

The hearing clerk will designate the official reporter for all hearings. The official transcript of testimony taken, together with any affidavits, exhibits, depositions, briefs, or memoranda of law shall be filed with the hearing clerk. Transcripts of testimony in hearings will be supplied by the official reporter to the parties and to the public at rates not to exceed the maximum rates fixed by the contract between the Department and the reporter. Upon notice to all parties, the hearing officer may authorize corrections to the transcript which involve matters of substance.

§ 15.132 Record for decision.

The transcript of testimony, exhibits, affidavits, depositions, briefs, memoranda of law, and all pleadings, motions, papers, and requests filed in the proceeding, except the correspondence section of the docket, including rulings, and any recommended findings and proposed decision, or initial decision shall constitute the exclusive record for final decision.

POSTHEARING PROCEDURES

§ 15.135 Posthearing briefs.

The hearing officer shall fix a reasonable time for filing posthearing briefs, which may contain proposed findings of fact and conclusions of law, and, if permitted, reply briefs. Briefs should include a summary of the evidence relied upon together with references to exhibit numbers and pages of the transcript, with citations of the authorities relied upon. Briefs shall be filed in the Office of the Hearing Clerk with a copy to all parties.

§ 15.136 Decisions and notices.

When the time for submission of posthearing briefs has expired the hearing officer shall either make an initial decision or final decision, if so authorized, or certify the entire record including his recommended findings and proposed decision to the Secretary for a final decision and a copy of such initial, or final decision or certification shall be mailed to the applicant or recipient and other parties by the hearing clerk.

§ 15.137 Exceptions to initial or proposed decision.

Within 30 days of the mailing of such notice of initial or recommended findings and proposed decision, the applicant or recipient and other parties may file with the hearing clerk for consideration by the Secretary exceptions to the initial or recommended findings and proposed decision, with reasons therefor. Each party will be given reasonable opportunity to file briefs or other written statements of contentions in which the party may request that the decision be modified, reversed, affirmed or adopted.

§ 15.138 Review of initial decision.

In the absence of exceptions to an initial decision, the Secretary may on his own motion within 45 days after an initial decision serve upon the parties a notice that he will review the decision and will give the parties reasonable opportunity to file briefs or other written statements of contentions. At the expiration of said time for filing briefs, the Secretary will review the initial decision and issue a final decision thereon. In the absence of either exceptions to an initial decision or a notice or review, the initial decision shall constitute the final decision of the Secretary.

§ 15.139 Oral argument.

If any party desires to argue orally before the Secretary on the review of recommended findings and proposed decision, or an initial decision, he shall so state at the time he files his exceptions or brief. The Secretary may grant such request in his discretion. If granted, he will serve notice of oral argument on all parties and will set forth the order of presentation and the amount of time allotted, and the time and place of argument.

§ 15.140 Service of decisions.

All final decisions shall be promptly served on all parties and the complainant.

§ 15.141 Contents of decision.

Each decision of a hearing officer shall set forth his ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to the regulations in this part with which it is found that the applicant or recipient has failed to comply.

§ 15.142 Content of orders.

The final decision may provide for suspension or termination of, or refusal to grant or continue Federal financial assistance, in whole or in part, under the program involved, and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act and the regulations in this part, including provisions designed to assure that no Federal financial assistance will thereafter be extended under such program to the applicant or recipient determined by such decision to be in default in its performance of an assurance given by it pursuant to the regulations in this part, or to have otherwise failed to comply with the regulations in this part, unless and until it corrects its noncompliance and satisfies the Agency that it will fully comply with the regulations in this part.

§ 15.143 Decision where financial assistance affected.

The Secretary shall make any final decision which provides for the suspension or termination of, or the refusal to grant or continue Federal financial assistance, or the imposition of any other sanction available under the regulations in this part or the Act.

Effective date. This subpart shall become effective upon publication in the FEDERAL REGISTER.

Dated: November 12, 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-12313; Filed, Nov. 16, 1965; 8:48 a.m.]

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

Subpart—United States Standards for Grades of Okra for Processing [1]

On May 14, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 6658) regarding the issuance of U.S. Standards for Grades of Okra for Processing. (7 CFR, §§ 51.3635–51.3652).

Statement of considerations leading to the issuance of the grade standards. Following publication of the proposed standards, copies were circulated to individual companies and organizations believed to be interested in the standards. Only a few comments were received, and none of these objected to the proposal.

Two changes were recommended and have been made. The definition of "well trimmed" has been changed to require that the stem be cut off at a point not more than one-fourth inch below the cap scar, instead of one-half inch below the scar as first proposed. This change was made because some contracts for purchasing okra are based upon field trimming to one-fourth inch of stem or less, and this same degree of trimming is required by the standards for processed okra.

Changing of the definition of well trimmed would affect the application of the standards only in cases in which the term "well trimmed" was specified in connection with U.S. No. 1 Grade. Otherwise, the No. 1 Grade requirement would be "fairly well trimmed."

Also a provision has been added to the U.S. No. 1 Grade which would permit the inclusion of poorly trimmed okra in that grade if so specified and agreed to by the contracting parties.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following U.S. Standards for Grades of Okra for Processing are hereby promulgated pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

GENERAL

Sec.
51.3635 Application.

GRADES

51.3636 U.S. No. 1.
51.3637 U.S. No. 2.

CULLS

51.3638 Culls.

SIZE CLASSIFICATIONS

51.3639 Size classifications.

DEFINITIONS

51.3640 Similar varietal characteristics.
51.3641 Fresh.
51.3642 Tender.
51.3643 Fairly well colored.
51.3644 Fairly well formed.
51.3645 Worm hole.
51.3646 Damage.
51.3647 Fairly well trimmed.
51.3648 Well trimmed.
51.3649 Pale green.
51.3650 Moderately misshapen.
51.3651 Poorly trimmed.
51.3652 Length.

AUTHORITY: The provisions of this subpart issued under secs. 203, 205, 60 Stat. 1087, as amended, 1090, as amended; 7 U.S.C. 1622, 1624.

GENERAL

§ 51.3635 Application.

These standards are intended to apply only to seed pods of the okra plant (Hibiscus esculentus) delivered to a freezing or canning plant for processing purposes. They may be used as a basis for grading the quality of lots of okra for the purpose of more equitable pricing. It is assumed that a schedule of prices will be established to be paid by the pound for each quality and size of okra to be purchased by the processor. The percentage of each quality and size okra in the lot may be approximately determined by analyzing a representative sample or samples drawn from the lot. The price of the load can be calculated from the number of pounds and the established price of each quality and size.

GRADES

§ 51.3636 U.S. No. 1.

"U.S. No. 1" consists of pods of okra of similar varietal characteristics which are fresh, tender, fairly well colored, fairly well formed, free from decay and worm holes, and free from damage caused by scars, bruises, cuts, punctures, insects, discoloration, dirt or other foreign material or other means. Pods in this grade are at least fairly well trimmed, unless specified as well trimmed or poorly trimmed. (See Size, § 51.3639.)

§ 51.3637 U.S. No. 2.

"U.S. No. 2" consists of pods of okra which meet the requirements of U.S. No. 1 grade except those for color, shape and trim. Okra in this grade may be pale green in color, moderately misshapen and poorly trimmed. (See Size, § 51.3639.)

CULLS

§ 51.3638 Culls.

"Culls" consists of pods of okra which fail to meet the requirements of either of the foregoing grades, and any extraneous material in the lot.

SIZE CLASSIFICATIONS

§ 51.3639 Size classifications.

Okra may be classified as to size in connection with the grade into two or more groups on the basis of specified lengths in inches, or on the basis of the following size classifications:

(a) "Very small" includes pods of okra less than 1¾ inches in length.

(b) "Small" ("baby") includes pods of okra not less than 1¾ inches or more than 3½ inches in length.

(c) "Medium" includes pods of okra more than 3½ inches in length and, unless otherwise specified, not more than 5 inches in length.

(d) "Large," unless otherwise specified, includes pods of okra more than 5 inches in length.

DEFINITIONS

§ 51.3640 Similar varietal characteristics.

"Similar varietal characteristics" means that the pod is of the same type and closely similar in appearance to the rest of the pods in the lot.

§ 51.3641 Fresh.

"Fresh" means that the pod is not appreciably wilted or flabby.

§ 51.3642 Tender.

"Tender" means that the pod is succulent and reasonably free from fiber. The tip will break fairly easily and cleanly when bent back, and flesh of the

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

central portion of the pod can be cut crosswise with a sharp knife using very little pressure.

§ 51.3643 Fairly well colored.

"Fairly well colored" means that the pod of a green variety has a good green color or is at least light green with no yellowish cast.

§ 51.3644 Fairly well formed.

"Fairly well formed" means that the pod is not more than slightly curved, crooked or otherwise not more than slightly deformed.

§ 51.3645 Worm hole.

"Worm hole" means a hole caused by an insect penetrating the wall of the pod.

§ 51.3646 Damage.

"Damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, or any other defect, or any combination of defects which materially detracts from the edible or processing quality of the pod. The following specific defects shall be considered as damage:

(a) Scars or bruises which will materially detract from the appearance of the pod after processing;

(b) Cuts or punctures which penetrate the wall of the pod.

(c) Insects when the insect is present inside the pod, or when the action of insects has distinctly affected the appearance of the pod;

(d) Discoloration which will materially detract from the appearance of the pod after processing; and,

(e) Dirt or other foreign material which is so firmly attached to the pod that it cannot be removed by the usual processing plant washing.

§ 51.3647 Fairly well trimmed.

"Fairly well trimmed" means that the stem has been broken or cut off at a point not more than three-fourths inch below the cap scar at the base of the pod, and that the open seed cavities have not been exposed by excessively high trimming.

§ 51.3648 Well trimmed.

"Well trimmed" means that the stem has been neatly cut off at a point not more than one-fourth inch below the cap scar at the base of the pod, and that the open seed cavities have not been exposed by excessively high trimming.

§ 51.3649 Pale green.

"Pale green" means that the pod of a green variety has a tinge of green predominating over most or all of its surface, and not more than one-tenth of its surface shows a yellowish cast.

§ 51.3650 Moderately misshapen.

"Moderately misshapen" means that the pod is not badly curved, crooked or otherwise badly misshapen.

§ 51.3651 Poorly trimmed.

"Poorly trimmed" means that the stem has been broken or cut off at a point more than three-fourths inch below the cap scar at the base of the pod, or that the open seed cavities have been exposed by excessively high trimming.

§ 51.3652 Length.

"Length" means the dimension of the pod measured from the cap scar at the base to the tip end of the pod.

The U.S. Standards for Grades of Okra for Processing contained in this subpart shall become effective December 15, 1965.

Dated: November 10, 1965.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 65-12307; Filed, Nov. 16, 1965; 8:48 a.m.]

PART 53—LIVESTOCK, MEATS, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS)

Fees for Grading Service

Pursuant to the authority of sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624), the provisions of 7 CFR 53.29(a) prescribing fees in connection with the performance of Federal meat grading services are hereby amended by changing the phrase "$7.40 per hour" to "$7.80 per hour."

The Agricultural Marketing Act of 1946 provides for the collection of fees equal as nearly as may be to the cost of the services, such as Federal meat grading services, rendered under its provisions. The Federal Employees Salary Act of 1965 (Public Law 89-301) has required increases in the salaries paid to Federal employees engaged in the performance of Federal meat grading services. It has been determined that in order to cover the increased costs of the services due to these salary changes, the hourly fee charges in connection with the performance of the services must be increased as soon as practicable as provided for herein. The need for the increase and the amount thereof are dependent upon facts within the knowledge of the Consumer and Marketing Service. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found that notice and other public procedure with respect to this amendment are impracticable and unnecessary and good cause is found for making the amendment effective less than 30 days after its publication in the FEDERAL REGISTER.

This amendment shall become effective November 21, 1965, with respect to all Federal meat grading services rendered on and after that date, including service under weekly grading contracts whether heretofore or hereafter made.

(Secs. 303, 205, 60 Stat. 1087, 1090, 7 U.S.C. 1622, 1624)

Done at Washington, D.C., this 12th day of November, 1965.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 65-12334; Filed, Nov. 16, 1965; 8:50 a.m.]

Chapter II—Consumer and Marketing Service (School Lunch Program), Department of Agriculture

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Appendix—Apportionment of Food Assistance Funds Pursuant to National School Lunch Act Fiscal Year 1966

Pursuant to section 4 of the National School Lunch Act, as amended, food assistance funds available for the fiscal year ending June 30, 1966, are apportioned among the States as follows:

State	Total apportionment	State agency	Withheld for private schools
Alabama	$4,500,411	$4,378,464	$121,947
Alaska	135,212	135,212	
Arizona	1,184,177	1,129,660	54,517
Arkansas	2,535,005	2,456,954	78,051
California	5,765,232	5,765,232	
Colorado	1,350,247	1,250,845	99,402
Connecticut	1,209,423	1,209,423	
Delaware	296,377	292,999	3,378
District of Columbia	172,513	172,513	
Florida	5,266,592	5,144,061	127,531
Georgia	6,026,441	6,026,441	
Guam	90,067	50,985	39,082
Hawaii	916,552	858,437	58,115
Idaho	679,176	657,805	21,571
Illinois	4,191,536	4,191,536	
Indiana	3,146,479	3,146,479	
Iowa	2,662,090	2,332,530	329,470
Kansas	1,711,403	1,711,403	
Kentucky	4,458,204	4,458,204	
Louisiana	6,266,186	6,266,186	
Maine	735,891	646,706	89,185
Maryland	1,843,760	1,771,831	71,929
Massachusetts	3,003,507	3,003,507	
Michigan	3,456,573	3,064,010	392,563
Minnesota	3,226,583	2,799,990	426,593
Mississippi	3,933,833	3,933,833	
Missouri	3,210,814	3,210,814	
Montana	437,561	409,054	28,507
Nebraska	1,052,692	881,732	170,960
Nevada	119,554	118,442	1,112
New Hampshire	383,423	383,423	
New Jersey	1,804,795	1,555,949	248,846
New Mexico	1,004,790	1,004,790	
New York	8,683,093	8,683,093	
North Carolina	6,839,873	6,839,873	
North Dakota	704,672	621,306	83,366
Ohio	5,549,681	4,929,052	620,629
Oklahoma	1,978,902	1,978,902	
Oregon	1,277,750	1,277,750	
Pennsylvania	5,673,447	4,939,613	733,834
Puerto Rico	3,613,983	3,613,983	
Rhode Island	252,701	252,701	
South Carolina	4,094,540	4,043,457	51,083
South Dakota	570,153	570,153	
Tennessee	4,333,080	4,249,365	83,715
Texas	6,497,923	6,223,909	274,014
Utah	1,074,059	1,069,706	4,353
Vermont	244,858	244,858	
Virginia	3,965,481	3,885,038	80,443
Virgin Islands	102,995	102,995	
Washington	1,788,195	1,732,795	55,400
West Virginia	1,719,356	1,679,673	39,683
Wisconsin	2,997,766	2,061,850	545,916
Wyoming	215,483	215,483	
American Samoa	25,000	25,000	
Total	138,590,000	133,659,805	4,930,195

(Secs. 2-12, 60 Stat. 230-233, as amended, 76 Stat. 944; 42 U.S.C. 1751-1760)

Dated: November 12, 1965.

S. R. SMITH,
Administrator,
Consumer and Marketing Service.

[F.R. Doc. 65-12335; Filed, Nov. 16, 1965; 8:50 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 84, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of Navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1), (i), (iii) and (iv) of § 907.384 (Navel Orange Regulation 84, 30 F.R. 14040) are hereby amended to read as follows:

§ 907.384 Navel Orange Regulation 84.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: Unlimited movement;

* * * * *

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

* * * * *

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 10, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-12308; Filed, Nov. 16, 1965; 8:48 a.m.]

[Grapefruit Reg. 7, Amdt. 9]

PART 944—FRUITS; IMPORT REGULATIONS

Grapefruit

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), the provisions of paragraph (a) of Grapefruit Regulation 7 (§ 944.103, 29 F.R. 12762, 13603, 30 F.R. 257, 754, 4055, 5359, 6065, 6638, 11713) are hereby amended to read as follows:

§ 944.103 Grapefruit Regulation 7.

(a) On and after 12:01 a.m., e.s.t., November 15, 1965, the importation of any grapefruit into the United States is prohibited unless such grapefruit are inspected and meet the following applicable requirements:

(1) Seeded grapefruit shall grade at least U.S. No. 1 Golden and be of a size not smaller than $3^{15}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Grapefruit; or

(2) Seedless grapefruit shall (i) grade at least U.S. No. 1 Golden: *Provided,* That such grapefruit which grade U.S. No. 2 or U.S. No. 2 Bright may be imported if such grapefruit meet the requirements as to form (shape) and color specified for the U.S. No. 1 grade, and (ii) be of a size not smaller than $3^{9}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the U.S. Standards for Florida Grapefruit.

* * * * *

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 1001-1011) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), which makes such regulation mandatory; (b) such regulation imposes the same restrictions on imports of all grapefruit as the grade and size restrictions being made applicable to the shipment of all grapefruit grown in Florida under Grapefruit Regulation 59 (§ 905.472); (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this regulation relieves restrictions on the importation of grapefruit.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated, November 10, 1965, to become effective at 12:01 a.m., e.s.t., November 15, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-12311; Filed, Nov. 16, 1965; 8:48 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

[C.C.C. Grain Price Support Regs.; 1965-Crop Corn Supp., Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1965-Crop Corn Loan and Purchase Program

SUPPORT RATES

Section 1421.2352 of the regulations issued by the Commodity Credit Corporation (30 F.R. 10836) with respect to price support loan and purchase operations for the 1965-crop of corn is hereby amended (1) to provide for the basic county support rates and premiums and discounts applicable to loans, purchases and settlements thereon and (2) to read as follows:

§ 1421.2352 Support rates.

(a) *Determination of rates.* The support rate to be used to make a loan, and to settle a loan and a purchase, shall be the applicable basic county support rate established for the county in which the corn covered by the loan or purchase was produced. A farm storage loan shall be made at the basic county support rate adjusted only by the weed control discount, if applicable. A warehouse storage loan, a farm storage loan settlement and a purchase shall be made at the basic county support rate adjusted by the applicable premiums and discounts prescribed in paragraph (b) of this section. Basic county support rates per bushel for corn grading No. 3 except for moisture, or No. 4 on the factor of test weight only but otherwise grading No. 3 or better except for moisture, and the schedule of premiums and discounts are set forth in paragraphs (b) and (c) of this section.

(b) *Schedule of premiums and discounts.* (1) Premiums:

	Cents per bushel
Grade No. 2 or better	1
Broken corn and foreign material (percent) 2.0 or less	1
Moisture content (percent) 14.0 or less	1

(2) Discounts:

Weevily	2
Mixed	2
Weed control laws (see § 1421.74)	10
Other—Such other discounts not covered above as may be established by CCC for settlement of loans and purchases to reflect values of corn acquired by CCC.	

(c) *Basic county support rates.*

County	Rate per bushel
ALABAMA	
All counties	$1.19
ARIZONA	
All counties	$1.23
ARKANSAS	
All counties	$1.14
CALIFORNIA	
All counties	$1.23

COLORADO

County	Rate per bushel	County	Rate per bushel
Adams	$1.11	Larimer	$1.10
Alamosa	1.15	Las Animas	1.13
Arapahoe	1.12	Lincoln	1.11
Archuleta	1.17	Logan	1.08
Baca	1.12	Mesa	1.20
Bent	1.12	Moffat	1.20
Boulder	1.11	Montezuma	1.22
Cheyenne	1.10	Montrose	1.20
Conejos	1.15	Morgan	1.09
Costilla	1.15	Otero	1.13
Crowley	1.12	Ouray	1.22
Custer	1.14	Phillips	1.08
Delta	1.20	Pitkin	1.18
Dolores	1.22	Prowers	1.11
Douglas	1.13	Pueblo	1.13
Elbert	1.12	Rio Blanco	1.20
El Paso	1.13	Rio Grande	1.18
Fremont	1.14	Routt	1.17
Garfield	1.20	Saguache	1.16
Grand	1.14	San Miguel	1.22
Huerfano	1.14	Sedgwick	1.08
Jefferson	1.13	Washington	1.09
Kiowa	1.11	Weld	1.09
Kit Carson	1.09	Yuma	1.08
La Plata	1.19		

County	Rate per bushel
CONNECTICUT	
All counties	$1.28
DELAWARE	
All counties	$1.22
FLORIDA	
All counties	$1.20
GEORGIA	
All counties	$1.20
IDAHO	
All counties	$1.18

ILLINOIS

County	Rate per bushel	County	Rate per bushel
Adams	$1.05	Edwards	$1.08
Alexander	1.09	Effingham	1.07
Bond	1.07	Fayette	1.07
Boone	1.06	Ford	1.05
Brown	1.06	Franklin	1.08
Bureau	1.06	Fulton	1.06
Calhoun	1.06	Gallatin	1.09
Carroll	1.04	Greene	1.07
Cass	1.07	Grundy	1.06
Champaign	1.05	Hamilton	1.08
Christian	1.07	Hancock	1.04
Clark	1.06	Hardin	1.09
Clay	1.07	Henderson	1.04
Clinton	1.07	Henry	1.06
Coles	1.05	Iroquois	1.06
Cook	1.07	Jackson	1.08
Crawford	1.07	Jasper	1.07
Cumberland	1.06	Jefferson	1.07
De Kalb	1.06	Jersey	1.07
De Witt	1.06	Jo Daviess	1.04
Douglas	1.05	Johnson	1.06
Du Page	1.07	Kane	1.07
Edgar	1.05	Kankakee	1.06
Kendall	$1.06	Pike	$1.06
Knox	1.06	Pope	1.09
Lake	1.07	Pulaski	1.09
La Salle	1.06	Putnam	1.07
Lawrence	1.08	Randolph	1.08
Lee	1.06	Richland	1.08
Livingston	1.06	Rock Island	1.04
Logan	1.07	St. Clair	1.08
McDonough	1.05	Saline	1.08
McHenry	1.06	Sangamon	1.07
McLean	1.06	Schuyler	1.06
Macon	1.06	Scott	1.07
Macoupin	1.07	Shelby	1.06
Madison	1.07	Stark	1.06
Marion	1.07	Stephenson	1.05
Marshall	1.07	Tazewell	1.07
Mason	1.07	Union	1.08
Massac	1.09	Vermilion	1.05
Menard	1.07	Wabash	1.08
Mercer	1.04	Warren	1.05
Monroe	1.08	Washington	1.08
Montgomery	1.07	Wayne	1.07
Morgan	1.07	White	1.08
Moultrie	1.05	Whiteside	1.04
Ogle	1.05	Will	1.07
Peoria	1.06	Williamson	1.08
Perry	1.08	Winnebago	1.05
Piatt	1.05	Woodford	1.07

INDIANA

County	Rate per bushel	County	Rate per bushel
Adams	$1.06	Lawrence	$1.08
Allen	1.06	Madison	1.06
Bartholomew	1.08	Marion	1.08
Benton	1.06	Marshall	1.06
Blackford	1.06	Martin	1.08
Boone	1.06	Miami	1.08
Brown	1.07	Monroe	1.07
Carroll	1.06	Montgomery	1.05
Cass	1.06	Morgan	1.06
Clark	1.09	Newton	1.06
Clay	1.06	Noble	1.06
Clinton	1.06	Ohio	1.09
Crawford	1.09	Orange	1.08
Daviess	1.08	Owen	1.06
Dearborn	1.09	Parke	1.05
Decatur	1.08	Perry	1.09
De Kalb	1.06	Pike	1.08
Delaware	1.06	Porter	1.06
Dubois	1.08	Posey	1.09
Elkhart	1.06	Pulaski	1.06
Fayette	1.07	Putnam	1.06
Floyd	1.09	Randolph	1.06
Fountain	1.05	Ripley	1.08
Franklin	1.08	Rush	1.07
Fulton	1.06	St. Joseph	1.06
Gibson	1.09	Scott	1.09
Grant	1.06	Shelby	1.07
Greene	1.07	Spencer	1.09
Hamilton	1.06	Starke	1.06
Hancock	1.06	Steuben	1.06
Harrison	1.09	Sullivan	1.07
Hendricks	1.06	Switzerland	1.09
Henry	1.06	Tippecanoe	1.05
Howard	1.06	Tipton	1.06
Huntington	1.06	Union	1.07
Jackson	1.08	Vanderburgh	1.09
Jasper	1.06	Vermillion	1.05
Jay	1.06	Vigo	1.06
Jefferson	1.09	Wabash	1.06
Jennings	1.08	Warren	1.05
Johnson	1.06	Warrick	1.09
Knox	1.08	Washington	1.09
Kosciusko	1.06	Wayne	1.06
LaGrange	1.06	Wells	1.06
Lake	1.06	White	1.06
La Porte	1.06	Whitley	1.06

IOWA

County	Rate per bushel	County	Rate per bushel
Adair	$1.01	Boone	$0.99
Adams	1.02	Bremer	.99
Allamakee	1.00	Buchanan	1.01
Appanoose	1.03	Buena Vista	.97
Audubon	1.00	Butler	.99
Benton	1.02	Calhoun	.98
Black Hawk	1.00	Carroll	.99
Cass	$1.01	Lucas	$1.04
Cedar	1.04	Lyon	1.02
Cerro Gordo	.97	Madison	.96
Cherokee	.98	Mahaska	1.01
Chickasaw	.99	Marion	1.00
Clarke	1.02	Marshall	1.01
Clay	.97	Mills	.99
Clayton	1.01	Mitchell	1.02
Clinton	1.04	Monona	.97
Crawford	.99	Monroe	1.00
Dallas	1.00	Montgomery	1.02
Davis	1.03	Muscatine	1.02
Decatur	1.02	O'Brien	1.04
Delaware	1.02	Osceola	.97
Des Moines	1.04	Page	.96
Dickinson	.96	Palo Alto	1.02
Dubuque	1.03	Plymouth	.97
Emmet	.96	Pocahontas	.98
Fayette	1.01	Polk	.97
Floyd	.98	Pottawattamie	1.00
Franklin	.98	Poweshiek	1.02
Fremont	1.02	Ringgold	1.00
Greene	.99	Sac	1.02
Grundy	.99	Scott	.98
Guthrie	1.00	Shelby	1.04
Hamilton	.98	Sioux	1.00
Hancock	.97	Story	.97
Hardin	.99	Tama	.99
Harrison	1.01	Taylor	1.00
Henry	1.04	Union	1.02
Howard	.99	Van Buren	1.02
Humboldt	.97	Wapello	1.03
Ida	.98	Warren	1.02
Iowa	1.02	Washington	1.01
Jackson	1.04	Wayne	1.03
Jasper	1.00	Webster	1.02
Jefferson	1.03	Winnebago	1.03
Johnson	1.03	Winneshiek	.97
Jones	1.03	Woodbury	1.00
Keokuk	1.02	Worth	.98
Kossuth	.97	Wright	.97
Lee	1.04		
Linn	1.02		

KANSAS

County	Rate per bushel	County	Rate per bushel
Allen	$1.09	Haskell	$1.09
Anderson	1.08	Hodgeman	1.09
Atchison	1.06	Jackson	1.05
Barber	1.10	Jefferson	1.06
Barton	1.07	Jewell	1.02
Bourbon	1.09	Johnson	1.07
Brown	1.04	Kearny	1.09
Butler	1.08	Kingman	1.09
Chase	1.06	Kiowa	1.09
Chautauqua	1.11	Labette	1.11
Cherokee	1.11	Lane	1.09
Cheyenne	1.06	Leavenworth	1.07
Clark	1.10	Lincoln	1.05
Clay	1.03	Linn	1.09
Cloud	1.03	Logan	1.08
Coffey	1.08	Lyon	1.06
Comanche	1.10	McPherson	1.06
Cowley	1.10	Marion	1.06
Crawford	1.11	Marshall	1.03
Decatur	1.05	Meade	1.10
Dickinson	1.05	Miami	1.08
Doniphan	1.05	Mitchell	1.04
Douglas	1.06	Montgomery	1.11
Edwards	1.08	Morris	1.06
Elk	1.10	Morton	1.10
Ellis	1.06	Nemaha	1.04
Ellsworth	1.06	Neosho	1.10
Finney	1.09	Ness	1.09
Ford	1.09	Norton	1.04
Franklin	1.07	Osage	1.06
Geary	1.05	Osborne	1.04
Gove	1.08	Ottawa	1.04
Graham	1.05	Pawnee	1.08
Grant	1.09	Phillips	1.03
Gray	1.09	Pottawatomie	1.04
Greeley	1.09	Pratt	1.09
Greenwood	1.08	Rawlins	1.06
Hamilton	1.09	Reno	1.08
Harper	1.10	Republic	1.02
Harvey	1.08	Rice	1.07
Riley	$1.03	Stanton	$1.09
Rooks	1.05	Stevens	1.10
Rush	1.07	Sumner	1.10
Russell	1.05	Thomas	1.07
Saline	1.05	Trego	1.08
Scott	1.09	Wabaunsee	1.05
Sedgewick	1.09	Wallace	1.08
Seward	1.10	Washington	1.03
Shawnee	1.05	Wichita	1.09
Sheridan	1.05	Wilson	1.10
Sherman	1.07	Woodson	1.09
Smith	1.02	Wyandotte	1.07
Stafford	1.08		

KENTUCKY

County	Rate per bushel	County	Rate per bushel
Adair	$1.16	Knox	$1.18
Allen	1.16	Larue	1.14
Anderson	1.15	Laurel	1.18
Ballard	1.12	Lawrence	1.17
Barren	1.15	Lee	1.18
Bath	1.17	Leslie	1.19
Bell	1.19	Letcher	1.19
Boone	1.12	Lewis	1.14
Bourbon	1.16	Lincoln	1.17
Boyd	1.16	Livingston	1.12
Boyle	1.16	Logan	1.15
Bracken	1.14	Lyon	1.14
Breathitt	1.19	McCracken	1.12
Breckenridge	1.12	McCreary	1.17
Bullitt	1.13	McLean	1.13
Butler	1.14	Madison	1.17
Caldwell	1.14	Magoffin	1.19
Calloway	1.13	Marion	1.15
Campbell	1.12	Marshall	1.13
Carlisle	1.12	Martin	1.18
Carroll	1.12	Mason	1.14
Carter	1.16	Meade	1.12
Casey	1.16	Menifee	1.17
Christian	1.15	Mercer	1.16
Clark	1.17	Metcalfe	1.16
Clay	1.18	Monroe	1.16
Clinton	1.17	Montgomery	1.17
Crittenden	1.12	Morgan	1.18
Cumberland	1.16	Muhlenburg	1.14
Daviess	1.12	Nelson	1.14
Edmonson	1.14	Nicholas	1.16
Elliott	1.17	Ohio	1.13
Estill	1.17	Oldham	1.12
Fayette	1.16	Owen	1.13
Fleming	1.15	Owsley	1.18
Floyd	1.19	Pendleton	1.13
Franklin	1.14	Perry	1.19
Fulton	1.12	Pike	1.19
Gallatin	1.12	Powell	1.17
Garrard	1.17	Pulaski	1.17
Grant	1.13	Robertson	1.15
Graves	1.12	Rockcastle	1.17
Grayson	1.13	Rowan	1.17
Green	1.16	Russell	1.17
Greenup	1.15	Scott	1.15
Hancock	1.12	Shelby	1.13
Hardin	1.13	Simpson	1.16
Harlan	1.19	Spencer	1.13
Harrison	1.15	Taylor	1.15
Hart	1.15	Todd	1.15
Henderson	1.12	Trigg	1.15
Henry	1.13	Trimble	1.12
Hickman	1.12	Union	1.12
Hopkins	1.14	Warren	1.15
Jackson	1.18	Washington	1.15
Jefferson	1.12	Wayne	1.17
Jessamine	1.17	Webster	1.13
Johnson	1.18	Whitley	1.18
Kenton	1.12	Wolfe	1.18
Knott	1.19	Woodford	1.16

LOUISIANA

All counties	$1.17

MAINE

All counties	$1.28

MARYLAND

All counties	$1.22

MASSACHUSETTS

All counties	$1.28

MICHIGAN

County	Rate per bushel	County	Rate per bushel
Allegan	$1.07	Livingston	$1.08
Barry	1.07	Macomb	1.08
Berrien	1.06	Mecosta	1.08
Branch	1.07	Midland	1.08
Calhoun	1.07	Monroe	1.08
Cass	1.06	Montcalm	1.08
Clinton	1.08	Oakland	1.08
Eaton	1.08	Saginaw	1.08
Genesee	1.08	St. Clair	1.08
Gratiot	1.08	St. Joseph	1.06
Hillsdale	1.07	Sanilac	1.08
Ingham	1.08	Shiawassee	1.08
Ionia	1.08	Tuscola	1.08
Isabella	1.08	Van Buren	1.06
Jackson	1.08	Washtenaw	1.08
Kalamazoo	1.07	Wayne	1.08
Kent	1.08	All other counties	1.09
Lapeer	1.08		
Lenawee	1.08		

MINNESOTA

County	Rate per bushel	County	Rate per bushel
Aitkin	$0.98	Marshall	$0.95
Anoka	1.00	Martin	.95
Becker	.96	Meeker	.98
Beltrami	.96	Mille Lacs	.98
Benton	.98	Morrison	.97
Big Stone	.94	Mower	.98
Blue Earth	.97	Murray	.95
Brown	.97	Nicollet	.98
Carlton	.99	Nobles	.95
Carver	.99	Norman	.95
Cass	.97	Olmsted	.99
Chippewa	.95	Otter Tail	.96
Chisago	1.00	Pennington	.95
Clay	.95	Pine	.99
Clearwater	.96	Pipestone	.95
Cook	.98	Polk	.95
Cottonwood	.96	Pope	.96
Crow Wing	.97	Ramsey	1.00
Dakota	1.00	Red Lake	.95
Dodge	.98	Redwood	.96
Douglas	.97	Renville	.97
Faribault	.95	Rice	.99
Fillmore	.99	Rock	.95
Freeborn	.97	Roseau	.95
Goodhue	1.00	St. Louis	.98
Grant	.96	Scott	.99
Hennepin	.99	Sherburne	.98
Houston	1.00	Sibley	.98
Hubbard	.96	Stearns	.98
Isanti	.99	Steele	.97
Itasca	.98	Stevens	.95
Jackson	.95	Swift	.96
Kanabec	.99	Todd	.97
Kandiyohi	.97	Traverse	.94
Kittson	.95	Wabasha	1.00
Koochiching	.98	Wadena	.97
Lac Qui Parle	.94	Waseca	.97
Lake	.98	Washington	1.01
Lake of the Woods	.96	Watonwan	.96
Le Sueur	.98	Wilkin	.95
Lincoln	.94	Winona	1.00
Lyon	.95	Wright	.98
McLeod	.98	Yellow Medicine	.95
Mahnomen	.95		

MISSISSIPPI

All counties	$1.17

MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	$1.06	Camden	$1.10
Andrew	1.05	Cape Girardeau	1.10
Atchison	1.04	Carroll	1.08
Audrain	1.08	Carter	1.11
Barry	1.11	Cass	1.08
Barton	1.10	Cedar	1.09
Bates	1.06	Chariton	1.08
Benton	1.08	Christian	1.11
Bollinger	1.10	Clark	1.05
Boone	1.08	Clay	1.08
Buchanan	1.07	Clinton	1.08
Butler	1.11	Cole	1.09
Caldwell	1.08	Cooper	1.08
Callaway	1.08	Crawford	$1.10
Dade	1.10	New Madrid	$1.11
Dallas	1.10	Newton	1.11
Daviess	1.06	Nodaway	1.04
De Kalb	1.06	Oregon	1.11
Dent	1.10	Osage	1.09
Douglas	1.11	Ozark	1.11
Dunklin	1.11	Pemiscot	1.11
Franklin	1.09	Perry	1.10
Gasconade	1.09	Pettis	1.08
Gentry	1.05	Phelps	1.10
Greene	1.10	Pike	1.07
Grundy	1.08	Platte	1.08
Harrison	1.04	Polk	1.10
Henry	1.08	Pulaski	1.10
Hickory	1.09	Putnam	1.05
Holt	1.05	Ralls	1.07
Howard	1.08	Randolph	1.08
Howell	1.11	Ray	1.08
Iron	1.10	Reynolds	1.10
Jackson	1.08	Ripley	1.11
Jasper	1.10	St. Charles	1.08
Jefferson	1.09	St. Clair	1.09
Johnson	1.08	St. Francis	1.10
Knox	1.06	St. Louis	1.09
Laclede	1.10	Ste. Genevieve	1.09
Lafayette	1.08	Saline	1.08
Lawrence	1.10	Schuyler	1.05
Lewis	1.06	Scotland	1.04
Lincoln	1.08	Scott	1.11
Linn	1.07	Shannon	1.10
Livingston	1.07	Shelby	1.07
McDonald	1.11	Stoddard	1.11
Macon	1.08	Stone	1.11
Madison	1.10	Sullivan	1.06
Maries	1.10	Taney	1.11
Marion	1.06	Texas	1.10
Mercer	1.04	Vernon	1.09
Miller	1.10	Warren	1.08
Mississippi	1.11	Washington	1.10
Moniteau	1.09	Wayne	1.10
Monroe	1.08	Webster	1.10
Montgomery	1.08	Worth	1.04
Morgan	1.09	Wright	1.10

MONTANA

All counties	$1.11

NEBRASKA

County	Rate per bushel	County	Rate per bushel
Adams	$1.00	Gosper	$1.02
Antelope	.98	Grant	1.03
Arthur	1.04	Greeley	1.00
Banner	1.07	Hall	1.00
Blaine	1.01	Hamilton	1.00
Boone	.99	Harlan	1.01
Box Butte	1.06	Hayes	1.04
Boyd	.98	Hitchcock	1.04
Brown	1.00	Holt	.99
Buffalo	1.00	Hooker	1.02
Burt	1.00	Howard	1.00
Butler	1.00	Jefferson	1.02
Cass	1.01	Johnson	1.02
Cedar	.98	Kearney	1.00
Chase	1.04	Keith	1.05
Cherry	1.02	Keya Paha	1.00
Cheyenne	1.08	Kimball	1.07
Clay	1.00	Knox	.98
Colfax	1.00	Lancaster	1.00
Cuming	.99	Lincoln	1.03
Custer	1.02	Logan	1.03
Dakota	.98	Loup	1.01
Dawes	1.06	McPherson	1.03
Dawson	1.01	Madison	.99
Deuel	1.06	Merrick	1.00
Dixon	.98	Morrill	1.07
Dodge	1.00	Nance	1.00
Douglas	1.01	Nemaha	1.02
Dundy	1.04	Nuckolls	1.01
Fillmore	1.00	Otoe	1.01
Franklin	1.00	Pawnee	1.03
Frontier	1.02	Perkins	1.04
Furnas	1.02	Phelps	1.01
Gage	1.02	Pierce	.98
Garden	1.05	Platte	1.00
Garfield	1.01	Polk	1.01

NEBRASKA—Continued

County	Rate per bushel	County	Rate per bushel
Red Willow	$1.03	Stanton	$0.99
Richardson	1.03	Thayer	1.01
Rock	1.00	Thomas	1.02
Saline	1.01	Thurston	.99
Sarpy	1.01	Valley	1.01
Saunders	1.00	Washington	1.01
Scotts Bluff	1.07	Wayne	.98
Seward	1.00	Webster	1.01
Sheridan	1.05	Wheeler	1.00
Sherman	1.01	York	1.00
Sioux	1.07		

NEVADA

All counties $1.24

NEW HAMPSHIRE

All counties $1.28

NEW JERSEY

All counties $1.24

NEW MEXICO

All counties $1.20

NEW YORK

All counties $1.23

NORTH CAROLINA

All counties $1.22

NORTH DAKOTA

All counties $0.95

OHIO

Adams	$1.12	Licking	$1.10
Allen	1.07	Logan	1.08
Ashland	1.11	Lorain	1.12
Ashtabula	1.17	Lucas	1.09
Athens	1.14	Madison	1.09
Auglaize	1.07	Mahoning	1.17
Belmont	1.16	Marion	1.09
Brown	1.12	Medina	1.12
Butler	1.08	Meigs	1.14
Carroll	1.15	Mercer	1.07
Champaign	1.08	Miami	1.07
Clark	1.08	Monroe	1.16
Clermont	1.10	Montgomery	1.07
Clinton	1.09	Morgan	1.13
Columbiana	1.17	Morrow	1.10
Coshocton	1.12	Muskingum	1.12
Crawford	1.09	Noble	1.14
Cuyahoga	1.13	Ottawa	1.10
Darke	1.07	Paulding	1.07
Defiance	1.07	Perry	1.12
Delaware	1.09	Pickaway	1.10
Erie	1.11	Pike	1.11
Fairfield	1.11	Portage	1.15
Fayette	1.10	Preble	1.07
Franklin	1.09	Putnam	1.08
Fulton	1.08	Richland	1.10
Gallia	1.13	Ross	1.11
Geauga	1.15	Sandusky	1.10
Greene	1.08	Scioto	1.12
Guernsey	1.14	Seneca	1.09
Hamilton	1.09	Shelby	1.07
Hancock	1.08	Stark	1.14
Hardin	1.08	Summit	1.13
Harrison	1.15	Trumbull	1.17
Henry	1.08	Tuscarawas	1.14
Highland	1.10	Union	1.08
Hocking	1.12	Van Wert	1.07
Holmes	1.12	Vinton	1.12
Huron	1.11	Warren	1.09
Jackson	1.12	Washington	1.15
Jefferson	1.17	Wayne	1.12
Knox	1.10	Williams	1.07
Lake	1.15	Wood	1.09
Lawrence	1.13	Wyandot	1.09

OKLAHOMA

All counties $1.14

OREGON

All counties $1.20

PENNSYLVANIA

All counties $1.23

RHODE ISLAND

All counties $1.28

SOUTH CAROLINA

All counties $1.22

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Aurora	$0.94	Jackson	$1.00
Beadle	.94	Jerauld	.94
Bennett	1.01	Jones	.99
Bon Homme	.95	Kingsbury	.94
Brookings	.94	Lake	.94
Brown	.94	Lawrence	1.01
Brule	.95	Lincoln	.96
Buffalo	.95	Lyman	.97
Butte	1.01	McCook	.95
Campbell	.97	McPherson	.96
Charles Mix	.94	Marshall	.94
Clark	.94	Meade	1.00
Clay	.96	Mellette	.99
Codington	.94	Miner	.94
Corson	.99	Minnehaha	.95
Custer	1.04	Moody	.94
Davison	.94	Pennington	1.01
Day	.94	Perkins	1.00
Deuel	.94	Potter	.98
Dewey	.99	Roberts	.94
Douglas	.94	Sanborn	.94
Edmunds	.96	Shannon	1.03
Fall River	1.05	Spink	.94
Faulk	.96	Stanley	.99
Grant	.94	Sully	.97
Gregory	.95	Todd	.99
Haakon	.99	Tripp	.98
Hamlin	.94	Turner	.96
Hand	.95	Union	.96
Hanson	.94	Walworth	.98
Harding	1.01	Washabaugh	1.00
Hughes	.97	Yankton	.96
Hutchinson	.95	Ziebach	1.00
Hyde	.96		

TENNESSEE

Anderson	$1.20	Henry	$1.15
Bedford	1.17	Hickman	1.16
Benton	1.16	Houston	1.16
Bledsoe	1.18	Humphreys	1.16
Blount	1.21	Jackson	1.18
Bradley	1.19	Jefferson	1.21
Campbell	1.20	Johnson	1.21
Cannon	1.18	Knox	1.20
Carroll	1.15	Lake	1.14
Carter	1.21	Lauderdale	1.14
Cheatham	1.16	Lawrence	1.16
Chester	1.15	Lewis	1.16
Claiborne	1.20	Lincoln	1.16
Clay	1.18	Loudon	1.20
Cocke	1.21	McMinn	1.19
Coffee	1.17	McNairy	1.16
Crockett	1.15	Macon	1.17
Cumberland	1.19	Madison	1.15
Davidson	1.17	Marion	1.17
Decatur	1.16	Marshall	1.18
DeKalb	1.18	Maury	1.16
Dickson	1.16	Meigs	1.19
Dyer	1.14	Monroe	1.20
Fayette	1.15	Montgomery	1.16
Fentress	1.19	Moore	1.18
Franklin	1.16	Morgan	1.19
Gibson	1.14	Obion	1.14
Giles	1.16	Overton	1.18
Grainger	1.21	Perry	1.16
Greene	1.21	Pickett	1.18
Grundy	1.18	Polk	1.19
Hamblen	1.21	Putnam	1.18
Hamilton	1.18	Rhea	1.19
Hancock	1.21	Roane	1.20
Hardeman	1.15	Robertson	1.16
Hardin	1.16	Rutherford	1.17
Hawkins	1.21	Scott	1.19
Haywood	1.15	Sequatchie	1.18
Henderson	1.15	Sevier	1.21

TENNESSEE—Continued

County	Rate per bushel	County	Rate per bushel
Shelby	$1.14	Van Buren	$1.18
Smith	1.17	Warren	1.18
Stewart	1.16	Washington	1.21
Sullivan	1.21	Wayne	1.16
Sumner	1.17	Weakley	1.14
Tipton	1.14	White	1.18
Trousdale	1.17	Williamson	1.17
Unicoi	1.21	Wilson	1.17
Union	1.20		

TEXAS

All counties $1.16

UTAH

All counties $1.23

VERMONT

All counties $1.28

VIRGINIA

All counties $1.22

WASHINGTON

All counties $1.16

WEST VIRGINIA

All counties $1.21

WISCONSIN

Adams	$1.06	Marathon	$1.07
Ashland	1.06	Marinette	1.08
Barron	1.04	Marquette	1.07
Bayfield	1.05	Milwaukee	1.08
Brown	1.08	Monroe	1.05
Buffalo	1.04	Oconto	1.06
Burnett	1.04	Oneida	1.08
Calumet	1.08	Outagamie	1.07
Chippewa	1.05	Ozaukee	1.08
Clark	1.06	Pepin	1.04
Columbia	1.07	Pierce	1.04
Crawford	1.04	Polk	1.04
Dane	1.07	Portage	1.07
Dodge	1.07	Price	1.06
Door	1.09	Racine	1.08
Douglas	1.04	Richland	1.05
Dunn	1.04	Rock	1.07
Eau Claire	1.05	Rusk	1.05
Florence	1.08	St. Croix	1.04
Fond du Lac	1.07	Sauk	1.06
Forest	1.08	Sawyer	1.05
Grant	1.04	Shawano	1.08
Green	1.06	Sheboygan	1.08
Green Lake	1.07	Taylor	1.06
Iowa	1.06	Trempealeau	1.04
Iron	1.07	Vernon	1.04
Jackson	1.05	Vilas	1.08
Jefferson	1.07	Walworth	1.07
Juneau	1.06	Washburn	1.04
Kenosha	1.08	Washington	1.07
Kewaunee	1.09	Waukesha	1.07
La Crosse	1.04	Waupaca	1.08
Lafayette	1.06	Waushara	1.07
Langlade	1.08	Winnebago	1.08
Lincoln	1.07	Wood	1.06
Manitowoc	1.09		

WYOMING

All counties $1.11

(Sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051 as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on November 9, 1965.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 65-12207; Filed, Nov. 16, 1965; 8:45 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter III—Consumer and Marketing Service—Meat Inspection, Department of Agriculture

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 327—IMPORTED PRODUCTS

Miscellaneous Amendments

On July 28, 1965, there was published in the FEDERAL REGISTER (30 F.R. 9364) a notice of proposed amendments to §§ 327.16 and 327.17 of the Federal Meat Inspection Regulations (9 CFR, as amended, 327.16, 327.17), to require that the identifying foreign establishment number, certified to the Meat Inspection Division, be displayed in an appropriate manner on products offered for importation, and to clarify the requirements of said sections. After consideration of all relevant matters in connection with the notice and under the authority of subsections 306(b) and (c) of the Tariff Act of 1930, as amended (19 U.S.C. 1306(b) and (c)) and the Meat Inspection Act, as amended and extended (21 U.S.C. 71–91, 96), the heading for § 327.16, and §§ 327.16(a) and (b) and 327.17(a) of said regulations are amended to read, respectively, as follows:

§ 327.16 Marking and labeling of product for importation; application of inspection legend.

(a) Product which is offered for importation, and which is susceptible of marking, shall, whether or not enclosed in an immediate or true container, bear the name of the country of origin, preceded by the words "product of"; the establishment number assigned by the foreign meat inspection authority and certified to the Division; and such other marks and labels as are necessary for compliance with Part 316 of this subchapter. When such marks are imprints of stamps or brands made with branding ink, such ink shall be harmless and shall create permanent imprints. In case the name of the country of origin appears as part of an official mark of the national foreign government and such name is prominently and legibly displayed, the words "product of" may be omitted.

(b) In addition to the marking of product required under paragraph (a) of this section, the immediate or true container of product offered for importation:

(1) Shall, on the principal display panel of such container, bear a label which prominently and informatively displays in English: (i) The true name of the product; (ii) the name of the country of origin, preceded by the words "product of", immediately under the true name of the product; (iii) the word "ingredients" if the product is fabricated from two or more ingredients, followed by an accurate list of all ingredients in the product, except in the case of any product for which a definition and standard of identity has been prescribed in Part 328 of this subchapter, and which conforms to such definition and standard and bears such name and other labeling features as are required by the definition and standard; (iv) an accurate statement of the quantity of contents, in accordance with § 317.8(d) of this subchapter; (v) the name and place of business of the manufacturer or packer, or the name and place of business of the distributor, qualified by a true and accurate statement which reveals the connection which such distributor has with the product; and (vi) the establishment number assigned by the foreign meat inspection authority and certified to the Division, except that such establishment number may be omitted from a label lithographed directly on a can if said number is lithographed or embossed elsewhere on the can; and

(2) Shall, if such immediate or true container is a sealed metal container, have the establishment number assigned by the foreign meat inspection authority and certified to the Division embossed or lithographed on the sealed metal container, and such establishment number shall not be covered or obscured by any label or other means.

* * * * *

§ 327.17 Outside containers of foreign product; marking and labeling.

(a) The outside container in which any immediate or true container of foreign product is shipped to the United States shall bear, in English, in a prominent and legible manner, (1) the true name of the product; (2) the name of the country of origin; and (3) the establishment number assigned by the foreign meat inspection authority and certified to the Division.

* * * * *

The amendments of the regulations require a change in the marking and labeling of imported products subject to the regulations, involving modification of marking and labeling procedures at affected foreign establishments and revision of labels now in use, and time is needed for such establishments to make the necessary changes. Therefore the amendments shall become effective 3 months after their publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 12th day of November 1965.

R. K. SOMERS,
Deputy Administrator,
Consumer and Marketing Service.

[F.R. Doc. 65-12336; Filed, Nov. 16, 1965; 8:50 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 6—LOANS MADE BY NATIONAL BANKS SECURED BY OBLIGATIONS OF THE UNITED STATES

Paragraph 8 of 12 U.S.C. 84, authorizes the Comptroller of the Currency, with the approval of the Secretary of the Treasury, to permit by regulation, exceptions to the limitations imposed by the statute upon loans made by National Banks secured by obligations of the United States. Part 6 now permits such loans to be made without limitation when secured by direct obligations of the United States. However, loans which are secured by obligations fully guaranteed both as to principal and interest by the United States are limited to 25 percent of a bank's capital and surplus. This amendment removes the lending limit requirement and extends the exception to such loans when secured by obligations fully guaranteed both as to principal and interest by the United States.

Notice, public procedure and delayed effectiveness are unnecessary and contrary to public interest inasmuch as the amendment relieves a restriction. The amendment, accordingly, will become effective upon publication.

Part 6, Chapter I, Title 12 of the Code of Federal Regulations of the United States of America is amended to read as follows:

Sec.
6.1 Scope and application.
6.2 General authorization.

AUTHORITY: The provisions of this Part 6 issued under R.S. 5200, as amended; 12 U.S.C. 84(8).

§ 6.1 Scope and application.

(a) This part is issued by the Comptroller of the Currency with the approval of the Secretary of the Treasury under authority of paragraph (8) of section 5200 of the Revised Statutes, as amended (12 U.S.C. 84), and section 321(b) of the act of August 23, 1935 (49 Stat. 713);

(b) This part applies to loans made by National Banks secured by either direct obligations of the United States or obligations fully guaranteed both as to principal and interest by the United States.

§ 6.2 General authorization.

The obligations to any national banking association of any person, copartnership, association, or corporation, secured by not less than a like amount (at par or face value) of either direct obligations of the United States or obligations fully guaranteed both as to principal and interest by the United States, shall not be subject to any limitation based upon the capital and surplus of the association.

Dated: November 5, 1965.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

Approved:

HENRY H. FOWLER,
Secretary of the Treasury.

[F.R. Doc. 65-12314; Filed, Nov. 16, 1965; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 6877; Amdt. 39-157]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild Model F-27 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring repetitive inspection of the magnesium aileron control sector wheels on Fairchild Model F-27 Series airplanes was published in 30 F.R. 11227.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Comment indicated that air carrier operators of the subject airplanes felt the AD was unnecessary since FAA-approved maintenance for air carriers included the inspection required by the AD. This AD is directed to all airplanes of the subject type. The Agency, therefore, considers the AD necessary to ensure accomplishment of this inspection and repair on airplanes not covered by an air carrier inspection program.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

FAIRCHILD. Applies to Model F-27 Series airplanes.

Compliance required as indicated.

To prevent further corrosion of the magnesium aileron control sectors, accomplish the following:

(a) For airplanes with aileron sectors, P/N's 27-727207-21, 27-727208-21, 27-727209-21, 27-727300-21, and 27-727381-21, with 2 or more years' installed time on the effective date of this AD, comply with paragraph (c) within the next 4 weeks after the effective date of this AD, unless already accomplished within the last 12 weeks.

(b) For airplanes with aileron sectors specified in paragraph (a), with less than 2 years' installed time on the effective date of this AD, comply with paragraph (c) before the accumulation of 2 years and 4 weeks installed time, unless already accomplished within the last 12 weeks.

(c) Visually inspect all surfaces of each aileron sector for corrosion.

NOTE: Aileron sectors, P/N's 27-727207-21, 27-727208-21, and 27-727209-21 are located under the cockpit floor, on the auxiliary shaft at Fuselage Station 129.917, approximately 20 inches to the left and right of the center of fuselage. Aileron sector, P/N 27-727300-21, is located in the left wing center section at Wing Station 54.135, and is mounted on the aft face of the wing rear spar. Aileron sector, P/N 27-727381-21, is located in both the left and right wing outer panel, at Wing Station 398.320 and is mounted on the aft face of the wing rear spar. During the inspection required by paragraph (c), particular attention should be given to the cable groove, ball socket and ball sleeve.

(1) If corrosion is found, before further flight except that the airplane may be flown in accordance with FAR 21.197 to a base where the repair can be made—

(i) Replace the part with an unused part of the same part number or an equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, and comply with paragraph (c) within two years from the inspection;

(ii) Replace the part with Fairchild Hiller aluminum aileron sector P/N 27-727207-23, 27-727208-23, 27-727209-23, 27-727300-23; or 27-727381-23 as applicable, or an equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region; or

(iii) Remove the corrosion in accordance with paragraph (d) and reinspect in accordance with paragraph (c) at intervals not to exceed 16 weeks from the last inspection. If corrosion is found, comply with subparagraph (c) (1).

(2) If no corrosion is found, comply with paragraph (c) within 1 year from the inspection.

(d) Remove corrosion from aileron sectors, P/N's 27-727207-21, 27-727208-21, and 27-727209-21, in accordance with Fairchild Service Letter No. 311, dated April 12, 1965, or later FAA-approved revision or an FAA-approved equivalent; from aileron sector, P/N 27-727300-21, in accordance with Fairchild Service Letter No. 307 dated September 17, 1963, or later FAA-approved revision or an FAA-approved equivalent; from aileron sector P/N 27-727381-21, in accordance with Fairchild Service Letter No. 306, dated August 22, 1963, or later FAA-approved revision or an FAA-approved equivalent.

(e) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

This amendment becomes effective December 17, 1965.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on November 9, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-12272; Filed, Nov. 16, 1965; 8:45 a.m.]

[Airspace Docket No. 65-CE-111]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On September 3, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 11328) stating that the Federal Aviation Agency proposed to designate controlled airspace in the Baraboo, Wis., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Subsequent to the publication of the above referred to notice, the Federal Aviation Agency has determined that the final approach radial is 010° magnetic. This necessitates a change in the designation of the proposed transition area. The reference to the Dells VOR 011° radial will be changed to 013° radial. Since this change is minor in nature and will cause no additional burden to anyone, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 6, 1966, as hereinafter set forth.

In § 71.181 (29 F.R. 17643) the following transition area is added:

BARABOO, WIS.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Bell Airport, Baraboo, Wis. (latitude 43°-31'13" N.; longitude 89°46'09" W.); and within 2 miles each side of the Dells VOR 013° radial, extending from the 5-mile radius to 8 miles N of the VOR.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on November 3, 1965.

DONALD S. KING,
Acting Director, Central Region.

[F.R. Doc. 65-12273; Filed, Nov. 16, 1965; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. No. PR-95]

PART 301—RULES OF PRACTICE IN AIR SAFETY PROCEEDINGS

Miscellaneous Amendments

Adopted by the Civil Aeronautics Board at its Office in Washington, D.C., on the 10th day of November 1965.

Part 301 contains the Board's rules of practice for proceedings upon petitions for review of orders of the Administrator (Federal Aviation Agency) denying the issuance or renewal of airman certificates under section 602 of the Federal Aviation Act, and upon appeals from the Administrator's orders amending, modifying, suspending, or revoking safety certificates under section 609 of the Act. By express provision of section 602, an applicant cannot maintain an action before the Board if his certificate is under suspension or had been revoked within a year of the Administrator's adverse order. By longstanding policy of the Board incorporated in Part 301, stale complaints of violations will not be heard as grounds for action under section 609 unless the Administrator shows good cause for delay or puts the qualifications of the certificate holder in issue. The Board has accordingly authorized, in §§ 301.19 and 301.27 in proceedings under sections 602 and 609 of the Act respectively, that motions to dismiss may be filed in lieu of answer so that the examiner can promptly dismiss those matters not required to be heard.

Sections 301.19(b) and 301.27(b) provide that to the extent examiners' orders grant motions to dismiss, such orders may be "appealed" to the Board in accordance with the procedure for "appeals" of initial decisions. These sections further provide that appeals of dismissals in part may be deferred until after the initial decision is rendered if notice of intent to appeal the order is timely given. In current practice, however, where the examiner has been delegated the authority to make the agency decision subject to discretionary review by the Board, the initial decision may be reviewed by the Board only upon a petition for discretionary review or upon the Board's initiative. In other words, appeals as of right to the Board no longer apply in safety proceedings except under the "emergency order" procedure of § 301.50, which incidentally prohibits motions to dismiss in lieu of answer. Furthermore, an appeal to the Board from an examiner's interlocutory order is authorized by § 301.10 only in extraordinary circumstances to prevent substantial detriment to the public interest or undue prejudice to a party, and then only with the examiner's consent.

Although § 301.19(b) and § 301.27(b) state that Board review of dismissal orders shall follow procedures for review of initial decisions, which is now upon a petition for discretionary review, the use of the word "appeal" has created some uncertainty as to whether an appeal lies as of right or must be taken by filing a petition for discretionary review. Of course, there is no difficulty in equating a dismissal in toto with an initial decision, since such dismissal disposes of all issues without hearing and terminates the action insofar as the examiner's function is concerned. However, dismissals in part are clearly interlocutory orders leaving other issues to be heard and disposed of in initial decisions. Sections 301.10 and 301.45 fully protect a party's right to raise any error of fact, law, policy or discretion upon a petition for discretionary review at the conclusion of a proceeding. It therefore appears that special provisions for Board review of examiners' dismissal orders, in whole or in part, have outlived their usefulness under the discretionary review procedure.

Accordingly, §§ 301.19(b) and 301.27(b) are amended: (1) To substitute "petition for discretionary review" for "appeal" to make clear that Board review of dismissal orders terminating the proceeding is discretionary and (2) to provide that review of dismissals in part shall follow the general rule for review of interlocutory orders set forth in § 301.10. In addition, § 301.1 and § 301.29(b) are amended to include dismissal orders that terminate the proceeding in the pleading stage within the definition of "initial decision" and the delegation of authority to examiners to make the agency decisions subject to discretionary review.

For the sake of consistency, § 301.29(d) is amended to reflect the fact that an examiner's ruling on an affidavit of bias may be reviewed by the Board either upon appeal of an initial decision not made under delegated authority (see § 301.50 for emergency-order proceedings) or upon a petition for discretionary review of an initial decision made under delegated authority.

Although the majority of Board proceedings under section 609 of the Act involve the Administrator's amendment, suspension or revocation of airman certificates, the statute and, therefore, the Board's rules of practice apply to Board review of the Administrator's orders affecting all types of safety certificates. Sections 301.2 and 301.27(c)(2)(ii) are amended to delete words that appear to limit Board proceedings under section 609 to orders affecting only airman certificates.

The intent of the "Note" at the end of § 301.46 is that briefs to the Board and requests for oral argument thereon are permitted only if the Board has issued an order granting discretionary review and specifying the issues to be briefed and/or argued. Stated differently, briefs and oral argument are not permitted on petitions for discretionary review. These provisions are now specifically incorporated in §§ 301.45(a) and 301.46(b) and the "Note" is deleted because it is superfluous.

Section 301.50(d) permits petitions for reconsideration of Board orders in emergency-order proceedings to be filed on the ground of discovery of new matter, but does not specify the period within which such petitions should be filed. This oversight is now corrected by providing that such petitions must be filed within 10 days of service of the Board's order.

Since this amendment merely clarifies agency procedure and practice, notice and public procedures hereon are not required.

Accordingly, the Board hereby amends Part 301 of the Procedural Regulations (14 CFR Part 301), effective December 17, 1965, as follows:

1. Amend § 301.1 by revising the definition of "initial decision" to read as follows:

§ 301.1 Definitions.

* * * * *

"Initial decision" means the examiner's decision on the substantive and procedural issues remaining for disposition at the close of the hearing in a proceeding and an examiner's order granting a motion to dismiss in lieu of answer as provided in § 301.19 or § 301.27 and terminating the proceeding, pursuant to delegation of authority under § 301.29(b) of this part, except that this delegation does not apply in cases where the record is certified to the Board, with or without a recommended decision by the examiner, or to orders partly granting a motion to dismiss and requiring answer to any remaining allegation. This definition does not include the review of rulings by the examiner on interlocutory matters which have been appealed to the Board in accordance with the requirements of § 301.10(f) and does not apply to the term "initial decision" as used in § 301.50.

* * * * *

2. Amend § 301.2 by deleting the word "such" immediately preceding the last word "certificate" in the first sentence thereof, so that the section reads:

§ 301.2 Applicability and description of part.

The provisions of this part shall govern all proceedings before the Board upon petition for review of a refusal by the Administrator to issue or renew an airman certificate to an applicant therefor; and upon appeal from any order of the Administrator amending, modifying, suspending or revoking any certificate. This part also contains the Board's delegation to hearing examiners, pursuant to Reorganization Plan No. 3 of 1961, of the Board's function to render the agency decision, subject to discretionary review by the Board. The provisions of Part 263 of the economic regulations are applicable to participation of air carrier associations in proceedings under this part.

3. Amend § 301.19(b) to read as follows:

§ 301.19 Motions to dismiss.

* * * * *

(b) *Discretionary Board review of dismissal orders.* Where an examiner grants a motion to dismiss in lieu of answer and terminates the proceeding without hearing, a petition for discretionary review of such order by the Board may be filed in accordance with procedures for review of initial decisions set forth in § 301.45. Where an examiner grants a motion to dismiss in part, objections to such interlocutory order may be raised in a petition for discretionary review only after the examiner has rendered his initial decision on the remaining issues, unless the examiner consents to an appeal to the Board in accordance with § 301.10(f).

* * * * *

4. Amend § 301.27 by revising paragraphs (b) and (c)(2)(ii) to read as follows:

§ 301.27 Motions to dismiss.

* * * * *

(b) *Discretionary Board review of dismissal orders.* Where an examiner grants a motion to dismiss in lieu of answer and terminates the proceeding without hearing, a petition for discretionary review of such order by the Board may be filed in accordance with procedures for review of initial decisions set forth in § 301.45. Where an examiner grants a motion to dismiss in

part, objections to such interlocutory order may be raised in a petition for discretionary review only after the examiner has rendered his initial decision on the remaining issues, unless the examiner consents to an appeal to the Board in accordance with § 301.10(f).

(c) *Motion to dismiss stale complaint.*

• • •

(2) • • •

(ii) If the examiner deems that an issue of lack of qualification would be presented by any or all of the allegations if true, he shall proceed to a hearing on the lack of qualification issue only and he shall so inform the parties. The respondent shall be put on notice that he is to defend against lack of qualification and not merely against a proposed remedial sanction.

5. Amend paragraphs (b) and (d) of § 301.29 to read as follows:

§ 301.29 Assignment, duties, powers and delegation of authority to examiners.

• • • • •

(b) *Delegation of authority to make the agency decision subject to discretionary review.* Pursuant to the authority conferred on the Board and the Chairman of the Board by Reorganization Plan No. 3 of 1961, 26 F.R. 5989, there is hereby delegated to each hearing examiner assigned to a particular case subject to this part the Board's function of making the agency decision on the substantive and procedural issues remaining for disposition at the close of the hearing in such case, except that this delegation does not apply in cases arising under section 609 of the Act where the Administrator has advised the Board that an emergency exists and that safety in air commerce or air transportation requires the immediate effectiveness of his order appealed from. This delegation applies to examiners' orders granting a motion to dismiss in lieu of answer as provided in § 301.19 or § 301.27 and terminating the proceeding, but does not apply to orders partly granting a motion to dismiss and requiring answer to any remaining allegation. This delegation does not apply to the review of rulings by the examiners on interlocutory matters which have been appealed to the Board in accordance with the requirements of § 301.10(f), or to cases where the record is certified to the Board pursuant to § 301.35.

• • • • •

(d) *Disqualification of examiner.* An examiner shall withdraw from the case if at any time he deems himself disqualified. If, prior to the initial decision in the case, there is filed in good faith an affidavit of personal bias or disqualification with substantiating facts and the examiner does not withdraw, the Board will determine the matter as a part of the record and decision in the case if an appeal or a petition for discretionary review of the examiner's initial decision is filed. The Board will not otherwise consider any claim of bias or disqualification. The Board, in its discretion, may order a hearing on a charge of bias or disqualification.

6. Amend § 301.45(a)(1) to read as follows:

§ 301.45 Procedure on petitions for discretionary review.

(a) *Petitions for discretionary review.* (1) Review by the Board pursuant to this section is not a matter of right but of the sound discretion of the Board. Any party to the proceeding may file and serve a petition for discretionary review by the Board of an initial decision rendered pursuant to § 301.29(b) within 20 days after service thereof. If a petition for discretionary review is timely filed or if action to review is taken by the Board upon its own initiative, the effectiveness of the examiner's initial decision is stayed until the further order of the Board. No oral argument will be heard on petitions for discretionary review.

• • • • •

7. Amend § 301.46 by deleting the "Note" at the end thereof, and revising paragraphs (a)(2)(i), (b), and (e) to read as follows:

§ 301.46 Proceedings on review.

(a) *Orders exercising right of review.* (2) Where the Board desires further proceedings, the Board will issue an order for review which will:

(i) Specify the issues to which review will be limited. Such issues shall constitute one or more of the issues raised in a petition for discretionary review and/or matters which the Board desires to review on its own initiative. Only the issues specified in such order shall be argued on brief and will be considered by the Board.

• • • • •

(b) *Briefs.* Briefs to the Board shall be filed only in those cases where the Board has ordered discretionary review and shall be limited to those issues specified in such order. Petitioner's brief shall be filed within 20 days after service of such order. When a party who has filed a petition for discretionary review fails to file a timely brief complying with the requirements of this section, the Board may rescind in whole or in part its order exercising its right of review.

• • • • •

(e) *Oral argument.* Oral argument before the Board is normally not granted in further proceedings on orders of discretionary review, but the Board may permit oral argument when a need therefor is shown. If a party desires to argue his case orally before the Board, he must file a request with the Board for leave to make such argument no later than the date when his brief is due.

8. Amend paragraph (d) of § 301.50 to read as follows:

§ 301.50 Proceedings where the Administrator has made an emergency order.

• • • • •

(d) Parties to the proceeding may appeal from an initial decision (not made under authority delegated by § 301.29(b)) as of right by filing with the Board and serving upon the other parties a notice of appeal within 2 days after the examiner renders his initial decision. No exceptions shall be filed but, within 5 days of the notice of appeal, each party shall file with the Board and serve upon other parties a brief. Such briefs shall comply with the requirements of §§ 301.4 and 301.46(c). The Board will give 3 days' notice of oral argument, where granted. The Board will not entertain petitions for reconsideration, rehearing, reargument, or modification of its order except on the ground that new matter has been discovered. Such petitions shall be filed with the Board and served on other parties within 10 days after service of the Board's order; shall set forth the new matter; shall contain affidavits of prospective witnesses, authenticated documents, or both, or an explanation why such substantiation is unavailable; and shall state that such new matter could not have been discovered, by the exercise of due diligence, prior to the date the case was submitted for decision. The Board, upon its own motion, may raise any issue the resolution of which it deems important to a proper disposition of the proceeding; in such case a reasonable opportunity will be afforded the parties to submit argument thereon.

• • • • •

(Secs. 204(a), 602(b), 609; 72 Stat. 743, 776, 779; 49 U.S.C. 1324, 1422, 1429)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 65-12339; Filed, Nov. 16, 1965; 8:50 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56529]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Duty-Free Status of Certain Automotive Vehicles and Articles Used as Original Equipment

The Automotive Products Trade Act of 1965, Public Law 89-283, an act to provide for the implementation of the agreement concerning automotive products between the Government of the United States and the Government of Canada, and for other purposes, approved on October 21, 1965, and Presidential Proclamation No. 3682 of October 21, 1965, issued pursuant thereto, provide for the duty-free treatment of certain automotive vehicles and articles used as original equipment in the manufacture of such vehicles.

The purpose of this amendment is to prescribe the procedures required to establish this duty-free status. Part 10 is amended to add a new center head and section reading as follows:

AUTOMOTIVE PRODUCTS

§ 10.84 Automotive vehicles and articles for use as original equipment in the manufacture of automotive vehicles.

(a) When total exemption from duty on automotive products is claimed on the ground that an importation consists of "Canadian articles" as defined in General Headnote 3(d), Tariff Schedules of the United States, this fact must be established to the satisfaction of the chief customs officer at the port of entry. Such customs officer may accept as satisfactory evidence that an article is a "Canadian article" a certificate executed by the exporter in the appropriate form specified in paragraph (b) of this section, subject to any verification he may deem necessary, or he may satisfy himself of such fact by other means if, taking into consideration the kind and value of the goods and the circumstances of importation, he deems a certificate unnecessary.

(b)(1) When no material which is not the growth, product, or manufacture of Canada or of the United States was used at any stage in the production of the imported article, a certificate in the following form may be accepted as evidence that the commodity is a "Canadian article":

The product covered by the _____ (Describe the invoice, bill of lading, or other document or statement identifying the shipment) annexed or appended to this certificate of Canadian origin at the time it was subscribed is the growth, product, or manufacture of Canada. No foreign materials (other than those which are the growth, product, or manufacture of the United States) were used at any stage in the production of this product, i.e., either in its immediate production or in the production of any intermediate product used at any stage in the chain of production in Canada which resulted in this product.

(2) When any material which is not the growth, product, or manufacture of Canada or of the United States was used at any stage in the manufacture of the imported article, a certificate in the following form may be accepted as evidence that the commodity is nevertheless a "Canadian article":

The product covered by the _____ (Describe the invoice, bill of lading, or other document or statement identifying the shipment) annexed or appended to this certificate of Canadian origin at the time it was subscribed is the product of Canada. There were used in its production in Canada

(Number of units and description)

of foreign materials (other than those which are the growth, product, or manufacture of the United States) having an actual purchase price (or, if not purchased, an export value) of _____ per unit of quantity plus, if not included in such unit values, _____, the cost per unit of bringing such foreign materials to Canada.

(3) If such customs officer is satisfied that the revenue will be protected adequately thereby, he may accept in lieu of the certificate specified in subparagraph (2) of this paragraph a certificate in the following form when the merchandise covered thereby does not contain foreign materials (other than those which are the growth, product, and manufacture of the United States) in excess of 50 percent of the final appraised value in the United States:

The product covered by the _____ (Describe above the invoice, bill of lading, or other document or statement identifying the shipment) annexed or appended to this certificate of Canadian origin at the time it was subscribed is the product of Canada. There were or may have been used in its production in Canada foreign materials (other than those which are of the growth, product, and manufacture of the United States).

It is impracticable to ascertain the exact number of units of foreign material, if any, used in its production or the purchase price and cost of transportation to Canada of such material, but to the best of (my) (our) (its) knowledge and belief the purchase price and cost of transportation to Canada of such foreign materials as were or may have been used would not exceed 50 per centum of the final appraised value in the United States determined in accordance with section 402 or 402a, Tariff Act of 1930, as applicable, of the product brought into the United States covered by this certificate.

(4) The certificates described in subparagraphs (2) and (3) of this paragraph shall not, of course, be accepted if the statements therein contained on their face make it evident that the importation is not a "Canadian article" within the meaning of General Headnote 3(d), Tariff Schedules of the United States.

(5) If more than one kind of article is covered by a certificate provided for in subparagraph (1), (2), or (3) of this paragraph, the information required by the certificate shall be shown with respect to each kind. When more than one kind of material of other than Canadian or United States origin is used in the production of an article covered by such a certificate, the certificate shall state the number of units, description, and purchase price plus, if not included therein, cost of transportation to Canada, per unit of each such kind of material.

(6) A certificate conforming to subparagraph (1), (2), or (3) of this paragraph shall be accepted as evidence of the facts alleged therein only if (i) there is annexed thereto a copy of the commercial invoice or bill of lading covering the articles or other documentary matter which identifies the articles to which the certificate pertains, (ii) the certificate is signed by the manufacturer or producer of the articles to which it pertains, or by the person who exported the articles from Canada, and (iii) it clearly appears that such copy or other documentary matter was annexed to the certificate when it was signed.

(c) When an importer makes an entry, or withdrawal from warehouse, for consumption of articles for use as "original motor-vehicle equipment" as that term is defined in Schedule 6, Part 6, Subpart B, Headnote 2(a), Tariff Schedules of the United States, he shall file in connection therewith his declaration that the articles are being imported for use as original equipment in the manufacture in the United States of the kinds of motor vehicles specified in the headnote, furnish the name and address of the motor vehicle manufacturer, and attach to the declaration a copy of the written order, contract, or letter of intent. Proof of use need not be furnished.

(d) If, after a Canadian article has been accorded the status of original motor-vehicle equipment it is decided to divert the article from its intended use in the manufacture in the United States of motor vehicles, the importer or other person deciding to divert the article from its intended use must notify in writing the headquarters office of the customs district in which the article at that time is located and make arrangements for its destruction or exportation under customs supervision or pay duties in accordance with Schedule 6, Part 6, Subpart B, Headnote 2(d)(ii). If these arrangements are not made, the article, or its value, is subject to forfeiture. (77A Stat. 11, 325; 19 U.S.C. 1202 (Gen. Hdnte. 3(d), Sch. 6, Pt. 6B, Hdnte. 2).)

(R.S. 251, 77A Stat. 14, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1202 (Gen. Hdnte. 11), 1624)

These regulations shall be effective with respect to articles which are or have been entered for consumption or for warehouse on or after January 18, 1965, and, in case such entries have been liquidated, when request for exemption from duty under the Automotive Products Trade Act of 1965 is filed with the customs officer concerned on or before January 19, 1966.

[SEAL] LESTER D. JOHNSON, *Commissioner of Customs.*

Approved: November 10, 1965.

TRUE DAVIS, *Assistant Secretary of the Treasury.*

[F.R. Doc. 65-12388; Filed, Nov. 16, 1965; 8:50 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER B—CLAIMS AND ACCOUNTS

PART 537—CLAIMS ON BEHALF OF THE UNITED STATES

Claims for Reasonable Value of Medical Care Furnished by the Army

Sections 537.21–537.23 are superseded by the following §§ 537.21–537.24:

§ 537.21 General.

(a) *Purpose.* The regulations in §§ 537.21–537.24 are in implementation of the act of September 25, 1962 (76 Stat. 593, 42 U.S.C. 2651–3), Executive Order No. 11060 (27 F.R. 10925), and Attorney General's Order No. 289–62 (28 CFR 43, Supp. 1965), as amended by Order No. 344–65 (30 F.R. 7819). That act provides generally, that in any case in which the United States is authorized or required by law to furnish medical care to a person who has been injured or suffered a disease because of the wrongful or negligent act or omission of a third person, the United States shall have a right to recover from such third person the reasonable value of the medical care furnished. Pursuant to the executive order, the Bureau of the Budget has established rates representing the reasonable value of the medical care furnished or to be furnished (28 F.R. 11516 and 29 F.R. 12482).

(b) *Scope.* (1) The regulations in §§ 537.21–537.24 prescribe the procedures for the processing of claims under this section, compromise, waiver, and collection of claims for the reasonable value of medical care furnished by or at the expense of the Army for an injury or disease caused by the wrongful or negligent act or omission of some third person.

(2) The commander of a major oversea command, or of an oversea command designated as a major command for claims purposes, may establish procedures for the processing of claims under §§ 537.21–537.24 which arise in his command. Such procedures may, to the extent deemed necessary, modify the procedures prescribed herein.

(c) *Definitions.* The definitions of terms set forth in § 536.3 of this chapter, are applicable to §§ 537.21–537.24 except that the following terms will have the meanings here indicated:

(1) *Claim.* The Government's right to recover from a prospective defendant the reasonable value of medical care furnished to each injured party.

(2) *Medical care.* Includes hospitalization, outpatient treatment, dental care, nursing service, drugs, and other adjuncts such as prostheses and medical appliances furnished or to be furnished by or at the expense of the United States, but not subsistence or charges reimbursable by the injured party.

(3) *Judge advocate.* The judge advocate or staff judge advocate of any command, or the senior Army judge advocate assigned to a joint or unified command, or the legal counsel of a command or agency to which no such officer is assigned, if such counsel is a member of the bar of a Federal court or of the highest court of a State, or a designee of the Judge Advocate General.

(4) *Injured party.* The person who received an injury or contracted a disease which resulted in the medical care. Such a person may be a member of the uniformed services, a dependent, or any other person who is eligible for medical care at Army medical treatment facilities. See § 577.15 of this chapter.

(5) *Prospective defendant.* A third person—an individual, partnership, association, corporation, or governmental body, foreign or domestic, other than an instrumentality of the United States, against whom the United States has a claim under §§ 537.21–537.24.

(d) *Application*—(1) *Cognizable claims.* Except as prescribed in subparagraph (2) of this paragraph, cognizable claims comprise all claims for the reasonable value of medical care which has been furnished by the Army or at the expense of the Army as a result of an injury or disease occurring after December 31, 1962, which was caused by the wrongful or negligent act or omission of some third person (other than or in addition to the United States) under circumstances creating a tort liability upon such person.

(2) *Claims not cognizable.* (i) Claims for medical care furnished by the Veterans' Administration to an eligible veteran for a service connected disability under the provisions of Chapter 17, Title 38, United States Code.

(ii) Claims against employers of seamen treated under the provisions of section 322 of the act of July 1, 1944 (58 Stat. 696), as amended (42 U.S.C. 249).

§ 537.22 Basic considerations.

(a) *General.* Unless otherwise prescribed, all cognizable claims will be investigated, asserted, and processed as provided in §§ 537.21–537.24.

(b) *Reimbursable medical care.* Claims for medical care furnished to persons for which reimbursement is authorized from another uniformed service, or Federal department or agency will ordinarily be investigated, asserted, and processed by the uniformed service, department, or agency responsible for making the reimbursement.

(c) *Foreign prospective defendants.* Claims against a foreign government or a political subdivision, agency, or instrumentality thereof, or against a member of the armed forces or an official or a civilian employee of such foreign government will *not* be asserted without prior approval of the Judge Advocate General. Investigation and report thereof, however, will be made as provided in §§ 537.21–537.24, unless the provisions of applicable agreements, or regulations in implementation thereof, negate the requirement for such investigation and report.

(d) *Military personnel, Federal employees and dependents*—(1) *Scope of employment.* (i) Within the United States, claims against members of the uniformed services, or civilian employees of the United States, its agencies or instrumentalities, which arise from acts or omissions within the scope of their office or employment, will not be processed, unless the evidence reasonably indicates that the prospective defendant concerned was guilty of gross negligence or willful misconduct. If gross negligence or willful misconduct is indicated, no claim will be asserted, but the investigative file, together with the recommendation of the judge advocate, will be forwarded through the judge advocate of the major command to the Judge Advocate General, ATTN: Chief, Litigation Division, Department of the Army, Washington, D.C., 20310.

(ii) Outside the United States, claims against members of the uniformed services or employees of the United States, its agencies or instrumentalities, which arise from acts or omissions within the scope of their office or employment, will be treated as in subdivision (i) of this subparagraph, unless the prospective defendant has the benefit of liability insurance coverage. If the prospective defendant has the benefit of liability insurance coverage, the claim will be investigated, processed, and asserted as if the prospective defendant were not connected with the Federal Government.

(2) *Outside the scope of employment.* Claims against members of the uniformed services, civilian employees of the United States, its agencies or instrumentalities, which arise from acts or omissions not within the scope of their office or employment, and claims against dependents of such members or employees, will not be asserted or processed unless the evidence shows the prospective defendant was guilty of gross negligence or willful misconduct, or has the benefit of liability insurance coverage.

(e) *Concurrent claim for damage to Army property.* Claims for medical care which are based upon an incident or circumstances which may give rise to a claim for damage to Army property should be consolidated with the claim for the property damage and processed in accordance with § 537.1.

(f) *Attorneys for injured parties.* The services of attorneys representing injured parties may be utilized, when feasible, in the collection of medical care claims. In return for including the Government's claim as an item of special damages in their clients' demand or suit, the attorneys may be assured of the Government's full cooperation in making medical officers available as witnesses and in furnishing medical records. However, they should be informed of the restrictions contained in section 365, Revised Statutes, as amended (5 U.S.C. 314), concerning payment of counsel fees.

(g) *Claims for less than $100.* Such claims need not be asserted or otherwise processed, unless the facts and circumstances surrounding the incident indicate that collection will be economically feasible (e.g., a clear case of liability covered by insurance) or desirable in the best interests of the United States. But see paragraph (e) of this section.

§ 537.23 Procedures.

(a) *Investigations*—(1) *Advice to and statement from the injured party.* (i) The claim officer should promptly contact the injured party and advise him as follows:

(a) That under the act of September 25, 1962 (76 Stat. 593, 42 U.S.C. 2651–3, the United States may be entitled to recover the reasonable value of medical care furnished or to be furnished him in the future from the person or persons who injured him, or who were otherwise responsible for his injury or disease;

(b) That he should seek guidance from a legal assistance officer or, if none be available, the most accessible judge advocate, regarding any claim he may have for personal injury;

(c) That, subject to the provisions of Article 31, Uniform Code of Military Justice, he is required by §§ 537.21–537.24 to furnish such information as may be requested concerning the circumstances giving rise to the injury or disease for which the medical care is being given;

(d) That he is further required by §§ 537.21–537.24 to cooperate in the prosecution of all actions of the United States against the person or persons who injured him;

(e) That he is requested to furnish the judge advocate of the authority appointing the claims officer the name and address of any attorney he retains to pursue his cause of action for personal injuries or property damage; and

(f) That he should not execute a release or settle any claim which he may have as a result of his injury without first notifying the judge advocate of the authority appointing the claims officer.

(ii) In appropriate cases, the claims officer should give the foregoing advice and instructions to either the next-of-kin or the personal representative, or the executor or administrator of the injured party's estate.

(iii) After giving the injured party the foregoing instructions, the claims officer should obtain a complete statement from the injured party regarding the facts and circumstances surrounding the incident which resulted in the injury or disease, in which he acknowledges the receipt of the above advice.

(iv) Records as to medical history, diagnosis, findings or treatment, for use in connection with claims or litigation by the injured party, may be withheld by the medical treatment facility pending compliance with the provisions of this section by the injured party or someone acting for him.

(2) *Notice and advise to the prospective defendant.* (i) The claims officer will complete and mail to the prospective defendant a letter in the form shown below, in duplicate, unless the prospective defendant falls within the categories enumerated in § 537.22(c).

To:

Pursuant to 76 Stat. 593, 42 United States Code, §§ 2651–2653, the United States of America is entitled to recover the reasonable value of hospital, medical, surgical, or dental care and treatment (including prostheses and medical appliances) furnished or to be furnished to _____ in connection
(Name of injured party)
with injuries sustained on _____ at
(Date)
_____, if investigation should establish that your wrongful or negligent acts or omissions were the proximate cause of the mentioned injuries.

You should immediately send a copy of this notice to your insurance company.

Inquiries concerning this matter should be addressed to: (enter here the address of the judge advocate of the command, or if the command does not have one, of the judge advocate of the commander to whom the report will be forwarded).

(ii) If, pursuant to AR 608–50, the prospective defendant is otherwise entitled to legal assistance, he should be advised that he may seek legal advice or assistance from the office of the judge advocate of his command or from the judge advocate of the officer appointing the claims officer.

(b) *Determination and assertion of claims.* The judge advocate who receives the claims officer's report will review the file and, after taking any corrective action deemed necessary to assure completeness of the file, will make a written determination as to the liability or nonliability of the prospective defendant, and his basis or reasons for such determination. He will attach his determination to the report. He will take further action as indicated below:

(1) If the judge advocate determines that the prospective defendant is not liable, he will dispose of the file as provided in pertinent regulations.

(2) If it appears that a prospective defendant or insurer has presented or filed a claim against the Government arising from the same incident which gave rise to the claim under §§ 537.21–537.24, the claims in favor of and against the Government will be processed and forwarded together. Action under §§ 537.21–537.24 will be taken by the authority authorized to settle the claim against the Government. Disposition of the claim in favor of the Government will be consistent with action upon the claim against the Government.

(3) He will insure that liaison with the injured party or persons acting on his behalf is established to provide that—

(i) If the medical care has not been concluded, arrangements are made to obtain periodic reports from the injured party regarding his convalescence.

(ii) The United States has an opportunity to join or intervene in any action or proceeding brought by or against the injured party or persons acting on his behalf, including his insurance company, for damages arising out of the incident which resulted in the claim.

(iii) Action by the United States to collect the claim on behalf of the Government will not result in undue financial hardship upon the injured party or operate to deny the injured party recovery of damages for other than medical care.

(iv) The injured party is aware of the right of the United States to recover the reasonable value of the medical care provided, and of his obligations to the United States with respect to this right.

(4) He will determine the amount of the claim to be asserted against the prospective defendant—

(i) If the medical care has been concluded, the judge advocate should insure that the file contains complete statements of the cost of the medical care provided the injured party. If the injured party has received medical care at a civilian medical facility, the judge advocate should insure that the claim includes the charges for these services. If all or a portion of the medical care was furnished by an Army medical facility, he may request the commander thereof to prepare a consolidated statement showing the total cost of the medical care provided. However, if a portion of the medical care was provided in a facility other than the one to which the request for the statement is made, he should furnish the commander who is asked to prepare the statement with copies of the reports of medical care contained in the claim file in order that none may be overlooked in the preparation of the consolidated statement. If civilian care is consolidated, the staff judge advocate of the Army or comparable area command should be informed, to preclude subsequent assertion of the same claim by that officer.

(ii) If the medical care has not been concluded, and it appears that it will continue over a long period of time, the judge advocate should attempt to obtain an estimate of the reasonable value of the medical care to be furnished and use this estimate to determine the amount of the claim. It is desirable that a claim be asserted at the earliest possible time; therefore, action should not be deferred indefinitely pending conclusion of the medical care.

(iii) A claim file may be transmitted to another command for assertion and processing in an appropriate case. Such a case might arise if the injured party is transferred to another medical facility for further treatment, or accompanies a sponsor on a change of station.

(5) If the judge advocate determines that the prospective defendant is liable, he will, unless assertion of a claim is precluded by § 537.22 (c) or (d), demand from the prospective defendant, or his insurer, payment of the Government's claim for the reasonable value of the medical care furnished the injured party.

(6) If assertion of a claim is precluded by § 537.22 (c) or (d), the judge advocate will make no demand for payment upon the prospective defendant, but will either forward or close the claim file in accordance with the provisions of those paragraphs.

(c) *Post-demand actions*—(1) *Authority to settle or waive claims.* (i) The Judge Advocate General, the judge advocate of a major oversea command, or a designee of the Judge Advocate General, may, subject to the restrictions in subparagraph (2) of this paragraph—

(a) Settle by accepting the full amount of a claim and execute a release therefor;

(b) Compromise and execute a release of any such claim, not in excess of $5,000; or

(c) Waive and, in this connection, release any claim not in excess of $5,000, in whole or in part, in order to avoid undue financial hardship upon the injured party, or for the convenience of

the Government, as provided in subparagraph (3) of this paragraph.

(ii) The judge advocate who asserts a claim under §§ 537.21–537.24, or the judge advocate to whom such a claim has been forwarded as provided in §§ 537.21–537.24, or the chief of the U.S. Army Claims Service, or a designee of the Judge Advocate General may, subject to the restrictions in subparagraph (2) of this paragraph—

(*a*) Settle by accepting the full amount of a claim and execute a release therefor;

(*b*) Compromise and execute a release of any such claim, not in excess of $2,500; or

(*c*) Waive and, in this connection, release any claim not in excess of $2,500, in whole or in part, in order to avoid undue financial hardship upon the injured party, or for the convenience of the Government, as provided in subparagraph (3) of this paragraph.

(2) *Restrictions.* The authority granted in subparagraph (1) of this paragraph will not be exercised in any case in which—

(i) A claim has been asserted against the Government which is based upon the same incident which gave rise to a claim under this regulation, pending final action on that claim.

(ii) The claim has been referred to higher authority for action.

(iii) A suit by a prospective defendant has been instituted against the United States or the injured party, and the suit arises out of the occurrence which gave rise to the claim.

(3) *Waiver.* (i) When requested by the injured party or his attorney, consideration will be given to waiving the claim of the United States in order to avoid undue financial hardship upon the injured party. A hardship waiver must be based upon a showing of actual, not imagined, hardship. A determination of hardship ordinarily cannot be made in the absence of a known amount available to settle the claims of the injured party and the Government. There must be a finding that the reasonable value of the injured party's claim for permanent injuries, pain and suffering, decreased earning power and other items of special damage would not be satisfied if the full amount of the Government's claim is collected. Such factors as pension rights and other Government benefits accruing to the injured party will mitigate against a finding of hardship. Sympathy for the injured party or those connected with him and other subjective considerations are not relevant in determining undue financial hardship. An objective balance between the interests of the injured party and the Government may be obtained by a partial waiver, or in exceptional cases, a full waiver.

(*a*) *Claims within delegated authority (subparagraph (1) of this paragraph).* Subject to the provisions of subparagraph (2) of this paragraph, if the judge advocate determines that a waiver in whole or part should be granted, he will attach to the file a memorandum setting forth the basis for such waiver. If the waiver is in full, he may then execute a release on behalf of the United States and dispose of the file as prescribed by pertinent regulations. If the judge advocate finds that a partial waiver should be granted, he may then conclude a settlement and proceed as above. Upon objection by the injured party or his attorney to the judge advocate's determination that a claim should not be waived, or as to the amount of a partial waiver, the objector should be advised that an appeal may be taken. Appeals should be in writing, addressed to the staff judge advocate of the Army or comparable area command and forwarded through the judge advocate making the initial determination.

(*b*) *Claims in excess of delegated authority (subparagraph (1) of this paragraph).* If the judge advocate determines that a waiver should be granted in whole or in part, he will forward the claim file directly to the Judge Advocate General, ATTN: Chief, Litigation Division, Department of the Army, Washington, D.C., 20310. If the judge advocate determines that a waiver should not be granted, he will inform the injured party or his attorney of such finding. The judge advocate may then proceed to collect the claim, but if the injured party or his attorney objects to the judge advocate's determination, the objector should be advised that an appeal may be taken. Appeals should be in writing, addressed to the Judge Advocate General as set forth above and forwarded through the judge advocate making the initial determination.

(ii) Judge advocates may waive claims within their delegated authority (subparagraph (1) of this paragraph) for the convenience of the Government if the evidence clearly indicates that no prospective defendant is able to pay and no insurance covers the incident involved, or if, after reasonable efforts, no prospective defendant or insurer can be located. In such cases no release will be issued. The judge advocate will attach to the file a memorandum setting forth the basis for the waiver and dispose of the file as prescribed by pertinent regulations. In all other cases, the judge advocate who receives a request for waiver of all or part of a claim for the convenience of the Government, or who believes that it would be in the interest of the Government to waive all or part of a claim, will forward the claim file directly to the Judge Advocate General, ATTN: Chief, Litigation Division, Department of the Army, Washington, D.C., 20310, with his recommendations and supporting reasons.

(4) *Installment payments.* If the prospective defendant admits liability and offers to discharge his indebtedness by means of installment payments, the judge advocate will accept such payments and deposit them with the nearest disbursing officer. He will retain the file until full payment has been made or until it becomes apparent that the defendant is not going to make full payment. In the latter case the judge advocate will take the action prescribed in subparagraph (5) of this paragraph.

(5) *Demands not collected.* Where a demand is made and full payment is not received or an acceptable compromise offer on a claim for $2,500 or less is not received, the judge advocate will, after a reasonable time, forward the file to the staff judge advocate of the Army or comparable area command for further action.

§ 537.24 Administrative matters.

(a) *Releases.* In those cases in which a judge advocate is authorized to execute a release (§ 537.23(c)), care should be taken that the release extends only to the claim of the United States and does not purport to release any claim the injured party may have for his other damages. An acceptable form for such a release is shown below:

GENERAL RELEASE

(AR 27–18)

---------- (Date)

The United States Army, in consideration of the payment of $------, does hereby release and forever discharge---------- (Name of ----------from all claims and demands for and by reason of the reasonable value of medical care furnished by the Army to ---------- resulting from (Name of injured party) an injury or disease to such person arising out of an accident or incident occurring on or about ---------- at ---------- (Date) (Location)

UNITED STATES ARMY

By ---------- (Name, grade, and title)

Witnessed by:

(b) *Receipts.* The commanding officer appointing a claims officer, his superior commander, the judge advocate of any command, or any officer designated by them for that purpose, may execute and deliver to any prospective defendant a receipt for payment in full, installment payment, or an offer of compromise payment subject to the approval of the proper authority. An acceptable form for such a receipt is shown below:

RECIEPT FOR PAYMENT FOR REASONABLE VALUE OF MEDICAL CARE

(AR 27–18)

---------- (Date)

Acknowledgment is hereby made of the receipt by the United States of America of a (check, money order) in the amount of $------, payable to the order of the Treasurer of the United States by ---------- (Name of ---------- as (full payment, an offer of compromise settlement subject to the approval by proper authority) under the provisions of AR 27–18, of the amount due the United States by reason of medical care furnished to ---------- (Name of injured party) resulting from an injury or disease to such person arising out of an incident or accident occurring on or about ---------- at ---------- (Date) (Location)

---------- (Name, grade, and title)

[AR 27–18, Aug. 20, 1965] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply 76 Stat. 593; 42 U.S.C. 2651–2653)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 65–12275; Filed, Nov. 16, 1965; 8:45 a.m.]

Chapter VI—Department of the Navy

SUBCHAPTER B—NAVIGATION

PART 706—NAVIGATIONAL LIGHT WAIVERS

Miscellaneous Amendments

Sections 360 and 1052 of Title 33, United States Code, provide that the requirements of the Regulations for Preventing Collisions at Sea, 1960, the Inland Rules, the Great Lakes Rules and the Western River Rules as to number, position, range of visibility, or arc of visibility of the lights required to be displayed by vessels shall not apply to any vessel of the Navy when the Secretary of the Navy shall find or certify that, by reason of special construction, it is not possible for such vessel or class of vessels to comply with the statutory provisions as to navigation lights.

A recent study indicates that the military design characteristics of the Motor Gunboat (PGM) preclude the installation of the two 20-point white lights (Masthead and Range Lights) in conformance with currently existing waivers on such lights or with Rule 2(a) of the Regulations for Preventing Collisions at Sea (33 U.S.C. 1062(a)). This same study further indicates that the military design characteristics of the Motor Gunboat (PGM) also preclude the installation of the lower of the three towing lights required when the length of tow exceeds 600 feet in conformance with the currently existing waivers on such lights or with Rule 3(a) of the Regulations for Preventing Collisions at Sea (33 U.S.C. 1063(a)).

I hereby certify that these Motor Gunboats (PGM) are naval vessels of special construction and, with respect to the position on such vessels of the two 20-point white lights and towing lights when the length of tow exceeds 600 feet, it is not possible to comply with the requirements of the statutes referred to in sections 360 and 1052, Title 33, United States Code.

I further find that it is feasible to locate these said navigation lights as follows:

(a) The forward 20-point white light shall be carried at a height of 17 feet or more above the hull.

(b) The ratio of the horizontal to the vertical distance between the two 20-point white lights shall be 1.3 or greater to 1; however, the horizontal distance between the forward and after 20-point white lights shall be 19 feet or greater.

(c) The vertical separation of the two lower of the three towing lights when length of tow exceeds 600 feet shall be 3 feet or greater.

Further, I certify that such location constitutes compliance as closely with the applicable statutes as I hereby find to be feasible.

I do specify that this waiver amends the consolidated tabulation of lights described in Table One of § 706.2, Title 32, Code of Federal Regulations published in the FEDERAL REGISTER of August 31, 1965 (30 F.R. 11172), by adding "PGM (Motor Gunboat)" to those vessels described in Table One as Patrol Vessels and adding in the succeeding columns applicable to such ships the following:

	1st column	2d column	3d column	4th column
PGM (Motor Gunboat).....	7 or less...	None	1.3 or greater to one.....	19 or greater.

I do direct that Note 11 of § 706.2, Title 32, Code of Federal Regulations as published in the FEDERAL REGISTER of August 31, 1965 (30 F.R. 11173), be amended to read as follows:

11. On motor gunboats (PGM), guided missile destroyers known as the DDG–2 Class, and on destroyer-type vessels when engaged in towing vessels or objects exceeding 600 feet in length, the two lower of the three towing 20-point white lights will be separated from 3 feet to 15 feet vertically in lieu of the prescribed 6-foot separation.

I specify that the foregoing amendments shall become effective on the date of publication of this document in the FEDERAL REGISTER.

(Sec. 1, 59 Stat. 590, sec. 2, 77 Stat. 194, 33 U.S.C. 360, 1052)

[SEAL] ROBERT H. B. BALDWIN,
Under Secretary of the Navy.

NOVEMBER 6, 1965.

[F.R. Doc. 65–12278; Filed, Nov. 16, 1965; 8:45 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[10th Gen. Rev. of Export Regs., Amdt. 7]

PART 385—EXPORTATION OF TECHNICAL DATA

Miscellaneous Amendments

Section 385.2 *General licenses*, paragraph (c) *General license GTDU; unpublished technical data* is amended by revising the Note following subdivision (ii) of subparagraph (5) *Requirement of written assurance for certain additional products and destinations* to further defer the effective date of certain provisions of subparagraph (5). As revised the Note reads as follows:

NOTE: Pursuant to the provisions of Current Export Bulletin 891, effective April 1, 1964, paragraphs 385.2(c)(5)(ii) (*b*) and (*c*) required certain written assurances relating to the disposition of the products of a complete plant or major component of a plant which is the direct product of unpublished technical data of U.S. origin exported under General License GTDU.

Except as to items which are identified in the last column of the Commodity Control List by the symbol "A," and items on the U.S. Munitions List, the effective date of the written assurance requirements for plant products as a condition of using General License GTDU for exportation of this type of technical data is hereby deferred to and including April 30, 1966, subject to the following limitations:

1. The exporter shall, at least 2 weeks before the initial exportation of the technical data, notify the Office of Export Control, by letter, of the facts required to be disclosed in an application for a validated export license covering such technical data; and

2. The exporter shall obtain from the person who is or will be in control of the distribution of the products of the plant (whether or not such person is the importer) a written commitment that he will notify the U.S. Government, directly or through the exporter, whenever he enters into negotiations to export any product of the plant to any destination covered by § 385.2(c)(5)(ii) (*b*) above, when such product is not identified by the symbol "A" in the last column of the Commodity Control List and requires a validated license for exportation to Country Group W by the information set forth in the column title "Validated License Required for Country Groups Shown Below." The notification should state the product, quantity, country of destination, and the estimated date of shipment.

Moreover, during the period of deferment, the remaining written assurance requirement of § 385.2(c)(5)(ii) (*b*) and (*c*) as to plant products which are identified by the symbol "A" in the last column of the Commodity Control List, or are on the U.S. Munitions List, will be waived if the plant is located in one of the following Cocom countries: Belgium, Canada, Denmark, the Federal Republic of Germany, France, Greece, Italy, Japan, Luxembourg, the Netherlands, Norway, Portugal, Turkey, and the United Kingdom.

This deferment applies to exportations of technical data pursuant to any type of contract or arrangement, including licensing agreements, regardless of whether entered into before or after April 1, 1964.

However, exporters of technical data for complete plants and major plant components pursuant to any pre-May 1, 1966 licensing agreement are advised that after April 30, 1966, written assurances may be required under § 385.2(c)(5)(ii) (*b*) and (*c*) as to the future disposition of products of such plants or major plant components.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487; E.O. 11038, 27 F.R. 7003)

RAUER H. MEYER,
Director, Office of Export Control.

[F.R. Doc. 65–12332; Filed, Nov. 16, 1965; 8:49 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 26—AIRMAIL

Mail Addressed to or From Overseas Military Post Offices

The regulations of the Post Office Department are amended as follows:

In Part 26, make the following change:

A. In § 26.2, paragraph (c)(4) is revised to show that air zone rates for parcels addressed to or from overseas military post offices and naval vessels in care of fleet post offices shall be computed at the zone rate applicable between the post office of mailing and the post office shown in the address. As so revised, paragraph (c)(4) reads as follows:

§ 26.2 Classification.

* * * * *

(c) *Application of rates.* * * *

(4) Air parcel post articles addressed to military post offices overseas (Army, Air Force, Fleet post offices, and Naval vessels) require postage at the zone rate applicable between the mailing post office and the post office shown in the address. See the exception in subparagraph (1) of this paragraph.

NOTE: The corresponding Postal Manual section is 136.234.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501)

HARVEY H. HANNAH,
Acting General Counsel.

[F.R. Doc. 65-12322; Filed, Nov. 16, 1965; 8:49 a.m.]

PART 45—CITY DELIVERY

Apartment House Receptacles

On September 17, 1965, the Post Office Department published a notice of proposed rule making in the FEDERAL REGISTER (30 F.R. 11923). The proposed rule would require mail receptacles to be installed in apartment houses, family hotels, residential flats, and business flats having a common street number as well as where there is a single entrance.

Interested persons were given 30 days in which to submit written comments regarding the proposed rule.

After consideration of the comments received, the Department has reached the conclusion to adopt the proposed rule. The amendment to be effective upon publication is as follows:

§ 45.6 Apartment house receptacles.

(a) *Conditions requiring installation of receptacles.* (1) The delivery of mail in apartment houses, family hotels, residential flats, and business flats in residential areas, containing three or more apartments having a common street entrance or common street number, shall be contingent on the installation and maintenance of U.S. Post Office approved mail receptacles, one for each apartment, including resident manager and janitor, unless the management has arranged for the mail to be delivered at the office or desk for distribution by its employees. The cost of receptacles and their installation is paid for by the owner of the building.

* * * * *

NOTE: The corresponding Postal Manual section is 155.611.

(R.S. 161, amended; 5 U.S.C. 22, 39 U.S.C. 501, 6003)

HARVEY H. HANNAH,
Acting General Counsel.

[F.R. Doc. 65-12296; Filed, Nov. 16, 1965; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 4—Department of Agriculture

PROCUREMENT

Miscellaneous Amendments

The following miscellaneous revisions are made in the Agriculture Procurement Regulations:

PART 4–1—GENERAL

Subpart 4–1.1—Introduction

Section 4–1.106–2 is amended to delete the requirement of the double line on right margin of page.

§ 4–1.106–2 Public.

Those parts of AGPR which are deemed necessary for business concerns, and others properly interested, to understand basic and significant Department procurement regulations which implement, supplement, or deviate from the FPR are published (in Title 41) in the FEDERAL REGISTER. Detailed instructions of interest primarily for internal agency guidance are not so published.

Subpart 4–1.6—Debarred, Suspended, and Ineligible Bidders

Section 4–1.601–1(a) is changed to include the material under paragraph (b), and paragraph (c) is redesignated as paragraph (b).

§ 4–1.601–1 Definitions.

(a) The "Debarring Officer" is the agency or department official authorized to invoke debarment or suspension measures as authorized by this subpart. The Director of Plant and Operations and the Assistant Director for Procurement and Property Management, Office of Plant and Operations, are the Debarring Officers for the Department (Department Debarring Officers) in connection with all procurement and sales transactions except that for the following activities:

(1) Timber sales pursuant to 16 U.S.C. 476;

(2) School Lunch and Surplus Removal pursuant to 42 U.S.C. 1755 and 7 U.S.C. 612c.

Debarring Officers shall be appointed by the appropriate agency head.

(b) Debarring Officers are authorized to invoke debarment or suspension measures in accordance with the procedures of this subpart except as authorities may be specifically reserved to the Department Debarring Officer.

§ 4–1.651 [Deleted]

Section 4–1.651 *Debarment or inactivation of auctioneers,* is deleted in its entirety.

PART 4–2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 4–2.4—Opening of Bids and Awards of Contracts

Section 4–2.407–8 is added to provide for handling protests after award.

§ 4–2.407–8 Protests against award.

Protests received after award will be handled in accordance with § 1–2.407–8(a) and (b) of this title insofar as applicable. If the award was erroneously made, § 4–2.407–53 shall be complied with. Protests addressed to the Secretary or the Department will be handled by the Office of Plant and Operations except as otherwise instructed in individual cases. If the contracting agency is in doubt as to proper resolution of a protest addressed to it, the advice of the Office of Plant and Operations or the Office of General Counsel should be sought.

PART 4–3—PROCUREMENT BY NEGOTIATION

Subpart 4–3.4—Types of Contracts

Section 4–3.408 is added.

§ 4–3.408 Letter contract.

Prior approval of the Director of Plant and Operations is required for the use of a letter contract.

PART 4–4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 4–4.50—General

Section 4–4.5018 is expanded to codify P.L. 89–106.

§ 4–4.5018 Construction on land not owned by the United States.

(a) The Forest Service is authorized to erect permanent facilities on land not owned by the United States, provided, that prior to such erection there be obtained the right to use the land for the estimated life of or need for the structure, including the right to remove any structure erected after the termination of the right to use the land. (16 U.S.C. 571c)

(b) The Department is authorized, within the limitations of cost otherwise applicable, to erect buildings and other structures (except CCC storage facilities) on land not owned by the United States, provided that prior to such erection there is obtained the right (1) to use the land for the estimated life of, or need for, the structure, and (2) to remove any such structure within a reasonable time after termination of the right to use the land. In acquiring the right to use the land, the Department may enter into long-

term leases and available funds may be obligated for the total expenses in connection therewith (P.L. 89–106, approved Aug. 4, 1965).

Section 4–4.5068 is amended to provide that under paragraph (c) term contracts are not authorized for procurement of personal services and under paragraph (d) correct Department Personnel Manual reference.

§ 4–4.5068 Procurement of personal services.

* * * * *

(c) General authorization for procurement of personal services. Agencies are authorized to purchase personal services where it is administratively determined that it would be substantially more economical, feasible or necessary by reason of unusual circumstances to have the work performed through use of procurement procedures and these factors are clearly demonstrable. This authority may be generally utilized only where no qualified employees are reasonably available and the conditions requiring the work are clearly unusual. Factors to be considered in determining whether the conditions faced are unusual include emergencies, short duration of the work and the like. In special circumstances this authority may be utilized even though Government employees are available but in such cases there must be a clear showing of significant economy, feasibility or necessity. This paragraph does not authorize term contracts for furnishing personal services in emergencies or for other short term needs. (6 Comp. Gen. 180; 21 Comp. Gen. 403; 26 Comp. Gen. 791; 31 Comp. Gen. 372, 510; 32 Comp. Gen. 427; and B–156219, June 1, 1965).

(d) Utilization of specific statutory authority. Statutes specifically authorizing the employment of personal services by contract by this Department are as follows:

5 U.S.C. 542a. (See Sec. 4–52.115.)
5 U.S.C. 55a and 574 (where use of the authority is provided for in the appropriation act.) (See Sec. 4–52.104 and 4–52.120.)
7 U.S.C. 1627. (See Sec. 4–52.130.)

Employment of personal services of an individual under these authorities, other than 5 U.S.C. 542a, is covered in Chapter 302, Subchapter 7, of the Department Personnel Manual. Personal services of an organization may be contracted for by agencies where authorized by the above statutes and purchase is otherwise in accordance with the regulations in this chapter. In such cases, formal advertising is not required but there must be reasonable price inquiry.

Subpart 4–4.53—Procurement of Construction

Section 4–4.5301.8 (c), (d), and (e) are revised.

§ 4–4.5301–8 Rates of wages.

* * * * *

(c) *Inclusion of rates in specifications.* Minimum wage rates thus obtained shall be included in the advertised specifications.

(d) *Use of wage determinations.* Wage determinations expire 120 days after the date thereof, and may not be incorporated in contracts awarded thereafter, unless extended in accordance with section 5.4a of the Regulations of the Secretary of Labor. All actions by the Secretary of Labor changing or modifying original wage determinations prior to the award of the contract shall be applicable thereto, except that modifications received by the agency later than 10 days before the opening of bids shall not be effective.

(e) *Apprentice wage rates.* Department of Labor regulations require that invitations to bid on construction contracts in excess of $2,000 include the provision regarding employment of apprentices, Article 3 of Standard Form 19A. Apprentices shall be paid wage rates established in the applicable apprenticeship program. Questions concerning payment of apprentices shall be referred through channels to the Department of Labor.

§ 4–4.5310 [Amended]

Section 4–4.5310(f) is deleted in its entirety.

Section 4–4.5314(c) is amended to change reference.

§ 4–4.5314 Changed conditions in construction contracts.

* * * * *

(c) *Determination of contract adjustment.* Upon receipt of notice of a changed condition from the contractor, the contracting officer shall promptly investigate the conditions and if he finds that such conditions do so materially differ and cause an increase or decrease in the cost of, or the time required for, performance of the contract, he shall determine and make an equitable adjustment as provided in § 4–4.5317(b). No claim for adjustment shall be allowed unless the contractor has given written notice of the changed conditions prior to their being disturbed, unless the Government actually knew of the conditions, or where its interests were not prejudiced by failure to give notice at the time required, or where evidence is available to establish the merits of the claim.

* * * * *

PART 4–6—FOREIGN PURCHASES

Subpart 4–6.1—Buy American Act—Supply and Service Contracts

Section 4–6.105(b) is amended to correct reference in second paragraph.

§ 46.105 Excepted articles, materials and supplies.

* * * * *

(b) * * *

No ----------
Date----------

Clearance

Whereas, in the Administration of the Buy American Act (41 U.S.C. 10a–10d) and in accordance with AGPR 4–6.105, I have found the following articles, materials, or supplies necessary to the activities of this agency, and that corresponding articles, materials, or supplies are not mined, produced, or manufactured in the United States in reasonably available commercial quanties and of a satisfactory quality:

(List of items)

PART 4–10—BONDS AND INSURANCE

The table of contents of Part 4–10 is revised to read as follows:

Subpart 4–10.1—Bonds

Sec.
4–10.103 Bid guarantees.
4–10.103–3 Invitations for bids provisions.
4–10.104 Performance bonds.
4–10.104–2 Other than construction contracts.
4–10.105 Payment bonds.
4–10.105–2 Other than construction contracts.
4–10.150 Invitation for bids provisions—other than construction contracts.
4–10.151 Waiver of bonds covering contracts performed in foreign country.
4–10.152 Review and approval of bonds.
4–10.153 Filing of surety bonds.
4–10.154 Annual contract bonds.

Subpart 4–10.2—Sureties on Bonds

4–10.204–50 Handling of bid securities other than bonds.

Subpart 4–10.3—Insurance—General

4–10.350 Government property.
4–10.351 Private property.
4–10.352 Government employees.

AUTHORITY: The provisions of this Part 4–10 issued under 5 U.S.C. 22, 40 U.S.C. 486(c).

Subpart 4–10.3—Insurance—General

Section 4–10.352 is added to codify P.L. 89–106.

§ 4–10.352 Government employees.

The Department is authorized to obtain insurance to cover liability incurred by any of its employees while acting within the scope of their employment and operating a Government-owned vehicle in a foreign country. (P.L. 89–106, approved Aug. 4, 1965, 79 Stat. 431.)

PART 4–12—LABOR

Subpart 4–12.4—Labor Standards in Construction Contracts

Section 4–12.404–2(b) is amended.

§ 4–12.404–2 Wage determinations.

(b) *Modifications.* The Secretary of Labor may modify a wage decision to correct clerical errors at any time. Such modifications will be incorporated in the contract under the "Changes" clause if received too late to be included in the advertised specifications. (See 37 Comp. Gen. 326.)

Done at Washington, D.C., this 10th day of November 1965.

T. M. BALDAUF,
Acting Director of Plant and Operations.

[F.R. Doc. 65-12312; Filed, Nov. 16, 1965; 8:48 a.m.]

Chapter 9—Atomic Energy Commission

PART 9–3—PROCUREMENT BY NEGOTIATION

Subpart 9–3.8—Price Negotiation Policies and Techniques

Correction

In F.R. Doc. 65–12156 appearing at page 14258 in the issue for Saturday, November 13, 1965, the second paragraph in the center column now reads: "Section 9–3.807–52, *Authority to waive 'price data' and 'cost or pricing data'*, is deleted". It is corrected to read: "Section 9–3.807–51, *Definition of terms 'price data' and 'cost or pricing data'*, is deleted."

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Kirwin National Wildlife Refuge, Kans.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

KANSAS

KIRWIN NATIONAL WILDLIFE REFUGE

Sport fishing on the Kirwin National Wildlife Refuge, Kans., is permitted from January 1 through December 31, 1966, inclusive, on all areas not designated by signs as closed to fishing. These open areas comprising 5,000 acres, are delineated on maps available at refuge headquarters, 5 miles southwest of Kirwin, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex., 87103. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1966.

MERLE O. BENNETT,
Refuge Manager, Kirwin National Wildlife Refuge, Kirwin, Kans.

NOVEMBER 3, 1965.

[F.R. Doc. 65–12291; Filed, Nov. 16, 1965; 8:46 a.m.]

PART 33—SPORT FISHING

Bear River Migratory Bird Refuge, Utah

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

UTAH

BEAR RIVER MIGRATORY BIRD REFUGE

Sport fishing on the Bear River Migratory Bird Refuge, Brigham City, Utah, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 10 acres, are delineated on maps available at refuge headquarters and from the office of the Regional Director, Post Office Box 1306, Albuquerque, N. Mex., 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from January 1 through December 31, 1966, inclusive.

(2) Fishing shall be with pole and line only, including rod and reel.

(3) The use of boats is prohibited below the river control gates at refuge headquarters.

(4) Fishermen are required to register at the refuge office. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through December 31, 1966.

LLOYD F. GUNTHER,
Refuge Manager, Bear River Migratory Bird Refuge, Brigham City, Utah.

NOVEMBER 1, 1965.

[F.R. Doc. 65–12292; Filed, Nov. 16, 1965; 8:46 a.m.]

PART 33—SPORT FISHING

National Elk Refuge, Wyo.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

WYOMING

NATIONAL ELK REFUGE

Sport fishing on the National Elk Refuge, Wyo., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 327 acres, are delineated on maps available at refuge headquarters, Jackson, Wyo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex., 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open seasons for sport fishing on the refuge extend from June 1 through October 31, 1966, inclusive, on the Gros Ventre River and its tributaries and Pierre's Pond; and from August 1 through October 31, 1966, inclusive, on Flat Creek above the Old Crawford Bridge site to the east refuge boundary.

(2) Use of boats or other floating devices are not permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through October 31, 1966.

F. SHELDON DART,
Refuge Manager, National Elk Refuge, Jackson, Wyo.

OCTOBER 27, 1965.

[F.R. Doc. 65–12293; Filed, Nov. 16, 1965; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3867]

[Montana 070206]

MONTANA

Withdrawal for National Forest Administrative Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following-described lands in the Lewis and Clark National Forest are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Chap. 2), for a Department of Agriculture administrative site:

MONTANA PRINCIPAL MERIDIAN

BENCHMARK PUBLIC SERVICE SITE AND RECREATION SITE

T. 20 N., R. 10 W., unsurveyed but which probably will be when surveyed,
Sec. 9, SE¼SW¼NW¼, SW¼NE¼SW¼, E½NW¼SW¼, and S½SW¼;
Sec. 15, W½SW¼SW¼;
Sec. 16, SW¼NW¼NE¼, W½SW¼NE¼, SE¼SW¼NE¼, E½NW¼, N½NW¼-NW¼, SE¼NW¼NW¼, NW¼NE¼SE¼, S½NE¼SE¼, N½NW¼SE¼, SE¼-S½NE¼SE¼, N½NW¼SE¼, SE¼-NW¼SE¼, NE¼SW¼SE¼, N½SE¼-SE¼, and SE¼SE¼SE¼;
Sec. 22, S½SW¼NE¼, S½SE¼NE¼, SW¼NE¼NW¼, NW¼NW¼, E½SW¼-NW¼, SE¼NW¼, NE¼SW¼, NW¼-NE¼SE¼, and NW¼SE¼.

The areas described aggregate approximately 630 acres.

2. The withdrawal made by this order does not alter the applicability of those

public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

NOVEMBER 10, 1965.

[F.R. Doc. 65–12294; Filed, Nov. 16, 1965; 8:46 a.m.]

[Public Land Order 3868]

[Oregon 016853 (Wash.)]

WASHINGTON

Revocation of National Forest Administrative Site

By virtue of the authority vested in the President and pursuant to E.O. No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

The Departmental order of April 30, 1908, withdrawing the following-described land for administration of the Olympic National Forest is hereby revoked:

WILLAMETTE MERIDIAN

KILLEA RANGER STATION ADMINISTRATIVE SITE

T. 24 N., R. 10½ W.,
Sec. 2, lot 10.
Containing 33.10 acres.

The land is reserved as a part of the Olympic National Park.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

NOVEMBER 10, 1965.

[F.R. Doc. 65–12295; Filed, Nov. 16, 1965; 8:47 a.m.]

Proposed Rule Making

POST OFFICE DEPARTMENT

[39 CFR Part 115]

ARTICLES MAILED ABROAD BY OR ON BEHALF OF SENDERS IN THE UNITED STATES

Notice of Proposed Rule Making

Notice is hereby given of proposed rule making consisting of proposed amendments to Part 115 of Title 39, Code of Federal Regulations. One proposed rule will require payment of U.S. postage in the United States on articles in excess of 200 pieces mailed in other countries in a 30-day period by or on behalf of any person or firm whose residence or place of business is located in the United States to addresses in the United States when the foreign postage on the articles is lower than comparable U.S. domestic postage. A second proposed rule will apply the same conditions when more than 5,000 pieces of mail are involved even when the foreign postage is not lower.

Although the procedures in 39 CFR Part 115 relate to a proprietary function of the Government, it is the desire of the Postmaster General voluntarily to observe the rule-making requirements of the Administrative Procedure Act (5 U.S.C. 1003) in order that patrons of the postal service may have an opportunity to present written views concerning the proposed rules. Accordingly, such written views may be submitted to the Director, International Services Division, Bureau of Transportation and International Services, Post Office Department, Washington, D.C., 20260, at any time prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER.

The proposed amendments to the regulations cited above are as follows:

PART 115—ARTICLES MAILED ABROAD BY OR ON BEHALF OF SENDERS IN THE UNITED STATES

§ 115.1 **U.S. postage rates required.**

Pursuant to provisions of the Universal Postal Convention, U.S. postage must be paid to secure delivery of articles in excess of 200 pieces mailed in other countries by or on behalf of persons or firms whose residence or place of business is in the United States when the foreign postage on the articles is lower than comparable U.S. domestic postage. The articles will be returned to origin unless applicable U.S. postage is paid for the total number of pieces. Even if the foreign postage is not lower, the same conditions apply when more than 5,000 pieces are involved. These limitations apply to mailings made in such quantities within a 30-day period.

§ 115.2 **Mailing with U.S. postage paid.**

Senders affected by § 115.1 must submit a sample of the proposed mailing (envelope and contents) to the International Service Division, Bureau of Transportation and International Services, Post Office Department, Washington, D.C., 20260, with a statement as to the number of pieces to be mailed, when and where the mailing will take place, and a check to cover the amount of the applicable U.S. postage. Checks will be made payable to the Post Office Department. Notification of postage acceptance and approval of mailing will be given by the Department to the sender and to the appropriate U.S. receiving exchange offices which will permit the articles in the mailing to go forward to the addressees without delay when they reach the United States.

§ 115.3 **Mailing with U.S. postage not paid.**

A mailing subject to § 115.1 received without prepayment of U.S. domestic postage having been made in advance will be held at the exchange office of receipt, and the U.S. sender will be requested to pay the postage. After payment of the required amount, the mailing will be allowed to go forward; if not paid, it will be returned to the country of origin.

§ 115.4 **Report of incoming mailings.**

Only U.S. receiving exchange offices will report to the Department mailings from other countries that appear to have been made by or on behalf of senders in the United States.

NOTE: The corresponding Postal Manual section is Part 225.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

HARVEY H. HANNAH,
Acting General Counsel.

[F.R. Doc. 65-12297; Filed, Nov. 16, 1965; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 813]

[Hearing Clerk Docket No. SH-236]

DOMESTIC BEET SUGAR AREA

Allotment of 1965 Sugar Quota; Notice of Reopened Hearing

Pursuant to the provisions of the Sugar Act of 1948, as amended (61 Stat. 922) a notice of hearing was issued (29 F.R. 15657) and a hearing was held to receive evidence regarding the allotment of the 1965 sugar quota for the Domestic Beet Sugar Area. Following the hearing an initial order was issued on January 13, 1965 (30 F.R. 435), and subsequently amended on July 2, 1965 (30 F.R. 8461), and September 25, 1965 (30 F.R. 12282), on the basis of the record of that hearing. The amended order of September 25, 1965, was further amended on November 9, 1965, to allot a portion of the larger quota for the area pursuant to the Sugar Act Amendments of 1965 as provided in Sugar Regulation 811, Amendment 7, published in the FEDERAL REGISTER on November 13, 1965.

Twenty-five thousand short tons, raw value, of the quota was not allotted in the amended order of November 9, 1965, and has been held in reserve so that consideration could be given to a new provision in section 205 added by the Sugar Act Amendments of 1965 which was made effective January 1, 1965. That provision provides in substance that when the allotment of the quota for the Domestic Beet Sugar Area is required the Secretary is authorized to take into consideration, in lieu of or in addition to the factors of processing, past marketings, and ability to market, the need for establishing an allotment which will permit such marketing of sugar as is necessary for the reasonably efficient operation of any nonaffiliated single plant processor of sugarbeets, subject to the limitations that the marketing allotment of any such processor of sugarbeets shall not be increased above an allotment of 25,000 short tons, raw value; and that the total increases in marketing allotments made to such processors in the domestic beet sugar area shall be limited to 25,000 short tons of sugar, raw value, for each calendar year.

In view of the fact that this new provision was not considered in the hearing heretofore held for allotting the 1965 Beet Sugar Area Quota, it is necessary to reopen the record and hearing in the proceedings pertaining to the allotment of such 1965 quota identified as Hearing Clerk Docket No. SH-236, to permit evidence, limited to the subject and issues hereinafter stated, to be introduced into such record.

Accordingly, pursuant to section 205 of the Act, as recently amended, and in accordance with the applicable rules of practice and procedure (7 CFR 801.1 et seq.) notice is hereby given that the proceedings identified as Hearing Clerk Docket No. SH-236 will be reopened and a public hearing will be held at Washington, D.C., in Room 2-W, Administration Building, U.S. Department of Agriculture on November 19, 1965, beginning at 10 a.m., e.s.t.

The subject and issues of such hearing will be limited to the establishment of allotments of the 1965 Domestic Beet Sugar Area Quota for the reasonable efficient operation of nonaffiliated single plant processors of sugarbeets as provided by the new provision of section 205 described above which was added by the Sugar Act Amendments of 1965; and the testimony at such hearing will be limited to the submission of data, views, proposals, and arguments relevant to such subject and issues.

I find that due to the limited time remaining in the calendar year within which sugar may be marketed under allotments in an orderly manner, an emergency exists which requires that less than 10 days published notice be given of the hearing and that the period of time given by this notice of hearing is reasonable under the circumstances.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Issued at Washington, D.C., this 12th day of November 1965.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 65-12303; Filed, Nov. 16, 1965; 8:47 a.m.]

[7 CFR Part 813]

DOMESTIC BEET SUGAR AREA

Allotment of 1966 Sugar Quota; Notice of Hearing

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922) and as further amended and extended by the Sugar Act Amendments of 1965 and in accordance with the applicable rules of practice and procedure (7 CFR 801.1 et seq.) and on the basis of information before me, I do hereby find that the allotment of the 1966 sugar quota for the Domestic Beet Sugar Area is necessary to prevent disorderly marketing and to afford all interested persons an equitable opportunity to market sugar, and hereby give notice that a public hearing will be held at Washington, D.C., in Room 2-W, Administration Building, United States Department of Agriculture, on November 19, 1965, following the reopened hearing (SH-236) with respect to the allotment of the Domestic Beet Sugar Area Quota for 1965 which will begin at 10 a.m., e.s.t.

The preliminary finding made above is based on the best information now available. It will be appropriate to present evidence at the hearing on the basis of which the Secretary of Agriculture may affirm, modify, or revoke such preliminary finding.

The purpose of such hearing is to receive evidence to enable the Secretary of Agriculture to establish fair, efficient, and equitable allotments of a portion of the quota for the area which will enable persons who process sugar and liquid sugar from sugar beets grown in the continental United States to market such sugar and liquid sugar in an orderly manner during the period January 1, 1966, to the date the Secretary prescribes a method for allotting the entire 1966 quota for the Domestic Beet Sugar Area on the basis of the record of another hearing to be held subsequently.

To avoid disorderly marketing by any allottee who might market early in 1966 a quantity of sugar larger than its allotment of the entire 1966 sugar quota for the Domestic Beet Sugar Area, it is necessary to make allotments effective on January 1, 1966. Part of the evidence necessary to provide an adequate basis for establishing allotments of the entire 1966 quota for the full calendar year cannot be adduced on the date for which the hearing is called. Therefore, the testimony on that date will be limited to data, views and arguments regarding the identity of the allottees and consideration of the factors cited in section 205(a) of the Act pertinent to establishing allotments of a portion of the quota for the area to be in effect from January 1, 1966, until an order establishing the method for allotting the entire quota for the area for the calendar year 1966 is made effective.

At the hearing the Government witness will propose that for the period January 1, 1966, to the date an order is made effective based on a subsequent hearing that the marketing allotment for each individual allottee shall be established at 75 percent of the 1965 allotment in effect for each allottee as of December 15, 1965, except that, such allotment for any nonaffiliated single plant processor having a final 1965 marketing allotment of 25,000 short tons of sugar, raw value, or less may be established at a level equal to the January 1, 1966 estimated effective inventory of such processor.

Upon notice hereafter to be given in accordance with applicable rules of practice and procedure, a public hearing will be held early in 1966 for the purpose of receiving evidence to enable the Secretary to establish allotments of the entire 1966 quota for the area for the calendar year 1966 under the provisions of the Sugar Act of 1948, as amended.

I find that due to the limited time remaining in the calendar year and the need to establish prior to January 1, 1966, allotments of the 1966 quota, an emergency exists which requires that less than 10 days published notice be given of the hearing and that the period of time given by this notice of hearing is reasonable under the circumstances.

All written submission made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Issued at Washington, D.C., this 12th day of November 1965.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 65-12304; Filed, Nov. 16, 1965; 8:47 a.m.]

[7 CFR Part 814]

[Hearing Clerk Docket No. SH-237]

MAINLAND CANE SUGAR AREA

Allotment of 1965 Sugar Quota; Notice of Reopened Hearing

Pursuant to the provision of the Sugar Act of 1948, as amended (61 Stat. 922) a notice of hearing was issued (30 F.R. 845) and a hearing was held to receive evidence regarding the allotment of the 1965 sugar quota for the Mainland Cane Sugar Area. Following the hearing an order was issued on April 14, 1965 (30 F.R. 4746), and subsequently amended on June 19, 1965 (30 F.R. 7945), on the basis of the record of that hearing. The amended order of June 19, 1965, was further amended on November 9, 1965, to allot a portion of the larger quota for the area pursuant to the Sugar Act Amendments of 1965 as provided in Sugar Regulation 811, Amendment 7, published in the FEDERAL REGISTER on November 13, 1965.

Sixteen thousand short tons, raw value, of the quota was not allotted in the amended order on November 9, 1965, and has been held in reserve so that consideration could be given to a new provision in section 205 added by the Sugar Act Amendments of 1965 which was made effective January 1, 1965. That provision provides in substance that when the allotment of the quota for the Mainland Cane Sugar Area is required the Secretary is authorized in making such allotments of a quota for any calendar year to take into consideration, in lieu of or in addition to the factors of processing, past marketings, and ability to market, the need for establishing an allotment for any processor of sugarcane and as may be necessary to avoid unreasonable carry-over of sugar in relation to other processors in the area, provided, that the marketing allotment of any such processor of sugarcane shall not be increased under this provision above an allotment equal to the effective inventory of sugar of such processor on January 1, of the calendar year for which such allotment is made, except that the marketing allotment for 1965 of any processor of sugarcane, other than a processor-refiner, may, in the discretion of the Secretary, be increased by an additional 6,200 short tons of sugar, raw value and that the total increases in marketing allotments made pursuant to this sentence to processors in the Mainland Cane Sugar Area shall be limited to 16,000 short tons of sugar, raw value, for each calendar year.

In view of the fact that this new provision was not considered in the hearing heretofore held for allotting the 1965 Mainland Cane Area Quota, it is necessary to reopen the record and hearing in the proceedings pertaining to the allotment of such 1965 quota identified as Hearing Clerk Docket No. SH-237, to permit evidence, limited to the subject and issues hereinafter stated, to be introduced into such record.

Accordingly, pursuant to section 205 of the Act, as recently amended, and in

accordance with the applicable rules of practice and procedure (7 CFR 801.1 et req) notice is hereby given that the proceedings identified as Hearing Clerk Docket No. SH–237 will be reopened and a public hearing will be held at Washington, D.C., in Room 2–W, Administration Building, U.S. Department of Agriculture on November 23, 1965, beginning at 10 a.m., e.s.t.

The subject and issues of such hearing will be limited to the establishment of allotments of the 1965 Mainland Cane Sugar Area Quota for any processor of sugarcane as may be necessary to avoid unreasonable carry-over of sugar in relation to other processors in the area as provided by the new provision of section 205 described above which was added by the Sugar Act Amendments of 1965, and the testimony at such hearing will be limited to the submission of data, views, proposals, and arguments relevant to such subject and issues.

I find that due to the limited time remaining in the calendar year within which sugar may be marketed under allotments in an orderly manner, an emergency exists which requires that less than 10 days published notice be given of the hearing and that the period of time given by this notice of hearing is reasonable under the circumstances.

All written submission made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Issued at Washington, D.C., this 12th day of November 1965.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 65–12305; Filed, Nov. 16, 1965; 8:47 a.m.]

[7 CFR Part 814]

MAINLAND CANE SUGAR AREA

Allotment of 1966 Sugar Quota; Notice of Hearing

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922) and as further amended and extended by the Sugar Act Amendments of 1965 and in accordance with the applicable rules of practice and procedure (7 CFR 801.1 et seq.) and on the basis of information before me, I do hereby find that the allotment of the 1966 sugar quota for the Mainland Cane Sugar Area is necessary to prevent disorderly marketing and to afford all interested persons an equitable opportunity to market sugar, and hereby give notice that a public hearing will be held at Washington, D.C., in Room 2–W, Administration Building, U.S. Department of Agriculture, on November 23, 1965, following the reopened hearing (SH–237) with respect to the allotment of the Mainland Cane Sugar Area Quota for 1965 which will begin at 10 a.m., e.s.t.

The preliminary finding made above is based on the best information now available. It will be appropriate to present evidence at the hearing on the basis of which the Secretary of Agriculture may affirm, modify, or revoke such preliminary finding.

The purpose of such hearing is to receive evidence to enable the Secretary of Agriculture to establish fair, efficient, and equitable allotments of a portion of the quota for the Mainland Cane Sugar Area which will enable persons who process sugar and liquid sugar from sugarcane grown in the continental United States to market such sugar and liquid sugar in an orderly manner during the period January 1, 1966, to the date the Secretary prescribes a method for allotting the entire 1966 quota for the area on the basis of the record of another hearing to be held subsequently.

To avoid disorderly marketing by any allottee who might market early in 1966 a quantity of sugar larger than its allotment of the entire 1966 sugar quota for the area, it is necessary to make allotments effective on January 1, 1966. Part of the evidence necessary to provide an adequate basis for establishing allotments of the entire 1965 quota for the area for the full calendar year cannot be adduced on the date for which the hearing is called. Therefore, the testimony on that date will be limited to data, views and arguments regarding the identity of the allottees and consideration of the factors cited in section 205(a) of the Act pertinent to establishing allotments of a portion of the quota for the area to be in effect from January 1, 1966, until an order establishing the method for allotting the entire quota for the area for the calendar year 1966 is made effective.

At the hearing the Government witness will propose that for the period January 1, 1966, to the date an order is made effective based on a subsequent hearing that for the Mainland Cane Sugar Area, allotments totaling 825,000 short tons, raw value, of sugar be established prorata on the basis of allotments of the 1965 quota for the area as in effect on December 15, 1965.

Upon notice hereafter to be given in accordance with applicable rules of practice and procedure, a public hearing for the area will be held early in 1966 for the purpose of receiving evidence to enable the Secretary to establish allotments of the entire 1966 quota for the area for the calendar year 1966 under the provisions of the Sugar Act of 1948, as amended.

I find that due to the limited time remaining in the calendar year and the need to establish prior to January 1, 1966, allotments of the 1966 quota, an emergency exists which requires that less than 10 days published notice be given of the hearing and that the period of time given by this notice of hearing is reasonable under the circumstances.

All written submission made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Issued at Washington, D.C., this 12th day of November 1965.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 65–12306; Filed, Nov. 16, 1965; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 34]

MEDICAL EXAMINATION OF ALIENS

Notice of Proposed Rule Making

Notice is hereby given that the Surgeon General of the Public Health Service, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend the regulations in Part 34 of Title 42, Code of Federal Regulations (1) to reflect recent changes in the Immigration laws concerning the diseases or disorders for which aliens may be denied visas and excluded from admission into the United States, (2) to conform to current practice with regard to exceptions to the requirements for chest X-ray examinations and for carrying X-ray films to the United States, (3) to delete reference to preexaminations in the United States, for conformity with changes in Immigration and Naturalization Service regulations, and (4) to make minor procedural changes concerning transmission of documents. Interested persons may submit written data, views, or arguments in regard to the proposed regulations to the Surgeon General, Public Health Service, Washington, D.C., 20201. All relevant material received not later than 15 days after publication of this notice will be considered.

§ 34.2 [Amended]

1. In paragraph (b) of § 34.2, which defines dangerous contagious disease, item number 9 is amended to read as follows:

9. Keratoconjunctivitis, infectious.

2. Subparagraphs (1) and (3) of § 34.4 (b) are amended to read as follows:

§ 34.4 Scope of examinations.

* * * * * *

(b) *Chest X-ray and serologic test*—(1) *Persons subject to.* A chest X-ray examination for tuberculosis and a serologic test for syphilis shall be required as part of the examination of:

(i) All applicants for immigrant visas,

(ii) All students and exchange visitors who are required by a consular authority to have a medical examination upon application for a nonimmigrant visa,

(iii) All other applicants for a nonimmigrant visa who are required by a consular authority to have a medical examination if such X-ray examination and serologic test are considered necessary by the medical examiner, and

(iv) All applicants for adjustment of status in the United States under the immigration laws and regulations:

Provided, however, That a chest X-ray examination for tuberculosis shall not be required in any case if the alien is 10 years of age or under, and a serologic test for syphilis shall not be required in any case if the alien is 14 years of age or under, unless the medical examiner has reason to suspect that the applicant has tuberculosis or syphilis; *Provided, further,* That additional exceptions to the chest X-ray examination requirement may be authorized by the Chief of the Division of Foreign Quarantine of the Public Health Service.

* * * * * *

(3) *Procedure for transmitting records.* For aliens issued immigrant visas, the medical examination report shall be placed in a separate envelope which shall be sealed and attached to the alien's visa in such a manner as to be readily detached by the medical examiner at the United States port of entry. The X-ray film shall be included in this envelope or, in the case of large films, shall be placed in a separate envelope which shall be sealed and given to the alien for presentation at the port of entry. For aliens issued nonimmigrant visas, the medical examination report and the X-ray film shall be placed in an envelope which shall be sealed and given to the alien for presentation at the United States port of entry. When more than one X-ray film is used as a basis for the medical examiner's conclusions, all films shall be included. However, the X-ray film or films used in connection with the examination of a visa applicant shall not be required to be attached to the visa or otherwise presented to the medical examiner at the United States port of entry when an exception to this requirement is authorized by the Chief of the Division of Foreign Quarantine of the Public Health Service.

* * * * * *

3. Section 34.7 is amended to read as follows:

§ 34.7 Certificates and notifications; Class A.

A Class A certificate or Class A notification shall be issued with respect to aliens who:

(a) Are mentally retarded;

(b) Are insane;

(c) Have had one or more attacks of insanity;

(d) Are afflicted with psychopathic personality, sexual deviation, or a mental defect;

(e) are narcotic drug addicts or chronic alcoholics;

(f) Are afflicted with any dangerous contagious disease;

Provided, however, That a Class A certificate or Class A notification of a mental defect, disease, or disability shall in no case be issued with respect to an alien having only mental shortcomings due to ignorance, or suffering only from a mental condition (1) attributable to remediable physical causes or (2) of a temporary nature, caused by a toxin, drug, or disease.

4. Subparagraph (2) of § 34.14(a) is amended to read as follows:

§ 34.14 Reexamination; convening of boards; expert witnesses; reports.

(a) * * *

(2) Upon an appeal by an alien who, having received a medical examination in connection with determination of admissibility to the United States (including examination on arrival and adjustment of status as provided in the immigration laws and regulations) has been certified for: mental retardation; insanity; one or more previous attacks of insanity; psychopathic personality; sexual deviation; mental defect; narcotic drug addiction; or chronic alcoholism.

* * * * * *

(Sec. 215, 58 Stat. 690, as amended, sec. 234, 66 Stat. 198; 42 U.S.C. 216, 8 U.S.C. 1224. Interpret or apply secs. 322, 325, 58 Stat. 696, as amended, 697, secs. 212, 236, 66 Stat. 182, 200; 42 U.S.C. 249, 252, 8 U.S.C. 1182, 1226)

Dated: November 2, 1965.

[SEAL] WILLIAM H. STEWART,
Surgeon General.

Approved: November 9, 1965.

WILBUR J. COHEN,
Acting Secretary.

[F.R. Doc. 65–12344; Filed, Nov. 16, 1965; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 65–WE–82]

CONTROL ZONE, CONTROL AREA EXTENSION AND TRANSITION AREA

Proposed Alteration, Revocation and Designation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the controlled airspace in the Moffett Field NAS/San Jose, Calif., terminal area.

The Agency has completed a comprehensive review of the terminal airspace structure requirements and is considering the following actions:

1. Alter the Mountain View, Calif. (Moffett Field NAS), control zone by redesignating it as that airspace within a 5-mile radius of Moffett Field NAS (latitude 37°24'55'' N., longitude 122°02'50'' W.), within a 1-mile radius of San Mateo County Airport of Palo Alto, Calif. (latitude 37°27'40'' N., longitude 122°06'50'' W.), within 2.5 miles SW and 2 miles NE of the Moffett TACAN 157° radial extending from the 5-mile radius zone to 8 miles SE of the TACAN, and within 2 miles each side of the San Jose VOR 325° radial extending from the VOR to 8 miles NW of the VOR excluding the portion SE of a line from latitude 37°25'45'' N., longitude 121°56'35'' W. to latitude 37°19'30'' N., longitude 122°00'10'' W.

2. Revoke the portion of San Jose control area extension N of latitude 37°00'00'' N. and the portion of the San Francisco control area extension S of latitude 37°30'00'' N. Both of these extensions are designated with floors 700 feet above the surface.

3. Designate the San Jose transition area as follows: That airspace extending upward from 700 feet above the surface within 2 miles each side of the Moffett TACAN 157° radial extending from 8 miles SE to 16 miles SE of the TACAN, within 2 miles each side of the San Jose ILS localizer course extending from the San Jose 5-mile radius control zone to 1 mile SE of the San Jose LOM, within 5 miles SW and 8 miles NE of the San Jose VOR 137° radial extending from 16 miles SE to 28 miles SE of the VOR, and that airspace bounded by a line beginning at latitude 37°30'00'' N., longitude 121°52'00'' W., thence to latitude 37°22'00'' N., longitude 122°08'00'' W., thence to latitude 37°22'00'' N., longitude 122°24'00'' W., thence to latitude 37°30'00'' N., longitude 122°27'00'' W., thence to point of beginning; that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 37°30'00'' N., on the E and NE by longitude 121°50'00 W., and the SW edge of V–107, on the SE and S by the NW edge of V–111 and latitude 37°00'00'' N., and on the W by the E edge of V–27 to latitude 37°30'00'' N.

The proposed Mountain View control zone, which is required for aircraft conducting instrument procedures prescribed for Moffett Field NAS, incorporates only minor changes to the currently designated control zone. No changes to the existing San Jose Municipal Airport control zone are proposed.

The proposed San Jose transition area provides protection for aircraft executing instrument approach, departure, holding, and radar vectoring procedures conducted outside the limits of the control zones. Continuity is also provided on the N with the San Francisco Bay area and on the S with the Salinas/Monterey area controlled airspace.

Certain minor revisions to prescribed instrument procedures may accompany the action proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or landing minimums be adversely affected.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 5651 West Manchester Avenue, Los Angeles, Calif., 90045.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on November 4, 1965.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 65-12274; Filed, Nov. 16, 1965; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 14961; FCC 65-1012]

PRACTICE AND PROCEDURE

Defective Applications; Termination of Proposed Rule Making Proceedings

In the matter of amendment of § 1.307 (now § 1.566) of the Commission's rules.

1. The Commission has before it for consideration the notice of proposed rule making in the above-entitled matter, adopted February 13, 1963 (FCC 63-125), which invited comments on a proposed amendment to § 1.307 (now § 1.566) of the Commission's rules. The proposed amendment would if adopted change the practice of accepting, processing, and granting assignment and transfer applications for the purchase of stations on condition that the transaction not be consummated until after the grantee, with Commission approval, has disposed of sufficient direct or indirect ownership interests in other broadcast stations to eliminate any conflict with the multiple ownership rules. The proposal would require a multiple owner with the maximum number of AM, FM, or TV broadcast station ownership interests permitted under the multiple ownership rules (7 AM, 7 FM and 7 TV broadcast stations, with no more than 5 TV stations in the VHF band) to dispose of one of his interests before making application to buy or construct a station in the same service. It would also require any licensee seeking to acquire or construct a station in the same city or area in which he already owns a station in the same service to achieve compliance with the duopoly provisions of the multiple ownership rules by disposing of the station he owns before making application to acquire the new or existing station.

2. Eighteen comments were filed on behalf of some 43 parties. All oppose the proposed rule. The bases for opposition are in all cases substantially similar. It is generally asserted that the proposed rule would serve no public interest purpose. It is pointed out that over the past 22 years the number of such conditional acquisitions has amounted to but 1.1 percent of the total acquisitions approved by the Commission. Thus it is argued that no administrative need would be met by the proposed rule. Several parties, in fact, point out that the adoption of the rule would have the effect of increasing the Commission's administrative burden by requiring separate proceedings for divestiture for all such applicants for acquisition of additional facilities whether or not the acquisitions were in fact consummated. It is asserted, further, that if the aim of the Commission is to impose additional restriction on multiple ownership or in trafficking, then the method proposed here is inappropriate; if problems exist in these areas they should be dealt with directly.

3. Several additional substantive arguments are made by most if not all of the parties filing comments. It is argued that an effect would be to prevent qualified parties from applying for acquisition of additional or improved facilities because the risk of loss of owned stations without subsequent approval by the Commission of the application for acquisition would be too great. It is pointed out that such a risk would be in any case an unfair burden on a licensee, and that in cases where the proceedings for acquisition of the additional facilities were for any reason protracted, the requirement of divestiture before filing of the application for acquisition could well lead to serious financial loss over an extended period. With regard to the Commission's "duopoly" provisions and multiple ownership restrictions, it is argued that the uncertainty and imprecise definition of such controlling factors as "substantial overlap", "common ownership" and "undue concentration" would cause serious hardship to applicants who would be required to choose between possibly unnecessary divestiture and the risk that an authoritative ruling—in the form of a dismissal of an application—might come only after it was too late to remedy the situation by divestiture.

4. These hardships and effects caused by the proposed rule, would, it is asserted, restrict competition among broadcasters by impeding growth of new companies, discourage healthy economic growth in the broadcast industry, and discourage the maximum use and development of broadcast facilities by the best possible licensees. Finally, it is argued that the proposed rule would violate section 310 (b) of the Communications Act which provides that no permit or license or any rights thereunder may be transferred, assigned or otherwise disposed of except upon application to the Commission and a finding by it that the public interest would be served thereby; and would deny licensees and permittees the rights and procedures guaranteed by section 309 of the Act.

5. Without reaching the legal arguments last mentioned, we find some of the arguments against the merits of the proposal persuasive. It appears that the proposed amendment would involve undue restrictions on potential applicants without corresponding administrative or other benefits of equal significance.

6. In view of the above the Commission is of the opinion that the public interest does not require adoption of the rule proposed in this proceeding.

7. *Accordingly, it is ordered,* That this proceeding is terminated without further action of the Commission.

Adopted: November 10, 1965.

Released: November 12, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12345; Filed, Nov. 16, 1965; 8:50 a.m.]

[47 CFR Part 73]

[Docket No. 16063; FCC 65-1011]

TABLE OF ASSIGNMENTS, FM BROADCAST STATIONS

Further Notice of Proposed Rule Making

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Portage and Shawano, Wis., Murray, Ky., New Port Richey and Clearwater, Fla., Scott City, Kans., Maquoketa and Cedar Rapids, Iowa, Fairmont, W. Va., Galesburg, Ill., Prestonsburg, Ky., Austin and Georgetown, Tex., Bellevue, Ohio, Dalhart, Tex., Las Cruces, N. Mex., Petersburg, Va., Wichita, Kans., Fergus Falls, Minn., Pittsfield, Ill., Savanna, Ill., Docket No. 16063, RM-720, RM-756, RM-757, RM-763, RM-759, RM-762, RM-767, RM-768, RM-770, RM-771, RM-769, RM-777, RM-823.

1. Notice is hereby given of proposed rule making in the above-entitled matters.

2. We have before us for consideration, our original Notice in this Docket 16063, FCC 65-543, released June 18, 1965. The Notice dealt with, inter alia, RM-762 and proposed, in response to the petition of Jackson County Broadcasting Co., to assign a Class A channel to Maquoketa, Iowa by making the following changes in our Table of Assignments:

City	Channel No.	
	Present	Proposed
Maquoketa, Iowa		272A
Cedar Rapids, Iowa	243, 251	243, 251
	275, 283	276A, 283

This petition had alternatively requested the assignment of Channel 237A to Maquoketa by deleting it from Muscatine, Iowa as follows:

City	Channel No.	
	Present	Proposed
Maquoketa, Iowa		237A
Muscatine, Iowa	237A, 259	259

We also have before us the petition of Robert A. Jones, RM-823, received by the Commission on July 21, 1965, which requests the assignment of Channel 272A to Savanna, Ill. The requested assignment of Channel 272A to Savanna, Ill., conflicts with the proposed assignment of Channel 272A to Maquoketa, Iowa, in that, both assignments cannot be made without violating our minimum mileage separation requirements. It does not, however, conflict with the alternative proposal for Maquoketa.

3. Robert A. Jones supports his request for the assignment of Channel 272A to Savanna by stating that its population is 4,950 (the community is located in Carroll County, the population of which is 19,507), and that there are neither FM channels assigned to Savanna nor any AM station located in the community. He alleges that the community is by far the largest in its county and that his proposed assignment to Savanna could also serve Mt. Carroll, the county seat, 9 miles distant. He also maintains that there are no other AF or FM stations in Illinois within 31 miles of Savanna and that if the assignment is made, he will apply for its use.

4. In view of the showing made by Mr. Jones in support of the assignment of Channel 272A to Savanna, we are of the opinion that it is in the public interest to explore an alternative set of assignments permitting the assignment of a Class A channel to both Savanna, Ill., and Maquoketa, Iowa, as follows:

City	Channel No.	
	Present	Proposed
Savanna, Ill		272A
Maquoketa, Iowa		237A
Muscatine, Iowa	237A, 259	259

5. Authority for the adoption of the amendments proposed herein is contained in sections 4 (i) and (j), 303(r), and 307(b) of the Communications Act of 1934, as amended.

6. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested persons may file comments on or before December 10, 1965, and reply comments on or before December 20, 1965. All submissions by parties to this proceeding or by persons acting on behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings.

7. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: November 10, 1965.

Released: November 12, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12346; Filed, Nov. 16, 1965; 8:50 a.m.]

[1] Commissioners Hyde and Lee absent.

[1] Commissioners Hyde and Lee absent.

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Dept. Order 190, Rev. 3]

ORGANIZATION

Supervision of Bureaus and Performance of Functions

1. The following bureaus, offices, and staff assistants shall be under the direct supervision of the Secretary and the Under Secretary:

Internal Revenue Service.
Office of the Comptroller of the Currency.
Assistant to the Secretary (Congressional Relations).
Assistant to the Secretary (National Security Affairs).
Assistant to the Secretary (Public Affairs).
Special Assistants to the Secretary.
Director, Executive Secretariat.

2. The following bureaus, offices, and other organizational units shall be under the general supervision of the Secretary and the Under Secretary and under the direct supervision of the officials indicated:

A. *Under Secretary for Monetary Affairs.*

Deputy Under Secretary for Monetary Affairs.
Office of Financial Analysis.
Office of Domestic Gold and Silver Operations.
Office of Debt Analysis.
The Assistant Secretary (International Affairs) and the Fiscal Assistant Secretary, to the extent of their responsibilities for international and domestic monetary and fiscal policies.
Assistant to the Secretary (Debt Management).
United States Savings Bonds Division.

B. *General Counsel.*

Legal Division.
Office of Director of Practice.

C. *Assistant Secretary.*

Bureau of Customs.
United States Coast Guard.
Bureau of Engraving and Printing.

D. *Assistant Secretary* (International Affairs).

Office of International Affairs.
Office of Foreign Assets Control (through Assistant to the Secretary for National Security Affairs).

E. *Assistant Secretary* (Tax Policy, including international tax affairs).

Office of Tax Legislative Counsel.
Office of Tax Analysis.

F. *Assistant Secretary.*

Bureau of the Mint.
Office of Employment Policy Program.

G. *Special Assistant to the Secretary* (for Enforcement).

United States Secret Service.
Bureau of Narcotics.
Office of Law Enforcement Coordination.

H. *Fiscal Assistant Secretary.*

Bureau of Accounts.
Bureau of the Public Debt.
Office of the Treasurer of the United States.

I. *Assistant Secretary for Administration.*

Office of Administrative Services.
Office of Budget and Finance.
Office of Management and Organization.
Office of Personnel.
Office of Security.

3. The Under Secretary, the Under Secretary for Monetary Affairs, the General Counsel, the Assistant Secretaries, and the Special Assistant for Enforcement, are authorized to perform any functions the Secretary is authorized to perform. Each of these officials shall perform functions under this authority in his own capacity and under his own title, and shall be responsible for referring to the Secretary any matter on which action should appropriately be taken by the Secretary. Each of these officials will ordinarily perform under this authority only functions which arise out of, relate to, or concern the activities or functions of or the laws administered by or relating to the bureaus, offices, or other organizational units over which he has supervision. Any action heretofore taken by any of these officials in his own capacity and under his own title is hereby affirmed and ratified as the action of the Secretary.

4. The following officers shall, in the order of succession indicated, act as Secretary of the Treasury in case of the death, resignation, absence, or sickness of the Secretary and other officers succeeding him, until a successor is appointed or until the absence or sickness shall cease:

A. Under Secretary.
B. Under Secretary for Monetary Affairs.
C. General Counsel.
D. Presidentially appointed Assistant Secretaries in the order in which they took the oath of Office as Assistant Secretary.

5. Treasury Department Order No. 190 (Revision 2) is rescinded.

Dated: October 25, 1965.

[SEAL] HENRY H. FOWLER,
Secretary of the Treasury.

[F.R. Doc. 65-12316; Filed, Nov. 16, 1965; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. Sub-G-12]

BRUCE C. NORTH

Notice of Hearing

Bruce C. North, 29 Aqua View, La Selva Beach, Calif., has applied for a fishing vessel construction differential subsidy to aid in the construction of an 88-foot over-all steel vessel to engage in the fishery for swordfish, red snapper, grouper, tuna, and shrimp.

Notice is hereby given pursuant to the provisions of the U.S. Fishing Fleet Improvement Act (P.L. 88-498) and Notice and Hearing on Subsidies (50 CFR Part 257) that a hearing in the above-entitled proceedings will be held on January 11, 1966, at 10 a.m., e.s.t., in Room 3356, Interior Building, 18th and C Streets NW., Washington, D.C. Any person desiring to intervene must file a petition of intervention with the Director, Bureau of Commercial Fisheries, as prescribed in 50 CFR Part 257 at least 10 days prior to the date set for the hearing. If such petition of intervention is granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the event of such a change along with the new location.

H. E. CROWTHER,
Acting Director,
Bureau of Commercial Fisheries.

NOVEMBER 12, 1965.

[F.R. Doc. 65-12319; Filed, Nov. 16, 1965; 8:48 a.m.]

[Docket No. G-352]

LOUIS E. WIEGAND

Notice of Loan Application

Louis E. Wiegand, 3301 South Lake Drive, Miami, Fla., has applied for a loan from the Fisheries Loan Fund to aid in financing the construction of a new 44-foot wood vessel to engage in the fishery for lobster, snapper, and grouper in the Florida area.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised August 11, 1965), that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C., 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic injury or hardship.

H. E. CROWTHER,
Acting Director,
Bureau of Commercial Fisheries.

NOVEMBER 12, 1965.

[F.R. Doc. 65-12320; Filed, Nov. 16, 1965; 8:48 a.m.]

[Docket No. Sub-C-6]

PACIFIC TRADE WINDS, INC.

Notice of Hearing

Pacific Trade Winds, Inc., 110 West Ocean Boulevard, Long Beach, Calif., has applied for a fishing vessel construction differential subsidy to aid in the construction of a 150-foot overall steel vessel to engage in the fishery for tuna.

Notice is hereby given pursuant to the provisions of the United States Fishing Fleet Improvement Act (P.L. 88-498) and Notice and Hearing on Subsidies (50 CFR Part 257) that a hearing in the above-entitled proceedings will be held on January 21, 1966, at 10 a.m., e.s.t., in Room 3356, Interior Building, 18th and C Streets NW., Washington, D.C. Any person desiring to intervene must file a petition of intervention with the Director, Bureau of Commercial Fisheries, as prescribed in 50 CFR Part 257 at least 10 days prior to the date set for the hearing. If such petition of intervention is granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the event of such a change along with the new location.

H. E. CROWTHER,
Acting Director,
Bureau of Commercial Fisheries.

NOVEMBER 12, 1965.

[F.R. Doc. 65-12321; Filed, Nov. 16, 1965; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

SUGARBEETS

Notice of Hearings on Wages and Prices and Designation of Presiding Officers

Pursuant to the authority contained in subsections (c) (1) and (c) (2) of section 301 of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U.S.C. 1131), and in accordance with the rules of practice and procedure applicable to wage and price proceedings (7 CFR 802.1 et seq.) notice is hereby given that public hearings will be held as follows:

At San Francisco, Calif., on December 6, in Room 1327, Federal Building, 450 Golden Gate Avenue, beginning at 9:30 a.m.;

At Colorado Springs, Colo., on December 10, Little Theater, City Auditorium, Corner Weber and Kiowa Streets, beginning at 9:30 a.m.;

At Fargo, N. Dak., on December 13, in the Strike Room of the Bowler, Inc., South on Highway 81, beginning at 9:30 a.m.;

At Detroit, Mich., on December 15, in the Sky Room, Pick-Fort Shelby Hotel, beginning at 9:30 a.m.;

At Auburn, N.Y., on December 17, in the Auditorium of the Farm, Home & 4-H Center, 248 Grant Avenue, beginning at 9:30 a.m.;

At San Antonio, Tex., on January 4, 1966, in the Gunter Hotel, Houston at St. Mary's Street, beginning at 9:30 a.m.;

At McAllen, Tex., on January 6, 1966, in the Fairway Motel, South 10th and Wichita Streets, beginning at 9:30 a.m.

The purpose of these hearings is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1) pursuant to the provisions of section 301(c)(1) of the act, whether the wage rates established for sugarbeet fieldworkers in the wage determination which became effective April 5, 1965 (30 F.R. 3810), continue to be fair under existing circumstances, or whether such determination should be amended, and (2) pursuant to the provisions of section 301(c)(2) of the act, fair and reasonable prices for the 1966 crop of sugarbeets to be paid, under purchase or toll agreements, by producers who process sugarbeets grown by other producers and who apply for payments under the act.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

The hearings after being called to order at the times and places mentioned herein, may be continued from day to day within the discretion of the presiding officers and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearings by the presiding officers.

A. A. Greenwood, D. E. McGarry, W. S. Stevenson, C. F. Denny, C. B. Freeman, and R. R. Stansberry are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearings.

Signed at Washington, D.C., on November 9, 1965.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65-12338; Filed, Nov. 16, 1965; 8:50 a.m.]

Consumer and Marketing Service

PRUNEDALE OR SALINAS LIVESTOCK AUCTION YARD ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original Name of Stockyard, Location, and Date of Posting	*Current Name of Stockyard and Date of Change in Name*
CALIFORNIA	
Prunedale or Salinas Livestock Auction Yard, Salinas, October 3, 1959.	Salinas Livestock Auction Yard, August 1, 1965.
GEORGIA	
Sumter Livestock Assoc., Americus, May 13, 1959--	Sumter Livestock Association, Inc., November 6, 1959.
ILLINOIS	
Dameron Livestock Auction, Vienna, October 26, 1960.	Dameron Livestock Auction, Inc., October 23, 1964.
IOWA	
Aplington Sales, Aplington, March 11, 1957------	Aplington Sales Pavilion, June 1, 1965.
Eddyville Sale Co., Eddyville, May 23, 1959-------	Eddyville Sale Company, September 20, 1965.
Northwood Sales Co., Inc., Northwood, May 19, 1959.	Northwood Sales Co., May 1, 1965.
NEBRASKA	
Ogallala Livestock Commission Company, Ogallala, March 25, 1953.	Ogallala Livestock Commission Co., September 1, 1965.
NEW YORK	
Norvel Reed Livestock Commission Auction, Sherman, September 26, 1960.	Norvel Reed & Sons, Inc., July 1, 1965.
NORTH DAKOTA	
Lake Region Auction Market, Devils Lake, December 12, 1959.	Lake Region Auction and Livestock Market, Inc., September 23, 1965.
OKLAHOMA	
Madill Stockyards, Madill, November 6, 1964------	Madill Horse Auction, April 1, 1965.
OREGON	
Schricker & Son Livestock Auction, Sutherlin, October 10, 1959.	Schricker & Williams Livestock Auction, Inc., February 12, 1965.
Valley Livestock Auction Market, Hood River, November 26, 1961.	Auction Center, July 1, 1965.
WASHINGTON	
Prosser Sales Yard Corp., Prosser, September 22, 1959.	Prosser Livestock Market, Inc., September 15, 1965.

Done at Washington, D.C., this 10th day of November, 1965.

J. R. BRANNIGAN,
Acting Chief, Rates and Registrations Branch, Packers and Stockyards Division, Consumer and Marketing Service.

[F.R. Doc. 65-12337; Filed, Nov. 16, 1965; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

TANKERS

Availability for Exchange

In F.R. Doc. 65-12132, appearing in the FEDERAL REGISTER issue of November 11, 1965 (30 F.R. 14224), the names of certain T2 tankers were listed as being available for trade-out under the provisions of the Ship Exchange Act, as amended (P.L. 86-575 as amended by P. L. 89-254).

Notice is hereby given that the list of vessels published as aforesaid is revised to read as follows:

Type	Name	Reserve Fleet location
T2-SE-A1	Memphis	James River.
Do	Parkersburg	Do.
Do	Cumberland	Do.
Do	Logan's Fort	Do.
Do	Abiqua	Beaumont.
Do	Lynchburg	Do.
Do	Paoli	Do.
Do	Roanoke	Do.
Do	Petrolite	Olympia.
Do	Bull Run	Do.
Do	French Creek	Do.
Do	Lone Jack	Do.
T2-SE-A2	Anacostia (A0-94)	James River.
Do	Mascoma	Do.
Do	Mission San Diego	Do.
Do	Mission San Gabriel	Suisun Bay.
Do	Mission San Jose	Do.
Do	Tomahawk	Do.
Do	Pamanset	Beaumont.
Do	Mission San Luis Obispo.	Do.
Do	Mission San Carlos	Do.
Do	Mission Santa Barbara.	Do.
Do	Mission Solano	Olympia.
Do	Mission Carmel	Do.
Do	Mission Dolores	Do.

Dated: November 15, 1965.

JAMES S. DAWSON, JR.,
Secretary.

[F.R. Doc. 65-12391; Filed, Nov. 16, 1965; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

2-AMINOBUTANE

Notice of Establishment of Temporary Tolerance for Pesticide Chemical

Notice is given that at the request of the Elanco Products Co., a Division of Eli Lilly and Co., Indianapolis, Ind., 46206, a temporary tolerance is established for residues of the fungicide 2-aminobutane in or on apples, lemons, and oranges at 20 parts per million. The Commissioner of Food and Drugs has determined that this temporary tolerance will protect the public health.

Conditions under which this temporary tolerance is established are as follows:

1. The total amount of the fungicide to be used under the experimental permit issued by the U.S. Department of Agriculture will not exceed 927 pounds. Distribution will be under the Elanco Products Co. name.

2. The fungicide will not be marketed for general use but will be supplied to qualified persons for bona fide experimental use.

3. The Elanco Products Co. will comply with the requirements of § 120.31(e) (3) and (4).

This temporary tolerance expires November 9, 1966.

This action is taken pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a (j)) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.90).

Dated: November 9, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-12343; Filed, Nov. 16, 1965; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16567]

LOS ANGELES AIRWAYS, INC., ET AL.

Notice of Hearing

Los Angeles Airway, Inc., American Airlines, Inc., and United Air Lines, Inc.

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will commence on Friday, November 19, 1965, at 10 a.m., local time, in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Merritt Ruhlen.

For information concerning the issues involved and other details in this proceding, interested persons are referred to the applications and any amendments thereto, petitions, motions, and orders entered in the docket of this proceeding, all of which are on file with the Civil Aeronautics Board.

Dated at Washington, D.C., November 12, 1965.

[SEAL] MERRITT RUHLEN,
Hearing Examiner.

[F.R. Doc. 65-12340; Filed, Nov. 16, 1965; 8:50 a.m.]

[Docket No. 13823]

SERVICE TO GREENVILLE-SPARTANBURG CASE

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on December 1, 1965, at 10 a.m., e.s.t., in Room 925, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., November 10, 1965.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 65-12341; Filed, Nov. 16, 1965; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14832; FCC 65M-1486]

BIGBEE BROADCASTING CO.

Order Continuing Hearing

In re application of Paul D. Nichols, William C. Reid, and Houston L. Pearce, doing business as Bigbee Broadcasting Co., Demopolis, Ala., Docket No. 14832, File No. BP-13976, for construction permit.

To formalize the agreements and rulings made on the record at a prehearing conference held on November 9, 1965, in the above-entitled matter concerning the future conduct of this proceeding;

It is ordered, This 9th day of November 1965, that:

Notification of witnesses is scheduled for January 11, 1966; and

The hearing ordered by the Examiner's Memorandum Opinion and Order released October 29, 1965, is hereby scheduled for January 18, 1966.

Released: November 10, 1965.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12347; Filed, Nov. 16, 1965; 8:50 a.m.]

[Docket No. 15769 etc.; FCC 65M-1488]

BROWN RADIO & TELEVISION CO. (WBVL) ET AL.

Order Continuing Prehearing Conference

In re applications of Dwight L. Brown, trading as Brown Radio & Television Co. (WBVL), Barbourville, Ky., Docket No. 15769, File No. BR-3228, for renewal of license; Barbourville-Community Broadcasting Co., Barbourville, Ky., Docket No. 15770, File No. BP-16297, for construction permit; Golden East Broadcasting Co., Inc., Barbourville, Ky., Docket No. 16105, File No. BP-15827, for construction permit.

The Hearing Examiner having under consideration the "Petition for Prehearing Conference" filed by the Broadcast Bureau on November 9, 1965, requesting that a further prehearing conference in the above-entitled matter be scheduled immediately;

It appearing, that all of the parties in the above proceeding have orally consented to the requested conference and that good cause has been shown for a grant thereof;

It is ordered, This 9th day of November 1965, that the aforesaid petition, be, and the same is, hereby granted, and that a further prehearing conference is hereby scheduled for 2 p.m., November 10, 1965, in the Offices of the Commission in Washington, D.C.

Released: November 10, 1965.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12348; Filed, Nov. 16, 1965; 8:50 a.m.]

[Docket No. 14909; FCC 65M-1484]

SOUTHERN RADIO AND TELEVISION CO.

Order Continuing Prehearing Conference

In re application of Southern Radio and Television Co., Lehigh Acres, Fla., Docket No. 14909, File No. BP-14297; for construction permit.

On the unopposed oral request of counsel for the Broadcast Bureau, because of his participation in another proceeding out of town: *It is ordered*, This 9th day of November 1965, that the further prehearing conference is rescheduled from November 15 to November 29, 1965, at 10 a.m.

Released: November 10, 1965.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12349; Filed, Nov. 16, 1965; 8:50 a.m.]

[Docket Nos. 16260-16265; FCC 65M-1487]

WESTERN UNION TELEGRAPH CO. AND CALIFORNIA INTERSTATE TELEPHONE CO.

Order Continuing Prehearing Conference

In re applications of The Western Union Telegraph Co., Docket No. 16260, File No. T-C-1661-10, for removal of restrictions on the use of certain existing facilities in the Domestic Public Point-to-Point Microwave Radio Service between Pasadena and Goldstone, California; California Interstate Telephone Co., Docket No. 16261, File No. 6844-C1-P-65, for a construction permit to add new facilities to Station KMW61 in the Domestic Public Point-to-Point Microwave Radio Service at Barstow, Calif.; Docket No. 16262, File No. 6845-C1-P-65, for a construction permit to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at Goldstone Echo, Calif.; Docket No. 16263, File No. 6846-C1-P-65, for a construction permit to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at Lane Mountain, Calif.; Docket No. 16264, File No. 6847-C1-P-65, for a construction permit to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at Ford Mountain, Calif.; Docket No. 16265, File No. 6848-C1-P-65, for a construction permit to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at Fort Irwin, Calif.

It is ordered, This 9th day of November 1965, that the unopposed motion for continuance of prehearing conference filed by counsel for California Interstate Telephone Co. on November 8, 1965, is granted, and the prehearing conference is rescheduled from November 19 to November 24, 1965, at 10 a.m.

Released: November 10, 1965.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12350; Filed, Nov. 16, 1965; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

HOUSEHOLD GOODS FORWARDERS ASSOCIATION OF AMERICA

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington Office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Alan F. Wohlstetter, Denning & Wohlstetter, 1 Farragut Square South, Washington, D.C., 20006.

Agreement 9510, between thirty-four (34) freight forwarders of used household goods operating under the exemption of section 402(b)(2) of the Interstate Commerce Act, and common carriers by water subject to the Shipping Act, 1916, as amended, will establish a common tariff rate-fixing arrangement for the movement of used household goods between ports of the United States and foreign ports in the continents of Africa, Australia, Europe, North America, South America, and foreign ports of the islands between and adjacent to such continents, in accordance with the terms and conditions set forth therein.

Dated: November 10, 1965.

By order of the Federal Martime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-12330; Filed, Nov. 16, 1965; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI61-408 etc.] [1]

JAKE L. HAMON ET AL.

Order Conditionally Approving Rate Settlement Proposal, Severing and Terminating Proceedings and Prescribing Refunds

NOVEMBER 5, 1965.

There is before us for consideration a motion for approval of settlement proposal, and termination of rate proceedings filed on August 6, 1965, by Jake L. Hamon et al. (Hamon) encompassing the rates for twenty-one of Hamon's currently effective FPC gas rate schedules. In summary, the settlement proposal as filed by Hamon provides:

(1) Settlement rates, including tax reimbursement, equal to or less than the Commission's applicable area ceilings;

(2) Hamon waives the right to file for contractually authorized increased rates until August 1, 1970; however, Hamon reserves the right to file for any increased rates, if contractually authorized, up to the applicable area-rate levels established by any order or rule of the Commission, or to file for any contractually authorized increase in tax reimbursement;

(3) Hamon will delete any favored nation, and indefinite price redetermination clauses contained in the presently effective FPC Gas rate schedules, and as to Rate Schedule Nos. 14, 41 and Edwin L. Cox (Operator) et al., FPC Gas Rate Schedule No. 47, Hamon will, insofar as his interest is concerned, eliminate the periodic price increase provisions therefrom;

(4) Refunds with interest, at applicable interest rates, to the date of issuance of this order, under rate schedules where collection was made subject to refund, of the difference between the revenues actually collected and those which would have been collected at the settlement rate, in each instance; additionally, Hamon will refund under its FPC Gas Rate Schedule Nos. 28 and 31 commencing with March 24, 1964, to the date of issuance of this order, all monies charged and collected for gas above 16 cents per Mcf, with appropriate interest, and under Rate Schedule No. 18, it will refund $79,240.65, and under Rate Schedule No. 27, it will refund $105.09;

(5) Exclusion from the settlement proposal of sales in the Permian Basin;

In support of his proposal, Hamon states that the settlement rates, refunds, moratorium periods and other provisions

[1] The additional dockets involved herein are set forth in the appendices hereto.

thereof, not specifically noted herein, are in the public interest in that they are reasonable, and will provide price stability for a long period of time for natural gas moving in interstate commerce.

Additionally, Hamon requests that we sever from the consolidated proceedings in Docket No. AR64–1, the proceedings in Jake L. Hamon (Operator) et al., Docket No. G–16747, et al., and also sever those matters which concern Hamon from the proceedings in Skelly Oil Co., et al., Docket No. G–18638, et al., and the proceedings, in Amerada Petroleum Corp., et al., Docket No. CI62–1544, et al. Consequently, as a condition to our approval of Hamon's proposal we shall require Hamon to file a motion in the U.S. Court of Appeals for the Tenth Circuit for withdrawal of its petition for review of Opinion No. 422 in the Amerada proceeding (CA 10–8363).

With respect to refunds, we find Hamon's proposal to be acceptable, and shall approve the same. Such refunds will be approximately $181,000, including appliable interest, and Hamon's jurisdictional revenues will be reduced approximately $94,000 annually.

Hamon has included in his offer a reservation that the proposed settlement would no longer be binding in the event amendment of the Natural Gas Act removes any of his sales from our jurisdiction. This reservation is unacceptable as to those favored-nation, price redetermination or periodic escalation provisions which Hamon has agreed in his offer to delete from his rate schedules.[3] We shall therefore require as a condition to this order that Hamon amend his contracts as agreed so as to remove any future contractual basis for higher rates under these provisions. Hamon's reservation will thus be made ineffectual as to the deleted provisions.

We believe that Hamon's settlement proposal, as hereinafter conditioned, is in the public interest and shall approve the same. However, we desire to make it clear that acceptance of Hamon's offer of settlement shall not be construed as approval of any future increased rate that may be filed by Hamon under the subject rate schedules and is without prejudice to any findings or order of the Commission in any future proceeding involving Hamon's rates and rate schedules. Additionally, for all of the reasons set forth in Humble Oil & Refining Co., Docket Nos. G–9287, et al., 32 FPC 49, we shall require Hamon to deposit the refund monies in a special escrow account or to commingle the retained refunds with his general assets pending further order of the Commission.

The Commission finds: The proposed settlement of the above-designated proceedings, on the basis described herein, as more fully set forth in the offer of settlement filed with the Commission by Hamon on August 6, 1965, is consistent with the Statement of General Policy No. 61–1, as amended, 18 CFR 2.56, and approval thereof as made effective and hereinafter ordered is in the public interest and is appropriate to carry out the provisions of the Natural Gas Act.

The Commission orders: (A) The offer of settlement filed with the Commission by Hamon on August 6, 1965, is approved in accordance with the provisions of this order.

(B) Hamon shall file, within 30 days from the date of issuance of this order, notices of change in rates under its FPC gas rate schedules to reflect the settlement rates and executed contract amendments in accordance with the terms of his settlement proposal as approved herein. The notices of change and the contractual amendments shall be submitted in accordance with Part 154 of the Commission's regulations under the Natural Gas Act.

(C) Within 30 days from the date of issuance of this order, Hamon shall file a motion to withdraw his appeal in the U.S. Court of Appeals for the Tenth Circuit to review the Commission's Opinion No. 422 in the Amerada proceeding (CA 10–8363).

(D) Hamon shall compute the difference between the rates collected subject to refund and the settlement rate for the sales for which it proposes to make refunds with applicable interest to the date of this order, and shall within 45 days from the date of issuance of this order submit a report to the Commission, with a copy to its jurisdictional pipeline purchasers, setting out the amount of refunds (showing separately the principal and applicable interest), the bases used for such determination, the period covered, and 10 days thereafter shall submit to the Commission a copy of a letter from its jurisdictional pipeline purchasers agreeing to the correctness of such amounts.

(E) Hamon shall retain the amounts shown in the report required under paragraph (D) above, subject to further order of the Commission directing the disposition of those amounts, excepting the refunds due and owing to Northern Natural Gas Co. to which Hamon shall refund such monies 10 days after receiving the letter from Northern required by paragraph (D) above, with applicable interest.

(F) Hamon may deposit the retained refunds in a special escrow account, and shall tender for filing within 60 days of the date of issuance of this order an executed escrow agreement, conditioned as set out below, accompanied by a certificate showing service of a copy thereof upon its jurisdictional pipeline customers. Unless notified to the contrary by the Secretary within 30 days from the date of filing thereof, the escrow agreement shall be deemed to be satisfactory and to have been accepted for filing. The escrow agreement shall be entered into between Hamon and any bank or trust company used as a depositor for funds of the U.S. Government and the agreement shall be conditioned as follows:

(1) Hamon, the bank or trust company, and the successors and assigns of each, shall be held and formally bound unto the Federal Power Commission for the use and benefit of those entitled thereto, with respect to all amounts and the interest thereon deposited in the special escrow account, subject to such agreement, and such bank or trust company shall be bound to pay over to such person or persons as may be identified and designated by final order of the Commission and in such manner as may be therein specified, all or any portion of such deposits and the interest thereon.

(2) The bank or trust company may invest and reinvest such deposits in any short-term indebtedness of the United States or any agency thereof or in any form of obligation guaranteed by the United States which is, respectively, payable within 120 days as the said bank or trust company in the exercise of its sound discretion may select.

(3) Such bank or trust company shall be liable only for such interest as the invested funds described in paragraph (2) above will earn and no other interest may be collected from it.

(4) Such bank or trust company shall be entitled to such compensation as is fair, reasonable and customary for its services as such, which compensation shall be paid out of the escrow account to such bank or trust company. Said bank or trust company shall likewise be entitled to reimbursement for its reasonable expenses necessarily incurred in the administration of this escrow account, which reimbursement shall be made out of the escrow account.

(5) Such bank or trust company shall report to the Secretary quarterly, certifying the amount deposited in the bank or trust company for the quarterly period.

(G) If Hamon elects to commingle the retained refunds with his general assets and use them for business purposes, he shall notify the Secretary of the Commission of his intention so to do within 60 days of the issuance of this order, and shall pay interest on such monies at the rate of 4.5 percent per annum from the date of issuance of this order to the date on which they are paid over to the person or persons ultimately determined to be entitled thereto by final order or orders of the Commission.

(H) Hamon, over the signature of a responsible officer of his firm, shall file with the Commission within 30 days from the date of issuance of this order an original and copy in writing of its acceptance or rejection of the terms and conditions of this order.

(I) Upon notification by the Secretary of the Commission that Hamon has complied with the terms and conditions of this order, the proceedings in appendix A hereto shall terminate, however, the proceeding in Docket No. RI60–60 shall terminate only insofar as it pertains to Hamon; the proceeding in Docket No. RI61–408 shall be severed from the proceedings in Docket Nos. AR64–1, et al., and the proceedings in appendix B hereto shall be severed from their respective consolidated proceedings, and the certificates of public convenience and necessity issued to Hamon in the Hamon, Skelly and Amerada proceedings (supra) shall be deemed effective, all without further order of the Commission.

(J) The acceptance by the Commission of Hamon's offer of settlement is without prejudice to any findings or determinations that may be made in any proceeding now pending, or hereafter instituted by or against Hamon and is without prejudice to claims or contentions which may be made by Hamon, the Commission staff, or any affected party hereto, in any proceedings.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[3] See Warren Petroleum Corp., Docket No. RI61–63 (30 FPC 1040).

APPENDIX A—JAKE L. HAMON, ET AL., FPC GAS RATE SCHEDULE—DOCKET NOS. RI61–408 ET AL.

Rate schedule No.	Field (area)	Purchaser	Docket numbers		Cents per Mcf at area pressure base (inclusive of tax reimbursement)		
			Sec. 7(c)	Sec. 4(e)	Not subject to refund	Rate in effect July 31, 1965	Settlement rate
	Texas—RRC Dist. No. 1—14.65 p.s.i.a.						
3	Jake Hamon	Tennessee Gas	G–7430	RI65–457	14.6	[1] 14.6	14.6
	Texas—RRC Dist. No. 2—14.65 p.s.i.a.						
11	Cabeza Creek Area	United Gas	G–9861		13.1664	13.1664	13.1664
	Texas—RRC Dist. No. 4—14.65 p.s.i.a.						
13	East Riverside	Texas Eastern	G–10649 G–13005[2]		14.6	14.6	14.6
35	Santo Nino	South Texas Nat	CI63–1362[3]		[4] 16.0	16.0	16.0
	Texas—RRC Dist. No. 10—14.65 p.s.i.a.						
43	West Feldman	Transwestern	CI65–502		[4] 17.0	17.0	17.0
	Oklahoma—Other—14.65 p.s.i.a.						
14	Southeast Aylesworth	Lone Star	G–13407	RI63–307	[4] 11.0	[5] 12.0	[6] 12.0
[6] 19	West Marlow	do	G–17259	RI60–60	[4] 11.0	16.8	[6] 12.0
39	North Spiro	Ark-Louisiana	CI64–540		[4] 15.0	15.0	15.0
41	East Aylesworth	Lone Star	G–15533	RI65–163	[4] 11.0	[5] 12.0	[6] 12.0
	Oklahoma—Panhandle—14.65 p.s.i.a.						
17	Northwest Dower	Northern Nat'l	G–16357	RI61–408	[4] 15.5	16.5	15.5
23	Laverne	Mich.-Wisconsin	G–20594		[4] 17.0	[7] 17.0	[7] 17.0
34	Mocane Laverne	Northern Nat'l	CI63–133		[4] 17.0	17.0	17.0
36	Southwest Hooker	Natural Gas P.L.	CI62–250		[4] 17.0	17.0	17.0
37	Southwest Hooker	Northern Nat'l	CI62–251		[4] 16.0	16.0	16.0
38	Mocane Laverne	do	CI64–291		[4] 17.0	17.0	17.0
40	Mocane Laverne	do	CI64–541		[4] 17.0	17.0	17.0
42	North Hardesty	do	CI64–1559		[4] 17.0	17.0	17.0

[1] Initial rate.
[2] Filed for rate increase to 15.6 cents per Mcf, Docket No. RI65–457. This rate has not been placed into effect.
[3] Supplement adding acreage.
[4] No producing properties currently active.
[5] Eliminate all pricing provisions.
[6] No amounts effective subject to refund have been collected.
[6] By order issued Aug. 7, 1963, the Commission among other matters amended Hamon's certificate, Docket No. G–17259, by substituting Edwin L. Cox (Operator), et al., and designating the rate schedule as Edwin L. Cox (Operator), et al., FPC Gas Rate Schedule No. 47. The order also designated Cox as respondent in Docket No. RI60–60 and Hamon as corespondent.
[7] Rate subject to upward B.t.u. adjustment.

APPENDIX B—JAKE L. HAMON, ET AL., FPC RATE SCHEDULE—DOCKET NOS. RI61–408, ET AL., PENDING CERTIFICATE APPLICATIONS

Rate schedule No.	Field (area)	Purchaser	Docket numbers		Cents per Mcf at area pressure base (inclusive of tax reimbursement)		
			Sec. 7(c)	Sec. 4(e)	Initial rate	Rate in effect July 31, 1965	Settlement rate
	Texas—RRC Dist. No. 4—14.65 p.s.i.a.						
18	Corpus Christi Northwest	United Gas	G–16747 [1]		18.2304	[2] 15.0	15.0
27	Prado	South Texas Nat	CI61–930 [2]		16.0	[2] 15.0	15.0
28	Northeast Thompsonville	do	CI61–922 [4]		18.0	18.0	15.0
31	do	do	CI61–1745 [4]		18.0	18.0	15.0

[1] Consolidated in Jake L. Hamon (Operator), et al., Docket Nos. G–16747, et al.
[2] This rate is being collected although the rate schedule has not been supplemented.
[3] Consolidated in Skelly Oil Co., et al., Docket Nos. G–18638, et al.
[4] Consolidated in Amerada Petroleum Corp., et al., Docket Nos. CI62–1544, et al.

[F.R. Doc. 65–12194; Filed, Nov. 16, 1965; 8:45 a.m.]

[Docket No. RP66–16]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Proposed Changes in Rates and Charges

NOVEMBER 9, 1965.

Take notice that on November 2, 1965, Transcontinental Gas Pipe Line Corp. (Transco) tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1. The proposed rates and charges relate to underground storage service at the Oakford Storage Field in Pennsylvania provided under Transco's Rate Schedule S–2 and reflect an annual reduction of approximately $37,000. The reductions are proposed to become effective in two steps. The first [1] gives effect to a reduction filed in Docket No. RP65–59 by Transco's supplier, Texas Eastern Transmission Corp., and is proposed to become effective concurrently with Texas Eastern's reduction on June 1, 1965. The second step [2] reflects a reduction in Transco's own basic sales rate filed in Docket No. RP61–13, which became effective on August 1, 1965, the effective date proposed for the second step of the present filing.

Copies of the proposed rate changes have been served by Transco on parties and interested State commissions. Comments, protests, petitions to intervene, or notices of intervention herein may be filed with the Federal Power Commission, Washington, D.C., 20426, pursuant to the Commission's rules of practice and procedure on or before November 29, 1965.

JOSEPH H. GUTRIDE, *Secretary.*

[1] Involving Substitute Seventeenth Revised Sheet No. 28–P, Sixth Revised Sheet No. 28–Q, and Substitute Twelfth Revised Sheet No. 28–R.
[2] Involving Nineteenth Revised Sheet No. 28–P and Fourteenth Revised Sheet No. 28–R.

[F.R. Doc. 65–12286; Filed, Nov. 16, 1965; 8:46 a.m.]

[Docket No. CP66–136]

UNITED GAS PIPE LINE CO.

Notice of Application

NOVEMBER 8, 1965.

Take notice that on October 29, 1965, United Gas Pipe Line Co. (Applicant), Post Office Box 1407, Shreveport, La., 71102, filed in Docket No. CP66–136 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for the development and operation of an underground natural gas storage reservoir located in Bienville and Bossier Parishes, La., all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that due to declining local supply of gas available to Applicant in its northern area, consisting of its Tyler District and North Louisiana Area, it has become necessary for Applicant to make additional gas available in the northern area in the immediate future in order to meet its customer requirements. Applicant further states that its study of this problem has caused it to conclude that the development and operation of the proposed storage reservoir would be the most efficient and economical way to make additional gas available to Applicant's northern area.

The Bistineau Field, which is the proposed storage area, is centrally located in Applicant's northern area and is near Applicant's Carthage to Sterlington 20-inch and 24-inch lines, which form a part of Applicant's high-pressure transmission system.

Applicant proposes to acquire the remaining recoverable gas reserves in place in the Bistineau Field, estimated on January 1, 1965, to be 4,945 MMcf at 14.9 psia for use as native cushion gas. Beginning in 1966, Applicant proposes annually to inject gas during the period April through October. Applicant states that this would permit daily withdrawals from the storage area during the period October through March, through the 1969–1970 heating season, as follows:

1966–67	125,000 Mcf
1967–68	300,000 Mcf
1968–69	400,000 Mcf
1969–70	500,000 Mcf

Applicant states that the facilities to be constructed in connection with the development and operation of the project would be done in three phases during the years 1966 through the 1969 heating season.

The total cost of Applicant's proposed project is approximately $30,782,000, and would be financed by retained earnings and by depreciation and amortization accruals and, to the extent necessary, from the sale of additional securities of Applicant to Gas Corporation.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 1, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65–12287; Filed, Nov. 16, 1965; 8:46 a.m.]

[Docket No. RI66–148]

HERBERT L. DILLON, JR., ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

NOVEMBER 8, 1965.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A below.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 22, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI66–148	Herbert L. Dillon, Jr. (Operator), et al., Texas National Bank Bldg., Houston, Tex., 77002.	1	1	Coastal States Gas Producing Co. [4] (Appling Field, Calhoun County, Tex.) (R.R. District No. 2).	$483	10–11–65	[1] 11–11–65	[2] 11–12–65	10.096	[3] 11.1056	

[1] The stated effective date is the effective date proposed by Respondent.
[2] The suspension period is limited to 1 day.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[4] Coastal States resells the gas to United Gas Pipe Line Co. under Coastal States' FPC Gas Rate Schedule No. 11 at a currently effective rate of 17.0 cents per Mcf.

Herbert L. Dillon, Jr. (Operator), et al. (Dillon), proposes a periodic rate increase from 10.096 cents to 11.1056 cents per Mcf, inclusive of tax reimbursement, amounting to $483 annually, for gas sold to Coastal States Gas Producing Co. (Coastal) from the Appling Field, Calhoun County, Tex. (R.R. District No. 2). Coastal gathers and resells the gas, together with gas it purchases from other producers in the area, to the United Gas Pipe Line Co. pursuant to Coastal's FPC Gas Rate Schedule No. 11 at a permanently certificated initial rate of 17.0 cents per Mcf. A periodic increase to 18.0 cents per Mcf was contractually due under Coastal's rate schedule on December 17, 1963, but Coastal has not, as yet, filed for such rate increase. Such increase, if filed by Coastal would be subject to the area increased rate ceiling of 14.0 cents per Mcf for Texas Railroad District No. 2 as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR, Ch. I, Part 2, § 2.56). Under the circumstances, even though Dillon's proposed rate increase is below the area increased rate ceiling, it should be suspended for one day from November 11, 1965, the proposed effective date.

[F.R. Doc. 65–12289; Filed, Nov. 16, 1965; 8:46 a.m.]

[Docket No. RP66–15]

ARKANSAS LOUISIANA GAS CO.

Notice of Proposed Changes in Rates and Charges

NOVEMBER 8, 1965.

Take notice that on November 1, 1965, Arkansas Louisiana Gas Co. tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 3 to become effective as of January 1, 1966. The proposed changes, designated Original Sheets Nos. 133 through 149, relate to field gas sales by Arkansas Louisiana, under its Gas Rate Schedule XFS–20, to Warren Petroleum Corp. and Oklahoma Natural Gas Co. from the producing area of Major County, Okla. The proposed changes would result in an annual increase of $3,500.

Copies of the proposed rate changes have been served by Arkansas Louisiana upon both purchasers. Comments, protests, petitions to intervene, or notices of intervention may be filed with the Federal Power Commission on or before November 29, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65–12276; Filed, Nov. 16, 1965; 8:45 a.m.]

[Docket No. CP66–138]

ARKANSAS LOUISIANA GAS CO.

Notice of Application

NOVEMBER 8, 1965.

Take notice that on October 29, 1965, Arkansas Louisiana Gas Co. (Applicant), Slattery Building, Shreveport, La., filed in Docket No. CP66–138 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(c) of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities during the calendar year 1966 to enable Applicant to connect new industrial customers purchasing natural gas directly from its interstate transmission system, all as more fully set forth in the application on file with the Commission and open to public inspection.

The facilities proposed by Applicant and the manner in which they will be used are stated to be:

(1) Approximately 200 pipeline taps for individual domestic and commercial customers or for new town border connections or rural extensions to serve distribution customer consumers, to whom gas will be sold directly by Applicant from pipeline taps in existing market areas in which Applicant shall have obtained all requisite local and state authorization.

(2) Approximately 220 pipeline taps, and under proper conditions service lines or market laterals, for direct sale of natural gas to consumers who will use the gas solely for one or more of the following purposes: Road building, irrigation, agriculture, oil and gas field production and processing, general use in schools and hospitals located in areas outside of local distributors' franchise area, small manufacturing and service companies, mining and ore processing, forest products and lumbering, Government and National Defense installations.

(3) Miscellaneous rearrangements of Applicant's pipeline facilities not resulting in any change of service rendered by means of the facilities involved, e.g., changes in existing sales or transportation facilities, when required by street or highway construction, drainage canal and dam construction or other similar reasons. Applicant estimates that there will be a maximum of 25 such rearrangements during the calendar year 1966.

Applicant requests waiver of the provisions of § 157.7(c)(1)(ii) insofar as required for the grant of the authorization here sought in order that all the classifications of consumers listed above, and normally served under the historical circumstances which may be unique to Applicant's regional distribution system, can be promptly served upon the completion of plant facilities.

The application states that the proposed facilities will not result in deliveries to any one consumer exceeding 100,000 Mcf annually, and the gas so delivered will not be used by any consumer for boiler fuel purposes.

The facilities proposed to be built to render such service include transmission market laterals, main line measuring and regulating equipment, and other necessary facilities, at a total cost during the year 1966 of not to exceed $300,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 1, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65–12279; Filed, Nov. 16, 1965; 8:45 a.m.]

[Docket No. CP66–133]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Notice of Application

NOVEMBER 8, 1965.

Take notice that on October 27, 1965, Kansas-Nebraska Natural Gas Co., Inc. (Applicant), Hastings, Nebr., 68901, filed in Docket No. CP66–133 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7(c) of the regulations under the Act for a certificate of public convenience and necessity authorizing the construction during the 12-month period following January 1, 1966, and the operation of gas-sales or transportation facilities, as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to construct and operate facilities to be used for the transportation and sale of natural gas previously authorized under existing certificates to be made to existing distributors at rates on file with the Commission and for direct sales of natural gas to consumers located in areas outside the franchise area of any local distributor. Miscellaneous rearrangements not resulting in any change of service rendered by means of the facilities involved when required by highway construction, dam construction, or other similar reasons are also contemplated by the proposal.

Deliveries to any one distributor or consumer would not exceed 100,000 Mcf annually and will not be used for boiler fuel purposes.

The total estimated cost of facilities proposed in this application would not exceed $300,000, which would be met from current working capital.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before November 29, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this ap-

plication if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-12280; Filed, Nov. 16, 1965; 8:45 a.m.]

[Docket No. CP66-134]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Notice of Application

NOVEMBER 8, 1965.

Take notice that on October 27, 1965, Kansas-Nebraska Natural Gas Co., Inc. (Applicant), Hastings, Nebr., 68901, filed in Docket No. CP66-134 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the regulations under the Act for a certificate of public convenience and necessity authorizing the construction during the 12-month period occurring on and after January 1, 1966, and the operation of gas-purchase facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to construct and operate any routine pipeline, measuring and compressor facilities which are subject to the Commission's jurisdiction in the various natural gas supply areas adjacent to Applicant's gathering and transmission facilities in order to connect to Applicant's system such additional supplies of gas as may become available.

Applicant requests authority to expend up to a total of $1,600,000, provided that no more than $400,000 shall be expended for any one installation, which will be paid for out of current working capital.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before November 29, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-12281; Filed, Nov. 16, 1965; 8:45 a.m.]

[Docket No. CP66-130]

MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Application

NOVEMBER 8, 1965.

Take notice that on October 26, 1965, Mississippi River Transmission Corp. (Applicant), 1135 15th Street NW., Washington, D.C., 20005, filed in Docket No. CP66-130 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction, acquisition from Storage Corp. and operation of certain natural gas facilities and the development, testing and operation of an underground natural gas storage field, all as more fully set forth in the application on file with the Commission and open to public inspection.

Storage Corp. is a wholly owned subsidiary company of Applicant. The application states that Storage Corp.'s activities have been limited to testing for the purpose of determining the suitability of the St. Jacob Field area of Madison and St. Clair Counties, Ill., for storage and for the development of the storage facility including the injection of cushion gas. Applicant seeks to assume direct control of and to further develop the field by means of the following specific program.

Applicant would acquire the assets of Storage Corp., consisting almost entirely of its interests in or related to the St. Jacobs Field, through liquidation of Storage Corp. In exchange for the assets of Storage Corp., Applicant proposes to cancel the indebtedness of Storage Corp. to Applicant and to completely cancel all of its stock.

Applicant would acquire through this proposed liquidation approximately 290 leases from landowners in the St. Jacob Field area covering approximately 12,000 surface acres (together with all gas in storage) and 14 gas injection, withdrawal and observation wells (together with the equipment and facilities installed therein and well logs, core analyses and other geological data, records and information relating thereto). Also included would be one well now being drilled and the contract or contracts for its drilling, if not fully executed at the date of transfer and liquidation.

Applicant proposes to record on its books as the acquisition costs the costs of the assets as recorded on the books of Storage Corp. on the date of the transfer. The amount of these costs on June 30, 1965, was $2,938,179, and the additional costs estimated as having been added to the cost of the facilities between June 30, 1965, and September 30, 1965, are $370,000.

Applicant further proposes that the Commission authorize the continued use and operation of its St. Jacob Field pipelines, two temporary compressors, metering equipment and other equipment and appurtenances which have been constructed pursuant to the certificate originally issued to Applicant on July 21, 1961, in Docket No. CP61-274, which certificate has subsequently been amended. Applicant states that this action by the Commission would thus incorporate in a single certificate all of Applicant's authority in respect to the St. Jacob Field and that the proceedings in Docket No. CP61-274 could thus be terminated.

Applicant also seeks authority to construct additional facilities and to continue development of the field as a gas storage facility. The additional facilities include the following:

(1) Seven wells to be used for injection and withdrawal of gas and for observation. (One such well was being drilled by Storage Corp. on October 15, 1965, and others might be commenced by it prior to its liquidation. In the event any wells commenced by Storage Corp. are not completed prior to its liquidation, they are proposed to be completed by Applicant.)

(2) Approximately 19,000 feet of 8⅝-inch O.D. and 7,800 feet of 4½-inch O.D. pipelines within the storage area.

(3) Compression amounting to 1,100 horsepower, which would be in addition to two smaller units now being used on a temporary basis.

(4) Liquid separators, dehydration facilities, regulators, meters and other appurtenant and miscellaneous field facilities.

The total cost of the additional facilities and other developmental work contemplated by the application is estimated by Applicant to be $2,500,800, which is to be financed from available funds.

Applicant proposes to operate the field and facilities, including those acquired from Storage Corp. and those heretofore or hereafter constructed by Applicant, as an underground gas storage facility. There is no present proposal to initiate any new sales or service and the gas from the field would be offered to Applicant's customers under its tariff and contracts, when available and as needed by the customers during the winter season.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before November 29, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-12282; Filed, Nov. 16, 1965; 8:45 a.m.]

[Docket No. CP66-135]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Application

NOVEMBER 8, 1965.

Take notice that on October 29, 1965, Natural Gas Pipeline Co. of America (Applicant), 122 South Michigan Avenue, Chicago, Ill., 60603, filed in Docket No. CP66-135 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of an additional Daily Contract Quantity of 200 Mcf of natural gas to United Cities Gas Co. (United Cities), an existing customer of Applicant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that United Cities has requested it to provide the additional gas commencing on or about December 15, 1965, to meet larger than anticipated increases in firm service demands for the 1965-1966 winter season. United Cities' presently effective Daily Contract Quantity is 2,800 Mcf under Applicant's Rate Schedule G-1, which quantity will be increased by 200 Mcf pursuant to the certificate of public convenience and necessity issued to Applicant in Docket No. CP65-169 on August 13, 1965.

Applicant further states that no additional facilities will be required to provide the additional volumes. The service is proposed to be rendered from Applicant's unallocated capacity.

Protests or petition to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before November 29, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 5-12283; Filed, Nov. 16, 1965; 8:46 a.m.]

[Project No. 2062]

PUBLIC UTILITY DISTRICT NO. 1, OKANOGAN COUNTY, WASH.

Order Postponing Hearing

NOVEMBER 8, 1965.

On November 1, 1965, the Public Utility District No. 1 of Okanogan County, Wash., filed motion for an indefinite continuance of the hearing fixed for November 16, 1965, in the proceeding on rehearing of the order of June 25, 1956, issuing a license for the PUD's constructed Oroville hydroelectric development, Project No. 2062, on the Similkameen River. Since the Commission issued the license order, the project has ceased to operate, and the PUD does not presently plan to return it to service. The PUD states in its motion for a continuance that it needs additional time to investigate the possibility of obtaining a permit from the Department of the Interior to maintain the dam and reservoir for nonpower purposes. We believe that it is appropriate, in the circumstances, to postpone the hearing until further order of the Commission.

The Commission finds: It is appropriate and in the public interest that the hearing fixed for November 16, 1965, in the application by the Public Utility District No. 1 of Okanogan County, Wash., for a license for its constructed Oroville hydroelectric development be postponed as hereinafter provided.

The Commission orders: The hearing fixed for November 16, 1965, in the proceeding upon an application by Public Utility District No. 1 of Okanogan County, Wash., for a license for its constructed Oroville hydroelectric development is hereby postponed until further order of the Commission.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-12284; Filed, Nov. 16, 1965; 8:46 a.m.]

[Docket No. CP66-132]

UNITED GAS PIPE LINE CO. AND SOUTHERN NATURAL GAS CO.

Notice of Application

NOVEMBER 8, 1965.

Take notice that on October 27, 1965, United Gas Pipe Line Co. (United), Post Office Box 1407, Shreveport, La., 71102, and Southern Natural Gas Co. (Southern), Post Office Box 2563, Birmingham, Ala., 35202, filed in Docket No. CP66-132 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain interconnecting facilities between United's and Southern's existing pipelines in Tangipahoa Parish, La., the use of an existing point of interconnection near Kosciusko, Attala County, Miss., and the exchange of natural gas between the parties, as more fully set forth in the application which is on file with the Commission and open to public inspection.

United and Southern propose to install and operate metering and interconnecting facilities at the point of interconnection in Tangipahoa Parish; to use the existing point of interconnection near Kosciusko in order to allow Southern to deliver gas to United through the connection in Tangipahoa Parish; and to permit United to make redelivery to Southern of equivalent quantities of gas through the connection near Kosciusko.

Southern has agreed to deliver such daily volumes as United may require from time to time, with simultaneous redeliveries being made by United. The parties have entered into a precedent agreement dated August 25, 1965.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before November 29, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-12285; Filed, Nov. 16, 1965; 8:46 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

COTTON TEXTILE PRODUCTS IN A CERTAIN CATEGORY PRODUCED OR MANUFACTURED IN BRAZIL

Restraint Levels

NOVEMBER 10, 1965.

On October 19, 1965, after consultations with the Government of Brazil, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6 relating to nonparticipants, informed the Government of Brazil that it is establishing for the 12-month period beginning July 27, 1965, and extending through July 26, 1966, a restraint of 5 million square yards on imports to the United States of cotton textiles in Category 19, produced or manufactured in Brazil. This restraint applies to Category 19 products exported to the United States from Brazil on or after July 27, 1965. Further, as an exceptional measure on the basis of unusual circumstances and for this year only, the United States has agreed to permit importation of an additional 7.5 million square yards of products in Category 19, produced or manufactured in Brazil, and exported to the United States on or after July 27, 1965, and through December 31, 1965, which will not be counted against the above level of restraint set for the 12-month period ending July 26, 1966.

There is published below a letter of November 9, 1965, from the Chairman, President's Cabinet Textile Advisory Committee, to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in Category 19, produced or manufactured in Brazil, which may be entered or withdrawn from warehouse for consumption in the United States, for the 12-month period beginning July 27, 1965, and extending through July 26, 1966, be limited to designated levels.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

Washington, D.C.,
NOVEMBER 9, 1965.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C.

DEAR MR. COMMISSIONER: Under the terms of the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6 relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, you are directed to prohibit, effective as soon as possible, entry into the United States for consumption, and withdrawal from warehouse for consumption, of cotton textile products in Category 19, produced or manufactured in Brazil in excess of a level of restraint of 12,500,000 square yards[1] for the 12-month period beginning July 27, 1965 and extending through July 26, 1966. Of this amount, no more than 5 million square yards of such goods exported to the United States from Brazil after December 31, 1965, shall be permitted entry.

In carrying out this directive, you shall allow entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 19, produced or manufactured in Brazil, when such goods have been exported to the United States from Brazil prior to July 27, 1965, regardless of whether the restraint levels have been filled, and such goods, exported to the United States from Brazil prior to July 27, 1965, are not to be counted against the restraint levels even if not filled at the time of entry.

A detailed description of Category 19 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 1, 1963 (28 F.R. 10551).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Brazil and with respect to imports of cotton textile products from Brazil have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of section 4 of the Administrative Procedure Act. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

JOHN T. CONNOR,
Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 65-12331; Filed, Nov. 16, 1965; 8:49 a.m.]

[1] This level has been adjusted to 11,018,303 square yards to reflect entries made from July 27, 1965, through Sept. 30, 1965. Adjustments have not been made to reflect entries made on or after Oct. 1, 1965.

OFFICE OF EMERGENCY PLANNING

LOUISIANA

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Louisiana, dated September 15, 1965, is hereby amended to include the following parishes among those determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 10, 1965:

Concordia. Tensas.
Evangeline.

Dated: November 9, 1965.

BUFORD ELLINGTON,
Director,
Office of Emergency Planning.

[F.R. Doc. 65-12333; Filed, Nov. 16, 1965; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-1853]

B. F. GOODRICH INTERNATIONAL FINANCE CO.

Notice of Filing of Application for Order Exempting Company

NOVEMBER 10, 1965.

Notice is hereby given that B. F. Goodrich International Finance Co. ("applicant"), 277 Park Avenue, New York, N.Y., a Delaware corporation, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting it from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

The applicant was organized by the B. F. Goodrich Co. ("Goodrich") under the laws of the State of Delaware in October 1965. All of the authorized stock of applicant, consisting of 10,000 shares of common stock, par value $100 per share, will be purchased for $1,000,000, and held by Goodrich. Goodrich will also acquire any additional securities, other than debt securities, which applicant may issue in the future and will not dispose of any of the securities of applicant held by Goodrich except to the applicant or to a wholly owned subsidiary of Goodrich.

Goodrich, a New York corporation, together with its subsidiaries and affiliates, is engaged in the manufacture and sale of tires and tubes. In addition, it produces many other products including chemicals, synthetic rubbers, industrial rubber products, products for the aviation and space industries, footwear, sponge rubber, other rubber products and textiles.

Applicant has been organized in order to finance the expansion and development of Goodrich's foreign operations in a manner which is designed to assist in improving the balance of payments position of the United States, in compliance with the voluntary cooperation program instituted by the President in February 1965. Applicant intends to issue and sell an aggregate of $15,000,000 principal amount of Guaranteed Notes Due 1982 ("Notes"). Goodrich will irrevocably and unconditionally guarantee the principal, premium, interest and mandatory prepayments on the Notes. Any additional debt securities of applicant which may be issued to or held by the public will be guaranteed by Goodrich in the same manner as the Notes.

It is intended that the assets of applicant will be invested in or loaned to foreign subsidiaries and affiliates of Goodrich and temporarily invested in obligations of foreign governments or foreign financial institutions; and that at least 70 percent of such assets will be invested in or loaned to foreign companies, which are, or will be immediately upon completion of such investment, majority-owned subsidiaries of Goodrich as defined in section 2(a)(23) of the Act, and which in a substantial number of instances are, or will be upon completion of such investment, wholly owned by Goodrich or by a wholly owned subsidiary of Goodrich. Up to 30 percent of the assets of the applicant may be invested in or loaned to foreign companies of which Goodrich owns, directly or indirectly, a substantial minority of the outstanding voting securities. All the companies in which assets of the applicant will be invested or to which assets of the applicant will be loaned, on other than a temporary basis, will be companies which are primarily engaged in one or both of the following lines of business:

(1) Manufacturing and selling tires or other rubber products or chemical products utilizing technical data furnished by Goodrich under technical agreements with Goodrich and bearing Goodrich trademarks or brands; or

(2) Selling products made by Goodrich in the United States or by one of Goodrich's foreign subsidiaries or associated companies and bearing Goodrich trademarks or brands.

In addition, Goodrich controls the management of all of the majority-owned, and controls or participates in the management of all of the minority-owned companies in which the applicant will have investments or to which it will make loans. Also, most of these companies maintain agreements with Goodrich under which both temporary and permanent technical personnel, often including plant managers, are supplied by Goodrich. Pending the completion of the initial investment of the assets of the applicant, and from time to time when changes in the applicant's investments are pending, the applicant may use a portion of its assets to make temporary investments in obligations of foreign governments or foreign financial institutions, payable either in United States dollars or other currencies. Such temporary investments shall not, at any time after completion of the initial investment of the assets of the applicant, equal or exceed 40 percent of the value of the applicant's total assets (exclusive of cash items). Applicant will not acquire the securities representing such loans or investments for the purpose of sale and will not trade in such securities.

Counsel has advised the applicant that United States persons will be required to report and pay an interest equalization tax with respect to acquisition of the Notes, except where a specific statutory exemption is available. By financing its foreign operations through the applicant rather than through the sale of its own debt obligations, Goodrich will utilize an instrumentality the acquisition of whose debt obligations by the United States persons would, generally, subject such persons to the interest equalization tax, thereby discouraging them from purchasing such debt obligations.

The Notes are to be sold to a small group of foreign investors. Eight Canadian institutional investors will purchase for their own accounts Notes in the aggregate principal amount of $11,250,000, the largest of these eight investments being $5,000,000 and the smallest being $250,000. Four European banks and one Canadian brokerage firm will purchase Notes in the aggregate principal amount of $3,500,000 for the accounts of a maximum of 29 clients, none of whom are citizens of or resident in the United States. The remaining Notes, in the aggregate principal amount of $250,000 will be purchased by a United States bank for one Swiss and one Mexican account, neither investment being less than $100,000. Eleven Notes will be issued in the face amount of $50,000 each, and the remainder will not be less than $100,000 each. The 11 Notes of $50,000 each may not be exchanged for notes of smaller denominations and the remainder of the Notes may not be exchanged for notes of less than $50,000 or multiples thereof. The purchasers of the Notes will agree that, unless in the opinion of counsel to the applicant such offers and sales may be made without registration under the Securities Act of 1933, they will not offer or sell any Notes (a) in the United States or its territories, (b) to any person who is a citizen of or normally resident in the United States or its territories, or (c) to any other person who intends to reoffer or resell any of such Notes in the United States or its territories or to such citizens or its residents.

Applicant asserts that it is not necessary or appropriate in the public interest or consistent with the protection of investors to regulate applicant under the Act, for the following reasons: (1) A significant purpose of applicant is to assist in improving the balance of payments program of the United States by serving as a vehicle through which Goodrich may obtain funds in foreign countries for its foreign operations; (2) applicant will not deal or trade in securities; (3) the public policy underlying the Act is not applicable to applicant and the security holders of applicant do not require the protection of the Act, because the payment of the Notes, which is guaranteed by Goodrich, does not depend on the operations or investment policy of applicant, for the Noteholders may ultimately look to the business enterprise of Goodrich and its subsidiaries and affiliated companies rather than solely to that of applicant; (4) the substantial minimum size of the Notes ($50,000) each should effectively prevent investment in them by other than a relatively small number of fairly sophisticated investors.

Notice is further given that any interested person may, not later than November 29, 1965, at 12:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-12298; Filed, Nov. 16, 1965; 8:47 a.m.]

[812-1792]

NORTHWEST UTILITY ASSOCIATES

Notice of Filing of Application for Exemption

NOVEMBER 10, 1965.

Notice is hereby given that Northwest Utility Associates ("Applicant"), Pier 54, Seattle, Wash., 98104, a limited partnership formed pursuant to the laws of the State of Washington, has filed an application pursuant to section 6(d) of the Investment Company Act of 1940 ("Act") and Rule 6d-1 promulgated thereunder, for an order of the Commission exempting it from the following provisions of the Act:

Section 7; section 8(b), except the requirements to file the information required by Items 3, 4 and 5 of Form N-8B-1 and to report to the Commission any changes thereafter in respect thereof; section 14; section 20(a); section 23(c); section 24(d), insofar as such section makes inapplicable the provisions of section 3(a)(11) of the Securities Act of 1933 to any securities of a registered investment company; section 30(a); section 30(b), except that applicant shall, pursuant to section 30(b)(2), file with the Commission copies of all reports sent to partners pursuant to section 30(d), provided that the annual reports to partners shall be accompanied by a certificate of independent public accountants pursuant to section 30(e); section 30(f), to the extent that the subject persons shall not be required to file reports more than once each 6 months; and section 32(a). Applicant proposes that such exemption be granted subject to the conditions that Applicant and

other persons in their transactions and relations with Applicant shall be subject to all other provisions of the Act and the rules thereunder as though Applicant were a registered investment company, and that Applicant shall continue to comply with the provisions of sections 6(d)(1) and 6(d)(2) of the Act and shall at all times maintain its classification as a closed-end company as defined in section 5(a)(2) of the Act.

Section 6(d) of the Act provides that the Commission shall exempt a closed-end investment company from any or all provisions of the Act, subject to such terms and conditions as may be necessary or appropriate in the public interest or for the protection of investors, if the aggregate sums received from the sale of its securities, outstanding and proposed to be offered, do not exceed $100,000 and if the sale of its securities is restricted to the residents of the state of its organization.

Section 6(e) of the Act provides that if, in connection with any order exempting any investment company from any provisions of section 7, the Commission deems it necessary or appropriate in the public interest or for the protection of investors that certain specified provisions of the Act pertaining to registered investment companies shall be applicable in respect to such company, the provisions so specified shall apply to such company, and to other persons in their transactions and relations with such company, as though such company were a registered investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations therein.

Applicant states that it is a closed-end non-diversified investment company organized on May 19, 1965. It has one general partner and one limited partner, each of whom has contributed $250 to qualify applicant as a limited partnership; these partnership interests are the only outstanding securities of applicant. Applicant's general partner may admit residents of the State of Washington as additional limited partners to the partnership and accept additional capital contributions from existing general or limited partners, not in excess of the $100,000.00 limitation provided in section 6(d) of the Act.

Notice is further given that any interested person may, not later than November 26, 1965, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after such date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65–12299; Filed, Nov. 16, 1965; 8:47 a.m.]

PINAL COUNTY DEVELOPMENT ASSOCIATION

Order Suspending Trading

NOVEMBER 10, 1965.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the 5⅞ percent Industrial Development Revenue Bonds of Pinal County Development Association due April 15, 1989, otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934 that trading in such bonds be summarily suspended, this order to be effective for the period November 11, 1965, through November 20, 1965, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65–12300; Filed, Nov. 16, 1965; 8:47 a.m.]

[01–49]

SKAGIT VALLEY TELEPHONE CO.

Order Postponing Hearing

NOVEMBER 10, 1965.

Skagit Valley Telephone Co., Mount Vernon, Wash., has applied to the Securities and Exchange Commission for exemption from section 12(g) of the Securities Exchange Act of 1934. Its counsel has now requested that the hearing in the proceedings upon said application, now scheduled for November 15, 1965, be postponed 30 days, and the Division of Corporation Finance having no objection thereto,

It is ordered, That the hearing is hereby postponed to December 13, 1965, at the same hour and place.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65–12301; Filed, Nov. 16, 1965; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 373]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

NOVEMBER 12, 1965.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2229 (Deviation No. 11) RED BALL MOTOR FREIGHT, INC., 3177 Irving Blvd., Post Office Box 10837, Dallas, Tex., filed November 4, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between junction U.S. Highway 80 and Interstate Highway 20 at or near Mesquite, Tex., and Shreveport, La., over Interstate Highway 20, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Mesquite, Tex. (the junction U.S. Highway 80 and Interstate Highway 20 at or near Mesquite), over U.S. Highway 80 to Greenwood, La., and thence over U.S. Highway 79 to Shreveport, La., and return over the same route.

No. MC 2510 (Deviation No. 1), ZIPFRIN TRUCK LINES INC., 1120 South Division Street, Indianapolis, Ind., 46221, filed November 2, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Indianapolis over Interstate Highway 65 to Louisville, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service route as follows: From Indianapolis over Indiana Highway 135 to junction Indiana Highway 144, thence over Indiana Highway 144 to Franklin, Ind., thence over U.S. Highway 31 to Columbus, Ind., thence over Indiana Highway 7 to junction Indiana Highway 9, thence over Indiana Highway 9 to junction U.S. Highway 31, thence over U.S. Highway 31 to Sellersburg, Ind., (2) from Versailles, Ind., over U.S. Highway 50 to junction U.S. Highway 31, (3) thence over U.S. Highway 52 via Indianapolis, Ind., and Harrison, Ohio, to Cincinnati (also from Indianapolis over U.S. Highway 421 (formerly Indiana Highway 29) to junction U.S. Highway 50, thence over U.S. Highway 50 to Cincinnati) * * *, and (4) from Louisville over U.S. Highway 42 to Cincinnati, and return over the same routes.

No. MC 2510 (Deviation No. 2), ZIPFRIN TRUCK LINES INC., 1120 South Division Street, Indianapolis, Ind., 46221, filed November 2, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Cincinnati, Ohio, over Interstate Highway 71 to Louisville, Ky., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Indianapolis over Indiana Highway 135 to junction Indiana Highway 144, thence over Indiana Highway 144 to Franklin, Ind., thence over U.S. Highway 31 to Columbus, Ind., thence over Indiana Highway 7 to junction Indiana Highway 9, thence over Indiana Highway 9 to junction U.S. Highway 31, thence over U.S. Highway 31 to Sellersburg, Ind., thence over U.S. Highway 31W and/or U.S. Highway 31E to Louisville, (2) from Versailles, Ind., over U.S. Highway 50 to junction U.S. Highway 31, (3) thence over U.S. Highway 52 via Indianapolis, Ind., and Harrison, Ohio, to Cincinnati (also from Indianapolis over U.S. Highway 421 (formerly Indiana Highway 29) to junction U.S. Highway 50, thence over U.S. Highway 50 to Cincinnati) * * *, and (4) from Louisville over U.S. Highway 42 to Cincinnati, and return over the same routes.

No. MC 2510 (Deviation No. 3), ZIPFRIN TRUCK LINES INC., 1120 South Division Street, Indianapolis, Ind., 46221, filed November 2, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Louisville, Ky., over U.S. Highway 150 to junction U.S. Highway 50, thence over U.S. Highway 50 to junction U.S. Highway 41 at Vincennes, Ind., and thence over U.S. Highway 41 to Terre Haute, Ind., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Indianapolis over U.S. Highway 40 to Marshall, Ill., (2) from Indianapolis over Indiana Highway 135 to junction Indiana Highway 144, thence over Indiana Highway 144 to Franklin, Ind., thence over U.S. Highway 31 to Columbus, Ind., thence over Indiana Highway 7 to junction Indiana Highway 9, thence over Indiana Highway 9 to junction U.S. Highway 31, thence over U.S. Highway 31 to Sellersburg, Ind., and thence over U.S. Highway 31W and/or over U.S. Highway 31E to Louisville, and (3) from Plymouth, Ind., over U.S. Highway 31 to junction Indiana Highway 9, and return over the same routes.

No. MC 2510 (Deviation No. 4), ZIPFRIN TRUCK LINES INC., 1120 South Division Street, Indianapolis, Ind., filed November 2, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) Between Indianapolis and Richmond, Ind., over Interstate Highway 70, and (2) between Indianapolis and Fort Wayne, Ind., over Interstate Highway 69, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Indianapolis over U.S. Highway 52 to junction Indiana Highway 44, thence over Indiana Highway 44 to junction U.S. Highway 27, thence over U.S. Highway 27 to Cincinnati (also from Indianapolis over U.S. Highway 40 to junction U.S. Highway 35, thence over U.S. Highway 35 to Eaton, Ohio, thence over Ohio Highway 122 to Middletown, Ohio, thence over Ohio Highway 4 to Cincinnati) (also from Middletown over Ohio Highway 4 to junction U.S. Highway 127, thence over U.S. Highway 127 to Cincinnati), and return over the same route, and (2) from Indianapolis over U.S. Highway 36 to junction Indiana Highway 9, near Pendleton, Ind., thence north over Indiana Highway 9 to junction U.S. Highway 24, at Huntington, Ind., thence over U.S. Highway 24 to Fort Wayne, and return over the same route.

No. MC 2510 (Deviation No. 5), ZIPFRIN TRUCK LINES INC., 1120 South Division Street, Indianapolis, Ind., filed November 2, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over deviation routes as follows: (1) Between Indianapolis, Ind., and Cincinnati, Ohio, over Interstate Highway 74; (2) from Chicago over Interstate Highway 90 to junction Interstate Highway 65, thence over Interstate Highway 65 to Indianapolis and return over the same route; (3) from Milwaukee over Interstate Highway 94 to junction Interstate Highway 294, thence over Interstate Highway 294 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction U.S. Highway 41, and return over the same route; (4) between Chicago, Ill., and Milwaukee, Wis., over Interstate Highway 94, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Indianapolis over U.S. Highway 52 to junction Indiana Highway 44, thence over Indiana Highway 44 to junction U.S. Highway 27, thence over U.S. Highway 27 to Cincinnati (also from Indianapolis over U.S. Highway 40 to junction U.S. Highway 35, thence over U.S. Highway 35 to Eaton, Ohio, thence over Ohio Highway 122 to Middletown, Ohio, thence over Ohio Highway 4 to Cincinnati) (also from Middletown over Ohio Highway 4 to junction U.S. Highway 127, thence over U.S. Highway 127 to Cincinnati), (2)(a) from Chicago over U.S. Highway 41 to junction U.S. Highway 52, thence over U.S. Highway 52 via Indianapolis, Ind., and Harrison, Ohio, to Cincinnati, (b) from Chicago over U.S. Highway 41 to junction U.S. Highway 231 (Indiana Highway 8), thence over U.S. Highway 231 via Hebron, Kersey, Rensselaer, Remington, and Wolcott, Ind. (formerly Indiana Highway 53), to junction U.S. Highway 52 at Montmorenci, Ind., thence over U.S. Highway 52 to Lafayette, Ind., thence over U.S. Highway 231 (formerly Indiana Highway 43) to Crawfordsville, Ind., thence over U.S. Highway 136 (Indiana Highway 34) to Indianapolis, (3)(a) from Chicago over U.S. Highway 41 to Milwaukee, Wis., (b) from Chicago over U.S. Highway 41 to junction U.S. Highway 52, and (4) from Chicago over U.S. Highway 41 to Milwaukee, Wis., and return over the same routes.

No. MC 3005 (Deviation No. 1), CHICAGO, KANSAS CITY FREIGHT LINE, INC., 1048 North Monroe, Kansas City 20, Mo., filed November 4, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From Chicago, Ill., over Interstate Highway 55 to its junction Interstate Highway 270 (east of St. Louis, Mo.), thence over Interstate Highway 270 to its junction Interstate Highway 70 (west of St. Louis, Mo.), and thence over Interstate Highway 70 to Kansas City, Mo., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Chicago, Ill., over U.S. Highway 66 to Springfield, Ill., thence over U.S. Highway 36 to Cameron, Mo., and thence over U.S. Highway 69 to Kansas City, Mo. (also from Cameron, Mo., over U.S. Highway 36 to St. Joseph, Mo., and thence over U.S. Highway 71 to Kansas City), and (2) from Chicago, Ill., over U.S. Highway 66 to Springfield, Ill., thence over U.S. Highway 36 to junction U.S. Highway 54, thence over U.S. Highway 54 to junction U.S. Highway 40 and thence over U.S. Highway 40 to Kansas City, Mo., and return over the same routes.

No. MC 3560 (Deviation No. 6), GENERAL EXPRESSWAYS, INC., 1205 South Platte River Drive, Denver, Colo., 80223, filed November 4, 1965. Applicant's representative: Ken Wolford, 1205 South Platte River Drive, Denver, Colo., 80223. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions over a deviation route as follows: From Cleveland, Ohio, over Interstate Highway 90 to Buffalo, N.Y., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago, Ill., over U.S. Highway 20 to junction Ohio Highway 120, thence over Ohio Highway 120 to Toledo, Ohio, thence over Ohio Highway 2 to Lorain, Ohio, thence over

Ohio Highway 57 to junction Ohio Highway 254, thence over Ohio Highway 254 to Cleveland, Ohio, thence over U.S. Highway 20 to junction U.S. Highway 62, thence over U.S. Highway 62 to Buffalo, N.Y., thence over New York Highway 384 to Niagara Falls, and return over the same routes.

No. MC 4963 (Deviation No. 11), JONES MOTOR CO., INC., Bridge Street and Schuylkill Road, Springcity, Pa., 19475, filed November 5, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Springfield, Mass., over Interstate Highway 90 to Cleveland, Ohio, and (2) from Springfield, Mass., over Interstate Highway 90 to junction Interstate Highway 79, thence over Interstate Highway 79 to junction Interstate Highway 80, and thence over Interstate Highway 80 to junction U.S. Highway 422, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Boston, Mass., over U.S. Highway 20 to Springfield, Mass., thence over U.S. Highway 5 to New Haven, Conn., and thence over U.S. Highway 1 to New York, N.Y., (2) from Boston over Massachusetts Highway 9 to Worcester, Mass., thence over U.S. Highway 20 to West Springfield, Mass., thence over Alternate U.S. Highway 5 to Hartford, Conn., and thence over U.S. Highway 1 to New York, N.Y., (3) from York, Pa., over U.S. Highway 111 to Harrisburg, Pa., thence over U.S. Highway 322 to junction U.S. Highway 422, thence over U.S. Highway 422 to Reading, Pa., thence over U.S. Highway 222 to Allentown, Pa., thence over unnumbered highway (formerly U.S. Highway 22) via Butztown, Dryland, and Wilson, Pa., to junction U.S. Highway 22, and thence over U.S. Highway 22 to Newark, (4) from Hanover, Pa., over Pennsylvania Highway 116 to junction U.S. Highway 30 (5 miles west of York), thence over U.S. Highway 30 to York, thence over U.S. Highway 111 to Harrisburg, Pa., thence over U.S. Highway 11 to Carlisle Toll Gate, thence over Pennsylvania Turnpike to Irwin Toll Gate, thence over U.S. Highway 30 to Pittsburgh, and (5) from Pittsburgh, Pa., over U.S. Highway 30 to junction Ohio Highway 7, thence over Ohio Highway 7 to Youngstown, Ohio, and thence over U.S. Highway 422 to Cleveland, Ohio, and return over the same routes.

No. MC 10343 (Deviation No. 4), CHURCHILL TRUCK LINES, INC., U.S. Highway 36 West, Chillicothe, Mo., filed November 1, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From St. Joseph, Mo., over Interstate Highway 29 to its junction Interstate Highway 70, thence over Interstate Highway 70 to St. Louis, Mo., and returned over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From St. Joseph, Mo., over U.S. Highway 36 to its junction U.S. Highway 61, thence over U.S. Highway 61 to its junction U.S. Highway 40, thence over U.S. Highway 40 to St. Louis, Mo., and return over the same route.

No. MC 10343 (Deviation No. 5), CHURCHILL TRUCK LINES, INC., U.S. Highway 36 West, Chillicothe, Mo., filed November 5, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions over a deviation route as follows: From the junction of U.S. Highways 36 and 61 over U.S. Highway 36 to junction Interstate Highway 55, thence over Interstate Highway 55 to Chicago, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From the junction U.S. Highway 36 and U.S. Highway 61 over U.S. Highway 36 to junction FA route 80 spur (Fall Creek to Hannibal Road), thence over FA route 80 spur to junction of Illinois Highway 57, thence over Illinois Highway 57 to junction of Illinois Highway 96, thence over Illinois Highway 96 to junction U.S. Highway 136 (formerly Illinois Highway 10) thence over U.S. Highway 136 to the junction Illinois Highway 94, thence over Illinois Highway 94 to junction U.S. Highway 34, thence over U.S. Highway 34 to Chicago, Ill., and return over the same route.

No. MC 10343 (Deviation No. 6), CHURCHILL TRUCK LINES, INC., U.S. Highway 36 West, Chillicothe, Mo., filed November 5, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From Chicago, Ill., over Interstate Highway 55 to junction Interstate Highway 80, thence over Interstate Highway 80 to Rock Island, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago, Ill., over U.S. Highway 34 to junction U.S. Highway 6, thence over U.S. Highway 6 to Rock Island, Ill., and return over the same route.

No. MC 10472 (Deviation No. 2), BYERS TRANSPORTATION COMPANY, INC., 4200 Gardner Avenue, Kansas City, Mo., filed November 5, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From Kansas City, Mo., over Interstate Highway 70 to St. Louis, Mo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Kansas City, Kans., over U.S. Highway 40 to East St. Louis, Ill., and return over the same route.

No. MC 29840 (Deviation No. 2), TRI STATE MOTOR EXPRESS, INC., 2510 North 11th Street, Omaha, Nebr., filed November 1, 1965. Applicant's representative: Grant J. Merritt, 1000 First National Bank Building, Minneapolis, Minn. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions over a deviation route as follows: From the junction of U.S. Highways 275 and 73 in Omaha, Nebr., over U.S. Highway 73 to Blair, Nebr., thence over U.S. Highway 30 to junction U.S. Highway 75 at Missouri Valley, Iowa, thence over U.S. Highway 75 to Sioux City, Iowa, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Wakefield, Nebr., over Nebraska Highway 16 to junction Nebraska Highway 9, thence over Nebraska Highway 9 to junction U.S. Highway 20, thence over U.S. Highway 20 to Sioux City, Iowa; (2) from Wakefield, Nebr., over Nebraska Highway 16 to junction Nebraska Highway 9, thence over Nebraska Highway 9 to Westpoint, Nebr., thence over U.S. Highway 275 to Omaha, Nebr.; and (3) from Wakefield, Nebr., over Nebraska Highway 35 to junction Nebraska Highway 15, thence over Nebraska Highway 15 to junction U.S. Highway 275, thence over U.S. Highway 275 to Omaha, Nebr., and return over the same routes.

No. MC 4321 (Deviation No. 11), DOHRN TRANSFER COMPANY, 4016 Ninth Street, Rock Island, Ill., filed November 5, 1965. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago 3, Ill. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions over a deviation route as follows: From Dubuque, Iowa, over U.S. Highway 52 to junction Minnesota Highway 55, approximately 9 miles west of Hastings, Minn., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From La Crescent, Minn., over U.S. Highway 61 to Dubuque, Iowa; (2) from Minneapolis, Minn., over city streets to St. Paul, Minn., thence over U.S. Highway 61 to La Crosse, Wis.; (3) from Minneapolis, Minn., over Minnesota Highway 55 to Hastings, Minn.; and (4) from St. Paul, Minn., over U.S. Highway 52 to junction Minnesota Highway 55, thence as specified above to Hastings, Minn., and return over the same routes.

No. MC 62360 (Deviation No. 1), LINCOLN MOTOR FREIGHT, INC., 1821 K Street, Post Office Box 693, Lincoln, Nebr., filed November 1, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Omaha, Nebr., over Interstate Highway 80 to Lincoln, Nebr., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Omaha over U.S. Highway 6 via Lincoln and Milford, Nebr., to junction unnumbered highway, 3 miles west of Milford, thence over unnumbered highway via Beaver Crossing, Nebr., to junction U.S. Highway 34, and thence over U.S. Highway 34 to Utica, and (2) from Omaha over the above-specified route to Lincoln, and thence over Nebraska Highway 2 to Utica, and return over the same routes.

No. MC 72140 (Deviation No. 2) SHIPPERS DISPATCH, INC., 1216 West Sample Street, South Bend, Ind., filed November 1, 1965. Carrier's representative: Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis 4, Ind. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From St. Louis, Mo., over the superhighways designated as Interstate Highway 70 to Indianapolis, Ind., (using U.S. Highway 40 to the extent which may be necessary because of the incompletion of Interstate Highway 70 until such time as that highway is completed), and thence over Interstate Highway 69 to Fort Wayne, Ind. (using Indiana Highway 37 from Indianapolis, Ind., to its junction with U.S. Highway 24 and thence over U.S. Highway 24 to Fort Wayne to the extent which may be necessary because of the incompletion of Interstate Highway 69, until such time as that highway is completed), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Fort Wayne, Ind., over U.S. Highway 24 to Gilman, Ill., thence over U.S. Highway 45 to Onarga, thence over U.S. Highway 54 to junction Illinois Highway 48, thence over Illinois Highway 48 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction City U.S. Highway 66, and thence over City U.S. Highway 66 to St. Louis, Mo., and return over the same route.

No. MC 72140 (Deviation No. 3), SHIPPERS DISPATCH, INC., 1216 West Sample Street, South Bend, Ind., filed November 2, 1965. Applicant's representative: Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis, Ind. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over deviation routes as follow: (a) From St. Louis, Mo., over the superhighways designated as Interstate Highway 70 to Columbus, Ohio (using U.S. Highway 40 to the extent which may be necessary because of the incompletion of Interstate Highway 70 until such time as that highway is completed), thence via Interstate Highway 71 to its junction Interstate Highway 80S, thence over Interstate Highway 80S to Akron, Ohio; and (b) from St. Louis, Mo., over the superhighways designated as Interstate Highway 70 to Columbus, Ohio (using U.S. Highway 40 to the extent which may be necessary because of the incompletion of Interstate Highway 70 until such time as that highway is completed), and thence via Interstate Highway 71 to Cleveland, Ohio (using Ohio Highway 18 and U.S. Highway 42 to the extent which may be necessary because of the incompletion of Interstate Highway 71 until such time as that highway is completed), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: (1) From St. Louis, Mo., over City U.S. Highway 66 to its junction U.S. Highway 66; thence over U.S. Highway 66 to its junction Illinois Highway 48; thence over Illinois Highway 48 to junction U.S. Highway 54; thence over U.S. Highway 54 to Onarga, Ill., thence over U.S. Highway 45 to Gilman, Ill., thence over U.S. Highway 24 to Defiance, Ohio; and thence over U.S. Highway 6 to Fremont, Ohio; thence via U.S. Highway 20 to Norwalk, Ohio, and thence via Ohio Highway 18 to Akron, Ohio; and (2) from St. Louis, Mo., to Fremont, Ohio, over the routes set forth above, thence over U.S. Highway 6 to Cleveland, Ohio, and return over the same routes.

No. MC 109633 (Deviation No. 5), ARBET TRUCK LINES, INC., 222 East 135th Place, Chicago, Ill., 60627, filed November 5, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From Indianapolis, Ind., over Interstate Highway 70 to Columbus, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Indianapolis, Ind., over U.S. Highway 40 to Columbus, Ohio, via Richmond, Ind. (also from Richmond, Ind., over U.S. Highway 35 to Dayton, Ohio, thence over Highway 4 to Springfield), and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 274) (Cancels Deviation No. 225), GREYHOUND LINES, INC. (Western Greyhound Division), Market and Fremont Streets, San Francisco, Calif., 94106, filed November 1, 1965. Applicant's representative: W. T. Meinhold, 371 Market Street, San Francisco, Calif. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, in the same vehicle with passengers, over deviation routes as follows: (1) From junction unnumbered highway and U.S. Highway 101 (North Buellton Junction), over U.S. Highway 101 to junction unnumbered highway (South Buellton Junction); (2) from junction unnumbered highway and U.S. Highway 101 (Elwood Station), over U.S. Highway 101 to junction unnumbered highway (West Santa Barbara Junction); (3) from junction unnumbered highway and U.S. Highway 101 (North Santa Maria Junction), over U.S. Highway 101 to junction unnumbered highway (South Santa Maria Junction); and (4) from junction unnumbered highway and U.S. Highway 101 (North Ventura Junction), over U.S. Highway 101 to junction unnumbered highway (South Ventura Junction), and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From San Luis Obispo, Calif., over U.S. Highway 101 to junction California Highway 135 (North Santa Maria Junction), thence over California Highway 135 to junction unnumbered highway, thence over unnumbered highway to junction U.S. Highway 101 (South Santa Maria Junction), thence over U.S. Highway 101 to junction unnumbered highway (North Buellton Junction), thence over unnumbered highway to junction U.S. Highway 101 (South Buellton Junction), thence over U.S. Highway 101 to junction unnumbered highway (Elwood Station), thence over unnumbered highway to junction U.S. Highway 101 (West Santa Barbara Junction), thence over U.S. Highway 101 to junction unnumbered highway (North Ventura Junction), thence over unnumbered highway via Ventura to junction U.S. Highway 101 (South Ventura Junction), thence over U.S. Highway 101 to Los Angeles, Calif., and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-12323; Filed, Nov. 16, 1965; 8:49 a.m.]

[Notice 843]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

NOVEMBER 12, 1965.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 110988 (Sub-No. 161), filed November 8, 1965. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Neenah, Wis. Applicant's representative: E. Stephen Heisley, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tallow and greases*, in bulk, from points in Wisconsin, to Green Bay, Wis.

HEARING: November 29, 1965, at the Loraine Hotel, 119 West Washington Street, Madison, Wis., before Joint Board No. 96.

No. MC 15877 (Sub-No. 1) (Republication), filed June 8, 1965, published FEDERAL REGISTER issue of July 9, 1965, and republished, this issue. Applicant: RELIABLE LEASING, INC., 536 West 41st Street, New York, N.Y. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York 6, N.Y. By application, filed June 8, 1965, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of wearing apparel (1) from the plantsite of Sheridan Creations, Inc., Inwood, N.Y., to points in the New York, N.Y., commercial zone, and returned shipments on return, restricted to traffic having a subsequent movement beyond, in interstate or foreign commerce, and (2) from points in the New York, N.Y., commercial zone to the plantsite of Sheridan Creations, Inc., Inwood, N.Y., restricted to traffic having a prior movement beyond, in interstate or foreign commerce. An order of the Commission, Operating Rights Board No. 1, dated October 29, 1965, and served November 5, 1965, finds that the future and public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *wearing apparel*, from the plantsite of Sheridan Creations, Inc., at or near Inwood, N.Y., to points in that portion of the New York, N.Y., commercial zone, as defined in the fifth supplemental report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted under the partial exemption provided by section 203(b)(8) of the Interstate Commerce Act (the exempt zone); that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate herein will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 19227 (Sub-No. 93) (Republication), filed April 27, 1965, published FEDERAL REGISTER, issue of May 19, 1965, and republished as clarified, this issue. Applicant: LEONARD BROS. TRANSFER, INC., 2595 Northwest 20th Street, Miami, Fla. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Missiles and missile parts, and missile supplies and equipment* (except such as requires the use of special equipment), (1) between points in Florida, and (2) between points in Florida, on the one hand, and, on the other, points in Alabama, Georgia, Illinois, Louisiana, Mississippi, South Carolina, Tennessee, and Texas. Hearing was held on a consolidated record on November 1, 2, and 3, 1965, at Washington, D.C., with No. MC–19227 (Sub-No. 94), which seeks authority to transport *missile parts*, between Miami, Fla., and points within 25 miles of Miami, on the one hand, and, on the other, points in the States named in Sub-No. 93 above except Florida and Texas, and in addition, points in Delaware, Indiana, Kentucky, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia. Applicant proposes to tack or join the separate operating authorities sought above, and to tack or join such authorities with its present authority in Sub-No. 54 wherein it is authorized to transport *missile parts, and supplies, materials, parts and components* used in the maintenance, servicing, repair and operation of missiles, between points in Florida, on the one hand, and, on the other, points in California, and from Burbank and Chula Vista, Calif., to Marietta, Ga. The purpose of this republication is to give notice of such proposed tacking or joinder.

No. MC 19227 (Sub-No. 94) (Republication), filed April 27, 1965, published FEDERAL REGISTER issue of May 19, 1965, and republished as clarified, this issue. Applicant: LEONARD BROS. TRANSFER, INC., 2595 Northwest 20th Street, Miami, Fla. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Missile parts*, between Miami, Fla., and points within 25 miles of Miami, on the one hand, and, on the other, points in Alabama, Delaware, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia. Hearing was held on a consolidated record on November 1, 2, and 3, 1965, at Washington, D.C., with No. MC–19227 (Sub-No. 93), which seeks authority to transport *missiles and missile parts*, and *missile supplies and equipment* (except such as require the use of special equipment), (1) between points in Florida, and (2) between points in Florida, on the one hand, and, on the other, points in Alabama, Georgia, Illinois, Louisiana, Mississippi, South Carolina, Tennessee, and Texas. Applicant proposes to tack or join the separate operating authorities sought above, and to tack or join the separate operating authorities above with its present authority in Sub-No. 54, to transport *missile parts, and supplies, materials, parts and components* used in the maintenance, servicing, repair, and operation of missiles, between points in Florida, on the one hand, and, on the other, points in California, and from Burbank and Chula Vista, Calif., to Marietta, Ga. The purpose of this republication is to give notice of such proposed tacking or joinder.

No. MC 80018 (Sub-No. 11) (Republication), filed July 6, 1965, published FEDERAL REGISTER issue of July 29, 1965, and republished, this issue. Applicant: EDMAC TRUCKING COMPANY, INC., 620 Dunn Road, Fayetteville, N.C. Applicant's representative: A. W. Flynn, Jr., 201–205 Jefferson Building, Greensboro, N.C. By application filed July 6, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of basket and hamper bottoms and cleats, wooden, in bundles, cut to dimensions for assembly of boxes, and hampers and crates used for packing fruits, vegetables and poultry, from Fayetteville, N.C., to Hebron, Md., Bridgeton, Califon, Millville, and Vineland, N.J., and Portsmouth and Suffolk, Va. An order of the Commission, Operating Rights Board No. 1, dated October 28, 1965, and served November 2, 1965, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *wooden containers*, and *parts* thereof, from Fayetteville, N.C., to Hebron, Md., Bridgeton, Califon, Millville, and Vineland, N.J., and Portsmouth and Suffolk, Va., that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

Nos. MC 111729 (Sub-No. 79), MC 111729 (Sub-No. 95), and MC 111729 (Sub-No. 102) (Republications), filed May 14, June 17, and June 25, 1965, respectively, published FEDERAL REGISTER, issues of June 3, July 9, and July 21, 1965, respectively, and republished, this issue. Applicant: ARMORED CARRIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. Applicant's representative: Russell S. Bernhard, Commonwealth Building, 1625 K Street NW., Washington, D.C. By applications filed May 14 (as amended), June 17, and June 25, 1965, respectively, applicant seeks certificates of public convenience and necessity authorizing operations, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of the commodities and from, to, or between the points substantially as indicated in the findings of this order, and subject to the restriction

that no service shall be performed under the authority granted herein for any bank or banking institution, namely, any national bank, State bank, Federal Reserve bank, savings and loan association, or savings bank. An Order of the Commission, Operating Rights Board No. 1, dated October 28, 1965, and served November 3, 1965, finds that the present and future public convenience and necessity require operations by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) *business papers and records*, and *audit and accounting media* (except cash letters) (a) between Sandusky, Ohio, on the one hand, and, on the other, Lexington, Ky., and Fort Wayne, Ind., and (b) between Cleveland, Ohio, on the one hand, and, on the other, Johnstown, Pa., and Flint, Kalamazoo, and Lansing, Mich., and (c) between Clarksburg, W. Va., on the one hand, and, on the other, Lexington, Ky., and Fort Ohio; (2) *exposed film and prints* (except motion picture film used primarily for commercial theatre and television exhibition), from Anderson, Indianapolis, Lawrenceburg, Muncie, Richmond, and Shelbyville, Ind., and Carrollton, Corbin, Covington, Cynthiana, Georgetown, Harrodsburg, Lexington, London, Louisville, Mount Sterling, Newport, Richmond, Shelbyville, Somerset, South Fort Mitchell, and Williamsburg, Ky., to Cincinnati, Ohio.

(3) *Processed film and prints, complimentary replacement film, labels, envelopes, packaging materials and advertising literature moving therewith* (except motion picture film used primarily for commercial theatre and television exhibition), from Cincinnati, Ohio, to the points listed as origin points in (2) above; (4) *whole human blood* and *blood derivatives*, (a) between Louisville, Ky., on the one hand, and, on the other, Cincinnati, Ohio, and points in Daviess, Decatur, Dubois, Gibson, Johnson, Knox, Marion Morgan, and Shelby Counties, Ind., (b) between Columbus, Ohio, on the one hand, and, on the other, Fort Wayne and Indianapolis, Ind., and Louisville, Ky.; (c) between Huntington, W. Va., on the one hand, and, on the other, Ashland, Covington, Flemingsburg, Fort Thomas, Frenchburg, Lexington, Louisa, Louisville, Martin, Maysville, McDowell, Moorehead, Mount Sterling, Paintsville, Pikeville, Prestonburg, Russell, South Williamson, West Liberty, and Winchester, Ky., and Cincinnati, Columbus, Cleveland, Gallipolis, Georgetown, Ironton, Marietta, Oak Hill, Pomeroy, Portsmouth, Toledo, Waverly, and West Union, Ohio; (5) *commercial papers* (except cash letters) and *ophthalmic goods*, (a) between Cincinnati, Ohio, on the one hand, and, on the other, Anderson, Evansville, Kokomo, Lafayette, Marion, Muncie, Terre Haute, and Vincennes, Ind.; Danville, Louisville, Maysville, and Pikeville, Ky., and Beckley and Bluefield, W. Va.; and (b) between Cleveland, Ohio, on the one hand, and, on the other, points in Allegheny (except Pittsburgh, Pa., and points in its commercial zone) Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington, and Westmoreland Counties, Pa., points in Adams, Allen, Blackford, Carroll, Cass, De Kalb, Delaware, Elkhart, Fulton, Grant, Howard, Huntington, Jay, Kosciusko, La Grange, La Porte, Madison, Marshall, Miami, Noble, Pulaski, Randolph, St. Joseph, Starke, Steuben, Tipton, Wabash, Wells, White, and Whitley Counties, Ind., points in Allegany, Chautauqua, Cattaraugus, Erie, Genesee, Monroe, Orleans and Wyoming Counties, N.Y., and points in Harrison, Marion, Monongalia, Pleasants, Preston, Taylor, Wetzel, and Wood Counties, W. Va.; and (6) *impressions, models and bites, articulators, dentures*, and *products* relating to restorative dentistry, between Omaha, Nebr., on the one hand, and, on the other, points in Iowa. Because it is possible that other parties, who have relied upon the notice of the applications as published, may have an interest in and would be prejudiced by the lack of proper notice of the authorities described in the findings in this order, a notice of the authorities actually granted will be published in the FEDERAL REGISTER, and any proper party in interest may file an appropriate pleading within a period of 30 days from the date of such publications.

No. MC 115215 (Sub-No. 5) (Republication), filed May 10, 1965, published FEDERAL REGISTER issue of June 3, 1965, and republished, this issue. Applicant: NEW TRUCK LINES, INC., 500 West Hampton Springs Avenue, Perry, Fla. Applicant's representative: Sol H. Proctor, 1730 American Heritage Life Building, Jacksonville, Fla., 32202. By application filed May 10, 1965, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of bottle carrying crates from Perry, Fla., to points in Arkansas, Florida, Mississippi, and Alabama, except points in Alabama, within 65 miles of Birmingham, including Birmingham. An Order of the Commission, Operating Rights Board No. 1, dated October 29, 1965, and served November 5, 1965, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *bottle carrying crates*, from Perry, Fla., to points in Arkansas, Florida, Mississippi, and points in Alabama (except points in Bibb, Blount, Cullman, Jefferson, Saint Clair, Shelby, Talladega, Tuscaloosa, and Walker Counties); that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 124774 (Sub-No. 14) (Republication), filed April 5, 1965, published FEDERAL REGISTER issue of April 21, 1965, and republished, this issue. Applicant: CARAVELLE EXPRESS, INC., Post Office Box 4843, State House Station, Lincoln, Nebr. By application filed April 5, 1965, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of the commodities in the findings below, from Norfolk, Gordon, and Hastings, Nebr., and 5 miles thereof, to points in Tennessee (except Memphis and the commercial zone thereof), and "exempt" commodities on return. An order of the Commission, Operating Rights Board No. 1, dated October 29, 1965, and served November 5, 1965, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *meats, meat products, meat byproducts*, and *articles* distributed by meat packinghouses as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except (1) hides and (2) commodities in bulk, in tank vehicles), from Norfolk, Nebr., and points in Madison and Adams Counties, Nebr., to points in Tennessee (except points in the commercial zone of Memphis); that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 127200 (Republication), filed April 23, 1965, published FEDERAL REGISTER issue of May 19, 1965, and republished, this issue. Applicant: WEST BEND IMPLEMENT COMPANY, INC., 1200 North Main Street, West Bend, Wis., 53095. Applicant's representative: Leo F. Schlaefer, Corner of Sixth and Hickory, West Bend, Wis., 53095. By application filed April 23, 1965, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over

irregular routes, of farm machinery, (1) between points in Dodge, Fond du Lac, Jefferson, Milwaukee, Ozaukee, Sheboygan, Washington, and Waukesha Counties, Wis., and (2) between Waupaca, Wis., on the one hand, and, on the other, points in Outagamie, Waupaca, Waushara, and Winnebago Counties, Wis. An order of the Commission, Operating Rights Board No. 1, dated October 29, 1965, and served November 4, 1965, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of *farm machinery*, between Waupaca, Wis., on the one hand, and, on the other, points in Dodge, Fond du Lac, Jefferson, Milwaukee, Ozaukee, Sheboygan, Washington, and Waukesha Counties, Wis., under a continuing contract with New Holland Machine Co., a division of Sperry Rand Corp., of New Holland, Pa., will be consistent with the public interest and the national transportation policy, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings of this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

NOTICE OF FILING PETITION

No. MC 125648 (Petition for Modification of Permit), filed November 4, 1965. Petitioner: C. WHITE & SON, INC., Wethersfield, Conn. Petitioner's representative: Thomas W. Murrett, 410 Asylum Street, Hartford, Conn., 06103. Petitioner states that it holds authority from this Commission in No. MC 125648 to transport petroleum and petroleum products as described in appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 (except liquefied petroleum gases, in containers and in bulk), in tank vehicles, and automobile accessories, from Rocky Hill, Conn., to points in that part of Massachusetts on and west of Massachusetts Highway 12, with no transportation for compensation on return except as otherwise authorized, limited to a transportation service to be performed under a continuing contract or contracts with Tenneco Oil Co. By the instant petition, petitioner requests that its permit be modified so as to add the authority to perform the presently authorized service for the Phillips Petroleum Co. in addition to the Tenneco Oil Co. within the identical territory. Any person or persons desiring to oppose the relief sought by the instant petition, may within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading, consisting of an original and six copies each.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-9250. Authority sought for purchase by CASSENS TRANSPORT COMPANY, Post Office Box 473, Edwardsville, Ill., 62025, of a portion of the operating rights of AUTOMOBILE SHIPPERS, INCORPORATED, 9760 Van Dyke Avenue, Detroit, Mich., 48213, and for acquisition by ALBERT CASSENS, 302 Banner, Edwardsville, Ill., and ARNOLD CASSENS, Post Office Box 65, Hamel, Ill., of control of such rights through the purchase. Applicants' attorneys: Donald W. Smith, 511 Fidelity Building, Indianapolis, Ind., 46204, and George S. Dixon, Suite 1700, 1 Woodward Avenue, Detroit, Mich., 48226. Operating rights sought to be transferred: *Passenger automobiles*, in initial movements, in driveaway and truckaway service, as a *common carrier*, over irregular routes, from the site of the Chrysler Corp. assembly plant in St. Louis County, Mo., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, the Lower Peninsula of Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, and the District of Columbia. Vendee is authorized to operate as a *common carrier* in Michigan, Illinois, Missouri, Indiana, Kentucky, Iowa, Nebraska, Wisconsin, Idaho, Montana, North Dakota, South Dakota, Kansas, Alabama, Florida, Georgia, Louisiana, Mississippi, Virginia, California, Colorado, Wyoming, Arkansas, and Tennessee. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9251. Authority sought for purchase by O'DONNELL'S EXPRESS, 5 Davis Street, Presque Isle, Maine, of the operating rights of BILL'S CITY TRANSFER, INC., 66 Von Hillern Street, Dorchester (Boston), Mass., and for acquisition by JOSEPH H. O'DONNELL, individually, 251 Corporation Way, Medford, Mass., MORRISON A. HAY, 5 Davis Street, Presque Isle, Maine, and JOSEPH H. O'DONNELL and NORTHERN NATIONAL BANK (coexecutors and cotrustees of the estate of GEORGE C. O'DONNELL), Presque Isle, Maine, of control of such rights through the purchase. Applicants' attorneys: Kenneth B. Williams, 111 State Street, Boston, Mass., 02109, and Jeanne M. Hession, 5 Potosi Street, Boston, Mass., 02122. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-98014 (Sub-No. 3), covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of Massachusetts. Vendee is authorized to operate as a *common carrier* in Maine, Massachusetts, New Hampshire, Vermont, Connecticut, and Rhode Island. Application has been filed for temporary authority under section 210a(b). NOTE: Docket No. MC-14659 (Sub-No. 4) is a matter directly related.

No. MC-F-9252. Authority sought for purchase by COLONIAL MOTOR FREIGHT LINE, INC., Uwharrie Road, High Point, N.C., of a portion of the operating rights of BRUCE JOHNSON TRUCKING COMPANY, INC., 125 East Craighead Road, Charlotte, N.C., and for acquisition by R. L. HONBARRIER, SR., also of High Point, N.C., of control of such rights through the purchase. Applicants' attorney and representative: Harry C. Ames, Jr., and E. Stephen Heisley, both of 529 Transportation Building, Washington, D.C., 20006. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between Charlotte, N.C., and points in that part of North Carolina within 40 miles of Charlotte and south and east of a line beginning at the western boundary of said territory and extending along U.S. Highway 29 to Charlotte, thence along U.S. Highway 21 to the northern boundary of said territory, including points on the indicated portions of the highways specified, on the one hand, and, on the other, points in that part of Virginia south and west of a line beginning at the North Carolina-Virginia State line and extending along Virginia Highway 8 to Stuart, Va., thence along U.S. Highway 58 to Hillsville, Va., thence along U.S. Highway 52 to junction U.S. Highway 11, and thence along U.S. Highway 11 to Bristol, Va., including points on the indicated portions of the highways specified, between Charlotte, N.C., and points in North Carolina within 40 miles of Charlotte, on the one hand, and, on the other, Charleston, S.C., and points in that part of Virginia south of a line beginning at Cape Henry, Va., and extending along U.S. Highway 60 to Richmond, Va., thence along U.S. Highway 250 to Staunton, Va., thence along U.S. Highway 11 to junction U.S. Highway 52, thence along U.S. Highway 52 to Hillsville, Va., thence along U.S. Highway 58 to Stuart, Va., and thence along Virginia Highway 8 to the Virginia-North Carolina State line, those on U.S. Highway 11 between Bristol, Va., and junction U.S. Highway 52, and those in South Carolina west of U.S. Highway 1, including points on the indicated portions of the highways specified. Vendee is authorized to operate as a *common carrier* in North Carolina, Maryland, Virginia, Georgia, South Carolina, Tennessee, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9253. Authority sought for purchase by BAGGETT TRANSPORTATION COMPANY, 2 South 32d Street, Birmingham 5, Ala., of the operating rights and certain property of GULF COAST EXPRESS, INC., Post Office Box 105, Bay St. Louis, Miss., and for acquisition by W.D. SELLERS, JR., 2 South 32d Street, Birmingham 5, Ala., of control of such rights and property through the purchase. Applicants' attorney and representative: Harold G. Hernly, 711 14th Street NW., Washington, D.C., 20005, and Pitts Smith, Post Office Box 1522, Mobile, Ala. Operating rights sought to be transferred: *General commodities*, except household goods as defined by the Commission, and articles requiring special equipment, as a *common carrier*, over regular routes, between New Orleans, La., and Mobile, Ala., serving all intermediate points, except those in Louisiana, and serving the off-route points of Logtown, Waveland, Pine Hill, Clermont Harbor, Lake Shore, Kiln, Fenton, De Lisle, and Hansboro, Miss., points within 10 miles of Mobile, Ala., those within 10 miles of New Orleans, and Slidell, La., except traffic between New Orleans, and Slidell. Vendee is authorized to operate as a common carrier in all States in the United States (except Alaska, California, Hawaii, Idaho, Nevada, and Oregon), and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIER OF PASSENGERS

No. MC-F-9254. Authority sought for control by UNITED TRANSIT COMPANY, 101 South Davis Avenue, Post Office Box 1635, Richmond, Va., of ATWOOD'S TRANSPORT LINES, INC., 419 New Jersey Avenue NW., Washington 1, D.C., and for acquisition by AMERICAN TRANSPORTATION ENTERPRISES, INC., 14 East 75th Street, New York, N.Y., and, in turn by MARC HAAS, C. ROBERT ALLEN, TERRY ALLEN KRAMER, BRUCE J. ALLEN, and HAROLD ALLEN, as TRUSTEE for HERBERT ANTHONY ALLEN, JR., and SUSAN ALLEN ROBERTS, all of 30 Broad Street, New York, N.Y., of control of ATWOOD'S TRANSPORT LINES, INC., through the acquisition by UNITED TRANSIT COMPANY. Applicants' attorney and representative: L. C. Major, Jr., 2001 Massachusetts Avenue, Washington, D.C., 20036, and Charles E. Thomas, 208 Walnut Street, Harrisburg, Pa. Operating rights sought to be controlled: Passengers and their baggage, as a *common carrier*, over regular routes, between Washington, D.C., and the site of the U.S. Atomic Energy Commission, near Germantown, Md., serving no intermediate points; passengers and their baggage, and express, mail, and newspapers in the same vehicle with passengers, between Washington, D.C., and Point Lookout, Md., between Jarboesville, Md., and Piney Point, Md., and all intermediate points; passengers and their baggage, restricted to traffic originating at the point indicated, in charter operations, over irregular routes, from Washington, D.C., to Alexandria, Arlington National Cemetery, and Mount Vernon, Va., and return; and passengers and their baggage, restricted to traffic originating and terminating at the same point, in special operations, on round-trip sightseeing or pleasure tours, from Washington, D.C., to Alexandria, Arlington National Cemetery, and Mount Vernon, Va., and return. UNITED TRANSIT COMPANY holds no authority with this Commission. However, it is affiliated with (A) KEYSTONE CHARTER SERVICE, INC., (B) PENN STAGES, INC., (C) DELAWARE BUS COMPANY, and (D) CINCINNATI NEWPORT AND COVINGTON TRANSPORTATION COMPANY which are authorized to operate as *common carriers* in (A) Pennsylvania, Ohio, New Jersey, New York, Maryland, Delaware, Virginia, and the District of Columbia; (B) Pennsylvania, Connecticut, New York, New Jersey, Maryland, Delaware, Virginia, and the District of Columbia; (C) Delaware, Pennsylvania, Maryland, Virginia, New York, New Jersey, and the District of Columbia; and (D) Kentucky and Ohio. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-12324; Filed, Nov. 16, 1965; 8:49 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

NOVEMBER 12, 1965.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State docket number assigned MC 4286 Sub-No. 2, filed October 14, 1965. Applicant: WEST TENNESSEE MOTOR EXPRESS, INC., 1221 Faydur Court, Nashville, Tenn. Applicant's representative: James C. Havron, 513 Nashville Bank & Trust Building, Nashville, Tenn., 37201. Authority sought to extend applicant's certificate of public convenience and necessity, No. 1864 so as to authorize service to and from Camden and New Johnsonville, Tenn., on Tennessee Highway No. 1, and the off-route points of Hustburg and Plant, Tenn., so that the fourth paragraph of Certificate No. 1864 as set out in amendatory order of the Tennessee Public Service Commission dated June 15, 1964, in Docket No. MC 4610 which presently reads "Limited so as to operate with closed doors between Nashville and Bruceton, Tenn., serving Bruceton" shall read "Limited so as to operate with closed doors between Nashville and New Johnsonville, serving New Johnsonville and the off-route points of Hustburg and Plant." Certificate No. 1864, as amended, to be used in conjunction with applicant's existing authority so as to authorize service between all points presently authorized and the new points covered by this amendment.

HEARING: January 5, 1966, at 9:30 a.m., at the Commission's Court Room, C-1 Cordell Hull Building, Nashville, Tenn. Requests for procedural information including time for filing protests concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn., 37219, and should not be directed to the Interstate Commerce Commission.

State docket number assigned 17582, filed October 25, 1965. Applicant: WILSON TRUCKING CORPORATION, Post Office Box 340, Waynesboro, Va. Applicant's representative: Jno. C. Goddin, 10 South 10th Street, Richmond, Va. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, (1) between Staunton and Harrisonburg, Va., via U.S. Highway 250 and Virginia Highway 42, and (2) between Timberville and Woodstock, Va., via Virginia Highway 42, serving Orkney Springs, Va., via Virginia Highway 263 as an off-route point.

HEARING: January 11, 1966, at 10 a.m., Courtroom, State Corporation Commission, Blanton Building, Richmond, Va. Requests for procedural information including time for filing protests concerning this application should be addressed to the Virginia State Corporation Commission, Post Office Box 1158, Richmond, Va., 23209, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-12325; Filed, Nov. 16, 1965; 8:49 a.m.]

[Rev. S.O. 947; Second Rev. Pfahler's Car Distribution Direction 3]

NEW YORK CENTRAL RAILROAD CO. AND CHICAGO & NORTH WESTERN RAILWAY CO.

Freight Car Distribution

Pursuant to section I (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (a)(5)(ii) of the Interstate Commerce Commission Second Revised Service Order No. 947 (28 F.R. 12127; 29 F.R. 6014, 9670, 18506; 30 F.R. 6220 and 7522).

It appearing, that there exists a shortage of boxcars in sections of the country served by the Chicago & North Western Railway Co. because of inequitable distribution, and it appearing that the present carrier rules, regulations, and practices with respect to the use, supply control, movement, distribution, exchange, interchange, and return of cars to the

railroads owning such cars are ineffective; this agent is of the opinion that an emergency exists requiring immediate action, and that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this direction effective upon less than 30 days' notice.

It is ordered, That:

(1) The New York Central Railroad Co. and the Chicago & North Western Railway Co. shall observe, enforce, and obey the following directions, rules, regulations, and practices with respect to freight car distribution:

(a) The New York Central Railroad Co. shall deliver to the Chicago & North Western Railway Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships.

(b) The rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

(c) Cars applied under this direction shall be carded to the Chicago & North Western Railway Co. and each car shall be identified by the New York Central Railroad Co. on its empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(2) No common carrier by railroad subject to the Interstate Commerce Act shall intercept, appropriate, or divert any empty cars moving under the provisions of this direction.

(a) The New York Central Railroad Co. must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m., to the Chicago & North Western Railway Co.

(b) The Chicago & North Western Railway Co. must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, received from the New York Central Railroad Co. during the preceding week, ending each Sunday at 11:59 p.m.

(3) Application: The provisions of this direction shall apply to intrastate, interstate, and foreign commerce.

(4) Regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(5) Effective date: This direction shall become effective at 12:01 a.m., November 15, 1965.

(6) Expiration date: This direction shall expire at 11:59 p.m., November 30, 1965, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 10, 1965.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 65-12326; Filed, Nov. 16, 1965; 8:49 a.m.]

[Notice 86]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 10, 1965.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 64994 (Sub-No. 70 TA), filed November 8, 1965. Applicant: HENNIS FREIGHT LINES, INC., Post Office Box 612, Winston-Salem, N.C., 27102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, except moving in bulk, from Milton, Pa., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, for 180 days. Supporting shipper: American Home Foods, 685 Third Avenue, New York, N.Y., 10017. Send protests to: Jack K. Huff, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 206, 327 North Tryon Street, Charlotte, N.C., 28202.

No. MC 106688 (Sub-No. 12 TA), filed November 8, 1965. Applicant: EDWARD M. RUDE CARRIER CORP., R.F.D. No. 1, Falling Waters, W. Va., 25419. Applicant's representative: Mr. Francis J. Ortman, National Press Building, Washington, D.C., 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Copper slabs and cupronickel plates enclosed in metal frames* (a) from Pompton Lakes, N.J., to Barksdale, and then to The Barrens, Wis. (which is about 35 miles from Barksdale, Wis.), (b) from Pompton Lakes, N.J., to Dunbar, Pa., (2) *Copper slabs and cupronickel plates in bonded or fused form*, (a) from The Barrens, Wis., via Barksdale, Wis., to Ansonia, Conn., with authority to stop off at Coatesville, Pa., if required by shipper, (b) from The Barrens, Wis., via Barksdale, Wis., to Detroit, Mich., (c) from Dunbar, Pa., to Pompton Lakes, N.J., (d) from Pompton Lakes, N.J., to Ansonia, Conn., and Detroit, Mich., (3) *Metal clad strips for coins*, from Waterbury, Conn., and Detroit, Mich., to the U.S. Mint, Philadelphia, Pa., for 120 days. Supporting shipper: E. I. du Pont de Nemours & Co., Inc., Wilmington, Del., 19898, J. E. Sylvanus, assistant traffic manager. Send protests to: H. Forrest White, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 531 Hawley Building, Wheeling, W. Va., 26003.

No. MC 106707 (Sub-No. 4 TA), filed November 8, 1965. Applicant: O. T. ADAMS, doing business as MIKE ADAMS, 801 Second Street North, Eagle Grove, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines, Iowa, 50316. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral blocks and protein blocks*, from Des Moines, Iowa, to points in Wyoming and Montana, for 180 days. Supporting shipper: Nebraska Consolidated Mills Co., Omaha, Nebr. Send protest to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa, 50309.

No. MC 107496 (Sub-No. 425 TA), filed November 8, 1965. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua at Third, Post Office Box 855, Des Moines, Iowa, 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible animal fats*, in bulk, from Denver, Colo., to points in Arizona and California, for 150 days. Supporting shipper: National By-Products, Inc., 810 Bankers Trust Building, Des Moines, Iowa. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa, 50309.

No. MC 107496 (Sub-No. 426 TA), filed November 8, 1965. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa, 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bulk, from the plantsite of Tuloma Gas Products Co., at or near Janesville, Wis., to points in Illinois and Iowa, for 180 days. Supporting shipper: Tuloma Gas Products Co., Post Office Box 566, Tulsa, Okla., 74102. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa, 50309.

No. MC 107496 (Sub-No. 427 TA), filed November 8, 1965. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua at Third, Post Office Box 855, Des Moines, Iowa, 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup and liquid sugar*, and *blends of corn syrup, and liquid sugar*, in bulk, in tank vehicles, from Sioux City, Iowa, to Sioux Falls and Watertown, S. Dak., and Hastings, Nebr., for 180 days. Supporting shipper: A. E. Staley Manufacturing Co., Decatur, Ill. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa, 50309.

No. MC 111434 (Sub-No. 63 TA), filed November 8, 1965. Applicant: DON WARD, INC., Mail: 241 West 56th Avenue, Denver, Colo. Official address: Post Office Box 1488, Durango, Colo. Applicant's representative: Peter J. Crouse, 730 Equitable Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, from Denver, Colo., to Gillette, Casper, and Rock Springs, Wyo.; Vernal, Utah; and Farmington, N. Mex., for 150 days. Supporting shipper: Dowell Division of the Dow Chemical Co., 1579 East 21st Street, Tulsa, Okla., 74114. Send protests to: Luther H. Oldham, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo., 80202.

No. MC 111729 (Sub-No. 120 TA), filed November 8, 1965. Applicant: ARMORED CARRIER CORPORATION 222-17 Northern Boulevard, De Bevoise Building, Bayside, N.Y. Applicant's representative: J. K. Murphy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents and written instruments* (except coin, currency, bullion and negotiable securities), and *audit and accounting media of all kinds*, between points in Cumberland County, Pa., on the one hand, and, on the other, points in Allegheny, Baltimore, Carroll, Frederick, Montgomery, and Washington Counties, Md.; Fairfax and Frederick Counties, Va.; Berkeley, Jefferson, and Mineral Counties, W. Va.; and the District of Columbia, for 180 days. Supporting shipper: The Philadelphia National Bank, Philadelphia, Pa., 19101. Send protests to: E. N. Carignan, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y., 10013.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 65-12256; Filed, Nov. 15, 1965; 8:49 a.m.]

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NOV 22 1965
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Thursday, November 18, 1965 • Washington, D.C.

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THE NATIONAL ARCHIVES OF THE UNITED STATES
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Volume 78

UNITED STATES STATUTES AT LARGE

[88th Cong., 2d Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1964, the twenty-fourth amendment to the Constitution, and Presidential proclamations. Included is a numerical listing of bills enacted into public and private law, and a guide to the legislative history of bills enacted into public law.

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PART 200—GENERAL

Location of Laboratories

Under the provisions of 15 U.S.C. 275 (a) and 277, the following revision supersedes § 200.112 issued in the FEDERAL REGISTER on August 13, 1965. The revision provides that low frequency calibration services (0–30 kHz) will hereafter be available only through the facilities of the National Bureau of Standards in Washington, D.C.

§ 200.112 Location of laboratories.

(a) The calibrations listed in Parts 202, 203, 204, 205, 206, and 210 of this subchapter and the low frequency electrical calibrations of §§ 201.101 through 201.500 of this subchapter will after July 1, 1966 be performed in the Gaithersburg, Md., Laboratories of the National Bureau of Standards whose address is Washington, D.C., 20234. Calibrations of signal sources (§ 201.701 of this subchapter) and all electrical standards in the radio frequency region (§§ 201.810 through 201.950 of this subchapter) are performed by the Radio Standards Laboratory of the National Bureau of Standards at Boulder, Colo., 80301.

(b) After November 18, 1965, low frequency calibration services will be available only through the Electricity Division in Washington, D.C. All requests for such services, and inquiries (giving full details of ranges, frequencies, and electrical burdens) concerning schedules and shipping instructions, should be directed to:

Electricity Division,
Institute for Basic Standards,
National Bureau of Standards,
Washington, D.C., 20234.

(c) If the apparatus is to be calibrated at both high and low frequencies, arrangements may be initiated with either the Boulder or Washington laboratories. The cost of shipping the apparatus between laboratories will be billed to the client.

A. V. ASTIN,
Director.

[F.R. Doc. 65–12365; Filed, Nov. 17, 1965; 8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56530]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Special Tonnage Tax and Light Money; Bulgaria

NOVEMBER 10, 1965.

The Secretary of State advised the Secretary of the Treasury on November 3, 1965, that the Department of State has obtained satisfactory proof from the Government of Bulgaria that no discriminating duties of tonnage or imposts are imposed or levied in ports of Bulgaria upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported into Bulgaria in such vessels from the United States or from any foreign country.

Therefore, by virtue of the authority vested in the President by section 4228 of the Revised Statutes, as amended (46 U.S.C. 141), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951, as amended by Executive Order No. 10882, July 18, 1960 (3 CFR Ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 3, October 25, 1965, I declare that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects the vessels of Bulgaria, and the produce, manufactures, or merchandise imported into the United States in such vessels from Bulgaria or from any other foreign country. This suspension and discontinuance shall take effect from November 3, 1965, and shall continue for so long as the reciprocal exemption of vessels wholly belonging to citizens of the United States and their cargoes shall be continued and no longer.

In accordance with this declaration, § 4.22, Customs Regulations, is amended by the insertion of "Bulgaria" immediately after "Brazil" in the list of countries exempt from the payment of any higher tonnage duties than are applicable to vessels of the United States and from the payment of light money.

(R.S. 161, as amended, 4219, as amended, 4225, as amended, 4228, as amended; sec. 3, 23 Stat. 119, as amended; 5 U.S.C. 22, 46 U.S.C. 3, 121, 128, 141)

[SEAL] TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 65–12401; Filed, Nov. 17, 1965; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM ACREAGE ALLOTMENTS AND MARKETING QUOTAS

[Amend. 6]

PART 717—HOLDING OF REFERENDA ON MARKETING QUOTAS

Subpart—Regulations Governing the Holding of Referenda on Marketing Quotas

TIME OF VOTING

1. *Basis and purpose.* Pursuant to authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), the amendment herein to the Regulations Governing the Holding of Referenda on Marketing Quotas (28 F.R. 13249, 29 F.R. 16844, 30 F.R. 2521, 2588, 30 F.R. 6144, 14260) is issued to change the time of voting in the States of Florida, Georgia, North Carolina, and South Carolina.

2. Since referenda for peanuts, upland cotton, extra long staple cotton, and rice, and the referendum to determine whether upland cotton allotments may be transferred outside the county where the referendum is held are scheduled to be held on November 23, 1965, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure, and the 30-day effective date requirements of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest, and this amendment shall be effective upon filing this document with the Director, Office of the Federal Register.

3. Section 717.5 is amended to establish 8 a.m. as the time polls shall be open and 6 p.m. as the time that polls shall be closed on the date fixed for holding a referendum in the States of Florida, Georgia, North Carolina, and South Carolina.

(Secs. 343, 344a, 354, 358, 375, 52 Stat. 56, as amended, 61, as amended, 55 Stat. 88, as amended, 52 Stat. 66, as amended, 79 Stat. 1187; 7 U.S.C. 1343, 1354, 1358, 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on November 16, 1965.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65–12432; Filed, Nov. 16, 1965; 12:40 p.m.]

PART 722—COTTON

Subpart—1966 Crop of Upland Cotton; Acreage Allotments and Marketing Quotas

STATE RESERVE AND COUNTY ALLOTMENT

(a) Section 722.273 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended, 7 U.S.C. 1281 et seq.). This section establishes the State reserve and its allocation among uses for the 1966 crop of upland cotton. It also allocates the State's share of the national reserve among counties and establishes the county allotment. Such determinations were made initially by the respective State committees and are hereby approved and made effective by the Administrator pursuant to delegated authority (19 F.R. 74, 21 F.R. 1665, 25 F.R. 3925, 28 F.R. 4368).

(b) Notice that the Secretary was preparing to establish State and county allotments was published in the FEDERAL REGISTER on September 22, 1965 (30 F.R. 12079), in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003). No written submissions were received in response to such notice.

(c) Since the allocations under this section require immediate action by the Agricultural Stabilization and Conservation State and county committees, it is essential that § 722.273 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and § 722.273 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 722.273 State reserve and county allotment for the 1966 crop of upland cotton.

(a) *State reserve.* The State reserve for each State shall be established and allocated among uses as shown in the following table for the 1966 crop of upland cotton pursuant to § 722.208 of the Acreage Allotment Regulations for the 1964 and Succeeding Crops of Upland Cotton (28 F.R. 11041):

[Acres]

State	Total State reserve	Allocations from State reserve for—			
		Trends	Small farms	Inequity and hardship cases	New farms and set-aside for errors
Alabama	125				125
Arizona	10				10
Arkansas	132,668	132,668			
California	50				50
Florida	297				297
Georgia	200				200
Illinois	50			40	10
Kansas					
Kentucky	500	350			150
Louisiana	55,848	55,848			
Maryland					
Mississippi	153,079	153,030			49
Missouri	3,500			3,482	18
Nevada					
New Mexico	450			400	50
North Carolina	43,648			43,448	200
Oklahoma	111,860			110,860	1,000
South Carolina	66,491	66,291			200
Tennessee	53,024	52,875			149
Texas	1,000				1,000
Virginia	468		225	225	15

(b) *Explanation of allocations of State reserve among uses*—(1) *State reserve for minimum farms.* It is hereby determined that the State's share of the national reserve will meet the requirements for additional acreage for establishing minimum farm allotments under section 344(f)(1) of the act and accordingly, the State committee is not required to establish a State reserve for minimum farm allotments.

(2) *State reserve for abnormal conditions.* It is hereby determined that no State reserve for abnormal conditions is required.

(3) *State reserve for trends.* It is hereby determined that State reserves in substantial amounts are required for trend adjustments in applicable counties of Arkansas, Kentucky, Louisiana, Mississippi, South Carolina, and Tennessee. Cotton producers in such counties generally plant the entire farm allotment each year and the size of available farm allotments is the limiting factor on the acreage planted to cotton in such counties. Cotton producers in other areas of these States fail to fully utilize farm allotments because of a trend away from cotton production. The following formulas for trend adjustments in county allotments in these States shall be used:

(i) *Arkansas.* An average decimal ratio shall be computed for each county by dividing the total preliminary county allotments for each of the 4 years, 1963, 1964, 1965, and 1966 by the preceding year's county allotment. Each county with a ratio of 0.984 or more shall be eligible for a trend adjustment from the State reserve. A trend base acreage for apportioning the State reserve for trend adjustments shall be determined for each eligible county by multiplying the 1961–1963 average history acreage for each eligible county according to the following weights:

County average decimal ratio	*Weight*
0.984–0.989	1.00
0.990–0.996	1.25
0.997 and over	1.40

(ii) *Kentucky.* It is hereby determined that the entire State reserve for trend adjustments shall be allocated to Fulton County which is the only county in Kentucky where cotton allotments are a limiting factor on the acreage planted for cotton. Producers in all other counties of Kentucky are trending from cotton production.

(iii) *Louisiana.* A decimal ratio shall be computed for each parish by dividing the parish total of the preliminary 1966 farm base acreages by the 1965 parish allotment for upland cotton, excluding released allotments allocated to the parish by the State committee. Each parish for which such ratio is 0.940 or more shall be eligible for a trend adjustment from the State reserve. The State reserve for trend adjustments shall be apportioned to eligible parishes in such manner that the 1966 allotments for such parishes shall be in the same relationship for such parishes as has been in effect since 1961.

(iv) *Mississippi.* Each county shall be allocated a portion of the State reserve for trends equal to an acreage resulting by subtracting the sum of the 1966 computed county allotment and the allocation to the county from the State's share of the National reserve from the county total of the 1966 preliminary farm allotment base. Any trend acreage reserve remaining shall be apportioned to counties where the sum of the computed allotment, allotment from the State's share of the National reserve and the first trend allocation equals the county preliminary base. This second allocation shall be on the basis of the 1966 computed allotment for eligible counties.

(v) *South Carolina.* A decimal ratio for each county shall be computed by dividing the total 1966 preliminary farm base acreage by the total 1965 county allotment. Each county with a decimal ratio of 0.970 or more shall be eligible for a trend adjustment from the State reserve. The State reserve for trends shall be apportioned to eligible counties on the basis of trend base acreages computed by multiplying the average county allotment base acreages for the 3 years, 1963–1965, by the following weights:

County decimal ratio	*Weight*
0.9700–0.9800	1.0
0.9801–0.9886	2.0
0.9887–0.9953	3.0
0.9954–1.0000	3.5

(vi) *Tennessee.* (*a*) Each county shall be allocated a portion of the State reserve for trends equal to an acreage resulting by subtracting the sum of the 1965 computed county allotment and the allocation to the county from the State's share of the national reserve from the county total of the 1966 preliminary farm allotment bases. A State total of such allocations to counties from the State reserve for trends shall be deducted from the State reserve for trends.

(*b*) The remainder of the State reserve for trends shall be allocated to those counties for which the computed county allotment plus the acreage allocated under item (*a*) of this subdivision for trends is equal to the sum of the 1966 preliminary farm bases in the county. Such remaining acreage in the reserve for trends shall be apportioned to such counties on the basis of the computed county allotments.

(4) *State reserve to correct inequities and prevent hardship.* It is hereby determined that State reserves in substantial amounts are required to correct inequities in farm allotments and to prevent hardships on farms in applicable counties of North Carolina and Oklahoma as shown in paragraph (*c*) of this section. Cotton producers in such counties generally plant the entire farm allotment each year and the size of available farm allotments is the limiting factor on the acreage planted to cotton in such counties. Cotton producers in other areas of these States fail to fully utilize farm allotments. In addition, in certain areas of these States, the reduction of the number of farms eligible for allotments as old cotton farms has resulted in inequitable increases in allotments on the remaining old cotton farms in such areas. Allocation of State reserves for inequities and hardships so as to reduce excessive farm allotments in such areas will also tend to eliminate inequities in farm allotments between areas of these States and between farms within the areas.

(5) *State reserve for new farms, missed and reconstituted farms and correction of errors.* It is hereby determined that a State reserve for new farms shall be established only for Kentucky and Oklahoma. Such reserve is included with the State reserve for missed and reconstituted farms and correction of errors.

(c) *County allotment.* The county allotment is established for the 1966 crop of upland cotton in accordance with § 722.209 of the Acreage Allotment Regulations for the 1964 and Succeeding Crops of Upland Cotton (28 F.R. 11041). The county allotment consists of the computed county allotment, allocation from the State's share of the national reserve and allocation from the State reserve for trends. The following table sets forth the county allotment, allocations from the State's share of the national reserve and allocations from the State reserve.

ALABAMA
[Acres]

County	Computed county allotment	Allocation from State's share of national reserve	Adjustment from State reserve for trends	County allotment, sum of columns (1), (2), and (3)	Allocation from State reserve for inequity and hardship cases	Allocation from State reserve for inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)	(6)
Antauga	8,661	241	0	8,902	0	0
Baldwin	2,721	89	0	2,810	0	0
Barbour	13,668	480	0	14,148	0	0
Bibb	3,659	84	0	3,743	0	0
Blount	16,570	303	0	16,873	0	0
Bullock	8,541	118	0	8,659	0	0
Butler	9,109	226	0	9,335	0	0
Calhoun	6,540	130	0	6,670	0	0
Chambers	8,312	823	0	21,013	0	0
Cherokee	20,190	823	0	9,677	0	0
Chilton	9,367	310	0	6,423	0	0
Choctaw	6,233	190	0	5,824	0	0
Clarke	5,764	60	0	2,140	0	0
Clay	4,140	0	0	12,600	0	0
Cleburne	12,600	427	0	18,926	0	0
Colbert	20,545	488	0	21,033	0	0
Conecuh	11,946	354	0	12,340	0	0
Coosa	1,653	0	0	1,653	0	0
Covington	15,907	468	0	16,775	0	0
Crenshaw	10,508	341	0	10,849	0	0
Cullman	31,725	1,015	0	32,740	0	0
Dale	7,941	211	0	8,152	0	0
Dallas	25,458	760	0	26,218	0	0
De Kalb	30,334	1,541	0	31,875	0	0
Elmore	14,192	353	0	14,545	0	0
Escambia	10,019	304	0	10,323	0	0

ALABAMA—Continued
[Acres]

County	Computed county allotment	Allocation from State's share of national reserve	Adjustment from State reserve for trends	County allotment, sum of columns (1), (2), and (3)	Allocation from State reserve for inequity and hardship cases	Allocation from State reserve for inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)	(6)
Etowah	11,522	485	0	12,007	0	0
Fayette	8,554	254	0	8,808	0	0
Franklin	12,383	627	0	13,010	0	0
Geneva	12,475	715	0	20,082	0	0
Greene	14,501	451	0	12,929	0	0
Hale	14,921	413	0	14,914	0	0
Henry	25,241	473	0	15,394	0	0
Houston	23,653	877	0	26,118	0	0
Jackson	3,653	993	0	24,311	0	0
Jefferson	10,336	258	0	3,653	0	0
Lamar	26,447	620	0	10,594	0	0
Lauderdale	36,463	1,632	0	27,067	0	0
Lawrence	9,019	174	0	38,095	0	0
Lee	40,648	1,457	0	9,193	0	0
Limestone	15,015	225	0	40,105	0	0
Lowndes	15,738	650	0	10,240	0	0
Macon	55,559	1,835	0	16,388	0	0
Madison	12,625	291	0	57,394	0	0
Marengo	12,534	320	0	13,816	0	0
Marion	28,466	1,414	0	12,854	0	0
Marshall	29,143	114	0	29,257	0	0
Mobile	16,929	563	0	3,317	0	0
Monroe	10,195	836	0	17,492	0	0
Montgomery	26,680	296	0	10,345	0	0
Morgan	10,672	339	0	27,786	0	0
Perry	14,977	345	0	10,888	0	0
Pickens	15,094	321	0	14,545	0	0
Randolph	9,617	254	0	14,243	0	0
Russell	5,253	0	0	9,415	0	0
St. Clair	5,714	101	0	5,253	0	0
Shelby	13,355	294	0	5,815	0	0
Sumter	18,615	467	0	12,649	0	0
Talladega	15,610	167	0	12,982	0	0
Tuscaloosa	6,683	329	0	6,786	0	0
Walker	2,342	0	0	15,939	0	0
Washington	10,963	97	0	6,683	0	0
Wilcox	6,961	241	0	2,439	0	0
Winston		198	0	11,234	0	0
				7,159		

ARIZONA

Cochise	13,565	96	0	13,661	0	0
Gila	37	0	0	37	0	0
Graham	8,832	25	0	8,857	0	0
Greenlee	1,733	37	0	1,770	0	0
Maricopa	121,919	261	0	122,180	0	0
Mohave	267	0	0	267	0	0
Pima	22,539	4	0	22,543	0	0
Pinal	130,253	27	0	130,280	0	0
Santa Cruz	1,097	0	0	1,097	0	0
Yavapai	12	0	0	12	0	0
Yuma	29,853	107	0	29,960	0	0

ARKANSAS

Arkansas	8,842	0	811	9,653	0	0
Ashley	22,082	0	2,533	24,615	0	0
Baxter	46	2	0	48	0	0
Benton	7	0	0	7	0	0
Boone	4,713	0	0	4,713	0	0
Bradley	3,374	0	0	3,374	0	0
Calhoun	26,483	43	3,403	29,983	0	0
Chicot	3,687	0	0	3,687	0	0
Clark						

ARKANSAS—Continued
[Acres]

County	Computed county allotment	Allocation from State's share of national reserve	Adjustment from State reserve for trends	County allotment, sum of columns (1), (2), and (3)	Allocation from State reserve for hardship and inequity cases	County allotment from State reserve for hardship and inequity cases
	(1)	(2)	(3)	(4)	(5)	
Clay	34,715	79	4,460	39,254	0	
Cleburne	2,668	0	0	2,668		
Cleveland	4,081	0	0	4,081		
Columbia	9,736	0	0	9,736		
Conway	5,712	85	0	5,797		
Craighead	70,017	72	9,072	79,161		
Crawford	43,340	880.7	14,652.7	58,873.4		
Crittenden	82,660	68	4,302.9	86,970.9		
Cross	32,810	68.3	3,984.3	36,862.6		
Dallas	1,833	0	0	1,833		
Desha	37,078	232	4,840	42,150		
Drew	12,573	0	1,154	13,727		
Faulkner	10,131	53	0	10,184		
Franklin	406	0	0	406		
Fulton	649	0	0	649		
Garland	7	0	0	7		
Grant	782	0	0	782		
Greene	33,607	0	4,318	37,925		
Hempstead	8,411	0	0	8,411		
Hot Spring	408	0	0	408		
Howard	1,940	0	0	1,940		
Independence	6,230	82	0	6,312		
Izard	1,924	0	0	1,924		
Jackson	37,908	175	4,878	43,021		
Jefferson	58,788	218	7,633	66,539		
Johnson	829	0	0	829		
Lafayette	12,687	3	1,164	13,854		
Lawrence	17,361	87	2,048	19,996		
Lee	50,975	122	6,249	57,444		
Lincoln	29,191	0	3,760	32,941		
Little River	4,700	167	0	4,867		
Logan	44,061	99	4,041	48,207		
Lonoke	1,315	7	0	1,320		
Marion	33	0	0	33		
Miller	8,984	108	0	9,092		
Mississippi	157,336	1,067	20,314	178,617		
Monroe	33,846	242	4,348	38,436		
Montgomery	67	0	0	67		
Nevada	8,939	0	0	8,939		
Newton	33	0	0	33		
Ouachita	2,367	0	0	2,367		
Perry	946	0	0	946		
Phillips	69,841	606	8,973	79,420		
Pike	348	3	0	351		
Poinsett	74,607	187	9,572	84,766		
Polk	39	0	0	39		
Pope	2,420	0	0	2,420		
Prairie	8,864	88	0	8,952		
Pulaski	14,582	0	1,673	16,255		
Randolph	8,205	48	733	9,006		
St. Francis	57,922	177	7,441	65,640		
Saline	77	0	0	77		
Scott	185	0	0	185		
Searcy	144	0	0	144		
Sebastian	291	0	0	291		
Sevier	679	0	0	679		
Sharp	2,182	0	0	2,182		
Stone	130	0	0	130		
Union	2,110	0	0	2,110		
Van Buren	701	40	0	741		
Washington	2	2	0	4		
White	18,101	347	0	18,448		
Woodruff	32,261	17	4,157	36,435		
Yell	6,503	33	0	6,536		

CALIFORNIA
[Acres]

County	Computed county allotment	Allocation from State's share of national reserve	Adjustment from State reserve for trends	County allotment, sum of columns (1), (2), and (3)	Allocation from State reserve for hardship and inequity cases	County allotment from State reserve for hardship and inequity cases
	(1)	(2)	(3)	(4)	(5)	
Fresno	187,833	751.7	0	188,884.7	0	
Imperial	46,745	122.2		46,867.2		
Kern	173,884	118.1	0	174,002.1	0	
Kings	95,107	191.5	0	95,298.5	0	
Madera	44,577	158.8	0	44,735.8	0	
Merced	27,089	59.1	0	27,148.1	0	
Riverside	19,363	77.4	0	19,340.4	0	
San Benito	133	2.0	0	155.0	0	
San Bernardino	359	4.1	0	363.1	0	
San Diego	263	2.0	0	265.0	0	
San Joaquin	79	6.1	0	85.1	0	
Stanislaus	138,939	548.0	0	139,487.0	0	
Tulare						

FLORIDA

Alachua	111	16.0	0	127.0	0	
Baker	8	0	0	8.0	0	
Bay	60	5.0	0	65.0	0	
Calhoun	680	0	0	680.0	0	
Columbia	298	57.8	0	355.8	0	
Dixie	13	37.6	0	50.6	0	
Duval	0	0	0	0	0	
Escambia	1,390	68.6	0	1,459.6	0	
Gadsden	181	30.0	0	211.0	0	
Hamilton	1,160	71.7	0	1,231.7	0	
Hillsborough	2	0	0	2.0	0	
Holmes	4,626	604.7	0	5,080.7	0	
Jackson	7,703	998.8	0	8,291.8	0	
Jefferson	1,334	171.3	0	1,505.3	0	
Lafayette	236	0	0	236.0	0	
Leon	570	50.0	0	620.0	0	
Levy	6	0	0	6.0	0	
Liberty	15	3.6	0	18.6	0	
Madison	2,744	364.1	0	3,108.1	0	
Nassau	4	0	0	4.0	0	
Okaloosa	1,346	35.9	0	1,381.9	0	
Santa Rosa	5,709	339.7	0	6,048.7	0	
Suwannee	602	109.5	0	831.5	0	
Taylor	26	14.0	0	40.0	0	
Union	21	14.0	0	35.0	0	
Walton	2,156	131.3	0	2,287.3	0	
Washington	857	106.0	0	943.0	0	

GEORGIA

Appling	4,277	0	0	4,277.0	0	
Atkinson	924	30.7	0	964.7	0	
Bacon	2,235	73.4	0	2,308.4	0	
Baker	2,923	105.0	0	3,028.0	0	
Banks	2,907	0	0	2,907.0	0	
Baldwin	2,309	70.2	0	2,379.2	0	
Barrow	5,275	0	0	5,276.0	0	
Bartow	14,800	416.9	0	16,216.9	0	
Berrien	3,324	162.8	0	3,486.8	0	
Bibb	1,101	26.0	0	1,127.0	0	
Bleckley	6,378	219.4	0	6,597.4	0	
Brantley	42	0	0	42.0	0	

County	Computed county allotment	Allocation from State's share of national reserve	Adjustment from State reserve for trends	County allotment, sum of columns (1), (2), and (3)	Allocation from State reserve for hardship and inequity cases	County allotment from State reserve for hardship and inequity cases
	(1)	(2)	(3)	(4)	(5)	
Lamar	2,377	68.2	0	2,445.2	0	
Lamber	625	26.8	0	661.8	0	
Laurens	27,746	862.5	0	28,108.5	0	
Lee	3,437	115.7	0	3,572.7	0	
Liberty	128	0	0	128.0	0	
Lincoln	510	0	0	510.0	0	
Long	2,162	115.2	0	2,142.0	0	
Lowndes	3,187	0	0	3,302.2	0	
Lumpkin	60	0	0	60.0	0	
McIntosh	1	0	0	1.0	0	
Macon	6,013	165.5	0	6,178.5	0	
Madison	11,078	340.6	0	11,418.6	0	
Marion	9,586	293.3	0	9,880.3	0	
Meriwether	10,794	284.1	0	11,077.1	0	
Miller	5,643	188.9	0	5,831.9	0	
Mitchell	11,814	331.1	0	12,185.1	0	
Monroe	1,313	33.5	0	1,346.5	0	
Montgomery	3,774	140.9	0	3,914.9	0	
Morgan	13,215	364.2	0	13,579.2	0	
Murray	3,782	0	0	3,782.0	0	
Newton	6,928	173.6	0	7,101.6	0	
Oconee	7,530	230.2	0	7,760.2	0	
Oglethorpe	7,033	237.2	0	7,280.2	0	
Paulding	2,365	0	0	2,365.0	0	
Peach	2,181	67.6	0	2,248.6	0	
Pierce	2,154	0	0	2,154.0	0	
Pickens	388	0	0	388.0	0	
Pike	5,875	169.8	0	6,044.8	0	
Polk	5,827	0	0	5,827.0	0	
Pulaski	8,282	249.0	0	8,531.0	0	
Putnam	1,405	0	0	1,405.0	0	
Randolph	5,370	178.5	0	5,548.5	0	
Richmond	2,245	71.0	0	2,316.0	0	
Rockdale	2,704	0	0	2,704.0	0	
Schley	3,658	115.7	0	3,773.7	0	
Screven	15,619	498.6	0	16,067.6	0	
Seminole	4,443	169.4	0	4,592.4	0	
Spalding	2,306	65.6	0	2,371.6	0	
Stephens	833	0	0	833.0	0	
Stewart	2,686	80.6	0	2,766.6	0	
Sumter	10,013	315.4	0	10,328.4	0	
Talbot	1,294	0	0	1,294.0	0	
Taliaferro	1,508	49.6	0	1,557.6	0	
Tattnall	4,962	217.3	0	5,179.3	0	
Taylor	6,688	203.5	0	6,861.5	0	
Telfair	4,494	170.7	0	4,664.7	0	
Terrell	11,335	343.1	0	11,098.1	0	
Thomas	5,661	191.3	0	6,876.3	0	
Tift	6,625	231.3	0	6,872.3	0	
Toombs	7,301	265.2	0	7,566.2	0	
Treutlen	3,235	108.9	0	3,343.9	0	
Troup	1,736	47.3	0	1,783.3	0	
Turner	2,504	253.3	0	7,757.3	0	
Twiggs	3,286	114.2	0	3,400.2	0	
Upson	1,189	0	0	1,189.0	0	
Walker	2,306	0	0	2,306.0	0	
Walton	18,005	526.9	0	18,531.9	0	
Ware	785	24.2	0	808.2	0	
Warren	10,451	265.3	0	10,716.3	0	
Washington	16,236	480.8	0	16,716.8	0	
Wayne	2,296	64.4	0	1,692.4	0	
Webster	3,300	118.0	0	3,482.0	0	
White	519	0	0	519.0	0	
Whitfield	1,752	0	0	1,752.0	0	
Wilcox	10,526	338.8	0	10,864.8	0	

GEORGIA—Continued
[Acres]

County	Computed allotment	Allocation from State's share of national reserve	Adjustment from State reserve for trends	County allotment, sum of columns (1), (2), and (3)	Allocation from State reserve for inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)
Wilkes	5,903	101.0	0	4,004.0	0
Wilkinson	2,322	84.1	0	2,406.1	0
Worth	17,719	683.7	0	18,402.7	0
ILLINOIS					
Alexander	1,728	6	0	1,734	22
Massac	3	0	0	3	0
Pulaski	1,193	15	0	1,208	18
KANSAS					
Cowley	12	2	0	14	0
Montgomery					
KENTUCKY					
Ballard	13	0	0	13	0
Calloway	92	0	0	92	0
Carlisle	62	2	0	64	0
Fulton	5,214	243	330	6,807	0
Graves	165	0	0	165	0
Hickman	865	0	0	865	0
McCracken	5	4	0	9	0
Marshall	34	0	0	34	0
LOUISIANA					
Acadia	9,521	147	894	10,562	0
Allen	564	0	0	564	0
Ascension	402	0	0	402	0
Assumption	6	0	0	6	0
Avoyelles	30,321	241	1,477	22,039	0
Beauregard	232	0	0	232	0
Bienville	4,169	0	0	4,169	0
Bossier	16,449	282	1,717	18,448	0
Caddo	29,678	528	3,181	33,382	0
Calcasieu	127	0	0	127	0
Cameron	105	0	0	105	0
Caldwell	7,139	179	1,091	8,409	0
Catahoula	10,484	358	2,175	13,017	0
Claiborne	6,997	0	0	6,997	0
Concordia	8,159	264	1,609	10,032	0
East Baton Rouge	493	0	0	493	0
East Carroll	7,283	0	0	7,283	0
East Feliciana	25,659	690	4,206	30,555	0
Evangeline	13,809	163	996	15,028	0
Franklin	51,228	1,219	7,422	59,869	0
Grant	3,936	104	632	4,672	0
Iberia	1,281	0	0	1,281	0
Iberville	488	0	0	488	0
Jackson	833	0	0	833	0
Jefferson	1	0	0	1	0
Jefferson Davis	338	0	0	338	0
La Salle	382	18	114	514	0
Lincoln	2,891	0	0	2,891	0
Livingston	299	0	0	299	0
Madison	18,702	507	3,087	22,296	0
Morehouse	29,005	679	4,139	33,823	0
Natchitoches	19,900	326	1,980	22,206	0
Orleans	12,823	328	1,997	15,248	0
Ouachita	7,916	0	0	7,916	0
Pointe Coupee	17,133	436	2,688	20,247	0
Rapides	44,324	1,061	6,469	51,844	0
Red River	9,089	100	609	9,798	0
Richland	1,472	0	0	1,472	0
Sabine	1,718	0	0	1,718	0
St. Helena	2	0	0	2	0
St. James	595	0	0	595	0
St. John the Baptist	29,722	532	3,297	33,491	0
St. Martin	6,632	0	0	6,632	0
St. Tammany	248	0	0	248	0
Tangipahoa	1,128	0	0	1,128	0
Tensas	18,418	424	2,580	21,422	0
Union	4,477	0	0	4,477	0
Vermilion	3,911	0	0	3,911	0
Vernon	914	0	0	914	0
Washington	4,524	0	0	4,524	0
Webster	5,169	0	0	5,169	0
West Baton Rouge	823	0	0	823	0
West Carroll	23,905	389	3,588	28,083	0
West Feliciana	1,844	0	0	1,844	0
Winn	829	0	0	829	0
MARYLAND					
Caroline	3.0	0	0	3.0	0
MISSISSIPPI					
Adams	2,223	47	0	2,270	0
Alcorn	11,852	655	1,219	13,726	0
Amite	7,161	0	0	7,161	0
Attala	11,646	647	903	13,096	0
Bolivar	10,966	238	1,590	12,194	0
Calhoun	14,012	486	1,995	16,493	0
Carroll	18,075	410	1,712	16,197	0
Chickasaw	12,124	495	1,401	14,020	0
Choctaw	3,456	16	0	3,472	0
Claiborne	4,075	48	0	4,123	0
Clarke	3,934	0	0	3,934	0
Clay	6,621	407	704	7,732	0
Coahoma	77,496	74	11,055	88,625	0
Copiah	7,063	33	0	7,101	0
Covington	7,862	39	0	7,901	0
De Soto	29,907	645	4,152	33,104	0
Forrest	1,032	0	0	1,082	0
Franklin	1,268	0	0	1,268	0
George	965	0	0	965	0
Greene	988	0	0	988	0
Grenada	10,165	158	1,345	11,668	0
Hancock	21	0	0	21	0
Harrison	3	0	0	6	0
Hinds	29,965	614	4,271	34,840	0
Humphreys	41,221	90	5,974	47,285	0
Issaquena	9,073	56	1,284	10,413	0
Itawamba	9,231	699	442	10,332	0
Jasper	5,738	0	0	5,738	0
Jefferson	4,220	0	0	4,220	0

MISSOURI
[Acres]

County	Computed allotment	Allocation from State's share of national reserve	Adjustment from State reserve for trends	County allotment, sum of columns (1), (2), and (3)	Allocation from State reserve for inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)
Bollinger	161	3	0	164	0
Butler	18,119	666	0	18,085	112
Cape Girardeau	109	0	0	109	0
Carter	10	0	0	10	0
Dunklin	77,987	229	0	78,266	636
Howell	32	10	0	42	0
Jefferson	1	0	0	1	0
Mississippi	25,812	49	0	25,861	261
New Madrid	84,511	109	0	84,620	853
Oregon	10	0	0	10	0
Pemiscot	89,133	137	0	89,270	1,118
Ripley	2,188	127	0	2,315	14
Scott	15,881	80	0	15,961	165
Stoddard	38,790	414	0	39,204	321
Wayne	8,497	0	0	8,497	0
NEVADA					
Clark	73	28	0	101	0
Nye	2,449	922	0	3,421	0
NEW MEXICO					
Bernalillo	3	0	0	3	0
Chaves	30,448	42	0	30,490	21
Curry	1,490	10	0	1,500	7
De Baca	487	13	0	500	6
Doña Ana	38,027	245	0	38,282	133
Eddy	26,456	45	0	26,501	71
Grant	109	0	0	109	3
Guadalupe	10	0	0	10	0
Hidalgo	6,232	8	0	6,240	6
Lea	26,494	17	0	26,511	23
Lincoln	2,175	7	0	2,182	7
Luna	13,207	8	0	13,215	11
Otero	2,746	24	0	2,770	10
Roosevelt	18,682	99	0	18,682	45
Sierra	2,494	22	0	2,516	22
Socorro	1,944	32	0	1,976	36
Valencia	28	0	0	28	0
NORTH CAROLINA					
Alamance	49	0	0	49.0	0
Alexander	624	0	0	624.0	0
Anson	11,386	167.2	0	11,568.2	438.8
Beaufort	1,088	0	0	1,088.0	0
Bertie	6,057	730.4	0	6,787.4	1,304.3
Camden	3,230	71.1	0	3,301.1	192.3
Chowan	251	0	0	251.0	0
Craven	3,538	0.3	0	3,538.3	0.9
Cumberland	64	0	0	64.0	0
Currituck	275	0	0	275.0	0
Dare	47	0	0	47.0	0
Gates	372	0	0	372.0	0
Granville	2,025	0	0	2,025.0	0
Halifax	2,182	245.1	0	2,427.1	439.6
Hertford	23,928	441.1	0	28,364.1	1,176.5
Hoke	2,313	164.1	0	2,477.1	481.0
Jones	382	0	0	382.0	0
Lenoir	27,498	502.6	0	11,481.6	1,324.3
Martin	267	0	0	267.0	0
Nash	749	0	0	749.0	0
Northampton	3,471	0	0	3,471.0	0
Pasquotank	1,423	0	0	1,423.0	0
Perquimans	3,471	0	0	3,471.0	0
Pitt	11,439	1,066.4	0	12,507.4	1,728.9
Robeson	104	0	0	104.0	0
Rockingham	8,312	680.5	0	8,992.5	1,755.8
Rowan	2,451	0	0	2,451.0	0
Sampson	1,913	151.2	0	2,064.2	229.8
Scotland	812	38.8	0	851.8	73.6
Tyrrell	3,641	206.1	0	3,847.1	541.5
Vance	62	0	0	62.0	0
Wake	104	0	0	104.0	0
Warren	3,375	91	362	5,828	0
Washington	72,390	213	10,171	82,774	0
Watauga	5,375	91	362	6,028	0
Wayne	1,188	98	0	5,285	0
Webster	7,143	444	880	8,471	0
Wilkes	15,229	745	1,656	17,630	0
Wilson	10,145	307	0	10,452	0
Yadkin	5,375	91	362	6,028	0
Yancey	37,610	190	5,308	43,108	0

South Carolina—Continued
[Acres]

County	Computed county allotment	Allocation from State's share of national reserve	Adjustment from State reserve for trends	County allotment, sum of columns (1), (2), and (3)	Allocation from State reserve for hardship and inequity cases
	(1)	(2)	(3)	(4)	(5)
Chester	8,371	482	0	8,853	0
Chesterfield	26,280	2,032	0	28,312	0
Clarendon	28,740	664	6,101	35,405	0
Colleton	7,822	0	0	7,822	0
Darlington	25,906	633	4,780	31,339	0
Dillon	19,162	1,000	3,483	23,645	0
Dorchester	7,251	313	0	8,044	0
Edgefield	8,107	92	1,017	9,216	0
Fairfield	3,766	0	0	3,766	0
Florence	27,328	336	4,922	32,020	0
Georgetown	2,274	0	0	2,274	0
Greenville	10,969	0	0	10,969	0
Greenwood	3,247	0	0	3,247	0
Hampton	6,669	438	427	7,534	0
Horry	7,812	0	0	7,812	0
Jasper	2,091	0	0	2,091	0
Kershaw	15,783	1,456	0	17,239	0
Lancaster	6,516	8	0	6,524	0
Laurens	13,770	560	0	14,330	0
Lee	29,925	839	6,341	37,105	0
Lexington	9,201	894	0	10,095	0
McCormick	2,839	0	0	2,839	0
Marion	10,042	681	1,221	11,944	0
Marlboro	33,450	144	7,182	40,776	0
Newberry	6,128	31	0	6,209	0
Oconee	5,561	0	0	5,561	0
Orangeburg	49,220	320	9,043	58,633	0
Pickens	4,158	0	0	4,158	0
Richland	5,307	335	0	5,722	0
Saluda	6,447	0	820	7,273	0
Spartanburg	16,871	0	0	16,871	0
Sumter	33,616	627	6,191	40,334	0
Union	4,442	20	0	4,462	0
Williamsburg	24,236	1,907	5,175	33,408	0
York	12,503	918	0	13,421	0

Tennessee

Bedford	1,179	0	0	1,179	0
Benton	2,181	7	34	2,172	0
Bradley	677	0	0	677	0
Cannon	23	0	0	23	0
Carroll	16,681	601	2,063	19,345	0
Chester	9,610	379	1,294	11,183	0
Coffee	1,184	0	0	1,184	0
Crockett	27,682	1,131	3,863	32,676	0
Cumberland	1	0	0	1	0
Davidson	7	0	0	7	0
Decatur	2,897	0	0	2,897	0
De Kalb	28	0	0	28	0
Dyer	27,613	1,100	3,762	32,375	0
Fayette	36,625	1,478	5,034	43,057	0
Fentress	4,315	0	0	4,315	0
Franklin	38,447	1,539	5,265	45,251	0
Gibson	6,997	0	0	6,997	0
Giles	6,982	0	0	6,982	0
Grundy	132	0	0	132	0
Hamilton	384	0	0	384	0
Hardeman	18,028	508	1,963	20,499	0
Hardin	7,123	99	305	7,527	0
Hawkins	26,477	1,491	5,094	33,062	0
Henderson	14,870	378	1,320	16,677	0
Henry	4,079	43	163	4,285	0
Hickman	15	0	0	15	0
Humphreys	12,494	706	2,410	20,749	0
Jackson	13	0	0	13	0
Jefferson	30,227	1,242	4,243	35,762	0
Lake	16,266	270	970	17,506	0
Lauderdale	7,883	270.8	0	8,153.8	0
Lawrence	31	0	0	31.0	0
Lewis	7,693	270.8	0	7,963.8	0
Lincoln	61	0	0	61.0	0
Madison	10,190	303.9	0	10,499.9	0
Marion	633	0	0	633.0	0
Marshall	6,961	384.0	0	7,353.0	0
Maury	4,645	614.4	0	4,645.0	0
McMinn	12,848	0	0	12,848.0	0
McNairy	2,970	0	0	2,970	0
Meigs	3,494.4	0	0	3,494.4	1,003.0
Monroe	15,655	783.3	0	16,438.3	0
Montgomery	2,063.4	0	0	24,451.4	3,398.6
Moore	7,183.0	0	0	7,183.0	0
Overton	4,769.0	0	0	4,769.0	0
Perry	6,672.1	0	0	6,672.1	216.4
Pickett	3,771.5	98.1	0	46,903.5	6,025.1
Polk	0	0	0	0	0
Putnam	46.0	0	0	46.0	0
Rhea	1,152.0	0	0	1,152.0	0
Roane	1,054.0	0	0	1,054.0	0
Robertson	6,866.6	833.1	0	6,866.6	0
Rutherford	46.0	0	0	46.0	0
Scott	1,152.0	3.2	0	1,152.0	0.6
Sequatchie	265.0	0	0	265.0	0
Sevier	505.0	0	0	505.0	0
Shelby	233.0	0	0	233.0	0
Smith	11.0	0	0	11.0	0
Stewart	21,190.7	2,460.7	0	4,980.7	0
Sullivan	14,118.3	1,420.3	0	15,538.6	2,176.6
Sumner	2,350.4	120.4	0	2,470.8	110.4
Tipton	1,934.5	189.5	0	2,124	278.1
Trousdale	5,454.0	285.8	0	5,739.8	0
Unicoi	2,826.8	0	0	2,826.8	304.6
Union	970.2	0	0	970.2	0
Van Buren	6,129.0	0	0	6,129.0	68.4
Warren	2,009.5	0	0	2,009.5	0
Washington	9,066.5	0	0	19,066.5	2,311.6
Wayne	7,283.0	0	0	7,283.0	0
Weakley	14,023.5	0	0	14,023.5	1,182.7
White	10,718	0	0	10,718	1,822
Williamson	40,017	0	0	40,017	7,291
Wilson	11,191	0	0	11,191	2,041
	1,805	0	0	1,805	299
	2,801	58	0	2,859	454
	14,064	188	0	14,064	2,454
	1,803	0	0	1,803	0
	2,283.0	0	0	7,283.0	0
	199.0	0	0	199.0	0
	13,382.2	0	0	13,382.2	1,181.2
	4,916.6	0	0	4,916.6	1,198.6
	13,382.9	0	0	23,387.9	4,198.8

Oklahoma

Adair	53	0	0	53	0
Alfalfa	1,617	27	0	1,644	199
Beaver	39	0	0	39	11
Beckham	51,168	182	0	61,330	9,777
Blaine	10,318	0	0	10,718	1,822
Caddo	38,983	1,124	0	40,017	7,291
Canadian	10,886	305	0	11,191	2,041
Cherokee	1,254	61	0	1,805	299
Choctaw	2,709	92	0	2,801	58
Cimarron	1,323	60	0	1,383	454
Cleveland	2,712	57	0	2,769	644
Coal	10,186	344	0	10,530	1,813
Comanche	16,401	288	0	15,689	2,685
Cotton	1,798	0	0	1,798	0
Creek	19,445	340	0	19,791	2,840
Custer					

Tennessee—Continued
[Acres]

County	Computed county allotment	Allocation from State's share of national reserve	Adjustment from State reserve for trends	County allotment, sum of columns (1), (2), and (3)	Allocation from State reserve for hardship and inequity cases
	(1)	(2)	(3)	(4)	(5)
Lewis	258	0	0	258	0
Lincoln	10,518	132	485	11,135	0
Loudon	3	0	1	4	0
McMinn	440	0	0	440	0
McNairy	16,452	413	1,441	18,306	0
Madison	28,027	1,111	3,801	32,949	0
Marshall	230	0	0	230	0
Maury	286	0	0	286	0
Meigs	164	0	0	164	0
Monroe	460	0	0	460	0
Montgomery	135	0	0	135	0
Moore	39	0	0	39	0
Overton	8,106	228	795	9,129	0
Perry	139	0	0	139	0
Polk	520	0	0	520	0
Rhea	14	0	0	14	0
Roane	1	0	0	1	0
Robertson	3,579	0	0	3,579	0
Rutherford	1	0	0	1	0
Scott	1	0	0	1	0
Sequatchie	412	0	0	412	0
Sevier	1,303	2	0	1,305	0
Shelby	148	2	0	150	7
Smith	2,946	118	0	3,064	697
Stewart	14,081	125	0	14,206	2,793
Sullivan	40,823	230	0	47,048	9,181
Sumner	3,375	0	0	3,375	0
Tipton	2,369	0	0	2,369	82
Trousdale	33,677	141	0	33,818	6,602
Unicoi	89,641	88	0	39,629	7,761
Union	13	0	0	13	2
Van Buren	2,369	0	0	2,369	82
Warren	3,375	0	0	3,375	0
Washington	40,823	230	0	47,048	9,181
Wayne	14,081	125	0	14,206	2,793
Weakley	2,946	118	0	3,064	697
White	1,303	2	0	1,305	7
Williamson	46,023	412	0	46,435	8,856
Wilson	1,303	2	0	1,305	0
	2,436	83	0	2,519	0
	1,021	0	0	1,021	32
	2,455	123	0	2,578	338
	6,779	145	0	6,924	1,330
	8,447	60	0	8,507	1,455
	8,592	307	0	8,899	1,455
	8,749	78	0	3,827	656
	517	15	0	532	10
	353	11	0	364	84
	14,802	558	0	15,360	2,376
	603	33	0	636	128
	616	18	0	634	128
	4,183	10	0	4,193	63
	364	8	0	372	96
	7,987	438	0	8,425	886
	2,618	154	0	2,772	653
	1,933	135	0	2,068	322
	936	51	0	987	76
	4,101	0	0	4,101	0
	12,478	337	0	17,815	3,367
	405	0	0	405	0
	684	0	0	684	0
	1,082	68	0	1,161	47
	1,421	24	0	1,445	262
	4,813	205	0	6,018	991
	0	1	0	7	2
	57,782	301	0	57,988	10,973
	1,212	0	0	1,212	7
	6,088	247	0	6,945	803
	61,267	414	0	61,671	11,675
	663	26	0	689	87

South Carolina

Abbeville	6,423	469	0	6,802	0
Aiken	16,911	246	2,122	19,279	0
Allendale	8,789	218	1,520	10,027	0
Anderson	21,417	682	0	22,099	0
Bamberg	10,284	385	1,984	13,153	0
Barnwell	12,280	728	1,490	14,498	0
Berkeley	7,238	0	0	7,238	0
Calhoun	13,181	306	2,416	15,903	0
Charleston	823	0	0	823	0
Cherokee	9,728	304	0	10,032	0

TEXAS—Continued
[Acres]

County	Computed county allotment (1)	Allocation from State's share of national reserve (2)	Adjustment from State reserve for trends (3)	County allotment, sum of columns (1), (2), and (3) (4)	Allocation from State reserve for inequity and hardship cases (5)
Cherokee	12,150	0	0	12,150	0
Childress	52,202	60	0	52,262	0
Clay	9,726	67	0	9,793	0
Cochran	72,385	5	0	72,390	0
Coke	6,790	15	0	6,805	0
Coleman	30,885	84	0	30,969	0
Collin	79,724	1,012	0	80,736	0
Collingsworth	63,190	17	0	63,207	0
Colorado	9,743	144	0	9,887	0
Comal	301	0	0	301	0
Comanche	8,753	8	0	8,761	0
Concho	24,441	42	0	24,483	0
Cooke	6,915	41	0	6,956	0
Coryell	18,723	261	0	18,984	0
Cottle	52,268	18	0	52,286	0
Crockett	61	0	0	61	0
Crosby	115,570	15	0	115,585	0
Culberson	4,926	2	0	4,930	0
Dallam	40	0	0	40	0
Dallas	33,717	301	0	34,018	0
Dawson	192,727	41	0	192,768	0
Deaf Smith	10,287	231	0	10,518	0
Delta	36,196	89	0	36,285	0
Denton	20,818	352	0	21,170	0
De Witt	16,533	36	0	16,569	0
Dickens	51,493	53	0	51,546	0
Dimmit	1,964	51	0	2,015	0
Donley	28,345	42	0	28,387	0
Duval	12,919	500	0	13,419	0
Eastland	4,645	128	0	4,773	0
Ector	204	0	0	204	0
Ellis	125,546	358	0	125,904	0
El Paso	24,371	754	0	25,125	0
Erath	8,086	2	0	8,088	0
Falls	75,104	447	0	75,551	0
Fannin	66,611	751	0	67,362	0
Fayette	28,093	402	0	28,495	0
Fisher	79,422	94	0	79,516	0
Floyd	92,710	81	0	92,791	0
Foard	12,297	41	0	12,338	0
Fort Bend	60,531	775	0	61,306	0
Franklin	3,626	0	0	3,626	0
Freestone	20,087	32	0	20,119	0
Frio	4,626	104	0	4,730	0
Gaines	76,015	41	0	76,056	0
Galveston	16	0	0	16	0
Garza	38,438	16	0	38,454	0
Gillespie	1,233	0	0	1,233	0
Glasscock	9,815	4	0	9,819	0
Goliad	4,346	6	0	4,352	0
Gonzales	14,345	59	0	14,404	0
Gray	3,574	62	0	3,636	0
Grayson	33,019	451	0	33,470	0
Gregg	1,390	0	0	1,390	0
Grimes	14,844	0	0	14,844	0
Guadalupe	18,721	252	0	18,973	0
Hale	155,813	60	0	155,873	0
Hall	91,621	26	0	91,647	0
Hamilton	10,214	153	0	10,367	0
Hansford	733	409	0	1,142	0
Hardeman	32,205	41	0	32,246	0
Hardin	36	0	0	36	0
Harris	3,814	36	0	3,850	0
Harrison	10,686	0	0	10,686	0
Hartley	97	76	0	173	0
Haskell	115,698	105	0	115,803	0
Hays	7,485	18	0	7,503	0
Hemphill	1,588	41	0	1,629	0
Henderson	8,725	0	0	8,725	0

TEXAS—Continued
[Acres]

County	Computed county allotment (1)	Allocation from State's share of national reserve (2)	Adjustment from State reserve for trends (3)	County allotment, sum of columns (1), (2), and (3) (4)	Allocation from State reserve for inequity and hardship cases (5)
Hidalgo	182,285	4,574	0	186,859	0
Hill	114,403	418	0	114,821	0
Hockley	177,812	67	0	177,879	0
Hood	3,195	5	0	3,200	0
Hopkins	25,469	500	0	25,969	0
Houston	23,592	28	0	23,620	0
Howard	71,128	3	0	71,131	0
Hudspeth	16,387	0	0	16,387	0
Hunt	87,515	912	0	88,427	0
Irion	654	11	0	665	0
Jack	1,912	44	0	1,956	0
Jackson	17,458	178	0	17,636	0
Jasper	459	0	0	459	0
Jeff Davis	330	0	0	330	0
Jefferson	19	0	0	19	0
Jim Hogg	1,338	0	0	1,338	0
Jim Wells	22,063	74	0	22,137	0
Johnson	34,252	182	0	34,434	0
Jones	104,908	122	0	105,030	0
Karnes	28,917	32	0	28,949	0
Kaufman	55,726	335	0	56,061	0
Kendall	30	0	0	30	0
Kent	19,740	14	0	19,754	0
Kerr	33	0	0	33	0
Kimble	185	9	0	194	0
King	9,697	0	0	9,697	0
Kinney	435	0	0	435	0
Kleberg	8,475	104	0	8,579	0
Knox	55,951	78	0	56,029	0
Lamar	55,960	202	0	56,162	0
Lamb	185,244	24	0	185,268	0
Lampasas	2,287	64	0	2,351	0
La Salle	3,003	142	0	3,145	0
Lavaca	34,126	261	0	34,387	0
Lee	9,660	1	0	9,661	0
Leon	10,491	0	0	10,491	0
Liberty	2,638	0	0	2,638	0
Limestone	65,059	85	0	65,144	0
Live Oak	18,201	118	0	18,319	0
Llano	385	80	0	465	0
Loving	458	0	0	458	0
Lubbock	215,094	276	0	215,370	0
Lynn	176,134	37	0	176,171	0
McCulloch	16,246	88	0	16,334	0
McLennan	82,577	191	0	82,768	0
McMullen	1,212	2	0	1,214	0
Madison	6,591	0	0	6,591	0
Marion	2,269	0	0	2,269	0
Martin	86,715	29	0	86,744	0
Mason	1,814	6	0	1,820	0
Matagorda	17,162	268	0	17,430	0
Maverick	5,969	1	0	5,970	0
Medina	1,721	30	0	1,751	0
Menard	914	3	0	917	0
Midland	25,669	12	0	25,681	0
Milam	49,986	254	0	50,240	0
Mills	2,650	64	0	2,714	0
Mitchell	66,717	52	0	66,769	0
Montague	3,924	61	0	3,985	0
Montgomery	1,059	0	0	1,059	0
Moore	322	159	0	481	0
Morris	1,647	0	0	1,647	0
Motley	33,144	47	0	33,191	0
Nacogdoches	5,748	0	0	5,748	0
Navarro	104,454	299	0	104,753	0
Newton	526	0	0	526	0
Nolan	41,625	73	0	41,698	0
Nueces	95,110	245	0	95,355	0
Ochiltree	368	74	0	442	0

TEXAS—Continued
[Acres]

County	Computed county allotment (1)	Allocation from State's share of national reserve (2)	Adjustment from State reserve for trends (3)	County allotment, sum of columns (1), (2), and (3) (4)	Allocation from State reserve for inequity and hardship cases (5)
Oldham	83	0	0	83	0
Palo Pinto	3,166	9	0	3,175	0
Panola	8,032	0	0	8,032	0
Parker	3,425	5	0	3,430	0
Parmer	42,676	350	0	43,026	0
Pecos	24,588	82	0	24,670	0
Polk	4,568	0	0	4,568	0
Potter	113	55	0	168	0
Presidio	3,083	49	0	3,132	0
Rains	8,010	5	0	8,015	0
Randall	1,626	1,300	0	2,926	0
Reagan	1,067	4	0	1,071	0
Real	11	0	0	11	0
Red River	26,372	81	0	26,453	0
Reeves	55,496	23	0	55,519	0
Refugio	12,312	115	0	12,427	0
Roberts	187	120	0	307	0
Robertson	25,290	111	0	25,401	0
Rockwall	19,316	114	0	19,430	0
Runnels	81,503	57	0	81,560	0
Rusk	11,268	0	0	11,268	0
Sabine	2,387	0	0	2,387	0
San Augustine	5,810	0	0	5,810	0
San Jacinto	3,731	0	0	3,731	0
San Patricio	76,967	239	0	77,206	0
San Saba	6,754	0	0	6,754	0
Schleicher	8,753	5	0	8,758	0
Scurry	64,897	53	0	64,950	0
Shackelford	3,779	24	0	3,803	0
Shelby	7,925	0	0	7,925	0
Smith	6,865	0	0	6,865	0
Somervell	1,335	11	0	1,346	0
Starr	24,686	226	0	24,912	0
Stephens	1,276	34	0	1,310	0
Sterling	419	6	0	425	0
Stonewall	25,933	27	0	25,960	0
Sutton	16	0	0	16	0
Swisher	50,814	58	0	50,872	0
Tarrant	9,570	148	0	9,718	0
Taylor	33,447	106	0	33,553	0
Terrell	4	0	0	4	0
Terry	140,265	55	0	140,320	0
Throckmorton	11,274	42	0	11,316	0
Titus	3,132	0	0	3,132	0
Tom Green	52,502	17	0	52,519	0
Travis	34,594	107	0	34,701	0
Trinity	4,650	0	0	4,650	0
Tyler	447	0	0	447	0
Upshur	2,923	0	0	2,923	0
Upton	3	19	0	22	0
Uvalde	1,139	3	0	1,142	0
Val Verde	129	0	0	129	0
Van Zandt	21,729	367	0	22,096	0
Victoria	23,865	219	0	24,084	0
Walker	5,981	0	0	5,981	0
Waller	4,942	123	0	5,065	0
Ward	2,147	11	0	2,158	0
Washington	22,381	380	0	22,761	0
Webb	1,727	11	0	1,738	0
Wharton	68,344	809	0	69,153	0
Wheeler	26,857	154	0	27,011	0
Wichita	5,977	69	0	6,046	0
Wilbarger	48,709	139	0	48,848	0
Willacy	87,119	422	0	87,541	0
Williamson	104,713	193	0	104,906	0
Wilson	5,660	154	0	5,814	0
Winkler	12	24	0	36	0
Wise	2,714	77	0	2,791	0
Wood	4,069	0	0	4,069	0

TEXAS—Continued
[Acres]

County	Computed county allotment (1)	Allocation from State's share of national reserve (2)	Adjustment from State reserve for trends (3)	County allotment, sum of columns (1), (2), and (3) (4)	Allocation from State reserve for inequity and hardship cases (5)
Yoakum	32,912	43	0	32,955	0
Young	11,520	67	0	11,587	0
Zapata	2,090	20	0	2,110	0
Zavala	8,345	20	0	8,365	0
VIRGINIA					
Accomack	3	0	0	3.0	0
Brunswick	1,781	187.9	0	1,968.9	26.7
Charlotte	6	4.3	0	10.3	0.1
Chesapeake	11	0	0	11.0	0.2
Cumberland	3	2.4	0	5.4	0
Dinwiddie	210	29.1	0	239.1	3.1
Franklin	6	2.7	0	8.7	0.1
Greensville	3,953	356.8	0	4,309.8	59.3
Isle of Wight	234	43.6	0	277.6	3.5
Lunenburg	199	18.7	0	217.7	3.0
Mecklenburg	1,670	170.2	0	1,840.2	25.0
Nansemond	1,329	200.6	0	1,529.6	19.9
Patrick	1	0	0	1.0	0
Prince Edward	4	1.6	0	5.6	0.1
Prince George	39	9.8	0	48.8	0.6
Southampton	4,104	385.3	0	4,489.3	61.5
Surry	6	1.4	0	7.4	0.1
Sussex	1,451	161.6	0	1,612.6	21.8

(Secs. 344, 375, 63 Stat. 670, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1344, 1375.)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on November 9, 1965.

H. D. GODFREY,
Administrator Agricultural Stabilization and Conservation Service.

[F.R. Doc 65-12161; Filed, Nov. 10, 1965; 12:45 p.m.]

PART 722—COTTON

Subpart—1966-Crop of Extra Long Staple Cotton; Acreage Allotments and Marketing Quotas

STATE RESERVE AND COUNTY ALLOTMENT

(a) Section 722.362 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended, 7 U.S.C. 1281 et seq.). This section establishes the State reserve and its allocation among uses for the 1966 crop of extra long staple cotton. It also establishes the county allotment. Such determinations were made initially by the respective State committees and are hereby approved and made effective by the Administrator pursuant to delegated authority (19 F.R. 74, 21 F.R. 1665, 25 F.R. 3925, 28 F.R. 4368).

(b) Notice that the Secretary was preparing to establish State and county allotments was published in the FEDERAL REGISTER on September 22, 1965 (30 F.R. 12079) in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003). No written submissions were received in response to such notice.

(c) Since the allocations under this section require immediate action by the Agricultural Stabilization and Conservation State and county committees, it is essential that § 722.362 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable

and contrary to the public interest, and § 722.362 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 722.362 State reserve and county allotment for the 1966 crop of extra long staple cotton.

(a) *State reserve.* The State reserve for each State shall be established and allocated among uses as shown in the following table for the 1966 crop of extra long staple cotton pursuant to § 722.308 of the Acreage Allotment Regulations for the 1964 and Succeeding Crops of Extra Long Staple Cotton (28 F.R. 11034, as amended). It is hereby determined that no State reserve for trends, abnormal conditions, small farms or new farms is required. The allocation of State reserve for counties in New Mexico is required primarily to adjust allotments for farms which were new ELS cotton farms for 1963.

State	Total State reserve	Allocations from State reserve for	
		Inequity and hardship cases	Set-aside for errors
Arizona	10		10
California			
Florida	26		26
Georgia			
New Mexico	150	140	10
Texas			
Puerto Rico	2	1	1

(b) *County allotment.* The county allotment is established for the 1966 crop of extra long staple cotton in accordance with § 722.309 of the Acreage Allotment Regulations for the 1964 and Succeeding Crops of Extra Long Staple Cotton (28 F.R. 11034, as amended). The following table sets forth the county allotment and allocations from the State reserve:

ARIZONA
[Acres]

County	County allotment (1)	Allocations from State reserve for inequity and hardship cases (2)
Cochise	201	0
Gila	13	0
Graham	9,824	0
Maricopa	14,806	0
Pima	2,761	0
Pinal	7,338	0
Santa Cruz	22	0
Yuma	340	0
State	35,305	0

CALIFORNIA

Imperial	107	0
Riverside	439	0
State	546	0

FLORIDA

Alachua	47	0
Bradford	3	0
Hamilton	4	0

FLORIDA—Continued
[Acres]

County	County allotment (1)	Allocations from State reserve for inequity and hardship cases (2)
Jefferson	1	0
Lake	20	0
Madison	25	0
Marion	63	0
Putnam	4	0
Sumter	33	0
Suwanee	2	0
Union	36	0
State	238	0

GEORGIA

Berrien	94	0
Cook	23	0
State	117	0

NEW MEXICO

Chaves	18	27
Dona Ana	15,801	22
Eddy	125	8
Hidalgo	10	14
Luna	77	47
Otero	29	7
Sierra	192	15
State	16,252	140

TEXAS

Brewster	12	0
Culberson	252	0
El Paso	20,017	0
Hudspeth	2,501	0
Loving	9	0
Pecos	530	0
Presidio	101	0
Reeves	5,111	0
Ward	146	0
State	28,679	0

PUERTO RICO

North	75	1
State	75	1

(Secs. 344, 347, 375, 63 Stat. 670, as amended, 63 Stat. 675, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1344, 1347, 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on November 9, 1965.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65-12162; Filed, Nov. 10, 1965; 12:45 p.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Army

Section 213.3307 is amended to show the exception under Schedule C of a fourth position of Private Secretary to the Military Aide to the President. Effective on publication in the FEDERAL REGISTER, subparagraph (2) of paragraph (b) of § 213.3307 is amended as set out below.

§ 213.3307 Department of the Army.

• • • • • •

(b) *General.* • • •

(2) One Administrative Assistant and four Private Secretaries to the Military Aide to the President.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director, Bureau of Management Services.

[F.R. Doc. 65-12352; Filed, Nov. 17, 1965; 8:45 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—Consumer and Marketing Service (Packers and Stockyards Division), Department of Agriculture

PART 201—REGULATIONS UNDER PACKERS AND STOCKYARDS ACT

Time and Place To File Schedules and Amendments

On September 14, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 11728) concerning the amendment of § 201.22 (9 CFR 201.22) of the regulations under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.). Interested persons were given an opportunity to submit written data, views, and arguments with respect to the proposed amendment. After consideration of all relevant matters submitted by interested persons, § 201.22, Part 201, Chapter II, Title 9 of the Code of Federal Regulations, is hereby amended as follows:

Insert a period after the word "thereof" in the third sentence of the section, delete the colon and the proviso following such word, and add the following sentence to the section: "The provisions of this section apply to changes in feed charges and specified margins above cost of feed contained in basic tariff schedules: *Provided, however,* That the requirements as to filing and notice contained in section 306(c) of the Act are specifically waived with respect to changes in feed charges when (a) the basic tariff schedule provides that such feed charges are to be based on an average cost plus a specified margin, and (b) the records of the stockyard or market agency involved clearly disclose the average cost of the food on hand, and (c) a schedule of the current feed charges computed in accordance with the basic tariff schedule and showing the effective date thereof is conspicuously posted at the stockyard and a copy is furnished to the Area Supervisor for informational purposes."

The purposes of the amendment are to relieve stockyard owners and market agencies from filing a tariff supplement each time the average cost of the feed on hand changes and to relieve them from reprinting their basic tariff schedules as often as is necessary under the requirements of present § 201.22.

The amendment shall become effective December 15, 1965.

(Sec. 306, 42 Stat. 164; 7 U.S.C. 207)

Done at Washington, D.C., this 12th day of November 1965.

CLARENCE H. GIRARD,
Deputy Administrator, Consumer and Marketing Service.

[F.R. Doc. 65-12389; Filed, Nov. 17, 1965; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 6241; Amdt. 39-158]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed Models 188A and 188C Series Airplanes

Amendment 39-22 (30 F.R. 572), AD 65-2-2, requires inspection of the nose landing gear steering housing, and replacement of any parts found cracked on Lockheed Models 188A and 188C Series airplanes. Subsequent to the issuance of Amendment 39-22, the Agency has determined that cracking in the steering housing is occurring before the initial compliance time required in the AD. The Agency has also determined that a visual inspection, together with the required dye penetrant inspection, will provide the surveillance necessary to assure detection of all cracks before complete failure occurs. The Agency has also determined that the retaining nuts need not be replaced when a cracked housing is replaced with an improved housing P/N 800905-101. Therefore, Part 39 of the Federal Aviation Regulations is amended by adding an airworthiness directive superseding Amendment 39-22 which revises the compliance times, requires a visual inspection, and relaxes the requirement for replacing the retaining nuts.

As a situation exists which demands immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

LOCKHEED. Applies to Models 188A and 188C Series airplanes.

Compliance required as indicated for all airplanes on which the steering housing P/N 800905-1 has been used in 4,000 or more landings.

To prevent further cracking of the nose landing gear steering housing, P/N 800905-1, accomplish the following:

(a) Unless already accomplished within 200 landings prior to the effective date of this AD, comply with paragraph (c) within the next 100 landings and thereafter at intervals not to exceed 300 landings.

(b) Unless already accomplished within 700 landings prior to the effective date of this AD, comply with paragraph (d) within the next 500 landings and thereafter at intervals not to exceed 1,200 landings.

(c) Visually inspect the steering housing P/N 800905-1 for hydraulic oil leaks. If a leak is indicated, inspect the steering housing P/N 800905-1 before further flight in accordance with (d).

(d) Inspect the 41/8-12 UNS-3A screw threaded portion of the bosses on both sides of the steering housing P/N 800905-1 for cracks using the dye penetrant procedure outlined in Lockheed Alert Service Bulletin 88/SB-576B or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region. Gain access to the screw threads by accomplishing the instructions of sections 2.A through 2.D of Lockheed Alert Service Bulletin 88/SB/576, Revision 1.

(e) Replace any cracked steering housings detected during the inspection of paragraph (d) before further flight in accordance with the instructions of sections 2.G through 2.K of Lockheed Alert Service Bulletin 88/SB-576, Revision 1, with a new steering housing P/N 800905-1 or with a new improved steering housing P/N 800905-101.

(f) If a housing P/N 800905-1 is replaced with a new housing of the same part number or had been replaced prior to the effective date of this AD, inspect in accordance with paragraph (c) within 4,100 landings following replacement and thereafter at intervals not to exceed 300 landings, and inspect in accordance with paragraph (d) within 4,500 landings following replacement and thereafter at intervals not to exceed 1,200 landings.

(g) The periodic inspections in paragraphs (a), (b) and (f) may be discontinued when housing P/N 800905-1 is replaced by P/N 800905-101.

(h) For the purpose of compliance with this AD, subject to acceptance by the assigned FAA maintenance inspector, the number of landings may be determined by dividing the airplane's hours' time in service, since the installation of the steering housing, by the operator's fleet average time from takeoff to landing for the airplane type.

(i) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Aircraft Engineering Division, FAA Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Lockheed Alert Service Bulletins 88/SB-576 Revision No. 1 dated April 8, 1963, and 88/SB-576B dated March 17, 1964, cover this same subject).

This supersedes Amendment 39-22 (30 F.R. 572), AD 65-2-2.

This amendment becomes effective November 18, 1965.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423))

Issued in Washington, D.C., on November 10, 1965.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 65-12355; Filed, Nov. 17, 1965; 8:45 a.m.]

[Airspace Docket No. 65-CE-56]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Federal Airway

On May 19, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 6794) stating that the Federal Aviation Agency was considering an amendment to Part 71 to designate a south alternate to V-148 from Redwood Falls, Minn., to Minneapolis, Minn., via Flying Cloud, Minn., and the INT of Flying Cloud 074° and Minneapolis 188° radials.

A supplemental notice was published in the FEDERAL REGISTER of September 8, 1965 (30 F.R. 11395), stating that the Agency was considering amending the original notice to provide 1,200 feet above the surface floor on the proposed airway and altering portions of the Minneapolis transition area west of Minneapolis by lowering the 5,000-foot MSL floor to 1,200 feet above the surface.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received on the notice and its supplement were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., February 3, 1966, as hereinafter set forth.

1. Section 71.123 (29 F.R. 17509) is amended as follows:

In V-148 "to Minneapolis, Minn.," is deleted and "12 AGL Minneapolis, Minn., including a 12 AGL S alternate from Redwood Falls to Minneapolis via Flying Cloud, Minn., and INT Flying Cloud 074° and Minneapolis 188° radials." is substituted therefor.

2. Section 71.181 (29 F.R. 17643, 30 F.R. 3351) is amended as follows:

In the Minneapolis, Minn., transition area all after "36-mile radius area to 48 miles NW" is deleted and "of the VOR, and that airspace W of Farmington, Minn., bounded on the S by V-26, on the NW by V-148 and on the NE by V-171; and that airspace W of Minneapolis bounded on the N by V-78, on the S by V-148 and on the SW by V-171; and that airspace extending upward from 5,000 feet MSL E of Minneapolis, bounded on the SE by V-26, on the SW by V-2N, and on the N by V-78." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 10, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-12356; Filed, Nov. 17, 1965; 8:45 a.m.]

[Airspace Docket No. 65-CE-75]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Extension of VOR Federal Airway

On July 8, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 8636) stating that the Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations that would extend V-45 from Saginaw, Mich., via a new VOR at Alpena, Mich., to Pellston, Mich., including a standard west alternate from Saginaw to Alpena. The airway would have a floor of 1,200 feet above the surface.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable except those submitted by the Department of the Air Force.

The Department of the Air Force objected to the proposed airway on the grounds that the new route would conflict with its operations at Wurtsmith AFB. The Agency carefully reviewed the comments submitted by the Department of the Air Force and found that procedures can be easily established so that no published instrument approach procedures, scramble and recovery or the use of R-4204 will conflict with this proposed airway. Any conflicts between low altitude approach procedures, GCA problems and the airway will be routinely handled by air traffic control.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 6, 1966, as hereinafter set forth.

Section 71.123 (29 F.R. 17509) is amended as follows:

In V-45 "to Saginaw, Mich.," is deleted and "Saginaw, Mich.; 12 AGL Alpena, Mich., including a 12 AGL W alternate; 12 AGL Pellston, Mich." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Washington, D.C., on November 10, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-12358; Filed, Nov. 17, 1965; 8:45 a.m.]

[Airspace Docket No. 65-CE-92]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Extensions of Federal Airways

On August 28, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 11146) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would extend V-9 from Green Bay, Wis., via Iron Mountain, Mich., to Houghton, Mich., including an east alternate from Iron Mountain to Houghton via Marquette, Mich.; extend V-191 from Rhinelander, Wis., via Ironwood, Mich., to Duluth, Minn., and that would designate a segment of V-430 from Duluth via Ironwood and Iron Mountain to Escanaba, Mich.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., March 3, 1966, as hereinafter set forth.

Section 71.123 (29 F.R. 17509, 30 F.R. 12726, 13056) is amended as follows:

a. In V-9 "to Green Bay, Wis." is deleted and "Green Bay, Wis.; Iron Mountain, Mich.; to Houghton, Mich., including an E alternate from Iron Mountain to Houghton via Marquette, Mich." is substituted therefor.

b. In V-191 "to Rhinelander, Wis." is deleted and "Rhinelander, Wis.; Ironwood, Mich.; to Duluth, Minn." is substituted therefor.

c. V-430 is amended to read as follows:

V-430 From Williston, N. Dak.; to Minot, N. Dak. From Duluth, Minn., via Ironwood, Mich.; Iron Mountain, Mich.; to Escanaba, Mich.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Washington, D.C., on November 10, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-12359; Filed, Nov. 17, 1965; 8:45 a.m.]

[Airspace Docket No. 64-CE-99]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways and Designation of Reporting Point; Correction

The purpose of this action is to alter F.R. Doc. No. 65-10925 published in the FEDERAL REGISTER on October 14, 1965 (30 F.R. 13054), which amended VOR Federal airways Nos. 2 and 255 in the vicinity of Truax, Wis., effective December 9, 1965. In paragraph 1 the Lone Rock radial should be 104° instead of 105°, and in paragraph 2 the Janesville radial should be 344° instead of 343°. These changes are required to place the intersections over the Truax VOR. The need for this alteration was discovered during precision plotting by the Coast and Geodetic Survey after the amendment was published.

Since this alteration involves only a 1° change in each of the radials and is required for precise navigational purposes, notice and public procedure hereon are unnecessary and the effective date of the amendment may be retained.

In consideration of the foregoing, F.R. Doc. No. 65-10925 is altered, effective immediately, as hereinafter set forth.

In paragraph 1. "Lone Rock 105°" is deleted and "Lone Rock 104°" is substituted therefor.

In paragraph 2. "Janesville 343°" is deleted and "Janesville 344°" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 10, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-12360; Filed, Nov. 17, 1965; 8:45 a.m.]

[Airspace Docket No. 65-CE-105]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Extension and Redesignation of Federal Airways

On August 28, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 11147) stating that the Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would extend V-536 from Mullan Pass, Idaho, via the new Kalispell, Mont., VOR to Great Falls, Mont.; and that would redesignate V-231 from Missoula, Mont., via the intersection of Missoula 354° and Kalispell 180° radials; to Kalispell.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., February 3, 1966, as hereinafter set forth.

In § 71.123 (29 F.R. 17509):

1. V-231 is amended to read as follows:

V-231 from Missoula, Mont., via INT Missoula 354° and Kalispell, Mont., 180° radials; to Kalispell.

2. V-536 is amended to read as follows:

V-536 from Walla Walla, Wash., via Mullan Pass, Idaho; Kalispell, Mont.; to Great Falls, Mont.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Washington, D.C., on November 10, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-12361; Filed, Nov. 17, 1965; 8:45 a.m.]

[Airspace Docket No. 65-EA-60]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation and Realignment of Federal Airways

On September 3, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 11328) stating that the Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would designate VOR Federal airway No. 309 from Charleston, W. Va., direct to Allegheny, Pa., and that would realign a segment of VOR Federal airway No. 115.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 6, 1966, as hereinafter set forth.

Section 71.123 (29 F.R. 17509; 30 F.R. 6241) is amended as follows:

1. In V-115 "INT of Parkersburg 060° and Allegheny, Pa., 223° radials;" is deleted and "INT of Parkersburg 067° and Allegheny, Pa., 215° radials;" is substituted therefor.

2. V-309 is added:

V-309 from Charleston, W. Va., to Allegheny, Pa.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Washington, D.C., on November 10, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-12362; Filed, Nov. 17, 1965; 8:46 a.m.]

[Airspace Docket No. 65-WA-40]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Description of Federal Airway

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to correct the description of VOR Federal airway No. 7 by redescribing the floor of the airspace between Victor 7 and Victor 7 west alternate between Cross City, Fla., and Dothan, Ala. Rule-making action taken in Airspace Docket No. 63-SO-91, effective July 23, 1964, has eliminated the requirement to establish a control area between V-7 and V-7 west alternate, since the subject area is now effectively covered with terminal controlled airspace.

Since this amendment is minor in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective immediately.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

Section 71.123 (29 F.R. 17509; 30 F.R. 434) is amended as follows:

In V-7 "Marianna, excluding the airspace between the main and this alternate airway S of V-22 N;" is deleted and "Marianna, excluding the airspace between the main and this W alternate;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 10, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-12363; Filed, Nov. 17, 1965; 8:46 a.m.]

[Airspace Docket No. 65-WE-67]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Areas and Controlled Airspace

On September 2, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 11283) stating that the Federal Aviation Agency is considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would alter the restricted area complex at Salt Lake City, Utah, and alter the description of the continental control area to include certain restricted areas which have been converted to joint use.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable. The substance of the final rule is the same as proposed in the Notice except that R-6404A Hill AFB Range South, Utah, and R-6404B Hill AFB Range North, Utah, will replace R-6404 in the list of restricted areas included in the continental control area. These restricted areas were established by action in Airspace Docket No. 65-WE-80, effective July 28, 1965.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective 0001 e.s.t., January 6, 1966, as hereinafter set forth.

1. In § 71.151 (29 F.R. 17550) the Continental Control Area is amended as follows:

a. R-6404 Wendover, Utah, is revoked.

b. R-6404A Hill AFB Range South, Utah, is added.

c. R-6404B Hill AFB Range North, Utah, is added.

d. R-6405 Wendover, Utah, is added.

e. R-6406A Wendover North, Utah, is added.

f. R-6406B Wendover South, Utah, is added.

g. R-6407 Dugway West, Utah, is added.

2. Section 73.64 (29 F.R. 17768) is amended by altering or adding the following restricted areas:

a. R-6402, DUGWAY, UTAH

Boundaries. Beginning at latitude 40°25'-00" N., longitude 112°56'00" W., to latitude 40°13'00" N., longitude 112°43'00" W., to latitude 39°49'00" N., longitude 112°43'00" W., to latitude 39°44'00" N., longitude 113°-08'00" W., to latitude 39°49'00" N., longitude 113°08'00" W., to latitude 39°52'00" N., longitude 113°27'00" W., to latitude 39°55'00" N., longitude 113°26'40" W., to latitude 40°-20'20" N., longitude 113°20'02" W., to latitude 40°20'20" N., longitude 113°07'00" W., to latitude 40°25'00" N., longitude 113°07'-00" W., to the point of beginning.

Designated altitudes. Surface to flight level 400.

Time of designation. Continuous.

Using agency. Commanding Officer, Dugway Proving Ground, Dugway, Utah.

b. R-6405, WENDOVER, UTAH

Boundaries. Beginning at latitude 39°44'-00" N., longitude 113°08'00" W., to latitude 39°23'00" N., longitude 113°19'00" W., to latitude 39°23'00" N., longitude 113°48'00" W., to latitude 39°55'00" N., longitude 113°48'-00" W., to latitude 39°55'00" N., longitude 113°26'40" W., to latitude 39°52'00" N., longitude 113°27'00" W., to latitude 39°49'00" N., longitude 113°08'00" W., to the point of beginning.

Designated altitudes. Surface to flight level 400.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Salt Lake City ARTC Center.

Using agency. Commander, Hill AFB, Utah.

c. R-6406A, WENDOVER NORTH, UTAH

Boundaries. Beginning at latitude 40°40'-30" N., longitude 113°00'00" W., to latitude 40°29'00" N., longitude 113°00'00" W., to latitude 40°29'00" N., longitude 113°18'00" W., to latitude 40°20'20" N., longitude 113°-49'00" W., to latitude 40°17'00" N., longitude 114°00'00" W., to latitude 40°38'30" N., longitude 114°00'00" W., to the point of beginning.

Designated altitudes. Surface to flight level 400; joint-use at and above 7,500 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Salt Lake City ARTC Center.

Using agency. Commander, Hill AFB, Utah.

d. R-6406B, WENDOVER SOUTH, UTAH

Boundaries. Beginning at latitude 40°-29'00" N., longitude 113°00'00" W., to latitude 40°25'00" N., longitude 112°56'00" W., to latitude 40°25'00" N., longitude 113°-07'00" W., to latitude 40°20'20" N., longitude 113°07'00" W., to latitude 40°20'20" N., longitude 113°49'00" W., to latitude 40°-29'00" N., longitude 113°18'00" W., to the point of beginning.

Designated altitudes. Surface to flight level 400; joint-use at and above FL 240.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Salt Lake City ARTC Center.

Using agency. Commander, Hill AFB, Utah.

e. R-6407, DUGWAY WEST, UTAH

Boundaries. Beginning at latitude 40°-20'20" N., longitude 113°20'02" W., to latitude 39°55'00" N., longitude 113°26'40" W., to latitude 39°55'00" N., longitude 113°-48'00" W., to latitude 40°00'00" N., longitude 113°48'00" W., to latitude 40°00'00" N., longitude 114°00'00" W., to latitude 40°-17'00" N., longitude 114°00'00" W., to latitude 40°20'20" N., longitude 113°49'00" W., to the point of beginning.

Designated altitudes. Surface to flight level 400; joint-use at and above FL 240.

Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Salt Lake City ARTC Center.
Using agency. Commanding Officer, Dugway Proving Ground, Dugway, Utah.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Washington, D.C., on November 10, 1965.

ARCHIE W. LEAGUE,
Director, Air Traffic Service.

[F.R. Doc. 65-12357; Filed, Nov. 17, 1965; 8:45 a.m.]

[Airspace Docket No. 65-WA-58]

PART 75—ESTABLISHMENT OF JET ROUTES

Revocation of Federal Airway

The purpose of this amendment to Part 75 of the Federal Aviation Regulations is to revoke Jet Route 130. Jet Route 130 was established to provide the shortest route between Appleton, Ohio, and Westminster, Md.; however, the route has been NOTAMMED unusable since its designation due to navigational equipment limitations. Since Jet Route 130 is unusable, traffic will be cleared via Jet Routes 80, 110 and 12. The Cleveland and Washington Centers will continue to provide direct routing via radar vectors between Appleton and Westminster, traffic permitting.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

In § 75.100 Jet Route 130 is revoked.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Washington, D.C., on November 10, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-12364; Filed, Nov. 17, 1965; 8:46 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6862]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Net Operating Loss Deduction

On October 16 and December 2, 1964, notices of proposed rule making were published in the FEDERAL REGISTER (29 F.R. 14229 and 16090, respectively) with respect to amendments of the Income Tax Regulations (26 CFR Part 1) to conform the regulations under sections 172, 6164, and 6411 of the Internal Revenue Code of 1954 to the Act of September 27, 1962 (Public Law 87-710, 76 Stat. 648), to section 7(f) of the Self-Employed Individuals Tax Retirement Act of 1962 (76 Stat. 829), to section 317 of the Trade Expansion Act of 1962 (76 Stat. 889), and to sections 210 and 234(b)(5) of the Revenue Act of 1964 (78 Stat. 47, 115), and to make certain clarifying changes. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments of the regulations as proposed in both such notices of proposed rule making are hereby adopted except that the amendments to paragraph (a)(1)(iii) and (iv) of § 1.172-4 are adopted as proposed in paragraph 2 of the notice of proposed rule making published in the FEDERAL REGISTER for December 2, 1964 (29 F.R. 16090), rather than the amendments to this paragraph as proposed in paragraph 2 of the notice of proposed rule making published in the FEDERAL REGISTER for October 16, 1964 (29 F.R. 14229). Section 1.172-11 of the regulations supersedes § 19.1-1 of Treasury Decision 6719 (26 CFR Part 19), approved April 1, 1964 (29 F.R. 4770).

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

Approved: November 10, 1965.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 172, 6164, and 6411 of the Internal Revenue Code of 1954 to the Act of September 27, 1962 (Public Law 87-710, 76 Stat. 648), to section 7(f) of the Self-Employed Individuals Tax Retirement Act of 1962 (76 Stat. 829), to section 317 of the Trade Expansion Act of 1962 (76 Stat. 889), and to sections 210 and 234(b)(5) of the Revenue Act of 1964 (78 Stat. 47, 115), and to make certain clarifying changes, such regulations are amended as follows:

PARAGRAPH 1. Section 1.172 is amended by revising section 172(b)(1) and (2), by adding paragraph (3) to section 172(b), by revising subparagraphs (B) and (C) of section 172(d)(4) and adding a new subparagraph (D) thereto, by redesignating section 172(j) as section 172(l), by adding new section 172(j) and (k), and by revising the historical note at the end thereof. These revised and added provisions read as follows:

§ 1.172 Statutory provisions; net operating loss deduction.

Sec. 172. *Net operating loss deduction.* • • •

(b) *Net operating loss carrybacks and carryovers*—(1) *Years to which loss may be carried.* (A)(i) Except as provided in clause (ii) and in subparagraph (D), a net operating loss for any taxable year ending after December 31, 1957, shall be a net operating loss carryback to each of the 3 taxable years preceding the taxable year of such loss.

(ii) In the case of a taxpayer with respect to a taxable year ending on or after December 31, 1962, for which a certification has been issued under section 317 of the Trade Expansion Act of 1962, a net operating loss for such taxable year shall be a net operating loss carryback to each of the 5 taxable years preceding the taxable year of such loss.

(B) Except as provided in subparagraphs (C) and (D), a net operating loss for any taxable year ending after December 31, 1955, shall be a net operating loss carryover to each of the 5 taxable years following the taxable year of such loss.

(C) In the case of a taxpayer which is a regulated transportation corporation (as defined in subsection (j)(1)), a net operating loss for any taxable year ending after December 31, 1955, shall (except as provided in subsection (j)) be a net operating loss carryover to each of the 7 taxable years following the taxable year of such loss.

(D) In the case of a taxpayer which has a foreign expropriation loss (as defined in subsection (k)) for any taxable year ending after December 31, 1958, the portion of the net operating loss for such year attributable to such foreign expropriation loss shall not be a net operating loss carryback to any taxable year preceding the taxable year of such loss and shall be a net operating loss carryover to each of the 10 taxable years following the taxable year of such loss;

(2) *Amount of carrybacks and carryovers.* Except as provided in subsections (i) and (j), the entire amount of the net operating loss for any taxable year (hereinafter in this section referred to as the "loss year") shall be carried to the earliest of the taxable years to which (by reason of paragraph (1)) such loss may be carried. The portion of such loss which shall be carried to each of the other taxable years shall be the excess, if any, of the amount of such loss over the sum of the taxable income for each of the prior taxable years to which such loss may be carried. For purposes of the preceding sentence, the taxable income for any such prior taxable year shall be computed—

(A) With the modifications specified in subsection (d) other than paragraphs (1), (4), and (6) thereof; and

(B) By determining the amount of the net operating loss deduction—

(i) Without regard to the net operating loss for the loss year or for any taxable year thereafter, and

(ii) Without regard to that portion, if any, of a net operating loss for a taxable year attributable to a foreign expropriation loss, if such portion may not, under paragraph (1)(D), be carried back to such prior taxable year,

and the taxable income so computed shall not be considered to be less than zero. For purposes of this paragraph, if a portion of the net operating loss for the loss year is attributable to a foreign expropriation loss to which paragraph (1)(D) applies, such portion shall be considered to be a separate net operating loss for such year to be applied after the other portion of such net operating loss.

(3) *Special rules.* (A) Paragraph (1)(A)(ii) shall apply only if—

(i) There has been filed, at such time and in such manner as may be prescribed by the Secretary or his delegate, a notice of filing of the application under section 317 of the Trade Expansion Act of 1962 for tax assistance, and, after its issuance, a copy of the certification under such section, and

(ii) The taxpayer consents in writing to the assessment, within such period as may be agreed upon with the Secretary or his delegate, of any deficiency for any year to the extent attributable to the disallowance of a deduction previously allowed with respect to such net operating loss, even though at the time of filing such consent the assessment of such deficiency would otherwise be prevented by the operation of any law or rule of law.

(B) In the case of—

(i) A partnership and its partners, or

(ii) An electing small business corporation under subchapter S and its shareholders,

paragraph (1)(A)(ii) shall apply as determined under regulations prescribed by the Secretary or his delegate. Such paragraph shall apply to a net operating loss of a partner or such a shareholder only if it arose predominantly from losses in respect of which certifications under section 317 of the Trade Expansion Act of 1962 were filed under this section.

(C) Paragraph (1)(D) shall apply only if—

(i) The foreign expropriation loss (as defined in subsection (k)) for the taxable year equals or exceeds 50 percent of the net operating loss for the taxable year,

(ii) In the case of a foreign expropriation loss for a taxable year ending after December 31, 1963, the taxpayer elects (at such time and in such manner as the Secretary or his delegate by regulations prescribes) to have paragraph (1)(D) apply, and

(iii) In the case of a foreign expropriation loss for a taxable year ending after December 31, 1958, and before January 1, 1964, the taxpayer elects (in such manner as the Secretary or his delegate by regulations prescribes) on or before December 31, 1965, to have paragraph (1)(D) apply.

(D) If a taxpayer makes an election under subparagraph (C)(iii), then (notwithstanding any law or rule of law), with respect to any taxable year ending before January 1, 1964, affected by the election—

(i) The time for making or changing any choice or election under subpart A of part III of subchapter N (relating to foreign tax credit) shall not expire before January 1, 1966,

(ii) Any deficiency attributable to the election under subparagraph (C)(iii) or to the application of clause (i) of this subparagraph may be assessed at any time before January 1, 1969, and

(iii) Refund or credit of any overpayment attributable to the election under subparagraph (C)(iii) or to the application of clause (i) of this subparagraph may be made or allowed if claim therefor is filed before January 1, 1969.

• • • • • •

(d) *Modifications.* • • •

(4) *Nonbusiness deductions of taxpayers other than corporations.* • • •

(B) The modifications specified in paragraphs (1), (2)(B), and (3) shall be taken into account;

(C) Any deduction allowable under section 165(c)(3) (relating to casualty losses) shall not be taken into account; and

(D) Any deduction allowed under section 404 or section 405(c) to the extent attributable to contributions which are made on behalf of an individual who is an employee within the meaning of section 401(c)(1) shall not be treated as attributable to the trade or business of such individual.

• • • • • •

(j) *Carryover of net operating loss for certain regulated transportation corporations*—(1) *Definition.* For purposes of subsection (b)(1)(C), the term "regulated transportation corporation" means a corporation—

(A) 80 percent or more of the gross income of which (computed without regard to dividends and capital gains and losses) for the taxable year is derived from the furnishing or sale of transportation described in subparagraph (A), (C)(i), (E), or (F) of section 7701(a)(33) and taken into account for purposes of the limitation contained in the last two sentences of section 7701(a)(33),

(B) Which is described in subparagraph (G) or (H) of section 7701(a)(33), or

(C) Which is a member of a regulated transportation system.

(2) *Regulated transportation system.* For purposes of this subsection, a corporation shall be treated as a member of a regulated transportation system for a taxable year if—

(A) It is a member of an affiliated group of corporations making a consolidated return for such taxable year, and

(B) 80 percent or more of the aggregate gross income of the members of such affiliated group (computed without regard to dividends and capital gains and losses) for such taxable year is derived from sources described in paragraph (1)(A).

For purposes of subparagraph (B), income derived by a corporation described in subparagraph (G) or (H) of section 7701(a)(33) from leases described in subparagraph (G) thereof shall be considered as derived from sources described in paragraph (1)(A).

(3) *Limitation.* For purposes of subsection (b)(1)(C)—

(A) A net operating loss may not be a net operating loss carryover to the 6th taxable year following the loss year unless the taxpayer is a regulated transportation corporation for such 6th taxable year; and

(B) A net operating loss may not be a net operating loss carryover to the 7th taxable year following the loss year unless the taxpayer is a regulated transportation corporation for the 6th taxable year following the loss year and for such 7th taxable year.

(4) *Taxable years beginning in 1955 and ending in 1956.* In the case of a net operating loss for a taxable year beginning in 1955 and ending in 1956, the amount of such loss which may be carried—

(A) To the 6th taxable year following the loss year shall be the amount which bears the same ratio to the amount which (but for this paragraph) would be carried to such 6th taxable year as the number of days in the loss year after December 31, 1955, bears to the total number of days in the loss year, and

(B) To the 7th taxable year following the loss year shall be the amount (if any) by which (i) the amount carried to the 6th taxable year (determined under subparagraph (A)), exceeds (ii) the taxable income (computed as provided in subsection (b)(2)) for such 6th taxable year.

(k) *Foreign expropriation loss defined.* For purposes of subsection (b)—

(1) The term "foreign expropriation loss" means, for any taxable year, the sum of the losses sustained by reason of the expropriation, intervention, seizure, or similar taking of property by the government of any foreign country, any political subdivision thereof, or any agency or instrumentality of the foregoing. For purposes of the preceding sentence, a debt which becomes worthless shall, to the extent of any deduction allowed under section 166(a), be treated as a loss.

(2) The portion of the net operating loss for any taxable year attributable to a foreign expropriation loss is the amount of the foreign expropriation loss for such year (but not in excess of the net operating loss for such year).

(l) *Cross references.* (1) For treatment of net operating loss carryovers in certain corporate acquisitions, see section 381.

(2) For special limitation on net operating loss carryovers in case of a corporate change of ownership, see section 382.

[Sec. 172 as amended by secs. 14 and 64(b), Technical Amendments Act 1958 (72 Stat. 1611, 1656); sec. 208, Small Business Tax Revision Act 1958 (72 Stat. 1678); Act of Sept. 27, 1962 (Pub. Law 87-710, 76 Stat. 648); sec. 7(f), Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 829); sec. 317, Trade Expansion Act 1962 (76 Stat. 889); secs. 210 and 234(b)(5), Rev. Act 1964 (78 Stat. 47, 115)]

PAR. 2. Section 1.172-3(a)(3) is amended by redesignating subdivision (iv) as subdivision (v) and by adding a new subdivision (iv). The redesignated and added provisions read as follows:

§ 1.172-3 Net operating loss in case of a taxpayer other than a corporation.

(a) *Modification of deductions.* • • •

(3) *Nonbusiness deductions.* • • •

(iv) *Self-employed retirement plans.* Any deduction allowed under section 404, relating to contributions of an employer to an employees' trust or annuity plan, or under section 405(c), relating to contributions to a bond purchase plan, to the extent attributable to contributions made on behalf of an individual while he is an employee within the meaning of section 401(c)(1), shall not be treated, for purposes of section 172(d)(4), as attributable to, or derived from, the taxpayer's trade or business, but shall be treated as a nonbusiness deduction.

(v) *Limitation.* The provisions of this subparagraph shall not be construed to permit the deduction of items disallowed by subparagraph (1) of this paragraph.

• • • • • •

PAR. 3. Section 1.172-4 is amended by revising paragraph (a)(1), by revising subdivision (i) and adding a new subdivision (iii) to paragraph (b)(1), by redesignating subparagraphs (4) and (5) of paragraph (b) as subparagraphs (5) and (6), and by adding a new subparagraph (4) to paragraph (b). The revised, added, and redesignated provisions (exclusive of examples) read as follows:

§ 1.172-4 Net operating loss carrybacks and net operating loss carryovers.

(a) *General provisions*—(1) *Years to which loss may be carried*—(i) *In general.* In order to compute the net operating loss deduction the taxpayer must first determine the part of any net operating losses for any preceding or succeeding taxable years which are carrybacks or carryovers to the taxable year in issue.

(ii) *Loss for taxable years ending after December 31, 1957.* Except as provided in subdivisions (iii), (iv), and (v) of this subparagraph, a net operating loss sustained in a taxable year ending after December 31, 1957, shall be carried back to the three preceding taxable years and carried over to the five succeeding taxable years.

(iii) *Loss for taxable years for which certifications have been issued under the Trade Expansion Act of 1962.* A net operating loss sustained in a taxable year ending on or after December 31, 1962, for which a certification has been issued under section 317(a) of the Trade Expansion Act of 1962 (76 Stat. 889) shall, subject to the provisions of section 172(b)(3)(A) and (B) and § 1.172-9, be carried back to the five preceding taxable years and, except as provided in subdivision (iv) of this subparagraph, shall be carried over to the five succeeding taxable years.

(iv) *Loss of a regulated transportation corporation.* Except as provided in subdivision (v) of this subparagraph, a net operating loss sustained in a taxable year ending after December 31, 1955, by a taxpayer which is a regulated transportation corporation (as defined in section 172(j)(1)) shall, subject to the provisions of section 172(j) and § 1.172–10, be carried back to the taxable years specified in subdivision (ii), (iii), or (vi) of this subparagraph, whichever is applicable, and shall be carried over to the seven succeeding taxable years.

(v) *Loss attributable to foreign expropriation.* If the provisions of section 172(b)(3)(C) and § 1.172–11 are satisfied, the portion of a net operating loss sustained in a taxable year ending after December 31, 1958, attributable to a foreign expropriation loss (as defined in section 172(k)) shall not be a net operating loss carryback to any taxable year preceding the taxable year of such loss and shall be a net operating loss carryover to each of the ten taxable years following the taxable year of such loss.

(vi) *Loss for taxable years ending after December 31, 1953, and before January 1, 1958.* A net operating loss sustained in a taxable year ending after December 31, 1953, and before January 1, 1958, shall be carried back to the two preceding taxable years and, except as provided in subdivision (iv) of this subparagraph, shall be carried over to the five succeeding taxable years. This rule shall apply even though the loss year is otherwise subject to the Internal Revenue Code of 1939.

(vii) *Loss for taxable years beginning after December 31, 1949, and ending before January 1, 1954.* A net operating loss sustained in a taxable year beginning after December 31, 1949, and ending before January 1, 1954, shall be carried back to the first preceding taxable year and carried over to the five succeeding taxable years.

* * * * *

(b) *Portion of net operating loss which is a carryback or a carryover to the taxable year in issue*—(1) *Manner of computation.* (i) A net operating loss shall first be carried to the earliest of the several taxable years for which such loss is allowable as a carryback or a carryover, and shall then be carried to the next earliest of such several taxable years, etc. Except as provided in § 1.172–11, the entire net operating loss shall be carried back to such earliest year.

* * * * *

(iii) If, for any taxable year ending after December 31, 1958, a portion of the net operating loss is attributable to a foreign expropriation loss (as defined in section 172(k)), and if an election under paragraph (c) of § 1.172–11 is made with respect to such portion of the net operating loss, then see § 1.172–11 for the separate treatment of such portion of the net operating loss.

* * * * *

(4) *Regulated transportation corporations.* For the portion of a net operating loss sustained by a regulated transportation corporation in a taxable year beginning in 1955 and ending in 1956 which may be carried over to the sixth and seventh taxable years succeeding such taxable year, see paragraph (d) of § 1.172–10.

(5) *Excess profits tax.* For the portion of a net operating loss which may be carried back from a taxable year ending after December 31, 1953, for the purpose of determining the excess profits tax imposed by subchapter D, chapter 1 of the Internal Revenue Code of 1939, see § 1.172–8.

(6) *Illustration of principles.* The application of this paragraph may be illustrated by the following examples:

* * * * *

PAR. 4. Paragraph (a)(3) of § 1.172–5 is amended by revising subdivisions (i) (exclusive of the example) and (ii) to read as follows:

§ 1.172–5 Taxable income which is subtracted from net operating loss to determine carryback or carryover.

(a) *Taxable year subject to the Internal Revenue Code of 1954.* * * *

(3) *Modifications applicable to all taxpayers.* * * *

(i) *Net operating loss deduction.* The net operating loss deduction for such taxable year shall be computed by taking into account only such net operating losses otherwise allowable as carrybacks or carryovers to such taxable year as were sustained in taxable years preceding the taxable year in which the taxpayer sustained the net operating loss from which the taxable income is to be deducted. Thus, for such purposes, the net operating loss for the loss year or any taxable year thereafter shall not be taken into account.

* * * * *

(ii) *Recomputation of percentage limitations.* Unless otherwise specifically provided in this subchapter, any deduction which is limited in amount to a percentage of the taxpayer's taxable income or adjusted gross income shall be recomputed upon the basis of the taxable income or adjusted gross income, as the case may be, determined with the modifications prescribed in this paragraph. Thus, in the case of an individual, the deduction for medical expenses would be recomputed after making all the modifications prescribed in this paragraph, whereas the deduction for charitable contributions would be determined without regard to any net operating loss carryback but with regard to any other modifications so prescribed.

Example (1). For the calendar year 1954 the taxpayer, an individual, files a return showing taxable income of $4,800, computed as follows:

Salary	$5,000
Net long-term capital gain	4,000
Total gross income	9,000
Less: Deduction allowed by section 1202 in respect of net long-term capital gain	2,000
Adjusted gross income	7,000
Less:	
Deduction for personal exemption	$600
Deduction for medical expense ($410 actually paid but allowable only to extent in excess of 3 percent of adjusted gross income)	200
Deduction for charitable contributions ($2,000 actually paid but allowable only to extent not in excess of 20 percent of adjusted gross income)	1,400
	$2,200
Taxable income	4,800

In 1955 the taxpayer undertakes the operation of a trade or business and sustains therein a net operating loss of $3,000. Under section 172(b)(2), it is determined that the entire $3,000 is a carryback to 1954. In 1956 he sustains a net operating loss of $10,000 in the operation of the business. In determining the amount of the carryover of the 1956 loss to 1957, the taxable income for 1954 as computed under this paragraph is $3,970, determined as follows:

Salary	$5,000
Net long-term capital gain	4,000
Total gross income	9,000
Less: Deduction for carryback of 1955 net operating loss	3,000
Adjusted gross income	6,000
Less:	
Deduction for medical expense ($410 actually paid but allowable only to extent in excess of 3 percent of adjusted gross income as modified under this paragraph)	$230
Deduction for charitable contributions ($2,000 actually paid but allowable only to extent not in excess of 20 percent of adjusted gross income determined with all the modifications prescribed in this paragraph other than the net operating loss carryback)	1,800
	2,030
Taxable income	3,970

Example (2). For the calendar year 1959 the taxpayer, an individual, files a return showing taxable income of $5,700, computed as follows:

Salary	$5,000
Net long-term capital gain	4,000
Total gross income	9,000
Less: Deduction allowed by section 1202 in respect of net long-term capital gain	2,000
Adjusted gross income	7,000
Less:	
Deduction for personal exemption	$600
Standard deduction allowed by section 141	700
	1,300
Taxable income	5,700

In 1960 the taxpayer undertakes the operation of a trade or business and sustains therein a net operating loss of $4,700. In 1961 he sustains a net operating loss of $10,000 in the operation of the business. Under section 172(b)(2), it is determined that the entire amount of each loss, $4,700 and $10,000, is a carryback to 1959. In determining the amount of the carryover of the 1961 loss to 1962, the taxable income for 1959 as computed under this paragraph is $3,870, determined as follows:

Salary	$5,000
Net long-term capital gain	4,000
Total gross income	9,000
Less: Deduction for carryback of 1960 net operating loss	4,700
Adjusted gross income	4,300
Less: Standard deduction	430
Taxable income	3,870

* * * * *

PAR. 5. There are inserted immediately after § 1.172–8 the following new sections:

§ 1.172–9 Net operating loss carrybacks in case of certifications under the Trade Expansion Act of 1962.

(a) *Eligibility for five-year carryback*—(1) *In general.* Section 317(a) of the Trade Expansion Act of 1962 (76 Stat. 889), hereinafter referred to as the Trade Act, provides that if the Secretary of Commerce determines that an alleged net operating loss of a firm (as defined in section 405(3) of the Trade Act) for any taxable year arose predominantly out of the carrying on of a trade or business which was seriously injured, during such taxable year, by certain increased imports, and that the tax assistance provided under section 172(b)(1)(A)(ii) of the Code will materially contribute to the economic adjustment of the firm, then he shall certify such determinations. Section 172(b)(1)(A)(ii) provides that in the case of a taxpayer with respect to a taxable year ending on or after December 31, 1962, for which a certification has been issued under such section 317(a), a net operating loss for such year shall be a net operating loss carryback to each of the five taxable years preceding the loss year. Section 172(b)(3)(A) provides special notice and consent rules which must be satisfied for the five-year carryback to apply. See paragraphs (c) and (d) of this section. Section 172(b)(3)(B) provides that the application of the five-year carryback in the case of a partnership and its partners, or an electing small business corporation (as defined in section 1371(b)) and its shareholders, shall be determined under regulations prescribed by the Secretary or his delegate. See paragraph (b) of this section.

(2) *Taxpayer must sustain net operating loss.* The existence and amount of any net operating loss shall be determined under section 172(c) and §§ 1.172–1 through 1.172–3. Thus, for example, an individual who operates a firm as a sole proprietorship which is certified for tax assistance for a taxable year must combine the gross income and deductions (subject to the modifications specified in section 172(d) and § 1.172–3) from all of his activities for the taxable year in determining the existence and amount of a net operating loss. For special rules applicable in the case of a partner of a partnership or of a shareholder of an electing small business corporation, see paragraph (b) of this section. For rules applicable in determining the extent to which a net operating loss of a member of an affiliated group of corporations making or required to make a consolidated return may be carried back five years, see paragraphs (a)(4) and (b)(6) of § 1.1502–31.

(3) *Provision elective.* The five-year carryback provisions of section 172(b)(1)(A)(ii) apply to a taxpayer only if all the requirements relating to the application of such section are satisfied. Thus, for example, if a certification is issued under section 317(a) of the Trade Act with respect to a net operating loss of a partnership, one or more partners of of such partnership may apply such five-year carryback provisions while the remaining partners may apply the three-year carryback provisions of section 172(b)(1)(A)(i).

(4) *Effect of determinations by the Secretary of Commerce.* Neither the issuance of a certification under section 317(a) of the Trade Act, nor any determination made by the Secretary of Commerce, is determinative of either the existence or the amount of any net operating loss for purposes of section 172 or any other section of the Code.

(b) *Special rule for partners of a partnership or shareholders of an electing small business corporation*—(1) *In general.* This paragraph provides rules for applying section 172(b)(3)(B), which provides that the application of the five-year carryback in the case of a partnership and its partners, or an electing small business corporation and its shareholders, shall be determined under regulations prescribed by the Secretary or his delegate, and that a net operating loss sustained by a partner or such a shareholder shall be eligible for the five-year carryback only if it arose predominantly from losses in respect of which certifications, issued under section 317(a) of the Trade Act, are filed in accordance with section 172(b)(3)(A)(i).

(2) *Computation of predominant losses.* (i) The net operating loss of a partner or of a shareholder of an electing small business corporation for a taxable year shall be considered to have arisen predominantly from losses in respect of which certifications were filed only if more than 50 percent of his total net operating loss for such taxable year is comprised of losses (or shares of losses) described in subdivision (ii) of this subparagraph.

(ii) For purposes of subdivision (i) of this subparagraph, the losses and shares of losses described in this subdivision are as follows:

(*a*) The amount of any loss for the year of a proprietorship of which such partner or shareholder is the proprietor, if such loss is certified under section 317(a) of the Trade Act and if the filing requirements of paragraph (c) of this section are satisfied with respect to such loss.

(*b*) Such partner's or shareholder's share of any loss of a partnership of which he is a member which is taken into account for the year, if such loss is certified under section 317(a) of the Trade Act and if the filing requirements of paragraph (c) of this section are satisfied with respect to such loss.

(c) Such partner's or shareholder's share of any net operating loss of an electing small business corporation of which he is a shareholder which is taken into account for the year, if such loss is certified under section 317(a) of the Trade Act and if the filing requirements of paragraph (c) of this section are satisfied with respect to such loss.

(3) *Entire amount of net operating loss is a carryback.* If the net operating loss of a partner of a partnership, or of a shareholder of an electing small business corporation, for a taxable year is considered to have arisen predominantly from losses in respect of which certifications are filed, and if the other rules provided in this section are satisfied, the five-year carryback period shall apply to the entire net operating loss of the taxpayer.

(4) *Examples.* This paragraph may be illustrated by the following examples:

Example (1). Jones is a partner in the ABC partnership, a shareholder in X Corporation, an electing small business corporation, and the sole proprietor of a business. The corporation makes its return on the basis of a fiscal year ending May 31, and the partnership and Jones make their returns on the basis of a calendar year. The partnership and corporation each have losses in respect of which certifications have been issued under section 317(a) of the Trade Act for their taxable years ending in 1963, and in respect of which the filing requirements of section 172(b)(3)(A) and paragraph (c) of this section have been satisfied. For the calendar year 1963, Jones has a net operating loss, as defined in section 172(c), of $19,000, computed as follows:

Jones' portion of the net operating loss of X Corporation, allowed as a deduction under section 1374	($5,000)
Jones' distributive share of loss of the partnership	(10,000)
Jones' distributive share of the partnership's gain from sales or exchanges of property described in section 1231 (relating to property used in the trade or business and involuntary conversions)	2,000
Excess of deductions over gross income from Jones' individually owned business	(7,000)
Excess of nonbusiness gross income over nonbusiness deductions	1,000
Net operating loss (as defined in section 172(c)) for 1963	(19,000)

Jones' losses in respect of which certifications were filed in accordance with section 172(b)(3)(A)(i) are $13,000, computed as follows:

Excess of deductions over gross income:

Jones' portion of corporation net operating loss		($5,000)
Jones' distributive share of partnership loss	($10,000)	
Less: Jones' share of partnership gain from sales or exchanges of section 1231 assets	2,000	
		(8,000)
Losses in respect of which certifications were filed		(13,000)

Since Jones' losses in respect of which certifications were filed ($13,000) are greater than 50 percent of his net operating loss ($19,000), Jones' net operating loss is eligible for the five-year carryback. Since the special rule applicable in the case of partners of a partnership, or shareholders of an electing small

business corporation, is satisfied, Jones shall carry his entire net operating loss back to his fifth taxable year preceding his taxable year 1963 if he satisfies the consent requirement of section 172(b)(3)(A)(ii) and paragraph (d) of this section.

Example (2). Assume the same facts as in example (1), except that no certification was issued under section 317(a) of the Trade Act for X Corporation's net operating loss. In this case, Jones' losses in respect of which certifications were filed is $8,000. Since $8,000 is not greater than 50 percent of Jones' net operating loss ($19,000), Jones may not carry back any part of his net operating loss to the fifth and fourth taxable years preceding his taxable year 1963. The fact that Jones has not satisfied the requirements of section 172(b)(3)(B) and this paragraph has no effect on whether any other partner of the ABC partnership may carry back a net operating loss to each of his five preceding taxable years.

(c) *Filing requirements*—(1) *In general.* Section 172(b)(3)(A)(i) provides that the five-year carryback does not apply with respect to a certified net operating loss unless there has been filed, at such time and in such manner as may be prescribed by the Secretary or his delegate, a notice that a timely application has been filed with the Secretary of Commerce for tax assistance with respect to such loss under section 317(a) of the Trade Act and, after its issuance, a copy of the certification under such section.

(2) *Notice; contents.* The notice shall be filed by the firm applying for tax assistance under section 317(a) of the Trade Act. If the firm applying for tax assistance is not the taxpayer who would take into account the loss with respect to which a certification is sought (for example, a partnership or an electing small business corporation), a separate notice shall also be filed by each taxpayer who would take any part of such loss into account and who desires to make use of the five-year carryback. The notice shall be in the form of a written statement, in duplicate, signed by the firm or taxpayer, or its duly authorized representative. The notice shall contain the following information:

(i) A statement that the firm has applied to the Secretary of Commerce for tax assistance under section 317(a) of the Trade Act and the date the application was filed.

(ii) The amount of the net operating loss designated in the application for tax assistance and the taxable year of the firm in which such loss was sustained.

(iii) In the case of a notice which is filed by the firm, the name, address, and taxpayer account number of the firm, and the internal revenue district in which the firm filed its income tax return for the taxable year of the net operating loss.

(iv) In the case of a separate notice which is filed by a taxpayer who is not the firm, the name, address, and taxpayer account number of both the taxpayer and the firm; the amount of such taxpayer's net operating loss for his taxable year with or within which the taxable year of the firm ends; and the internal revenue district in which his income tax return for such taxable year is filed.

(3) *Notice; time and place for filing.* The notice shall be filed within 90 days after the date on which the firm applies to the Secretary of Commerce for tax assistance under section 317(a) of the Trade Act. The notice of the firm shall be filed in the internal revenue district in which its income tax return was filed for the fifth and fourth taxable years preceding the taxable year of the net operating loss, except that a firm which is a partnership or an electing small business corporation shall file the notice in the internal revenue district in which its income tax return was filed for the taxable year of the loss. The notice of a taxpayer who is not the firm shall be filed in the internal revenue district in which such taxpayer filed his income tax return for the fifth and fourth taxable years preceding his taxable year with or within which the taxable year of the firm ends. If a notice is not filed or, if filed, is not timely filed or does not contain all of the information required by this subparagraph, the district director may extend the period of time within which a timely and proper notice may be filed if he is satisfied that the examination and processing of claims for refund or an application for tentative carryback adjustment for the fifth and fourth preceding taxable years will not be adversely affected.

(4) *Copy of certification.* A copy of the certification issued by the Secretary of Commerce under section 317(a) of the Trade Act shall be attached to all claims for credit or refund of income tax and to all applications for tentative carryback adjustment filed for the fifth and fourth taxable years preceding the taxable year of the net operating loss or, in the case of a taxpayer who is not the firm, for the fifth and fourth taxable years preceding such taxpayer's year with or within which the taxable year of the firm ends.

(d) *Consent requirement.* The five-year carryback provision of section 172(b)(1)(A)(ii) shall not apply with respect to a certified net operating loss unless the taxpayer, in a signed statement, consents to the assessment, within such period as may be determined by the district director, of any deficiency for any year to the extent attributable to the disallowance of a deduction previously allowed with respect to such net operating loss. The consent shall be valid with respect to the assessment of any such deficiency notwithstanding that at the time such consent is filed such assessment would otherwise be prevented by the operation of any law or rule of law.

§ 1.172–10 Net operating loss carrybacks for regulated transportation corporations.

(a) *In general.* A net operating loss sustained in a taxable year ending after December 31, 1955, shall be a carryover to the seven succeeding taxable years if the taxpayer is a regulated transportation corporation (as defined in paragraph (b) of this section) for the loss year and for the sixth and seventh succeeding taxable years. If, however, the taxpayer is a regulated transportation corporation for the loss year and for the sixth succeeding taxable year but not for the seventh succeeding taxable year, then the loss shall be a carryover to the six succeeding taxable years. If the taxpayer is not a regulated transportation corporation for the sixth succeeding taxable year then this section shall not apply. If the net operating loss was sustained in a taxable year beginning in 1955 and ending in 1956, see paragraph (d) of this section for a limitation on the amount of the loss which may be carried over to the sixth and seventh succeeding taxable years.

(b) *Regulated transportation corporations.* A corporation is a "regulated transportation corporation" for a taxable year if it is included within one or more of the following categories:

(1) Eighty percent or more of the corporation's gross income (computed without regard to dividends and capital gains and losses) for such taxable year is income from transportation sources described in paragraph (c) of this section.

(2) The corporation is a railroad corporation, subject to Part I of the Interstate Commerce Act, which is either a lessor railroad corporation described in section 7701(a)(33)(G) or a common parent railroad corporation described in section 7701(a)(33)(H).

(3) The corporation is a member of a regulated transportation system for the taxable year. For purposes of this section, a member of a regulated transportation system for a taxable year means a member of an affiliated group of corporations making a consolidated return for such year, if 80 percent or more of the sum of the gross incomes of the members of the affiliated group for such year (computed without regard to dividends, capital gains and losses, or eliminations for intercompany transactions) is derived from transportation sources described in paragraph (c) of this section. For purposes of this subparagraph, income derived by a corporation described in subparagraph (2) of this paragraph from leases described in section 7701(a)(33)(G) shall be considered as income from transportation sources described in paragraph (c) of this section.

(c) *Transportation sources.* For purposes of this section, income from "transportation sources" means income received directly in consideration for transportation services, and income from the furnishing or sale of essential facilities, products, and other services which are directly necessary and incidental to the furnishing of transportation services. For purposes of the preceding sentence, the term "transportation services" means—

(1) Transportation by railroad as a common carrier subject to the jurisdiction of the Interstate Commerce Commission;

(2)(i) Transportation, which is not included in subparagraph (1) of this paragraph—

(*a*) On an intrastate, suburban, municipal, or interurban electric railroad,

(*b*) On an intrastate, municipal, or suburban trackless trolley system,

(*c*) On a municipal or suburban bus system, or

(*d*) By motor vehicle not otherwise included in this subparagraph,

if the rates for the furnishing or sale of such transportation are established or approved by a regulatory body described in section 7701(a)(33)(A);

(ii) In the case of a corporation which establishes to the satisfaction of the district director that—

(*a*) Its revenue from regulated rates from transportation services described in subdivision (i) of this subparagraph and its revenue derived from unregulated rates are derived from its operation of a single interconnected and coordinated system or from the operation of more than one such system, and

(*b*) The unregulated rates have been and are substantially as favorable to users and consumers as are the regulated rates,

transportation, which is not included in subparagraph (1) of this paragraph, from which such revenue from unregulated rates is derived.

(3) Transportation by air as a common carrier subject to the jurisdiction of the Civil Aeronautics Board; and

(4) Transportation by water by common carrier subject to the jurisdiction of either the Interstate Commerce Commission under Part III of the Interstate Commerce Act (54 Stat. 929), or the Federal Maritime Board under the Intercoastal Shipping Act, 1933 (52 Stat. 965).

(d) *Taxable years beginning in 1955 and ending in 1956.* In the case of a net operating loss sustained in a taxable year which begins in 1955 and ends in 1956, the amount of such loss which shall be carried over—

(1) To the sixth succeeding taxable year shall be the amount which bears the same ratio to the amount (computed under paragraph (a)(3) of § 1.172–4) of such loss which (but for this paragraph) would be carried over to such sixth succeeding taxable year as the number of days in such loss year after December 31, 1955, bears to the total number of days in such loss year; and

(2) To the seventh succeeding taxable year shall be the excess of the amount of such loss which was carried over to the sixth succeeding taxable year (as determined under subparagraph (1) of this paragraph) over the taxable income (computed as provided in § 1.172–5) for the sixth succeeding taxable year.

(e) *Corporate acquisitions.* This section shall apply to a carryover of a net operating loss sustained by a regulated transportation corporation (as defined in paragraph (b) of this section) to which an acquiring corporation succeeds under section 381(a) only if the acquiring corporation is a regulated transportation corporation (as defined in paragraph (b) of this section)—

(1) For the sixth succeeding taxable year in the case of a carryover to the sixth succeeding taxable year, and

(2) For the sixth and seventh succeeding taxable years in the case of a carryover to the seventh succeeding taxable year.

§ 1.172–11 Election with respect to portion of net operating loss attributable to foreign expropriation loss.

(a) *In general.* If a taxpayer has a net operating loss for a taxable year ending after December 31, 1958, and if the foreign expropriation loss for such year (as defined in paragraph (b)(1) of this section) equals or exceeds 50 percent of the net operating loss for such year, then the taxpayer may elect (at the time and in the manner provided in paragraph (c)(1) or (2) of this section, whichever is applicable) to have the provisions of this section apply. If the taxpayer so elects, the portion of the net operating loss for such taxable year attributable (under paragraph (b)(2) of this section) to such foreign expropriation loss shall not be a net operating loss carryback to any taxable year preceding the taxable year of such loss and shall be a net operating loss carryover to each of the ten taxable years following the taxable year of such loss. In such case, the portion, if any, of the net operating loss not attributable to a foreign expropriation loss shall be carried back or carried over as provided in paragraph (a)(1)(ii) of § 1.172–4.

(b) *Determination of "foreign expropriation loss"*—(1) *Definition of "foreign expropriation loss".* The term "foreign expropriation loss" means, for any taxable year, the sum of the losses allowable as deductions under section 165 (other than losses from, or which under section 165(g) or 1231(a) are treated or considered as losses from, sales or exchanges of capital assets and other than losses described in section 165(i)(1)) sustained by reason of the expropriation, intervention, seizure, or similar taking of property by the government of any foreign country, any political subdivision thereof, or any agency or instrumentality of the foregoing. For purposes of the preceding sentence, a debt which becomes worthless in whole or in part, shall, to the extent of any deduction allowed under section 166(a), be treated as a loss allowable as a deduction under section 165.

(2) *Portion of the net operating loss attributable to a foreign expropriation loss.* (i) Except as provided in subdivision (ii) of this subparagraph, the portion of the net operating loss for any taxable year attributable to a foreign expropriation loss is the amount of the foreign expropriation loss for such taxable year (determined under subparagraph (1) of this paragraph).

(ii) The portion of the net operating loss for a taxable year attributable to a foreign expropriation loss shall not exceed the amount of the net operating loss, computed under section 172(c), for such year.

(3) *Examples.* The application of this paragraph may be illustrated by the following examples:

Example (1). M Corporation, a domestic calendar year corporation manufacturing cigars in the United States, owns, in country X, a tobacco plantation having an adjusted basis of $400,000 and farm equipment having an adjusted basis of $300,000. On January 15, 1961, country X expropriates the plantation and equipment without any allowance for compensation. For the taxable year 1961, M Corporation sustains a loss from the operation of its business (not including losses from the seizure of its plantation and equipment in country X) of $200,000, which loss would not have been sustained in the absence of the seizure. Accordingly, M has a net operating loss of $900,000 (the sum of $400,000, $300,000, and $200,000). For purposes of section 172(k)(1), M Corporation has a foreign expropriation loss for 1961 of $700,000 (the sum of $400,000 and $300,000, the losses directly sustained by reason of the seizure of its property by country X). Since the foreign expropriation loss for 1961, $700,000, equals or exceeds 50 percent of the net operating loss for such year, or $450,000 (i.e., 50 percent of $900,000), M Corporation may make the election under paragraph (c)(2) of this section with respect to $700,000, the portion of the net operating loss attributable to the foreign expropriation loss.

Example (2). Assume the same facts as in example (1) except that for 1961, M Corporation has operating profits of $300,000 (not including losses from the seizure of its plantation and equipment in country X) so that its net operating loss (as defined in section 172(c)) is only $400,000. Under the provisions of section 172(k)(2) and paragraph (b)(2) of this section, the portion of the net operating loss for 1961 attributable to a foreign expropriation loss is limited to $400,000, the amount of the net operating loss.

(c) *Time and manner of making election*—(1) *Taxable years ending after December 31, 1963.* In the case of a taxpayer who has a foreign expropriation loss for a taxable year ending after December 31, 1963, the election referred to in paragraph (a) of this section shall be made by attaching to the taxpayer's income tax return (filed within the time prescribed by law, including extensions of time) for the taxable year of such foreign expropriation loss a statement containing the information required by subparagraph (3) of this paragraph. Such election shall be irrevocable after the due date (including extensions of time) of such return.

(2) *Taxable years ending after December 31, 1958, and before January 1, 1964.* In the case of a taxpayer who has a foreign expropriation loss for a taxable year ending after December 31, 1958, and before January 1, 1964, the election referred to in paragraph (a) of this section shall be made by filing on or before December 31, 1965, with the district director for the district in which the taxpayer filed his income tax return for the taxable year of such foreign expropriation loss, a statement containing the information required in subparagraph (3) of this paragraph. Such election shall be irrevocable after December 31, 1965. See paragraph (d) of this section for special rules relating to taxable years affected by an election under this subparagraph.

(3) *Information required.* The statement referred to in subparagraphs (1) and (2) of this paragraph shall contain the following information:

(i) The name, address, and taxpayer account number of the taxpayer;

(ii) A statement that the taxpayer elects under section 172(b)(3)(C) (ii) or (iii), whichever is applicable, to have section 172(b)(1)(D) of the Code apply;

(iii) The amount of the net operating loss for the taxable year; and

(iv) The amount of the foreign expropriation loss for the taxable year, including a schedule showing the computation of such foreign expropriation loss.

In addition, if a taxpayer makes the election under subparagraph (2) of this paragraph, the taxpayer shall specify the internal revenue district in which he filed his return for the three taxable years immediately preceding the taxable year of the foreign expropriation loss. If there is an increase or decrease in tax attributable to the election under subparagraph (2) of this paragraph for any taxable year preceding or succeeding the taxable year of the foreign expropriation loss, amended returns or claims for refund should be filed with the office of the district director with whom the taxpayer files his income tax return for the taxable year in which such election is made.

(d) *Rules relating to elections for taxable years ending after December 31, 1958, and before January 1, 1964.* If a taxpayer makes an election under paragraph (c)(2) of this section, then (notwithstanding any law or rule of law) with respect to any taxable year ending before January 1, 1964, which is affected by the election the following rules shall apply:

(1) The time for making or changing a choice to claim the credit for foreign taxes allowed by section 901, or for making or changing an election under section 904 (relating to the limitation on such credit), shall not expire before January 1, 1966.

(2) Any deficiency attributable to the election under paragraph (c)(2) of this section or to the application of subparagraph (1) of this paragraph may be assessed at any time before January 1, 1969. However, if the period within which a deficiency may be assessed under section 6501 of the Code would expire on a date after December 31, 1968, then such later date shall apply.

(3) Refund or credit of any overpayment attributable to the election under paragraph (c)(2) of this section or to the application of subparagraph (1) of this paragraph may be made or allowed if claim therefor is filed before January 1, 1969. However, if the period within which a claim for refund or credit may be filed under section 6511 of the Code would expire on a date after December 31, 1968, then such later date shall apply.

(e) *Amount of foreign expropriation loss which is a carryover to the taxable year in issue*—(1) *General.* If a portion of a net operating loss for the taxable year is attributable to a foreign expropriation loss and if an election under paragraph (c) of this section has been made with respect to such portion of the net operating loss, then such portion shall be considered to be a separate net operating loss for such year, and, for the purpose of determining the amount of such separate loss which may be carried over to other taxable years, such portion shall be applied after the other portion (if any) of such net operating loss. Such separate loss shall be carried to the earliest of the several taxable years to which such separate loss is allowable as a carryover under the provisions of paragraph (a)(1)(v) of § 1.172–4, and the amount of such separate loss which shall be carried over to any taxable year subsequent to such earliest year is an amount (not exceeding such separate loss) equal to the excess of—

(i) The sum of (*a*) such separate loss and (*b*) the other portion (if any) of the net operating loss (i.e., that portion not attributable to a foreign expropriation loss) to the extent such other portion is a carryover to such earliest taxable year, over

(ii) The sum of the aggregate of the taxable incomes (computed as provided in § 1.172–5) for all of such several taxable years preceding such subsequent taxable year.

(2) *Cross reference.* The portion of a net operating loss which is not attributable to a foreign expropriation loss shall be carried back or carried over, in accordance with the rules provided in paragraph (b)(1) of § 1.172–4, as if such portion were the only net operating loss for such year.

(3) *Examples.* The application of this paragraph may be illustrated by the following examples:

Example (1). Corporation A, organized in 1960 and whose return is made on the basis of the calendar year, incurs for 1960 a net operating loss of $10,000, of which $7,500 is attributable to a foreign expropriation loss. With respect to such $7,500, A makes the election described in paragraph (c)(2) of this section. In each of the years 1961, 1962, 1963, 1964, and 1965, A has taxable income in the amount of $600 (computed without any net operating loss deduction). The assumption is made that none of the other modifications prescribed in § 1.172–5 apply. The portion of the net operating loss attributable to the foreign expropriation loss which is a carryover to the year 1966 is $7,000, which is the sum of $7,500 (the portion of the net operating loss attributable to the foreign expropriation loss) and $2,500 (the other portion of the net operating loss available as a carryover to 1961), minus $3,000 (the aggregate of the taxable incomes for taxable years 1961 through 1965).

Example (2). Assume the same facts as in example (1) except that taxable income for each of the years 1961 through 1965 is $400 (computed without any net operating loss deduction). The carryover to the year 1966 is $7,500, that is, the sum of $7,500 (the portion of the net operating loss attributable to the foreign expropriation loss) and $2,500 (the other portion of the net operating loss available as a carryover to 1961), minus $2,000 (the aggregate of the taxable incomes for taxable years 1961 through 1965), but limited to $7,500 (the portion of the net operating loss attributable to the foreign expropriation loss).

(f) *Taxable income which is subtracted from net operating loss to determine carryback or carryover.* In computing taxable income for a taxable year (hereinafter called a "prior taxable year") for the purpose of determining the portion of a net operating loss for another taxable year which shall be carried to each of the several taxable years subsequent to the earliest taxable year to which such loss may be carried, the net operating loss deduction for any such prior taxable year shall be determined without regard to that portion, if any, of a net operating loss for a taxable year attributable to a foreign expropriation loss, if such portion may not, under the provisions of section 172(b)(1)(D) and paragraph (a)(1)(v) of § 1.172–4, be carried back to such prior taxable year. Thus, if the taxpayer has a foreign expropriation loss for 1962 and elects the 10-year carryover with respect to the portion of his net operating loss for 1962 attributable to the foreign expropriation loss, then in computing taxable income for the year 1960 for the purpose of determining the portion of a net operating loss for 1963 which is carried to years subsequent to 1960, the net operating loss deduction for 1960 is determined without regard to the portion of the net operating loss for 1962 attributable to the foreign expropriation loss, since under the provisions of section 172(b)(1)(D) and paragraph (a)(1)(v) of § 1.172–4 such portion of the net operating loss for 1962 may not be carried back to 1960.

PAR. 6. Paragraph (b) of § 1.6164–3 is amended to read as follows:

§ 1.6164–3 Computation of the amount of reduction of the tax previously determined.

* * * * *

(b) *Reduction attributable to the expected carryback.* The reduction, attributable to the expected carryback or related adjustments, in any tax previously determined is to be ascertained by applying the expected carryback as if it were a determined net operating loss carryback, in accordance with the provisions of section 172 and the regulations thereunder. Items must be taken into account only to the extent that such items were included in the return, or were reflected in amounts assessed (or collected without assessment) as deficiencies, or in amounts abated, credited, refunded, or otherwise repaid, prior to the date of the filing of the statement. Thus, for example, if the taxpayer claims a deduction for depreciation of $10,000 in its return and the Internal Revenue Service asserts that only $4,000 is properly deductible, no change is to be made in the $10,000 depreciation deduction as shown by the taxpayer on his return unless a deficiency has been assessed, or an amount collected without assessment, prior to the date of filing of the statement as a result of a change in the depreciation deduction, or unless such change in the depreciation deduction was reflected in an amount abated, credited, refunded, or otherwise repaid prior to such date.

PAR. 7. Section 1.6411–1 is amended by adding paragraph (d) which reads as follows:

§ 1.6411–1 Tentative carryback adjustments.

* * * * *

(d) *Carrybacks attributable to certifications issued under section 317(a) of the Trade Expansion Act of 1962.* An application for a tentative carryback adjustment under the five-year carryback provision of section 172(b)(1)(A)(ii) may be filed in accordance with this section with respect to a net operating loss incurred in a taxable year ending on or after December 31, 1962, for which a certification has been issued under section 317(a) of the Trade Expansion Act of 1962 (76 Stat. 889), if the taxpayer is eligible for the five-year carryback in accordance with the rules provided in § 1.172–9. If an application under this section has been filed in accordance with the three-year carryback provision of section 172(b)(1)(A)(i), then a subsequent application for a tentative carryback adjustment under the five-year carryback provision of section 172(b)(1)(A)(ii) may be filed under this paragraph with respect to the same net operating loss that was carried back under the three-year carryback provision only if the consent to extend the period for assessment of a deficiency required by section 172(b)(3)(A)(ii) and paragraph (d) of § 1.172–9 is attached to such subsequent application. An application for a tentative carryback adjustment under the five-year carryback provision shall be accompanied by a statement indicating whether or not the taxpayer has previously filed an application for a tentative carryback adjustment under the three-year carryback provision with respect to the same net operating loss.

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[F.R. Doc. 65–12315; Filed, Nov. 17, 1965; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER C—PUBLIC RELATIONS

PART 823—INDIVIDUALS AND ORGANIZATIONS AUTHORIZED COMMISSARY STORE PRIVILEGES

SUBCHAPTER F—AIRCRAFT

PART 861—AIR FORCE AERO CLUBS

Miscellaneous Amendments

Chapter VII of Title 32 is amended as follows:

In Subchapter C—Public Relations, Part 823—Individuals and Organizations Authorized Commissary Store Privileges:

In § 823.1(a), subparagraphs (2) and (3) are set forth with minor editorial changes, and paragraph (j) is revised, as follows:

§ 823.1 Authorized patrons.

* * * * *

(a) *Widows.* * * *

(2) A retired member of the Army, Navy, Air Force, Marine Corps or Coast Guard, including a non-Regular member of the Army or Air Force who retired under 53 Stat. 599 (Act of April 3, 1939) as amended (10 U.S.C. 1021, 1203) and was certified to the Veterans Administration under Executive Order 8099, April 28, 1939.

(3) A serviceman who died in line of duty while actively serving as an inductee with the Army, Navy, Air Force, or Marine Corps; a regular member of the Public Health Service; or a member of a Reserve component of the U.S. Armed Forces.

* * * * *

(j) *Agents.* Sales of subsistence must be made to members of families of individuals listed in this section, when such members are residing in the household of the authorized individuals, have been designated as agents by such authorized individuals, and are making purchases in behalf of the authorized individuals. Installation commanders may limit agent privileges of minor children because of limited facilites or to prevent abuse of commissary store privileges. Sales must not be made to members of families of Reserve personnel who are on active duty for a period of less than 31 days.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012; AFR 145–15A, August 11, 1965)

In Subchapter F—Aircraft: A new Part 861 is added as follows:

Sec.
861.1 Scope.
861.2 Specific applicability.
861.3 Purpose of aero clubs.
861.4 Membership in aero clubs.
861.5 Assignment of personnel.
861.6 Lending aircraft to aero clubs.
861.7 Accountability for aircraft and spare components.
861.8 Accident incident reporting.
861.9 Commercial insurance coverage.

AUTHORITY: The provisions of this Part 861 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

SOURCE: AFR 215–2, August 4, 1964.

§ 861.1 Scope.

The provisions of this part, together with other Air Force regulations cited in this part and applicable parts of Federal Aviation regulations published by the Federal Aviation Agency (FAA) (14 CFR), apply to Air Force aero clubs and their members worldwide and, where appropriate, to all Air Force military and civilian personnel.

§ 861.2 Specific applicability.

(a) Within the United States, its Territories, commonwealths, and possessions, commanders will follow the policies and operational principles prescribed by this part and other regulations cited herein.

(b) Outside the United States, its Territories, commonwealths, and possessions, commanders may modify this part as they see fit, to comply with the rules and regulations of the country in which they are located, provided they do not deviate from the intent of this part.

§ 861.3 Purpose of aero clubs.

Aero clubs will be organized as recreation activities and operated to: Provide Air Force personnel, their families, and other authorized personnel an opportunity to develop skills in aeronautics including pilotage navigation, mechanics, and other related aero sciences; develop an awareness and appreciation of aviation requirements and techniques; provide a facility designed to meet the needs for low-cost, safe, light-aircraft operations; and provide a social program in the interest of furthering club activities and Air Force morale. All activities will be conducted in a manner free from discrimination, providing equal opportunity for all eligible personnel irrespective of their race, color, creed, or national origin.

§ 861.4 Membership in aero clubs.

(a) *Qualifications.* Membership in an Air Force aero club is voluntary. Active membership will be limited to active duty military personnel of the Armed Forces. An introductory membership may be established for prospective members who are otherwise eligible for active or associate membership. However, for this part, an "introductory member" is neither an "active" nor "associate" member and may be granted only those privileges specifically authorized herein. The term of the introductory membership will not exceed 60 days and is not renewable within 2 years. Associate membership may be extended to:

(1) Dependents of active duty military personnel.

(2) Retired military personnel and their dependents.

(3) Civilian employees of Department of Defense, to include those paid from either appropriated or nonappropriated funds.

(4) Military personnel of foreign governments on duty with the Department of Defense.

(5) Members elected to the Congress of the United States and statutory appointees of the Federal Government, upon approval of Hq USAF.

(6) In oversea locations, any United States citizen, if the local commander thinks membership is in the best interest of the United States.

(b) *Privileges.* Only active or associate members may pilot aero club aircraft. Specifically, persons who are not active or associate members of an aero club will not be permitted to pilot aircraft belonging to aero clubs. (Major air commanders may authorize specific one-time exception to permit a prospective buyer to fly club-owned aircraft locally with a club member before purchase provided pilot signs a covenant not to sue.) Aero club pilots may carry passengers in aero club aircraft only as outlined in the following subparagraphs:

(1) An FAA flight inspector or examiner whose presence in an aircraft is for the express purpose of checking aircraft airworthiness, administering a flight examination to an aero club instructor pilot or to accomplish official qualifying examination of pilots or student pilots.

(2) An FAA licensed A&P or AI mechanic whose presence in aircraft is necessary to sign off maintenance performed on the aircraft.

(3) An active or associate member of a USAF Aero Club.

(4) A dependent residing in the household of the active or associate member when the dependent's sponsor is piloting the aircraft.

(5) An introductory member of a USAF Aero Club, for local flights only.

§ 861.5 Assignment of personnel.

(a) *Command supervision.* Major air commands having aero clubs within their command may and should in appropriate cases assign full-time supervisory personnel within their headquarters to supervise, coordinate, and control the program command-wide. Such personnel must be provided from within current manpower resources. If the use of full-time supervisory personnel is not appropriate, adequate command supervision of the aero club program may require the part-time use of several persons to monitor the various functions. Part-time use of supervisory personnel for this purpose is also permitted for command below major air command level.

(b) *Management and operation.* Each aero club must have full-time management. However, military and civilian personnel paid from appropriated funds will not be assigned to aero clubs specifically to perform managerial, administrative, maintenance, instructional, or other operational duties. If qualified volunteer personnel are not available for management and operational duties, such personnel must be hired at aero club expense.

§ 861.6 Lending aircraft to aero clubs.

Aero clubs, organized under provisions of this part, operate as instrumentalities of the Federal Government under the auspices of the Air Force. As such, the Air Force may loan to aero clubs light aircraft not immediately required for military purposes. Upon initial transfer, aircraft will be prepared for one-time flight in accordance with applicable technical orders. The following provisions apply to aircraft loaned to aero clubs:

(a) Light aircraft will be assigned by Hq USAF to major air commands for loan to aero clubs. Distribution to bases within the command and loan to individual aero clubs will be the responsibility of the command concerned. Normally, Government-loaned aircraft will not be transferred from the continental limits of the United States to an oversea location for loan to an aero club (except Alaska, Canal Zone, Newfoundland, and Puerto Rico). However, if light aircraft already in an oversea location are not required for military purposes, they may be loaned to an aero club in that area. The base aircraft distribution officer will notify the major air command headquarters when a club determines that an aircraft is no longer needed. The major air command may reassign the aircraft to another aero club within the command, with the exception of T–34 type aircraft (see paragraph (d) of this section). If the aircraft is excess to command aero clubs, notify USAF Military Personnel Center AFPMSBS), Randolph Air Force Base, Tex., 78148.

(b) The aero club will be responsible for all maintenance or modification of the aircraft after receipt. Maintenance assistance may be provided by military activities after delivery, subject to the discretion of the base commander.

(c) Aircraft and spare engines loaned to aero clubs will be maintained in complete condition. There will be no cannibalization for spare parts.

(d) Aero clubs will not acquire additional T–34 aircraft and those T–34 aircraft presently in the program will be phased out through attrition or turn-in to the Air Force inventory when individual clubs are closed.

§ 861.7 Accountability for aircraft and spare components.

Aircraft on loan to aero clubs are retained on Air Force inventory, and may be recalled at any time. They will be accounted for and maintained on the records of the base aircraft distribution officer.

§ 861.8 Accident incident reporting.

All aero club accidents must be reported to the CAB or FAA as required by Part 320 of the CAB Safety Investigation Regulation. Commanders will require a rated Air Force pilot to participate in all CAB or FAA investigations concerning aero club aircraft. Coordination will be effected with the local FAA district office. Normally, officers assigned to investigate an aero club accident will not be members of an aero club. When an investigation board is used, the majority of the board will not be aero club members.

§ 861.9 Commercial insurance coverage.

(a) *Required.* For individually owned aircraft which may be used by club members, public liability insurance coverage including coverage for property damage, public bodily injury, and passenger liability as required by Part 855, will be provided by the individual.

(b) *Optional.* Hull insurance for individually owned aircraft or aero club-owned aircraft valued at less than $1,500.

(c) *Not authorized.* (1) Hull insurance on aircraft on loan from the Air Force or Army.

(2) Hull insurance on club-owned aircraft valued at $1,500 or more.

(3) Public liability insurance coverage for Air Force aero clubs established under the provisions of this part, including coverage for public property damage, public bodily injury, and passenger liability. This coverage will be in keeping with paragraph 13, AFR 176–8 (Protection of Assets). However, where local circumstances make it advisable, such coverage may be obtained commercially where specifically approved by the Air Force Welfare Board. Request for exception should be submitted through channels to Hq USAF (AFPDPBW). All civilians and foreign nationals, who are aero club members or riding as passengers in aero club aircraft, will sign a covenant not to sue for injury or death.

By order of the Secretary of the Air Force.

FREDERICK A. RYKER,
Lt. Col., U.S. Air Force, Chief, Special Activities Group, Office of the Judge Advocate General.

[F.R. Doc. 65–12353; Filed, Nov. 17, 1965; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3869]

[Oregon 016183]

OREGON

Withdrawal for Public Recreation Sites

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described lands which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (Ch. 2, Title 30 U.S.C.), but not from leasing under the mineral leasing laws, and reserved for public recreation sites:

WILLAMETTE MERIDIAN, OREGON

SALEM DISTRICT

Alder Glenn Recreation Site

T. 3 S., R. 7 W.,
Sec. 32, SE¼SE¼SW¼NW¼, S½S½SE¼NW¼, N½NE¼SW¼, and NE¼NE¼NW¼SW¼.

Alsea Falls Recreation Site

T. 14 S., R 7 W.,
Sec. 25, W½SW¼NW¼;
Sec. 26, E½SE¼NE¼.

Canyon Creek Recreation Site

T. 9 S., R. 3 E.,
Sec. 7, E½SE¼.

Dogwood Recreation Site

T. 12 S., R. 3 E.,
Sec. 3, N½SE¼.

Elkhorn Valley Recreation Site

T. 9 S., R. 3 E.,
Sec. 9, N½SW¼ and NW¼SE¼.

Fishermen's Bend Recreation Site

T. 9 S., R. 2 E.,
Sec. 25, SW¼NW¼, N½SW¼, and SE¼SW¼.

Little Bend Recreation Site

T. 3 N., R. 3 W.,
Sec. 21, W½NE¼NW¼.

Mill Creek Recreation Site

T. 7 S., R. 6 W.,
A tract of land located in sections 4 and 9 and described as follows:

Beginning at an iron pipe on the west boundary of Claim No. 40 at 8.42 chains south 45°0' west from the angle corner on the west boundary of the Elias Buell D.L.C. Not. 5165, Claim No. 40 in sec. 4, thence east 16.50 chains to an iron pipe which is at a fence corner on the brow of the hill about 2 chains west of the county road; thence along the brow of the hill south 35°0' west 9.00 chains to an iron pipe on the east side of a private road; thence south 24°14' west along the east side of said private road 6.60 chains to an iron rod on the west side of the main road; thence south 55°37' west along the upper side of the main road 91 links to an iron pipe; thence north 58°22' west, up the hill, 1.38 chains to an iron pipe at the fence on the brow of the hill; thence south 48°0' west along the fence on the brow of the hill 1.10 chains to an iron pipe; thence south 19°56' east 1.50 chains to an iron pipe on the main road; thence south 42°48' west along the main road 3.00 chains to an iron pipe; thence south 52°07' west along the road 5.34 chains to an iron pipe at the angle of the road onto the bridge; thence south 22°30' east, crossing Mill Creek at a private bridge, 5.95 chains to an iron pipe in Panther Creek; thence up said creek south 20°0' east 2.15 chains, south 12°0' east 3.30 chains, south 11°0' west 2.80 chains, south 20°0' east 2.75 chains, south 15°0' east 4.80 chains, south 34°0' east 2.90 chains, south 13°0' east 2.60 chains, and south 2.20 chains to a point on the southeasterly boundary of said Claim No. 40 at 13.00 chains south 45°0' west from the post at the southwest corner of the Thomas Holcomb D.L.C. No. 41; thence south 45°0' west 49.00 chains to the most southerly corner of said Claim No. 40; thence north 12°0' west 25.00 chains to the land of G. N. Phillips; thence north 45°0' east 27.51 chains to the most easterly corner of said Phillips; thence north 12°0' west 22.50 chains to the most northerly corner of said Phillips and on the northwesterly boundary of said Claim No. 40; thence north 45°0' east along said claim line 26.08 chains to the place of beginning.

Missouri Bend Recreation Site

T. 14 S., R. 9 W.,
Sec. 13, SW¼SE¼.

North Fork Eagle Creek Recreation Site

T. 3 S., R. 4 E.,
Sec. 11, W½NE¼ and E½NW¼.

Scaponia Recreation Site

T. 4 N., R. 3 W.,
Sec. 7, SW¼SE¼NE¼, S½SE¼SE¼NE¼, NE¼NE¼SE¼, and N½NW¼NE¼SE¼.

Yellowbottom Recreation Site

T. 11 S., R. 4 E.,
Sec. 19, SE¼SW¼ and SW¼SE¼.

The areas described aggregate 975 acres of O&C and 35 acres of public domain lands.

EUGENE DISTRICT

Clay Creek Recreation Site

T. 19 S., R. 7 W.,
Sec. 19, SE¼NE¼ and NE¼SE¼.

Haight Creek Recreation Site

T. 19 S., R. 7 W.,
Sec. 35, lot 5.

Sharps Creek Recreation Site

T. 22 S., R. 1 W.,
Sec. 15, lots 3 and 4.

Turner Creek Recreation Site

T. 18 S., R. 9 W.,
Sec. 14, NE¼SW¼.

Whittaker Creek Recreation Site

T. 18 S., R. 8 W.,
Sec. 21, SE¼SW¼ and SW¼SE¼.

Lake Creek Recreation Site

T. 16 S., R. 7 W.,
Sec. 19, SE¼SW¼ and S½SE¼.

The areas described aggregate 400.12 acres of O&C and 40 acres of public domain land.

ROSEBURG DISTRICT

Cavitt Creek Falls Recreation Site

T. 27 S., R. 3 W.,
Sec. 23, E½SW¼.

Darby Creek Recreation Site

T. 31 S., R. 8 W.,
Sec. 35, E½NW¼SW¼.

Gunter Recreation Site

T. 21 S., R. 6 W.,
Sec. 1, W½NE¼SE¼, NW¼SE¼, and N½SW¼SE¼.

Lone Rock Recreation Site

T. 26 S., R. 3 W.,
Sec. 9, lots 2 and 3.

Millpond Recreation Site

T. 25 S., R. 2 W.,
Sec. 21, W½NE¼, E½NW¼, SW¼NW¼, W½SW¼, and NE¼SW¼.

Rock Creek Recreation Site

T. 25 S., R. 2 W.,
Sec. 15, NW¼.

Scaredman Creek Recreation Site

T. 25 S., R. 1 W.,
Sec. 23, E½SE¼SE¼;
Sec. 24, SW¼SW¼;
Sec. 25, N½NW¼NW¼.

Susan Creek Falls Recreation Site

T. 26 S., R. 2 W.,
Sec. 14, SW¼;
Sec. 23, lot 3.

Tyee Recreation Site

T. 24 S., R. 7 W.,
Sec. 13, lot 6.

Wolf Creek Trail

T. 27 S., R. 2 W.,
Sec. 16, lot 4, SW¼NW¼, and W½SW¼.
The areas described aggregate 1,153.90 acres of O&C lands.

COOS BAY DISTRICT

Bear Creek Recreation Site

T. 30 S., R. 9 W.,
Sec. 9, S½SE¼.

Cherry Creek Recreation Site

T. 27 S., R. 10 W.,
Sec. 18, lot 8.

Loon Lake Recreation Site

T. 23 S., R. 10 W.,
Sec. 2, lots 14 and 15.

Middle Creek Recreation Site

T. 27 S., R. 11 W.,
Sec. 14, lots 5 and 6.

Park Creek Recreation Site

T. 27 S., R. 10 W.,
Sec. 4, W½SW¼.

Sixes River Recreation Site

T. 32 S., R. 14 W.,
Sec. 12, N½SW¼ and NW¼SE¼.

Smith River Falls Recreation Site

T. 20 S., R. 9 W.,
Sec. 31, lots 9 and 10.

Vincent Creek Recreation Site

T. 20 S., R. 9 W.,
A tract of land lying in sec. 33 described as follows:

Beginning at a point on the west bank of Smith River 3413' north and 2050' west of the southeast corner of sec. 33, said point being 25' downstream from the west end of the present low water bridge on Smith River, thence north 85°45' west 430' to the county road, thence along said road as follows: North 40°30' east 453', thence north 7°30' east 368', thence east 100' to the west bank of Smith River, thence downstream along said west bank as follows: South 5° east 320', thence south 8° east 238', thence south 21°-30' west 200' more or less to the point of beginning.

The areas described aggregate 439.23 acres of O&C land and 120 acres of public domain land.

MEDFORD DISTRICT

Cold Springs Recreation Site

T. 32 S., R. 9 W.,
Sec. 16, SW¼NE¼, SE¼SE¼NW¼, NE¼NE¼SW¼, and NW¼NW¼SE¼.

Deer Creek Recreation Site

T. 38 S., R. 7 W.,
Sec. 15, NE¼NE¼.

Elderberry Flat Recreation Site

T. 33 S., R. 3 W.,
Sec. 31, S½NE¼.

Hyatt Lake Recreation Site

T. 39 S., R. 3 E.,
Sec. 21, NE¼NE¼;
Sec. 22, NW¼NW¼.

Little Applegate Recreation Site

T. 39 S., R. 2 W.,
Sec. 25, SE¼NE¼.

Shady Branch Recreation Site

T. 35 S., R. 9 W.,
Sec. 11, SE¼NE¼.

Surveyor Recreation Site

T. 38 S., R. 5 E.,
Sec. 21, SE¼NE¼ and NE¼SE¼.

Topsy Recreation Site

T. 40 S., R. 7 E.,
Sec. 6, lot 7.
The areas described aggregate 430 acres of O&C lands and 14.35 acres of public domain lands.

LAKEVIEW DISTRICT

Gerber Reservoir Recreation Site

T. 39 S., R. 13 E.,
Sec. 2, SE¼NE¼ and E½SE¼;
Sec. 11, NE¼NE¼.
The areas described aggregate 160 acres of public domain lands.

The areas described total in the aggregate 3,398.25 acres of revested Oregon and California Railroad Grant lands, and 369.35 acres of public lands.

The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

NOVEMBER 12, 1965.

[F.R. Doc. 65–12368; Filed, Nov. 17, 1965; 8:46 a.m.]

[Public Land Order 3870]

[Washington 0844]

WASHINGTON

Withdrawal for National Forest Administrative and Recreation Sites, and Roadside Zones

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the United States mining laws (Ch. 2, Title 30 U.S.C.), in aid of programs of the Department of Agriculture:

WILLAMETTE MERIDIAN

OLYMPIC NATIONAL FOREST

Brown Creek Recreation Area

T. 22 N., R. 5 W. (unsurveyed),
Sec. 9, W½SW¼SE¼NE¼, SE¼SW¼NE¼, NE¼NW¼SE¼.

Hamma Hamma Recreation Area

T. 24 N., R. 3 W.,
Sec. 6, SW¼SW¼SW¼;
Sec. 7, N½ of Lot 1, E½NE¼NW¼.
T. 24 N., R. 4 W. (unsurveyed),
Sec. 1, SE¼NE¼SE¼.

South Sitkum Recreation Area

T. 28 N., R. 12 W.,
Sec.. 5, N½SE¼NE¼, NE¼SW¼NE¼;
Sec. 6, Lots 3, 5, SE¼NW¼.

Snider Recreation Area

T. 30 N., R. 11 W.,
Sec. 27, Lots 6, 8, N½SW¼;
Sec. 28, Lots 1, 4.
The areas described aggregate 339.80 acres.

GIFFORD PINCHOT NATIONAL FOREST

Silver Star Administrative and Recreation Area

T. 3 N., R. 5 E. (unsurveyed),
Sec. 18, N½.

Sunset Administrative Site

T. 4 N., R. 5 E.,
Sec. 19, Lots 1, 2, E½NW¼.

Government Mineral Springs Recreation Area

T. 5 N., R. 6 E. (unsurveyed),
Sec. 25, N½SE¼, SE¼SE¼.
T. 5 N., R. 7 E. (unsurveyed),
Sec. 31, NW¼NW¼, S½NW¼, N½NE¼SW¼, NE¼NW¼SW¼.

Willard Administrative Site

T. 4 N., R. 9 E.,
Sec. 35, S½SE¼.

Mt. Adams Ice Cave and Forest Camp

T. 6 N., R. 9 E. (unsurveyed),
Sec. 35, SE¼.

Mosquito Lakes Guard Station and Recreation Area

T. 7 N., R. 8 E. (unsurveyed),
Sec. 1, W½NW¼;
Sec. 2, NE¼, SE¼NW¼, NE¼SW¼, S½SW¼, SW¼SE¼;
Sec. 3, NE¼SE¼, S½NE¼.

Iron Creek Recreation Area

T. 11 N., R. 7 E.,
Sec. 18, Lot 5;
Sec. 19, Lots 2, 3, 4, 5, 6, 7, SE¼NW¼, NE¼SW¼.

Tower Rock Administrative Site and Recreation Area

T. 11 N., R. 7 E.,
Sec. 13, Lots 1, 3, SE¼NE¼.
T. 11 N., R. 8 E. (unsurveyed),
Sec. 18, SE¼SE¼, S½NE¼SE¼, SW¼SE¼ (excluding patented HES 50 and 179).

North Fork Administrative Site and Recreation Area

T. 11 N., R. 8 E. (unsurveyed),
Sec. 10, SE¼.

Chambers Lake Recreation Area

T. 11 N., R. 10 E. (unsurveyed),
Sec. 3, S½SE¼NW¼, NE¼SW¼, N½SE¼SW¼, N½SE¼, N½S½SE¼, S½S½NE¼.

Walupt Lake Administrative Site and Recreation Area

T. 11 N., R. 11 E. (unsurveyed),
Sec. 20, S½ excluding Walupt Lake;
Sec. 29, NW¼ excluding Walupt Lake.

Packwood Lake Administrative Site and Recreation Area

T. 13 N., R. 10 E. (unsurveyed),
Sec. 21, S½ excluding Packwood Lake;
Sec. 28, all excluding Packwood Lake;
Sec. 33, N½ excluding Packwood Lake;
Sec. 34, W½ excluding Packwood Lake.

The areas described aggregate 3,496.90 acres.

MOUNT BAKER NATIONAL FOREST

Barlow Pass Administrative Site

T. 29 N., R. 11 E. (unsurveyed),
Sec. 6, SE¼NW¼.

Dolly Varden Recreation Area

T. 29 N., R. 11 E. (unsurveyed),
Sec. 7, E½SW¼;
Sec. 18, NE¼NW¼.

South Fork Stillaguamish Highway Roadside Zone

A strip of land 330 feet on each side of the center line of the South Fork Stillaguamish Highway through the following legal subdivisions:

T. 30 N., R. 9 E.,
Sec. 21, N½, S½S½;
Sec. 23, SE¼NE¼, W½SW¼, N½NE¼SW¼, S½SE¼SW¼, SW¼SE¼, N½SE¼;
Sec. 24, S½SE¼NE¼, S½NW¼, N½SE¼.
T. 30 N., R. 10 E.,
Sec. 16, N½, NE¼SW¼, S½SW¼, SE¼;
Sec. 17, all;
Sec. 18, Lots 1, 2, SE¼NE¼SE¼;
Sec. 19, Lots 2, 5, 7, 8, 9, SE¼NW¼;
Sec. 21, Lots 1, 2;
Sec. 22, N½SW¼, SE¼SW¼, SW¼SE¼;
Sec. 27, Lot 1, S½NE¼.

Green Mountain Road Roadside Zone

A strip of land 165 feet on each side of surveyed center line of said road through the following legal subdivisions:

T. 30 N., R. 8 E.,
Sec. 3, Lot 4, N½SW¼NW¼;
Sec. 4, Lots 1, 2, 3, 4.
T. 31 N., R. 8 E.,
Sec. 29, S½NW¼SW¼, N½SW¼SW¼, NW¼SE¼SW¼, S½SE¼SW¼, SW¼SW¼SE¼;
Sec. 30, S½SE¼SW¼, SW¼SE¼, N½SE¼SE¼, SE¼NE¼SE¼;
Sec. 31, NE¼NW¼NW¼, NW¼NE¼NW¼;
Sec. 32, W½NW¼NE¼, N½SW¼NE¼, SE¼SW¼NE¼, SE¼NE¼;
Sec. 33, N½SW¼NW¼, SE¼SW¼NW¼, SW¼SE¼NW¼, N½NE¼SW¼, N½NW¼SE¼, NW¼NE¼SE¼, S½NE¼SE¼, NE¼SE¼SE¼;
Sec. 34, S½NW¼SW¼, N½SW¼SW¼.

Mt. Pilchuck Recreation Area

T. 30 N., R. 8 E.,
Sec. 20, S½.

Pilchuck Road Roadside Zone

A strip of land 165 feet on each side of surveyed center line of said road through the following legal subdivisions:

T. 30 N., R. 8 E.,
Sec. 15, SW¼;
Sec. 16, S½;
Sec. 17, SE¼SE¼, S½NE¼SE¼, SE¼NW¼SE¼, E½SW¼SE¼, SW¼SW¼SE¼, S½S½SW¼;
Sec. 18, S½SE¼SE¼;
Sec. 19, E½, E½NE¼NW¼;
Sec. 20, N½N½NW¼, N½NW¼NE¼.

Wiley Creek Recreation Area

T. 30 N., R. 8 E.,
Sec. 24, SE¼NE¼, NE¼SE¼.
T. 30 N., R. 9 E.,
Sec. 19, Lot 2.

Lake Kelcema Organization Campsite

T. 30 N., R. 9 E.,
Sec. 1, S½NW¼SW¼, N½SW¼SW¼.

Sunnyside—Red Bridge Recreation Area

T. 30 N., R. 9 E.,
Sec. 21, N½S½.

Coal Creek Recreation Area

T. 30 N., R. 10 E.,
Sec. 16, NW¼SW¼.

Big Four Recreation Area

T. 30 N., R. 10 E.,
Sec. 21, Lots 6, 11;
Sec. 22, SW¼SW¼;
Sec. 27, Lots 2, 3, 4, S½NW¼;
Sec. 28, Lot 1.

Bedel Recreation Area

T. 30 N., R. 11 E.,
Sec. 9, Lot 12.

Elliott Creek Recreation Area

T. 30 N., R. 11 E.,
Sec. 29, NE¼SE¼.

Monte Cristo Lake Recreation Area

T. 30 N., R. 11 E.,
Sec. 29, SW¼SW¼;
Sec. 32, NW¼NW¼.

Mowich Recreation Area

T. 30 N., R. 11 E.,
Sec. 31, W½NE¼SE¼, E½NW¼SE¼.

Kennedy Hot Springs Recreation Area

T. 30 N., R. 12 E.,
Sec. 1, E½SE¼NE¼.
T. 30 N., R. 13 E.,
Sec. 6, W½SW¼NW¼.

Sloan Creek Recreation Area

T. 30 N., R. 12 E.,
Sec. 29, NW¼SE¼, E½NE¼SW¼.

South Fork Canyon Creek Road Roadside Zone

A strip of land 165 feet on each side of surveyed center line of said road through the following legal subdivisions:

T. 31 N., R. 8 E. (unsurveyed),
Sec. 29, S½N½NW¼, N½S½NW¼;
Sec. 30, SW¼SW¼NE¼, N½SW¼NE¼, N½SE¼NE¼, SE¼SE¼NW¼, NW¼SW¼SW¼, S½NW¼SW¼, NE¼NW¼SW¼, N½NE¼SW¼.

Green Mountain Administrative Site

T. 31 N., R. 8 E. (unsurveyed),
Sec. 34, W½NE¼SW¼.

Dans Creek Road Roadside Zone

A strip of land 165 feet on each side of surveyed center line of said road through following legal subdivisions:

T. 31 N., R. 10 E.,
Sec. 1, SW¼SW¼;
Sec. 2, Lot 4, SE¼, SW¼NE¼, S½NW¼, N½SW¼;
Sec. 3, Lot 1, SE¼NE¼;
Sec. 4, S½SE¼;
Sec. 9, NE¼NE¼;
Sec. 10, NW¼, N½NE¼;
Sec. 11, NW¼, W½NE¼, SE¼NE¼, N½SE¼;
Sec. 12, NW¼, N½SW¼, SW¼SW¼.
T. 32 N., R. 10 E.,
Sec. 16, SW¼SW¼;
Sec. 17, Lots 3, 8, S½NW¼;
Sec. 18, E½NW¼, NE¼SE¼, S½NE¼, SE¼NE¼NE¼, SE¼NE¼NE¼NE¼;
Sec. 21, SW¼NE¼, NW¼, N½SW¼, SE¼SW¼, SE¼;
Sec. 27, SW¼;
Sec. 28, NE¼, NE¼NW¼, N½SE¼, SE¼SE¼;
Sec. 34, W½NE¼, N½NW¼, SE¼NW¼, NE¼SW¼, SE¼.

Whitechuck Bridge Recreation Area

T. 31 N., R. 10 E.,
Sec. 13, SW¼SW¼;
Sec. 14, Lot 13.

Whitechuck Road Roadside Zone

A strip of land 200 feet on each side of surveyed center line of said road through the following legal subdivisions:

T. 31 N., R. 10 E.,
Sec. 13, S½NE¼, N½SE¼, SW¼SE¼, N½SW¼, SE¼SW¼;
Sec. 14, Lot 12.
T. 31 N., R. 11 E.,
Sec. 13, SW¼NW¼, N½SW¼, W½SE¼, SE¼SE¼;
Sec. 14, SE¼SE¼, N½SE¼, S½NE¼, NE¼SW¼, S½NW¼, NW¼NW¼;
Sec. 15, NE¼, N½SW¼, S½NW¼, NE¼NW¼;
Sec. 16, N½SE¼, S½NE¼, NW¼NE¼, NW¼;
Sec. 17, N½;
Sec. 18, NE¼, S½NW¼, NE¼, NW¼.
T. 31 N., R. 12 E.,
Sec. 18, Lot 4, SE¼SW¼;
Sec. 19, Lot 1, N½NE¼, SE¼NE¼, NE¼NW¼;
Sec. 20, SW¼NW¼, N½SW¼, SE¼;
Sec. 21, S½SW¼;
Sec. 28, N½NE¼, NE¼NW¼.

Mirror Lake Recreation Area

T. 31 N., R. 15 E. (unsurveyed),
Sec. 8, E½NE¼;
Sec. 9, W½NW¼.

French Creek Recreation Area

T. 32 N., R. 8 E.,
Sec. 15, NW¼SW¼NW¼, S½NW¼NW¼.

Buck Creek Recreation Area

T. 32 N., R. 11 E.,
Sec. 13, Lot 1, NW¼NW¼.

Suiattle Guard Station Administrative Site

T. 32 N., R. 11 E.,
Sec. 13, NE¼SE¼.

Green Mountain (Pasture) Administrative Site

T. 32 N., R. 12 E.,
Sec. 16, S½SW¼SW¼;
Sec. 21, Lot 4.

Downey Creek Recreation Area

T. 32 N., R. 12 E.,
Sec. 14, lots 1, 3.

Sulphur Creek Recreation Area

T. 32, N., R. 12 E.,
Sec. 24, lots 4, 5, SE¼NE¼.

Marble Creek Recreation Area

T. 35 N., R. 12 E.,
Sec. 8, lot 3, S½SE¼NW¼.

Komo Kulshan Administrative Site

T. 37 N., R. 8 E. (unsurveyed),
Sec. 25, NW¼SW¼, S½SW¼.

Boulder Creek Recreation Area

T. 37 N., R. 9 E.,
Sec. 7, lot 1, NE¼NW¼.

Little Park Creek Recreation Area

T. 37 N., R. 9 E.,
Sec. 5, SW¼SW¼NW¼, N½SW¼NW¼.

Goodell Creek Recreation Area

T. 37 N., R. 12 E.,
Sec. 20, lot 3.

Moravitz Creek Recreation Area

T. 38 N., R. 9 E.,
Sec. 31, E½NE¼NE¼.

Baker Hot Springs Recreation Area

T. 38 N., R. 9 E. (unsurveyed),
Sec. 20, SW¼NW¼SW¼.

Rainbow Falls Recreation Area

T. 38 N., R. 9 E. (unsurveyed),
Sec. 19, SE¼NW¼NE¼, NE¼SW¼NE¼.

Bridge Recreation Area

T. 39 N., R. 7 E.,
Sec. 2, lot 8.
T. 40 N., R. 7 E.,
Sec. 36, lot 5.

Shuksan—Silver Fir Administrative Site and Recreation Area

T. 40 N., R. 9 E. (unsurveyed),
Sec. 31, lots 4, 5, 6, 7.

Twin Lakes Recreation Area

T. 40 N., R. 9 E. (unsurveyed),
Sec. 15, NW¼SW¼ (except patented mining claims);
Sec. 16, E½SE¼.
The areas described aggregate 5,648.58 acres.

The total areas described aggregate 9,485.28 acres in Clallam, Lewis, Mason, Skamania, Snohomish, and Whatcom Counties.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

NOVEMBER 12, 1965.

[F.R. Doc. 65-12369; Filed, Nov. 17, 1965; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 15586]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Table of Frequency Allocations; Correction

In the matter of amendment of Parts 2, 21, 74, and 91 of the Commission's rules and regulations relative to the licensing of microwave radio stations used to relay television signals to community antenna television systems; Docket No. 15586.

In Appendix C of the First Report and Order and further notice of proposed rule making in the above entitled matter, which was released on October 18, 1965, and published in the FEDERAL REGISTER on October 21, 1965 (30 F.R. 13361; FCC 65-924), the amendment to § 2.106, the Table of Frequency Allocations, of Part 2 is corrected to read as shown below.

Released: November 15, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

Part 2 of the Commission's rules and regulations is amended as follows:

In § 2.106, the Table of Frequency Allocations is amended in columns 7, 8 and 9 for the frequency bands 12.2–12.7 Gc/s and 12.7–13.2 Gc/s and two new footnotes are added as follows:

§ 2.106 Table of frequency allocations.

Band Gc/s (7)	Service (8)	Class of station (9)
• • •	• • •	• • •
12.2–12.7 (NG8) (NG52)	FIXED.	International control. Operational fixed.
12.7–12.95	FIXED. MOBILE.	Community Antenna Relay. Television Intercity Relay. Television Pickup. (NG53) Television STL.
12.95–13.2 (NG11)	FIXED. MOBILE.	Television Pickup. Television STL.
• • •	• • •	• • •

NG52 Stations used to relay television signals to community antenna television systems, which are authorized to operate in the band 12.2–12.7 Gc/s on November 22, 1965, may continue to be authorized to so operate until February 1, 1971, under the conditions specified in that license.

NG53 In the band 12.7–12.95 Gc/s, television pickup stations shall not cause harmful interference to community antenna relay, television intercity relay and television STL stations.

• • • • • •

[F.R. Doc. 65-12403; Filed, Nov. 17, 1965; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Salton Sea National Wildlife Refuge, Calif.; Correction

In F.R. Doc. 65-10602, appearing on page 12732 of the issue for Wednesday, October 6, 1965, subparagraph (1) under special conditions should read as follows:

(1) Ducks, coots, and gallinules may be hunted during the period October 23, 1965, through January 5, 1966, and geese may be hunted from October 23,

1965, through January 9, 1966, with the exception of Canada geese on which the season shall terminate December 26, 1965. Hunting will be restricted to Saturdays (except Christmas Day and New Year's Day), Sundays, Wednesdays, and Veterans' Day.

JOHN D. FINDLAY,
Regional Director, Portland, Oreg.

NOVEMBER 8, 1965.

[F.R. Doc. 65-12415; Filed, Nov. 17, 1965; 8:50 a.m.]

PART 33—SPORT FISHING

Havasu Lake National Wildlife Refuge, Arizona and California

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

HAVASU LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Havasu Lake National Wildlife Refuge, Arizona and California, is permitted only on waters designated by signs as open to fishing. These open waters, comprising 6,674 acres and 50 percent of the total refuge area, are delineated on a map available at refuge headquarters, Needles, Calif., and from the Office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex., 87103. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuges areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1966.

ROBERT L. MEANS,
Refuge Manager, Havasu Lake National Wildlife Refuge, Needles, Calif.

OCTOBER 22, 1965.

[F.R. Doc. 65-12390; Filed, Nov. 17, 1965; 8:48 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 17—MEDICAL

Utilization of Facilities Other Than Those Under Direct and Exclusive Jurisdiction of Veterans Administration

In 17.50(j), subparagraph (3) is added to read as follows:

§ 17.50 Utilization of facilities other than those under direct and exclusive jurisdiction of the Veterans Administration.

* * * * * * *

(j) * * *

(3) A veteran receiving nursing home care as provided in subparagraph (1) of this paragraph, and who requires immediate hospitalization for treatment of an emergent condition may be authorized such emergency care at Veterans Administration expense; *Provided:* (i) Prior authorization for such care is obtained from the Veterans Administration, (ii) admission to a Veterans Administration or other Federal hospital is not feasible, and (iii) the authorization is limited to that period of care required to meet the emergent need, until the veteran can be safely moved to a Veterans Administration or other Federal hospital. (For purposes of subdivision (i) of this subparagraph, prior authorization will be conceded when the request for authorization is received by the Veterans Administration within 72 hours of the time of admission of the veteran to the non-Federal hospital.)

(72 Stat. 1114; 38 U.S.C. 210)

This VA regulation is effective October 27, 1965.

Approved: November 15, 1965.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 65-12399; Filed, Nov. 17, 1965; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 777]

PROCESSOR WHEAT MARKETING CERTIFICATES

Notice of Proposed Rule Making

Notice is hereby given pursuant to section 4(a), Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), that the Agricultural Stabilization and Conservation Service proposes to issue Amendment 6 to the Processor Wheat Marketing Certificate Regulations (29 F.R. 6271 and 7983) as amended (29 F.R. 11642, 13471, 17086, 30 F.R. 5358, 8385 and 9299).

Consideration will be given to all written comments or suggestions in connection with the proposed amendment filed, in duplicate, with the Director, Procurement and Sales Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250, during the 30-day period beginning with the date this notice is published in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection in the Office of the Director at the above address during regular business hours (7 CFR 1.27(b)).

The proposed amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (secs. 379a to 379j, 52 Stat. 31, as amended; 7 U.S.C. 1379a to 1379j), to provide miscellaneous changes in the Processor Wheat Marketing Certificate Regulations as follows:

(1) It adds "pearled wheat" to the list of products which are defined as food products except to the extent that the total product of the wheat processed is used in or marketed as a nonfood product. Such other products now include "cracked wheat (wheat grits), ground wheat, crushed wheat, rolled wheat, or flaked wheat (toasted or untoasted), other than breakfast cereal."

(2) It deletes § 777.4(b)(3) of the regulations which provides an exemption for "custom or toll processing for the Department of Agriculture" since custom or toll processing is no longer being conducted for the Department.

(3) It prescribes an exemption from certificate liability for wheat which is produced by and processed for use by a State or State Agency, for wheat processed for donation and for wheat processed for certain noncommercial uses if there is compliance with the specified terms and conditions. These provisions result from amendments to the statute governing the wheat allocation program included in the Food and Agriculture Act of 1965.

(4) It deletes the provision which excluded from registration requirements a person who processes wheat solely for use on the farm where grown.

(5) The amendment changes the language of the penalty provisions by adding the word "knowingly" so that the provisions will apply only to persons who knowingly violate specified requirements of the regulations. This provision also is the result of an amendment included in the Food and Agriculture Act of 1965.

(6) The amendment provides that if an undertaking has been filed it remains in effect and does not terminate with the end of the marketing year unless the undertaking is breached or withdrawn by the processor. It also makes certain technical changes in the reporting provisions.

It is proposed that the amendment to the Processor Wheat Marketing Certificate Regulations would read as follows:

Section 777.3(b)(1)(ii) is amended to read as follows:

(ii) Wheat which is boiled, steeped, or commercially sprouted.

Section 777.3(b)(1)(v) is amended to change the first sentence to read as follows:

(v) Cracked wheat (wheat grits), ground wheat, crushed wheat, rolled wheat, pearled wheat, or flaked wheat (toasted or untoasted, other than breakfast cereal) or such other similarly processed wheat as may be designated by the Administrator, except to the extent that the total product of the wheat processed is used in or marketed as animal feed or other non-food product.

* * *

Section 777.3(c)(2) is amended to read as follows:

(2) Cracked wheat (wheat grits), ground wheat, crushed wheat, rolled wheat, pearled wheat, or flaked wheat (toasted or untoasted, other than breakfast cereal) or other similarly processed wheat designated by the Administrator to the extent that the total product of the wheat processed is used in or marketed as animal feed or other nonfood product specified in this paragraph.

In addition, § 777.3 is amended by adding new paragraphs (r), (s), and (t) to read as follows:

(r) "State or State Agency" means any of the fifty States in the United States including the District of Columbia and Puerto Rico, and any agency thereof. State Agency as used herein does not include any State-owned or operated facility engaged in commercial operations.

(s) "Institution" means an organization operating primarily as a charitable or religious institution which provides assistance on a charitable or welfare basis to needy persons and which, for the purpose of these regulations, has been approved in writing by the Administrator as an institution to which the food processor may deliver food products for distribution by donation to needy persons without acquiring certificates, or if the institution is a food processor, which may remove food products from the plant for donation to needy persons without acquiring certificates. Any institution which wishes to apply for such approval shall submit a request in writing to the Administrator specifying its name, address, and describing its activities, including the purpose for which the food products will be used. Such institution must be recognized by the Internal Revenue Service as an institution to which contributions are deductible as charitable contributions for Federal income tax purposes under section 170 of the Internal Revenue Code (26 U.S.C. 170) as evidenced by the listing of such organization in the United States Treasury Department's Internal Revenue Service Publication No. 78, "Cumulative List of Organizations Described in section 170(c) of the Internal Revenue Code of 1954," as revised and supplemented.

(t) "Donation" means a gift of a food product for any beneficial or salutary purpose.

Section 777.4(b)(2) is amended by changing the second sentence to read as follows: "To obtain such exemption, the food processor shall obtain authenticated copies of customs Form 7521—a copy evidencing the entry of wheat into a bonded manufacturing warehouse and a copy evidencing the withdrawal from customs bond for export of the food product processed therefrom."

Section 777.4(b) is further amended by deleting subparagraph (3) *Custom or toll processing for the Department of Agriculture,* and by adding new subparagraphs (4), (5), and (6) to read as follows:

(5) *Wheat produced by and processed for use by a State or State Agency.* Certificates shall not be required for wheat produced by a State or Agency thereof and processed for use by the State or any Agency thereof. To support such exemption, the processor shall at the time of delivery of the food product, obtain a certification from an authorized official of the State or State Agency on Form CCC-148-1, to cover the quantity of food product delivered. The food processor may without acquiring certificates, deliver to the State or Agency thereof from which he obtained the certification on Form CCC-148-1 a quantity of the food product processed from a quantity of wheat equivalent to the wheat received by the processor from the State or Agency thereof less any such wheat which is received by the processor in payment of processing charges. It

is not necessary that the food product be processed from the identical wheat received. Any State or State Agency which processes exclusively wheat produced by such State or State Agency solely for its own use is not required to submit food processing reports under § 777.12.

(6) *Wheat processed for donation.* Certificates shall not be required for wheat processed into a food product for donation to needy persons under a welfare or charitable program operated by an approved institution (see § 777.3(s)). If the institution is not the food processor, to support such exemption, the food processor shall, at the time of delivery of the food product, obtain from the institution a certification on Form CCC–148–2 to cover the quantity of food product delivered for donation. The food product upon which the claim for exemption is based shall not be disposed of by the institution other than for donation to needy persons.

(7) *Wheat processed for noncommercial uses.* Certificates shall not be required for wheat processed for noncommercial uses as determined by the Administrator and specified in this paragraph. Any food processor who wishes to petition the Administrator to establish in the regulations an exemption for any such use shall submit to the Administrator the name and detailed description of the food product, the use which is to be made of the food product, the name and address of the person who will make such use, and any other information deemed relevant by the food processor or as may be required by the Administrator. The exemption shall apply to wheat used in the manufacture of food products for the following uses:

(1) Wheat processed into a food product by a State or State Agency for use by the State or State Agency, provided the food product is not sold or removed for sale as a food product.

To support the exemption provided for in this subparagraph (7), the processor shall at the time of delivery of the food product obtain a certificate from the user in such form as is approved by the Administrator covering the quantity of food product delivered and describing the use to be made of the food product.

The first sentence of § 777.5(a) is amended to read as follows:

(a) Any person who processes wheat, either into a food product or non-food product, except a person who processes wheat in his home for family use in his home, shall register with the Director (see Paragraph 1, § 777.3) by making the report required by paragraph (b) of this section by May 30, 1964, or such later date as may be approved by the Director in writing. * * *

Section 777.8 (a) and (b) are amended to read as follows:

(a) *Violation of marketing restrictions—forfeitures.* Any person who knowingly violates or attempts to violate or who knowingly participates or aids in the violation of any of the provisions of these regulations with regard to the acquisition of certificates prior to marketing any such food product or removing such food product for sale or consumption shall be subject to section 379i.(a) of the Agricultural Adjustment Act of 1938 which provides for the forfeiture to the United States by such person of a sum equal to two times the face value of the certificates involved in such violation. Such forfeiture shall be recoverable in a civil action brought in the name of the United States.

(b) *Violation of marketing restrictions; failure to make reports or maintain records—criminal penalties.* Any person, except a producer in his capacity as a producer, who knowingly violates or attempts to violate or who knowingly participates or who aids in the violation of any provision of these regulations governing the acquisition, disposition or handling of certificates or who knowingly fails to make any report or keep any record as required by these regulations shall be subject to the provisions of section 379i.(b) of the Agricultural Adjustment Act of 1938 which state that such person shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than five thousand dollars for each violation.

Section 777.9 is amended to include "pearled wheat" and wherever "cracked wheat (wheat grits), ground wheat, crushed wheat, rolled wheat, or flaked wheat (toasted or untoasted, other than breakfast cereal)" appears it shall read "cracked wheat (wheat grits), ground wheat, crushed wheat, rolled wheat, pearled wheat, or flaked wheat (toasted or untoasted, other than breakfast cereal)."

The first paragraph of § 777.11(b) is amended to read as follows:

(b) *Undertaking to secure purchase and payment.* Any food processor may market a food product or remove a food product for sale or consumption without first having acquired and surrendered certificates if he enters into the undertaking with CCC provided in this paragraph and complies with such undertaking. The undertaking shall be entered into by filing with the Kansas City ASCS Commodity Office a properly executed "Food Processor Certificate Undertaking," Form CCC–147. The undertaking shall apply to wheat processed into food products in each plant specified in Form CCC–147 beginning with the first day of the processing report period as determined under § 777.12 in which the undertaking was received by the Commodity Office, except that the undertaking shall apply to wheat processed beginning July 1, 1964, if the undertaking is received in the Commodity Office on or before August 25, 1964. If an undertaking has been filed, it shall remain in effect unless the food processor breaches the undertaking or notifies CCC that he wishes to withdraw the undertaking in which event it shall expire at such time as may be determined by CCC. By filing Form CCC–147 with the Commodity Office, the food processor agrees, in consideration of the right to market food products and to remove food products for sale or consumption without having first acquired and surrendered certificates as follows:

Section 777.12(b)(3) is amended to read as follows:

(3) Once a processing report period has been established, it shall not be changed for any marketing year except with the approval of the Administrator in writing for good cause shown.

Section 777.12(d) is amended by changing the second sentence to read as follows: "The basis of reporting used in a food processor's first report in a marketing year, i.e., Weight of Wheat or Conversion Factor Basis, shall be deemed to constitute his election to use such basis for the entire marketing year, and all subsequent reports for any marketing year shall be on such basis, unless the Administrator for good cause shown approves a change of the basis of reporting."

It is proposed that the provisions of § 777.4(b) (5), (6), and (7) adding exemptions to the regulations and the provisions amending the penalty provisions would be retroactive and made applicable to any wheat processed for the specified uses beginning July 1, 1964, as authorized by the Food and Agriculture Act of 1965.

Signed in Washington, D.C., on November 12, 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65–12416; Filed, Nov. 17, 1965; 8:50 a.m.]

[7 CFR Part 811]

[Sugar Reg. 811]

SUGAR REQUIREMENTS AND QUOTAS

Proposed Determination for Calendar Year 1966

Notice is hereby given that the Secretary of Agriculture pursuant to authority vested in him by the Sugar Act of 1948, as amended (61 Stat. 922), and as further amended and extended by the Act enacted on November 8, 1965, is considering the determination of the amount of sugar needed to meet the requirements of consumers in the continental United States in 1966, and the establishment of sugar quotas for the calendar year 1966. Such determination is to be made during the last 3 months of this year.

In accordance with the rule making requirements of the Administrative Procedure Act (60 Stat. 237) all persons who desire to submit written data, views, or arguments for consideration in connection with the proposed regulation shall file the same in duplicate with the Director, Sugar Policy Staff, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington 25, D.C., not later than 10 days after the date of publication of this notice in the FEDERAL REGISTER.

The proposed determination of 1966 sugar requirements for the continental United States and quotas for the calendar year 1966, are set forth essentially in form and language appropriate for issuance, if adopted by the Secretary as follows:

Basis and purpose and bases and considerations. The purpose of Sugar Regulations 811 is to determine pursuant to Sec. 201 of the Sugar Act of 1948, as amended (hereinafter called the "Act"), the amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1966, to establish sugar quotas for the supplying areas in terms of short tons of sugar, raw value, equal to the amount determined by the Secretary of Agriculture to be needed in 1966. Further, this regulation establishes quantities of certain quotas that may be filled by direct-consumption sugar and establishes a liquid sugar quota.

Sec. 201 of the Act directs the Secretary to determine for each calendar year the amount of sugar needed to meet the requirements of consumers in the continental United States and to revise such determination during the calendar year whenever he deems it necessary. The section sets forth criteria to guide the Secretary in his determination and states that such determination shall be made so as to protect the welfare of consumers and of those engaged in the domestic sugar industry by providing such supply of sugar as will be consumed at prices which will not be excessive to consumers and which will fairly and equitably maintain and protect the welfare of the domestic sugar industry.

During the 12-month period ended September 30, 1965, distribution of sugar for consumption in the continental United States totaled 9,980,000 short tons, raw value. While deliveries during the first 11 months of this period probably represented sugar consumption during that period, the high rate of deliveries in September (1,007,000 tons) resulted in some overall increase in users stocks during the 12-month period.

Based on this distribution, the quantity of sugar to be consumed in calendar year 1966 is expected to be about 10,100,000 short tons, raw value, when allowance is made for increased consumption due to the normal increase in population and for refining losses.

Refiners' inventories of quota sugar at the beginning of 1966 are expected to be below the level of a year earlier but about at the average of the last 10 years. It is not possible now to estimate the level of such inventories at the end of 1966.

The domestic price of raw sugar was quite stable during the first 10 months of 1965 and averaged 6.74 cents per pound within one percent of the price referred to in section 201 of the Act.

In recognition of possible inventory variations during 1966 of quota sugar in the hands of refiners and users and to encourage the maintenance of sugar prices in line with the objectives of the Act at a level which will protect the domestic sugar industry, quotas established by this regulation total 9.8 million tons or about 300,000 tons below anticipated consumption. During the course of the year, it will be necessary to increase the requirements determination for the purpose of raising the quota for Hawaii pursuant to section 202(a)(2)(B) of the Act. This cannot be done until final production from the 1965 Hawaiian crop becomes known.

In view of the wide differential between the price of domestic raw sugar and the world price of raw sugar, there would be a strong tendency for an excessive quantity of foreign sugar to be shipped to this country early in 1966. This would preclude meeting the price objectives of the Act. Accordingly, in order to achieve the objectives of the Act, it is necessary that provision be made for quantitative limitations on the total importation of raw sugar from foreign countries for the first quarter and the first half of the year.

The limitation for the first half of the year is established at 1,700,000 tons of which 700,000 tons may be imported during the first quarter. During the last 3 years, importations of foreign sugar during the first half of the year have averaged about 1,700,000 tons with about 650,000 tons being imported during the first quarter.

To give recognition to the seasonality of production and movement of sugar from the foreign countries, allocations during the first quarter and first half of 1966 will primarily be based on their average imports during those periods during 1963, 1964, and 1965.

Sec.
811.40 Sugar requirements, 1966.
811.41 Quotas for domestic areas.
811.42 [Reserved]
811.43 Quotas for foreign countries.
811.44 Applicability of quotas.
811.45 Restrictions on importations and marketings within quotas.

AUTHORITY: §§ 811.40 to 811.45 issued under sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 201, 202, 207, 208, 209, 210; 61 Stat. 923, as amended, 924, as amended, 925, as amended, 927, as amended, and 928, as amended; 7 U.S.C. 1111, 1112, 1117, 1118, and 1119.

§ 811.40 Sugar requirements, 1966.

The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1966 is hereby determined to be 9,800,000 short tons, raw value.

§ 811.41 Quotas for domestic areas.

(a) For the calendar year 1966 domestic area quotas limiting the quantities of sugar which may be brought into or marketed for consumption in the continental United States are established, pursuant to section 202(a) of the Act, in Column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established, pursuant to section 207 of the Act, in Column (2) as follows:

Area	Quotas (1)	Direct-consumption limits (2)
	(short tons, raw value)	
Domestic beet sugar	3,025,000	No limit
Mainland cane sugar	1,100,000	No limit
Hawaii	1,110,000	33,516
Puerto Rico	1,140,000	147,000
Virgin Islands	15,000	0

(b) Of the quantity established in paragraph (a) of this section for Puerto Rico which may be filled by direct-consumption sugar, 126,033 short tons, raw value, may be filled only by sugar principally of crystalline structure.

§ 811.42 [Reserved]

§ 811.43 Quotas for foreign countries.

(a) The quotas or prorations for foreign countries limiting the quantities of sugar which may be imported into the continental United States during the calendar year 1966 for consumption therein and the amounts of such quotas and prorations that may be filled by direct-consumption sugar are hereby established as set forth in the following paragraphs (b), (c), (d), and (e) of this section.

(b) For the calendar year 1966 the quota for the Republic of the Philippines is 1,060,860 short tons, raw value, and the quantity of such quota that may be filled by direct-consumption sugar is 59,920 short tons, raw value.

(c) For the calendar year 1966, the prorations or allocations to individual foreign countries other than the Republic of the Philippines pursuant to section 202(c) (3) and (4) and section 202(d) of the Act are as follows:

6-PROPOSED DETERMINATION, 1966

Country	Short tons, raw value
Mexico	362,350
Dominican Republic	354,381
Brazil	354,381
Peru	282,662
British West Indies	141,564
Ecuador	51,564
French West Indies	44,532
Argentina	43,594
Costa Rica	41,720
Nicaragua	41,720
Colombia	37,500
Guatemala	35,156
Panama	26,250
El Salvador	25,782
Haiti	19,688
Venezuela	17,812
British Honduras	10,312
Bolivia	4,218
Honduras	4,218
Australia	168,752
Republic of China	70,314
India	67,502
South Africa	49,688
Fiji Islands	37,032
Thailand	15,470
Mauritius	15,470
Malagasy Republic	7,969
Swaziland	6,094
Reserved	[1] 6,094
Ireland	5,351
Total	2,349,140

[1] These 6,094 tons which otherwise would be allocated to Southern Rhodesia have been reserved for disposition pursuant to section 202(d)(1)(B) of the Act upon a finding by the President that the United States will not import sugar from Southern Rhodesia, as announced by Ambassador Goldberg at the United Nations on November 12, 1965.

Provided, That prior to December 31, 1965, the countries have furnished to the Secretary of Agriculture, the assurances required by sections 202(c)(4) and 202(d)(6) of the Act.

(d)(1) Of the total quotas and prorations for foreign countries established in paragraphs (b) and (c) of this section,

only 1,700,000 short tons, raw value of raw sugar may be authorized for importation from all foreign countries in accordance with Part 817 of this chapter during the first six months of 1966, and of such 1,700,000 short tons, raw value, 700,000 short tons, raw value, may be authorized for importation during the first quarter of the year.

(2) The importation of raw sugar within the above specified quarterly limitations will be authorized on the basis of applications for "Set Aside of Quota" on Form SU-8B or "Sugar Quota Clearance" on Form SU-3 in accordance with the provisions of Part 817 of this chapter except as provided in subparagraph (3) of this paragraph for first quarter importations and in subparagraph (4) of this paragraph for second quarter importations. Applications to import raw sugar from the Republic of the Philippines must, before final approval within the quantity reserved for the Republic of the Philippines pursuant to subparagraphs (3) and (4) of this paragraph, be supplemented by certification from the Sugar Quota Administrator of the Government of the Philippines granting the applicant the permission to export sugar to the U.S. market.

(3) (i) Applications for the importation of sugar during the first quarter received on or before 10 days after the effective date of this order will be considered as having been received at the same time.

(ii) First priority shall be given to applications to import sugar from countries from which sugar was imported during the first quarter of 1963, 1964, and 1965 but not to exceed the average of the country's first quarter importations as set forth in subparagraph (5) of this paragraph;

(iii) Second priority shall be given to applications to import sugar from countries in order of size of quota, smallest first, but not to exceed 20 percent of the country's annual quota.

(iv) Any quantity not prorated under subdivisions (ii) and (iii) of this subparagraph shall be prorated among applications for priority under subdivision (ii) of this subparagraph that were not approved in the full amount applied for, and such proration shall be made on the basis of the amounts of such applications approved for priority.

(4) (i) Applications for the importation of sugar during the second quarter received on or before January 15, 1966, will be considered as having been received at the same time.

(ii) First priority shall be given to applications to import sugar from countries from which sugar was imported during the first half of 1963, 1964, and 1965, but not to permit importation of sugar during the first half to exceed the average of such country's importations as set forth in subparagraph (5) of this paragraph: *Provided*, That if the quantity of sugar which may be imported during the second quarter is less than the quantity needed to approve such applications, the quantity of sugar which may be imported during the second quarter shall be prorated so that the importations during the first half of the year will be in accordance with such importations from countries as set forth in subparagraph (5) of this paragraph.

(iii) Second priority shall be given to applications to import sugar from countries in the order of the size of quota, smallest first, but not to permit the importation of sugar during the first half of 1966 in excess of 50 percent of the country's annual quota.

(iv) Any quantity not prorated under subdivision (ii) and (iii) of this subparagraph shall be prorated among applications for priority under subdivision (ii) of this subparagraph that were not approved in the full amount applied for, and such proration shall be made on the basis of the amounts of such applications approved for priority.

(5) Average importations into the continental United States within quota, during the first quarter and first half of the years 1963, 1964, and 1965:

Country	First quarter	First half
	(Short tons, raw value)	
Philippines	179,256	484,864
Mexico	116,479	301,790
Dominican Republic	81,525	250,869
Brazil	73,276	101,073
Peru	61,068	104,190
British West Indies	14,643	69,728
Ecuador	8,023	9,935
French West Indies	5,667	38,780
Argentina	7,805	28,550
Costa Rica	3,455	23,315
Nicaragua	8,241	23,329
Colombia	0	11,377
Guatemala	13,029	34,648
Panama	4,328	9,917
El Salvador	3,965	12,437
Haiti	8,572	18,842
Venezuela	0	1,949
British Honduras	0	1,739
Bolivia	0	0
Honduras	0	0
Australia	12,994	12,994
Republic of China	6,939	60,211
India	7,833	55,008
South Africa	32,376	32,376
Fiji Islands	0	0
Thailand	0	0
Mauritius	0	0
Malagasy Republic	0	0
Swaziland	2,088	2,088
Southern Rhodesia	0	0
Total	651,562	1,689,979

(e) For the calendar year 1966, the quantity of each proration established in paragraph (c) of this section that may be filled by direct-consumption sugar pursuant to sections 207(e) of the Act is as follows:

Country	*Short tons, raw value*
Panama	3,817
Ireland	5,351

(f) For the calendar year 1966 the quota for liquid sugar for foreign countries as a group is 2,000,000 gallons of sirup of cane juice of the type of Barbados molasses, limited to liquid sugar containing soluble nonsugar solids (excluding any foreign substance that may have been added or developed in the product) of more than 5 percent of the total soluble solids, which is not to be used as a component of any direct-consumption sugar but is to be used as molasses without substantial modification of its characteristics after importation.

§ 811.44 Applicability of quotas.

(a) All sugar and liquid sugar marketed or imported into the continental United States is subject to the provisions of Part 816 or Part 817 of this chapter which prescribe the time, manner, and conditions under which quotas and prorations are filled by the marketing and importation of sugar or liquid sugar.

(b) The quantitative limitations established by §§ 811.41 and 811.43, inclusive, do not apply to sugar or liquid sugar marketed or imported pursuant to sections 211 and 212 of the Act in accordance with the provisions of Part 816 or Part 817 of this chapter.

§ 811.45 Restrictions on importations and marketings within quotas.

Subject to the provisions of Part 816 and Part 817 of this chapter all persons are prohibited from bringing or importing into or marketing in the continental United States any sugar or liquid sugar in excess of or after the applicable quota or quantity set forth in §§ 811.41 to 811.43, inclusive, has been filled or any sugar or liquid sugar as direct-consumption sugar after the direct-consumption portion of the applicable quota has been filled.

Issued at Washington, D.C., this 15th day of November 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-12414; Filed, Nov. 17, 1965; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 21]

[Docket No. 16295; FCC 65-1016]

DOMESTIC PUBLIC RADIO SERVICES

Notice of Proposed Rule Making

1. Notice of proposed rule making in the above entitled matter is hereby given.

2. Section 21.27(c) of the Commission's rules now provides that petitions to deny common carrier radio applications governed by Part 21 of the rules may be filed any time prior to the day of Commission grant or designation for hearing. This situation has caused some delays in the processing of such applications by requiring the staff to re-evaluate applications—on which processing has begun but which have not yet been acted on—after tardy or additional petitions to deny, and subsequent pleadings, are filed.

3. Section 309(b) of the Communications Act of 1934, as amended, precludes the Commission from granting all substantial common carrier radio applications sooner than 30 days following the issuance of public notice of the acceptance for filing of such applications or any major amendments thereto. Therefore, parties in interest must file petitions to deny within that 30-day period to be assured that their objections will be timely. Additionally, pursuant to the provisions of section 309(d) of the Act, the Commission may specify a fixed period for the filing of pregrant objections; and it appears that a 30-day period for the filing of petitions to deny is reasonably related to the time when applications in the Domestic Public Radio Services are normally reached for processing. In proposing such a limitation we look toward an improvement in the orderly processing of the subject applications.

4. By reason of the foregoing, it is proposed to amend § 21.27(c) of the Commission's rules to provide for a 30-day limitation on the time within which petitions to deny applications governed by Part 21 of our rules may be filed.

5. The proposed amendment of § 21.27 (c) of the rules, as set forth in the Appendix, is issued pursuant to the authority contained in sections 4(i), 303(r) and 309(d) of the Communications Act of 1934, as amended.

6. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before December 31, 1965, and reply comments on or before January 14, 1966. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

7. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs and other documents shall be furnished the Commission.

Adopted: November 10, 1965.

Released: November 15, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

Section 21.27(c) of the Commission's rules is amended to read as follows:

§ 21.27 Processing of applications.

* * * * *

(c) Any party in interest may file with the Commission a petition to deny any application (whether as originally filed or as amended) to which paragraph (a) of this section applies, no later than 30 days after issuance of a public notice of the acceptance for filing of any such application or major amendment thereto. The petitioner shall serve a copy of such petition on the applicant no later than the date of filing thereof with the Commission. The petition shall contain specific allegations of fact sufficient to show that the petitioner is a party in interest and that a grant of the application would be prima facie inconsistent with § 21.26 (a). Such allegations of fact shall, except for those of which official notice may be taken, be supported by affidavit of a person or persons with personal knowledge thereof. The applicant may file an opposition to any petition to deny, and the petitioner may file a reply to such opposition (see § 1.45 of this chapter) and allegations of fact or denials thereof shall similarly be supported by affidavit.

* * * * *

[F.R. Doc. 65-12404; Filed, Nov. 17, 1965; 8:49 a.m.]

[1] Commissioners Hyde and Lee absent.

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Antidumping—AA 643.3–b]

TITANIUM DIOXIDE FROM WEST GERMANY

Notice of Tentative Determination

NOVEMBER 10, 1965.

Information was received on November 17, 1964, that titanium dioxide, pigment grade, imported from West Germany, manufactured by Farbenfabriken Bayer A. G., Leverkusen, Germany, was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. The information was submitted by Cabot Corp., Boston, Mass.

There are under consideration two types of pigment grade titanium dioxide, anatase and rutile. Anatase titanium dioxide is a low-energy crystal form used in paper manufacture and in the production of paints where chalking tendencies are desired, while rutile, a higher-energy crystal form, is used in paints where higher opacity per unit of weight is desired.

On April 27, 1965, the Acting Commissioner of Customs issued a withholding of appraisement notice with respect to such merchandise which was published in the FEDERAL REGISTER dated May 1, 1965.

I hereby make a tentative determination that titanium dioxide, pigment grade, imported from West Germany, manufactured by Farbenfabriken Bayer A. G., Leverkusen, Germany, is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons on which this tentative determination is based. It was ascertained that sales to the United States customers were outright transactions between firms not related within the meaning of section 207 of the Antidumping Act. The quantity sold in the home market for home consumption was sufficient to form a basis for the fair value comparison. Accordingly, purchase price was compared with adjusted home market price for fair value purposes.

Purchase price was calculated on the basis of the price to the continental United States customer, delivered destination. Applicable charges for freight, insurance, and inland charges, which were included in the delivered price, were deducted therefrom. Refunded and uncollected taxes were added as required by the statute.

Home market price was calculated on the basis of the selling price, delivered, packed. Allowance was made for quantity discounts equivalent to those applicable to quantities sold for exportation to the United States cutsomers. Inland freight, inland insurance, expenses incurred by the manufacturer for technical assistance provided to customers in the home market and for advertising for the benefit of customers, were also deducted.

Purchase price was lower than adjusted home market price in all instances except as to the anatase type shipped to Puerto Rico pursuant to sales made to one United States customer.

Such written submissions as interested patries may care to make with respect to the contemplated action will be given appropriate consideration by the Secretary of the Treasury.

If any person believes that any information obtained by the Bureau of Customs in the course of this antidumping proceeding is inaccurate or that for any other reason the tentative determination is in error, he may request in writing that the Secretary of the Treasury afford him an opportunity to present his views in this regard.

Any such written submissions or requests should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C., 20226, in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This tentative determination and the statement of reasons therefor are published pursuant to § 14.8(a) of the Customs Regulations (19 CFR 14.8(a)).

[SEAL] TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 65–12402; Filed, Nov. 17, 1965; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CHIEF, BRANCH OF LANDS, ET AL.

Redelegation of Authority by Land Office Manager

1. Pursuant to section 2.1, Bureau Order No. 701 of July 23, 1964, as amended, the following authority is hereby delegated to the Branch and Section Chiefs of the Division of Lands and Minerals Program Management and Land Office, to become effective immediately upon publication in the FEDERAL REGISTER.

(a) Chief, Branch of Lands, and Chief, Lands Adjudication Section, authority to take action for the Manager in matters listed in section 2.5(b)(c) and 2.9, except 2.9(x), of Part II of Bureau Order No. 701 supra.

(b) Chief, Branch of Minerals, and Chief, Minerals Adjudication Section, authority to take action for the Manager in matters listed in section 2.2(b) only as to relinquished oil and gas leases pursuant to section 30(b) of the Act of March 25, 1920 (41 Stat. 437; 30 U.S.C. 178(b)), section 2.2(c) only to the extent set out in 43 CFR 1852.1–7(a), and sections 2.6 and 2.9(x) of Part II of Bureau Order No. 701 supra.

(c) Chief, Branch of Title and Records, authority to take action for the Manager in matters listed in section 2.2(c), 2.2(k), 2.3(c), and 2.4(a)(4).

2. The authority delegated in paragraph 1 above may not be redelegated.

3. This redelegation of authority supersedes the redelegations of September 4, 1965 (30 F.R. 11359).

R. E. MCCARTHY,
Acting Manager.

Approved: November 9, 1965.

NEAL D. NELSON,
State Director, California.

[F.R. Doc. 65–12370; Filed, Nov. 17, 1965; 8:46 a.m.]

OREGON

Notice of Filing of Plat of Survey

NOVEMBER 10, 1965.

1. Plat of survey of the lands described below will be officially filed in the Land Office, Portland, Oreg., effective at 10 a.m., December 15, 1965:

WILLAMETTE MERIDIAN, OREG.

T. 17 S., R. 3 E.,
A dependent resurvey of a portion of the line between secs. 4 and 5, Sec. 4, Lot 9.

The area described contains 5.47 acres, newly surveyed land of the United States, comprised of an island in the McKenzie River.

2. The following described land is open to application, location, selection, and petition as outlined in paragraph 4 below. No application for this land will be allowed under the homestead, desert land, small tract, or any other nonmineral public land law, unless the land has already been classified upon consideration of an application. Any application that is filed will be considered on its merits. The land will not be subject to occupancy or disposition until it has been classified:

WILLAMETTE MERIDIAN

T. 17 S., R. 3 E.,
Sec. 4, Lot 9.
Containing 5.47 acres.

3. The island described in paragraph 2 lies approximately 6 miles easterly of Vida, Oreg. The elevation of the island meandered is about 900 feet above sea level. It lies about 1.60 chains from the left bank of the McKenzie River, is approximately 19 chains long and 3 chains wide, and has an average height of about 4 feet above water. The island has a rock base which is covered with sand and loam, supporting a luxuriant growth of young timber and undergrowth.

4. Subject to any existing valid rights and the requirements of applicable law, the land described in paragraph 2 is hereby opened to filing applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Acting Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraph:

(1) Applications by persons having prior valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10 a.m., on December 15, 1965, will be considered as simultaneously filed at that hour. Rights under such applications and selections and offers filed after that hour will be governed by the time of filing.

b. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

5. Inquiries concerning this land should be addressed to the Acting Manager, Oregon Land Office, 710 NE. Holladay, Portland, Oreg., 97232.

D. B. LEIGHTNER,
Acting Manager, Land Office.

[F.R. Doc. 65–12371; Filed, Nov. 17, 1965; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

MOORE-McCORMACK LINES, INC.

Application for Modification of Itineraries of Certain Cruises

Notice is hereby given that Moore-McCormack Lines, Inc., pursuant to Public Law 87–45, has requested changes in the itineraries of certain cruises for the "SS Brasil" during 1966 which were published in the FEDERAL REGISTER issue of June 26, 1965 (30 F.R. 8238), and approved by the Maritime Subsidy Board on August 24, 1965.

The proposed amended itineraries for the "SS Brasil" are as follows:

Commences	Terminates	Amended Itinerary
June 2	June 14	New York, Bermuda, New York.
Sept. 8	Oct. 11	New York, Funchal, Casablanca, Valencia, Alghero, Naples, Genoa, Cannes, Barcelona, Palma, Malaga, Lisbon, Vigo, New York.
Oct. 12	Oct. 27	New York, Bermuda, San Juan, St. Thomas, Martinique, Trinidad, Barbados, and New York.

Any person, firm or corporation having any interest within the meaning of Public Law 87–45, in the foregoing who desires to offer data, views, or arguments should submit same in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington, D.C., 20235, by the close of business on November 30, 1965. In the event an opportunity to present oral argument is also desired, specific reason for such request should be included. The Maritime Subsidy Board will consider these comments and views and take such action with respect thereto as in its discretion it deems warranted.

Dated: November 12, 1965.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 65–12392; Filed, Nov. 17, 1965; 8:48 a.m.]

National Bureau of Standards

LOW FREQUENCY CALIBRATION SERVICES

Notice of Centralization

In the interest of economy and managerial efficiency, the low frequency calibration services previously available at both Washington and Boulder laboratories of the National Bureau of Standards are being centralized at the Bureau's laboratories in the Washington, D.C., area. Effective immediately plants shipping low frequency standards to the Bureau should make arrangements for scheduling of their calibration by letter to the Electricity Division, National Bureau of Standards, Washington, D.C., 20234. This Division will be moving from Washington to the new laboratories at Gaithersburg, Md., in early 1966. Such advance arrangements will minimize delays during the double move and assure that the material reaches the proper location. All items for frequencies in the 0–30 kHz range will be affected, except signal sources (§ 201.701), which will continue to be calibrated at Boulder, Colo. No other low frequency work (§§ 201.100 through 201.604) will be scheduled at Boulder, Colo., after November 18, 1965, and material received after that date will be returned, collect, to the sender. Standards received before that date, and which are covered by a valid Purchase Order, will be calibrated so far as possible, in accordance with previously maintained schedules.

All calibration services at frequencies greater than 30 kHz (i.e. high frequency and microwave calibration services) will continue to be available only at the Electronic Calibration Center, Radio Standards Laboratory, National Bureau of Standards, Boulder, Colo., 80301.

A. V. ASTIN,
Director.

[F.R. Doc. 65–12367; Filed, Nov. 17, 1965; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16665; Order E–22878]

PAN AMERICAN WORLD AIRWAYS, INC., ET AL.

Order of Investigation and Suspension Regarding Proposed Local and Joint Jet and Propeller Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of November 1965.

Local and joint jet and propeller fares proposed by Pan American World Airways, Inc., Delta Air Lines, Inc., and other domestic trunkline carriers; Docket 16665.

By tariff revisions[1] filed October 14, 1965, and marked to become effective November 15, 1965, Delta, Pan American, and all other domestic trunkline carriers propose several fare revisions and additions, involving one-way and round trip, local and joint fares between points in the United States and San Juan. These fares are for jet and propeller, first-class and economy service, over the routes of Pan American, Delta, and other domestic trunkline carriers.

In transmitting the tariff revisions to the Board, the tariff agent indicated that the joint fare revisions are being proposed for the purpose of (1) adding joint fares to meet competition, and (2) increasing and reducing local and joint fares to reflect changes in U.S. domestic fares or to meet competitive fares.

No complaints have been filed against the proposed tariff revisions.

The Board will permit the proposed joint fare decreases, new joint fares, and other fare adjustments to become effective since they do not appear unreasonable. However, the fare increases proposed by the carriers have not been supported by adequate economic justification. In view of the industry's present earning trend and the Board's action regarding other tariffs involving fare increases,[2] the proposals to increase local and joint fares do not appear to be appropriate at this time. Accordingly, the Board finds that the proposed fare increases appear unwarranted and should be suspended. Upon consideration of all relevant facts, the Board finds that the proposed increased fares set forth in the attachment may be unjust or unreason-

[1] International Air Traffic Tariffs Corp., Agent, Local and Joint Passenger Fares Tariff No. PNS–4, CAB No. 258.

[2] Order E–22483; Order E–22587.

able, unjustly discriminatory, unduly preferential, or unduly prejudicial, and should be investigated; and that the proposed joint fare decreases, the newly proposed joint fares, and the other proposed fare adjustments should be permitted to become effective.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a), 403, 404, and 1002 thereof: *It is ordered*, That:

1. An investigation is instituted to determine whether the fares and provisions described in Appendix A attached hereto,[3] and rules, regulations, or practices affecting such fares and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, and practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A hereto[3] are suspended and their use deferred to and including February 12, 1966, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This investigation be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. A copy of this order be filed with the tariff and shall be served upon Pan American World Airways, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc., which are made parties to the investigation.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 65-12400; Filed, Nov. 17, 1965; 8:49 a.m.]

[3] Appendix A filed as part of original document.

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLAN

Notice of Public Hearing Regarding Certain Wells

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on November 24, 1965, at 2 p.m. in Room 1306 of the State Office Building, Broad and Spring Garden Streets in Philadelphia. The hearing will be on a proposal to amend the Comprehensive Plan to include the following projects:

1. *Philadelphia Suburban Water Co. well.* A new well developed by the Company on the left bank of Trout Creek in Upper Merion Township, Montgomery County, Pa. The well is expected to yield about 2100 gpm that will be used to supplement existing water supplies in the Company's franchise territory.

2. *Delaware Valley College wells.* A new well, designated as well No. 4, developed by the College to serve existing college facilities and an expanding student population. The well is expected to yield about 118 gpm and is located on College grounds in Doylestown Township, Bucks County, Pa. It is also proposed to include in the Comprehensive Plan an existing well, designated as well No. 3, previously developed by the College on its property.

3. *Warminster Township Municipal Authority wells.* A new well developed by the Authority to meet expanding water supply requirements in Warminster Township, Bucks County. Designated as well No. 12, the project is expected to yield about 170 gpm. It is located at Parmentier Road along the Bucks-Montgomery County line, Pa. It is also proposed to amend the Comprehensive Plan so as to include existing wells Nos. 1, 2, 3, 4, 5, 6, 7, 9, and 10 previously developed by the Authority.

4. *Mount Penn Borough Municipal Authority wells.* A project to use water from an existing well, designated as well No. 4, formerly used by the Carsonia Swimming Pool. Water will augment the Authority's supplies used to meet public needs in the Borough of Mount Penn, adjacent to the City of Reading in Berks County, Pa. It is also proposed to amend the Comprehensive Plan so as to include existing wells Nos. 1, 2, and 3 previously developed by the Authority.

5. *Town of Newton sewage treatment.* A project to increase the capacity of an existing sewage treatment plant in the Town of Newton, Sussex County, N.J. Capacity of the plant will be increased to 1.0 mgd. Effluent will discharge to a tributary of the Paulins Kill after secondary treatment .

6. *Lopatcong Water Co. well.* A new well, designated as well No. 5, developed by the Company near its reservoir on Merrill Brook, Harmony Township, Warren County, N.J. The well is expected to yield about 180 gpm, to be used for supplementing surface sources in time of drought.

All persons or agencies wishing to testify on any of the above matters are requested to register with the Commission Secretary in advance of the hearing.

W. BRINTON WHITALL,
Secretary.

NOVEMBER 12, 1965.

[F.R. Doc. 65-12354; Filed, Nov. 17, 1965; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15830, 15832; FCC 65M-1500]

AMERICAN HOMES STATIONS, INC., AND ORLANDO RADIO & TELEVISION BROADCASTING CORP.

Order Continuing Hearing

In re applications of American Homes Stations, Inc., Orlando, Fla., Docket No. 15830, File No. BPH-4160; Orlando Radio & Television Broadcasting Corp., Orlando, Fla., Docket No. 15832, File No. BPH-4378; for construction permits.

The Hearing Examiner having under consideration a joint petition filed on November 10, 1965, by the above-styled applicants requesting that the further hearing in this proceeding be continued to December 27, 1965; and

It appearing, that there is pending before the Commission certain pleadings, the resolution of which may obviate the necessity for further protracted formal hearing; and

It further appearing, that counsel for the Broadcast Bureau, the only other party, consents to a grant of the instant petition:

It is therefore ordered, This 12th day of November 1965, that the joint petition be and the same is hereby granted and the hearing in this proceeding is continued from November 15 to December 27, 1965.

Released: November 15, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12405; Filed, Nov. 17, 1965; 8:49 a.m.]

[Docket No. 15806; FCC 65M-1492]

BOCA BROADCASTERS, INC.

Order Regarding Procedural Dates

In re application of Boca Broadcasters, Inc., Pompano Beach, Fla., Docket No. 15806, File No. BPH-4605; for a construction permit.

The Hearing Examiner having under consideration the "Petition for Extension of Time" filed on November 8, 1965, by Boca Broadcasters, Inc., in the above-entitled matter requesting that the presently scheduled dates for further procedural steps, and the hearing date of November 23, 1965, be continued for a period of approximately 1 month;

It appearing, that the Broadcast Bureau, the only other party presently in the hearing, has informally advised the Examiner that it has no objection to the requested extension and for immediate consideration thereof; and

It further appearing, that good cause has been shown for a grant of the above petition; and

It further appearing, that the requested hearing date of December 20, 1965, conflicts with the Examiner's hearing schedule and is unavailable for proceeding in this case:

It is ordered, This 10th day of November 1965, that the "Petition for Extension of Time" filed by Boca Broadcasters, Inc., on November 8, 1965, be, and the same is, hereby granted, in part, and that the following dates shall supersede the presently scheduled dates for further proceedings in the above-captioned case:

Exchange of direct exhibits presently scheduled for November 12, 1965, is hereby rescheduled for December 17, 1965;

Notification of witnesses presently scheduled for November 17, 1965, is hereby rescheduled for December 23, 1965;

Exchange of rebuttal exhibits presently scheduled for November 22, 1965, is hereby rescheduled for December 30, 1965; and

Hearing presently scheduled for November 23, 1965, is hereby rescheduled for January 4, 1966.

Released: November 12, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12406; Filed, Nov. 17, 1965; 8:49 a.m.]

[Docket Nos. 15861, 15862; FCC 65M-1494]

CHARLOTTESVILLE BROADCASTING CORP. (WINA), AND WBXM BROADCASTING CO., INC.

Order Regarding Procedural Dates

In re applications of Charlottesville Broadcasting Corp. (WINA), Charlottesville, Va., Docket No. 15861, File No. BP-15768; WBXM Broadcasting Co., Inc., Springfield, Va., Docket No. 15862, File No. BP-15808; for construction permits.

Pursuant to agreements reached on the record of a prehearing conference held this date in the above-entitled matter: *It is ordered*, This 10th day of November 1965, that:

1. Further exhibits of WINA and lay exhibits of WBXM shall be delivered November 24, 1965,

2. Engineering exhibits of WBXM shall be delivered December 22, 1965,

3. Hearing of WINA's case and WBXM's lay case will commence at 10 a.m., December 1, 1965, and

4. Hearing of WBXM's engineering case shall commence at 10 a.m., January 5, 1966 (both hearing sessions to be held in the Commission's offices in Washington, D.C.).

Released: November 12, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12407; Filed, Nov. 17, 1965; 8:50 a.m.]

[Docket No. 15986; FCC 65M-1491]

CONTINENTAL BROADCASTING OF CALIFORNIA, INC. (KDAY)

Order Regarding Further Postponement of Hearing

In re application of Continental Broadcasting of California, Inc. (KDAY), Santa Monica, Calif., Docket No. 15986, File No. BMP-11408; for modification of construction permit (File No. BP-15963).

The Hearing Examiner having under consideration the "Request for Further Postponement of Hearing" filed by Continental Broadcasting of California, Inc., on November 9, 1965, requesting a further postponement of commencement of the hearing from November 22, 1965, to January 22, 1966;

It appearing, that the local zoning proceedings involving approval for a different transmitter site from the one specified in the above-referenced application, which proceedings resulted in an earlier postponement of hearing from October 5 to November 22, 1965, are still pending, that in no event could procedural arrangements be made at this time for introduction of evidence on the last-mentioned date, and that counsel for applicant is committed to participate in a hearing commencing on November 30th before this Examiner and running during December;

It further appearing, that the decision of the zoning authorities could materially affect the future course of this proceeding, as explained in the Examiner's previous postponement order herein of September 30, 1965, and that the above-mentioned circumstances relied on by Continental establish "good cause" for granting the further postponement now sought; and

It further appearing, that the time factor involved has been found by the Examiner to require action on the subject request prior to the expiration of the time for filing responsive pleadings (§ 1.298(a) of the Commission's rules):

Accordingly, it is ordered, This 10th day of November 1965, that the "Request for Further Postponement of Hearing" filed on November 9, 1965, by Continental Broadcasting of California, Inc., is granted, and the date for commencement of hearing is further postponed from November 22, 1965, to January 24, 1966, at 10 a.m., in the offices of the Commission at Washington, D.C.

Released: November 12, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12408; Filed, Nov. 17, 1965; 8:50 a.m.]

[Docket No. 16250; FCC 65M-1496]

SERVICE ELECTRIC CABLE TV, INC.

Order After Prehearing Conference

In the matter of Cease and Desist Order to be directed to Service Electric Cable TV, Inc., 206-208 East Third Street, Bethlehem, Pa.; Docket No. 16250.

The Hearing Examiner having under consideration the request of both parties to the proceeding, during prehearing conference held today, that the hearing be postponed in order to enable them to ascertain by a joint investigation in the field whether the problems which caused this proceeding to be initiated can be solved or eliminated, or whether stipulations can be attained which would narrow the scope of the issues and shorten the hearing; and his own hearing schedule with which the December 6 hearing date presently conflicts:

It is ordered, This 12th day of November 1965, that the hearing in the above-entitled proceeding is hereby rescheduled and will be convened in Bethlehem, Pa., at 10 a.m., Monday, December 20, 1965;

It is ordered further, That the transcript of today's prehearing conference is hereby incorporated by reference with the same force and effect as if it were set forth herein verbatim.

Released: November 12, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12409; Filed, Nov. 17, 1965; 8:50 a.m.]

[Docket No. 16128; FCC 65M-1495]

ULTRONIC SYSTEMS CORP. AND WESTERN UNION TELEGRAPH CO.

Order Continuing Prehearing Conference

Ultronic Systems Corp., complainant, vs. The Western Union Telegraph Co., defendant; Docket No. 16128.

A Joint Motion for dismissal having been filed on November 9, 1965, by Ultronic Systems Corp. and the Western Union Telegraph Co.;

It appearing, that further proceedings herein are inappropriate pending Commission action on the said motion:

It is ordered, This 12th day of November 1965, that the prehearing conference now scheduled for November 30, 1965, is continued pending further order.

Released: November 12, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12412; Filed, Nov. 17, 1965; 8:50 a.m.]

[Docket No. 15835, etc.; FCC 65M-1466]

LEBANON VALLEY RADIO ET AL.

Order Continuing Hearing

In re applications of Joe Zimmermann, Arthur K. Greiner, Glenn W. Winter, William W. Rakow, Robert M. Lesher, doing business as Lebanon Valley Radio, Lebanon, Pa., Docket No. 15835, File No. BP-16098; John E. Hewitt, Thomas A.

Ehrgood, Clifford A. Minnich, and Fitzgerald C. Smith, doing business as Cedar Broadcasters, Lebanon, Pa., Docket No. 15836, File No. BP-16103; Catonsville Broadcasting Co., Catonsville, Md., Docket No. 15838, File No. BP-16105; Radio Catonsville, Inc., Catonsville, Md., Docket No. 15839, File No. BP-16106; Commercial Radio Institute, Inc., Catonsville, Md., Docket No. 15840, File No. BP-16107; for construction permits.

The hearing in this proceeding will not resume on Monday, November 8, 1965, as scheduled, but will get under way again instead on Monday, November 29, 1965.

So ordered, This 5th day of November 1965.

Released: November 5, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12413; Filed, Nov. 17, 1965; 8:50 a.m.]

[Docket No. 12782; FCC 65M-1498]

STUDY OF RADIO AND TELEVISION NETWORK BROADCASTING

Order Continuing Hearing

The Chief Hearing Examiner having under consideration an informal request in behalf of Taft B. Schreiber and MCA, Inc., for a brief continuance of the hearing sessions in the above-entitled proceeding, which, by order released November 1, 1965 (FCC 65M-1422; Mimeo. No. 75495), were scheduled to commence on December 16, 1965, in the offices of the Commission, Washington, D.C.;

It appearing, that counsel for the Commission has no objection to a grant of the instant request;

It appearing further, that while it is appropriate to authorize the continuance sought and to convene the hearing sessions on the new date specified below, the parties are admonished that any requests for changes in this date will not receive favorable consideration:

Accordingly, it is ordered, This 10th day of November 1965, that the request is granted; and that the hearing sessions heretofore scheduled for December 16, 1965, in the above-entitled proceeding are continued to January 11, 1966, and will be held in the offices of the Commission, Washington, D.C.

Released: November 15, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12411; Filed, Nov. 17, 1965; 8:50 a.m.]

[FCC 65-1009]

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

NOVEMBER 15, 1965.

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on December 21, 1965, the standard broadcast application listed will be considered as ready and available for processing.

BMP-9769 KQXI, Arvada, Colo.
Frances C. Gaguine and Bernice Schwartz, doing business as Denver Area Broadcasters.
Has: 1550 kc, 10 kw, Day.
Req.: 1550 kc, 10 kw, 50 kw-LS, DA-N, U.

Pursuant to §§ 1.227(b)(1) and 1.591 (b) of the Commission's rules, an application, in order to be considered with this application or with any other application on file by the close of business on December 20, 1965, which involves a conflict necessitating a hearing with this application, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on December 20, 1965; (b) the earlier effective cut-off date which this application or any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: November 10, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12410; Filed, Nov. 17, 1965; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

STONE FORWARDING CO., INC., ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following freight forwarder cooperative working agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement or request for a hearing should also be forwarded to each of the parties to the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

[1] Commissioners Hyde and Lee absent.

Unless otherwise indicated, these agreements are nonexclusive, cooperative working agreements under which the parties may perform freight forwarding services for each other. Forwarding and service fees are to be agreed upon for each transaction. Ocean freight compensation is to be divided as agreed between the parties.

Stone Forwarding Co., Inc., Galveston, Tex. (Branch), and Hilton & Son, Inc., New York, N.Y. — FF-2405
Nordstrom Freighting Corp., New York, N.Y., and Lyons Export & Import, Inc., Chicago, Ill. — FF-2432
Tomas Shipping Co., Inc., New York, N.Y., and A. F. Burstrom & Son, Inc., Detroit, Mich. — FF-2716
Bernadine Shipping Co., Inc., New York, N.Y., and F. J. Herbelin Forwarding Co., Inc., Houston, Tex. — FF-2717
Gulf Florida Terminal Co., Tampa, Fla., and The Interport Co., Chicago, Ill. — FF-2718
Acco Foreign Shipping, Inc., Miami, Fla., and General Shipping Co., Inc., Tampa, Fla. — FF-2719
Carmichael Forwarding Service, Los Angeles, Calif., and The Hipage Co., Inc., Norfolk, Va. — FF-2720
J. D. Smith Inter-Ocean, Inc., New York, N.Y., and Foreign Forwarding of Milwaukee, Milwaukee, Wis. — FF-2721
Samuel Shapiro & Co., Inc., Baltimore, Md., and Common Market Forwarders, Inc., New York, N.Y. — FF-2722
Pace Shipping Co., Inc., New York, N.Y., and Buckley & Co., Houston, Tex. — FF-2723
Gulf Florida Terminal Co., Tampa, Fla., and Alonso Shipping Co., New Orleans, La. — FF-2724
Milton Snedeker Corp., New York, N.Y., and Paul Sustek Co., Inc., Phila., Pa. — FF-2725
J. T. Steeb & Co., Inc., Portland, Oreg., and Luiga Serra, Inc., New York, N.Y. — FF-2726
Laufer Shipping Co., Inc., New York, N.Y., and Wall Shipping Co., Baltimore, Md. — FF-2727
Wilfred Schade & Co., Newport News, Va., and Wall Shipping Co., Inc., Baltimore, Md. — FF-2729
Davidson Forwarding Co., Inc., Washington, D.C., and Vanguard Shipping Co., Baltimore, Md. — FF-2730
John Hanrahan, Inc., New York, N.Y., and George W. Wise, Jr., Savannah, Ga. — FF-2732
American Union Transport Forwarding, Inc., New York, N.Y., and General Foreign Freight Forwarders, Norfolk, Va. — FF-2734
Mohegan International Corp., New York, N.Y., and W. N. Proctor Co., Boston, Mass. — FF-2735
E. J. Littman Co., Cleveland, Ohio, and Barr Shipping Co., Inc., New York, N.Y. — FF-2737

Agreement FF-2594 between Export Enterprises, Inc., Phila., Pa., and Rapid World Forwarders, Inc., New York, N.Y., is a cooperative working arrangement whereunder ocean freight compensation is to be retained by the originating forwarder. The basic fee for passing shipper's export declaration will be $1.50 each. Other forwarding and service fees are subject to negotiation and agreement on each transaction depending upon the services rendered or to be performed.

Agreement FF-2733 between Export Enterprises, Inc., Phila., Pa., and Howard Hartry, Inc., San Pedro, Calif., is a cooperative working arrangement whereunder ocean freight compensation is to be retained by the originating forwarder. The basic fee for passing shipper's export declaration will be $2.50 each. Other forwarding and service fees are subject to negotiation and agreement on each transaction depending upon the services rendered or to be performed.

Agreement FF-2731 between N. D. Cunningham & Co., Inc., Mobile, Ala., and Bernadine Shipping Co., Inc., New York, N.Y., is a cooperative working arrangement whereunder forwarding and service fees are subject to negotiation and agreement on each transaction depending upon the services to be performed. Ocean freight brokerage is to be divided between the parties 50/50. This division of brokerage will be restricted to those shipments handled on behalf of each other.

Agreement FF-2736 between Darrell J. Sekin & Co., Dallas, Tex., and Intra-Mar Shipping Corp., Miami Springs, Fla., is a cooperative working arrangement whereunder the fee for forwarders services rendered by either party shall be agreed upon by the parties upon the basis of the services performed on each shipment. Compensation received from ocean carriers shall be divided by the parties in the following manner: 50 percent to Darrell J. Sekin & Co. and 50 percent to Intra-Mar Shipping Corp.

Agreement FF-2738 between C. S. Greene & Co., Inc., Chicago, Ill., and World-Wide Services, Inc., New York, N.Y., is a cooperative working arrangement whereunder forwarding and service fees for passing shipper's export declarations only $3.50; for passing export declarations, ordering freight to the pier, issuing bills of lading $7.50; for passing export declarations, ordering freight to the pier, issuing bills of lading, and preparation consular invoice $11.50; handling complete documentation to be negotiated. Ocean freight compensation is to be retained by the originating forwarder.

Cancellation. Notice is hereby given that the following independent ocean freight forwarder cooperative working agreement approved by the Commission pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814) is scheduled for cancellation inasmuch as in accordance with the terms therein the parties to the agreements have requested in writing that the agreement be terminated.

Reney Forwarding Co., Inc., New York, N.Y., and The Cottman Co., Baltimore, Md. — FF-2165

Dated: November 12, 1965.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-12417; Filed, Nov. 17, 1965; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File 7-2482]

UNION OIL CO. OF CALIFORNIA

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 12, 1965.

In the matter of application of the Boston Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the convertible preferred stock of the following company, which security is listed and registered on one or more other national securities exchanges: Union Oil Co. of California, file 7-2482.

Upon receipt of a request, on or before November 29, 1965, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549, not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-12374; Filed, Nov. 17, 1965; 8:47 a.m.]

[Files 7-2480, 7-2481]

BRISTOL-MYERS CO. AND NUTONE, INC.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 12, 1965.

In the matter of applications of the Cincinnati Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchange: Bristol-Myers Co., File 7-2480; NuTone, Inc., File 7-2481.

Upon receipt of a request, on or before November 29, 1965, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-12375; Filed, Nov. 17, 1965; 8:47 a.m.]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

NOVEMBER 12, 1965.

The common stock, 10 cents par value, of Continental Vending Machine Corp., being listed and registered on the American Stock Exchange and having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange, and the 6 percent convertible subordinated debentures due September 1, 1976, being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange and otherwise than on a national securities ex-

change be summarily suspended, this order to be effective for the period November 13, 1965, through November 22, 1965, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-12376; Filed, Nov. 17, 1965; 8:47 a.m.]

[File No. 1-2742]

FRANCISCO SUGAR CO.

Notice of Application To Strike From Listing and Registration and of Opportunity for Hearing

NOVEMBER 10, 1965.

New York Stock Exchage has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following: The Company has failed to comply with its agreement with the Exchange, in that it has not published or submitted to its stockholders, not later than 3 months after the close of its fiscal year, a statement of its financial condition for the fiscal year ending October 31, 1960.

According to information filed by the Company with the Commission, the Cuban revolutionary government seized the assets in Cuba of the Company and its subsidiary companies on August 6, 1960. Since the seizure of the business, properties and records of the Company, financial reports have not been filed by the Company with the Commission or with the New York Stock Exchange.

Upon receipt of a request, on or before December 13, 1965, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-12377; Filed, Nov. 17, 1965; 8:47 a.m.]

[File No. 1-3015]

MANATI SUGAR CO.

Notice of Application To Strike From Listing and Registration and of Opportunity for Hearing

NOVEMBER 10, 1965.

New York Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following: The Company has failed to comply with its agreement with the Exchange, in that it has not published or submitted to its stockholders, not later than three months after the close of its fiscal year, a statement of its financial condition for the fiscal year ending October 31, 1960.

According to information filed by the Company with the Commission, the Cuban revolutionary government seized the assets in Cuba of the Company and its subsidiary companies on August 8, 1960. Since the seizure of the business, properties and records of the Company, financial reports have not been filed by the Company with the Commission or with the New York Stock Exchange.

Upon receipt of a request, on or before December 13, 1965, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-12378; Filed, Nov. 17, 1965; 8:47 a.m.]

[24 NY-6038]

MECHANICS FINANCE CO.

Notice and Order for Hearing

NOVEMBER 12, 1965.

I. On June 11, 1964, Mechanics Finance Co. (Mechanics) filed a notification pursuant to Regulation A relating to an offering of $240,000 principal amount of 7 percent debentures due July 10, 1989. The notification stated that the proposed offering was to be made only by officers and personnel of the issuer, as an incident to their regular employment, and for no special or additional compensation.

Mechanics is a New Jersey corporation, located at 586 Newark Avenue, Jersey City, N.J. According to the offering circular, it is engaged in the business of purchasing consumer or commercial paper at a discount.

II. The Commission, on October 21, 1965, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the issuer's exemption under Regulation A, and affording to any person having any interest in the matter an opportunity to request a hearing. A written request for a hearing has been received by the Commission.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension or enter an order of permanent suspension in this matter.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 11 a.m., on November 23, 1965, at the New York Regional Office of the Commission, 23d Floor, 225 Broadway, New York, N.Y., with respect to the matters set forth in section II of the Commission's order dated October 21, 1965, which temporarily suspended the Regulation A exemption of Mechanics Finance Co., without prejudice, however, to the specification of additional issues which may be presented in these proceedings.

III. *It is further ordered,* That Sidney L. Feiler or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the powers granted to the Commission under sections 19(b), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by certified mail on Mechanics Finance Co., that notice of the entering of this order shall be given to all other persons by a general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard, or otherwise wishes to participate in the hearing, shall file with the Secretary of the Commission on or before November 19, 1965, a written request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-12379; Filed, Nov. 17, 1965; 8:47 a.m.]

[File 7-2479]

HERTZ CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 12, 1965.

In the matter of application of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges: Hertz Corp., File 7-2479.

Upon receipt of a request, on or before November 29, 1965, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-12380; Filed, Nov. 17, 1965; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 7.3]

WAREHOUSE FOREMAN, PROCUREMENT AND SUPPLY BRANCH

Delegation of Purchasing Activities

I. Pursuant to the authority delegated to the Chief, Procurement and Supply Branch, by the Assistant Administrator for Administration, Delegation of Authority No. 7.1, 29 F.R. 482, as amended, 29 F.R. 12439, the following authority is hereby redelegated to the Warehouse Foreman, Procurement and Supply Branch:

A. To issue Government bills of lading.

II. The authority delegated herein may not be redelegated.

III. The authority delegated herein may be exercised by any SBA employee designated as Acting in that position.

Effective date. November 8, 1965.

DOROTHY D. HARRIS, *Chief, Procurement and Supply Branch.*

[F.R. Doc. 65-12381; Filed, Nov. 17, 1965; 8:47 a.m.]

[Delegation of Authority 30, Birmingham Ala. Region, Rev. 1, Amdt. 1]

BIRMINGHAM, ALA.

Delegation of Authority To Conduct Program Activities in Regional Office

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Southeastern Area), 30 F.R. 2884, as amended, 30 F.R. 8080, Delegation of Authority No. 30, Birmingham, Ala., 30 F.R. 5874, as amended, 30 F.R. 9846, is hereby further amended as follows:

1. Delete Item I.D. in its entirety and substitute the following:

I. • • •

D. *Chief Loan Processing Section.* 1. Item I.C.3.

2. To decline business and disaster loans of any amount.

3. Items I.C.6 through 10.

4. Item I.A. (Size Determinations for Financial Assistance only.)

5. Item I.B. (Eligibility Determinations for Financial Assistance only.)

2. Delete Item I.E. in its entirety and substitute the following:

I. • • •

E. *Chief, Loan Administration Section.* 1. To approve the amendments and modifications of loan conditions for loans that have been fully disbursed.

2. Item I.C.12—only the authority for servicing, administration and collection, including subitems a. and b.

3. Item I.A. (Size Determinations for Financial Assistance only.)

4. Item I.B. (Eligibility Determinations for Financial Assistance only.)

3. Add the following:

I. • • •

F. *Chief, Loan Liquidation Section.* Item I.C.12—only the authority for liquidation, including collateral purchased, and subitems a. and b.

Effective date: November 8, 1965.

KENNON H. TURNER, *Regional Director, Jacksonville, Fla.*

[F.R. Doc. 65-12383; Filed, Nov. 17, 1965; 8:48 a.m.]

[Delegation of Authority 30, Jacksonville, Fla., Region, Rev. 1, Amdt. 1]

JACKSONVILLE, FLA.

Delegation of Authority To Conduct Program Activities in Regional Office

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30, Southeastern Area, 30 F.R. 2884, as amended, 30 F.R. 8080, Delegation of Authority No. 30, Jacksonville, Fla., 30 F.R. 5875, as amended, 30 F.R. 13555, is hereby further amended as follows:

1. Delete Item I.D. in its entirety and substitute the following:

I. • • •

D. *Chief, Loan Processing Section.* 1. Item I.C.3.

2. To decline business and disaster loans of any amount.

3. Items I.C.6 through 10.

4. Item I.A. (Size Determinations for Financial Assistance only.)

5. Item I.B. (Eligibility Determinations for Financial Assistance only.)

2. Delete Item I.E. in its entirety and substitute the following:

I. • • •

E. *Chief, Loan Administration Section.* 1. To approve the amendments and modifications of loan conditions for loans that have been fully disbursed.

2. Item I.C.12—only the authority for servicing, administration and collection, including subitems a. and b.

3. Item I.A. (Size Determinations for Financial Assistance only.)

4. Item I.B. (Eligibility Determinations for Financial Assistance only.)

3. Add the following:

I. • • •

F. *Chief, Loan Liquidation Section.* Item I.C.12—only the authority for liquidation, including collateral purchased, and subitems a. and b.

Effective date: November 8, 1965.

PAUL R. BRUNSON, *Regional Director, Birmingham, Ala.*

[F.R. Doc. 65-12382; Filed, Nov. 17, 1965; 8:48 a.m.]

[Delegation of Authority 30, Louisville, Ky., Region, Rev. 1]

LOUISVILLE, KY.

Delegation of Authority To Conduct Program Activities in Regional Office

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30, Southeastern Area, 30 F.R. 2884, as amended, 30 F.R. 8080, Delegation of Authority No. 30, Louisville, 30 F.R. 5878, as revised, 30 F.R. 9847, is hereby further revised to read as follows:

I. The following authority is hereby redelegated to the specific positions below:

A. *Size determinations (delegated to the positions as indicated below).* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

B. *Eligibility determinations (delegated to the positions as indicated below).* To determine the eligibility of applicants for assistance under any program of the agency in accordance with Small Business Administration standards and policies.

C. *Chief, Financial Assistance Division (and Assistant Chief, if assigned).* 1. Item I.A. (Size Determinations for Financial Assistance only.)

2. Item I.B. (Eligibility Determinations for Financial Assistance only.)

3. To approve business and disaster loans not exceeding $350,000 (SBA share).

4. To decline business and disaster loans of any amount.

5. To disburse unsecured disaster loans.

6. To enter into business and disaster loan participation agreements with banks.

7. To execute loan authorizations for Washington and Area approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator.*
By ----------
(Name)
Title of person signing.

8. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

9. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

10. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

11. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding principal balance on construction loans and loans involving accounts receivable and inventory financing.

12. To take all necessary actions in connection with the administration, servicing, collection and liquidation of all loans and other obligations or assets, including collateral purchased; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

b. The execution and delivery of contracts of sale or lease or sublease, quitclaim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

D. *Chief, Loan Processing Section.* 1. Items I.C.3 through 7.

2. To cancel, reinstate, modify and amend authorizations for undisbursed and partially disbursed business or disaster loans.

3. Items I.C.9 and 10.

4. Item I.A. (Size Determinations for Financial Assistance only.)

5. Item I.B. (Eligibility Determinations for Financial Assistance only.)

E. *Chief, Loan Administration Section.* 1. To approve the amendments and modifications of loan conditions for loans that have been fully disbursed.

2. Item I.C.12—only the authority for servicing, administration and collection, including subitems a. and b.

3. Item I.A. (Size Determinations for Financial Assistance only.)

4. Item I.B. (Eligibility Determinations for Financial Assistance only.)

F. *Chief, Loan Liquidation Section.* Item I.C.12—only the authority for liquidation, including collateral purchased, and subitems a. and b.

G. *Reserved.*

H. *Chief, Procurement and Management Assistance.* 1. Item I.A. (Size Determinations on PMA Activities only.)

2. Item I.B. (Eligibility Determinations on PMA Activities only.)

I. *Regional Counsel.* To disburse approved loans.

J. *Administrative Assistant.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by United States Attorney in foreclosure cases.

2. To (a) purchase all office supplies and expendable equipment, including all desk top items, and rent regular office equipment; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of Disaster Loan Offices to (a) obligate Small Business Administration to reimburse General Services Administration for the rental of office space; (b) rent office equipment; and (c) procure (without dollar limitation) emergency supplies and materials.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

II. The authority delegated herein cannot be redelegated.

III. The authority delegated herein to a specific position may be exercised by any employee designated as Acting in that position.

IV. All previously delegated authority is hereby rescinded without prejudice to actions taken under such Delegations of Authority prior to the date hereof.

Effective date: November 15, 1965.

R. B. BLANKENSHIP,
Regional Director,
Louisville, Ky.

[F.R. Doc. 65-12384; Filed, Nov. 17, 1965; 8:48 a.m.]

[Delegation of Authority 30, Charlotte, N.C., Region, Rev. 1, Amdt. 1]

CHARLOTTE, N.C.

Delegation of Authority To Conduct Program Activities in Regional Office

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30, Southeastern Area, 30 F.R. 2884, as amended, 30 F.R. 8080, Delegation of Authority No. 30, Charlotte, N.C., 30 F.R. 5881, as amended, 30 F.R. 13554, is hereby further amended as follows:

1. Delete Item I.D. in its entirety and substitute the following:

I. • • •

D. *Chief, Loan Processing Section.* 1. Item I.C.3.

2. To decline business and disaster loans of any amount.

3. Items I.C. 6 through 10.

4. Item I.A. (Size Determinations for Financial Assistance only.)

5. Item I.B. (Eligibility Determinations for Financial Assistance only.)

2. Delete Item I.E. in its entirety and substitute the following:

I. • • •

E. *Chief, Loan Administration Section.* 1. To approve the amendments and modifications of loan conditions for loans that have been fully disbursed.

2. Item I.C.12—only the authority for servicing, administration and collection, including subitems a. and b.

3. Items I.A. (Size Determinations for Financial Assistance only.)

4. Items I.B. (Eligibility Determinations for Financial Assistance only.)

3. Add the following:

I. • • •

E. *Chief, Loan Liquidation Section.* Item I.C.12—only the authority for liquidation, including collateral purchased, and subitems a. and b.

Effective date: November 1, 1965.

FRED A. DOW,
Regional Director,
Charlotte, N.C.

[F.R. Doc. 65-12385; Filed, Nov. 17, 1965; 8:48 a.m.]

[Delegation of Authority 30, Columbia, S.C., Region, Rev. 1, Amdt. 1]

COLUMBIA, S.C.

Delegation of Authority To Conduct Program Activities in Regional Office

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30, Southeastern Area, 30 F.R. 2884, as amended, 30 F.R. 8080, Delegation of Authority No. 30, Columbia, S.C., 30 F.R. 5883, as amended, 30 F.R. 13553, is hereby further amended as follows:

1. Delete Item I.D. in its entirety and substitute the following:

I. • • •

D. *Chief, Loan Processing Section.* 1. Item I.C. 3.

2. To decline business and disaster loans of any amount.

3. Items I.C. 6 through 10.

4. Item I.A. (Size Determinations for Financial Assistance only.)

5. Item I.B. (Eligibility Determinations for Financial Assistance only.)

2. Delete Item I.E. in its entirety and substitute the following:

I. • • •

E. *Chief, Loan Administration Section.* 1. To approve the amendments and modifications of loan conditions for loans that have been fully disbursed.

2. Item I.C. 12—only the authority for servicing, administration and collection, including subitems a. and b.

3. Item I.A. (Size Determinations for Financial Assistance only.)

4. Item I.B. (Eligibility Determinations for Financial Assistance only.)

3. Add the following:

I. • • •

F. *Chief, Loan Liquidataion Section.* Item I.C. 12—only the authority for liquidation, including collateral purchased, and subitems a. and b.

Effective date: November 8, 1965.

H. M. MCKENZIE,
Regional Director,
Columbia, S.C.

[F.R. Doc. 65-12386; Filed, Nov. 17, 1965; 8:48 a.m.]

[Delegation of Authority 30, Nashville, Tenn., Region, Rev. 1, Amdt. 1]

NASHVILLE, TENN.

Delegation of Authority To Conduct Program Activities in Regional Office

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30, Southeastern Area, 30 F.R. 2884, as amended, 30 F.R. 8080, Delegation of Authority No. 30, Nashville, Tenn., 30 F.R. 5883, as amended, 30 F.R. 13556, is hereby further amended as follows:

1. Delete Item I.D. in its entirety and substitute the following:

I. • • •

D. *Chief, Loan Processing Section.* 1. I.C. 3.

2. To decline business and disaster loans of any amount.

3. Items I.C. 6 through 10.

4. Item I.A. (Size Determinations for Financial Assistance only.)

5. Item I.B. (Eligibility Determinations for Financial Assistance only.)

2. Delete Item I.E. in its entirety and substitute the following:

I. • • •

E. *Chief, Loan Administration Section.* 1. To approve the amendments and modifications of loan conditions for loans that have been fully disbursed.

2. Item I.C. 12—only the authority for servicing, administration and collection, including subitems a. and b.

3. Item I.A. (Size Determinations for Financial Assistance only.)

4. Item I.B. (Eligibility Determinations for Financial Assistance only.)

3. Add the following:

I. • • •

F. *Chief, Loan Liquidation Section.* Item I.C. 12—only the authority for liquidation, including collateral purchased, and subitems a. and b.

Effective date: November 9, 1965.

SAMUEL E. JENNINGS,
Regional Director,
Nashville, Tenn.

[F.R. Doc. 65-12387; Filed, Nov. 17, 1965; 8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order 579 (28 F.R. 11524) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods, for certificates issued under general learner regulations (29 CFR 522.1 to 522.9), and the principal product manufactured by the employer are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

The Arrow Co., a division of Cluett, Peabody & Co., Inc., Carbon Hill, Ala.; effective 10–15–65 to 10–14–66 (boys' shirts).

Big Yank Corp., Tyrone, Pa.; effective 10–18–65 to 10–17–66 (men's and boys' cotton pants).

Blue Bell, Inc., Belmont, Miss.; effective and sport trousers). 10–13–65 to 10–12–66 (men's and boys' work

Blue Bell, Inc., Fulton, Miss.; effective 10–14–65 to 10–13–66 (men's and boys' work and sport trousers).

Blue Bell, Inc., Tupelo, Miss.; effective 11–8–65 to 11–7–66 (men's and boys' shirts).

Blue Ridge Shirt Manufacturing Co., Box 447 Fayetteville, Tenn.; effective 10–31–65 to 10–30–66 (men's and boys' sport shirts).

Buffalo Garment Co., Buffalo, Minn.; effective 10–20–65 to 10–19–66 (children's outer garments).

Carbondale Children's Dress Co., 30 Seventh Avenue, Carbondale, Pa.; effective 11–1–65 to 10–31–66 (children's and girls' dresses and playsuits).

Carthage Corp., Carthage, Miss.; effective 11–1–65 to 10–31–66 (men's and boys' pants).

Dan-Dee Apparel Corp., Main and Locust Streets, Gallitzin, Pa.; effective 10–25–65 to 10–24–66 (children's blouses, skirts and jumpers).

Ely Manufacturing Co., 204 South Main Street, Shelbyville, Tenn.; effective 10–27–65 to 10–26–66 (work pants, overalls, dungarees, outerwear jackets).

Eureka Pants Manufacturing Co., Madison Street, Shelbyville, Tenn.; effective 10–27–65 to 10–26–66 (work pants and work shirts).

Freeland Shirt Co., 1015 Dewey Street, Freeland, Pa.; effective 11–4–65 to 11–3–66 (men's outerwear jackets and vests, children's outerwear jackets).

Gibson Garment Co., Inc., Gibson, Ga.; effective 10–31–65 to 10–30–66 (men's and boys' trousers).

Harrisburg Childrens' Dress Co., 1380 Howard Street, Harrisburg, Pa.; effective 10–26–65 to 10–25–66 (children's and girls' dresses and playsuits).

Heavy Duty Manufacturing Co., Gainesboro, Tenn.; effective 10–28–65 to 10–27–66 (men's and boys' sport shirts and pajamas).

Joyner-Fields, Inc., Sherman, Miss.; effective 10–15–65 to 10–14–66 (men's sport shirts).

Kayler Manufacturing Inc., 822 Anderson Street, New Kinsington, Pa.; effective 10–23–65 to 10–22–66. Learners may not be employed at special minimum wage rates in the production of skirts (misses' and women's blouses).

Kenrose Manufacturing Co., Inc., 1005 Industry Circle SE.; Roanoke, Va.; effective 10–19–65 to 10–18–66. Learners may not be employed at special minimum wage rates in the production of women's suits or skirts (women's dresses).

Key Work Clothes, Inc., Fort Scott, Kans.; effective 10–31–65 to 10–30–66 (men's and boys' work jackets and coveralls).

McPenn Manufacturing Co., Washington & Walnut Streets, Nanticoke, Pa.; effective 10–25–65 to 10–24–66 (men's and boys' sport shirts).

Charles Meyers & Co., 1st and Harrison Streets, Belleville, Ill.; effective 11–1–65 to 10–31–66 (men's trousers).

Penn Childrens Dress Co., 831 Lackawanna Avenue, Mayfield, Pa.; effective 10–26–65 to 10–25–66 (children's and girls' dresses and playsuits).

Levi Strauss & Co., Blue Ridge, Ga.; effective 10–20–65 to 10–19–66 (men's and boys' jeans).

Nino Sportswear, Inc., 221 Lackawanna Avenue, Scranton, Pa.; effective 10–11–65 to 10–10–66 (boys' trousers).

Standard Romper Co., Inc., Verney Building, Brunswick, Maine; effective 10–11–65 to 10–10–66 (children's pants).

Sustan Garments, Inc., Winnsboro, La.; effective 11–1–65 to 10–31–66 (men's and boys' trousers).

Triple A Trouser Manufacturing Co., Inc., Penn Avenue at Larch Street, Scranton, Pa.; effective 11–1–65 to 10–31–66 (boys' trousers).

Washington Garment Co., Inc., 900 East Fifth Street, Washington, N.C.; effective 10–24–65 to 10–23–66 (children's dresses).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Athens Garment Co., 206 North Marion Street, Athens, Ala.; effective 10–24–65 to 10–23–66; 10 learners (men's work shirts).

Boonville Manufacturing Corp., 302–316 North Second Street, Boonville, Ind.; effective 11–1–65 to 10–31–66; 10 learners in the

manufacture of men's woven pajamas (men's woven pajamas).

Dunmore Sewing Co., 105 Corner Street, Dunmore, Pa.; effective 10–29–65 to 10–28–66; 5 learners (children's dresses).

Eileen Hope, Inc., 14 Newport Road, Duncannon, Pa.; effective 10–13–65 to 10–12–66; 10 learners (women's dresses).

Lacy Manufacturing Co., Inc., Martinsville, Va.; effective 10–16–65 to 10–15–66; 5 learners in the manufacture of outerwear jackets (men's and boys' sport jackets).

Murcel Manufacturing Corp., Glennville, Ga.; effective 10–12–65 to 10–11–66; 10 learners (nurses' uniforms).

Southern Garment Co., Robbins, N.C.; effective 10–4–65 to 10–3–66; 10 learners (women's cotton wash dresses).

W. E. Stephens Manufacturing Co., Inc., Carthage, Tenn.; effective 10–19–65 to 10–18–66; 10 learners (men's and boys' dungarees, ladies' and girls' jeans).

Levi Strauss & Co., 808 West 29th Street, San Angelo, Tex.; effective 10–12–65 to 10–11–66; 10 learners (boys' casual slacks).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Blue Bell, Inc., Homer, Ga.; effective 10–14–65 to 4–13–66; 10 learners (denim dungarees).

Cowden-Morehead Co., 800 West Main Street, Morehead, Ky.; effective 10–22–65 to 4–21–66; 50 learners (men's and boys' dungarees).

Irwin Manufacturing Co., Inc., Ocilla, Ga.; effective 10–15–65 to 4–14–66; 15 learners (ladies' and children's pajamas and gowns).

Sevier Industries, Sevierville, Tenn.; effective 10–21–65 to 4–20–66; 40 learners (men's and boys' work pants).

Southern Garment Co., Robbins, N.C.; effective 10–13–65 to 4–12–66; 10 learners (women's dresses).

Levi Strauss & Co., 4807 South Washington, Amarillo, Tex.; effective 10–12–65 to 4–11–66; 100 learners (men's and boys' jeans).

Levi Strauss & Co., 808 West 29th Street, San Angelo, Tex.; effective 10–12–65 to 4–11–66; 60 learners (boys' casual slacks).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.80 to 522.85, as amended).

Granet Glove Corp., Box 188, South Royalton, Vt.; effective 10–15–65 to 10–14–66; 5 learners for normal labor turnover purposes (work gloves).

William E. Seal & Co., East North Street, Millersburg, Pa.; effective 10–15–65 to 10–14–66; 5 learners for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

V. I. Prewett & Son, Inc., 2808 North Gault Avenue, Fort Payne, Ala.; effective 10–14–65 to 10–13–66; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Karen Dale Knitting Mills, Spruce Pine, N.C.; effective 10–20–65 to 10–19–66; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Roane Hosiery, Inc., Harriman, Tenn.; effective 11–5–65 to 11–4–66; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Wayne Knitting Mills, Humboldt, Tenn.; effective 10–24–65 to 10–23–66; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned, seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Boonville Manufacturing Corp., 302–316 North Second Street, Boonville, Ind.; effective labor turnover purposes in the manufacture 11–1–65 to 10–31–66; 5 learners for normal labor turnover purposes in the manufacture of men's woven underwear (men's woven underwear).

Casa Grande Mills, a division of the Parsons & Baker Co., North Pinal Avenue; Casa Grande, Ariz.; effective 10–18–65 to 4–17–66; 10 learners for plant expansion purposes (infants' knit underwear and men's and boys' briefs).

Honaker Mills Corp., Honaker, Va.; effective 11–15–65 to 1–26–66; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's and misses' sleepwear) (replacement certificate).

Lacy Manufacturing Co., Inc., Martinsville, Va.; effective 10–16–65 to 4–15–66; 10 learners for plant expansion purposes in the production of swim trunks (men's and boys' swim trunks).

Lacy Manufacturing Co., Inc., Martinsville, Va.; effective 10–16–65 to 10–15–66; 10 learners for normal labor turnover purposes in the production of swim trunks (men's and boys' swim trunks).

Mullins Textile Mills, Inc., 301 Cyprus Street, Mullins, S.C.; effective 10–18–65 to 4–17–66; 40 learners for plant expansion purposes (men's and boys' knitted underwear).

Sylvester Textile Corp., Sylvester, Ga.; effective 10–22–65 to 10–21–66; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' and children's underwear).

Union Underwear Co., Greensburg Road, Campbellsville, Ky.; effective 10–31–65 to 10–30–66; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' underwear).

Union Underwear Co., Greensburg Road, Campbellsville, Ky.; effective 10–31–65 to 4–16–66; 312 learners for plant expansion purposes (men's and boys' underwear).

Regulations applicable to the employment of learners (29 CFR 522.1 to 522.9, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number of learners authorized to be employed are indicated.

Andrea Shoe Corp., Apartado 407, Villalba, P.R.; effective 10–11–65 to 4–10–66; 28 learners for normal labor turnover purposes in the occupation of vulcanizing, cementing, each for a learning period of 480 hours at the rates of 76 cents an hour for the first 240 hours and 91 cents an hour for the remaining 240 hours (shoes).

Glamourette Fashion Mills, Inc., Apartado 737, Quebradillas, P.R.; effective 10–8–65 to 10–7–66; 20 learners for normal labor turnover purposes in the occupations of: (1) Knitting, for a learning period of 480 hours at the rates of 88 cents an hour for the first 240 hours and $1.03 an hour for the remaining 240 hours; (2) machine stitching, pressing, hand sewing, finishing operations involving hand sewing, each for a learning period of 320 hours at the rates of 88 cents an hour for the first 160 hours and $1.03 an hour for the remaining 160 hours; and (3) winding, for a learning period of 240 hours at the rate of 88 cents an hour.

Mesana Dyeing and Finishing, Inc., Apartado 737, Quebradillas, P.R.; effective 10–26–65 to 10–25–66; 5 learners for normal labor turnover purposes in the occupations of: (1) Pressing, mending, each for a learning period of 320 hours at the rates of 88 cents an hour for the first 160 hours and $1.03 an hour for the remaining 160 hours; (2) dyeing machine operating, drying machine operating, each for a learning period of 240 hours at the rate of 88 cents an hour (dyeing and finishing of sweaters).

Plata Gloves, Inc., Apartado 1087, Cayey, P.R.; effective 10–21–65 to 10–20–66; 12 learners for normal labor turnover purposes in the occupations of: (1) Sewing machine operating, for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 92 cents an hour for the remaining 240 hours; and (2) die and clicker machine operating, for a learning period of 160 hours at the rate of 80 cents an hour (fabric and leather gloves).

Surgical Appliance Manufacturing, Inc., Road No. 1, Km. 34.2, Caguas, P.R.; effective 8–16–65 to 2–15–66; 11 learners for plant expansion purposes in the occupations of: (1) sewing machine operating, for a learning period of 320 hours at the rate of 85 cents an hour; and (2) clicker machine operating, electric scissors operating, each for a learning period of 160 hours at the rate of 85 cents an hour (cervical collars).

Terminal Products, Inc., Carretera Estatal No. 2, Km. 193.4, Apartado 262, Hormigueros, P.R.; effective 10–4–65 to 10–3–66; 5 learners for normal labor turnover purposes in the occupation of assembling, welding; assembling, fusing; quality control inspecting, clean-up operating, pickle operating, plating operating, final inspecting; each for a learning period of 480 hours at the rates of $1.10 an hour for the first 240 hours and $1.20 an hour for the remaining 240 hours (hermetic insulator terminals).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C. this 5th day of November 1965.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 65–12372; Filed, Nov. 17, 1965; 8:47 a.m.]

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 579 (28 F.R. 11524), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates are as indicated below. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the statutory minimum of $1.25 an hour.

The following certificates were issued pursuant to paragraphs (c) and (g) of § 519.6 of 29 CFR Part 519, providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is less, in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base period.

Bond Stores, Inc., apparel store; 729 Broad Street, Newark, N.J.; 11–2–65 to 11–1–66.

Bright Stores, Inc., department stores: 28 West Ridge Street, Lansford, Pa. (10–18–65 to 10–17–66); 109–113 South First Street, Lehighton, Pa. (10–18–65 to 10–17–66).

Bronson's, apparel store; 122 Normandale Arcade, Montgomery, Ala.; 10–13–65 to 10–12–66.

Eagle Super Market, Inc., food store; Graysville, Ala.; 10–22–65 to 10–21–66.

Ellsworth Country Farmers Co-op Union, food store; Ellsworth, Kans.; 11–1–65 to 10–31–66.

Goldblatt Brothers, department store; 3311 West 26th Street, Chicago, Ill.; 10–28–65 to 10–27–66.

W. T. Grant Co., variety stores: 22 Loockerman Street, Dover, Del. (10–28–65 to 4–28–66); No. 413, Toms River, N.J. (10–11–65 to 10–10–66); No. 610, Freeland, Pa. (11–1–65 to 10–31–66); No. 157, Uniontown, Pa. (10–18–65 to 10–17–66); 22 West Washington Street, Petersburg, Va. (10–16–65 to 9–30–66); 1070 Frederick Boulevard, Portsmouth, Va. (10–20–65 to 9–30–66).

Graves & Thompson, drug stores: No. 11, Arkansas City, Kans. (9–10–65 to 9–3–66); No. 1, El Dorado, Kans. (9–10–65 to 9–2–66); No. 10, Winfield, Kans. (9–10–65 to 9–2–66).

Harvey's Dime Store of Michigan City, Inc., variety store; 2309 East Michigan Street, Michigan City, Ind.; 10–22–65 to 10–21–66.

S. H. Heironimus of Roanoke, department store; Jefferson Street at Church Avenue, Roanoke, Va.; 11–1–65 to 12–31–65.

Thomas Kilpatrick & Co., department stores: 15th and Douglas Street, Omaha, Nebr. (9–3–65 to 9–2–66); 42d and Center Street, Omaha, Nebr. (9–3–65 to 9–2–66).

S. S. Kresge Co., variety stores: No. 693, Thompsonville, Conn. (10–4–65 to 9–2–66); No. 69, Washington, D.C. (10–11–65 to 10–10–66); No. 717, Atlanta, Ga. (10–8–65 to 10–7–66); No. 4600, Chicago, Ill. (10–7–65 to 6–2–66); No. 301, Chicago Heights, Ill. (10–11–65 to 10–10–66); No. 559, Iowa City, Iowa (9–7–65 to 9–2–66); No. 696, Farmington, Mich. (10–28–65 to 10–27–66).

Albert J. Mansmann Co., department store; 5911–19 Penn Avenue, Pittsburgh, Pa.; 10–20–65 to 10–19–66.

McCrory-McLellan-Green Stores, variety stores: No. 638, South Norwalk, Conn. (10–6–65 to 10–5–66); No. 1310, Doraville, Ga. (10–6–65 to 10–5–66); No. 410, Wilson, N.C. (10–7–65 to 9–2–66); No. 177, Waco, Tex. (10–11–65 to 10–10–66).

Morgan & Lindsey, Inc., variety store; No. 3060, Westwego, La.; 11–1–65 to 10–31–66.

J. J. Newberry Co., variety stores: 330 North San Fernando Road, Burbank, Calif. (9–28–65 to 9–27–66); No. 715, Norfolk, Nebr. (9–27–65 to 9–2–66); No. 732, Sidney, Nebr. (9–27–65 to 9–2–66); 135 Main Street, Berlin, N.H. (9–27–65 to 9–2–66); 122–24 South Main, Aberdeen, S. Dak. (9–27–65 to 9–2–66); No. 257, Sioux Falls, S. Dak. (11–1–65 to 10–31–66).

The Purcell Co., Inc., department store; 322 West Main Street, Lexington, Ky.; 10–1–65 to 5–31–66.

Robertson's, department store; 209 South Michigan Street, South Bend, Ind.; 11–3–65 to 11–2–66.

T. G. & Y. Stores Co., variety stores: No. 155, Kansas City, Kans. (9–3–65 to 9–2–66); No. 117, Wichita, Kans. (9–8–65 to 9–2–66); No. 221, Lake Charles, La. (11–1–65 to 10–31–66); No. 158, Independence, Mo. (9–3–65 to 9–2–66); No. 163, Jefferson City, Mo. (9–21–65 to 9–2–66); No. 1, Tulsa, Okla. (10–11–65 to 10–10–66).

Webber Co., Inc., department store: Corner Perry and Monroe Street, Montgomery, Ala.; 10–21–65 to 10–20–66.

Younker Brothers, Inc., department stores: 323 Main Street, Ames, Iowa (9–3–65 to 9–2–66); Seventh and Walnut Street, Des Moines, Iowa (9–3–65 to 9–2–66); Merle Hay Plaza, Des Moines, Iowa (9–3–65 to 9–2–66); Ninth and Central, Fort Dodge, Iowa (9–3–65 to 9–2–66); 111 East Washington, Iowa City (9–3–65 to 9–2–66); 22–24 Main Street, East, Marshalltown, Iowa (9–3–65 to 9–2–66); 101 South Federal, Mason City, Iowa (9–3–65 to 9–2–66); 118 High Street, West, Oskaloosa, Iowa (9–3–65 to 9–2–66); 129 East Main Street, Ottumwa, Iowa (9–3–65 to 9–2–66); Fourth and Nebraska and Fourth and Pierce, Sioux City, Iowa (9–3–65 to 9–2–66).

The following certificates were issued to establishments coming into existence after May 1, 1960, under paragraphs (c), (d), (g), and (h) of § 519.6 of 29 CFR Part 519. The certificates permit the employment of full-time students at rates of not less than 85 percent of the minimum applicable under section 6 of the act in the classes of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

C. & L Foods, Inc., food store; 513 Cleveland Road, West, Huron, Ohio; carry-out boys, checkers and stock clerks; 10 percent for each month; 11–1–65 to 4–30–66.

Chi's Foodway Markets, food store; 2923 Manatee Avenue, West, Bradenton, Fla.; bagger and carry-out boys; 10 percent for each month; 10–25–65 to 10–24–66.

Crest Stores, Inc., variety stores for the occupations of sales clerks and stock clerks: South Forest Shopping Center, Asheville, N.C. (between 4.2 percent and 10 percent, 10–11–65 to 10–10–66); 519 12th Street, West Columbia, S.C. (between 4.2 percent and 10 percent, 10–11–65 to 10–10–66).

W. T. Grant Co., variety stores for the occupations of sales clerks, stock clerks, office clerks and cashiers: 1980 North Jefferson Street, Huntington, Ind. (between 0.0 percent and 10 percent, 10–19–65 to 10–18–66); 129 Main Street, Hackensack, N.J. (between 6.2 percent and 10 percent, 10–7–65 to 10–6–66); No. 902, Barre, Vt. (between 3.5 percent and 10 percent, 9–27–65 to 9–2–66); 8051 West Broad Street, Richmond, Va. (between 1.7 percent and 8.2 percent, 10–9–65 to 9–30–66).

S. H. Heironimus Co., Inc., apparel store; Towers Shopping Center, Roanoke, Va.; sales clerks, stock clerks and gift wrappers; between 2.3 percent and 5.8 percent 11–1–65 to 12–31–65.

Jenny Lee Bakery, food store; Fort Couch and Washington Road, Pittsburgh, Pa.; sales clerks; 10 percent for each month; 10–14–65 to 10–13–66.

S. S. Kresge Co., variety stores for the occupation of sales clerk, except as otherwise indicated: No. 4071, Marietta, Ga. (sales clerks and checker, 10 percent for each month, 10–11–65 to 10–10–66); 7830 South Halsted Street, Chicago, Ill. (sales clerks and stock clerks, 10 percent for each month, 11–2–65 to 11–1–66); No. 4097, Elgin, Ill. (between 5.4 percent and 10 percent, 11–1–65 to 10–31–66); No. 4095, Joliet, Ill. (10 percent for each month, 10–13–65 to 10–12–66); No. 4048, Springfield, Ill. (between 5.4 percent and 10 percent, 10–21–65 to 10–20–66); No. 4010, Pittsburgh, Pa. (between 6.5 percent and 10 percent, 10–6–65 to 10–5–66); No. 4104, Roanoke, Va. (10 percent for each month, 11–1–65 to 10–31–66); No. 547, Springfield, Va. (10 percent for each month, 10–4–65 to 9–30–66).

McCrory-McLellan-Green Stores, variety stores for the occupations of sales clerks, stock clerks, office clerks, porters and busboys, except as otherwise indicated: No. 388, Live Oak, Fla. (between 6.7 percent and 10 percent, 10–21–65 to 10–20–66); No. 382, Fall River, Mass. (sales clerks, office clerks and stock clerks, between 6.6 percent and 10 percent, 10–21–65 to 10–20–66); No. 374, Farmingham, Mass. (sales clerks, stock clerks and office clerks, between 6.6 percent and 10 percent, 10–6–65 to 10–5–66).

Neisner Brothers, Inc., variety stores for the occupations of sales clerks, stock clerks and office clerks: No. 22, Brooksville, Fla. (between 9.8 percent and 10 percent, 10–28–65 to 10–27–66); No. 5, Palatka, Fla. (between 7.6 percent and 10 percent, 10–14–65 to 10–13–66); No. 312, Stroudsburg, Pa. (between 0.8 percent and 10 percent, 10–27–65 to 10–26–66).

J. J. Newberry Co., variety stores for the occupations of sales clerks, stock clerks, and office clerks, except as otherwise indicated: No. 476, Macon, Ga. (sales clerks, between 9.9 percent and 10 percent, 11–1–65 to 10–31–66); 400 North Main Street, Mitchell, S. Dak. (between 6.1 percent and 10 percent, 9–27–65 to 9–2–66).

T.G. & Y. Stores Co., variety store; No. 159, Columbia, Mo.; office clerks, stock clerks and sales clerks; 10 percent for each month; 9–3–65 to 9–2–66.

Younker Brothers, Inc., department stores for the occupations of stock clerks, office clerks, sales clerks, messengers, wrappers, markers, delivery clerks, cleaning and porter work: Middle and Kimberley Road, Bettendorf, Iowa (between 8.9 percent and 10 percent, 9–3–65 to 9–2–66); 4444 First Avenue NE., Cedar Rapids, Iowa (between 2.3 percent and 9.0 percent, 9–3–65 to 9–2–66); 1550 East Douglas, Des Moines, Iowa (between 2.8 percent and 9.5 percent, 9–3–65 to 9–2–66); 1501 First Avenue, East, Newton, Iowa (between 0.6 percent and 7.9 percent, 9–3–65 to 9–2–66); 1950 Grand Avenue, North, Spencer, Iowa (between 0.0 percent and 7.9 percent, 9–3–65 to 9–2–66).

The following certificate was issued to an establishment under paragraph (k) of § 519.6 of 29 CFR Part 519. This certificate supplements the certificate issued pursuant to other paragraphs of that section, but does not authorize the employment of full-time students at rates below the applicable statutory minimum in additional occupations. The certificate contains limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees. The ad-

ditional allowances apply to the specified months and vary from month to month between the minimum and maximum figures indicated.

Piggly Wiggly Store, food store; 501 West Main Street, Hartselle, Ala.; 5.0 percent for the months of November through September; 11-1-65 to 9-26-66.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 5th day of November 1965.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 65-12373; Filed, Nov. 17, 1965; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 844]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

NOVEMBER 12, 1965.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of § 1.247(d)(4) of the special rule. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 2900 (Sub-No. 123), filed October 29, 1965. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Post Office Box 8418, Greensboro, N.C. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay slurry*, in bulk, from Dry Branch, Gordon, McIntyre, Huber, and Sandersville, Ga., to Luke, Md., Tyrone, Pa., Covington, Va., and Mechanicville, N.Y. NOTE: If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 2978 (Sub-No. 16), filed November 3, 1965. Applicant: CLE-MAR CARTAGE, INC., Post Office Box 428, Cromwell, Ind. Applicant's representative: Donald W. Smith, Suite 511 Fidelity Building, Indianapolis, Ind., 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper* and *paper products*, from Centerville, Ohio, to points in Indiana, and *empty pallets*, on return. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 3560 (Sub-No. 24), filed October 29, 1965. Applicant: GENERAL EXPRESSWAYS, INC., 1205 South Platte River Drive, Denver, Colo., 80223. Applicant's representative: Ken Wolford, 1205 South Platte River Drive, Denver, Colo., 80223. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Fort Wayne, Ind., and junction U.S. Highway 30 and Pennsylvania Turnpike, near Irwin, Pa., from Fort Wayne over U.S. Highway 30 to junction U.S. Highway 224 at or near Van Wirt, Ohio, thence over U.S. Highway 224 to junction Ohio Highway 7 at or near Boardman, thence over Ohio Highway 7 to junction Interstate Highway 80S (Ohio Turnpike), thence over Interstate Highway 80S to Ohio-Pennsylvania State line, thence over Interstate Highway 80S and Interstate Highway 76 (Pennsylvania Turnpike) to junction U.S. Highway 30 at or near Irwin, Pa., and return over the same route, as an alternate route for operating convenience only, in connection with carrier's authorized regular route operations, serving no intermediate points and serving the junction of U.S. Highway 30 and the Pennsylvania Turnpike for joinder only. Restriction: The route described herein shall be subject to restrictions as follows: (1) That carrier in operating over the Pennsylvania Turnpike shall handle only traffic which is moving between points in Massachusetts, Rhode Island, Connecticut, and the metropolitan area of New York, N.Y., including Jersey City, Newark, and Elizabeth, N.J., on the one hand, and, on the other, points west of the Ohio-Indiana State line; or that which is moving between points south of Elizabeth, N.J., on the one hand, and, on the other, points west of the Illinois-Indiana State line, including Gary, Ind., (2) that authority applicable to said route shall continue only so long as carrier or its company affiliates shall, by reason of other authority granted, jointly be entitled or authorized to operate over other routes between the termini of said above specified route. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 3560 (Sub-No. 25), filed November 1, 1965. Applicant: GENERAL EXPRESSWAYS, INC., 1205 South Platte River Drive, Denver, Colo., 80223. Applicant's representative: Ken Wolford (Same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between junction U.S. Highway 6 and Ohio Highway 192 approximately 2 miles east of Edgerton, Ohio, and junction U.S. Highway 30 and the Pennsylvania Turnpike near Irwin, Pa.; from junction U.S. Highway 6 and Ohio Highway 192 over U.S. Highway 6 to junction U.S. Highway 23 at or near New Rochester, Ohio, thence over U.S. Highway 23 to junction U.S. Highway 224 approximately 6 miles south of Fostoria, Ohio, thence over U.S. Highway 224 to junction Ohio Highway 7 at or near Boardman, Ohio, thence over Ohio Highway 7 to junction Interstate Highway 80S (Ohio Turnpike), thence over Interstate Highway 80S to the Ohio-Pennsylvania State line, thence over Interstate Highway 80S and Interstate Highway 76 (Pennsylvania Turnpike) to junction U.S. Highway 30 at or near Irwin, Pa., and return over the same route, serving no intermediate points and serving junction U.S. Highway 30 and the Pennsylvania Turnpike for joinder purposes only, as an alternate route for operating convenience only, in connection with applicant's authorized regular-route operations. NOTE: Applicant states that the above proposed operation will be subject to the following restrictions: "(1) That carrier in operating over the Pennsylvania Turnpike shall handle only traffic which is moving between points in Massachusetts, Rhode Island, Connecticut, and the metropolitan area of New York, N.Y., including Jersey City, Newark, and Elizabeth, N.J., on the one hand, and, on the other, points west of the Ohio-Indiana State line; or that which is moving between points south of Elizabeth, N.J., on the one hand, and, on the other, points west of the Illinois-Indiana State line, including Gary, Ind.; (2) that authority applicable to said route shall continue only so long as carrier or its company affiliates shall, by reason of other authority granted, jointly be entitled or authorized to operate over other routes between the termini of said above specified route." If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 7555 (Sub-No. 53), filed November 4, 1965. Applicant: TEXTILE MOTOR FREIGHT, INC., Post Office Box 7, Ellerbe, N.C. Applicant's representative: Jacob P. Billig, 1825 Jefferson Place, NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuff*, from the plantsite of American Home Foods located at Milton, Pa., to points in North Carolina, South Carolina, and Georgia, and (2) *refused, damaged, rejected* and *returned shipments of foodstuff*, from points in the above destination States to the plantsite of American Home Foods located at Milton, Pa., which are not tendered by the consignees for return at the time delivery is made to such consignees. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 8573 (Sub-No. 1), filed October 26, 1965. Applicant: FERRARO TRUCKING CO., INC., 170 27th Street, Brooklyn 32, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated paper products*, from points in the New York, N.Y., commercial zone as defined by the Commission, to points in New Jersey, those in Hartford, New Haven, Fairfield, Litchfield, Middlesex, and New London Counties, Conn.; Columbia, Dutchess, Nassau, Putnam, Westchester, Ulster, Orange, Sullivan, Suffolk, and Rockland Counties, N.Y.; Wayne, Pike, Monroe, Carbon, Northampton, Lehigh, Berks, Bucks, Montgomery, Delaware, Lackawanna, Luzerne, Chester, and Philadelphia Counties, Pa. NOTE: Applicant states that if the authority sought is granted, it proposes to surrender its present contract-carrier Permit MC 8573, to transport *corrugated paper products* from New York, N.Y., to points specified in New Jersey, Connecticut, and Pennsylvania. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 8973 (Sub-No. 6), filed November 2, 1965. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. Applicant's representative: Charles J. Williams, 1060 Broad Street, Newark, N.J., 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products and urethane foam*, from Edgewater, N.J., to points in Pennsylvania. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 10495 (Sub-No. 2) (Correction), filed September 24, 1965, published in FEDERAL REGISTER issue October 21, 1965, and republished as corrected this issue. Applicant: WARD KING, doing business as KING TRUCK LINE, Powhattan, Kans. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans., 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, agricultural chemicals*, and *feed* (except liquid), from St. Joseph and Kansas City, Mo., to points in that part of Kansas on and bounded by a line beginning at the Nebraska-Kansas State line and extending along Kansas Highway 63 to junction Kansas Highway 9, thence along Kansas Highway 9 to junction Kansas Highway 7, thence along Kansas Highway 7 to the Kansas-Nebraska State line, thence along the Kansas-Nebraska State line to Kansas Highway 63, the point of beginning, and *exempt commodities*, on return. NOTE: The purpose of this republication is to show St. Joseph, Mo., as an origin point in lieu of St. Louis, Mo., as shown in the previous publication. If a hearing is deemed necessary, applicant requests it be held at Topeka, Kans.

No. MC 11207 (Sub-No. 238), filed November 5, 1965. Applicant: DEATON TRUCK LINE, INC., 3409 10th Avenue North, Birmingham, Ala. Applicant's representative: A. Alvis Layne, Pennsylvania Building, Washington, D.C., 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic conduit* and *plastic pipe, cement conduit* and *cement pipe containing asbestos fiber*, and *couplings, rings*, and *accessories* for installation thereof, from Green Cove Springs, Fla., to points in Virginia, West Virginia, Delaware, Maryland, and Washington, D.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 13658 (Sub-No. 8), filed November 3, 1965. Applicant: PAPA TRUCK LINE, INC., Post Office Box 14, Shongaloo, La. Applicant's representative: Roy M. Fish, Springhill, La., 71075. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bags and in bulk, from Harvey, La., to points in Arkansas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 22195 (Sub-No. 115), filed November 1, 1965. Applicant: DAN DUGAN TRANSPORT COMPANY, a corporation, Post Office Box 946, 41st and Grange Avenue, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Cement*, (1) from Fargo and Grand Forks, N. Dak., to points in Minnesota and South Dakota, and (2) from East Grand Forks, Minn., to points in North Dakota and South Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak.

No. MC 29566 (Sub-No. 114), filed November 1, 1965. Applicant: SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles*, distributed by meat packinghouses, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Schuyler, Nebr., to points in Arkansas, Illinois, Iowa, Kansas, Missouri, and Oklahoma, restricted to traffic originating at the plantsite of Spencer Packing Co. at Schuyler, Nebr. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 29647 (Sub-No. 36), filed November 1, 1965. Applicant: CHARLTON BROS. TRANSPORTATION COMPANY, INC., 552 Jefferson Street, Hagerstown, Md. Applicant's representative: Spencer T. Money, 411 Park Lane Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, commodities of unusual value and household goods as defined by the Commission), (1) between Cumberland, Md., and McCoole, Md.; (a) from Cumberland over U.S. Highway 40 (also over Maryland Highway 36) to Frostburg, Md., thence over Maryland Highway 36 to Westernport, Md., thence over Maryland Highway 135 to McCoole and return over the same route, serving all intermediate points and the off-route point of Ellerslie, Md.; (b) from Cumberland over U.S. Highway 220 to McCoole and return over the same route, serving all intermediate points; (2) between Cumberland, Md., and Red House, Md.: (a) from Cumberland over U.S. Highway 40 to Keysers Ridge, Md. (also from Cumberland over Maryland Highway 36 to junction U.S. Highway 40, thence over U.S. Highway 40 to Keysers Ridge), thence over U.S. Highway 219 to Red House and return over the same route, serving all intermediate points, and serving the off-route point of Friendsville, Md.; (b) from Cumberland over city streets to the Maryland-West Virginia State line, thence over West Virginia Highway 28 through Ridgeley, W. Va., to Romney, W. Va., thence over U.S. Highway 50 to Red House and return over the same route, serving all intermediate points; and (3) between Cumberland, Md., and Petersburg, W. Va., over U.S. Highway 220, serving all intermediate points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 30844 (Sub-No. 202), filed October 28, 1965. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post

[1] Copies of Special Rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

Office Box 5000, Waterloo, Iowa. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite of American Home Foods, Inc., at or near La Porte, Ind., to points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 34865 (Sub-No. 40), filed November 1, 1965. Applicant: CONTRACT CARRIERS, INC., 830 Broadway NE., Albuquerque, N. Mex., 87102. Applicant's representative: V. L. Brown, 606 Bank of New Mexico Building, Albuquerque, N. Mex., 87101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Golden, Colo., to Hobbs, N. Mex., and *empty malt beverage containers*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex.

No. MC 35211 (Sub-No. 5), filed November 4, 1965. Applicant: FRANK MURPHY, 730 Richmond Terrace, Staten Island, N.Y. Applicant's representative: August W. Heckman, 297 Academy Street, Jersey City, N.J., 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, gypsum and gypsum products* (except liquid commodities in bulk, in tank vehicles), and *materials and supplies used in the installation and application of such commodities*, from the plants and warehouses of the United States Gypsum Co. in New York, N.Y., to points in New Hampshire, Vermont, Rhode Island, Delaware, Maryland, and Washington, D.C.; points in Massachusetts (except Berkshire, Hampshire, and Hamden Counties); points in New York (except Dutchess, Queens, Westchester, Suffolk, Nassau, Kings, Rockland, Putnam, Sullivan, Orange, Ulster, Richmond, Bronx, New York, Columbia, Renssalaer, Schenectady, Albany, Greene, Schoharie, and Delaware Counties); and points in Pennsylvania (except Bucks, Lehigh, Northampton, Carbon, Luzerne, Monroe, Pike, Wayne, Lackawanna, Wyoming, and Susquehanna Counties), under a continuing contract or contracts with the United States Gypsum Co., and, *material, equipment, and supplies used in the manufacture and distribution of the above described commodities*, and *damaged and rejected materials*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 35320 (Sub-No. 85), filed November 4, 1965. Applicant: T.I.M.E. FREIGHT, INC., Post Office Box 1120, Lubbock, Tex., 79408. Applicant's representative: Frank M. Garrison (same address as applicant), and W. D. Benson, Jr., 9th Floor Citizens Tower, Lubbock, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Little Rock, Ark., and Odessa, Tex.: from Little Rock over U.S. Highway 67 to Dallas, Tex., thence over U.S. Highway 80 to Odessa and return over the same route, serving no intermediate points, with joinder at the specified termini, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations. NOTE: Applicant states the above proposed service will be restricted to traffic moving to, from or through El Paso, Tex. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Dallas or Lubbock, Tex., or Albuquerque, N. Mex.

No. MC 35358 (Sub-No. 17), filed November 4, 1965. Applicant: BERGER TRANSFER & STORAGE, INC., 3720 Macalaster Drive NE., Minneapolis, Minn. Applicant's representative: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated furniture, uncrated fixtures, uncrated furnishings*, and *uncrated appliances*, between Superior, Wis., and points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 42537 (Sub-No. 32), filed November 1, 1965. Applicant: CASSENS TRANSPORT COMPANY, a corporation, Post Office Box 473, Edwardsville, Ill. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn., 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks, busses, bodies, chassis and cabs*, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except trailers), in initial movements, in truckaway and driveaway service, from the site of the Chrysler Corp. Assembly Plant in St. Louis County, Mo., to points in Illinois, Kentucky, Michigan, Ohio, Pennsylvania, and West Virginia, and *rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 42614 (Sub-No. 48), filed October 13, 1965. Applicant: CHICAGO AND NORTH WESTERN RAILWAY COMPANY, a corporation, 400 West Madison Street, Chicago, Ill., 60606. Applicant's representative: Stuart F. Gassner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Meat, meat products, meat byproducts, articles*, distributed by meat packinghouses, and *such commodities* as are used by meat packers in the conduct of their business when destined to and for use by meat packers, as described in sections A, C, and D of the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 766, from Boone, Iowa, to Perry, Iowa; from Boone over U.S. Highway 30 to junction U.S. Highway 169, thence over U.S. Highway 169 to junction Iowa Highway 141, and thence over Iowa Highway 141 to Perry, Iowa, and return over the same route, serving no intermediate points. NOTE: Common control may be involved. Applicant states the proposed operation will be restricted to prior or subsequent rail haul. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 42614 (Sub-No. 49), filed October 13, 1965. Applicant: CHICAGO AND NORTH WESTERN RAILWAY COMPANY, a corporation, 400 West Madison Street, Chicago, Ill., 60606. Applicant's representative: Stuart F. Gassner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Meat, meat products, meat byproducts, articles*, distributed by meat packinghouses, and *such commodities* as are used by meat packers in the conduct of their business when destined to and for use by meat packers, as described in sections A, C, and D of the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 766, from Perry, Iowa, to Des Moines, Iowa; from Perry over Iowa Highway 141 to junction Interstate Highway 35 and 80, thence over Interstate Highway 35 and 80 to junction U.S. Highway 69, and thence over U.S. Highway 69 to Des Moines, and return over the same route, serving no intermediate points. NOTE: Common control may be involved. Applicant states the proposed operation will be restricted to prior or subsequent rail haul. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 43038 (Sub-No. 438), filed November 4, 1965. Applicant: COMMERCIAL CARRIERS, INC., 10701 Middlebelt Road, Romulus, Mich. Applicant's representative: Donald W. Smith, Suite 511 Fidelity Building, Indianapolis, Ind., 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles and chassis*, in initial movements, in truckaway and driveaway service, and *bodies, cabs, parts, and accessories* for such vehicles when moving in connection therewith, from Hayward, Calif., to points in the United States, including Alaska, but excluding Hawaii. NOTE: If a hearing is deemed necessary, applicant did not specify any particular area.

No. MC 50069 (Sub-No. 333), filed October 29, 1965. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 930 North York Road, Hinsdale, Ill., 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Seymour, Ind., and points within 10 miles thereof, to points in Illinois, Kentucky, and Ohio. NOTE: If a hearing is deemed necessary, applicant does not specify a particular location.

No. MC 52110 (Sub-No. 90), filed October 29, 1965. Applicant: BRADY MOTORFRATE, INC., 1223 Sixth Avenue, Dea Moines, Iowa. Applicant's representative: Homer E. Bradshaw, 5th

Floor, Central National Building, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Alton, Granite City, and Madison, Ill., and St. Louis, Mo., to points in Minnesota, Nebraska, North Dakota, and South Dakota, and *rejected and refused shipments*, of the commodities specified above, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 52110 (Sub-No. 91), filed November 3, 1965. Applicant: BRADY MOTORFRATE, INC., 1223 Sixth Avenue, Des Moines, Iowa. Applicant's representative: Homer E. Bradshaw, 5th Floor, Central National Building, Des Moines, Iowa, 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities involved in tank vehicles), from the plantsite of Spencer Packing Co., at or near Schuyler, Nebr., to points in Iowa, Indiana, Illinois, Michigan, Ohio, and Kentucky. NOTE: Applicant states that the authority requested is to be restricted to traffic originating at the plantsite of Spencer Packing Co. at or near Schuyler, Nebr. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 52579 (Sub-No. 42), filed November 2, 1965. Applicant: GILBERT CARRIER CORP., 441 9th Avenue, New York, N.Y. Applicant's representative: Harris J. Klein, 280 Broadway, New York, N.Y., 10007. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel* on hangers, from points in Texas to Chicago, Ill. NOTE: Applicant states it is a wholly owned subsidiary of Gilbert Systems, Inc. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 52579 (Sub-No. 43), filed November 2, 1965. Applicant: GILBERT CARRIER CORP., 441 9th Avenue, New York, N.Y. Applicant's representative: Harris J. Klein, 280 Broadway, New York, N.Y., 10007. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel on hangers*, from points in Florida to Chicago, Ill., Philadelphia, Pa., and points in the New York, N.Y., commercial zone, as defined by the Commission, and *returned shipments* on return. NOTE: Applicant states it is a wholly owned subsidiary of Gilbert Systems, Inc. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 52579 (Sub-No. 44), filed November 2, 1965. Applicant: GILBERT CARRIER CORP., 441 9th Avenue, New York, N.Y. Applicant's representative: Harris J. Klein, 280 Broadway, New York, N.Y., 10007. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel on hangers*, and *returned shipments*, between points in Florida, on the one hand, and, on the other, points in Texas. NOTE: Applicant states it is a wholly owned subsidiary of Gilbert Systems, Inc. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 52579 (Sub-No. 45), filed November 2, 1965. Applicant: GILBERT CARRIER CORP., 441 Ninth Avenue, New York, N.Y. Applicant's representative: Harris J. Klein, 280 Broadway, New York, N.Y., 10007. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, on hangers, from Little Rock, Ark., and Greenfield and Dresden, Tenn., to points in California and Texas, and returned shipments, on return. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 52657 (Sub-No. 641), filed November 3, 1965. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill., 60620. Applicant's representative: A. J. Bieberstein, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers* (except those having a capacity of five (5) gallons or less, or those having a capacity of nine (9) cubic feet or less), in shipper furnished trailers, from Galion, Ohio, to points in the United States, including Alaska, but excluding Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 58889 (Sub-No. 3), filed November 4, 1965. Applicant: F. P. ARRINGTON, doing business as PAT ARRINGTON TRUCK COMPANY, Post Office Box 94372, Oklahoma City, Okla. Applicant's representative: James W. Hightower, Wynnewood Professional Building, Dallas, Tex., 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, tubing, conduit, valves or fittings, compound, joint sealer, bonding cement, primer, coating, thinner, accessories*, used in the installation of such products, and *damaged and rejected shipments*, between points in Oklahoma County, Okla., on the one hand, and, on the other, points in Arkansas on and west of a line beginning at the Arkansas-Missouri State line and extending along U.S. Highway 65 to junction U.S. Highway 167, thence along U.S. Highway 167 to the Arkansas-Louisiana State line, points in Kansas on and south of U.S. Highway 40, and points in Texas on and north of U.S. Highway 80. NOTE: Applicant states it presently holds Mercer description authority in the territory set forth hereinabove. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 61403 (Sub-No. 141), filed November 1, 1965. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. Applicant's representative: W. C. Mitchell, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plantsite of Olin Mathieson Chemical Corp. at Joliet, Ill., to points in Illinois, Indiana, Iowa, Michigan, Missouri, Minnesota, Wisconsin, Kentucky, and Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 61403 (Sub-No. 142), filed November 1, 1965. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. Applicant's representative: W. C. Mitchell, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paints, stains*, and *varnishes*, in bulk, in tank vehicles, from Delaware, Ohio, to Fort Smith, Ark. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 61592 (Sub-No. 54), filed November 1, 1965. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa, 52722. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Farm machinery and agricultural implements and parts*, from Grand Island, Nebr., to points in the United States (except Alaska and Hawaii), and (2) *such commodities as are used in the manufacture of farm machinery and agricultural implements and parts*, and *damaged and rejected shipments of farm machinery and agricultural implements and parts*, on return. NOTE: If a hearing is deemed necessary, applicant does not specify particular location.

No. MC 61592 (Sub-No. 55), filed November 1, 1965. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa, 52722. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building board, wall board, insulation board, and laminated flakeboard*, finished or not finished, with or without decorative or protective coating, *and accessories and supplies* used in the installation thereof, from Wright City, Mo., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Ohio, Pennsylvania, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant does not specify a particular location.

No. MC 73165 (Sub-No. 204), filed November 1, 1965. Applicant: EAGLE MOTOR LINES, INC., Post Office Box 1348, Birmingham, Ala. Applicant's representative: Robert E. Tate, 2025 City Federal Building, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel shoring* (except steel shoring requiring special equipment because of its size or weight),

(1) between points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, New York, New Jersey, North Carolina, South Carolina, Tennessee, Virginia, and the District of Columbia, (2) from points in Ohio and Indiana to points in Florida, Georgia, Kentucky, Mississippi, Louisiana, North Carolina, South Carolina, Tennessee, and Virginia, and (3) from points in Iowa to points in Indiana, Ohio, and Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 73165 (Sub-No. 205), filed November 1, 1965. Applicant: EAGLE MOTOR LINES, INC., Post Office Box 1348, Birmingham, Ala. Applicant's representative: Robert E. Tate, 2025 City Federal Building, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from Kansas City, Mo., to points in Illinois (except points in the Chicago, Ill., commercial zone), and Greenville, Iowa, Minnesota, Oklahoma, Texas, Mississippi, Alabama, Michigan, Indiana, Ohio, Kentucky, Tennessee, North Carolina, South Carolina, Virginia, West Virginia, Pennsylvania, New York, New Jersey, Wisconsin, and Arkansas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 73165 (Sub-No. 206), filed November 3, 1965. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Birmingham, Ala. Applicant's representative: Maurice F. Bishop, 325 Frank Nelson Building, Birmingham 3, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, semi-trailers*, and *trailer chassis*, and *semi-trailer chassis* (except those designed to be drawn by passenger automobiles), in truckaway and driveaway service, between Birmingham and Haleyville, Ala., and Collins, Miss., on the one hand, and, on the other, points in the United States, including Alaska, but excluding Hawaii, and (2) *tractors*, in secondary driveaway service only when drawing trailers moving in initial driveaway service, between Birmingham and Haleyville, Ala., and Collins, Miss., on the one hand, and, on the other, points in the United States, including Alaska, but excluding Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 73688 (Sub-No. 10), filed November 1, 1965. Applicant: SOUTHERN TRUCKING CORPORATION, 546 Weakley, Memphis, Tenn. Applicant's representative: Charles H. Hudson, Jr., 417 Stahlman Building, Nashville, Tenn., 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bituminous fiber pipe and fiber pipe fittings and accessories*, from Birmingham, Ala., and points in its commercial zone, to points in Texas, Illinois, and Missouri, and *damaged and rejected shipments*, on return; (2) scrap paper, from points in Texas, Oklahoma, Missouri, Illinois, Tennessee, and Arkansas to Birmingham, Ala., and points in its commercial zone; and (3) *iron and steel, and iron and steel articles*, from Birmingham and Gadsden, Ala., and points in their respective commercial zones, to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 76436 (Sub-No. 27), filed October 28, 1965. Applicant: SKAGGS TRANSFER, INC., 2400 Ralph Avenue, Louisville, Ky. Applicant's representative: Rudy Yessin, Sixth Floor, McClure Building, Frankfort, Ky., 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, articles of unusual value, commodities in bulk, commodities injurious or contaminating to other lading and commodities which require special equipment), between Scottsville, Ky., and Nashville, Tenn., over U.S. Highway 31E, serving no intermediate points, restricted against traffic moving between Nashville, Tenn., and Louisville, Ky. NOTE: Applicant is presently authorized in No. MC 76436 (Sub-No. 13) to operate over the above-described route between Scottsville, Ky., and Nashville, Tenn., subject to the restriction that service at Nashville, Tenn., is restricted against the handling of traffic, the origin or destination of which is Scottsville, Ky. The purpose of this application is to remove this restriction. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 83539 (Sub-No. 164), filed November 1, 1965. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Post Office Box 5976, Dallas, Tex., 75222. Applicant's representative: W. T. Brunson, 419 Northwest 6th Street, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building machinery* and *equipment*, which, by reason of size or weight, requires the use of special equipment, from Oklahoma City, Okla., to points in the United States (except points in Alaska, Arkansas, Hawaii, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Washington, and Wisconsin). NOTE: Applicant states it does not propose to tack the authority sought herein with its authority presently held and does not seek duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 83835 (Sub-No. 47), filed November 4, 1965. Applicant: WALES TRUCKING COMPANY, a corporation, 905 Meyers Road, Grand Prairie, Tex. Applicant's representative: James W. Hightower, Wynnewood Professional Building, Dallas, Tex., 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, tubing, conduit, valves* or *fittings, compound, joint sealer, bonding cement, primer, coating, thinner, and accessories* used in the installation of such products, from points in Oklahoma County, Okla., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Pennsylvania, South Dakota, Texas, West Virginia, and Wyoming, and *damaged and rejected shipments* of the commodities specified above, on return. NOTE: Applicant states it "presently holds Mercer description authority" in the territory set forth hereinabove. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 88161 (Sub-No. 72), filed November 1, 1965. Applicant: INLAND TRANSPORTATION COMPANY, INC., 6737 Corson Avenue South, Seattle, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid resins, glue, formaldehyde, and formaldehyde solutions*, in bulk, in tank vehicles, from points in Union County, Oreg., to points in Idaho and those in that part of Montana in and west of Missoula and Flathead Counties, Mont., and *rejected or contaminated shipments* of the commodities specified above, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 92983 (Sub-No. 480, filed November 5, 1965. Applicant: ELDON MILLER, INC., Post Office Drawer 617, Kansas City, Mo., 64141. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fats and oils, including blends thereof*, in bulk, in tank vehicles, from points in Colorado, to points in California, Oregon, and Washington. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 94265 (Sub-No. 163), filed October 29, 1965. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station, Norfolk, Va. Applicant's representative: E. Stephen Heisley, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts*, and *articles*, distributed by meat packinghouses, as described in the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766, from Schuyler, Nebr., to points in Virginia, West Virginia, North Carolina, New York, New Jersey, Pennsylvania, Massachusetts, Rhode Island, Connecticut, Delaware, Maryland, and the District of Columbia. Restriction: The proposed authority will be restricted to traffic originating at the plantsite of Spencer Packing Co. at Schuyler, Nebr. If a hearing is deemed necessary, applicant does not specify a place of hearing.

No. MC 97006 (Sub-No. 5), filed November 1, 1965. Applicant: HOWARD'S EXPRESS, INC., Post Office Box 489, Geneva, N.Y. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y., 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) between Ithaca, N.Y., and New York, N.Y.; from Ithaca over New York Highway 96B to Candor, N.Y., thence over New York Highway 96 to Owego, N.Y., thence over New York Highway 17 to Binghamton, N.Y. (also from Owego over New York Highway 17C to Binghamton), thence over New York Highway 17 through Suffern, N.Y., to the New York-New Jersey State line, thence over New Jersey Highway 17 to junction New Jersey Highway 4 (also junction U.S. Highway 46; also junction New Jersey Highway 3), thence over New Jersey Highway 4 (also over U.S. Highway 46; also over New Jersey Highway 3), to New York and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations; and (2) between Ithaca, N.Y., and Mahwah, N.J.; from Ithaca to Suffern, N.Y., as described in (1) above, thence over New York Highway 17 to the New York-New Jersey State line, thence over New Jersey Highway 17 to Mahwah and return over the same route, serving no intermediate points and serving those off-route points in Bergen, Hudson, Essex, Union, Middlesex, and Passaic Counties, N.J. NOTE: Applicant states that it is presently authorized to operate between Ithaca, N.Y., and New York, N.Y., also between New York, N.Y., on the one hand, and, on the other, points in Bergen, Hudson, Essex, Union, Middlesex, and Passaic Counties, N.J., and by the authority sought in (2) above, seeks to eliminate the gateway of New York, N.Y. The routes described in (1) and (2) above will be used for joinder with applicant's present authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 101075 (Sub-No. 98), filed, October 29, 1965. Applicant: TRANSPORT, INC., 1215 Center Avenue, Moorhead, Minn. Applicant's representative: Ronald B. Pitsenbarger, Post Office Box 396, Moorhead, Minn. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Cement*, (1) from Fargo and Grand Forks, N. Dak., to points in Minnesota and South Dakota, and (2) from East Grand Forks, Minn., to points in North Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak.

No. MC 102567 (Sub-No. 107), filed November 1, 1965. Applicant: EARL CLARENCE GIBBON, doing business as EARL GIBBON PETROLEUM TRANSPORT, 235 Benton Road, Bossier City, La. Applicant's representative: Jo E. Shaw, Bettes Building, Houston, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bags, from the plantsite of National Phosphate Corp. near Hahnville, La., to points in Alabama, Arkansas, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 102567 (Sub-No. 108), filed November 1, 1965. Applicant: EARL CLARENCE GIBBON, doing business as EARL GIBBON PETROLEUM TRANSPORT, 235 Benton Road, Bossier City, La. Applicant's representative: Jo E. Shaw, Bettes Building, Houston, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral filler and granules*, dry, in bulk, in dump or hopper type vehicles, from points in Montgomery County, Ark., to points in Caddo Parish, La. NOTE: If a hearing is deemed necessary, applicant requests it be held at Shreveport, La.

No. MC 107002 (Sub-No. 272), filed November 1, 1965. Applicant: HEARIN-MILLER TRANSPORTERS, INC., Post Office Box 1123 (Highway 80 West), Jackson, Miss., 39205. Applicant's representatives: Harry C. Ames, Jr., 529 Transportation Building, Washington, D.C., 20006, and H. D. Miller, Jr., Post Office Box 1250, Jackson, Miss., 39205. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Acids, chemicals, petroleum, and petroleum products*, in bulk, from Beaumont, Orange, and Port Neches, Tex., and points within 10 miles thereof, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 107107 (Sub-No. 353), filed October 29, 1965. Applicant: ALTERMAN TRANSPORT LINES, INC., Post Office Box 458, Allapattah Station, Miami, Fla., 33142. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery*, and *advertising and promotional materials*, when related to and moving with shipments of candy and confectionery, from Forth Worth and Dallas, Tex., to points in Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 107403 (Sub-No. 649), filed November 3, 1965. Applicant: MATLACK, INC. 10 West Baltimore Avenue, Lansdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aviation gasoline and jet fuel*, in bulk, in tank vehicles, from Port Mahon (near Dover), Del., to Wallops Island, Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107403 (Sub-No. 650), filed November 5, 1965. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Landsdowne, Pa., 19050. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pellets*, in bulk, in tank vehicles, from Washington, W. Va., to Kansas City, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107460 (Sub-No. 19), filed November 1, 1965. Applicant: WILLIAM Z. GETZ, INC., 2454 Harrisburg Pike, Lancaster, Pa. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal roofing and siding and fabricated metal products and aluminum scrap*, from the site of the Quaker State Metals Co. Division and the Howe Sound Aluminum Division of Howe Sound Co. plantsite in Manheim Township, Lancaster County, Pa., to points in Alabama, Mississippi, Kansas, and Nebraska, and *skids*, used in transporting the commodities specified above, from the above-specified destination points to the site of the Quaker State Metals Co. Division and the Howe Sound Aluminum Division of Howe Sound Co. plant in Manheim Township, Lancaster County, Pa., restricted to a transportation service to be performed under a continuing contract or contracts with Quaker State Metals Co. Division and Howe Sound Aluminum Division of Howe Sound Co. of New York, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107496 (Sub-No. 420), filed November 1, 1965. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Des Moines, Iowa. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plantsite of Central Farmers Terminal located at or near Albany, Ill., to points in Iowa, Minnesota, Wisconsin, Indiana, Missouri, Nebraska, South Dakota, and Illinois. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 107496 (Sub-No. 421), filed November 5, 1965. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa., 50309. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible tallow*, in bulk, from Denver, Colo., to points in Nevada, Utah, Wyoming, New Mexico, Idaho, California, and Arizona. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 107496 (Sub-No. 423), filed November 5, 1965. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third Street, Post Office Box 855, Des Moines, Iowa, 50309. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone and limestone products*, in bulk, from points in Monroe County, Ill., to points in Kentucky, Mis-

sissippi, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 107496 (Sub-No. 424), filed November 5, 1965. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third Street, Des Moines, Iowa. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, including but not limited to nitrogen fertilizer solutions*, in bulk, in tank and hopper type vehicles, from Cordova Industrial Park, Ill., to points in Iowa, Minnesota, Wisconsin, and Missouri. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107515 (Sub-No. 528), filed November 1, 1965. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga., 30310. Applicant's representative: Paul M. Daniell, Suite 1600 First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles* distributed by meat packinghouses, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Schuyler, Nebr., to points in North Carolina, South Carolina, Georgia, Florida, and Alabama. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 107515 (Sub-No. 529), filed November 1, 1965. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga., 30310. Applicant's representative: Paul M. Daniell, Suite 1600 First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles* distributed by meat packinghouses, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from points in Adams County, Nebr., to points in Tennessee (except Memphis and points in the Memphis commercial zone as defined by the Commission), North Carolina, South Carolina, Georgia, Alabama, and Florida. NOTE: If a hearing is deemed necessary applicant requests it be held at Omaha, Nebr.

No. MC 107515 (Sub-No. 530), filed November 4, 1965. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road Southeast, Post Office Box 10799, Station A, Atlanta, Ga., 30310. Applicant's representative: Paul M. Daniell, Suite 1600 First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Lafayette, Ind., to points in Iowa, Kansas, Nebraska, and St. Louis, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107839 (Sub-No. 94), filed November 1, 1965. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 5135 York, Denver, Colo. Applicant's representative: Duane W. Acklie, Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts*, and *articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Schuyler, Nebr., to points in Alabama, Colorado, Florida, Georgia, Idaho, New Mexico, North Carolina, Oregon, South Carolina, Texas, and Washington. NOTE: Applicant states the proposed service restricted to traffic originating at Schuyler, Nebr. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 107913 (Sub-No. 11), filed October 25, 1965. Applicant: F & W EXPRESS, INC., 575 South Front Street, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Clarksdale, Miss., and Redwood, Miss.; from Clarksdale over U.S. Highway 49 to Tutwiler, Miss., thence over U.S. Highway 49W to Yazoo City, Miss., thence over Mississippi Highway 3 to Redwood and return over the same route, serving all intermediate points (except those between Clarksdale and Indianola, Miss., including Indianola); (2) between Rolling Fork, Miss., and Redwood, Miss., over U.S. Highway 61, serving all intermediate points; (3) between Leland, Miss., and Indianola, Miss., over U.S. Highway 82, serving no intermediate points and serving Indianola as a point of joinder only; (4) between Hollandale, Miss., and Belzoni, Miss., over Mississippi Highway 12, serving all intermediate points; (5) between Anguilla, Miss., and Louise, Miss., over Mississippi Highway 14, serving all intermediate points; (6) between Rolling Fork, Miss., and junction Mississippi Highway 16 and U.S. Highway 49W, over Mississippi Highway 16, serving all intermediate points; and (7) between Cleveland, Miss., and Ruleville, Miss., over Mississippi Highway 8, serving no intermediate points, as an alternate route for operating convenience only. NOTE: Applicant states that it intends to tack the above proposed authority with that authority previously granted in MC 107913 and subs thereunder, wherein applicant is authorized to serve points in the states of Arkansas, Mississippi, and Tennessee. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 108207 (Sub-No. 171), filed November 5, 1965. Applicant: FROZEN FOOD EXPRESS, a corporation, 318 Cadiz, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Lafayette, La., to points in Kansas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 108228 (Sub-No. 20), filed November 3, 1965. Applicant: MILES TRUCKING CO., INC., 214 East Reynolds Street, Plant City, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite and storage facilities of American Home Foods in Milton, Pa., to points in Florida, Georgia, North Carolina, South Carolina, Mississippi, Alabama, Louisiana, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 108449 (Sub-No. 213), filed November 1, 1965. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road "C", St. Paul, Minn., 55113. Applicant's representative: Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis., 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plantsite and terminal facilities of Olin Mathieson Chemical Corp., Joliet, Ill., to points in Illinois, Indiana, Iowa, Michigan, Missouri, Minnesota, Wisconsin, Kentucky, and Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 109064 (Sub-No. 15), filed November 1, 1965. Applicant: TEX-O-KA-N TRANSPORTATION COMPANY, INC., 221 Northeast 28th Street, Post Office Box 4278, Fort Worth, Tex., 76106. Applicant's representative: Reagan Sayers, Century Life Building, Fort Worth, Tex., 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, tubing, conduit, valves or fittings; compounds, joint sealer; bonding cement; primer; coating, thinner, and accessories used in the installation of such products;* from points in Oklahoma County, Okla., to points in Alabama, Arizona, Arkansas, California, Colorado, Kansas, Kentucky, Louisiana, Mississippi, Montana, Nebraska, New Mexico, North Dakota, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, and Wyoming; and *damaged and rejected shipments* on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 109227 (Sub-No. 3), filed October 20, 1965. Applicant: TOM JOY AND SON, INC., Route 1, Pound, Wis. Applicant's representative: Norman B. Langill, Marinette, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Wood products* used in the manufacture of chairs, from Hermansville, Mich., to Naperville, Ill.; and (B) *chair frames* and *upholstered furniture*, from Naperville, Ill., to points in Iowa, Indiana, Kentucky, Michigan, and Wisconsin. If a hearing is deemed necessary, applicant requests it be held at Marinette, Wis.

No. MC 109326 (Sub-No. 79), filed November 1, 1965. Applicant: C & D TRANSPORTATION CO., INC., Pritchard, Ala. Applicant's representative: John W. Cooper, 805 Title Building, Birmingham, Ala., 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from points in George, Hinds, Rankin, Copiah, and Greene Counties, Miss., to points in Louisiana, Texas, Oklahoma, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Michigan, Ohio, Pennsylvania, New York, Massachusetts, Connecticut, New Jersey, Delaware, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Arkansas, Kentucky, and Washington, D.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 109497 (Sub-No. 15), filed November 5, 1965. Applicant: A. F. COMER TRANSPORT SERVICE, INC., Post Office Box 2933, West Durham Station, Durham, N.C. Applicant's representative: Louis Reznek, 5009 Keokuk Street, Washington, D.C., 20016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions*, in bulk, in tank vehicles, from Charlotte, N.C., to points in South Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 109533 (Sub-No. 28), filed November 1, 1965. Applicant: OVERNITE TRANSPORTATION COMPANY, a corporation, 1100 Commerce Road, Richmond, Va., 23224. Applicant's representative: C. H. Swanson, Post Office Box 1216, Richmond, Va., 23209. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), between Chattanooga, Tenn., and Nashville, Tenn., over U.S. Highway 41 (also over Interstate Highway 24), serving all intermediate points and serving those off-route points located in Davidson and Hamilton Counties, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chattanooga or Nashville, Tenn.

No. MC 109637 (Sub-No. 291), filed October 29, 1965. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville, Ky., 40211. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphatic fertilizer solutions*, in bulk, in tank vehicles, from storage facilities of Allied Chemical Corp., at Cincinnati, Ohio, to points in Indiana. NOTE: If a hearing is deemed necessary, applicant does not specify a place of hearing.

No. MC 109637 (Sub-No. 292), filed November 1, 1965. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville, Ky., 40211. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic granules and resin powders*, from Louisville, Ky., to points in Delaware, Massachusetts, New Jersey, New York, and Rhode Island. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 109689 (Sub-No. 168), filed November 4, 1965. Applicant: W. S. HATCH CO., a corporation, 643 South 800 West, Woods Cross, Utah. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah, 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer ingredients, fertilizer compounds*, and *sulfuric acid*, from the plantsite of El Paso Natural Gas Co. near Conda, Idaho, to points in Arizona, California, Colorado, Kansas, Montana, Nebraska, Nevada, South Dakota, Utah, Wyoming, and New Mexico. NOTE: If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 110988 (Sub-No. 154), filed October 28, 1965. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Nennah, Wis. Applicant's representative: E. Stephen Heisley, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bulk, from Janesville, Wis., and points within 10 miles thereof to points in Illinois and Iowa. NOTE: Applicant states no duplicate authority is sought. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 110988 (Sub-No. 155), filed November 1, 1965. Applicant: KAMPO TRANSIT, INC., 200 Cecil Street, Neenah, Wis. Applicant's representative: E. Stephen Heisley, 529 Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer ingredients*, in bulk, in tank or hopper type vehicles, from Pine Bend, Minn., and points within 5 miles thereof, to points in Wisconsin, North Dakota, South Dakota, Iowa, and Minnesota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 110988 (Sub-No. 156), filed November 1, 1965. Applicant: KAMPO TRANSIT, INC., 200 Cecil Street, Neenah, Wis. Applicant's representative: E. Stephen Heisley, 529 Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and fertilizer solutions*, in bulk, in tank vehicles, from Creston, Iowa, and points within 10 miles thereof, to points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 110988 (Sub-No. 157), filed November 1, 1965. Applicant: KAMPO TRANSIT, INC., 200 Cecil Street, Neenah, Wis. Applicant's representative: E. Stephen Heisley, 529 Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from Eaton, Ind., to Mount Sterling and Washington Court House, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110988 (Sub-No. 158), filed November 1, 1965. Applicant: KAMPO TRANSIT, INC., 200 Cecil Street, Neenah, Wis. Applicant's representative: E. Stephen Heisley, 529 Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products, including but not restricted to corn grits, corn meal, and corn flour*, in bulk, in tank vehicles and hopper type vehicles, from Milwaukee, Wis., to points in Minnesota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 110988 (Sub-No. 159), filed November 1, 1965. Applicant: KAMPO TRANSIT, INC., 200 Cecil Street, Neenah, Wis. Applicant's representative: E. Stephen Heisley, 529 Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, in pneumatic vehicles, from Chicago, Ill., to points in Indiana, Michigan, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 110988 (Sub-No. 160), filed November 2, 1965. Applicant: KAMPO TRANSIT, INC., 200 Cecil Street, Neenah, Wis. Applicant's representative: E. Stephen Heisley, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizers, insecticides, fungicides*, and *herbicides*, in bulk, in tank or hopper type vehicles, from Council Bluffs, Iowa, to points in Iowa, Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 110140 (Sub-No. 5), filed November 1, 1965. Applicant: MAYO ROBISON, doing business as LUMBER TRUCKING SERVICE, 943 South Nebraska Street, Seattle, Wash., 98108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in seasonal operations between March and December of each year, transporting: *Lumber*, from port of entry on the international boundary line between the United States and Canada, at or near Sumas, Wash., to points in King and Pierce Counties, Wash. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 111812 (Sub-No. 321), filed November 3, 1965. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, Post Office Box 747, Sioux Falls, S. Dak., 57101. Applicant's representatives: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr., 68102, and William J. Walsh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, from the plantsite of American Home Foods, located at Milton, Pa., to points in Ohio, Indiana, Michigan, and Illinois, and (2) *foodstuffs* (other than frozen), from the plantsite of American Home Foods, located at La Porte, Ind., to Milton, Pa., and points in Massachusetts. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112148 (Sub-No. 38), filed November 4, 1965. Applicant: JAMES H. POWERS, INC., Melbourne, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of Spencer Packing Co., at or near Schuyler, Nebr., to points in Iowa, Michigan, Missouri, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant does not specify a particular location.

No. MC 112304 (Sub-No. 14), filed October 25, 1965. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 601 Orient Avenue, Cincinnati, Ohio, 45223. Applicant's representative: A. Charles Tell, Columbus Center, 100 East Broad Street, Columbus, Ohio, 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical transformers* which, by reason of size or weight, require the use of special equipment and *electrical transformers* other than those described above, when transported in mixed loads with shipments of transformers requiring special equipment, from Pittsburgh, Pa., to points in Michigan, Indiana, Illinois, Wisconsin, Iowa, Massachusetts, Maine, New Hampshire, Vermont, Connecticut, and Ohio. NOTE: Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 112520 (Sub-No. 133), filed November 1, 1965. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. Applicant's representative: Sol H. Proctor, 1730 American Heritage Life Building, Jacksonville, Fla., 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Pensacola and Telogia, Fla., and Bay Minette, Ala., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Texas, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112697 (Sub-No. 8), filed November 2, 1965. Applicant: SAMUEL A. BRASFIELD, doing business as B & S ENTERPRISES, 1727 Osborn Drive, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used cotton ties and bagging*, in bulk or bundles, from points in South Carolina, to points in Georgia, Alabama, Mississippi, Louisiana, Arkansas, Texas, and Tennessee, and *rejected shipments* of the commodities specified above, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 113362 (Sub-No. 94), filed October 29, 1965. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr., 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products, and commodities used by packinghouses*, as described in appendix I, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Schuyler, Nebr., to points in Connecticut, Delaware, Iowa, Maryland, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Minnesota, Wisconsin, and the District of Columbia, restricted to traffic originating at the plantsite and/or warehouse facilities of Spencer Packing Co. located at or near Schuyler, Nebr. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 113362 (Sub-No. 96), filed November 4, 1965. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's representative: William J. Boyd, 30 North La Salle Street, Chicago, Ill., 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite of American Home Foods, Division of American Home Products Corp. located at LaPorte, Ind., to points in Iowa, Wisconsin, Minnesota, North Dakota, South Dakota, Nebraska, Missouri, and Kansas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113362 (Sub-No. 97), filed November 4, 1965. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's representative: William J. Boyd, 30 North La Salle Street, Chicago, Ill., 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite of American Home Products Corp. at Milton, Pa., to points in Illinois, Wisconsin, Minnesota, Iowa, Missouri, Kansas, Nebraska, South Dakota, and North Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113410 (Sub-No. 56), filed November 1, 1965. Applicant: DAHLEN TRANSPORT, INC., 875 North Prior Avenue, St. Paul, Minn., 55104. Applicant's representative: Leonard A. Jaskiewicz, Madison Building, 1155 15th Street NW., Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Duluth, Minn., to points in Wisconsin and the Upper Peninsula of Michigan, and *rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 113459 (Sub-No. 32), filed November 4, 1965. Applicant: H. J. JEFFRIES TRUCK LINE, INC., 4720 South Shields Boulevard, Oklahoma City, Okla. Applicant's representative: James W. Hightower, Wynnewood Professional Building, Dallas, Tex., 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, tubing, conduit, valves or fittings, compound, joint sealer, bonding cement, primer, coating, thinner, and accessories*, used in the installation of such products, from points in Oklahoma County, Okla., to points in Arkansas, Colorado, Illinois, those in Indiana south of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 36 to Indianapolis, thence along U.S. Highway 40 to the Indiana-Ohio State line, Kansas, those in Kentucky within 75 miles of Owensboro, those in Lea and Eddy Counties, N. Mex., Louisiana, Montana, Nebraska, Nevada, North Dakota, Ohio, South Dakota, Texas, Utah, and Wyoming, and *damaged or rejected shipments*, on return. NOTE: Applicant presently holds Mercer description authority in the territory set forth herein above. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 113678 (Sub-No. 187), filed October 29, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's representative: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Saunders County, Nebr. (except Wahoo, Nebr.), to points in Arizona, California, Colorado, Oregon, Washington, and New Mexico. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 113678 (Sub-No. 188), filed November 1, 1965. Applicant: CURTIS INC., 770 East 51st Avenue, Denver, Colo., 80216. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

Fish products, from points in Massachusetts and Connecticut, to points in North Dakota, South Dakota, Nebraska, Iowa, Kansas, Colorado, Utah, Arizona, Nevada, California, Oregon, Washington, Montana, Idaho, Wyoming, Missouri, and Oklahoma. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No. MC 113678 (Sub-No. 189), filed November 1, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's representative: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Robbinsville, N.J., to points in Illinois, Kentucky, Indiana, Michigan, Missouri, Ohio, Pennsylvania, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 113678 (Sub-No. 190), filed November 1, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver Colo., 80216. Applicant's representative: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquids in bulk, in tank vehicles), from points in Nebraska (except Omaha and West Point), to points in Indiana, Michigan, and Ohio. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 113908 (Sub-No. 182), filed November 4, 1965. Applicant: ERICKSON TRANSPORT CORPORATION, Post Office Box 3180, 706 West Tampa, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup*, in bulk, in tank vehicles, between Malvern, Iowa, and Ravenna, Nebr. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 114045 (Sub-No. 200), filed October 29, 1965. Applicant: TRANSCOLD EXPRESS, INC., Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, dairy products and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Wichita, Kans., to points in Kansas, Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennesee, Texas, Virginia, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC 114045 (Sub-No. 204), filed November 1, 1965. Applicant: TRANSCOLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned, prepared and preserved foodstuffs*, (1) from Haddock, Ga., to points in Alabama, Arkansas, Florida, Louisiana, Mississippi, and Texas, and (2) from Haddock, Ga., to points in Indiana, Michigan, and Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 114211 (Sub-No. 93), filed October 29, 1965. Applicant: WARREN TRANSPORT, INC., Post Office Box 420, Waterloo, Iowa, 50704. Applicant's representative: Charles W. Singer, 33 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Egg and poultry handling and processing equipment, attachments, accessories and parts*, from Ottumwa, Iowa, to points in the United States (except Alaska and Hawaii), and *rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114284 (Sub-No. 26), filed November 3, 1965. Applicant: FOX SMYTHE TRANSPORTATION CO., a corporation, Post Office Box 82307, Stockyards Station, Oklahoma City, Okla. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans., 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles*, distributed by meat packinghouses as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of Spencer Packing Co., at or near Schuyler, Nebr., restricted to traffic originating at such facilities, to points in Texas, New Mexico, Kansas, and Oklahoma. NOTE: If a hearing is deemed necessary applicant does not specify place of hearing.

No. MC 114789 (Sub-No. 15), filed October 29, 1965. Applicant: NATIONWIDE CARRIERS, INC., 721 Second Street, SE., Minneapolis, Minn. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr., 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* and *canned goods* from St. James and Madelia, Minn., to points in Kansas, Missouri, Oklahoma, Arkansas, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 115180 (Sub-No. 24), filed November 4, 1965. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 408 West 14th Street, New York, N.Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery and confectionery products* (except commodities in bulk, in tank vehicles), from the plantsite and storage facilities utilized by Topps Chewing Gum, Inc., at Duryea, Pa., to points in Michigan, Ohio, Illinois, Iowa, Missouri, and Wisconsin. NOTE: Applicant states that the authority sought herein will be restricted to the transportation of traffic originating at the plantsite and storage facilities utilized by Topps Chewing Gum, Inc., at Duryea, Pa. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115279 (Sub-No. 5), filed November 1, 1965. Applicant: CLICK MESSENGER SERVICE, INC., Building 150, Newark Airport, Newark, N.J. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y., 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities used or useful in the offices of a truck manufacturer*, in shipments weighing less than 100 pounds, between shipper's offices in Bridgewater, N.J., and Allentown, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 115279 (Sub-No. 6), filed November 1, 1965. Applicant: CLICK MESSENGER SERVICE, INC., Building 150, Newark Airport, Newark, N.J. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y., 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in shipments of 100 pounds or less moving from one consignor to one consignee (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment) in specialized delivery service, (1) between points in Nassau County, N.Y., on the one hand, and, on the other, points in Bergen, Passaic, Essex, Union, Morris, Somerset, Middlesex, and Hudson Counties, N.J., and (2) between New York, N.Y., on the one hand, and, on the other, points in Union, Morris, Somerset, Middlesex, and Hudson Counties, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 115818 (Sub-No. 9), filed November 2, 1965. Applicant: WESTBURY TRANSPORT, INC., 397 East 54th Street, East Paterson, N.J. Applicant's representative: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail department stores*, uncrated and crated, from shipper's facilities at New York, N.Y., to points in New Jersey and Fairfield County, Conn., and *returned shipments*, on return. NOTE: Applicant states that the proposed operation will be restricted to shipments in retail delivery service to customers' houses. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 116004 (Sub-No. 15), filed November 1, 1965. Applicant: TEXAS-OKLAHOMA EXPRESS, INC., 2515 Irving Boulevard, Post Office Box 743, Dallas, Tex. Applicant's representative: Reagan Sayers, Century Life Building, Fort Worth, Tex., 76102. Authority sought to operate as a *common carrier*,

by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Newton and Pratt, Kans., from Newton over U.S. Highway 50 to Hutchinson, thence over Kansas Highway 61 to Pratt, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations, and serving Pratt, Kans., as a point of joinder only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 116004 (Sub-No. 16), filed November 1, 1965. Applicant: TEXAS-OKLAHOMA EXPRESS, INC., 2515 Irving Boulevard, Post Office Box 743, Dallas, Tex. Applicant's representative: Reagan Sayers, Century Life Building, Fort Worth, Tex., 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Vinita and Atoka, Okla., over U.S. Highway 69, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations, and serving the termini for joinder only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 116004 (Sub-No. 17), filed November 1, 1965. Applicant: TEXAS-OKLAHOMA EXPRESS, INC., 2515 Irving Boulevard, Post Office Box 743, Dallas, Tex. Applicant's representative: Reagan Sayers, Century Life Building, Fort Worth, Tex., 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Ottawa, Kans., and Tulsa, Okla.; from Ottawa over U.S. Highway 59 to Garnett, Kans., and thence over U.S. Highway 169 to Tulsa, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's regular-route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 116014 (Sub-No. 21), filed November 5, 1965. Applicant: OLIVER TRUCKING CO., INC., North Bloomfield Road, Winchester, Ky. Applicant's representative: Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky., 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Whiskey barrels*, from Louisville, Ky., to points in Illinois, Indiana, Michigan, Ohio, and Pennsylvania, and *rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 116073 (Sub-No. 53), filed November 3, 1965. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Moorhead, Minn. Applicant's representatives: Donald E. Cross, Munsey Building, Washington, D.C., and Alan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobile and *buildings complete* or in sections traveling on their own or with removable undercarriages equipped with hitchball coupler, between points in Wisconsin, on the one hand, and, on the other, points in the United States, including Alaska, but excluding Hawaii. NOTE: If a hearing is deemed necessary, applicant did not specify any particular area.

No. MC 116254 (Sub-No. 62), filed November 4, 1965. Applicant: CHEM-HAULERS, INC., Post Office Box 245, Sheffield, Ala. Applicant's representative: Walter Harwood, Nashville Bank & Trust Building, Nashville, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dimethyl terephthalate and terephthalic acid*, in bins of 4,000 pounds to 5,500 pounds capacity each, from the plantsite of Amoco Chemicals Corp. located at or near Decatur, Ala., to points in Alabama, Georgia, Illinois, Indiana, Mississippi, North Carolina, Ohio, Kentucky, South Carolina, Tennessee, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., Memphis or Nashville, Tenn., respectively.

No. MC 116273 (Sub-No. 52), filed October 29, 1965. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill., 60650. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plant and terminal facilities of Olin Mathieson Chemical Corp., Joliet, Ill., to points in Illinois, Indiana, Iowa, Michigan, Missouri, Minnesota, Wisconsin, Kentucky, and Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 116645 (Sub-No. 10), filed October 28, 1965. Applicant: DAVIS TRANSPORT CO., a corporation, Post Office Box 56, Gilcrest, Colo. Applicant's representative: Marion F. Jones, Suite 420, Denver Club Building, Denver, Colo., 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed*, in bulk, in tank vehicles, (1) from Morrill, Nebr., to points in Arizona, California, Colorado, Idaho, Kansas, Montana, South Dakota, New Mexico, Oklahoma, Texas, Utah, and Wyoming; and (2) from Denver, Colo., to points in Arizona, California, Kansas, Nebraska, New Mexico, Texas, Utah, and Wyoming. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 116763 (Sub-No. 68), filed November 1, 1965. Applicant: CARL SUBLER TRUCKING, INC., 906 Magnolia Avenue, Auburndale, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building materials and supplies*, from points in Indiana, Michigan, and Ohio, to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, and (2) *building materials and supplies*, from points in New York to points in Alabama, Florida, Georgia, Louisiana, and Mississippi. NOTE: Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 116763 (Sub-No. 69), filed November 1, 1965. Applicant: CARL SUBLER TRUCKING, INC., 906 Magnolia Avenue, Auburndale, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal food*, from Woburn, Mass., to points in Illinois, Indiana, Iowa, Kansas, Minnesota, Nebraska, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 117119 (Sub-No. 284), filed November 1, 1965. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's representative: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Westfield, N.Y., and North East, Pa., to points in Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant does not specify location.

No. MC 117574 (Sub-No. 131), filed November 1, 1965. Applicant: DAILY EXPRESS, INC., Post Office Box 39, M.R. No. 3, Carlisle, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (not including tractors with vehicle beds, bed frames or fifth wheels), (2) *agricultural machinery* and *implements*, (3) *industrial and construction machinery* and *equipment*, (4) *equipment* designed for use in conjunction with tractors, (5) *trailers* designed for the transportation of the commodities described above (other than those designed to be drawn by passenger automobiles), (6) *attachments* for the commodities described above, (7) *internal combustion engines*, and (8) *parts* of the commodities described in (1) through (7) above when moving in mixed loads with such commodities, from the plant and warehouse sites, and experimental farms, of Deere & Co. located in Black Hawk and Dubuque Counties, Iowa; Rock Island County, Ill.; Wapello and Polk Counties, Iowa; and Dodge County, Wis., to points in Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, New York, New Jersey, Delaware, Maryland, Pennsylvania, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 117574 (Sub-No. 132), filed November 1, 1965. Applicant: DAILY EXPRESS, INC., Post Office Box 39, M.R. No. 3, Carlisle, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Articles* which because of size or weight require the use of special equipment or special handling, (2) *machinery, machinery parts, food processing, baking, chemical processing or manufacturing, mixing, welding, tensioning, printing, folding, collating, stamping, engraving, heating, cooling, drying, imprinting, grinding*, and *transfer equipment, metal fabrications* and *equipment*, and (3) *parts, supplies, attachments*, and *accessories* for items listed in (2) above, between points in York, Cumberland, and Dauphin Counties, Pa., on the one hand, and, on the other, points in the United States, including Alaska but excluding Hawaii. Restriction: Articles in (2) and (3) above are limited to movement in the same vehicle or shipment with articles which because of size or weight require the use of special equipment or special handling. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117686 (Sub-No. 66), filed November 1, 1965. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Sioux City, Iowa. Applicant's representative: Duane W. Acklie, Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles) from Schuyler, Nebr., to points in Alabama, Arkansas, Kansas, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas, and *damaged or rejected shipments*, on return. NOTE: Applicant states the above proposed operation will be restricted to traffic originating at Schuyler, Nebr. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 117803 (Sub-No. 8), filed October 25, 1965. Applicant: LABERTEW TRUCKING, INC., 5110 Race Street, Denver, Colo. Applicant's representative: Edward T. Lyons, Suite 420 Denver Club Building, Denver, Colo., 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas*, and (2) *agricultural commodities*, the transportation of which is partially exempt under provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with bananas, from points in Alabama, Louisiana, Mississippi, and Texas, to points in Colorado. NOTE: Duplications with present authority to be eliminated. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 117815 (Sub-No. 71), filed October 29, 1965. Applicant: PULLEY FREIGHT LINES, INC., 2341 Easton Boulevard, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts*, and *articles* distributed by meat packinghouses as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766 (except hides and commodities in bulk in tank vehicles), from Schuyler, Nebr., to points in Illinois, Indiana, Iowa, Michigan, and Wisconsin, restricted to traffic originating at the plant site of Spencer Packing Co. at Schuyler, Nebr. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 117815 (Sub-No. 72), filed November 1, 1965. Applicant: PULLEY FREIGHT LINES, INC., 2341 Easton Boulevard, Des Moines, Iowa, 50317. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from points in Adams County, Nebr., to points in Indiana, Illinois, Iowa, Michigan, Minnesota, Ohio, Missouri, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 118196 (Sub-No. 42), filed November 5, 1965. Applicant: RAYE & COMPANY TRANSPORTS, INC., Highway 71 North, Post Office Box 613, Carthage, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except frozen meats), from Albert Lea, Fairmont, Mankato, Winnebago, and Worthington, Minn., to points in Alabama, Florida, Georgia, Missouri, North Carolina, South Carolina, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 118831 (Sub-No. 44), filed November 2, 1965. Applicant: CENTRAL TRANSPORT, INCORPORATED, Post Office Box 5044, Uwharrie Road, High Point, N.C. Applicant's representative: Harry C. Ames, Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid commodities*, in bulk (except petroleum and petroleum products), from points in South Carolina, to points in Georgia, North Carolina, and Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 119555 (Sub-No. 5), filed November 1, 1965. Applicant: OIL AND INDUSTRY SUPPLIERS LTD., 400 Archibald Street, Winnipeg 6, Manitoba, Canada. Applicant's representative: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasolines and fuel oils*, from the sites of the Great Lakes Pipeline Terminal and the Western Terminals Co., at or near Grand Forks, N. Dak., to ports of entry on the international boundary line between the United States and Canada located in North Dakota and Minnesota. NOTE: Applicant states the above proposed operation will be in foreign commerce. If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak.

No. MC 120543 (Sub-No. 34), filed November 1, 1965. Applicant: FLORIDA REFRIGERATED SERVICE, INC., U.S. 301 North, Dade City, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, and potato products*, not frozen, in vehicles equipped with mechanical refrigeration, from Ontario, Oreg., Nampa, Boise, Burley, and Borah, Idaho, to points in Alabama, Florida, Georgia, Mississippi, Louisiana, North Carolina, Ohio, South Carolina, Tennessee, Virginia, Kentucky, West Virginia, and Washington, D.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 120543 (Sub-No. 35), filed November 1, 1965. Applicant: FLORIDA REFRIGERATED SERVICE, INC., U.S. 301 North, Dade City, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite and storage facilities of American Home Foods in Milton, Pa., to points in Florida, Georgia, North Carolina, South Carolina, Mississippi, Alabama, Louisiana, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123393 (Sub-No. 104), filed November 3, 1965. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 2105 East Dale, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products*, from St. James, Minn., and points within 5 miles thereof, and from Madelia, Minn., and points within 5 miles thereof, to points in Texas, Missouri, Oklahoma, Kansas, Arkansas, Iowa, Nebraska, and Colorado. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Jefferson City, Mo.

No. MC 123407 (Sub-No. 21), filed November 5, 1965. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue, Minneapolis, Minn., 55404. Applicant's representative: Alan Foss, First National Bank Building, Fargo, N. Dak., 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition building board*, from Greenville, Miss., to points in Indiana, Michigan,

and Missouri. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 123596 (Sub-No. 2), filed October 28, 1965. Applicant: DONALD F. LIND, doing business as OLYMPIC FILM SERVICE, 2330 Third Avenue, Seattle, Wash. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, Wash., 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, commodities in bulk, those requiring special equipment and household goods as defined by the Commission), restricted to shipments having a prior or subsequent movement by air, between airports in King County, Wash., on the one hand, and, on the other, points in Kitsap, Clallam, and Jefferson Counties, Wash. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 123615 (Sub-No. 4), filed October 27, 1965. Applicant: TRANSPET, INC., 36 Cooper Square, New York, N.Y. Applicant's representative: A. David Millner, 1060 Broad Street, Newark, N.J., 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pet supplies, pet foods, pet accessories, pet tonics*, and *insecticides*, from Harrison and Bloomfield, N.J., to points in Connecticut, Delaware, the District of Columbia, Maine, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont, points in Albany, Bronx, Broome, Cayuga, Chemung, Chenango, Columbia, Cortland, Delaware, Dutchess, Fulton, Greene, Herkimer, Kings, Madison, Monroe, Montgomery, Nassau, New York, Oneida, Onondaga, Orange, Oswego, Otsego, Putnam, Queens, Rensselaer, Richmond, Rockland, Saratoga, Schenectady, Schoharie, Schuyler, Suffolk, Sullivan, Tioga, Tompkins, Ulster, Washington, Wayne, and Westchester Counties, N.Y., points in Berks, Bucks, Carbon, Chester, Columbia, Dauphin, Delaware, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Northampton, Northumberland, Philadelphia, Pike, Schuylkill and York Counties, Pa., and points in Anne Arundel, Baltimore, Caroline, Carroll, Frederick, Harford, Howard, Kent, Montgomery, Prince Georges, Queen Anne and Talbot Counties, Md., and *returned, rejected*, and *damaged merchandise*, on return, restricted to service under contract with Aquarium Supply Co. (Division of Sternco Industries, Inc.), Long Life Fish Products (Division of Sternco Industries, Inc.), Pet Needs, Inc., Hartz Mountain Products Corp., and Sternco Industries, Inc. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 124078 (Sub-No. 166), filed November 1, 1965. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis., 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, from Wilsonville, Ala., to points in Mississippi, Tennessee, Florida, and Georgia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Montgomery, Ala.

No. MC 124078 (Sub-No. 167), filed November 5, 1965. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, Wis., 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plant and terminal facilities of Olin-Mathieson Chemical Corp., located at Joliet, Ill., to points in Illinois, Indiana, Iowa, Michigan, Missouri, Minnesota, Wisconsin, Kentucky, and Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124774 (Sub-No. 32), filed November 1, 1965. Applicant: CARAVELLE EXPRESS, INC., Post Office Box 384, Norfolk, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Norfolk, Nebr., to points in Indiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 125168 (Sub-No. 7), filed November 2, 1965. Applicant: OIL–CHEM, INC., Box 190, Darby, Pa. Applicant's representative: G. Donald Bullock, Box 146, Wyncote, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Partially refined lubricating oil*, between Falling Rock, W. Va., Baltimore, Md., Philadelphia, Pa., and Paulsboro, N.J. NOTE: Applicant states that the above proposed operation will be conducted under a continuing contract or contracts with Elk Refining Co., Charleston, W. Va. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 125240 (Sub-No. 1), filed November 3, 1965. Applicant: MIDCOUNTY TRUCKING CO., a corporation, 131 Jersey Avenue, New Brunswick, N.J. Applicant's representative: Leroy Danziger, 334 King Road, North Brunswick, N.J., 08902. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages*, in bulk, in tank vehicles, in containers having a capacity of 800 gallons or more and in barrels, from New York, N.Y., Newark and Elizabeth, N.J., and Philadelphia, Pa., to Scobeyville, N.J., and *empty containers* and *barrels*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 125407 (Sub-No. 6), filed November 4, 1965. Applicant: CHARLES E. KING, JR. AND HAROLD A. SCOTT, a partnership, doing business as KING & SCOTT, Gray, Iowa. Applicant's representative: Homer E. Bradshaw, 5th Floor, Central National Building, Des Moines, Iowa, 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from La Crosse, Wis., and Peoria, Ill., to Carroll, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 125417 (Sub-No. 6), filed November 1, 1965. Applicant: BULK FREIGHTWAYS, a corporation, 8332 Wilcox Avenue, South Gate, Calif. Applicant's representative: Warren N. Grossman, 740 Roosevelt Building, 727 West Seventh Street, Los Angeles 17, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium phosphate*, in bulk, in hopper type equipment, from Los Angeles, Calif., to points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 125708 (Sub-No. 37), filed October 28, 1965. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except articles which because of size, shape, or weight, require the use of special equipment and/or special handling), from points in Livingston County, Ill., to points in Alabama, Florida, Georgia, Maryland, Michigan, North Carolina, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, South Carolina, and Mississippi. NOTE: Applicant is also authorized to operate as a contract carrier in Permit No. MC 116434 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125708 (Sub-No. 38), filed November 4, 1965. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, paving and roofing materials and pipe* from Waukegan, Ill., to St. Louis, Mo. NOTE: Applicant is authorized to operate as a contract carrier in Permit No. MC 116434 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126112 (Sub-No. 1), filed November 4, 1965. Applicant: JOHN KOLTZ, 5 Ardsley Road, Binghamton, N.Y. Applicant's representative: Donald C. Carmien, 300 Press Building, Binghamton, N.Y., 13902. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, for the account of United Banana Co., Binghamton, N.Y., from Newark and Weehawken, N.J., and New York, N.Y., to Binghamton, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Binghamton, N.Y.

No. MC 126867 (Sub-No. 2), filed October 29, 1965. Applicant: CONTRACT TRANSPORTATION, INC., 914 North Cedar Ridge Drive, Cedarburg, Wis., 53012. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Molded plastic products* under a continuing contract with Spectrum, Inc., from West Bend and Milwaukee, Wis., to points in Michigan, Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Tennessee, Kentucky, Ohio, Indiana, Illinois, Minnesota, Iowa, Nebraska, Colorado, Missouri, Oklahoma, Arkansas, Texas, Kansas, and Connecticut. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 126899 (Sub-No. 16), filed November 1, 1965. Applicant: USHER TRANSPORT, INC., 1415 South Third Street, Paducah, Ky., 42001. Applicant's representative: Louis J. Amato, Suite 703–706 McClure Building, Frankfort, Ky., 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Detroit, Mich., to Bowling Green, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 126899 (Sub-No. 17), filed November 1, 1965. Applicant: USHER TRANSPORT, INC., 1415 South Third Street, Paducah, Ky., 42001. Applicant's representative: Louis J. Amato, Suite 703–706 McClure Building, Frankfort, Ky., 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Atlanta, Ga., to Hopkinsville, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 127304 (Amendment), filed May 26, 1965, published in FEDERAL REGISTER issue of June 24, 1965, amended November 5, 1965, and republished as amended, this issue. Applicant: CLEAR WATER TRUCK COMPANY, INC., 410 Fourth National Bank Building, Wichita, Kans. Applicant's representative: James F. Miller, Suite N–13 Medical and Professional Building, 7501 Mission Road, Shawnee Mission, Kans. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fluoro-chloro hydrocarbons*, including monofluoromethane, dichlorofluoromethane, monochlorodifluoromethane, dichlorodifluoromethane and trichloromonofluoromethane, in containers, in cylinders, and in bulk, from Wichita, Kans., to points in the United States (except Alaska and Hawaii). NOTE: The purpose of this republication is to add two specific commodities to those in the original application. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC 127342 (Sub-No. 4), filed November 4, 1965. Applicant: WILBUR McLAUGHLIN, doing business as TONICA TRANSIT COMPANY, Post Office Box 77, Tonica, Ill. Applicant's representative: Robert H. Levy, 105 West Adams Street, Chicago 3, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from Sheffield, Ill., to points in Indiana, Iowa, and Wisconsin. NOTE: Applicant states that the above operation will be performed for shipper: Sheffield Brick Co. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127412 filed, July 2, 1965. Applicant: CHARLES E. HOWE, doing business as HOWE TRUCKING, Waukon, Iowa. Applicant's representative: Lynn W. Morrow, 23 Allamakee Street, Waukon, Iowa, 52172. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electronic parts* and *units* used and manufactured by Federated Industries, Inc., between the plantsites of Federated Industries, Inc., located at Waukon, Iowa, Antioch, and Grays Lake, Ill.; and (2) *raw materials* used in the manufacture of electronic parts and units, from points in Cook County, Ill., to the plantsites of Federated Industries, Inc., located at Waukon, Iowa, Antioch, and Grays Lake, Ill. NOTE: Applicant states that the above proposed operation will be conducted under contract with Federated Industries, Inc. If a hearing is deemed necessary, applicant requests it be held at Waukon, Iowa.

No. MC 127652 (Sub-No. 1), filed November 3, 1965. Applicant: LOUISE EAGAN, doing business as EAGAN TRUCKING, 342 Little East Neck Road, Babylon, N.Y. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery*, between Babylon, N.Y., and points in the New York, N.Y. commercial zone. NOTE: If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

No. MC 127664, filed October 19, 1965. Applicant: CAPITOL DELIVERY OF OMAHA, INC., 1824 California Street, Omaha, Nebr. Applicant's representative: Wentworth E. Griffin, 1221 Baltimore Avenue, Kansas City, Mo., 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those injurious or contaminating to other lading), between points in that part of Nebraska, Iowa, Missouri, and Kansas, on, bounded by and within 5 miles of a line beginning at Grand Island, Nebr., and extending along U.S. Highway 30 to junction U.S. Highway 81, thence over U.S. Highway 81 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction U.S. Highway 71, thence over U.S. Highway 71 to junction U.S. Highway 136, thence over U.S. Highway 136 to the Missouri-Nebraska State line, thence southeasterly along the Missouri-Nebraska State line to its junction with the Kansas-Nebraska State line, thence west along the Kansas-Nebraska State line to its junction with U.S. Highway 281, thence over U.S. Highway 281 to Grand Island, Nebr., to point of beginning. NOTE: Applicant states that the above proposed operation will be subject to the following restrictions: (1) No service shall be rendered in the transportation of any package or article weighing more than 100 pounds; and (2) no service shall be provided to or from the premises of persons who or which have entered into contracts with Capitol Delivery Service, Inc., and are served by that company pursuant to permits issued by the Interstate Commerce Commission. Applicant is affiliated through common stockholders and directors with Capitol Delivery Service, Inc., a contract carrier (Permit No. MC 119812), which company is authorized to transport general commodities, with the usual exceptions, between Omaha, Nebr., and named counties in Iowa under a continuing contract with Sears Roebuck & Co. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 127692, filed October 28, 1965. Applicant: FIDELITY STORAGE CORPORATION, 1420 U Street NW., Washington, D.C., 20009. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles*, in driveaway service, from Washington, D.C., to New York, N.Y., and points in New York and New Jersey within ten (10) miles of New York, N.Y., Baltimore, Md., and Philadelphia, Pa., limited to the transportation of shipments having an immediately subsequent movement in foreign commerce and restricted to used automobiles, the transportation of which is incidental to or in connection with the prior or subsequent storage, packing, crating, or shipments of household goods or personal effects. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127696, filed November 1, 1965. Applicant: FRANK CAMPBELL, 1219 West Seltzer Street, Philadelphia, Pa. Applicant's representative: Sotireos Gianopoulos, 1324 Walnut Street, Juniper Building, Philadelphia, Pa., 19107. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dog and cat food*, from Philadelphia, Pa., to points in Massachusetts, Maryland, New York, New Jersey, and Pennsylvania, and *chips and raw materials* used in the manufacture of dog and cat food on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 127697, filed November 1, 1965. Applicant: HUBERT G. FONK, doing business as FONK TRANSFER AND STORAGE, 112 South Fifth, Manhattan, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* and *farm machinery*, between Manhattan, Mont., and points in Gallatin, Jefferson, Silver Bow, Deer Lodge, Powell, Beaverhead, Park, Madison, Sweet Grass, Stillwater, Broadwa-

ter, Meagher, and Lewis and Clark Counties, Mont., on the one hand, and, on the other, points in North Dakota, South Dakota, Minnesota, Wyoming, Utah, Idaho, Washington, Oregon, and Colorado. NOTE: If a hearing is deemed necessary, applicant requests it be held at Bozeman, Mont.

No. MC 127698, filed October 29, 1965. Applicant: JANICE MILLER, doing business as STAR OIL SERVICES, Post Office Box 338, Buffalo, Okla. Applicant's representative: Grady L. Fox, 222 Amarillo Building, Amarillo, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General oil field equipment* (except rigs) and (2) *power equipment* (not to exceed 2½-ton power unit), between points in Harper, Beaver, Texas and Cimarron Counties, Okla., and those in Texas on and north of U.S. Highway 66. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 127699, filed November 1, 1965. Applicant: LEE CARTAGE COMPANY, a corporation, 2026 Cleveland Avenue, Canton 6, Ohio. Applicant's representative: Richard H. Brandon, Hartman Building, Columbus, Ohio, 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel buildings and component parts, including but not limited to steel bars, beams, bolts, braces, channels, columns, girders, lintels, nails, plates, reinforcements, rods, roofing, screws, sheets, trusses, and wire*, from Canton and Fairhope, Ohio, to points in Indiana and Michigan. NOTE: Applicant states the proposed service to be under contract with Macomber Inc., Canton, Ohio, Division of Sharon Steel Corp., Sharon, Pa. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

MOTOR CARRIER OF PASSENGERS

No. MC 2060 (Sub-No. 8) (Correction), filed October 19, 1965, published in FEDERAL REGISTER issue of November 4, 1965, and republished as corrected this issue. Applicant: PINE HILL-KINGSTON BUS CORPORATION, 495 Broadway, Kingston, N.Y. Applicant's representative: James E. Wilson, 1735 K Street NW., Washington, D.C., 20006. NOTE: The purpose of this republication is to show carrier's Docket Number as No. MC *2060* (Sub-No. 8), which did not appear in the November 4, 1965, issue of the FEDERAL REGISTER.

No. MC 3647 (Sub-No. 378), filed October 29, 1965. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's representative: Richard Fryling, 180 Boyden Avenue, Maplewood, N.J., 07040. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express*, and *newspapers* in the same vehicle with passengers, between Phillipsburg and Washington, N.J., over New Jersey Highway 24, serving all intermediate points, but restricted against local traffic moving between Phillipsburg and Washington, on the one hand, and, on the other, Easton, Pa. NOTE: Applicant states that it intends to tack the proposed route to its existing route at both termini. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 112157 (Sub-No. 4), filed October 26, 1965. Applicant: PAN AMERICAN MOTOR COACHES, a corporation, 219 North A Street, Post Office Box 1870, Harlingen, Tex. Applicant's representative: Warren Woods, 1735 K Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *newspapers, express and mail*, in the same vehicle with passengers, (1) between junction U.S. Highways 83 and 281 at Pharr, Tex., and the port of entry on the international boundary line between the United States and Mexico located at or near Hidalgo, Tex.; from junction U.S. Highways 83 and 281 over U.S. Highway 281 to junction Spur U.S. Highway 281, thence over Spur U.S. Highway 281 to the port of entry on the international boundary line between the United States and Mexico located at or near Hidalgo and return over the same route, serving all intermediate points; (2) between junction U.S. Highway 281 and Spur U.S. Highway 281, and Progreso, Tex., over U.S. Highway 281, serving all intermediate points; (3) between junction U.S. Highways 281, Spur U.S. Highway 281 and unnumbered highway (to be constructed), and port of entry on the international boundary line located approximately 2 miles south of junction U.S. Highway 281 and Spur U.S. Highway 281, over unnumbered highway (to be constructed), serving all intermediate points; (4) between Brownsville, Tex., and South Padre Island, Tex.; from Brownsville over Texas Highway 4 to junction Texas Highway 48, thence over Texas Highway 48 to junction Texas Farm to Market Road 1792, thence over Texas Farm to Market Road 1792 to Port Isabel, Tex., thence over unnumbered county highway and Queen Isabela Causeway to junction Padre Boulevard on South Padre Island, thence over Padre Boulevard to Cameron County Park Site No. 3, and return over the same route serving all intermediate points; (5) between junction Queen Isabela Causeway and unnumbered highway on Padre Island, Tex., and Cameron County Park Site No. 1 (Isla Blanca Park), over unnumbered highways, serving all intermediate points; (6) between junction Padre Boulevard and unnumbered highway on Padre Island, Tex., and Cameron County Park Site No. 2 (Andy Bowie Park), over unnumbered highways, serving all intermediate points; and (7) between junction Padre Boulevard and unnumbered highway on Padre Island, Tex., and Cameron County Park Site No. 3, over unnumbered highways, serving all intermediate points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Harlingen or San Antonio, Tex.

No. MC 127542 (Sub-No. 1), filed October 27, 1965. Applicant: SUBURBAN TRANSIT CORP., 750 Somerset Street, New Brunswick, N.J. Applicant's representative: Michael J. Marzano, 17 Academy Street, Newark, N.J., 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between New York, N.Y., and Philadelphia, Pa., on the one hand, and, on the other, the site of Rossmoor Leisure World New Jersey, located in Monroe Township, N.J. NOTE: Applicant states that the above proposed operation will be conducted under a continuing contract or contracts with Leisure World Foundation. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

FREIGHT FORWARDER APPLICATION

No. FF-85 (Sub-No. 3), BEKINS HOUSEHOLD SHIPPING COMPANY—EXTENSION—NATIONWIDE, filed November 2, 1965. Applicant: BEKINS HOUSEHOLD SHIPPING COMPANY, 1335 South Figueroa Street, Los Angeles, Calif., 90015. Applicant's representatives: Russell S. Bernhard, Commonwealth Building, 1625 K Street NW., Washington, D.C., 20006, and Eldon R. Clawson, 1335 South Figueroa Street, Los Angeles, Calif., 90015. Authority sought under section 410, Part IV of the Interstate Commerce Act to extend operations as a *freight forwarder* in interstate or foreign commerce, through use of the facilities of common carriers by railroad, express, water, air and motor vehicle in the transportation of *used household goods (including used furniture, pianos, and personal effects)*, *used automobiles*, and *unaccompanied baggage*, between points in the United States, including Hawaii and Alaska. NOTE: Applicant states duplications of present authority will be eliminated. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

WATER CARRIER APPLICATION

No. W-78 (Sub-No. 8) (Amendment) (Mississippi Valley Barge Line Co.—Extension—Arkansas River), filed May 12, 1965, published FEDERAL REGISTER issue of May 26, 1965, amended October 29, 1965, and republished as amended, this issue. Applicant: MISSISSIPPI VALLEY BARGE LINE COMPANY, a corporation, 411 North Seventh Street, St. Louis, Mo., 63101. Applicant's representative: Harry C. Ames, Sr., Transportation Building, Washington, D.C., 20006. Application of Mississippi Valley Barge Line Co., filed May 12, 1965, as amended, for a revised certificate authorizing extension of its operations to include operation as a common carrier by water in interstate or foreign commerce, by nonself-propelled vessels with the use of separate towing vessels in the transportation of general commodities, and by towing vessels in the performance of general towage (a) between ports and points along the Verdigris River and the Arkansas River from Catoosa, Okla., to the confluence of the Arkansas River with the Mississippi River (also via the Arkansas Post Canal and the lower White River between the junction of the Arkansas Post Canal and the Arkansas River and the confluence of the lower White River and the Mississippi River), and (b) between ports and points specified in (a) above, on the one hand, and, on the other, ports and points on other waterways it is authorized to serve pursuant to its certificate of public convenience and necessity issued February 18, 1964, in Docket No. W-78, as amended. NOTE: The purpose of this republication is to broaden the territory description in (a) and to show the correct certificate date in (b) above.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 59570 (Sub-No. 31), filed November 5, 1965. Applicant: HECHT BROTHERS, INC., Lakewood Road, Toms River, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Slag and sand*, and *sand and slag products*, in bulk, in pneumatic or dump vehicles and in bags or containers, from Bronx, N.Y., to points in Connecticut, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, and Maryland, and *rejected shipments*, on return.

No. MC 106401 (Sub-No. 23), filed November 2, 1965. Applicant: JOHNSON MOTOR LINES, INC., 2426 North Graham Street, Charlotte, N.C. Applicant's representative: Donald E. Cross, Munsey Building, 1329 E Street NW., Washington, D.C., 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Courtaulds North America, Inc., located at or near LeMoyne, Ala., as an off-route point in connection with applicant's authorized regular route operations.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 65-12328; Filed, Nov. 17, 1965; 8:45 a.m.]

[Notice 87]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 15, 1965.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 33500 (Sub-No. 14 TA), filed November 10, 1965. Applicant: PYRAMID VAN LINES, INC., 9420 Sandusky Avenue, Cleveland 5, Ohio. Applicant's representative: Marvin Handler, 405 Montgomery Street, San Francisco, Calif., 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Hawaii, for 180 days. Supporting shipper: Applicant's own statement. Send protests to: G. J. Baccei, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 435 Federal Building, Cleveland, Ohio, 44114.

No. MC 83217 (Sub-No. 17 TA), filed November 10, 1965. Applicant: DAKOTA EXPRESS, INC., 110 North Reid Street, Post Office Box 533, Sioux Falls, S. Dak., 57101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products, and commodities*, used in packinghouses, from ports of entry located on the international boundary line between the United States and Canada at Pembina, N. Dak., and Noyes, Minn.; to Minneapolis and St. Paul, Minn., Madison and Milwaukee, Wis.; and Addison and Chicago, Ill., for 150 days. Supporting shipper: Canada Packers Ltd., St. Boniface, Manitoba, Canada. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations and Compliance, Room 369, Federal Building, Pierre, S. Dak., 57501.

No. MC 107403 (Sub-No. 651 TA), filed November 10, 1965. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa., 19050. Applicant's representative: C. W. Zook (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, in bulk, from River Rouge, Mich., to points in Illinois, Indiana, Iowa, Kentucky, Missouri, New York, Ohio (except points in Cuyahoga, Geauga, Lorain and Portage Counties), Pennsylvania, West Virginia, and Wisconsin, for 150 days. Supporting shipper: Marblehead Lime Co., Division of General Dynamics Corp., 300 West Washington Boulevard, Chicago, Ill., 60606. Send protests to: Ross A. Davis, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 900 U.S. Customhouse, Philadelphia, Pa., 19106.

No. MC 108067 (Sub-No. 10 TA), filed November 9, 1965. Applicant: AL ZEFFIRO TRANSFER AND STORAGE INC., Eighth Street and Meldon Avenue, Donora, Pa., 15033. Applicant's representative: Henry Wick, 1515 Park Building, Pittsburgh, Pa., 15222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precut and prefabricated buildings, materials, equipment, and supplies used or useful in construction, selling or distribution thereof*, when shipped to building sites to be used in erection and completion of such buildings, from the plantsite of Ryan Homes, Inc., Rolling Hills Lumber Co. Division, New Beaver Borough, Lawrence County, Pa., to points in Ottawa, Fulton, Henry, Wood, Montgomery, Franklin, and Lucas Counties, Ohio, for 180 days. Supporting shipper: Ryan Homes, Inc., Rolling Hills Lumber Co. Division, Rural Delivery No. 2, Wampum, Pa., 16157. Send protests to: Frank L. Calvary, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2109 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa., 15222.

No. MC 115793 (Sub-No. 5 TA), filed November 10, 1965. Applicant: CALDWELL FREIGHT LINES, INC., Post Office Box 672, Lenoir, N.C., 28645. Applicant's representative: H. Overton Kemp, Room 101-327 North Tryon Street, Post Office Box 20202, Charlotte, N.C., 28202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and furniture parts*, from Johnson City, Tenn., to Hickory and Lenoir, N.C., for 180 days. Supporting shippers: Empire Furniture Corp., Johnson City, Tenn., 37601; Gordon's Inc., Johnson City, Tenn., 37601. Send protests to: Jack K. Huff, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 206-327 North Tryon Street, Charlotte, N.C., 28202.

No. MC 116325 (Sub-No. 38 TA), filed November 10, 1965. Applicant: JENNINGS BOND, doing business as BOND ENTERPRISES, Post Office Box 185, Lutesville, Mo., 63762. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products and flooring*, from Springfield and West Plains, Mo., to points in Iowa, Illinois, Wisconsin, South Dakota, Kansas, Indiana, and Ohio, for 180 days. Supporting shipper: Cloud Oak Flooring Co., Post Office Box 725, 1912 North Weller, Springfield, Mo., 65803. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 3248-B, 1520 Market Street, St. Louis, Mo., 63103.

No. MC 120080 (Sub-No. 2 TA), filed November 10, 1965. Applicant: MORGAN EXPRESS, INC., 3817 Irving Boulevard, Dallas, Tex. Applicant's representative: W. P. Morgan, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transport-

ing: *General commodities* (except classes A and B explosives, household goods, as defined by the Commission, and commodies in bulk), having an immediately prior or subsequent movement by air, as follows: (1) Between airports serving Dallas and Fort Worth, Tex., located in Dallas and Tarrant Counties, Tex., on the one hand, and, on the other, points in Texas follows: (a) From Dallas, Tex., over the Dallas-Fort Worth Turnpike to Fort Worth, Tex., and return over the same route; (b) from Dallas, Tex., over Texas Highway 183 to Fort Worth, Tex., and return over the same route; (c) from Dallas, Tex., over Texas Highway 114 to junction Texas Highway 121, thence over Texas Highway 121 to Fort Worth, Tex., thence over U.S. Highway 377 to junction U.S. Highway 67, thence over U.S. Highway 67 to Ballinger, Tex., and return over the same route; (d) from Dallas, Tex., over U.S. Highway 80 to Fort Worth, Tex., thence over U.S. Highway 287 to Wichita Falls, Tex., and return over the same route; (e) from Dallas, Tex., over U.S. Highway 77 (Interstate Highway 35) to Gainesville, Tex., and return over the same route; (f) from Fort Worth, Tex., over U.S. Highway 80 to Cisco, Tex., and return over the same route; (g) from Weatherford, Tex., over U.S. Highway 180 to junction Texas Highway 351, thence over Texas Highway 351 to Abilene, Tex.

Thence over U.S. Highway 83 to Ballinger, Tex., thence over U.S. Highway 67 to San Angelo, Tex., and return over the same route; (h) from Wichita Falls, Tex., over U.S. Highway 287 to Amarillo, Tex., and return over the same route; (i) from Burkburnett, Tex., over U.S. Highway 281 to junction Texas Highway 70, thence over Texas Highway 79 to Olney, Tex., thence over Texas Highway 251 to Newcastle, Tex., thence over Texas Highway 24 to Graham, Tex., thence over Texas Highway 67 to junction U.S. Highway 180, thence over U.S. Highway 180 to Breckenbridge, Tex., thence over U.S. Highway 183 to Brownwood, Tex., and return over the same route; (j) from Decatur, Tex., over Texas Farm Highway 51 to Gainesville, Tex., and return over the same route; (k) from Denton, Tex., over U.S. Highway 377 to Toanoke, Tex., and return over the same route; (l) from Rhome, Tex., over Texas Highway 114 to junction Texas Highway 121 and return over the same route; (m) from Henrietta, Tex., over U.S. Highway 82 to Gainesville, Tex., and return over the same route; (n) from Graham, Tex., over Texas Highway 24 to Decatur, Tex., and return over the same route; (o) from Coleman, Tex., over Texas Highway 206 to junction U.S. Highway 67 and return over the same route; (p) from Dublin, Tex., over Texas Highway 6 to Eastland, Tex., and return over the same route; (q) from junction U.S. Highway 180 and Texas Highway 16 (near Palo Pinto, Tex.) over Texas Highway 16 to Comanche, Tex., and return over the same route; (r) from Santa Anna, Tex., over U.S. Highway 84 to Coleman, Tex.

Thence over Texas Highway 206 to Cross Plains, Tex., thence over Texas Highway 36 to Comanche, Tex., and return over the same route; serving all intermediate points, and points in the following counties as off-route points: Randall, Taylor, Jack, Childress, Runnels, Palo Pinto, Montague, Cooke, Armstrong, Eastland, Denton, Wilbarger, Coleman, Tarrant, Dallas, Young, Hall, Hood, Stephens, Clay, Comanche, Potter, Callahan, Wise, Hardeman, Tom Green, Parker, Archer, Donley, Erath, Shackelford, Wichita, and Brown; (2) between airports serving Wichita Falls, Tex., over U.S. Highway 287 to the boundary line of Childress and Hall Counties, Tex., and return over the same route; (b) from Wichita Falls, Tex., over Texas Highway 79 to Olney, Tex., thence over Texas Highway 251 to Newcastle, Tex., thence over Texas Highway 24 to Graham, Tex., thence over Texas Highway 67 to the boundary line of Young and Stephens Counties, Tex., and return over the same route; (c) from Graham, Tex., over Texas Highway 24 to Decatur, Tex., and return over the same route; (d) from Wichita Falls, Tex., over U.S. Highway 82 to Gainesville, Tex., and return over the same route; (e) from Henrietta, Tex., over U.S. Highway 287 to Decatur, Tex., and return over the same route; (f) from Decatur, Tex., over Texas Farm Highway 51 to Gainesville, Tex., and return over the same route; serving all intermediate points and points within the following counties as off-route points: Childress, Wilbarger, Young, Wichita, Wise, Jack, Hardeman, Archer, Clay, and Montague; (3) between airports serving Amarillo, Tex., located in Potter and Randall Counties, Tex., on the one hand, and, on the other, points in Texas as follows: From Amarillo, Tex., over U.S. Highway 287 to the boundary line of Hardeman and Wilbarger Counties, Tex., and return over the same route; serving all intermediate points and points within the following counties as off-route points: Armstrong, Potter, Childress, Randall, Conley, Hardeman, and Hall, for 180 days. Supporting shippers: There are letters of support from *44 shippers*, attached to the application which may be examined here at the Commission, at Washington, D.C. Send protests to: E. K. Willis, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 513 Thomas Building, 1314 Wood Street, Dallas, Tex., 75202.

No. MC 126736 (Sub-No. 44 TA), filed November 10, 1965. Applicant: PETROLEUM CARRIER CORPORATION OF FLORIDA, 5627 San Jose Boulevard, Post Office Box 5809, Jacksonville, Fla., 32207. Applicant's representative: Wm. J. Cleary, 369 Margaret Street, Jacksonville, Fla., 32204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphate rock*, in bulk, from Occidental, Fla., to Pelham, Ga., for 180 days. Supporting shipper: Pelham Phosphate Co., Pelham, Ga. Send protests to: George H. Fauss, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Post Office Box 4969, Jacksonville, Fla., 32201.

No. MC 127032 (Sub-No. 3 TA), filed November 10, 1965. Applicant: JAMES EDWARD CARR AND WILLIAM R. HATCHER, a partnership, doing business as CARR & HATCHER, in care of Donald P. Krisher, 623 Peoples Building, Charleston, W. Va., 25301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Baked goods, pies, pastries, and empty containers or other incidental facilities* used in transporting these commodities in shipper owned trailers, from South Charleston and Bluefield, W. Va., and London, Ky., to Jacksonville, Fla., for 180 days. Supporting shipper: Griffin Pie Co., Inc., 1801 Bland Street, Bluefield, W. Va. Send protests to: H. R. White, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 3202, Federal Office Building, 500 Quarrier Street, Charleston, W. Va., 25301.

No. MC 127337 (Sub-No. 2 TA), filed November 10, 1965. Applicant: CHESTER P. SHERRARD, doing business as CHET'S TRANSPORT, Charlotte, Maine. Applicant's representative: Robert J. Gallagher, 111 State Street, Boston, Mass., 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, and bananas in the same vehicle with fresh fruit, fresh vegetables, and fresh berries*, from Boston, Mass., to points on the international boundary between the United States and Canada, at or near Houlton, Vanceboro, Calais, or Bar Harbor, Maine, for 180 days. Supporting shippers: A. DeMattia & Sons, 24 Essex Avenue, Boston, Mass.; and, Brown, Pontefract Brokerage, Inc., 145 Northern Avenue, Boston, Mass. Send protests to: Donald G. Weiler, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 307, 76 Pearl Street, Portland, Maine, 04112.

No. MC 127619 (Sub-No. 1 TA), filed November 10, 1965. Applicant: HENRY A. BUTTERWORTH, doing business as BUTTERWORTH TRANSPORTATION SERVICES, 150 Brookview Avenue, Fairfield, Conn. Applicant's representative: Edward M. Keefe, 687 Garden Street, Trumbull, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (with usual exceptions), having an immediately prior or immediately subsequent movement by aircraft, between points in Connecticut, New York, and New Jersey as follows: Seymour, New Haven, Orange, West Haven, Milford, Stratford, Bridgeport, Fairfield, Westport, Norwalk, Darien, Stamford, and Greenwich, Conn., on the one hand, and, on the other, J. F. Kennedy International Airport and La Guardia Airport, N.Y., and Newark Airport, N.J., for 180 days. Supporting shippers: Edwards Co., Inc., Norwalk, Conn., 06852; Norma-Hoffmann Bearings Co., Stamford, Conn., 06904; The Bullard Co., Bridgeport, Conn., 06609; Bridgeport Brass Co., Bridgeport, Conn., 06602; Bridgeport Machines, Inc., Bridgeport, Conn., 06606; McKesson Laboratories, Bridgeport, Conn., 06602; American Chain & Cable Co., Inc., Bridgeport, Conn., 06602; Airborne Freight Corp., Post Office Box Y, Jamaica, N.Y.; and, Domestic Air Express, Inc., 147-89 Farmers Boulevard, Jamaica, N.Y., 11434. Send protests to: David J. Kiernan, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 135 High Street, Hartford, Conn., 06101.

No. MC 127670 (Sub-No. 1 TA), filed November 10, 1965. Applicant: ROBERT O. PEASLEY, doing business as ROBB PEASLEY, 1475 West Alys Place, Denver, Colo. Applicant's representative: Mark K. Boyle 345 South State Street, Salt Lake City, Utah. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, implements, and parts*, from points in Ohio, Kentucky, Indiana, Iowa, Utah, Illinois, Wisconsin, Kansas, Texas, Oklahoma, Colorado, Nebraska, Arizona, and California, to points in Utah; to those points in Malheur and Baker Counties, Oreg.; to those in Clark, Lincoln, White Pine and Elko Counties, Nev.; those in Uinta, Sweetwater, Lincoln, Sublette and Teton Counties, Wyo.; and those points in the state of Idaho south of the southern boundary of Idaho County, for 150 days. Supporting shipper: General Implement Distributors, Inc., Post Office Box 2220, Salt Lake City 10, Utah. Send protests to: Luther H. Oldham, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2022 Federal Building, 1961 Stout Street, Denver, Colo., 80202.

No. MC 127685 (Sub-No. 1 TA), filed November 10, 1965. Applicant: CHARLES E. GEORGE, 217 Union Street, Oswego, Kans. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural lime*, in bulk, from Coffeyville and Chetopa, Kans., to points in Washington, and points in Craig, Nowata and Ottawa Counties, Okla., for 150 days. Supporting shipper: John J. Stark, Contractor, Post Office Box 7, Girard, Kans. Send protests to: M.E. Taylor, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 906 Schweiter Building, Wichita, Kans., 67202.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 65-12396; Filed, Nov. 17, 1965; 8:48 a.m.]

[Notice 1282]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 15, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-67852. By supplemental order of November 9, 1965, Transfer Board approved the transfer to J. W. Cockburn, doing business as Cockburn Co., Powell, Wyo., of Certificate No. MC-108853, acquired by Fred J. Keller, doing business as Keller Trucking Co., Powell, Wyo., pursuant to proceeding in No. MC-FC-66740, approved April 3, 1964, and consummated May 16, 1964, and assigned No. MC-1897 (Sub-No. 13), authorizing the transportation over irregular routes of livestock, emigrant movables, agricultural commodities, machinery and machinery parts, farm equipment, building material, pipe, seed, and livestock feed, between points in Big Horn, Park, Washakie, and Hot Springs Counties, Wyo.; livestock and emigrant movables, between points in Big Horn, Park, Washakie, and Hot Springs Counties, Wyo., on the one hand, and, on the other, points in Colorado, Idaho, Montana, Nebraska, and Utah; machinery and related machinery parts when their transportation is incidental to the transportation of machinery, and agricultural commodities, in bulk, between points in Big Horn, Park, Washakie, and Hot Springs Counties, Wyo., on the one hand, and, on the other, points in Montana; building material and pipe, between points in Big Horn, Park, Washakie, and Hot Springs Counties, Wyo., on the one hand, and, on the other, points in Montana, except Billings, Mont.; seed, livestock feed, and agricultural commodities except those in bulk, between points other than incorporated town and cities in Big Horn, Park, Washakie, and Hot Springs Counties, Wyo., on the one hand, and, on the other, points in Montana. The other operating rights of transferor in Certificate No. MC-1897 were transferred to transferee by order entered June 28, 1965. The time for filing petitions expired July 28, 1965.

No. MC-FC-68014. By order of November 10, 1965, Transfer Board approved the transfer to the Bee Freight System, Inc., Denver, Colo., of Certificate No. MC-125773, issued March 12, 1964, to Walter R. Plankinton, doing business as Beeline Express, Thornton, Colo., authorizing the transportation over irregular routes of supplies used by beekeepers, and live bees, in hives, when moving in the same vehicle and at the same time with supplies used by beekeepers, between points in Colorado and Nebraska, on the one hand, and, on the other, points in California. Robert D. Means, 502 Majestic Building, Denver 2, Colo., representative for applicants.

No. MC-FC-68070. By order of November 10, 1965, Transfer Board approved the transfer to Beeline Express, Inc., Denver, Colo., of Certificates Nos. MC-125773 (Sub-No. 1), MC-125773 (Sub-No. 2), MC-125773 (Sub-No. 3), and MC-125773 (Sub-No. 4), issued April 29, 1965, May 3, 1965, April 29, 1965, and April 29, 1965, respectively, to Walter R. Plankinton, doing business as Beeline Express, Thornton, Colo., authorizing the transportation over irregular routes of supplies used by beekeepers, and live bees, in hives, when moving in the same vehicle and at the same time with supplies used by beekeepers, between points in Colorado, on the one hand, and, on the other, points in Idaho, Oregon, and Washington; between points in Colorado on the one hand, and, on the other, points in Utah; between points in Colorado, on the one hand, and, on the other, points in Texas; and between points in Utah, on the one hand, and, on the other, points in Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, and Washington (except points in Jefferson, Clallam, Kitsap, and Mason Counties, Wash.). Robert D. Means, 502 Majestic Building, Denver 2, Colo., representative for applicants.

No. MC-FC-68282. By order of November 10, 1965, Transfer Board approved the transfer to J. M. Hobin & Son, Inc., Central Falls, R.I., of the operating rights of John M. Hobin, doing business as J. M. Hobin & Son, Cranston, R.I., in Certificate No. MC-61014, issued April 30, 1941, authorizing the transportation, over irregular routes, of machinery and machine parts and accessories, between Providence, R.I., on the one hand, and, on the other, Bristol, Hartford, and New Britain, Conn., Boston, Cambridge, and Leominster, Mass., points in New London and Windham Counties, Conn., and those in a described portion of Massachusetts. John J. Cappelli, 1124 Industrial Bank Building, Providence, R.I., 02903, attorney for applicants.

No. MC-FC-68284. By order of November 10, 1965, Transfer Board approved the transfer to Vern Kemp and William W. Morgan, a partnership, doing business as K & M Trucking Co., Farragut, Iowa, of the operating rights of F. C. Palm, Farragut, Iowa, in Certificate No. MC-68528, issued June 7, 1941, authorizing the transportation, over irregular routes, of flour, feed, agricultural implements, building materials, and seed, livestock, from, to, and between specified points in Nebraska, Iowa, Missouri, and Kansas, varying with the commodities indicated.

No. MC-FC-68287. By order of November 10, 1965, Transfer Board approved the transfer to Sandhaus Transportation Co., Inc., Kansas City, Mo., of the operating rights in the certificate of registration in No. MC-120778 (Sub-No. 1), issued December 6, 1963, to Lone Jack Truck Lines, Inc., Kansas City, Mo., evidencing the right of the holder thereof to engage in interstate or foreign commerce, corresponding in scope to the service authorized by certificate of convenience and necessity and Permit No.

T-19,890, dated December 27, 1960, and rights merged therein by an order dated April 11, 1961, issued by the Public Service Commission of the State of Missouri.

James F. Miller, 7601 Mission Road, Shawnee Mission, Kans., attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-12397; Filed, Nov. 17, 1965; 8:49 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 15, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40116—*Woodpulp to Wachusett, Mass.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2809), for interested rail carriers. Rates on woodpulp and woodpulp screenings, in carloads, from Tupper, Nova Scotia, Canada, to Wachusett, Mass.

Grounds for relief—Foreign water and rail competition.

Tariff—Supplement 36 to Canadian National Railways tariff ICC E.517.

FSA No. 40117—*Woodpulp to Adams, Mass.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2810), for interested rail carriers. Rates on woodpulp and woodpulp screenings, in carloads, from Tupper, Nova Scotia, Canada, to Adams, Mass.

Grounds for relief—Foreign water and rail competition.

Tariff—Supplement 36 to Canadian National Railways tariff ICC E.517.

FSA No. 40118 — *Joint motor-rail rates—Southern Motor Carriers.* Filed by Southern Motor Carriers Rate Conference, agent (No. 126), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in southern territory.

Grounds for relief—Motor-truck competition.

Tariff—Supplement 17 to Southern Motor Carriers Rate Conference, agent, tariff MF-ICC 1351.

FSA No. 40119—*Liquid caustic soda to Chicago, Ill.* Filed by O. W. South, Jr., agent (No. A4791), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, subject to minimum shipment of 5 tank carloads, from Evans City, Ala., to Chicago, Ill.

Grounds for relief—Carrier competition.

Tariff—Supplement 92 to Southern Freight Association, agent, tariff ICC S-272.

FSA No. 40120 — *Joint motor-rail rates—Eastern Central.* Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 380), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middlewest territory, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief—Motor-truck competition.

Tariff—Original page 158 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-ICC A-268.

FSA No. 40121 — *Joint motor-rail rates—Eastern Central.* Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 381), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in central states, middlewest and southwestern territories, on the other.

Grounds for relief—Motor-truck competition.

Tariff—Original page 78 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-ICC A-268.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-12398; Filed, Nov. 17, 1965; 8:49 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 12, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40114—*Dry and liquid fertilizers from Epco, Idaho.* Filed by Union Pacific Railroad Co. (No. 128), for itself and interested rail carriers. Rates on dry and liquid fertilizers, in carloads, from Epco, Idaho, to points in Colorado and Wyoming.

Grounds for relief—Market competition.

Tariff—Supplement 8 to Union Pacific Railroad Co., tariff ICC 5606.

FSA No. 40115—*Canned or preserved foodstuffs from and to points in Wyoming.* Filed by Southwestern Freight Bureau, agent (No. B-8775), for interested rail carriers. Rates on canned foodstuffs and related articles, in carloads, between points in southwestern territory, on the one hand, and points in Wyoming, on the other.

Grounds for relief—Grouping.

Tariff—Supplement 46 to Southwestern Freight Bureau, agent, tariff ICC 4609.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-12327; Filed, Nov. 16, 1965; 8:49 a.m.]

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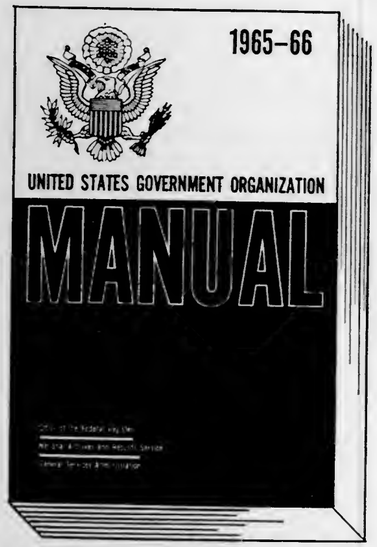
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FEDERAL REGISTER

VOLUME 30 • NUMBER 224

Friday, November 19, 1965 • Washington, D.C.

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THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

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The General Services Administration believes that a systematic, centralized publication of Presidential items on a weekly basis will provide users with up-to-date information on Presidential policies and pronouncements. The service is being carried out by the Office of the Federal Register, which now publishes similar material in annual volumes entitled "Public Papers of the Presidents."

The *Weekly Compilation* carries a Monday dateline. It includes an Index of Contents on the first page and a Cumulative Index at the end. Other finding aids include lists of laws approved by the President and of nominations submitted to the Senate, and a checklist of White House releases.

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Title 3—THE PRESIDENT

Proclamation 3690

CRUSADE FOR SAFETY DAY

By the President of the United States of America

A Proclamation

WHEREAS traffic accidents constitute one of the Nation's most urgent domestic problems, involving a continuous toll of death, injury, and financial loss; and

WHEREAS the benefits of our vastly improved highways can be fully realized only if we are able to travel them without excessive risk of accidents; and

WHEREAS public officials concerned with traffic safety cannot win the fight against traffic accidents without the active cooperation of private citizens; and

WHEREAS the Congress, by House Concurrent Resolution 448, agreed to October 22, 1965, has requested the President to issue a proclamation designating November 26, 1965, as Crusade for Safety Day:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby proclaim November 26, 1965, as Crusade for Safety Day. I urge that private citizens throughout the country join public officials in their efforts to improve highway safety through the application of measures designed to prevent traffic accidents.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 16th day of November in the year of our Lord nineteen hundred and sixty-five, and of the Independence of the United States of America the one hundred and ninetieth.

[SEAL]

LYNDON B. JOHNSON

By the President:

GEORGE W. BALL,
Acting Secretary of State.

[F.R. Doc. 65-12529; Filed, Nov. 18, 1965; 10:31 a.m.]

Executive Order 11258

PREVENTION, CONTROL, AND ABATEMENT OF WATER POLLUTION BY FEDERAL ACTIVITIES

By virtue of the authority vested in me as President of the United States and in furtherance of the purpose and policy of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466), it is ordered as follows:

SECTION 1. *Policy.* The heads of the departments, agencies, and establishments of the Executive Branch of the Government shall provide leadership in the nationwide effort to improve water quality through prevention, control, and abatement of water pollution from Federal Government activities in the United States. In order to achieve these objectives—

(1) Pollution from all existing Federal facilities and buildings shall be controlled in accordance with plans to be submitted to the Director of the Bureau of the Budget pursuant to Section 3 of this Order;

(2) New Federal facilities and buildings shall be constructed so as to meet the pollution control standards prescribed by Section 4 of this Order;

(3) Pollution caused by all other operations of the Federal Government, such as water resources projects and operations under Federal loans, grants, or contracts, shall be reduced to the lowest level practicable;

(4) Review and surveillance of all such activities shall be maintained to assure that pollution control standards are met on a continuing basis;

(5) The Secretary of Health, Education, and Welfare shall, in administering the Federal Water Pollution Control Act, as amended, provide technical advice and assistance to the heads of other departments, agencies, and establishments in connection with their duties and responsibilities under this Order;

(6) The head of each department, agency, and establishment shall ensure compliance with Section 11 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466h), which declares it to be the intent of Congress that Federal departments and agencies shall, insofar as practicable and consistent with the interests of the United States and within available appropriations, cooperate with the Secretary of Health, Education, and Welfare and with State and interstate agencies and municipalities, in preventing or controlling water pollution; and

(7) Water pollution control needs shall be considered in the initial stages of planning for each new installation or project, and the head of each department, agency, and establishment shall establish appropriate procedures for securing advice and for consulting with the Secretary of Health, Education, and Welfare at the earliest feasible stage.

SEC. 2. *Procedures for new Federal facilities and buildings.* (a) A request for funds to defray the cost of designing and constructing new facilities and buildings in the United States shall be included in the annual budget estimates of a department, agency, or establishment only if such request includes funds to defray the costs of such measures as may be necessary to assure that the new facility or building will meet the general standards prescribed by Section 4 of this Order.

(b) Prior to any solicitation of bids for construction of any such new facility or building a description of the essential features of the water pollution control and treatment measures proposed for the

project shall be submitted to the Secretary of Health, Education, and Welfare for prompt review and advice as to the adequacy and effectiveness of the measures proposed and for advice as to any related operating procedures and continuing laboratory examinations deemed necessary to ensure effective plant operation.

SEC. 3. *Procedures for existing Federal facilities and buildings.* (a) In order to facilitate budgeting for corrective and preventive measures, the head of each department, agency, and establishment shall provide for an examination of all existing facilities and buildings under his jurisdiction in the United States and shall develop and present to the Director of the Bureau of the Budget, by July 1, 1966, a phased and orderly plan for installing such improvements as may be needed to prevent water pollution, or abate such water pollution as may exist, with respect to such buildings and facilities. Subsequent revisions needed to keep any such plan up-to-date shall be promptly submitted to the Director of the Bureau of the Budget. Future construction work at each such facility and the expected future use of the facility shall be considered in developing such a plan. Each such plan, and any revisions therein, shall be developed in consultation with the Secretary of Health, Education, and Welfare in order to ensure that adoption of the measures proposed thereby will result in the prevention or abatement of water pollution in conformity with the general standards prescribed by Section 4 of this Order.

(b) The head of each department, agency, and establishment shall present to the Director of the Bureau of the Budget, by July 1, 1967, and by the first of each fiscal year thereafter, an annual report describing progress of his department, agency, or establishment in accomplishing the objectives of its pollution abatement plan.

SEC. 4. *General standards.* (a) Federal installations shall provide secondary treatment, or its equivalent, for all wastes except cooling water and fish hatchery effluents. Discharge of wastes into municipal sewerage systems maintaining adequate treatment is hereby declared to be the preferred method of disposal. However, whenever connection to such a system is not feasible, the department, agency, or establishment concerned shall be responsible for installing its own waste treatment system. Upon an application of the head of a department, agency, or establishment, a degree of treatment less than secondary may be approved with respect to an agency-installed system in an exceptional case if the Secretary of Health, Education, and Welfare finds that a lesser degree of treatment is adequate to protect the quality of the receiving waters.

(b) If discharge of cooling water is expected to create problems by significantly increasing the temperature of the receiving waters, facilities shall be installed, or operating procedures shall be established, to maintain water temperatures within acceptable limits.

(c) Storage facilities for materials which are hazardous to health and welfare, and for oils, gases, fuels or other materials capable of causing water pollution, if accidentally discharged, shall be located so as to minimize or prevent any spillage which might result in water pollution. Engineering measures to entrap spillage, such as catchment areas, relief vessels, or entrapment-dikes, shall be installed so as to prevent accidental pollution of water.

(d) No waste shall be discharged into waters if it contains any substances in concentrations which are hazardous to health.

(e) No waste shall be discharged into waters if it contains any substances in concentrations which will result in substantial harm to domestic animals, fish, shellfish, or wildlife, if methods of treatment or disposal are available that will remove or render harmless such pollutants. If such methods are not available, but can reasonably

be developed, they will be developed and used at the earliest possible date. A determination that such methods are not available or cannot reasonably be developed will not be made without the concurrence of the Secretary of Health, Education, and Welfare.

(f) The head of each department, agency, and establishment shall, with respect to each installation in the United States under his jurisdiction, make, or cause to be made, such surveys as may be necessary to ensure that discharges of waste effluents from activities concerned with radioactivity are in accord with the applicable rules, regulations, or requirements of the Atomic Energy Commission (10 CFR, Part 20) and the policies and guidance of the Federal Radiation Council as published in the FEDERAL REGISTER.

(g) Construction and operating plans for waste treatment facilities shall include space for the conduct of necessary laboratory analyses and for the maintenance of records of results thereof whenever the size and complexity of the system makes this necessary.

(h) Construction and operating plans for waste treatment facilities shall take into account water quality standards promulgated pursuant to the provisions of the Water Quality Act of 1965 (79 Stat. 903).

(i) Any waste treatment facilities installed by any department, agency, or establishment shall as far as practicable be constructed so as to conform with any areawide program, meeting criteria established by the Housing and Home Finance Administrator for a unified or officially coordinated areawide sewer facilities system as part of a comprehensively planned development of an area pursuant to Section 702(c) of the Housing and Urban Development Act of 1965, that may have been adopted with respect to the areas concerned.

SEC. 5. *Modification of standards.* The standards prescribed by paragraphs (a) through (e) and (g) through (i) of Section 4 of this Order may be supplemented or modified by the Secretary of Health, Education, and Welfare, after consultation with the Director of the Bureau of the Budget. All such changes shall be published in the FEDERAL REGISTER.

SEC. 6. *Procedures for Federal water resources projects.* (a) The Secretaries of Agriculture, the Army, and the Interior, the Tennessee Valley Authority, and the United States Section of the International Boundary and Water Commission shall present for the consideration of the Secretary of Health, Education, and Welfare any plans that they propose to recommend with respect to the authorization or construction of any Federal water resource development project in the United States. Such plans must be consistent with the general standards prescribed by Section 4 of this Order to the fullest extent practicable. The Secretary of Health, Education, and Welfare shall review such plans and supporting data relating to water quality, and shall prepare a report to the head of the responsible department, agency, or establishment describing the potential impact of the project on water quality, including recommendations concerning any changes or other measures with respect thereto which he considers to be necessary with respect to the design, construction, and operation of the project.

(b) The report of the Secretary of Health, Education, and Welfare shall accompany any report proposing authorization or construction of such a water resource development project. In any case in which the Secretary of Health, Education, and Welfare fails to submit a report within 90 days after receipt of project plans, the head of the department, agency, or establishment concerned may propose authorization or construction of the project without such an accompanying report. In any such case, the head of the department, agency, or establishment concerned shall explicitly state in his report

concerning the project that the Secretary of Health, Education, and Welfare has not reported on the potential impact of the project on water quality.

SEC. 7. *Review of facilities or operations supported by Federal loans, grants, or contracts.* (a) The head of each department, agency, and establishment shall conduct a review of the loan, grant, and contract practices of his organization to determine the extent to which water pollution control standards similar to those set forth in this Order for direct Federal operations should be adhered to by borrowers, grantees, or contractors with respect to their operations in the United States. The head of each department, agency, and establishment shall review all such activities for which there is a significant potential for reduction of water pollution and develop appropriate recommendations for accomplishing such reduction. In conducting this review, necessary technical assistance should be sought from the Secretary of Health, Education, and Welfare and the heads of other appropriate Federal agencies. A report on the results of this review shall be submitted to the Director of the Bureau of the Budget by July 1, 1966.

(b) The heads of departments, agencies, and establishments are encouraged to prescribe regulations covering loan, grant, or contract practices designed to reduce water pollution.

SEC. 8. *Study of water pollution from vessel operations.* The Secretary of Health, Education, and Welfare shall make a comprehensive study of the problem of water pollution within the United States caused by the operation of vessels, and shall develop such recommendations for corrective or preventive action as may be appropriate, including recommendations with respect to vessels operated by any department, agency, or establishment of the Federal Government. The results of the study and recommendations shall be transmitted to the President by January 1, 1967. The study and report thereon shall be prepared in consultation with, and with the advice and assistance of, the Secretary of Defense, the Secretary of the Treasury, and the Secretary of Commerce.

SEC. 9. *Prior Executive Order superseded.* Executive Order No. 10014 of November 5, 1948, is hereby superseded.

LYNDON B. JOHNSON

THE WHITE HOUSE,
November 17, 1965.

[F.R. Doc. 65-12521; Filed, Nov. 17, 1965; 4:58 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show the exception under Schedule C of the position of one Deputy Administrator, Economic Development Administration. Effective on publication in the FEDERAL REGISTER, subparagraph (5) is added to paragraph (q) of § 213.3314 as set out below.

§ 213.3314 **Department of Commerce.**

• • • • • •

(q) *Office of the Assistant Secretary for Economic Development.* • • •

(5) One Deputy Administrator, Economic Development Administration.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director,
Bureau of Management Services.

[F.R. Doc. 65-12418; Filed, Nov. 18, 1965; 8:45 a.m.]

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show the exception under Schedule C of the following positions under the Assistant Secretary of Commerce for Economic Development: The Deputy Assistant Secretary for Economic Development (Liaison) and the Deputy Assistant Secretary for Economic Development (Operations), two Special Assistants to the Assistant Secretary for Economic Development, two Private Secretaries to the Assistant Secretary for Economic Development, and one Private Secretary each to the Deputy Assistant Secretaries for Economic Development; the Director and Deputy Director of the Office of Regional Economic Development and their Private Secretaries, and the Special Assistant to the Director, Office of Regional Economic Development. Effective upon publication in the FEDERAL REGISTER, subparagraphs (6) through (14) of paragraph (q) of § 213.3314 are added as set out below.

§ 213.3314 **Department of Commerce.**

• • • • • •

(q) *Office of the Assistant Secretary for Economic Development.* • • •

(6) One Deputy Assistant Secretary for Economic Development (Liaison).

(7) One Deputy Assistant Secretary for Economic Development (Operations).

(8) Two Special Assistants to the Assistant Secretary for Economic Development.

(9) Two Private Secretaries to the Assistant Secretary for Economic Development.

(10) One Private Secretary to each of the two Deputy Assistant Secretaries for Economic Development.

(11) The Director, Office of Regional Economic Development.

(12) The Deputy Director, Office of Regional Economic Development.

(13) One Special Assistant to the Director, Office of Regional Economic Development.

(14) One Private Secretary each to the Director and Deputy Director, Office of Regional Economic Development.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director,
Bureau of Management Services.

[F.R. Doc. 65-12419; Filed, Nov. 18, 1965; 8:45 a.m.]

PART 530—PAY RATES AND SYSTEMS (GENERAL)

Effect of Statutory Pay Increase

Section 530.307(b) is amended by eliminating subparagraph (2) which was intended for application only to the July 1964 pay increase. Section 530.307(b) is amended as set out below.

§ 530.307 **Effect of statutory pay increase.**

• • • • • •

(b) When an employee was receiving a special rate immediately before the effective date of a statutory pay increase, he shall receive on that effective date the rate of basic compensation for:

(1) The numerical rank in the new special rate range for his grade or level that corresponds with the numerical rank of the special rate he was receiving immediately before that effective date; or

(2) If there is no new special rate range, the numerical rank in the new statutory pay schedule for his grade or level that corresponds with the numerical rank of the special rate he was receiving immediately before that effective date.

(Sec. 504, 76 Stat. 842; 5 U.S.C. 1173; E.O. 11073, 28 F.R. 203, 3 CFR, 1963 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director,
Bureau of Management Services.

[F.R. Doc. 65-12453; Filed, Nov. 18, 1965; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM ACREAGE ALLOTMENTS AND MARKETING QUOTAS

[Amdt. 1b]

PART 724—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52), CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, AND 55), AND MARYLAND TOBACCO

Subpart—Determination and Announcement of Community Average Yields for Flue-Cured Tobacco Determined Under Section 317 of the Agricultural Adjustment Act of 1938, as Amended

COMMUNITY AVERAGE YIELD FOR FLUE-CURED TOBACCO FOR COMMUNITY IN STATE OF GEORGIA

Basis and purpose. The amendment herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended, particularly by Public Law 89–12 (79 Stat. 66), approved April 16, 1965 (7 U.S.C. 1281 et seq.) to amend the community average yield for flue-cured tobacco for the community of Odum, Wayne County, Ga.

After the community average yield for flue-cured tobacco for the community of Odum, Wayne County, Ga., was published (30 F.R. 6207), it was found that the published community average yield was not correct as the figure published was based on a calculation which included in the community of Odum a farm located in the community of Screven, Wayne County, Ga., and failed to include a farm located in the community of Odum. The community average yield for the community of Screven was not affected.

Since the error in the community average yield published for the community of Odum was discovered before the published figure was used and flue-cured tobacco marketing quotas established for 1965 were based on the correct figure of 1,870 pounds, it is hereby found and determined that compliance with the notice, public procedure, and 30-day effective date provisions of the Administrative Procedure Act is impracticable and contrary to the public interest.

Section 724.34u is amended to correct the community average yield listed for the community of Odum in Wayne County in the State of Georgia, to read as follows:

Community	Average Yield
Odum	1,870

(Secs. 317, 375, 79 Stat. 66, 52 Stat. 66, as amended; 7 U.S.C. 1314c, 1375, Public Law 89–12, approved April 16, 1965).

Effective date: Date of filing this document with the Director, Office of the Federal Register

Signed at Washington, D.C., on: November 16, 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65–12454; Filed, Nov. 18, 1965; 8:49 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Certification of Certain Shipments

Notice is hereby given of the approval of an amendment, as hereinafter set forth, of the rules and regulations (7 CFR Part 905.120 et seq.; Subpart—Rules and Regulations) currently in effect pursuant to the amended marketing agreement and Order No. 905, as amended (7 CFR Part 905; 30 F.R. 13933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

It is hereby found and determined that the said amendment of the rules and regulations, which was submitted for approval by the Growers Administrative Committee, established pursuant to the amended marketing agreement and order as the agency to administer the provisions thereof, is in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared purposes of the Agricultural Marketing Agreement Act of 1937, as amended, and said rules and regulations are hereby amended as follows:

A new § 905.145 *Certification of certain shipments* is added as follows:

§ 905.145 Certification of certain shipments.

Whenever a regulation pursuant to § 905.52 restricts the shipment of a portion of a specified grade or size of a variety, each handler shipping such variety during the regulation period shall, with respect to each such shipment, certify to the U.S. Department of Agriculture and the Growers Administrative Committee the quantity of the partially restricted grade or size, or both, contained in such shipment. Such certification shall accompany the manifest of such shipment which the handler furnishes to the Federal-State Inspection Service.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) a further amendment of the said marketing agreement and order, effective November 4, 1965, changed the provisions relating to grade and size regulations; (2) the amendment of the rules and regulations is necessary to enable the committee to check compliance with currently effective regulations under the revised provisions of the said amended marketing agreement and order; and (3) the changes effectuated by such amendment of the rules and regulations will not require any special preparation which cannot be completed prior to the effective time hereof.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated November 16, 1965, to become effective upon publication in the FEDERAL REGISTER.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–12455; Filed, Nov. 18, 1965; 8:49 a.m.]

PART 912—GRAPEFRUIT GROWN IN INDIAN RIVER DISTRICT IN FLORIDA

Expenses and Rate of Assessment and Carryover of Unexpended Funds

On October 30, 1965, notice of rule making was published in the FEDERAL REGISTER (30 F.R. 13833) regarding proposed expenses and the related rate of assessment for the period beginning August 1, 1965, and ending July 31, 1966, and carryover of unexpended funds pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Fla. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Indian River Grapefruit Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 912.205 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Indian River Grapefruit Committee during the period August 1, 1965, through July 31, 1966, will amount to $25,000.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 912.41 is fixed at $0.005 per standard packed box of grapefruit.

(c) *Operating reserve.* Unexpended assessment funds, in the amount of $11,171.21, shall be carried over as a reserve in accordance with the applicable provisions of § 912.42.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable grapefruit handled during the aforesaid period, and (2) such period began on August 1, 1965, and said rate of assessment will automatically apply to all such grapefruit beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 16, 1965.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–12456; Filed, Nov. 18, 1965; 8:49 a.m.]

PART 947—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES, CALIF., AND IN ALL COUNTIES IN OREGON, EXCEPT MALHEUR COUNTY

Expenses and Rate of Assessment

Notice of rule making regarding the proposed expenses and rate of assessment, to be effective under Marketing Agreement No. 114, as amended, and Order No. 947, as amended (7 CFR Part 947), regulating the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California and all Counties in Oregon except Malheur County, was published in the October 22, 1965, FEDERAL REGISTER (30 F.R. 13455). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to submit data, views, or arguments pertaining thereto not later than 15 days following publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice which were recommended by the Oregon-California Potato Committee, established pursuant to the said marketing agreement and order, it is hereby found and determined that:

§ 947.218 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period beginning July 1, 1965, and ending June 30, 1966, by the Oregon-California Potato Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate, will amount to $22,340.

(b) The rate of assessment to be paid by each handler in accordance with the Marketing Agreement and this part shall be three-tenths of one cent ($0.003) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section have the same meaning as when used in the said marketing agreement and this part.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that: (1) The relevant provisions of said marketing agreement and this part require that rates of assessment fixed for a particular fiscal period shall be applicable to all assessable potatoes from the beginning of such period, and (2) the current fiscal period began July 1, 1965, and the rate of assessment herein fixed will automatically apply to all assessable potatoes beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 15, 1965.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division.

[F.R. Doc. 65–12430; Filed, Nov. 18, 1965; 8:46 a.m.]

PART 958—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

Expenses and Rate of Assessment

Notice of rule making regarding proposed expenses and rate of assessment, to be effective under Marketing Agreement No. 130 and Order No. 958 (7 CFR Part 958) regulating the handling of onions grown in designated counties in Idaho and Malheur County, Oreg., was published in the FEDERAL REGISTER October 27, 1965 (30 F.R. 13650). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to submit data, views, or arguments pertaining thereto not later than 15 days following publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the Idaho-Eastern Oregon Onion Committee, established pursuant to said marketing agreement and order, it is hereby found and determined that:

§ 958.209 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period beginning July 1, 1965, and ending June 30, 1966, by the Idaho-Eastern Oregon Onion Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate will amount to $7,400.

(b) The rate of assessment to be paid by each handler in accordance with the Marketing Agreement and this part shall be three-tenths of one cent ($0.003) per hundredweight of onions handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section have the same meaning as when used in the said marketing agreement and this part.

It is hereby found that good cause exists for not postponing the effective time of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) the relevant provisions of said marketing agreement and this part require that rates of assessment fixed for a particular fiscal period shall be applicable to all accessable onions from the beginning of such period, and (2) the current fiscal period began on July 1, 1965, and the rate of assessment herein fixed will automatically apply to all assessable onions beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 15, 1965.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division.

[F.R. Doc. 65–12431; Filed, Nov. 18, 1965; 8:48 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. D]

PART 204—RESERVES OF MEMBER BANKS

Termination of Pueblo, Colo., Designation as Reserve City

1. Part 204 is amended by adding thereto the following new section:

§ 204.57 Termination of Pueblo, Colo., designation as reserve city.

In accordance with paragraph (e) of § 204.51, a member bank in Pueblo, Colo., has submitted a written request for termination of the designation of such city as a reserve city, and, acting pursuant to such paragraph (e) of § 204.51, the Board of Governors has granted such request. Accordingly, the designation of Pueblo, Colo., as a reserve city is hereby terminated effective November 25, 1965.

2. There was no notice and public participation with respect to this amendment as such procedure and delay would be contrary to the public interest and serve no useful purpose. (See § 262.1(e) of the Board's rules of procedure (12 CFR 262.1(e)).)

Dated at Washington, D.C., this 15th day of November 1965.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 65–12422; Filed, Nov. 18, 1965; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 65–CE–113]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone and Transition Area

On September 10, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 11644) stating that the Federal Aviation Agency proposed to designate controlled airspace in the vicinity of Kalispell, Mont.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The one comment received was favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., February 3, 1966, as hereinafter set forth.

(1) In § 71.171 (29 F.R. 17581) the following control zone is added:

KALISPELL, MONT.

Within a 5-mile radius of Flathead County Airport, Kalispell, Mont. (latitude 48°18' 49'' N., longitude 114°15'16'' W.).

(2) In § 71.181 (29 F.R. 17643) the following transition area is added:

KALISPELL, MONT.

That airspace extending upward from 700 feet above the surface within 2 miles each side of the Kalispell VOR 332° radial, extending from the arc of a 5-mile radius circle centered on Flathead County Airport (latitude 48°18'49'' N., longitude 114°15'16'' W.) to the VOR; and that airspace extending upward from 1200 feet above the surface within 5 miles E and 8 miles W of the Kalispell VOR 166° and 346° radials extending from 14 miles S to 7 miles N of the VOR.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on November 10, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65–12420; Filed, Nov. 18, 1965; 8:45 a.m.]

[Airspace Docket No. 65–SO–61]

PART 73—SPECIAL USE AIRSPACE

Continuation of Restricted Areas

On September 11, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 11695) stating that the Federal Aviation Agency is considering an amendment to Part 73 of the Federal Aviation Regulations that would extend the times of designation for Restricted Areas R–2903D and R–2903E at Jacksonville West, Fla., and Jacksonville North, Fla., respectively. These Restricted Areas will be revoked concurrent with the establishment of a Jacksonville Terminal Radar Service Area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 1, 1966, as hereinafter set forth.

In § 73.29 (29 F.R. 17037, 29 F.R. 17739) the times of designation of Restricted Areas R–2903D and R–2903E are changed to read "Continuous."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 12, 1965.

ARCHIE W. LEAGUE,
Director, Air Traffic Service.

[F.R. Doc. 65–12421; Filed, Nov. 18, 1965; 8:45 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[10th Gen. Rev. of Export Regs., Amdt. 8]

PART 384—GENERAL ORDERS

Extension of Copper Export Controls

Part 384, General Orders, is amended by adding a new § 384.7 to read as follows:

§ 384.7 Extension of copper export controls.

(a) Effective immediately all exports of copper including copper scrap from the United States to any destination will require issuance of a validated license by the Office of Export Control of the Department of Commerce. The export licensing does not apply to copper which is now on board vessels or now in ports and scheduled for loading.

(b) The requirement of a specific application and validated license applies to all forms of copper set forth in the Department's Commodity Control List of the Comprehensive Export Schedule currently issued by the Department. This includes unrefined, as well as refined, copper.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487; E.O. 11038, 27 F.R. 7003)

Issued: November 18, 1965.

RAUER H. MEYER,
Director, Office of Export Control.

[F.R. Doc. 65–12545; Filed, Nov. 18, 1965; 11:00 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Three-Party Promotional Assistance Plans

The Federal Trade Commission issued the following regarding three-party promotional assistance plans.

§ 15.3 Three-party promotional assistance plans.

(a) Since June 1962, when its Advisory Opinion procedure was established, the Commission has received many requests for opinions regarding promotional assistance plans which have been within the purview of section 2 (d) and (e) of the Robinson-Patman amendment to the Clayton Act and section 5 of the Federal Trade Commission Act. In this context, promotional assistance is defined as the payment of money or the furnishing of services or facilities by a supplier to a customer for the purpose of promoting the customer's resale of the supplier's products. Payments for or the furnishing of advertising, demonstrators, displays, special packaging, prizes for contests, special handling of the supplier's products are typical examples.

(b) In brief, the laws administered by the Commission provide that a supplier in commerce furnishing promotional assistance must offer it to each of his competing customers so that it is realistically available to them on proportionally equal terms. The basic test for a customer's eligibility under the law is whether, in reselling the supplier's product, he competes against any of those customers to whom the assistance is offered. If he does compete in its resale, the supplier's offer must be made to him, whether he operates a grocery, drug, variety or other type of store. In addition, a reasonable alternative means of participation must be included in such plans for eligible customers who are unable to use the basic plan.

(c) From the standpoint of a supplier's customer, if he accepts such assistance with knowledge, actual or reasonably imputable, that his competitors selling the supplier's products have not been offered proportionally equal assistance by the supplier, he may be engaging in an unfair trade practice violative of section 5 of the Federal Trade Commission Act. In this connection, the Commission's Guides for Advertising Allowances set forth information in greater detail as to the legal responsibilities of suppliers and their customers with regard to their joint promotional activities.

(d) A number of the plans submitted for an Advisory Opinion, however, have been devised by a requesting party who is neither a supplier nor a customer but a hopeful intermediary who had approached both suppliers and customers to interest them in his plan. Examples of some of the plans submitted include furnishing in-store music with commercials, in-store projection or display of advertising messages, outdoor advertising, in-store display and distribution of recipe cards and the like.

(e) In the Advisory Opinions rendered in response to such requests the Commission has pointed out that the fact that an intermediary is positioned between the supplier and the supplier's customers—the retailers—does not affect applicability of the law to the promoter's plan. Even though an intermediary is employed, it remains the supplier's responsibility to make certain that each of the supplier's customers who compete with one another in reselling his products is offered either an opportunity to participate in the promotional assistance plan on proportionally equal terms or a suitable alternative if the customer is unable as a practical matter to participate in the plan; if not, the supplier, the retailer and the promoter participating in the plan may be acting in violation of section 2 (d) or (e) of the amended Clayton Act and/or section 5 of the Federal Trade Commission Act.

(38 Stat. 717, as amended; 15 U.S.C. 41–58; 49 Stat. 1526; 15 U.S.C. 13, as amended)

These general guidelines are offered to suppliers, their customers for resale and promoters of promotional assistance plans for consideration in devising such plans so as to avoid possible violation of laws administered by the Federal Trade Commission. For Commission comment regarding a proposed, specific promotional assistance plan or for copies of the Commission's Advertising Guides, requests should be sent to the Secretary, Federal Trade Commission, Washington, D.C., 20580.

Dated: November 15, 1965.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 65–12428; Filed, Nov. 18, 1965; 8:46 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Publication of Product Standards by Trade Association as an Industry Goal

§ 15.4 Publication of product standards by a trade association as an industry goal.

(a) The Federal Trade Commission rendered an advisory opinion informing a trade association that no objection will be raised to its distribution of product standards as an industry goal.

(b) The association had requested advice on whether it may legally distribute a booklet giving standards which represent the ideal of a top quality industry product. The booklet was prepared about 2 years ago but it was subsequently determined that the standards were so high as to make them impracticable as commodity standards for the whole industry.

(c) The association is now interested in distributing the booklet merely as an ideal and as a goal for which the industry should be striving, and questioned whether or not this might be considered as acting in restraint of trade.

(d) The Commission's advice was that there could be no objection to the distribution of this booklet under the circumstances and for the purpose stated in the letter from the association, provided it removes any procedure, practice or requirement that seals of approval be given to industry members who meet the standards.

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Dated: November 15, 1965.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 65–12429; Filed, Nov. 18, 1965; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 27—CANNED FRUITS AND FRUIT JUICES

Orange Juice Products; Order Amending Standards of Identity

In the matter of amending the standards of identity for orange juice products:

Two notices of proposed rulemaking in the above-identified matter were published in the FEDERAL REGISTER of February 6, 1965 (30 F.R. 1296), setting forth proposals by:

A. The National Orange Juice Association, Exchange National Bank Building, Tampa, Fla., 33601, to amend the identity standards for pasteurized orange juice (21 CFR 27.107), canned orange juice (21 CFR 27.108), and reconstituted orange juice (21 CFR 27.111).

B. The National Association of Frozen Food Packers, 919 18th Street NW., Washington, D.C., 20006, et al., to amend the identity standards for frozen concentrated orange juice (21 CFR 27.109) and canned concentrated orange juice (21 CFR 27.110).

On the basis of relevant information available and giving consideration to the comments filed, it is concluded that it will promote honesty and fair dealing in the interest of consumers to adopt amendments to the standards for orange juice products as hereinafter set forth. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90): *It is ordered*, That the definitions and standards of identity for orange juice products be amended in the following respects:

1. Section 27.107 is amended by changing the section heading and paragraphs (a), (d), and (e) (2) to read as follows:

§ 27.107 Pasteurized orange juice; identity; label statement of optional ingredients.

(a) Pasteurized orange juice is the food prepared from unfermented juice obtained from mature oranges as specified in § 27.105, to which may be added not more than 10 percent by volume of the unfermented juice obtained from mature oranges of the species *Citrus reticulata* or hybrids thereof. Seeds (except embryonic seeds and small fragments of seeds that cannot be separated by good manufacturing practice) are removed, and pulp and orange oil may be adjusted in accordance with good manufacturing practice. If the adjustment involves the addition of pulp, then such pulp shall not be of the washed or spent type. The solids may be adjusted by the addition of one or more of the optional concentrated orange juice ingredients specified in paragraph (b) of this section. One or more of the optional sweetening ingredients listed in paragraph (c) of this section may be added in a quantity reasonably necessary to raise the Brix or the Brix-acid ratio to any point within the normal range usually found in unfermented juice obtained from mature oranges as specified in § 27.105. The orange juice is so treated by heat as to reduce substantially the enzymatic activity and the number of viable microorganisms. Either before or after such heat treatment, all or a part of the product may be frozen. The finished pasteurized orange juice contains not less than 10.5 percent by weight of orange juice soluble solids, exclusive of the solids of any added optional sweetening ingredients, and the ratio of the Brix hydrometer reading to the grams of anhydrous citric acid per 100 milliliters of juice is not less than 10 to 1.

• • • • •

(d) (1) The name of the food is "pasteurized orange juice." If the food is filled into containers and preserved by freezing, the label shall bear the name "frozen pasteurized orange juice." The words "pasteurized" or "frozen pasteurized" shall be shown on labels in letters not less than one-half the height of the letters in the words "orange juice."

(2) If the pasteurized orange juice is filled into containers and refrigerated, the label shall bear the name of the food, "chilled pasteurized orange juice." If it does not purport to be either canned orange juice or frozen pasteurized orange juice, the word "chilled" may be omitted from the name. The words "pasteurized" or "chilled pasteurized" shall be shown in letters not less than one-half the height of the letters in the words "orange juice."

(e) (1) If a concentrated orange juice ingredient specified in paragraph (b) of this section is used in adjusting the orange juice solids of the pasteurized orange juice, the label shall bear the statement "prepared in part from concentrated orange juice" or "with added concentrated orange juice" or "concentrated orange juice added."

(2) If one or more of the sweetening ingredients specified in paragraph (c) of this section are added to the pasteurized orange juice, the label shall bear the statement "____ added," the blank being filled in with the name or an appropriate combination of the names of the sweetening ingredients used. However, for the purpose of this section, the name "sweetener" may be used in lieu of the specific name or names of the sweetening ingredients.

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2. In § 27.108, paragraphs (a), (c), and (d) are amended to read as follows:

§ 27.108 Canned orange juice; identity; label statement of optional ingredients.

(a) Canned orange juice is the food prepared from orange juice as specified in § 27.105 or frozen orange juice as specified in § 27.106, or a combination of both, to which may be added not more than 10 percent by volume of the unfermented juice obtained from mature oranges of the species *Citrus reticulata* or hybrids thereof. Seeds (except embryonic seeds and small fragments of seeds that cannot be separated by good manufacturing practice) are removed. Orange oil and pulp may be adjusted in accordance with good manufacturing practice. The adjustment of pulp referred to in this paragraph does not permit the addition of washed or spent pulp. Liquid condensate recovered from the deoiling operation may be added back. One or more of the optional sweetening ingredients named in paragraph (b) of this section may be added, in a quantity reasonably necessary to raise the Brix or the Brix-acid ratio to any point within the normal range usually found in unfermented juice obtained from mature oranges as specified in § 27.105. The food is sealed in containers and so processed by heat, either before or after sealing, as to prevent spoilage. The finished canned orange juice tests not less than 10° Brix, and the ratio of the Brix hydrometer reading to the grams of anhydrous citric acid per 100 milliliters of juice is not less than 9 to 1.

• • • • •

(c) The name of the food is "canned orange juice." All the words in the name shall appear in the same size, color, and style of type and on the same color contrasting background. If the food is not sold under refrigeration and if it does not purport to be chilled pasteur-

ized orange juice or frozen pasteurized orange juice, the word "canned" may be omitted from the name.

(d) If one or more of the sweetening ingredients specified in paragraph (b) of this section are added to the canned orange juice, the label shall bear the statement "-------- added," the blank being filled in with the name or an appropriate combination of the names of the sweetening ingredients used. However, for the purpose of this section, the name "sweetener" may be used in lieu of the specific name or names of the sweetening ingredients.

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3. In § 27.109, paragraphs (a), (c), and (d) are amended to read as follows:

§ 27.109 Frozen concentrated orange juice, frozen orange juice concentrate; identity; label statement of optional ingredients.

(a) Frozen concentrated orange juice is the food prepared by removing water from the juice of mature oranges as provided in § 27.105, to which juice may be added unfermented juice obtained from mature oranges of the species *Citrus reticulata*, or hybrids thereof, or of *Citrus aurantium*, or both. However, in the unconcentrated blend the volume of juice from *Citrus reticulata* shall not exceed 10 percent and from *Citrus aurantium* shall not exceed 5 percent. The concentrate so obtained is frozen. In its preparation, seeds (except embryonic seeds and small fragments of seeds that cannot be separated by good manufacturing practice) and excess pulp are removed, and a properly prepared water extract of the excess pulp so removed may be added. Orange oil, orange pulp, orange essence (obtained from orange juice), orange juice and other orange juice concentrate as provided in this section or concentrated orange juice for manufacturing provided in § 27.114 (when made from mature oranges), water, and one or more of the optional sweetening ingredients specified in paragraph (b) of this section may be added to adjust the final composition. The juice of *Citrus reticulata* and *Citrus aurantium*, as permitted by this paragraph, may be added in single strength or concentrated form prior to concentration of the *Citrus sinensis* juice, or in concentrated form during adjustment of the composition of the finished food. The addition of concentrated juice from *Citrus reticulata* or *Citrus aurantium*, or both, shall not exceed, on a single-strength basis, the 10 percent maximum for *Citrus reticulata* and the 5 percent maximum for *Citrus aurantium* prescribed by this paragraph. Any of the ingredients of the finished concentrate may have been so treated by heat as to reduce substantially the enzymatic activity and the number of viable microorganisms. The finished food is of such concentration that when diluted according to label directions the diluted article will contain not less than 11.8 percent by weight of orange juice soluble solids, exclusive of the solids of any added optional sweetening ingredients. The dilution ratio shall be not less than 3 plus 1. For the purposes of this section and § 27.110, the term "dilution ratio" means the whole number of volumes of water per volume of frozen concentrate required to produce orange juice from concentrate having orange juice soluble solids of not less than 11.8 percent by weight exclusive of the solids of any added optional sweetening ingredients.

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(c) If one or more of the sweetening ingredients specified in paragraph (b) of this section are added to the frozen concentrated orange juice, the label shall bear the statement "---------- added," the blank being filled in with the name or an appropriate combination of names of the sweetening ingredients used. However, for the purpose of this section, the name "sweetener" may be used in lieu of the specific name or names of the sweetening ingredients.

(d) The name of the food concentrated to a dilution ratio of 3 plus 1 is "frozen concentrated orange juice" or "frozen orange juice concentrate." The name of the food concentrated to a dilution ratio greater than 3 plus 1 is "frozen concentrated orange juice, -------- plus 1" or "frozen orange juice concentrate, ---------- plus 1," the blank being filled in with the whole number showing the dilution ratio; for example, "frozen orange juice concentrate, 4 plus 1." However, where the label bears directions for making 1 quart of orange juice from concentrate (or multiples of a quart), the blank in the name may be filled in with a mixed number; for example, "frozen orange juice concentrate, 4⅓ plus 1." For containers larger than 1 pint, the dilution ratio in the name may be replaced by the concentration of orange juice soluble solids in degrees Brix; for example, a 62° Brix concentrate in 3½-gallon cans may be named on the label "frozen concentrated orange juice, 62° Brix."

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4. Section 27.110(b) is amended to read as follows:

§ 27.110 Canned concentrated orange juice, canned orange juice concentrate; identity; label statement of optional ingredients.

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(b) The name of the food when concentrated to a dilution ratio of 3 plus 1 is "canned concentrated orange juice" or "canned orange juice concentrate." The name of the food when concentrated to a dilution ratio greater than 3 plus 1 is "canned concentrated orange juice, ---------- plus 1" or "canned orange juice concentrate, -------- plus 1," the blank being filled in with the whole number showing the dilution ratio; for example, "canned orange juice concentrate, 4 plus 1." However, where the label bears directions for making 1 quart of single-strength diluted product (or multiples of a quart) the blank in the name may be filled in with a mixed number; for example, "canned orange juice concentrate, 4⅓ plus 1." For containers larger than 1 pint, the dilution ratio in the name may be replaced by the concentration of orange juice soluble solids in degrees Brix; for example, a 62° Brix concentrate in 1-gallon cans may be named on the label "canned concentrated orange juice, 62° Brix." If the food does not purport to be frozen concentrated orange juice, the word "canned" may be omitted from the name.

5. Section 27.111 is amended by changing the section heading and paragraphs (a), (c), and (d) to read as follows:

§ 27.111 Orange juice from concentrate; identity; label statement of optional ingredients.

(a) Orange juice from concentrate is the food prepared by mixing water with frozen concentrated orange juice as defined in § 27.109 or with concentrated orange juice for manufacturing as defined in § 27.114 (when made from mature oranges), or both. To such mixture may be added orange juice as defined in § 27.105, frozen orange juice as defined in § 27.106, pasteurized orange juice as defined in § 27.107, orange oil, orange pulp, and one or more of the sweetening ingredients listed in paragraph (b) of this section. The finished orange juice from concentrate contains not less than 11.8 percent orange juice soluble solids, exclusive of the solids of any added optional sweetening ingredients. It may be so treated by heat as to reduce substantially the enzymatic activity and the number of viable micro-organisms.

• • • • • •

(c) The name of the food is "orange juice from concentrate." The words "from concentrate" shall be shown in letters not less than one-half the height of the letters in the words "orange juice."

(d) When orange juice from concentrate contains any optional sweetening ingredient as listed in paragraph (b) of this section, whether added directly as such or indirectly as an added ingredient of any orange juice product used, the label shall bear the statement "-------- added," the blank being filled in with the name or an appropriate combination of the names of the sweetening ingredients added. However, for the purposes of this section the name "sweetener" may be used in lieu of the specific name or names of the sweetening ingredients.

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Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective 40 days from the date of its publication in the FEDERAL REGISTER, and simultaneously therewith the stay of the effective date announced in the FEDERAL REGISTER order of March 25, 1964 (29 F.R. 3701), shall end: *Provided, however,* That if objections are filed to the amendments hereby ordered then the stay of the effective date shall remain in effect. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: November 15, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-12438; Filed, Nov. 18, 1965; 8:47 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter III—Public Housing Administration, Housing and Home Finance Agency

PART 1500—GENERAL PROCEDURAL PROVISIONS

Seal

Chapter III, Public Housing Administration, is amended by deleting § 1500.8 *Seal* (30 F.R. 14012, November 5, 1965).

Approved: November 12, 1965.

[SEAL] MARIE C. McGUIRE,
Commissioner.

[F.R. Doc. 65-12424; Filed, Nov. 18, 1965; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 27—OFFICIAL MAIL

Executive and Judicial Officers

By Executive Memorandum of June 18, 1965, the President directed all Federal Executive Departments and Agencies to take the lead in ZIP Coding mail and instructed the Postmaster General to issue regulations governing the use of the ZIP Code by such agencies.

Pursuant to this directive a new paragraph (f) is added to § 27.2 of Title 39, Code of Federal Regulations. The provisions thereof are effective in two phases to permit time for converting to the ZIP Coding system. The first phase will become effective on January 1, 1966, and will require that typed or handwritten addresses on official mailings by Federal Executive Departments and Agencies must include the ZIP Code. The second phase will become effective on January 1, 1967, and will require that all Federal Executive Department and Agencies must use the ZIP Code in the addresses on all official mail and that they must presort quantity mailings of identical pieces by ZIP Codes when reimbursement for postage is made to the Post Office Department at bulk third-class rates.

On January 1, 1966, new paragraph (f) to § 27.2 will become effective which reads as follows:

§ 27.2 Executive and judicial officers.

• • • • • •

(f) *ZIP Coding of Mail.* Addresses prepared in typewriting or handwriting on official mailings of Federal Executive Departments and Agencies under this section must include the ZIP Code number.

NOTE: Effective January 1, 1967, this paragraph will read as follows:

(f) *ZIP Coding of Mail.* (1) *Addressing.* The address on all official mailings of Federal Executive Departments and Agencies under this section must include the ZIP Code number.

(2) *Presorting and postage charges.* When identical pieces of individually addressed matter are included in a single mailing, and the reimbursement to the Post Office Department required by paragraph (a) of this section is made at the bulk third-class postage rates prescribed by § 24.1(b) of this chapter, they must be prepared in packages and sacks as prescribed by § 24.4(c) of this chapter.

NOTE: The corresponding Postal Manual section is 137.26.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501)

HARVEY H. HANNAH,
Acting General Counsel.

[F.R. Doc. 65-12493; Filed, Nov. 18, 1965; 8:49 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[Ex Parte No. MC-37 (Sub-No. 9)]

PART 170—COMMERCIAL ZONES

Commercial Zones and Terminal Areas; Baltimore

NOVEMBER 15, 1965.

Order of September 29, 1965:

The outstanding order (30 F.R. 13263) in the above-captioned proceeding not yet having become effective, and an appropriate petition for reconsideration and other relief, having been filed by Interstate Common Carrier Council of Maryland, Inc., and certain of its member carriers, protestants, on November 12, 1965, such order pursuant to section 17(8) of the Interstate Commerce Act, is stayed pending disposition of the matter.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 65-12435; Filed, Nov. 18, 1965; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Santee National Wildlife Refuge, S.C.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

SOUTH CAROLINA

SANTEE NATIONAL WILDLIFE REFUGE

Public hunting of geese, ducks and coots on the Santee National Wildlife Refuge, Pinopolis Unit, S.C., is permitted only on the area designated by signs as open to hunting. This open area, comprising approximately 29,500 acres, is delineated on a map available at the refuge headquarters, Summerton, S.C., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga., 30323. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of geese, ducks and coots subject to the following special conditions:

(1) Hunting will be permitted only on Tuesdays, Thursdays, and Saturdays during the period from November 20, 1965, through January 15, 1966.

(2) Shooting hours are from sunrise to 12 o'clock noon. Hunters may not enter the refuge hunting area prior to 1 hour before sunrise and must be out of the Pinopolis Pool area by 1 p.m.

(3) Only temporary blinds constructed of native vegetation are permitted. Any blind constructed by a hunter on the hunting area, once vacated, may be occupied by any other hunter on a first-come, first-served basis.

(4) Boats are not to be left in Pinopolis Pool overnight.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 15, 1966.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 65-12425; Filed, Nov. 18, 1965; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Part 60]

IMMIGRATION

Availability of and Adverse Effect on American Workers

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), notice is hereby given of the proposed issuance of the following rules implementing the Act of October 3, 1965 (79 Stat. 911). In accordance with subsection (b) of said section 4, interested persons may submit to the Secretary of Labor, Room 3136, 14th and Constitution Avenue NW., Washington, D.C., 20210, written data, views, or arguments relative to these proposed rules. Such representations may not be presented orally in any manner. All relevant material received within 10 days following the date of publication of this notice will be considered.

The proposed rules, to appear in a new Part 60 of Title 29 of the Code of Federal Regulations, would read as follows:

IMMIGRATION; AVAILABILITY OF AND ADVERSE EFFECT UPON AMERICAN WORKERS

Sec.

60.1 Purpose and scope.
60.2 Certification and noncertification schedules.
60.3 Requests for certification not covered by schedules.
60.4 Reconsideration of review by the Secretary of Labor.

AUTHORITY: The provisions of this Part 60 issued under sec. 212(a)(14) of the Immigration and Nationality Act of 1952, as amended by Public Law 89-236 (79 Stat. 911).

§ 60.1 Purpose and scope.

Sections 101(a)(27)(A) and 203 of the Immigration and Nationality Act were amended on October 3, 1965, to require as a condition to the admission of any "special immigrant", any nonpreference immigrant under paragraph 203(a)(8), and any preference immigrants under paragraphs 203(a)(3) or 203(a)(6) that the Consular Officer be in receipt of a determination made by the Secretary of Labor pursuant to the provisions of section 212(a)(14) of the Act. Accordingly, the immigrants for whom the 212(a)(14) certification is made a condition precedent to admission to the United States are as follows:

(a) Third preference immigrants who are described as "qualified immigrants who are members of the professions, or who because of their exceptional ability in the science or in the arts, will substantially benefit prospectively the national economy, cultural interest, or welfare of the United States." (Section 203(a)(3).)

(b) Sixth preference immigrants who are described as "qualified immigrants who are capable of performing specified skilled or unskilled labor, not of a temporary or seasonal nature, for which a shortage of employable and willing persons exists in the United States." (Section 203(a)(6).)

(c) Nonpreference immigrants who are described as "other qualified immigrants strictly in the chronological order in which they qualify." (Section 203(a)(8).

(d) Special immigrants who are described as "an immigrant[s] who was born in any independent foreign country in the Western Hemisphere or in the Canal Zone and the spouse and children of any such immigrant, if accompanying or following to join him." (Section 101(a)(27)(A).)

The determination and certification required to be made by the Secretary of Labor is described in section 212(a)(14) of the Act as follows:

> Except as otherwise provided in this Act, the following classes of aliens shall be ineligible to receive visas and shall be excluded from admission into the United States:
>
> (14) Aliens seeking to enter the United States, for the purpose of performing skilled or unskilled labor, unless the Secretary of Labor has determined and certified to the Secretary of State and to the Attorney General that (A) there are not sufficient workers in the United States who are able, willing, qualified, and available at the time of application for a visa and admission to the United States and at the place to which the alien is destined to perform such skilled or unskilled labor, and (B) the employment of such aliens will not adversely affect the wages and working conditions of the workers in the United States similarly employed. The exclusion of aliens under this paragraph shall apply to special immigrants defined in section 101(a)(27)(A) (other than the parents, spouses, or children of United States citizens or of aliens lawfully admitted to the United States for permanent residence), to preference immigrant aliens described in section 203(a)(3) and (6), and to nonpreference immigrant aliens described in section 203(a)(8);

§ 60.2 Certification and noncertification schedules.

(a) *Determination.* To reduce the delay in processing an alien's request for visa, the determination has been made by the Secretary of Labor pursuant to section 212(a)(14) that:

(1) For the categories of employment described in Schedule A and in the geographic areas therein set forth, there are not sufficient workers who are able, willing, qualified, and available for employment in such categories, and the employment of aliens in such categories and in such areas will not adversely affect the wages and working conditions of workers in the United States similarly employed.

(2) For the categories of employment described in Schedule B, the determination and certification required by section 212(a)(14) cannot now be made.

(b) *Applicability.* The determinations set forth in paragraph (a) of this section above shall apply to all visa petitions made or pending after November 30, 1965, and shall remain in effect until the Schedules are amended. Unless otherwise indicated in the Schedules, their geographic applicability is the United States, which means the continental United States, Alaska, Hawaii, Puerto Rico, Guam, and the Virgin Islands.

(c) *Modification.* The Secretary may amend the Schedules described in paragraph (a) of this section, at any time upon his own initiative or upon written petition of any person requesting the inclusion or omission of any occupation or the modification of the application of the Schedules to any geographical area and setting forth reasonable grounds therefor. Such petition should be filed by mail with the Secretary of Labor, U.S. Department of Labor, Washington, D.C., 20210.

§ 60.3 Request for certification not covered by schedules.

Any alien, or person in his behalf, seeking admission to the United States under sections 101(a)(27)(A) (other than the parents, spouses, or children of United States citizens or aliens lawfully admitted to the United States for permanent residence), 203(a)(3), 203(a)(6), or 203(a)(8) whose employment is not included in the certification or noncertification schedules described in § 60.2 may request a 212(a)(14) certification by filing a Form ES-575 describing the alien's qualifications and prospective employment in the United States. The Form ES-575 may be obtained from any consular office, and instructions concerning its use, completion and transmission may be obtained from any office of the Immigration and Naturalization Service, any consular office or any local office of the State Employment Service.

§ 60.4 Reconsideration or review by the Secretary of Labor.

Any alien denied a certification pursuant to § 60.3 may request reconsideration or review by the Secretary of Labor. Requests for reconsideration or review should be made in writing to the Secretary of Labor, U.S. Department of Labor, Washington, D.C., 20210, and should set forth reasonable grounds therefor.

Signed at Washington, D.C., this 16th day of November 1965.

W. WILLARD WIRTZ,
Secretary of Labor.

SCHEDULE A

Group I: Persons upon whom an advanced degree has been conferred at least equivalent to the Master's degree conferred by accredited U.S. colleges and universities and who have been gainfully employed for at least two years in an occupation related to and dependent upon their area of academic specialization. Among physicians and surgeons, certification by the Educational Council for Foreign Medical Graduates may be substituted for two years of gainful employment.

Group II: Persons whose education or experience is equivalent to the baccalaureate degree conferred by accredited U.S. colleges and universities in the following specialties:

Aeronautical Engineering.
Chemical Engineering.
Electrical Engineering.
Electronic Engineering.
Library Science.
Mathematics.
Mechanical Engineering.
Metallurgical Engineering.
Metallurgy.
Nuclear Engineering.
Organic Chemistry.
Pharmacology.
Physical Chemistry.
Physics.

Group III: Professional Nurses presenting the education or experience required for licensure in the State or territory of intended residence. Evidence that the qualifications necessary for licensure have been met must include a Letter of Evaluation from the Board of Nursing in the State of intended residence certifying that the Professional Nurse has met the minimum requirements of education, training, and experience for licensure in the State.

SCHEDULE B

OCCUPATIONAL TITLES

Attendants, Parking Lot.
Attendants (Service Workers such as Personal Service Attendants, Amusement and Recreation Service Attendants).
Automobile Service Station Attendants.
Bakers' Helpers.
Bartenders.
Bookkeepers II.
Bus Boys.
Carpenters' Helpers.
Cashiers II.
Chauffeurs and Taxicab Drivers.
Charwomen and Cleaners.
Clerks (general office).
Clerks, Hotel.
Clerks and Checkers, Grocery Store.
Cook's Helpers.
Counter and Fountain Workers.
Domestic Day Workers.
Electric Truck Operators.
Elevator Operators.
Fishermen and Oystermen.
Floor Man, Floor Boy and Floor Girl.
Groundskeepers.
Guards and Watchmen.
Housekeepers.
Housemen and Yardmen.
Janitors.
Kitchen Workers and Helpers.
Laborers, Farm.
Laborers, Mine.
Laborers, Common.
Launderers, Cleaners, Dyers and Pressers.
Library Assistants.
Loopers and Toppers, Textile.
Maids, Hotel.
Material Handlers.
Packers, Markers, Bottlers, and related.
Painters' Helpers.
Porters.
Routeman Helpers.
Sailors and Deck Hands.
Sales Clerk, General.
Sewing Machine Operators and Hand-Stitchers.
Street Railway and Bus Conductors.
Telephone Operators.
Truck Drivers and Tractor Drivers.
Truck Driver's Helpers.
Typists, lesser skilled.
Ushers, Recreation and Amusement.
Waiters and Waitresses.
Warehousemen.
Welder's Helpers.

OCCUPATIONAL DEFINITIONS

Attendants, Parking Lot

Park Automobiles for customers in parking lots or garages and collect fees based on time span of parking.

Attendants (Service Workers such as Personal Service Attendants, Amusement and Recreation Service Attendants).

Perform a variety of routine tasks attending to the personal needs of customers at such places as amusement parks, bath houses, clothing checkrooms, and dressing rooms. Includes such tasks as taking and issuing tickets, checking and issuing clothing and supplies, cleaning premises and equipment, answering inquiries, checking lists, and maintaining simple records.

Automobile Service Station Attendants

Service automotive vehicles with fuel, lubricants, and automotive accessories at drive-in service facilities. Also compute charges and collect fees from customers.

Bakers' Helpers

Perform routine tasks to assist bakers in the production of baked goods. Involves such activities as greasing pans, moving and distributing ingredients and supplies, and weighing and measuring ingredients according to instructions.

Bartenders

Prepare, mix, and dispense alcoholic beverages for consumption by bar customers. Also compute and collect charges for drinks.

Bookkeepers II

Keep records of one facet of an establishment's financial transactions. Responsible for maintaining one set of books, and specialize in such areas as accounts-payable, accounts-receivable, or interest-accrued.

Busboys

Facilitate food service in an eating place by performing such tasks as removing dirty dishes, replenishing linen and silver supplies, serving water and butter to patrons, and cleaning and polishing equipment.

Carpenters' Helpers

Perform routine tasks to assist carpenters in building wooden structures. Involves such activities as conveying tools and materials about work site, sawing lumber to specified size, holding lumber for nailing, and oiling and cleaning tools and equipment.

Cashiers II

Receive cash in payment for goods or services rendered, compute and make change, and record amount received. Usually employed in retail trade environment, such as stores or restaurants.

Chauffeurs and Taxicab Drivers

Drive automobiles to convey passengers according to their instructions.

Charwomen and Cleaners

Keep premises of commercial establishments, office buildings, or apartment houses in clean and orderly condition by performing such tasks as mopping and sweeping floors, dusting and polishing furniture and fixtures, and vacuuming rugs. Work according to set routines.

Clerks (General Office)

Perform a variety of routine clerical tasks in an office to relieve others of detail work. Involves such activities as copying and posting data, recording orders, routing correspondence, and taking stock inventory.

Clerks, Hotel

Perform a variety of routine tasks to accommodate hotel guests. Involves such activities as registering guests, dispensing keys, distributing mail, collecting payments, and adjusting complaints.

Clerks and Checkers, Grocery Stores

Itemize, total, and receive payment for purchases in grocery stores, usually using cash register. Often assist customer in locating items, stock shelves, and keep stock-control and sales-transaction records.

Cooks' Helpers

Perform a variety of routine tasks to assist workers engaged in preparing food. Involves such activities as cleaning and cutting food, weighing and measuring ingredients, carrying and distributing equipment about work area, and cleaning equipment.

Counter and Fountain Workers

Serve food to patrons at lunchroom counters, cafeterias, soda fountains, or similar public eating places. Take orders from customers and frequently prepare simple items, such as dessert dishes; itemize and total checks; receive payment and make change; and clean work area and equipment.

Domestic Day Workers

Perform a variety of routine domestic duties in a household according to employer's instructions. Involves such activities as cleaning and dusting, making beds, and washing and ironing clothing. Usually work on a day-to-day contract basis.

Electric Truck Operators

Drive gasoline or electric-powered industrial trucks or tractors equipped with forklift, elevating platform, or trailer hitch to move and stack equipment and materials in a warehouse, storage yard, or factory.

Elevator Operators

Operate elevators to transport passengers and freight between building floors.

Fishermen and Oystermen

Hunt, catch, and/or trap fish, using such equipment as lines, nets, and pots; work shellfish beds and harvest shellfish.

Floor Men, Floor Boy and Floor Girl

Perform a variety of routine tasks in support of other workers in and around such work sites as factory floors and service areas, frequently at the beck and call of others. Involves such tasks as cleaning floors, materials, and equipment; distributing materials and tools to workers; running errands; delivering messages; emptying containers; and removing materials from work area to storage or shipping areas.

Groundskeepers

Maintain grounds of industrial, commercial, or public property in good condition. Involves such tasks as cutting lawns, trimming hedges, pruning trees, repairing fences, planting flowers, and shoveling snow.

Guards and Watchmen

Guard and patrol premises of industrial or business establishments or similar types of property to prevent theft and other crimes and prevent possible injury to others.

Housekeepers

Supervise workers engaged in maintaining interiors of residential buildings in a clean and orderly fashion. They assign duties to maids, charwomen, and housemen; inspect finished work, and maintain supply of equipment and materials.

Housemen and Yardmen

1. Perform routine tasks to keep hotel premises neat and clean. Involves such tasks as cleaning rugs; washing walls, ceilings, and windows, moving furniture, mopping and waxing floors, and polishing metalwork.

2. Maintain the grounds of private residences in good order. Typical tasks are mowing and watering lawns, planting flowers and shrubs, and repairing and painting fences. Work on instructions of private employer.

Janitors

Keep hotel, office building, apartment house, or similar building in clean and orderly condition, and tend furnaces and boilers to provide heat and hot water. Typical tasks are sweeping and mopping floors, emptying trash containers, and doing minor painting and plumbing repairs. Often maintain residence at place of work.

Kitchen Workers and Helpers

Perform routine tasks in kitchen of restaurant. Primary responsibility is to maintain work areas and equipment in a clean and orderly fashion. Involves such tasks as mopping floors, removing trash, washing pots and pans, transferring supplies and equipment, and washing and peeling vegetables.

Laborers, Farm

Plant, cultivate, and harvest farm products, following instructions of supervisors, often working as members of a team. Typical tasks are watering and feeding livestock, picking fruit and vegetables, and cleaning storage areas and equipment.

Laborers, Mine

Perform routine tasks in underground or surface mine, pit, or quarry, or at tipple, mill or preparation plant. Involves such tasks as cleaning work areas, shoveling coal onto conveyors, pushing mine cars from working face to haulage road, and loading or sorting material onto wheelbarrow.

Laborers, Common

Perform routine tasks in an industrial construction or manufacturing environment. Typical tasks are loading and moving equipment and supplies, cleaning work areas, and distributing tools. Work upon instructions, according to set routine.

Launderers, Cleaners, Dyers, and Pressers

Wash, clean, dye, and press soiled and wrinkled garments, usually in a commercial or industrial laundry. Occasionally work in a private household.

Library Assistants

Keep library records; sort and shelve books; issue and receive such library materials as books, films, and phonograph records; and perform a variety of routine clerical tasks to relieve librarians of detail work. Answer routine inquiries and refer matters requiring professional assistance to librarians.

Loopers and Toppers, Textile

1. Tend machines that shear nap, loose threads, and knots from cloth surfaces to give uniform finish and texture.

2. Operate looping machines to close openings in toe of seamless hosee or join knitted garment parts.

3. Loop stitches of ribbed garment [parts on points of transfer bar to facilitate transfer of garment] parts to needles of knitting machine.

Maids, Hotel

Clean hotel rooms and halls; sweep and mop floors, dust furniture, empty wastebaskets, make beds.

Material Handlers

Load, unload, and convey materials within or near plant, yard, or worksite, under specific instructions.

Packers, Markers, Bottlers, and Related

Pack products into containers, such as cartons or crates; mark identifying information on articles; insure filled bottles are properly sealed and marked; often working with team on or at end of assembly line.

Painters' Helpers

Assist painters in preparing and applying protective and decorative coats of paint to surfaces. Typical tasks are arranging and assembling scaffolding, preparing surfaces for painting, and cleaning equipment and work areas.

Porters

1. Carry baggage for passengers of airline, railroad, or motor-bus by hand or handtruck. Perform related personal services in and around public transportation environment.

2. Keep building premises, working areas in production departments of industrial organizations, or similar sites in clean and orderly condition.

Routemen Helpers

Aid routemen in providing sales, services, or deliveries of goods to customers over an established route. Involves such tasks as loading and unloading trucks, carrying merchandise to and from trucks, and collecting payments.

Sailors and Deck Hands

Stand deck watches and perform a variety of tasks to preserve painted surfaces of ship, and maintain lines, running gear, and cargo handling gear in safe operating condition. Involves such tasks as mopping decks, chipping rust, painting chipped areas, and splicing rope.

Sales Clerks, General

Receive payment for merchandise in a retail establishment, wrap or bag merchandise, and keep shelves stocked.

Sewing-Machine Operators and Hand-Stitchers

1. Operate single- or multiple-needle sewing machines to join parts in the manufacture of such products as awnings, carpets, and gloves. Specialize in one type of sewing machine limited to joining operations.

2. Join and reenforce parts of such articles as garments, and curtains, sew buttonholes and attach fasteners to articles, or sew decorative trimmings to articles, using needle and thread.

Street Railway and Bus Conductors

Collect fares or tickets from passengers, issue transfers, open and close doors, announce stops, answer questions, and signal operator to start or stop.

Telephone Operators

Operate telephone switchboards to relay incoming and internal calls to phones in an establishment, and make connections with external lines for outgoing calls. Taking messages, supplying information, and keeping records of calls and charges is often involved. Some situations primarily involve establishing or aiding telephone users in establishing local or long distance telephone connections.

Truck Drivers and Tractor Drivers

1. Drive trucks to transport materials, merchandise, equipment, or people to and from specified destinations, such as plants, railroad stations, and offices.

2. Drive tractors to move materials, draw implements, pull out objects imbedded in ground, or pull cable of winch to raise, lower, or load heavy materials or equipment.

Truck Drivers' Helpers

Assist truck drivers by loading and unloading vehicles, securing items in position on truck to prevent damage, delivering and stacking merchandise on customers premises and collecting payment or obtaining receipt.

Typists, lesser skilled

Type straight-copy material, such as letters, reports, stencils, and addresses, from draft or corrected copy. Not required to prepare materials involving the understanding of complicated technical terminology, the arrangement and setting of complex tabular detail, or similar problems. Typing speed in English does not exceed 52 words per minute on a manual typewriter and/or 60 words per minute on an electric typewriter and the error rate reaches 12 or more for a five minute typing period on representative business correspondence.

Ushers (Recreation and Amusement)

Assists patrons at entertainment events in finding seats, searching for lost articles, and locating facilities.

Waiters and Waitresses

Serve food to patrons of eating establishments. Present menus, take orders, relay orders to kitchen, and prepare and present bills.

Warehousemen

Receive, store, ship, and distribute materials, tools, equipment, and products within establishments as directed by others.

Welders' Helpers

Assist workers in welding, brazing, and flame and arc cutting activities by performing such routine tasks as moving equipment and supplies; cleaning work area, equipment, and materials; connecting hoses; starting engines; and setting workpiece in place.

[F.R. Doc. 65-12460; Filed, Nov. 18, 1965; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 71-90]

[No. 3666; Ex Parte No. MC-13]

EXPLOSIVES AND OTHER DANGEROUS COMMODITIES

Transportation of Nitromethane

NOVEMBER 9, 1965.

Hearing in the above-entitled proceeding now assigned November 29, 1965 (30 F.R. 13967), at Washington, D.C., before Examiners Henry J. Vinskey and Albert E. Luttrell is cancelled and this proceeding is reassigned for hearing on December 20, 1965, at 9:30 o'clock a.m., U.S. Standard Time at the Office of the Interstate Commerce Commission in Washington, D.C., before Examiner Albert E. Luttrell.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-12434; Filed, Nov. 18, 1965; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 235, 241]

[Docket No. 16545]

REINVESTMENT OF GAINS DERIVED FROM THE SALE OR OTHER DISPOSITION OF FLIGHT EQUIPMENT AND UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Supplemental Notice of Proposed Rule Making

NOVEMBER 16, 1965.

By notice of proposed rule making, EDR-94, dated October 5, 1965, and published in 30 F.R. 12889, the Civil Aeronautics Board proposed to amend Part 235 of the Economic Regulations (14 CFR Part 235) to redefine "gain" to exclude transactions involving (1) sale of flight equipment to one person and purchase of like equipment from another person, (2) investment of insurance proceeds in like flight equipment, and (3) exchange of like flight equipment where cash or other consideration is received. This proposal was accompanied by a proposal to amend Part 241 of the Economic Regulations (14 CFR Part 241) to make the accounting regulations conform to the proposed treatment of "gain" in Part 235. Interested persons were invited to file comments on the foregoing amendments to be received on or before November 19, 1965.

Allegheny Airlines has requested that the time for submitting comments be extended for a period of 21 days to allow the carrier to complete the factual and legal research necessary to prepare comments useful to the Board. Two other carriers have made a similar request.

The undersigned finds that good cause has been shown for a 14-day extension of time. Accordingly, pursuant to the authority delegated under sections 7.3C, 7.4, and 7.6 of Public Notice PN-15 dated July 3, 1961, the undersigned hereby extends the date for filing comments on the above-mentioned amendments to December 3, 1965. All relevant matter received on or before that date will be considered by the Board before taking action on the proposed amendments. Copies of such communications will be available upon receipt thereof for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

(Secs. 204, 406, and 407 of the Federal Aviation Act of 1958, as amended; 72 Stat. 743, 763, 766, as amended; 49 U.S.C. 1324, 1376, 1377)

By the Civil Aeronautics Board.

[SEAL] ARTHUR H. SIMMS, *Associate General Counsel, Rules and Rates Division.*

[F.R. Doc. 65-12442; Filed, Nov. 18, 1965; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 16212]

TABLE OF ASSIGNMENTS, FM BROADCAST STATIONS

Order Extending Time To File Comments and Reply Comments; San Clemente and Lancaster, Calif.

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Carrollton, Ky., Columbia, Tenn., San Clemente and Lancaster, Calif., Providence, R.I., Salt Lake City and Toole, Utah, Carroll, Cherokee, and Algona, Iowa, Nacogdoches and Lufkin, Tex., Charleroi and Uniontown, Pa., Clarksburg, Fairmont, Morgantown, and New Martinsville, W. Va., Denison, Iowa, Immokalee, Fla., New London, Neenah-Menasha, and Green Bay, Wis.), Docket No. 16212, RM-818, RM-819, RM-816, RM-830, RM-822, RM-808, RM-817, RM-837, RM-825, RM-838, RM-841, RM-844.

1. On October 1, 1965, the Commission issued a notice of rule making (FCC 65-831) in Docket No. 16212, proposing changes in the FM Table of Assignments contained in § 73.202 of the Commission's rules, pertaining to the communities referred to in the caption. Comments in this proceeding were due on or before October 29, 1965, and reply comments on or before November 8, 1965. These dates were extended to November 15, 1965, for filing comments and to November 26, 1965, for reply comments at the request of El Camino Broadcasting Co.

2. On November 12, 1965, Kirk Munroe, trading as El Camino Broadcasting Co., petitioned for a further extension of time to November 24, 1965, to file comments and to December 8, 1965, for reply comments directed toward alternative proposals to assign either Channel 300 (RM-822) or Channel 285A (RM-837) to San Clemente, Calif. Petitioner states he needs a further extension of time in view of the broadened scope of the engineering data now being undertaken and the time factor involved in getting such information from California to Washington.

3. The Commission is of the view that good cause has been shown for granting the requested extensions and that the additional time will not unduly delay these proceedings. *Accordingly, it is ordered,* This 15th day of November 1965, that, insofar as RM-822 and RM-837 are concerned, the time for filing comments is extended from November 15 to November 24, 1965, and the time for filing reply comments is extended from November 26 to December 8, 1965.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Released: November 16, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 65-12445; Filed, Nov. 18, 1965; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Antidumping—AA 643.3–r]

OFFICE MACHINE SPOOLS FROM WEST GERMANY

Determination of Sales at Not Less Than Fair Value

NOVEMBER 12, 1965.

On October 1, 1965, there was published in the FEDERAL REGISTER a Notice of Tentative Determination that office machine spools imported from West Germany, manufactured by Regentrop & Bernard, Wuppertal, Germany, are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

The statement of reasons for the tentative determination was published in the above-mentioned notice, and interested parties were afforded until October 31, 1965, to make written submissions or to request in writing an opportunity to present views in connection with the tentative determination.

No written submissions or requests having been received, I hereby determine that for the reasons stated in the tentative determination, office machine spools imported from West Germany, manufactured by Regentrop & Bernard, Wuppertal, Germany, are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

This determination is published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 65–12433; Filed, Nov. 18, 1965; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

GEIGY INDUSTRIAL CHEMICALS

Notice of Withdrawal of Petition for Food Additive Disodium Ethylenediaminetetraacetate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Geigy Industrial Chemicals, Division of Geigy Chemical Corp., Post Office Box 430, Yonkers, N.Y., 10702, has withdrawn its petition (FAP 6A1822), published in the FEDERAL REGISTER of August 17, 1965, proposing an amendment to § 121.1056 *Disodium EDTA* to provide for the safe use of 65 parts per million of disodium ethylenediaminetetraacetate in canned mashed bananas as a color stabilizer.

The withdrawal of this petition is without prejudice to a future filing.

Dated: November 10, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65–12441; Filed, Nov. 18, 1965; 8:47 a.m.]

ATLAS CHEMICAL INDUSTRIES, INC.

Notice of Filing of Petition for Food Additive Polysorbate 80

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5H1743) has been filed by Atlas Chemical Industries, Inc., Wilmington, Del., 19899, proposing an amendment to § 121.1009 of the food additive regulations to provide for the safe use of polysorbate 80 as an adjuvant for herbicide and plant regulator use dilutions by a grower or applicator prior to application to the raw agricultural commodity.

Dated: November 10, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65–12440; Filed, Nov. 18, 1965; 8:47 a.m.]

AMERICAN CYANAMID CO.

Notice of Filing of Petition for Food Additives Rubber Articles Intended for Repeated Use

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 4B1193) has been filed by American Cyanamid Co., Berdan Avenue, Wayne, N.J., 07470, proposing that § 121.2562 *Rubber articles intended for repeated use* be amended as follows:

1. By adding triallyl cyanurate to the list of accelerators in paragraph (c)(4)(ii)(b).

2. By adding the following two items to the list of antioxidants and antiozonants in paragraph (c)(4)(iii):

2,2'-Methylenebis(4-methyl-6-*tert*-octylphenol).

Styrenated cresols produced when 2 moles of styrene are made to react with 1 mole of a mixture of phenol and *o*-, *m*-, and *p*-cresols so that the final product has a Brookfield viscosity at 25° C. of 1400 to 1700 centipoises.

3. By adding the following two items to the list of plasticizers in paragraph (c)(4)(iv):

2,2'-Dibenzamidodiphenyl disulfide.
Zinc 2-benzamidothiophenate.

Dated: November 15, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65–12439; Filed, Nov. 18, 1965; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27–35]

LONG ISLAND NUCLEAR SERVICE CORP.

Notice of Amendment of Byproduct, Source and Special Nuclear Material License

Please take notice that the Atomic Energy Commission has issued Amendment No. 4 to License No. 31–8630–1 held by Long Island Nuclear Service Corp., Bellport, N.Y., which provides for renewal of the license for a period of two (2) years.

The license provides for the receipt and transportation of packages containing waste byproduct, source, and special nuclear material in any State of the United States except in "Agreement States" as defined in § 150.3(b), 10 CFR Part 150.

The license amendment provides only for the continuation of activities previously authorized. The Commission has determined that prior public notice of proposed issuance of this amendment is not required since the amendment does not involve hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

The text of this amendment is attached to this notice.

Dated at Bethesda, Md., November 12, 1965.

For the Atomic Energy Commission.

J. A. MCBRIDE,
Director,
Division of Materials Licensing.

[License No. 31–8630–1; Amdt. 4]

The Atomic Energy Commission having found that:

A. The licensee's equipment and procedures are adequate to protect health and minimize danger to life or property.

B. The licensee is qualified by training and experience to use the material for the purpose requested in accordance with the regulations in Title 10, Code of Federal Regulations, and in such manner as to protect health and minimize danger to life or property.

C. The application dated September 28, 1965, complies with the requirements of the Atomic Energy Act of 1954, as amended, and is for a purpose authorized by that act.

D. Issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

Byproduct, Source, and Special Nuclear Material License No. 31–8630–1 is amended in its entirety to read as follows:

Pursuant to the Atomic Energy Act of 1954, as amended, 10 CFR 30, "Rules of General Applicability to Licensing of Byproduct Material," 10 CFR 40, "Licensing of Source Material," 10 CFR 70, "Special Nuclear Material," and in reliance upon the statements and representations contained in the application dated September 28, 1965, a license is hereby issued to Long Island Nuclear Service Corp., Station Road, Bellport, N.Y., to receive and possess packages containing waste byproduct, source, and special nuclear material at customers' facilities in any State of the United States except in "Agreement States" as defined in Section 150.3(b), 10 CFR 150 and to transport the packages in any State of the United States except in "Agreement States."

This license shall be deemed to contain the conditions specified in section 183 of the Atomic Energy Act of 1954, as amended, and is subject to the provisions of 10 CFR 20, "Standards for Protection Against Radiation," all other applicable rules, regulations, orders of the Atomic Energy Commission now or hereafter in effect, and to the following conditions:

1. The licensee shall not possess at any one time more than:

A. 1,000 curies of Hydrogen 3.

B. 1,000 curies of other byproduct material.

C. 15,000 pounds of source material.

D. 350 grams of Uranium 235 or 200 grams of Uranium 233 or 200 grams of Plutonium provided that the sum of the ratios of the quantity of each special nuclear material to the quantities specified above does not exceed unity. Unity shall be determined by the following formula:

$$\frac{\text{grams contained U235}}{350}+\frac{\text{grams contained U233}}{200}+\frac{\text{grams contained Pu}}{200}\leqq 1$$

2. Byproduct, source, and special nuclear material shall be received and transported by, or in the physical presence of, John D. LaGrua, Jr.

3. The licensee shall receive byproduct, source, and special nuclear material in containers which meet the requirements for transportation as specified in Condition 4 of this license. The containers shall not be opened by the licensee.

4. The transportation of AEC-licensed material shall be subject to the applicable regulations of the Interstate Commerce Commission, U.S. Coast Guard and other agencies of the United States having appropriate jurisdiction, and where such regulations are not applicable shall be in accordance with the following requirements except as specifically provided by the Atomic Energy Commission:

A. *Outside Shipping Containers*

(1) The containers shall meet any one of the following specifications described in the standard license form to be Appendix A attached hereto:

a. 15A, 15B, 12B, 6A, 6B, 6C, 17C, 17H, 19A, or 19B for the containment of radioactivity in amounts not in excess of 2.7 curies; or

b. Specification 55 for containment of solid cobalt 60, cesium 137, iridium 192 or gold 198 in amounts not in excess of 300 curies.

(2) There shall be no removable radioactive contamination on any exterior surface of the container in excess of 500 d/m/100 sq. cm. alpha and 0.1 mrep/hr beta-gamma radiation.

(3) The smallest dimension of the container shall not be less than 4 inches.

(4) The radiation level at any accessible surface of the container shall not exceed 200 mrem/hr.

(5) At one meter from any point on the radioactive source the radiation level shall not exceed 10 mrem/hr.

(6) Containers which contain radioactive material emitting only alpha and/or beta radiation shall contain sufficient shielding to prevent the escape of primary corpuscular radiation to the exterior surface so that it does not exceed 10 mrem/24 hours at any time during transportation.

B. *Inside Containers*

(1) Solid and gaseous radioactive materials shall be packed in suitable inside containers designed to prevent rupture and leakage under conditions incident to transportation.

(2) Liquid radioactive materials must be packed in sealed glass, earthenware, or other suitable containers. The container must be surrounded on all sides by an absorbent material sufficient to absorb the entire liquid contents and be of such nature that its efficiency will not be impaired by chemical reactions with the contents. Where shielding is required the absorbent material must be placed within the shield. If the inside container meets the Specification 2R in Appendix A the absorbent material is not required.

(3) Materials containing radioisotopes of plutonium, americium, polonium, or curium, or the isotope strontium 90, in quantities in excess of 100 microcuries, must be packed in containers which meet Specification 2R in Appendix A.

C. *Shielding*

Inside containers must be completely surrounded with sufficient shielding to meet the requirements of subparagraphs A(4), A(5), and A(6) of this condition. The shield must be so designed that it will not open or break under normal conditions incident to transportation.

D. *Labeling*

Each outside container label required under Section 20.203(f) of 10 CFR 20 shall bear the following information:

(1) Total activity in millicuries, or in the case of source material, the total weight;

(2) principal radioisotope;

(3) radiation level at the surface of the container and at one meter from the source; and

(4) the name and address of the licensee.

E. Each vehicle in which licensed material is transported shall be marked or placarded on each side and the rear with lettering at least 3 inches high as follows: "DANGEROUS—RADIOACTIVE MATERIAL."

F. *Accidents*

In the event of an accident involving any vehicle transporting licensed material, immediate steps shall be taken to prevent radiation exposure of persons and to control contamination.

G. *Exemptions*

Specific approval must be obtained from the Atomic Energy Commission for modification of, or exemption from, the requirements of this license condition. Requests for such approval should be directed to the Chief, Isotopes Branch, Division of Materials Licensing, Atomic Energy Commission and should contain sufficient information to support such a request.

5. The licensee shall not store byproduct, source, and special nuclear material in any of the States in which the licensee is authorized to receive, possess, and transport such materials under the terms of this license.

6. Except as specifically provided otherwise by this license, the licensee shall receive, possess, and transport byproduct, source and special nuclear material in accordance with the procedures and limitations contained in the application dated August 21, 1961, and amendment thereto dated October 4, 1961; the application dated May 31, 1963, and amendment thereto dated July 29, 1963; the application dated July 21, 1965; and the application dated September 28, 1965.

This license shall be effective on the date issued and shall expire two (2) years from the last day of the month in which this license is issued.

Date of issuance: November 12, 1965.

For the Atomic Energy Commission.

J. A. MCBRIDE,
Director,
Division of Materials Licensing.

[F.R. Doc. 65–12458; Filed, Nov. 18, 1965; 8:49 a.m.]

[Docket No. 27–10]

NUCLEAR ENGINEERING CO., INC.

Notice of Amendment of Byproduct, Source and Special Nuclear Material License

Please take notice that the Atomic Energy Commission has issued Amendment No. 23 to License No. 4–3766–1 which amends the license to provide for the following:

1. Receipt at General Electric Co., Vallecitos, Calif., and transportation in the licensee's vehicle to the licensee's facility near Beatty, Nev., of not more than 750 grams of special nuclear material and 1,600 curies of byproduct material contained in GE–VAL cask No. 601.

2. Removal of the inner container which holds the special nuclear and/or byproduct material from GE–VAL cask No. 601 and burial in the soil of the inner container with the waste material at the licensee's facility near Beatty, Nev.

The Commission has determined that prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this issuance see: (1) The application and amendments thereto and (2) the related memorandum prepared by the Division of Materials Licensing, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of Item 2 above may be obtained at the Commission's Public Document Room, or upon request to the Atomic Energy Commission, Washington, D.C., 20545, attention: Director, Division of Materials Licensing.

The text of this amendment is attached to this notice.

Dated at Bethesda, Md., November 12, 1965.

For the Atomic Energy Commission.

J. A. MCBRIDE,
Director,
Division of Materials Licensing.

[License No. 4-3766-1; Amdt. 23]

The Atomic Energy Commission having found that:

A. The licensee's equipment, facilities, and procedures are adequate to protect health and minimize danger to life or property;

B. The licensee is qualified by training and experience to use the material for the purpose requested in accordance with the regulations in Title 10, Code of Federal Regulations, and in such manner as to protect health and minimize danger to life or property;

C. The application dated July 16, 1965, and amendments thereto dated August 20, 1965; September 15, 1965; and October 18, 1965, comply with the requirements of the Atomic Energy Act of 1954, as amended, and Title 10, Code of Federal Regulations, Chapter 1, and is for a purpose authorized by that act; and

D. The issuance of the license will not be inimical to the common defense and security or to the health and safety of the public.

License No. 4-3766-1 is amended to add the following condition:

18. A. Notwithstanding Condition 1.C. of this license, the licensee may receive at the General Electric Co., Vallecitos, Calif., General Electric Co. GE-VAL cask No. 601 containing not more than 750 grams of special nuclear material of which not more than 40 grams shall be Uranium 233 or Plutonium. No single waste liner within the cask shall contain more than 350 grams of special nuclear material of which not more than 40 grams shall be Uranium 233 or Plutonium.

B. Transportation of the General Electric Co. GE-VAL cask No. 601 containing the waste material from General Electric Co., Vallecitos, Calif., to the licensee's facility shall be in a vehicle owned by the licensee.

C. Notwithstanding Condition 10.A. of this license, the licensee may remove the inner container from General Electric Co. GE-VAL cask No. 601 provided the inner container does not contain more than 1,600 curies of byproduct material and the quantity of special nuclear material specified in Section A. of this condition and bury the inner container without intermediate storage.

D. Removal of the inner container from General Electric Co. GE-VAL cask No. 601 and burial in the soil of the inner container shall be carried out under the supervision and in the physical presence of James L. Harvey.

E. No inner container removed from General Electric Co. GE-VAL cask No. 601 shall be buried in the soil within 12 feet of any other container or package which contains special nuclear material.

G. The licensee shall perform operations authorized in this condition in accordance with the conditions, limitations, and procedures contained in the application dated July 16, 1965, and amendments thereto dated August 20, 1965; September 15, 1965; and October 18, 1965.

Date of issuance: November 12, 1965.

For the Atomic Energy Commission.

J. A. MCBRIDE,
Director,
Division of Materials Licensing.

[F.R. Doc. 65-12459; Filed, Nov. 18, 1965; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16670; Order No. E-22886]

AMERICAN AIRLINES, INC., ET AL.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of November 1965; joint jet fares proposed by American Airlines, Inc., Braniff Airways, Inc., Northwest Airlines, Inc., Southern Airways, Inc., United Air Lines, Inc., and West Coast Airlines, Inc.

By tariff revisions[1] filed October 18, 1965, and marked to become effective November 17, 1965, various air carriers propose to increase joint jet fares in certain markets.[2] The proposals reflect increases over either an existing joint fare or an existing fare that would apply for the routing involved.

In support of the filing, it is stated that, through error in the selection of segment fares, new joint fares for the Dallas-Huntsville market had been published recently at a level lower than that intended. The carriers now propose to correct this situation by increasing the fares to the intended level, that is, equal to the combination of existing local fares over Memphis. In addition, the proponents claim that the Detroit-Miami jet first-class fare via the routing UA Atlanta NW of $94.65 was reduced in error to $85.90, effective September 15, 1965. This $85.90 fare is less than the local fare of $92.50 published by Eastern Air Lines, Inc., between the same points. The participating carriers now propose to increase the joint fare from $85.90 to the level of Eastern's local fare.[3] No justification was furnished specifically for the Detroit-Port Angeles proposal. No complaints have been filed against the proposals for the markets involved.

We note that the joint fares recently published for the Dallas-Huntsville market are not unreasonably low and are at levels comparable to those in effect for markets of similar distances. Furthermore, the Board does not look with favor on joint fare proposals that are set at a level equal to the sum of existing local fares for the segments involved. Rather, we would expect the carriers to make an appropriate adjustment to eliminate the dual effect of three separate $1.00 fare increases per ticket embodied in the current fare structure. In addition, the existing joint fare in the Detroit-Miami market is equal to the local fare currently published by United for this market, and the proposed joint fare in the Detroit-Port Angeles market is greater than the combination fare currently available for the routing involved. In the absence of adequate economic justification, and in view of the industry's present earning trend, there appears to be no basis for the increased fares embodied in the fare proposals for these markets. The Board finds that these proposed joint jet fare increases may be unjust and unreasonable, appear unwarranted, and should be suspended and investigated. This finding is consistent with the Board's recent actions regarding other tariff filings proposing fare increases.[4]

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the fares and provisions on 1st Revised Page 322-I between Dallas and Huntsville; on 50th and 51st Revised Pages 324 between Detroit and Miami via the routing "UA ATL NW" and between Detroit and Port Angeles via the routing "NW SEA WC"; and on 84th Revised Page 437 between Dallas/Ft. Worth and Huntsville; of Airline Tariff Publishers, Inc., agent, CAB No. 44, and rules, regulations, or practices affecting such fares and provisions, are or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful fares and provisions, and rules, regulations, and practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions on 1st Revised Page 322-I between Dallas and Huntsville; on 50th and 51st Revised Pages 324 between Detroit and Miami via the routing "UA ATL NW" and between Detroit and Port Angeles via the routing "NW SEA WC"; and on 84th Revised Page 437 between Dallas/Ft. Worth and Huntsville; of Airline Tariff Publishers, Inc., agent, CAB No. 44, are suspended and their use deferred to and including February 14, 1966, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This investigation be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. A copy of this order be filed with the aforesaid tariff and be served on American Airlines, Inc., Braniff Airways, Inc., Northwest Airlines, Inc., Southern Airways, Inc., United Air Lines, Inc., and West Coast Airlines, Inc., parties to the investigation.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65-12443; Filed, Nov. 18, 1965; 8:48 a.m.]

[Docket No. 16401; Order No. E-22890]

NORTHEAST AIRLINES, INC., ET AL.

Order Tentatively Approving Control and Interlocking Relationships and Tentatively Granting Exemption

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of November, 1965; application of Northeast Airlines, Inc., Storer Broadcasting Co., George B. Storer, George B. Storer, Jr., Bill Michaels, Francis W. Sullivan, Stuart W. Patton, and Arno W. Mueller, for approval of control and/or interlocking relationships pursuant to sections 408 and 409 of the Federal Aviation Act of 1958, as amended.

By joint application filed August 12, 1965, as subsequently amended, Storer Broadcasting Co. (Storer), which recently acquired control of Northeast Airlines, Inc. (Northeast), requests approval pursuant to section 408 of the Federal Aviation Act of 1958, as amended (the Act) of its activation of a subsidiary company known as Storer Leasing Corp. (Leasing). An exemption is also requested pursuant to section 416(b) from the provisions of section 408 to the extent necessary to permit Northeast to lease certain aircraft from Leasing. In addition, the joint applicants request approval pursuant to section 409 of the Act of the following interlocking relationships:

Individual	Company and position	
	Northeast	Storer
George B. Storer	Director	Chairman of Board, Director.
George B. Storer, Jr.	Chairman of Board,[1] Director.	Vice Chairman of Board, Director.
Bill Michaels	Director	Director, Vice President.
Francis W. Sullivan.	Director	Director.
Stuart W. Patton	Director, Vice President.	Special Counsel.
Arno W. Mueller	Vice President	Vice President.

[1] Chief Executive officer, pursuant to Northeast's bylaws.

The joint applicants also request that the above individuals be authorized to hold generally directorships or offices within the same system of affiliated and subsidiary companies.

Storer is engaged primarily in commercial radio and television broadcasting, and the individual applicants are, at present, officers and/or directors of Storer. To support the above requests, the joint applicants state that on July 30, 1965, Storer acquired more than 87 percent of Northeast's only class of issued and outstanding stock; that Storer intends to assist Northeast in planning and promptly effectuating a jet aircraft re-equipment and expansion program and to elect as officers and/or directors of Northeast at meetings of Northeast's stockholders and directors (held on August 27, 1965), the individual applicants herein who will serve as representatives of Storer on said board and/or in said offices; and that Storer has determined that the jet re-equipment program could be achieved by Northeast at the lowest cost to it if Storer, acting through a wholly owned subsidiary company, to be formed by Storer, were to purchase the aircraft which Northeast deems appropriate for its operation and to lease such aircraft to Northeast. To effectuate Northeast's re-equipment and expansion program Storer intends to form leasing, whose business purposes will include the ownership of aircraft and the leasing of the same to Northeast.[1]

Under the contemplated lease agreement, Northeast will obtain 12 Boeing 727 and 10 Douglas DC-9 aircraft, including spare parts, valued in excess of $100 million, for a term of 13 years from the date of delivery of each at a quarterly rental of 2.29 percent of the lessor's cost or at an aggregate of 119.08 percent of the lessor's cost over the term of the lease. Except for the cost to the lessee, the applicants state that the lease agreement will be substantially identical to a recent lease agreement between United Air Lines, Inc. (United), and various banking institutions involving certain Boeing 727-22 aircraft[2] which was recently approved by the Board.[3] Under the terms of the proposed lease agreement there will be no supplemental rental charges, spare parts will be leased under identical arrangements as the aircraft, and Northeast may, subject to certain conditions, voluntarily terminate the lease should the aircraft become obsolete or surplus to its needs. Under the leasing arrangement, the applicants state that the benefits of investment tax credit will flow through to the lessee, and in substance the proposed lease agreement will parallel others wherein there is no lessor-lessee affiliation.[4] It is further alleged that the outright purchase or leasing from an unaffiliated source was carefully studied and that, in the light of Northeast's recent operating history and the uncertainty of its route authority, such undertakings would present monumental difficulties and that if funds were available, the cost would be such as to drain from Northeast any possibility of being able to operate the aircraft competitively. Therefore, according to applicants, the proposed transaction would afford Northeast an opportunity to obtain use of the aircraft at a substantially more favorable cost than would be the case if it were itself to finance the purchase of the aircraft or obtain them by lease from another source.

The application states that the establishment of Leasing does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not and will not result in creating a monopoly and does not and will not tend to restrain competition; that there are no persons other than the applicants herein who have an interest in the transactions; and that because of the imminence of initial aircraft deliveries[5] under the arrangement an exemption from section 408 insofar as it would

[1] The applicants anticipate that Leasing will engage only in this activity. If there is any change or expansion of these activities, they state that the Board will be advised thereof and any necessary approval will be requested.

[2] In this instance United's quarterly rental is 2.23 percent of the lessor's cost. The 0.06 percent differential in the case of Northeast is due to the cost of money available to the lessor and certain standby costs.

[3] Order E-22442, dated July 15, 1965, Docket 16243.

[4] Although we have not received copies of the proposed lease, it appears from the amended application that the terms of the Douglas aircraft lease will be identical to those of the Boeing lease in all significant respects; e.g., term, proration of cost, and termination provisions. In any event, we expect the parties to file 3 copies of the lease agreement within 10 days after service of this order; and our final action will take into account the provisions of such agreement.

[5] It appears from the filing that leasing may already have been organized and has taken possession of one Boeing 727 aircraft for the purpose of training Northeast pilots. This raises a question of possible violation of section 408 as interpreted in *Sherman Control and Interlocking Relationship,* 15 CAB 878 (1952). However, because of the exigency of Northeast's need for new equipment in order to provide improved service to the public, we will waive the Sherman Doctrine to the extent that it would otherwise preclude establishment of Leasing prior to Board approval of the transaction.

[1] Airline Tariff Publishers, Inc., agent, CAB No. 44.

[2] The markets, routings, and proposed fares involved are:

Market	Routing	Proposed joint fare	
		First class	Coach
Dallas-Huntsville.	AA/BN Memphis Nashville SO	$82.15	$45.70
Detroit-Miami.	UA Atlanta NW	92.50	-------
Detroit-Port Angeles.	NW Seattle WC	143.20	-------

[3] The participating carriers neglect to point out that the existing joint fare of $85.90 is equal to United's local fare between the same points.

[4] Orders E-22483, E-22587, E-22773, E-22783, E-22816, E-22819, and E-22844.

otherwise prevent the transaction between Leasing and Northeast is warranted.

On October 5, 1965, National Airlines, Inc. (National), filed a memorandum stating that it has a substantial interest in the transactions and requesting, pursuant to the third proviso of section 408(b), that a hearing be held. Essentially National's allegation of "substantial interest" is based on the contention that the acquisition of such a large amount of jet equipment by a carrier which is apparently in poor financial condition could prejudice the Board's decision in the Reopened New York-Florida Renewal Case, Docket 12285. National states, however, that it is willing to waive its right to a hearing if any order of approval issued by the Board in this proceeding requires "(1) either that leases shall be terminable by Northeast without penalty on 6 months' notice, or that no lease shall be entered into of more than 1 year's duration; (2) that Northeast shall receive no greater subsidy than at present by reason of the operation of pure jet equipment (except after hearing); and (3) that Storer be advised that, like its predecessor, Hughes Tool Co., it must take its chances on the outcome of the Reopened New York-Florida Renewal Case, Docket 12285."

Concurrently with the filing of the above memorandum, National filed a petition for leave to intervene in the instant proceeding in the event the foregoing conditions are not imposed by the Board in any order of approval. In the event such conditions are imposed, National states, the matter would be of a "non-hearing" nature, and the petition therefore may be dismissed.

On October 11, 1965, Northeast replied to National's Memorandum and Petition, submitting that National's interest in the proceeding, as disclosed by its own document, is wholly insubstantial and that the Board should deny its requests.

Subsequently, on October 18, 1965, National filed a motion for leave to file a reply, and a reply to Northeast's reply, and thereafter Northeast filed a motion for leave to file an answer to National's motion requesting that it be denied essentially on procedural grounds.[4]

In summary, Storer, the company controlling Northeast, seeks to set up a wholly owned subsidiary whose basic purpose would be to lease jet aircraft having a value in excess of $100,000,000 to Northeast. In view of Northeast's present financial condition, its inability to raise sufficient cash to permit it to purchase the equipment it needs by conventional financing, and its apparent inability to make leasing arrangements as favorable as those involved in the instant transactions with other nonaffiliated companies, we are disposed to grant Northeast and Storer the relief they request. This involves: (1) Approval under the third proviso of section 408(b) of control of Leasing by Storer; (2) grant of an exemption from the provisions of section 408 insofar as those provisions would otherwise prevent Northeast, an air carrier, from acquiring a substantial part of the assets of Leasing, a person engaged in a phase of aeronautics; and (3) approval of the interlocking relationships between Northeast and Storer.

There is no doubt that the establishment of Leasing by Storer is subject to Board approval under section 408 of the Act. Storer is a person controlling an air carrier—Northeast—and Leasing will be engaged in a phase of aeronautics—aircraft leasing. The mere establishment of Leasing would not affect the control of Northeast within the meaning of the third proviso of section 408(b), or result in creating a monopoly or restrain competition, nor would it be inconsistent with the public interest. Hence, the Storer/Leasing transaction can be approved without a hearing under the third proviso of section 408(b), absent a request for a hearing by a person disclosing a "substantial interest."

There is a question as to whether National has exhibited a substantial interest which would allow it to request a hearing. We think that National has not. The acquisition of Leasing by Storer has meaning for National only when it is considered in conjunction with the proposed lease agreements between Leasing and Northeast. Aside from the equipment lease proposal National cannot and should not get involved in the management decisions of Storer to establish a subsidiary corporation. Therefore, we tentatively find that National has not disclosed a "substantial interest" within the meaning of section 408(b) which would entitle it to request a hearing in the matter of Storer's acquisition of Leasing, and we will approve that acquisition of Leasing by Storer without a hearing.

The main focus of National's objections is on the lease arrangement between Leasing and Northeast. National apparently contends that the financial burden on Northeast resulting from the leasing of such a substantial amount of jet equipment may become an important factor in swaying the Board's judgment in favor of renewal of Northeast's routes south of New York in the Reopened New York-Florida Renewal Case. Moreover, National alleges that Northeast will use its lease obligations as a basis for seeking additional subsidy regardless of the outcome of the Renewal Case. Therefore, National proposes that the conditions quoted above be imposed on any approval of the transactions and states that it will drop its opposition if the conditions are included.

In our opinion, National's apprehensions are not well founded and there is no need for conditioning approval of the transaction as proposed. Certainly, the Board need not be advised that it has the obligation to decide the Renewal Case in a manner which is consistent with the public interest. By the same token it should be clear to Northeast, without our saying so, that the carrier in entering the lease is taking a chance that its Florida routes will not be renewed. In addition, to include a condition which would permit Northeast arbitrarily to cancel the lease upon 6 months' notice to Leasing or limiting approval to a 1-year period would be unduly burdensome on the lessor. Any prudent lessor would require more protection than this where an investment of such magnitude is involved. In any event, we are advised by the parties that Northeast may cancel the lease on 60 days' notice if the aircraft become obsolete or surplus to Northeast's requirements. If such cancellation shall occur Northeast will be liable only for the excess, if any, of the termination value established by the agreement over the sale price of the equipment. Finally, the effect on subsidy of the new aircraft is a question which is more appropriately left for decision in a proceeding under section 406 of the Act. In this regard our final action herein would include, as is our usual practice, a provision that approval of the transactions shall not be deemed a determination for rate-making purposes of the reasonableness of the transactions.

Having disposed of National's objections,[5] we turn to consideration of the lease transactions, which follow generally the leases involved in United Air Lines' re-equipment program. This program was before the Board in Dockets 15912 and 15936. Therein United sought a disclaimer of jurisdiction or approval under section 408 of a Participation, Trust, and Lease Agreement between it and certain banks, pursuant to which the participating banks would acquire jet aircraft and lease them to United. We have of course taken into account that an arrangement between Storer and Northeast is not an arm's-length transaction and should be scrutinized with greater care. We are satisfied that the arrangement follows the pattern of bank financing and it appears that the lease transaction is fair in this light. In United's case, as here, the carrier requested expeditious treatment and an exemption from section 408(b), urging that it was in imminent need of the aircraft; and that, were there delay consequent upon the holding of a hearing, the carrier would be required to seek to acquire the aircraft upon less favorable terms than those available to it under the Participation, Trust and Lease Agreement. We granted such exemption.[6] The reasons for avoiding delay are equally compelling in this case. If anything, Northeast's situation would appear to be more critical than was that of United in Dockets 15912 and 15936. It would be unduly burdensome, under these circumstances, to subject Northeast to the procedures involved in a formal proceeding under section 408. Accordingly, we tentatively find that the enforcement of section 408(b) of the Act to the extent that it would preclude the instant transaction would be an undue burden upon Northeast by reason of unusual circumstances affecting its operations, and would not be in the public interest.

We will also tentatively approve the interlocking relationships between Northeast and Storer. A due showing has been made in the form and manner prescribed in Part 251 of the Board's Economic Regulations that such interlocking relationships and any future interlocking relationships involving the same individuals and companies as described herein will not adversely affect the public interest.

Storer has assured the Board that similar transactions, as a practical matter, will not be undertaken in the future. Insofar as other types of arrangements are concerned, we would propose to include, as a condition to approval, that there be no transactions between Storer and Northeast or between Leasing and Northeast, which in either instance aggregate more than $100,000 in any calendar year, unless prior approval is obtained from the Board.

Accordingly, it is ordered,

1. That interested parties are hereby afforded a period of fifteen (15) days from the date of service of this order within which to file comments[7] or to request a hearing with respect to the matters treated herein;

2. That since comments may be filed, the Board will accept no petition for reconsideration of this order;

3. That, within a period of ten (10) days from the date of service of this order, Northeast Airlines, Inc., shall file three copies of the Lease Agreement with Storer Leasing Corp. with the Board and provide one copy of such agreement to National Airlines; and

4. That the Attorney General be furnished a copy of this order within one day of the date of its service.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65-12444; Filed, Nov. 18, 1965; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 16223-16229; FCC 65M-1499]

TRI-STATE TELEVISION TRANSLATORS, INC.

Order Continuing Hearing

In re applications of Tri-State Television Translators, Inc., Cumberland, Md., Docket No. 16223, File No. BPTTV-2354; Tri-State Television Translators, Inc., Cumberland, Md., Docket No. 16224, File No. BPTTV-2355; Tri-State Television Translators, Inc., Cumberland, Md., Docket No. 16225, File No. BPTTV-2356; Tri-State Television Translators, Inc., Cumberland, Md., Docket No. 16226, File No. BPTTV-2357; Tri-State Television Translators, Inc., Cumberland, Md., Docket No. 16227, File No. BPTTV-2358; Tri-State Television Translators, Inc., Cumberland, Md., Docket No. 16228, File No. BPTTV-2359; Tri-State Television Translators, Inc., Cumberland, Md., Docket No. 16229, File No. BPTTV-2360; for construction permits for new VHF Television Broadcast Translator Stations.

Pursuant to agreements reached at the prehearing conferences on October 28 and November 10, 1965, the evidentiary hearing in the above-entitled proceeding now scheduled for Monday, November 15, 1965, is continued to Monday, December 13, 1965, in Cumberland, Md.

It is so ordered, This the 10th day of November 1965.

Released: November 15, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12450; Filed, Nov. 18, 1965; 8:49 a.m.]

[Docket No. 15250; FCC 65M-1502]

SUPERIOR BROADCASTING CORP.

Order Continuing Hearing

In re application of the Superior Broadcasting Corp., Cleveland, Ohio, Docket No. 15250, File No. BPCT-3243, for construction permit for new television broadcast station.

The Hearing Examiner having under consideration a joint petition for continuance filed by counsel for the applicant and counsel for the Broadcast Bureau on November 10, 1965, requesting that the hearing in this proceeding presently scheduled for November 17, 1965, be continued until November 23, 1965; and

It appearing, that an emergency has arisen requiring counsel for the Broadcast Bureau to be absent from Washington, D.C., on official business during the period November 12–November 22, 1965;

It is therefore ordered, This 12th day of November 1965, that the petition be and the same is hereby granted, and the hearing in this proceeding is continued to November 23, 1965, at 10 a.m., in the offices of the Commission in Washington, D.C.

Released: November 15, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12451; Filed, Nov. 18, 1965; 8:49 a.m.]

[Docket Nos. 16290, 16291; FCC 65-1008]

WMGS, INC. (WMGS) AND OHIO RADIO, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of WMGS, Inc. (WMGS), Bowling Green, Ohio, Docket No. 16290, File No. BR-3097, has 730kc, 1kw, DA-D, Class II, for renewal of license; Ohio Radio, Inc., Bowling Green, Ohio, Docket No. 16291, File No. BP-16,423, requests 730kc, 1kw, DA-D, Class II, for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 10th day of November 1965;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, the applicants are legally, technically, financially, and otherwise qualified to construct and/or operate as proposed; and

It further appearing, that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The applications are mutually exclusive in that they propose cochannel operation in the same city.

2. No computations regarding the proposed directional antenna system of Ohio Radio, Inc. have been submitted to permit a determination as to whether the proposal would comply with the minimum efficiency requirements of § 73.189 of the Commission's rules.

3. The proposed antenna towers of Ohio Radio, Inc. have yet to receive clearance from the Federal Aviation Agency. Accordingly, an issue with respect thereto will be included and that agency named as a party.

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated Proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether the antenna tower construction proposed by Ohio Radio, Inc., would create a hazard to air navigation.

2. To determine whether the antenna system proposed by Ohio Radio, Inc. can be expected to achieve minimum radiation efficiency for this class of station as required by § 73.189 of the Commission's rules.

[4] Rule 6 of the Board's Rules of Practice in Economic Proceedings provides that "• • • no reply to an answer, reply to a reply, or any further responsive document shall be filed." While we would ordinarily dismiss the unauthorized pleadings we will in this instance accept them since these documents considered with the others filed by the parties give us a full picture of the transaction.

[5] National was the only objector to the proposed agreement.

[6] Order E-21927, Mar. 19, 1965.

[7] Comments shall conform to the Board's Rules of Practice for the filing of comments.

3. To determine which of the proposals would better serve the public interest.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

It is further ordered, That, the Federal Aviation Agency is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: November 16, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12452; Filed, Nov. 18, 1965; 8:49 a.m.]

[Docket No. 15769 etc.; FCC 65M-1504]

BROWN RADIO & TELEVISION CO. (WBVL) ET AL.

Order Continuing Hearing

In re applications of Dwight L. Brown trading as Brown Radio & Television Co. (WBVL), Barbourville, Ky., Docket No. 15769, File No. BR-3228; for renewal of license; Barbourville-Community Broadcasting Co., Barbourville, Ky., Docket No. 15770, File No. BP-16297; for construction permit; Golden East Broadcasting Co., Inc., Barbourville, Ky., Docket No. 16105, File No. BP-15827; for construction permit.

The Hearing Examiner having under consideration further proceedings in the above-styled case;

It appearing, that counsel for Golden East Broadcasting Co. made an oral "Motion to Dismiss" its above-captioned application on the record at a prehearing conference held November 10, 1965, in this matter; and

It further appearing, that for reasons stated on the record at said prehearing conference, the transcript of which is hereby incorporated by reference with the same force and effect as though set forth verbatim herein, the presently scheduled hearing date of November 16, 1965, at Barbourville, Ky., must be continued;

It is ordered, This 15th day of November 1965, that the hearing date of November 16, 1965, in the above-entitled case be, and the same is, hereby continued to January 25, 1966, at Barbourville, Ky.

Released: November 15, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12446; Filed, Nov. 18, 1965; 8:48 a.m.]

[Docket No. 15450; FCC 65M-1501]

MIDWEST TELEVISION, INC.

Memorandum of Ruling

In re application of Midwest Television, Inc., Springfield, Ill., Docket No. 15450, File No. BPCT-2846; for construction permit for new television broadcast station.

This will formalize a ruling made by the Hearing Examiner during the hearing session held on November 3, 1965, construing Revised Issue 2 [1] to encompass the question of whether a grant of the Midwest proposal would result in "a concentration of control of the media of mass communication" contrary to the public interest.[2] The Examiner's reasons for this ruling are ascertainable from the discussion appearing at pp. 269-287 of the transcript.

In accordance with the transcript ruling (Tr. 284-287): *It is ordered*, This 12th day of November 1965, that Revised Issue 2 is construed as comprehending the question of whether a grant of the Midwest proposal would result in a concentration of control of the media of mass communication contrary to the public interest.[3]

Released: November 15, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12447; Filed, Nov. 18, 1965; 8:48 a.m.]

[1] See, Memorandum Opinion and Order of the Review Board in Midwest Television, Inc. (FCC 65R-370, released Oct. 8, 1965), which revised Issue 2.

[2] Stated otherwise, the effect of the Examiner's interpretative ruling is to carry forward the "concentration of control" aspect of original Issue 2 specified in the Commission's Memorandum Opinion and Order in Springfield Telecasting Co., et al. (FCC 64-387, released May 4, 1964), which designated Midwest's application for hearing. That is to say, the determination pursuant to Revised Issue 2 of whether a satellite form of operation "would be in the public interest" requires consideration of the consequences of such form of operation from the standpoint of concentration of control of the mass media as well as the standpoint of duopoly (control of overlapping television services). As the Examiner further views Revised Issue 2, any determination on the concentration problem will have no ultimate dispositive effect if the threshold question of whether Midwest's proposal is "primarily a satellite operation" should be resolved contrary to applicant's contention in this regard.

[3] The time for filing an interlocutory appeal from the instant ruling will run from the date of release of this Memorandum of Ruling.

[Docket Nos. 16288, 16289; FCC 65-1007]

ROWLAND BROADCASTING CO., INC. (WQIK) AND WILLIAMSBURG COUNTY BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Rowland Broadcasting Co., Inc. (WQIK), Jacksonville, Fla., Docket No. 16288, File No. BP-16644; has: 1280 kc, 5 kw, Day, requests: 1090 kc, 50 kw (10 kw CH), DA-2, Day; M. H. Jacobs, H. Y. Hodges, and Dale W. Gallimore doing business as Williamsburg County Broadcasting Co., Kingstree, S.C., Docket No. 16289, File No. BP-16580; requests: 1090 kc, 1 kw, Day; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 10th day of November 1965;

The Commission having under consideration the above-captioned and described applications;

It appearing, That each of the applicants is legally, technically, financially, and otherwise qualified to construct and operate as proposed but that the applications are mutually exclusive;

It further appearing, That, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications just be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, At a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operation of the Williamsburg County Broadcasting Co. and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WQIK and the availability of other primary service to such areas and populations.

3. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

It is further ordered, That, in the event of a grant of either application, the construction permit shall contain the following condition:

1. Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, the present provisions of § 73.87 of the Commission Rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: November 16, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12448; Filed, Nov. 18, 1965; 8:48 a.m.]

[Docket Nos. 16292, 16293; FCC 65-1010]

TRI-CITY BROADCASTING CO. AND HENRYETTA RADIO CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Harmon Davis trading as Tri-City Broadcasting Co., Eufaula, Okla., Docket No. 16292, File No. BPH-4482; requests: 102.3mc, No. 272; 3kw; 187 ft.; Henryetta Radio Co., Henryetta, Okla., Docket No. 16293, File No. BPH-4593; requests: 102.3mc, No. 272; 3kw; 158 ft.; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 10th day of November 1965;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below each of the applicants is legally, technically, financially, and otherwise qualified to construct and operate as proposed; and

It further appearing, that the above-captioned applications are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference; and

It further appearing, that since the Henryetta Radio Co. proposal specifies Henryetta, Okla., and the Tri-City Broadcasting Co. proposal specifies Eufaula, Okla. (as permitted by the "25-mile" rule), it is necessary to determine pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient, and equitable distribution of radio service; and

It further appearing, that the proposals will be considered under the comparative issue if section 307(b) considerations are not found to be determinative; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

2. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b), which of the proposals would better serve the public interest.

3. To determine in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants pursuant to § 1.221(c) of the Commission's rules in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: November 16, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12449; Filed, Nov. 18, 1965; 8:48 a.m.]

[1] Commissioners Hyde and Lee absent.

[1] Commissioners Hyde and Lee absent.

DEPARTMENT OF COMMERCE

Bureau of the Census

DETERMINATION OF THE DIRECTOR PURSUANT TO SECTION 4(b)(2) OF THE VOTING RIGHTS ACT OF 1965 (PUBLIC LAW 89-110)

In accordance with section 4(b)(2) of the Voting Rights Act of 1965 (Public Law 89-110) and the determination of the Attorney General made pursuant to section 4(b)(1) of that Act, published in the August 7, 1965, issue of the FEDERAL REGISTER (30 F.R. 9897), I have determined that in each of the following political subdivisions considered as a separate unit less than 50 per centum of the persons of voting age residing therein voted in the presidential election of November 1964:

Coconino County, Ariz.
Navajo County, Ariz.
Elmore County, Idaho.
Honolulu County, Hawaii.

This determination supplements my determination published in the FEDERAL REGISTER of August 7, 1965 (30 F.R. 9897).

Current studies of other political subdivisions will be completed as soon as the relevant data are obtained and in accordance with the Voting Rights Act of 1965, I will make additional determinations for such political subdivisions in which less than 50 per centum of the persons of voting age residing therein were registered on November 1, 1964, or in which less than 50 per centum of such persons voted in the presidential election of November 1964.

A. ROSS ECKLER,
Director, Bureau of the Census.

[F.R. Doc. 65-12522; Filed, Nov. 18, 1965; 10:08 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-17106, etc.]

ALLEGHENY LAND AND MINERAL CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

NOVEMBER 9, 1965.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field and location	Price per Mcf	Pressure base
C164-746 E 11-1-65	Oil Industries Associates (Operator), et al. (successor to D. E. Brown, et al.), 9307 Mercer Dr., Dallas, Tex., 75228.	Consolidated Gas Supply Corp., Hacker Grove Field, Clay District, W. Va.	23.0	15.325
C164-1238 C 10-28-65	R. J. Braden, et al. d.b.a. Elder Gas Co., 413 Peoples Bank Bldg., Marietta, Ohio 45750.	Consolidated Gas Supply Corp., Troy District, Gilmer County, W. Va.	23.0	15.325
C165-688 C 10-28-65	F. M. Chisler and Harry C. Boggs, c/o F. M. Chisler, Partner, Route No. 2, Box 194, Fairview, W. Va.	Consolidated Gas Supply Corp., Washington District, Calhoun County, W. Va.	23.0	15.325
C166-347 H 10-28-65	E. Max Beren, et al., Post Office Box 3166, Washington St. Station, Wichita, Kans.	Cities Service Gas Co., Whelan Field, Barber County, Kans.	Depleted	-------
C166-348 A 10-28-65	Security Mobil Oil Co., Inc., Post Office Box 2444, Houston, Tex., 77001.	Trunkline Gas Co., Kelsey Field, Brooks County, Tex.	[16] 16.0	14.65
C166-349 A 10-22-65	Drum-Mar Oil and Gas Co., 27 South College St., Washington, Pa. 15301.	Pennzoil Co., Mannington District, Marion County, W. Va.	12.0	15.325
C166-350 A 10-28-65	Cities Service Oil Co., Cities Service Bldg., Bartlesville, Okla., 74004.	Gas Gathering Corp., Bayou Henry Field, Acadia Parish, La.	17.0	15.025
C166-351 A 10-28-65	Columbian Fuel Corp., 401 Dewey Ave., Bartlesville, Okla., 74004.	United Fuel Gas Co., acreage in Pike County, Ky.	[4] 27.5	15.325
C166-352 A 10-29-65	Hunt Oil Co., 1401 Elm St., Dallas, Tex., 75202.	American Louisiana Pipe Line Co., Grand Isle, Blocks 24 and 25, Offshore La.	[4] 21.25	15.025
C166-353 A 10-29-65	Edwin O. Bradley, et al., 826 Union Center Bldg., Wichita, Kans.	Panhandle Eastern Pipe Line Co., Panhandle-Hugoton Field, Kansas.	16.0	14.65
C166-354 A 10-29-65	Peabody Coal Co., 301 North Memorial Dr., St. Louis, Mo., 63102.	Texas Gas Transmission Corp., Midland Field, Muhlenberg County, Ky.	17.0	15.025
C166-355 A 10-29-65	Hunt Industries, 1401 Elm St., Dallas, Tex., 75202.	American Louisiana Pipe Line Co., Grand Isle, Blocks 24 and 25, Offshore La.	[4] 21.25	15.025
C166-356 B 10-29-65	Sunray DX Oil Co., Post Office Box 2039, Tulsa, Okla., 74102.	Jernigan & Morgan Transmission Co., E. Victor Field, Lincoln County, Okla.	([18])	-------
C166-357 A 11-1-65	American Petrofina Co. of Texas, Post Office Box 2159, Dallas 21, Tex.	El Paso Natural Gas Co., Pan American-Ullard Gas Unit No. 3, Eddy County, N. Mex.	13.0	15.025
C166-358 A 11-1-65	Earlsboro Oil and Gas Co., Inc. (Operator), et al., 2800 First National Bldg., Oklahoma City, Okla.	Panhandle Eastern Pipe Line Co., North Greensburg Field, Woods County, Okla.	[4] 17.0	14.65
C166-359 A 11-1-65	World Petroleum Corp., 4000 North Santa Fe, Oklahoma City, Okla., 73118.	Panhandle Eastern Pipe Line Co., Southwest Cuno Field, Beaver County, Okla.	16.8	14.65
C166-360 10-29-65 [11]	Ashland Oil & Refining Co., Post Office Box 1503, Houston, Tex., 77001.	Texas Gas Transmission Corp., Midland Field, Muhlenberg County, Ky.	15.0	15.025
C166-361 A 11-1-65	George Moses, Post Office Box 309, Charlestown, W. Va.	Consolidated Gas Supply Corp., Washington District, Calhoun County, W. Va.	25.0	15.325
C166-362 A 11-1-65	W & J Oil & Gas Producers, et al., 530 Rockwood Ave., Chesapeake, Ohio.	Consolidated Gas Supply Corp., Troy District, Gilmer County, W. Va.	25.0	15.325
C166-363 A 11-1-65	Central Gas Co., Box 1223, Charleston, W. Va.	do	25.0	15.325
C166-364 A 11-1-65	Wood Oil Co., 800 Midstates Bldg., Tulsa, Okla., 74103.	Michigan Wisconsin Pipe Line Co., Monroe Field, Harper County, Okla.	17.0	14.65
C166-365 A 11-1-65	Howard W. Sharpley, et al., Room No. 7, State Bank Bldg., Hillsdale, Mich.	Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va.	25.0	15.325
C166-367 A 10-25-65	Jenkins and Archer, c/o Margaret J. Wells, agent, Box 868, Pultsville, Ky., 41240.	Kentucky West Virginia Gas Co., Joe's Creek, Pike County, Ky.	15.0	14.6
C166-368 A 10-28-65	Jenkins and Archer	Kentucky West Virginia Gas Co., Johns Creek, Pike County, Ky.	15.0	14.6
C166-369 [12] A 10-28-65	do	Kentucky West Virginia Gas Co., Shelby Creek and Burk Branch, Pike County, Ky.	15.0	14.6
C166-370 A 11-1-65	Wood Oil Co., 800 Midstates Bldg., Tulsa, Okla., 74103.	El Paso Natural Gas Co., West Kutz Field, Gallegos Canyon Unit Area, San Juan County, N. Mex.	10.0	15.025

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 3, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field and location	Price per Mcf	Pressure base
G-17106 C 11-3-65 D 11-3-65 [1] G-18070 C 11-3-65	Allegheny Land and Mineral Co., Professional Bldg., Clarksburg, W. Va.	Consolidated Gas Supply Corp., Various districts, Various counties, W. Va.	28.0	15.325
	The Atlantic Refining Co., Post Office Box 2819, Dallas, Tex., 75221.	Transcontinental Gas Pipe Line Corp., Live Oak Field, Vermilion Parish, La.	17.5	15.025
CI60-420 E 10-27-65	Burnett Corp. (Successor to H. N. Burnett), c/o Jerry F. Lyons, attorney, Post Office Box 650, Amarillo, Tex.	Cities Service Gas Co., West Panhandle Field, Carson County, Tex.	11.0	14.65
CI61-737 C 11-3-65 [2]	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	Transwestern Pipeline Co., Catesby Field, Ellis County, Okla.	17.0	14.65
CI61-1640 C 11-1-65	Security Mobil Oil Co., Inc., Post Office Box 2444, Houston, Tex., 77001.	Transcontinental Gas Pipe Line Corp., Main Pass Island Block 48 Field, Offshore La.	19.0	15.025
CI62-365 C 11-1-65	Continental Oil Co., Post Office Box 2197, Houston, Tex., 77001.	El Paso Natural Gas Co., Lindrith Area, Rio Arriba County, N. Mex.	12.2295	15.025
CI63-507 D 2-15-65	Oil Corp., Post Office Box 1589, Tulsa, Okla., 74102.	Natural Gas Pipeline Co. of America, Escobas and Martinez Fields, Zapata and Jim Hogg Counties, Tex.	(5)	-------
CI63-608 C 10-28-65	Oklahoma Natural Gas Co., Post Office Box 871, Tulsa, Okla., 74102.	Michigan Wisconsin Pipe Line Co., Southeast Pringey Field, Woodward County, Okla.	[4] 17.0	14.65
CI64-69 C 11-3-65 [3]	Shell Oil Co. (Operator), et al., 50 West 50th St., New York, N.Y., 10020.	Panhandle Eastern Pipe Line Co., Alvard Area, Woods County, Okla.	[4] 17.0	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field and location	Price per Mcf	Pressure base
CI66-371 A 11-3-65	Quaker State Oil Refining Corp., Box 337, Bradford, Pa.	United Fuel Gas Co., Harts Creek District, Lincoln County, W. Va.	23.0	15.325
CI66-372 B 11-3-65	Midhurst Oil Corp., 1030 Bank of Southwest Bldg., Houston, Tex., 77002.	Trunkline Gas Co., East Bearhead Creek Field, Beauregard Parish, La.	([17])	-------
CI66-373 A 11-1-65	Phillips Petroleum Co., Bartlesville, Okla., 74004.	American Louisiana Pipe Line Co., Boston Bayou Field, Vermilion Parish, La.	21.25	15.025
CI66-374 A 11-1-65	S. F. Bradley, Box 143, Prestonsburg, Ky.	United Fuel Gas Co., Rockhouse Fork of Rockcastle Creek, Martin County, Ky.	23.0	15.325
CI66-375 A 11-1-65	Phillips Petroleum Co., Bartlesville, Okla., 74004.	Panhandle Eastern Pipe Line Co., Selling Field, Woods County, Okla.	17.0	14.65

[1] Deletes nonproductive acreage.
[2] Adds interest of Sun Oil Co.
[3] Consolidated with Docket Nos. CI62-1544, et al.
[4] Plus upward B.t.u. adjustment.
[5] Adds interest of Joel S. Price.
[6] Subject to upward and downward B.t.u. adjustment.
[7] Subject to reduction of 1.0 cent per Mcf per stage if Buyer elects to compress gas.
[8] Includes 1.5 cents gathering charge.
[9] Subject to deduction for compression if Buyer compresses gas.
[10] Gas is no longer being sold in interstate commerce.
[11] Filing made under section 154.91(b) of the rules and regulations for certificate by a signatory co-owner which, at present, is an et al. party under Operator's FPC Certificate and Gas Rate Schedule (Milton S. Yunker (Operator), et al., Docket No. CI64-234).
[12] Properties ceased to produce gas in commercial quantities.

[F.R. Doc. 65-12277; Filed, Nov. 18; 1965; 8:45 a.m.]

[Docket No. CI65-513, etc.]

ATLANTIC REFINING CO. ET AL.

Findings and Order

NOVEMBER 3, 1965.

The Atlantic Refining Co., et al., and other applicants herein, Docket Nos. CI65-513, et al.[1]; findings and order after statutory hearing issuing certificates of public convenience and necessity, severing dockets, accepting offers of settlement, and accepting FPC gas rate schedules for filing.

Applicants herein have filed applications pursuant to section 7(c) of the Natural Gas Act for certificates of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from the Permian Basin area of New Mexico to Natural Gas Pipeline Co. of America (Natural), all as more fully set forth in the Appendix hereto and in the respective applications.

Each Applicant originally proposed to sell natural gas at an initial rate of 16.608 cents per Mcf at 14.65 p.s.i.a., including upward B.t.u. adjustment from a base of 1000 B.t.u.'s per cubic foot for 1038 B.t.u. gas.[2] By order issued August 5, 1965, in Docket No. AR61-1, et al., Applicants were ordered to show cause why they should not receive permanent certificate authorization at the rates prescribed by Opinion No. 468, 34 FPC ____. Said opinion prescribes an initial rate for gas sold in the New Mexico portion of the Permian Basin of 15.5 cents per Mcf plus applicable state and local production taxes in effect September 1, 1965. The opinion also provides for upward B.t.u. adjustment from a maximum standard of 1050 B.t.u.'s per cubic foot and downward B.t.u. adjustment from a minimum standard of 1000 B.t.u.'s per cubic foot.

Each Applicant has amended its contract with Natural by restating the price provisions of said contracts to provide a fixed price for gas having a heating value of 1038 B.t.u.'s per cubic foot and to eliminate any upward price adjustment for increases in heating value in excess of 1038 B.t.u.'s per cubic foot. The amendments also provide for a downward adjustment in price for decreases in heating value below 1038 B.t.u.'s per cubic foot. Each contract now provides for an initial rate of 16.608 cents per Mcf for 1038 B.t.u. gas.

Applicants have submitted offers of settlement and have agreed to accept permanent certificates conditioned as follows:

(a) The initial rate shall be the applicable area rate prescribed in Opinion No. 468 (subject to adjustment, prospectively, to conform to any revisions thereof on rehearing[3]) or the applicable contract price, whichever is lower, and

(b) No increase in rate in excess of that provided in (a) above shall be filed before January 1, 1968.

The offers state that the "applicable area rate" as that term is used in (a) above shall mean the rate determined after all adjustments because of deviations from the pipeline quality standards prescribed in the opinion. This is the method of rate determination prescribed by Opinion No. 468 as clarified by Opinion No. 468-A.

Marathon Oil Co., operator of the processing plant which Applicants propose to construct, has filed a quality statement which shows that the quality of the gas, based upon plant design specifications, is within the quality standards prescribed in Opinion No. 468 as modified by Opinion No. 468-A. This quality statement has not been signed by Natural because the actual quality of the residue gas which would be delivered to Natural will not be known until the producers have constructed the plant and have placed it in operation.[4] The contracts for the unprocessed gas meet the quality standards prescribed by Opinion No. 468 as modified by Opinion No. 468-A.

In general, Applicants propose to sell gas under the conditions prescribed by Opinion Nos. 468 and 468-A. Elimination of the upward B.t.u. price adjustment above 1038 B.t.u.'s per cubic foot is not here significant because most of the gas will be processed by the producers, and the remaining gas probably will not exceed 1036 B.t.u.'s per cubic foot. In one respect the conditions of sale proposed by Applicants are more stringent than those prescribed in the opinion: The contracts, as amended, provide for downward B.t.u. price adjustment below 1038 B.t.u.'s per cubic foot whereas the opinion prescribes downward B.t.u. price adjustments below 1000 B.t.u.'s per cubic foot.

Applicants proposals have been filed within the spirit of the Commission's opinion determining just and reasonable rates for producers in the Permian Basin on an area basis and afford an appropriate opportunity for the issuance of certificates under conditions which will provide a complete and effective plan of regulation. The rates to which Applicants have agreed and the moratorium by which they have agreed to abide correlate to those required by Opinion Nos. 468 and 468-A. Accordingly, the applications herein will be severed from the proceeding on the Order to Show Cause in Docket No. AR61-1, et al., and certificates of public convenience and necessity will be issued under the conditions prescribed in the area rate opinion.

Natural has filed motions in support of the offers of settlement. No protests to the granting of the applications have been received.

At a hearing held on October 28, 1965, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption subject to the jurisdiction of the Commission and will, therefore, be a "natural gas company" within the meaning of said Act upon commencement of service under the respective authorizations hereinafter granted.

[1] Additional dockets are listed in the Appendix.

[2] Each contract also provided for a downward B.t.u. adjustment from a base of 1000 B.t.u.'s per cubic foot.

[3] On Oct. 4, 1965, subsequent to the dates of filing of the offers of settlement herein, the Commission issued Opinion No. 468-A in which rehearing was denied.

[4] Applicants have agreed to file revised quality statements 90 days after deliveries commence, if necessary.

(2) The sales of natural gas hereinbefore described, as more fully described in the Appendix below and in the respective applications, will be made in interstate commerce subject to the jurisdiction of the Commission, and such sales my Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) It is necessary and appropriate in carrying out the provisions under the Natural Gas Act that the offers of settlement submitted by Applicants should be accepted and that the applications herein should be severed from the proceeding on the Order to Show Cause issued August 5, 1965, in Docket No. AR61–1, et al.

(5) The sales of natural gas by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(6) It is necessary and appropriate in carrying out the provisions under the Natural Gas Act that the related rate schedules should be accepted for filing to be effective and designated as hereinafter ordered except that Applicant in Docket No. CI65–564 should be required to submit its gas sales contract as an FPC gas rate schedule.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing the sales of natural gas by Applicants in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the Appendix below and in the respective applications and offers of settlement in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission thereunder.

(C) The grant of the certificates issued by paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customer involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by Section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The offers of settlement submitted by Applicants are accepted and the applications herein are severed from the proceeding on the Order to Show Cause issued August 5, 1965, in Docket No. AR61–1, et al.

(E) Applicants shall comply with the requirements of Opinion Nos. 468 and 468–A, and particularly

(a) The initial rate shall be the applicable area rate prescribed in Opinion No. 468, as modified by Opinion No. 468–A, or the applicable contract price, whichever is lower, and

(b) No increase in rate in excess of that provided in (a) above shall be filed before January 1, 1968.

(F) The related rate schedules are accepted for filing to be effective on the date of initial delivery and are designated as shown in the Appendix hereto, except that Applicant in Docket No. CI65–564 shall file three copies of its gas sales contract as its FPC gas rate schedule.

(G) Each Applicant shall file as a supplement to its FPC gas rate schedule three copies of the amendatory agreement submitted as an exhibit to its offer of settlement and three copies of a revised billing statement which reflects the price at which the gas will be sold.

(H) Within 90 days of the date of initial delivery each Applicant shall file three copies of a rate schedule quality statement in the form provided by Opinion No. 468–A.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI65–513 A 11–27–64	The Atlantic Refining Co., et al.	Natural Gas Pipeline Co. of America, Indian Basin Area, Eddy County, N. Mex.	Contract 9–10–64	296	
			Letter 10–13–64	296	1
CI65–525 A 12–3–64	Monsanto Company	do	Contract 9–10–64	82	
			Letter agreement 9–10–64.	82	1
			Letter agreement 10–28–64.	82	2
CI65–531 A 12–4–64	do	Natural Gas Pipeline Co. of America, Dagger Draw Area, Eddy County, N. Mex.	Contract 10–26–64	81	
CI65–558 A 12–14–64	Joseph E. Seagram & Sons, Inc., d.b.a. Texas Pacific Oil Co.	Natural Gas Pipeline Co. of America, Indian Basin Area, Eddy County, N. Mex.	Contract 9–10–64	84	
CI65–561 A 12–14–64	Capitan Petroleums, Inc.	Natural Gas Pipeline Co. of America, Bluitt Area, Roosevelt County, N. Mex.	Contract 10–1–64	1	
CI65–564 A 12–16–64	Standard Oil Co. of Texas, a division of Chevron Oil Co., et al.[1]	Natural Gas Pipeline Co. of America, Indian Basin Area, Eddy County, N. Mex.	Contract 9–10–64 [2]	(3)	
			Letter agreement 9–10–64.		
			Letter agreement 9–21–64.		
			Letter 10–2–64		
CI65–577 A 12–18–64	Robert N. Enfield, et al.	do	Contract 9–10–64	3	
CI65–586 A 12–22–64	Hanagan Petroleum Corp., et al.	do	Contract 9–10–64	1	
CI65–589 A 12–23–64	Texaco Inc.	do	Contract 9–10–64	354	
CI65–595 A 12–23–64	Penroc Oil Corp.	do	Contract 9–10–64	1	
CI65–603 A 12–24–64	Marathon Oil Co. (Operator), et al.	do	Contract 9–10–64	95	
			Letter of agreement. 9–8–64 [3]	95	
			Ratified 10–14–64.[4]	95	
			Letter of agreement. 11–24–64.[5]	95	
CI65–625 A 12–31–64	John H. Trigg d.b.a. John H. Trigg Co.	do	Contract 9–10–64	4	
CI65–628 A 1–4–65	Potash Co. of America, et al.	do	Contract 9–10–64	1	
CI65–649 A 1–7–65	Ralph Lowe, et al.	do	Contract 9–10–64	5	
CI65–658 A 1–8–65	Curtis R. Inman, et al.	do	Contract 9–10–64	2	
CI65–678 A 1–11–65	Marion E. Spitler	do	Contract 9–10–64	1	
CI65–679 A 1–11–65	International Oil & Gas Corp.	do	Contract 9–10–64	21	

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

APPENDIX

Docket No.	The Pure Oil Co. FPC gas rate Schedule No.	Purchaser	Location	Price (¢/Mcf) and pressure base (psia)
G–7193	25	El Paso Natural Gas Co.	Cooper-Jal Field, Lea County, N. Mex.	9.0 cents. 14.65 psia.
G–7193	26	do	Dollarhide Field, Andrews County, Tex.	18.1215 cents.[1] 14.65 psia.
G–7193	28	do	Cooper-Jal Field, Lea County, N. Mex.	16.87929 cents.[1] [2] 14.65 psia.
G–10272	30	Colorado Interstate Gas Co.	Mocane Field, Beaver County, Okla.	15.0 cents.[2] [3] 14.65 psia.
G–10642	31	El Paso Natural Gas Co.	Amacker-Tippett Field, Upton County, Tex.	15.2025 cents.[1] 14.65 psia.
G–10688	32	West Lake Natural Gasoline Co.	Vena Madre Field, Nolan County, Tex.	9.0 cents.[10] 14.65 psia.
G–11159	33	Transcontinental Gas Pipe Line Corp.	Grand Chenier Field, Vermilion Parish, La.	17.75 cents.[3] 15.025 psia.
G–12012	34	Northern Natural Gas Co.	Harper Ranch Field, Clark and Comanche Counties, Kans.	15.0 cents.[3] 14.65 psia.
G–12012	35	do	Harper Ranch Field, Clark and Comanche Counties, Kans.	14.0 cents.[3] 14.65 psia.
G–13961	36	Colorado Interstate Gas Co.	Keys Field, Cimarron County, Okla.	15.0 cents.[2] [11] 14.65 psia. 16.0 cents.[2] [12] 14.65 psia.
G–14156	37	El Paso Natural Gas Co.	Aneth Field, San Juan County, Utah.	17.7 cents.[3] 14.65 psia.
G–14236	38	West Texas Gathering Co.	Emma-Odell-Kermit Fields, Winkler County, Tex.	17.0 cents.[13] 14.65 psia.
G–14351	39	Transcontinental Gas Pipe Line Corp.	Block 76, Vermilion Parish, offshore La.	10.0 cents.[3] 15.025 psia.
G–12583	40	Tennessee Gas Transmission Co.	Rollover Block 39, Vermilion Parish, offshore La.	16.75 cents.[3] [14] 15.025 psia.
G–15433	[11] 41	West Lake Natural Gasoline Co.	Nona Lee Field, Nolan County, Tex.	9.0 cents.[3] 14.65 psia.
G–17493	45	Natural Gas Pipeline Co. of America.	West Cement Field, Caddo County, Okla.	15.0 cents.[3] 14.65 psia.
G–18881	[17] 48	Michigan Wisconsin Pipe Line Co.	Laverne Field, Harper County, Okla.	17.0 cents. 14.65 psia.
G–16040	52	Transwestern Pipeline Co.	Worsham Field, Reeves County, Tex.	14.0 cents.[15] 14.65 psia.
CI60–717	53	Wunderlich Development Co.	Ponca City Field, Kay County, Okla.	6.2 cents.[3] 14.65 psia.
G–3840	56	United Gas Pipe Line Co.	Cotton Valley, Webster Parish, La.	13.0976 cents.[3] [16] 15.025 psia.
G–3841	58	United Gas Pipe Line Co.	Sligo Field, Bossier Parish, La.	15.7729 cents.[3] [16] 15.025 psia.
G–9987	59	El Paso Natural Gas Co.	Crossy-Devonian, Lea County, N. Mex.	16.87929 cents.[2] [13] 14.65 psia.
G–12320	60	do	South Andrews Field, Andrews County, Tex.	15.2025 cents.[1] 14.65 psia.
G–14475	61	do	Levelland Field, Cochran County, Tex.	16.72275 cents.[1] 14.65 psia.
G–15469	[17] 62	do	Andrews Field, Andrews County, Tex.	16.2025 cents.[2] [14] 14.65 psia.
CI60–809	63	Panhandle Eastern Pipeline.	Will Field, Edwards County, Kans.	15.0 cents.[3] 14.65 psia.
CI61–245	64	Texas Gas Transmission Corp.	Hico-Knowles Field, Lincoln Parish, La.	18.25 cents.[3] [1] 15.025 psia.
CI61–265	[17] 65	do	Terryville-Huston Field, Lincoln Parish, La.	18.75 cents.[3] [1] 15.025 psia.
CI61–704	66	Lone Star Gas Co.	Caddo Dome Field, Carter County, Okla.	14.25 cents.[3] [3] 14.65 psia.
CI61–1071	67	Arkansas Louisiana Gas Co.	Calhoun Field, Ouachita Parish, La.	18.75 cents.[3] [1] 15.025 psia.
CI61–1252	[17] 68	Michigan Wisconsin Pipe Line Co.	S. Pass Block 24 and Dotter Fields, Harper County, Okla.	17.0 cents.[3] [1] 14.65 psia.
CI61–1291	69	Phillips Petroleum Co.	Arales Field, Midland County, Tex.	13.5 cents.[3] [17] 14.65 psia.
CI61–1791	70	Texas Eastern Transmission Corp.	Vienna Field, Lavaca County, Tex.	14.0 cents.[3] 14.65 psia.
CI62–232	71	Lone Star Gas Co.	Big Mineral Creek, Grayson, County, Tex.	14.0 cents.[3] 14.65 psia.
CI62–232	[17] 72	do	Doyle Field, Stephens County, Tex.	10.0 cents. 14.65 psia.

[1] Formerly Standard Oil Co. of Texas, a Division of California Oil Co.
[2] Filed as an exhibit to the certificate application.
[3] Revises rates during initial period.
[4] Phillips Petroleum Co.
[5] Corrects exhibit to contract which reflects the dedicated acreage.

[F.R. Doc. 65–12288; Filed, Nov. 18, 1965; 8:45 a.m.]

[Docket No. G–3840 etc.]

UNION OIL CO. OF CALIFORNIA

Notice of Petition To Amend

NOVEMBER 8, 1965.

Union Oil Co. of California (successor to the Pure Oil Co.), Docket No. G–3840, et al.,[1]

Take notice that on August 6, 1965, Union Oil Co. of California (Petitioner), Union Oil Center, Los Angeles, Calif., 90017, filed a petition to amend the orders issuing certificates of public convenience and necessity to the Pure Oil Co. (Pure) by substituting Petitioner as certificate holder to reflect a merger of Pure by Petitioner, effective July 16, 1965, all as more fully set forth in the Appendix below and in the petition which is on file with the Commission and open to public inspection.

Concurrently with the petition to amend Petitioner submitted a certificate of adoption of Pure's FPC gas rate schedules and a motion to be substituted in lieu of Pure as respondent in Pure's rate proceedings.

Protests, petitions to intervene or notices of intervention may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 6, 1965.

JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX

Docket No.	The Pure Oil Co. FPC gas rate Schedule No.	Purchaser	Location	Price (¢/Mcf) and pressure base (psia)
G–7192	1	El Paso Natural Gas Co.	Jack Herbert Field, Upton County, Tex.	16.72275 cents.[1] [2] 14.65 psia.
G–7193	2	Texas Gas Transmission Co.	Carthage Field, Panola County, Tex.	11.6288 cents. 14.65 psia.
G–7193	3	El Paso Natural Gas Co.	Clara Couch Field, Crocket County, Tex.	16.72275 cents.[1] 14.65 psia.
G–7193	5	United Gas Pipe Line Co.	Bienville Field, Bee County, Tex.	14.65 psia. [3] 14.65 psia.
G–7193	7	Consolidated Gas Supply Corp.	Cabin Creek, Boone and Kanawha Counties, W. Va.	26.88 cents.[3] 14.65 psia.
G–7193	10	United Gas Pipe Line Co.	Eugene Island Area, St. Mary Parish, offshore, La.	12.502889 cents.[3] [4] 15.025 psia.
G–7193	11	Socony Mobil Oil Co., Inc.	West Cameron Field, Vermilion Parish, La.	16.75 cents.[3] [3] [5] 15.025 psia.
G–7193	13	Humble Gas Transmission Co.	Carthage Point Field, Adams County, Miss.	15.225 psia. [3] 15.225 psia.
G–7193	14	Montana Dakota Utilities Co.	Worland Field, Big Horn and Washake Counties, Wyo.	10.0 cents. [3] 13.0 cents. 15.025 psia.

See footnotes at end of table.

[1] Additional dockets are listed in the Appendix hereto.

APPENDIX

Docket No.	The Pure Oil Co. FPC gas rate Schedule No.	Purchaser	Location	Price (¢/Mcf) and pressure base (psia)
C162-634	73	Natural Gas Pipeline Co. of America.	Bryans' Mill Field, Cass County, Tex.	15.0 cents.[3] 14.65 psia.
C162-736	74	Cities Service Gas Co.	South Sterling Field, Comanche County, Okla.	15.0 cents.[4] 14.65 psia.
C162-1224	75	Tennessee Gas Transmission Co.	Lake Pelting Field, Terrebonne Parish, La.	20.625 cents.[5 10] 15.025 psia.
C163-148	76	Michigan Wisconsin Pipe Line Co.	Woodward Area, Woods, Alfalfa and Major Counties, Okla.	15.0 cents.[29] 14.65 psia.
C163-1270	77	Cities Service Gas Co.	Sterling Area, Comanche County, Okla.	15.0 cents. 14.65 psia.
C163-215	78	Arkansas Louisiana Gas Co.	Arkoma Area, Latimer, Le Flore and Pittsburg Counties, Okla.	15.0 cents. 14.65 psia.
C164-55	79	Arkansas Louisiana Gas Co.	Waukomis Area, Garfield County, Okla.	15.0 cents.[30] 14.65 psia.
C164-284	80	Arkansas Louisiana Gas Co.	Canute Area, Washita County, Okla.	15.0 cents. 14.65 psia.
C164-1137	81	Colorado Interstate Gas Co.	Patrick Draw Area Field, Sweetwater County, Wyo.	14.5 cents. 14.65 psia.
C164-1558	82	Panhandle Eastern Pipe Line Co.	Acreage, Clark County, Kans.	15.0 cents. 14.65 psia.
C165-338	[17] 84	Kansas Nebraska Natural Gas Co.	Badwater Area, Fremont and Natrona Counties, Wyo.	15.0 cents. 14.65 psia.
C165-365	85	Kansas-Nebraska Natural Gas Co., Inc.	Waltman Area, Natrona County, Wyo.	15.0 cents. 14.65 psia.
C165-485	86	El Paso Natural Gas Co.	Red Hills Field, Lea County, N. Mex.	16.0 cents.[31] 14.65 psia.
C165-1264	87	Arkansas Louisiana Gas Co.	Acreage, Major County, Okla.	15.0 cents. 14.65 psia.
C166-29	[17] 88	Michigan Wisconsin Pipe Line Co.	Laverne Field, Harper County, Okla.	17.0 cents. 14.65 psia.

[1] Rate in effect subject to refund in Docket No. RI65-17.
[2] Inclusive of 0.22275 cent per Mcf tax reimbursement.
[3] Settlement rate approved Nov. 27, 1962, in Docket No. G-16790, et al.
[4] Inclusive of 0.0028593 cent per Mcf tax reimbursement.
[5] Inclusive of 1.75 cents per Mcf tax reimbursement.
[6] Subject to 0.402 cent per Mcf and 0.9424 cent per Mcf charges for gathering from primary and secondary delivery points, respectively; and subject to 3.245 cents per Mcf compression charge for low pressure gas.
[7] Inclusive of 0.3792929 cent per Mcf tax reimbursement.
[8] Subject to 0.4467 cent per Mcf deduction for delivery pressure under 600 psig.
[9] Subject to Btu adjustment.
[10] Rate in effect subject to refund in Docket No. RI65-119.
[11] Sales from Francis Unit.
[12] Sales from Neff Unit.
[13] Rate in effect subject to refund in Docket No. RI63-263.
[14] Settlement rate subject to a gathering and transportation charge under separate agreement with Jupiter Oil Corp.: 4.0 cents per Mcf at 16.7 psia for first 62.5 MMcf per day and 3.0 cents per Mcf at 16.7 psia for remainder.
[15] "et al."
[16] Rate in effect subject to refund in Docket No. RI65-120.
[17] "(Operator), et al."
[18] Rate in effect subject to refund in Docket No. RI64-193.
[19] Inclusive of 1.0 cent per Mcf tax reimbursement.
[20] Inclusive of 1.5 cents per Mcf tax reimbursement and less compression charge of 0.75 cent per Mcf.
[21] Rate in effect subject to refund in Docket No. RI64-28.
[22] Inclusive of 0.35631 cent per Mcf tax reimbursement and subject to 0.4467 cent per Mcf deduction for delivery pressure under 600 psig.
[23] Rate in eff subject to refund in Docket No. RI65-18.
[24] Inclusive of 0.20250 cent per Mcf tax reimbursement.
[25] Inclusive of 0.25 cent per Mcf reimbursement for dehydration.
[26] Exclusive of tax reimbursement which varies since it is based on all leases' participation in the residue delivery rom Spraberry Plant.
[27] Rate in effect subject to refund in Docket No. RI63-258.
[28] Inclusive of 1.5 cents per Mcf tax reimbursement.
[29] Conditioned rate including tax reimbursement and subject to Btu adjustment.
[30] Conditioned rate subject to transportation charge of 2.1 cents per Mcf.
[31] Proposed increased rate of 16.5 cents per Mcf suspended in Docket No. RI66-16 until Jan. 1, 1966.

[F.R. Doc. 65-12290; Filed, Nov. 18, 1965; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

FIRST MONTANA BANK CORP.

Notice of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that the Board of Governors of the Federal Reserve System has received an application by First Montana Bank Corp., Great Falls, Mont., pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), for the Board's prior approval of action to become a bank holding company through acquisition by First Montana Bank Corp. of 84.7 percent of the voting shares of Ravalli County Bank, Hamilton, Mont., and 82 percent of the voting shares of First State Bank of Stevensville, Montana, Stevensville, Mont.

In determining whether to approve this application, the Board is required by said Act to take into consideration the following factors: (1) The financial history and condition of the company and the bank concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., 20551.

Dated at Washington, D.C., this 12th day of November 1965.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 65-12423; Filed, Nov. 18, 1965; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-1840]

FLORIDA BANCGROWTH, INC., ET AL.

Notice of Filing of Application for Exemption

NOVEMBER 15, 1965.

In the matter of Florida Bancgrowth, Inc., 3356 Atlantic Boulevard, Pompano Beach, Fla.; M. N. Weir & Sons, Inc., Weir Mortgage Co., 855 South Federal Highway, Boca Raton, Fla.; and Camino Gardens, Inc., 401 West Camino Gardens Boulevard, Boca Raton, Fla.; and Boca Raton National Bank, 77 East Camino Real, Boca Raton, Fla.

Notice is hereby given that Florida Bancgrowth, Inc. ("Bancgrowth"), a Florida corporation registered under the Investment Company Act of 1940 ("Act") as a closed-end, nondiversified management investment company; M. N. Weir & Sons, Inc. ("Weir"), an affiliate of affiliated persons of Bancgrowth; Camino Gardens, Inc. ("Camino"), a corporation controlled by Bancgrowth; Weir Mortgage Co. ("Weir Mortgage"), also a corporation controlled by Bancgrowth; and Boca Raton National Bank ("Bank"), a corporation affiliated with Bancgrowth, have filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting from the provisions of section 17(e)(1) of the Act the proposed transactions described hereinbelow. All interested persons are referred to the application on file with the Commission for a statement of the applicants' representations, which are summarized below.

Camino is engaged in selling and constructing single and multiple family residences and commercial enterprises in Camino Gardens Subdivision, Boca Raton, Fla. Camino intends to invite all qualified registered real estate brokers in the Boca Raton-Pompano Beach area, of which Weir is one, to act as agents for Camino in selling property to the general public; any such agent who causes the sale of properties for Camino shall be entitled to a commission of 5 percent of the purchase price; this is the commission for developments of a similar type established by the Boca Raton Board of Realtors and the Pompano Beach Board of Realtors.

Weir Mortgage is engaged in the business of procuring mortgages on behalf of others from banks and other financial institutions and, in this connection, it is proposed that from time to time Weir Mortgage may offer to the Bank the opportunity to place mortgages; it is expected that the Bank would pay Weir Mortgage a fee not to exceed 1 percent of the principal amount of any mortgage accepted by the Bank; the application states that the compensation to be received by Weir Mortgage is not in excess of that allowed to competing mortgage brokers in similar transactions.

Unless exempted from the provisions of section 17(e)(1) of the Act by an order of the Commission pursuant to section 6(c) the proposed transactions between Weir and Camino would be unlawful under section 17(e)(1) as a receipt by an affiliated person of an affiliated person of a registered investment company, acting as agent, of compensation for the sale of property for a controlled company of the registered investment company other than in the course of such person's business as a securities underwriter or broker; similarly, Bank may be deemed to be controlled by Bancgrowth, which owns 24½ percent of the stock of Bank and is its largest stockholder, and the proposed transactions between Weir Mortgage and Bank may be unlawful under section 17(e)(1). Section 6(c) of the Act empowers the Commission to exempt conditionally or unconditionally any person, security or transaction from any provision or provisions of the Act or from any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the Act.

Notice is further given that any interested person may, not later than December 1, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the addresses stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-12426; Filed, Nov. 18, 1965; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Sec. 5a Application 3; Amdt. 4]

EASTERN RAILROADS

Application To Amend Agreement

NOVEMBER 16, 1965.

The Commission is in receipt of an application in the above-entitled and numbered proceeding for approval of amendments to the agreement therein approved under the provisions of section 5a of the Interstate Commerce Act.

Filed November 8, 1965, by:

Andrew C. Armstrong, General Attorney, The Baltimore & Ohio Railroad Co., Law Department, Baltimore, Md., 21201.

Amendments involved: Change the agreement by adding specific procedures governing the filing, handling, and disposition of proposals for quotations under section 22 of the Interstate Commerce Act.

The application may be inspected at the Office of the Commission in Washington, D.C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-12436; Filed, Nov. 18, 1965; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 16, 1965.

Protests to the granting of an application must be prepared in accordance with § 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40122—*Joint motor-rail rates—Eastern Central.* Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 382), for interested carriers. Rates on commodities moving on class rates over joint routes of applicant rail and motor carriers, between points in Central States territory, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief—Motortruck competition.

Tariff—Original page 55 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-ICC A-268.

FSA No. 40123—*Joint motor-rail rates—Eastern Central.* Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 383), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Central States territory, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief—Motortruck competition.

Tariff—Original page 55 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-ICC A-268.

FSA No. 40124—*Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 384), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Middle Atlantic and New England territories, on the one hand, and points in Central States and middle west territories, on the other.

Grounds for relief—Motortruck competition.

Tariff—Original page 55 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-ICC A-268.

FSA No. 40125—*Joint motor-rail rates—Eastern Central.* Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 385), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in Central States, middle west and Southwestern territories, on the other.

Grounds for relief—Motortruck competition.

Tariff—Original page 54 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-ICC A-268.

FSA No. 40126—*Joint motor-rail rates—Eastern Central.* Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 386), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Central States territory, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief—Motortruck competition.

Tariff—Original page 54 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-ICC A-268.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-12437; Filed, Nov. 18, 1965; 8:47 a.m.]

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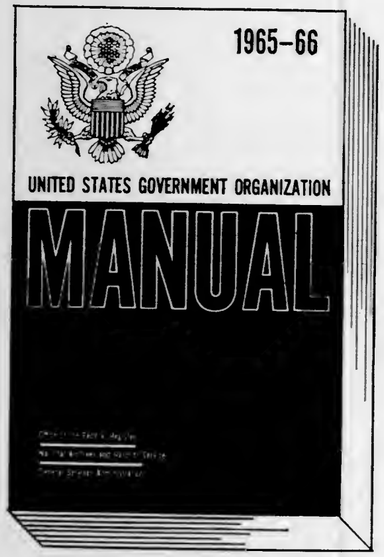
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VOLUME 30 • NUMBER 225

Saturday, November 20, 1965 • Washington, D.C.

Pages 14515–14546

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Air Force Department
Civil Aeronautics Board
Civil Service Commission
Commerce Department
Commodity Credit Corporation
Consumer and Marketing Service
Engineers Corps
Federal Aviation Agency
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January–October 1965

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show that a new position of Deputy Assistant Secretary (Civil Rights and Industrial Relations), Office of the Assistant Secretary of Defense (Manpower), is excepted under Schedule C; that the positions of Deputy Assistant Secretary (Civil Rights) and Deputy Assistant Secretary (Civilian Personnel and Industrial Relations) are no longer excepted under Schedule C; and that the positions of Principal Assistant, Staff Assistant, and Private Secretary to the Deputy Assistant Secretary (Civil Rights) and Director for Equal Employment Opportunity are now under the supervision of the Deputy Assistant Secretary (Civil Rights and Industrial Relations). Effective on publication in the FEDERAL REGISTER, subparagraphs (31), (34), (35), (36), and (37) of paragraph (a) are amended, subparagraph (33) is revoked, and subparagraph (47) is added to paragraph (a) as set out below.

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* • • •

(31) One Deputy Assistant Secretary (Manpower Requirements and Special Studies), Office of the Assistant Secretary of Defense (Manpower).

• • • • • •

(34) Principal Assistant to the Deputy Assistant Secretary (Civil Rights and Industrial Relations).

(35) One Staff Assistant to the Deputy Assistant Secretary (Civil Rights and Industrial Relations).

(36) One Private Secretary to the Deputy Assistant Secretary (Civil Rights and Industrial Relations).

(37) Director for Equal Employment Opportunity, Office of the Deputy Assistant Secretary (Civil Rights and Industrial Relations), Office of the Assistant Secretary of Defense (Manpower).

• • • • • •

(47) One Deputy Assistant Secretary (Civil Rights and Industrial Relations), Office of the Assistant Secretary of Defense (Manpower).

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director,
Bureau of Management Services.

[F.R. Doc. 65-12538; Filed, Nov. 19, 1965; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—U.S. Standards for Grades of Topped Carrots [1]

On September 24, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 12254) regarding a proposed revision of U.S. Standards for Grades of Topped Carrots (7 CFR 51.2360–51.2384).

Statement of considerations leading to the revision of the grade standards. Since the standards were last revised in 1954 many changes have taken place in carrot marketing. Representatives of the carrot industry had for some time indicated a need for changes in the grade standards for topped carrots. The revision incorporates many of the suggestions and recommendations received. The revised standards more nearly reflect sizes and quality being packed, shipped, and accepted today. They will provide the industry with a more satisfactory basis for trading.

The new grade, U.S. No. 1 Jumbo, provides buyers and sellers with a designation for larger size carrots not normally packed in consumer units. In the interests of uniformity, percentages are calculated on a count basis only, using a constant sample size. In the past the dual method of calculating percentages (by weight in larger containers, by count in small containers) has resulted in misunderstanding.

Responses from industry organizations and individuals have generally indicated approval. No changes have been made from the proposal as published in the FEDERAL REGISTER under notice of proposed rule making.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following U.S. Standards for Grades of Topped Carrots are hereby promulgated pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

GRADES

Sec.
51.2360 U.S. Extra No. 1.
51.2361 U.S. No. 1.
51.2362 U.S. No. 1 Jumbo.
51.2363 U.S. No. 2.

UNCLASSIFIED

51.2364 Unclassified.

TOLERANCES

51.2365 Tolerances.

APPLICATION OF TOLERANCES

51.2366 Application of tolerances.

SAMPLE FOR GRADE DETERMINATION

51.2367 Sample for grade determination.

STANDARD SIZING

51.2368 Standard sizing.

DEFINITIONS

51.2369 Similar varietal characteristics.
51.2370 Well trimmed.
51.2371 Firm.
51.2372 Clean.
51.2373 Fairly well colored.
51.2374 Fairly smooth.
51.2375 Well formed.
51.2376 Secondary new top growth.
51.2377 Damage.
51.2378 Diameter.
51.2379 Length.
51.2380 Fairly clean.
51.2381 Fairly well formed.
51.2382 Excessively rough.
51.2383 Seriously misshapen.
51.2384 Serious damage.

AUTHORITY: The provisions of this subpart issued under secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

GRADES

§ 51.2360 U.S. Extra No. 1.

"U.S. Extra No. 1" consists of carrots of similar varietal characteristics which are well trimmed, firm, clean, fairly well colored, fairly smooth, well formed; which are free from secondary new top growth and soft rot, and free from damage caused by freezing, growth cracks, sunburn, pithiness, woodiness, internal discoloration, oil spray, dry rot, other disease, insects or other means. (See § 51.2365.)

(a) *Size.* The diameter of each carrot is not less than ¾ inch or more than 1½ inches, and the length is not less than 5 inches. (See § 51.2365.)

§ 51.2361 U.S. No. 1.

"U.S. No. 1" consists of carrots of similar varietal characteristics which are well trimmed, firm, fairly clean, fairly well colored, fairly smooth, fairly well formed; which are free from soft rot, and free from damage caused by freezing, growth cracks, sunburn, pithiness, woodiness, internal discoloration, oil spray, dry rot, other disease, insects or other means. (See § 51.2365.)

(a) *Size.* Unless otherwise specified, the diameter of each carrot is not less than ¾ inch or more than 1½ inches, and the length is not less than 5 inches. (See § 51.2365.)

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

§ 51.2362 U.S. No. 1 Jumbo.

"U.S. No. 1 Jumbo" consists of carrots which meet all requirements of the U.S. No. 1 grade except for size. (See § 51.2365.)

(a) *Size.* The diameter of each carrot is not less than 1 inch or more than 2½ inches, and the length is not less than 5 inches. (See § 51.2365.)

§ 51.2363 U.S. No. 2.

"U.S. No. 2" consists of carrots of similar varietal characteristics which are well trimmed, firm, not excessively rough, not seriously misshapen; which are free from soft rot, and free from serious damage caused by dirt, freezing, growth cracks, sunburn, pithiness, woodiness, internal discoloration, oil spray, dry rot, other disease, insects or other means. (See § 51.2365.)

(a) *Size.* Unless otherwise specified, the diameter of each carrot is not less than 1 inch or more than 3 inches, and the length is not less than 3 inches. (See § 51.2365.)

UNCLASSIFIED

§ 51.2364 Unclassified.

"Unclassified" consists of carrots which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards, but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES

§ 51.2365 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by count, are provided as specified:

(a) *Defects*—(1) *U.S. Extra No. 1 grade.* Ten percent for carrots in any lot which fail to meet the requirements of this grade: *Provided,* That not more than one-half of this amount, or 5 percent, shall be allowed for defects causing serious damage, including therein not more than 1 percent for carrots affected by soft rot.

(2) *U.S. No. 1 and U.S. No. 1 Jumbo grades.* Ten percent for carrots in any lot which fail to meet the requirements of the grade: *Provided,* That not more than one-half of this amount, or 5 percent, shall be allowed for defects causing serious damage, including therein not more than 2 percent for carrots affected by soft rot.

(3) *U.S. No. 2 grade.* Ten percent for carrots which fail to meet the requirements of this grade, including therein not more than 2 percent for carrots affected by soft rot.

(b) *Off-size.* (1) Five percent for carrots in any lot which are larger than the specified maximum diameter; and

(2) Ten percent for carrots in any lot which are smaller than the specified minimum diameter or shorter than the specified minimum length.

APPLICATION OF TOLERANCES

§ 51.2366 Application of tolerances.

Individual samples shall not have more than double the tolerance specified: *Provided,* That not more than one carrot which is frozen or affected by soft rot may be permitted in any package weighing approximately 3 pounds or less: *And provided further,* That the averages for the entire lot are within the tolerances specified for the grade.

SAMPLE FOR GRADE DETERMINATION

§ 51.2367 Sample for grade determination.

Each sample shall consist of 50 carrots. When individual packages contain at least 50 carrots, the sample is drawn from one package; when individual packages contain less than 50 carrots, a sufficient number of adjoining packages are opened to form a 50 carrot sample.

STANDARD SIZING

§ 51.2368 Standard sizing.

(a) Packages of carrots containing 2 pounds or less may be certified as "standard sizing," provided the variation in diameter of the carrots in any individual package is not more than three-eighths inch and the variation in length is not more than 2½ inches.

(b) Not more than 10 percent of the packages in any lot may fail to meet the requirements for "standard sizing."

DEFINITIONS

§ 51.2369 Similar varietal characteristics.

"Similar varietal characteristics" means that the carrots in any lot are of the same general type. For example, carrots with a short, but blunt growth like the Oxheart variety, shall not be mixed with long or half-long carrots like the Imperator or Danvers varieties.

§ 51.2370 Well trimmed.

"Well trimmed" means that the tops are cut back to not more than 1 inch in length, except that new leaves developing within the original central cluster of leafstems, or occasional uncut leaves or leafstems, exceeding this length which do not materially affect the appearance of the individual carrot shall be permitted. Carrots may have tips of roots cut or broken off: *Provided,* That these cuts or breaks are small and fairly smooth and do not materially affect the appearance of the individual carrot.

§ 51.2371 Firm.

"Firm" means that the carrot is not soft, flabby or shriveled.

§ 51.2372 Clean.

"Clean" means that the individual carrot is practically free from dirt and other foreign matter.

§ 51.2373 Fairly well colored.

"Fairly well colored" means that the carrot has an orange, orange red, or orange scarlet color, but not a pale orange or distinct yellow color.

§ 51.2374 Fairly smooth.

"Fairly smooth" means that the individual carrot is not rough, ridged, or covered with secondary rootlets to the extent that the appearance is materially affected.

§ 51.2375 Well formed.

"Well formed" means that the individual carrot is not forked, or misshapen to the extent that the appearance is more than slightly affected.

§ 51.2376 Secondary new top growth.

"Secondary new top growth" means new leaves or clusters of leaves which have developed outside the original central cluster of leafstems.

§ 51.2377 Damage.

"Damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or shipping quality of the individual carrot or the appearance of the sample as a whole, or which cannot be removed without a loss of more than 5 percent, by weight, in the ordinary preparation for use. The following specific defects shall be considered as damage:

(a) Growth cracks which are not shallow or not smooth, or which materially detract from the appearance of the individual carrot;

(b) Sunburn which causes a loss of more than 5 percent, by weight, in the ordinary preparation for use, except that superficial light green color at the stem end which does not materially detract from the appearance of the carrot shall be permitted.

§ 51.2378 Diameter.

"Diameter" means the greatest dimension of the carrot measured at right angles to the longitudinal axis.

§ 51.2379 Length.

"Length" means the greatest dimension of the carrot measured from the crown to the lowest point which is not less than one-fourth inch in diameter.

§ 51.2380 Fairly clean.

"Fairly clean" means that the individual carrot is reasonably free from dirt and other foreign matter.

§ 51.2381 Fairly well formed.

"Fairly well formed" means that the individual carrot is not forked, or misshapen to the extent that the appearance is materially affected.

§ 51.2382 Excessively rough.

"Excessively rough" means that the individual carrot is rough or ridged to the extent that the appearance is seriously affected.

§ 51.2383 Seriously misshapen.

"Seriously misshapen" means that the individual carrot is forked or misshapen to the extent that the appearance is seriously affected.

§ 51.2384 Serious damage.

"Serious damage" means any defect, or any combination of defects, which seriously detracts from the appearance, or the edible or shipping quality of the individual carrot or the appearance of the sample as a whole, or which cannot be removed without a loss of more than 20 percent, by weight, in the ordinary preparation for use.

The United States Standards for Grades of Topped Carrots contained in this subpart shall become effective December 20, 1965, and will thereupon supersede the United States Standards for Topped Carrots which have been in effect since July 17, 1954 (7 CFR 51.2360–51.2381).

Dated: November 17, 1965.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 65-12514; Filed, Nov. 19, 1965; 8:49 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM ACREAGE ALLOTMENTS AND MARKETING QUOTAS

PART 730—RICE

Subpart—1966–67 Marketing Year

STATE AND COUNTY RESERVE ACREAGES AND COUNTY ACREAGE ALLOTMENTS FOR 1966 CROP

Sec.
730.1705 Basis and purpose.
730.1706 State reserve acreages.
730.1707 County acreage allotments and county reserve acreages.

AUTHORITY: The provisions of the subpart issued under secs. 301, 353, 375, 52 Stat. 38, 61, as amended, 66; 7 U.S.C. 1301, 1353, 1375.

§ 730.1705 Basis and purpose.

(a) The State and county reserve acreages and county acreage allotments for 1966 crop rice contained in §§ 730.1706 and 730.1707 have been determined pursuant to and in conformity with the provisions of section 353 of the Agricultural Adjustment Act of 1938, as amended. Said sections are issued to announce: (1) State reserve acreages for new farms or new producers in each of the applicable rice-producing States; (2) State reserve acreages for appeals and corrections, missed farms, and adjustments in factored allotments in the producer States of Arizona, California, Florida, South Carolina, Tennessee, Texas, and the "producer administrative area" in Louisiana; and (3) county acreage allotments and county reserve acreages for appeals and corrections, missed farms, and adjustments in factored allotments in the farm States of Arkansas, Illinois, Mississippi, Missouri, North Carolina, Oklahoma, and the "farm administrative area" in Louisiana. Since farm acreage allotments for 1966 crop rice in the producer States, including the "producer administrative area" of Louisiana, will be established pursuant to the act primarily on the basis of past production of rice by the producer on the farm in lieu of past production of rice on the farm, the 1966 State acreage allotments of rice for those States will be apportioned directly to farms, and county acreage allotments and county reserve acreages for appeals and corrections, missed farms, and adjustments in factored allotments will not be determined for such States.

(b) The determinations made in §§ 730.1706 and 730.1707 indicate the amount of State reserve acreages for new farms or new producers in each of the applicable rice-producing States, the amount of State reserve acreages for appeals and corrections, missed farms, and adjustments in factored allotments in the "producer States"; and the amount of county acreage allotments and county reserve acreages for appeals and corrections, missed farms, and adjustments in factored allotments in the "farm States".

(c) The State and county reserve acreages in §§ 730.1706 and 730.1707 were established on the basis of the needs therefor as recommended by the State and county committees.

(d) The county acreage allotments in § 730.1707 were established by apportioning the State acreage allotment, minus the State acreage reserve for new farms, among the counties in the State in the same proportion that they shared in the total acreage allotted in 1956, as provided by section 353(c)(1) and section 353(c)(6) of the Agricultural Adjustment Act of 1938, as amended, except that in the "farm administrative area" of Louisiana, prior to the apportionment among counties, 21 acres were reserved from the allotment for such administrative area pursuant to section 353(c)(1) of the Act and used to adjust upward the county allotment for Rapides Parish on account of an upward trend in acreage in said parish (i.e., county).

(e) Prior to the determination of State and county reserve acreages and county acreage allotments for 1966 crop rice, public notice (30 F.R. 12684) was given in accordance with the Administrative Procedure Act (5 U.S.C. 1003). No data, views, or recommendations were received pursuant to such notice.

(f) The determinations made in §§ 730.1706 and 730.1707 have been made on the basis of the latest available statistics of the Federal Government as required by section 301(c) of the Agricultural Adjustment Act of 1938, as amended.

(g) Pursuant to the Agricultural Adjustment Act of 1938, as amended, marketing quotas on the 1966 crop of rice have been proclaimed (30 F.R. 14098) and the date for the referendum to be held to determine whether farmers are in favor of or opposed to such quotas has been set for November 23, 1965 (30 F.R. 14112). The Act requires that, insofar as practicable, notices of farm acreage allotments, which are based on State and county allotments and reserves, be mailed to producers in time to be received prior to the referendum. Since the referendum will be held on November 23, 1965, it is necessary to waive the 30-day effective date provision of the Administrative Procedure Act as applied to the determinations herein. Accordingly, this document shall become effective upon filing with the Director, Office of the Federal Register.

§ 730.1706 State reserve acreages.

State	State reserve acreage for new farms or new producers	State reserve acreages for appeals, etc.,[1] in producer States
Arizona	0	0
Arkansas	30	
California	0	100
Florida	31	392
Illinois	0	
Louisiana:		
Farm administrative area	0	
Producer administrative area	0	0
Mississippi	0	
Missouri	0	
North Carolina	0	
Oklahoma	0	
South Carolina	15	0
Tennessee	0	0
Texas	0	50

[1] For appeals and corrections, missed producers, and adjustments in factored allotments in producer States and the "producer administrative area" in Louisiana.

§ 730.1707 County acreage allotments and county reserve acreages.

ARKANSAS

County	County Acreage Allotment	County Reserve Acreages[1]
Arkansas	76,607	4.4
Ashley	6,561	1.0
Chicot	9,874	0
Clark	558	0
Clay	7,878	2.4
Conway	11	0
Craighead	17,538	1.0
Crittenden	6,662	14.8
Cross	35,699	1.7
Dallas	72	0
Desha	14,042	0
Drew	4,689	0
Faulkner	462	0
Grant	34	34.0
Greene	5,464	1.6
Hot Spring	476	5.0
Independence	869	0
Jackson	20,601	0.9
Jefferson	17,398	0
Lafayette	882	0
Lawrence	8,506	1.5
Lee	8,536	16.5
Lincoln	9,440	0
Little River	410	0
Lonoke	39,337	12.0
Miller	755	0
Mississippi	1,542	0
Monroe	14,624	0
Perry	1,000	0
Phillips	5,152	0
Poinsett	38,397	0.5
Prairie	40,337	0
Pulaski	1,893	0
Randolph	2,321	0
St. Francis	18,850	3.3
White	1,155	0.1
Woodruff	20,457	0.6
State total	438,989	101.3

ILLINOIS

Adams	22	0
State total	22	0

LOUISIANA, FARM ADMINISTRATIVE AREA

County	County Acreage Allotment	County Reserve Acreages [1]
Acadia	93,238	102.7
Allen	24,162	10.0
Avoyelles	2,791	139.5
Beauregard	5,018	0
Bossier	66	0
Caldwell	66,189	4.0
Cameron	13,275	2.2
Evangeline	44,841	15.0
Grant	185	0
Iberia	6,510	13.0
Jefferson Davis	97,374	30.0
Lafayette	9,781	14.0
Rapides	574	0
St. Landry	17,418	57.0
St. Martin	4,144	200.0
St. Mary	3,204	160.2
Vermilion	115,193	403.3
Farm administrative area total	503,963	1,150.9

MISSISSIPPI

Bolivar	21,465	0
Coahoma	1,666	0
De Soto	1,677	0
Hancock	184	0
Humphreys	2,137	0
Issequena	106	0
Leflore	3,778	0
Panola	79	0
Quitman	1,409	0
Sharkey	1,054	0
Sunflower	4,458	0
Tallahatchie	510	0
Tate	246	0
Tunica	2,898	0
Washington	9,687	0
State total	51,354	0

MISSOURI

Butler	1,581	0
Holt	2	0
Lewis	9	0
Lincoln	37	0
Marion	339	0
Mississippi	96	0
New Madrid	222	0
Pemiscot	653	0
Ripley	516	0
St. Charles	39	0
Scott	296	0
Stoddard	1,485	0
State total	5,245	0

NORTH CAROLINA

Brunswick	10	0
Hyde	32	0
State total	42	0

OKLAHOMA

McCurtain	164	0
State total	164	0

[1] County reserve acreage for appeals and corrections, missed farms, and adjustments.

Effective date. Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on November 17, 1965.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65-12495; Filed, Nov. 17, 1965; 2:14 p.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER F—DETERMINATION OF NORMAL YIELDS AND ELIGIBILITY FOR ABANDONMENT AND CROP DEFICIENCY PAYMENTS

[Sugar Determination 847.2, Rev., Supp. 11]

PART 847—PUERTO RICO

Approved Local Producing Areas for 1964–65 Crop

Pursuant to the provisions of § 847.2, as revised (27 F.R. 6080), the Acting Director of the Agricultural Stabilization and Conservation Service Caribbean Area Office hereby makes the following determinations:

§ 847.13 Approved local producing areas in Puerto Rico.

For purposes of considering eligibility of farms for abandonment and crop deficiency payments on the 1964–65 sugarcane crop in Puerto Rico, each of the following named municipalities and single wards are determined to be local producing areas in which, due to drought, the actual yields of sugar for the 1964–65 crop year from 10 percent or more of the total number of farms or part of farms; or from 10 percent or more of the total planted acreage of sugarcane in each such local producing area were below 80 percent of the applicable farm normal yields:

(a) *Municipalities.* Aguada, Aguadilla, Aibonito, Añasco, Arecibo, Arroyo, Barceloneta, Cabo Rojo, Camuy, Carolina, Cayey, Cidra, Comerío, Corozal, Dorado, Fajardo, Guánica, Guayama, Guayanilla, Guaynabo, Hatillo, Hormigueros, Humacao, Isabela, Juana Díaz, Lajas, Lares, Las Marías, Las Piedras, Loíza, Manatí, Maunabo, Mayaguez, Morovis, Patillas, Peñuelas, Ponce, Quebradillas, Rincón, Sabana Grande, San Germán, San Sebastián, Santa Isabel, Toa Alta, Utuado, Vega Alta, Vega Baja, Vieques, Villalba, Yabucoa, and Yauco.

(b) *Single wards.* Ward Sumidero, of the municipality of Aguas Buenas; wards Buena Vista, Cerro Gordo and Guaraguao Abajo, of the municipality of Bayamón; wards San Antonio and Tomás de Castro, of the municipality of Caguas; wards Chupacallos and Saco, of the municipality of Ceiba; ward Santa Catalina, of the municipality of Coamo; wards Celada, Hato Nuevo and Jaguas, of the municipality of Gurabo; ward Jayuya Abajo of the municipality of Jayuya; wards Caimito, Ceiba Norte and Gurabo Abajo, of the municipality of Juncos; ward Mata de Plátano, of the municipality of Luquillo; wards Aceitunas, Centro, Cruz, María, Naranjo, Pueblo and Voladoras, of the municipality of Moca; wards Río and Río Blanco, of the municipality of Naguabo; ward Guadiana, of the municipality of Naranjito; ward Ala de la Piedra, of the municipality of Orocovis; ward Guzmán Abajo, of the municipality of Río Grande; ward Monacillos, of the municipality of Río Piedras; ward Río Jueyes, of the municipality of Salinas; and wards La Gloria and Quebrada Grande, of the municipality of Trujillo Alto.

Statement of bases and considerations. One of the conditions of eligibility of a farm in Puerto Rico for an acreage abandonment or crop deficiency payment in connection with the production of sugar from sugarcane is that the farm be located in a local producing area for which the Director of the Agricultural Stabilization and Conservation Service Caribbean Area Office determines that drought, flood, storm, disease, or insects have damaged a substantial part of the sugarcane crop in such area.

The purpose of this supplement is to set forth that the specified municipalities and single wards have been determined to comprise local producing areas for the 1964–65 crop and that such areas have qualified under the requirements relating to crop damage. Any sugarcane producer on a farm which is located in whole or in part in any one of these local producing areas, and which is otherwise qualified, may apply for payment accordingly, if he has not already done so.

GUILLERMO E. PEREZ,
Acting Director, Agricultural Stabilization and Conservation Service, Caribbean Area Office.

NOVEMBER 5, 1965.

[F.R. Doc. 65-12513; Filed, Nov. 19, 1965; 8:49 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Expenses and Rate of Assessment

On November 5, 1965, notice of rule making was published in the FEDERAL REGISTER (30 F.R. 14014) regarding proposed expenses and the related rate of assessment for the period beginning August 1, 1965, and ending July 31, 1966, pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905, 30 F.R. 13933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Growers Administrative Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 905.204 Expenses and rate of assessment.

(a) Expenses: Expenses that are reasonable and likely to be incurred by the Growers Administrative Committee during the period August 1, 1965, through July 31, 1966, will amount to $163,000.

(b) Rate of assessment: The rate of assessment for said period, payable by each handler in accordance with § 905.41, is fixed at $0.005 per standard packed box of fruit.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) shipment of fruit are now being made, (2) the relevant provisions of said amended marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable fruit handled from the beginning of such period, and (3) the current fiscal period began on August 1, 1965, and said rate of assessment will automatically apply to all assessable fruit beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 17, 1965.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-12516; Filed, Nov. 19, 1965; 8:50 a.m.]

[Navel Orange Reg. 87]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.387 Navel Orange Regulation 87.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 18, 1965.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., November 21, 1965, and ending at 12:01 a.m., P.s.t., November 28, 1965, are hereby fixed as follows:

(i) District 1: 569,575 cartons;

(ii) District 2: Unlimited movement;

(iii) District 3: 33,612 cartons;

(iv) District 4: 94,648 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 19, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-12598; Filed, Nov. 19, 1965; 11:16 a.m.]

[Lemon Reg. 189]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.489 Lemon Regulation 189.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 16, 1965.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., November 21, 1965, and ending at 12:01 a.m., P.s.t., November 28, 1965, are hereby fixed as follows:

(i) District 1: 27,900 cartons;

(ii) District 2: 83,700 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as

when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 18, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–12548; Filed, Nov. 19, 1965; 8:50 a.m.]

[Grapefruit Reg. 29]

PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.329 Grapefruit Regulation 29.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time; are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 18, 1965.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period beginning at 12:01 a.m., e.s.t., November 22, 1965, and ending at 12:01 a.m., e.s.t., November 29, 1965, is hereby fixed at 150,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 18, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–12560; Filed, Nov. 19, 1965; 8:50 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

PART 1464—TOBACCO

Subpart—Tobacco Loan Program

Set forth below is a schedule of advance rates, by grades, for the 1965 crop of types 21, 22, 23, 31, 35, 36, and 37 tobacco, under the tobacco loan program published July 30, 1965 (30 F.R. 9533).

Sec.
1464.1731 1965 Crop—Virginia Fire-cured Tobacco, Type 21.
1464.1732 1965 Crop—Kentucky-Tennessee Fire-cured Tobacco, Types 22 and 23.
1464.1733 1965 Crop—Burley Tobacco, Type 31.
1464.1734 1965 Crop—Dark Air-cured Tobacco, Types 35 and 36.
1464.1735 1965 Crop—Virginia Sun-cured Tobacco, Type 37.

§ 1464.1731 1965 Crop—Virginia Fire-cured Tobacco, Type 21, Advance Schedule.[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Length 46	Length 45	Length 44	Length 43
A1F	62.25	62.25		
A2F	56.25	57.25		
A1D	61.25	61.25		
A2D	56.25	57.25		
B1F	59.25	59.25		
B2F	55.25	55.25	49.25	
B3F	47.25	49.25	45.25	38.25
B4F	39.25	43.25	41.25	36.25
B5F	35.25	36.25	35.25	32.25
B1D	59.25	59.25		
B2D	55.25	55.25	49.25	
B3D	47.25	49.25	45.25	38.25
B4D	38.25	41.25	39.25	36.25
B5D	35.25	36.25	35.25	32.25
B3M	38.25	39.25	38.25	36.25
B4M	37.25	38.25	37.25	34.25
B5M	33.25	34.25	33.25	28.25
B3G	38.25	39.25	38.25	36.25
B4G	37.25	38.25	37.25	34.25
B5G	33.25	34.25	33.25	28.25

[Dollars per hundred pounds, farm sales weight]

Grade	Length 46	Length 45	Length 44	Length 43
C1L	65.25	65.25		
C2L	60.25	59.25		53.25
C3L	51.25	51.25		47.25
C4L	42.25	43.25		42.25
C5L	37.25	38.25		37.25
C1F	65.25	65.25		
C2F	60.25	60.25		53.25
C3F	51.25	51.25		47.25
C4F	42.25	44.25		43.25
C5F	37.25	39.25		38.25
C2D	37.25	38.25		37.25
C3D	33.25	34.25		33.25
C4D	31.25	32.25		31.25
C5D	27.25	28.25		27.25
C3M	38.25	40.25		39.25
C4M	36.25	38.25		37.25
C5M	32.25	34.25		33.25
C3G	32.25	33.25		32.25
C4G	29.25	30.25		29.25
C5G	26.25	27.25		26.25

[Dollars per hundred pounds, farm sales weight]

Grade		Grade		Grade	
X1L	43.25	X2D	38.25	X3G	34.25
X2L	41.25	X3D	36.25	X3G 45.	33.25
X3L	38.25	X4D	33.25	X4G	31.25
X4L	37.25	X5D	28.25	X4G 45.	29.25
X5L	32.25	X3M	34.25	X5G	26.25
X1F	44.25	X3M 45.	33.25	X5G 45.	24.25
X2F	42.25	X4M	33.25	N1L	22.25
X3F	40.25	X4M 45.	31.25	N1D	22.25
X4F	37.25	X5M	29.25	N1G	22.25
X5F	32.25	X5M 45.	26.25	N2	15.25
X1D	41.25				

§ 1464.1732 1965 Crop—Kentucky-Tennessee Fire-cured Tobacco, Types 22 and 23, Advance Schedule.[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Length 46	Length 45	Length 44	Length 43
A1F	64	64		
A2F	60	60		
A3F	51	51		
A1D	64	64		
A2D	60	60		
A3D	51	51		
B1F	53	55	51	
B2F	50	52	49	
B3F	45	47	45	39
B4F	41	43	41	34
B5F	36	37	35	29
B3VF	43	45	42	34
B4VF	40	41	39	31
B5VF	34	35	33	25
B1D	53	55	51	
B2D	50	52	49	
B3D	48	50	48	41
B4D	42	44	42	35
B5D	35	36	33	27
B3M	43	45	42	36
B4M	38	40	37	29
B5M	29	31	27	21
B3G	44	46	44	35
B4G	39	41	38	29
B5G	32	33	29	23
C1L	54	55	52	
C2L	50	51	49	
C3L	48	49	46	40
C4L	45	46	44	38
C5L	41	42	41	34
C1F	54	55	52	
C2F	50	51	49	
C3F	45	47	45	39
C4F	43	44	42	36
C5F	39	40	39	32
C3VF	44	45	43	37
C4VF	40	41	39	34
C5VF	38	39	37	29
C1D	52	52	49	
C2D	43	45	42	
C3D	39	41	39	34
C4D	35	36	33	29
C5D	32	33	31	26
C3M	42	44	41	36
C4M	38	39	37	33
C5M	35	36	33	27
C3G	39	40	37	33
C4G	36	37	32	29
C5G	30	31	28	26

See footnote at end of document.

[Dollars per hundred pounds, farm sales weight]

Grade		Grade		Grade	
X1L	46	X3VF	39	X5M	30
X2L	43	X4VF	37	X3G	34
X3L	42	X5VF	32	X4G	28
X4L	40	X1D	42	X5G	26
X5L	37	X2D	40	N1L	28
X1F	45	X3D	37	N1D	24
X2F	43	X4D	34	N1G	24
X3F	41	X5D	29	N2	18
X4F	38	X3M	37		
X5F	36	X4M	35		

§ 1464.1733 1965 Crop—Burley Tobacco, Type 31, Advance Schedule.[2]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate	Grade	Advance rate	Grade	Advance rate
B1F	72.25	B5VF	51.25	B5FR	53.25
B2F	70.25	B3K	57.25	C3K	61.25
B3F	68.25	B4K	52.25	C4K	59.25
B4F	66.25	B5K	42.25	C5K	53.25
B5F	61.25	T3FR	56.25	C3R	65.25
B1R	57.25	T4FR	51.25	C4R	63.25
B2R	55.25	T5FR	46.25	C5R	58.25
B3R	52.25	T3R	45.25	C3M	64.25
B4R	49.25	T4R	42.25	C4M	61.25
B5R	46.25	T5R	37.25	C5M	56.25
B3VR	46.25	T4VR	37.25	C4Q	48.25
B4VR	44.25	T5VR	32.25	C5Q	42.25
B5VR	40.25	T4D	35.25	X1L	75.25
B4D	39.25	T5D	32.25	X2L	74.25
B5D	34.25	T4K	33.25	X3L	73.25
B3M	58.25	T5K	30.25	X4L	70.25
B4M	53.25	T4GF	40.25	X5L	65.25
B5M	43.25	T5GF	35.25	X1F	75.25
B3GF	49.25	T4GR	32.25	X2F	74.25
B4GF	47.25	T5GR	29.25	X3F	73.25
B5GF	42.25	C1L	75.25	X4F	70.25
B3GR	38.25	C2L	4.25	X5F	65.25
B4GR	35.25	C3L	73.25	X3R	63.25
B5GR	32.25	C4L	72.25	X4R	59.25
M3F	58.25	C5L	68.25	X5R	52.25
M4F	53.25	C1F	75.25	X4M	59.25
M5F	50.25	C2F	74.25	X5M	48.25
M3R	45.25	C3F	73.25	X4Q	47.25
M4R	40.25	C4F	72.25	X5G	40.25
M5R	35.25	C5F	68.25	N1L	52.25
T3F	60.25	C3V	68.25	N1F	44.25
T4F	55.25	C4V	65.25	N1R	29.25
T5F	51.25	C5V	59.25	N1G	26.25
T4VF	47.25	B1FR	65.25	N2L	41.25
T5VF	43.25	B2FR	63.25	N2R	23.25
B3VF	61.25	B3FR	60.25	N2G	22.25
B4VF	57.25	B4FR	57.25		

§ 1464.1734 1965 Crop—Dark Air-cured Tobacco, Types 35 and 36, Advance Schedule.[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Length 46	Length 45	Length 44
A1F	52	52	
A2F	48	48	
A3F	43	44	
A1R	52	52	
A2R	48	48	
A3R	43	44	
B1F	48	49	47
B2F	45	46	45
B3F	43	44	43
B4F	41	42	41
B5F	37	38	37
B1R	48	49	47
B2R	45	46	45
B3R	42	43	42
B4R	40	41	40
B5R	37	38	37
B1D	48	49	47
B2D	45	46	45
B3D	42	43	42
B4D	41	42	41
B5D	36	37	36
B3M	41	42	41
B4M	38	39	38
B5M	33	34	33
B3G	40	41	40
B4G	38	39	38
B5G	32	33	32
C1L	46	47	46
C2L	45	46	45
C3L	44	45	44
C4L	41	42	41

See footnote at end of document.

[Dollars per hundred pounds, farm sales weight]

Grade	Length 46	Length 45	Length 44
C5L	34	35	34
C1F	46	47	46
C2F	44	45	44
C3F	43	44	43
C4F	40	41	40
C5F	34	35	34
C1R	44	45	44
C2R	42	43	42
C3R	41	42	41
C4R	37	38	37
C5R	30	31	30
C3M	40	41	40
C4M	36	37	36
C5M	30	31	30
C3G	41	42	41
C4G	37	38	37
C5G	29	30	29

[Dollars per hundred pounds, farm sales weight]

Grade		Grade		Grade	
T3F	38	X1L	43	X3D	38
T4F	34	X2L	41	X4D	33
T5F	26	X3L	40	X5D	28
T3R	38	X4L	38	X3M	35
T4R	34	X5L	36	X4M	32
T5R	26	X1F	43	X5M	29
T3D	38	X2F	41	X3G	35
T4D	34	X3F	39	X4G	30
T5D	26	X4F	38	X5G	26
T3M	37	X5F	35	N1L	27
T4M	32	X1R	43	N1R	24
T5M	25	X2R	40	N1G	22
T3G	37	X3R	38	N2L	19
T4G	32	X4R	34	N2R	18
T5G	25	X5R	31	N2G	17

§ 1464.1735 1965 Crop—Virginia Sun-cured Tobacco, Type 37, Advance Schedule.[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Length 46	Length 45	Length 44
A1F	62.25	62.25	60.25
A2F	58.25	58.25	55.25
A3F	55.25	55.25	52.25
A1R	62.25	62.25	60.25
A2R	59.25	59.25	56.25
A3R	56.25	56.25	53.25
B1F	61.25	61.25	54.25
B2F	59.25	59.25	55.25
B3F	50.25	51.25	49.25
B4F	44.25	46.25	44.25
B5F	40.25	41.25	40.25
B1R	61.25	61.25	54.25
B2R	58.25	58.25	55.25
B3R	51.25	53.25	50.25
B4R	44.25	46.25	44.25
B5R	40.25	41.25	40.25
B1D	59.25	59.25	54.25
B2D	58.25	58.25	54.25
B3D	50.25	51.25	48.25
B4D	43.25	44.25	43.25
B5D	39.25	40.25	39.25
B3M	42.25	43.25	42.25
B4M	40.25	42.25	41.25
B5M	36.25	37.25	36.25
B3G	42.25	43.25	42.25
B4G	40.25	41.25	40.25
B5G	36.25	37.25	36.25
C1L	60.25	60.25	53.25
C2L	54.25	54.25	50.25
C3L	51.25	51.25	47.25
C4L	42.25	44.25	42.25
C5L	38.25	39.25	38.25
C1F	60.25	60.25	53.25
C2F	54.25	54.25	50.25
C3F	50.25	50.25	46.25
C4F	41.25	45.25	42.25
C5F	37.25	39.25	38.25
C1R	57.25	57.25	51.25
C2R	51.25	51.25	47.25
C3R	45.25	45.25	43.25
C4R	39.25	40.25	39.25
C5R	35.25	36.25	35.25
C3M	39.25	40.25	39.25
C4M	36.25	38.25	37.25
C5M	33.25	35.25	33.25
C3G	34.25	35.25	34.25
C4G	33.25	34.25	33.25
C5G	28.25	29.25	28.25

[Dollars per hundred pounds, farm sales weight]

Grade		Grade		Grade	
T3F	42.25	X1L	44.25	X3D	36.25
T4F	40.25	X2L	42.25	X4D	34.25
T5F	34.25	X3L	39.25	X5D	28.25
T3R	42.25	X4L	37.25	X3M	37.25
T4R	40.25	X5L	32.25	X4M	35.25
T5R	34.25	X1F	45.25	X5M	32.25
T3D	40.25	X2F	43.25	X3G	35.25
T4D	38.25	X3F	40.25	X4G	33.25
T5D	32.25	X4F	38.25	X5G	29.25
T3M	39.25	X5F	35.25	N1L	21.25
T4M	37.25	X1R	45.25	N1R	21.25
T5M	31.25	X2R	42.25	N1G	21.25
T3G	39.25	X3R	38.25	N2L	15.25
T4G	37.25	X4R	37.25	N2R	15.25
T5G	31.25	X5R	30.25	N2G	15.25

(Sec. 4, 62 Stat. 1070, as amended, sec. 5, 62 Stat. 1072, secs. 101, 106, 401, 403, 63 Stat. 1051 as amended, 1054, sec. 125, 70 Stat. 198, 74 Stat. 6; 7 U.S.C. 1441, 1445, 1421, 1423, 7 U.S.C. 1813, 15 U.S.C. 714b, 714c)

Effective date: Date of filing with office of Federal Register.

Signed at Washington, D.C., on November 16, 1965.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 65–12457; Filed, Nov. 19, 1965; 8:45 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

PART 214—NONIMMIGRANT CLASSES

Miscellaneous Amendments

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

[1] Only the original producer is eligible to receive advances. Tobacco graded "U" (unsound), "No-G" (no grade), or scrap will not be accepted. Cooperatives for types 21, 31, and 37 are authorized to deduct 25 cents per hundred pounds to apply against overhead costs. Tobacco of types 22, 23, 35, and 36 graded "W" (doubtful keeping order) will be accepted at advance rates 20 percent below the advance rates otherwise applicable. Tobacco of types 21, 31, and 37, graded "W" (doubtful keeping order) will not be accepted. Type 35 grades marked with the special factor "BL" shall have an advance rate 20 percent below the advance rate otherwise applicable without such special factor. Types 35 and 36 grades marked with the special factor "BH" shall have an advance rate 20 percent below the advance rate otherwise applicable without such special factor. Types 21, 22, and 23 grades of 47 length and types 35 and 36 grades of 47 length, except grades A1F, A1R, A2F, and A2R, shall have an advance rate 5 percent below the advance rate otherwise applicable for 46 length of each grade. The advance rates for grades A1F, A1R, A2F, and A2R of types 35 and 36 in 47 length shall be the same as those for such grades in 46 length.

1. The existing fourth and fifth sentences of § 212.2 *Consent to reapply for admission after deportation, removal, or departure at Government expense* are deleted and the following sentences are inserted in lieu thereof: "When the applicant is within the United States and is concurrently applying to the district director for adjustment of status under section 245 of the Act and Part 245 of this chapter, he shall file Form I–212 with the district director having jurisdiction over his application for adjustment of status. The applicant shall be notified of the decision and, if the application is denied, of the reasons therefor and of his right to appeal in accordance with the provisions of Part 103 of this chapter. Denial of the application shall be without prejudice to the renewal of the application in the course of proceedings before a special inquiry officer under section 242 of the Act and this chapter. An application on Form I–212, submitted in conjunction with an application for adjustment of status under section 245 of the Act which has been initiated, renewed, or is pending in a proceeding before a special inquiry officer, shall be filed by the applicant at the office of the district director having geographical jurisdiction over the place where the applicant resides, and shall be referred to the special inquiry officer for adjudication."

2. Section 212.3 *Application for the exercise of discretion under section 212* (c) is amended by inserting the following sentence before the existing last sentence: "An application for the exercise of discretion under section 212(c) of the Act may be submitted by the applicant to a special inquiry officer in the course of proceedings before him under sections 235, 236, and 242 of the Act and this chapter, and shall be adjudicated by the special inquiry officer in such proceedings, regardless of whether the applicant has made such application previously to the district director."

3. The following sentence is inserted between the existing fourth and fifth sentences of paragraph (c) *Terms of authorization* of § 212.4 *Applications for the exercise of discretion under section 212(d)(3):* "An authorization issued in conjunction with an application for a nonresident alien border crossing card shall be valid for a period not to exceed the validity of such card for applications for admission at United States ports of entry and shall be valid for multiple entries."

4. The last sentence of subparagraph (3) *Employment* of paragraph (f) *Students* of § 214.2 *Special requirements for admission, extension, and maintenance of status* is amended to read as follows: "Permission which is granted to a student to engage in any employment shall not exceed the date of expiration of his authorized stay and is automatically suspended while a strike or other labor dispute involving a work stoppage or layoff of employees is in progress in the occupation and at the place where the student is employed."

5. The fifth sentence of subparagraph (3) *Admission, employment, and extension* of paragraph (h) *Temporary employees* of § 214.2 *Special requirements for admission, extension, and maintenance of status* is amended to read as follows: "Approval of the beneficiary's employment or training is automatically suspended while a strike or other labor dispute involving a work stoppage or layoff of employees is in progress in the occupation and at the place the alien is being employed or trained."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order relate to agency procedure and are clarifying in nature.

Dated: November 17, 1965.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 65–12503; Filed, Nov. 19, 1965; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 65–EA–57]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Dual Designation of Federal Airway

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the designation of the segment of V–290 from Charleston, W. Va., to Rainelle, W. Va. This is a dual designation of airspace with V–260 between these two points. Revocation of the segment of V–290 would result in removing the designation from aeronautical charts but would not assign or revoke controlled airspace.

Since this amendment does not alter the extent of controlled airspace and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., February 3, 1966, as hereinafter set forth.

In § 71.123 (29 F.R. 17509) V–290 is amended to read as follows:

V–290 From Rainelle, W. Va., via Montebello, Va.; to Flat Rock, Va.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 16, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65–12463; Filed, Nov. 19, 1965; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER K—MILITARY TRAINING AND SCHOOLS

PART 907—DELAYED ENLISTMENT PROGRAM

A new Part 907 is added to Subchapter K as follows:

Sec.
907.1 Purpose.
907.2 Applicability.
907.3 Enlistment criteria.
907.4 Place of enlistment.
907.5 Term of enlistment.
907.6 Grade.
907.7 Statement of understanding.

AUTHORITY: The provisions of this Part 907 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012, except as otherwise noted.

SOURCE: AFR 33–5, September 20, 1965.

§ 907.1 Purpose.

This part establishes a program of enlisting qualified nonprior service applicants in the Air Force Reserve under 10 U.S.C. 511(b) and 10 U.S.C. 672(d). It sets forth policies and procedures governing a delayed enlistment program whereby applicants in the Continental United States and Hawaii who enlist in the Air Force Reserve will enter on extended active duty or enlist in the Regular Air Force.

§ 907.2 Applicability.

This part applies to all nonprior service male applicants who enlist in the Air Force Reserve and volunteer to enter on extended active duty for a period of 4 years within 120 days from the date of their Reserve enlistment. In lieu of extended active duty, they may enlist in the Regular Air Force on a date determined by mutual agreement with Air Force Recruiting officials.

§ 907.3 Enlistment criteria.

Applicants must meet all the qualifications for Regular Air Force enlistment outlined in Part 888 of this chapter, except that applicants currently enrolled in high school must be within 120 days of graduation.

§ 907.4 Place of enlistment.

Enlistments under this program may be accomplished by any Armed Forces Examining and Entrance Station (AFEES).

§ 907.5 Term of enlistment.

All enlistments under this program are for 6 years.

§ 907.6 Grade.

Enlist applicant in the grade authorized in Part 888 of this chapter.

§ 907.7 Statement of understanding.

Before enlistment each applicant submits a written AF Form 941 (Statement of Understanding—see Attachment 1 to AFR 33–5) to the Recruiting Office, volunteering for extended active duty for 4 years, with a statement that he may enlist in the Regular Air Force for the same period of time in lieu of performing extended active duty.

By order of the Secretary of the Air Force.

FREDERICK A. RYKER,
Lt. Col., U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 65–12462; Filed, Nov. 19, 1965; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

Anaheim Bay Harbor, Calif.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 204.195 governing the use and navigation of a danger zone in Anaheim Bay Harbor, Calif., is hereby amended with respect to paragraph (b), effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 204.195 Anaheim Bay Harbor, Calif.; Naval Weapons Station, Seal Beach.

• • • • • •

(b) *The regulations.* (1) Passage and transit of Anaheim Bay and Harbor is permitted to regularly documented vessels and power boats having a Certificate of Number assigned by the State of California Division of Small Craft Harbors subject to these regulations and the military operation within the area.

(2) All craft authorized for transit of this area and properly registered in the Security Office with the name and address of owner, description, color, and size of the craft, will be provided a decal for identification at the time of registration. The decal must be displayed on the windshield or such other area to permit security personnel to view the decal.

(3) Decals will not be transferred from one boat to another nor from one person to another, and must be destroyed when no longer desired by the individual originally registering the boat.

(4) Sailing vessels shall use auxiliary power in the inner harbor area.

(5) Rowboats, canoes, kayaks, surfboards, water skis, etc., are specifically prohibited within the danger and controlled zones.

(6) All boats shall proceed through the danger zone by the route prescribed by the enforcing agency.

(7) Speed shall not exceed 8 knots in the outer harbor and 3 knots in the inner harbor. Private boats unable to throttle down or to maintain steerage way at 3-knot speed may proceed at the minimum speed (in excess of 3 knots) consistent with good seamanship and with waterborne explosive handling operations in progress. In case of doubt, boat operators of inbound boats will remain in the west end of the basin and outbound boats in the east end of the basin until informed of the completion of the waterborne explosive handling hazard. (The hazard is usually the hand passing of live ammunition from small boats to lighters moored at the east end of the wharf.)

(8) Smoking in boats is prohibited during the transit of this area.

(9) All craft of whatever category shall have the right at any time to seek shelter in these waters because of stress of weather. Boats entering the area during the hours of darkness, seeking shelter, or seeking transit, shall stop at the dock located near the bridge and clear with the posted sentry.

(10) Nothing in these regulations of this section shall be construed as relieving the owner or persons in command of any vessels or plant from the penalties of the law for obstructing navigation or for not complying with the navigation laws in regard to lights or signals or for otherwise violating law.

(11) All boats shall heed and obey all posted signs and/or instructions issued by security personnel of the U.S. Naval Weapons Station.

(12) The regulations in this section shall be enforced by the Commanding Officer, U.S. Naval Weapons Station, Seal Beach, Calif., and such agencies as he may designate. For clarification or other information, the U.S. Naval Weapons Station, Officer of the Day, should be contacted.

[Regs., Nov. 5, 1965, 1507–32 (Anaheim Bay Harbor, Calif.)-ENGCW–ON] (sec. 7, 40 Stat. 266; 33 U.S.C. 1)

J. C. LAMBERT,
Major General, U.S. Army, The Adjutant General.

[F.R. Doc. 65–12496; Filed, Nov. 19, 1965; 8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 168—DIRECTORY OF INTERNATIONAL MAIL

Individual Country Regulations

The regulations of the Post Office Department are amended as follows:

In § 168.5 *Individual country regulations,* make the following changes:

I. In "Burundi (Kingdom of)" make the following changes to modify prohibitions and import restrictions:

A. Under Postal Union Mail, a new item *prohibitions and import restrictions* is added after the item *Money orders.* As so added, the item reads as follows:

Postal Union Mail

• • • • • •

Prohibitions and import restrictions. Coins, articles of platinum, gold or silver; jewelry and other precious articles.

Articles restricted as parcel post are restricted in the postal union mail.

B. Under Parcel Post, a new item *Import restrictions* is added following the item *Indemnity.* As so added, the new item reads as follows:

Parcel Post

• • • • • •

Import restrictions. Addressees in Burundi are required to obtain special permission to receive arms, medicines, saccharine, and distilling apparatus.

II. In "Canada (including Newfoundland and Labrador)" make the following changes:

A. Under Postal Union Mail, the second paragraph under the item *Prohibitions* is revised to show new regulations. As so revised, the second paragraph reads as follows:

Postal Union Mail

• • • • • •

Prohibitions. • • •

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail, except that coins, banknotes, values payable to bearer and precious articles may be sent in registered letters only.

B. Under Parcel Post, the material under the item *Prohibitions* is revised as follows to show current prohibitions.

Parcel Post

• • • • • •

Prohibitions. Honey bees, unless addressed to places served by railway post offices or motor vehicles. Mailers must ascertain whether the addressees of parcels containing honey bees are located at places to which such shipments can be sent. This information can be obtained from the Canadian postmaster at the office of address. After obtaining the information, the sender must mark the wrapper of his parcel "Office of address served by R. P. O." or "Office of address served by motor vehicle." Postmasters will refuse to accept parcels containing honey bees for Canada unless they bear such endorsement.

Queen bees are not subject to the above restriction.

Bees must not be on combs, and must be accompanied by a declaration signed by the mailer that the food for the bees carried in the package is free from disease. Honey must not be used in making the candy placed in queen bee mailing cages. Special handling charges are applicable to honey bees in cages, but not to queen bees in small cages, alone or accompanied by a few workers, unless a considerable number of such cages are tied together for transportation outside of mail sacks.

Shipments of bees are accepted only at the risk of senders; they may not be accepted for insurance.

Used or secondhand hives or bee supplies.

Commercial tags of metal. Prison-made goods being sold or intended for sale by a person or firm. Plumage and skins of wild birds.

Articles so marked as to create the false impression that they were made in the United Kingdom.

Parcels bearing caution labels indicating the contents are flammable.

Meat and meat food products, unless federally inspected and passed and marked accordingly. If intended for sale, export certification by the U.S. Department of Agriculture is also required. Meat or meat food product for personal use is exempt from export certification but the addressee is required to certify to the Canadian authorities that it will not be offered for sale in Canada.

Drugs and medicines must comply with Canadian law. Senders are advised to communicate with prospective addressees to assure themselves before mailing that such articles will be admitted. Biological products for veterinary use, including serums and vaccines, unless accompanied by a permit issued by the Veterinary Director General, Ministry of Agriculture of Canada.

Eggs for hatching unless packed in new, clean containers and accompanied by a certificate issued by a veterinarian of the U.S. Department of Agriculture, or one issued by a State veterinarian and endorsed by a veterinarian of that Bureau, stating that to the best of his knowledge the eggs come from a flock that is free from Newcastle disease, fowl pest, or fowl typhoid. See § 121.2(a)(2)(v) of this chapter for method of packing.

Smoke-making devices for motor vehicles and boats.

Radioactive materials, lighter fluid regardless of flashpoint, and other articles regarded by the Canadian authorities as dangerous.

Coins, except when mailed in uninsured parcels to collectors or dealers. Banknotes and values payable to bearer. Precious articles including jewelry and precious stones, mounted or unmounted; platinum, gold and silver, manufactured or unmanufactured; and articles of precious metal for personal use such as card cases, cigarette cases, cigarette holders, compacts, purses, watches and automatic pencils. The foregoing are admitted, however, in registered letters.

Oleomargarine and other butter substitutes, including altered or renovated butter.

* * * * * * *

III. In "Congo (Republic of the) (Leopoldville)," the official title is changed to read: "Congo (Democratic Republic of the) (Leopoldville)".

IV. In "Cuba (including Isle of Pines, West Indies)", material under the item *Prohibitions* under both Postal Union Mail and Parcel Post is revised to show that postage stamps either for sale or exchange are prohibited. As so revised the item reads as follows:

Prohibitions. Currency, postage stamps for sale or exchange, checks, securities and other financial instruments unless licensed by the U.S. Treasury Department.

V. In "Czechoslovakia," under Parcel Post, the sixth paragraph and its accompanying table under the item *Observations* is revised to show new limits regarding certain commodities. As so revised the sixth paragraph reads as follows:

Parcel Post

* * * * * * *

Observations. * * *

Certain commodities are subject to quotas, as shown in the following list. The quantities shown in the second column are admitted at lower rates of duty; larger amounts will be charged with duty at higher rates. The quantities shown in the third column are the maximum admitted in gift parcels; larger amounts will not be delivered.

Commodities	Quantities admitted at lower duty rates	Maximum admitted in gift parcels
Coffee, other than instant	2 lbs. 3 oz.	6 lbs. 9 oz.
Coffee, instant	17½ oz.	
Tea, other than instant	8¾ oz.	2 lbs. 3 oz.
Tea, instant	17½ oz.	
Cocoa, powdered or not	2 lbs. 3 oz.	
Cocoa, powdered		6 lbs. 9 oz.
Chocolate	2 lbs. 3 oz.	6 lbs. 9 oz.
Chocolate products	2 lbs. 3 oz.	
Chewing gum	8¾ oz.	17½ oz.
Spices	8¾ oz.	17½ oz.
Cigarettes	400	600.
Cigars		100.
Tobacco		17½ oz.
Wool knitting yarn	2 lbs. 3 oz.	4 lbs. 6 oz.
Coats, dresses, suits (new)		Two.
Wool cloth		7⅛ yards.
Nylon or similar cloth		7⅛ yards.
Blouses of nylon or similar cloth.		Three.
Underwear of nylon or similar cloth.		3 articles or suits.
Stockings of nylon or similar cloth.	2 pairs	5 pairs.
Shawls and scarfs (new)	Two	Five.
Tablecloths, plastic or nylon.	Two	Five.
Plastic or other synthetic materials.	5½ yards	10¾ yards.
Watches		Two.
Folding umbrellas		Two.

* * * * * * *

VI. In "Dahomey (Republic of)," a new item is added under Postal Union Mail, and Parcel Post. As so added, the new item reads as follows:

Postal Union Mail

* * * * * * *

Prohibitions. Articles prohibited as parcel post are prohibited in the postal union mail.

Parcel Post

* * * * * * *

Prohibitions. Saccharine; distilling apparatus; arms and military equipment.

VII. In "Denmark" make the following changes under Parcel Post:

A. The material under the item *Prohibitions* is revised to read as follows:

Prohibitions. For the protection of animals or plants; Dried or powdered milk, and food mixtures containing it.

For other reasons: Medicinal products reserved for pharmacies may be imported in amounts costing less than 100 crowns only by pharmacists, laboratories recognized by the State or authorized dealers.

Fine-cut tobacco in small packages to which cigarette papers are attached.

Lighters utilizing a catalyst for ignition.

B. The material under the item *Import restrictions* is revised to read as follows:

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by the addressee:

Permission from the Danish authorities is required for the following: Firearms exceeding .22 caliber, except shotguns for hunting and airguns; knives with blades over 4¾ inches long, except those used as tools; blackjacks, brass knuckles and similar weapons.

VIII. In "Great Britain and Northern Ireland (England, Scotland, Wales and Channel Islands, and Northern Ireland)," make the following changes:

A. Under Postal Union Mail, the item *Prohibitions and import restrictions* is revised to read as follows:

Postal Union Mail

* * * * * * *

Prohibitions and import restrictions. Articles containing enclosures addressed to different persons at different addresses. Negotiable securities and British treasury notes require a permit to be obtained by the addressee from the exchange control authorities of Great Britain.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

B. Under Parcel Post, the items *Observations* and *Prohibitions* are revised to read as follows:

Parcel Post

* * * * * * *

Observations. Group shipment of parcels is permitted, but limited to ordinary parcels. See § 121.7 of this chapter.

Many types of merchandise, unless sent as unsolicited gifts, require import licenses which the addressees must obtain from the British Board of Trade. Before mailing commercial shipments, senders should assure themselves that the addressees can obtain licenses if needed.

Parcels containing bona fide unsolicited gifts are exempt from British import licensing requirements (see Import Restrictions). Mailers of such parcels should mark the wrappers and customs declarations "Unsolicited Gift."

Under the British customs regulations, parcels are liable to seizure if the customs declarations do not contain a full and accurate description of the contents.

Parcels containing articles subject to ad valorem duty should have an invoice enclosed showing the contents in detail and value of each article, and the parcel should be marked on the address side "Invoice enclosed". When the invoice relates to the contents of more than one parcel, each parcel is to be marked "Invoice enclosed in parcel No. __".

Prohibitions. For reasons of sanitary policy: Meat, milk, cheese, butter, margarine, lard and other greases, unless packed in hermetically sealed tins plainly marked to show the nature of the contents.

However, "Smithfield" hams are accepted as unsolicited gifts if enclosed in waterproof wrappings and adequately packed for protection and to avoid damage to other mail matter.

Arms, etc.: Firearms (except shotguns with barrels at least 20 inches long) and other deadly weapons and parts thereof, including guns for throwing liquid or gas and munitions therefor; accessories for reducing the sound or flash of firearms. The foregoing are admitted, however, if the addressee possesses an import license issued by the competent British authorities.

Switchblade knives.

To Northern Ireland: Airguns, and shotguns with barrels 20 inches or more in length, in addition to the above.

For other reasons: Articles violating the British trademark or copyright laws.

Liquids with flash point below 150° F. As an exception, paints, varnishes, turpentine, lacquer and similar substances with flash point between 90° and 150° may be accepted in quantities not exceeding one quart when packed as prescribed in § 121.2(a)(2) of this chapter, with an air space of at least 7½ percent of total cubic content left in each container; the wrapper must be marked by the sender indicating that the flash point is not lower than 90° F.

Unmanufactured sweetened tobacco, and tobacco mixed with other substances. However, cigarettes, cigars, and pipe tobacco are admitted in gift parcels.

Coins, precious stones, jewelry and any articles of gold, silver, platinum, unless insured. Coins (unless declared to be for ornament), silver bullion or partially worked silver may not exceed £200 in value.

Advertisements of fortune tellers.

Massaging oils or similar products, and waxed or varnished articles unless thoroughly dried. If sent by air, such articles must be hermetically sealed in strong paper or enclosed in boxes of metal or of wood reinforced with wire.

* * * * * * *

IX. In "India (including Andaman Islands and Sikkim)," under Parcel Post the seventh paragraph under the Item *Prohibitions* is revised for clarification to read as follows:

Parcel Post

* * * * * * *

Prohibitions. * * *

Indian banknotes, except with permission of the Reserve Bank of India.

* * * * * * *

X. In "Kuwait," make the following changes:

A. Under Postal Union Mail, a new item *Prohibitions and import restrictions* is added immediately after the item *Money orders.* As so added, the new item reads as follows:

Postal Union Mail

* * * * * * *

Prohibitions and import restrictions. Articles prohibited or restricted as parcel post are prohibited or restricted in the Postal Union Mail.

B. Under Parcel Post the material in the item *Prohibitions* is revised to include new prohibitions. Also, a new item *Import restrictions* is added immediately following the item *Prohibitions.* As so revised, *Prohibitions and Import restrictions* read as follows:

Parcel Post

* * * * * * *

Prohibitions. Lighters containing butane gas, and refills therefor.

Magazines or other printed matter containing illustrations of nude or partly nude human figures.

Import restrictions. Addressees are required to obtain import licenses for preserved meat, dairy products, drugs, serums and vaccines.

XI. In "Nepal" under Postal Union Mail, the item *Letter packages containing dutiable merchandise* is amended to read as follows:

Postal Union Mail

* * * * * * *

Letter packages containing dutiable merchandise. Not accepted.

* * * * * * *

XII. In "New Zealand (including Cook Islands [Rarotonga, Mangaia, Atiu, Aitutaki, Mitiaro, Mauke (or Parry) and Hervey or Manuai] and Danger (Pukapuka), Manahiki, Palmerston (Avarua), Penrhyn (Tongareva), Rakaanga, Savage (Niue) and Suwarrow Islands)," make the following changes:

A. Under Parcel Post, the item *Prohibitions* is revised to read as follows:

Parcel Post

* * * * * * *

Prohibitions. For reasons of sanitary policy; Samples of wool or cotton unless certified to be clean.

Used clothing and used bedding, except for the personal use of persons in New Zealand, or with permission of the New Zealand Minister of Customs. Wornout clothing not for personal use must be clean and disinfected, or it will be done at the addressee's expense.

Paint with lead base, unless plainly marked "This paint contains lead".

For the protection of animals and plants: Meat and meat products, unless sterilized by heat and enclosed in hermetically sealed cans or glass containers.

Arms: Firearms, unless the addressee has police permission.

* * * * * * *

B. Under Parcel Post, the third paragraph under the item *Import restrictions* is revised to read as follows:

Parcel Post

* * * * * * *

Import restrictions. * * *

(a) Bona fide gifts not exceeding £20 ($56) in value.

* * * * * * *

XIII. In "Norway (Including Spitzbergen)", under Parcel Post, the third paragraph under the item *Prohibitions* is revised to read as follows:

Parcel Post

* * * * * * *

Prohibitions. * * *

For other reasons: Articles enclosed in containers such as "Jiffy Bags" which are made with padding of shredded paper or crushed paper pulp. Advertisements of prohibited remedies or merchandise included in the pharmacy monopoly.

* * * * * * *

XIV. In "Rwanda (Republic of)" under Parcel Post a new item *Import restrictions* is added immediately after the item *Indemnity* to read as follows:

Parcel Post

* * * * * * *

Import restrictions. Medicaments, saccharine and products containing it require authorization which the addressee must obtain from the Pharmacist in Chief of Rwanda.

XV. In "Togo" under Postal Union Mail, the item *Prohibitions* is revised to read as follows:

Postal Union Mail

* * * * * * *

Prohibitions. Paper money and values payable to bearer are admitted in registered letters only.

Coins; manufactured or unmanufactured platinum, gold, and silver, precious stones, jewelry, and other precious articles are prohibited.

XVI. In "Uruguay" under Postal Union Mail, the item *Special delivery*, is amended to permit special delivery. As so amended, the item reads as follows:

Postal Union Mail

* * * * * * *

Special delivery. Yes. See § 168.3 of this chapter for fees or other conditions.

* * * * * * *

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

HARVEY H. HANNAH,
Acting General Counsel.

[F.R. Doc. 65-12494; Filed, Nov. 19, 1965; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[No. MC-C-4000 (Sub-No. 1)]

PART 210—EXEMPTION

Exempt Zone; Dulles and Friendship Airports

At a session of the Interstate Commerce Commission, division 1, held at its Office in Washington, D.C., on the 4th day of November A.D. 1965.

It appearing, that by order entered October 28, 1964, in No. MC-C-4000, a joint petition of Airport Transport, Inc., Airline Transport, Inc., and Airline Limousine, Inc., filed August 28, 1964, to the extent that it sought individual determination of the exempt zone in the Washington, D.C., area was assigned docket No. MC-C-4000 (Sub-No. 1); and that the said petition was subsequently set for oral hearing, which has been held;

And it further appearing, that consideration of the matters and things in-

volved in this proceeding, having been given, and the said division, on the date hereof, having made and filed its report herein containing its findings of fact and conclusions thereon, which report is hereby made a part hereof;

and good cause appearing:

It is ordered, That Title 49 CFR be, and it is hereby, amended by adding paragraph (d) to § 210.45. The paragraph reads as follows:

§ 210.45 Motor transportation of passengers incidental to transportation by aircraft.

• • • • •

(d) *Exempt zones and operations*—(1) *Dulles and Friendship International Airports.* The transportation by motor vehicle, in interstate or foreign commerce, of passengers, having an immediately prior or subsequent movement by air, between Dulles International Airport near Chantilly, Va., and Friendship International Airport, Baltimore, Md., is partially exempt from regulation under section 203(b)(7a) of the Interstate Commerce Act.

It is further ordered, That this order shall become effective December 20, 1965, and shall remain in effect until modified or revoked in whole or in part by further order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Interstate Commerce Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

(52 Stat. 1029, 49 U.S.C. 303(b)(7a); 52 Stat. 1237, 49 U.S.C. 304(a)(6))

By the Commission, division 1.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-12499; Filed, Nov. 19, 1965; 8:48 a.m.]

Proposed Rule Making

CIVIL AERONAUTICS BOARD

[14 CFR Part 399]

[Docket No. 16664]

INTERLOCKING RELATIONSHIPS BETWEEN AIR CARRIER AND PERSON CONTROLLING ANOTHER AIR CARRIER

Statements of General Policy

NOVEMBER 12, 1965.

Notice is hereby given that the Civil Aeronautics Board has under consideration amending Part 399, its Statements of General Policy (14 CFR Part 399), by issuing a policy statement indicating that the Board interprets section 409 of the Federal Aviation Act as prohibiting, unless approved by the Board, interlocking relationships between an air carrier and a person controlling another air carrier. The subject and issues involved are discussed in the attached Explanatory Statement. The amendment is proposed under the authority of sections 204(a) and 409 of the Federal Aviation Act of 1958 (72 Stat. 743, 768; 49 U.S.C. 1324, 1379) and of section 3 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1002).

Interested persons may participate in the proposed rule making through the submission of ten (10) copies of written data, views, or arguments, pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C., 20428. All relevant matter in communications received on or before January 4, 1966, will be considered by the Board. Upon receipt by the Board, copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

Explanatory statement. Under section 409(a) of the Federal Aviation Act the Board has jurisdiction over interlocking relationships—such as interlocking directorates—between an air carrier and "any other person who is a common carrier or is engaged in any phase of aeronautics." Although the Board has interpreted section 409 on numerous occasions the Board has never ruled on whether the section covers interlocking relationships between an air carrier and a person "controlling" another air carrier.[1] For the guidance of interested persons the Board now proposes to determine whether a policy statement should be issued setting forth that the Board considers persons controlling air carriers to come within the section 409 phrase "person • • • engaged in any phase of aeronautics" and that accordingly the Board construes section 409 as extending to interlocking relationships between an air carrier and a person controlling another air carrier.

Preliminarily it should be noted that the question of whether the Board has jurisdiction over interlocking relationships between an air carrier and a person controlling another air carrier is in issue in the pending proceeding on the complaint of the Hughes Tool Co., Docket 14314. However, in view of the industrywide implications of any decision on this issue we have determined that the issue is most appropriately resolved in a rule making proceeding in which all interested persons will have an opportunity to participate.

The analysis which indicates that the statement should be adopted is as follows: Underlying the proposed construction of section 409 is the declaration of policy in section 102 of the Act that the public interest includes "competition to the extent necessary to assure the sound development of an air-transportation system properly adapted to the needs of the foreign and domestic commerce of the United States, of the Postal Service, and of the national defense." Interlocking relationships involving rival air carriers tend to stifle or eliminate competition and a primary purpose of section 409 was to subject this type of relationship to government regulation. Apart from interlocking relationships between two rival air carriers there are few, if any, interlocking relationships posing more of a threat to competition than interlocking relationships between an air carrier and a person who controls a rival air carrier.[2] Accordingly, it is consistent with the congressional purpose to construe section 409 as covering interlocking relationships between air carriers and persons controlling other air carriers. As stated by a United States Court of Appeals in passing upon the related question of the proper construction of "representative" in section 409:

The purpose of Congress is not served by choosing from among available definitions of "representative" a narrow meaning inconsistent with the purpose to keep the vital aeronautical industry, in its component parts, independent and competitive to the extent necessary to insure sound development in accordance with the need of the foreign and domestic commerce of the United States, the postal services, and the national defense.[3]

There are additional reasons for believing that Congress intended persons controlling air carriers to be covered by the phrase person engaged in any phase of aeronautics. The broad scope of "phase of aeronautics" is indicated by section 408(c) in which Congress exempted from section 409 coverage an air carrier officer or director who also holds an office or directorship in persons whose "principal business is the maintenance or operation of • • • [a certain type of] ticket office, landing area, hangar, or other ground facility." The implication is that but for this exception such activities would be considered a "phase of aeronautics." Cf. Pan American Airways, Inc. et al., Merger, 2 CAB 503, 511 (1940).

Section 408 contains other indications that Congress intended the section 409 phrases "common carrier" and "engaged in any phase of aeronautics" to have broad meaning and to cover such persons as air carriers and persons controlling air carriers. Section 408(a)(2) prohibits certain transactions between, "any air carrier," and "any air carrier, any person controlling an air carrier, any other common carrier, or any person engaged in any other phase of aeronautics". The use of "other" indicates that Congress believed that the phrases "common carrier" and "person engaged in any phase of aeronautics" ordinarily include air carriers and persons controlling air carriers. The implication is that when, as in section 409, Congress used the phrases "common carrier" and "phase of aeronautics" without qualification, the phrases were intended to include such persons as air carriers and persons controlling air carriers.

For similar reasons it is not determinative that section 408 sometimes expressly refers to a "person controlling an air carrier" while section 409 does not.[4] If this difference is significant then by analogy it is also significant that section 408 expressly covers transactions between an air carrier and another air carrier

[1] Other than relationships coming within section 409(a)(4)-(6) which governs interlocking relationships between an air carrier and "any person whose principal business, in purpose or in fact, is the holding of stock in, or control of, any other person engaged in any phase of aeronautics." The policy statement proposed herein does not define "control" since the existence of control is a question of fact to be determined in the context of a particular case. Cf. Order E-21940, March 23, 1965.

[2] It should be emphasized that section 409 is not ordinarily concerned with the personal integrity of an officer or director. Rather the question is "whether the potential interests of • • • two companies may be in conflict." *Pan Am. Airways-Hanes, Interlocking Relationship*, 8 CAB 617, 619 (1947).

[3] Lehman v. CAB, 209 F. 2d 289, 295 (C.A.D.C., 1953), cert. denied 347 U.S. 916 (1954).

[4] Section 408 does not alway expressly refer to persons controlling air carriers. For example, in section 408(a)(3) such persons are included within the phrase "engaged in any phase of aeronautics." See Resort Airlines, Interlocking Relationships, 23 CAB 143 (1956).

while the express terms of section 409 extend only to relationships between air carriers and common carriers or persons engaged in any phase of aeronautics. It is clear that interlocking relationships between two air carriers were to be covered by section 409, and "air carrier" must be included within the section 409 phrases "common carrier" or "person engaged in any phase of aeronautics." Similarly, there is no reason why Congress could not have intended persons controlling an air carrier to come within the section 409 phrase "person engaged in any phase of aeronautics."[5]

Although, as stated herein, there have been no prior Board rulings directly in point,[6] the result reached herein is entirely consistent with and indeed is clearly foreshadowed by related Board rulings. In cases arising under section 408 of the Act, persons whose principal business was the holding of controlling interests in airlines have been held to be persons engaged in a "phase of aeronautics." See Acquisition of TACA, S.A. by American Export Air, 3 CAB 216 (1941); Resort Air Lines, Interlocking Relationships, 23 CAB 143 (1956); Resort Refinancing Case, 26 CAB 578 (1958). It has also been held that a person may be engaged in a phase of aeronautics even though aeronautical enterprises do not constitute a principal portion of his business. See, e.g., Orders E–20550, March 6, 1964; E–17990, February 7, 1962; E–16311, January 25, 1961.

Finally, we wish to inform interested persons that if the Board adopts a policy statement along the lines proposed herein, the Board contemplates that persons affected by the statement who file timely applications will not be subject to either enforcement proceedings or to the doctrine expressed in the Sherman, Control and Interlocking Relationship Case,[7]

Proposed rule. It is proposed to amend Part 399, Statements of General Policy (14 CFR Part 399), by adding to Subpart H a new § 399.___ to read as follows:

§ 399 Interlocking relationships between an air carrier and a person controlling another air carrier.

The Board interprets section 409 of the Federal Aviation Act of 1958 as making unlawful, unless approved by order of the Board, interlocking relationships between an air carrier and a person controlling another air carrier.

[F.R. Doc. 65–12505; Filed, Nov. 19, 1965; 8:48 a.m.]

[5] Nor do we believe that Congress intended the "aeronautical holding company" provisions of section 409 (paragraphs (a)(4)–(6) dealing with persons "whose principal business, in purpose, or in fact, is the holding of stock in, or control of, any other person engaged in any phase of aeronautics") to serve as a limitation on "phase of aeronautics" in section 409(a)(1)–(3). The holding company provisions of section 409 were derived from section 7 of the Air Mail Act of 1934 (48 Stat. 936) and were directed at a specific evil which had developed in the early stages of the aviation industry. Congress intended the last three paragraphs of section 409(a) to be distinct from, and in addition to, the remainder.

[6] In Order E–19014, the Board disclaimed jurisdiction over interlocking relationships between an air carrier and another corporation whose only aeronautical activity was controlling the air carrier. The decision that the controlling corporation was not engaged in a phase of aeronautics for section 409 purposes was expressly limited to "transactions incident to its acquisition and maintenance of control of the carrier." The policy statement proposed herein is not intended to cast doubt on the holding in Order E–19014. We see little possibility of a conflict of interest in an interlocking relationship between an air carrier and a person whose only connection with aeronautics is controlling that carrier. An indication that Congress did not intend such relationships to be covered is found in the section 409 reference to relationships between "any air carrier" and "any other person who is * * * engaged in any phase of aeronautics."

[7] 15 CAB 879 (1952) "[W]ith respect to any application for approval of matters covered by selections 408 and 409 hereafter filed, whenever the Board has reasonable grounds to believe that the applicant has, at the time of his application, violated either of those sections by having acted without prior Board approval, the application will be held in abeyance until either the alleged violation has been voluntarily terminated or the completion of a proceeding to determine the existence of the violation and, in the event a violation is found to exist, until the violator has taken required corrective action." Id. at 881.

Notices

DEPARTMENT OF THE INTERIOR

Office of the Secretary

LAND AND WATER CONSERVATION FUND

Delegation of Authority

The Director, Bureau of Land Management; Director, Bureau of Sport Fisheries and Wildlife; Director, National Park Service; Commissioner of Reclamation are authorized to exercise the following authorities given to the Secretary by Executive Order 11200 (30 F.R. 2645) and the Land and Water Conservation Fund Act of 1965 (78 Stat. 897):

1. The authority to designate areas under their respective jurisdictions at which recreation fees will be charged as specified by sections 1, 2, and 3 of Executive Order 11200.

2. The authority to post such designated areas as specified by section 4 of Executive Order 11200.

3. The authority to select from the fees established by 43 CFR Part 13 (30 F.R. 3265) the specific fees to be charged at the designated areas in accordance with section 5(a) of Executive Order 11200.

This notice of delegation supersedes the delegation made in the Secretary's memorandum of March 5, 1965.

STEWART L. UDALL,
Secretary of the Interior.

NOVEMBER 12, 1965.

[F.R. Doc. 65–12480; Filed, Nov. 19, 1965; 8:46 a.m.]

ALVIN C. HOPE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of November 1, 1965.

Dated: November 10, 1965.

ALVIN C. HOPE.

[F.R. Doc. 65–12491; Filed, Nov. 19, 1965; 8:47 a.m.]

SETH N. WITTS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No changes.
(2) (a) Deletions: None.
(b) Additions:
Northern States Power Co.
E. F. Johnson Co.
Village of Mound, Minn.
(3) No changes.
(4) No changes.

This statement is made as of November 8, 1965.

Dated: November 8, 1965.

SETH N. WITTS.

[F.R. Doc. 65–12492; Filed, Nov. 19, 1965; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

DECATUR LIVESTOCK AUCTION, ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

Name and location of stockyard and date of posting
ARKANSAS
Decatur Livestock Auction, Decatur, Nov. 2, 1965.
CALIFORNIA
Newhall Horse & Mule Auction, Inc., Newhall, Oct. 10, 1965.
MISSISSIPPI
Ledford Livestock Co., Inc., doing business as Mississippi Livestock Yards, Laurel, Oct. 30, 1965.
TEXAS
Canyon Livestock Commission Co., Canyon, Oct. 21, 1965.
WYOMING
Laramie Livestock Exchange, Inc., Laramie, Nov. 7, 1965.

Done at Washington, D.C., this 16th day of November 1965.

K. A. POTTER,
Acting Chief, Rates and Registrations Branch, Packers and Stockyards Division, Consumer and Marketing Service.

[F.R. Doc. 65–12515; Filed, Nov. 19, 1965; 8:50 a.m.]

Office of the Secretary

PENNSYLVANIA

Extension of Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Pennsylvania the disaster for which such counties are presently designated has caused a continuing need in those counties for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pennsylvania	*Present*	*Designation*
Bedford	29	F.R. 19265.
Berks		Do.
Bradford		Do.
Bucks		Do.
Carbon		Do.
Centre		Do.
Clinton	30	F.R. 849.
Columbia	29	F.R. 19265.
Dauphin		Do.
Delaware		Do.
Franklin		Do.
Fulton		Do.
Juniata		Do.
Lackawanna		Do.
Lehigh		Do.
Luzerne		Do.
Lycoming	30	F.R. 849.
Mifflin	29	F.R. 19265.
Monroe		Do.
Montgomery		Do.
Montour		Do.
Northampton		Do.
Northumberland		Do.
Perry		Do.
Pike		Do.
Potter	30	F.R. 2827.
Schuylkill	29	F.R. 19265.
Snyder		Do.
Sullivan		Do.
Susquehanna		Do.
Tioga		Do.
Union		Do.
Wayne		Do.
Wyoming		Do.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1966, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 16th day of November 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65–12489; Filed, Nov. 19, 1965; 8:47 a.m.]

TEXAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Con-

solidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Texas natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

TEXAS

Comanche.	Johnson.
Coryell.	Scurry.
Hamilton.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1966, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 16th day of November 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-12490; Filed, Nov. 19, 1965; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order 88]

INLAND WATERWAYS CORPORATION

Revocation Notice

The following revocation notice to the order was issued by the Secretary of Commerce on November 5, 1965. This material revokes the material appearing at 28 F.R. 5687-5688 of June 11, 1963.

Department Order 88 of May 28, 1963, is hereby revoked.

The Inland Waterways Corporation Act was repealed on July 19, 1963. No further functions are required to be performed by the Department of Commerce in connection with the windup of affairs of the Inland Waterways Corporation.

Effective date. November 5, 1965.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[F.R. Doc. 65-12461; Filed, Nov. 19, 1965; 8:45 a.m.]

[Dept. Order 117, Amdt. 2]

MARITIME ADMINISTRATION

Organization and Functions

The following amendment to the order was issued by the Secretary of Commerce on November 5, 1965. This material further amends the material appearing at 27 F.R. 7687 of August 3, 1962, and 27 F.R. 3637-3641 of April 17, 1962.

Section 7 of Department Order No. 117 of April 9, 1962, is hereby amended by substituting the words "Under Secretary of Commerce for Transportation" whenever the words "Secretary of Commerce" or "Secretary" appear.

Effective date: November 5, 1965.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[F.R. Doc. 65-12555; Filed, Nov. 19, 1965; 8:50 a.m.]

[Dept. Order 128, Amdt. 1]

UNDER SECRETARY OF COMMERCE FOR TRANSPORTATION

Organization and Functions

The following amendment was issued by the Secretary of Commerce on November 5, 1965. This material amends the material appearing at 30 F.R. 7018-7019 of May 25, 1965.

Department Order No. 128 of May 11, 1965, is hereby amended as follows:

1. Section 2.01 is amended to read:

SEC. 2. *Scope of authority.* .01 The Under Secretary of Commerce for Transportation shall exercise policy direction and supervision of the Bureau of Public Roads, the Maritime Administration, and the Great Lakes Pilotage Administration. Further, the Under Secretary of Commerce for Transportation shall exercise the authority vested in the Secretary under Title XIII, Public Law 85-726 (49 U.S.C. 1531-1542), pertaining to the Aviation War Risk Insurance Program; shall exercise the authority vested in the Secretary under Public Law 87-820, pertaining to the Aircraft Loan Guarantee Program; shall be responsible for coordinating activities between the Department of Commerce and the St. Lawrence Seaway Development Corporation; and shall exercise the authority vested in the Secretary of Commerce to review and take final action on decisions of the Maritime Subsidy Board.

2. Section 3.01 is amended by adding the following new subsection to read:

SEC. 3. *Duties and responsibilities.* • • •

1. Reviewing and taking final action on decisions of the Maritime Subsidy Board in accordance with section 7 of Department Order No. 117 of April 9, 1962, as amended.

Effective date. November 5, 1965.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[F.R. Doc. 65-12556; Filed, Nov. 19, 1965; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16561]

AERONAVES DE MEXICO, S.A.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on November 30, 1965, at 10 a.m., e.s.t., in Room 925, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., November 17, 1965.

[SEAL] BARRON FREDRICKS,
Hearing Examiner.

[F.R. Doc. 65-12506; Filed, Nov. 19, 1965; 8:48 a.m.]

[Docket No. 16641]

EASTERN AIR LINES, INC., ET AL.

Increased Joint Jet Fares; Notice of Prehearing Conference

Joint jet first-class fares proposed by Eastern Air Lines, Inc., Delta Air Lines, Inc., Northwest Airlines, Inc., and United Air Lines, Inc.

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on November 30, 1965, at 10 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Merritt Ruhlen.

Dated at Washington, D.C., November 16, 1965.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 65-12507; Filed, Nov. 19, 1965; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

UNITED FRUIT CO. AND JOHN W. McGRATH CORP.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington Office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 7 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

John W. McGrath Corp., 39 Broadway, New York 6, N.Y.

Agreement No. T-1886, between the United Fruit Co. (United Fruit) and the John W. McGrath Corp. (McGrath) provides for the sublease of a certain portion of Pier 2, North River, New York City, for a term of 17 months. McGrath will use the leased premises for the loading and unloading of ocean carriers and for the handling, receipt and delivery of general cargo. The agreement provides that McGrath assess and collect wharfage charges as established by the Commissioner, Department of Marine and Aviation of the City of New York, against certain specified vessels and pay 50 percent of the charges over to United Fruit. As compensation for the lease, McGrath agrees to pay a fixed annual rental as specified in the agreement. The agreement is a sublease containing substantially the same terms and conditions as Federal Maritime Commission Agreement No. T-580, between the City of New York and United Fruit providing for the lease of Piers 2 and 3, North River, approved by the Federal Maritime Commission on March 29, 1965.

Dated: November 17, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-12509; Filed, Nov. 19, 1965; 8:49 a.m.]

[Docket No. 65-41]

PACIFIC FAR EAST LINES ET AL.

Order of Investigation and Hearing Regarding Alleged Rebates

It appearing, that in 1954 and thereafter, continuing to the present, Pacific Far East Lines, hereinafter referred to as PFEL, a common carrier by water subject to the Shipping Act, 1916, as amended, has transported and continues to transport shipments of cargo for Foremost Dairies, Inc., Connell Brothers Co., Ltd., and Advance Mill Supply Corp., hereinafter referred to as Shippers, between U.S. Pacific coast ports and foreign ports, and

It further appearing that PFEL is required to charge for transportation of cargo between said ports the rates and charges strictly in accordance with applicable published freight tariffs, and

It further appearing that PFEL may have entered into arrangements with Shippers, to wit, bunker oil contracts by which each of Shippers supplies oil to PFEL in proportion or relationship to the amount of cargo shipped by each of Shippers on PFEL, the ultimate effect of which arrangements is to return, refund, or rebate to Shippers a portion of the freight moneys which PFEL has collected for transportation of cargo of Shippers moving between said ports so that each of Shippers has been and is enabled to obtain transportation for property at a cost which is less than that paid by other users of the transportation services of PFEL, who are assessed transportation charges in accordance with applicable published freight tariffs:

Now, therefore, it is ordered, That pursuant to section 22 of the Shipping Act, 1916, as amended (46 U.S.C. 821), an investigation is hereby instituted, on motion of the Federal Maritime Commission, to determine whether PFEL has entered into any arrangement or arrangements with Shippers to return, refund, or rebate to any of said Shippers a portion of the moneys paid for the transportation of property of Shippers between U.S. Pacific coast ports and foreign ports and if so, whether such return, refund, or rebate on the part of PFEL to Shippers is

(1) An unjust or unfair device or means by which Shippers are enabled to obtain transportation by water of property at less than the rates or charges which would otherwise be applicable, in violation of section 16, first paragraph, of said Act; and

(2) An unjust or unfair device or means by which PFEL allows Shippers to obtain transportation by water of property at less than the regular rates or charges of PFEL, in violation of section 16, second, of said Act; and

It is further ordered, That in the event that either or both of the above alleged violations are found and determined by the Commission, then the Commission shall enter such orders as deemed necessary, including but not limited to cease and desist and requiring the collection of undercharges; and

It is further ordered, That PFEL, Foremost Dairies, Inc., Connell Brothers Co., Ltd., and Advance Mill Supply Corp. be made respondents in this proceeding, which is to be set for hearing before an examiner from the Office of Hearing Examiners, at a time and place to be announced; and

It is further ordered, That any persons, other than respondents, having any interest in this matter, and desiring to participate in this proceeding, shall file a petition for leave to intervene with the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before December 3, 1965, with copy to respondents.

It is further ordered, That a notice of this order be published in the FEDERAL REGISTER, and that a copy thereof be served upon each of Respondents, and that all future notices, orders, and decisions issued in this proceeding, including notice of time and place of hearing and prehearing conference, be mailed directly to each party of record.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 65-12510; Filed, Nov. 19, 1965; 8:49 a.m.]

[Fact Finding Investigation 6]

STEAMSHIP CONFERENCE

Effects on Foreign Commerce of U.S.; Notice of Hearing

NOVEMBER 17, 1965.

A further hearing in this proceeding will commence at 10 a.m. on December 7, 1965, GSA hearing room, 10th floor, 252 Seventh Avenue, New York, N.Y. The hearing will be open to the public.

RALPH P. DICKSON,
Investigative Officer.

[F.R. Doc. 65-12511; Filed, Nov. 19, 1965; 8:49 a.m.]

[Independent Ocean Freight Forwarder License 746]

F. V. VALDES & CO., INC.

Notice of Compliance With Order To Show Cause

Notice is hereby given that F. V. Valdes & Co., Inc., 607 Market Street, San Francisco, Calif., 94105, has complied with the Commission's Order to Show Cause dated November 3, 1965, and published in the FEDERAL REGISTER (30 F.R. 14051), by filing an effective surety bond with the Commission.

Dated: November 17, 1965.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-12512; Filed, Nov. 19, 1965; 8:49 a.m.]

ATLANTIC AND GULF AMERICAN-FLAG BERTH OPERATORS

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. R. L. Hansen, Secretary, Atlantic & Gulf American-Flag Berth Operators, 80 Broad Street, New York, N.Y., 10004.

Agreement 8086-6, between the member lines of the Atlantic and Gulf American-Flag Berth Operators, has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended. This agreement modifies the basic agreement with respect to admission, withdrawal and expulsion of members to conform to the Commission's General Order No. 9.

Dated: November 16, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-12465; Filed, Nov. 19, 1965; 8:45 a.m.]

GULF/UNITED KINGDOM CONFERENCE

Notice of a Petition Filed for Approval

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the proposed contract form and of the petition at the Washington Office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed contract form and the petition including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the proposed contract form and of the petition (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of application to institute a dual rate system filed by:

Mr. John T. Crook, Chairman, Gulf/United Kingdom Conference, Suite 927, Whitney Building, New Orleans, La., 70130.

A proposed form of dual rate contract has been filed and application has been made for permission to institute a dual rate contract system on all cargo transported on vessels of the carriers, members of the Gulf/United Kingdom Conference, from United States Gulf of Mexico ports to ports in England, Ireland (Northern Ireland and Republic of Ireland), Scotland, and Wales.

The contract form provides that (1) the merchant ship or cause to be shipped all of its ocean shipments for which contract and non-contract rates are offered in the trade on vessels of the carrier members unless otherwise provided in the contract, and (2) the contract rates shall be maintained at 15 percent less than the non-contract rates, in addition to other terms and conditions set forth therein.

Dated: November 17, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-12466; Filed, Nov. 19, 1965; 8:45 a.m.]

[Independent Ocean Freight Forwarder License No. 409]

INTERNATIONAL SHIPPING SERVICES, INC.

Revocation of License

Whereas, International Shipping Services, Inc., Post Office Box 1611, Houston, Tex., 77001, has ceased to operate as an independent ocean freight forwarder; and

Whereas, International Shipping Services, Inc., has returned Independent Ocean Freight Forwarder License No. 409 to the Commission for cancellation;

Now, therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (amended), Supplement 4, section 6.03;

It is ordered, That the Independent Ocean Freight Forwarder License No. 409 of International Shipping Services, Inc., be and is hereby revoked, effective 12:01 a.m., November 20, 1965.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on the licensee.

EDWARD SCHMELTZER,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 65-12467; Filed, Nov. 19, 1965; 8:45 a.m.]

NORTH ATLANTIC PORTUGAL FREIGHT CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. P. J. Warmstein, Chairman, North Atlantic Portugal Freight Conference, 26 Broadway, New York, N.Y., 10004.

Agreement 9293-2, between the member lines of the North Atlantic Portugal Freight Conference, modifies the preamble of the basic agreement to extend the geographic scope of the Conference to include North Atlantic ports of the United States in the Maine-North Carolina range.

Dated: November 17, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-12468; Filed, Nov. 19, 1965; 8:45 a.m.]

TRANS-PACIFIC PASSENGER CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington Office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. E. H. Green, Secretary-Chairman, Trans-Pacific Passenger Conference, 2 Pine Street, San Francisco, Calif., 94111.

Agreement 131-241 between the member lines of the Trans-Pacific Passenger Conference modifies By-Law E-1 of the basic conference agreement, to permit Conference lines to authorize "other sales outlets" to sell steamship passenger tickets. However, the lines disclaim all "responsibility toward the client, and * * * sales made are non-commissionable."

Dated: November 16, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-12469; Filed, Nov. 19, 1965; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ETHICON, INC.

Notice of Filing of Petition Regarding Color Additive D&C Green No. 5

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(d), 74 Stat. 403; 21 U.S.C. 376(d)), notice is given that a petition (CAP 31) has been filed by Ethicon, Inc., Somerville, N.J., 08876, proposing the issuance of a regulation to provide for the safe use and certification of D&C Green No. 5 (1,4-bis(o-sulfo-*p*-toluino)-anthraquinone) as a color for nylon surgical sutures.

Dated: November 16, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-12508; Filed, Nov. 19, 1965; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. AR61-1, etc.]

AREA RATE PROCEEDING; PERMIAN BASIN

Order Amending Order to Show Cause

NOVEMBER 12, 1965.

On August 5, 1965, the Commission issued in the above-designated proceeding an order requiring certain respondents to show cause why the determinations set forth in Opinion No. 468[1] should not apply to sales of gas and to certificate applications in the Permian Basin which were not consolidated in the Permian case. As a result of further review of the Commission's records it appears that the August 5 order failed to cover all of the sales of gas and certificate applications in the Permian Basin which were not consolidated. Accordingly, it appears to be necessary and proper to amend the August 5 show cause order as set forth below.

The Commission orders:

(A) Appendix "A" to the August 5 order to show cause is hereby amended by adding "Yates Petroleum Company".

(B) Appendix "B" to the August 5 order to show cause is hereby amended by adding "Bartessa Oil Corp., Docket No. CI61-1725", "Chase Petroleum Co., et al., Docket No. CI64-820", "Roy E. Kimsey, Jr. (Operator), et al., Docket No. CI65-782", and "Maxwell Oil Co., Docket Nos. G-18231 and G-18232".

(C) Appendix "C" to the August 5 order to show cause is hereby amended by adding the following:

Producer	*Docket No.*
George T. Abell	RI66-30
Hanley Co. (Operator), et al	RI65-614
Hanley Co., et al	RI65-633, RI66-7
C. E. Long, et al	RI66-31
Marathon Oil Co	RI66-9
Marathon Oil Co. (Operator), et al	RI66-8
The Pure Oil Co[2]	RI66-16
Skelly Oil Co. (Operator), et al	RI66-29
Socony Mobil Oil Co., Inc	RI66-21
Socony Mobil Oil Co., Inc. (Operator)	RI66-22
Sohio Petroleum Co	RI66-26
Sohio Petroleum Co. (Operator), et al	RI66-25
Sun Oil Co	RI65-582, RI66-18
Texaco Inc	RI66-1
Warren Petroleum Corp	RI66-17

(D) Appendix "D" to the August 5 order to show cause is hereby amended by adding the following:

Producer	*Docket No.*
W. K. Byrom	CI64-732
Cabot Corp. (SW), et al	G-18619, CI60-110
Gulf Oil Corp. (Operator), et al	CI65-983
Humble Oil & Refining Co	CI61-1581
Oddesa Natural Gasoline Co	CI62-990
Joseph I. O'Neill, Jr., et al	G-19113
Pan American Petroleum Corp	CI60-476
Shell Oil Co	CI61-1491
Sinclair Oil & Gas Co	CI61-498, CI64-438
Standard Oil Co. of Texas, a division of Chevron Oil Co	G-18023, G-18024, G-18025
Socony Mobil Oil Co., Inc	G-18725, G-18728, G-18729
Sun Oil Co	CI61-372
Tidewater Oil Co	CI61-1016, CI64-794
Union Texas Petroleum Co., a division of Allied Chemical Corp., et al	CI64-689
Phillips Petroleum Co	CI61-1529
Joseph E. Seagram, d.b.a. Texas Pacific Oil Co	CI66-103

(E) Those parties added to the subject proceeding as respondents above shall comply with the applicable provisions of ordering paragraphs (A), (B), and (C) of the order of August 5, as modified by the order of October 12, requiring the respondents to show cause by December 6, 1965, why the determinations set forth in Opinions Nos. 468 and 468-A should not apply to those sales of gas and to certificate applications in the Permian Basin which were not consolidated in the subject proceeding.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-12470; Filed, Nov. 19, 1965; 8:45 a.m.]

[1] By order issued Oct. 12, 1965, in the above-designated proceeding all references to Opinion No. 468 were to read as meaning Opinion No. 468 as modified and clarified by Opinion No. 468-A and accompanying order.

[2] Union Oil Co. of California has succeeded to the interest of the Pure Oil Co.

[Docket No. CP65-191]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Petition to Amend

NOVEMBER 15, 1965.

Take notice that on November 4, 1965, Michigan Wisconsin Pipe Line Co. (Petitioner), One Woodward Avenue, Detroit, Mich., 48226, filed in Docket No. CP65-191 a petition to amend the order of the Commission issued in said docket on March 30, 1965, as amended by the order issued August 9, 1965, which order, as amended, authorized Petitioner to construct and operate certain facilities and to sell and deliver an additional 79,868 Mcf per day of natural gas to certain existing customers. By the instant filing Petitioner seeks authorization to increase the Maximum Daily Quantity (MDQ) of natural gas to be delivered by it to two of its customers, as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The application states that American Gas Co. (American Gas) has requested Petitioner to provide it with an additional 528 Mcf of gas, for a total MDQ of 3,408 Mcf, and Keokuk Gas Service Co. (Keokuk) has requested an additional 500 Mcf of gas, for a total MDQ of 10,600 Mcf. Applicant states that American Gas requires the proposed additional quantity of gas in order to meet the terms of an agreement it has recently entered into with a new industrial customer and that Keokuk requires the proposed additional quantity of gas in order to meet the increased requirements of an existing industrial customer.

Applicant states that the proposed changes result in an increase in its total MDQ of natural gas of 1,028 Mcf out of a total authorized MDQ of 1,750,588 Mcf.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 3, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-12471; Filed, Nov. 19, 1965; 8:45 a.m.]

[Docket No. CP66-140]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

NOVEMBER 12, 1965.

Take notice that on November 3, 1965, Natural Gas Pipeline Co. of America (Applicant), 122 South Michigan Avenue, Chicago, Ill., 60603, filed in Docket No. CP66-140 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of an additional daily contract quantity of 1,000 Mcf of gas to Iowa Electric Light & Power Co. (Iowa Electric), an existing customer of Applicant, as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that Iowa Electric has advised Applicant by letter dated October 15, 1965, that it desires and will contract for an additional daily contract quantity of 1,000 Mcf of gas, and that Iowa Electric has submitted to Applicant estimated annual peak day requirements showing that it will require such additional quantity commencing December 1, 1965. The additional gas is required by Iowa Electric in order to supply said additional quantity to one of its existing customers, Monsanto Company, commencing December 1, 1965.

Applicant states that Iowa Electric's presently effective daily contract demand volume is 35,292 Mcf of gas under Applicant's Rate Schedule CD-1 and 14,843 Mcf of maximum day withdrawal storage service under Applicant's Rate Schedule S-1. Commencing December 1, 1965, Applicant will make available to Iowa Electric an increased daily contract quantity of 4,204 Mcf of gas and 950 Mcf of additional storage service as authorized by orders issuing certificates of public convenience and necessity in Docket Nos. CP65-169 and CP65-404 on August 13 and August 24, 1965, respectively.

Applicant states that no additional facilities will be required to make the proposed delivery.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 6, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-12472; Filed, Nov. 19, 1965; 8:46 a.m.]

[Docket No. CP66-141]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

NOVEMBER 12, 1965.

Take notice that on November 3, 1965, Natural Gas Pipeline Co. of America (Applicant), 122 South Michigan Avenue, Chicago, Ill., 60603, filed in Docket No. CP66-141 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities for the development of an underground natural gas storage reservoir (Loudon Storage Field) in Fayette and Effingham Counties, Ill., as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate the following natural gas facilities:

(1) Approximately 4.5 miles of 30-inch pipeline to connect Applicant's main transmission system to the Loudon Storage Field;

(2) Approximately 6.9 miles of various diameter field gathering pipeline;

(3) A 2,000 BHP compressor station;

(4) Gas measurement, purification and other appurtenant facilities.

Applicant also proposes to rework 108 wells and drill 10 exploratory wells. The estimated cost of the proposed development and testing program, including inventory volume and storage rights for the first phase of development, is $17,893,000, which will be financed from funds on hand and from proceeds of interim loans.

Applicant contemplates a testing program involving the injection of approximately 7,500,000 Mcf of gas and withdrawals of approximately 1,500,000 Mcf of gas.

The stated purpose of the proposal is to develop the Loudon Storage Field to 100,000,000 Mcf of gas inventory volume which will add substantial capacity to Applicant's existing storage operations. Further authorization to utilize the proposed storage for customer service will be requested upon completion of the initial development and testing program.

The development and testing program will utilize the Devonian Reservoir. Applicant states that the necessary agreements with the present producer-operator, mineral and royalty owners, and land fee owners have been obtained.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 6, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-12473; Filed, Nov. 19, 1965; 8:46 a.m.]

[Docket No. CP65-163]

PLAINS GAS FARMERS' CO-OPERATIVE SOCIETY OF HEREFORD, TEX., AND TRANSWESTERN PIPELINE CO.

Notice of Petition To Amend

NOVEMBER 12, 1965.

Take notice that on October 29, 1965, Plains Gas Farmers' Co-operative Society of Hereford, Tex. (Petitioner), Box 473, Hereford, Tex., filed in Docket No. CP65-163 a petition to amend the order issued in said docket pursuant to section 7(a) of the Natural Gas Act on February 16, 1965, by directing Transwestern Pipeline Co. (Respondent) to establish additional connections of its natural gas transmission system with the facilities of Petitioner's members and to sell additional natural gas to Petitioner for resale to its members, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

The order of February 16, 1965, directed Respondent to establish four connections with the facilities of Petitioner's members and to sell up to 36,130 Mcf of natural gas to Petitioner for resale to said members. In the instant filing Petitioner requests the Commission to amend said order by directing Respondent to establish nine additional connections with the facilities of petitioner's members and to sell to Petitioner up to 768,550 Mcf of natural gas per year, including the quantity heretofore directed to be sold, for resale to Petitioner's members. Petitioner further requests the Commission to direct Respondent to sell up to 181,210 Mcf of gas, including the monthly quantity heretofore directed to be sold, to Petitioner during months of peak consumption.

Petitioner estimates that the additional taps and appurtenant facilities will cost $35,000, which cost will be borne by Petitioner.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 6, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-12474; Filed, Nov. 19, 1965; 8:46 a.m.]

[Docket No. CP66-143]

TRANSWESTERN PIPELINE CO.

Notice of Application

NOVEMBER 12, 1965.

Take notice that on November 5, 1965, Transwestern Pipeline Co. (Applicant), Post Office Box 1502, Houston, Tex., 77001, filed in Docket No. CP66-143 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the sale and delivery of natural gas, as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate a 1,000 horsepower compressor unit, together with related facilities, to be installed at Applicant's compressor station site P-3 near Pampa, Tex., and to sell and deliver by use of such facilities up to 37,500 Mcf of gas per day to Panhandle Eastern Pipe Line Co. (Panhandle) for a limited period of time ending not later than December 31, 1966, all as provided by an agreement between Applicant and Panhandle dated October 25, 1965.

Applicant states that its proposed deliveries to Panhandle will be made at the point of intersection of its existing 10-inch Cactus Lateral and Panhandle's Sunray line in Sherman County, Tex.

The total estimated cost of Applicant's proposed construction is $223,000, which will be financed out of funds made available from Company operations.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 3, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-12475; Filed, Nov. 19, 1965; 8:46 a.m.]

[Docket No. RI66-156]

KERR-McGEE OIL INDUSTRIES, INC.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund

NOVEMBER 12, 1965.

On October 14, 1965, Kerr-McGee Oil Industries, Inc. (Kerr-McGee)[1] tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI66-156	Kerr-McGee Oil Industries, Inc., Kerr-McGee Bldg., Oklahoma City, Okla., 73102.	70	3	Phillips Petroleum Co.[1] (Guymon Hugoton Field, Texas County, Okla.) (Panhandle Area).	$433 776	10-14-65	[2] 11-14-65	[3] 11-15-65	[6] [7] 10.59239 [8] [9] 9.84229	[4] [6] [7] 12.00273 [4] [8] [7] 11.25263	RI61-443. RI61-443.
	do	71	3	Phillips Petroleum Co.[1] (Texas Hugoton Field, Sherman County, Tex.) (R.R. District No. 10).	1,603	10-14-65	[2] 11-14-65	[3] 11-15-65	[5] 10.46630	[4] [5] 11.85785	RI61-443.

[1] Phillips resells the gas under its FPC Gas Rate Schedule No. 4 to Michigan Wisconsin Pipe Line Co. The effective rate under such rate schedule is 14.0635 cents per Mcf plus applicable tax reimbursement which is in effect subject to refund in Docket No. RI60-349. Phillips' further increase to 15.22 cents per Mcf plus applicable tax reimbursement is suspended in Docket No. RI65-526 and not, as yet, made effective.

[2] The stated effective date is the first day after expiration of the required statutory notice.

[3] The suspension period is limited to 1 day.

[4] Revenue-sharing rate increase.

[5] Pressure base is 14.65 p.s.i.a.

[6] Sweet gas, rate also subject to a downward B.t.u. adjustment.

[7] Includes 0.015 cent per Mcf tax reimbursement.

[8] Sour gas, rate also subject to a downward B.t.u. adjustment.

Kerr-McGee requests that its proposed rate increases be permitted to become effective as of November 13, 1965. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Kerr-McGee's rate filings and such request is denied.

Kerr-McGee's proposed increased rates are for wellhead sales of gas to Phillips Petroleum Co. (Phillips) from the Hugoton Field in Oklahoma Panhandle Area and Texas Railroad District No. 10. Phillips gathers and resells the residue gas after processing in its Sherman Gasoline Plant to Michigan Wisconsin Pipe Line Co. under its FPC Gas Rate Schedule No. 4 at a rate of 14.06350 cents per Mcf, plus applicable tax reimbursement, which is in effect subject to refund in Docket No. RI60-349.[10] Kerr-McGee's increased rate is based on Phillips' related resale rate to Michigan-Wisconsin Pipe Line Co. The proposed rate also exceeds the applicable area increased rate ceiling of 11.0 cents per Mcf for the areas involved. The sales involved are for nonpipeline quality gas. We consider the increased rate ceiling to be applicable at the outlet of the processing plant which is the point of delivery to the pipeline company. Under the circumstances, we believe that Kerr-McGee's rate increases should be suspended for one day from November 14, 1965, the date of expiration of the statutory notice, as hereinbefore ordered.

Phillips has protested the proposed increased rates filed by Kerr-McGee under each rate schedule here involved on the basis that the method of computing such rates was done improperly. Kerr-McGee and Phillips differ as to which of the base prices of Phillips is applicable at this time to be used in computing the contract rate. In view of Phillips' aforementioned protests, the hearing provided for herein shall concern itself with the contractual issues raised by Phillips as well as the statutory lawfulness of Kerr-McGee's proposed increased rates.

Kerr-McGee's proposed increased rates and charges exceed the applicable area price level for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed changes, and that Supplement No. 3 to Kerr-McGee's FPC Gas Rate Schedule Nos. 70 and 71, respectively, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 3 to Kerr-McGee's FPC Gas Rate Schedule Nos. 70 and 71, respectively.

(B) Pending such hearing and decision thereon, Supplement No. 3 to Kerr-McGee's FPC Gas Rate Schedule Nos. 70 and 71, respectively, are hereby suspended and the use thereof deferred until November 15, 1965, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,*

[9] Phillips has filed a further increase to 15.22 cents per Mcf which is currently suspended in Docket No. RI65-526 until Aug. 8, 1965, and thereafter until made effective. Phillips has not, as yet, filed to make such rate effective.

[1] Address is: Kerr-McGee Building, Oklahoma City, Okla., 73102.

That the supplements to the rate schedules filed by Kerr-McGee, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Kerr-McGee shall execute and file under Docket No. RI66–156 with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser, Phillips Petroleum Co. Unless Kerr-McGee is advised to the contrary within 15 days from the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 29, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65–12477; Filed, Nov. 19, 1966; 8:46 a.m.]

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI66–157	Pan American Petroleum Corp., Security Life Bldg., Denver, Colo., 80202.	378	13	El Paso Natural Gas Co. (West Kutz Pictured Cliffs Field, San Juan County, N. Mex.) (San Juan Basin Area).	$4	10–15–65	[1] 11–15–65	[2] 11–16–65	12.0	[3] [4] 12.2295	
	do	376	6	do	8	10–14–65	[1] 11–14–65	[2] 11–15–65	12.0	[3] [4] 12.2295	

[1] The stated effective date is the effective date requested by Respondent.
[2] The suspension period is limited to 1 day.
[3] Tax reimbursement increase.
[4] Pressure base is 15.025 p.s.i.a.
[5] Includes partial reimbursement for full 2.55 percent New Mexico Emergency School Tax.

Pan American's proposed rate increases reflect partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax which was increased from 2.0 percent to 2.55 percent on April 1, 1963. The buyer, El Paso Natural Gas Company (El Paso), in accordance with its policy of protesting all tax filings proposing reimbursement for the New Mexico Emergency School Tax in excess of 0.55 percent, is expected to file a protest to these rate increases. El Paso questions the right of the producer under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico tax legislation effected a higher rate of at least 0.55 percent, it claims there is controversy as to whether or not the new legislation effected an increased tax rate in excess of 0.55 percent. In view of the contractual problem presented, we are suspending herein Pan American's proposed rate increases for one day even though they do not exceed the applicable increased rate ceiling. The hearing provided for herein will involve only the contractual basis for the filings.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the contractual basis for Pan American's proposed rate filings which El Paso has protested, and that the above-designated rate supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the contractual basis for Pan American's proposed rate filings which El Paso has protested.

(B) Pending a hearing and decision thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Pan American, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Pan American shall execute and file under Docket No. RI66–157 with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser, El Paso. Unless Pan American is advised to the contrary within 15 days from the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f) on or before December 29, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65–12478; Filed, Nov. 19, 1965; 8:46 a.m.]

[Docket No. RI66–157]

PAN AMERICAN PETROLEUM CORP.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund

NOVEMBER 10, 1965.

Pan American Petroleum Corp. (Pan American) has tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

STATEMENT OF ORGANIZATION Field Service; Border Patrol Sectors

Effective upon publication in the FEDERAL REGISTER, the following amendment to the Statement of Organization of the Immigration and Naturalization Service (19 F.R. 8071, Dec. 8, 1954), as amended, is prescribed:

Sector No. 2—St. Albans, Vt., of paragraph (d) *Border patrol sectors* of sec. 1.51 *Field service* is amended to read as follows:

SECTOR NO. 2—SWANTON, VT.

Beecher Falls, Vt.	Rouses Point, N.Y.
Newport, Vt.	Swanton, Vt.
Richford, Vt.	Whitehall, N.Y.

Dated: November 17, 1965.

RAYMOND F. FARRELL, *Commissioner of Immigration and Naturalization.*

[F.R. Doc. 65–12504; Filed, Nov. 19, 1965; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30, Atlanta Region, Rev. 1]

ATLANTA, GA.

Delegation of Authority To Conduct Program Activities in Regional Area

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30, Southeastern Area, 30 F.R. 2884, as amended, 30 F.R. 8080 and, Delegation of Authority 30, F.R. 5877 is hereby revised to read as follows:

I. The following authority is hereby redelegated to the specific positions as indicated herein:

A. *Size determinations (delegated to the positions as indicated below).* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

B. *Eligibility determinations (delegated to the positions as indicated below).*

To determine the eligibility of applicants for assistance under any program of the agency in accordance with Small Business Administration standards and policies.

C. *Chief, Financial Assistance Division (and Assistant Chief, if assigned).*

1. Item I.A. (Size Determinations for Financial Assistance only).

2. Item I.B. (Eligibility Determinations for Financial Assistance only).

3. To approve business and disaster loans not exceeding $350,000 (SBA share).

4. To decline business and disaster loans of any amount.

5. To disburse unsecured disaster loans.

6. To enter into business and disaster loan participation agreements with banks.

7. To execute loan authorizations for Washington and Area approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator,*
By _____
(Name)
Title of person signing

8. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

9. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

10. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and to certify to the participating bank that such documents are in compliance with the participation authorization.

11. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding principal balance on construction loans and loans involving accounts receivable and inventory financing.

12. To take all necessary actions in connection with the administration, servicing, collection and liquidation of all loans and other obligations or assets, including collateral purchased; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

b. The execution and delivery of contracts of sale or lease or sublease, quitclaim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

D. *Chief, Loan Processing Section.*

1. Items I.C.3. through 7.

2. To cancel, reinstate, modify and amend authorizations for undisbursed and partially disbursed business or disaster loans.

3. Items I.C.9. and 10.

4. Item I.A. (Size Determinations for Financial Assistance only.)

5. Item I.B. (Eligibility Determinations for Financial Assistance only.)

E. *Chief, Loan Administration Section.*

1. To approve the amendments and modifications of loan conditions for loans that have been fully disbursed.

2. Item I.C.12—Only the authority for servicing, administration and collection, including subitems a. and b.

3. Item I.A. (Size Determinations for Financial Assistance only.)

4. Item I.B. (Eligibility Determinations for Financial Assistance only.)

F. *Chief, Loan Liquidation Section.* Item I.C.12—Except the authority for administration and servicing, and except subitem c.

G. Reserved.

H. *Chief, Procurement and Management Assistance.* 1. Item I.A. (Size Determinations on PMA Activities only.)

2. Item I.B. (Eligibility Determinations on PMA Activities only.)

I. *Regional Counsel.* 1. To disburse approved loans.

2. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

J. *Administrative Assistant.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by the United States Attorney in foreclosure cases.

2. To (a) purchase all office supplies and expendable equipment, including all desk-top items, and rent regular office equipment; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits, and (d) issue Government bills of lading.

3. In connection with the establishment of Disaster Loan Offices, to (a) obligate Small Business Administration to reimburse General Services Administration for the rental of office space; (b) rent office equipment; (c) procure (without dollar limitation) emergency supplies and materials.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

II. The authority delegated herein cannot be redelegated.

III. The authority delegated herein to a specific position may be exercised by any employee designated as Acting in that position.

IV. All previously delegated authority is hereby rescinded without prejudice to actions taken under such Delegations of Authority prior to the date hereof.

Effective date. October 29, 1965.

JOHN P. LATIMER, *Regional Director, Atlanta Regional Office.*

[F.R. Doc. 65–12482; Filed, Nov. 19, 1965; 8:46 a.m.]

MANAGER, DISASTER FIELD OFFICE, HOUMA, LA.

Revocation of Designation

Pursuant to the authority delegated to the Disaster Director, Southwestern Area, by designation of Harold Galloway, Assistant Deputy Administrator for Financial Assistance, effective September 14, 1965, I hereby revoke in its entirety the designation effective BOB

October 1, 1965 of Clyde D. Brown as Manager, Houma, Louisiana, Disaster Field Office.

Effective date. COB November 3, 1965.

F. E. HUDSON,
Disaster Director,
Southwestern Area.

[F.R. Doc. 65-12484; Filed, Nov. 19, 1965; 8:46 a.m.]

MANAGER, DISASTER FIELD OFFICE, HOUMA, LA.

Designation

Pursuant to the authority delegated to the Disaster Director, Southwestern Area, by designation of Harold Galloway, Assistant Deputy Administrator for Financial Assistance, effective September 14, 1965, I hereby designate the following SBA employee to serve as Manager, Houma, La., Disaster Field Office: Billy C. Suggs.

This designation shall remain in effect until revoked in writing.

Effective date. BOB November 4, 1965.

F. E. HUDSON,
Disaster Director,
Southwestern Area.

[F.R. Doc. 65-12483; Filed, Nov. 19, 1965; 8:46 a.m.]

MANAGER, DISASTER FIELD OFFICE, METAIRIE, LA.

Revocation of Designation

Pursuant to the authority delegated to the Disaster Director, Southwestern Area, by designation of Harold Galloway, Assistant Deputy Administrator for Financial Assistance, effective September 14, 1965, I hereby revoke in its entirety, the designation effective September 14, 1965, of John M. Bayless as Manager, Metairie, La., Disaster Field Office.

Effective date. COB November 5, 1965.

F. E. HUDSON,
Disaster Director,
Southwestern Area.

[F.R. Doc. 65-12485; Filed, Nov. 19, 1965; 8:47 a.m.]

MANAGER, DISASTER FIELD OFFICE, METAIRIE, LA.

Designation

Pursuant to the authority delegated to the Disaster Director, Southwestern Area, by designation of Harold Galloway, Assistant Deputy Administrator for Financial Assistance, effective September 14, 1965, I hereby designate the following SBA employee to serve as Manager, Metairie, La., Disaster Field Office: W. R. White.

This designation to remain in effect until revoked in writing.

Effective date. BOB November 6, 1965.

F. E. HUDSON,
Disaster Director,
Southwestern Area.

[F.R. Doc. 65-12486; Filed, Nov. 19, 1965; 8:47 a.m.]

MANAGER, DISASTER FIELD OFFICE, BATON ROUGE, LA.

Designation

Pursuant to the authority delegated to the Disaster Director, Southwestern Area, by designation of Harold Galloway, Assistant Deputy Administrator for Financial Assistance, effective September 14, 1965, I hereby revoke in its entirety, the designation effective September 14, 1965, of W. R. White as Manager, Baton Rouge, La., Disaster Field Office.

Effective date. COB November 5, 1965.

F. E. HUDSON,
Disaster Director,
Southwestern Area.

[F.R. Doc. 65-12487; Filed, Nov. 19, 1965; 8:47 a.m.]

[Delegation of Authority 30—Portland]

PORTLAND, OREG.

Delegation of Authority To Conduct Program Activities in Regional Area

1. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30—Pacific Coastal Area, 30 F.R. 3340, as revised, 30 F.R. 8080, as amended, 30 F.R. 8978, the following authority is hereby redelegated to the specific positions as indicated herein:

A. *Reserved.*

B. *Eligibility determinations (delegated to the positions as indicated below).*

To determine the eligibility of applicants for assistance under any program of the agency in accordance with Small Business Administration standards and policies.

C. *Fincial, Financial Assistance Division.* 1. Reserved.

2. Item I.B. (Eligibility Determinations for Financial Assistance only).

3. To approve business and disaster loans not exceeding $350,000 (SBA share).

4. To decline business and disaster loans of any amount.

5. To disburse unsecured disaster loans.

6. To enter into business and disaster loan participation agreements with banks.

7. To execute loan authorizations for Washington and Area approved loans and loans approved under delegated authority, said execution to read as follows:

(Name) *Administrator,*
By ----------
(Name)
(Title of person signing)

8. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

9. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

10. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and to certify to the participating bank that such documents are in compliance with the participation authorization.

11. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding principal balance on construction loans and loans involving accounts receivable and inventory financing.

12. To take all necessary actions in connection with the administration, servicing, collection and liquidation of all loans and other obligations or assets, including collateral purchased; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

b. The execution and delivery of contracts of sale or lease or sublease, quitclaim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

D. [Reserved]

E. [Reserved]

F. [Reserved]

G. [Reserved]

H. *Regional Counsel.* To disburse approved loans.

I. *Administrative Assistant.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by United States Attorney in foreclosure cases.

2. To (a) purchase all office supplies and expendable equipment, including all desk-top items, and rent regular office equipment; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of Disaster Loan Offices, to (a) obligate Small Business Administration to reimburse General Services Administration for the rental of office space; (b) rent office equipment; and (c) procure (without dollar limitation) emergency supplies and materials.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

II. The authority delegated herein cannot be redelegated.

III. The authority delegated herein to a specific position may be exercised by any SBA employee designated as Acting in that position.

IV. All previously delegated authority is hereby rescinded without prejudice to actions taken under such Delegations of Authority prior to the date hereof.

Effective date. October 25, 1965.

A. E. LOFSTRAND,
Regional Director, Portland, Oreg.

[F.R. Doc. 65-12488; Filed, Nov. 19, 1965; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4068]

INVESTMENT PROPERTY BUILDERS, INC.

Notice of Application To Withdraw From Listing and Registration

NOVEMBER 16, 1965.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The Company has operated at a loss for the past four years. During 1964 the Company was notified by the Exchange that under the delisting policies of the Exchange, the Company was therefore a candidate for possible delisting.

Any interested person may, on or before December 2, 1965, submit by letter to the Secretary of the Securities and Exchange Commission, Washington 25, D.C., facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. An order granting the application will be issued after the date mentioned above, on the basis of the application and any other information furnished to the Commission, unless it orders a hearing on the matter.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-12481; Filed, Nov. 19, 1965; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 17, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40127—*Scrap iron or steel from Evansville, Ind., and Paducah, Ky.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2811), for interested rail carriers. Rates on scrap iron or steel, in carloads, from Evansville, Ind., and Paducah, Ky., to Ashland and Newport, Ky., Cincinnati, Ohio, and Huntington, W. Va.

Grounds for relief—Barge competition.

Tariff—Supplement 80 to Traffic Executive Association-Eastern Railroads, agent, tariff ICC 4807 (Hinsch series).

FSA No. 40128—*Chlorine to Brewton, Ala.* Filed by Southwestern Freight Bureau, agent (No. B-8776), for interested rail carriers. Rates on chlorine, in tank carloads, from Corpus Christi, Freeport, and Houston, Tex., also Baldwin, Ark., and Lake Charles, La., to Brewton, Ala.

Grounds for relief—Market competition.

Tariffs—Supplements 96, 210, and 98 to Southwestern Freight Bureau, agent, tariffs ICC 4529, 4450, and 4534, respectively.

FSA No. 40129—*Fertilizer and fertilizer materials from Epco, Idaho.* Filed by Southwestern Freight Bureau, agent (No. B-8777), for interested rail carriers. Rates on fertilizer and fertilizer materials, and related articles, in carloads, from Epco, Idaho, to points in southwestern territory.

Grounds for relief—Market competition, grouping, and short-line distance formula.

Tariff—Supplement 78 to Southwestern Freight Bureau, agent, tariff ICC 4526.

FSA No. 40130—*Shelled peanuts from and to points in Texas.* Filed by Southwestern Freight Bureau, agent (No. B-8781), for interested rail carriers. Rates on shelled peanuts (nut meats), not salted, in carloads, between points in Oklahoma, on the one hand, and points in Texas, on the other.

Grounds for relief—Unregulated motortruck competition.

Tariff—Supplement 105 to Southwestern Freight Bureau, agent, tariff ICC 4361.

FSA No. 40131—*Chlorine to Foley, Fla.* Filed by Southwestern Freight Bureau, agent (No. B-8782), for interested rail carriers. Rates on chlorine, in tank carloads, subject to minimum shipment of 3 tank carloads, from specified points in Louisiana and Texas, also Baldwin, Ark., to Foley, Fla.

Grounds for relief—Market competition.

Tariffs—Supplements 96, 211, and 98 to Southwestern Freight Bureau, agent, tariffs ICC 4529, 4450, and 4534, respectively.

FSA No. 40132—*Liquid caustic soda to St. Marys, Ga.* Filed by Southwestern Freight Bureau, agent (No. B-8783), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, from specified points in Texas, also Baldwin, Ark., and Lake Charles, La., to St. Marys, Ga.

Grounds for relief—Market competition.

Tariffs—Supplements 96, 210, and 98 to Southwestern Freight Bureau, agent, tariffs ICC 4529, 4450, and 4534, respectively.

FSA No. 40133—*Ferro-alloy metals to Houston, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-8784), for interested rail carriers. Rates on aluminum-manganese-silicon, and other ferro-alloy metals listed in the application, in carloads, from Vanadis, Ohio, to Houston, Tex.

Grounds for relief—Market competition.

Tariff—Supplement 47 to Southwestern Freight Bureau, agent, tariff ICC 4610.

FSA No. 40134—*Joint motor-rail rates—Central States.* Filed by Central States Motor Freight Bureau, Inc., agent (No. 97), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central territory.

Grounds for relief—Motortruck competition.

Tariff—Central States Motor Freight Bureau, Inc., agent, tariff MF-ICC 1163.

FSA No. 40135—*T.O.F.C. rates from and to points in Virginia.* Filed by Southwestern Freight Bureau, agent (No. B-8785), for interested rail carriers. Rates on empty freight and/or tank trailers, new or used, including freight trailers, n.o.i.b.n., transported on flatcars, between points in southwestern territory, on the one hand, and Culpeper, Lynchburg, Newport News, Norfolk, Orange, and Richmond, Va., on the other.

Grounds for relief—Motortruck competition and grouping.

Tariff—Supplement 34 to Southwestern Freight Bureau, agent, tariff ICC 4616.

FSA No. 40136—*Substituted service—B&LE and N&W for motor carriers.* Filed by Central States Motor Freight Bureau, Inc., agent (No. 98), for interested carriers. Rates on property

loaded in trailers and transported on railroad flatcars, between points in Central States, middle west, southwestern, Rocky Mountain and Pacific territories, on the one hand, and points in Central States, middle Atlantic and New England territories, on the other.

Grounds for relief—Motortruck competition.

Tariff—Central States Motor Freight Bureau, Inc., agent, tariff MF-ICC 1165.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-12500; Filed, Nov. 19, 1965; 8:48 a.m.]

[Third Rev. S.O. 562; Pfahler's ICC Order 195]

DULUTH, WINNIPEG AND PACIFIC RAILWAY CO.

Diverting or Rerouting of Traffic

In the opinion of R. D. Pfahler, agent, the Duluth, Winnipeg & Pacific Railway Co. is unable to transport traffic routed over its lines because of labor difficulties.

It is ordered, That:

(a) Rerouting traffic: The Duluth, Winnipeg & Pacific Railway Co., and its connections, being unable to transport traffic in accordance with shippers' routing because of labor difficulties, are hereby authorized to divert such traffic over any available route to expedite the movement, regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carriers' disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipments on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with the pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 12:01 a.m., November 16, 1965.

(g) Expiration date: This order shall expire at 11:59 p.m., November 30, 1965, unless otherwise modified, changed or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 16, 1965.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 65-12502; Filed, Nov. 19, 1965; 8:48 a.m.]

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Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 321—RESTRICTED ENTRY ORDERS

Subpart—Foreign Potatoes

DEFINITION AND ENTRY ORDER

Under the authority of sections 5 and 9 of the Plant Quarantine Act of 1912 (7 U.S.C. 159, 162), the restricted entry order relating to the importation of potatoes (7 CFR 321.1) and the definition of the term "potato" under the regulations supplemental to such order (7 CFR 321.2) are hereby amended respectively, as follows:

§ 321.1 [Amended]

1. The restricted entry order (7 CFR 321.1) is amended by deleting the phrase "common or Irish" therefrom.

2. The definition of the term "potato" (7 CFR 321.2) is amended to read:

§ 321.2 Definition.

For the purpose of this subpart, the term "potato" shall be understood to mean the common or Irish potato (Solanum tuberosum) and any botanical varieties or horticultural forms thereof, or any other tuber-producing species of the genus Solanum and any botanical varieties or horticultural forms of such species.

(Secs. 5, 9, 37 Stat. 316, 318; 7 U.S.C. 159, 162; 29 F.R. 16210, as amended, 30 F.R. 5801)

The foregoing amendments shall become effective November 23, 1965.

Solanum species other than S. tuberosum are now widely exchanged throughout the world by potato breeders seeking to produce varieties that are resistant to the late blight disease, the golden nematode, the Colorado potato beetle, and other pests, and the applicability of the restricted entry order and the regulations must be broadened to include all such other species, since they too are carriers of the injurious potato diseases and insect pests against which the order is directed.

Inasmuch as the amendments impose restrictions necessary to prevent the entry into the United States of injurious potato diseases and insect pests, they should be made effective promptly to be of maximum effectiveness in accomplishing their purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 17th day of November 1965.

[SEAL] R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 65-12546; Filed, Nov. 22, 1965; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS; ORGANISMS AND VECTORS

PART 131—HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

Subpart—Rules and Regulations of the Control Agency

LISTING OF CERTAIN DISTRIBUTIONAL OUTLETS

A notice of a proposed amendment to the rules and regulations of the Control Agency was published in the FEDERAL REGISTER on July 22, 1965 (30 F.R. 9174), which notice afforded all interested parties opportunity to submit written data, views, and arguments in connection with the proposed amendment.

After consideration of all relevant matters presented, including the proposed amendment to the rules and regulations set forth in the aforesaid notice, the following amendment to the rules and regulations of the Control Agency is hereby promulgated by the Control Agency under the authority contained in Public Law 320, 74th Congress approved August 24, 1935, as amended (49 Stat. 781, 72 Stat. 454; 7 U.S.C. 851-855) to become effective 30 days after publication in the FEDERAL REGISTER.

The amendment is as follows:

Delete present § 131.262 *Agents or distributional outlets,* and insert new § 131.262 to read as follows:

§ 131.262 Listing of certain distributional outlets.

Each manufacturer and wholesaler handler shall file and maintain with the Control Agency a current list setting forth the names and addresses of its branches or depots from which it sells, ships or delivers serum or virus to purchasers of such serum or virus.

Dated this 27th day of September 1965.

LEWIS E. HARRIS,
Chairman, Control Agency.

[F.R. Doc. 65-12577; Filed, Nov. 22, 1965; 8:50 a.m.]

PART 131—HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

Subpart—Rules and Regulations of the Control Agency

LISTING OF CERTAIN DISTRIBUTIONAL OUTLETS; APPROVAL OF AMENDMENT

Pursuant to the provisions of the order, as amended, regulating the handling of anti-hog-cholera serum and hog-cholera virus (9 CFR Part 131), approval is hereby given to the amendment of the rules and regulations of the Control Agency, issued on September 27, 1965, by the Control Agency pursuant to the provisions of the aforesaid order.

The amendment was adopted by the Control Agency after notice of proposed amendment published in the FEDERAL REGISTER on July 22, 1965 (30 F.R. 9174), and due consideration of the data, views and arguments presented by interested parties in writing and at the Control Agency meeting of September 17, 1965. Copies of the rules and regulations, as amended, may be procured from the Control Agency, Office of the Executive Secretary, 714 Veterans of Foreign Wars Building, Kansas City, Mo., 64111.

Done at Washington, D.C., this 17th day of November 1965.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 65-12547; Filed, Nov. 22, 1965; 8:50 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

Extension of Retention Period for Personnel Monitoring Records

On August 24, 1965, the Commission published in the FEDERAL REGISTER (30 F.R. 10953) a proposed amendment of its regulation, "Standards for Protection Against Radiation," 10 CFR Part 20, which would amend § 20.401(c) to extend the period for which Commission licensees are required to retain records of individual radiation exposure to December 31, 1970, or until a date five years after termination of the individual's employment, whichever is later.

All interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendment within thirty days after publication in the FEDERAL REGISTER.

Upon consideration of the comments and other factors involved, the Commis-

sion has concluded that the proposed amendment should be published as an effective rule. The text of the amendment set out below is identical to the text of the proposed amendment published August 24, 1965.

The determination to extend the retention period for 5 years does not indicate that the Commission will permit destruction of the records at the end of the 5-year period. The extension of 5 years for retaining records of individual radiation exposures will permit time for completion of studies which are being made by the Commission and the Department of Labor on the desirability and feasibility of long-term retention of records.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, the following amendment of Title 10, Chapter I, Part 20, Code of Federal Regulations, is published as a document subject to codification, to be effective thirty (30) days after publication in the FEDERAL REGISTER.

Section 20.401(c) and the note which follows § 20.401(c) are revised to read as follows:

§ 20.401 Records of surveys, radiation monitoring, and disposal.

* * * * *

(c) Records of individual radiation exposure which must be maintained pursuant to the provisions of paragraph (a) of this section shall be preserved until December 31, 1970, or until a date 5 years after termination of the individual's employment, whichever is later. Records which must be maintained pursuant to this part may be maintained in the form of microfilms.

NOTE: Prior to December 31, 1970, the Commission may amend this paragraph to assure the further preservation of records which it determines should not be destroyed.

(Sec. 161, 68 Stat. 948, 42 U.S.C. 2201)

Dated at Germantown, Md., this 12th day of November 1965.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 65-12559; Filed, Nov. 22, 1965; 8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. H]

PART 208—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM

Establishment and Operation of Mobile Branches

§ 208.117 Mobile branches.

The Board of Governors was recently requested by a State member bank to approve the operation of mobile offices at designated out-of-town locations. These offices would be stationed at such locations on certain days and hours each week. Section 5155 of the Revised Statutes (12 U.S.C. 36), which is made applicable by section 9 of the Federal Reserve Act to the establishment of branches by State member banks, defines the term "branch" as any "place of business * * * at which deposits are received or checks paid, or money lent." Accordingly, the Board concluded that as each location would be a place of business at which some or all of such activities would be conducted, permission to establish branches was required. Such offices may only be approved by the Board when State statute permits branch banking at such locations. The approval of the State authorities had been obtained and the Board approved the establishment of branches at these locations.

(12 U.S.C. 248(1). Interprets 12 U.S.C. 36 and 321)

Dated at Washington, D.C., this 9th day of November 1965.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 65-12527; Filed, Nov. 22, 1965; 8:45 a.m.]

[Reg. O]

PART 215—LOANS TO EXECUTIVE OFFICERS OF MEMBER BANKS

Loans of Trust Funds

§ 215.106 Loan to executive officer from bank-administered profit-sharing trust fund.

(a) The Board of Governors has been requested to consider the question whether the restrictions of section 22(g) of the Federal Reserve Act and the Board's Regulation O apply to loans made by a member bank to executive officers from funds held in trust by the bank under an employee profit-sharing plan. It is understood that one of the important provisions of the trust arrangement is that a participating employees is extended the privilege of borrowing for worthwhile purposes up to the amount of his vested interest in the trust; and that all officers and employees of the bank may participate in the plan.

(b) The question presented involves the Board's interpretation in the 1936 Federal Reserve Bulletin at page 324, to the effect that Regulation O applies to loans made to executive officers of member banks from trust funds administered by such banks.

(c) The Board has reviewed its 1936 interpretation in the light of the facts presented, and has concluded that the views then expressed should be modified so as to permit loans of the type described without regard to the limitation imposed by section 22(g) and Regulation O. The underlying purpose of these limitations was to prevent executive officers from exerting improper influence in connection with loans made to them from deposits accepted from the public for prudent investment. The same dangers against which section 22(g) was directed are not present, insofar as the Board can discern, with respect to loans made from the trust fund established under the profit-sharing plan. The privilege of borrowing is extended to any employee who chooses to become a member and makes contributions to the fund. No member is extended any special treatment since each may borrow on the same terms and in an amount not exceeding his particular vested interest. In these circumstances it is difficult to perceive how an executive officer could exert improper influence.

(d) Accordingly, the Board's 1936 interpretation as to the applicability of Regulation O is modified to the extent indicated above.

(12 U.S.C. 248(i). Interprets 12 U.S.C. 375a)

Dated at Washington, D.C., this 9th day of November 1965.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 65-12528; Filed, Nov. 22, 1965; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 7357 o.]

PART 13—PROHIBITED TRADE PRACTICES

American Motors Corp. and American Motors Sales Corp.

Subpart—Discriminating in Price Under sec. 2, Clayton Act—Price discrimination under 2(a): § 13.715 *Charges and price differentials;* § 13.730 *Customer classification.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, American Motors Corp. et al., Detroit, Mich., Docket 7357, July 19, 1965]

Order requiring a major manufacturer and distributor of electric appliances located in Detroit, Mich., to cease discriminating in price among competing customers in violation of section 2(a) of the Clayton Act by granting preferential prices for its household appliances to its merchandising distributors, and from granting preferential prices in the future to any of its customers, unless it satisfies the Commission in advance that all price differentials are cost justified, and notifies all of its customers of such price differentials and its basis.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents American Motors Corp. and American Motors Sales Corp., and their respective officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the sale or distribution of household appliance products in commerce, as "commerce"

is defined in the Clayton Act, as amended, do forthwith cease and desist from establishing or following any price structure, system, schedule, or list that results in respondents' charging different prices for goods of like grade and quality to different groups or classes of customers, where such price differences are sought to be justified as making only due allowance for differences in the cost of manufacture, sale, or delivery to the members of such customer groups or classes, unless respondents submit to the Federal Trade Commission, at least sixty (60) days prior to the effective date of such price differences, a written statement with all necessary underlying data (including evidence that the price structure, system, etc., and its basis have been made known to all of respondents' customers) in support of the cost justification of such differences, and the Commission approves the asserted cost justification.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist as set forth herein.

Issued: July 19, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 65-12530; Filed, Nov. 22, 1965; 8:45 a.m.]

[Docket No. C-919]

PART 13—PROHIBITED TRADE PRACTICES

American Rolex Watch Corp.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.825 *Allowances for services or facilities.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, The American Rolex Watch Corp., New York, N.Y., Docket C-919, July 21, 1965]

Consent order requiring a leading domestic distributor of watches, watch bracelets, watch accessories and related products in New York City, to cease discriminating among its competing customers in the payment of advertising and promotional allowances, in violation of section 2(d) of the Clayton Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent The American Rolex Watch Corp., a corporation, and its officers, directors, employees, agents, and representatives, directly or through any corporate or other device, in, or in connection with, the offering for sale, sale, or distribution in commerce, as "commerce" as defined in the Clayton Act, as amended, of watches, watch bracelets, watch accessories and other products, do forthwith cease and desist from: Paying or contracting for the payment of anything of value to or for the benefit of any customer as compensation or in consideration for any services or facilities consisting of advertising or other publicity in a catalog, newspaper, broadcast, or telecast or in any other advertising medium, furnished or distributed, directly or through any corporate or other device, by such customer, in connection with the processing, handling, sale, or offering for sale of any products manufactured, imported, sold, or offered for sale by respondent, unless such payment or consideration is made available on proportionally equal terms to all other customers competing in the distribution of such products.

It is further ordered, That respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: July 21, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 65-12531; Filed, Nov. 22, 1965; 8:45 a.m.]

[Docket No. C-920]

PART 13—PROHIBITED TRADE PRACTICES

Norman M. Morris Corp.

Subpart—Discriminating in price under sec. 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.825 *Allowances for services or facilities.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Norman M. Morris Corp., New York, N.Y., Docket C-920, July 26, 1965]

Consent order requiring a New York City importer and distributor of "Omega" and "Tissot" watches, to cease discriminating among its competing customers in the payment of advertising and promotional allowances, in violation of section 2(d) of the Clayton Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Norman M. Morris Corp., a corporation, and its officers, directors, employees, agents, and representatives, directly or through any corporate or other device, in, or in connection with, the offering for sale, sale, or distribution in commerce, as "commerce" is defined in the Clayton Act, as amended, of watches or any other products, do forthwith cease and desist from: Paying or contracting for the payment of anything of value to or for the benefit of any customer as compensation or in consideration for any services or facilities consisting of advertising or other publicity in a catalog, newspaper, broadcast or telecast or in any other advertising medium, furnished or distributed, directly or through any corporate or other device, by such customer, in connection with the processing, handling, sale, or offering for sale of any products manufactured, imported, sold, or offered for sale by respondent, unless such payment or consideration is made available on proportionally equal terms to all other customers competing in the distribution of such products.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: July 26, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 65-12532; Filed, Nov. 22, 1965; 8:46 a.m.]

[Docket No. C-921]

PART 13—PROHIBITED TRADE PRACTICES

Modelli Imports, Ltd., et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, Modelli Imports, Ltd., et al., New York, N.Y., Docket C-921, July 26, 1965]

In the Matter of Modelli Imports, Ltd., a corporation, and Jack Sosland, and Oscar Zinn, individually and as officers of said corporation

Consent order requiring a New York City importer of wool products to cease violating the Wool Products Labeling Act by falsely labeling sweaters as 100 percent virgin wool, when in fact, said sweaters contained substantially different fibers and amounts than represented and by failing in other respects to comply with statutory and regulatory requirements.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Modelli Imports, Ltd., a corporation, and its officers, and Jack Sosland, and Oscar Zinn, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from introducing into commerce, or offering for sale, selling, transporting,

distributing or delivering for shipment in commerce, wool sweaters or any other wool product, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939:

1. Which are falsely or deceptively stamped, tagged, labeled or otherwise identified as to the character or amount of the constituent fibers contained therein.

2. Unless each such product has securely affixed thereto, or placed thereon, a stamp, tag, label or other means of identification correctly showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 26, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65-12533; Filed, Nov. 22, 1965; 8:46 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Manufacturer's Setting of Minimum Resale Price for Dealers

§ 15.5 Manufacturer's setting of minimum resale price for dealers.

(a) An advisory opinion by the Federal Trade Commission notified a manufacturer that, in the circumstances presented, its establishment of a minimum resale price for its dealers would constitute unlawful price-fixing.

(b) The facts related to the Commission by the manufacturer are these. It has three dealers in one city who submit bids for the business of one large consumer. Initially there was enough margin between the manufacturer's list price and the net price to the dealer to allow them to submit competitive bids. However, as competition between the dealers increased, the bid price became lower and lower until now the situation is that none of the three dealers can realize a profit on this business.

(c) They have asked the manufacturer if it can do anything about the situation. One dealer suggested that the manufacturer should go on record as establishing a minimum price below which no dealer can quote. This limit would be in the form of a percentage below list or an actual dollar figure below list. The manufacturer stated to the Commission that this limit will assure the dealer receiving the order of a fair profit for his effort and would not destroy competition between the dealers, who would apparently be left free to compete above the minimum. The manufacturer asked if this can be done legally and if it would have the right to compel dealers to comply with this established limit.

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: November 22, 1965.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65-12517; Filed, Nov. 22, 1965; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Three-Way Promotional Program Set Up by Outdoor Advertiser and Financed by Participating Grocery Chains and Their Suppliers

§ 15.6 Three-way promotional program set up by outdoor advertiser and financed by participating grocery chains and their suppliers.

(a) The Federal Trade Commission rendered an advisory opinion dealing with the legality of a proposal by an outdoor advertiser to set up advertising displays featuring food products which will be financed by payments from food suppliers and chain grocery and drug stores.

(b) The Commission said it has accumulated considerable experience with similar tripartite promotional programs in which the promoter of the plan places himself between the supplier and the retailer, who indirectly receives the benefits of the payments made by the supplier to the promoter.

(c) The fact that the promoter acts as middleman in the operation of the plan has been held to be of no legal significance, the Commission said. Instead, it views such plans as an integrated whole and treats them, under proper circumstances, as though the contracts or arrangements were made directly between the suppliers and the participating retailers.

(d) Viewed in this light, the Commission advised, it would appear that the proposed program is expressly tailored to fit the needs of the participating suppliers' larger customers and therefore completely lacks the element of proportionally equal treatment of all those suppliers' competing customers which is required by section 2(d) of the Robinson-Patman amendment of the Clayton Act.

(e) The Commission said that it is "safe to assume that each of the suppliers who will be asked to participate in this proposal have customers in the area other than grocery and drug chains. Such suppliers would risk liability under sections 2(d) and 2(e) of the Clayton Act by participating in any joint promotional venture which is not even offered to such customer or which, if offered, would be at a prohibitive cost to small retailers or which would be impractical for those retailers who may handle only a few of the products of the suppliers participating in the plan. The law requires that all of these customers must receive proportionally equal treatment."

(f) "Thus, the suppliers who participate in * * * [this] plan must make certain that the smaller retailers are offered a chance to participate and must offer a suitable alternative to those retailers for whom the plan is functionally unavailable."

(38 Stat. 717, as amended; 15 U.S.C. 41-58; 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: November 22, 1965.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65-12518; Filed, Nov. 22, 1965; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Resumption of Advertising by Manufacturer in Trade Buying Guide Formerly but No Longer Owned by a Wholesaler Customer

§ 15.7 Resumption of advertising by a manufacturer in a trade buying guide formerly but no longer owned by a wholesaler customer.

(a) The Federal Trade Commission has rendered an advisory opinion regarding the proposed resumption of advertising by a manufacturer of drugs and cosmetics in a drug trade buying guide which was previously published by a wholesaler customer but whose present owner-publisher is not connected in any way with any customer of the manufacturer.

(b) The Commission's advice was that no objection could be raised to payments by a manufacturer for advertising in buying guides if the guides are available, in a practical business sense, to all of his wholesaler customers.

(c) The advisory opinion noted: "Payments for advertising in a buying guide published by a firm which is not owned or controlled by, or in any way directly or indirectly affiliated with, any customer of the advertiser or group or class of such customers do not violate section 2(d) of the amended Clayton Act where no discriminatory benefit is conferred by such payments on a particular customer, or class or group of customers, over competitors. The Commission has been informed that the present owner-publisher * * * has no connection whatsoever with * * * any * * * drug or cosmetic company or group thereof; that the buying guide is available at low cost to all drug wholesalers and is apparently not designed to be usable only by particular wholesalers, or classes or groups of wholesalers; that every effort is made to distribute the buying guide as broadly as possible among drug wholesalers; and that distribution is not limited to any particular wholesalers or group or class of wholesalers."

(38 Stat. 717, as amended; 15 U.S.C. 41-58; 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: November 22, 1965.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65-12519; Filed, Nov. 22, 1965; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Foreign Origin Disclosure

§ 15.8 Foreign origin disclosure.

(a) An American manufacturer has been advised that the Federal Trade Commission would have no objection to its proposed manner of disclosing the origin of an office machinery unit containing a foreign-made part.

(b) The label considered by the Commission identifies the foreign part and the country in which it was made and states that the manufacturer in question has manufactured the remainder of the unit and assembled it in this country.

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: November 22, 1965.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65-12520; Filed, Nov. 22, 1965; 8:45 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 6863]

PART 145—TEMPORARY REGULATIONS IN CONNECTION WITH THE EXCISE TAX REDUCTION ACT OF 1965

Tax-Free Sales of School Buses and Procedures for Registration and Exemption

In order to prescribe temporary regulations, which shall remain in force and effect until superseded by permanent regulations, under section 801(d) of the Excise Tax Reduction Act of 1965 (Public Law 89-44; 79 Stat. 158, approved June 21, 1965), relating to tax-free sales of school buses, the following regulations are hereby prescribed:

§ 145.3 Statutory provisions: school buses.

Section 801(d) of the Excise Tax Reduction Act of 1965:

(d) *School buses*—(1) *Tax-free sales.* Subsection (e) of section 4221 (relating to certain tax-free sales) is amended by adding at the end thereof the following new paragraph:

"(5) *School buses.* Under regulations prescribed by the Secretary or his delegate, the tax imposed by section 4061(a) shall not apply to a bus sold to any person for use exclusively in transporting students and employees of schools operated by State or local governments or by nonprofit educational organizations. For purposes of this paragraph, incidental use of a bus in providing transportation for a State or local government or a nonprofit organization described in section 501(c) which is exempt from tax under section 501(a) shall be disregarded.

(2) *Credits or refunds.* Subsection (b)(2) of section 6416 (relating to special cases in which tax payments are considered overpayments) is amended by adding at the end thereof the following new subparagraph:

"(R) In the case of a bus chassis or body taxable under section 4061(a), sold to any person for use as described in section 4221(e)(5)."

[Sec. 801(d) of the Excise Tax Reduction Act of 1965 (79 Stat. 158)]

§ 145.3-1 Tax-free sales of school buses.

(a) *In general.* Under section 4221(e)(5) of the Internal Revenue Code of 1954, the tax imposed by section 4061(a) shall not apply to the sale, on or after June 22, 1965, of a bus chassis and a bus body (which have been assembled into a bus) by the manufacturer of such chassis or body or both to any person for use exclusively in transporting students and employees of schools operated by a State or local government or by a nonprofit educational organization, if both the seller and the purchaser are registered as provided in paragraph (d) of this section. The exemption provided in section 4221(e)(5) does not apply to a bus chassis or a bus body sold separately. However, see section 4063 and § 48.4063-1 of this chapter (Manufacturers and Retailers Excise Tax Regulations) which provide an exemption from the tax imposed by section 4061(a) in the case of the sale of a body to a manufacturer of automobile trucks or other automobiles. See paragraph (e) of this section for provisions relating to the credit or refund of the tax paid under section 4061(a) on a bus chassis or a bus body which has been incorporated in a bus to be used exclusively in transporting students and employees of schools operated by a State or local government or by a nonprofit educational organization.

(b) *Incidental use disregarded.* In determining whether a bus is used, or to be used, exclusively in transporting students and employees of schools operated by a State or local government or by a nonprofit educational organization, there shall be disregarded any incidental use of the bus in providing transportation for a State or local government or a nonprofit organization described in section 501(c) which is exempt from tax under section 501(a).

(c) *Definitions.* For purposes of this section—

(1) *State or local government.* The term "State or local government" means any State, the District of Columbia, or any political subdivision of any of the foregoing.

(2) *Nonprofit educational organization.* The term "nonprofit educational organization" means an organization exempt from income tax under section 501(a) of the Internal Revenue Code of 1954 whose primary function is the presentation of formal instruction and which normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on. The term also includes a school operated as an activity of an organization described in section 501(c)(3) which is exempt from income tax under section 501(a), provided such school normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on.

(d) *Registration.* The exemption from tax provided by section 4221(e)(5) on the sale of a bus chassis and bus body by the manufacturer shall apply only if both the seller and the purchaser are registered in the same manner as prescribed by paragraph (e) of § 148.1-3 of this chapter (Certain Excise Tax Matters under the Excise Tax Technical Changes Act of 1958) and if the purchaser complies with the requirements of paragraph (f) of § 148.1-3 of this chapter. A manufacturer making a sale for use as described in section 4221(e)(5) must exercise reasonable diligence to satisfy himself that the tax-free sale is warranted by section 4221(e)(5). In any case where the manufacturer of a bus has knowledge, at the time the bus is sold, that the purchaser has a contract with a school operated by a State or local government or by a nonprofit educational organization for the transportation of students or employees of the school during the school term during which delivery of the bus is to be made to the purchaser (or during the next school term if delivery is to be made between school terms), the seller will be considered as having exercised reasonable diligence in satisfying himself that a tax free sale is warranted. If the manufacturer of the bus has knowledge at the time of his sale of the bus that the purchaser does not intend to use the bus as prescribed in section 4221(e)(5), the manufacturer is liable for the tax and is not relieved of liability by reason of the registration of the purchaser.

(e) *Credit or refund.* Under section 6416(b)(2)(R), tax under section 4061(a) paid to the United States on the sale of any chassis or body is considered to be an overpayment if such chassis or body is, on or after June 22, 1965, and prior to any other use, sold to a purchaser by any person (either separately or as part of an assembled bus) for use (as a bus or part of a bus) exclusively in transporting students or employees of a school operated by a State or local government or by a nonprofit educational organization and the bus is so used. Claim for refund may be filed on Form 843, or credit taken on a subsequent return, in accordance with the provisions of section 6416.

Because the provisions of law under which these temporary rules are prescribed became effective on June 22, 1965, and because it is essential that rules implementing these provisions of law be in effect promptly, it is found impracticable to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or

subject to the effective date limitation of section 4(c) of that Act.

(Sec. 7805, Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7806)

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

Approved: November 18, 1965.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 65-12558; Filed, Nov. 22, 1965; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 65-1036]

PART 73—RADIO BROADCAST SERVICES

Special Field Test Authorization

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 17th day of November 1965;

The Commission having under considerations § 73.36(c) of its rules and regulations relating to special field test authorization to operate a transmitter for the purpose of making field intensity surveys and requiring that requests for authorizations to operate such transmitter shall be made in writing, signed by the applicant "under oath or affirmation;" and

It appearing, That P.L. 87-444, effective April 27, 1962, eliminated the oath requirement with regard to applications and written statements of fact in connection therewith filed under section 308(b) of the Communications Act of 1934, as amended; and

It further appearing, That § 1.513(d) of the rules and regulations provides that applications, amendments, and related statements of fact "need not be submitted under oath;" and

It further appearing, That the provisions governing the signing of applications and related statements of fact should be uniform, except as circumstances require otherwise; that there are no special circumstances here requiring the submission of the statement of fact under oath or affirmation; and that the rules should be amended to achieve this purpose; and

It further appearing, That this amendment to the rules is procedural in nature and that compliance with the notice and effective date provisions of section 4 of the Administrative Procedure Act is not required; and

It further appearing, That authority for the promulgation of this amendment to the rules is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended;

It is ordered, That effective November 26, 1965, § 73.36(c) of the Commission's rules and regulations is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154, interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: November 18, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

1. Section 73.36 of the Commission's rules and regulations is amended by changing the introductory text of paragraph (c) thereof to read as follows:

§ 73.36 Special field test authorization.

* * * * *

(c) No authorization shall be issued unless the applicant for such authorization is determined to be legally qualified. Requests for authorizations to operate a transmitter under this section shall be made in writing, signed by the applicant (with no special form provided, however), and shall set forth the following information:

* * * * *

[F.R. Doc. 65-12568; Filed, Nov. 22, 1965; 8:50 a.m.]

[FCC 65-1037]

PART 73—RADIO BROADCAST SERVICES

Auxiliary Transmitter

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 17th day of November 1965;

The Commission having under consideration the provisions of § 73.63(d) of its rules relating to the testing of auxiliary transmitters; and

It appearing, that there has been some uncertainty as to the meaning of the provision of this section which states that "Tests on the licensed frequency shall be conducted only between 12 midnight and 9 a.m., local standard time," and, in particular, as to whether it precludes the testing of the auxiliary transmitter into a dummy load at any time, restricts testing to the above-quoted time period if the regular antenna (or auxiliary antenna) is used, and implies that testing may occur on other than the licensed frequency; and

It further appearing, that the purpose of this provision was to permit testing only when and in such a manner as would result in no interference to the station's signal; that, since there is no radiation (and no interference) created in tests with a dummy load, the provision does not prohibit such tests whether during the specified time period or at any other time; that the purpose of the provision would be accomplished if the restriction on testing to the above time period was confined to those tests which use the regular antenna (or the auxiliary antenna); that the purpose of the last amendment of this provision was not to imply that testing could occur on other than the licensed frequency of the station but, rather, all that was intended was to delete the reference to tests conducted on the Conelrad frequency; and that § 73.63(d) should be amended to clarify the Commission's intention in these respects; and

It further appearing, that the last two sentences of said section which require (a) that a record be kept of the time and result of each test and (b) that such records be retained for a period of two years are superfluous and should be stricken, for § 73.114(a)(2) of the rules provides that the time and result of test of the auxiliary transmitter shall be made in the maintenance log, and § 73.115 of the rules provides that logs of standard broadcast stations shall be retained for a period of two years; and that § 73.63(d) should be amended in this respect; and

It further appearing, that the amendment set forth in the attached Appendix is procedural in nature and that compliance with the notice and effective date provisions of section 4 of the Administrative Procedure Act is not required; and

It further appearing, that authority for the promulgation of the amendment set forth below is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended;

It is ordered, That effective November 26, 1965, § 73.63(d) of the Commission's rules and regulations is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154, interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: November 18, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

1. Section 73.63(d) is amended to read as follows:

§ 73.63 Auxiliary transmitter.

* * * * *

(d) The auxiliary transmitter shall be tested at least once each week to determine that it is in proper operating condition and that it is adjusted to the licensed frequency: *Provided, however,* That the test in any week may be omitted if the auxiliary transmitter has been operated during the week pursuant to paragraph (c) of this section and such operation was satisfactory. Tests while using the regular antenna shall be conducted only between 12 midnight and 9 a.m., local standard time. Tests with a dummy load may be conducted at any time.

* * * * *

[F.R. Doc. 65-12569; Filed, Nov. 22, 1965; 8:50 a.m.]

[1] Commissioners Hyde and Loevinger absent.

[FCC 65-1038]

PART 73—RADIO BROADCAST SERVICES

Operator Requirements for Standard, FM, and Noncommercial Educational FM Broadcast Stations

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 17th day of November 1965;

The Commission having under consideration §§ 73.93(c), 73.265(c), and 73.565(c)(3) of its rules and regulations pertaining to operator requirements for standard, FM, and noncommercial educational FM broadcast stations respectively; and

It appearing, that, in a Report and Order released July 15, 1963, in Docket No. 14746 (28 F.R. 7382, July 18, 1963) as modified by a memorandum Opinion and Order in the same docket released October 17, 1963 (28 F.R. 11270, October 22, 1963), the Commission amended its rules concerning operator requirements for standard, FM, and noncommercial educational FM broadcast stations; and

It further appearing, that, the aforementioned amendments, among other things, raised the operator requirements for routine transmitter operation of the aforementioned classes of stations; and

It further appearing, that, the aforesaid raising of the operator requirements involved the adminstering of a new operator examination not previously given by the Commission, and other examinations, and that it was necessary to allow a transitional period between January 1, 1964, when the new rules became partially effective, and April 19, 1964, when they became fully effective, to permit the adminstering of said examinations; and

It further appearing, that, because of this transitional period, it was necessary to place a note immediately following §§ 73.93(c), 73.265(c), and 73.565(c)(3) explaining the applicability of the rules prior to April 19, 1964; and

It further appearing, that, the date of April 19, 1964, has passed and that the aforesaid rules are now fully effective so that the aforesaid notes are unnecessary and superfluous and should be deleted;

It further appearing, that, the authority for deleting said notes in the Commission's rules and regulations is contained in sections 4(i) and (j), and 303(r) of the Communications Act of 1934, as amended; and

It further appearing, that, said amendments are editorial in nature and that notice and public procedure thereon, and delay in the effective date of the amendments, are unnecessary and contrary to the public interest, a finding which we make pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003);

It is ordered, That, effective November 26, 1965, §§ 73.93(c), 73.265(c), and 73.565(c)(3) of the Commission's rules and regulations are amended by deleting the note at the end of each of said sections.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154; interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: November 18, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12570; Filed, Nov. 22, 1965; 8:50 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Crescent Lake and North Platte National Wildlife Refuges, Nebr.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NEBRASKA

CRESCENT LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Crescent Lake National Wildlife Refuge, Nebr., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 1,330 acres, are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from January 1 through September 30, 1966, inclusive.

(2) Boats, without motors, may be used for fishing.

(3) No person shall use minnows, fish, or parts thereof, for bait, nor have in possession any minnows or seine or net for capturing minnows. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through September 30, 1966.

NORTH PLATTE NATIONAL WILDLIFE REFUGE

Sport fishing on the North Platte National Wildlife Refuge, Nebr., is permitted only on the areas designated by signs as open to fishing. This open area, comprising 3,300 acres, is delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from January 1 through September 30, 1966, inclusive.

(2) Boats, motorboats and other floating craft may be used.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through September 30, 1966.

JOHN E. WILBRECHT,
Refuge Manager, Crescent Lake National Wildlife Refuge, Ellsworth, Nebr.

NOVEMBER 10, 1965.

[F.R. Doc. 65-12534; Filed, Nov. 22, 1965; 8:46 a.m.]

PART 33—SPORT FISHING

Lacreek National Wildlife Refuge, S. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

SOUTH DAKOTA

LACREEK NATIONAL WILDLIFE REFUGE

Sport fishing on the Lacreek National Wildlife Refuge, S. Dak., is permitted only on the Little White River Recreational Area, which is designated by signs as open to fishing. This open area, comprising 180 acres or 15 percent of the total water area of the refuge, is delineated on a map available at the refuge headquarters and from the Office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minn. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Largemouth bass, crappies, northern pike and other minor species permitted under State regulations.

(b) Open season: January 1, 1966 through December 31, 1966; daylight hours only.

(c) Creel limits: As prescribed by State regulations.

(d) Methods of fishing:

(1) The use of boats for fishing is permitted.

(2) See applicable State regulations for additional details.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective through December 31, 1966.

JAMES B. MONNIE,
Refuge Manager, Lacreek National Wildlife Refuge, Martin, S. Dak.

NOVEMBER 15, 1965.

[F.R. Doc. 65-12535; Filed, Nov. 22, 1965; 8:46 a.m.]

[1] Commissioners Hyde and Loevinger absent.

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 6458; Amdt. 63-3]

PART 63—CERTIFICATION: FLIGHT CREWMEMBERS OTHER THAN PILOTS

Flight Engineer Certificates and Training Courses

The purpose of this amendment is to revise Subpart B of Part 63 to require class ratings for flight engineers and to add an appendix to Part 63 that sets forth the requirements for obtaining approval of a flight engineer training course. The changes effected by this amendment were proposed in Notice 65-3 published in the FEDERAL REGISTER on February 4, 1965 (30 F.R. 1196).

The comments received on this proposal almost unanimously agreed that the present requirements for a flight engineer certificate are out of date and require revision. Most of the comments received approved of the Agency's approach in accomplishing this revision but several of the commentators questioned the adequacy of this approach and proposed alternative ways of updating the present rules. For example, one pilots association stated that its opposition to the Agency's proposal was primarily because the regulatory requirements for a flight engineer would not recognize its belief that a Commercial Pilot's Certificate and an Instrument Rating are needed to qualify a third crewmember for the operation of modern transport airplanes. Similarly, one industry group thought the Agency should permit a commercial pilot certificate to be substituted for a flight engineer certificate for qualification as a flight engineer in air carrier operations, if the pilot has completed an air carrier training program approved under FAR 121. Those proposals are outside the scope of Notice 65-3 and cannot be adopted without further notice and public participation. However, they will be carefully considered by the Agency to determine whether future regulatory action is justified.

Several comments stated that the proposed regulation did not adequately recognize the fact that the training programs of the air carriers and commercial operators operating under FAR Part 121 are, under existing regulations, approved by the FAA and these commentators argued that completion of such a training course should be considered automatic qualification for a flight engineer certificate. While this proposal goes beyond the scope of Notice 65-3, the Agency does agree that since air carrier and commercial operator training courses conducted under FAR Part 121 are approved by the Administrator some changes to reflect this approval are warranted. These changes are discussed hereafter under the specific sections affected.

The overall question as to the amount of emphasis to be placed on "maintenance" training and experience was the most controversial part of this proposal. Some commentators took the position that in modern air carrier operations the flight engineer is not expected to do maintenance either on the ground or in flight and that including "General Maintenance" as a knowledge requirement in § 63.35 and "Basic Maintenance" as a subject in the proposed curriculum in Appendix C was inappropriate. Other commentators argued that the proposed curriculum does not provide adequate maintenance training and that in view of the complexity of modern transport aircraft, specific curriculum recognition should be given to training in electrical and electronic principles.

The Agency recognizes that in the modern transport fleet of aircraft the flight engineer is no longer used as an in-flight maintenance man. In fact, under the Federal Aviation Regulations a flight engineer would be prohibited from performing maintenance unless he held a mechanic's or repairman's certificate or performed the work under the supervision of the holder of such a certificate. Accordingly, the agency agrees that the inclusion of "general maintenance" as a knowledge requirement and "basic maintenance" as a curriculum requirement is no longer appropriate.

In addition to those changes discussed above, this amendment contains additional changes from the notice as discussed below:

Section 63.35 *Knowledge requirements.* As proposed, paragraph (d) of § 63.35 would in effect permit an applicant to take a flight test more than two years after passing the written test if the applicant was continuously employed in a position equivalent to the one that qualified him to take the written test or if he continuously participated in an approved training program of a United States air carrier or commercial operator, or a United States scheduled military air transportation service. One comment objected to the exception from the two year requirement for continuous employment, in any case, and for credit for any training other than in a flight engineer training course. After reviewing this proposal the Agency agrees that mere continuous employment as a mechanic or as a pilot does not assure that the applicant has a reasonable recollection of the subjects covered in the written test. However, where the applicant has, during the period following the written test, continuously participated in a maintenance, flight engineer, or pilot training program it is reasonable to assume that the applicant has had continuing exposure to these subjects. Accordingly, as adopted, this section excepts from the two year requirement only these applicants who have continuously participated in a maintenance, flight engineer, or pilot training program, of a United States air carrier or commercial operator, conducted under FAR Part 121, or conducted by a United States scheduled military air transportation service.

Since air carriers and commercial operators operating under Part 121 must have approved training programs a new paragraph (e) is being added to § 63.35 to permit such an air carrier or commercial operator, when authorized by the Administrator, to provide as part of that program a written test that it may administer to satisfy the test required for an additional rating under § 63.35(b).

Section 63.37 *Aeronautical experience requirements.* One comment proposed that the experience requirements be liberalized to give credit for flight time in any airplane if subsequently verified by successful completion of at least a pilot second in command approved air carrier or commercial operator training program. The Agency does not believe that credit should be given for pilot flight time in an airplane not relevant to the duties of a flight engineer. However, since flight time as a pilot in command or second in command (performing the functions of a pilot in command, under the supervision of a pilot in command), in a transport category airplane, is relevant to a flight engineer's duties this section has been amended to give credit for such time.

Section 63.41 *Retesting after failure.* Paragraph (b) of this section has been rewritten to make it consistent with the comparable requirements of § 61.27(d)(2), as amended by Amendment 61-17 adopted after the issue of Notice 65-3. As stated in the preamble to that amendment, its purpose was to permit more flexibility in determining the amount and type of additional instruction required of an applicant who has failed a test.

Section 63.43 *Flight engineer courses.* The Agency agrees, and § 63.43 is amended accordingly, that an air carrier or commercial operator with an approved training course should be permitted to apply for approval of a flight engineer course under Part 63 without submitting duplicative information to that furnished the Agency in obtaining the FAR 121 approval.

Section 63.45 *Exchange of flight engineer certificates.* This section, as proposed in the notice, permits a flight engineer to exchange his present certificate, including a limited flight engineer certificate, for a new certificate at any time within five years from the effective date of this amendment. However, after two years from the effective date of this amendment a person who has not made such an exchange may not continue to exercise the privileges of his present certificate.

Appendix C. One comment recommended that the proposed requirements for a flight engineer training program be issued as an advisory circular rather than as an appendix to Part 63. The subjects and classroom hours set forth in the appendix are considered to be the minimum programmed hours that the Agency would accept in initially approving a flight engineer training course. As such, these required standards must, to comply with the Administrative Procedure Act, be prescribed according to the Agency's regulatory process rather than as an advisory circular.

The Agency does agree that provision should be made for approving reductions in the required hours of ground school training where a school is able to show that the effectiveness of its training warrants such a reduction. Appendix C as adopted includes such a provision that is comparable with the authorization for a reduction in programmed hours in an approved training program under FAR 121 contained in § 121.414(b)(4).

The Agency also agrees that an air carrier or commercial operator with an approved flight engineer training course under FAR 121, that is monitored by the FAA under that Part, should be relieved from the annual reporting requirements in Appendix C to avoid duplicate reporting and recordkeeping.

Several comments indicated that the requirement that approval of a ground or flight course would be discontinued whenever less than 80 percent of the students pass the written or practical test, as applicable, could prove unfair where a small number of students is involved. The Agency agrees, and this provision, as adopted, permits the Administrator to continue approval of a training course where the 80 percent requirement is not met, if he finds that the failure rate was based on less than a representative number of students or that the course operator has taken satisfactory steps to improve the training effectiveness.

The "Inspection" requirements are revised to be consistent with the comparable requirements throughout the FAR's.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all matter presented.

The recordkeeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

In consideration of the foregoing, Part 63 of Chapter I of Title 14 of the Code of Federal Regulations is amended effective February 22, 1966, as set forth below.

Issued in Washington, D.C., on November 16, 1965.

D. D. THOMAS,
Acting Administrator.

§ 63.3 [Amended]

1. By amending § 63.3 by amending the title to read "Certificates and ratings required" and by inserting the phrase "with appropriate ratings" after the words "flight engineer certificate" in paragraph (a).

§ 63.11 [Amended]

2. By amending § 63.11 by inserting the words "and appropriate class ratings" after the word "certificate" in paragraph (a) and after the period in paragraph (b).

3. By amending Subpart B of Part 63 to read as follows:

Subpart B—Flight Engineers

Sec.
63.31 Eligibility requirements; general.
63.33 Aircraft ratings.
63.35 Knowledge requirements.
63.37 Aeronautical experience requirements.
63.39 Skill requirements.
63.41 Retesting after failure.
63.43 Flight engineer courses.
63.45 Exchange of flight engineer certificates.

AUTHORITY: The provisions of this Subpart B issued under secs. 313(a), 601, and 602, Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421, 1422.

§ 63.31 Eligibility requirements; general.

To be eligible for a flight engineer certificate, a person must—

(a) Be at least 21 years of age;

(b) Be able to read, speak, and understand the English language, or have an appropriate limitation placed on his flight engineer certificate;

(c) Hold at least a second-class medical certificate issued under Part 67 of this chapter within the 12 months before the date he applies; and

(d) Comply with the requirements of this subpart that apply to the rating he seeks.

§ 63.33 Aircraft ratings.

(a) The aircraft class ratings to be placed on flight engineer certificates are—

(1) Reciprocating engine powered;
(2) Turbopropeller powered; and
(3) Turbojet powered.

(b) To be eligible for an additional aircraft class rating after his flight engineer certificate with a class rating is issued to him, an applicant must pass the written test that is appropriate to the class of airplane for which an additional rating is sought, and—

(1) Pass the flight test for that class of aircraft; or

(2) Satisfactorily complete an approved flight engineer training program that is appropriate to the additional class rating sought.

§ 63.35 Knowledge requirements.

(a) An applicant for a flight engineer certificate must pass a written test on the following:

(1) The regulations of this chapter that apply to the duties of a flight engineer.

(2) The theory of flight and aerodynamics.

(3) Basic meteorology with respect to engine operations.

(4) Center of gravity computations.

(b) An applicant for the original or additional issue of a flight engineer class rating must pass a written test for that airplane class on the following:

(1) Preflight.
(2) Airplane equipment.
(3) Airplane systems.
(4) Airplane loading.
(5) Airplane procedures and engine operations with respect to limitations.
(6) Normal operating procedures.
(7) Emergency procedures.
(8) Mathematical computation of engine operations and fuel consumption.

(c) Before taking the written test, an applicant for a flight engineer certificate must present satisfactory evidence of having completed one of the experience requirements of § 63.37. However, he may take the written test before acquiring the flight training required by § 63.37.

(d) An applicant for a flight engineer certificate must have passed the written test within the 24-month period before the date he takes the flight test. However, this limitation does not apply to an applicant who, after passing the written test, has continuously participated in a maintenance, flight engineer, or pilot training program, of a United States air carrier or commercial operator, conducted under Part 121 of this chapter, or conducted by a United States scheduled military air transportation service.

(e) An air carrier or commercial operator with an approved training program under Part 121 of this chapter may, when authorized by the Administrator, provide as part of that program a written test that it may administer to satisfy the test required for an additional rating under paragraph (b) of this section.

§ 63.37 Aeronautical experience requirements.

(a) The flight time used to satisfy the aeronautical experience requirements of paragraph (b) of this section must have been obtained on—

(1) A transport category airplane, if the flight time was in the capacity of pilot in command or second in command; or

(2) An airplane on which a flight engineer is required by this chapter or that has at least three engines that are rated at least 800 horsepower each, or the equivalent in turbine powered engines.

(b) An applicant for a flight engineer certificate with a class rating must present, for the class rating sought, satisfactory evidence of one of the following:

(1) At least 3 years of diversified practical experience in aircraft and aircraft engine maintenance (of which at least 1 year was in maintaining multiengine aircraft with engines rated at least 800 horsepower each, or the equivalent in turbine engine powered aircraft), and at least 5 hours of flight training in the duties of a flight engineer.

(2) Graduation from at least a 2-year specialized aeronautical training course in maintaining aircraft and aircraft engines (of which at least 6 calendar months were in maintaining multiengine aircraft with engines rated at least 800 horsepower each, or the equivalent in turbine engine powered aircraft), and at least 5 hours of flight training in the duties of a flight engineer.

(3) A degree in aeronautical, electrical, or mechanical engineering from a recognized college, university, or engineering school; at least 6 calendar months of practical experience in maintaining multiengine aircraft with engines rated at least 800 horsepower each, or the equivalent in turbine engine powered aircraft; and at least 5 hours of flight training in the duties of a flight engineer.

(4) At least 200 hours of flight time in a transport category airplane as pilot

in command, or as second in command performing the functions of a pilot in command under the supervision of a pilot in command.

(5) At least 100 hours of flight time as a flight engineer.

(6) Within the 90-day period before he applies, successful completion of an approved flight engineer ground and flight course of instruction as provided in Appendix C of this part.

§ 63.39 Skill requirements.

(a) An applicant for a flight engineer certificate with a class rating must pass a practical test on the duties of a flight engineer in the class of airplane for which a rating is sought. The test may only be given on an airplane specified in § 63.37(a).

(b) The applicant must—

(1) Show that he can satisfactorily perform preflight inspection, servicing, starting, pretakeoff, and postlanding procedures;

(2) In flight, show that he can satisfactorily perform the normal duties and procedures relating to the airplane, airplane engines, propellers (if appropriate), systems, and appliances; and

(3) In flight, in an airplane simulator, or in an approved flight engineer training device, show that he can satisfactorily perform emergency duties and procedures and recognize and take appropriate action for malfunctions of the airplane, engines, propellers (if appropriate), systems and appliances.

§ 63.41 Retesting after failure.

An applicant for a flight engineer certificate who fails a written test or practical test for that certificate may apply for retesting—

(a) After 30 days after the date he failed that test; or

(b) After he has received additional practice or instruction (flight, synthetic trainer, or ground training, or any combination thereof) that is necessary, in the opinion of the Administrator or the applicant's instructor (if the Administrator has authorized him to determine the additional instruction necessary) to prepare the applicant for retesting.

§ 63.43 Flight engineer courses.

An applicant for approval of a flight engineer course must submit a letter to the Administrator requesting approval, and must also submit three copies of each course outline, a description of the facilities and equipment, and a list of the instructors and their qualifications. An air carrier or commercial operator with an approved flight engineer training course under Part 121 of this chapter may apply for approval of a training course under this part by letter without submitting the additional information required by this paragraph. Minimum requirements for obtaining approval of a flight engineer course are set forth in Appendix C of this part.

§ 63.45 Exchange of flight engineer certificates.

(a) The holder of a flight engineer certificate, including a limited flight engineer certificate, issued before February 22, 1966, may not continue to exercise the privileges of that certificate after two years after February 22, 1966. However, until five years after February 22, 1966, he may exchange his certificate for a new flight engineer certificate. A class rating is added to the new certificate for each class of airplane on which the applicant has—

(1) Passed a practical test for a flight engineer certificate;

(2) Successfully completed an approved flight engineer training course or air carrier training program; or

(3) Submitted satisfactory evidence that he has acquired at least 25 hours of flight experience performing the duties and functions of a flight engineer on an airplane specified in § 63.37(a).

(b) The holder of a flight engineer certificate issued before February 22, 1966, who does not qualify for a class rating may obtain a class rating by taking the practical test prescribed by § 63.39.

3. By adding an Appendix C to read as follows:

APPENDIX C

FLIGHT ENGINEER TRAINING COURSE REQUIREMENTS

(a) *Training course outline*—

(1) Format.

The ground course outline and the flight course outline are independent. Each must be contained in a looseleaf binder to include a table of contents. If an applicant desires approval of both a ground school course and a flight school course, they must be combined in one looseleaf binder that includes a separate table of contents for each course. Separate course outlines are required for each type of airplane.

(2) Ground course outline.

(i) It is not mandatory that the subject headings be arranged exactly as listed in this subparagraph. Any arrangement of subjects is satisfactory if all the subject material listed here is included and at least the minimum programmed hours are assigned to each subject. Each general subject must be broken down into detail showing the items to be covered.

(ii) If any course operator desires to include additional subjects in the ground course curriculum, such as international law, flight hygiene, or others that are not required, the hours allotted these additional subjects may not be included in the minimum programmed classroom hours.

(iii) The following subjects and classroom hours are the minimum programmed coverage for the initial approval of a ground training course for flight engineers. Subsequent to initial approval of a ground training course an applicant may apply to the Administrator for a reduction in the programmed hours. Approval of a reduction in the approved programmed hours is based on improved training effectiveness due to improvements in methods, training aids, quality of instruction, or any combination thereof.

Subject	*Classroom hours*
Federal Aviation Regulations	10
To include the regulations of this chapter that apply to flight engineers.	
Theory of Flight and Aerodynamics	10
Airplane Familiarization	90
To include as appropriate:	
Specifications.	
Construction features.	
Flight controls.	
Hydraulic systems.	
Pneumatic systems.	
Electrical systems.	
Anti-icing and de-icing systems.	
Pressurization and air-conditioning systems.	
Vacuum systems.	
Pitot static systems.	
Instrument systems.	
Fuel and oil systems.	
Emergency equipment.	
Engine Familiarization	45
To include as appropriate:	
Specifications.	
Construction features.	
Lubrication.	
Ignition.	
Carburetor and induction, supercharging and fuel control systems.	
Accessories.	
Propellers.	
Instrumentation.	
Emergency equipment.	
Normal Operations (Ground and Flight)	50
To include as appropriate:	
Servicing methods and procedures.	
Operation of all the airplane systems.	
Operation of all the engine systems.	
Loading and center of gravity computations.	
Cruise control (normal, long range, maximum endurance).	
Power and fuel computation.	
Meteorology as applicable to engine operation.	
Emergency Operations	30
To include as appropriate:	
Landing gear, brakes, flaps, speed brakes, and leading edge devices.	
Pressurization and air-conditioning.	
Portable fire extinguishers.	
Fuselage fire and smoke control.	
Loss of electrical power.	
Engine fire control.	
Engine shut-down and restart.	
Oxygen.	
Total (exclusive of final tests)	235

The above subjects, except Theory of Flight and Aerodynamics, and Regulations, must apply to the same type of airplane in which the student flight engineer is to receive flight training.

(3) Flight Course Outline.

(i) The flight training curriculum must include at least 10 hours of flight instruction in an airplane specified in § 63.37(a). The flight time required for the practical test may not be credited as part of the required flight instruction.

(ii) All of the flight training must be given in the same type airplane.

(iii) As appropriate to the airplane type, the following subjects must be taught in the flight training course:

Subject
NORMAL DUTIES, PROCEDURES AND OPERATIONS
To include as appropriate:
Airplane preflight.
Engine starting, power checks, pretakeoff, postlanding and shut-down procedures.
Power control.
Temperature control.
Engine operation analysis.
Operation of all systems.
Fuel management.
Logbook entries.
Pressurization and air conditioning.
RECOGNITION AND CORRECTION OF IN-FLIGHT MALFUNCTIONS
To include:
Analysis of abnormal engine operation.
Analysis of abnormal operation of all systems.
Corrective action.
EMERGENCY OPERATIONS IN FLIGHT
To include as appropriate:
Engine fire control.
Fuselage fire control.
Smoke control.
Loss of power or pressure in each system.
Engine overspeed.
Fuel dumping.
Landing gear, spoilers, speed brakes, and flap extension and retraction.
Engine shut-down and restart.
Use of oxygen.

(iv) If the Administrator finds a simulator or flight engineer training device to accurately reproduce the design, function, and control characteristics, as pertaining to the duties and responsibilities of a flight engineer on the type of airplane to be flown, the flight training time may be reduced by a ratio of 1 hour of flight time to 2 hours of airplane simulator time, or 3 hours of flight engineer training device time, as the case may be. However, the flight time may not be less than 5 hours.

(v) To obtain credit for flight training time, airplane simulator time, or flight engineer training device time, the student must occupy the flight engineer station and operate the controls.

(b) *Classroom equipment.*

Classroom equipment should consist of systems and procedural training devices, satisfactory to the Administrator, that duplicate the operation of the systems of the airplane in which the student is to receive his flight training.

(c) *Contracts or agreements.*

(1) An approved flight engineer course operator may contract with other persons to obtain suitable airplanes, airplane simulators, or other training devices or equipment.

(2) An operator who is approved to conduct both the flight engineer ground course and the flight engineer flight course may contract with others to conduct one course or the other in its entirety but may not contract with others to conduct both courses for the same airplane type.

(3) An operator who has approval to conduct a flight engineer ground course or flight course for a type of airplane, but not both courses, may not contract with another person to conduct that course in whole or in part.

(4) An operator who contracts with another to conduct a flight engineer course may not authorize or permit the course to be conducted in whole or in part by a third person.

(5) In all cases, the course operator who is approved to operate the course is responsible for the nature and quality of the instruction given.

(6) A copy of each contract authorized under this paragraph must be attached to each of the 3 copies of the course outline submitted for approval.

(d) *Instructors.*

(1) Only certificated flight engineers may give the flight instruction required by this Appendix in an airplane, simulator, or flight engineer training device.

(2) There must be a sufficient number of qualified instructors available to prevent an excess ratio of students to instructors.

(e) *Revisions.*

(1) Requests for revisions of the course outlines, facilities or equipment must follow the procedures for original approval of the course. Revisions must be submitted in such form that an entire page or pages of the approved outline can be removed and replaced by the revisions.

(2) The list of instructors may be revised at any time without request for approval, if the requirements of paragraph (d) of this Appendix are maintained.

(f) *Ground school credits.*

(1) Credit may be granted a student in the ground school course by the course operator for comparable previous training or experience that the student can show by written evidence; however, the course operator must still meet the quality of instruction as described in paragraph (h) of this Appendix.

(2) Before credit for previous training or experience may be given, the student must pass a test given by the course operator on the subject for which the credit is to be given. The course operator shall incorporate results of the test, the basis for credit allowance, and the hours credited as part of the student's records.

(g) *Records and reports.*

(1) The course operator must maintain, for at least two years after a student graduates, fails, or drops from a course, a record of the student's training, including a chronological log of the subject course, attendance, examinations, and grades.

(2) Except as provided in subparagraph (3) of this paragraph, the course operator must submit to the Administrator, not later than January 31 of each year, a report for the previous calendar year's training, to include:

(i) Name, enrollment and graduation date of each student;

(ii) Ground school hours and grades of each student;

(iii) Flight, airplane simulator, flight engineer training device hours, and grades of each student; and

(iv) Names of students failed or dropped, together with their school grades and reasons for dropping.

(3) Upon request, the Administrator may waive the reporting requirements of subparagraph (2) of this paragraph for an approved flight engineer course that is part of an approved training course under Subpart N of Part 121 of this chapter.

(h) *Quality of instruction.*

(1) Approval of a ground course is discontinued whenever less than 80 percent of the students pass the FAA written test on the first attempt.

(2) Approval of a flight course is discontinued whenever less than 80 percent of the students pass the FAA practical test on the first attempt.

(3) Notwithstanding subparagraphs (1) and (2) of this paragraph, approval of a ground or flight course may be continued when the Administrator finds—

(i) That the failure rate was based on less than a representative number of students; or

(ii) That the course operator has taken satisfactory means to improve the effectiveness of the training.

(i) *Time limitation.*

Each student must apply for the written test and the flight test within 90 days after completing the ground school course.

(j) *Statement of course completion.*

(1) The course operator shall give to each student who successfully completes an approved flight engineer ground school training course, and passes the FAA written test, a statement of successful completion of the course that indicates the date of training, the type of airplane on which the ground course training was based, and the number of hours received in the ground school course.

(2) The course operator shall give each student who successfully completes an approved flight engineer flight course, and passed the FAA practical test, a statement of successful completion of the flight course that indicates the dates of the training, the type of airplane used in the flight course, and the number of hours received in the flight course.

(3) A course operator who is approved to conduct both the ground course and the flight course may include both courses in a single statement of course completion if the provisions of subparagraphs (1) and (2) of this paragraph are included.

(4) The requirements of this paragraph do not apply to an air carrier or commercial operator with an approved training course under Part 121 of this chapter providing the student receives a flight engineer certificate upon completion of that course.

(k) *Inspections.*

Each course operator shall allow the Administrator at any time or place, to make any inspection necessary to ensure that the quality and effectiveness of the instruction are maintained at the required standards.

(l) *Change of ownership, name, or location.*

(1) Approval of a flight engineer ground course or flight course is discontinued if the ownership of the course changes. The new owner must obtain a new approval by following the procedure prescribed for original approval.

(2) Approval of a flight engineer ground course or flight course does not terminate upon a change in the name of the course that is reported to the Administrator within 30 days. The Administrator issues a new letter of approval, using the new name, upon receipt of notice within that time.

(3) Approval of a flight engineer ground course or flight course does not terminate upon a change in location of the course that is reported to the Administrator within 30 days. The Administrator issues a new letter of approval, showing the new location, upon receipt of notice within that time, if he finds the new facilities to be adequate.

(m) *Cancellation of approval.*

(1) Failure to meet or maintain any of the requirements of this Appendix for the approval of a flight engineer ground course or flight course is reason for cancellation of the approval.

(2) If a course operator desires to voluntarily terminate the course, he should notify the Administrator in writing and return the last letter of approval.

(n) *Duration.*

Except for a course operated as part of an approved training course under subpart N of Part 121 of this chapter, the approval to operate a flight engineer ground course or flight course terminates 24 months after the last day of the month of issue.

(o) *Renewal.*

(1) Renewal of approval to operate a flight engineer ground course or flight course is conditioned upon the course operator's meeting the requirements of this Appendix.

(2) Application for renewal may be made to the Administrator at any time after 60 days before the termination date.

(p) *Course operator approvals.*

An applicant for approval of a flight engineer ground course, or flight course, or both, must meet all of the requirements of this Appendix concerning application, approval, and continuing approval of that course or courses.

(q) *Practical test eligibility.*

An applicant for a flight engineer certificate and class rating under the provisions of § 63.37(b)(6) is not eligible to take the practical test unless he has successfully completed an approved flight engineer ground school course in the same type of airplane for which he has completed an approved flight engineer flight course.

(Secs. 313(a), 601, 602, Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421, 1422)

[F.R. Doc. 65-12525; Filed, Nov. 22, 1965; 8:45 a.m.]

[Docket No. 6900; Amdt. 67-3]

PART 67—MEDICAL STANDARDS AND CERTIFICATION

Distant Visual Acuity; First- and Second-Class Medical Certificates

The purpose of these amendments is to change the distant visual acuity requirement for an applicant for a first- or second-class medical certificate from at least 20/50 to 20/100 in each eye separately before correction. This action was proposed in notice 65-22 (30 F.R. 11732) issued September 7, 1965. All comments received on the proposal were favorable.

The present standard in §§ 67.13(b)(1) and 67.15(b)(1) of Part 67 of the Federal Aviation Regulations requires an applicant for a first- or second-class medical certificate, respectively, to have distant visual acuity of at least 20/50 in each eye separately, before correction to 20/20 or better with corrective glasses. As stated in the preamble of notice 65-22, this standard has been in effect unchanged since 1938, despite later significant technological advances in design and performance of aircraft, and in the environment in which they are operated. Also, as stated in that preamble, applicants with uncorrected distant visual acuity less than specified in the present standard, except those with gross myopic conditions, generally have been allowed to show under § 67.19 whether they have been able to operate aircraft without endangering safety in air commerce despite the disqualification. If they have not had other major disturbances in visual functions, they almost invariably have been able to demonstrate favorably, and they have received special issue of medical certificates on an individual basis. This process has required special detailed evaluations of all aspects of their vision, and has been expensive to applicants, both in money expended for ophthalmological examinations, and in issuance delay time, and it also has entailed considerable time and effort on the part of the Agency.

Accordingly, the accompanying amendments accommodate the distant visual acuity standard for first- and second-class medical certificates to current conditions, and dispense with special testing that in the great majority of cases would result in the special issue of a certificate anyway, without adverse effect upon safety.

Interested persons have been afforded an opportunity to participate in the making of these amendments, and due consideration has been given to all matter presented.

Since these amendments are relaxatory in nature and impose no burden upon any person, good cause exists for making them effective on less than 30 days published notice.

In consideration of the foregoing, Part 67 of the Federal Aviation Regulations is amended, effective November 23, 1965, as follows:

1. Paragraph (b)(1) of § 67.13 is amended by striking out the figures "20/50" and inserting the figures "20/100" in place thereof.

2. Paragraph (b)(1) of § 67.15 is amended by striking out the figures "20/50" and inserting the figures "20/100" in place thereof.

(Secs. 313(a), 601, 602, Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421, 1422)

Issued in Washington, D.C., on November 16, 1965.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 65-12526; Filed, Nov. 22, 1965; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

PADRE ISLAND NATIONAL SEASHORE, TEX.

Control and Protection of Visitors and Area

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), 245 DM-1 (28 F.R. 915), National Park Service Order 14 (19 F.R. 8824), and Regional Director, Southwest Region, Order 3 (28 F.R. 7191), it is proposed to amend Part 7, Chapter 1, Title 36, Code of Federal Regulations, as is set forth below. The purpose of this amendment is to provide for visitor use and enjoyment, to provide for protection of wildlife and other values and to regulate surface use of lands for oil and gas development within Padre Island National Seashore.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Superintendent, Padre Island National Seashore, Post Office Box 8560, Corpus Christi, Tex., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Part 7 is amended by addition of a new section to read as follows:

§ 7.75 Padre Island National Seashore.

(a) *Fishing.* Fishing is permitted in accordance with all applicable Federal, State, and local laws for the protection of fish and other aquatic life.

(b) *Hunting.* During the open season prescribed by State and Federal Agencies, hunting of waterfowl is permitted upon the waters of Laguna Madre wherever a floating vessel of any type is capable of operating, at whatever tide level may exist; except that posted waters immediately adjacent to North and South Bird Islands shall be closed to all hunting. Such hunting, where authorized, shall be in accordance with all applicable Federal, State and local laws for the protection of wildlife.

(c) *Possession of loaded firearms.* The carrying or possession of loaded firearms within the Padre Island National Seashore, except as incident to the authorized hunting of waterfowl on the waters of the Laguna Madre, is prohibited. This restriction shall not apply to authorized enforcement officers when engaged in law enforcement duties.

(d) *Beachcombing.* Only those articles washed ashore by recurring tides may be collected as beachcomber possessions: *Provided,* That the removal of relics, artifacts, and other articles of scientific, historic or archeologic interest found on the beach, or at any other location within the boundaries of the Seashore is prohibited.

(e) *Towing of persons.* Towing of persons behind land based motor vehicles on a sled, box, skis, or in any other way on lands within the Seashore, is prohibited.

(f) *Wildlife habitat.* The Superintendent may, by the posting of appropriate signs, close to public use certain nesting areas, feeding areas, or other habitat frequented by wildlife, for the purpose of preservation of protected, rare, or endangered species of wildlife.

(g) *Speed.* Except where different speed limits are indicated by posted signs or markers, speed of automobiles and other vehicles shall not exceed 25 miles per hour where driving is permitted on the beach.

(h) *Mineral exploration and extraction*—(1) *Scope.* The regulations in this paragraph are made, prescribed, and published pursuant to the Act of September 28, 1962, 76 Stat. 651, 16 U.S.C. 459d-3 (1964), to provide for the occupation and use of so much of the surface of the land or waters within the Padre Island National Seashore—for all purposes reasonably incident to the mining and removal of oil and gas minerals and of other minerals which can be removed by similar means—in a manner that will be consistent with development of recreational facilities by the Secretary of the Interior, with surface use of the lands and waters in the Seashore by the public for recreational purposes and with preservation of the area's natural features and values. The provisions of these regulations shall govern also any right of occupation or use of the surface within the boundaries of the Seashore, granted by the Secretary subsequent to April 11, 1961, for the exploration, development, production, storing, processing or transporting of oil and gas minerals that are removed from outside the boundaries of the Seashore. They shall not apply to such rights of occupation or use existing on April 11, 1961, which are reasonably necessary.

(2) *Operator.* As used in this paragraph, an operator shall mean anyone who in accordance with the provisions of the aforesaid Act of September 28, 1962, possesses the right (whether as owner of a mineral interest, lessee, holder of operating rights, or otherwise), to mine or remove minerals from lands within the Padre Island National Seashore or the right to occupy or use the surface of Seashore lands for the exploration, development, production, storing, processing or transporting of oil and gas minerals that are removed from outside the boundaries of the Seashore.

(3) *Registration.* Before entering the National Seashore for the purpose of conducting any operations (pursuant to any mineral interest), authorized under the Act providing for establishment of the Padre Island National Seashore, the operator shall register with the Superintendent. Such registration shall show the operator's name and address, the name and address of the operator's local agent in charge of operations, the approximate location where operations are to be conducted, a brief description of the proposed operations and of the type of equipment to be used, and reference or citation to the deed, lease, operating agreement or other instrument upon which the operator's right to conduct operations is based.

(4) *Surface use restrictions.* All mineral exploration, development and production subject to these regulations shall be conducted in such manner as to prevent unnecessary damage to any vegetation or pollution of any waters and to safeguard and protect park visitors, wildlife, scenic features, and recreational values and improvements. Such activities shall be confined to the minimum space compatible with the conduct of efficient mining operations and shall be carried on so as not to interfere with the administration and operation of the Seashore for public recreational use. In furtherance of these purposes, the following restrictions shall govern the conduct of mining activities within the Seashore:

(i) The operator shall secure the approval of the Superintendent as to the location and size of any surface structures to be erected.

(ii) Surface structures or buildings shall not be erected on the Gulf side of the foredunes.

(iii) Surface operations shall at no time be conducted within 500 feet of any structure, road, or facility used for public recreation or for administration of the Seashore.

(iv) Mining operations of all types shall be prohibited within 500 feet of the shores of North and South Bird Islands.

(v) All pipelines utilized within the Seashore in connection with the exploration, production, transportation or removal of oil and gas or other minerals shall be buried below the natural surface contour.

(vi) Oil field brine, slag, and all other waste and contaminating substances must be kept in the smallest practicable area, must be confined so as to prevent escape as a result of rains and high water or otherwise, and must be removed from the area as quickly as practicable in such a manner as to prevent contamination, pollution, damage, or injury to the lands, waters, facilities or vegetation of the area or to wildlife.

(vii) Upon termination of operations, or at any time prior thereto as to unneeded facilities, the operator shall fill any sump holes, ditches, and other ex-

cavations, or cover them by approved methods and shall remove structures and debris so as to restore the surface of the land as nearly as possible to its original condition.

(5) *Access ways.* Access ways by water, or for roads, vehicle trails, or pipelines, shall be over routes approved by the Superintendent and subject to such reasonable restrictions as may be imposed by the Superintendent to coordinate the minerals resource uses of the Seashore with administration and use of the area for public recreational purposes. Each application for an access way shall be accompanied by a map showing the location of the property to be served and the location of the proposed water route, road, vehicle trail, or pipeline.

(6) *Applicability of State laws.* All operators, as defined in subparagraph (2) of this paragraph shall abide by all rules and regulations as may be prescribed by the Texas Railroad Commission or other authority of the State of Texas.

WILLIAM L. BOWEN,
Superintendent,
Padre Island National Seashore.

[F.R. Doc. 65-12537; Filed, Nov. 22, 1965; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1004]

MILK IN DELAWARE VALLEY MARKETING AREA

Notice of Proposed Suspension of Certain Provision of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provision of the order regulating the handling of milk in the Delaware Valley marketing area is being considered for the period after November 30, 1965.

The provision proposed to be suspended in § 1004.84 is as follows: "2 cents per hundredweight, or * * * not exceeding 2 cents," relating to the pro rata share of the expense of administration.

The proposed action would suspend the 2-cent limitation on the pro rata share of the expense of administration presently assessable under the terms of the Delaware Valley milk order. Immediate action is necessary to provide the market administrator with sufficient funds to carry out his responsibilities in administering the provisions of the order.

A change in the maximum rate of administrative assessment from 2 cents to 3 cents was considered at the January 18–19, 1965 hearing. However, a decision based on this hearing has necessarily been deferred pending the completion of a current hearing. The suspension action is necessary to assure adequate funds for the administration of the order pending the outcome of the present hearing.

It is expected that the rate will be set at three cents per hundredweight during the interim period.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington, D.C., 20250, not later than 9 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on November 17, 1965.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 65-12549; Filed, Nov. 22, 1965; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 0, 1, 83, 85]

[Docket No. 16297; FCC 65-1025]

MARITIME MOBILE SERVICE

Elimination of Interim Ship Station Licensing

1. The Commission herein proposes to amend its maritime rules to delete those sections which permit the filing of requests for interim ship station licenses.

2. The interim ship station licensing procedure provides for the immediate issuance by the Field Engineering Offices of temporary operating authority for ship radiotelephone and/or radionavigation station licenses upon request when applications are submitted in person by the applicant or his agent. An interim license may also be obtained by mail from the Commission's office in Anchorage, Alaska. Interim authorizations are valid for 6 months from date of issuance and permit operation of a station pending processing of the formal application in Washington, D.C.

3. One of the principal reasons for establishing the interim licensing procedure in 1954 was the large seasonal backlog of applications created by the large number of applications filed during the boating season beginning in April and extending through August of each year. This type of licensing provides a convenient means for those boat owners who can present their applications in person to a field office to obtain immediate operating authority.

4. Since the automation of ship station application processing the backlog of applications awaiting processing has been reduced to a small number and is no longer a problem. The normal processing time has been reduced to approximately ten days. In view of this, the Commission is of the opinion the interim type of license is no longer necessary.

5. The proposed amendments are issued under the authority contained in section 303(r) of the Communications Act of 1934, as amended.

6. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before December 27, 1965, and reply comments on or before January 7, 1966. All revelant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. All submissions by parties to this proceeding or by parties acting on behalf of parties must be made in form of written comments, reply comments or other appropriate pleadings.

7. In accordance with the provisions of § 1.419(b) of the Commission's rules, one original and 14 copies of statements, briefs, or comments filed shall be furnished the Commission.

Adopted: November 17, 1965.

Released: November 18, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

A. Part 0, Commission Organization, is amended as follows:

1. Section 0.441 is amended to read as follows:

§ 0.441 Place of filing of applications for radio authorizations.

Class of station	Method of filing	Number of copies
(a) Alaskan fixed public and Alaskan public coastal.	Via Engineer-in-Charge, Radio District No. 14, Seattle, Wash., 98104.	3.
(b) Amateur	See §§ 0.443 and 0.445.	As specified in form.
(c) Citizens	To Federal Communications Commission, Gettysburg, Pa., 17325.	Do.
(d) All others	Directly to the main Washington Office of the Commission. See § 0.401.	Do.

§ 0.447 [Deleted]

2. Section 0.447 is deleted.

B. Part 1, Practice and Procedure, is amended as follows:

1. Section 1.912, the text of paragraph (c) is deleted and the word "[Reserved]" is inserted in lieu thereof, as follows:

§ 1.912 Where applications are to be filed.

• • • • • •

(c) [Reserved]

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C. Part 83, Stations on Shipboard in the Maritime Services, is amended as follows:

[1] Commissioners Hyde, Lee and Loevinger absent.

1. Section 83.24, paragraphs (a) and (b) are amended to read:

§ 83.24 Application precedent to authorization.

(a) Except as otherwise provided by §§ 83.26, 83.41, and 83.42, no authorization will be granted for use or operation of any radio station on board ship in any service governed by this part unless formal written application therefor in proper form first is filed with the Commission at its offices in Washington, D.C., 20554.

(b) Except as otherwise provided by §§ 83.41 and 83.42 an application in writing should be filed at least sixty days prior to the earliest date on which it is desired that the requested authorization be granted by the Commission, in order that action thereon may be taken by that date.

• • • • • •

2. Section 83.27, paragraph (c) is amended to read:

§ 83.27 Defective applications.

• • • • • •

(c) When an application in written form is considered to be incomplete or defective, the Secretary of the Commission will return it to the applicant unless the Commission should otherwise direct. The reason for return of the application will be indicated, and, if appropriate, necessary additions or corrections may be suggested.

3. Section 83.29 is amended to read:

§ 83.29 Partial grant of application.

Whenever the Commission, without a hearing grants an application in part, or with any privileges, terms, or conditions other than those requested, the action of the Commission shall be considered as a grant of such application unless the applicant shall, within 30 days from the date on which public announcement of such grant is made, or from its effective date if a later date is specified, file with the Commission a written protest, rejecting the grant as made. Upon receipt of such protest, the Commission will vacate its original action upon the application, if necessary, and set the application for hearing in the same manner as other applications are set for hearing.

§ 83.35 [Deleted]

4. Section 83.35 is deleted.

5. Section 83.37, paragraph (a) is amended to read:

§ 83.37 Application for consent to voluntary transfer of control; nonassignment of license.

(a) Application for consent to voluntary transfer of control of a corporation holding a license covering any class of station governed by this part shall be filed with the Commission on FCC Form 703 "Application for Consent to Transfer of Control of Corporation Holding Construction Permit or Station License" at least 60 days prior to the contemplated effective date of the transfer of control in order that action thereon may be taken by that date.

• • • • • •

6. Section 83.42, paragraph (a), preceding the note, is amended to read:

§ 83.42 Application for license or modification of license in an emergency.

(a) In cases of emergency involving danger of life or property or due to damage to equipment, application for modification or renewal of a station license, to authorize a certain use and operation of radio transmitting apparatus on board ship in the maritime mobile or maritime radio-determination service in accordance with applicable provisions of treaty, statute, and rules of the Commission, may be filed at any time by telegram or letter. In the event that the Commission finds that such an emergency exists, temporary authorization may be granted to operate a station in accordance with the request for the duration of such emergency: *Provided,* That in such cases as may be considered necessary by the Commission, the applicant may be required to supplement such request by filing, as soon as practicable thereafter, a written application for the same authorization as normally prescribed by applicable provisions of this part.

• • • • • •

§ 83.63 [Amended]

7. Section 83.63, paragraph (f) is deleted.

§ 83.64 [Deleted]

8. Section 83.64 is deleted.

§ 83.369 [Deleted]

9. Section 83.369 is deleted.

10. Section 83.405, the text of paragraph (a) is deleted and the word "[Reserved]" is inserted in lieu thereof, as follows:

§ 83.405 Special provisions applicable to ship-radar stations.

(a) [Reserved]

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D. Part 85, Public Fixed Stations and Stations of the Maritime Services in Alaska, is amended as follows:

1. Section 85.22, paragraphs (a) and (d) are amended to read:

§ 85.22 Application precedent to authorization.

(a) Except as otherwise provided in §§ 81.26 and 81.41 of this chapter in respect to stations on land (including Alaska-public fixed stations), and in §§ 83.26, 83.41, and 83.42 of this chapter in respect to radio stations on board ship, no authorization will be granted for use or operation of any radio station subject to this part, nor for any change in station control, services, or transmitting apparatus, unless formal written application therefor in proper form first is filed with the Commission. Except as otherwise permitted by § 85.23 or by applicable rules in Parts 81 and 83 of this chapter (including such rule sections applicable to Alaska-public fixed stations as are designated in § 85.24), a separate application shall be filed in respect to each station and service subject to this part. Except as otherwise provided in §§ 81.32, 81.36, and 81.41 of this chapter in respect to stations on land (including Alaska-public fixed stations), and in §§ 83.41 and 83.42 of this chapter in respect to radio stations on board ship, an application in writing should be filed at least sixty days prior to the earliest date on which it is desired that the requested authorization (or change in authorization) be granted by the Commission in order that action thereon may be taken by that date. Each application shall be specific and complete with regard to the information requested in the application form or otherwise specifically requested by the Commission.

• • • • • •

(d) Applications for authority to operate ship stations, including correspondence relating thereto, shall be filed with the Commission at its offices in Washington, D.C., 20554. Unless otherwise specified in a particular case or for a particular form, each application shall be filed in original only. The provisions of this paragraph shall apply to each application for license, modification of license, or renewal of license.

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[F.R. Doc. 65-12571; Filed, Nov. 22, 1965; 8:50 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

DEFINITION OF SMALL BUSINESS CONCERN

Notice of Hearing for Receiving Priority Payment

Section 202 of the War Claims Act of 1948, as amended by Public Law 87–846 (50 U.S.C. App. 2017a), provides that the Foreign Claims Settlement Commission shall receive and determine the validity and amount of claims of nationals of the United States for loss or destruction of or physical damage to property located in certain European countries and in areas attacked by the Japanese, resulting from military operations or from special measures directed against such property because of the enemy or alleged enemy character of the owner during World War II, provided that, at the time of loss, such property was owned, directly or indirectly, by a national of the United States.

Section 204 of the War Claims Act of 1948, as amended (50 U.S.C. App. 2017c.), provides that a claim shall not be allowed unless the property upon which it is based was owned by "a national or nationals of the United States" on the date of loss, damage, or destruction, and continuously until the date of the filing of the claim.

A "national of the United States" is defined by section 201 of the War Claims Act of 1948, as amended (50 U.S.C. App. 2017), as (1) a natural person who is a citizen of the United States, (2) a natural person who, though not a citizen of the United States, owes permanent allegiance to the United States, and (3) a corporation, partnership, unincorpo-

rated body or other entity, organized under the laws of the United States, or any State, the Commonwealth of Puerto Rico, the District of Columbia, or any possession of the United States, and in which more than 50 per centum of the capital stock or other proprietary or similar interest is owned directly or indirectly by persons referred to in (1) and (2), above. If the loss was suffered by a corporation, partnership, unincorporated body or other such entity which does not meet these conditions then pursuant to section 205 of the War Claims Act of 1948, as amended (50 U.S.C. App. 2017d), an owner of a direct interest in the corporation, partnership, unincorporated body or other such entity, who is a national of the United States, may receive an award which shall bear the "same proportion to such loss as the ownership interest of the * * * [national] * * * bears to the entire ownership interest thereof."

Section 213(a)(1) of the War Claims Act of 1948, as amended (50 U.S.C. App. 2017 1.), provides for priority payment to "any claimant certified to the Commission by the Small Business Administration as having been, on the date of loss, damage, or destruction, a small business concern within the meaning now set forth in the Small Business Act, as amended."

The Small Business Administration has before it for certification several cases, including those of Ulrich Strauss (W-12076), Harold Nebenzal (W-4214), and Walter Abner Burns Nichols (W-1938), in which the claimant is a national of the United States and the claim is based on the ownership of a stock interest in a small foreign corporation which suffered a loss but which by reason of section 204, above, is ineligible to file its own claim.

The Small Business Administration Size Appeals Board will hold a hearing at 10 a.m., e.s.t., on December 13, 1965, to determine whether, under the above circumstances, a national of the United States who has a claim based on such stock ownership qualifies as a small business concern for the purposes of section 213(a)(1) of the War Claims Act of 1948, as amended.

The hearing will be held in Room 442, 811 Vermont Avenue NW., Washington, D.C. Interested persons may file with the Secretary, Size Appeals Board, on or before 5 p.m. e.s.t. on December 6, 1965, written statements of facts, opinions or arguments concerning the issues set forth above. Those persons who wish to make oral statements should notify the Secretary, Size Appeals Board, in writing, on or before 5 p.m., e.s.t., on December 8, 1965, setting forth the name and title (if any) of the persons who will appear and whom they will represent.

All correspondence on this matter should be addressed to:

Ruth J. Miller, Secretary, Size Appeals Board, Small Business Administration, 811 Vermont Avenue NW., Washington, D.C., 20416.

Dated: November 16, 1965.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 65-12541; Filed, Nov. 22, 1965; 8:47 a.m.]

Notices

DEPARTMENT OF JUSTICE

Office of Alien Property

ALICE MEYER AND HERTA TUMSENG

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses, and also subject to the provisions of Treasury Circular No. 655, as amended, 31 CFR 211.3, and of Executive Order No. 8389, as amended, 5 F.R. 1400, 6 F.R. 2897:

Claimants, Claim No., Property and Location

Alice Meyer, Za strasnickou vozovnou 10, Prague 2, Czechoslovakia; Claim No. 44950; Vesting Order No. 500A-31; $1,759.85 in the Treasury of the United States.

Herta Tumseng, Za strasnickou vozovnou 10, Prague 2, Czechoslovakia; Claim No. 44950; Vesting Order No. 500A-31; $879.93 in the Treasury of the United States.

Executed at Washington, D.C., on November 15, 1965.

For the Attorney General.

[SEAL] ANTHONY L. MONDELLO,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 65-12497; Filed, Nov. 22, 1965; 8:45 a.m.]

HERTHA L. WOHLMUTH

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Hertha L. Wohlmuth, Rheinstrasse IV, 8 Munich 23, Germany; Claim No. 58725; Vesting Order No. 12808; $16,430.77 in the Treasury of the United States.

Executed at Washington, D.C., on November 16, 1965.

For the Attorney General.

[SEAL] ANTHONY L. MONDELLO,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 65-12498; Filed, Nov. 22, 1965; 8:45 a.m.]

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority 63]

PRINCIPAL U.S. DIPLOMATIC OFFICER IN CEYLON

Delegation of Authority Regarding Administration of AID Program

Pursuant to the authority delegated to me by Delegation of Authority No. 104 from the Secretary of State of November 3, 1961 (26 F.R. 10608), I hereby delegate to the principal diplomatic officer of the United States in Ceylon with respect to the administration of the foreign assistance program within the country to which he is accredited, the authorities delegated to Directors of Missions of the Agency for International Development (AID) in the following delegations, subject to the limitations applicable to the exercise of such authorities by AID Mission Directors:

(1) Unpublished Delegation of Authority of January 10, 1955;

(2) Delegation of Authority of November 26, 1954, as amended (19 F.R. 8049);

(3) Paragraphs 4 and 5 of Delegation of Authority of September 28, 1960 (25 F.R. 9927).

In addition to the foregoing, there is hereby delegated to the aforesaid principal diplomatic officer the authorities delegated to AID Mission Directors in existing AID manual orders, regulations, memoranda and other instructions.

The authority delegated herein may be redelegated to the officer at the post principally responsible for AID activities.

This delegation of authority shall be deemed effective as of November 15, 1965.

DAVID E. BELL,
Administrator.

NOVEMBER 6, 1965.

[F.R. Doc. 65-12542; Filed, Nov. 22, 1965; 8:47 a.m.]

CHIEF, CONTRACT SERVICES DIVISION, ET AL.

Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me by Delegation of Authority Number 17.1 from the Administrator of the Agency for International Development dated April 12, 1963, I hereby redelegate to the Chief, Assistant Chief, and Assistant Chief for Operations, of the Contract Services Division, authority to sign or approve:

1. (a) Contracts and amendments to contracts financed in whole or in part by AID, other than contracts exclusively for the supply of commodities; and grants, and amendments to grants, other than to foreign governments, agencies of foreign governments, or international organizations;

(b) Letters of Commitment, and Notices of Approval for Financing of Cooperating Country contracts for the type of contracts described in (a) above;

(c) Project Implementation Orders—Technical Services (PIO/T);

(d) Amendments or Modifications (pursuant to Executive Order 11223) of AID—financed contracts entered into with nonprofit institutions under which no fee is charged or paid, where the amendment or modification is requested by the contractor and does not involve a consideration for the United States, provided that all such amendments or modifications are requested prior to final payment under the contract; and provided further that all such amendments or modifications involving $25,000 or more have my specific approval.

2. The authority herein delegated to the officers named above may not be further redelegated by such officers, but may be exercised by duly authorized persons who are performing the functions of such officers in an acting capacity.

3. The authorities delegated herein are to be exercised in accordance with regulations, procedures and policies now or hereafter established or modified and promulgated within AID.

4. Existing subdelegations of authority issued by the Director, Office of Contract Relations or Chief, Contract Services Division, to the Office of Program Support, with respect to signing and issuing Field Purchase Orders and Interpreter Service Contracts, are hereby revoked.

5. The Delegation of Contracting Functions to the Chief and Assistant Chief of the Contract Services Division of April 12, 1963, 28 F.R. 4037, is hereby revoked.

6. This delegation of authority shall be effective immediately.

HERBERT J. WATERS,
Assistant Administrator
for Material Resources.

NOVEMBER 10, 1965.

[F.R. Doc. 65-12543; Filed, Nov. 22, 1965; 8:47 a.m.]

INCUMBENTS, OFFICES OF INTERNATIONAL TRAINING AND PUBLIC SAFETY

Delegation of Authority Regarding Functions

Pursuant to the authority delegated to me by Delegation of Authority No. 17.1 from the Administrator of the Agency for International Development, dated April 12, 1963, I hereby make the following redelegation of authority to the incumbents of the positions in the Office of International Training (A/IT) and the

Office of Public Safety (OPS), as designated on the table which appears following paragraph 4 of this delegation, and within the limits specified for each position in the table, to execute purchase orders for the indicated purposes related to the participant program.

1. The authorities herein delegated are to be exercised in accordance with regulations, procedures, and policies now or hereafter established or modified and promulgated within AID.

2. Any actions taken prior to the effective date hereof by officers duly authorized pursuant to superseded delegations are hereby continued in effect according to their terms until modified, revoked, or superseded by action of the officers to whom relevant authority has been delegated in this delegation.

3. Nothing herein shall be construed to derogate from the authority of the Chief, Assistant Chief, and Assistant Chief for Operations, Contract Services Division, pursuant to Redelegation of Authority dated November 10, 1965, in their discretion, at any time to exercise any of the functions herein delegated.

4. The authorities delegated herein may not be redelegated.

Chief, Support Services Division, IT/SSD	Chief, Training Division, (OPS/TD) [For OPS participants only]	Chief, Program Division, IT/PD	Program Development Officers and I/IT escorts (only if in travel status accompanying participants)	Chiefs, Regional Training Branches IT/PD	Officers to be authorized to obtain various categories of goods and services by small-value procurement procedure
Nil	$2,500	$2,500	Nil	$1,000	Published tuition and related fees.
Nil	2,500	2,500	Nil	1,000	Nonstandard courses open to the general public for which there is a fixed fee.
Nil	2,500	2,500	Nil	1,000	Specially arranged and negotiated programs.
Nil	2,500	2,500	Nil	1,000	Technical books and training equipment.
Nil	Nil	Nil	Nil	1,000	Typing and preparation of doctoral dissertations and master's theses.
$5,000	Nil	2,500	Nil	1,000	Interpreting (including translating) services.
Nil	2,500	2,500	Nil	1,000	Lecture fees.
Nil	2,500	2,500	Nil	1,000	Tutorial fees.
Nil	2,500	2,500	Nil	1,000	Medical services not covered by insurance.
Nil	2,500	2,500	Nil	1,000	Services incidental to the preparation and disposition of the remains of deceased participants.
Nil	2,500	2,500	Nil	1,000	Emergency or seasonal clothing.
Nil	2,500	2,500	$1,000	Nil	Intracity transportation.
Nil	2,500	2,500	1,000	$1,000	Conference area rental.

5. Delegation of Authority to sign Field Purchase Orders by the Director, Office of Contract Relations, dated September 3, 1957 (22 F.R. 7244) is hereby revoked.

6. This Delegation of Authority shall be effective immediately.

HERBERT J. WATERS,
Assistant Administrator for Material Resources.

NOVEMBER 10, 1965.

[F.R. Doc. 65-12544; Filed, Nov. 22, 1965; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Report No. 64]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through November 8, 1965, exclusive of those vessels that called at Cuba on United States Government-approved noncommercial voyages and those listed in section 2. Pursuant to established United States Government policy, the listed vessels are ineligible to carry United States Government-financed cargoes from the United States.

FLAG OF REGISTRY AND NAME OF SHIP	Gross tonnage
Total all flags (241 ships)	1,684,467
British (75 ships)	558,866
**Agate (trips to Cuba under ex-name Dairen—British flag).	
**Amalia (now Maltese flag).	
**Amazon River (now River—sold to Dutch breakers)	7,234
Antarctica	8,785
Arctic Ocean	8,791
Ardenode	7,036
Ardgem	6,981
Ardmore	4,664
Ardpatrick	7,054
Ardrowan	7,300
Ardsirod	7,025
Ardtara	5,795
**Arlington Court (now Southgate—British flag).	
Athelcrown (Tanker)	11,149
Athelduke (Tanker)	9,089
Athelmere (Tanker)	7,524
Athelmonarch (Tanker)	11,182
**Athelsultan (Tanker—broken up)	9,149
Avisfaith	7,868
Baxtergate	8,813
Cheung Chau	8,566
**Chipbee (sold for scrap)	7,271
**Cosmo Trader (trips to Cuba under ex-name, Ivy Fair—British flag).	
**Dairen (now Agate—British flag)	4,939
**East Breeze (now Phoenician Dawn—British flag)	8,708
**Ships appearing on the list that have been scrapped or have had changes in name, and/or flag of registry.	

FLAG OF REGISTRY, NAME OF SHIP—Continued	Gross tonnage
British—Continued	
Eastfortune	8,789
Formentor	8,424
**Free Enterprise (now Haitian flag)	6,807
**Free Merchant (now Cypriot flag)	5,237
**Garthdale (now Jeb Lee—British flag)	7,542
Grosvenor Mariner	7,026
Hazelmoor	7,907
Helka	2,111
Hemisphere	8,718
Ho Fung	7,121
Inchstaffa	5,255
**Ivy Fair (now Cosmo Trader—British flag—broken up)	7,201
**Jeb Lee (trip to Cuba under ex-name, Garthdale—British flag).	
Jollity	8,660
Kinross	5,388
La Hortensia	9,486
Linkmoor	8,236
Magister	2,339
Nancy Dee	6,597
Nebula	8,924
**Newdene (now Free Navigator—Cypriot flag).	
**Newforest (now Haitian flag)	7,185
Newgate	6,743
Newglade	7,368
**Newgrove (now Cypriot flag).	
Newheath	7,643
Newhill	7,855
Newlane	7,043
**Newmeadow (now Cypriot flag)	5,654
Newmoat	7,151
Newmoor	7,168
Nils Amelon	6,281
Oceantramp	6,185
Oceantravel	10,477
Peony	9,037
**Phoenician Dawn (trips to Cuba under ex-name, East Breeze—British flag).	
**Redbrook (now E. Evangelia—Greek flag)	7,388
Ruthy Ann	7,361
**St. Antonio (now Maltese flag).	
Sandsend	7,236
Santa Granda	7,229
Sea Amber	10,421
Sea Coral	10,421
Sea Empress	9,841
Seasage	4,330
Shienfoon	7,127
**Shun Fung (wrecked)	7,148
**Soclyve (now Maltese flag).	
**Southgate (previous trips to Cuba under ex-name, Arlington Court—British flag)	9,662
Stanwear	8,108
Suva Breeze	4,970
**Swift River (now Kallithea—Cypriot flag)	7,251
Thames Breeze	7,878
**Timios Stavros (now Maltese flag—previous trips to Cuba under Greek flag).	
Venice	8,611
Vercharmian	7,265
Vergmont	7,381
West Breeze	8,718
Yungfutary	5,388
Yunglutaton	5,414
Zela M	7,237
Lebanese (58 ships)	389,592
Agia Sophia	3,106
Aiolos II	7,256
Ais Giannis	6,997
Akamas	7,285
Al Amin	7,186
Alaska	6,989
Anthas	7,044

FLAG OF REGISTRY, NAME OF SHIP—Continued	Gross tonnage
Lebanese—Continued	
Antonis	6,259
**Ares (constructive total loss)	4,557
Areti	7,176
Aristefs	6,995
Astir	5,324
Athamas	4,729
**Carnation (sold Spanish breakers)	4,884
Claire	5,411
Cris	6,032
Dimos	7,187
**E. Myrtidiotissa (trips to Cuba under ex-name, Kalliopi D. Lemos—Lebanese flag).	
**Free Trader (now Cypriot flag).	
Giannis	5,270
Giorgos Tsakiroglou	7,240
Granikos	7,282
Ilena	5,925
Ioannis Aspiotis	7,297
**Kalliopi D. Lemos (now E. Myrtidiotissa—Lebanese flag)	5,103
Katerina	9,357
Leftric	7,176
Malou	7,145
Mantric	7,255
Maria Despina	7,254
Maria Renee	7,203
Marichristina	7,124
**Marymark (sold German shipbreakers)	4,383
Mersinidi	6,782
Mimosa	7,314
Mousse	6,984
Nictric	7,296
Noelle	7,251
Noemi	7,070
Olga	7,199
Panagos	7,133
Parmarina	6,721
**Razani (broken up)	7,253
Reneka	7,250
Rio	7,194
St. Anthony	5,349
St. Nicolas	7,165
San George	7,267
**San John (now Ledra—Cypriot flag).	
San Spyridon	7,260
**Sheik Boutros (trips to Cuba under ex-name, Cavtat—Yugoslav flag).	
Stevo	7,066
Taxiarhis	7,349
Tertric	7,045
Theodoros Lemos	7,198
Tony	7,176
Toula	4,561
Troyan	7,243
Vassiliki	7,192
Vastric	6,453
Vergolivada	6,339
Yanxilas	10,051
Greek (35 ships)	257,596
Agios Therapon	5,617
Akastos	7,331
Alice	7,189
**Ambassade (sold Hong Kong ship breakers)	8,600
Americana	7,104
Anacreon	7,359
**Anatoli (now Sunrise—Cypriot flag)	7,187
**Andromachi (previous trips to Cuba under ex-name, Penelope—Greek flag)	6,712
**Antonia (now Amfithea—Cypriot flag).	
Apollon	9,744
Athanassios K	7,216
Barbarino	7,084
Calliopi Michalos	7,249
**Ships appearing on the list that have been scrapped or have had changes in name, and/or flag of registry.	

FLAG OF REGISTRY, NAME OF SHIP—Continued	Gross tonnage
Greek—Continued	
**Embassy (broken up)	8,418
**E. Evangelia (trips to Cuba under ex-name, Redbrook—British flag).	
Flora M	7,244
**Gloria (now Helen—Greek flag).	
**Helen (previous trips to Cuba under ex-name, Gloria—Greek flag)	7,128
Irena	7,232
Istros II	7,275
Kapetan Kostis	5,032
Kyra Hariklia	6,888
Maria Theresa	7,245
Marigo	7,147
**Maroudio (now Thalie—Panamanian flag)	7,369
**Mastro-Stelios II (now Wendy H.—South African flag)	7,282
**Nicolaos F. (previous trip to Cuba under ex-name, Nicolaos Frangistas—Greek flag)	7,199
**Nicolaos Frangistas (now Nicolaos F.—Greek flag).	
Pamit	3,929
Pantanassa	7,131
Paxoi	7,144
**Penelope (now Andromachi—Greek flag).	
**Presvia (broken up)	10,820
Redestos	5,911
Roula Maria (Tanker)	10,608
**Seirios (broken up)	7,239
Sophia	7,030
**Stylianos N. Vlassopulos (now Antonia 2—Cypriot flag)	7,303
**Timios Stavros (formerly British flag—now Maltese flag).	
Tina	7,362
Western Trader	9,268
Polish (16 ships)	112,779
Baltyk	6,963
Bialystok	7,173
Bytom	5,967
Chopin	6,987
Chorzow	7,237
Huta Florian	7,258
Huta Labedy	7,221
Huta Ostrowiec	7,175
Huta Zgoda	6,840
Kopalnia Bobrek	7,221
Kopalnia Czeladz	7,252
Kopalnia Miechowice	7,223
Kopalnia Siemianowice	7,165
Kopalnia Wujek	7,033
Piast	3,184
Transportowiec	10,880
Italian (14 ships)	111,681
Achille	6,950
Agostino Bertani	8,380
**Andrea Costa (Tanker—broken up)	10,440
Aspromonte	7,154
Caprera	7,189
Giuseppe Giulletti (Tanker)	17,519
Mariasusanna	2,479
Montiron	1,595
Nazareno	7,173
Nino Bixio	8,427
San Francesco	9,284
San Nicola (Tanker)	12,461
Santa Lucia	9,278
**Somalia (now Chenchang—Nationalist Chincse flag)	3,352
Yugoslav (9 ships)	60,800
Bar	7,233
**Cavtat (now Sheik Boutros—Lebanese flag)	7,266
Cetinje	7,200
Dugi Otok	6,997
Kolasin	7,217

FLAG OF REGISTRY, NAME OF SHIP—Continued	Gross tonnage
Yugoslav—Continued	
Mojkovac	7,125
Plod	3,657
Promina	6,960
**Trebisnjica (wrecked)	7,145
French (7 ships)	26,817
Arsinoe (Tanker—sunk)	10,426
Circe	2,874
Enee	1,272
Foulaya	3,739
Mungo	4,820
Nelee	2,874
Neve	852
Cypriot (7 ships)	46,167
*Acme	7,159
Adelphos Petrakis	7,170
**Amfithea (previous trip to Cuba under ex-name, Antonia—Greek flag)	5,171
**Antonia 2 (trip to Cuba under ex-name, Stylianos N. Vlassopulos—Greek flag).	
Artemida	
**Free Merchant (trips to Cuba under British flag)	7,247
**Free Navigator (previous trips to Cuba under ex-name, Newdene—British flag)	7,181
**Free Trader (previous trips to Cuba under Lebanese flag)	7,067
**Kallithea (trips to Cuba under ex-name, Swift River—British flag).	
**Ledra (previous trips to Cuba under ex-name, San John—Lebanese flag)	5,172
**Newgrove (trips to Cuba under British and Haitian flags).	
**Newmeadow (trips to Cuba under British flag).	
**Sunrise (trip to Cuba under ex-name, Anatoli—Greek flag).	
Moroccan (5 ships)	35,828
Atlas	10,392
Banora	3,082
Marrakech	3,214
Mauritanie	10,392
Toubkal	8,748
Maltese (5 ships)	33,788
**Amalia (previous trips to Cuba under British flag)	7,304
Ispahan	7,156
**St. Antonio (previous trip to Cuba under British flag)	6,704
**Soclyve (previous trips to Cuba under British flag)	7,291
**Timios Stavros (previous trips to Cuba under British flag and Greek flag)	5,333
Finnish (3 ships)	21,170
Augusta Paulin	7,096
**Hermia (trip to Cuba under ex-name, Amfred—Swedish flag).	
Margrethe Paulin	7,251
Ragni Paulin	6,823
Netherlands (2 ships)	999
Meike	500
Tempo	499
Norwegian (2 ships)	11,894
Ole Bratt	7,144
**Tine (now Jezreel—Panamanian flag—wrecked)	4,750

*Added to Rept. No. 62, appearing in the FEDERAL REGISTER issue of Oct. 6, 1965.

FLAG OF REGISTRY, NAME OF SHIP—Continued

	Gross tonnage
Swedish (2 ships)	9,318
**Amfred (now Hermia—Finnish flag)	2,828
**Dagmar (now Ricardo—Panamanian flag)	6,490
Haitian (1 ship):	
**Free Enterprise (trips to Cuba under British flag).	
**Newforest (trips to Cuba under British flag).	
**Newgrove (now Cypriot flag)	7,172
Nationalist Chinese:	
**Chen Chang (trip to Cuba under ex-name, Somalia—Italian flag).	
Panamanian:	
**Jezreel (trip to Cuba under ex-name, Tine—Norwegian flag—wrecked).	
**Ricardo (trips to Cuba under ex-name, Dagmar—Swedish flag).	
**Thalie (trip to Cuba under ex-name, Maroudio—Greek flag).	
South African:	
**Wendy H. (trip to Cuba under ex-name, Mastro-Stellos II—Greek flag).	

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry United States Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the Cuba trade so long as it remains the policy of the United States Government to discourage such trade; and

(b) That no other vessels under their control will thenceforth be employed in the Cuba trade, except as provided in paragraph (c) and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuba trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

FLAG OF REGISTRY AND NAME OF SHIP

	Gross tonnage
a. Since last report: Lebanese (1 ship):	
Theologos	7,246
b. Previous reports:	
	Number of ships
Flag of registry (total)	87
British	37
Danish	1
Finnish	2
French	1
German (West)	1
Greek	25
Israeli	1
Italian	5
Japanese	1
Kuwaiti	1
Lebanese	1
Norwegian	4
Spanish	6
Swedish	1

SEC. 3. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through November 8, 1965:

Flag of registry	Number of trips												
	1963	1964	1965										Total
			Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	
British	133	180	9	7	14	10	13	11	11	11	7	6	412
Lebanese	64	91	8	2	4	6	2	9	8	2	3		199
Greek	99	27	2		1	2	4	2	3	2			142
Italian	16	20	3	2	3	2	1	3	2	2	2	1	57
Yugoslav	12	11			4		1		2	2	2		34
Spanish	8	17											25
Norwegian	14	10											24
Moroccan	9	13									1		23
French	8	9					1	2		2		1	23
Cypriot		1				1	1	1	1	1	2		8
Finnish	1	4				1	1						7
Maltese		2	1			1		1		1			6
Netherlands		4					1		1				6
Swedish	3	3											6
Kuwaiti		2					1						3
Israeli			1	1									2
Danish	1												1
German (West)	1												1
Haitian							1						1
Japanese	1												1
Subtotal	370	394	24	12	26	23	27	29	28	23	17	8	981
Polish	18	16	2	1	1	1	1		1	1	1		43
Grand total	388	410	26	13	27	24	28	29	29	24	18	8	1024

NOTE: Trip totals in this section exceed ship totals in secs. 1 and 2 because some of the ships made more than one trip to Cuba. Monthly totals subject to revision as additional data become available.

Dated: November 12, 1965.

By order of the Deputy Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 65-12523; Filed, Nov. 22, 1965; 8:45 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

URBAN RENEWAL COMMISSIONER AND REGIONAL ADMINISTRATORS

Delegation of Authority With Respect to Grants for Neighborhood Facilities

1. The Urban Renewal Commissioner, and the Regional Administrator within his respective Region, each is hereby authorized to execute the powers and functions vested in the Housing and Home Finance Administrator under sections 703 and 705 of the Housing and Urban Development Act of 1965 (P.L. 89-117), 42 U.S.C. 3103 and 3105, with respect to grants for neighborhood facilities except (a) the authority to sue and be sued, pursuant to section 705 of the said 1965 Act and section 402(c)(3) of the Housing Act of 1950, as amended (12 U.S.C. 1749a(c)(3)), and (b) in the case of the Regional Administrator the authority to make reservations and allocations of grant funds and to authorize contracts.

2. The Urban Renewal Commissioner is authorized to redelegate to one or more employees in the Urban Renewal Administration any of the authority herein delegated to the Commissioner.

3. Each Regional Administrator is authorized to redelegate to the Regional Director of Urban Renewal in his Region any of the authority herein delegated to the Regional Administrator.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 17th day of November 1965.

ROBERT C. WEAVER,
Housing and Home Finance Administrator.

[F.R. Doc. 65-12554; Filed, Nov. 22, 1965; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16677; Order E-22899]

DELTA AIR LINES, INC.

New Jet Fares; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington D.C., on the 17th day of November 1965.

By tariff revisions[1] filed October 22, 1965, and marked to become effective November 21, 1965, Delta Air Lines, Inc. (Delta), proposes to add new jet fares in various markets. Most of the proposed jet fares are at the same level as Delta's propeller fares between the same points for the same class of service. Twenty of the proposed jet fares are higher than Delta's existing propeller fares. The fares are marked to expire April 24, 1966. No complaints have been filed.

In support of its proposals, Delta states that most of the new fares are needed for DC-9 jet service that will begin on or about December 1, 1965, and that it is filing only those point-to-point fares that it must have for the first month for the new services. It has so limited its filing because it disagrees with the Board's announced policy that new jet fares will not be accepted unless they are established at levels no higher than the existing propeller fares. However, since Delta desires to offer the new jet services, it is filing the fares in accord with current Board policy except in a few instances where the proposed fares are at a higher level in order to prevent undercutting existing Delta jet fares and to eliminate long-and-short haul situations. Delta states that the expiry date of April 24, 1966, on the new fares will facilitate any adjustments that may be necessary in these fares, or subsequently filed fares, as a result of any changes in the Board's policy that may be made as a result of a current jet fare study now in process.

Upon consideration of the proposals and other matters of record, the Board will permit to become effective all of the new jet fares that are equal to Delta's existing propeller fares. In addition, with the exception of the fares proposed for the Little Rock-Los Angeles/San Diego markets, we will permit to become effective the new jet fares above the propeller level that have been constructed under a principle designed to avoid undercuts of existing Delta jet fares in other markets or to avoid long-and-short haul situations. While Delta has marked these fares to expire with April 24, 1966, we do not believe a period of this length is required. Accordingly we will expect the carrier to limit the effective period of these fares through Februray 28, 1966.

In regard to the fares proposed for the Little Rock-Los Angeles/San Diego markets, we cannot find an adequate economic justification supporting these proposals. These fares, higher than existing propeller fares, involve fare increases over and above that required to avoid a long-and-short-haul situation. In this instance, the proposed fares are equal to the existing jet fares of a competitor. However, we have not allowed fare increases on this ground of itself. Rather, we have permitted, and are now permitting fare increases only insofar as a new fare would result in undercutting other fares of the filing carrier. We note from data reported to the Board that Delta's earnings have been increasing steadily and that its return in recent years has been higher than that found reasonable by the Board. We find no basis for these proposed fare increases on economic grounds. Therefore, we will suspend and investigate the jet coach fare increases in the Little Rock-Los Angeles/San Diego markets, as these proposals constitute fare increases above the level of that required to avoid a long-and-short-haul situation.

Accordingly, pursuant to the Federal Aviation Act of 1958, particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the jet day coach fares between Little Rock, on the one hand, and Los Angeles and San Diego, on the other, on 9th and 10th Revised Pages 120-G of Airline Tariff Publishers, Inc., Agent, CAB No. 44 and rules, regulations, or practices affecting such fares are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares, and rules, regulations, and practices affecting such fares;

2. Pending hearing and decision by the Board, the jet day coach fares between Little Rock, on the one hand, and Los Angeles and San Diego, on the other, on 9th and 10th Revised Pages 120-G of Airline Tariff Publishers, Inc., Agent, CAB No. 44 are suspended and their use deferred to and including February 18, 1966, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This investigation be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated; and

4. A copy of this order be filed with the aforesaid tariff and be served upon Delta Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[2]

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65-12557; Filed, Nov. 22, 1965; 8:48 a.m.]

[1] Airline Tariff Publishers, Inc., Agent, CAB No. 44.

FARM CREDIT ADMINISTRATION

CERTAIN DEPUTY GOVERNORS

Notice of Basic Compensation

As provided in section 5(d) of the Farm Credit Act of 1953, as amended (sec. 302(a), 75 Stat. 793; 12 U.S.C. 636d(d)), the Federal Farm Credit Board has fixed the per annum salary of three Deputy Governors of the Farm Credit Administration, effective October 10, 1965, as follows:

Position	New salary	Previous salary
Deputy Governor and Director of Cooperative Bank Service.	$25,382	$24,500 (29 F.R. 12596).
Deputy Governor and Director of Short-Term Credit Service.	23,771	$22,945 (30 F.R. 2002).
Deputy Governor and Director of Land Bank Service.	23,687	$22,865 (30 F.R. 8421).

The rates fixed and this publication of such action are in conformity with section 309 of the Government Employees Salary Reform Act of 1964 (Public Law 88-426, 78 Stat. 433) and reflect changes in the General Schedule of the Classification Act of 1949 made by the Federal Employees Salary Act of 1965 (Public Law 89-301; 79 Stat. 1111).

HAROLD T. MASON,
Acting Governor,
Farm Credit Administration.

[F.R. Doc. 65-12524; Filed, Nov. 22, 1965; 8:45 a.m.]

[2] Concurring statement of member Gilliland filed as part of original document.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16084; FCC 65M-1516]

AMERICAN TELEPHONE & TELEGRAPH CO.

Order Continuing Hearing

In the matter of American Telephone & Telegraph Co., Docket No. 16084; Tariff FCC No. 134, paragraph 27, 2d Revised Page 10H.

Because of the posture of the above matter at this time which indicates a resolution without extensive hearing, all parties have agreed informally and have stated to the Hearing Examiner that the hearing now scheduled for November 30, 1965, should be postponed to about the middle of January 1966,

Accordingly it is ordered, This 17th day of November 1965, that the hearing now scheduled for November 30, 1965, is rescheduled to commence at 10 a.m., January 17, 1966, in the Commission's offices in Washington, D.C.

Released: November 18, 1965.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12572; Filed, Nov. 22, 1965; 8:50 a.m.]

[Docket Nos. 15812, 15813; FCC 65M-1508]

NEBRASKA RURAL RADIO ASSOCIATION (KRVN) AND TOWN & FARM CO., INC. (KMMJ)

Order Regarding Procedural Dates

In re applications of Nebraska Rural Radio Association (KRVN), Lexington, Nebr., Docket No. 15812, File No. BP-15348; Town & Farm Co., Inc. (KMMJ), Grand Island, Nebr., Docket No. 15813, File No. BP-15354; for construction permits.

The Hearing Examiner has under consideration (1) a petition filed November 8, 1965, by Town & Farm Co., Inc. (KMMJ), requesting the postponement of the evidentiary hearing in this proceeding until after the Commission has acted upon a pleading filed November 8, 1965, by KMMJ requesting a reversal of the Memorandum Opinion and Order of the Review Board dated October 25, 1965, released October 28, 1965, rejecting an amendment previously tendered by KMMJ to its above-entitled application; and (2) an opposition to said petition for stay filed November 12, 1965, by Nebraska Rural Radio Association (KRVN),

By Memorandum Opinion and Order dated August 4, 1965, released August 5, 1965, the Hearing Examiner accepted an amendment previously tendered by KMMJ, the major purpose of which was to reduce the tower height of the station proposed by KMMJ from 705 feet to 356 feet. By Memorandum Opinion and Order dated October 25, 1965, released October 28, 1965, the Review Board reversed the Hearing Examiner's action and rejected the KMMJ amendment. By a pleading filed November 8, 1965, KMMJ requested the Commission to reverse the Review Board's action and reinstate the amendment which proposed operation with tower height of 356 feet. The matter of the requested stay and the matter of the exchange of KMMJ engineering exhibits, on the assumption that the applicant must go forward with a proposal to operate with a tower height of 705 feet, were discussed at the further prehearing conference held November 15, 1965. Reference is made to the transcript of November 15, 1965, for details regarding the various matters involved.

As a result of the prehearing conference held November 15, 1965, the Hearing Examiner specifies the following time schedule for the further conduct of this hearing:

a. Each of the two applicants will notify all parties to the proceeding on or before December 1, 1965, whether the two applicants have or have not been able to enter into an agreement which may be submitted to the Commission which, if approved, would resolve one or more of the issues now specified in the Memorandum Opinion and Order designating the applications for hearing.

b. If a firm agreement or understanding has been reached by the two applicants, there will be a further prehearing conference to be held at 10 a.m. on Monday, December 6, 1965, at which time the substance of such agreement will be stated and a time schedule specified within which to present the proposal to the Commission's Review Board.

c. If, on the other hand, the two applicants have not entered into a firm agreement on or before December 1, 1965, Town & Farm Co., Inc., will prepare and exchange all engineering exhibits in support of its affirmative showing based on the assumption that the station will operate in accordance with the engineering proposal on file with the Commission as of January 29, 1965, the date the Commission released its memorandum opinion and order designating the above-entitled applications for hearing in a comparative proceeding. These engineering exhibits are to be exchanged with all parties on or before the close of business on Monday, January 10, 1966.

d. Following the exchange of these exhibits, the Commission's engineer in this proceeding will, if deemed necessary, call an informal engineering conference to discuss the engineering exhibits exchanged by KMMJ. Such engineering conference, if held, will be held within the period January 10–January 21, 1966.

e. The evidentiary hearing in this proceeding will begin on Monday, February 7, 1966.[1]

It is ordered, this the 15th day of November 1965, that the petition of Town & Farm Co., Inc. (KMMJ), insofar as it requests a stay of this proceeding until after the Commission has acted on its pleading to review the memorandum opinion and order of the Review Board be and the same is denied, and the evidentiary hearing will begin on Monday, February 7, 1966, in accordance with the time schedule outlined above.

Released: November 17, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12573; Filed, Nov. 22, 1965; 8:50 a.m.]

[Docket Nos. 16292, 16293; FCC 65M-1514]

TRI-CITY BROADCASTING CO. AND HENRYETTA RADIO CO.

Order Scheduling Hearing

In re applications of Harmon Davis, trading as Tri-City Broadcasting Co., Eufaula, Okla., Docket No. 16292, File No. BPH-4482; Henryetta Radio Co., Henryetta, Okla., Docket No. 16293, File No. BPH-4593; for construction permits.

It is ordered, This 16th day of November 1965, that H. Gifford Irion shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on January 12, 1966, at 10 a.m.; and that a prehearing conference shall be held on December 16, 1965, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: November 17, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12574; Filed, Nov. 22, 1965; 8:50 a.m.]

[Docket Nos. 16223-16229; FCC 65M-1515]

TRI-STATE TELEVISION TRANSLATORS, INC.

Order Regarding Change in Place of Hearing

In re applications of Tri-State Television Translators, Inc., Cumberland, Md., Docket No. 16223, File No. BPTTV-2354; Tri-State Television Translators, Inc., Cumberland, Md., Docket No. 16224, File No. BPTTV-2355; Tri State Television Translators, Inc., Cumberland, Md., Docket No. 16225, File No. BPTTV-2356; Tri-State Television Translators, Inc., Cumberland, Md., Docket No. 16226, File No. BPTTV-2357; Tri-State Television Translators, Inc., Cumberland, Md., Docket No. 16227, File No. BPTTV-2358; Tri-State Television Translators, Inc., Cumberland, Md., Docket No. 16228, File No. BPTTV-2359; Tri-State Television Translators, Inc., Cumberland, Md., Docket No. 16229, File No. BPTTV-2360; for construction permits for new VHF television broadcast translator stations.

The Commission in the order of designation (FCC 65-911) released October 12, 1965, specified that the evidentiary hearing now scheduled to commence December 13, 1965, shall be held in Cumberland, Md. The Commission in said action also made Potomac Valley TV Co., Inc., a party respondent;

Potomac Valley filed on November 9, 1965, a petition requesting that the hearing be changed from Cumberland to Washington, D.C. On November 15, 1965, the applicant, Tri-State Television Translators, Inc., filed a reply to Potomac Valley's petition opposing the transfer of the hearing site. In view of the allegations in the pleadings heretofore referred to, it is deemed appropriate that oral argument should be held on the Potomac Valley petition;

Accordingly, it is ordered, This 17th day of November 1965, that oral argument will be held November 24, 1965, 9 a.m., in the Commission's Offices, Washington, D.C., on the petition of Potomac Valley TV Co., Inc., to change the place of the evidentiary hearing.

Released: November 17, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12575; Filed, Nov. 22, 1965; 8:50 a.m.]

[Docket Nos. 16290, 16291; FCC 65M-1511]

WMGS, INC. (WMGS) AND OHIO RADIO, INC.

Order Scheduling Hearing

In re applications of WMGS, Inc. (WMGS), Bowling Green, Ohio, Docket No. 16290, File No. BR-3097; for renewal of license; Ohio Radio, Inc., Bowling Green, Ohio, Docket No. 16291, File No. BP-16423; for construction permit.

It is ordered, This 16th day of November, 1965, that Jay A. Kyle shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on January 10, 1966, at 10 a.m.; and that a prehearing conference shall be held on December 15, 1965, commencing at 9 a.m.: *And it is further ordered*, That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: November 17, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12576; Filed, Nov. 22, 1965; 8:50 a.m.]

[1] At the further prehearing conference on Nov. 15, 1965, the evidentiary hearing was scheduled to begin on Monday, Jan. 31, 1966. Because the Examiner is involved in another proceeding the week of Jan. 31, 1966, the date for the evidentiary hearing is changed to Feb. 7, 1966.

FEDERAL POWER COMMISSION

[Docket No. G-4615 etc.]

CHAS. A. DAUBERT ET AL.

Findings and Order

NOVEMBER 15, 1965.

Chas. A. Daubert (Operator) et al., and other Applicants listed herein, Docket Nos. G-4615, et al.; findings and order after statutory hearing issuing certificates of public convenience and necessity, cancelling docket numbers, amending certificates, permitting and approving abandonment of service, terminating certificates, severing proceeding, terminating rate proceeding, making successors corespondents, substituting respondents, redesignating proceedings, making rate changes effective, accepting agreements and undertakings for filing, requiring filing of agreement and undertaking, accepting surety bond for filing, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC Gas Rate Schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are either equal to or below the ceiling prices established by the Commission's Statement of General Policy 61-1, as amended, or involve sales for which permanent certificates have been previously issued.

Morris R. Antweil doing business as Hobbs Pipe and Supply Co., Applicant in Docket No. G-18812, proposes to continue the sale of natural gas heretofore authorized in said docket and made pursuant to Hanley Co. (Operator), et al., FPC Gas Rate Schedule No. 28. Said rate schedule will be redesignated as that of Antweil. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI60-99. Antweil has filed a motion, together with an agreement and undertaking, to be made corespondent in said proceeding. On June 16, 1960, Hanley filed with the Commission a notice of change in rate under its FPC Gas Rate Schedule No. 28. By order issued July 7, 1960, in Docket No. RI60-462 the Commission suspended the proposed change until July 18, 1960, and thereafter until made effective. The change was designated as Supplement No. 3 to Hanley's rate schedule. On September 17, 1965, Applicant filed a motion, together with an agreement and undertaking, in Docket No. RI60-462 to be substituted as respondent and to make the change in rate effective. Accordingly, Applicant will be made a corespondent in the proceeding pending in Docket No. RI60-99 and will be substituted as respondent in the proceeding pending in Docket No. RI60-462, said proceedings will be redesignated, the change in rate in Docket No. RI60-462 will be made effective subject to refund as of September 17, 1965, and the agreements and undertakings submitted in Docket Nos. RI60-99 and RI60-462 will be accepted for filing.

Apco Oil Corp., Applicant in Docket Nos. G-20089 and CI60-115, proposes to continue the sales of natural gas heretofore authorized in said dockets and made pursuant to Schermerhorn Oil Corp. (Operator), et al., FPC Gas Rate Schedule Nos. 16 and 17, respectively. Said rate schedules will be redesignated as those of Apco. The presently effective rate under Schermerhorn's FPC Gas Rate Schedule No. 16 is in effect subject to refund in Docket No. RI64-437.[1] Apco has filed a motion to be substituted as respondent in said proceeding and an agreement and undertaking to assure the refund of all amounts collected in excess of the amount determined to be just and reasonable in said proceeding. On November 23, 1964, Schermerhorn filed with the Commission a notice of change in rate under its FPC Gas Rate Schedule No. 17. By order issued December 18, 1965, in Docket No. RI65-388 the Commission suspended the proposed change until May 24, 1965, and thereafter until made effective. The change was designated as Supplement No. 3 to the rate schedule. On June 30, 1965, Apco filed a motion to be substituted as respondent in said proceeding, together with an agreement and undertaking to assure the refund of all amounts collected in excess of the amount determined to be just and reasonable in said proceeding. Accordingly, Apco will be substituted as respondent in the proceedings pending in Docket Nos. RI64-437 and RI65-388, the proceedings will be redesignated, the change in rate in Docket No. RI65-388 will be made effective, subject to refund as of June 30, 1965, and the agreements and undertakings submitted in Docket Nos. RI64-437 and RI65-388 will be accepted for filing.

King Resources Co., Applicant in Docket Nos. CI63-240, CI63-263, CI63-292, CI63-293, and CI65-362, has filed a notice of change in name in said dockets to advise the Commission that its name has been changed from King-Stevenson Gas and Oil Co., effective as of July 6, 1965. The FPC gas rate schedules for the sales authorized in said dockets are involved in rate suspension proceedings in Docket Nos. RI62-352,[1] RI65-448, RI65-289, RI65-97, and RI65-444, respectively. Accordingly, the name of the certificate holder in each of the aforementioned and other[2] King-Stevenson certificate dockets will be changed to reflect the new name, and the related rate schedules and rate proceedings will be redesignated.

On December 16, 1964, King Resources Co. (formerly King-Stevenson Gas and Oil Co.) filed with the Commission a notice of change in rate under its FPC Gas Rate Schedule No. 1. By order issued January 14, 1965, in Docket No. RI65-448 the Commission suspended the proposed change until June 16, 1965, and thereafter until made effective. The change was designated as Supplement No. 7 to the rate schedule. On September 1, 1965, King Resources Co. filed a motion, together with an agreement and undertaking, in Docket No. RI65-448 to make the change in rate effective. Accordingly, the change in rate will be made effective, subject to refund as of September 1, 1965, and the agreement and undertaking will be accepted for filing.

Belco Petroleum Corp., Applicant in Docket No. CI64-49, proposes to continue the sale of natural gas heretofore authorized in said docket and made pursuant to Walter Duncan FPC Gas Rate Schedule No. 4. Said rate schedule will be redesignated as that of Belco. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI64-671. Accordingly, Belco will be made corespondent in said proceeding, the proceeding will be redesignated, and Belco will be required to file an agreement and undertaking to assure the refund of any amount collected by it in excess of the amount determined to be just and reasonable in said proceeding.

Peter B. Smith, Applicant in Docket No. CI65-1242, proposes to continue the sale of natural gas heretofore authorized in Docket No. CI61-1081 and made pursuant to James L. Greene, Jr., et al., FPC Gas Rate Schedule No. 1. Docket designation CI65-1242 will be canceled, the certificate heretofore issued to Greene in Docket No. CI61-1081 will be amended by substituting Smith as certificate holder, and Greene's rate schedule will be redesignated as Smith's. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI60-109[2a] Smith has requested to be made corespondent in said proceeding and has filed a surety bond to assure the refund of any amounts collected by him in excess of the amount determined to be just and reasonable in Docket No. RI60-109. Accordingly, Smith will be made corespondent with Greene in said proceeding, the proceeding will be redesignated, and the surety bond submitted by Smith will be accepted for filing.

Herndon Drilling Co., Applicant in Docket No. CI66-179, proposes to continue the sales of natural gas heretofore authorized in Docket Nos. G-6860,[3] G-10727,[3] G-12300, and G-12975 and made pursuant to Alden E. Branine and F. G. Holl (Operators), et al., FPC Gas Rate Schedule No. 1. The contract compris-

[1] Consolidated with Docket No. AR64-1, et al.

[1] Supra.

[2] Docket Nos. CI64-731, CI65-361, and CI65-555.

[2a] Consolidated with Docket No. AR61-1, et al.

[3] Applicant proposes to continue only part of the sales authorized in Docket Nos. G-6860 and G-10727.

ing said rate schedule will also be accepted for filing as Applicant's rate schedule. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI61-154.[1] Applicant has filed a surety bond in Docket No. RI61-154 to assure the refund of any amount collected by it in excess of the amount determined to be just and reasonable in said proceeding. Accordingly, Applicant will be made a corespondent in said proceeding, the proceeding will be redesignated and the surety bond will be accepted for filing.

Phillips Petroleum Co., Applicant in Docket No. CI66-227, proposes to abandon the sale of natural gas to Panhandle Eastern Pipe Line Co. heretofore authorized in Docket No. G-14974 due to depletion. Applicant has been selling gas to Panhandle at a rate effective subject to refund in Docket No. RI63-348.[1] The amount collected subject to refund is $61.48. Inasmuch as the amount collected subject to refund is de minimis and the reserves are depleted, the abandonment will be permitted and approved in Docket No. CI66-227, the certificate in Docket No. G-14974 will be terminated, the rate proceeding pending in Docket No. RI63-348 will be severed from the proceeding in Docket No. AR64-1, et al., and will be terminated, and Applicant will be relieved of any refund obligation.

After due notice, no petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on November 4, 1965, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments, and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Docket Nos. CI65-1242 and CI66-223 should be canceled and that the applications filed therein should be construed as petitions to amend the certificates in Docket Nos. CI61-1081 and CI65-924, respectively.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G-4615, G-6740, G-12908, G-13200, G-18812, G-20089, CI60-115, CI61-1024, CI61-1102, CI62-220, CI62-1521, CI63-485, CI63-1166, CI64-49, CI64-165, CI64-536, CI64-981, CI64-1405, CI64-1524, CI65-180, and CI65-1190 should be amended as hereinafter ordered.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Applicant in Docket No. CI66-179 should be authorized to continue the sales of natural gas heretofore authorized in Docket Nos. G-6860, G-10727, G-12300, and G-12975, that the certificates heretofore issued in Docket Nos. G-6860 and G-10727 should be amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicant, and that the certificates heretofore issued in Docket Nos. G-12300 and G-12975 should be terminated.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificate heretofore issued in Docket No. G-12720 should be amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicant in Docket No. CI66-205 and that the name of the certificate holder in Docket No. G-12720 and the related rate schedule should be redesignated to reflect the reduced interest in producing properties retained by the assignor.

(9) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the tabulation herein and in the respective applications, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of public convenience and necessity heretofore issued to the respective Applicants herein relating to the abandonments hereinafter permitted and approved should be terminated.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the rate proceeding pending in Docket No. RI63-348 should be severed from the proceeding in Docket No. AR64-1, et al., and should be terminated, and that the respondent should be relieved of any refund obligation therein.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Morris R. Antwell doing business as Hobbs Pipe and Supply Co., should be made corespondent in the proceeding pending in Docket No. RI60-99, that said proceeding should be redesignated accordingly, and that the agreement and undertaking submitted by Antwell in said proceeding should be accepted for filing.

(13) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Morris R. Antwell doing business as Hobbs Pipe and Supply Co., should be substituted in lieu of Hanley Co. (Operator), et al., as respondent in the proceeding pending in Docket No. RI60-462, that said proceeding should be redesignated accordingly, that the proposed change in rate suspended in said proceeding should be made effective subject to refund as of September 17, 1965, and that the agreement and undertaking submitted by Antwell should be accepted for filing.

(14) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Apco Oil Corp. should be substituted in lieu of Schermerhorn Oil Corp. (Operator), et al., as respondent in the proceeding pending in Docket No. RI64-437, that said proceeding should be redesignated accordingly, and that the agreement and undertaking submitted by Apco in said proceeding should be accepted for filing.

(15) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Apco Oil Corp. should be substituted in lieu of Schermerhorn Oil Corp. (Operator), et al., as respondent in the proceeding pending in Docket No. RI65-388, that said proceeding should be redesignated accordingly, that the proposed change in rate suspended in said proceeding should be made effective, subject to refund, as of June 30, 1965, and that the agreement and undertaking submitted by Apco should be accepted for filing.

(16) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the name of the certificate holder in Docket Nos. CI63-240, CI63-263, CI63-292, CI63-293, CI64-731, CI65-361, CI65-362, and CI65-555 should be changed from King-Stevenson Gas and Oil Co. to King Resources Co. and that the related rate schedules and the proceedings pending in Docket Nos. RI62-352, RI65-97, RI65-289, RI65-444, and RI65-448 should be redesignated accordingly.

(17) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the proposed change in rate suspended in Docket No. RI65-448 should be made effective, subject to refund, as of September 1, 1965, and that the agreement and undertaking submitted by King Resources Co. in said docket should be accepted for filing.

(18) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Belco Petroleum Corp. should be made a corespondent in the proceeding pending in Docket No. RI64-671, that said proceeding should be redesignated accordingly, and that Belco should be required to file an agreement and undertaking.

(19) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Peter B. Smith be made a corespondent in the proceeding pending in Docket No. RI60-109, that said proceeding be redesignated accordingly, and that the surety bond submitted by him be accepted for filing.

(20) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Herndon Drilling Co. should be made a corespondent in the proceeding pending in Docket No. RI61-154, that said proceeding should be redesignated accordingly, and that the surety bond submitted by Herndon in said proceeding should be accepted for filing.

(21) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the respective related rate schedules and supplements as designated or redesignated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after April 15, 1965, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d) of the Commission's Statement of General Policy 61-1, as amended, shall be filed prior to the applicable dates, as indicated by footnotes 1 and 5 in the attached tabulation.

(E) The certificates heretofore issued in Docket Nos. G-4615, G-6740, CI61-1024, CI62-220, CI63-1166, CI64-165, CI64-536, CI64-981, and CI64-1524 are amended by adding thereto or deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(F) The certificate heretofore issued in Docket No. G-12908 is amended to include the sale of natural gas from the additional acreage, at the rate of 17.0 cents per Mcf at 14.65 p.s.i.a., and such authorization is conditioned upon Applicant filing a supplement to its FPC Gas Rate Schedule No. 18, within 30 days from the date of issuance of this order providing for proportional downward B.t.u. adjustment from 1,000 B.t.u.'s per cubic foot.

(G) The certificates heretofore issued in Docket Nos. CI61-1102 and CI65-1190 are amended to include the sales of natural gas from the additional acreage and such authorizations are subject to the conditions set forth in paragraphs (C), (D), and (E) of the order accompanying Opinion No. 353 (27 FPC 449).

(H) In view of the certificate issued herein in Docket No. CI66-179, wherein Applicant is authorized to continue the sales of natural gas heretofore authorized in Docket Nos. G-6860, G-10727, G-12300, and G-12975, the certificates heretofore issued in Docket Nos. G-6860 and G-10727 are amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicant in Docket No. CI66-179, and Docket Nos. G-12300 and G-12975 are terminated.

(I) The certificates heretofore issued in Docket Nos. CI62-1521 and CI64-1405 are amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicants in Docket Nos. CI66-5 and CI66-176.

(J) The certificate heretofore issued in Docket No. G-12720 is amended by deleting therefrom authorization to sell natural gas assigned to Applicant in Docket No. CI66-205, the certificate holder in Docket No. G-12720 shall hereafter be known as David Crow, and Crow Drilling and Producing Co. FPC Gas Rate Schedule No. 1 is redesignated as David Crow FPC Gas Rate Schedule No. 13.

(K) Docket Nos. CI65-1242 and CI66-223 are canceled.

(L) The certificates heretofore issued in Docket Nos. G-13200, G-18812, G-20089, CI60-115, CI61-1081, CI63-485, CI64-49, CI65-180, and CI65-924 are amended by changing the certificate holders to the respective successors in interest as indicated in the tabulation herein.

(M) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described and as more fully described in the respective applications herein are granted.

(N) In view of the abandonments permitted and approved herein in Docket Nos. CI66-214 and CI66-215, the certificates heretofore issued in Docket Nos. G-3245 and G-3222, respectively, are terminated in part only, and such authorization does not relieve Applicants of any refund obligations in the related rate suspension proceedings in Docket Nos. RI61-328 and RI61-324, respectively.

(O) In view of the abandonments permitted and approved herein in Docket Nos. CI66-216, CI66-217, and CI66-218, Applicants are not relieved of any refund obligations in the related rate suspension proceedings in Docket Nos. RI62-538 and RI62-537, respectively.

(P) The certificates heretofore issued in Docket Nos. G-4200, G-4201, G-6125, G-12152, G-12991, G-14974, G-19061, CI61-554, and CI62-190 are terminated.

(Q) The proceeding pending in Docket No. RI63-348 is severed from the proceeding in Docket No. AR64-1, et al., and is terminated, and the respondent is relieved of any refund obligation therein.

(R) Morris R. Antwell doing business as Hobbs Pipe and Supply Co. is made corespondent in the proceeding pending in Docket No. RI60-99, said proceeding is redesignated accordingly,[4] and the agreement and undertaking submitted by Antwell in said proceeding is accepted for filing.

(S) Morris R. Antwell doing business as Hobbs Pipe and Supply Co., is substituted in lieu of Hanley Co. (Operator), et al., as respondent in the proceeding pending in Docket No. RI60-462 and said proceeding is redesignated accordingly.[5] The rates, charges and classifications set forth in Supplement No. 3 to Morris R. Antwell doing business as Hobbs Pipe and Supply Co., FPC Gas Rate Schedule No. 2[6] shall be effective, subject to refund, as of September 17, 1965, and the agreement and undertaking submitted in

[1] Supra.

[4] Hanley Co. (Operator), et al., and Morris R. Antwell doing business as Hobbs Pipe and Supply Co.

[5] Morris R. Antwell doing business as Hobbs Pipe and Supply Co.

[6] Formerly Supplement No. 3 to Hanley Co. (Operator), et al., FPC Gas Rate Schedule No. 28.

said proceeding is accepted for filing. Said effective rate shall be charged and collected as of the effective date, subject to any future orders of the Commission in Docket No. RI60–462.

(T) Apco Oil Corp. is substituted in lieu of Schermerhorn Oil Corp. (Operator), et al., as respondent in the proceeding pending in Docket No. RI64–437, said proceeding is redesignated accordingly,[7] and the agreement and undertaking submitted by Apco in said proceeding is accepted for filing.

(U) Apco Oil Corp. is substituted in lieu of Schermerhorn Oil Corp. (Operator), et al., as respondent in the proceeding in Docket No. RI65–388 and said proceeding is redesignated accordingly.[7] The rates, charges and classifications set forth in Supplement No. 3 to Apco Oil Corp. FPC Gas Rate Schedule No. 18 [8] shall be effective, subject to refund, as of June 30, 1965, and the agreement and undertaking submitted by Apco in said proceeding is accepted for filing. Said effective rate shall be charged and collected as of the effective date, subject to any future orders of the Commission in Docket No. RI65–388.

(V) The certificates heretofore issued in Docket Nos. CI63–240, CI63–263, CI63–292, CI63–293, CI64–731, CI65–361, CI65–362, and CI65–555 are amended by changing the name of the certificate holder from King-Stevenson Gas and Oil Co. to King Resources Co., and the related rate schedules and proceedings pending in Docket Nos. RI62–352, RI65–97, RI65–289, RI65–444, and RI65–448 are redesignated accordingly.[9]

(W) The rates, charges and classifications set forth in Supplement No. 7 to King Resources Co. (Operator), et al., FPC Gas Rate Schedule No. 1 shall be effective, subject to refund, as of September 1, 1965, and the agreement and undertaking submitted in said proceeding is accepted for filing. Said effective rate shall be charged and collected as of the effective date, subject to any future orders of the Commission in Docket No. RI65–448.

(X) Belco Petroleum Corp. is made corespondent in the proceeding pending in Docket No. RI64–671 and said proceeding is redesignated accordingly.[10] Within 30 days from the issuance of this order Belco Petroleum Corp. shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI64–671 to assure the refund of any amount collected by it, together with interest at the rate of seven percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(Y) Parties herein made respondents in the proceedings pending in Docket Nos. RI60–99, RI60–462, RI64–437, RI64–671, RI65–388, and RI65–448 shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreements and undertakings filed in said dockets by said respondents shall remain in full force and effect until discharged by the Commission.

(Z) Peter B. Smith is made corespondent with James L. Greene, Jr., in the proceeding pending in Docket No. RI60–109, said proceeding is redesignated accordingly,[11] and the surety bond submitted by Smith in said proceeding is accepted for filing.

(AA) Herndon Drilling Co. is made corespondent in the proceeding pending in Docket No. RI61–154, said proceeding is redesignated accordingly,[12] and the surety bond submitted by Herndon in said proceeding is accepted for filing.

(BB) Parties herein made respondents in the proceedings pending in Docket Nos. RI60–109 and RI61–154 shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the surety bonds filed in said dockets by said respondents shall remain in full force and effect until discharged by the Commission.

(CC) The respective related rate schedules and supplements as indicated in the tabulation herein are accepted for filing; further, the rate schedules relating to the successions herein are redesignated and accepted, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates as indicated in the tabulation herein.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G–4615 C 9–20–65 [1]	Chas. A. Daubert (Operator), et al.	United Gas Pipe Line Co., Lou Ella and Sandia Fields, Jim Wells, Live Oak and San Patricio Counties, Tex.	Amendment 9–3–65 [3]	4	9
G–6740 D 2–12–65	George R. Brown, et al.	United Gas Pipe Line Co., Cabeza Creek Area, Goliad County, Tex.	Assignment 6–16–64 [4] [6]	2	10
G–12908 C 5–24–65 [4]	Union Oil Co. of Calif.[4]	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	Supplemental agreement 4–19–65.	18	6
G–13200 E 6–30–65	Apco Oil Corp. (successor to Schermerhorn Oil Corp. (Operator), et al.).	do	Schermerhorn Oil Corp. (Operator), et al., FPC GRS No.8.	12	
			Notice of succession 6–26–65.		
			Assignment 7–1–65	12	1
			Effective date: 7–1–65		
G–18812 E 7–6–65	Morris R. Antweil d.b.a. Hobbs Pipe & Supply Co. (successor to Hanley Co. (Operator), et al.).	West Lake Natural Gasoline Co., South Lake Trammel Field, Nolan County, Tex.	Hanley Co. (Operator), et al., FPC GRS No. 28.	2	
			Supplement Nos. 1–3	2	1–3
			Notice of succession 7–1–65.		
			Assignment 11–1–63 [7]	2	4
			Effective date: 11–1–63		
G–20089 E 6–30–65	Apco Oil Corp. (successor to Schermerhorn Oil Corp. (Operator), et al.).	Zenith Gas Systen, Inc., Davis Ranch Field, Barber County, Kans.	Schermerhorn Oil Corp. (Operator), et al., FPC GRS No. 16.	17	
			Supplement No. 1	17	1
			Notice of succession 6–26–65.		
			Assignment 2–1–65 [4]	17	2
			Assignment 7–1–65 [5]	17	3
			Effective date: 7–1–65		
CI60–115 E 6–30–65	do	Cities Service Gas Co., Davis Ranch Field, Barber County, Kans.	Schermerhorn Oil Corp. (Operator), et al., FPC GRS No. 17.	18	
			Supplemental Nos. 1–3	18	1–3
			Notice of succession 6–26–65.		
			Assignment 7–1–65[10]	18	4
			Effective date: 7–1–65		
CI61–1024 C 9–21–65 [4]	Socony Mobil Oil Co., Inc. (Operator), et al.	Natural Gas Pipeline Co. of America, North Custer City Field, Custer County, Okla.	Letter agreement 8–2–65.[3]	266	4
CI61–1102 C 9–14–65 [4]	Sun Oil Co.[11] (Mid-Continent Division).	Michigan Wisconsin Pipe Line Co., Woodward Area, Woodward County, Okla.	Agreement 7–19–65 [3]	148	8
CI62–220 8–23–65 [1] [13]	Tamarack Petroleum Co., Inc., Agent (Operator), et al.	Texas Eastern Transmission Corp., Dial Field, Goliad County, Tex.	Letter agreement 9–23–64.[3] [13]	12	3

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[7] Apco Oil Corp.

[8] Formerly Supplement No. 3 to Schermerhorn Oil Corp. (Operator), et al., FPC Gas Rate Schedule No. 17.

[9] Docket Nos. RI62–352, RI65–97, RI65–444, King Resources Co., et al.; Docket Nos. RI65–289 and RI65–448, King Resources Co. (Operator), et al.

[10] Walter Duncan and Belco Petroleum Corp.

[11] James L. Greene, Jr., and Peter B. Smith.

[12] Alden E. Branine and F. G. Holl (Operators), et al., and Herndon Drilling Co.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI65–362 9–1–65 [14]	King Resources Co. et al. (formerly King-Stevenson Gas & Oil Co., et al.).	Arkansas Louisiana Gas Co., Starr Field, Kingfisher County, Okla.	King-Stevenson Gas & Oil Co., et al., FPC GRS No. 7.	7	
			Supplement Nos. 1–2	7	1–2
CI65–555 9–1–65 [14]	King Resources Co. (formerly King-Stevenson Gas & Oil Co.).	do	King-Stevenson Gas & Oil Co., FPC GRS No. 8.	8	1
CI65–1190 C 9–20–65 [1]	Continental Oil Co.[7]	Michigan Wisconsin Pipe Line Co., Woodward Area, Woodward County, Okla.	Supplement No. 1	299	2
			Amendment 8–9–65 [3]		
CI65–1242 (CI61–1061) A 5–20–65 [14]	Peter B. Smith (successor to James L. Greene, Jr., et al.).	El Paso Natural Gas Co., Noelke Field, Crockett County, Tex.	James L. Greene, Jr., et al., FPC GRS No. 1.	1	
			Supplement Nos. 1–2	1	1–2
			Notice of succession 5–17–65.		
A CI66–5 (CI62–1521) F 7–2–65	Austral Oil Co., Inc. (successor to Socony Mobil Oil Co., Inc.).	El Paso Natural Gas Co., San Juan Basin Field, San Juan and Rio Arriba Counties, N. Mex.	Assignment 12–1–64 [4]	1	3
			Effective date: 12–1–64.		
			Contract 5–2–62 [3]	26	1
			Letter agreement 6–5–62.[3]	26	2
			Supplemental agreement 10–24–63 [3]	26	3
			Agreement 10–24–63 [3]	26	4
			Letter agreement 9–3–65.[3] [3]	26	5
			Ratified 4–15–65 [3]	(9)	
			Contract 10–21–65		
CI66–28 A 7–15–65	Arch B. Gilbert, et al.	Arkansas Louisiana Gas Co., Homeca Field, Sebastian County, Ark.	Notice of cancellation 7–12–65.[4] [7]	1	2
CI66–33 (O–19061) B 7–16–65	Petroleum Management, Inc. (Operator), et al.	Winderlich Development Co., Graham Pool, Cowley County, Kans.	Ratified 7–6–65	44	1
CI66–70 A 7–28–65 [4]	Jake L. Hamon (Operator), et al.	Arkansas Louisiana Gas Co., Red Oak Field, Latimer County, Okla.	Contract 3–5–65	44	2
CI66–149 A 8–20–65 [4]	Alpine Oil & Royalty Co., Inc. (Operator), et al.	Winderlich Development Co., acreage in Sumner County, Kans.	Amendment 4–15–65	1	
			Contract 8–10–65		
CI66–152 A 8–20–65 [4]	do	do	Contract 8–10–65	2	
A CI66–154 (CI64–1405) F 9–1–65	Skelly Oil Co. (Operator), et al. (successor to Steve Goss (Operator), et al.	Arkansas Louisiana Gas Co., Arkoma Basin, various counties in Arkansas and Oklahoma.	Contract 3–30–64 [3]	210	
			Conveyance 8–25–65.	210	1
			Effective date: 5–1–65.		
A CI66–170 (O–19027) [3] (O–19027) [3] (O–12060) [3] (O–12675) [3] F 8–30–65	Herndon Drilling Co.	Northern Natural Gas Co., Eagle Ridge Field, Edwards County, Kans.	Contract 12–31–54 [10]	1	1
			Letter agreement 3–31–55.	1	2
			Supplemental agreement 5–31–56.[4]	1	1–2
			Letter agreement 10–23–56.[3]	1	3
			Supplemental agreement 4–6–57.[3]	1	4
			Supplemental agreement 6–14–57.[3]	1	5
			Supplemental agreement 12–23–58.[3]	1	6
			Supplemental agreement 6–24–60.[3]	1	7
			Release agreement 10–4–62.[3]	1	8
			Release agreement 10–4–62.[3]	1	9
			Release agreement 10–4–62.[3]	1	10
			Effective dates: 10–4–62.		
CI66–194 A 9–13–65 [4]	J. E. Taubert, et al.	Arkansas Louisiana Gas Co., acreage in Latimer County, Okla.	Ratified 5–26–65.	1	1
			Contract 3–16–62 [3]	1	2
			Amendment 3–6–63 [3]	1	

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI63–240 9–1–65 [14]	King Resources Co. et al. (formerly King-Stevenson Gas & Oil Co., et al.).	Northern Natural Gas Co., Higgston Field, Seward County, Kans.	King-Stevenson Gas & Oil Co., et al., FPC GRS No. 4.	4	
			Supplemental Nos. 1–2	4	1–2
CI63–263 9–1–65 [14]	King Resources Co. (formerly King-Stevenson Gas & Oil Co. (Operator), et al.).	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	King-Stevenson Gas & Oil Co. (Operator), et al., FPC GRS No. 5.	1	
			Supplemental Nos. 1–7	1	1–7
CI63–292 9–1–65 [14]	King Resources Co. (Operator), et al. (formerly King-Stevenson Gas & Oil Co. (Operator), et al.).	Arkansas Louisiana Gas Co., East Kremlin Pool, Garfield County, Okla.	King-Stevenson Gas & Oil Co. (Operator), et al., FPC GRS No. 6.	2	
			Supplemental Nos. 1–3	2	1–3
CI63–293 9–1–65 [14]	King Resources Co., et al. (formerly King-Stevenson Gas & Oil Co., et al.).	Panhandle Eastern Pipe Line Co., acreage in Dewey and Major Counties, Okla.	King-Stevenson Gas & Oil Co., et al., FPC GRS No. 3.	3	
			Supplemental Nos. 1–4	3	1–4
CI63–465 E 6–30–65	Apco Oil Corp. (successor to Schermerhorn Oil Corp. (Operator), et al.).	Cities Service Gas Co., North Gerke Field, Pratt County, Kans.	Schermerhorn Oil Corp. (Operator), et al., FPC GRS No. 18.	19	
			Supplement No. 1	19	1
			Notice of succession 6–26–65.		
			Assignment 2–1–65 [4]	19	2
			Assignment 7–1–65 [5]	19	3
			Effective date: 7–1–65		
CI63–1166 C 8–12–65 [4]	Harry L. Blackstock, Jr. (Operator), et al.	Arkansas Louisiana Gas Co., Southeast Ames Field, Major County, Okla.	Amendment 4–15–65 [3]	1	
CI64–40 E 7–13–65	Belco Petroleum Corp. (successor to Walter Duncan).	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	Walter Duncan, FPC GRS No. 4.	9	
			Supplement Nos. 1–2	9	1–2
			Notice of succession 6–2–65.		
			Assignment 1–20–65 [11]	9	3
			Assignment 1–20–65 [12]	9	4
			Effective date: 1–20–65.		
			Amendment 8–18–65.		
CI64–165 C 9–7–65 [1]	D. J. Simmons, et al.	United Gas Pipe Line Co., Monroe Field, Union Parish, La.	Contract 8–10–65	2	4
CI64–536 C 9–20–65 [1]	Thomas J. Blabo, Jr., et al.	Consolidated Gas Supply Corp., Troy District, Gilmer County, W. Va.	Letter agreement 2–22–65.[3]	8	1
CI64–731 9–1–65 [14]	King Resources Co. (Operator), et al. (formerly King-Stevenson Gas & Oil Co. (Operator), et al.).	Northern Natural Gas Co., Northwest Dower Area, Beaver County, Okla.	King-Stevenson Gas & Oil Co. (Operator), et al., FPC GRS No. 6.	5	
			Supplemental agreement	168	2
CI64–681 C 9–22–65 [1]	Sun Oil Co. (Southwest Division).	Northern Natural Gas Co., Follett Field, Lipscomb County, Tex.	8–18–65.[3]		
CI64–1024 C 9–20–65 [1]	Cecil Meadows, et al., d.b.a. M & M Drilling.	Consolidated Gas Supply Corp., Troy District, Gilmer County, W. Va.	Letter agreement 11–17–64.[3]	9	3
			Letter agreement 6–14–65.	9	4
			Letter agreement 8–20–65.[3]	9	5
CI65–180 E 7–13–65	Belco Petroleum Corp. (successor to Walter Duncan).	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	Walter Duncan, FPC GRS No. 4.	10	
			Supplement No. 1	10	1
			Notice of succession 6–2–65.		
			Assignment 1–20–65 [11]	10	2
			Assignment 1–20–65 [12]	10	3
			Effective date: 1–20–65.		
CI65–361 9–1–65 [14]	King Resources Co. (Operator), et al. (formerly King-Stevenson Gas & Oil Co. (Operator), et al.).	Northern Natural Gas Co., Northeast Gate Lake Field, Harper County, Okla.	King-Stevenson Gas & Oil Co. (Operator), et al., FPC GRS No. 6.	6	

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
C166-193 (G-6125) B 9-13-65	Commonwealth Gas Corp.	United Fuel Gas Co., Oriskany Sand Field, Coal District, Kanawha County, W. Va.	Notice of cancellation 9-10-65, [4] [2]	7	
C166-197 A 9-8-65	Heller Gas Co., et al.	Consolidated Gas Supply Corp., Home Camp Field, Clearfield County, Pa.	Contract 6-11-57 [3]	1	
C166-201 A 9-14-65 [1]	Sun Oil Co. (Southwest Division).	Panhandle Eastern Pipe Line Co., Ellis Northwest Field, Texas County, Okla.	Ratified 7-29-65 [3]. Contract 9-8-64 [3].	191 191	1
C166-202 A 9-14-65 [1]	Sun Oil Co. (Mid-Continent Division).	Northern Natural Gas Co., North Lindscott Field, Ellis County, Okla.	Contract 7-30-65 [3].	192	2
A C166-203 [5] (G-12720) F 9-16-65	M & M Producing Co. (successor to David Crow).	Arkansas Louisiana Gas Co., Colquitt Field, Claiborne Parish, La.	Contract 5-13-57 [11]. Assignment 5-10-65. Effective date: 5-10-65.	1 1	
C166-208 (C162-160) B 9-16-65	Ruford F. Madera	Kansas-Nebraska Natural Gas Co., Inc., acreage in Beaver County, Okla.	Notice of cancellation 9-7-65, [4] [2]	1	
C166-212 (G-12291) B 9-16-65	Cliff Mock Co.	Tennessee Gas Transmission Co., Magnet-Withers Field, Wharton County, Tex.	Notice of cancellation 9-14-65, [4] [2]	1	
C166-214 (G-3240) [5] B 9-15-65	Cumberland Gas Corp.	Cabot Corp., Union District, Kanawha County, W. Va.	Notice of cancellation 9-3-65, [4] [2]	4	
C166-215 (G-3222) [5] B 9-15-65	Southeastern Gas Co.	Cabot Corp., acreage in Kanawha County, W. Va.	Notice of cancellation 9-3-65, [4] [2]	46	
C166-216 (G-4200) [5] B 9-15-65	Tuppers Creek Gas Co.	Cabot Corp., Kanawha County, W. Va.	Notice of cancellation (undated), [4] [2]	3	
C166-217 (G-4201) B 9-15-65	Fisher Gas Co.	Cabot Corp., Cabin Creek District, Kanawha County, W. Va.	Notice of cancellation (undated). [4] [2]	1	
C166-218 (G-4202) [5] B 9-15-65	Tuppers Creek Gas Co.	Cabot Corp., Kanawha County, W. Va.	Notice of cancellation (undated), [4] [2]	4	
C166-222 A 9-22-65 [1]	Arrowhead Petroleum, Inc.	Cities Service Gas Co., acreage in Barber County, Kans.	Contract 9-14-65 [3].	1	
C166-223 (G-15524) A 8-31-65 [12]	Skelly Oil Co. (Operator), et al. (successor to Sieve Gose (Operator), et al.).	Fort Smith Gas Corp., Spiro Field, Le Flore County, Okla.	Sieve Gose (Operator), et al., FPC GRS No. 1.	209	1
			Supplement No. 1. Notice of succession 8-30-65. Conveyance 8-25-65. Effective date: 5-1-65.	209	1
C166-224 (C161-554) B 9-17-65	Jerome M. Westheimer, et al.	Cimarron Transmission Co., acreage in Love County, Okla.	Notice of cancellation, 9-14-65, [4] [2]	209 1	2 9
C166-225 (G-12152) B 9-21-65	Cecil B. Dean, et al., d.b.a. Riley Gas Co.	Consolidated Gas Supply Corp., Triadelphia District, Logan County, W. Va.	Notice of cancellation, 9-18-65, [4] [2]	1	1
C166-227 (G-14974) B 9-22-65	Phillips Petroleum Co.	Panhandle Eastern Pipe Line Co, West Plains Field, Seward County, Kans.	Notice of cancellation, 9-17-65, [4] [2]	313	3

[1] Jan. 1, 1966, moratorium date pursuant to Commission's Statement of General Policy 61-1, as amended.
[2] Effective date: Date of initial delivery.
[3] Assigns certain acreage to Texas Oil & Gas Corp., successor to Logue & Patterson, from surface of the ground to a depth of 3,800 feet only.
[4] Effective date: Date of this order.
[5] Requests limited moratorium date pursuant to Commission's Statement of General Policy 61-1, as amended.
[6] By letter filed November 15, 1965, applicant advises it does not accept authorization for the additional acreage conditioned to the rate (17.0 cents per Mcf) specified in condition (1) of its temporary certificate issued Aug. 20, 1965.
[7] From Hanley Co., et al., to Hobbs Pipe & Supply Co.
[8] Conveys Kenwood Oil Co.'s 50 percent interest of the properties involved to Apco. Kenwood, as signatory co-owner is covered by Schermerhorn's rate schedule.
[9] Kenwood Oil Co.'s assignment (as signatory co-owner covered by Schermerhorn's rate schedule) of its interest in the properties involved is incorporated in Apco's FPC GRS No. 17, Supp. No. 2.
[10] Original certificate issued under Commission's Opinion No. 353; Applicant states it is willing to accept authorization for the additional acreage conditioned to the rate specified.
[11] Amendment to the certificate filed to add depth interpretation only.
[12] Delineates the depth interval down to 2,500 feet for the Block 8 and 9 acreage which previously had a depth limitation from 5,262 to 9,337 feet.
[13] Application to amend the certificate to reflect a change in name as evidenced by the certificate of incorporation by the State of Nevada, dated July 9, 1965. No change in ownership involved (no related rate filing made).
[14] Assignment pertains to certain acreage in T. 27 N., R. 9 W., N.M.P.M., sec. 22 (all containing 640 acres).
[15] Assignment pertains to certain acreage in T. 27 N., R. 9 W., N.M.P.M., sec. 15 (S½ S½, containing 160 acres).
[16] Applicant states its willingness to accept same conditions for the additional acreage as the original certificate which was conditioned same as the certificates issued under Opinion No. 353.
[17] Applicant's application for total succession was erroneously assigned Docket No. C165-1242; therefore, the application in Docket No. C165-1242 will be treated as a petition to amend the certificate in Docket No. C161-1081 and Docket No. C165-1242 will be cancelled.
[18] Assigns interest from Hanley Co., et al., to Peter B. Smith.
[19] Basic contract on file as Stoony Mobil Oil Co., Inc., FPC GRS No. 314.
[20] Deletes indefinite pricing provisions from basic contract.
[21] Adds acreage.
[22] Operating agreement between Stoony Mobil Oil Co., Inc., and Austral Oil Co., Inc.
[23] Waives 1.0 cent per Mcf minimum guarantee for liquid products.
[24] Revises Exhibit A to reflect muster of properties involved.
[25] No related rate schedule filing submitted (effective date moot). Contract reference and ratification submitted as exhibit to application only.
[26] Source of gas depleted.
[27] On file as Steve Gose (Operator), et al., FPC GRS No. 1.
[28] Herndon acquired all of the acreage certificated in Docket Nos. G-12300 and G-12975, but only a part of the acreage certificated in Docket Nos. G-1660 and G-10027; therefore, the former dockets will be terminated and the latter two dockets will be amended to delete the certificated acreage not acquired by Herndon.
[29] Between Alden E. Brauine, et al., and Northern Natural; on file as Alden E. Braunne and F. G. Holl (Operators), et al., FPC GRS No. 1.
[30] Adds acreage (by predecessor).
[31] Clarifies Supp. No. 2.
[32] Provides for 13.5 cents per Mcf price from Jan. 1, 1966, through Dec. 31, 1964.
[33] Transfers remaining rights in acreage from Braunne, et al., to Herndon Drilling Co.
[34] Adds gas and ratifies terms and conditions of contract dated Sept. 8, 1964, between Texaco Inc. and Panhandle Eastern.
[35] Application erroneously noticed (Aug. 31, 1965, in Docket Nos. G-3566, et al.) as a complete succession in Docket No. G-12720.
[36] On file as Crow Drilling & Producing Co., et al., FPC GRS No. 1 (which will be redesignated as David Crow et al., FPC GRS No. 1).
[37] Production of gas no longer economically feasible.
[38] Docket Nos. G-3245 and G-3222 will be terminated in part only since other sales are covered under said dockets.
[39] All production now sold intrastate. Cabot permitted to abandon resale to Hope Natural Gas Co. (now Consolidated Gas Supply Corp.) by order issued Mar. 12, 1963, in Docket No. C162-576 (Cabot's FPC GRS No. 2).
[40] Two sales are covered under Docket No. G-4200, both of which are being abandoned herein.
[41] Applicant's application for total succession in Docket No. C165-924 (noticed Sept. 14, 1965, in Docket Nos. G-3569, et al.) erroneously assigned Docket No. C165-1243; therefore, the application in Docket No. C165-1243 will be treated as a petition to amend the certificate in Docket No. C165-924 and Docket No. C166-223 will be cancelled.

[F.R. Doc. 65-12476; Filed, Nov. 22, 1965; 8:45 a.m.]

[Docket No. RI66-158 etc.]

PAN AMERICAN PETROLEUM CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

NOVEMBER 12, 1965.

Pan American Petroleum Corp., and other Respondents listed herein, Docket Nos. RI66-158, et al.

The Respondents named herein have filed proposed Increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

[1] Does not consolidate for hearing or dispose of the several matters herein.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 29, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI66-158...	Pan American Petroleum Corp., Security Life Bldg. Denver, Colo., 80202.	387	3	El Paso Natural Gas Co. (Ignacio Field, La Plata County, Colo.).	$13	10-15-65	[2] 11-15-65	4-15-66	13.00	[3] [4] 14.0074	
	....do....	319	2	El Paso Natural Gas Co. (Bisti Field, San Juan County, N. Mex.) (San Juan Basin Area).	11	10-18-65	[2] 11-18-65	4-18-66	13.2486	[3] [4] 14.0	RI63-481
RI66-159...	Southdown, Inc., Post Office Box 52378, New Orleans, La.	2	[5] 9	United Gas Pipe Line Co. (Hollywood Field, Terrebonne Parish, La.) (South Louisiana).	9,104	10-18-65	[2] 1-1-66	6-1-66	[6] 19.25	[4] [7] 22.8917	
RI66-160...	Jonnell Gas, Inc., (Operator), et. al., D-205 Petroleum Center, 900 Northeast Loop Expressway, San Antonio, Tex., 78209.	1	17	Tennessee Gas Transmission Co. (Lopeno and North Lopeno Fields, Zapata County, Tex.) (R.R. District No. 4).	13,440	10-13-65	[2] 11-13-65	4-13-66	[10] [11] 16.0	[5] [9] [10] [11] [13] 18.0	
RI66-161...	Marathon Oil Co., 539 South Main St., Findlay, Ohio, 45840.	61	2	Panhandle Eastern Pipe Line Co. (Baldridge Unit, Hugoton Field, Stevens County, Kans.).	369	10-18-65	[2] 11-27-65	4-27-66	11.0	[3] [4] 12.0	
RI66-162...	Sinclair Oil & Gas Co. (Operator), et al., Post Office Box 521, Tulsa, Okla.	189	19	El Paso Natural Gas Co. (Various Fields, Beaver and Ellis Counties, Okla. (Panhandle Area) and Lipscomb and Ochiltree Counties, Tex.) (R.R. District No. 10).	81,940	10-22-65	[2] 11-23-65	4-23-66	17.0	[5] [12] 19.0	

[1] The stated effective date is the effective date proposed by Respondent.
[2] Periodic rate increase.
[3] Pressure base is 15.025 p.s.i.a.
[4] Redetermined rate increase.
[5] Includes 1.75 cents per Mcf tax reimbursement.
[6] Includes Letter Agreement dated Sept. 7, 1965, providing for the redetermined rate during the 5-year period commencing Jan. 1, 1966.
[7] The stated effective date is the first day after expiration of the required statutory notice.
[9] Pressure base is 14.65 p.s.i.a.
[10] Rates subject to downward B.t.u. adjustment.
[11] Rates only for properties covered by contract amendments of Aug. 31, 1962, and Apr. 20, 1963.
[12] "Fractured" rate increase, seller entitled to a periodic increase to 18.74 cents per Mcf.
[13] "Fractured" rate increase, seller contractually entitled to a periodic increase rate of 23.0 cents per Mcf.

Jonnell Gas, Inc. (Operator), et al. (Jonnell), request a retroactive effective date of September 30, 1965, for their proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Jonnell's rate filing and such request is denied.

All of the proposed increased rates and charges exceed the applicable area price level for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56).

[F.R. Doc. 65-12479; Filed, Nov. 22, 1965; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MICHIGAN

Designation and Extension of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Michigan a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MICHIGAN

Luce Mackinac

It has also been determined that in the hereinafter-named county in the State of Michigan the above-mentioned natural disaster has caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Michigan	*Present Designation*
Chippewa	29 F.R. 13838

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1966, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 17th day of November 1965.

ORVILLE L. FREEMAN, *Secretary.*

[F.R. Doc. 65-12550; Filed, Nov. 22, 1965; 8:48 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL DIRECTOR OF URBAN RENEWAL, REGION III (ATLANTA)

Redelegation of Authority With Respect to Slum Clearance and Urban Renewal Program and Urban Planning Program

The Regional Director of Urban Renewal, Region III (Atlanta), Housing

and Home Finance Agency, is hereby authorized within such Region to exercise all the authority delegated to the Regional Administrator by the Housing and Home Finance Administrator's delegation of authority republished October 14, 1960 (25 F.R. 9874, October 14, 1960), as amended, with respect to the slum clearance and urban renewal program authorized under Title I of the Housing Act of 1949, as amended (42 U.S.C. 1450–1468), and under section 312 of the Housing Act of 1954 (42 U.S.C. 1450 note), and with respect to the urban planning program authorized under section 701 of the Housing Act of 1954, as amended (40 U.S.C. 461), except those authorities which under paragraph 6 of such delegation may not be redelegated.

This redelegation supersedes the redelegation effective June 29, 1963 (28 F.R. 9224, August 21, 1963).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950); 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation, as amended)

Effective as of the 10th day of August 1965.

EDWARD H. BAXTER,
Regional Administrator, Region III.

[F.R. Doc. 65–12561; Filed, Nov. 22, 1965; 8:49 a.m.]

REGIONAL DIRECTOR OF URBAN RENEWAL, REGION IV (CHICAGO)

Redelegation of Authority With Respect to Slum Clearance and Urban Renewal Program and Urban Planning Program

The Regional Director of Urban Renewal, Region IV (Chicago), Housing and Home Finance Agency, is hereby authorized within such Region to exercise all the authority delegated to the Regional Administrator by the Housing and Home Finance Administrator's delegation of authority republished October 14, 1960 (25 F.R. 9874, October 14, 1960), as amended, with respect to the slum clearance and urban renewal program authorized under Title I of the Housing Act of 1949, as amended (42 U.S.C. 1450–1468), and under section 312 of the Housing Act of 1954 (42 U.S.C. 1450 note), and with respect to the urban planning program authorized under section 701 of the Housing Act of 1954, as amended (40 U.S.C. 461), except those authorities which under paragraph 6 of such delegation may not be redelegated.

This redelegation supersedes the redelegation effective August 21, 1963 (28 F.R. 9224, August 21, 1963).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation, as amended)

Effective as of the 10th day of August 1965.

JOHN P. MCCOLLUM,
Regional Administrator, Region IV, Chicago, Ill.

[F.R. Doc. 65–12562; Filed, Nov. 22, 1965; 8:49 a.m.]

REGIONAL DIRECTOR OF URBAN RENEWAL, REGION V (FORT WORTH)

Redelegation of Authority With Respect to Slum Clearance and Urban Renewal Program and Urban Planning Program

The Regional Director of Urban Renewal, Region V (Fort Worth), Housing and Home Finance Agency, is hereby authorized within such Region to exercise all the authority delegated to the Regional Administrator by the Housing and Home Finance Administrator's delegation of authority republished October 14, 1960 (25 F.R. 9874, October 14, 1960), as amended, with respect to the slum clearance and urban renewal program authorized under Title I of the Housing Act of 1949, as amended (42 U.S.C. 1450–1468), and under section 312 of the Housing Act of 1954 (42 U.S.C. 1450 note), and with respect to the urban planning program authorized under section 701 of the Housing Act of 1954, as amended (40 U.S.C. 461), except those authorities which under paragraph 6 of such delegation may not be redelegated.

This redelegation supersedes the redelegation effective May 21, 1963 (28 F.R. 5070, May 21, 1963).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation, as amended)

Effective as of the 10th day of August 1965.

VERNON C. MAYFIELD,
Acting Regional Administrator, Region V.

[F.R. Doc. 65–12563; Filed, Nov. 22, 1965; 8:49 a.m.]

REGIONAL DIRECTOR OF URBAN RENEWAL, REGION I (NEW YORK)

Redelegation of Authority With Respect to Slum Clearance and Urban Renewal Program and Urban Planning Program

The Regional Director of Urban Renewal, Region I (New York), Housing and Home Finance Agency, is hereby authorized within such Region to exercise all the authority delegated to the Regional Administrator by the Housing and Home Finance Administrator's delegation of authority republished October 14, 1960 (25 F.R. 9874, October 14, 1960), as amended, with respect to the slum clearance and urban renewal program authorized under Title I of the Housing Act of 1949, as amended (42 U.S.C. 1450–1468), and under section 312 of the Housing Act of 1954 (42 U.S.C. 1450 note), and with respect to the urban planning program authorized under section 701 of the Housing Act of 1954, as amended (40 U.S.C. 461), except those authorities which under paragraph 6 of such delegation may not be redelegated.

This redelegation supersedes the redelegation effective May 3, 1960 (25 F.R. 4936, June 3, 1960).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation, as amended)

Effective as of the 10th day of August 1965.

LESTER EISNER, JR.,
Regional Administrator, Region I.

[F.R. Doc. 65–12564; Filed, Nov. 22, 1965; 8:49 a.m.]

REGIONAL DIRECTOR OF URBAN RENEWAL, REGION II (PHILADELPHIA)

Redelegation of Authority With Respect to Slum Clearance and Urban Renewal Program and Urban Planning Program

The regional Director of Urban Renewal, Region II (Philadelphia), Housing and Home Finance Agency, is hereby authorized within such Region to exercise all the authority delegated to the Regional Administrator by the Housing and Home Finance Administrator's delegation of authority republished October 14, 1960 (25 F.R. 9874, October 14, 1960), as amended, with respect to the slum clearance and urban renewal program authorized under Title I of the Housing Act of 1949, as amended (42 U.S.C. 1450–1468), and under section 312 of the Housing Act of 1954 (42 U.S.C. 1450 note), and with respect to the urban planning program authorized under section 701 of the Housing Act of 1954, as amended (40 U.S.C. 461), except those authorities which under paragraph 6 of such delegation may not be redelegated.

This redelegation supersedes the redelegation effective April 15, 1963 (28 F.R. 4109, April 25, 1963).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation, as amended)

Effective as of the 10th day of August 1965.

THOMAS O. MEREDITH,
Acting Regional Administrator, Region II.

[F.R. Doc. 65–12565; Filed, Nov. 22, 1965; 8:49 a.m.]

REGIONAL DIRECTOR OF URBAN RENEWAL, REGION VI (SAN FRANCISCO)

Redelegation of Authority With Respect to Slum Clearance and Urban Renewal Program and Urban Planning Program

The Regional Director of Urban Renewal, Region VI (San Francisco) HHFA, is hereby authorized, within such Region, to exercise all the authority delegated to the Regional Administrator by the Housing and Home Finance Administrator's delegation of authority republished October 14, 1960 (25 F.R. 9874, October 14, 1960), as amended, with respect to the slum clearance and urban renewal program authorized under Title I of the Housing Act of 1949, as amended (42 U.S.C. 1450–68), and under section 312 of the Housing Act of 1954 (42 U.S.C. 1450 note), and with respect to the urban planning program authorized under section 701 of the Housing Act of 1954, as amended (40 U.S.C. 461), except those authorities which under paragraph 6 of such delegation may not be redelegated.

This redelegation supersedes the redelegation effective June 23, 1962 (27 F.R. 5972, June 23, 1962).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation, as amended)

Effective as of the 10th day of August 1965.

JACK R. SCHONBORN,
Deputy Regional Administrator, Region VI.

[F.R. Doc. 65–12566; Filed, Nov. 22, 1965; 8:49 a.m.]

REGIONAL DIRECTOR OF URBAN RENEWAL, REGION VII (SAN JUAN)

Redelegation of Authority With Respect to Slum Clearance and Urban Renewal Program and Urban Planning Program

The Regional Director of Urban Renewal, Region VII (San Juan), Housing and Home Finance Agency, is hereby authorized within such Region to exercise all the authority delegated to the Regional Administrator by the Housing and Home Finance Administrator's delegation of authority republished October 14, 1960 (25 F.R. 9874, October 14, 1960), as amended, with respect to the slum clearance and urban renewal program authorized under Title I of the Housing Act of 1949 as amended (42 U.S.C. 1450–1468), and under section 312 of the Housing Act of 1954 (42 U.S.C. 1450 note), and with respect to the urban planning program authorized under section 701 of the Housing Act of 1954, as amended (40 U.S.C. 461), except those authorities which under paragraph 6 of such delegation may not be redelegated.

This redelegation supersedes the redelegation effective April 25, 1963 (28 F.R. 4109, April 25, 1963).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation, as amended)

Effective as of the 10th day of August 1965.

JOSÉ E. FEBRES SILVA,
Regional Administrator, Region VII.

[F.R. Doc. 65–12567; Filed, Nov. 22, 1965; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[01–55]

MERIT CLOTHING CO., INC.

Cancellation of Hearing

NOVEMBER 17, 1965.

Merit Clothing Co., Inc. ("Applicant"), Mayfield, Ky., filed an application with the Securities and Exchange Commission pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended ("Act"), seeking an exemption from the registration requirements of section 12(g) of the Act. By Commission order of October 27, 1965, this application was scheduled for hearing on November 22, 1965.

On November 16, 1965, Applicant through its counsel requested the Commission to permit it to withdraw its application. Accordingly:

It is ordered, That the Commission hereby grants Applicant's request for withdrawal of its exemption application; and

It is further ordered, That the hearing scheduled for November 22, 1965, is hereby canceled.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65–12538; Filed, Nov. 22, 1965; 8:46 a.m.]

[812–1844]

SCUDDER, STEVENS & CLARK COMMON STOCK FUND, INC.

Notice of Filing of Application

NOVEMBER 17, 1965.

Notice is hereby given that Scudder, Stevens & Clark Common Stock Fund, Inc. ("Applicant"), 10 Post Office Square, Boston, Mass., 02109, a Massachusetts corporation which is registered under the Investment Company Act of 1940 ("Act") as an open-end diversified investment company, has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting from the provisions of section 22(d) of the Act the proposed issuance of its shares to Piermont Corp. ("Piermont") in exchange for substantially all of the assets of Piermont.

Section 22(d) of the Act, provides in pertinent part that no registered open-end investment company shall sell any redeemable security issued by it to any person except at a current public offering price described in its prospectus. Applicant's prospectus indicates that its shares will be sold at their net asset value. However, since the shares of Applicant will be exchanged at their net asset value for Piermont's assets on the basis of the net value of Piermont's assets after an adjustment has been made therein to compensate for the differences in the capital appreciation included in the valuation of Applicant's assets and Piermont's assets respectively, an exemption is deemed necessary. All interested persons are referred to the application as filed with the Commission for a statement of the representations therein which are summarized below.

Piermont, a Delaware corporation, is a personal holding company with twelve shareholders. Pursuant to an agreement between Applicant and Piermont, substantially all the assets of Piermont will be transferred to Applicant in exchange for stock of Applicant which will thereafter be distributed to shareholders of Piermont in complete liquidation. Neither Piermont nor its shareholders have any present intention of redeeming shares of Applicant following the aforementioned exchange.

The application and the exhibits annexed thereto indicate that the amount of stock of Applicant to be delivered to Piermont will be determined by dividing the net asset value per share of Applicant into the value of the net assets of Piermont, as adjusted. The adjustment, which is to be made in the manner stated in the application, is to compensate Applicant for potential Federal income taxes which would become payable upon the realization of the appreciation in the value of the securities of Piermont to the extent that any such appreciation may proportionately exceed the appreciation in the value of the securities of Applicant.

As of September 15, 1965, the net assets of Applicant amounted to $96,729,741 of which $4,803,118 represented realized but undistributed gain and $23,068,537 represented unrealized gain and the net assets of Piermont amounted to $11,696,598 of which $5,172,772 represented unrealized gain. Applicant presently intends to sell, subsequent to acquisition, approximately 21 percent of the assets of Piermont to be acquired. Such assets as of September 15, 1965, amounted to $2,468,902 of which $411,307 represented unrealized gain. Applicant's per share asset value as of September 15, 1965, was equal to $12.73 and if the exchange had been consummated that day, 905,482 shares would have been delivered to Piermont as a result of the adjustment in the valuation of Piermont's net assets.

Notice is further given that any interested person may, not later than December 2, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant, at the address set forth above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application may be issued by the Commission upon the basis of the information stated in this application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65–12539; Filed, Nov. 22, 1965; 8:46 a.m.]

[File No. 1–3393]

VTR, INC.

Order Suspending Trading

NOVEMBER 17, 1965.

The common stock, $1 par value, of VTR, Inc., being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 18, 1965, through November 27, 1965, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65–12540; Filed, Nov. 22, 1965; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 848]

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

NOVEMBER 18, 1965.

The following application is governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b), of the Interstate Commerce Act, and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIER OF PROPERTY

No. MC–F–9263. Authority sought for control by BLUE RIDGE TRUCKING COMPANY, Koon Development, Box 5118, Asheville, N.C., 28803, of NEMIAH GOLDSTEIN AND BERNARD GOLDSTEIN, a partnership, doing business as BLUE RIDGE TRUCKING COMPANY, Koon Development, Box 5118, Asheville, N.C., 28803, and for acquisition by NEMIAH GOLDSTEIN, BERNARD GOLDSTEIN, and RONALD GOLDSTEIN, also of Asheville, N.C., of control of the partnership, through the acquisition by BLUE RIDGE TRUCKING COMPANY. Applicants' attorney: Robert R. Williams, Jr., Box 7316, 4 South Pack Square, Asheville, N.C. Operating rights sought to be controlled: *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier,* over regular routes, between certain specified points in North Carolina, as follows: Between Asheville and Lake Toxaway, between Asheville and Brevard, serving all intermediate points, between Asheville and Franklin, serving all intermediate points, and the off-route point of Cherokee, N.C., between Franklin and Sylva, between Mills River and Hendersonville, between Skyland and Avery Creek, between Hendersonville and Tuxedo, between Hendersonville, and Flat Rock, between junction U.S. Highway 19 and North Carolina Highway 28 at Lauada, and Murphy, between Topton and Robbinsville, between Franklin and Murphy, between junction North Carolina Highway 281 and U.S. Highway 64, near Lake Toxaway, and Franklin, between Sylva and the North Carolina-South Carolina State line at North Carolina Highway 107, between Highlands and the North Carolina-Georgia State line, serving all intermediate points. BLUE RIDGE TRUCKING COMPANY holds no authority from this Commission. However, two of its controlling stockholders, BERNARD GOLDSTEIN and NEMIAH GOLDSTEIN, also control B AND P MOTOR LINES, INC., 101 Main Street, Hazelwood, N.C., which is authorized to operate as a *common carrier* in all States in the United States (except Alaska and Hawaii), and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65–12551; Filed, Nov. 22, 1965; 8:48 a.m.]

[Notice 1263]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 17, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice, any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–68110. By order of November 15, 1965, Transfer Board approved the transfer to Becker Brothers Trucking, Inc., Philadelphia, Pa., of the operating rights of Bessie McBride (Thomas J. Becker, Executor), doing business as Becker Bros., 2329 Emerald Street, Philadelphia, Pa., in Certificate No. MC–120372 (Sub-No. 1), issued September 1, 1964, authorizing the transportation, over irregular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between the plantsite of the Philadelphia Gear Corp., at King of Prussia, Pa., and Philadelphia, Pa. Alan Kahn, Suite 1920, Two Penn Center Plaza, Philadelphia, Pa., 19102, attorney for transferee.

No. MC–FC–68286. By order of November 10, 1965, Transfer Board approved the transfer to May Freight Service, Inc., Brooklyn, N.Y., of Certificate in No. MC–125587, issued November 22, 1963, to Moore Trucking Corp., Brooklyn, N.Y., authorizing the transportation of: meats, meat products, and meat byproducts, dairy products, and articles distributed by meat packinghouses except commodities in bulk, in tank vehicles, from points in the New York, N.Y. commercial zone, to points in Nassau, Suffolk, and Westchester Counties, N.Y., and Newark, Elizabeth, Passaic, and Paterson, N.J. Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, 32, N.Y., attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65–12552; Filed, Nov. 22, 1965; 8:48 a.m.]

[2d Rev. S.O. 947; Pfahler's Car Distribution Direction 5]

CHICAGO, ROCK ISLAND & PACIFIC RAILROAD CO. AND SOO LINE RAILROAD CO.

Freight Car Distribution

Pursuant to section I (15) and (17) of the Interstate Commerce Act and authority vested in me by Paragraph (a)(5)(ii) of the Interstate Commerce Commission Second Revised Service Order No. 947 (28 F.R. 12127; 29 F.R. 6014, 9670, 18506; 30 F.R. 6220 and 7522).

It appearing, that there exists a shortage of boxcars in sections of the country served by the Soo Line Railroad Co. because of inequitable distribution, and it appearing that the present carrier rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of cars to the railroads owning such cars are ineffective; this agent is of the opinion that an emergency exists requiring immediate action, and that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this direction effective upon less than 30 days' notice.

It is ordered, That:

(1) The Chicago, Rock Island & Pacific Railroad Co. and the Soo Line Railroad Co. shall observe, enforce, and obey the following directions, rules, regulations, and practices with respect to freight car distribution:

(a) The Chicago, Rock Island & Pacific Railroad Co. shall deliver to the Soo Line Railroad Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44'8" and doors less than 8 feet wide. Exception: Canadian ownerships.

(b) The rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

(c) Cars applied under this direction shall be carded to the Soo Line Railroad Co. and each car shall be identified by the Chicago, Rock Island & Pacific Railroad Co. on its empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(2) No common carrier by railroad subject to the Interstate Commerce Act shall intercept, appropriate, or divert any empty cars moving under the provisions of this direction.

(a) The Chicago, Rock Island & Pacific Railroad Co. must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m., to the Soo Line Railroad Co.

(b) The Soo Line Railroad Co. must advise Agent R.D. Pfahler each Wednesday as to the number of cars, covered by this direction, received from the Chicago, Rock Island & Pacific Railroad Co. during the preceding week, ending each Sunday at 11:59 p.m.

(3) Application: The provisions of this direction shall apply to intrastate, interstate, and foreign commerce.

(4) Regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(5) Effective date: This direction shall become effective at 12:01 a.m., November 22, 1965.

(6) Expiration date: This direction shall expire at 11:59 p.m., December 31, 1965, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 17, 1965.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 65–12553; Filed, Nov. 22, 1965; 8:48 a.m.]

[Notice 88]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 17, 1965.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 74857 (Sub-No. 18 TA), filed November 15, 1965. Applicant: FULLER MOTOR DELIVERY CO., a corporation, 802 Plum Street, Cincinnati, Ohio, 45202. Applicant's representative: David A. Caldwell, 900 Tri-State Building, Cincinnati, Ohio. 45202. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Salt,* in bulk, in dump trucks, from points in Washington County, Ohio, to points in Athens, Gallia, Hocking, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, and Washington Counties, Ohio, and points in Braxton, Calhoun, Doddridge, Gilmer, Harrison, Jackson, Lewis, Mason, Pleasants, Ritchie, Roane, Tyler, Wirt, and Wood Counties, W. Va., limited to service to be performed under contract with Cargill, Inc., for 180 days. Supporting shipper: Don Schofield, region office manager, Cargill, Inc., Post Office Box 4072, 3335 Southside Avenue, Cincinnati, Ohio. Send protests to: Emil P. Schwab, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio, 45202.

No. MC 108207 (Sub-No. 172 TA), filed November 15, 1965. Applicant: FROZEN FOOD EXPRESS, Post Office Box 5888, 318 Cadiz Street, Dallas, Tex., 75222. Applicant's representative: J. E. McClellan (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Cheese,* from Lafayette, La., to points in Ohio, for 150 days. Supporting shipper: Lyle Searcey Brokerage Co., 318 Cadiz Street, Room 107A, Dallas, Tex., 75207. Send protests to: E. K. Willis, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 513 Thomas Building, 1314 Wood Street, Dallas, Tex., 75202.

No. MC 112009 (Sub-No. 2 TA), filed November 15, 1965. Applicant: REID SMITH, doing business as STAR VALLEY EXPRESS SERVICE, 1013 Third West, Kemmerer, Wyo., 83101. Applicant's representative: Robert J. Fanning, Post Office Box 428, Idaho Falls, Idaho, 83402. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except those requiring special equipment and explosives), between Kemmerer, Wyo., and Cokeville, Smoot, Afton, Grover, Bedford, Thayne, Freedom, Etna, and Alpine, Wyo., for 180 days. Supporting shippers: Conoco Bulk & Service Station, Afton, Wyo.; A & N Success Market, Afton, Wyo.; Lower Valley Mart, Thayne, Wyo.; Salt River Oil & Motor Co., Afton, Wyo.; Walker's Variety Store, Afton, Wyo.; Imco, Inc., Afton, Wyo.; Western Auto Associate Store, Afton, Wyo.; District Auto Supply, Afton, Wyo.; Gephart Stores Co., Afton, Wyo.; Brog & Hemmert, Inc., Afton, Wyo.; Mau's Conoco Service, Coleville, Wyo.; Ken's Furniture & Appliances, Afton, Wyo.; the Mountain States Telephone & Telegraph Co., Afton, Wyo.; Canyon Club & Bar, Afton, Wyo.; Dayton Service & Repair, Cokeville, Wyo.; Rulon Crook, Smoot, Wyo.; Bruces Standard Service, Smoot, Wyo.; Bear River Mercantile Co., Cokeville, Wyo.; A. M. Hysworth, Grover, Wyo.; Bishop Jesse A. Hurd, Auburn, Wyo.; Star Valley Drug Co., Afton, Wyo.; William D. Croft, Afton, Wyo.; Alpine Mercantile, Alpine, Wyo.; Bedford Mercantile, Bedford, Wyo.; J. T. Chapman, Etna, Wyo.; Skinner Service, Thayne, Wyo.; Cecil Dana, Afton, Wyo.; and, Brunswig Drug Co., Salt Lake City, Utah. Send protests to: Paul A. Naughton, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, D & S Building, 255 North Center Street, Casper, Wyo., 82601.

No. MC 114533 (Sub–No. 112 TA), filed November 12, 1965. Applicant: B. D. C. CORPORATION, 4970 South Archer Avenue, Chicago, Ill., 60632. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Audit, accounting, and data processing media, business reports and records,* between Schiller Park, Ill., on the one hand, and, on the other, Fremont, Ohio, for 150 days. Supporting shipper: Controls Co. of America, Appliance and Automotive Division, 9655 Soreng Avenue, Schiller Park, Ill. Send protests to: Charles J. Kudelka, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 1086, 219 South Dearborn Street, Chicago, Ill., 60604.

No. MC 114533 (Sub-No. 113 TA), filed November 15, 1965. Applicant: B. D. C. CORPORATION, 4970 South Archer Avenue, Chicago, Ill., 60632. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Audit, accounting and data processing media, business reports and records,* between Omaha, Lincoln, and Norfolk, Nebr., and Hays, Kans., on the one hand, and, on the other, Kansas City, Mo., for 150 days. Supporting shipper: Sealtest Foods, Division of National Dairy Products Corp., 75 East Wacker Drive, Chicago, Ill., 60601. Send protests to: Charles J. Kudelka, District

Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 219 South Dearborn Street, Chicago, Ill., 60604.

No. MC 118334 (Sub-No. 3 TA), filed November 12, 1965. Applicant: STAMULIS BROS., INC., 151 Walton Street, Portland, Maine. Applicant's representative: Charles Cronis, 14–16 Central Avenue, Lynn, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Boston, Mass., to Ipswich, Mass., for 150 days. Supporting shipper: Yell-O-Glow Banana Co., Inc., 3 Loney's Lane, Ipswich, Mass. Send protests to: Donald G. Weiler, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 307, 76 Pearl Street, Portland, Maine, 04112.

No. MC 118415 (Sub-No. 19 TA), filed November 15, 1965. Applicant: HUSBY TRUCKING SERVICE, INC., Route No. 1, Post Office Box 219, Menomonie, Wis., 54751. Applicant's representative: Anthony Gruszka (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat byproducts*, as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Winona, Minn., to Chicago, Ill.; Lexington and Louisville, Ky.; Baltimore, Md.; and, Washington, D.C.; Boston, Mass.; Springfield and Worcester, Mass.; Detroit, Mich.; Albany, Buffalo, Kingston, New York, and Rochester, N.Y.; Philadelphia, Pittston, and Scranton, Pa.; and, Milwaukee, Wis.; (2) *such inedible packinghouse products*, as are described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Winona, Minn., to Chicago, Ill., and Milwaukee, Wis., and *refused or rejected products*, on return, for 180 days. Supporting shipper: Bravo Foods, Inc., Post Office Box 436, Winona, Minn. Send protests to: A. E. Rathert, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., 55401.

No. MC 126014 (Sub-No. 3 TA), filed November 12, 1965. Applicant: ELMER D. PALMER, Route 1, Pea Ridge, Ark. Applicant's representative: John H. Joyce, 26 North College Street, Fayetteville, Ark. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Poultry offal meal, and feather meal*, in bulk, from points within 10 miles of Noel, Mo., to Denver, Colo., for 150 days. Supporting shipper: Ralston Purina Co., Inc., Raymond B. Abeln, Buyer and Traffic Manager, Springdale, Ark. Send protests to: D. R. Partney, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2519 Federal Office Building, Little Rock, Ark., 72201.

No. MC 126835 (Sub-No. 4 TA), filed November 12, 1965. Applicant: EDGAR BISCHOFF, doing business as CASKET DISTRIBUTORS, Rural Route 5, Brookville, Ind. Applicant's representative: Jack B. Josselson, Atlas Bank Building, Cincinnati, Ohio, 45202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Caskets, and casket displays, and funeral supplies*, when moving with caskets, from Lancaster, Ky., to Cleveland, Ohio, Long Island City, Buffalo, Rochester, and Syracuse, N.Y.; Pittsburgh and Philadelphia, Pa.; Chicago, Ill., for 180 days. Supporting shipper: National Casket Co., Inc., Post Office Box 42, Lancaster, Ky., 40444. Send protests to: R. M. Hagarty, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind., 46204.

No. MC 127713 (Sub-No. 1 TA), filed November 15, 1965. Applicant: HERMAN CAMPBELL, 1615 William Street, Cape Girardeau, Mo. Applicant's representative: Harold B. Bamburg, 407 North Eighth Street, St. Louis, Mo., 63101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ice cream mix* and *other dairy products* (except milk), from Granite City, Ill., to points in Mississippi, New Madrid, Scott, Perry, Dunklin, Jefferson, Ste. Genevieve, Stoddard, Butler, Saint Francois, Madison, Pemiscot, and Cape Girardeau Counties, Mo.; and, (2) *Milk cartons and other paper products*, from points in the above-named counties to Granite City, Ill., for 180 days. Supporting shipper: Aro-Dressel Foods Corp., Niedringhaus & Benton Streets, Granite City, Ill., 62040. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 3248–B, 1520 Market Street, St. Louis, Mo., 63103.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-12501; Filed, Nov. 19, 1965; 8:48 a.m.]

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Entire Executive Civil Service

Effective on publication in the FEDERAL REGISTER, paragraph (v) of § 213.3102, having expired by its own terms, is revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director,
Bureau of Management Services.

[F.R. Doc. 65-12580; Filed, Nov. 23, 1965; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 63-SO-62]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone, Designation of Transition Area, and Revocation of Control Area Extension

Correction

In F.R. Doc. 65-12224, appearing at page 14311 of the issue for Tuesday, November 16, 1965, the following correction is made in item 2: In the Myrtle Beach, S.C., transition area, the 47th and 48th lines should read as follows:

VORTAC 068° radial, on the W by V-437E and V-3E, excluding that airspace within 5

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER A—TEST FEE SCHEDULES

PART 201—ELECTRICITY

High Frequency and Microwave Regions

Under the provisions of 15 U.S.C. 275 (a) and 277, test fee schedules of the National Bureau of Standards, Department of Commerce, pertaining to electricity are amended as provided herein.

The amendments, effective upon publication in the FEDERAL REGISTER, add calibration services.

HIGH FREQUENCY REGION

In § 201.821, item 201.821a is amended to read:

Item	Description	Fee
201.821a	Measurement of calibration factor of a coaxial bolometer unit at one frequency at 100 MHz, 1 GHz, and 3 GHz; and at one power level, 1 or 10 mW	(*)

*See 201.800(b), Fees.

MICROWAVE REGION

Section 201.910 is amended to provide additional calibration services, as follows:

Item	Description	Fee
. . .	. . .	. . .
201.910a-4	Measurement of effective efficiency of bolometer unit at a single frequency of the following waveguide size terminated with standard waveguide connector: WR112 (7.05-10.0 GHz)	(*)
. . .	. . .	. . .
201.910b-4	Measurement of calibration factor of bolometer unit at a single frequency of the following waveguide size terminated with standard waveguide connector: WR112 (7.05-10.0 GHz)	(*)
. . .	. . .	. . .
201.910c-4	Measurement of calibration factor of bolometer-coupler unit at a single frequency of the following waveguide size terminated with standard waveguide connectors: WR112 (7.05-10.0 GHz)	(*)
. . .	. . .	. . .

*See Sec. 201.900(b), Fees.

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

A. V. ASTIN,
Director.

[F.R. Doc. 65-12578; Filed, Nov. 23, 1965; 8:45 a.m.]

SUBCHAPTER B—STANDARD REFERENCE MATERIALS

PART 230—STANDARD REFERENCE MATERIALS

Subpart C—Standards of Certified Chemical Composition

Subpart D—Standards of Certified Properties and Purity

MISCELLANEOUS AMENDMENTS

Under the provisions of 15 U.S.C. 275a and 277, the following amendments relating to standard reference materials issued by the National Bureau of Standards are effective upon publication in the FEDERAL REGISTER. The amendments add certain standard reference materials, some of which are renewals of out of stock standards, and changes the price of others.

The following amends 15 CFR Part 230 which appeared in the FEDERAL REGISTER of April 17, 1965 (Volume 30, Number 74, Part II).

I. In Subpart C—Standards of Certified Chemical Composition:

§ 230.7-1 [Amended]

1. Section 230.7-1 *Steels (chip form)* is amended to increase the price of sample numbers 339 and 346 from $15.00 each to $20.00 each.

§ 230.7-7 [Amended]

2. Section 230.7-7 *Copper-base alloys (solid form)* is amended to increase the price of the samples from $30.00 each to $35.00 each.

II. In Subpart D—Standards of Certified Properties and Purity:

§ 230.8-5 [Amended]

1. Section 230.8-5(b)(5) *Point-source gamma-ray standards* is amended to revise sample number 4999-B (Cerium-139) to read as follows:

Sample No.	Radionuclide	Approximate emission rate, September 1965	Price per sample
4999-C	Cerium-139	$1\times10^{3}\gamma$ ps	$58.00

2. Section 230.8-5(b)(8) *Radium gamma-ray solution standards* is amended to revise sample number 4964 to read as follows:

Sample No.	Radium content	Approximate weight (grams)	Price per sample
4964-B	100 μg (1965)	5	$43.00

§ 230.8-8 [Amended]

3. Section 230.8-8 *Viscometer calibrating liquids* is amended to increase the price of oil OB from $32.00 to $37.50 and oils SB and SF from $6.50 each to $8.00 each.

§ 230.8-15 [Amended]

4. Section 230.8-15 *Light-sensitive papers* is amended to increase the price of sample number 701a from $40.00 to $60.00.

§ 230.8-17 [Amended]

5. Section 230.8-17 *Microcopy resolution test charts* is amended as follows:

Sample No.	Kind	Unit of issue (minimum)	Price per chart
1010	Resolution chart for testing the resolving power of micro copying cameras (add $2.00 per order for handling)	*Charts* 5	$0.60

6. A new § 230.8–21 *Standard thickness samples of electroplated coatings* is added to read as follows:

§ 230.8–21 Standard thickness samples of electroplated coatings.

Sample No.	Kind	Price per sample
Series 1300	Thickness standards	$7.50

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

A. V. ASTIN,
Director.

[F.R. Doc. 65–12579; Filed, Nov. 23, 1965; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 79]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

CORN ENDORSEMENT

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1966 crop year in the following respects:

1. The heading and that portion of § 401.20 preceding section 1 of the corn endorsement is amended effective beginning with the 1966 crop year to read as follows:

§ 401.20 The corn endorsement (applicable in all counties and States except Michigan and Minnesota, and the counties in Wisconsin north of Grant, Iowa, Columbia, Dodge, Washington, and Ozaukee).

The provisions of this corn endorsement, which shall be applicable in all counties and States except Michigan and Minnesota, and the counties in Wisconsin north of Grant, Iowa, Columbia, Dodge, Washington, and Ozaukee, are as follows:

* * * * *

2. The heading and that portion of § 401.44 preceding section 1 of the corn endorsement is amended effective beginning with the 1966 crop year to read as follows:

§ 401.44 The corn endorsement (applicable only in Michigan and Minnesota, and the counties in Wisconsin north of Grant, Iowa, Columbia, Dodge, Washington, and Ozaukee).

The provisions of this corn endorsement, which shall be applicable only in Michigan and Minnesota, and the counties in Wisconsin north of Grant, Iowa, Columbia, Dodge, Washington, and Ozaukee are as follows:

* * * * *

Adopted by the Board of Directors on November 17, 1965.

[SEAL] EARLL H. NIKKEL,
Secretary,
Federal Crop Insurance Corporation.

Approved: November 18, 1965.

JOHN A. SCHNITTKER,
Under Secretary.

[F.R. Doc. 65–12595; Filed, Nov. 23, 1965; 8:46 a.m.]

[Amdt. 78]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

COTTON ENDORSEMENT

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1966 crop year as follows:

The table at the end of section 5 of the cotton endorsement shown in § 401.21 of this chapter is amended effective beginning with the 1966 crop year in the following respects: The lines reading "Kentucky, North Carolina, New Mexico, Oklahoma, and Tennessee ____ Dec. 31" are changed to read "Kentucky, North Carolina, New Mexico, Oklahoma, Tennessee, and Virginia ____ Dec. 31".

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on November 17, 1965.

[SEAL] EARLL H. NIKKEL,
Secretary,
Federal Crop Insurance Corporation.

Approved: November 18, 1965.

JOHN A. SCHNITTKER,
Under Secretary.

[F.R. Doc. 65–12594; Filed, Nov. 23, 1965; 8:46 a.m.]

[Amdt. 1]

PART 408—NORTH CAROLINA APPLE CROP INSURANCE

Subpart—Regulations for the 1965 and Succeeding Crop Years

APPLICATION AND POLICY

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1966 crop year as follows:

Section 13 of the application and policy shown in § 408.6 of this chapter is amended effective beginning with the 1966 crop year by changing the proviso in subsection (c) thereof to read as follows: *"Provided, however,* That any apple which, due to a cause of loss insured against, is reduced in grade as determined by the Corporation below U.S. No. 1, as defined in the United States Standards For Apples For Processing, shall not be counted as production."

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on November 17, 1965.

[SEAL] EARLL H. NIKKEL,
Secretary,
Federal Crop Insurance Corporation.

Approved: November 18, 1965.

JOHN A. SCHNITTKER,
Under Secretary.

[F.R. Doc. 65–12596; Filed, Nov. 23, 1965; 8:46 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM ACREAGE ALLOTMENTS AND MARKETING QUOTAS

PART 722—COTTON

Subpart—1966 Crop of Upland Cotton; Acreage Allotments and Marketing Quotas

TRANSFERS OF ALLOTMENTS, DOMESTIC ALLOTMENTS AND PROTECTED NATIONAL YIELD

Correction

In F.R. Doc. 65–12302 appearing at page 14307 in the issue for Tuesday, November 16, 1965, the following change should be made in § 722.272(b): The third line which now reads "allotment percentage for the 1966 crop" should read "allotment in pounds for the 1966 crop."

PART 724—BURLEY, FLUE-CURED, FIRE-CURED (TYPE 21), FIRE-CURED (TYPES 22, 23, 24), DARK AIR-CURED, VIRGINIA SUN-CURED, MARYLAND, CIGAR-BINDER (TYPES 51, 52), AND CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, 55) TOBACCO

Flue-Cured Tobacco; Determinations and Announcements

Determinations and announcements of (1) the reserve supply level for flue-cured tobacco for the marketing year beginning July 1, 1965, (2) the amount of the national marketing quota for flue-cured tobacco on an acreage-poundage basis for the marketing year beginning July 1, 1966, (3) the 1966 national average yield goal, (4) the 1966 national acreage allotment, and (5) the 1966 reserve acreage for making corrections in farm acreage allotments, adjusting inequities, and establishing acreage allotments for new farms.

§ 724.35 Basis and purpose.

Sections 724.35 and 724.35a are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), and as further amended by Public Law 89–12 (79 Stat. 66), approved April 16, 1965, hereinafter referred to as the Act, to (1) determine and announce the reserve supply level for flue-cured tobacco for the marketing year beginning July 1, 1965, and (2) to determine and announce for flue-cured tobacco for the marketing year beginning July 1, 1966,

under the provisions of Public Law 89–12, (A) the amount of the national marketing quota on an acreage-poundage basis, (B) the national average yield goal, (C) the national acreage allotment, and (D) the reserve for making corrections in farm acreage allotments, adjusting inequities, and for establishing acreage allotments for new farms. The determinations by the Secretary contained in subsection 724.35a have been made on the basis of the latest available statistics of the Federal Government. Due consideration has been given data, views, and recommendations received from flue-cured tobacco producers and others pursuant to the notice (30 F.R. 13012) given in accordance with the Administrative Procedure Act (5 U.S.C. 1003). Flue-cured tobacco farmers approved quotas on an acreage-poundage basis for the three marketing years beginning July 1, 1965, July 1, 1966, and July 1, 1967, in a special referendum (30 F.R. 9299), in lieu of quotas on an acreage basis in effect for those marketing years. Since flue-cured tobacco farmers are making their plans for 1966 flue-cured tobacco production and need to know the 1966 acreage allotments for their farms in order to complete such plans, it is hereby found that compliance with the 30-day effective date provision of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the determinations and announcements contained herein shall become effective upon the date of filing with the Director, Office of the Federal Register.

Under the formula in the Act the basis for determining the reserve supply level depends upon the marketing year in which it is determined. 7 U.S.C. 1301 (b) (10)(B), (11)(B), (12), (14)(B). The present marketing year began on July 1, 1965, and ends on June 30, 1966, 7 U.S.C. 1301(b)(7). The reserve supply level for flue-cured tobacco is determined to be 3,231.2 million pounds, based upon a normal year's domestic consumption of 825.0 million pounds and a normal year's exports of 490.0 million pounds.

The reserve supply level is defined in the Act as 105 percent of the normal supply. The normal supply is defined in the Act as a normal year's domestic consumption and exports, plus 175 percent of a normal year's domestic consumption and 65 percent of a normal year's exports. A normal year's domestic consumption is defined in the Act as the yearly average quantity produced in the United States and consumed in the United States during the 10 marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A normal year's exports is defined in the Act as the yearly average quantity produced in the United States which was exported from the United States during the 10 marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports. The 10-year average domestic consumption during the 10 marketing years preceding the 1965–66 marketing year was 756.9 million pounds, and the 10-year average exports during such period was 465.0 million pounds. After adjustment for trends, a normal year's domestic consumption at 825.0 million pounds and a normal year's exports of 490.0 million pounds appear reasonable, and result in a reserve supply level of 3,231.2 million pounds.

The carryover of flue-cured tobacco on July 1, 1966 is estimated at 2,392 million pounds. The 1966 crop, based on the 1966 national acreage allotment of 607,335.49 acres and with an allowance for overmarketings and undermarketings, is estimated at 1,175 million pounds. The total supply of flue-cured tobacco for the 1966–67 marketing year is, therefore, presently estimated at 3,567 million pounds or 335.8 million pounds above the reserve supply level.

It is estimated that 810 million pounds of flue-cured tobacco will be utilized in the United States during the 1966–67 marketing year, and 485 million pounds will be exported in such marketing year. This compares with the present estimates for the 1965–66 marketing year of 795 million pounds for domestic utilization and 475 million pounds for export. The estimates for the 1966–67 marketing year take into account an expected increase in cigarette production and an expected increase in exports because of improved quality in the leaf marketed under the acreage-poundage program.

It is determined that it is desirable to effect an orderly reduction of supplies to the reserve supply level, and, therefore, a downward adjustment in a national marketing quota of 1,295 million pounds should be made. Accordingly, the national marketing quota for flue-cured tobacco for the marketing year beginning July 1, 1966, is determined to be 1,126 million pounds. This reduction is less than the maximum reduction of 15 per centum permitted by the Act, but no further reduction is deemed desirable because experience gained from actual operations under the acreage-poundage program is limited and a greater reduction would not effect an orderly reduction to the reserve supply level.

It is determined that the national marketing quota of 1,126 million pounds in view of the anticipated carryover will insure an adequate supply of flue-cured tobacco for the 1966–67 marketing year.

The "national average yield goal" has been determined to be 1,854 pounds per acre. It has been determined that this yield will improve or insure the usability of flue-cured tobacco and increase the net return per pound to the growers. In making this determination consideration was given to research data of the Agricultural Research Service of the Department and one of the land-grant colleges in flue-cured tobacco area. A national average yield goal of 1,854 pounds was determined and announced for the 1965–66 marketing year (30 F.R. 6144).

The national acreage allotment is 607,335.49 acres, determined in accordance with the provisions of the Act by dividing the national marketing quota of 1,126 million pounds by the national average yield goal of 1,854 pounds.

In accordance with the provisions of the Act a reserve from the national acreage allotment is established in the amount of 735.29 acres for making corrections in farm acreage allotments, adjusting inequities and establishing allotments for new farms. It is estimated that the reserve acreage will be adequate.

Consideration in the light of the latest available statistics of the Federal Government was given as to whether any of the types of flue-cured tobacco should be treated as a kind of tobacco pursuant to the proviso in section 301(b)(15) of the Act at the time the national marketing quota for the 1965–66 marketing year for flue-cured tobacco was determined (30 F.R. 6144), and it was determined that types 11, 12, 13, and 14 constitute one kind of tobacco for purposes of the Act for the 1965–66, 1966–67, and 1967–68 marketing years. In compliance with the judgment in the case of Brown et al. v. Freeman hearings on the question of whether type 14 tobacco should be considered as a separate kind of tobacco for purposes of the Agricultural Adjustment Act of 1938, as amended, were held at Waycross, Ga., on October 4 and 5, 1965, Raleigh, N.C., on October 7 and 8, 1965, and Washington, D.C., on October 18 and 19, 1965. Time for filing proposed findings, conclusions, and briefs and arguments on the basis of the record made in these hearings has been extended to November 24, 1965. A new determination in compliance with the judgment of the Court in Brown et al. v. Freeman on the basis of the record and after consideration of the proposed findings, conclusions, briefs and arguments will be made as soon as practicable.

No action may be taken under section 313(i) of the Act unless a substantial difference exists in the usage or market outlets for any one or more of the types comprising the kind of tobacco. On the basis of the facts recited (30 F.R. 6144) in connection with the consideration of section 301(b)(15), it was determined that there is no substantial difference existing in the usage or marketing outlets for any one or more of the types of flue-cured tobacco and, therefore, no action was taken for the 1965–66 marketing year under this section of the statute. The same conditions prevail with respect to usage or marketing outlets that prevailed at the time of the determination for the marketing quota on an acreage-poundage basis for the 1965–1966 marketing year and, therefore, no action is being taken under section 313(i) of the Act for the 1966–67 marketing year. In addition, section 313(i) of the Act applies only to marketing quotas and acreage allotments established pursuant to section 313. It is, therefore, concluded that, notwithstanding section 4 of Public Law 89–12, the better view is that section 313 (i) of the Act should not be applied to acreage allotments and marketing quotas determined under Public Law 89–12.

Recommendations for and against were received with respect to taking ac-

tion under the proviso in paragraph (g)(1) of Public Law 89–12. It is concluded that no determination should be made with respect to this proviso at the present time.

§ 724.35a Determinations and announcements.

(a) *Reserve supply level for flue-cured tobacco for the marketing year beginning July 1, 1965.* The reserve supply level for flue-cured tobacco for the marketing year beginning July 1, 1965, is 3,231.2 million pounds, calculated, as provided in the Act, from a normal year's domestic consumption of 825.0 million pounds and a normal year's exports of 490.0 million pounds.

(b) *National marketing quota for flue-cured tobacco on an acreage-poundage basis for the marketing year beginning July 1, 1966.* A national marketing quota for flue-cured tobacco on an acreage-poundage basis for the marketing year beginning July 1, 1966, is hereby determined and announced in the amount of 1,126 million pounds. This quota is based upon an estimated utilization in the United States in such marketing year of 810 million pounds and exports in such marketing year of 485 million pounds, with a downward adjustment which is determined to be desirable for the purpose of effecting an orderly reduction of supplies (3,567 million pounds estimated as of July 1, 1966) to the reserve supply level.

(c) *National average yield goal.* The national average yield goal for flue-cured tobacco for the marketing year beginning July 1, 1966, is determined and announced at 1,854 pounds. This goal is based on the yield per acre which on a national average basis it is determined will improve or insure the usability of flue-cured tobacco and increase the net return per pound to growers.

(d) *National acreage allotment.* The national acreage allotment for flue-cured tobacco on an acreage-poundage basis for the marketing year beginning July 1, 1966 is determined and announced to be 607,335.49 acres. This allotment was determined by dividing the national marketing quota of 1,126 million pounds by the national average yield goal of 1,854 pounds.

(e) *Reserve acreage for making corrections in farm acreage allotments, adjusting inequities, and establishment of acreage allotments for new farms.* A national reserve from the national acreage allotment in the amount of 735.29 acres is hereby determined and announced. This reserve is for making corrections in farm acreage allotments, adjusting inequities, and establishing allotments for new farms. Of the 735.29 acres, 100 acres are hereby set aside to be available for new farms. The remainder of 635.29 acres is hereby made available for making corrections in farm acreage allotments and for adjusting inequities.

(Secs. 301, 313, 317, 375, 52 Stat. 38, 47, 66, as amended, 79 Stat. 66; 7 U.S.C. 1301, 1313, 1317, 1375, Public Law 89–12, app. April 16, 1965)

Effective Date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on November 19, 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65–12694; Filed, Nov. 23, 1965; 9:56 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 86, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of Navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1) (i), (iii), and (iv) of § 907.386 (Navel Orange Regulation 86, 30 F.R. 14264) are hereby amended to read as follows:

§ 907.386 Navel Orange Regulation 86.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: Unlimited movement;

* * * * *

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 19, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–12597; Filed, Nov. 23, 1965; 8:46 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 238—RESIDUAL LUMP-SUM PAYMENTS

PART 250—REPORTS, INFORMATION, HEARINGS, AND WITNESSES

PART 262—MISCELLANEOUS

Miscellaneous Amendments

Pursuant to the general authority contained in section 10 of the act of June 24, 1937 (50 Stat. 314, as amended; 45 U.S.C. 228j), § 238.2(b) of Part 238 (20 CFR 238.2) of the regulations under such act is amended by Board Order 65–134, dated November 10, 1965; § 250.4(b) of Part 250 (20 CFR 250.4) of the regulations under such act is amended by Board Order 65–133, dated November 10, 1965, and § 262.16(g) of Part 262 (20 CFR 262.16) of the regulations under such act is amended by the addition of subparagraph (9) by Board Order 65–135, dated November 10, 1965, as follows:

§ 238.2 Residual lump-sum payments.

* * * * *

(b) *Persons entitled to receive payments.* The following person or persons are, in the order named, entitled to a residual lump sum under the conditions stated in paragraph (a) of this section:

(1) *Designated beneficiary.* If the employee designated a beneficiary or beneficiaries in accordance with the provisions of § 238.3, and such designee or designees survived the employee, payment of the residual lump sum shall be made in accordance with such designation, subject to the following conditions:

(i) If there is more than one designated beneficiary, each shall be paid an equal share of the residual lump sum, unless the percentage to be paid to each beneficiary is specified, in which case payment shall be made in the proportion specified.

(ii) If a designated beneficiary dies before receiving payment of the residual lump sum, such payment shall be made to the estate of the designee. In such case, if payment cannot be made under the provisions of Part 236 of this chapter, it shall be made only to a legal representative of the estate duly appointed by the court having probate jurisdiction, or as may be ordered by such court, or as may be authorized by statute.

(2) *Surviving relatives.* If the employee died after September 1958 and either did not designate a beneficiary or was not survived by a designated beneficiary, payment of the residual lump sum shall be made to the following person, in the order named, whose relationship to the employee will have been determined by the Board and who will not have died before receiving such payment: Widow or widower who was living with the employee at the time of the employee's death; child; grandchild; parent; brother and sister. If there is more than one person in an equal degree of relationship, each such person shall be paid an equal share of the residual lump sum.

(3) *Estate.* If the employee died after September 1958 and a person or persons described in subparagraphs (1) and (2) of this paragraph are not entitled to payment of the residual lump sum, such payment shall be made to the employee's estate. In such case, if payment cannot be made under the provisions of Part 236 of this chapter, it shall be made only to a legal representative of the estate duly appointed by the court having probate jurisdiction, or as may be ordered by such court, or as may be authorized by statute.

* * * * *

§ 250.4 Registration of employees.

* * * * *

(b) Each employer shall furnish the Board with such notice of multiple account numbers and corrections in identifying data as may be required by instructions issued by the director of wage and service records.

§ 262.16 Records and other papers of the Board; disclosure; service of process.

* * * * *

(g) Subject to the limitation expressed in paragraph (j) of this section, disclosure of documents and information is hereby authorized, in such manner as the Board may by instructions prescribe, in the following cases:

* * * * *

(9) To any governmental welfare agency, information about the receipt of benefits and eligibility for benefits.

* * * * *

Dated: November 18, 1965.

By authority of the Board.

LAWRENCE GARLAND,
Secretary of the Board.

[F.R. Doc. 65–12616; Filed, Nov. 23, 1965; 8:48 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 1—GENERAL PROVISIONS

Appeals From Decisions of Contracting Officers

1. Immediately preceding § 1.770, the center title "Appeals from Decisions of Contracting Officers Under Construction, Architect-Engineer and Supply Contracts" is changed to read "Appeals from Decisions of Contracting Officers."

2. In § 1.770, paragraphs (a), (b), and (d)(3) are amended to read as follows:

§ 1.770 Contract Appeals Board.

(a) *Establishment.* The Contract Appeals Board has been established in the Office of the Administrator to act as his duly authorized representative to hear and decide appeals of contractors under disputes provisions in contracts of the Veterans Administration.

(b) *Location.* The offices of the Board are located in the Veterans Administration Central Office, Washington, D.C., 20420.

* * * * *

(d) *Procedures.* * * *

(3) If involving $5,000 or less, under the Optional Accelerated Procedure (§ 1.773(gg); Rule 33).

3. In § 1.771, paragraph (d) is amended to read as follows:

§ 1.771 Delegation of authority.

* * * * *

(d) The Board is authorized to require Veterans Administration contracting officers and other Veterans Administration officials having responsibility for or official knowledge of the design of projects, or the award, administration or supervision of contracts, or of work performed thereunder, to furnish the Board such information, technical data, and similar assistance as the Board may require in the performance of its duties. In such event a copy of the request and of the reply will be furnished to the appellant.

* * * * *

4. In § 1.772, paragraph (b) is amended to read as follows:

§ 1.772 Composition of the Board.

* * * * *

(b) *Panels.* Except as provided in § 1.773(gg) (Rule 33), or as ordered by the Chairman, each appeal shall be assigned to a panel of three Board members selected by the Chairman, not more than one of whom shall be an engineer member. A law member shall be designated by the Chairman to preside. Each panel so designated has authority to exercise the full jurisdiction of the Board on the appeal. A decision by a majority of the members of the panel shall constitute the final decision of the Board.

* * * * *

5. In § 1.773, paragraphs (a)(1), (b), (c), (f), (g)(1), (h), headnote of (k), (l), (o), (p), and (q)(5) are amended; a new paragraph (s) is added; and the former paragraphs (s) through (ff) are revised and redesignated (t) through (gg) to read as follows:

§ 1.773 Rules of the Board.

(a) *Rule 1; filing of appeals*—(1) *Notice.* A contractor electing to appeal from a written decision of a contracting officer rendered under a Veterans Administration contract which contains a clause providing for appeal shall file a written notice as provided in the contract and within the time specified therein.

* * * * *

(b) *Rule 2; docketing of appeals.* A notice of appeal when received by the Board will be docketed and assigned a case number, and the parties will be notified. Notification to appellant will include a copy of the appeal regulations.

(c) *Rule 3; duties of contracting officer.* (1) Upon receipt of a notice of appeal, a contracting officer shall attach thereto any evidence of the date of mailing or, in the absence of any such evidence, shall endorse thereon the date of receipt and promptly forward the notice to the Board together with copies of the following in duplicate:

(i) The decision from which the appeal is taken;

(ii) The contract and all plans, specifications, amendments, and change orders which are pertinent to the appeal.

(2) The Board will, upon docketing, notify Government counsel and transmit copies of the foregoing documents to Government counsel.

(3) The contracting officer shall within 30 days of the docketing of the appeal, or within such time thereafter as the Board may approve, furnish the Board and Government counsel his written Statement of the Facts, which shall set out fully the facts and circumstances attending the appeal and which shall include as exhibits thereto full supporting documentation. An original and two signed copies of the Statement of the Facts shall be furnished to the Board. A copy of the Statement of the Facts will be served upon appellant by the Board.

* * * * *

(f) *Rule 6; filing and service of papers.* The parties shall furnish the Board an original and two signed copies of all pleadings. The Board shall serve a copy of such pleadings on the opposing party or his representative of record. Service of papers shall be made in person or by certified mail to the last known address with return receipt required.

(g) *Rule 7; petition.* (1) A petition in support of the appeal must be filed by the appellant with the Board within 30 days of the receipt by the appellant of the contracting officer's Statement of the Facts (paragraph (c)(3) of this section; rule 3). The petition shall set forth:

(i) A summary of the decision of the contracting officer on the dispute from which the appeal is taken including the date of receipt of such decision;

(ii) A simple, concise, and direct statement of each claim and the facts upon which the appellant relies, setting forth wherein the decision is deemed erroneous;

(iii) The amount claimed or other relief sought;

(iv) Whether appellant elects a hearing or to rest on the record.

* * * * *

(h) *Rule 8; answer.* (1) Within 30 days after service of the appellant's peti-

tion, counsel for the Government shall prepare and file with the Board an answer thereto.

(2) The answer shall set forth simple, concise and direct statements of the Government's defenses to each claim asserted by the appellant. Each defense shall be stated with as much particularity as is practical.

(3) Defenses which go to the jurisdiction of the Board may be included in the answer, or may be raised by motion.

(4) The answer shall also state whether the Government elects a hearing or to rest on the record.

(5) Documentary evidence in support of the Government's defenses may be filed as exhibits to the answer, but in such event only two copies of each exhibit need be attached to the answer.

(6) Counsel for the Government shall at the same time file with the Board two copies of any other correspondence and data deemed pertinent to the appeal, which shall be made a part of the appeal file (paragraph (w) of this section; Rule 23). One copy of all such data shall be furnished to the appellant by the Board.

• • • • •

(k) *Rule 11; motions.*

• • • • •

(l) *Rule 12; dismissal by the Board.* (1) Whenever it is necessary or appropriate that the proceedings in an appeal be suspended for what is indicated will be an unreasonable length of time, the Board may in its discretion and after due notice to the parties remove the appeal from the active docket, without prejudice and subject to reinstatement without loss of docket position.

(2) The Board may also at any time recognize its lack of authority to proceed and may dismiss an appeal on such grounds after affording the parties an opportunity to be heard thereon.

• • • • •

(o) *Rule 15; withdrawal of appeal.* An appeal or any part thereof may be withdrawn at any time by the appellant by filing a written notice.

(p) *Rule 16; settlement by the parties.* The parties may by written stipulation filed in the proceedings withdraw all or any part of the dispute that has been amicably settled. In event of partial settlements, an amended petition shall be filed and the remaining issues in dispute shall thereafter be adjudicated as provided in §§ 1.770 through 1.775. On application, the Board may suspend the proceedings to allow time for settlement negotiations.

(q) *Rule 17; depositions.* • • •

(5) A deposition taken under the provisions of this rule may be offered in evidence in whole or in part by either party. Depositions will not be considered as evidence until they have been offered and received as such. All objections will be passed upon by the Board. Evidence not ordinarily admissible under rules of evidence may be received in the discretion of the Board as provided in paragraph (y)(4)(ii) of this section (Rule 25).

• • • • •

(s) *Rule 19; production of documents.* (1) The Board in its discretion may on application order the production of designated documents in the custody of either party, not privileged, which constitute or contain evidence regarding any matter which is relevant to the subject matter involved in the appeal, for inspection and copying.

(2) Documents in the custody of the Veterans Administration regarded as privileged include those:

(i) Relating solely to internal management;

(ii) Confidential by law;

(iii) Security classified; and

(iv) Whose release is otherwise not in the public interest.

(t) *Rule 20; conferences.* The Board, upon its own initiative or upon application, may direct the parties to appear for a conference to consider:

(1) The possibility of settlement;

(2) The simplification of the issues;

(3) The necessity or desirability of amendments to the pleadings;

(4) The possibility of obtaining stipulations as to facts and documents;

(5) The limitation of the number of expert witnesses;

(6) Such other matters as may aid in the disposition of the appeal.

At the conclusion of the conference, the Board shall issue such orders as may be appropriate.

(u) *Rule 21; stipulations.* The parties may stipulate in writing as to any facts that are relevant and material to the issues involved, and as to those documents or facts which may be introduced in evidence without formal proof.

(v) *Rule 22; hearing brief.* Hearing briefs will not be required, except upon order of the Board, but may be submitted at the election of either party not less than 10 days in advance of the hearing.

(w) *Rule 23; appeal file.* The appeal file or written record in an appeal will consist of the notice of appeal, the contract documents, documents required to be filed pursuant to paragraph (h)(6) of this section (Rule 8), the petition and exhibits, the answer and exhibits, all papers filed by the parties with the Board pursuant to §§ 1.770 through 1.775, all correspondence between the Board and the parties or their representatives, and the hearing transcript and exhibits. The appeal file will be available for inspections ot the offices of the Board, but may not be removed therefrom except upon approval of a Board member.

(x) *Rule 24; submission without a hearing.* (1) If either party elects to submit its case on the written record, such record may within 30 days of the date of filing of the answer be supplemented by a written brief.

(2) The opposing party shall have a period of 30 days from the date of filing of such brief within which to file a reply brief.

(y) *Rule 25; hearings.*—(1) *Notice of hearings.* (i) Hearings will normally be held at the offices of the Board after at least 15 calendar days' notification to the parties. Notice to appellant shall be by certified mail with return receipt required.

(ii) Hearings will be scheduled with due consideration to the date of filing and other factors. On request of either party, the Board may advance the hearing date for good cause.

(2) *Data to be submitted prior to hearing.* Not less than 10 calendar days in advance of the hearing, each party shall advise the Board of the estimated length of time which will be required for presentation of its case; and the names, addresses and capacities of persons who will be present in its behalf. Failure to do so may be deemed sufficient cause for adjournment of the hearing.

(3) *Continuances.* Continuances will be granted only upon timely request and for good cause.

(4) *Nature of hearings.* (i) The hearing may be conducted by a panel or by any law member thereof at the discretion of the Chairman. The order of introduction of evidence and the calling of witnesses shall be as prescribed by the panel chairman.

(ii) The rules of evidence ordinarily observed in judicial proceedings will not be strictly followed. Letters or copies thereof, affidavits, or other evidence not ordinarily admissible under rules of evidence, may be received in the discretion of the presiding member. The weight to be attached to evidence presented in any particular form will be determined by the Board.

(iii) Appellant and Government counsel may offer relevant and material testimony and evidence. The Board reserves the right to exclude such testimony and evidence as, in its judgment, is improper, of no probative value, or not pertinent to the issues. No testimony or arguments will be permitted with respect to any matter on which a motion to dismiss has been granted by the Board.

(iv) When objections to admissibility of evidence are made during the course of a hearing, the presiding member may then rule thereon or receive the evidence subject to future determination. When a hearing is before a single member, he shall decide on reception of evidence and other interlocutory matters as presiding member.

(v) Issues within the scope of the appeal, not raised by the petition and answer, but heard by express or implied consent of the parties, shall be treated in all respects as if raised therein. If evidence is objected to at the hearing on the ground that it is not within the issues framed by the petition and answer, the Board may allow the pleadings to be amended within the scope of the appeal. The Board may grant a continuance to enable the objecting party to meet such evidence.

(5) *Examination of witnesses.* All witnesses may be examined or cross-examined by the parties, or their representatives, and by the Board. Testimony will be under oath or by affirmation. If the testimony is not given under oath, the Board shall advise the witness that his statements may be subject to the provisions of sections 287, 1001, and 1621, Title 18, United States Code, and any other provisions of law imposing penalties for knowingly making false representations in connection with claims against the United States or in any matter within the jurisdiction of any department or agency thereof.

(6) *Transcript of proceedings.* Hearings will be reported verbatim. The Government assumes no responsibility for the completeness or accuracy of any transcript, whether by contract reporter or by Government personnel. The Government will not furnish appellants copies of the transcript made by a contract reporter. Copies may be purchased directly from the reporter. When transcripts are prepared by Government personnel, one copy will be furnished the appellant without charge.

(z) *Rule 26; supplementation of the record.* At any time prior to final decision, the Board, upon application of either party, may reopen the appeal record to receive pertinent documentary evidence. The opposing party will be allowed 30 calendar days from receipt thereof to submit a written rebuttal.

(aa) *Rule 27; absence of parties.* Should either party fail to appear at the time and place stated in the notice of hearing, the hearing will proceed and the appeal will be deemed as having been submitted without oral testimony or argument on behalf of the absent party.

(bb) *Rule 28; copies of papers.* When books, records, papers, or documents have been received in evidence, true copies may be substituted therefor during or at the conclusion of the hearing.

(cc) *Rule 29; withdrawal of exhibits.* After a decision has become final the Board may, after notice to the other party, permit the withdrawal of original exhibits. The substitution of true copies may be required by the Board as a condition of granting permission for withdrawal.

(dd) *Rule 30; post-hearing briefs.* A post-hearing brief may be required by the Board of either party or may be submitted by either party at its election. If filed at the election of either party, such shall be done within 30 days after conclusion of the hearing unless a further period is allowed by the Board.

(ee) *Rule 31; decisions of the Board.* (1) Authenticated copies of Board decisions will be forwarded simultaneously to both parties. Decisions of the Board will be available for public inspection at its offices.

(2) There is no further administrative appeal within the Veterans Administration from decisions of the Board.

(3) When an appeal is remanded to the contracting officer for implementation, the contracting officer shall upon accomplishment thereof inform the Board and furnish a copy of the documents evidencing the same.

(ff) *Rule 32; reconsideration by the Board.* (1) Motions for reconsideration may be filed by either party within 30 days from the date of the receipt of its copy of a decision of the Board. Such motions will be granted only upon a showing of material error or on the basis that new and material evidence has been discovered. It shall be incumbent upon the petitioner to state specifically in his motion the grounds upon which he relies.

(2) The opposing party shall have 30 calendar days to file an answer to the motion, and the Board shall rule on the motion without oral argument thereon, unless otherwise ordered by the Board.

(gg) *Rule 33; optional accelerated procedure.* (1) *Application.* (i) When the amount actually in dispute, or the dollar value of the relief sought, is $5,000 or less, the appellant may elect to have the appeal considered and decided under this rule.

(ii) For the purpose of this rule the amount involved shall be considered to be the net amount actually in dispute. If the claim involves or includes a claim for time, the dollar-amount shall be determined by multiplying the number of days in dispute by the rate of liquidated damages specified in the contract.

(iii) If it is determined that the amount involved exceeds or may exceed $5,000, the parties shall be so informed and the appeal shall be considered in accordance with paragraphs (a) through (ff) of this section (Rules 1 through 32).

(2) *Authority.* Under this rule formal pleadings will not be required. A single law member of the Board, designated by the chairman as hearing member, shall have and exercise the full authority of the Board to conduct the appeal proceedings and, subject to the concurrence of a reviewing member, also designated by the chairman, to decide the appeal. If the two members do not agree on a decision, the chairman will assign the case to a panel for decision.

(3) *Procedure.* The procedure under this rule shall be as follows:

(i) Within 30 days after receipt of the contracting officer's Statement of the Facts, the appellant shall, if it elects to proceed under this rule, so notify the Board and file therewith in duplicate appellant's statement which shall include the following:

(*a*) The amount and nature of the claim and the relief sought;

(*b*) Contentions in support of the appeal;

(*c*) Documentary evidence in support of the appeal;

(*d*) A statement as to whether the appellant elects an oral hearing.

(ii) The Board will furnish Government counsel a copy of appellant's notice of election and statement.

(iii) Within 30 days after receipt of appellant's submission Government counsel shall file with the Board an original and two signed copies of a statement or brief setting forth the Government's contentions in defense of the appeal and indicating whether the Government elects a hearing. The Board will transmit one copy to the appellant by certified mail with return receipt required. Government counsel will also file with the Board in duplicate copies of all documentary evidence in the Government's files deemed to be pertinent. The Board will furnish one copy thereof to the appellant.

(iv) Questions as to lack of jurisdiction of the Board may be raised by either party or by the Board and shall be disposed of as a condition to consideration of the case on the merits.

(v) If a hearing is elected, the Board will notify the parties of the time and place. The hearing will be in the nature of an informal conference, presided over by the hearing member. A transcript of the proceedings will be made.

(vi) The hearing member may require either party to furnish additional information or documents if considered necessary to clarify, explain, or supplement the information contained in the record.

(vii) Decisions shall be as brief as circumstances permit and will be limited to a summary of the facts and conclusions. Copies will be promptly furnished to the parties.

6. In § 1.774, paragraph (e) is amended to read as follows:

§ 1.774 Miscellaneous provisions.

• • • • •

(e) *Ex parte communications.* Any communication between a Board member or employee and a party to a proceeding before the Board respecting the merits of such proceeding, which is not made in the presence of, or communicated to, any other party to the proceedings, with a full opportunity on their part to respond, is prohibited. Any communication respecting the merits of any pending appeal, other than those specifically mentioned hereinabove in these regulations, will be in writing with copy simultaneously supplied by the communicant to any other party thereto who shall be afforded a period of 15 calendar days from the date of receipt therof to file a response, which, with the incoming communication, shall be made a part of the appeal file (§ 1.773(w); Rule 23).

7. Section 1.775 is revised to read as follows:

§ 1.775 Effective dates.

Sections 1.770 through 1.775 are effective as to all appeals docketed on and after November 24, 1965.

(72 Stat. 1114; 38 U.S.C. 210)

These VA Regulations are effective upon publication in the FEDERAL REGISTER.

Approved: November 16, 1965.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 65-12593; Filed, Nov. 23, 1965; 8:46 a.m.]

PART 2—DELEGATIONS OF AUTHORITY

Contract Appeals Board

In Part 2, § 2.65 is revised to read as follows:

§ 2.65 The Contract Appeals Board authorized to require Veterans Administration contracting officers and other Veterans Administration officials having responsibility for or official knowledge of the design of projects, or the award, administration or supervision of contracts, or of work performed thereunder, to furnish the board such information, technical data, and similar assistance as the board may require in the performance of its duties.

This delegation of authority is identical to § 1.771(d) of this chapter.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 65-12592; Filed, Nov. 23, 1965; 8:46 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER C—REGULATIONS AFFECTING SUBSIDIZED VESSELS AND OPERATORS

[Appendix No. 2; Statement of General Policy]

PART 251—APPLICATION FOR SUBSIDIES AND OTHER DIRECT FINANCIAL AID (CONSTRUCTION)

Utilization of Appropriations Made Available for Construction-Differential Subsidy

In the FEDERAL REGISTER issue of June 24, 1965 (30 F.R. 8110), there appeared a proposed "Statement of General Policy" governing future allocations of Federal financial assistance for the construction or reconstruction of vessels. The document invited interested parties to submit, by close of business on August 2, 1965, any written data or views on the proposed policy for consideration by the Maritime Subsidy Board.

The Maritime Subsidy Board has considered the views submitted in response to the invitation of June 24, 1965, and has adopted the following general policy, to be added as Appendix No. 2 to § 251.1 of this part:

§ 251.1 Applications for construction-differential subsidy under Title V, Merchant Marine Act, 1936, as amended.

* * * * *

APPENDIX NO. 2—STATEMENT OF GENERAL POLICY

1. The appropriations available for the payment of construction-differential subsidy by the Maritime Subsidy Board necessarily are limited. Present replacement program schedules for individual operators repeatedly have been revised and extended in recent years in accordance with the operating-differential subsidy contracts. It is possible that further delay will occur in the replacement of some of the vessels required to be replaced pursuant to the existing contractual obligations of those operators under operating-differential subsidy contracts with the Government. These standards are designed to provide better guidance for the operators and the Government in making the judgments necessary in selecting from among competing applications for limited funds. This policy will apply to requests for and allocations of appropriations for fiscal year 1967 and thereafter. It furthermore applies only to awards of financial assistance in the construction of vessels for liner service.

2. (a) To provide for the optimum development of the American Merchant Marine in number of vessels and in shipping capability, the Board will allocate federal financial assistance for construction or reconstruction of vessels so as to give priority to those proposals which, having met all requirements of Title V, Merchant Marine Act, 1936, will in the Board's opinion utilize such assistance to obtain the greatest shipping capability and productivity possible. In making its determinations under this policy, the Maritime Subsidy Board will take into consideration the following factors:

(1) Number of vessels proposed for construction by the applicant.

(2) Cubic and deadweight capacities and speed of the proposed vessels.

(3) Proposed cargo handling equipment and techniques for transfer of cargo in and out of vessels and to and from inland points. In this connection, the applicant will be required to set forth the estimated rate of loading and of discharge of cargo, as well as the adaptability of the proposed vessel to integrated systems of transportation embracing both ocean and overland transportation.

(4) Estimated domestic cost of construction.

(5) Estimated revenues and cost of operation; and with respect to wage cost, the proposed manning schedule on the proposed vessels.

(6) The applicant's intention to seek operating subsidy and if so, the duration and amount of such subsidy payments.

The Board will weigh the above factors in such a fashion as will measure the productivity of the vessel (i.e., its carrying capacity, speed, and rate of cargo handling) against the Government's cost of construction and operating aid. The Board will award aid (so far as funds are available) for the construction of those vessels otherwise eligible, as will give the greatest productivity for each dollar of Government aid.

(b) The Board reserves for determination at a later time standards to be applied in the allocation of federal financial assistance for the construction of vessels to be used in non-liner operations.

Dated: November 18, 1965

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 65-12667; Filed, Nov. 23, 1965; 8:50 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 65-1035]

PART 0—COMMISSION ORGANIZATION

Authority Delegated

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 17th day of November 1965;

The Commission having under consideration § 1.571(c) of its rules and regulations pertaining to the periodic publication of a Public Notice in the FEDERAL REGISTER of a listing of standard broadcast applications which are near the top of the processing line and announcing a date on which the listed applications will be considered available and ready for processing and by which applications specified in that section must be filed if they are to be grouped for consideration with any of the listed applications; and also having under consideration § 0.281 of the Commission's rules and regulations pertaining to authority delegated to the Chief of the Broadcast Bureau; and

It appearing, that, heretofore the aforementioned Public Notice—the so-called "cut-off" list—has been issued only by the Commission; and

It further appearing, that, it will expedite the administrative processes of the Commission, make for more efficiency, and otherwise be in the public interest to delegate to the Chief of the Broadcast Bureau the authority to issue the aforesaid Public Notice; and

It further appearing, that, authority to adopt such a rule delegating this function appears in sections 4(i) and (j), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended; and

It further appearing, that, such a rule delegating authority of the Commission pertains to a matter of agency organization, procedure, and practice so that, under the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003), notice and public procedure thereon, and delay in the effective date of the new rule for 30 days after publication thereof are unnecessary;

It is ordered, That, § 0.281 of the Commission's rules and regulations is amended, effective November 26, 1965, by the addition of a new paragraph (y) as follows:

§ 0.281 Authority delegated.

* * * * *

(y) To issue lists of applications for standard broadcast facilities establishing a "cut-off" date pursuant to the provisions of § 1.571(c) of this chapter.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: November 19, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12627; Filed, Nov. 23, 1965; 8:49 a.m.]

[FCC 65-1034]

PART 0—COMMISSION ORGANIZATION

Delegations of Authority to Chief, Broadcast Bureau

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 17th day of November 1965;

The Commission having under consideration the provisions of § 1.534 of its rules and regulations which, in part, concern applications for extension of time within which to construct standard, FM and television facilities and provides that such applications will be granted upon a specific and detailed showing that the failure to complete construction was due to causes not under the control of the construction permittee; and

It appearing, that under a procedure of long standing, extension applications are dismissed by the Commission (subject to request for reinstatement and hearing within 30 days) where it appears that failure to construct is due to causes under the control of the permittee; and

It appearing, that this authority should be delegated to the Chief of the Broadcast Bureau in the interest of promoting greater efficiency and effectiveness in Commission operations and in expeditious disposition of these applications; and

It further appearing, that authority for the adoption of the amendment herein ordered is contained in sections 4(i), 5(d), 303(r) and 319(b) of the Communications Act of 1934, as amended; and

It further appearing, that the amendment herein adopted pertains to Commission organization and procedure and, therefore, that the prior notice and effective date provisions of section 4 of the Administrative Procedure Act are inapplicable thereto;

It is ordered, Effective November 26, 1965, that Part 0 of the Commission's rules and regulations is amended as set forth in the Appendix hereto.

(Secs. 4, 5, 303, 319; 48 Stat. 1066, 1068, 1082, 1089, as amended; 47 U.S.C. 154, 155, 303, 319)

Released: November 18, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

Part 0 of the Commission's Rules is amended as follows:

Section 0.281(z) is added, to read as follows:

§ 0.281 Authority delegated.

* * * * *

(z) To dismiss, subject to request within 30 days for reinstatement and hearing, applications for extensions of time in which to construct a station where it appears that the failure to complete was due to causes under the control of the grantee.

[F.R. Doc. 65-12628; Filed, Nov. 23, 1965; 8:49 a.m.]

[1] Commissioners Hyde and Loevinger absent.

[1] Commissioners Hyde and Loevinger absent.

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 148n]

OXYTETRACYCLINE TROCHES

Termination of Proposed Rule Making

There was published in the FEDERAL REGISTER of April 18, 1963 (28 F.R. 3839), proposed regulations to provide for the certification of certain antibiotic drugs. Subsequently, the regulations proposed were issued except for that portion pertaining to oxytetracycline troches.

The Commissioner of Food and Drugs has received notice from Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y., 10017, the only manufacturer of this drug, that marketing of the drug has been discontinued.

In view of this information, notice is given that action on the proposal for oxytetracycline troches is terminated, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90).

Dated: November 18, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-12634; Filed, Nov. 23, 1965; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 61, 91]

[Reg. Docket No. 7025; Notice No. 65-35]

CATEGORY II WEATHER MINIMUMS; GENERAL AVIATION AIRPLANES

Notice of Proposed Rule Making

The Federal Aviation Agency is considering amending Parts 61 and 91 to authorize the use of ILS minimums as low as 1200 RVR (Category II minimums) for general aviation airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the notice or docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before February 23, 1966, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The criteria and guidelines for the use of Category II minimums by air carriers and commercial operators were set forth in Advisory Circular No. 120-15, dated October 2, 1964. However, subsequent to the release of the Advisory Circular, various corporate-business aircraft operators and other interested general aviation operators expressed a deep interest for similar authority. In an effort to provide such authority, representatives of the Agency prepared a discussion draft of the criteria and other requirements deemed appropriate for the use of lower minimums by general aviation airplanes. This draft, which was similar to AC 120-15, was discussed with members of the National Business Aircraft Association at a meeting held in Oklahoma City on April 20, 1965. Although there was a basic agreement as to the criteria and other requirements of the proposal, some of the persons in attendance erroneously concluded that Category II authorization for general aviation operators would also be issued in the form of an Advisory Circular. Therefore, at a subsequent meeting of the National Business Aircraft Association representatives of this Agency informed the members of that Association that the authority for general aviation operators to conduct Category II operations must be provided within the framework of the present regulatory system. Under the present regulatory system operators of general aviation airplanes conduct their operations primarily under the general operating rules of Part 91. Unlike air carriers and commercial operators they are not issued operations specifications prescribing additional limitations and requirements found necessary by the Administrator for the safe conduct of their operations. These operations specifications are issued as particular rules to named air carriers or commercial operators. The types of limitations and requirements that may be issued as an operations specification as well as procedures for the issuance or amendment of an operations specification are set forth in the regulations applicable to the particular operator. As distinguished from air carriers and commercial operators, the regulations do not provide for the issuance of operations specifications to general aviation operators. Therefore, the criteria and other requirements for Category II minimums that apply to general aviation operators must be adopted within the framework of the Airman Certification and General Operating rules of Parts 61 and 91, respectively, of the Federal Aviation Regulations. Airport minimums, will, as in the case of other minimums, be adopted under the provisions of Part 97. The issuance of the needed criteria and requirements under the provisions of those parts will afford all interested persons with an opportunity to participate in the rule making procedures of the Administrative Procedure Act.

As proposed herein the use of Category II minimums by general aviation operators is premised upon the following requirements: (1) Pilot qualifications and proficiency, (2) airplane equipment and maintenance, and (3) airport ground facilities.

Pilot qualifications and proficiency. Under § 61.3(g) of the proposal the pilot in command of an airplane is required to hold a letter of authorization to conduct a landing under Category II weather minimums. Although this authorization will be issued in letter form it will be a part of the individual pilot's instrument rating or airline transport pilot certificate. The experience and skill requirements for such authorization are specified in §§ 61.36 and 61.38 of this proposal. The additional maturing experience required by § 61.36 is considered necessary so that more attention may be given by the pilot to the accurate controlling of the airplane when conducting a landing under the lower weather minimums.

The skill requirements set forth in § 61.38 of the proposal consist of a flight test performed solely by reference to instruments using the associated airborne equipment required for the airplane for which the authorization is sought. However, before taking the test the applicant must meet the appropriate recent instrument experience requirements of paragraph (d) or (e) of § 61.47, including at least 6 instrument ILS approaches. The procedures and maneuvers of the flight test, which are similar to those contained in AC 120-15, are also set forth in § 61.38 of this proposal.

Under this proposal the test will be given by an FAA inspector, or an authorized representative of the Administrator found qualified by the Administrator to conduct such tests. Successful applicants will be given a letter of authorization to use Category II minimums with the particular make and model airplane and equipment used in the test.

Each authorization will have a duration period of 6 months and may be renewed for a similar period by satisfactorily accomplishing a practical test given by an FAA inspector, or authorized representative of the Administrator. In case the applicant has qualified in more than one make and model of an airplane the practical test must be passed at least once a year in each make and model of airplane authorized.

Airplane equipment and maintenance. Section 91.6 of the proposal contains a general operating rule that requires the airborne equipment for Category II operations to be approved. The approval may be obtained by one of two methods. The first method is, of course, approval of the equipment and its installation under the original type certificate of the airplane, or under a subsequent supplemental type certificate. In such cases, approval of the installed equipment for Category II weather minimums will be indicated by an appropriate entry in the airplane flight manual for the particular airplane. As distinguished from the foregoing engineering type of approval, the proposal permits a second, or alternative method of approval, that may be obtained by means of an evaluation program designed to prove the performance of the airborne equipment to be used. This evaluation program is set forth in proposed section 2(c) of Appendix A to Part 91, and is similar to the program in Advisory Circular 120-15 for air carrier and commercial operators. However, under the program proposed herein, although the applicant need only conduct 50 approaches using the low approach system to 100 feet, 90 percent of the total approaches must be successful. As in the case of air carriers and commercial opcrators the applicant will be required to record and make available to the Administrator specified data regarding each of the required low approaches conducted under the evaluation program. The data to be recorded is further prescribed in section 2(c) of the Appendix.

As drafted, section 2(c)(2) of Appendix A specifies the minimum successful approaches required under the evaluation program, but authorizes exceptions thereto by the FAA inspector because of the circumstances of a particular case. Under this exception the inspector could authorize a smaller number of flights for an airplane and equipment that has been previously proven by the same or a different applicant. Similarly, in the case of an applicant having two or more airplanes for which an evaluation is requested, the inspector may permit or require the applicant to use more than one airplane to obtain the required approaches.

It is to be noted that the evaluation program set forth in this proposal does not specify the minimum number or percentage of the low approaches that will be observed by the FAA inspector. The number to be observed will be determined by the particular inspector based upon the circumstances of each case.

If the evaluation program for a particular airplane is successfully completed and the applicant meets the other applicable requirements, the FAA inspector will approve the airplane and its equipment for Catcgory II operations. This approval is shown in the Category II manual for the airplane and is required under the proposed § 91.6 for the use of an airplane in Category II operations.

Maintenance. With certain exceptions, such as the VOR equipment check and the recent altimeter check requirement, the present regulations contain no requirement for interim inspection or maintenance of the electronic and navigation equipment for general aviation aircraft beyond that required under the 100-hour periodic or progressive inspections. One of the key factors involved in the safe conduct of Category II landing minimums is the accuracy and reliability of the airborne equipment used. To assure this, the Agency believes that a comprehensive maintenance program that includes the items of the equipment to be inspected, the method of inspection, and the frequency of such inspection, should be made an integral part of the approval of Category II equipment.

Although no specific program is specified for air carriers or commercial operators under AC 120-15, to assist general aviation operators in the establishment of a maintenance program that would be approved by the Administrator, the minimum elements of such a program are set forth in section 3 of the proposed appendix A. This program, or any other program providing an equivalent level of safety for the airplanes concerned, upon approval by the Administrator, must be used for the maintenance of the airborne Category II equipment of the airplane.

Approval of the maintenance program may be obtained separately from the equipment and pilot approval. However, under § 91.6 of the proposal the maintenance program must be included in the Category II Manual for the airplane before the airplane can be used in Category II operations.

Airports. The airports at which Category II weather minimums are authorized will be specified in Part 97 of the Federal Aviation Regulations and, as in the case of other IFR minimums, will be shown in the appropriate approach charts when authorized by the Administrator. The airports so specified may then be used by airplanes and the pilots thereof subject to any limitations specified in the Category II authorization for the particular airplane or pilot.

Types of airplanes to which Category II applies. As drafted, the proposed notice is limited to the following airplanes:

(1) All large airplanes (more than 12,500 pounds), and

(2) Small turbojet-powered airplanes.

The Agency carefully considered the requirements for other small airplanes for Category II operations. Initially, it decided that because of the early stage of the development of the equipment, and lack of operating experience upon which to base a different conclusion, the same requirements proposed herein for large airplanes and small turbojet-powered airplanes should also apply to all small airplanes. However, those airplanes were not expressly made a part of this proposal because the cost of the required equipment and pilot training may not justify the limited use of Category II minimums by the majority of the small airplane operators. Based upon the Decennial Census of the United States Climate—Summary of Hourly Observations, the U.S. Weather Bureau prepared a table of the estimated hourly operating time that might be gained with minimums of 1200' RVR at the 23 airports at which Category II ground equipment is scheduled to be installed. The airports and the estimated annual operating time that might be gained at each airport when RVR values are between 2600' and 1200' are as follows:

Airports	Annual operating hours
1. Anchorage, Alaska	61
2. Atlanta, Ga	44
3. Buffalo, N.Y.	35
4. Chicago, Ill. (O'Hare International)	35
5. Denver, Colo. (Stapleton)	17
6. Detroit, Mich. (Wayne Metro)[1]	17
7. Houston, Tex. (International)	61
8. Los Angeles, Calif. (International)	70
9. Louisville, Ky.	17
10. Milwaukee, Wis.	53
11. New Orleans, La. (Moisant)	53
12. New York, N.Y. (J. F. Kennedy International)	61
13. New York, N.Y. (La Guardia)	26
14. Newark, N.J.	35
15. Oakland, Calif.	18
16. Philadelphia, Pa. (International)	35
17. Pittsburgh, Pa. (Greater)	35
18. Rochester, N.Y.	17
19. San Francisco, Calif. (International)	17
20. Seattle-Tacoma, Wash.	61
21. Washington, D.C. (Dulles International)[2]	--
22. Washington, D.C. (National)	26
23. Windsor Lock, Conn. (Bradley)	44

[1] Based on city airport data.

[2] Use Washington National data to estimate.

In view of the foregoing, the comments of interested persons are also requested as to the need of Category II weather authorization for small airplanes (other than turbojet-powered airplanes), and their considered comments and suggestions regarding the applicability of the same or different requirements to all small airplanes, including those used by air taxi operators and small commercial operators. These comments and suggestions will be considered separately from those received in response to the proposal on large and all turbojet airplanes. Upon evaluation of the comments the Agency may, if the comments warrant the need for such action, include all small airplanes as a part of any final rule adopted in response to this proposal. If, however, the comments indicate that further study and evaluation by the Agency is necessary, the applicability of Category II minimums to small airplanes (other than turbojet-powered) will be withheld from the final rule and considered as a separate proposal at a later date.

In consideration of the foregoing, it is proposed to amend Parts 61 and 91 of the Federal Aviation Regulations as set forth in this notice.

This proposal is made under the authority of Sections 313(a), 601, 602 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354 and 1421-1423).

Issued in Washington, D.C., on November 18, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

1. By amending Part 61 as follows:

(a) Add a new § 61.3(g) to read:

§ 61.3 Certificates and ratings.

* * * * *

(g) *Category II pilot authorization.* Except when authorized by the operations specifications of an air carrier or commercial operator, no person may act as pilot in command of an aircraft that is being used for a Category II instrument approach procedure or landing at an airport under Category II weather conditions unless he holds a current Category II pilot authorization for that aircraft. No person may act as second in command of that aircraft unless he holds a current instrument rating or an airline transport pilot certificate.

(b) Add a new sentence at the end of § 61.5(b) to read:

"A Category II pilot authorization is issued as a part of the applicant's instrument rating or Airline Transport Pilot Certificate."

(c) Add a new § 61.10 to read:

§ 61.10 Duration of Category II pilot authorization.

A Category II pilot authorization expires at the end of the sixth month after the month in which it was issued, but may be renewed for a similar 6-month period if the holder passes the practical test required by § 61.38. Upon renewal of his authorization for one make and model of airplane, each Category II pilot authorization held by him is renewed. However, he must pass the practical test at least once a year in each make and model of airplane authorized. If the holder of the authorization takes the practical test for a renewal in the calendar month before the authorization expires, he is considered to have taken it during the month the authorization expired.

(d) Add a new § 61.36 to read:

§ 61.36 Category II pilot authorization: experience requirements.

(a) An applicant for a Category II authorization must hold—

(1) An instrument rating or an Airline Transport Pilot Certificate; and

(2) A type rating for the airplane type for which the authorization is sought.

(b) Except for the holder of an Airline Transport Pilot Certificate, an applicant must also have at least—

(1) 50 hours of night flight time as pilot in command;

(2) 75 hours of instrument time under actual or simulated conditions, of which at least 50 were in flight; and

(3) 250 hours of cross-country flight time as pilot in command.

Night flight and instrument flight time used to meet the requirements of subparagraph (3) of this paragraph may also be used to meet the requirements of subparagraphs (1) and (2) of this paragraph.

(e) Add a new § 61.38 to read:

§ 61.38 Category II pilot authorization: skill requirements.

(a) An applicant for the original issue, or the renewal of a Category II pilot authorization must pass a practical test on the procedures and maneuvers listed in paragraph (d) of this section. An applicant passing that test for the original issuance of a Category II pilot authorization is limited by the authorization that he receives to 1600' RVR and a 150' decision height. This limitation is removed upon renewal of the authorization if the applicant has included in his recent experience (used to meet paragraph (b) of this section) at least three successful approaches to a landing under actual or simulated Category II weather conditions.

(b) To be eligible for each practical test the applicant must meet the appropriate recent instrument experience requirements of § 61.47 (d) or (e) on the date of that test. The experience must include at least 6 ILS approaches under actual or simulated conditions in the type of airplane for which the authorization is sought.

(c) The practical test is given in two phases, an oral operational test and an instrument flight test. The required maneuvers of the instrument flight test must be performed solely by reference to instruments, including the airborne instruments and equipment required for Category II operations.

(d) The applicant must perform the following procedures and maneuvers competently:

(1) *Phase I—oral operational test.*

(i) Required landing distance.

(ii) Recognition of the decision height.

(iii) Missed approach procedures and techniques utilizing computed or fixed attitude guidance displays.

(iv) RVR, its use and limitations.

(v) Use of visual clues, their availability or limitations and altitude at which they are normally discernible at reduced RVR readings.

(vi) Procedures and techniques related to transition from nonvisual to visual flight under Category II weather conditions.

(vii) Effects of vertical and horizontal wind shear.

(viii) Characteristics and limitations of the ILS and runway lighting system.

(ix) Characteristics and limitations of the flight director system, auto approach coupler, including split axis type (if equipped), precision altimeter system, auto throttle system (if equipped), and other required Category II equipment.

(x) Assigned duties of the second in command during Category II approaches including duties during the transition from the non visual to visual flight regime, and monitoring of the instrument failure warning system.

(xi) Procedures for the immediate detection of required instrument or equipment failure by the flight crewmembers.

(2) *Phase II—instrument flight test.* In coordination with the second in command of the airplane—make at least—

(i) 2 ILS approaches to 100' using the flight director system, including at least one landing, and at least one missed approach with one of the critical engines set in the idle or zero thrust position (if multiengine) before reaching the middle marker; and

(ii) If the airplane is equipped with an automatic approach coupler approved for category II operations, an additional ILS approach to 100' using the automatic approach coupler.

2. By amending Part 91 as follows:

(a) Add a new § 91.6 to read:

§ 91.6 Category II operations: operating requirements.

(a) *General.* Except when authorized by the operations specifications of an air carrier or commercial operator, no person may operate a civil aircraft under Category II weather conditions for an instrument approach or landing at an airport unless—

(1) The instruments and equipment specified in § 91.33(f) of this Part are installed in the aircraft;

(2) The aircraft has a Category II manual that meets the requirements of paragraph (b) of this section;

(3) The flight crew of the aircraft consists of at least two pilots who hold the appropriate authorizations or ratings prescribed in § 61.3; and

(4) Each flight crewmember has adequate knowledge of, and familiarity with, the aircraft and the procedures to be used by that crewmember.

(b) *Category II manual.*—(1) *Preparation.* The owner or operator of an aircraft for which approval is sought for Category II operations shall prepare a manual for the use and guidance of flight and ground personnel in the operation and maintenance of that aircraft. The manual shall be kept current and carried aboard the aircraft to which it applies. A copy shall also be kept at the operator's principal operations base.

(2) *Contents.* Each Category II manual must contain—

(i) The registration number of the aircraft to which it applies;

(ii) A list of the instruments and equipment installed on the aircraft for use of Category II operations;

(iii) The method by which those instruments and equipment were approved by the Administrator (type or supplemental type certification, or equipment evaluation program);

(iv) The approved maintenance and inspection program for the aircraft; and

(v) The procedures and instructions related to:

Recognition of decision height, testing of the radio altimeter (if installed), use of runway visual range information, approach monitoring, the decision region (the region between the middle marker and the 100' point where the pilot decides either to continue his approach, or execute a missed approach), the maximum permissible excursions of the basic ILS deviation within the decision region, missed approach procedure (both navigation and aircraft), use of airborne low approach equipment, and instructions on the instrument failure warning system.

(b) Add a new § 91.33(f) to read:

§ 91.33 Powered civil aircraft with standard category U.S. airworthiness certificates; instrument and equipment requirements.

* * * * *

(f) *Category II operations.* For Category II operations the instruments and equipment specified in paragraph (d) of this section and Appendix A are required. Also, the instruments and equipment specified in Appendix A must be approved as prescribed in that Appendix.

(c) Add a new § 91.169(d) to read:

§ 91.169 Inspections.

* * * * *

(d) No person may operate an aircraft during Category II weather conditions for an instrument approach or landing at an airport, unless the instruments and equipment listed in the Category II manual for the aircraft are inspected and maintained in accordance with the approved maintenance program in that manual.

(d) Add a new Appendix A to read:

APPENDIX A

Category II Operations for Airplanes Only; Instruments and Equipment Maintenance Program, and Approval Thereof

1. *Equipment.*

Each airplane for which Category II authorization is requested must have at least the following instruments and equipment approved under § 2 of this Appendix:

(a) Dual ILS localizer and glide slope receivers.

(b) Dual communication equipment appropriate to the ground facilities to be used.

(c) Dual attitude instruments.

(d) Dual airspeed indicators.

(e) Dual barometric altimeters.

(f) Dual vertical speed instruments.

(g) Dual directional gyros.

(h) Dual power sources for flight instruments. (Where dual vacuum systems are employed, one may also provide power for other functions such as during boost. However, it must be so modified as to make that source available for the flight instruments when required.)

(i) Dual static and emergency static sources for pressure instrument.

(j) Free air temperature gauge.

(k) Heated pitot tube.

(l) Flight control guidance systems that consist of—

(1) In the case of large propeller driven airplanes, an automatic approach coupler (may include split axis) or a flight director system; or

(2) In the case of turbojet airplanes, an automatic approach coupler and a flight director system, or two independent flight director systems.

In both cases, single axis flight directors giving steering (roll) command are acceptable if basic glide slope information is displayed on the same instrument(s).

(m) For operation at an airport having an ILS system that does not include an inner marker, equipment for the identification of the decision height must also be installed on the airplane. This equipment must consist of at least one radio altimeter, or the accuracy of the dual barometric altimeters required by paragraph (e) must be shown by a test program that accounts for factors such as, altimeter repeatability error, and calibration and maintenance techniques.

(n) Missed approach attitude guidance consisting of attitude gyros that display pitch attitude markings, or provide flight director pitch command.

(o) Instrument failure warning system to provide for the immediate detection of essential instrument and equipment failures.

(p) Rain removal capability which must provide cockpit visibility that will assure safe visual transition to touchdown and roll out.

2. *Equipment approval.*

(a) *Alternative methods.* The instruments and equipment listed in § 1 of this Appendix must be approved under type or supplemental type certification procedures, or by the equipment evaluation program specified in this section.

(b) *Manual approval entry.* Approval of the instruments and equipment and their use for Category II operations is shown in the Category II manual for the particular airplane in which the instruments and equipment are installed.

(c) *Evaluation program method.*

(1) *Application.*

Application for an evaluation program approval is made by letter to a General Aviation District Office of the FAA. The application must include—

(i) The registration number of the airplane;

(ii) The make and model of the airplane;

(iii) The name and address of the operator;

(iv) The place at which the airplane is located and the tests will be conducted;

(v) The approximate date that the evaluation program will start (this date should be at least 10 days from the date the application is filed with the FAA); and

(vi) A description for system fault detection outlining the methods of detection and protection against the consequences of a single failure with respect to—

(*a*) Attitude (vertical gyro);

(*b*) Heading;

(*c*) Auto throttle system (if installed);

(*d*) Altitude;

(*e*) ILS instrument; and

(*f*) Flight director system.

(2) *Demonstrations.*

Unless otherwise authorized by the Administrator the following demonstrations are required for the evaluation of the instruments and equipment on each airplane for which Category II approval is requested:

(i) At least 50 demonstrations of the low approach system to 100'. Ninety percent of the total demonstrations must be successfully accomplished as provided in subdivision (iii) of this subparagraph.

(ii) At least three ILS facilities must be used in the conduct of the demonstrations. However, at least 5 approaches must be conducted on each of 3 of the ILS facilities used, and not more than 25 approaches conducted on any of the ILS facilities used may be counted toward the 50 approaches required under subdivision (i) of this subparagraph.

(iii) An approach may not be counted as a successful approach under subdivision (i) of this subparagraph unless—

(*a*) The indicated airspeed and heading are satisfactory for a normal flare and landing. (Speed must be ±5 knots of programmed airspeed but may not be less than computed threshold speed, if auto throttles are used);

(*b*) The airplane, at the decision height, is positioned so that the cockpit is within, and tracking so as to remain within, the lateral confines of the runway extended;

(*c*) Deviation from glide slope does not exceed ±75 microamps as displayed on the ILS indicator;

(*d*) No unusual roughness or excessive attitude changes occur leaving middle marker; and

(e) In the case of an airplane equipped with an approach coupler, the airplane is sufficiently in trim when the approach coupler is disconnected at the decision height, to allow for the continuation of a normal approach and landing.

(3) *Evaluation program; records.*

The following information with respect to each airplane used in the evaluation program must be maintained by the applicant, and made available to the Administrator upon request:

(i) Each deficiency in airborne instruments and equipment that prevented the initiation of an approach.

(ii) The reasons for discontinuing an approach including the altitude above the runway at which it was discontinued.

(iii) Speed control at the 100' decision height if auto throttles are used.

(iv) Trim condition of the aircraft at the 100' decision height with respect to continuation to flare and landing.

(v) Compatibility of flight director with auto coupler if applicable.

(vi) Diagram of basic ILS display and diagram of runway extended to middle marker. Instructions to flight crew to indicate position of airplane at middle marker, 100' decision height, and estimated touchdown point.

(vii) Quality of overall system performance.

3. *Maintenance program.*

(a) *Program approval.* Application for the approval of a maintenance program for the Category II instruments and equipment installed on each airplane is made by letter to a General Aviation District Office. Upon approval of the program it is made a part of the Category II manual for that airplane. The program must contain—

(1) The registration number of each airplane included in the program, and a listing of the instruments and equipment required by § 91.33(f) that are installed in the airplane;

(2) Evidence that each listed instrument and item of equipment was overhauled in accordance with paragraph (b) of this section, within 6 months from the date of application;

(3) An overhaul schedule not to exceed 12 months for each listed instrument and item of equipment;

(4) The maintenance facility to be used for the overhaul and inspection of each listed instrument and item of equipment;

(5) A procedure for assuring that repairs at other facilities are made in conformance with the operator's approved maintenance manual; and

(6) An inspection schedule that meets the requirements of paragraph (c) of this section.

(b) *Overhaul of equipment.*

An overhaul of each listed instrument or item of equipment specified in paragraph (a) of this section shall include its removal from the airplane for bench check, calibration, and replacement of those parts that are necessary to return it to its original or properly altered condition in accordance with the manufacturer's specifications. However, for ILS localizer and glide slope equipment the approved criteria set forth in §§ 1 and 2 of Appendix I, to Advisory Circular 20-31 as amended, or other equivalent criteria approved by the Administrator must be used.

(c) *Inspection schedule.*

(1) The inspection schedule must include at least 4 checks within each 12-month period for each instrument or item of equipment specified in paragraph (a) of this sec-

tion. Two of the required checks may be accomplished during each 12 month period by an operational flight test conducted by a pilot who holds a Category II operations authorization for the particular airplane.

(2) At least 1 of the required checks for each 12 month period must include the altimeter check specified in Appendix E to Part 43 of this chapter. All other inspections must be of such scope as to determine the continued ability of the systems to perform their intended functions in accordance with the methods specified in the applicant's inspection program.

(d) *Inspection records.*

The holder of an approved maintenance program shall maintain a records system in accordance with the requirements of § 43.9 for the overhaul and inspections specified in this Appendix. In addition, the date, airport, and reason for each discontinued approach during Category II weather conditions because of an equipment malfunction, shall be entered in these records.

[F.R. Doc. 65-12581; Filed, Nov. 23, 1965; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Antidumping—AA 643.3-p]

TITANIUM DIOXIDE FROM JAPAN

Notice of Intent To Discontinue Investigation and of Tentative Determination That no Sales Exist Below Fair Value

NOVEMBER 16, 1965.

Information was received on November 17, 1964, that titanium dioxide, pigment grade, imported from Japan was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. The information was submitted by Cabot Corp., Boston, Mass.

Anatase and rutile titanium dioxide, pigment grade, are used in the manufacturing of paper and paints, respectively.

All importations were pursuant to outright purchases, before exportation from Japan, by United States purchasers not related within the meaning of section 207 of the Antidumping Act to either the manufacturers or exporters of the merchandise under consideration. In each case identical merchandise is sold for home consumption in sufficient quantities to provide an adequate basis for comparison. Accordingly, in all instances, purchase price was compared with adjusted home market price for fair value purposes.

Purchase price was computed as to all firms on the basis of the c.i.f. price to New York or Los Angeles, as applicable. From this price were deducted ocean freight, insurance, handling charges, and inland freight from factory to point of loading aboard vessel.

Adjusted home market price was computed on the basis of the delivered home market price, or on a weighted average of delivered prices where fluctuating prices required this approach. From such delivered home market price were deducted the average inland freight cost experienced during the period under consideration, differences in credit terms, and technical assistance and servicing expenses. Adjustment was also made for differences in packing costs and for the fact that a commission was paid by some exporters on export sales, whereas no commission was paid on home market sales.

Purchase price was found to be lower than adjusted home market price in the case of three firms out of seven exporting to the United States. Purchase price was not lower than adjusted home market price with regard to the other firms' shipments.

During the early stages of the antidumping investigation, one of the three firms increased its prices to United States customers. Such prices have not been lower than adjusted home market prices since the increase. There appears to be no likelihood of a resumption of prices which prevailed before the increase.

Of the other two firms, one revised its prices promptly upon learning that price discrimination existed. The other ceased shipments. Both gave assurances that there would be no resumption of sales to United States customers at prices which could be likely to be at less than fair value.

In view of the foregoing, it appears that there are not, and are not likely to be, sales below fair value of titanium dioxide, pigment grade, from Japan.

Unless persuasive evidence or argument to the contrary is presented within 30 days, a determination will be made that there are not, and are not likely to be, sales below fair value.

This notice is published pursuant to §§ 14.7(b)(9) and 14.8(a) of the Customs Regulations (19 CFR 14.7(b)(9) and 14.8(a)).

[SEAL] TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 65-12617; Filed, Nov. 23, 1965; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Idaho 016390]

IDAHO

Notice of Termination of Proposed Withdrawal and Reservation of Lands

NOVEMBER 16, 1965.

Notice of an application Serial No. Idaho 016390, for withdrawal and reservation of lands was published as F.R. Doc. No. 65-5042 on page 6596 of the issue for May 13, 1965. The applicant agency has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Subpart 2311, such lands will be at 10 a.m. on December 9, 1965, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

BOISE MERIDIAN, IDAHO

T. 11 S., R. 26 E.,
Sec. 34, a parcel of land described as beginning at a point in the south line of said section 34, S. 89°42' E., 3,128.3 feet from the southwest corner of said section 34.
From the point of beginning,
N. 0°18' E., 230 feet;
S. 89°42' E., 398.5 feet to a point in the highway right-of-way line;
S. 27°54' E., along said westerly line, 34 feet;
N. 89°42' W., 224.5 feet;
S. 0°18' W., 200 feet, to a point in the south line of said section 34;
N. 89°42' W., 190 feet, along said south line to the point of beginning.

The area terminated contains 1.15 acres, more or less, in Cassia County, Idaho.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 65-12599; Filed, Nov. 23, 1965; 8:47 a.m.]

[Oregon 016899]

OREGON

Notice of Proposed Withdrawal and Reservation of Land

NOVEMBER 15, 1965.

The Corps of Engineers, U.S. Department of the Army, has filed an application, Serial Number Oregon 016899, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws (Chap. 2, 30 U.S.C.) and mineral leasing laws.

The applicant desires to use the land in connection with project planning and use for the John Day Wildlife Management Area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 710 Northeast Holladay, Portland, Oreg., 97232.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Corps of Engineers.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

OREGON

WILLAMETTE MERIDIAN

T. 5 N., R. 26 E.,
Sec. 28, S½.

The area described aggregates 320 acres.

DOUGLAS E. HENRIQUES,
Land Office Manager.

[F.R. Doc. 65-12600; Filed, Nov. 23, 1965; 8:47 a.m.]

[Riverside 07193]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 17, 1965.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial Number Riverside 07193, for the withdrawal of certain lands from location and entry under the General Mining Laws, subject, however, to existing withdrawals and to valid existing rights.

The lands have previously been withdrawn for the Cleveland National Forest Reserve by Presidential Proclamation No. 47, February 25, 1893, and as such have been open to entry under the general mining laws.

The applicant desires the exclusion of mining activity to permit use of such lands as State Highway No. 74 Roadside Zone and Upper San Juan, Proposed Bear Creek Campground and Reposa Creek Small Water Development for recreational purposes, which use is incompatible with mineral development.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1414 Eighth Street, Box 723, Riverside, Calif., 92502.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

STATE HIGHWAY NO. 74 ROADSIDE ZONE

A strip of land 300 feet wide on each side of the center line of California State Highway No. 74 through the following described legal subdivisions:

T. 6 S., R. 5 W.,
Sec. 31, lots 2, 3 and NE¼SW¼. Upper San Juan, Proposed Bear Creek Campground and Reposa Creek Small Water Development.

T. 6 S., R. 5 W.,
Sec. 31, W½SE¼NE¼ and that portion of the SW¼NE¼NE¼ and S½SW¼NE¼ not included in Roadside Zone LA 0162060, Public Land Order 3134.
Sec. 32, N½SE¼NW¼ and that portion of the NE¼NW¼ and E½NW¼NW¼ not included in Roadside Zone LA 0162060, Public Land Order 3134.

The areas described aggregate 140.4 acres, more or less.

KEITH H. CORRIGALL,
Acting Manager.

[F.R. Doc. 65-12614; Filed, Nov. 23, 1965; 8:48 a.m.]

[Sacramento 079877]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands; Correction

NOVEMBER 17, 1965.

In F.R. Doc. 65-11539, appearing at pages 13747 and 13748 of the issue for Thursday, October 28, 1965, the land description for serial number Sacramento 079877, under entry Mount Diablo Meridian, describing lands to be withdrawn which are patented lands under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended, with a reservation of all minerals to the United States, should read:

T. 13 N., R. 9 E.,
Sec. 28, E½SE¼SW¼SW¼ and W½SW¼SW¼SW¼.

R. E. MCCARTHY,
Acting Manager,
Sacramento Land Office.

[F.R. Doc. 65-12615; Filed, Nov. 23, 1965; 8:48 a.m.]

Geological Survey

[Coal Land Classification Order Colorado No. 118]

COLORADO

Coal Land Classification Order

Correction

In F.R. Doc. 64-9556, appearing at page 13145 of the issue for Tuesday, September 22, 1964, the following correction is made in the land description under Reclassified Noncoal Lands From Coal Lands: "T. 4 S., R. W.," should read "T. 4 S., R. 93 W.,".

National Park Service

[Order 1]

OZARK NATIONAL SCENIC RIVERWAYS

Administrative Assistant and Supervisory Park Ranger; Delegation of Authority Regarding Execution of Contracts and Purchase Orders for Supplies, Equipment, or Services

1. *Administrative Assistant.* The Administrative Assistant may execute and approve contracts not in excess of $2,500 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to the availability of allotted funds.

2. *Supervisory Park Ranger (Chief Ranger).* The Supervisory Park Ranger (Chief Ranger) may issue purchase orders not in excess of $500 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to the availability of allotted funds.

(National Park Service Order 14 (19 F.R. 8824), as amended; 39 Stat. 535, 16 U.S.C., sec. 2; Midwest Region Order 3 (21 F.R. 1494))

Dated: November 1, 1965.

L. T. DAVENPORT,
Superintendent,
Ozark National Scenic Riverways.

[F.R. Doc. 65-12587; Filed, Nov. 23, 1965; 8:45 a.m.]

[Order 2]

FREDERICKSBURG AND SPOTSYLVANIA COUNTY BATTLEFIELDS MEMORIAL NATIONAL MILITARY PARK, VA.

Administrative Assistant and Management Assistant; Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment or Services

1. *Administrative Assistant, Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park.* The Administrative Assistant may execute and approve contracts not in excess of $5,000 for supplies, equipment, or services, in conformity with applicable regulations and statutory authority, and subject to the availability of appropriations. This authority may be exercised by the Administrative Assistant in behalf of George Washington Birthplace National Monument.

2. *Management Assistant, George Washington Birthplace National Monument.* The Management Assistant may execute and approve contracts not in excess of $500 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

3. *Revocation.* Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park Order No. 1 published on April 13, 1963, in the FEDERAL REGISTER is superseded.

(National Park Service Order 14 (19 F.R. 8824), as amended; 39 Stat. 535, 16 U.S.C., sec. 2; Southeast Region Order 3 (21 F.R. 1493))

Dated: October 27, 1965.

O. F. NORTHINGTON, JR.,
Superintendent.

[F.R. Doc. 65-12588; Filed, Nov. 23, 1965; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

DAVIS & GECK

Notice of Filing of Petition Regarding Color Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(d), 74 Stat. 403; 21 U.S.C. 376(d)), notice is given that a petition (CAP 12) has been filed by Davis & Geck, Division of American Cyanamid Co., Danbury, Conn., 06813, proposing the issuance of a regulation to provide for the safe use and exemption from certification of chromium-cobalt-aluminum oxide pigment as a color for linear-polyethylene surgical sutures.

Dated: November 18, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-12633; Filed, Nov. 23, 1965; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16236; Order E-22907]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of November 1965.

Agreement adopted by Joint Conferences 1-2, 3-1 and 1-2-3 of the International Air Transport Association relating to specific commodity rates; Docket 16236, Agreement CAB 18169, R-28 through R-30.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conferences 1-2, 3-1 and 1-2-3 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA letters dated November 1 and 4, 1965, as set forth in the attachment hereto [1a] (1) names an additional specific commodity rate for an existing commodity description, (2) reduces rates under an existing commodity description, and (3) cancels all rates under an existing commodity description.[2] The agreement reflects reductions in rates ranging from 13.1 to 42.7 percent of the otherwise applicable rates and are consistent with the present specific commodity rates within the applicable areas.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That Agreement CAB 18169, R-28 through R-30, be approved, provided that such approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and 19 copies of the statements should be filed with the Board's docket section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65-12618; Filed, Nov. 23, 1965; 8:48 a.m.]

[1a] Attachment filed as part of original document.

[2] It would appear that reduced rates for the commodity item canceled will continue to be available under a broader descriptive item presently in effect for the points involved. Under the broader description the rates are somewhat lower than those being canceled.

[Docket No. 16684; Order E-22912]

EASTERN AIR LINES, INC.

Order of Investigation and Suspension Regarding Proposed Increased Jet Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of November 1965.

By tariff revisions [1] filed October 25, 1965, and marked to become effective November 24, 1965, Eastern Airlines, Inc. (Eastern), proposes to increase 14 jet fares that had been established at propeller fare levels in certain markets. Eastern states that it desires to establish the proposed fares so as to eliminate undercuts of existing jet fares in other markets. Some of the fares have been constructed so as to avoid "long-and-short" haul situations.[2] With one exception, the other fares have been constructed in order to avoid "aggregate-of-intermediates" situations, that is, to avoid instances where the total of the fares for two adjoining segments of a given market is less than the through fare for that market.[3] The exception noted above is a "long-and-short" haul situation related to one of the fares currently proposed.[4] The proposed fares do not bear an expiration date. No complaints have been filed.

Upon consideration of the proposals and other matters of record, the Board will permit to become effective the three proposed fares that have been constructed so as to avoid "long-and-short" haul situations, provided the carrier adds an expiration date of February 28, 1966. However, in regard to the fares constructed so as to avoid "aggregate-of-intermediates" situations (and the one fare proposal related thereto), we find that these fares should be suspended and investigated because Eastern has not advanced any substantive justification for its method of assigning the correction factor between the segments involved. We note that in two instances,[5] the proposed fares are at levels reflecting full jet surcharge construction.

Accordingly, pursuant to the Federal Aviation Act of 1958, particularly sections 204(a), 403, 404, and 1002 thereof: *It is ordered,* That:

1. An investigation is instituted to determine whether the fares described in appendix A attached hereto,[6] and rules, regulations, or practices affecting such fares, are or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares, and rules, regulations, and practices affecting such fares;

2. Pending hearing and decision by the Board, the fares described in appendix A hereto [6] are suspended and their use deferred to and including February 21, 1966, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

[1] Airline Tariff Publishers, Inc., Agent, CAB No. 44.

[2] The markets, proposed fares, and related short-haul markets involved in this grouping are:

Market	Proposed jet fares		Related short-haul markets
	First class	Coach	
Augusta-Minneapolis.	$83.90	.....	Columbia, S.C.-Minneapolis.
Augusta-St. Paul.	83.90	.....	Columbia, S.C.-St. Paul.
Columbia, S.C.-Hartford.	.....	$41.40	Columbia, S.C.-New York.

[3] The segments, proposed fares, and through fare markets involved in this category are:

Segments	Proposed jet fares		Through fare market
	First class	Coach	
Boston-Charleston	$64.50	$50.40	Boston-Miami.
Charleston-Hartford.	58.70	45.10	Hartford-Miami.
Charleston-Miami.	41.60	.....	New York-Miami.
Charleston-New York.	52.80	40.60	New York-Miami.
Charleston-Philadelphia.	42.80	35.10	Philadelphia-Miami.
Charleston-West Palm Beach.	37.60	.....	Philadelphia-West Palm Beach.

[4] Charleston-West Palm Beach via Miami at $41.60.

[5] The first-class fares proposed for the Charleston-Hartford and Charleston-New York markets.

[6] Appendix A not filed as part of original document.

3. This investigation be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated; and

4. A copy of this order be filed with the aforesaid tariff and be served upon Eastern Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 65-12619; Filed, Nov. 23, 1965; 8:48 a.m.]

[Docket No. 16682; Order E-22898]

DOMESTIC SERVICE MAIL RATE FOR CHRISTMAS PACKAGES TO SOUTH VIETNAM

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of November 1965.

Domestic service mail rate for Christmas packages bearing surface parcel postage destined to the military port of embarkation in San Francisco for shipment to South Vietnam; Docket 16682.

By telegraphic application filed on November 15, 1965, National Airlines, Inc. (National) requested an exemption to permit the carriage without charge of, inter alia, addressed and unaddressed Christmas gift packages bearing full air or surface postage for delivery to the APO San Francisco for servicemen in the Vietnam area. For reasons stated in an order issued concurrently herewith,[1] that request was denied.[2]

However, we believe that it would be in the public interest to establish special service mail rates which would enable the Postmaster General to tender to the domestic air carriers for air transportation surface parcel post Christmas packages destined to the military port of embarkation in San Francisco for shipment to South Vietnam. The use of air transportation for the domestic portion of such mail shipments would enhance the likelihood that gift packages destined to servicemen in combat areas would be received in time for Christmas.

Packages which bear air parcel postage are currently moved in air transportation. However, packages which bear surface parcel postage are not now tendered to air carriers and move by surface means. In order to enable the Postmaster General to tender to the domestic air carriers surface parcel post mail, consisting of Vietnam Christmas gift packages, the Board proposes to issue an order which would establish a special final service mail rate for such packages through December 20th. This rate will be at a level equal to 50 percent of the domestic multielement service mail rate, including the line haul and terminal charges, which would otherwise be applicable.

The Board, therefore, provisionally finds and concludes that:

1. The fair and reasonable final service mail rates to be paid to the domestic air carriers listed below, pursuant to section 406 of the Act for the transportation by aircraft of packages over their routes within the 48 contiguous States and the District of Columbia destined to the military port of embarkation in San Francisco for shipment to South Vietnam, affixed with surface parcel postage, the facilities used and useful therefor, and the services connected therewith are, for the period from the date of final order in this proceeding through December 20, 1965, a rate equal to 50 percent of the service mail rates fixed and determined for such air carriers in Order E-22512, adopted August 6, 1965;

2. The aforesaid rates of compensation shall be service mail rates payable in their entirety by the Postmaster General;

3. This order to show cause shall not reopen any of such air carriers' effective service mail rates during the period between the adoption of this order and the issuance of a final order herein.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and pursuant to regulations promulgated in 14 CFR Part 302: *It is ordered,* That:

1. All interested persons, and particularly the domestic air carriers listed below and the Postmaster General, are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine and publish the final rates specified above as the fair and reasonable rates of compensation to be paid such air carriers for the transportation of mail specified above by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above.

2. Further procedures herein shall be in accordance with 14 CFR Part 302; and, if there is any objection to the rate or to the other findings and conclusions proposed herein, notice thereof shall be filed within 3 days, and if notice is filed, written answer and supporting documents shall be filed within 5 days, after the date of service of this order.

3. If notice of objection is not filed within 3 days, or if notice is filed and answer is not filed within 5 days, after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fixing and determining the final rate specified herein;

4. If answer is filed, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order be served upon the air carriers listed below and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

APPENDIX

Airlift International, Inc.
Allegheny Airlines, Inc.
American Airlines, Inc.
Bonanza Air Lines, Inc.
Braniff Airways, Inc.
Central Airlines, Inc.
Continental Air Lines, Inc.
Delta Air Lines, Inc.
Eastern Air Lines, Inc.
The Flying Tiger Line Inc.
Frontier Airlines, Inc.
Lake Central Airlines, Inc.
Mohawk Airlines, Inc.
National Airlines, Inc.
North Central Airlines, Inc.
Northeast Airlines, Inc.
Northwest Airlines, Inc.
Ozark Air Lines, Inc.
Pacific Air Lines, Inc.
Piedmont Aviation, Inc.
Southern Airways, Inc.
Trans-Texas Airways, Inc.
Trans World Airlines, Inc.
United Air Lines, Inc.
West Coast Airlines, Inc.
Western Air Lines, Inc.

[F.R. Doc. 65-12620; Filed, Nov. 23, 1965; 8:49 a.m.]

[Docket No. 16685; Order E-22911]

EASTERN AIR LINES, INC., AND OTHER DOMESTIC TRUNKLINE CARRIERS

Order of Investigation and Suspension Regarding Proposed Local and Joint Jet and Propeller Fares

Adopted by the Civil Aeronautics Board and its office in Washington, D.C., on the 19th day of November 1965.

By tariff revisions[1] filed October 21, 1965, and marked to become effective November 21, 1965, Eastern Air Lines, Inc. (Eastern), and other domestic trunkline carriers propose several fare revisions and additions, involving one-way and round trip, local and joint fares between points in the United States and San Juan. These fares are for jet and propeller, first-class and economy service, over the routes of Eastern and other domestic trunkline carriers.

In transmitting the tariff revisions to the Board, the carrier indicated that the joint fare revisions are being proposed for the purpose of (1) adding joint fares to meet competition, and (2) increasing and reducing local and joint fares to reflect changes in U.S. domestic fares or to meet competitive fares of other carriers.

No complaints have been filed against the proposed tariff revisions.

[1] Eastern Air Lines, Inc., Local and Joint Passenger Fares Tariff CAB No. 144.

[1] Order E-22897, Nov. 17, 1965.

[2] That order notes that the benefit of such free transportation would accrue primarily to the Post Office Department; that the senders of such packages would pay the full surface or air parcel postage; and that the sole advantage to the senders and the Armed Forces in Vietnam would lie in the fact that the exemption would permit domestic transportation by air of packages bearing surface parcel postage. This order is intended to preserve that advantage.

The Board will permit the proposed joint fare decreases, new joint fares, and other fare adjustments to become effective since they do not appear unreasonable. However, the fare increases proposed by the carriers have not been supported by adequate economic justification. In view of the industry's present earning trend and the Board's action regarding other tariffs involving fare increases,[2] the proposals to increase local and joint fares do not appear to be appropriate at this time. Accordingly, the Board finds that the proposed fare increases appear unwarranted and should be suspended. Upon consideration of all relevant facts, the Board finds that the proposed increased fares set forth in the attachment may be unjust or unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial, and should be investigated; and that the proposed local and joint fare decreases, the newly proposed joint fares, and the other proposed fare adjustments should be permitted to become effective.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a), 403, 404, and 1002 thereof: *It is ordered,* That:

1. An investigation be instituted to determine whether the fares and provisions described in appendix A attached hereto,[3] and rules, regulations, or practices affecting such fares and provisions, are or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and classifications, rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in appendix A hereto[3] are suspended and their use deferred to and including February 18, 1966, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This investigation be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. A copy of this order be filed with the tariff and shall be served upon American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc., which are made parties to the investigation.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 65-12621; Filed, Nov. 23, 1965; 8:49 a.m.]

[2] Order E-22488, Order E-22587, and Order E-22878.

[3] Appendix A filed as part of original document.

[Docket No. 6541]

AMERICAN AIRLINES

Cargo Amendment; Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on December 14, 1965, at 10 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., November 17, 1965.

[SEAL] WALTER W. BRYAN, *Hearing Examiner.*

[F.R. Doc. 65-12622; Filed, Nov. 23, 1965; 8:49 a.m.]

[Docket No. 16372]

CALEDONIAN AIRWAYS (PRESTWICK), LTD.

Notice of Hearing Regarding Foreign Air Carrier Permit

In the matter of the application of Caledonian Airways (Prestwick), Ltd., for renewal and amendment of its foreign air carrier permit.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on December 14, 1965, at 10 a.m., e.s.t., in Room 925, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on September 10, 1965, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., November 17, 1965.

[SEAL] WILLIAM J. MADDEN, *Hearing Examiner.*

[F.R. Doc. 65-12624; Filed, Nov. 23, 1965; 8:49 a.m.]

[Docket No. 16367]

EASTERN AIR LINES, INC., AND MACKEY AIRLINES, INC.

Merger Case; Notice of Hearing

In the matter of the application of Eastern Air Lines, Inc. and Mackey Airlines, Inc. for approval of the merger of Mackey Airlines, Inc. into Eastern Air Lines, Inc.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on November 29, 1965, at 10 a.m. in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

For further information concerning the issues involved in this proceeding, interested persons are referred to the joint application of Eastern and Mackey, the report of prehearing conference served August 26, 1965, the supplemental prehearing conference report, served September 10, 1965, and all other documents which are in the docket of this case on file in the docket section of the Civil Aeronautics Board.

Dated at Washington, D.C., November 19, 1965.

[SEAL] EDWARD T. STODOLA, *Hearing Examiner.*

[F.R. Doc. 65-12625; Filed, Nov. 23, 1965; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 65-EA-11]

OHIO POWER CO.

Petition for and Grant of Review

On September 22, 1965, the Agency's Eastern Regional Office issued the following determination of no hazard to air navigation (Aeronautical Study No. EA-OE-65-80) in New York, N.Y.:

The Federal Aviation Agency has conducted an aeronautical study in accordance with § 77.19, Federal Aviation Regulations, to determine what effect the following described construction would have upon the safe and efficient utilization of navigable airspace.

Proponent: Ohio Power Co.
Location: Lima, Ohio.
Structure: Transmission line.
Height above ground: 121 ft.
Above MSL: 1,015 to 1,111 ft.

The proposed transmission line will run from 40°48'00" N., 84°01'47" W. to 40°41'09" N., 83°59'48" W. The heights would vary as indicated above. The proposed construction, at its closest point would pass 6,800 feet east of the approach end of Runway 27 at Allen County Airport. It would exceed the standards for determining obstructions to air navigation in § 77.23(a)(3), Part 77, Federal Aviation Regulations, by 14 feet as applied to the above mentioned airport. It was found that transmission line as originally proposed, would adversely effect the performance of the Lima, Ohio VOR due to electronic interference. By coordination between the Federal Aviation Agency and the proponent, it was agreed that the objectionable electronic interference could be eliminated by modifying the horizontal spacing of the conductors on certain of the towers near the VOR. The proponent agreed to make the necessary changes. The aeronautical study disclosed that the proposed transmission line would have no adverse effect on aeronautical operations, procedures or minimum flight altitudes provided the changes agreed to by the proponent are accomplished.

Therefore, pursuant to the authority delegated to me, it is found that the structure would have no substantial adverse effect upon the safe and efficient utilization of navigable airspace and it is hereby determined that the structure would not be a hazard to air navigation provided tower Nos. 35, 36 and 37 are obstruction marked and lighted in accordance with FAA standards.

This determination is effective and will become final 40 days after the date of issuance unless an appeal is filed under § 77.37 (30 F.R. 1837). If an appeal is filed,

further notice will be given and the determination will not become final pending disposition of the appeal.

Petitions for discretionary review must be filed in triplicate with the Chief, Obstruction Evaluation Branch, Federal Aviation Agency, Washington, D.C., 20553, within 30 days after the date of issuance and must contain a full statement of the basis upon which it is made.

Unless otherwise revised or terminated, a final determination hereunder will expire on March 22, 1967, upon earlier abandonment of the proposal, or as determined by the application of § 77.39 (c), (d) or (e).

Supplemental notice to this office is required within 5 days after the construction reaches its greatest height.

CHESTER C. WATSON,
Chief, Airspace Branch,
Air Traffic Division.

On October 22, 1965, Mr. Parmlee P. Whittenburg, airport manager, Allen County Airport, Lima, Ohio, petitioned the Administrator for a review of the above determination either by review of the record or a public hearing.

Pursuant to the authority delegated to me by the Administrator, the petition by Mr. Parmlee P. Whittenburg for discretionary review under § 77.37 of Part 77 is granted and such review will be on the basis of written materials in accordance with § 77.37(a) (1).

The petition as examined by the Agency set forth the following issues for consideration:

1. The determination is erroneous since the proposed transmission line would be a hazard to air navigation on the departure end of Runway 9.

2. The determination is erroneous since the proposed transmission line would be a hazard, should engine failure or malfunction occur on takeoff from Runway 9.

3. The determination is erroneous since the proposed transmission line would have an adverse effect on future plans to reduce the landing minimum for Runway 27.

Interested persons may, within 30 days of the issuance date of this notice, submit any relevant information in writing for consideration in this review to the Federal Aviation Agency, Air Traffic Service, Obstruction Evaluation Branch, 800 Independence Avenue SW., Washington, D.C., 20553. Submissions must be filed in triplicate and be relevant to the effect of the proposed structure on safe air navigation.

A copy of appropriate correspondence in this case is on file in OE Docket No. 65-EA-11 and may be examined by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553.

Therefore, pursuant to the authority delegated to me by the Administrator (30 F.R. 13023), the determination issued by the Agency's Eastern Regional Office in Aeronautical Study No. EA-OE-65-80 is not and will not be a final determination pending final disposition of this petition.

Issued in Washington, D.C., on November 17, 1965.

CLIFFORD P. BURTON,
Acting Director,
Air Traffic Service.

[F.R. Doc. 65-12582; Filed, Nov. 23, 1965; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10833-10835; FCC 65-1021]

CITY OF JACKSONVILLE, FLA., ET AL.

Order Regarding Construction Permits for New Television Stations

In re applications of city of Jacksonville, Jacksonville, Fla., Docket No. 10833, File No. BPCT-749; Florida-Georgia Television Co., Inc., Jacksonville, Fla., Docket No. 10834, File No. BPCT-1624; Jacksonville Broadcasting Corp., Jacksonville, Fla., Docket No. 10835, File No. BPCT-1625; for construction permits for new television stations (channel 12).

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 17th day of November 1965;

The Commission having under further consideration its decision released August 31, 1956 (12 Pike & Fischer, R.R. 113), granting the application of Florida-Georgia Television Co., Inc. for a permit to construct a new commercial television station in Jacksonville, Fla., on channel 12; and

It appearing, that, by decision of May 6, 1965, in Jacksonville Broadcasting Corp. v. Federal Communications Commission, Case No. 18, 181 (348 F. 2d 75), the U.S. Court of Appeals for the District of Columbia Circuit ordered that the Commission set aside its decision released September 16, 1963 (35 FCC 401), in which the Commission readopted nunc pro tunc the decision of August 31, 1956 (and subsequent grants of station licenses); and

It further appearing, that, the Court also stated that authority for continued operation might be granted by the Commission in its discretion pending any further proceedings on new applications by qualified applicants; and

It further appearing, that, petitions for writs of certiorari filed by Jacksonville Broadcasting Corp. and Florida-Georgia Television Co. were denied by the Supreme Court on October 25, 1965; and

It further appearing, that, Florida-Georgia Television Co. on October 25, 1965, requested an authorization to operate its television station (WFGA-TV) and associated auxiliary stations until 60 days after a decision in a further hearing among new applicants; and

It further appearing, that, the Court of Appeals issued its mandate on November 8, 1965:

It is ordered, That, the Commission's decision of August 31, 1956, granting a construction permit to Florida-Georgia Television Co., together with all subsequent decisions and orders granting licenses or other concomitant authorizations to Florida-Georgia Television Co., are hereby vacated, and that new applications for a construction permit for a new television station to operate on channel 12 in Jacksonville, Fla., may be filed by March 1, 1966; and

It is further ordered, That, any qualified party which has previously filed an application, may, in its discretion, bring up to date its existing application in lieu of filing a completely new application; and

It is further ordered, That, Florida-Georgia Television Co. is hereby authorized to continue to operate its present facilities to render television broadcast service on channel 12 in Jacksonville, Fla., until further order of the Commission, and that this authorization shall be without prejudice to, and constitute no preference in, any aspect of any proceeding to be held with respect to channel 12 in Jacksonville, Fla.

Released: November 19, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12629; Filed, Nov. 23, 1965; 8:49 a.m.]

[Docket Nos. 11081, 11083; FCC 65-1020]

WORZ, INC., AND MID-FLORIDA TELEVISION CORP.

Order Regarding Construction Permits for New Television Stations

In re applications of WORZ, Inc., Orlando, Fla., Docket No. 11081, File No. BPCT-1153; Mid-Florida Television Corp., Orlando, Fla., Docket No. 11083, File No. BPCT-1801; for construction permits for new television stations (channel 9).

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 17th day of November 1965;

The Commission having under further consideration its decision released June 7, 1957 (22 FCC 1254), granting the application of Mid-Florida Television Corp. for a construction permit for a new commercial television station to operate on channel 9 in Orlando, Fla., and denying the mutually exclusive application of WORZ, Inc., together with the subsequent decision released June 16, 1964 (36 FCC 1535), in which the Commission affirmed the 1957 decision and granted to Mid-Florida Television Corp. a license to cover the construction permit; and

It appearing, that, by decision of March 4, 1965 (323 F. 2d 618), in WORZ, Inc. v. Federal Communications Commission, Case No. 18,772, the U.S. Court of Appeals for the District of Columbia

[1] Commissioners Hyde and Loevinger absent; Commissioner Cox not participating.

Circuit ordered that the Commission set aside its decision released June 16, 1964, and hold a new hearing, with adequate opportunity for the receipt of new applications from persons who have not hitherto appeared herein; and

It further appearing, that, the court also stated that temporary authority for the continued operation of the station might be granted by the Commission in its discretion; and

It further appearing, that, a petition for a writ of certiorari filed by Mid-Florida Television Corp. was denied by the Supreme Court on October 25, 1965; and

It further appearing, that, the Court of Appeals issued its mandate on November 8, 1965:

It is ordered, That, the Commission's decisions of June 7, 1957, and June 16, 1964 are hereby vacated, and that new applications for a construction permit for a new television station to operate on channel 9 in Orlando, Fla., may be filed by March 1, 1966; and

It is further ordered, That, any qualified party which has previously filed an application, may, in its discretion, bring up to date its existing application in lieu of filing a completely new application; and

It is further ordered, That, Mid-Florida Television Corp. is hereby authorized to continue to operate its present facilities to render television broadcast service on channel 9 in Orlando, Fla., until further order of the Commission, and that this authorization shall be without prejudice to, and constitute no preference in, any aspect of any proceeding to be held with respect to channel 9 in Orlando, Fla.

Released: November 19, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12630; Filed, Nov. 23, 1965; 8:49 a.m.]

[FCC 65-1041]

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

NOVEMBER 19, 1965.

The applications listed below were filed in response to the Commission's public notice (FCC 65-260) of April 1, 1965, for the frequency of Station KWK, St. Louis, Mo. The applications were timely filed pursuant to the public notice and all are mutually exclusive under the doctrine of Ashbacker v. FCC, 326 U.S. 327 (1945) and were accepted for filing by the Commission's memorandum opinion and order, adopted November 17, 1965 (FCC 65-1040). Accordingly, notice is hereby given that on December 30, 1965, the listed applications will be considered as ready and available for processing.

As stated in the public notice, any party in interest desiring to file pleadings pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, concerning any applications accepted for filing by the Commission's memorandum opinion and order is directed to § 1.580(i) of the Commission's rules for the provisions governing the time of filing and other requirements relating to such pleading. Notwithstanding the provisions of § 1.580(i), petitions to deny may be filed no later than 30 days after the release date of the Commission's memorandum opinion and order accepting the listed applications.

Adopted: November 17, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

NEW, St. Louis, Mo., Archway Broadcasting Corp., Req: 1380kc, 5kw, DA-N, U.
NEW, St. Louis, Mo., Bi-State Radio, Inc., Req: 1380kc, 5kw, DA-N, U.
NEW, Louisiana, Mo., Donald E. Condee and Alfred L. Pezman, doing business as Pike-Mo Broadcasting Co., Req: 1390kc, 500w, Day.
NEW, St. Louis, Mo., Gateway Broadcasting Co., Req: 1380kc, 5kw, DA-N, U.
NEW, St. Louis, Mo., Great River Broadcasting Inc., Req: 1380kc, 5kw, DA-N, U.
NEW, St. Louis Mo., Home State Broadcasting Corp., Req: 1380kc, 5kw, DA-N, U.
NEW, St. Louis, Mo., KWK Broadcasting Corp., Req: 1380kc, 5kw, DA-N, U.
NEW, St. Louis, Mo., Missouri Broadcasting, Inc., Req: 1380kc, 5kw, DA-N, U.
NEW, St. Louis, Mo., Prudential Broadcasting Co., Req: 1380kc, 5kw, DA-N, U.
NEW, St. Louis, Mo., Six-Eighty-Eight Broadcasting Co., Req: 1380kc, 5kw, DA-N, U.
NEW, St. Louis, Mo., St. Louis Broadcasting Co., Req: 1380 kc, 5 kw, DA-N, U.
WBEL, South Beloit, Ill., Beloit Broadcasters, Inc., Has: 1380kc, 5kw, DA-N, U., Req: Change night radiation pattern.
NEW, St. Louis, Mo., Victory Broadcasting Co., Inc., Req: 1380kc, 5kw, DA-2, U.
NEW, St. Louis, Mo., Clermont Broadcasting Co., Req: 1380kc, 500w, 1kw-LS, U.

[F.R. Doc. 65-12631; Filed, Nov. 23, 1965; 8:50 a.m.]

[FCC 65-1043]

STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

NOVEMBER 19, 1965.

The Commission, in order to avoid the possibility of a repetitious hearing, by the Memorandum Opinion and Order of October 28, 1963 (FCC 63-978) provided for an amendment to the city of New York application, as described below and for waiver of the proviso of Note 2 to § 3.25 [now 73.25] of the rules which precluded the acceptance of applications for 830kc operation at New York, N.Y., between 6 a.m., to local sunrise and from sunset at Minneapolis to 10 p.m., e.s.t., prior to a decision in Docket No. 11227. By Order of November 17, 1965, the Commission waived the Interim Criteria To Govern Acceptance of Standard Broadcast Applications adopted May 10, 1962 (See Note to § 1.571 of the rules), in order that the application listed below might be accepted for filing. Accordingly, notice is hereby given that on December 30, 1965, the following application:

WNYC, New York, N.Y., city of New York, Municipal Broadcasting System.

Has: (a) 830kc, 1kw, DA-1, L-WCCO, Class II, and (b) Special Service Authorization to operate additional hours from 6 a.m., e.s.t., to sunrise New York City, and from sunset Minneapolis, Minn., to 10 p.m., e.s.t.

Requests: 830kc, 50kw, DA-2, S.H., 6 a.m., e.s.t., to 10 p.m., e.s.t.

will be considered as ready and available for processing. Pursuant to §§ 1.227 (b)(1) and 1.591(b) of the rules, an application, in order to be considered with this application, or with any other application on file by the close of business on December 29, 1965 which involves a conflict necessitating a hearing with this application, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on December 29, 1965; or (b) the earlier effective cut-off date which this application or any conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The Commission hereby waives the provisions of the Interim Criteria to Govern Acceptance of Standard Broadcast Applications adopted May 10, 1962, to the extent necessary to permit the acceptance of applications specifying substantially the same facilities requested by the city of New York.

The attention of any party in interest desiring to file pleadings concerning the above application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for the provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: November 17, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12632; Filed, Nov. 23, 1965; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

AMERICAN WEST AFRICAN FREIGHT CONFERENCE

Notice of a Petition Filed for Approval

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the proposed contract form and of the petition at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or at the offices

[1] Commissioners Hyde and Loevinger absent.

of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed contract form and the petition including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the proposed contract form and of the petition (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of application to institute a dual rate system filed by:

Mr. John K. Cunningham, Chairman, American West African Freight Conference, 80 Broad Street, New York, N.Y., 10004.

Notice is hereby given that the American West African Freight Conference (Agreement No. 7680) has filed with the Commission, pursuant to section 14(b) of the Shipping Act, 1916, a proposed Exclusive Patronage (dual rate) Contract and an application for permission to institute a duel rate system covering the trade from Canadian Atlantic and St. Lawrence River ports not west of Montreal, U.S. Atlantic and Gulf ports to West African ports (south of Rio de Oro, Spanish Sahara, and north of Southwest Africa), including the islands of the Azores, Madeira, Canary, and Cape Verdes, also the islands of Fernando Po, Principe, and Sao Tome in the Gulf of Guinea.

The application provides that the freight rates to be charged to merchants who sign the contract form shall be those stated in the Conference Tariff on file and lawfully in effect in the Eastbound Conference Trade immediately prior to the effective date of the contract rate system. The rates charged to nonsignatory merchants shall be 15 percent higher than the contract rates. Contract and noncontract rates will apply to all commodities transported in this trade.

Dated: November 19, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-12601; Filed, Nov. 23, 1965; 8:47 a.m.]

CENTRAL GULF STEAMSHIP CORP. AND ISTHMIAN LINES, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Baldwin Einarson, Kirlin, Campbell & Keating, 120 Broadway, New York, N.Y., 10005.

Agreement 7700-9, between the member lines of the Persian Gulf Outward Freight Conference, proposes to modify Agreement 7700, as amended, by amending Article 4 of the conference agreement to read as follows:

No member shall engage as a common carrier in the transportation of cargo within the scope of this agreement, or in practices in respect thereto, at rates or upon terms and conditions at variance with those adopted hereunder. Nothing in the Agreement shall prevent the parties to this Agreement from acting as agents for other common carriers in the trade.

Dated: November 19, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-12602; Filed, Nov. 23, 1965; 8:47 a.m.]

MEDITERRANEAN-NORTH PACIFIC COAST FREIGHT CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers' New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. G. Rauera, Secretary, Mediterranean-North Pacific Freight Conference, Vico San Luca 4, Genoa, Italy.

Agreement 8090-4, between the member lines of the Mediterranean-North Pacific Coast Freight Conference, proposes the amendment of Article 18 of the basic agreement (8090-3) to increase the amount of the admission fee to be paid by applicants from $500 (five hundred dollars) to $5,000 (five thousand dollars).

Dated: November 19, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-12603; Filed, Nov. 23, 1965; 8:47 a.m.]

SEA-LAND SERVICE, INC., AND GULF-PUERTO RICAN LINES, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. J. Scot Provan, Sea-Land Service, Inc., Terminal and Fleet Streets, Post Office Box 1050, Elizabeth, N.J., 07207.

Agreement 9511, between Sea-Land Service, Inc. and Gulf-Puerto Rican Lines, Inc., will establish a joint service in the trades between U.S. Atlantic and Gulf ports and Caribbean, Central America, and South America, excluding Puerto Rican and Virgin Island ports.

The Joint Service may establish rates, charges and practices and publish a common tariff(s) for trades not covered by a conference to which the service or one of the parties is a member; utilize an approved "Dual-Rate" system in the trades; not pool or share profit or losses; and, terminate the agreement by 30 days written notice by either party.

Dated: November 19, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-12604; Filed, Nov. 23, 1965; 8:47 a.m.]

[Docket No. 65-42]

U.S. FLAG CARRIERS IN GULF/MEDITERRANEAN TRADE

Order To Show Cause

Agreement 8765 (the "Agreement") was approved by the Commission on February 5, 1963, after a formal investigation in Docket 1062.[1] The original parties to the Agreement were five U.S. flag carriers (the "Conference Lines") members of the Gulf/Mediterranean Ports Conference (the "Conference") and three U.S. flag carriers operating independently in the trade covered by the Conference (the "Independent Lines").[2]

Essentially, the Agreement provides that the Independent Lines and the Conference Lines shall adhere to the uniform rates, charges, rules, and regulations established in the Conference tariff on 9 (nine) designated commodities.[3]

On November 8, 1963, the Commission was advised of the resignation of the independent carrier Levant Line from the Agreement (Appendix I). On November 24, 1964, the Commission was advised of the resignation of the independent carrier Kulukundis Maritime Industries, Inc., from the Agreement and said advice was repeated on May 14, 1965 (Appendix II). Finally, on July 16, 1965, the Commission was advised of the resignation of the independent carrier T. J. Stevenson & Co., Inc. from the Agreement, effective September 12, 1965 (Appendix III). Thus, there are presently no independent lines party to the Agreement and it is inoperative.[4]

In response to inquiries from the Commission's staff as to why the Agreement should not now be cancelled, the Conference Lines replied that they desired to continue the Agreement in full force "in view of the amount of time consumed and money spent in effecting [it], as well as the fact that it is quite possible that the conditions responsible for this agreement could change" (Appendix IV). Moreover, the Conference Lines continue to seek approval of certain modifications to the Agreement filed on November 30, 1964.

It appears, however, that the Agreement is no longer operative. Moreover, although on its face the Agreement evidences an arrangement between each party with each other party, its operative features (Article 2) indicate that it is actually an arrangement between U.S. flag conference lines on the one hand and the U.S. flag independent lines on the other. Consequently, lacking independent membership, there is a question as to whether the Agreement is now an agreement at all or merely an offer on the part of the Conference Lines to enter into agreements with unknown independent lines in the indefinite future.

The issues raised herein do not involve any questions of fact requiring an evidentiary hearing. In view of the Conference Lines' request to permit the continuation of the Agreement, and their petition to permit modification of its terms and provisions, the Commission believes that the issues herein discussed should be promptly resolved.

Now, therefore, pursuant to sections 15 and 22 of the Shipping Act, 1916:

It is ordered, That the present parties to Agreement 8765 show cause why said Agreement remains subject to section 15 of the Shipping Act and, why the Commission should not order the cancellation of the Agreement on the grounds that it has lapsed or been rendered null and void by operation of law.

This proceeding shall be limited to the submission of affidavits and memoranda and oral argument. The affidavits of fact and memoranda of law shall be filed by respondents no later than close of business December 17, 1965, replies thereto shall be filed by Hearing Counsel and interveners, if any, no later than close of business December 30, 1965. An original and 15 copies of affidavits fact, memoranda of law, and replies are required to be filed with the Secretary, Federal Maritime Commission, Washington, D.C., 20573. Copies of any papers filed with the Secretary should also be served upon all parties hereto. Oral argument will be heard at 9:30 a.m., January 10, 1966, in Room 114, 1321 H Street NW., Washington, D.C.

It is further ordered, That the parties to Agreement 8765 as indicated in Appendix V attached are hereby made respondents in this proceeding.

It is further ordered, That this order be published in the FEDERAL REGISTER and a copy of such order be served upon each respondent.

Persons other than respondents and Hearing Counsel who desire to become a party to this proceeding shall file a petition for leave to intervene in accordance with Rule 5(n) [46 CFR § 201.74] of the Commission's rules of practice and procedure no later than close of business December 3, 1965.

By the Commission.[5]

[SEAL] THOMAS LISI,
Secretary.

APPENDIX V

Mediterranean Rate Agreement 8765, Mr. L. M. Paine, Secretary, Suite 927, Whitney Building, New Orleans, La., 70130.
Central Gulf Steamship Corp., One Whitehall Street, New York, N.Y., 10004.
Isthmian Lines, Inc., States Marine-Isthmian Agency, Inc., General Agents, 90 Broad Street, New York, N.Y., 10004.
Lykes Bros. Steamship Co., Inc., 821 Gravier Street, New Orleans, La., 70150.
States Marine Lines, States Marine-Isthmian Agency, Inc., General Agents, 90 Broad Street, New York, N.Y., 10004.
Waterman Steamship Corp., 19 Rector Street, New York 6, N.Y.

[F.R. Doc. 65-12605; Filed, Nov. 23, 1965; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-13828 etc.]

WESTERN OIL FIELDS, INC., ET AL.

Findings and Order After Statutory Hearing

NOVEMBER 16, 1965.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending certificates, permitting and approving abandonment of service, terminating certificates, adding respondents, substituting respondents, redesignating proceedings, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC Gas Rate Schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are either equal to or below the ceiling prices established by the Commission's Statement of General Policy 61-1, as amended, or involve sales for which permanent certificates have been previously issued.

Forest Oil Corp., Applicant in Docket Nos. G-18239 and G-18250, proposes to include under its certificates issued in said dockets the interests of its co-owners in the producing property. Accordingly, "et al." will be added to the name of the certificate holder and the related rate schedules will be redesignated as Forest Oil Corp., et al., FPC Gas Rate Schedule Nos. 18 and 21. The presently effective rate under said rate schedules is in effect subject to refund in Docket No. RI64-712.[1] The co-owners will be added as respondents in said proceeding and the proceeding will be redesignated accordingly.

Sunset International Petroleum Corp., et al., Applicant in Docket Nos. CI60-147,

[1] Agreement 8765 Between U.S. Flag Carriers in the Gulf/Mediterranean Trade, 7 FMC 495, Mult. Rept. (Feb. 7, 1963).

[2] The Conference Lines were, and remain, Central Gulf S.S. Corp., Isthmian Lines, Inc., Lykes Bros. S.S. Co., Inc., States Marine Lines, Inc./Global Bulk Transport Inc., and Waterman S.S. Corp. The Independent Lines were Kulukundis Maritime Ind., Inc., Levant Line Joint Service, and T. J. Stevenson & Co., Inc.

[3] Cornmeal, in Bags; Cornmeal, in Barrels, Boxes or Cases; Wheat, in Bags; Flour, Wheat, in Bags; Flour, Wheat, in Barrels, Boxes or Cases; Milk, Powdered Skimmed, "For Charitable Purposes Only—Not for Resale"; Shortening; Rice, Clean in Bags and Rice, Clean in Bales or Cartons.

[4] Article 1 of the Conference agreement (No. 134, as amended) provides that the Conference Lines shall adhere to the rates, charges, rules and regulations established in the Conference tariff including those applicable to the 9 (nine) commodities covered by Agreement 8765.

[5] Appendices I, II, III, and IV filed as part of original document.

[1] Consolidated with Docket No. AR64-1, et al.

CI60–406, and CI63–1073, proposes to continue the sales of natural gas heretofore authorized in said dockets and made pursuant to Panhandle Petroleum Ltd., Partnership FPC Gas Rate Schedule Nos. 2, 8 and 13, respectively. Said rate schedules will be redesignated as those of Sunset. Panhandle filed proposed increased rates under said rate schedules which increases were suspended in Docket No. RI64–725[1] and have not been made effective. Sunset has filed a motion to be substituted as respondent in said proceeding. Accordingly, Sunset will be substituted in lieu of Panhandle as respondent, and the proceeding will be redesignated.

After due notice, no petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on November 10, 1965, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G–12584, G–13633, G–13828, G–18239, G–18250, G–20182, CI60–31, CI60–147, CI60–183, CI60–406, CI60–679, CI60–696, CI60–749, CI61–852, CI61–1203, CI62–140, CI63–20, CI63–877, CI63–1073, CI63–1461, CI64–234, CI64–349, CI64–679, CI64–836, CI64–1136, CI65–199, CI65–333, CI65–385, and CI65–997 should be amended as hereinafter ordered.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the temporary certificates heretofore issued in Docket Nos. CI61–356 and CI61–549 should be amended to reflect Sunset International Petroleum Corp., et al. as certificate holder in lieu of Panhandle Petroleum Ltd., Partnership.

(7) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the tabulation herein and in the respective applications, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of public convenience and necessity heretofore issued to the respective Applicants herein relating to the abandonments hereinafter permitted and approved should be terminated.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the co-owners with Forest Oil Corp. of the producing property from which sales of gas are authorized in Docket Nos. G–18239 and G–18250 should be made corespondents in the proceeding pending in Docket No. RI64–712 and said proceeding should be redesignated accordingly.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Sunset International Petroleum Corp., et al., should be substituted in lieu of Panhandle Petroleum Limited Partnership as respondent in the proceeding pending in Docket No. RI64–725 and that said proceeding should be redesignated accordingly.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the respective related rate schedules and supplements as designated or redesignated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale; together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements, and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after April 15, 1965, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d) of the Commission's Statement of General Policy 61–1, as amended, shall be filed prior to the applicable dates, as indicated by footnotes 12 and 18 in the attached tabulation.

(E) The certificate issued herein in Docket No. CI66–220 is subject to the conditions set forth in paragraphs (E), (F), and (G) of the order accompanying Opinion No. 350 (27 FPC 35), except that said certificate shall not be subject to the Commission's ultimate determination in Docket No. R–200.

(F) The certificates heretofore issued in Docket Nos. G–20182, CI63–20, CI63–1461, CI64–349, CI64–1136, CI65–199, and CI65–997 are amended by adding thereto or deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(G) The certificates heretofore issued in Docket Nos. G–12584 and G–13633 are amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicant in Docket No. CI66–199; and the certificates heretofore issued in Docket Nos. CI64–679 and CI64–836 are amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicant in Docket No. CI66–211.

(H) The certificates heretofore issued in Docket Nos. G–13828 and CI65–385 are amended by permitting Applicant to continue the services heretofore rendered by the co-owners which were previously covered under Applicant's certificates in said dockets.

(I) The certificates heretofore issued in Docket Nos. G–18239 and G–18250 are amended to include the interests of the co-owners and the related rate schedules are redesignated as Forest Oil Corp., et al.

(J) The certificate heretofore issued in Docket No. CI63–877 is amended to include the interest of the co-owner, Lone Star Producing Co.

(K) The temporary certificates heretofore issued in Docket Nos. CI61–356 and CI61–549 are amended to reflect Sunset International Petroleum Corp., et al., as certificate holder in lieu of Panhandle Petroleum Ltd., Partnership, and the related rate schedules are redesignated the same.

(L) The certificates heretofore issued in Docket Nos. CI60–31, CI60–147, CI60–183, CI60–406, CI60–679, CI60–696, CI60–749, CI61–852, CI61–1203, CI62–140, CI63–1073, CI64–234, and CI65–333 are amended by changing the certificate holders to the respective successors in interest as indicated in the tabulation herein.

(M) The authorization granted in paragraph (L) above in Docket No. CI64–234, authorizing the sale of gas by Texas Gas Exploration Corp., to its parent, Texas Gas Transmission Corp. determines the rate which legally may be paid by the buyer to the seller, but is without prejudice to any action which the Commission may take in any future rate proceeding involving either company.

(N) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described and as more fully described in the respective applications herein are granted.

(O) In view of the abandonments permitted and approved herein in Docket Nos. CI66–234, CI66–235, and CI66–236, the certificate heretofore issued in Docket No. G–6903 is terminated only insofar as it pertains to FPC Gas Rate Schedule Nos. 9, 13 and 3, respectively, of the Preston Oil Co.

(P) Docket No. G–19054 is terminated.

(Q) The co-owners with Forest Oil Corp. of the producing property from which sales of gas are authorized in Docket Nos. G–18239 and G–18250 shall be corespondents with Forest Oil Corp. in the proceeding pending in Docket No. RI64–712, and said proceeding shall be redesignated accordingly.[2] The agreement and undertaking filed by Forest Oil Corp. in said proceeding shall be construed to cover the interests of the co-owners.

(R) Sunset International Petroleum Corp., et al., is substituted in lieu of Panhandle Petroleum Ltd., Partnership as respondent in the proceeding pending in Docket No. RI64–725, and said proceeding is redesignated accordingly.[3]

(S) The respective related rate schedules and supplements as indicated in the tabulation herein are accepted for filing; further, the rate schedules relating to the successions herein are redesignated and accepted, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates as indicated in the tabulation herein.

By the Commission.

[SEAL]

JOSEPH H. GUTRIDE,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G–13828 E 9–3–65	Western Oil Fields, Inc. (Operator), et al.[4]	Colorado Interstate Gas Co., Northwest Eva Field, Texas County, Okla.	Assignment 3–23–65[5]	7	4
			Assignment 5–14–65[5 6]	7	5
G–18239 3–15–65[4] 4–5–65 7–16–65	Forest Oil Corp., et al.[4]	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	Letter 3–12–65[7]	18	2
			Letter 3–31–65[7]	18	3
			Amendment 7–1–65[4 6]	18	4
G–18250 3–15–65[4] 4–5–65 7–16–65	do[4]	do	Letter 3–12–65[7]	21	2
			Letter 3–31–65[7]	21	3
			Amendment 7–1–65[4 6]	21	4
G–20182 D 9–23–65	Reuben W. Mayronne, Jr., d.b.a. Riverside Oil Co. (Operator), et al. (partial abandonment).	Transcontinental Gas Pipe Line Corp., North Duson Field, Lafayette Parish, La.	Notice of partial cancellation 9–21–65[8 10]	2	5
CI60–31 E 8–26–65	Sunset International Petroleum Corp., et al. (successor to Panhandle Petroleum Ltd., Partnership).	Colorado Interstate Gas Co., Moeane Field, Beaver County, Okla.	Panhandle Petroleum Ltd., Partnership, FPC GRS No. 1.	31	.....
			Supplement Nos. 1–8	31	1–8
			Notice of succession (undated).	.....	.....
			Assignment 7–1–65	31	9
			Effective date: 7–1–65	.....	.....
CI60–147 E 8–26–65	do	Northern Natural Gas Co., Perryton and Hansford Field, Ochiltree County, Tex.	Panhandle Petroleum Ltd., Partnership, FPC GRS No. 2.	32	.....
			Supplement Nos. 1–5	32	1–5
			Notice of succession (undated).	.....	.....
			Assignment 7–1–65	32	6
			Effective date: 7–1–65	.....	.....
CI60–183 E 8–26–65	do	Northern Natural Gas Co., Perryton Field, Ochiltree County, Tex.	Panhandle Petroleum Ltd., Partnership, FPC GRS No. 3.	33	.....
			Supplement Nos. 1–5	33	1–5
			Notice of succession (undated).	.....	.....
			Assignment 7–1–65	33	6
			Effective date: 7–1–65	.....	.....
CI60–406 E 8–26–65	do	Northern Natural Gas Co., Guymon-Hugoton and George Morrow Fields, Beaver County, Okla., and Ochiltree County, Tex.	Panhandle Petroleum, Ltd., Partnership, FPC GRS No. 8.	38	.....
			Supplement Nos. 1–4	38	1–4
			Notice of succession (undated).	.....	.....
			Assignment 7–1–65	38	5
			Effective date: 7–1–65	.....	.....
CI60–679 E 8–26–65	do	Northern Natural Gas Co., Hansford-Morrow Field, Ochiltree County, Tex.	Panhandle Petroleum Ltd., Partnership, FPC GRS No. 4.	34	.....
			Supplement Nos. 1–11	34	1–11
			Notice of succession (undated).	.....	.....
			Assignment 7–1–65	34	12
			Effective date: 7–1–65	.....	.....
CI60–696 E 8–26–65	do	Panhandle Eastern Pipe Line Co., Hansford-Morrow Field, Hansford County, Tex.	Panhandle Petroleum Ltd., Partnership, FPC GRS No. 5.	39	.....
			Supplement Nos. 1–2	39	1–2
			Notice of succession (undated).	.....	.....
			Assignment 7–1–65	39	3
			Effective date: 7–1–65	.....	.....
CI60–749 E 8–26–65	do	Northern Natural Gas Co., Hansford Field, Ochiltree County, Tex.	Panhandle Petroleum Ltd., Partnership, FPC GRS No. 6.	36	.....
			Supplement Nos. 1–10	36	1–10
			Notice of succession (undated).	.....	.....
			Assignment 7–1–65	36	11
			Effective date: 7–1–65	.....	.....
CI61–356[11] E 8–26–65	do	El Paso Natural Gas Co., Clear Lake Field, Beaver County, Okla.	Panhandle Petroleum Ltd., Partnership, FPC GRS No. 10.	40	.....
			Supplement Nos. 1–9	40	1–9
			Notification of succession (undated).	.....	.....
			Assignment 7–1–65	40	10
			Effective date: 7–1–65	.....	.....

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[2] Forest Oil Corp., et al.

[3] Sunset International Petroleum Corp., et al.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI61-549 [11] E 8-26-65	Sunset International Petroleum Corp., et al.	El Paso Natural Gas Co., North Perryton Field, Ochiltree County, Tex.	Panhandle Petroleum Ltd., Partnership, FPC GRS No. 5.	35	
			Supplement Nos. 1-11	35	1-11
			Notification of succession (undated).		
			Assignment 7-1-65	35	12
			Effective date: 7-1-65		
CI61-852 E 8-26-65	do	Michigan Wisconsin Pipe Line Co., Laverne Field, Beaver and Harper Counties, Okla.	Panhandle Petroleum Ltd., Partnership, FPC GRS No. 11.	41	
			Supplement Nos. 1-9	41	1-9
			Notification of succession (undated).		
			Assignment 7-1-65	41	10
			Effective date: 7-1-65		
CI61-1203 E 8-26-65	do	Northern Natural Gas Co., Mocane Field, Beaver and Harper Counties, Okla.	Panhandle Petroleum Ltd., Partnership, FPC GRS No. 12.	42	
			Supplement Nos. 1-2	42	1-2
			Notification of succession (undated).		
			Assignment 7-1-65	42	3
			Effective date: 7-1-65		
CI62-140 E 8-26-65	do	Bering Co., Horizon Cleveland Field, Ochiltree County, Tex.	Panhandle Petroleum Ltd., Partnership, FPC GRS No. 7.	37	
			Supplement Nos. 1-2	37	1-2
			Notification of succession (undated).		
			Assignment 7-1-65	37	3
			Effective date: 7-1-65		
CI63-20 C 9-24-65 [12]	Humble Oil & Refining Co.	Arkansas Louisiana Gas Co., Arkoma Area, Latimer County, Okla.	Supplemental agreement 8-12-65. [13]	337	14
CI63-877 9-7-65 [14]	Sarkeys, Inc. (Operator), et al.	Natural Gas Pipeline Co., of America, acreage in Dewey County, Okla.	Ratified agreement 6-25-65. [13 14]	1	3
CI63-1073 E 8-26-65	Sunset International Petroleum Corp., et al. (successor to Panhandle Petroleum Ltd., Partnership).	Northern Natural Gas Co., Horizon (Cleveland) Field, Hansford County, Tex.	Panhandle Petroleum Ltd., Partnership, FPC GRS No. 13.	43	
			Supplement Nos. 1-5	43	1-5
			Notice of succession (undated).		
			Assignment 7-1-65	43	6
			Effective date: 7-1-65		
CI63-1461 C 9-20-65 [13]	Cleary Petroleum, Inc. [15] (Operator), et al.	Arkansas Louisiana Gas Co., Starr Field, Kingfisher and Blaine Counties, Okla.	Supplemental agreement 9-8-65.	6	16
CI64-234 E 9-13-65	Texas Gas Exploration Corp. (successor to Milton S. Yunker (Operator), et al.)	Texas Gas Transmission Corp., Midland Field, Muhlenberg County, Ky.	Milton S. Yunker (Operator), et al., FPC GRS No. 1.	14	
			Notice of succession (undated).		
			Assignment 8-27-65 [17]	14	1
			Effective date: 8-1-65		
CI64-349 C 9-24-65 [12]	Humble Oil & Refining Co.	Colorado Interstate Gas Co., Wamsutter Field, Sweetwater County, Wyo.	Supplemental agreement 8-9-65. [13]	345	2
CI64-1136 C 9-22-65 [14]	Landa Oil Co.	United Gas Pipe Line Co., Quinto Creek Field, Jim Wells and Nueces Counties, Tex.	([13 20])	([20])	
CI65-199 C 9-27-65 [13]	Texaco Inc.	El Paso Natural Gas Co., Basin Dakota Formation, San Juan County, N. Mex.	Supplemental agreement 8-23-65. [13]	341	2
CI65-333 E 9-8-65	Lubell Oil Co. (successor to Bell Oil and Gas Co.).	Arkansas Louisiana Gas Co., Arpelar Area, Pittsburg County, Okla.	Bell Oil and Gas Co., FPC GRS No. 1.	1	
			Supplement No. 1	1	1
			Notice of succession (undated).		
			Conveyance 9-1-65	1	2
			Amendment 4-20-65 [21]	1	3
			Effective date: 9-1-65		
CI65-385 E 9-2-65	Western Oil Fields, Inc. (Operator), et al. [1]	Cities Service Gas Co., Boggs Field, Barber County, Kans.	Assignment 6-10-65 [22]	12	9
			Effective date: 5-1-65		
CI65-701 A 1-15-64 7-30-65 8-16-65 10-7-65 [13]	Harper Oil Co. (Operator), et al.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	Contract 12-11-64	33	
			Amendment 6-23-65	33	2
			Amendment 7-12-65	33	3
			Amendatory agreement 8-26-65. [23]	33	4
			Amendatory agreement 8-26-65. [13 24]	33	5
CI65-997 C 9-24-65 [13]	Continental Oil Co.	El Paso Natural Gas Co., acreage in San Juan County, N. Mex.	Supplemental agreement 8-23-65. [13]	296	2
CI66-188 A 9-7-65 [13]	Quaker State Oil Refining Corp.	United Fuel Gas Co., Stonewall District, Wayne County, W. Va.	Contract 7-23-65	10	
A CI66-199 (G-13633) (G-12584) F 9-7-65	McGoldrick & Watson Drilling Co. (Operator), et al. (Successor to Union Producing Co. and Socony Mobil Oil Co., Inc.).	United Gas Pipe Line Co., Bethany Field, Panola County, Tex.	Contract 5-4-42 [25]	1	
			Amendatory agreement 2-13-51.	1	1
			Letter agreement 12-1-54.	1	2
			Assignment 10-15-64 [26]	1	3
			Assignment 4-1-65 [27]	1	4
			Consent 4-1-65 [28]	1	5
			Effective date: 7-26-64		
A CI66-211 (CI64-679) F 9-16-65	E. Lyle Johnson (Operator), et al. (successor to Livingston Oil Co.).	Kansas-Nebraska Natural Gas Co., Inc., Bradshaw Field, Hamilton County, Kans.	Contract 9-10-63 [29]	3	
			Letter agreement 4-23-65.	3	1
			Assignment (No. 8440) 6-24-65. [30]	3	2
			Assignment (No. 8441) 6-24-65. [30]	3	3
			Assignment (No. 8446) 6-25-65. [31]	3	4
			Assignment (No. 8447) 6-25-65. [31]	3	5
			Assignment (No. 8435) 7-15-65. [32]	3	6
			Effective date: 6-24-65		
A CI66-211 (CI64-836) F 9-16-65	E. Lyle Johnson (Operator), et al. (successor to the Superior Oil Co.).	do	Contract 11-7-63 [33]	4	
			Letter agreement 3-17-65.	4	1
			Assignment 8-5-65 [33]	4	2
			Assignment (No. 8450) 8-6-65. [31]	4	3
			Assignment (No. 8451) 8-6-65. [31]	4	4
			Assignment (No. 8452) 8-6-65. [31]	4	5
			Effective date: 7-9-65		
CI66-213 A 9-17-65 [13]	Harper-Smith and Associates, Inc. (Operator), et al.	United Gas Pipe Line Co., Yanta Field, Goliad County, Tex.	Contract 4-29-65 [13 34]	5	
			Contract 8-5-65	1	
CI66-219 A 9-20-65 [13]	David Crow (Operator), et al.	United Gas Pipe Line Co., Washington Field, St. Landry Parish, La.	Contract 8-27-65	12	
CI66-220 A 9-20-65 [13]	Carl E. Gungoll, et al. [35]	Panhandle Eastern Pipe Line Co., Northwest Oakdale Field, Woods County, Okla.	Contract 8-12-65 [36]	6	
			Contract 4-9-65	6	1
CI66-221 A 9-22-65 [13]	DAMAC Corp. and W. R. Anderson, Trustee.	Landa Oil Co., Quinto Creek Field Area, Jim Wells and Nueces Counties, Tex.	Contract 9-13-65	1	

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI66-228 A 9-23-65 [13]	Francis Friestad, et al.	Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va.	Contract 7-8-65 [13]	7	
CI66-229 A 9-23-65 [13]	Quaker State Oil Refining Corp.	do	Contract 6-28-65 [13]	11	
CI66-230 A 9-24-65 [12]	Southwest Gas Producing Co., Inc., et al.	United Gas Pipe Line Co., Arnaudville Field, St. Martin Parish, La.	Contract 9-3-65	21	
CI66-232 (G-19054) B 9-24-65	Skinner Corp. (Operator), et al.	United Gas Pipe Line Co., Calvza Creek Area, Goliad, Karnes, and De Witt Counties, Tex.	Notice of Cancellation 9-15-65. [9 10]	3	4
CI66-234 (G-6903) [37] B 9-24-65	The Preston Oil Co.	The Manufacturers Light and Heat Co., Liberty District, Marshall County, W. Va.	Notice of Termination 9-23-65. [9 10]	9	1
CI66-235 (G-6903) [37] B 9-24-65	do	The Manufacturers Light & Heat Co., Center District, Wetzel County, W. Va.	Notice of termination 9-23-65. [9 10]	13	1
CI66-236 (G-6903) [37] B 9-24-65	do	The Manufacturers Light & Heat Co., Liberty District, Marshall County, W. Va.	Notice of termination 9-23-65. [9 10]	3	1
CI66-237 A 9-24-65 [12]	Shell Oil Co.	Natural Gas Pipeline Co. of America, Camrick Field, Beaver County, Okla.	Contract 4-1-65 [13]	322	
CI66-240 A 9-27-65 [13]	L. W. Roche	Consolidated Gas Supply Corp., De Kalb District, Gilmer County, W. Va.	Contract 6-4-65 [13]	4	
CI66-241 A 9-27-65 [13]	Clarence Powell, et al., d.b.a. Krenn Oil & Gas Co.	Consolidated Gas Supply Corp., New Milton District, Doddridge County, W. Va.	Contract 7-12-65 [13]	6	
CI66-242 A 9-27-65 [13]	Richard L. Bohnsack	Arkansas Louisiana Gas Co., West Dilworth Area, Kay County, Okla.	Contract 5-4-65	1	
CI66-243 A 9-27-65 [13]	Hughart W. Stump, et al.	Consolidated Gas Supply Corp., Sherman District, Calhoun County, W. Va.	Contract 7-7-65 [13]	1	
CI66-244 A 9-27-65 [13]	Hays & Co., Agent for Delta Petroleum Co. by James N. Ryan.	Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va.	Contract 6-3-65	45	
			Letter agreement 6-29-65. [38]	45	1
			Letter agreement 7-19-65. [38]	45	2
			Letter agreement 8-25-65. [13 38]	45	3
CI66-245 A 9-27-65 [13]	Paul F. Starr, agent for Willie E. King.	United Fuel Gas Co., Henry District, Clay County, W. Va.	Contract 7-27-65 [13]	24	
CI66-247 A 9-28-65 [13]	J. A. Mull, Jr. (Operator), et al.	Cities Service Gas Co., Palmer Lansing-Kansas City Field, Barber County, Kans.	Contract 9-21-65	4	
CI66-248 A 9-27-65 [13]	Ozark Gas Corp.	Texas Eastern Transmission Corp., Aberdeen Gas Field, Monroe County, Miss.	Contract 7-23-65	1	
			Letter 7-23-65 [13 39]	1	1
CI66-249 A 9-29-65 [13]	Allen Beard, et al., d.b.a. J. & B. Drilling & Operating Co., et al.	Consolidated Gas Supply Corp., Spencer District, Roane County, W. Va.	Contract 6-10-65 [13]	2	
CI66-250 A 9-29-65 [13]	Joseph H. Cutlip, agent for C & C Wells, Ltd.	Consolidated Gas Supply Corp., Central District, Doddridge County, W. Va.	Contract 7-9-65 [13]	1	
CI66-251 A 9-29-65 [13]	Don W. Hardman, et al., d.b.a. Drilco Oil Productions, et al.	Consolidated Gas Supply Corp., Troy District, Gilmer County, W. Va.	Contract 4-15-65 [13]	21	
CI66-252 A 9-29-65 [13]	Union Oil Co. of California.	Trunkline Gas Co., O'Brien Ranch Field, Goliad County, Tex.	Contract 9-1-65 [13 40]	158	

See footnotes at end of table.

[1] Western has acquired interest of several co-owners which were previously covered under Applicants certificates in Docket Nos. G-13828 and CI65-385.
[2] Conveys interest of Harold L. Gainey to Western.
[3] Conveys interest of Dr. A. K. Solomon to Western.
[4] Effective date: Date of transfer of properties involved.
[5] Amendment to the certificate filed to reflect change in ownership for reversionary interests.
[6] Certificate issued in Opinion No. 464 on June 10, 1965, in name of Forest Oil Corp. only, but did not reflect Forest's partial transfer of interests to co-owners involved herein.
[7] Reflects change in ownership for reversionary interest after pay-out of wells.
[8] Provides for proportional downward B.t.u. adjustment from 1000 B.t.u.'s filed in compliance with Opinion No. 464.
[9] Source of gas depleted.
[10] Effective date: Date of this order.
[11] No permanent certificate issued; sale being made under conditioned temporary certificate.
[12] July 1, 1967, moratorium date pursuant to Commission's Statement of General Policy 61-1, as amended.
[13] Effective date: Date of initial delivery.
[14] Amendment to the certificate filed to include interest of co-owner.
[15] Adopts basic contract between Sarkeys' and buyer to include interest of co-owner, Lone Star Producing Co.
[16] Basic contract rate is 16.8 cents per Mcf; however, Applicant states that it is willing to accept authorization for the additional acreage at the 15.0 cents per Mcf rate.
[17] Conveys acreage from Milton S. Yunker to Texas Gas Exploration Corp.
[18] Jan. 1, 1968, moratorium date pursuant to Commission's Statement of General Policy 61-1, as amended.
[19] Adds production attained from DAMAC Corp. and W. R. Anderson, trustee, in Docket No. CI66-221.
[20] Applicant submitted only billing statement as rate filing to its FPC GRS No. 1.
[21] Adds acreage dedicated to the contract by the predecessor.
[22] From Richard H. Lovell, one of the co-owners, to Western.
[23] Provides for downward B.t.u. adjustment for sales from acreage dedicated under basic contract and Supplement Nos. 1 and 2.
[24] Provides for downward B.t.u. adjustment for sales from acreage dedicated under Supplement No. 3.
[25] Basic contract between Union Producing Co. and United Gas Pipe Line Co. (Union's FPC GRS No. 59 in Docket No. G-13633 and Socony's FPC GRS No. 107 in Docket No. G-12584).
[26] Conveys acreage from Socony Mobil Oil Co., Inc., and Union Producing Co. to Latham Management Co., Inc.
[27] Conveys interest in acreage from Latham Management Co., Inc., to McGoldrick & Watson Drilling Co., et al.
[28] Consent and approval of Socony and Union to the assignment from Latham to McGoldrick & Watson dated Apr. 1, 1965.
[29] Between Livingston Oil Co. and buyer; also on file as Livingston Oil Co., FPC GRS No. 10.
[30] Conveys acreage from Livingston to E. Lyle Johnson and Clayton E. Lee.
[31] Conveys a fraction of Lee's interest in the subject acreage to Johnson.
[32] Between The Superior Oil Co. and buyer; also on file as The Superior Oil Co., FPC GRS No. 111.
[33] Conveys acreage from The Superior Oil Co. to Clayton E. Lee.
[34] Between Applicant and buyer.
[35] By statement filed Oct. 21, 1965, Applicant agreed to accept a permanent certificate upon the same terms as the temporary (Opinion No. 350, excluding R-200 condition).
[36] Adopts basic contract between Cities Service Oil Co. and Panhandle dated Apr. 9, 1965.
[37] Docket No. G-6903 will be terminated in part only insofar as it pertains to FPC GRS Nos. 9, 13, and 3, of The Preston Oil Co.
[38] Adds acreage.
[39] Amends basic contract to provide that for each additional gas completion, buyer will purchase 1000 Mcf of gas per day or 2/3 of seller's delivery capacity, whichever is the lesser quantity, up to a maximum of 5 gas completions.
[40] Covers production from surface down to a depth of 4,050 feet.

[F.R. Doc. 65-12586; Filed, Nov. 23, 1965; 8:45 a.m.]

[Docket No. CP66-144]

ARKANSAS LOUISIANA GAS CO.

Notice of Application

NOVEMBER 16, 1965.

Take notice that on November 8, 1965, Arkansas Louisiana Gas Co. (Applicant), Slattery Building, Shreveport, La., filed in Docket No. CP66-144 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction during the calendar year 1966 and the operation of miscellaneous field facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas in various producing areas generally coextensive with said system.

Applicant states that the proposed facilities will not increase Applicant's transmission capacity or provide for any increased gas sales volumes under jurisdictional rate schedules.

The proposed expenditure under the entire authorization would not exceed $3,908,300, whereas no individual project would exceed $500,000. The financing of the proposed construction would be made from Applicant's cash on hand and from cash generated from operations.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 6, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-12583; Filed, Nov. 23, 1965; 8:45 a.m.]

[Docket No. CP64-182]

COLORADO INTERSTATE GAS CO.

Notice of Petition To Amend

NOVEMBER 16, 1965.

Take notice that on November 8, 1965, Colorado Interstate Gas Co. (Petitioner), Post Office Box 1087, Colorado Springs, Colo., 80901, filed in Docket No. CP64-182 a petition to amend the order of the Commission issued in said docket June 2, 1964, as amended April 14, 1965, by requesting an extension of the term thereof to April 1, 1967, as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The order issuing a certificate of public convenience and necessity in the aforementioned Docket No. CP64-182 on June 2, 1964, authorized the operation of existing facilities and the exchange of natural gas between Petitioner and Natural Gas Pipeline Co. of America (Natural) for the calendar year 1964. This exchange was to allow Petitioner to deliver up to 10,000 Mcf of gas per day on an interruptible basis to Natural in return for like volumes which Natural agreed to deliver to Cabot Corp. (Cabot) for Petitioner's account. The gas is used by Cabot in its carbon black plant in Carson County, Tex. By the order issued on April 14, 1965, in Docket No. CP64-182 the Commission authorized Petitioner to continue operating its existing facilities and to continue the exchange of natural gas with Natural for the calendar year 1965.

Petitioner states that it continues to have a supply of gas temporarily in excess of its market requirements. Petitioner further states the Cabot continues to need a supply of natural gas for the operation of its plants in the Panhandle of Texas and that Petitioner has agreed with both Cabot and Natural to extend the term of the exchange agreement to April 1, 1967.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 6, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-12584; Filed, Nov. 23, 1965; 8:45 a.m.]

[Docket No. CP66-142]

NORTH CENTRAL PUBLIC SERVICE CO. AND NORTHERN NATURAL GAS CO.

Notice of Application

NOVEMBER 16, 1965.

Take notice that on November 4, 1965, North Central Public Service Co. (Applicant), 1725 Carroll Avenue, St. Paul, Minnesota 55104, filed in Docket No. CP66-142 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Northern Natural Gas Co. (Respondent) to construct the facilities necessary to provide natural gas service to the Villages of Kimball, South Haven and Watkins, all located on State Highway 55, approximately 50 miles west and north of Minneapolis, Minn., as more fully set forth in the application which is on file with the Commission and open to public inspection.

The total estimated volumes of natural gas necessary to meet Applicant's annual and peak day requirements for the initial 3 year period of proposed operations are stated to be:

	First year	Second year	Third year
Annual (Mcf)	133,570	165,440	191,840
Peak day (Mcf)	215	455	685

The application states that Respondent's cost of construction is estimated to be approximatcly $233,100 for 14.7 miles of 3-inch pipeline, 0.6 mile of 2-inch pipeline and the necessary measuring and regulating equipment. The cost of the proposed construction will be borne by Applicant and will be financed through the use of current funds and earnings, supplemented, if necessary, by short-term bank loans.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 8, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-12585; Filed, Nov. 23, 1965; 8:45 a.m.]

LIBRARY OF CONGRESS

Copyright Office

FEES

Applicability

NOVEMBER 22, 1965.

Public Law 89-297, 89th Cong., 1st Sess., which provides for increases in most fees for copyright registrations and other services, was approved on October 27, 1965. Section 3 provides that "this Act shall take effect 30 days after its enactment." Under this provision, a copyright claim may be registered at the lower rate if properly filed in the Copyright Office on or before November 26, 1965, but the new higher fee will be charged for registration of claims submitted thereafter.

With respect to cases pending in the Copyright Office at the time the fee increase goes into effect, the Copyright Office will register the claim or record the document in question at the lower rate where the basic elements required for registration or recordation have been received on or before November 26, 1965, even if correspondence or other action is necessary after that date in order to complete the registration.

ABRAHAM L. KAMINSTEIN,
Register of Copyrights.

[F.R. Doc. 65-12668; Filed, Nov. 22, 1965; 2:20 p.m.]

RAILROAD RETIREMENT BOARD

RAILROAD UNEMPLOYMENT INSURANCE ACCOUNT

Notice of Deficit

Pursuant to section 8(a) of the Railroad Unemployment Insurance Act, as amended, the Railroad Retirement Board has determined, and hereby proclaims, that as of the close of business on September 30, 1965, there was a deficit of $271,378,285.51 in the railroad unemployment insurance account. The underlying figures relating to the computation of this deficit follow:

Unexpended amount in the railroad unemployment insurance account	$2,200,456.56
Deduct:	
Amounts borrowed from the Railroad Retirement Account which have not been repaid	−277,486,000.00
Accrued interest on such borrowed amounts	−2,763,798.54
Deficit in railroad unemployment insurance account proper	278,049,341.98 (D)
Add:	
Balance in railroad unemployment insurance administration fund	+6,671,056.47
Deficit in railroad unemployment insurance account	271,378,285.51 (D)

In witness whereof the members of the Railroad Retirement Board have hereunto set their hands and caused its seal to be affixed.

Done at Chicago, Ill., this 16th day of November 1965.

[SEAL] HOWARD W. HABERMEYER,
Chairman.
THOMAS M. HEALY,
Member.
A. E. LYON,
Member.

By the Railroad Retirement Board.

LAWRENCE GARLAND,
Secretary of the Board.

[F.R. Doc. 65-12589; Filed, Nov. 23, 1965; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-1806]

MINNESOTA SMALL BUSINESS INVESTMENT CO.

Notice of Filing of Application for Order

NOVEMBER 18, 1965.

Notice is hereby given that Minnesota Small Business Investment Co. ("applicant"), 2338 Central Avenue NE., Minneapolis, Minn., 55418, licensed under the Small Business Investment Act of 1958 and a closed-end nondiversified investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application for an order under section 17(d) of the Act and Rule 17d-1 thereunder permitting Charles E. Carlson, Loyal C. Simensen, A. T. Leonard, Burton W. Beidelman, Raymond C. Schweigert, and Obert M. Undem to dispose of common stock of Minneapolis Scientific Controls Corp. ("Minneapolis") in accordance with the terms described below. Five of these individuals are directors as well as officers of applicant and one is solely an officer of applicant. As a result of these relationships each of the individuals is an "affiliated person" of applicant within the meaning of section 2(a)(3) of the Act. Section 17(d) of the Act and Rule 17d-1 thereunder, taken together, provide, among other things, that it shall be unlawful for an affiliated person of a registered investment company to participate in or effect any transaction in connection with any joint enterprise or other joint arrangement or profit-sharing plan in which any such registered investment company is a participant, unless an application regarding such arrangement has been granted by the Commission. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Applicant owns a 7 percent debenture of American Monarch Corporation ("Monarch") in the principal amount of $200,000, which debenture has been assumed by Minneapolis, the successor corporation to Monarch. The debenture is secured by a second mortgage on the plant formerly owned by Monarch. Applicant also owns warrants for the purchase of 50,000 shares of Minneapolis common stock at $1.35 a share.

The affiliated persons mentioned hereinabove own in the aggregate 15,655 or 1.1 percent of the outstanding shares of common stock of Minneapolis.

The foregoing interests of applicant and the affiliated persons in Minneapolis were acquired under the following circumstances. In 1958 the various affiliated persons acquired an aggregate of 62,620 shares of Monarch common stock. Subsequently, in 1962 when the affiliated persons owned 5.8 percent of the outstanding common stock of Monarch, applicant purchased from Monarch (1) an 8 percent debenture of Monarch in the principal amount of $200,000 secured by a second mortgage on Monarch's plant, and (2) warrants for the purchase of 150,000 shares of Monarch common stock at $1.00 a share. Thereafter, pursuant to an agreement dated February 16, 1965, Minneapolis acquired all of the assets of Monarch in exchange for common stock of Minneapolis and the assumption by Minneapolis of all the liabilities and obligations of Monarch, including the $200,000 Monarch debenture. In this connection the $200,000 debenture was modified to provide, among other things, for a reduction of the interest rate to 7 percent and to require payment of at least $15,000 annually in reduction of principal; and applicant received its holdings of warrants of Minneapolis stock in substitution for the warrants of Monarch. In addition, the affiliated persons mentioned hereinabove received common stock of Minneapolis in substitution for their holdings of Monarch shares.

The application states that Minneapolis is not the type of company in which applicant desires an equity position; that it intends to obtain payment of the $200,000 debenture and to dispose of its holdings of Minneapolis warrants when market conditions are favorable; and that applicant is of the view that the disposition of Minneapolis stock by the affiliated person would not materially affect its position in Minneapolis or lessen the value of its holdings of Minneapolis warrants.

The application states that there is only one director of applicant who is also a director of Minneapolis and that such common director does not own any stock of Minneapolis. Applicant agrees that, so long as any affiliated person of applicant referred to hereinabove owns any stock of Minneapolis, such person will not participate in any discussion or decision at any executive committee or board of directors meeting with respect to the $200,000 debenture, or any other indebtedness of Minneapolis to applicant, or the warrants or to any other matter involving Minneapolis.

Applicant and each of the affiliated persons mentioned above who owns stock of Minneapolis request that such affiliated persons be permitted to dispose of Minneapolis stock in accordance with the following conditions:

1. Any affiliated person may dispose of any portion of his present holdings of Minneapolis stock, if, after giving effect to such disposition such person would not have disposed of more than 600 shares of Minneapolis stock during the preceding 12-month period without the filing of an application with or notice to the Commission.

2. If after giving effect to any proposed disposition, such affiliated person would have disposed of more than 600 shares of Minneapolis stock during the preceding 12-month period, such person shall notify the Commission of the proposed disposition by letter—

(a) Setting forth the number of shares such person proposes to dispose of and the method of disposition;

(b) Representing that such person (i) has advised each of the directors of applicant of the proposed transaction and none has expressed any objection thereto; (ii) has no knowledge of any adverse change of condition of Minneapolis or the market for its stock of which he has not advised applicant; and (iii) has been advised by those directors of applicant who do not own Minneapolis stock as to their current position on the questions whether applicant should sell or retain the debenture, and whether applicant should sell, retain or exercise the warrants;

(c) Setting forth all other relevant information.

If the Commission shall, within 20 days after the date of such notice, determine that a substantial question exists as to whether or not any such proposed disposition of Minneapolis stock should be authorized and shall mail or otherwise give notice to that effect to the particular person, such person may not consummate that proposed disposition of Minneapolis stock until an application with respect to that proposed disposi-

tion has been filed and the Commission has entered an order permitting that disposition. Otherwise such persons may proceed to dispose of the Minneapolis stock in the manner set forth in such notice, such disposition to be completed within 90 days after the end of the 20-day period.

Notice is further given that any interested person may, not later than December 6, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in the case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. An any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

It is ordered That the Secretary of the Commission shall send a copy of this Notice by certified mail to the Director, Office of Investment Assistance, Small Business Administration, Washington, D.C., 20416.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65–12591; Filed, Nov. 23, 1965; 8:46 a.m.]

[File No. 70–4325]

COLUMBIA GAS SYSTEM, INC., ET AL.

Notice of Proposed Open Account Advances to Subsidiary Companies

NOVEMBER 18, 1965.

In the matter of the Columbia Gas System, Inc., 120 East 41st Street, New York, N.Y., 10017, United Fuel Gas Co., Atlantic Seaboard Corp., Columbia Gas of Kentucky, Inc., Virginia Gas Distribution Corp., Kentucky Gas Transmission Corp., the Ohio Fuel Gas Co., Columbia Gas of Ohio, Inc., the Ohio Valley Gas Co., the Manufacturers Light and Heat Co., Cumberland and Allegheny Gas Co., Home Gas Co., Columbia Gas of New York, Inc., Columbia Gas of Pennsylvania, Inc., Columbia Gas of Maryland, Inc., Columbia Gulf Transmission Co.

Notice is hereby given that the Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its wholly-owned subsidiary companies listed above have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 6(b), 9, 10, and 12(b) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

During the winter heating season, certain of Columbia's operating subsidiary companies, particularly the distribution companies, generate substantial cash in excess of current requirements. Formerly, such excess funds were generally invested by these operating subsidiaries in U.S. Government Treasury Bills until such time as the cash was required for construction and other corporate purposes. Since the transmission subsidiaries generate smaller amounts of excess cash during such months than the distribution subsidiaries and their construction expenditures are generally larger, Columbia had been advancing such subsidiaries funds under Commission authorization while other subsidiaries had cash considerably in excess of current requirements. For the past 3 years, however, the Commission has authorized open account advances by Columbia to subsidiary companies and certain related transactions which are designed to alleviate this situation. The present filing requests authorization to continue these transactions during the calendar year 1966, as follows:

It is proposed that the subsidiary companies listed below will, in accordance with the exemptive provisions of Rule 42(b)(2) under the Act, prepay with excess cash, from time to time prior to the end of 1966, a portion of their outstanding installment promissory notes held by Columbia. The notes prepaid will not exceed the following amounts, which represent the maximum excess funds that such companies are expected to accumulate at any one time during the year 1966:

Columbia Gas of Pennsylvania, Inc.	$10,000,000
The Manufacturers Light & Heat Co	9,000,000
Columbia Gas of New York, Inc.	2,500,000
Columbia Gas of Maryland, Inc.	1,200,000
Cumberland & Allegheny Gas Co	1,500,000
Home Gas Co	1,500,000
Atlantic Seaboard Corp	6,000,000
Columbia Gas of Kentucky, Inc.	3,000,000
United Fuel Gas Co	40,000,000
Virginia Gas Distribution Corp.	1,500,000
The Ohio Fuel Gas Co	25,000,000
Columbia Gas of Ohio, Inc.	30,000,000
The Ohio Valley Gas Co	3,000,000
Columbia Gulf Transmission Corp	10,000,000
Kentucky Gas Transmission Corp	3,000,000
Total	147,200,000

The notes prepaid by the individual companies will be those bearing the highest interest rate or rates outstanding at the time of each prepayment. As any of such companies require funds for construction and other corporate purposes after prepayment, it is proposed that advances be made to them on open account by Columbia, provided that at no time will the amount of such advances to any subsidiary exceed the amount of notes theretofore prepaid by it, less any current maturities applicable to such notes which would have matured subsequent to the date of prepayment.

Open account loans to any subsidiary will bear interest at the same rate or rates as borne by the equivalent principal amounts of notes previously prepaid by it during 1966, but in reverse order to that of the prepayments, i.e., working up from the lowest rate payable on the notes previously prepaid to the highest rate. The proposed advances on open account to individual subsidiaries will be increased or decreased from time to time in accordance with variations in the cash flow of the individual subsidiaries. At such time as the advances to any subsidiary equal the aggregate amount of the notes prepaid by it or, in any event, not later than December 31, 1966, such prepaid notes will be reissued to and acquired by Columbia in repayment of the outstanding open account loans.

No financing of any operating subsidiary which may be presently or subsequently authorized by the Commission in connection with the construction or gas storage programs of any such subsidiary will be consummated until such time as advances have been made equal to the amount of notes prepaid. Any subsidiary not requiring financing during 1966 and which has borrowed on open account from Columbia an amount smaller than the amount of notes theretofore prepaid by it, will, on December 31, 1966, reissue its notes to Columbia in an amount sufficient to discharge its open account indebtedness, and the balance of its prepaid notes will be considered to have been permanently prepaid. Such permanent prepayment would be applied against notes bearing the highest interest rates and would be consummated only with respect to notes bearing interest at a rate equal to or in excess of the rate applicable to notes being acquired by Columbia from subsidiary companies as at December 31, 1966. In the event that a permanent prepayment by any subsidiary would be indicated with respect to notes bearing an interest rate less than said rate at December 31, 1966, such notes will be reissued by the subsidiary at or before the end of 1966, in order to preserve the lower interest rate of the notes scheduled for permanent prepayment.

It is stated that the proposed transactions are designed to utilize effectively aggregate system funds and to achieve the following: (1) Prepayment of inventory loans with commercial banks at an earlier date, (2) deferment of outside financing until aggregate system funds approach a minimum balance, and (3) facilitation of the internal financing of emergency requirements. In addition, operating subsidiaries having excess funds will be able, through the prepayment of installment promissory notes, to decrease their own net corporate interest expense during the period such funds are not required.

The joint application-declaration states that expenses to be incurred by Columbia and its subsidiaries in connection with the proposed transactions are estimated at $100 and $600, respectively, and that $550 of these aggregate expenses are for services, at cost, to be provided by Columbia Gas System Service Corporation.

It is further stated that the State commissions in West Virginia, Kentucky, Virginia, and New York have jurisdiction over various aspects of the proposed transactions; that the requisite orders have been obtained from the Public Service Commission of New York, the Public Service Commission of Kentucky, and the State Corporation Commission of Virginia; that appropriate applications will be filed with the Public Service Commission of West Virginia; and that copies of the applications to and the subsequent orders of the last-named State commission will be filed by amendment to the joint application-declaration.

Notice is further given that any interested person may, not later than December 13, 1965, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65–12590; Filed, Nov. 23, 1965; 8:46 a.m.]

DEPARTMENT OF LABOR

Office of Federal Contract Compliance

COMPLIANCE REPORTING SYSTEM

Notice for Filing

All contractors and subcontractors subject to Executive Order 11246, dated September 24, 1965, are advised that:

1. Some modification of the reporting system established by the President's Committee on Equal Employment Opportunity will be made in the near future. It is anticipated that there will be one consolidated report form for employers, to serve the needs of both this Office and the Equal Employment Opportunity Commission.

2. Pending this revision and until further notice, contractors subject to the reporting requirements established by the President's Committee on Equal Employment Opportunity will continue to submit reports in accordance with the printed instructions on Form 40 (revised Feb. 1964) and EEO–10 (Nov. 1964), except as modified herein.

3. The due date for the next annual reports on Standard Form 40 and EEO–10 will be March 31, 1966, and such annual reports shall reflect employment data from any payroll period during the preceding December, January, and February.

4. Standard Form 40 reports should be submitted to the Office of Federal Contract Compliance, 1800 G Street NW., Washington, D.C., 20212. Form BEO–10 reports should be submitted to Plans for Progress at the same address.

5. In submitting Standard Form 40 reports, a combined report for the company as a whole should be included, consolidating the data from the individual reporting units. This report should be marked "Consolidated Report" in space 5A of Standard Form 40.

6. To the extent that previous Notices for Filing (30 F.R. 2962, 11013) are inconsistent with this Notice, they should be disregarded.

Signed at Washington, D.C., this 19th day of November 1965.

EDWARD C. SYLVESTER, JR., *Director.*

[F.R. Doc. 65–12626; Filed, Nov. 23, 1965; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

NOVEMBER 19, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40137—*Liquefied petroleum gas to Henry, Colo.* Filed by Southwestern Freight Bureau, agent (No. B–8786), for interested rail carriers. Rates on liquefied petroleum gas, in tank carloads, from Beaver, Hough, Laverne, Mocane, and Straight, Okla., to Henry, Colo.

Grounds for relief—Market competition.

Tariff—Supplement 41 to Southwestern Freight Bureau, agent, tariff ICC 4557.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65–12612; Filed, Nov. 23, 1965; 8:48 a.m.]

[Notice 374]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

NOVEMBER 19, 1965.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Deviation No. 83), ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio, 44309, filed November 8, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Cleveland, Ohio, and Charlotte, N.C., over Interstate Highway 77, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from Cleveland, Ohio, over U.S. Highway 21 to Ghent, Ohio, thence over County Highway 17 (formerly portion U.S. Highway 21) to Crystal Spring, Ohio, thence over Ohio Highway 236 (formerly portion U.S. Highway 21) to Massillon, Ohio, thence over U.S. Highway 21 to Marietta, Ohio, thence over Ohio High-

way 7 to Belpre, Ohio, thence over U.S. Highway 50 to Parkersburg, W. Va., thence over U.S. Highway 21 to Wytheville, Va., thence over U.S. Highway 52 to Mount Airy, N.C., thence over U.S. Highway 601 to junction North Carolina Highway 268, thence over North Carolina Highway 268 to Elkin, N.C., thence over U.S. Highway 21 to Charlotte, N.C., and return over the same route.

No. MC 10343 (Deviation No. 7), CHURCHILL TRUCK LINES, INC., U.S. Highway 36 West, Chillicothe, Mo., filed November 8, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Davenport, Iowa, and junction U.S. Highway 61 and Iowa Highway 22 (formerly portion U.S. Highway 61), near Muscatine, Iowa, over U.S. Highway 61, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: Between Davenport, Iowa, and junction Iowa Highway 22 (formerly portion U.S. Highway 61) and U.S. Highway 61, over Iowa Highway 22.

No. MC 10343 (Deviation No. 8), CHURCHILL TRUCK LINES, INC., U.S. Highway 36 West, Chillicothe, Mo., filed November 8, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between junction Illinois Highway 2 and unnumber highway (formerly portion Illinois Highway 2), near Dixon, Ill., and junction unnumbered highway and Illinois Highway 2 near Sterling, Ill., over Illinois Highway 2, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: Between junction Illinois Highway 2 and unnumbered highway (near Dixon, Ill.), and junction Illinois Highway 2 and unnumbered highway near Sterling, Ill., over unnumbered highway via Palmyra, Ill.

No. MC 11220 (Deviation No. 14), GORDONS TRANSPORTS, INC., Post Office Box 2696, Memphis, Tenn., 38102, filed November 8, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between junction U.S. Highways 67 and 70 west of Benton, Ark., and Dallas, Tex., over U.S. Highway 67, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Little Rock, Ark., over Interstate Highway 30 to junction U.S. Highway 70 west of Benton, Ark., thence over U.S. Highway 70 to Durant, Okla., thence over U.S. Highway 75 to Dallas, Tex., and return over the same route.

No. MC 68078 (Deviation No. 1), CENTRAL MOTOR EXPRESS, INC., 2909 South Hickory St., Chattanooga, Tenn., 37407. Carrier's representative: Blaine Buchanan, James Building, Chattanooga, Tenn., filed November 12, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Niota, Tenn., and Riceville, Tenn., over U.S. Highway 11 By-Pass, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: Between Chattanooga, Tenn., and Sweetwater, Tenn., over U.S. Highway 11.

No. MC 68078 (Deviation No. 2), CENTRAL MOTOR EXPRESS, INC., 2909 South Hickory St., Chattanooga, Tenn., 37407, filed November 12, 1965. Applicant's representative: Blaine Buchanan, James Building, Chattanooga, Tenn. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions over a deviation route as follows: From Cleveland, Tenn., over Interstate Highway 75 to Chattanooga, Tenn., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chattanooga, Tenn., over U.S. Highway 11 to Sweetwater, Tenn., and return over the same route.

No. MC 68078 (Deviation No. 3), CENTRAL MOTOR EXPRESS, INC., 2909 South Hickory Street, Chattanooga, Tenn., 37407, filed November 12, 1965. Applicant's representative: Blaine Buchanan, James Building, Chattanooga, Tenn. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From Birmingham, Ala., over Interstate Highways 20 and 59 to junction Alabama Highway 5, thence over Alabama Highway 5 to junction U.S. Highway 43, thence over U.S. Highway 43 to junction Interstate Highway 65, thence over Interstate Highway 65 to Mobile, Ala., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) from Birmingham, Ala., to Tuscaloosa, Ala., over U.S. Highway 11; and (2) from Tuscaloosa, Ala., to Mobile, Ala., over U.S. Highway 43, and return over the same routes.

No. MC 68078 (Deviation No. 4), CENTRAL MOTOR EXPRESS, INC., 2909 South Hickory Street, Chattanooga, Tenn., 37407, filed November 12, 1965. Applicant's representative: Blaine Buchanan, James Building, Chattanooga, Tenn. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions over a deviation route as follows: From Knoxville, Tenn., over Interstate Highway 40 to junction U.S. Highway 27, thence over U.S. Highway 27 to junction U.S. Highway 70 and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Knoxville, Tenn., over U.S. Highway 70 to junction U.S. Highway 27, and return over the same route.

No. MC 68078 (Deviation No. 5), CENTRAL MOTOR EXPRESS, INC., 2909 South Hickory Street, Chattanooga, Tenn., 37407, filed November 12, 1965. Applicant's representative: Blaine Buchanan, James Building, Chattanooga, Tenn. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions over a deviation route as follows: From Harriman, Tenn., over Tennessee Highway 61 to junction U.S. Highway 70, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Knoxville, Tenn., over U.S. Highway 70 to junction U.S. Highway 27 and thence over U.S. Highway 27 to Harriman, Tenn., and return over the same route.

No. MC 68078 (Deviation No. 6), CENTRAL MOTOR EXPRESS, INC., 2909 South Hickory Street, Chattanooga, Tenn., 37407, filed November 12, 1965. Applicant's representative: Blaine Buchanan, James Building, Chattanooga, Tenn. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions over deviation routes as follow: (1) From Chattanooga, Tenn., over Interstate Highway 59 to Birmingham, Ala., and (2) from Chattanooga, Tenn., over Interstate Highway 59 to Gadsden, Ala., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follow: (1) From Chattanooga, Tenn., over U.S. Highway 11 to Attalla, Ala., thence over Alternate U.S. Highway 11 to junction U.S. Highway 11, thence over U.S. Highway 11 to Birmingham, Ala.; and (2) from Chattanooga, Tenn., over U.S. Highway 11 to Gadsden, Ala., and return over the same routes.

No. MC 68078 (Deviation No. 7), CENTRAL MOTOR EXPRESS, INC., 2909 South Hickory Street, Chattanooga, Tenn., 37407, filed November 12, 1965. Applicant's representative: Blaine Buchanan, James Building, Chattanooga, Tenn. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions over a deviation route as follows: From Harriman, Tenn., over Tennessee Highway 61 to junction U.S. Highway 70, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Knoxville, Tenn., over U.S. Highway 70 to junction U.S. Highway 27, and return over the same route.

No. MC 68078 (Deviation No. 8), CENTRAL MOTOR EXPRESS, INC., 2909 South Hickory Street, Chattanooga, Tenn., 37407, filed November 12, 1965. Applicant's representative: Blaine Buchanan, James Building, Chattanooga, Tenn. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From Birmingham, Ala., over Interstate Highway 20 to junction Alabama Highway 5, thence over Alabama Highway 5 to junction U.S. Highway 43, thence over U.S. Highway 43 to junction Interstate Highway 65, thence over Interstate Highway 65 to Mobile, Ala., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Birmingham, Ala., over U.S. Highway 11 to Tuscaloosa, Ala., thence over Alternate U.S. Highway 11 to junction U.S. Highway 11, thence over U.S. Highway 11 to Birmingham, Ala.; and (2) from Tuscaloosa, Ala., to Mobile, Ala., over U.S. Highway 43, and return over the same routes.

No. MC 125101 (Deviation No. 1), BIRCH TRUCK LINES, INC., Suite 819, 79 West Monroe Street, Chicago, Ill.; Carrier's representative: H. Charles Ephraim, 1411 K Street, NW., Washington, D.C., 20005, filed November 9, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between junction U.S. Highway 52 and Interstate Highway 74 at Indianapolis, Ind., and junction U.S. Highway 52 and Interstate Highway 74 two miles west of Harrison, Ohio, over Interstate Highway 74, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago, Ill., over U.S. Highway 52, thence over U.S. Highway 52 to Cincinnati, Ohio, and return over the same route.

MOTOR CARRIER OF PASSENGERS

No. MC 61616 (Deviation No. 12), MIDWEST BUSLINES, INC., 433 West Washington Avenue, North Little Rock, Ark., filed November 8, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express, mail* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Russellville, Ark., over Arkansas Highway 7 to junction relocated U.S. Highway 64 (Interstate Highway 40), thence over relocated U.S. Highway 64 (Interstate Highway 40) to junction old U.S. Highway 64, 2.8 miles west of Knoxville, Ark., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Fort Smith, Ark., over U.S. Highway 64 to junction U.S. Highway 65, thence over U.S. Highway 65 to junction U.S. Highway 70, thence over U.S. Highway 70 to Memphis, Tenn., and return over the same route.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-12608; Filed, Nov. 23, 1965; 8:47 a.m.]

[Notice 845]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

NOVEMBER 19, 1965.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 114045 (Sub-No. 207), filed November 10, 1965. Applicant: TRANSCOLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex., 75206. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Baltimore, Md., to points in Georgia, Florida, Ohio, Wisconsin, Michigan, Tennessee, Arkansas, Kentucky, Indiana, West Virginia, Virginia, Illinois, and Missouri.

HEARING: December 1, 1965, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Joseph A. Reilly.

No. MC 61506 (Sub-No. 17) (Republication), filed April 3, 1963, published FEDERAL REGISTER issue of May 1, 1963, and republished this issue. Applicant: RUSSELL TRANSFER COMPANY, INC., Post Office Box 92, Washington, Ga. Applicant's representative: Theodore M. Forbes, Jr., Suite 825, The Citizens and Southern National Bank Building, Atlanta 3, Ga. By application filed April 3, 1963, applicant seeks a permit authorizing operation, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of petroleum and petroleum products as defined in appendix XIII to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, including naphtha, but excluding all other acids and chemicals named in appendix IV thereto, in bulk, in tank vehicles only, from Colonial Pipe Line Co. terminals in Alabama, Georgia, Tennessee, South Carolina, North Carolina, and Virginia, to points in Mississippi, Alabama, Tennessee, Kentucky, Georgia, Florida, South Carolina, North Carolina, and Virginia, and rejected shipments, on return. A report and order of the Commission, dated October 28, 1965, and served November 10, 1965, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier*, by motor vehicle, over irregular routes, under a continuing contract with the Gulf Oil Corp., of *petroleum products* (except petro acids and chemicals, and asphalt and asphalt products), in bulk, in tank vehicles.

(a) From terminals off the Colonial pipeline at or near (1) Charlotte, Greensboro and Selma, N.C., to points in South Carolina, Georgia, and Tennessee; (2) Belton and Spartanburg, S.C., to points in North Carolina, Georgia, and Tennessee; (3) Sweetwater (North Augusta), S.C., to points in North Carolina and Tennessee; (4) Atlanta, Rome, Lookout Mountain, Griffin, Macon, Americus, Albany, Athens, and Bainbridge, Ga., to points in Alabama; (5) Atlanta, Rome, Lookout Mountain, Griffin, Macon, Americus, Albany, Athens, and Bainbridge, Ga., to points in Tennessee (except that no authority is granted from Lookout Mountain to Oak Ridge, Tenn., and points within 5 miles thereof, and Greeneville, Johnson City, Kingsport, Knoxville, La Follette, Morristown, Newport, New Tazewell, Sevierville, Clinton, Rutledge, Blountville, Jonesboro, and Rodgersville, Tenn.), and (6) Knoxville and Nashville, Tenn., to points in Alabama (except points on and north of U.S. Highway 78 and those in Walker County) Georgia, North Carolina (except that no authority is granted from Knoxville to Asheville and Bryson City, N.C.), and South Carolina; and (b) from terminals off the Plantation pipeline at or near Birmingham and Montgomery, Ala., to points in Georgia, Florida, Kentucky, and Tennessee (except no authority is granted from those at or near Birmingham to points in Tennessee), will be consistent with the public interest and the national transportation policy, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 112750 (Sub-No. 177) (SECOND CORRECTED REPUBLICATION), filed January 14, 1964, published FEDERAL REGISTER issues of January 29, 1964, March 31, 1965, and November 10, 1965, respectively, and republished, this issue. Applicant: ARMORED CARRIER CORPORATION, Bayside, N.Y. On February 24, 1965, the Commission, Operating Rights Board No. 1, filed and entered an order in the above-entitled proceeding, which was served on March 8, 1965. A corrected notice to the parties, dated March 17, 1965, and served April 16, 1965, corrected the third numbered paragraph of the findings in appendix B thereof. The purpose of this republication is to show that (2)(a) of appendix B should read: *Checks, business papers, records and audit and accounting media* (except cash letters), between Columbus, Ohio, on the one hand, and, on the other, Huntington, W. Va.

No. MC 113828 (Sub-No. 33) (REPUBLICATION), filed May 31, 1963, published FEDERAL REGISTER issue of June 19, 1963, and republished, this issue. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington 14, D.C. Applicant's representative: Dale C. Dillon, 1825 Jefferson Place NW., Washington 36, D.C. By application filed May 31, 1963, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of petroleum and petroleum products, including naptha (but excluding all other acids and chemicals), in bulk, in tank vehicles, from Colonial Pipe Line Co. terminals in Alabama,

Georgia, Tennessee, South Carolina, North Carolina, and Virginia, to points in Mississippi, Alabama, Tennessee, Kentucky, Georgia, Florida, South Carolina, North Carolina, and Virginia, and returned and rejected shipments, on return. A report and order of the Commission, dated October 28, 1965, and served November 10, 1965, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *petroleum products* (except petrol acids and chemicals, and asphalt and asphalt products) in bulk, in tank vehicles, from terminals off the Colonial pipeline at or near (1) Selma, N.C., to points in Bath, Augusta, Albemarle, Louisa, Hanover, King William, King and Queen, and Middlesex Counties, Va., and points in Virginia south thereof, except Portsmouth, Va., and points within 10 miles thereof, and (2) Montvale, Va., to points in North Carolina and that part of West Virginia, in, south, and east of Pendleton, Tucker, Randolph, Upshur, Webster, Nicholas, Clay, Kanawha, Lincoln, and Mingo Counties, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 123156 (Sub-No. 1) (REPUBLICATION), filed December 5, 1963, published FEDERAL REGISTER issue of January 29, 1964, and republished, this issue. Applicant: RAND'S TRANSPORT, INC., Hammonds Ferry Road, Linthicum, Md. By application filed December 5, 1963, applicant seeks a permit authorizing operation, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of petroleum and petroleum products, in bulk, from all distribution outlets of the Colonial Pipe Line maintained within Maryland, to points in Pennsylvania, the District of Columbia, Virginia, West Virginia, and Delaware, and returned and rejected shipments, on return. A report and order of the Commission, dated October 28, 1965, and served November 10, 1965, finds that operation by applicant in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, under a continuing contract with Franklin Terminals, of *petroleum products* (except petro acids and chemicals and asphalt and asphalt products) in bulk, in tank vehicles, over irregular routes, from terminals off the Colonial pipeline at or near Fairfax, Va., to the District of Columbia, points in Maryland, Jefferson, Berkeley, Morgan, Hampshire, Mineral, Tucker, Grant, Hardy, and Pendleton Counties, W. Va., Kent and Sussex Counties, Del., and Chambersburg, Gettysburg, Harrisburg, Huntingdon, Lebanon, Lewistown, and York, Pa., will be consistent with the public interest and the national transportation policy, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

NOTICE OF FILING OF PETITION

No. MC 41875 (Sub-Nos. 6 and 7) (PETITION FOR WAIVER OF RULE 1.101(e), FOR RECONSIDERATION, AND FOR MODIFICATION OF CERTIFICATE), filed November 3, 1965. Petitioner: DRAPER CONSTRUCTION COMPANY, INC., Roanoke, Va. Petitioner's attorneys: Paul F. Sullivan and William G. Spruill, 1815 H Street NW., Washington, D.C. Petitioner states that it is authorized in No. MC 41875 Sub-No. 6 to transport: *Heavy machinery* (except knitting machinery), the transportation of which, because of size or weight, requires the use of special equipment, and *related contractors' materials, supplies and equipment* when the transportation is incidental to the transportation by said carrier of heavy machinery, including road contractors' machinery which by reason of size or weight require special equipment, between points and places in Virginia within an area extending from the Virginia-West Virginia State line at U.S. Highway 33, along U.S. Highway 33 to junction U.S. Highway 29, thence along U.S. Highway 29 to the Virginia-North Carolina State line and the Virginia-Tennessee State line to the Virginia-Kentucky State line, thence along the Virginia-Kentucky State line, and the Virginia-West Virginia State line to point of beginning including points and places on the indicated portions of the highways specified. Between points and places in the above-described Virginia territory, on the one hand, and, on the other, points and places in North Carolina, Tennessee, Kentucky, South Carolina, and in West Virginia, on and south of U.S. Highway 60. It also states that the authority contained in the above-referred-to certificate is predicated upon the application and evidence of record in No. MC 41875 (Sub-No. 7); thus, it is necessary to examine the Sub-No. 7 proceeding in order to gain the background and necessary information regarding its Sub-6 certificate. By the instant petition, petitioner requests that the Commission grant its petition for waiver of the provisions of Rule 1.101(e) and reopen the proceeding in order to modify the Sub-No. 6 certificate, by redescribing the authority to conform to the present Commission views with regard to the proper commodity description for a so-called heavy hauler.

MOTOR CARRIERS OF PROPERTY

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 10761 (Sub-No. 185), filed November 8, 1965. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, liquors, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Milford, Conn., as an intermediate point in connection with authorized operations between Hartford, Conn., and Atlanta, Ga. This is a matter to be concurrently handled with MC-F-9227, published in FEDERAL REGISTER, issue of October 13, 1965.

No. MC 14659 (Sub-No. 4), filed November 8, 1965. Applicant: O'DONNELL'S EXPRESS, 5 Davis Street, Presque Isle, Maine. Applicant's representative: Kenneth B. Williams, 111 State Street, Boston 9, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, livestock, Classes A and B explosives, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between points in Massachusetts. NOTE: This is a matter directly related to MC-F-9251, published in FEDERAL REGISTER, issue of November 17, 1965.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-9255. Authority sought for purchase by HERMANN SERVICE INC., 720 Hermann Road, North Brunswick, N.J., of the operating rights and certain property of HARRY O. KLINE, doing business as H. O. KLINE TRANSFER CO., 305 Hazeldell Avenue, Minquadale, New Castle, Del., and for acquisition by ALBERT W. HERMANN, RICHARD W. HERMANN, and EDGAR V. DUNN, all, also of North Brunswick, N.J., of control

of such rights and property through the purchase. Applicants' attorney: Charles J. Williams, 1060 Broad Street, Newark, N.J., 07102. Operating rights sought to be transferred; *General commodities*, except those of unusual value, class A and B explosives, liquor requiring special permit, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier*, over irregular routes, between points in Maryland on and east of a line extending from the Maryland-Delaware State line along U.S. Highway 13 to Salisbury, Md., thence along Maryland Highway 12 to Snow Hill, Md., and on and north of a line extending from Snow Hill to Chincoteague Bay via Spence, Md., those south and west and within 5 miles of the highways specified, on the one hand, and, on the other, Wilmington, Del., Philadelphia, Pa., and points in that part of Delaware and Pennsylvania on and east of a line extending from Wilmington, Del., along U.S. Highway 202 to junction U.S. Highway 1.

Thence along U.S. Highway 1 to Philadelphia, from Philadelphia, Pa., and Wilmington, Del., and points in Delaware and Pennsylvania within the territory specified immediately above, to points in Delaware on or within five miles of U.S. Highway 13 and 113 extending from Dover, Del., to the Delaware-Maryland State line; *empty petroleum products containers*, from Seaford and Georgetown, Del., to Marcus Hook, Pa.; *new household, office, and store furniture, equipment, and appliances*, between Wilmington, Del., on the one hand, and, on the other, points in Maryland, New Jersey, and Pennsylvania within 25 miles of Wilmington; *baggage*, between Wilmington, Del., on the one hand, and, on the other, points in Pennsylvania and Delaware within 10 miles of Wilmington; *agriculture commodities*, from points in Worcester and Wicomico Counties, Md., to Wilmington, Del., Chester and Philadelphia, Pa., Baltimore, Md., Washington, D.C., Newark, N.J., and New York, N.Y.; *agricultural commodities, eggs*, and *livestock*, from points in Sussex County, Del., to Philadelphia, Pa.; and *empty egg cases*, from Philadelphia, Pa., to points in Sussex County, Del. Vendee holds no authority from this Commission. However, its controlling stockholders are affiliated with HERMAN FORWARDING COMPANY, Hermann Road, Post Office Box 1, North Brunswick, N.J., which is authorized to operate as a *common carrier* in New Jersey, New York, Pennsylvania, and Delaware. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9256. Authority sought for control by EUGENIA PROPERTIES, INC., 500 Park Avenue, New York, N.Y., 10022, of: (1) NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla.; (2) FOOD TRANSPORT, INC., 1601 Bronxdale Avenue, Bronx, N.Y.; (3) MARKET HAULAGE, INC., 333 North Bedford Road, Mount Kisco, N.Y.; and (4) RELAY TRANSPORT, INC., 46-02 Fifth Street, Long Island City, N.Y., and for acquisition by PEPSICO, INC., also of 500 Park Avenue, New York, N.Y., 10022, of control of (1) NATIONAL TRAILER CONVOY, INC., (2) FOOD TRANSPORT, INC., (3) MARKET HAULAGE, INC., and (4) RELAY TRANSPORT, INC., through the acquisition by EUGENIA PROPERTIES, INC. Applicants' attorneys: Harry G. Silleck, Jr., and Emmet McCaffery, 20 Broad Street, New York, N.Y., 10005. Operating rights sought to be controlled: (1) (NATIONAL TRAILER CONVOY, INC.) *Trailers*, designed to be drawn by passenger automobiles, in initial and/or secondary movements, in truckaway and/or driveaway service, and numerous other specified commodities, as a *common carrier*, over irregular routes, from, to, and between points in the United States (except Hawaii), with certain specified restrictions, as more specifically described in Docket No. MC-106398 and subnumbers thereunder. (The above description does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of the voluminous authority held by this carrier, without stating, in full, the entirety thereof.) (2) (FOOD TRANSPORT, INC.) *Such commodities* as are sold by retail and chain grocery and food business houses and stores, and *supplies, equipment, advertising materials, and related items* used in the conduct of such business, except, in any instance, commodities in bulk, in tank vehicles, as a *contract carrier*, over irregular routes, from New York, N.Y., to points in Bergen, Hudson, Monmouth, and Union Counties, N.J., Fairfield, Hartford, and New Haven Counties, Conn., and Dutchess, Nassau, Orange, Suffolk, Sullivan, and Ulster Counties, N.Y.

Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with Gristede Bros., Inc.; (3) (MARKET HAULAGE, INC.) *Such commodities*, as are sold by retail and chain grocery and food business houses and stores, and *supplies, equipment, and advertising material, and related items* used in the conduct of such businesses, as a *contract carrier*, over irregular routes, from Mount Kisco, N.Y., to points in Fairfield, Hartford, and New Haven Counties, Conn., from Mount Kisco, N.Y., to Westerly, R.I., Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with the Grand Union Co.; *bakery products*, in insulated vehicles, from Bridgeport, Conn., to Carlstadt, N.J., and Mount Kisco and Waterford, N.Y., Restriction: The operations authorized herein are limited to the transportation service to be performed under a continuing contract, or contracts, with the Grand Union Co.; and *bakery products*, from Bridgeport, Conn., to Landover, Md., Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with the Grand Union Co.; and (4) (RELAY TRANSPORT, INC.) *Flavoring syrup*, in bulk, in tank vehicles, as a *contract carrier*, over irregular routes, from Long Island City, N.Y., to Newark, New Brunswick, Teterboro, and Asbury Park, N.J., and Philadelphia, Pa.; *liquid sugar*, in bulk, in tank vehicles, from Long Island City, N.Y., to Newark, N.J.; *invert sugar*, in bulk, in tank vehicles, from Long Island City, N.Y., to Newburgh, N.Y., Hamden and Fairfield, Conn., and Elizabeth and Bridgeton, N.J.; and *flavoring syrup, liquid and invert sugar*, all commodities moving in bulk, in tank vehicles, from Long Island City, N.Y., to Alexandria, Va., traversing Delaware, Maryland, New Jersey, Pennsylvania, and the District of Columbia, for operating convenience only. EUGENIA PROPERTIES, INC., holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b). NOTE: A petition and motion to dismiss the application for lack of jurisdiction has been filed simultaneously.

No. MC-F-9257. Authority sought for purchase by SUBLER TRANSFER, INC., 791 East Main Street, Versailles, Ohio, 45380, of the operating rights and property of CHRISPENS TRUCK LINES, INC., 348 West 42d Place, Chicago, Ill., 60609, and for acquisition by KENNETH F. SUBLER, BASIL C. SUBLER, and RUBY SUBLER, all also of Versailles, Ohio, of control of such rights and property through the purchase. Applicants' attorney: Taylor C. Burneson, 3430 Leveque-Lincoln Tower, Columbus, Ohio, 43215. Operating rights sought to be transferred: *Paper products, materials used in the manufacture of paper products*, and *steel strapping*, as a *common carrier*, over regular routes, between Hamilton, Ohio, and Chicago, Ill., serving certain intermediate and off-route points; *paper, paper products*, and *pulp board*, over irregular routes, from certain specified points in Ohio, to Chicago, Ill.; *groceries*, from Chicago, Ill., to certain specified points in Ohio; *fish*, from certain specified points in Ohio, to Chicago, Ill., *canned food*, from Oak Harbor, Ohio, to Chicago, Ill., *wire, iron, brass, and steel products, automobile parts and appliances, electrical household appliances, pottery insulators, printing paper, paper products, refrigerators, cooling machinery, supplies, and equipment*, and *electrical automobile equipment*, from certain specified points in Ohio, to Chicago, Ill.; *packinghouse products, equipment and supplies used in meat packinghouses*, and *commodities requiring refrigeration* (other than liquids), between Chicago, Ill., on the one hand, and, on the other, Fort Wayne, Ind., and certain specified points in Ohio; *paper cartons*, from Springfield, Ohio, to Chicago, Ill.; *skids for paper*, from Chicago, Ill., to certain specified points in Ohio.

Meats, meat products, and meat byproducts, dairy products, and *articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, restricted to the transportation

of such commodities when moving to or from warehouses, plants, or other facilities of meat packinghouses, from Chicago, Ill., to Hillsboro, Ohio; *meat packinghouse supplies and materials, meats, meat products, and meat byproducts, dairy products,* and *articles distributed by meat packinghouses,* as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier certificates,* 61 M.C.C. 209 and 766, restricted to the transportation of such commodities when moving to or from warehouses, plants, or other facilities of meat packinghouses, from Mishawaka, Ind., to points in Ohio on and north of U.S. Highway 22; *pulpboard* and *paper and paper products,* from Dayton, Ohio, to Cayuga, Ind., from Cleveland, Ohio, to certain specified points in Illinois; *paper and paper products,* from Hamilton, Ohio, to certain specified points in Wisconsin, Missouri, Pennsylvania, New York, Indiana, Illinois, and Michigan (with exceptions); *steel strapping, paper and paper products,* and *materials and supplies* used in the manufacture and shipping of paper and paper products, from Toledo, Ohio, and the destination points specified in the immediately preceding paragraph, to Hamilton, Ohio; *paper, paper products, pulpboard,* and *pulpboard products,* and *materials and supplies* used or useful in the manufacture thereof, between Springfield, Ohio, on the one hand, and, on the other, certain specified points in Indiana and Illinois (with exceptions); *paper and paper products,* from Hamilton, Ohio, to Providence, R.I., and points in New Jersey and New York (with exceptions); *skids for paper,* from the destination points in the immediately preceding paragraph, to Hamilton, Ohio; *cleaning compounds, washing compounds, soap, soap products, concentrated lye, chlorinated lime, shortening, oleomargarine,* and *glycerine,* from Chicago, Ill., to certain specified points in Ohio.

Restriction: The separately-stated authorities granted herein shall not be tacked or joined, directly or indirectly, for the purpose of performing any through service; *tile and refactory products,* from certain specified points in Ohio, to points in Illinois; *meats, meat products, meat byproducts, dairy products,* and *articles distributed by meat packinghouses,* as described by appendix I to the report in *Descriptions in Motor Carriers Certificates,* 61 M.C.C. 209 and 766, except liquid commodities in bulk, in tank vehicles, between the plantsite of Swift & Co., at Rochelle, Ill., on the one hand, and, on the other, Fort Wayne, Ind., certain specified points in Ohio. Restriction: The service authorized herein is restricted against tacking and interlining at Rochelle, Ill.; *brick, tile,* and *other refactory products,* from certain specified points in Pennsylvania to points in Illinois; *meats, meat products and meat byproducts* and *articles distributed by meat packinghouses,* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, and *equipment, materials and supplies* used in the conduct of such business, except liquid commodities in bulk, in tank vehicles, from the plantsite of the Agar Packing Co. at Momence, Ill., to Fort Wayne, Ind., and certain specified points in Ohio. Restriction: The authority granted herein is restricted to the transportation only of shipments originating at the Agar Packing Co. plant at Momence, Ill.; *frozen foods,* from Darien, Wis., to points in Indiana and Ohio.

Restriction: The authority granted herein shall be restricted (1) against tacking with any authority presently held by carrier and (2) against interlining at Darien, Wis.; *meats, meat products, and meat byproducts,* and *articles distributed by meat packinghouses* (except hides and commodities in bulk, in tank vehicles), as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from the plantsite of Armour and Co. near Sterling, Ill., to points in Indiana and Ohio. Restriction: The authority granted herein granted may not be tacked with any other authority held by carrier so as to perform a through service via the point of origin near Sterling, Ill.; from the plantsite of Armour and Co., near Worthington, Minn., to points in Illinois, Indiana, and Ohio. Restriction: The authority granted herein is (1) limited to shipments originating at the plantsite of Armour & Co. near Worthington, Minn., and is (2) restricted against operations through interlining with any other carrier and against tacking, both at point of origin and at destinations herein authorized to be served, with any authority now held; from the plantsite and storage facilities utilized by Wilson & Co., Inc., at or near Cherokee, Iowa, to points in Indiana and Ohio. Restriction: The authority granted herein is restricted to the transportation of traffic originating at the plantsite and storage facilities utilized by Wilson & Co., Inc., at or near Cherokee, Iowa; and *meats, meat products, and meat byproducts,* and *articles distributed by meat packinghouses* (other than commodities in bulk, in tank vehicles), as described in sections A and C of appendix I, to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from the plantsite of Agar Packing Co. at or near Monmouth, Ill., to points in Indiana and Ohio. Vendee is authorized to operate as a *common carrier* in Ohio, Illinois, Indiana, West Virginia, New York, Rhode Island, Connecticut, Maryland, Delaware, Wisconsin, Pennsylvania, Missouri, Kentucky, Massachusetts, New Hampshire, Vermont, Virginia, Maine, Minnesota, Nebraska, Iowa, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9259. Authority sought for control by CHARLES C. GAY, 4800 Augusta Road, Savannah, Ga., of BUILDERS TRANSPORT, INC., 2500 Emogene Street, Mobile, Ala. Applicants' attorney: Irving J. Raley, 1825 Jefferson Place NW., Washington, D.C. Operating rights sought to be controlled: *Roofing and building materials,* as a *contract carrier,* over irregular routes, between Mobile, Ala., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Louisiana, Mississippi, Tennessee, and Texas, except from points in Alabama to Mobile, Ala.; *tarred felt* and *coal tar pitch,* from Birmingham, Ala., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, Tennessee, and Texas; *materials, equipment, and supplies* used in the manufacture, installation, or application of roofing and building materials, from Mobile, Ala., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, Tennessee, and Texas, from points in Florida, Georgia, Louisiana, Mississippi, Tennessee, and Texas, to Moblie, Ala. Restriction: The service authorized herein is subject to the following conditions: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with the Ruberoid Company, of South Bound Brook, N.J. The authority granted herein is restricted against the transportation of any of the commodities described hereinabove when shipped in bulk, in tank vehicles. CHARLES C. GAY holds no authority from this Commission. However, he is affiliated with GAY TRUCKING CO., 4800 Augusta Road, Savannah, Ga., which is authorized to operate as a *common carrier* in Georgia, Alabama, Florida, Mississippi, North Carolina, South Carolina, Tennessee, Louisiana, Missouri, Delaware, Indiana, Maryland, New Jersey, Ohio, Virginia, Texas, Kentucky, West Virginia, Arkansas, Illinois, Iowa, Kansas, Michigan, Minnesota, Nebraska, Oklahoma, South Dakota, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9260. Authority sought (A) for purchase by PETROLEUM TRANSPORT COMPANY, Post Office Box 3119, Midland, Tex., of the operating rights and certain property of H. M. POPP TRUCK LINE, INC., 103 East 12th Street, Hays, Kans.; and (B) for purchase by H. M. POPP TRUCK LINE, INC., 103 East 12th Street, Hays, Kans., of a portion of the operating rights and certain property of PETROLEUM TRANSPORT CO., Post Office Box 3119, Midland, Tex., and for acquisition by (A) THE PERMIAN CORPORATION, Post Office Box 3119, Midland, Tex.; and (B) IRENE POPP SWIM, 1350 East La Salle, Colorado Springs, Colo., GLENN POPP, No. 4 Charros Drive, Lookout Mountain, Colo., and DOROTHY POPP BURNS, 2201 Oak Street, Hays, Kans., of control of such rights and property through the purchases. Applicants' attorney: O. Russell Jones, Post Office Box 2228, Santa Fe, N. Mex. Operating rights sought to be transferred: (A) *Petroleum crude oil,* in bulk, in tank vehicles, as a *common carrier,* over irregular routes, from certain specified points in Nebraska, to certain specified points in Kansas; (B) *Refined petroleum products,* in bulk, as as *common carrier,* over regular routes, from El Dorado, Kans., to points in Colorado, serving the intermediate point of Augusta, Kans., for pickup only, from Augusta, Kans., to certain specified points in Colorado, serving no intermediate points; *petroleum products,* in bulk, in tank vehicles, from Sinclair, Wyo. (formerly Parce), to Boulder, Colo., from Evansville, Wyo., to certain specified points in Colorado; *fuel oils,* in bulk, in tank vehicles, from Thermopolis, Wyo., to Scoville, Idaho, serving the intermediate points of Jackson, Wyo., and Idaho Falls, Idaho, from Thermopolis, Wyo., to St. Anthony, Idaho, serving the intermediate points of Jackson, Wyo., and Idaho Falls and Rexburg, Idaho.

Refined petroleum products, in bulk, in tank vehicles, over regular and irregular routes, from certain specified points in Kansas, to Littleton, Colo., serving certain intermediate points for delivery only, from certain specified points in Kansas, to Denver, Colo., serving the intermediate point of Littleton, Colo., for delivery only, from certain specified points in Kansas, to Wiggins, Colo., serving the intermediate point of Wray, Colo., for delivery only, from certain specified points in Kansas, to Montrose, Colo., serving no intermediate points; the service authorized above is subject to the condition that carrier shall not also operate as a private carrier of property by motor vehicle in the transportation of refined petroleum products, in bulk, in interstate or foreign commerce; *petroleum products,* in bulk, in tank vehicles, from certain specified points in Kansas, to Denver, Colo., serving no intermediate points; *petroleum products,* in bulk, in tank vehicles, except aviation gasoline, over irregular routes, from Denver, Colo., to certain specified points in Wyoming, restricted against the transportation of traffic to any airport; *petroleum products,* in bulk, in tank vehicles, from Evansville, Wyo., to Brush, Colo., from Glenrock, Wyo., to certain specified points in Colorado; *petroleum products,* other than crude oil, between points in Wyoming; *petroleum products,* from El Dorado, Kans., to certain specified points in Colorado; *refined petroleum products,* in bulk, from petroleum refining points in Wyoming to certain specified points in Colorado; *refined petroleum products,* in bulk, in tank vehicles, from Glenrock, Wyo., to certain specified points in Colorado; *petroleum products,* in bulk, in tank vehicles, as described in appendix XIII to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, from certain specified points in North Dakota, to points in Wyoming, from certain specified points in Nebraska, to certain specified points in South Dakota, between certain specified points in Wyoming, on the one hand, and, on the other, certain specified points in Wyoming; *petroleum products,* in bulk, in tank vehicles, as described in appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, from certain specified points in Nebraska, to certain specified points in Kansas; and *petroleum products* as described in appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, in bulk, in tank vehicles, in seasonal operations during the period November 1 to April 30, inclusive, of each year, from Gilsonite, Colo., to certain specified points in Colorado. Application has been filed for temporary authority under section 210a(b).

No. MC–F–9261. Authority sought for purchase by LOMAR TRANSPORTATION CO., INC., 2440 East Ontario Street, Philadelphia, Pa., 19134, of the operating rights of REDIGO TRUCKING, INC., 9956 Haldeman Street, Philadelphia, Pa., 19115, and for acquisition by LOUIS MARIANNI, also of 2440 East Ontario Street, Philadelphia, Pa., 19134, of control of such rights through the purchase. Applicants' attorney: Morris J. Winokur, 1920 Two Penn Center Plaza, Philadelphia, Pa., 19102. Operating rights sought to be transferred: *Gears and gear wheels, drugs, sheet metal products,* and *iron fencing and accessories,* as a *common carrier,* over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other, points in Delaware and New Jersey. Vendee is authorized to operate as a *common carrier* in Pennsylvania, Delaware, New York, Maryland, New Jersey, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC–F–9262. Authority sought for control by CHROMALLOY CORPORATION, 120 Broadway, New York, N.Y., 10005, of (1) CHICAGO & CALUMET DISTRICT TRANSIT COMPANY, INC., 4923 Columbia Avenue, Hammond, Ind.; (2) KENTUCKY BUS LINES, INC., Office: 218 East Main Street, Louisville, Ky., Mail: 615 North Ninth Street, St. Louis, Mo.; and (3) TEXAS MOTOR COACHES, INC., Office: 615 North Ninth Street, St. Louis, Mo., Mail: 815 Calhoun Street, Fort Worth, Tex.; by reason of the stock purchase of its parent AMERICAN TRANSIT CORP., 615 North Ninth Street, St. Louis 1, Mo., a no-record carrier. Applicants' attorney: Maxwell A. Howell, 1120 Investment Building, 1511 K Street NW., Washington, D.C., 20005. Operating rights sought to be controlled: (1) Passengers and their baggage, as a *common carrier,* over regular routes, between Chicago, Ill., and Hammond, Ind., between Chicago, Ill., and Gary, Ind., between Hammond, Ind., and Lansing, Ill., between Hammond, Ind., and Calumet City, Ill., between Hammond, Ind., and Griffith, Ind., and Oak Glen, Ill., between Hammond, Ind., and East Chicago, Ind., between points in Hammond, Ind., between points in East Chicago, Ind., between Whiting, Ind., and Highland, Ind. (between points in Chicago, Ill., between Hammond, Ind., and Whiting, Ind., between points in Hammond, Ind., between points in Whiting, Ind., serving all intermediate points; passengers, and their baggage, in the same vehicle with passengers, in Calumet City, Ill., between the junction of Campbell Avenue, and Michigan City Road and the junction of Burnham Avenue, and Michigan City Road, serving all intermediate points); and passengers and their baggage, restricted to traffic originating in the territory indicated, in charter operations, over irregular routes, from points within 30 miles of the above-specified regular routes (not including regular routes in parenthesis), to points in Illinois, Indiana, Michigan, and Wisconsin; (2) passengers and their baggage, and express and newspapers in the same vehicle with passengers, as a *common carrier,* over regular routes, between Louisville, Ky., and Carrollton, Ky., between New Castle, Ky., and junction Kentucky Highway 146 and U.S. Highway 60, near St. Matthews, Ky., between Louisville, Ky., and Paducah, Ky., between junction U.S. Highway 62 and Kentucky Highway 282, near Gilbertsville, Ky., and junction Kentucky Highway 95 and U.S. Highway 62, between Nortonville, Ky., and Madisonville, Ky., between junction U.S. Highway 41 and Kentucky Highway 112, near Earlington, Ky., and junction Kentucky Highway 112 and U.S. Highway 62, near Dawson Springs, Ky., serving all intermediate points; and (3) passengers and their baggage, and express, newspapers, and mail in the same vehicle with passengers, as a *common carrier,* over regular routes, between Fort Worth Tex., and Dallas, Tex., between Fort Worth, Tex., and Arlington, Tex., serving all intermediate points. CHROMALLOY CORPORATION holds no authority with this Commission. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65–12609; Filed, Nov. 23, 1965; 8:48 a.m.]

[Notice 847]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

NOVEMBER 19, 1965.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below:

Special rules of procedure for hearing. (1) All of the testimony to be adduced by applicant's company witnesses shall

be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 103654 (Sub-No. 99), filed November 12, 1965. Applicant: SCHIRMER TRANSPORTATION CO., INC., 1145 Homer Street, St. Paul 16, Minn. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, including but not limited to *anhydrous ammonia, nitrogen fertilizer solutions*, and *aqua ammonia*, in bulk, from the plantsite of Tuloma Gas Products Co., located at or near Peoria, Ill., to points in Iowa, Indiana, Michigan, Minnesota, Missouri, Ohio, South Dakota, and Wisconsin.

HEARING: January 17, 1966, at the U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill., before Examiner Edith H. Cockrill.

No. MC 108449 (Sub-No. 208) (Amendment), filed August 6, 1965, published in FEDERAL REGISTER issue of August 26, 1965, amended November 10, 1965, and republished as amended this issue. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn., 55113. Applicant's representative: Adolph J. Bieberstein, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, including but not limited to *anhydrous ammonia, nitrogen fertilizer solutions*, and *aqua ammonia*, in bulk, from the plantsite of the Tuloma Gas Products Co., located at or near Burlington, Iowa, to points in Illinois, Indiana, Iowa, Michigan, Missouri, Minnesota, Nebraska, South Dakota, and Wisconsin. NOTE: The purpose of this republication is to add the destination State of Iowa.

HEARING: January 17, 1965, at the U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill., before Examiner Edith H. Cockrill.

No. MC 108449 (Sub-No. 209) (Amendment) filed August 11, 1965, published FEDERAL REGISTER issue August 26, 1965, amended November 10, 1965, and republished as amended this issue. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C St. Paul, Minn., 55113. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients, including, but not limited to anhydrous ammonia, nitrogen fertilizer solutions, and aqua ammonia*, in bulk, from the plantsites of the Midsouth Chemical Co. and Tuloma Gas Products Co. located between Peoria and North Pekin, Ill., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, South Dakota, and Wisconsin. NOTE: The purpose of this republication is to include additional plantsite, and destination State Illinois, not published previously.

HEARING: January 17, 1966, at the U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill., before Examiner Edith H. Cockrill.

No. MC 110988 (Sub-No. 147) (Amendment), filed August 23, 1965, published FEDERAL REGISTER issue of September 9, 1965, amended November 12, 1965, and republished as amended, this issue. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Neenah, Wis. Applicant's representative: E. Stephen Heisley, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients, including but not limited to anhydrous ammonia, nitrogen fertilizer solutions* and *aqua ammonia*, in bulk, (1) from the plantsites of Midsouth Chemical Co. and Tuloma Gas Products Co., located between Peoria and North Pekin, Ill., to points in Iowa, Indiana, Michigan, Minnesota, Missouri, Ohio, South Dakota, and Wisconsin, and (2) from the plantsite of Tuloma Gas Products Co., facility located at or near Burlington, Iowa, to points in Illinois, Indiana, Michigan, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin. NOTE: The purpose of this republication is to add the Midsouth Chemical Co. in (1) above.

HEARING: January 17, 1965, at the U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill., before Examiner Edith Cockrill.

No. MC 113514 (Sub-No. 92) (Amendment), filed August 25, 1965, published FEDERAL REGISTER issue of September 9, 1965, amended November 12, 1965, and republished as amended this issue. Applicant: SMITH TRANSIT, INC., 305 Simons Building, Dallas, Tex. Applicant's representative: William D. White, Jr., 2505 Republic National Bank Tower, Dallas, Tex., 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities in bulk* having a prior or subsequent movement by rail, water and/or pipeline between points in Alabama, Arkansas, Florida, Georgia, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas. NOTE: Applicant states it seeks no duplication of authority. The purpose of this republication is to broaden the proposed operation.

HEARING: December 6, 1965, at the Claridge Hotel, Memphis, Tenn., before Examiner James O'D. Moran.

No. MC 115311 (Sub-No. 51) (Republication filed October 25, 1965, published FEDERAL REGISTER issue of November 11, 1965, and republished this issue. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 589, Americus, Ga., 31709. Applicant's representative: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* in bulk, having prior or subsequent movement by rail or water, between points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: The purpose of this republication is to reflect the hearing information.

HEARING: December 6, 1965, at the Claridge Hotel, Memphis, Tenn., before Examiner James O'D Moran.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-12610; Filed, Nov. 23, 1965; 8:48 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

NOVEMBER 19, 1965.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. assigned 7965 CCT, (Amendment) filed June 1, 1965, published in FEDERAL REGISTER issue of August 18, 1965, amended November 12, 1965, and republished as amended this issue. Applicant: SOUTH FLORIDA FREIGHTWAYS, INC., 3355 Northwest 41st Street, Miami, Fla., 33142. Applicant's representative: Dan R. Schwartz, 1730 American Heritage Life Building, Jacksonville, Fla., 32202. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of: *General commodities*, (1) between Riviera Beach and Orlando, Fla., serving all intermediate points; from Riviera Beach over U.S. Highway 1 to Titusville, thence over Florida 405 to its junction with Florida Highway 50, thence over Florida Highway 50 to Orlando, and return over the same route, (2) between Miami and Orlando, Fla., serving all intermediate points; from Miami over U.S. Highway 27 to South Bay, thence over Florida Highway 80 to Belle Glade, thence over U.S. Highway 441 to Orlando, and return over the same route, (3) between South Bay and Orlando, Fla., serving all intermediate points; from South Bay over U.S. Highway 27 to Sebring, thence over U.S. Highway 27 and 27A to Haines City, thence over U.S. Highway 17 to Orlando, and return over the same route, (4) between Miami and Tampa, Fla., serving all intermediate points; from Miami over U.S. Highway 41 to Punta Gorda, thence over U.S. Highway 17 to Bartow, thence over U.S. Highway 98 to Lakeland, thence over U.S. Highway 92 to Tampa, and return over the same route, (5) between Punta Gorda and Tampa, Fla., over U.S. Highway 41 serving all intermediate points, (6) between the junction of U.S. Highway 41 and Florida Highway 29 near Everglades, Fla., and Fort Myers, Fla., serving all intermediate points; from said junction of U.S. Highway 41 with Florida Highway 29 over Florida Highway 29 to its junction with Florida Highway 82.

Thence over Florida Highway 82 to Fort Myers and return over the same route, (7) between Orlando and Tampa, Fla., over Interstate Highway 4 serving no intermediate points, (8) between the West Palm Beach interchange on the Sunshine State Parkway and the junction of said parkway with U.S. Highway 17, over the Sunshine State Parkway, as an alternate route for operating convenience only, and (9) all other points in Florida on and south of a line beginning at the western terminus of Florida Highway 60, thence easterly along Florida Highway 60 to its junction with Interstate Highway 4, thence easterly along Interstate Highway 4 to its junction with Florida Highway 50, thence easterly along Florida Highway 50 to its junction with Florida Highway 405, thence northeasterly along Florida Highway 405 to its junction with Florida Highway 402, thence easterly along Florida Highway 402 to its eastern terminus (except those points in Dade and Monroe Counties on U.S. Highway 1 and Florida Highway 27, south of Miami) will be served as off-route points. NOTE: The purpose of this amendment is to specify more clearly the off-route points sought to be served in Part (9) of the application. No duplicating authority is sought.

CONTINUED HEARING: November 29, 1965, at the Floridan Hotel, Tampa, Fla. Requests for procedural information including time for filing protests, concerning this application should be addressed to the Florida Public Service Commission, Tallahassee, Fla., 32304, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-12606; Filed, Nov. 23, 1965; 8:47 a.m.]

[Notice 89]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 19, 1965.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 44639 (Sub-No. 17 TA), filed November 16, 1965. Applicant: SAM MAITA AND IRVING LEVIN, a partnership, doing business as L & M EXPRESS Co., 220 Ridge Road, Lyndhurst, N.J. Applicant's representative: Herman B. J. Weckstein, 1060 Broad Street, Newark, N.J., 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel* and *materials and supplies* used in the manufacture of wearing apparel, between Crewe, Va., and Whiteford, Md. (to be tacked to MC 44639 Sub No. 6), for 180 days. Supporting shipper: the House of Perfections, Inc., 112 West 34th Street, New York, N.Y., 10001. Send protests to: Joel Morrows, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1060 Broad Street, Newark, N.J., 07102.

No. MC 87720 (Sub-No. 43 TA), filed November 17, 1965. Applicant: BASS TRANSPORTATION CO., INC., Post Office Box 391, Flemington, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y., 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic gum resin*, dry, in bulk, in stainless steel tank vehicles, from the plantsite of Tenneco Manufacturing Co. at East Brunswick, N.J., to Elkton, Md., for 150 days. Supporting shipper: Tenneco Plastics Division, Tenneco Manufacturing Co., Post Office Box 38, East Brunswick, N.J., 08816. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 410 Post Office Building, Trenton, N.J., 08608.

No. MC 106674 (Sub-No. 48 TA), filed November 17, 1965. Applicant: OSBORNE TRUCKING CO., INC., Second and St. Clair Avenue, Schilli Building, East St. Louis, Ill., 62201. Applicant's representative: Thomas F. Kilroy, Federal Bar Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, from Eaton, Ind., to Mount Sterling and Washington Court House, Ohio, for 90 days. Supporting shipper: Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo., 63166. Send protests to: Harold Joliff, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 476, 325 West Adams Street, Springfield, Ill., 62704.

No. MC 107636 (Sub-No. 8 TA), filed November 17, 1965. Applicant: M. M. CAMPOIN AND GEORGE KINGSHOTT, a partnership, doing business as C & K TRANSPORT, Box 427, New Buffalo, Mich. Applicant's representative: Quenten C. Ewert, 117 West Allegan Street, Lansing, Mich., 48933. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, in bulk, from River Rouge, Mich., to points in Indiana, Illinois, Iowa, Kentucky, Ohio, Missouri, New York, Pennsylvania, Wisconsin, and West Virginia, for 180 days. Supporting shipper: Marblehead Lime Co., division of General Dynamics Corp., 300 West Washington Boulevard, Chicago, Ill., 60606. Send protests to: C. R. Fleming, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 221 Federal Building, Lansing, Mich., 48933.

No. MC 108834 (Sub-No. 2 TA), filed November 17, 1965. Applicant: DURHAM TRANSFER & STORAGE, INC., 810 Ramseur Street, Durham, N.C. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in North Carolina, restricted to shipments having a prior or subsequent movement beyond North Carolina, in containers, and further restricted to pickup and delivery service incidental to and in connection with packing, crating and containerization, or unpacking, uncrating and decontainerization of such shipments over irregular routes, for 180 days. Supporting shippers: Continental Forwarders, Inc., New York, N.Y.; DeWitt Freight Forwarding, Seattle, Wash.; Routed Thru-Pac, Inc., New York, N.Y.; David-

son Forwarding Co., Inc., Washington, D.C.; and, Karevan, Inc., Seattle, Wash. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Post Office Box 10885, Cameron Village Station, Raleigh, N.C., 27605.

No. MC 110988 (Sub-No. 162 TA), filed November 17, 1965. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Neenah, Wis., 54957. Applicant's representative: D. A. Peterson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, in bulk, in tank or hopper-type vehicles, from River Rouge, Mich., to points in Illinois, Indiana, Iowa, Kentucky, Missouri, New York, Ohio (except Cuyahoga, Geauga, Lorain, and Portage Counties), Pennsylvania, West Virginia, and Wisconsin, for 150 days. Supporting shipper: Marblehead Lime Co., Division of General Dynamics Corp., 300 West Washington Boulevard, Chicago, Ill., 60606 (P. D. Jones, traffic manager). Send protests to: W. F. Sibbald, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 108 West Wells Street, Room 511, Milwaukee, Wis., 53203.

No. MC 112697 (Sub-No. 9 TA), filed November 17, 1965. Applicant: SAMUEL A. BRASFIELD doing business as B & S ENTERPRISES, 1727 Osborn Drive, Memphis, Tenn., 38127. Applicant's respesentative: James H. Clay III, 340 Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, agricultural implements, and component parts and attachments* moving therewith for use thereon (except those which because of their size or weight require the use of special equipment), from Memphis, Tenn., to points in Alabama (except Birmingham and points within Alabama within 65 miles of Birmingham), Arkansas (except points within Arkansas bounded by a line commencing at Pine Bluff, Ark., and extending along the southeast bank of the Arkansas River to the west bank of the Mississippi River, thence along the west bank of the Mississippi River to the Arkansas-Louisiana State line, thence along the Arkansas-Louisiana State line to the east bank of the Ouachita River, thence along the east bank of the Ouachita River to Morabay, Ark., thence along Arkansas Highway 15 to the point of beginning), Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas, for 180 days. Supporting shipper: International Harvester Co., 180 North Michigan Avenue, Chicago, Ill., 60601. Send protests to: William W. Garland, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 390 Federal Office Building, 167 North Main Street, Memphis, Tenn., 38103.

No. MC 116063 (Sub-No. 83 TA), filed November 16, 1965. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., 2400 Cold Springs Road, Post Office Box 270, Forth Worth, Tex., 76111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup*, in bulk, from Wichita, Kans., to Oklahoma City, Okla., for 180 days. Supporting shipper; Mr. H. P. Hansen, assistant traffic manager, Clinton Corn Processing Co., Clinton, Iowa, 52733. Send protests to: Ralph Bezner, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 816 T & P Building, Fort Worth, Tex., 76102.

No. MC 116077 (Sub-No. 188 TA), filed November 17, 1965. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 9527, Houston, Tex., 77023. Applicant's representative: Ben Ditta (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar emulsion*, liquid, in bulk, from Jennison-Wright Corp., Toledo, Ohio, to The Jennite Co., Dallas, Tex., for 180 days. Supporting shipper: The Jennite Co. of Texas, Inc. (Mr. Tom F. Sneary, president), 10264 Gooding Drive, Dallas, Tex., 75229. Send protests to: Mr. John C. Redus, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex., 77061.

No. MC 119361 (Sub-No. 2 TA), filed November 17, 1965. Applicant: G & W TRUCK LINE, INC., 8 Cherokee Lane, Box 213, Hutchinson, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk and packages, from Kanopolis, Kans., to points in Missouri (except points in St. Louis County), for 150 days. Supporting shipper: Independent Salt Co., Kanopolis, Kans. Send protests to: M. E. Taylor, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 906 Schweiter Building, Wichita, Kans., 67202.

No. MC 119934 (Sub-No. 106 TA), filed November 17, 1965. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent phosphoric acid*, in bulk, in tank vehicles, from Elyria, Ohio, to South Charleston, W. Va., for 180 days. Supporting shipper: V–C Chemical Co., a Division of Socony Mobil Oil Co., Inc., 401 East Main Street, Richmond, Va. Send protests to: R. M. Hagarty, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind., 46204.

No. MC 127628 (Sub-No. 1 TA), filed November 16, 1965. Applicant: HUDSON TRANSFER & WAREHOUSE CO., doing business as FRONTIER FORWARDING SERVICE, 1602 Moctezuma, Laredo, Tex., 78040. Applicant's representative: M. E. Allen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, in specially designed containers, from points in Webb, Zapata, Duval, Jim Wells, Brooks, Jim Hogg, La Salle, Maverick, Dimmit, Zavala, Kinney, and Val Verde Counties, Tex., for 120 days. Supporting shippers: Routed Thru-Pac, Inc., 350 Broadway, New York, N.Y., 10013; Perfect Pak Co., 1001 Westlake North, Seattle, Wash., 98109; Allstates Van Lines, 105 Leonard Street, New York, N.Y., 10013; Vanpac Carriers, Inc., 2114 Macdonald Avenue, Richmond, Calif., 94802; Auto Transportes Internationales S. de R.L. de C.V., Av. San Joaquin y Chairel No. 201, Mexico, D.F.; Jet Forwarding, Inc., 1415 West Torrance Boulevard, Torrance, Calif., 90501; Trans Ocean Van Service, Post Office Box 7331, Long Beach, Calif., 90807; Burnham World Forwarders, Inc., Canal Post Office Box 338, New York, N.Y.; Columbia Export Packers, Inc., 2805 Columbia Street, Torrance, Calif., 90503; Continental Forwarders, Inc., 105 Leonard Street, New York, N.Y., 10013; and, Swift Home-Wrap, Inc., 105 Leonard Street, New York, N.Y., 10013. Send protests to: James H. Berry, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 206 Manion Building, 301 Broadway, San Antonio, Tex., 78205.

No. MC 127685 (Sub-No. 1 TA) (CORRECTION), filed November 10, 1965, published FEDERAL REGISTER, issue of November 18, 1965, and republished as corrected this issue. Applicant: CHARLES E. GEORGE, 217 Union Street, Oswego, Kans. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural lime*, in bulk, from Coffeyville and Chetopa, Kans., to points in Washington, Craig, Nowata and Ottawa Counties, Okla., for 150 days. Supporting shipper: John J. Stark, Contractor, Post Office Box 7, Girard, Kans. Send protests to: M. E. Taylor, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 906 Schweiter Building, Wichita, Kans., 67202. NOTE: The purpose of this correction is to show that the destination of Washington State was published in error as applicant seeks to serve points in Washington County, Okla., as shown above.

No. MC 127710 (Sub-No. 1 TA), filed November 17, 1965. Applicant: KROGEL AIR FREIGHT SERVICE, INC., Post Office Box 6016B, Air Cargo Terminal Building, Herndon Airport, Orlando, Fla. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (usual exceptions), restricted to traffic having immediately prior or immediately subsequent movement by aircraft, between Herndon Airport and McCoy Air Force Base, Orlando, Fla., on the one hand, and, on the other, Daytona Beach and Melbourne, Fla., for 180 days. Supporting shippers: Ray Hunt Ford, Inc., Post Office Box 1831, Daytona Beach, Fla.; Radiation, Inc., Melbourne, Fla.; Soroban Engineering, Inc., Post Office Box 1690, Melbourne, Fla.; The Imported Motor Car Corp., Post Office Box 854, Eau Gallie, Fla.; Space Systems Laboratory, Inc., Post Office Box 163, Melbourne, Fla., 32902; Medco of Melbourne, Inc., 4 Wavecrest Drive, Indialantic, Fla.; Daytona International Speedway Corp., Daytona Beach, Fla.; National Association for Stock Car Auto Racing, Inc., Post Office Box K, Daytona Beach, Fla., 32015. Send protests to: George H. Fauss, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Post Office Box 4969, Jacksonville, Fla., 32201.

No. MC 127716 (Sub-No. 1 TA), filed November 17, 1965. Applicant: SCOTTSVILLE FREIGHT LINE, INCORPORATED, 635 Devon Drive, Nashville, Tenn., 37220. Applicant's representative: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn., 37402. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods, as defined by the Commission, commodities in bulk and those requiring special equipment), between Nashville, Tenn., and Scottsville, Ky., over U.S. Highway 31E, serving those intermediate and off-route points within ten (10) miles of Nashville, Tenn., and five (5) miles of Scottsville, Ky., for 180 days. Supporting shippers: O. J. Wooten, president, Chamber of Commerce, Scottsville, Ky.; F. E. Shockley, D.M.D., mayor, Scottsville, Ky.; H. Wayne Dunn, president, Wayne Dunn Chevrolet, Inc., Scottsville, Ky.; W. R. Strausburg, Strausburg's 5 and 10 Cent Store, Scottsville, Ky.; G. E. Newman, Firestone tires-accessories, Scottsville, Ky.; W. C. Fowler, president, Fowler's Department Store, Scottsville, Ky.; J. C. Carter, Carter's Building, Scottsville, Ky.; R. N. Wheeler, manager, National Stores Corp., Scottsville, Ky.; Mrs. J. S. Braswell, owner, Braswell Electrical Co., Scottsville, Ky.; Walter Loule Bentley, Jr., W. L. Bentley's 5-10-$1.00 Store, Scottsville, Ky.; C. G. Morton, Jr., owner, Morton's, Scottsville, Ky.; Howard Cole, treasurer, J. L. Turner & Son, Scottsville, Ky.; Ralph Lyles, manager, L. Atwood Co., Scottsville, Ky.; Carl D. Marion, Scottsville Auto Parts, Scottsville, Ky.; and, Robert V. Johnson, Main Street Auto Parts, Scottsville, Ky. Send protests to: J. E. Gamble, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 706 U.S. Courthouse, Nashville, Tenn., 37203.

No. MC 127719 TA, filed November 17, 1965. Applicant: A. J. BENINATO & SONS, INC., 5618 Virginia Beach Boulevard, Norfolk, Va. Applicant's representative: Alan F. Wohlstetter, One Farragut Square South, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Virginia as follows: The cities of Norfolk, Newport News, Hampton, Virginia Beach, Williamsburg, Portsmouth, and Chesapeake, and the counties of York, Isle of Wight, James City, Nansemond, Sussex, Surry, Prince George, Charles City, New Kent, Henrico, Southampton, Greensville, Essex, Gloucester, Mathews, King William, Middlesex, King and Queen, Accomack, Northampton, Richmond, Lancaster, and Northumberland, restricted to shipments having a prior or subsequent movement beyond said counties, in containers, and further restricted to pickup and delivery service incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments, for 180 days. Supporting shippers: Container Transport International Inc., 17 State Street, New York, N.Y.; Home-Pack Transport, Inc., 57–48 49th Street, Maspeth, N.Y., 11378; Smyth Worldwide Movers, Inc., 11616 Aurora Avenue North, Seattle, Wash., 98133. Send protests to: Robert W. Waldron, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 10–502 Federal Building, Richmond, Va., 23340.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65–12607; Filed, Nov. 23, 1965; 8:47 a.m.]

[Notice 1264]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 19, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–68295. By order of November 19, 1965, Transfer Board approved the transfer to Olympic Film Service, Inc., 2330 Third Ave., Seattle, Wash., 98121, of certificate in No. MC–123596, issued October 18, 1961, to Donald F. Lind, doing business as Olympic Film Service, 2330 Third Ave., Seattle, Wash., 98121, authorizing the transportation of: Motion picture film, supplies, equipment, and merchandise incidental to the operation and maintenance of motion picture theaters, newspapers, magazines, periodicals, mail, popcorn, popcorn seasonings, candy, ice-cream mix, vending machines, and laundry, from, to, or between specified points in Washington.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65–12611; Filed, Nov. 23, 1965; 8:48 a.m.]

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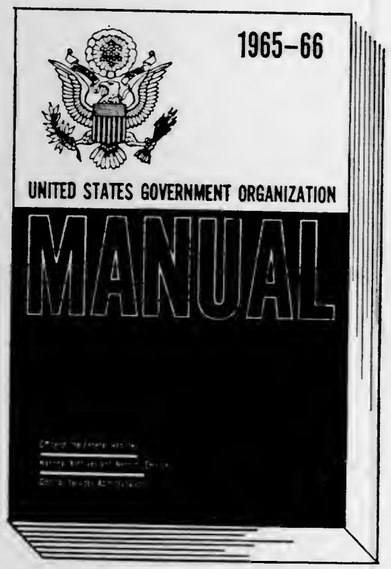
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Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. R]

PART 218—RELATIONS WITH DEALERS IN SECURITIES UNDER SECTION 32, BANKING ACT OF 1933

Exceptions

1. Effective November 17, 1965, § 218.2 is amended to read as set forth below. The footnotes to § 218.2 are unchanged.

§ 218.2 **Exceptions.**

Pursuant to the authority vested in it by section 32, the Board of Governors of the Federal Reserve System hereby permits the following relationships: [2] Any officer, director, or employee of any corporation or unincorporated association, any partner or employee of any partnership, or any individual, not engaged in the issue, flotation, underwriting, public sale, or distribution, at wholesale or retail, or through syndicate participation, of any stocks, bonds, or other similar securities except bonds, notes, certificates of indebtedness, and Treasury bills of the United States, obligations fully guaranteed both as to principal and interest by the United States, obligations of Federal Intermediate Credit banks, Federal Land banks, Central Bank for Cooperatives, Federal Home Loan banks, the Federal National Mortgage Association, and the Tennessee Valley Authority, obligations of the International Bank for Reconstruction and Development and obligations of the Inter-American Development Bank which are specified in paragraph Seventh of section 5136, Revised Statutes (12 U.S.C. 24), obligations insured by the Federal Housing Administrator and obligations of any local public agency which are specified in paragraph seventh of section 5136, Revised Statutes (12 U.S.C. 24), and general obligations of Territories, dependencies and insular possessions of the United States, may be at the same time an officer, director, or employee of any member bank of the Federal Reserve System, except when otherwise prohibited.[3]

2a. The purpose of this amendment is to add five categories of obligations eligible for underwriting by member banks to the obligations presently listed in this section, which exempts relationships with firms dealing only in certain types of obligations. Briefly, the five categories of obligations added by this amendment are those of the Tennessee Valley Authority, the Inter-American Development Bank, the International Bank for Reconstruction and Development, obligations insured by the Federal Housing Administrator, and the obligations of local public housing agencies, in each of the five cases as specified in paragraph seventh of section 5136, Revised Statutes (12 U.S.C. 24).

b. The notice, public participation, and deferred effective date described in section 4 of the Administrative Procedure Act are not followed in connection with this relaxing amendment for the reasons and good cause found as stated in paragraph (e) of § 262.1 of the Board's rules of procedure (Part 262 of this chapter), and specifically because in connection with this amendment such procedures are unnecessary as they would not aid the persons affected and would serve no other useful purpose.

(Sec. 11(i), 38 Stat. 262; 12 U.S.C. 248(i). Interprets or applies sec. 32, 48 Stat. 194, as amended; 12 U.S.C. 78)

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 65-12653; Filed, Nov. 24, 1965; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Dimethylsulfoxide (DMSO) Preparations; Termination of Clinical Testing and Investigational Use

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055; 21 U.S.C. 371) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90), the following statement of policy is issued:

§ 3.52 Dimethylsulfoxide (DMSO) preparations; termination of clinical testing and investigational use.

(a) Chronic-toxicity studies with dimethylsulfoxide (DMSO) in animals, including dogs, rabbits, and swine, reported by a consulting laboratory in England and by at least two laboratories in the United States show that the administration of dimethylsulfoxide (DMSO) causes changes in the refractive index of the lens in the eyes of such animals. On the basis of these reports, sponsors of investigations with dimethylsulfoxide (DMSO) have discontinued clinical testing of dimethylsulfoxide (DMSO) preparations in man. All exemptions for clinical testing of dimethylsulfoxide (DMSO) in man are hereby terminated effective on signature of this order. No person may ship dimethylsulfoxide (DMSO) within the jurisdiction of the Federal Food, Drug, and Cosmetic Act for clinical testing in man until his proposal for such studies has had advance approval by the Commissioner of Food and Drugs on the basis of a Notice of Claimed Investigational Exemption for a New Drug (form FD 1571) justifying such studies.

(b) On the basis of these reports, the Commissioner of Food and Drugs further finds that it is not safe to initiate or continue investigations with any preparation containing dimethylsulfoxide (DMSO) in animals other than animals used solely for laboratory research. The Commissioner of Food and Drugs hereby terminates, effective upon signature of this order, all exemptions under § 130.3 of this chapter and section 505 of the act, for the use of dimethylsulfoxide (DMSO) or any preparation containing any amount of dimethylsulfoxide (DMSO) for investigational use in animals, except in compliance with the provisions of § 130.3(f) of this chapter, in animals used solely for laboratory research purposes and which are not to be used subsequently for food production.

(c) Sponsors of all clinical investigations with dimethylsulfoxide (DMSO) should immediately recall all outstanding stocks of investigational drugs containing dimethylsulfoxide (DMSO), except those involving investigations in laboratory animals.

(Secs. 505, 701(a), 52 Stat. 1052 as amended; 52 Stat. 1055; 21 U.S.C. 355, 371(a))

Dated: November 19, 1965.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 65-12677; Filed, Nov. 24, 1965; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Noxubee National Wildlife Refuge, Miss.; Correction

In F.R. Doc. 65-1712, appearing at page 2217 of the issue for February 18, 1965, subparagraph (1) of the Noxubee National Wildlife Refuge, Miss., regulation should read as follows:

(1) The sport fishing season on the refuge extends from March 1, 1965, through October 31, 1965, on Bluff Lake, Keaton Tower Pond, Parker Slough, Pete Slough, Cypress Creek, Jones Creek, Oktoc Creek, and Noxubee River and from March 1, 1965, through February 28, 1966, on road borrow pits and Betts Pond.

W. L. TOWNS, *Acting Regional Director, Bureau of Sport Fisheries and Wildlife.*

[F.R. Doc. 65-12658; Filed, Nov. 24, 1965; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 12]

PART 1012—MILK IN TAMPA BAY MARKETING AREA

Order Regulating Handling of Milk

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1012.101 Agents.

AUTHORITY: The provisions of this Part 1012 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1012.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Tampa Bay marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to (i) producer milk (including such handler's own production), (ii) other source milk allocated to Class I pursuant to § 1012.45(a) (3) and (9) and the corresponding steps of § 1012.45(b), and (iii) Class I milk disposed of in the marketing area from a partially regulated distributing plant that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

(b) *Additional findings.* It is necessary in the public interest to make this order partially effective not later than December 1, 1965, and fully effective not later than January 1, 1966. Any delay beyond these dates would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, was issued August 5, 1965, and the decision of the Assistant Secretary containing all the provisions of this order was issued October 11, 1965. The provisions other than those relating to prices and payments must become effective prior to the effective date of the order to provide handlers the opportunity to adjust their operational and accounting procedures to conform to all provisions of the order. In view of the foregoing, it is hereby found and determined that good cause exists for making this order partially effective December 1, 1965, and fully effective January 1, 1966, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order; and

(3) The issuance of this order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Tampa Bay marketing area shall be in conformity to, and in compliance with, the following terms and conditions:

DEFINITIONS

§ 1012.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1012.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and perform the duties of the Secretary of Agriculture.

§ 1012.3 Department.

"Department" means the United States Department of Agriculture.

§ 1012.4 Person.

"Person" means any individual, partnership, corporation, association or other business unit.

§ 1012.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and be engaged in making collective sales of or marketing milk or milk products for its members.

§ 1012.6 Tampa Bay marketing area.

The "Tampa Bay marketing area", hereinafter called the "marketing area", means all the territory geographically within the boundaries of the following counties, all in the State of Florida, including all waterfront facilities connected therewith and all territory wholly or partly therein occupied by Government (Municipal, State, or Federal) reservations, installations, institutions, or other similar establishments.

Charlotte.
Collier.
De Soto.
Hardee.
Hernando.
Highlands.
Hillsborough.
Lee.
Manatee.
Pasco.
Pinellas.
Polk.
Sarasota.

§ 1012.7 Fluid milk product.

"Fluid milk product" means milk (including frozen and concentrated milk), flavored milk or skim milk. "Fluid milk product" shall not include sterilized products in hermetically sealed containers.

§ 1012.8 Distributing plant.

"Distributing plant" means a plant that is approved by an appropriate health authority for the processing or packaging of Grade A milk and from which any fluid milk product is disposed of during the month in the marketing area on routes.

§ 1012.9 Supply plant.

"Supply plant" means a plant from which a fluid milk product that is acceptable to the appropriate health authority for distribution in the marketing area as Grade A is shipped during the month to a pool plant.

§ 1012.10 Pool plant.

"Pool plant" means a plant (except an other order plant or the plant of a producer-handler) specified in paragraph (a) or (b) of this section:

(a) A distributing plant from which not less than 50 percent of the total Grade A fluid milk products received at the plant during the month is disposed of on routes and not less than 10 percent of such receipts is disposed of in the marketing area on routes.

(b) A supply plant from which not less than 50 percent of the Grade A milk received from dairy farmers at such plant during the month is shipped as fluid milk products to pool plants pursuant to paragraph (a) of this section.

§ 1012.11 Nonpool plant.

"Nonpool plant" means a plant (except a pool plant) which receives milk from dairy farmers or is a milk manufacturing, processing or bottling plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to § 1012.10 and a greater volume of fluid milk products is disposed of from such plant in this marketing area on routes and to pool plants qualified on the basis of route distribution in this marketing area than in the marketing area regulated pursuant to such other order.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which Grade A fluid milk products in consumer-type packages or dispenser units are distributed in the marketing area on routes during the month.

(d) "Unregulated supply plant" means a nonpool plant that is a supply plant and is neither an other order plant nor a producer-handler plant.

§ 1012.12 Route.

"Route" means a delivery either direct or through any distribution facility other than a plant (including disposition from a plant store, vendor or vending machine) of a fluid milk product classified as Class I pursuant to § 1012.41(a) (1).

§ 1012.13 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants,

(b) Any person in his capacity as the operator of a partially regulated distributing plant,

(c) Any cooperative association with respect to producer milk which it causes to be diverted from a pool plant to a nonpool plant for the account of such cooperative association,

(d) Any person in his capacity as the operator of an other order plant that is either a distributing plant or a supply plant, and

(e) A producer-handler.

§ 1012.14 Producer-handler.

"Producer-handler" means any person who:

(a) Operates a dairy farm and a distributing plant from which the Class I disposition (except that represented by nonfat solids used in the fortification of fluid milk products) is entirely from his own farm production;

(b) Receives no fluid milk products from sources other than his own farm production;

(c) Disposes of no Class II products except those produced in his own plant or received from pool plants; and

(d) Provides proof satisfactory to the market administrator that the care and management of the dairy animals and other resources necessary to produce all fluid milk products handled and the operation of the processing and packaging business are his personal enterprise and risk.

§ 1012.15 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with the inspection requirements of a duly constituted health authority, which milk is received at a pool plant or diverted pursuant to § 1012.16 from a pool plant to a nonpool plant.

§ 1012.16 Producer milk.

"Producer milk" means the skim milk and butterfat contained in milk:

(a) Received at a pool plant directly from a producer; or

(b) Diverted from a pool plant to a nonpool plant that is neither an other order plant nor a producer-handler plant for the account of the pool plant operator or a cooperative association in any month in which not less than 10 days' production of the producer whose milk is diverted is physically received at a pool plant, subject to the following:

(1) Milk so diverted for the account of a handler operating a pool plant shall be deemed to have been received by the handler at the pool plant from which diverted and if diverted for the account of a cooperative association, shall be deemed to have been received by the cooperative association at the location of the pool plant from which diverted;

(2) If diverted from the pool plant of another handler for the account of a cooperative association, the aggregate quantity of milk of member producers of the cooperative association so diverted that exceeds 25 percent of the milk physically received from such producers at pool plants during the month shall not be deemed to have been received at a pool plant and shall not be producer milk;

(3) If diverted by a handler operating a pool plant for his account, the aggregate quantity of producer milk so diverted that exceeds 25 percent of the aggregate quantity of milk physically received from producers at such plant during the month shall not be deemed to have been received at a pool plant and shall not be producer milk; and

(4) The diverting handler shall designate the dairy farmers whose milk is not producer milk pursuant to subparagraphs (2) and (3) of this paragraph.

If the handler fails to make such designation, no milk diverted by him shall be producer milk.

§ 1012.17 Other source milk.

"Other source milk" means the skim milk and butterfat contained in or represented by:

(a) Fluid milk products and Class II products from any source except (1) producer milk, (2) fluid milk products and Class II products from pool plants, and (3) fluid milk products and Class II products in inventory at the beginning of the month;

(b) Products other than fluid milk products and Class II products from any source (including those produced at the plant) which are reprocessed, converted into or combined with another product in the plant during the month; and

(c) Any disappearance of nonfluid products in a form in which they may be converted into a Class I product and which are not otherwise accounted for pursuant to § 1012.33.

§ 1012.18 Chicago butter price.

"Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported for the month by the Department.

§ 1012.19 Class II product.

"Class II product" means cream, sour cream, half and half, buttermilk, acidophilus milk and chocolate drink.

MARKET ADMINISTRATOR

§ 1012.20 Designation.

The agency for the administration of this order shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1012.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 1012.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received pursuant to § 1012.77 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 1012.76, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made either reports pursuant to §§ 1012.30 through 1012.32 or payments pursuant to §§ 1012.70, 1012.74, 1012.76, 1012.77, and 1012.78;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends, and by such investigation as the market administrator deems necessary;

(i) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information;

(j) Publicly announce on or before:

(1) The 5th day of each month the Class I price and Class I butterfat differential, both for the current month;

(2) The 5th day of each month the Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and

(3) The 11th day of each month the uniform price and the producer butterfat differential, both for the preceding month;

(k) On or before the 12th day after the end of each month, report to each cooperative association, upon request by such association, the percentage of the milk caused to be delivered by the cooperative association for its members which was utilized in each class at each pool plant receiving such milk. For the purpose of this report, the milk so received shall be allocated to each class at each pool plant in the same ratio as all producer milk received at such plant during the month;

(l) Whenever required for purposes of allocating receipts from other order plants pursuant to § 1012.45(a)(10) and the corresponding step of § 1012.45(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(m) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received skim milk and butterfat in the form of fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1012.45 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such reports; and

(n) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

REPORTS, RECORDS, AND FACILITIES

§ 1012.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month, each handler (except a handler pursuant to § 1012.13 (d) or (e)) shall report to the market administrator for such month with respect to each plant at which milk is received, reporting in detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in or represented by:

(1) Receipts from dairy farmers (including such handler's own production);

(2) Fluid milk products and Class II products received from pool plants of other handlers;

(3) Other source milk;

(4) Milk diverted to nonpool plants pursuant to § 1012.16; and

(5) Inventories of fluid milk products and Class II products at the beginning and end of the month;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement showing the respective amounts of skim milk and butterfat disposed of as Class I milk in the marketing area on routes; and

(c) Such other information with respect to the receipts and utilization of skim milk and butterfat as the market administrator may prescribe.

§ 1012.31 Producer payroll reports.

(a) Each handler pursuant to § 1012.13 (a) and (c) shall report to the market administrator in detail and on forms prescribed by the market administrator

on or before the 20th day after the end of the month his producer payroll for such month which shall show for each producer:

(1) His identity;

(2) The quantity of milk received from such producer and the number of days, if less than the entire month, on which milk was received from such producer;

(3) The average butterfat content of such milk; and

(4) The net amount of such handler's payment, together with the price paid and the amount and nature of any deductions.

(b) Each handler operating a partially regulated distributing plant who does not elect to make payments pursuant to § 1012.62(b) shall report to the market administrator on or before the 20th day after the end of the month the same information required of handlers pursuant to paragraph (a) of this section. In such report, payments to dairy farmers delivering Grade A milk shall be reported in lieu of payments to producers.

§ 1012.32 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who operates an other order plant shall report total receipts and utilization or disposition of skim milk and butterfat at the plant at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

§ 1012.33 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations together with such facilities as are necessary for the market administrator to verify or establish the correct data for each month, with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk and milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products in inventory at the beginning and end of each month; and

(d) Payments to dairy farmers and cooperative associations, including the amount and nature of any deductions and the disbursement of money so deducted.

§ 1012.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records or specified books and records until further notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 1012.40 Skim milk and butterfat to be classified.

The skim milk and butterfat required to be reported pursuant to § 1012.30 shall be classified each month pursuant to the provisions of §§ 1012.41 through 1012.45: *Provided*, That such skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 1012.41 Classes of utilization.

Subject to the conditions set forth in § 1012.43, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as provided in paragraphs (b)(2) and (c) (2), (3), and (4) of this section; and

(2) Not accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a Class II product, except as provided in paragraph (c) (2), (3), and (4) of this section; and

(2) In inventory of fluid milk products and Class II products at the end of the month.

(c) *Class III milk.* Class III milk shall be:

(1) Skim milk and butterfat used to produce any product other than a fluid milk product or Class II product;

(2) Skim milk and butterfat in fluid milk products and in Class II products disposed of by a handler for livestock feed;

(3) Skim milk and butterfat in fluid milk products and in Class II products dumped by a handler after notification to, and opportunity for verification by, the market administrator;

(4) Skim milk represented by the nonfat solids added to a fluid product or Class II product which is in excess of an equivalent volume of such product prior to the addition;

(5) Skim milk and butterfat, respectively, in shrinkage at each pool plant (except in milk diverted to a nonpool plant pursuant to § 1012.16) but not in excess of:

(i) 2.0 percent of producer milk;

(ii) Plus 1.5 percent of bulk fluid milk products received from other pool plants;

(iii) Plus 1.5 percent of bulk fluid milk products received from other order plants exclusive of the quantity for which Class II or Class III utilization was requested by the operators of both plants;

(iv) Plus 1.5 percent of bulk fluid milk products from unregulated supply plants exclusive of the quantity for which Class II or Class III utilization was requested by the handler;

(v) Less 1.5 percent of bulk fluid milk products transferred to other plants; and

(6) Skim milk and butterfat in shrinkage of other source milk allocated pursuant to § 1012.42(b)(2).

§ 1012.42 Shrinkage.

The market administrator shall allocate shrinkage over each pool plant's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each pool plant; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat, respectively, in:

(1) The net quantity of producer milk and other fluid milk products specified in § 1012.41(c)(5); and

(2) Other source milk exclusive of that specified in § 1012.41(c)(5).

§ 1012.43 Transfers.

Skim milk or butterfat shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred in the form of a fluid milk product or a Class II product from a pool plant to the pool plant of another handler, subject to the following conditions:

(1) The skim milk or butterfat so assigned to each class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1012.45(a)(10) and the corresponding step of § 1012.45 (b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1012.45(a)(3), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1012.45(a)(9) or (10) and the corresponding steps of § 1012.45(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant.

(b) As Class I milk, if transferred or diverted in the form of a fluid milk product or a Class II product to a nonpool plant that is neither an other order plant nor a producer-handler plant unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification in Class II or Class III in his report submitted pursuant to § 1012.30;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to such receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute the regular source of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to the skim milk and butterfat in receipts of fluid milk products transferred or diverted from plants fully regulated by such order, next pro rata to such receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants;

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat in fluid milk products so transferred shall be classified as Class III milk to the extent available and the remainder as Class II milk; and

(v) To the extent that Class I or Class III utilization is not assigned to it, the skim milk and butterfat in Class II products so transferred shall be classified as Class II milk.

(c) As follows, if transferred in the form of a fluid milk product or Class II product to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II or Class III to the extent of the Class II or Class III utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and allocations to other classes shall be classified in a comparable classification as Class II or Class III milk; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of §1012.41.

(d) As Class II (to the extent of such utilization in the transferee plant) if transferred to the plant of a producer-handler in the form of a Class II product, unless a Class III classification is requested by the operators of both plants and sufficient Class III utilization is available in the tranferee plant.

§ 1012.44 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors all reports submitted pursuant to § 1012.30 and from such reports, shall compute for each handler the total pounds of skim milk and butterfat in each class: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be a quantity equivalent to the nonfat milk solids contained in such product plus all the water originally associated with such solids.

§ 1012.45 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1012.44, the market administrator shall determine the classification of producer milk for each handler for each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk classified as Class III pursuant to § 1012.41(c)(5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class III milk, the lesser of the pounds remaining or the quantity associated with such receipts and classified as Class III pursuant to § 1012.41(c)(4) plus 2 percent of the remainder of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product or a Class II product;

(ii) Receipts of fluid milk products for which Grade A certification is not established, or which are from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(4) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class III (and then Class II), the pounds of skim milk in Class II products received from nonpool plants for which the handler requests a Class III utilization;

(5) Subtract from the pounds of skim milk remaining in Class II and Class III, pro rata to such quantities, the pounds of skim milk in Class II products received from nonpool plants that were not subtracted pursuant to subparagraph (4) of this paragraph;

(6) Subtract, in the order specified below, from the pounds of skim milk remaining in Class III and/or Class II (beginning with Class III unless otherwise specified below) but not in excess of such quantity or quantities:

(i) Receipts of fluid milk products from unregulated supply plants:

(*a*) For which the handler requests such utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk, the sum of the pounds of skim milk in producer milk, in receipts of fluid milk products from pool plants of other handlers, and in receipts of fluid milk products in bulk from other order plants; and

(ii) Receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, if Class III or Class II utilization was requested by the operator of such plant and the handler;

(7) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk (and then Class I), the pounds of skim milk in inventory of fluid milk products and Class II products at the beginning of the month;

(8) Add to the remaining pounds of skim milk in Class III milk the pounds

of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (6)(i) of this paragraph;

(10) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from other order plants, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (6)(ii) of this paragraph:

(i) In series beginning with Class III, and thereafter from Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II and Class III utilization of skim milk announced for the month by the market administrator pursuant to § 1012.22(i) or the percentage that Class II and Class III utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(11) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products and in Class II products received from pool plants of other handlers according to the classification of such products pursuant to § 1012.43(a); and

(12) If the pounds of skim milk remaining exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section;

(c) Determine the weighted average butterfat content of producer milk in each class as computed pursuant to paragraphs (a) and (b) of this section.

Minimum Prices

§ 1012.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential (rounded to the nearest one-tenth cent) at the rate of the Chicago butter price times 0.12 and rounded to the nearest cent.

§ 1012.51 Class prices.

Subject to the provisions of §§ 1012.52 and 1012.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I price.* For the first 18 months from the effective date of this section, the Class I price shall be the basic formula price for the preceding month plus $3.00: *Provided*, That such Class I price shall not in any month be greater than the Class I price pursuant to Part 1013 (Southeastern Florida) of this chapter.

(b) *Class II price.* The Class II price shall be the basic formula price for the month plus $1.00.

(c) *Class III price.* The Class III price shall be the basic formula price for the month plus 15 cents.

§ 1012.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices pursuant to § 1012.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the following rates:

(a) Class I price, 7.5 cents;

(b) Class II price, 7.5 cents; and

(c) Class III price, 0.115 times the Chicago butter price for the month.

§ 1012.53 Location differentials to handlers.

(a) The Class I price for producer milk and other source milk (for which a location adjustment is applicable) at a plant north of Pinellas, Hillsborough, Polk, or Osceola Counties, Fla., and 70 miles or more from the City Hall in Tampa, Fla., shall be reduced 10 cents and an additional 1.5 cents for each 10 miles or fraction thereof that such plant is more than 85 miles from the Tampa City Hall.

(b) For the purpose of calculating location differentials, receipts of fluid milk products from pool plants shall be assigned any remainder of Class I milk at the transferee plant that is in excess of the sum of producer milk receipts at such plant and that assigned as Class I to receipts from other order plants and unregulated supply plants. Such assignment shall be made in sequence according to the location differential applicable at each plant, beginning with the plant nearest the Tampa City Hall.

§ 1012.54 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price that is required.

Application of Prices

§ 1012.60 Computation of the net pool obligation of each handler.

The net pool obligation of each handler pursuant to § 1012.13 (a) and (c) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class as computed pursuant to § 1012.45(c) by the applicable class price;

(b) Add the amount obtained from multiplying the overage deducted from each class pursuant to § 1012.45(a)(12) and the corresponding step of § 1012.45 (b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1012.45(a)(7) and the corresponding step of § 1012.45(b);

(d) Add an amount equal to the difference between the value at the Class I and Class III price values at the pool plant of the skim milk and butterfat subtracted from Class I pursuant to § 1012.45(a)(3) and the corresponding step of § 1012.45(b);

(e) Add the value at the Class I price adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, of the skim milk and butterfat subtracted from Class I pursuant to § 1012.45(a)(9) and the corresponding step of § 1012.45(b).

§ 1012.61 Computation of uniform price.

For each month, the market administrator shall compute a uniform price as follows:

(a) Combine into one total the values computed pursuant to § 1012.60 for all handlers who filed the reports pursuant to § 1012.30 for the month, except those in default of payments required pursuant to § 1012.74 for the preceding month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of milk represented by the values specified in paragraph (a) of this section is less or more, respectively, than 3.5 percent, the amount obtained by multiplying such difference by the butterfat differential pursuant to § 1012.71 and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the total value of the location differentials computed pursuant to § 1012.72;

(d) Add an amount equal to one-half the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations;

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1012.60(e); and

(f) Subtract not less than four cents nor more than five cents per hundredweight.

§ 1012.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1012.30 and 1012.31(b) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed

pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1012.60 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II or Class III milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1012.60(e) and a credit in the amount specified in § 1012.74(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified below in this subparagraph. If the operator of the partially regulated distributing plant so requests, and provides with his report pursuant to § 1012.30 a similar report for each nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1012.10(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation, deduct the sum of:

(i) The gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph; and

(ii) Payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk in the marketing area on routes;

(2) Deduct (except that deducted under a similar provision of another order issued pursuant to the Act) the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location or at the Class III price, whichever is higher.

PAYMENTS

§ 1012.70 Time and method of payment.

(a) Except as provided in paragraph (b) of this section, each handler shall make payment for producer milk as follows:

(1) On or before the 20th day of the month to each producer who had not discontinued shipping milk to such handler before the 15th day of the month, not less than 85 percent of the uniform price for the preceding month (not less than $4.00 for the first month this provision is in effect) per hundredweight of milk received during the first 15 days of the month, less proper deductions authorized in writing by such producer;

(2) On or before the 5th day of the following month to each producer who had not discontinued shipping milk to such handler before the last day of the month, not less than 85 percent of the uniform price for the preceding month (not less than $4.00 for the first month this provision is in effect) per hundredweight of milk received from the 16th through the last day of the month, less proper deductions authorized in writing by such producer; and

(3) On or before the 15th day of each month to each producer for milk received during the preceding month, not less than the uniform price per hundredweight, adjusted pursuant to §§ 1012.71, 1012.72 and 1012.76, subject to the following:

(i) Minus payments made pursuant to subparagraphs (1) and (2) of this paragraph;

(ii) Less proper deductions authorized in writing by such producer; and

(iii) If by such date such handler has not received full payment from the market administrator pursuant to § 1012.75 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after receipt of the balance due from the market administrator.

(b) In the case of a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and which has so requested any handler in writing, together with a written promise of such association to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the association, such handler on or before the second day prior to the date on which payments are due individual producers, shall pay the cooperative association for milk received during the month from the producer-members of such association as determined by the market administrator an amount not less than the total due such producer-members pursuant to paragraph (a) of this section, subject to the following:

(1) Payment pursuant to this paragraph shall be made for milk received from any producer beginning on the first day of the month following receipt from the cooperative association of its certification that such producer is a member, and continuing through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association; and

(2) Copies of the written request of the cooperative association to receive payments on behalf of its members, together with its promise to reimburse and its certified list of members shall be submitted simultaneously both to the handler and to the market administrator and shall be subject to verification by the market administrator at his discretion, through audit of the records of the cooperative association. Exceptions, if any, to the accuracy of such certification claimed by any producer or by a handler shall be made by written notice to the market administrator and shall be subject to his determination.

§ 1012.71 Butterfat differential to producers.

The uniform price shall be increased or decreased for each one-tenth percent that the butterfat content of such milk, is above or below 3.5 percent, respectively, at the rate (rounded to the nearest one-tenth cent) determined by multiplying the pounds of butterfat in producer milk allocated to each class pursuant to § 1012.45 by the respective butterfat differential for each class.

§ 1012.72 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk received at a pool plant shall be reduced according to the location of the pool plant at the rates set forth in § 1012.53; and

(b) For purposes of computations pursuant to §§ 1012.74 and 1012.75, the uniform price shall be adjusted at the rates set forth in § 1012.53 applicable at the location of the nonpool plant from which the milk was received.

§ 1012.73 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments into such fund pursuant to §§ 1012.62 and 1012.74 and out of which he shall make all payments from such fund pursuant to § 1012.75: *Provided*, That the market administrator shall offset the payment due to a handler against payments due from such handler.

§ 1012.74 Payments to the producer-settlement fund.

On or before the 12th day after the end of the month, each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The net pool obligation pursuant to § 1012.60 for such handler; and

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform price; and

(2) The value at the uniform price applicable at the location of the plant(s) from which received (not to be less than the value at the Class III price) of other source milk for which a value is computed pursuant to § 1012.60(e).

§ 1012.75 Payments from the producer-settlement fund.

On or before the 13th day after the end of each month, the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1012.74(b) exceeds the amount computed pursuant to § 1012.74(a). If, at such time, the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

§ 1012.76 Marketing services.

(a) Except as provided in paragraph (b) of this section, each handler in making payments for producer milk received during the month shall deduct 4 cents per hundredweight or such lesser amount as the Secretary may prescribe (except on such handler's own farm production) and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples and tests of producer milk and to provide producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each month, pay over such deductions to the association rendering such services.

§ 1012.77 Expense of administration.

As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of the month four cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to:

(a) Producer milk (including such handler's own production);

(b) Other source milk allocated to Class I pursuant to § 1012.45(a) (3) and (9) and the corresponding steps of § 1012.45(b); and

(c) Class I milk disposed of in the marketing area from a partially regulated distributing plant that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

§ 1012.78 Adjustment of accounts.

When verification by the market administrator of reports or payments of a handler discloses errors resulting in monies due the market administrator from such handler, such handler from the market administrator, or a producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made not later than the date for making payment next following such disclosure.

§ 1012.79 Interest payments.

The unpaid obligation of a handler pursuant to §§ 1012.74, 1012.76, 1012.77, and 1012.78 shall be increased one-half of one percent for each month or portion thereof that such obligation is overdue.

§ 1012.80 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period, the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 1012.90 Effective time.

The provisions of this part or any amendment thereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1012.91 Suspension or termination.

The Secretary shall suspend or terminate any or all provisions of this part whenever he finds that they obstruct or do not tend to effectuate the declared policy of the Act. This part shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 1012.92 Continuing power and duty of the market administrator.

(a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons or agency as the Secretary may designate.

(b) The market administrator or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary, execute such assignment or other instruments necessary or appropriate to vest in such person full title to all funds, property and claims vested in the market administrator or such person pursuant thereto.

§ 1012.93 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part, the

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 7027; Amdt. 39-159]

PART 39—AIRWORTHINESS DIRECTIVES

Lear Jet Model 23 Airplanes

Pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), an airworthiness directive was adopted on November 17, 1965, and made effective immediately as to all known U.S. operators of Lear Jet Model 23 airplanes. The directive requires inspection and replacement of certain electrical wiring which could have been damaged by improper length screws.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Lear Jet Model 23 airplanes by individual telegrams dated November 17, 1965. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

LEAR JET. Applies to Model 23 airplanes.

Compliance required before further flight, unless already accomplished.

To prevent runaway aileron or stabilizer trim due to shorting of wires, accomplish the following:

(a) Remove two side screws holding control column covers, P/N 2315153-015 (Figure 59-7, Lear Parts Catalog). If screw length exceeds ⅜-inch, rework before further flight in accordance with Lear Jet Corp. instructions.

(b) Remove lens, P/N 2315155-025; bracket, P/N 2315155-024; and two attaching screws (Figure 59-33-34-35, Lear Parts Catalog). Remove map light. Cap and stow map light wires. Do not replace any parts. Leave cavity open. If wiring in cavity is damaged, rework before further flight in accordance with Lear Jet Corp. instructions.

(c) It is requested that the inspection results be reported by telegraph or telephone to FAA, CE-200, 4920 Troost Avenue, Kansas City, Mo.

This amendment shall become effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated November 17, 1965.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423))

Issued in Washington, D.C., on November 19, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-12638; Filed, Nov. 24, 1965; 8:45 a.m.]

[Docket No. 7028; Amdt. 39-160]

PART 39—AIRWORTHINESS DIRECTIVES

Lear Jet Model 23 Airplanes

Pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), an airworthiness directive was adopted on November 18, 1965, and made effective immediately as to all known U.S. operators of Lear Jet Model 23 airplanes. The directive requires inspection and replacement of improper ducting in the cabin air system.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Lear Jet Model 23 airplanes by individual telegrams dated November 18, 1965. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

LEAR JET. Applies to Model 23 airplanes.

Compliance required before further flight, unless already accomplished.

To eliminate the possibility of smoke accumulation in the cabin due to improper ducting, accomplish the following:

(a) Remove necessary interior side panels on right side of baggage compartment near fuselage frame 22 (Station 271).

(b) Inspect the one-inch diameter flexible duct (Figure 90-11, Lear Parts Catalog) to ensure that it is the high temperature silicone type (reddish color).

(c) Replace any black duct with high temperature silicone type (reddish color) duct, P/N 2319148-017 (airplane Serial Numbers 004 through 034), or P/N 2319148-022 (airplane Serial Numbers 035 and higher), before further flight.

This amendment shall become effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated November 18, 1965.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423))

Issued in Washington, D.C., on November 19, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-12639; Filed, Nov. 24, 1965; 8:45 a.m.]

[Docket No. 7032; Amdt. 39-161]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 720 and 720B Series Airplanes

There has been cracks found in the wing upper surface skin on Boeing Model 720 and 720B Series airplanes which reduces the strength of the wing and could result in failure. Since this condition is likely to exist or develop in other products of the same type design, an airworthiness directive is being issued to require inspection and repair where necessary of the wing upper surface skin.

As a situation exists which demands immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING. Applies to Model 720 and 720B Series airplanes.

Compliance required as indicated.

To prevent further cracking in the wing upper surface skin, accomplish the following:

(a) For airplanes with less than 10,000 hours' time in service on the effective date of this AD, comply with paragraph (c) before the accumulation of 10,300 hours' time in service, unless accomplished after the accumulation of 9,700 hours' time in service, and thereafter at intervals not to exceed 600 hours' time in service from the last inspection.

(b) For airplanes with 10,000 or more hours' time in service on the effective date of this AD, comply with paragraph (c) within the next 300 hours' time in service after the effective date of this AD, unless accomplished within the last 300 hours' time in service, and thereafter at intervals not to exceed 600 hours' time in service from the last inspection.

(c) Inspect the wing upper surface skin for cracks in accordance with Paragraph 3, Part I, "Inspection Data" of Boeing Service Bulletin No. 2309, Revision 1, or later FAA-approved revision.

(d) If cracks are detected during the inspections required by paragraph (c), before further flight, accomplish an X-ray inspection of the area from stringer No. 17 to the rear spar on both wings in accordance with "Process Data" included in Boeing Service Bulletin 2309, Revision 1, or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(e) Within the next 1,800 hours' time in service after the effective date of this AD and thereafter at intervals not to exceed 2,000 hours' time in service, accomplish an X-ray inspection of all concealed areas on each wing in accordance with "Process Data" included in Boeing Service Bulletin No. 2309, Revision 1, or later FAA-approved revision, or by an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(f) If a crack is detected during the inspections conducted in accordance with paragraphs (c), (d), or (e), before further flight, repair the skin crack, in accordance with Paragraph 3, Part II, "Interim Repair Data," or Part III, "Permanent Repair Data," Boeing Service Bulletin No. 2309, or later FAA-approved revision, or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region. Cracks repaired in accordance with Interim Repair Data shall be inspected visually where possible or by X-ray in concealed areas at intervals thereafter not to exceed 35 hours' time in service until the Part III Permanent Repair is accomplished. When the Part III permanent repair has been accomplished, the repetitive inspections required by this AD may be discontinued.

(g) Upon request of an operator, an FAA maintenance inspector with prior approval of the Chief, Aircraft Engineering Division, FAA Western Region, may adjust the repetitive inspection intervals required by the AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

(Boeing Service Bulletin No. 2309, Revision 1 or later FAA-approved revisions cover this same subject.)

This amendment becomes effective November 27, 1965.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on November 19, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-12688; Filed, Nov. 24, 1965; 8:49 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

WAR ORPHANS' EDUCATIONAL ASSISTANCE

In § 3.807, paragraphs (b) and (c) are amended to read as follows:

§ 3.807 War orphans' educational assistance; certification.

• • • • •

(b) *Service.* Service-connected disability or death must have been the result of active military, naval, or air service on or after April 21, 1898, and prior to the end of the induction period.

(c) *Service connection.* The provisions of this paragraph are applicable to disabilities incurred or aggravated during active service. Cases where eligibility for service-connected benefits is established under § 3.800 are not included.

(1) In claims based on service during a war period as outlined in § 3.2, the standards and criteria for determining service connection, either direct or presumptive, based on wartime service are applicable.

(2) In claims based on service during other than a war period, the standards and criteria for determining service connection, either direct or presumptive, based on peacetime service are applicable.

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective November 8, 1965.

Approved: November 18, 1965.

By direction of the Administrator.

[SEAL] A. H. MONK,
Acting Deputy Administrator.

[F.R. Doc. 65-12669; Filed, Nov. 24, 1965; 8:47 a.m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart A—Vocational Rehabilitation Under 38 U.S.C. Ch. 31

MISCELLANEOUS AMENDMENTS

1. In § 21.132(d), subparagraph (3) is amended to read as follows:

§ 21.132 Reduction or discontinuance.

• • • • • •

(d) *Child.* • • •

(3) *School attendance.* Last day of month in which school attendance ceased or day preceding 23d birthday, whichever is earlier.

• • • • •

2. Section 21.136 is revised to read as follows:

§ 21.136 Payment to both parents.

A child of a female veteran may be considered her dependent for the purpose of subsistence allowance. Such child may be considered a dependent of the female veteran where her husband, who is also a veteran, is in training, and is in receipt of subsistence allowance based on the wife and the same child.

3. In § 21.137, paragraph (c) is amended to read as follows:

§ 21.137 Apportionment.

• • • • •

(c) *Child adopted out of family.* Where evidence establishes that a veteran is the natural father of a child or children legally adopted outside of his family, only such additional amount of subsistence allowance on account of the existence of such child or children will

be apportioned in favor of the child or children. The veteran is not entitled in his own right to whatever additional amount of subsistence allowance is payable because of the existence of such child.

(72 Stat. 114; 38 U.S.C. 210)

These VA regulations are effective December 1, 1965.

Approved: November 17, 1965.

By direction of the Administrator.

[SEAL] A. H. MONK,
Acting Deputy Administrator.

[F.R. Doc. 65-12670; Filed, Nov. 24, 1965; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9-7—CONTRACT CLAUSES

Subpart 9-7.50—Use of Standard Clauses

PART 9-15—CONTRACT COST PRINCIPLES AND PROCEDURES

Subpart 9-15.50—Cost Principles and Procedures

MISCELLANEOUS AMENDMENTS

Section 9-7.5004-22 *Disclosure of information.* Note A is revised to read as follows:

§ 9-7.5004-22 Disclosure of information.

* * * * *

NOTE A: This clause should be used in place of the clauses entitled "Security," AECPR 9-7.5004-11, and "Classification," AECPR 9-7.5004-21, in contracts with educational institutions for off-site research that are not likely to produce Restricted Data or classified information.

§§ 9-7.5006-9, 9-7.5006-10, 9-7.5006-12 [Amended]

Sections 9-7.5006-9(d)(8)(i), 9-7.5006-10(d)(8)(i), and 9-7.5006-12(d)(8)(i), the note is revised to read as follows:

NOTE: The specific dollar amount to be inserted in the blank space above is subject to determination by the Contracting Officer, taking into account the cost principles and procedures set forth in Part AECPR 9-15, with specific reference to § 9-15.5010-14(d). In no event should the dollar amount be more than $25,000.

Section 9-7.5006-50 *Litigation and claims,* the first sentence of paragraph (b) is revised to read as follows:

§ 9-7.5006-50 Litigation and claims.

* * * * *

(b) *Defense and settlement of claims.* The contractor shall give the Contracting Officer immediate notice in writing (1) of any action, including any proceeding before an administrative agency, filed against the contractor arising out of the performance of this contract, and (2) of any claim against the contractor the cost and expense of which is allowable under the clause entitled "Allowable costs". * * *

Section 9-15.5010-6 *Outside technical and professional consultants,* is revised to read as follows:

§ 9-15.5010-6 Outside technical and professional consultants.

Technical and professional consultants, as used here, refers to private individuals acting in their own behalf who make their services available on a fee or per diem basis. Consultant arrangements may permit bringing to contract work the services of outstanding specialists who would not be available on a full-time basis, or whose employment on a full-time basis would not be economically feasible. Costs of such outside consultant services are normally allowable (however, see AECPR 9-7.5006-9(e)(26); 9-7.5006-10(e)(24); 9-7.5006-11(b); and 9-7.5006-12(e)(22)): *Provided,* That, the services are essential to and will make a material contribution to the performance of contract work; the services may be performed more economically or more successfully by a consultant than by the contractor's regular personnel; the fee or per diem charged is reasonable; and when approved by the contracting officer. If the cost of such services is charged directly to the AEC contract, the cost of like items properly chargeable only to other work of the contractor must be eliminated from indirect costs allocable to the AEC contract (see AECPR 9-15.5009-1).

§ 9-15.5010-14 [Amended]

In § 9-15.5010-14, *Compensation for personal services,* paragraph (h), next to last line, the reference "(m)" is changed to "(k)".

In § 9-15.5010-14, *Compensation for personal services,* subparagraph (4) under paragraph (k), last two lines, the words "be complete" are changed to "to compete".

In § 9-15.5010-14, *Compensation for personal services,* subparagraph (4) under paragraph (l), last two lines, "(ii) and (iii)" are changed to "(2) and (3)".

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205 of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 18th day of November 1965.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director, Division of Contracts.

[F.R. Doc. 65-12623; Filed, Nov. 24, 1965; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 60—FEDERAL FINANCIAL ASSISTANCE FOR NONCOMMERCIAL EDUCATIONAL TELEVISION BROADCAST FACILITIES

Miscellaneous Amendments

Part 60 of Title 45 of the Code of Federal Regulations establishing rules and regulations for the administration of Part IV of Title III of the Communications Act of 1934, as amended, P.L. 87-447, 76 Stat. 64, 47 U.S.C. 390 et seq., is revised as indicated in the paragraphs below.

1. Paragraphs (k), (s) and (z) of § 60.3 are revised to read as follows:

§ 60.3 Definitions.

* * * * *

(k) "Educational purposes" as applied to educational television broadcasting means the transmission of educational, community service, and cultural programs.

* * * * *

(s) "Owned by the applicant" as applied to transmission apparatus means that the applicant's interest in such transmission apparatus is, at least, the primary, equitable, or beneficial interest, including for the purposes of paragraphs (b) and (c) of § 60.14 the obligation to own.

* * * * *

(z) "Mobile equipment" means transmission apparatus designed and constructed so as to be capable of being readily moved.

* * * * *

2. Subparagraph (2) of § 60.5(a) is revised to read as follows:

§ 60.5 Federal Communications Commission authorization.

(a) In any case where the project requires an authorization or authorizations from the Commission the applicant must also file with the Secretary a copy of each of the following Commission application forms and any amendments thereto, as may be appropriate:

* * * * *

(2) Application for authorization in the auxiliary broadcast services, except that a copy of a Commission application form for authority to construct or make changes in a television-studio transmitter link need not be filed with the Secretary prior to the approval of the project.

* * * * *

3. Paragraphs (f) and (i) of § 60.9 are revised to read as follows:

§ 60.9 Assurances required.

No project will be approved unless the applicant has given assurances acceptable to the Secretary:

* * * * *

(f) That the transmission apparatus to be acquired and installed under the project will be used only for educational purposes and primarily for educational television broadcast purposes:

* * * * *

(i) That the applicant will comply with the Civil Rights Regulations of the Department of Health, Education, and Welfare, 45 CFR Part 80.

4. Section 60.14 is revised to read as follows:

§ 60.14 Amount of Federal grant.

(a) The amount of the Federal grant for each approved project will be the sum of the amounts determined by the Secretary under paragraphs (b) and (c) of this section, and subject to the limitations of paragraph (d) of this section.

(b) An amount not exceeding 50 percent of the amount determined by the Secretary to be the reasonable and necessary cost (including the fair market value of donations in kind) of the acquisition and installation of transmission apparatus of the project, except that such project shall exclude:

(1) Transmission apparatus which, prior to acceptance for filing of the application, the applicant owns;

(2) Services (except for engineering services to the extent that such services are within the definition of "installation" contained in § 60.13(r)) performed for the applicant prior to acceptance for filing of the application by the Secretary or contracted for by the applicant prior to acceptance for filing of the application by the Secretary, unless, by the terms of the contract, the applicant will be under no legal obligation or liability in the event the services so contracted for are not approved by the Secretary for inclusion in the project;

(3) The value of transmission apparatus which was acquired or installed, in whole or in part, by donation from the United States or with Federal funds provided from sources other than under this part; and

* * * * *

(c) Twenty-five percent of the amount determined by the Secretary to be the reasonable and necessary cost of any transmission apparatus which, prior to the date the application is accepted for filing, is owned by the applicant and is used by the applicant only for educational purposes and primarily for educational television broadcasting purposes, or which will be used by the applicant only for educational purposes and primarily for educational television broadcasting purposes upon completion of the project except that such cost shall exclude:

* * * * *

5. Paragraph (b) of § 60.17 is revised to read as follows:

§ 60.17 Conditions to Federal grant.

* * * * *

(b) Maintain, during construction of the project and for ten years after completion of the project, protection against common hazards through adequate insurance coverage or other equivalent undertakings; except that to the extent the applicant follows a different policy of protection with respect to its other property, the applicant may extend such policy to transmission apparatus acquired and installed under the project;

6. Paragraph (a) of § 60.18 is revised to read as follows:

§ 60.18 Payment of Federal grant.

(a) Following approval of a project, except where the Secretary for good cause shown has approved an alternative method of payment, the amount of the Federal grant will be paid to the applicant in the following manner:

(1) An amount not exceeding fifty percent of the total amount of the Federal grant entitlement approved by the Secretary will be paid to the applicant after the Secretary's approval of the grant becomes final in accordance with the provisions of § 60.15(b). Payment will be made upon the applicant's request and certification that payment is necessary to meet obligations incurred in the project.

(2) An amount not exceeding forty percent of the Federal grant entitlement will be paid upon completion or substantial completion of the project. Payment will be made only after inspection of the project and the applicant's financial records pertinent to the Federal financial assistance, as the Secretary may deem necessary, and approval by the Secretary of a Request for Final Payment which shall include—

(i) Certification that the noncommercial educational television broadcasting station has, where required, Commission authorization to broadcast following acquisition and installation of project equipment,

(ii) Certification that the acquisition and installation of the project equipment either has been completed or is substantially completed in accordance with the project as approved by the Secretary, and

(iii) A detailed financial report itemizing the actual costs incurred in either completing the project or substantially completing the project, and the sources of funds for paying for the items of transmission apparatus delivered, accompanied by certified true copies of invoices, bills or other satisfactory documents that the expenses have been incurred and the amount thereof. If payment is requested on the basis of substantial rather than final completion of the project, the amount of payment provided for herein shall be computed on the basis of the cost attributable by the Secretary to the completed portion of the project (but limited to ninety percent of the Federal share of the then completed project costs). Upon final completion of such project as approved by the Secretary, the applicant will amend the Request for Final Payment to include the remaining project costs and these will be paid in accordance with subparagraph (3) of this paragraph.

(3) The remainder of the Federal grant entitlement will be paid following satisfactory final audit of the applicant's financial records relating to the project.

* * * * *

7. Paragraph (e) of § 60.19 is amended to read as follows:

§ 60.19 Fiscal reports and records.

* * * * *

(e) The applicant shall maintain, for ten years after completion of the project, adequate descriptive inventories or other records supporting accountability of all items of transmission apparatus costing $100 or more acquired or installed with Federal financial assistance pursuant to this part, and appropriately mark such transmission apparatus in a permanent manner in order to assure easy and accurate identification and reference to such inventory records.

Dated: November 18, 1965.

[SEAL] WILLIAM J. COHEN,
Acting Secretary of Health, Education, and Welfare.

[F.R. Doc. 65-12678; Filed, Nov. 24, 1965; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Miscellaneous Amendments

The Commission having under consideration the desirability of making editorial changes in Parts 81 and 83 of its rules.

It appearing, that the amendments adopted herein are editorial in nature, and, hence, the prior notice, procedure, and effective date provisions of section 4 of the Administrative Procedure Act are not applicable; and

It further appearing, that the amendments adopted herein are issued pursuant to the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and § 0.261(a) of the Commission's rules;

It is ordered, This 22d day of November 1965, that effective November 29, 1965, Parts 81 and 83 of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: November 22, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

A. Part 81 is amended as follows:

1. Section 81.137 is amended by revising paragraphs (a) (2) and (b) to read:

§ 81.137 Transmitters required to be type accepted for licensing.

(a) • • •

(2) To single sideband and independent sideband transmitters when operating on frequencies below 27.5 Mc/s: *Provided, however,* That this requirement shall not apply until January 1, 1970, to transmitters in class I public coast stations when operating on frequencies between 4 and 27.5 Mc/s.

(b) Transmitters in each coast station authorized to operate on a secondary basis as a shipyard base station and in each shipyard mobile station shall comply with the provisions of this section.

2. Section 81.371 is amended to read:

§ 81.371 Use of U.S. Government frequencies for telephony.

Frequencies assignable to government radio stations are assignable to non-Government limited coast stations for communication with other non-Government stations by telephony when such communication is necessary in connection with activities performed in coordination with or in behalf of the Federal Government and where the Commission determines, after consultation with the appropriate government agency or agencies, that such assignment is necessary.

B. Part 83 is amended as follows:

1. Section 83.33 is amended to read:

§ 83.33 Changes during license term.

An application for modification of license shall be submitted if the name of the vessel is changed during the license term, or if additions, deletions, or replacements occur with respect to the authorized transmitting equipment. No application for modification of license is required when a change in the licensee's permanent mailing address occurs or when there is a change in the name only of the licensee (without any other changes, for example, no change in ownership, identity, corporate structure or the like). However, the licensee shall advise the Commission by letter of the change in the permanent mailing address or of the change of name. The licensee shall post a copy of such letter with the license.

2. Section 83.801, Table 1c, in the entry designated by the symbol L46, the frequency 6352.5 replaces 6252.5 in the 6 megacycle frequency column, and Table 2 is amended to read:

§ 83.801 Tables of ship radiotelegraph frequencies from 2 Mc/s to 27.5 Mc/s.

• • • • •

TABLE 2—SHIP RADIOTELEGRAPH FREQUENCY PLAN

[For columns of frequencies designated by these symbols, see Tables 1a, 1b, and 1c]

	Calling frequency column symbols	High traffic ship working frequency column symbols	Low traffic ship working frequency column symbols
RCA Communications, Inc.	C3, C5, C7, C9.	H1, H3, H5, H7, H9.	L1, L3, L5, L7, L9, L11, L13, L15, L17, L19, L21, L23, L25, L27, L29, L31, L33, L35, L37, L39, L41, L43, L45, L47.
ITT World Communications, Inc.	C2, C4, C5, C6.	H4, H6, H8, H10.	L2, L6, L8, L10, L14, L16, L18, L20, L24, L28, L32, L34, L36, L40, L42, L48, L49.
Tropical Radio Telegraph Co.	C1, C5, C8.	H2, H11..	L4.
Matson Navigation Co.	...do.....	...do.....	L12.
Other applicants: [1]			
A–C	...do.....	...do.....	L22.
D–L	...do.....	...do.....	L26.
M	...do.....	...do.....	L30.
N–R	...do.....	...do.....	L38.
S	...do.....	...do.....	L44.
T–Z	...do.....	...do.....	L46.

[F.R. Doc. 65–12689; Filed, Nov. 24, 1965; 8:49 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER B—STANDARD REFERENCE MATERIALS

PART 230—STANDARD REFERENCE MATERIALS

Subpart C—Standards of Certified Chemical Composition

STEELS AND CAST IRON (CHIP FORM)

Under the provisions of 15 U.S.C. 275a and 277, the following amendments relating to standard reference materials issued by the National Bureau of Standards are effective upon publication in the FEDERAL REGISTER. The amendments add certain standard reference materials, some of which are renewals of out of stock standards.

The following amends 15 CFR Part 230 which appeared in the FEDERAL REGISTER of April 17, 1965 (vol. 30, No. 74, pt. II).

1. Section 230.7–1 *Steels (chip form)* is amended to revise standards 12g and 152 to read as follows:

Sample No.	Kind	Price
12h	Basic open-hearth steel, 0.4C.....	$12.00
152a	Basic open-hearth steel, 0.5C, 0.4Sn..	12.00

2. Section 230.7–3 *Cast iron (chip form)* is amended to revise standard 82a to read as follows:

Sample No.	Kind	Price
82a	Nickel-chromium cast iron.....	$15.00

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 227. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

A. V. ASTIN,
Director.

[F.R. Doc. 65–12693; Filed, Nov. 24, 1965; 8:50 a.m.]

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[10th Gen. Rev. of Export Regs., Amdt. 9]

PART 384—GENERAL ORDERS

Exports of Copper

Section 384.7 *Extension of copper export controls* is amended to read as follows:

§ 384.7 Exports of copper.

(a) *Rationale.* (1) The Secretary of Commerce has decided that the national interest dictates the urgent need for curtailing exports of copper from the United States.

(2) This decision to curtail the exports of copper was announced by the Department of Commerce in a press release dated November 18, 1965, and was published in the FEDERAL REGISTER of November 19, 1965 (30 F.R. 14490). The press release stated in part:

The U.S. Department of Commerce announced that effective immediately all exports of copper including copper scrap from the United States to any destination will require issuance of a validated license by the Office of Export Control of the Department of Commerce. The export licensing does not apply to copper which is now on board vessels or now in ports and scheduled for loading.

The requirement of a specific application and validated license applies to all forms of copper set forth in the Department's Commodity Control List of the Comprehensive Export Schedule currently issued by the Department. This includes unrefined, as well as refined, copper.

In discussing his reasons for this decision, the Secretary stated in part:

The decision to control exports of copper has been made in order to avoid disruption in the copper market and to assure that a sufficient supply of copper will continue to be available to meet increasing national defense and civilian needs.

In recent months, the supplies of copper available to the United States have become increasingly tight, while at the same time the demand for copper has increased. It is expected that defense needs for copper in 1966 will be double that of 1965.

(3) In order to minimize the disruption of normal business activities in the copper industry, the Department of Commerce has now concluded that: (i) It will not be necessary to control the export to Canada of any copper which is intended for consumption in Canada; (ii) it will not be necessary to impose any additional controls beyond those which existed prior to November 18, 1965, for exports of refined copper and copper manufactures; (iii) it will be necessary to require validated licenses for exports of semimanufactured copper commodities to all destinations of the world except Canada; and (iv) it will be necessary to establish quantitative restrictions on exports of copper metalliferous ash and residues and copper and copper-base alloy waste and scrap to all destinations of the world except Canada and to partially revoke validated licenses issued prior to November 18, 1965, with respect to these copper commodities.

(4) This section provides the details of the above general conclusions and establishes certain procedural requirements.

(b) *Revisions in the Commodity Control List.* The Department's conclusion that validated licenses should be required for exportations of semifabricated copper commodities to all destinations of the world except Canada is reflected in the Export Regulations by further revising the Commodity Control List as shown below, effective November 24, 1965. Each commodity description is footnoted to indicate the extent of changes in requirements for validated export licenses.

Department of Commerce, export control commodity number and commodity description	Unit	Processing code and related commodity group No.	Validated license required for country groups shown below	GLV dollar value limits for shipment to country groups			Special provisions list
				T	V	X	
6221 Bars, rods, angles, shapes, sections, and wire of copper or copper-base alloy. (Also specify copper content in pounds.)[1]	Lb.	NONFS..	TVWXYZ..	500	500	.....	
6222 Plates, sheets, and strips of copper or copper-base alloy. (Also specify copper content in pounds.)[1]	Lb.	NONFS..	TVWXYZ..	500	500	.....	
6223 Copper foil. (Also specify copper content in pounds.)[2]	Lb.	FINFS..	TVWXYZ..	500	500	.....	
6223 Paper backed copper foil. (Also specify copper content in pounds.)[4]	Lb.	TEXTS..	TVWXYZ..	500	500	.....	
6224 Copper and copper alloy powders and flakes. (Also specify copper content in pounds.)[2]	Lb.	NONFS..	TVWXYZ..	500	500	.....	
6225 Tubes, pipes, and blanks therefor, and hollow bars of copper or copper-base alloy. (Also specify copper content in pounds.)[1]	Lb.	NONFS..	TVWXYZ..	500	500	.....	
6892 Copper castings and forgings. (Also specify copper content in pounds.)[1]	Lb.	NONFS..	TVWXYZ..	500	500	.....	
6892 Copper and copper-base alloy perforated plates and perforated sheets. (Also specify copper content in pounds.)[1]	.....	NONFS.	TVWXYZ..	500	500	.....	
7310 Other copper or copper-base alloy insulated wire and cable. (Also specify copper content in pounds.)[1]	Lb.	NONFS..	TVWXYZ..	500	500	.....	

[1] This footnote means that the entry has been revised to indicate that a validated export license is also required for shipments to destinations in Country Groups T and V. However, a GLV dollar-value limit of $500 is established for shipments to Country Groups T and V under the provisions of General License GLV (see § 371.10). Further, shipments may no longer be made to Country Group X (Hong Kong and Macao) under the provisions of General License GLV.

[2] This footnote means that the entry has been revised to indicate that a validated export license is also required for shipments to destinations in Country Groups T, V, and W. However, a GLV dollar-value of $500 is established for shipments to Country Groups T and V under the provisions of General License GLV (see § 371.10). Further, shipments may no longer be made to Country Group X (Hong Kong and Macao) under the provisions of General License GLV.

[3] This footnote means that the entry has been revised to indicate that a validated export license is also required for shipments to destinations in Country Groups, T, V, W, and X. However, a GLV dollar-value limit of $500 is established for shipments to Country Groups T and V under the provisions of General License GLV (see § 371.10). Further, shipments may no longer be made to Country Group X (Hong Kong and Macao) under the provisions of General License GLV.

[4] This footnote means that the entry has been revised to indicate that a validated export license is also required for shipments to destinations in Country Groups T, V, W, X, and Y. However, a GLV dollar-value limit of $500 is established for shipments to Country Groups T and V under the provisions of General License GLV (see § 371.10). Further, shipments may no longer be made to Country Group X (Hong Kong and Macao) under the provisions of General License GLV.

(c) *Saving clause.* Shipments of commodities removed from general license to destinations in Country Groups, T, V, W, X, and Y as a result of changes set forth above which were on dock for lading, or laden aboard an exporting carrier prior to 2 a.m., e.s.t., November 18, 1965, may be exported under the previous general license provisions up to and including December 2, 1965. Any such shipment not laden aboard the exporting carrier on or before December 2, 1965 requires a validated export license for export.

(d) *Exports of copper and copper-base alloy scrap.* The Department's conclusion to establish quantitative restrictions on exports of copper scrap and copper-base alloy scrap to all destinations of the world except Canada is reflected in the Export Regulations, as described below.

(1) *Commodity coverage.* The following commodities are subject to these quantitative export restriction provisions:

Export Control Commodity Number and Commodity Description	
28401	Copper metalliferous ash and residues.
28402	Copper and copper-base alloy waste and scrap.

(2) *Establishment of quota.* An export quota of 15,000 copper content tons is established for licensing during the first two calendar quarters of 1966 of those commodities set forth in subparagraph (1) of this paragraph. This quota of 15,000 copper content tons will in turn be divided into country quotas.

(3) *Time for submission of applications.* Applications for export licenses against the above quota shall be submitted to the U.S. Department of Commerce, Office of Export Control, Washington, D.C., between the period November 24, 1965, and December 20, 1965.

(4) *Statement of past participation in exports.* (i) The first application for a license to export any commodity set forth in subparagraph (1) of this paragraph shall be accompanied by a signed statement from the applicant showing the following information for each of the entries listed in subparagraph (1) of this paragraph:

The quantity (in copper content pounds) and total dollar value, by country of ultimate destination, exported by the applicant during calendar year 1964 and during the three calendar quarters of 1965, i.e., January–March, April–June, and July–September; as well as the grand totals for the period January 1, 1964, through September 30, 1965.

Subsequent applications for export licenses need not be accompanied by this information regarding past participation in exports.

(ii) In submitting the past participation in exports information, the following types of shipments shall not be included:

(a) Shipments to territories, dependencies and other possessions of the United States.

(b) In-Transit shipments exported under the provisions of General License GIT.

(c) Shipments to Canada.

A successor firm which has acquired the business interest of a predecessor may include its predecessor's record of past participation in exports for the purpose of establishing the successor firm's position as an historical exporter, provided that the predecessor is not entitled to claim the same past participation in exports. Such successor firm should submit a statement of past participation in exports for consideration by the Office of Export Control and set forth a full explanation of the association between the entities concerned, including the following signed statement:

The terms of acquisition of the business interests of (name of predecessor firm) preclude the predecessor firm from claiming past participation in exports for the purpose of obtaining export licenses under the historical pattern of export licensing.

(5) *Applications covering copper scrap.* The quantity shown on applications covering the exportation of copper and copper-base alloy waste and scrap and of copper metalliferous ash and residues shall be shown in copper content pounds, in addition to the unit of quantity shown on the Commodity Control List.

(6) *Consideration of applications under quota.* (i) In order to maintain a normal pattern of export trade and to assure an equitable distribution of the available quota, the issuance of export licenses will be based primarily on the past participation of exporters in exports of copper metalliferous ash and residues, and copper and copper-base alloy waste and scrap. Under this method of licensing, the bulk of the export quota will be reserved for those firms who have participated in exports during the base

period January 1, 1964, through September 30, 1965. However, licensing on this basis will not preclude participation by exporters who do not have a record of past participation in exports during this base period, since a small portion of the quota will be reserved for exporters within this category and for other contingencies.

(ii) Licenses processed against this export quota are expected to be issued during the week of January 3, 1966. However, where an undue hardship exists, consideration will be given to the immediate processing of an application and, if approved, the quantity will be charged to the applicant's share of the export quota.

(e) *Applications for exports of other copper commodities.* As indicated above, copper and copper-base alloy waste and scrap, and copper metalliferous ash and residues are the only commodities which are subject to the "past participation in exports" method of licensing. Applications for licenses to export any other copper commodities may be submitted under the general procedures for filing applications for export licenses. (See paragraph (f) of this section for shipments of refined copper produced from foreign-origin materials.)

(f) *Refined copper produced from foreign-origin materials.* In submitting an application for a license to export refined copper produced in the United States under a toll or conversion agreement from materials originating from foreign sources, the applicant shall make the following certification on the license application:

I (We) certify that the refined copper described in this license application was produced in the United States under a toll or conversion contract from materials originating from foreign sources.

(g) *Unit of quantity shown on license applications.* The quantity shown on an application covering the exportation of any commodity listed below shall be both in copper content pounds as well as the unit of quantity shown for that commodity on the Commodity Control List.

Export Control Commodity Number and Commodity Description	
28311	Copper ores and concentrates.
28312	Copper matte. (See Export Control Commodity Number 68211 for other unrefined copper.)
28401	Copper metalliferous ash and residues.
28402	Copper and copper-base alloy waste and scrap.
68211	Blister copper and other unrefined copper.
68212	Refined copper, including remelted, in cathodes, billets, ingots, wire bars, and other crude forms.
68213	Master alloys of copper.
68221	Bars, rods, angles, shapes, sections, and wire of copper or copper-base alloy.
68222	Plates, sheets, and strips of copper or copper-base alloy.
68223	Copper foil.
68223	Paper backed copper foil.
68224	Copper and copper alloy powders and flakes.
68225	Tubes, pipes, and blanks therefor, and hollow bars of copper or copper-base alloy.
69892	Copper castings and forgings.
69892	Copper and copper-base alloy perforated plates and perforated sheets.
72310	Wire and cable coated with, or insulated with, fluorocarbon polymers or copolymers.
72310	Coaxial-type communications cable as follows: (a) containing fluorocarbon polymers or copolymers, (b) using a mineral insulator dielectric, (c) using a dielectric aired by discs, beads, spiral, screw, or any other means, (d) designed for pressurization or use with a gas dielectric, or (e) intended for submarine laying.
72310	Other coaxial cable.
72310	Communications cable containing more than one pair of conductors of which any one of the conductors, single or stranded, has a diameter exceeding 0.9 mm. (0.035 inch), as follows: (a) Cable in which the nominal mutual capacitance of paired circuits is less than 53 nanofarads/mile (33 nanofarads/KM), *except conventional paper and air dielectric types,* (b) submarine cable, or (c) cable containing fluorocarbon polymers or copolymers.
72310	Other communications cable containing more than one pair of conductors *and* containing any conductor, single or stranded, exceeding 0.9 mm. in diameter.
72310	Other copper or copper-base alloy insulated wire and cable.

(h) *Validity period of export licenses.* Any license issued on and after November 24, 1965, covering the exportation of any copper commodity listed in paragraph (g) of this section captioned "Unit of Quantity Shown on License Applications" (except for copper metalliferous ash and residues, Export Control Commodity No. 28401; and copper and copper-base alloy waste and scrap, Export Control Commodity No. 28402) will be restricted to a validity period of three calendar months following the month during which the license is issued. Licenses covering the exportation of these excepted commodities will be licensed for a validity period of six calendar months following the month during which the license is issued.

(i) *Amendments of export licenses.* Field offices will not take action on requests to amend or extend validated licenses covering exportations of any commodity listed in paragraph (g) of this section captioned "Unit of Quantity Shown on License Applications." These requests must be submitted to the U.S. Department of Commerce, Office of Export Control, Washington, D.C., 20230.

(j) *Additional copy of declaration.* When clearing a shipment under a validated export license covering any copper commodity listed in paragraph (g) of this section captioned "Unit of Quantity Shown on License Applications," the licensee shall file with the Collector of Customs an additional copy of the Shipper's Export Declaration. In completing the Declaration, the licensee shall enter the symbol "8542" in the upper right hand corner.

(k) *Revocation of certain validated licenses—(1) Individual and periodic requirements licenses.* Effective December 1, 1965, 12:01 a.m., e.s.t., any unexported quantity of an Individual Validated License or a Periodic Requirements License issued prior to November 18, 1965, which covers the exportation of copper metalliferous ash and residues, Export Control Commodity No. 28401; or Copper and Copper-base alloy waste and scrap, Export Control Commodity No. 28402 is reduced by 50 percent. All such licenses expire February 28, 1966. Any such license bearing an expiration date of December 31, 1965 or January 31, 1966, is automatically extended until February 28, 1966. Thus, if an unexported quantity of 1,000 pounds remains on December 1, 1965, the licensee will be permitted to export only 500 pounds against this license during the period December 1, 1965, through February 28, 1966. In this instance, the licensee will be permitted to export the specified 500 pounds through February 28, 1966, even though the license specifies an expiration date prior to February 28, 1966. Any quantity which has not been laden aboard the exporting carrier on or before February 28, 1966, is automatically cancelled.

As a condition to the use of any license described above, the licensee is required to:

(i) Submit the certification shown below to the U.S. Department of Commerce, Office of Export Control, Washington, D.C., no later than December 20, 1965. The term "unexported quantity" as used in this certification means the licensed quantity which has not been laden aboard an exporting carrier, whether or not the carrier has departed from the United States.

I (We) hereby certify that the unexported quantity, as of December 1, 1965, was (quantity) with regard to the following validated export license issued to me (us): (License No.), (Case No.), (Country of Destination), and (Name of Ultimate Consignee).

A single letter with multiple certifications for two or more licenses may be submitted to the Office of Export Control.

(ii) Enter the following certification on a Shipper's Export Declaration covering an exportation made on and after December 1, 1965, against any license described above:

I (We) hereby certify that the shipment described on this Declaration is part of the 50 percent of the unexported balance remaining on this license as of December 1, 1965.

(2) *Time limit and project licenses.* Effective 12:01 a.m., e.s.t., December 1, 1965, no outstanding Time Limit License or Project License may be used to export Copper metalliferous ash and residues, Export Control Commodity No. 28401; or Copper and Copper-base alloy waste and scrap, Export Control Commodity No. 28402. The revocation with respect to these two types of licenses is necessitated by the fact that these licenses permit the exportation of unlimited quantities.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487; E.O. 11038, 27 F.R. 7003)

RAUER H. MEYER,
Director,
Office of Export Control.

[F.R. Doc. 65-12738; Filed, Nov. 24, 1965; 9:55 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-922]

PART 13—PROHIBITED TRADE PRACTICES

Roberts Sunglasses, Inc., and George Roberts

Subpart—Misrepresenting oneself and goods—goods: § 13.1680 *Manufacture or preparation;* § 13.1715 *Quality.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, Roberts Sunglasses, Inc., et al., Englewood, N.J., Docket C-922, July 27, 1965]

In the Matter of Roberts Sunglasses, Inc., a corporation, and George Roberts, individually and as an officer of said corporation

Consent order requiring an Englewood, N.J., distributor of sunglasses to cease misrepresenting the optical qualities of its sunglasses by such practice as stating on labels that said products possess "6 Base Lenses" when such was not the fact.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Roberts Sunglasses, Inc., a corporation, and its officers and George Roberts, individually and as an officer of said corporation, and respondents' agents, representatives and employees directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of sunglasses in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or indirectly, that: The lenses of their sunglasses have a given diopter curve unless such is the fact: *Provided, however,* That in the case of ground and polished sunglass lenses a tolerance not to exceed minus or plus 1/16th diopters in any meridian and a difference in power between any two meridians not to exceed 1/16th diopter and a prismatic effect not to exceed 1/8th diopter shall be allowed.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 27, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 65-12654; Filed, Nov. 24, 1965; 8:46 a.m.]

[Docket No. C-923]

PART 13—PROHIBITED TRADE PRACTICES

Peter Pan Yarn Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30–100 Wool Products Labeling Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73–70 Wool Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–40 Federal Trade Commission Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Peter Pan Yarn Corp. et al., New York, N.Y., Docket C-923, July 28, 1965]

In the Matter of Peter Pan Yarn Corp. and King Arthur Yarn Corp., corporations, and Morris Batansky, individually and as an officer of said corporations

Consent order requiring New York City importers, wholesalers and retailers of wool products, to cease misbranding and falsely advertising wool yarn or other wool products in violation of the Wool Products Labeling Act by such practices as falsely labeling and advertising certain yarns as "100% Mohair", when said yarns contained less mohair than represented and contained other woolen fibers; using the term "mohair" in lieu of "wool" to describe fibers which were not entitled to such designation; and failing to comply with other labeling requirements of the Act; and to cease violating the Federal Trade Commission Act by falsely representing the fiber content of said products on invoices.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Peter Pan Yarn Corp. and King Arthur Yarn Corp., corporations, and their officers, and Morris Batansky, individually and as an officer of said corporations, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from introducing into commerce, or offering for sale, selling, transporting, distributing, or delivering for shipment in commerce, wool yarn or other wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939:

1. Which are falsely or deceptively stamped, tagged, labeled or otherwise identified as to the character or amount of the constituent fibers contained therein.

2. Unless such products have securely affixed thereto or placed thereon a stamp, tag, label or other means of identification correctly showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

3. Which have affixed thereto labels which use the term "mohair" in lieu of the word "wool" in setting forth the required information on labels affixed to wool products unless the fibers described as mohair are entitled to such designation and are present in at least the amount stated.

It is further ordered, That respondents Peter Pan Yarn Corp. and King Arthur Yarn Corp., corporations, and their officers, and Morris Batansky, individually and as an officer of said corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of yarn or any other textile products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the character or amount of constituent fibers contained in yarn or any other textile products in advertisements or on invoices or shipping memoranda applicable thereto or in any other manner.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 28, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 65-12655; Filed, Nov. 24, 1965; 8:46 a.m.]

[Docket No. 7207 o.]

PART 13—PROHIBITED TRADE PRACTICES

Forster Mfg. Co., Inc., and Theodore R. Hodgkins

Subpart—Discriminating in price under sec. 2, Clayton Act—Price Discrimination under 2(a): § 13.715 *Charges and price differentials.*

(Secs. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Order on remand to cease and desist, Forster Mfg. Co., Inc., et al., Farmington, Maine, Docket 7207, July 23, 1965]

In the Matter of Forster Mfg. Co., Inc., a corporation, and Theodore R. Hodgkins, individually and as President of Forster Mfg. Co., Inc.

Order, following remand for further proceedings by the Court of Appeals, First Circuit, of July 29, 1964, 335 F. 2d 47, cease and desist order dated March 18,

1963, 28 F.R. 3531, requiring a Farmington, Maine, manufacturer of woodenware products, to cease discriminating in price between competing purchasers of wooden skewers, clothespins, ice cream spoons and other wooden products sold by respondents in violation of section 2(a) of the Clayton Act.

The order on remand to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Forster Mfg. Co., Inc., a corporation, and its officers and the individual respondent Theodore R. Hodgkins, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the sale or distribution in commerce of woodenware products, do forthwith cease and desist from discriminating, directly or indirectly, in the price of such products of like grade and quality:

By selling such products to any purchaser at a price which is lower than the price charged any other purchaser at the same level of distribution, where such lower price undercuts the lowest price offered to that purchaser by any other seller having a substantially smaller annual volume of sales of woodenware products than respondents' annual volume of sales of those products.

As used herein, the term "woodenware products" means wooden skewers, clothespins, ice cream spoons, and other wooden products sold by respondents.

It is further ordered, That respondents Forster Mfg. Co., Inc., and Theodore R. Hodgkins, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist set forth herein.

Issued: July 23, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65-12656; Filed, Nov. 24, 1965; 8:46 a.m.]

[Docket No. 7468]

PART 13—PROHIBITED TRADE PRACTICES

Western Radio Corp. et al.

Subpart—Advertising falsely or misleading: § 13.70 *Fictitious or misleading guarantees;* § 13.205 *Scientific or other relevant facts;* § 13.247 *Statutes and regulations.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Modified cease and desist order, Western Radio Corporation, et al., Kearney, Nebr., Docket 7468, July 7, 1965]

In the Matter of Western Radio Corporation, a corporation, and Paul S. Beshore and W. P. Beshore, individually and as officers of said corporation

Order modifying cease and desist order of September 25, 1963, 28 F.R. 11453, requiring manufacturers of portable radio transmitters in Kearney, Nebr., to cease falsely advertising the operational range of their products including radio transmitters, the conditions of licensing, and the terms of guarantee, in accordance with a final decree of the Court of Appeals, Seventh Circuit, of January 27, 1965, 339 F. 2d 937.

The modified order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Western Radio Corp., a corporation, and its officers, and Paul S. Beshore and W. P. Beshore, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of their products, including radio transmitters, in commerce, as "commerce" is defined in the Federal Trade Commission Act, to forthwith cease and desist from representing, directly or by implication:

(a) That their transmitters with or without the use of additional equipment have a satisfactory operational range of any specified distance unless respondents are able to establish that their devices in fact have the operational ranges specified.

(b) That no license or permit is required for any operational use of their radio transmitters unless the specific conditions under which such license or permit would be required are conspicuously set forth in conjunction therewith.

(c) That any product is guaranteed unless the terms and conditions of such guarantee are clearly and conspicuously set forth, including the amount of any service or other charge which is imposed.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order set forth herein.

Issued: July 7, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65-12657; Filed, Nov. 24, 1965; 8:46 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Toy Catalog Advertising Payments

The Commission was again requested to express an opinion with respect to the legality of payments by toy manufacturers for advertising in toy catalogs published by a firm which, assertedly, (1) is strictly a publisher and has no connection whatever with any toy jobber or manufacturer, and (2) affirmatively offered the catalogs for sale to all jobbers.

With respect to this request, the Commission referred to a previous opinion which was published in the FEDERAL REGISTER November 16, 1965, 30 F.R. 14317, under § 15.2, and again advised as follows:

Payments for advertising in a catalog published by a firm which is not owned or controlled by, or in any way directly or indirectly affiliated with, any customer of the advertiser or group or class of such customers do not violate section 2(d) of the Clayton Act where no discriminatory benefit is conferred by such payments on a particular customer, or class or group of customers, over competitors. The Commission notes your statement that your catalogs are available at low cost to all toy jobbers and are not designed to be usable only by particular jobbers, or classes or groups of jobbers; that you make every effort to distribute your catalogs as broadly as possible among toy jobbers; and that you do not limit distribution to any particular jobbers or group or class of jobbers. The Commission is of the opinion that if your catalogs, however titled, are available, in a practical business sense, to all of the jobber customers of a manufacturer, then no objection could be raised to payments by that manufacturer for advertising in the catalogs.

To obviate any possible misunderstanding, the Commission corrected an erroneous statement in the requesting party's communication to the effect that the Commission's previous opinion had ruled that since the catalogs were available in a practical business sense to all jobber customers of the manufacturers the payments would not be objectionable. The Commission advised the requesting party that the opinion set forth above and all previous Commission opinions ruling on this precise question have clearly stated that the payments would not be objectionable if the catalogs were available in a practical business sense to all jobbers. The Commission made no finding in its previous opinions that the catalogs were in fact available to all jobbers since such information was not available to it. Instead, the previous opinions simply took the position that the payments would not be illegal if the catalogs were actually so available.

Dated: November 17, 1965.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65-12672; Filed, Nov. 24, 1965; 8:48 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Foreign Origin Disclosure

§ 15.9 **Foreign origin disclosure.**

(a) The Federal Trade Commission has rendered an advisory opinion regarding the labeling of containers for knives which are imported from Japan and to be stamped "Made in Japan" by an importer using the word "manufacturing" in his trade name.

(b) The Commission's advice was that in the absence of any showing of material deception, a proceeding by it to require disclosure of Japanese origin of the knives on the containers would not appear to be warranted.

(c) The Commission said the same advice would apply if the name of the importer is printed on the container provided the "Made in Japan" legend on the knives is readily visible upon casual inspection by prospective purchasers prior to purchase. However, if the disclosure does not meet this condition, it will be necessary to make a clear and conspicuous disclosure of Japanese origin on the box in close proximity to the name and address of the importer.

(d) The Commission made the following comments with respect to use of the word "manufacturing" by an importer in his trade name but without in any way passing upon its propriety:

The general rule is that a company may not use this word in its trade name unless it in fact owns, operates or controls a factory where the merchandise is manufactured. The reason is that there is a preference for dealing directly with the manufacturer, such preference being due in part to a belief that lower prices and other advantages may be obtained.

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: November 24, 1965.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65-12671; Filed, Nov. 24, 1965; 8:48 a.m.]

Proposed Rule Making

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

[29 CFR Part 1602]

EMPLOYER REPORTING REQUIREMENTS

Notice of Public Hearing Required by Section 709(c), Title VII, Civil Rights Act of 1964, and of Proposed Rule Making

A. *Notice of public hearing.* Pursuant to the requirements of section 709(c), Title VII, Civil Rights Act of 1964, notice is hereby given that the Equal Employment Opportunity Commission will conduct a public hearing on Thursday, December 16, 1965, at 10 a.m., e.s.t., in Room 1242, 1800 G Street NW., Washington, D.C., with respect to the proposed information report form which employers subject to Title VII will be required to file with the Commission or its delegate on or before March 31, 1966, and annually thereafter; and to proposed regulations relating to the making, keeping and preservation of employment or personnel records by employers subject to Title VII.

Interested persons are invited to participate in, and to present evidence, views and arguments with respect to the proposed form at the said hearing. Pertinent statements from interested persons not desiring to participate in the hearing may be submitted in writing to the Director, Office of Research and Reports, Equal Employment Opportunity Commission, Washington, D.C., 20506, at any time prior to 5:30 p.m., e.s.t., Friday, December 10, 1965.

A copy of the proposed employer information report form, tentatively entitled EEO–1,[1] is available for inspection at the Office of the Federal Register, National Archives Building, Washington, D.C. or at the Office of Research and Reports, Equal Employment Opportunity Commission, Washington, D.C., 20506.

Description of the proposed employer information report form. Proposed Form EEO–1, "Equal Employment Opportunity Employer Information Report," is designed for joint use by the Equal Employment Opportunity Commission; the Office of Federal Contract Compliance, established to implement Executive Order 11246, September 24, 1965; and the Plans for Progress program. Employers subject to the reporting requirements of more than one of these organizations will satisfy the requirements of each by the filing of Form EEO–1. The report is to be filed annually on or before March 31. The first report is due March 31, 1966.

Items 1 through 4 of the report consist of identification questions such as the name, address, identification number, reporting unit number, and major activity performed at the reporting unit, of each employer reporting unit (and the address and identification number of the empolyer's principal office or parent company, where applicable).

Items 5, 6, and 7 of the report contain employment statistics. Based on employment data to be gathered, at the employer's option, during any one payroll period in December, January, or February, these items will disclose the total number of employees, male and female, and the number of Negro, Oriental, American Indian, and Spanish American employees, male and female, in each of nine occupational categories: Officials and managers, professionals, technicians, sales workers, office and clerical, craftsmen, operatives, laborers and service workers. Similar breakdowns by sex or minority group are to be reported for apprentices and on-the-job trainees. Except for the payroll period to be used, these sections are identical with Part III of Standard Form 40 (revised) used by the former President's Committee on Equal Employment Opportunity.

Item 8 calls for the filing of the following information with respect to each apparticipating trade organization, if any; ployer participates or to which he contributes: (a) Name and location of joint apprenticeship committee, if any; (b) trade or craft; (c) name and location of participating trade organization, if any; (d) name and location of participating labor organization, if any; (e) Government agency with which the program is registered, if any.

Item 9 calls for the identification of each labor organization with which an employer has an arrangement under which he is required to accept, or customarily accepts, employees referred by the labor organization.

In Item 10, the employer would be required to state whether or not there are employee facilities at the reporting unit which are provided on a racially separate basis.

Item 11 contains space for explanatory remarks relating to the identification and other questions on the form.

Item 12, to be answered only by employers who are Government contractors reporting under Executive Order 11246, calls for information as to (a) whether the reporting unit is a prime contractor or first-tier subcontractor; (b) the inclusion of a nondiscrimination clause in subcontracts; and (c) the "predominant interest" Government agency with which the employer has Government contracts.

PROPOSED INSTRUCTIONS ACCOMPANYING FORM

FORM EEO–1—INSTRUCTIONS

1. *Who must file information reports.* The "Equal Employment Opportunity Employer Information Report," Form EEO–1, is a single report form to be used by employers subject to the jurisdiction of one or more of the following: (a) The Equal Employment Opportunity Commission, under Title VII of the Civil Rights Act of 1964; (b) the Office of Federal Contract Compliance of the United States Department of Labor, under Executive Order 11246, dated September 24, 1965; (c) the Plans for Progress program. This form replaces Standard Form 40 (revised February 1964) and Form EEO–10. A single employer might be covered by all three organizations (for example, a company with more than 100 employees which has a $100,000 Government contract, and is a member of Plans for Progress); regardless of whether you are covered by one or more of these three programs, the filing of this report form as instructed below will satisfy the reporting requirements of all three. Examine carefully Section 2e of these instructions to determine whether you are covered by any of these programs and, if you are, which of the definitions of "employer" you meet. It should be noted that the existence of a State or local fair employment practice law covering the employer does not exempt the employer under Title VII from filing Form EEO–1 unless the reporting unit involved has, within the 12 months preceding the due date of this report, filed with the State or local fair employment practice agency a report containing employment data classified by minority group, sex and occupation that is substantially similar to this report.

Single establishment employers are required to file one report (in triplicate). Subject to the definitions and exceptions listed below, employers with more than one establishment are required to file this form (in triplicate) for each reporting unit and all employees of the company in the 50 States and the District of Columbia (including the principal office), as well as a consolidated report (in triplicate) covering all the reporting units of the company. Any inquiry regarding this reporting system, or your status thereunder, should be directed to Joint Reporting Committee, c/o EEOC, 1800 G Street NW., Washington, D.C., 20506.

2. *Definitions of general application*

a. *"Commission"* refers to the Equal Employment Opportunity Commission established under Title VII of the Civil Rights Act of 1964.

b. *"OFCC"* refers to the Office of Federal Contract Compliance, United States Department of Labor, established to implement Executive Order 11246 (dated September 24, 1965).

c. *"Plans for Progress"* refers to an equal employment opportunity program voluntarily agreed to by employers who have become members of the program.

d. *"Joint Reporting Committee"* is a committee representing the Commission, OFCC, and Plans for Progress for the purpose of administering this report system.

e. *"Employer"* generally means

(1) any private individual or entity engaged in an industry affecting commerce who has had 100 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and any agent of such person (see secs. 701 and 702, Title VII, Civil Rights Act of 1964, for further pertinent definitions or exemptions); or

(2) any employer which is formally participating in the Plans for Progress program; or

(3) any person or entity subject to Executive Order 11246 who—

(a) Has 50 or more employees; and

(b) Is a prime contractor or first-tier subcontractor; and

(c) Whose contract, subcontract or purchase order amounts to $50,000 or more ($100,000 or more if solely for standard commercial supplies and raw materials).

NOTE: Notwithstanding subsection 3(b) above, any subcontractor, although below first-tier, which performs construction work at the site of construction, is an employer if it also meets the requirements of subsections 3(a) and 3(c). Special reporting rules for employers in the construction industry—whether subject to Title VII or Executive Order 11246—are set forth below in section 4(f) and should be carefully studied before filing the report form.

f. *"Employee"* means any individual on the payroll of an employer.

g. *"Commerce"* means trade, traffic, commerce, transportation, transmission or communication among the several States; or between a State and any place outside thereof; or within the District of Columbia, or a possession of the United States; or between points in the same State but through a point outside thereof.

h. *"Industry affecting commerce"* means any activity, business or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce and includes any activity or industry "affecting commerce" within the meaning of the Labor Management Reporting and Disclosure Act of 1959.

i. *"Labor organization"* generally means an organization in which employees participate and which exists for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours or other terms and conditions of employment (see section 701 of Title VII for a more explicit definition).

j. *"Employer identification number"* is the 9-digit number which each legal entity (corporation, partnership, or sole proprietorship) has been assigned as its employer identification number on the basis of its application (Form SS–4) to Internal Revenue Service for an identification number, and is used on all the company's reports to the Social Security Administration and to the Internal Revenue Service. This number should also be used on all employer information reports and communications concerning these reports.

NOTE: Affiliates of employers, if separately incorporated, are considered as legal entities for purposes of filing these reports. As such, they are treated as distinct employers and are required to file separate reports if subject to the provisions and reporting requirements of Title VII, the Plans for Progress program, or of Executive Order 11246.

k. *"Reporting unit"* means a single establishment (location) of the employer, except as indicated in section 4 of these instructions.

l. *"Reporting unit number"* means the identification number assigned to each reporting unit of a multi-establishment employer participating in the Social Security Establishment Reporting Plan and is used in filing Quarterly Tax Reports with the Social Security Administration on Form 941. (In the event that a multi-establishment employer does not participate in this Establishment Reporting Plan, the payroll office or comptroller should assign an arbitrary reporting unit number of four or less numerical digits to each establishment of the employer. The appropriate number should then be used on each report submitted. Employers having only one place of business (single establishment firms) shall so specify in the spaces provided for reporting unit numbers.)

SPECIAL NOTE: The employer identification number and the reporting unit number together constitute the only means of matching current reports with reports of other years. In order to make meaningful year-to-year analyses of these reports, therefore, an employer identification number and a reporting unit number must be entered in items 1B, 1C, and 3B of Form EEO–1 and these numbers should in every possible case be consistent with previous reporting. In the case of single establishment firms, only the employer identification number is required. If for some reason identifying numbers must be changed, as a result of organization changes, mergers, etc., please note and briefly describe in Item 11 the reasons for the change.

m. *"Principal office of the company"* means the central administrative office of the legal entity (corporation, partnership, or single proprietorship) regardless of affiliation, stock ownership, or control.

n. *"Major activity"* means the major product or group of products produced or handled, or services rendered by the reporting unit (e.g., manufacturing airplane parts, retail sales of office furniture) in terms of the activity at which the greatest number of all employees work.

o. *"Last report submitted for this reporting unit"* includes reports submitted on this form as well as reports on Standard Form 40 or Form EEO–10.

3. *Definitions applicable only to Government contractors subject to Executive Order 11246.*

a. *"Order"* means Executive Order 11246, dated September 24, 1965.

b. *"Contract"* means any Government contract or any Federally assisted construction contract.

c. *"Prime contractor"* means any employer having a Government contract or any Federally assisted construction contract.

d. *"First-tier subcontractor"* means any employer having a contract with a prime contractor calling for supplies or services required for the performance of a Government contract or Federally assisted construction contract.

NOTE: A first-tier subcontractor who is also subject to these reporting requirements as a prime contractor shall be considered a prime contractor for the purposes of filing this report.

e. *"Contracting agency"* means any department (including the Departments of the Army, Navy, and Air Force), agency and establishment in the Executive Branch of the Government, including any wholly owned Government corporation, which enters into contracts.

f. *"Administering agency"* means any department (including the Departments of the Army, Navy, and Air Force), agency and establishment in the Executive Branch of the Government, including any wholly owned Government corporation, which administers a program involving Federally assisted construction contracts.

g. *"Predominant Interest Agency"* is a designation given to the contracting or administering agency which has primary responsibility for the administration of the employer's obligations under the Order, despite the fact that the employer may hold contracts with, or have the assistance of, other Government agencies. The Predominant Interest Agency for a prime contractor will be, unless the employer is otherwise notified by the OFCC, the contracting or administering agency having, or assisting with, the largest aggregate dollar value of prime contracts with the employer as a whole at the time of the filing of the latest information reports for the employer. The Predominant Interest Agency for a first-tier subcontractor will be, unless the employer is otherwise notified by the OFCC, the same Predominant Interest Agency as is designated for its Predominant Interest Prime Contractor.

h. *"Predominant Interest Prime Contractor"* is an employer which must be designated by each first-tier subcontractor which does not hold prime contracts. The Predominant Interest Prime Contractor for any such first-tier subcontractor is the prime contractor with which the first-tier subcontractor, as an employer as a whole, has the largest aggregate value of subcontracts or purchase orders for the performance of work under Government contracts or Federally assisted construction contracts. However, there will be a Predominant Interest Prime Contractor on each construction site covered by the Executive Order, and for each subcontractor at the site, the Predominant Interest Prime Contractor will be the prime contractor at the site.

i. *"Standard commercial supplies"* means an article (1) which in the normal course of business is customarily maintained in stock by a manufacturer or any dealer, distributor, or other commercial dealer for the marketing of such article; or (2) which is manufactured and sold by two or more persons for general commercial or industrial use or which is identical in every material respect with an article so manufactured and sold.

4. *How to prepare information reports.*

This employer information report form has been developed to provide information of employment patterns and policies within detailed geographical areas and industry groups, as well as within a particular firm. Since wide variations in industry needs, available manpower and labor markets may occur from one area to another, reports by establishment or reporting unit provide the only practical means of obtaining this information. For purposes of facilitating preparation of reports, special provisions are made for the combination of certain small establishments into consolidated reports.

a. *Program under which report is filed.* In the upper left-hand corner of page 1 of the form, the employer should select and mark the appropriate box indicating the program under which he is filing this report. Only one such box should be marked. All members of Plans for Progress should mark that box. All Government contractors and subcontractors, other than those belonging to Plans for Progress, who meet the reporting requirements listed in section 2(e) of these instructions, should mark the box "Office of Federal Contract Compliance." All other employers should mark the box "Equal Employment Opportunity Commission."

b. *Identification items.* In completing Items 1 through 4 of the form, consult the definitions sections included above.

c. *Reporting unit.* As indicated in section 2 of these instructions, a reporting unit means a single establishment (location) of the employer, except to the extent indicated below. A report should be prepared for each reporting unit as follows:

(1) The principal office of the employer shall always be reported as a separate reporting unit regardless of the number of employees and major activity involved.

(2) Each establishment (manufacturing, service, retail, etc.) with 50 or more employees shall be reported as a separate reporting unit.

(3) Establishments having fewer than 50 employees may be reported either by indi-

[1] Filed as part of the original document.

vidual establishment or may be combined into separate state-wide units consisting only of those establishments having the same major activity. Thus, all establishments with a particular major activity, e.g., retail, sales, service, with less than 50 employees within a single state may comprise one reporting unit. In instances where two or more activities are performed in the same establishment, the employer should designate the major activity. Once having made such designation, for these combined establishments with a consistent identification of the designated major activity.

(4) In all instances where the employer has elected to file combined reports for establishments with fewer than 50 employees, the name of each establishment, its location, and number of employees should be listed and attached to the report.

(5) Where the reporting unit consists of more than one establishment, it should be understood that there may be a subsequent request for data on an establishment basis.

(6) If an employer is engaged in activities for which the above-described reporting unit criteria may not be readily adaptable (e.g., operation of interstate railroads), special reporting procedures may be required. In such cases, the employer should so advise by submitting a specific proposal for an alternative reporting system prior to the date on which the reports are due. The proposal should be directed to the Joint Reporting Committee, c/o Equal Employment Opportunity Commission, 1800 G Street NW., Washington, D.C., 20506.

d. *Consolidated reports.* In addition to the report covering its principal office and other reporting units as described, every multi-establishment employer must file a consolidated report covering all of its reporting units. The report form will identify the consolidated report as such in item 3(A) of the form and by the inclusion in items 5 and 6 of consolidated totals derived from the data appearing on the forms covering the separate reporting units.

e. *Employees to be reported.* Items 5 and 6 of each report form must include ALL employees in that reporting unit employed during any one payroll period in the December, January or February preceding the due date of the annual report.

f. *Special rule for employers in the contract construction industry.* Any employer which performs construction work at the site of construction, whether required to file this report under Executive Order 11246 or Title VII, should include in items 5 and 6 (employment statistics) only his permanent employees. Thus, employees at a construction site whose employment relationship is expected to terminate with the end of the employer's work at the site should not be reported in items 5 and 6. However, both permanent and temporary employees must be included in determining under section 2e. of these instructions whether the employer must file this report; and if required to file the report, the employer must provide the information in items 8 and 9 (apprenticeship and referral arrangements) with respect to all employees, permanent and temporary.

g. *Minority group identification.* Items 5 and 6 provide for reporting American Indians, Orientals, and Spanish Americans where any of these groups is sufficiently large to constitute an identifiable factor in the local labor market. For purposes of this report, the term Spanish Americans means those of Latin American, Puerto Rican or Spanish origin, and it is to be noted that the following States are among those having large concentrations of Spanish Americans: Arizona, California, Colorado, Florida, New Jersey, New Mexico, New York, and Texas.

Employers may acquire information necessary for items 5 and 6 either by visual surveys of the work force, or from post-employment records as to the identity of employees. Eliciting information as to the racial or ethnic identity of an employee by direct inquiry is not encouraged. An employee may be included in the minority group to which he or she appears to belong, or is regarded in the community as belonging.

Antidiscrimination laws of a number of States and localities prohibit an employer from gathering preemployment information regarding the race, creed, color, or national origin of an applicant. However, enforcement authorities in all such States and localities have advised that their laws do not preclude employers from gathering such information subsequent to employment for the purpose of Government surveys.

h. *Items to be completed.* Each item of the information report shall be completed unless otherwise instructed. If an item does not apply, mark "N/A" for not applicable.

i. *Reports to be signed.* Each information report (EEO–1) shall be signed and dated by an authorized representative of the employer.

5. *Description of job categories.*

Officials and managers.—Occupations requiring administrative personnel who set broad policies, exercise over-all responsibility for execution of these policies, and direct individual departments or special phases of a firm's operations. Includes: officials, executives, middle management, plant managers, department managers and superintendents, salaried foremen who are members of management, purchasing agents and buyers, and kindred workers.

Professional.—Occupations requiring either college graduation or experience of such kind and amount as to provide a comparable background. Includes: accountants and auditors, airplane pilots and navigators, architects, artists, chemists, designers, dietitians, editors, engineers, lawyers, librarians, mathematicians, natural scientists, personnel and labor relations workers, physical scientists, physicians, social scientists, teachers, and kindred workers.

Technicians.—Occupations requiring a combination of basic scientific knowledge and manual skill which can be obtained through about two years of post high school education, such as is offered in many technical institutes and junior colleges, or through equivalent on-the-job training. Includes: draftsmen, engineering aides, junior engineers, mathematical aids, nurses, photographers, radio operators, scientific assistants, surveyors, technical illustrators, technicians (medical, dental, electronic, physical sciences), and kindred workers.

Sales.—Occupations engaging wholly or primarily in direct selling. Includes: advertising agents and salesmen, insurance agents and brokers, real estate agents and brokers, stock and bond salesmen, demonstrators, salesmen and sales clerks, and kindred workers.

Office and clerical.—Includes all clerical-type work regardless of level of difficulty, where the activities are predominantly nonmanual though some manual work not directly involved with altering or transporting the products is included. Includes: bookkeepers, cashiers, collectors (bills and accounts), messengers and office boys, office machine operators, shipping and receiving clerks, stenographers, typists and secretaries, telegraph and telephone operators, and kindred workers.

Craftsmen (skilled).—Manual workers of relatively high skill level having a thorough and comprehensive knowledge of the processes involved in their work. Exercise considerable independent judgment and usually receive an extensive period of training. Includes: the building trades, hourly paid foremen and leadmen who are not members of management, mechanics and repairmen, skilled machining occupations, compositors and typesetters, electricians, engravers, job setters (metal), motion picture projectionists, pattern and model makers, stationary engineers, tailors and tailoresses, and kindred workers.

Operatives (semiskilled).—Workers who operate machine or processing equipment or perform other factory-type duties of intermediate skill level which can be mastered in a few weeks and require only limited training. Includes: apprentices (auto mechanics, bricklayers, carpenters, electricians, machinists, mechanics, plumbers, building trades, metalworking trades, printing trades, etc.), operatives, attendants (auto service and parking), blasters, chauffeurs, deliverymen and routemen, dressmakers and seamstresses (except factory), dyers, furnacemen, heaters (metal), laundry and dry cleaning operatives, milliners, mine operatives and laborers, motormen, oilers and greasers (except auto), painters (except construction and maintenance), photographic process workers, stationary firemen, truck and tractor drivers, weavers (textile), welders, and flame-cutters, and kindred workers.

Laborers (unskilled).—Workers in manual occupations which generally require no special training. Perform elementary duties that may be learned in a few days and require the application of little or no independent judgment. Includes: garage laborers, car washers and greasers, gardeners (except farm) and groundskeepers, longshoremen and stevedores, lumbermen, raftsmen and wood choppers, laborers performing lifting, digging, mixing, loading, and pulling operations, and kindred workers.

Service workers.—Workers in both protective and nonprotective service occupations. Includes: attendants (hospital and other institution, professional and personal service), barbers, charwomen and cleaners, cooks (except household), counter and fountain workers, elevator operators, firemen and fire protection, guards, watchmen and doorkeepers, stewards, janitors, policemen and detectives, porters, waiters and waitresses, and kindred workers.

Apprentices.—Persons employed in a program including work training and related instruction to learn a trade or craft which is traditionally considered an apprenticeship, regardless of whether the program is registered with a Federal or State agency.

On-the-job trainees:

Production (includes persons engaged in formal training for craftsmen—when not trained under apprentice programs—operative, laborer and service occupations).

White collar (includes persons engaged in formal training, for official, managerial, professional, technical, sales, office and clerical occupations).

6. *When and where to file information reports.*

Each employer should submit reports annually by March 31 using manpower figures from any one payroll period during the preceding December, January or February, using the same month each year.

If the employer submits reproduced copies of this form, the size should not be materially changed in reproduction. Employers may submit their reports as data processing print-outs, provided the same information is given in the same sequence as it appears in this form.

The headquarters of the employer should collect all reports for the employer's reporting units and submit these and its consolidated report all at the same time.

The completed report, prepared in triplicate, and including the consolidated report of all the employer's reporting units in triplicate should be forwarded in one mailing to the Joint Reporting Committee, c/o Equal Employment Opportunity Commission, 1800 G Street NW., Washington, D.C., 20506.

An employer reporting under Executive Order 11246 should be prepared to furnish additional information reports to the OFCC or Plans for Progress or a contracting or administering agency at times other than those prescribed above. Any contractor or subcontractor not required by these instructions to submit this form may be so required upon the request of the Director of OFCC.

7. *Responsibilities of prime contractors.*

a. Prime contractors having one or more contracts subject to these reporting requirements shall obtain all necessary supplies of report forms and instructions from their contracting or administering agencies.

b. At the time of an award of a first-tier subcontract subject to these reporting requirements, the prime contractor shall inform the subcontractor of its responsibility to submit information reports in accordance with these instructions.

c. A prime contractor who has been designated as a "Predominant Interest Prime Contractor" by a first-tier subcontractor shall also insure that such subcontractor is reminded to file annual reports due on March 31 and furnish a supply of forms for this purpose.

d. If the prime contractor fails to receive notification of the submission of current reports as may have been requested from any subcontractor subject to these reporting requirements, this shall be reported immediately to the contracting officer of the Predominant Interest Agency and to the OFCC with a statement as to the efforts made to obtain this information and the results.

B. *Notice of proposed rule making.* Pursuant to the authority vested in it by section 709, 78 Stat. 625, the Equal Employment Opportunity Commission proposes that Title 29, Chapter XIV, of the Code of Federal Regulations be amended by designating §§ 1602.2 through 1602.6 as "Subpart A—Procedure" and by adding thereafter the following:

Subpart B—Employer Information Report

Sec.
1602.7 Requirement for filing of report.
1602.8 Penalty for making of willfully false statements on report.
1602.9 Commission's remedy for employer's failure to file report.
1602.10 Employer's exemption from reporting requirements.
1602.11 Additional reporting requirements.

Subpart C—Record-Keeping By Employers

1602.12 Records to be made or kept.
1602.13 Records as to racial or ethnic identity of employees.
1602.14 Preservation of records made or kept.

Subpart B—Employer Information Report

§ 1602.7 Requirement for filing of report.

On or before March 31, 1966, and annually thereafter, every employer subject to Title VII of the Civil Rights Act shall file with the Commission or its delegate executed copies of the information report form described above. The definitions, instructions, and requirements contained in the form, known as Form EEO–1, and in the Instructions attached thereto are specifically incorporated herein and shall have the same force and effect as the other sections of this part.

§ 1602.8 Penalty for making of willfully false statements on report.

The making of willfully false statements on Form EEO–1 is a violation of the United States Code, Title 18, section 1001, and is punishable by fine or imprisonment as set forth therein.

§ 1602.9 Commission's remedy for employer's failure to file report.

Any employer failing or refusing to file this Form EEO–1 when required to do so may be compelled to file by order of a U.S. District Court, upon application of the Commission.

§ 1602.10 Employer's exemption from reporting requirements.

If an employer is engaged in activities for which the reporting unit criteria described in section 4(c) of the Instructions are not readily adaptable, special reporting procedures may be required. In such case, the employer should so advise by submitting to the Commission or its delegate a specific proposal for an alternative reporting system prior to the date on which the report is due. If it is claimed the preparation or filing of the report would create undue hardship, the employer may apply to the Commission for an exemption from the requirements set forth in this part.

§ 1602.11 Additional reporting requirements.

The Commission reserves the right to require reports, other than that designated as the Employer Information Report on Form EEO–1, about the employment practices of individual employers or groups of employers whenever, in its judgment, special or supplemental reports are necessary to accomplish the purposes of Title VII. Any system for the requirement of such reports will be established in accordance with the procedures referred to in section 709(c) of Title VII and as otherwise prescribed by law.

Subpart C—Record-Keeping by Employers

§ 1602.12 Records to be made or kept.

The Commission has not adopted any requirement, generally applicable to employers, that records be made or kept. It reserves the right to impose record-keeping requirements upon individual employers or groups of employers subject to its jurisdiction whenever, in its judgment, such records (a) are necessary for the effective operation of the Form EEO–1 reporting system or of any special or supplemental reporting system as described above; or (b) are further required to accomplish the purposes of Title VII. Such record-keeping requirements will be adopted in accordance with the procedures referred to in section 709(c), and as otherwise prescribed by law.

§ 1602.13 Records as to racial or ethnic identity of employees.

Employers may acquire the information necessary for completion of Items 5 and 6 of Form EEO–1 either by visual surveys of the work force, or at their option, by the maintenance of post-employment records as to the identity of employees where the same is permitted by State law. In the latter case, however, the Commission recommends the maintenance of a permanent record as to the racial or ethnic identity of an individual for purpose of completing the report form only where the employer keeps such records separately from the employee's basic personnel form or other records available to those responsible for personnel decisions, e.g. as part of an automatic data processing system in the payroll department.

§ 1602.14 Preservation of records made or kept.

Unless the employer is subject to a State or local fair employment practice law or regulation governing the preservation of records and containing requirements inconsistent with those stated in this part, any personnel or employment record made or kept by an employer (including but not necessarily limited to application forms submitted by applicants and other records having to do with hiring, promotion, demotion, transfer, layoff or termination, rates of pay or other terms of compensation, and selection for training or apprenticeship) shall be preserved by the employer for a period of one year from the date of the making of the record or the personnel action involved, whichever occurs later. In the case of involuntary termination of an employee, the personnel records of the individual terminated shall be kept for a period of one year from the date of termination. Where a charge of discrimination has been filed, or an action brought by the Attorney General, against an employer under Title VII, the respondent employer shall preserve all personnel records relevant to the charge or action until final disposition of the charge or the action. The term "personnel records relevant to the charge", for example, would include personnel or employment records relating to the charging party and to all other employees holding positions similar to that held or sought by the charging party; and application forms or test papers completed by an unsuccessful applicant and by all other candidates for the same position as that for which the charging party applied and was rejected. The date of "final disposition of the charge or the action" means the date of expiration of the stautory period within which a charging party may bring an action in a United States District Court or, where an action is brought against an employer either by a charging party or by the Attorney General, the date on which such litigation is terminated.

FRANKLIN D. ROOSEVELT, JR.,
Chairman.

NOVEMBER 23, 1965.

[F.R. Doc. 65–12737; Filed, Nov. 24, 1965; 9:35 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1030, 1031, 1032, 1038, 1039, 1051, 1062, 1063, 1067, 1070, 1078, 1079]

[Docket No. AO 101–A30 etc.]

CHICAGO, ILL., MARKETING AREA ET AL.

Notice of Postponement of Reconvened Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

7 CFR Parts	Marketing areas	Docket Nos.
1030	Chicago, Ill.	AO 101–A30.
1031	Northwestern Indiana	AO 170–A17.
1032	Suburban St. Louis	AO 313–A7.
1038	Rock River Valley	AO 194–A9.
1039	Milwaukee, Wis.	AO 212–A15.
1051	Madison, Wis.	AO 329–A2.
1062	St. Louis, Mo.	AO 10–A32.
1063	Quad Cities-Dubuque	AO 105–A19.
1067	Ozarks	AO 222A–16.
1070	Cedar Rapids-Iowa City	AO 229–A11.
1078	North Central Iowa	AO 272–A6.
1079	Des Moines, Iowa	AO 295–A7.

The hearing with respect to proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the respective marketing areas designated hereinbefore, notice of which was published in the FEDERAL REGISTER dated August 6, 1965 (30 F.R. 9829), and September 11, 1965 (30 F.R. 11694), was recessed on November 3, 1965, to be reconvened on November 30, 1965, at a time and place to be announced by the Hearing Examiner. Representatives of producers have requested postponement of the reconvened hearing in order that they may file additional proposals for consideration at the hearing.

Pursuant to the provisions of § 900.8 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR 900.8), notice is hereby given that the said public hearing will be reconvened at a time and place to be announced later.

Signed at Washington, D.C., on November 22, 1965.

G. OSMOND HYDE,
Chief Hearing Examiner.

[F.R. Doc. 65–12734; Filed, Nov. 24, 1965; 8:50 a.m.]

Notices

INTERSTATE COMMERCE COMMISSION

[Notice 846]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

NOVEMBER 19, 1965.

The following applications are governed by Special Rule 1.247 [1] of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application as published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of § 1.247(d)(4) of the special rule. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 1827 (Sub-No. 50), filed November 5, 1965. Applicant: K. W. McKEE, INCORPORATED, 2811 Highway 55, St. Paul, Minn. Applicant's representative: Harrison P. Dilworth, West 1462 First National Bank Building, St. Paul 1, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks and tractors and parts and attachments therefor* when moving in the same vehicle therewith, in initial movements, in truckaway and driveaway service, from St. Paul, Minn., to points in Minnesota, and *damaged, defective, and returned shipments* of the commodities specified above, on return. NOTE: Applicant states the proposed service to be limited to a transportation service to be performed under continuous contract or contracts with Ford Motor Co. of Dearborn, Mich. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 1872 (Sub-No. 60), filed November 10, 1965. Applicant: ASHWORTH TRANSFER, INC., 1526 South 600 West, Salt Lake City, Utah. Applicant's representative: Keith E. Taylor, Kearns Building, Salt Lake City, Utah, 84101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special handling or special equipment by reason of weight or size, in truckloads, between points in Utah, Nevada, Idaho, Montana, Wyoming, Colorado, and Arizona. NOTE: Applicant states that it intends to transport rejected shipments of the above-described commodities, on return trips. Applicant states that the purpose of this application is to delete certain restrictions to the above operation as presently contained in Certificate No. MC 1872, which read as follows: (1) Service is not authorized between points served by railroad, where both origin and destination are located on a railroad line; (2) service is not authorized to or from points in Nye, Esmeralda, and Mineral Counties, Nev.; (3) service is not authorized to or from railheads in Nevada where origin or destination is a point in Nevada; and (4) service is not authorized between points in Nevada, on the one hand, and, on the other, points in Arizona and Idaho. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 2900 (Sub-No. 125), filed November 10, 1965. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. Applicant's representative: S. E. Somers, Jr., Post Office Box 2408, Jacksonville, Fla., 32203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Freeport and Texas City, Tex., from Freeport over Texas Farm-to-Market Road 1561 to junction Texas Highway 6 at or near Hitchcock, Tex., thence over Texas Farm-to-Market Road 519 to junction Texas Highway 341, thence over Texas Highway 341 to junction Loop 197, thence over Loop 197 to Texas City, and return over the same route, serving all intermediate points, (2) between Freeport and Galveston, Tex., (a) from Freeport over Texas Farm-to-Market Road 1561 to junction Texas Highway 6 at or near Hitchcock, Tex., thence over Texas Highway 6 to junction U.S. Highway 75, thence over U.S. Highway 75 to Galveston, Tex., and return over the same route, serving all intermediate points, and (b) from Freeport over County Road 257 (commonly known as San Luis Beach Road) to Galveston, Tex., and return over the same route, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 7555 (Sub-No. 54), filed November 4, 1965. Applicant: TEXTILE MOTOR FREIGHT, INC., Post Office Box 7, Ellerbe, N.C. Applicant's representative: Jacob P. Billig, 1825 Jefferson Place NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned foodstuffs*, unfrozen, from Duda, Lake Jem, Immokalee, and Sandford, Fla., to points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, Georgia, and Washington, D.C., and (2) *commodities*, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with foodstuffs, from points in Florida, Georgia, North Carolina, and South Carolina to points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, Georgia, and Washington, D.C.: NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 10761 (Sub-No. 186), filed November 12, 1965. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich., 48209. Applicant's representative: Howell Ellis, Suite 616–618, Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite of American Home Products Corp., located at or near Milton, Pa., to points in Illinois, Iowa, Wisconsin, Kentucky, Missouri, and Nebraska, and *refused and rejected shipments* on return, restricted

[1] Copies of Special Rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

against (1) tacking at origin and (2) the transportation of commodities in bulk in tank vehicles. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 10761 (Sub-No. 187), filed November 12, 1965. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich., 48209. Applicant's representative: Howell Ellis, Suite 616–618, Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in sections A and C, of appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite of Spencer Packing Co., located at or near Schuyler, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, and *refused and rejected shipments* on return, restricted against tacking at origin and against the transportation of commodities in bulk in tank vehicles. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 14702 (Sub-No. 13), filed November 5, 1965. Applicant: OHIO FAST FREIGHT, INC., Post Office Box 808, Warren, Ohio, 44482. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel articles* between Pittsburgh, Donora, and Vandergrift, Pa., Lorain, Cleveland, McDonald, and Youngstown, Ohio, on the one hand, and, on the other, points in Ohio, Indiana, Illinois, and the Lower Peninsula of Michigan. NOTE: Applicant states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 22179 (Sub-No. 10), filed November 8, 1965. Applicant: FREEMAN TRUCK LINE, INC., 416 Jackson Avenue, Oxford, Miss. Applicant's representative: John Paul Jones, 189 Jefferson Avenue, Memphis, Tenn., 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Durant, Miss., and Yazoo City, Miss.; from Durant over U.S. Highway 51 to Pickens, Miss., thence over Mississippi Highway 432 to Benton, Miss., thence over Mississippi Highway 16 to Yazoo City and return over the same route, serving all intermediate points and the off-route points of Crupp, Valley, and Tinsley, Miss.; and (2) between Grenada, Miss., and Yazoo City, Miss.; from Grenada over Mississippi Highway 7 to Greenwood, Miss., thence over U.S. Highway 49E to Yazoo City and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations. NOTE: Applicant states that it intends to tack the above proposed authority with that authority previously granted in Certificate No. MC 22179, wherein applicant is authorized to serve certain points in Arkansas, Mississippi, and Tennessee. If a hearing is deemed necessary, applicant requests it be held at Yazoo City, Miss.

No. MC 26739 (Sub-No. 52), filed November 5, 1965. Applicant: CROUCH BROS., INC., Post Office Box 1059, St. Joseph, Mo., 64502. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between St. Joseph, Mo., on the one hand, and, on the other, points in Iowa (except Council Bluffs, Red Oak, and Shenandoah), Illinois (except those in the Chicago, Ill., commercial zone, as defined by the Commission), Nebraska (except Omaha), and Kansas. NOTE: Applicant holds authority in MC 26739 to transport the same commodities to and from the same territory via the gateway of Maryville, Mo. The purpose of this application is to change the gateway from Maryville, Mo., to St. Joseph, Mo., subject to the following restriction: Any duplication between the authority proposed herein and any other authority held by carrier shall be considered as a single operating right, not servable by sale or otherwise. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 29934 (Sub-No. 14), filed November 5, 1965. Applicant: LO BIONDO BROTHERS MOTOR EXPRESS, INC., Post Office Box 18, Bridgeton, N.J. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York, 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Burlington, Mercer, and Union Counties, N.J., to points in Delaware, Connecticut, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 31389 (Sub-No. 76), filed November 2, 1965. Applicant: McLEAN TRUCKING COMPANY, a corporation, Post Office Box 213, Winston-Salem, N.C. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), serving Lewiston, N.C., and points within 5 miles thereof as off-route points in connection with applicant's authorized regular route operation between Greensboro and Williamston, N.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Raleigh, N.C.

No. MC 32430 (Sub-No. 7), filed November 8, 1965. Applicant: FERGUSON TRANSFER COMPANY, a corporation, 320 North Front Street, Coos Bay, Oreg. Applicant's representative: Earle V. White, Fifth Avenue Building, 2130 Southwest Fifth Avenue, Portland 1, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood residuals*, between points in Del Norte and Humboldt Counties, Calif., and Coos, Curry, Jackson, Josephine, and Douglas Counties, Oreg. (except no service from Del Norte County, Calif., to Brookings, Oreg.). NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 35628 (Sub-No. 267), filed November 12, 1965. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville SW., Grand Rapids, Mich. Applicant's representative: Leonard D. Verdier, Jr., Michigan Trust Building, Grand Rapids, Mich., 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), serving the plantsite of the Black & Decker Manufacturing Corp., near Hampstead, Md., on Maryland Highway 30, as an off-route point in connection with operations over U.S. Highway 111, between Baltimore, Md., and Harrisburg, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 41915 (Sub-No. 29), filed November 4, 1965. Applicant: MILLER'S MOTOR FREIGHT, INC., 1130 Zinn's Quarry Road, York, Pa. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and other articles* requiring special equipment because of size and weight and *related articles, accessories or parts* not requiring special equipment, when shipped on the same bill of lading with machinery, and other articles requiring special equipment because of size and weight, (1) between points in York, Adams, Cumberland, Dauphin, Lebanon, and Lancaster Counties, Pa., on the one hand, and, on the other, Chillicothe, Ohio, and points in Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, that part of Virginia north of U.S. Highway 60 and east of U.S. Highway 11, that part of West Virginia north of U.S. Highway 50, and the District of Columbia including points on the indicated portions of the highways specified, and, (2) from points in York, Adams, Cumberland, Dauphin, Lebanon, and Lancaster Counties, Pa., to points in Ohio (except Chillicothe). NOTE: Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 46240 (Sub-No. 13), filed November 8, 1965. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Copper, brass, bronze, and aluminum articles*, from Port Huron, Mich., to points in Illinois, Wisconsin, Missouri, Kentucky, Pennsylvania, Iowa, New York, New Jersey, and West Virginia, and (2) *equipment, materials*, and *supplies* used in or incidental to the manufacture of the products in (1) above, from points in Illinois, Wisconsin, Missouri, Kentucky, Pennsylvania, Iowa, New York, New Jersey, and West Virginia to Port Huron, Mich. NOTE: Applicant states the proposed operations will be conducted under a continuing contract with Mueller Brass Co., Port Huron, Mich. Applicant holds common carrier authority under MC 106603 and Subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 46280 (Sub-No. 57), filed November 8, 1965. Applicant: DARLING FREIGHT, INC., 4000 Division Avenue, South, Grand Rapids, Mich. Applicant's representative: Rex Eames, 1800 Buhl Building, Detroit, Mich., 46226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and anhydrated foods*, from the plantsite and storage warehouses of Ore-Ida Foods, Inc., at or near Greenville, Mich., to points in Kentucky and West Virginia, and *refused, rejected and damaged shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 46280 (Sub-No. 58), filed November 8, 1965. Applicant: DARLING FREIGHT, INC., 4000 Division Avenue South, Grand Rapids, Mich. Applicant's representative: Rex Eames, 1800 Buhl Building, Detroit, Mich., 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite of Green Giant Co., located at Belvidere, Ill., to points in Indiana, Ohio, Kentucky, and West Virginia, and *refused, rejected*, and *damaged shipments* on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 50069 (Sub-No. 334), filed November 4, 1965. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 930 North York Road, Hinsdale, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphatic fertilizer solution*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Indiana. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52574 (Sub-No. 22), filed November 12, 1965. Applicant: ELIZABETH FREIGHT FORWARDING CORP., 120 South 20th Street, Irvington, N.J. Applicant's representative: August W. Heckman, 297 Academy Street, Jersey City, N.J., 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products and containers* therefor, from Irvington, N.J., to Martinsburg, W. Va., and Cumberland, Md., under contract with Drake Bakeries, division of the Borden Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 52709 (Sub-No. 273), filed November 1, 1965. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Frank Loughran, 100 Bush Street, San Francisco, Calif., 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (A) Regular routes: *General commodities* (except those commodities, the transportation of which the shipper requires carrier to furnish armed guards or armored equipment, classses A and B explosives, livestock, commodities in bulk, and those requiring special equipment other than refrigerated equipment), (1) from Grand Junction, Colo., to Los Angeles, Calif., serving no intermediate points: From Grand Junction over U.S. Highway 50 to Spanish Fork, Utah, thence over U.S. Highway 91 to Barstow, Calif., and thence over U.S. Highway 66 to Los Angeles, and return over the same route with no transportation for compensation except as otherwise authorized, (B) *General commodities* (except those commodities, the transportation of which the shipper requires carrier to furnish armed guards or armored equipment, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Denver, Colo., and Omaha, Nebr., and Chicago, Ill., serving all intermediate points: From Omaha over U.S. Highway 6 to junction unnumbered highway (formerly U.S. Highway 6), thence over unnumbered highway via Brooklyn, Carnforth, and Victor, Iowa, to junction U.S. Highway 6, thence over U.S. Highway 6 via Marengo, Iowa, to Moline, Ill., thence over Illinois Highway 92 to junction U.S. Highway 34, thence over U.S. Highway 34 to La Moille, Ill., thence return over U.S. Highway 34 to junction Illinois Highway 92, thence continue over U.S. Highway 34 to junction unnumbered highway (formerly U.S. Highway 34) near Earlville, Ill., thence over unnumbered highway via Earlville, to junction U.S. Highway 34, thence over U.S. Highway 34 to junction unnumbered highway (formerly U.S. Highway 34) near Leland, Ill.

Thence over unnumbered highway via Leland to junction U.S. Highway 34, thence over U.S. Highway 34 to Chicago, and return over the same route; (2) between Grand Island, Nebr., and Sioux City, Iowa, serving all intermediate points: From Grand Island over U.S. Highway 30 to Columbus, Nebr., thence over U.S. Highway 81 to junction U.S. Highway 20, thence over U.S. Highway 20 to Sioux City, and return over the same route; (3) between Fremont, Nebr., and Sioux City, Iowa, with no service authorized at intermediate points and the termini except as otherwise authorized: From Fremont over U.S. Highway 77 to Sioux City, and return over the same route; (4) between Fremont, Nebr., and Denison, Iowa, with no service authorized at intermediate points and the termini except as otherwise authorized: From Fremont over U.S. Highway 77 to junction U.S. Highway 30, thence over U.S. Highway 30 to Denison, and return over the same route; (5) between junction U.S. Highways 63 and 6 (in Iowa), and Tama, Iowa, with no service authorized at intermediate points and the termini except as otherwise authorized: From junction U.S. Highways 63 and 6 (in Iowa) over U.S. Highway 63 to Tama, and return over the same route, (6) between Adel, Iowa, and Ogden, Iowa, with no service authorized at intermediate points and the termini except as otherwise authorized: From Adel over U.S. Highway 169 to Ogden, and return over the same route; (C) *General commodities* (except those commodities, the transportation of which the shipper requires carrier to furnish armed guards or armored equipment, livestock, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Denver, Colo., and Dowd, Colo., serving no intermediate points: From Denver over U.S. Highway 6 to Dowd, and return over the same route; (2) between Denver, Colo., and Omaha, Nebr., serving the intermediate points of Lincoln, Hastings, Beatrice, Grand Island, and Holdredge, Nebr., and Sterling, Greeley, and Holyoke, Colo., as follows:

(a) From Denver over U.S. Highway 85 to Greeley, Colo., thence over U.S. Highway 34 to Brush, Colo., thence over U.S. Highway 6 via Sterling, Colo., and Hastings, Nebr., to Omaha, and return over the same route; (b) from Denver over U.S. Highway 6 to junction Nebraska Highway 3 thence over Nebraska Highway 3 via Oxford, Nebr., to Beatrice, Nebr., thence over U.S. Highway 77 to Lincoln, Nebr., thence as specified above to Omaha, and return over the same route; (c) from Denver to Sterling, Colo., as specified above, thence over U.S. Highway 138 to junction U.S. Highway 30, thence over U.S. Highway 30 via Grand Island, Nebr., to junction U.S. Highway 275, thence over U.S. Highway 275 to junction U.S. Highway 6, thence as specified above, to Omaha, and return over the same route; and (d) from Denver to Grand Island, Nebr., as specified above, thence over U.S. Highway 281 to junction U.S. Highway 34, thence over U.S. Highway 34 to Seward, Nebr., thence

over Nebraska Highway 15 to junction U.S. Highway 6, thence as specified above to Omaha, and return over the same route; (3) between Colorado Springs, Colo., and Grand Junction, Colo., serving the intermediate points of Hartsel and Leadville, Colo., and between Leadville and Grand Junction, Colo.: From Colorado Springs over U.S. Highway 24 to Grand Junction, and return over the same route; (4) between Colorado Springs, Colo., and Grand Junction, Colo., serving the intermediate points of Gunnison, Colo., and those between Gunnison and Grand Junction, Colo.: From Colorado Springs over U.S. Highway 24 to junction U.S. Highway 285, thence over U.S. Highway 285 to junction Colorado Highway 291, thence over Colorado Highway 291 to Salida, Colo.

Thence over U.S. Highway 50 to Grand Junction, and return over the same route; and (5) between Scottsbluff, Nebr., and Gordon, Nebr., serving all intermediate points: From Scottsbluff over U.S. Highway 26 to junction U.S. Highway 26N, thence over U.S. Highway 26N to junction Nebraska Highway 19, thence over Nebraska Highway 19 to junction U.S. Highway 20 at or near Chadron, Nebr., thence over U.S. Highway 20 via Chadron to Gordon, and return over the same route. (D) *General commodities* (except those commodities, the transportation of which the shipper requires carrier to furnish armed guards or armored equipment, classes A and B explosives, household goods, as defined by the Commission, livestock, perishable fruits and vegetables, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Sioux City, Iowa, and Chicago, Ill., serving no intermediate points: From Sioux City over Iowa Highway 141 to junction U.S. Highway 59, thence over U.S. Highway 59 to Denison, Iowa, thence over U.S. Highway 30 to junction Alternate U.S. Highway 30, thence over Alternate U.S. Highway 30 to Dixon, Ill., thence over U.S. Highway 52 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Illinois Highway 47, thence over Illinois Highway 47 to junction Alternate U.S. Highway 30, thence over Alternate U.S. Highway 30 to Chicago, and return over the same route. (E) *General commodities* (except those commodities, the transportation of which the shipper requires carrier to furnish armed guards or armored equipment, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Torrington, Wyo., and Gering, Nebr., serving all intermediate points; and the off-route points within 1 mile of Nebraska Highway 29 between Gering and Scottsbluff, Nebr.:

From Torrington over U.S. Highway 26 to Scottsbluff, Nebr., thence over Nebraska Highway 29 to Gering, and return over the same route; and (2) between Lingle, Wyo., and Lusk, Wyo., serving the intermediate point of Jay Em, Wyo.: From Lingle over U.S. Highway 85 to Lusk, and return over the same route. (F) *General commodities* (except those commodities, the transportation of which the shipper requires carrier to furnish armed guards or armored equipment, classes A and B explosives, other than small arms ammunition, household goods, as defined by the Commission, livestock, and commodities in bulk), (1) between Los Angeles, Calif., and Las Vegas, Nev., serving all intermediate points; and off-route points in Nevada within 50 miles of Las Vegas, and those within 25 miles of Los Angeles: From Los Angeles over U.S. Highway 99 to junction U.S. Highway 91 at or near Colton, Calif., thence over U.S. Highway 91 to Las Vegas, and return over the same route; (2) between Los Angeles, Calif., and Pomona, Calif., serving all intermediate points; and off-route points within 25 miles of Los Angeles: From Los Angeles over Valley Boulevard to Pomona, and return over the same route; (3) between Los Angeles, Calif., and San Bernardino, Calif., serving all intermediate points; and off-route points within 25 miles of Los Angeles: From Los Angeles over U.S. Highway 66 to San Bernardino, and return over the same route; (4) between Los Angeles, Calif., and Long Beach, Calif.; serving all intermediate points; and off-route points within 25 miles of Los Angeles and Long Beach: From Los Angeles over U.S. Highway 6 to junction Alternate U.S. Highway 101, thence over Alternate U.S. Highway 101 to Long Beach, and return over the same route; (5) between Long Beach, Calif., and Colton, Calif., serving all intermediate points; and off-route points within 25 miles of Long Beach:

From Long Beach over U.S. Highway 91 to Colton, and return over the same route; (6) between junction U.S. Highway 99 and unnumbered highway (approximately 3 miles west of Colton, Calif.), and junction U.S. Highway 91 and unnumbered highway north of San Bernardino, Calif., serving all intermediate points; from junction U.S. Highway 99 and unnumbered highway (approximately 3 miles west of Colton) over said unnumbered highway via Rialto, Calif., to junction U.S. Highway 91 (north of San Bernardino), and return over the same route; (7) between Las Vegas, Nev., and Boulder City, Nev., serving all intermediate points; and off-route points in Nevada within 50 miles of Las Vegas: From Las Vegas over U.S. Highway 93 to Boulder City, and return over the same route; (8) between Las Vegas, Nev., and Mercury, Nev., serving all intermediate points; and off-route points in Nevada within 50 miles of Las Vegas; from Las Vegas over U.S. Highway 95 to junction unnumbered highway, thence over unnumbered highway to Mercury, and return over the same route. Irregular routes: (G) *General commodities* (except those commodities, the transportation of which the shipper requires carrier to furnish armed guards or armored equipment, livestock, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment), between Denver, Colo., and points within 10 miles of the city limits of Denver. Restriction: Shipments of the commodities specified immediately above to and from municipalities shall be limited to quantities of 10,000 pounds or more, except that shipments of single pieces of articles shall be limited to 5,000 pounds or more. (H) *General commodities* (except those commodities, the transportation of which the shipper requires carrier to furnish armed guards or armored equipment, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Denver, Colo., and the Ordnance Plant at Remaco, Colo.

Restriction: Service under the authority specified immediately above is restricted to traffic which has had a prior movement or which will have a subsequent movement over said carrier's lines. Regular routes: (I) *General commodities* (except those commodities, the transportation of which the shipper requires carrier to furnish armed guards or armored equipment, classes A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk and those requiring special equipment), serving the intermediate and off-route points in the Los Angeles and Los Angeles Harbor commercial zones as defined by the Commission in the Los Angeles, Calif., commercial zone, except Los Angeles, in connection with traffic originating at or destined to points on said carrier's otherwise authorized regular routes east of the eastern boundaries of New Mexico, Utah, and Idaho, (1) between Fort Collins, Colo., and Salt Lake City, Utah, serving no intermediate points: From Fort Collins over U.S. Highway 287 to Laramie, Wyo., thence over U.S. Highway 30 to junction U.S. Highway 30S near Little America, Wyo., thence over U.S. Highway 30S to junction U.S. Highway 189, about 6 miles west of Ragan, Wyo., thence over U.S. Highway 30S–189 to junction U.S. Highway 189, near Echo, Utah, thence over U.S. Highway 189 to junction Utah Highway 4, thence over Utah Highway 4 to junction U.S. Highway 40 at Kimballs, Utah, thence over U.S. Highway 40 to Salt Lake City, and return over the same route, and (2) between Provo, Utah, and Spanish Fork, Utah, as an alternate route for operating convenience only, serving no intermediate points; and serving Provo for the purpose of joinder only of this route with carrier's authorized routes; and serving Spanish Fork for the purpose of joinder only of this route with the Spanish Fork-Los Angeles segment of carrier's authorized Los Angeles-Grand Junction, Colo., route: From Provo over U.S. Highway 91 to Spanish Fork, and return over the same route.

Restrictions: The service authorized over the two routes next above herein is subject to the following conditions: No shipment shall be transported over the above-described routes which originates at or is interchanged with any other carrier at Salt Lake City, Utah, and is destined to Los Angeles, Calif., or any shipment which originates or is interchanged with any other carrier at Los Angeles and is destined to Salt Lake City, Spanish Fork, Utah, shall not be utilized as a point of joinder in connection with carrier's regular route operation over U.S. Highway 50 and 6 between Spanish Fork and Denver; (3) between Ogallala, Nebr., and Scottsbluff, Nebr., as an alternate route for operating convenience only serving no intermediate points: From Ogallala over U.S. Highway 26 to Scottsbluff, and return over the same route; (4) between Laramie, Wyo., and Cheyenne, Wyo., as an alternate route for operating convenience only, serving no intermediate points; and with service at Laramie for purpose of joinder only: From Laramie over U.S. Highway 30 via Buford and Otto, Wyo., to Cheyenne, and return over the same route; (5) between Cheyenne, Wyo., and junction U.S. Highways 30 and 138 about 19 miles west of Ogallala, Nebr., as an alternate route for operating convenience only, serving no intermediate points; and serving the junction of U.S. Highways 30 and 138 for the purpose of joinder only: From Cheyenne over U.S. Highway 30, via Pine Bluffs, Wyo., Kimball, Sidney, and Shippell, Nebr., to junction U.S. Highways 30 and 138, and return over the same route. Regular routes: (J) *General commodities* (except those commodities, the transportation of which the shipper requires carrier to furnish armed guards or armored equipment, and except dangerous explosives, livestock, household goods, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, liquid commodities in bulk, and commodities requiring special equipment), as a portion of a through route between points which said carrier is now authorized to serve west of Craig, and Denver, (1) between Craig, Colo., and Denver, Colo.:

From Craig over U.S. Highway 40 to Denver, and return over the same route, service is not authorized to or from Craig or the intermediate points. (K) *General commodities* (except those commodities, the transportation of which the shipper requires carrier to furnish armed guards or armored equipment, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), service is authorized to and from points within 12 miles of the Central Post Office at Des Moines, Iowa, except Altoona, Ankeny, Carlisle, Des Moines, and Norwalk, Iowa, as intermediate and off-route points in connection with the said carrier's presently authorized regular-route operations to and from Des Moines, Iowa. Alternate routes for operating convenience only, with no service at intermediate points or at the termini, except as otherwise authorized, as follows: (L) *General commodities* (except those commodities, the transportation of which the shipper requires carrier to furnish armed guards or armored equipment, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between junction U.S. Highway 138 and Colorado Highway 113, on the one hand, and, on the other, junction Nebraska Highway 19 and U.S. Highway 26N, near Angora, Nebr.: From junction U.S. Highway 138 and Colorado Highway 113, over Colorado Highway 113 to the Colorado-Nebraska State line, thence over Nebraska Highway 19 to junction U.S. Highway 26N, and return over the same route; (2) between Brush, Colo., on the one hand, and, on the other, Culbertson, Nebr.: From Brush over U.S. Highway 34 to Culbertson, and return over the same route; (3) between Lincoln, Nebr., on the one hand, and, on the other, junction U.S. Highways 71 and 6 near Atlantic, Iowa:

From Lincoln over U.S. Highway 34 to Tenville Junction, Iowa, thence over U.S. Highway 71 to junction U.S. Highway 6, and return over the same route, (4) between junction U.S. Highway 6 and Iowa Highway 92, on the one hand, and, on the other, Davenport, Iowa: From junction U.S. Highway 6 and Iowa Highway 92 over Iowa Highway 92 to Davenport, and return over the same route, and (5) between junction U.S. Highway 30 and Alternate 30, near Clarks, Nebr., on the one hand, and, on the other, Missouri Valley, Iowa: From junction U.S. Highways 30 and Alternate 30 over U.S. Highway Alternate 30 to Missouri Valley, and return over the same route. (M) Regular route: *General commodities* (except those commodities, the transportation of which the shipper requires carrier to furnish armed guards or armored equipment, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) as an alternate route for operating convenience only, in connection with carrier's authorized operations, between Casper, Wyo., and Rawlins, Wyo., serving no intermediate points; and with service at Rawlins for the purpose of joinder only, and restricted against the transportation of traffic originating at, destined to, or interchanged with other carriers at Salt Lake City, Utah: From Casper over Wyoming Highway 220 to Muddy Gap, Wyo., thence over U.S. Highway 287 to Rawlins, and return over the same route. (N) *General commodities* (except those commodities, the transportation of which the shipper requires carrier to furnish armed guards or armored equipment, classes A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment), as an alternate route for operating convenience only, between Fort Collins, Colo., and junction Colorado Highway 14 and U.S. Highway 87 (formerly Colorado Highway 185), serving no intermediate points; and serving the junction of Colorado Highway 14 and U.S. Highway 87 (formerly Colorado Highway 185) for purpose of joinder only:

From Fort Collins over Colorado Highway 14 to junction U.S. Highway 87 (formerly Colorado Highway 185), and return over the same route. (O) *General commodities* (except those commodities, the transportation of which the shipper requires carrier to furnish armed guards or armored equipment, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), as an alternate route for operating convenience only, between Denver, Colo., on the one hand, and, on the other, junction U.S. Highways 40 and 6, approximately 5 miles east of Idaho Springs, Colo., with service at junction U.S. Highways 40 and 6 for purpose of joinder only: From Denver over U.S. Highway 6 to junction U.S. Highway 40, and return over the same route. (P) Alternate regular route: *General commodities* (except those commodities, the transportation of which the shipper requires carrier to furnish armed guards or armored equipment, livestock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Wheeler, Colo., and junction U.S. Highways 285 and 50, serving no intermediate points, and serving junction of U.S. Highways 285 and 50 for joinder only: From Wheeler over Colorado Highway 91 to junction U.S. Highway 24, thence over U.S. Highway 24 to junction U.S. Highway 285, thence over U.S. Highway 285 to junction U.S. Highway 50, and return over the same route. (Q) Regular routes: *General commodities* (except those commodities, the transportation of which the shipper requires carrier to furnish armed guards or armored equipment, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), as an alternate route for operating convenience only, between Price, Utah, and Cove Fort, Utah, serving no intermediate points and with service at the termini for joinder of routes only, from Price over Utah Highway 10 to Salina, Utah, thence over U.S. Highway 89 to Sevier, Utah, and thence over Utah Highway 13 to Cove Fort, and return over the same route.

(R) *General commodities* (except those commodities, the transportation of which the shipper requires carrier to furnish armed guards or armored equipment, household goods as defined by the Commission, commodities requiring special equipment, and commodities in bulk), serving the site of the Glenn L. Martin plant, near Waterton, Colo., as an off-route point in connection with carrier's regular route operations to and from Denver, Colo. Restriction: The service authorized herein is subject to the following conditions: The authority granted herein is restricted against the transportation of classes A and B explosives, between the site of the Glenn L. Martin plant, near Waterton, Colo., on the one hand, and, on the other, points in Utah. (S) *General commodities* (except those commodities, the transportation of which the shipper requires carrier to furnish armed guards or armored equipment, classes A and B explosives, household goods as defined by the Commission, commodities in bulk,

other than salt, and commodities requiring special equipment), between Beatrice, Nebr., and St. Louis, Mo., serving the intermediate points of Kansas City, Mo., with service at said intermediate point and at St. Louis, Mo., being restricted to traffic moving between Kansas City, Mo., and St. Louis, Mo., only, on the one hand, and, on the other, points authorized to be served by the carrier which are located west of Beatrice, Nebr.: From Beatrice over U.S. Highway 77 to junction U.S. Highway 36, thence over U.S. Highway 36 to junction U.S. Highway 71, thence over U.S. Highway 71 to Kansas City, Mo., thence over U.S. Highway 40 to St. Louis, and return over the same route.

(T) *General commodities* (except those commodities, the transportation of which the shipper requires carrier to furnish armed guards or armored equipment, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the Glen Canyon Dam Site, in Arizona (on the Colorado River near the Arizona-Utah State line) and points within 10 miles thereof, as off-route points in connection with carrier's authorized regular route operations between Salt Lake City, Utah, and Las Vegas, Nev., and between Salt Lake City, Utah, and Grand Junction, Colo. (U) *General commodities* (except those commodities, the transportation of which the shipper requires carrier to furnish armed guards or armored equipment, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Ogden, Utah, and San Francisco, Calif., serving all intermediate points; all off-route points located within 2 miles laterally of each side of the indicated portions of the specified highways; the off route-point of Travis Air Force Base, Calif., restricted to the transportation of general commodities (except classes A and B explosives, those commodities, the transportation of which the shipper requires carrier to furnish armed guards or armored equipment, household goods as defined by the Commission, livestock, commodities in bulk, and those requiring special equipment), and to shipments transported by the carrier from or to points outside of California; and off-route points of Fort Douglas, and Holladay, Utah, and Richmond, Martinez, Mare Island, Crockett, and Alameda, Calif.: From Ogden over U.S. Highway 91 to junction Utah Highway 106 (formerly Alternate U.S. Highway 91) near Bountiful, Utah (also from Ogden over U.S. Highway 89) to junction Utah Highway 106 (formerly Alternate U.S. Highway 91) near Kaysville, Utah, thence over Utah Highway 106 via Farmington, Centerville, and Bountiful, Utah, to junction U.S. Highway 91, thence over U.S. Highway 91 via North Salt Lake, Utah, to Salt Lake City, Utah.

Thence over U.S. Highway 40 via Lake Point, Utah, and Sacramento, Calif., to Davis, Calif., thence over unnumbered highway (formerly U.S. Highway 40) to junction U.S. Highway 40, thence over U.S. Highway 40 to junction unnumbered highway (formerly U.S. Highway 40) near Fairfield, Calif., thence over unnumbered highway to Fairfield, thence over California Highway 12 (formerly U.S. Highway 40) to junction U.S. Highway 40, thence over U.S. Highway 40 via Cordelia, Calif., to San Francisoo, and return over the same route; (2) between Spanish Fork, Utah, and Salt Lake City, Utah, serving all intermediate points; the off-route points of Fort Douglas, and Holladay, Utah, and all off-route points located within 2 miles laterally of each side of the indicated portion of the specified highway: From Spanish Fork over U.S. Highway 91 to Salt Lake City, and return over the same route; (3) between Salt Lake City, Utah, and Lake Point, Utah, serving all intermediate points; the off-route points of Fort Douglas, and Holladay, Utah; and all off-route points located within 2 miles laterally of each side of the indicated portion of the specified highway: From Salt Lake City over Alternate U.S. Highway 50 (formerly U.S. Highway 50) to Lake Point, and return over the same route; (4) between Sacramento, Calif., and San Francisco, Calif., serving all intermediate points; the off-route points of Manteca, Livermore, Alameda, San Leandro, and South San Francisco, Calif., and all off-route points located within 2 miles laterally of each side of the indicated portions of the specified highways: From Sacramento over U.S. Highway 50 via Galt, Calif., to junction California Highway 88 (formerly U.S. Highway 50), thence over California Highway 88 to Stockton, Calif., thence over unnumbered highway to Hayward, Calif., thence over unnumbered highway to San Mateo, Calif.

Thence over U.S. Highway 101 to San Francisco, and return over the same route; (5) between Galt, Calif., and junction California Highway 4 and U.S. Highway 40, serving all intermediate points; the off-route points of Martinez and Crockett, Calif., and all off-route points located within 2 miles laterally of each side of the indicated portions of the specified highways: From Galt over unnumbered highway to Thornton, Calif., thence over unnumbered highway (formerly California Highway 12) to Walnut Grove, Calif., thence over unnumbered highway (formerly California Highway 24) to junction California Highway 24, thence over California Highway 24 to junction California Highway 4, thence over California Highway 4 to junction U.S. Highway 40, and return over the same route; (6) between Cordelia, Calif., and San Francisco, Calif., serving all intermediate points; the off-route point of Mare Island, Calif.; and all off-route points located within 2 miles laterally of each side of the indicated portions of the specified highways: From Cordelia over California Highway 12 to junction California Highway 29, thence over California Highway 29 to junction California Highway 48, thence over California Highway 48 to junction California Highway 37, thence over California Highway 37 to junction U.S. Highway 101, thence over U.S. Highway 101 to San Francisco, and return over the same route. Restrictions: The service authorized over the above specified routes shall be subject to the following conditions: (1) No westbound service shall be rendered from Salt Lake City and Ogden, Utah, to Wells and Elko, Nev., (2) no westbound service shall be rendered from Elko, Nev., and points west of Elko in Nevada to points in California, (3) no eastbound service shall be rendered from points in California to Elko, Nev., and points west of Elko in Nevada, other than shipments stopped in transit for partial unloading at Elko, and (4) no service shall be rendered in interstate commerce between points located wholly within either California or Nevada, (7) between Fairfield, Calif., and the site of Benicia Arsenal, Calif., serving all intermediate points; and all off-route points located within 2 miles of the indicated portions of the specified highways:

From Fairfield over California Highway 12 (formerly U.S. Highway 40) to junction U.S. Highway 40, thence over U.S. Highway 40 to junction California Highway 21, thence over California Highway 21 to the site of Benicia Arsenal, and return over the same route; (8) between Fairfield, Calif., and San Francisco, Calif., serving all intermediate points; and all off-route points located within 2 miles of the indicated portions of the specified highways: From Fairfield over California Highway 12 (formerly U.S. Highway 40) to junction U.S. Highway 40, thence over U.S. Highway 40 to junction California Highway 12, thence over California Highway 12 to junction California Highway 29, thence over California Highway 29 to junction California Highway 48, thence over California Highway 48 to junction California Highway 37, thence over California Highway 37 to junction U.S. Highway 101, thence over U.S. Highway 101 to San Francisco, and return over the same route; (9) between Stockton, Calif., and Antioch, Calif., serving all intermediate points; and all off-route points located within 2 miles of the indicated portions of the specified highways: From Stockton over California Highway 4 to Antioch, and return over the same route; and (10) between Pittsburg, Calif., and Pinole, Calif., serving all intermediate points; and all off-route points located within 2 miles of the indicated portions of the specified highways: From Pittsburg, over California Highway 4 to junction unnumbered highway, thence over unnumbered highway via Port Chicago and Martinez, Calif., to junction California Highway 4, thence over California Highway 4 to junction U.S. Highway 40, thence over U.S. Highway 40 to Pinole, and return over the same route. Restriction: The service authorized over the first four routes specified immediately above shall be subject to the condition that service shall be restricted to shipments moving from or to points carrier is authorized to service in Utah and Nevada.

(V) *General commodities* (except those commodities, the transportation of which the shipper requires carrier to furnish armed guards or armored equipment, livestock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between junction U.S. Highway 40 and Utah-Colorado State line, and Rangely, Colo., serving all intermediate points and all off-route points in Colorado within a radius of 30 miles of Rangely, from junction U.S. Highway 40 and Utah-Colorado State line over U.S. Highway 40 to junction unnumbered highway at Blue Mountain City, Colo., thence over unnumbered highway to junction Colorado Highway 64, thence over Colorado Highway 64 to Rangely, and return over the same route. (W) *General commodities* (except those commodities, the transportation of which the shipper requires carrier to furnish armed guards or armored equipment, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Tonopah, Nev., and Las Vegas, Nev., serving all intermediate points, and the off-route point of the site of the U.S. Atomic Energy Project, near Indian Springs, Nev.: From Tonopah over U.S. Highway 95 to Las Vegas, and return over the same route; and (2) between Yerington, Nev., and Hawthorne, Nev., serving all intermediate points: From Yerington over Alternate U.S. Highway 95 to Schurz, Nev., and thence over U.S. Highway 95 to Hawthorne, and return over the same route. (X) *General commodities* (except those commodities, the transportation of which the shipper requires carrier to furnish armed guards or armored equipment, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Yerington, Nev., and Reno, Nev., serving the intermediate and off-route points of Weeks, Wabuska, Smith, Wellington, and Mason, Nev.:

(1) From Yerington over Nevada Highway 3 to junction U.S. Highway 395, and thence over U.S. Highway 395 to Reno, and return over the same route; and (2) from Yerington over Alternate U.S. Highway 95 to Fernley, Nev., and thence over U.S. Highway 40 to Reno, and return over the same route. (Y) *General commodities* (except those commodities, the transportation of which the shipper requires carrier to furnish armed guards or armored equipment, livestock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Las Vegas, Nev., and Henderson, Nev., serving the intermediate point of Whitney, Nev.: From Las Vegas over U.S. Highway 95 to Henderson, and return over the same route. (Z) *General commodities* (except those commodities, the transportation of which the shipper requires carrier to furnish armed guards or armored equipment, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Genoa, Nebr., and Omaha, Nebr., serving the intermediate points of Monroe, Columbus, and Fremont, Nebr.: From Genoa over Nebraska Highway 22 to junction U.S. Highway 81, thence over U.S. Highway 81 to Columbus, Nebr., thence over U.S. Highway 30 to junction U.S. Highway 275, and thence over U.S. Highway 275 to Omaha, and return over the same route; and (2) between Genoa, Nebr., and Grand Island, Nebr., serving all intermediate points: From Genoa over Nebraska Highway 22 to Fullerton, Nebr., thence over Nebraska Highway 14 to Central City, Nebr., and thence over U.S. Highway 30 to Grand Island, and return over the same route.

(AA) *General commodities* (except those commodities, the transportation of which the shipper requires carrier to furnish armed guards or armored equipment, classes A and B explosives, household goods as defined by the Commission, likestock, commodities in bulk, and those requiring special equipment), (1) between San Mateo, Calif., and San Jose, Calif., serving all intermediate points: from San Mateo, Calif., over U.S. Highway 101 and also Bypass U.S. Highway 101 to San Jose, Calif., and return over the same route; (2) between Oakland, Calif., and San Jose, Calif., serving all intermediate points: From Oakland over California Highway 17 to Milpitas, Calif. (also from junction California Highways 17 and 9, at or near San Leandro, Calif., over California Highway 9 to Milpitas), thence over California Highway 17 to San Jose, and return over the same route; (3) between Mount Eden, Calif., and San Mateo, Calif., serving no intermediate points: From Mount Eden over appropriate access roads and the San Mateo Bridge to San Mateo, and return over the same route; and (4) between Centerville, Calif., and Palo Alto, Calif., serving no intermediate points: From Centerville over appropriate access roads and Dumbarton Bridge to Palo Alto, and return over the same route. Restriction: The authority granted herein is restricted to shipments transported by carrier to and from points outside of California. (BB) *General commodities* (except those commodities, the transportation of which the shipper requires carrier to furnish armed guards or armored equipment, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the site of the Little Mountain, Utah Production Testing Facility of the Marquardt Aircraft Co. plant approximately 11 miles west of Ogden, Utah, as an off-route point in connection with carrier's authorized regular route operations over U.S. Highway 91.

(CC) *General commodities* (except those commodities, the transportation of which the shipper requires carrier to furnish armed guards or armored equipment, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving intercontinental ballistics missile launching sites located in Wyoming within 25 miles of Cheyenne, Wyo., as off-route points in connection with carrier's regular-route operations to and from Cheyenne, Wyo. (DD) *General commodities* (except those commodities, the transportation of which the shipper requires carrier to furnish armed guards or armored equipment, commodities in bulk, those requiring special equipment, livestock, and household goods as defined by the Commission; and compressed gas (other than liquefied petroleum gas) in government-owned compressed gas trailers), serving intercontinental ballistic missile testing and launching sites, and supply points thereof, located (a) in Weld, Washington, Lincoln, Gilpin, Jefferson, Adams, Morgan, Arapahoe, Elbert, Douglas, El Paso, Larimer, Teller, Park, Clear Creek, and Boulder Counties, Colo., as off-route points in connection with carrier's authorized regular route operations to, from, or through Denver, Colo.; and (b) Laramie, Platte, and Goshen Counties, Wyo., Weld and Larimer Counties, Colo., and Kimball County, Nebr., in connection with carrier's authorized regular-route operations to, from and through Cheyenne, Wyo.

(EE) General commodities (except those commodities, the transportation of which the shipper requires carrier to furnish armed guards or armored equipment, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Grand Junction, Colo., and Rangely, Colo., as an alternate route for operating convenience only in connection with carrier's regular route operations, serving no intermediate points: From Grand Junction over U.S. Highway 6 to junction unnumbered county road (commonly known as the Douglas Pass Road), at or near Loma, Colo., thence over unnumbered county road to junction Colorado Highway 64, near Rangely, Colo., and thence over Colorado Highway 64 to Rangely, and return over the same route. Restriction: No shipments shall be transported over the above-described route which originates at, or is destined to, or is interchanged at points in Carbon, Davis, Salt Lake or Utah Counties, Utah. (FF) *General commodities* (except those commodities, the transportation of which the shipper requires carrier to furnish armed guards or armored equipment, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Casper, Wyo., and Salt Lake City, Utah, as an alternate route for operating convenience only, serving no intermediate points: From Casper over Wyoming Highway 220 to junction U.S. Highway 287 at or near Muddy Gap, Wyo., thence over U.S. Highway 287 to junction U.S. Highway 30 at or near Rawlins, Wyo., thence over U.S. Highway 30 to junction U.S. Highway 30S at or near Granger, Wyo., thence

over U.S. Highway 30S to junction U.S. Highway 189 at or near Echo, Utah.

Thence over U.S. Highway 189 to junction U.S. Highway 40 at or near Silver City, Utah, and thence over U.S. Highway 40 to Salt Lake City, and return over the same route. Restriction: The authority granted herein is subject to the restriction that all traffic must have a prior or subsequent movement by rail, and be interchanged between carrier and the Chicago & North Western Railway Co., at Casper, Wyo., and must be destined to, originate at, or interlined with other carriers at Salt Lake City, Utah. (GG) *General commorities* (except those commodities, the transportation of which the shipper requires carrier to furnish armed guards or armored equipment, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Denver, Colo., and Los Angeles, Calif., as an alternate route for operating convenience only in connection with carrier's regular route operations between Denver and Los Angeles, serving no intermediate points: From Denver over Interstate Highway 25 to junction U.S. Highway 160 at or near Walsenburg, Colo., thence over U.S. Highway 160 to junction Colorado Highway 159 at or near Fort Garland, Colo., thence over Colorado Highway 159 to the Colorado-New Mexico State line, thence over New Mexico Highway 3 to junction U.S. Highway 64 at or near Taos, N. Mex., thence over U.S. Highway 64 to Santa Fe, N. Mex., thence over Interstate Highway 25 (and pending completion of Interstate Highway 25, over U.S. Highway 85 and New Mexico Highway 422), to Albuquerque, N. Mex., thence over Interstate Highway 40 (and, pending completion of Interstate Highway 40, over U.S. Highway 66) to junction U.S. Highway 89 near Ash Fork, Ariz., thence over U.S. Highway 89 to junction Arizona Highway 71 at or near Congress, Ariz., thence over Arizona Highway 71 to junction U.S. Highway 60 at or near Aguila, Ariz., thence over U.S. Highway 60 to junction Interstate Highway 10 near Quartzsite, Ariz., and thence over Interstate Highway 10 to Los Angeles, and return over the same route.

(HH) *General commodities* (except those commodities, the transportation of which the shipper requires carrier to furnish armed guards or armored equipment, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, and compressed gas (except cryogenic liquids and liquefied petroleum gas), in government-owned compressed gas trailers), serving the intercontinental ballistic missile testing and launching sites, and supply points therefor, located in Logan County, Colo., and Banner, Cheyenne, and Scotts Bluff Counties, Nebr., as off-route points in connection with carrier's authorized regular route operations. (II) Irregular routes: *General commodities* (except those commodities, the transportation of which the shipper requires carrier to furnish armed guards or armored equipment, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, and compressed gas (except cryogenic liquids and liquefied petroleum gas), in government-owned compressed gas trailers), between intercontinental ballistic missile testing and launching sites and supply points therefor, located in Weld and Logan Counties, Colo., Laramie, Platte, and Goshen Counties, Wyo., and Cheyenne, Banner, Kimball, and Scotts Bluff Counties, Nebr. (JJ) Regular routes: *General commodities* (except those commodities, the transportation of which the shipper requires carrier to furnish armed guards or armored equipment, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the intermediate point of Spanish Fork, Utah, on carrier's presently authorized routes between Los Angeles, Calif., and Grand Junction, Colo., for the purpose of joinder only with carrier's other routes to, from and through Spanish Fork, Utah.

(KK) Alternate route for operating convenience only: *General commodities* (except those commodities, the transportation of which the shipper requires carrier to furnish armed guards or armored equipment, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Denver, Colo., and Los Angeles, Calif., in connection with carrier's authorized regular-route operations, between Denver, Colo., and Los Angeles, Calif., serving no intermediate points: From Denver over U.S. Highway 285 to junction Colorado Highway 112 near Center, Colo., thence over Colorado Highway 112 to junction U.S. Highway 160 at or near Del Norte, Colo., thence over U.S. Highway 169 to junction U.S. Highway 666 at or near Cortez, Colo., thence over U.S. Highway 666 to junction Colorado Highway 40, approximately 6 miles north of the New Mexico-Colorado State line, thence over Colorado Highway 40 to the Colorado-New Mexico State line, thence over New Mexico Highway 364 to the New Mexico-Arizona State line, thence over Arizona Highway 364 to junction Arizona Highway 64 at or near Carrizo, Ariz., thence over Arizona Highway 64 to junction U.S. Highway 89, approximately 11 miles west of Tuba City, Ariz., thence over U.S. Highway 89 to junction Arizona Highway 71 at or near Congress, Ariz., thence over Arizona Highway 71 to junction U.S. Highway 60 at or near Aguila, Ariz., thence over U.S. Highway 60 to junction Interstate Highway 10 near Quartzite, Ariz., and thence over Interstate Highway 10 to Los Angeles and return over the same route.

Restriction: The authority granted herein and carrier's existing authority between the involved termini shall be construed as comprising only a single operating right, not severable by sale or otherwise. (LL) Regular routes: *General commodities* (except those commodities, the transportation of which the shipper requires carrier to furnish armed guards or armored equipment, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, other than coal, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Slater, Colo., and Steamboat Springs, Colo.: From Slater over unnumbered highway formerly Colorado Highway 129) to Steamboat Springs, and return over the same route; and (2) between Slater, Colo., and Craig, Colo.: From Slater over unnumbered highway (formerly Colorado Highway 129) to the Colorado-Wyoming State line, thence over unnumbered highway to Baggs, Wyo., thence over Wyoming Highway 789 (formerly Wyoming Highway 330) to the Wyoming-Colorado State line, and thence over Colorado Highway 13 to Craig, and return over the same route, serving the intermediate points on the above-specified routes within 20 miles of the Colorado-Wyoming State line; and off-route points in Carbon County, Wyo., within 20 miles of the Colorado-Wyoming State line, those in that part of Moffat County, Colo., on and east of the Little Snake River, and those in Routt and Jackson Counties, Colo., west of Colorado Highway 125 and the western portion of Colorado Highway 127, within 20 miles of the Colorado-Wyoming State line.

(MM) *General commodities* (except those commodities, the transportation of which the shipper requires carrier to furnish armed guards or armored equipment, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Rawlins, Wyo., and Slater, Colo., serving all intermediate points except that no service is to be rendered at points on U.S. Highway 30, except for pickups for points not on U.S. Highway 30, or for deliveries of shipments picked up at points not on U.S. Highway 30: From Rawlins over U.S. Highway 30 to junction Wyoming Highway 789 (formerly Wyoming Highway 330) near Creston, Wyo., thence over Wyoming Highway 789 to Baggs, Wyo., and thence over unnumbered highway via Dixon and Savery, Wyo., to Slater, Colo., and return over the same route, and (2) between Denver, Colo., and Baggs, Wyo.: From Denver over U.S. Highway 40 via Steamboat Springs, Colo., to junction unnumbered highway (formerly Colorado Highway 129), thence over unnumbered highway to the Colorado-Wyoming State line, and thence over unnumbered highway via Savery and Dixon, Wyo., to Baggs, and return over the same route; from Denver to Steamboat Springs as specified immediately above, thence continuing over U.S. Highway 40 to Craig, Colo., thence over Colorado Highway 13 to the Colorado-Wyoming State line, thence over Wyoming Highway 789 (formerly Wyoming Highway 330) to Baggs, and return over the same route; from Denver over U.S. Highway 87 to Fort Collins, Colo.

Thence over U.S. Highway 287 to Laramie, Wyo., thence over U.S. Highway 30 to junction Wyoming Highway 789 (formerly Wyoming Highway 330), and thence over Wyoming Highway 789 to Baggs, and return over the same route, serving the intermediate points of Battle Creek and Slater, Colo., and Savery and Dixon, Wyo., without restriction; and serving the intermediate and off-route points within 20 miles of Slater and Baggs, other than Battle Creek, Savery, and Dixon, restricted to delivery only, serving the intermediate points on the above-specified routes within 20 miles of the Colorado-Wyoming State line; and off-route points in Carbon County, Wyo., within 20 miles of the Colorado-Wyoming State line, those in that part of Moffat County, Colo., on and east of the Little Snake River, and those in Routt and Jackson Counties, Colo., west of Colorado Highway 125 and the western portion of Colorado Highway 127, within 20 miles of the Colorado-Wyoming State line.

(NN) *General commodities* (except those commodities, the transportation of which the shipper requires carrier to furnish armed guards or armored equipment, livestock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Kearney, Nebr., and junction Nebraska Highway 44 and U.S. Highway 6, approximately 7 miles west of Minden, Nebr., as an alternate route for operating convenience only, in connection with carrier's otherwise authorized regular-route operations, serving no intermediate points, and serving the termini for purpose of joinder only:

From Kearney over Nebraska Highway 44 to junction U.S. Highway 6, and return over the same route; (2) between Kearney, Nebr., and Minden, Nebr., in connection with carrier's otherwise authorized regular-route operations, serving no intermediate points, and serving the termini for the purpose of joinder only: From Kearney over U.S. Highway 30 to junction Nebraska Highway 10, thence over Nebraska Highway 10 to junction U.S. Highway 6 at or near Minden, and return over the same route; (3) between Minden, Nebr., and Franklin, Nebr., as an alternate route for operating convenience only, in connection with carrier's otherwise authorized regular-route operations, serving no intermediate points, and serving the termini for purpose of joinder only: From Minden over U.S. Highway 10 to Franklin, and return over the same route; between Franklin, Nebr., and Kansas City, Mo., in connection with carrier's presently authorized regular-route operations serving no intermediate points, and serving Franklin for the purpose of joinder only: From Franklin over Nebraska Highway 10 to the Nebraska-Kansas State line, thence over Kansas Highway 8 to junction U.S. Highway 36 at or near Athol, Kans., thence over U.S. Highway 36 to junction Kansas Highway 181 near Lebanon, Kans., thence over Kansas Highway 181 to junction U.S. Highway 24 near Downs, Kans., thence over U.S. Highway 24 to Kansas City, Mo., and return over the same route. Restriction: The authority granted herein is restricted to traffic moving between Cheyenne, Casper, Wheatland, Torrington, Douglas, and Guernsey, Wyo., and Scottsbluff, Nebr., on the one hand, and, on the other, Kansas City and St. Louis, Mo. NOTE: Applicant states the purpose of this application is to delete the exception "those of unusual value" where it exists in its present certificates and insert in lieu thereof, "except those commodities, the transportation of which the shipper requires carrier to furnish armed guards or armored equipment." If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Salt Lake City, Utah.

No. MC 52869 (Sub-No. 85), filed November 12, 1965. Applicant: NORTHERN TANK LINE, a corporation, 511 Pleasant Street, Post Office Box 990, Miles City, Mont., 59301. Applicant's representative: Alan Foss, First National Bank Building, Fargo, N. Dak., 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in Wyoming to points in Montana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 59206 (Sub-No. 18), filed November 8, 1965. Applicant: HOLLAND MOTOR EXPRESS, INC., 1 West Fifth Street, Holland, Mich. Applicant's representative: Kirkwood Yockey, 501 Union Federal Building, Indianapolis, Ind., 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) between junction Indiana Highways 67 and 9 (approximately 3 miles southwest of Pendleton, Ind.), and junction U.S. Highway 31 and Indiana Highway 9 (approximately 5 miles southeast of Columbus, Ind.), over Indiana Highway 9, serving junction Indiana Highways 67 and 9 and junction U.S. Highway 31 and Indiana Highway 9 for joinder purposes only and serving the intermediate point of Shelbyville, Ind.; (2) between Columbus, Ind., and Greensburg, Ind., over Indiana Highway 46, serving the intermediate points of junction of Indiana Highway 46 and U.S. Highway 31 and junction Indiana Highways 46 and 9 for joinder purposes only; (3) between junction U.S. Highway 31 and Indiana Highway 252 (approximately 1 mile west of Edinburg, Ind.), and junction Indiana Highways 252 and 9 (at Norristown, Ind.), over Indiana Highway 252, serving the intermediate point of Edinburg, Ind., and serving junction U.S. Highway 31 and Indiana Highway 252 and junction Indiana Highways 252 and 9 for joinder purposes only; and (4) between Franklin, Ind., and Shelbyville, Ind., over Indiana Highway 44, serving no intermediate points. NOTE: Applicant states: "The instant application is solely for the purpose of enabling applicant to conduct peddle run operations over alternate routes into and out of Shelbyville, Ind., serving points which applicant is presently authorized to serve; i.e., Anderson, Franklin, Edinburg, Columbus, and Greensburg." If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 59570 (Sub-No. 30), filed November 3, 1965. Applicant: HECHT BROTHERS, INC., Lakewood Road, Post Office Box 232, Toms River, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt*, in bulk, and *rejected shipments*, (a) between points in Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, Sullivan, Ulster, and Westchester Counties, N.Y., and New York, N.Y., points in Fairfield, New Haven, Hartford, and Litchfield Counties, Conn., and points in Philadelphia, Delaware, Montgomery, and Bucks Counties, Pa., and (b) *salt*, in bulk, from points in the above described area to points in New Jersey in and north of Camden, Burlington, and Ocean Counties, N.J., and *rejected shipments*, on return, and (2) *salt*, in packages, from New York, N.Y., to points in Fairfield, New Haven, Hartford, and Litchfield Counties, Conn., points in Philadelphia, Delaware, Montgomery, and Bucks Counties, Pa., and points in New Jersey in and north of Camden, Burlington, and Ocean Counties, N.J., and *rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 59680 (Sub-No. 151), filed November 1, 1965. Applicant: STRICKLAND TRANSPORTATION CO., INC., Post Office Box 5689, Dallas, Tex., 75222. Applicant's representative: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City 3, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) between Freeport, Tex., and Texas City, Tex.; from Freeport over Texas Farm-to-Market Road 1561 to junction Texas Highway 6 at or near Hitchcock, Tex., thence over Texas Farm-to-Market Road 519 to junction Texas Highway 341, thence over Texas Highway 341 to junction Loop 197, thence over Loop 197 to Texas City and return over the same route, serving all intermediate points: (2) between Freeport, Tex., and Galveston, Tex.; (a) from Freeport over Texas

Farm-to-Market Road 1561 to junction Texas Highway 6 at or near Hitchcock, Tex., thence over Texas Highway 6 to junction U.S. Highway 75, thence over U.S. Highway 75 to Galveston and return over the same route, serving all intermediate points; and (b) from Freeport over Texas County Road 257 (San Luis Beach Road) to Galveston and return over the same route, serving all intermediate points. NOTE: Applicant states that the purpose of this application is to change an existing irregular-route operation to a regular-route operation. Applicant also states that it intends to tack the above authority with that part of its existing authority previously granted in Certificate No. MC 59680, wherein applicant is authorized to serve a portion of Texas City, Tex., which is within eight miles of Houston, Tex. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 59852 (Sub-No. 22), filed October 8, 1965. Applicant: ALL STATES FREIGHT, INC., 1250 Kelly Avenue, Akron, Ohio. Applicant's representative: Walter M. F. Neugebauer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes (as presently authorized for the transportation of general commodities, with certain exceptions, and subject to restrictions, if any, as otherwise specified in applicant's authority), transporting: *Articles of unusual value* (except household goods as described by the Commission, objects of art, displays, and exhibits, which because of their unusual nature or value require specialized handling and equipment usually employed in moving household goods, commodities requiring special equipment, and commodities the transportation of which require the furnishing by carrier of armored vehicles and/or armed guards), (A) serving Wassaic, N.Y., as an off-route point in connection with carrier's regular route operations in Part (A), to and from Poughkeepsie, N.Y., and Canaan, Conn. Restriction: The authority proposed above is subject to the restriction that the service sought shall be limited to pickup only. Serving the site of B. F. Goodrich Co. plant, approximately 13 miles east of Fort Wayne, Ind., in Milan Township, Allen County, Ind., as an off-route point in connection with carrier's regular route operations in Part (A), to and from Fort Wayne, Ind.; serving Portage, Ind., as an off-route point in connection with carrier's regular route operations in Part (A), to and from Chicago, Ill.; between Chicago, Ill., and Boston, Mass., serving the intermediate points of Akron, Ohio, and those within 10 miles of Akron, Mansfield, Ohio, Syracuse, N.Y., all intermediate points in New York located east of Syracuse, all intermediate points in Massachusetts, Rhode Island, and Connecticut, intermediate and off-route points in the Chicago, Ill., commercial zone, as defined by the Commission, off-route points located within 10 miles of Akron, off-route points located within 20 miles of Boston, and the off-route points of Gloversville and Rome, N.Y., without restriction; and the intermediate points of South Bend, Mishawaka, Elkhart, Fort Wayne, and Warsaw, Ind., the off-route point of Goshen, Ind., and intermediate points in Ohio (except Akron and Mansfield and points within ten miles of Akron), restricted to the pickup of eastbound traffic and the delivery of westbound traffic; and intermediate points in New York west of Syracuse restricted to the delivery of westbound traffic:

From Chicago over U.S. Highway 20 to junction Ohio Highway 120, thence over Ohio Highway 120 to Toledo, Ohio, thence over Ohio Highway 2 to Sandusky, Ohio, thence over U.S. Highway 250 to Norwalk, Ohio, thence over Ohio Highway 18 to Akron, Ohio (also from Chicago over U.S. Highway 41 to junction U.S. Highway 30, thence over U.S. Highway 30 to Delphos, Ohio, thence over U.S. Highway 30N, and also over U.S. Highway 30S, to Mansfield, Ohio, thence over U.S. Highway 42 to Lodi, Ohio, thence over Ohio Highway 224 to Akron; also from Mansfield over U.S. Highway 30 to Canton, Ohio, thence over Ohio Highway 8 to Akron), thence over Ohio Highway 5 via Warren, Ohio, to Kinsman, Ohio (also from Warren over U.S. Highway 422 to Youngstown, Ohio, thence over Ohio Highway 7 to Kinsman), thence over Ohio Highway 7 to Conneaut, Ohio (also from Akron over Ohio Highway 8 to Cleveland, Ohio, thence over U.S. Highway 20 to junction Ohio Highway 91, and also from Akron over Ohio Highway 91 to junction U.S. Highway 20; thence over U.S. Highway 20 to Conneaut), thence over U.S. Highway 20 via Irving, and Big Tree, N.Y., to Depew, N.Y., thence over New York Highway 78 to junction New York Highway 33 (also from Irving over New York Highway 5 to Buffalo, N.Y., thence over New York Highway 33 to junction New York Highway 78, and from Big Tree over U.S. Highway 62 to Buffalo, and thence over New York Highway 5 to junction New York Highway 33 to Batavia, N.Y. (also from junction New York Highways 33 and 78, over New York Highway 78 to junction New York Highway 5, thence over New York Highway 5 to Batavia).

Thence over New York Highway 5 to Albany, N.Y., thence over U.S. Highway 20 to Brainard, N.Y. (also from Albany over New York Highway 32 to Watervliet, N.Y., and from Schenectady, N.Y., over New York Highway 7 to Watervliet; thence over New York Highway 7 to Troy, N.Y., and thence over New York Highway 66 to Brainard), thence over U.S. Highway 20 via Lenox, Mass., and Springfield, Mass., to junction Massachusetts Highway 12, thence over U.S. Highway 20 to Boston (also from Lenox over U.S. Highway 7 to junction unnumbered highway (formerly portion U.S. Highway 7), south of Sheffield, Mass., thence over unnumbered highway to junction U.S. Highway 7, north of Canaan, Conn., thence over U.S. Highway 7 to Canaan, Conn., thence over U.S. Highway 44 to Hartford, Conn., and from Springfield over U.S. Highway 5 to Hartford; thence over U.S. Highway 44 to junction Alternate U.S. Highway 44 (formerly portion U.S. Highway 44), thence over Alternate U.S. Highway 44 to Bolton Notch, Conn., thence over Alternate U.S. Highway 44 (formerly portion U.S. Highway 44) to junction U.S. Highway 44, thence over U.S. Highway 44 to Providence, R.I., and from Bolton Notch over U.S. Highway 6 to Clarks Corner, Conn., thence over unnumbered highway (formerly portion U.S. Highway 6) thence over unnumbered highway via Hampton, Conn., to junction U.S. Highway 6, thence over U.S. Highway 6 to Providence; thence over U.S. Highway 1 to Boston, and from Providence over U.S. Highway 44 to Taunton, Mass., and thence over Massachusetts Highway 138 to Boston) (also from Taunton over U.S. Highway 44 to junction Massachusetts Highway 18, thence over Massachusetts Highway 18 to Boston) (also from junction U.S. Highway 20 and Massachusetts Highway 12, over Massachusetts Highway 12 to Worcester, Mass., thence over Massachusetts Highway 9 to Boston), and return over the same routes; between Albany, N.Y., and New York, N.Y., serving all intermediate points; and serving all off-route points in New York and New Jersey within 30 miles of New York, N.Y., with service over this route limited to the transportation of shipments originating at or destined to points west of the Ohio-Pennsylvania State line:

From Albany over U.S. Highway 9 to New York (also from Albany over U.S. Highway 9W to Jersey City, N.J., thence over U.S. Highway 1 to New York), and return over the same route; between Akron, Ohio, and Hartford, Conn., serving all intermediate points (except those in Pennsylvania), and serving all off-route points within 10 miles of Akron, and those in New York and New Jersey within 30 miles of New York, N.Y., with service over this route limited to the transportation of shipments originating at, or destined to, points west of the Ohio-Pennsylvania State line: From Akron over Ohio Highway 18 to Youngstown, Ohio, thence over U.S. Highway 422 to junction unnumbered highway (formerly portion U.S. Highway 422), thence over unnumbered highway via Coyleville and Worthington, Pa., to junction U.S. Highway 422, thence over U.S. Highway 422 to Ebensburg, Pa. (also from Akron over U.S. Highway 224 to Deerfield, Ohio, thence over Ohio Highway 14A to Salem, Ohio, thence over Ohio Highway 45 to Lisbon, Ohio, and from Akron over Ohio Highway 8 to Canton, Ohio, thence over U.S. Highway 30 to Lisbon; thence over U.S. Highway 30 to Pittsburgh; and from Salem over Ohio Highway 14A to junction Ohio Highway 14, thence over Ohio Highway 14 to the Ohio-Pennsylvania State line, thence over Pennsylvania Highway 51 to junction Pennsylvania Highway 168 (formerly portion Pennsylvania Highway 51), thence over Pennsylvania Highway 168 to Darlington, Pa., thence return over Pennsylvania Highway 168 to junction Pennsylvania Highway 51, thence over Pennsylvania Highway 51 to Beaver, Pa., thence over Pennsylvania Highway 65 (formerly Pennsylvania Highway 88) to Pittsburgh; thence over U.S. Highway 22 to Phillipsburg, N.J.

Thence over Alternate U.S. Highway 22 (formerly portion U.S. Highway 22) to junction unnumbered highway (formerly portion U.S. Highway 22), thence over unnumbered highway via Bloomsburg, N.J., to junction U.S. Highway 22 west of West Portal, N.J., thence over U.S. Highway 22 to junction unnumbered highway (formerly portion U.S. Highway 22), thence over unnumbered highway via Clinton and Annandale, N.J., to junction U.S. Highway 22, thence over U.S. Highway 22 to junction unnumbered highway (formerly portion U.S. Highway 22), thence over unnumbered highway via Lebanon, N.J., to junction U.S. Highway 22, thence over U.S. Highway 22 to junction New Jersey Highway 28 (formerly portion U.S. Highway 22), thence over New Jersey Highway 28 via North Branch, N.J., to junction U.S. Highway 22, thence over U.S. Highway 22 to Newark, N.J. (also from Harrisburg over U.S. Highway 230 to junction unnumbered highway (formerly portion U.S. Highway 230), thence over unnumbered highway via Salunga, Landisville, and Bamfordville, Pa., to Lancaster, Pa., and from Pittsburgh over U.S. Highway 30 to Philadelphia, Pa., thence over U.S. Highway 1 to Newark), thence over U.S. Highway 1 via Stratford, Conn., to New Haven, Conn., thence over U.S. Highway 5 to Hartford, Conn. (also from Stratford over Connecticut Highway 110 to junction Connecticut Highway 8, thence over Connecticut Highway 8 via Waterbury, Conn., to Thomaston, Conn., thence over U.S. Highway 6 via Bristol, Conn., to junction Connecticut Highway 71; also from Waterbury over Alternate U.S. Highway 6 to Meriden, Conn., thence over Connecticut Highway 71 to New Britain, Conn., and from Bristol over Connecticut Highway 72 to New Britain; thence over Connecticut Highway 71 to junction U.S. Highway 6; thence from junction Connecticut Highway 71 and U.S. Highway 6 over U.S. Highway 6 to Hartford), and return over the same routes; between Mansfield, Ohio, and Mount Vernon, Ohio, serving all intermediate points, with service over this route limited to the transportation of shipments originating at or destined to points east of the Pennsylvania-New York and Pennsylvania-New Jersey State lines:

From Mansfield over Ohio Highway 13 to Mount Vernon, and return over the same route; between Canton, Ohio, and New Philadelphia, Ohio, serving all intermediate points, with service over this route limited to the transportation of shipments originating at or destined to points east of the Pennsylvania-New York and Pennsylvania-New Jersey State lines: From Canton over Ohio Highway 8 to Dover, Ohio, thence over U.S. Highway 250 to New Philadelphia, and return over the same route; between Akron, Ohio, and Syracuse, N.Y., serving all intermediate points; and the off-route points of Lorain, Mansfield, Ashland, Medina, and Wooster, Ohio, Albion, Pa., Watertown, Rome, Utica, East Buffalo, and East Syracuse, N.Y., and points within 7 miles of Akron, and those within 3 miles of Cleveland: From Akron over Ohio Highway 8 to Cleveland, Ohio, thence over U.S. Highway 20 to junction New York Highway 78, thence over New York Highway 78 to Lockport, N.Y., thence over New York Highway 31 to Rochester, N.Y., thence over U.S. Highway 104 to Red Creek, N.Y., thence over New York Highway 370 to Syracuse, and return over the same route; between Shaker Heights, Ohio, and Willoughby, Ohio, serving no intermediate points: From Shaker Heights over city streets to Cleveland Heights, Ohio, thence over U.S. Highway 322 to junction unnumbered highway, thence over unnumbered highway to junction Ohio Highway 84, thence over Ohio Highway 84 to junction Ohio Highway 174, thence over Ohio Highway 174 to Willoughby, and return over the same route; between Erie, Pa., and Syracuse, N.Y., serving all intermediate points; and the off-route points of Akron and Oakfield, N.Y.: From Erie over Pennsylvania Highway 5 to the Pennsylvania-New York State line, thence over New York Highway 5 to Syracuse, and return over the same route; between Batavia, N.Y., and Syracuse, N.Y., serving all intermediate points; and the off-route points of East Rochester and Fairport, N.Y.:

From Batavia over New York Highway 33 to Rochester, N.Y., thence over New York Highway 31 via Pittsford, N.Y., to junction New York Highway 173, thence over New York Highway 173 to Syracuse, and return over the same route; between Fittsford, N.Y., and Waterloo, N.Y., serving all intermediate points; and the off-route point of Shortsville, N.Y.: From Pittsford over New York Highway 96 to Waterloo, and return over the same route; between Akron, Ohio, and Conneaut, Ohio, serving all intermediate points between Akron and Youngstown, including Youngstown; and the off-route points of Niles, Campbell, and Struthers, Ohio: From Akron over Ohio Highway 5 to Warren, Ohio, thence over U.S. Highway 422 to Youngstown, Ohio, thence over Ohio Highway 7 to Conneaut, and return over the same route; between Westfield, N.Y., and Syracuse, N.Y., serving all intermediate points; and the off-route point of Ithaca, N.Y.: From Westfield over New York Highway 17 to Owego, N.Y., thence over New York Highway 17C to Binghamton, N.Y., thence over U.S. Highway 11 to Syracuse, and return over the same route; between Youngstown, Ohio, and Salamanaca, N.Y., serving the intermediate points of Warren and Bradford, Pa.: From Youngstown over U.S. Highway 62 to Oil City, Pa., thence over Pennsylvania Highway 8 to Union City, Pa., thence over U.S. Highway 6 via Kane, Pa., to junction U.S. Highway 219, thence over U.S. Highway 219 to Salamanaca, and return over the same route; between Akron, Ohio, and Baltimore, Md., serving all intermediate points, and the off-route points within 10 miles of Baltimore:

From Akron over Ohio Highway 8 to Lakemore, Ohio, thence over U.S. Highway 224 to Deerfield, Ohio, thence over Ohio Highway 14A to Columbiana, Ohio, thence over Ohio Highway 14 to the Ohio-Pennsylvania State line, thence over Pennsylvania Highway 51 to junction Pennsylvania Highway 168 (formerly portion Pennsylvania Highway 51), thence over Pennsylvania Highway 168 to Darlington, Pa., thence return over Pennsylvania Highway 168 to junction Pennsylvania Highway 51, thence over Pennsylvania Highway 51 to Rochester, Pa., thence over Pennsylvania Highway 65 (formerly Pennsylvania Highway 88) to Pittsburgh, Pa., thence over U.S. Highway 30 to Gettysburg, Pa., thence over U.S. Highway 140 to Baltimore, and return over the same route; between Deerfield, Ohio, and Baltimore, Md., serving all intermediate points: From Deerfield over U.S. Highway 224 to Canfield, Ohio, thence over U.S. Highway 62 to Youngstown, Ohio, thence over U.S. Highway 422 to the Ohio-Pennsylvania State line, thence over unnumbered highway (formerly portion U.S. Highway 422) via New Bedford, Pa., thence over unnumbered highway to junction U.S. Highway 422, thence over U.S. Highway 422 via New Castle, Pa., to junction U.S. Highway 19 (formerly portion U.S. Highway 422), thence over U.S. Highway 19 to Portersville, Pa., thence over unnumbered highway (formerly portion U.S. Highway 422) via Prospect, Pa., to junction U.S. Highway 422, thence over U.S. Highway 422 via Butler, Pa., to junction unnumbered highway (formerly portion U.S. Highway 422) thence over unnumbered highway via Coyleville, Pa., to Worthington, Pa., thence over U.S. Highway 422 to Indiana, Pa., thence over U.S. Highway 119 to Homer City, Pa., thence over Pennsylvania Highway 56 to junction unnumbered highway (formerly portion Pennsylvania Highway 56) at or near Scalp Level, Pa., thence over unnumbered highway via Scalp Level, Paint, Windber, and Rummel, Pa., to junction Pennsylvania Highway 56, thence over Pennsylvania Highway 56 to junction U.S. Highway 220, thence over U.S. Highway 220 via Bedford, Pa., to Cumberland, Md., thence over U.S. Highway 40 to Hagerstown, Md., thence over Alternate U.S. Highway 40 to junction U.S. Highway 40 west of Frederick, Md.

Thence over U.S. Highway 40 to Frederick, Md., thence over Maryland Highway 144 (formerly portion U.S. Highway 40) to junction U.S. Highway 40 east of Frederick, thence over U.S. Highway 40 to junction Maryland Highway 144, thence over Maryland Highway 144 to Baltimore, and return over the same route; between Breezewood, Pa., and Hancock, Md., serving no intermediate points: From Breezewood over Pennsylvania Highway 126 to junction U.S. Highway 522, thence over U.S. Highway 522 to Hancock, and return over the same route; between Frederick, Md., and Baltimore, Md., serving all intermediate points, and the off-route points within the Washington, D.C., commercial zone, as defined by the Commission: From Frederick over Maryland Highway 355 to junction U.S. Highway 240 thence over U.S. Highway 240 to Washington, D.C., thence over U.S. Highway 1 to Baltimore, and return over the same route;

between Lakemore, Ohio, and Pittsburgh, Pa., serving all intermediate points: From Lakemore over Ohio Highway 8 to Canton, Ohio, thence over U.S. Highway 30 to junction Pennsylvania Highway 60, thence over Pennsylvania Highway 60 to Pittsburgh, and return over the same route; between Akron, Ohio, and Youngstown, Ohio, serving all intermediate points: From Akron over Ohio Highway 8 to Uniontown, Ohio, thence over Ohio Highway 619 to Alliance, Ohio, thence over Ohio Highway 173 to junction U.S. Highway 62, thence over U.S. Highway 62 to Salem, Ohio, thence over Ohio Highway 14A to Columbiana, Ohio, thence over Ohio Highway 164 to Youngstown, and return over the same route; between York, Pa., and Gettysburg, Pa., serving no intermediate points: From York over U.S. Highway 30 to Gettysburg, and return over the same route; between Erie, Pa., and Mercer, Pa., serving the intermediate point of Meadville, Pa.: From Erie over Pennsylvania Highway 97 to Waterford, Pa., thence over U.S. Highway 19 to Mercer, and return over the same route; between Buffalo, N.Y., and Niagara Falls, N.Y., serving all intermediate points, and the off-route points within 12 miles of Buffalo:

From Buffalo over New York Highway 384 (also from Buffalo over U.S. Highway 62) to Niagara Falls, and return over the same route; between Baltimore, Md., and Kane, Pa., serving no intermediate points: From Baltimore over U.S. Highway 111 to Towson, Md., thence over Maryland Highway 45 (formerly U.S. Highway 111) to the Maryland-Pennsylvania State line, thence over unnumbered highway (formerly portion U.S. Highway 111) via Shrewsbury and Loganville, Pa., to junction U.S. Highway 111, thence over U.S. Highway 111 via York, Pa., to junction unnumbered highway (formerly portion U.S. Highway 111), thence over unnumbered highway via New Cumberland, Pa., to Lemoyne, Pa., thence across the Susquehanna River to Harrisburg, Pa., thence over Pennsylvania Highway 14 to Halls, Pa., thence over U.S. Highway 220 to Williamsport, Pa., thence over U.S. Highway 15 to Mansfield, Pa., thence over U.S. Highway 6 to Kane, and return over the same route; between Union City, Pa., and Waterford, Pa., serving no intermediate points; from Union City over Pennsylvania Highway 97 to Waterford, and return over the same route; between Rochester, Pa., and Arkon, Ohio, serving all intermediate points; from Rochester over Pennsylvania Highway 68 to the Pennsylvania-Ohio State line, thence over Ohio Highway 39 to East Liverpool, Ohio, thence over Ohio Highway 7 to Steubenville, Ohio, thence over U.S. Highway 22 to Cambridge, Ohio, thence over U.S. Highway 21 to Massillon, Ohio, thence over Ohio Highway 241 to Akron, and return over the same route; between Canton, Ohio, and Massillon, Ohio, serving all intermediate points; from Canton over U.S. Highway 30 to Massillon and return over the same route; between junction Pennsylvania Turnpike and U.S. Highway 30 east of Irwin, Pa., and junction Pennsylvania Turnpike and U.S. Highway 30 near Breezewood, Pa., serving no intermediate points:

From junction Pennsylvania Turnpike and U.S. Highway 30, over the Pennsylvania Turnpike to junction U.S. Highway 30, and return over the same route, (B) serving points in Indiana and Kentucky within 5 miles of Louisville, Ky., as intermediate and off-route points in connection with said carrier's regular-route operations described in Part (B), to and from Louisville, Ky.; serving Buckner, Ky., as an off-route point in connection with carrier's regular-route operations in Part (B), to and from Louisville, Ky., restricted against the transportation of any traffic originating at or destined to Chicago, Ill., and Indianapolis, Ind.; serving the site of the Kelsey-Hayes Co. plant, located in Romulus Township, Wayne County, Mich., as an off-route point in connection with carrier's regular-route operations in Part (B), between Muncie, Ind., and Detroit, Mich.; serving Portage, Ind., as an off-route point in connection with carrier's regular route operations in Part (B) to and from Chicago, Ill. Restriction: The authority proposed immediately above is subject to the condition that the duplicating authority herein proposed and that held by carrier in Part (A) shall be construed as comprising a single operating right and shall not be severable by sale or otherwise; serving the site of the plant of the Ford Motor Co. near Robertson, Mo., as an off-route point in connection with carrier's regular-route operations in Part (B), to and from St. Louis, Mo.; serving the site of the Packard Motor Car Co. plant, near Utica, Mich., as an off-route point in connection with carrier's regular-route operations in Part (B), to and from Detroit, Mich.; serving the site of the Feeds Materials Production Center of the United States Atomic Energy Commission near Fernald, Ohio, as an off-route point in connection with carrier's regular-route operations in Part (B), to and from Cincinnati, Ohio; serving the site of the Ford Motor Co. plant located at the northeast intersection of Mound Road and 17-mile Road in Sterling Township, Macomb County, Mich., as an off-route point in connection with carrier's regular-route operations in Part (B), to and from Detroit, Mich., and the commercial zone thereof; serving the site of the Ford Motor Co. plant located at the intersection of Michigan Highway 218 (Wixom Road) and unnumbered highway (West Lake Drive) north of U.S. Highway 16, in Novi Township, Oakland County, Mich., as an off-route point in connection with carrier's regular-route operations in Part (B), to and from Detroit, Mich., and the commercial zone thereof; serving the site of the Ford Motor Co. plant, in Brownhelm Township, Lorain County, Ohio, near the intersection of U.S. Highway 6 and Baumhart Road, as an off-route point in connection with carrier's regular-route operations in Part (B), between Muncie, Ind., and Buffalo, N.Y.; serving the junction of U.S. Highways 25 and 30S near Lima, Ohio, and the junction of U.S. Highways 25 and 30N near Beaverdam, Ohio, for joinder purposes only in connection with carrier's regular route operations in Part (A), between Fort Wayne, Ind., and Mansfield, Ohio; between Muncie, Ind., and St. Louis, Mo., serving the intermediate points of Anderson and Indianapolis, Ind., intermediate and off-route points within 5 miles of Indianapolis, and all of any municipality, any part of which is within 5 miles of the city limits of Indianapolis, and the intermediate and off-route points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission in St. Louis, Mo.-East St. Louis, Ill., commercial zone, 1 M.C.C. 656 and 2 M.C.C. 285; from Muncie over Indiana Highway 32 to Anderson, Ind.

Thence over Indiana Highway 9 to junction Indiana Highway 67, thence over Indiana Highway 67 to Indianapolis, and thence over U.S. Highway 40 to St. Louis, and return over the same route; between Muncie, Ind., and Buffalo, N.Y., serving the intermediate points of Fostoria, Fremont, Lorain, Elyria, and Cleveland, Ohio, and Erie, Pa., and intermediate and off-route points within 5 miles of Cleveland, Ohio, and Buffalo, N.Y., respectively, and all of any municipality any part of which is within 5 miles of the city limits of Cleveland and Buffalo, respectively: From Muncie over Indiana Highway 67 to the Indiana-Ohio State line, thence over Ohio Highway 29 to junction U.S. Highway 33, thence over U.S. Highway 33 to junction Ohio Highway 67 (formerly portion U.S. Highway 33), thence over Ohio Highway 67 via Wapakoneta, Ohio, to junction U.S. Highway 25, thence over U.S. Highway 25 to Findlay, Ohio, thence over U.S. Highway 224 to Tiffin, Ohio, thence over Ohio Highway 18 to Bellevue, Ohio, thence over Ohio Highway 113 to Elyria, Ohio, thence over Ohio Highway 57 to junction Ohio Highway 254 (also from Findlay, Ohio, over Ohio Highway 12 to junction U.S. Highway 6, thence over U.S. Highway 6 to Lorain, Ohio, and thence over Ohio Highway 57 to junction Ohio Highway 254), thence over Ohio Highway 254 to Cleveland, Ohio, thence over U.S. Highway 20 to junction Ohio Highway 84, thence over Ohio Highway 84 to junction Ohio Highway 534, thence over Ohio Highway 534 to Geneva, Ohio, thence over U.S. Highway 20 to junction U.S. Highway 62; and thence over U.S. Highway 62 to Buffalo, and return over the same route; between Muncie, Ind., and Detroit, Mich., serving the intermediate and off-route points within 20 miles of Muncie, Ind., and those within 8 miles of Detroit, Mich., the intermediate point of Toledo, Ohio, intermediate and off-route points within 5 miles of Toledo, and all of any municipality any part of which is within 5 miles of the limits of Toledo; from Muncie to Findlay, Ohio, as specified immediately above and thence over U.S. Highway 25 to junction unnumbered highway (formerly portion U.S. Highway 25).

Thence over unnumbered highway via North Findlay and Van Buren, Ohio, to junction U.S. Highway 25 east of North Baltimore, Ohio, thence over U.S. Highway 25 to Detroit (also from Findlay over U.S. Highway 25 to junction U.S. Highway 24, near Toledo, Ohio, thence over U.S. Highway 24 to junction U.S. Highway 25 near Monroe, Mich., and thence over U.S. Highway 25 to Detroit), and return over the same routes; between Muncie, Ind., and Chicago, Ill., serving the intermediate and off-route points in Indiana within the Chicago, Ill., commercial zone, as defined by the Commission in Chicago, Ill., commercial zone 1 M.C.C. 673; from Muncie over U.S. Highway 35 to junction Indiana Highway 28, thence over Indiana Highway 28 to junction Indiana Highway 9, thence over Indiana Highway 9 to Marion, Ind., thence over Indiana Highway 15 to Wabash, Ind., thence over U.S. Highway 24 to Peru, Ind., thence over U.S. Highway 31 to Plymouth, Ind., thence over U.S. Highway 30 to Chicago Heights, Ill., and thence over Alternate Illinois Highway 1 (formerly Illinois Highway 1) to Chicago, and return over the same route; between Muncie, Ind., and Cincinnati, Ohio, serving the intermediate points of New Castle and Richmond, Ind., and the intermediate and off-route points in the Cincinnati, Ohio, commercial zone, as defined by the Commission in Cincinnati, Ohio, commercial zone, 26 M.C.C. 49 and 41 M.C.C. 227; from Muncie over U.S. Highway 35 to Eaton, Ohio, and thence over U.S. Highway 127 to Cincinnati, and return over the same route; from Muncie over Indiana Highway 3 to New Castle, Ind., thence over Indiana Highway 38 to junction U.S. Highway 35, thence over U.S. Highway 35 to Richmond, Ind., and thence over U.S. Highway 27 to Cincinnati, and return over the same route:

Between Indianapolis, Ind., and Louisville, Ky., serving the intermediate and off-route points within 5 miles of Indianapolis, Ind., and all of any municipality any part of which is within 5 miles of the city limits of Indianapolis; from Indianapolis over U.S. Highway 31 to Sellersburg, Ind., and thence over U.S. Highway 31E to Louisville, and return over the same route; between Sandusky, Ohio, and Milan, Ohio for use as a connecting route only, serving no intermediate points or termini; from Sandusky over Ohio Highway 13 to Milan, and return over the same route; between Marion, Ind., and Peru, Ind., for use as a connecting route only, serving no intermediate points or termini; from Marion over Indiana Highway 21 to Peru, and return over the same route; between Muncie, Ind., and junction Indiana Highways 9 and 67, for use as a connecting route only, serving no intermediate points or at junction Indiana Highways 9 and 67; from Muncie over Indiana Highway 67 to junction Indiana Highway 9, and return over the same route. The joinder of the three above-described connecting routes with proposed routes in Part (B), is intended notwithstanding the fact that the junctions of said routes, except as noted, are not proposed service points; between Kenosha, Wis., and Chicago, Ill., serving no intermediate points; from Kenosha over Wisconsin Highway 32 (formerly Wisconsin Highway 42) to the Wisconsin-Illinois State line, and thence over Illinois Highway 42 to Chicago, and return over the same route; between Chicago, Ill., and Kenosha, Wis., serving no intermediate points; from Chicago over U.S. Highway 41 to junction Illinois Highway 120, thence over Illinois Highway 120 to junction Illinois Highway 42, thence over Illinois Highway 42 to the Illinois-Wisconsin State line, and thence over Wisconsin Highway 32 (formerly Wisconsin Highway 42) to Kenosha, and return over the same route; from Niagara Falls, N.Y., to Buffalo, N.Y., serving no intermediate points; from Niagara Falls over New York Highway 384 to Buffalo, and return over the same route, with no transportation for compensation except as otherwise authorized:

Alternate routes for operating conveniences only: between Muncie, Ind., and Jeffersonville, Ind., in connection with carrier's regular-route operations in Part (B), serving no intermediate points; from Muncie over Indiana Highway 3 to Charlestown, Ind., and thence over Indiana Highway 62 to Jeffersonville, and return over the same route: Between Indianapolis, Ind., and junction U.S. Highways 31 and 24 at Peru, Ind., in connection with carrier's regular-route operations in Part (B), serving no intermediate points and with service at the described junction of U.S. Highways 31 and 24 for the purpose of joinder only; from Indianapolis over U.S. Highway 31 to junction U.S. Highway 24, and return over the same route; between Indianapolis, Ind., and Richmond Ind., in connection with carrier's regular route operations in Part (B), serving no intermediate points; from Indianapolis over U.S. Highway 40 to Richmond and return over the same route; between Richmond, Ind., and junction U.S. Highways 25 and 33 at Wapakoneta, Ohio, in connection with carrier's regular-route operations in Part (B), serving no intermediate points and with service at the described junction of U.S. Highways 25 and 33 for the purpose of joinder only; from Richmond over U.S. Highway 40 to junction U.S. Highway 25 at Vandalia, Ohio, thence over U.S. Highway 25 to junction U.S. Highway 33, and return over the same route; between Cincinnati, Ohio, and Cleveland, Ohio, in connection with carrier's regular-route operations in Part (B), serving no intermediate points; from Cincinnati over U.S. Highway 42 to Cleveland and return over the same route; between junction U.S. Highways 42 and 25 at Sharonville, Ohio, and junction U.S. Highways 25 and 40 at Vandalia, Ohio, in connection with carrier's regular-route operations in Part (B), serving no intermediate points and serving the termini for the purpose of joinder only; from junction U.S. Highways 42 and 25 over U.S. Highway 25 to junction U.S. Highway 40 and return over the same route:

Between junction U.S. Highways 40 and 25 at Vandalia, Ohio, and junction U.S. Highways 40 and 42 at Lafayette, Ohio, in connection with carrier's regular-route operations in Part (B), serving no intermediate points and serving the termini for the purpose of joinder only; from junction U.S. Highways 40 and 25 over U.S. Highway 40 to junction U.S. Highway 42, and return over the same route; between Cincinnati, Ohio, and junction U.S. Highway 50 and Indiana Highway 3 at North Vernon, Ind., in connection with carrier's regular-route operations in Part (B), serving no intermediate points and serving the described junction of U.S. Highway 40 and Indiana Highway 3 for the purpose of joinder only, and restricted to traffic moving to and from Louisville, Ky., and points beyond, on the one hand, and, on the other, Cleveland, Ohio, or points beyond; from Cincinnati over U.S. Highway 50 to junction Indiana Highway 3, and return over the same route; between Chicago, Ill., and Fremont, Ohio, serving no intermediate points; from Chicago over U.S. Highway 41 to junction U.S. Highway 6, thence over U.S. Highway 6 to Fremont, and return over the same route; between Lorain, Ohio, and Cleveland, Ohio, serving no intermediate points; from Lorain over U.S. Highway 6 to Cleveland, and return over the same route; between Cleveland, Ohio, and Geneva, Ohio, serving no intermediate points; from Cleveland over U.S. Highway 20 to Geneva, and return over the same route; between Geneva, Ohio, and Buffalo, N.Y., serving no intermediate points; from Geneva over U.S. Highway 20 to junction Pennsylvania Highway 5, thence over Pennsylvania Highway 5, to the Pennsylvania-New York State line, thence over New York Highway 5 to Buffalo, and return over the same route.

(C) Irregular routes: between all points proposed in Ohio located on the five regular routes described in Part (A), including off-route points, on the one hand, and, on the other, all other points in Ohio located on or north of a line extending from Cincinnati, Ohio, along U.S. Highway 42 to junction U.S. Highway 40.

Thence along U.S. Highway 40 to junction Ohio Highway 440 (formerly portion U.S. Highway 40) at or near Kirkersville, Ohio, thence along Ohio Highway 440 to junction U.S. Highway 40 near Gratiot, Ohio, thence along U.S. Highway 40 to junction U.S. Highway 22 (formerly portion U.S. Highway 40), thence along U.S. Highway 22 via Norwich, Ohio, to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-West Virginia State line, with service limited to the pickup of eastbound shipments and the delivery of westbound shipments moving over the five regular routes referred to above described in Part (A): Between all points proposed in Connecticut, Massachusetts, and Rhode Island on the five regular routes referred to above described in Part (A), including off-route points, on the one hand, and, on the other, all points in Connecticut, Massachusetts, and Rhode Island, with service limited to to the pickup of westbound shipments and the delivery of eastbound shipments moving over the five regular routes referred to above described in Part (A)

and, between Chicago, Ill., on the one hand, and, on the other, points in Illinois within 30 miles of Chicago. Any repetition in the statement of the authority proposed herein shall not be construed as conferring more than one operating right. Alternate route for operating convenience only: Between Plymouth, Ind., and South Bend, Ind., in connection with carrier's otherwise proposed regular route operations, serving no intermediate points and serving Plymouth for purposes of joinder only: From Plymouth over U.S. Highway 31 to South Bend, and return over the same route. Restriction: The service proposed herein is restricted to the transportation of shipments originating at or destined to points located east of the Ohio-Indiana State line. Alternate route for operating convenience only: Between Chicago, Ill., and Detroit, Mich., in connection with carrier's otherwise proposed regular route operations, serving no intermediate points: From Chicago over Interstate Highway 94 to Detroit, and return over the same route. Restriction: The service proposed herein is restricted to the transportation of shipments originating at or destined to points located east of the Ohio-Pennsylvania State line. Serving the plant of the De Vilbiss Co., Van Buren Township, Wayne County, Mich., as an off-route point in connection with carrier's regular route operations to and from Detroit, Mich. NOTE: Applicant states it seeks no duplication of authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Chicago, Ill.

No. MC 61592 (Sub-No. 56), filed November 8, 1965. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorff, Iowa, 52722. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, millwork, and wood products*, from points in Mississippi to points in Ohio, Indiana, Michigan, Illinois, Wisconsin, Iowa, and Minnesota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 61592 (Sub-No. 57), filed November 8, 1965. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa, 52722. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements, agricultural machinery, and cattle oilers, and parts* therefor, from points in Thurston County, Nebr., to points in Colorado, Illinois, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, Wyoming, and Indiana, and, (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities named in (1) above, from the above described destination territory, to points in Thurston County, Nebr. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 63860 (Sub-No. 1), filed November 8, 1965. Applicant: BENNETT TRUCKING CORP., 845 Grand Street, Brooklyn, N.Y., 11211. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y., 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy, confectionery, confectionery products, premiums, novelties*, and *advertising materials* distributed in connection with the aforementioned commodities, from the plant and warehouse site of Topps Chewing Gum Co., Inc., Duryea, Pa., to New York, N.Y., points in Nassau and Westchester Counties, N.Y., and points in Bergen, Passaic, Hudson, Essex, Union, and Middlesex Counties, N.J., (2) *premiums, novelties, materials*, and *supplies* (except in bulk) relating to the manufacture, packaging, distribution or maintenance of the commmodities described in (1) above, from New York, N.Y., points in Nassau and Westchester Counties, N.Y., points in Hudson, Essex, Bergen, Passaic, Union, and Middlesex Counties, N.J., to the plant and warehouse site of Topps Chewing Gum Co., Inc., Duryea, Pa., and (3) *returned, rejected and damaged shipments* in (1) and (2) above, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 64932 (Sub-No. 388), filed November 9, 1965. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill., 60643. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chloroacetyl chloride*, in bulk, in tank vehicles, from Midland, Mich., to Muscatine, Iowa, restricted to shipments destined to the plantsite of Monsanto Co. at or near Muscatine, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 64994 (Sub-No. 71), filed November 8, 1965. Applicant: HENNIS FREIGHT LINES, INC., Post Office Box 612, Winston-Salem, N.C., 27102. Applicant's representative: Frank C. Phillips, Post Office Box 612, Winston-Salem, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, frozen and not frozen* (except commodities in bulk), from Milton, Pa., to points in Georgia, Alabama, Florida, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 71096 (Sub-No. 55), filed November 8, 1965. Applicant: NORWALK TRUCK LINES, INC., 180 Milan Avenue, Norwalk, Ohio. Applicant's representative: Marion M. Emery (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, automobiles, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Phillips Products Co., Inc., on North Territorial Road, Northfield Township, Washtenaw County, Mich., as an off-route point in connection with applicant's authorized regular route operations. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 71096 (Sub-No. 56), filed November 8, 1965. Applicant: NORWALK TRUCK LINES, INC., 180 Milan Avenue, Norwalk, Ohio. Applicant's representative: Marion M. Emery (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, automobiles, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Perkins Engines Inc., located on Wixom Road, Oakland County, Mich., as an off-route point in connection with applicant's authorized regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 72442 (Sub-No. 17), filed November 10, 1965. Applicant: AKERS MOTOR LINES, INCORPORATED, Post Office Box 579, New Hope Road, Gastonia, N.C., 28053. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, tobacco, liquor, commodities in bulk, commodities requiring special equipment, and household goods as defined by the Commission), (1) between Atlanta, Ga., and Mobile, Ala.: From Atlanta, Ga., over U.S. Highway 78 via Oxford, Ala., to Birmingham, Ala. (also from Atlanta, Ga., over Interstate Highway 20 to Birmingham, Ala.), thence over U.S. Highway 31 via Montgomery, Ala., to Mobile, Ala. (also over Interstate Highway 65 to Mobile, Ala.) (also from Atlanta, Ga., as specified above to Oxford, Ala., thence over Alabama Highway 21 to Talladega, Ala., thence over Alternate U.S. Highway 231 to Montgomery, Ala.), and return over the same route, serving all intermediate points; (2) between Atlanta, Ga., and Demopolis, Ala.:

From Atlanta, Ga., over U.S. Highway 41 to Cass, Ga., thence over U.S. Highway 411 via Rome, Ga., to Gadsden, Ala., thence over U.S. Highway 278 to Attalla, Ala., thence over U.S. Highway 11 via Birmingham, Ala., to Eutaw, Ala. (also from Gadsden, Ala., over Interstate Highway 59 to Birmingham, Ala., thence to Eutaw as specified above), thence over U.S. Highway 43 to Demopolis, Ala., and return over the same route, serving all intermediate points; (3) between Savannah, Ga., and Demopolis, Ala.: From Savannah, Ga., over U.S. Highway 80 to Demopolis, Ala., and return over the same route, serving all intermediate points; (4) between La Grange, Ga., and Mobile, Ala.: From La Grange, Ga., over U.S. Highway 29 to Brewton, Ala., thence over U.S. Highway 31 to Mobile, Ala. (also from La Grange, Ga., over Interstate Highway 85 to junction Interstate Highway 65, thence over Interstate Highway 65 to Mobile, Ala.), and return over the same route, serving all intermediate points; (5) between Columbus, Ga., and Florence, Ala.: From Columbus, Ga., over U.S. Highway 280 to Birmingham, Ala., thence over U.S. Highway 78 to Jasper, Ala., thence over Alabama Highway 5 to Phil Campbell, Ala., thence over U.S. Highway 43 to Florence, Ala. (also from Columbus, Ga., to Birmingham, Ala., as specified above, thence over U.S. Highway 31 to Decatur, Ala., thence over U.S. Highway Alternate 72 to junction U.S. Highway 43, thence over U.S. Highway 43 to Florence, Ala.) (also from Columbus, Ga., to Birmingham, Ala., as specified above, thence over Interstate Highway 65 to Athens, Ala., thence over U.S. Highway 72 to Florence, Ala.), and return over the same route, serving all intermediate points; (6) between Atlanta, Ga., and Athens, Ala.: From Atlanta, Ga., over U.S. Highway 278 to Attalla, Ala., thence over U.S. Highway 431 to Huntsville, Ala., thence over U.S. Highway 72 to Athens, Ala., and return over the same route, serving all intermediate points; (7) between Waycross, Ga., and Evergreen, Ala.:

From Waycross, Ga., over U.S. Highway 84 to Evergreen, Ala., and return over the same route, serving all intermediate points; (8) between Gadsden, Ala., and Dothan, Ala.: from Gadsden, Ala., over U.S. Highway 431 to Dothan, Ala., and return over the same route, serving all intermediate points; (9) between Albany, Ga., and Dothan, Ala.: From Albany, Ga., over Georgia Highway 91 to junction Georgia Highway 62, thence over Georgia Highway 62 to the Alabama-Georgia State line, thence over Alabama Highway 52 to Dothan, Ala., and return over the same route, serving all intermediate points; (10) between Albany, Ga., and Donalsonville, Ga.: From Albany, Ga., over Georgia Highway 91 to Donalsonville, Ga., and return over the same route, serving all intermediate points; and, (11) serving points in Georgia and Alabama as off-route points in connection with applicant's authorized regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 73165 (Sub-No. 207), filed November 10, 1965. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Post Office Box 1348, Birmingham, Ala., 35201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles* as described in appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except those commodities which because of size or weight require special equipment), from points in Cabell and Wayne Counties, W. Va., to points in Arkansas, Missouri, and Oklahoma. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 76449 (Sub-No. 5), filed November 5, 1965. Applicant: NELSON'S EXPRESS, INC., 675 Market Street, Millersburg, Pa. Applicant's representative: John M. Musselman, Post Office Box 46, Harrisburg, Pa., 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, high explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), serving Carsonville, Cocolamus, East Salem, Enders, Enterline, Fisherville, Greenbrier, Landisburg, Line Mountain, Malta, Mandata, Maze, Muir, Pine Grove, Pitman, Rebuck, Suedeberg, Wiconisco, and Williamstown, Pa., as off-route points in connection with applicant's authorized regular-route operations between Harrisburg, Pa., and Orwin, Pa. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 76449 (Sub-No. 6), filed November 8, 1965. Applicant: NELSON'S EXPRESS, INC., 675 Market Street, Millersburg, Pa. Applicant's representative: John M. Musselman, 400 North Third Street, Post Office Box 46, Harrisburg, Pa., 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, high explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Beaver Springs, Beavertown, Chapman, Dundore, Fishers Ferry, Freeburg, Globe Mills, Hummels Wharf, Kantz, Kratzerville, Kreamer, McKees, Half Falls, Middleburg, Mifflin, Mifflinburg, Mount Pleasant Mills, New Berlin, Northumberland, Paxinos, Paxtonville, Penns Creek, Port Treverton, Salem, Selinsgrove, Shamokin, Shamokin Dam, Sunbury, Vicksburg, and Winfield, Pa., as off-route points in connection with applicant's regular-route operations between Harrisburg, Pa., and Orwin, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 84511 (Sub-No. 30), filed November 8, 1965. Applicant: COMMERCIAL FREIGHT LINES, INC., 1700 West Ninth Strect, Kansas City, Mo. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans., 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles* distributed by meat packinghouses as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of Spencer Packing Co. at or near Schuyler, Nebr. (restricted to traffic originating at such facilities), to points in Illinois, Indiana, Wisconsin, Kansas, Missouri, and Minnesota. NOTE: If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 86779 (Sub-No. 29), filed November 8, 1965. Applicant: ILLINOIS CENTRAL RAILROAD COMPANY, a corporation, 135 East 11th Place, Chicago, Ill., 60605. Applicant's representative: John H. Doeringer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, high explosives, household goods as defined by the Commission, commodities in bulk, and those injurious or contaminating to other lading), serving the plantsite of International Paper Co. at or near Redwood, Miss., as an off-route point in connection with applicant's authorized regular-route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or Mobile, Ala.

No. MC 87909 (Sub-No. 8), filed November 8, 1965. Applicant: ARROW MOTOR FREIGHT LINE, INC., 185 Fifth Avenue SW., New Brighton, Minn., 55112. Applicant's representative: Will S. Tomljanovich, Fisher Nut Building, 2327 Wycliff Street, St. Paul, Minn., 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, packinghouse products, commodities used by packinghouses*, and *such commodities as are used by meatpackers* in the conduct of their business, when distined to and for use by meatpackers, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Waterloo, and Columbus Junction, Iowa, to points in Minnesota, restricted to the plantsites and storage facilities utilized by Rath Packing Co. at Waterloo and Columbus Junction, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 88161 (Sub-No. 73), filed November 12, 1965. Applicant: INLAND TRANSPORTATION CO., INC., 6737 Corson Avenue South, Seattle, Wash., 98108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood residuals*, including planer shavings and wood chips, in bulk, in specialized equipment, and *rejected and contaminated shipments*, between points in Yakima and Walla Walla Counties, Wash.; Umatilla, Wallowa, Union, and Baker Counties, Oreg.; and Adams, Valley, Washington, Payette, Gem, and Ada Counties, Idaho. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 89693 (Sub-No. 34), filed November 5, 1965. Applicant: HARMS PACIFIC TRANSPORT, INC., 1430 130th NE., Bellevue, Wash., 98004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, chemical solutions*, in bulk, and *rejected and contaminated products*, between points in Union County, Oreg., on the one hand, and, on the other, points in Oregon, Washington, Idaho, and Montana. NOTE: If a hearing is deemed necessary,

applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 95540 (Sub-No. 658), filed November 12, 1965. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Post Office Box 828, Thomasville, Ga. Applicant's representative: Jack M. Holloway, Albany Highway, Thomasville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles* distributed by meat packinghouses as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Schuyler, Nebr., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, restricted to traffic originating at the plantsite of Spencer Packing Co., Schuyler, Nebr. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 95876 (Sub-No. 47), filed November 5, 1965. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. Applicant's representative: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Granite, marble, slate and stone*, (a) from points in Burnet, Gillespie, and Llano Counties, Tex., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, and (b) from points in Burnet County, Tex., to points in Iowa, North Dakota and South Dakota, and (2) *marble, slate, and stone*, from points in Burnet County, Tex., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, North Carolina, Missouri, Nebraska, Oklahoma, South Carolina, Tennessee, Wisconsin, Ohio, Pennsylvania, and New York. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 103051 (Sub-No. 204), filed November 12, 1965. Applicant: FLEET TRANSPORT COMPANY, INC., 340 Armour Drive NE., Atlanta, Ga., 30324. Applicant's representative: R. J. Reynolds, Jr., Suite 403–11 Healey Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup, liquid sugar, and blends of corn syrup and liquid sugar*, in bulk, in tank vehicles, from Birmingport, Ala., to points in Louisiana and Mississippi. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 103378 (Sub-No. 320), filed November 4, 1965. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's representative: Martin Sack, Atlantic National Bank Building, Jacksonville, Fla., 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and clay slurry*, in bulk, from points in Bibb County, Ga., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 103378 (Sub-No. 321), filed November 12, 1965. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's representative: Martin Sack, 710 Atlantic Bank Building, Jacksonville, Fla., 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions* (except nitrogen fertilizer solutions), in bulk, in tank vehicles, from the storage facilities of the Allied Chemical Corp., in Decatur County, Ga., to points in Alabama, Florida, and Georgia. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 106117 (Sub-No. 7), filed November 8, 1965. Applicant: RUMPF TRUCK LINE, INC., 424 South Maumee Street, Tecumseh, Mich. Applicant's representative: Arthur R. Cline, 420 Security Building, Toledo, Ohio, 43604. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, commodities requiring special equipment and household goods as defined by the Commission), serving the plantsite of Draw-Title Co., located on Martinsville Road in Wayne County, Mich. (approximately one-half mile south of Savage Road), as an off-route point in connection with applicant's authorized regular-route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 106117 (Sub-No. 8), filed November 8, 1965. Applicant: RUMPF TRUCK LINE, INC., 424 South Maumee Street, Tecumseh, Mich. Applicant's representative: Arthur R. Cline, 420 Security Building, Toledo, Ohio, 43604. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, commodities requiring special equipment and household goods as defined by the Commission), serving the Detroit Metropolitan Wayne County Airport located south of the junction of Interstate Highway 94 (Willow Run Freeway) and Merriman Road in Wayne County, Mich., as an off-route point in connection with applicant's authorized regular-route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 106644 (Sub-No. 56), filed November 12, 1965. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. Applicant's representative: Guy H. Postell, Suite 693, 1375 Peachtree Street NE., Atlanta, Ga., 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardboard sheets and boards*, from Catawba, S.C., and points within five (5) miles thereof, to points in Connecticut and Nebraska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106644 (Sub-No. 57), filed November 12, 1965. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. Applicant's representative: Guy H. Postell, Suite 693, 1375 Peachtree Street NE., Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, from the plantsite of the United States Plywood Corp. located at or near Holden, La., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106674 (Sub-No. 47), filed November 10, 1965. Applicant: OSBORNE TRUCKING CO., INC., Vincennes, Ind. Applicant's representative: Thomas F. Kilroy, Federal Bar Building, 1815 H Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from Eaton, Ind., to Mount Sterling and Washington Court House, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 107002 (Sub-No. 273), filed November 10, 1965. Applicant: HEARIN-MILLER TRANSPORTERS, INC., Post Office Box 1123, Highway 80 West, Jackson, Miss., 39205. Applicant's representatives: Harry C. Ames, Jr., 529 Transportation Building, Washington, D.C., 20006, and H. D. Miller, Jr., Post Office Box 1250, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Baton Rouge, La., to points in New Mexico. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 107107 (Sub-No. 351) (Amendment), filed September 15, 1965, published in the FEDERAL REGISTER issue of October 7, 1965, amended October 28, 1965, and republished as amended, this issue. Applicant: ALTERMAN TRANSPORT LINES, INC., Post Office Box 458, Allapattah Station, Miami, Fla., 33142. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials and articles, and accessories thereto*, from points in Broward, Dade, and St. Lucie Counties, Fla., to points in Texas. NOTE: The purpose of this republication is to add St. Lucie County, Fla., to the

origin territory. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 107107 (Sub-No. 354), filed November 5, 1965. Applicant: ALTERMAN TRANSPORT LINES, INC., Post Office Box 458, Allapattah Station, Miami, Fla., 33142. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles* distributed by meat packinghouses as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Schuyler, Nebr., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina, restricted to traffic originating at the plantsite of Spencer Packing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 107403 (Sub-No. 652), filed November 12, 1965. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, vegetable oils, and blends thereof*, in bulk, in tank vehicles, from Pittsburgh, Pa., to points in New York. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107496 (Sub-No. 422), filed November 5, 1965. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Des Moines, Iowa. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from points in the Kansas City, Mo.-Kansas City, Kans., commercial zone, to points in Kansas, Iowa, Nebraska, Illinois, and Missouri. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 107496 (Sub-No. 428), filed November 10, 1965. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Des Moines, Iowa. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar products*, in bulk, in tank vehicles, between points in Wyoming, Colorado, North Dakota, South Dakota, and Nebraska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cheyenne, Wyo.

No. MC 108449 (Sub-No. 214), filed November 12, 1965. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn., 55113. Applicant's representative: Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis., 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, in foreign commerce only, from the ports of entry on the International Boundary line between the United States and Canada located in North Dakota and Minnesota, to points in North Dakota and Minnesota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 108449 (Sub-No. 215), filed November 12, 1965. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn., 55113. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, from Mid-America Pipeline Terminal at or near Cantril, Iowa, to points in Illinois and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Des Moines, Iowa.

No. MC 109365 (Sub-No. 25), filed November 12, 1965. Applicant: RONALD A. PATTERSON, doing business as ANTHONY & PATTERSON TRUCK LINE, Post Office Box 15, Ashdown, Ark. Applicant's representative: Louis Tarlowski, Pyramid Life Building, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition lumber (flakeboard)*, from Crossett, Ark., to points in Indiana; Bay Minette and Birmingham, Ala.; St. Louis and Wright City, Mo.; Alexandria, La.; Dallas, Tex.; Memphis, Tenn.; and Jackson, Miss., and *returned, damaged* and *rejected shipments* on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 110420 (Sub-No. 490), filed November 10, 1965. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Post Office Box 339, Burlington, Wis., 53105. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank or hopper type vehicles, from Utica, Ill., to points in Iowa and Minnesota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110525 (Sub-No. 755), filed November 3, 1965. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downington, Pa. Applicant's representatives: Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C., and Edwin H. van Deusen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphatic fertilizer solution*, in bulk, in tank vehicles, from the storage facilities of the Allied Chemical Corp., located at Cincinnati, Ohio, to points in Indiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110563 (Sub-No. 37), filed November 8, 1965. Applicant: COLDWAY FOOD EXPRESS, INC., Ohio Building, Post Office Box 259, Sidney, Ohio. Applicant's representative: Joseph Scanlan, 111 West Washington Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products*, in vehicles equipped with mechanical refrigeration, from points in the New York, N.Y., commercial zone and Union County, N.J., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin, and *damaged and rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 110878 (Sub-No. 29), filed November 12, 1965. Applicant: ARGO TRUCKING COMPANY, INC., Elberton, Ga. Applicant's representative: Guy H. Postell, Suite 693, 1375 Peachtree Street NE., Atlanta 9, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bags, cartons and blocks, from points in Fort Bend and Harris Counties, Tex., to points in Louisiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 111231 (Sub-No. 93), filed November 10, 1965. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chocolate candy and confectionery*, from Chicago, Ill., to points in Oklahoma and Texas. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 111231 (Sub-No. 94), filed November 10, 1965. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foods*, from Tyler and Lindale, Tex., to points in Arkansas, Kansas, Oklahoma, and Missouri. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 111397 (Sub-No. 72), filed November 5, 1965. Applicant: DAVIS TRANSPORT, INC., 1345 South Fourth Street, Paducah, Ky. Applicant's representative: Herbert S. Melton, Jr., Suite 215 Katterjohn Building, Box 1284 Avondale Station, Paducah, Ky., 42002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New pianos*, from the plantsite of Whitby Brothers Pianos, Inc., at or near Ordill, Ill., to points in the United States (except Alaska and Hawaii), and *rejected shipments and parts*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 112617 (Sub-No. 210), filed November 8, 1965. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 5135, Cherokee Station, Louisville, Ky., 40205. Applicant's representative: L. A. Jaskiewicz, 600 Madison Building, 1155 15th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and asphalt products and coal tar and coal tar products*, in bulk, in tank ve-

hicles, between points in Hamilton County, Ohio, on the one hand, and, on the other, points in Arkansas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 112617 (Sub-No. 211), filed November 8, 1965. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 5135, Cherokee Station, Louisville, Ky., 40205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt* and *asphalt products and coal tar and coal tar products*, in bulk, in tank vehicles, from points in Hamilton County, Ohio, to points in Illinois. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 112617 (Sub-No. 212), filed November 8, 1965. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 5135, Cherokee Station, Louisville, Ky., 40205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt* and *asphalt products* and *coal tar* and *coal tar products*, in bulk, in tank vehicles, between points in Hamilton County, Ohio, on the one hand, and, on the other, points in Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 112801 (Sub-No. 33), filed November 10, 1965. Applicant: TRANSPORT SERVICE CO., a corporation, 5100 West 41st Street, Chicago, Ill. Applicant's representative: Robert H. Levy, 105 West Adams Street, Chicago, Ill., 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the Cordova Industrial Park, located in Rock Island County, Ill., to points in Illinois, Iowa, Minnesota, Missouri, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112801 (Sub-No. 34), filed November 10, 1965. Applicant: TRANSPORT SERVICE CO., a corporation, 5100 West 41st Street, Chicago, Ill., 60650. Applicant's representative: Robert H. Levy, 105 West Adams Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plantsite of Central Farmers Terminal Co., located at or near Albany, Ill., to points in Illinois, Indiana, Iowa, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113267 (Sub-No. 160), filed November 8, 1965. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: R. H. Burroughs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Schuyler, Nebr., to points in Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Louisiana, Arkansas, and Mississippi, restricted to traffic originating at the plantsite of Spencer Packing Co. at Schuyler, Nebr. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 113267 (Sub-No. 161), filed November 10, 1965. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: R. H. Burroughs, 312 West Morris Street, Caseyville, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from points in Adams County, Nebr., to points in North Carolina, South Carolina, Georgia, Alabama, Florida, and Tennessee (except Memphis and points in the Memphis commercial zone as defined by the Commission). NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 113362 (Sub-No. 95), filed November 3, 1965. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's representative: William J. Boyd, 30 North La Salle Street, Chicago, Ill., 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products, including petroleum, wax, rust preventatives, and lubricating oils* and *greases*, other than in bulk in tank vehicles, (1) from Warren, Pa., to points in Michigan, Illinois, and Indiana, and (2) from Buffalo, N.Y., Bradford, Emlenton, Farmers Valley, Franklin, Freedom, Karns City, Oil City, Petrolia, Reno, and Rouseville, Pa., and St. Marys, W. Va., to points in Indiana and Illinois. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 113678 (Sub-No. 191), filed November 5, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's representative: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, packinghouse products* and *commodities used by packinghouses* (except hides and commodities in bulk, in tank vehicles), from points in Iowa, to points in Colorado, Illinois, Kansas, Michigan, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, and Indiana. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 113678 (Sub-No. 192), filed November 8, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's representative: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oleomargarine, shortening, lard, tallow, salad dressing, salad oils*, and *table sauces*, in vehicles equipped with mechanical refrigeration, from Jacksonville, Ill., and points within one (1) mile thereof, to points in Arkansas, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Wisconsin, North Dakota, and South Dakota. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 113678 (Sub-No. 193), filed November 12, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's representative: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses* (except commodities in bulk, in tank vehicles) as described in appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Dodge City, Kans., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, Nevada, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 113828 (Sub-No. 100), filed November 10, 1965. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington 14, D.C. Applicant's representative: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Zinc sulfate, zinc hydrosulfite, sodium hydrosulfite, sodium bisulfite*, and *hydroxylamine sulfate*, in bulk, in tank vehicles, from Chesapeake, Va., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113828 (Sub-No. 101), filed November 12, 1965. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington, D.C., 20014. Applicant's representative: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry spent catalyst*, in bulk, in tank vehicles, from Westville, N.J., and points in York County, Va., to

Baltimore, Md. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113843 (Sub-No. 108), filed November 8, 1965. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass., 02210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes, and potato products*, from points in Maine, to points in Illinois, Indiana, Iowa, Michigan, Missouri, Ohio, Pennsylvania, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant does not specify a place of hearing.

No. MC 113843 (Sub-No. 109), filed November 8, 1965. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass., 02210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products*, and *articles*, distributed by meat packinghouses, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Decatur, Detroit, and Plainwell, Mich., to points in Delaware, Maryland, Pennsylvania, Virginia, West Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 113855 (Sub-No. 120), filed November 10, 1965. Applicant: INTERNATIONAL TRANSPORT, INC., Highway 52, South, Rochester, Minn., 55901. Applicant's representative: Gene P. Johnson, First National Bank Building, Fargo, N. Dak., 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Amphibious, self-propelled vehicles*, from the plantsite and warehouse facilities of the Cat-A-Gator Corp. at or near Eden Prairie, Minn., to ports of entry on the international boundary line between the United States and Canada located in Montana, North Dakota, Minnesota, and Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 113855 (Sub-No. 121), filed November 10, 1965. Applicant: INTERNATIONAL TRANSPORT, INC., Highway 52, South, Rochester, Minn., 55901. Applicant's representative: Gene P. Johnson, First National Bank Building, Fargo, N. Dak., 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrical transformers* which, by reason of size or weight, require the use of special equipment, and (2) *electrical transformers* (other than those described above) when transported in mixed loads with shipments of transformers which, by reason of size or weight, require special equipment, from Pittsburgh, Pa., to points in Arizona, California, Colorado, Idaho, Kansas, Missouri, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113855 (Sub-No. 122), filed November 10, 1965. Applicant: INTERNATIONAL TRANSPORT, INC., Highway 52, South Rochester, Minn., 55901. Applicant's representative: Gene P. Johnson, First National Bank Building, Fargo, N. Dak., 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road rollers, earth tampers, and parts* for road rollers and earth tampers, from Stanhope, N.J., to points in Arizona, California, Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 113855 (Sub-No. 123), filed November 10, 1965. Applicant: INTERNATIONAL TRANSPORT, INC., Highway 52, South, Rochester, Minn. Applicant's representative: Gene P. Johnson, First National Bank Building, Fargo, N. Dak., 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Loaders, conveyors, screens, grizzlies*, and *attachments, accessories and parts of loaders, conveyors, screens and grizzlies*, from Sioux Falls, S. Dak., to points in the United States, including Alaska, but excluding Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114045 (Sub-No. 205), filed November 5, 1965. Applicant: TRANSCOLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Greeting cards, envelopes, sample albums, labels, wrappings, and related trappings*, from Bridgeton, N.J., to Los Angeles, Pasadena, and San Francisco, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114045 (Sub-No. 206), filed November 9, 1965. Applicant: TRANSCOLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned, prepared, or preserved foodstuffs*, from Leipsic, New Bavaria, Northwood, Pemberville, and Sandusky, Ohio, Belleville, Morton, and Rockford Ill., Fowlerton and Kokomo, Ind., Berkeley Springs and Martinsburg, W. Va., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, and Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 114194 (Sub-No. 116), filed November 5, 1965. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, liquid, in bulk, from points in the United States (except Alaska and Hawaii), to points in the St. Louis, Mo.-East St. Louis, Ill. commercial zone, and *rejected shipments*, on return. NOTE: if a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 114194 (Sub-No. 117), filed November 8, 1965. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Witch hazel*, in bulk, from Essex, Conn., to points in Michigan, Ohio, Indiana, Illinois, Missouri, and Minnesota, and *rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 114194 (Sub-No. 118), filed November 8, 1965. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill., 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tallows, oils and blends* (except petroleum), in bulk, from points in Iowa, Nebraska, and Kansas, to St. Louis, Mo., and *rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 114725 (Sub-No. 25), filed November 12, 1965. Applicant: WYNNE TRANSPORT SERVICE, INC., 1528 North 11th Street, Omaha, Nebr. Applicant's representative: J. Max Harding, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia* and *fertilizer solutions*, in bulk, in tank vehicles, from Creston, Iowa, and points within 10 miles thereof, to points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 115331 (Sub-No. 164), filed November 5, 1965. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo., 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer materials*, from Malden, Mo., and Murphysboro, Ill., and points within 5 miles of each, to points in Illinois and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 115331 (Sub-No. 165), filed November 10, 1965. Applicant: TRUCK TRANSPORT, INCORPORATED: 707 Market Street, St. Louis, Mo., 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia* and *fertilizer solutions*, in bulk, from Creston, Iowa, and points within ten (10) miles thereof, to points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 115826 (Sub-No. 113), filed November 8, 1965. Applicant: W. J. DIGBY, INC., 1960 31st Street, Post Office

Box 5088, Terminal Annex, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods* in mixed loads with canned goods, and (2) *commodities*, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with frozen foods or canned goods, from points in California and Arizona, to points in Washington, Oregon, and Idaho. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 115826 (Sub-No. 114), filed November 8, 1965. Applicant: W. J. DIGBY, INC., Post Office Box 5088, Terminal Annex, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, in mixed loads with canned goods and (2) *commodities*, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with frozen foods or canned goods, from points in Idaho, Oregon, and Washington, to points in California and Arizona. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 115826 (Sub-No. 115), filed November 8, 1965. Applicant: W. J. DIGBY, INC., Post Office Box 5088 Terminal Annex, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery*, from Pewaukee, Wis., to points in California, Oregon, Washington, Idaho, Utah, Montana, Wyoming, Colorado, Nebraska, North Dakota, and South Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 115826 (Sub-No. 116), filed November 8, 1965. Applicant: W. J. DIGBY, INC., Post Office Box 5088 Terminal Annex, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products*, and *articles distributed by meat packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Cache, Morgan, and Weber Counties, Utah, to points in California and Nevada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 117119 (Sub-No. 285), filed November 4, 1965. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's representative: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Cleveland, Ohio, to points in Illinois (except Chicago, Ill., and points in its commercial zone), Iowa, Minnesota, Missouri, North Dakota, and South Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 117119 (Sub-No. 286), filed November 8, 1965. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's representative: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Benton County, Wash., to points in Arizona, Arkansas, Colorado, Idaho, Iowa, Kansas, Montana, Missouri, Nebraska, Nevada, New Mexico, Oklahoma, Texas, Utah, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 117574 (Sub-No. 133), filed November 5, 1965. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Mail Route No. 3, Carlisle, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Concrete storage and mixing plants;* (2) *grading or road making machinery and equipment;* (3) *construction forms;* (4) *attachments and accessory equipment* for the commodities listed in 1, 2, and 3 above; and (5) *parts* for the commodities described in 1, 2, 3, and 4 above, from Madison, Ind., to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant does not specify a particular location.

No. MC 117574 (Sub-No. 134), filed November 12, 1965. Applicant: DAILY EXPRESS, INC., Post Office Box 39, M.R. No. 3, Carlisle, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Automatic and manual electrical control equipment*, (2) *related accessories and equipment to be installed with items specified in (1) above*, and (3) *parts of items specified in (1) and (2) above*, from points in Florida, Georgia, and Virginia, to points in Minnesota, Wisconsin, Iowa, Missouri, Illinois, Indiana, Michigan, Ohio, Pennsylvania, New York, New Jersey, Delaware, Maryland, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, and the District of Columbia. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 117815 (Sub-No. 73), filed November 12, 1965. Applicant: PULLEY FREIGHT LINES, INC., 2341 Easton Boulevard, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from St. James and Madelia, Minn., to points in Indiana, Michigan, and Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 117815 (Sub-No. 74), filed November 12, 1965. Applicant: PULLEY FREIGHT LINES, INC., 2341 Easton Boulevard, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Kansas City, Kans., to points in Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Kans.

No. MC 117815 (Sub-No. 75), filed November 12, 1965. Applicant: PULLEY FREIGHT LINES, INC., 2341 Easton Boulevard, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Cleveland, Ohio, to points in Illinois (except Chicago), Iowa, Minnesota, Missouri, North Dakota, and South Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117815 (Sub-No. 76), filed November 12, 1965. Applicant: PULLEY FREIGHT LINES, INC., 2341 Easton Boulevard, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in sections A and C of appendix I, to the report in *Descriptions in Motor Certificates* 61 M.C.C. 209 and 766, from points in Iowa, Minnesota, Wisconsin, Missouri, Illinois, Indiana, Michigan, and Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 117883 (Sub-No. 67), filed November 12, 1965. Applicant: SUBLER TRANSFER, INC., East Main Street, Versailles, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products, including petrolatum, wax, rust preventatives, and lubricating oils and greases*, other than in bulk in tank vehicles, from Buffalo, N.Y., Bradford, Emlenton, Farmers Valley, Franklin, Freedom, Karns City, Oil City, Petrolia, Reno, Rouseville, and Warren, Pa., and St. Marys, W. Va., to points in Illinois, Indiana, and Michigan. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 117883 (Sub-No. 68), filed November 12, 1965. Applicant: SUBLER TRANSFER, INC., East Main Street, Versailles, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite of American Home Foods located at or near Milton (Northumberland County), Pa., to points in Illinois, Indiana, Michigan, Ohio, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 118196 (Sub-No. 43), filed November 8, 1965. Applicant: RAYE & COMPANY TRANSPORTS, INC., Highway 71 North, Post Office Box 613, Carthage, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods* in mixed loads with canned goods and (2) *commodities*, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act, if

transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with frozen foods or canned goods, from points in Idaho, Washington, and Oregon to points in Arizona and California. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 118196 (Sub-No. 44), filed November 8, 1965. Applicant: RAYE & COMPANY TRANSPORTS, INC., Highway 71 North, Post Office Box 613, Carthage, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods* in mixed loads with canned goods, and (2) *commodities*, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with frozen foods or canned goods, from points in California and Arizona, to points in Idaho, Washington, and Oregon. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 118196 (Sub-No. 45), filed November 8, 1965. Applicant: RAYE & COMPANY TRANSPORTS, INC., Highway 71 North, Post Office Box 613, Carthage, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Benton County, Wash., to points in Arizona, Arkansas, Colorado, Idaho, Iowa, Kansas, Montana, Missouri, Nebraska, New Mexico, Nevada, Oklahoma, Texas, Utah, and Wyoming. NOTE: If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 118196 (Sub-No. 46), filed November 8, 1965. Applicant: RAYE & COMPANY TRANSPORTS, INC., Highway 71 North, Post Office Box 613, Carthage, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Fairmont, Albert Lea, Worthington, Mankato, and Winnebago, Minn., to points in Wisconsin, Indiana, Ohio, Michigan, Kentucky, Missouri, and Kansas City, Kans. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 118196 (Sub-No. 47), filed November 8, 1965. Applicant: RAYE & COMPANY TRANSPORTS, INC., Highway 71 North, Post Office Box 613, Carthage, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen vegetables and frozen berries*, (1) from points in Oregon and Washington, to Sanger, Calif., and (2) from Sanger, Calif., to points in Texas, Missouri, Kansas, Indiana, Ohio, Illinois, Kentucky, Louisiana, and Oklahoma. NOTE: If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 118196 (Sub-No. 48), filed November 8, 1965. Applicant: RAYE & COMPANY TRANSPORTS, INC., Highway 71 North, Post Office Box 613, Carthage, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Grand Forks, N. Dak., to points in Alabama, Arkansas, Florida, Georgia, Mississippi, Kansas, Louisiana, Missouri, Nebraska, Oklahoma, Tennessee, and Texas. NOTE: If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 118196 (Sub-No. 49), filed November 8, 1965. Applicant: RAYE & COMPANY TRANSPORTS, INC., Highway 71 North, Post Office Box 613, Carthage, Mo., 64836. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts* and *articles distributed by meat packinghouses* (except commodities in bulk, in tank vehicles), (2) *frozen foods*, (3) *canned and preserved foods*, (4) *chemicals, blends*, and *ingredients*, to be used in further manufacturing processes, transportation of which does not require special equipment or bulk or tank vehicles, (5) *inedible meats, meat products* and *meat byproducts, lard tallows* and *oils*, (6) *agricultural products* and *those commodities* embraced in section 203(b)(6) of Part II of the Interstate Commerce Act, when moving in the same vehicle with economic regulated commodities, (7) *frozen animal* and *poultry foods*, (8) *industrial products*, in packages, requiring refrigeration, and (9) *coffee, condensed, coffee extracts, coffee, green, tea, tea dust and sugar*, from Gulfport, Miss., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 118196 (Sub-No. 50), filed November 8, 1965. Applicant: RAYE & COMPANY TRANSPORTS, INC., Highway 71 North, Post Office Box 613, Carthage, Mo., 64836. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Copiah, Union, Madison, Covington, Hinds, and Rankin Counties, Miss., to points in Texas, Oklahoma, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Tennessee, and Arkansas. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 119741 (Sub-No. 23), filed November 10, 1965. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., Post Office Box 1453, Winter Haven, Fla. Applicant's representative: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Schuyler, Nebr., to points in Minnesota, Iowa, Kansas, Missouri, Wisconsin, and Illinois. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 119767 (Sub-No. 137), filed November 8, 1965. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, from the plantsite or warehouse facilities of the Spencer Packing Co., located at or near Schuyler, Nebr., to points in Indiana, Michigan, Minnesota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119934 (Sub-No. 105), filed November 8, 1965. Applicant: ECOFF TRUCKING, INC., Fortville, Ind. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Creosote oil*, in bulk, from Indianapolis, Ind., to points in Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 119974 (Sub-No. 7), filed November 8, 1965. Applicant: L.C.L. TRANSIT COMPANY, a corporation, 520 North Roosevelt Road, Post Office Box 949, Green Bay, Wis. Applicant's representative: Edward Solie, Executive Building, Suite 100, 4513 Vernon Boulevard, Madison 5, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, canned, prepared, preserved or frozen, (1) from Ripon, Rosendale, Fox Lake, and Beaver Dam, Wis., to points in Ohio, Iowa, and Kentucky, and (2) from Glencoe, Le Sueur, Montgomery, and Blue Earth, Minn., to points in Iowa. NOTE: Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 120001 (Sub-No. 5), filed November 10, 1965. Applicant: ALJAY TRUCKING CORP., 91 Heard Street, Chelsea, Mass. Applicant's representative: Frank J. Weiner, 182 Forbes Building, Forbes Road, Braintree, Mass., 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Port Newark and Weehawken, N.J., to Boston, Mass. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 123067 (Sub-No. 34), filed November 8, 1965. Applicant: M & M TANK LINES, INC., Post Office Box 4174, North Station, Winston-Salem, N.C. Applicant's representative: Frank C. Phillips, Post Office Box 612, Winston-

Salem, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid asphalt and liquid asphalt products*, in bulk, in tank vehicles, from Roanoke, Va., to points in North Carolina on and west of U.S. Highway 301. NOTE: If a hearing is deemed necessary, applicant requests it be held at Richmond, Va., Raleigh, N.C., or Washington, D.C.

No. MC 123067 (Sub-No. 35), filed November 8, 1965. Applicant: M & M TANK LINES, INC., Post Office Box 4174, North Station, Winston-Salem, N.C. Applicant's representative: Frank C. Phillips, Post Office 612, Winston-Salem, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid asphalt and liquid asphalt products*, in bulk, in tank vehicles, from Roanoke, Va., to points in Barbour, Braxton, Fayette, Gilmer, Greenbrier, Lewis, Mercer, Monroe, Nicholas, McDowell, Pocahontas, Raleigh, Randolph, Summers, Tucker, Upshur, Webster, and Wyoming Counties, W. Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Roanoke, Va., or Washington, D.C.

No. MC 123067 (Sub-No. 36), filed November 8, 1965. Applicant: M & M TANK LINES, INC., Post Office Box 4174, North Station, Winston-Salem, N.C. Applicant's representative: Frank C. Phillips, Post Office Box 612, Winston-Salem, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid asphalt and liquid asphalt products*, in bulk, in tank vehicles, from Roanoke, Va., to points in Tennessee on and east of U.S. Highway 27. NOTE: If a hearing is deemed necessary, applicant requests it be held at Roanoke, Va., or Washington, D.C.

No. MC 123067 (Sub-No. 37), filed November 8, 1965. Applicant: M & M TANK LINES, INC., Post Office Box 4174, North Station, Winston-Salem, N.C. Applicant's representative: Frank C. Phillips, Post Office Box 612, Winston-Salem, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry bulk commodities*, in bulk, in tank and hopper vehicles, from points in Cleveland, Mitchell, and Yancey Counties, N.C., to points in Kentucky, New York, Maryland, Ohio, Pennsylvania, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123407 (Sub-No. 22), filed November 5, 1965. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue, Minneapolis, Minn., 55404. Applicant's representative: Alan Foss, First National Bank Building, Fargo, N. Dak., 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing, roofing materials and supplies, paint, building paper and insulation, insulation materials and siding*, from Minneapolis-St. Paul, Minn., to points in Wisconsin. NOTE: Applicant states that it proposes to restrict its service to flatbed semi-trailers. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 123415 (Sub-No. 6), filed November 12, 1965. Applicant: JAMES STUFFO, INC., Box 1061, Merchantville, N.J. Applicant's representative: Raymond A. Thistle, Jr., Suite 1408–09, 1500 Walnut Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water proofing compounds, dry flooring cement compound, roofing materials, sand, stone, brick*, and *tools, supplies* and *equipment* used in installing or applying said commodities, from the plantsite of Colonial Industries, Inc., Stonhard Division located in Maple Shade Township, Burlington County, N.J., and the plantsites of Colonial Industries, Inc., Ralph V. Rulon Division, located in the Borough of Riverton and the township of Maple Shade, Burlington County, N.J., to points in Delaware, Pennsylvania, Maryland, New York, Connecticut, Massachusetts, Virginia, and Washington, D.C.; (2) *tools, supplies, equipment* and *unused materials*, from points in the above described destination territory to the above described origin points; and (3) *brick*, from Lewis Run, Pa., Canton, Port Washington, Somerset, Sugar Creek, and Uhrichsville, Ohio, to the plantsite of Colonial Industries, Inc., Ralph V. Rulon Division, located in the Borough of Riverton, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 124211 (Sub-No. 71), filed November 10, 1965. Applicant: HILT TRUCK LINE, INC., 3751 Sumner Street, Post Office Box 824, Lincoln 1, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and, iron and steel articles* (except oil field commodities as described by the Commission in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459), from points in Cabell, Lawrence, and Wayne Counties, W. Va., to points in Nebraska (except Omaha). NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 124211 (Sub-No. 72), filed November 12, 1965. Applicant: HILT TRUCK LINE, INC., 3751 Sumner Street, Post Office Box 824, Lincoln 1, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C, appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Saunders County, Nebr., to points in Pennsylvania and New York. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 125694 (Sub-No. 4), filed November 4, 1965. Applicant: OTTO FELDT, INC., Route 22, Brewster, N.Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Floor tiles and related articles such as carpet lining, cement, and paper*, when moving in the same vehicle with the floor tile, in dump vehicles, from Brooklyn, N.Y., to East Haven and Hartford, Conn., under a continuing contract with Kentile Floors, Inc., of Brooklyn, N.Y. NOTE: Applicant states that if above authority is granted, it will surrender authority granted in MC 125694 (Sub-No. 3). If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 125708 (Sub-No. 39), filed November 15, 1965. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and farm machinery* and *parts*, from South Bend, Ind., to points in the United States (except Alaska and Hawaii) and *rejected shipments*, on return. NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 116434 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125777 (Sub-No. 84), filed November 12, 1965. Applicant: JACK GRAY TRANSPORT, INC., 3200 Gibson Transfer Road, Hammond, Ind. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron*, in dump vehicles, from Cleveland, Ohio, to points in Indiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 125777 (Sub-No. 85), filed November 12, 1965. Applicant: JACK GRAY TRANSPORT, INC., 3200 Gibson Transfer Road, Hammond, Ind. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium chloride*, in bulk, in dump vehicles, from Chicago, Ill., to points in Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125951 (Sub-No. 3), filed November 3, 1965. Applicant: ERICKSON REFRIGERATED TRANSPORT CORPORATION, 6801 L Street, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of Spencer Packing Co. at or near Schuyler, Nebr., to points in Maine, Vermont, New Hampshire, Rhode Island, New York, Massachusetts, Connecticut, New Jersey, Pennsylvania, Maryland, Delaware, Ohio, Michigan,

and Washington, D.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 125997 (Sub-No. 3), filed November 8, 1965. Applicant: L. C. FOESCH, doing business as FOESCH TRANSFER LINE, Post Office Box 434, Shawano, Wis. Applicant's representative: John T. Porter, 708 First National Bank Building, Madison, Wis., 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from Shawano, Wis., to Rockford, Ill. NOTE: Applicant states the proposed service to be under a continuing contract or contracts with Hotz Manufacturing Co., Shawano, Wis. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 126537 (Sub-No. 12), filed November 5, 1965. Applicant: KENT I. TURNER, KENNETH E. TURNER AND ERVIN L. TURNER, a partnership, doing business as TURNER EXPEDITING SERVICE, Post Office Box 21132, Louisville, Ky. Applicant's representative: George M. Catlett, Suite 703–706 McClure Building, Frankfort, Ky., 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Standiford Field (Airport), Louisville, Ky., on the one hand, and, on the other, points in Grayson County, Ky., restricted to the handling of shipments having an immediate prior or an immediate subsequent movement by air. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 126657 (Sub-No. 1), filed November 8, 1965. Applicant: CHARLES H. WRIGHT, doing business as WRIGHT SUPPLY CO., Drawer 391, Strasburg, Va. Applicant's representative: Eston H. Alt, Post Office Box 81, Winchester, Va., 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction equipment and machinery*, the transportation of which because of size or weight requires the use of special equipment, between points in Georgia, on the one hand, and, on the other, Odenton, Md., and points in Virginia on and north of U.S. Highway 460. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126885 (Sub-No. 1), filed November 4, 1965. Applicant: VETERI TRUCKING CO., INC., 48 Harding Avenue, Totowa Borough, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick* (other than firebrick) and *calcium carbonate*, from Thurmont, Md., to points in New Jersey, New York, Pennsylvania, and Connecticut, under a continuing contract with Tompkins Bros. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127042 (Sub-No. 8), filed October 29, 1965. Applicant: HAGEN, INC., 4523 Manor Circle, Sioux City, Iowa. Applicant's representative: J. Max Harding, Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Meats, meat products, and meat byproducts, dairy products*, and *articles distributed by meat packinghouses*, as defined by the Commission (1) from Sioux City, Iowa, to points in that part of Illinois on and north of U.S. Highway 52 from the Iowa-Illinois State line to junction Illinois Highway 78 and on and west of Illinois Highway 78 from junction U.S. Highway 52 to the Illinois-Wisconsin State line, (2) from Sioux City, Iowa, to points in that part of Wisconsin on and west of Wisconsin Highway 78 from the Wisconsin-Illinois State line to junction Wisconsin Highway 81, on and south of Wisconsin Highway 81 from junction Wisconsin Highway 78 to junction Wisconsin Highway 35, on and south of Wisconsin Highway 35 from junction Wisconsin Highway 81 to junction U.S. Highway 18, and on and south of U.S. Highway 18 from junction Wisconsin Highway 35 to the Wisconsin-Iowa State line, (3) from Sioux City, Iowa, to points in that part of Iowa on and south of U.S. Highway 18 from the Iowa-Wisconsin State line to junction Iowa Highway 150, on and east of Iowa Highway 150 from junction U.S. Highway 18 to junction Iowa Highway 64, and on and north of Iowa Highway 64 from junction Iowa Highway 150 to the Iowa-Illinois State line, and (4) *returned or damaged shipments* of the above specified commodities, from the above specified destination points to Sioux City, Iowa.

(B) *Meats, meat products, and meat byproducts, dairy products*, and *articles distributed by meat packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (1) from Omaha, Nebr., to points in Iowa and to points in that part of Illinois bounded by a line beginning at the Missouri-Illinois State line at U.S. Highway 36 and extending along U.S. Highway 36 to junction U.S. Highway 45, thence north along U.S. Highway 45 to the Illinois-Wisconsin State line, thence along the Illinois-Wisconsin State line to intersection with the Mississippi River, and thence along the Mississippi River to point of beginning at intersection of the Mississippi River with U.S. Highway 36, including points on the described boundary lines, restricted against service at points in the Chicago, Ill., commercial zone, as defined by the Commission east of U.S. Highway 45, and (2) from Omaha, Nebr., to points in South Dakota and North Dakota and points in Iowa within an area bounded by a line beginning at Sioux City, Iowa, and extending east along U.S. Highway 20 to junction U.S. Highway 71, thence north along U.S. Highway 71 to junction U.S. Highway 18, thence west along U.S. Highway 18 to the Iowa-South Dakota State line, and thence south along the Iowa-South Dakota State line to Sioux City, including points on the highways forming the boundary, except Sioux City, Iowa, and points within its commercial zone.

(C) *Meats, meat products and meat byproducts, dairy products*, and *articles distributed by meat packinghouses*, as described in sections A, B, and C, of appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (1) from Fremont, Nebr., to points in South Dakota (2) from Omaha, Nebr., to points in that part of Minnesota bounded by a line beginning at the Minnesota-North Dakota State line near Moorhead, Minn., at U.S. Highway 10 and extending along U.S. Highway 10 to junction U.S. Highway 210, thence along U.S. Highway 210 to junction U.S. Highway 371, thence south along U.S. Highway 371 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 14, thence along U.S. Highway 14 to the Minnesota-Wisconsin State line, and thence along the Minnesota-Wisconsin, Minnesota-Iowa, and Minnesota-South Dakota State lines to point of beginning including all points in Minnesota on the indicated portions of the highways specified, and (3) from Sioux Falls, S. Dak., to points in Nebraska and Wyoming; (D) *Meats, meat products, and meat byproducts*, and *articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from West Point, Nebr., to points in Iowa, North Dakota, South Dakota, Montana, Wyoming, that part of Minnesota on and south of U.S. Highway 10, points in Lafayette, Grant, and Crawford Counties, Wis., and that part of Illinois on and north of U.S. Highway 36, except the Chicago, Ill., commercial zone, as defined by the Commission, restricted to traffic originating at the plant of Armour & Co., at or near West Point, Nebr.

(E) *Meats, packinghouse products, and commodities used by packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Scottsbluff, Nebr., to points in South Dakota and Wyoming; (F) *Meats, meat products, and meat byproducts*, and *articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, and commodities in bulk, in tank vehicles), (1) from the plantsite of Armour & Co., near Worthington, Minn., to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wyoming, subject to the following conditions: (a) limited to shipments originating at the plantsite of Armour and Co., near Worthington, Minn., and (b) restricted against tacking at point of origin, (2) from the plantsite of Swift & Co. at or near Grand Island, Nebr., to points in

Illinois, Iowa, Kansas, Minnesota, Missouri, North Dakota, South Dakota, and Wisconsin, restricted to traffic originating at the plantsite of Swift & Co., and (3) from the plantsite and storage facilities utilized by Wilson & Co., Inc., at or near Cherokee, Iowa, to points in Idaho, Illinois (except East St. Louis and points in the East St. Louis commercial zone, as defined by the Commission), Montana, Nebraska, North Dakota, South Dakota, and Wyoming. NOTE: Applicant presently holds the above proposed authority as a contract carrier in Permit No. MC 115915 and subs thereunder. The purpose of this application is to convert its present authority to that of common carriage. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No. MC 127042 (Sub-No. 9), filed November 12, 1965. Applicant: HAGEN, INC., 4120 Floyd Street, Sioux City, Iowa. Applicant's representative: J. Max Harding, 605 South 14th Street, Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles* distributed by meat packinghouses as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Schuyler, Nebr., to points in Illinois, Iowa, Minnesota, Montana, North Dakota, South Dakota, Wisconsin, and Wyoming, restricted to traffic originating at Schuyler, Nebr. NOTE: Applicant is also authorized to conduct operations as contract carrier in Permit No. MC 115915, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 127215 (Sub-No. 10), filed November 10, 1965. Applicant: KENDRICK CARTAGE CO., a corporation, Salem, Ill. Applicant's representative: Thomas F. Kilroy, Federal Bar Building, 1815 H Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Pana, Ill., to points in Missouri, Indiana, Illinois, Iowa, and Wisconsin. NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 110117 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 127329 (Sub-No. 2), filed November 4, 1965. Applicant: C. T. STOVER, doing business as AIR CARGO, 1810 Koch Lane, Quincy, Ill. Applicant's representative: Robert T. Lawley, 306–308 Reisch Building, Springfield, Ill., 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Air compressors, pumps, blowers, drilling machines*, and *parts and components thereof*, for the account of Gardner-Denver Co., between Quincy, Ill., and Lambert Field, St. Louis, Mo., on traffic having an immediately prior or subsequent movement by aircraft. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill.

No. MC 127468 (Sub-No. 1), filed November 15, 1965. Applicant: LTD. INC., 1615 Lumber Street, Chicago, Ill. Applicant's representative: Seymour S. Guthman, 1030 Executive Building, 1030 15th Street NW., Washington, D.C., 20005. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Electric appliances and equipment, material and supplies* used or useful in the manufacture, sales and distribution of electrical appliances, for the account of the Sunbeam Corp., between Chicago, Ill., Elkin and Ahoskie, N.C., and Manning and Denmark, S.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127495 (Amendment), filed August 6, 1965, published FEDERAL REGISTER, issue of August 26, 1965, and republished as amended, this issue. Applicant: AIRLINE FREIGHT, INC., 404 Foster Drive, Springfield, Pa. Applicant's representative: Alan Kahn, Suite 1920, 2 Penn Center Plaza, John F. Kennedy Boulevard, at 15th Street, Philadelphia, Pa., 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, commodities in bulk and commodities requiring special equipment), having a prior or subsequent movement by air, between the Philadelphia International Airport (located in the City and County of Philadelphia), Philadelphia, Pa.; points in New Castle County, Del.; points in Atlantic, Burlington, Camden, Cumberland, Gloucester, and Salem Counties, N.J.; and points in Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., on the one hand, and on the other, the International Airport, located in Newark, N.J., and the John F. Kennedy International Airport located in Jamaica, Long Island, N.Y. NOTE: The purpose of this republication is to show that the application has been amended, and applicant proposes to conduct operations as a common carrier, rather than a contract carrier. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 127527 (Amendment), filed August 23, 1965, published in FEDERAL REGISTER issue of September 9, 1965, amended November 12, 1965, and republished as amended this issue. Applicant: CARL W. REAGAN, doing business as SOUTHEAST TRUCKING CO., 8372 State Route 18, Rural Delivery No. 6, Ravenna, Ohio. Applicant's representative: Robert N. Krier, 3430 LeVeque-Lincoln Tower, 50 West Broad Street, Columbus, Ohio, 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay products, sewer pipe, clay or concrete*, with or without plastic, rubber, mastic, or synthetic joints, *clay wall coping and concrete manholes and cones*, together with *fittings and related articles and materials* used in the installation of such commodities, including, but not limited to, lubricants, plastic bonding materials and adhesives, from the plant of the United States Concrete Pipe Co. located in Palmyra Township, Portage County, Ohio, to points in Delaware, Michigan, Maryland, New Jersey, New York, Pennsylvania, West Virginia, and the District of Columbia, and *rejected and damaged shipments*, on return; (2) *iron and steel forms and steel reinforcing mesh* used in the making of concrete pipe, manholes and cones (a) from points in Delaware, Michigan, Maryland, New Jersey, New York, Ohio, Pennsylvania, West Virginia, and the District of Columbia, to the plants of the United States Concrete Pipe Co. located in Palmyra Township, Portage County, Ohio, and at or near Oakdale, and Croydon, Pa.; Relay, Md., and Portage, Mich., and (b) between said plants of the United States Concrete Pipe Co., located in Palmyra Township, Portage County, Ohio, and at or near Oakdale, and Croydon, Pa.; Relay, Md., and Portage, Mich. NOTE: Applicant states the above proposed operations will be under a continuing contract with the United States Concrete Pipe Co. The purpose of this republication is to correct the designation point sought to be served to Croydon, Pa., in lieu of that previously published. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127664 (Amendment), filed October 19, 1965, published in FEDERAL REGISTER issue of November 18, 1965, amended November 19, 1965, and republished as amended this issue. Applicant: CAPITOL DELIVERY OF OMAHA, INC., 1824 California Street, Omaha, Nebr. Applicant's representative: Wentworth E. Griffin, 1221 Baltimore Avenue, Kansas City, Mo., 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those injurious or contaminating to other lading), between points in that part of Nebraska, Iowa, Missouri, and Kansas, on, bounded by and within 5 miles of a line beginning at Grand Island, Nebr., and extending along U.S. Highway 30 to junction U.S. Highway 81, thence over U.S. Highway 81 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction U.S. Highway 71, thence over U.S. Highway 71 to junction U.S. Highway 136, thence over U.S. Highway 136 to the Missouri-Nebraska State line, thence southeasterly along the Missouri-Nebraska State line to its junction with the Missouri-Kansas State line, thence along the Missouri-Kansas State line to junction U.S. Highway 36, thence west over U.S. Highway 36 to junction U.S. Highway 281, thence over U.S. Highway 281 to Grand Island, Nebr., the point of beginning. NOTE: The purpose of this republication is to more clearly set forth the above proposed operation. Applicant states that the above proposed

operation will be subject to the following restrictions: (1) No service shall be rendered in the transportation of any package or article weighing more than 100 pounds; and (2) no service shall be provided to or from the premises of persons who or which have entered into contracts with Capitol Delivery Service, Inc., and are served by the company pursuant to permits issued by the Interstate Commerce Commission. Applicant is affiliated through common stockholders and directors with Capitol Delivery Service, Inc., a contract carrier (Permit No. MC 119812), which company is authorized to transport general commodities, with the usual exceptions, between Omaha, Nebr., and named counties in Iowa under a continuing contract with Sears Roebuck & Co. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 127705, filed November 8, 1965. Applicant: KREVDA BROS. EXPRESS, INC., Post Office Box 68, Gas City, Ind. Applicant's representative: Donald W. Smith, Suite 511, Fidelity Building, Indianapolis, Ind., 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Marion, Ind., to points in the Lower Peninsula of Michigan and Ohio, and *pallets and skids*, on return. NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 123934 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 127706, filed November 3, 1965. Applicant: LESTER D. CLINGERMAN, Rural Delivery No. 4, Duck Creek Road, Salem, Ohio. Applicant's representatives: Robert T. Fitzsimons and Herbert Baker, 50 West Broad Street, Columbus, Ohio, 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise* (except drugs) sold in discount drugstores, and *fixtures, equipment* and *supplies* used in the conduct of the discount drugstore business, between the warehouse of Whitecross Stores, Inc., at Austintown Township, Mahoning County, Ohio, on the one hand, and, on the other, Whitecross Stores, Inc., retail outlets in Altoona, Beaver Falls, Butler, Erie, New Castle, Sharon, State College, and Williamsport, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 127707, filed November 3, 1965. Applicant: R. & P. TRUCKING CORP., 1171 Paterson Plank Road, Secaucus, N.J. Applicant's representative: Charles J. Williams, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Water heaters*, from Kankakee, Ill., to Washington, D.C., New York, N.Y., and points in Nassau, Suffolk, Orange, Putnam, Westchester, Rockland, and Dutchess Counties, N.Y., points in Philadelphia, Delaware, Chester, Montgomery, Bucks, Lancaster, Berks, Lehigh, and Northampton Counties, Pa., and points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, Maryland, Delaware, and New Jersey. NOTE: Applicant states the proposed service to be under a continuing contract or contracts with A. O. Smith Corp., of Milwaukee, Wis. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127708, filed November 4, 1965. Applicant: CHARLOTTE VAN AND STORAGE CO., INC., 2519 South Tryon Street, Post Office Box 3544, Charlotte, N.C., 28203. Applicant's representative: H. Overton Kemp, Room 101–327 North Tryon Street, Post Office Box 20202, Charlotte, N.C., 28202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Golf carts*, set up, not crated, and *sailboats*, complete, in cartons, including *sails, masts*, and all *other component parts*, from Charlotte, N.C., to points in the United States (except Alaska and Hawaii), and *rejected, refused and damaged golf carts and sailboats*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 127709, filed November 5, 1965. Applicant: BLUE LINE, INC., Rural Delivery No. 2, New Wilmington, Pa. Applicant's representative: John A. Vuono, 1515 Park Building, Pittsburgh, Pa., 15222. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Silos and component parts thereof, including silo unloading devices and materials* incidental to the installation and operation of silos, when moving in connection with silos, from Kankakee, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia. NOTE: Applicant states the proposed operation will be restricted to service to be performed under a continuing contract or contracts with Farm Automation Corp., of Millbrook, N.Y., McConnell Sealed Storage, Inc., of New Wilmington, Pa., and Penn-Jersey Harvestore Systems, Inc., of New Holland, Pa. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 127710, filed November 5, 1965. Applicant: KROGEL AIR FREIGHT SERVICE, INC., Post Office Box 6016B, Air Cargo Terminal Building, Herndon Airport, Orlando, Fla. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Herndon Airport and McCoy Air Force Base, Orlando, Fla., on the one hand, and, on the other, Daytona Beach and Melbourne, Fla. NOTE: Applicant states the proposed service to be restricted to traffic having an immediately prior or immediately subsequent movement by aircraft. If a hearing is deemed necessary, applicant requests it be held at Orlando, Fla.

No. MC 127711, filed November 8, 1965. Applicant: COASTAL DRIVERS EXCHANGE, INC., 152 West 42d Street, New York, N.Y. Applicant's representative: Daniel Neustein, 420 Lexington Avenue, New York, N.Y., 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles*, between New York, N.Y., on the one hand, and, on the other, points in the United States (excluding Alaska), but including Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 127713, filed November 10, 1965. Applicant: HERMAN CAMPBELL, 1615 William Street, Cape Girardeau, Mo. Applicant's representative: Harold B. Bamburg, 407 North Eighth Street, St. Louis, Mo., 63101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ice cream mix and other dairy products* (except milk), from Granite City, Ill., to points in Mississippi, New Madrid, Scott, Perry, Dunklin, Jefferson, Ste. Genevieve, Stoddard, Butler, St. Francois, Madison, Pemiscot, and Cape Girardeau Counties, Mo., and (2) *milk cartons and other paper products* from destination territory specified above to Granite City, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

MOTOR CARRIER OF PASSENGERS

No. MC 127712, filed November 9, 1965. Applicant: BROCKVILLE CITY BUS LINES LIMITED, 86 Wall Street, Brockville, Ontario, Canada. Applicant's representative: Ronald M. MacFarlane, Gananoque, Ontario, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, beginning and ending at the ports of entry on the international boundary line between the United States and Canada located at or near Thousand Islands Bridge and Ogdensburg, N.Y., and extending to points in New York, Pennsylvania, and New Jersey. NOTE: If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12955 (Sub-No. 1), filed November 9, 1965. Applicant: PAUL C. BISSETT, doing business as PAUL C. BISSETT TRAVEL AGENCY, 11 Pearl Street, Stoughton, Mass. Applicant's representative: Frank Daniels, 15 Court Square, Boston, Mass., 02108. For a license (BMC 5) to engage in operations as *broker* at Stoughton, Mass., in arranging for transportation by motor vehicle in interstate or foreign commerce of *passengers and their baggage*, in special and charter operations, beginning and ending at Stoughton, Brockton, Randolph, Easton, Sharon, and Avon, Mass., and extending to points in the United States, including Alaska (but excluding Hawaii).

No. MC 12970, filed November 12, 1965. Applicant: CARL JACKSON RANDOLPH AND LOIS J. COX, a partnership, doing business as RANDOLPHS TRAVEL SERVICE, 108 Park Place, Wheeling, W. Va. For a license (BMC 5) to engage in operations as a *broker* at Wheeling, W. Va., in arranging for the transportation in interstate or foreign commerce of *passengers and their baggage*, in charter operations, between points in the United States.

FREIGHT FORWARDER APPLICATION

No. FF-329, BUTLER TRANSPORT COMPANY, INC., freight forwarder application, filed November 8, 1965. Applicant: BUTLER TRANSPORT COMPANY, INC., 4000 West Sample Street, South Bend, Ind. Applicant's representative: Charles Pieroni, 4000 West Sample Street, South Bend 21, Ind. Authority sought under Part IV of the Interstate Commerce Act as a *freight forwarder* in interstate or foreign commerce, in the forwarding of *mobile homes, offices, recreational and camping vehicles, display vehicles, travel and camping trailers, camper bodies*, and *similar commodities* built to be transported in a completed or partially complete state and used for schoolrooms, libraries, field hospitals, motel accomodations, etc., between points in the United States, including Alaska and Hawaii. Applicant states it is a wholly owned subsidiary of Dallas & Mavis Forwarding Co., Inc.

WATER CARRIER APPLICATION

No. W-1223, LANDA MOTOR LINES, common carrier application, filed November 4, 1965. Applicant: LANDA MOTOR LINES, a corporation, 4601 Blanchard Road, Shreveport, La. Applicant's representatives: Wm. E. Davis and R. W. Spachman, 114 West 11th Street, Kansas City, Mo., 64105. Application of Landa Motor Lines filed November 4, 1965, for authority to institute a new operation in interstate or foreign commerce, in year-round operation as a common carrier by water of *general commodities*, and *also* to transport *loaded (and empty) railroad cars, trailers, trucks*, and *containers*, beginning at the head of navigation on the Verdigris River near Catoosa, Okla., to the confluence of the Verdigris River and the Arkansas River near Muskogee, Okla., thence downstream via the Arkansas River to the vicinity of Arkansas Post, Ark., where it leaves the Arkansas River and continues eastward along an artificial channel (Arkansas Post Canal) to the White River, thence via the White River to its confluence with the Mississippi River, thence (1) northward via the Mississippi River to its confluence with the Missouri River, thence westward via the Missouri River to Kansas City, Missouri-Kansas, and (2) southward via the Mississippi River to its mouth, and from the Mississippi River (at Port Allen, La., and at New Orleans, La.), westward via the Gulf Intracoastal Waterway to Port Arthur and Beaumont, Tex., and return via the same route. Applicant proposes to operate regularly from the following ports and points:

(1) To, from, and between all ports and points, and the commercial zones adjacent thereto, located on the above route in the States of Oklahoma and Arkansas, excluding such ports and points located exclusively on the Mississippi River, and (2) to and from all ports and points, and the commercial zones adjacent thereto, located on the above route in the States of Oklahoma and Arkansas (excluding such ports and points located exclusively on the Mississippi River) on the one hand, and, on the other, the following ports and points, and the commercial zones adjacent thereto, to wit: Kansas City, Missouri-Kansas, Baton Rouge, La., New Orleans, La., Lake Charles, La., Port Arthur, Tex., and Beaumont, Tex. Applicant will interchange barges with all other water carriers at the nearest port and points to the confluence of the White and the Mississippi Rivers to all destinations which they are authorized to serve, and will accept barges at said port and points from all water carriers for delivery to all ports and points, and the commercial zones adjacent thereto, located on the above route in the States of Oklahoma and Arkansas, excluding such ports and points located exclusively on the Mississippi River. Applicant reserves the right to claim exemption from Part III of the Interstate Commerce Act for the following operations, commodities in bulk under section 303(b) and liquid cargoes in bulk under section 303(d). NOTE: Applicant is a wholly owned subsidiary of the Louisiana & Arkansas Railway Co. which seeks authority in FD-23870, filed concurrently, to own, control or have an interest in a common carrier by water or vessel, not operated through the Panama Canal.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 2229 (Sub-No. 136), filed November 15, 1965. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard, Post Office Box 10837, Dallas, Tex., 75207. Applicant's representative: Charles D. Mathews (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, including *classes A and B explosives* (but excluding household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving the plant site of the International Paper Co. (Vicksburg Mill) located approximately 4 mlies east of Redwood, Miss., as an off-route point in connection with applicant's presently authorized regular-route operations.

No. MC 10928 (Sub-No. 50) (Correction), filed October 11, 1965, published in FEDERAL REGISTER issue of October 28, 1965, corrected and republished this issue. Applicant: SOUTHERN-PLAZA EXPRESS, INC., 175 Linfield Drive, Menlo Park, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, livestock, and household goods as defined by the Commission), between Collinsville, Okla., and junction U.S. Highways 169 and 160, approximately four (4) miles south of Cherryvale, Kans., over U.S. Highway 169, serving no intermediate points, but serving the termini for purpose of joinder only, as an alternate route for operating convenience only, in connection with applicant's regular-route operations. NOTE: Common control may be involved. The purpose of this republication is to show applicant's correct name, in lieu of "Consolidated Freightways Corporation of Delaware," as previously published.

No. MC 29130 (Sub-No. 99), filed November 5, 1965. Applicant: THE ROCK ISLAND MOTOR TRANSIT COMPANY, a corporation, 2744 Southeast Market Street, Des Moines, Iowa. Applicant's representative: George M. Mariner, 139 West Van Buren Street, Chicago, Ill., 60605. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, including *classes A and B explosives* (except nitroglycerin, commodities of unusual value, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between Cedar Rapids, Iowa, and Mason City, Iowa; from Cedar Rapids over U.S. Highway 218 to junction U.S. Highway 18, thence over U.S. Highway 18 to Mason City and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations. NOTE: Common control may be involved.

No. MC 123684 (Sub-No. 7), filed November 8, 1965. Applicant: THE H. R. LINE, INC., Box 447, Arcadia, Ind. Applicant's representative: James D. Collins, 802 Board of Trade Building, 143 North Meridian Street, Indianapolis, Ind., 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated, (1) from the plantsite of Harris Pine Mills, Inc., at or near Valdosta, Ga., to points in Alabama, Florida, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, and (2) between the plantsites of Harris Pine Mills, Inc., located at or near Cicero, Ind., Cleburne, Tex., Columbus, Wis., Geneva, Ill., Hamburg, Pa., Tranquility, N.J., and Valdosta, Ga.

No. MC 124078 (Sub-No. 168), filed November 15, 1965. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis., 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Lima, Ohio, to Huntington, W. Va.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-12613; Filed, Nov. 24, 1965; 8:45 a.m.]

[Notice 90]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 22, 1965.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2900 (Sub-No. 126 TA), filed November 18, 1965. Applicant: RYDER TRUCK LINES, INC., Post Office Box 8418, Greensboro, N.C. Applicant's representative: D. R. Greer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resins*, dry, in bulk, in tank- and hopper-type vehicles, from plantsite of Pantasote Company, at Point Pleasant (Mason County), W. Va., to points in Alabama, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Vermont, West Virginia, Wisconsin, and Washington, D.C., for 180 days. Supporting shipper: The Pantasote Company, 26 Jefferson Street, Passaic, N.J., 07056. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Post Office Box 10885, Cameron Village Station, Raleigh, N.C., 27605.

No. MC 85934 (Sub-No. 36 TA), filed November 18, 1965. Applicant: MICHIGAN TRANSPORTATION COMPANY, 3601 Wyoming Avenue, Dearborn, Mich. Applicant's representative: Frank J. Kerwin, Jr., 1800 Buhl Building, Detroit, Mich., 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, from River Rouge, Mich., to points in Illinois, Indiana, Iowa, Kentucky, Missouri, New York, and Ohio, for 180 days. Supporting shipper: Marblehead Lime Company, Division of General Dynamics Corporation, 300 West Washington Boulevard, Chicago, Ill., 60606. Send protests to: Gerald J. Davis, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1110 Broderick Tower, 10 Witherell, Detroit, Mich., 48226.

No. MC 111170 (Sub-No. 104 TA), filed November 18, 1965. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, El Dorado, Ark. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Urea*, in bulk, in tank vehicles, from El Dorado, Ark., to points in Louisiana, for 180 days. Supporting shipper: Monsanto Company, 800 North Lindbergh Boulevard, St. Louis, Mo., 63166. Send protests to: D. R. Partney, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2519 Federal Office Building, 700 West Capitol Avenue, Little Rock, Ark., 72201.

No. MC 115669 (Sub-No. 56 TA), filed November 18, 1965. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, Nebr. Applicant's representative: C. A. Ross, 714 South 45th, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides*, from the plantsite of Snyder Packing Co., near Hastings, Nebr., to Milwaukee, Wis., for 150 days. Supporting shipper: Snyder Packing Company, Post Office Box 173, Hastings, Nebr. Send protests to: Max H. Johnston, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr., 68508.

No. MC 116077 (Sub-No. 189 TA), filed November 18, 1965. Applicant: ROBERTSON TANK LINES, INC., Post Office Box 9527, Houston, Tex., 77011, *and* 5700 Polk Avenue, Houston, Tex., 77023. Applicant's representative: Ben Ditta (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ethylene*, liquid, in bulk, in special trailers, from Baytown, Tex., to Tarrant City, Ala., for 180 days. Supporting shipper: Enjay Chemical Co., division of Humble Oil & Refining Co., Supply & Transportation Dept. (Mr. J. J. Doyle), Houston, Tex., 77001. Send protests to: John C. Redus, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex., 77061.

No. MC 117509 (Sub-No. 23 TA), filed November 17, 1965. Applicant: SCHILLI TRANSPORTATION, INC., 8944 Granbury Circle, St. Louis, Mo., 63123. Applicant's representative: Thomas F. Kilroy, 1815 H Street NW., Washington, D.C., 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Nitrocarbo-nitrates*, from the site of the magazine of American Cyanamid Co., near Madisonville, Ky., to points in Arkansas, Illinois, Indiana, Missouri, Oklahoma, and Tennessee, for 180 days. Supporting shipper: American Cyanamid Co., Theo. J. Oeschsner, division traffic manager, Wayne, N.J., 07470. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 3248-B, 1520 Market Street, St. Louis, Mo., 63103.

No. MC 117815 (Sub-No. 77 TA), filed November 18, 1965. Applicant: PULLEY FREIGHT LINES, INC., 2341 Easton Boulevard, Des Moines, Iowa, 50317. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Des Moines, Fort Dodge, and Webster City, Iowa, to points in the Upper Peninsula of Michigan, for 180 days. Supporting shipper: Morton Frozen Foods, Rye, N.Y. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa, 50309.

No. MC 119493 (Sub-No. 20 TA), filed November 18, 1965. Applicant: MONKEM COMPANY, INC., Post Office Box 1196, West 20th Street Road, Joplin, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry manufactured fertilizer*, from the site of Spencer Chemical Co., Kansas City, Kans., to points in Missouri and Kansas, for 180 days. Supporting shipper: Spencer Chemical Division, Gulf Oil Corp., Dwight Building, 1004 Baltimore, Kansas City, Mo., 64105. Send protests to: District Supervisor John V. Barry, Bureau of Operations and Compliance, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo., 64106.

No. MC 119507 (Sub-No. 16 TA), filed November 18, 1965. Applicant: CRAUN TRANSPORTATION, INC., Emma Street, Bettsville, Ohio. Applicant's representative: L. W. Craun (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone products*, in bulk, from River Rouge, Mich., to points in Illinois, Indiana, Iowa, Kentucky, Missouri, New York, Ohio (except points in Cuyahoga, Geauga, Lorain, and Portage Counties), Pennsylvania, West Virginia, and Wisconsin, for 150 days. Supporting shipper: Marblehead Lime Co., division of General Dynamics Corp., 300 West Washington Boulevard, Chicago, Ill., 60606. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operation and Compliance, Interstate Commerce Commission, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio, 43604.

No. MC 124078 (Sub-No. 170 TA), filed November 18, 1965. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis., 53246. Applicant's representative: James R. Ziperski (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn flour*, in bulk, from Danville, Ill., to Elkhart, Ind., for 150 days. Supporting shipper: Lauhoff Grain Co., Danville, Ill., 61834. Gerald E. Stitt, general traffic manager. Send protests to: W. F. Sibbald, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 108 West Wells Street, Room 511, Milwaukee, Wis., 53203.

No. MC 126736 (Sub-No. 45 TA) (Correction), filed November 5, 1965, published FEDERAL REGISTER issue of November 13, 1965, under No. MC 103378 (Sub-No. 319 TA), in error, and republished as corrected this issue. Applicant: PETROLEUM CARRIER CORPORATION OF FLORIDA, 5627 San Jose Boulevard, Post Office Box 5809, Jacksonville, Fla., 32207. Applicant's representative: Wm. J. Cleary, Post Office Box 2966, Jacksonville, Fla., 32204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphate rock*, in bulk, from Occidental, Fla., to Dothan, Ala., for 180 days. Supporting Shipper: The Home Guano Co., Post Office Box 700, Dothan, Ala., 36302. Send protests to: George H. Fauss, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Post Office Box 4969, Jacksonville, Fla., 32204. NOTE: The purpose of this republication is to show the correct applicant in this proceeding.

No. MC 127724 TA, filed, November 18, 1965. Applicant: RALPH R. HALL, HAROLD W. HALL AND WALTER L. HALL, a partnership, doing business as RALPH HALL AND SONS, Box S–5, U.S. Highway 95 Alternate, Yerington, Nev., 89447. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alfalfa pellets, beet pulp, hominy feed, mixed beef cattle feeds, mixed dairy cattle feeds*, and, *manufactured cattle feeds*, having a prior movement by rail, from the Southern Pacific Co., freight yard at Wabuska, Nev., to points in Lyon County, Nev., for 150 days. Supporting shippers: R. R. Minister, Larry Masini, Snyder Livestock Co., E. Serarani, Giorgi Bros., Lester Seirine, Valley Dairy, Dante Lommori, Glen Cumitti, Edward B. Silva, and Vaughn B. Silva, all of Yerington, Lyon County, Nev. Send protests to: Daniel Augustine, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 11 West Telegraph Street, Carson City, Nev., 89701.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65–12673; Filed, Nov. 24, 1965; 8:48 a.m.]

[3d Rev. S. O. 562; Pfahler's ICC Order 196]

ANN ARBOR RAILROAD CO.

Diverting or Rerouting of Traffic

In the opinion of R. D. Pfahler, agent, the Ann Arbor Railroad Co. account car ferry being out of service because of damage, is unable to transport traffic offered it for movement to and from Frankfort, Manistique, and Menominee, Mich., and Kewaunee and Manitowoc, Wis.

It is ordered, That:

(a) Rerouting traffic: The Ann Arbor Railroad Co. being unable to transport traffic offered it for movement to and from Frankfort, Manistique, and Menominee, Mich., and Kewaunee and Manitowoc, Wis., account of car ferry being out of service because of damage is hereby authorized to divert and reroute such traffic over any available route to expedite the movement regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 12:01 a.m., November 19, 1965.

(g) Expiration date: This order shall expire at 11:59 p.m., December 17, 1965, unless otherwise modified, changed or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 19, 1965.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 65–12674; Filed, Nov. 24, 1965; 8:48 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

NOVEMBER 22, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40138—*Class and commodity rates from and to Aurora and Lee Creek, N.C.* Filed by O. W. South, Jr., agent (No. A4795), for interested rail carriers. Rates on property moving on class and commodity rates, in carloads and less-than-carloads, from or to Aurora and Lee Creek, N.C., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—New stations and grouping.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65–12675; Filed, Nov. 24, 1965; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

IDAHO

Notice of Filing of Idaho Protraction Diagram

NOVEMBER 17, 1965.

Notice is hereby given that effective at and after 10 a.m., on December 22, 1965, the following protraction diagram is officially filed of record in the Idaho Land Office, Room 327, Federal Building, Boise, Idaho, 83701, and is available to the public as a matter of information only. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized uses. Until this date and time the diagram has been placed in open file and is available to the public for information only.

IDAHO PROTRACTION DIAGRAM NO. 91

BOISE MERIDIAN

Approved October 25, 1965

T. 7 N., Rs. 20 and 21 E.

Copies of this diagram are for sale at one dollar ($1.00) each by the Cadastral Engineering Office, Bureau of Land Management, Post Office Box 2237, Boise, Idaho, 83701.

ORVAL G. HADLEY, *Manager, Land Office, Boise, Idaho.*

[F.R. Doc. 65–12659; Filed, Nov. 24, 1965; 8:47 a.m.]

[New Mexico 0558183]

NEW MEXICO

Notice of Proposed Classification of Public Lands

NOVEMBER 19, 1965.

1. Pursuant to the provisions of the act of September 19, 1964 (78 Stat. 988) and the authority delegated to me by Bureau Order No. 701 dated July 23, 1964, notice is hereby given of a proposal to classify the following described public lands in Lea County, N. Mex., for disposal through exchange under section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended (43 U.S.C. 315g):

NEW MEXICO PRINCIPAL MERIDIAN

T. 20 S., R. 35 E.,
Sec. 7, lot 2, S½NE¼ and SE¼NW¼;
Sec. 8, S½N½;
Sec. 9, S½N½;
Sec. 10, S½N½;
Sec. 17, NW¼NE¼, NW¼ and N½SW¼;
Sec. 21;
Sec. 22, SW¼NW¼ and W½SW¼.
T. 23 S., R. 37 E.,
Sec. 2, SW¼NE¼;
Sec. 15, W½NE¼ and NW¼.
T. 26 S., R. 37 E.,
Sec. 15, W½SW¼;
Sec. 17, S½;
Sec. 18, lots 3, 4, E½SW¼ and SE¼;
Sec. 19, lots 1, 2, 3, 4, E½ and E½W½;
Secs. 20 and 21;
Sec. 23, SW¼NE¼, S½NW¼ and W½SW¼;
Sec. 24, S½SW¼ and SW¼SE¼;
Sec. 25;
Sec. 26, E½;
Sec. 27, SW¼;
Sec. 28, NW¼ and S½;
Sec. 30, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 31, lots 1, 2, 3, 4, 5, N½NE¼ and NE¼NW¼;
Sec. 33, lots 1, 2, 3, 4 and N½N½;
Sec. 34, lots 1, 2, 3, 4 and N½N½;
Sec. 35, lots 1, 2, 3, 4 and N½N½.
T. 22 S., R. 38 E.,
Sec. 4, SW¼SW¼;
Sec. 9, lots 3, 4 and W½SW¼;
Sec. 28, lots 1, 2, 3, 4, W½NW¼ and NW¼SW¼.
T. 23 S., R. 38 E.,
Sec. 4, lots 1, 4, 5 and 6;
Sec. 6, lot 1;
Sec. 9, lots 1, 2, 3, 4 and S½NW¼.
T. 25 S., R. 38 E.,
Sec. 28, lots 1, 2, 3 and 4;
Sec. 33, lots 1, 2, 3, 4 and W½.
T. 26 S., R. 38 E.,
Sec. 4, lots 1, 2, 3, 4 and NW¼;
Sec. 5, W½W½;
Sec. 7;
Sec. 8, W½W½;
Sec. 9, lots 1, 2, 3, 4 and SW¼;
Sec. 17, W½W½;
Secs. 18 and 19;
Sec. 20, NW¼NW¼, S½N½ and S½;
Sec. 28, lots 1, 2, 3, 4 and SW¼SW¼;
Sec. 29, NE¼NE¼, NE¼NW¼, W½W½ and SE¼SE¼;
Sec. 30;
Sec. 31, lots 1, 2, 3, 4 and N½N½;
Sec. 33, lots 1, 2, 3, 4 and N½NW¼.

The areas described aggregate 14,161.10 acres.

2. Classification of the above described lands by a classification order will segregate the lands from all forms of disposal under the public land laws, including the mining laws, except as to application under section 8 of the Taylor Grazing Act (38 Stat. 1272), as amended.

3. Publication of this proposed classification order will not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit or governing disposal of their mineral and vegetative resources, other than under the mining laws.

4. For a period of 60 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, State Director, Post Office Box 1449, Santa Fe, N. Mex., 87501.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

After having considered comments received as a result of this publication and hearing if such is deemed necessary to be held, the undersigned officer may classify the above described lands, which classification shall be published in the FEDERAL REGISTER.

MICHAEL T. SOLAN, *Acting State Director.*

[F.R. Doc. 65–12660; Filed, Nov. 24, 1965; 8:47 a.m.]

[Colorado 0126472]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 19, 1965.

The U.S. Forest Service of the Department of Agriculture has filed an application, Serial Number Colorado 0126472, for the withdrawal from location and entry under the general mining laws, subject to existing valid claims, certain public lands in the sections and townships described below.

The applicant desires the land for public recreation sites located in the Roosevelt and Rio Grande National Forests. The specific areas are: Chama River, Adams Fork, Horsethief, Treasure Creek, Malino, Love Lake, Decker Creek, and Salt House campgrounds, Stunner and Stony Pass picnic grounds, Valley Overlook, North Clear Creek Falls Observation Site, Fox Creek Recreation Area (Addition), and Crown Point Lookout.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the Land Office Manager, Bureau of Land Management, Department of the Interior, Colorado Land Office, Room 15019, Federal Building, 1961 Stout Street, Denver, Colo., 80202.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands affected are:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

RIO GRANDE NATIONAL FOREST

T. 32 N., R. 4 E. (partly unsurveyed)
Secs. 6 and 8.
T. 36 N. R. 3 E. (unsurveyed)
Secs. 11, 14, 16.
T. 36 N., R. 4 E
Secs. 9 and 31.
T. 37 N., R. 2 E.
Sec. 12.
T. 39 N., R. 1 W.
Sec. 8.
T. 39 N., R. 2 E.
Sec. 24.
T. 40 N., R. 4 E.
Sec. 12.
T. 41 N., R. 6 W.
Secs. 20 and 29.
T. 42 N., R. 3 W.
Sec. 36.
T. 44 N., R. 2 E.
Secs. 12 and 13.

SIXTH PRINCIPAL MERIDIAN, COLORADO

ROOSEVELT NATIONAL FOREST

T. 3 N., R. 73 W.
Sec. 24.
T. 8 N., R. 74 W.
Secs. 16 and 21.

Lands proposed to be withdrawn in the above designated areas aggregate approximately 894 acres.

W. F. MEEK, *Land Office Manager.*

[F.R. Doc. 65–12676; Filed, Nov. 24, 1965; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order 172, Amdt. 1]

UNITED STATES TRAVEL SERVICE

Organization and Functions

The material appearing at 29 FR 13051–13052 of September 17, 1964, is amended as follows:

The Organization and Function Supplement of September 2, 1964, to Department Order 172 of July 1, 1961, is hereby amended as follows:

1. Section 2 *Organization*, subparagraph .01a. is amended to read:

a. Office of the Director:

Director.
Deputy Director.
Administrative Officer.
Auditor.

2. Section 3 *Functions of the organization units*, is amended by adding a new paragraph .04, and revising the last sentence of paragraph .06 as follows:

.04 The Auditor shall assist the Director and other USTS officials by carry-

ing out independent, objective, and constructive comprehensive internal audits of USTS financial, administrative, and program activities to determine (a.) whether these activities are being carried out effectively, efficiently, and economically and in compliance with laws, regulations, and policies and (b.) adequacy of management controls and procedures; as necessary, carry out pre- and post-contract audits of firms with whom USTS proposes to or does enter into a contract; report findings and recommendations for corrective action to the Director; and maintain liaison with the Department's Office of Audits.

Current paragraphs .04, .05, and .06 are renumbered .05, .06, and .07.

.06 * * * Overseas offices are located in strategic cities to cover the major potential markets for increased tourism to the United States.

Effective date: November 10, 1965.

DAVID R. BALDWIN,
Assistant Secretary, for Administration.

[F.R. Doc. 65-12636; Filed, Nov. 24, 1965; 8:45 a.m.]

ASSOCIATE DIRECTOR OF COAST AND GEODETIC SURVEY (AERONAUTICAL CHARTING AND CARTOGRAPHY) ET AL.

Delegation of Authority Relating to Certifications

1. Pursuant to this authority delegated to the Assistant Secretary of Commerce for Administration by Department Order 166, the following officials of the Environmental Science Services Administration are hereby authorized to sign as certifying officers certifications as to the official nature of copies of correspondence and records from the files, publications and other documents of the Department and to affix the seal of the Department of Commerce to such certifications or documents for all purposes, including the purposes authorized by 28 U.S.C. 1733(b).

Associate Director of Coast and Geodetic Survey (Aeronautical Charting and Cartography).
Director, Environmental Data Service.
Director, National Weather Records Center, Environmental Data Service.
Director, Executive and Technical Services Staff, Weather Bureau.

2. Delegations of authority to officials of the Weather Bureau and Coast and Geodetic Survey, dated April 7, 1960, and June 24, 1964 (29 F.R. 8277 of July 1, 1964), are hereby revoked.

3. This delegation of authority shall be effective as of the date hereof.

Dated: November 16, 1965.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[F.R. Doc. 65-12637; Filed, Nov. 24, 1965; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

FEDERAL FINANCIAL ASSISTANCE IN CONSTRUCTION OF NONCOMMERCIAL EDUCATIONAL TELEVISION BROADCAST FACILITIES

Notice of Acceptance of Applications for Filing

Notice is hereby given that effective with this publication the following described applications, for Federal financial assistance in the construction of noncommercial educational television broadcast facilities are accepted for filing in accordance with 45 CFR 60.7:

Tennessee State Board of Education, 100-B Cordell Building, Nashville, Tenn., File No. 117, for the establishment of a new noncommercial educational television station on Channel 11, Lexington, Tenn.

Florida West Coast Educational Television, Inc., 20th Street and Saxon, Tampa, Fla., File No. 118, to expand the operation of the noncommercial educational television station on Channel 3, Tampa, Fla.

Any interested person may, pursuant to 45 CFR 60.8, within 30 calendar days from the date of this publication, file comments regarding the above applications with the Director, Educational Television Facilities Program, U.S. Office of Education, Washington, D.C., 20202.

(76 Stat. 64, 47 U.S.C. 390)

RAYMOND J. STANLEY,
Director, Educational Television Facilities Program, Office of Education.

[F.R. Doc. 65-12679; Filed, Nov. 24, 1965; 8:48 a.m.]

FEDERAL FINANCIAL ASSISTANCE IN CONSTRUCTION OF NONCOMMERCIAL EDUCATIONAL TELEVISION BROADCAST FACILITIES

Notice of Acceptance of Applications for Filing

Notice is hereby given that effective with this publication the following described applications, for Federal financial assistance in the construction of noncommercial educational television broadcast facilities are accepted for filing in accordance with 45 CFR 60.7:

Educational Broadcasting Corp., 304 West 58 Street, New York, N.Y., File No. 119, to expand the operation of the educational television station on Channel 13 assigned to Newark, N.J.

WGBH Educational Foundation, 125 Western Avenue, Boston, Mass., File No. 120, to expand the operation of the educational television station on Channel 2, Boston, Mass.

WHYY, Inc., 4548 Market Street, Philadelphia, Pa., File No. 121, to expand the operation of the educational television station on Channel 12 assigned to Wilmington, Del.

Any interested person may, pursuant to 45 CFR 60.8, within 30 calendar days from the date of this publication, file comments regarding the above applications with the Director, Educational Television Facilities Program, U.S. Office of Education, Washington, D.C., 20202.

(76 Stat. 64, 47 U.S.C. 390)

RAYMOND J. STANLEY,
Director, Educational Television Facilities Program, Office of Education.

[F.R. Doc. 65-12680; Filed, Nov. 24, 1965; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-245]

CONNECTICUT LIGHT & POWER CO. ET AL.

Notice of Application for Construction Permit and Facility License

Please take notice that the Connecticut Light & Power Co., Selden Street, Berlin, Conn.; the Hartford Electric Light Co., 176 Cumberland Avenue, Wethersfield, Conn.; Western Massachusetts Electric Co., 174 Brush Hill Avenue, West Springfield, Mass.; and the Millstone Point Co., 176 Cumberland Avenue, Wethersfield, Conn.; pursuant to section 104b of the Atomic Energy Act of 1954, as amended, have filed an application, dated November 10, 1965, for a construction permit and facility license to authorize the construction and operation of a single cycle, forced circulation, boiling water nuclear reactor having a net electrical capacity of approximately 549 megawatts derived from a thermal capacity of approximately 1730 megawatts. The proposed reactor, designated by the applicants as the Millstone Nuclear Power Station, is to be located at a 500-acre site on Long Island Sound in the town of Waterford, Conn., about 3 miles from New London, Conn.

A copy of the application is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 18th day of November 1965.

For the Atomic Energy Commission.

E. G. CASE,
Acting Director, Division of Reactor Licensing.

[F.R. Doc. 65-12635; Filed, Nov. 24, 1965; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16593]

BRITISH EAGLE INTERNATIONAL AIRLINES, LTD.

Notice of Prehearing Conference

Application of British Eagle International Airlines Ltd., for renewal of its foreign air carrier permit.

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on December 16, 1965, at 10 a.m., e.s.t., in Room 925, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Barron Fredricks.

Dated at Washington, D.C., November 22, 1965.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 65-12681; Filed, Nov. 24, 1965; 8:49 a.m.]

[Docket No. 13823]

SERVICE TO GREENVILLE-SPARTANBURG CASE

Notice of Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference to be held on the above-entitled application on December 1, 1965, is postponed to December 7, 1965, at 10 a.m., e.s.t., in Room 925, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., November 19, 1965.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[F.R. Doc. 65-12682; Filed, Nov. 24, 1965; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16252; FCC 65M-1522]

JERSEY CAPE BROADCASTING CORP. (WCMC)

Order Continuing Hearing

In re application of Jersey Cape Broadcasting Corp. (WCMC), Wildwood, N.J., Docket No. 16252, File No. BP-15945; for construction permit.

Pursuant to agreement of counsel arrived at during the prehearing conference in the above-styled proceeding held on this date: *It is ordered*, This 18th day of November 1965, that the hearing presently scheduled to commence on December 2, 1965, be and the same is hereby continued to January 18, 1966, at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: November 22, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12690; Filed, Nov. 24, 1965; 8:49 a.m.]

[Docket No. 14368 etc.; FCC 65M-1523]

SYRACUSE TELEVISION, INC., ET AL.

Order Continuing Hearing

In re applications of Syracuse Television, Inc., Syracuse, N.Y., Docket No. 14368, File No. BPCT-2924; W. R. G. Baker Radio & Television Corp., Syracuse, N.Y., Docket No. 14369, File No. BPCT-2930; Onondaga Broadcasting, Inc., Syracuse, N.Y., Docket No. 14370, File No. BPCT-2931; WAGE, Inc., Syracuse, N.Y., Docket No. 14371, File No. BPCT-2932; Syracuse Civic Television Association, Inc., Syracuse, N.Y., Docket No. 14372, File No. BPCT-2933; Six Nations Television Corp., Syracuse, N.Y., Docket No. 14444, File No. BPCT-2957; Salt City Broadcasting Corp., Syracuse, N.Y., Docket No. 14445, File No. BPCT-2958; George P. Hollingbery, Syracuse, N.Y., Docket No. 14446, File No. BPCT-2968; for construction permits for new television broadcast stations.

The Hearing Examiner having under consideration a "Joint Motion for Continuance" filed November 18, 1965, by all the applicants in the above-entitled proceeding, requesting that the hearing be postponed from November 29, 1965, until December 13;

It appearing, that the applicants have held several negotiating sessions in an effort to settle this case; that a session had been scheduled for November 18 which had to be canceled because of the untimely death of a partner of counsel for one of the applicants; that due to the intervention of the Thanksgiving holiday and other commitments a further negotiating session cannot be held before the week of November 29; and that the Broadcast Bureau, the only other party to the proceeding, consents to favorable action on the motion; and

It appearing further, from the facts alleged in the petition, that the applicants are in the process of conscientiously striving to shorten or eliminate the hearing in this proceeding by mutual agreement and therefore that nothing ought to be done to disturb this undertaking, which shows "good cause" for granting the requested relief and is in the public interest, except that no further continuances may be granted without an explicit showing that progress in the negotiations has been made and without a commitment to go forward with the hearing or with the submission of an agreement for approval of the Commission by a date certain within the very near future:

It is ordered, This 19th day of November 1965, that the aforesaid "Joint Motion" is hereby granted, and that the hearing in this proceeding is rescheduled and will convene at 10 a.m., Monday, December 13, 1965, at the Commission's offices, Washington, D.C.

Released: November 22, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12692; Filed, Nov. 24, 1965; 8:50 a.m.]

MEXICAN BROADCAST STATIONS

List of Changes, Proposed Changes, and Corrections in Assignments

NOVEMBER 18, 1965.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes and corrections in Assignments of Mexican Broacast Stations Modifying the Appendix containing assignments of Mexican Broadcast Stations (Mimeograph 4721-6) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

MEXICAN CHANGE LIST NO.[1]

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
XERF (increase in nighttime power).	Ciudad Acuna, Coahuila.	*1570 kilocycles* 250kwD/500kwN.	ND	U	I-A	

[1] FCC NOTE: By letters dated Oct. 25, 1965, and Oct. 27, 1965, the Inter-American Radio Office of the Pan American Union states that telegrams have been received from Mexico advising that the Mexican Administration desires to notify the above assignment which is to be included in the next Mexican Change List.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12691; Filed, Nov. 24, 1965; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

AMERICAN EXPORT ISBRANDTSEN, INC., AND FIRST ATOMIC SHIP TRANSPORT, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be for-

warded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

James N. Jacobi, Esquire,
Kurrus & Jacobi,
2000 K Street NW.,
Washington, D.C. 20006.

Agreement 9451–1, between American Export Isbrandtsen Lines, Inc., and First Atomic Ship Transport, Inc., its wholly owned subsidiary, amends the basic agreement between these parties, which covers an arrangement for the integration of the operations of the "NS Savannah" in the commercial freighter liner service of American Export Isbrandtsen Lines, Inc., U.S. North Atlantic/United Kingdom, Continental Europe, and Mediterranean trade. The proposed amendment provides for inclusion in the approved agreement of clauses relating to nondiscrimination in employment and renegotiation of the agreement which are required by the terms of the U.S. Maritime Administration's charter of the "NS Savannah" to First Atomic Ship Transport, Inc.

Dated: November 22, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65–12683; Filed, Nov. 24, 1965; 8:49 a.m.]

GREECE/UNITED STATES ATLANTIC RATE AGREEMENT

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington Office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 7 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. P. J. Warmstein, Secretary, pro tem, c/o American Export Isbrandtsen Lines, Inc., 26 Broadway, New York, N.Y., 1004.

Agreement 9238–1, between the parties to the Greece/United States Atlantic Rate Agreement, amends the basic agreement to provide for the employment of an issuing agent who shall be responsible for the filing of a common tariff, supplements, changes and reissues thereof, with the Commission pursuant to section 18 (b) of the Shipping Act, 1916, in the Greece Westbound trade.

Dated: November 22, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65–12684; Filed, Nov. 24, 1965; 8:49 a.m.]

UNITED STATES/SOUTH AND EAST AFRICA CONFERENCE

Notice of a Petition Filed for Approval

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the proposed contract form and of the petition at the Washington Office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed contract form and the petition including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the proposed contract form and of the petition (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of application to institute a dual rate system filed by:

Mr. Elmer C. Maddy, Kirlin, Campbell & Keating, 120 Broadway, New York, N.Y., 10005.

Notice is hereby given that the member lines to the proposed United States/South & East Africa Conference (Agreement No. 9502) have filed with the Commission, pursuant to section 14(b) of the Shipping Act, 1916, an Exclusive Patronage (Dual Rate) Contract and an application for permission to institute a dual rate system covering the trade from ports on the U.S. Atlantic and Gulf Coasts to ports in Southwest, South, and East Africa as well as the islands of Madagascar, Reunion, Mauritius, the Comores and Seychelles, and the islands of Ascension and St. Helena.

The application provides that contract rates shall be lower than the ordinary rates set forth in the Carriers' tariff by a fixed percentage of fifteen (15) percent, all in accordance with terms and conditions described in the contract.

Dated: November 22, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65–12685; Filed, Nov. 24, 1965; 8:49 a.m.]

TURKEY/UNITED STATES ATLANTIC RATE AGREEMENT

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington Office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 7 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. P. J. Warmstein, Secretary, pro tem, c/o American Export Isbrandtsen Lines, Inc., 26 Broadway, New York, N.Y., 10004.

Agreement 9239–1, between the parties to the Turkey/United States Atlantic Rate Agreement, amends the basic agreement to provide for the employment of an issuing agent who shall be responsible for the filing of a common tariff, supplements, changes and reissues thereof, with the Commission pursuant to section 18(b) of the Shipping Act, 1916, in the Turkey Westbound trade.

Dated: November 22, 1965.

THOMAS LISI,
Secretary.

[F.R. Doc. 65–12686; Filed, Nov. 24, 1965; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E–7253]

CITIZENS UTILITIES CO.

Notice of Application

NOVEMBER 18, 1965.

Take notice that on November 12, 1965, Citizens Utilities Co. (Applicant), filed an application with the Federal Power Commission, seeking an order, pursuant to the section 204 of the Federal Power Act, authorizing the issuance of shares of Common Stock to effectuate a three for two stock split and to issue promissory notes up to but not exceeding, at any one time, the aggregate amount of $9,500,000.

Applicant is incorporated under the laws of the State of Delaware and is qualified to transact business in the States of Arizona, Colorado, Connecticut, Idaho, and Vermont with its principal business office at Stamford, Conn. Applicant is engaged primarily in the business of generating, purchasing, transmitting, distributing, and selling at wholesale and retail of electric energy in the States of Arizona, Idaho, and Vermont. Applicant also is engaged in the purchasing, distribution and sale of natural gas in the States of Arizona and Colorado and in the operation of water systems in the States of Arizona and Idaho.

Applicant proposes to split its outstanding shares of Common Stock by issuing one share of its Common Stock Series A for each two outstanding shares of Series A stock and one share of its Common Stock Series B for each two outstanding shares of Series B stock. According to the application, the shares are to be issued on a date to be fixed by the Board of Directors to stockholders of record on a record date to be fixed by the Board of Directors in payment of the stock distribution authorized by the Board of Directors on August 16, 1965.

Applicant proposes to issue promissory notes pursuant to an existing credit agreement which is to be renewed with two New York banks, under which the banks have made and will make loans to the Applicant from time to time on a revolving basis in an aggregate amount not exceeding $9,500,000 at any one time. According to the application, under the renewed credit agreement, the banks will agree to increase the amount of the credit to $11,000,000 and extend the credit until December 9, 1966. The borrowings will be evidenced by unsecured notes of the Applicant maturing not more than 90 days from the date of issuance and in any case, not later than December 9, 1966 with interest on each note at the prime bank interest rate for 90 day notes as of the date of issuance of each note.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 9, 1965, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65–12641; Filed, Nov. 24, 1965; 8:45 a.m.]

[Docket No. E–7252]

IOWA POWER & LIGHT CO.

Notice of Application

NOVEMBER 18, 1965.

Take notice that on November 12, 1965, Iowa Power & Light Co. (Applicant), filed an application with the Federal Power Commission pursuant to section 203 of the Federal Power Act, seeking authority to acquire certain electric facilities in the town of Milo, Iowa.

Applicant is incorporated under the laws of the State of Iowa with its principal place of business office at Des Moines, Iowa, and engages in the generation, transmission, distribution and sale of electric energy in 26 counties in central and southwestern Iowa.

Milo is an incorporated town in Warren County, Iowa, and operates a municipal electric distribution system used to supply electric energy to customers within or adjacent to the town. Maintenance of Milo's system is presently performed by the Applicant in accordance with an arrangement with Milo.

According to the application, Applicant proposes to acquire by purchase the entire electric distribution system of Milo for a cash consideration of $68,000. Applicant states that the acquisition is subject to approval by a majority of the legal electors of the town of Milo voting at a special election scheduled to be held on November 22, 1965. The Applicant expects to own, operate and maintain the existing distribution and street lighting system after its acquisition from Milo as an integral part of its electric distribution facilities serving customers in that town and in the area which includes the town of Milo.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 6, 1965, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65–12642; Filed, Nov. 24, 1965; 8:45 a.m.]

[Docket No. RP65–4]

KNOXVILLE UTILITIES BOARD ET AL.

Notice Fixing Oral Argument

NOVEMBER 18, 1965.

In the matter of Knoxville Utilities Board, et al. vs. East Tennessee Natural Gas Co.; Docket No. RP65–4.

The Commission has before it the Presiding Examiner's Initial Decision issued August 23, 1965, the Briefs on Exceptions, and responses thereto filed in the above-designated matter.

Take notice that oral argument is hereby scheduled to be heard by the Commission en banc commencing at 10 a.m., February 25, 1966, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

All parties desiring to participate in the oral argument shall notify the Secretary on or before January 25, 1966, of the amount of time desired for presentation of their arguments.

By direction of the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65–12643; Filed, Nov. 24, 1965; 8:45 a.m.]

[Docket No. CP63–62]

UNITED GAS PIPE LINE CO.

Notice of Petition To Amend

NOVEMBER 17, 1965.

Take notice that on November 5, 1965, United Gas Pipe Line Co. (Petitioner), 1525 Fairfield Avenue, Shreveport, La., filed in Docket No. CP63–62 a petition to amend the order of the Commission issued in said docket on June 21, 1963, which order authorized the construction and operation of certain natural gas facilities and the sale of maximum daily and annual volumes of 344 Mcf and 46,267 Mcf of gas, respectively, to the town of Beaumont, Perry County, Miss. By the instant filing, Petitioner seeks authority to construct and operate certain additional facilities and to sell and deliver to Beaumont a total maximum daily quantity of 1,900 Mcf, as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Applicant proposes to replace the meter, regulator and appurtenant equipment serving Beaumont, at an estimated cost of $1,592.

The estimated annual and peak day volumes for the first 3 full years following the beginning of increased deliveries are stated to be:

	First year	Second year	Third year
Annual (Mcf)	299,700	349,667	351,867
Peak day (Mcf)	1,544	1,578	1,900

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 8, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65–12644; Filed, Nov. 24, 1965; 8:45 a.m.]

[Docket No. CP63-92]

UNITED GAS PIPE LINE CO.

Notice of Petition To Amend

NOVEMBER 17, 1965.

Take notice that on November 9, 1965, United Gas Pipe Line Co. (Petitioner), Post Office Box 1407, Shreveport, La., 71102, filed in Docket No. CP63-92 a petition to amend the certificate of public convenience and necessity issued in said docket on July 5, 1963, which authorized Petitioner to transport and deliver natural gas to Texas Eastern Transmission Corp. (Texas Eastern). Petitioner now proposes to construct and operate a new tap and to transport natural gas from Liberty Hill Field, Bienville Parish, La., to Texas Eastern at approximately Mile Post 84.5 on Petitioner's Carthage-Sterlington 20-inch and 24-inch lines, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner proposes to install a 2-inch tap valve on the 24-inch Carthage-Sterlington line in Bienville Parish, La., at an estimated cost of $525.

Pursuant to a letter agreement between Petitioner and Texas Eastern dated October 5, 1965, the parties' existing transportation agreement is amended by providing for the additional tap on Petitioner's line and the transportation of certain quantities of natural gas available to Texas Eastern in the Liberty Hill Field.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 8, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-12645; Filed, Nov. 24, 1965; 8:46 a.m.]

[Docket No. CP66-145]

UNITED NATURAL GAS CO. AND EMPIRE GAS AND FUEL CO.

Notice of Application

NOVEMBER 18, 1965.

Take notice that on November 9, 1965, United Natural Gas Co. (United), 308 Seneca Street, Oil City, Pa., 16301, and Empire Gas and Fuel Co. (Empire), 10 Lafayette Square, Buffalo, N.Y., 14203 (both wholly owned subsidiaries of National Fuel Gas Co.), filed in Docket No. CP66-145 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing United to acquire by merger and to operate all of the jurisdictional gas facilities of its affiliate, Empire, and to perform all acts, sales and services now being performed by Empire, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that Empire currently produces natural gas from its own wells in Sharon and Oswayo Townships, Potter County, Pa. The production is delivered to Iroquois Gas Corp. (Iroquois), another wholly owned subsidiary of National Fuel Gas Co., distributing gas at retail in the State of New York. Empire's service is rendered pursuant to a contract dated December 9, 1938, which is Rate Schedule L-1 to Empire's FPC Gas Tariff, Original Volume No. 1.

United proposes to effect the merger by issuing 6,802 shares of no par value capital stock for the 2,000 shares of Empire $100 par value capital stock. United also proposes to adopt the contract of Empire for service to Iroquois, as United's Rate Schedule X-8 to FPC Gas Tariff, Original Volume No. 2.

The stated purpose for the merger is the corporate simplification of the National Fuel Gas System, in line with the policies of the Securities and Exchange Commission under the Public Utility Holding Company Act of 1935.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 8, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc 65-12646; Filed, Nov. 24, 1965; 8:46 a.m.]

[Docket No. CP66-147]

UNITED GAS PIPE LINE CO.

Notice of Application

NOVEMBER 18, 1965.

Take notice that on November 10, 1965, United Gas Pipe Line Co. (Applicant), Post Office Box 1407, Shreveport, La., 71102, filed in Docket No. CP66-147 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct, during the calendar year 1966, and operate various facilities necessary to enable it to take into its main pipeline system natural gas which it will purchase from producers in the general area of its existing transmission system. Applicant states that the purpose of the instant application is to augment its ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of gas in producing areas generally coextensive with its system.

Total estimated cost of Applicant's proposed construction is not to exceed $4,000,000, with no single project expenditure to exceed $500,000, which cost will be financed by Applicant out of its current working funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 10, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-12647; Filed, Nov. 24, 1965; 8:46 a.m.]

[Docket No. CP66-146]

THEBES, ILL., and TEXAS EASTERN TRANSMISSION CORP.

Notice of Application

NOVEMBER 18, 1965.

Take notice that on November 10, 1965, the Village of Thebes, Ill. (Applicant), 134 South La Salle Street, Chicago, Ill., 60603, filed in Docket No. CP66-146 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Texas Eastern Transmission Corp. (Respondent) to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution in Applicant, as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to interconnect a lateral line with the facilities of Respondent at a point approximately 3 miles north of Applicant. From this point of connection Applicant proposes to construct a 2-inch high-pressure lateral extending southward along Illinois State Route No. 3 to the town border station to be located at the northeast side of Applicant. Applicant also proposes to construct a complete distribution system to serve all prospective customers in Applicant and vicinity and along the proposed transmission line.

Estimated peak day and annual volumes required by Applicant are stated to be:

	First year	Second year	Third year
Annual (Mcf)	12,772	16,774	20,895
Peak day (Mcf)	176	230	284

Total estimated cost of Applicant's proposed distribution system is $100,000, which cost will be financed through the issuance of gas revenue certificates pursuant to an agreement between Applicant and Midwest Securities Co.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 10, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-12648; Filed, Nov. 24, 1965; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4324]

EASTERN UTILITIES ASSOCIATES ET AL.

Proposed Issue and Sale of Notes by Subsidiary Companies to Banks and/or to Holding Company

NOVEMBER 19, 1965.

In the matter of Eastern Utilities Associates, Post Office Box 2333, Boston, Mass., 02107; Blackstone Valley Electric Co., 55 High Street, Pawtucket, R.I., 02860; Fall River Electric Light Co., 85 North Main Street, Fall River, Mass., 02722; File No. 70-4324.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") by Eastern Utilities Associates ("EUA"), a registered holding company, and two of its electric utility subsidiary companies, Blackstone Valley Electric Co. ("Blackstone") and Fall River Electric Light Co. ("Fall River"). Applicants-declarants have designated sections 6(a), 7, 9(a), 10, 12(b), 12(c), and 12(f) of the Act and rules 42, 43(a), 45(b)(1), and 50(a)(2), (3), and (4) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration on file at the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Blackstone and Fall River propose to issue and sell to banks (and/or, in Blackstone's case, to EUA) from time to time during the period ending December 22, 1966, short-term, unsecured, promissory notes, in the maximum aggregate amounts to be outstanding at any one time, as shown below:

	Blackstone	Fall River
The Industrial National Bank of Rhode Island, Providence, R.I.	$2,450,000	----------
Rhode Island Hospital Trust Co., Providence, R.I.	2,450,000	----------
B.M.C. Durfee Trust Co., Fall River, Mass.	----------	$450,000
Fall River National Bank, Fall River, Mass.	----------	150,000
Fall River Trust Co., Fall River, Mass.	----------	300,000
EUA and/or the above Rhode Island banks equally	700,000	----------
Total	$5,600,000	900,000

The notes will be dated as of the date of issuance, will bear interest at not to exceed the prime rate on the date of issuance (presently 4½ percent per annum) and will be prepayable in whole or in part without penalty. Notes issued prior to April 1, 1966, will mature April 1, 1966; notes issued on or after April 1, 1966, and prior to July 1, 1966, will mature July 1, 1966; notes issued on or after July 1, 1966, and prior to October 3, 1966, will mature October 3, 1966; and notes issued on or after October 3, 1966, will mature December 22, 1966.

Blackstone expects to have outstanding, at December 23, 1965, an estimated $4,400,000 principal amount of short-term notes, including a $700,000 note to EUA, and Fall River expects to have outstanding an estimated $600,000 of notes. The proceeds from the sale of the proposed notes will be used in part by the respective companies to pay such outstanding notes, and the balance to finance construction expenditures. Aggregate construction expenditures in 1966 for both companies are estimated at $2,200,000.

Blackstone may prepay its notes to banks, in whole or in part, by the use of proceeds of notes issued to EUA or vice versa. Any note issued to EUA for such purpose will bear interest, for the unexpired term of the prepaid note, at the lower of the prime rate or the rate borne by the prepaid note; and at the prime rate thereafter. If the interest rate on a note issued to a bank for the purpose of obtaining funds to prepay a note held by EUA shall exceed the rate of the note being prepaid, EUA shall reimburse or credit Blackstone for the added interest requirement for the unexpired term of such prepaid note.

In the event of any permanent financing by Blackstone or Fall River, the proceeds therefrom will be applied to the payment of its short-term note indebtedness outstanding and the maximum amount of short-term note indebtedness to be outstanding at any one time, as proposed herein, will be reduced by the amount of the proceeds of such permanent financing.

The joint application-declaration states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions; and that the aggregate fees and expenses to be incurred in connection with the proposed transactions are estimated at $810.

Notice is further given that any interested person may, not later than December 10, 1965, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the joint application-declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants-declarants at the above noted addresses, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective, as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-12663; Filed, Nov. 24, 1965; 8:47 a.m.]

[File No. 1-3112]

JULIUS GARFINCKEL & CO., INC.

Notice of Application To Withdraw From Listing and Registration

NOVEMBER 19, 1965.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the Philadelphia-Baltimore-Washington Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The reasons advanced by the Board of Directors for the application are as stated in the Company's proxy statement dated October 11, 1965, which is on file with the Commission and has been disseminated to stockholders. The delisting of the common stock of the Company was approved by stockholders on November 5, 1965, in accordance with the rules of the Exchange.

Any interested person may, on or before December 6, 1965, submit by letter to the Secretary of the Securities and Exchange Commission, Washington 25, D.C., facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. An order granting the application will be issued after the date mentioned above, on the basis of the application and any other information furnished to the Commission, unless it orders a hearing on the matter.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-12664; Filed, Nov. 24, 1965; 8:47 a.m.]

PINAL COUNTY DEVELOPMENT ASSOCIATION

Order Suspending Trading

NOVEMBER 19, 1965.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the 5⅞ percent Industrial Development Revenue Bonds of Pinal County Development Association due April 15, 1989, otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934 that trading in such bonds be summarily suspended, this order to be effective for the period November 21, 1965 through November 30, 1965, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-12665; Filed, Nov. 24, 1965; 8:47 a.m.]

[File No. 1-3888]

STANDARD FINANCIAL CORP.

Notice of Application To Withdraw From Listing and Registration

NOVEMBER 19, 1965.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the Pacific Coast Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The common stock of the Company is also listed on the New York Stock Exchange. Trading activity of the common stock on the Pacific Coast Stock Exchange is not sufficient to warrant the continued listing on that Exchange.

Any interested person may, on or before December 6, 1965, submit by letter to the Secretary of the Securities and Exchange Commission, Washington 25, D.C., facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. An order granting the application will be issued after the date mentioned above, on the basis of the application and any other information furnished to the Commission, unless it orders a hearing on the matter.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-12666; Filed, Nov. 24, 1965; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30, Miami, Fla., Region, Rev. 1]

MIAMI REGIONAL OFFICE

Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30, Southeastern Area, 30 F.R. 2884, as amended, 30 F.R. 8080, Delegation of Authority No. 30, Miami, 30 F.R. 5876 is hereby revised to read as follows:

I. The following authority is hereby redelegated to the specific positions as indicated herein:

A. *Size determinations (delegated to the positions as indicated below).* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

B. *Eligibility determinations (delegated to the positions as indicated below).* To determine the eligibility of applicants for assistance under any program of the agency in accordance with Small Business Administration standards and policies.

C. *Chief, Financial Assistance Division (and Assistant Chief, if assigned).* 1. Item I.A. (Size Determinations for Financial Assistance only.)

2. Item I.B. (Eligibility Determinations for Financial Assistance only.)

3. To approve business and disaster loans not exceeding $350,000 (SBA share).

4. To decline business and disaster loans of any amount.

5. To disburse unsecured disaster loans.

6. To enter into business and disaster loan participation agreements with banks.

7. To execute loan authorizations for Washington and Area approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator,*
By ----------
(Name)
Title of person signing.

B. To cancel, reinstate, modify, and amend authorizations for business or disaster loans.

9. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

10. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and to certify to the participating bank that such documents are in compliance with the participation authorization.

11. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding principal balance on construction loans and loans involving accounts receivable and inventory financing.

12. To take all necessary actions in connection with the administration, servicing, collection, and liquidation of all loans and other obligations or assets, including collateral purchased; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents, and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

b. The execution and delivery of contracts of sale or lease or sublease, quitclaim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

D. *Chief, Loan Processing Section.* 1. Item I.C.3.

2. To decline business and disaster loans of any amount.

3. Items I.C.6. through 10.

4. Item I.A. (Size Determinations for Financial Assistance only.)

5. Item I.B. (Eligibility Determinations for Financial Assistance only.)

E. *Chief, Loan Administration Section.* 1. To approve the amendments and modifications of loan conditions for loans that have been fully disbursed.

2. Item I.C.12—only the authority for servicing, administration and collection, including subitems a. and b.

3. Item I.A. (Size Determinations for Financial Assistance only.)

4. Item I.B. (Eligibility Determinations for Financial Assistance only.)

F. *Chief, Loan Liquidation Section.* Item I.C.12—only the authority for liquidation, including collateral purchased, and subitems a. and b.

G. Reserved.

H. *Chief, Procurement and Management Assistance.* 1. Item I.A. (Size Determinations on PMA Activities only.)

2. Item I.B. (Eligibility Determinations on PMA Activities only.)

I. *Regional Counsel.* To disburse approved loans.

J. *Administrative Assistant.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by United States Attorney in foreclosure cases.

2. To (a) purchase all office supplies and expendable equipment, including all desk-top items, and rent regular office equipment; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of Disaster Loan Offices, to (a) obligate Small Business Administration for the rental of office space; (b) rent office equipment; and (c) procure (without dollar limitation) emergency supplies and materials.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

II. The authority delegated herein cannot be redelegated.

III. The authority delegated herein to a specific position may be exercised by any SBA employee designated as acting in that position.

IV. All previously delegated authority is hereby rescinded without prejudice to actions taken under such delegations of authority prior to the date hereof.

Effective date. November 1, 1965.

THOMAS A. BUTLER,
Regional Director, Miami, Fla.

[F.R. Doc. 65-12661; Filed, Nov. 24, 1965; 8:47 a.m.]

[Delegation of Authority 30, Jackson, Miss., Region, Rev. 1]

JACKSON REGIONAL OFFICE

Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30, Southeastern Area, 30 F.R. 2884, as amended, 30 F.R. 8080, Delegation of Authority No. 30, Jackson, 30 F.R. 5879 is hereby revised to read as follows:

I. The following authority is hereby redelegated to the specific positions as indicated below:

A. *Size determinations (delegated to the positions as indicated below).* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

B. *Eligibility determinations (delegated to the positions as indicated below).* To determine the eligibility of applicants for assistance under any program of the agency in accordance with Small Business Administration standards and policies.

C. *Chief, Financial Assistance Division (and Assistant Chief, if assigned).* 1. Item I.A. (Size Determinations for Financial Assistance only.)

2. Item I.B. (Eligibility Determinations for Financial Assistance only.)

3. To approve business and disaster loans not exceeding $350,000 (SBA share).

4. To decline business and disaster loans of any amount.

5. To disburse unsecured disaster loans.

6. To enter into business and disaster loan participation agreements with banks.

7. To execute loan authorizations for Washington and Area approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator,*
By ----------
(Name)
Title of person signing.

8. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

9. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

10. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

11. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding principal balance on construction loans and loans involving accounts receivable and inventory financing.

12. To take all necessary actions in connection with the administration, servicing, collection, and liquidation of all loans and other obligations or assets, including collateral purchased; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

b. The execution and delivery of contracts of sale or lease or sublease, quitclaim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

D. *Chief, Loan Processing Section.* 1. Items I.C. 3 through 7.

2. To cancel, reinstate, modify and amend authorizations for undisbursed and partially disbursed business or disaster loans.

3. Items I.C. 9 and 10.

4. Item I.A. (Size Determinations for Financial Assistance only.)

5. Item I.B. (Eligibility Determinations for Financial Assistance only.)

E. *Chief, Loan Administration Section.* 1. To approve the amendments and modifications of loan conditions for loans that have been fully disbursed.

2. Item I.C.12—only the authority for servicing, administration and collection, including subitems a. and b.

3. Item I.A. (Size Determinations for Financial Assistance only.)

4. Item I.B. (Eligibility Determinations for Financial Assistance only.)

F. *Chief, Loan Liquidation Section.* Item I.C.12—only the authority for liquidation, including collateral purchased, and subitems a. and b.

G. Reserved.

H. *Chief, Procurement and Management Assistance.* 1. Item I.A. (Size Determinations on PMA Activities only.)

2. Item I.B. (Eligibility Determinations on PMA Activities only.)

I. *Regional Counsel.* To disburse approved loans.

J. *Administrative Assistant.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by United States Attorney in foreclosure cases.

2. To (a) purchase all office supplies and expendable equipment, including all desk top items, and rent regular office equipment; (b) contract for repair and

maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of Disaster Loan Offices to (a) obligate Small Business Administration to reimburse General Services Administration for the rental of office space; (b) rent office equipment; and (c) procure (without dollar limitation) emergency supplies and materials.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

II. The authority delegated herein cannot be redelegated.

III. The authority delegated herein to a specific position may be exercised by any employee designated as Acting in that position.

IV. All previously delegated authority is hereby rescinded without prejudice to actions taken under such Delegations of Authority prior to the date hereof.

GEORGE A. FEILD,
Regional Director, Jackson, Miss.

[F.R. Doc. 65-12662; Filed, Nov. 24, 1965; 8:47 a.m.]

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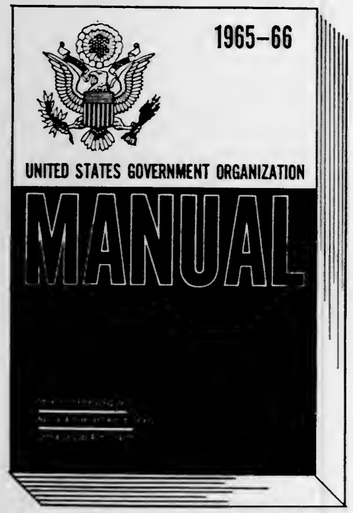
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Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS

Change in List of Public Stockyards

Pursuant to the provisions of sections 4, 5, and 13 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), § 78.14(a) of Part 78, Title 9, Code of Federal Regulations, is hereby amended by deleting the names and addresses "Mississippi Valley Stockyards—St. Louis" under the heading "Missouri" and "Arkansas National Stockyards Company—North Little Rock" under the heading "Arkansas" from the list of public stockyards set forth therein.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 2, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 29 F.R. 16210, as amended, 30 F.R. 5801; 9 CFR 78.16)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The foregoing amendment deletes the names of the Mississippi Valley Stockyards, St. Louis, Mo., and the Arkansas National Stockyards Co., North Little Rock, Ark., from the list of public stockyards set forth in 9 CFR 78.14(a), as such stockyards are no longer operating as public stockyards where Federal inspection is maintained.

Inasmuch as notice and other public procedure regarding the amendment would not make additional information available to the Department and since interested persons should be informed promptly of such change, it is found upon good cause under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), that notice and other public procedure regarding the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 23d day of November 1965.

NORVAN MEYER,
Acting Director, Animal Health Division, Agricultural Research Service.

[F.R. Doc. 65–12731; Filed, Nov. 26, 1965; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER B—NAVIGATION

PART 706—NAVIGATIONAL LIGHT WAIVERS

After Anchor Light

Sections 360 and 1052 of Title 33, United States Code, provide that the requirements of the Regulations for Preventing Collisions at Sea, 1960, the Inland Rules, the Great Lakes Rules and the Western River Rules as to number, position, range of visibility, or arc of visibility of the lights required to be displayed by vessels shall not apply to any vessel of the Navy when the Secretary of the Navy shall find or certify that, by reason of special construction, it is not possible for such vessel or class of vessels to comply with the statutory provisions as to navigation lights.

A recent study indicates that the military design characteristics of the Mine Countermeasures Support Ship (MCS–1) class of ships precludes the installation of the lower or after anchor light in conformance with currently existing waivers on such light or with Rule 11(b) of the Regulations for Preventing Collisions at Sea (33 U.S.C. 1071(b)).

I hereby certify that these Mine Countermeasures Support Ships (MCS–1) are naval vessels of special construction and, with respect to the position on such vessels of the after anchor light, it is not possible to comply with the requirements of the statutes referred to in sections 360 and 1052, Title 33, United States Code.

I further find that it is feasible to locate the said navigation light as follows:

The after anchor light shall be carried at such height that it will be not less than 4 feet lower than the forward anchor light and shall be located otherwise as required by applicable statutes.

Further, I hereby certify that such location constitutes compliance as closely with the applicable statutes as I hereby find to be feasible.

Therefore I do direct that the consolidated tabulation of light waivers titled *Notes* under § 706.2, Title 32, Code of Federal Regulations as published in the FEDERAL REGISTER of August 31, 1965 (30 F.R. 11172, 11173) be amended by adding the following note, number 12 thereto:

12. On Mine Countermeasure Support Ships (MCS–1), the after anchor light will be carried at a height not less than 4 feet lower than the forward anchor light in lieu of the required 15 feet (based on International Rule 11(b)).

I specify that the foregoing amendment shall become effective on the date of publication of this document in the FEDERAL REGISTER.

(Sec. 1, 59 Stat. 590, sec. 2, 22 Stat. 194, 33 U.S.C. 360, 1052)

Dated at Washington, D.C., this 20th day of November 1965.

[SEAL] ROBERT H. B. BALDWIN,
Under Secretary of the Navy.

[F.R. Doc. 65–12729; Filed, Nov. 26, 1965; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 65–CE–110]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone and Transition Area

On September 8, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 11392) stating that the Federal Aviation Agency proposed to designate controlled airspace in the vicinity of Devils Lake, N. Dak.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The one comment received was favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., March 3, 1966, as hereinafter set forth.

(1) In § 71.171 (29 F.R. 17581) the following control zone is added:

DEVILS LAKE, N. DAK.

Within a 5-mile radius of Devils Lake Municipal Airport (latitude 48°06'47" N., longitude 98°54'26" W.); within 2 miles each side of the Devils Lake VOR 324° radial, extending from the 5-mile radius zone to 8 miles NW of the VOR; within 2 miles each side of the 026° bearing from Devils Lake Municipal Airport, extending from the 5-mile radius zone to 8 miles NE of the airport; and within 2 miles each side of the 121° bearing from Devils Lake Municipal Airport, extending from the 5-mile radius zone to 8 miles SE of the airport. This control zone shall be effective during the specific dates and/or times established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

(2) In § 71.181 (29 F.R. 17643) the following transition area is added:

DEVILS LAKE, N. DAK.

That airspace extending upward from 700 feet above the surface within a 12-mile radius of Devils Lake Municipal Airport (latitude 48°06'47" N., longitude 98°54'26" W.).

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Kansas City, Mo., on November 10, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65–12695; Filed, Nov. 26, 1965; 8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 6949; Amdt. 450]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Augusta VOR	LOM	Direct	1800	T-dn	300–1	300–1	#200–½
Augusta RBn	LOM	Direct	1800	C-dn	600–1	600–1	600–1½
Mallard Int	LOM	Direct	2000	S-dn-35*	500–1	500–1	500–1
Trenton Int	LOM	Direct	2000	A-dn	800–2	800–2	800–2
Clarice Int	LOM	Direct	2000				
Shell Bluff Int	LOM (final)	Direct	1500				

Procedure turn W side of crs, 169° Outbnd, 349° Inbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 349°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing LOM, climb to 2000′ on crs of 349° within 15 miles or, when directed by ATC, turn left and climb to 2000′ on 346° crs, AGS RBn within 20 miles.
CAUTION: Antenna tower, 1883′—6 miles ENE Bush Field.
*Reduction in landing visibility below ¾ mile not authorized.
#500–1 required on Runways 8–26.
MSA within 25 miles of facility: 000°–090°—2500′; 090°–180°—1900′; 180°–270°—2900′; 270°–360°—2000′.

City, Augusta; State, Ga.; Airport name, Bush Field, Elev., 145′, Fac. Class., LOM; Ident., AG; Procedure No. 1, Amdt. 13; Eff. date, 6 Nov. 65; Sup. Amdt. No. 12; Dated, 3 Apr. 65

Oakwood Int	BKX RBn	Direct	3100	T-dn*	300–1	300–1	200–½
				C-d	600–1	600–1	600–1½
				C-n*	600–1½	600–1½	600–2
				S-dn-12*	600–1	600–1	600–1
				A-dn*	NA	NA	NA

Procedure turn W side of crs, 290° Outbnd, 110° Inbnd, 3100′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of Brookings RBn, climb to 3100′ on 130° bearing from Brookings RBn within 10 miles.
*Night takeoffs and landings authorized on Runways 12–30 only.
‡Alternate minimums of 800–2 authorized for air carrier with weather reporting service at the airport.
MSA within 25 miles of facility: 000°–090°—3100′; 090°–180°—3800′; 180°–360°—3100′.

City, Brookings; State, S. Dak.; Airport name, Brookings Municipal; Elev., 1629′; Fac. Class., HW; Ident, BKX; Procedure No. 1, Amdt. Orig.; Eff. date, 6 Nov. 65

TOY VOR	CPS RBn	Direct	2000	T-dn*	300–1	300–1	200–½
MTS VOR	CPS RBn	Direct	2600	C-d	900–1½	900–1½	900–1½
				C-n	900–2	900–2	900–2
				A-dn	NA	NA	NA
				Minimums if Millstadt Int received:			
				C-d	800–1½	800–1½	800–1½
				C-n	800–2	800–2	800–2
				S-dn-31	500–1	500–1	500–1

Procedure turn S side of crs, 127° Outbnd, 307° Inbnd, 1800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1300′.
Facility on airport. Breakoff point to Runway 31, 312°—0.4 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing CPS RBn, make left turn, climbing to 1800′ on the 127° bearing from CPS RBn within 10 miles, make right turn and return to CPS RBn.
NOTES: (1) Altimeter setting from STL FSS. (2) 1649′ tower, 7 miles SW of airport. Numerous towers N of field to 1044′ within 5-mile radius of airport. (3) 500′ power line towers, 0.3 mile NE and parallel to Runways 13–31. (4) 990′ smokestacks, 1.3 miles NW of airport. (5) 663′ tower, 1.2 miles NE of airport.
*500–1 required for takeoffs on Runways 31, 04.
MSA within 25 miles of facility: 000°–180°—2000′; 180°–360°—2600′.

City, East St. Louis; State, Ill.; Airport name, Bi-State Parks; Elev., 413′; Fac. Class., MH; Ident., CPS; Procedure No. 1, Amdt. Orig.; Eff. date, 6 Nov. 65

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Lofall (V11F) Int	PAE RBn	Direct	3000	T-dn#	300–1	300–1	200–½
PAE VOR	PAE RBn	Direct	3000	C-dn	600–2	600–2	600–2
				S-d-16	500–1	500–1	500–1
				S-n-16	500–2	500–2	500–2
				A-dn	800–2	800–2	800–2

Radar available.
Procedure turn E side of crs, 338° Outbnd, 158° Inbnd, 3000′ within 10 miles of PAE RBn.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 158°—7.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.9 miles after passing RBn, turn right, climbing to 3000′ on crs, 300° to intercept 030° bearing to PAE RBn, thence continue climb direct to PAE RBn and hold N of PAE RBn, 1-minute left turn holding pattern, crs, 338° Outbnd, 158° Inbnd.
CAUTION: Numerous jet aircraft activities from airport and in immediate surrounding area.
Other change: Deletes transition from Bainbridge Int.
#Takeoff minimums 200–½ authorized only for Runways 16 and 34.
MSA within 25 miles of facility: 000°–090°—7400′; 090°–180°—4800′; 180°–270°—4600′; 270°–360°—5200′.

City, Everett; State, Wash.; Airport name, Paine Field; Elev., 603′; Fac. Class., HW; Ident., PAE; Procedure No. 1, Amdt. 4; Eff. date, 6 Nov. 65; Sup. Amdt. No. 3; Dated, 25 Sept. 65

PROCEDURE CANCELED, EFFECTIVE 6 NOV. 1965.

City, Land O'Lakes; State, Wis.; Airport name, Kings Land O'Lakes Municipal; Elev., 1706′; Fac. Class., MIW; Ident., LNL; Procedure No. 1, Amdt. Orig.; Eff. date, 14 Oct. 65

Bonnie Int	MVN RBn	Direct	2100	T-dn	300–1	300–1	200–½
Cartter Int	MVN RBn	Direct	2200	C-d	600–1	600–1	600–1½
				C-n	600–2	600–2	600–2
				S-dn-23	600–1	600–1	600–1
				A-dn	NA	NA	NA

Procedure turn N side of crs, 040° Outbnd, 220° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach crs, 1100′.
Facility on airport. Crs and distance, breakoff point to runway, 230°—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished with 0 mile after passing MVN RBn, make left turn, climbing to 2100′ on the 040° bearing from the MVN RBn within 10 miles, make left turn and return to the MVN RBn.
NOTE: Altimeter setting from VLA FSS.
CAUTION: 1090′ tower, 4 miles NW of airport.
MSA within 25 miles of facility: 270°–090°—2100′; 090°–180°—1800′; 180°–270°—2400′.

City, Mount Vernon; State, Ill.; Airport name, Mount Vernon Municipal; Elev., 479′; Fac. Class., MHW; Ident., MVN; Procedure No. 1, Amdt. Orig.; Eff. date, 6 Nov. 65

HIC VOR	RCT RBn	Direct	3100	T-dn*	300–1	300–1	300–1
				C-dn	700–1	700–1	700–1½
				S-dn-17	700–1	700–1	700–1
				A-dn	NA	NA	NA

Procedure turn W side of crs, 354° Outbnd, 174° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 174°—3.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.1 miles after passing RCT RBn, make right-climbing turn to 2650′ and then return to RCT RBn.
CAUTION: 1308′ radio tower, ¾ mile SE of airport. No weather available. Nearest altimeter source Muskegon or Traverse City.
NOTES: (1) Close flight plan through White Cloud VOR by radio or by long distance phone immediately upon landing. (2) Final approach from holding pattern not authorized. Procedure turn required.
*500–1 required for Runways 8–26; aircraft departing on Runway 17 climb to 1600′ on runway heading before proceeding on crs.
MSA within 25 miles of facility: 000°–090°—4000′; 090°–180°—2400′; 180°–270°—2500′; 270°–360°—3600′.

City, Reed City; State, Mich.; Airport name, Miller Field; Elev., 1055′; Fac. Class., MHW; Ident., RCT; Procedure No. 1, Amdt. Orig.; Eff. date, 6 Nov. 65

McClure Int	LOM	Direct	2200	T-dn	300–1	300–1	200–½
Waterville VOR	LOM	Direct	2200	C-dn	500–1	500–1	500–1½
Harbor View Int	LOM	Direct	2200	S-dn-7	500–1	500–1	500–1
Gerald Int	LOM	Direct	2300	A-dn	800–2	800–2	800–2

Radar Available.
Procedure turn S side of crs, 249° Outbnd, 069° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 069°—4.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing LOM, make right-climbing turn to 2200′, proceed to Waterville VOR, hold SE Waterville VOR on R 140°, right turns, 1 minute, 320° Inbnd, or when directed by ATC, within 4.7 miles after passing LOM, make climbing left turn to 2100′, proceed to Toledo LOM, hold SW, Toledo LOM, right turns, 1 minute, 069° Inbnd.
CAUTION: Tower, 869′—1¾ miles S of LOM.
MSA within 25 miles of facility: 000°–090°—2600′; 090°–180°—2000′; 180°–270°—2100′; 270°–360°—2500′.

City, Toledo; State, Ohio; Airport name, Toledo Express; Elev., 684′; Fac. Class., LOM; Ident., TO; Procedure No. 1, Amdt. 10; Eff. date, 6 Nov. 65; Sup. Amdt. No. 9; Dated, 22 May 65

2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Mathews Int	TGE VOR (final)	Direct	2000	T–dn	300–1	300–1	200–½
				C–dn	1000–3	1000–3	1000–3
				A–dn*	NA	NA	NA

Procedure turn S side of crs, 234° Outbnd, 054° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 054°—13.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles after passing TGE VOR, turn right, climb to 2000′, proceed direct to TGE VOR, hold SW on R 243°, 1-minute right turns or, when directed by ATC, climb to 2300′ on R 054°, TGE VOR within 20 miles.
NOTE: Aircraft will not enter IFR conditions without prior approval of ATC. Contact Montgomery approach control for initial approach clearance. Pilot will close IFR flight plan with Columbus approach control or Columbus FSS on appropriate frequency when reaching VFR conditions on approach and will proceed VFR from contact point (6 miles after passing TGE VOR) to airport.
* No weather available to public.
MSA within 25 miles of facility: 000°–090°—2300′; 090°–180°—3600′; 180°–270°—3600′; 270°–360°—2100′.

City, Auburn; State, Ala.; Airport name, Auburn-Opelika; Elev., 774′; Fac. Class., BVOR; Ident., TGE; Procedure No. 1, Amdt. 3; Eff. date, 6 Nov. 65; Sup. Amdt. No. 2; Dated, 10 Apr. 65

				T–d	300–1	300–1	NA
				C–d	600–1	600–1	NA
				A–	NA	NA	NA

Procedure turn W side of crs, 010° Outbnd, 190° Inbnd, 2900′ within 10 miles.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 190°—1.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.8 miles after passing DLL VOR, make right-climbing turn to 2900′ on R 010°, hold N on R 010°.
NOTES: (1) When weather is below 1300–2, aircraft departing southeastbound, flight below 2800′ beyond 2 miles from airport is prohibited between radials 180° and 110°, inclusive of the DLL VOR due to 2287 tower, 7 miles SE of airport. (2) Night takeoffs and landings not authorized. (3) Obtain altimeter setting at Lone Rock, Wis. (4) Final approach from holding pattern at VOR not authorized. Procedure turn required.
MSA within 25 miles of the facility: 090°–090°—2100′; 090°–180°—3300′; 180°–360°—2500′.

City, Baraboo; State, Wis.; Airport name, Bell Aero Service; Elev., 980′; Fac. Class., L–BVOR; Ident., DLL; Procedure No. 1, Amdt. Orig.; Eff. date, 6 Nov. 65

				T–dn	300–1	300–1	200–½
				C–dn	500–1	500–1	500–1½
				A–dn	800–2	800–2	800–2
				If aircraft equipped to receive DME and 3-mile DME Fix, R 145° received, the following minimums apply:			
				C–dn	400–1	500–1	500–1½
				S–dn–32*	400–1	400–1	400–1

Procedure turn E side of crs, 145° Outbnd, 325° Inbnd, 3900′ within 10 miles.
Minimum altitude over facility on final approach crs, 2900′; 2600′ if 3-mile DME Fix, R 145° received.
Crs and distance, facility to airport, 325°—0.9 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.9 mile after passing BFD VOR, climb to 3400′ on R 325° within 10 miles of Bradford VOR. Make left-climbing turn, return to Bradford VOR at 4000′. Hold SE 1-minute left turns, 325° Inbnd.
NOTE: When authorized by ATC, DME may be used between R 044° clockwise to R 288° at 3900′ to position aircraft for straight-in approach via 10-mile DME Arc, with elimination of procedure turn.
*400–¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
MSA within 25 miles of facility: 000°–360°—3600′.

City, Bradford; State, Pa.; Airport name, Bradford-McKean County; Elev., 2143′; Fac. Class., L BVORTAC; Ident., BFD; Procedure No. 2, Amdt. Orig.; Eff. date, 6 Nov. 65

Crockett Int	CCR VOR	Direct	2500	T–dn	500–1	500–1	500–1
Napa VOR	CCR VOR	Direct	2500	C–d	700–1	700–1	700–1½
Bay Point Int	CCR VOR	Direct	2500	C–n	700–2	700–2	700–2
College Int	CCR VOR	Direct	3000	A–dn*	1000–2	1000–2	1000–2
Napa VOR	Port Chicago Int	Direct	2000				
Port Chicago Int	CCR VOR (final)	Direct	1000				

Radar available.
Procedure turn E side of crs, 351° Outbnd, 171° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 171°—3.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.1 miles after passing CCR VOR, make right-climbing turn, proceed direct to CCR VOR, continue climb to 2500′ on CCR VOR R 046° to Rio Int.
NOTE: Buchanan tower hours of operation 0700–2300 local. Weather service available only during periods of tower operation.
*Alternate minimums authorized only when Buchanan tower operational.
MSA within 25 miles of facility: 000°–090°—2100′; 090°–180°—4000′; 180°–270°—3200′; 270°–360°—3900′.

City, Concord; State, Calif.; Airport name, Buchanan Field; Elev., 19′; Fac. Class., T–VOR; Ident., CCR; Procedure No. 1, Amdt. Orig.; Eff. date, 6 Nov. 65

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
MYR VOR	Skipper Int (final)	Direct	800	T–dn	300–1	300–1	200–½
				C–d	800–1	800–1	800–1½
				C–n	800–2	800–2	800–2
				S–d–5*	800–1	800–1	800–1
				S–n–5*	800–2	800–2	800–2
				A–dn#	800–2	800–2	800–2
				If aircraft equipped with VOR and ADF receivers operating normally and Skipper Int received, the following minimums are authorized:			
				C–dn	400–1	500–1	500–1½
				S–dn–5	400–1	400–1	400–1

Radar available.
Procedure turn W side of crs, 241° Outbnd, 061° Inbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′; over Skipper Int, 800′.
Crs and distance, facility to airport, 061°–9.2 miles; Skipper Int to airport, 061°—4.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles after passing Skipper Int or 9.2 miles after passing MYR VOR, climb to 1600′ on R 056° of MYR VOR within 20 miles or, when directed by ATC, turn left, climb to 1600′ and proceed to MYR VOR via MYR R 061°.
NOTE: Procedure may be authorized for air carriers having approval of their arrangement for communications and weather service at this airport.
*Reduction in landing visibility not authorized.
#Alternate usage authorized for air carrier only.
MSA within 25 miles of facility: 000°–090°—1300′; 090°–180°—1400′; 180°–270°—1300′; 270°–360°—1700′.

City, Crescent Beach; State, S.C.; Airport name, Myrtle Beach; Elev., 33′; Fac. Class., BVOR; Ident., MYR; Procedure No. 1, Amdt. 6; Eff. date, 6 Nov. 65; Sup. Amdt. No. 5; Dated, 13 July 63

				T–dn	300–1	300–1	300–1
				C–d	700–1	700–1	700–1½
				C–n	700–2	700–2	700–2
				A–dn	NA	NA	NA

Procedure turn W side of crs, 001° Outbnd, 181° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 181°—9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9 miles after passing ELX VOR, make climbing right turn and return to Keeler VOR at 2300′.
NOTES: (1) Obtain altimeter setting from South Bend approach control. (2) Takeoff on Runway 14 not authorized. (3) Close flight plan with South Bend approach control by radio or long distance phone immediately upon landing.
MSA within 25 miles of facility: 000°–090°—2300′; 090°–180°—2400′; 180°–270°—2100′; 270°–360°—2000′.

City, Dowagiac; State, Mich.; Airport name, Cass County Memorial; Elev., 750′; Fac. Class., BVOR; Ident., ELX; Procedure No. 1, Amdt. Orig.; Eff. date, 6 Nov. 65

				T–dn*	300–1	300–1	300–1
				C–dn	700–1	700–1	700–1½
				S–dn–25	700–1	700–1	700–1
				A–dn	800–2	800–2	800–2
				*If 3.5 mile DME Fix is received, the following minimums apply:#			
				S–dn–25	500–1	500–1	500–1

Procedure turn S side of crs, 080° Outbnd, 260° Inbnd, 8000′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 7000′; over 3.5-mile DME Fix, 6200′.
Crs and distance, facility to airport, 252°—5.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished with 5.7 miles after passing FMN VOR, turn left, climb to 8000′ on R 243° within 15 miles of FMN VOR or, when directed by ATC, turn left, climb to 8000′ direct to FMN VOR and hold E on R 080°, left turns.
CAUTION: Terrain raises to 6000′—2-3 miles NE of airport.
*500–1 required for Runway 5.
#Authorized only for aircraft with properly operating VOR/DME, receivers.
MSA within 25 miles of facility: 000°–090°—9500′; 090°–180°—8500′; 180°–270°—8000′; 270°–360°—9500′.

City, Farmington; State, N. Mex.; Airport name, Farmington Municipal; Elev., 5503′; Fac. Class., BVORTAC; Ident., FMN; Procedure No. 2, Amdt. Orig.; Eff. date, 6 Nov. 65

				T–dn$	300–1	300–1	200–½
				C–d	500–1	500–1	500–1½
				C–n	500–2	500–2	500–2
				S–d–31¢	500–1	500–1	500–1
				S–n–31¢	500–2	500–2	500–2
				A–dn	800–2	800–2	800–2
				Following minimums apply after passing Little Swan Int:#			
				C–dn	400–1	500–1	500–1½
				S–dn–31¢	400–1	400–1	400–1

Procedure turn E side of crs, 128° Outbnd, 308° Inbnd, 2900′ within 10 miles.
Minimum altitude over facility on final approach crs, 2900′.
Crs and distance, facility to airport, 308°—3.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.1 miles after passing VOR, make right-climbing turn to 2900′ and return to the 111B VOR.
¢Reduction not authorized.
$Night takeoffs and landings authorized on Runways 13–31 only.
#Authorized only for aircraft with dual VOR receivers operating simultaneously.
MSA within 25 miles of facility: 000°–360°—3100′.

City, Hibbing; State, Minn.; Airport name, Chisholm-Hibbing; Elev., 1352′; Fac. Class., L–BVOR; Ident., HIB; Procedure No. 1, Amdt. 3; Eff. date, 6 Nov. 1965; Sup. Amdt. No. 2; Dated, 13 Feb. 65

PROCEDURE CANCELED, EFFECTIVE 6 NOV. 1965, OR UPON COMMISSIONING OF EYW VORTAC.

City, Key West; State, Fla.; Airport name, Key West International; Elev., 4′; Fac. Class., H–BVOR; Ident., EYW; Procedure No. 1, Amdt. 9; Eff. date, 19 Aug. 65; Sup. Amdt. No. 8; Dated, 18 Jan. 64

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300–1	300–1	NA
				C-dn	800–2	800–2	NA
				A-dn	NA	NA	NA

Procedure turn S side of crs, 084° Outbnd, 264° Inbnd, 1700′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach, 1700′.
Crs and distance, facility to airport, 264°—10.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 10.3 miles after passing HTM VOR, make a climbing right turn to 3000′ returning to the HTM VOR. Hold SW of HTM VOR, R 240°, right turns, 1 minute, 050° Inbnd.
MSA within 25 miles of facility: 000°–180°—1600′; 180°–270°—2200′; 270°–360°—2300′.

City, Mansfield; State, Mass.; Airport name, Mansfield Municipal; Elev., 124′; Fac. Class., L-BVOR; Ident., HTM; Procedure No. 1, Amdt. Orig.; Eff. date, 6 Nov. 65

PROCEDURE CANCELED, EFFECTIVE 6 NOV. 1965.

City, Napa; State, Calif.; Airport name, Napa County; Elev., 37′; Fac. Class., L BVORTAC; Ident., APC; Procedure No. 1, Amdt. Orig.; Eff. date, 23 Oct. 65

				T-dn#	300–1	300–1	NA
				C-dn#	700–1	700–1	NA
				S-dn	NA	NA	NA
				A-dn	NA	NA	NA

Procedure turn W side of crs, 199° Outbnd, 019° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 019°—0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.7 mile after passing PTW VOR, make left-climbing turn to 2000′, proceed direct to PTW VOR. Hold SE R 123°, 1-minute right turns.
#Lights on prior request after 2400. Runways 10–28 not lighted.
MSA within 25 miles of facility: 000°–360°—2500′.

City, Pottstown; State, Pa.; Airport name, Pottstown; Elev., 311′; Fac. Class., L-BVOR; Ident, PTW; Procedure No. 1, Amdt. Orig.; Eff. date, 6 Nov. 65

				T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				C-dn#	400–1	500–1	500–1½
				S-dn-12¢	500–1	500–1	500–1
				S-dn-12#¢	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 294° Outbnd, 114° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport, 114°—6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles after passing RFD VOR, make left turn, climb to 2500′ and proceed to RFD VOR, or, when directed by ATC, make right turn, climb to 2000′ and proceed to RF LOM.
¢Reduction not authorized.
#After passing R 184° JVL on final approach crs Inbnd from facility, these minimums authorized only if aircraft is equipped with operating dual omnireceivers.
MSA within 25 miles of facility: 090°–180°—2500′; 180°–270°—2300′; 270°–090°—2600′.

City, Rockford; State, Ill.; Airport name, Greater Rockford; Elev., 735′; Fac. Class., L-BVORTAC; Ident., RFD; Procedure No. 1, Amdt. 6; Eff. date, 6 Nov. 65; Sup. Amdt. No. 5; Dated, 20 Mar. 65

Guntown Int	TUP VOR	Direct	2000	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1¼
				S-dn-4	400–1	400–1	400–1
				A-dn*	800–2	800–2	800–2

Procedure turn S side of crs, 210° Outbnd, 030° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 030°—2.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles after passing TUP VOR, turn left, climb to 2000′, return to TUP VOR, hold SW of TUP VOR on R 210°.
*Alternate minimums authorized for air carrier only, provided such air carriers have approval of their arrangement for weather service at this airport. Weather service not available to the general public.
MSA within 25 miles of facility: 000°–360°—1900′.

City, Tupelo; State, Miss.; Airport name, Tupelo Municipal; Elev., 361′; Fac. Class., BVOR; Ident., TUP, Procedure No. 1, Amdt. Orig.; Eff. date, 6 Nov. 65

3. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Chaffee Int	CGI VOR	Direct	1800	T-dn¢‡#	300–1	300–1	300–1
Gale Int	CGI VOR	Direct	1800	C-dn	700–1	700–1	700–1½
				S-dn-2	700–1	700–1	700–1
				A-dn	800–2	800–2	800–2

Procedure turn W side of crs, 192° Outbnd, 012° Inbnd, 1800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1042′.
Facility on airport, breakoff point to runway, 018°—0.9 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing CGI VOR, make right turn, climbing to 1800′ on R 192° within 10 miles, turn right and return to CGI VOR.
NOTE: 2487′ tower, 12.3 miles N of airport.
‡Reduction not authorized.
¢When instrument flight planned to NW or N shuttle in holding pattern, depart CGI VOR no less than 1700′ climbing on crs.
MSA within 25 miles of facility: 045°–135°—2300′; 135°–225°—1900′; 225°–315°—1900′; 315°–045°—3500′.

City, Cape Girardeau; State, Mo.; Airport name, Cape Girardeau Municipal; Elev., 342′; Fac. Class., L-BVOR; Ident., CGI; Procedure No. TerVOR-2, Amdt. Orig., Eff. date, 6 Nov. 65

Chaffee Int	CGI VOR	Direct	3000	T-dn¢‡#	300–1	300–1	300–1
Gale Int	CGI VOR	Direct	3000	C-dn	700–1	700–1	700–1½
				A-dn	800–2	800–2	800–2

Procedure turn E side of crs, 032° Outbnd, 212° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1042′.
Facility on airport breakoff point to runway, 198°—0.4 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing CGI VOR climb to 1800′ on R 192° within 10 miles, turn right and return to CGI VOR. Hold on CGI R 192°, left turns, 1-minute pattern.
NOTE: 2487′ tower, 12.3 miles N of airport.
‡Reduction not authorized.
¢When instrument flight planned to NW of N shuttle in holding pattern, depart CGI VOR no less than 1700′ climbing on crs.
MSA within 25 miles of facility: 045°–135°—2300′; 135°–225°—1900′; 225°–315°—1900′; 315°–045°—3500′.

City, Cape Girardeau; State, Mo.; Airport name, Cape Girardeau Municipal; Elev., 342′; Fac. Class., L-BVOR; Ident., CGI; Procedure No. TerVOR-20, Amdt. Orig.; Eff. date, 6 Nov. 65

Lolall Int	PAE VOR	Direct	1700	T-dn#	300–1	300–1	200–½
PAE RBn	PAE VOR (final)	Direct	1100	C-dn	600–2	600–2	600–2
				S-dn-16	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Radar available.
Procedure turn E side crs, 334° Outbnd, 154° Inbnd, 1700′ within 10 miles of PAE VOR.
Minimum altitude over facility on final approach crs, 1100′.
PAE VOR on airport. Crs and distance, breakoff point to approach end of Runway 16, 158°—1 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of PAE VOR, turn right, climb to 2000′ on R 275° within 10 miles.
CAUTION: Numerous jet aircraft activities from airport and in immediate surrounding area.
Other change: Deletes transition from Bainbridge Int.
#Takeoff minimums 200–½ authorized only for Runways 16 and 34.
MSA within 25 miles of facility. 000°–090°—7100′; 090°–180°—6200′; 180°–270°—4800′; 270°–360°—4000′.

City, Everett; State, Wash.; Airport name, Paine Field, Elev., 603′; Fac. Class., VOR; Ident., PAE; Procedure No. VOR 16, Amdt. 3; Eff. date, 6 Nov. 65; Sup. Amdt. No. 2; Dated, 25 Sept. 65

GRI VOR	HSI VOR	Direct	3700	T-dn	300–1	300–1	300–1
				Minimums when control zone effective:			
				C-dn*	600–1	600–1	600–1½
				S-dn-14*	600–1	600–1	600–1
				A-dn*	800–2	800–2	800–2
				Following minimums authorized when Hansen Int identified:#			
				C-dn*	400–1	500–1	500–1½
				S-dn-14*	400–1	400–1	400–1
				Minimums when control zone not effective:			
				C-dn	700–1	700–1	700–1½
				S-dn-14	700–1	700–1	700–1
				Following minimums authorized when Hansen Int identified:#			
				C-dn	500–1	600–1	600–1½
				S-dn-14	500–1	500–1	500–1

Procedure turn W side of crs, 328° Outbnd, 148° Inbnd, 3700′ within 15 miles.
Minimum altitude over Hansen Int on final approach crs, 2654′.
Crs and distance, Hansen Int to airport, 148°—5 miles; Hansen Int to VOR, 148°—5.2 miles; breakoff point to Runway 14, 141°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing HSI VOR, climb to 3700′ on R 148° within 15 miles, make right turn and return to HSI VOR.
NOTES: (1) Altimeter setting from GRI FSS during hours control zone not effective. (2) When instrument flight planned to N, NW, or NE, maintain runway heading, 140°–320° (as appropriate) until reaching 3700′ before departing on crs. (3) Lights operating on Runways 14–32 only.
CAUTION: 2707′ tower, 2.8 miles NNE of airport.
*These minimums apply at all times for those air carriers with approved weather reporting service.
#Operating VOR and ADF receivers required to identify Hansen Int.
MSA within 25 miles of facility: 315°–225°—3700′; 225°–315°—4200′.

City, Hastings; State, Nebr.; Airport name, Hastings Municipal; Elev., 1954′; Fac. Class., T-BVOR; Ident., HSI; Procedure No. Ter VOR, Amdt. 4; Eff. date, 6 Nov. 65; Sup. Amdt. No. 3; Dated, 25 Sept. 65

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

From—	To—	Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums: 2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
GRI VOR	HSI VOR	Direct	3700	T-dn	300–1	300–1	300–1
				C-dn	700–1	700–1	700–1½
				S-dn-32	700–1	700–1	700–1
				A-dn*	800–2	800–2	800–2

Procedure turn E side of crs, 135° Outbnd, 315° Inbnd, 3700′ within 10 miles.
Minimum altitude over facility on final approach crs, 2654′.
Facility on airport, breakoff point to Runway 32, 321°—1 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing HSI VOR, climb to 3700′ on R 328° within 15 miles, make left turn and return to HSI VOR.
NOTES: (1) Altimeter setting from GRI FSS during hours control zone not effective. (2) When instrument flight planned to N, NW, or NE, maintain runway heading, 140°–320° (as appropriate) until reaching 3700′ before departing crs. (3) Lights operating on Runways 14–32 only.
CAUTION: 2707′ tower, 2.8 miles NNE of airport.
*These minimums apply at all times for those air carriers with approved weather reporting service. MSA within 25 miles of facility: 315°–225°—3700′; 225°–315°—4200′.

City, Hastings; State, Nebr.; Airport name, Hastings Municipal; Elev., 1954′; Fac. Class., T-BVOR; Ident., HSI; Procedure No. TerVOR-32, Amdt. 3; Eff. date, 6 Nov. 65; Sup. Amdt. No. 2; Dated, 25 Sept. 65

LGB VOR	Sail Int	Direct	2500	T-dn*	300–1	300–1	200–½
OCN VOR	Sail Int	Direct	4000	C-dn	500–1	500–1	500–1½
Sail Int	Newport Int (final)	Direct	1500	S-dn-1 L	500–1	500–1	500–1
ONT VOR	SNA VOR	Direct	5000	A-dn*	800–2	800–2	800–2
Int LAX, R 123° and SNA VOR, R 199°	Sail Int	Direct	2500				

Radar available.
Procedure turn S side of crs, 199° Outbnd, 019° Inbnd, 2500′ within 10 miles of Newport Int.
Minimum altitude over Newport Int on final approach crs, 1500′.
Crs and distance, Newport Int to airport, 019°—4.5 miles; breakoff to Runway 1L, 013°—0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of SNA VOR, turn left and climb to 2000′ on R 199° to Newport Int.
% Eastbound (020° thru 189°) IFR departures. Takeoffs all runways: Unless otherwise directed by ATC, the following departure procedure is recommended to insure adequate terrain and obstruction clearance. Climb via SNA VOR, R 199° to 2000′, then via assigned route. Westbound (190° thru 020°) on crs climb approved.
*Weather service 0600 to 2200.
MSA within 25 miles of facility: 045°–135°—6700′; 135°–225°—2100′; 225°–315°—2500′; 315°–045°—5200′.

City, Santa Ana; State, Calif.; Airport name, Orange County; Elev., 53′; Fac. Class., L-VOR; Ident., SNA; Procedure No. VOR 1L, Amdt. 1; Eff. date, 6 Nov. 65; Sup. Amdt. No. Orig.; Dated, 16 Oct. 65

PROCEDURE CANCELED, EFFECTIVE 6 NOV. 1965.

City, Tupelo; State, Miss.; Airport name, Tupelo Municipal; Elev., 361′; Fac. Class., BVOR; Ident., TUP; Procedure No. TerVOR-4, Amdt. Orig.; Eff. date, 22 Aug. 63

4. By amending the following very high frequency omnirange—distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

From—	To—	Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums: 2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
FML VOR	CLT VOR	Direct	2300	T-dn	300–1	300–1	200–½
Bradley Int	CLT VOR	Direct	2900	C-dn	1000–1	1000–1	1000–1½
Weddington Int	CLT VOR	Direct	2300	A-dn	1000–2	1000–2	1000–2
Bethany Int	CLT VOR	Direct	2300	If aircraft equipped with VOR/DME and Railroad 4-mile DME Fix received, the following minimums apply: *			
Waco Int	CLT VOR	Direct	2900				
Stanley Int	CLT VOR	Direct	2900				
Mount Holly Int	Railroad DME or Radar Fix 4 miles (final).	Direct	1800	C-dn	600–1	600–1	600–1½
				S-dn-18%‡	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2
				Radar may be used in lieu of DME at 4 miles.*			

Radar available.
Procedure turn W side of crs, 005° Outbnd, 185° Inbnd, 2300′ within 10 miles.
Minimum altitude over Railroad 4-mile DME or Radar Fix on final approach crs, 1800′.
Crs and distance, Railroad 4-mile DME or Radar Fix to breakoff point, 185°—3.1 miles; breakoff point to runway, 178°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of CLT VOR, climb to 2300′ on R 007° to FML VOR or, when directed by ATC, climb to 2900′, proceed to York Int, via R 239° CLT VOR.
% Reduction in landing visibility not authorized.
MSA within 25 miles of facility: 000°–090°—3000′; 090°–180°—2300′ 180°–270°—2800′; 270°–360°—2900′.

City, Charlotte; State, N.C.; Airport name, Douglas Municipal; Elev., 748′; Fac. Class., L-BVORTAC; Ident., CLT; Procedure No. VOR/DME No. 1, Amdt. 2; Eff. date, 6 Nov. 65; Sup. Amdt. No. 1; Dated, 17 July 65

VOR-DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

From—	To—	Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums: 2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Somerton Int	16-miles DME Fix, R 102°	16-mile Arc direct	1600	T-dn	300–1	300–1	200–½
16-miles DME Fix, R 102°	6-miles DME Fix (final)	Direct	1600	C-dn	500–1	500–1	500–1½
				S-dn-27	400–1	400–1	400–1
				A-dn	NA	NA	NA

Procedure turn not authorized.
Minimum altitude over 11-miles DME Fix on final approach crs, 1600′; over 6-miles DME fix (final), 437′.
Crs and distance, 11-miles DME Fix to 6-miles DME Fix, 282°—5 miles; breakoff point to runway, 269°—0.9 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 6-miles DME Fix, climb to 2800′ direct to FKN VORTAC. Hold W on R 287°, 1-minute right turns.
NOTES: (1) Instrument takeoff not authorized from Runway 22. (2) Right turns after takeoff from Runway 14 not authorized.
CAUTION: 277′ smokestack, 0.9 mile SW of airport; 268′ antenna, 1.7 mile W of airport.
MSA within 25 miles of facility: 000°–090°—2100′; 090°–360°—1500′.

City, Franklin; State, Va.; Airport name, John Beverly Rose Field/Franklin Municipal; Elev., 37′; Fac. Class., BVORTAC Ident. FKN, Procedure No. VOR DME 1 Amdt. Orig.; Eff. date, 6 Nov. 65

Key West RBn	Key West VORTAC	Direct	1500	T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				A-dn	800–2	800–2	800–2

Procedure turn W side of crs, 307° Outbnd, 127° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 500′.
Crs and distance, facility to airport, 127°—2.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.8 miles after passing EYW VORTAC, turn left, climb to 1500′ on R 060° within 20 miles of EYW VOR.
NOTES: (1) FAA control tower not operating on 24-hour basis. (2) When authorized by ATC, Key West DME 8-mile orbit may be used from R 040° counter clockwise through R 307° at 1500′ in order to position aircraft for an approach with the elimination of the procedure turn.
MSA within 25 miles of facility: 000°–360°—1400′.

City, Key West, State, Fla.; Airport name, Key West International; Elev., 4′; Fac. Class., H-BVORTAC; Ident., EYW, Procedure No. VOR/DME 1, Amdt. Orig.; Eff. date 6 Nov. 65, or upon commissioning of EYW VORTAC

10-mile DME Fix, R 294°	0-mile DME Fix	Direct	2500	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-12c	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 294° Outbnd, 114° Inbnd, 2500′ within 10 miles.
Minimum altitude over 3-mile DME Fix, R 114° on final approach crs, 1200′.
Crs and distance, 3-mile DME Fix, R 114° to airport, 114°—3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 6-mile DME Fix, R 114°, make left turn, climb to 2500′ and proceed to RFD VOR, or when directed by ATC, make right turn, climb to 2000′ and proceed to RF LOM.
NOTE: When authorized by ATC, RFD DME may be used to position aircraft for straight-in approach at 2500′ between R 234° clockwise to R 012° via 6-mile DME Arc with the elimination of procedure turn.
‡Reduction not authorized.
MSA within 25 miles of facility: 090°–180°—2500′; 180°–270°—2300′; 270°–090°—2900′.

City, Rockford; State, Ill.; Airport name, Greater Rockford, Elev., 735′; Fac. Class., L-BVORTAC; Ident., RFD, Procedure No. VOR DME No. 1, Amdt. 4; Eff. date, 6 Nov. 65; Sup. Amdt. No. 3; Dated, 20 Mar. 65

5. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

From—	To—	Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums: 2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Lofall Int	PAE LOM	Direct	3000	T-dn‡	300–1	300–1	200–½
PAE VOR	PAE LOM	Direct	3000	C-dn	600–2	600–2	600–2
				S-dn-16*	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2

Radar available.
Procedure turn E side of crs, 338° Outbnd, 158° Inbnd, 3000′ within 10 miles of PAE LOM.
Minimum altitude at glide slope interception Inbnd, 2700′.
Altitude of glide slope and distance to approach end of runway at OM, 2692′—7.9 miles; at MM, 765′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.9 miles after passing PAE LOM, turn right, climb to 2000′ on R 275° of PAE VOR within 10 miles, or when directed by ATC, turn right, climb to 3000′, direct PAE LOM.
NOTE: Localizer usable only 60° on either side of front crs. False crs indications possible in other areas.
CAUTION: Numerous jet aircraft activities from airport and in immediate surrounding area.
Other change: Deletes transition from Bainbridge LF Int.
‡Takeoff minimums 200–½ authorized only for Runways 16 and 34.
*400–1 required when glide slope not used. 400–¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights. 400–½ authorized, except for 4-engine turbojet aircraft, with operative ALS.

City, Everett; State, Wash.; Airport name, Paine Field; Elev., 603′; Fac. Class., ILS; Ident., I-PAE; Procedure No. ILS-16, Amdt. 6; Eff. date, 6 Nov. 65; Sup. Amdt. No. 5; Dated, 7 Aug. 65

6. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
320° clockwise	160°	0–15	2000	Surveillance approach			
160° clockwise	320°	0–15	#2400				
360° clockwise	180°	15–30	2000	T–dn*	500–1	500–1	500–1
180° clockwise	270°	15–30	2400	C–dn	600–1	600–1	600–1½
270° clockwise	360°	15–30	2700	S–dn–15, 33, 25	600–1	600–1	600–1
				A–dn	800–2	800–2	800–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runway 33: Climb to 2700' and proceed direct to MDS RBn. Runway 25: Make right-climbing turn and proceed direct to MDS RBn at 2700'. Runway 15: Climb to 2000' and proceed direct to QG LFR.

AIR CARRIER NOTE: Sliding scale not authorized.

#300–1 takeoff authorized Runway 33 only.

$2800' within 3 miles of four 1737', 1738', 1749', and 1753' towers, NW of airport; 2100' within 3 miles of 1069' tower, 6 miles NW of airport.

City, Detroit State, Mich.; Airport name, Detroit City; Elev., 626'; Fac. Class., and Ident., Detrol. City Radar; Procedure No. 1, Amdt. 1; Eff. date, 11 Nov. 65; Sup. Amdt. No. Orig.; Dated, 31 July 65

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on September 30, 1965.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 65–10648; Filed, Nov. 26, 1965; 8:45 a.m.]

[Reg. Docket No. 6965; Amdt. 451]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following low or medium frequency range procedures prescribed in § 97.11(a) to read:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition		Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums			
From—	To—			Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T–dn	300–1	300–1	200–1½
				C–dn	700–1	700–1	700–1½
				S–dn	NA	NA	NA
				A–dn	NA	NA	NA

Procedure turn N side of E crs, 055° Outbnd, 265° Inbnd, 1600' within 10 miles beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 900'.
Crs and distance, facility to airport, 092°—1.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of SKW LFR, turn left, climb to 4200' on E Crs within 25 miles.
NOTE: Communications remoted to ANC FSS.
CAUTION: 2000' terrain, 5 miles and 3842' terrain, 10 miles N of airport.
MSA within 25 miles of facility: N, 6000'; E, 3000'; S, 5700'; W, 7500'.

City, Skwentna; State, Alaska; Airport name, Skwentna; Elev., 248'; Fac. Class., SBRAZ; Ident., SKW; Procedure No. 1, Amdt. Orig.; Eff. date, 13 Nov. 65

2. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition		Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums			
From—	To—			Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
BEL AIR via V157,166	Craigtown Int	Direct	2000	T–dn	300–1	300–1	200–1½
BEL AIR	APG RBn	Direct	2000	C–dn	500–1	500–1	500–1½
Jarrettsville Int	APG RBn	Direct	2000	S–dn	NA	NA	NA
				A–dn	800–2	800–2	800–2

Procedure turn W side of crs, 037° Outbnd, 217° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1100'.
Crs and distance, facility to airport, 217°—1.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.8 miles after passing APG RBn, make right turn, climb to 1000' on crs, 355°, proceed direct to APG RBn climbing to 2000'. Hold NE, 217° bearing Inbnd APG RBn, 1-minute right turns, 2000'.
NOTES: (1) Procedure turn not required if Craigtown Int received. (2) Authorized for military use only, except by prior arrangement.
CAUTION: Magnetic disturbance of as much as 8° exists at sea level in maneuvering areas S of APG RBn.
MSA within 25 miles of facility: 090°–180°—1300'; 180°–090°—2000'.

City, Aberdeen; State, Md.; Airport name, Phillips AAF; Elev., 57'; Fac. Class., MHWZ; Ident., APG; Procedure No. 1, Amdt. 1; Eff. date, 13 Nov. 65; Sup. Amdt. No. Orig.; Dated, 2 Jan. 65

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Wolcottsville Int	LOM	Direct	2100	T-dn	300–1	300–1	200–½
Buffalo VOR	LOM	Direct	1900	C-dn	400–1	500–1	500–1½
				S-dn-23	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar available.
Procedure turn N side of crs, 052° Outbnd, 232° Inbnd, 1900′ within 10 miles.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 232°—3.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles after passing LOM, climb to 2500′ on 232° crs from LOM, intercept BUF VOR, R 250°, proceed to Crystal Beach Int. Hold W, right turns, 1 minute, 070° Inbnd, or when directed by ATC, climb to 2000′ on 232° crs from LOM, within 10 miles, make left turn, proceed direct to B U LOM. Hold NE, BU LOM, right turns, 1 minute, 232° Inbnd.
Other change: Deletes transition from Buffalo MHW.
MSA within 25 miles of facility: 000°–090°—2200′; 090°–180°—3900′; 180°–360°—2400′.

City, Buffalo; State, N.Y.; Airport name, Greater Buffalo International; Elev., 719′; Fac. Class., LOM; Ident., BU; Procedure No. 1, Amdt. 4; Eff. date, 13 Nov. 65; Sup. Amdt. No. 3; Dated, 18 Aug. 62

Grand Island Int	GB LOM	Direct	2400	T-dn	300–1	300–1	200–½
Buffalo VOR	GB LOM	Direct	2400	C-dn	400–1	500–1	500–1½
Crystal Beach Int	GB LOM (final)	Via BUF VOR R 250° and 232° bearing from GB LOM via BU LOM.	*1500	S-dn-5	400–1	400–1	400–1
Wolcottsville Int	GB LOM		2400	A-dn	800–2	800–2	800–2

Radar available.
Procedure turn S side of SW crs, 232° Outbnd, 052° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing GB LOM, make left-climbing turn to 2400′; intercept and proceed Outbnd on Buffalo VOR, R 302° to Grand Island Int. Hold NW, 1-minute right turns, 122° Inbnd or when directed by ATC, climb to 2000′ on 052° crs, proceed to BU LOM. Hold NE, BU LOM, 1-minute right turns, 232° Inbnd.
*Maintain 2400′ until established on 232° bearing from GB LOM.
MSA within 25 miles of facility: 000°–090°—2200′; 090°–180°—3900′; 180°–360°—2400′.

City, Buffalo; State, N.Y.; Airport name, Greater Buffalo International; Elev., 719′; Fac. Class., LOM; Ident., GB; Procedure No. 2, Amdt. Orl .; Eff. date, 13 Nov .65

PROCEDURE CANCELED, EFFECTIVE 13 NOV. 1965.

City, Buffalo; State, N.Y.; Airport name, Greater Buffalo International; Elev., 711′; Fac. Class., MHW; Ident., BUF; Procedure No. 2, Amdt. 2; Eff. date, 23 June 62; Sup. Amdt. No. 1; Dated, 7 Oct. 61

PROCEDURE CANCELED, EFFECTIVE 13 NOV. 1965.

City, Buffalo; State, N.Y.; Airport name, Greater Buffalo International; Elev., 711′; Fac. Class., MHW; Ident., BUF; Procedure No. 3, Amdt. 3; Eff. date, 26 Oct. 63; Sup. Amdt. No. 2; Dated, 7 July 62

PROCEDURE CANCELED, EFFECTIVE 11 NOV. 1965.

City, Cut Bank; State, Mont.; Airport name, Cut Bank; Elev., 3854′; Fac. Class., BH; Ident., CTB; Procedure No. 1, Amdt. 1; Eff. date, 21 Sept. 63; Sup. Amdt. No. Orig.; Dated, 16 Feb. 63

PROCEDURE CANCELED, EFFECTIVE 11 NOV. 1965.

City, Dillon; State, Mont.; Airport name, Dillon; Elev., 5238′; Fac. Class., BH; Ident., DLN; Procedure No. 1, Amdt. 1; Eff. date, 19 Dec. 64; Sup. Amdt. No. Orig.; Dated 13 July 63

Fayetteville VOR	FBG RBn	Direct	2000	T-dn	300–1	300–1	200–½
Pope VOR	FBG RBn	Direct	2000	C-dn	400–1	500–1	500–1½
Pope HW	FBG RBn	Direct	2000	S-dn-27	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar available.
Procedure turn N side of crs, 090° Outbnd, 270° Inbnd, 1700′ within 10 miles.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 270°—5.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing FBG RBn, turn left, climb to 2000′, proceeding direct to FBG RBn.
NOTE: Authorized for military use only, except by prior arrangement.
MSA within 25 miles of facility: 000°–180°—1500′; 180°–270°—1700′; 270°–360°—1800′.

City, Fort Bragg; State, N.C.; Airport name, Simmons AAF; Elev., 235′; Fac. Class., MH; Ident., FBG; Procedure No. 1, Amdt. Orig.; Eff. date, 13 Nov. 65

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Paterson RBn	TEB LMM	Direct	2000	T-dn	300–1	300–1	200–½
TEB LMM	AR LOM (final)	Direct	2000	C-dn*	900–1	900–1	900–1½
				S-dn-22	900–1	900–1	900–1
				A-dn	1000–2	1000–2	1000–2
				The following minimums apply to turbojet aircraft when circling west of Runways 4/22 centerlines extended.*			
				C-dn*	9000–2	900–2	900–2

Radar available.
Procedure turn W side of crs, 037° Outbnd, 217° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 217°—5.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing LOM, climb to 2000′ on crs, 217°, make right turn, proceed direct to Chatham RBn, hold NE, 1-minute right turns, Inbnd crs, 241°.
CAUTION: Building, 598′—2.2 miles N of airport.
MSA within 25 miles of facility: 000°–090°—2000′; 090°–180°—2600′; 180°–270°—1600′; 270°–360°—2100′.

City, Newark; State, N.J.; Airport name, Newark; Elev., 18′; Fac. Class., LOM; Ident., AR; Procedure No. 2, Amdt. 5; Eff. date, 13 Nov. 65; Sup. Amdt. No. 4; Dated, 10 Oct. 64

PROCEDURE CANCELED, EFFECTIVE 11 NOV. 1965.

City, Pierre; State, S. Dak.; Airport name, Pierre Municipal; Elev., 1742′; Fac. Class., SBH; Ident PIR; Procedure No. 1, Amdt. 1; Eff. date, 29 Feb. 64; Sup. Amdt. No. Orig.; Dated, 26 Oct. 63

3. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
AEX VOR	ESF VOR	Direct	1700	T-dn	300–1	300–1	200–½
AEX RBn	ESF VOR	Direct	1700	C-dn	400–1	500–1	500–1½
Boyce Int	ESF VOR	Direct	1700	S-dn-32	400–1	400–1	400–1
Larto Int	ESF VOR	Direct	2000	A-dn	800–2	800–2	800–2
V-114	Marks Int	AEX 119/ESF-148	1700				
Marks Int	Cox Int (final)	Direct	1300				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 148° Outbnd, 328° Inbnd, 1600′ within 10 miles of Cox Int.
Minimum altitude over Cox Int on final approach crs, 1300′.
Crs and distance, Cox Int to airport, 328°—4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 miles after passing Cox Int, climb to 1700′ and proceed to ESF VOR. Hold NW on ESF, R 331° left turns.
MSA within 25 miles of the facility: 000°–090°—1400′; 090°–180°—1400′; 180°–270°—2700′; 270°–360°—1500′.

City, Alexandria; State, La.; Airport name, Esler Field; Elev., 105′; Fac. Class., L-BVOR; Ident., ESF; Procedure No. 2, Amdt. 4; Eff. date, 13 Nov. 65; Sup. Amdt. No. 3; Dated, 30 Oct. 65

Sharon Int	Strongsville VOR	Direct	3000	T-dn	300–1	300–1	200–½
CLE VOR	Strongsville VOR	Direct	3000	C-dn	400–1	500–1	500–1½
Vermilion Int	Strongsville VOR	Direct	3000	S-dn-36L*	400–1	400–1	400–1
Mentor Int	Strongsville VOR	Direct	3000	A-dn	800–2	800–2	800–2
Brunswick Int	Strongsville VOR (final)	Direct	2200				
CLE RBn	Strongsville VOR	Direct	3000				

Radar available.
Procedure turn E side of crs, 196° Outbnd, 016° Inbnd, 3000′ within 10 miles of STG VOR.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 016°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing STG VOR, make left-climbing turn to 3000′ direct to CLE VOR, hold SW, 1-minute right turns, 069° Inbnd.
*400–3, authorized, except for 4-engine turbojet aircraft, with operative REIL.
MSA within 25 miles of facility: 000°–090°—3000′; 090°–180°—2800′; 180°–270°—2300′; 270°–360°—2100′.
CAUTION: TV towers approximately 1970′ approximately 6 miles ESE of airport.

City, Cleveland; State, Ohio; Airport name, Cleveland Hopkins; Elev., 792′; Fac. Class., BVOR; Ident., STG; Procedure No. 1, Amdt. 6; Eff. date, 13 Nov. 65; Sup. Amdt. No. 5; Dated, 29 Feb. 64

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-31	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn E side of crs, 131° Outbnd, 311° Inbnd, 5700′ within 10 miles.
Minimum altitude over facility on final approach crs, 4600′.
Crs and distance, facility to airport, 311°—2.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.4 miles after passing CTB VOR, make left turn and proceed to the CTB VOR, climbing to 5700′.
NOTE: Final approach from holding pattern at VOR not authorized. Procedure turn required.
Other change: Deletes transition from CTB RBn.
MSA within 25 miles of facility: 060°–360°—5700′.

City, Cut Bank; State, Mont.; Airport name, Cut Bank; Elev., 3654′; Fac. Class., L–BVOR; Ident., CTB; Procedure No. 1, Amdt. 5; Eff. date, 11 Nov. 65; Sup. Amdt. No. 4, Dated, 21 Sept. 63

PROCEDURE CANCELED, EFFECTIVE 11 NOV. 1965.

City, Douglas; State, Ariz.; Airport name, Bisbee-Douglas International; Elev., 4158′; Fac. Class., L–BVOR; Ident., DUG; Procedure No. 1, Amdt. 9; Eff. date, 4 Apr. 64; Sup. Amdt. No. 8; Dated, 21 July 62

				T-dn*	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				A-dn	800–2	800–2	800–2

Procedure turn W side of crs, 007° Outbnd, 187° Inbnd, 2800′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 187°—2.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.1 miles after passing EAU VOR, climb to 2800′ on R 254° within 10 miles.
NOTE: Final approach from holding pattern at the VOR not authorized. Procedure turn required.
*When weather is less than 1000–1, aircraft departing Runway 14, make left-climbing turn to 2000′ on R 103° EAU VOR and aircraft departing Runway 22, make right-climbing turn to 2000′ on R 235° prior to departing southbound due to 1350′ tower, 2.2 miles SE and 1847′ tower, 3.6 miles SSE of airport.
MSA within 25 miles of facility: 000°–090°—2500′; 090°–180°—3600′; 180°–270°—2500′; 270°–360°—2800′.

City, Eau Claire; State, Wis.; Airport name, Eau Claire Municipal; Elev., 888′; Fac. Class., BVOR; Ident., EAU; Procedure No. 1, Amdt. 11; Eff. date, 13 Nov. 65; Sup. Amdt. No. 10; Dated, 19 Dec. 64

				T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn	NA	NA	NA
				A-dn	800–2	800–2	800–2

Procedure turn N side of crs, 076° Outbnd, 256° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 254°—0.9 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.9 mile after passing OTZ VOR, turn left, climb to 1500′ on R 187° within 15 miles.
CAUTION: Radio towers to 161′—1.1 miles N of airport. All maneuvering for circling approach to be conducted S of airport.

City, Kotzebue; State, Alaska; Airport name, Ralph Wien Memorial; Elev., 10′; Fac. Class., LBVOR; Ident., OTZ; Procedure No. 1, Amdt. Orig.; Eff. date, 13 Nov. 65

				T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn	NA	NA	NA
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 259° Outbnd, 079° Inbnd, 1500′ within 10 miles.
Descend to 500′ immediately after completion of procedure turn.
Crs and distance, facility to airport, 254°—0.9 mile.
If visual contact not established upon descent to 500′, climb straight ahead, cross OTZ VOR at or above 700′, continue climb to 1500′ on R 111° within 15 miles.
CAUTION: Radio towers to 161′—1.1 miles N of airport. All maneuvering for circling approach to be conducted S of airport. Obstruction clearance not provided below 700′ on final approach.

City, Kotzebue; State, Alaska; Airport name, Ralph Wien Memorial; Elev., 10′; Fac. Class., LBVOR; Ident., OTZ; Procedure No. 2, Amdt. Orig.; Eff. date, 13 Nov. 65

Midland LOM	MAF VOR	Direct	4500	T-dn	300–1	300–1	*200–½
Tarzan Int	MAF VOR	Direct	4400	C-dn	400–1	500–1	500–1½
				S-dn-16R	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn E side of crs, 001° Outbnd, 181° Inbnd, 4400′ within 10 miles. Nonstandard due to ATC requirements.
All turns to be made on E side of crs.
Minimum altitude over facility on final approach crs, 3900′.
Crs and distance, facility to airport, 181°—3.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 miles after passing MAF VOR, climb to 4500′ on R 150° within 20 miles.
*300–1 required on Runways 16L and 34R.
MSA within 25 miles of facility: 000°–180°—4300′; 180°–360°—5100′.

City, Midland; State, Tex.; Airport name, Midland Air Terminal; Elev., 2870; Fac. Class., BVOR; Ident., MAF; Procedure No. 1, Amdt. 13; Eff. date, 13 Nov. 65; Sup. Amdt. No. 12; Dated, 2 Feb. 63

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-d	300–1	300–1	NA
				T-n	NA	NA	NA
				C-d	600–1	600–1	NA
				C-n	NA	NA	NA
				A-dn	NA	NA	NA

Procedure turn W side of crs, 327° Outbnd, 147° Inbnd, 1700′ within 10 miles.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 147°—2.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.6 miles after passing PCU VOR, climb to 1700′, turn right and return direct to PCU VOR. Hold NW on R 327°, 147° Inbnd, 1-minute right turns.
NOTES: (1) No weather service available at this airport. (2) Flight plan must be closed with MSY FSS when visual contact established.
MSA within 25 miles of facility: 000°–360°—1700′.

City, Pleayune; State, Miss.; Airport name, Pleayune Municipal; Elev., 60′; Fac. Class., BVOR; Ident., PCU; Procedure No. 1, Amdt. 4; Eff. date, 13 Nov. 65; Sup. Amdt. No. 3; Dated, 5 Dec. 64

				T-dn*	300–1	300–1	200–½
				C-d	400–1	500–1	500–1½
				C-n	400–1½	500–1¾	500–2
				S-dn-25	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn N side of crs, 076° Outbnd, 256° Inbnd, 3500′ within 10 miles.
Minimum altitude over facility on final approach crs, 3200′.
Crs and distance, facility to airport, 256°—4.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing PIR VOR, climb to 4000′ on R 242°, PIR VOR within 20 miles.
Other change: Deletes transition from PIR RBn.
*When weather is less than 400–1, aircraft taking off NW, make left-climbing turn to 2500′ on R 242° prior to departing on crs.
MSA within 25 miles of facility: 000°–360°—3400′.

City, Pierre; State, S. Dak.; Airport name, Pierre Municipal; Elev., 1742′; Fac. Class., L–BVOR; Ident., PIR; Procedure No. 1, Amdt. 7; Eff. date, 11 Nov. 65; Sup. Amdt. No. 6; Dated, 29 Feb. 64

N Philadelphia VOR	ARD VOR	Direct	2000	T-dn	300–1	300–1	200–½
Warrington Int	Richboro Int	Via radar vector	2500	C-dn	600–1	600–1	600–1½
Richboro Int	ARD VOR (final)	Direct	1400	A-dn	800–2	800–2	800–2

Radar available.
Procedure turn N side of crs, 261° Outbnd, 081° Inbnd, 2000′ within 10 miles. (Not authorized beyond 10 miles due to reception.)
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 081°—4.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing ARD VOR, make a left-climbing turn to 2000′ and return to ARD VOR. Hold E, R 109°, 1-minute right turns.
Other change: Deletes transition from Navy Willow Grove RBn and N Philadelphia RBn, and Hi-Line Int.
MSA within 25 miles of facility: 000°–090°—1800′; 090°–180°—1500′; 180°–270°—2400′; 270°–360°—2000′.

City, Trenton; State, N.J.; Airport name, Mercer County; Elev., 213′; Fac. Class., BVORTAC; Ident., ARD; Procedure No. 1, Amdt. 4; Eff. date, 13 Nov. 65; Sup. Amdt. No. 3; Dated, 1 Aug. 64

Robles Int	TUS RBn/Z (final)	Direct	5000	T-dn℅	300–1	300–1	200–½
TUS RBn/Z	Mission FM (final)	Direct	4200	C-dn	500–1	500–1	500–1½
				A-dn	800–2	800–2	800–2

Radar available.
Procedure turn# N side of crs, 260° Outbnd, 080° Inbnd, 5000′ within 10 miles of RBn/Z.
Minimum altitude over TUS RBn/Z on final approach crs, 5000′; over Mission* FM, 4200′.
Crs and distance, TUS RBn/Z to airport, 080°—10.6 miles; Mission FM to airport, 080°—3.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing Mission FM, turn right, climb via R 260° to cross TUS RBn/Z, minimum 5000′ or, when directed by ATC, climb directly to VOR, turn right, and continue climb Outbnd via R 230° to intercept the 144° bearing from TUS RBn, minimum 6000′, then proceed direct to TUS RBn/Z; or, climb to the VOR, turn left, climb via R 303° to Cortaro Int, minimum, 6000′, then direct to TUS RBn/Z.
NOTE: Final approach from holding pattern at TUS RBn/Z not authorized. Procedure turn required.
CAUTION: 2850′ terrain, 1.8 miles SW of airport.
*If Mission FM not received, descent below 4200′ not authorized and minimums become 1600–2.
#Procedure turn N of crs, traffic restrictions S.
℅All directions (except V–16 and V–105 westbound) IFR departures: Unless otherwise directed by ATC to insure adequate terrain and obstruction clearance, published SID's should be used.
MSA within 25 miles of facility: 000°–090°—9800′; 090°–180°—10,300′; 180°–270°—9600′; 270°–360°—10,200′.

City, Tucson; State, Ariz.; Airport name, Tucson International; Elev., 2630′; Fac. Class., H–BVORTAC; Ident., TUS; Procedure No. 1, Amdt. 5; Eff. date, 13 Nov. 65; Sup. Amdt. No. 4; Dated, 23 Feb. 63

				T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				A-dn	800–2	800–2	800–2

Procedure turn N side of crs, 059° Outbnd, 239° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 239°—4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 miles after passing TCL VORTAC, climb to 2100′ on R 239°, TCL VORTAC within 10 miles.
NOTE: When authorized by ATC, DME may be used within 10 miles at 2100′ to position aircraft for straight-in approach with the elimination of procedure turn.
MSA within 25 miles of facility: 000°–090°—2100′; 090°–180°—1900′; 180°–270°—1500′; 270°–360°—1700′.

City, Tuscaloosa; State, Ala.; Airport name, Van De Graaff; Elev., 169′; Fac. Class., BVORTAC; Ident., TCL; Procedure No. 1, Amdt. 11; Eff. date, 13 Nov. 65; Sup. Amdt. No. 10; Dated, 15 May 65

PROCEDURE CANCELED, EFFECTIVE 13 NOV. 1965.

City, Zanesville; State, Ohio; Airport name, Municipal; Elev., 899′; Fac. Class., BVOR/DME; Ident., ZZV; Procedure No. 1, Amdt. 2; Eff. date, 11 May 63; Sup. Amdt. No. 1; Dated, 30 Apr. 58

4. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Bodkin Int	5 mile Radar Fix (final)	Direct	1900	T-dn	300–1	300–1	200–½
Bowie Int	BAL VOR	Direct	2000	C-dn	500–1	500–1	500–1½
5-mile Radar Fix	BAL VOR (final)	Direct	546	S-dn-28*	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2
				If 5-mile Radar Fix received, the following minimums apply:			
				S-dn-28*	400–1	400–1	400–1

Radar available.
Procedure turn N side of crs, 096° Outbnd, 276° Inbnd, 1900′ within 10 miles of BAL VOR.
Minimum altitude over facility on final approach crs, 646′.#
Crs and distance, breakoff point to approach end of runway, 284°—0.9 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing BAL VOR, climb to 2000′ proceed direct to BA LOM, hold W, 102° Inbnd, 1-minute right turns.
CAUTION: Procedure turn not authorized when restricted area R-4001 in use.
Other changes: Deletes transitions from BAL LFR and Green Haven Int.
#546′ if 5-mile Radar Fix received.
*400–¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
MSA within 25 miles of facility: 000°–090°—2400′; 090°–360°—2100′.

City, Baltimore; State, Md.; Airport name, Friendship International; Elev., 146′; Fac. Class., BVORTAC; Ident., BAL; Procedure No. TerVOR-28, Amdt. 8; Eff. date, 13 Nov. 65; Sup. Amdt. No. 7; Dated, 15 May 65

				T-dn%	1000–1	1000–1	NA
				C-dn	1000–1	1000–1	NA
				A-dn	1500–2	1500–2	NA

Procedure turn W side crs, 007° Outbnd, 187° Inbnd, 8600′ within 12 miles.
Minimum altitude over facility on final approach crs, 6238′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of VOR, turn right, climb to 8600′ in a 1-minute right hand pattern, 007° Outbnd, 187° Inbnd, on the Dillon VOR.
NOTES: (1) Night takeoffs and landings authorized on Runways 16–34 only. (2) Final approach from holding pattern at the VOR not authorized. Procedure turn required.
Other change: Deletes transition from Dillon RBn.
%Takeoff all runways: Climb to 9500′ in a 1-minute, right-hand pattern on the DLN VOR, R 007° prior to departing on crs.
MSA within 25 miles of the facility: 000°–090°—10,900′; 090°–180°—11,000′; 180°–270°—11,600′; 270°–360°—12,200′.

City, Dillon; State, Mont.; Airport name, Dillon; Elev., 5238′; Fac. Class., BVORTAC; Ident., DLN; Procedure No. TerVOR(R-007), Amdt. 3; Eff. date, 11 Nov. 65; Sup. Amdt. No. 2; Dated, 19 Dec. 64

				T-dn%	300–1	300–1	200–½
				C-dn	600–1	600–1	600–1½
				A-dn	800–2	800–2	800–2

Procedure turn W side of crs, 319° Outbnd, 139° Inbnd, 6500′ within 10 miles.
Minimum altitude over facility on final approach crs, 4758′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile DUG VOR, turn left, climb via DUG, R 334° to 6000′ within 10 miles, procedure turn W side of crs within 20 miles of DUG VOR, climb to 9000′ via R 334° to DUG VOR.
NOTE: Final approach from holding pattern at DUG VOR not authorized. Procedure turn required.
%Takeoffs all runways: IFR departures, unless otherwise directed by ATC, the following departure is recommended to insure adequate terrain and obstruction clearance: 1. (Northeastbound, 345–100°) shuttle climb in holding pattern N of DUG VOR, R 334° to 6200′. Then via assigned route. 2. (Southwestbound, 235–275°) climb direct DUG VOR. Then via assigned route. MCA 4800′.
MSA within 25 miles of facility: 000°–090°—10,500′; 090°–180°—7000′; 180°–270°—9400′; 270°–360°—8200′.

City, Douglas; State, Ariz.; Airport name, Bisbee-Douglas International; Elev., 4158′; Fac. Class., L-BVORTAC; Ident., DUG; Procedure No. VOR-R-319, Amdt. Orig.; Eff. date, 11 Nov. 65

Flat Rock VOR	RIC VOR	Direct	2000	T-dn	300–1	300–1	200–½
Manakin RBn	RIC VOR	Direct	2000	C-dn	600–1	600–1	600–1½
Hopewell VOR	RIC VOR	Direct	1700	S-dn-6	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2
				If aircraft equipped with VOR and ADF receivers and Stack Int received, the following minimums appiy:			
				C-dn	500–1	500–1	500–1½
				S-dn-6*	400–1	400–1	400–1

Radar available.
Procedure turn S side of crs, 236° Outbnd, 056° Inbnd, 1700′ within 10 miles of RIC VOR.
Minimum altitude until over Stack Int on final approach crs, 800′.
Crs and distance, breakoff point to approach end of runway, 063°—0.9 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of RIC VOR, climb to 2000′ on R 056°, RIC VOR within 10 miles. Return to RIC VOR, hold SW, 220° Outbnd, 040° Inbnd, 1-minute right turns.
*400–¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights. 400–½ authorized, except for 4-engine turbojet aircraft, with operative ALS.
MSA within 25 miles of facility: 000°–180°—1600′; 180°–360°—2100′.

City, Richmond; State, Va.; Airport name, Richard E. Byrd Flying Field; Elev., 167′; Fac. Class., BVOR; Ident., RIC; Procedure No. TerVOR-6, Amdt. 9; Eff. date, 13 Nov. 65; Sup. Amdt. No. 8; Dated, 14 Nov. 64

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Whitehouse Int	Meadow Int	Direct	1900	T-dn	300–1	300–1	200–½
Meadow Int	RIC VOR (final)	Direct	600	C-dn	500–1	500–1	500–1½
New Kent Int	RIC VOR	Direct	1900	S-dn-24*	400–1	400–1	400–1
5-mile Radar Fix	RIC VOR (final)	Direct	600	A-dn	800–2	800–2	800–2

Radar available.
Procedure turn N side of final approach crs, 075° Outbnd, 255° Inbnd, 1900′ within 10 miles. Do not descend below 1900′ until passing Meadow Int, or 5-mile Radar Fix.
Minimum altitude over facility on final approach crs, 600′.
Crs and distance, breakoff point to approach end of Runway 24, 243°—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of RIC VOR, climb on R 255° to 2000′ within 10 miles, return to RIC VOR. Hold SW, 220° Outbnd, 040° Inbnd, 1-minute right turn.
*400–¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights. MSA within 25 miles of facility: 000°–180°—1600′; 180°–360°—2100′.

City, Richmond; State, Va.; Airport name, Richard E. Byrd Flying Field; Elev., 167′; Fac. Class., BVOR; Ident., RIC; Procedure No. TerVOR-24, Amdt. 6; Eff. date, 13 Nov. 65; Sup. Amdt. No. 5; Dated, 8 May 65

				T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-5*	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 236° Outbnd, 056° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, breakoff point to airport, 049°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing MBS VOR, climb to 2200′ on MBS VOR, R 056° and return to MBS VOR.
*400–¾ authorized, except for 4-engine turbojets, with operative REIL or high-intensity runway lights.
MSA within 25 miles of facility: 000°–090°—2200′; 090°–180°—2700′; 180°–270°—2600′; 270°–360°—1900′.

City, Saginaw; State, Mich.; Airport name, Tri-City; Elev., 667′; Fac. Class., BVOR; Ident., MBS; Procedure No. TerVOR-5, Amdt. 3; Eff. date, 13 Nov. 65; Sup. Amdt. No. 2; Dated, 7 Sept. 63

				T-dn*	300–1	300–1	200–½
				C-dn	1000–2	1000–2	1000–2
				S-dn-36%	1000–2	1000–2	1000–2
				A-dn#	1000–2	1000–2	1000–2
				If aircraft is equipped with operating fan marker receiver and Bomar fan marker is identified, minimums become:			
				C-dn	600–1	600–1	600–1½
				S-dn-36	400–1	400–1	400–1

Procedure turn W side of crs, 193° Outbnd, 013° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′ (1200′ if Bomar FM is identified).
Facility on airport. Crs and distance, Bomar FM to Runway 36, 013°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of SYI VOR, turn left, climb to 2400′, return to SYI VOR, hold S, 193° Outbnd, 013° Inbnd, left turns, 1 minute.
*CAUTION: Due to high terrain, NE and SE of airport, departing aircraft with limited climb capability should climb to 3000′ on a westerly heading before continuing on crs.
%Reduction of landing visibility not authorized.
#Alternate minimums authorized for air carriers only, provided such air carriers have approval of their arrangement for weather service at this airport. Weather service not available to the general public.
MSA within 25 miles of facility: 000°–360°—2500′.

City, Shelbyville; State, Tenn.; Airport name, Bomar Field; Elev., 802′; Fac. Class., T-BVOR; Ident., SYI; Procedure No. TerVOR-36, Amdt. 1; Eff. date, 13 Nov. 65; Sup. Amdt. No. Orig.; Dated, 24 July 65

				T-dn	300–1	300–1	200–½
				C-dn	600–1	600–1	600–1½
				S-dn-4	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2
				If aircraft equipped with operating DME or ADF and VOR receivers and Griffin Int identified, the following minimums apply:			
				C-dn	400–1	500–1	500–1½
				S-dn-4#	400–1	400–1	400–1

Procedure turn E side of crs, 225° Outbnd, 045° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′; after passing Griffin Int, minimum altitude over facility, 1300′.
Facility on airport. Breakoff point to runway, 037°—0.25 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing ZZV VOR, climb straight ahead to 2400′ within 10 miles of ZZV VOR and return to ZZV VOR. Hold SW, 1-minute right turns, 045° Inbnd.
CAUTION: Tower, 1420′ approximately 3 miles W of Zanesville VORTAC.
#400–¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
MSA within 25 miles of facility: 000°–360°—2500′.

City, Zanesville; State, Ohio; Airport name, Zanesville Municipal; Elev., 900′; Fac. Class., L-BVORTAC; Ident., ZZV; Procedure No. TerVOR-4, Amdt. Orig.; Eff. date, 13 Nov. 65

5. By amending the following very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
12-mile DME Fix, R 107° 6-mile DME Fix, R 107°	6-mile DME Fix, R 107° BUF VOR (final)	287°—6 miles 287°—6 miles	2800 1600	T-dn C-dn S-dn-31 A-dn	300–1 400–1 400–1 800–2	300–1 500–1 400–1 800–2	200–½ 500–1½ 400–1 800–2

Radar available.
Procedure turn E side of crs, 107° Outbnd, 287° Inbnd, 2500′ within 10 miles. Procedure turn need not be accomplished if DME utilized.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 287°—3.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles, make a right-climbing turn to 2500′, intercept Buffalo VOR, R 302° Outbnd, proceed to Grand Island Int. Hold NW, 1-minute right turns, 122° Inbnd, or when directed by ATC, make right-climbing turn to 2500′, proceed to Buffalo VOR. Hold E, 1-minute right turns, 287° Inbnd.
NOTE: When authorized by ATC, DME may be used between R 040° clockwise to R 140° at 3000′ to position aircraft for straight-in approach via 12-mile DME Arc, with elimination of procedure turn.
CAUTION: 1349′ TV tower, 5 miles WNW of airport. 860′ tank, 1.6 miles E of airport.
Other change: Delete transition 15-mile DME Fix, R 132°—8-mile DME Fix, R 107°.
MSA within 25 miles of facility: 080°–170°—2200′; 170°–260°—3900′; 260°–350°—2400′; 350°–080°—2200′.

City, Buffalo; State, N.Y.; Airport name, Greater Buffalo International; Elev., 719′; Fac. Class., BVORTAC; Ident., BUF; Procedure No. VOR/DME No. 1, Amdt. 7; Eff. date, 13 Nov. 65; Sup. Amdt. No. 6; Dated, 7 July 62

				T-dn C-dn S-dn-18* A-dn	300–1 500–1 400–1 800–2	300–1 500–1 400–1 800–2	200–½ 500–1½ 400–1 800–2

Radar available.
Procedure turn N side of crs, 344° Outbnd, 164° Inbnd, 2000′ between 8 miles and 18 miles of VORTAC.
Minimum altitude over 8-mile DME Fix on final approach crs, 2000′.
Crs and distance, 8-mile DME Fix to airport, 164°—5.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 3-mile DME Fix, climb to 2000′, proceed direct to DHN VORTAC, hold SE on R 150°, DHN VORTAC, 1-minute left turns.
NOTE: When authorized by ATC, DME may be used from R 140° clockwise to R 060° within 20 miles at 2000′ to position aircraft for straight-in approach with the elimination of a procedure turn.
*400–¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
MSA within 25 miles of facility: 000°–090°—2600′; 090°–180°—2600′; 180°–270°—1800′; 270°–360°—1800′.

City, Dothan; State, Ala.; Airport name, Dothan; Elev., 395′; Fac. Class., L-BVORTAC; Ident., DHN; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. date, 13 Nov. 65

CIE VOR	Webb Int	CIE, R 154° and DUG, R 334°	9000	T-dn*	300–1	300–1	200–½
DUG, R 289° (V–66) DUG, R 046° (V–66)	Webb Int Webb Int	16-mile DME Arc 16-mile DME Arc	9000 9000	C-dn S-dn-17 A-dn	400–1 400–1 800–2	500–1 400–1 800–2	500–1½ 400–1 800–2

Procedure turn not authorized.
Minimum altitude over Webb Int on final approach crs, 9000′; over McNeal Int, 6500′; over 2.5-mile DME Fix, 4800′.
Crs and distance, McNeal Int to airport, 154°—7.4 miles. Breakoff point to runway, 167°—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of DUG VOR, turn right, climb via R 334° to 6000′ within 10 miles, procedure turn W side of crs within 20 miles of DUG VOR, climb to 9000′ via R 334° to DUG VOR.
*Takeoffs all runways: IFR departures, unless otherwise directed by ATC, the following departure is recommended to insure adequate terrain and obstruction clearance: (1) (Northeastbound, 345–100°) climb via R 334° to intercept and proceed via 16-mile DME Arc to R 046°. Then via assigned route. Minimum, 9000′. (2) (Southwestbound 235–275°) climb direct DUG VOR. Then via assigned route. MCA, 4800′.
MSA within 25 miles of facility: 000°–090°—10,500′; 090°–180°—7000′; 180°–270°—9400′; 270°–360°—8200′.

City, Douglas; State, Ariz.; Airport name, Bisbee-Douglas International; Elev., 4158′; Fac. Class., L-BVORTAC; Ident., DUG; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. date, 11 Nov. 65

5-mile DME Fix, R 357°	MAF VOR (final)	Direct	3900	T-dn C-dn S-dn-16R A-dn	300–1 400–1 400–1 800–2	300–1 500–1 400–1 800–2	*200–½ 500–1½ 400–1 800–2

Procedure turn E side of crs, 001° Outbnd, 181° Inbnd, 4400′ within 10 miles.
Nonstandard due to ATC requirements.
Minimum altitude over facility on final approach crs, 3900′.
Crs and distance, facility to airport, 181°—3.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 3.4-miles DME Fix on R 181°, climb to 4500′ on R 150° within 20 miles.
NOTE: When authorized by ATC, DME may be used to orbit at 17 miles at 4500′ to position aircraft for final approach with elimination of procedure turn.
*300–1 required on runways 16L and 34R.
MSA within 25 miles of facility: 000°–180°—4300′; 180°–360°—5100′.

City, Midland; State, Tex.; Airport name, Midland Air Terminal; Elev., 2870′; Fac. Class., L-BVORTAC; Ident., MAF; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. date, 13 Nov. 65

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
17-mile DME Fix, R 177° MAF VOR	10-mile DME Fix, R 177° (final) 10-mile DME Fix, R 177°	Direct Direct	4400 4400	T-dn C-dn S-dn-34L A-dn	300–1 400–1 400–1 800–2	300–1 500–1 400–1 800–2	*200–½ 500–1½ 400–1 800–2

Procedure turn E side of crs, 177° Outbnd, 357° Inbnd, 4400′ within 10 miles of 10-mile DME Fix on R 177°.
Minimum altitude over 10-mile DME Fix on R 177° on final approach crs, 4400′.
Crs and distance, 10-mile DME Fix, R 177° to airport, 357°—5.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 4.7-mile DME Fix on R 177°, proceed direct to MAF VOR climbing to 4500′, continue on R 357° within 15 miles.
NOTE: When authorized by ATC, DME may be used to orbit at 17 miles at 4500′ to position aircraft for final approach with elimination of procedure turn.
*300–1 required on Runways 16L and 34R.
MSA within 25 miles of facility: 000°–180°—4300′; 180°–360°—5100′.

City, Midland; State, Tex.; Airport name, Midland Air Ter[illegible]l; Elev., 2870′; Fac. Class., L-BVORTAC; Ident., MAF; Procedure No. VOR/DME No. 2, Amdt. Orig.; Eff. date, 13 Nov. 65

6. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Binghamton VOR Montrose Int Greene Int	BGM MHW or River Int BGM MHW BGM MHW	Direct Direct Direct	3500 3500 3500	T-dn C-dn S-dn-34* A-dn	300–1 400–1 300–½ 600–2	300–1 500–1 300–½ 600–2	200–½ 500–1½ 300–½ 600–2

Radar available.
Procedure turn E side SE crs, 158° Outbnd, 338° Inbnd, 3500′ within 10 miles of Binghamton MHW or River Int.
Minimum altitude at glide slope interception Inbnd, 3500′.
Altitude at glide slope and distance to approach end of runway from BGM MHW or River Int, 3550′—6.9 miles.
Altitude of glide slope and distance to approach end of runway at OM, 2768′—3.9 miles; at MM, 1819′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb on crs of 338° to 3500′ within 10 miles, then make left turn to BGM VOR. Hold W, 1-minute right turns, Inbnd crs, 095°.
*300–½ authorized without glide slope and with operative SALS except for 4-engine turbojet.

City, Binghamton; State, N.Y.; Airport name, Broome County; Elev., 1629′; Fac. Class., ILS; Ident., I-BGM; Procedure No. ILS-34, Amdt. 9; Eff. date, 13 Nov. 65; Sup. Amdt. No. 8; Dated, 14 July 62

Wolcottsville Int	GB LOM	Via BU LOM	2400	T-dn	300–1	300–1	200–½
Buffalo Int	GB LOM	Direct	2400	C-dn	400–1	500–1	500–1½
Crystal Beach Int	GB LOM (final)	Via BUF VOR, R 25.° and SW crs ILS.	*1500 2400	S-dn-5# A-dn	400–1 800–2	400–1 800–2	400–1 800–2
Grand Island Int	GB LOM	Direct					

Radar available.
Procedure turn S side SW crs, 232° Outbnd, 052° Inbnd, 2400′ within 10 miles of GB LOM.
No glide slope.
Minimum altitude over GB LOM on final approach crs, 1500′.
Crs and distance, GB LOM to Runway 5, 052°—4.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing GB LOM, make left-climbing turn to 2400′, intercept and proceed Outbnd on Buffalo VOR, R 302° to Grand Island Int. Hold NW, 1-minute right turns, 122° Inbnd, or when directed by ATC, climb to 2000′ on 052° crs, proceed to BU LOM. Hold NE, BU LOM, 1-minute, right turns, 232° Inbnd.
*Maintain 2400′ until established Inbnd on ILS SW crs.
#400–¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
400–½ authorized, except for 4-engine turbojet aircraft, with operative ALS.

City, Buffalo; State, N.Y.; Airport name, Greater Buffalo International; Elev., 719′; Fac. Class. ILS; Ident., I-BUF; Procedure No. ILS-5 (brack crs), Amdt. 8; Eff. date, 13 Nov. 65; Sup. Amdt. No. 7; Dated, 3 Apr. 65

Grand Island Int	GB LOM	Direct	2400	T-dn	300–1	300–1	200–½
Buffalo VOR	GB LOM	Direct	2400	C-dn	400–1	500–1	500–1½
Crystal Beach Int	GB LOM (final)	Via BUF VOR R–250° and ILS–5 front crs.	2300 2400	S-dn-5* A-dn	200–½ 600–2	200–½ 600–2	200–½ 600–2
Wolcottsville Int	GB LOM	Via BU LOM					

Radar available.
Procedure turn S side of SW crs, 232° Outbnd, 052° Inbnd, 2400′ within 10 miles of LOM.
Minimum altitude at glide slope interception Inbnd, 2300′.
Altitude of glide slope and distance to approach end of runway at OM, 2232′—4.8 miles; at MM, 930′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make left-climbing turn to 2400′; intercept and proceed Outbnd, on Buffalo VOR, R 302° to Grand Island Int.
Hold NW, 1-minute right turns, 122° Inbnd, or when directed by ATC, climb to 2000′ on 052° crs, proceed to BU LOM. Hold NE, BU LOM, 1-minute right turns, 232° Inbnd.
*400–¾ required when glide slope not utilized, 400–½ authorized, except for 4-engine turbojet aircraft, with operative ALS.

City, Buffalo; State, N.Y.; Airport name, Greater Buffalo International; Elev., 719′; Fac. Class., ILS; Ident., I-GBI; Procedure No. ILS-5, Amdt. Orig.; Eff. date, 13 Nov. 65

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Wolcottsville Int	LOM (final)	Direct	2100	T-dn	300–1	300–1	200–½
Buffalo VOR	LOM	Direct	1900	C-dn	400–1	500–1	500–1½
				S-dn-23#	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar available.
1Procedure turn N side of crs, 052° Outbnd, 232° Inbnd, 1900′ within 10 miles of LOM.
Minimum altitude over LOM on final approach crs, 1900′.
Crs and distance, LOM to airport, 232°—3.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles after passing LOM, climb to 2500′ on SW crs ILS, intercept BUF VOR, R 250°, proceed to Crystal Beach Int. Hold W, right turns, 1 minute, 070° Inbnd, or as directed by ATC, climb to 2000 on SW crs ILS within 10 miles. Make left turn, proceed direct to BU LOM, hold NE, BU LOM, right turns, 1 minute, 232° Inbnd.
NOTE: No glide slope.
CAUTION: 1349′ TV tower, 5 miles WNW of airport.
Other change: Delete transition from Buffalo M11W.
#400–¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.

City, Buffalo; State, N.Y.; Airport name, Greater Buffalo International; Elev., 719′; Fac. Class., ILS; Ident., I-BUF; Procedure No. ILS-23, Amdt. 13; Eff. date, 13 Nov. 65; Sup. Amdt. No. 12; Dated, 3 Apr. 65

Chagrin Falls Int	Brecksville RBn	Direct	3000	T-dn**	300–1	300–1	200–½
Vermilion Int	Brecksville RBn	Via CLE RBn	3000	C-dn	400–1	500–1	500–1½
Sharon Int	Brecksville RBn	Via STG VOR R 183° and STG VOR R-061.	3000	S-dn-27#*	300–¾	300–¾	300–¾
				A-dn	600–2	600–2	600–2
Cleveland VOR	Brecksville RBn	Via CLE VOR R 084°.	3000				
Mentor Int	Brecksville RBn	Direct	3000				

Radar available.
Procedure turn N side of crs, 097° Outbnd, 277° Inbnd, 3000′ within 10 miles of Brecksville RBn.
Minimum altitude at glide slope intereception Inbnd, 3000′.
Altitude of glide slope and distance to approach end of runway at OM, 2230′—4.4 miles; at MM, 1030′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing OM, make left-climbing turn to 3000′ direct to CLE VOR, hold SW, 1-minute right turns, 069° Inbnd.
*400–1 required when glide slope not utilized.
#RVR 4000′. Descent below 1092′ not authorized unless approach lights are visible.
**RVR 2400′ authorized Runway 27.
CAUTION: TV towers approximately 6 miles ESE of airport, approximately 1970′.

City, Cleveland; State, Ohio; Airport name, Cleveland Hopkins; Elev., 792′; Fac. Class., ILS; Ident., I-CEE; Procedure No. ILS-27, Amdt. 5; Eff. date, 13 Nov. 65; Sup Amdt. No. 4; Dated, 29 Feb. 64

FAY VOR	GR LOM	Direct	1900	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-3*	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 215° Outbnd, 035° Inbnd, 1900′ within 15 miles.
Minimum altitude over facility on final approach crs, 1900′.
No glide slope.
Crs and distance, facility to airport, 035°—5.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 miles after passing LOM, make right turn, intercepting 081° crs from LOM, climbing to 1900′ within 15 miles or, when directed by ATC, turn right, climb to 1900′ on R 091° of FAY VOR within 15 miles.
*400–¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights. 400–½ authorized, except for 4-engine turboject, with operative ALS.

City, Fayetteville; State, N.C.; Airport name, Grannis Field; Elev., 189′; Fac. Class., ILS; Ident., I-GRA; Procedure No. ILS-3, Amdt. Orig.; Eff. date, 13 Nov. 65

Amboy VHF Int	LOM (final)	Direct	1600	T-dn*	300–1	300–1	200–½
Chatham RBn	LOM	Direct	2000	C-dn%	600–1	600–1	600–1½
				S-dn-¢#	200–½	200–½	200–½
				A-dn%	600–2	600–2	600–2
				The following minimums apply to turbojet aircraft when circling W of Runways 4/22 centerlines extended.%			
				C-dn	900–2	900–2	900–2
				A-dn	900–2	900–2	900–2

Radar available.
Procedure turn W side of SW crs, 217° Outbnd, 037° Inbnd, 1600′ within 10 miles (nonstandard due to ATC).
Minimum altitude at glide slope interception Inbnd, 1551′.
Altitude of glide slope and distance to approach end of runway at OM, 1551′—4.9 miles; at MM, 249′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000′ on 037° crs from LOM to interception of LGA VOR, R 292°, make left turn and proceed to Morristown VHF Int at 2000′, hold SW, 1-minute left turns, Inbnd crs, 061°.
*RVR 2000′ authorized Runways 4 and 22.
¢RVR 2000′. Descent below 218′ not authorized unless approach lights are visible.
#600–1 required with glide slope inoperative.

City, Newark; State, N.J.; Airport name, Newark; Elev., 18′; Fac. Class., ILS; Ident., I-EWR; Procedure No. ILS-4, Amdt. 19; Eff. date, 13 Nov. 65; Sup. Amdt. No. 18; Dated, 19 June 65

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Paterson RBn	LOM (final)	161°—7.4 miles	2000	T-dn%	300–1	300–1	200–½
Teterboro LMM	LOM (final)	Direct	2000	C-dn#	600–1	600–1	600–1½
				S-dn-22*¢	200–½	200–½	200–½
				A-dn#	600–2	600–2	600–2
				The following minimums apply to turbojet aircraft when circling W of Runways 4/22 centerlines extended.#			
				C-dn	900–2	900–2	900–2
				A-dn	900–2	900–2	900–2

Radar available.
Procedure turn W side NE crs, 037° Outbnd, 217° Inbnd, 2000′ within 10 miles.
Minimum altitude at glide slope intereception Inbnd, 2000′.
Altitude of glide slope and distance to approach end of runway at OM, 1936′—5.8 miles; at MM, 237′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000′ straight ahead on SW crs of Newark ILS to Amboy VHF Int, then turn right, and proceed direct to Kilmer VHF Int at 2000′. Hold SW, Kilmer Int right turns, 1 minute, 069° Inbnd.
CAUTION: (1) Building, 598′—2.2 miles N of airport. (2) 50′ hangar row, 200′ E of approach light lane between MM and end of Runway 22. (3) Procedure turn accomplished over Teterboro LMM. Teterboro OM and Newark OM at approximately same geographic location and signals are simultaneously keyed to indicate one OM serving two ILS systems.
*600–1 required when glide slope inoperative.
%RVR 2000′ authorized Runways 4 and 22.
¢RVR 2000′. Descent below 218′ not authorized unless approach lights are visible.

City, Newark; State, N.J.; Airport name, Newark; Elev., 18′; Fac. Class., ILS; Ident., I-ARK; Procedure No. ILS-22, Amdt. 10; Eff. date, 13 Nov. 65; Sup. Amdt. No. 9; Dated, 10 Oct. 64

Raleigh RBn	LOM	Direct	2000	T-dn	300–1	300–1	200–½
Raleigh VORTAC	LOM	Direct	2000	C-dn	400–1	500–1	500–1½
Chapel Hill Int	LOM	Direct	2100	S-dn-5*	200–½	200–½	200–½
Holly Springs Int	LOM	Direct	2000	A-dn	600–2	600–2	600–2
Moncure Int	LOM (final)	Direct	2000				
Durham Int	LOM	Direct	2000				
Int LIB VOR, R 102° and RDU VORTAC, R 244°.	LOM (final)	Direct	2000				

Radar available.
Procedure turn N side of crs, 229° Outbnd, 049° Inbnd, 2000′ within 10 miles. Nonstandard due ATC.
Minimum altitude at glide slope intereception Inbnd, 2000′.
Altitude of glide slope and distance to approach end of runway at OM, 2025′—5.8 miles; at MM, 614′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000′ on R 041° of VORTAC within 15 miles or, when directed by ATC, turn left, climb to 2400′ on R 309° of VORTAC within 15 miles.
*300–½ authorized without glide slope and with operative ALS, except for 4-engine turbojet.

City, Raleigh; State, N.C.; Airport name, Raleigh-Durham; Elev., 435′; Fac. Class., ILS; Ident., I-RDU; Procedure No. ILS-5, Amdt. 9; Eff. date, 13 Nov. 65; Sup. Amdt. No. 8; Dated, 20 Feb. 65

7. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
All directions	Radar site	Within 20 miles	1600	Surveillance approach			
				T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-3,** 12, 30, 21, 35.	400–1	400–1	400–1
				S-dn-17	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2500′ straight ahead, then proceed to HOU VOR.
Aircraft on any direct crs to HOU VOR may descend to 750′ from 5-mile Radar Fix.
**400–½ authorized for Runway 3, except for 4-engine turbojet aircraft, with operative ALS.
***400–¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
*Radar control must provide 3-mile or 1000′ vertical separation from the following obstructions:

Obstruction	MSL altitude	HOU VOR radial	Distance NM
Tower	1235	159	11.0
Tower	1051	240	11.5
Tower	751	291	11.4
Tower	753	309	6.0
Tower	1549	238	13.1

City, Houston; State, Tex.; Airport name, William P. Hobby; Elev., 50′; Fac. Class., and Ident., Houston Radar; Procedure No. 1, Amdt. 14; Eff. date, 13; Sup. Amdt. No. 13; Dated, 30 Oct. 65

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on October 7, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-10932; Filed, Nov. 26, 1965; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

[Amdt. 20]

PART 722—COTTON

Subpart—Acreage Allotment Regulations for the 1964 and Succeeding Crops of Upland Cotton

TRANSFER OF ALLOTMENTS

This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.), as amended by the Food and Agriculture Act of 1965 (Pub. L. 89-321, 79 Stat. 1187, November 3, 1965).

(a) The purpose of this amendment is to establish the procedures for transfer of allotments under section 344a of the act.

(b) Since the period for filing applications for transfers of allotments to take effect with the 1966 crop of upland cotton ends on January 3, 1966, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure requirements, and the 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

The Acreage Allotment Regulations for the 1964 and Succeeding Crops of Upland Cotton (28 F.R. 11041, as amended) are amended by adding the following new sections after § 722.234 [Reserved]:

TRANSFER OF ALLOTMENTS

§ 722.235 General explanation of transfer of allotments under section 344a of the act.

Section 344a of the act was enacted November 3, 1965 (Pub. L. 89-321, 79 Stat. 1187), by the Food and Agriculture Act of 1965. The statute authorizes the Secretary to permit three types of transfers of upland cotton allotments during the 4-year period 1966-69. The Secretary has exercised such statutory authority in § 722.271 (30 F.R. 14307) to permit such transfers of all or part of the farm allotment. Transfers by sale would be permanent transfers of allotment, related history, and farm base acreages from one farm to another farm in the same State. Transfers by lease would be transfers from one farm to another farm in the same State for the term of the lease (which may extend beyond the 4-year period 1966-69) and the related history and farm base acreages would be maintained to support the leased allotment on the basis of the county from which leased. Transfers by sale or lease would be permitted to cross county lines in a State only if a referendum of farmers in a county favored such movement from their county. Transfers by an owner to any other farm owned or controlled by him in the same State would be either permanent transfers of allotment or transfers for a term of years designated by the owner (which may extend beyond the 4-year period 1966-69), but would not be subject to all of the limitations (for example) referendum approval and limit on amount of acreage transferred) applicable to transfers by sale and lease. Related history and farm base acreages would be transferred on a permanent basis or in case of transfer for a term of years in a manner similar to lease transfers.

§ 722.236 Applications for transfer.

(a) *Persons eligible to file applications for transfer—(1) Sale or lease.* The owner and operator of any farm for which an upland cotton allotment for 1965 was established and for which an upland cotton allotment is or will be established for the year in which the transfer by sale or lease is to take effect (1966-69) shall be eligible to file an application for sale or lease of all or part of such current allotment to any other owner or operator of a farm having a current upland cotton allotment for transfer to such farm. If the owner and operator of the farm from which transfer by sale or lease is to be made are different persons, both such persons shall execute the application.

(2) *By owner.* The owner of any farm for which an upland cotton allotment for 1965 was established and for which an upland cotton allotment is or will be established for the year in which the transfer from the farm to another farm in the same State owned or controlled by such owner is to take effect (1966-69) shall be eligible to file an application for transfer by owner.

(b) *When applications to be filed.* Applications shall be filed during the period June 1 through December 31 of the year preceding the year in which the transfer is to take effect. For example, applications for 1969 transfers would have to be filed during the period June 1 through December 31, 1968. Since December 31, 1965, will be a nonworking day for the county offices, the closing date for filing applications for transfers to take effect in 1966 will be January 3, 1966, under the rule in § 720.1 of this chapter (24 F.R. 4233).

(c) *Where applications to be filed.* Applications shall be filed with the county committee of the county where the farm to which the allotment is to be transferred is located, but the county office of the county where the farm from which the allotment is to be transferred is located is hereby authorized to receive applications on behalf of such county committee and shall forward a copy of each application to such county committee.

§ 722.237 Amount of allotment transferrable.

(a) *General.* All or part of the upland cotton allotment established for a farm for any of the years 1966, 1967, 1968, or 1969 may be transferred to another farm in the same State as provided in §§ 722.235 to 722.239.

(b) *No transfer of acreage from national acreage reserve.* No acreage apportioned from the national acreage reserve to a farm shall be transferred under section 344a of the act. This limitation applies only to farms receiving minimum farm allotments under section 344(f)(1) of the act. The county committee shall determine the acreage so apportioned to a farm with a minimum farm allotment as the difference between the minimum allotment data and the maximum farm allotment base as defined in § 722.211(a)(2). If all the minimum allotment is to be transferred, the county committee shall transfer the minimum allotment less the national acreage reserve on the farm and shall cancel the apportionment of such national acreage reserve because the farm allotment is required to be reduced to zero under subsection (e) of section 344a of the act. If part of the minimum allotment is to be transferred, the national acreage reserve apportioned to the farm shall be reduced by the percentage which the part of the allotment transferred is of the entire minimum allotment.

(c) *Productivity adjustment in allotments and history acreage.* Each transfer under section 344a of the act shall be adjusted for differences in farm productivity if the projected yield for the farm to which transfer is made for the year the transfer is to take effect exceeds the projected yield for the farm from which transfer is made for the year the transfer is to take effect, by more than 10 percent. The county committee shall determine the amount of allotment to be transferred where productivity adjustment is required by dividing (1) the product of the projected yield for the farm from which transfer is made and the acreage to be transferred from such farm, by (2) the projected yield for the farm to which transfer is made. If the projected yields for the farms have not been established at the time the county committee determines the amount of allotment to be transferred, the preliminary projected yields for the farms shall be used as the projected yields, subject to any revision in the transfer requested by the applicant based on the projected yields as finally established for the farms. History acreage for the farm receiving allotment shall be adjusted by the same percentage as the allotment being transferred is adjusted. The amount of allotment and related farm history acreage transferred from the farm from which the transfer is made with respect to that farm shall be the full amount but the amount of allotment and related history acreage for the farm to which allotment and history are transferred shall be the adjusted amount. In the case of transfers within a county, the county acreage history shall be reduced to correspond with the adjusted history transferred to the farm. In the case of transfers between counties, the county acreage history for the county from which the transfer is made shall be reduced the full amount of the transfer and the county acreage history for the county to which the transfer is made shall be increased to correspond with the adjusted history transferred to the farm. The history remaining unassigned to any county as a result of such productivity adjustments shall be tabulated by the State committee and included with the sum of county history acreages for purposes of determining the State history acreage.

(d) *Sale and lease transfers—limit on amount of acreage transferred.* The total upland cotton allotment which may be transferred by sale or lease to a farm shall not exceed the acreage obtained by subtracting the allotment (excluding reapportioned acreage) for such farm established for the year the transfer is to take effect from the sum of (1) the 1965 farm allotment before release and reapportionment and (2) 100 acres. No farm shall be eligible for transfer of an allotment by sale or lease unless such farm received an upland cotton allotment greater than zero for 1965 and for the year in which the transfer is to take effect.

(e) *No transfer of reapportioned acreage.* No transfer of allotment under section 344a of the act shall be made of allotment reapportioned to a farm under section 344(m)(2) of the act.

(f) *No transfer of new farm allotment.* No transfer of allotment under section 344a of the act shall be made from a farm for the year in which the farm receives a new farm allotment.

(g) *No transfers by sale from farms to which transfer by sale within three years.* No transfer by sale shall be made from any farm to which allotment was transferred by sale within the three immediately preceding crop years.

(h) *Transfer of pooled allotments.* Allotments established for a farm as pooled allotment under section 378 of the act may be transferred under section 344a of the act on a permanent basis during the 3-year life of the pooled allotment or for a term of years not to exceed the remaining number of crop years of such 3-year period.

§ 722.238 Additional conditions and limitations.

(a) *Same State.* No transfer under section 344a of the act shall be made from a farm to a farm in another State or to a person for use in another State.

(b) *Across county lines of a State.* No transfer by sale or lease from a farm to a farm in another county shall be made unless the producers of cotton in the county from which transfer is being made have voted in a referendum within three years of the date of such transfer, by a two-thirds majority of the producers participating in such referendum, to permit the transfer by sale or lease to farms in other counties within the State. The date for holding the first referendum in each county has been fixed as November 23, 1965, under § 722.271 (30 F.R. 14307). The Regulations Governing the Holding of Referenda on Marketing Quotas in Part 717 of this chapter (28 F.R. 13249, as amended) shall be applicable to the referenda to be held under section 344a of the act. The results of these referenda will be published as soon as possible after the date held.

(c) *Consent of lienholder.* No transfer under section 344a of the act shall be made from a farm subject to a mortgage or other lien unless the transfer is agreed to in writing by the lienholder.

(d) *Limitation on planting of cotton after transfer by sale or lease.* No cotton in excess of the farm allotment remaining on a farm after transfer by sale or lease shall be planted on such farm for a period of 5 years following a transfer by sale and for a period of time equal to the term of the lease if the transfer is by lease. The applicant for transfer by sale or lease shall agree to the limitation on planting under this paragraph as a condition precedent to the approval of any transfer by sale or lease. No export market acreage under section 346(e) of the act shall be apportioned to such farms for the applicable period of time.

(e) *New farm eligibility.* Any farm from which the entire farm allotment is transferred under section 344a of the act shall not be eligible for a new cotton farm allotment during the 5 years following the year in which such transfer is made.

(f) *Minimum farm allotments.* Transfer under section 344a of the act of a portion of a minimum farm allotment established under section 344(f)(1) of the act or which operates to bring the farm within the minimum farm allotment provisions shall cause the minimum farm allotment and base to be reduced to an amount equal to the farm allotment remaining on the farm after such transfer.

(g) *Farms in conservation programs.* Transfer by sale or lease from a farm covered by a conservation reserve contract, cropland conversion agreement, cropland adjustment agreement, or other similar land utilization agreement shall be made subject to an appropriate adjustment in the rates of payment under such contract or agreements but no adjustment shall be made in such contract or agreements on the farm to which transfer by sale or lease is made.

(h) *Subleasing prohibited.* No transfer by lease shall be made from a farm receiving allotment under a transfer by lease for the term of the latter lease.

(i) *Limitation on transfers to and from a farm in the same year.* No transfer of allotment under section 344a of the act for any year shall be made (1) from a farm receiving allotment by transfer under section 344a of the act for such year or (2) to a farm which has had allotment transferred from it under section 344a of the act for such year.

(j) *Transfer of acreage history, farm base, and marketing quota.* Transfer of allotment under section 344a of the act shall have the effect of transferring the acreage history, farm base, and marketing quota attributable to such allotment, except that in the case of transfer by lease the amount of allotment so transferred shall be determined for each year of the lease on the basis of the county factor of the county from which transferred and upon the expiration of the lease the transferred allotment shall be considered for purposes of establishing future allotments to have been planted on the farm from which such allotment is transferred.

§ 722.239 County committee action.

(a) *Approval of transfers.* The county committee shall approve transfers of allotment only if it determines that a timely filed application has been received and that the transfer complies with the requirements of §§ 722.235 to 722.238 and this section. If the transfer is made between counties, the approval of both county committees shall be required. No transfers under section 344a of the act shall be effective until approval as provided under this paragraph is obtained.

(b) *Notice of revised allotments.* The county committee shall issue revised notices of farm allotment for each farm affected by the transfer of allotment.

(c) *Cancellation of transfers.* If a county committee obtains evidence that the conditions applicable to any transfer of allotment under §§ 722.235 to 722.238 and this section have not been met, a report of the facts shall be made to the State committee. The State committee shall determine whether such conditions have been met and if not met, shall require that the transfer of allotment be cancelled. Where cancellation is required, the respective county committees shall issue revised notices of allotment showing the reasons for cancellation of the transfer of allotment.

(Secs. 344a, 375, 79 Stat. 1187, 52 Stat. 66, as amended; 7 U.S.C. 1344a, 1375)

Effective date. Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on November 23, 1965.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65-12730; Filed, Nov. 26, 1965; 8:49 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 88]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.388 Navel Orange Regulation 88.

(a) *Findings.* 1. Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an oper. meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 24, 1965.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., November 28, 1965, and ending at 12:01 a.m., P.s.t., December 5, 1965, are hereby fixed as follows:

(i) District 1: 1,104,704 cartons;
(ii) District 2: Unlimited movement;
(iii) District 3: 86,127 cartons;
(iv) District 4: 120,650 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 26, 1965.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–12809; Filed, Nov. 26, 1965; 11:31 a.m.]

[Lemon Reg. 190]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.490 Lemon Regulation 190.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 23, 1965.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., November 28, 1965, and ending at 12:01 a.m., P.s.t., December 5, 1965, are hereby fixed as follows:

(i) District 1: 37,200 cartons;
(ii) District 2: 79,050 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 24, 1965.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–12788; Filed, Nov. 26, 1965; 8:50 a.m.]

[Grapefruit Reg. 30]

PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.330 Grapefruit Regulation 30.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 24, 1965.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period beginning at 12:01 a.m., e.s.t., November 29, 1965, and ending at 12:01 a.m., e.s.t., December 6, 1965, is hereby fixed at 175,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 24, 1965.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–12789; Filed, Nov. 26, 1965; 8:50 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3871]

[Oregon 05286]

OREGON

Withdrawal for John Day Lock and Dam Project

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Subject to valid existing rights, the following described lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (Ch. 2, Title 30 U.S.C.), but not from leasing under the mineral leasing laws, and reserved under the jurisdiction of the Corps of Engineers, Department of the Army, for the John Day Lock and Dam Project:

WILLAMETTE MERIDIAN, OREG.

T. 2 N., R. 18 E.,
Sec. 10, N½N½SE¼;
Sec. 11, NE¼SE¼, SW¼SE¼NE¼, SE¼NW¼, and SW¼NE¼;
Sec. 12, S½ lot 11, NW¼ lot 12, S½ lot 12, N½ lot 13, and lots 14 and 15.
T. 2 N., R. 19 E.,
Sec. 4, Lots 1, 2, 3, and 4;
Sec. 6, N½SE¼NE¼ and N½S½SE¼NE¼.
T. 3 N., R. 17 E.,
Sec. 14, lot 1;
Sec. 24, E½NW¼, E½SW¼, SE¼SW¼, and S½SE¼.
T. 3 N., R. 18 E.,
Sec. 18, lots 1, 2, 3, 4, N½ lot 5, N½S½SE¼ and N½SE¼SW¼;
Sec. 20, NW¼NE¼NE¼ and NW¼NE¼NE¼NE¼;
Sec. 22, lots 1, 2, 3, NW¼SW¼, SE¼SW¼, NE¼SW¼SW¼, N½NW¼SW¼SW¼, SE¼NW¼SW¼SW¼, N½SE¼SW¼SW¼, and SE¼SE¼SW¼SW¼;
Sec. 26, lots 1, 2, 3, 4, and SW¼SW¼;
Sec. 30, NE¼NW¼;
Sec. 33, SW¼SE¼SE¼ and SW¼NW¼SE¼.
T. 3 N., R. 19 E.,
Sec. 34, lots 1, 2, 3, and 4;
Sec. 35, unsurveyed island.
T. 3 N., R. 20 E.,
Sec. 26, lots 1, 2, and 3;
Sec. 28, lots 1, 2, 3, and 4;
Sec. 32, lots 2, 3, 4, and N½SW¼NE¼.
T. 3 N., R. 21 E.,
Sec. 2, lots 1 and 2;
Sec. 10, lots 1, 2, 3, NW¼SE¼SE¼, NW¼SW¼SE¼SE¼, NW¼NE¼SE¼SE¼, and unsurveyed island.
T. 3 N., R. 22 E.,
Sec. 4, lot 4, that portion of lots 1, 2, 3, and S½NW¼ lying northerly of the northerly right of way line of U.S. Highway 30;
Sec. 6, lots 1, 2, 3, that portion of lots 4 and 5, N½SE¼, and NE¼SW¼ lying northerly of the northerly right of way line of U.S. Highway 30, unsurveyed islands.
T. 4 N., R. 22 E.,
Sec. 26, unsurveyed island;
Sec. 33, unsurveyed island.
T. 4 N., R. 23 E.,
Sec. 19, unsurveyed island;
Sec. 20, two unsurveyed islands and all that portion of said sec. 20 lying northerly of a line lying southerly a distance of 100 feet when measured at right angles and/or radially to the following described center line survey:
Commencing at a point lying N. 86°33'19" W. a distance of 3,250.76 feet from the west quarter corner of sec. 30, said T. and R.;
Thence N. 72°57'47" E. a distance of 1,011.38 feet to Equation Station 5790+38.88 P.T. back which equals Station 5790+16.91 P.T. ahead and the true point of beginning;
Thence N. 72°57'47" E. a distance of 7391.96 feet to Station 5864+08.87 P.C.;
Thence easterly along an increasing spiral curve to the right through a delta angle of 0°06'18" a distance of 70 feet to Station 5864+78.87 P.C.C.;
Thence easterly along a 0°18' curve to the right a distance of 843.87 feet to Station 5873+22.74 P.C.C.;
Thence easterly along a decreasing spiral curve to the right through a delta angle of 0°06'18" a distance of 70 feet to Station 5873+92.74 P.T., which point lies N. 87°32'41" W. a distance of 4,909.17 feet from the southeast corner of said sec. 20;
Thence N. 75°42'17" E., a distance of 6,000 feet to the point of terminus of the above-described surveyed center line;
Sec. 30, all that portion of lot 1 and the NE¼NW¼ lying northerly of a line lying southerly, a distance of 100 feet when measured at right angles to the following described center line survey:
Commencing at a point lying N. 86°33'19" W. a distance of 3,250.76 feet from the west quarter corner of sec. 30;
Thence N. 72°57'47" E. a distance of 1,011.38 feet to Equation Station 5790+38.88 P.T. back which equals Station 5790+16.91 P.T. ahead and the true point of beginning;
Thence N. 72°57'47" E. a distance of 7391.96 feet to Station 5864+08.87 P.C., and the point of terminus of the above-described center line survey.
Sec. 8, lots 3 and 4 lying southerly and westerly of the following described line:
Beginning at a point on the south line of said sec. 8 and point lying 3,757.28 feet westerly from the southeast corner thereof;
Thence N. 16°20' W. a distance of 308.45 feet;
Thence S. 73°40' W. to a point on the south line of said sec. 8 and the point of terminus of the above-described line;
Sec. 12, lots 1 and 2 except the existing right of way of the O.W. R & N Co.: SW¼SW¼, and unsurveyed island.
T. 4 N., R. 25 E.,
Sec. 2, lot 2 except the east 660 feet and south 660 feet of the west 660 feet of the east 1,320 feet; lot 3 except the east 330 feet, the south 990 feet of the west 330 feet of the east 660 feet, the south 660 feet of the west 330 feet of the east 990 feet and the south 330 feet of the west 330 feet of the east 1,320 feet; lot 4 except the east 330 feet and the south 660 feet of the west 330 feet of the east 660 feet; W½SW¼SW¼, SE¼SW¼SW¼, S½NE¼SW¼SW¼, all that portion of the SE¼SW¼ lying southerly of the southerly right of way line of the O.W. R & N Co. and westerly of the westerly right of way line of U.S. Highway 730;

Sec. 4, lots 1 and 2;
Sec. 8, lots 5, 6, 7, and SE¼NE¼;
Sec. 10, N½N½ and that portion of the S½NW¼, SW¼NE¼ lying northerly of the northerly right of way line of U.S. Highways 30 and 730;
Sec. 11, that portion of the N½NW¼ lying westerly of the westerly right of way line of U.S. Highway 730;
Sec. 18, lot 1, NE¼NW¼ and NW¼NE¼.
T. 5 N., R. 25 E.,
Sec. 24, lot 1.
T. 5 N., R. 26 E.,
Sec. 18, lots 1, 2, and 3;
Sec. 20;
Sec. 22, lots 4, 5, 6, 7, 8, and W½SW¼;
Sec. 28, N½;
Sec. 30, lots 1, 2, 3, 4, NE¼, E½NW¼, E½SW¼, N½SE¼, N½SE¼SE¼, and that portion of the SW¼SE¼ lying northwesterly of the northwesterly right of way line of U.S. Highway 730.
T. 5 N., R. 27 E.,
Sec. 14, lots 3 and 4;
Sec. 17, lot 1;
Sec. 18, SE¼SE¼SE¼;
Sec. 19, lot 1;
Sec. 20, N½N½, SE¼NW¼, NW¼SW¼ except the S½SE¼NW¼SW¼, S½NW¼SE¼NW¼SW¼ except all that portion of the SW¼NW¼SW¼ and NW¼NW¼SE¼NW¼SW¼ lying southerly of the southerly right-of-way line of U.S. Highway 730.
T. 5 N., R. 28 E.,
Sec. 8, lots 5 and 6;
Sec. 9, lots 5 and 6.

The areas described aggregate 6,282.37 acres.

The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

NOVEMBER 22, 1965.

[F.R. Doc. 65-12701; Filed, Nov. 26, 1965; 8:46 a.m.]

[Public Land Order 3872]

[Arizona 035211]

ARIZONA

Partial Revocation of Public Land Order No. 3152 of July 30, 1963

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Public Land Order No. 3152 of July 30, 1963, as amended by Public Land Order No. 3584 of March 31, 1965, withdrawing national forest lands for roadside zones, is hereby revoked so far as it affects the following described lands:

GILA AND SALT RIVER MERIDIAN

COCONINO NATIONAL FOREST

A strip of land 300 feet on each side of the centerline of U.S. Highway 66 through the following subdivision:
T. 21 N., R. 7 E.,
Sec. 30, lot 1.

The area described contains 5.84 acres of patented land.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

NOVEMBER 22, 1965.

[F.R. Doc. 65-12702; Filed, Nov. 26, 1965; 8:46 a.m.]

[Public Land Order 3873]

[Idaho 016497]

IDAHO

Withdrawal for National Forest Administrative Sites

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the United States mining laws (30 U.S.C., Ch. 2), for administrative sites of the Department of Agriculture:

BOISE MERIDIAN

PAYETTE NATIONAL FOREST

Smith Knob Administrative Site

T. 23 N., R. 8 E.,
Sec. 3, a portion of the unsurveyed NE¼ SE¼ more particularly described as:
Beginning at a point 1.5 chains north of the existing Smith Knob lookout tower;
E. 3 chains;
S. 8 chains;
W. 6 chains;
N. 8 chains;
E. 3 chains to the point of beginning.

Crooked River Ponderosa Pine Seed Orchard

T. 18 N., R. 3 W.,
Sec. 2, S½NE¼NW¼SE¼, SE¼NW¼SE¼, N½SW¼SE¼, SE¼SW¼SE¼, SW¼NE¼SE¼ and W½NW¼SE¼SE¼.

The areas described aggregate 64.8 acres.

The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

NOVEMBER 22, 1965.

[F.R. Doc. 65-12703; Filed, Nov. 26, 1965; 8:46 a.m.]

[Public Land Order 3874]

[New Mexico 0557261]

NEW MEXICO

Withdrawal for National Forest Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described lands in the Cibola National Forest are hereby withdrawn from appropriation under the U.S. mining laws (Title 30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

NEW MEXICO PRINCIPAL MERIDIAN

LA CUEVA RECREATION SITE EXTENSION

T. 11 N., R. 4 E.,
Sec. 2, lots 7, 8, N½SW¼, S½SW¼SW¼, W½W½ SW¼SE¼SW¼, and E½SE¼ SE¼SE¼;
Sec. 3, lots 7, 8 and E½SE¼;
Sec. 10, lots 11 and 12;
Sec. 11, lots 12 to 15, incl., E½E½NE¼ NE¼, W½W½NE¼NE¼, NW¼NW¼, and SE¼NE¼.

SANDIA CREST TRAMWAY RECREATION SITE

T. 11 N., R. 4 E.,
Sec. 11, lots 16 and 17;
Sec. 12, that portion of the S½ within the national forest (unsurveyed);
Sec. 13, that portion of the N½ within the national forest (unsurveyed).

The areas described contain 874.26 acres.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

NOVEMBER 22, 1965.

[F.R. Doc. 65-12704; Filed, Nov. 26, 1965; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 948]

[Area No. 1]

IRISH POTATOES GROWN IN COLORADO

Expenses and Rate of Assessment

Consideration is being given to the approval of proposed expenses and a proposed rate of assessment as hereinafter set forth which were recommended by the area committee for Area No. 1 established pursuant to Marketing Agreement No. 97, as amended, and Order No. 948, as amended (7 CFR Part 948).

This marketing order program regulates the handling of Irish potatoes grown in the State of Colorado. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same in quadruplicate with the Hearing Clerk, Room 112, U.S. Department of Agriculture, Washington, D.C., 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)), The proposals are as follows:

§ 948.250 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 1 to enable such committee to perform its functions, pursuant to the provisions of Marketing Agreement No. 97, as amended, and this part, during the fiscal period ending May 31, 1966, will amount to $500.00.

(b) The rate of assessment to be paid by each handler pursuant to Marketing Agreement No. 97, as amended, and this part, shall be one-half cent ($0.005) per hundredweight of potatoes grown in Area No. 1 handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 22, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-12733; Filed, Nov. 26, 1965; 8:50 a.m.]

[7 CFR Parts 1097, 1102, 1108]

[Docket Nos. AO-219-A16, AO-237-A11, AO-243-A13]

MILK IN MEMPHIS, TENN., MARKETING AREA ET AL.

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the Memphis, Tenn.; Fort Smith, Ark.; and Central Arkansas marketing areas. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C., 20250, not later than December 2, 1965. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders as amended, were formulated, was conducted at Memphis, Tenn., on May 20-21, and in Little Rock Ark., on May 24-25, 1965, pursuant to notice thereof which was issued May 7, 1965 (30 F.R. 6534).

The material issues on the record of the hearing relate to:

A. Issues relating to Memphis, Tennessee, and Central Arkansas orders:

1. Class I prices under Memphis and Central Arkansas orders.

B. Issues relating to only Memphis, Tennessee, order:

2. Qualifications for regulated plants.
3. Definition of "handler", "producer", "approved plant", "route disposition", "fluid milk product", and "other source milk".
4. Plants subject to other Federal orders.
5. Handler location differentials.
6. Method of pooling.
7. Base rules and computation of uniform base and excess prices.

C. Miscellaneous and conforming changes, all three orders.

This decision covers only the issue No. A1, dealing with Class I prices under Memphis and Central Arkansas orders. The remaining issues of the hearing will be considered in a further decision on this record.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Class I price in Memphis and Central Arkansas markets.* The supply-demand adjustment in the Memphis order should be limited to not more than 25 cents, plus or minus, in all months.

The issue with respect to Class I prices under these orders concerns the comparative level in relation to Class I prices under other orders.

The Class I price formulas under the Memphis and Central Arkansas Federal milk orders are identical. The price is the basic formula price (Minnesota-Wisconsin manufacturing price) plus seasonal differentials of $1.50 in the months of March through July and $1.91 in the months of August through February and plus or minus the supply-demand adjustment. The supply-demand adjustment is based on the producer milk receipts and Class I disposition of fully regulated handlers under the Memphis, Central Arkansas and Fort Smith orders. In the Fort Smith order the Class I differentials are $1.45 April through June and $1.85 in the months of July through March and the same supply-demand adjustment applies as under the other two orders.

The immediate circumstances bringing pressure on the price situation in the Memphis market involved: (1) Bulk milk received by Memphis handlers from Paducah and Chicago order regulated plants; (2) receipts by a Memphis handler of packaged fluid milk products from a plant of the same corporation regulated under the St. Louis order; (3) route disposition in the Memphis marketing area by a plant at Cape Girardeau, Mo., regulated under the St. Louis order and route disposition in the marketing area by plants regulated under the Paducah order; and (4) assertions of handlers of the intention to obtain a full or partial supply of milk elsewhere unless a closer alignment to St. Louis and Paducah markets were attained. The foregoing actions by handlers in this and nearby markets have reduced the Class I disposition of the producers regularly supplying the market. As a result, a greater proportion of their milk must be disposed of in lower-priced manufacturing uses.

These circumstances are relatively recent in their origin. The St. Louis handler at Cape Girardeau had been disposing of milk in the Memphis market for about a year prior to this hearing. Part

of the time such plant was subject to the Memphis order and since February 1, 1965, has been a plant regulated under the St. Louis order. The importations of milk by handlers from other markets have occurred during 1965. Such occurrences were preceded by a widening in the differences of prices in the Memphis order over the St. Louis and Paducah order Class I prices.

Price comparisons with other markets should make allowance for cost of moving milk from the other markets to Memphis. The city of Memphis is approximately 300 miles south of St. Louis. Based on the rate of 1.5 cents per 10 miles provided under the location adjustment provision in the Memphis order, 45 cents would be the allowance for the distance from St. Louis. During 1964 the Memphis order Class I price was $5.195 at Memphis, which adjusted to the St. Louis location would be $4.745. The St. Louis order Class I price averaged $4.42 or 32.5 cents less than the Memphis price at the St. Louis location.

A further comparison is made with the St. Louis order price at Cape Girardeau, since a St. Louis order plant located there is disposing of milk in the Memphis marketing area. The St. Louis order Class I price at Cape Girardeau is 15 cents per hundredweight higher than at St. Louis. The location allowance under the Memphis order for the distance from Memphis to Cape Girardeau is 27 cents. Thus during 1964 the average difference in price exceeded such allowance by 35.5 cents.

Similarly, the city of Memphis is approximately 174 miles south of Paducah, Kentucky. The location allowance for such distance under the Memphis order is 27 cents, which, applied to the average Class I price during 1964 results in a price at the Paducah location of $4.925. This was approximately 39.5 cents more than the average Paducah order price during the year. In the 2 years prior to 1964 the price differences compared to St. Louis were less. In 1962 and 1963 the Memphis order Class I prices exceeded the St. Louis order Class I prices plus location allowance by approximately 18 and 21 cents, respectively. In the same years the Class I prices exceeded the Paducah order Class I prices by 29 and 21 cents, respectively.

Since 1962 the average annual level of the Memphis Class I price has increased from $4.88 per hundredweight in that year to $5.195 in 1964. Of this 31.5-cent increase, 20 cents was due to action of the supply-demand adjustment and the remainder due to other factors. Such action of the supply-demand adjustment resulted from the lesser ratio of producer milk supplies to handler Class I disposition than in the earlier period. Prior to November 1963, such utilization relationship was based on only the Memphis market. The Central Arkansas market did not have a supply-demand adjustment except through adoption of the Memphis pricing. Beginning with November 1963 the supply-demand adjustment in the Memphis, Central Arkansas, and Fort Smith markets was based on producer milk supplies and handlers' Class I disposition under all three orders. Under the provisions described, the adjustor added an average of 2 cents in 1962, 11 cents in 1963, 22 cents in 1964 and has ranged from 18 to 36 cents in the first 11 months of 1965.[1] Since the ratio of producer milk to Class I disposition in Memphis has changed only slightly since 1962, most of the upward adjustment must be ascribed to changes in the ratio of producer milk to Class I in the other two markets. In 1962 the average ratio for the Memphis Market was 107 percent (producer milk as a percent of Class I) and in 1964 was 109 percent. In the Central Arkansas market the ratio changed from 112 percent in 1962 to 90 percent in 1964. In the Forth Smith market the percentage was 112 percent in 1962 and 108 percent in 1964.

The relatively short supply as indicated by the preceding utilization figures has required the procurement of supplementary supplies from nonproducer sources, particularly in the fall and winter months. Prior to 1965, handlers in all three of these markets obtained their entire supply through the cooperative associations, including supplementary supplies of other source milk.

During the 6 months of October 1964 through March 1965, 5,114,038 pounds of other source milk were classified as Class I under the Memphis order. In the same period 30,742,984 pounds of other source milk were classified as Class I under the Central Arkansas order. Nearly all of this supplemental milk was procured for these markets by the cooperative associations from sources in Missouri, Iowa, Minnesota, and Wisconsin. The different circumstances under which milk from other markets has entered the Memphis market in recent periods has increased the importance of intermarket price relationships.

Because of these circumstances the cooperative supplying the larger part of the milk requirements for the Memphis market advocated adjustment of the Class I price level in closer relation to the St. Louis order Class I price. This they would accomplish by basing the supply-demand adjustment for the Memphis market on only the producer milk and handler's Class I disposition under the Memphis order. Since the ratio of producer milk to Class I disposition is higher in the Memphis market than in the Central Arkansas or Fort Smith markets, the effect would be a reduction in the supply-demand adjustment for the Memphis market.

The Central Arkansas Milk Producers Association, which has provided about 11 percent of the Memphis milk supply opposed such price adjustment which under present circumstances would mean a price reduction. The latter association has a major part of its disposition to fluid milk plants in the Central Arkansas market. Handlers in the Central Arkansas market requested that any reduction in the Memphis Class I price also apply in the Central Arkansas market.

The supply arrangements and the distribution systems of the handlers in the Memphis and Central Arkansas markets involve movement of milk between the markets with respect to both supplies and sales. About 85 percent of the producer milk supplied in the Memphis market is supplied by the Mid-South Milk Producers Association with membership principally in Tennessee and Mississippi. Dairy farmers in Arkansas who are members of the Central Arkansas Milk Producers Association furnish 11 percent of the total Memphis supply. On the other hand, in the Central Arkansas and Fort Smith markets, virtually the entire supply of producer milk is from Arkansas dairy farmers.

Two Memphis handlers have extensive distribution of fluid milk products on routes in parts of the Central Arkansas marketing area and surrounding unregulated areas in Arkansas. Handlers regulated under the Central Arkansas order do not distribute milk in the Memphis marketing area except in the townships of Mississippi and Proctor of Crittenden County in Arkansas.

Official notice is taken of the notice of a public hearing held in Chicago, Ill., beginning November 4, 1965 (30 F.R. 13789), on proposed amendments to 12 Federal milk orders including the St. Louis Order No. 62. In a decision on the record of that hearing it is concluded that the Class I price under the St. Louis order should be maintained at the November 1965 level through December 1965 and January and February 1966; and should be 20 cents less in the months of March, April, May, and June 1966.

These changes in the St. Louis order Class I prices would materially lessen the price differences compared to the Memphis market. Official notice is also taken of the published price data for the St. Louis market showing that the supply-demand adjustments under the St. Louis order for the months of September, October, and November are plus 8 cents, plus 6 cents, and plus 10 cents, respectively. While these conditions under the St. Louis order would tend to narrow the price difference compared to Memphis, the recent increases in the Memphis supply-demand adjustment have tended to maintain the difference.

It is concluded therefore that limitation of the Memphis order supply-demand adjustment is necessary for proper relationship to other markets to the north. The supply-demand adjustment should be limited to not more than plus or minus 25 cents per hundredweight in all months.

The contemplated actions on the Memphis and St. Louis orders would reduce the price difference between the two markets. For the months of March through June 1966, the relationship would be further affected by the 41-cent seasonal decrease in the Memphis Class I price differential compared to the contemplated 20-cent decrease in the St. Louis Class I price from the February level.

[1] Official notice is taken of public announcements of market data by the market administrator since the hearing.

The difference between the Memphis and Central Arkansas prices which would result from the limitation on the supply-demand adjustment under the Memphis order is reasonable in relation to the differing conditions in the two markets. The difference in the relationship of producer milk supplies to Class I disposition of handlers in the two markets has been cited. Since 1962 the Central Arkansas market has become increasingly dependent on other source milk as a part of the supply while the supply-sales relationship in the Memphis market has remained relatively stable. In October 1965, for instance, producer milk under the Memphis order was 109.5 percent of Class I disposition of handlers, while the corresponding figure under the Central Arkansas order was 85.5 percent. For the most part supplies of milk for the two markets are produced in different geographic areas. The circumstances under which milk from lower priced areas enters these markets is different due to the recent change in procurement practices of Memphis handlers and extension of distribution areas by handlers located in other markets. The market situation in the Memphis market is affected to a greater degree by the relationship to St. Louis than is the Central Arkansas market.

Further, because of the approximate 139-mile distance between Memphis and Little Rock, Memphis handlers with route disposition in Arkansas in the locality of Little Rock incur transportation cost related to the distance of such movements. For disposition in eastern points in Arkansas, where lesser cost of transportation from Memphis plants may be incurred, the Central Arkansas order allows location credits at plants of regulated handlers so located. There is only one plant in eastern Arkansas regulated under the Central Arkansas order. At such plant the order allows a 24-cent location credit.

It is concluded that the record does not provide a basis for a price reduction in the Central Arkansas market. The Central Arkansas Milk Producers Association, which represents virtually all of the milk supply for the market, opposed price reduction in either market and expressed concern as to the effect of any difference in Class I price levels between the two markets. Since the association supplies about 3 million pounds of milk monthly to Memphis handlers, a reduction in the Memphis Class I price would reduce the income of such producers if their milk continued to be marketed in Memphis. Most of these producers, however, are located closer to Little Rock than to Memphis and therefore would incur less hauling to the Little Rock handlers' plants. Since producer milk under the Central Arkansas order was 3.3 million pounds less than handlers' Class I disposition in October, some opportunity exists for marketing additional producer milk at the prices prevailing under the Central Arkansas order.

Proposals made by certain handlers in both the Memphis and Central Arkansas markets would result in greater reductions in the Class I price level. The proposals included elimination or modification of the supply-demand adjustment, a 16-cent reduction in the Class I price differentials, and a limit for the prices in relation to the Class I price under the St. Louis Federal order. Included among the proposed modifications of the supply-demand adjustment were: (1) In the Memphis market, base the supply-demand adjustment on the producer milk and Class I sales at only Memphis order plants; (2) limit the supply-demand adjustment to plus or minus 10 cents per hundredweight; (3) in addition to the milk of producers delivered to regulated plants, include in the supply all other production of these dairy farmers which may be sold outside the market by the cooperative association; and (4) exclude any Class I disposition allocated to other source milk regulated by another order.

The fundamental basis given by the handlers for a lower price level was to bring the price closer to Class I prices under the St. Louis and Paducah orders. The handlers proposed elimination of the supply-demand adjustment and a 16-cent reduction in the amount of the Class I price differentials. This would result in an annual average price about 42 cents over the St. Louis annual average price, assuming that the St. Louis supply-demand adjustment based on utilization in that market was zero and that the St. Louis price was subject to a negative adjustment of 24 cents reflecting the Chicago order supply-demand adjustment. The further proposal of the handlers to limit the Memphis and Central Arkansas Class I prices to not more than 42 cents over the St. Louis Class I price would thus confirm such relationship each month.

While this proposed price formula would bring about a fixed relationship with St. Louis, the amount of reduction is too severe in relation to the supply situation for this market. Seasonal price differentials in the Memphis market need not be precisely the same as under the St. Louis order.

One handler proposal would eliminate from the supply-demand computation any Class I disposition which is allocated to other source milk.

The entire utilization within fully regulated plants under these orders is significant with respect to the supply and demand situation. If the supply-demand computation did not include Class I disposition allocated to other source milk, the computation would not reflect a complete or accurate representation of the market situation. Although handler testimony intimated that milk from other order sources could displace some of producer milk, the extent of such displacement currently was not specified. It is concluded that the total Class I disposition of regulated handlers under these three orders closely reflects the demand for producer milk.

The matter of whether the supply-demand adjustment should include in addition to milk received from producers at regulated plants also milk of these dairy farmers sold off the market by the cooperative association was fully examined in a decision of the Assistant Secretary issued October 25, 1963 (28 F.R. 11550). The situation described on this record was much the same as that described in the decision in October 1963. Much of the milk sold off the markets by the cooperative associations is because of day of the week changes in the fluid requirements of regulated plants. Some plants require deliveries on only 3 days a week. The requirements of plants tend to be lighter in the first part of the week and heavier towards the end of the week. Milk production cannot be adjusted to such variations in requirements, and consequently the milk produced but not required by regulated plants must find disposition at manufacturing plants or other outlets.

In the Memphis market, this off-the-market milk is normally disposed of by the Mid-South Milk Producers Association to manufacturing plants. The Central Arkansas Milk Producers Association, which regularly supplies handlers in the Central Arkansas and Fort Smith markets as well as in Memphis also moves milk of member producers not requested by regulated plants to manufacturing plants, or to other outlets. The Central Arkansas Milk Producers Association has established fluid outlets in Texarkana which is an unregulated market, and disposes of member milk to other unregulated outlets for fluid use. The association also has producer members on the Ozarks Federal order market. Milk of members of the association is shifted among these various outlets according to the most advantageous disposition.

During 1964 the Mid-South Milk Producers Association disposed of 6,062,324 pounds of milk off the market, equal to about 2.1 percent of the quantity of producer milk under the order. This is a lesser quantity and percentage than referred to in the decision of October 1963 for sales off the market. Similar data for the Central Arkansas market are not available.

Some other considerations affect the manner in which the cooperative associations dispose of milk not requested by handlers. Under these orders handlers obtain virtually their entire supply from cooperative associations according to their daily needs. The exceptions to this method of procurement are in only a few recent months as described in prior findings. It would be uneconomical for milk unneeded at fluid milk plants to be received there if such plants merely dispose of it to manufacturing plants. The practice of the cooperative associations in moving such milk directly from farms to manufacturing plants saves transportation and handling. The association also saves administrative assessment on such milk when it is not reported under the order.

It is clear that milk not requested for delivery by regulated handlers and sold off the market by the Mid-South Milk Producers Association is nevertheless available to Memphis regulated handlers if they so desire it for use in their plants. However, because regulated handlers do not request that it be delivered to their plants, there is no necessary attachment or association of

such milk with the market. In the absence of handlers assuming responsibility for such milk under pricing provisions of the order the milk in question cannot be definitely identified as part of the supply for the market. Insofar as the regulated plants have declined to accept the milk and have allowed the burden to rest with the cooperative association to dispose of the milk, the association is, of course, free to seek the best other outlets available. Such other outlets have no implicit identification with these markets.

In such circumstances milk sold outside the order regulation by the cooperative cannot be considered as reserve milk in the normal sense and associated with the market. It does not represent quantities of milk actually burdening the supply of the market. Further, to the extent that sales are made by a cooperative association to other fluid markets, such milk is clearly not available for this market and is irrelevant in this supply-demand computation. This is true with respect to milk sold by the Central Arkansas Milk Producers Association in the Ozarks market which is a regulated market and the milk supplied by the association to the unregulated Texarkana market. To the extent that any other fluid outlets are found by the association such milk does not constitute a supply for this market.

Assuming that complete data could be made available as to sales outside these markets by the cooperative associations their inclusion in the supply-demand computation would require a review and appropriate modification of the standard utilization percentages. In view of the influences outside these markets which might affect the quantities of milk involved, it is not probable that the resulting supply-demand computation would be a better representation than presently provided in the order. No useful purpose under the orders would be served in requiring cooperative associations to report such off-market sales as proposed by one handler.

The proposal to limit the supply-demand adjustment to 10 cents is not adopted. The proposal of handlers would unduly limit the amount of price adjustment and would prevent it from adequately reflecting changes in market conditions.

The proposal to provide a uniform rather than seasonal Class I price differentials for handlers with fluid milk plants located in the State of Mississippi is denied.

A Memphis handler operating a fluid milk plant at Oxford, Miss., proposed that the order Class I price for fluid milk plants located in the State of Mississippi be computed by adding a uniform monthly differential of $1.74 to the basic formula price (Minnesota-Wisconsin price) each month, plus or minus the supply-demand adjustment.

This handler is also subject to the Mississippi State Milk Commission regulation. Such regulation provides that he shall pay the higher of the established State Class I price or the Memphis Federal order Class I price. The State price is uniform for all months.

The handler complained that the Memphis order seasonal differentials of $1.50 for the months of March through July and $1.91 for other months result in Class I prices which place him at a competitive disadvantage with other Memphis order handlers because during the period of lower seasonal differential he must pay higher prices under the State order.

This handler distributes milk in the portion of the Memphis marketing area within the State of Mississippi. He also has distribution in areas served by handlers regulated under the Mississippi Federal Order No. 103, the marketing area of which adjoins the Memphis order marketing area on the southern side. Although proponent is the only Memphis handler with his plant in Mississippi, at least two other Memphis handlers besides the Oxford handler have route sales in some of the same areas in the State of Mississippi as does the proponent. These handlers' plants are located at Memphis.

The Assistant Secretary in his decision of October 25, 1963 (28 F.R. 11550), found that the Class I price provisions should provide for seasonal Class I price differential of $1.50 during the months of March through July and $1.91 for the other 7 months. These seasonal Class I price differentials were deemed necessary to reduce the incentive for excess production during the summer months and to attract producer milk supplies during the fall and winter months when supplies for the market were inadequate to meet Class I requirements. Reference was also made to the desirability of having a range in seasonal pricing about the same as nearby markets from which supplemental milk might be obtained.

Official notice is taken of the Memphis Milk Review for May 1965, issued by the Memphis market administrator, which contains tables showing that about 33.7 percent of the producer milk for the Memphis market originates from farms in the northern counties of Mississippi. This area, therefore, is an important part of the production area for the Memphis market. Milk produced here supplies other Memphis handlers as well as proponent. The milk is handled as part of the total milk supply of membership of the Mid-South Milk Producers Association for delivery to handlers according to their particular needs.

It would not be consistent with the purpose of seasonal pricing if some of the milk in the area, but not all, was subject to such pricing. This would mean that the pricing of such portion of the milk not subject to seasonal pricing would not contribute to the purpose of achieving a more even supply of milk for the fluid market.

The proponent's request for elimination of the seasonal changes in the pricing is for the purpose of accommodating the pricing to factors beyond the control of Federal order regulation. In the area in Mississippi where Federal order regulation applies, a seasonal plan is used. Under the Mississippi Federal order seasonal Class I price differentials which apply at Greenville, Grenada, and Columbus, Miss. (location of plants competing with proponent), are $2.09 in the months of August through February and $1.89 in the other months, in both cases adjusted for location under the Mississippi order. It would not be possible to adjust the seasonal pricing plan under the Memphis order for each individual handler to meet the peculiarities of his competitive situation. Such circumstances change from time to time and are not directly related to the problem of establishing even production for the fluid market.

A Memphis handler's representative requested that on the basis of the record of this hearing the Memphis order supply-demand adjustment be suspended. Two Central Arkansas handlers joined this request, one requesting a like suspension of the supply-demand adjustor for the three orders and the other for only the Central Arkansas order. The handler representative also requested that the Class I pricing provision of the Memphis order be amended on the basis of the record of this hearing under an expedited procedure without the issuance of a recommended decision and opportunity for exceptions by interested parties.

After the close of the hearing, Mid-South Milk Producers Association and five milk handlers subject to the Memphis order, filed petitions requesting suspension of the supply-demand adjustor until such time as the decision could be issued. Other interested parties filed objection to any suspension of the supply-demand adjustor. All interested parties were provided the opportunity to submit data, views and arguments concerning the proposed suspension of the supply-demand adjustor at a public meeting conducted at Memphis on July 29, pursuant to notice issued July 23, 1965 (30 F.R. 9318). The proceedings to consider suspension of the supply-demand adjustor were terminated on August 5, 1965 (30 F.R. 9953) in view of the wide divergence of opinion as to the merit of the proposed suspension action as expressed at the public meeting and pending determination of the matter of the Class I price on the basis of the May hearing record.

The requests for suspension of the supply-demand adjustments in the three orders on the basis of the record of this hearing and for amendment of the Class I price provision of the Memphis order through expedited procedure by omitting a recommended decision are denied. The procedure for issuance of a recommended decision may be omitted only if the Secretary finds on the basis of the record that due and timely execution of his functions imperatively and unavoidably requires such omission. The testimony on the record was not without controversy as to the actions requested. Cooperative associations representing a majority of producers in the three markets opposed omission of a recommended decision on the Class I price issue. Certain producer interests contended that the market situation would not justify any price reduction. There is not a surplus of producer milk on the Memphis, Central Arkansas and Fort Smith markets, and, as has been pointed out, in some recent months supplies from other sources were relied upon to meet the needs of handlers for their fluid milk requirements.

In these circumstances the parties objecting to omission of the recommended decision should not be precluded from the opportunity to submit exceptions to such recommended decision. The record similarly does not support the omission of a final decision and modification of the order by suspension of certain provisions.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

In accordance with § 900.8(d)(6) of the rules of practice and procedure (7 CFR Part 900) an attorney made an offer of proof with respect to certain testimony and an exhibit (Exhibit No. 55) which he desired to have entered in the record although the presiding officer had ruled to exclude such testimony and exhibit from the record. The attorney further requested in his brief a reversal of certain of such rulings.

The proferred testimony pertained to: (1) A proposal which had been submitted to the Secretary to amend the Class I price provisions of the Suburban St. Louis Order No. 32; (2) a description of "super pool" payments made outside of order regulation to producers on the Chicago market; (3) a statement of intent to submit a proposal to the Secretary to eliminate the supply-demand adjustment in the Chicago Order No. 30; (4) Exhibit No. 55 entitled "Pure Milk Association Class I Price Comparison"; (5) a statement of intent to submit a proposal to the Secretary to merge the Memphis, Central Arkansas, and Fort Smith, Ark., Federal milk orders; and (6) description of a purported study in process to gather evidence to present at a hearing for the merger of the three orders.

A ruling on the relevancy of these items by the hearing examiner sustained objections to receipt of such items as evidence.

The above numbered items (2) and (4) contain information relating to the cost of available milk supplies and are relevant to the issues in this hearing. The rulings of the hearing examiner on these two matters are therefore overruled and these are received as evidence.

With respect to items numbered (1), (3), (5), and (6) the hearing examiner's rulings are sustained. These did not contain evidence material to the issues of the hearing.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Memphis, Tenn., marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

In § 1097.51(a), subparagraph (3) is revised to read as follows:

§ 1097.51 Class prices.

* * * * *

(a) * * *

(3) For a "minus deviation percentage" the Class I price shall be increased and for a "plus deviation percentage" the Class I price shall be decreased as follows: *Provided*, That the plus or minus adjustment shall not exceed 25 cents each month.

* * * * *

Signed at Washington, D.C., on November 23, 1965.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 65-12735; Filed, Nov. 26, 1965; 8:45 a.m.]

[9 CFR Part 318]

MEAT REINSPECTION AND PREPARATION

Gamma Radiation and X-Radiation for Treatment of Product

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that the Department of Agriculture, pursuant to the authority conferred by the Meat Inspection Act, as amended (21 U.S.C. 71–91) and section 306 of the Tariff Act of 1930, as amended (19 U.S.C. 1306) proposes to amend § 318.19 of the Meat Inspection Regulations (9 CFR 318.19) by changing the heading, the introductory provisions, and paragraph (a) to read, respectively, as follows:

§ 318.19 Gamma radiation and X-radiation for treatment of product.

With appropriate declaration as required in Part 317 of this subchapter, canned bacon may be treated with gamma radiation or X-radiation for purposes of preservation under the following conditions:

(a) The source of gamma radiation shall consist of sealed units containing cesium 137 or cobalt 60. The X-radiation shall be produced by an electron beam striking a target, where the electrons do not exceed an energy level of 5 million electron volts.

* * * * *

Any person who wishes to submit written data, views or arguments concerning the proposed amendment may do so by filing them with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C., 20250, within 60 days after date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 22d day of November 1965.

R. K. SOMERS,
Deputy Administrator,
Consumer and Marketing Service.

[F.R. Doc. 65-12732; Filed, Nov. 26, 1965; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release 34-7746]

REGISTRATION OF FOREIGN SECURITIES

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration proposed Rules 12g3-2 (17 CFR 240.12g3-2), 13a-5 (17 CFR 240.13a-5), 15c1-10 (17 CFR 240.15c1-10), 15d-16 (17 CFR 240.15d-16), 17a-10 (17 CFR 240.17a-10), and

proposed amendments to Rules 3a12–3 (17 CFR 240.3a12–3) and 13a–11 (17 CFR 240.13a–11) under the Securities Exchange Act of 1934 (the Act). These rules are primarily designed to implement the provisions of the Securities Acts Amendments of 1964 with respect to foreign issuers whose securities are traded in the over-the-counter market.

Section 12(g)(1) of the Act requires an issuer with total assets in excess of $1,000,000 to register each class of nonexempt securities which is held of record by 750 or more persons at a fiscal year end after July 1, 1964, and each such class held of record by 500 or more persons at a fiscal year end after July 1, 1966. The registration statement must be filed within 120 days after the issuer's first fiscal year end on which the tests are met after the effective date of the statutory provision. As a result of registration under section 12(g)(1), the issuer and its insiders become subject to the reporting, proxy solicitations, and insider transactions requirements under sections 13, 14, and 16 of the Act. Section 12(g)(3) of the Act permits the Commission to exempt from section 12(g) any security of a foreign issuer, including any certificate of deposit therefor, if the Commission finds that such exemption is in the public interest and is consistent with the protection of investors.

Background of proposed rules. Congress made clear in adopting the Securities Acts Amendments of 1964 that it was concerned with maintaining the existing markets in foreign securities. The House Report accompanying the bill stated that the failure of a foreign issuer to register under section 12(g) would not mean, of itself, that trading in the securities of such an issuer would be illegal or give rise to civil liabilities on the broker-dealers trading in such securities. At the same time, the House recognized that it would be appropriate for the Commission to require disclosures which would call attention to the failure of a foreign issuer to register.

In order to study more fully the question of how best to bring foreign securities under the provisions of the new section 12(g), the Commission, on September 15, 1964, adopted Rule 12g3–1 (17 CFR 240.12g3–1; see 29 F.R. 13460, September 30, 1964), exempting from section 12(g) until November 30, 1965, all securities issued by (i) any foreign government or political subdivision thereof, (ii) any national of any foreign country, (iii) any corporation organized under the laws of any foreign country, and (iv) certificates of deposit, receipts or other evidences of interest relating to the foregoing securities. This rule has enabled the Commission to consider what exemptions from section 12(g) are appropriate for certain classes of foreign securities, and the degree of coverage under sections 13, 14, and 16 for those foreign securities not granted exemptions.

During the study which it has just completed, the Commission consulted with representatives of American brokers, dealers, financial analysts, and the principal banks issuing American Depositary Receipts (ADR's) who are interested in foreign securities, and received recommendations from interested domestic and foreign groups. The Commission also studied the extent of the trading market for foreign securities in the United States, the disclosure and reporting requirements and practices in many of the countries whose issuers have securities traded in the United States, the requirements of many leading foreign stock exchanges, and the nature of the information presently furnished to the Commission by foreign issuers having securities registered under the Securities Act of 1933, having securities listed on a national securities exchange, and those for whose securities ADR's have been issued. The study revealed continuing improvement in the reporting of financial and economic information by foreign issuers. This improvement has resulted from changes in foreign corporate laws, stock exchange requirements and increasing voluntary disclosure by the companies themselves. The rules and forms which the Commission is now proposing reflect the results of its detailed study and the improvement abroad. These rules and forms affect foreign private issuers with securities listed on securities exchanges in the United States, those subject to reporting requirements under section 15(d) of the Act, and those which will be required to register securities under section 12(g). The Commission will continue to observe developments in foreign disclosure practices to determine whether the proposed rules and forms should be modified in the future.

Summary of registration and reporting requirements. Under the proposed rules, all foreign private issuers, other than North American and Cuban issuers, subject to registration under the Act will register securities on Form 20 (17 CFR 249.220), while North American and Cuban issuers will continue using Form 10 (17 CFR 249.210). Issuers registering securities under section 12(g) only will be able, in lieu of answering the items in Form 20, to register by supplying certain information, documents and reports which they are either required to make public abroad or which they transmit to their security holders. Foreign issuers now required to file reports under the Act will be able to use Form 8–A (17 CFR 249.208a) to register securities pursuant to section 12(g). Issuers which use Form 20 to register securities for listing on a securities exchange in the United States will be required to answer the items in the form. American Depositary Receipts (ADR's) will be exempt from registration under section 12(g). Form 21 (17 CFR 249.221) will be repealed and its use incorporated into the revised Form 20.

All foreign private issuers, other than North American and Cuban issuers, which either have securities listed on a securities exchange in the United States or registered under section 12(g) or which are required to file reports pursuant to section 15(d) will furnish to the Commission reports on Form 6–K (17 CFR 249.306) containing certain periodic information which the issuers make public abroad. This requirement is in lieu of the obligation to file interim reports on Forms 8–K (17 CFR 249.308) and 9–K (17 CFR 249.309), an obligation which continues for all North American and Cuban issuers. Issuers having securities registered under section 12(g) only will, as a part of the reports on Form 6–K, furnish year-end financial statements and will not be required to file an annual report on Form 20–K (17 CFR 249.320). Foreign issuers, other than North American and Cuban, having securities registered for listing on a securities exchange in the United States or which are required to file reports pursuant to section 15(d) of the Act will file annual reports on Form 20–K. The financial statements in such annual reports must be prepared (or reconciled to) and certified in accordance with Regulation S–X (17 CFR Part 210). North American and Cuban issuers with securities registered under section 12 will continue to file annual reports on Form 10–K (17 CFR 249.310).

The foregoing proposals concerning North American and Cuban issuers represent a continuation of the Commission's long-established policy of applying the requirements of the Securities Exchange Act to issuers in neighboring countries on the same basis as applied to domestic companies. This policy is based upon the similarity between business and accounting practices in those countries and those in the United States, as well as upon the greater familiarity of nationals of such countries with United States requirements.

Information, documents and reports furnished by issuers using the alternative method of registration on Form 20 described above, and supplied on Form 6–K, will be exempt from the liabilities arising from section 18(d) of the Act.

Exemption from sections 14 and 16 for securities of certain foreign issuers. The Commission proposes to amend Rule 3a12–3 to modify the exemptions from sections 14(a) and 16 now available to many foreign issuers. This rule, as now in effect, provides that securities for which the filing of applications on Form 18 (17 CFR 249.218), 19 (17 CFR 249.219), 20 or 21 as authorized are exempt from the operation of sections 14(a) and 16 of the Act. Form 18 is authorized for the applications for registration of securities of foreign governments and their political subdivisions, Form 19 for American Depositary Receipts for foreign securities, and Forms 20 and 21 for bonds and other securities of foreign private issuers other than North American and Cuban issuers.

On October 11, 1962, the Commission, in Securities Exchange Act Release No. 6912 (27 F.R. 10227, October 18, 1962), invited the submission of views and comments with respect to a proposed amendment to Rule 3a12–3 under which the exemption provided by that rule would no longer be available for certain voting trust certificates or for the securities of certain other issuers organized under the laws of a foreign country. The proposed amendment specified certain circumstances under which the exemption would not be available. The Commission thereafter decided not to adopt the proposed amendment (Release No. 34–7517, January 22, 1965; See 30 F.R. 1010, January 22, 1965). Now, after further study and consideration of the comments received, the proposed amendment has been substantially revised and is republished herein for public comment.

The proposed rule would remove the exemption from sections 14(a) and 16 of the Act for the securities of a foreign private issuer and the receipts and voting trust certificates therefor if more than 50 percent of the outstanding voting securities of the issuer are held by United States residents or the principal business of the issuer is conducted in the United States. Such companies would also be required to send holders of a registered class of equity securities an information statement pursuant to section 14(c), if proxies are not solicited of such holders. The purpose of this part of the proposed rule is to subject companies which, although formed abroad, are domestically owned or operated, to the rules governing proxy solicitations and insider transactions; all other private foreign issuers would be exempt from sections 14(c) and 16.

The proposed rule would remove the present exemption from the proxy rules under section 14(a) with respect to certain solicitations in the United States. A solicitation within the United States would be exempt from Regulation 14A (17 CFR 240.14a–1 et seq.) under the Act if the person soliciting did no more than distribute or publish a notice of meeting of security holders of the issuer and inform security holders of a source from which they might obtain a form of proxy for the meeting, or in the case of a depositary for shares held pursuant to a depositary agreement distribute to the beneficial owner of those shares a notice of meeting and impartially request instructions as to the voting of the shares.

This rule would not disrupt the usual practice of foreign corporations or depositary banks for ADR's with respect to the use of proxies for a meeting of security holders. In many countries, corporate practice differs sharply from that of the United States; management is not permitted to solicit or exercise proxies; and the widespread use of bearer shares makes it impossible for an issuer to send material directly to its security holders so that companies often publish a notice of meeting in a newspaper stating where proxies for the meeting may be obtained. Where ADR's exist for a foreign security, the depositary bank generally transmits directly to the holder of the ADR the notice of a meeting and impartially requests instructions as to how his shares are to be voted. Because of these differences, and in order not to deny United States holders what normally is the only practical way they can exercise their franchise, the Commission proposes to exempt the solicitations described above from the requirements of Regulation 14A under the Act. At the same time, the Commission wishes to point out that any other soliciting material which is sent to a security holder by or on behalf of the issuer will be subject to section 14(a) of the Act.

Exemption for American depositary receipts and certain foreign securities—Rule 12g3–2. The Commission proposes to adopt a rule exempting from section 12(g) any class of securities of a foreign issuer if that class has fewer than 300 holders resident in the United States. The exemption would continue until the next fiscal year end at which the issuer has a class of equity securities held by 300 or more persons in the United States. A security of a foreign issuer would, of course, also be exempt if the number of stockholder and asset tests of section 12(g)(1) of the Act are not met. The Commission also proposes to exempt American Depositary Receipts for the securities of any foreign issuer from section 12(g) of the Act.

For the purpose of determining the availability of an exemption from section 12(g) under the proposed rule, the Commission proposes to count securities held of record by persons resident in the United States as provided in Rule 12g5–1 (17 CFR 240.12g5–1) as well as separate accounts of customers in the United States of brokers, dealers or banks or nominees for any of them in the United States. Brokers, dealers, and banks and nominees for any of them in the United States requested by a foreign issuer to furnish the number of such separate accounts would be expected to supply such information only to the extent it is readily available. An issuer may rely in good faith on the information so provided. This procedure would not preclude the Commission from making its own determination as to the availability of an exemption if the Commission believed that such a determination were necessary.

The Commission believes that the existence of 300 holders resident in the United States indicates a sufficient public interest in a foreign security to warrant registration by the issuer, assuming that the larger test of section 12(g)(1) with respect to the total number of shareholders is also met. Under section 12(g)(1) domestic companies are required to register any class of securities with the requisite number of shareholders, regardless of whether they are United States or foreign residents. If the shareholder test of section 12(g)(1) were the only one applied to foreign companies, the Commission believes that many companies for whose securities there is a small trading market in the United States would be required to register and that this registration would benefit such a small number of United States investors that it would not be justified. Section 12(g)(4) indicates that less than 300 holders is the criterion for determining when there is insufficient public interest in a security so that continued registration by a domestic issuer is no longer warranted. The mechanics for terminating registration by foreign issuers are patterned on section 12(g)(4).

The Commission's study has disclosed that many individuals who purchase foreign securities hold their shares in street name or in the name of the bank maintaining a custody or investment advisory account. Accordingly, the number of such accounts will be included in the computation of the number of holders in the United States for the purpose of this rule.

Because registration of American Depositary Receipts would provide an investor with no significant information concerning the deposited securities or the issuer thereof, the Commission proposes to exempt ADR's. Moreover if there are enough ADR holders to require registration of the ADR's, the deposited securities would be required to be registered.

The proposed exemptive rule would not apply to the securities of any foreign issuer which directly or indirectly owns 5 percent or more of any class of outstanding equity securities of a registered investment company or to the securities of an "affiliated person" of such a foreign issuer as defined in the Investment Company Act of 1940. The Commission proposes to take this action because of the different considerations which are applicable to investment companies and because of the Commission's regulatory functions under the Investment Company Act of 1940. The Commission believes that American investors in registered investment companies may be affected by the activities of such foreign issuers through their investment in such investment company, and that it would not be in the public interest to exempt these foreign issuers from registration pursuant to section 12(g) of the Act.

Reports of certain foreign issuers on Form 6–K—Rule 13a–5. Foreign issuers, other than North American or Cuban issuers, are not presently required to file interim reports such as are required of domestic issuers. The Commission proposes to adopt a rule requiring a foreign issuer other than a North American or Cuban issuer to furnish the Commission with reports on Form 6–K containing whatever information the issuer (i) is required to make public in the country of its domicile pursuant to the law of that country, or (ii) filed with a stock exchange on which its securities are traded and which is made public by the exchange, or (iii) distributed to its security holders. The issuer must furnish this information if it falls within any of the above categories, but need furnish the information only once, notwithstanding that it would be included in more than one category. Such reports would be required to be furnished promptly after the information contained in the reports had been made public as described above. No document or report furnished by an issuer with securities registered pursuant to section 12(g) of the Act need be accompanied by an English translation. Because of the widespread practice of providing information in the English language concerning foreign issuers, it is expected that such material will be supplied. Any document or report furnished pursuant to the proposed rule would not be deemed

to be "filed" with the Commission or otherwise subject to the liabilities of section 18 of the Act.

The rule would apply to all foreign issuers other than North American and Cuban issuers with securities registered pursuant to section 12(b) or 12(g) of the Act. Foreign issuers subject to this rule with securities registered under section 12(g) only would not be required to file an annual report on Form 20–K but would be required to furnish on Form 6–K a balance sheet at the close of the fiscal year and a profit and loss statement for the last fiscal year. The annual report for other foreign issuers subject to this rule would be required to be filed on Form 20–K.

In its recent study of financial practices in foreign countries, the Commission learned that many countries and securities exchanges have revised or are now revising their requirements to call for some form of interim reporting. Accordingly, the Commission now believes it is desirable to obtain interim reports for both listed and unlisted foreign issuers.

Reports of certain foreign issuers on Form 6–K—Rule 15d–16. The Commission proposes to adopt a rule which would require a foreign private issuer other than a Canadian, Mexican, Cuban or Philippine issuer which is required to file reports pursuant to section 15(d) of the Act to furnish reports on Form 6–K. The information required by this rule is the same as described above in connection with proposed Rule 13a–5, and the rationale for that rule is the same as for proposed Rule 15d–16.

Current reports on Form 8–K—Rule 13a–11(b). Rule 13a–11(b) presently exempts foreign issuers having securities registered on Forms 18, 19 or 20 from the requirement to file reports on Form 8–K. The Commission proposes to amend this rule to provide that the exemption will be available to foreign issuers for which the registration of securities on one of these forms is authorized. Thus, a foreign issuer which registers securities on Form 8–A will have this exemption if registration on one of the aforementioned forms would have been authorized. However, such issuers and issuers with securities registered on a national securities exchange would be required to furnish reports on Form 6–K by proposed Rule 13a–5 described above. Rule 13a–11(a) would remain unchanged.

Disclosure of failure of foreign issuers to register—Rule 15c1–10. The Commission proposes to adopt a rule which would define the term "manipulative, deceptive, or other fraudulent device" to include the failure by a broker or dealer to disclose to a customer that the issuer of the security being acquired by the customer has not registered pursuant to section 12(g) of the Act if the name of the issuer is included on the Commission's current published list of issuers which had not registered pursuant to section 12(g) of the Act. This disclosure would have to be made before the contract is entered into and a written legend to that effect would have to be included on the confirmation. The purpose of the rule is to insure that purchasers of a security of an issuer which has failed to register are aware of that fact and of the fact that information concerning the issuer may not be available. The rule accords with the House Report which suggested that the Commission would be justified in requiring a broker-dealer to disclose that a foreign issuer had failed to register pursuant to section 12(g).

In order to inform brokers and dealers of their obligation under the proposed rule, the Commission proposes to prepare a list of those companies which the Commission has reason to believe are subject to section 12(g) and which have not registered with the Commission. In instances where it appears that a foreign issuer would be subject to section 12(g), the issuer would be advised of the requirements of the Act and requested either to register or to advise the Commission of the basis for the belief that registration is not r e q u i r e d. Those issuers which, based upon their response, appeared to be subject to section 12(g) and which did not register, and those issuers which neither responded nor registered would be placed upon the list. The list would be published and made public by the Commission and provided to all registered brokers and dealers. Any issuer named on the list which subsequently registered or demonstrated to the Commission's satisfaction that it was not required to register would be removed from the list and brokers and dealers notified accordingly.

A broker or dealer would be entitled to rely in good faith upon the Commission's list in deciding with which transactions the disclosure must be made. A broker or dealer in doubt as to a particular issuer or who does not have a copy of the list may inquire of the Commission as to that issuer. The Commission wishes to point out that it would not be a valid defense for a broker or dealer to allege that he had not seen the list or that he did not know that an issuer had failed to register under section 12(g) at the time of the transaction.

In addition, as the Commission has pointed out on other occasions, brokers and dealers who recommend securities should have a reasonable basis for such recommendations. This requirement would continue, notwithstanding the provisions of this rule.

Duty of the market maker to furnish information to the commission concerning certain foreign issuers—Rule 17a–10. The Commission proposes to adopt a rule requiring market makers (as defined in Rule 17a–9 (17 CFR 240.17a–9)) in the United States in the securities of those foreign issuers, which are named on the list described in connection with proposed Rule 15c1–10, to furnish to the Commission certain information concerning the issuer which the market makers have in their possession. The purpose of the rule is to provide a practical source of information about foreign issuers which have not supplied information about themselves when such information is available in the United States. Market makers would be required to furnish documents and reports which they had reasonable grounds to believe were prepared by or on behalf of the issuer and were made public. These documents and reports would include anything which the issuer had furnished to its security holders and those which provided significant information. Market makers would be required to send these documents and reports to the Commission within a reasonable time after their receipt. A market maker would not be required to furnish any document or report which had already been furnished to the Commission. Any document or report furnished pursuant to the proposed rule would be available for public inspection but would not be deemed to be "filed" with the Commission or subject to the liabilities of section 18 of the Act.

The Commission wishes to make clear that it does not want all the material which every broker or dealer may receive about every foreign issuer. The proposed rule would apply only to the market makers in a foreign security because the Commission believes that these market makers are likely to receive the documents and reports which are of the most interest to an investor. It is expected that through this procedure investors in the United States will have access to some of the information which the issuer itself would have supplied had it registered under section 12(g) of the Act.

The Commission is aware that a market maker will receive much information about a foreign issuer which may or may not already have been furnished to the Commission. To lessen any burden which the proposed rule may place on a market maker and to avoid duplication of the material furnished to the Commission, the National Assocation of Securities Dealers, Inc., has agreed to assist the Commission by acting as a clearing house for material to be furnished under the proposed rule. Under the procedure to be established, a market maker subject to the rule could inquire of either the NASD or the Commission as to whether a specific document or report had already been furnished to the Commission, and could send a document or report to the NASD would would forward it to the Commission.

It is not proposed at this time to extend beyond November 30, 1965, the exemption from registration for foreign issuers under Rule 12g3–1. As was pointed out in Release No. 7427 (see 29 F.R. 13460, September 30, 1964), the earliest date on which a foreign issuer would be required to register would be 120 days after its first fiscal year end following November 30, 1965. It is anticipated that appropriate rules and forms will be adopted during that period, and ample time will be afforded to such issuers to comply. Should unanticipated problems arise, the Commission has ample authority to deal with them.

The proposed rules and amendments would be adopted pursuant to sections 3(a)(12), 12(g)(3), 13(a), 15(c)(1), 15(d), 17(a) and 23(a) of the Act. The

text of the proposed rules and amendments follows:

§ 240.3a12–3 Exemptions from sections 14 and 16 for securities of certain foreign issuers.

(a) Securties for which the filing of registration statements on Form 18 (17 CFR 240.218) is authorized shall be exempt from the operation of sections 14 and 16 of the Act.

(b) Securities for which the filing of registration statements on Form 20 (17 CFR 249.220) is authorized shall be exempt from the operation of sections 14(c) and 16 of the Act except that this paragraph shall not apply if at the end of the last fiscal year of the issuer (1) more than 50 percent of the outstanding voting securities of the issuer are held of record either directly or through voting trust certificates or depositary receipts by residents of the United States, or (2) the principal business of such issuer is conducted in the United States. For the purpose of this paragraph, the term "resident" shall mean any person whose address appears on the records of the issuer, the voting trustee or the depositary as being located in the United States.

(c) Securities for which the filing of registration statements on Form 16 (17 CFR 249.216) or 19 (17 CFR 249.219) is authorized shall be exempt from the operation of sections 14(c) and 16 of the Act if the securities deposited pursuant to the voting trust or other agreement are so exempt pursuant to paragraph (b) above.

(d) Solicitations of proxies, authorizations or consents with respect to the securities exempted from sections 14(c) and 16 of the Act by paragraphs (b) and (c) above shall be exempt from Regulation 14A under the Act (17 CFR 240.14a–1 et seq.) if the persons solicited are (1) outside the United States, or (2) within the United States and the person soliciting does no more than:

(i) Distribute or publish a notice of meeting of security holders of the issuer and informs security holders of a source from which they may obtain a form of proxy for the meeting, or

(ii) In the case of a depositary for shares held pursuant to a depositary agreement, distribute to the beneficial owners of those shares a notice of meeting of security holders of the issuer and impartially requests instructions as to the voting of their securities.

§ 240.12g3–2 Exemptions for American depositary receipts and certain foreign securities.

(a)(1) Securities of a class issued by (i) any foreign government or political subdivision thereof, (ii) any national of any foreign country, (iii) any corporation, association or other entity organized under the laws of any foreign country shall be exempt from section 12(g) of the Act if the class of security has fewer than 300 holders resident in the United States. This exemption shall continue until the next fiscal year end at which the issuer has a class of equity securities held by 300 or more persons in the United States. For the purpose of determining whether a security is exempt pursuant to this paragraph, securities held of record by persons resident in the United States shall be determined as provided in Rule 12g5–1 (17 CFR 240.12g5–1) except that securities held of record by a broker, dealer or bank or nominee for any of them in the United States for the accounts of customers resident in the United States shall be counted as held in the United States by the number of separate accounts for which the securities are held. A broker, dealer or bank in the United States, or a nominee for any of them, will be expected to inform the issuer, on request, of the number of such separate accounts to the extent that the information can be readily supplied. The issuer may rely in good faith on information so supplied by all owners of the class of its securities which the issuer has reasonable grounds to believe are brokers, dealers or banks in the United States or a nominee for any of them.

(2) Registration of any class of security pursuant to this subsection shall be terminated ninety days, or such shorter period as the Commission may determine, after the issuer files a certification with the Commission that the number of holders resident in the United States of such class of security is reduced to less than 300 persons. The Commission shall after notice and opportunity for hearing deny termination of registration if it finds that the certification is untrue. Termination of registration shall be deferred pending final determination on the question of denial.

(b) American Depositary Receipts for the securities of any foreign issuer shall be exempt from section 12(g) of the Act.

(c) Paragraph (a) of this rule shall not apply to the securities of any foreign issuer which directly or indirectly owns 5 percent or more of any class of outstanding equity securities of a registered investment company or to the securities of an "affiliated person" of such a foreign issuer as defined in the Investment Company Act of 1940.

§ 240.13a–5 Reports of certain foreign issuers on Form 6–K.

An issuer having securities for which the registration under section 12 of the Act on Form 20 (17 CFR 249.220) is authorized shall furnish to the Commission a report on Form 6–K (17 CFR 249.306) promptly after the information contained in the report is made public by the issuer, the country of its domicile or by an exchange with which the issuer has filed the information. Any document or report furnished pursuant to this rule shall not be deemed to be "filed" with the Commission or otherwise subject to the liabilities of section 18 of the Act.

§ 240.15d–16 Reports of certain foreign issuers on Form 6–K.

A foreign private issuer other than a Canadian, Mexican, Cuban or Philippine issuer which is required to file reports pursuant to section 15(d) of the Act shall furnish to the Commission a report on Form 6–K (17 CFR 249.306) promptly after the information contained in such report is made public by the issuer, the country of its domicile or by an exchange with which the issuer has filed the information. Any document or report furnished pursuant to this rule shall not be deemed to be "filed" with the Commission or otherwise subject to the liabilities of section 18 of the Act.

§ 240.13a–11 Current reports on Form 8–K.

. . . . . .

(b) This section shall not apply to issuers having securities for which the registration on Form 18 (17 CFR 249.218), 19 (17 CFR 249.219) or 20 (17 CFR 249.220) is authorized or to investment companies required to file quarterly reports pursuant to Rule 13a–12 (17 CFR 240.13a–12).

§ 240.15c1–10 Disclosure of failure of foreign issuers to register.

The term "manipulative, deceptive, or other fraudulent device or contrivance" as used in section 15(c)(1) of the Act is hereby defined to include any sale by a dealer to a customer, or any purchase by a broker for the account of a customer, of any security of a foreign issuer (or any receipt for any such security) which the Commission names on its current published list of issuers which have not registered pursuant to section 12(g) of the Act, unless (a) such broker or dealer, before entering into any contract with or for such customer, discloses to such customer that the issuer of such security has failed to register its securities with the Securities and Exchange Commission and, accordingly, has not furnished to the Commission for public inspection the information required by the Act, and (b) such broker or dealer makes written disclosure of such fact by including the following statement on the confirmation:

This issuer has failed to register its securities with the Securities and Exchange Commission and accordingly has not furnished to the Commission for public inspection the information required by the Securities Exchange Act of 1934.

§ 240.17a–10 Duty of the market maker to furnish information to the Commission concerning certain foreign issuers.

(a) Every broker-dealer registered pursuant to section 15 of the Act who is a market maker (as defined in Rule 17a–9(f)(1) (17 CFR 240.17a–9(f)(1))) in the United States in the securities of a foreign issuer or the receipts for such securities which the Commission names on a current published list of issuers which have not registered pursuant to section 12(g) of the Act shall furnish the Commission with a copy of any document or report concerning the issuer or its subsidiaries which the registered broker-dealer has in his possession and which he has reasonable grounds to believe was prepared by or on behalf of the issuer and which has been made public. The documents and reports required to be furnished are those which have been furnished by the issuer to its security holders, and those which provide significant information with respect

to the issuer and its subsidiaries concerning (1) the financial condition or results of operations, (2) changes in business, (3) acquisitions or dispositions of assets, (4) issuance, redemption or acquisitions of their securities, or (5) changes in management or control. Documents or reports furnished pursuant to this paragraph must be sent to the Commission within a reasonable time after their receipt by a broker-dealer subject to this paragraph. A broker-dealer subject to this paragraph must furnish information to the Commission if the information falls within any of the above categories, but need not furnish any document or report which has already been furnished to the Commission. A broker-dealer need not furnish any information which was made public more than 1 year before he becomes subject to this rule.

(b) Every broker-dealer who is a market maker in a security of an issuer named on the current published list described in paragraph (a) of this rule shall file a report with the Commission showing the name of each security of a foreign issuer, or receipt for such security, named on the list in which he is a market maker, within 10 days after the name of the issuer is placed on such list or within 10 days after he becomes a market maker in the security, whichever is later.

(c) Every broker-dealer subject to the rule who ceases making a market in the securities of a foreign issuer, or the receipts for such securities, which appears on the current published list described in paragraph (a) of this rule shall notify the Commission of the fact not later than 10 days after such cessation.

(d) Any document or report furnished pursuant to paragraph (a) of this rule shall be available for public inspection but shall not be deemed to be "filed" with the Commission or subject to the liabilities of Section 18 of the Act.

(Secs. 3, 12, 13, 15, 17 and 23; 48 Stat. 882, 892, 894, 895, 897 and 901, as amended; 15 U.S.C. 78c, 78*l*, 78m, 78o, 78q and 78w)

All interested persons are invited to submit their views and comments on the above proposals, in writing, to the Securities and Exchange Commission, Washington, D.C., 20549, on or before December 23, 1965. Except where nondisclosure is requested, all such communications will be considered available for public inspection.

By the Commission, November 16, 1965.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-12705; Filed, Nov. 26, 1965; 8:46 a.m.]

[17 CFR Part 240]

[Release No. 34-7750]

INSIDER TRADING

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration the adoption of amendments to Rule 16b-8 (17 CFR 240.16b-8) and Rule 16b-9 (17 CFR 240.16b-9) under the Securities Exchange Act of 1934. The amendment to Rule 16b-8 would exempt from the operation of section 16(b) of the Act the acquisition and disposition of equity securities involved in the deposit or withdrawal of equity securities under a voting trust or deposit agreement. The amendment to Rule 16b-9 would exempt from section 16(b) the acquisition and disposition of equity securities involved in the conversion of a convertible security. The proposed action would be taken pursuant to sections 3(a)(12), 16 (b) and 23(a) of the Act.

Section 16(b) of the Act was enacted for the purpose of preventing the unfair use of information in short-term trading by persons beneficially owning more than 10 percent of any class of equity security registered pursuant to section 12, and by the directors and officers of the issuer of such security. It provides that "short swing" profits realized by such persons from the purchase and sale, or the sale and purchase, of any equity security of the company, whether or not registered, inure to and are recoverable by or on behalf of the issuer. The Commission is authorized to exempt from section 16 (b) transactions not comprehended within the purpose of the section.

Rule 16b-8 presently provides an exemption from the operation of section 16(b), under certain circumstances, for the acquisition of a class of equity security with general voting power received on surrender of another class of equity security of the same issuer with equal rights and privileges except with respect to voting rights where the surrender is made pursuant to special provisions of the issuer's certificate of incorporation which require that the security received upon surrender be registered upon issuance in the name of a person or persons other than the holder of the securities surrendered. The present exemption provided by Rule 16b-8 would be encompassed within the proposed amendment to Rule 16b-9 discussed below.

The provisions of the proposed amendment to Rule 16b-8 are new. They would exempt from the operation of section 16 (b) of the Act, the acquisition and disposition of equity securities involved in the exchange of equity securities resulting from the deposit or withdrawal of equity securities under a voting trust or deposit agreement. However, the amendment would require as a condition to such exemption that substantially all of the assets under the voting trust or deposit agreement consist of equity securities of the class deposited or withdrawn.

The amended rule would make clear that any profits realized by the purchase or sale of one class of equity security involved in a transaction exempted by the rule and any sale or purchase of the other class involved within a period of less than 6 months may be recovered under section 16(b).

Rule 16b-9 presently provides an exemption from the provisions of section 16(b) of the Act, under certain circumstances, for the acquisition and disposition of equity securities involved in the conversion of one class of equity security convertible into another class of equity security with substantially similar characteristics except with respect to dividend rights. The proposed amendment to Rule 16b-9 would extend the exemption provided thereby to conversion of an equity security convertible into any class of equity security of the same issuer; provided that, no more than 15 percent of the value of the security received at the time of conversion is received or paid, in cash or other property (other than the convertible security given in exchange), in connection with the conversion.

The amended rule would make clear that any profits realized by the purchase or sale of a convertible security, and sale or purchase of the security as to which the conversion privilege relates, within a period of less than 6 months, may be recovered under section 16(b).

The rules as proposed to be amended are as follows:

§ 240.16b-8 Exemption from section 16(b) of transactions involving the deposit or withdrawal of equity securities under a voting trust or deposit agreement.

(a) Any acquisition and disposition of equity securities involved in the deposit or withdrawal of equity securities under a voting trust or deposit agreement shall be exempt from the operation of section 16(b) of the Act as not comprehended within the purposes of section 16(b); *Provided*, That substantially all of the assets under the voting trust or deposit agreement consist of equity securities of the class deposited or withdrawn.

(b) The provisions of this rule shall not be construed to exempt from the operation of section 16(b) any purchase or sale of one class of equity security involved in a transaction exempted by this rule and any sale or purchase of the other class involved (otherwise than in a transaction exempted by this rule or any other rule adopted by the Commission with respect to section 16(b)) within a period of less than 6 months.

(c) The exemption provided by this rule shall apply to any transaction occurring before or after the effective date of this rule, except that it shall not be deemed to affect judgments rendered prior to such effective date.

§ 240.16b-9 Exemption from section 16(b) of transactions involving the conversion of equity securities.

(a) Any acquisition or disposition of an equity security upon conversion of a class of equity security (or series thereof) which, at the time of issuance, by its terms or pursuant to a right of conversion under the terms of the issuer's charter or other governing instruments, is convertible immediately or after a stated period of time into another class of equity security (or series thereof) of the same issuer shall be exempt from the operation of section 16(b) of the Act as not comprehended within the purposes of section 16(b); *Provided*, That this rule shall not be construed to exempt from the operation of section 16(b) any purchase or sale of any convertible equity security and any sale or purchase of any equity security as to which the conversion privilege relates (otherwise than in a transaction exempted by this rule or any other rule adopted by the Commission with respect to section 16(b)) within a period of less than 6 months.

(b) For the purpose of this rule, an equity security shall not be deemed to be acquired or disposed of upon conversion of an equity security if the terms of the equity security converted require the payment or entail the receipt, in connection with such conversion, of cash or other property (other than equity securities involved in the conversion) equal in value at the time of conversion to more than 15 percent of the value of the equity security issued upon conversion.

(c) The exemption provided by this rule shall apply to any transaction occurring before or after the effective date of this rule, except that it shall not be deemed to affect judgments rendered prior to such effective date.

(Secs. 3, 16 and 23; 48 Stat. 882, 896, and 901, as amended; 15 U.S.C. 78c, 78p, and 78w)

All interested persons are invited to submit their views and comments on the above proposed action in writing, to the Securities and Exchange Commission, Washington, D.C., 20549, on or before December 20, 1965. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission, November 18, 1965.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-12706; Filed, Nov. 26, 1965; 8:47 a.m.]

[17 CFR Part 249]

[Release No. 34-7747]

REGISTRATION FORMS FOR FOREIGN ISSUERS

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration certain proposed amendments to Form 20 (17 CFR 249.220) and the proposed repeal of Form 21 (17 CFR 249.221) under the Securities Exchange Act of 1934. Form 20 is now the form for the registration of securities other than bonds of foreign private issuers, pursuant to section 12(b) of the Act, and Form 21 is the form for the registration of bonds of foreign private issuers pursuant to section 12(b) of the Act. If the proposed amendments and repeal are adopted, Form 20 would be available for the registration of all securities of foreign private issuers other than North American and Cuban issuers pursuant to section 12 (b) or (g) of the Act so that Form 21 would no longer be necessary.

The general instructions to the form have been substantially revised to reflect the new uses of the form. General Instruction E contains provisions applicable only to those issuers which register pursuant to section 12(g) of the Act. This instruction permits such issuers, in lieu of filing the information, financial statements, and exhibits required by Form 20 to furnish the Commission with whatever information the issuer, during the past year, (i) was required to make public in the country of its domicile pursuant to the law of that country, or (ii) filed with a stock exchange on which its securities are traded and which was made public by the exchange with which the issuer filed the information, or (iii) distributed to its security holders. An issuer which registers pursuant to this instruction must furnish information to the Commission if the information falls within any of the above categories, but the issuer need furnish this information only once, notwithstanding that it would be included in more than one category. If the material so furnished does not include a balance sheet at the close of the fiscal year and profit and loss statement of the issuer for the last fiscal year, a brief description of the issuer's business and a brief outline of the rights of the holders of the securities being registered, the issuer must furnish such information as a part of the registration statement, but this information need not be furnished in an answer to an item in the form. Any issuer which registers pursuant to Instruction E must furnish a list of the information which it is required to make public abroad and by whom and when it is required to make such information public. No material furnished pursuant to Instruction E need be in English, but because of the widespread practice of providing information concerning foreign issuers in English, it is expected that such material will be supplied. Any material furnished pursuant to this instruction will not be deemed to be "filed" for the purpose of section 18 of the Act.

In proposing Instruction E, the Commission recognizes a difference between foreign issuers which are required to register securities pursuant to section 12(g) and those which have securities registered on a national securities exchange pursuant to section 12(b) or those issuers which are required to file reports pursuant to section 15(d) of the Act, in that the former have neither sought the American capital market nor a listing for their securities. At the same time, the Commission recognizes that there is sufficient interest in the United States in the securities of these issuers to warrant registration by the issuer. The Commission's recent study of the reporting practices of foreign issuers revealed a continuing improvement in the reporting of financial and economic information by foreign issuers. This improvement has resulted from changes in foreign corporate laws, stock exchange requirements, and voluntary disclosure by the companies themselves. There are indications that this improvement will continue. Under the circumstances, the Commission believes that it best serves the interest of American investors by recognizing and encouraging this improvement through the registration procedure provided by General Instruction E. The Commission will continue to observe developments in disclosure practices to determine whether this procedure should be modified.

The method of registration on Form 20 which is set out in Instruction E would not be available to those issuers which are registering their securities on a national securities exchange pursuant to section 12(b) of the Act, or to those issuers which have a class of securities so registered, or to those foreign issuers which are required to file reports pursuant to section 15(d) of the Act. Similarly, this method of registration is not available to North American or Cuban issuers, both of which would be required to register under sections 12 (b) and (g) on Form 10 (17 CFR 249.210). The registration statements of all such issuers would be required to be in English and would not be exempt from section 18 of the Act.

The proposed Form 20 would require information concerning the aggregate amount of various benefits which officers and directors receive from the issuer and its subsidiaries. Item 12 would require the aggregate amount of remuneration paid; Item 13 would require the aggregate amount set aside to provide pension, retirement or similar benefits; Item 14 would require information as to any options to purchase securities from the issuer or any of its subsidiaries which are outstanding as of a specified date within 30 days prior to the date of filing the registration statement. These items would expand the present Form 20 which requires only a description of any rights to any proportion of the earnings of the issuer which have been granted to the management or the board of directors, and a statement of the total amount paid during the last fiscal year. In the past, the Commission has not required detailed information concerning the benefits granted to the management of foreign issuers because these issuers have not been required to make such information public in their own countries. The trend toward greater disclosure abroad has led some countries to require some form of disclosure as to the benefits conferred upon management, and the Commission now believes that it is both desirable and feasible to require certain information in this connection from foreign registrants. At the same time, the Commission recognizes that most foreign issuers do not make such disclosures in their own countries as to individual directors and officers. Accordingly, the proposed Form 20 would require the issuer to disclose the aggregate amounts of any benefits conferred upon management rather than the amount conferred on any individual, officer or director.

The instructions to the financial statements would require all issuers other than those issuers filing a registration statement pursuant to General Instruction E to file the financial statements and schedules which would be required if the registration statement were filed on Form 10, and that these financial statements would be required to be prepared (or reconciled to) and certified

in accordance with the Commission's Regulation S–X (17 CFR Part 210). Financial statements furnished by issuers filing a registration statement pursuant to General Instruction E need not be certified, but if financial statements certified either in accordance with Regulation S–X or otherwise are available, both the financial statements and the certificate relating thereto shall be furnished. These financial statements must contain at least a profit and loss statement for the last fiscal year and balance sheet at the close of the fiscal year.

The instructions to the financial statements of the proposed Form 20 would change the requirements of the present Form 20 as to some foreign issuers. The Commission believes that such changes are appropriate for the voluntary listing of a foreign security on a national securities exchange.

A copy of the proposed amended Form 20 is attached hereto.

All interested persons are invited to submit their views and comments on the proposed form and on the proposed repeal, in writing, to the Securities and Exchange Commission, Washington, D.C., 20549, on or before December 23, 1965. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission, November 16, 1965.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

§ 249.220 Form 20, for registration of foreign private issuers pursuant to section 12 (b) or (g) of the Securities Exchange Act of 1934.

This form is to be used for registration pursuant to section 12 (b) or (g) of the Securities Exchange Act of 1934 of any class of securities of any private (nongovernment) issuer incorporated or organized under the laws of any foreign country other than a North American country or Cuba.

GENERAL INSTRUCTIONS

A. Rule as to Use of Form 20.

This form is to be used for registration pursuant to Section 12 (b) or (g) of the Securities Exchange Act of 1934 of any class of securities of any private (nongovernment) issuer incorporated or organized under the laws of any foreign country other than a North American country or Cuba.

B. Application of General Rules and Regulations.

(a) The General Rules and Regulations under the Act contain certain general requirements which are applicable to registration on any form. These general requirements should be carefully read and observed in the preparation and filing of registration statements on this form.

(b) Particular attention is directed to Regulation 12B (17 CFR 240.12b–1 et seq.) which contains general requirements regarding matters such as the kind and size of paper to be used, the legibility of the registration statement the information to be given whenever the title of securities is required to be stated, and the filing of the registration statement. The definitions contained in Rule 12b–2 (17 CFR 240.12b–2) should be especially noted.

C. Preparation of Registration Statement.

(a) This form is not to be used as a blank form to be filled in, but only as a guide in the preparation of the registration statement on paper meeting the requirements of Rule 12b–12 (17 CFR 240.12b–12). The registration statement shall contain the item numbers and captions, but the text of the items may be omitted provided the answers thereto are prepared in the manner specified in Rule 12b–13 (17 CFR 240.12b–13).

(b) Unless otherwise stated, the information required shall be given as of a date reasonably close to the date of filing the registration statement.

D. Signature and Filing of Registration Statements.

Three complete copies of the registration statement on this form, including exhibits and all papers and documents filed as a part thereof, shall be filed with the Commission. At least one complete copy of each statement shall be filed with each exchange on which an issuer applies for registration. At least one of the copies of each statement filed with the Commission and one copy filed with each such exchange shall be manually signed. Unsigned copies shall bear typed or printed signatures.

E. Special Provisions Applicable Only to Section 12(g) Registrants.

(a) Notwithstanding the requirements of this form, any issuer which files a registration statement on this form for the registration of any class of securities pursuant to Section 12(g) of the Act may, in lieu of filing the information, financial statements, and exhibits required by this form, furnish the Commission with whatever information the issuer, during the past year, (i) was required to make public in the country of its domicile pursuant to the law of that country, (ii) filed with a stock exchange on which its securities are traded and which was made public by the exchange with which the issuer filed the information, or (iii) distributed to its security holders. An issuer which registers pursuant to this instruction must furnish information to the Commission if the information falls within any of the above categories, but the issuer need furnish this information only once, notwithstanding that it would be included in more than one category. If the material furnished pursuant to this instruction does not include a balance sheet at the close of the fiscal year and a profit and loss statement of the issuer for the last fiscal year, a brief description of the issuer's business and a brief outline of the rights of the holders of the securities to be registered hereunder, such information shall be provided as part of the registration statement. Although financial statements furnished pursuant to this instruction need not be certified, if financial statements certified either in accordance with Regulation S–X (17 CFR Part 210) or otherwise are available, such financial statements and the certificate relating thereto shall be furnished. An issuer furnishing information pursuant to this instruction shall file a list stating which information it is required to make public, by whom it is required to make this information public, and when it is required to make this information public. Notwithstanding Rule 12b–12(d) (17 CFR 240.12b–12(d)) the exhibits and other papers and documents furnished with a registration statement on this form, if in a foreign language, need not be accompanied by a translation into the English language. Because of the widespread practice of providing information in English concerning foreign issuers, it is expected that such material will be supplied. This instruction shall not apply to any issuer which has any class of securities registered on a national securities exchange pursuant to Section 12(b) of the Act or which is required to file reports pursuant to Section 15(d) of the Act.

(b) The information and documents comprising a part of a registration statement furnished pursuant to this General Instruction E shall not be deemed to be "filed" for the purpose of Section 18 of the Act or otherwise subject to the liabilities of that section.

SECURITIES AND EXCHANGE COMMISSION

WASHINGTON, D.C., 20549

FORM 20

REGISTRATION STATEMENT FILED PURSUANT TO SECTION 12 (b) OR (g) OF THE SECURITIES EXCHANGE ACT OF 1934

(Exact name of registrant as specified in its charter)

(Translation of registrant's name into English)

(Address of registrant's principal executive offices)

Securities to be registered pursuant to Section 12(b) of the Act:

(Title of each class to be registered)

(Name of each exchange on which each class is to be registered)

Securities to be registered pursuant to Section 12(g) of the Act:

(Title of class)

(Title of class)

INFORMATION REQUIRED IN REGISTRATION STATEMENT

Item 1: General information. (a) Name of the country under the laws of which the registrant was incorporated or organized.

(b) Date of incorporation or organization.

(c) Date of termination of charter.

(d) Date upon which fiscal year ends.

Item 2: Control of registrant. State whether the registrant is directly or indirectly owned or controlled by another corporation or by any foreign government and, if so, give the name of such controlling corporation or government and describe briefly the nature of such control.

Item 3: History and business. Describe briefly the general character of the business done by the registrant and its subsidiaries, and any substantial changes which may have occurred in the general character of the business within the past five years.

Item 4: Property. State briefly the general character and location of the principal plants and other important units of the registrant and its subsidiaries.

Item 5: Description of capital shares to be registered. For each class of capital shares which is to be registered hereunder, give the title of the class and furnish the following information:

(a) Outline briefly: (i) Dividend rights; (ii) limitations in any indentures or other agreements on the payment of dividends; (iii) voting rights; (iv) liquidation rights; (v) preemptive rights; (vi) subscription rights; (vii) conversion rights; (viii) redemption provisions applicable thereto; and (ix) liability to further calls.

(b) Submit a schedule indicating for a period of three fiscal years, the dividends paid per share.

Instructions. 1. This item requires only a brief summary of the provisions which are pertinent from an investment standpoint. A complete legal description of the provisions referred to is not required and should not be given. Do not set forth the provisions of the governing instruments verbatim; only a succinct resume is required.

2. If the rights evidenced by the securities to be registered hereunder are materially limited or qualified by the rights evidenced by any other class of securities or by the provisions of any contract or other document, include such information regarding such limitation or qualification as will enable investors to understand the rights evidenced by the securities to be registered.

Item 6: Description of funded debt to be registered. For each class of funded debt which is to be registered hereunder, give the title of the class and furnish the following information:

(a) Date of the issue.

(b) Names of paying agents and trustees.

(c) Outline briefly the amortization, sinking fund, redemption and retirement provisions.

(d) Outline briefly the terms of any conversion or voting rights.

(e) State whether secured by any lien and briefly describe the property subjected to such lien.

(f) If serial, give the plan of serial maturities.

(g) If additional securities of the same issue may be issued under the respective indenture, state the amount thereof and outline briefly the conditions on which such issue can be made.

(h) State the amount of other securities which may be issued and, if issued, will as to security, rank ahead of, or pari passu with, the issue described.

(i) If substitution of any property securing the issue is permitted, outline briefly the principal provisions permitting such substitution, and state whether or not any notice is required in connection with any such substitution.

(j) If the obligation to pay interest is made dependent upon earnings or other special conditions, outline briefly the provisions applicable thereto.

(k) Outline briefly any provisions for the modification or amendment of the terms of the security or the indenture relating thereto by holders of part of the issue.

(l) State what percentage of security holders is necessary to require the trustee under the indenture (1) to accelerate the maturity of the issue and (2) to enforce the lien thereof. Outline briefly what indemnification the trustee is entitled to require before proceeding to enforce the lien. State what percentage of security holders must concur in order to be able to direct the trustee.

(m) State the currency or currencies in which payable; and if payable in two or more currencies, state the basis of determination for the currency conversion and at whose option.

(n) Outline briefly the provisions of any law or decree determining the extent to which the securities of the issue may be serviced.

(o) State briefly the circumstances concerning any failure to pay principal, interest, or any sinking fund or amortization instalment.

Instructions. 1. The instructions to Item 5 shall apply to this item.

2. If the securities to be registered hereunder are guaranteed, state the name of the guarantor and outline briefly the contract of guarantee.

Item 7: Description of other securities to be registered. For each class of securities of the registrant, other than capital shares of funded debt, which is to be registered hereunder, give the title of the class and outline briefly the rights evidenced thereby.

Instructions. 1. The instructions to Item 5 shall apply to this item.

2. If the securities to be registered hereunder are guaranteed, state the name of the guarantor and outline briefly the contract of guarantee.

Item 8: Limitations affecting security holders. (a) Outline briefly the provisions of any law or decree determining the extent to which dividends or other payments upon any class of securities to be registered hereunder may be paid to foreign holders.

(b) As to each class of securities to be registered hereunder, state whether there are any limitations, either by the law of the country under which the registrant is organized or in the charter or other constituent document of the registrant, on the right of foreigners to hold or vote the securities. Outline briefly any such limitations.

Item 9: Securities of other issuers guaranteed by registrant. If the registrant has guaranteed securities of any other issuer (other than notes, drafts, bills of exchange or banker's acceptances having a maturity at the time of issuance of not exceeding one year), state the name of such issuer and the title and amount of securities guaranteed and outline briefly the contract of guarantee.

Item 10: Exchange control. State whether any exchange control has been established by the country in which the registrant was organized.

Item 11: Directors and officers of registrant. Furnish the following information as to all directors and officers of the registrant: Name; Address; and Positions with registrant.

Item 12: Remuneration of directors and officers. State the aggregate amount of remuneration paid by the registrant and its subsidiaries during the registrant's last fiscal year to all directors and officers as a group, without naming them, for services in all capacities.

Item 13: Amount set aside for pension, retirement, and similar benefits. State the aggregate amount set aside by the registrant and its subsidiaries during the last fiscal year of the registrant to provide pension, retirement or similar benefits for directors and officers of the registrant.

Item 14: Options to purchase securities from registrant or subsidiaries. Furnish the following information as to all options to purchase securities from the registrant or any of its subsidiaries, which are outstanding as of a specified date within 30 days prior to the date of filing the registration statement:

(a) State (1) the title and total amount of securities called for by the options; (2) the purchase price of the securities called for; and (3) the expiration dates of the options.

(b) State the total amount of securities called for by all such options held by directors and officers of the registrant as a group, without naming them.

Instruction. The term "option" as used in this item includes all options, warrants or rights, other than those issued to security holders as such on a pro rata basis.

Item 15: Financial statements and exhibits. List all financial statements and exhibits filed as a part of the registration statement.

(a) Financial statements.

(b) Exhibits.

SIGNATURES

Pursuant to the requirements of section 12 of the Securities Exchange Act of 1934, the registrant has duly caused this registration statement to be signed on its behalf by the undersigned, thereunto duly authorized.

(Registrant)

By ---

(Signature)[1]

Date---

[1] Print the name and title of the signing officer under his signature.

INSTRUCTIONS AS TO FINANCIAL STATEMENTS

Every issuer registering securities on this form (other than issuers which file a registration statement pursuant to General Instruction E of this form) shall file as a part of its registration statement the financial statements and schedules which would be required to be filed if the registration statement were filed on Form 10 (17 CFR 249.210). Such financial statements shall be prepared (or reconciled to) and certified in accordance with the Commission's Regulation S–X (17 CFR Part 210).

INSTRUCTIONS AS TO EXHIBITS

The following exhibits shall be filed as a part of the registration statement. Such exhibits shall be appropriately designated by numbers or letters for convenient reference.

1. Copies of the charter, articles of association, or other constituent instruments of organization of the registrant, as amended, and bylaws, if any, as amended. (Statuts, Gesellschaftsvertrag, etc.)

2. Copies of all indentures and amendments thereto relating to the authorized funded debt of the registrant which is to be registered hereunder.

3. If the registrant has funded debt other than that which is to be registered hereunder, or has subsidiaries with funded debt, an agreement by the registrant to furnish or cause to be furnished to the Commission, upon request, copies of any indentures or amendments thereof relating to such funded debt.

4. A copy of any law or decree outlined in answer to Item 8.

5. If the registrant has guaranteed securities of other issuers, as specified in Item 9, an agreement by the registrant to furnish or cause to be furnished to the Commission, upon request, copies of any constituent instruments defining the rights of the holders of such securities.

6. Copies (specimens if available) of all securities to be registered hereunder.

(Secs. 12 and 23; 48 Stat. 892 and 901, as amended; 15 U.S.C. 78l and 78w)

[F.R. Doc. 65-12707; Filed, Nov. 26, 1965; 8:47 a.m.]

[17 CFR Part 249]

[Release No. 34–7748]

ANNUAL REPORTS OF FOREIGN ISSUERS

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration certain proposed amendments to Form 20–K (17 CFR 249.320) and the proposed repeal of Form 21–K (17 CFR 249.321) under the Securities Exchange Act of 1934. Form 20–K is now the form for the annual report for securities other than bonds of foreign private issuers and Form 21–K is the form for the annual report of bonds of foreign

private issuers. The chief purpose of the proposed amendments and repeal is to make Form 20–K available for the annual reports of all foreign private issuers other than North American and Cuban issuers which are filed pursuant to sections 13 and 15(d) of the Act so that Form 21–K would no longer be necessary. Although the Commission also proposes to repeal Form 21 (17 CFR 249.221) issuers which already have securities registered on that form would not be required to reregister those securities, and such issuers would use the amended Form 20–K for their annual reports. Foreign issuers which register in the manner prescribed by General Instruction E to Form 20 (17 CFR 249.220) are not required to file a report on Form 20–K but shall furnish information pursuant to General Instructions B and C of Form 6–K (17 CFR 249.306).

Although the general instructions would not specifically mention translations, Rule 12b–12(d) (17 CFR 240.12b–12(d)) under the Act makes clear that the reports on Form 20–K must be in English, and that any exhibit or other paper or document filed with the report which is in a foreign language must be accompanied by a translation into the English language.

The proposed Form 20–K would require the issuer to update the information which it gave in its initial registration statement concerning the aggregate amount of various benefits which officers and directors receive from the issuer and its subsidiaries. If the issuer has not included such information in its initial registration statement, it would be required to do so in Form 20–K for the first time. Item 10 would require the aggregate amount of remuneration paid; Item 11 would require the aggregate amount set aside to provide pension, retirement or similar benefits; Item 12 would require information as to any options to purchase securities from the issuer or any of its subsidiaries which were outstanding as of the end of the last fiscal year. These items would expand the present Form 20–K which requires only a description of any changes in the rights of the management of the issuer to a proportion of the issuer's profits and a statement of the amount paid to management during the last fiscal year.

In the past, the Commission has not required detailed information concerning the benefits granted to the management of foreign issuers because these issuers have not been required to make such information public in their own countries. The trend toward greater disclosure abroad has led some countries to require some form of disclosure as to the benefits conferred upon management, so that the Commission now believes that it is both desirable and feasible to require certain information in this connection from foreign registrants. At the same time, the Commission recognizes that most foreign issuers do not make such disclosure in their own countries as to individual directors and officers. Accordingly, the proposed Form 20–K would require the issuer to disclose the aggregate amounts of any benefits conferred on management rather than the amount conferred on any individual officer or director.

The instructions as to financial statements would require issuers filing annual reports on Form 20–K to file the financial statements and schedules which would be required to be filed if the report were filed on Form 10–K (17 CFR 249.310), and that these financial statements would be required to be prepared and certified in accordance with the Commission's Regulation S–X (17 CFR Part 210). The instructions to the financial statements would change the requirements of the present Form 20–K by requiring the financial statements to be prepared (or reconciled to) in accordance with the Commission's accounting requirements.

A copy of the proposed amended Form 20–K is attached hereto.

All interested persons are invited to submit their views and comments on the proposed form and on the proposed repeal, in writing, to the Securities and Exchange Commission, Washington, D.C., 20549, on or before December 23, 1965. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission, November 16, 1965.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

§ 249.320 Form 20–K, for annual reports of foreign private issuers filed pursuant to sections 13 and 15(d) of the Securities Exchange Act of 1934.

This form is to be used for annual reports filed pursuant to section 13 of the Securities Exchange Act of 1934 by any foreign private (nongovernment) issuer which has securities registered pursuant to section 12(b) of the Act on Forms 20 or 21 (17 CFR 249.220 or 249.221) or by any foreign issuer other than a North American or Cuban issuer which is required to file reports pursuant to section 15(d) of the Act.

GENERAL INSTRUCTIONS

A. Rule as to Use of Form 20–K.

(a) This form is to be used for annual reports filed pursuant to Section 13 of the Securities Exchange of 1934 by any foreign private (nongovernment) issuer which has securities registered pursuant to Section 12 (b) of the Act on Forms 20 (17 CFR 249.220) or 21 (17 CFR 249.221) or by any foreign issuer other than a North American or Cuban issuer which is required to file reports pursuant to Section 15(d) of the Act.

(b) Reports on this form shall be filed within six months after the end of the fiscal year covered by such reports.

B. Application of General Rules and Regulations.

(a) The General Rules and Regulations under the Act contain certain general requirements which are applicable to reports on any form. These general requirements should be carefully read and observed in the preparation and filing of reports on this form.

(b) Particular attention is directed to Regulation 12B (17 CFR 240.12b–1 et seq.) which contains general requirements regarding matters such as the kind and size of paper to be used, the legibility of the report, the information to be given whenever the title of securities is required to be stated, and the filing of the report. The definitions contained in Rule 12b–2 (17 CFR 240.12b–2) should be especially noted. See also Regulation 13A (17 CFR 240.13a–1 et seq.).

C. Preparation of Report.

(a) This form is not to be used as a blank form to be filled in, but only as a guide in the preparation of the report on paper meeting the requirements of Rule 12b–12 (17 CFR 240.12b–12). The report shall contain the item numbers and captions of all items required to be answered, but the text of such items may be omitted provided the answers thereto are prepared in the manner specified in Rule 12b–13 (17 CFR 240.12b–13).

(b) Except as otherwise stated, the information required shall be given as of the end of the registrant's fiscal year, or as of the latest practicable date subsequent thereto.

D. Signature and Filing of Report.

Three complete copies of each report on this form, including exhibits and all papers and documents filed as a part thereof, shall be filed with the Commission. At least one complete copy shall be filed with each exchange on which any security of the registrant is listed and registered. At least one of the copies filed with the Commission and one filed with each such exchange shall be manually signed. Unsigned copies shall be conformed.

SECURITIES AND EXCHANGE COMMISSION

WASHINGTON, D.C. 20549

FORM 20–K

ANNUAL REPORT PURSUANT TO SECTIONS 13 AND 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934

For the fiscal year ended _____ Commission file number _____

_____

(Exact name of registrant as specified in its charter)

_____

(Translation of registrant's name into English)

_____

(Address of principal executive offices)

Securities registered pursuant to Section 12(b) of the Act:

_____

_____

(Title of each class)

_____

_____

(Name of each exchange on which registered)

Item 1: Changes in ownership and control. (a) Describe briefly any material changes, not previously reported in the ownership or control exercised by any person or government over the registrant.

(b) State the name of any person or government, not previously reported in this connection, which directly or indirectly owns or controls the registrant and describe briefly the nature of such control.

Item 2: Changes in character of business. Describe briefly any material changes, not previously reported, in the general character of the business done by the registrant and its subsidiaries.

Item 3: Changes in property. Describe briefly any significant and unusual additions, abandonments or retirements of, or any significant and unusual changes, not previously reported, in the general character and location of principal plants and other important units of the registrant and its subsidiaries.

Item 4: Modification of securities of registrant. If any material modifications, not previously reported, have been made in any security, a description of which has been previously reported, or have been made in the indenture, character, or other constituent instrument defining rights of the holders of such security, give the title of the issue and state briefly the general effect of such modifications.

Instructions. 1. This item requires only a brief summary of the provisions which are pertinent from an investment standpoint. A complete legal description of the provisions referred to is not required and should not be given. Do not set forth the provisions of the governing instruments verbatim; only a succinct résumé is required.

2. If the rights evidenced by any class of securities registered have been materially limited or qualified by any other class of securities or by the provisions of any contract or other document and such limitation or qualification has not been previously described, include such information regarding such limitation or qualification as will enable investors to understand the effect thereof upon the securities registered.

Item 5: Limitations affecting security holders. (a) Outline briefly the provisions of any law or decree not previously reported, and any amendment not previously reported to any law or decree previously reported, determining the extent to which dividends or other payments upon any class of registered securities may be paid to foreign holders.

(b) Outline briefly any limitations, not previously reported, imposed either by the law of the country in which the registrant was organized or the charter or other constituent documents of the registrant on the right of foreigners to hold or vote any class of registered securities.

Item 6: Securities of other issuers guaranteed by registrant. If the registrant has guaranteed any class of securities of any other issuer, furnish the following information:

(a) Outline briefly any material modifications, not previously reported, in any such contract of guarantee previously reported.

(b) As to any guarantees not previously reported, state the name of the issuer and the title and amount of securities guaranteed and outline briefly the contract of guarantee.

Item 7: Increases and decreases in outstanding equity securities. Give the following information as to all increases and decreases during the fiscal year in the amount of equity securities of the registrant outstanding:

(a) The title of the class of securities involved;

(b) The date of the transaction;

(c) The amount of securities involved and whether an increase or a decrease;

(d) A brief description of the transaction in which the increase or decrease occurred. If previously reported, the description may be incorporated by a specific reference to the previous filing, and

(e) If the transaction involved a sale of securities which were not registered under the Securities Act of 1933, an indication of the exemption claimed and the facts relied upon to make the exemption available. If previously reported, the information may be incorporated by a specific reference to the previous filing.

Instruction. The information shall be prepared in the form of a reconciliation between the amounts shown to be outstanding on the balance sheet to be filed with this report and the amounts shown on the registrant's balance sheet for its previous fiscal year. Similar or related transactions, or numerous small transactions, may be grouped together showing the dates between which all such transactions occurred.

Item 8: Exchange control. State whether any foreign exchange controls are in effect in the country under the laws of which the registrant was organized and, if so, briefly describe such controls.

Item 9: Directors and officers of registrant. Furnish the following information as to all directors and officers of the registrant: Name; Address; and Positions with registrant.

Item 10: Remuneration of directors and officers. State the aggregate amount of remuneration paid by the registrant and its subsidiaries to all directors and officers of the registrant as a group, without naming them, for services in all capacities during the registrant's last fiscal year.

Item 11: Amount set aside for pensions, retirement and similar benefits. State the aggregate amount set aside by the registrant and its subsidiaries during the registrant's last fiscal year to provide pension, retirement or similar benefits for directors and officers of the registrant.

Item 12: Options to purchase securities from registrant or subsidiaries. Furnish the following information as to all options to purchase securities from the registrant or any of its subsidiaries, which were outstanding as of the end of the last fiscal year:

(a) State (1) the title and total amount of securities called for by the options; (2) the purchase price of the securities called for; and (3) the expiration date of the options.

(b) State the total amount of securities called for by all such options held by directors and officers of the registrant as a group, without naming them.

Instruction. The term "option" as used in this item includes all options, warrants or rights, other than those issued to security holders as such on a pro rata basis.

Item 13: Financial statements and exhibits. List all financial statements and exhibits filed as a part of the annual report:

(a) Financial statements.

(b) Exhibits.

SIGNATURES

Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this annual report to be signed on its behalf by the undersigned, thereunto duly authorized.

_____
(Registrant)

By _____
(Signature)[1]

Date_____

[1] Print the name and title of the signing officer under his signature.

INSTRUCTIONS AS TO FINANCIAL STATEMENTS

Every issuer filing a report on this form shall file as a part of its report the financial statements and schedules which would be required to be filed if the report were filed on Form 10–K (17 CFR 249.310). Such financial statements shall be prepared (or reconciled to) and certified in accordance with the Commission's Regulation S–X (17 CFR Part 210).

INSTRUCTIONS AS TO EXHIBITS

Subject to Rule 12b–32 (17 CFR 240.12b–32) regarding the incorporation of exhibits by reference, the following exhibits shall be filed as a part of the report:

A. Copies of all amendments or modifications, not previously filed, to all exhibits previously filed (or copies of such exhibits as amended or modified).

B. Copies of all other documents of a character required to be filed as an exhibit to an original registration statement on Form 20 (17 CFR 249.220) which were executed or in effect during the fiscal year and not previously filed.

C. If an annual report or proxy material has been sent to stockholders during the last fiscal year, a statement to that effect shall be included in the answer to Item 13. If such report or proxy material is to be furnished to stockholders subsequent to the filing of the annual report on this form, the registrant shall so state in answer to Item 13 and shall furnish copies of such material to the Commission when it is sent to stockholders.

(Secs. 13, 15 and 23; 48 Stat. 894, 895, and 901, as amended; 15 U.S.C. 78m, 78o and 78w)

[F.R. Doc. 65–12708; Filed, Nov. 26, 1965; 8:47 a.m.]

[17 CFR Part 249]

[Release No. 34–7749]

REPORT OF FOREIGN ISSUER

Notice of Proposed Adoption of Form

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposed new Form 6–K (17 CFR 249.306) under the Securities Exchange Act of 1934. This form would be used for reports by certain foreign private issuers which would be required to furnish reports under the proposed Rules 13a–5 (17 CFR 240.13a–5) and 15d–16 (17 CFR 240.15d–16). The purpose of the proposed new form is to provide a form on which foreign private issuers not required to file current reports on Form 8–K (17 CFR 249.308) will furnish such information as is made public abroad and on which those foreign issuers which register equity securities pursuant only to section 12(g) of the Act would furnish year-end financial statements.

At present, foreign issuers other than North American and Cuban issuers, with securities registered on a national securities exchange, or which are required to file reports pursuant to section (15d) of the Act are exempt from the requirement to file interim reports on Forms 8–K and 9–K (17 CFR 249.309).[1] The exemption was provided principally because many foreign companies have not been required in the past to make any periodic reports in their own countries. The Commission's recent study of financial practices in foreign countries revealed that many countries or their stock exchanges have revised or are now revising their requirements to call for some form of interim reporting. The Commission believes it is now practical to obtain periodic reports from foreign issuers and has proposed Rules 13a–5 and 15d–16 which would require issuers having securities for which the registration under section 12 of the Act on Form 20 (17 CFR 249.220) is authorized and foreign private issuers other than Canadian, Mexican, Cuban, or Philippine issuers which are required to file reports pursuant to section 15(d) of the Act to furnish reports on Form 6–K promptly after the information contained in such re-

[1] The only exception to this statement is found in Rule 15d–11 (17 CFR 240.15d–11) which does not exempt Philippine issuers from the requirement to file current reports on Form 8–K.

ports is made public by the issuer, the country of its domicile, or by an exchange with which the issuer has filed the information.

Form 6–K would require an issuer using that form to furnish whatever information, during the year, the issuer (i) is required to make public in the country of its domicile pursuant to the law of that country, or (ii) filed with a stock exchange on which its securities are traded and which was made public by the exchange with which the issuer filed the information, or (iii) distributed to its security holders. An issuer would be required to furnish information to the Commission if the information fell within any of the above categories, but would be required to furnish the information only once, notwithstanding that it would be included in more than one category. Form 6–K would be the form on which those foreign issuers which have securities registered only under section 12(g) of the Act and which are subject to Rule 13a–5 would furnish information containing an annual balance sheet at the close of the fiscal year and profit and loss statement for the last fiscal year. Any information and documents furnished in a report on Form 6–K would not be deemed to be "filed" with the Commission for the purpose of section 18 of the Act.

General Instruction C to the proposed form would set forth special provisions applicable only to those issuers which have securities registered pursuant to section 12(g) of the Act. This instruction would set forth details concerning the furnishing of annual financial information and would require an issuer to furnish any changes in the list of information which the issuer is required to make public abroad which is required by General Instruction E to Form 20.

A report filed on Form 6–K would consist of a cover page, the document or report furnished by the issuer, and a signature page. Three complete copies of each report would be deposited with the Commission and at least one complete copy would be filed with each stock exchange on which any security of the registrant is listed and registered under section 12(b) of the Act. At least one of the copies deposited with the Commission and one filed with each exchange would be required to be manually signed, and the other copies required to be conformed.

General Instruction E permits the issuer to furnish information on Form 6–K in a language other than English. Because of the widespread practice of providing information in English concerning foreign issuers, it is expected that such material will be supplied.

A copy of the proposed new form is attached hereto.

All interested persons are invited to submit their views and comments on the proposed form, in writing, to the Securities and Exchange Commission, Washington, D.C., 20549, on or before December 23, 1965. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission, November 16, 1965.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

§ 249.306 Form 6–K, report of foreign issuer pursuant to Rules 13a–5 (17 CFR 240.13a–5) and 15d–16 (17 CFR 240.15d–16) under the Securities Exchange Act of 1934.

This form shall be used by the following issuers: (a) Foreign issuers having securities for which the registration under section 12 of the Act on Form 20 (17 CFR 249.220) is authorized which are required to furnish reports pursuant to Rule 13a–5 (17 CFR 240.13a–5); (b) Foreign private issuers other than Canadian, Mexican, Cuban or Philippine issuers which are required to file reports pursuant to section 15(d) of the Act and which are required to furnish reports pursuant to Rule 15d–16 (17 CFR 240.15d–16) under the Act.

GENERAL INSTRUCTIONS

A Rule as to Use of Form 6–K.

The following issuers shall use Form 6–K:

(a) Foreign issuers having securities for which the registration under Section 12 of the Act on Form 20 (17 CFR 249.220) is authorized which are required to furnish reports pursuant to Rule 13a–5 (17 CFR 240.13a–5).

(b) Foreign private issuers other than Canadian, Mexican, Cuban or Philippine issuers which are required to file reports pursuant to Section 15(d) of the Act and which are required to furnish reports pursuant to Rule 15d–16 (17 CFR 240.15d–16) under the Act.

B. Information and Documents Required To Be Furnished.

An issuer furnishing a report on this form shall furnish whatever information the issuer, during the year, (i) is required to make public in the country of its domicile pursuant to the law of that country, or (ii) filed with a stock exchange on which its securities are traded and which was made public by the exchange with which the issuer filed the information, or (iii) distributed to its security holders. An issuer must furnish information to the Commission if the information falls within any of the above categories, but the issuer need furnish this information only once, notwithstanding that it would be included in more than one category. This report is required to be furnished promptly after the material contained in the report is made public as described above. The information and documents furnished in this report shall not be deemed to be "filed" for the purpose of Section 18 of the Act or otherwise subject to the liabilities of that section.

C. Special Provisions Applicable Only to Section 12(g) Registrants.

(a) If a foreign issuer having securities registered under Section 12(g) of the Act on Form 20 pursuant to General Instruction E of that form shall not have furnished pursuant to Instruction B of this form a report which includes a balance sheet and profit and loss statement of the issuer for the past fiscal year, such financial statements shall be furnished within six months after the end of the fiscal year.

(b) A foreign issuer which furnishes a list pursuant to General Instruction E to Form 20 which specifies the information which it is required to make public, by whom it is required to make this information public, and when it is required to make this information public, shall, in the event of any changes in the above information, furnish annually a revised list reflecting such changes.

D. Preparation and Filing of Report.

This report shall consist of a cover page, the document or report furnished by the issuer, and a signature page. Three complete copies of each report on this form shall be deposited with the Commission. At least one complete copy shall be filed with each stock exchange on which any security of the registrant is listed and registered under section 12(b) of the Act. At least one of the copies deposited with the Commission and one filed with each such exchange shall be manually signed. Unsigned copies shall be conformed.

E. Translation of Papers and Documents into English.

Notwithstanding Rule 12b–12(d) (17 CFR 240.12b–12(d)) the exhibits and other papers and documents, furnished with reports on this form, if in a foreign language, need not be accompanied by a translation into the English language. Because of the widespread practice of providing information in English concerning foreign issuers, it is expected that such material will be supplied.

SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, D.C. 20549

FORM 6–K

REPORT OF FOREIGN ISSUER

Pursuant to Rule 13a–5 or 15d–16 of the Securities Exchange Act of 1934

For the month of _____, 19__

_____
(Translation of registrant's name into English)

_____
(Address of principal executive offices)

SIGNATURES

Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this report to be signed on its behalf by the undersigned, thereunto duly authorized.

_____
(Registrant)

By _____
(Signature)[1]

Date _____

[1] Print the name and title of the signing officer under his signature.

(Secs. 13, 15 and 23; 48 Stat. 894, 895 and 901, as amended; 15 U.S.C. 78m, 78o, and 78w)

[F.R. Doc. 65–12709; Filed, Nov. 26, 1965; 8:47 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Geological Survey

[Colorado 119]

COLORADO

Coal Land Classification Order

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

SIXTH PRINCIPAL MERIDIAN, COLORADO

COAL LANDS

T. 2 N., R. 101 W.,
Sec. 7, lot 4, S½SE¼;
Sec. 8, SW¼SW¼;
Sec. 10, lot 3;
Sec. 11, lots 11 to 14, inclusive;
Sec. 14, lots 2 to 9, inclusive;
Sec. 15, lots 1 to 4, inclusive, SW¼NE¼, SW¼, NW¼SE¼;
Sec. 16, SW¼NW¼, S½;
Sec. 17, W½NE¼, SE¼NE¼, E½SE¼;
Sec. 18, NW¼NE¼;
Sec. 21, N½, N½SW¼, SE¼SW¼; SE¼;
Sec. 22, NW¼;
Sec. 23, lots 1, 3, and 4, SE¼SW¼, SW¼SE¼;
Sec. 26, W½NE¼, E½NW¼, S½;
Sec. 35, NE¼NE¼, S½NE¼, SE¼NW¼, NE¼SW¼, S½SW¼, NE¼SE¼, W½SE¼;
Sec. 36, NW¼NE¼, NE¼NW¼, W½NW¼.
T. 3 N., R. 101 W.,
Sec. 7, lot 4, SE¼SW¼, SW¼SE¼;
Sec. 15, SE¼SE¼;
Sec. 16, NE¼SW¼, NW¼SE¼;
Sec. 17, SE¼NE¼.
T. 2 N., R. 102 W.,
Sec. 2, lot 3, SE¼NW¼;
Sec. 12, SW¼NE¼, NE¼SE¼.
T. 3 N., R. 102 W.,
Sec. 11, N½S½;
Sec. 12, N½S½;
Sec. 26, SW¼NW¼, SW¼;
Sec. 35, W½NE¼, NW¼, N½SW¼, SE¼SW¼.

RECLASSIFIED COAL LANDS FROM NONCOAL LANDS

Prior classification of the following lands as noncoal lands is hereby revoked and the lands are reclassified as coal lands:

T. 3 N., R. 101 W.,
Sec. 25, NE¼, N½NW¼, SE¼NW¼, N½SE¼, SE¼SE¼.

NONCOAL LANDS

T. 2 N., R. 101 W.,
Sec. 7, SE¼SW¼;
Sec. 15, lots 5, 6, and 7, SW¼SE¼;
Sec. 17, W½, W½SE¼;
Sec. 18, lots 1 to 4, inclusive, NE¼NE¼, S½NE¼, E½W½, SE¼;
Sec. 19, lots 1 to 3, inclusive, NE¼, E½NW¼; NE¼SW¼, N½SE¼;
Sec. 20, N½, E½SW¼, SE¼;
Sec. 21, SW¼SW¼;
Sec. 22, lots 1 to 8, inclusive, W½NE¼, SW¼;
Sec. 23, lot 2, SW¼SW¼;
Sec. 26, W½NW¼;
Secs. 27 and 28;
Sec. 29, NE¼, E½SE¼;
Sec. 33, lots 1, 2, 3, and 15;
Sec. 34, lots 1 to 4, and 6 to 12, inclusive, SE¼SW¼, NE¼SE¼, S½SE¼;
Sec. 35, NW¼NE¼, NE¼NW¼, W½NW¼, NW¼SW¼.
T. 3 N., R 101 W.,
Sec. 7, lots 2 and 3, SE¼NW¼, NE¼SW¼, N½SE¼, SE¼SE¼;
Sec. 8, S½S½;
Sec. 13, S½S½;
Sec. 14, S½S½;
Sec. 15, N½S½;
Sec. 16, S½NW¼, NE¼SE¼;
Sec. 17, N½NE¼.
T. 2 N., R. 102 W.,
Sec. 2, lot 4, SW¼NW¼, W½SW¼, SE¼SW¼, SW¼SE¼;
Sec. 11, NW¼NE¼, S½NE¼, W½, SE¼;
Sec. 12, S½NW¼, SW¼, W½SE¼, SE¼SE¼;
Sec. 13;
Sec. 14, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 23, NE¼NE¼;
Sec. 24, N½NE¼, SE¼NE¼, NW¼NW¼.
T. 3 N., R. 102 W.,
Sec. 11, N½;
Sec. 12, S½N½;
Sec. 35, SW¼SW¼.

The area described aggregates 14,382 acres, more or less, of which approximately 4,667 acres are classified as coal lands, approximately 9,315 acres are classified as noncoal lands, and approximately 400 acres are reclassified coal lands that were formerly classified noncoal lands.

ARTHUR A. BAKER, *Acting Director.*

NOVEMBER 19, 1965.

[F.R. Doc. 65–12700; Filed, Nov. 26, 1965; 8:46 a.m.]

CIVIL SERVICE COMMISSION

COUNSELING PSYCHOLOGIST, VOCATIONAL REHABILITATION AND EDUCATION

Minimum Educational Requirements

In accordance with section 5 of the Veterans' Preference Act of 1944, as amended, the Civil Service Commission has decided that previously approved minimum educational requirements for positions of Counseling Psychologist (Vocational Rehabilitation and Education), GA–180–11/12, should be superseded by revised requirements. Identification of the superseded requirements, the revised requirements, the duties of the positions, and the reasons for the Commission's decision that these requirements are necessary are set forth below.

COUNSELING PSYCHOLOGIST (VOCATIONAL REHABILITATION AND EDUCATION), GS–180–11/13

Superseded requirements. The following material supersedes that previously appearing in 5 CFR 24.114 (published originally in 20 F.R. 9380, Dec. 15, 1955).

A. *Minimum educational requirements.* Applicants must meet the requirements stated in subparagraph (1) or (2) of this paragraph, as follows:

(1) Completion in an accredited college or university of 2 years graduate study (60 semester hours or 2 years of graduate credit as defined by the institution attended) including subdivisions (a), (b), and (c) of this subparagraph:

(a) Thirty-six semester hours distributed as follows:

(1) Personality organization and dynamics (9 semester hours) including courses such as abnormal psychology, mental hygiene, clinical psychology, and theories of personality: *Provided*, That at least one course was in theories of personality.

(2) Counseling theory techniques and practice (9 semester hours) including courses such as interviewing, case study method, theory and methods of counseling, principles of counseling, or practicum in counseling.

(3) Psychological tests and measurements (12 semester hours) including 6 semester hours in statistics and/or research method or theory of measurement and 6 semester hours in tests and measurements, of which at least 3 semester hours shall be in individual testing other than projective techniques.

(4) Vocational psychology and sociology (6 semester hours) including such courses as vocational development theory, occupational information, job analysis, industrial sociology, sociology of occupations, labor problems, provided at least one course was in occupational information.

In meeting these requirements, up to 9 semester hours of advanced undergraduate courses, not more than 6 of which may be in any one area, may be offered in lieu of graduate courses: *Provided*, That an equivalent additional number of graduate credits is offered in lieu of graduate courses in other areas of (a) above and/or (b) below.

(b) Fifteen semester hours in any combination of additional courses in the areas mentioned above and/or courses in basic psychology, such as general, education, experimental, child, adolescent, social, comparative, industrial, personnel, physiological, systematic, applied or learning theory, and/or courses in rehabilitation, cultural and psycho-social aspects of disability, medical information for rehabilitation counselors, disabilities and their vocational implications, special problems of the handicapped.

(c) The remaining 9 semester hours in any combination of additional courses in the areas mentioned in (a) and (b) above and/or courses related to psychology, counseling or vocational rehabilitation, such as courses in community organization and resources, education, economics, sociology, social work,

cultural anthropology, personnel administration and research.

(2) Satisfactory completion of all the requirements for the doctoral degree from an accredited college or university, based upon a graduate course of study with major emphasis in the field of psychology or counseling and guidance.

B. *Duties.* Counseling psychologists apply psychological principles and appropriate counseling techniques in assisting eligible veterans and the sons and daughters of deceased or permanently and totally disabled veterans in selecting and attaining suitable educational or occupational goals. They determine whether disabled veterans are in need of vocational rehabilitation to prepare them for suitable employment. They apply professionally recognized therapeutic counseling techniques in assisting the veteran with personal problems or conflicts which interfere with his vocational choice or with his progress in training. They detect those veterans with serious mental or emotional disturbances and refer them to Veterans Administration Mental Hygiene Clinics or other mental hygiene or medical services. They conduct research concerning the objectives, methods, and results of counseling.

C. Reasons for establishing requirements. (1) In order to adequately counsel veterans in selecting and attaining suitable educational and/or occupational goals the counseling psychologist (VR&E) must have had a specialized background of education and experience in the field of psychology, with particular emphasis upon counseling, and in other fields related to vocational and educational guidance. This background should have provided a thorough knowledge of the principles underlying behavior and of psychological and counseling techniques. The counseling psychologist (VR&E) must have the ability to apply professionally recognized therapeutic counseling techniques in assisting the veteran with personal problems or conflicts which interfere with his vocational choice or with his progress in training. Since counseling psychologists (VR&E) function without professional direction from psychiatrists, they must have sound preparation in order to be able to detect those veterans with serious mental or emotional disturbances and refer them to mental or hygiene clinics for more intensive and extensive treatment.

(2) The counseling psychologist (VR&E) must have a comprehensive knowledge of occupations and their varied demands and opportunities, an understanding of scientific method and of theory of measurement and be thoroughly familiar with a wide array of psychological tests used in assessment of interests, personality traits, mental abilities, achievements and special aptitudes. He must be able to interpret test results to the veterans. The counseling psychologist (VR&E) should have had sufficient training and experience to enable him to conduct research concerning the objectives, methods and results of counseling in order to improve the professional quality of counseling.

(3) In dealing with seriously disabled veterans the counseling psychologist (VR&E) must have a comprehensive background of information concerning the nature of, and common inter-relationships among various types of disabilities. This knowledge must be sufficiently thorough to enable him to determine whether disabled veterans are in need of vocational rehabilitation to prepare them for suitable employment, to understand and use medical terminology, and to interpret and apply medical information and advice concerning physical capacities and limitations in relation to specific occupations. He must be able to recognize the psychological effects of severe physical disabilities upon the veteran and apply counseling techniques which will fully develop the veteran's residual capacities through his choice of a vocational and/or educational goal.

(4) The only way that these knowledges can be acquired is through a balanced program of study in an accredited college or university in the courses listed in paragraph A of this section.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director,
Bureau of Management Services.

[F.R. Doc. 65-12720; Filed, Nov. 26, 1965; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14977, 14978; FCC 65M-1528]

ABACOA RADIO CORP. (WRAI) AND MID-OCEAN BROADCASTING CORP.

Order Regarding Procedural Dates

In re applications of Abacoa Radio Corp. (WRAI), Rio Piedras (San Juan), P.R., Docket No. 14977, File No. BP-14070; Mid-Ocean Broadcasting Corp., San Juan, P.R., Docket No. 14978, File No. BP-14994; for construction permits

The Hearing Examiner having under consideration a letter, dated November 19, 1965, from counsel for Mid-Ocean Broadcasting Corp., requesting modification of certain procedural dates herein;

It appearing, That counsel for Abacoa Radio Corp. consents to the immediate consideration and grant of the relief requested, that counsel for the Broadcast Bureau will interpose no objection to a grant thereof, and that it is appropriate to grant the relief requested;

It is ordered, This 19th day of November 1965, that the subject letter request is granted, and that procedural dates herein are continued as follows:

	From	To
Exchange of exhibits and notification of witnesses.	Nov. 22, 1965	Jan. 7, 1966.
Notification of additional witnesses.	Dec. 1, 1965	Jan. 21, 1966.
Hearing	Dec. 15, 1965	February 28, 1966 (10 a.m.).

Released: November 23, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12721; Filed, Nov. 26, 1965; 8:48 a.m.]

[Docket No. 16058; FCC 65-1048]

AUTHORIZED ENTITIES AND USERS UNDER COMMUNICATIONS SATELLITE ACT

Order Extending Time for Filing Reply Comments

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 22d day of November;

The Commission having before it a request filed on November 17, 1965, by ITT World Communications Inc. (ITT), that the time within which reply comments may be filed "In the Matter of Authorized Entities and Authorized Users Under the Communications Satellite Act of 1962," Notice of Inquiry (Docket No. 16058), promulgated on June 16, 1965, and as amended on September 22, 1965, be extended from December 1, 1965, to December 31, 1965;

It appearing, that 27 parties have filed comments or briefs or both on the various legal and policy questions set forth in the Commission's Notice of Inquiry; and

It further appearing, that ITT alleges that such comments and briefs are comprehensive, lengthy and reflect many different points of view with respect to the legal and policy considerations at issue, that the time presently available is insufficient to analyze thoroughly and develop replies to the divergent arguments and views advanced by other respondents, that said replies will be useful to the Commission in resolving the issues in this matter, and that counsel for a majority of the respondents have indicated no opposition to an extension of time until December 31, 1965;

It is ordered, That the time for filing reply comments in the proceedings before this Commission, Docket No. 16058, is extended to December 31, 1965.

Released: November 23, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12722; Filed, Nov. 26, 1965; 8:48 a.m.]

[Docket Nos. 11290, 16298; FCC 65-1029]

IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY (WOI)

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Iowa State University of Science and Technology (WOI), Ames, Iowa, Docket No. 11290, File No. BSSA-276; for special service authorization to operate additional hours from 6 a.m. to local sunrise, central standard time, with 1 kw; Iowa State University of Science and Technology (WOI), Ames, Iowa, Docket No. 16298, File No. BP-16060; has: 640 kc, 5 kw, day; requests: 640 kc, 5 kw, day, 1 kw-S.H., for construction permit.

[1] Commissioners Hyde and Bartley absent.

1. The Commission has before it the above-captioned and described applications, the application for construction permit having been filed pursuant to the Commission's memorandum opinion and order released herein on October 28, 1963, 1 RR 2d 465. Also before the Commission are a "Petition for Rulemaking and for Waiver of § 73.25, Note 1, of the Commission's Rules" filed by Iowa State University of Science and Technology (WOI) together with a tendered amendment specifying operation with a power of 1 kilowatt from 6 a.m. local time, whether central standard time or central daylight time, during that time of the year when 6 a.m. (either standard or daylight time) occurs prior to local sunrise; an "Opposition to 'Petition for Rulemaking and for Waiver of § 73.25, Note 1, of the Commission's Rules'" filed by Earle C. Anthony, Inc. (KFI), licensee of Class 1-A Station KFI, Los Angeles, Calif. (640 kc, 50 kw, U); and a "Reply of Iowa State University to Opposition to Petition for Rulemaking and Waiver." In addition, WOI has filed informal requests for temporary authority to operate in the manner specified in the tendered amendment. The applicant's petition, insofar as it requests rulemaking will be considered in a separate order. For the purposes of the present proceeding, only that aspect of the petition which requests a waiver of Note 1 to § 73.25 will be considered.

2. Note 1 to § 73.25 of the rules contemplates consideration by the Commission of an application for operation at Ames, Iowa, on 640 kc between the hours of 6 a.m., c.s.t. and local sunrise utilizing 1000 watts. WOI's tendered amendment specifies operation to commence either at 6 a.m., c.s.t., or 6 a.m., c.d.s.t. Therefore, in the absence of a waiver of the provisions of said Note 1, the amendment cannot be accepted since applicant proposes to commence operation one hour earlier during some months of the year than provided for by said Note.

3. In support of the request for waiver of Note 1 to § 73.25, WOI states that, except for periods between October 14, 1941, and December 9, 1944, and between November 1946 and January 1947, WOI has been authorized to begin operation at 6 a.m., local time; that, beginning on December 9, 1944, WOI was authorized to commence operation at 6 a.m., central war time which occurred 1 hour earlier than central standard time (Iowa State College of Agriculture Mechanic Arts (WOI), 10 FCC 407 (1944)); and that, during a portion of the period when daylight savings time is in effect in Iowa,[1] the station's inability to provide service beginning at 6 a.m., local time (c.d.t.), which would be 5 a.m., c.s.t., would result in a hardship on those who have become accustomed to rely on the service provided at that hour.

4. KFI opposes the requested waiver on the ground that interference commencing at even an earlier hour contemplated in the WOI amendment would be substantial and that WOI has shown no countervailing circumstances warranting a mode of operation which would result in additional interference to KFI.

5. In reply, WOI urges that it requests nothing more than an opportunity to demonstrate, at a formal hearing that the public interest would be served by permitting it to operate from 6 a.m., c.d.t., during the period when daylight time is in effect in Iowa.

6. Notwithstanding the fact that the Note 1 to § 73.25 does not contemplate consideration by the Commission of an application for authority to operate prior to 6 a.m., c.s.t., the Commission will, in this instance waive the provisions of that Note to the extent necessary to accept the amendment to specify operation commencing at 6 a.m., c.d.s.t., when that hour occurs before sunrise at Ames, Iowa. Such acceptance will be for the sole purpose of permitting WOI to adduce evidence in support of its position that the authorization of the earlier sign-on time will serve the public interest. Likewise, KFI may introduce evidence which, in its view, may tend to establish that the resulting additional interference would not be in the public interest.

7. WOI's request for temporary authority to sign on at 6 a.m., c.d s.t., when that hour occurs prior to sunrise at Ames, will be denied in view of the additional interference which would be caused to KFI.

8. According to the applicant's data the proposed operation of WOI, prior to local sunrise, will cause interference within the service area of KFI. Therefore, appropriate issues will be specified to be resolved in the hearing ordered below.

9. In view of the foregoing, the Commission finds that the applicant is legally, financially, technically and otherwise qualified but is unable to make the statutory finding that either of the applications would serve the public interest, convenience and necessity, and is of the opinion that the application for standard broadcast construction permit should be consolidated for hearing with the application for special service authorization on the issues set forth below.

Accordingly, it is ordered, This 17th day of November 1965, that, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above application for standard broadcast construction permit is designated for hearing in a consolidated proceeding with the application for special service authorization, upon the following issues:

1. To determine the areas and populations which may be expected to receive primary service from the proposed pre-sunrise operation of Station WOI and the availability of other primary service to such areas and populations.

2. To determine the type and character of program service to be rendered by the proposed pre-sunrise operation of Station WOI, whether the same general program service is being rendered by any other station or stations serving all or part of the area proposed to be served by Station WOI, and whether the proposed WOI program service would serve any special needs and requirements of the population and areas proposed to be served.

3. To determine whether the proposed operation of Station WOI would cause objectionable interference between the hours of 6 a.m. and local sunrise c.s.t. and between the hours of 6 a.m. and local sunrise c.d.s.t. at Ames, Iowa, to the primary and secondary service areas of Station KFI, Los Angeles, Calif., and if so, the nature and extent thereof, the areas and populations affected thereby, the availability of other primary service to the primary service area of Station KFI so affected, the availability of other secondary service to the secondary service area of KFI so affected, and the nature and character of the program service now being rendered by Station KFI to such areas and populations.

4. To determine whether § 73.25 of the rules should be waived to permit operation by WOI commencing at 6 a.m. whether it be central standard or daylight saving time at Ames, Iowa.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of either application would serve the public interest, convenience and necessity.

It is further ordered, That Earle C. Anthony, Inc., licensee of Station KFI, Los Angeles, Calif., is made a party to the proceeding.

It is further ordered, That the specification of issues herein shall supersede the specification of issues in the Commission's order herein of February 23, 1955 (FCC 55-243 released February 24, 1955).

It is further ordered, That the petition of the Iowa State University of Science and Technology for rule making and for waiver of § 73.25 Note 1, of the Commission's rules, insofar as it requests a waiver of said note is hereby granted and the amendment tendered with said petition is hereby accepted.

It is further ordered, That the applicant's request for temporary authority to operate commencing at 6 a.m., c.d.t., during the period when daylight time is in effect in Iowa, is hereby denied.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days

[1] By letter of Apr. 13, 1965, the applicant advised the Commission that, under a recently enacted Iowa law, daylight savings time is in effect in the State from May 31 until Labor Day each year.

of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicant shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: November 23, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12723; Filed, Nov. 26, 1965; 8:49 a.m.]

[Docket Nos. 16306—16309; FCC 65-1047]

K-SIX TELEVISION, INC. (KVER), AND SOUTHWESTERN OPERATING CO. (KGNS-TV)

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of: K-Six Television, Inc. (KVER), Laredo, Tex., Docket No. 16306, File No. BPCT-3304; for construction permit for new television broadcast station. K-Six Television, Inc. (KVER), Laredo, Tex., Docket No. 16307, File No. BMPCT-6153; for modification of construction permit. Southwestern Operating Co. (KGNS-TV), Laredo, Tex., Docket No. 16308, File No. BRCT-503; for renewal of license. Southwestern Operating Co. (KGNS-TV), Laredo, Tex., Docket No. 16309, File No. BPCT-3472; for construction permit to make changes.

1. The Commission has before it for consideration the decision of the U.S. Court of Appeals for the District of Columbia Circuit in Southwestern Operating Co. v. Federal Communications Commission, Case No. 19.061, decided September 27, 1965, ——— U.S. App. D.C. ———, ——— F. 2d ———, 5 RR 2d 2121, remanding the case to the Commission for proceedings not inconsistent therewith.

2. The Court's opinion clearly requires a hearing on Southwestern's allegations that the economy of Laredo, Tex., is such that it could not support an additional television broadcast station without a loss or material degradation of television service to the public. In accordance with the Court's opinion, we will designate the matter for hearing and will place the burden of proceeding with the introduction of evidence and the burden of proof in connection with the Carroll[1] issue upon the petitioner, Southwestern.

3. We have already indicated that we will afford Southwestern an opportunity to prove its allegations in a hearing. If it should be found that this area cannot support another television broadcast station without a net loss of service to the public, we must determine that the limited broadcasting facilities available will be operated by the party who will better serve the public interest. Missouri-Illinois Broadcasting Co. (KZYM), FCC 65-437, 5 RR 2d 452. Accordingly, the Southwestern renewal application (BRCT-503) will be designated for hearing in a consolidated proceeding with the K-Six application (BPCT-3304), specifying a contingent comparative issue so that a full comparison of the parties can be made in the event that the record shows that the public would suffer a loss if both stations were authorized to operate in Laredo.

4. K-Six has applied for modification (BMPCT-6153) of its construction permit to make certain changes; Southwestern has also filed an application (BPCT-3472) for a construction permit to make changes in the facilities of Television Broadcast Station KGNS-TV. If the evidence should sustain petitioner's Carroll allegations, either the K-Six application for modification or the Southwestern application for a construction permit must be dismissed because the application for the basic authorization of one of them must fall. WHDH, Inc., FCC 65-811, released September 20, 1965. Moreover, the K-Six application (BMPCT-6153) for modification of its construction permit and the Southwestern application (BPCT-3472) for a construction permit each proposed changes which would result in substantial alteration of the service contours of the respective stations. For this reason, and in order to permit simultaneous disposal of all pending related matters, we are also designating these two applications for hearing in this proceeding.

5. We have already determined that K-Six Television, Inc., is legally, financially, technically and otherwise qualified to construct, own and operate the proposed new television broadcast station.[2] On the basis of our examination of the Southwestern applications, we find that Southwestern is legally, financially, technically and otherwise qualified to construct and operate as proposed. The Commission, however, is unable to make the statutory finding that a grant of the above-captioned applications would serve the public interest, convenience and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below.

Accordingly, it is ordered, That the grant of the application (BPCT-3304) of K-Six Television, Inc., is set aside.

It is further ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of K-Six Television, Inc., and Southwestern Operating Co., are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether there are adequate revenues available to support an additional television broadcast station in the area proposed to be served by K-Six Television, Inc. (BPCT-3304) without loss or degradation of television broadcast service to such area.

2. To determine, in the event that Issue 1, above, is resolved in the negative, whether a grant of the above-captioned applications of K-Six Television, Inc., or a grant of the above-captioned applications of Southwestern Operating Co., would better serve the public interest.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether the K-Six Television, Inc., applications or the Southwestern Operating Co. applications, or either pair, should be granted.

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof with respect to Issue 1, above, are hereby placed upon Southwestern Operating Co.

It is further ordered, That, to avail themselves of the opportunity to be heard, K-Six Television, Inc., and Southwestern Operating Co., pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594(a) of the Commission's rules, give notice of the hearing either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: November 22, 1965.

Released: November 23, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12724; Filed, Nov. 26, 1965; 8:49 a.m.]

[Docket Nos. 16266, 16267; FCC 65M-1525]

PALMETTO BROADCASTING SYSTEM, INC. (WAGL), AND WPEG, INC. (WPEG)

Order Continuing Hearing

In re applications of Palmetto Broadcasting System, Inc. (WAGL), Lancaster, S.C., Docket No. 16266, File No. BP-16486; WPEG, Inc. (WPEG), Winston-Salem, N.C., Docket No. 16267, File No. BP-16492; for construction permits.

A prehearing conference in the above-entitled proceeding having been held as scheduled on November 19, 1965,

It is ordered, This 19th day of November 1965, that the procedural ground rules established at said conference are hereby approved and that the transcript of said conference, incorporated herein by reference with the same force and effect as if set forth at length, shall control as to any question bearing on the established ground rules; and

It is further ordered, That the hearing, presently scheduled to commence on December 13, 1965, is continued to 10 a.m., January 24, 1966.

Released: November 22, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12725; Filed, Nov. 26, 1965; 8:49 a.m.]

[Docket No. 16299; FCC 65-1032]

RADIO MARSHALL, INC.

Order Designating Application for Hearing on Stated Issues

In re application of Radio Marshall, Inc., Marshall, Tex., Docket No. 16299, File No. BPH-4603; requests: 103.9 mc, No. 280; .126 kw; 310.375 feet; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 17th day of November 1965;

The Commission having under consideration the above-captioned and described application;

It appearing, that, except as indicated by the issues specified below, the applicant is legally, technically, financially, and otherwise qualified to construct and operate as proposed; and

It further appearing, that parties to this application also control Radio Longview, Inc., licensee of Station KLUE-FM, Longview, Tex.; and

It further appearing, that because of the proximity of the respective communities, neither station could significantly improve its facilities without causing 1 mv/m overlap; and

It further appearing, that Station KLUE-FM operates with subminimum Class C facilities and the subject proposal is for minimal Class A facilities; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the extent to which duopoly considerations may preclude future expansions of station KLUE-FM and the proposed Radio Marshall facility and in the light of the evidence adduced in response to this question, whether this proposal represents an efficient use of the channel within the meaning of 307(b) of the Communications Act of 1934, as amended.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, filed with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: November 23, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12726; Filed, Nov. 26, 1965; 8:49 a.m.]

[Docket Nos. 16253, 16254; FCC 65M-1529]

KEITH L. REISING AND KENTUCKY CENTRAL BROADCASTING, INC.

Order Scheduling Prehearing Conference

In re applications of Keith L. Reising, Louisville, Ky., Docket No. 16253, File No. BPH-4207; Kentucky Central Broadcasting, Inc., Louisville, Ky., Docket No. 16254, File No. BPH-4345; for construction permits.

The Hearing Examiner having under consideration the necessity of changing the date for commencement of hearing;

It appearing, that a third application is eligible for designation in this consolidated proceeding and for this reason the currently scheduled date of December 14 is unrealistic;

It is ordered, This 22d day of November 1965, that the hearing date of December 14, 1965, is cancelled and that a further prehearing conference will be held on January 7, 1966, at 10 a.m.

Released: November 23, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12727; Filed, Nov. 26, 1965; 8:49 a.m.]

[Docket Nos. 16288, 16289; FCC 65M-1510]

ROWLAND BROADCASTING CO., INC. (WQIK) AND WILLIAMSBURG COUNTY BROADCASTING CO.

Order Scheduling Hearing

In re applications of Rowland Broadcasting Co., Inc. (WQIK), Jacksonville, Fla., Docket No. 16288, File No. BP-16644; M. H. Jacobs, H. Y. Hodges, and Dale W. Gallimore doing business as Williamsburg County Broadcasting Co., Kingstree, S.C., Docket No. 16289, File No. BP-16580; for construction permits.

It is ordered, This 16th day of November 1965, that Chester F. Naumowicz, Jr., shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on January 17, 1966, at 10 a.m.; and that a prehearing conference shall be held on December 15, 1965, commencing at 9 a.m.:

And, it is further ordered, That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: November 17, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12728; Filed, Nov. 26, 1965; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NORTH CAROLINA AND TEXAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of North Carolina and Texas natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

NORTH CAROLINA	
Buncombe.	Jackson.
TEXAS	
Edwards.	Terrell.
Kimble.	Van Zandt.
Kinney.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1966, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 22d day of November 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-12714; Filed, Nov. 26, 1965; 8:48 a.m.]

[1] Carroll Broadcasting Co. v. Federal Communications Commission, 103 U.S. App. D.C. 346, 258 F. 2d 440, 17 RR 2066.

[2] Commissioners Hyde and Loevinger absent.

[2] Memorandum Opinion and Order, FCC 64-1074, 3 RR 2d 858.

[3] Commissioner Hyde absent; Commissioner Cox concurring and dissenting in part and issuing a statement in which Commissioner Lee joins and which is filed as part of original documents.

[1] Commissioners Hyde and Loevinger absent.

FEDERAL POWER COMMISSION

[Docket No. G–4438, etc.]

ARKANSAS LOUISIANA GAS CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

NOVEMBER 17, 1965.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 10, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G–4438 ..... C 11–8–65	Arkansas Louisiana Gas Co., Slattery Bldg., Shreveport, La.	Mississippi River Transmission Corp., Hico-Knowles Field, Lincoln Parish, La.	[1] 14.1533	15.025
G–4803 ..... D 11–8–65	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex., 77001.	Kansas-Nebraska Natural Gas Co., Inc., West Big Springs Field, Deuel County, Nebr.	(2)	.....
G–4820 ..... D 11–8–65	Texaco Inc., Post Office Box 52332, Houston, Tex., 77052.	Tennessee Gas Transmission Co., Santellana Field, Hidalgo County, Tex.	(3)	.....
G–15431 ..... C 9–28–65	The Superior Oil Co., Post Office Box 1521, Houston, Tex., 77001.	El Paso Natural Gas Co., Aneth Field, San Juan County, Utah.	17.877	15.025
C160–214 ..... D 11–8–65	Petroleum, Inc., c/o W. F. Schell, Attorney, 1400 Wichita Plaza, Wichita, Kans., 67202 (partial abandonment).	Michigan Wisconsin Pipe Line Co., Laverne Field, Beaver County, Okla.	Depleted	.....
C162–313 ..... C 2–15–65	North Central Oil Corp. (Operator), et al., 1300 Main St., Suite 1000, Houston, Tex., 77002.	Transcontinental Gas Pipe Line Corp., Kaplin Field, Vermilion Parish, La.	20.625	15.025
C163–20 ..... C 11–5–65	Humble Oil & Refining Co.	Arkansas Louisiana Gas Co., Arkoma Area, Latimer County, Okla.	15.0	14.65
C163–20 ..... D 11–8–65	do.	Arkansas Louisiana Gas Co., Arkoma Area, Haskell County, Okla.	Assigned	.....
C164–175 ..... C 11–5–65	Pan American Petroleum Corp. (Operator), et al., Post Office Box 591, Tulsa, Okla., 74102.	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	13.0	15.025
C164–1338 ..... D 11–8–65	Humble Oil & Refining Co.	Natural Gas Pipeline Co. of America, Crane Field, Custer County, Okla.	Assigned	.....
C165–396 ..... C 8–2–65	Rodman Oil Co., Post Office Box 3826, Odessa, Tex.	Northern Natural Gas Co., East Ozona Field, Crockett County, Tex.	16.0	14.65
C165–396 ..... C 11–8–65	do.	do.	16.0	14.65
C165–612 ..... C 11–3–65	Don Earney, Box 57, Wheeler, Tex.	El Paso Natural Gas Co., Anadarko Basin Area, Beckham County, Okla.	13.0	14.65
C165–738 ..... D 11–5–65	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla., 74102.	Northern Natural Gas Co., Clementine Upper Morrow Field, Hansford County, Tex.	(4)	.....
C166–366 (G–5351) F 11–4–65	W. J. Fellers (Operator), et al. (successor to Skelly Oil Co.), c/o Jerry F. Lyons, attorney, Post Office Box 550, Amarillo, Tex.	Phillips Petroleum Co., Hugoton Field, Sherman County, Tex.	[5] 10.5924	14.65
C166–376 ..... A 11–4–65	Sun Oil Co. (Gulf Coast Division), 1608 Walnut St., Philadelphia, Pa., 19103.	Trunkline Gas Co., Bayou Sale Field, St. Mary Parish, La.	18.5	15.025
C166–377 (C164–1142) F 11–5–65	Wind River Drilling Co. (successor to American Metal Climax, Inc. (Operator), et al.), 517 First National Bank Bldg., Casper, Wyo., 82601.	Kansas-Nebraska Natural Gas Co., Inc., North Shawnee, Flat Top Field, Converse County, Wyo.	15.0	15.025
C166–378 ..... A 11–4–65	CRA, Inc., Post Box Office 7305, Kansas City, Mo., 64116.	Transcontinental Gas Pipe Line Corp., Johnson's Bayou Field Unit, Cameron Parish, La.	20.625	15.025
C166–379 ..... A 11–8–65	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla., 74102.	Phillips Petroleum Co., Texas Hugoton Field, Hansford County, Tex.	[7] 11.0	14.65
C166–380 ..... A 10–27–65	C. L. Craig, Post Office Box 700, Plainview, Tex., 79073.	Colorado Interstate Gas Co., Keyes Field, Cimarron County, Okla.	15.0	14.65
C166–381 ..... A 11–8–65	Texaco Inc., Post Office Box 52332, Houston, Tex., 77052.	Panhandle Eastern Pipe Line Co., Richmond and Selling Fields, Woodward County, Okla.	[8] [9] 20.4	14.65
C166–382 ..... A 11–9–65	Claud E. Aikman, et al., Post Office Box 2090, San Angelo, Tex., 76902.	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	13.0	15.025
C166–383 ..... A 11–8–65	Wolf Run Oil & Gas Co., 3031 Wallace Circle, Huntington, W.Va., 25705.	Pennzoil Co., Murphy District, Ritchie County, W.Va.	15.0	15.325
C166–384 ..... B 11–9–65	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla., 74102.	Panhandle Eastern Pipe Line Co., South Forgan Pool, Beaver County, Okla.	Depleted	.....
C166–385 ..... A 11–10–65	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex., 77001.	Tennessee Gas Transmission Co., Southwest Belle Isle Field, St. Mary and Iberia Parishes, La.	20.625	15.025
C166–386 ..... A 11–10–65	Jake L. Hamon (Operator), et al., Post Office Box 663, Dallas, Tex., 75221.	El Paso Natural Gas Co., Spraberry Trend Area, Reagan County, Tex.	14.5	14.65
C166–387 ..... A 11–12–65	Glover & Hefner Petroleum, Management Corp., 1010 Kermac Bldg., Oklahoma City, Okla.	El Paso Natural Gas Co., Panhandle East Field, Collingsworth County, Tex.	13.0	14.65
C166–388 ..... A 11–12–65	Shell Oil Co., 50 West 50th St., New York, N.Y., 10020.	Northern Natural Gas Co., Southeast Ozona Field, Crockett County, Tex.	16.0	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[1] Includes 1.3333 cents per Mcf tax reimbursement.
[2] Well is no longer capable of commercial gas production and lease has been terminated.
[3] Deletes nonproductive acreage.
[4] Application erroneously noticed Oct. 14, 1965 in Docket Nos. G–12004, et al. at a total initial price of 17.7 cents per Mcf.
[5] Deletes acreage from which no sales or deliveries of gas have been made.
[6] Rate in effect subject to refund in Docket No. RI63–1.
[7] Subject to deduction of 0.4466 cent for sour gas.
[8] Includes 3.4 cents B.t.u. adjustment; subject to upward and downward B.t.u. adjustment.
[9] If gas does not meet quality specifications Buyer may so treat the gas and deduct actual cost, not to exceed 2.0 cents per Mcf.

[F.R. Doc. 65–12649; Filed, Nov. 26, 1965; 8:45 a.m.]

[Docket No. RI66–172, etc.]

T. L. JAMES & CO., INC., ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, Effective Subject to Refund [1]

NOVEMBER 17, 1965.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto [18 CFR, Ch. I], and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 29, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI66–172	T. L. James & Co., Inc., et al., Post Office Box 370, Ruston, La.	5	7	Arkansas Louisiana Gas Co., (North Ruston Field, Lincoln Parish, La.) (North Louisiana).	$935	10–18–65	11–18–65	[2] 11–19–65	[3] 13.7304	[4] [5] 14.2304	
RI66–173	do	6	6	Arkansas Louisiana Gas Co. (Simsboro Field, Lincoln Parish, La.) (North Louisiana).	93	10–18–65	[2] 11–18–65	[2] 11–19–65	[6] [10] 13.4533	[4] [5] 13.7866	
	do	7	7	Arkansas Louisiana Gas Co. (North Ruston Field, Lincoln Parish, La.) (North Louisiana).	66	10–18–65	[2] 11–18–65	[2] 11–19–65	[3] 13.72	[4] [5] 14.22	

[1] The stated effective date is the 1st day after expiration of the required statutory notice.
[2] The suspension period is limited to 1 day.
[3] Tax reimbursement increase. Increase in rate due to increase in Louisiana Severance Tax.
[4] Pressure base is 15.025 p.s.i.a.
[5] Includes tax reimbursement.
[6] Does not include tax reimbursement.
[7] Includes 1.6666 cents per Mcf tax reimbursement.
[8] Includes 1.3333 cents per Mcf tax reimbursement.
[9] Rate of 12.887 cents per Mcf under Supplement No. 3 which includes 1.666 cents per Mcf tax reimbursement is in effect subject to refund in Docket No. G–18409 with respect to the tax reimbursement part of such rate.

T. L. James & Co., Inc., et al., and T. L. James & Co., Inc. (both referred to herein as James) request that their proposed rate increases be permitted to become effective as of October 15, 1965. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for James' rate filings and such requests are denied.

On November 3, 1965, the buyer, Arkansas Louisiana Gas Co. (Arkansas Louisiana), filed protests and requests rejection of James' proposed rate increases.

James' proposed increases include Louisiana Severence Tax reimbursement. There are conflicting interpretations between Arkansas Louisiana and James regarding the tax reimbursement provisions in James' rate schedules for sales of natural gas in North Louisiana. The controversy relates to the action of the Louisiana State Legislature in suspending the collection of a 2.0 cents per Mcf gas gathering tax and in increasing the gas severence tax an equal amount, both effective as of December 1, 1958. The conflict in interpretation of the rate schedules appear to hinge on a determination as to whether or not the increase in the severance tax is a substitute for the invalid gathering tax. A proceeding has been instituted by the Commission for the limited purpose of resolving the conflicting tax interpretations by order issued July 22, 1965, in T. L. James & Co., Inc., et al., Docket Nos. G–16492, et al.

In view of the contractual problems presented and the protests filed by Arkansas Louisiana, we are suspending James' proposed rate increases for 1 day even though they are not in excess of the applicable rate ceiling. The hearing provided for herein will involve only the contractual basis for the filings.

[1] Does not consolidate for hearing or dispose of the several matters herein.

[F.R. Doc. 65–12650; Filed, Nov. 26, 1965; 8:45 a.m.]

[Docket No. RI66–163]

PAN AMERICAN PETROLEUM CORP.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, Effective Subject to Refund [1]

NOVEMBER 17, 1965.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth herein, shall

become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 3, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI66-163...	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla., 74102, Attn.: Messrs. J. P. Hammond and Frank H. Houck.	201	6	El Paso Natural Gas Co. (Basin Dakota and Blanco Mesa Verde Fields, San Juan County, N.Mex.) (San Juan Basin Area) and Archuleta and La Plata Counties, Colo.).	$132	10-18-65	[1] 11-18-65	[2] 11-19-65	[3] [4] 13.0508	[3] [4] 14.0	RI63-481.
	do	370	20	El Paso Natural Gas Co., (South Blanco Pictured Cliffs Field, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin Area).	15	10-18-65	[1] 11-18-65	[2] 11-19-65	12.0	[5] [6] 12.2295	
	do	377	13	El Paso Natural Gas Co. (West Kutz Pictured Cliffs Field, San Juan Counties, N.Mex) (Permian Basin Area).	4	10-18-65	[1] 11-18-65	[2] 11-19-65	12.0	[7] [8] 12.2295	

[1] The stated effective date is the effective date requested by Respondent.
[2] The suspension period is limited to 1 day.
[3] Periodic rate increase.
[4] Pressure base is 15.025 p.s.i.a.
[5] Includes 1.0 cent per Mcf added to reflect minimum guarantee for liquids.
[6] Includes 0.0508 cent per Mcf partial tax reimbursement applicable to New Mexico production. (No tax reimbursement applicable to Colorado production.)
[7] Tax reimbursement rate increase.
[8] Includes partial reimbursement for full 2.55 percent New Mexico Emergency School Tax.

The periodic rate increase contained in Supplement No. 6 to Pan American Petroleum Corp.'s (Pan American) FPC Gas Rate Schedule No. 201 did not include as part of its proposed rate the contractually provided 1.0 cent per Mcf minimum guarantee for liquids. The addition of this minimum guarantee of 1.0 cent per Mcf to the base rate results in a rate in excess of 13.0 cents per Mcf area ceiling for increased rates in the San Juan Basin Area and Colorado. Pan American has advised that it is not willing to waive such minimum guarantee for liquids. Under the circumstances, Pan American's proposed rate increase should be suspended for 1 day from November 18, 1965, the proposed effective date.

Supplement Nos. 20 and 13 to Pan American's FPC Gas Rate Schedule Nos. 370 and 377, respectively, do not exceed the 13.0 cents per Mcf San Juan Basin area ceiling, however, they reflect partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax. The buyer, El Paso Natural Gas Co., in accordance with its policy of protesting all filings at the 2.55 percent level, filed a protest on October 29, 1965, with respect to these rate increases. El Paso questions the right of Pan American under the tax reimbursement clause of its contract to file rate increases reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico tax legislation effected a higher rate of at least 0.55 percent, it claims there is controversy as to whether or not the new legislation effected an increased rate in excess of 0.55 percent. In view of the contractual problem presented, we are suspending herein Pan American's proposed rate increases for 1 day even though they are not in excess of the applicable increased rate ceiling. The hearing provided for herein will involve only the contractual basis for these rate filings (Supplement Nos. 20 and 13 to Pan American's FPC Gas Rate Schedule Nos. 370 and 377, respectively). Since the rate increases reflect tax reimbursement, the suspension period for each may be shortened to 1 day from the proposed effective date, November 18, 1965.

[F.R. Doc. 65-12651; Filed, Nov. 26, 1965; 8:45 a.m.]

[Docket No. RI66-164, etc.]

PAN AMERICAN PETROLEUM CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

NOVEMBER 18, 1965.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 3, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI66-164...	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla., 74102.	161	3	Natural Gas Pipeline Co. of America (South Forgan Field, Beaver County, Okla.) (Panhandle Area).	$209	10-25-65	[2] 12- 9-65	5- 9-66	[3] [4] 16.5	[3] [4] [5] 17.5	
RI66-165...	Sinclair Oil & Gas Co., Post Office Box 521, Tulsa, Okla., 74102.	164	2	Northern Natural Gas Co. (East Spearman and Horizon Morrow Fields, Hansford and Ochiltree Counties, Tex.) (R.R. District No. 10).	2,362	10-25-65	[2] 11-25-65	4-25-66	[3] [6] 16.5	[3] [6] [7] 17.5	
	do	139	8	Natural Gas Pipeline Co. of America (Grand Valley Field, Texas County, Okla.) (Panhandle Area.)	405	10-25-65	[2] 11-25-65	4-25-66	[3] [6] 16.0	[3] [6] [7] 17.8	
	do	171	3	Northern Natural Gas Co. (John Creek Field, Hutchinson County, Tex.) (R.R. District No. 10).	1,758	10-25-65	[2] 11-25-65	4-25-66	[3] [6] 16.5	[3] [6] [7] 17.5	
	do	181	5	Northern Natural Gas Co. (East Camrick Field, Beaver County, Okla.) (Panhandle Area).	1,101	10-25-65	[2] 11-25-65	4-25-66	[3] [6] 16.5	[3] [6] [7] 17.5	
	do	218	3	Panhandle Eastern Pipe Line Co. (Guymon Hugoton Field, Texas County, Okla.) (Panhandle Area).	1,199	10-25-65	[2] 11-25-65	4-25-66	[3] 16.8	[3] [6] 17.6	
	do	182	2	Michigan Wisconsin Pipe Line Co. (Laverne Field, Beaver County, Okla.) (Panhandle Area).	1,402	10-25-65	[2] 11-25-65	4-25-66	[3] 17.0	[3] [6] 19.5	
	do	140	11	Natural Gas Pipeline Co. of America (Grand Valley Field, Beaver County, Okla.) (Panhandle Area).	1,326	10-25-65	[2] 11-25-65	4-25-66	[3] [6] 16.0	[3] [6] [7] 17.8	
	do	78	6	Transcontinental Gas Pipe Line Corp. (Live Oak Field, Vermillon Parish, La.) (South Louisiana).	100,800	10-25-65	[2] 11-25-65	4-25-66	[3] 17.5	[3] [9] [10] 19.5	
	do	186	2	Transcontinental Gas Pipe Line Corp. (San Miguel Creek Field, McMullen County, Tex.) (R.R. District No. 1).	20,330	10-25-65	[2] 11-25-65	4-25-66	[3] 14.189	[3] [6] 15.2025	
RI66-166...	Sinclair Oil & Gas Co. (Operator), et al.	183	8	Cities Service Gas Co. (Southeast and Northeast Woodward Fields, Woodward County, Okla.) (Panhandle Area).	4,905	10-25-65	[2] 11-25-65	4-25-66	[3] [6] 16.0	[3] [6] [7] 17.0	
	do	193	14	Transwestern Pipeline Co. (Various Fields, Ellis County, Okla.) (Panhandle Area) and Lipscomb County, Tex. (R.R. District No. 10).	37,378	10-25-65	[2] 11-25-65	4-25-66	[3] [6] 17.0	[3] [6] [7] 19.5	
	do	190	2	Lone Star Gas Co. (Knox Field, Stephens County, Okla.) (Carter-Knox Area).	404	10-25-65	[2] 11-25-65	4-25-66	[3] 16.8	[3] [6] 17.9	
	do	205	5	Lone Star Gas Co. (East Durant Field, Bryan County, Okla.) (Oklahoma "Other" Area).	15,969	10-25-65	[11] 1-25-65	4-25-66	[3] 15.0	[3] [6] 17.9	
RI66-167...	Edwin M. Jones Oil Co., 404 Milam Bldg., San Antonio, Tex.	6	5	Natural Gas Pipeline Co. of America (Normanna Area, Bee County, Tex.) (R.R. District No. 2).	17,265	10-25-65	[12] 11-25-65	4-25-66	[13] 16.0	[6] [11] [13] 18.0	
RI66-168...	Mrs. James R. Dougherty, et al., Post Office Box 649, Beeville, Tex., 78102.	1	4	do	76,932	10-25-65	[12] 11-25-65	4-25-66	[13] 16.0	[6] [11] [13] 18.0	
RI66-169...	Phillips Petroleum Co., Bartlesville, Okla.	241	[14] 10	United Gas Pipe Line Co., (Burnell-North Pettus Field, Bee, Goliad, and Karnes Counties, Tex.) (R.R. District No. 2).	647	10-25-65	[2] 11-25-65	4-25-66	14.0	[6] [14] 15.485	
RI66-170...	W. A. Stockard, et al., Oil & Gas Bldg., Houston, Tex.	2	3	Natural Gas Pipe Line Co. (Normanna Area, Bee County, Tex.) (R.R. District No. 2).	12,335	10-26-65	[14] 11-26-65	4-26-66	[13] 16.0	[6] [11] [13] 18.0	
RI66-171...	Dorothy Hewit Blakeney, et al., Post Office Box 640, Beeville, Tex.	2	9	United Gas Pipe Line Co., (North Pettus and Burnell Fields, Karnes, Bee, and Goliad Counties, Tex.) (R.R. District No. 2).	9,809	10-26-65	[2] 11-26-65	4-26-65	14.0	[6] [13] 15.485	

[2] The stated effective date is the effective date requested by Respondent.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Includes 0.5 cent per Mcf upward B.t.u. adjustment for gas containing in excess of 1,060 B.t.u.'s per Mcf. (Present B.t.u. content of gas is 1,065 B.t.u.'s per Mcf, shown in filing.)
[6] Subject to upward and downward B.t.u. adjustment.
[7] Subject to a downward B.t.u. adjustment.
[8] Settlement rate (moratorium period for filing increased rates expired Sept. 1, 1965).
[9] Pressure base is 15.025 p.s.i.a.
[10] Includes 1.5 cents per Mcf tax reimbursement.
[11] "Fractured" rate increase so as not to exceed the moratorium level provided by Opinion No. 476.
[12] Conditioned initial rate permanently certificated in Opinion No. 476.
[13] "Fractured" rate. Seller contractually entitled to a rate of 21.971 cents per Mcf under the contract involved.
[14] The stated effective date is the first day after expiration of the required statutory notice.
[15] Redetermined rate increase.
[16] Includes Letter Agreement dated Aug. 20, 1965, providing for the redetermined rate for the 3-year period commencing Oct. 1, 1965.

Edwin M. Jones Oil Co. and Mrs. James R. Dougherty, et al., request that their proposed rate increases be permitted to become effective as of October 25, 1965. W. A. Stockard, et al., request an effective date of October 26, 1965, for their proposed rate increase. The producers also request that the suspension period with respect to their proposed rate increases be shortened to 1 day. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings, or for limiting to one day the suspension periods with respect thereto and such requests are denied.

All of the proposed increased rates and charges exceed the applicable area price level for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended [18 CFR, Chapter I, Part 2, § 2.56].

[F.R. Doc. 65-12652; Filed, Nov. 26, 1965; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 14263 etc.]

SERVICE TO WAYCROSS AND ROME CASE

Notice of Reassignment of Place of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled proceeding assigned to be held on November 30, 1965, at 10 a.m., e.s.t., in Room 726, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., is hereby reassigned to be held in Room 1027 of said building on November 30, 1965, at 10 a.m., before the undersigned Examiner.

Dated at Washington, D.C., November 22, 1965.

[SEAL] JAMES S. KEITH,
Hearing Examiner.

[F.R. Doc. 65-12718; Filed, Nov. 26, 1965; 8:48 a.m.]

OFFICE OF EMERGENCY PLANNING

ARMY INTEGRATION COMMITTEE ON TRACKS FOR TRACK LAYING VEHICLES

Notice of Withdrawal of Request To Participate in Activities

The plan and Regulations of the Ordnance Corps for the Formation, Organization, and Functioning of the Army Integration Committee on Tracks for Track Laying Vehicles formed pursuant to section 708 of the Defense Production Act of 1950, as amended, has served the purpose for which it was formed. Accordingly, the request published in 24 F.R. 5589, July 10, 1959, to participate in the formation and activities of that Committee in accordance with the "Plan and Regulations of the Ordnance Corps for the Formation, Organization, and Functioning of the Army Integration Committee on Tracks for Track Laying Vehicles" transmitted to and accepted by those companies listed in the above cited FEDERAL REGISTER has been withdrawn.

The immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act heretofore granted to those companies has been likewise withdrawn, except as to those acts performed or omitted by reason of the request which occurred prior to that withdrawal.

(Sec. 708, 64 Stat. 818, as amended; 50 U.S.C. App. Sup. 2158; E.O. 10480, Aug. 14, 1953, 18 F.R. 4939; Reorganization Plan No. 1 of 1958, 23 F.R. 4991, as amended; E.O. 11051, Sept. 27, 1962, 27 F.R. 9683)

Dated: November 22, 1965.

BUFORD ELLINGTON,
Director,
Office of Emergency Planning.

[F.R. Doc. 65-12696; Filed, Nov. 26, 1965; 8:45 a.m.]

ARMY INTEGRATION COMMITTEE ON CRITICAL QUARTZ CRYSTALS

Notice of Withdrawal of Request To Participate in Activities

The Plan and Regulations of the Ordnance Corps for the Formation, Organization, and Functioning of the Army Integration Committee on Critical Quartz Crystals formed pursuant to section 708 of the Defense Production Act of 1950, as amended, has served the purpose for which it was formed. Accordingly, the request published in 23 F.R. 8009, October 16, 1958, to participate in the formation and activities of that Committee in accordance with the "Plan and Regulations of the Ordnance Corps for the Formation, Organization, and Functioning of the Army Integration Committee on Critical Quartz Crystals" transmitted to and accepted by those companies listed in the above cited FEDERAL REGISTER has been withdrawn.

The immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act heretofore granted to those companies has been likewise withdrawn, except as to those acts performed or omitted by reason of the request which occurred prior to that wihtdrawal.

(Sec. 708, 64 Stat. 818, as amended; 50 U.S.C. App. Sup. 2158; E.O. 10480, Aug. 14, 1953, 18 F.R. 4939; Reorganization Plan No. 1 of 1958, 23 F.R. 4991, as amended; E.O. 11051, Sept. 27, 1962, 27 F.R. 9683)

Dated: November 22, 1965.

BUFORD ELLINGTON,
Director,
Office of Emergency Planning.

[F.R. Doc. 65-12697; Filed, Nov. 26, 1965; 8:45 a.m.]

ARMY INTEGRATION COMMITTEE ON LIGHT GUN TANK AND ALLIED COMBAT VEHICLES

Notice of Withdrawal of Request To Participate in Activities

The plan and Regulations of the Ordnance Corps for the Formation, Organization, and Functioning of the Army Integration Committee on Light Gun Tank and Allied Combat Vehicles formed pursuant to section 708 of the Defense Production Act of 1950, as amended, has served the purpose for which it was formed. Accordingly, the request published in 26 F.R. 7890, August 24, 1961, to participate in the formation and activities of that Committee in accordance with the "Plan and Regulations of the Ordnance Corps for the Formation, Organization, and Functioning of the Army Integration Committee on Light Gun Tank and Allied Combat Vehicles" transmitted to and accepted by those companies listed in the above cited FEDERAL REGISTER has been withdrawn.

The immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act heretofore granted to those companies has been likewise withdrawn, except as to those acts performed or omitted by reason of the request which occurred prior to that withdrawal.

(Sec. 708, 64 Stat. 818, as amended; 50 U.S.C. App. Sup. 2158; E.O. 10480, Aug. 14, 1953, 18 F.R. 4939; Reorganization Plan No. 1 of 1958, 23 F.R. 4991, as amended; E.O. 11051, Sept. 27, 1962, 27 F.R. 9683)

Dated: November 22, 1965.

BUFORD ELLINGTON,
Director,
Office of Emergency Planning.

[F.R. Doc. 65-12698; Filed, Nov. 26, 1965; 8:45 a.m.]

ARMY INTEGRATION COMMITTEE ON MEDIUM AND HEAVY GUN TANK AND ALLIED COMBAT VEHICLES

Notice of Withdrawal of Request To Participate in Activities

The plan and Regulations of the Ordnance Corps for the Formation, Organization, and Functioning of the Army Integration Committee on Medium and Heavy Gun Tank and Allied Combat Vehicles formed pursuant to section 708 of the Defense Production Act of 1950, as amended, has served the purpose for which it was formed. Accordingly, the request published in 26 F.R. 9327, October 3, 1961, to participate in the formation and activities of that Committee in accordance with the "Plan and Regulations of the Ordnance Corps for the Formation, Organization, and Functioning of the Army Integration Committee on Medium and Heavy Gun Tank and Allied Combat Vehicles" transmitted to and accepted by those companies listed in the above cited FEDERAL REGISTER has been withdrawn.

The immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act heretofore granted to those companies has been likewise withdrawn, except as to those acts performed or omitted by reason of the request which occurred prior to that withdrawal.

(Sec. 708, 64 Stat. 818, as amended; 50 U.S.C. App. Sup. 2158; E.O. 10480, Aug. 14, 1953, 18 F.R. 4939; Reorganization Plan No. 1 of 1958, 23 F.R. 4991, as amended; E.O. 11051, Sept. 27, 1962, 27 F.R. 9683)

Dated: November 22, 1965.

BUFORD ELLINGTON,
Director,
Office of Emergency Planning.

[F.R. Doc. 65-12699; Filed, Nov. 26, 1965; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-2483]

UNION OIL COMPANY OF CALIFORNIA

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 22, 1965.

In the matter of application of the Cincinnati Stock Exchange for unlisted trading privileges in a certain security,

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the convertible preferred stock of the following company, which security is listed and registered on one or more other national securities exchanges: Union Oil Company of California, File 7-2483.

Upon receipt of a request, on or before December 8, 1965 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549, not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-12710; Filed, Nov. 26, 1965; 8:47 a.m.]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

NOVEMBER 22, 1965.

The common stock, 10 cents par value, of Continental Vending Machine Corp., being listed and registered on the American Stock Exchange and having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange, and the 6 percent convertible subordinated debentures due September 1, 1976, being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 23, 1965, through December 2, 1965, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-12711; Filed, Nov. 26, 1965; 8:47 a.m.]

[812-1847]

STATE STREET INVESTMENT CORP.

Notice of Filing of Application for Order Exempting Sale by Open-End Company of Its Shares

NOVEMBER 22, 1965.

Notice is hereby given that State Street Investment Corp. ("Applicant"), 140 Federal Street, Boston, Mass., which is registered under the Investment Company Act of 1940 ("Act") as an open-end diversified investment company, has filed an application pursuant to section 6(c) of the Act. Applicant requests an order of the Commission exempting from the provisions of section 22(d) of the Act the proposed issuance of its shares at net asset value for substantially all of the cash and securities of Founders Industries, Inc. ("Company"). Since Applicant does not now have an effective prospectus which describes a current offering price for its shares, the proposed transaction is proscribed by section 22(d) of the Act. Accordingly, an exemption is deemed necessary. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

As at September 24, 1965, the net assets of Applicant and Company approximated $295,000,000, and $4,155,000, respectively. Company, a Nevada corporation, is engaged in the business of investing its funds in securities. All of Company's issued and outstanding shares are owned by twelve persons.

Pursuant to an agreement between Applicant and Company, substantially all the assets of Company will be transferred to Applicant in exchange for stock of Applicant which in turn will be distributed to Company's shareholders upon Company's liquidation. The consummation of this agreement is conditioned on the receipt by Applicant of a letter from each shareholder of Company stating that any shares which such shareholder may acquire upon the dissolution of Company will be acquired for the purpose of investment and that such shareholder has no present intention of distributing any part or all of such shares except in compliance with the registration provisions of the Securities Act of 1933. Applicant's Board of Directors has authorized the filing of this application.

The amount of Applicant's stock to be delivered to Company in accordance with the terms of the above-described agreement will be determined on the basis of the value of the gross assets of Company to be transferred to Applicant and the net asset value per share of Applicant respectively as of the close of business on the last full business day of the New York Stock Exchange first preceding the date of closing. Such amount of stock shall be computed by dividing Applicant's per share net asset value into the aggregate value of Company's assets which aggregate value will first be reduced by an adjustment for potential Federal income taxes payable upon the realization of the appreciation in the value of the securities of Company to the extent that any such appreciation may proportionately exceed the appreciation of the securities of Applicant on the date of closing. As of September 24, 1965, no such adjustment would have been required. As of that date the appreciation (realized and unrealized) as a percentage of the net asset values of Applicant and the Company approximately 43 percent and 33 percent respectively. Applicant presently intends to sell approximately 71 percent of the securities to be acquired from Company.

Notice is further given that any interested person may, not later than December 6, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-12713; Filed, Nov. 26, 1965; 8:48 a.m.]

[812-1848]

CAPITAL EXCHANGE FUND, INC.

Notice of Application for Order of Exemption

NOVEMBER 26, 1965.

Notice is hereby given that Capital Exchange Fund, Inc., 111 Devonshire Street, Boston, Mass., 02109 ("applicant"), an open-end, diversified registered investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting applicant from compliance with the provisions of section 14(a) of the Act. In substance, section 14(a) of the Act pro-

vides that no registered investment company shall make a public offering of securities of which it is the issuer unless it has a net worth of at least $100,000. All interested persons are referred to the application on file with the Commission for a full statement of the representations therein which are summarized below.

Applicant has filed a registration statement under the Securities Act of 1933 for 1,152,074 shares of common stock, $1 par value, to be offered to investors in exchange for securities of the character of those included in a list set forth in the prospectus. Applicant is intended as an investment vehicle for investors who wish to exchange securities they presently hold for shares of the applicant in a simultaneous exchange on a tax-free basis. The minimum deposit to be accepted from any investor is to be securities having a market value of $25,000 and the exchange will not be consummated unless the aggregate market value of the deposited securities as at the effective date of the planned exchange is at least $30,000,000. In the event that such value is not then realized, the deposited securities will be returned to investors without charge to them.

Notice is further given that any interested person may, not later than December 6, 1965 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65–12806; Filed, Nov. 26, 1965; 11:16 a.m.]

[812–1851]

MASSACHUSETTS INVESTORS TRUST

Notice of Filing of Application for Exemption

NOVEMBER 26, 1965.

Notice is hereby given that Massachusetts Investors Trust, 200 Berkeley Street, Boston, Mass. ("Applicant"), a Massachusetts trust which is registered under the Investment Company Act of 1940 ("Act") as an open-end diversified investment company, has filed an application pursuant to section 6(c) of the Act. Applicant requests an order of the Commission exempting from the provisions of section 22(d) of the Act the proposed issuance of its shares at net asset value for substantially all of the cash and securities of Kinco, Inc. ("Kinco"). Since the sale of Applicant's stock will be other than at the public offering price, which normally includes sales charges, an exemption is deemed necessary. All interested persons are referred to the application as filed with the Commission for a statement of the representations therein which are summarized below.

Kinco, a Delaware corporation, is a personal holding company.

As of September 2, 1965, the net assets of Applicant amounted to approximately $2,225,000,000, and the net assets of Kinco amounted to approximately $4,040,000.

Pursuant to an agreement between Applicant and Kinco, substantially all the assets of Kinco will be transferred to Applicant in exchange for stock of Applicant which, in turn, will be distributed to shareholders of Kinco upon Kimco's liquidation. Neither Kinco nor any of its shareholders have any present intention of redeeming the shares of the Applicant which they will acquire on Kinco's liquidation.

The application states in substance that (1) the amount of stock of Applicant to be delivered to Kinco will be determined on the basis of the net asset value of Applicant's shares and the net value of the assets of Kinco as of the close of business on the New York Stock Exchange on the business day first preceding the date of closing and (2) provision is made for an adjustment for potential federal income taxes payable upon the realization of appreciation in the value of the securities of Kinco to the extent that the appreciation in the value of securities of Kinco proportionately exceeds the appreciation in the value of the securities of Applicant at the time of closing. Subject to such adjustment, Applicant will deliver to Kinco such a number of its shares as shall have an aggregate net asset value equal to the net value of the assets of Kinco transferred, assigned and delivered to Applicant. Applicant does not anticipate that such an adjustment will be required in view of the fact that the securities of Kinco have a net unrealized appreciation of about 9 percent of their cost while the securities of the Applicant have net unrealized appreciation of about 140 percent of their cost. Subsequent to acquisition, Applicant intends to sell securities acquired from Kinco having a market value of about $1,860,000 as of September 2, 1965.

Notice is further given that any interested person may, not later than December 10, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65–12807; Filed, Nov. 26, 1965; 11:16 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 23, 1965.

Protests to the granting of an application must be prepared in accordance with § 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40139—*Sugar to points in official territory.* Filed by O. W. South, Jr., agent (No. A4793), for interested rail carriers. Rates on sugar, in carloads, from specified points in Louisiana, also Port Wentworth and Savannah, Ga., to specified points in official (not including Illinois), territory.

Grounds for relief—Market competition.

Tariff—Supplement 42 to Southern Freight Association, agent, tariff I.C.C. S–372.

FSA No. 40140—*Joint Motor-Rail Rates—Central and Southern.* Filed by the Central and Southern Motor Freight Tariff Association, Incorporated, agent (No. 97), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in southern territory, on the one hand, and points in central states territory, on the other.

Grounds for relief—Motor-truck competition.

Tariff—Supplement 18 to Central and Southern Motor Freight Tariff Association, Incorporated, agent, tariff MF–I.C.C. 309.

FSA No. 40141—*Clay from points in Mississippi.* Filed by O. W. South, Jr., agent (No. A4792), for interested rail carriers. Rates on clay, kaolin or pyrophyllite, and related articles, in carloads, from Aberdeen and Amory, Miss., and points taking same rates, to Atchison, and Kansas City, Kans., also Kansas City, Mo.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 192 to Southern Freight Association, agent, tariff I.C.C. S–40.

FSA No. 40142—*Clay from Lowell, Fla.* Filed by O. W. South, Jr., agent (No. A4794), for interested rail carriers. Rates on clay, kaolin, or pyrophyllite, and related articles, in carloads, from Lowell, Fla., to points in southwestern territory.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 10 to Southern Freight Association, agent, tariff I.C.C. S–438.

FSA No. 40144—*Liquefied chlorine gas to Brewton, Ala.* Filed by Western Trunk Line Committee, agent (No. A–2435), for interested rail carriers. Rates on liquefied chlorine gas, in tank carloads, from Wichita, Kans., to Brewton, Ala.

Grounds for relief—Market competition.

Tariff—Supplement 204 to Western Trunk Line Committee, agent, tariff ICC A–4396.

FSA No. 40145—*Joint motor-rail rates—Middlewest Motor Freight.* Filed by Middlewest Motor Freight Bureau, agent (No. 361), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middlewest territory; between points in middlewest territory, on the one hand, and, points in Central States, southwestern, also Alaska and Canada, on the other; and between points in southwestern territory, on the one hand, and, points in Central States, also Alaska and Canada, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 57 to Middlewest Motor Freight Bureau, agent, tariff MF–ICC 417.

FSA No. 40146—*Tissue paper winding cores from and to points in southern territory.* Filed by O. W. South, Jr., agent (No. A4796), for interested rail carriers. Rates on tissue paper winding cores, as described in the application, in carloads, between points in southern territory, also from points in official (including Illinois) and western trunkline territories, to points in southern territory.

Grounds for relief—Carrier competition.

Tariff—Supplement 18 to Southern Freight Association, agent, tariff ICC S–519.

AGGREGATE-OF-INTERMEDIATES

FSA No. 40143—*Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 552), for interested rail carriers. Rates on scrap tin or terne plate, in carloads, from Paris, Tex., to Houston, Tex.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 41 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65–12715; Filed, Nov. 26, 1965; 8:48 a.m.]

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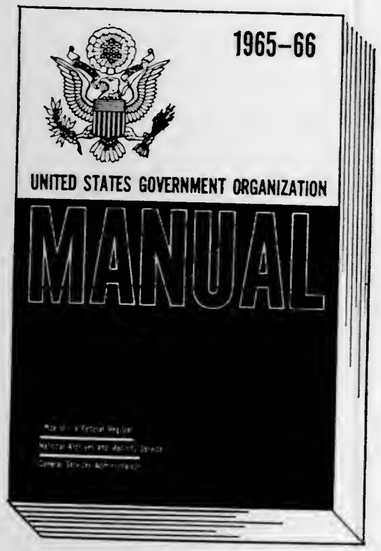
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Census Bureau
Civil Aeronautics Board
Civil Service Commission
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Federal Power Commission
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Immigration and Naturalization Service
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PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show the exception under Schedule C of the positions of Principal Deputy Director of Defense Research and Engineering and his Private Secretary. Effective on publication in the FEDERAL REGISTER, subparagraph (2) of paragraph (a) of § 213.3306 is amended and subparagraph (48) is added to paragraph (a) as set out below.

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* • • •

(2) Two Private Secretaries to the Deputy Secretary of Defense and one Private Secretary to each of the following: The Director of Defense Research and Engineering; the Principal Deputy Director of Defense Research and Engineering; the four Deputy Directors of Defense Research and Engineering; the Director, Advanced Research Projects Agency; the Assistant Secretary of Defense (Manpower); the Assistant Secretary of Defense (International Security Affairs); the Assistant Secretary of Defense (Public Affairs); the Assistant Secretary of Defense (Installations and Logistics); the Assistant Secretary of Defense (Administration); the Assistant Secretary of Defense (Comptroller); the Assistant Secretary of Defense (Systems Analysis); the General Counsel; the Deputy General Counsel; the Assistant to the Secretary of Defense (Atomic Energy); and the Military Assistants to the Secretary of Defense.

• • • • •

(48) One Principal Deputy Director of Defense Research and Engineering.

• • • • •

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director,
Bureau of Management Services.

[F.R. Doc. 65–12792; Filed, Nov. 29, 1965; 8:50 a.m.]

PART 213—EXCEPTED SERVICE

Department of Justice

Section 213.3310 is amended to show that the Lands Division in the Department of Justice has been redesignated as the Land and Natural Resources Division. Effective on publication in the FEDERAL REGISTER, the headnote of paragraph (h) of § 213.3310 is amended as set out below.

§ 213.3310 Department of Justice.

• • • • • •

(h) *Land and Natural Resources Division.* • • •

• • • • • •

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director,
Bureau of Management Services.

[F.R. Doc. 65–12791; Filed, Nov. 29, 1965; 8:50 a.m.]

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that the position of Private Secretary to the Director, Bureau of the Census, is no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (d) of § 213.3314 is revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director,
Bureau of Management Services.

[F.R. Doc. 65–12793; Filed, Nov. 29, 1965; 8:50 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show the exception under Schedule C of the position of Deputy Commissioner on Aging and to show that the position of Director, Office of Aging, is no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (3) of paragraph (g) is revoked and a new paragraph (i), subparagraph (1) is added to § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

• • • • • •

(g) *Welfare Administration.* • • •

(3) [Revoked]

• • • • •

(i) *Administration on Aging.* (1) Deputy Commissioner.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director,
Bureau of Management Services.

[F.R. Doc. 65–12790; Filed, Nov. 29, 1965; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER D—REGULATIONS UNDER THE POULTRY PRODUCTS INSPECTION ACT

PART 81—INSPECTION OF POULTRY AND POULTRY PRODUCTS

Poultry Soups; Further Postponement of Effective Date

The effective date of the provisions of §§ 81.134 and 81.208 of the regulations under the Poultry Products Inspection Act, as amended (21 U.S.C. 451 et seq.), as set forth in the amendments of the regulations published on July 7, 1964 (29 F.R. 8456), insofar as such provisions relate to soups (whether dehydrated, canned or otherwise prepared) containing poultry ingredients, is hereby postponed until January 1, 1966, pursuant to the authority of said Act. During such period of postponement, the provisions of § 81.208 (a) and (b) of the regulations, as published August 15, 1962 (27 F.R. 8098, 7 CFR 81.208 (Supp. 1963)), shall be in effect with respect to such soups.

This action is necessary in order to afford equitable treatment to all poultry soup processors in view of the issuance of a preliminary injunction on behalf of one processor of dehydrated soups in an action which is pending in the U.S. District Court for the District of New Jersey. In order to accomplish its purpose, this action must be made effective on December 1, 1965, when a prior order (30 F.R. 13763) of postponement of effective date expires. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found for good cause that notice of rule-making and other public procedure with respect to this action are impracticable and good cause is found for making it effective less than 30 days after publication hereof in the FEDERAL REGISTER.

(Sec. 14, 71 Stat. 447, 21 U.S.C. 463; 29 F.R. 16210, as amended; 30 F.R. 1260, as amended; 30 F.R. 2160)

This action shall become effective on December 1, 1965.

Done at Washington, D.C., this 23d day of November 1965.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 65-12786; Filed, Nov. 29, 1965; 8:50 a.m.]

Chapter III—Agricultural Research Service, Department of Agriculture

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Plant Quarantine Division by § 354.1 of the regulations concerning overtime services relating to imports and exports, effective November 7, 1965 (7 CFR 354.1), administrative instructions (7 CFR 354.2) effective July 30, 1963, as amended October 2, 1963, January 4, 1964, March 5, 1964, August 18, 1964, September 19, 1964, April 14, 1965, May 8, 1965, July 22, 1965, August 7, 1965, September 22, 1965 (28 F.R. 7718, 10564, 14485, 29 F.R. 2985, 11743, 13099, 30 F.R. 4745, 6429, 9147, 9875, 12023), prescribing the commuted travel time that shall be included in each period of overtime duty are hereby amended by adding to or deleting from the respective "lists" therein, as follows:

§ 354.2 Administrative instructions prescribing commuted travel time.

* * * * *

WITHIN METROPOLITAN AREA

ONE HOUR

Add: Anchorage, Alaska.
Add: El Toro, MCAS, Calif.
Add: San Pedro, Calif.

* * * * *

OUTSIDE METROPOLITAN AREA

* * * * *

THREE HOURS

* * * * *

Add: El Toro, MCAS, Calif. (served from San Pedro, Calif.).
Add: March Field, Calif. (served from San Pedro, Calif.).
Add: March Field, Calif. (served from El Toro, MCAS, Calif.).

* * * * *

FOUR HOURS

* * * * *

Add: Norton AFB, Calif. (served from San Pedro, Calif.).
Add: Norton AFB, Calif. (served from El Toro, MCAS, Calif.).

* * * * *

FIVE HOURS

* * * * *

Delete: March Field, Calif. (served from San Pedro, Calif.).

* * * * *

These commuted travel time periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime duty when such travel is performed solely on account of such overtime duty. Such establishment depends upon facts within the knowledge of the Plant Quarantine Division. It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than thirty days after publication in the FEDERAL REGISTER.

(64 Stat. 561; 5 U.S.C. 576)

This amendment shall become effective November 30, 1965.

Done at Hyattsville, Md., this 23d day of November 1965.

[SEAL] F. A. JOHNSTON,
Director,
Plant Quarantine Division.

[F.R. Doc. 65-12771; Filed, Nov. 29, 1965; 8:48 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 3]

PART 778—EXPORT WHEAT MARKETING CERTIFICATE REGULATIONS

Miscellaneous Amendments

Basis and purpose. The following amendment is issued to implement provisions of the Food and Agriculture Act of 1965 which amended the law governing the Export Wheat Marketing Certificate Regulations. One of the changes in the regulations is in the definition of "export" as a result of an amendment to the law which provides that wheat shipped to a Canadian port for storage in bond, or storage under a similar arrangement, and subsequent export, shall be deemed to have been exported for purposes of the program when it is exported from the Canadian port. Another change in the regulations is in the penalty provisions of § 778.10 (a) and (b) to reflect provisions in the law that the penalties apply to knowing violations. The amendment to the law with regard to wheat shipped to Canada in bond became effective on November 3, 1965, the date of its enactment, and the amendment to the penalty provisions of the Act became effective as of July 1, 1964. Accordingly, it is hereby found and determined that compliance with the notice, public procedure, and 30-day effective requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and that this amendment shall be effective as provided herein.

1. Section 778.3 *Definitions*, is amended to change paragraphs (b), (c), and (i)(3) to read as follows:

§ 778.3 Definitions.

* * * * *

(b) "Export" or "exportation" means a shipment of wheat from the United States to any destination outside the United States, except that in the case of wheat shipped to Canada in bond "export" or "exportation" means the subsequent shipment of such wheat from the Canadian port to a destination outside the United States and Canada. The wheat shall be deemed to have been exported on the date of the applicable on-board bill of lading, or if export from the United States is by truck or rail, on the date the shipment clears the U.S. Customs. If the wheat is lost, destroyed, or damaged after loading on board an export vessel, exportation shall be deemed to have been made as of the date of the on-board-vessel bill of lading or the latest date appearing on the loading tally sheet or similar documents if the loss, destruction, or damage occurs subsequent to loading aboard vessel but prior to issuance of the on-board bill of lading: *Provided*, That if the "lost" or "damaged" wheat remains in the United States or Canada, it shall be considered as re-entered wheat.

(c) Shipment "to Canada in bond" means a shipment of wheat from the United States to a Canadian port (not on a through bill of lading to a third country) for storage in bond, or storage under a similar arrangement, and subsequent exportation.

* * * * *

(i) * * *

(3) Exports of wheat unsold on which the exporter wishes to earn an export payment.

* * * * *

2. Section 778.5 *Requirement for export certificates* is amended to change the first sentence of paragraph (e) to read as follows:

§ 778.5 Requirement for export certificates.

* * * * *

(e) *Reentry.* If any wheat exported is subsequently re-entered into the United States or in the case of an exportation of wheat which had been shipped to Canada in bond is re-entered into Canada, the exporter of such wheat shall be relieved of the requirement to acquire and surrender certificates as to such wheat. * * *

* * * * *

§ 778.6 [Amended]

3. Section 778.6 *Refunds or credits for export certificates* is amended by deleting from the first sentence the words "from the United States."

4. Section 778.7 *Report of intention to export* is amended to change paragraphs (a)(1)(iii) and (b)(3) to read as follows:

§ 778.7 Report of intention to export.

(a) *Submission of report.* * * *

(1) * * *

(iii) In the case of wheat (other than Durum) exported prior to sale, the report shall consist of the report required under the applicable provisions of GR-345.

* * * * *

(b) *Transaction identification number.* * * *

(3) In the case of wheat exported prior to sale reported under GR-345, such number shall be the Export Unsold Number.

* * * * *

5. Section 778.8 is amended to read as follows:

§ 778.8 Clearance on exportation or shipment from the United States.

(a) *Wheat exported or shipped from the United States.* As part of the reporting requirements of these regulations, the exporter shall furnish to the Bureau of Customs at the point of export from the United States or shipment to Canada in bond of any wheat, one copy of the on-board vessel bill of lading or if the exportation or shipment is by rail or truck one copy of the bill of lading or manifest showing the quantity exported or shipped. This copy of the bill of lading or manifest (except in the case of wheat shipped to Canada in bond) shall show the transaction identification number which the Director provided the exporter on receipt of the report of intention to export as specified in § 778.7. In the case of wheat samples of 100 pounds or less exported without charge to the recipient, the exporter shall use the code number "EX-100" as the transaction identification number. In the case of wheat shipped to Canada in bond, the exporter shall use the code number "CBS-100" as the transaction identification number. The copy of the bill of lading or manifest containing the transaction identification number will be transmitted by the Bureau of Customs to CCC for comparison with other information concerning the acquisition and surrender of certificates by the exporter covering the wheat referred to in the bill of lading or manifest.

(b) *Exports of wheat shipped to Canada in bond.* A copy of Canadian Government Form B-14, "Customs Canada—Entry For Export Ex-Sufferance Warehouse", obtained from the Canadian Customs Service will be used by CCC for comparison with other information concerning the acquisition and surrender of certificates by the exporter covering the exportation from Canada of wheat which had been shipped to Canada in bond.

6. Section 778.9 is amended to read as follows:

§ 778.9 Reports of wheat shipped to Canada in bond and reports of wheat exported.

(a) *Report of wheat shipped to Canada in bond.* The exporter shall submit to the Kansas City Commodity Office not later than 30 days after each shipment of wheat to Canada in bond, or such later date as may be approved in writing by the Director of the Kansas City Commodity Office for good cause shown by the exporter, a Report of Wheat Exported, Form CCC-518, covering such shipment. The report shall show:

(1) Date of shipment from United States port.
(2) Net bushels shipped.
(3) Port of shipment.
(4) Name of vessel, or other carrier identification.
(5) Name and address of exporter.
(6) Date of report.
(7) Signature of an authorized official of the exporter.
(8) Enter in remarks "Shipment to Canada in bond for exportation at a later date".

(b) *Report of wheat exported.* The exporter shall submit to the Kansas City Commodity Office not later than 15 days after each exportation of wheat, or such later date as may be approved in writing by the Director for good cause shown, a Report of Wheat Exported, Form CCC-518 (except in the case of exports under GR-261, donations abroad, and wheat samples exported without charge to the recipient). If the exporter is entitled at such time to a refund or credit against the cost of certificates, the related Application for Wheat Export Payment, form CCC-357, as provided in GR-345 should accompany the report. The Report of Wheat Exported shall show:

(1) Date of exportation of the wheat.
(2) Net bushels exported.
(3) Port of exportation.
(4) Name of vessel, or other carrier identification.
(5) CCC registration number assigned under GR-345 or other identification number as set forth in § 778.7.
(6) Face value of certificates required to be acquired and surrendered for the wheat exported.
(7) Amount of certificate refund or credit under GR-345 applicable to the transaction and to be applied against the amount payable for certificates.
(8) Serial number(s) and face value of any Form CCC-145 export certificates surrendered to CCC with the Report of Exportation.
(9) Amount of any certificates previously purchased from CCC specifically for the exportation, and the date of payment.
(10) Amount remitted to CCC with the report for purchase of certificates.
(11) Name and address of exporter.
(12) Date of report.
(13) Signature of an authorized official of the exporter.

§ 778.10 [Amended]

7. Section 778.10 *Penalties* is amended by changing paragraphs (a) and (b) to add after the word "who" wherever it appears, the word "knowingly".

(Secs. 379a to 379j, 52 Stat. 31, as amended by 78 Stat. 626, 78 Stat. 178 and 79 Stat. 1202, 7 U.S.C. 1379 a to j).

Effective date. This amendment shall be effective as to shipments of wheat to Canada in bond on and after November 3, 1965, and as to violations of § 778.10 (a) and (b) on and after July 1, 1964.

Issued at Washington, D.C., on November 23, 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-12785; Filed, Nov. 29, 1965; 8:49 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 189, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1) (i) and (ii) of § 910.489 (Lemon Regulation 189, 30 F.R. 14523) are hereby amended to read as follows:

§ 910.489 Lemon Regulation 189.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 37,200 cartons;
(ii) District 2: 111,600 cartons.

* * * * *

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 24, 1965.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-12787; Filed, Nov. 29, 1965; 8:50 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

SUBCHAPTER A—GENERAL PROVISIONS

[Order 349–65]

PART 1—DEFINITIONS

PART 3—BOARD OF IMMIGRATION APPEALS

Miscellaneous Amendments

By virtue of the authority vested in me by section 103 of the Immigration and Nationality Act, 66 Stat. 173 (8 U.S.C. 1103), section 161 of the Revised Statutes (5 U.S.C. 22), and section 2 of Reorganization Plan No. 2 of 1950 it is hereby ordered as follows:

1. Section 1.1(b) of Title 8 of the Code of Federal Regulations is amended to read as follows:

§ 1.1 Definitions.

* * * * *

(b) The term "act" means the Immigration and Nationality Act, as amended.

* * * * *

2. Section 3.1(b)(5) of that title is amended to read as follows:

§ 3.1 Board of Immigration Appeals.

* * * * *

(b) *Appellate jurisdiction.* * * *

(5) Decisions on petitions filed in accordance with section 204 of the act (except petitions to accord preference classifications under section 203(a)(3) or section 203(a)(6) of the act, or a petition on behalf of a child described in section 101(b)(1)(F) of the act), and decisions on requests for revalidation and decisions revoking the approval of such petitions, in accordance with section 205 of the act, as provided in Parts 204 and 205, respectively, of this chapter.

* * * * *

The amendments made by this order shall become effective on December 1, 1965.

The amendments made by this order are editorial in nature and do not impair any substantive or procedural right of any individual. Therefore, compliance with the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) as to notice of proposed rule making and as to delayed effective date is unnecessary.

Dated: November 24, 1965.

NICHOLAS DEB. KATZENBACH,
Attorney General.

[F.R. Doc. 65–12784; Filed, Nov. 29, 1965; 8:50 a.m.]

SUBCHAPTER B—IMMIGRATION REGULATIONS

IMPLEMENTATION OF ACT OF OCTOBER 3, 1965

Miscellaneous Amendments

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER on November 4, 1965 (30 F.R. 13956), pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) and in which there was set out the terms of proposed amendments to Parts 103, 204, 205, 206, 211, 212, 212a, 221, 235, 242, 243, 245, 249, and 299.

Representations which were received concerning the proposed rules of November 4, 1965, have been considered and those proposed rules have been amended in the following respects:

Section 103.1(e)(1), (2), and (4) have been amended to preclude an appeal to the regional commissioner when the denial is based upon the lack of a certification by the Secretary of Labor pursuant to section 212(a)(14) of the Act; the second sentence of § 204.1(c) has been amended to provide for the submission of Department of Labor Form ES–575A and a sentence was added at the end of the paragraph to provide that no appeal shall lie when the petition is denied for lack of a certification by the Secretary of Labor pursuant to section 212(a)(14) of the Act; the second sentence of § 204.1(d) has been amended by deleting the word "any" and inserting the word "the"; the fourth sentence of § 204.1(d) has been amended by deleting the words "or consular", and a sentence was added at the end of the paragraph to provide that no appeal shall lie when the petition is denied for lack of a certification by the Secretary of Labor pursuant to section 212(a)(14) of the Act; the word "legal" was inserted in the first sentence of § 204.2(b)(2) and in the second sentence of § 204.2(d)(3) and (5); § 204.2(f) has been revised to provide for the utilization of Department of Labor Form ES–575A; § 204.2(g) has been amended to provide for the utilization of Department of Labor Forms ES–575A and B; the introductory sentence of § 205.1 was amended to point up the automatic revocation if the listed circumstances occur prior to the commencement of the beneficiary's journey to this country; § 205.1(b)(2) was amended by deleting the words "before the beneficiary's journey to the United States commences"; § 205.1(c) was amended by inserting a sentence before the last sentence thereof in line with the amendment of § 103.1(e)(4); § 212.7(b)(2) has been amended for clarification; § 214.2(h)(3) has been amended by adding a sentence between the existing fourth and fifth sentences thereof to provide for the automatic termination of nonimmigrant petitions; § 221.1 has been amended by deleting the words "and shall be in the sum of not less than $500" in the next to the last sentence and by deleting the last sentence thereof; the last sentence of § 235.9(a) has been amended to show that the 2-year period commences on the date of the conditional entry; § 235.9(c) has been added to provide for the termination of conditional entrant status; Part 245 has been amended to distinguish the eligible classes, to provide for the use of Department of Labor Forms ES–575A and B in a nonpreference case, to provide for the processing of section 203(a)(7) proviso adjustment cases according to date of arrival, and to provide for an interview in such cases, which may be waived for children under fourteen years of age; § 299.1 has been amended to add Department of Labor Forms ES–575A and B.

The amendatory regulations as set out below are adopted.

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS

1. Subparagraphs (1) through (7) of paragraph (e) of § 103.1 *Delegations of authority* are amended to read as follows:

§ 103.1 Delegations of authority.

* * * * *

(e) *Regional commissioners.* The activities of the Service within their respective regional areas, including the following appellate jurisdiction specified in this chapter:

(1) Decisions on third-preference petitions, as provided in § 204.1(c), except when the denial of the petition is based upon the lack of a certification by the Secretary of Labor pursuant to section 212(a)(14) of the Act;

(2) Decisions on sixth-preference petitions, as provided in § 204.1(d), except when the denial of the petition is based upon the lack of a certification by the Secretary of Labor pursuant to section 212(a)(14) of the Act;

(3) Decisions on orphan petitions, as provided in § 204.1(b);

(4) Decisions on requests for revalidation of certain petitions, as provided in § 205.1(c), except when the denial of the request for revalidation of a petition for third or sixth preference is based upon the lack of a certification by the Secretary of Labor pursuant to section 212(a)(14) of the Act;

(5) Decisions revoking approval of certain petitions, as provided in § 205.3;

(6) Decisions on applications for permission to reapply for admission to the United States after deportation or removal, as provided in § 212.2;

(7) Decisions on applications for waiver of certain grounds of excludability, as provided in § 212.7(a);

* * * * *

§ 103.2 [Amended]

2. The fourth sentence of paragraph (a) *General* of § 103.2 *Applications, petitions, and other documents* is amended to read as follows: "Applications or petitions received in any Service office shall be stamped to show the time and date of their actual receipt and, unless otherwise specified in Part 204 of this chapter or returned because they are improperly executed, shall be regarded as filed when so stamped."

§ 103.7 [Amended]

3. The following item in paragraph (c) *Additional fees* of § 103.7 *Records and fees* is revoked:

For filing application for waiver of grounds of exclusion contained in section 212(a)(14) of the Act	$10.00

4. The last item in paragraph (c) *Additional fees* of § 103.7 *Records and fees* is amended to read as follows:

For filing application for waiver of grounds of excludability under section 212 (h) or (l) of the Act (only a single application and fee shall be required when the alien is applying simultaneously for a waiver under both those sections)	$25.00

PART 204—PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

The headnote to Part 204 is amended as set forth above and that part is amended to read as follows:

Sec.
204.1 Petition.
204.2 Documents.
204.3 Disposition of approved petitions.
204.4 Validity of approved petitions.
204.5 Automatic conversion of classification of beneficiary.

AUTHORITY: The provisions of this Part 204 issued under sec. 103, 66 Stat. 173; 8 U.S.C. 1103. Interpret or apply secs. 101, 201, 203, 204, 212, 245, 66 Stat. 166, 175, 178, 179, 182, 217; 8 U.S.C. 1101, 1151, 1153, 1154, 1182, 1255.

§ 204.1 Petition.

(a) *Relative.* A petition to accord preference classification under section 203(a) of the Act or classification as an immediate relative under section 201(b) of the Act, other than a child as defined in section 101(b)(1)(F) of the Act, shall be filed on a separate Form I–130 for each beneficiary and shall be accompanied by a fee of $10. The petition shall be filed in the office of the Service having jurisdiction over the place where the petitioner is residing in the United States. When the petitioner resides outside of the United States, the petition shall be filed with the foreign office of the Service designated to act on the petition which can be ascertained by consulting the nearest American consul. The following American consular officers are also authorized to approve any petition on Form I–130 when the petitioner and the beneficiary are physically present in the area over which the consular officers have jurisdiction: American consular officers assigned to visa-issuing posts in South America (except Venezuela), areas of Asia lying to the east of the western borders of Afghanistan and Pakistan (but not including Hong Kong and adjacent islands, Taiwan, Japan, Okinawa, Korea, and the Philippines), Australia, New Zealand, and Africa (excluding posts in the United Arab Republic, the Mediterranean islands, and Portuguese island possessions); while such consular officers are authorized to approve such petitions, they shall refer any petition which is not clearly approvable to the appropriate Service office outside the United States for decision. The petitioner shall be notified of the decision and, if the petition is denied, of the reasons therefor and of his right to appeal to the Board within 15 days after mailing of the notification of the decision in accordance with the provisions of Part 3 of this chapter. Without the approval of a separate petition in his behalf, an alien spouse or a child as defined in section 101(b)(1)(A), (B), (C), (D), or (E) of the Act, may be accorded the same classification as his spouse or parent whom he is accompanying or following to join, if the immediate issuance of a visa or conditional entry is not otherwise available under the provisions of section 203(a)(1) through (8) of the Act.

(b) *Orphan.* A petition in behalf of a child defined in section 101(b)(1)(F) of the Act shall be filed by the U.S. citizen spouse in the office of the Service having jurisdiction over the place where the petitioner is residing on Form I–600, shall identify the child, and shall be accompanied by a fee of $10. When the petitioner resides outside of the United States, the petition shall be filed with the foreign office of the Service designated to act on the petition which can be ascertained by consulting the nearest American consul. The petitioner shall be notified of the decision and, if the petition is denied, of the reasons therefor and of his right to appeal in accordance with the provisions of Part 103 of this chapter. If the petitioner or spouse intends to proceed abroad to locate an orphan for adoption, a request in writing may be submitted to the district director in whose jurisdiction the petitioner resides to initiate preliminary processing prior to filing a petition.

(c) *Member of the professions or an alien of exceptional ability in the sciences or arts.* A petition to classify the status of an alien under section 203(a)(3) of the Act shall be filed on Form I–140 by such alien or by any person on his behalf. A separate Form I–140 executed under oath or affirmation and accompanied by Form ES–575A and a fee of $10 must be submitted for each beneficiary before the petition may be accepted by the Service and considered properly filed. The petition shall be filed in the office of the Service having jurisdiction over the place in the United States where the alien intends to reside. An alien abroad who desires to submit a petition in his own behalf must execute the oath or affirmation on the petition before a Service or consular officer abroad. That officer will furnish the address of the Service office in the United States to which the alien should send the petition. The beneficiary and the petitioner may be required, as a matter of discretion, to appear in person before an immigration or consular officer prior to the adjudication of the petition and be interrogated under oath concerning the allegations in the petition. The petitioner shall be notified of the decision and, if the petition is denied, of the reasons therefor and of his right to appeal in accordance with the provisions of Part 103 of this chapter. However, no appeal shall lie from a decision denying the petition for lack of a certification by the Secretary of Labor pursuant to section 212(a)(14) of the Act.

(d) *Aliens who will perform skilled or unskilled labor.* A person, firm, or organization desiring and intending to employ within the United States an alien entitled to classification as a preference immigrant under section 203(a)(6) of the Act shall file a petition on Form I–140. A separate form must be submitted for each beneficiary, executed under oath or affirmation, accompanied by a fee of $10, and by the required certification of the Secretary of Labor specified in § 204.2(g) before it may be accepted by the Service and considered properly filed. The petition shall be filed in the office of the Service having jurisdiction over the place where the alien's services are to be performed. The beneficiary and the petitioner may be required, as a matter of discretion, to appear in person before an immigration officer prior to the adjudication of the petition and be interrogated under oath concerning the allegations in the petition. The petitioner shall be notified of the decision and, if the petition is denied, the reasons therefor and of his right to appeal in accordance with the provisions of Part 103 of this chapter. However, no appeal shall lie from a decision denying the petition for lack of a certification by the Secretary of Labor pursuant to section 212(a)(14) of the Act.

§ 204.2 Documents.

(a) *General.* When the beneficiary is in the United States, his passport and Form I–94, if one was issued to him, shall be submitted with the petition.

(b) *Evidence of U.S. citizenship*—(1) *Birth in the United States.* A petition filed under § 204.1 (a) or (b) by a U.S. citizens whose citizenship is based on birth in the United States must be accompanied by his birth certificate; or, if his birth certificate is unobtainable, a copy of his baptismal certificate under seal of the church, showing his place of birth and a date of baptism occurring within 2 months after birth; or if his birth or baptismal certificate cannot be obtained, affidavits of two U.S. citizens who have personal knowledge of his birth in the United States. A native-born citizen of the United States who files a petition while physically outside the United States may establish his birth by presenting his valid unexpired U.S. passport containing the date and place of his birth in the United States. A statement executed by a consular officer, certifying the petitioner to be a U.S. citizen and the bearer of a valid U.S. passport showing him to be a native-born citizen, may be accepted in lieu of the passport. When a native-born member of the armed forces of the United States serving outside the United States submits a petition without documentary proof of his birth in the United States, a statement from the appropriate authority of the armed forces to the effect that the personnel records of the armed forces show the petitioner was born in the United States on a certain date may be accepted as proof of his birth in the United States if the approving officer finds that to require documentary proof of the petitioner's birth in the United States would cause the petitioner unusual delay or hardship.

(2) *Birth outside the United States.* A petition filed under § 204.1 (a) or (b)

by a United States citizen born abroad who became a citizen through the naturalization or citizenship of a parent or husband, and who has not been issued a certificate of citizenship in his or her own name, must be accompanied by evidence of the citizenship and marriage of such parent or husband, as well as the legal termination of any prior marriages. In addition, if the petitioner claims citizenship through a parent, he must submit his birth certificate and a separate statement showing the date, port, and means of all his arrivals and departures into and out of the United States. If the petitioner is a naturalized citizen of the United States whose naturalization occurred within 90 days immediately preceding the filing of the petition, or if it occurred prior to September 27, 1906, the naturalization certificate must accompany the petition.

(c) *Evidence of lawful admission for permanent residence.* The status of a petitioner who claims that he is a lawful permanent resident alien of the United States will be verified from official records of the Service. In the absence of such a record, the petitioner shall be required to establish that he is a lawful permanent resident alien by the submission of evidence such as his passport bearing a Service endorsement reflecting a lawful admission for permanant residence, his Form I–151 alien registration receipt card, or his immigrant identification card.

(d) *Evidence of family relationship between petitioner and beneficiary*—(1) *General.* A petition filed under § 204.1 (a) must be accompanied by evidence of family relationship.

(2) *Petition for a spouse.* If a petition is submitted on behalf of a wife or husband, it must be accompanied by a certificate of marriage to the beneficiary and proof of the legal termination of all previous marriages of both wife and husband.

(3) *Petition for child.* If a petition is submitted by a mother on behalf of a child, regardless of the child's age, the birth certificate of the child showing the name of the mother must accompany the petition. If a petition is submitted by a father or stepparent on behalf of a child, regardless of age, a certificate of marriage of the parents, proof of legal termination of their prior marriages, and the birth certificate of the child must accompany the petition.

(4) *Petition for a brother or sister.* If a petition is submitted on behalf of a brother or sister, the birth certificate of the petitioner and the birth certificate of the beneficiary, showing a common mother, must accompany the petition. If the petition is on behalf of a brother or sister having a common father and different mothers, the marriage certificate of the petitioner's parents, and the beneficiary's parents, and proof of the legal termination of the parents' prior marriages, if any, must accompany the petition.

(5) *Petition in behalf of a parent.* If a petition is submitted in behalf of a mother, the petitioner's birth certificate showing the name of the mother must accompany the petition. If a petition is submitted on behalf of a father or stepparent, the petitioner's birth certificate and the marriage certificate of his parent and stepparent must accompany the petition, as well as proof of the legal termination of their prior marriages, if any.

(6) *Married women.* If either the petitioner or the beneficiary is a married woman, her marriage certificate must accompany the petition. However, when the relationship between the petitioner and beneficiary is that of a mother and child, regardless of the child's age, the mother's marriage certificate need not be submitted if the mother's present married name appears on the birth certificate of the child.

(7) *Relationship by adoption.* If the petitioner and the beneficiary are related to each other by adoption, a certified copy of the adoption decree must accompany the petition.

(e) *Evidence required to accompany petition for orphan*—(1) *General.* A petition filed in behalf of an orphan under § 204.1(b) must be accompanied by evidence of the U.S. citizenship of the petitioning husband or wife as provided in § 204.2(b); a certificate of marriage of the petitioner and spouse and proof of legal termination of their previous marriages, if any; proof of age of the orphan in the form of a birth certificate, or if such certificate is not available other evidence of his birth; evidence that the petitioner and spouse are able to care for the orphan properly, such as letters from employers, banks and accountants, financial statements, copies of income tax returns; a certified copy of the adoption decree together with certified translation, if the orphan has been lawfully adopted abroad; evidence that the sole or surviving parent is incapable of providing for the orphan's care and has in writing irrevocably released the orphan for emigration and adoption if the orphan has only one parent; and fingerprint charts of the petitioning husband and spouse on Form FD–258.

(2) *Preadoption requirements.* If the orphan is to be adopted in the United States, the petitioner must submit evidence of compliance with the preadoption requirements, if any, of the state of the orphan's proposed residence, except any such requirements that cannot be complied with prior to the child's arrival in the United States.

(3) *Beneficiary adopted abroad without having been seen and observed.* An orphan who is adopted abroad without having been personally seen and observed by the petitioning husband and wife prior to or during the adoption proceedings shall be processed as a child coming to the United States for adoption. Before a petition in behalf of such a child is approved, the petitioner and spouse must submit a statement indicating their willingness and intent to readopt the child in the United States. Unless the Service has already ascertained from the appropriate State authority that readoption is permissible in that State, the petitioner shall be required to submit evidence in the form of a statement from the court having jurisdiction over adoption, the State department of welfare, or the attorney general of the State, indicating that readoption is permissible. As in the case of a petition for any other orphan coming to the United States for adoption, evidence of compliance with the preadoption requirements, if any, of the State of proposed residence must be submitted.

(f) *Evidence of professional status or of exceptional ability in sciences or arts.* A petition seeking to classify an alien as a member of a profession or as an alien with exceptional ability in the sciences or arts within the meaning of section 203(a)(3) of the Act must be submitted to the Service with Form ES–575A executed in accordance with the instructions attached to that form and accompanied by the evidence of the beneficiary's qualifications specified in those instructions. Unless the profession is included in the list for which the Secretary of Labor has issued a blanket certification under section 212(a)(14) of the Act and the alien is clearly qualified as a member of that profession, or the alien is clearly not within the purview of section 203(a)(3) of the Act, the Service will refer Form ES–575A and supporting documents to the Bureau of Employment Security, Department of Labor. The documents supporting a petition in behalf of a member of the professions or in behalf of an alien with exceptional ability in the arts or sciences, whose eligibility is based in whole or in part on high education, shall include a certified copy of the alien's school record. The record must show the period of attendance, major field of study, and the degrees or diplomas awarded. If the alien has received a license or other official permission to practice his profession, the license or other official permit to practice must also be submitted. If the alien's eligibility is based on exceptional ability in the sciences or the arts, documentary evidence thereof, such as affidavits by the alien's present or former employers or by recognized experts familiar with the alien's work, or published material, must be submitted by the petitioner. Each such affidavit must set forth the name and address of the affiant, state how he acquired his knowledge of the alien's qualifications, state the place where and the dates during which the alien acquired his exceptional ability, and must describe in detail the duties performed by the alien. When any material published by or about the alien is submitted, it must be accompanied by information as to the date, place, and title of the publication. After review of any Form ES–575A and supporting documents referred by the Service the Bureau of Employment Security will notify the Service of its determination with respect to the issuance of a certification under section 212(a)(14) of the Act, and will also advise concerning the beneficiary's qualifications as a member of a profession or as an alien of exceptional ability in the sciences or arts. The current list of professions for which the blanket certification under section 212(a)(14) of the Act has been issued may be obtained from the principal offices of the Service.

(g) *Evidence required to accompany petition for skilled or unskilled labor.* A visa petition to accord an alien classification under section 203(a)(6) of the Act may be filed only if it is accompanied by the certification of the Secretary of Labor issued under section 212(a)(14) of the Act. The petitioner may apply for the certification by submitting to the local State Employment Service Form ES-575A and B properly executed in accordance with the instructions on the form, together with the documentary evidence specified in the instructions. If a certification is issued to the petitioner, it will be endorsed on Form ES–575A. An advisory opinion by the Bureau of Employment Security, Department of Labor, concerning the beneficiary's qualifications will also be endorsed on the form. Upon receipt of the certification on Form ES–575A by the petitioner it shall be attached to and filed with the petition in the office of the Service having jurisdiction over the intended place of employment. Form ES–575B, and the documentary evidence of the beneficiary's qualifications for the position in which he is to be employed, shall also be attached to the petition. If the alien's eligibility is based in whole or in part on high education or attendance at a technical or vocational school, the evidence must include a certified copy of his school record. The record must show the period of attendance, the major field of study, and the degrees or diplomas awarded. If the alien's eligibility is based on technical training, specialized experience, or exceptional ability, documentary evidence thereof, such as affidavits or published material, must be submitted by the petitioner. Affidavits must be made by the alien's present and former employers or by recognized experts familiar with the alien's work. Each such affidavit must set forth the name and address of the affiant and state how he acquired his knowledge of the alien's qualifications, state the place where and the dates during which the alien gained his experience, and must describe in detail the duties performed by the alien, any tools used, and any supervision received or exercised by the alien. When any material published by or about the alien is submitted, it must be accompanied by information as to date, place, and title of publication. A current list of occupations for which the Secretary of Labor has determined a certification under section 212(a)(14) of the Act will not be issued may be obtained from the principal offices of the Service.

§ 204.3 Disposition of approved petitions.

If the beneficiary of an approved petition will apply to an American consulate for a visa, the approved petition shall be forwarded to the consulate designated by the petitioner. When the beneficiary of an approved petition will file an application for adjustment of status under section 245 of the Act, the approved petition will be retained by the Service for consideration in connection with that application.

§ 204.4 Validity of approved petitions.

The approval of a petition to classify an alien as a preference immigrant under section 203(a)(3) or (6) of the Act shall remain valid for a period of 1 year from the date of any individual certification issued by the Secretary of Labor pursuant to section 212(a)(14) of the Act; if a blanket certification has been issued covering the alien's profession or occupation, the approval shall remain valid for a period of 1 year from the date of approval. The approval of a petition to classify an alien as a preference immigrant under section 203(a)(1), (2), (4), or (5) or as an immediate relative under section 201(b) of the Act shall remain valid for a period of 5 years from the date of approval. The validity of any petition under this section may be revoked pursuant to the provisions of Part 205 of this chapter prior to the 1- or 5-year limitations set forth herein.

§ 204.5 Automatic conversion of classification of beneficiary.

(a) *By change in beneficiary's marital status.* (1) A currently valid petition classifying the child of a U.S. citizen as an immediate relative under section 201(b) of the Act, or classifying the unmarried son or unmarried daughter of a U.S. citizen under section 203(a)(1) of the Act, shall be regarded as approved for preference status under section 203(a)(4) of the Act as of the date the beneficiary marries.

(2) A currently valid petition classifying the married son or married daughter of a U.S. citizen for preference status under section 203(a)(4) of the Act shall, upon the presentation of satisfactory evidence of the legal termination of the beneficiary's marriage, be regarded as approved for preference status under section 203(a)(1) of the Act or, if the beneficiary is under 21 years of age, for status as an immediate relative under section 201(b) of the Act, as of the date of termination of the marriage.

(b) *By beneficiary's attainment of the age of 21 years.* A currently valid petition classifying the child of a U.S. citizen as an immediate relative under section 201(b) of the Act shall, if the beneficiary is still unmarried, be regarded as approved for preference status under section 203(a)(1) of the Act as of the beneficiary's attainment of his 21st birthday.

(c) *By petitioner's naturalization.* Effective upon the date of naturalization of a petitioner who had been lawfully admitted for permanent residence, a currently valid petition according preference status under section 203(a)(2) of the Act to the petitioner's spouse, unmarried son, or unmarried daughter, shall be regarded as approved to accord status as an immediate relative under section 201(b) of the Act to the spouse, and unmarried son or unmarried daughter who is under 21 years of age, and to accord preference status under section 203(a)(1) of the Act to the unmarried son or unmarried daughter who is 21 years of age or older.

PART 205—REVOCATION OF APPROVAL OF PETITIONS

The headnote to Part 205 is amended as set forth above and that part is amended to read as follows:

Sec.
205.1 Automatic revocation.
205.2 Revocation on notice.
205.3 Procedure.

AUTHORITY: The provisions of this Part 205 issued under sec. 103, 66 Stat. 173; 8 U.S.C. 1103. Interpret or apply secs. 101, 201, 203, 204, 205, 212, 66 Stat. 166, 175, 178, 179, 180, 182; 8 U.S.C. 1101, 1151, 1153, 1154, 1155, 1182.

§ 205.1 Automatic revocation.

The approval of a petition made under section 204 of the Act, and in accordance with Part 204 of this chapter is revoked as of the date of approval if any of the following circumstances occur before the beneficiary's journey to the United States commences:

(a) *Relative petitions.* (1) Upon formal notice of withdrawal filed by the petitioner with the officer who approved the petition.

(2) Upon the death of the petitioner or beneficiary.

(3) Upon the legal termination of the relationship of husband and wife when a petition has accorded status as the spouse of a citizen or lawful resident alien, respectively, under section 201(b), or section 203(a)(2) of the Act.

(4) Upon a beneficiary accorded immediate relative status as the child of a U.S. citizen reaching the age of 21, except that such petition is valid to accord a status under section 203(a)(1) of the Act if the beneficiary remains unmarried, and a status under section 203(a)(4) of the Act in the event of marriage, for a period of 5 years from the date of initial approval or last revalidation.

(5) Upon the marriage of a beneficiary accorded a status as a son or daughter of a U.S. citizen under section 203(a)(1) of the Act, except that such petition is valid to accord a status under section 203(a)(4) of the Act for a period of 5 years from the date of initial approval or last revalidation.

(6) Upon the marriage of a beneficiary accorded a status as a son or daughter of a lawful resident alien under section 203(a)(2) of the Act.

(7) Upon the expiration of 5 years from the date of initial approval or last revalidation.

(b) *Other petitions.* (1) The beneficiary is an alien seeking classification under section 203(a)(3) or (6) of the Act and is not issued a visa on or prior to the expiration date of approval shown on the approved petition.

(2) The petitioner dies, goes out of business, or files a written withdrawal of the petition.

(3) The certification required by section 212(a)(14) of the Act is cancelled, withdrawn, or expires.

(c) *Revalidation.* Any petition approved under section 204 of the Act, which was automatically revoked, may be revalidated by a district director retroactively as of the date of the initial

approval, if the requirements of section 204 of the Act currently exist. The following American consular officers are also authorized to revalidate any petition on Form I–130 when the petitioner and the beneficiary are physically present in the area over which the consular officers have jurisdiction: American consular officers assigned to visa-issuing posts in South America (except Venezuela), areas of Asia lying to the east of the western borders of Afghanistan and Pakistan (but not including Hong Kong and adjacent islands, Taiwan, Japan, Okinawa, Korea, and the Philippines), Australia, New Zealand, and Africa (excluding posts in the United Arab Republic, the Mediterranean islands and Portuguese island possessions); while such consular officers are authorized to revalidate such petitions, they shall refer any petition which is not clearly subject to revalidation to the appropriate Service office outside the United States for decision. A petitioner may request revalidation of a petition approved under section 204 of the Act. Before the petition may be revalidated, the beneficiary's current eligibility must be established. The petitioner shall be notified of the decision on his request for revalidation and, if revalidation is not granted, of the reasons therefor, and shall have 15 days after the mailing of the notification of decision within which to appeal, as provided in Part 3 of this chapter, if the petition was filed for a preference under paragraph (1), (2), (4), or (5) of section 203(a) of the Act, or for an immediate relative as defined in section 201(b) of the Act other than a child as defined in section 101(b)(1)(F) of the Act, or as provided in Part 103 of this chapter, if the petition was filed for a preference under paragraph (3) or (6) of section 203 (a) of the Act, or for a child as defined in section 101(b)(1)(F) of the Act. However no appeal shall lie from a decision denying a request for revalidation of a petition filed for a preference under paragraph (3) or (6) of section 203(a) of the Act if the denial is based on the lack of a certification by the Secretary of Labor pursuant to section 212(a)(14) of the Act. When a visa petition has been approved, and subsequently a new petition by the same petitioner is approved in behalf of the same beneficiary, the latter approval shall be regarded as a revalidation of the original petition.

(d) *Notice.* When it shall appear to a district director that the approval of a petition has been automatically revoked, he shall cause a notice of such revocation to be sent promptly to the consular office having jurisdiction over the visa application and a copy of such notice to be mailed to the petitioner's last known address.

§ 205.2 Revocation on notice.

The approval of a petition made under section 204 of the Act and in accordance with Part 204 of this chapter may be revoked on any ground other than those specified in § 205.1 by any officer authorized to approve such petition when the propriety of such revocation is brought to the attention of the Service, including requests for revocation or reconsideration made by consular officers.

§ 205.3 Procedure.

Revocation of approval of a petition under § 205.2 shall be made only upon notice to the petitioner who shall be given an opportunity to offer evidence in support of the petition and in opposition to the grounds alleged for revocation of the approval. If upon reconsideration the approval previously granted is revoked, the petitioner shall be informed of the decision with the reasons therefor and shall have 15 days after the mailing of the notification of decision within which to appeal as provided in Part 3 of this chapter, if the petition was filed for a preference under paragraph (1), (2), (4), or (5) of section 203(a) of the Act, or for an immediate relative as defined in section 201(b) of the Act other than a child as defined in section 101(b)(1)(F) of the Act, or as provided in Part 103 of this chapter, if the petition was filed for a preference under paragraph (3) or (6) of section 203(a) of the Act, or for a child as defined in section 101(b)(1)(F) of the Act, and the consular office having jurisdiction over the visa application shall be notified of the revocation.

PART 206—REVOCATION OF APPROVAL OF PETITIONS

Part 206 is revoked.

PART 211—DOCUMENTARY REQUIREMENTS: IMMIGRANTS; WAIVERS

§ 211.2 [Amended]

Section 211.2 *Passports* is amended by deleting the words "first-preference quota immigrant" and inserting in lieu thereof the words "third-preference immigrant."

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

§ 212.2 [Amended]

1. The second sentence of § 212.2 *Consent to reapply for admission after deportation, removal, or departure at Government expense* is amended by deleting the words "section 212 (g) or (h)" and inserting in lieu thereof the words "section 212 (g), (h), or (i)" wherever they appear.

§ 212.5 [Amended]

2. Paragraph (b) *Refugee-escapees* of § 212.5 *Parole of aliens into the United States* is revoked.

§ 212.7 [Amended]

3. The headnote to paragraph (a) of § 212.7 *Waiver of certain grounds of excludability* is amended to read *"Section 212 (h) or (i)"* and the first sentence of paragraph (a) is amended by deleting the words "section 212 (g) or (h)" and inserting in lieu thereof the words "section 212 (h) or (i)."

4. Paragraph (b) of § 212.7 *Waiver of certain grounds of excludability* is amended to read as follows:

(b) *Section 212(g) (tuberculosis and certain mental conditions).* An alien who is an applicant for an immigrant visa and who, pursuant to section 212(g) of the Act, is seeking a waiver of his excludability under section 212(a) (1), (3), or (6) of the Act shall file (or if the alien is incompetent to do so, the family member specified in section 212(g) shall file) an application on Form I–601 at the consular office considering the application for a visa. An alien who is applying at a port of entry for admission to the United States, or who is within the United States and who is under any proceeding before the Service in which a waiver pursuant to section 212(g) is required before it may be determined that he is not excludable under section 212(a) (1), (3), or (6) of the Act, may file an application on Form I–601 with the Service office having jurisdiction over the port of entry or place where he is located.

(1) *Section 212(a)(6) (tuberculosis).* If the alien is excludable under section 212(a)(6) of the Act because of tuberculosis, he or his sponsoring family member shall submit with his Form I–601 a statement by a State, territorial, or local health department, or by a recognized hospital or other institution in the United States engaged in the treatment of tuberculosis. The statement shall include the name and address of the facility where the alien will be treated, and shall affirm (i) that arrangements have been made for any treatment and observation required for proper management of the alien's condition, in conformity with local standards of medical practice, and that upon arrival at such facility the alien will be placed in an inpatient or outpatient status as determined by the responsible local physician; (ii) that such facility will submit the following to the U.S. Quarantine Station, Rosebank, Staten Island, N.Y., 10305: An initial report giving a clinical evaluation of the alien, including necessary X-ray films, within 30 days after the alien's arrival at the hosiptal or other institution (or, if within 30 days after receipt of notice from the U.S. Public Health Service that the alien has arrived in the United States he has not reported to the facility, a notice of his failure to report), and a report of the final disposition of the case; and (iii) that complete financial arrangements for the alien's care have been made by the alien, the sponsoring family member, or other responsible person; or that the eligibility of the alien under the dependents medical care provisions of sections 1071–1085 of title 10 of the United States Code has been established. Whenever the required statement is submitted by a hospital or other institution, it must bear an endorsement by a State, territorial, or local health department affirming its recognition of the facility as being qualified to engage in the treatment of tuberculosis, unless the U.S. Public Health Service shall have determined that the facility is qualified for that purpose.

(2) *Section 212(a) (1) and (3) (certain mental conditions).* If the alien is excludable under section 212(a) (1) or (3) (because of mental retardation, or because of a past history of mental illness), he or his sponsoring family member shall submit an executed Form I–601 to the consular or Service office with a statement that arrangements have been made for submission to that office of a medical report. The medical report shall contain a complete medical history of the alien, including details of any hospitalization or institutional care or treatment for any physical or mental condition; findings as to the current physical condition of the alien, including reports of chest X-ray examination, of serologic test for syphilis, and other pertinent diagnostic tests; findings as to the current mental condition of the alien, with information as to prognosis and life expectancy; and a report of a psychiatric examination conducted by a psychiatrist and, in case of mental retardation, a report of a psychologist. Upon receipt of the medical report, the consular or Service office shall refer it to the U.S. Public Health Service for review. Upon being notified that the medical report has been reviewed by the U.S. Public Health Service and determined to be acceptable, the alien or the sponsoring family member shall submit as directed by the U.S. Public Health Service a statement from a hospital, institution, school, or other specialized facility, or specialist in the United States acceptable to the U.S. Public Health Service which shall include the name and address of the hospital, institution, school, or other specialized facility, or specialist, and shall affirm that such facility or specialist has agreed to accept the alien for all necessary diagnostic studies, care, training, or schooling for a period of at least 5 years; that complete financial arrangements have been made by the alien, the sponsoring family member, or other responsible person for payment for all care, training, or schooling to be provided to the alien; that upon arrival at the designated facility or specialist's office in the United States, the alien will be placed in an outpatient, inpatient, or other status as determined by the responsible local physician or specialist; that such facility or specialist will provide the U.S. Quarantine Station, Rosebank, Staten Island, N.Y., 10305, with the following: an initial report giving a current evaluation of the mental status of the alien, or a notice of the alien's failure to report to the facility or specialist, within 30 days after the facility or specialist receives notice from the U.S. Public Health Service that the alien has arrived in the United States; prompt notification of the death of the alien, of his departure without approval of the facility or specialist, or of his failure to report to the facility as may be required; and semiannual reports of the alien's mental status for a period of at least 5 years, even if he has been discharged from care, training, or schooling, unless approval has been granted by the U.S. Public Health Service to transfer responsibility for the care and observation of the alien to another facility or specialist.

(3) *Assurances: bonds.* In all cases under this paragraph (b) the alien or sponsoring family member shall also submit an assurance that the alien will comply with any special travel requirements as may be specified by the U.S. Public Health Service and that upon the admission of the alien into the United States, he will proceed directly to the facility or specialist specified for the initial evaluation, and submit to such further examination, treatment, schooling, training, and medical regimen as may be required, whether on an inpatient, outpatient, or other basis, and that before responsibility for the care, observation, training, or schooling of the alien is transferred to another facility or specialist the alien or the sponsoring family member will obtain approval from the U.S. Quarantine Station, Rosebank, Staten Island, N.Y., 10305. The alien, the sponsoring family member, or some other responsible individual shall provide such assurances or bond as may be required to assure that the necessary expenses of the alien will be met and that he will not become a public charge.

5. The fourth sentence of paragraph (c) *Section 212(e)* of § 212.7 *Waiver of certain grounds of excludability* is amended by deleting the words "Part 205" and inserting in lieu thereof the words "Part 204."

PART 212a—ADMISSION OF CERTAIN ALIENS TO PERFORM SKILLED OR UNSKILLED LABOR

Part 212a is revoked.

PART 214—NONIMMIGRANT CLASSES

§ 214.2 [Amended]

The following sentence is inserted between the existing fourth and fifth sentences of subparagraph (3) *Admission, employment, and extension* of paragraph (h) *Temporary employees* of § 214.2 *Special requirements for admission, extension, and maintenance of status.* "The approval of any petition is automatically terminated when the petitioner dies, goes out of business, or files a written withdrawal of the petition before the beneficiary arrives in the United States."

PART 221—ADMISSION OF VISITORS OR STUDENTS

Part 221 is added to read as follows:

§ 221.1 Admission under bond.

The district director having jurisdiction over the intended place of residence of an alien may accept a bond on behalf of an alien defined in section 101(a)(15)(B) or (F) of the Act prior to the issuance of a visa to the alien upon receipt of a request directly from a U.S. consular officer or upon presentation by an interested person of a notification from the consular officer requiring such a bond. All bonds given as a condition of admission of an alien under section 221 (g) of the Act shall be executed on Form I–352.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103. Interprets or applies secs. 101, 221, 66 Stat. 166, 191; 8 U.S.C. 1101, 1201)

PART 235—INSPECTION OF ALIENS APPLYING FOR ADMISSION

Section 235.9 is added to read as follows:

§ 235.9 Conditional entries.

(a) *Application.* A separate application for conditional entry under section 203(a)(7) of the Act shall be executed and submitted by each applicant on Form I–590 to the officer in charge of the nearest Service office outside the United States. Each applicant under this paragraph shall appear in person before an immigration officer and excepting a child under 14 years of age shall, prior to the adjudication of his application, be interrogated under oath concerning his eligibility for conditional entry into the United States. Conditional entry will not be authorized until a medical examination has been completed and until assurances of employment and housing in the United States for a period of 2 years on Form I–591 and assurances of transportation from the applicant's place of abode to point of final destination in the United States have been provided. The approval of an application by an officer in charge outside the United States authorizes the district director at a port of entry to effect the conditional entry of the applicant upon arrival at such port within 4 months after the date of the approval. Upon arrival, every conditional entrant 14 years old or over shall execute Form I–592. For the purposes of section 203 (g) and (h) of the Act, the 2-year period shall commence on the date of the applicant's conditional entry into the United States.

(b) *Inspection of conditional entrant as to admissibility for permanent residence.* Two years subsequent to conditional entry in the United States, each conditional entrant shall be required to appear before an immigration officer. The conditional entrant, if over 14 years of age, shall be interrogated by an immigration officer under oath and a determination of admissibility shall be made in accordance with Parts 235 and 236 of this chapter. Except as provided in Parts 245 and 249 of this chapter, an application under this part shall be the sole method of requesting the exercise of discretion under section 212 (g), (h), or (i) of the Act, insofar as they relate to the excludability of an alien in the United States.

(c) *Termination of conditional entrant status.* Whenever a district director has reason to believe that a conditional entrant under section 203(a)(7), whose status has not otherwise been terminated or changed, is or has become inadmissible to the United States under any provision of section 212(a) of the Act (except section 212(a)(20)), he shall cause to be served upon the alien, in

accordance with the provisions of § 235.6, Form I–122, Notice to Alien Detained for Hearing by a Special Inquiry Officer. The alien shall be referred for inquiry before a special inquiry officer in accordance with the provisions of sections 235, 236, and 237 of the Act and of this chapter. The special inquiry officer, if he determines that the alien is not inadmissible to the United States or, if inadmissible, that the alien is prima facie eligible for a waiver of the grounds of excludability pursuant to sections 212 (g), (h), or (i) of the Act, shall order the proceedings terminated and shall refer the matter to the district director for further proceedings in accordance with section 203(g) of the Act. Such order shall be without prejudice to reinstitution of proceedings or institution of new proceedings under this section. No appeal shall lie from a decision of a district director denying an application for a waiver under section 212 (g), (h), or (i) of the Act, but such denial shall be without prejudice to the renewal of the application in the course of proceedings before a special inquiry officer. The special inquiry officer, if he determines that the alien is inadmissible to the United States for permanent residence under any provision of the Act except section 212(a)(20) and that the alien is not entitled to the benefits of sections 212 (g), (h), or (i) of the Act, shall order the termination of the alien's conditional entry and shall make such further order as may be proper. From the decision of the special inquiry officer an appeal shall lie in accordance with the provisions of § 236.5 of this chapter.

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

§ 242.17 [Amended]

The sixth sentence of paragraph (c) *Temporary withholding of deportation* of § 242.17 *Ancillary matters, application* is amended to read as follows: "The respondent has the burden of satisfying the special inquiry officer that he would be subject to persecution on account of race, religion, or political opinion as claimed."

PART 243—DEPORTATION OF ALIENS IN THE UNITED STATES

§ 243.8 [Amended]

The second sentence of § 243.8 *Imposition of sanctions* is amended to read as follows: "The sanctions imposed on residents of the Union of Soviet Socialist Republics, Czechoslovakia, and Hungary pursuant to section 243(g) may be waived in an individual case for the beneficiary of a petition accorded a status under section 201(b) or section 203(a) (1), (2), (4), or (5) of the Act, and may also be waived for the beneficiary of a petition accorded a status under section 203(a) of the Act who resides in Hungary."

PART 245—ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE

The headnote to Part 245 is amended as set forth above and that part is amended to read as follows:

Sec.
245.1 Eligibility.
245.2 Application.
245.3 Adjustment of status under section 13 of the Act of September 11, 1957.
245.4 Adjustment of status under the proviso to section 203(a)(7) of the Act.
245.5 Documentary requirements.
245.6 Medical examination.
245.7 Interview.

AUTHORITY: The provisions of this Part 245 issued under sec. 103, 66 Stat. 173; 8 U.S.C. 1103. Interpret or apply secs. 101, 201, 203, 204, 212, 245, 247; 66 Stat. 166, 175, 178, 179, 182, 217, and 218; 8 U.S.C. 1101, 1151, 1153, 1154, 1182, 1255, and 1257.

§ 245.1 Eligibility.

(a) *General.* An alien who on arrival in the United States was serving in any capacity on board a vessel or aircraft, or was destined to join a vessel or aircraft in the United States to serve in any capacity thereon, or was not admitted or paroled following inspection by an immigration officer is not eligible for the benefits of section 245 of the Act.

(b) *Exchange aliens.* Pursuant to section 212(e) of the Act, an alien who has or has had the status of an exchange alien or of a nonimmigrant under section 101(a)(15)(J) of the Act is not eligible for the benefits of section 245 of the Act unless he has complied with the foreign-residence requirements of section 212(e) of the Act or has been granted a waiver thereof.

(c) *Officials and treaty aliens.* An alien who has a nonimmigrant status under paragraph (15)(A), (15)(E), or 15(G) of section 101(a) of the Act, or has an occupational status which would, if he were seeking admission to the United States, entitle him to a nonimmigrant status under any of such paragraphs of section 101(a) of the Act is not eligible for the benefits of section 245 of the Act unless he first executes and submits with his application the written waiver required by section 247(b) of the Act and Part 247 of this chapter. A member of the immediate family of an alien having status under section 101(a)(15) (A) or (G) of the Act, and a spouse or child of an alien having status under section 101(a)(15)(E) of the Act may apply for adjustment of status only if such member, spouse, or child executes the written waiver required by section 247(b) of the Act, irrespective of whether the principal alien also applies for adjustment and executes such waiver.

(d) *Immediate relatives under section 201(b) and preference aliens under section 203(a)(1) through 203(a)(6).* An applicant who claims immediate relative status under section 201(b) or preference status under section 203(a)(1) through 203(a)(6) of the Act is not eligible for the benefits of section 245 of the Act unless he is the beneficiary of a valid unexpired visa petition filed in accordance with Part 204 of this chapter and approved to accord him such status.

(e) *Nonpreference aliens.* An applicant who is a nonpreference alien who is seeking adjustment of status for the purpose of engaging in gainful employment in the United States is not eligible for the benefits of section 245 of the Act unless he presents with his application a certification issued by the Secretary of Labor under section 212(a)(14) of the Act, or unless he establishes that he is a qualified member of a profession included in the list of professions for which the Secretary of Labor has issued a blanket certification under that section. An applicant who is a nonpreference alien may have his employer or prospective employer apply for the certification by submitting to the local State Employment Service Form ES–575A and B, properly executed in accordance with the instructions on the form, together with the documentary evidence specified in the instructions. If a certification is issued, it will be endorsed on Form ES–575A. An advisory opinion of the Bureau of Employment Security, Department of Labor, concerning the applicant's qualifications will also be endorsed on the form. Upon receipt of the certification on Form ES–575A by the applicant's employer or prospective employer, the employer or prospective employer shall transmit it to the applicant. The applicant shall attach it to his application and shall file the application in the office of the Service having jurisdiction over the area in which he resides. Form ES–575B and the documentary evidence of the applicant's qualifications to perform the duties of the position reflected therein, and all other documents required by the application for adjustment of status, shall also be attached thereto.

(f) *Exercise of discretion under sections 212 (g), (h), and (i) of the Act.* Except as provided in Parts 235 and 249 of this chapter, an application under this part shall be the sole method of requesting the exercise of discretion under sections 212 (g), (h), and (i) of the Act, insofar as they relate to the excludability of an alien in the United States.

(g) *Availability of immigrant visa.* If the applicant is a preference or nonpreference alien, the current Department of State Visa Office Bulletin will be consulted to determine whether an immigrant visa is immediately available; an immigrant visa is considered available for accepting and processing the application if the applicant has a priority date on the waiting list which is not more than 90 days later than the date shown in the bulletin. The application shall not be approved until an immigrant visa number has been allocated by the Department of State. Information as to immediate availability of an immigrant visa may be obtained at the nearest Service office.

§ 245.2 Application.

An application by an alien after he has been served with an order to show cause or warrant of arrest shall be made and considered only in proceedings under Part 242 of this chapter. In any other case, an alien who believes that he meets the eligibility requirements of section 245 of the Act and § 245.1 shall apply on Form I–485 to the district director having jurisdiction over his place of residence. An application under this section shall be accompanied by a record of the applicant's birth, Form I–94, if one was issued to the applicant, his passport, and evidence such as an affidavit of support or a letter from an employer to establish that the applicant is not likely to become a public charge. The spouse of an alien beneficiary of a visa petition under section 204 of the Act shall submit, in addition to the foregoing, a marriage certificate and proof of legal termination of prior marriages, if any, of each spouse; each child under 21 years of age of such a beneficiary shall submit the marriage certificate of his parents, together with proof of the legal termination of their prior marriages, if any, unless such documents have been submitted by one of his parents. The applicant shall be notified of the decision and if the application is denied of the reasons therefor. No appeal shall lie from the denial of an application by the district director but such denial shall be without prejudice to the alien's right to renew his application in proceedings under Part 242 of this chapter.

§ 245.3 Adjustment of status under section 13 of the Act of September 11, 1957.

An application for the benefits of section 13 of the Act of September 11, 1957, shall be filed on Form I–485 with the district director having jurisdiction over the applicant's place of residence. The benefits of section 13 of the Act of September 11, 1957, shall be accorded only to an alien who was admitted to the United States under the provisions of either section 101(a)(15)(A) (i) or (ii) or 101(a)(15)(G) (i) or (ii) of the Act and who performed diplomatic or semi-diplomatic duties. Aliens whose duties were of a custodial, clerical, or manual nature are not eligible. The applicant shall be notified of the decision and if the application is denied of the reasons therefor and of his right to appeal in accordance with the provisions of Part 103 of this chapter.

§ 245.4 Adjustment of status under the proviso to section 203(a)(7) of the Act.

The provisions of section 245 of the Act and this part shall govern the adjustment of status provided for in the proviso to section 203(a)(7) of the Act. Processing of applications for adjustment under the proviso to section 203(a)(7) and this section shall be initiated in each district in the chronological order in which the applicants last arrived in the United States.

§ 245.5 Documentary requirements.

The provisions of Part 211 of this chapter relating to the documentary requirements for immigrants shall not apply to an applicant under this part.

§ 245.6 Medical examination.

Upon acceptance of an application, the applicant shall be required to submit to an examination by a medical officer of the U.S. Public Health Service, whose report setting forth the findings of the mental and physical condition of the applicant shall be incorporated into the record. Any applicant certified under paragraph (1), (2), (3), (4), or (5) of section 212(a) of the Act may appeal to a board of medical officers of the U.S. Public Health Service as provided in section 234 of the Act and Part 235 of this chapter.

§ 245.7 Interview.

Each applicant for adjustment of status under this part shall be interviewed by an immigration officer. The interview may be waived in the case of a child under the age of 14.

PART 249—CREATION OF RECORDS OF LAWFUL ADMISSION FOR PERMANENT RESIDENCE

§ 249.1 [Amended]

1. Section 249.1 *Waiver of inadmissibility* is amended by deleting the words "section 212(g)" and inserting in lieu thereof the words "section 212(h)."

§ 249.2 [Amended]

2. Section 249.2 *Application* is amended by deleting the date "June 28, 1940," in the third sentence and inserting in lieu thereof the date "June 30, 1948."

PART 299—IMMIGRATION FORMS

§ 299.1 [Amended]

The list of forms in § 299.1 *Prescribed forms* is amended in the following respects:

1. The following form is added in numerical sequence:

Form No.; Title and description	
I–592	Declaration of Conditional Entrant at Time of Arrival.

2. The following form is inserted between the existing fourth and fifth forms:

Form No.; Title and description	
ES–575	Application for Alien Employment Certification: (Part I—Statement of Qualifications of Aliens (ES–575A)). (Part II—Job Offer for Alien Employment (ES–575B)).

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

The basis and purpose of the above-prescribed regulations are to implement the Act of October 3, 1965.

This order shall become effective on December 1, 1965. Compliance with the requirements of section 4(c) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relating to delayed effective date is unnecessary and would serve no useful purpose in this instance because the persons affected by the regulations prescribed will not require additional time to prepare for the effective date of the regulations.

Dated: November 24, 1965.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 65–12796; Filed, Nov. 29, 1965; 8:50 a.m.]

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

Nonimmigrant Documentary Waiver

The following amendment to Chapter I of Title 8 of the Code of Federal Regulations is hereby prescribed:

Paragraph (b) of § 212.1 *Documentary requirements for nonimmigrants* is amended to read as follows:

§ 212.1 Documentary requirements for nonimmigrants.

* * * * *

(b) *British, French, and Netherlands nationals and nationals of certain adjacent islands of the Caribbean which are independent countries.* A visa is not required of a British, French, or Netherlands national, or a national of Jamaica or Trinidad and Tobago, who has his residence in British, French, or Netherlands territory located in the adjacent islands of the Caribbean area, or in Jamaica or Trinidad and Tobago, for admission or stay in Puerto Rico, the Virgin Islands of the United States, or as an agricultural worker in the United States.

* * * * *

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall become effective on December 1, 1965. Compliance with the requirements of section 4(c) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relating to delayed effective date is unnecessary and would serve no useful purpose in this instance because the persons affected thereby will not require additional time to prepare for the effective date of the regulations.

Dated: November 24, 1965.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 65–12795; Filed, Nov. 29, 1965; 8:50 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 140—FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

Miscellaneous Amendments

Under the provisions of section 170 of the Atomic Energy Act of 1954, as amended, the holder of a license for a production or utilization facility is required to have and maintain financial protection to cover public liability claims and the Commission is required to indemnify the licensee and other persons indemnified against public liability claims in excess of the amount of financial protection required. Subsection 170b. requires that for facilities designed for producing substantial amounts of electricity and having a rated capacity of 100 electrical megawatts or more, the amount of financial protection required shall be the maximum amount available from private sources. For other li-

censees, the Commission may require lesser amounts of financial protection. Financial protection may be in the form of private insurance, private contractual indemnities, self insurance, or other proof of financial responsibility, or a combination of such measures. Nonprofit educational institutions and Federal agencies are not required to obtain financial protection.

At present, the maximum amount of financial protection available from private sources is $60 million, the maximum amount of private nuclear energy liability insurance that is available. The insurers who provide such liability insurance, Nuclear Energy Liability Insurance Association and Mutual Atomic Energy Liability Underwriters, have advised that effective January 1, 1966, the maximum amount of privately available nuclear energy liability insurance will be increased from $60 million to $74 million. Pursuant to the provisions of subsection 170b. of the Act, the amount of financial protection required for facilities having a rated capacity of 100 electrical megawatts or more will be increased to $74 million, effective January 1, 1966. The following amendments to 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements", reflect this requirement.

These amendments also incorporate into Part 140 the reduction in the amount of Government indemnity that the Commission is authorized to extend to licensees as a result of Public Law 89–210. Public Law 89–210 requires that Government indemnity in the amount of $500 million be reduced by the amount that the financial protection required of the licensee exceeds $60 million.

The Commission is also presently considering whether to amend other provisions of Part 140 to increase the financial protection requirements applicable to licensees of power and testing reactors having an authorized thermal power level in excess of 1 megawatt but not having a rated capacity of 100 electrical megawatts or more. This matter is the subject of a separate public notice issued simultaneously herewith.

Since the amendments set out below merely conform the Commission's regulations to a statutory requirement which will become operative when the amount of privately available insurance is increased on January 1, 1966, the Commission has found that general notice of proposed rule making and public procedures thereon are unnecessary.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, the following amendments of Title 10, Chapter 1, Part 140, Code of Federal Regulations, are published as a document subject to codification, to be effective January 1, 1966.

1. Section 140.11(a)(4) is amended by deleting "$60,000,000" and substituting therefor "$74,000,000".

2. Section 140.75, Appendix A, Conditions, Paragraph 4, Limitation of Liability, is amended by deleting the words "total aggregate liability of the companies exceed $46,500,000" and substituting therefor "total aggregate liability of the companies exceed ------".[1]

3. Section 140.75, Appendix A, Optional Amendatory Endorsement, Paragraph III, Condition 4, is amended by deleting the words "liability of such members exceed $46,500,000," and substituting therefor the words "liability of such members exceed $------".[1]

4. Section 140.76, Appendix B, Article II, Paragraph 6(a), is amended by deleting the number "$46,500,000" wherever it appears and substituting therefor "$57,350,000".

5. Section 140.76, Appendix B, Article II, Paragraph 6(b), is amended by deleting the number "$13,500,000" wherever it appears and substituting therefor "$16,650,000".

6. Section 140.76, Appendix B, Article II, Paragraph 6(c), is amended by deleting the number "$60,000,000" wherever it appears and substituting therefor "$74,000,000".

7. In § 140.76, Appendix B, Article II, the undesignated paragraph following Paragraph 6(c) is designated (d) and is amended by deleting the words "subparagraph 4(b)," in the first sentence and substituting therefor "in".

8. Section 140.76, Appendix B, Article III, Paragraph 4(b)(2), is amended to read "$74,000,000".

9. Section 140.76, Appendix B, Article III, Paragraph 6, is amended by deleting the words "in the aggregate exceed $500,000,000 with respect to any nuclear incident" and substituting therefor ", with respect to any nuclear incident, in the aggregate exceed whichever of the following is the lowest: (a) $500,000,000; (b) $560,000,000 less the amount of financial protection required under this agreement; or (c) with respect to a common occurrence, $560,000,000 less the sum of the amounts of financial protection established under this agreement and all other applicable agreements".

10. Section 140.77, Appendix C, Article II, Paragraph 6, is amended by deleting the number "$60,000,000" wherever it appears and substituting therefor the number "$74,000,000" and by deleting the words "subparagraph 4(b)," in the second sentence thereof.

11. Section 140.77, Appendix C, Article III, Paragraph 4(b)(2), is amended to read "$74,000,000".

12. Section 140.77, Appendix C, Article III, Paragraph 6, is amended by deleting the words "in the aggregate exceed $500,000,000 with respect to any nuclear incident" and substituting therefor ", with respect to any nuclear incident, in the aggregate exceed whichever of the following is the lowest: (a) $500,000,000; (b) $560,000,000 less the amount of financial protection required under this agreement; or (c) with respect to a common occurrence, $560,000,000 less the sum of the amounts of financial protection established under this agreement and all other applicable agreements".

[1] For policies issued by Nuclear Energy Liability Insurance Association the amount will be $57,350,000; for policies issued by Mutual Atomic Energy Liability Underwriters the amount will be $16,650,000.

13. Section 140.78, Appendix D, Article II, Paragraph 4, is amended by changing "$60,000,000" to "$74,000,000" and by deleting the word "paragraph" in the second sentence thereof and substituting "Article".

14. Section 140.78, Appendix D, Article II, Paragraph 6, is amended by deleting the words "in the aggregate exceed $500,000,000 with respect to any nuclear incident" and substituting therefor ", with respect to any nuclear incident, in the aggregate exceed whichever of the following is the lower: (a) $500,000,000 or (b) with respect to a common occurrence, $560,000,000 less the sum of the amounts of financial protection established under all applicable agreements".

15. Section 140.79, Appendix E, Article III, Paragraph 4(b), is amended by changing "$60,000,000" to "$74,000,000" and by deleting the word "paragraph" in the second sentence thereof and substituting "Article".

16. Section 140.79, Appendix E, Article III, Paragraph 6, is amended by deleting the words "in the aggregate exceed $500,000,000 with respect to any nuclear incident" and substituting therefor ", with respect to any nuclear incident, in the aggregate exceed whichever of the following is the lower: (a) $500,000,000 or (b) with respect to a common occurrence, $560,000,000 less the sum of the amounts of financial protection established under all applicable agreements".

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201; sec. 170, 71 Stat. 576; 42 U.S.C. 2210)

Dated at Washington, D.C., this 29th day of November 1965.

For the Atomic Energy Commission.

W. B. McCool,
Secretary.

[F.R. Doc. 65–12697; Filed, Nov. 29, 1965; 11:56 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 7035; Amdt. 39–162]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Model PA–25–235 Airplanes

There have been recent circumferential failures of both upper fuselage longerons on Piper PA–25–235 airplanes. Since this condition is likely to exist or develop in other products of the same type design, an airworthiness directive is being issued to require inspection, and repair where necessary, of the upper fuselage longerons on the subject airplanes.

As a situation exists which demands immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PIPER. Applies to Model PA–25–235 Airplanes, Serial Numbers 25–02, 25–2000 thru 25–3731.

Compliance required as indicated, unless already accomplished.

(a) On airplanes with less than 500 hours' time in service on the effective date of this AD, comply with paragraph (c) before the accumulation of 525 hours' time in service.

(b) On airplanes with 500 or more hours' time in service on the effective date of this AD, comply with paragraph (c) within the next 25 hours' time in service after the effective date of this AD.

(c) Inspect the left and right 7/8" x 0.035" upper longerons, P/N 61001–5, located in the hopper bay, for cracks by dye penetrant technique and a 10 power glass.

NOTE: During the inspection required by paragraph (c), which requires removal of the hopper tank, particular attention should be given to the area of the hopper attachment fittings.

(d) If cracks are found during the inspection required by paragraph (c), inspect the right and left 3/4" x 0.035" upper longerons, P/N 64001–13 and –14, located in the fuel bay, for cracks by dye penetrant technique and a 10 power glass.

(e) Repair longerons with cracks aft of the wing lift strut fitting in accordance with Piper Service Letter No. 463, dated November 12, 1965, or later FAA-approved revision, or an FAA-approved equivalent. Repair longerons with cracks forward of the wing lift strut fitting in an FAA-approved manner.

NOTE: If cracks are found during the inspections required by this AD, it is requested that the results be reported to the Chief, Engineering and Manufacturing Branch, FAA Southern Region, Post Office Box 20636, Atlanta, Ga., 30320.

This amendment becomes effective November 30, 1965.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on November 22, 1965.

C. W. Walker,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65–12743; Filed, Nov. 29, 1965; 8:45 a.m.]

[Docket No. 6722; Amdt. 121–13]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Minimum Altitudes for Use of Automatic Pilot

The purpose of this amendment is to authorize FAR Part 121 certificate holders to obtain amendments to their operations specifications to permit the use of an automatic pilot with an approach coupler to touchdown when certain criteria are met.

This amendment is based on a notice of proposed rule making (Notice 65–13), issued on June 15, 1965, and published in the FEDERAL REGISTER on June 26, 1965 (30 F.R. 8009). The basis for this amendment is fully discussed in that notice.

The comments received in response to Notice 65–13 generally concurred with the adoption of this amendment. Two industry associations questioned that part of the proposal that would limit the approval of a flight control guidance system with automatic capability to touchdown, to a system that does not contain any altitude loss factor specified in the airplane flight manual (i.e., the altitude loss must be zero). These comments indicated that this limitation would prevent operational approval of a system that allowed small changes from the intended flight path that are easily controllable and in no way unsafe. These comments apparently refer to an altitude change that might occur during the transition from automatic to manual control, as opposed to an altitude change resulting from the introduction of unintentional and undesirable system response due to a failure or malfunction. The Agency does not consider the former type of change in determining the "maximum altitude loss" that is included in the Airplane Flight Manual since as stated in § 121.579 that loss is based on "the malfunction of the automatic pilot with approach coupler." However, if it was the intent of these comments to recommend that the Agency grant operational approval, to touchdown, of a system that is capable of introducing an unintentional response, however small, the Agency disagrees, since such a system does not contain the safeguards the Agency deems necessary.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all matter presented.

Since this amendment merely authorizes the amendment of operations specifications and imposes no additional burden on anyone, I find that good cause exists for making it effective on less than 30 days notice.

In consideration of the foregoing, § 121.579 of Part 121 of the Federal Aviation Regulations is amended effective upon publication in the FEDERAL REGISTER as follows:

1. Paragraph (a) is amended by striking the words "paragraph (b)" and inserting the words "paragraphs (b) and (c)" in place thereof.

2. By adding the following new paragraph at the end thereof:

(c) Notwithstanding paragraph (a) or (b) of this section, the Administrator issues operations specifications to allow the use, to touchdown, of an approved flight control guidance system with automatic capability, in any case in which—

(1) The system does not contain any altitude loss (above zero) specified in the Airplane Flight Manual for malfunction of the automatic pilot with approach coupler; and

(2) He finds that the use of the system to touchdown will not otherwise affect the safety standards required by this section.

(Secs. 313(a), 601, 604, Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421, 1424)

Issued in Washington, D.C., on November 22, 1965.

D. D. Thomas,
Deputy Administrator.

[F.R. Doc. 65–12744; Filed, Nov. 29, 1965; 8:45 a.m.]

[Docket No. 7037; Amdt. 151–10]

PART 151—FEDERAL AID TO AIRPORTS

U.S. Share of Project Costs in Public Land States

The purpose of this amendment is to revise the table in § 151.43(c) of Part 151 of the Federal Aviation Regulations that sets forth in percentage the U.S. share of the costs of an approved project for airport development in each State where the unappropriated and unreserved public lands and nontaxable Indian lands (individual and tribal) exceed 5 percent of the total area of all lands therein. Section 151.43(c) reflects the requirement of section 10(b) of the Federal Airport Act, as amended (49 U.S.C. 1109).

The U.S. percentaged share of project costs in each of these States has been redetermined on the basis of recent information from the Department of the Interior. This redetermination has resulted in changes of the percentages for all the States listed in the table except Alaska, Colorado, Nevada, New Mexico, and South Dakota.

The procedural and effective date requirements of section 4 of the Administrative Procedure Act do not apply to this amendment because it is within the exception in that section relating to public grants, benefits and contracts, and this amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, the table in § 151.43(c) of Part 151 of Chapter I of Title 14 of the Code of Federal Regulations is amended, effective November 30, 1965, to read as follows:

Alaska	62.50	New Mexico	56.32
Arizona	61.00	Oregon	55.62
California	53.64	South Dakota	52.57
Colorado	53.30	Utah	61.51
Idaho	55.87	Washington	51.54
Montana	53.02	Wyoming	57.33
Nevada	62.50		

(Federal Airport Act, as amended; 49 U.S.C. 1101–1120)

Issued in Washington, D.C., on November 23, 1965.

William F. McKee,
Administrator.

[F.R. Doc. 65–12745; Filed, Nov. 29, 1965; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56537]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Certification of Customs Form Regarding Carpet Wool and Camel's Hair Bond

Section 10.92(c) of the Customs Regulations presently provides that copies of the special term carpet wool and camel's hair bond, customs Form 7549, furnished to ports other than that at which the original of the bond is filed shall be certified. It has been decided in accordance with an employee suggestion that the requirement for certification of such copies is not necessary.

Accordingly, the second sentence of § 10.92(c) is amended by deleting the word "certified." As amended, the said sentence reads as follows:

"If wool or hair is entered or withdrawn at any port other than that at which the original term bond is filed, a copy of such bond shall be filed at such other port."

(77A Stat. 123, sec. 624, 46 Stat. 759; 19 U.S.C. 1202 (Sch. 3, pt. 1C, hdnote. 6), 1624)

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: November 23, 1965.

TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 65-12777; Filed, Nov. 29, 1965; 8:48 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Departmental Reg. 108.526]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Nonimmigrant Documentary Waivers

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is being amended (1) to make certain changes in language required by the provisions of section 101(a)(27)(A) of the Immigration and Nationality Act, as amended by the Act of October 3, 1965, and (2) to delete certain temporary provisions made for participants in the 1964 Olympic games entering the United States in bonded transit.

Paragraphs (b) and (e) of § 41.6 are amended to read as follows:

§ 41.6 Nonimmigrants not required to present passports, visas, or border-crossing identification cards.

• • • • •

(b) *British, French, and Netherlands nationals, and nationals of certain adjacent islands of the Caribbean which are independent countries.* A visa shall not be required of a British, French, or Netherlands national, or of a national of Jamaica or Trinidad and Tobago, who has his residence in British, French, or Netherlands territory located in the adjacent islands of the Caribbean area, or in Jamaica or Trinidad and Tobago, and who is proceeding to Puerto Rico or the Virgin Islands of the United States, or who is proceeding to the United States as an agricultural worker.

• • • • •

(e) *Aliens in immediate transit*—(1) *Aliens in bonded transit.* A visa and a passport shall not be required of an alien, other than an alien who is a citizen of Albania, Bulgaria, Communist-controlled China ("Chinese People's Republic"), Cuba, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, North Korea ("Democratic People's Republic of Korea"), North Viet-Nam ("Democratic Republic of Viet-Nam"), Outer Mongolia ("Mongolian People's Republic"), Poland, Rumania, the Soviet Zone of Germany ("German Democratic Republic"), or the Union of Soviet Socialist Republics, and resident of one of said countries, who is being transported in immediate and continuous transit through the United States in accordance with the terms of a contract, including a bonding agreement, entered into between the transportation line and the Attorney General under the provisions of section 238(d) of the Act, to insure such immediate and continuous transit through, and departure from, the United States en route to a specifically designated foreign country. The acceptance of the privilege of transit without visa and passport provided by this subparagraph shall constitute an agreement by the alien and the transportation line that the alien will depart voluntarily from the United States without recourse to any hearing or proceeding provided for in the regulations of the Immigration and Naturalization Service and that at all times he is not aboard an aircraft which is in flight through the United States he shall be in the custody directed by the district director of that Service: *Provided*, That if admissibility is established only after exercise of the discretionary authority contained in section 212(d)(3)(B) of the Act, the alien shall be in the custody of the Immigration and Naturalization Service at the expense of the transportation line and shall depart on the earliest and most direct foreign-destined vessel or aircraft.

(2) *Foreign government officials in transit.* If an alien is of the class described in section 212(d)(8) of the Act only a valid unexpired visa and a travel document which is valid for entry into a foreign country for at least 30 days from the date of his application for admission into the United States shall be required.

• • • • •

Effective date. The amendments to the regulation contained in this order shall be effective December 1, 1965.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

BARR V. WASHBURN,
Acting Administrator, Bureau of Security and Consular Affairs, Department of State.

NOVEMBER 23, 1965.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization, Immigration and Naturalization Service, Department of Justice.

NOVEMBER 24, 1965.

[F.R. Doc. 65-12797; Filed, Nov. 29, 1965; 8:50 a.m.]

[Dept. Reg. 108.527]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Miscellaneous Amendments

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is being amended (1) to implement the amendments to the Immigration and Nationality Act made by the Act of October 3, 1965, and (2) to delete the provision relating to revocation of nonimmigrant visas by consular officers when the alien is in the United States.

1. Section 41.25(a) is amended to read as follows:

§ 41.25 Temporary visitors for business or pleasure.

(a) An alien shall be classifiable as a nonimmigrant visitor for business or pleasure if he establishes to the satisfaction of the consular officer that he qualifies under the provisions of section 101(a)(15)(B) of the Act and that: (1) He intends to depart from the United States at the expiration of his temporary stay (consular officers are authorized in borderline cases to require the posting of a bond with the Attorney General in a sufficient sum to insure that upon the conclusion of his temporary visit, or upon his failure to maintain temporary visitor status, or any status subsequently acquired under section 248 of the Act, the alien will depart from the United States); (2) he has permission to enter some foreign country upon the termination of his temporary stay; and (3) adequate financial arrangements have been made to enable him to carry out the purpose of his visit and to travel to, sojourn in, and depart from the United States.

(79 Stat. 919)

• • • • •

2. Section 41.45 is amended to read as follows:

§ 41.45 Students.

(a) An alien shall be classifiable as a nonimmigrant student if he establishes to the satisfaction of the consular officer that he qualifies under the provisions of section 101(a)(15)(F)(i) of the Act and that: (1) He will attend, and has been accepted for attendance by, an established institution of learning or other recognized place of study in the United States which has been approved by the Attorney General for the purposes of section 101(a)(15)(F)(i) of the Act, as evidenced by the presentation of Form I-20 (Certificate of Eligibility) properly executed by the accepting school and signed by the alien (the Form I-20, when properly executed and presented by an alien in support of an application for a student visa, shall be accepted by the consular officer as prima facie evidence that the designated institution of learning or other places of study has been approved by the Attorney General for the attendance of nonimmigrant students, and that the visa applicant has been accepted for attendance at such institution or place of study); (2) he is in possession of sufficient funds to cover his expenses or other arrangements have been made to provide for his expenses; (3) he has sufficient scholastic preparation and knowledge of the English language to enable him to undertake a full course of study in the institution of learning or other place of study by which he has been accepted, or, if his knowledge of the English language is inadequate to enable him to pursue a full course of study in such language, the approved school or other recognized place of study is equipped to offer, and has accepted him expressly for, a full course of study in a language with which he is sufficiently familar, or special arrangements have been made by the accepting institution or other place of study for tutoring the applicant in the English language and the consular officer is satisfied that the applicant will be able, with the assistance of such tutoring, to undertake a full course of study in the United States; and (4) he intends in good faith and will be able to depart from the United States upon the termination of his status (consular officers are authorized in borderline cases to require the posting of a bond with the Attorney General in a sufficient sum to insure that upon the conclusion of his studies, or upon his failure to maintain student status, or any status subsequently acquired under section 248 of the Act, the alien will depart from the United States). An alien who intends to study the English language exclusively while in the United States may be classified as a nonimmigrant student under the provisions of section 101(a)(15)(F)(i) of the Act even though no credits are given by the institution for such study, if he is otherwise qualified for classification as a nonimmigrant student. The approved school must be equipped to offer a full course of study in the English language and must have accepted the applicant expressly for that course.

(b) An alien shall also be classifiable as a nonimmigrant if he establishes to the satisfaction of the consular officer that he qualifies under the provisions of section 101(a)(15)(F)(ii) of the Act and that: (1) He is in possession of sufficient funds to cover his expenses or other arrangements have been made to provide for his expenses; and (2) he intends in good faith and will be able to depart from the United States upon the termination of the status of the principal alien.

(79 Stat. 919)

3. Section 41.91(b) is amended to read as follows:

§ 41.91 Aliens ineligible to receive visas.

• • • • •

(b) *Aliens unable to establish nonimmigrant status.* (1) a nonimmigrant visa shall not be issued to an alien who has failed to overcome the presumption of immigrant status established by section 214(b) of the Act. An alien shall be considered to have established bona fide nonimmigrant status only if the consular officer is satisfied that his case falls within one of the nonimmigrant categories described in section 101(a)(15) of the Act or otherwise established by law or treaty.

(2) Consular officers are authorized in borderline cases under sections (101)(a)(15)(B) and (F) to require the posting of a bond with the Attorney General. (See §§ 41.25(a)(1) and 41.45(a)(4).)

(79 Stat. 919)

• • • • •

4. Section 41.134(d) is amended to read as follows:

§ 41.134 Revocation and invalidation of visas.

• • • • •

(d) *Procedure in revoking or invalidating visas.* A nonimmigrant visa which is revoked or invalidated shall be canceled by writing the word "Revoked" or "Invalidated", whichever is applicable, plainly across the face of the visa. The cancellation shall be dated and signed by the consular officer taking the action. The failure of an alien to present his visa for cancellation shall not affect the validity of any action taken to revoke or invalidate such visa.

• • • • •

Effective date. The amendments to the regulations contained in this order shall be effective December 1, 1965.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

BARR V. WASHBURN,
Acting Administrator, Bureau of Security and Consular Affairs.

NOVEMBER 23, 1965.

[F.R. Doc. 65-12798; Filed, Nov. 29, 1965; 8:50 a.m.]

[Dept. Reg. 108.528]

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Miscellaneous Amendments

Part 42, Chapter I, Title 22 of the Code of Federal Regulations is being amended to implement the amendments to the Immigration and Nationality Act made by the Act of October 3, 1965. Statutory provisions interpreted or applied are cited in parentheses.

1. Section 42.1 is amended to read as follows:

§ 42.1 Definitions.

In addition to the pertinent definitions contained in the Immigration and Nationality Act, the following definitions shall be applicable to this part:

"Accompanying" or "accompanied by" means, in addition to an alien in the physical company of a principal alien, an alien who is issued an immigrant visa within 4 months of the date of issuance of a visa to the principal alien, within 4 months of the adjustment of status in the United States of the principal alien, or within 4 months from the date of the departure of the principal alien from the country in which his dependents are applying for visas if he has traveled abroad to confer his foreign state chargeability upon them. An "accompanying relative may not precede the principal alien to the United States.

"Act" means the Immigration and Nationality Act, as amended.

"Consular officer", as defined in section 101(a)(9) of the Act, shall include commissioned consular officers and the District Administrators of the Trust Territory of the Pacific Islands, hereby designated as consular officers for the purpose of issuing immigrant visas, but shall not include a consular agent, an attache or assistant attache.

"Department" means the Department of State of the United States of America.

"Parent," "father," or "mother," as defined in section 101(b)(2) of the Act, are terms which shall not be affected by the fact that the person with whom the relationship exists may be over 21 years of age or married.

"Passport", as defined in section 101(a)(30) of the Act, shall not be considered as limited to a national passport and shall not be considered as limited to a single document but may consist of two or more documents which, when considered together, fulfill the requirements of a passport as defined in section 101(a)(30) of the Act: *Provided*, That permission to enter a foreign country must be issued by a competent authority and must be clearly valid for such purpose in order to meet the requirements of section 101(a)(30).

"Port of entry" means a port or place designated by the Commissioner of Immigration and Naturalization at which an alien may apply for admission into the United States.

"Principal alien" means an alien from whom another alien derives a privilege or status under the law or regulations.

"Regulation" means a rule established pursuant to the provisions of section 104(a) of the Act which has been duly published in the FEDERAL REGISTER.

"Son" or "daughter" shall not include an alien who would not qualify as a "child" within the meaning of section 101(b)(1) of the Act if the alien were under the age of 21 and unmarried.

"Subquota" means not more than 1 percent of the maximum number of immigrant visas available annually to a governing foreign state, which may be made available to immigrants born in any colony or other component or dependent area overseas from that governing foreign state.

"Western Hemisphere" means North America (including Central America), South America and the islands immediately adjacent thereto including the places named in section 101(b)(5) of the Act.

2. Paragraph (d) of § 42.5 is amended to read as follows:

§ 42.5 Immigrants not required to obtain visas.

• • • • •

(d) *Children born subsequent to issuance of visa to accompanying parent.* An alien child born subsequent to the issuance of an immigrant visa to his parent, who will arrive in the United States with, and apply for admission during the period of validity of the visa issued to, the parent.

(Sec. 211(a), 79 Stat. 917)

• • • • •

3. Paragraph (d) of § 42.6 is amended to read as follows:

§ 42.6 Immigrants not required to present passports.

• • • • •

(d) *Aliens qualified to receive third preference visas.* An immigrant who is eligible to receive a third preference visa, and his accompanying spouse and child, unless the immigrant is applying for a visa in the country of which he is a national and the possession of a passport is required for departure from that country.

• • • • •

4. Section 42.10 is amended to read as follows:

CLASSIFICATION OF IMMIGRANTS

§ 42.10 Presumption of nonpreference immigrant status and burden of proof.

An applicant for an immigrant visa who is subject to the numerical limitations specified in section 201(a) of the Act shall be presumed to be a nonpreference immigrant until he establishes to the satisfaction of the consular officer that he is entitled to a preference status as provided by law. The burden of proof is upon the applicant to establish that he is entitled to the foreign state chargeability claimed, and, if a preference immigrant, that he is the beneficiary of a validly approved petition. The consular officer is authorized to require such evidence, in addition to compliance with petition approval requirements prescribed by statute, as he shall consider necessary to establish that the applicant is in fact entitled to the status claimed.

(Sec. 203(d), 79 Stat. 914)

5. Section 42.12 is amended to read as follows:

§ 42.12 Classification symbols.

A visa issued to an immigrant alien within one of the classes described in this section shall bear a symbol to show the classification of the alien.

(a) The following symbols shall be used in the cases of immigrants who qualify under classes created by special legislation enacted prior to October 3, 1965.

Class	Section of the law	Symbol to be inserted in visa
Beneficiary of second preference petition filed prior to July 1, 1961	25(a), Act of 9-26-61	K-21
Beneficiary of third preference petition filed prior to July 1, 1961	do	K-22
Beneficiary of first preference petition filed prior to Apr. 1, 1962	2, Act of 10-24-62	K-23
Spouse or child of alien classified K-23	do	K-24
Beneficiary of fourth preference petition filed prior to Jan. 1, 1962 who is registered prior to Mar. 31, 1954	1, Act of 10-24-62	K-25
Spouse or child of alien classified K-25	do	K-26

(b) The following symbols shall be used in cases of aliens who are special immigrants:

Class	Section of the law	Symbol to be inserted in visa
Alien born in independent Western Hemisphere country	101(a)(27)(A)	SA-1
Spouse of alien classified SA-1 (unless SA-1 in own right)	do	SA-2
Child of alien classified SA-1 (unless SA-1 in own right)	do	SA-3
Returning resident	101(a)(27)(B)	SB-1
Person who lost U.S. citizenship by marriage	101(a)(27)(C) and 324(a)	SC-1
Person who lost U.S. citizenship by serving in foreign armed forces	101(a)(27)(C) and 327	SC-2
Minister of religion	101(a)(27)(D)	SD-1
Spouse of alien classified SD-1	do	SD-2
Child of alien classified SD-1	do	SD-3
Certain employees or former employees of U.S. Government abroad	101(a)(27)(E)	SE-1
Accompanying spouse of alien classified SE-1	do	SE-2
Accompanying child of alien classified SE-1	do	SE-3

(c) The following symbols shall be used in cases of aliens who qualify as "immediate relatives":

Class	Section of the law	Symbol to be inserted in visa
Spouse of U.S. citizen	201(b)	IR-1
Child of U.S. citizen	do	IR-2
Orphan adopted abroad by U.S. citizen	do	IR-3
Orphan to be adopted by U.S. citizen	do	IR-4
Parent of U.S. citizen	do	IR-5

(d) The following symbols shall be used in cases of immigrants who are subject to the numerical restrictions specified in section 201(a) of the Act:

Class	Section of the law	Symbol to be inserted in visa
First preference: Unmarried son or daughter of U.S. citizen	203(a)(1)	P1-1.
First preference: Child of alien classified P1-1	203(a)(9)	P1-2.
Second preference: Spouse of alien resident	203(a)(2)	P2-1.
Second preference: Unmarried son or daughter of alien resident	do	P2-2.
Second preference: Child of alien classified P2-1 or P2-2	203(a)(9)	P2-3.
Third preference: Professional or highly skilled immigrant	203(a)(3)	P3-1.
Third preference: Spouse of alien classified P3-1	203(a)(9)	P3-2.
Third preference: Child of alien classified P3-1	do	P3-3
Fourth preference: Married son or daughter of U.S. citizen	203(a)(4)	P4-1
Fourth preference: Spouse of alien classified P4-1	203(a)(9)	P4-2
Fourth preference: Child of alien classified P4-1	do	P4-3
Fifth preference: Brother or sister of U.S. citizen	203(a)(5)	P5-1
Fifth preference: Spouse of alien classified P5-1	203(a)(9)	P5-2
Fifth preference: Child of alien classified P5-1	do	P5-3
Sixth preference: Needed skilled or unskilled worker	203(a)(6)	P6-1
Sixth preference: Spouse of alien classified P6-1	203(a)(9)	P6-2
Sixth preference: Child of alien classified P6-1	do	P6-3
Nonpreference immigrant	203(a)(8)	NP-1

6. Section 42.20 is amended to read as follows:

IMMEDIATE RELATIVES AND SPECIAL IMMIGRANTS

§ 42.20 General.

An immediate relative or special immigrant visa shall be issued to an alien only after he has established that (a) he is entitled to such classification under the provisions of section 201(b) or 101(a)(27) of the Act or other provision of law, and (b) he is otherwise eligible to receive a visa under the provisions of section 212 of the Act and § 42.91.

(Sec. 203(d), 79 Stat. 914)

7. Section 42.21 is amended to read as follows:

§ 42.21 Spouses, children and parents of U.S. citizens.

An alien shall be classifiable as an immediate relative under section 201(b) of the Act if the consular officer has received from the Immigration and Naturalization Service a petition filed in his behalf by a U.S. citizen and approved in accordance with section 204 of the Act and the consular officer is satisfied that the alien has the relationship to the U.S. citizen indicated in the petition. A U.S. citizen must be at least 21 years of age in order to confer immediate relative status upon a parent. An immediate relative shall be documented as such unless the U.S. citizen relative refuses to file the required petition for personal reasons other than financial considerations or inconvenience.

(79 Stat. 911)

8. Section 42.22 is amended to read as follows:

§ 42.22 Natives of certain Western Hemisphere countries.

(a) An alien shall be classifiable as a special immigrant under section 101(a)(27)(A) of the Act if he establishes to the satisfaction of the consular officer by the presentation of appropriate evidence that he is entitled to a class described in that section.

(b) A spouse or child of a native of a country referred to in section 101(a)(27)(A) of the Act who is not a native of that country shall establish to the satisfaction of the consular officer that he is accompanying a spouse or parent born in such country, or that he is following to join a spouse or parent born in such country who has the status in the United States of an alien lawfully admitted for permanent residence. The eligibility of the spouse or child for special immigrant status under this section shall not be affected by the fact that the marriage of the spouse or the birth of the child occurred subsequent to the admission of the principal alien into the United States.

(79 Stat. 916)

9. Section 42.23 is amended to read as follows:

§ 42.23 Returning resident aliens.

(a) An alien shall be classifiable as a special immigrant under section 101(a)(27)(B) of the Act if he establishes to the satisfaction of the consular officer by the presentation of appropriate evidence that: (1) He had the status of an alien lawfully admitted for permanent residence at the time of his departure from the United States; (2) he departed from the United States with the intention of returning thereto and has not abandoned this intention; and (3) he is returning to the United States from a temporary visit abroad and, if his stay abroad was protracted, that such stay was caused by reasons beyond his control and for which he was not responsible.

(b) Unless the consular officer has reason to question the legality of the alien's previous admission into the United States for permanent residence, or his eligibility to receive an immigrant visa, only those records and documents required under section 222(b) of the Act which relate to the period of his residence in the United States and the period of his temporary visit abroad shall be required. If any required record or document is unobtainable the provisions of § 42.111 shall apply.

(79 Stat. 916)

10. Section 42.24 is amended to read as follows:

§ 42.24 Certain former U.S. citizens.

(a) *Women expatriates.* An alien shall, regardless of marital status, be classifiable as a special immigrant under section 101(a)(27)(C) of the Act if she establishes to the satisfaction of the consular officer by the presentation of appropriate evidence that she was a citizen of the United States and that she meets the requirements of section 324(a) of the Act.

(b) *Military expatriates.* An alien shall be classifiable as a special immigrant under section 101(a)(27)(C) of the Act if he establishes to the satisfaction of the consular officer by the presentation of appropriate evidence that he was a citizen of the United States and that he lost his citizenship under the circumstances set forth in section 327 of the Act.

(79 Stat. 916)

11. Section 42.25 is amended to read as follows:

§ 42.25 Ministers of religion.

(a) An alien shall be classifiable as a special immigrant under section 101(a)(27)(D) of the Act if he establishes to the satisfaction of the consular officer that he qualifies under that section.

(b) The term "minister", as used in section 101(a)(27)(D) of the Act, means a person duly authorized by a recognized religious denomination having a bona fide organization in the United States to conduct religious worship, and to perform other duties usually performed by a regularly ordained pastor or clergyman of such denomination. The term shall not include a lay preacher not authorized to perform the duties usually performed by a regularly ordained pastor or clergyman of the denomination of which he is a member, and shall not include a nun, lay brother, or cantor.

(79 Stat. 916)

12. Section 42.26 is amended to read as follows:

§ 42.26 Certain U.S. Government employees.

An alien shall be classifiable as a special immigrant under section 101(a)(27)(E) of the Act if it is established to the satisfaction of the consular officer by the presentation of appropriate evidence that he qualifies under that section. An alien may qualify on the basis of employment abroad with one or more agencies of the U.S. Government.

(79 Stat. 916)

13. Section 42.27 reads as follows:

§ 42.27 Classes created by special legislation.

(a) An alien shall be classifiable as a nonquota immigrant if he establishes to the satisfaction of the consular officer by the presentation of appropriate evidence that he qualifies under section 25(a) of the Act of September 26, 1961.

(75 Stat. 657)

(b) An alien shall be classifiable as a nonquota immigrant if he establishes to the satisfaction of the consular officer by the presentation of appropriate evidence that he qualifies under section 1 or section 2 of the Act of October 24, 1962.

(76 Stat. 1247)

14. Section 42.30 is amended to read as follows:

PREFERENCE AND NONPREFERENCE IMMIGRANTS

§ 42.30 First preference immigrants.

(a) An alien shall be classifiable as a first preference immigrant under section 203(a)(1) of the Act if the consular officer has received from the Immigration and Naturalization Service a petition filed in his behalf by a U.S. citizen parent and approved in accordance with section 204 of the Act and the consular officer is satisfied that the alien has the relationship to the U.S. citizen indicated in the petition. A U.S. citizen, in order to confer that preference status upon an unmarried son or daughter, must be a "parent" as defined in section 101(b)(2) of the Act and § 42.1.

(79 Stat. 912)

(b) The child of an unmarried son or daughter of a U.S. citizen shall be entitled to derivative first preference status pursuant to section 203(a)(9) of the Act, whether or not named in the petition.

(79 Stat. 914)

15. Section 42.31 is amended to read as follows:

§ 42.31 Second preference immigrants.

(a) An alien shall be classifiable as a second preference immigrant under section 203(a)(2) of the Act if the consular officer has received from the Immigration and Naturalization Service a petition filed in his behalf by an alien lawfully admitted to the United States for permanent residence and approved in

accordance with section 204 of the Act and the consular officer is satisfied that the applicant has the relationship to the resident alien indicated in the petition.

(79 Stat. 913)

(b) The child of a spouse or unmarried son or daughter of a lawful permanent resident shall be entitled to derivative second preference status pursuant to section 203(a)(9) of the Act, whether or not named in the petition.

(79 Stat. 914)

16. Section 42.32 is amended to read as follows:

§ 42.32 Third preference immigrants.

(a) An alien shall be classifiable as a third preference immigrant under section 203(a)(3) of the Act if he establishes to the satisfaction of the consular officer that he is within the class described in that section and the consular officer has received from the Immigration and Naturalization Service a petition approved in accordance with section 204 of the Act.

(79 Stat. 913)

(b) The spouse or child of the beneficiary of a third preference petition shall be entitled to derivative third preference status pursuant to section 203(a)(9) of the Act, whether or not named in the petition.

(79 Stat. 914)

17. Section 52.33 is amended to read as follows:

§ 42.33 Fourth preference immigrants.

(a) An alien shall be classifiable as a fourth preference immigrant under section 203(a)(4) of the Act if the consular officer has received from the Immigration and Naturalization Service a petition filed in his behalf by a U.S. citizen parent and approved in accordance with section 204 of the Act and the consular officer is satisfied that the alien has the relationship to the U.S. citizen indicated in the petition.

(79 Stat. 913)

(b) The spouse or child of a married son or daughter of a U.S. citizen shall be entitled to derivative fourth preference status pursuant to section 203(a)(9) of the Act, whether or not named in the petition.

(79 Stat. 914)

18. Section 42.34 is amended to read as follows:

§ 42.34 Fifth preference immigrants.

(a) An alien shall be classifiable as a fifth preference immigrant under section 203(a)(5) if the consular officer has received from the Immigration and Naturalization Service a petition filed in his behalf by a United States citizen and approved in accordance with section 204 of the Act and the consular officer is satisfied that the alien has the relationship to the U.S. citizen indicated in the petition. A U.S. citizen of any age may confer fifth preference status upon a brother or sister.

(79 Stat. 913)

(b) The spouse or child of a brother or sister of a U.S. citizen shall be entitled to derivative fifth preference status pursuant to section 203(a)(9) of the Act, whether or not named in the petition.

(79 Stat. 914)

19. Section 42.35 is added to read as follows:

§ 42.35 Sixth preference immigrants.

(a) An alien shall be classifiable as a sixth preference immigrant under section 203(a)(6) of the Act if the consular officer has received from the Immigration and Naturalization Service a petition filed on the applicant's behalf by a prospective employer and validly approved in accordance with section 204 of the Act.

(79 Stat. 913)

(b) The spouse or child of a sixth preference immigrant shall be entitled to derivative sixth preference status pursuant to section 203(a)(9) of the Act, whether or not named in the petition.

(79 Stat. 914)

20. Section 42.36 is added to read as follows:

§ 42.36 Nonpreference immigrants.

An alien who is subject to the numerical limitations specified in section 201(a) of the Act shall be classifiable as a nonpreference immigrant if he is not entitled to or does not elect to apply for a preference status.

(Sec. 203(a)(8), 79 Stat. 913)

21. Section 42.40 is amended to read as follows:

PETITIONS

§ 42.40 Effect of approved petition.

Consular officers are authorized by the Secretary of State to grant, upon receipt of, and within the validity period of, a petition filed with and approved by the Immigration and Naturalization Service, the immediate relative or preference status indicated in the petition. The approval of a petition by the Immigration and Naturalization Service shall not relieve the alien of the burden of establishing to the satisfaction of the consular officer that he is eligible in all respects to receive a visa.

(Sec. 204, 79 Stat. 915)

22. Section 42.41 is amended to read as follows:

§ 42.41 Petitions for immediate relative status.

No alien shall be issued a visa as an immediate relative unless the consular officer has received from the Immigration and Naturalization Service a petition filed and approved in accordance with section 204 of the Act.

(79 Stat. 915)

23. Section 42.42 is amended to read as follows:

§ 42.42 Petitions for preference status.

No alien shall be issued a visa as a preference immigrant unless the consular officer has received from the Immigration and Naturalization Service a petition filed and approved in accordance with section 204 of the Act.

(79 Stat. 915)

24. Section 42.43 is amended to read as follows:

§ 42.43 Suspension or termination of action in petition cases.

(a) *Suspension of action.* A consular officer shall suspend action in a petition case under any of the following circumstances:

(1) The petitioner requests suspension of action, or the consular officer knows or has reason to believe that the petition was approved erroneously, or that the approval of the petition was obtained by fraud, misrepresentation, or other unlawful means, or that the beneficiary is not entitled, for any other reason, to the status approved. In such a case the petition shall be forwarded to the Department with a report of the facts developed in order that it may be ascertained whether the Immigration and Naturalization Service desires to revoke or reaffirm the approval of the petition.

(2) The petition has been automatically revoked under the regulations of the Immigration and Naturalization Service due to the beneficiary's failure to obtain a visa within the prescribed period of validity of the petition. Such a petition may be revalidated by the Immigration and Naturalization Service and is to be returned to the office of the Service which approved the petition, at the request of the beneficiary in an immediate relative case and in a preference case at the request of the beneficiary at such time as it appears that a preference number may be available within one year for the issuance of an immigrant visa.

(b) *Termination of action.* Consular officers shall terminate action in petition cases if the approval of a petition for immediate relative or preference status has been revoked by the Immigration and Naturalization Service, and notice of revocation has been communicated to the appropriate consular officer, or if the consular officer finds that the petition has been automatically revoked under the regulations of the Immigration and Naturalization Service and may not be revalidated under those regulations.

(Sec. 205, 79 Stat. 916)

25. Section 42.50 is amended to read as follows:

FOREIGN STATE CHARGEABILITY

§ 42.50 General rules of chargeability.

An immigrant shall be chargeable to the foreign state of his birth unless (a) he is classifiable as an immediate relative or special immigrant, or (b) his case falls within one of the exceptions to the general rule of quota chargeability as provided in section 202 of the Act.

(79 Stat. 911)

26. Section 42.51 is amended to read as follows:

§ 42.51 Exception for accompanying child.

An immigrant child, including a child born in a subquota area, accompanied by his alien parent may be charged to the foreign state of birth of the accompanying parent, as provided in section 202(b)(1) of the Act, if necessary to prevent the separation of the child from the accompanying parent or parents.

(Sec. 202, 79 Stat. 912)

27. Section 42.52 is amended to read as follows:

§ 42.52 Exception for accompanying spouse.

An immigrant spouse, including a spouse born in a subquota area, may, as provided in section 202(b)(2) of the Act, be charged to the foreign state of his accompanying spouse if necessary to prevent the separation of husband and wife.

(Sec. 202, 79 Stat. 912)

28. Section 42.53 is amended to read as follows:

§ 42.53 Exception applying to alien born in the United States.

The chargeability of an immigrant who was born in the United States shall be determined by the provisions of section 202(b)(3) of the Act.

(Sec. 202, 79 Stat. 912)

29. Section 42.54 is amended to read as follows:

§ 42.54 Exception for alien born in foreign state of which neither of his parents was a resident.

An alien who was born in a foreign state in which neither of his parents was born, and in which neither of his parents had a residence at the time of his birth, may be charged to the foreign state of either parent as provided in section 202(b)(4) of the Act. The parents of such an alien shall not be considered as having acquired a residence within the meaning of section 202(b)(4), if at the time of such alien's birth within the foreign state they were merely visiting temporarily or were stationed there under orders or instructions of an employer, principal or superior authority foreign to such foreign state in connection with the business or profession of the employer, principal or superior authority.

(79 Stat. 912)

30. Section 42.55 is amended to read as follows:

§ 42.55 Immigrants chargeable to subquotas.

An immigrant born in a subquota area shall be chargeable to the subquota for that area unless he is classifiable as an immediate relative or special immigrant or unless his case falls within one of the exceptions to the general rule of foreign state chargeability as provided in § 42.51, § 42.52 or § 42.54.

CROSS REFERENCE: For definition of the term "subquota" see § 42.1

(Sec. 202(c), 79 Stat. 912)

§§ 42.56–42.58 [Rescinded]

31. Sections 42.56, 42.57 and 42.58 are rescended.

32. Section 42.60 is amended to read as follows:

NUMERICAL CONTROLS

§ 42.60 Allocation of numbers during the transition period.

(a) Until July 1, 1968, the quota for each quota area shall be the same as that which existed for that area on June 30, 1965.

(b) The amount of quota numbers which remained unused on June 30, 1965, and which are available for distribution pursuant to section 201(d) of the Act prior to July 1, 1966, is 55,611.

(c) Centralized control of quotas and of the immigration pool provided by section 201(d) of the Act shall be established in the Department. The Department will allocate numbers from the quotas and the pool on a worldwide basis to consular officers abroad in accordance with the provisions of sections 201, 202, and 203 of the Act.

(79 Stat. 911)

33. Section 42.61 is amended to read as follows:

§ 42.61 Control of subquotas.

The limitations of section 202(c) of the Act shall apply to subquota areas listed by the Department. The priority in the issuance of visas to aliens chargeable to a subquota shall be determined by the priority of such aliens in relation to the quota of the governing foreign state except that the priority of aliens chargeable to a subquota shall be determined by their priority on the subquota waiting list if the demand on the subquota is greater than the demand on the quota for the governing foreign state.

(Sec. 202(c), 79 Stat. 912)

34. Section 42.62 is amended to read as follows:

§ 42.62 Waiting lists.

(a) *Establishment of waiting lists.* Form FS–417 (Waiting List Filler) or Forms FS–499A and FS–499B (Immigrant Visa Control Card), when maintained in accordance with appropriate Departmental instructions, shall be considered to constitute "waiting lists" within the meaning of section 203(a)(8) of the Act. Such lists shall show the priority date of each nonpreference applicant. The name of each family member shall be listed separately under the quota for the foreign state to which he is chargeable with appropriate cross references to members of the family who may be chargeable to other oversubscribed quotas. The provisions of section 202(b) of the Act shall be applied, if appropriate, when the turn of either spouse or of a parent is reached on the waiting list. (For regulations regarding administrative waiting lists, see § 42.100.)

(b) *Listing of nonpreference immigrants.* Except as otherwise provided in §§ 42.63 and 42.66, the registration priority of nonpreference immigrants shall be determined by the chronological order in which their registration applications are received at each consular office, or as otherwise provided in § 42.64(b).

(c) *Registration priority.* No alien shall be given a priority date earlier than January 1, 1944.

(d) *Priority in order of consideration.* Consideration shall be given immigrant visa applications in the order prescribed in section 203(b) of the Act, and no immigrant within any category shall have his case considered until consideration shall have been given to other immigrants in the same category who have an earlier priority on the chronological waiting list for such category.

(Sec. 203(b), 79 Stat. 914)

35. Section 42.63 is amended to read as follows:

§ 42.63 Aliens not to be registered.

(a) The name of an alien in the United States, other than one who is the beneficiary of a preference petition, shall not be entered on a waiting list if he entered the United States without inspection.

(b) An alien who has been denied registration under paragraph (a) of this section and who has maintained a continuing intention to immigrate into the United States may, upon his application, be registered on a waiting list with a priority not antedating the date of his departure from the United States.

36. Section 42.64 is amended to read as follows:

§ 42.64 Procedure in registering immigrants.

(a) *Place of registration.* Every alien who desires to have his name registered on a waiting list shall make application for registration at a U.S. consular office, preferably in in the consular district in which he has his residence.

(b) *Application for registration.* The registration of a nonpreference immigrant may be effected upon the basis of an application for registration properly executed by the immigrant and received in the consular office from such immigrant, or by any clear indication of the immigrant's intention to immigrate into the United States which was contemporaneously recorded in the files of a U.S. consular office abroad, or of the Department, or of the Immigration and Naturalization Service of the Department of Justice. When an application for registration is received at a consular office the date, as well as the hour and minute whenever practicable, of the receipt of such registration application form shall be noted thereon and shall constitute the registration priority under which the applicant's name shall be registered in the nonpreference category on the appropriate waiting list.

37. Section 42.65 is amended to read as follows:

§ 42.65 Derivative registration.

(a) *Principal and derivative registrants.* The application of an immigrant for registration shall be considered as automatically including any spouse he may have or may subsequently acquire, and any child such immigrant

or his spouse may have or may subsequently acquire, regardless of whether such spouse or child was specifically named in his application for registration. The name of any spouse or child included in the principal alien's application for registration shall be separately registered by the consular officer under the priority date of the principal alien. The provisions of this paragraph shall not adversely affect any privileges relating to derivative registration acquired prior to July 1, 1954.

(b) *Termination of derivative registration.* The privilege of derivative registration accorded a spouse or child under the provisions of paragraph (a) of this section, whose name has not been previously recorded on a waiting list, shall terminate only if by his own act the derivative registrant brings his case within the provisions of § 42.66(a). Sons or daughters who qualify as derivative registrants shall not lose such status solely because they may subsequently reach the age of 21 or marry.

38. Section 42.66 is amended to read as follows:

§ 42.66 Cancellation of registration.

Except as provided in paragraph (b) of § 42.68, the registration of an immigrant shall be cancelled under any of the following circumstances:

(a) The registrant is issued an immigrant visa.

(b) The registrant is refused a visa.

(c) The registrant was erroneously registered.

(d) The registrant dies.

(e) The registrant abandons his intention to immigrate to the United States.

(f) The registrant fails to respond within 60 days to a notification that his name has been reached on the waiting list.

(g) The registrant responds within 60 days to a notification that his name has been reached on the waiting list but indicates that he is unwilling or unable to immigrate to the United States at this time.

(h) The registrant, if admitted into the United States as a nonimmigrant, is deported from the United States under section 241(a)(9) of the Act.

(i) The registrant is in the United States illegally, having entered without inspection.

39. Section 42.67 is amended to read as follows:

§ 42.67 Reinstatement of priority and new registration following cancellation.

(a) *Reinstatement.* An alien whose registration has been cancelled under the provisions of § 42.66, in the absence of evidence that he has abandoned his intention to immigrate to the United States, may be accorded his original priority on the waiting list in the following circumstances: (1) The alien's name has been removed from the waiting list under paragraph (a) of § 42.66 and he fails to use the immigrant visa for reasons beyond his control and he makes application for another visa in the fiscal year immediately following the year in which the visa was originally issued; (2) the alien's name has been removed from the waiting list under paragraph (b) of § 42.66 and he makes application for a visa within 2 years from the date the visa was refused, the ground of ineligibility having been overcome; (3) the alien's name has been removed from the waiting list under paragraph (f) of § 42.66 and within 2 years of the date his name was removed he establishes to the satisfaction of the consular officer that his failure to respond was for reasons beyond his control, and he presents all of the documentation required to qualify for a visa; (4) the alien's name has been removed from the waiting list under paragraph (g) of § 42.66 and within 2 years of the date his name was removed he applies for a visa and presents all of the required documentation; or (5) the alien has failed to meet the time limitations specified in the preceding subparagraphs, but the principal officer or, at a diplomatic mission, the Deputy Chief of Mission, the Counselor for Consular Affairs, or the Supervising Consul General, determines that the has maintained a continuing intention to immigrate to the United States and that his failure to apply or furnish required documentation within the prescribed period of time was for reasons beyond his control.

(b) *New registration following cancellation.* An alien whose name has been removed from the waiting list under paragraph (h) or (i) of § 42.66 who has maintained a continuing intention to immigrate may, upon application, be granted a priority on the waiting list which does not antedate the date of his departure from the United States.

40. Section 42.68 is added to read as follows:

§ 42.68 Listing of preference immigrants.

(a) The priority of a preference immigrant shall be determined by the date on which the approved petition granting the preference status was filed with the Immigration and Naturalization Service, including petitions filed prior to December 1, 1965. If it is necessary, because of oversubscription within a particular preference category, to maintain a chronological listing of such intending immigrants, the procedures outlined in § 42.62(a) should be followed.

(b) The priority of registration established by the filing date of a petition approved to accord preference status under the provisions of section 203(a)(1) through (6) of the Act shall not be cancelled unless the petition according preference status is revoked by the Immigration and Naturalization Service, or, if it has expired, the Service has refused to revalidate it.

41. Section 42.91 is amended to read as follows:

§ 42.91 Aliens ineligible to receive visas.

(a) *Aliens ineligible under the provisions of section 212(a) of the Act.* Determinations relating to the ineligibility of aliens to receive immigrant visas under section 212(a) of the Act shall be governed by the following provisions:

(1–6) *Medical grounds of ineligibility.* (i) A finding of a medical examiner of the U.S. Public Health Service, of a contract location physician, or of a panel physician designated by the Foreign Service establishment in whose jurisdiction the examination is performed, with respect to the applicability of section 212(a) (1) through (6) of the Act shall be binding on the consular officer, except that the consular officer may refer for review to the appropriate office of the U.S. Public Health Service the finding of a contract location or panel physician in an individual case.

(ii) The benefits of section 212(g) of the Act shall be available to an alien ineligible to receive a visa under section 212(a) (1) or (3) of the Act or afflicted with tuberculosis in any form who is the spouse, unmarried son or daughter, the minor unmarried lawfully adopted child, or parent of a United States citizen, or of an alien lawfully admitted for permanent residence, or of an alien who has been issued an immigrant visa, under the condtions set out in section 212(g), and implementing regulations.

(75 Stat. 654; 79 Stat. 919)

. . . . . .

(9) *Crime involving moral turpitude.* • • •

(iii) An alien who is ineligible to receive a visa under section 212(a)(9) of the Act but who qualifies for the benefits of section 212(h) of the Act shall be advised of the procedure for applying to the Immigration and Naturalization Service for relief under that provision of law. A visa shall not be issued to such an alien until the consular officer has received notification from the Immigration and Naturalization Service of the approval of the alien's application for the benefits of section 212(h) of the Act.

(75 Stat. 655; 79 Stat. 919)

. . . . . .

(10) *Conviction of two or more offenses.* (i) An alien who is ineligible to receive a visa under section 212(a)(10) of the Act but who qualifies for the benefits of section 212(h) of the Act shall be advised of the procedure for applying to the Immigration and Naturalization Service for relief under that provision of law. A visa shall not be issued to such an alien until the consular officer has received notification from the Immigration and Naturalization Service of the approval of the alien's application for the benefits of section 212(h) of the Act.

(75 Stat. 655; 79 Stat. 919)

. . . . . .

(12) *Prostitution, procuring and related activities.* • • •

(iv) An alien who is ineligible to receive a visa under section 212(a)(12) of the Act but who qualifies for the benefits of section 212(h) of the Act shall be advised of the procedure for applying to the Immigration and Naturalization Service for relief under that provision of law. A visa shall not be issued to such an alien until the consular officer has received notification from the Immigration and Naturalization Service of the approval of the alien's application for the benefits of section 212(h) of the Act.

(75 Stat. 655; 79 Stat. 919)

. . . . . .

(14) *Aliens entering to perform skilled or unskilled labor.* An alien within one of the classes specified in this subparagraph who is seeking to enter the United States for the purpose of engaging in gainful employment shall be ineligible to receive a visa under the provisions of section 212(a)(14) of the Act, unless the Secretary of Labor shall have certified to the Attorney General and the Secretary of State, or to a consular officer for the Secretary of State that (i) there are not sufficient workers in the United States who are able, willing, qualified, and available at the time of application for a visa and admission to the United States and at the place to which the alien is destined to perform such skilled or unskilled labor, and (ii) the employment of such alien will not adversely affect the wages and working conditions of the workers in the United States similarly employed. The provisions of section 212(a)(14) shall apply only to the following classes of aliens: (i) Aliens who are preference immigrants described in section 203(a) (3) and (6), (ii) Aliens who are nonpreference immigrants as described in section 203(a)(8), and (iii) Aliens who are special immigrants under section 101(a)(27)(A) of the Act (except the parents, spouses, or children of U.S. citizens or of aliens lawfully admitted for permanent residence).

(79 Stat. 917)

(15) *Public charge.* • • •

(ii) An alien within the purview of section 212(a)(15) of the Act, who is otherwise eligible to receive a visa, may be issued an immigrant visa upon receipt of notice by the consular officer of the giving of a bond or undertaking, as provided in section 221(g) of the Act, if the consular officer is satisfied that the giving of such bond or undertaking removes the alien's ineligibility to receive a visa under this section of the law.

. . . . . .

(19) *Fraud and misrepresentation.* • • •

(iv) An alien who is ineligible to receive a visa under section 212(a)(19) of the Act but who qualifies for the benefits of section 212(i) of the Act shall be advised of the procedure for applying to the Immigration and Naturalization Service for relief under that provision of law. A visa may not be issued to such an alien until the consular officer has received notification from the Immigration and Naturalization Service of the approval of the alien's application for the benefits of section 212(i) of the Act.

(Sec. 212(i), 75 Stat. 655 and 79 Stat. 919)

. . . . . .

(24) *Aliens arriving in foreign contiguous territory or adjacent islands on nonsignatory or noncomplying transportation lines.* • • •

(ii) An alien who is a native-born citizen of a country referred to in section 101(a)(27)(A) of the Act;

. . . . . .

42. The cross reference in § 42.95 is amended to read as follows:

RELIEF FOR CERTAIN INELIGIBLE ALIENS

§ 42.95 Relief for certain ineligible aliens.

. . . . . .

CROSS REFERENCE: For waiver of certain grounds of ineligibility under the provisions of section 212 (g), (h), or (i) of the Act, as amended, see § 42.91(a) (1–6), (9), (10), (12), and (19).

43. Section 42.100 is amended to read as follows:

§ 42.100 Administrative waiting lists.

Whenever it becomes administratively impracticable at any consular office to give consideration to, and take final action upon, the case of an applicant for an immigrant or a special immigrant visa without a waiting period, each applicant's priority shall be maintained by the registration of his name on an administrative waiting list.

44. Section 42.114 is amended to read as follows:

§ 42.114 Personal appearance.

Every applicant, including an alien whose application is executed by another person, shall be required to appear personally before the consular officer in connection with the execution of his application, except that the consular officer may, in his discretion, waive personal appearance in the case of any child under the age of 14.

(Sec. 222, 66 Stat. 193)

45. Section 42.115(a) is amended to read as follows:

§ 42.115 Application forms.

(a) *Preliminary questionnaire.* An alien may be required in the discretion of the consular officer to complete Form FS–497 (Preliminary Questionnaire to Determine Immigrant Status) for the purpose of assisting in the determination of the alien's classification and foreign state chargeability.

. . . . . .

46. Section 42.122 (a) and (d) are amended to read as follows:

§ 42.122 Validity of visas.

(a) The period of validity of an immigrant visa shall not exceed four months, beginning with the date of issuance, except that any visa issued to a child lawfully adopted by a U.S. citizen and spouse while such citizen is serving abroad in the U.S. Armed Forces, or is employed abroad by the U.S. Government, or is temporarily abroad on business, shall be valid until such time, for a period not to exceed 3 years, as the adoptive citizen parent returns to the United States in due course of his service, employment, or business.

. . . . . .

(d) The period of validity of a visa issued to an immigrant as a child shall not extend beyond the day immediately preceding the date on which the alien becomes 21 years of age. The consular officer shall warn an alien, when appropriate, that he will be inadmissible as such an immigrant if he is not unmarried at the time of application for admission, or if he fails to apply for admission at a port of entry into the United States before reaching the age of 21 years. The consular officer shall also warn an alien issued a visa as a first or second preference immigrant as an unmarried son or daughter of a citizen or lawful permanent resident of the United States that he will be inadmissible as such an immigrant if he is not unmarried at the time of application for admission into the United States.

(Sec. 221(c), 66 Stat. 191; 75 Stat. 651; 8 U.S.C. 1201)

47. Section 42.124(a) is amended to read as follows:

§ 42.124 Procedure in issuing visas.

(a) *Insertion of data.* In issuing an immigrant visa the pertinent information shall be inserted in the designated blank spaces provided on Form FS–511 (Immigrant Visa and Alien Registration), in accordance with the instructions contained in this section.

(1) A symbol as specified in § 42.12 shall be used to indicate the classification of the immigrant.

(2) If the immigrant is the beneficiary of an approved visa petition, a notation shall be inserted on the visa indicating that the petition is attached.

(3) Immediate relative or special immigrant visas may be numbered in consecutive order at each consular office, beginning a new series on July 1 of each year, if the principal consular officer considers the numbering of such visas to be desirable. An immigrant visa shall bear the number assigned to the immigrant followed by a notation indicating the foreign state or subquota to which the alien is chargeable.

(4) The date of issuance and the date of expiration of the visa shall be inserted in the proper places on the visa and shall show the day, month, and year in that order, the name of the month being spelled out, as "24 December 1952."

(5) In the event the passport requirement has been waived under the provisions of § 42.6, a notation shall be inserted in the space provided for the passport number, setting forth the authority (section and paragraph) under which the passport was waived.

(6) A photograph, appropriately signed, shall be attached in the space provided on Form FS–511 by the use of a legend machine unless specific authorization has been granted by the Department to use the impression seal only.

. . . . . .

48. Section 42.125 is amended to read as follows:

§ 42.125 Issuance of new or replace visas.

(a) *New immediate relative or special immigrant visa.* (1) An immediate relative or special immigrant who establishes that his visa has been lost or mutilated, or has expired, may be issued a new visa at the same or any other consular office upon payment of the statutory application and visa fees if the immigrant is at that time found qualified to receive such a visa.

(2) Prior to issuing a new immediate relative or special immigrant visa at a consular office other than that which issued the original visa, the consular officer shall communicate with the original visa-issuing office to ascertain if any reason is known why a new visa should not be issued.

(3) In the event a new immediate relative or special immigrant visa is issued as provided in subparagraph (1) of this paragraph, the visa shall be given a new number in the series of such visas issued at the consular office if that office numbers such visas.

(b) *Replace immigrant visa.* (1) An immigrant documented under section 203 of the Act who establishes that his visa has been lost or mutilated, or that he was otherwise unable to use it during the period of its validity because of reasons beyond his control and for which he was not responsible, may be issued a replace immigrant visa under the original number during the same fiscal year in which the original visa was issued, upon payment anew of the statutory application and visa fees, if the immigrant is at that time found qualified to receive such a visa and the consular officer is in possession of the duplicate signed consular file copy of the original visa. Prior to issuing a replace immigrant visa to an alien whose original immigrant visa was issued at some other consular office, the consular officer shall also ascertain whether any reason is known to the original visa-issuing office why a replace visa should not be issued.

(2) In issuing a replace immigrant visa, as provided in subparagraph (1) of this paragraph, the word "Replace" shall be inserted on Form FS–511 before the word "Immigrant" in the title of the visa.

(c) *Re-issuance of retrieved visa numbers.* If an immigrant is excluded from the United States and deported, or, having an immigrant visa, does not apply for admission to the United States before the expiration of the validity of his visa, or if an alien having an immigrant visa issued to him as a preference immigrant is found not be a preference immigrant, the number may be used for another qualified applicant or may be returned to the Department for reallocation within the fiscal year in which the original visa was issued.

(Sec. 221(c), 66 Stat. 191; 8 U.S.C. 1201; Sec. 206, 79 Stat. 916)

49. Section 42.140 is amended to read as follows:

TRANSFER OF CASES

§ 42.140 Transfer of cases.

(a) All documents, papers and other evidence relating to an applicant for an immigrant visa whose application is pending or has been refused at one consular office may be transferred to another consular office at the applicant's request and risk if there is reasonable justification for the transfer of the applicant's file, and the transferring consular office has no reason to believe that the alien will be unable to appear at the receiving office to apply for a visa.

(b) The transfer of a case shall include any authorization to grant immediate relative or preference status based upon an approved petition.

(c) In no case shall a number be transferred from one consular office to another. A number allotted by the Department which cannot be used as a result of the transfer of a case to another office shall be returned to the Department immediately.

(Sec. 104, 66 Stat. 174; 8 U.S.C. 1104)

Effective date. The amendments to the regulations contained in this order shall become effective on December 1, 1965.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

BARR V. WASHBURN,
Acting Administrator, Bureau of Security and Consular Affairs.

NOVEMBER 23, 1965.

[F.R. Doc. 65–12799; Filed, Nov. 29, 1965; 8:50 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 6865]

PART 145—TEMPORARY REGULATIONS IN CONNECTION WITH THE EXCISE TAX REDUCTION ACT OF 1965

Exemption Certificates for Use in Obtaining Supplies for Vessels and Aircraft Tax Free

In order to prescribe temporary regulations, which shall remain in force and effect until superseded by permanent regulations, under section 802(c) of the Excise Tax Reduction Act of 1965 (79 Stat. 159), relating to the use of exemption certificates in obtaining supplies for vessels and aircraft free of the manufacturers excise tax, the following regulations are hereby prescribed:

§ 145.4 Statutory provisions; exception to registration in case of vessels and aircraft.

Section 802(c) of the Excise Tax Reduction Act of 1965:

(c) *Exception to registration in case of vessels and aircraft.* Section 4222(b) (relating to exceptions to registration) is amended by adding at the end thereof the following new paragraph:

"(5) *Supplies for vessels or aircraft.* Subsection (a) shall not apply to a sale of an article for use by the purchaser as supplies for any vessel or aircraft if such purchaser complies with such regulations relating to the use of exemption certificates in lieu of registration as the Secretary or his delegate shall prescribe to carry out the purpose of this paragraph."

[Sec. 802(c) of the Excise Tax Reduction Act of 1965 (79 Stat. 159)]

§ 145.4–1 Exemption certificates for use in obtaining supplies for vessels and aircraft tax free.

(a) *In general.* An article subject to an excise tax imposed by chapter 32 of the Internal Revenue Code of 1954 may after June 30, 1965, be sold tax-free by the manufacturer for use by the purchaser as supplies for a vessel or aircraft under section 4221(a)(3), even though neither the seller nor the purchaser is registered as required by section 4222 of the Code and § 148.1–3 of this chapter (Certain Excise Tax Matters Under the Excise Tax Technical Changes Act of 1958) if the provisions of paragraph (b) of this section are satisfied. The article may also be sold tax-free if the manufacturer and purchaser are so registered.

(b) *Evidence required to establish exemption.* (1) In order to establish exemption from tax on the sale of an article by the manufacturer for use by the purchaser as supplies for a vessel or aircraft, the manufacturer must obtain (prior to or at the time of the sale) from the owner, charterer, or authorized agent of the vessel or aircraft and retain in his possession a properly executed exemption certificate in the form prescribed by paragraph (c) of this section. If articles are sold tax-free for use as supplies for civil aircraft employed in foreign trade or in trade between the United States and any of its possessions, the exemption certificate must show the name of the country in which the aircraft is registered.

(2) Where only occasional sales of articles are made to a purchaser for a use as supplies for vessels or aircraft, a separate exemption certificate shall be furnished for each order. However, where sales are regularly or frequently made to a purchaser for such exempt use, a certificate covering all orders for a specified period not to exceed 4 calendar quarters will be acceptable. Such certificates and proper records of invoices, order, etc., relative to tax-free sales must be kept for inspection by the district director as provided in section 6001. If a seller's records with respect to any sale claimed to be tax free do not include a proper certificate, with supporting invoices and such other evidence as may be necessary to establish the exempt character of the sale, tax is payable by the manufacturer on such sale unless the registration requirements of section 4222 are met.

(c) *Acceptable form of exemption certificate.* The following form of exemption certificate will be acceptable for the purposes of this section and must be adhered to in substance:

EXEMPTION CERTIFICATE

(For use by purchasers of articles for use as fuel supplies, ships' stores, sea stores, or legitimate equipment on certain vessels or aircraft (sections 4221 and 4222 of the Internal Revenue Code of 1954).)

----------, 19----
(Date)

The undersigned purchaser hereby certifies that he is the----------
(Owner, charterer, or authorized agent) of ---------- (Name of company and ------ and that the article or articles specified below or on the reverse side hereof, will be used only for fuel supplies, ships' stores, sea stores, or legitimate equipment on a vessel belonging to one of the following classes of vessels to which section 4221 of the Internal Revenue Code of 1954 applies:

(Check class to which vessel belongs:)

----(1) Vessels engaged in foreign trade.
----(2) Vessels engaged in trade between the Atlantic and Pacific ports of the United States.
----(3) Vessels engaged in trade between the United States and any of its possessions.
----(4) Vessels employed in the fisheries or whaling business.
----(5) Vessels of war of the United States or a foreign nation.

If the articles are purchased for use on civil aircraft engaged in trade as specified in (1) or (3) above, state the name of the country in which the aircraft is registered ----------

The undersigned understands that if the articles are used for any purpose other than as stated in this certificate, or are resold or otherwise disposed of, he must report such fact to the manufacturer. It is understood that this certificate may not be used in purchasing articles tax free for use as fuel supplies, etc., on pleasure vessels, or on any type of aircraft except (i) civil aircraft employed in foreign trade or trade between the United States and any of its possessions, and otherwise entitled to exemption, and (ii) aircraft owned by the United States or any foreign country and constituting a part of the armed forces thereof.

The undersigned understands that the fraudulent use of this certificate to secure exemption will subject him and all guilty parties to a penalty equivalent to the amount of tax due on the sale of the articles and upon conviction to a fine of not more than $10,000, or to imprisonment for not more than five years, or both, together with costs of prosecution. The undersigned also understands that he must be prepared to establish by satisfactory evidence the purpose for which the article was used.

(Signature)

(Address)

Because the provisions of law under which these temporary regulations are prescribed apply in respect of articles sold on or after July 1, 1965, and because it is essential that rules implementing these provisions of law be in effect promptly, it is found impracticable to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1964, or subject to the effective date limitation of section 4(c) of that Act.

(Sec. 7805, Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

Approved: November 23, 1965.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 65–12775; Filed, Nov. 29, 1965; 8:48 a.m.]

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

[T.D. 6866]

PART 172—DISPOSITION OF SEIZED PERSONAL PROPERTY

Miscellaneous Amendments

In order to make certain technical and editorial changes, the regulations in 26 CFR Part 172 are amended as follows:

PARAGRAPH 1. The Table of Contents is amended to reflect the expanded headings given herein to §§ 172.1, 172.25, 172.26 and 172.59. As amended, the Table of Contents reads as follows:

Sec.
172.1 Procedures relating to personal property and carriers.
. . . . . .
172.25 Personal property and carriers subject to seizure.
172.26 Forfeiture of seized personal property and carriers.
. . . . . .
172.59 Sales of forfeited cigars, cigarettes, and cigarette papers and tubes.
. . . . . .

PAR. 2. The heading and text of § 172.1 are revised to clearly state that carriers come within the meaning of the section. As amended, § 172.1 reads as follows:

§ 172.1 Procedures relating to personal property and carriers.

Regulations in this part shall relate to personal property and carriers seized by officers of the Internal Revenue Service as subject to forfeiture as being used, or intended to be used, as the case may be, to violate Federal laws.

PAR 3. Section 172.6 is amended to redefine the term "appraised value," and to clearly state that carriers come within the provisions of the section. As amended, § 172.6 reads as follows:

§ 172.6 Appraised value.

"Appraised value" shall mean the value placed upon seized property or carriers by the appraiser or appraisers designated for the purpose of determining whether the property or carriers may be forfeited administratively.

PAR. 4. Section 172.8 is amended to redefine the term "carrier," and to clearly state which vessels, vehicles, and aircraft seized are carriers. As amended, § 172.8 reads as follows:

§ 172.8 Carrier.

"Carrier" shall mean a vessel, vehicle or aircraft seized under title 49 U.S.C., chapter 11 for having been used to transport, carry or conceal a contraband firearm. Vessels, vehicles or aircraft seized under other provisions of applicable laws shall be considered personal property.

PAR. 5. Section 172.15 is amended to redefine the term "re-appraisal," and to clearly state that carriers come within the provisions of the section. As amended, § 172.15 reads as follows:

§ 172.15 Re-appraisal.

The term "re-appraisal" shall mean an up-to-date statutory appraisal to determine the present value of the property or carrier involved in a petition for remission or mitigation of forfeiture made in the same manner as the original appraisal, and performed at the specified request of the petitioner whose petition in regard to the property or carrier has been allowed and who, for reasonable cause, is not satisfied that the original appraisal represents the present value of the property or carrier.

PAR. 6. The heading and text of § 172.25 are revised to clearly state that carriers come within the meaning of the section. As amended, § 172.25 reads as follows:

§ 172.25 Personal property and carriers subject to seizure.

Personal property may be seized by duly authorized officers of the Internal Revenue Service for forfeiture to the United States when used or intended to be used, in violation of the internal revenue laws, and certain other laws of the United States which such officers are empowered to enforce, including title 18 U.S.C., chapters 59, 229 (liquor); title 27 U.S.C., section 206 (liquor); title 15 U.S.C., chapter 18 (firearms). Carriers, as defined in § 172.8, similarly may be seized when used or intended to be used in violation of title 49 U.S.C., chapter 11 (transportation et cetera of contraband firearms).

PAR. 7. The heading and text of § 172.26 are revised to clearly state that carriers come within the meaning of the section, and to make certain technical and editorial changes. As amended, § 172.26 reads as follows:

§ 172.26 Forfeiture of seized personal property and carriers.

(a) *Administrative forfeiture.* (1) Personal property seized as subject to forfeiture under the internal revenue laws which has an appraised value of $2,500.00 or less, and any carrier appraised by the seizing officer at $2,500.00 or less under the custom laws, shall be forfeited to the United States in administrative or summary forfeiture proceedings.

(2) In respect of personal property seized as subject to forfeiture under the internal revenue laws which, in the opinion of the seizing officer, has an appraised value of $2,500.00 or less, such officer shall cause a list containing a particular description of the seized property to be prepared and an appraisement

thereof to be made by three sworn appraisers, selected by the seizing officer, who shall be respectable and disinterested citizens of the United States residing within the internal revenue district wherein the seizure was made. Such list and appraisement shall be properly attested to by the seizing officer and such appraisers.

(3) In respect of personal property seized as subject to forfeiture under the internal revenue laws and found by the appraisers to have a value of $2,500.00 or less, the Supervisor in Charge shall publish a notice once a week for three consecutive weeks, in some newspaper of the judicial district where the seizure was made, describing the articles and stating the time, place, and cause of their seizure, and requiring any person claiming them to make such claim within 30 days from the date of the first publication of such notice.

(4) In respect of carriers seized as subject to forfeiture under the custom laws which, in the opinion of the seizing officer, have an appraised value of $2,500.00 or less, such officer shall cause a list containing a particular description of the seized carriers to be prepared and the seizing officer shall make the appraisement thereof. Such list and appraisement shall be property attested to by the seizing officer.

(5) In respect of carriers seized as subject to forfeiture under the custom laws and appraised by the seizing officer as having a value of $2,500.00 or less, the Supervisor in Charge shall publish a notice of seizure in the same manner as required by subparagraph (3) of this paragraph; provided that the time for making claim shall be within 20 days from the date of first publication. (19 U.S.C. 1608)

(6) Any person claiming the personal property or carrier so seized, within the time specified in the notice, may file with the Supervisor in Charge a claim, stating his interest in the articles or carrier seized, and may execute a bond to the United States in the penal sum of $250.00, conditioned that, in case of condemnation of the articles or carrier so seized, the obligors shall pay all the costs and expenses of the proceedings to obtain such condemnation. Both the claim and the cost bond should be executed in quadruplicate.

(b) *Judicial condemnation.* (1) The Regional Counsel, Internal Revenue Service, shall authorize institution of libel proceedings in those instances where the appraised value of the seized personal property or carrier exceeds $2,500.00, or where a claim and cost bond are filed as provided above.

PAR. 8. Section 172.28 is amended to correctly reflect where limitations for corporate sureties may be found. As amended, § 172.28 reads as follows:

§ 172.28 Corporate surety bonds.

Corporate surety bonds may be given only with surety companies holding certificates of authority from the Secretary of the Treasury as acceptable sureties on Federal bonds, subject to the limitations prescribed by Treasury Department Circular 570, and subject to such amendments as may be issued from time to time.

(Sec. 6, 61 Stat. 648, as amended, 68A Stat. 847; 6 U.S.C. 6, 26 U.S.C. 7101)

PAR. 9. Section 172.30 is amended to clarify the administrative procedure involved. As amended, § 172.30 reads as follows:

§ 172.30 Bond for return of seized personal goods.

The proceedings to enforce forfeiture of perishable goods shall be in the nature of a proceeding in rem in the district court of the United States for the district wherein such seizure is made. Whenever such property is liable to perish or become greatly reduced in price or value by keeping, or when it cannot be kept without great expense, the Supervisor in Charge shall advise the owner, when known, of the seizure thereof. The owner may apply to the Supervisor in Charge to have the property examined any time prior to referral of the property to the U.S. Marshal for disposition, and if in the opinion of the Supervisor in Charge, it shall be necessary to sell such property to prevent waste or expense, the Supervisor in Charge shall cause the property to be appraised. Thereupon the owner shall have the property returned to him upon giving a corporate surety bond (see § 172.28) in an amount equal to the appraised value of the property, which bond shall be conditioned to abide the final order, decree, or judgment of the court having cognizance of the case, and to pay the amount of the appraised value to the Supervisor in Charge, the U.S. Marshal, or otherwise, as may be ordered and directed by the court, which bond shall be filed by the Supervisor in Charge with the U.S. Attorney for the district in which the proceedings may be commenced. If the owner of such property neglects or refuses to give such bond within a reasonable time considering the condition of the property the Supervisor in Charge shall request the U.S. Marshal to proceed to sell the property at public sale as soon as practicable and to pay the proceeds of sale, less reasonable costs of the seizure and sale, to the court to abide its final order, decree, or judgment.

(68A Stat. 869, 870; 26 U.S.C. 7322, 7323, 7324)

PAR. 10. Section 172.36 is amended to clearly state that carriers come within the meaning of the section. As amended, § 172.36 reads as follows:

§ 172.36 Interest claimed.

Any person claiming an interest in property, including carriers, seized by internal revenue officers as subject to administrative forfeiture may file a petition addressed to the Director, Alcohol and Tobacco Tax Division, for remission or mitigation of the forfeiture of such property.

PAR. 11. Paragraphs (a), (b), (c), (d), (e), and (g) of § 172.38 are amended to clearly state that carriers come within the meaning of this section. As amended, § 172.38 reads as follows:

§ 172.38 Contents of the petition.

(a) *Description of the property.* The petition should contain such a description of the property or carrier and such facts of the seizure as will enable the officers of the Internal Revenue Service concerned to identify the property or carrier.

(b) *Statement regarding knowledge of seizure.* In the event the petition is filed for the restoration of the proceeds derived from sale of the property or carrier pursuant to summary forfeiture, it should also contain, or be supported by, satisfactory proof that the petitioner did not know of the seizure prior to the declaration or condemnation of forfeiture, and that he was in such circumstances as prevented him from knowing of the same. (See also § 172.39.)

(c) *Interest of petitioner.* The petitioner should state in clear and concise terms the nature and amount of the present interest of the petitioner in the property or carrier, and the facts relied upon to show that the forfeiture was incurred without willful negligence or without any intention upon the part of the petitioner to defraud the revenue or to violate the law, or such other mitigating circumstances as, in the opinion of the petitioner, would justify the remission or mitigation of the forfeiture.

(d) *Petitioner innocent party.* If the petitioner is not the one who in person committed the act which caused the seizure, the petition should state how the property or carrier came into the possession of such other person, and that the petitioner had no knowledge or reason to believe, if such be the fact, that the property or carrier would be used in violation of law.

(e) *Results of investigation.* The petition should also state what investigation, if any, was made of such other person, through principal Federal, State, or local law enforcement officers, to determine whether such other person had either a record or a reputation, or both, as a liquor law violator in a case involving a seizure for violation of the internal revenue laws relating to liquor; or as a violator in the field of commercial crime in all other types of seizures. The petition should further state the information obtained from said investigation, and whether such information was received before the petitioner acquired his interest in the property or carrier, or such other person acquired his right in the property or carrier, whichever occurred later.

* * * * *

(g) *Costs.* The petition should also contain an undertaking to pay the costs, if costs are assessed as a condition of allowance of the petition. Costs shall include all the expenses incurred in seizing and storing the property or carrier; the costs borne or to be borne by the United States; the taxes, if any, payable by the petitioner or imposed in respect of the property or carrier to which the petition relates; the penalty, if any, asserted by the Director, Alcohol and Tobacco Tax Division; and, if the property or carrier has been sold, or is in the course of being sold, the expenses so incurred.

PAR. 12. Section 172.39 is amended to clearly state that carriers come within the meaning of the section. As amended, § 172.39 reads as follows:

§ 172.39 Time of filing petition.

A petition may be filed at any time prior to the sale or other disposition of the property or carrier involved pursuant to administrative forfeiture, but a petition in regard to property or a carrier which has already been sold or otherwise disposed of pursuant to administrative forfeiture must be filed within three months from the date of sale, and must contain the proof defined in § 172.38 (b). Acquisition for official use is equivalent to sale so far as remission or mitigation of any forfeiture is concerned.

(Sec. 306, 49 Stat. 880; 40 U.S.C. 304(k))

PAR. 13. Paragraphs (a) (2) and (b) (1) of § 172.43 are amended to clearly state that carriers come within the meaning of the section, and paragraph (b) (1) is further amended to effect a change in administrative procedure. As amended paragraphs (a) (2) and (b) (1) of § 172.43 read as follows:

§ 172.43 Final action.

(a) *Petitions for remission or mitigation of forfeiture.* * * *

(2) In the case of an allowed petition, the Director, Alcohol and Tobacco Tax Division, may order the property or carrier returned to the petitioner, sold for the account of the petitioner, or pursuant to agreement, acquired for official use.

* * * * *

(b) *Offers in compromise of liability to forfeiture.* (1) The Assistant Regional Commissioner shall take final action on any offer in compromise of the liability to forfeiture of personal property, including carriers, seized as provided in § 172.25. Such action shall consist either of the acceptance or rejection of the offer.

* * * * *

PAR. 14. Section 172.44 is amended to clearly state that carriers come within the meaning of the section. As amended, § 172.44 reads as follows:

§ 172.44 Acquisition for official use and sale for account of petitioner in allowed petitions.

(a) *Acquisition for official use.* (1) The property or carrier may be purchased by the United States pursuant to agreement and retained for official use. Where the petitioner is the owner, the purchase price is the appraised value of the property or carrier less all costs. Where the petitioner is a creditor, the purchase price is whichever one of these amounts is the smaller: (i) The petitioner's equity, or (ii) the appraised value of the property or carrier less the amount of all costs.

(b) *Sale for account of petitioner.* (1) The petitioner may elect not to comply with the condition on which the property or carrier may be returned. In this event, the Supervisor in Charge is authorized to sell it. Where the petitioner is the owner of the property or carrier, there is deducted from the proceeds of the sale all costs, and the Regional Commissioner pays to the petitioner, out of the proper appropriation, an amount equal to the balance, if any. Where the petitioner is a creditor, there is deducted from the proceeds of the sale all costs, and the Regional Commissioner pays to the petitioner, out of the proper appropriation, an amount equal to the balance, if any: *Provided*, That if the amount exceeds the amount of the equity, only the latter amount is paid to the petitioner.

PAR. 15. Section 172.45 is amended to clarify the intent of the section. As amended, § 172.45 reads as follows:

§ 172.45 Re-appraisal of property involved in an allowed petition.

In determining the nature and extent of the relief to be afforded a petitioner pursuant to allowance of his petition, the value of the property or carrier involved in the allowed petition shall be considered to mean the value placed on said property or carrier pursuant to official appraisal thereof immediately following seizure: *Provided, however*, That if the petitioner desires an up-to-date re-appraisal made of the property or carrier, after notification as to the terms of allowance of the petition, and makes written request therefor, undertaking in said request to pay, or to be liable for, the total costs of such re-appraisal, the property or carrier shall be re-appraised officially in the same manner in which the original appraisal was made, and the terms and conditions of allowance shall stand modified to the extent required by such re-appraisal.

PAR. 16. Section 172.50 is amended to clarify who is entitled to compensation for rendering appraisals of seized property. As amended, § 172.50 reads as follows:

§ 172.50 Rate of compensation.

Each appraiser selected under § 172.26 (a) (2) shall receive compensation of $3.00 per day for the performance of his duties in appraising property seized as subject to forfeiture under the internal revenue laws.

(68A Stat. 870; 26 U.S.C. 7325)

PAR. 17. Section 172.55 is amended to clarify the administrative procedure involved. As amended, § 172.55 reads as follows:

§ 172.55 Alternative methods of sale.

When personal property or a carrier forfeited administratively may be sold, the Supervisor in Charge shall cause a notice of sale to be placed in a newspaper of general circulation published in the judicial district wherein the seizure was made. The sale shall not occur in less than 10 days from the date of the publication of the notice. At the discretion of the Supervisor in Charge, based upon which method in his sound judgment is most advantageous to the best interests of the United States, the forfeited personal property or carrier may be advertised for sale, and sold, at public auction to the highest bidder on open, competitive bids, or to the highest bidder on sealed, competitive bids.

(68A Stat. 870; 26 U.S.C. 7325)

PAR. 18. Section 172.57 is amended to include additional provisions relative to conditions of sale. As amended, § 172.57 reads as follows:

§ 172.57 Conditions of sale.

(a) *No recourse.* All personal property and carriers to be sold shall be offered for sale "as is" and without recourse against the United States.

(b) *No guarantee.* No guarantee or warranty, expressed or implied, shall be given or understood in respect of any forfeited property or carrier offered for sale.

(c) *No sale.* (1) The United States reserves the right to reject any and all bids received at public auction and in sealed, competitive bid sales.

(2) When "no sale" is declared for property other than cigars, cigarettes, and cigarette papers and tubes, the Supervisor in Charge shall re-advertise the property for sale.

(3) When "no sale" is declared for cigars, cigarettes, or cigarette papers or tubes, such property shall be destroyed or, if fit for human consumption, be given to a Federal or State hospital or institution.

(d) *One bid.* When only one bid is received for a single unit of property or a carrier offered at public auction or in a sealed, competitive bid sale, such bid shall be considered to be and treated as the highest bid received for that property or carrier.

PAR. 19. The heading and text of § 172.59 are amended to eliminate references to manufactured tobacco and to tobacco materials in conformity with the provisions of the Excise Tax Reduction Act of 1965. As amended, § 172.59 reads as follows:

§ 172.59 Sale of forfeited cigars, cigarettes, and cigarette papers and tubes.

All cigars, cigarettes, and cigarette papers and tubes shall be sold at a price which will include the tax due and payable thereon. Written, timely notice shall be given by the Supervisor in Charge to the manufacturer of any such forfeited articles offered for sale.

PAR. 20. Section 172.61 is amended to clearly state that carriers come within the meaning of the section. As amended, § 172.61 reads as follows:

§ 172.61 Sale on open, competitive bids.

If the personal property or carrier is to be sold at public auction to the highest bidder on open, competitive bids, the notice of sale shall so specify, and state the date, hour, and place of sale.

PAR. 21. Section 172.62 is amended to clearly state that carriers come within the meaning of the section and to make certain editorial changes. As amended, § 172.62 reads as follows:

§ 172.62 Sale on sealed, competitive bids.

If the property or carrier is to be sold to the highest bidder on sealed, competi-

tive bids, the notice of sale shall so specify, and shall state the date, hour, and place of sale, and the date, hour, and place before the sale when and where the property, including carriers, may be viewed by prospective sealed bidders, and necessary information obtained. All sealed bids must be filed with the Supervisor in Charge before the sale. No bids will be accepted after the sale starts. At the appointed date, hour, and place of sale, all sealed bids timely filed shall be opened in the presence of all bidders attending the sale, who shall have the privilege of inspecting the bids if they so desire.

PAR. 22. Section 172.65 is amended to effect a change in administrative procedure. As amended, § 172.65 reads as follows:

§ 172.65 Authority for destruction.

The Supervisor in Charge is authorized to order the destruction of any coin-operated gaming device as defined in I.R.C., section 4462(a)(2) upon which a tax is imposed by I.R.C., section 4461, after the expiration of three months from the date of consummation of administrative forfeiture under any provision of I.R.C.

Because this Treasury decision makes only certain technical and editorial changes therein, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946. This Treasury decision shall become effective on the first day of the first month which begins not less than 30 days following the date of publication in the FEDERAL REGISTER.

(Sec. 7805, Internal Revenue Code; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

Approved: November 24, 1965.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 65-12776; Filed, Nov. 29, 1965; 8:48 a.m.]

[T.D. 6864]

PART 270—MANUFACTURE OF TOBACCO PRODUCTS

PART 275—IMPORTATION OF TOBACCO MATERIALS, TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES

PART 285—MANUFACTURE OF CIGARETTE PAPERS AND TUBES

Credit and Refund of Tax

In order to provide for credit of tax, and for refund of tax paid under section 7652 of the Internal Revenue Code, as set forth in section 5705 of the Internal Revenue Code, as amended by the Excise Tax Reduction Act of 1965, Public Law 89-44, the regulations in 26 CFR Parts 270, 275, and 285 are amended as follows:

PARAGRAPH 1. 26 CFR Part 270 is amended to provide for credit as an alternative to refund of taxes paid under Chapter 52, I.R.C., as follows:

(A) Section 270.164 is amended to read:

§ 270.164 Adjustments in the semimonthly return.

A manufacturer may make adjustments in Schedules A and B of his semimonthly tax return, Form 3071, as provided in this section. Schedule A of the return will be used where an error resulted in an underpayment of tax or where a shortage in inventory is disclosed as set forth in § 270.255. Schedule B of the return will be used where prepayment of tax has been made during the return period, or where notice has been received from the assistant regional commissioner that a claim for credit or allowance of tax has been approved. Schedule B may also be used as provided in § 270.286 where a computational error resulted in an overpayment of tax. In the case of an adjustment based on prepayment of tax, the serial number(s) of the prepayment return(s), Form 2617, shall be shown. Any adjustments made in a return must be fully explained in the appropriate schedule or in a statement attached to and made a part of the return in which such adjustment is made.

(68A Stat. 791, 72 Stat. 1417, as amended; 26 U.S.C. 6402, 5703)

(B) Section 270.252 is amended to read:

§ 270.252 Reduction to materials.

A manufacturer may reduce tobacco products to materials without internal revenue supervision. If the products have been entered in the factory record as manufactured or received, an entry shall be made in such record of the kind and quantity of cigars, cigarettes, or manufactured tobacco reduced to material, and of the quantity of tobacco resulting from the reduction. Where the manufacturer intends to file claim for credit, allowance, or refund of tax on such products he shall comply with the provisions of §§ 270.311 and 270.313.

(72 Stat. 1423, as amended; 26 U.S.C. 5741)

(C) Section 270.253 is amended to read:

§ 270.253 Destruction.

When a manufacturer of tobacco products desires to destroy such products which have been entered in the factory record as manufactured or received, without salvaging the tobacco materials, he shall notify the assistant regional commissioner by letter, in duplicate, of the kind and quantity of cigars, cigarettes, or manufactured tobacco to be destroyed, the intended method of destruction, and the date on which he desires to destroy such products. The assistant regional commissioner may assign an internal revenue officer to supervise destruction of the products, or he may authorize the manufacturer to destroy such products without supervision by so stating on a copy of the manufacturer's notice returned to the manufacturer. When so authorized by the assistant regional commissioner, the manufacturer shall destroy the tobacco products by burning completely or by rendering them unfit for consumption. Upon completion of the destruction, the manufacturer shall make an entry of such destruction in his factory record, and where destruction without supervision is authorized, shall record the date and method of destruction on the notice returned to him by the assistant regional commissioner, which notice the manufacturer shall retain. Where the manufacturer intends to file claim for credit, allowance, or refund of tax on such products he shall comply with the provisions of §§ 270.311 and 270.313.

(72 Stat. 1423, as amended; 26 U.S.C. 5741)

(D) Section 270.254 is amended to read:

§ 270.254 Receipt into factory.

A manufacturer of tobacco products may receive in bond into his factory any tobacco products which he is authorized under his permit to produce in that factory, and may also receive into his factory any tobacco products on which the tax has been determined (including products on which the tax has been paid). Tobacco products on which the tax has been determined which are so received shall be segregated and identified as products on which the tax has been determined. If tax determined products received into the factory are so handled that they cannot be identified both physically and in the records as tax determined products they shall be accounted for as returned to bond and upon subsequent removal shall be tax determined. Where returned tax determined tobacco products are to be repackaged without being returned to bond the manufacturer shall make application for authorization to do so to the assistant regional commissioner in accordance with § 270.217. Where the manufacturer intends to file claim for credit, allowance, or refund of tax on tax determined products he shall comply with the provisions of §§ 270.311 and 270.313.

(E) Section 270.283 is amended to read:

§ 270.283 Credit or refund of tax.

The taxes paid on tobacco products may be credited or refunded (without interest) to a manufacturer on proof satisfactory to the assistant regional commissioner that the claimant manufacturer has paid the tax on tobacco products lost (otherwise than by theft) or destroyed, by fire, casualty, or act of God, while in the possession or ownership of such manufacturer, or withdrawn by him from the market. Any claim for credit of tax under this section shall be prepared on Form 2635, in triplicate, and any claim for refund of tax under this section shall be made on Form 843, in duplicate, and shall include a statement that the tax imposed on tobacco products by Chapter 52, I.R.C., has been paid in respect to the tobacco products covered by the claim, and that the products were lost, destroyed, or withdrawn from the market, within six months preceding the date the claim is filed. A claim for credit or refund of tax relating to products lost or destroyed shall be supported as prescribed in § 270.301, and a claim relating to products withdrawn from the market shall be accompanied by a schedule prepared and verified as prescribed in §§ 270.311 and 270.313. The original and two copies of Form 2635, claim for credit, or the original Form 843, claim for refund, shall be filed with the assistant regional commissioner for the region in which the tax was paid, or where the tax was paid in more than one region, with the assistant regional commissioner for any one of the regions in which the tax was paid. Upon action by the assistant regional commissioner on a claim for credit of tax he will return a copy of the Form 2635 to the manufacturer as notification of allowance or disallowance of the claim or any part thereof, which copy, with the copy of any verified supporting schedules, shall be retained by the manufacturer. When the manufacturer is notified of allowance of the claim for credit of tax or any part thereof, he shall make an adjusting entry to the extent necessary to exhaust the credit and an explanatory statement on the next subsequent tax return(s) filed in the region in which credit was allowed. Prior to consideration and action on his claim, the manufacturer may not anticipate allowance of his claim by making the adjusting entry in a tax return. The duplicate of a claim for refund of tax, with the copy of any verified supporting schedules, shall be retained by the manufacturer.

(72 Stat. 1419, as amended; 26 U.S.C. 5705)

(F) Section 270.313 is amended to read:

§ 270.313 Disposition of tobacco products and schedule.

When so authorized, as evidenced by the assistant regional commissioner's statement on the schedule, the manufacturer shall dispose of the tobacco products (and destroy the stamps, if any) as specified in the schedule. After the manufacturer has disposed of the products (and destroyed the stamps, if any), he shall execute a certificate on both copies of the schedule returned to him by the assistant regional commissioner, to show the disposition and the date of disposition of the products (and stamps, if any). In connection with a claim for allowance the manufacturer then shall return the original of the schedule to the assistant regional commissioner who authorized such disposition, who will cause such schedule to be associated with the claim, Form 2635, filed under § 270.282. In connection with a claim for credit or refund the manufacturer shall attach the original of the schedule to his claim for credit, Form 2635, or claim for refund, Form 843, filed under § 270.283.

When an internal revenue officer is assigned to verify the schedule and supervise disposition of the tobacco products, such officer shall, upon completion of his assignment, execute a certificate on all copies of the schedule to show the disposition and the date of disposition of the products. In connection with a claim for allowance, the officer shall return one copy of the schedule to the manufacturer for his records, and in connection with a claim for credit or refund, the officer shall return the original and one copy of the schedule to the manufacturer, the original of which the manufacturer shall attach to his claim filed under § 270.283.

(72 Stat. 1419, as amended; 26 U.S.C. 5705)

PAR. 2. 26 CFR Part 275 is amended to provide for refund of taxes paid on tobacco products and cigarette papers and tubes under section 7652, I.R.C., as follows:

(A) Section 275.163 is amended to read:

§ 275.163 Refund of tax.

The taxes paid on tobacco products and cigarette papers and tubes imported or brought into the United States may be refunded (without interest) to the taxpayer on proof satisfactory to the assistant regional commissioner that the taxpayer has paid the tax on tobacco products and cigarette papers and tubes lost (otherwise than by theft) or destroyed, by fire, casualty, or act of God, while in the possession or ownership of such taxpayer, or withdrawn by him from the market. Any claim for refund of tax under this section shall be prepared on Form 843, in duplicate, and shall include a statement that the tax imposed on tobacco products and cigarette papers and tubes by Chapter 52, I.R.C., or by section 7652, I.R.C., as applicable, has been paid in respect to the articles covered in the claim, and that the articles were lost, destroyed, or withdrawn from the market, within six months preceding the date the claim is filed and shall be executed under the penalties of perjury. A claim for refund relating to articles lost or destroyed shall be supported as prescribed in § 275.165, and a claim relating to articles withdrawn from the market shall include a schedule prepared and verified as prescribed in §§ 275.170 and 275.171 or §§ 275.172 and 275.173. The original of the claim shall be filed with the assistant regional commissioner for the region in which the tax was paid, or, where the tax was paid in more than one region, with the assistant regional commissioner for any one of the regions in which the tax was paid. The duplicate of the claim, with the copy of any verified supporting schedules, shall be retained by the claimant.

(68A Stat. 907, as amended, 72 Stat. 1419, as amended; 26 U.S.C. 7652, 5705)

(B) Section 275.165 is amended to read:

§ 275.165 Action by taxpayer.

Where tobacco products and cigarette papers and tubes which have been imported or brought into the United States are lost (otherwise than by theft) or destroyed, by fire, casualty, or act of God, and the taxpayer desires to file claim for refund of the tax on such articles, he shall, in addition to complying with the requirements of § 275.163, indicate on the claim the nature, date, place, and extent of such loss or destruction. The claim shall be accompanied by such evidence as is necessary to establish to the satisfaction of the assistant regional commissioner that the claim is valid.

(72 Stat. 1419, as amended; 26 U.S.C. 5705)

(C) Section 275.170 is amended to read:

§ 275.170 Destruction, action by taxpayer.

Where tobacco products and cigarette papers and tubes which have been imported or brought into the United States are withdrawn from the market and the taxpayer desires to file claim for refund of the tax on such articles, he shall, in addition to the requirements of § 275.163, assemble the articles at any suitable place, if they are to be destroyed. The taxpayer shall group the articles according to the rate of tax applicable thereto, and shall prepare a schedule of the articles, on Form 3069, in triplicate. All copies of the schedule shall be forwarded to the assistant regional commissioner for the region in which the tobacco products and cigarette papers and tubes are assembled.

(72 Stat. 1419, as amended; 26 U.S.C. 5705)

(D) Section 275.171 is amended to read:

§ 275.171 Destruction, action by assistant regional commissioner.

Upon receipt of a schedule of tobacco products and cigarette papers and tubes which have been imported or brought into the United States and which are withdrawn from the market by a taxpayer who desires to destroy such articles, the assistant regional commissioner may assign an internal revenue officer to verify the schedule and supervise destruction of the articles (and stamps, if any), or the assistant regional commissioner may authorize the taxpayer to destroy the articles (and stamps, if any) without supervision by so stating on the original and one copy of the schedule returned to the taxpayer.

(72 Stat. 1419, as amended; 26 U.S.C. 5705)

(E) Section 275.172 is amended to read:

§ 275.172 Return to nontaxpaid status or reduction to materials, action by taxpayer.

Where tobacco products and cigarette papers and tubes which have been imported or brought into the United States are withdrawn from the market and the taxpayer desires to file a claim for refund of the tax on such articles and return such articles to a nontaxpaid status or, in the case of tobacco products, reduce such products to tobacco materials, he shall, in addition to the requirements of § 275.163, assemble the articles in or adjacent to the factory in which such articles are to be retained

or received in a nontaxpaid status or in which the resultant tobacco materials are to be retained or received. The taxpayer shall group the articles according to the rate of tax applicable thereto, and shall prepare a schedule of the articles, on Form 3069, in triplicate. All copies of the schedule shall be forwarded to the assistant regional commissioner for the region in which the tobacco products and cigarette papers and tubes are assembled.

(72 Stat. 1419, as amended; 26 U.S.C. 5705)

(F) Section 275.173 is amended to read:

§ 275.173 Return to nontaxpaid status or reduction to materials, action by assistant regional commissioner.

Upon receipt of a schedule of tobacco products and cigarette papers and tubes which have been imported or brought into the United States and which are withdrawn from the market by a taxpayer who desires to return such articles to a nontaxpaid status or, in the case of tobacco products, reduce such products to tobacco materials, the assistant regional commissioner may assign an internal revenue officer to verify the schedule and supervise disposition of the articles (and destruction of the stamps, if any) or the assistant regional commissioner may authorize the receiving manufacturer to verify the schedule and disposition of the articles (and destruction of the stamps, if any) covered therein, without supervision, by so stating on the original and one copy of the schedule returned to the manufacturer. Where the receipt in a factory of tobacco products and cigarette papers and tubes has been verified, such articles shall be treated by the receiving manufacturer as nontaxpaid and shall be covered by the manufacturer's bond.

(72 Stat. 1419, as amended; 26 U.S.C. 5705)

(G) Section 275.174 is amended to read:

§ 275.174 Disposition of tobacco products and cigarette papers and tubes, and schedule.

When an internal revenue officer is assigned to verify the schedule and supervise destruction or other disposition of tobacco products and cigarette papers and tubes, which have been imported or brought into the United States, such officer shall, upon completion of his assignment, execute a certificate on all copies of the schedule to show the disposition and the date of disposition of such articles. The internal revenue officer shall return the original and one copy of the certified schedule to the taxpayer. When a taxpayer destroys such articles (and stamps, if any) or a receiving manufacturer verifies the schedule and disposition of such articles (and stamps, if any), he shall execute a certificate on the original and the copy of the schedule presented to him, to show the disposition and the date of disposition of the articles. The taxpayer shall attach the original of the certified schedule to his claim for refund.

(72 Stat. 1419, as amended; 26 U.S.C. 5705)

PAR. 3. 26 CFR Part 285 is amended by providing for credit as an alternative to refund of tax as follows:

(A) Section 285.173 is amended to read:

§ 285.173 Credit or refund.

The taxes paid on cigarette papers and tubes may be credited or refunded (without interest) to the manufacturer on proof satisfactory to the assistant regional commissioner that such manufacturer has paid the tax on cigarette papers and tubes lost (otherwise than by theft) or destroyed, by fire, casualty, or act of God, while in the possession or ownership of the manufacturer, or withdrawn by him from the market. Any claim for credit of tax under this section shall be prepared on Form 2635, in triplicate, and any claim for refund of tax under this section shall be prepared on Form 843, in duplicate, and shall include a statement that the tax imposed on cigarette papers and tubes by Chapter 52, I.R.C., has been paid in respect to the cigarette papers and tubes covered by the claim and that the cigarette papers and tubes were lost, destroyed, or withdrawn from the market, within six months preceding the date the claim is filed. A claim for credit or a claim for refund relating to cigarette papers and tubes lost or destroyed shall be supported as prescribed in § 285.181, and a claim relating to cigarette papers and tubes withdrawn from the market shall be accompanied by a schedule prepared and verified as prescribed in §§ 285.191 and 285.193. The claim shall be filed with the assistant regional commissioner for the region in which the tax was paid, or, where the tax was paid in more than one region, with the assistant regional commissioner for any one of the regions in which tax was paid. Upon action by the assistant regional commissioner on a claim for credit of tax, he will return a copy of the Form 2635 to the manufacturer as notification of allowance or disallowance of the claim or any part thereof, which copy, with the copy of any verified supporting schedules, shall be retained by the manufacturer. When the manufacturer is notified of allowance of the claim for credit of tax or any part thereof, he shall make an adjusting entry to the extent necessary to exhaust the credit, and an explanatory statement in the next subsequent tax return(s) filed in the region in which credit was allowed. Prior to consideration and action on his claim the manufacturer may not anticipate allowance of his claim by making the adjusting entry in a tax return.

(72 Stat. 1419, as amended; 26 U.S.C. 5705)

(B) Section 285.193 is amended to read:

§ 285.193 Disposition of cigarette papers and tubes and schedule.

When so authorized, as evidenced by the assistant regional commissioner's statement on the schedule, the manufacturer shall dispose of the cigarette papers and tubes as specified in the schedule. After the manufacturer has disposed of the articles, he shall execute a certificate on both copies of the schedule returned to him by the assistant regional commissioner, to show the disposition and the date of disposition of the articles. In connection with a claim for allowance, the manufacturer then shall return the original of the schedule to the assistant regional commissioner who authorized such disposition, who will cause such schedule to be associated with the claim, Form 2635, filed under § 285.172. In connection with a claim for credit or refund, the manufacturer shall attach the original of the schedule to his claim for credit, Form 2635, or claim for refund, Form 843, filed under § 285.173. When an internal revenue officer is assigned to verify the schedule and supervise disposition of the cigarette papers and tubes, such officer shall, upon completion of his assignment, execute a certificate on all copies of the schedule to show the disposition and the date of disposition of the articles. In connection with a claim for allowance, the officer shall return one copy of the schedule to the manufacturer for his records, and in connection with a claim for credit or refund, the officer shall return the original and one copy of the schedule to the manufacturer, the original of which the manufacturer shall attach to his claim filed under § 285.173.

(72 Stat. 1419, as amended; 26 U.S.C. 5705)

Because the amendments made by this Treasury decision provide the taxpayer with an alternative method of claiming reimbursement for taxes paid on tobacco products and cigarette papers and tubes which have been lost, destroyed, or withdrawn from the market, it is found unnecessary to issue this Treasury decision with notice and public procedure under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of said Act.

This Treasury decision shall be effective October 1, 1965.

(Sec. 7805, Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

Approved: November 22, 1965.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 65-12716; Filed, Nov. 29, 1965; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER I—MILITARY PERSONNEL

PART 888a—READY RESERVE PROGRAMS FOR PERSONNEL WITHOUT PRIOR MILITARY SERVICE

A new Part 888a is added as follows:

Sec.
888a.0 Purpose.

Subpart A—Air Force Reserve Units in Training Category A

Sec.
888a.1 What this program is.
888a.2 Who may enlist.
888a.3 How to enlist.
888a.4 Active duty training.
888a.5 Participation in Reserve training.
888a.6 Action required when units are deactivated or when Reservists move from vicinity of unit.
888a.7 Release of Reservist from this program.

Subpart B—Air National Guard of the United States

888a.15 What this program is.
888a.16 Who may enlist.
888a.17 How to enlist.
888a.18 Active duty training.
888a.19 Participation in training.
888a.20 Action required when units are deactivated or when personnel move from vicinity of unit.
888a.21 Release of personnel from this program.

Subpart C—Miscellaneous Provisions

888a.30 Satisfactory participation while on active duty for training.
888a.31 Courts-martial jurisdiction.
888a.32 Retention on active duty for training.
888a.33 Hospitalization and disability.
888a.34 Leave.
888a.35 Uniforms.
888a.36 Promotion.
888a.37 Release from active duty for training.

AUTHORITY: The provisions of this Part 888a issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012, except as otherwise noted.

SOURCE: AFR 45-33, June 17, 1958; AFR 45-33A, June 23, 1958; AFR 45-33B, Oct. 1, 1959; AFR 45-33C, Nov. 7, 1963; AFR 45-33D, May 14, 1964; AFR 45-33E, Oct. 14, 1964; AFR 45-33F, Jan. 28, 1965.

§ 888a.0 Purpose.

This part outlines administrative policies and procedures for enlistment or appointment of nonprior service personnel for the reserve components of the Air Force and subsequent active duty for training.

Subpart A—Air Force Reserve Units in Training Category A

§ 888a.1 What this program is.

This program provides for enlisting selected qualified applicants at least 17 but not yet 26 years old for vacancies within Training Category A units that are organized to serve on active duty as units. Persons so enlisted will be required to serve on active duty for training for at least 4 months. After completing this initial active duty for training, the airmen will return to their Air Force Reserve unit of assignment and must participate satisfactorily in Ready Reserve training for the remainder of their enlistment, unless sooner designated Standby Reservists.

§ 888a.2 Who may enlist.

Individuals without prior military service who are 17 but not yet 26 years old may enlist, if:

(a) They meet the requirements of AFR 45-47 (Enlistment and Reenlistment in the Air Force Reserve), and certify that they understand applicable military obligation and participation requirements. (See Attachment 1, AFR 45-33.)

(b) Before enlistment, they score at least the minimum qualifying aptitude index for the career field subdivision for which they are being considered.

(c) Vacancies for which they are qualified, exist in the Training Category A unit.

(d) They are not enrolled in high school, except that those at least 17 but not yet 18½ years old may be enlisted while enrolled in their senior year.

(e) They do not hold status as a member of any other armed service (including any Reserve component).

(f) They have not been ordered to report for induction.

§ 888a.3 How to enlist.

Individuals desiring to enlist under this program may apply to any Air Force Reserve Training Category A unit that is organized to serve on active duty as a unit. The Commander, Continental Air Command, will establish appropriate priorities and quotas for recruiting. The Training Category A unit must have a vacancy within its manning document and within the quota established for the unit.

(a) Applicants will be enlisted under AFR 45-47 and must be qualified as outlined therein.

(b) Enlistments will be in the grade of Basic Airmen (E-1), except that members of the Civil Air Patrol who possess a certificate of proficiency or a letter from Civil Air Patrol Headquarters indicating successful completion of the Civil Air Patrol training program may be enlisted in the grade of Airman Third Class (E-2). The notation "CAP Certificate" will be placed in item 39, DD Form 4, Enlistment Record-Armed Forces of the U.S., and will be initialed by the enlistee.

(c) Enlistment as a Reserve of the Air Force will be for 6 years.

(d) Before enlisting, individuals must agree in writing to serve on active duty for training for 4 months, or else long enough to complete basic training and any formal technical training required for their specialty, whichever period is longer.

(e) Appeal procedure: An individual who is medically and mentally qualified but who is denied enlistment in a Category A unit because of his nonselection for a quota vacancy, will be advised that he may apply to CONAC for further consideration of enlistment. In addition:

(1) The unit will assist him in preparing this request for consideration and forward it to CONAC, with an explanation of the reasons why he could not be enlisted. If the denial of enlistment is sustained, the applicant will be advised of any other local Category A units to which he may apply for enlistment, or to have his name placed on a waiting list pending a vacancy for which he is qualified.

(2) Such an applicant will be advised of his relative position on the waiting list, and be informed that he may check his status on this list when he so desires.

(3) No person making a later application will be enlisted in the unit in a position vacancy for which the unit commander determines that a prior applicant is the best qualified.

§ 888a.4 Active duty training.

Air Force Reserve orders, ordering Reservists to initial active duty for training, will not be issued earlier than 60 days before the date on which they must report for training. Orders will cite 10 U.S.C. 672(d).

(a) The initial active duty for training will be for a minimum period of 4 consecutive months or long enough for the Reservist to complete basic training and any other additional training required to qualify the individual in the specialty for which he enlisted. Entrance on active duty or active duty for training will be with the minimum practicable delay after enlistment. The delay shall not exceed one hundred and twenty (120) days except as follows:

(1) An individual enlisting for a position that requires a security clearance for access to, or work with, classified military information/equipment, may be delayed to the extent necessary to accomplish the required clearances.

(2) An individual with special qualifications who is enlisted to fill a position requiring highly specialized skill, for which appropriate formal training courses are offered only infrequently, may be delayed to the extent necessary to insure that the enlistee pursues the proper course commensurate with his qualifications and the requirements of the position for which he has enlisted.

(3) Delay for personnel under subparagraphs (1) or (2) of this paragraph, shall not exceed a period of one year and shall not be employed for the purpose of stockpiling personnel.

(b) Nonprior service personnel enlisted under this program will be required to perform an initial active duty for training tour as follows:

(1) Personnel enlisted to fill quotas which require attendance at a technical school will be released from their tours when technical training is completed, provided they have completed at least 120 days of active duty for training.

(2) Personnel who complete technical training, but have not completed at least 120 days of active duty for training, will proceed to an appropriate unit for OJT until they complete 120 days of active duty. Upon completion, they will be released from their tours.

(c) Individuals enlisting specifically to pursue officer training programs that require enlisted status for eligibility, are not required to perform an initial period of active duty for training. Entry on active duty for enlistees in this category will be with the minimum practicable delay not to exceed 180 days.

§ 888a.5 Participation in Reserve training.

(a) *Before completing the initial tour of active duty for training.* An enlistee will not be permitted to participate in unit training assemblies pending entry on active duty for training. He will be

assigned to the Ineligible Reserve Section (Training Category G) of the unit for which enlisted and will remain in that category until ordered to active duty for training. When he is ordered to active duty for training, his training category will be changed to Training Category A.

(b) *After completing the initial tour of active duty for training.* After completing the initial active duty for training, the Reservist will be returned to his Air Force Reserve Training Category A unit of assignment, and

(1) Must perform all assigned duties satisfactorily;

(2) If he fails to serve satisfactorily as provided in subparagraph (1) of this paragraph, will be required to perform a 45-day tour of active duty for training with the Regular Air Force unit having custody of his field personnel record. To induce satisfactory participation, enforcement provisions will be promptly and equitably applied. Every effort will be made to encourage the effective participation of the Reservist in this program. When a Reservist has an unexcused absence, the commander, at the earliest practicable date, will inform him that unexcused absences in excess of 10 percent of the inactive duty training requirement will be cause for invoking the 45-day active duty for training tour. A person who fails to participate satisfactorily and who is recommended for the 45-day special tour will be reported to the Commander, Continental Air Command, for approval of such action. This approval authority may not be delegated.

(c) *Use of 45-day special tour.* The 45-day special tour will be invoked only once to induce satisfactory participation. If an individual fails for a second time to participate satisfactorily he will be reported.

§ 888a.6 Action required when units are deactivated or when Reservists move from vicinity of unit.

There will be instances where individuals will move from the vicinity of their unit of assignment or where the unit of assignment is deactivated. In these cases, Reservists enlisted under this program will:

(a) Be assigned to another Training Category A unit, or,

(b) Be enrolled in the Air Force ROTC if attending an appropriate educational institution, or,

(c) If possible, be enlisted in the Air National Guard of the United States, or,

(d) If an assignment as provided in paragraph (a), (b), or (c) of this section is not available, be assigned by Continental Air Command to a Mobilization Assignment Reserve Section (Training Category A—Pay Group A—for personnel on flying status) (Training Category B—Pay Group B—for personnel not on flying status) of a major air command, or,

(e) If no assignment, as provided in paragraph (a), (b), (c), or (d) of this section is available, be assigned to a Mobilization Assignment Reserve Section (Training Category H—Pay Group E) of a major air command and be required to perform 30 days active duty for training each year with their unit of assignment.

(f) If no assignment is available, the individual will be assigned to the Ineligible Reserve Section (IRS), ARRC.

§ 888a.7 Release of Reservist from this program.

(a) *During the initial period of active duty for training.* Reservists in this program may enlist in the Regular Air Force and will be encouraged to do so. Personnel who volunteer for enlistment will be treated in the same manner as Reservists not on extended active duty.

(b) *After the initial period of active duty for training.* (1) Reservists who are not on active duty for training may enlist in the Regular Air Force under the condition outlined in paragraph (a) of this section.

(2) Reservists may be granted a conditional release to enlist in a Regular or Reserve component of another armed service in accordance with AFR 45–35 (Military Service Obligations and Transfer Between the Armed Services and Between Reserve Components of the Air Force).

(3) Reservists may be granted a conditional release to enlist in the Air National Guard of the United States.

Subpart B—Air National Guard of the United States

§ 888a.15 What this program is.

This program provides for enlisting and training qualified nonprior service personnel who are at least 17 but not yet 36 years of age for vacancies within units of the Air National Guard of the United States. All enlistments hereunder will be contingent upon agreement of the individuals to perform an initial period of active duty for training as prescribed for the applicable age group. Enlistments in the Air National Guard of the United States of nonprior service personnel will not be accepted other than as a part of this program.

§ 888a.16 Who may enlist.

Individuals without prior military service who are 17 but not yet 36 years of age may enlist if:

(a) They meet the physical, mental, moral, and general qualifications prescribed by Air National Guard Regulations, and are otherwise acceptable to the adjutant general of the State in which enlistment is contemplated.

(b) They certify that they understand the applicable military obligation and participation and training requirements applicable to their age group. (See Attachment 2, AFR 45–33.)

(c) Appropriate vacancies exist in the unit.

(d) They have not been ordered to report for induction.

§ 888a.17 How to enlist.

Individuals desiring to enlist under this program may apply to the adjutant general of any State, District of Columbia, or the Commonwealth of Puerto Rico, or the commander of any Air National Guard unit.

(a) Applicants will be enlisted as provided in the appropriate Air National Guard Regulation.

(b) Enlistments will be in the grade of Basic Airman (E–1), except that a member of the Civil Air Patrol who possesses a certificate of proficiency or a letter from Civil Air Patrol Headquarters, indicating successful completion of the Civil Air Patrol training program may be enlisted in the grade of Airman Third Class (E–2). The notation "CAP Certificate" will be placed in item 39, DD 4, and will be initialed by the enlistee.

(c) Before enlisting, the individual must agree in writing to serve on active duty for training for a minimum of 4 months, or longer if necessary in order to complete the basic technical training applicable to the specialty for which he is being enlisted.

(d) The period of enlistment will be for 6 years. Individuals who enlist before becoming 26 years of age will be transferred to the Air Force Reserve upon expiration of the 3-year enlistment for completion of service obligation unless they voluntarily reenlist for an additional 3 years.

§ 888a.18 Active duty training.

(a) All nonprior service enlistees will be ordered to active duty for training in federal status under the provisions of 10 U.S.C. 672(d), with the consent of the governor or other appropriate authority of the State, Puerto Rico or District of Columbia, for a minimum period of 4 months, or such additional period as may be required to complete the basic technical training appropriate to the specialty for which being enlisted. Enlistees must enter such training within 120 days after enlistment, except in the following instances, in which delay not to exceed 1 year from date of enlistment, is authorized:

(1) An individual who is enlisted for a position requiring a security clearance for access to, or work with, classified military information/equipment may be delayed to the extent necessary to accomplish the required clearances.

(2) An individual with special qualifications who is enlisted to fill a position requiring highly specialized skill, for which appropriate formal training courses are offered only infrequently, may be delayed to the extent necessary to insure that the enlistee pursues the proper course commensurate with his qualifications and the requirements of the position for which enlisted.

(b) The training program consists of basic military training followed by one of the following until a total of four months active duty has been completed:

(1) Basic technical training.

(2) On-the-job training at the individual's home station or at the nearest military installation having on-the-job training capability in the appropriate AFSC. This training will be utilized only for those individuals who are qualified at the time of enlistment for award of an AFSC at the semi-skilled level, or for those individuals enlisted against an AFSC for which no technical training is available.

(3) A combination of technical and on-the-job training.

(c) Upon completion of or elimination from prescribed active duty training, the individual will be returned to home station. Curtailment or extension of his training will be in accord with § 888a.32 or § 888a.38, as appropriate.

(1) He will concurrently be relieved from active duty if:

(i) He has completed 4 months active duty training.

(ii) Has not completed 4 months active duty but is being eliminated for cause or medical reasons.

(iii) Is being eliminated for any reason and has not completed Basic Military Training.

(2) He will be returned to home station without being relieved from active duty training if he has completed less than 4 months, but has completed Basic Military Training, and is eliminated for other than cause or medical reasons. Such individual will be further evaluated by the appropriate authority within his State. If a requirement exists in the unit for which he can be trained through on-the-job training and the State desires to retain him, he will be continued on active duty training at home station for completion of the 4 months minimum training requirements.

(d) Individuals enlisting specifically to pursue officer training programs that require enlisted status for eligibility are not required to perform an initial period of active duty for training. Entry on active duty for enlistees in this category will be with the minimum practicable delay not to exceed 180 days.

§ 888a.19 Participation in training.

Satisfactory participation of individuals in all age groups consists of the performance of at least 48 scheduled drills and 15 days of active duty for training (field training) annually, unless excused therefrom by proper authority.

§ 888a.20 Action required when units are deactivated or when personnel move from vicinity of unit.

There will be instances where individuals will move from the vicinity of their unit of assignment or where the unit of assignment is deactivated. In these cases, Reservists enlisted under this program will:

(a) If possible, be enlisted in another unit of the Air National Guard of the United States, or,

(b) Be discharged from the Air National Guard and transferred to the Air Force Reserve to be assigned to a Training Category A unit, or,

(c) Be enrolled in Air Force ROTC if attending an appropriate educational institution, or,

(d) If an assignment as provided in paragraphs (a), (b), or (c) of this section is not available, be discharged from the Air National Guard and transferred to the Air Force Reserve to be assigned to a Mobilization Assignment Reserve Section (Training Category A—Pay Group A—for personnel on flying status) (Training Category B—Pay Group B—for personnel not on flying status) of a major air command, or,

(e) If no assignment, as provided in paragraphs (a), (b), (c) or (d) of this section is available, be discharged from the Air National Guard and transferred to the Air Force Reserve to be assigned to a Mobilization Assignment Reserve Section (Training Category H—Pay Group E) of a major air command and be required to perform 30 days active duty for training each year with their unit of assignment.

(f) If no assignment is available, the individual will be discharged from the Air National Guard and transferred to the Air Force Reserve to be designated a Standby Reservist.

§ 888a.21 Release of personnel from this program.

(a) *During the initial period of active duty for training.* Personnel will not be granted conditional releases to enlist in any other component (including Regular Air Force or Air Force Reserve) of the armed forces while serving on active duty for training.

(b) *After the initial period of active duty for training.* The commander of the unit of assignment, within prescribed policy on releases for this purpose, may permit the conditional release of airmen.

Subpart C—Miscellaneous Provisions

§ 888a.30 Satisfactory participation while on active duty for training.

Individuals ordered to active duty for training under this part are required to perform duty and training in a satisfactory manner. If, while on this duty, an individual commits an offense which the commander of the unit of attachment determines to be of sufficient significance to warrant a finding of unsatisfactory participation a complete, fully documented report, together with a medical evaluation if applicable, will be forwarded to the Commander, Continental Air Command (for members of the Air Force Reserve) or to the adjutant general of the appropriate State, or the District of Columbia (for members of the ANGUS). Unless the commander having courts-martial jurisdiction desires to exercise his prerogative under the Uniform Code of Military Justice or unless administrative board action is considered appropriate under AFRs 45–40 (Discharge of Officers of the AFRes by Reason of Misconduct or Inefficiency), 45–41 (Administrative Separation of Officer Members of the Air Force Reserve), or 45–43 (Administrative Discharge of Airmen Members of the Air Force Reserve), the commander of the unit of attachment will issue orders relieving the individual from attachment and order him to proceed to address of entry on active duty for training at which time he will revert to inactive duty. Nothing in this section is to be construed as limiting the provisions of § 888a.31. Commanders referred to in § 888a.31 will take expeditious action in accordance with the Uniform Code of Military Justice when appropriate.

(a) Typical, but not all-inclusive, reasons for a finding of unsatisfactory participation are:

(1) Failure to comply with active duty for training orders,

(2) Absence without leave,

(3) Failing any training course when such failure is within the control of the individual concerned,

(4) Determination that discharge action is appropriate under AFRs 45–40, 45–41, or 45–43 (see paragraph (b) of this section),

(5) Conviction by courts-martial.

(6) Lost time, unless made up with the approval of the Commander, Continental Air Command (for members of the Air Force Reserve), or the adjutant general of the appropriate State, or the District of Columbia (for members of the ANGUS).

(b) Individuals who enter on active duty for training under Subpart A of this part and on whom administrative board action is considered appropriate under AFRs 45–40, 45–41, or 45–43 will not be released from active duty for training by the unit of attachment but will be disposed of as provided in subparagraphs (1) and (2) of this paragraph. An individual enlisted as outlined in Subpart B of this part will be released from attachment and ordered to proceed to address of entry on active duty for training at which time he will revert to inactive duty.

(1) Those individuals enlisted as outlined in Subpart A of this part will be ordered to proceed to their unit of assignment for further duty.

(c) An individual may be relieved from active duty for training because of personal hardship under the criteria outlined in AFR 39–13 (Separation—Dependency or Hardship). If so relieved the reservist will be ordered to proceed to the place from which he entered on active duty for training and upon arrival there he will revert to his inactive duty assignment.

§ 888a.31 Courts-martial jurisdiction.

Individuals ordered to active duty for training under this part are attached to Regular Air Force organizations for all matters pertaining to military justice, including courts-martial jurisdiction and imposition of punishment under Article 15, Uniform Code of Military Justice.

§ 888a.32 Retention on active duty for training.

Members of Reserve components will serve the specified period of active duty for training unless sooner relieved for cause or unless extended under this section. Major air commanders are authorized to retain individuals on active duty for training under circumstances as indicated in this section.

(a) Individuals may be retained on active duty for training:

(1) To permit reservists who have washed-back in training through no fault of their own to continue in training, if such is recommended.

(2) To make up lost time.

(3) When such retention is deemed appropriate by the commander concerned for reasons not covered in subparagraphs (1) and (2) of this paragraph.

(b) When any individual is retained beyond the specified date of completion of his tour, appropriate orders announcing the extension will be issued and copies furnished the Air Force Reserve or Air National Guard unit of assignment; if he is a member of the Air National Guard, copies of the order will also be furnished the State Adjutant General concerned.

(c) The actions prescribed in § 888a.38 will be accomplished when the individual completes the tour of active duty for training or any extension thereof.

§ 888a.33 Hospitalization and disability.

A person on active duty for training, as outlined in this part, is entitled to the same medical care during such specified period of duty, as an individual of the Regular Air Force. If the member is ordered to active duty on orders which do not specify a period of 30 days or less, his dependents would be eligible for dependents' medical care as provided in AFR 168–9 (Dependents' Medical Care) and other applicable directives. He is entitled to pay and allowances while undergoing medical treatment and/or hospitalization, including processing, after the expiration of his tour of active duty for training. Chapter 8, AFM 35–4, November 12, 1963 (Physical Evaluation for Retention, Retirement, and Separation), applies to individuals on active duty for training who may be unfit to perform the duties of their grade because of physical or mental conditions.

§ 888a.34 Leave.

Personnel may be granted leave under the same conditions as members of the Regular Air Force. All leave must be taken during the active duty for training. This tour will not be increased to accommodate leaves granted. Reservists will be compensated for any portion of accrued leave which is not taken during the active duty for training tour.

§ 888a.35 Uniforms.

(a) *Air Force Reserve airmen.* The Basic Indoctrination Center will issue specified items for male airmen with the exception of Cap, flight, blue, which will be issued only if Cap, service, blue, is not available. This clothing will be charged to Reserve personnel appropriations.

(b) *Members of the Air National Guard of the United States.* Uniform items will be issued as prescribed.

§ 888a.36 Promotion.

An airman ordered to active duty for training in the grade of Airman Basic (E–1) will be promoted to the permanent grade of Airman Third Class (E–2) upon completion of basic military training or 8 weeks of active duty in current enlistment, whichever occurs first, unless compelling military reasons prohibit such promotion. The 8 weeks will be computed from date of entry on active duty for training. The airman's date of rank and effective date of promotion will be the date of the promotion orders, except that an airman may be promoted on orders that specify a later effective date (but not later than the date of release from active duty for training).

(a) When the airman completes the minimum promotion service, the commander of the active duty organization to which the airman is attached for training will issue promotion orders.

(b) If there is reason for not promoting the Reservist he will be notified immediately and the reason for denying the promotion will be fully explained.

§ 888a.37 Release from active duty for training.

(a) DD Form 214, "Armed Forces of the United States Report of Transfer or Discharge," will be issued to each individual who is ordered to active duty for training under this part.

(b) In addition to paragraph (a) of this section, when an individual is released from active duty for training for any reason (i.e. early release for cause, normal termination of tour, etc.) the unit of attachment will issue appropriate orders.

(1) Such orders will provide that the individual is relieved from attachment and that, upon his return to the address of entry on active duty for training, he will revert to his inactive duty assignment.

(2) The individual will receive complete separation processing, including physical examination, by the unit of attachment that terminates his tour of active duty for training.

By order of the Secretary of the Air Force.

FREDERICK A. RYKER,
Lt. Col., U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 65–12742; Filed, Nov. 29, 1965; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

SUBCHAPTER B—LAND TENURE MANAGEMENT (2000)

[Circular No. 2212]

PART 2230—SPECIAL USES

Subpart 2234—Rights-of-Way

CANALS, DITCHES, AND RESERVOIRS FOR IRRIGATION

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by Revised Statute 2478 (43 U.S.C. 1201), 43 CFR Subpart 2234 is amended as set forth below.

The purpose of this amendment is to limit the availability of rights-of-way over and across Federal lands for the purpose of bringing new lands into agricultural development in view of the inadequacy of the water supply available from the Colorado River to meet long-term needs in California and the fact that existing agricultural uses of Colorado River water in California crowd or exceed the 3,850,000 acre-feet of Colorado River water embraced in the three California agricultural priorities under the Seven Party California-Colorado River water agreement.

The amendment provides that no rights-of-way for canals and ditches for irrigation purposes under the Act of March 3, 1891, as amended, will be allowed over federally owned lands in Imperial and Riverside Counties, Calif., where the Colorado River is the source of the water supply.

Since this regulation relates to public property of the United States, it is exempt from the rulemaking requirement of section 4 of the Administrative Procedure Act (60 Stat. 237). Although it is nevertheless customary for the Department of the Interior to publish its rules in proposed form, the public interest requires that this regulation become effective immediately upon publication in the FEDERAL REGISTER.

1. Section 2234.3–1 is amended by adding a new paragraph as follows:

§ 2234.3–1 For Irrigation (Act of March 3, 1891, as amended).

* * * * *

(d) *Rights-of-way not allowed on certain lands.* (1) In *Hugh S. Ritter, Thomas M. Bunn* (A–30415), decided February 24, 1965, the Under Secretary of the Interior ruled that "it would be contrary to the public interest at this time to increase the pressure on the inadequate water supply available for use in California from the Colorado River by classifying * * * public lands as available for disposition under the desert land law." The lands referred to were in Imperial and Riverside Counties, Calif.

(2) For the reasons stated in the Ritter-Bunn decision, supra, it is contrary to the public interest to permit the use of federally owned lands within Imperial and Riverside Counties for the construction of canals and ditches in order to effect agricultural reclamation with water from the Colorado River of desert lands in those counties. Therefore, no applications for rights-of-way for this purpose under the provisions of the Act of March 3, 1891, as amended, will be allowed or permitted on federally owned lands within Imperial and Riverside Counties, Calif., unless the applicant shows that the water to be carried is from a source other than the Colorado River.

STEWART L. UDALL,
Secretary of the Interior.

NOVEMBER 26, 1965.

[F.R. Doc. 65–12831; Filed, Nov. 29, 1965; 8:50 a.m.]

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3875]

[Sacramento 079635, 079710]

CALIFORNIA

Addition to the Six Rivers and Shasta-Trinity National Forests

By virtue of the authority contained in the Act of July 9, 1962 (76 Stat. 140; 43 U.S.C. 315g–1), and upon recommendation of the Secretary of Agriculture, it is ordered as follows:

Subject to valid existing rights the following-described lands, acquired in exchanges made pursuant to section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g), as amended, are hereby added to and made a part of the national forest indicated and hereafter the lands shall be subject to all laws and regulations applicable to said national forests:

HUMBOLDT MERIDIAN

SIX RIVERS NATIONAL FOREST

T. 2 S., R. 6 E.,
Sec. 36, lot 14.
T. 3 S., R. 7 E.,
Sec. 16, SW¼NE¼, and SE¼SW¼.

MOUNT DIABLO MERIDIAN

SHASTA-TRINITY NATIONAL FOREST

T. 38 N., R. 9 W.,
Sec. 36, W½SW¼.
T. 36 N., R. 10 W.,
Sec. 36, W½SE¼SW¼.

The areas described aggregate approximately 205 acres in Trinity County.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

NOVEMBER 22, 1965.

[F.R. Doc. 65–12756; Filed, Nov. 29, 1965; 8:46 a.m.]

[Public Land Order 3876]

[Montana 070488]

MONTANA

Withdrawal for Tiber Reservoir, Lower Marias Unit (Missouri River Basin Project)

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (Title 30, U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for the Tiber Reservoir:

PRINCIPAL MERIDIAN

T. 30 N., R. 1 E.,
Sec. 15, NE¼SE¼.
T. 30 N., R. 2 E.,
Sec. 24, SW¼SE¼.
T. 30 N., R. 3 E.,
Sec. 11, NE¼SW¼;
Sec. 20, SW¼SE¼;
Sec. 26, E½SW¼;
Sec. 30, NE¼NE¼.
T. 30 N., R. 4 E.,
Sec. 11, NE¼NE¼;
Sec. 18, NE¼SE¼.
T. 31 N., R. 4 E.,
Sec. 35, NE¼NW¼ and SE¼SW¼.

The areas described aggregate approximately 440 acres in Toole and Liberty Counties.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

NOVEMBER 22, 1965.

[F.R. Doc. 65–12757; Filed, Nov. 29, 1965; 8:46 a.m.]

[Public Land Order 3877]

[Riverside 06779]

CALIFORNIA

Powersite Cancellation No. 224; Partial Cancellation of Powersite Classification No. 80

By virtue of the authority contained in the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 1950 Reorganization Plan No. 3 (64 Stat. 1262; 5 U.S.C. 133Z–15, note), and in section 24 of the Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to the determination of the Federal Power Commission docketed as DA–1057–California, it is ordered as follows:

1. The Departmental Order of July 7, 1924, creating Power Site Classification No. 80, is hereby cancelled so far as it affects the following described lands:

LOS PADRES NATIONAL FOREST

SAN BERNARDINO MERIDIAN

T. 7 N., R. 18 W.,
Sec. 21, SW¼NE¼.

The area described contains approximately 40 acres.

The lands are within the drainage of Piru Creek, an intermittent stream, tributary to the Santa Clara River, and are within the Los Padres National Forest.

2. At 10 a.m. on December 29, 1965 the lands shall be open to such forms of disposition as may by law be made of national forest lands.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

NOVEMBER 23, 1965.

[F.R. Doc. 65–12758; Filed, Nov. 29, 1965; 8:46 a.m.]

[Public Land Order 3878]

[Arizona 033228]

ARIZONA

Revocation of National Forest Administrative Site and Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

The departmental and public land orders hereafter named, so far as they withdraw the following described national forest lands as administrative sites and recreation areas are hereby revoked:

GILA AND SALT RIVER MERIDIAN

APACHE NATIONAL FOREST

a. The departmental order of December 13, 1907 (Honeymoon Ranger Station).

T. 2 N., R. 28 E. (unsurveyed),
Sec. 30, in SE¼;
Sec. 31, in NE¼;
Sec. 32, in NW¼.

Containing approximately 78.85 acres.

b. The Departmental Order of January 11, 1908 (Nutrioso Administrative Site).

T. 6 N., R. 30 E.,
Sec 6, lots 3 and 4.

Containing approximately 78.48 acres.

c. The Departmental Order of April 18, 1908 (Blue River Administrative Site).

T. 3 N., R. 31 E.,
Sec. 1, lot 3, SE¼NW¼, and N½SW¼.

d. The Departmental Order of November 23, 1906.

T. 4 N., R. 31 E.,
Sec. 36, SE¼SW¼.

Containing approximately 200.37 acres.

e. The Departmental Order of November 10, 1908 (Campbell Blue Administrative Site).

T. 4 N., R. 31 E.,
Sec. 3, W½NW¼ (unsurveyed).

Containing approximately 80.00 acres.

f. The Departmental Order of December 14, 1907 (ELC Administrative Site).

T. 6 N., R. 31 E.,
Sec. 15, S½N½.

Containing approximately 160.00 acres.

g. The Departmental Order of October 13, 1908 (Bob Cat Administrative Site).

T. 4 N., R. 32 E.,
Sec. 5, in SE¼.

Containing approximately 42.00 acres.

The areas described aggregate approximately 639.70 acres in the Apache National Forest.

CORONADO NATIONAL FOREST

h. The Departmental Order of November 19, 1908 (Happy Valley Administrative Site).

T. 15 S., R. 18 E.,
Sec. 1, SW¼SE¼;
Sec. 12, N½NW¼NE¼.

Containing approximately 60.00 acres.

i. The Departmental Order of April 2, 1908 (Canelo Administrative Site).

T. 22 S., R. 18 E.,
Sec. 4, lots 5 and 8, S½N½NE¼, W½SW¼NE¼, and SE¼ NE¼.

Containing approximately 120.33 acres.

j. Public Land Order 1080 of February 28, 1955 (Deer Creek Administrative Site).

T. 9 S., R. 20 E.,
Sec. 10, NE¼NE¼, N½S½NE¼, N½S½SE¼NE¼, S½SE¼SE¼NE¼, SE¼SW¼SE¼NE¼, N½SE¼SW¼NE¼, SW¼SW¼NE¼, W½NW¼SE¼, S½SE¼NW¼SE¼, E½W½NE¼SE¼, and SW¼SW¼NE¼SE¼ (unsurveyed).
Sec. 11, N½NW¼ (surveyed).

Containing approximately 230.00 acres.

k. Public Land Order 1810 of February 27, 1959 (Miller Canyon Recreation Area).

T. 23 S., R. 20 E.,
Sec. 23, E½SW¼NW¼SE¼, SE¼NW¼SE¼, W½SW¼NE¼SE¼, E½W½SW¼SE¼, E½SW¼SE¼, and W½W½SE¼SE¼.

Containing approximately 60.00 acres.

l. The Departmental Order of October 11, 1907 (Cochise Administrative Site).

T. 17 S., R. 23 E.,
Sec. 24, E½NW¼.

Containing approximately 80.00 acres.

m. The Departmental Orders of January 9, 1907 and October 26, 1908 (Rucker Administrative Site).

T. 19 S., R. 29 E. (unsurveyed),
Sec. 23, SE¼NE¼, (order of January 9, 1907);
Sec. 23, NE¼NE¼, NW¼NE¼, N½N½SW¼NE¼, N½S½N½SW¼NE¼, SE¼SE¼NE¼SW¼NE¼, SW¼SE¼NW¼SW¼NE¼, S½SW¼NW¼SW¼NE¼, W½SW¼SW¼NE¼, W½E½SW¼SW¼NE¼, SE¼SE¼SW¼SW¼NE¼, S½S½SE¼SW¼NE¼, E½NE¼SE¼SW¼NE¼, and NE¼SE¼SE¼SW¼NE¼. (Order of October 26, 1908.)

Containing approximately 150.00 acres.

n. The Public Land Order 1080 of February 23, 1955 (Turkey Creek Administrative Site).

T. 18 S., R. 29 E.,
Sec. 13, SW¼NE¼, SE¼NW¼ NE¼SW¼, E½NW¼SE¼, N½NW¼NW¼SE¼, and S½SW¼NW¼SE¼.

Containing approximately 150.00 acres.

o. The Departmental Order of October 26, 1908 (Barfoot Administrative Site).

T. 17 S., R. 30 E. (unsurveyed),
In sec. 27;
In sec. 34.

Containing approximately 58.00 acres.

p. Public Land Order 1080 of February 28, 1955 (Barfoot Park Administrative Site).

T. 17 S., R. 30 E.,
Sec. 28, SW¼.

Containing approximately 160.00 acres.

q. Public Land Order 1080 of February 28, 1955 (Portal Administrative Site).

T. 17 S., R. 31 E.,
Sec. 34, SW¼NE¼, SE¼NW¼, NE¼NW¼SE¼, and E½ SE¼NW¼SE¼.

r. The Departmental Order of November 19, 1908 (Portal Administrative Site—continued).

T. 17 S., R. 31 E.,
Sec. 34, NE¼SW¼, NW¼NW¼SE¼, and W½SW¼NW¼SE¼.

s. The Departmental Order of August 27, 1908 (Portal Administrative Site—continued).

T. 17 S., R. 31 E.,
Sec. 33, S½SE¼NE¼, NE¼SE¼, and N½SE¼SE¼;
Sec. 34, SW¼NW¼, W½SW¼, W½SE¼SW¼, W½E½SE¼SW¼, SE¼SE¼SE¼SW¼, and S½SW¼SW¼SE¼.

Containing approximately 387.50 acres.

The areas described aggregate approximately 1,455.83 acres in the Coronado National Forest.

KAIBAB NATIONAL FOREST

t. The Departmental Order of October 15, 1907 (Anita Administrative Site).

T. 29 N., R. 1 E.,
Sec. 24, S½NE¼ and N½SE¼.

Containing approximately 160.00 acres.

u. The Departmental Order of October 26, 1908 (Quaking Aspen Administrative Site).

T. 35 N., R. 1 E.,
In sec. 34 (unsurveyed);
In sec. 35 (unsurveyed).

Containing approximately 290.00 acres.

v. The Departmental Order of July 10, 1908 (VT Administrative Site).

T. 35 N., R. 3 E.,
In sec. 30 (unsurveyed).

Containing approximately 247.60 acres.

w. The Departmental Order of August 12, 1908 (Challander Administrative Site).

T. 22 N., R. 3 E.,
Sec. 25, S½SW¼SW¼;
Sec. 26, SE¼SE¼.

Containing approximately 80.00 acres.

x. The Departmental Order of April 15, 1908 (Red Butte Administrative Site).

T. 28 N., R. 3 E.,
Sec. 7, SE¼.

Containing approximately 160.00 acres.

y. The Departmental Order of June 30, 1908 (South Canyon Administrative Site).

T. 35 N., R. 4 E.,
In sec. 3 (unsurveyed).

Containing approximately 80.00 acres.

z. The Departmental Order of June 29, 1908 (Little Spring Administrative Site).

T. 37 N., R. 3 W.,
In sec. 22 (unsurveyed).

Containing approximately 60.00 acres.

The areas described aggregate approximately 1,057.60 acres in the Kaibab National Forest.

PRESCOTT NATIONAL FOREST

aa. Public Land Order 1556 of November 19, 1957 (Yaeger Canyon Administrative Site).

T. 15 N., R. 2 E.,
Sec. 17, S½NW¼, S½NW¼NW¼, SW¼NE¼NW¼, S½SW¼NE¼, NW¼SW¼NE¼, SW¼SE¼NE¼, SE¼ and N½N½SW¼;
Sec. 18, SE¼NW¼, S½SW¼NW¼, NE¼SW¼NW¼, S½NE¼, S½N½NE¼, N½N½SE¼, NE¼SW¼, N½NW¼SW¼, and SE¼NW¼SW¼;
Sec. 20, N½N½NE¼.

Containing approximately 890.00 acres.

bb. Public Land Order 1556 of November 19, 1957 (Government Spring Recreation Area).

T. 12 N., R. 3 E.,
Sec. 3, lot 3.
T. 13 N., R. 3 E.,
Sec. 33, lots 11 and 14.

Containing approximately 116.60 acres.

cc. Public Land Order 1556 of November 19, 1957 (Johnson Wash Ranger Station).

T. 14 N., R. 3 E.,
Sec. 33, lots 1, 2, and 3, S½NW¼SE¼, S½NE¼SW¼, and SE¼NW¼SW¼.

Containing approximately 132.05 acres.

dd. Public Land Order 1556 of November 19, 1957 (Drake Administrative Site).

T. 19 N., R. 1 W.,
Sec. 32, NE¼ and E½SE¼.

Containing approximately 240.00 acres.

ee. Public Land Order 1556 of November 19, 1957 (Hyde Mountain Lookout,.

T. 17 N., R. 6 W.,
Sec. 20, N½SW¼SE¼;
Sec. 29, S½NW¼NE¼.

Containing approximately 40.00 acres.

The areas described aggregate approximately 1,218.65 acres in the Prescott National Forest.

SITGREANES NATIONAL FOREST

ff. Public Land Order 1176 of June 27, 1955 (Mackay Administrative Site).

T. 9 N., R. 25 E.,
Sec. 7, NE¼.

Containing approximately 160.00 acres.

The area described aggregates approximately 160.00 acres in the Sitgreaves National Forest.

TONTO NATIONAL FOREST

gg. Public Land Order 1545 of November 6, 1957 (Sunflower Administrative Site).

T. 6 N., R. 9 E.,
Sec. 5, lot 8 and SW¼NW¼;
Sec. 6, lot 15, SE¼SW¼, and NW¼SE¼.
T. 7 N., R. 9 E.,
Sec. 31, lots 1, 2, 3, and 4, E½W½, and S½SE¼;
Sec. 32, SW¼SW¼.

Containing approximately 631.94 acres.

hh. The Departmental Order of June 30, 1908 (Payson Administrative Site).

T. 10 N., R. 10 E.,
Sec. 8, E½SE¼NE¼ and SE¼NE¼NE¼;
Sec. 9, W½SW¼NW¼.

Containing approximately 50.00 acres.

ii. The Departmental Order of May 12, 1908 (Reynolds Creek Ranger Station).

T. 6 N., R. 13 E.,
In sec. 12 (unsurveyed).

Containing approximately 60.00 acres.

jj. The Departmental Order of April 20, 1908 (Pleasant Valley Administrative Site).

T. 9 N., R. 14 E.,
Sec. 29, E½SW¼SW¼NW¼, S½SE¼SW¼NW¼, E½NW¼SW¼, E½NW¼NW¼SW¼, E½SW¼SW¼, and SW¼SW¼SW¼;
Sec. 30, SE¼SE¼NE¼, NE¼NE¼SE¼, W½SE¼NE¼SE¼, W½NE¼SE¼SE¼, and SE¼SE¼SE¼.

Containing approximately 105.00 acres.

kk. The departmental order of November 28, 1906 (Ranger Station No. 3 (Old Pinal Ranger Station)).

T. 1 S., R. 15 E.,
Sec. 34, S½SW¼.

Containing approximately 80.00 acres.

The areas described aggregate approximately 926.94 acres in the Tonto National Forest.

The total areas described aggregate approximately 5,458.72 acres, in Apache, Cochise, Coconino, Gila, Graham, Greenlee, Maricopa, Pima, Santa Cruz, and Yavapai Counties.

At 10 a.m. on December 29, 1965, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

NOVEMBER 23, 1965.

[F.R. Doc. 65-12759; Filed, Nov. 29, 1965; 8:47 a.m.]

[Public Land Order 3879]

[Idaho 015359]

IDAHO

Withdrawal for National Forest Administrative Sites

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described lands in the Coeur d'Alene National Forest are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), for recreation areas for the Department of Agriculture:

BOISE MERIDIAN

LAKE ELSIE—FRENCH LAKE RECREATION AREA

T. 47 N., R. 3 E.,
Sec. 12, S½NE¼SE¼SW¼, SE¼NW¼SE¼SW¼, S½SE¼SW¼, SW¼NW¼SW¼SE¼, and SW¼SW¼SE¼;
Sec. 13, SW¼NE¼NW¼NE¼, NW¼NW¼NE¼, N½SW¼NW¼NE¼, SE¼NW¼NE¼, N½NE¼NW¼, N½S½NE¼NW¼, SW¼SW¼NE¼NW¼, SE¼SE¼NW¼NW¼, NE¼NE¼SW¼NW¼, and NW¼SE¼NW¼.
T. 47 N., R. 4 E.,
Sec. 18, SW¼ of lot 1 and W½SE¼ of lot 1.

THE CEDARS CAMPGROUND

T. 47 N., R. 3 E.,
Sec. 4, SW¼NE¼SE¼SE¼, SE¼NW¼SE¼SE¼, E½SW¼SE¼SE¼, and SE¼SE¼SE¼.

The areas described aggregate approximately 141 acres in Shoshone County.

The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

NOVEMBER 23, 1965.

[F.R. Doc. 65-12760; Filed, Nov. 29, 1965; 8:47 a.m.]

[Public Land Order 3880]

[Montana 071430 (SD)]

SOUTH DAKOTA

Partial Revocation of Public Land Order 2001

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Public Land Order No. 2001 of October 1, 1959, withdrawing lands as a site for construction of a monument is hereby revoked so far as it affects the following described land:

BLACK HILLS NATIONAL FOREST

BLACK HILLS MERIDIAN

"Christ on the Mountain" Monument

T. 6 N., R. 2 E.,
Sec. 34, E½ of lot 13 (now lot 16).

Containing 19.34 acres.

The revocation made by this order is to assist in a Federal land program, i.e., for a Forest Service land exchange in the Black Hills National Forest. It is, therefore, not subject to the provisions of R.S. 2276, as amended (43 U.S.C. 852).

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

NOVEMBER 23, 1965.

[F.R. Doc. 65-12761; Filed, Nov. 29, 1965; 8:47 a.m.]

[Public Land Order 3881]

[Anchorage 063178]

ALASKA

Partial Revocation of Executive Order No. 3406 of February 13, 1921

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Executive Order No. 3406 of February 13, 1921, which withdrew public lands in Alaska for lighthouse purposes, is hereby revoked so far as it affects the following lands:

RESURRECTION BAY, ALASKA

Rugged Island, including all adjacent islets and rocks, situate at approximate longitude 149°22′ W., latitude 59°51′ N.;
Hive Island, situate at approximate longitude 149°21′06″ W., latitude 59°53′24″ N.
Barwell Island, situate at approximate longitude 149°17′ W., latitude 59°51′30″ N.

The areas described aggregate approximately 896 acres.

The lands are comprised of three islands and adjacent islets and rocks located at the foot of Resurrection Bay, approximately 15 miles south of the town of Seward. The islands rise steeply from the waters of the bay. Stands of mature Sitka spruce grow on the sheltered sides of the three islands.

2. Portions of the lands contain improvements in the form of navigation aids erected by the Coast Guard. Any entry upon or location of such lands, or use or disposal thereof, shall be subject to the right of the United States, its officers, agents, or employees, to maintain repair, operate, improve, or remove such improvements and to enter upon the lands at any time or times for such purposes, and the United States shall retain all right, title and interest in and to such improvements until they have been removed or officially abandoned in place.

3. Until 10 a.m., on February 22, 1966, the State of Alaska shall have a preferred right to select the restored lands as provided by the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46–3b); section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR 2222.9 (formerly 43 CFR Part 76). After that time the lands shall be open to the operation of the public land laws generally including the mining and mineral leasing laws, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on February 22, 1966, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to the Manager, Anchorage District and Land Office, Bureau of Land Management, Anchorage, Alaska, 99501.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

NOVEMBER 22, 1965.

[F.R. Doc. 65-12762; Filed, Nov. 29, 1965; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 15881; FCC 65-1022]

SCHEDULE OF APPLICATION FILING FEES

Report and Order

In the matter of amendment of Subpart G of Part 1 of the Commission's rules relating to the schedule of application filing fees. The following Parts of the Commission's rules are also amended by this action: 13, 21, 23, 25, 61, 62, 63, 66, 81, 83, 87, 89, 91, 93, 95, and 97.

1. A notice of proposed rule making in this proceeding was released on March 19, 1965, and published in the FEDERAL REGISTER on March 24, 1965 (30 F.R. 3822). Comments were received from the following parties:

American Radio Relay League (ARRL).
Michigan Citizens Band Council.
National Committee for Utilities Radio (NCUR).
Central Committee on Communications Facilities of the Petroleum Institute (Central Committee).
Aircraft Owners and Pilots Association (AOPA).
National Association of Broadcasters (NAB).
Missouri Broadcasters Association.
Special Industrial Radio Service Association, Inc. (SIRSA).
National Mobile Radio System (NMRS).
Arthur Stambler.

2. Since the fee schedule became effective on March 17, 1964, a continuing review has been conducted with respect to the fee schedule, the Commission's application procedures, and the interrelation of the two. The changes adopted herein are a direct result of this review. Addi-

tionally, it should be noted that changes made in application procedures have had the effect of removing seeming or apparent disparities in the fee schedule.[1] The scope of the review also included the consideration of several questions for which no changes were proposed. Significant among these were (1) whether an exemption should be provided for restricted radiotelephone operator permit applications filed by parties who would use the permit for a limited time or a limited use, and (2) whether radio stations aboard aircraft should be exempt from fees.

3. The matter of restricted operator permits was discussed previously at paragraphs 40–42 of the Commission's original report and order of May 6, 1963, in Docket No. 14507 (FCC 63–414, 28 F.R. 4758), and it was concluded that no exemption should be provided for any applicant for a commercial radio operator license or permit. The idea of stamping authorizations issued to commercial radio operators was also considered at that time and rejected since it would, in effect, amount to the establishment of numerous new classes of operator licenses. The administrative costs inherent in any procedure allowing for exemptions for restricted permit applications would not justify those exemptions. The very nominal amount of the fee ($2), the lifetime term of the permit, and the fact that the permit may be used interchangeably in several services all dictate against a change of Commission policy with respect to this question.

4. The question as to whether aircraft radio stations should be exempt from fees stems from the fact that Federal Aviation Agency regulations which became effective on December 26, 1961, require the installation of two-way radios in all aircraft utilizing FAA tower-controlled airports and the associated airport traffic areas. Thus, it is contended that the use of radio stations aboard aircraft is of a compulsory nature. This contention was answered by the Commission at paragraph 7 of our memorandum opinion and order in Docket No. 14507 (FCC 63–856, 28 F.R. 10911). Moreover, we wish to emphasize that radio was utilized in a substantial majority of aircraft prior to the FAA regulations of December 26, 1961. This point is illustrated by the fact that the number of outstanding aircraft radio licenses listed in the Commission's Annual Reports for the fiscal years 1959–1961, respectively, nearly paralleled the number of aircraft which the FAA considered to be active during those years. Though we are herein amending the fee schedule to exempt modification applications which are required because of changes in the rules of another Federal agency such as the FAA, we do not feel there is reason to exempt all applications filed by aircraft licensees or to reduce the fee now prescribed for those applications.

5. Many of the comments suggested the reduction or elimination of certain fees on the ground that those fees do not reflect the true cost of processing the application involved. There is no need to go into the particulars of these suggestions. In the original report or STA's. A study of this question disand order of May 6, 1963, the Commission established a policy of flat fees rather than attempting to set each fee in relation to the exact cost of processing. At paragraph 12 of that report and order, the Commission stated:

> We must concede that as flat fees, the charges adopted herein do not accurately reflect cost to the government of processing a particular application or the value conferred upon a recipient of a license for a particular * * * facility. Establishment of complete fee schedules which reflect both these elements in one charge is compounded by the difficulty of allocating costs to particular applications and arriving at figures which are not inconsistent with value to the recipient or which are not excessively high.

This method of establishing fees was held by the Seventh Circuit Court of Appeals to be reasonable (*Aeronautical Radio et al.* v. *United States and FCC*, 335 F. 2d 304, certiorari denied 379 U.S. 966). In the same vein, the AOPA asked the Commission to supply sufficient financial and statistical data so that AOPA could be assured that no more than the actual cost of services provided to owners and operators of private civil aircraft is being assessed, and that this assessment is fair and equitable vis-a-vis the other users of the frequency spectrum. Again, we refer to the decision of the court sustaining both the validity and the reasonableness of the fees which were adopted.

6. The NAB reiterated its position that the matter of fees for Federal licensing activities should be resolved through specific legislative policy. Accordingly, the NAB requested that the Commission amend its notice of proposed rulemaking to delete that aspect of the proposal which would increase the fees to be paid pending further legislative direction from Congress. The question of a legislative policy regarding fees was discussed previously at paragraph 6 of the report and order of May 6, 1963. There, we stated our position that Title V of the Independent Offices Appropriation Act of 1952 formulated legislative policy on the subject of fees. This position was subsequently sustained by the Court.

General

7. Those sections of the fee rules dealing with general information are amended as explained in the following paragraphs:

A new § 1.1104 is added setting forth in paragraph (a) thereof the situations in which a return or refund of the fee will be made. In addition to the four situations spelled out in the proposal, we are adding a fifth one to cover instances where circumstances beyond the control of the applicant would render the grant of a pending application useless, e.g., where an applicant dies before grant of his application or where a business applicant becomes bankrupt or otherwise ceases operation of his business before his application is granted. Therefore, § 1.1104(a) will provide for a return or refund of a fee in the following situations:

(1) An application for which no fee is required.

(2) An application filed by an applicant who cannot fulfill a prescribed age requirement.

(3) An application filed for renewal without re-examination of an amateur or commercial radio operator license after the grace period has expired.

(4) An application filed by an applicant precluded from receiving a license by the provisions of section 303(l) or section 310(a) of the Communications Act.

(5) Where circumstances beyond the control of the applicant, arising after the application is filed, would render a grant useless.

8. Paragraph (b) of the new § 1.1104 reflects the Commission's prior announcement that it will no longer issue refunds for fee overpayments of $2 or less.

9. Section 1.1105 currently excepts from the payment of fees applications filed for the sole purpose of modifying authorizations in order to comply with new requirements of the Commission's rules. That section is amended as proposed (§ 1.1105(a)) to extend its provisions to changes in the rules of other Federal government agencies as well as this Commission's rules, and to make it applicable not only to amendments of outstanding authorizations but also to amendments of pending applications which are required by rule changes of this Commission or another Federal agency. An additional sentence is added to this rule explaining that fee exemptions arising out of this general exception will be announced to the public in the orders amending the rules or in other appropriate Commission notices.

10. A new general exception is added to § 1.1105 as paragraph (b) in order to provide exemptions from fees for applications filed by aliens pursuant to reciprocal radio licensing agreements.

11. A matter of general concern which remains unresolved is the question of fees for requests for waivers or special temporary authorizations (STA's). Presently, fees are not charged in either the Safety and Special or Broadcast Services for such requests. However, as one of the parties has commented in this proceeding, § 21.12 of the Common Carrier rules specifically provides that a fee of $10 shall accompany applications for waivers or STA's. A study of this question discloses that requests for waiver are normally made in conjunction with an application for which a fee is required. Furthermore, STA's are most often requested informally by letter, telephone, telegram, etc., which makes the collection of the fee an awkward matter. For these reasons, and for the purpose of achieving consistency in the administration of the fee rules, we are adding a new paragraph (c) to § 1.1105 to provide, generally, that no fee will be required for any application or request for a waiver or for special temporary authorization (STA).

11a. Since inconsistencies have arisen between the fee rules in Subpart G of Part 1 and the fee rules included in the rule Parts applicable to specific services, the Commission is deleting the fee rules included in the various rule Parts applicable to specific services. However, the Commission recognizes that the inclusion of fee information in certain of the rule Parts has been helpful to licensees governed by those specific rule Parts. Accordingly, pertinent extracts from Subpart G of Part 1 of the rules will be reprinted in Appendices to certain Parts of the rules.

Broadcast Services

12. Comments with respect to the broadcast proposals were received from the NAB and the Missouri Broadcasters Association.[2,3]

13. The notice proposed that the fees for applications for new facilities and major changes, renewals, and assignments and transfers requiring Forms 314 and 315 should be increased from $100 to $150 for TV applicants and from $50 to $75 for AM and FM applicants. The Missouri Broadcasters Association protested the proposed increases and urged the Commission to consider the consequences of the increases to the broadcasting industry. We have stated that the increases are appropriate to offset proposed fee reductions for other broadcast applications and to achieve a greater balance in fee collection as between the various Commission services. We cannot accept the Association's contention that the increases will have a material effect upon the broadcasting industry. Each of the proposed increases represents a very nominal amount when viewed in terms of the application filed. Moreover, the majority of broadcast licensees will benefit in some way from the reductions in broadcast fees which we are adopting herein.

14. No comment was received with respect to the other proposed changes for the Broadcast Services and those changes are adopted as proposed. They are as follows:

a. In the AM Broadcast Service, no fee is required for applications for authority to determine operating power by direct measurement (FCC Form 302).

b. The $30 fee for a base station application will cover all applications filed at the same time by a main station with respect to its mobile units licensed as remote pickup mobile stations under Subpart D of Part 74. Where the main station has no base station, one $30 fee will cover all the applications filed at the same time for its remote pickup mobile stations.

c. No fee is required for applications for covering licenses in the Auxiliary Broadcast Services.

d. The fee for translator applications is reduced from $30 to $10. Also, for translator applications only, "major change" is defined to include only a change in output frequency.

e. A new fee of $10 is prescribed for a translator application for construction permit to replace an expired permit (FCC Form 321).

f. The fee for an application for a change of a broadcast station call sign is increased from $20 to $30.

15. In order to achieve greater uniformity in fees for comparable applications, we are amending the Auxiliary Broadcast fee rules in one further respect. We note that the fee for modification of an auxiliary station license is presently set at $30 while the fee for similar modification applications in the Common Carrier and Safety and Special Services is $10. Therefore, for purposes of uniformity, we are amending § 1.1111 of the rules to establish a fee of $10 for applications for modification of an auxiliary station license.

Common Carrier

16. The only comments addressed to the proposed changes for Common Carrier applications were filed by the National Mobile Radio System (NMRS), an association of radio common carriers licensed in the Domestic Public Land Mobile Radio Service (DPLMRS).

17. We proposed in the notice that the $100 fee for an application for a base station in the DPLMRS should be reduced to $75. NMRS stated that the reasons offered by the Commission for proposing the reduction would fully support a further reduction of that fee to $50 instead of the $75 figure proposed by the Commission. A review of this matter does not indicate that this fee should be further reduced to $50. The proposed fee of $75 is a substantial reduction from the present fee and establishes a better balance between the fees for base station applications in the DPLMRS and the fees for other applications in that service. Furthermore, the $75 fee adopted herein is more in keeping with the fees for comparable applications in other Commission services.

18. We proposed that the fee for a request for dispatch station authority which is made as part of a base station application (pursuant to § 21.519(a)) should be eliminated. While NMRS supported this proposed change, they urged additionally that the fee for individual requests for dispatch stations should be reduced from $25 to $10. We are adopting the proposed change eliminating the fee for dispatch station authority made as part of a base station application. In view of this fact and the fact that separate requests for dispatch station authority require individual processing, we are not adopting the suggestion of NMRS that the fee for separate requests should be reduced from $25 to $10.

19. Adopted herein is the proposal that there should be no fee charged for a request for DPLMRS standby transmitters made as part of a base station application, provided the standby transmitters do not have independent radiating systems. NMRS stated that the fee for standby transmitters with independent radiating systems should be lower than the base station fee, and, in no event, should the fee exceed the fee for auxiliary applications in the broadcast services. However, contrary to the NMRS premise, the interference study required for a standby transmitter with its own independent radiating system is nearly as extensive as the study made for a regular base station. Moreover, the comparison drawn between such standby transmitters and auxiliary broadcast transmitters is not wholly relevant to our proposal since broadcast auxiliary remote pick-up base stations seldom use back-up transmitters with independent radiating systems. Therefore, the Commission does not feel it would be appropriate to adopt the proposals of NMRS regarding such standby transmitters.

20. The remaining proposals with respect to the Common Carrier Services are adopted as follows:

a. In the Local Television Transmission Service, the fee for application for initial construction permit and for a license for an STL station at temporary fixed locations or a mobile television pick-up station is reduced from $50 to $30.

b. In the Local Television Transmission Service, and the Point-to-Point Microwave Radio Service, the fee for applications for modification of a construction permit which do not involve additional points of communication or additional service to existing points of communication is reduced from $30 to $10.

c. In the international Fixed Public Radiocommunication Services, provision is made that where an application for a construction permit is filed for a replacement transmitter, no fee will be required for the application for modification of the license to delete the transmitter replaced, provided the two applications are filed simultaneously.

21. NMRS urged that applications for additional DPLMRS base stations should not require the same fee as the initial station application; that one $25 fee, instead of two $25 fees, should be charged if control and repeater station applica-

[1] E.g., the rules governing the Aviation Radio Services have been amended to extend the fleet licensing provisions to all multiple aircraft owners rather than just air carriers, and to provide for renewal applications to be filed on FCC Form 405–A, a form for which a $4 fee is prescribed.

[2] Additionally, the following poetic comment was filed with the Commission in this proceeding:

A comment on proposals for higher filing fees
Needn't be long and complaining, or beg;
A few words of fabled wisdom should suffice:
"Don't kill the goose that lays the golden egg."

[3] Chairman E. William Henry, in separate concurring statement, commented as follows:

To the poetic argument in Footnote 2 that these minuscule fees for handling applications may kill the goose that lays the golden egg, I would add:

The broadcast goose, well-stuffed and sleek,
Can ill afford to mourn,
If we, the FCC, now seek
One kernel of its corn.

In lands where private gain is banned
A goose so plump and fatty
Would have its liver ground and canned
For governmental pate.

But here no feather will we harm,
No golden goose-fruit beg.
Fie on this flap of wild alarm—
It's simply laid an egg.

tions are filed simultaneously; and that the $10 fee for minor DPLMRS applications filed on FCC Form 403 should be eliminated or at least reduced. NMRS cited reduced processing costs as the principal reason for each of these proposed changes. While there is considerable room for argument as to whether processing is always reduced in these cases, suffice it to say that for the reasons cited in paragraph 5, supra, we do not believe that the claimed reduction in processing costs warrants change in the flat fees presently prescribed for the applications designated by the NMRS.

Safety and Special Services

22. The comments unanimously supported the proposed changes in the fees for Safety and Special applications and those changes are adopted herein as set forth below:

a. All applications for covering licenses filed in the Safety and Special Service are exempted from fees.

b. The fee for modification of a point-to-point microwave authorization is reduced from $30 to $10.

c. The fee for initial application for a common carrier public coast station is increased from $10 to $50.

23. Some specific suggestions for further changes in the Safety and Special fees are discussed in the following paragraphs.

24. The Central Committee suggested that the fee for filing an application to renew and concurrently to modify a license to make minor or nonsubstantive changes (specifically, to add mobile units, to add a wireline control point, or to change the mailing address) should be reduced from $10 to $4. An application to renew and to modify a license is made on a regular application form (Forms 400, 402, 403, etc.) rather than on FCC Form 405–A, the simple card-type application for which a $4 fee is prescribed. The suggestion is rejected because the reason for the lower fee for renewal applications filed on Form 405–A does not apply in this instance, and because we see no valid reason to reduce the fee for a combined renewal and modification below $10.

25. Both SIRSA and the Central Committeee requested that the fee for application to change a mailing address should be eliminated. The Commission agrees on this point, but this matter will be taken care of by changes in our licensing procedures which are presently under consideration, rather than by providing an exemption in the fee schedule.

26. The National Committee for Utilities Radio (NCUR) suggested that the fee for reinstatement of an expired authorization should be reduced to $10, in the case of microwave fixed stations, and to $4, in the case of land mobile stations. Applications for reinstatement are filed on the regular application form (not on the short renewal form) because, although it is called reinstatement, the application really is for a new license. Furthermore, it would not seem appropriate to charge the same fee (in the case of land mobile stations) to those who let their authorizations expire as is charged those who filed timely applications for renewal.

27. ARRL recommended setting all amateur filing fees at $2; reduction of the fee for special call signs from $20 to $10; and exemption from the fee requirement of applications for amateur stations at special events (Boy Scout encampments, fairs, etc.), and for applications filed by bona fide radio organizations. We do not feel that any of these suggestions should be adopted. The amount of the fee to be paid by amateurs has been discussed at length by the Commission in previous documents and further consideration and discussion is not warranted. The same is true with respect to the fee for special call signs. As to exempting bona fide amateur clubs, ARRL has not shown how the requirement for paying a fee of $4 every five years imposes a "severe burden" on such organizations. With respect to the suggestion for exempting applications for stations at special events, it should be noted that formal applications (and fees) are not required for authority to operate a station for less than six months. If the station is to be operated for more than six months, the payment of a $4 fee in connection with the filing of an application therefor is not inappropriate.

28. The suggestion of the Michigan Citizens Band Association that the fee be refunded if an application is denied is contrary to the filing fee concept expressed in the original notice of proposed rule making of February 16, 1962 (FCC 62–168, 27 F.R. 1729), and contained in § 1.1103 of the rules. Accordingly, the suggestion is rejected.

Conclusion

29. Since certain of the amendments adopted herein affect some present interpretations of the fee rules and procedures which are set forth in Appendix B to Part 1 of the rules, appropriate revision of those interpretations is provided for below.

30. In view of the foregoing and pursuant to authority contained in section 4(i) of the Communications Act, section 140 of Title 5 of the United States Code, and Budget Bureau Circular A–25 (September 23, 1959), *It is ordered*, That, effective January 3, 1966, Subpart G of Part 1 of the Commission's rules is amended as set forth below, and the proceedings in Docket No. 15881 are terminated.

(Sec. 4, 48 Stat. 1066, as amended, 47 U.S.C. 154; sec. 5, 65 Stat. 290, 5 U.S.C. 140; Budget Bureau Circular A–25, Sept. 23, 1959)

Adopted: November 17, 1965.

Released: November 24, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[1] Chairman Henry concurring and issuing a statement; Commissioners Hyde and Loevinger absent.

The Commission's rules are amended as follows:

1. Section 1.1103(d) is amended to read as follows:

§ 1.1103 Payment of fees.

* * * * *

(d) Except as provided in §§ 1.1104 and 1.1105, all fees will be charged irrespective of the Commission's disposition of the application. Applications returned to applicants for additional information or corrections will not require an additional fee when resubmitted.

2. A new § 1.1104 is added to Part 1 to read as follows:

§ 1.1104 Return or refund of fees.

(a) The full amount of any fee submitted will be returned or refunded, as appropriate, in the following instances:

(1) Where no fee is required for the application filed.

(2) Where the application is filed by an applicant who cannot fulfill a prescribed age requirement.

(3) Where the application is filed for renewal without reexamination of an amateur or commercial radio operator license after the grace period has expired.

(4) Where the applicant is precluded from obtaining a license by the provisions of section 303(l) or 310(a) of the Communications Act.

(5) Where circumstances beyond the control of the applicant, arising after the application is filed, would render a grant useless.

(b) Payments in excess of an applicable fee will be refunded only if the overpayment exceeds $2.

3. Section 1.1105 is amended to read as follows:

§ 1.1105 General exceptions.

(a) No fee is required for an application filed for the sole purpose of amending an authorization or pending application (if a fee is otherwise required) so as to comply with new or additional requirements of the Commission's rules or the rules of another Federal government agency affecting the authorization or pending application; however, if the applicant also requests an additional modification or the renewal of his authorization, the appropriate modification or renewal fee must accompany the application. Fee exemptions arising out of this general exception will be announced to the public in the orders amending the rules or in other appropriate Commission notices.

(b) No fee is required for an application filed by an alien pursuant to a reciprocal radio licensing agreement.

(c) No fee is required for any application or request for an STA or waiver.

4. Section 1.1111 is amended to read as follows:

§ 1.1111 Schedule of fees for Radio Broadcast Services.

(a) Except as provided in paragraph (b) of this section, applications filed in the Radio Broadcast Services shall be accompanied by the fees prescribed below:

	AM	FM	TV	Translator	Auxiliary
Application for construction permit for new station	$75	$75	$150	$10	[1] $30
Application for major change	75	75	150	[2] 10	[1] 10
Application for renewal or assignment of license or transfer of control, exclusive of FCC Form 316 applications (where more than one broadcast station license is involved, the application must be accompanied by the total amount of the fees prescribed for each license so involved)	75	75	150	10	[1] 30
Applications filed on FCC Form 316 (where more than one broadcast station license is involved, the applications must be accompanied by the total amount of the fees prescribed for each license so involved)	30	30	30	No fee	No fee
Application for construction permit to replace expired permit, FCC Form 321	30	30	30	10	[1] 30
Application for modification other than a major change	30	30	30	No fee	[1] 10
Application for change of call sign for broadcast station	[3] 30				
All other applications in the broadcast services (excluding television translator applications not specified above)	[1] [4] 30				

[1] With respect to applications for remote pickup broadcast stations authorized under Subpart D of Part 74 of this chapter, one fee will cover the base station (if any) and all the remote pickup mobile stations of a main station, provided the applications therefor are filed at the same time.

[2] For determining when a translator application is required to be accompanied by a fee under this section (though not for other purposes in the translator or other broadcast services), "major change" is defined to include only a change in the output frequency of the translator.

[3] In all services.

[4] For each application.

(b) Fees are not required in the following instances:

(1) Applications filed by tax exempt organizations for the operation of stations providing noncommercial educational broadcast services, whether or not such stations operate on frequencies allocated for noncommercial educational use.

(2) Applications in the AM service requesting only authority to determine antenna power by direct measurement.

(3) Applications filed for covering licenses in the Auxiliary Broadcast Services.

5. Section 1.1113 is amended to read as follows:

§ 1.1113 Schedule of fees for Common Carrier Services.

Applications filed for Common Carrier Services shall be accompanied by the fees prescribed below:

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE [1]	
Application for initial construction permit or for relocation of a base station (including authority for mobile units, blanket dispatch station authority,[2] and standby transmitters without independent radiating systems [3 4])	$75
Application for initial construction permit or for relocation of a dispatch station,[5] control station or repeater station [4]	25
Application for modification of construction permit or license for base station, dispatch station, control station or repeater station at an existing station location	[6] 10
Application for renewal of license for base station	25
Application for renewal of license for dispatch station, control station or repeater station	10
Application for license, modification of license, or renewal of license for individual mobile stations	5
RURAL RADIO SERVICE	
Application for an initial construction permit or for relocation of facilities [4]	10
Application for modification of construction permit or license	10
Application for license for operation of a rural subscriber station at temporary-fixed locations	10
Application for license or modification of license for individual subscriber stations	5
Application for renewal of license	5
POINT TO POINT MICROWAVE RADIO SERVICES	
Application for construction permit or for modification of construction permit to add or change point(s) of communication or to increase service to existing points of communication or for relocation of facilities [4]	30
All other applications for construction permits or modification of construction permits (no fee required when filed as part of a modification application requiring a $30 fee)	10
Application for license for operation of a station at temporary-fixed locations	30
Application for modification of license	10
Application for renewal of license	5
LOCAL TELEVISION TRANSMISSION SERVICE	
Application for construction permit or for modification of construction permit to add or change point(s) of communication or to increase service to an existing station location or for relocation of facilities [4]	30
All other applications for construction permits or modification of construction permits (no fee required when filed as part of a modification application requiring a $30 fee)	10
Application for license for operation of an STL station at temporary-fixed locations	$30
Application for license for operation of a mobile television pickup station	30
Application for modification of license	10
Application for renewal of license	5
INTERNATIONAL FIXED PUBLIC RADIOCOMMUNICATION SERVICES	
International Fixed Public Station:	
Application for an initial construction permit for a new station or an additional transmitter(s) at an authorized station [4]	100
Application for construction permit for a replacement transmitter(s) at an authorized station (no fee will be charged for application for modification of license to delete transmitter(s) being replaced if both applications are filed simultaneously)	50
Application for change of location of an authorized station	100
Application for modification of license	10
Application for renewal of license	75
International Control Station:	
Application for an initial construction permit for a new station or an additional transmitter(s) at an authorized station [4]	30
Application for construction permit for a replacement transmitter(s) at an authorized station (no fee will be charged for application for modification of license to delete transmitter being replaced if both applications are filed simultaneously)	10
Application for change of location of an authorized station	30
Application for modification of license	10
Application for renewal of license	10
OTHER RADIO APPLICATIONS	
Application for assignment of an authorization or transfer of control (a separate $10 fee is required for each call sign covered by the application	10
All other Common Carrier Radio applications	10
COMMON CARRIER NONRADIO APPLICATIONS	
Applications by Communications Common Carriers for Authorization to Own Stock in the Communications Satellite Corp	10
Section 214 Applications by Telephone Co	50
Section 214 Applications by Telegraph Co	10
Cable Landing License Applications	100
Section 221 Applications	50
Interlocking Directorate Applications	10
Tariff applications to change charges or regulations on less than statutory notice	10
All Other Common Carrier nonradio Applications	10

[1] In this service each transmitter at a fixed location is a separate station notwithstanding the inclusion of more than one such station on a single authorization or under a single call sign.

[2] When included as part of a base station application, a request for blanket dispatch station authority made pursuant to the provisions of § 21.519(a) of this chapter does not require an individual application or fee. A request for such dispatch station authority filed separately from a base station construction permit application requires an application for modification of license and an appropriate fee.

[3] An application for a standby transmitter having its own independent radiating system requires the same fee as a base station application.

[4] No additional fee will be charged for applications for license to cover a construction permit unless there is a modification or variation of outstanding authority involved. In that event the appropriate fee for modification is applicable.

[5] This fee applies to any request for dispatch station authority not made pursuant to § 21.519(a) of this chapter.

6. In § 1.1115, paragraph (a) is amended and paragraph (b)(9) is added to read as follows:

§ 1.1115 Schedule of fees for Safety and Special Radio Services.

(a) Except as provided in paragraph (b) of this section, all formal applications filed in the Safety and Special Radio Services shall be accompanied by the fees prescribed below:

Applications in the Amateur Radio Service:	
For Initial License, including New Class of Operator License, and for Renewal of License	$4
For Modification of License	2
Request for Special Call Sign Pursuant to § 97.51	20

Applications in the Citizens Radio Service:
For Class A Station Authorization---- $10
For All Other Classes of Stations in the Citizens Radio Service-------- 8
Applications for Radio Station Authorizations for Operational Fixed Radio Stations for which Frequencies above 952 Mc/s are requested:
For construction permit---------- 30
For modification of authorization---- 10
Applications for Common Carrier Public Coast Stations in the Maritime Radio Services:
For construction permit---------- 50
For modification of authorization---- 10
Applications for Renewal only for which FCC Form 405A is prescribed- 4
All Other Applications Filed in the Safety and Special Radio Services-- 10

(b) • • •

(9) Applications for license to cover construction permit.

7. Section 1.1117 is amended to read as follows:

§ 1.1117 Schedule of fees for commercial radio operator examinations and licensing.

(a) Except as provided in paragraphs (b) and (c) of this section, applications filed for commercial radio operator examinations and licensing shall be accompanied by the fees prescribed below:

Applications for new operator license:
First-class license, either radiotelephone or radiotelegraph---------- $5
Second-class license, either radiotelephone or radiotelegraph---------- 4
Third-class permit, either radiotelephone or radiotelegraph---------- 3
Restricted radiotelephone permit----- 2
Application for renewal of operator license---------- 2
Application for endorsement of operator license---------- 2
Application for duplicate license or for replacement license---------- 2

(b) No fee need accompany an application for a verification card (FCC Form 758–F) or for a verified statement (FCC Form 759).

(c) Whenever an application requests both an operator license and an endorsement the required fee will be the fee prescribed for the license document involved.

8. In Appendix B to Part 1 of the Rules and Regulations, "Interpretations of Fee Rules and Procedures", interpretation 64–4 is amended and the texts of interpretations 64–12 and 64–19 are deleted and the word "[Reserved]" inserted in lieu thereof, to read as follows:

APPENDIX B—

INTERPRETATIONS OF FEE RULES AND PROCEDURES

• • • • •

64–4. *Question.* When will fee credit be accorded to an applicant?

Interpretation. Fee credit will be accorded only in those instances where the application is returned for additional information or corrections, e.g., the application is undated or unsigned, applicable questions are unanswered, inconsistency in spelling of names, necessary frequency coordination committee letter has been omitted, etc. (However, the fact that a fee credit will be allowed upon the resubmission of an application which has been returned as incomplete will not be construed to mean that the original application was accepted for filing.) No credit will be accorded an applicant whose application has been dismissed, e.g., the applicant is not eligible for a license in the service in which he has applied, or the applicant has requested dismissal. See § 1.1103 (d) of the rules.

• • • • •

64–12. [Reserved]

• • • • •

64–19. [Reserved]

9. Sections 13.14, 13.15, 81.49, 81.50, 83.53, 83.54, 87.51, 87.53, 89.81, 89.83, 91.67, 91.68, 93.66, 93.67, 95.21, 95.23, 97.53, and 97.55 are deleted.

10. Paragraph (b) of § 21.12 is amended to read as follows:

§ 21.12 Place of filing applications, fees, and number of copies.

• • • • •

(b) Every application for a radio station authorization, except applications for stations located in Alaska, and all correspondence relating thereto, shall be submitted to the Commission's office at Washington, D.C., 20554. Each application shall be accompanied by the fee prescribed in Subpart G of Part 1 of this chapter.

• • • • •

11. Section 23.13 is amended to read as follows:

§ 23.13 Place of filing applications, fees, and number of copies.

Every application for an authorization in the international fixed public radio services shall be submitted to the Commission's office at Washington, D.C., 20554. Each application, including exhibits and attachments thereto, shall be filed in duplicate, and shall be accompanied by the fee prescribed in Subpart G of Part 1 of this chapter.

12. Paragraph (c) of § 25.523 is amended to read as follows:

§ 25.523 Form of application, number of copies, fees, etc.

• • • • •

(c) Each application for authorization shall be accompanied by the fee prescribed in Subpart G of Part 1 of this chapter.

13. The introductory text of § 61.153 is amended to read as follows:

§ 61.153 Form and contents of application and fee required.

Applications (including amendments thereto and exhibits made a part thereof) for permission to change charges or regulations, on less than statutory notice (for prescribed fee, see Subpart G of Part 1 of this chapter), or for waiver of any of the provisions of the rules in this part, shall be made and filed in duplicate, and addressed to the Federal Communications Commission, Washington, D.C., 20554. Such applications shall be made on paper of size 8½ by 11 inches, shall be numbered consecutively, and shall bear the signature of the proper officer of the carrier, or a duly authorized attorney or agent, the title of whom shall be specified. Such applications shall give the information required in the following form:

• • • • •

14. Section 62.24 is amended to read as follows:

§ 62.24 Form of application; number of copies; size of paper; fees; etc.

The original application and two copies thereof shall be filed with the Commission. Each copy shall bear the dates and signatures that appear on the original and shall be complete in itself, but the signatures on the copies may be stamped or typed. The application shall be submitted in typewritten or printed form, on paper not more than 8½ inches wide and not more than 11 inches long, with a left-hand margin of approximately 1½ inches, and if typewritten, the impression must be on only one side of the paper and must be double spaced. Each such application shall be accompanied by the fee prescribed in Subpart G of Part 1 of this chapter.

15. Section 63.52 is amended to read as follows:

§ 63.52 Copies required; fees.

Unless otherwise specified the Commission shall be furnished with an original and 9 copies of applications filed under section 214 of the Communications Act: *Provided, however,* That, where more than one state is involved, 2 additional copies shall be furnished for each additional state: *Provided further,* That, where applications involve only the supplementation of existing facilities, and the issuance of a certificate is not requested, an original and 4 copies of the application shall be furnished. Each application shall be accompanied by the fee prescribed in Subpart G of Part 1 of this chapter.

16. Paragraph (a) of § 66.14 is amended to read as follows:

§ 66.14 General provisions.

(a) *Place of filing applications; copies required; fees.* The original and five copies of the application shall be submitted to the Commission's office at Washington, D.C., 20554. Each application shall be accompanied by the fee prescribed in Subpart G of Part 1 of this chapter.

• • • • •

[F.R. Doc. 65–12794; Filed, Nov. 29, 1965; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 48]

MANUFACTURERS AND RETAILERS EXCISE TAXES

Diesel Fuel, Special Motor Fuels and Gasoline Sold for Use or Used in Certain Immobilized Vehicles

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C., 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] BERTRAND M. HARDING,
Acting Commissioner of Internal Revenue.

In order to provide rules with respect to diesel fuel, special motor fuels, and gasoline sold for use or used in certain vehicles during periods when they are considered as not having the essential characteristics of motor vehicles and to provide rules for the allocation of fuel used, the Manufacturers and Retailers Excise Tax Regulations (26 CFR Part 48) are amended as follows:

PARAGRAPH 1. Section 48.4041–6 is amended to read as follows:

§ 48.4041–6 Dual use of taxable liquid.

Tax applies to all taxable liquid sold for use or used as a fuel in the motor which is used to propel a diesel-powered highway vehicle or in the motor used to propel a motor vehicle, motorboat, or airplane, even though the motor is also used for a purpose other than the propulsion of the vehicle. Thus, where the motor of a diesel-powered highway vehicle or of a motor vehicle, motorboat, or airplane operates special equipment by means of a power take-off or power transfer, tax applies to all taxable liquid sold for such use or so used, whether or not the special equipment is mounted on the vehicle. For example, tax applies to diesel fuel sold to operate the mixing unit on a concrete mixer truck if the mixing unit is operated by means of a power take-off from the motor of the vehicle. Similarly, tax applies to all taxable liquid sold for use or used in a motor propelling a fuel oil truck even though the same motor is used to operate the pump (whether or not mounted on the truck) for discharging the fuel into customers' storage tanks. However, tax does not apply to liquid sold for use or used in a separate motor to operate special equipment (whether or not the equipment is mounted on the vehicle), nor does it apply during the period a vehicle is considered as not having the essential characteristics of a motor vehicle (see paragraph (c)(2) of § 48.4041–7). If the taxable liquid used in a separate motor or during the period the vehicle does not have the essential characteristics of a motor vehicle is drawn from the same tank as the one which supplies fuel for the propulsion of the vehicle, a reasonable determination of the quantity of taxable liquid used in such separate motor or during such period will be acceptable for purposes of application of the tax. Such determination must be based, however, on the operating experience of the person using the taxable liquid and the taxpayer must maintain records which will support the allocation used. Devices to measure the number of miles the vehicle has traveled, such as hubometers, may be used in making a preliminary determination of the number of gallons of fuel used to propel the vehicle. In order to make a final determination of the number of gallons of fuel used to propel the vehicle, there must be added to this preliminary determination the amount of fuel consumed while idling or warming up the motor preparatory to propelling the vehicle.

PAR. 2. Paragraph (c) of § 48.4041–7 is amended to read as follows:

§ 48.4041–7 Definitions.

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(c) *Motor vehicles*—(1) *In general.* The term "motor vehicle" includes all types of vehicles propelled by motor which are designed for carrying loads from one place to another, regardless of the type of load or material carried and whether or not the vehicle is registered or required to be registered for highway use, such as fork lift trucks used to carry loads at railroad stations, industrial plants, warehouses, etc. The term does not include farm tractors, trench diggers, power shovels, bulldozers, road graders, or rollers, and similar equipment which does not carry a load; nor does it include any vehicle which moves exclusively on rails.

(2) *Temporary loss of classification as a motor vehicle.* (i) A vehicle on which equipment or machinery having a specialized use (as for example specialized oil-field machinery) is mounted and which (except for the provisions of this subparagraph) would be considered a motor vehicle under subparagraph (1) of this paragraph shall not be considered a motor vehicle during a period in which it does not have the essential characteristics of a motor vehicle. Such vehicle will be considered as not having the essential characteristics of a motor vehicle during the period the vehicle is incapable of motion and the equipment or machinery is performing the operation for which it is primarily adapted if—

(*a*) The primary use of such equipment or machinery is other than in connection with the loading, unloading, handling, preserving, or otherwise caring for any cargo transported on the vehicle,

(*b*) A "setting-up" process involving the expenditure of a substantial amount of time and effort is necessary to place the vehicle in such an immobilized and operative condition,

(*c*) After expending the necessary substantial time and effort the vehicle has the essential characteristics of an immobile piece of equipment or machinery designed for a specialized use, and

(*d*) A "break-down" process involving a substantial amount of time and effort is required to restore the vehicle to a mobile condition.

After the "break-down" process described in (*d*) of this subdivision is completed and mobility restored, the vehicle shall again be considered a motor vehicle within the meaning of subparagraph (1) of this paragraph. The mere fact that a vehicle is rendered immobile by the switching or pulling of a lever, such as a handbrake or power take-off (with or without accompanying minor adjustments to the vehicle), in order to perform the operation for which the vehicle is primarily adapted is not sufficient to cause the temporary loss of classification as a motor vehicle since a substantial expenditure of time and effort is not involved and the vehicle has not attained the essential characteristics of an immobile piece of equipment or machinery designed for a specialized use.

(ii) The provisions of subdivision (i) of this subparagraph may be illustrated by the following example:

Example. (*a*) The X Company which is engaged in the oil-well-servicing business uses a motor vehicle which is primarily adapted to oil well servicing. On June 1, 1965, X Company moves the motor vehicle from its permanent yard and travels to a wellhead

which is to be serviced. At the wellhead, it is necessary to go through a "setting-up" process before the vehicle is capable of servicing the oil well. This process requires that a derrick-mast be erected and 4 guy wires attached to the top of the mast and 4 to the middle of the mast. The guy wires are then hooked to dead-man anchors which are set into the ground. Hydraulic jacks are used to remove all of the weight of the mast from the rear wheels of the vehicle and the front end of the vehicle is jacked-up in order to insure the correct pitch of the mast. Outriggers are attached to the bottom of the mast and are laid on the ground to insure further stability. These operations are essential in order that the mast be secure and level over the wellhead and, when completed, the vehicle is incapable of movement. Three men perform this "setting-up" process in 2 hours and complete such process at noon on June 1, 1965, at which time the oil-well-servicing equipment is operative. The power used for operating the special equipment needed to service the oil well is obtained by means of a power transfer from the same motor which is used to propel the vehicle. The vehicle remains at the wellhead until June 10, 1965, at which time the servicing operations are completed. It takes 3 men 1½ hours to "break-down" the unit and to restore the vehicle to a mobile condition. The "break-down" process is completed at noon on such date.

(b) It can be ascertained from the facts that it was necessary to expend a substantial amount of time and effort to place the vehicle in an immobilized condition and to place the equipment in an operative condition, and after expending such time and effort, the vehicle possessed the essential characteristics of an immobile piece of equipment designed for oil-well servicing. Furthermore, the "break-down" process also involved substantial time and effort to return the vehicle to a mobile condition and to render the oil-well-servicing equipment inoperative. Accordingly, from noon on June 1, 1965, until noon on June 10, 1965, the vehicle is not considered a motor vehicle. At all other times, such vehicle is considered a motor vehicle.

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PAR. 3. Section 48.6421 (a)–1 is amended by revising paragraphs (c) (1) and (d). These revised provisions read as follows:

§ 48.6421 (a)–1 Payments to ultimate purchaser of gasoline used for certain nonhighway purposes.

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(c) *Meaning of terms*—(1) *Highway vehicles.* The term "highway vehicle" has reference to the type of vehicle and not to the use which is made of the vehicle. The term means any vehicle which is propelled by its own motor or engine and which is of the type used for highway transportation. Such term does not include any vehicle which moves exclusively on rails. It does include automobile trucks, buses, highway tractors, trolley buses, and other similar type vehicles. The term "highway vehicle" does not include any vehicle, which, although propelled by means of its own motor, is of a type not used for highway transportation, that is, of a type designed and manufactured for a purpose other than highway transportation. For example, vehicles such as earth movers, power shovels, trench diggers, and bulldozers, which are designed and manufactured as self-propelled units for "off-the-road" operations, are not highway vehicles. Neither are such motorized vehicles as road graders or rollers, which are designed and manufactured for construction or maintenance of roads, considered to be highway vehicles. The same is true of farm tractors, cotton pickers, and other motorized agricultural implements of a similar nature. However, the fact that equipment or machinery having a specialized use (as for example, an air compressor, crane, or specialized oil-field machinery) is mounted on a vehicle which, apart from such equipment or machinery, is of a type used for highway transportation will not remove such vehicle from classification as a highway vehicle. A vehicle will not be considered a "highway vehicle" during the period it does not have the essential characteristics of a motor vehicle, such determination being made under the rules applicable for vehicles powered by diesel fuel and special motor fuels as set forth in paragraph (c) (2) of § 48.4041–7.

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(d) *Dual use of gasoline.* No payment shall be made in respect of gasoline used in a highway vehicle solely by reason of the fact that the motor in such vehicle is also used for a purpose other than the propulsion of the vehicle. Thus, if the motor of a highway vehicle operates special equipment, such as a mixing unit on a concrete mixer truck, or a pump for discharging fuel from a tank truck, by means of a power take-off or power transfer, no payment shall be made in respect of the gasoline used to operate such special equipment, regardless of whether or not the special equipment is mounted on the highway vehicle. However, if a highway vehicle is equipped with a separate motor to operate the special equipment, such as a refrigeration unit, pump, generator, mixing unit, etc., or if for a period a vehicle is considered as not having the essential characteristics of a highway vehicle under paragraph (c) (1) of this section (as determined under paragraph (c) (2) of § 48.4041–7), a claim may be filed in respect of the gasoline used in the separate motor or during such period. In those cases where the gasoline used in a separate motor or during such period is drawn from the same tank as the one which supplies gasoline for the propulsion of the vehicle, the determination as to the quantity of gasoline used in the separate motor operating the special equipment or during such period must be based on operating experience and supported by records. Devices to measure the number of miles the vehicle has traveled, such as hubometers, may be used in making a preliminary determination of the number of gallons of gasoline used to propel the vehicle. In order to make a final determination of the number of gallons of gasoline used to propel the vehicle, there must be added to this preliminary determination the number of gallons of gasoline consumed while idling or warming up the motor preparatory to propelling the vehicle.

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[F.R. Doc. 65–12717; Filed, Nov. 29, 1965; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1030, 1031, 1032, 1038, 1039, 1051, 1062, 1063, 1067, 1070, 1078, 1079]

[Docket No. AO 101–31 etc.]

CHICAGO, ILL., MARKETING AREA, ETC.

Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

7 CFR Part	Marketing areas	Docket Nos.
1030	Chicago, Ill.	AO 101–A31.
1031	Northwestern Indiana	AO 170–A18.
1032	Suburban St. Louis	AO 313–A9.
1038	Rock River Valley	AO 194–A10.
1039	Milwaukee, Wis.	AO 212–A16.
1051	Madison, Wis.	AO 329–A9.
1062	St. Louis, Mo.	AO 10–A33.
1063	Quad Cities-Dubuque	AO 105–A20.
1067	Ozarks	AO 222–A18.
1070	Cedar Rapids-Iowa City	AO 229–A12.
1078	North Central Iowa	AO 272–A7.
1079	Des Moines, Iowa	AO 295–A8.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Chicago, Ill., on November 4–6, 1965, pursuant to notice thereof issued on October 28, 1965 (30 F.R. 13789).

The material issues on the record of the hearing related to:

1. Should the Class I pricing provisions of any or all of the aforesaid orders be revised so as to maintain for December 1965 and immediately ensuing months approximately the same Class I prices as were effective under the orders during the month of November 1965?

2. Does the due and timely execution of the functions of the Secretary imperatively and unavoidably require the omission of a recommended decision with respect to issue No. 1?

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Class I pricing provisions.* Each of the aforesaid orders should be amended to fix Class I prices during the period December 1965 through February 1966 at the level of the November 1965 price and for the months March–June 1966 at such price less 20 cents.

The November Class I prices per hundredweight of milk under these orders are: Chicago, $4.30; Northwestern Indiana, $4.46; Suburban St. Louis, $4.70; Rock River Valley, $4.22; Milwaukee, $4.18; Madison, $4.18; St. Louis, $4.80; Quad Cities-Dubuque, $4.40; Ozarks, $4.53; Cedar Rapids-Iowa City, $4.40; North Central Iowa, $4.35; Des Moines, $4.55.

The producer milk supply for these 12 markets is derived principally from Wisconsin, Minnesota, Iowa, Illinois, Indiana, and Missouri. During October milk production in each of these States dropped below the level of a year earlier. The total reduction for the six States was 196 million pounds, equal to six percent of the October 1964 production. These markets receive smaller quantities of producer milk from Kentucky, Arkansas, and Oklahoma where milk production was up slightly from a year earlier. The increase in those States was 12 million pounds.

The decline in milk production in several of these States was evident early in the year. Then milk production in the heavy producing States of Minnesota and Wisconsin in September dropped below the 1964 level. This was accentuated by the further drop in production in these States during October. Minnesota and Wisconsin rank first and second, respectively, among the States in milk production on farms. Last year these two States accounted for about one-fourth of all milk production in the United States. Milk production in October this year was down 7 percent in Minnesota and 6 percent in Wisconsin from October 1964.

This drop in milk production has occurred in spite of favorable milk-feed price ratios and good pasture conditions in most areas. It indicates the possibility that alternative farm enterprises and opportunities for nonfarm employment may be attracting manpower away from dairy production to a greater extent than usual. Beef and hog prices this year are reported to be more attractive than milk prices. Also the higher beef prices have encouraged culling in dairy herds, thus reducing the herd size. Opportunities for nonfarm employment are reported as good in many parts of these North Central States.

The receipts of producer milk by handlers regulated under these 12 orders reflect the drop in milk production in this region. September 1965 receipts in the 12 markets combined were down four percent from a year earlier and October receipts were down five percent.

While receipts of milk from producers in these 12 markets are declining, Class I sales are increasing. In the 12-market group Class I sales in the first nine months of 1965 were two percent above sales in the same period last year. In October 1965 Class I sales for the entire group of markets were four percent above sales in October 1964.

Because of considerable shifting of supplies and sales between markets, the receipts and sales for individual markets give a distorted picture. However, the supply and sales conditions can be appraised by considering the combined receipts and sales of four groups within the 12-market combination. Chicago and Northwestern Indiana must be considered together because of extensive shifts of sales and receipts between these markets this year. The four Iowa markets, Quad Cities-Dubuque, North Central Iowa, Cedar Rapids-Iowa City, and Des Moines, are linked together by sales and in procurement. The Madison, Milwaukee, and Rock River Valley markets form a continuous area of regulation covering southern Wisconsin and northwestern Illinois. The St. Louis, Suburban St. Louis, and Ozarks markets are closely related as recognized in their directly related Class I prices.

The Chicago and Northwestern Indiana markets together showed a drop of six percent in receipts in September and nine percent in October from a year earlier. Class I sales in these two markets were six percent higher in September and three percent higher in October than in the corresponding months of last year.

In the four Iowa markets, receipts in September were four percent below September 1964 and in October were six percent below last year. Class I sales in these markets were also down this year by two percent in September and five percent in October.

In the Madison, Milwaukee, Rock River Valley group, September receipts were one percent above September 1964 receipts but October receipts were down two percent from a year earlier. Class I sales in these markets in September were three percent above the year-earlier figure but in October were three percent lower than in October 1964.

The St. Louis, Suburban St. Louis, and Ozarks markets are the only group in which receipts from producers were greater in September and October than they were a year earlier. September receipts were only fractionally higher but October receipts were seven percent above October 1964. However, milk production was down three percent from a year earlier in both Illinois and Missouri during the first nine months of 1965. In October, Illinois production was down six percent and Missouri production was down three percent from a year earlier. Class I sales in these markets were five percent higher in September than a year earlier and October sales were up two percent.

With Class I sales increasing and deliveries of milk by producers declining, the reserve supply of milk for these markets is diminishing. If milk supplies continue to drop as they have in recent months, the maintenance of an adequate level of supply will be threatened.

This emergency action will prevent any decline in Class I milk prices for a three-month period and then for another four-month period will permit only the seasonal drop of 20 cents per hundredweight. The lower prices in these markets during March–June each year reflect the seasonal high level of production in those months. This action is needed to halt any drastic decline in the Grade A milk supply available to these markets.

Any further price increase or an increase for a longer period is not needed to preserve an adequate level of milk supplies in these markets. Hence, the price incentive is limited to that specified above.

Handlers in several of these markets and some producer representatives proposed at the hearing that the prices as presently established by the respective orders remain applicable to milk sold outside these regulated areas. Such a proposal would establish two Class I prices, one for Class I milk sold in the regulated marketing areas, and another for Class I milk sold outside such areas. The supply situation in relation to Class I sales is applicable equally to sales made both inside and outside the regulated marketing areas. Hence, the reasons for making this price increase effective on in-area Class I sales are applicable in the same way to sales made outside the areas.

The proposed order set forth below amending the orders contains amendatory language applicable to each of the orders except the order regulating the handling of milk in the Ozarks marketing area. Since the Class I price under that order is determined directly by the Class I price in the St. Louis order, the corresponding changes will become effective automatically under the terms of the Ozarks order.

2. *Emergency action.* The due and timely execution of the function of the Secretary under the Act imperatively and unavoidably requires the omission of a recommended decision and opportunity for exceptions thereto, on the above issue.

The conditions in these markets are such that it is urgent that remedial action be taken as soon as possible. Any delay in informing interested parties of the conclusions reached will tend to make ineffective the relief sought. The time necessarily involved in the preparation, filing and publication of a recommended decision and filing of exceptions thereto would in this instance contribute to the threat of an insufficient supply of milk for these markets.

The notice of hearing stated that consideration would be given to the economic and emergency marketing conditions relating to the proposed amendments. Action under the procedure described above was requested by proponents at the hearing.

It is therefore found that good cause exists for omission of the recommended decision and the opportunity for filing exceptions thereto.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the respective marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Marketing agreements and orders. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in Certain Specified Marketing Areas," and "Order Amending the Orders, Regulating the Handling of Milk in Certain Specified Marketing Areas," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the orders, as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of September 1965 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in certain specified marketing areas is approved or favored by producers, as defined under the terms of the respective orders, as amended and as hereby proposed to be amended, and who during such representative period were engaged in the production of milk for sale within the aforesaid marketing areas.

Signed at Washington, D.C., on November 23, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Amending the Orders Regulating the Handling of Milk in Certain Marketing Areas

Section 0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in each of the above designated marketing areas. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing areas, and the minimum prices specified in the orders as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said orders as hereby amended, regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the respective designated marketing areas shall be in conformity to and in compliance with the terms and conditions of the aforesaid orders, as amended and as hereby further amended, as follows:

PART 1030—MILK IN CHICAGO, ILL., MARKETING AREA

1. The introductory text of § 1030.51 (a) is revised to read as follows:

§ 1030.51 Class prices.

* * * * *

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.20 August through November, $0.80 March through June and $1.00 in other months, adjusted not more than 24 cents each month by plus or minus 2.0 cents, respectively, for each full percent that the adjusted supply-demand ratio computed as follows, is above or below 72 percent: *Provided,* That the Class I price for December 1965 and January and February 1966 shall be $4.30 and for March through June 1966 shall be $4.10.

* * * * *

PART 1031—MILK IN NORTHWESTERN INDIANA MARKETING AREA

2. Section 1031.51(a) is revised to read as follows:

§ 1031.51 Class prices.

* * * * *

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.36 August through November, $0.96 March through June and $1.16 in other months: *Provided,* That such Class I price shall be increased or decreased, respectively, 2 cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio: *And provided further,* That the Class I price for December 1965 and January and February 1966 shall be $4.46 and for March through June 1966 shall be $4.26.

* * * * *

PART 1032—MILK IN SUBURBAN ST. LOUIS MARKETING AREA

3. Section 1032.51(a)(1) is revised to read as follows:

§ 1032.51 Class prices.

* * * * *

(a) *Class I price.* (1) The Class I price for plants located in the base zone shall be the basic formula price for the preceding month plus $1.50 during each of the months of August through November; plus $1.10 during each of the months of March through June and plus $1.30 during all other months. Such price shall be increased or decreased, respectively, by whatever amounts the Class I prices computed pursuant to Parts 1030 (Chicago) and 1062 (St. Louis, Mo.) of this chapter are increased or decreased by the supply-demand adjustors computed for such month under such parts: *Provided,* That the Class I price for December 1965 and January and February 1966 shall be $4.70 and for March through June 1966 shall be $4.50.

* * * * *

PART 1038—MILK IN ROCK RIVER VALLEY MARKETING AREA

4. Section 1038.51(a) is revised to read as follows:

§ 1038.51 Class prices.

* * * * *

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.12 August through November; $0.72 March through June and $0.92 in other months: *Provided,* That such Class I price shall be increased or decreased, respectively, 2 cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio: *And provided further,* That the Class I price for December 1965 and January and February 1966 shall be $4.22 and for March through June 1966 shall be $4.02.

* * * * *

PART 1039—MILK IN MILWAUKEE, WIS., MARKETING AREA

5. Section 1039.51(a) is revised to read as follows:

§ 1039.51 Class prices.

* * * * *

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.08 August through November; $0.68 March through June and $0.88 in other months: *Provided,* That such Class I price shall be increased or decreased, respectively, 2 cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio: *And provided further,* That the Class I price for December 1965 and January and February 1966 shall be $4.18 and for March through June 1966 shall be $3.98.

* * * * *

PART 1051—MILK IN MADISON, WIS., MARKETING AREA

6. Section 1051.51(a) is revised to read as follows:

§ 1051.51 Class prices.

* * * * *

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.08 August through November, $0.68 March through June and $0.88 in other months: *Provided,* That such Class I price shall be increased or decreased, respectively, 2 cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio: *And provided further,* That the Class I price for December 1965 and January and February 1966 shall be $4.18 and for March through June 1966 shall be $3.98.

* * * * *

PART 1062—MILK IN ST. LOUIS, MO., MARKETING AREA

7. Section 1062.51(a) is revised to read as follows:

§ 1062.51 Class prices.

* * * * *

(a) *Class I milk price.* The Class I price shall be the basic formula price for the preceding month plus $1.60 during the months of August, September, October, and November; plus $1.40 during the months of December, January, February, and July; and plus $1.20 during all other months. Such price shall be increased or decreased by whatever amount the Class I price computed pursuant to Part 1030 (Chicago) of this chapter is increased or decreased by the supply-demand adjustor computed for such month under such part; and plus or minus the amounts provided in subparagraphs (1) and (2) of this paragraph: *Provided,* That the Class I price for December 1965 and January and February 1966 shall be $4.80 and for March through June 1966 shall be $4.60.

* * * * *

PART 1063—MILK IN QUAD CITIES-DUBUQUE MARKETING AREA

8. Section 1063.50(b) is revised to read as follows:

§ 1063.50 Basic formula and class prices.

* * * * *

(b) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.30 August through November, $0.90 March through June and $1.10 in other months: *Provided,* That such Class I price shall be increased or decreased, respectively, two cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio: *And provided further,* That the Class I price for December 1965 and January and February 1966 shall be $4.80 and for March through June 1966 shall be $4.60.

* * * * *

PART 1070—MILK IN CEDAR RAPIDS-IOWA CITY MARKETING AREA

9. Section 1070.50(b) is revised as follows:

§ 1070.50 Basic formula and class prices.

* * * * *

(b) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.30 August through November, $0.90 March through June, and $1.10 in other months: *Provided,* That such Class I price shall be increased or decreased, respectively, 2 cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio: *And provided further,* That the Class I price for December 1965 and January and February 1966 shall be $4.40 and for March through June 1966 shall be $4.20.

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PART 1078—MILK IN NORTH CENTRAL IOWA MARKETING AREA

10. Section 1078.50(b) is revised to read as follows:

§ 1078.50 Basic formula and class prices.

* * * * *

(b) *Class I milk price.* The Class I milk price at plants located in Zone 1 shall be the basic formula price for the preceding month plus $1.25 August through November, $0.85 March through June, and $1.05 in other months: *Provided,* That such Class I price shall be increased or decreased, respectively, 2 cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio: *And provided further,* That the Class I price for December 1965 and January and February 1966 shall be $4.35 and for March through June 1966 shall be $4.15. "Zone 1" means all the territory in the counties of Humboldt, Wright, Franklin, Butler, Bremer, Webster, Hamilton, Hardin, Grundy, Black Hawk, and Buchanan, all in the State of Iowa.

* * * * *

PART 1079—MILK IN DES MOINES, IOWA, MARKETING AREA

11. Section 1079.50(b) is revised to read as follows:

§ 1079.50 Basic formula and class prices.

* * * * *

(b) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.45 August through November, $1.05 March through June, and $1.25 in other months: *Provided,* That such Class I price shall be increased or decreased, respectively, 2 cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio: *And provided further,* That the Class I price for December 1965 and January and February 1966 shall be $4.55 and for March through June 1966 shall be $4.35. For milk received from approved dairy farmers at an approved plant outside the base zone the price otherwise applicable pursuant to this paragraph shall be reduced 10 cents.

* * * * *

[F.R. Doc. 65-12736; Filed, Nov. 29, 1965; 8:45 a.m.]

[1] This order shall not become effective with respect to any marketing area unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met with respect to each such marketing area.

ATOMIC ENERGY COMMISSION

[10 CFR Part 140]

FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

Notice of Proposed Rule Making

Pursuant to the provisions of section 170 of the Atomic Energy Act of 1954, as amended, the Commission has, by public notice issued simultaneously herewith, (1) increased, effective January 1, 1966, from $60 million to $74 million, the amount of financial protection required of licensees of facilities having a rated capacity of 100 electrical megawatts or more (who are required by statute to have and maintain financial protection in the maximum amount available from private sources) and (2) reduced the amount of indemnity extended by the Commission to such licensees by a like amount.

In connection with the increase in the amount of available nuclear energy liability insurance, the Commission has also reviewed the financial protection requirements applicable to licensees of facilities not having a rated capacity of 100 megawatts or more. The amounts of financial protection for such facilities are presently prescribed by the Commission's regulations. The factors which the Commission is required to consider in establishing the amounts of financial protection for facilities not having a rated capacity of 100 megawatts are set forth in subsection 170b. of the Act.

Notice is hereby given that the Commission is considering whether to effect a proportional increase (approximately 23 percent) in the financial protection requirements for licensees of power or testing reactors having an authorized thermal power level in excess of 1 megawatt but having a rated electrical capacity less than 100 megawatts (licensees governed by application of the formula set forth in 10 CFR § 140.12).

All interested persons who desire to submit written comments or suggestions should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C., 20545, within 60 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 29th day of November 1965.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 65-12898; Filed, Nov. 29, 1965; 11:56 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 221, 250]

[Docket No. 16563]

PASSENGER PRIORITIES AND OVERBOOKED FLIGHTS

Supplemental Notice of Proposed Rule Making

NOVEMBER 23, 1965.

By notice of proposed rulemaking, EDR-95, dated October 12, 1965, and published in 30 F.R. 13236, the Civil Aeronautics Board proposed to amend Part 221 of the Economic Regulations to require carriers to include in their passenger tariffs their practices and rules for determining passenger priorities applicable in instances in which confirmed reservations exceed the capacity of the aircraft on a scheduled flight. The Board also proposed to issue a new Part 250 which would require advance notice to passengers of the possibility that they might be denied boarding on a flight for which they have confirmed reserved space. Interested persons were invited to file comments on the foregoing revisions of the Economic Regulations to be received on or before December 1, 1965.

Five carriers have requested that the time for submitting comments be extended for a period of from 3 to 6 months to allow the carriers to engage in further study of, and internal management consultation on, the proposed revisions, particularly with respect to reservations procedures and practices relating to interline traffic.

The undersigned finds that good cause has been shown for an extension of time, but not for the protracted period requested. Accordingly, pursuant to the authority delegated under sections 7.3C, 7.4, and 7.6 of Public Notice PN-15, dated July 3, 1961, the undersigned hereby extends the time for filing comments on the amendment of Part 221 and the issuance of a new Part 250 to January 5, 1966. All relevant matter received on or before that date will be considered by the Board before taking action on the proposed revisions. Copies of such communications will be available upon receipt thereof for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Sec. 204(a), 403, 404, 411, Federal Aviation Act of 1958, as amended; 72 Stat. 743, 758, 760, 769; 49 U.S.C. 1324(a), 1373, 1374, 1381; sec. 3, Administrative Procedure Act; 60 Stat. 238; 5 U.S.C. 1002.

By the Civil Aeronautics Board.

[SEAL] ARTHUR H. SIMMS,
Associate General Counsel, Rules and Rates Division.

[F.R. Doc. 65-12778; Filed, Nov. 29, 1965; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 39]

[Docket No. 1133]

AIRWORTHINESS DIRECTIVES

Boeing Models 707 and 720 Series Airplanes

Amendment 413 (27 F.R. 3319), AD 62-8-4 requires inspection of the horizontal stabilizer balance panel covers, and repair, replacement or modification of any cracked covers, on Boeing Models 707 and 720 Series airplanes. Subsequent to the issuance of Amendment 413, the Agency has determined that a visual inspection of the bond between the cover skins and their supporting structure is necessary to insure early detection of potential danger areas. Also, the manufacturer's latest service bulletins have been incorporated. Therefore, it is proposed to amend Part 39 of the Federal Aviation Regulations by amending Amendment 413 to provide for an additional visual inspection of the cover skins and to incorporate the manufacturer's latest service bulletins.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before December 30, 1965, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations, by further amending Amendment 413 (27 F.R. 3319), AD 62-8-4 as follows:

1. Subparagraph (b)(1) is amended to read:

(1) Repair in accordance with Boeing 720 Structural Repair Manual 51-9-1 dated February 1, 1965 (or later revisions), or 707 Intercontinental Structural Repair Manual 51-9-1 dated October 1, 1964 (or later revisions), or Stratoliner Structural Repair Manual 51-9-1, dated December 1, 1964 (or later revisions).

NOTE: The Structural Repair Manuals do not call for fiberglass cloth overlay repairs on the horizontal stabilizer balance panel bay covers and this practice should be discontinued.

2. Redesignate paragraphs (c) and (d) as (d) and (e) respectively, and insert the following new paragraph after paragraph (b):

(c) When repairing any panel in accordance with paragraph (b)(1), or during inspection at major overhaul, visually inspect the bonding between the cover skin and its supporting structure for evidence of bond separation. If separation is found, repair either by tack riveting the separated parts together with ⅛ inch diameter 5056 aluminum alloy rivets at 0.60±½ inch spacing, or in accordance with the applicable Structural Repair Manual set forth in subparagraph (b)(1).

3. The parenthetical reference is amended to read:

(Boeing Service Bulletin No. 1594 or later FAA approved revisions cover this same subject).

Issued in Washington, D.C., on November 22, 1965.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 65-12746; Filed, Nov. 29, 1965; 8:45 a.m.]

[14 CFR Part 39]

[Docket No. 6807]

AIRWORTHINESS DIRECTIVES

Curtiss-Wright Model C-46 Series Airplanes

The Federal Aviation Agency has under consideration a proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive for Curtiss-Wright Model C-46 Series airplanes. A notice of proposed rule making requiring modification of the fire extinguishing electrical circuit by providing separate circuit breakers for each branch of the fire extinguishing system was published in 30 F.R. 9491, and interested persons were invited to participate in the making of the proposed rule. In view of the comments received, changes of a substantive nature have been found to be necessary in the initial proposal. Therefore, in order to give interested persons an opportunity to comment on these changes, they have been incorporated into a new proposal and the notice of proposed rule making published in 30 F.R. 9491 is hereby withdrawn.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Council, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before December 30, 1965, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423).

CURTISS-WRIGHT. Applies to Model C-46 Series airplanes modified in accordance with Supplemental Type Certificate Numbers SA4-33 and SA2-422 or certificated under Type Certificate 2A5.

Compliance required as indicated.

To prevent total failure of the fire extinguisher electrical circuity, accomplish the following:

(a) Within the next 100 hours' time in service after the effective date of this Airworthiness Directive, install a placard on the fire extinguisher control panel which states "Reset fire extinguisher circuit breaker before firing each bottle." This placard may be removed when paragraph (b) has been accomplished.

(b) Within the next 500 hours' time in service after the effective date of this AD, modify the fire extinguishing electrical circuit by providing separate circuit breakers for each branch of the fire extinguishing system in accordance with paragraph (c) or (d) as applicable.

(c) For airplanes modified in accordance with STC SA4-33, modify the fire extinguishing system in accordance with Aircraft Engineering Foundation Drawing AEF 10-1200, Change "E", dated January 13, 1965, and the Flying Tiger Line, Inc., Engineering Order E.O. 26-20-4, or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(d) For airplanes certificated under Type Certificate 2A5 or modified in accordance with STC SA2-422, modify the fire extinguishing system in accordance with Aircraft Engineering Foundation Drawing AEF 10-200, Change "F", dated August 1, 1965, and Tempo Design Engineering Authorization No. 10-1200, Revision 1, dated August 1, 1965, or an equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Southern Region.

NOTE. Data may be obtained from Tempo Design Corp., Post Office Box 456, Miami International Airport, Miami, Fla., 33148.

Issued in Washington, D.C., on November 22, 1965.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 65-12747; Filed, Nov. 29, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-CE-136]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the controlled airspace in the Dickinson, N. Dak., terminal area.

The following controlled airspace is presently designated in the Dickinson, N. Dak., terminal area:

(1) The Dickinson, N. Dak., control zone is designated as that airspace within a 3-mile radius of Dickinson Municipal Airport (latitude 46°47'45" N., longitude 102°48'00" W.).

(2) The Dickinson, N. Dak., transition area is designated as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Dickinson Municipal Airport (latitude 46°47'45" N., longitude 102°48'00" W.), within 3 miles W and 1 mile E of the Dickinson VORTAC 002° radial, extending from the 5-mile radius area to 6 miles N of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 9 miles W and 5 miles E of the Dickinson VORTAC 002° and 182° radials, extending from 8 miles S to 11 miles N of the VORTAC, and within 8 miles W and 5 miles E of the Dickinson VORTAC 013° and 193° radials, extending from 4 miles S to 13 miles N of the VORTAC.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Dickinson, N. Dak., terminal area, proposes the following airspace actions:

(1) Redesignate the Dickinson, N. Dak., control zone to include the airspace within a 5-mile radius of Dickinson Municipal Airport (latitude 46°47'51" N., longitude 102°47'49" W.).

(2) Redesignate the Dickinson, N. Dak., transition area as that airspace extending upward from 700 feet above the surface within a 7-mile radius of Dickinson Municipal Airport (latitude 46°47'51" N., longitude 102°47'49" W.), and within 2 miles each side of the Dickinson VORTAC 013° radial, extending from the 7-mile radius area to 8 miles N of the VORTAC; and that airspace extending from 1,200 feet above the surface within 5 miles E and 8 miles W of the Dickinson VORTAC 013° radial, extending from the VORTAC to 13 miles N of the VORTAC; and within the arc of a 12-mile radius circle centered on the Dickinson VORTAC extending clockwise from the Dickinson VORTAC 259° radial to the Dickinson VORTAC 093° radial.

The proposed alterations are necessary since the Dickinson, N. Dak., low frequency range approach procedure has been cancelled and the VOR approach procedure at this location is being modified.

The proposed control zone would provide controlled airspace protection for aircraft departing Dickinson Municipal Airport during climb to 700 feet above the surface and for aircraft executing the prescribed instrument approach procedure during descent below 1,000 feet above the surface.

The 700-foot floor transition area would provide controlled airspace protection for departing aircraft during climb from 700 to 1,200 feet above the surface and for aircraft executing the prescribed instrument approach procedure during descent from 1,500 to 1,000 feet above the surface.

The 1,200-foot floor transition area would provide controlled airspace protection for aircraft executing the prescribed instrument approach procedure during the portion of the procedure executed at and above 1,500 feet above the surface. It would also protect the holding pattern airspace at Dickinson.

The floors of the airways that traverse the transition areas proposed herein would automatically coincide with the floors of the transition areas.

Certain minor revisions to prescribed instrument approach procedures would be effected in conjunction with the actions proposed herein but operational complexity would not be increased, nor would aircraft performance or landing minimums be adversely affected.

Specific details of the changes to the procedures that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on November 17, 1965.

DONALD S. KING,
Acting Director, Central Region.

[F.R. Doc. 65-12748; Filed, Nov. 29, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-SW-29]

FEDERAL AIRWAYS

Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would designate floors on the Federal airways in the Southwest Regional area and segments of adjoining regional areas.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 1689, Fort Worth, Tex., 76101. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the Office of the Regional Air Traffic Division Chief.

The Federal Aviation Agency proposes to designate floors on the pertinent airway segments as hereinafter set forth.

1. V-9 From Grand Isle, La., 1,200 feet above the surface (AGL) via INT Grand Isle, 333° and New Orleans, La., 181° True radials; 1,200 feet AGL New Orleans; 1,200 feet AGL McComb, Miss., including a 1,200 feet AGL E alternate from New Orleans to McComb via Picayune, Miss.

2. V-12 From Winslow, Ariz., 30 miles, 1,200 feet AGL, 8,500 feet mean sea level (MSL) Zuni, N. Mex.; 1,200 feet AGL Grants, N. Mex., including a 1,200 feet AGL S alternate via INT Zuni 108° and Grants 252° True radials; 1,200 feet AGL Albuquerque, N. Mex.; 1,200 feet AGL Otto, N. Mex.; 1,200 feet AGL Anton Chico, N. Mex., including a 1,200 feet AGL S alternate from Albuquerque to Anton Chico via INT Albuiquerque 103° and Anton Chico 249° True radials; 1,200 feet AGL Tucumcari, N. Mex.; 1,200 feet AGL Amarillo, Tex., including a 1,200 feet AGL N alternate and also a 1,200 feet AGL S alternate; 1,200 feet AGL Gage, Okla., including a 1,200 feet AGL N alternate from Amarillo to Gage via Borger, Tex., and INT Borger 061° and Gage 249° True radials; 1,200 feet AGL Anthony, Kans.; 1,200 feet AGL Wichita, Kans., including a 1,200 feet AGL N alternate from Gage to Wichita via INT Gage 043° and Wichita 250° True radials and also a 1,200 feet AGL S alternate via INT Anthony 060° and Wichita 190° True radials.

3. V-13 from Houston, Tex., 1,200 feet AGL via Lufkin, Tex., including a 1,200 feet AGL E alternate via Daisetta, Tex., and also a 1,200 feet AGL W alternate via INT Houston 354° and Lufkin 218° True radials; 1,200 feet AGL Shreveport, La., including a 1,200 feet AGL E alternate; 1,200 feet AGL Texarkana, Ark., including a 1,200 feet AGL W alternate via INT Shreveport 275° and Texarkana 184° True radials; 1,200 feet AGL Page, Okla.; 1,200 feet AGL Fort Smith, Ark.; 1,200 feet AGL Fayetteville, Ark., including a 1,200 feet AGL W alternate from Page to Fayetteville via INT Page 006° and Fayetteville 205° True radials; 1,200 feet AGL to Neosho, Mo.

4. V-14 From Roswell, N. Mex., 1,200 feet AGL via Lubbock, Tex., 1,200 feet AGL Childress, Tex., including a 1,200 feet AGL S alternate via INT Lubbock 086° and Childress 229° True radials; 1,200 feet AGL Hobart, Tex.; 1,200 feet AGL Oklahoma City, Okla., including a 1,200 feet AGL S alternate via INT Hobart 076° and Oklahoma City 202° True radials; 1,200 feet AGL Tulsa, Okla., including a 1,200 feet AGL N alternate via INT Oklahoma City 037° and Tulsa 261° True radials, and also a 1,200 feet AGL S alternate via INT Oklahoma City 107° and Tulsa 228° True radials; 1,200 feet AGL Neosho, Mo., including a 1,200 feet AGL N alternate and also a 1,200 feet AGL S alternate via INT Tulsa 087° and Neosho 223° True radials; 1,200 feet AGL Springfield, Mo., including a 1,200 feet AGL S alternate via INT Neosho 074° and Springfield 210° True radials.

5. V-15 From Galveston, Tex., 1,200 feet AGL via Houston, Tex.; 1,200 feet AGL College Station, Tex., including a 1,200 feet AGL W alternate via INT Houston 287° and College Station 149° True radials; 1,200 feet AGL Waco, Tex., including a 1,200 feet AGL W alternate via INT College Station 307° and Waco 173° True radials; 1,200 feet AGL Dallas, Tex., including a 1,200 feet AGL E alternate and also a 1,200 feet AGL W alternate from Waco to INT of Britton, Tex., 091° and Dallas, 202° True radials via INT Waco 353° and Britton 264° radials, and Britton; 1,200 feet AGL Ardmore, Okla., including a 1,200 feet AGL W alternate via INT Dallas 324° and Ardmore 176° True radials; 1,200 feet AGL Okmulgee, Okla., including a 1,200 feet AGL E alternate and also a 1,200 feet AGL W alternate via INT Ardmore 006° and Okmulgee 245° True radials; 1,200 feet AGL INT Okmulgee 048° and Neosho, Mo., 223° True radials; 1,200 feet AGL Neosho.

6. V-16 From Cochise, Ariz., 1,200 feet AGL via Columbus, N. Mex.; 1,200 feet AGL El Paso, Tex., including a 1,200 feet AGL N alternate via INT Columbus 075° and El Paso 286° True radials; 1,200 feet AGL Salt Flat, Tex.; 1,200 feet AGL Wink, Tex.; 1,200 feet AGL INT Wink 066° and Big Spring, Tex., 260° True radials; 1,200 feet AGL Big Spring, including a 1,200 feet AGL S alternate from Wink to Big Spring via Midland, Tex.; 1,200 feet AGL Abilene, Tex.; 1,200 feet AGL Mineral Wells, Tex.; 1,200 feet AGL INT Mineral Wells 078° and Dallas, Tex., 252° True radials; 1,200 feet AGL Dallas, including a 1,200 feet AGL S alternate via INT Mineral Wells 094° and Dallas 229° True radials; 1,200 feet AGL Sulphur Springs, Tex.; 1,200 feet AGL Texarkana, Ark., including a 1,200 feet AGL N alternate via INT Sulphur Springs 060° and Texarkana 272° True radials, and also a 1,200 feet AGL S alternate via INT Sulphur Springs 090° and Texarkana 240° True radials; 1,200 feet AGL Pine Bluff, Ark.; 1,200 feet AGL Memphis, Tenn., including a 1,200 feet AGL S alternate.

7. V-17 From Laredo, Tex., 1,200 feet AGL via Cotulla, Tex.; 1,200 feet AGL INT Cotulla 041° and San Antonio, Tex., 183° True radials; 1,200 feet AGL San Antonio; 1,200 feet AGL Austin, Tex., including a 1,200 feet AGL W alternate via INT San Antonio 002° and Austin 237° True radials and also a 1,200 feet AGL E alternate via INT San Antonio 057° and Austin 198° True radials; 1,200 feet AGL Waco, Tex., including a 1,200 feet AGL E alternate via INT Austin 046° and Waco 173° True radials; 1,200 feet AGL INT Waco 315° and Mineral Wells, Tex., 197° True radials; 1,200 feet AGL Mineral Wells; 1,200 feet AGL Bridgeport, Tex.; 1,200 feet AGL Duncan, Okla.; 1,200 feet AGL INT Duncan 011° and Oklahoma City, Okla., 180° True radials; 1,200 feet AGL Oklahoma City; 1,200 feet AGL Gage, Okla., including a 1,200 feet AGL W alternate via INT Oklahoma City 282° and Gage 133° True radials.

8. V-18 From Dallas, Tex., 1,200 feet AGL via Quitman, Tex.; 1,200 feet AGL Shreveport, La., including a 1,200 feet AGL S alternate via INT Quitman 109° and Shreveport 246° True radials; 1,200 feet AGL Monroe, La., including a 1,200 feet AGL N alternate and also a 1,200 feet AGL S alternate via INT Shreveport 117° and Monroe 268° True radials; 1,200 feet AGL Jackson, Miss., including a 1,200 feet AGL N alternate and also a 1,200 feet AGL S alternate.

9. V-19 From Newman, Tex., 1,200 feet AGL via INT Newman 287° and Truth or Consequences, N. Mex., 159° True radials; 1,200 feet AGL Truth or Consequences; 1,200 feet AGL INT Truth or Consequences 028° and Socorro, N. Mex., 189° True radials; 1,200 feet AGL Socorro; 1,200 feet AGL Albuquerque, N. Mex., including a 1,200 feet AGL W alternate via INT Socorro 343° and Albuquerque 199° True radials, and also a 1,200 feet AGL E alternate via INT Socorro 015° and Albuquerque 160° True radials; 1,200 feet AGL Santa Fe, N. Mex., including a 1,200 feet AGL W alternate via INT Albuquerque 026° and Santa Fe 253° True radials; 1,200 feet AGL Las Vegas, N. Mex., 1,200 feet AGL Cimarron, N. Mex.; 1,200 feet AGL Pueblo, Colo., including a 1,200 feet AGL E alternate via INT Cimarron 053° and Pueblo 176° True radials.

10. V-20 From Corpus Christi, Tex., 1,200 feet AGL via INT Corpus Christi 054° and Palacious, Tex., 226° True radials; 1,200 feet AGL Palacious, including a 1,200 feet AGL N alternate via INT Corpus Christi 039° and Palacious 241° True radials; 1,200 feet AGL Houston, Tex., including a 1,200 feet AGL N alternate via INT Palacious 016° and Houston 255° True radials; 1,200 feet AGL Beaumont, Tex., including a 1,200 feet AGL N alternate via INT Houston 045° and Beaumont 273° True radials; 1,200 feet AGL Lake Charles, La., including a 1,200 feet AGL N alternate via INT Beaumont 058° and Lake Charles 272° True radials and also a 1,200 feet AGL S alternate from Houston to Lake Charles via INT Houston 090° and Sabine Pass, Tex., 265° True radials and Sabine Pass; 1,200 feet AGL Lafayette, La., including a 1,200 feet AGL N alternate via INT Lake Charles 064° and Lafayette 285° True radials; 1,200 feet AGL New Orleans, La., including a 1,200 feet AGL S alternate from Lafayette to New Orleans via Tibby, La.; 1,200 feet AGL INT New Orleans 070° and Gulfport, Miss., 247° True radials; 1,200 feet AGL Gulfport; 1,200 feet AGL Mobile, Ala., including a 1,200 feet AGL N alternate from New Orleans to Mobile via Picayune, Miss., excluding the airspace between the main and this N alternate.

11. V-22 From Houston, Tex., 1,200 feet AGL via INT Houston 090° and Sabine Pass, Tex., 265° True radials; 1,200 feet AGL Sabine Pass; 1,200 feet AGL White Lake, La.; 1,200 feet AGL Tibby, La.; 1,200 feet AGL Harvey, La.; 1,200 feet AGL INT Harvey 073° and Brookley, Ala., 240° True radials; 1,200 feet AGL to Brookley.

12. V-54 From Waco, Tex., 1,200 feet AGL via INT Waco 037° and Quitman, Tex., 243° True radials; 1,200 feet AGL Quitman; 1,200 feet AGL Texarkana, Ark.; 1,200 feet AGL INT Texarkana 052° and Little Rock, Ark., 235° True radials; 1,200 feet AGL Little Rock, including a 1,200 feet AGL N alternate via INT Texarkana 037° and Hot Springs, Ark., 223° True radials and Hot Springs; 1,200 feet AGL INT Little Rock 077° and Memphis, Tenn., 261° True radials; 1,200 feet AGL Memphis, including a 1,200 feet AGL N alternate.

13. V-60 From Albuquerque, N. Mex., 1,200 feet AGL via Otto, N. Mex., including a 1,200 feet AGL S alternate via INT Albuquerque 103° and Otto 253° True radials; 1,200 feet AGL Las Vegas, N. Mex.

14. V-61 From Bridgeport, Tex., 1,200 feet AGL via INT Bridgeport 315° and Wichita Falls, Tex., 139° True radials; 1,200 feet AGL Wichita Falls; 1,200 feet AGL Lawton, Okla.

15. V-62 From INT Albuquerque, N. Mex., 329° and Sante Fe, N. Mex., 268° True radials 1,200 feet AGL via Santa Fe; 1,200 feet AGL Anton Chico, N. Mex.; 1,200 feet AGL Texico, N. Mex.; 1,200 feet AGL Plainview, Tex.; 1,200 feet AGL Lubbock, Tex., including a 1,200 feet AGL S alternate from Texico direct Lubbock; 1,200 feet AGL Abilene, Tex.; 1,200 feet AGL INT Abilene 096° and Britton, Tex., 264° True radials; 1,200 feet AGL Britton.

16. V-63 From McAlester, Okla., 1,200 feet AGL via Fayetteville, Ark., 1,200 feet AGL Springfield, Mo.

17. V-66 From Columbus, N. Mex., 1,200 feet AGL El Paso, Tex., including a 1,200 feet AGL N alternate via INT Columbus 075° and El Paso 286° True radials; 6 miles wide, 1,200 feet AGL INT El Paso 112° and Hudspeth, Tex., 281° True radials; 1,200 feet AGL Hudspeth; thence 1,200 feet AGL Pecos, Tex.; 1,200 feet AGL Midland, Tex.; 1,200 feet AGL Hyman, Tex.; 1,200 feet AGL INT Hyman 085° and Abilene, Tex., 251° True radials; 1,200 feet AGL Abilene; 1,200 feet AGL INT Abilene 066° and Bridgeport, Tex., 248° True radials; 1,200 feet AGL Bridgeport; 1,200 feet AGL INT Bridgeport 087° and Sulphur Springs, Tex., 275° True radials; 1,200 feet AGL Sulphur Springs.

18. V-68 From Albuquerque, N. Mex., 1,200 feet AGL via INT Albuquerque 120° and Corona, N. Mex., 311° True radials; 1,200 feet AGL Corona, including a 1,200 feet AGL N alternate via INT Albuquerque 103° and Corona 328° True radials and also a 1,200 feet AGL S alternate via INT Albuquerque 160° and Corona 269° True radials; 41 miles 8,500 feet MSL, 1,200 feet AGL Roswell, N. Mex., including an N alternate 8,500 feet MSL INT Corona 124° and Roswell 335° True radials, 1,200 feet AGL; 1,200 feet AGL Hobbs, N. Mex., including a 1,200 feet AGL S alternate; 1,200 feet AGL INT Hobbs 120° and Midland, Tex., 312° True radials; 1,200 feet AGL Midland, including a 1,200 feet AGL S alternate via INT Hobbs 136° and Midland 283° True radials; 1,200 feet AGL San Angelo, Tex., including a 1,200 feet AGL S alternate via INT Midland 128° and San Angelo 278° True radials; 1,200 feet AGL Junction, Tex., including a 1,200 feet AGL S alternate via INT San Angelo 181° and Junction 310° True radials; 1,200 feet AGL San Antonio, Tex.; 1,200 feet AGL INT San Antonio 167° and Corpus Christi, Tex., 296° True radials; 1,200 feet AGL Corpus Christi; 1,200 feet AGL Harlingen, Tex.; 1,200 feet AGL McAllen, Tex. The airspace within Mexico is excluded.

19. V-69 From Shreveport, La., 1,200 feet AGL via INT Shreveport 087° and El Dorado, Ark., 218° True radials; 1,200 feet AGL El Dorado, including a 1,200 feet AGL W alternate via INT Shreveport 087° and El Dorado 233° True radials; 1,200 feet AGL Pine Bluff, Ark.; 1,200 feet AGL INT Pine Bluff 040° and Walnut Ridge, Ark., 187° True radials; 1,200 feet AGL Walnut Ridge; 1,200 feet AGL Farmington, Mo.

20. V-70 From Corpus Christi, Tex., 1,200 feet AGL via INT Corpus Christi 054° and Palacios, Tex., 226° True radials; 1,200 feet AGL, Palacios; 1,200 feet AGL Galveston, Tex.; 1,200 feet AGL Sabine Pass, Tex.; 1,200 feet AGL Lake Charles, La.; 1,200 feet AGL Lafayette, La.; 1,200 feet AGL Baton Rouge, La., including a 1,200 feet AGL N alternate via INT Lafayette 012° and Baton Rouge 264° True radials; 1,200 feet AGL Picayune, Miss.; 1,200 feet AGL Green County, Miss.

21. V-71 From Baton Rouge, La., 1,200 feet AGL via Natchez, Miss.; 1,200 feet AGL Monroe, La.; 1,200 feet AGL El Dorado, Ark.; 1,200 feet AGL Hot Springs, Ark.; 1,200 feet AGL INT Hot Springs 358° and Harrison, Ark., 176° True radials; 1,200 feet AGL Harrison; 1,200 feet AGL Springfield, Mo., including a 1,200 feet AGL W alternate from Hot Springs to Springfield via Fayetteville, Ark., excluding the airspace between the main and this W alternate.

22. V-72 From Fayetteville, Ark., 1,200 feet AGL via Dogwood, Mo.; 1,200 feet AGL Maples, Mo.

23. V-74 From Anthony, Kans., 1,200 feet AGL via Ponca City, Okla.; 1,200 feet AGL Tulsa, Okla., including a 1,200 feet AGL N alternate via INT Ponca City 094° and Tulsa 319° True radials; 1,200 feet AGL Fort Smith, Ark., including a 1,200 feet AGL N alternate via INT Tulsa 087° and Fort Smith 318° True radials, and also a 1,200 feet AGL S alternate from Ponca City to Fort Smith via Okmulgee, Okla.; 1,200 feet AGL Little Rock, Ark., including a 1,200 feet AGL N alternate and also a 1,200 feet AGL S alternate via INT Fort Smith 133° and Little Rock 278° True radials; 1,200 feet AGL Pine Bluff, Ark.; including a 1,200 feet AGL N alternate via INT Little Rock 137° and Pine Bluff 006° True radials.

24. V-76 From Lubbock, Tex., 1,200 feet AGL via INT Lubbock 188° and Big Spring, Tex., 286° True radials; 1,200 feet AGL Big Spring, including a 1,200 feet AGL N alternate from Lubbock direct Big Spring, excluding the airspace between the main and this N alternate; 1,200 feet AGL Hyman, Tex.; 1,200 feet AGL San Angelo, Tex.; 1,200 feet AGL Llano, Tex.; 1,200 feet AGL Austin, Tex., including a 1,200 feet AGL S alternate via INT Llano 129° and Austin 257° True radials; 1,200 feet AGL Industry, Tex.; 1,200 feet AGL INT Industry 104° and Houston, Tex., 287° True radials; 1,200 feet AGL Houston, including a 1,200 feet AGL S alternate from Industry to Houston via Eagle Lake, Tex.; 1,200 feet AGL Galveston, Tex.

25. V-77 From San Angelo, Tex., 1,200 feet AGL via Abilene, Tex.; 1,200 feet AGL Wichita Falls, Tex., including a 1,200 feet AGL E alternate; 1,200 feet AGL INT Wichita Falls 028° and Oklahoma City, Okla., 202° True radials; 1,200 feet AGL Oklahoma City, including a 1,200 feet AGL E alternate from Wichita Falls to Oklahoma City via INT Wichita Falls 047° and Duncan, Okla., 248° True radials, Duncan, INT Duncan 011° and Oklahoma City 180° True radials; 1,200 feet AGL Ponca City, Okla., including a 1,200 feet AGL E alternate via INT Oklahoma City 037° and Ponca City 186° True radials; 1,200 feet AGL INT Ponca City 327° and Wichita, Kans., 225° True radials; 1,200 feet AGL Wichita.

26. V-79 From Hobbs, N. Mex., 1,200 feet AGL via INT Hobbs 073° and Lubbock, Tex., 188° True radials; 1,200 feet AGL Lubbock.

27. V-81 From Midland, Tex., 1,200 feet AGL via Lubbock, Tex.; 1,200 feet AGL Plainview, Tex.; 1,200 feet AGL Amarillo, Tex., including a 1,200 feet AGL E alternate; 1,200 feet AGL Dalhart, Tex.; 1,200 feet AGL Tobe, Colo.

28. V-83 From Carlsbad, N. Mex., 1,200 feet AGL via Roswell, N. Mex.; 40 miles, 1,200 feet AGL, 8,500 feet MSL Corona, N. Mex., including an E alternate 1,200 feet AGL via INT Roswell 335° and Corona 124° True radials, 8,500 feet MSL Corona; 1,200 feet AGL Otto, N. Mex., 1,200 feet AGL Santa Fe, N. Mex.; 1,200 feet AGL Taos, N. Mex.; 1,200 feet AGL Alamosa, Colo.

29. V-88 From Tulsa, Okla., 1,200 feet AGL via INT Tulsa 044° and Springfield, Mo., 261° True radials; 1,200 feet AGL Springfield.

30. V-94 From San Simon, Ariz., 1,200 feet AGL via Deming, N. Mex.; 1,200 feet AGL Newman, Tex., including a 1,200 feet AGL S alternate via INT Deming 121° and Newman 271° True radials; 1,200 feet AGL INT Newman 091° and Salt Flat, Tex., 312° True radials; 1,200 feet AGL Salt Flat; 1,200 feet AGL Wink, Tex.; 1,200 feet AGL Midland, Tex.; 1,200 feet AGL Hyman, Tex.; 1,200 feet AGL Dyess, Tex.; 1,200 feet AGL INT Dyess 084° and Britton, Tex., 264° True radials; 1,200 feet AGL Britton; 1,200 feet AGL Gregg County, Tex.; 1,200 feet AGL Barksdale AFB, La.; 1,200 feet AGL Monroe, La.

31. V-95 From Winslow, Ariz., 66 miles, 1,200 feet AGL, 39 miles, 12,500 feet MSL, 1,200 feet AGL Farmington, N. Mex.

32. V-102 From Salt Flat, Tex., 1,200 feet AGL via Deming, N. Mex.; 1,200 feet AGL Hobbs, N. Mex.; 1,200 feet AGL Lubbock, Tex.; 1,200 feet AGL Guthrie, Tex.; 1,200 feet AGL Wichita Falls, Tex., including a 1,200 feet AGL S alternate via INT Guthrie 103° and Wichita Falls 247° True radials.

33. V-110 From Deming, N. Mex., 1,200 feet AGL Truth or Consequences, N. Mex.

34. V-114 From Amarillo, Tex., 1,200 feet AGL via Childress, Tex., including a 1,200 feet AGL S alternate; Wichita Falls, Tex., including a 1,200 feet AGL S alternate via INT Childress 120° and Wichita Falls 262° True radials; 1,200 feet AGL INT Wichita Falls 122° and Dallas, Tex., 299° True radials; 1,200 feet AGL Dallas; 1,200 feet AGL INT Dallas 113° and Gregg County, Tex., 290° True radials; 1,200 feet AGL Gregg County, including a 1,200 feet AGL N alternate from Dallas to Gregg County via Quitman, Tex., and also a 1,200 feet AGL S alternate via INT Dallas 130° and Gregg County 273° True radials; 1,200 feet AGL INT Gregg County 123° and Alexandria, La., 300° True radials;

1,200 feet AGL Alexandria, including a 1,200 feet AGL N alternate from Gregg County to Alexandria via Shreveport, La., and INT Shreveport 176° and Alexandria 300° True radials; 1,200 feet AGL Baton Rouge, La.; 1,200 feet AGL New Orleans, La., including a 1,200 feet AGL N alternate from Alexandria to New Orleans via INT Alexandria 109° and New Orleans 312° True radials.

35. V–131 From McAlester, Okla., 1,200 feet AGL via Okmulgee, Okla.; 1,200 feet AGL Tulsa, Okla.; 1,200 feet AGL Chanute, Kans.

36. V–140 From Amarillo, Tex., 1,200 feet AGL via Sayre, Okla., including a 1,200 feet AGL N alternate via INT Amarillo 072° and Sayre 288° True radials; 1,200 feet AGL Kingfisher, Okla.; 1,200 feet AGL INT Kingfisher 072° and Tulsa, Okla., 261° True radials; 1,200 feet AGL Tulsa; 1,200 feet AGL Fayetteville, Ark., including a 1,200 feet AGL N alternate via INT Tulsa 059° and Fayetteville 284° True radials; 1,200 feet AGL Harrison, Ark.; 1,200 feet AGL Walnut Ridge, Ark.; 1,200 feet AGL Dyersburg, Tenn.

37. V–161 From Greater Southwest, Tex., 1,200 feet AGL via INT Greater Southwest 318° and Ardmore, Okla., 192° radials; 1,200 feet AGL Ardmore; 1,200 feet AGL Okmulgee, Okla.; 1,200 feet AGL Tulsa, Okla.; 1,200 feet AGL Oswego, Kans.

38. V–163 From Brownsville, Tex., 1,200 feet AGL via INT Brownsville 347° and Corpus Christi, Tex., 191° True radials; 1,200 feet AGL Corpus Christi, including a 1,200 feet AGL W alternate from Brownsville to INT Brownsville 347° and Corpus Christi 191° True radials via Harlingen, Tex.; 1,200 feet AGL INT Corpus Christi 313° and San Antonio, Tex., 183° True radials; 1,200 feet AGL San Antonio; 1,200 feet AGL INT San Antonio 002° and Lometa, Tex., 173° True radials; 1,200 feet AGL Lometa, including a 1,200 feet AGL W alternate from San Antonio to Lometa via INT San Antonio 334° and Llano, Tex., 180° True radials and Llano; 1,200 feet AGL Mineral Wells, Tex.; 1,200 feet AGL Bridgeport, Tex.; 1,200 feet AGL Ardmore, Okla.; 1,200 feet AGL INT Ardmore 342° and Oklahoma City, Okla., 154° True radials; 1,200 feet AGL Oklahoma City, including a 1,200 feet AGL W alternate via INT Ardmore 327° and Oklahoma City 180° True radials and also a 1,200 feet AGL E alternate via INT Ardmore 006° and Oklahoma City 107° True radials.

39. V–180 From San Antonio, Tex., 1,200 feet AGL via Eagle Lake, Tex.; 1,200 feet AGL; Galveston, Tex.

40. V–187 From Albuquerque, N. Mex., 1,200 feet AGL Farmington, N. Mex.

41. V–190 From St. Johns, Ariz., 1,200 feet AGL via Albuquerque, N. Mex., including a 1,200 feet AGL N alternate from St. Johns to Albuquerque via INT St. Johns 053° and Grants, N. Mex., 252° True radials and Grants; 1,200 feet AGL Las Vegas, N. Mex.; 19 miles, 1,200 feet AGL, 72 miles, 9,000 feet MSL, 1,200 feet AGL Dalhart, Tex.; 14 miles, 1,200 feet AGL, 82 miles, 6,000 feet MSL, 1,200 feet AGL Gage, Okla.; 1,200 feet AGL INT Gage 059° and Ponca City, Okla., 280° True radials; 1,200 feet AGL Ponca City; 1,200 feet AGL INT Ponca City 094° and Bartlesville, Okla., 256° True radials; 1,200 feet AGL Bartlesville; 1,200 feet AGL INT Bartlesville 075° and Oswego, Kans., 233° True radials; 1,200 feet AGL Oswego; 1,200 feet AGL INT Oswego 085° and Springfield, Mo., 261° True radials; 1,200 feet AGL Springfield.

42. V–192 From Socorro, N. Mex., 1,200 feet AGL via Corona, N. Mex., 15 miles, 1,200 feet AGL, 35 miles, 10,500 feet MSL, 1,200 feet AGL Tucumcari, N. Mex.

43. V–194 From Lafayette, La., 1,200 feet AGL via Baton Rouge, La.; 1,200 feet AGL McComb, Miss.

44. V–198 From Columbus, N. Mex., 1,200 feet AGL via El Paso, Tex., 6 miles wide, 1,200 feet AGL INT El Paso 112° and Hudspeth, Tex., 281° True radials; 1,200 feet AGL Hudspeth; thence 29 miles, 1,200 feet AGL; 37 miles, 8,200 feet MSL, INT Hudspeth 109° and Fort Stockton, Tex., 284° True radials; 18 miles, 8,200 feet MSL, 1,200 feet AGL Fort Stockton; 20 miles, 1,200 feet AGL, 116 miles, 5,500 feet MSL, 1,200 feet AGL Junction, Tex.; 1,200 feet AGL San Antonio, Tex.; 1,200 feet AGL Eagle Lake, Tex.; 1,200 feet AGL Houston, Tex.

45. V–202 From Cochise, Ariz., 1,200 feet AGL via San Simon, Ariz.; 1,200 feet AGL Silver City, N. Mex.; 1,200 feet AGL Truth or Consequences, N. Mex.

46. V–205 From Walnut Ridge, Ark., 1,200 feet AGL via Dogwood, Mo.; 1,200 feet AGL Springfield, Mo.

47. V–212 From San Antonio, Tex., 1,200 feet AGL via INT San Antonio 089° and Industry, Tex., 233° True radials; 1,200 feet AGL Industry; 1,200 feet AGL Navasota, Tex.; 1,200 feet AGL Lufkin, Tex.; 1,200 feet AGL Alexandria, La.; 1,200 feet AGL McComb, Miss.

48. V–222 From El Paso, Tex., 1,200 feet AGL via Salt Flat, Tex.; 1,200 feet AGL Fort Stockton, Tex.; 20 miles, 1,200 feet AGL, 116 miles, 5,500 feet MSL, 1,200 feet AGL Junction, Tex.; 1,200 feet AGL INT Junction 112° and San Antonio, Tex., 334° True radials; 1,200 feet AGL San Antonio; 1,200 feet AGL INT San Antonio 074° and Industry, Tex., 264° True radials; 1,200 feet AGL Industry; 1,200 feet AGL INT Industry 104° and Houston, Tex., 287° True radials; 1,200 feet AGL Houston; 1,200 feet AGL Beaumont, Tex.; 1,200 feet AGL Lake Charles, La., including a 1,200 feet AGL N alternate from Houston to Lake Charles via Daisetta, Tex.; 1,200 feet AGL McComb, Miss.

49. V–234 From Anton Chico, N. Mex., 1,200 feet AGL via INT Anton Chico 067° and Dalhart, Tex., 243° True radials; 1,200 feet AGL Dalhart; 1,200 feet AGL Liberal, Kans.

50. V–240 From New Orleans, La., 1,200 feet AGL via INT New Orleans 085° and Mobile, Ala., 224° True radials; 1,200 feet AGL Mobile.

51. V–245 From Alexandria, La., 1,200 feet AGL via Natchez, Miss.; 1,200 feet AGL Jackson, Miss.

52. V–263 From Cimarron, N. Mex., 1,200 feet AGL Tobe, Colo.

53. V–264 From St. Johns, Ariz., 29 miles, 1,200 feet AGL; 51 miles, 11,500 feet MSL, 1,200 feet AGL Socorro, N. Mex.

54. V–272 From Dalhart, Tex., 1,200 feet AGL via Borger, Tex.; 1,200 feet AGL Sayre, Okla.; 1,200 feet AGL Oklahoma City, Okla., including a 1,200 feet AGL N alternate via INT Sayre 070° and Oklahoma City, 282° True radials and also a 1,200 feet AGL S alternate via INT Sayre 101° and Oklahoma City 242° True radials; 1,200 feet AGL INT Oklahoma City, 107° and McAlester, Okla., 292° True radials; 1,200 feet AGL McAlester.

55. V–278 From Texico, N. Mex., 1,200 feet AGL via Plainview, Tex.; 1,200 feet AGL Guthrie, Tex.; 1,200 feet AGL Bridgeport, Tex.; 1,200 feet AGL Dallas, Tex.; 1,200 feet AGL Paris, Tex.; 1,200 feet AGL Texarkana, Ark.; 1,200 feet AGL; Greenwood, Miss.

56. V–280 From El Paso, Tex., 1,200 feet AGL via INT El Paso 093° and Pinon, N. Mex., 219° True radials; 1,200 feet AGL Pinon; 1,200 feet AGL Roswell, N. Mex.; 1,200 feet AGL INT Roswell 063° and Texico, N. Mex., 216° True radials; Texico, including a 1,200 feet AGL S alternate via INT Roswell 080° and Texico 216° True radials; 1,200 feet AGL INT Texico 021° and Amarillo, Tex., 267° True radials; 1,200 feet AGL Amarillo. From Gage, Okla., 1,200 feet AGL Hutchinson, Kans.

57. V–284 From Fort Stockton, Tex., 20 miles, 1,200 feet AGL, 87 miles, 6,000 feet MSL, 1,200 feet AGL San Angelo, Tex.

58. V–289 From Beaumont, Tex., 1,200 feet AGL via INT Beaumont 334° and Lufkin, Tex., 160° True radials; 1,200 feet AGL Lufkin, including a 1,200 feet AGL E alternate; 1,200 feet AGL INT Lufkin 355° and Gregg County, Tex., 181° True radials; 1,200 feet AGL Gregg County; 1,200 feet AGL Texarkana, Ark.; 1,200 feet AGL Fort Smith, Ark.

59. V–291 From Winslow, Ariz., 1,200 feet AGL via Gallup, N. Mex.; 1,200 feet AGL Grants, N. Mex.

60. V–303 From Hot Springs, Ark., 1,200 feet AGL Fort Smith, Ark., including a 1,200 feet AGL E alternate via INT Hot Springs 335° and Fort Smith 097° True radials.

61. V–304 From Amarillo, Tex., 1,200 feet AGL via Borger, Tex., 1,200 feet AGL Liberal, Kans., including a 1,200 feet AGL W alternate via INT Borger 354° and Liberal 234° True radials.

62. V–305 From El Dorado, Ark., 1,200 feet AGL Little Rock, Ark.

63. V–306 From Austin, Tex., 1,200 feet AGL via Navasota, Tex.; 1,200 feet AGL Daisetta, Tex.

64. V–315 From Paris, Tex., 1,200 feet AGL Page, Okla.

65. V–421 From Zuni, N. Mex., 1,200 feet AGL Gallup, N. Mex.; 1,200 feet AGL Farmington, N. Mex.

66. V–455 From New Orleans, La., 1,200 feet AGL via Picayune, Miss.; 1,200 feet AGL Hattiesburg, Miss., including a 1,200 feet AGL E alternate from New Orleans to Hattiesburg via INT New Orleans 070° and Gulfport, Miss., 247° True radials, Gulfport, INT Gulfport 344° and Hattiesburg 171° True radials, and also a 1,200 feet AGL W alternate from New Orleans to Hattiesburg via INT New Orleans 357° and Hattiesburg 221° True radials.

67. V–477 From Houston, Tex., 1,200 feet AGL via Leona, Tex., including a 1,200 feet AGL E alternate via INT Houston 354° and Leona 143° True radials and also a 1,200 feet AGL W alternate via INT Houston 314° and Leona 173° True radials; 1,200 feet AGL INT Leona 338° and Dallas, Tex., 170° True radials; 1,200 feet AGL Dallas, including a 1,200 feet AGL E alternate.

68. V–516 From Anthony, Kans., 1,200 feet AGL via Ponca City, Okla., 1,200 feet AGL Oswego, Kans.

69. V–530 From Texico, N. Mex., 1,200 feet AGL to Childress, Tex.

In those instances where a floor of 1,200 feet above the surface has been proposed, the floor is necessary for aircraft to climb from an airport to minimum en route altitude, for climb from one en route altitude to a higher en route altitude, for compatibility with crossing airway segments and for aeronautical chart legibility. The substitution of the Tulsa, Okla., 087° True radial for the 088° True radial in the descriptions of V–14 south alternate and V–74 north alternate is the result of recent mathematical computations based on refined geodetic positions of the Tulsa and Fayetteville, Ark., VORTACs.

These amendments are proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on November 22, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65–12749; Filed, Nov. 29, 1965; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 16255; RM–848]

TABLE OF ASSIGNMENTS, FM BROADCAST STATIONS; TALLAHASSEE, FLA.

Order Extending Time for Filing Comments

1. On October 25, 1965, the Commission released a notice of proposed rule making (FCC 65–953) in this proceeding, inviting comments on a proposal to amend the FM Table of Assignments by adding Channel 281 to Tallahassee, Fla. The date given for filing comments was November 22, 1965, and for reply comments was December 7, 1965. On November 22, 1965, WMEN, Inc., the proponent of the subject rule making, filed a request for extension of time for filing comments until November 29, 1965. Petitioner points out that the notice invited comments on the issue of whether the proposed assignment would preclude the use of that or adjacent channels in other communities which may in the future need such assignments. Petitioner submits that its consulting engineer cannot complete the necessary study in time and that a brief extension is needed.

2. We are of the view that good cause has been shown for granting the requested extension. *Accordingly, it is ordered,* This 23d day of November 1965, that the time for filing comments is extended from November 22, 1965, until November 29, 1965, and that the time for filing reply comments is extended from December 7, 1965, until December 17, 1965.

3. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Released: November 23, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65–12781; Filed, Nov. 29, 1965; 8:49 a.m.]

Notices

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

TENNECO CHEMICALS, INC., NEWPORT DIVISION

Notice of Filing of Petition for Food Additives Rosins and Rosin Derivatives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 6B1894) has been filed by Tenneco Chemicals, Inc., Newport Division, Post Office Drawer 911, Pensacola, Fla., 32502, proposing that paragraph (a)(2)(iii) of § 121.2592 *Rosins and rosin derivatives* be amended by changing it to read as follows:

(iii) Partially dimerized rosin, dimerized by sulfuric acid or zinc chloride catalyst to a drop-softening point of 95° C.–120° C., and a color of N or paler.

Dated: November 23, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65–12779; Filed, Nov. 29, 1965; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

SURVEY OF DISTRIBUTORS STOCKS OF CANNED FOODS

Notice of Determination

In conformity with Title 13 U.S.C. 181, 224, and 225, and due Notice of Consideration having been published October 29, 1965 (30 F.R. 13792), I have determined that year-end data on stocks of 30 canned and bottled products, including vegetables, fruits, juices, and fish, are needed to aid the efficient performance of essential governmental functions, and have significant application to the needs of the public and industry and are not publicly available from nongovernmental or other governmental sources. This is a continuation of the survey conducted in previous years.

All respondents will be required to submit information covering their December 31, 1965, inventories of 30 canned and bottled vegetables, fruits, juices, and fish. Reports will not be required from all firms but will be limited to a scientifically selected sample of wholesalers and retail multiunit organizations handling canned foods, in order to provide year-end inventories of the specified canned food items with measured reliability. These stocks will be measured in terms of actual cases with separate data requested for "all sizes smaller than No. 10" and for "sizes No. 10 or larger." In addition, a number of selected multiunit firms will be requested to provide information on the location of establishments maintaining canned food stocks that are not currently reporting in the Canned Food Survey.

Report forms will be furnished to firms covered by the survey. Additional copies of the forms are available on request to the Director, Bureau of the Census, Washington, D.C., 20233.

Reports are due 8 days after receipt of the report forms.

I have therefore directed that this annual survey be conducted for the purpose of collecting these data.

A. ROSS ECKLER,
Director, Bureau of the Census.

[F.R. Doc. 65–12741; Filed, Nov. 29, 1965; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. PRM–30–19]

CHEVRON RESEARCH CO.

Notice of Filing of Petition for Rule Making

Please take notice that Chevron Research Co., 576 Standard Avenue, Richmond, Calif., by letter dated November 5, 1965, has filed with the Commission a petition for rule making to amend the Commission's regulation, Licensing of Byproduct Material, 10 CFR Part 30.

The amendment proposed by the petitioner would amend Part 30 so as to issue a general license for scandium 46 contained in a synthetic plastic resin at concentrations not exceeding 14×10^{-4} microcurie per milliliter, the resin to be used exclusively for subterranean marking in oil wells. The concentration of 14×10^{-4} μc/ml is 3.5 times the present exempt concentration of 4×10^{-4} μc/ml for scandium 46 in section 30.70, Schedule A, of Part 30.

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Washington, D.C., this 22d day of November 1965.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 65–12739; Filed, Nov. 29, 1965; 8:45 a.m.]

[Docket No. 27–17]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE; NATIONAL INSTITUTES OF HEALTH

Notice of Amendment of Byproduct Material License

Please take notice that the Atomic Energy Commission has issued Amendment No. 3 to License No. 19–296–11, authorizing disposal at sea of waste radioactive material, held by the Department of Health, Education, and Welfare, National Institutes of Health, Bethesda, Md., which provides for renewal of the license for a period of 2 years. The license renewal provides only for the continuation of activities previously authorized.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing by any party and petitions to intervene shall be filed in accordance with the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

The text of this amendment is attached to this notice.

Dated at Bethesda, Md., November 22, 1965.

For the Atomic Energy Commission.

J. A. MCBRIDE,
Director, Division of Materials Licensing.

[License No. 19–296–11; Admt. 3]

The Atomic Energy Commission having found that:

A. The licensee is qualified by training and experience to use the material for the purpose requested in accordance with the regulations in Title 10, Code of Federal Regulations, and in such manner as to protect health and minimize danger to life or property;

B. The application for license amendment dated July 22, 1965, and amendment thereto dated October 4, 1965, comply with the requirements of the Atomic Energy Act of 1954, as amended, and Title 10, Code of Federal Regulations, and is for a purpose authorized by that act;

C. The licensee's equipment and facilities are adequate to protect health and minimize danger to life or property.

Byproduct Material License No. 19–296–11 is amended as follows:

This license shall expire two (2) years from the last day of the month in which this amendment is issued.

Date of issuance: November 22, 1965.

For the Atomic Energy Commission.

J. A. MCBRIDE,
Director, Division of Materials Licensing.

[F.R. Doc. 65–12740; Filed, Nov. 29, 1965; 8:45 a.m.]

URANIUM HEXAFLUORIDE

Charges and Specifications

The U.S. Atomic Energy Commission (AEC) hereby announces revisions to the notice entitled "Special Nuclear Materials: Base Charges, Special Charges, Specifications and Packaging" as published in the FEDERAL REGISTER on May 30, 1961 (26 F.R. 4765), and as amended in 27 F.R. 5006 of May 29, 1962; 27 F.R. 5155 of June 1, 1962; and 29 F.R. 5098 of April 14, 1964 (referred to herein as the notice).

1. The last sentence of the paragraph immediately following the tabulation of base charges for enriched uranium given in Table 1 of the notice is revised to read as follows:

When the assay of enriched uranium is less than 0.0075, the base charge will be determined by linear interpolation between the base charge for 0.0075 material and a value of $23.46 per Kg U for normal uranium (0.00711 weight fraction U-235) in the form of UF_6.

2. The last sentence of the paragraph immediately following the tabulation of base charges for depleted uranium given in Table 2 of the notice is revised to read as follows:

When the assay of depleted uranium is greater than 0.0070, the base charge will be determined by linear interpolation between the base charge for 0.0070 material and a value of $23.46 per Kg U for normal uranium (0.00711 weight fraction U-235) in the form of UF_6.

3. The second and third sentences of paragraph 1 of the notice are revised to read as follows:

This notice does not apply to uranium-233 nor to uranium having the isotopic composition of naturally occurring uranium, except for specifications for UF_6 delivered to AEC. The data contained in this notice pertain to domestic arrangements and, to the extent appropriate, to foreign arrangements for lease or sale of enriched UF_6 and for sale of depleted UF_6 entered into by AEC pursuant to the Atomic Energy Act of 1954, as amended.

4. The first sentence of subparagraph A of Table 3 of the notice is revised to read as follows:

Enriched or depleted uranium furnished as UF_6 shall consist of at least 99.5 percent by weight UF_6.

5. Paragraph 6 of the notice is revised to read as follows:

Specifications for UF_6 delivered to AEC. 6. Specifications for UF_6 delivered to AEC, whether the material contains normal uranium or uranium depleted or enriched in the isotope U–235, are set forth in Table 4.

6. Table 4 of the notice is revised to read as follows:

TABLE 4—SPECIFICATIONS FOR UF_6 DELIVERED TO AEC

Item [1]	Numerical value
Maximum vapor pressure of filled container at 200° F. in pounds per square inch, absolute	75
Minimum weight percent of UF_6 in material	99.5
Maximum mol percent of hydrocarbons, chlorocarbons, and partially substituted halohydrocarbons	0.01
Maximum number of parts of elements indicated per million parts of total uranium:	
Antimony	1
Bromine	5
Chlorine	100
Niobium	1
Phosphorus	50
Ruthenium	1
Silicon	100
Tantalum	1
Titanium	1
Total of elements forming nonvolatile fluorides (having a vapor pressure of one atmosphere or less at 300° C.), e.g., aluminum, barium, bismuth, cadmium, calcium, chromium, copper, iron, lead, lithium, magnesium, manganese, nickel, potassium, silver, sodium, strontium, thorium, tin, zinc, and zirconium	300
Maximum number of parts of elements or isotopes indicated per million parts of U-235:	
Chromium	1500
Molybdenum	300
Tungsten	200
Vanadium	200
Uranium-233	(2)
Uranium-232	(2)
Maximum thermal neutron absorption of total impurity elements as equivalent parts of boron per million parts of total uranium	8
Maximum total of gamma activity due to fission products and uranium-237 as percent of gamma activity of aged natural uranium and as measured in a high-pressure ionization chamber (Drawing D–AWM–8796 of Nuclear Division, Union Carbide Corp.)	20
Maximum beta activity due to fission products as percent of beta activity of aged natural uranium	10
Maximum number of parts of plutonium per billion parts of total uranium	1
Maximum alpha activity from all transuranic elements in disintegrations per minute per gram of total uranium	(2)

[1] All specification analyses on UF_6 shall be performed on samples removed in the liquid state from each cylinder while its contents are liquid and homogeneous.

[2] Because of interference of the gamma rays from U-233 and U-232 and their decay products with the use of existing monitoring equipment in the diffusion plants, the figures in the table would be 90 for U-233 and 0.011 for U-232 in parts per million parts of U-235 if such concentrations, resulting from high irradiation levels in reactors, were present in all the feed to the diffusion plants. Similarly, the isotope plutonium-238 and other transuranic elements resulting from high irradiation levels in reactors, if present in all the feed to the diffusion plants, would require a specification of 150 disintegrations per minute per gram of total uranium for the maximum alpha activity from such transuranic elements, for protection against health hazards in the maintenance of existing equipment in the diffusion plants. These matters are under study with a view to future establishment of specifications for U-233 and U-232 concentrations and for alpha activity, taking account of expected feeds to the diffusion plants and of possible changes in equipment and procedures.

7. Paragraph 12 of the notice is revised to read as follows:

Charges for special services. 12. When the AEC is requested and agrees to perform a service not covered in the charges given in the notice, such as certifying properties of UF_6 or isotopic variation and precision limits other than those given in Table 3 of the notice, special charges may apply. Inquiries as to such charges should be directed to the AEC Oak Ridge Operations Office.

8. Tables 8 and 9 of the notice are deleted.

Effective date. This notice shall become effective as of January 1, 1966.

Dated at Germantown, Md., this 26th day of November 1965.

For the Atomic Energy Commission.

R. E. HOLLINGSWORTH,
General Manager.

[F.R. Doc. 65–12828; Filed, Nov. 29, 1965; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16299; FCC 65M–1532]

RADIO MARSHALL, INC.

Order Scheduling Hearing

In re application of Radio Marshall, Inc., Marshall, Tex., Docket No. 16299, File No. BPH–4603; for construction permit:

It is ordered, This 22d day of November 1965, that David I. Kraushaar shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on January 13, 1966, at 10 a.m.; and that a prehearing conference shall be held on December 17, 1965, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: November 23, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65–12782; Filed, Nov. 29, 1965; 8:49 a.m.]

[Docket Nos. 16260–16265; FCC 65M–1531]

WESTERN UNION TELEGRAPH CO. AND CALIFORNIA INTERSTATE TELEPHONE CO.

Order Continuing Prehearing Conference

In re applications of The Western Union Telegraph Co., Docket No. 16260, File No. T–C–1661–10, for removal of

restrictions on the use of certain existing facilities in the Domestic Public Point-to-Point Microwave Radio Service between Pasadena and Goldstone, Calif.; and California Interstate Telephone Co., for a construction permit to add new facilities to Station KMW61 in the Domestic Public Point-to-Point Microwave Radio Service at Barstow, Calif., Docket No. 16261, File No. 6844–C1–P65; and for construction permits to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at: Goldstone Echo, Calif., Docket No. 16262, File No. 6845–C1–P65; Lane Mountain, Calif., Docket No. 16263, File No. 6846–C1–P65; Ford Mountain, Calif., Docket No. 16264, File No. 6847–C1–P65; Fort Irwin, Calif., Docket No. 16265, File No. 6848–C1–P65:

It is ordered, This 23d of November 1965, that the unopposed motion for continuance of prehearing conference filed by counsel for California Interstate Telephone Co. on November 22, 1965, for time to negotiate a resolution of this controversy, is granted, and the prehearing conference is further rescheduled from November 24 to December 10, 1965, at 10 a.m.

Released: November 23, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65–12783; Filed, Nov. 29, 1965; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP66–152]

CITY OF BROOKSVILLE, KY., AND KENTUCKY GAS TRANSMISSION CORP.

Notice of Application

NOVEMBER 22, 1965.

Take notice that on November 15, 1965, the City of Brooksville, Ky. (Applicant), filed in Docket No. CP66–152 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Kentucky Gas Transmission Corp. (Respondent) to connect its facilities with the facilities to be constructed by Applicant and to sell natural gas to Applicant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant, located in Bracken County, Ky., states that it has 198 applications for gas service and estimates that the annual and peak day requirements during the first 3 years of proposed operations will be as follows:

	First year	Second year	Third year
Annual (Mcf)	21,830	37,286	39,269
Peak day (Mcf)	141	240	253

Applicant's total projected cost of construction of its proposed distribution system is $160,000, which is to be financed by a loan from the Housing and Home Finance Agency.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 13, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65–12750; Filed, Nov. 29, 1965; 8:46 a.m.]

[Docket No. CP61–92]

EL PASO NATURAL GAS CO.

Notice of Petition To Amend

NOVEMBER 22, 1965.

Take Notice that on November 15, 1965, El Paso Natural Gas Co. (Petitioner), Post Office Box 1492, El Paso, Tex., 79999, filed in Docket No. CP61–92 a petition to amend the certificate of public convenience and necessity issued in said docket on January 11, 1965, and amended on June 2, 1965, which certificate authorized the construction and operation of certain facilities and the exchange of natural gas with Northern Natural Gas Co. (Northern). By the instant filing, Petitioner requests the further amendment of the certificate to authorize the construction and operation of approximately 0.25 mile of 4½-inch O.D. pipeline and a measuring and regulating station which are necessary to connect a recently developed well in Ochiltree County, Tex., all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it now has additional quantities of gas available for delivery to Northern which are to be produced from the well denominated as Buzzard No. 1 and that Northern and Petitioner have agreed, by letter agreement dated August 17, 1965, to supplement Exhibit B to Petitioner's Rate Schedule Z–1, FPC Gas Tariff, Third Revised Volume No. 2, by addition of the aforementioned well. This agreement provides for delivery by Petitioner to Northern, on an exchange basis under Rate Schedule Z–1, of natural gas attributable to Petitioner's interest in such well.

The estimated cost of the facilities to be constructed is $6,900, which cost is to be financed from working funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 13, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65–12751; Filed, Nov. 29, 1965; 8:46 a.m.]

[Docket No. CP66–153]

EL PASO NATURAL GAS CO.

Notice of Application

NOVEMBER 22, 1965.

Take notice that on November 15, 1965, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex., 79999, filed in Docket No. CP66–153 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the sale and delivery of natural gas to California-Pacific Utilities Co. (Cal-Pac) for transportation to and resale and general distribution in the community of North Powder, Oreg., and environs, as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate a positive type measuring and regulating station, and necessary appurtenances, to be located adjacent to its 22-inch O.D. Northwest Division mainline in Union County, Oreg. Applicant states that the proposed deliveries of natural gas to Cal-Pac would be made at the outlet of such facility and that Cal-Pac would then transport the gas so delivered through facilities proposed to be constructed by it to points of resale and distribution in the community of North Powder, Oreg., and environs.

The application states that Cal-Pac proposes to construct and operate approximately 3.1 miles of 4-inch transmission and distribution pipeline extending from Applicant's proposed measuring and regulating station to a point of termination in the immediate vicinity of North Powder, Oreg., at an estimated cost of $55,945.

Applicant states that the estimated maximum daily and annual natural gas requirements of Cal-Pac during the third full year of proposed natural gas service will be 119 Mcf and 12,376 Mcf, respectively. The sales and deliveries which are the subject of the instant application are proposed to be made in accordance with and at rates contained in Applicant's Rate Schedule DS–1, FPC Gas Tariff, Original Volume No. 3.

Applicant states that if the instant application is approved prior to the grant of authorizations sought by it in its application filed in Docket No. CP66–27[1] the facility and service embraced by the instant application will be divested by Applicant to Northwest Pipeline Corporation under authorizations sought by Applicant in the aforementioned Docket No. CP66–27, otherwise, Northwest Pipeline Corp. will be substituted as the party applicant under the instant application.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 13, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65–12752; Filed, Nov. 29, 1965; 8:46 a.m.]

[1] See Notice of Applications, Consolidation of Proceedings and Requirement to File Testimony, 30 F.R. 11003, Aug. 25, 1965, regarding application of Applicant and applications of Northwest Pipeline Corporation in Docket Nos. CP66–28, CP66–29, and CP66–30, relating to the divestiture by Applicant of its Northwest Division System.

[Project 2551]

INDIANA & MICHIGAN ELECTRIC CO.

Notice of Application for License for Constructed Project

NOVEMBER 22, 1965.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Indiana & Michigan Electric Co. (correspondence to: H. B. Cohn, Vice President, Indiana & Michigan Electric Co., Post Office Box 7, Church Street Station, New York, N.Y., 10008) for license for constructed Project No. 2551, known as the Buchanan Project, located on St. Joseph River, Berrien County, Mich., in the vicinity of Buchanan and Niles.

The existing project consists of: (1) A concrete gravity dam approximately 13 feet high and 387 feet long with crest elevation 634.07 feet topped by flashboards 3.63 feet high, raising the headwater crest to 637.7 feet; (2) a reservoir approximately 8 miles in length with an area of approximately 300 acres; (3) a forebay with a trash boom; (4) an integral intake powerhouse of brick construction approximately 272 feet long, 29 feet wide and 34 feet high, housing 6 turbines rated 475 horsepower each at 14.5-foot head and 4 turbines rated at 585 horsepower at 14-foot head (ten generators, of which six are rated at 480 kva and four rated at 563 kva at 0.8 powerfactor); (5) a 2,670 kva three phase 34.5–12–2.3 kv step-up transformer located in a 34.5 kv switching station adjacent to the powerhouse; and (6) appurtenant electrical and mechanical facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is January 10, 1966. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65–12753; Filed, Nov. 29, 1965; 8:46 a.m.]

[Docket No. CP66–151]

NORTHERN NATURAL GAS CO.

Notice of Application

NOVEMBER 22, 1965.

Take notice that on November 12, 1965, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr., filed in Docket No. CP66–151 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing temporary winter demand service to its existing customers for the period beginning with the billing month of December, 1965, and ending with the billing month of March, 1966, as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that in reviewing its mainline construction program and determining which facilities would be ready for service by the billing month of December, its engineers determined that approximately 30,000 Mcf of gas per day would be available over and above the capacity required to provide the contract demand requirements of its customers which are effective for the 1965–66 heating season. Applicant further states that this additional volume of gas has been made available to its customers on a prorated basis to be utilized in the greatest part for processing and peak shaving for firm and small volume consumers.

Applicant proposes to make the temporary winter service available to its customers at a uniform demand charge of $4.50 per Mcf per month and the present commodity charge for the applicable rate zone. Revenues for the proposed service are estimated at $1,306,630 for the 4-month period.

Applicant states that no additional facilities will be required to provide the proposed service and, therefore, no financing will be necessary.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 13, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65–12754; Filed, Nov. 29, 1965; 8:46 a.m.]

[Docket No. CP66–149]

TEXAS GAS TRANSMISSION CORP.

Notice of Application

NOVEMBER 22, 1965.

Take notice that on November 10, 1965, Texas Gas Transmission Corp. (Applicant), Post Office Box 1160, Owensboro, Ky., 42301, filed in Docket No. CP66–149 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval to abandon certain natural gas facilities and for a certificate of public convenience and necessity authorizing the construction and operation of certain other facilities and the increase in Contract Demand service to existing customers for the 1966–67 and 1967–68 winter heating seasons, as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the service proposed is for its existing customers and that the proposed increases in Contract Demand are based upon a detailed market survey and include all of the increases in peak day volumes which Applicant has been requested to provide.

Applicant proposes to construct and operate over a 2-year period the following facilities:

(a) Approximately 148.19 miles of pipeline varying in diameter from 4 to 36 inches,

(b) One 30-inch Cumberland River crossing in Kentucky,

(c) One 30-inch Ohio River crossing near Madison, Ind.

(d) One 26-inch Atchafalaya River crossing near Morgan City, La.,

(e) One 16-inch Ohio River crossing near Evansville, Ind., and

(f) 23,430 compressor horsepower.

Applicant also proposes to increase the deliverability from the existing Hanson, Ky., Storage Field by 40,000 Mcf of gas per day and to activate the White River Storage Field located in Pike County, Ind., with an initial withdrawal capacity of 5,000 Mcf of gas per day.

Applicant requests authority to abandon approximately 34.65 miles of pipeline varying in diameter from 2 to 4 inches. Applicant states that the pipelines to be abandoned are in poor condi-

tion and will be replaced with new pipe in order to assure continuity of service in the affected areas of its pipeline.

Applicant also requests authority to reduce the Contract Demand of Arkansas Louisiana Gas Co. to 28,110 Mcf of gas effective November 1, 1966. Service of the reduced Contract Demand will be rendered under Applicant's CD–1 Rate Schedule.

Applicant proposes to deliver an additional 55,429 Mcf of Contract Demand gas to existing customers commencing with the 1966–67 winter heating season, and an additional 61,040 Mcf to existing customers commencing with the 1967–68 winter heating season.

The total cost of Applicant's project is estimated to be $21,579,000, which cost will be financed by the issuance of long-term debt securities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 13, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65–12755; Filed, Nov. 29, 1965; 8:46 a.m.]

[Docket No. CP66–150]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

NOVEMBER 22, 1965.

Take notice that on November 12, 1965, Transcontinental Gas Pipe Line Corp. (Applicant), Post Office Box 1396, Houston, Tex., 77001, filed in Docket No. CP66–150 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the sale of an additional 22,566 Mcf of gas per day to two existing resale customers, as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct the following natural gas facilities:

(a) 7.65 miles of 36-inch pipeline to be located between Applicant's Compressor Stations 65 and 70 in the State of Mississippi,

(b) 4.15 miles of 36-inch pipeline to be located between Applicant's Compressor Stations 100 and 110 in the State of Alabama,

(c) 28 miles of 16-inch pipeline to extend from Applicant's main line mile post 1206.04 to Tryon, N.C., in the States of South Carolina and North Carolina, and

(d) 3 sales meter and regulator stations and appurtenant facilities.

Applicant proposes to construct these facilities commencing in the spring of 1966 and to complete construction prior to May 1, 1966, the date of the proposed commencement of operations of such facilities.

Applicant states that the facilities proposed in the instant application, excluding the extension to Tryon, N.C., are also proposed in its pending application in Docket No. CP65–181 and that the instant application is being filed because the service proposed in the instant proceeding must be commenced prior to the date when any final decision can reasonably be expected in the Docket No. CP65–181 proceeding.

Applicant proposes to render increased pipeline service to the following existing resale customers in the stages indicated:

	Through Tryon extension	Volumes in Mcf of gas per day at 14.7 p.s.i.a.	
		To balance of system	Total additional allocations
Public Service Co. of North Carolina, Inc.			
1966–67	4,720	4,722	9,442
1967–68	12,627	8,815	21,442
Piedmont Natural Gas Co., Inc.			
1966–67	759	355	1,114
1967–68	936	178	1,114
1968–69	1,114	0	1,114

The estimated over-all capital cost of the proposed facilities is $3,730,000, which will be financed initially through short-term bank loans and cash on hand.

Applicant states that long-term financing will be accomplished at a later time as part of a financing program covering the proposed and other facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 13, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65–12765; Filed, Nov. 29, 1965; 8:47 a.m.]

CIVIL SERVICE COMMISSION

ACCOUNTANTS, AUDITORS AND INTERNAL REVENUE AGENTS IN CALIFORNIA

Notice of Adjustment of Minimum Rates and Rate Ranges

1. Under authority of section 504 of the Federal Salary Reform Act of 1962, as amended, and Executive Order 11073, the Civil Service Commission has increased the minimum salary rates and rate ranges for positions of Accountants and Auditors, GS–510, grades 5, 6, and 7, and Internal Revenue Agents, GS–512, grades 5, 6, and 7, in the State of California. The revised rate ranges are as follows:

Grade	1	2	3	4	5	6	7	8	9	10
GS–5	$6,036	$6,207	$6,378	$6,549	$6,720	$6,891	$7,062	$7,233	$7,404	$7,575
GS–6	6,470	6,662	6,854	7,046	7,238	7,430	7,622	7,814	8,006	8,198
GS–7	6,890	7,097	7,304	7,511	7,718	7,925	8,132	8,339	8,546	8,753

2. Geographic coverage: State of California.

3. The effective date will be the first day of the first pay period which commences on or after January 1, 1966.

4. All new empoyees in the specified occupational levels will be hired at the new minimum rates.

5. As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational levels. An employee who immediately prior to the effective date was receiving basic compensation at one of the rates of the existing special rate range, shall receive compensation at the corresponding numbered rate authorized by this notice on or after such date.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director,
Bureau of Management Services.

[F.R. Doc. 65–12719; Filed, Nov. 29, 1965; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7–2486]

ADDRESSOGRAPH-MULTIGRAPH CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 23, 1965.

In the matter of application of the Boston Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges: Addressograph-Multigraph Corp., File 7–2486.

Upon receipt of a request, on or before December 9, 1965, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65–12766; Filed, Nov. 29, 1965; 8:47 a.m.]

[812–1859]

GENERAL ELECTRIC OVERSEAS CAPITAL CORP.

Notice of Filing of Application for Order Exempting Company

NOVEMBER 23, 1965.

Notice is hereby given that General Electric Overseas Capital Corp. ("applicant"), 570 Lexington Avenue, New York, N.Y., a New York corporation, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("the Act") for an order exempting it from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

The applicant was organized by General Electric Co. ("GE") under the laws of the State of New York in November 1965. All of the authorized stock of applicant, consisting of 1,000 shares of common stock, without par value, will be purchased for $1,000,000 and held by GE. On or prior to March 1, 1966, GE will make a capital contribution to applicant of additional cash, securities or other property so that the capital of applicant will be not less than $20,000,000 on that date. GE may make further capital contributions of a substantial nature. GE will also purchase any additional equity securities which applicant may issue in the future and GE will not dispose of any equity security of applicant except to applicant itself or to another wholly-owned subsidiary of GE. GE is the world's largest manufacturer of electrical equipment.

Applicant has been organized in order to raise funds abroad for use in financing the requirements of GE's expanding foreign operations in a manner which will not adversely affect the United States' balance of payments, in compliance with the voluntary cooperation program instituted by President Johnson in February 1965. Applicant intends to issue and sell $50,000,000 of its Guaranteed Bonds Due 1985 (the "Bonds") to a group of underwriters for sale outside of the United States. GE will guarantee the principal, premium, if any, sinking fund and interest payments on the Bonds. The Bonds will be convertible by exchange for shares of common stock of GE, from May 1, 1967 to and including November 30, 1975. Any additional debt securities of applicant which may be issued to or held by the public will be guaranteed by GE in the same manner as the Bonds.

Although applicant has not made any commitment as to how the funds raised by it will be used, applicant anticipates that (1) it will invest in foreign companies in which (i) GE owns or will own a majority interest, (ii) GE owns or will own less than a majority interest, but in whose management GE has an effective management voice, or (iii) GE owns or will own less than a majority interest and in whose management GE has attempted or will attempt to obtain an effective management voice; (2) it will make additional investments in certain foreign companies, a relatively small minority of whose stock is now owned by GE solely as an investment and in whose management GE does not participate; and (3) it will purchase securities of some foreign issuers which purchase equipment from GE.

It is intended that not less than 90 percent of the assets of applicant (other than cash items) will be invested in or loaned to foreign companies which are affiliated persons of GE (as such term is defined in the Act) or will become affiliated persons immediately after such investments. All of the companies in which applicant's funds will be invested will be primarily engaged in a business other than investing, reinvesting, owning, holding, or trading in securities. Applicant will not acquire the securities representing such loans or investments for the purpose of resale and will not trade in such securities. Applicant will proceed as expeditiously as possible with the investment of its assets as described above. Pending the completion of such investment, and from time to time thereafter in connection with changes in applicant's long-term investments, applicant will make temporary investments in obligations of foreign governments or corporations or will make deposits in foreign financial institutions or foreign branches of United States financial institutions. Applicant may also have among its assets shares of common stock of GE to be used in order to meet the conversion rights of its bondholders.

In the opinion of counsel for GE and applicant, United States persons (as defined) will be subject to payment of the United States interest equalization tax with respect to the acquisition of Bonds. By financing its foreign operations through the applicant rather than through the sale of its own debt obligations, GE will utilize an instrumentality, the acquisition of whose debt obligations by United States persons would, generally, subject such persons to the interest equalization tax, thus discouraging them from purchasing such debt obligations.

The Bonds are to be sold to underwriters against receipt of payment therefor outside the United States and under conditions which are intended to assure that the Bonds will not be sold to citizens or residents of the United States. The Agreement Among Underwriters will contain various provisions intended to assure that the Bonds will not be purchased by citizens or residents of the United States.

The Bonds and the common stock of GE into which they will be convertible will be registered under the Securities Act of 1933 and the Bonds will be listed on the New York Stock Exchange and registered under the Securities Exchange Act of 1934.

Applicant submits that it is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act for the Commission to enter an order exempting applicant from each and every provision of the Act for the following reasons: (1) The purpose of applicant is to serve as a vehicle through which GE may obtain funds in foreign countries for the foreign operations of GE and its affiliates, in compliance with the President's cooperative program to improve the United States' balance of payments; (2) payment of principal, premium, if any, and interest on the Bonds, which is guaranteed by GE, and the value of the right to convert the Bonds by exchange for common stock of GE, do not depend upon the operation or investment policy of applicant because Bondholders may ultimately look to the business enterprise of GE rather than solely to that of applicant; (3) none of the equity securities of applicant will be held by any person other than GE or a wholly-owned subsidiary of GE; (4) applicant will not per-

mit any debt securities to be issued to or held by any person other than GE or a wholly-owned subsidiary of GE unless they are guaranteed by GE and, if convertible, convertible by exchange into stock of GE; (5) applicant will not deal or trade in securities; (6) applicant's security holders will have the benefit of the disclosure and reporting provisions of the Securities Exchange Act of 1934 and of the New York Stock Exchange, and the offering of Bonds will be pursuant to a prospectus complying with section 10(a) of the Securities Act of 1933 and the Bonds (and the GE common stock into which they will be convertible) will be registered under said Act and the Indenture pursuant to which the Bonds will be issued will be qualified under the Trust Indenture Act of 1939; (7) the Bonds will be offered and sold for purchase by foreign nationals under circumstances designed to prevent reoffering or resale in the United States or to any United States citizen or resident.

Notice is further given that any interested person may, not later than December 7, 1965, at 12:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or of law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65–12767; Filed, Nov. 29, 1965; 8:47 a.m.]

[File No. 70–4327]

IROQUOIS GAS CORP.

Notice of Proposed Issue and Sale of Short-Term Notes to Banks

NOVEMBER 23, 1965.

Notice is hereby given that Iroquois Gas Corp. ("Iroquois"), 10 Lafayette Square, Buffalo, N.Y., 14203, a public-utility subsidiary company of Natural Fuel Gas Co., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) thereof as applicable to the proposed transactions. All interested persons are referred to the application, on file at the Office of the Commission, for a statement of the transactions therein proposed which are summarized below.

Iroquois proposes to issue and sell during December 1965 its unsecured promissory notes to local banks in an aggregate amount not to exceed $2,000,000. The notes will mature not more than nine months from the date of issuance and will bear interest at a rate equal to the prime rate (presently 4½ percent) in effect at The Chase Manhattan Bank, New York, on the date of issuance. The borrowings will be made from three Buffalo, N.Y., banks in the following proportions: Marine Midland Trust Co. of Western New York, 47 percent; Manufacturers & Traders Trust Co., 45 percent; Liberty National Bank & Trust Co., 8 percent.

It is stated that Iroquois presently has $5,000,000 of short-term bank notes outstanding which were issued pursuant to the 5 percent exemptive provision of the first sentence of section 6(b) of the Act; that of the $2,000,000 of notes presently proposed to be issued only the first $195,855 will be so exempt; and that any such notes issued in excess of $195,855 will require the authorization of this Commission. Upon the issue and sale of the proposed $2,000,000 of short-term notes, the aggregate amount of such notes then outstanding will be equal to approximately 6.7 percent of the principal amount and par value of the other outstanding securities of Iroquois.

The proceeds of the proposed notes are to be applied by Iroquois toward plant construction and toward gas purchases, including underground storage inventory, the company's cash requirements having exceeded earlier estimates by as much as $1,000,000 in each category.

Fees and expenses to be incurred in connection with the proposed transactions are estimated by the company at $300. It is stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed issue and sale of notes.

Notice is further given that any interested person may, not later than December 14, 1965, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65–12768; Filed, Nov. 29, 1965; 8:47 a.m.]

[File No. 01–44]

NORTHEASTERN PENNSYLVANIA BROADCASTING, INC.

Notice of Application and Opportunity for Hearing

NOVEMBER 22, 1965.

Notice is hereby given that Northeastern Pennsylvania Broadcasting, Inc. ("Northeastern"), 70 Niagara Street, Buffalo 2, N.Y., has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended ("Act"), for an order exempting the Company from the registration requirements of section 12(g) of the Act.

Section 12(g) of the Act requires the registration of the equity securities of every issuer which is engaged in or in a business affecting interstate commerce, or whose securities are traded by use of the mails or any means or instrumentality of interstate commerce and, on the last day of its fiscal year, has total assets exceeding $1,000,000, and a class of equity security held of record initially by 750 or more persons, and after July 1, 1966, by 500 or more persons.

Section 12(h) empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the registration, periodic reporting and proxy solicitation provisions and to grant exemptions from the insider reporting and trading provisions of the Act if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The Company's application states, in part:

Northeastern, a Pennsylvania corporation, had as of its fiscal year ended December 31, 1964, total assets in excess of $1,000,000 and approximately 1,500 shareholders owning 28,200 outstanding shares of Class A common stock and 1,816,652 outstanding shares of Class B.

Northeastern's outstanding shares were issued in connection with a plan of complete liquidation adopted on April 14, 1964, by the shareholders of Transcontinent Television Corp. (Transcontinent).

Transcontinent, a New York corporation, had gross assets in 1963 of approximately $30,000,000, and in 1963 was the owner and operator of radio and television stations in Buffalo, N.Y., Kansas City, Mo., San Diego, Calif., and a television station in Scranton-Wilkes-Barre, Pa., and radio stations in Cleveland, Ohio, by virtue of its ownership of all of the stock of Northeastern.

On August 3, 1963, Transcontinent entered into executory contracts to sell all of its television and radio stations, other than the Cleveland radio stations owned and operated by Northeastern. Transcontinent shareholders adopted a plan of complete liquidation and Transcontinent distributed to its shareholders cash and the shares of Northeastern stock and filed a certificate of dissolution with the State of New York.

Transcontinent would at the same time have disposed of the Cleveland radio stations owned by Northeastern, except for the fact that under one of the rules of the Federal Communications Commission (FCC), the owner of a broadcasting facility may not, without a hearing, dispose of that facility for a period of 3 years after the time when it was acquired.

On July 7, 1965, a purchase agreement was entered into between Northeastern and Westchester Corp. for the sale of substantially all of its assets, subject to the consent of FCC and the approval of Northeastern's shareholders.

On October 6, 1965, the FCC consented to the transfer of the authorizations for the operation of Northeastern's radio stations to Westchester Corp. and at a special meeting of stockholders held on October 19, 1965, Northeastern received the required shareholder approval.

The sale of Northeastern's assets to Westchester Corp. was consummated on November 8, 1965, pursuant to the plan of complete liquidation of Northeastern under section 337 of the Internal Revenue Code. Northeastern will carry on no further activities other than those required in effect its voluntary dissolution and the distribution of cash, pro rata to its shareholders in the near future.

Northeastern has agreed to send to stockholders, and to file with this Commission, financial information showing the basis upon which the liquidating distribution is made.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 425 Second Street NW., Washington, D.C.

Notice is further given that any interested person may, not later than December 17, 1965, submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington, D.C., 20549, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application may be issued by the Commission unless an order for hearing upon said application be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65–12769; Filed, Nov. 29, 1965; 8:47 a.m.]

[File Nos. 7–2484, 7–2485]

COASTAL STATES GAS PRODUCING CO. AND WEST POINT-PEPPERELL, INC.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 23, 1965.

In the matter of applications of the Philadelphia-Baltimore-Washington Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges: Coastal States Gas Producing Co., File 7–2484; West Point-Pepperell, Inc., File 7–2485.

Upon receipt of a request, on or before December 9, 1965, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65–12770; Filed, Nov. 29, 1965; 8:47 a.m.]

MIDDLE SOUTH UTILITIES, INC., AND MISSISSIPPI POWER & LIGHT CO.

[File No. 70–4328]

Notice of Proposed Issue and Sale of Notes to Banks by Holding Company and Issue and Sale of Common Stock by Subsidiary Company to Holding Company

NOVEMBER 22, 1965.

In the matter of Middle South Utilities, Inc., 280 Park Avenue, New York, N.Y., 10017, and Mississippi Power & Light Co., Post Office Box 1640, Jackson, Miss., 39205.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), a registered holding company, and its electric utility subsidiary company, Mississippi Power & Light Co. ("Mississippi"), have filed a joint application-declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 9(a), 10, and 12(f) of the Act and Rule 43 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, on file in the office of the Commission, for a statement of the transactions proposed therein which are summarized below.

Middle South proposes to issue and sell $4,000,000 aggregate principal amount of unsecured promissory notes to two New York City banks, namely, The Chase Manhattan Bank ($2,000,000) and Manufacturers Hanover Trust Co. ($2,000,000). The notes will be dated when issued, will mature on July 5, 1967, will bear interest at the prime rate (currently 4½ percent per annum) in effect at each lending bank on the date of issue, and will be prepayable in whole or in part, without premium. Middle South presently has outstanding with a group of banks, including the above named banks, $14,650,000 principal amount of such notes. The filing states that such notes, together with those proposed herein to be issued and sold, will be paid with funds derived from the sale of additional shares of its common stock by Middle South prior to July 1967.

Middle South, the holder of all of Mississippi's outstanding no par value common stock, proposes to use the proceeds from the sale of the proposed notes to acquire 250,000 additional shares of such common stock for a cash consideration of $16 per share, or an aggregate of $4,000,000. Mississippi will use the net proceeds from the sale of such shares, together with funds derived from bond financing expected to take place early in 1966 (which will be the subject of a future filing with the Commission), to pay short-term promissory notes then outstanding with banks and to finance, in part, its construction program, the cost of which for the remainder of 1965 and for the year 1966 is estimated at $49,000,000.

It is stated that no State regulatory commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions, and that the fees and expenses in connection therewith will be nominal.

Notice is further given that any interested person may, not later than December 13, 1965, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or

by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-12712; Filed, Nov. 26, 1965; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 552]

ILLINOIS

Declaration of Disaster Area

Whereas, it has been reported that during the month of November 1965, because of the effects of certain disasters, damage resulted to residences and business property located in Cook, La Salle, Will, and Grundy Counties in the State of Illinois;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property, situated in the aforesaid Counties and areas adjacent thereto, suffered damage or destruction resulting from a tornado and accompanying conditions occurring on or about November 12, 1965.

OFFICE

Small Business Administration Regional Office, 219 South Dearborn Street, Chicago, Ill.

2. Temporary offices will be established at Joliet Chamber of Commerce, Joliet, Ill., and at City Council Chambers, City Hall, Streator, Ill., as need indicates.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to May 31, 1966.

Dated: November 15, 1965.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 65-12780; Filed, Nov. 29, 1965; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 91]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 24, 1965.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 29805 (Sub-No. 8 TA), filed November 22, 1965. Applicant: GULF STATES TRUCK LINES, INC., 8801 Linwood Avenue, Post Office Box 6090, Shreveport, La., 71106. Applicant's representative: Robert L. Garrett, 705 Slattery Building, Shreveport, La., 71104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel forms, metal tanks and tank-car parts*, from Texarkana, Ark.-Tex. to Shreveport, La., for 180 days. Supporting shipper: AMF Beaird, Inc., Post Office Box 1115, Shreveport, La., Mr. Jos. C. Ketcham, general traffic manager. Send protests to: W. R. Atkins, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, T-4009 Federal Office Building, 701 Loyola Avenue, New Orleans, La., 70113.

No. MC 41951 (Sub-No. 5 TA), filed November 22, 1965. Applicant: WHEATLEY TRUCKING, INC., Brohawn Avenue, Cambridge, Md., 21613. Applicant's representative: Clyde F. Collier, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen or bulk), moving in insulated equipment, from Cambridge, Md., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, for 180 days. Supporting shipper: The Chun King Corp., Cambridge, Md., 21613, William W. Messick, traffic manager, Cambridge Branch. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 206 Post Office Building, Salisbury, Md., 21801.

No. MC 75185 (Sub-No. 259 TA), filed November 22, 1965. Applicant: SERVICE TRUCKING CO., INC., Post Office Box 276, Preston Road, Federalsburg, Md., 21632. Applicant's representative: T. J. Healy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen or bulk), moving in insulated equipment, from Cambridge, Md., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, for 180 days. Supporting shipper: The Chun King Corp., Cambridge, Md., 21613, William W. Messick, traffic manager, Cambridge Branch. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 206 Post Office Building, Salisbury, Md., 21801.

No. MC 106398 (Sub-No. 318 TA), filed November 22, 1965. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Post Office Box 8096, Dawson Station, Tulsa, Okla., 74141. Applicant's representative: Jim Banks (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movement, in truckaway service, from Abingdon, Va., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Castle Enterprises, Inc., Gail E. McDaniel, president, Abingdon, Va. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla., 73102.

No. MC 107496 (Sub-No. 430 TA), filed November 22, 1965. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua at Third, Post Office Box 855, Des Moines, Iowa, 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, from Mid-American Terminal, at or near Cantril, Iowa, to points in Illinois and Missouri, for 180 days. Supporting shipper: Skelly Oil Co., Post Office Box 436, Kansas City, Mo., 64141. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa, 50309.

No. MC 114552 (Sub-No. 24 TA), filed November 22, 1965. Applicant: SENN TRUCKING COMPANY, Post Office Box 333, Newberry, S.C. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pine plywood*, from Emporia, Va., to points in Delaware, Illinois, Indiana, Maryland, Michigan, North Carolina, New Jersey, New York, Ohio, Pennsylvania, South Carolina, and the District of Columbia, for 180 days. Supporting shipper: M. B. Jones, traffic manager, Southern Division, Georgia-Pacific Corp., Southern Finance Building, Augusta, Ga. Send protests to: Arthur B. Abercrombie, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 509 Federal Building, 901 Sumter Street, Columbia, S.C., 29201.

No. MC 115826 (Sub-No. 118 TA), filed November 19, 1965. Applicant: W. J. DIGBY, INC., Post Office Box 5088 T. A., Denver Colo., 80217. Applicant's representative: John F. DeCock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats and packinghouse products*, as defined by the Commission, from Billings, Mont., to points in Nevada, California, Wisconsin, Illinois, and Colorado, for 180 days. Supporting shipper: Midland Empire Packing Co., Inc., Post Office Box 1375, Billings, Mont. Send protests to: Herbert C. Ruoff, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo.

No. MC 117639 (Sub-No. 2 TA), filed November 19, 1965. Applicant: JACK S. OCHSNER, doing business as PICK'S PACK HAULER, 1714 West Fifth, Hastings, Nebr. Applicant's representative: Max Harding, 605 South 14th, Lincoln, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from Nebraska City, Nebr., to Overland Park, Topeka, and Emporia, Kans., for 150 days. Supporting shipper: Western Brick & Supply Co., 1111 North 16th Street, Lincoln, Nebr. Send protests to: Max H. Johnston, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr., 68508.

No. MC 123273 (Sub-No. 3 TA), filed November 22, 1965. Applicant: NEAL R. WHITE, 34 Beachwood Road, Asheville, N.C., 28805. Applicant's representative: H. Overton Kemp, Room 101, 327 North Tryon Street, Post Office Box 20202, Charlotte, N.C., 28202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Grape juice*, in bulk, in insulated tank vehicles, from Spartanburg, S.C., to Canandaigua, N.Y., and Petersburg, Va., for 180 days. Supporting shipper: Palmetto Grape Marketing Association, Post Office Box 1528, Spartanburg, S.C. Send protests to: Jack K. Huff, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 206, 327 North Tryon Street, Charlotte, N.C., 28202.

No. MC 124359 (Sub-No. 2 TA), filed November 22, 1965. Applicant: WILHELEN, INC., 1409 16th Avenue, Greeley, Colo. Applicant's representative: W. R. Stevens (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpets, carpeting and supplies used in the installation thereof*, from Philadelphia and Willow Grove, Pa., to points in Bent, Boulder, Crowley, Denver, El Paso, Fremont, Jefferson, Kit Carson, Larimer, Las Animas, Mesa, Morgan, Otero, Pueblo, Sedgwick, and Weld Counties, Colo., and Lamar, Colo., points in Albany, Fremont, Goshen, Laramie, Natrona Park, and Sheridan Counties, Wyo., Cheyenne, Kimball, Perkins, and Scottsbluff Counties, Nebr., and Rapid City, S. Dak., and from Denver, Colo., to Cheyenne and Casper, Wyo., and points in Cheyenne, Kimball, Perkins, and Scottsbluff Counties, Nebr., for 150 days. Supporting shipper: Wholesale Flooring, Inc., 2200 Market Street, Denver, Colo., 80205. Send protests to: Luther H. Oldham, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2022 Federal Building, 1961 Stout Street, Denver, Colo., 80202.

No. MC 124417 (Sub-No. 6 TA), filed November 22, 1965. Applicant: ALPHONSE HINDERMAN AND VINCENT HINDERMAN, a partnership, doing business as HINDERMAN BROTHERS, Dickeyville, Wis., 53808. Applicant's representative: John Porter, 708 First National Bank Building, Madison, Wis., 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, in trailers equipped with other than air-unloading devices, from Dubuque, Iowa, to points in Minnesota on and south of U.S. Highway 12, and points in Illinois on and north of U.S. Highway 24, for 150 days. Supporting shipper: V-C Chemical Co., a division of Socony Mobil Oil Co., Inc., Dubuque, Iowa. Send protests to: C. W. Buckner, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 214 North Hamilton Street, Madison, Wis., 53703.

No. MC 127509 (Sub-No. 2 TA) filed November 22, 1965. Applicant: JAY PALLET ALL, INC., R.F.D. No. 4, Millersburg, Ohio. Applicant's representative: Richard H. Brandon, Hartman Building, Columbus, Ohio, 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rough sawed lumber*, from points in Holmes County, Ohio, to Union City, Pa.; Salem, Ind.; La Porte, Ind.; Grand Rapids, Mich., and the port of entry on the United States-Canada boundary at Detroit, Mich., under a continuing contract with Pallet All Corp., Millersburg, Ohio, for 120 days. Supporting shipper: Pallet All Corp., R.F.D. No. 2, Millersburg, Ohio. Send protests to: A. J. Stevens, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 236 New Post Office Building, Columbus, Ohio, 43215.

No. MC 127615 (Sub-No. 1 TA), filed November 22, 1965. Applicant: S. A. HARRISON, doing business as HARRISON MOTOR EXPRESS, 5061 Villa Crest, Nashville, Tenn., 37220. Applicant's representative: Clarence Evans, Third National Bank Building, Nashville, Tenn., 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, used household goods and commodities in bulk), between Nashville, Tenn., and Atlanta, Ga., and U.S. Highway 41, serving no intermediate points, for 180 days. Supporting shippers: Philips & Buttorff Corp., 811 12th Avenue North, Nashville, Tenn., 37202; Washington Manufacturing Co., 218 Second Avenue North, Nashville, Tenn., 37203; Draper & Darwin Stores, Lebanon, Tenn., 37087; The Sunday School Board of the Southern Baptist Convention, 127 Ninth Avenue North, Nashville, Tenn., 37203; O'Bryan Bros., Inc., 1700 Charlotte Avenue, Nashville, Tenn., 37203; Power Equipment Co., 808 Sixth Avenue North, Nashville, Tenn., 37203; Alfred J. Levit, Inc., 704 Reid Avenue, Nashville, Tenn., 37203; May Hosiery Mills, 424 Chestnut, Nashville, Tenn., 37203; Thompson & Green Machinery Co., Inc., 700 Murfreesboro Road, Nashville, Tenn., 37210; Ferro Corp., Nashville, Tenn., 37211; Genesco, Genesco Park, Nashville, Tenn., Harold Fletcher, administrative manager, Retail Division; Southwestern Co., 2968 Foster Creidhton Drive, Nashville, Tenn., 37204; Humboldt Express Co., 415 Fifth Avenue South, Nashville, Tenn., 37219; and, Sanders Manufacturing Co., 124 Fourth Avenue South, Nashville, Tenn., 37201. Send protests to: J. E. Gamble, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 706 U.S. Courthouse, Nashville, Tenn., 37203.

No. MC 127700 (Sub-No. 1 TA), filed November 22, 1965. Applicant: DEAN APPLIANCE TRANSPORTATION CORP., 2995 Botanical Square, Bronx, N.Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail department stores and mail order houses in retail delivery, between Elizabeth, N.J., on the one hand, and, on the other, points in New York, N.Y., and points in Putnam, Rockland, and Westchester Counties, N.Y., for 150 days. Supporting shipper: Sears, Roebuck & Co., Post Office Box 6742, Philadelphia, Pa. Send protests to: Paul W. Assenza, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y., 10013.

No. MC 127725 TA, filed November 19, 1965. Applicant: GEORGE T. VAIL, doing business as VAIL & SANDLAND DISTRIBUTORS, 4112 South 288th Place, Auburn, Wash. Authority sought

to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods*, between Seattle, Wash., and port of entry of Sumas, Wash., on the international boundary between the United States and Canada, for 180 days. Supporting shipper: Abbotsford Bakery, Post Office Box 490 (2420 McCallum Road), Abbotsford, British Columbia, Canada. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash., 98101.

No. MC 127726 (Sub-No. 1 TA), filed November 22, 1965. Applicant: LAWRENCE RAY PALMER AND LAWRENCE RICHARD PALMER, a partnership, doing business as PALMER MACHINE WORKS, Roundhouse Street, Post Office Box 358, Amory, Miss. Applicant's representative: Rubel L. Phillips, Deposit Guaranty Bank Building, Jackson, Miss. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bulk, and in packages, from the plant-site of International Minerals & Chemical Corp., Florence, Ala., to points in Mississippi, north of U.S. Highway 80, with no transportation for compensation on return except *rejected or returned shipments*, for 180 days. Supporting shipper: International Mineral & Chemical Corp., 5401 Old Orchard Road, Skokie, Ill. Send protests to: Floyd A. Johnson, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 320 U.S. Post Office Building, Jackson, Miss., 39201.

No. MC 127727 TA, filed November 22, 1965. Applicant: UNITED MARLBORO CARRIERS CORP., 148 West Thirty-seventh Street, New York, N.Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y., 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, between Moonachie, N.J., and New York, N.Y., for 180 days. Supporting shipper: Helen Harper, Inc., 30–02 48th Avenue, Long Island City, N.Y., 11101. Send protests to: Stephen P. Tomany, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y., 10013.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 65–12772; Filed, Nov. 29, 1965; 8:48 a.m.]

[Notice 1265]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 24, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–68126. By order of November 19, 1965, Transfer Board approved the transfer of Certificate No. MC–39507 issued June 1, 1955, and Certificate of Registration No. MC–39507 (Sub-No. 3) issued April 29, 1964, to Diana Couture doing business as Pawtuxet Valley Motor Express, Warwick, R.I., to Pawtuxet Valley Motor Express, Inc., Warwick, R.I., authorizing the transportation of general commodities, over irregular routes, (1) between Providence, R.I., on the one hand, and, on the other, specified points in Rhode Island, and (2) between points in Rhode Island. Philip W. Noel, 111 Westminster Street, Providence, R.I., attorney at law.

No. MC–FC–68219. By order of November 19, 1965, Transfer Board approved the transfer to Post Brothers, Inc., Scranton, Pa., of a portion of the operating rights in Certificate No. MC–34918, issued August 4, 1955, to R. F. Post, Inc., Scranton, Pa., authorizing the transportation of: Household goods, between specified points in Pennsylvania on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Virginia, West Virginia, North Carolina, Ohio, Indiana, and the District of Columbia. Chester A. Zyblut, 1000 Connecticut Avenue NW., Washington, D.C., 20036, attorney for applicants.

No. MC–FC–68264. By order of November 19, 1965, Transfer Board approved the transfer to L. A. McGann, Inc., doing business as Bickford Transportation, 8 Depot Road, Falmouth, Maine, of the operating rights issued by the Commission May 29, 1957, and July 29, 1957, under Certificates Nos. MC–93506 (Sub-No. 1), and MC–93506 (Sub-No. 12), respectively, to Carroll F. Stevens, Alfred, Maine, authorizing the transportation, over irregular routes, of lumber and forest products, between points in York County, Maine, on the one hand, and, on the other, points in New Hampshire and Massachusetts; lumber, forest products, camp and mill supplies, and mill machinery incidental to the cutting, yarding, and manufacturing of lumber, between points in that part of Maine and New Hampshire within 100 miles of Norway, Maine, including Norway; and lumber, from Manchester, N.H., and points within 15 miles thereof, to points in Rhode Island.

No. MC–FC–68269. By order of November 19, 1965, Transfer Board approved the transfer to Catherine F. Caples, doing business as Caples Trucking, Cambridge, Mass., of the Certificate of Registration No. MC–57767 (Sub-No. 1), issued October 22, 1963, to John P. Caples and Catherine F. Caples, doing business as Caples Trucking, Cambridge, Mass., evidencing a right to engage in interstate or foreign commerce corresponding in scope to Irregular Route Common Carrier Certificate No. 1114, dated June 5, 1941, issued by the Massachusetts Department of Public Utilities. Mary A. Kerwin, 6 Beacon Street, Boston, Mass., 02108, attorney for applicants.

No. MC–FC–68274. By order of November 19, 1965, Transfer Board approved the transfer to Textile Trucking Co., Inc., Atlanta, Ga., of the operating rights in Certificate Nos. MC–96412 and MC–96412 (Sub-No. 2), issued November 12, 1941, and April 2, 1965, to Jacob M. Mouchet, doing business as Cotton Transport Co., Charlotte, N.C., authorizing the transportation, over irregular routes, of: Cotton waste, textile waste, and used bagging, and certain exempt commodities, in the same vehicle, between points in North Carolina, South Carolina, Virginia, Tennessee, Georgia, and Alabama. H. Overton Kemp, Post Office Box 20202, 327 North Tryon Street, Charlotte, N.C., 28202, representative for applicants.

No. MC–FC–68280. By order of November 19, 1965, Transfer Board approved the transfer to Russell Bailey, Potlatch, Idaho, of the certificate in Nos. MC–51837 (Sub-No. 1) and MC–51837 (Sub-No. 2), issued November 14, 1946, and April 24, 1947, respectively, to Fred Stephens, Potlatch, Idaho, authorizing the transportation of: Livestock, agricultural commodities, lumber and lumber byproducts, building materials and feed, between points in Latah County, Idaho, on the one hand, and, on the other, points in Whitman County, Wash.; livestock, between points in Latah and Nez Perce Counties, Idaho, on the one hand, and, on the other, points in Spokane County, Wash.; and household goods, between points in Latah and Nez Perce Counties, Idaho, on the one hand, and, on the other, points in Spokane and Whitman Counties, Wash.

No. MC–FC–68300. By order of November 19, 1965, Transfer Board approved the transfer to Stuart Trucking Co., a corporation, Spokane, Wash., of the operating rights issued by the Commission June 17, 1954, under Certificate No. MC–59410 to John C. Stuart, doing business as Stuart Trucking Co., Spokane, Wash., and acquired by transferor, Thelma G. Stuart, doing business as Stuart Trucking Co., Spokane, Wash., in MC–FC–67736 authorizing the transportation of manufactured forest products, grain, feed, poles, piling, milling machinery and equipment, building materials, livestock, and sand and gravel, between points in Latah, Benewah, Shoshone, Kootenai, Bonner, and Boundary Counties, Idaho, and Adams, Grant, Douglas, Spokane, Whitman, Pend Oreille, and Lincoln Counties, Wash.; lumber, brick, and sewer tile, in truckloads, between points in Latah, Kootenai, and Shoshone Counties, Idaho, on the one hand, and, on the other, points in Adams, Lincoln, Spokane, Stevens, and Whitman Counties, Wash.; lumber, except millwork, in truckloads, from points in Bonner County, Idaho, to points in Adams, Lincoln, Spokane, Stevens, and Whitman Counties, Wash.; building logs, and mouldings and mastick, used in the erection of building logs, and lumber, shakes, and shingles, from points in Sanders County, Mont., to points in Washington and those in Boundary, Bonner, Kootenai, Shoshone, Benewah, Latah, Clearwater, Nez Perce, Lewis, and Idaho Counties, Idaho; and lumber, from points in Mineral County, Mont., to points in Kootenai, Shoshone, and Bonner Counties, Idaho, and those in Adams, Grant, Douglas, Spokane, Whitman, Pend Oreille, Lincoln, Benton, and Franklin Counties, Wash. P. J. Allison, Randall, Danskin, Lundin & Allison, 440 Lincoln Building, Spokane, Wash., attorneys for applicants.

No. MC–FC–68307. By order of November 19, 1965, Transfer Board approved the transfer to Metropolitan Bus Corp., a corporation, Brooklyn, N.Y., of Certificate No. MC–1111, issued May 7, 1942, to Cornwall Public Service Corp., Cornwall, N.Y., authorizing the transportation of passengers and their baggage, restricted to traffic originating in the territory and at the point indicated, in charter operations, over irregular routes, from points in Orange and Rockland Counties, and New York, N.Y., to points in New Jersey, New York, and Connecticut, and return. Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, 32, N.Y., attorney for transferee. M. J. Rider, 189 Grand Street, Newburgh, N.Y., attorney for transferor.

No. MC–FC–68123. Corrected Notice.[1] By order of September 30, 1965, Transfer Board approved the transfer to W. R. Rivers, Jackson, Miss., of a portion of Certificate No. MC–82625, issued February 24, 1956, to Azalea Motor Lines, Inc., Mobile, Ala., authorizing the transportation of general commodities, including household goods but excluding commodities in bulk, in tank vehicles, over regular routes, between Mobile, Ala., and Dauphin Island, Ala., serving all intermediate points; and general commodities, including household goods but excluding commodities in bulk, in tank vehicles, over irregular routes, between points on Dauphin Island, Ala. Dudley W. Conner, Conner Building, Hattiesburg, Miss., attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 65–12773; Filed, Nov. 29, 1965; 8:48 a.m.]

[1] Corrected to show the portion of Certificate No. MC–82625, issued February 24, 1956, to Azalea Motor Lines, Inc., Mobile, Ala., has approved the transportation of general commodities, excluding household goods and commodities in bulk, over regular routes, between Leakesville, Miss., and Mobile, Ala., serving the intermediate points of Lucedale, Miss., and those between Lucedale, Miss., and Mobile, Ala.; and between Mobile, Ala., and Lucedale, Miss., serving all intermediate points.

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 24, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40147—*Lumber articles from, to, and between points in southwestern territory.* Filed by Southwestern Freight Bureau, agent (No. B–8774), for interested rail carriers. Rates on lumber, viz: Boards or sheets (not wallboard or insulating board) made from wood shavings, sawdust or ground wood, in carloads, between points in southwestern territory; between points in southwestern territory, on the one hand, and points in Kansas and Missouri, and Mississippi River crossings, East St. Louis, Ill., south to Natchez, Miss., on the other, also from points in southwestern territory to points in western trunkline territory and Canada.

Grounds for relief—Carrier competition.

Tariffs—Supplements 8, 11, and 46 to Southwestern Freight Bureau, agent, tariffs ICC 4633, 4635, and 4609, respectively.

FSA No. 40148—*Soda ash to points in Louisiana.* Filed by Western Trunk Line Committee, agent (No. A–2431), for interested rail carriers. Rates on soda ask (other than modified soda ash), in carloads, from Stauffer and Westvaco, Wyo., to specified points in Louisiana.

Grounds for relief—Market competition.

Tariffs—Supplement 47 to Western Trunk Line Committee, agent, tariff ICC A–4374 and supplement 78 to Southwestern Freight Bureau, agent, tariff ICC 4526.

FSA No. 40149—*Joint motor-rail rates—Central States.* Filed by Central States Motor Freight Bureau, Inc., agent (No. 99), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central States territory.

Grounds for relief—Motortruck competition.

Tariff—Supplement 2 to Central States Motor Freight Bureau, Inc., agent, tariff MF–ICC 1163.

FSA No. 40150—*Joint motor-rail rates—Central States.* Filed by Central States Motor Freight Bureau, Inc., agent (No. 100), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central States territory.

Grounds for relief—Motortruck competition.

Tariff—Supplement 2 to Central States Motor Freight Bureau, Inc., agent, tariff MF–ICC 1163.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 65–12774; Filed, Nov. 29, 1965; 8:48 a.m.]

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to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods*, between Seattle, Wash., and port of entry of Sumas, Wash., on the international boundary between the United States and Canada, for 180 days. Supporting shipper: Abbotsford Bakery, Post Office Box 490 (2420 McCallum Road), Abbotsford, British Columbia, Canada. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash., 98101.

No. MC 127726 (Sub-No. 1 TA), filed November 22, 1965. Applicant: LAWRENCE RAY PALMER AND LAWRENCE RICHARD PALMER, a partnership, doing business as PALMER MACHINE WORKS, Roundhouse Street, Post Office Box 358, Amory, Miss. Applicant's representative: Rubel L. Phillips, Deposit Guaranty Bank Building, Jackson, Miss. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bulk, and in packages, from the plantsite of International Minerals & Chemical Corp., Florence, Ala., to points in Mississippi, north of U.S. Highway 80, with no transportation for compensation on return except *rejected or returned shipments*, for 180 days. Supporting shipper: International Mineral & Chemical Corp., 5401 Old Orchard Road, Skokie, Ill. Send protests to: Floyd A. Johnson, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 320 U.S. Post Office Building, Jackson, Miss., 39201.

No. MC 127727 TA, filed November 22, 1965. Applicant: UNITED MARLBORO CARRIERS CORP., 148 West Thirty-seventh Street, New York, N.Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y., 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, between Moonachie, N.J., and New York, N.Y., for 180 days. Supporting shipper: Helen Harper, Inc., 30–02 48th Avenue, Long Island City, N.Y., 11101. Send protests to: Stephen P. Tomany, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y., 10013.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65–12772; Filed, Nov. 29, 1965; 8:48 a.m.]

[Notice 1265]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 24, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–68126. By order of November 19, 1965, Transfer Board approved the transfer of Certificate No. MC–39507 issued June 1, 1955, and Certificate of Registration No. MC–39507 (Sub-No. 3) issued April 29, 1964, to Diana Couture doing business as Pawtuxet Valley Motor Express, Warwick, R.I., to Pawtuxet Valley Motor Express, Inc., Warwick, R.I., authorizing the transportation of general commodities, over irregular routes, (1) between Providence, R.I., on the one hand, and, on the other, specified points in Rhode Island, and (2) between points in Rhode Island. Philip W. Noel, 111 Westminster Street, Providence, R.I., attorney at law.

No. MC–FC–68219. By order of November 19, 1965, Transfer Board approved the transfer to Post Brothers, Inc., Scranton, Pa., of a portion of the operating rights in Certificate No. MC–34918, issued August 4, 1955, to R. F. Post, Inc., Scranton, Pa., authorizing the transportation of: Household goods, between specified points in Pennsylvania on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Virginia, West Virginia, North Carolina, Ohio, Indiana, and the District of Columbia. Chester A. Zyblut, 1000 Connecticut Avenue NW., Washington, D.C., 20036, attorney for applicants.

No. MC–FC–68264. By order of November 19, 1965, Transfer Board approved the transfer to L. A. McGann, Inc., doing business as Bickford Transportation, 8 Depot Road, Falmouth, Maine, of the operating rights issued by the Commission May 29, 1957, and July 29, 1957, under Certificates Nos. MC–93506 (Sub-No. 1), and MC–93506 (Sub-No. 12), respectively, to Carroll F. Stevens, Alfred, Maine, authorizing the transportation, over irregular routes, of lumber and forest products, between points in York County, Maine, on the one hand, and, on the other, points in New Hampshire and Massachusetts; lumber, forest products, camp and mill supplies, and mill machinery incidental to the cutting, yarding, and manufacturing of lumber, between points in that part of Maine and New Hampshire within 100 miles of Norway, Maine, including Norway; and lumber, from Manchester, N.H., and points within 15 miles thereof, to points in Rhode Island.

No. MC–FC–68269. By order of November 19, 1965, Transfer Board approved the transfer to Catherine F. Caples, doing business as Caples Trucking, Cambridge, Mass., of the Certificate of Registration No. MC–57767 (Sub-No. 1), issued October 22, 1963, to John P. Caples and Catherine F. Caples, doing business as Caples Trucking, Cambridge, Mass., evidencing a right to engage in interstate or foreign commerce corresponding in scope to Irregular Route Common Carrier Certificate No. 1114, dated June 5, 1941, issued by the Massachusetts Department of Public Utilities. Mary A. Kerwin, 6 Beacon Street, Boston, Mass., 02108, attorney for applicants.

No. MC–FC–68274. By order of November 19, 1965, Transfer Board approved the transfer to Textile Trucking Co., Inc., Atlanta, Ga., of the operating rights in Certificate Nos. MC–96412 and MC–96412 (Sub-No. 2), issued November 12, 1941, and April 2, 1965, to Jacob M. Mouchet, doing business as Cotton Transport Co., Charlotte, N.C., authorizing the transportation, over irregular routes, of: Cotton waste, textile waste, and used bagging, and certain exempt commodities, in the same vehicle, between points in North Carolina, South Carolina, Virginia, Tennessee, Georgia, and Alabama. H. Overton Kemp, Post Office Box 20202, 327 North Tryon Street, Charlotte, N.C., 28202, representative for applicants.

No. MC–FC–68280. By order of November 19, 1965, Transfer Board approved the transfer to Russell Bailey, Potlatch, Idaho, of the certificate in Nos. MC–51837 (Sub-No. 1) and MC–51837 (Sub-No. 2), issued November 14, 1946, and April 24, 1947, respectively, to Fred Stephens, Potlatch, Idaho, authorizing the transportation of: Livestock, agricultural commodities, lumber and lumber byproducts, building materials and feed, between points in Latah County, Idaho, on the one hand, and, on the other, points in Whitman County, Wash.; livestock, between points in Latah and Nez Perce Counties, Idaho, on the one hand, and, on the other, points in Spokane County, Wash.; and household goods, between points in Latah and Nez Perce Counties, Idaho, on the one hand, and, on the other, points in Spokane and Whitman Counties, Wash.

No. MC–FC–68300. By order of November 19, 1965, Transfer Board approved the transfer to Stuart Trucking Co., a corporation, Spokane, Wash., of the operating rights issued by the Commission June 17, 1954, under Certificate No. MC–59410 to John C. Stuart, doing business as Stuart Trucking Co., Spokane, Wash., and acquired by transferor, Thelma G. Stuart, doing business as Stuart Trucking Co., Spokane, Wash., in MC–FC–67736 authorizing the transportation of manufactured forest products, grain, feed, poles, piling, milling machinery and equipment, building materials, livestock, and sand and gravel, between points in Latah, Benewah, Shoshone, Kootenai, Bonner, and Boundary Counties, Idaho, and Adams, Grant, Douglas, Spokane, Whitman, Pend Oreille, and Lincoln Counties, Wash.; lumber, brick, and sewer tile, in truckloads, between points in Latah, Kootenai, and Shoshone Counties, Idaho, on the one hand, and, on the other, points in Adams, Lincoln, Spokane, Stevens, and Whitman Counties, Wash.; lumber, except millwork, in truckloads, from points in Bonner County, Idaho, to points in Adams, Lincoln, Spokane, Stevens, and Whitman Counties, Wash.; building logs, and

mouldings and mastick, used in the erection of building logs, and lumber, shakes, and shingles, from points in Sanders County, Mont., to points in Washington and those in Boundary, Bonner, Kootenai, Shoshone, Benewah, Latah, Clearwater, Nez Perce, Lewis, and Idaho Counties, Idaho; and lumber, from points in Mineral County, Mont., to points in Kootenai, Shoshone, and Bonner Counties, Idaho, and those in Adams, Grant, Douglas, Spokane, Whitman, Pend Oreille, Lincoln, Benton, and Franklin Counties, Wash. P. J. Allison, Randall, Danskin, Lundin & Allison, 440 Lincoln Building, Spokane, Wash., attorneys for applicants.

No. MC–FC–68307. By order of November 19, 1965, Transfer Board approved the transfer to Metropolitan Bus Corp., a corporation, Brooklyn, N.Y., of Certificate No. MC–1111, issued May 7, 1942, to Cornwall Public Service Corp., Cornwall, N.Y., authorizing the transportation of passengers and their baggage, restricted to traffic originating in the territory and at the point indicated, in charter operations, over irregular routes, from points in Orange and Rockland Counties, and New York, N.Y., to points in New Jersey, New York, and Connecticut, and return. Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, 32, N.Y., attorney for transferee. M. J. Rider, 189 Grand Street, Newburgh, N.Y., attorney for transferor.

No. MC–FC–68123. Corrected Notice.[1] By order of September 30, 1965, Transfer Board approved the transfer to W. R. Rivers, Jackson, Miss., of a portion of Certificate No. MC–82625, issued February 24, 1956, to Azalea Motor Lines, Inc., Mobile, Ala., authorizing the transportation of general commodities, including household goods but excluding commodities in bulk, in tank vehicles, over regular routes, between Mobile, Ala., and Dauphin Island, Ala., serving all intermediate points; and general commodities, including household goods but excluding commodities in bulk, in tank vehicles, over irregular routes, between points on Dauphin Island, Ala. Dudley W. Conner, Conner Building, Hattiesburg, Miss., attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65–12773; Filed, Nov. 29, 1965; 8:48 a.m.]

[1] Corrected to show the portion of Certificate No. MC–82625, issued February 24, 1956, to Azalea Motor Lines, Inc., Mobile, Ala., has approved the transportation of general commodities, excluding household goods and commodities in bulk, over regular routes, between Leakesville, Miss., and Mobile, Ala., serving the intermediate points of Lucedale, Miss., and those between Lucedale, Miss., and Mobile, Ala.; and between Mobile, Ala., and Lucedale, Miss., serving all intermediate points.

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 24, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40147—*Lumber articles from, to, and between points in southwestern territory.* Filed by Southwestern Freight Bureau, agent (No. B–8774), for interested rail carriers. Rates on lumber, viz: Boards or sheets (not wallboard or insulating board) made from wood shavings, sawdust or ground wood, in carloads, between points in southwestern territory; between points in southwestern territory, on the one hand, and points in Kansas and Missouri, and Mississippi River crossings, East St. Louis, Ill., south to Natchez, Miss., on the other, also from points in southwestern territory to points in western trunkline territory and Canada.

Grounds for relief—Carrier competition.

Tariffs—Supplements 8, 11, and 46 to Southwestern Freight Bureau, agent, tariffs ICC 4633, 4635, and 4609, respectively.

FSA No. 40148—*Soda ash to points in Louisiana.* Filed by Western Trunk Line Committee, agent (No. A–2431), for interested rail carriers. Rates on soda ask (other than modified soda ash), in carloads, from Stauffer and Westvaco, Wyo., to specified points in Louisiana.

Grounds for relief—Market competition.

Tariffs—Supplement 47 to Western Trunk Line Committee, agent, tariff ICC A–4374 and supplement 78 to Southwestern Freight Bureau, agent, tariff ICC 4526.

FSA No. 40149—*Joint motor-rail rates—Central States.* Filed by Central States Motor Freight Bureau, Inc., agent (No. 99), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central States territory.

Grounds for relief—Motortruck competition.

Tariff—Supplement 2 to Central States Motor Freight Bureau, Inc., agent, tariff MF–ICC 1163.

FSA No. 40150—*Joint motor-rail rates—Central States.* Filed by Central States Motor Freight Bureau, Inc., agent (No. 100), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central States territory.

Grounds for relief—Motortruck competition.

Tariff—Supplement 2 to Central States Motor Freight Bureau, Inc., agent, tariff MF–ICC 1163.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65–12774; Filed, Nov. 29, 1965; 8:48 a.m.]

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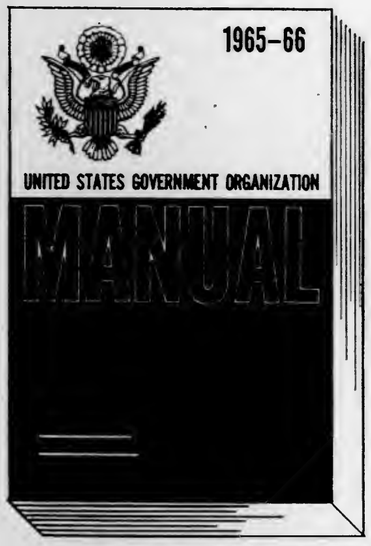
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Daily numerical guides listing parts affected are carried following the Contents of each issue of the *Federal Register*, and within-the-month cumulations appear at the end of each issue.

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(t) revised 6337
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(v) revised 7557
(u) revised 7645
(w) added 11371
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213.3108 (a)(7) added 739
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213.3110 (a)(4) added 13005
213.3112 (e)(2) revoked 13822
213.3113 (e)(5) added 565
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213.3126 Added 6975
213.3132 (c) added 643
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213.3152 Added 6939
213.3154 (b) revoked 31
213.3163 Revoked 1247
213.3164 (a) revised; (b) revoked 4711
213.3174 Added 3809
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213.3179 Added 11903
213.3181 Added 13897
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213.3202 Added 3349
213.3205 (d) added 3593
213.3206 (a)(2) revised 1111
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213.3216 (a)(2) added 5503
213.3256 Added 7515
213.3273 (b) through (e) added 1029
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213.3276 Added 7271
213.3277 Added 7426
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213.3307 (b)(2) revised 7646
(a)(16) added 9087
(a)(12) revoked 12937
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213.3308 (a)(1) revised 7646
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(f)(10) revised 12248
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(h) amended 14769
213.3311 (h)(3) revised 2649
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(h)(4) corrected 5787
(a)(18) added 11669
(b)(10) added 13054
213.3312 (a) (27) and (28) added 1029
(a)(29) added 4663
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29.5330
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29.5596
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29.6096
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29.9001
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30.38
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30.60
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34.1
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41.6–1
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41.6–2
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41.11
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51
- Subpart added 3371
- Subpart added 6063
- Subpart added 6711
- Subpart revised 7595
- Subpart added 8460
- Subpart added 14359
- Subpart recodified and revised 14519

51.1154
- Revised 3633

51.1154a
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51.2360—51.2381
- Subpart recodified as 51.2360—51.2384; revised 14519

51.2360—51.2384
- Subpart recodified from 51.2360—51.2381; revised 14519

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- Subpart revised 7595

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- Subpart added 6711

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- Subpart added 8460

51.3585—51.3601
- Subpart added 6063

51.3610—51.3624
- Subpart added 3371

51.3635—51.3652
- Subpart added 14359

52
- Subpart amended 11596

52.47
- (c) added 9977

52.981
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52.1281
- Revised 205

52.1841
- Revised 11595

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- Subpart amended 11596

52.3181
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52.3183
- Redesignated as 52.3138b; heading revised 11596

52.3183a
- Added 11596

52.3183b
- Redesignated from 52.3183; heading revised 11596

52.3185
- Revised 11596

52.3187
- Introductory text of (d) revised; (i) revised 11596

52.3188
- Amended 11596

53.1
- (j) and (k) amended; (n) revised; (p), (q), and (s) amended; (t)(1) revised; (t)(2) and (u) amended; (v) revised; (x) amended; (ll) added 4157
- (d), (e), (f), and (jj) amended 10935

53.2
- (a) amended 4157

53.3
- Revised 4157

53.4
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53.5
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53.6
- (a)(2)(iv) amended 10935

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53.8
- (a) revised and (c)(1) amended 4157
- (c) (1) and (2) amended 10935

53.11
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53.12
- Amended 4157

53.13
- (a)(2) and (b) amended 4157
- (a)(1) revised 4158

53.14
- Amended 4157

53.15
- (a) amended 4157

53.16
- (a) and (c) amended 4157

53.17
- Amended 4157

53.29
- (b) amended 10935
- (d) amended 11680
- (a) amended 14360

53.30
- Amended 10935

53.31
- Amended 10935

53.102
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53.103
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53.103
- Added 4459

53.104
- Revised 4459

54.1
- Amended 6207

54.3
- Amended 6207

54.20
- (c) and (d) amended 6207

54.100
- (b) amended 6207

54.107
- Amended 6207

54.108
- Amended 6207

55.2
- (b) and (bb) amended 6207

55.10
- (b) amended 6207

55.11
- Amended 6207

55.35
- Amended 6142

55.40
- Revised 6142

55.60
- (b) amended 6207

55.66
- (a) revised 6142

55.68
- Amended 6207

55.70
- (b) revised 6142

55.77
- (o) and (p) added 6142

55.85
- (b) and (d) revised; (e) and (f) amended; (g)(1) revised; (l) deleted 6143

55.88
- (b) revised 6143

55.92
- (b), introductory text of (c), and (g) revised 6143

55.101
- (b) revised; (c) added 6143

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55.102
- (a)(2) and (3) revised; (b)(3) deleted 6143

55.103
- Added 6143

55.126
- Amended 6207

56.1
- (b) and (m) amended; (o) deleted; (p) through (y) redesignated as (o) through (w); newly redesignated (x) amended 6207

56.10
- (b) amended 6207

56.11
- Amended 6207

56.45
- (b) amended 6207

56.52
- Amended 6207

57.1
- (e) and (l) amended 8031

57.2
- (a)(6) and (b)(2) amended 8031

57.12
- Amended 8031

57.51
- (a)(2) amended 8031

58.2
- (b), (o), and (z) amended 6638

58.50
- (d) amended 6638

58.147
- Amended 6638

58.189
- (b) amended 6638

58.201
- Amended 6638

58.2532
- (a) amended 6638

58.2558
- Amended 6638

58.2605
- (a)(1) amended 6638

58.2656
- (a) amended 6638

58.2678
- Amended 6638

58.2704
- (a)(3) and (b) amended 6638

58.2707
- (a) amended 6638

58.2726
- (b) amended 6638

58.2756
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68.2
- (e) and (f) amended 8031

68.42a
- (e) and (g) amended 8031

68.49
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70.1
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- Amended 6207

70.30
- (c) amended 6207

70.80
- Section and center heading deleted 9531

70.130
- (b) amended 6207

70.138
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70.141
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- (a)(13) revised 9531

70.142
- (b) revised 9531

70.181
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70.251
- Amended 6207

70.252
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70.253
- Amended 6207

70.254
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70.256
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70.257
- Amended 6207

70.258
- Amended 6207

70.301
- (e), (f), and (g) revised 9531
- (g) corrected 9673

70.305
- (a) and (b) revised 9531

70.325
- (b) and (c) revised 9531

70.326
- (c) revised 9531

70.330
- Section and center heading deleted 9531

70.335—70.338
- Sections and center heading deleted 9531

70.350
- (a) and (b) amended; (c) and (e)(8) revised 9531

70.353
- (e), (g), and (h)(2) revised; (i) added 9531

70.354
- (a), (e), and (g) revised; (i) added 9532

70.355
- (c) added 9532

70.356
- Added 9532

70.360
- (a) amended; (b) revised; (d) deleted 9532

70.364—70.366
- Sections and center heading deleted 9533

70.370
- Section and center heading deleted 9533

81.1
- Amended 6207

81.134
- Effective date of revision partly postponed 981, 2588, 4053, 6064, 7239, 8093, 9484, 11131, 12117, 13763, 14769.

81.161
- (b) amended 6207

81.174
- Amended 6207

81.203
- Amended 6207

81.208
- Effective date of revision partly postponed 981, 2588, 4053, 6064, 7239, 8093, 9484, 11131, 12117, 13763, 14769.

81.303
- Amended 6207

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101.2
- (h) amended 8093

102.2
- (g) amended 8093

103.2
- (f) amended 8093

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- (g) amended 8093

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106.2
- (h) amended 8093

107.2
- (g) amended 8093

108.2
- (h) amended 8093

110.2
- (h) amended 8093

111.2
- (f) amended 8093

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- (h) amended 8093

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- (g) amended 8093

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- (c) amended 7385

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- Heading revised 2129

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201.28
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- Amended 7887

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- (c)(2) amended 7888

201.34
- (e)(1) and (6) amended; (e)(8) added 7888
- (e) amended 8460

201.37
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201.42
- Revised 7888

201.44
- Amended 8460

201.46
- Amended 7888

201.47
- (d) amended 7890

201.48
- (b) and (i) revised 7890

201.50
- Amended 7890

201.51
- Introductory text of (a), (a)(1), introductory text of (b), and (b)(2) and (4) revised; (b)(6) deleted; (b)(7) and (8) redesignated as (6) and (7) respectively, and revised; (b)(9) and (10) redesignated as (8) and (9) respectively 7890

201.51a
- Introductory text amended; (c) added 7891

201.56–2
- (a) and (b)(1)(iv) and (2)(v) revised; (b)(2)(viii) redesignated as (ix) and revised; new (b)(2)(viii) added 7891

201.56–5
- (d) revised 7891

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201.56–6
- (b)(1)(iv) amended; (b)(1)(vi) added; (b)(2)(v) amended; (b)(2)(vi) redesignated as (vii) and revised; new (b)(2)(vi) added 7891

201.58
- (a)(2) revised; (a)(8) amended; (a)(9) and (b)(9) and (11) revised; (c) amended 7891

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- (a)(3) added; (b) amended 7892

201.102
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201.105
- Amended 8460

201.151
- Amended 8460

201.152
- Amended 8460

201.154
- (m) amended 8460

201.155
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201.157
- Amended 8460

201.158
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201.204
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201.209
- Amended 11167

201.213
- Amended 11167

201.217
- Amended 11167

201.219
- Amended 11167

201.221
- (b) and (c) amended 11167

201.222
- (c) amended 11167

201.227
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201.229
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- Subpart recodified and revised 8821
- Subpart recodified and revised 8955

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- Subpart recodified from 301.45—301.45–12; revised 8955

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- Subpart recodified as 301.45–301.45–9; revised 8955

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- Added 8959

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- Added 8958

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- Revised 4311

301.52a
- Revised 8221

301.52–2a
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- Subpart recodified from 301.64—301.64–10; revised 8821

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- Subpart recodified as 301.64–301.64–9; revised 8821

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301.77–2a
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301.81–2a
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(a) amended 11712
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(d) added 1281
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719.11
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722.46
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(b)(5) revised 7385
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722.225
(b) deleted 6712
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(g) revised 2017
(i) added 6712
(i) corrected 7185
(i) amended 7987
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(e) amended 7385
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722.237
Added 14728
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724.35a
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724.83
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(d) added 11345
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730.1531
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249 157, 346, 349, 590, 592, 4688, 4690, 7253, 8639, 8642, 11147, 14743, 14745, 14747.
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260.2
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141 9113, 9697, 12360, 14018
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(c) amended 4411
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(a) and introductory text of (c) revised; (c)(4) deleted; (c)(5) and (13), (e), (f), (h) and (i) revised; (j) added 13530
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19.535
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120.1001
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120.1018
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(a) amended 4672
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(c) amended 11950
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(d) amended 11951
(d) amended 12671
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121.237
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Revised 4536

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121.242
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(d) amended 11951
(d) amended 12124
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121.253
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121.256
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121.258
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Chapter IV:

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1600.1 (b) and (c) revised 8677
1600.12 Introductory text revised 8677
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593.850–5 (c)(2) corrected 13540
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815.73 Heading and introductory texts of (a) and (b) revised 6344
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882.10 Introductory text amended 706
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888.10 Amended 10046
888.17 (a), (c)(1)(iii) and (f)(3) and (4) revised 10046
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1003.404–4 (c) revised 11037
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Agencies in this issue—

Agricultural Stabilization and Conservation Service
Agriculture Department
Census Bureau
Civil Aeronautics Board
Consumer and Marketing Service
Federal Aviation Agency
Federal Communications Commission
Federal Crop Insurance Corporation
Federal Home Loan Bank Board
Federal Maritime Commission
Federal Power Commission
Federal Register Administrative Committee
Federal Trade Commission
Fish and Wildlife Service
Food and Drug Administration
Interior Department
Interstate Commerce Commission
Land Management Bureau
Narcotics Bureau
National Bureau of Standards
Small Business Administration

Detailed list of Contents appears inside.



THE NATIONAL ARCHIVES OF THE UNITED STATES
1934

Volume 78

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[88th Cong., 2d Sess.]

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CFR CHECKLIST

This checklist, arranged in order of titles, shows the issuance date and price of current bound volumes and supplements of the Code of Federal Regulations. The rate for subscription service to all revised volumes and supplements issued as of January 1, 1965, is $100 domestic, $30 additional for foreign mailing. The subscription price for revised volumes and supplements issued as of January 1, 1966, will be at the same rate.

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Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—Consumer and Marketing Service (Packers and Stockyards Division), Department of Agriculture

PART 201—REGULATIONS UNDER PACKERS AND STOCKYARDS ACT

Market Agencies Not To Employ Buyers

On June 15, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 7721) regarding a proposed amendment to § 201.66 of the regulations (9 CFR 201.66) under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), relating to the employment of livestock buyers by market agencies. Interested persons were afforded an opportunity to submit written data, views, or arguments concerning the proposed amendment. After consideration of all relevant matter submitted by interested persons, § 201.66, Part 201, Chapter II, Title 9 of the Code of Federal Regulations, is hereby amended to read as follows:

§ 201.66 Market agencies not to employ persons engaged in buying livestock.

(a) No market agency shall employ or permit any packer, or any person employed by a packer to buy livestock for purposes of slaughter, to perform any

service or duty in connection with the furnishing by such market agency of its services.

(b) No market agency shall employ or permit any person engaged in buying livestock as a dealer or market agency, or any employee of any such person, to perform any service or duty in connection with the furnishing by such market agency of its services: *Provided*, That this paragraph shall not prohibit a market agency engaged in selling consigned livestock from employing any individual who does not engage in any dealer or market agency transactions at the stockyard where he is employed and who is not otherwise employed by a dealer or market agency engaged in selling or buying livestock at said stockyard.

The purpose of the amendment is to make it clear that, with one exception, no market agency shall employ or permit any livestock buyer to perform any service or duty in connection with the furnishing by such market agency of its services. The one exception provided for by the amendment applies only to selling agencies at auction markets or terminal stockyards who employ individuals who (1) do not engage in any dealer or market agency transactions at the market or stockyard where they are employed, (2) are not otherwise employed by any dealer or market agency who buys or sells livestock at said market or stockyard, and (3) are not employed to buy livestock anywhere for packers.

Previously, § 201.66 has prohibited a market agency from utilizing the services of "independently operated and separately registered dealers" in the furnishing by such market agency of its services. Some market agencies, particularly those engaged in selling consigned livestock at auction, have claimed that they have not been able to employ the person most qualified for a particular job because of such prohibition. As amended, § 201.66 will not preclude the employment of properly qualified persons under conditions which will not present a conflict of interest situation.

This amendment shall become effective on January 1, 1966.

(Sec. 407(a), 42 Stat. 169, 72 Stat. 1750; 7 U.S.C. 228(a); interprets or applies secs. 307, 312, 42 Stat. 161 et seq., as amended; 7 U.S.C. 208, 213)

Done at Washington, D.C., this 26th day of November 1965.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 65-12847; Filed, Nov. 30, 1965; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 6975; Amdt. 452]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following low or medium frequency range procedures prescribed in § 97.11(a) to read:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	More than 2-engine, more than 65 knots
Delta Island Int	AC LFR	Direct	1500	T-dn	300-1	300-1	200-½
AN LOM	AC LFR	Direct	1500	C-dn	500-1	500-1	500-1½
				S-dn-31	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn W side SW crs, 183° Outbnd, 003° Inbnd, 1500′ within 10 miles (nonstandard due to terrain).
Minimum altitude over facility on final approach crs, 900′.
Crs and distance, facility to airport, 314°—2.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.8 miles after passing AC LFR, climb to 1500′ on SW crs, AC LFR within 20 miles or, when directed by ATC, climb to 1500′ proceeding direct to AN LOM, thence on crs of 244° Outbnd, 064° Inbnd, within 20 miles.
CAUTION: 373′ hill, 1.6 miles SW of airport and 1.3 miles W of final approach between facility and airport.
MSA within 25 miles of facility: NE, 8600′; SE, 5400′; SW, 1500′; NW, 1500′.

City, Anchorage; State, Alaska; Airport name, Anchorage International; Elev., 124′; Fac. Class., SBRAZ; Ident., AC; Procedure No. 1, Amdt. 9; Eff. date, 20 Nov. 65; Sup. Amdt. No. 8; Dated, 31 July 65

Delta Island Int	AC LFR	Direct	1500	T-dn	300-1	300-1	200-½
AN LOM	AC LFR	Direct	1500	C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side SW crs, 183° Outbnd, 003° Inbnd, 1500′ within 10 miles (nonstandard).
Minimum altitude over facility on final approach crs, 900′.
Crs and distance, facility to airport, 006°—5.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing AC LFR, turn left, climb to 1500′ on NW crs, 305°, AC LFR within 15 miles.
CAUTION: 373′ hill, 1.4 miles W of AC LFR.
MSA within 25 miles of facility: NE, 8600′; SE, 5400′; SW, 1500′; NW, 1500′.

City, Anchorage; State, Alaska; Airport name, Merrill Field; Elev., 139′; Fac. Class., SBRAZ; Ident., AC; Procedure No. 1, Amdt. 14; Eff. date, 20 Nov. 65; Sup. Amdt. No. 13; Dated, 18 July 64

2. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	More than 2-engine, more than 65 knots
AC LFR	AN LOM	Direct	1500	T-dn	300-1	300-1	200-½
Delta Island Int	AN LOM	Direct	1500	C-dn	500-1	500-1	500-1½
				S-dn-6	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn S side of W crs, 244° Outbnd, 064° Inbnd, 1500′ within 10 miles of AN LOM.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 064°—4.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing AN LOM, turn right, climb to 1500′ on SW crs, AC LFR within 15 miles or, when directed by ATC, climb to 1500′ on 244° bearing within 15 miles of AN LOM.
CAUTION: Terrain, 373′—1.6 miles SW of airport and 1.6 miles S of approach to Runway 6, 309′—0.8 mile SSW, MM and 320′—1 mile SSW, MM.
MSA within 25 miles of facility: 000°-090°—7400′; 090°-180°—5300′; 180°-270°—2000′; 270°-360°—5400′.

City, Anchorage; State, Alaska; Airport name, Anchorage International; Elev., 124′; Fac. Class., LOM; Ident., AN; Procedure No. 1, Amdt. 17; Eff. date, 20 Nov. 65; Sup. Amdt. No. 16; Dated, 5 June 65

Lancaster VOR	Lancaster RBn	Direct	2300	T-dn	300-1	300-1	200-½
Delroy Int	Lancaster RBn	Direct	2500	C-dn	500-1	500-1	500-1½
				S-dn-8	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 238° Outbnd, 058° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 058°—4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 miles after passing LRP RBn, make a climbing left turn and return to Lancaster RBn at 2300′. Hold SW, LRP RBn, 1-minute right turns, 058° Inbnd.
Other change: Deletes transition from Int HAR, R 132°/058° bearing to LRP RBn to LRP RBn (final). MSA within 25 miles of facility: 000°-360°—2500′.

City, Lancaster; State, Pa.; Airport name, Lancaster Municipal; Elev., 403′; Fac. Class., MHW; Ident., LRP; Procedure No. 1, Amdt. 9; Eff. date, 20 Nov. 65; Sup. Amdt. No. 8; Dated, 31 Oct. 64

FRI VOR	MHK RBn	Direct	3000	T-dn	300-1	300-1	300-1
Volland Int	MHK RBn (final)	Direct	2000	Minimums when control zone effective:			
Ogden Int	MHK RBn	Direct	3000	C-d#	600-1	600-1	600-1½
				C-n#	600-2	600-2	600-2
				A-dn#	800-2	800-2	800-2
				Minimums when control zone not effective:			
				C-dn	800-2	800-2	800-2
				A-dn	NA	NA	NA

Procedure turn E side of crs, 118° Outbnd, 298° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 298°—2.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.4 miles after passing MHK RBn, make right turn, climbing to 3000′ and return to MHK RBn.
NOTES: (1) Altimeter setting from SLN FSS when control zone not effective. (2) Final approach from holding pattern at MHK RBn not authorized. Procedure turn required.
CAUTION: Restricted area 1.5 miles W of airport.
#These minimums apply at all times for those air carriers with approved weather reporting service. MSA within 25 miles of facility: 000°-360°—2800′.

City, Manhattan; State, Kans.; Airport name, Manhattan Municipal; Elev., 1050′; Fac. Class., HW; Ident., MHK; Procedure No. 1, Amdt. 2; Eff. date, 20 Nov. 65; Sup. Amdt. No. 1; Dated, 2 Aug. 64

Allen Int	LOM (final)	Direct	1800	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-32#	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 137° Outbnd, 317° Inbnd, 1900′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 317°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, make right-climbing turn to 630° heading to intercept MKG VOR, R 328° and proceed to Whitehall Int at 2400′ or, when directed by ATC, make climbing right turn and climb to 1900′ and proceed direct to LOM.
#Reduction below ¾-mile visibility not authorized.
MSA within 25 miles of facility: 000°-090°—2800′; 090°-180°—2100′; 180°-270°—2100′; 270°-360°—2000′.

City, Muskegon; State, Mich.; Airport name, Muskegon County; Elev., 628′; Fac. Class., LOM; Ident., MK; Procedure No. 1, Amdt. 3; Eff. date, 20 Nov. 65; Sup. Amdt. No. 2; Dated, 28 Nov. 64

Coin Int	SDA RBn	Direct	2500	T-dn	300-1	300-1	200-½
Emerson Int	SDA RBn	Direct	2700	C-d	700-1	700-1	700-1½
				C-n	700-2	700-2	700-2
				S-dn-30	700-1	700-1	700-1
				A-dn	NA	NA	NA

Procedure turn S side of crs, 125° Outbnd, 305° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1700′.
Facility on airport. Crs and distance, breakoff point to runway, 295°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing SDA RBn, make left turn, climbing to 2500′ on the 125° bearing from SDA RBn within 10 miles, turn left and return to the SDA RBn.
NOTE: Altimeter setting from OMA FSS.
MSA within 25 miles of facility: 000°-360°—2500′.

City, Shenandoah; State, Iowa; Airport name, Shenandoah Municipal; Elev., 963′; Fac. Class., MHW; Ident., SDA; Procedure No. 1, Amdt. Orig.; Eff. date, 11 Nov. 65

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
OBK VOR	Waukegan RBn	Direct	2000	T–dn	300–1	300–1	200–½
Wind Lake Int	Waukegan RBn	Direct	2500	C–d	600–1	600–1	600–1½
Taylor Int	Waukegan RBn	Direct	2300	C–n	600–1½	600–1½	600–1½
				S–dn–23	600–1	600–1	600–1
				A–dn	NA	NA	NA

Radar available.
Procedure turn N side of crs, 041° Outbnd, 221° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1357′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of Waukegan RBn, make right-climbing turn to 2000′, return to Waukegan RBn, hold NE on 041° bearing from UGN RBn.
NOTE: No weather available. Use O'Hare or Milwaukee altimeter setting.
MSA within 25 miles of facility: 000°–360°—2500′.

City, Waukegan; State, Ill.; Airport name, Waukegan Memorial; Elev., 727′; Fac. Class., MHW; Ident., UGN; Procedure No. 1, Amdt. Orig.; Eff. date, 20 Nov. 65

3. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Wheeling LOM	AIR VOR	Direct	3000	T–dn	300–1	300–1	NA
				C–d	700–1	700–1	NA
				C–n	700–2	700–2	NA
				S–dn	NA	NA	NA
				A–dn	NA	NA	NA
				If 6-mile DME Fix, R 293° is received, the following minimums apply:			
				C–d	600–1	600–1	NA
				C–n	600–2	600–2	NA

Procedure turn S side of crs, 113° Outbnd, 293° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2600′; over 6-mile DME Fix, R 293°, 1900′.
Crs and distance, facility to airport, 293°—7.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.1 miles after passing AIR VOR, climb to 3100′ and proceed direct to Newcomerstown VOR. Hold SE, 1-minute right turns, 296° Inbnd.
NOTES: (1) Lights available on request. (2) Rotating beacon on field. (3) No weather service. UNICOM.
MSA within 25 miles of facility: 000°–090°—3100′; 090°–360°—2700′.

City, St. Clairsville; State, Ohio; Airport name, Alderman Field; Elev., 1195′; Fac. Class., L-BVOR-DME; Ident., AIR; Procedure No. 1, Amdt. 4; Eff. date, 20 Nov. 65; Sup. Amdt. No. 3; Dated, 2 Oct. 65

4. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Lancaster RBn	Lancaster VOR	Direct	2000	T–dn	300–1	300–1	200–½
Landisville Int	Lancaster VOR (final)	Direct	800	C–dn	800–2	800–2	800–2
				S–dn–8	800–2	800–2	800–2
				A–dn	800–2	800–2	800–2
				If Landisville Int received, the following minimums apply:#			
				C–dn	500–1	500–1	500–1½
				S–dn*	400–1	400–1	400–1

Procedure turn S side of crs, 269° Outbnd, 089° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1203′; 803′# if Landisville Int received.
Crs and distance, breakoff point to approach end of Runway 8, 077°—0.6 mile; Landisville Int to airport, 3.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 2000′ on R 089° within 10 miles and return to VOR at 2000′. Hold W, LRP VOR, R 269° 1-minute right turns.
CAUTION: 1490′ tower, 16 miles SW of airport.
*400–¾ authorized, except for 4-engine turbojet aircraft, with operative REIL.
MSA within 25 miles of facility: 090°–180°—2200′; 180°–090°—2700′.

City, Lancaster; State, Pa.; Airport name, Lancaster; Elev., 403′; Fac. Class., BVOR; Ident., LRP; Procedure No. TerVOR-8, Amdt. 4; Eff. date, 20 Nov. 65; Sup. Amdt. No. 3; Dated, 1 June 63

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Lancaster RBn	LRP VOR	Direct	2100	T–dn	300–1	300–1	200–½
				C–dn	500–1	500–1	500–1½
				S–dn–31	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2

Procedure turn N side of crs, 137° Outbnd, 317° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach crs, 900′.
Crs and distance, breakoff point to approach end of Runway 31, 308°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of LRP VOR, climb to 2100′ on LRP VOR, R 291°, within 10 miles, make left turn, return to VOR. Hold W, LRP VOR, R 269° 1-minute right turns.
MSA within 25 miles of facility: 090°–180°—2200′; 180°–090°—2700′.

City, Lancaster; State, Pa.; Airport name, Lancaster; Elev., 403′; Fac. Class., BVOR; Ident., LRP; Procedure No. TerVOR-31, Amdt. 4; Eff. date, 20 Nov. 65; Sup. Amdt. No. 3; Dated, 1 June 63

5. By amending the following very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
GRI VORTAC	7-mile DME Fix, R 170°	Direct	3700	T–dn	300–1	300–1	200–½
OBH VORTAC	GRI VORTAC	Direct	3700	C–dn	500–1	500–1	500–1½
				S–dn–35@	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2

Procedure turn E side of crs, 170° Outbnd, 350° Inbnd, 3700′ between 7-mile and 17-mile DME Fix, R 170°.
Minimum altitude over 7-mile DME Fix, R 170° final approach crs, 3400′.
Crs and distance, 7-mile DME Fix, R 170° to airport, 350°—5.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 1.6-mile DME Fix, R 170°, climb to 3700′ on GRI, R 350° within 10 miles, turn left and return to GRI VOR.
NOTE: When authorized by ATC, DME may be used via 13-mile DME Arc at 3700′ altitude between GRI VOR, R 060° clockwise to GRI VOR, R 270° to position aircraft for final approach with the elimination of procedure turn.
@500–¾ authorized with operative high-intensity runway lights, except for 4-engine turbojets.
@ Reduction below ¾ mile not authorized.
MSA within 25 miles of facility: 045°–135°—3300′; 135°–225°—3700′; 225°–315°—3200′; 315°–045°—3300′.

City, Grand Island; State, Nebr.; Airport name, Grand Island Municipal; Elev., 1846′; Fac. Class., BVORTAC; Ident., GRI; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. date, 20 Nov. 65

6. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Allen Int	LOM (final)	Direct	1900	T–dn*	300–1	300–1	200–½
MKG VOR	LOM	Direct	2300	C–dn	400–1	500–1	500–1½
Bullfrog Int	LOM	Direct	2300	S–dn–32**#	200–½	200–½	200–½
				A–dn	600–2	600–2	600–2

Procedure turn E side of SE crs, 137° Outbnd, 317° Inbnd, 1900′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 1900′.
Altitude of glide slope and distance to approach end of runway at OM, 1843′—3.8 miles; at MM, 811′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, make climbing right turn to 030° heading to intercept MKG, R 328° and proceed to Whitehall Int at 2400′ or, when directed by ATC, make right turn and climb to 2300′ and proceed direct to MKG VOR.
#400–¾ required if glide slope not utilized, reduction below ¾ mile not authorized.
*RVR 2400′ authorized Runway 32.
**RVR 2400′. Descent below 828′ not authorized unless approach lights are visible.

City, Muskegon; State, Mich.; Airport name, Muskegon County; Elev., 628′; Fac. Class., ILS; Ident., I-MKG; Procedure No. ILS-32, Amdt. 5; Eff. date, 20 Nov. 65; Sup. Amdt. No. 4; Dated, 2 Jan. 65

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
St. Louis LOM	Lake RBn	Direct	2400	T-dn##	300–1	300–1	200–½
St. Louis VOR	Lake RBn	Direct	2400	C-dn	500–1	500–1	500–1½
Maryland Heights VOR	SW crs ILS (final)	R 072°, MTS VOR.	1500	S-dn-6@	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Radar available.
Procedure turn S side of crs, 238° Outbnd, 058° Inbnd, 2400' within 10 miles of Lake RBn.
No glide slope or markers. Altitude over Lake RBn, 1500'. Distance from Lake RBn to Runway 6, 3.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing Lake RBn, climb to 1900' on NE crs, ILS to ST LOM or, when directed by ATC, make left (N) turn, climb to 2400' direct to STL VOR.
NOTE: Final approach from holding pattern at LAQ RBn not authorized. Procedure turn required.
Other change: Deletes radar missed approach note.
#RVR 2400' authorized Runway 24.
@500–¾ authorized with operative SALS or HIRL except for 4-engine turbojets. Reduction below ¾ mile not authorized.

City, St. Louis; State, Mo.; Airport name, Lambert-St. Louis Municipal; Elev., 571'; Fac. Class., ILS; Ident., I-STL; Procedure No. ILS-6 (back crs), Amdt. 16; Eff. date, 20 Nov. 65; Sup. Amdt. No. 15; Dated, 24 Aug. 63

Cardinal Int	LOM	Direct	2000	T-dn	300–1	300–1	200–½
St. Paul Int	LOM (final)	Via STL, R 277° and NW crs, LMR ILS.	2000	C-dn	500–1	500–1	500–1½
				S-dn-12R@	400–1	400–1	400–1
				A-dn	600–2	600–2	600–2
STL VOR	LOM	Direct	2000				
Lake RBn	LOM	Direct	2000				
ST LOM	LOM	Direct	2000				
Academy Int	LOM	Direct	2000				
Godfrey Int	LOM	Direct	2200				
Maryland Heights VOR	LOM	Direct	2200				
LeMay Int	LOM	Direct	2600				
Park Int	LOM	Direct	2000				

Radar available.
Procedure turn N side of crs, 297° Outbnd, 117° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 117°—5.3 miles.
@ No glide slope.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing LMR LOM, climb to 2000' on 117° bearing from LM LOM within 10 miles turn right, return to LM LOM or, when directed by ATC, climb to 2400' on 117° bearing from LM LOM within 10 miles turn right, proceed to Lake RBn.
CAUTION: Vehicular traffic crossing perpendicular to approach crs and extending above ALS, 900' from threshold Runway 12R.
##RVR 2400' authorized Runway 24.
@No reduction authorized.

City, St. Louis; State, Mo.; Airport name, Lambert-St. Louis Municipal; Elev., 571'; Fac. Class., ILS; Ident., I-LMR; Procedure No. ILS-12R, Amdt. 1; Eff. date, 20 Nov. 65; Sup. Amdt. No. Orig.; Dated, 14 Dec. 64, or upon commissioning of facility

St. Louis VOR	LOM	Direct	1900	T-dn##	300–1	300–1	200–½
Hartford Int	Cora Int	Direct	1900	C-dn	500–1	500–1	500–1½
Lake RBn	LOM	Direct	2000	S-dn-24#@	200–½	200–½	200–½
Cora Int	LOM (final)	Direct	1900	A-dn	600–2	600–2	600–2
Academy Int	LOM	Direct	1900				
Maryland Heights VOR	LOM	Direct	2000				
LeMay Int	LOM	Direct	2600				
Prairie Int	LOM	Direct	2000				
Godfrey Int	LOM	Direct	2200				

Radar available.
Procedure turn N side of crs, 058° Outbnd, 238° Inbnd, 1900' within 10 miles.
Minimum altitude at glide slope intercept Inbnd, 1900'.
Altitude of glide slope and distance to approach end of runway at OM, 1852'—4.1 miles; at MM, 759'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing ST LOM, climb to 2400' on SW crs of ILS to Lake RBn or, when directed by ATC, make right (N) turn, climb to 2400' direct to STL VOR.
Other change: Deletes missed approach radar note.
#RVR 2400'. Descent below 771' not authorized unless approach lights are visible.
@When glide slope not utilized 400–1 required. 400–¾ (RVR 4000') authorized with HIRL except for 4-engine turbojet.
400–½ (RVR 2400') authorized with operative ALS, except for 4-engine turbojets.
##RVR 2400' authorized Runway 24.

City, St. Louis; State, Mo.; Airport name, Lambert-St. Louis Municipal; Elev., 571'; Fac. Class., ILS; Ident., I-STL; Procedure No. ILS-24, Amdt. 28; Eff. date, 20 Nov. 65 Sup. Amdt. No. 27; Dated, 24 Aug. 63

TOY VOR	Cardinal Int (final)	Via TOY, R 230° and SE crs, LMR ILS.	2000	T-dn##	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-30L#	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Procedure turn not authorized. Radar required. Final approach crs, 297° Inbnd.
Minimum altitude over Cardinal Int on final approach crs, 2000'. Radar identification of Cardinal Int authorized.
Crs and distance, Cardinal Int to airport, 297°—5 miles.
No glide slope—no markers.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5 miles after passing Cardinal Int, climb to 2000' direct to LM LOM and hold on 297° bearing from LM LOM or, when directed by ATC, make right turn, climb to 1900', proceed to ST LOM.
Other change: Deletes missed approach radar note.
#Reduction not authorized.
##RVR 2400' authorized Runway 24.

City, St. Louis; State, Mo.; Airport name, Lambert-St. Louis Municipal; Elev., 571'; Fac. Class., ILS; Ident., I-LMR; Procedure No. ILS-30L (back crs), Amdt. 1; Eff. date, 20 Nov. 65; Sup. Amdt. No. Orig.; Dated, 14 Dec. 64, or upon commissioning of facility

7. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
		Within:		Precision approach			
340°	020°	10 miles	2500	T-dn	300–1	300–1	300–1
020°	080°	10 miles	3000	C-dn	600–1	600–1	600–1½
080°	150°	10 miles	2000	S-dn-32*	300–1	300–1	300–1
150°	250°	10 miles	2500	A-dn	NA	NA	NA
250°	340°	10 miles	2000	Surveillance approach			
				T-dn	300–1	300–1	300–1
				C-dn	600–1	600–1	600–1½
				S-dn-32	600–1	600–1	600–1
				A-dn	NA	NA	NA

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000', proceed direct to Springfield RBn, hold NW, 151° Inbnd, 1-minute right turns.
NOTES: (1) In the event of lost, two-way radio communications while in the Springfield holding pattern, hold for 10 minutes then proceed direct to the DCA outer compass locator (DC) and make an approach to DCA National Airport appropriate to equipment aboard the aircraft. (2) Authorized for military use only, except by prior arrangement.
*300–¾ authorized, except for 4-engine turbojet, with operative HIRL.

City, Fort Belvoir; State, Va.; Airport name, Davison U.S. Army Airfield; Elev., 69'; Fac. Class., and Ident., Davison Radar; Procedure No. 1, Amdt. 2; Eff. date, 20 Nov. 65; Sup. Amdt. No. 1; Dated, 23 May 64

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on October 13, 1965.

C. W. WALKER,
Acting Director, Flight Standards Service.

[F.R. Doc. 65–11246; Filed, Nov. 30, 1965; 8:45 a.m.]

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 15—NONDISCRIMINATION

Subpart A—Nondiscrimination in Federally Assisted Programs of the Department of Agriculture—Effectuation of Title VI of the Civil Rights Act of 1964

SUPPLEMENT TO APPENDIX

The Appendix to Subpart A to Part 15, Subtitle A, Title 7 CFR, is hereby amended by adding the following Supplement No. 1 thereto.

AUTHORITY: This Supplement No. 1 to the Appendix to Subpart A to Part 15, Subtitle A, Title 7, CFR is issued under section 602, 78 Stat. 252, § 15.1(b) of Subpart A to Part 15, Subtitle A, Title 7, CFR.

Supplement No. 1. Programs and activities of the Department of Agriculture covered by Title VI of the Civil Rights Act of 1964:

Grants for research, P.L. 89–106, 79 Stat. 431.

Transfer of fire lookout towers, improvements, and land to States and political subdivisions, P.L. 85–464, 16 U.S.C. 565b.

Easements for road rights-of-way over National Forest lands, other lands administered by the Forest Service and related lands, P.L. 88–657, 16 U.S.C. 533.

Conveyance of land to States or political subdivisions for widening highways, streets and alleys, P.L. 86–608, 40 U.S.C. 345c.

Financial assistance to states and political subdivisions to provide low-rent housing and related facilities for domestic farm labor, P.L. 88–560, 42 U.S.C. 1486.

Financial and other assistance to landowners, operators, or occupiers to carry out land uses and conservation, section 203, P.L. 89–4, 79 Stat. 12.

Financial assistance to private timber organizations to carry out timber development programs, section 204a, P.L. 89–4, 79 Stat. 13.

Grants under sections 306 and 314 of the Consolidated Farmers Home Administration Act of 1961.

Cropland Adjustment Program, section 601 of the Food and Agriculture Act of 1965, 79 Stat. 1206.

Effective date. This Supplement No. 1 to the Appendix to Subpart A to Part 15 to Subtitle A, Title 7, CFR, shall become effective upon publication in the FEDERAL REGISTER.

Dated: November 26, 1965.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 65–12811; Filed, Nov. 30, 1965; 8:45 a.m.]

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

DELETION FROM LIST OF COUNTIES DESIGNATED FOR COTTON CROP INSURANCE

Lexington County, S.C., is hereby deleted from the list of counties published in the FEDERAL REGISTER on October 28, 1965 (30 F.R. 13686), which were designated for cotton crop insurance for the 1966 crop year pursuant to the authority contained in § 401.1 of the above-identified regulations.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 65–12839; Filed, Nov. 30, 1965; 8:47 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

DELETION FROM LIST OF COUNTIES DESIGNATED FOR GRAIN SORGHUM CROP INSURANCE

The counties listed below are hereby deleted from the list of counties published in the FEDERAL REGISTER on October 28, 1965 (30 F.R. 13687), which were designated for grain sorghum crop insurance for the 1966 crop year pursuant to the authority contained in § 401.1 of the above-identified regulations.

KANSAS (1)

Ottawa.

NEBRASKA (1)

Boone.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 65-12840; Filed, Nov. 30, 1965; 8:47 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

DELETION FROM LIST OF COUNTIES DESIGNATED FOR SOYBEAN CROP INSURANCE

The counties listed below are hereby deleted from the list of counties published in the FEDERAL REGISTER on October 28, 1965 (30 F.R. 13689), which were designated for soybean crop insurance for the 1966 crop year pursuant to the authority contained in § 401.1 of the above-identified regulations.

SOUTH CAROLINA (2)

Lexington.
Chesterfield.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 65-12841; Filed, Nov. 30, 1965; 8:47 a.m.]

PART 403—PEACH CROP INSURANCE

Subpart—Regulations for the 1965 and Succeeding Crop Years

DELETION FROM LIST OF COUNTIES DESIGNATED FOR PEACH CROP INSURANCE

Howard County, Ark., is hereby deleted from the list of counties published in the FEDERAL REGISTER on October 28, 1965 (30 F.R. 13692), which were designated for peach crop insurance for the 1966 crop year pursuant to the authority contained in § 403.40 of the above-identified regulations.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 65-12842; Filed, Nov. 30, 1965; 8:47 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER F—DETERMINATION OF NORMAL YIELDS AND ELIGIBILITY FOR ABANDONMENT AND CROP DEFICIENCY PAYMENTS

PART 841—NORMAL YIELDS; BEET SUGAR AREA

1966 and Subsequent Crops of Sugarbeets

Pursuant to the provisions of section 303 of the Sugar Act of 1948, as amended, § 841.2 (15 F.R. 1481) is hereby revoked and the new §§ 841.3, 841.4, and 841.5 are added to Part 841 effective for the 1966 and subsequent crops of sugarbeets. Part 841 is revised to read as follows:

Sec.
841.3 Definitions.
841.4 County average yields and county normal yields.
841.5 Farm normal yields.

AUTHORITY: The provisions of this Part 841 issued pursuant to sec. 303 of the Sugar Act of 1948, as amended (sec. 403, 61 Stat. 932; 7 U.S.C. 1153, sec. 303, 61 Stat. 930, as amended; 7 U.S.C. 1133).

§ 841.3 Definitions.

(a) "Act", "Secretary", "State Committee", and "County Committee" shall have the meaning set forth in Part 891 of this chapter.

(b) "Farm" shall have the meaning set forth in Part 822 of this chapter and a farm shall be regarded as located in a county in accordance with Part 842 of this chapter.

(c) "Planted acres" means the acreage of sugarbeets (within a farm proportionate share if established by the Secretary) as determined by the county committee which was either harvested for the extraction of sugar or was bona fide abandoned to the extent of fulfilling at least the requirements for abandonment payment set forth in subparagraphs (1) through (5) of paragraph (a) of § 842.2 of this chapter, as shown by the office records of the county committee.

(d) "Annual yield for a farm" means the average yield per planted acre on the farm for each crop, in hundredweight of sugar commercially recoverable, computed pursuant to Part 831 of this chapter.

(e) "Base period" means the next preceding five crops prior to the crop for which the farm normal yield is established.

§ 841.4 County average yields and county normal yields.

County average yields and county normal yields shall be established by the State committee for purposes of determining farm normal yields for the 1966 and each subsequent crop as follows:

(a) *County average yield*—(1) *More than ten farms.* The "county average yield" for a county for any crop in the base period having ten or more sugarbeet farms with planted acres of such crop shall be the weighted average hundredweight of sugar commercially recoverable per planted acre of such crop, determined on the basis of the total planted acres and total hundredweight of sugar commercially recoverable of such crop for all such farms in the county.

(2) *Less than ten farms.* The "county average yield" for any crop in the base period for a county in which there were planted acres of sugarbeets on at least one farm but on less than ten farms, shall be the yield in hundredweight of sugar per planted acre which the State committee determines could have been reasonably expected for that crop in such county.

(b) *County normal yield*—(1) *County average yield determined for three or more years.* For a county for which county average yields are determined for three or more of the crops in the base period pursuant to paragraph (a) (1) and (2) of this section, the "county normal yield" shall be the simple average of all such "county average yields" determined in the base period.

(2) *County average yields not determined for three or more years.* For a county for which county average yields are not determined for any of the years in the base period or for less than 3 years of the base period pursuant to paragraph (a) (1) and (2) of this section, "the county normal yield" shall be the yield which the State committee determines could have been reasonably expected in the county during the base period.

§ 841.5 Farm normal yield.

The normal yield of commercially recoverable sugar per acre for each sugarbeet farm shall be determined by the county committee for the 1966 and each subsequent crop as follows:

(a) *Farms with planted acres in three or more years.* For a farm on which there were planted acres of three or more crops in the base period, the farm normal yield shall be the simple average of the annual yields of such crops for the farm.

(b) *Farms with planted acres in only 1 or 2 years.* For a farm on which there were planted acres of only one or two crops in the base period, the normal yield shall be the product derived by multiplying the county normal yield by the percentage obtained by dividing the annual yield for the farm or the simple average of the annual yields for the farm for such two crops, by respectively the county average yield or the simple average of the county average yields for such two crops, except that the normal yield as so determined for such farm for a crop shall not be less than 80 percent nor more than 120 percent of the county normal yield for such crop.

(c) *Farms with no planted acres.* For a farm on which there were no planted acres of any crop in the base period the county committee shall establish a normal yield which shall not exceed 90 percent of the county normal yield, and in establishing the normal yield for such a farm the county committee shall take into consideration the annual yield of any farms in the base period which are located in the same area and which are similar with respect to crop productivity, suitability of land for growing sugarbeets, soil type, and other comparable conditions for growing sugarbeets.

Statement of bases and considerations. Section 303 of the act authorizes the Secretary to make payments to producers of sugarbeets or sugarcane with respect to bona fide abandonment of planted acreage and crop deficiencies of harvested acreage under certain conditions. The payments are computed in reference to normal yields of commercially recoverable sugar per acre, as established for individual farms pursuant to determinations issued by the Secretary.

The former determinations of normal yields for sugarbeet farms issued at intervals since 1937 have been quite similar and have given satisfactory results generally. The last revision, as issued March 10, 1950, provided for a substantial simplification of required computations, with insignificant changes in results.

This revised determination continues in large part the provisions effective for the crops of 1950 through 1965. However, additional definitions and minor language changes are included, and the applicable base period is reduced from 7 to 5 crop years. In cases where there are no planted acres in any of the next preceding 5 crop years it is provided that the county committee may determine a normal yield of not more than 90 percent of the county normal yield by considering the average yields of any farms in the same area which are similar with respect to crop productivity and other comparable conditions.

Under each of the former determinations, a moving 7-year base period was employed. A relatively long base period was used to assure the inclusion of at least 3 years of production on most farms. Under former conditions, sugarbeets were grown intermittently on many farms. In more recent crop years, however, sugarbeets have been grown more continuously on individual farms. The specialization and mechanization of beet production have been important factors in this change. Restrictive farm proportionate shares for the crops of 1955 through 1960 and for the crop year 1965 tend to promote continuity of production. Keen interest in the production of beets has continued the trend.

In view of more continuous production of beets on individual farms, a base period of 5 crop years will now cover 3 to 5 years of production for most of the farms. Normal yields computed from the shorter base period should be more representative of yields to be attained in the future. There will be a substantial reduction in the effort required in assembling and using data for practically all farms, but particularly for reconstituted farms.

Accordingly, I hereby find and conclude that the aforestated determination will effectuate the applicable provisions of the act.

Effective date. Date of publication.

Signed at Washington, D.C., on November 26, 1965.

ROLAND F. BALLOU,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65-12843; Filed, Nov. 30, 1965; 8:47 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 87, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of Navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1) (i), (iii), and (iv) of § 907.387 (Navel Orange Regulation 87, 30 F.R. 14523) are hereby amended to read as follows:

§ 907.387 Navel Orange Regulation 87.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: Unlimited movement;

* * * * *

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

* * * * *

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 24, 1965.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-12808; Filed, Nov. 30, 1965; 8:45 a.m.]

[Lime Reg. 20, Amdt. 1]

PART 911—LIMES GROWN IN FLORIDA

Quality and Size Regulation

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of limes.

(b) It is, therefore, ordered that paragraph (b)(2)(ii) of § 911.322 (Lime Regulation 20; 30 F.R. 9052) is amended to read as follows:

§ 911.322 Lime Regulation 20.

* * * * *

(b) *Order.* * * *

(2) * * *

(ii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) grown in the production area which do not grade at least U.S. No. 2, Mixed Color; or

* * * * *

(c) The provisions of this amendment shall become effective at 12:01 a.m., e.s.t., November 27, 1965.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 26, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–12845; Filed, Nov. 30, 1965; 8:47 a.m.]

[Lime Reg. 2, Amdt. 6]

PART 944—FRUIT; IMPORT REGULATIONS

Limes

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the provisions of paragraph (a) of § 944.201 (Lime Regulation 2; 29 F.R. 8160, 9320, 11706; 30 F.R. 3374, 5621, 7743) are hereby amended to read as follows:

§ 944.201 Lime Regulation 2.

(a) On and after 12:01 a.m., e.s.t., November 27, 1965, the importation into the United States of any limes is prohibited unless such limes are inspected and meet the following requirements:

(1) Such limes of the group known as true limes (also known as Mexican, West Indian, and Key limes and by other synonyms) meet the requirements of at least U.S. No. 2 grade for Persian (Tahiti) limes, except as to color;

(2) Such limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) grade at least U.S. No. 2, Mixed Color; and

(3) Such limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) are of a size not smaller than 1⅞ inches in diameter: *Provided*, That such limes which are of a size smaller than 1⅞ inches in diameter but not of a size smaller than 1⅝ inches in diameter may be imported if such smaller limes have an average juice content of at least 50 percent, by volume.

(4) Notwithstanding the provisions of subparagraph (3) of this paragraph, not to exceed 10 percent, by count, of the limes in any lot of containers may fail to meet the applicable size requirement: *Provided*, That no individual container of limes having a net weight of more than 3 pounds may have more than 15 percent, by count, of limes which fail to meet such applicable size requirement.

• • • • •

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 1001–1011) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8a of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) such regulation imposes the same restrictions being made applicable to domestic shipments of limes under Amendment 1 to Lime Regulation 20 (§ 911.322), which becomes effective November 27, 1965; (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this regulation relieves restrictions on the importation of Persian limes.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, November 26, 1965, to become effective at 12:01 a.m., e.s.t., November 27, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–12846; Filed, Nov. 30, 1965; 8:47 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

CHICAGO, ILL., MARKETING AREA, ETC.

Order Amending Orders

7 CFR Part and Marketing Area

1030 Chicago, Ill.
1031 Northwestern Indiana.
1032 Suburban St. Louis.
1038 Rock River Valley.
1039 Milwaukee, Wis.
1051 Madison, Wis.
1062 St. Louis, Mo.
1063 Quad Cities-Dubuque.
1070 Cedar Rapids-Iowa City.
1078 North Central Iowa.
1079 Des Moines, Iowa.

Section 0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein. The following findings are hereby made with respect to each of the aforesaid orders.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the above-designated marketing areas. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than December 1, 1965. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

(2) The provisions of the said order are known to handlers. The decision of the Assistant Secretary of Agriculture containing all amendment provisions of this order, was issued November 23, 1965. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective December 1, 1965, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

[The following determination is made with respect to each of the orders amending the orders regulating the handling of milk in the Chicago, Ill.; Northwestern Indiana; Suburban St. Louis; Rock River Valley; Madison, Wis.; St. Louis, Mo.; Quad Cities-Dubuque; Cedar Rapids-Iowa City; and Des Moines, Iowa, marketing areas.]

(3) The issuance of the order amending the order is favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

[The following determination is made with respect to the order amending the orders regulating the handling of milk in the Milwaukee, Wis., and North Central Iowa marketing areas.]

(3) The issuance of the order amending the order is favored by at least three-fourths of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the respective designated marketing areas shall be in conformity to and in compliance with the terms and conditions of the aforesaid orders, as amended and as hereby amended, as follows:

PART 1030—MILK IN CHICAGO, ILL., MARKETING AREA

1. The introductory text of § 1030.51 (a) is revised to read as follows:

§ 1030.51 Class prices.

• • • • • •

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.20 August through November, $0.80 March through June and $1.00 in other months, adjusted not more than 24 cents each month by plus or minus 2.0 cents, respectively, for each full percent that the adjusted supply-demand ratio computed as follows, is above or below 72 percent: *Provided*, That the Class I price for December 1965 and January and February 1966 shall be $4.30 and for March through June 1966 shall be $4.10.

• • • • •

PART 1031—MILK IN NORTHWESTERN INDIANA MARKETING AREA

2. Section 1031.51(a) is revised to read as follows:

§ 1031.51 Class prices.

• • • • • •

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.36 August through November, $0.96 March through June and $1.16 in other months: *Provided*, That such Class I price shall be increased or decreased, respectively, 2 cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio: *And provided further*, That the Class I price for December 1965 and January and February 1966 shall be $4.46 and for March through June 1966 shall be $4.26.

• • • • •

PART 1032—MILK IN SUBURBAN ST. LOUIS MARKETING AREA

3. Section 1032.51(a)(1) is revised to read as follows:

§ 1032.51 Class prices.

• • • • •

(a) *Class I price.* (1) The Class I price for plants located in the base zone shall be the basic formula price for the preceding month plus $1.50 during each of the months of August through November; plus $1.10 during each of the months of March through June and plus $1.30 during all other months. Such price shall be increased or decreased, respectively, by whatever amounts the Class I prices computed pursuant to Parts 1030 (Chicago) and 1062 (St. Louis, Mo.) of this chapter are increased or decreased by the supply-demand adjustors computed for such month under such parts: *Provided*, That the Class I price for December 1965 and January and February 1966 shall be $4.70 and for March through June 1966 shall be $4.50.

• • • • •

PART 1038—MILK IN ROCK RIVER VALLEY MARKETING AREA

4. Section 1038.51(a) is revised to read as follows:

§ 1038.51 Class prices.

• • • • • •

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.12 August through November; $0.72 March through June and $0.92 in other months: *Provided*, That such Class I price shall be increased or decreased, respectively, 2 cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio: *And provided further*, That the Class I price for December 1965 and January and February 1966 shall be $4.22 and for March through June 1966 shall be $4.02.

• • • • •

PART 1039—MILK IN MILWAUKEE, WIS., MARKETING AREA

5. Section 1039.51(a) is revised to read as follows:

§ 1039.51 Class prices.

• • • • • •

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.08 August through November; $0.68 March through June and $0.88 in other months: *Provided*, That such Class I price shall be increased or decreased, respectively, 2 cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio: *And provided further*, That the Class I price for December 1965 and January and February 1966 shall be $3.98.

• • • • •

PART 1051—MILK IN MADISON, WIS., MARKETING AREA

6. Section 1051.51(a) is revised to read as follows:

§ 1051.51 Class prices.

• • • • • •

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.08 August through November, $0.68 March through June and $0.88 in other months: *Provided*, That such Class I price shall be increased or decreased, respectively, 2 cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio: *And provided further*, That the Class I price for December 1965 and January and February 1966 shall be $4.18 and for March through June 1966 shall be $3.98.

• • • • •

PART 1062—MILK IN ST. LOUIS, MO., MARKETING AREA

7. Section 1062.51(a) is revised to read as follows:

§ 1062.51 Class prices.

• • • • • •

(a) *Class I milk price.* The Class I price shall be the basic formula price for the preceding month plus $1.60 during the months of August, September, October, and November; plus $1.40 during the months of December, January, February, and July; and plus $1.20 during all other months. Such price shall be increased or decreased by whatever amount the Class I price computed pursuant to Part 1030 (Chicago) of this chapter is increased or decreased by the supply-demand adjustor computed for such month under such part; and plus or minus the amounts provided in subparagraphs (1) and (2) of this paragraph: *Provided*, That the Class I price for December 1965 and January and February 1966 shall be $4.80 and for March through June 1966 shall be $4.60.

• • • • •

PART 1063—MILK IN QUAD CITIES-DUBUQUE MARKETING AREA

8. Section 1063.50(b) is revised to read as follows:

§ 1063.50 Basic formula and class prices.

• • • • • •

(b) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.30 August through November, $0.90 March through June and $1.10 in other months: *Provided*, That such Class I price shall be increased or decreased, respectively, 2 cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents

because of such adjusted supply-demand ratio: *And provided further*, That the Class I price for December 1965 and January and February 1966 shall be $4.40 and for March through June 1966 shall be $4.20.

* * * * *

PART 1070—MILK IN CEDAR RAPIDS-IOWA CITY MARKETING AREA

9. Section 1070.50(b) is revised as follows:

§ 1070.50 Basic formula and class prices.

* * * * *

(b) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.30 August through November, $0.90 March through June, and $1.10 in other months: *Provided*, That such Class I price shall be increased or decreased, respectively, 2 cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio: *And provided further*, That the Class I prices for December 1965 and January and February 1966 shall be $4.40 and for March through June 1966 shall be $4.20.

* * * * *

PART 1078—MILK IN NORTH CENTRAL IOWA MARKETING AREA

10. Section 1078.50(b) is revised to read as follows:

§ 1078.50 Basic formula and class prices.

* * * * *

(b) *Class I milk price.* The Class I milk price at plants located in Zone 1 shall be the basic formula price for the preceding month plus $1.25 August through November, $0.85 March through June, and $1.05 in other months: *Provided*, That such Class I price shall be increased or decreased, respectively, 2 cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio: *And provided further*, That the Class I price for December 1965 and January and February 1966 shall be $4.35 and for March through June 1966 shall be $4.15. "Zone 1" means all the territory in the counties of Humboldt, Wright, Franklin, Butler, Bremer, Webster, Hamilton, Hardin, Grundy, Black Hawk, and Buchanan, all in the State of Iowa.

* * * * *

PART 1079—MILK IN DES MOINES, IOWA, MARKETING AREA

11. Section 1079.50(b) is revised to read as follows:

§ 1079.50 Basic formula and class prices.

* * * * *

(b) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.45 August through November, $1.05 March through June, and $1.25 in other months: *Provided*, That such Class I price shall be increased or decreased, respectively, 2 cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio: *And provided further*, That the Class I price for December 1965 and January and February 1966 shall be $4.55 and for March through June 1966 shall be $4.35. For milk received from approved dairy farmers at an approved plant outside the base zone the price otherwise applicable pursuant to this paragraph shall be reduced 10 cents.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. December 1, 1965.

Signed at Washington, D.C., on November 26, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 65–12810; Filed, Nov. 30, 1965; 8:45 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 15 (Rev. 3)]

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

Prohibited Uses of Funds

Pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85–699, 72 Stat. 694, as amended, there is amended, as set forth below, Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations, as revised in 29 F.R. 16946–16961, and amended in 30 F.R. 534, 1187, 2652, 2653, 2654, 3635, 3856, 7597, 7651, 8775, 8900, 11960, 13005, and 14095, by amending § 107.715.

Information and effective date. Under the general prohibition contained in § 107.715(a) of the SBIC Regulation, no funds may be provided by a Licensee to a small business concern for relending or reinvesting activities. The present amendment adds a new subparagraph to § 107.715(a) which expressly declares that a Licensee may not furnish funds for use, directly or indirectly, in supplying initial or subsequent capital to a Licensee, or in repaying an indebtedness to accomplish such purpose.

Activities prohibited by the new subparagraph to § 107.715(a) are clearly contrary to the provisions of the Act which define and limit a Licensee's legitimate financing functions to long-term loans and equity investments required for the sound financing, growth, modernization and expansion of small business concerns.

The present amendment does not impose any new restrictions but expresses established Agency policy based on mandatory requirements of the Act. The revision merely adds to § 107.715(a) a specific interpretative restatement of statutory limitations. In view of the foregoing, it is exempt from the rule-making requirements of the Administrative Procedure Act (5 U.S.C. 1003). It would not serve any meaningful purpose, and it would be impracticable and contrary to the public interest, to adopt notice and public procedure thereon.

In view of the necessity of promptly applying the present amendment to the program authorized by the Small Business Investment Act of 1958, it shall become effective upon publication in the FEDERAL REGISTER.

The Regulations Governing Small Business Investment Companies are hereby amended by revising § 107.715(a). As amended, § 107.715(a) reads as follows:

§ 107.715 Prohibited uses of funds.

No funds may be provided by a Licensee for:

(a) *Relending and reinvesting*—(1) *General.* Relending by the small business concern; nor may funds be provided to a small business concern if the business activity of such concern involves the investing, lending, or other providing of funds to others in exchange for an equity interest or monetary obligation;

(2) *Financing Licensees.* Use, directly or indirectly, in purchasing stock in or otherwise providing initial or subsequent capital for a Licensee, or repaying an indebtedness to accomplish such purpose: *Provided, however*, That the foregoing prohibition shall not apply to any purchase of stock made by any eligible small business concern, pursuant to § 107.507, in a Licensee from which it has received equity financing.

* * * * *

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 65–12812; Filed, Nov. 30, 1965; 8:45 a.m.]

[Amdt. 16 (Rev. 3)]

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

Equipment Leasing Concerns

Pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85–699, 72 Stat. 694, as amended, there is amended, as set forth below, Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations, as revised in 29 F.R. 16946–16961, and amended in 30 F.R. 534, 1187, 2652, 2653, 2654, 3635, 3856, 7597, 7651, 8775, 8900, 11960, 13005, 14095, and 14850, by amending § 107.751 and adding a new § 107.1023.

Information and effective date. On October 22, 1965, notice of proposed rule-making was published in the FEDERAL REGISTER (30 F.R. 13458) concerning amendment of the SBIC Regulation with regard to the financing of "equipment leasing concerns." After due and careful consideration of the comments received, the Administration has determined to adopt the formal amendment published herewith, incorporating the October 22, 1965, proposal, as being in furtherance of the best interests of the SBIC program.

The present amendment authorizes Licensees, within the limitation of the Special Discretionary Portfolio permitted under § 107.751(b)(5), to finance "equipment leasing concerns" which are unable to meet the requirements of § 107.715 (a) and (f). The official interpretation incorporated into new § 107.1023 describes the type of leasing concerns referred to. It also points out that small business concerns which perform rental operations ("rental service concerns") within the requirements of § 107.715 (a) and (f) are eligible for regular SBIC financing, without regard to the limitation of the Special Discretionary Portfolio under § 107.751(b)(5).

Insofar as it permits the financing of "equipment leasing concerns" within the limitation of the Special Discretionary Portfolio, new § 107.751(b)(5) relaxes previously existing restrictions under § 107.715 (a) and (f).

In view of the determination made by the Administration that it is necessary in the public interest that the present amendment shall be promptly applied to the program authorized by the Small Business Investment Act of 1958, it shall become effective upon publication in the FEDERAL REGISTER.

The Regulations Governing Small Business Investment Companies are hereby amended as follows:

1. By adding a new subparagraph (5) to § 107.751(b), which reads as follows:

§ 107.751 Special Discretionary Portfolio.

* * * * *

(b) *Investments permitted.* Notwithstanding otherwise applicable provisions of this Part 107 (which are hereinafter more specifically identified in subparagraphs of this paragraph), except restrictive provisions required under the Act, a Licensee may make the following types of investments up to the maximum authorized by paragraph (a) of this section:

* * * * *

(5) *Equipment leasing concerns.* Notwithstanding the provisions of § 107.715 (a) and (f), debt or equity financing of a small business concern which leases equipment or other personal property to others.

* * * * *

2. By adding a new § 107.1023, which reads as follows:

§ 107.1023 Equipment leasing concerns and rental service concerns (interpreting §§ 107.715 (a) and (f) and 107.751(b)(5)).

(a) ***Equipment leasing concerns.*** "Equipment leasing concerns", which are unable to meet the requirements of § 107.715 (a) and (f), characteristically engage in the following transactions: Acquisition of special types of equipment or other personal property for a particular lessee; execution by the parties of a relatively long-term lease, with the lessee furnishing maintenance and repair; and provision for the lessee to obtain title at the end of the term. In many cases, useful life of the equipment or other leased chattel would ordinarily be exhausted over the period of the lease.

(b) *Rental service concerns.* "Rental service concerns" customarily maintain an inventory of equipment or other personal property continually rented and re-rented to different parties; their services are not substantially restricted to a single client concern; they possess physical facilities (or provide by contract) for maintenance and repair; rental is for a relatively short-term period, substantially less than the anticipated useful life of the equipment; and they ordinarily repossess the property at the conclusion of the term, with no provision for the client concern acquiring title, or at least none permitting acquisition at merely a nominal price.

(c) *SBIC financing permitted.* Licensees may finance "equipment leasing concerns", referred to in paragraph (a) of this section, only within the limitation of the Special Discretionary Portfolio permitted under § 107.751(b)(5). On the other hand, Licensees may invest in "rental service concerns" which meet the requirements of § 107.715 (a) and (f), without regard to the limitation of the Special Discretionary Portfolio prescribed under § 107.751.

Dated: November 24, 1965.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 65–12813; Filed, Nov. 30, 1965; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C–273]

PART 13—PROHIBITED TRADE PRACTICES

Abby-Kent Co., Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053–30 Flammable Fabrics Act. Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Modified cease and desist order, Abby-Kent Co., Inc., et al., New York, N.Y., Docket C–273, July 9, 1965]

In the Matter of Abby-Kent Co., Inc., a Corporation, and Eugene F. Coracci and Harry Grossman, Individually and as Officers of Said Corporation, and Irving Pollack, Individually

Order modifying cease and desist order of November 29, 1962, 27 F.R. 12441, requiring New York City dress manufacturers to cease furnishing false guaranties that articles of wearing apparel including ladies' dresses and fabrics were not so highly flammable under the provisions of the Flammable Fabrics Act as to be dangerous when worn by individuals; the Commission modified by striking paragraphs numbered 1 and 2 of the original order.

The modified order to cease and desist is as follows:

It is ordered, That said proceedings be, and they hereby are, reopened and the Commission's order of November 29, 1962, be, and it hereby is, modified by striking therefrom paragraphs 1 and 2 so that the order will consist entirely of the paragraph numbered 3 in the Commission's original order.

Issued: July 9, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 65–12800; Filed, Nov. 30, 1965; 8:45 a.m.]

[Docket No. 8550 o.]

PART 13—PROHIBITED TRADE PRACTICES

American Music Guild, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.75 *Free goods or services;* § 13.155 *Prices:* 13.155–15 Comparative; § 13.240 *Special or limited offers;* § 13.285 *Value.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1625 *Free goods or services;* § 13.1747 *Special or limited offers;* § 13.1775 *Value;* Misrepresenting oneself and goods—Prices: § 13.1780 *Combination sales;* § 13.1785 *Comparative.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, American Music Guild, Inc., et al., Washington, D.C., Docket 8550, July 8, 1965]

In the Matter of American Music Guild, Inc., a Corporation, Space-Tone Electronics Corp., a Corporation, Philip P. Connor, Jr., Individually and as an Officer of Both of Said Corporations, and Neil J. Cantor, and Ernest R. Brewington, Individually and as Officers of American Music Guild, Inc.

Order requiring two Washington, D.C., retailers of stereophonic records and record players, which were adjudged bankrupt during the course of the Commission's proceeding, to cease making false savings, pricing, value, and free claims and from misrepresenting the manner in which the records could be selected and would be delivered and that offers were for a limited time and available only to specially selected persons.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents American Music Guild, Inc., a corporation, and Space-Tone Electronics Corp., a corporation, and their officers, and respondent Philip R. Connor, Jr., individually and as an officer of both of said corporations, and respondents Neil J. Cantor and Ernest R. Brewington, individually and as officers of American Music Guild, Inc., and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of phonographs, phonograph records, or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication:

a. That any of respondents' products are free or without additional cost or charge; or otherwise misrepresenting that the offer is other than a combination offer to sell all of the items included in the offer.

b. That records, offered by respondents, are nationally advertised at a price higher than respondents' offering price, or are comparable in value to records currently selling or offered at a nationally advertised price.

c. That the "Senator" console phonograph or any other phonograph offered by respondents is manufactured to sell at, or is of a value of, any amount which is in excess of the price at which it or phonographs of comparable quality and components are being sold or offered for sale in the usual and regular course of business in the trade area in which respondents' offer is made.

d. That the customer may select the records to be delivered as part of a combination offer or that a specified number of records will be delivered within a specified period if in fact selection of the records is in any way made by respondents or if in practice the number of records delivered or the period within which delivery is to be made do not conform to prior representation.

e. That any offer to purchase is open for a limited time only, or is being offered to a limited number of people, or that those to whom the offer is made have been specially selected.

f. That by reason of membership in the American Music Guild, or for any other reason, savings or a discount are afforded a purchaser of respondents' merchandise off the usual and customary retail price, unless the price at which said merchandise is offered constitutes a reduction from the price at which substantial sales of said merchandise have been made at retail in the recent regular course of business in the trade area where the representation is made.

2. Misrepresenting the value of any item or items of any combination offer or of any of respondents' products.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 8, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65-12801; Filed, Nov. 30, 1965; 8:45 a.m.]

[Docket No. C-924]

PART 13—PROHIBITED TRADE PRACTICES

Dana Importing Co., et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-80 Textile Fiber Products Identification Act. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1400 *Dealer as manufacturer;* § 13.1475 *Location.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Dana Importing Co. et al., San Francisco, Calif., Docket C-924, July 30, 1965]

In the Matter of Dana Importing Co., a Corporation Doing Business as Dana Inc., and Paul J. Tarnavsky, Alexander N. Gubert, and Joseph C. Choy, Individually and as Officers of Said Corporation

Consent order requiring a San Francisco, Calif., importer and distributor of textile fiber products, to cease falsely labeling, invoicing, and advertising the fiber content of textile fiber products in violation of the Textile Fiber Products Identification Act by such practice as labeling certain textile products as 100 percent Polyester which contained substantially different fibers, and to cease misrepresenting the nature and locations of its business.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Dana Importing Co., a corporation, doing business as Dana, Inc., or under any other name or names, and its officers, and Paul J. Tarnavsky, Alexander N. Gubert, and Joseph C. Choy, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from introducing, delivering for introduction, selling, advertising, or offering for sale, in commerce, or transporting or causing to be transported in commerce, or importing into the United States any textile fiber product; or selling, offering for sale, advertising, delivering, transporting or causing to be transported, any textile fiber product, which has been advertised or offered for sale in commerce; or selling, offering for sale, advertising, delivering, transporting, or causing to be transported, after shipment in commerce, any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act:

1. Which is falsely or deceptively stamped, tagged, labeled, invoiced, advertised or otherwise identified as to the name or amount of constituent fibers contained therein.

2. Unless each such product has securely affixed thereto, or placed thereon, a stamp, tag, label or other means of identification correctly showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

It is further ordered, That respondents Dana Importing Co., a corporation, doing business as Dana, Inc., or under any other name or names and its officers, and Paul J. Tarnavsky, Alexander N. Gubert, and Joseph C. Choy, individually and as officers of the said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing directly or indirectly that respondents are manufacturers, unless respondents own and operate, or directly and absolutely control a factory or manufacturing plant wherein their products are made.

2. Representing in any manner that respondents have a place of business in the Crown Colony of Hong Kong or misrepresenting in any manner the locations where the respondents have places of business.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 30, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65-12802; Filed, Nov. 30, 1965; 8:45 a.m.]

[Docket No. 7908 o.]

PART 13—PROHIBITED TRADE PRACTICES

Lloyd A. Fry Roofing Co., et al.

Subpart—Discriminating in price under Section 2, Clayton Act—Price discrimination under 2(a): § 13.715 *Charges and price differentials;* § 13.737 *Localized price cutting.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended, sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Lloyd A. Fry Roofing Co. et al., Summit, Ill., Docket 7908, July 23, 1965]

In the Matter of Lloyd A. Fry Roofing Co., a Corporation, and Lloyd A. Fry, Sr., and Lloyd A. Fry, Jr., Individually and as Officers of Said Corporation

Order requiring the nation's largest producer of asphalt roofing products located in Summit, Ill., to cease discriminating in price among its customers of asphalt saturated felt and asphalt strip shingles in violation of section 2(a) of the amended Clayton Act by using anticompetitive territorial price cuts to discipline small independent local competitors.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is further ordered, That respondents Lloyd A. Fry Roofing Co., a corporation, Lloyd A. Fry, Sr., and Lloyd A. Fry, Jr., individually and as officers of said corporation, and other officers, representatives, agents and employees of said corporation, directly or through any corporate or other device, in connection with the sale or offering for sale of asphalt saturated felt and asphalt strip shingles in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from discriminating, directly or indirectly, in the price of such products of like grade and quality, by selling such products to any purchaser at a price which is lower than the price charged any other purchaser at the same level of distribution, where such lower price undercuts the lowest price offered to that purchaser by any other seller having a substantially smaller annual volume of sales of asphalt roofing products than respondents' annual volume of sales of those products.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 23, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65-12803; Filed, Nov. 30, 1965; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 970]

PART 95—CAR SERVICE

Missouri Pacific Railroad Co. Authorized To Operate Over Trackage of the St. Louis-San Francisco Railway Co.

At a session of the Interstate Commerce Commission, Railroad Safety and Service Board, held in Washington, D.C., on the 23d day of November A.D. 1965.

It appearing, that the Missouri Pacific Railroad Co. has made application to the Commission, Finance Docket No. 23714 to purchase and/or acquire and operate over certain trackage of the St. Louis-San Francisco Railway Co., at Delta, Mo. This trackage which presently serves industries located on the St. Louis-San Francisco Railway Co. at Delta, Mo., is part of the trackage for which the Commission issued a certificate and order, Finance Docket No. 22369, authorizing the St. Louis-San Francisco Railway abandonment between Nash, Mo., and Pocahontas, Ark. The St. Louis-San Francisco Railway Co. will cease operation over this line on December 1, 1965. The Commission is of the opinion that there is need for continued service to industries now served by the St. Louis-San Francisco Railway Co. at Delta, Mo., and that operation of this line by the Missouri Pacific Railroad Co., pending decision in Finance Docket No. 23714, will best promote the service in the interest of the public and the commerce of the people; and that notice and public procedure are impracticable and contrary to the public interest and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 95.970 **Service Order No. 970.**

(a) *Missouri Pacific Railroad Co. authorized to operate over trackage of the St. Louis-San Francisco Railway Co.* The Missouri Pacific Railroad Co. be, and it is hereby authorized to operate over and perform service over certain trackage of the St. Louis-San Francisco Railway Co. at Delta, Mo., described as follows: St. Louis-San Francisco Railway former main track between station 78260 and station 81580 a total distance of 3,320 feet; one siding, 1,080 feet; one connecting track, 762 feet; one spur track, 440 feet; to permit the Missouri Pacific Railroad Co. to serve shippers and receivers of rail freight located thereon, pending final disposition of the application filed under section 5(2) Finance Docket No. 23714.

(b) *Application.* The provisions of this order shall apply to intrastate and foreign traffic as well as to interstate traffic.

(c) *Rules and regulations suspended.* The operation of all rules and regulations insofar as they conflict with the provisions of this order is hereby suspended.

(d) *Effective date.* This order shall become effective at 12:01 a.m., December 1, 1965.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 30, 1966, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15; Interprets or applies sec. 1(10-17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4))

It is further ordered, That copies of this order and direction shall be served upon the Missouri Public Service Commission and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Safety and Service Board.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-12818; Filed, Nov. 30, 1965; 8:46 a.m.]

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[No. MC-C-258]

PART 170—COMMERCIAL ZONES

Kansas City, Mo.-Kansas City, Kans., Commercial Zone

At a session of the Interstate Commerce Commission, division 1, held at its Office in Washington, D.C., on the 12th day of November A.D. 1965.

It appearing, that on June 29, 1959, the Commission,, division 1, made and filed its fourth report on further consideration in this proceeding, 81 M.C.C. 24, and order redefining the limits of the zone adjacent to and commercially a part of Kansas City, Mo.-Kansas City, Kans., contemplated by section 203(b)(8) of the Interstate Commerce Act (49 U.S.C. 303(b)(8));

It further appearing, that by joint petition filed June 1, 1964, Heart of America Council of Chambers of Commerce and others seek reopening and modification so as to include an additional area within the limits of the commercial zone of Kansas City, Mo.-Kansas City, Kans.;

And good cause appearing therefor:

It is ordered, That said proceeding be, and it is hereby, reopened for further consideration.

It is further ordered, That § 170.8 as prescribed in the order entered in this proceeding on June 29, 1959 (49 CFR 170.8), be, and it is hereby, vacated and set aside, and the following revision is hereby substituted in lieu thereof:

§ 170.8 **Kansas City, Mo.-Kansas City, Kans.**

The zone adjacent to and commercially a part of Kansas City, Mo.-Kansas City, Kans., within which transportation by motor vehicle, in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond the zone is partially exempt from regulation under section 203(b)(8) of the Interstate Commerce Act (49 U.S.C. 303(b)(8)), includes and is comprised of all points in the area bounded by a line as follows:

Beginning on the north side of the Missouri River at the western boundary line of Parkville, Mo., thence along the western and northern boundaries of Parkville to the Kansas City, Mo., corporate limits, thence along the western, northern, and eastern

corporate limits of Kansas City, Mo., to its junction with U.S. Bypass 71 (near Liberty, Mo.), thence along U.S. Bypass 71 to Liberty, thence along the northern and eastern boundaries of Liberty to its junction with U.S. Bypass 71 south of Liberty, thence south along U.S. Bypass 71 to its junction with the Independence, Mo., corporate limits, thence along the eastern Independence, Mo., corporate limits to its junction with the Lees Summit corporate limits, thence along the eastern Lees Summit corporate limits to the Jackson-Cass County line, thence west along Jackson-Cass County line to the eastern corporate limits of Belton, Mo., thence along the eastern, southern, and western corporate limits of Belton to the western boundary of Richards-Gebaur Air Force Base, thence along the western boundary of said air force base to Missouri Highway 150, thence west along Missouri Highway 150 to the Kansas-Missouri State line, thence north along the Kansas-Missouri State line to 110th Street, thence west along 110th Street to its junction with U.S. Highway 69, thence north along U.S. Highway 69 to its junction with 103d Street, thence west along 103d Street to its junction with Pflumm Road, thence north along Pflumm Road to Lenexa, Kans., thence along the southern, western, and northern boundaries of Lenexa to Pflumm Road, thence north along Pflumm Road to its junction with Kansas Highway 10, thence west on Kansas Highway 10 to its junction with Kansas Highway 7, thence north on Kansas Highway 7 to Bonner Springs, Kans., thence along the southern and eastern boundaries of Bonner Springs to its junction with Kansas Highway 32, thence east on Kansas Highway 32 to its junction with 65th Street, thence north along 65th Street to its junction with U.S. Highway 24, thence east along U.S. Highway 24 to its junction with 64th Street Terrace, thence north along 64th Street Terrace to Parallel Road, thence west along Parallel Road to 81st Street, thence north along 81st Street to its junction with Kansas Highway 5, thence east along Kansas Highway 5 to 77th Street, thence north along 77th Street and its continuation, Pomeroy Drive, northwesterly to its junction with 79th Street, thence along 79th Street to its junction with Wolcott Drive at Pomeroy, Kans., thence due west 1.3 miles to its junction with an unnamed road, thence north along such unnamed road to the entrance to the Powell Port facility, thence due north to the southern bank of the Missouri River, thence east along the southern bank of the Missouri River to a point directly across from the western boundary of Parkville, Mo., thence across the Missouri River to point of beginning.

(49 Stat. 546, as amended; 49 U.S.C. 304. Interprets or applies 49 Stat. 543, as amended, 544, as amended; 49 U.S.C. 302, 303)

It is further ordered, That this order shall become effective on December 31, 1965, and shall continue in effect until the further order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission, at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, division 1.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-12826; Filed, Nov. 30, 1965; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 815]

ALLOTMENT OF 1966 DIRECT-CONSUMPTION PORTION OF MAINLAND SUGAR QUOTA FOR PUERTO RICO

Notice of Hearing on Proposed Allotment

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended) and as further amended and extended by the Act enacted on November 8, 1965, hereinafter called the "Act", and in accordance with the applicable rules of practice and procedure (7 CFR 801.1 et seq.), and on the basis of information before me, I do hereby find that the allotment of the direct-consumption portion of the 1966 mainland quota for Puerto Rico is necessary to prevent disorderly marketing of such sugar and to afford all interested persons an equitable opportunity to market such sugar in the continental United States, and hereby give notice that a public hearing will be held at Washington, D.C., in Room 2-W, Administration Building, U.S. Department of Agriculture, on December 3, 1965 at 9:15 a.m. (e.s.t.).

The findings made above are in the nature of preliminary findings based on the best information now available. The quantity of direct-consumption sugar which will be permitted to be brought into the continental United States within the 1966 quota is still unknown. However, the capacity of Puerto Rican refineries to produce direct-consumption sugar far exceeds the quantity of such sugar which may be marketed in the continental United States and for local consumption in Puerto Rico within probable 1966 quotas.

Under such circumstances it is imperative that provision be made for the allotment of the direct-consumption portion of the mainland quota to avoid disorderly marketing and to afford all interested persons an equitable opportunity to market direct-consumption sugar in the continental United States.

It will be appropriate to present evidence at the hearing on the basis of which the Secretary of Agriculture may affirm, modify, or revoke such preliminary findings and make or withhold allotment of the direct-consumption portion of the mainland quota in accordance therewith.

The purpose of such hearing is to receive evidence to enable the Secretary of Agriculture to make fair, efficient, and equitable allotments of the direct-consumption portion of the 1966 mainland quota among persons who produce or refine and market direct-consumption sugar to be brought into the continental United States for consumption therein.

In addition, the subject and issues of this hearing also include (1) the manner in which the statutory factors of "processings", "past marketings", and "ability to market", as provided in section 205(a) of the Act, should be measured; and (2) the relative weightings which should be given to these factors.

Notice also is given hereby that it will be appropriate at the hearing to present evidence on the basis of which the Secretary may revise or amend the allotment of the direct-consumption portion of the mainland quota for the purposes of (1) allotting any increase, or decrease in the direct-consumption portion of the mainland quota; (2) alloting any deficit in the allotment for any allottee, and (3) substituting revised estimates of data or final actual data for estimates of such data wherever estimates are used in the formulation of an allotment of this portion of the quota.

I find that due to the limited time remaining in the calendar year within which sugar may be marketed under allotments in an orderly manner, an emergency exists which requires that less than 10 days published notice be given of the hearing and that the period of time given by this notice of hearing is reasonable under the circumstances.

Issued at Washington, D.C., this 26th day of November 1965.

ORVILLE L. FREEMAN, *Secretary.*

[F.R. Doc. 65-12899; Filed, Nov. 29, 1965; 12:31 p.m.]

Consumer and Marketing Service

[7 CFR Part 1068]

[Docket No. AO-178-A15]

MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Minneapolis-St. Paul, Minn., marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C., 20250, by the 3d day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Minneapolis, Minn., on July 21-23, 1965, pursuant to notice thereof which was issued June 22, 1965 (30 F.R. 8227).

The material issues on the record of the hearing relate to:

1. Expansion of the marketing area;
2. Pool plant requirements;
3. Classification and pricing of milk used to produce cottage cheese;
4. Transfers;
5. Class I pricing;
6. Location adjustments;
7. Butterfat differentials and butterfat allowance in fluid skim milk;
8. Deletion of the base and excess plan; and
9. Administrative changes.

Action with respect to Issue 5 should be made effective as soon as possible. In order to accomplish this, this decision is confined to Issue 5 and the remaining issues will be dealt with in a separate decision at a later date.

Findings and conclusions. The following findings and conclusions on material issue 5 are based on evidence presented at the hearing and the record thereof:

5. *Class I price*—(a) *Level of Class I price differential.* The present class I price differential should be increased 10 cents through June 1966.

Producer associations proposed that the Class I differential be permanently increased 10 cents per hundredweight. Witnesses representing cooperatives and individual producers who also testified stated that this increase was necessary to reflect the increased costs of producing milk. They testified that while the various costs of producing milk have increased substantially during recent years, the Class I pricing provisions have not been amended to reflect these increased costs.

Any change in the level of the Class I price must be justified under the pricing standards of the Agricultural Marketing Agreement Act of 1937, which authorizes the issuance of milk orders. The Act requires that the Secretary establish the Class I price at a level which will reflect certain economic factors which affect the market supply and demand for milk in the marketing area, insure a sufficient quantity of pure and

wholesome milk, and be in the public interest.

Until recently supplies of fluid milk have been fully adequate to meet the Class I needs of the market. In 1963 and 1964 producer milk utilized in Class I was 62 and 63 percent, respectively, of total producer receipts. However, producer milk utilized in Class I has increased markedly during August, September, and October 1965 compared with the same months in 1964. Official notice is taken of the statistics published by the market administrator for these months. Average Class I utilization of producer milk in the months of August, September, and October 1965 was 72 percent, 85 percent, and 86 percent, respectively. During the same months in 1964 the comparable utilization was 68 percent, 77 percent, and 73 percent. Thus the average Class I utilization of producer milk for the period was 81 percent in 1965 and 73 percent in 1964. This increased utilization is the result of an increase in Class I sales together with a decrease in supplies.

In recent months there has been an abnormal drop in the production of individual producers. Average daily deliveries per producer in September and October 1964 were 824 and 857 pounds, respectively. The comparable deliveries in 1965 were 802 and 792 pounds. This is a reduction of slightly over 5 percent and a reversal of the long-term production trend in the market.

Production has been lower in September and October 1965 compared with the same months in the previous year throughout the States of Minnesota and Wisconsin. Official notice is taken of the September and October 1965 issues of the U.S. Department of Agriculture publication "Milk Production". Total production in Minnesota was down 5 percent in September and 7 percent in October 1965 compared with the same months in 1964. In Wisconsin the comparable decreases in production were 1 percent and 6 percent.

To help maintain present production and insure a sufficient quantity of pure and wholesome milk in view of these developments, the Class I price should be increased 10 cents per hundredweight through June 1966. This increase will encourage higher levels of grain feeding by producers and reduce the number of cows culled from their herds.

(b) *Supply-demand formula.* The computation of the supply-demand ratio and the table of standard percentages or "norms" should be revised.

Producers proposed that the actual pounds of Class I cream sales be used in determining total Class I demand rather than the present method of converting cream sales to a 3.5-percent milk equivalent. They proposed that the standard percentages be revised to reflect this change.

Use of the actual pounds of Class I product disposed of by regulated handlers will afford a better gauge of the demand for Class I milk than does the present practice of combining the actual pounds of product other than cream with the whole milk equivalent of the butterfat in cream disposed of as Class I.

When the present method of computing supply-demand norms was adopted, the average butterfat content of fluid milk products other than cream approximated 3.5 percent. The average test of all Class I including cream was substantially in excess of 3.5 percent. Thus the actual product pounds did not reflect the volume of whole milk actually needed to supply the total Class I requirements of the market.

In recent years consumer preference has changed. The demand for skim milk and low fat milk has increased substantially. Sales of light cream and "half and half" have increased at the expense of heavy cream. As a result the average test of all Class I milk is now below 3.5 percent in all months of the year. The pounds of product actually disposed of as Class I milk represent the entire demand for both skim milk and butterfat for such use. Adding the milk equivalent of the butterfat in cream to the pounds of product disposed of in other Class I items, now results in an inflated demand figure which is not truly representative of the actual requirements of the market. It is likely that this trend to lower butterfat content will continue in the foreseeable future. The order should be changed to reflect the current marketing situation.

The supply-demand norms were last revised on September 1, 1957. A comparison of the two methods of computing the Class I volume has been made for that year and the year immediately preceding and immediately following. Official notice is taken of the reports of the market administrator for the years 1956, 1957, and 1958.

Using the present method of computation, the current supply-demand ratio averaged 77.7 percent in 1956. In 1957, it averaged 72.4 percent, and in 1958 was 74.0 percent. Had actual product pounds of Class I been used rather than the milk equivalent of the cream, the supply-demand ratios for the same years would have averaged 68.0, 63.2, and 64.5 percent, respectively, an average difference of 9.5 percent.

The annual average of the supply-demand norms in the present order is 77.0 percent. To reflect the same supply-demand conditions which prevailed in 1956, 1957, and 1958, the attached order provides norms with an annual average of 67.5 percent, based on actual product pounds of Class I. Under the supply-demand norms effective for the period 1956–58, the Class I price was increased an average of 3.3 cents in 1956. In 1957 and 1958 it was decreased an average of 1.63 and 4.5 cents, respectively. Had the attached order been effective in the same period, the average Class I differential would have been increased 1.0 cent in 1956, and decreased 6.5 cents in 1957, and 4.5 cents in 1958.

In 1962, 1963, and 1964, the order resulted in annual average monthly deductions of 12.875, 10.375, and 9.25 cents, respectively. Had the attached order been in effect the deductions would have averaged 11.625, 8.625, and 7.25 cents, respectively.

For the first 9 months of 1965 the average supply-demand adjustment was minus 9.5 cents. Had the attached order been effective, the adjustment would have been minus 8.7 cents. Thus had the supply-demand ratio been based on actual product pounds of Class I milk, the Class I price in recent years would have averaged approximately 1.5 cents higher than the price which prevailed.

Producers also proposed that the table of standard percentages be revised to eliminate the present contraseasonality in the supply-demand adjuster. During the past few years the supply-demand formula has resulted in considerably larger reductions of the Class I price during the late summer and fall months when the market's supply has been shortest than during the months of flush production. This is undoubtedly a result of the shift in seasonality of supplies brought about by the base and excess plan. At the same time, however, such contraseasonal adjustments tend to impede improvement of the seasonal production pattern. In 1962, for example, the average supply-demand adjustment was minus 9 cents for April, May, and June but was minus 17 cents for September, October, and November. During 1963, for the same months, the reduction averaged 7.0 and 15.5 cents, respectively, and in 1964 the figures were 7.5 and 12.0. Had the revised supply-demand formula provided herein been in effect, the average deduction in April, May, and June 1962 would have been 14.5 cents and the average for September, October, and November would have been 9.0 cents. During 1963 the average deductions would have been 12.0 and 7.5 cents, respectively. In 1964 the average adjustment would have been minus 12 cents in April, May, and June, but minus 3.5 cents in September, October, and November.

The following standard percentages have been constructed to eliminate the contraseasonality of the present standard percentages and, also, to reflect the change in computing Class I cream sales previously discussed:

Months to which applicable	Standard percentages	Months used in computing current supply-demand ratio
January	77	October-November.
February	72	November-December.
March	68	December-January.
April	68	January-February.
May	67	February-March.
June	66	March-April.
July	60	April-May.
August	57	May-June.
September	57	June-July.
October	66	July-August.
November	75	August-September.
December	77	September-October.

It is concluded that these standard percentages will provide an appropriate basis for adjustments of the Class I price in this market as supply and demand conditions change and, therefore, should be adopted.

Producers further proposed that adjustments be made to offset the decrease in Class I prices resulting from one of the amendments which became effective August 1. The proposed adjustment would amount to about 3 cents per hundredweight on the Class I price. The August 1964 amendment provided that only the volume of product actually disposed as fortified fluid milk would be classified as Class I instead of the full skim equivalent of such products.

This proposed amendment should not be adopted. Use of the skim milk equivalent of nonfat milk solids in fortified products resulted in a quantity of milk classified in Class I which exceeded the actual quantity of product. The previous method of accounting thus resulted in inflating the amount of Class I milk beyond actual disposition as Class I.

Since the quantity attributable to fortified products was an unreal quantity, it is not necessary to provide for it in the supply-demand adjustor. It has been found elsewhere in this decision that the amendments included herein provide sufficient price incentive to assure an adequate supply of milk for this market.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth therein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Minneapolis-St. Paul, Minn., marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. In § 1068.52 paragraph (b) is revised to read as follows:

§ 1068.52 Supply and demand ratio.

* * * * *

(b) Determine the total pounds of milk and milk products disposed of from pool plants as Class I (excluding shrinkage and unaccounted for milk) during the same 2 months; and

* * * * *

2. Section 1068.53 is revised to read as follows:

§ 1068.53 Class I price.

Subject to the differentials provided in in §§ 1068.55 and 1068.56(a), the price per hundredweight for Class I milk each month shall be the basic formula price for the preceding month computed pursuant to § 1068.51 plus an amount as follows: $1.00 for July, August, September, October, and November; $0.76 for other months: *Provided,* That prior to July 1, 1966, $0.86 shall be added to the basic formula price in lieu of the above amounts: *And provided further,* That whenever the current supply-demand ratio varies from that set forth in the table below, the Class I price shall be increased or decreased 1.5 cents for each full percentage point that the current supply-demand ratio is above or below that set forth in the table, but such price shall not be increased or decreased more than 24 cents for any month because of the current supply-demand ratio:

Months to which applicable	Standard percentages	Months used in computing current supply-demand ratio
January	77	October-November.
February	72	November-December.
March	68	December-January.
April	68	January-February.
May	67	February-March.
June	66	March-April.
July	60	April-May.
August	57	May-June.
September	57	June-July.
October	66	July-August.
November	75	August-September.
December	77	September-October.

Signed at Washington, D.C., on November 26, 1965.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 65-12848; Filed, Nov. 30, 1965; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

p-Chlorophenoxyacetic Acid; Notice of Proposal To Establish Tolerance

The Chun King Corp., Post Office Box 206, Duluth, Minn., 55801, has presented a petition (PP 2F0360) to the Food and Drug Administration requesting that action be taken to establish a tolerance of 2 parts per million for residues of *p*-chlorophenoxyacetic acid in or on mung bean sprouts, when used as a plant regulator to inhibit embryonic root development.

The Secretary of Agriculture has advised that this pesticide chemical is useful for the purpose proposed.

Data in the petition indicate that the residues in or on mung bean sprouts from use of *p*-chlorophenoxyacetic acid as proposed do not exceed 2 parts per million, that these residues will not constitute a hazard to man, and that the proposed regulation will protect the public health.

After consideration of the data submitted in the petition, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 512; 21 U.S.C. 346a (e)), and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90), it is proposed by the Commissioner, in accordance with the request set forth above, that the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) be amended as set forth below:

1. By inserting after the item "Chlorobenzilate * * *" in paragraph (e)(4) of § 120.3 *Tolerances for related pesticide chemicals,* the new item:

p-Chlorophenoxyacetic acid.

2. By adding to Part 120 the following new section:

§ 120.___ *p*-Chlorophenoxyacetic acid: tolerance for residues.

A tolerance of 2 parts per million is established for residues of *p*-chlorophenoxyacetic acid in or on mung bean sprouts, from use as a plant regulator on the beans to inhibit embryonic root development.

Any person who has registered or who has submitted an application for the registration under the Federal Insecticide, Fungicide, and Rodenticide Act of an economic poison containing *p*-chlorophenoxyacetic acid may request, within 30 days from the publication of this proposal in the FEDERAL REGISTER, that the

proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written comments, preferably in quintuplicate, on the proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: November 26, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-12900; Filed, Nov. 30, 1965; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 71-90]

[Docket No. 3666; Notice 70]

EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Transportation

NOVEMBER 18, 1965.

On January 28, 1964, the Commission published in the FEDERAL REGISTER for public comment under Notice No. 62, Docket 3666, proposed miscellaneous amendments to 49 CFR Parts 71-78. The proposed amendments would add a definition of fissile radioactive material, Group IV, and would include appropriate amendments to other sections of the regulations to deal with nuclear safety in the transport of fissile radioactive materials.

A number of comments have been received in response to Notice No. 62 regarding the relationship between ICC regulations and Atomic Energy Commission regulations pertaining to nuclear safety in the transport of radioactive materials. These comments were directed to the requirement for AEC approval under §§ 73.393 and 73.414. After review of the comments received, it has been decided to modify the proposed amendments by deleting reference to the requirement for approval by the AEC in those sections as well as the other sections in the amendment which deal with labeling of Group IV fissile radioactive material.

Section 73.393(k) of the modified proposed amendment requires shipments of fissile radioactive material of 15 grams or more, except as otherwise specifically provided therein, to be approved by the Interstate Commerce Commission.

The proposed amendments herein modify and supersede those publicized in Notice No. 62. Any party desiring to make representations in favor of or against the proposed amendments may do so through the submission of written data, views, or arguments. The original and five copies of such submission may be filed with the Commission on or before December 16, 1965. The proposed amendments are subject to change or changes that may be made as a result of such submissions.

Notice to the general public will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection, and by filing a copy of the notice with the Director, Office of the Federal Register.

(62 Stat. 738, 74 Stat. 808; 18 U.S.C. 834)

By the Commission, Explosives and Other Dangerous Articles Board.

[SEAL] H. NEIL GARSON,
Secretary.

APPENDIX A

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71-79 OF THIS CHAPTER

Amend § 72.5 paragraph (a) Commodity List (29 F.R. 18659, Dec. 29, 1964) as follows:

§ 72.5 List of explosives and other dangerous articles.

(a) • • •

Articles	Classed as	Exemptions and packing	Label required if not exempt	Maximum quantity in 1 outside container by rail express
Add Fissile radioactive materials, n.o.s.	Poison D.....	*See sec.* 73.392, 73.393, 73.394	Poison Fissile radioactive materials Red (see §73.414 (a) or (c)).	See §73.391(d).

PART 73—SHIPPERS

Subpart G—Poisonous Articles; Definition and Preparation

In § 73.391 amend the introductory text of paragraph (a); add paragraph (a)(4); amend paragraph (b); add paragraph (d) (29 F.R. 18766, Dec. 29, 1964) to read as follows:

§ 73.391 Radioactive materials, class D Poison; definition.

(a) For the purpose of Parts 71-79 of this chapter, radioactive materials are any material or combination of materials that spontaneously emits ionizing radiation. For the purpose of Parts 71-79 of this chapter, radioactive materials are divided into four groups.

• • • • • •

(4) *Group IV.* Fissile radioactive materials are those materials capable of capturing thermal neutrons and thereupon splitting into two or more particles producing fission fragments, neutrons, and gamma rays. For the purpose of these regulations, fissile radioactive materials shall be uranium 235 except when contained in natural or depleted uranium, uranium 233, and plutonium provided that the total amount of these radioisotopes packaged in one outside container is equal to, or exceeds, 15 grams (see Notes 1 and 2). Group IV fissile radioactive material is classified according to the controls needed to prevent criticality during transport as follows:

(i) *Fissile Class I.* Packages which, because of quantity limits and packaging design, are safe from criticality in any arrangement and in any number and require no nuclear safety controls during transport.

(ii) *Fissile Class II.* Packages which, because of quantity limits and packaging design, are safe from criticality in any arrangement but in limited numbers, and nuclear safety is assured in transport by the use of a calculated radiation unit number placed on the label of the package. This radiation unit number is obtained by dividing 40 by the number of similar packages which may be transported together. However, no such package for which the calculated radiation unit number is greater than 10 may be offered to a carrier for transportation nor be transported.

(iii) *Fissile Class III.* Shipments of packages which do not meet the requirements of Fissile Class I or Fissile Class II and which are controlled in transport by special arrangements.

NOTE 1: For the purpose of these regulations, materials classified as Group IV fissile radioactive materials shall not, in addition, be classified as Group I, Group II, or Group III Radioactive Materials.

NOTE 2: For the purpose of these regulations, materials consisting of less than 15 grams of plutonium, uranium 233, uranium 235 or any quantity of natural or depleted uranium shall not be classified as Group IV fissile radioactive material, but instead shall be classified as Group I, Group II, or Group III radioactive materials in accordance with the nature of the emitted rays.

(b) Not more than 2,000 millicuries of radium, polonium, or other members of the radium family of elements, nor more than 2,700 millicuries (disintegration rate of 100,000 million (10^{11}) atoms per second) of any other radioactive material Group I, II or III may be packaged in one outside container for shipment by rail freight, rail express, or highway, except as specifically provided in paragraph (c) of this section, or by special arrangement and under conditions approved by the Bureau of Explosives.

• • • • • •

(d) No Group IV fissile radioactive material may be shipped except as provided in § 73.393(k).

In § 73.392 amend paragraphs (a)(2) and (c) (29 F.R. 18766, Dec. 29, 1964) to read as follows:

§ 73.392 Exemptions for radioactive materials.

(a) • • •

(2) The package must contain not more than 0.1 millicurie of radium, or polonium; or that amount of strontium 89, strontium 90, or barium 140 which

disintegrates at a rate of more than 5 million atoms per second; or that amount of any other radioactive substance which disintegrates at a rate of more than 50 million atoms per second; or not more than 15 grams of uranium 235.

• • • • • •

(c) Radioactive materials such as ores, residues, salts of natural uranium and thorium, etc., of low activity packed in strong tight containers are exempt from specification packaging and labeling requirements for shipments in carload lots by rail freight only, provided the gamma radiation or equivalent must not exceed 10 milliroentgens per hour at a distance of 12 feet from any surface of the car, including the top and bottom surfaces, and that the gamma radiation or equivalent must not exceed 10 milliroentgens per hour at a distance of 5 feet from either end surface of the car. There must be no loose radioactive material in the car and the shipment must be braced so as to prevent leakage or shift of lading under conditions normally incident to transportation. The car must be placarded by the shipper as provided in §§ 74.541(b) and 74.553 of this chapter. Except when handling is supervised by the Atomic Energy Commission, shipments must be loaded by the consignor or his duly authorized agent and unloaded by the consignee or his duly authorized agent.

• • • • • •

In § 73.393 amend the introductory text of paragraph (f); amend the introductory text of paragraph (h); amend paragraph (l); redesignate paragraph (k) as paragraph (l); add new paragraph (k) (29 F.R. 18767, Dec. 29, 1964) to read as follows:

§ 73.393 Packing and shielding.

• • • • • •

(f) The outside shipping container for any radioactive material Groups I, II, and III, unless specifically exempt by § 73.392 or unless approved by the Bureau of Explosives, shall be as follows:

• • • • • •

(h) Radioactive materials Group II and IV, liquid, solid, or gaseous, must be packed in suitable inside containers completely shielded so that at any time during transportation the radiation measured at right angles to any point on the long axis of the shipping container will not exceed the limits specified in subparagraphs (1) to (4) of this paragraph. The shielding must be designed so as to maintain its efficiency under conditions normally incident to transportation and must provide personnel protection against fast or slow neutrons and all other ionizing radiation originating in the radioactive materials or any part of the aggregate consistituting the complete package.

• • • • • •

(i) Liquid radioactive materials Groups I, II, III, and IV must, in addition, be packed in tight glass, earthenware, or other suitable inside containers. The inside containers must be surrounded on all sides by an absorbent material sufficient to absorb the entire liquid contents and of such nature that its efficiency will not be impaired by chemical reaction with the contents. Where use of shielding is necessary to reduce radiation to limits prescribed by this section, the absorbent cushioning material must be placed within the shield. If the container is packed in a metal container specification 2R or other container approved by the Bureau of Explosives, the absorbent cushioning is not required.

• • • • • •

(k) Fissile radioactive materials, Group IV, liquid, solid, or gaseous, for shipment by rail freight, rail express or highway must be packed in containers specifically approved for this purpose and be shipped by special arrangement under conditions approved by the Commission subject to the requirements of subparagraph (1) of this paragraph except that Fissile Class II radioactive materials (see § 73.391(a)(4)) packaged as prescribed in subparagraph (5) of this paragraph are not subject to this requirement.

(1) Application for approval of shipments of fissile radioactive material must be submitted to the Director, Bureau of Operations and Compliance, Interstate Commerce Commission, Washington, D.C., and shall, except as otherwise provided in pargraph (k)(3) of this section, include the following (Application may be submitted through the Bureau of Explosives):

(i) Detailed information describing the container; or the Bureau of Explosives permit number assigned the container indicating approval by the Bureau of Explosives.

(ii) Type and amount of fissile radioactive material which is to be carried in each package.

(iii) Nuclear safety evaluation demonstrating that the container design and labeling, limitation on its contents, and any controls to be exercised during transport are adequate to avoid criticality.

(2) Application for approval of shipments of Fissile Class III radioactive material moving in whole or in part by motor vehicle shall, in addition to the requirements of paragraph (k)(1) of this section, specify the following:

(i) Name of originating carrier and connecting carriers.

(ii) Description of specific measures to assure adequate awareness of hazards and provisions to guard against such hazards being communicated to each participating carrier and its employees including at least instructions with respect to separation of shipment from other shipments, methods of securing container, instruction with respect to vehicle surveillance, placarding, provisions to notify required personnel in event of emergency.

(3) In application for approval of shipments of fissile radioactive material for shipments by an Atomic Energy Commission licensee or for shipments made for that Commission, reference to the license issued by the Atomic Energy Commission or a letter of approval by that Commission, as appropriate, will satisfy the requirements of paragraph (k)(1) of this section.

(4) Shipments of fissile radioactive material in containers approved and under conditions authorized by the Bureau of Explosives prior to _____
(Effective date of order)
may continue until further order of the Commission.

(5) Spec. 6L (§ 78.103 of this chapter). Metal, fissile radioactive material (Class II) container. Authorized only for not more than 15 kilograms of uranium at a uranium 235 enrichment of 93½ percent or less, as metal, oxide, or compounds or alloys which will not decompose at 400° C. The atomic ratio of hydrogen to uranium 235 shall not exceed three. Each container shall be shipped as Fissile Class II and be assigned not less than one (1) radiation unit. Authorized gross weight of inside spec. 2R container not to exceed 225 pounds.

(l) In determining compliance with requirements of paragraphs (e), (g), (h), and (j) of this section, measurements of radiation must be made with a Landsverk Electrometer Model L-75 or equally efficient standardized meter.

In § 73.394 amend paragraphs (a), (b); add paragraph (d) (29 F.R. 18767, Dec. 29, 1964) to read as follows:

§ 73.394 Radioactive materials labels.

(a) Each outside container of Group I and Group II radioactive materials, and Group IV fissile radioactive materials, unless exempt by § 73.392, must be labeled with a properly executed label as described in § 73.414 (a) or (c).

(b) Each outside container of Group III radioactive materials must, unless exempt by § 73.392, be labeled with a properly executed label as described in § 73.414 (b) or (c)(1).

• • • • • •

(d) Radioactive materials having other hazardous characteristics, as defined elsewhere in Part 73, must have the outside shipping container labeled with all labels as required by these regulations according to the hazards of the commodity.

Subpart H—Marking and Labeling Explosives and Other Dangerous Articles

In § 73.402 amend paragraph (a)(8) (29 F.R. 18768, Dec. 29, 1964) to read as follows:

§ 73.402 Labeling dangerous articles.

(a) • • •

(8) "Radioactive Materials" label as described in § 73.414 (a) or (c) on containers of Group I and Group II radioactive materials, and Group IV fissile radioactive materials, except when exempted by § 73.392.

• • • • • •

In § 73.414 amend the introductory text of paragraph (a), and amend the label title now reading "Label for Radioactive Materials Group I or II" to read "Label for Group I or Group II Radioactive Materials or Group IV Fissile Ra-

dioactive Materials"; amend Note 1 following label in paragraph (a) and add Note 2 thereafter; amend the introductory text of paragraph (b), and amend the label title now reading "Label for Radioactive Materials Group III", to read "Label for Group III Radioactive Materials"; amend the introductory text of paragraph (c), and Note 1 following the label and add Note 2 thereafter; amend paragraph (c)(1) (29 F.R. 18772, Dec. 29, 1964) to read as follows:

§ 73.414 Radioactive materials labels.

(a) Labels for Group I and Group II radioactive materials, and Group IV fissile radioactive materials (see Note 1) must be diamond shape, white in color, and with each side 4 inches long. Printing must be in red letters inside of a red-line border measuring 3½ inches on each side, as shown in this section.

* * * * *

NOTE 1: Labels when used for the shipment of Group IV fissile radioactive materials must be overstamped or otherwise marked "Group IV" in a contrasting color.

NOTE 2: This label must be duly executed by the shipper and the number of radiation units must be shown. For the purpose of these regulations, 1 unit equals 1 milliroentgen per hour at one meter from the radioactive source for hard gamma radiation or the amount of radiation which has the same effect on film as 1 mr/hr of hard gamma rays of radium filtered by one-half inch of lead. For Group IV fissile radioactive materials, Fissile Class II, the number of radiation units shall be the larger of the following:

(i) The number of radiation units of gamma radiation, as defined herein; or

(ii) the number of radiation units designated in § 73.393(k)(5) or in the individual approval or permit.

(b) Labels for Group III radioactive materials must be of diamond shape, white in color, and with each side 4 inches long. Printing must be in blue letters inside of a blue-line border measuring 3½ inches on each side, as shown in this section.

* * * * *

(c) Label for Group I and Group II radioactive materials, and Group IV fissile radioactive materials (see Note 1) for shipment by air.

* * * * *

NOTE 1: Labels when used for the shipment of Group IV fissile radioactive materials must be overstamped or otherwise marked "Group IV" in a contrasting color.

NOTE 2: This label must be duly executed by the shipper and the number of radiation units must be shown. For the purpose of these regulations, 1 unit equals 1 milliroentgen per hour at one meter from the radioactive source for hard gamma radiation or the amount of radiation which has the same effect on film as 1 mr/hr of hard gamma rays of radium filtered by one-half inch of lead. For Group IV fissile radioactive materials, Fissile Class II, the number of radiation units shall be the larger of the following:

(i) The number of radiation units of gamma radiation, as defined herein; or

(ii) the number of radiation units designated in § 73.393(k)(5) or in the individual approval or permit.

(1) Label for Group III radioactive materials for shipment by air.

* * * * *

PART 74—CARRIERS BY RAIL FREIGHT

Subpart A—Loading, Unloading, Placarding and Handling Cars; Loading Packages Into Cars

In § 74.532 paragraph (j)(2) add Note 2 (29 F.R. 18779, Dec. 29, 1964) to read as follows:

§ 74.532 Loading other dangerous articles.

* * * * *

(j) * * *

(2) * * *

NOTE 2: For Group IV fissile radioactive materials the number of radiation units shown on the label may not indicate external radiation levels but instead may be the number obtained by dividing 40 by the number of similar packages which may be transported together to assure safety from criticality in shipment.

* * * * *

In § 74.586 paragraph (h)(2) Table add Note 3 (F.R. 18788, Dec. 29, 1964) to read as follows:

§ 74.586 Handling explosives and other dangerous articles.

* * * * *

(h) * * *

(2) * * *

NOTE 3: For group IV fissile radioactive materials the number of radiation units shown on the label may not indicate external radiation levels but instead may be the number obtained by dividing 40 by the number of similar packages which may be transported together to assure safety from criticality in shipment.

* * * * *

PART 75—CARRIERS BY RAIL EXPRESS

In § 75.655 paragraph (j)(2) Table add Note 3 (29 F.R. 18794, Dec. 29, 1964) to read as follows:

§ 75.655 Protection of packages.

* * * * *

(j) * * *

(2) * * *

NOTE 3: For Group IV fissile radioactive materials the number of radiation units shown on the label may not indicate external radiation levels but instead may be the number obtained by dividing 40 by the number of similar packages which may be transported together to assure safety from criticality in shipment.

* * * * *

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

Subpart B—Loading and Unloading

In § 77.841(d)(1) Table add Note 3 (29 F.R. 18804, Dec. 29, 1964) to read as follows:

§ 77.841 Poisons.

* * * * *

(d) * * *

(1) * * *

NOTE 3: For Group IV fissile radioactive materials the number of radiation units shown on the label may not indicate external radiation levels but instead may be the number obtained by dividing 40 by the number of similar packages which may be transported together to assure safety from criticality in shipment.

* * * * *

PART 78—SHIPPING CONTAINER SPECIFICATIONS

Subpart D—Specifications for Metal Barrels, Drums, Kegs, Cases, Trunks and Boxes

In Part 78 add the following sections (29 F.R. 18812, Dec. 29, 1964):

§ 78.103 Specification 6L; metal, radioactive material, fissile Class II, container.

§ 78.103–1 Compliance.

(a) Required in all details.

§ 78.103–2 General requirements.

(a) Outside container must conform to specification 6J (§ 78.100) 55-gallon capacity steel drum, except as otherwise specified herein. Removable head shall be constructed of 16 gauge steel with one or more corrugations in the cover near the periphery.

(b) Inner container must conform to specification 2R (§ 78.34), with maximum useable inside diameter of 5¼ inches, maximum length of 28 inches, minimum wall thickness of one-fourth inch. Material shall be of Schedule 40 steel pipe. Closure shall be by end caps, threaded with American Standard Pipe Threads, except that bottom may consist of welded steel plate, not less than ¼-inch thick. Cap to be securely tightened with at least 5 threads engaged. Pipe threads shall be lubricated with tape dope or other pipe joint compound to prevent inleakage of water or loosening of cap due to vibration.

(c) Inner container shall be provided with not less than four steel rod spacers, of ¼-inch cold rolled steel, welded to the pipe at each end by minimum two-inch continuous weld. Weld locations shall be such as not to interfere with closure of inner container. Each spacer rod shall extend beyond the top and bottom of the internal spec. 2R container to contact the top and bottom heads of the outer container, then extending the length of the inner wall of the outer container for the full inner dimension so as to provide a spring-like snug fit.

(d) The void between the inner and outer container shall be filled with vermiculite (expanded mica) using 40 pounds of 4.5 pounds per cubic foot mesh.

§ 78.103–3 Welding.

(a) Welding shall be in a workmanlike manner and be of material having a melting point in excess of 1000 degrees Fahrenheit with joint efficiency of not less than 85 percent.

§ 78.103–4 Closure.

(a) The outer container closure shall be by bolt-locking ring clamp utilizing not less than ⅜-inch steel bolt and a lock nut, or equivalent device, to prevent loosening of the bolt due to vibration. Tamper-proof seal shall be applied.

§ 78.103–5 Markings.

(a) Markings on each container, by die stamping on a metal plate attached to the outside of the outer container by spot welding, or other equally efficient method, in letters and figures at least one-fourth inch in height, as follows:

(1) ICC–6L. These marks shall be understood to certify that the container complies with all specification requirements.

(2) The words "Fissile Material Class II."

(3) The name or symbol (letters) of maker, or user, assuming responsibility for compliance with specification requirements; this must be registered with the Bureau of Explosives.

(4) Serial number or other individual identification.

APPENDIX B–I

Page	Section	Paragraph	Reason for amendment
1	72.5	(a)	To furnish commodity description for fissile radioactive materials.
1–2	73.391	(a), (a)(4)	To provide and define new Group IV fissile radioactive materials.
2	73.391	(b)	To rearrange the exception clause to the quantity limitations.
3	73.392	(a)(2)	To provide exemption for not more than 15 grams of uranium-235.
3	73.392	(c)	To clarify that radiation readings from any surface of the car includes the top and bottom surfaces.
3	73.393	(f)	To specify that containers prescribed are for Groups I, II, and III radioactive materials.
3–4	73.393	(b), (i)	To make inside container requirements applicable to Group IV fissile radioactive materials.
3	73.391	(d)	To require shipments of fissile radioactive materials be approved by the Commission except as otherwise provided; to authorize the use of new spec. 6L metal container for limited quantities of uranium.
4–5	73.393	(k)	Formerly paragraph (k). Redesignated due to addition of new paragraph (k).
5	73.393	(L)	To prescribe labels for containers of fissile radioactive materials, and to include reference to the label prescribed for air shipments.
5	73.394	(a)	The group number has been positioned to precede "radioactive materials" to be consistent with similar rearrangement in paragraph (a); to include reference to the label prescribed for air shipments.
5	73.394	(b)	To make specific the labeling requirements for radioactive materials possessing other hazardous characteristics as well.
5	73.394	(d)	

APPENDIX B–II

6	73.402	(a)(8)	To provide for the use of the red label for containers of Group IV fissile radioactive materials; to include reference to paragraph (c) which depicts the label used for air shipments.
6–7	73.414	(a) and Note 1	To provide label alterations consistent with labeling requirements for Group IV fissile radioactive materials.
6–7	73.414	(c) and Note 1. (a) Note 2. (c) Note 2.	To clarify that the reading of 1 milliroentgen per hour is at a distance of one meter from the radioactive source; to define the number of radiation units assigned fissile radioactive materials.
7	73.414	(b), (c)(1)	The group number has been positioned to precede "radioactive materials" to be consistent with similar rearrangement in paragraph (a).
7–9	74.532	(j)(2) Note 2.	To qualify the meaning of radiation units assigned to fissile radioactive materials.
	74.586	(h)(2) Note 3.	
	75.655	(j)(2) Note 3.	
	77.841	(d)(1) Note 3.	
9–10	78.103	Entire section	To provide new specification 6L, a composite spec. 6J/2R container, for fissile radioactive material, Class II, only.

[F.R. Doc. 65–12817; Filed, Nov. 30, 1965; 8:46 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[No. 19,511]

FEDERAL SAVINGS AND LOAN SYSTEM

Distribution of Earnings at Variable Rates

NOVEMBER 26, 1965.

Resolved, that, pursuant to Part 508 of the general regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 542.1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 542.1), it is hereby proposed that Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) be amended by adding, immediately after § 545.3, a new section, § 545.3–1, as follows:

§ 545.3–1 Distribution of earnings at variable rates.

(a) *General.* Subject to the provisions of this section, the board of directors of a Federal association which has a charter in the form of Charter N or Charter K(rev.), after having determined the rate at which earnings will be distributed on its savings accounts, hereinafter referred to as the regular rate, may also provide for the distribution of earnings at a higher rate or rates on savings accounts which meet the requirements fixed by such board of directors pursuant to paragraph (b) hereof, and such additional requirements as the board of directors may impose. In addition, the board of directors may provide for the distribution of earnings at a rate or rates lower than the regular rate on accounts which do not meet minimum requirements fixed by the board of directors in its discretion.

(b) *Minimum periods and amounts.* The board of directors may provide for the distribution of earnings at a higher rate or rates only in connection with accounts which have been maintained at not less than a specified minimum amount or amounts for not less than a specified minimum period or periods of time immediately preceding the distribution date, provided that:

(1) No such minimum period shall be less than 12 months or commence prior to the fixing of such minimum period; and

(2) No specified minimum amount shall be less than $1,000.

(c) *Use of certificate.* If, pursuant to this section, the board of directors imposes a requirement that earnings will be distributed at a higher rate only on such savings accounts as are evidenced by a separate certificate, such certificate shall be in the form prescribed pursuant to paragraph (b) of § 545.2 and shall bear on its face the words: "Earnings are distributable on the amount of this certificate as provided in, and subject to, § 545.3–1 of the rules and regulations for the Federal Savings and Loan System."

(d) *Exclusions.* This section shall not be applicable to distribution of earnings on any of the following types of savings accounts:

(1) Small accounts, as fixed pursuant to paragraph (a) of § 545.1–1;

(2) Short-term savings accounts as defined in § 541.5; and

(3) Savings accounts on which such association is paying or is obligated to pay a bonus under any provision of this Part.

(e) *Exception.* No Federal association may distribute earnings at a higher per annum rate pursuant to this section at any time when the highest rate at which earnings are distributed on any savings account, exclusive of any bonus rate but including any rate at which earnings are distributed pursuant to this section, exceeds 4½ percent per annum.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washing-

ton, D.C., 20552, not later than December 16, 1965, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[F.R. Doc. 65-12829; Filed, Nov. 30, 1965; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 107]

INVESTMENT COMPANIES

Notice of Proposed Rule Making

Notice is hereby given that pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85-699, 72 Stat. 694, as amended, it is proposed to amend, as set forth below, Part 107 of Subchapter B, Chapter I, of Title 13 of the Code of Federal Regulations, as revised in 29 F.R. 16946-16961, and amended in 30 F.R. 534, 1187, 2652, 2653, 2654, 3635, 3856, 7597, 7651, 8775, 8900, 11960, 13005, and 14095, by deleting § 107.704(g), amending § 107.12, and adding new §§ 107.725 and 107.726. Prior to final adoption of such amendments, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in triplicate, to the Investment Division, Small Business Administration, Washington, D.C., 20416, within a period of thirty (30) days of the date of this notice in the FEDERAL REGISTER.

Information. On August 10, 1965, notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 9958) concerning amendment of the SBIC regulation to establish more effective procedures governing transactions involving or likely to result in a transfer of control over a Licensee. After due and careful consideration of the comments received, SBA has determined to republish the proposals under consideration, in revised form, as set forth below.

In order to express SBA's original intention in more precise language, it is proposed that the definition of "debtor Licensee" in § 107.725 shall be expressly limited to a Licensee, "other than a 1940 Act company," which is indebted to SBA on account of § 107.301 or § 107.402 funds (including SBA guarantees or commitments with respect thereto). The definition of "1940 Act company", to be included in amended § 107.12, means a Licensee which is a registered investment company subject to S.E.C. jurisdiction under the Investment Company Act of 1940.

It is proposed, in § 107.725(c)(3), that the controlling shareholder or shareholders of a debtor Licensee (i.e., a Licensee other than a "1940 Act company") which hereafter incurs or renegotiates an indebtedness under § 107.301 and/or § 107.402 shall be required to enter into a written agreement with SBA. The agreement would provide, among other things, that such controlling shareholder or shareholders shall be jointly and severally liable with the debtor Licensee for such indebtedness, but only in the event that any or all of them transfer control over the Licensee without prior SBA approval, in violation of § 107.725. The agreement would provide for termination of personal liability if SBA subsequently approves the transaction. In this context, "controlling shareholder or shareholders" would mean a person or affiliated group of persons which acknowledge that they beneficially own or control more than 50 percent of the debtor Licensee's stock.

Under proposed § 107.725(e)(1), SBA's licensing standards as set forth in § 107.102(d) would be applied to all transfers of control over Licensees. The provisions of § 107.102(d) (except subparagraph (6) thereof requiring demonstration of a need for SBIC services in Licensee's operating area) would, to the extent deemed appropriate by SBA, apply to and govern SBA's approval of a proposed transfer of control over any Licensee.

It is proposed that the regulations governing small business investment companies shall be amended as follows:

§ 107.704 [Amended]

1. By deleting § 107.704(g).

2. By adding the following two (2) paragraphs at the end of § 107.12:

§ 107.12 Definitions.

* * * * *

Control. "Control" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a Licensee or non-Licensee concern, whether through the ownership of voting securities, by contract, or otherwise.

1940 Act company. "1940 Act company" means a Licensee which is a registered investment company subject to the regulatory jurisdiction of the Securities and Exchange Commission under the Investment Company Act of 1940.

3. By adding new §§ 107.725 and 107.726, which would read as follows:

§ 107.725 Changes in ownership and control.

(a) *General.* Transfer of control over a Licensee shall be subject to prior SBA approval.

(b) *Definitions.* For the purposes of this section—

(1) "Debtor Licensee" means a Licensee, other than a 1940 Act company, which is indebted to SBA on account of § 107.301 and/or § 107.402 funds (including SBA guarantees or commitments with respect thereto).

(2) "Nondebtor Licensee" means a Licensee which is not indebted to SBA on account of § 107.301 and/or § 107.402 funds (including SBA guarantees or commitments with respect thereto).

(3) "Transfer," "stock transfer," or "transfer of shares" refers to the aggregate amount of shares which any person or affiliated group of persons transfers or undertakes to transfer during any six (6) month period.

(4) "Exercise voting rights with respect to shares of Licensee's capital stock" shall include directly procuring or voting any proxy, consent, or authorization as to such voting rights at any shareholder's meeting.

(5) "Participate in the conduct of Licensee's affairs" shall include the exercise of voting rights at any shareholder's meeting; access to, custody of, or control over Licensee's corporate books, records, funds or other assets; participation directly or indirectly in any disposition thereof; or serving as an officer, director or employee of such Licensee.

(c)(1) *Debtor licensees.* In case of—

(i) A proposed transfer of 10 or more percent of the capital stock; or

(ii) A proposed transfer which would result in the acquisition or beneficial ownership by any person or affiliated group of persons of 10 or more percent of its capital stock; or

(iii) Any proposed change with respect to the beneficial ownership of its capital stock which involves or results in a change in control over the debtor Licensee;

such transaction shall not be consummated and neither the debtor Licensee, nor any officer, director, employee, or other person acting in a representative capacity on its behalf, shall, without prior written approval of SBA:

(*a*) Register on its books any transfer of shares to the proposed new owner or owners; or

(*b*) Permit the proposed new owner or owners to exercise voting rights with respect to said shares or participate in any manner in the conduct of Licensee's affairs—the performance of such activities by the proposed new owner or owners being unauthorized.

(2) *Prior approval application.* Applications for prior SBA approval shall be promptly filed on SBA Form No. 414A by the Licensee and other parties in interest.

(3) *Transferors' liability.* The controlling shareholder or shareholders of a debtor Licensee which receives § 107.301 and/or § 107.402 funds or renegotiates any such indebtedness, after the effective date hereof, will be required to enter into a written agreement with SBA providing, among other things, that they shall be jointly and severally liable with Licensee for such indebtedness, but only in the event any or all of them participate in or permit any transfer of control over the Licensee without prior SBA approval, in violation of § 107.725. The agreement will provide that such personal liability shall terminate if SBA should subsequently approve the transaction. For the purposes of this subparagraph, "controlling shareholder or shareholders" refers to any person or affiliated group of persons which acknowledge that they beneficially own or control more than 50 percent of debtor Licensee's stock.

(d) *Nondebtor Licensees and all 1940 Act companies.* Any transfer of 10 or more percent of the capital stock, or any transfer which results in the acquisition or beneficial ownership by any person or affiliated group of persons of 10 or more percent of the capital stock issued by a nondebtor Licensee or 1940 Act company, shall be immediately reported to SBA by the Licensee and other parties in interest. Such transfer shall be subject to SBA post-approval as a condition for the continuance of the license. Any proposed change with respect to the beneficial ownership of capital stock which involves or results in a change in control over such issuer Licensee shall be subject to prior written approval of SBA.

(e) *Standards governing SBA approval*—(1) *Applicability of licensing standards.* The provisions of § 107.102(d) concerning the issuance of new licenses (except subparagraph (6) thereof requiring demonstration of a need for SBIC services in Licensee's operating area) shall, to the extent deemed appropriate by SBA, apply to and govern SBA's approval of any transfer of control over a Licensee.

(2) *Disclosure requirements.* All SBA approvals required under paragraphs (a), (c)(1) and (d) of this section shall be contingent upon full disclosure and presentation by Licensee, and the other parties concerned, of information identifying the real parties in interest, describing the source of the funds used to effectuate the transaction, and setting forth such other data as SBA may request concerning the facts, events and circumstances involved. SBA approval shall be subject to such conditions as it may determine are reasonable under the circumstances.

(f) *Reporting transactions involving possible transfer of control.* (1) The Licensee through its president or chief executive officer shall, upon obtaining knowledge thereof, promptly report to SBA the relevant facts pertaining to any transaction or event which affords reasonable grounds for belief that a transfer of control over such Licensee is involved or is likely to occur as a result thereof. If there is any doubt as to whether the nature or extent of a particular transaction or event is such as to involve or result in a change of control, such doubt shall be resolved in favor of reporting the facts to SBA.

(2) Where the transaction or event involves a change in stock ownership, such report shall set forth the following information (together with copies of any agreements or other relevant documentary material) to the extent that it is known to the person making the report:

(i) Number of shares involved;

(ii) Names and addresses of the sellers (or transferors);

(iii) Names and addresses of the purchasers (or transferees);

(iv) Names and addresses of the beneficial owners if the shares are (or are to be) registered in other names;

(v) Beneficial owners immediately prior to the transaction;

(vi) Purchase price;

(vii) Total number of shares owned by the sellers (or transferors) and the purchasers (or transferees); and

(viii) Such other data as may be available to inform SBA of the effect of the transaction upon control over the Licensee.

§ 107.726 Changes in Licensee's activities not necessarily involving transfer of control.

(a) *Prior approval: Change of name, address, operating area, charter, bylaws, financing plans, investment policy, etc.* Unless prior written approval of SBA is obtained, it shall be unlawful to effectuate (1) any change in bylaws or paid-in capital and paid-in surplus which is likely to result in change of control, or (2) any change in Licensee's name, address of its principal office, operating area, charter, number of directors, financing plans or investment policy. Application for approval shall be filed as a proposed post-licensing amendment.

(b) *Reporting other changes.* Change of directors and other changes made with respect to Licensee's affairs, as set forth in response to Items listed in Proposal Form 414 and/or License Application Form 415, not covered by § 107.725 or paragraph (a) of this section, shall be reported to SBA as post-licensing amendments. Such report may be filed concurrently with the happening of the events described, or not later than the date of Licensee's next required regular financial report to SBA. All changes shall be subject to SBA post-approval as a condition for the continuance of the license.

(c) *Disclosure requirements.* SBA approval shall be contingent upon full disclosure of all relevant facts required by SBA and shall be subject to such conditions as SBA may determine are reasonable under the circumstances.

(d) *SBA approval deemed after 60 days.* Proposed post-licensing amendments filed pursuant to paragraphs (a) and (b) of this Section shall be deemed approved unless Licensee is notified to the contrary by SBA within sixty (60) days after receipt of its application or report.

Dated: November 23, 1965.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 65-12814; Filed, Nov. 30, 1965; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Narcotics

FENTANYL

Application for License To Manufacture

Notice is hereby given pursuant to the provisions of section 8 of the Narcotics Manufacturing Act of 1960 (74 Stat. 62) and 21 CFR 307.93 that an application for a license to manufacture the narcotic drug Fentanyl, basic class No. 35, has been submitted by the following named company:

McNeil Laboratories, Inc., Camp Hill Road, Fort Washington, Pa.

and that such application is being favorably considered.

Within 20 days from the date of publication of this notice in the FEDERAL REGISTER, any interested person may file a written protest with both the Commissioner of Narcotics and the applicant against favorable consideration of the application. Any such protest shall specify with particularity the facts relied upon as showing that the license if granted to the applicant would not be in the public interest. Such interested person at the time of filing may request a hearing as to his protest.

If no written notice of a desire to be heard shall be received within 20 days from date of publication of this notice in the FEDERAL REGISTER, no hearing shall be held.

[SEAL] HENRY L. GIORDANO,
Commissioner of Narcotics.

Approved: November 24, 1965.

DAVID C. ACHESON,
Special Assistant to the Secretary (for Enforcement).

[F.R. Doc. 65-12815; Filed, Nov. 30, 1965; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Anchorage 063258]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 24, 1965.

The Bureau of Sports Fisheries and Wildlife, Department of the Interior, has filed an application, serial number Anchorage 063258, for the withdrawal of the lands described below from all forms of appropriation except the mineral leasing laws.

For a period of thirty (30) days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with this proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 555 Cordova Street, Anchorage, Alaska, 99501.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide maximum concurrent utilization of the lands for purposes other than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized office will prepare a report for consideration by the Secretary of the Interior who will determine whether the lands will be withdrawn as requested by the Bureau of Sports Fisheries and Wildlife. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

COLD BAY, ALASKA

Beginning at a point marked by a standard FWS brass cap set in a shell case, from which point the beginning point of PLO No. 2708 bears N. 48°53' W., 1061.90 feet distant; thence East, 100.00 feet to a point North, 856.22 feet to a point on the line of mean high tide of Cold Bay; N. 59°26' W., 116.14 feet with said line of mean high tide to a point; South, 915.07 feet to the point of beginning.

Containing approximately 2.00 acres.

R. DON CHRISTMAN,
Acting State Director.

[F.R. Doc. 65-12830; Filed, Nov. 30, 1965; 8:47 a.m.]

NEVADA

Notice of Filing of Plat of Survey and Order Providing for Opening of Lands

NOVEMBER 24, 1965.

1. The Plats of Survey of lands described below will be officially filed at the Nevada Land Office, Reno, Nev., effective 10 a.m., on December 30, 1965.

MOUNT DIABLO MERIDIAN

T. 16 N., R. 60 E. (Group 409).
T. 17 N., R. 60 E. (Group 409).
T. 18 N., R. 60 E. (Group 409).
T. 17 N., R. 61 E. (Group 409).

2. The area described above aggregates 88,750.25 acres. The plats were accepted August 12, 1965. Available data indicates the lands included in these plats varies from level to gently rolling to heavily rolling mountainous with sandy and gravelly desert soils.

3. The Plats of Survey and Retracement of boundaries of lands described below will be officially filed at the Nevada Land Office, Reno, Nev., effective 10 a.m., on December 30, 1965.

MOUNT DIABLO MERIDIAN

T. 16 N., R. 59 E. (Group 409).
T. 16 N., R. 61 E. (Group 409).
T. 18 N., R. 61 E. (Group 409).
T. 17 N., R. 62 E. (Group 409).

4. Subject to any existing valid rights and the requirements of applicable law, the above-described lands are hereby opened to filing applications, selections, and location, except for applications under the Small Tract and Desert Land Laws, in accordance with the following: Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of the order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs: Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph. All valid applications and selections under the nonmineral public land laws presented prior to 10 a.m., December 30, 1965, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

5. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications, which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Post Office Box 1551, Reno, Nev.

CHARLES E. HANCOCK,
Acting Manager, Nevada Land Office.

[F.R. Doc. 65-12804; Filed, Nov. 30, 1965; 8:45 a.m.]

Fish and Wildlife Service

[Docket No. A-353]

ROBERT JAN JAMES

Notice of Loan Application

Robert Jan James, Post Office Box 271, Metlakatla, Alaska, 99926, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 33.3-foot registered length wood trolling vessel to engage in the fishery for salmon and halibut in Southeastern Alaskan waters.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised August 11, 1965), that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C., 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic injury or hardship.

DONALD L. MCKERNAN,
Director, Bureau of Commercial Fisheries.

NOVEMBER 26, 1965.

[F.R. Doc. 65-12816; Filed, Nov. 30, 1965; 8:46 a.m.]

Office of the Secretary

WILLIAM ANGUS DAVIS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months.

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of November 16, 1965.

Dated: November 16, 1965.

WILLIAM A. DAVIS.

[F.R. Doc. 65-12805; Filed, Nov. 30, 1965; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

CERTAIN TYPES OF TOBACCO

Need for Marketing Quota Programs on an Acreage-Poundage Basis; Meetings To Obtain Recommendations

Section 317 of the Agricultural Adjustment Act of 1938 (Public Law 89-12, approved April 16, 1965, 79 Stat. 66, 7 U.S.C. 1314c) provides for tobacco marketing quota programs on an acreage-poundage basis. An acreage-poundage marketing quota program under section 317 was approved for flue-cured tobacco by growers of such tobacco in a referendum held on May 4, 1965 (30 F.R. 9299), and is in effect for flue-cured tobacco for the marketing years beginning July 1, 1965, July 1, 1966, and July 1, 1967.

Section 317(i)(1) requires the Secretary of Agriculture, not later than January 1, 1966, to "Consult with representatives of all segments of the tobacco industry, including growers, State farm organizations and cooperative associations, in meetings held for each kind of tobacco (except flue-cured), to receive their recommendations and to determine the need for a similar or modified program for that kind of tobacco." Pursuant to section 317(i)(1), meetings will be held for the purposes specified in said section at the following times and places:

1. *Cigar-binder (types 51 and 52), cigar-filler and binder (types 42, 43, 44, 53, 54, and 55), cigar-filler (type 41 [Pennsylvania]), and cigar-filler and binder (type 46 [Puerto Rican]) tobacco.* 9:30 a.m., e.s.t., December 8, 1965, Room 2-W, Administration Building, U.S. Department of Agriculture, Washington, D.C.

2. *Fire-cured and Virginia sun-cured tobacco.* 10 a.m., e.s.t., December 9, 1965, Room 7413, Federal Building, 400 North Eighth Street, Richmond, Va.

3. *Maryland tobacco.* 1:30 p.m., e.s.t., December 10, 1965, Prince Georges County Courthouse, Upper Marlboro, Md.

4. *Fire-cured and dark air-cured tobacco.* 9:30 a.m., e.s.t., December 13, 1965, National Guard Armory, Hopkinsville, Ky.

5. *Burley tobacco.* 9:30 a.m., e.s.t., December 14, 1965, Ballroom, Phoenix Hotel, Lexington, Ky.

During or immediately following each meeting for more than one kind of tobacco, time will be allocated for separate discussion with respect to each kind of tobacco.

Section 317(c) provides as to each kind of tobacco designated above, except flue-cured, that marketing quotas on an acreage-poundage basis can be put in effect only if (a) during the first or second marketing year of a 3-year period for which marketing quotas on an acreage basis are in effect pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1282, et seq.), the Secretary of Agriculture, in his discretion, determines that acreage-poundage quotas would result in a more effective marketing quota program, and (b) more than 66⅔ percent of the growers of the kind of tobacco involved who vote approve marketing quotas on an acreage-poundage basis for the following 3 marketing years.

A list of the marketing quota programs on an acreage basis which have been approved by growers and are now in effect follows:

1. Cigar-binder (types 51 and 52), cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) and Maryland tobacco. Programs in effect for the 1963-64, 1964-65, and 1965-66 marketing years (28 F.R. 2526, 2888).

2. Fire-cured and dark air-cured tobacco. Programs in effect for the 1964-65, 1965-66, and 1966-67 marketing years (29 F.R. 3697).

3. Burley and Virginia sun-cured tobacco. Programs in effect for the 1965-66, 1966-67, and 1967-68 marketing years (30 F.R. 4313).

Growers of cigar-filler (type 41 (Pennsylvania)) tobacco disapproved marketing quotas for the 1965-66, 1966-67, and 1967-68 marketing years in a referendum held on February 18, 1965 (30 F.R. 4313), and marketing quotas are not in effect for Type 41 tobacco.

Marketing quotas on an acreage basis under the provisions of the Act are not and never have been in effect for cigar-filler and binder tobacco (Type 46 (Puerto Rican)), because such a program can not be instituted unless the Secretary of Agriculture determines that the total supply of such kind of tobacco exceeds the reserve supply level therefor (section 312(a) of the Act) and no such determination has been made.

The marketing year begins for each of the kinds of tobacco designated above, except flue-cured, on the October 1 which occurs in the year in which the crop is harvested and ends the following September 30. For example, the marketing year for the 1965 crop began on October 1, 1965, and ends on September 30, 1966.

The meetings will be presided over by the Administrator of the Agricultural Stabilization and Conservation Service or an official of the Department of Agriculture designated by him. It is not contemplated that the proceedings will be recorded and transcribed by a reporter. Written submissions will be considered if submitted at the conclusion of one of the meetings above designated or mailed (postmarked) to the Director, Policy and Programs Appraisal Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250, not later than December 14, 1965. All written submissions made pursuant to this notice will be made available for public inspection

at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

A summary of the provisions of section 317 was published in the FEDERAL REGISTER for October 16, 1965 (30 F.R. 13231). Further information can be obtained by writing to the Tobacco Policy Staff, Agriculture Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250.

Issued at Washington, D.C., on November 23, 1965.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65-12844; Filed, Nov. 30, 1965; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

ANNUAL SURVEYS IN MANUFACTURING AREA

Notice of Determination

In conformity with Title 13, United States Code, sections 181, 224 and 225 and due notice having been published October 29, 1965 (30 F.R. 13791), I have determined that annual data to be derived from the surveys listed below are needed to aid the efficient performance of essential governmental functions and have significant application to the needs of the public and industry and are not publicly available from nongovernmental or other government sources.

Report forms in most instances furnishing data on shipments and/or production and in some instances on stocks, unfilled orders, orders booked, consumption, etc., will be required of all or a sample or establishments engaged in the production of the items covered by the following list of surveys. The surveys have been arranged under major group headings shown in the revised Standard Industrial Classification Manual (1957 edition) promulgated by the Bureau of the Budget for the use of Federal statistical agencies.

MAJOR GROUP 20—FOOD AND KINDRED PRODUCTS

Prepared animal feeds.

MAJOR GROUP 22—TEXTILE MILL PRODUCTS

Stocks of wool (as of January 1, 1966).
Cotton and synthetic woven goods finished.
Narrow fabrics.
Knit cloth for sale.
Woolen and worsted machinery activity.
Yarn production.
Rugs, carpets, and carpeting.

MAJOR GROUP 23—APPAREL AND OTHER FINISHED PRODUCTS MADE FROM FABRICS AND SIMILAR MATERIALS

Gloves and mittens.
Apparel.
Brassieres, corsets, and allied garments.
Sheets, pillowcases, and towels.

MAJOR GROUP 24—LUMBER AND WOOD PRODUCTS, EXCEPT FURNITURE

Hardwood plywood.
Softwood plywood.
Lumber.

MAJOR GROUP 25—FURNITURE

Office furniture.

MAJOR GROUP 26—PAPER AND ALLIED PRODUCTS

Pulp, and detailed grades of paper and board.

MAJOR GROUP 28—CHEMICALS AND ALLIED PRODUCTS

Sulfuric acid.
Industrial gases.
Inorganic chemicals.
Pharmaceutical preparations, except biologicals.

MAJOR GROUP 30—RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS

Plastics products.

MAJOR GROUP 31—LEATHER AND LEATHER PRODUCTS

Shoes and slippers (by method of construction).

MAJOR GROUP 32—STONE, CLAY, AND GLASS

Consumer, scientific, technical, and industrial glassware.
Fibrous glass.

MAJOR GROUP 33—PAIMARY METAL INDUSTRIES

Steel mill products.
Insulated wire and cable.

MAJOR GROUP 34—FABRICATED METAL PRODUCTS, EXCEPT ORDNANCE, MACHINERY, AND TRANSPORTATION EQUIPMENT

Aluminum foil, converted.
Steel power boilers.
Heating and cooking equipment.

MAJOR GROUP 35—MACHINERY, EXCEPT ELECTRICAL

Internal combustion engines.
Tractors.
Farm machines and equipment.
Mining machinery and equipment.
Vending machines.
Air-conditioning and refrigeration equipment.
Office, computing, and accounting machines.
Pumps and compressors.

MAJOR GROUP 36—ELECTRICAL MACHINERY, EQUIPMENT, AND SUPPLIES

Radios, television, and phonographs.
Motors and generators.
Wiring devices and supplies.
Switchgear, switchboard apparatus, relays and industrial controls.
Selected electronic and associated products.
Electric housewares and fans.
Electric lighting fixtures.

MAJOR GROUP 38—PROFESSIONAL, SCIENTIFIC, AND CONTROLLING INSTRUMENTS; PHOTOGRAPHIC AND OPTICAL GOODS; WATCHES AND CLOCKS

Selected instruments and related products.
Atomic energy products and services.

The following list of surveys represents annual counterparts of monthly, quarterly, and semiannual surveys and will cover only those establishments which are not canvassed or do not report in the more frequent survey. Accordingly, there will be no duplication in reporting. The content of these annual reports will be identical with that of the monthly, quarterly, and semiannual reports except for Construction Machinery which will additionally call for data on shipments of power cranes and shovels, concrete mixers, and attachments for contractors' off-highway type tractors. Also, reports on man-made fiber, silk, woolen and worsted fabrics, on finishing plants, and on piece goods inventories listed below will call for information relating to the monthly fluctuations of stocks and unfilled orders for woven fabrics in addition to the annual production data.

MAJOR GROUP 20—FOOD AND KINDRED PRODUCTS

Flour milling products.
Confectionery products.

MAJOR GROUP 22—TEXTILE MILL PRODUCTS

Man-made fiber, silk, woolen and worsted fabrics.
Finishing plant report—broad woven fabrics.
Piece goods inventories and orders.
Broad woven goods (cotton, wool, silk, and synthetic).
Consumption of wool and other fibers, and production of tops and noils.

MAJOR GROUP 25—FURNITURE AND FIXTURES

Mattresses and bedsprings.

MAJOR GROUP 26—PAPER AND ALLIED PRODUCTS

Consumers of wood pulp.
Converted flexible packaging products.

MAJOR GROUP 28—CHEMICALS AND ALLIED PRODUCTS

Superphosphates.
Paint, varnish, and lacquer.

MAJOR GROUP 29—PETROLEUM REFINING AND RELATED INDUSTRIES

Asphalt and tar roofing and siding products.

MAJOR GROUP 30—RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS

Rubber.

MAJOR GROUP 31—LEATHER AND LEATHER PRODUCTS

Shoes and slippers.

MAJOR GROUP 32—STONE, CLAY, AND GLASS

Glass containers.
Refractories.
Clay construction products.

MAJOR GROUP 33—PRIMARY METAL INDUSTRIES

Nonferrous castings.
Steel forgings.
Iron and steel foundries.
Magnesium mill products.

MAJOR GROUP 34—FABRICATED METAL PRODUCTS, EXCEPT ORDNANCE, MACHINERY, AND TRANSPORTATION EQUIPMENT

Plumbing fixtures.
Steel shipping barrels, drums, and pails.
Closures for containers.
Metal cans.

MAJOR GROUP 35—MACHINERY, EXCEPT ELECTRICAL

Construction machinery.
Metalworking machinery.
Farm pumps.
Fans, blowers, and unit heaters.
Typewriters.

MAJOR GROUP 36—ELECTRICAL MACHINERY, EQUIPMENT, AND SUPPLIES

Electric lamps.
Fluorescent lamp ballasts.

MAJOR GROUP 37—TRANSPORTATION EQUIPMENT

Aircraft engines.
Complete aircraft.
Backlog of orders for aircraft, space vehicles, missiles, engines, and selected parts.
Aircraft propellers.
Truck trailers.

Also, the Annual Survey of Manufactures will be conducted and will call for general statistical data such as employment, payroll, man-hours, capital expenditures, cost of materials consumed, etc., in addition to information on value of products shipped and quantity data for selected classes of products. This survey, while conducted on a sample basis, will cover all manufacturing industries. Data on employment and payrolls for auxiliary establishments of manufacturing companies such as central administrative offices, warehouses, etc., will be included.

A survey of Research and Development costs will also be conducted. The data to be obtained will be limited to total research and development costs of work performed by the company, total cost of research and development work performed for the Federal Government, and, for comparative purposes, total net sales and receipts, and total employment of the company.

The report forms will be furnished to firms included in these surveys and additional copies are available on request to the Director, Bureau of the Census, Washington, D.C., 20233.

I have, therefore, directed that annual surveys be conducted for the purpose of collecting the data hereinabove described.

Dated: November 19, 1965.

HOWARD C. GRIEVES,
Acting Director, Bureau of the Census.

[F.R. Doc. 65-12915; Filed, Nov. 30, 1965; 8:47 a.m.]

National Bureau of Standards

NBS RADIO STATIONS

Standard Frequency and Time Broadcasts

In accordance with the National Bureau of Standards policy of giving monthly notices regarding changes of phases in seconds pulses, notice is hereby given that there will be no change in the phase of seconds pulses emitted from radio station WWVB, Fort Collins, Colo., on 1 January 1966. The successive time pulses emitted from station WWVB are one second apart. The carrier frequency of WWVB is 60 kHz, and is broadcast without offset.

Notice is also hereby given that there will be no adjustment in the phases of time signals emitted from radio stations WWV, Greenbelt, Md., and WWVH, Maui, Hawaii, on 1 January 1966. However, on 1 January 1966, a change will be made in the time interval between these pulses. During 1965, the pulses from these stations occurred at intervals which were longer than a second by 150 parts in 10^{10}. During 1966, the pulses will occur at intervals which are longer than one second by 300 parts in 10^{10}, due to the new offset to be maintained in carrier frequencies, as coordinated by the BIH.

Phase adjustments, when made, ensure that the emitted pulses from all stations will remain within about 100 ms of the UT2 scale. They are made necessary because of changes in the speed of rotation of the earth with which the UT2 scale is associated. Daily UT2 information is obtained from weekly forecasts of UT2 provided by the U.S. Naval Observatory in accordance with the close cooperation maintained between the two agencies.

A. V. ASTIN,
Director.

[F.R. Doc. 65-12938; Filed, Nov. 30, 1965; 10:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 65-1064]

NEW TELEVISION BROADCAST STATION, BIRMINGHAM, ALA.

Filing of Applications for Construction Permit

NOVEMBER 26, 1965.

The Commission, on June 8, 1965, released its "Fourth Report and Order" in Docket No. 14229 (FCC 65-504, 5 RR 2d 1587) promulgating a new Television Table of Assignments (§ 73.606 of the Commission's rules). Among the changes made in the new Table was the deletion of Bessemer, Ala., from the Table of Assignments and the allocation of Channel 21 to Birmingham, Ala., for commercial use, effective July 15, 1965. By Supplement No. 1 to the Fourth Report and Order (FCC 65-544, 5 RR 2d 1605), released June 18, 1965, the Commission directed the applicants who were in comparative hearing for a construction permit for a new television broadcast station to operate on Channel 54, allocated to Bessemer, Ala., to amend their applications to specify Channel 21, Birmingham, Ala.

On June 16, 1965, Birmingham Television Corp., permittee of Television Broadcast Station WBMG, Channel 42, Birmingham, Ala., tendered for filing a substantially complete application for modification of its construction permit to specify operation on Channel 21, Birmingham, Ala. The Commission has determined that, because Bessemer, Ala., was deleted from the Television Table of Assignments and a new channel was allocated to Birmingham, Ala., new applications for Channel 21, Birmingham, Ala., may be accepted for filing. In order to promote the orderly conduct of the Commission's business, the Commission has determined to fix a date certain after which no new applications for Channel 21, Birmingham, Ala., will be accepted for filing.

Accordingly, notice is hereby given that, in order to be entitled to a comparative consideration, any application for a construction permit for a new television broadcast station to operate on Channel 21, Birmingham, Ala., must be substantially complete and tendered for filing no later than the close of business January 24, 1966.

Adopted: November 24, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12835; Filed, Nov. 30, 1965; 8:47 a.m.]

[Docket Nos. 16301, 16312]

SAWNEE BROADCASTING CO. (WSNE) AND HALL COUNTY BROADCASTING CO. (WLBA)

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of John T. Pittard, trading as Sawnee Broadcasting Co. (WSNE), Cumming, Ga., Docket No. 16301, File No. BP-16375; has: 1410 kc, 1 kw, DA, Day, requests: 1130 kc, 1 kw, Day; Ernest H. Reynolds, Jr., trading as Hall County Broadcasting Co. (WLBA), Gainesville, Ga., Docket No. 16312, File No. BP-16606; has: 1580 kc, 5 kw, 1 kw-CH, Day, requests: 1130 kc, 10 kw, 1 kw-CH, Day; for construction permits.

The Commission, by the Chief of the Broadcast Bureau under delegated authority, considered the above applications on November 23, 1965;

It appearing, that, except as indicated by the issues specified below, each of the applicants is legally, technically, financially, and otherwise qualified to construct and operate as proposed but that the proposed operations are mutually exclusive; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations of stations WSNE and WLBA and the availability of other primary service to such areas and populations.

2. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient, and equitable distribution of radio service.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

It is further ordered, That, in the event of a grant of either of the applications herein, the construction permit shall contain the following condition:

Pending a final decision in Docket No. 14419 with respect to presunrise operation

[1] Commissioners Hyde and Bartley absent.

with daytime facilities, the present provisions of section 73.87 of the Commission's rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants pursuant to § 1.221 (c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: November 26, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12836; Filed, Nov. 30, 1965; 8:47 a.m.]

[Docket Nos. 16310, 16311; FCC 65-1049]

WILKESBORO BROADCASTING CO. AND WILKES COUNTY RADIO

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Fletcher R. Smith and Madge P. Smith doing business as Wilkesboro Broadcasting Co., Wilkesboro, N.C., Docket No. 16310, File No. BP-16466; requests: 1240 kc, 100 w, U, Class IV; Paul L. Cashion and J. B. Wilson, Jr., doing business as Wilkes County Radio, Wilkesboro, N.C., Docket No. 16311, File No. BP-16556; requests: 1240 kc, 100 w, U, Class IV; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 17th day of November 1965;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the applicants is legally, technically, financially, and otherwise qualified to construct and operate as proposed; and

It further appearing, that the applications are mutually exclusive; and

It further appearing, that both proposals fail to cover the entire city of Wilkesboro with their respective RSS nighttime limitation contours and waivers of the Commission's city coverage requirements have been requested; and

It further appearing, that it is the Commission's policy to discourage applications for 100-watt operation, WFPG, Inc., et al., 33 FCC 673, 675, 24 R.R. 419, 423 (1962), and that, therefore, a heavy burden rests upon these applicants to show that a grant of either of the proposals would serve the public interest, particularly since neither proposal, as noted above, would meet the city coverage requirements of the Commission's rules, and neither operation, if authorized, would be susceptible to any increase in scope without causing interference to existing operations; and

It further appearing, that the Commission has carefully considered the grounds and data submitted in support of the waiver requests, but is unable at this time to conclude that waivers would serve the public interest, and is of the opinion that the matter should be fully explored in the evidential hearing ordered below;

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the respective proposals and the availability of other primary service to such areas and populations.

2. To determine whether the proposals would provide coverage of the city sought to be served, as required by § 73.188(a)(1) of the Commission's rules, and, if not, whether circumstances exist which would warrant a waiver of said section.

3. To determine which of the proposals would better serve the public interest.

4. To determine, in the light of the evidence pursuant to the foregoing issues which, if either, of the applications should be granted.

It is further ordered, That, in the event of a grant of the application of Wilkesboro Broadcasting Co., the construction permit shall contain the following conditions:

Before program tests are authorized an approved type of modulation monitor shall be installed.

Permittee shall accept any interference that may result from existing 250-watt Class IV stations increasing daytime power.

It is further ordered, That in the event of a grant of the application of Wilkes County Radio, the construction permit shall contain the following conditions:

The horizontal inverse distance field intensity at 1 mile shall be reduced to essentially 152 mv/m per kilowatt or 48 mv/m per 100 watts by the addition of a series resistor in the transmisson line. Before program tests are authorized, the permittee shall submit sufficient evidence to show that the radiation has been reduced as proposed.

Permittee shall accept such interference that may result from existing 250-watt Class IV stations increasing daytime power.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible, and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: November 26, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12837; Filed, Nov. 30, 1965; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

BAYSIDE WAREHOUSE CO. AND SOUTH LOUISIANA PORT COMMISSION

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

McDonald & Buchler, Post Office Box B, Metairie, La., 70005.

Agreement No. T-1839-1 between the South Louisiana Port Commission (Lessor) and the Bayside Warehouse Co. (Lessee) modifies the basic agreement which provides for the lease of a terminal grain facility in Southport, La. The purpose of the modification is to amend certain provisions regarding the issuance of bonds for purposes of (1) financing certain construction and land costs and (2) to provide that the agreement may be terminated if not approved by the Federal Maritime Commission prior to January 15, 1966.

Dated: November 29, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-12832; Filed, Nov. 30, 1965; 8:46 a.m.]

[1] Commissioners Hyde and Loevinger absent.

UNITED STATES LINES AND CITY OF NEW YORK DEPARTMENT OF MARINE AND AVIATION

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

The City of New York, Department of Marine and Aviation, Battery Maritime Building, New York, N.Y., 10004.

Agreement No. T-757-1 between the City of New York Department of Marine and Aviation (City) and United States Lines (Carrier) modifies the basic agreement which provides for the lease of certain piers on the North River, New York City. The modification amends the basic agreement by revising certain construction and improvement obligations of the Carrier as contained in the basic lease. The amendment also makes certain changes in the formula upon which the annual rental is based.

Dated: November 29, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-12833; Filed, Nov. 30, 1965; 8:46 a.m.]

[Docket No. 65-43]

JACKSONVILLE/PUERTO RICO TRADE

Rates and Practices of Carriers; Notice of Investigation

TMT Trailer Ferry, Inc. (C. Gordon Anderson, trustee) (TMT) and Sea-Land Service, Inc. (Sea-Land) amended their respective tariffs, effective November 15, 1965, reducing trailerload rates on drying, ironing, or washing machines and stoves, electric or other than electric. TMT's reduced rates apply from Jacksonville and Miami, Fla., to San Juan, P.R. Sea-Land's reduced rates apply from Jacksonville, Fla., to San Juan, Ponce, and Mayaguez, P.R.

The reductions were initiated by TMT. Sea-Land petitioned the Commission to suspend and investigate the TMT reductions and to permit its reductions to become effective without suspension or investigation. TMT did not reply to Sea-Land's petition, but informed the Commission orally that its reduced rates were published to meet the "Freight All Kinds" rate of $700 per trailer published by South Atlantic and Caribbean Lines, Inc. (SACL). SACL's $700 rate has been in effect since April 3, 1963. Sea-Land alleged in its petition that to "the extent that the $700 rate applies on truckload shipments of the considered traffic it is significantly lower than the existing [prereduction] TMT and Sea-Land rates", and that such rate, which includes the cost of inland transportation between Jacksonville and Miami, Fla., is noncompensatory.

The Commission, having considered the reduced rates of TMT and Sea-Land and Sea-Land's protest, is of the opinion that said reduced rates and SACL's $700 rate should be made the subject of a public investigation and hearing to determine whether they are unjust or unreasonable or otherwise unlawful under the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933.

Now therefore it is ordered, That, pursuant to sections 18(a) and 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation be, and it is hereby instituted to determine the lawfulness of the following rates: (1) Reduced rates on "Household Appliances" published by (a) Sea-Land on 24th revised page 75 and 11th revised page 105 in Tariff FMC-F No. 3 (Pan Atlantic Steamship Corp. FMC-F Series) and (b) TMT on original page 97-A in its Tariff FMC-F No. 5; and (2) SACL's unchanged "Freight All Kinds" rate of $700 per trailer published on fourth revised page No. 8 in its Tariff FMC-F No. 7. The Commission will make such findings and issue such orders as the facts and law warrant.

It is further ordered, That all subsequent revisions of the matter hereby placed under investigation shall be, and they are hereby placed under investigation in this proceeding;

It is further ordered, That (I) the investigation herein ordered be assigned for public hearing by the Chief Examiner, before an examiner of the Commission's Office of Hearing Examiners, at a date and place to be announced; (II) Sea-Land Service, Inc., TMT Trailer Ferry, Inc. (C. Gordon Anderson, trustee), and South Atlantic and Caribbean Line, Inc., be and they are hereby made respondents in this proceeding; (III) a copy of this order shall forthwith be served upon said respondents herein; (IV) the said respondents be duly notified of the time and place of the hearing herein ordered; and (V) this order and notice of the said hearing be published in the FEDERAL REGISTER.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(n) [46 CFR 502.73] with copy to respondents.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 65-12834; Filed, Nov. 30, 1965; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI66-174]

PERRY R. BASS ET AL.

Order Granting Application for Rehearing, and Providing for Hearing on and Suspension of Proposed Change in Rate

NOVEMBER 22, 1965.

Perry R. Bass (Operator), et al. (Bass) filed an application for rehearing on October 25, 1965, of the Commission's undocketed order issued September 23, 1965, rejecting a proposed rate increase from 16.0 cents to 17.0 cents per Mcf [1] tendered on August 24, 1965, by Bass for the sale of residue gas from gas-well gas to El Paso Natural Gas Co. under its FPC Gas Rate Schedule No. 1 in the Permian Basin Area of Texas. The contract involved here was executed on December 16, 1961, and thus covers a sale for new gas under Opinion No. 468. The proposed rate of Bass, which exceeds the applicable just and reasonable rate ceilings determined in Opinion No. 468 for the sale of gas in the Permian Basin Area, was rejected for the reasons set forth in the order issued August 26, 1965, in Socony Mobil Oil Co., Inc. (Operator), et al.

[1] The proposed increased rate is designated herein as Supplement No. 1 to Bass' FPC Gas Rate Schedule No. 1. Details of the proposed increase are set forth in Appendix A hereof.

On October 20, 1965, subsequent to the issuance of our rejection order, the Tenth Circuit in Skelly Oil Co. v. FPC (C.A. 10 No. 8385 et al.) stayed through January 20, 1966, the effectiveness of Opinion Nos. 468 and 468–A as to Skelly, Phillips and Warren. The Court's order further provided that any member of the Court may grant a similar stay if other petitions for review are filed in or transferred to that Court. Argument was also set for January 7, 1966, on the question of further stay.

Bass in Case No. 23123 has filed in the Fifth Circuit a petition for review of Opinion Nos. 468 and 468–A together with a motion to transfer its appeal to the Tenth Circuit. Bass also filed a motion for stay in the Tenth Circuit. Under these circumstances, it is appropriate to grant Bass' application for rehearing and to suspend its proposed increase for 5 months from the time it would have become effective had it not been rejected (i.e., September 24, 1965). However, we wish to make it clear that we will reject this increase ab initio in the event the stay is dissolved or Opinion Nos. 468 and 468–A are upheld upon judicial review.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that Supplement No. 1 to Bass' FPC Gas Rate Schedule No. 1 herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the change proposed by Bass.

(B) Pending hearing and decision thereon, Supplement No. 1 to Bass' FPC Gas Rate Schedule No. 1 is suspended and its use deferred until February 24, 1966, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 4, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI66–174...	Perry R. Bass (Operator), et al., 12th Floor, Fort Worth National Bank Bldg., Fort Worth, Tex., 76102, Attn.: Mr. Roy T. Durst.	1	1	El Paso Natural Gas Co. (Brown-Bassett Field, Terrell County, Tex.) (R.R. District No. 7–C) (Permian Basin Area).	$22,474	8–24–65	[1] 9–24–65	2–24–66	[4] 16.0	[5] [6] 17.0	

[1] The stated effective date is the first day after expiration of the required statutory notice.
[2] Periodic rate increase.
[3] Pressure base is 14.65 p.s.i.a.
[4] Less processing cost of 3.3 cents per Mcf for pipeline quality gas remaining after processing for removal of carbon dioxide diluent (processing cost shall not exceed 4.5 cents per Mcf in any event).
[5] Initial rate.

[F.R. Doc. 65–12763; Filed, Nov. 30, 1965; 8:45 a.m.]

[Docket No. G–12004, etc.]

SOCONY MOBIL OIL CO., INC., ET AL.

Findings and Order

NOVEMBER 22, 1965.

Socony Mobil Oil Co., Inc., and other Applicants listed herein, findings and order after statutory hearing issuing certificates of public convenience and necessity, amending certificates, permitting and approving abandonment of service, terminating certificates, making successors co-respondents, redesignating proceedings, accepting surety bond for filing, requiring filing of agreement and undertaking, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC Gas Rate Schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are either equal to or below the ceiling prices established by the Commission's Statement of General Policy 61–1, as amended, or involve sales for which permanent certificates have been previously issued.

Westmore Drilling Co., Inc. (Operator), et al., Applicant in Docket No. CI66–13 proposes to continue in part the sale of natural gas heretofore authorized in Docket No. CI63–1096 and made pursuant to Braden Drilling, Inc., FPC Gas Rate Schedule No. 8. The contract comprising said rate schedule will also be accepted for filing as Westmore's rate schedule to be effective as of December 10, 1964, the date of transfer of the producing properties. Westmore proposes to sell gas at the rate of 14.0 cents per Mcf at 14.65 p.s.i.a., an increased rate filed by Braden on November 23, 1964, and suspended by order issued December 18, 1964, in Docket No. RI65–396 until May 24, 1965, and thereafter until made effective. On April 22, 1965, Braden filed a motion to make the increased rate effective subject to refund, but there has not yet been any action on said motion. On October 15, 1965, Westmore filed a surety bond to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in Docket No. RI65–396. Accordingly, Westmore will be made a co-respondent in the proceeding pending in Docket No. RI65–396, said proceeding will be redesignated, Westmore will be permitted to collect the rate of 13.0 cents per Mcf until May 24, 1965, and 14.0 cents per Mcf thereafter, and the surety bond submitted by Westmore will be accepted for filing.

The Preston Oil Co. (Operator), et al., Applicant in Docket No. CI66–156, proposes to continue in part the sale of natural gas authorized in Docket No. G–14303 and made pursuant to Hassie Hunt Trust FPC Gas Rate Schedule No. 20. The contract comprising said rate schedule will also be accepted for filing as Preston's rate schedule. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI62–227 [1]. Accordingly, Preston will be made a co-respondent in said proceeding, the proceeding will be redesignated, and Preston will be required to file an agreement and undertaking to assure the refund of any amounts, together with interest at the rate of 7 percent per

[1] Consolidated with Docket No. AR61–2, et al.

annum, collected by it in excess of the amount determined to be just and reasonable in said proceeding.

After due notice, petitions to intervene by the Long Island Lighting Co. were filed on September 15, and September 30, 1965, in Docket Nos. CI66–156 and CI63–225, respectively. Notice of withdrawal of the respective interventions by intervener was filed on November 1, 1965, in said dockets. No other petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on November 17, 1965, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G–12004, G–14303, G–15052, G–16345, G–18351, CI61–1098, CI62–772, CI62–1000, CI62–1231, CI63–225, CI63–548, CI63–603, CI63–1096, CI63–1206, CI64–175, CI64–731, CI64–1164, CI66–83, and CI66–129 should be amended as hereinafter ordered.

(6) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the tabulation herein and in the respective applications, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of public convenience and necessity heretofore issued to the respective Applicants herein relating to the abandonments hereinafter permitted and approved should be terminated.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Westmore Drilling Co., Inc. (Operator), et al., should be made a co-respondent in the proceeding pending in Docket No. RI65–396, that said proceeding should be redesignated accordingly, and that the surety bond submitted by Westmore in said proceeding should be accepted for filing.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the Preston Oil Co. (Operator), et al., should be made a co-respondent in the proceeding pending in Docket No. RI62–227, that said proceeding should be redesignated accordingly, and that Preston should be required to file an agreement and undertaking.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the respective related rate schedules and supplements as designated or redesignated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after April 15, 1965, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d) of the Commission's Statement of General Policy 61–1, as amended, shall be filed prior to the applicable dates, as indicated by footnotes 10 and 12 in the attached tabulation.

(E) The certificate issued herein in Docket No. CI64–2 is conditioned upon Applicant filing within 30 days from the date of this order, an amendment to the rate schedule providing for proportional downward B.t.u. adjustment as required by the Commission's Opinion No. 464, issued June 10, 1965, in Docket Nos. G–8087, et al. (33 FPC ____).

(F) The certificate issued herein in Docket No. CI65–1241 is subject to the conditions set forth in paragraphs (E), (F), and (G) of the order accompanying Opinion No. 350 (27 FPC 35), except that said certificate shall not be subject to the Commission's ultimate determination in Docket No. R–200.

(G) The certificates heretofore issued in Docket Nos. G–12004, G–15052, CI63–548, CI63–603, CI63–1206, CI64–175, CI64–731, and CI66–129 are amended by adding thereto or deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(H) The certificates heretofore issued in Docket Nos. G–14303, CI63–1096, and CI64–1164 are amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicants in Docket Nos. CI66–156, CI66–13, and CI66–231.

(I) The certificate heretofore issued in Docket No. CI61–1098 is amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicant in Docket No. CI66–286, and issuance of the certificate herein in Docket No. CI66–286 is contingent upon Applicant's filing executed copies of the assignments covering acquisition of the subject properties.

(J) The certificate heretofore issued in Docket No. CI63–225 is amended to reflect Amax Petroleum Corp. as Operator of the properties involved in lieu of J. M. Flaitz, et al.

(K) The certificates heretofore issued in Docket Nos. G–16345, G–18351, CI62–772, CI62–1000, CI62–1231, and CI66–83 are amended by changing the certificate holders to the respective successors in interest as indicated in the tabulation herein.

(L) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described and as more fully described in the respective applications herein are granted.

(M) In view of the abandonment permitted and approved herein in Docket No. CI66–280 Applicant is not relieved of any refund obligation in the related rate suspension proceeding in Docket No. G–17800.

(N) Docket Nos. G–15921 and G–16927 are terminated.

(O) Westmore Drilling Co., Inc. (Operator), et al., shall be a co-respondent in the proceeding pending in Docket No. RI65–396, said proceeding is redesignated accordingly,[2] and the surety bond submitted by Westmore in said proceeding is accepted for filing.

(P) Westmore Drilling Co., Inc. (Operator), et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and section 154.102 of the regulations thereunder, and the surety bond filed by Westmore in Docket No. RI65–396 shall remain in full force and effect until discharged by the Commission.

(Q) Applicant in Docket No. CI66–13 shall collect the rate of 13.0 cents per Mcf at 14.65 p.s.i.a. from December 10, 1964, to May 24, 1965, and the rate of 14.0 cents per Mcf at 14.65 p.s.i.a. thereafter.

(R) The Preston Oil Co. (Operator), et al., shall be a co-respondent in the proceeding pending in Docket No. RI62–227 and said proceeding is redesignated accordingly.[3]

(S) Within 30 days from the issuance of this order the Preston Oil Co. (Operator), et al., shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI62–227 to assure the refund of any amount, together with interest at the rate of 7 percent per annum, collected by it in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(T) The Preston Oil Co. (Operator), et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and section 154.102 of the regulations thereunder, and the agreement and undertaking filed by Preston in Docket No. RI62–227 shall remain in full force and effect until discharged by the Commission.

(U) The respective related rate schedules and supplements as indicated in the tabulation herein are accepted for filing; further, the rate schedules relating to the successions herein are redesignated and accepted, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates as indicated in the tabulation herein.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G–12004 ..... D 10–4–65	Socony Mobil Oil Co., Inc. (partial abandonment).	Transcontinental Gas Pipe Line Corp. West Gueydan and Outside Island Fields, Vermillion Parish, La.	Notice of partial cancellation (undated).[1] [11]	16	36
G–15052 ..... D 7–12–65	MAPCO Production Co. (Operator) et al. (partial abandonment).	Mississippi River Transmission Corp., Woodlawn Field, Harrison County, Tex.	Letter 9–28–65[11]	4	10
G–16345 ..... E 10–1–65	Elder Oil Co. (successor to R. J. Braden, et al.).	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	R. J. Braden, et al., FPC GRS No. 4. Notice of succession 9–29–65.	1	.....
			Assignment 8–5–65[4]	1	1
			Effective date: 8–5–65.		
G–18351 ..... E 10–1–65 D 10–1–65	Elder Oil Co. (successor to R. J. Braden, et al., d.b.a. South Fork Gas Co.).	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	R. J. Braden, et al., d.b.a. South Fork Gas Co., FPC GRS No. 7. Notice of succession 9–29–65.	2	.....
			Letter agreement 5–3–65.[4]	2	1
			Assignment 8–5–65[4]	2	2
			Effective date: 8–5–65.		
CI62–772 ..... E 10–1–65	do	do	R. J. Braden, et al., FPC GRS No. 9. Notice of succession 9–29–65.	3	.....
			Assignment 8–5–65[4]	3	1
			Effective date: 8–5–65.		
CI62–1000 ..... E 9–27–65 C 9–27–65	Janan Oil Co. (Operator), et al. (successor to W. W. Carter (Operator), et al.).	United Gas Pipe Line Co., South Cabeza Creek Field, Goliad County, Tex.	W. W. Carter (Operator), et al., FPC GRS No. 5. Notice of succession (undated).	1	.....
			Assignment 9–2–62[4]	1	1
			Assignment 5–11–65[4]	1	2
			Assignment 7–19–65[4]	1	3
CI62–1231 ..... E 10–1–65	Elder Oil Co. (successor to R. J. Braden, et al., d.b.a. Long Run Development Co.).	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	R. J. Braden, et al., d.b.a. Long Run Development Co., FPC GRS No. 10. Notice of succession 9–29–65.	4	.....
			Assignment 8–5–65[4]	4	.....
			Effective date: 8–5–65.		1
CI63–225 ..... E 8–27–65[4]	Amax Petroleum Corp. (Operator), et al. (successor to J. M. Flaitz, et al.).	Florida Gas Transmission Co., Bayou-Malley Field, Acadia Parish, La.	J. M. Flaitz, et al., [9] FPC GRS No. 3.	20	.....
			Supplement Nos. 1–2 [2]	20	1–2
CI63–548 ..... D 9–29–65	Phillips Petroleum Co. (Operator), et al., (partial abandonment).	Northern Natural Gas Co., Anadarko Basin Area, Beaver County, Okla.	Notice of partial cancellation 9–27–65.[1] [2]	389	6
CI63–663 ..... C 9–30–65[10]	Sinclair Oil & Gas Co. (Operator), et al.	Lone Star Gas Co., E. Doyle Field, Stephens County, Okla.	Ratification agreement 7–6–65.[7] [11]	239	6
CI63–1206 ..... C 10–4–65[13]	Texaco Inc.	Kansas-Nebraska Natural Gas Co., Inc., Frontier Formation, Alkali Butte Unit, Fremont County, Wyo.	Letter agreement 8–27–65.[7]	321	2
CI64–2 ..... A 7–1–63	Skelly Oil Co.[12]	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	Contract 6–3–63	189	.....
CI64–175 ..... C 9–27–65[13]	Pan American Petroleum Corp. (Operator), et al.	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	Amendment 8–13–65[7]	363	7
CI64–680 ..... A 12–11–63 2–12–65[14]	Geological Exploration Co. (Operator), et al.	Lone Star Gas Co., acreage in Rusk County, Tex.	Contract 11–13–63	1	.....
			Letter 1–2–64[11]	1	1
			Amendment 3–29–65[11]	1	2
			Assignment 1–29–64[11]	1	3
CI64–731 ..... C 9–20–65[10]	King Resources Co. (Operator), et al.	Northern Natural Gas Co., Northeast Dower Area, Beaver County, Okla.	Supplemental agreement 3–23–65.[7]	5	1
CI65–1241 ..... A 5–27–65[10]	Hunt Oil Co.[15]	Panhandle Eastern Pipe Line Co., acreage in Woodward and Dewey Counties, Okla.	Contract 4–20–65	60	.....

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[2] Braden Drilling, Inc., and Westmore Drilling Co., Inc. (Operator), et al.

[3] Hassie Hunt Trust and the Preston Oil Co. (Operator), et al.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI66–272 ..... A 10–1–65[11]	Petroleum Resources, Inc.	Consolidated Gas Supply Corp., Collins Settlement District, Lewis County, W. Va.	Contract 7–29–65[7]	6	.....
CI66–273 ..... A 10–1–65[11]	Pauley Petroleum Inc. (Operator), et al.	United Gas Pipe Line Co., Glendale Dome Area, Trinity County, Tex.	Contract 9–7–65[7]	6	.....
CI66–274 ..... (G–16927) B 10–5–65	Colorado Oil & Gas Corp.	Panhandle Eastern Pipe Line Co., West Plains Field, Seward County, Kans.	Notice of cancellation 10–4–65.[1] [3]	40	2
CI66–275 ..... A 10–5–65[11]	Cabot Corp. (SW) (Operator), et al.	Southern Natural Gas Co., Lisbon Upper Field, Iberville Parish, La.	Contract 9–28–65	77	.....
CI66–276 ..... A 10–4–65[11]	C. F. Raymond	El Paso Natural Gas Co., acreage in La Plata County, Colo.	Contract 9–7–65	1	.....
CI66–277 ..... A 10–4–65	Texaco, Inc.	Orange Transmission Co., Pere Canyon Unit, Grand and Uintah Counties, Utah.	Contract 5–26–65[7]	359	.....
CI66–279 ..... A 10–4–65[11]	Pioneer Production Corp. (Operator), et al.	Panhandle Eastern Pipe Line Co., acreage in Hamilton County, Kans.	Contract 8–25–65[7]	30	.....
CI66–280 ..... (CI–15921) B 10–4–65	Edison J. Parsons, et al.	Red Bird Field, Bearhead Creek Field, Beauregard Parish, La.	Notice of cancellation 5–14–65.[1] [3]	1	4
CI66–282 ..... A 9–29–65[10]	Arkansas Louisiana Gas Co., Red Oak Field, Latimer and Le Flore Counties, Okla.	W. W. Harvey and W. C. Sojourner	Contract 9–21–65[11] Contract 1–12–63 Agreement 3–16–63	1 1 1	1 2 .....
CI66–283 ..... A 10–4–65[10]	Socony Mobil Oil Co., Inc.	Kansas-Nebraska Natural Gas Co., Inc., Southeast Liberal Area, Beaver and Texas Counties, Okla.	Contract 4–29–65[7]	378	.....
A CI66–286 ..... (CI01–1086) F 10–6–65	Jack L. Phillips (successor to Humble Oil & Refining Co.).	United Gas Pipe Line Co., Mount Selman Field, Cherokee County, Tex.	Contract 4–26–56[11] Letter Agreement 4–26–56.	3 3	1 .....
CI66–287 ..... A 10–7–65[11]	Kilroy Properties Inc., et al.	Transcontinental Gas Pipe Line Corp., Vermillion Parish, La.	Effective date: 8–19–65. Contract 8–11–65	5	.....

[1] Source of gas depleted.
[2] Effective date: Date of this order.
[3] Letters agreement between R. J. Braden, et al., and Consolidated deleting acreage from basic contract for failure to fulfill drilling commitments required by original lease. Braden did not file to delete such acreage.
[4] Assignment whereby Janan Oil Co. acquired certain interests in the acreage dedicated to the basic contract (40 acres) plus interest in an additional 204 acres, effective Sept. 2, 1962 and May 11, 1965.
[5] Adds acreage and reflects Janan Oil Co. as the seller party.
[6] Effective date: Date of initial delivery.
[7] Supplement to the certificate filed by Amax Petroleum Corp. (Operator), et al., to succeed J. M. Flaitz et al. as operator only.
[8] Amax Petroleum Corp. is signatory to the basic contract. All parties will retain their respective interest.
[9] July 1, 1967, moratorium date pursuant to Commission's Statement of General Policy 61–1, as amended.
[10] Adopts basic contract of Sinclair to include interest of co-owner, McCasland, Inc.
[11] January 1, 1968, moratorium date pursuant to Commission's Statement of General Policy 61–1, as amended.
[12] Assignment whereby Michigan Wisconsin Pipe Line Co. acquired certain interests in the acreage dedicated to the basic contract (40 acres) plus interest in an additional 204 acres, effective Sept. 2, 1962 and May 11, 1965.
[13] Applicant requests that its certificate application be amended to reflect designation to (Operator), et al.
[14] Supp. accepts conditions of temporary certificated dated Dec. 31, 1963.
[15] Amends contract to eliminate indefinite pricing provisions; et al." parties. Effective date Mar. 15, 1965, applies only to Supp. No. 3; all other filings have been previously accepted.
[16] By letter filed Oct. 28, 1965, Applicant advised willingness to accept a permanent certificate upon the same terms as the temporary (Opinion No. 350, excluding "it–200" condition).
[17] Between Braden Drilling Co. and Cities Service—adopts terms of contract between Champlin Oil & Refining Co. and Cities Service (Supp. No. 1); on file as Braden Drilling, Inc., FPC GRS No. 8.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
A CI66–13 ..... (CI68–1046) F 7–6–65	Westmore Drilling Co., Inc. (Operator), et al. (successor to Champlin Oil & Refining Co.).	Cities Service Gas Co., Hugoton-Panoma Gas Pool, Barber County, Kans.	Contract 10–29–62[11] Contract 11–4–58[7] [8] Amendment 5–23–60[11] Assignment 9–1–62[12] Assignment 12–10–64[8] Assignment 12–14–64[8] Assignment dated 12–10–64	3 3 3 3 3 3	1 2 3 4 5 6
CI66–68 ..... E 10–1–65	Elder Oil Co. (successor to R. J. Braden, et al., d.b.a. Long Run Development Co.).	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	R. J. Braden, et al. d.b.a. Long Run Development Co., FPC GRS No. 13. Notice of succession 9–29–65.	5	.....
			Assignment 8–5–65[4]	5	1
			Effective date: 8–5–65.		
CI66–129 ..... C 10–4–65[11]	Joseph E. Seagram & Sons, Inc., d.b.a. Texas Pacific Oil Co.	El Basin Dakota Field, San Juan County, N. Mex.	Natural Gas Co., Supplement agreement 9–21–65.[7]	80	1
A CI66–156 ..... (CI–14303) F 8–19–65	The Preston Oil Co. (Operator), et al. (successor to Hassie Hunt Trust).	Transcontinental Gas Corp., Bills Field, Acadia Parish, La.	Contract 10–31–57[8] Letter agreement 8–25–58.[8] Assignment 6–17–65.[4]	32 32 32	1 2 .....
A CI66–231 ..... (CI64–1154) F 9–24–65	Crystal Oil & Land Co. (Operator), et al. (successor to Hyden & Jimmie B. Myers, d.b.a. Hyden & Myers (Operator), et al.).	Landa Oil Co., Orange Grove Field, Jim Wells County, Tex.	Contract 9–21–65[8] Effective date: 4–1–64. Assignment 7–10–64[4] Effective date: 7–1–64.	15 15 15	1 2 .....
CI66–255 ..... A 9–30–65[11]	Union Oil Co. of Calif.	Southern Union Gathering Co., Basin Dakota Pool, San Juan County, N. Mex.	Contract 11–30–64. Letter agreement 1–27–65.[7] [8]	159 159	1 .....
CI66–260 ..... A 9–29–65[13]	Edison J. Parsons, et al.	Consolidated Gas Supply Corp., Ripley and Union Districts, Jackson County, W. Va.	Contract 6–15–65. Letter agreement 7–22–65.[7] [8]	1 1	 1
CI66–261 ..... A 9–29–65[13]	C. C. Cottrills, Agent for Neels Run Oil & Gas Co.	Consolidated Gas Supply Corp., McClellan District, Doddridge County, W. Va.	Contract 7–7–65[7]	4	.....
CI66–263 ..... A 9–29–65[11]	Walter F. Smith, et al., d.b.a. Walter & Edward Smith.	Consolidated Gas Supply Corp., Smithburg District, Calhoun County, W. Va.	Contract 7–23–65[7]	19	.....
CI66–264 ..... A 9–30–65[13]	J. B. Dale, et al., d.b.a. Dale Drilling Co., et al.	Consolidated Gas Supply Corp., Washington District, Calhoun County, W. Va.	Contract 7–28–65[7]	1	.....
CI66–265 ..... A 9–30–65[13]	Bush & Williams, et al.	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	Contract 7–29–65[7]	2	.....
CI66–266 ..... A 9–30–65[13]	James F. Scott, et al., d.b.a. M. Justice Well No. 1.	Consolidated Gas Supply Corp., McClellan District, Doddridge County, W. Va.	Contract 7–14–65[7]	5	.....
CI66–267 ..... A 9–30–65[13]	Bowers Drilling Co., Inc.	Cities Service Gas Co., I.L.S. Field, Barber County, Kans.	Contract 9–16–65[7]	5	.....
CI66–268 ..... A 9–30–65[13]	Crystal Oil & Land Co.	Texas Eastern Transmission Corp., Northeast Lisbon Area, Webster and Claiborne Parish, La.	Contract 9–15–65. Letter agreement 9–15–65.[7] [8]	14 14	 1
CI66–270 ..... A 10–1–65[13]	Caroline Gruss, et al.	Mountain Fuel Supply Co., South Baggs Unit, Carbon County, Wyo.	Contract 8–9–65[7]	1	.....
CI66–271 ..... A 10–1–65[13]	Petroleum Promotions, Inc.	Consolidated Gas Supply Corp., Glimer District, Gilmer County, W. Va.	Contract 8–9–65[7]	16	.....

See footnotes at end of table.

[6] Contains 100 percent take-or-pay provision with 2-year make up period.
[7] Deletes indefinite pricing provisions from contract.
[8] From Champlin Oil & Refining Co., et al. to Braden Drilling, Inc.
[9] From Braden Drilling, Inc., to K & E Drilling, Inc. (K & E's interest to be covered by Westmore).
[10] Assignment of ½ interest from K & E Drilling, Inc., to Barnett Oil Co. (Barnett's interest to be covered by Westmore).
[11] Assignment of ¼ interest each to H. W. Skinner Online Lumber Co., Inc., and Westmore Drilling Co., Inc. (Skinner's interest to be covered by Westmore).
[12] Basic contract between Hassie Hunt Trust and Texas Gas Transmission Corp., on file as Hassie Hunt Trust FPC GS Rate No. 20.
[13] Corrects errors in Exhibit A of basic contract.
[14] Transfers the interest from Hassie Hunt Trust to the Preston Oil Co. Hunt retains a 30 percent overriding royalty on oil, other hydrocarbons, and gas, including casinghead gas, and other gaseous substances.
[15] Basic contract between J. T. Reaves and Jimmie H. Myers d.b.a. Reaves & Myers (sellers) and J. A. Hendl, Trustee (buyer and predecessor of Landa Oil Co.). Contract presently on file as A. G. Hyden & Jimmie H. Myers d.b.a. Hyden & Myers (Operator), et al.
[16] Assignment from Glenn Hyden and Jimmie H. Myers to Crystal Oil and Land Co.
[17] Provides for last periodic increase to end on Dec. 31, 1978 and for redetermination for the period commencing Jan. 1, 1979 and ending upon termination.
[18] Adds acreage.
[19] Amends quantity provision.
[20] Facilities contract between buyer and Joseph E. Seagram & Sons, Inc., dated Jan. 29, 1962, as amended.
[21] Basic contract between Humble Oil & Refining Co. and buyer, on file as Humble's FPC GRS No. 297.

[F.R. Doc. 65-12764; Filed, Nov. 30, 1965; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16684]

INCREASED EASTERN AIR LINES JET FARES

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on December 7, 1965, at 10 a.m., e.s.t., in Room 726, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Robert L. Park.

Dated at Washington, D.C., November 24, 1965.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 65-12838; Filed, Nov. 30, 1965; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 92]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 26, 1965.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 4041 (Sub-No. 23 TA), filed November 23, 1965. Applicant: QUINN FREIGHT LINES, INC., 1093 North Montello Street, Brockton, Mass. Applicant's representative: Mary E. Kelley, 10 Tremont Street, Boston, Mass., 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal cutting and mine drilling machines, and parts therefor*, from Claremont, N.H., to points in Kentucky, for 180 days. Supporting shipper: Joy Manufacturing Co., 61 Main Street, Claremont, N.H. Send protests to: Richard D. Mansfield, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 30 Federal Street, Boston, Mass., 02110.

No. MC 50640 (Sub-No. 1 TA), filed November 23, 1965. Applicant: PAULS TRUCKING CORPORATION, 209 Walter Street, South Plainfield, N.J. Applicant's representative: Charles J. Williams, 1060 Broad Street, Newark, N.J., 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise*, as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, between Cranford, N.J., on the one hand, and, on the other, points in Suffolk County, N.Y., and Bucks County, Pa., under a continuing contract or contracts with Supermarkets Operating Co., of Union, N.J., for 150 days. Supporting shipper: Supermarkets Operating Co., 1416 Morris Avenue, Union, N.J., 07083. Send protests to: Robert S. H. Vance, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1060 Broad Street, Newark, N.J., 07102.

No. MC 107403 (Sub-No. 655 TA), filed November 23, 1965. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa., 19050. Applicant's representative: C. W. Zook (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium sulphate* (salt cake), in bulk, in tank vehicles, from Lewistown, Pa., to Baltimore, Md., for 150 days. Supporting shipper: FMC Corp., 633 Third Avenue, New York, N.Y., 10017. Send protests to: Ross A. Davis, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 900 U.S. Customhouse, Philadelphia, Pa., 19106.

No. MC 110525 (Sub-No. 757 TA), filed November 23, 1965. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downington, Pa., 19335. Applicant's representative: Edwin H. van Deusen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resins*, dry, in bulk, in tank or hopper-type vehicles, from the plantsite of the Pantasote Corp. at or near Point Pleasant (Mason County), W. Va., to points in Alabama, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois (except points in Bond, Clinton, Jersey, Madison, Monroe, Perry, Randolph, St. Clair, and Washington Counties), Indiana, Iowa (except points on and west of U.S. Highway 67), Kentucky, Louisiana (except points on and west of U.S. Highway 67), Maine (except points in Aroostook and Penobscot Counties), Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, for 180 days. Supporting shipper: The Pantasote Co., 26 Jefferson Street, Passaic, N.J. Send protests to: Peter R. Guman, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 900 U.S. Courthouse, Philadelphia, Pa., 19106.

No. MC 119268 (Sub-No. 51 TA), filed November 23, 1965. Applicant: OSBORN, INC., 228 North Fourth Street, Post Office Box 649, Gadsden, Ala. Applicant's representative: Robert E. Tate, 2025 City Federal Building, Birmingham, Ala., 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tufted textile products, carpeting* and *rugs*, from points in Georgia, to points in Idaho, Oregon, Utah, and Washington, for 180 days. Supporting shippers: Trend Mills, Inc., Post Office Box 162, Rome, Ga.; Dan River Carpets, Post Office Box 249, Cartersville, Ga., 30120; J&C Carpet Co., Inc., Ellijay, Ga., 30540; E. T. Barwick Mills, Inc., Post Office Box 651, Dalton, Ga.; Trinity Carpets, Inc., Chatsworth, Ga.; Beautytuft, Inc., Post Office Box 789, Rossville, Ga.; Moccasin Bend Carpet Mills, Inc., Post Office Box 789, Rossville, Ga., 30741; Mir Mar Mills, Inc., Post Office Box 8236, Chattanooga, Tenn.; O. W. Jorges & Sons, Inc., Peerless Building, Post Office Box 789, Rossville, Ga.; and Philadelphia Carpet Co., Cartersville, Ga., 30120. Send protests to: B. R. McKenzie, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1325 City Federal Building, Birmingham, Ala., 35203.

No. MC 119208 (Sub-No. 52 TA), filed November 23, 1965. Applicant: OSBORN, INC., 228 North Fourth Street, Post Office Box 649, Gadsden, Ala. Applicant's representative: Robert E. Tate, 2025 City Federal Building, Birmingham, Ala., 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tufted textile products, carpeting* and *rugs*, from Chattanooga, Tenn., to points in Idaho, Oregon, Utah, and Washington, for 180 days. Supporting shipper: Heritage Carpet Mills, 1428 Park Avenue, Chattanooga, Tenn., 37408. Send protests to: B. R. McKenzie, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1325 City Federal Building, Birmingham, Ala., 35203.

No. MC 124170 (Sub-No. 10 TA), filed November 23, 1965. Applicant: FROSTWAYS, INC., 2450 Scotten, Detroit, Mich., 48209. Applicant's representative: Robert D. Schuler, Suite 1700, One Woodward Avenue, Detroit, Mich., 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts*, as defined by the Commission in section A of appendix I of 61 MCC 209 and 766, from Detroit, Mich., to points in Ohio, for 150 days. Supporting shippers: Crown Packing Co., 2900 Orleans, Detroit, Mich., 48207; Great Markwestern Packing Co., 1825 Scott Street, Detroit, Mich., 48207; Orleans Poultry Co., 3031 Russell Street, Detroit, Mich., 48207; Kay Packing, Inc., 2800 Standish, Detroit, Mich., 48232; and, Gunsberg Bros. Packing Co., 2001 Brewster Street, Detroit, Mich., 48207. Send protests to: Gerald J. Davis, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1110 Broderick Tower, 10 Witherell, Detroit, Mich., 48226.

No. MC 124328 (Sub-No. 19 TA), filed November 23, 1965. Applicant: BRINK'S, INCORPORATED, 234 East 24th Street, Chicago, Ill., 60616. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Currency, coin and securities*, between Boston, Mass., and Brattleboro, Bellows Falls, and Springfield, Vt., for 150 days. Supporting shipper: Federal Reserve Bank of Boston, Boston, Mass. Send protests to: Raymond E. Mauk, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1086 U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill., 60604.

No. MC 127730 TA, filed November 23, 1965. Applicant: A. A. A. CARTAGE, INC., 8636 West Harrison Avenue, Milwaukee, Wis., 53227. Applicant's representative: Wm. C. Dineen, 412 Empire Building, 710 North Plankinton Avenue, Milwaukee, Wis., 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods, as defined by the Commission, commodities requiring special equipment, commodities in bulk, class A and B explosives, and those injurious or contaminating to other lading), restricted to the transportation of shipments having an immediately prior or subsequent movement by air, between O'Hare Air Field, Cook County, Ill., on the one hand, and, on the other, points in Milwaukee County, Wis., under a continuing contract with Airborne Freight Corp., for 180 days. Supporting shipper: Airborne Freight Corp., International Airport, San Francisco 28, Calif.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 65-12819; Filed, Nov. 30, 1965; 8:46 a.m.]

[Notice 375]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

NOVEMBER 26, 1965.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 3560 (Deviation No. 7), GENERAL EXPRESSWAYS, INC., 1205 South Platte River Drive, Denver, Colo., 80223; Carrier's representative: Ken Wolford (same address as applicant), filed November 12, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between junction U.S. Highway 30 and the Pennsylvania Turnpike near Irwin, Pa., and Lancaster, Pa., over U.S. Highway 30, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follow: (1) From Canton, Ohio, over U.S. Highway 30 to junction Pennsylvania Turnpike near Irwin, Pa., thence over the Pennsylvania Turnpike to junction U.S. Highway 11, thence over U.S. Highway 11 to Harrisburg, Pa.; and (2) from Canton, Ohio, to Harrisburg, Pa., as described above, thence over U.S. Highway 230 to Lancaster, Pa.; and return over the same routes.

No. MC 5888 (Deviation No. 3), MID-AMERICAN TRUCK LINES, INC., 912 Baltimore Avenue, Suite 508, Kansas City, Mo., 64105, filed November 15, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Kansas City, Mo., over Interstate Highway 70 to junction Interstate Highway 270 (west of St. Louis, Mo.), thence over Interstate Highway 270 to junction U.S. Highway 66 (and completed portions of Interstate Highway 55), thence over U.S. Highway 66 (and completed portions of Interstate Highway 55) to junction U.S. Highway 36 at Springfield, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follow: (1) From St. Joseph, Mo., over U.S. Highway 36 to Springfield, Ill., thence over U.S. Highway 66 to Chicago, Ill.; (2) from Platts-burg, Mo., over Missouri Highway 116 to junction U.S. Highway 169, thence over U.S. Highway 169 to Kansas City, Kans.; (3) from Lathrop, Mo., over Missouri Highway 116 to junction U.S. Highway 169, thence over U.S. Highway 169 to St. Joseph, Mo.; (4) from Kansas City, Mo., over U.S. Highway 40 to Victory Junction, Kans., thence over U.S. Highway 73 to Hiawatha, Kans.; and (5) from St. Joseph, Mo., over U.S. Highway 59 to Lawrence, Kans.; and return over the same routes.

No. MC 5888 (Deviation No. 4), MID-AMERICAN TRUCK LINES, INC., 912 Baltimore Avenue, Suite 508, Kansas City, Mo., 64105, filed November 15, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Kansas City, Mo., over Interstate Highway 70 to junction U.S. Highway 54, thence over U.S. Highway 54 to junction U.S. Highway 36 west of Pittsfield, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follow: (1) From St. Joseph, Mo., over U.S. Highway 36 to Springfield, Ill., thence over U.S. Highway 66 to Chicago, Ill., (2) from Plattsburg, Mo., over Missouri Highway 116 to junction U.S. Highway 169, thence over U.S. Highway 169 to Kansas City, Kans.; (3) from Lathrop, Mo., over Missouri Highway 116 to junction U.S. Highway 169, thence over U.S. Highway 169 to St. Joseph, Mo.; (4) from Kansas City, Mo., over U.S. Highway 40 to Victory Junction, Kans., thence over U.S. Highway 73 to Hiawatha, Kans.; and (5) from St. Joseph, Mo., over U.S. Highway 59 to Lawrence, Kans.; and return over the same routes.

No. MC 109095 (Deviation No. 11), ANDERSON MOTOR SERVICE, INC., 1516 East 14th Street, St. Louis, Mo., 63106, filed November 15, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*,

with certain exceptions, over a deviation route as follows: Between junction U.S. Highway 224 and Interstate Highway 71 and Cleveland, Ohio, over Interstate Highway 71, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Akron, Ohio, over U.S. Highway 224 to junction Ohio Highway 4, thence over Ohio Highway 4 to junction U.S. Highway 20, thence over U.S. Highway 20 to Cleveland, Ohio, and return over the same route.

No. MC 111231 (Deviation No. 25), JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark., 72764, filed November 18, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Oklahoma City, Okla., over Interstate Highway 40 to junction with U.S. Highway 69 near Checotah, Okla., thence over U.S. Highway 69 to Muskogee, Okla., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: Between Oklahoma City, Okla., and Muskogee, Okla., over U.S. Highway 62.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 275), GREYHOUND LINES, INC. (EASTERN GREYHOUND LINES DIVISION), 1400 West 3d Street, Cleveland, Ohio, 44113, filed November 12, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, over deviation routes as follow: (1) From Newport News, Va., Patrick Henry Interchange, Interstate Highway 64 (junction Interstate Highway 64 and Virginia Highways 143 and 168), over Interstate Highway 64 to junction Virginia Highway 168, Camp Peary Interchange, Interstate Highway 64 (northwest of Williamsburg, Va.); (2) from junction Interstate Highway 64 and Virginia Highway 105 (Newport News, Va.), over Virginia Highway 105 to junction U.S. Highway 60 (Newport News, Va.); (3) from junction Interstate Highway 64 and Virginia Highway 105 (Newport News, Va.), over Virginia Highway 105 to junction Virginia Highway 168 (Newport News, Va.); (4) from Williamsburg, Va., eastbound over Virginia Highway 168 to junction access road to Interstate Highway 64 near the western city limits of Newport News, Va., thence over access road to Interstate Highway 64; (5) from junction Interstate Highway 64 and access road to Virginia Highway 168 west of York-James City County Line, over access road to Virginia Highway 168, thence over Virginia Highway 168 to Williamsburg, Va.; (6) from Williamsburg, Va., over Virginia Highway 168 to junction Interstate Highway 64 at Camp Peary Interchange, Interstate Highway 64; (7) from Bottoms Bridge, Va. (junction U.S. Highway 60 and Virginia Highway 33), over Virginia Highway 33 to junction Interstate Highway 64, thence over Interstate Highway 64 to junction Virginia Highway 672 (Laburnum Avenue), thence over Virginia Highway 672 to Richmond, Va. (junction U.S. Highway 1); (8) from Interchange Interstate Highway 64 and 60 Connector Access Highway, over 60 Connector Access Highway to junction U.S. Highway 60 west of Sandston, Va.; and (9) from Interstate Highway 64, Camp Peary Interchange via the Camp Peary Interchange and Security Road, to Camp Peary; and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follow:

(1) From Morrison, Va., over U.S. Highway 60 to Lee Hall, Va., thence over Virginia Highway 168 to junction Virginia Highway 238, thence over Virginia Highway 238 to Yorktown, Va.; (2) from Fortress Monroe, Va., over U.S. Highway 60 via Newport News, Va., to junction U.S. Highway 17; (3) from Lee Hall, Va., over U.S. Highway 60 to junction Virginia Highway 174, thence over Virginia Highway 174 to junction Virginia Highway 238, thence return over Virginia Highway 174 to junction U.S. Highway 60, thence over U.S. Highway 60 to Richmond, Va.; (4) from Williamsburg, Va., over Virginia Highway 5 (formerly shown as portion of Virginia Highway 168), to junction Virginia Highway 168, thence over Virginia Highway 168 to Newport News, Va.; (5) from Williamsburg, Va., over the Colonial Highway (formerly National Highway) to Yorktown, Va., thence over U.S. Highway 17 to junction Virginia Highway 168; (6) from Norfolk, Va., over Hampton Roads Bridge-Tunnel route to junction Virginia Highway 168; (7) from junction Virginia Highways 168 and 162 over Virginia Highway 168 via junction Virginia Highway 31 to junction Virginia Highway 168Y, thence over Virginia Highway 168Y to junction U.S. Highway 60; and (8) from Williamsburg, Va., over Virginia Highway 31 to junction Virginia Highway 168; and return over the same routes.

No. MC 1515 (Deviation No. 276), GREYHOUND LINES, INC. (CENTRAL GREYHOUND LINES DIVISION), 210 East 9th Street, Forth Worth, Tex., 76102, filed November 15, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage* and *express* and *newspapers*, in the same vehicle with passengers, over a deviation route as follows: From the North Dakota-Montana State line over Interstate Highway 94 to Billings, Mont., thence over Interstate Highway 90 to Butte, Mont., and return over the same route, for operating convenience only The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follows: (1) From Casselton, N. Dak., over North Dakota Highway 18 to junction U.S. Highway 10, thence over U.S. Highway 10 to Billings, Mont.; and (2) from Billings, Mont., over U.S. Highway 10 to junction U.S. Highway 10S, thence over U.S. Highway 10S to Butte, Mont.; and return over the same routes.

No. MC 1515 (Deviation No. 277), GREYHOUND LINES, INC. (CENTRAL GREYHOUND LINES DIVISION), 210 East 9th Street, Forth Worth, Tex., 76102, filed November 15, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage* and *express* and *newspapers*, in the same vehicle with passengers, over a deviation route as follows: Between Butte, Mont., and Great Falls, Mont., over Interstate Highway 15, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same passengers and the same property over a pertinent service route as follows: Between Butte, Mont., and Great Falls, Mont., over U.S. Highway 91.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-12820; Filed, Nov. 30, 1965; 8:46 a.m.]

[Notice 849]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

NOVEMBER 26, 1965.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 52458 (Sub-No. 203) (Amendment), filed August 30, 1965, published in FEDERAL REGISTER issue of September 9, 1965, amended November 12, 1965, and republished as amended this issue. Applicant: T. I. McCORMACK TRUCKING CO., INC., U.S. Route 9 at Green Street, Woodbridge, N.J., 07095. Applicant's representative: Chester A. Zyblut, 1000 Connecticut Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash*, in bulk, in tank or hopper type vehicles, from Solvay, N.Y., to Carteret, N.J. NOTE: The purpose of this republication is to more clearly set forth the territorial description.

HEARING: December 13, 1965, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William E. Messer.

No. MC 109064 (Sub-No. 11) (Amendment), filed November 12, 1965, amended November 18, 1965, and republished, as amended, this issue. Applicant: TEX-O-KA-N TRANSPORTATION COMPANY, INC., 221 Northeast 28th Street, Post Office Box 4278, Fort Worth, Tex. Applicant's representative: Clayte Binion, Century Life Building, Fort Worth, Tex., 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials*, and *supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, between points in the United States (except Alaska and Hawaii). NOTE: The purpose of this republication is to broaden the proposed operation.

HEARING: Remains as assigned December 13, 1965, at the Baker Hotel, Dallas, Tex., before Examiner Wm. N. Culbertson.

No. MC 115491 (Sub-No. 77) (Amendment), filed September 13, 1965, published in FEDERAL REGISTER issue of September 30, 1965, amended November 12, 1965, and republished as amended, this issue. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, Auburndale, Fla. Authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plantsite of Carolina Paper Mills, Inc., at or near Rockingham, N.C., to Dothan, Ala., points in Florida, and points in Georgia, on and south of U.S. Highway 80. NOTE: The purpose of this republication is to add Dothan, Ala., to the destination states.

HEARING: Remains as assigned January 21, 1966, at the Mayflower Hotel, Jacksonville, Fla., before William A. Royall.

Nos. MC 111729 (Sub-No. 79) MC 111729 (Sub-No. 95), and MC 111729 (Sub-No. 102) (Corrected republication), filed May 14, June 17, and June 25, 1965, respectively, published FEDERAL REGISTER issues of June 3, July 9, July 21, and November 17, 1965, respectively, and republished, this issue. Applicant: ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. Applicant's representative: Russell S. Bernhard, Commonwealth Building, 1625 K Street NW., Washington, D.C. This republication is to correct the publication of the findings in Order of the Commission, Operating Rights Board No. 1, dated October 28, 1965, and served November 3, 1965. Part (1)(c) of the publication of the findings should have read: "Between Clarksburg, W. Va., on the one hand, and, on the other, Alliance and Columbiana, Ohio," and Part (4)(c) of the publication of the findings, erred in the spelling of the city of *Morehead*, Ohio.

No. MC 118756 (Sub-No. 1) (Republication), filed June 21, 1965, published FEDERAL REGISTER issue of July 21, 1965, and republished, this issue. Applicant: LLOYD R. McCANDLISH, doing business as McCANDLISH TRUCKING, 302 Mulberry Street, Bremen, Ohio. Applicant's representative: Paul F. Beery, Columbus Center, 100 East Broad Street, Columbus, Ohio. By application filed June 21, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of the commodity, from and to the points indicated below in seasonal operations between April and October. An Order of the Commission, Operating Rights Board No. 1, dated November 17, 1965, and served November 23, 1965, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *chain*, from Bremen, Ohio, to Toledo and Cleveland, Ohio; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 115491 (Sub-No. 77) (Amendment), filed September 13, 1965, published in FEDERAL REGISTER issue of September 30, 1965, amended November 12, 1965, and republished as amended, this issue. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, Auburndale, Fla. Authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plantsite of Carolina Paper Mills, Inc., at or near Rockingham, N.C., to Dothan, Ala., points in Florida, and points in Georgia, on and south of U.S. Highway 80. NOTE: The purpose of this republication is to add Dothan, Ala., to the destination states.

HEARING: Remains as assigned January 21, 1966, at the Mayflower Hotel, Jacksonville, Fla., before William A. Royall.

Nos. MC 111729 (Sub-No. 79) MC 111729 (Sub-No. 95), and MC 111729 (Sub-No. 102) (Corrected republication), filed May 14, June 17, and June 25, 1965, respectively, published FEDERAL REGISTER issues of June 3, July 9, July 21, and November 17, 1965, respectively, and republished, this issue. Applicant: ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. Applicant's representative: Russell S. Bernhard, Commonwealth Building, 1625 K Street NW., Washington, D.C. This republication is to correct the publication of the findings in Order of the Commission, Operating Rights Board No. 1, dated October 28, 1965, and served November 3, 1965. Part (1)(c) of the publication of the findings should have read: "Between Clarksburg, W. Va., on the one hand, and, on the other, Alliance and Columbiana, Ohio," and Part (4)(c) of the publication of the findings, erred in the spelling of the city of *Morehead*, Ohio.

No. MC 118756 (Sub-No. 1) (Republication), filed June 21, 1965, published FEDERAL REGISTER issue of July 21, 1965, and republished, this issue. Applicant: LLOYD R. McCANDLISH, doing business as McCANDLISH TRUCKING, 302 Mulberry Street, Bremen, Ohio. Applicant's representative: Paul F. Beery, Columbus Center, 100 East Broad Street, Columbus, Ohio. By application filed June 21, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of the commodity, from and to the points indicated below in seasonal operations between April and October. An Order of the Commission, Operating Rights Board No. 1, dated November 17, 1965, and served November 23, 1965, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *chain*, from Bremen, Ohio, to Toledo and Cleveland, Ohio; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 123327 (Sub-No. 5) (Republication), filed April 9, 1965, published FEDERAL REGISTER issue of April 28, 1965, and republished, this issue. Applicant: RALPH M. BARTHOLOMEW, doing business as IRELAND TRANSFER & STORAGE CO., 102 Front Street, Ketchikan, Alaska. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. By application filed April 9, 1965, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of the commodities, between the points substantially as indicated in the findings below. An Order of the Commission, Operating Rights Board No. 1, dated November 17, 1965, and served November 23, 1965, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *household goods*, as defined by the Commission, between points in Alaska south and east of the international boundary line between the United States and Canada north of Haines, Alaska, on the one hand, and, on the other, Tok Junction, Alaska, and Blaine and Sumas, Wash., restricted to the transportation of traffic which has been received or delivered to connecting carriers; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 126537 (Sub-No. 6) (Republication), filed March 12, 1965, published FEDERAL REGISTER issue of April 1, 1965, and republished, this issue. Applicant: KENT I. TURNER, KENNETH E. TURNER, AND ERVIN L. TURNER, a partnership, doing business as TURNER EXPEDITING SERVICE, Post Office Box 21132, Louisville, Ky. Applicant's representative: George M. Catlett, Suite 703-706, McClure Building, Frankfort, Ky., 40601. By application filed March 12, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of the commodities, and between the points indicated below, and restricted to the handling of shipments originally tendered for movement as airfreight and shipped by an airfreight carrier in substitution for air service. An order of the Commission, Operating Rights Board No. 1, dated November 10, 1965, and served November 18, 1965, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of *general commodities*, except classes A and B explosives, between Standiford Field, Louisville, Ky., on the one hand, and, on the other, O'Hare Field, Chicago, Ill.; that applicants are fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections

5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-9113 (HIRSCHBACH MOTOR LINES, INC.—CONTROL—BEAR MOUNTAIN MOTOR EXPRESS, INC.), published in the May 20, 1965, issue of the FEDERAL REGISTER on page 6894. By order dated October 7, 1965, by the Commission, Finance Board No. 1, the application was approved and authorized with a provision that certain operating rights of BEAR MOUNTAIN MOTOR EXPRESS, INC., be canceled concurrently with consummation. By petition and amendment filed November 19, 1965, applicants seek to reopen or reconsider the proceeding on the basis of amending the application whereby HIRSCHBACH MOTOR LINES, INC., seeks to purchase the following portion of the operating rights of BEAR MOUNTAIN MOTOR EXPRESS, INC.: *Bananas*, as a *common carrier*, over irregular routes, from New Orleans, La., to Lincoln and Hastings, Nebr., and Casper, Wyo., from Gulfport, Miss., to points in Kansas, Missouri, and Wyoming, from New Orleans, La., to Scottsbluff, McCook, and Holdrege, Nebr., and Topeka and Salina, Kans., from Mobile, Ala., to Topeka and Salina, Kans., Lincoln, Hastings, Scottsbluff, McCook, and Holdrege, Nebr., Salt Lake City, Utah, and Casper, Wyo.

No. MC-F-9265. Authority sought for control and merger by AERO TRUCKING, INC., Box 278, Rural Delivery No. 1, Oakdale, Pa., of the operating rights and property of McDADE TRANSFER CORPORATION, Post Office Box 152, 3310 Old William Penn Highway, Monroeville, Pa., and for acquisition by EDWARD J. CONTO, also of Oakdale, Pa., of control of such rights and property through the transaction. Applicants' attorney: Paul F. Beery, 100 East Broad Street, Columbus, Ohio, 43215. Operating rights sought to be controlled and merged: *Building materials, and construction supplies used in connection therewith, commodities (including accessories thereof), requiring rigging and erecting equipment, and machinery*, as a *common carrier*, over irregular routes, between points in Maryland, Virginia, West Virginia, Delaware, Pennsylvania, New York, New Jersey, and the District of Columbia; *aircraft assembly tools, jigs, and fixtures*, which by reason of their size or weight require the use of special equipment, from Middle River, Md., to Garland and Brady, Tex.; and *completed aircraft wings*, from Brady, Tex., to Middle River, Md. AERO TRUCKING, INC., is authorized to operate as a *common carrier* in Ohio, Pennsylvania, West Virginia, Illinois, Kentucky, Michigan, New York, Wisconsin, Indiana, Connecticut, Delaware, Maryland, Massachusetts, New Jersey, Rhode Island, Virginia, Tennessee, Alabama, Mississippi, Maine, New Hampshire, Vermont, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9266. Authority sought for control and merger by B & P MOTOR EXPRESS, INC., 51st Street and A.V.R.R., Pittsburgh, Pa., 15201, of the operating rights and property of BRISTOW LINES, Post Office Box 711, Richmond, Va., 23206. Applicants' attorneys: Samuel P. Delisi, 1515 Park Building, Pittsburgh, Pa., 15222, and L. Paul Byrne, 810 Insurance Building, 10 South 10th Street, Richmond, Va., 23207. Operating rights sought to be controlled and merged: *General commodities*, excepting among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Richmond, Va., and Baltimore, Md., serving all intermediate points unrestricted; and the off-route points of Ampthill, Richmond General Depot, near Ampthill, and Richmond Deepwater Terminal, Va., restricted against the transportation of livestock, two alternate routes for operating convenience only. B & P MOTOR EXPRESS, INC. is authorized to operate as a *common carrier* in Wisconsin, Ohio, Illinois, Pennsylvania, Maryland, Virginia, Michigan, Indiana, West Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9267. Authority sought for purchase by HAROLD F. DUSHEK, INC., 10th and Columbia Streets, Waupaca, Wis., of the operating rights and certain property of RALPH L. VOLK, doing business as VOLK'S TRUCKING, Post Office Box 186, Rock Springs, Wis., and for acquisition by HAROLD F. DUSHEK and MARGARET DUSHEK, both of 406 East Lake Street, Waupaca, Wis., of control of such rights and property through the purchase. Applicants' attorney: Edward Solie, Executive Building, Suite 100, 4513 Vernon Boulevard, Madison, Wis., 53705. Operating rights sought to be transferred: *Condensed whey*, as a *common carrier*, over irregular routes, from Hillpoint, Wis., to points in Illinois, Indiana, Iowa, Minnesota, and Wisconsin, within 350 miles of Hillpoint; *materials, equipment, and supplies*, used in the production of condensed whey, from points in Illinois, Indiana, Iowa, Minnesota, and Wisconsin, within 350 miles of Hillpoint, Wis., to Hillpoint, Wis.; *animal feed* and *poultry feed*, from certain specified points in Iowa, to certain specified points in Wisconsin; *animal and poultry feed*, from certain specified points in Minnesota, to certain specified points in Wisconsin; *fertilizer*, from Winona, Minn., to certain specified points in Wisconsin; and *feed* and *fertilizer*, between certain specified points in Wisconsin, on the one hand, and, on the other, Cedar Rapids, Iowa, and certain specified points in Illinois. Vendee is authorized to operate as a *common carrier* in Michigan, Wisconsin, Illinois, Iowa, Minnesota, North Dakota, South Dakota, Indiana, Ohio, and Missouri. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9268. Authority sought for purchase by JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa of the operating rights and property of DEWELL WILLIAM HOSKINS, doing business as HOSKINS' TRUCK SERVICE, 5th and Vine Streets, Malvern, Ark., and for acquisition by ROBERT L. JENKINS, also of Bettendorf, Iowa, of control of such rights and property through the purchase. Applicants' attorneys: R. Connor Wiggins, Jr., Suite 909, 100 North Main Building, Memphis, Tenn., and Louis Tarlowski, 914 Pyramid Life Building, Little Rock, Ark. Operating rights subject to be transferred: *Lumber*, as a *common carrier*, over irregular routes, from certain specified points in Arkansas, to Memphis, Tenn., and points in Oklahoma, Kansas, and Missouri, from certain specified points in Arkansas, to points in Tennessee within 10 miles of Memphis, Tenn., from certain specified points in Arkansas, to points in Texas, from certain specified points in Arkansas, to points in Illinois and Indiana, from certain specified points in Arkansas, to points in Iowa, from certain specified points in Arkansas to points in Illinois and Indiana, from Warren, Ark., to Peshtigo, Wis., points in Kentucky, and points in the Lower Peninsula of Michigan, from certain specified points in Arkansas to Peshtigo, Wis., from certain specified points in Arkansas, to points in Kentucky and Wisconsin, and those in the Lower Peninsula of Michigan, from certain specified points in Arkansas, to points in Iowa, Nebraska, and Tennessee (except Memphis); *tractors* and *stationary engines* and *attachments* and *parts* therefor when moving incidental to and in the same vehicle with tractors and stationary engines (not including tractors with vehicle beds, bed frames, or fifth wheels, nor any of the above-specified commodities which, because of size or weight, require the use of special equipment), from certain specified points in Iowa to points in Arkansas and Louisiana.

Restricted: The authority granted immediately above shall not be combined or joined directly or indirectly with any other authority held by carrier for the purpose of performing any through service; and *lumber* and *millwork*, from Warren, Ark., to Omaha, Nebr., and Tennessee; and in pending Docket No. MC-96025 Sub-27, covering the transportation of (1) tractors (not including tractors with vehicle beds, bed frames or fifth wheels), (2) agricultural machinery and implements, (3) industrial and construction machinery and equipment, (4) equipment designed for use in conjunction with tractors, (5) trailers designed for the transportation of commodities described above (other than those designed to be drawn by passenger automobiles), (6) attachments for the commodities described above, (7) internal combustion engines, and (8) parts of the commodities described in (1) through (7) above, when moving in mixed loads with such commodities, as a common carrier, over irregular routes, from the plant, warehouse sites, and experimental farms of Deere & Company located in Black Hawk and Dubuque Counties, Iowa, to points in Arkansas and Louisiana and returned, damaged and rejected shipments, on return, restricted to traffic originating at the plant, warehouse sites, and experimental farms named above.

Vendee is authorized to operate as a *common carrier* in all States in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC-F-9269. Authority sought for purchase by DRAKE MOTOR LINES, INC., York Street and Aramingo Avenue, Philadelphia, Pa., of a portion of the operating rights of LONG ISLAND DELIVERY CO., INC., Central Avenue, Farmingdale, N.Y., and for acquisition by MARTIN SHULMAN, HARRY SHULMAN, and the ESTATE OF BENJAMIN SHULMAN, all of Philadelphia, Pa., of control of such rights through the purchase. Applicants' attorneys: Herbert Burstein, 160 Broadway, New York, N.Y., and William Biederman, 280 Broadway, New York, N.Y. Operating rights sought to be transferred: *General commodities*, except class A and B explosives, dangerous chemicals, livestock, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, as a *common carrier*, over irregular routes, between New York, N.Y., on the one hand, and, on the other, points in Bergen, Hudson, and Essex Counties, N.J., points in that part of Passaic County, N.J., east and south of an imaginary straight line running from Riverdale, N.J., to Oakland, N.J., and points in that part of Union County, N.J., east of an imaginary straight line running from the northern boundary of Union County through Union, and Rahway, N.J., to the southern boundary of Union County. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, Ohio, Missouri, Kansas, Arkansas, Texas, Louisiana, Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, Tennessee, Kentucky, Illinois, Indiana, Michigan, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9270. Authority sought for purchase by PEOPLES EXPRESS CO., 497 Raymond Boulevard, Newark, N.J., of the operating rights of RICO TRANSPORTATION CO., INC., 360-380 Mount Pleasant Avenue, Wallington, N.J., and for acquisition by PHILIP L. DAMEO, 116 Fairfield Drive, Short Hills, N.J., of control of such rights through the purchase. Applicants' attorney and representatives: Morton E. Kiel and Bert Collins, both of 140 Cedar Street, New York, N.Y., and John Zachara, 192 McKinley Place, Ridgewood, N.J. Operating rights sought to be transferred: *General commodities*, except those of unusual value, and except dangerous explosives, household goods (when transported as a separate and distinct service in connection with so-called "household movings"), commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier*, over irregular routes, between points in Sussex, Passaic, Bergen, Essex, Morris, Warren, Union, Hunterdon, Somerset, Middlesex, Mercer, and Monmouth Counties, N.J., and that part of Burlington County, N.J., on and north of New Jersey Highway 40, on the one hand, and, on the other, New York, N.Y., and points in Nassau and Westchester Counties, N.Y. Vendee is authorized to operate as a *common carrier* in New York and New Jersey. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIER OF PASSENGERS

No. MC-F-9264. Authority sought for purchase by PROVIDENCE ARROW LINE, INC., Room 2211, 625 Eighth Avenue, New York, N.Y., of a portion of the operating rights of THE CHIEPPO BUS COMPANY, 192 Forbes Avenue, New Haven, Conn., and for acquisition by THOMAS STELMASZEK, EDWARD STELMASZEK, and SOPHIE STELMASZEK, and SUPER SERVICE BUS CO., all of Route 35, South Amboy, N.J., of control of such rights through the purchase. Applicants' attorneys: John R. Sims, Jr., 1750 Pennsylvania Avenue NW., Washington, D.C., 20006, and Thomas W. Murrett, 410 Asylum Street, Hartford, Conn. Operating rights sought to be transferred: Passengers and their baggage, and express, mail and newspapers in the same vehicle with passengers, as a *common carrier*, over regular routes, betweeen New Milford, Conn., and Ridgefield, Conn., serving all intermediate points; passengers and their baggage, between Danbury, Conn., and Brewster, N.Y., serving all intermediate points; and passengers and their baggage, and express mail, and newspapers in the same vehicle with passengers, and baggage of passengers in a separate vehicle, between Danbury, Conn., and South Norwalk, Conn., between Branchville, Conn., and Ridgefield, Conn., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Connecticut, New York, Rhode Island, and Massachusetts. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-12821; Filed, Nov. 30, 1965; 8:46 a.m.]

[Notice 851]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

NOVEMBER 26, 1965.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

Special notice. The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below:

SPECIAL RULES OF PROCEDURE FOR HEARING

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 115491 (Sub-No. 62) (Republication), filed March 29, 1965, published FEDERAL REGISTER issue of April 14, 1965, amended October 26, 1965, republished November 11, 1965, and republished this issue. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, Auburndale, Fla. Applicant's representative: M. Craig Massey, 223 South Florida Avenue, Post Office Drawer J, Lakeland, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Cameron and Hidalgo Counties, Tex., to points in Minnesota, Iowa, Nebraska, Colorado, Oklahoma, Arkansas, Louisiana, Mississippi, Wisconsin, Michigan, Illinois, Indiana, Kentucky, Tennessee, Alabama, Ohio, Georgia, North Carolina, South Carolina, Florida, Virginia, West Virginia, Pennsylvania, New York, New Jersey, Maryland, Delaware, Connecticut, Vermont, New Hampshire, Maine, Massachusetts, Rhode Island, District of Columbia, Kansas, and Missouri. NOTE: The purpose of this republication is to reflect the hearing information.

HEARING: January 18, 1966, at the Baker Hotel, Dallas, Tex., before Examiner David Waters.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-12822; Filed, Nov. 30, 1965; 8:46 a.m.]

[Notice 1266]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 26, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-67898. By order of November 23, 1965, Transfer Board approved the transfer to Ennid June Lund and Jerry Louis Lund, a partnership, doing business as Lund Truck Line, Las Vegas, Nev., of Certificate No. MC-40690 issued October 9, 1959, to Louis P. Lund, doing business as Louis R. Lund Truck Line, Las Vegas, Nev., authorizing the transportation of general commodities, excluding livestock and commodities in bulk, over regular route, between St. George, Utah, and Moapa, Nev., serving all intermediate points. Elwin C. Leavitt, Main Floor, Law Building, 229 Las Vegas Boulevard South, Las Vegas, Nev., 89101, attorney for applicants.

No. MC-FC-68275. By order of November 23, 1965, Transfer Board approved the transfer to Meade Transport, Inc., Owensboro, Ky., of the operating rights in Certificates Nos. MC-923 and MC-923 (Sub-No. 7) and Certificate of Registration No. MC-923 (Sub-No. 6), issued April 10, 1962, September 28, 1964, and August 27, 1964, respectively, to Meade Transfer, Inc., Brandenburg, Ky., authorizing the transportation, over regular routes, of general commodities, with the usual exceptions, and unrestricted between points in Kentucky. Robert M. Pearce, 1033 State Street, Bowling Green, Ky., attorney for applicants.

No. MC-FC-68276. By order entered November 23, 1965, Transfer Board approved the transfer to M. W. Dalton, Robert D. Dalton, and Maurice Wayne Dalton, a partnership, doing business as M. W. Dalton & Sons, 709 E Street, Hamburg, Iowa, the operating rights in Certificate No. MC-26174 issued March 13, 1952, to M. W. Dalton, 709 E Street, Hamburg, Iowa, authorizing the transportation, over irregular routes, of: General commodities, with the usual exceptions, and certain specified commodities, between points in Iowa and Nebraska.

No. MC-FC-68285. By order of November 23, 1965, Transfer Board approved the transfer to Jack Hunter, doing business as J. Hunter Express, Hawthorne, N.J., of Certificate in No. MC-126208, issued November 9, 1965, to Albert Garbarino, doing business as A. R. A. Trucking Co., Long Island City, N.Y., authorizing the transportation of: General commodities, with the usual exceptions including household goods and commodities in bulk, between points in Hudson and Essex Counties, N.J., on the one hand, and, on the other, New York, N.Y. Bert Collins, 140 Cedar Street, New York, N.Y., representative for transferee, and Robert B. Pepper, 297 Academy Street, Jersey City, N.J., representative for transferor.

No. MC-FC-68301. By order of November 23, 1965, Transfer Board approved the transfer to Amos Larry Quinn, doing business as Larry Quinn, Louisville, Miss., of the operating rights issued by the Commission May 24, 1961, under Permit No. MC-111677 (Sub-No. 3), to Bellipanni Brothers, Inc., Indianola, Miss., authorizing the transportation, over irregular routes, of brick and structural tile, from Macon, Miss., and points within 10 miles thereof, to points in Alabama, Arkansas, Florida, Georgia, Louisiana, and Tennessee, limited to service to be performed under a continuing contract with Delta Brick & Tile Co., Inc., of Indianola, Miss. Harold D. Miller, Jr., 700 Petroleum Building, Jackson, Miss., attorney for applicants.

No. MC-FC-68303. By order of November 23, 1965, Transfer Board approved the transfer to Nelson's Trucking Inc., Milford, Mass., of Certificate of Registration in No. MC-97621 (Sub-No. 1), issued July 2, 1964, to Baldo Di Leonardo, doing business as Nelson's Express, Wrentham, Mass., authorizing the transportation of: Property and general commodities between points in Massachusetts. Gerard J. Donovan, 37 Leighton Road, Hyde Park, Mass., 02136, representative for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-12823; Filed, Nov. 30, 1965; 8:46 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

NOVEMBER 26, 1965.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State docket number assigned 3488, filed November 5, 1965. Applicant: HUBERT R. GABEHART, doing business as CENTRAL BUS LINES, 509 East Main Street, Campbellsville, Ky. Applicant's representative: George M. Catlett, Suite 703-706, McClure Building, Frankfort, Ky., 40601. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of: *Passengers*, between Liberty, Ky., and Campbellsville, Ky., serving all intermediate points, from Liberty over Kentucky Highway 70 to Campbellsville, and return over the same route.

HEARING: January 5, 1966, at 10 a.m., e.s.t., at the courthouse at Campbellsville, Ky. Requests for procedural information including the time for filing protests, concerning this application should be addressed to the Kentucky Department of Motor Transportation, State Office Building, Frankfort, Ky., 40601, and should not be directed to the Interstate Commerce Commission.

State docket number assigned C-3793, case No. 3, filed September 9, 1965. Applicant: HERBERT A. STEELE and DONALD H. STEELE, doing business as MOHNK DELIVERY CO., 216 Thompson Street, Saginaw, Mich. Applicant's representative: William B. Elmer, 22644 Gratiot Avenue, East Detroit, Mich. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of: *Glassware*, for Anchor Hocking Glass Co., from Saginaw, Mich., to points in Michigan on and north of Michigan Highway 21, and *damaged and rejected shipments*, on return.

HEARING: December 16, 1965, at 9:30 a.m. at the offices of the Michigan Public Service Commission, Lewis Cass Building, South Walnut Street, Lansing, Mich. Requests for procedural information including the time for filing protests, concerning this application should be addressed to the Michigan Public Service Commission, Lewis Cass Building, South Walnut Street, Lansing, Mich., and should not be directed to the Interstate Commerce Commission.

State docket number assigned T-6728 (Sub-No. 2), filed November 10, 1965. Applicant: C. M. McNEELY and PEARLIE McNEELY, doing business as HUMANSVILLE TRUCK LINE, Humansville, Mo. Applicant's representative: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of: (1) *General commodities*, over regular routes, (a) from Humansville, Mo., over Missouri Highway 123 to Weaubleau, Mo., and return; (b) from Collins, Mo., over U.S. Highway 54 to Preston, Mo., and return; (c) from the junction U.S. Highway 54 and Missouri Highway 83, thence over Missouri Highway 83 to junction U.S. Highway 65, thence over U.S. Highway 65 to junction Missouri Highway 7, thence over Missouri Highway 7 to Warsaw, Mo., and return; (d) from Warsaw, Mo., over U.S. Highway 65 to Springfield, Mo., and return; (e) from the junction U.S. Highway 65 and Missouri Highway 7, thence over Missouri Highway 7 to Climax Springs, Mo., and return; (f) from Bolivar, Mo., over Missouri Highway 32 to Buffalo, Mo., and return; (g) from Bolivar, Mo., over Missouri Highway 83 to Wheatland, Mo., and return; and (h) from Louisburg, Mo., over Missouri Highway 64 to Pittsburg, Mo., thence over Missouri Highway 64 to junction County Route D in Hickory County, thence over County Route D to Preston, Mo., and return. Serving said junctions for purposes of joinder and serving Weaubleau, Quincy, Bentonville, Fairfield, Warsaw, Edwards, Climax Springs, Fristoe, Cross Timbers, Preston, Hermitage, Wheatland, Elkton, Rondo, Sentinel, Pittsburg, Pomme De Terre State Park, Kaysinger Dam, Nemo, Louisburg, Urbana, Buffalo, Foose, Red Top, Fair Grove, and Halfway and all intermediate points over said routes, as regular route points; and between said points, on the one hand, and all points applicant is presently authorized to serve, on the other hand, and (2) *general commodities*, over irregular routes, between Humansville, Mo., on the one hand, and all points in the counties of Hickory, Benton, Cedar, Dallas, and Polk, Mo., irrespective of whether said points are located on the route or routes of regular route common carriers.

HEARING: January 11, 1966, at 10 a.m., c.s.t., at the Missouri Public Service Commission, 100 East Capitol Avenue, Jefferson City, Mo. Requests for procedural information including the time for filing protests, concerning this application should be addressed to the Missouri Public Service Commission, 100 East Capitol Avenue, Jefferson City, Mo., and should not be directed to the Interstate Commerce Commission.

State docket number assigned 8264-CCT, filed October 29, 1965. Applicant: MIAMI TRANSFER CO., INC., 1090 Northwest North River Drive, Miami, Fla. Applicant's representative: Dan R. Schwartz and Edward P. Swan, 219 Biscayne Building, Miami, Fla. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of: *Building and construction materials and supplies*, such transportation to be in straight or mixed shipments in truckload lots only, on flatbed equipment, between all points in Florida including job sites. This application excludes any commodities requiring specialized equipment or handling and excludes any commodities in bulk by tank or hopper type trailer. This application also excludes points in Florida west of the east boundary line of Jefferson County, Fla.

HEARING: Date, time, and place of hearing, to be hereafter fixed. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Florida Public Service Commission, Tallahassee, Fla., 32304, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-12824, Filed, Nov. 30, 1965; 8:46 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 26, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40151—*Joint motor-rail rates—Middlewest Motor Freight.* Filed by Middlewest Motor Freight Bureau, agent (No. 362), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Illinois and Indiana, on the one hand, and points in middlewest and southwestern territories, on the other.

Grounds for relief—Motor truck competition.

Tariff—Supplement 57 to Middlewest Motor Freight Bureau, agent, tariff MF-ICC 417.

FSA No. 40152—*Methanol to Calvert, Ky.* Filed by O. W. South, Jr., agent (No. A4799), for interested rail carriers. Rates on methanol, in tank-car loads, from points in Charleston, W. Va., area, to Calvert, Ky.

Grounds for relief—Market competition.

Tariff—Supplement 31 to Southern Freight Association, agent, tariff ICC S-470.

FSA No. 40153—*Liquid caustic soda to Augusta, Ga.* Filed by O. W. South, Jr., agent (No. A4800), for and on behalf of Southern Railway Co. Rates on liquid caustic soda, in tank-car loads, subject to minimum of 4 tank-car loads per shipment, from Evans City, Ala., to Augusta, Ga.

Grounds for relief—Rate relationship.

Tariff—Supplement 219 to Southern Freight Association, agent, tariff ICC S-194.

FSA No. 40154—*Bituminous coal to Terrell, N.C.* Filed by O. W. South, Jr., agent (No. A4797), for interested rail carriers. Rates on bituminous fine coal, in carloads, subject to annual volume tonnage minimum weights, from mine origins in Alabama, Kentucky, Tennessee, Virginia, and West Virginia, to Terrell, N.C.

Grounds for relief—Carrier competition.

Tariff—Supplement 8 to Southern Freight Association, agent, tariff ICC S-451.

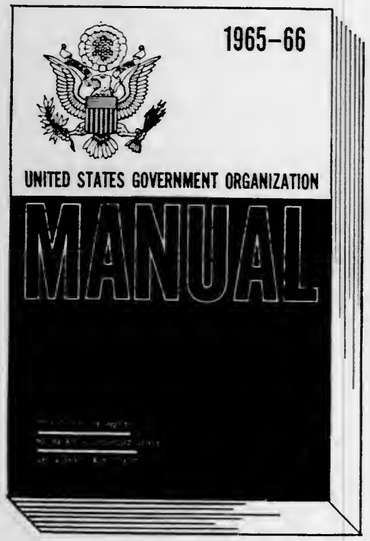
By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-12825; Filed, Nov. 30, 1965; 8:46 a.m.]

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VOLUME 30 • NUMBER 232

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Pages 14883–14960

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Civil Aeronautics Board
Commodity Credit Corporation
Consumer and Marketing Service
Defense Department
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Federal Aviation Agency
Federal Communications Commission
Federal Home Loan Bank Board
Federal Power Commission
Federal Reserve System
Federal Trade Commission
Fish and Wildlife Service
Food and Drug Administration
Interstate Commerce Commission
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THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

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Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER A—ARMED SERVICES PROCUREMENT REGULATIONS

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The following amendments to this subchapter are issued by direction of the Assistant Secretary of Defense (Installations and Logistics) pursuant to authority contained in Department of Defense Directive No. 4105.30, dated March 11, 1959 (24 F.R. 2260), as amended, and 10 U.S.C. 2202.

PART 1—GENERAL PROVISIONS

1. Section 1.312 is revised and new §§ 1.326, 1.326–1, 1.326–2, 1.326–3, 1.326–4, and 1.326–5 are added, to read as follows:

§ 1.312 Voluntary refunds.

(a) *General.* A voluntary refund is a payment or credit, not required by any contractual or other legal obligation, made to the Government by a contractor or subcontractor either as a payment or as an adjustment under one or more contracts or subcontracts. It may be unsolicited or it may be made in response to a request by the Government. Where it is desired to solicit a voluntary refund from a subcontractor, the prime contractor should be encouraged to facilitate the making of such refund. In deciding whether to solicit a voluntary refund or to accept an unsolicited refund, the contracting officer shall ask legal counsel to review the contract or contracts and all data relevant thereto to determine whether the Government's rights would be jeopardized or impaired by the contracting officer's proposed action.

(b) *Solicited refunds.* Voluntary refunds may be requested during or after contract performance. They shall be requested only when it is considered that the Government was overcharged under a contract or was inadequately compensated for the use of Government-owned property, or in the disposition of contractor inventory, and retention by the contractor or subcontractor of the amount in question would be contrary to good conscience and equity. Generally, retention by the contractor or subcontractor shall not be considered contrary to good conscience and equity, and thus a voluntary refund shall not be requested, unless the overcharge or inadequate compensation was due, at least in part, to the fault of the contractor or subcontractor. The decision to solicit a voluntary refund shall be made by the Secretary concerned.

(c) *Disposition of voluntary refunds.* (1) If a refund is offered prior to final payment, it is preferable that the contract price be appropriately modified to reflect the refund. In such a case, the amount of the refund shall be credited to the applicable appropriation cited in the contract.

(2) In cases where the refund is to be made by check rather than by an adjustment in the contract price, the check shall be made payable to the Treasurer of the United States and shall be forwarded immediately to the comptroller of the appropriate Department, or other Departmental officer responsible for the control of funds. When forwarded, the check shall be accompanied by a letter identifying it as a voluntary refund, giving the number of the contract or contracts involved and, where possible, giving the account number of the appropriation to which the refund should be credited.

§ 1.326 Component breakout.

§ 1.326–1 Scope.

(a) Sections 1.326–1.326–5 set forth guidance for making decisions on whether or not components should be purchased by the Government directly and furnished to an end item contractor as Government-furnished material, for incorporation in the end item. Sections 1.326–1.326–5, however, do not pertain to all such decisions, but only to those which deal with whether components have been included as contractor-furnished material in a previous procurement of the end item should be "broken out" from a forthcoming end item procurement for direct Government purchase. Thus, §§ 1.326–1.326–5 do not pertain to the initial Government-furnished equipment/contractor-furnished equipment decisions that must be made at the inception of a procurement program.

(b) Items procured as spare parts are governed by the "DOD High Dollar Spare Parts Breakout Program" described in DOD Joint Regulation AR 715–22, NAVMATINST P4200.33, AFR 57–6, MCO P4200.13, DSAM 4105.2, and are not covered by § 1.326–1.326–5.

(c) Sections 1.326–1.326–5 apply to procurements of weapons systems or other items of major equipment involving components whose direct purchase by the Government may result in substantial net cost savings over the life of the procurement program. Accordingly, they will seldom be applicable to a procurement of such a system or item of less than $1,000,000. The term "component", as used in §§ 1.326–1.326–5, includes subsystems, assemblies, subassemblies, and other major elements of an end item, but does not include elements of relatively small annual purchase value.

§ 1.326–2 Policy.

Whenever it is anticipated that the prime contract for a weapons system or other major end item will be awarded without adequate price competition, and the prime contractor is expected to acquire a component without such competition, it is Department of Defense policy to break out that component if:

(a) Substantial net cost savings will probably be achieved; and

(b) Such action will not jeopardize the quality, reliability, performance or timely delivery of the end item.

The desirability of breakout should also be considered (regardless of whether the prime contract or the component being purchased by the prime contractor is on the basis of price competition) whenever substantial net cost savings will result (1) from greater quantity purchase or (2) from such factors as improved logistics support through reduction in varieties of spare parts and economies in operations and training through standardization of design. Primary breakout consideration shall be given to those components of the end item representing the highest annual procurement costs and offering the largest potential net savings through breakout.

§ 1.326–3 Responsibility for component breakout selection, review and decision.

The project manager (or if there is no project manager such other official as may be designated by the Head of the Procuring Activity) supported by a project team (to include cognizant engineering, production, logistics, maintenance and other appropriate personnel, and the contracting officer or his designee) shall be responsible for:

(a) Earmarking as susceptible to break out those components potentially conforming to the criteria and policy set forth herein;

(b) Conducting the breakout review and evaluation described in § 1.326–4.

(c) Making the decision whether or not to break out the component; and

(d) Preparing records explaining such decision in compliance with § 1.326–5.

§ 1.326–4 Breakout guidelines.

(a) Each decision on whether or not to break out a component must embrace (1) assessment of the potential risks of degrading the end item through such contingencies as delayed delivery and reduced reliability of the component, (2) calculation of estimated net cost savings (i.e., estimated purchase savings less any offsetting costs), and (3) analysis of the technical, operational, logistic and administrative factors involved. As to each of these, the decision must be supported by adequate explanatory information, including an assessment by, and consultation with, the end item contractor where feasible.

(b) In deciding whether a component should be broken out, the guidelines set forth below (in the form of questions)

should be considered. Answers will rarely be "positively yes" or "positively no" but usually "probably yes" or "probably no," with the degree of probability governed by the facts of the particular case. The decision will depend largely upon the degree and significance of the risks to quality performance, reliability and timely delivery of the end item which would be involved in breakout and upon the estimated overall cost savings. Where the risks, if any, are acceptable and breakout is expected to result in substantial overall cost savings, the component should be broken out. On the other hand, if such risks are unacceptable, the components should not be broken out.

(1) Are the design of the component (and the design of the end item insofar as it will affect the component) sufficiently stable that further design or engineering effort by the end item contractor in respect to the component is unlikely to be required?

(2) Is a suitable data package available for Government procurement? (Note that breakout may be warranted even though competitive procurement is not possible.)

(3) Can any problems of quality control and reliability of the component be resolved without requiring effort by the end item contractor?

(4) Is it anticipated that requirements for technical support (i.e., functions such as development of proposed detailed specifications; development of test requirements to prove design adequacy or compliance with design; monitoring tests to assure compliance with established requirements; definition of quality assurance requirements for production of articles; and analysis and correction of service-revealed deficiencies) heretofore performed by the end item contractor will be negligible? If not, does the Government have the resources (manpower, technical competence, facilities, etc.) to provide such support, or can such support be obtained from the end item contractor (even though the component is broken out) or other source?

(5) Can breakout be accomplished without causing unacceptable difficulties in logistics support (e.g., be jeopardizing requisite standardization of components)?

(6) Can breakout be accomplished without causing overfragmentation of the end item that might materially impede administration, management, and performance of the end item contact (e.g., by unduly complicating production scheduling or identifying (and fixing responsibility for) end item failure that may be caused by a defective component)?

(7) Can breakout be accomplished without jeopardizing delivery requirements of the end item?

(8) If a decision is made to break out a component and to acquire it from a new source, can advance procurement funds be made available to provide that source any necessary additional lead time?

(9) Is there a source other than the present manufacturer capable of supplying the component?

(10) Has the component been (or is it known that it is going to be) purchased directly by the Government as a support item in the supply system or as GFE in other end items?

(11) Would the financial risks and other responsibilities being assumed by the prime contractor that will have to be assumed by the Government if the item is broken out be acceptable?

(12) Will breakout result in substantial net cost savings? Estimates of probable savings in cost should be developed for each case on its own facts, with consideration given to any estimated off-setting costs such as increases in the cost of requirements determination and control, contracting, contract administration, data package purchase, material inspection, qualification or preproduction testing, ground support and test equipment, transportation, security, storage, distribution, and technical support.

(c) If application of the guidelines in paragraph (b) of this section reveals conditions currently unfavorable to breakout, the feasibility of eliminating such conditions should be considered. For example, where adequate technical support is not available from Government resources, or similar assistance must be obtained in order to successfully accomplish breakout, consideration should be given to the procurement of the necessary services, such as product assurance suitability services, from the end item contractor or other qualified source.

§ 1.326–5 Records and review procedure.

The records of the purchasing activity shall contain documentation of:

(a) Those components which have been reviewed and determined to have potential for breakout;

(b) Those components which have been reviewed and earmarked as being susceptible to breakout pursuant to § 1.326–3; and

(c) Those components for which a decision to break out has been made.

Documentation of these three categories, and for those components once earmarked but no longer considered susceptible to breakout, shall be signed by the cognizant project manager or other designated official and reflect the facts and conditions of the case, including any assessment by the contractor, and the basis for the decision. Components that have been earmarked for potential breakout shall be reviewed well in advance of each successive procurement, with a decision made as to whether the component will be broken out for the ensuing procurement. Such reviews, made preferable in the course of requirements determination, but in any event before procurement of the requirement is initiated, shall be repeated until a final decision on whether or not to break out is reached, and shall be documented. When breakout is delayed or postponed, the documentation shall include a description of the actions required to accomplish breakout, identify the activities responsible for such actions, and indicate the fiscal year when breakout should be effected.

2. In § 1.701–4, the table is amended by revising that portion listed under "Major Group 22," as follows:

§ 1.701–4 Manufacturing industry employment size standards.

• • • • • •

Classification code	Industry	Employment size standard (number of employees)[1]
•	•	•
	MAJOR GROUP 22—TEXTILE MILL PRODUCTS	
2211	Broad woven fabric mills, cotton	1,000
2261	Finishers of broad woven fabrics of cotton	1,000
2271	Woven carpets and rugs	750
2295	Artificial leather, oilcloth, and other impregnated and coated fabrics, except rubberized	1,000
2296	Tire cord and fabric	1,000
•	•	•

3. Sections 1.1003–6(b), 1.1003–9 (a) (2) and (b) (4) (i) and (ii) and the note under (9), and 1.1005–1(b)(1) are revised as follows:

§ 1.1003–6 Synopses of subcontract opportunities.

• • • • • •

(b) *By prime contractors and subcontractors.* Prime contractors and subcontractors should be encouraged to use the Commerce Business Daily to publicize opportunities in the field of subcontracting stemming from their defense business. Prime contractors and their subcontractors will be advised to mail subcontract information directly to the U.S. Department of Commerce, Commerce Business Daily, Post Office Box 5999, Chicago, Ill., 60680, under the heading "Subcontracting Assistance Wanted" and in the form of the following example.

XYZ Co., Attention John Z. Smith, Tele. No. Randolph 6–1111, 102 First Avenue, Chicago, Ill., 60607, seeks Subcontractor on items to be used in connection with Contract No. ---------- awarded ----------.
(Date)

Coils, induction, dwg. No. 10–742 -------- 10,000 each (name, description and quantity of other items or services may be included as long as contract assistance is desired under the same contract number)—if interested, make inquiry before ----------.
(Date)

to above contractor.

§ 1.1003–9 Preparation and transmittal.

(a) • • •

(2) When the use of mail service does not interfere with the intent of allowing interested firms ample time to submit bids, proposals or quotations, or when teletypewriter service is not available, synopses shall be dispatched by airmail or ordinary mail, whichever is considered most expeditious, addressed as follows:

U.S. Department of Commerce, Commerce Business Daily, Post Office Box 5999, Chicago, Ill., 60680.

(b) • • •

(4) • • •

(i) "RDTE," for any procurement classified under Part A;

(ii) The single letter code for procurement actions classified under Part B (use "X" for services which do not fall within the categories cited in Part B); or

• • • • • •

(9) • • •

NOTE: The purpose of using "cuts" is to reduce the costs of preparing, transmitting and printing synopses. In order to promote cost reduction, contracting officers are urged to use references to "cuts" in preparing synopses, when applicable. If an existing "cut" does not cover a frequently recurring situation, contracting officers of each Department may request the Commerce Business Daily to establish a new "cut." Requests shall be addressed to:

U.S. Department of Commerce, Commerce Business Daily, Post Office Box 5999, Chicago, Ill., 60680.

• • • • • •

§ 1.1005–1 Synopsis of contract awards.

• • • • • •

(b) *Preparation and transmittal.* (1) Purchasing officers shall prepare and forward single copies of synopses of contract awards, using the same format as prescribed for synopses of proposed procurements in § 1.1003–9, to the address below, by airmail or ordinary mail whichever is considered most expeditious, before the close of business at the end of each week.

U.S. Department of Commerce, Commerce Business Daily, Post Office Box 5999, Chicago, Ill., 60680.

• • • • • •

PART 2—PROCUREMENT BY FORMAL ADVERTISING

4. Section 2.104–4 is revised; new paragraphs (a)(38) and (b)(21) are added to § 2.201; and § 2.202–4 (d), (e), and (h) is revised, as follows:

§ 2.104–4 Indefinite delivery type contracts.

(a) Definite quantity contracts. See § 3.409–1.

(b) Requirements contracts. See § 3.409–2.

(c) Indefinite quantity contracts. See § 3.409–3.

§ 2.201 Preparation of invitation for bids.

• • • • • •

(a) • • •

(38) A statement that prospective bidders should indicate in the bid the address to which payment should be mailed, if such address is different from that shown for the bidder. (Contracting officers shall include this information in all resultant contracts which are to be administered by a Defense Contract Administration Services Regional Office.)

(b) • • •

(21) If the contract is for mortuary services, the provision required by § 4.902 of this chapter.

• • • • • •

§ 2.202–4 Bid samples.

• • • • • •

(d) *Requirements of invitation for bids.* When bid samples are required, the invitation for bids shall (1) state the number and, if appropriate, the size of the samples to be submitted and otherwise fully describe the samples required; (2) list all the characteristics for which the samples will be tested or evaluated (*i.e.*, those characteristics which cannot be described adequately in the applicable specification or purchase description); and (3) include a provision in accordance with paragraph (e) of this section. Where samples are not considered necessary and a waiver of the sample requirements of a specification has been authorized, a statement shall be included in the invitation for bids that notwithstanding the requirements of the specifications, samples will not be required.

(e) *Invitation for bids provision.* When bid samples are required, a provision substantially as follows (modified, if appropriate, in accordance with paragraph (f) of this section) shall be included in the invitation for bids:

BID SAMPLES (OCTOBER 1965)

(a) Bid samples, in the quantities, sizes, etc., required for the items so indicated in this Invitation for Bids, must be furnished as a part of the bid and must be received before the time set for opening bids. Samples will be tested or evaluated to determine compliance with all characteristics listed for such test or evaluation in this Invitation for Bids.

(b) Failure of samples to conform to all such characteristics will require rejection of the bid. Failure to furnish samples by the time specified in the Invitation for Bids will require rejection of the bid, except that a late sample transmitted by mail may be considered under the provision for considering late bids, as set forth elsewhere in this Invitation for Bids.

(c) Products delivered under any resulting contract shall conform to the approved sample as to the characteristics listed for test or evaluation and shall conform to the specifications as to all other characteristics.

• • • • • •

(h) *Disposition of samples.* Samples, if not destroyed in testing, shall be returned to bidders at their request and expense, unless otherwise specified in the invitation for bids. See paragraph 3(b) of the Bidding Instructions, Terms, and Conditions (Supply Contract) (Standard Form 33–A).

PART 3—PROCUREMENT BY NEGOTIATION

5. Section 3.202–2(f) is revised; new subparagraphs (58) and (59) are added to § 3.501(b); and new subdivision (xii) is added to § 3.608–2(b)(1), as follows:

§ 3.202–2 Application.

• • • • • •

(f) Purchase request citing an issue priority designator 1 through 6 inclusive, under the Uniform Material Movement and Issue Priority System (UMMIPS).

NOTE: Requirements citing an issue priority designator 7 through 20 may justify negotiation under this or other negotiation authority, but in such cases the specific circumstances must be set forth in the determination and findings.

§ 3.501 Preparation of request for proposals or request for quotations.

• • • • • •

(b) • • •

(58) If the contract is for mortuary services, the provision required by § 4.902; and

(59) A statement that prospective offerors should indicate in the offer the address to which payment should be mailed, if such address is different from that shown for the offeror. (Contracting officers shall include this information in all resultant contracts which are to be administered by a Defense Contract Administration Services Regional Office.)

§ 3.608–2 Order for supplies or services (DD Forms 1155, 1155r, 1155c, 1155c–1, and 1155s).

• • • • • •

(b) *Conditions for use.* (1) • • •

(xii) Where the contract is for mortuary services:

(*a*) The following clauses shall be inserted in the Schedule—

(*1*) The Specification clause in § 7.1201–4 of this chapter;

(2) The Delivery and Performance clause in § 7.1201–7;

(3) The Subcontracting clause in § 7.1201–8;

(*4*) The Inspection clause in § 7.1201–10;

(*5*) The Professional Requirements clause in § 7.1201–12;

(*6*) The Facility Requirements clause in § 7.1201–13; and

(7) The Preparation History clause in § 7.1201–14;

(*b*) The Additional Default Provision clause in § 7.1201–9 shall be inserted in the Schedule, with the following substitution for paragraph (a) and the first sentence of paragraph (b) of that clause:

(a) This clause supplements the "Termination for Default" clause of this contract.

(b) This contract may be terminated for default by written notice if during the performance of this contract:

(c) The Changes clause in § 7.1201–15 shall be substituted for paragraph 15 of the Additional General Provisions on DD Form 1155s.

• • • • • •

6. Section 3.704–1 is revised; paragraph (c) in § 3.704–2 is revoked; and §§ 3.801–2, 3.801–3, and 3.809 are revised as follows:

§ 3.704–1 Contracts with concerns other than educational institutions.

Insert the following clause in contracts with concerns other than educational institutions where negotiated overhead rates are to be used pursuant to this subpart.

NEGOTIATED OVERHEAD RATES (MARCH 1963)

(a) Notwithstanding the provisions of the clause of this contract entitled "Allowable Cost, Fixed Fee, and Payment," the allowable indirect costs under this contract shall be obtained by applying negotiated overhead rates to bases agreed upon by the parties, as specified below.

(b) The Contractor, as soon as possible but not later than ninety (90) days after the expiration of each period specified in the

Schedule, shall submit to the Contracting Officer with a copy to the cognizant audit activity a proposed final overhead rate or rates for that period based on the Contractor's actual cost experience during that period, together with supporting cost data. Negotiation of final overhead rates by the Contractor and the Contracting Officer shall be undertaken as promptly as practicable after receipt of the Contractor's proposal.

(c) Allowability of costs and acceptability of cost allocation methods shall be determined in accordance with Part 2 of Section XV of the Armed Services Procurement Regulation as in effect on the date of this contract.

(d) The results of each negotiation shall be set forth in a modification to this contract, which shall specify (i) the agreed final rates, (ii) the bases to which the rates apply, and (iii) the periods for which the rates apply.

(e) Pending establishment of final overhead rates for any period, the Contractor shall be reimbursed either at negotiated provisional rates as provided in the Schedule or at billing rates acceptable to the Contracting Officer, subject to appropriate adjustment when the final rates for that period are established. To prevent substantial over or under payment, the provisional or billing rates may, at the request of either party, be revised by mutual agreement, either retroactively or prospectively. Any such revision of negotiated provisional rates provided in the Schedule shall be set forth in a modification to this contract.

(f) Any failure by the parties to agree on any final rate or rates under this clause shall be considered a dispute concerning a question of fact for decision by the Contracting Officer within the meaning of the "Disputes" clause of this contract.

In the case of a cost-plus-incentive-fee contract, substitute "Allowable Cost, Incentive Fee, and Payment" for "Allowable Cost, Fixed Fee, and Payment" in paragraph (a) of the foregoing clause.

§ 3.704–2 Contracts with educational institutions.

* * * * *

(c) [Revoked]

§ 3.801–2 Responsibility of contracting officers.

(a) Contracting officers, or their authorized representatives acting within the scope of their authority, are the exclusive agents of their respective Departments to enter into and administer contracts on behalf of the Government in accordance with this subchapter and Departmental procedures. Each contracting officer is responsible for performing or having performed all administrative actions necessary for effective contracting. The contracting officer shall avail himself of all appropriate organizational tools such as the advice of specialists in the fields of contracting, finance, law, contract audit, packaging, engineering, traffic management, and price analysis. For purposes of this subpart, the contracting officer is (1) the procuring contracting officer (PCO) or (2) the administrative contracting officer (ACO) when authorized to perform the duties of a procuring contracting officer.

(b) To the extent services of specialists are utilized in the negotiation of contracts, the contracting officer must coordinate a team of experts, requesting advice from them, evaluating their counsel, and availing himself of their skills. The contracting officer shall obtain simultaneous coordination of the specialists' efforts to the extent practical. He shall not, however, transfer his own responsibilities to them. Thus, determination of the suitability of the contract price to the Government always remains the responsibility of the contracting officer.

(c) When the contractor insists on a price or demands a profit or fee which the contracting officer considers unreasonable, the contracting officer shall (1) determine the feasibility of developing an alternate source of supply, and (2) take such other action within his authority as may be appropriate in the circumstances. If, after exhausting the above course of action, a satisfactory solution has not been obtained, the contracting officer shall refer the prospective procurement to higher echelons of the Department. Such referral shall include a complete statement of the attempt made to resolve the matter. With regard to a contractor's refusal to provide cost or pricing data, see § 3.807–6.

(d) The procuring contracting officer shall accomplish the adjustment of price, profit, or fee and shall execute the appropriate contract modification pursuant to incentive or escalation provisions in fixed-price-incentive contracts, cost-plus-incentive-fee contracts and fixed-price contracts with escalation.

§ 3.801–3 Responsibility of other personnel.

(a) *Requirements and other logistics personnel.* Personnel other than the contracting officer, who determine type, quality, quantity, and delivery requirements for item to be purchased, can influence the degree of competition obtainable and exert a material effect upon prices. Failure to determine requirements in sufficient time to allow:

(1) A reasonable period for preparation of requests for proposals;

(2) Preparation of quotations by offerors;

(3) Contract negotiation and preparation; or

(4) Adequate manufacturing lead time,

causes delays in deliveries and uneconomical prices. Requirements issued on an urgent basis or with unrealistic delivery schedules should be avoided since they generally increase prices or restrict desired competition. Personnel determining requirements, specifications, adequacy of sources of supply, and like matters have responsibility in such areas for timely, sound, and economical procurements.

(b) *Pricing personnel.* (1) The contract pricing team available to support the PCO in the review and analysis of pricing proposals includes the price analyst, negotiator, buyer, project engineer, and liaison auditor at the purchasing office, as well as the ACO and other professional and technical specialists at the contract administration and Defense Contract Audit Agency (DCAA) offices. Among the specialists available at these latter offices are the contract auditor, price analyst, engineer, and production, quality assurance, packaging, and transportation specialists. When the PCO delegates authority to the ACO for the pricing and execution of contracts or modifications, the ACO shall have full responsibility for those duties and functions otherwise performed by the PCO. Where the PCO does not delegate such authority, but requires a review and evaluation of the contractor's cost or pricing data (§ 3.807–2), he shall request such pricing support from the contract administration office, and from the contract auditor if an audit report is desired.

(2) The price analyst or negotiator supporting the contracting officer may be designated to develop a Government pricing objective prior to the negotiation. This includes the responsibility for determining the extent of advice required from other specialists, requesting, obtaining, and considering such advice, and for consolidating pricing data, including cost and price analyses, historical cost or pricing data, independent government cost estimates, economic analyses and the like. The advice and assistance of the price analyst/negotiator should always be obtained when complex pricing techniques are indicated, including the use of contract types involving the skillful balancing of price, cost and performance incentive arrangements. In many instances, he will be in the best position to conduct the price negotiation.

(3) When providing pricing support to the PCO, the ACO has primary responsibility for consolidating and evaluating the findings of the pricing team members at the contract administration and audit offices, and for the analysis of proposed prices in consideration of, but not limited to, such factors as the need for quantities and kinds of materials included in the proposal; the need for the number and kinds of man-hours; the need for special tooling and facilities; and the reasonableness of scrap and spoilage factors. These analyses by the ACO and his supporting staff shall be based on their knowledge of production, quality assurance, engineering and manufacturing practices and techniques, and information as to plant capacity, scheduling, engineering and production "know-how," Government property, make-or-buy considerations, and industrial security, particularly as these relate to the practices of the specific prospective contractor.

(4) The contract auditor is responsible for submission of information and advice, based on his analysis of the contractor's books and accounting records or other related data, as to the acceptability of the contractor's incurred and estimated costs. The auditor shall report any denial by the contractor of access to records or cost or pricing data which the auditor considers essential to the preparation of a satisfactory report. If the auditor believes that the contractor's estimating methods or accounting system are inadequate to produce valid support for the proposal or to permit satisfactory administration of the type

of contract contemplated, this shall be stated in the audit report and concurrently made known to the contractor so that he may have the opportunity of presenting his views to the PCO and ACO. Where the PCO determines that deficiencies in the contractor's accounting system or estimating methods are such that the proposed contract cannot be adequately priced or administered, he shall, with the advice of the contract auditor and the ACO, assure that necessary corrective action is initiated prior to the award of such contract. The auditor has responsibility for performing that part of reviews and cost analyses which requires access to the contractor's books and financial records supporting proposed cost or pricing data, regardless of the dollar amount involved. Only the auditor shall have general access to the books and financial records for this purpose. This does not preclude the PCO, the ACO, or their technical representatives from requesting any data from, or reviewing records of, the contractor (such as lists of labor operations, process sheets, etc.) necessary to the discharge of their responsibilities.

(5) In order to provide the contracting officer with maximum support, it is essential that there be close cooperation and communication between the contract auditors and the production and other technical specialists on the staff of the ACO. Such coordination will be accomplished in a manner which will minimize duplication of analysis. (See § 3.809(b)(3).) The analyses by technical and audit personnel are of mutual interest, and information relating thereto shall be exchanged throughout the review process. It is recognized that the duties of auditors and those of other technical specialists in many cases require both to evaluate the same elements of estimated costs. While they shall review the data jointly or concurrently wherever possible, each shall render his services within his own area of responsibility. For example, on quantitative factors (such as labor hours), the auditor will frequently find it necessary to compare proposed hours with hours actually expended on the same or similar products in the past as reflected on the cost records of the contractor. From this information he can often project trend data. The technical specialist may also analyze the proposed hours on the basis of his knowledge of such things as shop practices, industrial engineering, time and motion factors, and the contractor's plant organization and capabilities. The interchange of this information will not only prevent duplication but will assure adequate and complementary analysis.

(6) Pricing based on cost analysis involves, among other things, an appraisal of estimates of costs expected to be incurred in the future. The accounting projection of trends based on cost or pricing data, together with any known changes therein, is only one method of conducting this appraisal, others being:

(i) An engineering appraisal of the need for the estimated labor and material costs and of tooling and facilities, and the reasonableness of scrap and spoilage factors, and

(ii) The preparation of independent estimates by competent technical personnel.

Occasionally, differences of opinion will exist not only on the reasonableness of cost projections but also on the accounting techniques on which they are based. In addition, it is normally not possible to negotiate a pricing result which is in strict accord with all of the opinions of all of the specialists, or even with the Government's pricing objective. Reasonable compromises are normally necessary and this fact must be understood by all members of the team. For all of these reasons audit reports or pricing recommendations by others must be considered to be advisory only. The contracting officer is responsible for the exercise of the requisite judgments and is solely responsible for the final pricing decision. In those instances where the contracting officer does not adopt audit or other specialist recommendations that have particular significance on the contract price, appropriate comments should be included in the record of the negotiation.

(7) Whenever it becomes apparent to the contracting officer that the negotiations will require the resolution of complex problems which involve items significant in amount, he shall request attendance by audit or other appropriate representatives at the negotiation meeting.

§ 3.809 Contract audit as a pricing aid.

(a) *General.* Contract audit services are available in two forms:

(1) The submission of audit reports which set forth the results of auditors' reviews and analyses of cost data submitted by contractors as part of pricing proposals, reviews of contractors' accounting systems, estimating methods, and other related matters, and

(2) Liaison auditors stationed at purchasing and contract administration offices for "on-the-spot" personal consultation and advice to procurement and contract administration personnel in connection with analyses of contractors' cost representations and related matters.

Contract auditors are professional accountants who, although organizationally independent, are the principal advisors to contracting officers on contractor accounting and contract audit matters.

(b) *Auditor's reports on contract price proposals.* (1) Prior to negotiation of a contract or modification resulting from a proposal in excess of $100,000 (including initial prices, estimated costs of cost-reimbursement types, interim and final price redeterminations, escalation, target, and settlement of incentive types) where the price will be based on cost or pricing data (§ 3.807–3) submitted by the contractor, the contracting officer or his authorized representative shall request an audit review by the contract audit activity. Audits should be requested for proposed contracts or modifications of lesser amount only where a valid need exists. The requirement for audit of proposals which exceed the above amount may be waived by the contracting officer whenever it is clear that information already available is adequate for the proposed procurement. In such case, the contract file shall be documented to reflect the reason for any such waiver. The terms "audit review" and "audit" refer to examinations by contract auditors of contractors' statements of actual or estimated costs to the extent deemed appropriate by the auditors in the light of their experience with contractors and relying upon their appraisals of the effectiveness of contractors' policies, procedures, controls and practices. Such audit reviews or audits may consist of desk reviews, test checks of a limited number of transactions, or examinations in depth, at the discretion of the auditor.

(2) The contracting officer shall establish the due date for receipt of the auditor's report and in so doing will allow as much time as possible for the audit work. Within the time available the overall scope and depth of the audit review will be determined by and be the full responsibility of the contract auditor. Any particular areas identified by the contracting officer for special emphasis will be specifically included in the report. Since time is highly important in most negotiation situations, the auditors should give sufficient priority to reports for forward pricing to meet established due dates. If the time available is not adequate to permit satisfactory coverage of the proposal, the auditor will so advise the contracting officer and indicate the additional time needed. The contracting officer will promptly advise the auditor whether the extension of the report due date can be granted.

(3) The PCO shall send the request for review and evaluation of the contractor's proposal directly to the ACO, with copy to the contract auditor, and shall identify any areas where he desires particular pricing effort. The ACO shall advise the auditor of any additional areas recommended for special emphasis and review. If there are audit work program conflicts involving more than one PCO, priorities should be worked out jointly between the auditor and the ACO. In view of the need for coordination of ACO and audit efforts, the technical representatives and the auditor will normally need to coordinate a program for review of the contractor's proposal. (See § 3.801.) When only an audit report is desired, the request shall be forwarded to the appropriate contract auditor either directly or through the liaison auditor, with copy to the ACO.

(4) Reports of technical analysis and review should be furnished to the auditor at the earliest possible date and at least five days prior to the due date of the audit report to enable the auditor to include the financial effect of technical findings in the audit report (for example, the necessary computations of dollar amounts arising from changes in proposed kinds and quantities of materials, labor hours, etc.). In the event the technical analyses are not available

in time to be reflected in the audit report, the audit report shall so state, and this shall be made known to the ACO so that appropriate comments may be incorporated in his submission to the PCO. If technical analyses are received later by the auditor, he shall issue a supplemental report if the status of the negotiation is such that a report would serve a useful purpose. The original of all technical reports received by the auditor shall be made a part of the audit report submitted to the ACO.

(5) The audit report, giving the financial effect of related technical and other evaluations, shall be forwarded by the auditor to the ACO with an advance copy direct to the FCO. The ACO shall transmit to the PCO his analysis of prices, the original audit report, related technical comments, and any other information or analyses specifically requested by the PCO. The ACO shall not modify the audit report. If any information disclosed subsequent to the receipt of the audit report is such as to significantly affect the audit findings, the ACO should promptly advise the auditor, who shall determine whether to issue a supplemental report. A copy of the ACO's submission shall be furnished to the contract auditor. If only an audit report is requested, it shall be transmitted directly, or through the liaison auditor, to the PCO, with copy to the ACO.

(6) If in the opinion of the PCO, ACO, or auditor, the review of a prime contractor's proposal requires audit reviews of subcontractors' cost estimates at the subcontractors' plants (after due consideration of reviews performed by the prime contractor), such reviews should be arranged through audit channels. Criteria as to necessity for audit of subcontracts shall be in accordance with guidelines applicable to prime contracts. Where technical reviews are needed they shall be arranged through ACO channels.

(7) The audit report shall be made a part of the official contract file.

(c) *Additional functions of the contract auditor.* (1) Under Cost-Reimbursement Type Contracts:

(i) The contract auditor is the authorized representative of the contracting officer for the purpose of examining reimbursement vouchers received directly from contractors, transmitting those vouchers approved for provisional payment to the cognizant disbursing officer and issuing DD Forms 396, "Notice of Costs Suspended and/or Disapproved," with a copy to the cognizant ACO, with respect to costs claimed but not considered allowable. In the case of costs suspended, if the contractor disagrees with the suspension action by the contract auditor and the difference cannot be resolved, the contractor may appeal in writing to the cognizant ACO, who will make his determination promptly in writing. In the case of costs disapproved, the DD Form 396 shall include the following statement:

As to any disapproved costs identified herein, this Notice constitutes a final decision of the Contracting Officer, effective sixty days after the date of its receipt by the Contractor, unless the Contractor mails or furnishes to the cognizant Administrative Contracting Officer a written appeal before the expiration of such sixty-day period. If this Notice becomes a final decision of the Contracting Officer by virtue of expiration of the sixty-day period, it may be appealed in accordance with the provisions of the "Disputes" clause of the contract identified above. If the Contractor decides to make such an appeal, written notice thereof (in triplicate) must be mailed or otherwise furnished to the Contracting Officer within thirty days from the date this decision becomes effective. Such notice should indicate that an appeal is intended and should reference this decision and identify the contract by number. The Armed Services Board of Contract Appeals is the authorized representative of the Secretary for hearing and determining such disputes. The rules of the Armed Services Board of Contract Appeals are set forth in the Armed Services Procurement Regulation, Appendix A, Part 2.

If the Contractor appeals in writing to the ACO from a disallowance action by the contract auditor within the sixty-day period mentioned above, the ACO will make his determination in writing, as promptly as practicable, as a final decision of the contracting officer (see § 1.314 of this chapter re decisions under the Disputes clause) and mail or otherwise furnish a copy to the contractor. In addition, the contracting officer may direct the issuance of DD Forms 396, "Notice of Costs Suspended and/or Disapproved," with respect to any cost that he has reason to believe should be suspended or disapproved. The contract auditor will approve fee portions of vouchers for provisional payment in accordance with the contract schedule and any instructions received from the Administrative Contracting Officer. Completion vouchers shall be forwarded to the ACO for approval and transmittal to the cognizant disbursing officer.

(ii) The contract auditor shall be responsible for making appropriate recommendations to the ACO concerning the establishment of interim overhead billing rates, when such rates are provided for in the contract.

(2) Responsibilities for Pre-Award Surveys and Reviews:

(i) Pre-Award surveys of potential contractors' competence to perform proposed contracts shall be managed and conducted by the contract administration office. Where information is required on the adequacy of the contractor's accounting system or its suitability for administration of the proposed type of contract, such information shall always be obtained by the ACO from the auditor. The contract administration office shall be responsible for advising the PCO on matters concerning the contractor's financial competence or credit needs.

(ii) A regular program for conducting reviews of contractors' estimating methods shall be established and managed by the contract audit activities. Individual teams shall have ACO representation. Periodic reviews shall be tailored to take full advantage of the day-to-day work done as an integral part of both the contract audit and contract administration activities.

PART 4—SPECIAL TYPES AND METHODS OF PROCUREMENT

7. New Subpart I is added, as follows:

Subpart I—Procurement of Mortuary Services

Sec.

4.900 Scope of subpart.
4.901 Method of procurement.
4.901–1 Procurement by requirements type contract.
4.901–2 Procurement by purchase order.
4.901–3 Solicitation planning.
4.901–4 Area of performance.
4.901–5 Distribution of contracts.
4.902 Solicitation provision.
4.903 Schedule formats.
4.903–1 Schedule format for other than port of entry requirements contracts.
4.903–2 Schedule format for port of entry requirements contracts.

AUTHORITY: The provisions of this Subpart I issued under sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 4.900 Scope of subpart.

Procurement procedures peculiar to contracts for mortuary services (the care of remains) of military personnel within the United States are set forth in this subpart. These procedures may be used as guidance in areas outside the United States in procuring such services for both deceased military and civilian personnel. Uniform contract clauses for care of remains contracts are set forth or referenced in Subpart L, Part 7 of this chapter.

§ 4.901 Method of procurement.

§ 4.901–1 Procurement by requirements type contract.

By agreement among the military activities involved, one military activity in each geographical area shall contract for the estimated requirements for the care of remains for all activities in the area. Procurement shall be by use of a requirements type contract (see § 3.409–2 of this chapter) when the estimated annual requirements for the individual activity concerned, or for the activities using one contract, are ten or more. Except where negotiation is authorized under Subpart B, Part 3 of this chapter, such contracts shall be formally advertised. The contracts shall be for the fiscal year or a portion thereof ending on 30 June, except for noncontinuous requirements for shorter periods.

§ 4.901–2 Procurement by purchase order.

Where no contract exists, such services shall be obtained by use of DD Form 1155 (Order for Supplies and Services) and DD Form 1155s (Additional General Provisions, Modification, and Acceptance) (see § 3.608 of this chapter), inserting in the Schedule the clauses prescribed in § 3.608–2(b)(1)(xii).

§ 4.901–3 Solicitation planning.

Bids or offers for annual requirements for the next fiscal year shall be solicited in January.

§ 4.901–4 Area of performance.

Each contract for care of remains (except port of entry requirements contracts) shall clearly define the geographical area covered by the contract. The area shall be determined by the activity entering into the contract in accordance with the following general guidelines. It shall be an area using political boundaries, streets, or other features as demarcation lines. Generally, this should be a size roughly equivalent to the contiguous metropolitan or municipal area enlarged to include the activities served. In the event the area of performance best suited to the needs of a particular contract is not large enough to include a carrier terminal commonly used by people within such area, the contract area of performance shall specifically state that it includes such terminal as a pickup or delivery point.

§ 4.901–5 Distribution of contracts.

In addition to normal contract distribution, three copies of each contract shall be furnished to each activity authorized to use it, and two copies to each of the following:

(a) Office of the Chief of Support Services, Department of the Army, Attention: SPTS–MD, Washington, D.C., 20315.

(b) Bureau of Medicine and Surgery (454), Department of the Navy, Washington, D.C., 20390.

(c) Headquarters, AFLC (MCPPL), Wright-Patterson AFB, Ohio, 45433.

§ 4.902 Solicitation provision.

Invitations for bids for mortuary services contracts shall contain the provision set forth below. This provision shall be appropriately modified for use in requests for proposals or quotations.

AWARD TO SINGLE BIDDER (OCTOBER 1965)

Subject to the provisions contained herein, award shall be made to a single bidder. Bids must include unit prices for each item listed in order that bids may be properly evaluated. Failure to do this shall be cause for rejection of the entire bid. Bids shall be evaluated on the basis of the estimated quantities shown and award shall be made to that responsible bidder whose total aggregate price is low.

§ 4.903 Schedule formats.

§ 4.903–1 Schedule format for other than port of entry requirements contracts.

Set forth below is an example of a schedule format suitable for use in solicitations for other than port of entry requirements. The estimated quantities are only illustrative.

Item No.	Supplies, services and transportation	Estimated quantity	Unit	Unit price	Amount
1	For a Type I casket, standard size, shipping case, supplies and services in accordance with specifications.	20	Each		
2	For a Type I casket, exceeding standard size, shipping case, supplies and services in accordance with specifications.	4	Each		
3	For a Type II casket, standard size, shipping case, supplies and services in accordance with specifications.	5	Each		
4	For a Type II casket, exceeding standard size, shipping case, supplies and services in accordance with specifications.	2	Each		
5	For transportation of remains, in accordance with specifications and as provided for in paragraphs (b) and (c) of the "Area of Performance" clause of this contract.	200 Loaded miles	Loaded mile.		

§ 4.903–2 Schedule format for port of entry requirements contracts.

Set forth below is an example of a Schedule format suitable for use in solicitations for port of entry requirements. The estimated quantities are only illustrative.

Item No.	Supplies, services and transportation	Estimated quantity	Unit	Unit price	Amount
1	For a Type I casket, standard size, shipping case, supplies and services in accordance with specifications.	30	Each		
2	For a Type I casket, exceeding standard size, shipping case, supplies and services in accordance with specifications.	4	Each		
3	For a Type II casket, standard size, shipping case, supplies and services in accordance with specifications.	5	Each		
4	For a Type II casket, exceeding standard size, shipping case, supplies and services in accordance with specifications.	2	Each		
5	For inspection and/or reprocessing of casketed remains prior to delivery to selected common carrier.	18	Each		
6	For transportation of remains between ---------- and processing facility.	31	Loaded trip each.		
7	For transportation of remains between processing facility and selected common carrier or national cemetery as indicated below:		Loaded trip each.		
	X----------	9			
	Y----------	10			
	Z----------	9			
8	For transportation of remains between processing facility and any point within 100 miles as designated by the contracting officer.	200	Loaded mile.		

PART 7—CONTRACT CLAUSES

8. In § 7.203–4(c), subparagraphs (1) and (4)(iii) are revised to read as follows:

§ 7.203–4 Allowable cost, fee, and payment.

• • • • • •

(c)(1) For approvals with regard to fixed-price type subcontracts providing for progress payments, pursuant to paragraph (c) of the foregoing clauses, the standards shall be the same as those governing progress payments on fixed-price type prime contracts, as provided by § 163.83 of this chapter.

• • • • • •

(4) • • •

(iii) In contracts which provide for cost-sharing, change paragraph (a) of the clause set forth in paragraph (a) of this section as follows:

(a) the allowability of costs incurred in the performance of this contract shall be determined by the Contracting Officer in accordance with—

(i) Part 2 of Section XV of the Armed Services Procurement Regulation as in effect on the date of this contract; and

(ii) The terms of this contract.

• • • • • •

§ 7.203–7 [Amended]

9. In § 7.203–7, the last sentence of paragraph (a), following the clause, is deleted.

10. Section 7.203–12 is revised to read as follows:

§ 7.203–12 Disputes.

Insert the contract clause set forth in § 7.103–12.

11. Sections 7.402–3(c)(1) and 7.605–5 are revised; § 7.606–1(b)(3) is revised and the footnote deleted; and §§ 7.702–10 and 7.702–23 are revised, as follows:

§ 7.402–3 Allowable cost, fee, and payment.

• • • • •

(c) • • •

(1) For approvals with regard to fixed-price type subcontracts providing for progress payments, pursuant to paragraph (c) of the clauses, the standards shall be the same as those governing progress payments on fixed-price type prime contracts, as provided by § 163.83 of this chapter.

• • • • •

§ 7.605–5 Allowable cost, fixed fee, and payment.

Insert the clause set forth in § 7.203–4 (a) with the following changes:

(a) Delete paragraph (a) and substitute the following:

(a) For the performance of this contract, the Government shall pay to the Contractor:

(i) The cost thereof (hereinafter referred to as "allowable cost") determined by the Contracting Officer to be allowable in accordance with—

(A) Section XV, Part 4, of the Armed Services Procurement Regulation as in effect on the date of this contract; and

(B) The terms of this contract; and

(ii) A fixed fee in the amount of _____ Dollars ($_____).

(b) Delete paragraph (c) and substitute the following:

(c) Promptly after receipt of each invoice or voucher and statement of cost, the Government shall, except as otherwise provided in this contract, subject to the provisions of (d) below, make payment thereon as approved by the Contracting Officer. Payment of the fixed fee, if any, shall be made to the Contractor in installments based upon the percentage of completion of the work as determined from estimates submitted to and approved by the Contracting Officer: *Provided, however,* That after payment of eighty-five percent (85%) of the fixed fee set forth in (a) above, further payment on account of the fixed fee shall be withheld until a reserve of either fifteen percent (15%) of the total fixed fee or one hundred thousand dollars ($100,000), whichever is less, shall have been set aside. (July 1965)

§ 7.606–1 Incentive fee clause for cost-type construction contracts.

• • • • •

(b) • • •

(3) Insert the clause set forth in § 7.203–4(b) entitled "Allowable Cost, Incentive Fee and Payment" with the following changes:

(i) Delete paragraph (a)(1) and substitute: "For the performance of this contract the Government shall pay to the Contractor—

(*a*) The cost thereof (hereinafter referred to as "allowable cost") determined by the Contracting Officer to be allowable in accordance with—

(*1*) Section XV, Part 4, of the Armed Services Procurement Regulation as in effect on the date of this contract; and

(*2*) The terms of this contract; and

(*b*) A fee in the amount of _____ dollars ($_____) adjusted as provided in (i) below.

(ii) Delete paragraph (a)(2) and substitute: "The target cost and target fee of this contract _____ dollars ($_____) and _____ dollars ($_____) respectively shall be subject to adjustment in accordance with (h) and (i) below. As used herein the term—

(*a*) "Target cost" means the estimated cost, exclusive of the estimated amount of rental for Contractor-owned or controlled equipment, of this contract initially negotiated adjusted in accordance with (h) below; and

(*b*) "Target fee" means the fee which was initially negotiated on the assumption that this contract would be performed for a cost equal to the estimated cost of this contract initially negotiated, adjusted in accordance with (h) below."

(iii) Delete paragraph (c) and substitute the following: "Promptly after receipt of each invoice or voucher and statement of cost the Government shall, except as otherwise provided in this contract, subject to the provisions of (d) below, make payment thereon as approved by the Contracting Officer. Payment of the fee shall be made to the Contractor in installments based upon the percentage of completion of the work as determined from estimates submitted to and approved by the Contracting Officer: *Provided, however,* That after payment of ninety-five percent (95%) of the minimum fee provided for in (i) below, further payment on account of the fee shall be withheld until a reserve of either fifteen percent (15%) of the target fee, or one hundred thousand dollars ($100,000), whichever is less, shall have been set aside".

(iv) Delete subparagraph (i) and substitute: "The fee payable hereunder shall be the target fee increased by (insert Contractor's participation), cents for each dollar by which the total allowable cost, exclusive of the total rental paid for Contractor-owned or controlled equipment, is less than the target cost; or decreased by (insert Contractor's participation), cents for each dollar by which the total allowable cost, exclusive of the total rental for Contractor-owned or controlled equipment, exceeds the target cost. In no event shall the fee be greater than _____ percent or less than _____ percent of the target cost; and within these limits such fees shall be subject to adjustment by reason of the increase or decrease of the total allowable cost on account of payments under the assignment required by (f)(i) above and claims excepted from the release required by (f)(ii) above."

§ 7.702–10 Allowable cost and payment.

(a) Subject to the instructions set forth in paragraph (b) of this section, insert the following clause.

ALLOWABLE COST AND PAYMENT (JULY 1965)

(a) For the performance of any work, duty, or obligation by the Contractor under this contract which is porvided herein to be at Government expense, the Government shall pay the Contractor the cost thereof, determined by the Contracting Officer to be allowable in accordance with (i) section XV, Part 5, of the Armed Services Procurement Regulation in effect as of the date of this contract; and (ii) the terms of this contract.

(b) Except as otherwise specifically provided in this contract, the failure of this contract to provide for reimbursement shall not preclude the Contractor from including, as part of the price or cost under any other Government contract or subcontract, an allocable portion of the costs incurred in the performance of any work, duty, or obligation under this contract which are not reimbursable hereunder.

(c) Once each month (or at more frequent intervals, if approved by the Contracting Officer), the Contractor may submit to an authorized representative of the Contracting Officer, in such form and reasonable detail as such representative may require, an invoice or public voucher supported by a statement of cost incurred by the Contractor in the performance of this contract and claimed to constitute allowable cost.

(d) Promptly after receipt of each invoice or voucher and statement of cost, the Government shall, except as otherwise provided in this contract, subject to the provisions of paragraph (e) below, make payment thereof as approved by the Contracting Officer.

(e) At any time or times prior to final payment under this contract, the Contracting Officer may have the invoices or vouchers and statements of cost audited. Each payment theretofore made shall be subject to reduction for amounts included in the related invoice or voucher which are found by the Contracting Officer, on the basis of such audit, not to constitute allowable cost. Any payment may be reduced for overpayments, or increased for underpayments, on preceding invoices or vouchers.

(f) The Contractor agrees that any refunds, rebates, credits, or other amounts (including any interest thereon) accruing to or received by the Contractor or any assignee under this contract shall be paid by the Contractor to the Government, to the extent that they are properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract. Reasonable expenses incurred by the Contractor for the purpose of securing such refunds, rebates, credits, or other amounts shall be allowable cost hereunder when approved by the Contracting Officer. Prior to final payment under this contract, the Contractor and each assignee under this contract whose assignment is in effect at the time of final payment under this contract shall execute and deliver:

(i) An assignment to the Government, in form and substance satisfactory to the Contracting Officer, of refunds, rebates, credits, or other amounts (including any interest thereon) properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract; and

(ii) A release discharging the Government, its officers, agents, and employees from all liabilities, obligations, and claims arising out of or under this contract, subject only to the following exceptions—

(A) Specified claims in stated amounts or in estimated amounts where the amounts are not susceptible of exact statement by the Contractor;

(B) Claims, together with reasonable expenses incidental thereto, based upon liabilities of the Contractor to third parties arising out of the performance of this contract: *Provided,* That such claims are not known to the Contractor on the date of the execution of the release: *And provided further,* That the Contractor gives notice of such claims in writing to the Contracting Officer not more than six (6) years after the date of the release or the date of any notice to the Contractor that the Government is prepared to make final payment, whichever is earlier; and

(C) Claims for reimbursement of costs (other than expenses of the Contractor by reason of his indemnification of the Government against patent liability), including reasonable expenses incidental thereto, incurred by the Contractor under the provisions of this contract relating to patents.

(b) In paragraph (f)(ii)(B) of the foregoing clause, the period of years may be increased to correspond with any statutory period of limitation applicable to claims of third parties against the contractor; provided, that a corresponding increase is made in the period for retention of records required in paragraph (a)(4) of the clause prescribed by § 7.702–13.

§ 7.702–23 Notice of use of the facilities.

NOTICE OF USE OF THE FACILITIES (OCTOBER 1965)

The Contractor shall notify the Contracting Officer in writing whenever:

(i) Use of the Facilities for Government work is less than seventy-five percent (75%) of the total use of the Facilities;

(ii) Non-Government use of Government-owned machinery and tools (Federal Supply Classification Code numbers 3411–3419 and 3441–3449) having a unit acquisition cost of $500 or more is expected to exceed twenty-five percent (25%) of the total use of such equipment in any rental period; or

(iii) Any item of the Facilities is no longer needed or usable for the purpose of performing Government contracts or subcontracts.

12. Section 7.703–38 is revised; § 7.704–3 is revised and the footnote deleted, and in § 7.901–6, the text following the clause is revised, as follows:

§ 7.703–38 Contract Work Hours Standards Act—overtime compensation.

Insert the contract clause set forth in § 12.303 of this chapter.

§ 7.704–3 Allowable cost and payment.

ALLOWABLE COST AND PAYMENT (JULY 1965)

(a) For the performance of any work, duty, or obligation by the Contractor under this contract, which is provided herein to be at Government expense, the Government shall pay the Contractor the cost thereof, determined by the Contracting Officer to be allowable in accordance with (i) section XV, part 5, of the Armed Services Procurement Regulation as in effect on the date of this contract; and (ii) the terms of this contract.

(b) Except as otherwise specifically provided in this contract, the failure of this contract to provide for reimbursement shall not preclude the Contractor from including, as part of the price or cost under any other Government contract or subcontract, an allocable portion of the costs incurred in the performance of any work, duty, or obligation under this contract which are not reimbursable hereunder.

§ 7.901–6 Payments.

PAYMENTS (JUNE 1965)

• • • • •

The following may be inserted as paragraph (b)(4) in the foregoing "Payments" clause where the nature of the work to be performed requires the contractor to furnish material which is regularly sold to the general public in the normal course of business by the contractor, and in accordance with the limitations contained in § 3.406–1(d)(1) and (2) of this chapter.

(4) When the nature of the work to be performed requires the Contractor to furnish material which is regularly sold to the general public in the normal course of business by the Contractor, the price to be paid for such material, notwithstanding (b)(1), above, shall be on the basis of an established catalog or list price, in effect when the material is furnished, less all applicable discounts to the Government: *Provided,* That in no event shall such price be in excess of the Contractor's sales price to his most favored customer for the same item in like quantity, or the current market price, whichever is lower.

13. A new Subpart L is added, to read as follows:

Subpart L—Clauses for Mortuary Services Contracts

Sec.
7.1200 Scope of subpart.
7.1201 Required clauses for other than port of entry requirements contracts.
7.1201–1 Requirements.
7.1201–2 Contract period.
7.1201–3 Area of performance.
7.1201–4 Specifications.
7.1201–5 Using activities.
7.1201–6 Delivery orders and invoices.
7.1201–7 Delivery and performance.
7.1201–8 Subcontracting.
7.1201–9 Additional default provision.
7.1201–10 Inspection.
7.1201–11 Group interment.
7.1201–12 Professional requirements.
7.1201–13 Facility requirements.
7.1201–14 Preparation history.
7.1201–15 Changes.
7.1201–16 Definitions.
7.1201–17 Payments.
7.1201–18 Assignment of claims.
7.1201–19 Disputes.
7.1201–20 Renegotiation.
7.1201–21 Officials not to benefit.
7.1201–22 Covenant against contingent fees.
7.1201–23 Gratuities.
7.1201–24 Default.
7.1201–25 Federal, State and local taxes.
7.1201–26 Convict labor.
7.1201–27 Contract Work Hours Standards Act—Overtime compensation.
7.1201–28 Walsh-Healey Public Contracts Act.
7.1201–29 Equal opportunity.
7.1201–30 Termination for convenience of the Government.
7.1201–31 Interest.
7.1202 Clauses to be used when applicable for other than port of entry requirements contracts.
7.1202–1 Examination of records.
7.1203 Clauses for port of entry requirements contracts.

AUTHORITY: The provisions of this Subpart L issued under sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 7.1200 Scope of subpart.

This subpart sets forth uniform contract clauses for mortuary services (care of remains) contracts (see Subpart I, Part 4 of this chapter).

§ 7.1201 Required clauses for other than port of entry requirements contracts.

The following clauses shall be inserted in all care of remains contracts except those for port of entry requirements.

§ 7.1201–1 Requirements.

REQUIREMENTS (OCTOBER 1965)

(a) This is a requirements contract for the supplies or services specified in the Schedule, and for the period set forth in this contract. Delivery of supplies or performance of services shall be made only as authorized by orders issued in accordance with the clause entitled "Delivery Orders and Invoices". The quantities of supplies or services specified herein are estimates only and are not purchased hereby. Except as may be otherwise provided herein, in the event the Government's requirements for supplies or services set forth in the Schedule do not result in orders in the amounts or quantities described as "estimated" or "maximum" in the Schedule, such event shall not constitute the basis for an equitable price adjustment under this contract.

(b) The Government shall order from the Contractor all the supplies, services, and transportation set forth in the Schedule which are required to be purchased by the Government activity named herein, and the Contractor shall furnish to the Government such supplies, services, and transportation as may be ordered by the Contracting Officer. The Government, however, reserves the right not to order supplies and services under this contract in instances where the body is removed from the area for medical, scientific, or other cogent reason. In the event of an epidemic or other emergency, the Contractor shall not be required to provide services in excess of the capacity of his facilities.

§ 7.1201–2 Contract period.

CONTRACT PERIOD (OCTOBER 1965)

Any contract awarded as a result of bids submitted under this Invitation for Bids shall extend from _____ through _____.

§ 7.1201–3 Area of performance.

AREA OF PERFORMANCE (OCTOBER 1965)

(a) The area of performance is specified in Attachment 1 to this contract. This contract includes taking possession of the remains at the place where they are located, transporting them to the Contractor's place of preparation and transporting them thereafter to a place designated by the Contracting Officer. The Contractor shall not be entitled to reimbursement for transportation (see Item 5 of the Schedule) when both the place where the remains were located and the delivery point are within the area of performance.

(b) If remains are located outside the area of performance, the Government may call on the Contractor or obtain the services elsewhere. If the Government calls on the Contractor, the Contractor shall be paid the amount per mile indicated in the Schedule under Item 5 for the number of miles required to transport the remains by a reasonable route from the point where located to the boundary of the area of performance. If the Government elects to have the remains brought into the area of performance by some other means, it may require the Contractor to perform after the remains are within the area of performance.

(c) The Government may require the Contractor to deliver remains to any point within one hundred (100) miles of the area of performance. In this case the Contractor shall be paid the amount per mile indicated in the Schedule under Item 5 for the number of miles required to transport the remains by a reasonable route from the boundary of the area of performance to the delivery point.

§ 7.1201–4 Specifications.

SPECIFICATIONS (OCTOBER 1965)

Armed Services Specifications Care of Remains of Deceased Personnel, hereinafter referred to as "Specifications" are attached hereto and made a part of this contract.

§ 7.1201–5 Using activities.

USING ACTIVITIES (OCTOBER 1965)

Contracting Officers of the following activities may order services and supplies under this contract:

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§ 7.1201–6 Delivery orders and invoices.

DELIVERY ORDERS AND INVOICES (OCTOBER 1965)

Delivery orders for supplies or services shall be issued by the Contracting Officer and shall set forth (i) the supplies or services being ordered, (ii) the quantities to be furnished, (iii) delivery or performance dates, (iv) place of delivery or performance, (v) packing and shipping instructions, and (vi) the address to which invoices for services rendered under this contract shall be sent. Amendments to delivery orders may be made by the Contracting Officer issuing the order. Each delivery order or change order shall cite the funds from which payment for the supplies or services ordered shall be made.

§ 7.1201–7 Delivery and performance.

DELIVERY AND PERFORMANCE (OCTOBER 1965)

Except as otherwise herein provided, the Contractor shall furnish the material ordered and perform the services specified in each case as promptly as possible but in no event later than thirty-six (36) hours after the Contractor has received notification to remove the remains, exclusive of the time necessary for the Government to inspect and check results of preparation. The Government may, at no additional charge, require the Contractor to hold the remains for an additional period not to exceed seventy-two (72) hours from the time the remains are casketed and final inspection completed.

§ 7.1201–8 Subcontracting.

SUBCONTRACTING (OCTOBER 1965)

No contract shall be made by the Contractor with any other party for furnishing any of the work or services herein contracted for without the written approval of the Contracting Officer. This provision does not apply to contracts of employment between the Contractor and his personnel.

§ 7.1201–9 Additional default provision.

ADDITIONAL DEFAULT PROVISION (OCTOBER 1965)

(a) This clause supplements the "Default" clause of this contract.

(b) This contract may be terminated for default by written notice without the ten (10) day notice specified under paragraph (a)(ii) of the "Default" clause if during the performance of this contract:

(i) The Contractor, through circumstances reasonably within his control or that of persons in his employ, performs any act or acts under or in connection with this contract, or fails in the performance of any service under this contract, and such acts or failures may reasonably be considered to reflect discredit upon the Department of Defense in fulfilling its responsibility for proper care of remains;

(ii) The Contractor, either by his own act or through persons in his employ, solicits relatives or friends of the deceased to purchase supplies or services not provided for under this contract (the Contractor may furnish supplies or arrange for services not provided for under this contract, only where such other supplies or services are voluntarily requested, selected and paid for by the representatives of the deceased);

(iii) The services, or any part thereof, to be performed under this contract are, without the written authorization of the Contracting Officer, performed by an individual, partnership, corporation, or other person or business association whatsoever, other than the Contractor to whom this contract is awarded, his employees and members of the firm;

(iv) The Contractor refuses to perform the services required for any particular remains; or

(v) The Contractor advertises in any way that he has a contract for mortuary services with the Government.

(c) All other provisions of the "Default" clause shall apply to a termination made pursuant to this "Additional Default Provision" clause.

§ 7.1201–10 Inspection.

INSPECTION (OCTOBER 1965)

All services, material, and workmanship shall be subject to inspection and test by representatives of the Government. For this purpose, the Contractor shall allow inspectors and other representatives of the Contracting Officer free access to the plant and operations at all reasonable times and shall furnish such facilities, supplies and services, as may be required.

§ 7.1201–11 Group interment.

GROUP INTERMENT (OCTOBER 1965)

Payments to the Contractor for supplies and services provided for remains to be interred as a group shall be made on the basis of the number of caskets furnished rather than on the basis of the number of persons in the group.

§ 7.1201–12 Professional requirements.

PROFESSIONAL REQUIREMENTS (OCTOBER 1965)

The Contractor shall meet all state and local licensing requirements and shall furnish the highest quality of professional services. Preparation and transportation of remains shall be performed in accordance with all applicable Federal, State, and local health laws, statutes, and regulations. The Contractor shall obtain and furnish all necessary health department and shipping permits at no additional cost to the Government and shall insure that all necessary health department permits are in order for disposition of the remains.

§ 7.1201–13 Facility requirements.

FACILITY REQUIREMENTS (OCTOBER 1965)

The Contractor's building shall have complete facilities for maintaining the highest standards of solemnity, reverence, and assistance to the family, and for prescribed ceremonial services. The preparation room shall be clean, sanitary, and adequately equipped. The Contractor shall have, or be able to obtain, catafalques, church trucks and equipment for Protestant, Catholic, and Jewish services. The funeral home, furnishings, grounds and surrounding area shall be carefully maintained so as to present a clean and well-kept appearance.

§ 7.1201–14 Preparation history.

PREPARATION HISTORY (OCTOBER 1965)

For each body prepared, or in the case of group interment for each casket handled, the Contractor shall state briefly the results of the embalming process on a certificate furnished by the Contracting Officer.

§ 7.1201–15 Changes.

CHANGES (OCTOBER 1965)

The Contracting Officer may at any time, by a written order, and without notice to the sureties, if any, make changes in or additions to specifications, issue additional instructions, required modified or additional work or services within the scope of the contract, and change the place of delivery, method of shipment, or the amount of Government-furnished property. If any such change causes an increase or decrease in the cost of, or in the time required for, the performance of this contract, an equitable adjustment shall be made in the contract price, or time of performance, or both, and the contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within thirty (30) days from the date of receipt by the Contractor of the notification of change: *Provided, however,* That the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the "Disputes" clause of this contract. However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

§ 7.1201–16 Definitions.

Insert the clause set forth in § 7.103–1.

§ 7.1201–17 Payments.

Insert the clause set forth in § 7.103–7.

§ 7.1201–18 Assignment of claims.

Insert the clause set forth in § 7.103–8.

§ 7.1201–19 Disputes.

Insert the clause set forth in § 7.103–12(a).

§ 7.1201–20 Renegotiation.

Insert the clause set forth in § 7.103–13(a).

§ 7.1201–21 Officials not to benefit.

Insert the clause set forth in § 7.103–19.

§ 7.1201–22 Covenant against contingent fees.

Insert the clause set forth in § 7.103–20.

§ 7.1201–23 Gratuities.

Insert the clause set forth in § 7.104–16.

§ 7.1201–24 Default.

Insert the clause set forth in § 8.707.

§ 7.1201–25 Federal, State and local taxes.

Insert the clause set forth in § 11.401–1.

§ 7.1201–26 Convict labor.

Insert the clause set forth in § 12.203.

§ 7.1201–27 Contract Work Hours Standards Act—Overtime Compensation.

Insert the clause set forth in § 12.303–1.

§ 7.1201–28 Walsh-Healey Public Contracts Act.

Insert the clause set forth in § 12.605.

§ 7.1201–29 Equal opportunity.

Insert the clause set forth in § 12.802 (a).

§ 7.1201–30 Termination for convenience of the government.

Insert the clause set forth in § 8.701(a).

§ 7.1201–31 Interest.

Insert the clause set forth in § 163.118 of this chapter.

§ 7.1202 Clauses to be used when applicable for other than port of entry requirements contracts.

§ 7.1202–1 Examination of records.

Insert the clause set forth in § 7.104–15 in negotiated contracts for mortuary services.

§ 7.1203 Clauses for port of entry requirements contracts.

The clauses prescribed in § 7.1201 and § 7.1202, except the Area of Performance clause in § 7.1201–3, and the Facility Requirements clause in § 7.1201–13, shall be inserted in all care of remains contracts for port of entry requirements. In addition, the Government-Furnished Property (Short Form) clause set forth in § 13.710 shall be inserted.

PART 10—BONDS, INSURANCE, AND INDEMNIFICATION

14. Section 10.110 is revised; in §§ 10.111–1 and 10.111–2, the "Consent of Surety" forms are revised; and Subpart C is revised, as follows:

§ 10.110 Substitution of surety bonds.

A new surety bond may be substituted for a bond previously approved covering part or all of the same obligation when approved, (a) for the Army, by The Judge Advocate General; (b) for the Navy, by the Chief of Naval Material (MAT–213); (c) for the Air Force, by the Air Force Logistics Command (MCJC); and (d) for the Defense Supply Agency, by the Head of a Procuring Activity. When so approved and authorized by the Army, Navy or Defense Supply Agency the principal and surety of the original bond will be notified that the original bond will not be considered as security for any default occurring after the date of acceptance of the new bond. When approved by the Air Force, authority to relieve an original surety of liability for default occurring subsequent to the date of approval of a substitute bond will be obtained from the Commander, Air Force Logistics Command, prior to giving such notification.

§ 10.111–1 Additional bond.

* * * * *

CONSENT OF SURETY AND INCREASE OF PENALTY

Modification No. ----------, dated ----------
Contract No. ----------

The surety [cosureties] hereby consents [consent] to the foregoing contract modification and agrees [agree] that its [their] bond or bonds shall apply and extend to the contract as thereby modified or amended. The principal and the surety [cosureties] further agree that on and after the execution of this consent, the penalty of the aforementioned performance bond or bonds is hereby increased by -------- dollars ($--------) and the penalty of the aforementioned payment bond or bonds is hereby increased by -------- dollars ($--------): *Provided, however,* That the increase of the liability of each cosurety resulting from this consent shall not exceed the sums set forth below:

Name of surety	*Increase in liability limit under performance bond*	*Increase in liability limit under payment bond*

(Signature of individual principal) *

(Type name of individual principal)

(Business address)

Date of execution: ----------

[SEAL]

(Corporate principal) *

(Business address)

By ----------
(Signature of person executing)

(Type name and title of person executing)

Date of execution: ----------

[Affix corporate seal]

(Corporate surety)

(Business address)

By ----------
(Signature of person executing)

(Type name and title of person executing)

[Affix corporate seal]

(Add similar signature blocks for cosureties.)

*This Consent of Surety and Increase of Penalty shall be executed by the principal or his authorized representative concurrent with the execution of the attached modification to which it pertains. If the individual who signs the consent is signing in a representative capacity (e.g., attorney in fact), but is not a member of the firm, partnership, or joint venture, or an officer of the corporation involved, a Power of Attorney or Certificate of Corporate Principal, as appropriate, shall be submitted with the consent.

§ 10.111–2 Consent of surety.

* * * * *

CONSENT OF SURETY

Modification No ----------, dated----------
Contract No.----------

The surety [cosureties] hereby consents [consent] to the foregoing contract modification and the surety [sureties] agrees [agree] that its [their] bond or bonds shall apply and extend to the contract as thereby modified or amended.

---------- Date of execution:
(Corporate surety)

---------- ----------
(Business address) Affix Corporate Seal

By----------
(Signature of person executing)

(Type name and title of person executing)

(*Add similar signature blocks for cosureties.*)

Subpart C—Insurance—General

Sec.
10.300 Scope of subpart.
10.301 General.
10.302 Notice of cancellation or change.
10.303 Insurance against loss of or damage to Government property.
10.304 Procedures to be followed in the event of loss or damage to Government property.

AUTHORITY: The provisions of this Subpart C issued under sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 10.300 Scope of subpart.

This subpart sets forth the general principles and policy applicable to insurance under contracts of the Department for supplies or services.

§ 10.301 General.

Contractors shall be required to carry insurance where:

(a) It is mandatory by law or this subchapter;

(b) It is considered necessary or desirable to utilize the facilities and services of the insurance industry; or

(c) Where commingling of property, type of operations, circumstances of ownership, or conditions of the contract make insurance reasonably necessary for the protection of the Government.

The minimum amounts of coverage required by this subchapter may be reduced when a contract is to be performed outside the United States, its possessions, and Puerto Rico. Where more than one Military Department is involved, the Department responsible for review and approval of a contractor's insurance program shall coordinate with other interested Military Departments prior to taking action on significant insurance matters.

§ 10.302 Notice of cancellation or change.

Where insurance is required by contract provision or in writing by the approving authority, the policies evidencing such insurance shall contain an endorsement to the effect that cancellation or material change in the policies, adversely affecting the interest of the Government in such insurance, shall not be effective unless the written notice as required by the approving authority is given.

§ 10.303 Insurance against loss of or damage to Government property.

Generally a contractor is relieved of liability for loss of or damage to Government property and insurance coverage is not required. This general rule is limited by certain of the contract clauses in Parts 7 and 13 of this chapter. When insurance is required or approved, it may be provided either by separate policies or by inclusion of appropriate coverage in the contractor's existing policies. In either event, the insurance policies shall disclose the Government's interest in the property.

§ 10.304 Procedures to be followed in the event of loss of or damage to Government property.

Upon the happening of loss of or damage to any Government property, concerning which the contractor is relieved of responsibility by contract provision, the procedure shall be as prescribed in subparagraph (g)(3) of the clause in § 13.702 or § 13.703 of this chapter.

15. Section 10.401 is revised; a new paragraph (c) is added to § 10.403; the clause in § 10.404(a) is revised; and §§ 10.405, 10.501, 10.501–1, and 10.501–2 are revised, to read as follows:

§ 10.401 Policy.

Generally the Military Departments are concerned with the insurance program of a fixed price contractor only when special circumstances exist. Examples are:

(a) The contractor is engaged principally in Government works;

(b) The contractor has a separate operation engaged principally in Government work;

(c) Government property of substantial value is involved;

(d) The work is performed within a Government installation;

(e) The Government desires to assume risks for which the contractor ordinarily obtains commercial insurance;

(f) A substantial amount of work is being performed under a fixed-price incentive contract; and

(g) Adequate coverage is not available in the commercial market at a reasonable cost.

§ 10.403 Workmen's compensation insurance overseas.

* * * * *

(c) Requests for waivers shall be submitted through channels, for the Army, to the Labor Advisor, Office of the Assistant Secretary of the Army (I&L), for the Navy, to the Chief of Naval Material (Attention: Contract Insurance Branch), for the Air Force, to the Directorate of Procurement Policy, Headquarters USAF, and for the Defense Supply Agency, to the Executive Director, Procurement and Production. The request for waiver shall include the following:

(1) Name of contractor;

(2) Business mailing address of contractor;

(3) Contract number;

(4) Date of award;

(5) Geographic location where contract will be performed;

(6) Name of insurance company providing the Defense Base Act coverage;

(7) Nationality of employees to whom waiver is to apply; and

(8) Reason for waiver.

§ 10.404 Aircraft—ground and flight risk.

(a) * * *

GROUND AND FLIGHT RISK (OCTOBER 1965)

(a) Notwithstanding any other provisions of this contract, except as may be specifically provided in the Schedule as an exception to this clause, the Government, subject to the definitions and limitations of this clause, assumes the risk of damage to, or loss or destruction of, aircraft "in the open", during "operation", and in "flight", as these terms are defined below, and agrees that the Contractor shall not be liable to the Government for any such damage, loss, or destruction, the risk of which is so assumed by the Government.

(b) For the purposes of this clause:

(i) Unless otherwise specifically provided in the Schedule, the term "aircraft" means—

(A) Aircraft (including (I) complete aircraft, and (II) aircraft in the course of being manufactured, disassembled, or reassembled; provided, that an engine or a portion of a wing or a wing is attached to a fuselage of such aircraft) to be furnished to the Government under this contract (whether before or after acceptance by the Government); and

(B) Aircraft (regardless of whether in a state of disassembly or reassembly) furnished by the Government to the Contractor under this contract;

including all property installed therein, or in the process of installation, or temporarily removed from such aircraft: *Provided, however,* That such aircraft and property are not covered by a separate bailment agreement.

(ii) The term "in the open" means located wholly outside of buildings on the Contractor's premises or at such other places as may be described in the Schedule as being in the open for the purposes of this clause, except that aircraft furnished by the Government shall be deemed to be in the open at all times while in Contractor's possession, care, custody, or control.

(iii) The term "flight" means any flight demonstration, flight test, taxi test, or other flight, made in the performance of this contract, or for the purpose of safeguarding the aircraft, or previously approved in writing by the ----------*. With respect to land based aircraft "flight" shall commence with the taxi roll from a flight line on the Contractor's premises, and continue until the aircraft has completed the taxi roll in returning to a flight line on the Contractor's premises; with respect to seaplanes, "flight" shall commence with the launching from a ramp on the Contractor's premises and continue until the aircraft has completed its landing run upon return and is beached at a ramp on the Contractor's premises; with respect to helicopters, "flight" shall commence upon engagement of the rotors for the purpose of take-off from the Contractor's premises and continue until the aircraft has returned to the ground on the Contractor's premises and the rotors are disengaged; and with respect to vertical take-off aircraft, "flight" shall commence upon disengagement from any launching platform or device on the Contractor's premises and continue until the aircraft has been re-engaged to any launching platform or device on the Contractor's premises; *provided,* however, that aircraft off the Contractor's premises shall be deemed to be in flight when on the ground or water only during periods of reasonable duration following emergency landing, other landings made in the performance of this contract, or landings approved by ----------* in writing.

(iv) The term "Contractor's premises" means those premises designated as such in the Schedule or in writing by the ----------,* and any other place to which aircraft are moved for the purpose of safeguarding the Aircraft.

(v) The term "operation" means operations and tests, other than on any production line, of aircraft, when not in flight, whether or not the aircraft is in the open or in motion during the making of any such operations or tests, and includes operations and tests of equipment, accessories, and power plants, only when installed in aircraft.

(vi) The term "flight crew members" means the pilot, the co-pilot and, unless otherwise specifically provided in the Schedule, the flight engineer, navigator, bombardier-navigator, and defensive systems operator, when required, or assigned to their respective crew positions, to conduct any flight on behalf of the Contractor.

(c) (1) The Government's assumption of risk under this clause, as to aircraft in the open, shall continue in effect unless terminated pursuant to subparagraph (3) below. Where the ----------* finds that any of such aircraft is in the open under unreasonable conditions, he shall notify the Contractor in writing of the conditions he finds to be unreasonable and require the Contractor to correct such conditions within a reasonable time.

(2) Upon receipt of such notice, the Contractor shall act promptly to correct such conditions, regardless of whether he agrees that such conditions are in fact unreasonable. To the extent that the Contracting Officer may later determine that such conditions were not in fact unreasonable, an equitable adjustment shall be made in the contract price to compensate the Contractor for any additional costs he incurred in correcting such conditions and the contract shall be

* See footnote at end of clause.

modified in writing accordingly. Any dispute as to the unreasonableness of such conditions or the equitable adjustment shall be deemed to be a dispute concerning a question of the fact within the meaning of the clause of this contract entitled "Disputes."

(3) If the ----------* finds that the Contractor has failed to act promptly to correct such conditions or has failed to correct such conditions within a reasonable time, he may terminate the Government's assumption of risk under this clause, as to any of the aircraft which is in the open under such conditions, such termination to be effective at 12:01 a.m., on the fifteenth day following the day of receipt by the Contractor of written notice thereof. If the Contracting Officer later determines that the Contractor acted promptly to correct such conditions or that the time taken by the Contractor was not in fact unreasonable, an equitable adjustment shall, notwithstanding paragraph (f) of this clause, be made in the contract price to compensate the Contractor for any additional costs he incurred as a result of termination of the Government's assumption of risk under this clause and the contract shall be modified in writing accordingly. Any dispute as to whether the Contractor failed to act promptly to correct such conditions, or as to the reasonableness of the time for correction of such conditions, or as to such equitable adjustment, shall be deemed to be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(4) In the event the Government's assumption of risk under this clause is terminated in accordance with (3) above, the risk of loss with respect to Government-furnished property shall be determined in accordance with the clause of this contract, if any, entitled "Government Property" until the Government's assumption of risk is reinstated in accordance with (5) below.

(5) When unreasonable conditions have been corrected, the Contractor shall promptly notify the Government thereof. The Government may elect to again assume the risks and relieve the Contractor of liabilities as provided in this clause, or not, and the ----------* shall notify the Contractor of the Government's election. If, after correction of the unreasonable conditions the Government elects to again assume such risks and relieve the Contractor of such liabilities, the Contractor shall be entitled to an equitable adjustment in the contract price for costs of insurance, if any, extending from the end of the third working day after the Contractor notifies the Government of such correction until the Government notifies the Contractor of such election. If the Government elects not to again assume such risks, and such conditions have in fact been corrected, the Contractor shall be entitled to an equitable adjustment for costs of insurance, if any, extending after such third working day.

(d) The Government's assumption of risk shall not extend to damage to, or loss or destruction of, such aircraft:

(i) resulting from failure of the Contractor, due to willful misconduct or lack of good faith of any of the Contractor's managerial personnel, to maintain and administer a program for the protection and preservation of aircraft in the open, and during operation, in accordance with sound industrial practice (the term "Contractor's managerial personnel" means the Contractor's directors, officers, and any of his managers, superintendents, or other equivalent representatives, who has supervision or direction of all or substantially all of the Contractor's business, or all or substantially all of the Contractor's operations at any one plant or separate location at which this contract is performed, or a separate and complete major industrial operation in connection with the performance of this contract);

(ii) sustained during flight if the flight crew members conducting such flight have not been approved in writing by the------*;

(iii) while in the course of transportation by rail, or by conveyance on public streets, highways, or waterways, except for Government-furnished property;

(iv) to the extent that such damage, loss or destruction is in fact covered by insurance;

(v) Consisting of wear and tear, deterioration (including rust and corrosion), freezing, or mechanical, structural, or electrical breakdown or failure, unless such damage is the result of other loss, damage, or destruction covered by this clause: *Provided, however,* In the case of Government-furnished property, if such damage consists of reasonable wear and tear or deterioration, or results from inherent vice in such property, this exclusion shall not apply;

(vi) Sustained while the aircraft is being worked upon and directly resulting therefrom, including but not limited to any repairing, adjusting, servicing or maintenance operation, unless such damage, loss, or destruction, is of a type which would be covered by insurance which would customarily have been maintained by the Contractor at the time of such damage, loss, or destruction, but for the Government's assumption of risk under this clause; or

(vii) Under this clause, where the total loss resulting from each event separately occurring is less than $500.

(e) A subcontractor shall not be relieved from liability for damage to, or loss or destruction of, aircraft while in his possession or control, except to the extent that the subcontractor, with the prior written approval of the Contracing Officer, provides for relief of the subcontractor from such liability. In the absence of such approval, the subcontract shall contain appropriate provisions requiring the return of such aircraft in as good condition as when received, except for reasonable wear and tear or for the utilization of the property in accordance with the provisions of this contract. Where a subcontractor has not been relieved from liability for any damage, loss, or destruction of aircraft and any damage, loss, or destruction occurs, the Contractor shall enforce the liability of the subcontractor for such damage to, or loss or destruction of, the aircraft for the benefit of the Government.

(f) The Contractor warrants that the contract price does not and will not include, except as may be otherwise authorized in this clause, any charge or contingency reserve for insurance (including self-insurance funds or reserves) covering any damage to, or loss or destruction of, aircraft while in the open, during operation, or in flight, the risk of which has been assumed by the Government under the provisions of this clause, whether or not such assumption may be terminated as to aircraft in the open.

(g) In the event of damage to, or loss or destruction of, aircraft in the open, during operation, or inflight, the Contractor shall take all reasonable steps to protect such aircraft from further damage, separate damaged and undamaged aircraft, put all aircraft in the best possible order and, further, except in cases covered by (d)(vii) above, the Contractor should furnish to the ----------* a statement of:

(i) The damaged, lost, or destroyed aircraft;

(ii) The time and origin of the damage, loss or destruction;

(iii) All known interests in commingled property of which aircraft are a part; and

(vi) The insurance, if any, covering any part of the interest in such commingled property.

Except in cases covered by (d)(vii) above, an equitable adjustment shall be made in the amount due under this contract for expenditures made by the Contractor in performing his obligations under this paragraph (g) and this contract shall be modified in writing accordingly.

(h) If prior to delivery and acceptance by the Government any aircraft is damaged, lost, or destroyed and the Government has under this clause assumed the risk of such damage, loss or destruction, the Government shall either (1) require that such aircraft be replaced or restored by the Contractor to the condition in which it was immediately prior to such damage, or (2) shall terminate this contract with respect to such aircraft. In the event that the Government requires that the aircraft be replaced or restored, an equitable adjustment shall be made in the amount due under this contract and in the time required for its performance, and this contract shall be modified in writing accordingly. If, in the alternative, this contract is terminated under this paragraph with respect to such aircraft and under this clause the Government has assumed the risk of such damage, loss, or destruction, the Contractor shall be paid the contract price for said aircraft (or, if applicable, any work to be performed on said aircraft) less such amounts as the Contracting Officer determines (1) that it would have cost the Contractor to complete the aircraft (or any work to be performed on said aircraft) together with anticipated profit, if any, on any such uncompleted work, and (2) to be the value, if any, of the damaged aircraft or any remaining portion thereof retained by the Contractor. The Contracting Officer shall have the right to prescribe the manner of disposition of the damaged, lost, or destroyed aircraft, or any remaining parts thereof; and, if any additional costs of such disposition are incurred by the Contractor, a further equitable adjustment will be made in the amount due to the Contractor. Failure of the parties to agree upon an equitable adjustment or upon the amount to be paid in the event of termination of the contract with respect to any aircraft, shall be a dispute concerning a question of fact within the meaning of the Disputes clause of this contract.

(i) In the event the Contractor is at any time reimbursed or compensated by any third person for any damage, loss, or destruction of any aircraft, the risk of which has been assumed by the Government under the provisions of this clause and for which the Contractor has been compensated by the Government, he shall equitably reimburse the Government. The Contractor shall do nothing to prejudice the Government's rights to recover against third parties for any such damage, loss, or destruction and, upon the request of the ----------,* shall at the Government's expense furnish to the Government all reasonable assistance and cooperation (including the prosecution of suit and the execution of instruments of assignment or subrogation in favor of the Government) in obtaining recovery.

* * * * *

*In the foregoing clause, insert in contracts of the Department of the Army, the Department of the Navy, the Department of the Air Force, and in contracts to be administered by the Defense Contract Administration Services the activity designated in combined regulation identified as Air Force Regulation 84–7, Army Regulation 95–20, BUWEPS Instruction 3710.6A, Defense Supply Agency Regulation 8210.1, dated 18 November 1964, subject, Requirements for Contractor Operating Procedures and Flight Crews, enclosure 1.

* See footnote at end of clause.

§ 10.403 Work on a Government installation.

(a) Any solicitation for a contract requiring performance of construction, repair, or utilities work on a Government installation shall state the minimum insurance coverage required and inform the bidder that the resulting contract shall require the contractor or subcontractor doing such work to furnish a Certificate of Insurance or a statement in writing to the contracting officer of any required insurance, including but not limited to, workman's compensation and employers' liability insurance, comprehensive general liability, and comprehensive automobile liability insurance. Such certificates or statements shall reflect at least the minimum limits of liability set forth in the solicitation. The minimum coverage identified in § 10.501 shall ordinarily be considered to be the minimum requirement. If a contract requires repetitive or continuous performance on a Government installation, the contracting officer may also require the contractor to carry such insurance as may be applicable under the circumstances.

(b) Certificates of Insurance or statements, together with any renewals, shall cover the full period of contract performance.

(c) The foregoing requirements shall not apply to contracts of $2,500 or less, or to work to be performed outside the United States, its possessions, and Puerto Rico, unless determined to be necessary by the contracting officer.

§ 10.501 Policy.

The types of insurance listed below, with the minimum amounts of liability indicated, ordinarily shall be required in cost-reimbursement contracts and subcontracts thereunder where the provisions of the prime contract are extended to the subcontract. An approved program of self-insurance, as provided in § 10.502, may be substituted for any of the types of insurance ordinarily required.

§ 10.501–1 Workmen's compensation and employers' liability insurance.

Compliance with applicable workmen's compensation and occupational disease statutes shall be required. In jurisdictions where all occupational diseases are not compensable under applicable law, insurance for occupational disease shall be required under the employers' liability section of the insurance policy; however, such additional insurance shall not be required where contract operations are comingled with the contractor's commercial operations so that it would be impracticable to require such coverage. Employers' liability coverage in the minimum amount of $100,000 shall be required except in States with exclusive or monopolistic funds which do not permit the writing of workmen's compensation by private carriers (Nevada, North Dakota, Ohio, Oregon, Washington, West Virginia, and Wyoming). The clause in § 10.403(a) shall be included in all public work contracts as described therein to be performed outside the United States.

§ 10.501–2 General liability insurance.

Bodily injury liability insurance, in the minimum limits of $50,000 per person and $100,000 per accident shall be required on the comprehensive form of policy; however, property damage liability insurance ordinarily shall not be required.

16. The clause in § 10.504(a) is revised; §§ 10.505, 10.600, and 10.601 are revised; the introductory text of § 10.602 is revised; and §§ 10.603 and 10.604 are revised, as follows:

§ 10.504 Aircraft flight risk.

(a) • • •

FLIGHT RISKS (OCTOBER 1965)

(a) Notwithstanding any other provision of this contract, and particularly subparagraph (g)(1) of the Government Property clause and paragraph (c) of the Insurance—Liability to Third Persons clause, the Contractor shall not (i) be relieved of liability for, damage to, or loss or destruction of, aircraft sustained during flight, or (ii) be reimbursed for liabilities to third persons for loss of or damage to property, or for death or bodily injury, which are caused by aircraft during flight, unless the flight crew members have previously been approved in writing by ----------.*

(b) For the purposes of this clause:

(1) Unless otherwise specifically provided in the Schedule, the term "aircraft" means any aircraft, whether furnished by the Contractor under this contract (either before or after acceptance by the Government) or furnished by the Government to the Contractor under this contract, including all Government Property placed or installed therein or attached thereto: *Provided, however,* That such aircraft and property are not covered by a separate bailment agreement.

(ii) The term "flight" means any flight demonstration, flight test, taxi test, or other flight, made in the performance of this contract, or for the purpose of safeguarding the aircraft, or previously approved in writing by the ----------.* As to land based aircraft, "flight" shall commence with the taxi roll from a flight line and continue until the aircraft has completed the taxi roll to a flight line; as to sea planes, "flight" shall commence with the launching from a ramp and continue until the aircraft has completed its landing run and is beached at a ramp; as to helicopters, "flight" shall commence upon engagement of the rotors for the purpose of take-off and continue until the aircraft has returned to the ground and rotors are disengaged; and for vertical take-off aircraft, "flight" shall commence upon disengagement from any launching platform or device and continue until the aircraft has been reengaged to any launching platform or device.

(iii) The term "flight crew members" means the pilot, the co-pilot and, unless otherwise specifically provided in the Schedule, the flight engineer, navigator, bombardier-navigator, and defense systems operator, when required, or assigned to their respective crew positions, to conduct any flight on behalf of the Contractor.

(c) If any aircraft is damaged, lost, or destroyed during flight, and if the amount of such damage, loss, or destruction exceeds one hundred thousand dollars ($100,000) or twenty percent (20%) of the estimated cost (exclusive of any fee) of this contract, whichever is less, and if the Contractor is not liable for the damage, loss or destruction pursuant to the "Government Property" clause of this contract together with paragraph (a) above, then an equitable adjustment for any resulting repair, restoration, or replacement that is required under this contract shall be made (i) in the estimated cost, delivery schedule, or both, and (ii) in the amount of any fee to be paid to the Contractor, and the contract shall be modified in writing accordingly; provided, in determining the amount of adjustment in the fee that is equitable, any fault of the Contractor, his employees, or any subcontractor, which materially contributed to the damage, loss, or destruction shall be taken into consideration. Failure to agree on any adjustment shall be a dispute concerning a question of fact within the meaning of the "Disputes" clause of this contract.

• • • • •

§ 10.505 Group insurance plans under cost-reimbursement type contracts.

(a) Group insurance plans under cost-reimbursement contracts shall be submitted for approval to the Heads of Procuring Activities for the Department of the Army; the Chief of Naval Material (Attention: Contract Insurance Branch) for the Department of the Navy; Air Force Systems Command, Attention: SCKPF, for the Department of the Air Force; and the Executive Director, Procurement and Production for the Defense Supply Agency. Changes in the benefits provided under an approved plan that can reasonably be expected to increase significantly the costs being charged to the Government shall be submitted as provided above for approval. Provision shall also be made for the Government to participate in all premium refunds or credits paid or otherwise allowed to the contractor, as required by § 15.201–5 of this chapter. In determining the extent of the Government's participation in such premium refunds or credits, consideration shall be given to any special reserves and other refunds that may subsequently be paid to the contractor.

(b) The Defense Department Group Term Insurance Plan is available for use by cost-reimbursement type contractors. A contractor is eligible only if the number of covered employees is 500 or more, and (1) the contractor is wholly engaged in operations under eligible contracts, or (2) 90 percent or more of the payroll of contractor's operations to be insured under the Plan arises under eligible contracts. Insurance policies under this plan shall be submitted for approval to the Army Materiel Command, Attention: AMCPP–S, for the Department of the Army; the Chief of Naval Material, Attention: Contract Insurance Branch, for the Department of the Navy; Air Force Systems Command, Attention: SCKPF,

*In the foregoing clause, insert in contracts of the Department of the Army, the Department of the Navy, the Department of the Air Force, and in contracts to be administered by the Defense Contract Administration Services the activity designated in combined regulation identified as Air Force Regulation 84–7, Army Regulation 95–20, BUWEPS Instruction 8710.6A, Defense Supply Agency Regulation 8210.1, dated 18 November 1964, subject, Requirements for Contractor Operating Procedures and Flight Crews, enclosure 1.

* See footnote at end of clause.

for the Department of the Air Force; and the Executive Director, Procurement and Production for the Defense Supply Agency.

§ 10.600 Scope of subpart.

This subpart sets forth principles and requirements for use of the National Defense Projects Rating Plan which is available for application on both domestic and foreign contracts, which meet the eligibility requirements set forth herein. This plan provides a special rating formula for the purchase of the casualty insurance coverages listed in §§ 10.501–1 through 10.501–3 and is mandatory as to contracts which meet the use and eligibility standards in § 10.603. Construction subcontractors whose contracts provide that the prime contractor shall furnish insurance, and whose operations are at the project site, shall be included automatically in the prime contractor's rating plan policies for similar coverage. Construction subcontractors whose operations are away from the project site shall not be included in the prime contractor's rating plan.

§ 10.601 Purpose of plan.

This plan is designed to utilize the services and organizations of the insurance industry for safety engineering and the handling of claims arising under eligible contracts at a minimum cost to the Government.

§ 10.602 Description of plan.

This plan is effected by endorsements attached to standard insurance policy forms for workmen's compensation, employer's liability, general liability, and automobile liability. The rating plan provides for a fixed deposit premium, for a reduced rate of current premium payments, for yearly adjustments of the premium depending upon loss experience during the period, and for final adjustment of the premium based upon the experience of the entire period covered by the policies. The final adjustment may be deferred for a maximum of 68 months after expiration of the policies. The total adjusted premium is the sum of the following:

• • • • •

§ 10.603 Use and eligibility for plan.

The rating plan described in this subpart shall be applied to all eligible defense projects where such application is determined by the Army Materiel Command, Attention: AMCPP–PS, for the Department of the Army; the Chief of Naval Material, Attention: Contract Insurance Branch, for the Department of the Navy; Air Force Systems Command, Attention: SCKPF, for the Department of the Air Force; and the Executive Director, Procurement and Production for the Defense Supply Agency, to be in the best interest of the Government. The rating plan may be applied to cost-reimbursement type contracts and also, in appropriate cases, to fixed-price contracts with price redetermination provisions. A defense project is eligible for application of a plan when (a) eligible Government contracts represent, at inception of the plan, at least 90 percent of the payroll for total operations at the specific locations of the project; and (b) the annual premium for insurance is estimated to be at least $10,000. A defense project may include contracts awarded by more than one Department to the same contractor.

§ 10.604 Agreement for settlement of premiums under National Defense Projects Rating Plan.

The following agreement shall be used for accomplishing the assignment to the Government of the interest in return premiums, premium refund, etc., on insurance policies issued under the National Defense Projects Rating Plan, upon termination or completion of the contract, when the Government has assumed the payment of the contractor's obligation for further premium payment under such policies:

ASSIGNMENT-ASSUMPTION OF PREMIUM OBLIGATIONS

It is agreed that 100 percent* of the return premiums and premium refunds (and dividends) due or to become due the prime contractor under the policies to which the National Defense Projects Rating Plan Endorsement made a part of policy---------- applies are hereby assigned to and shall be paid to the United States of America, and the prime contractor directs the Company to make such payments to the Treasurer of the United States acting for and on account of the United States of America.

The United States of America hereby assumes and agrees to fulfill all present and future obligations of the prime contractor with respect to the payment of 100 percent* of the premiums under said policies.

This agreement, upon acceptance by the prime contractor, the United States of America and the Company shall be effective from ----------

Accepted:

---------- ----------
(Date) (Title of official signing)

By ----------
(Name of insurance company)

UNITED STATES OF AMERICA

Accepted:

---------- By ----------
(Date) (Authorized representative)

(Prime contractor)

By ----------
(Authorized representative)

Accepted:

(Date)

* In the event the Government has less than a 100 percent interest in premium refunds or dividends, the assignment shall be appropriately modified to reflect the percentage of interest and of the extent of the Government's assumption of additional premium obligation.

PART 12—LABOR

17. A new § 12.305 is added and § 12.404–2(a) is revised, as follows:

§ 12.305 Variations—firefighters and fireguards.

The following variation in the application of the Contract Work Hours Standards Act to firefighters and fireguards has been authorized by the Solicitor of Labor (see CFR 5.14(d)):

A workday consisting of a fixed and recurring 24-hour period commencing at the same time on each calendar day may be used in lieu of the calendar day in applying the daily overtime provisions of the Act to the employment of firefighters or fireguards under the following conditions:

(i) Where such employment is under a platoon system requiring such employees to remain at or within the confines of their post of duty in excess of eight hours per day in a standby or on-call status; and

(ii) If the use of such alternate 24-hour day has been agreed upon between the employer and such employees or their authorized representatives before performance of the work; and

(iii) Provided, that in determining the daily and weekly overtime requirements of the Act in any particular workweek of any such employee whose established workweek begins at an hour of the calendar day different from the hour when such agreed 24-hour day commences the hours worked in excess of 8 hours in any such 24-hour day shall be counted in the established workweek (of 168 hours commencing at the same time each week) in which such hours are actually worked.

Contractors employing firefighters and fireguards may therefore satisfy their obligations under the Contract Work Hours Standards Act by employing such employees in compliance with either the express requirements of § 12.303–1 or the foregoing variation.

§ 12.404–2 Wage determinations.

(a) *Requests for.* Requests for the determination of wage rates by the Secretary of Labor shall be submitted on Department of Labor Form DB–11 (Rev. 7–64) in accordance with the instructions contained in 29 CFR 5.3. Line 4 of the Form DB–11 provides for designation of the three most common types of construction (Building, Heavy, Highway Construction). Where a different type of work (such as family housing construction) is to be performed, it shall be indicated on line 4 of the DB–11 in lieu of checking any of the blocks contained on that line. When the request indicates a type of construction other than building, heavy or highway, it is of particular importance, in order to avoid delay, that the request be accompanied by (1) any pertinent wage payment information which may be available, and (2) a copy of the pertinent portions of the specifications or a detailed description of the work to be performed. Where the Secretary of Labor has issued a general wage determination, request should be submitted only when the type of work to be performed is not included in the description of work set forth in the decision. Requests should ordinarily be submitted at least thirty calendar days before required for the advertisement or negotiation of the contract for which the determination is sought. The requesting officer will examine the wage determination decision immediately after receiving it and will inform the appropriate Departmental Headquarters office if any changes appear to be necessary or appropriate to correct errors or to reflect the wage rates for the particular type of work to be per-

formed. Departmental Headquarters offices shall take such action as is necessary and shall keep the OASD (Manpower) Director of Industrial Relations informed.

* * * * *

PART 16—PROCUREMENT FORMS

18. Sections 16.203, 16.203–1, 16.203–2 (a) and (d), and 16.206 are revised, as follows:

§ 16.203 Request for Proposals and Proposal, Schedule/Continuation Sheet Amendment to Request for Proposals, Acceptance of Proposal (DD Forms 746, 746–1 or 1155c or Standard Form 36 or Blank Sheet, DD Forms 746s, 746–2).

§ 16.203–1 General.

The following forms are prescribed for use under the conditions set forth in § 16.203–2 in effecting negotiated fixed-price procurement of supplies or services (other than personal):

(a) Request for Proposals and Proposal (Negotiated Fixed-Price Contract) (DD Form 746); (Reverse side of DD Form 746r);

(b) Schedule, Request for Proposals and Proposal (DD Form 746–1 until Departmental stocks on hand are exhausted, at which time DD Form 1155c or, as prescribed in § 16.202(f), Standard Form 36 or a blank sheet, whichever is appropriate, may be used as the Schedule/Continuation Sheet with DD Forms 746, 746s and 746–2);

(c) General Provisions (Supply Contract) (Standard Form 32) (only when procuring supplies);

(d) Any other forms containing contract provisions which are prescribed by this subchapter or Departmental procedures;

(e) Acceptance of Proposal (Negotiated Fixed-Price Contract) (DD Form 746–2);

(f) Continuation Sheet (see paragraph (b) of this section); and

(g) Amendment to Request for Proposals (DD Form 746s) when needed.

§ 16.203–2 Conditions for use.

(a) DD Form 746 and 746–1 or other appropriate Schedule/Continuation Sheet as prescribed in § 16.203–1(b) (together with authorized contract provisions) shall be used in connection with the negotiation of fixed-price contracts for supplies or services (other than personal) when it appears desirable to commence negotiations by soliciting written offers which, if there is written acceptance by the Government, would create a binding contract without further action. Prospective offerors shall be requested to return only two signed copies of their proposals. Pending revision of the DD Form 746r (1 December 1963 edition), a current listing of alterations to DD Form 746r is contained in F–200.746.

* * * * *

(d) Standard Form 32, if applicable, and any other general provisions may be attached to each copy of the Request for Proposals. Alternatively, one copy only of Standard Form 32 and any other general provisions need be furnished to each supplier, for retention, if such provisions are specifically incorporated by reference, including each form name, number and date, in the Schedule/Continuation Sheet of the DD Form 746. Provisions which are inapplicable to a particular procurement, or to military procurements generally, may be deleted by appropriate reference in an "Alterations in Contract" clause.

* * * * *

§ 16.206 Contract Pricing Proposal (DD Forms 633, 633–1, 633–2, and 633–3).

[Rev. 13, ASPR, Oct. 1, 1965] (Sec. 2202, 70A Stat. 120, 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 65–12849; Filed, Dec. 1, 1965; 8:45 a.m.]

SUBCHAPTER M—MISCELLANEOUS

PART 230—CREDIT UNIONS SERVING DEPARTMENT OF DEFENSE PERSONNEL

In Subchapter M—Miscellaneous, a new Part 230 is added and was approved by the Deputy Secretary of Defense on August 27, 1965:

Sec.
230.1 Purpose.
230.2 Applicability.
230.3 Responsibility.
230.4 Policy.
230.5 Credit union operations in the Department of Defense.
230.6 Property and logistic support.
230.7 Utilization of military real property and space.
230.8 Implementation.

AUTHORITY: The provisions of this Part 230 issued under 12 U.S.C., 1751 et. seq. and 5 U.S.C. 22.

§ 230.1 Purpose.

This part:

(a) Sets forth Department of Defense (DOD) policy on cooperation and relationships with credit unions serving military and civilian personnel in the United States, the District of Columbia, the possessions of the United States, the Canal Zone, and Puerto Rico;

(b) Prescribe the extent of logistical and administrative assistance to be uniformly provided by DoD components; and

(c) Assigns responsibility for the policy direction of the credit union program.

§ 230.2 Applicability.

The provisions of this part apply to all DoD components.

§ 230.3 Responsibility.

Subject to the direction, authority and control of the Secretary of Defense, the Assistant Secretary of Defense (Manpower) (ASD (M)) shall administer the provisions of this part and assure its effective implementation throughout the DoD.

§ 230.4 Policy.

(a) *Credit unions encouraged in the Department of Defense*—(1) *Federal Government policy.* Federal Government policy regarding credit unions is stated in the Federal Credit Union Act (12 U.S.C., 1751 et seq.) and the U.S. Government Organization Manual.

(i) To establish convenient credit union facilities as cooperative organizations created for the purpose of stimulating systematic savings and creating a source of credit for provident or productive purposes.

(ii) To emphasize self-help and wise management of resources, thereby raising the standard of living, strengthening the family unit and increasing the self-reliance of the member.

(2) *Department of Defense policy.* The DoD:

(i) Recognizes the right of all military and civilian personnel to organize and affiliate with credit unions, without restriction or discrimination, formed pursuant to the Federal Credit Union Act (12 U.S.C., 1751 et seq.) or other duly constituted authority.

(ii) Will provide appropriate guidance and assistance in conduct of credit union operations.

(iii) Permits and encourages the operation of one credit union at each DoD installation without charge for accomodations when space is available: *Provided,* The commander responsible for allocating the space has determined that the credit union permits membership for all qualified military and civilian personnel without discrimination including, but not limited to, grade, rank, race, component, etc. At those installations where the credit union will not meet the foregoing standards of membership, commanders may encourage the formation of a second credit union which will meet the standards, and thereby receive the benefits of this Directive. With the approval of the membership involved and the regulatory authorities as stated in paragraph (c) of this section, mergers may also be accomplished to better serve the total Defense Community stationed on the installation.

(b) *Recognition of and Assistance to Credit Unions.* Credit unions organized by and for Defense military and civilian personnel are to be recognized and assisted at all echelons as important morale and welfare resources, and organized by law and regulation as cooperative associations for mutual benefit and self-help by:

(1) Encouraging and accumulation of savings and the granting of loans for provident purposes at reasonable rates of interest;

(2) Inculcating habits of thrift;

(3) Combating usury or the patronage of lenders who charge exorbitant rates of interest;

(4) Analyzing consumer credit problems including the true costs of installment buying;

(5) Counseling in family financial planning; and

(6) Providing experience in organization management and administration.

(c) *Organization of credit unions serving DoD Personnel*—(1) *Federal Credit Unions.* Credit unions organized as Federal Credit Unions are incorporated and operated under the authority granted by the Federal Credit Union Act, as amended (12 U.S.C. 1751 et seq.), are legal entities with specific powers and authorities as approved by law, and are examined periodically by the Bureau of Federal Credit Unions of the Department of Health, Education, and Welfare.

(2) *State Credit Unions.* Credit unions organized under State credit union laws operate on the same general principles as Federal credit unions. Generally, State credit unions are under the jurisdiction of the State banking departments.

§ 230.5 Credit union operations in the Department of Defense.

Credit unions organized by and for DoD military and civilian personnel may be provided with the property and logistic support contemplated by § 230.6, provided operating policies are consistent with the following:

(a) *Lending.* In accordance with proven credit union practice, lending policies should be as liberal as possible and still be consistent with the interests of the credit union and the individual member. To be avoided are unnecessarily restrictive, unreasonable, or out-of-date rules on the size of loans, type and amount of security, or waiting periods before loan eligibility can be granted. Special attention should be given to the youthful military member in pay grades of E–1, E–2, and E–3 in assisting such member to secure necessary loans for provident purposes.

(b) *Counseling.* Skilled counseling service, without charge, should be made available to Defense credit union members with every effort made to help the members, particularly the youthful and inexperienced serviceman and the young married families, to solve money problems, to budget, and to continue assistance and instruction until they can solve their problems without guidance.

(c) *Savings.* Members should be encouraged to participate in a regular savings plan:

(1) With reasonable limitations as to amounts which may be deposited at any one time or the total amount which may be held in shares; and

(2) By a reasonable dividend or return on savings.

(d) *Relations*—(1) *Exchange of information.* Cooperation, liaison and exchange of information between credit unions of all DoD components will be observed.

(2) *By Credit Unions.* All credit unions serving DoD personnel will cooperate with the installation commander, keep him advised of the credit union operation, including submission of a copy of the monthly financial report, other credit union publications, and invite him or his designees to attend annual meetings and other appropriate functions.

(3) *By Installation Commanders.* The support and sympathetic understanding intended by this Part is not to be construed as control or supervision by installation commanders.

§ 230.6 Property and logistic support.

(a) Credit unions serving DoD personnel will be afforded advertising space in appropriate publications, the use of bulletin boards for promotional or information purposes, and other appropriate facilities to further the aims of the organization.

(b) Station clearance forms will provide a block reserved for the credit union to be executed by personnel on permanent change of station.

(c) DoD military personnel and credit unions are encouraged to use the service allotment privilege permitted by DoD Directive 7330.1, "Voluntary Military Pay Allotments," December 12, 1956.

(d) The transaction of credit union business during duty hours will be permitted providing there is no interference with the performance of official duties.

§ 230.7 Utilization of military real property and space.

(a) When available, the furnishing of office space and related real property to credit union tenants will be governed by Section 1770 of the Federal Credit Union Act (12 U.S.C., 1751 et seq.).

(b) All other services such as telephone lines, or long distance toll calls, space alterations, etc., provided credit unions, resulting from assignment of military real property or space for these purposes will be subject to reimbursement by the credit union tenants.

(c) Assignment of existing space facilities or construction of new space facilities (when authorized) to credit union tenants will be in accordance with the criteria specified in DoD Instruction 1330.3, "Space Criteria for Providing Religious, Welfare and Recreational Facilities," September 4, 1963.

(d) The erection of structures at credit union expense may be authorized if such proposals are first reviewed and approved for conformity to long range master utilization plans by the appropriate Military Departments and the Assistant Secretary of Defense (Installations and Logistics). Credit unions submitting such plans for consideration must also agree to be financially responsible for the maintenance, utilities and services furnished.

(e) Land required for approved construction at credit union expense shall be made available only at fair rental by lease, provided that structures erected thereon will be conveyed to the Government without reimbursement in the event of installation inactivation, closing or other disposal action, liquidation of the credit union, or the lease is revoked.

§ 230.8 Implementation.

Within thirty (30) days (September 26, 1965) from the date of this part (August 27, 1965) the Secretaries of the Military Departments (and other DoD components, as applicable) will submit to the ASD(M) for approval, their proposed implementing regulations.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division OASD (Administration).

[F.R. Doc. 65–12850; Filed, Dec. 1, 1965; 8:45 a.m.]

PART 232—NATURAL RESOURCES; FISH AND WILDLIFE MANAGEMENT

The Assistant Secretary of Defense (Manpower) approved the following Part 232:

Sec.
232.1 Purpose.
232.2 Applicability and scope.
232.3 Fish and wildlife management program procedures.
232.4 Section 2671, Chapter 159, Title 10, United States Code.
232.5 Public Law 797, 86th Congress.
232.6 Reporting requirements.
232.7 Format to be followed in the preparation of a cooperative plan (agreement) for the conservation and development of fish and wildlife resources on military reservations.

AUTHORITY: The provisions of this Part 232 issued under authority of 10 U.S.C. 2671, Public Law 86–797.

§ 232.1 Purpose.

This part establishes a program for fish and wildlife management, implements the provisions of 10 U.S.C. 2671 and Public Law 797, 86th Congress, and states the reporting requirement in compliance with Part 263 of this chapter.

§ 232.2 Applicability and scope.

The provisions of this part apply to all DoD members and components and cover military installations and facilities located in the United States containing land and water areas suitable for conservation and management of fish and wildlife resources. Fish and wildlife management will be integrated with other natural resources activities into a balanced multiple-use program.

§ 232.3 Fish and wildlife management program procedures.

(a) *Programming, budgeting, and financing.* Policy covering programming, budgeting, and financing is contained in Part 263 of this chapter.

(b) *Installation management plans.* (1) Management plans will be executed for all military installations which contain land and water areas suitable for the conservation and management of fish and wildlife resources and will be made part of the installation master plan.

(2) All installations and facilities shall give consideration to the improvement and conservation of fish and wildlife resources, including aspects of natural beauty during the planning and development stages of authorized projects and programs.

(3) The Installation Conservation Committee will annually review the management plan for currency, amendments or revisions, as applicable.

(c) *Fish management.* (1) Habitat control and improvement should serve as the basic means of perpetuating and improving the fisheries resources. Introduction of fish to new waters (e.g. new ponds) or the reintroduction of desirable species to waters which have been cleared of old stock as a management technique or by severe pollution kills will be done upon the advice and guidance of the appropriate State or Federal natural resource officials.

(2) Where waters are suitable for game fish, they should be managed within ecological limits to produce the most desirable of the game species, in best size and number. Streams whose values for such fish have been destroyed by the activities of man should be rehabilitated to the extent possible.

(3) The utmost care and caution should be exercised in introducing foreign, or exotic, species and only after approval of the appropriate State or Federal natural resource officials.

(d) *Wildlife management.* (1) Habitat control and improvement should serve as the basic tool of wildlife management. Artificial stocking should not be regarded as a major management technique except in special cases, and then, only upon the advice and guidance of appropriate State or Federal natural resource officials.

(2) Utmost caution, in the form of thorough scientific investigations and State or Federal cooperation, should be exercised in the introduction of wildlife species into areas to which they are not native.

(3) All precautions and measures necessary shall be made to prevent the extermination of any species of wildlife.

(4) Measures for the control of predators must be authorized and approved by qualified State or Federal officials. Scientific research has shown that there is no valid justification for the widespread destruction of animals classed as predators. Control of animals which are proved to be undesirable in specific instances is recognized.

(5) Wetlands valuable for waterfowl and other wildlife purposes shall be preserved wherever possible.

§ 232.4 Section 2671, Chapter 159, Title 10, United States Code.

(a) Hunting, fishing, and trapping at each military installation or facility under the jurisdiction of any military department in a State will be in accordance with the fish and game laws of the State in which it is located.

(b) At each installation or facility appropriate State licenses for hunting, fishing, or trapping on that installation or facility will be obtained, except that with respect to members of the Armed Forces such a license may be required only if the State authorizes the issuance of a license to a member on active duty for a period of more than thirty (30) days at an installation or facility within that State without regard to residence requirements, and upon terms otherwise not less favorable than the terms upon which such a license is issued to residents of that State. (The clause "for a period of more than thirty (30) days" indicates eligibility for an individual when first physically present for duty on such orders.)

(c) Whoever is guilty of an act or omission which violates a requirement prescribed under paragraph (a) or (b) of this section, which act or omission would be punishable if committed or omitted within the jurisdiction of the State in which the installation or facility is located, by the laws thereof in effect at the time of that act or omission, is guilty of a like offense and is subject to like punishment.

§ 232.5 Public Law 797, 86th Congress.

(a) *Cooperative plans.* In compliance with Public Law 797, 86th Congress, the Departments of Defense and Interior have developed a model cooperative plan (Agreement) (§ 232.7), designed to carry out a program of planning, development, maintenance, and coordination of fish and wildlife conservation and rehabilitation in the military reservations. Under the terms of the cited statute, appropriate commanders:

(1) May, if agreeable to the signators to the cooperative plans, issue special state permits to individuals for hunting, fishing, or trapping on that installation or facility, and require the payment of a nominal fee therefor. Such fees are to be utilized on the installation from which collected for the protection, conservation, and management of fish and wildlife, including habitat improvement and related activities, as may be stipulated in the cooperative plan, but for no other purpose. Such fees as may be collected under the above cited Act will be accounted for and reported in accordance with instructions of the Office of the Assistant Secretary of Defense (Comptroller) under a special indefinite fund established by the Department of the Treasury for each military department, and entitled "Wildlife Conservation, etc., Military Reservations," symbol—X5095. (The liberal use of this provision is encouraged to provide vital program funds.)

(2) Will ascertain that the cooperative plan provides that the possession of a special permit for hunting migratory game birds shall not relieve the permittees of the requirements of the Migratory Bird Hunting Stamp Act, as amended, nor of the requirements pertaining to state law, as described in § 232.4.

(b) *Execution of cooperative plans.* Cooperative plans (§ 232.7) will be executed for all military installations which contain land and water areas suitable for the conservation and management of fish and wildlife and other natural resources. Suitability shall be determined after consultation with the Regional Director of the U.S. Fish and Wildlife Service, and the Director of the Fish and Game Department of the state in which the installation is located, or other official as designated by the Governor of the State concerned. Military departments will maintain current copies of all negotiated cooperative plans for installations under their control.

§ 232.6 Reporting requirements.

(a) *Definitions*—(1) *Category I.* Installations which are classified as having land and water areas suitable for the conservation and management of fish, wildlife and other natural resources, such suitability having been determined after consultation with the appropriate Regional Director of the U.S. Fish and Wildlife Service and the State official designated by the Governor of the State concerned, as prescribed in § 232.5(b).

(2) *Category II.* Installations for which a final decision is pending as to program suitability within the meaning of subparagraph (1) of this paragraph.

(3) *Category III.* Installations which are finally classified, due to lack of adequate land or water areas, as unsuitable for a program of conservation and management of fish and wildlife and other natural resources, such classification being determined after the consultation prescribed in subparagraph (1) of this paragraph.

(4) *Category IV.* Installations which obviously do not have land or water areas (e.g., recruiting centers, armories, cemeteries, hospitals, city office building headquarters, etc.) which would provide the program potential for the conservation and management of fish and wildlife and other natural resources within the meaning of Part 263 of this chapter.

(b) *Specific reports required.* A report for each fiscal year will be submitted by each Military Department to the Assistant Secretary of Defense (Manpower) (ASD (M)) not later than September 1 for each installation and facility in the United States.

(1) Category I & II Reports:

(i) Category I installations will complete Format B.[1]

(ii) Category II installations will complete applicable portions of Format B.[1]

(2) Military Departments will forward:

(i) Two (2) copies of Format B[1] for each Category I & II installation.

(ii) Two (2) copies of the Summary Report in accordance with Format C.[1]

(3) Category III & IV Reports: Installations classified as Category III & IV in the initial listings are considered as completed submissions. Subsequent submissions should be listed alphabetically by states and only cover additions and/or deletions.

§ 232.7 Format to be followed in the preparation of a cooperative plan (agreement) for the conservation and development of fish and wildlife resources on military reservations.

(a) Citing of authority: In accordance with the authority contained in Public Law 85–337, approved February 28, 1958, and in Public Law 86–797, approved September 15, 1960, the Department of Defense, the Department of the Interior, and the State of _____, through their duly designated representatives

[1] Filed as part of original document.

whose signatures appear below, approved the following cooperative plan for the protection, development, and management of fish and wildlife resources on

_____
(Military Base)

(b) The cooperative plan will include the following features and provisions:

(1) Provide for a general inventory review of fish and wildlife resources to be made at the earliest practical time with representatives of all three agencies participating and when completed to be attached and made a part of this agreement. (Objectives: Such an inventory should locate principal land and water areas suitable for fish and wildlife. The inventory should list the principal species of wildlife, condition of their range, and include any data on population numbers. Water areas should be described briefly as to location, type, and acreage, with principal fish species known to be present, and with general observations on the quality of the aquatic habitat. The inventory should provide information on restricted and public use areas existing at that time. It should set forth the potential for the development of fish and wildlife resources).

(2) The cooperative plan should set forth, where applicable, a program for research and further development and management of fish and wildlife resources to include the following:

(i) Development and improvement of habitats for optimum conditions and in keeping with base objectives.

(ii) Need for and means of accomplishing restoration or restocking of desired species.

(iii) Need for and means of accomplishing control of plant and animal species, as may be indicated.

(iv) Plans for the protection of fish and wildlife resources.

(3) The cooperative plan will describe the extent of public participation in the harvest of fish and game commensurate with military objectives and should outline general procedures for the operation of such programs.

(4) The cooperative plan should specify under what circumstances special State fishing and hunting permits are to be required, the fees to be charged, and procedures for their issue. The plan should specify the fish and game management items for which the money may be spent, the method of relating this income to expenditures.

(5) The cooperative plan will specify the agency or agencies to provide technical advice and assistance to the Defense Department in fishery management and in wildlife management, either separately or together, and to what extent.

(6) The cooperative plan will be in full force upon its adoption, and subject to later amendment or revision as agreed upon by all parties represented. Request for amendment or change of the plan may originate with any one of the parties concerned.

(7) Signators to the cooperative plan will be the installation commander, the Regional Director, Bureau of Sport Fisheries and Wildlife, and the Regional Director, Bureau of Commercial Fisheries, as appropriate; and the Director of the State Fish and Game Department, or other official designated by the Governor of the State concerned.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 65–12851; Filed, Dec. 1, 1965; 8:45 a.m.]

PART 233—NATURAL RESOURCES; FOREST MANAGEMENT

The Assistant Secretary of Defense (Manpower) approved the following Part 233:

Sec.
233.1 Purpose.
233.2 Applicability and scope.
233.3 Forest management program procedures.
233.4 Record-keeping requirement.

AUTHORITY: The provisions of this Part 233 issued under 5 U.S.C. 22.

§ 233.1 Purpose.

This part prescribes the procedures for a forest resource management program, and sets forth the content of the report required in the administration of Part 263 of this chapter.

§ 233.2 Applicability and scope.

The provisions of this part apply to all Department of Defense (DoD) members and components and cover installations and facilities located in the United States containing forest areas. Forest resource management will be a specific technical program integrated with other natural resource activities to make a balanced multiple-use program.

§ 233.3 Forest management program procedures.

(a) *Programing, budgeting, and financing.* Policy covering programing, budgeting, and financing is contained in Part 263 of this chapter.

(b) *Forest resource management plan.* Technical management plans will be established and maintained on all military installations which contain land areas suitable for forest resource management programs and will be a separate part of the installation natural resource management plan (master plan). Such plans will be developed with the aid and assistance of Federal or State Forestry agencies as appropriate. Forest resource management plans should consider:

(1) Timber area access roads.

(2) Management of soil, water, fish, wildlife, watersheds, and enhancement of natural beauty and recreation values.

(3) Natural and artifical regeneration of desirable forest tree species.

(4) Protection against wild fires, injurious insects and diseases.

(5) Prompt salvage disposal of dead or dying timber.

(6) Scheduled harvest in accordance with appropriate technical standards and guides.

(7) Planning of the scheduled cut to achieve (i) optimum utilization of current and future markets, and (ii) desirable composition of the residual stands.

(8) Necessary cultural treatments.

(c) *Definition.* "Sustained-yield" means continuous production under forest management of timber products and related natural resource values such as natural beauty, watershed protection, wildlife, and recreation.

(d) *Timber production.* (1) The optimum use of forests for sustained yield production involves:

(i) The accumulation of forest resource data required for scientific management of the forest area.

(ii) Harvesting on a sustained yield basis so as to achieve periodic harvest of the allowable cut of timber from Defense lands.

(iii) Silviculture—the use of management practices that affect the composition and growth of forests such as improvement cuttings, thinnings, and other cultural practices to forestall mortality losses, obtain more complete utilization, and improve quality.

(2) Silvicultural treatment and game management practices such as seeding or planting fire lanes, establishment of small woodland openings, and edge development introduce desirable cover variations to forest areas. Such variations are deterrents to the build-up of destructive inspect populations and will be logically considered as timber production measures.

(3) Timber production and forest recreation can be compatible uses in an area but some adjustment in both activities may be required to obtain maximum potential.

(4) Timber and water are products of a well managed forest program protecting the watershed and contributing to the yield of usable water.

§ 233.4 Record-keeping requirement.

Each Military Department will establish a record-keeping system suitable for management purposes and maintain at departmental level management information to include, as a minimum, the information contained in Enclosure 1,[1] updated on an annual basis.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 65–12852; Filed, Dec. 1, 1965; 8:45 a.m.]

PART 234—NATURAL RESOURCES; SOIL AND WATER MANAGEMENT

The Assistant Secretary of Defense (Manpower) and the Assistant Secretary

[1] Format A (Enclosure 1) filed as part of original document.

of Defense (Installations and Logistics) approved the following Part 234:

Sec.
234.1 Purpose and applicability.
234.2 Definitions.
234.3 Objective.
234.4 Soil and water management program procedures.
234.5 Project proposals and construction.
234.6 Program evaluation.
234.7 Record-keeping requirement.
234.8 Delineation of responsibilities.

AUTHORITY: The provisions of this Part 234 issued under 5 U.S.C. 22.

§ 234.1 Purpose and applicability.

(a) *Purpose.* This part prescribes procedures for implementing a balanced and integrated program for soil and water management and related natural resources as required by Department of Defense (DoD) Directive 4165.2, "Objectives and Policies Relating to Real Property Maintenance and Utilities Operation Program," October 15, 1954, and Part 263 of this chapter.

(b) *Applicability and scope.* The provisions of this part apply to all DoD members and components and cover the conservation and management of the natural resources and related programs, projects, or instruments involving land, grounds, or water areas.

§ 234.2 Definitions.

(a) "Grounds" are defined as all land areas not occupied by buildings, structures, pavements, and railroads. Grounds at military installations are grouped in three categories, in accordance with the intensity of maintenance required.

(b) "Improved grounds" are areas on which intensive development and maintenance measures are performed. This category usually applies to areas within the built-up section of an installation which contain lawns and landscape development; parade grounds, drill fields; athletic facilities; cemeteries; golf courses (excluding roughs), and similar areas.

(c) "Semi-improved grounds" are areas on which periodic recurring maintenance is performed but to a lesser degree than on improved grounds. This category includes airfields, small arms ranges, ammunition storage and similar areas.

(d) "Unimproved grounds" are all other areas not included in the above categories.

§ 234.3 Objective.

The objective is to conserve, develop, maintain, and manage all lands under military jurisdiction in accordance with proven scientific methods, procedures, and techniques to facilitate military operations; protect real estate investments from depreciation; remove or screen unsightly debris and landscape blemishes; cooperate in pollution abatement and waste disposal; protect and improve the beauty of the natural landscape; and enhance the appearance of buildings through appropriate landscaping as stated in the Message of the President to the Congress, February 8, 1965 (H.R. Doc. 78, 89th Cong., 1st Sess.).

§ 234.4 Soil and water management program procedures.

(a) *Programing, budgeting, and financing.* Policy covering programing, budgeting, and financing is contained in Part 263 of this chapter.

(b) *Plans—(1) Soil and water conservation (land management) plan.* These plans shall be developed by professionally competent personnel and applied continuously for all installations (active and inactive) having significant land management problems or responsibility. The plans shall: provide an inventory of important increments of land use; and describe recommended methods, procedures, techniques, materials, and personnel required for development, improvement, maintenance of grounds and other soil and water conservation and management practices. Special problems of conservation and development of natural resources will be identified and included as a part of the plan.

(2) *Landscape development.* Landscape development work shall be in accordance with an approved landscape development plan. Such plans shall be functional in nature; simple and informal in design, compatible with the adjacent surroundings and enhance the overall natural beauty of the area as stated in the Message of the President to the Congress, February 8, 1965 (H.R. Doc. 78, 89th Congress, 1st Sess.).

(3) *Fire prevention.* The plan shall incorporate necessary fire prevention and suppression measures essential for conservation and protection of natural resources and other assets. These measures shall be applied continuously and shall be coordinated with Federal, State, county, municipal, or other community agencies, as appropriate.

(4) *Outleased land.* Appropriate natural resources conservation plans, including outdoor recreation, shall be developed for outleased lands and shall be incorporated as an integral part of the contract specifications.

(c) *Management and maintenance of grounds—(1) Improved grounds.* Lands in this category shall be maintained at the levels and intensities necessary to meet designated use criteria, protect the natural resources, and insure a pleasing appearance in harmony with the natural landscape. Appropriate measures shall be taken to beautify buildings through the planting of trees, flowers, and shrubs. Priority shall be given to appropriate landscaping of buildings located adjacent to, or within urban areas, and areas adjoining public thoroughfares as stated in the Message of the President to the Congress, February 8, 1965 (H.R. Doc. 78, 89th Cong., 1st Sess.).

(2) *Semi-improved grounds.* Lands in this category shall be maintained at a lesser degree of intensity than for improved grounds but at a level that will enhance natural beauty, insure conservation of the natural resources, reduce vegetative fire hazards, and meet the criteria for its designated use.

(3) *Unimproved grounds.* Lands in this category shall be developed and maintained at a level which will enhance natural beauty as stated in the Message of the President to the Congress, February 8, 1965 (H.R. Doc. 78, 89th Cong., 1st. Sess.), and conserve natural resources including beneficial vegetative cover, as well as prevention and suppression of fires.

(4) *Special ground cover.* In arid areas where rainfall is insufficient to support vegetative growth, crushed rock, gravel, or other similar material will be used where required to prevent wind and water erosion at, or contiguous to, important facilities.

(d) *Management and maintenance of billboards and signs.* (1) The placement and maintenance of necessary outdoor billboards, signs, displays, and devices under DoD control will be displayed in harmony with the surrounding landscape in a manner consistent with Federal policy and to preserve natural beauty as stated in a Communication from the President to the Congress, May 26, 1965 (H.R. Doc. 191, 89th Cong., 1st Sess.).

(2) Signs as a means of communication in the outdoor environment are necessary guides to destinations, safety reminders, warnings, and to identify boundaries and activities. Signs in a common zone should be complementary in theme and design, and, in specific areas, planned for at one time to prevent duplication, conflict and omissions. Once placed, signs must be kept as near to original specifications as possible through maintenance and scheduled replacement.

(e) *Irrigation.* (1) Irrigation shall be limited to areas where supplemental water is essential to establish lawns and other improved types of vegetation. Underground irrigation systems will be designed to assure the use of the most efficient and economical system and equipment. The amounts of irrigation shall be limited to that necessary to meet minimum requirements to support the vegetation in an acceptable condition. Frequency of application of irrigation water shall be in accordance with the installation water conservation program and shall not interfere with the military and domestic water supply requirements.

(2) Prior to installing an underground irrigation system, the need should be justified on an economic basis including the initial cost and amortization of maintenance and operation costs.

(f) *Training.* Each Military Department will provide for periodic and comprehensive technical instruction and training of personnel to insure efficient development, management, and maintenance of grounds, the adoption of adequate safeguards in the handling of toxic materials and use of equipment, and prompt introduction of new and improved materials and methods. The frequency, scope, and method of training will be determined by each Military Department. Training and certification of personnel who store, mix, and apply pesticides, including herbicides, will be in accordance with DoD Instruction 4150.7, "Pest Control Operations at Military Installations," July 23, 1964.

(g) *Weeds and poisonous plants.* Poisonous plants and noxious weeds shall be controlled or destroyed in accordance with approved practices and applicable laws when they interfere with safe and efficient land use, endanger the health and welfare of personnel, or constitute a source of weed infestation to adjacent property.

§ 234.5 Project proposals and construction.

Soil problems, water management, runoff disposal and plantings or landscaping requirements shall be fully considered in all site feasibility studies and in project planning, design and construction. When required, the scope of the conservation work and funds involved shall be included as an essential item in the project proposals, and construction contracts and specifications.

§ 234.6 Program evaluation.

Each Military Department will establish a suitable schedule of surveillance to evaluate the effectiveness of this program and provide on-site technical consultant services to its major commands.

§ 234.7 Record-keeping requirement.

Each Military Department will establish a record-keeping system suitable for management purposes and maintain at departmental level management information to include, as a minimum, the information contained in Enclosure 1,[1] updated on an annual basis.

§ 234.8 Delineation of responsibilities.

(a) Pursuant to DoD Directive 4165.2, "Objectives and Policies Relating to Real Property Maintenance and Utilities Operation Program," October 15, 1954, the Assistant Secretary of Defense (Installations and Logistics) (ASD (I&L)) is responsible for maintenance of grounds and the administration and management of the grounds programs, including policies, procedures, controls, and beautification.

(b) Pursuant to Part 263 of this chapter the Assistant Secretary of Defense (Manpower) (ASD(M)) is responsible for soil and water management policy guidance and administration as it relates to multiple-use of the renewable natural resources including conservation and natural beauty.

(c) The ASD (I&L) and the ASD (M) will coordinate and resolve any differences on any phase of the soil and water management program which cannot be solved at the Military Department/Defense Agency level. This will include, as appropriate, referral for recommendation to the DoD Natural Resources Group.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 65-12853; Filed, Dec. 1, 1965; 8:45 a.m.]

[1] Filed as part of original document.

PART 235—NATURAL RESOURCES; THE SECRETARY OF DEFENSE CONSERVATION AWARD

The Assistant Secretary of Defense (Manpower) approved the following Part 235:

Sec.
235.1 Purpose.
235.2 Applicability and scope.
235.3 The Secretary of Defense Conservation Award.
235.4 Special recognition citations.

AUTHORITY: The provisions of this Part 235 issued under 5 U.S.C. 22.

§ 235.1 Purpose.

This part describes the Secretary of Defense Conservation Award and provides the necessary information required to submit nominations for competition (see Part 263 of this chapter).

§ 235.2 Applicability and scope.

The provisions of this part apply to all DoD members and components and cover military installations and facilities located in the United States containing land and water areas suitable for conservation and management of the renewable natural resources.

§ 235.3 The Secretary of Defense Conservation Award.

(a) *Objective.* The objective is to stimulate and provide added incentive for the development, maintenance and improvement of natural resource activities and to also enhance the natural beauty of Defense installations. All installations to which this part applies are encouraged to submit nominations.

(b) *The award and plaques.* (1) The Secretary of Defense will annually present an award to the installation that conducted the most outstanding program during the preceding calendar year.

(2) The award is a trophy inscribed with the name of the winning installation, and presented to that installation for permanent retention. (The master trophy, inscribed with the names of each year's winning installation, is retained in the Office of the Secretary of Defense.)

(3) Plaques are presented annually to the two runner-up installations.

(c) *Nomination procedure.* (1) Each Military Department competing will submit two (2) nominations for the award annually to the Assistant Secretary of Defense (Manpower) (ASD(M)) not later than May 1 for the award period ending the preceding December 31. The nominations will be narrative in style, typewritten or printed, fastened or bound in plain folders approximately 9 by 11 inches, and will include the items listed in paragraph (d) of this section as applicable.

(2) Small installations (or those with relatively less potential for a conservation program due to limited natural resources) shall be allowed to compete on an equal basis with the larger installations (or those reservations which are favored with greater or more abundant natural resources) since the awards will be based on the most improvement made or the best conservation program produced with the natural resources available.

(d) *Content of award nomination.* (1) Military mission and approximate civilian and military population of the installation.

(2) Summary statement of the current year's activities to reflect the progress made in the reporting year as compared to past years. (Prepare the statement in the sequence followed in this section.)

(3) Background of the program, with present and future plans, including all activities in soil and water, forestry and fish and wildlife as applicable.

(4) The activity, scope, and influence of the installation natural resource committee.

(5) Analysis of reservation acreages including soil and water and forestry activities:

(i) Total acreage of the installation and total acreage in the natural resource programs.

(ii) Acres of land improved, such as planting food and cover crops, clearing, timber stand improvement, tree planting, erosion control, etc. (Include both on and off installation increase.)

(iii) Acres of water and miles of stream improved, such as new construction, reclamation, etc. (Include both on and off installation increase.)

(iv) Acres of land available for hunting. Additional acres made available for hunting during the reporting period. (Include both on and off installation increase.)

(v) Acres of water and miles of streams available for fishing. Additional acres and miles of streams made available for fishing during the reporting period. (Include both on and off installation increase.)

(6) Fish and wildlife resources:

(i) Variety of species.

(ii) Estimated population of wildlife species.

(iii) Number and type of fish and wildlife stocked; by whom.

(7) Community relations:

(i) Cooperation with Federal, State and private conservation agencies.

(ii) Extent of public access; if not permitted—explain.

(8) Conservation education, as applicable, in:

(i) Resource management and regulation.

(ii) Gun and water safety.

(iii) Woodsmanship, camping and boating.

(iv) Hunting and fishing indoctrination through libraries, exhibits, and training through Rod and Gun Club activities.

(v) Off and on installation scouting and other youth group activities in relation to conservation.

(9) Outdoor recreation:

(i) Development:

(*a*) Parks.

(*b*) Camping areas (tent, trailer, etc.).

(*c*) Rest areas (scouter stops, etc.).

(*d*) Picnic areas.

(*e*) Trails (nature, hiking, riding, bicycling).

(f) Marina and boating facilities.
(g) Other.
(ii) Use—Estimated number of visitors including installation personnel.
(10) Conservation club activities, i.e., Izaak Walton League Chapter, Rod and Gun Club, etc.
(11) Miscellaneous: photographs, stories and news items (limit number needed to depict the program).
(e) *Selection Committee.* The ASD (M) will chair a selection committee composed of outstanding civilian conservation leaders to judge the nominations and recommend the winning installation and the two runner-up installations to the Secretary of Defense.

§ 235.4 Special recognition citations.

In addition to the Secretary of Defense Award, the Secretary of Defense will award annually citations for meritorious achievement in support of the DoD conservation and management program to installations selected according to the following procedures.

(a) Army, Navy, and Air Force Award Selection Committees, in addition to selecting the Secretary of Defense Award nominees, will also recommend those installations to the cognizant departmental Secretary that, in their opinion, have conducted above average natural resource programs in a meritorious manner sufficient to warrant consideration for special recognition.

(b) The nominations of installations so recommended will be submitted to the ASD (M) for appropriate action.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 65-12854; Filed, Dec. 1, 1965; 8:45 a.m.]

PART 263—NATURAL RESOURCES; CONSERVATION AND MANAGEMENT

The Secretary of Defense approved the following revision to Part 263:

Sec.
263.1 Purpose and applicability.
263.2 General policies.
263.3 Resource program policies.
263.4 Access to military lands and waters.
263.5 Installation Conservation Committee.
263.6 The Secretary of Defense Conservation Award.
263.7 DoD Natural Resources Group (DNRG).
263.8 Community relations and civil rights.
263.9 Responsibilities.

AUTHORITY: The provisions of this Part 263 issued under 10 U.S.C. 2671. P.L. 86-797 interprets or applies sec. 511, P.L. 88-446, 88-29, 86-517, 88-206, 33 U.S.C. 466.

§ 263.1 Purpose and applicability.

(a) *Purpose.* This part:

(1) Prescribes Department of Defense (DOD) policies and establishes an integrated DOD multiple-use program for the renewable natural resources in forests and woodlands, fish and wildlife, soil, water, grasslands, outdoor recreation and natural beauty compatible with the military mission in compliance with the natural resource policies of the Administration contained in the President's Message to the Congress, February 8, 1965 (H.R. Doc. 78, 89th Congress, 1st Session); and

(2) Implements 10 U.S.C. 2671, Public Law 797, 86th Congress and Public Law 446, Section 511, 88th Congress which confer certain responsibilities on the Secretary of Defense for the management, conservation, and development of natural resources on military reservations and facilities.

(b) *Applicability and scope.* The provisions of this Part apply to all DoD members and components and cover the conservation and management of the natural resources and related programs, projects, or instruments involving Defense land, ground, and water areas. Nothing contained herein or in implementing regulations and cooperative agreements shall modify any rights granted by treaty or otherwise to any Indian tribe or to members thereof.

§ 263.2 General policies.

(a) *Responsibility for—(1) Stewardship.* The DoD, as an important occupier of Federal lands, has an obligation to the American people to act responsibly and effectively in conservation management including the duty to restore, improve, develop, and conserve through wise use, the renewable natural resources of the lands and waters under military control. The conservation programs required by this Part and the military mission need not, and shall not, be mutually exclusive.

(2) *Natural beauty.* This is a new conservation concept with broad connotations as stated in the Message of the President to the Congress, February 8, 1965 (H.R. Doc. 78, 89th Congress, 1st Session). Because sound natural resource management enhances natural beauty, conservation should include not only the classic methods of protection and development but also creative conservation of restoration and innovation. The objective of conservation should not be with nature alone but with the total relationship between man and his environment. Thus, a conscious and active concern for the values of natural beauty will be considered in all DoD plans and programs.

(b) *Command responsibility.* (1) DoD personnel at all echelons of command will support national conservation policies and programs in accordance with this Part. Intelligent and sympathetic understanding of natural resources, natural beauty, and recreation problems, and the relationship and responsibility at all DoD echelons to such problems, must be an important and identifiable function of command management (§ 263.9).

(2) Since the natural resources disciplines encompassed within this Part are sciences, all commanders will require the optimum use of professionally trained personnel to insure the necessary technical guidance in the planning and execution of the several programs.

(3) To increase the scientific knowledge of personnel and to improve the efficiency and effectiveness of the Defense resources program, representation and participation at related natural resources professional meetings is encouraged.

(c) *Outdoor recreation.* (1) The outdoor recreation policies for the Nation including the DoD are stated in Public Law 29, 88th Congress by the declaration that "• • • all American people of present and future generations (should) be assured adequate outdoor recreation resources, and that • • • all levels of government • • • (shall) take prompt and coordinated action to the extent practicable without diminishing or affecting their respective powers and functions to conserve, develop, and utilize such resources for the benefit and enjoyment of the American people."

(2) The Recreation Advisory Council (RAC), composed of the Secretaries of Interior; Agriculture; Defense; Commerce; Health, Education, and Welfare; the Administrator of Housing and Home Finance Agency; and the Chairman of the Tennessee Valley Authority; was established by the President to provide broad policy advice to the heads of Federal agencies on all matters affecting outdoor recreation resources and to facilitate coordinated efforts among the various Federal agencies as stated in Executive Order 11017, "Recreation Advisory Council" (as amended). The RAC policies, promulgated by the issuance of circulars, are applicable to the DoD. The Assistant Secretary of Defense (Manpower) (ASD (M)), is the RAC delegate for the Secretary of Defense.

(3) Outdoor recreation and natural beauty will be recognized as important objectives in the conduct of all DoD natural resource management programs.

(d) *Cooperation and coordination.* DoD components will assure that appropriate commanders take the initiative to seek the aid of appropriate natural resource agencies (Federal, State and local):

(1) For providing technical advice and assistance.

(2) In cooperative research projects.

(e) *Multiple-use natural resources conservation management.* All Defense installations shall be managed so as to:

(1) Protect, conserve, and manage the watersheds and natural landscapes, the soil, the beneficial forest and timber growth and the fish and wildlife as vital elements of an optimum natural resources program.

(2) Utilize and care for natural resources in the combination best serving the present and future needs of the United States and its people.

(3) Provide for the optimum ecological development of land and water areas and access thereto in accordance with § 263.4. Multiple use, by no means an assemblage of single uses, is defined, within the meaning of this Part, as a conscious, coordinated management of the resources, each with the other, without impairment of the productivity of the land or water as stated in section 4(a) of Public Law 517, 86th Congress.

§ 263.3 Resource program policies.

(a) *Programing, budgeting and financing.* The Secretaries of the Military Departments and the Directors of Defense Agencies will make provisions in their programing, budget estimates, and financing programs for conducting effective national conservation programs consistent with provisions of this part. The cost of the natural resources and related programs will be the responsibility of the Military Service or Defense Agency involved and must be accomplished within financing available to the Military Service or Defense Agency.

(b) *Soil and water management.* (1) To assure the maximum benefits from existing natural resources, and to avoid unnecessary expenditures for their preservation, appropriate requirements for soil, water and plant conservation for all projects shall be determined as an integral part of the site development studies and the necessary measures to meet these requirements shall be included in the improvements to be made. The adequacy of these measures should be reviewed by a qualified soil conservationist.

(2) A soil and water conservation (land management) plan is required which shall be in full accord with modern conservation and land use practices, updated as required, continuously applied in an orderly and timely manner and include all phases of land use, grounds development, maintenance, improvement and outleases as appropriate.

(c) *Forest management.* (1) Consistent with required forest resource management plans, forest management practices and operations will be applied to provide for sustained yield of quality timber, watershed protection and management, fish and wildlife, recreation potential and the other resource values, including natural beauty. The development and maintenance of a desirable biological balance in the forest community will be an objective of forest resource management.

(2) The forest management programs of the DoD are authorized by Public Law 446, Sec. 511, 88th Congress, and funded in accordance with DoD Instruction 7310.1, "Accounting and Reporting on Disposition of Proceeds from Sale of Scrap, Salvage, Surplus, Foreign Excess Personal Property and Timber and Lumber Products," October 10, 1962.

(d) *Fish and wildlife management.* (1) A continuing program of fish and wildlife habitat management, complying with accepted scientific practices integrated and consistent with the total natural resources will be the objective of the Defense Fish and Wildlife Management program.

(2) Cooperative management plans with the State and Federal Fish and Wildlife Conservation Agencies are required by Public Law 797, 86th Congress.

(e) *Pollution and pesticide control.* (1) *General.* In addition to health and welfare measures for personnel, installation activities must not adversely affect neighboring civilian populations or the environment. Because of the close relation existing between health protection measures and natural resources management, continuing cooperation and coordination of these activities will be maintained.

(2) *Air and water pollution.* Environmental pollution may affect human health. It also may, through direct or indirect alteration of the environment, render it unfit for recreation, adversely affect supplies of water, agriculture, or biological products, or may interfere with opportunities for enjoyment of nature and natural beauty. Federal agencies have been directed by the Message of the President to the Congress, February 8, 1965 (H.R. Doc. 78, 89th Congress, 1st Session), Public Law 206, 88th Congress, and 33 U.S.C. 466 to exert leadership in developing measures for prevention of pollution of the environment. Federal agencies and their contractors are required to comply insofar as practicable with local, State, and interstate health and pollution abatement authorities. Medical, Engineering, Logistics, and Research, Development, Test, and Evaluation activities are responsible for cooperative efforts in conjunction with the Department of Health, Education, and Welfare, and local and State authorities.

(3) *Pesticides.* The President's Science Advisory Committee sanctions the carefully controlled use of pesticides and the exercise of precautionary measures to insure that harmful effects do not result to plants, animals, vegetation, and aquatic life beneficial to man. The Armed Forces Pest Control Board in accordance with DoD Directive 5154.12, "The Armed Forces Pest Control Board," August 21, 1962, functions as the coordinating activity in the DoD for pest control and is the principal advisory body to all DoD agencies and activities on all matters relating to pesticide use, including those pertaining to the problems of resource conservation and management. The services of the Board are obtained through procedures established within each military department.

§ 263.4 Access to military lands and waters.

(a) *By the public.* (1) Public access to military installations for the use and enjoyment of the public in compliance with the policies of the United States will be granted, except where a specific finding has been made that the overriding military mission requires a temporary or permanent suspension of such use. When all public access must be withheld, the reasons must be substantiated by a statement incorporated in the cooperative agreement required between representatives of the military departments, the State natural resource authorities, and the U.S. Fish and Wildlife Service.

(2) Provision shall be made, within manageable quotas, for controlled public access to installations when such can be granted without bona fide impairment of the military mission. In granting access privileges to persons other than those assigned to or living on military installations, manageable quotas will vary, depending upon the amount of suitable land and water areas available. Opportunities for recreational purposes must be equitably distributed by impartial selection procedures, such as drawings or lots, or first-come-first-served basis.

(b) *By Federal and State Conservation Officials.* (1) Military departments will insure that appropriate commanders, in cooperation with the Governors, or their designees, of the States in which the installations are located, provide installation access for designated State, natural resource or conservation officials at such times and under such conditions as may be agreed upon.

(2) Accredited conservation representatives of Federal agencies furnishing professional advice and technical assistance under this Part will also be admitted to installations.

(3) Federal and State conservation officials provided installation access will be issued an Identification Card and Pass Permit by the appropriate commander for use under the terms specified.

(c) *Signs and outleasing agreements.* (1) Signs identifying posted military reservations should also contain information to make it possible for Federal and State authorities, as well as private parties, to identify the proper headquarters responsible for the area.

(2) Outleases of military lands shall include natural resources management plans and, where possible, public recreational uses.

§ 263.5 Installation Conservation Committee.

Military Departments will insure that commanders of installations having active or potential programs within the concept of this part shall appoint a Conservation Committee to assure continuous planning and balanced application. The composition of this Committee will include but not be limited to the commanding officer, the natural resources management and engineer personnel, entomologists, law enforcement, operations, safety, legal, medical, special services, veterinarians, and elected officers of the installation rod and gun type activities. Local civilian conservation groups, whenever feasible, should be invited to attend committee meetings as guests.

§ 263.6 The Secretary of Defense Conservation Award.

To encourage and give added incentive for improvement of DoD natural resource activities, the Secretary of Defense will annually present an award to the installation that conducted the most outstanding conservation program during the preceding calendar year. The ASD (M) will chair a selection committee composed of civilian conservation leaders to judge and recommend the winning installation to the Secretary of Defense.

§ 263.7 DoD Natural Resources Group (DNRG).

The DNRG composed of Office of the Secretary of Defense, Army, Navy, Air Force, and Marine Corps members and chaired by the designee of the ASD (M) is hereby established. The DNRG in addition to their individual and primary duty assignments are to:

(a) Facilitate the interservice utilization of personnel assigned through-

out the DoD who possess the differing skills of the several disciplines in natural resources management.

(b) Plan and direct the biennial DoD Natural Resources Conference.

(c) Serve the ASD (M) in his capacity as the designee of the Secretary of Defense to the President's Recreation Advisory Council.

(d) Develop, propose and review natural resources policies, including natural beauty, and collaborate, as applicable, on the resolution of conservation problems.

(e) Assist in the planning and execution of the annual Conservation Award Program.

§ 263.8 Community relations and civil rights.

(a) In developing agreements and procedures with State and local authorities, representatives of the Armed Forces will bear in mind at all times the importance of establishing, maintaining, and improving Armed Forces' community relations, in keeping with the provisions of the Message of the President to the Congress, February 8, 1965 (H.R. Doc. 78, 89th Cong., 1st sess.) and DoD Directive 5410.18, "Community Relations," April 21, 1965.

(b) No person shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in receiving the privilege of public access or any other uses within the terms of this part in accordance with DoD Directive 5500.11, "Nondiscrimination in Federally Assisted Programs," December 28, 1964.

§ 263.9 Responsibilities.

(a) Under the direction, authority, and control of the Secretary of Defense, the ASD (M) shall have the primary responsibility for administration of this Part.

(b) The specific requirements for program administration and reporting procedures will be contained in appropriate DoD Instructions.

(c) The Secretaries of the Military Departments will require an established system for annual technical program inspections.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 65-12855; Filed, Dec. 1, 1965; 8:45 a.m.]

Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

PART 729—NAVY AND MARINE CORPS MILITARY PERSONNEL SECURITY PROGRAM

Investigative Requirements and Security Boards

Scope and purpose. The amendments are intended to update Part 729 in accordance with recent changes to the corresponding departmental regulations, distributed to Navy and Marine Corps commands as Change 5 to Secretary of the Navy Instruction 5521.6A.

1. Section 729.8 is revised to read as follows:

§ 729.8 Investigative requirements.

(a) *Officers, warrant officers, and officer applicants.* A National Agency Check shall be conducted prior to the appointing or commissioning of any individual as an officer or warrant officer.

(1) *U.S. Naval Academy midshipmen.* The National Agency Checks for Naval Academy midshipmen shall be initiated prior to October 15 of the fourth-class year, to be completed prior to February of the year following submission.

(2) *NROTC.* The National Agency Checks for members of the Naval Reserve Officers Training Corps shall be initiated immediately upon enrollment. The results of this National Agency Check should be available during the first term, quarter, or semester following enrollment.

(3) *In-service programs.* The conducting of pre-appointment National Agency Checks on applicants for the various in-service officer candidate programs shall be handled as the Chief of Naval Personnel or the Commandant of the Marine Corps may prescribe.

(4) *All other programs.* The National Agency Check shall be initiated while processing the application for commission or during the early stages of training, as appropriate, to insure timely completion of the National Agency Check so that no period greater than 6 months elapses between completion of the National Agency Check and entry of the applicant into active naval service or active reserve status.

(5) *Extended active duty.* Upon being ordered to extended active duty, a National Agency Check will be initiated if not already accomplished or if a break in military service of more than six months has occurred to interrupt active status or active reserve status subsequent to completion of a National Agency Check. The interruption of active status or active reserve status referred to in the preceding sentence means interruption of an individual's honorable active duty, active status in the Naval or Marine Corps Reserve, or civilian employment in the government service, or a combination thereof.

(b) *Enlisted personnel.* Effective October 1, 1965, enlistees and inductees will complete a Statement of Personal History (DD Form 398) at the time of enlistment or induction and prior to entry on active duty. Effective November 1, 1965, a National Agency Check will be initiated immediately for all enlistees upon reporting for duty at recruit training. Effective July 1, 1966, a National Agency Check will be initiated immediately for all inductees upon reporting for duty at basic training.

2. The heading of § 729.10 *General* is changed to read as follows:

§ 729.10 Security boards.

* * * * *

(R.S. 161, sec. 5031, 70A Stat. 278, as amended, sec. 133, 76 Stat. 517; 5 U.S.C. 22, 10 U.S.C. 133, 5031)

Dated: November 26, 1965.

By direction of the Secretary of the Navy.

[SEAL] WILFRED HEARN,
Rear Admiral, U.S. Navy, Judge Advocate General of the Navy.

[F.R. Doc. 65-12922; Filed, Dec. 1, 1965; 8:51 a.m.]

Title 7—AGRICULTURE

Chapter II—Consumer and Marketing Service (School Lunch Program), Department of Agriculture

PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

The regulations governing operation of a Special Milk Program for Children pursuant to Public Law 85-478, as amended, are hereby revised and reissued.

Sec.
215.1 General purpose and scope.
215.2 Definitions.
215.3 Administration.
215.4 Payments to State Agencies.
215.5 Use of funds.
215.6 Requirements for participation.
215.7 Reimbursement payments.
215.8 Effective date for reimbursement.
215.9 Reimbursement procedure.
215.10 Special responsibilities of State Agencies.
215.11 Claims against schools and child-care institutions.
215.12 Administrative analyses and audits.
215.13 Nondiscrimination.
215.14 Miscellaneous provisions.
215.15 Program information.

AUTHORITY: The provisions of this Part 215 issued under sec. 2, Public Law 85-478, as amended; 72 Stat. 276; 73 Stat. 363; 74 Stat. 84; 75 Stat. 147; 75 Stat. 319; 7 U.S.C. 1446 note.

§ 215.1 General purpose and scope.

This part announces the policies and prescribes the general regulations with respect to the Special Milk Program for Children, under Public Law 85-478, as amended, and sets forth the general requirements for participation in the Program. The Act reads in pertinent part as follows:

SEC. 2. There is hereby authorized to be appropriated for the fiscal year beginning July 1, 1962, and for each of the four fiscal years thereafter, such sums as may be necessary to enable the Secretary of Agriculture, under such rules and regulations as he may deem in the public interest, to encourage consumption of fluid milk by children in the United States in (1) nonprofit schools of high school grade and under, and (2) nonprofit nursery schools, child-care centers, settlement houses, summer camps, and similar nonprofit institutions devoted to the care and training of children. For the purposes of this Act "United States" means the 50 States and the District of Columbia.

§ 215.2 Definitions.

For the purpose of this part, the term:

(a) "Adult staff members and employees" means all persons who are staff members and employees of a school or child-care institution, including all faculty, supervisory and other personnel, but excluding camp counselors under 21 years of age.

(b) "Adults enrolled for care and training" means (1) students enrolled in school classes above the 12th grade level, and (2) all persons 21 years or older attending camps or receiving care and training as enrollees of institutions.

(c) "Attendance unit" means a building or a complex of buildings and supporting facilities in which instruction is provided for classes of high school grade and under.

(d) "Child-care institution" means any nonprofit nursery school (other than nursery schools falling within the definition of school in this section), child-care center, settlement house, summer camp or similar nonprofit institution, devoted to the care and training of children. "Child-care institution" as used in this part includes, where applicable, the authorized sponsoring agency which has entered into an agreement under the Program for a child-care institution.

(e) "C&MS" means the Consumer and Marketing Service of the U.S. Department of Agriculture.

(f) "Cost of milk" means the net purchase price paid by the school or child-care institution to the milk supplier for milk delivered to the school or child-care institution. This shall not include any amount paid to the milk supplier for servicing, rental of or installment purchase of milk service equipment.

(g) "Department" means the U.S. Department of Agriculture.

(h) "Distribution costs" means direct expenses incurred by the school or child-care institution in connection with the sale, handling and service of milk. This may include expenses incident to acquisition or rental of necessary milk service equipment.

(i) "Fiscal year" means a period of 12 calendar months, beginning with July 1 of any calendar year and ending with June 30 of the following calendar year.

(j) "FDAO" means Food Distribution Area Office(s), Consumer Food Programs, of the Consumer and Marketing Service of the U.S. Department of Agriculture.

(k) "Milk" means unflavored milk which meets State and local standards for fluid whole milk and flavored milk made from fluid whole milk which meets such standards.

(l) "Needy children" means children who cannot afford to make any payment at all for milk served to them.

(m) "Needy schools" means schools which, because of poor local economic conditions, are determined by State Agencies, or FDAO where applicable, to be in need of special assistance in order to serve milk without charge to needy children, and which either (1) are participating in the National School Lunch Program at assigned reimbursement rates averaging more than nine cents per Type A lunch, from Federal funds, or (2) do not have a regular food service.

(n) "Nonpricing program" means a program which does not sell milk to children. This shall include any such program in which children are normally provided milk, along with food and other services, in a school or child-care institution financed by a tuition, boarding, camping or other fee, or from tax sources or by private donations or endowments.

(o) "Nonprofit food service" or "nonprofit milk service" means food or milk service maintained by or on behalf of the school or child-care institution for the benefit of the children, all of the income from which is used solely for the operation or improvement of such food or milk service.

(p) "Nonprofit private school" means a nonpublic school that is exempt from income tax under the Internal Revenue Code, as amended.

(q) "OIG" means the Office of the Inspector General of the U.S. Department of Agriculture.

(r) "Pricing program" means a program which sells milk to children. This shall include any such program in which maximum use is made of Program reimbursement payments in lowering, or reducing to "zero," wherever possible, the price per half pint which children would normally pay for milk.

(s) "Program" means the Special Milk Program for Children.

(t) "School" means the governing body responsible for the administration of a public or nonprofit private "school" of high school grade or under, as defined in the statutes of the State. The term also includes a nonprofit agency to which the school has delegated authority for the operation of its nonprofit milk service.

(u) "SLD" means the School Lunch Division, Consumer Food Programs, of the Consumer and Marketing Service of the U.S. Department of Agriculture.

(v) "State" means any of the 50 States, and the District of Columbia.

(w) "State Agency" means the educational agency or other agency of a State.

§ 215.3 Administration.

(a) Within the Department, C&MS shall act on behalf of the Department in the administration of the Program. Within C&MS, SLD and FDAO shall be responsible for Program administration.

(b) To the extent practicable and permissible under State law, responsibility for the administration of the Program in schools and child-care institutions within a State shall be in the educational agency of the State: *Provided, however,* That another State Agency, upon request by an appropriate State official, may be approved by FDAO to administer the Program in child-care institutions.

(c) FDAO shall administer the Program in any nonprofit private schools and in child-care institutions in which the Program is not administered by the State.

(d) Each State Agency desiring to take part in the Program shall enter into a written agreement with the Department for the administration of the Program in the State in accordance with the provisions of this part. Such agreement shall show the class or classes of schools and child-care institutions in which the State Agency will administer the Program. Such agreement shall cover a fiscal year and may be extended at the option of the Department.

(e) References in this part to "FDAO where applicable" are to FDAO as the agency administering the Program in nonprofit private schools and child-care institutions in which the Program is not administered by the State.

§ 215.4 Payments to State Agencies.

(a) Funds shall be made available to each State Agency with which the Department has an agreement, by means of a Letter of Credit issued by C&MS to an appropriate Federal Reserve Bank in accordance with procedures applicable to C&MS. The Letters of Credit shall be designed to provide funds for State Agencies for the operation of the Program in such amounts and at such times as the funds are needed to reimburse schools and child-care institutions.

(b) As soon as possible after the beginning of each fiscal year for which funds are made available by the Congress, SLD shall establish the amount of funds to be included in each Letter of Credit on the basis of the total amount of reimbursement payments made to the State Agency during the preceding fiscal year and the need for payments during the current fiscal year to the class or classes of schools and child-care institutions in which the State Agency will administer the Program. SLD shall advise each State Agency through FDAO of the amount of funds which will be available to it for Program reimbursement during that fiscal year. This advice shall be in the form of a Schedule of Authorizations for the Issuance of Letters of Credit to State Agencies.

(c) Initially, each Letter of Credit shall authorize payment to the State Agency of stated monthly amounts for July through December operations. Revisions of each Letter of Credit, effective as of the first day of February, March, April, May, and June shall authorize payment of amounts, respectively, for each of the months January, February, March, and April, and an amount for May and June. All amounts made available to each State Agency shall be cumulatively available, when authorized, for the payment of all claims for reimbursement on operations during the fiscal year.

(d) The State Agency shall obtain funds needed to reimburse schools and child-care institutions through presentation by designated State officials of a Payment Voucher on Letter of Credit to a local commercial bank for transmission to the appropriate Federal Reserve Bank, in accordance with procedures prescribed by C&MS and approved by the U.S. Treasury Department. The State Agency shall draw only such funds as are needed to pay claims certified for payment and shall use such funds without delay to pay the claims. State Agencies shall report information on the status of Program funds on a monthly basis to C&MS on a form provided by C&MS.

(e) Notwithstanding the foregoing provisions of this section, Program funds shall be made available to the State Agency in the District of Columbia by means of Treasury Department checks

on the same basis as is prescribed for payments made by Letters of Credit.

(f) Each State Agency shall return to C&MS any Federal funds paid to it under the Program which are unobligated at the end of the fiscal year. Such return shall be made as soon as practicable but in any event not later than 30 days following demand made by FDAO. Each State Agency shall also pay to C&MS any interest paid or credited on Federal funds paid to the State Agency under the Program.

§ 215.5 Use of funds.

Funds made available under this Program shall be used to increase the consumption of milk through reimbursement payments to schools and child-care institutions in connection with the purchase of milk for service to children.

§ 215.6 Requirements for participation.

(a) Any school or child-care institution not participating in the Program in the previous fiscal year shall make written application for participation to the State Agency, or FDAO where applicable.

(b) As a minimum, applications shall provide information on each of the items listed below, except that State Agencies may obtain some of the required information from other program forms or special inquiries or other sources prior to approval of a school or child-care institution for participation. Further exceptions may be made with respect to any of the items which SLD determines are not pertinent or necessary in the proper administration of the Program in the specific types of schools or child-care institutions for which a State Agency is responsible under its agreement with the Department.

(1) The name, location, and mailing address of the school or child-care institution;

(2) The type of nonprofit school or child-care institution;

(3) Whether the school or child-care institution is public or private;

(4) The total number of persons regularly having access to the milk service, including as separate items the average daily number of (i) children, (ii) adult staff members and employees, (iii) adults enrolled for care and training, and (iv) total persons in attendance.

(5) Whether the period of attendance is during the morning, afternoon, all day or on a 24-hour basis;

(6) If the application is for a school, whether the school is participating in the National School Lunch Program and, if not, whether the school is planning to apply for participation in the National School Lunch Program;

(7) Whether the applicant school or child-care institution operates its food or milk service under a contractual arrangement with a concessionaire or food service management company. If the applicant is a child-care institution, a copy of the contract must be attached to the application;

(8) The opening date and closing date of operation, within a fiscal year;

(9) The number of days of operation per week;

(10) A description of the milk service in sufficient detail to enable a determination of whether the school or child-care institution operates a pricing or nonpricing program;

(11) The net delivered cost of milk per half pint (after discount);

(12) The price per half pint at which the school or child-care institution offers children milk in a pricing program;

(13) A description of specific service practices planned for encouraging increased milk consumption by children, if the school or child-care institution offers children milk in a nonpricing program; and

(14) In addition, if applicant is a needy school as defined under paragraph (m) of § 215.2, and desires special assistances under the Program, (i) the reason why the school has not participated in the Program, (ii) the reason why the school believes it is eligible to participate in the Program as a needy school, (iii) any special problems in obtaining delivery of milk, (iv) the estimated number of needy children and (v) the proposed number of servings of milk without charge per child per day.

(c) Any school which operates the food or milk service in any attendance unit under a contractual arrangement with a concessionaire or food service management company or under similar arrangement shall not be eligible for participation in the Program with respect to such attendance unit, even though the school or such attendance unit obtains no profit from the operation of such food or milk service: *Provided, however,* That this does not exclude from participation any school:

(1) That contracts with a dairy or other milk supplier for the rental of milk service equipment and related services as a means of increasing the availability of milk;

(2) Whose food or milk service is operated by a private nonprofit organization, such as a parent-teacher association, under delegation of authority from school officials; or

(3) That maintains food or milk service, such as a snack bar, operated by students for the benefit of student activities, if (i) supplemental to regular nonprofit food or milk service or as the only food or milk service maintained, the school uses the student-operated facilities as a means of increasing the availability of milk rather than to employ labor for that purpose, (ii) the milk served through the student-operated facilities is purchased and sold for the account of nonprofit food or milk service, and (iii) any payments made by the school to the student-operated facility, for labor and other costs in connection with the service of milk to children, bear a direct relationship to the amount of services rendered.

(d) A child-care institution, that is a summer camp, in which the only opportunity to make milk available, additional to milk regularly served with meals, is through canteens or trading posts operated for attending children, may be approved for participation in the Program, subject to the same conditions on the use of canteens or trading posts as are established by paragraph (c)(3) of this section for the use of student-operated facilities.

(e) A child-care institution which operates its food or milk service under a contractual arrangement with a concessionaire or food service management company or under a similar arrangement may be approved for participation in the Program, after FDAO has approved the arrangement. To be approved by FDAO the arrangement must provide for:

(1) A specific fee for the management service, with the child-care institution procuring the food or reimbursing the concessionaire, food service management company, or other person for food expenditures made on behalf of the child-care institution;

(2) The service of milk in accordance with the plan for increasing milk consumption outlined in the application executed by the child-care institution;

(3) The maintenance of milk-purchase and other records necessary to enable the child-care institution to claim Program reimbursement; and

(4) The retention of the records for a period of three years after the end of the fiscal year to which they pertain, for audit and review at a reasonable time and place by the State Agency, OIG or C&MS.

(f) Any school or child-care institution approved for participation in the Program shall enter into a written agreement with the State Agency or, where FDAO is responsible for Program administration, with the Department. The school or child-care institution shall agree to:

(1) Conduct a nonprofit food service or, in the event no other food service is maintained, conduct a nonprofit milk service;

(2) Claim reimbursement only for milk as defined in this part and in accordance with the provisions of sections 215.7 and 215.9;

(3) Submit claims for reimbursement in accordance with procedure established by the State Agency, or FDAO where applicable;

(4) Maintain full and accurate records of its milk program, and retain such records for a period of 3 years after the end of the fiscal year to which they pertain; and

(5) Upon request, make all records pertaining to its milk program available to the State Agency and to OIG or C&MS for audit and administrative review, at a reasonable time and place.

§ 215.7 Reimbursement payments.

(a) Reimbursement payments shall be made for milk purchased for service to children by participating schools and child-care institutions, except that reimbursement shall not be made for the first half pint of milk served as part of a Type A lunch by schools participating in the National School Lunch Program.

(b) In pricing programs, the maximum rate of reimbursement shall be 4 cents per half pint in schools that

serve Type A lunches under the National School Lunch Program. For other schools and for child-care institutions having pricing programs, the maximum rate of reimbursement shall be 3 cents per half pint. Schools and child-care institutions having pricing programs shall make maximum use of the reimbursement payments received under the Program to reduce the price of milk to children. The full amount of the payments shall be reflected in reduced prices to children, except that such payments may be used by schools or child-care institutions to defray distribution costs. Distribution costs shall not exceed 1 cent per half pint. Exceptions to this provision may be granted by the State Agency, or FDAO where applicable, in instances where the situation in a school or child-care institution justifies distribution costs above 1 cent per half pint, but in no case shall distribution costs be allowed above 1½ cents per half pint.

(c) Less-than-maximum rates of reimbursement may be assigned to pricing programs, or rates assigned to such programs may be reduced, on a monthly or annual basis where necessary to obtain a proper relation between rates of reimbursement and (1) the price of milk to children, (2) the cost of milk, and (3) the distribution costs approved by the State Agency, or FDAO where applicable, pursuant to paragraph (b) of this section. In operations having centralized fiscal control, adjustments of rates of reimbursement may be made either on an individual attendance unit or on a schoolwide basis. In no event shall allowance for distribution costs exceed the approved distribution costs per half pint multiplied by the total number of half pints on which reimbursement is paid for the fiscal year.

(d) Schools and child-care institutions having nonpricing programs shall, at the time they apply for participation, submit for approval the specific service practices by which they plan to encourage increased milk consumption by children. Reimbursement payments to such schools and child-care institutions shall be made at the rate of 2 cents per half pint, provided the specific service practices for increasing milk consumption as outlined in the approved application have been placed into effect and remain in effect.

(e) When SLD determines that a reduction in the payment of claims for reimbursement is necessary to insure that expenditures are within the funds appropriated for the Program for any fiscal year, the State Agencies, or FDAO where applicable, shall pay claims for reimbursement for any of the months of the fiscal year at less than the amounts shown on the claims submitted by schools and child-care institutions. The percentage of such reduction shall be determined by SLD, and notice thereof given to State Agencies, and participating schools and child-care institutions under agreement with FDAO: *Provided,* That no reduction shall be made in the reimbursement authorized under paragraph (f) of this section.

(f) Notwithstanding any other provision of this section, the State Agency, or FDAO where applicable, may reimburse needy schools as defined in § 215.2(m), for milk served without charge to needy children, at a rate equal to the cost of milk to such schools, provided that such cost is within the range of the milk prices prevailing in the area.

§ 215.8 Effective date for reimbursement.

(a) A State Agency, or FDAO where applicable, may grant written approval to begin operations under the Program prior to the receipt of the application from the school or child-care institution. Such written approval shall be attached to the subsequently filed application, and the agreement executed by the school or child-care institution shall be effective from the date upon which the school or child-care institution was authorized to begin operations: *Provided, however,* That such effective date shall not be earlier than the calendar month preceding the calendar month in which the agreement is executed by the State Agency or by the Department.

(b) Reimbursement payments pursuant to § 215.7 shall be made on milk purchased for service to children at any time during the effective period of an agreement between a school or child-care institution and the State Agency or the Department.

§ 215.9 Reimbursement procedure.

(a) Each State Agency, or FDAO where applicable, shall require schools to submit a Claim for Reimbursement on a calendar month basis: *Provided, however,* That not more than 10 days of a beginning or ending month of Program operations in the fiscal year may be combined with the claim of the month immediately following the beginning month or preceding the ending month. Any Claim for Reimbursement combining the ending month of one fiscal year and the beginning month of the next fiscal year shall not be permitted. Any Claim for Reimbursement for any fiscal year, not received by the State Agency, or FDAO where applicable, within 90 days after the closing date of the fiscal year, shall be disqualified from payment, except where the State Agency, or FDAO where applicable, considers that a Claim for Reimbursement has been filed late because of circumstances beyond the control of the school or child-care institution.

(b) Each Claim for Reimbursement shall contain information on each of the items listed below, except that State Agencies may obtain the approval of SLD to secure some of the required information from applications for participation in the Program, or from other approved sources, without requiring the submission of information on each of the items on each claim: *Provided, however,* That in no way shall this exception relieve the State Agency from checking compliance in pricing programs pursuant to paragraphs (b) and (c) of § 215.7, nor shall this exception relieve any school or child-care institution from responsibility for conducting a pricing program in accordance with its agreement with the State Agency.

(1) The name, location, and mailing address of the school or child-care institution;

(2) The month and year for which claim is made;

(3) The total number of half pints of milk purchased for service to children;

(4) For any school that participates in the National School Lunch Program, the number of half pints of milk served to children in Type A lunches not eligible for reimbursement;

(5) The number of half pints of milk served to adult staff members and employees or adults enrolled for care and training as a beverage, as determined by the school or child-care institution pursuant to paragraph (d) of this section;

(6) The number of half pints of milk claimed for Program reimbursement;

(7) The rate of reimbursement per half pint, as assigned in the agreement between the school or child-care institution and the State Agency or the Department;

(8) The total amount of Program reimbursement claimed;

(9) The net cost of milk per half pint paid by the school or child-care institution to the milk supplier;

(10) Where milk has been offered in a pricing program, the price per half pint at which such milk was made available to children; and

(11) In the case of needy schools, (i) number of half pints of milk served without charge to needy children, and (ii) average daily number of needy children to whom milk was served.

(c) In submitting a Claim for Reimbursement, each school or child-care institution shall certify that the claim is true and correct; that records are available to support the claim; that the claim is in accordance with the existing agreement; and that payment therefor has not been received. Any school or child-care institution that does not offer children milk in a pricing program shall also certify that the specific service practices for encouraging increased milk consumption by children as described in its application for participation are in operation.

(d) Milk served as a beverage to adult staff members and employees and adults enrolled for care and training is not eligible for reimbursement. The number of half pints of milk served adults to be reported by a school or child-care institution in a Claim for Reimbursement shall be determined by actual daily count, or as a percentage of the total milk purchased. In the absence of a record of actual daily count:

(1) In making claims for reimbursement for periods after June 30, 1965, schools with no adults enrolled for care and training shall report 3 percent of the total milk purchased as the quantity of milk served to adults;

(2) Schools with adults enrolled for care and training and child-care institutions other than camps shall report as the quantity of milk served to adult staff

members and employees and adults enrolled for care and training, a number of half pints equal to the total milk purchased multiplied by a percentage adjustment factor assigned by the State Agency, or FDAO where applicable, at the time the school or child-care institution enters the Program and annually thereafter on the basis of the ratio of the total number of adults to the total persons in average daily attendance, regularly having access to the milk service.

(3) Camps shall report as the quantity of milk served to adult staff members and employees and adults enrolled for care and training, a number of half pints, determined on a Claim for Reimbursement Work Sheet, equal to the total milk purchased multiplied by the percentage that the total number of adults was of total number of persons in attendance, regularly having access to the milk service, during the month for which Claim for Reimbursement is submitted to the State Agency, or FDAO where applicable; or

(4) If no milk was served as a beverage to adult staff members and employees and adults enrolled for care and training, "zero" shall be reported as the quantity of milk served to adults.

(e) Any school or child-care institution having both pricing and nonpricing programs may claim reimbursement for: (1) The milk purchased for service in the pricing program, or (2) the milk purchased for service in the nonpricing program, or (3) the milk purchased for service in both types of program. When reimbursement is claimed for milk purchased for service in both types of program, the school or child-care institution shall be reimbursed at a rate of 2 cents per half pint, and to the extent feasible shall use the Program reimbursement to lower the price of the milk to children in the pricing program.

(f) Claims for Reimbursement covering milk purchased for service in pricing programs shall be reviewed by the State Agency, or FDAO where applicable, to assure that the proper relationship exists between the cost of milk, the allowable distribution cost, the price of milk to children and the assigned rate of reimbursement. Adjustments shall be made in rates of reimbursement, where necessary, in accordance with the provisions of this part.

(g) Schools in the National School Lunch Program may not be reimbursed at a rate in excess of 3 cents per half pint for milk purchased for service in a pricing program to children participating in summer activities operated by the school after the expiration of the regular school term, unless (1) the summer program is regarded by the school authorities as a regular part of school activities, (2) the program sponsor who signed the agreement covering the regular school term will be responsible for the operation of the summer program, and (3) the children who attend and participate in such activities are under the care and jurisdiction of the school officials.

(h) Schools in the National School Lunch Program experiencing late delivery of school lunch equipment or fire or other situation beyond school control, forcing delay or suspension of the service of Type A lunches for more than 30 days during the course of the school year may not be reimbursed at a rate in excess of 3 cents per half pint for milk served to children in a pricing program during the period of delay or suspension, unless an acceptable explanation is made in writing to the State Agency, or FDAO where applicable.

(i) Schools offering milk in a pricing program in more than one school attendance unit may be regarded by the State Agency, or FDAO where applicable, as a single school or as individual schools for reimbursement purposes. If regarded as a single school, reimbursement shall not be made at a rate in excess of 3 cents per half pint for any unit unless all units participate in the National School Lunch Program. If the units are regarded as individual schools, the State Agency, or FDAO where applicable, may assign reimbursement at a rate not in excess of 4 cents per half pint to those units that are participating in the National School Lunch Program, and distribution costs may be approved pursuant to paragraph (b) of § 215.7, (1) on an individual unit basis, or (2) on a schoolwide basis.

§ 215.10 Special responsibilities of State Agencies.

(a) *Program administration.* Each State Agency shall provide or cause to be provided, adequate personnel for Program administration.

(b) *State conducted audit programs.* A State Agency may submit for approval by OIG a plan whereby it will conduct audits in schools and child-care institutions in which it administers the Program. Any State Agency satisfactorily conducting such an audit program as of the effective date of this part may be deemed to have an approved plan or such State Agency may submit its plans for formal approval. Audits performed by or on behalf of State Agencies shall meet standards prescribed by OIG and shall be reviewed by OIG to the extent necessary to determine compliance therewith, such review to be made not less than once each year. OIG shall have the right to perform test audits of schools and child-care institutions, and to make audits on a statewide basis, if it determines that the State audit program is not functioning satisfactorily or if the State terminates its audit program.

(c) *Accounting for Program funds.* Each State Agency shall maintain a separate account of all Federal funds made available to it under the Program each fiscal year and shall maintain a current record of payments made to schools and child-care institutions and of any unexpended balance remaining on hand. All payments made from such funds shall be made only upon properly certified vouchers.

(d) *Records and reports.* Each State Agency shall maintain current records on Program operations in schools and child-care institutions, and submit monthly reports to FDAO on such operations, on a form provided by SLD. Such records shall be maintained for a period of 3 years after the end of the fiscal year to which they pertain.

(e) *Investigations.* Each State Agency shall promptly investigate complaints received or irregularities noted in connection with the operation of the Program and shall take appropriate action to correct any irregularities. State Agencies shall maintain on file evidence of such investigations and actions. OIG shall make investigations at the request of the State Agency or if SLD or FDAO determines investigations by OIG are appropriate.

§ 215.11 Claims against schools or child-care institutions.

(a) If a State Agency receives information or has reason to believe that a claim or a portion of a claim for reimbursement submitted by a school or child-care institution is not properly payable under this part, it shall not pay the claim or such portion of the claim and shall advise the school or child-care institution of the reasons for nonpayment or disallowance. The school or child-care institution may submit to the State Agency evidence and information to justify the total amount claimed, or may submit a reclaim for the portion disallowed, with appropriate justification therefor. The State Agency may make reimbursement in the amount it believes is warranted by the evidence, subject, however, to the provisions of paragraph (e) of this section.

(b) If a State Agency receives information or has reason to believe that a payment already made to a school or child-care institution was not proper under this part, it shall advise the school or child-care institution of the amount and basis of the alleged overpayments and may request a refund or advise the school or child-care institution that the amount overpaid is being deducted from subsequent claims. The school or child-care institution shall have full opportunity to present evidence and information to the State Agency to justify the amount of reimbursement paid. If the State Agency determines that the evidence is not sufficient, the State Agency shall collect the amount of the overpayment from the school or child-care institution, by refund or by deduction from subsequent claims for reimbursement made by the school or child-care institution. If new evidence becomes available to the school or child-care institution it may, within a reasonable time after the collection, make a reclaim for all or a portion of the amount so collected, and the State may pay the amount of any reclaim it believes is warranted by the evidence, subject, however, to the provisions of paragraph (e) of this section.

(c) The State Agency may refer any matter in connection with this section to FDAO and SLD for determination of the action to be taken.

(d) The State Agency shall retain for OIG audit and review all records pertaining to action taken under this section.

(e) If SLD does not concur with the State Agency action in paying a claim or a reclaim, or in failing to collect an overpayment FDAO shall assert a claim against the State Agency for the amount of such claim, reclaim or overpayment. In all such cases, the State Agency shall have full opportunity to submit to SLD evidence or information concerning the action taken. If in the determination of SLD, the State Agency's action was unwarranted, the State Agency shall promptly pay to C&MS the amount of the claim, reclaim or overpayment.

(f) The amounts recovered by the State Agency from schools and child-care institutions may be utilized, first, to make reimbursement payments for milk served during the fiscal year for which the funds were initially available, and second, to repay any State funds expended in the reimbursement of claims under the program and not otherwise repaid. Any amounts recovered which are not so utilized shall be returned to C&MS in accordance with the requirements of § 215.4(f).

(g) With respect to schools or child-care institutions in which FDAO administers the Program, when FDAO disallows a claim or a portion of a claim, or makes a demand for refund of an alleged overpayment, it shall notify the schools or child-care institutions of the reasons for such disallowance or demand and the schools or child-care institutions shall have full opportunity to submit evidence or to file reclaim for any amount disallowed or demanded in the same manner afforded in this section to schools or child-care institutions administered by State Agencies.

§ 215.12 Administrative analyses and audits.

Each State Agency shall provide C&MS with full opportunity to conduct administrative analyses (including visits to schools and child-care institutions), and OIG with full opportunity to conduct audits of all operations of the State Agency under the Program. Each State Agency shall make available its records, including records of the receipt and expenditure of funds under the Program, upon a reasonable request by C&MS or OIG. OIG shall also have the right to make audits of the records and operations of any school or child-care institution. In making administrative analyses or audits for any fiscal year, the State Agency and OIG in connection with audits of operations under the jurisdiction of a State Agency, may disregard any overpayment which does not exceed $5 or does not exceed the amount which is established under State law, regulation or procedure as a minimum amount for which claim will be made for State losses generally: *Provided, however,* That no overpayment shall be disregarded where there are unpaid claims of the same fiscal year from which the overpayment can be deducted, or where there is evidence of violation of Federal or State statutes.

§ 215.13 Nondiscrimination.

The Department's regulations on nondiscrimination in federally assisted programs are set forth in Part 15 of this title. The Department's agreements with State Agencies, the State Agencies' agreements with schools and child-care institutions, and the FDAO agreements with nonprofit private schools and child-care institutions shall contain the assurances required by the said regulations.

§ 215.14 Miscellaneous provisions.

(a) *Disqualification and non-compliance.* Any State Agency or any school or child-care institution may be disqualified from future participation if it fails to comply with the provisions of this part and its agreement with the Department or the State Agency. This does not preclude the possibility of other action being taken through other means available where necessary, including prosecution for fraud under applicable Federal statutes. If any part of the money received by the State Agency or by any private school or child-care institution in which FDAO administers the Program, by an improper or negligent action, is diminished, lost, misapplied or diverted from the Program by the State Agency, or by the school or child-care institution to which such funds are disbursed, SLD may order such money to be replaced. Until the money is replaced, no subsequent payment shall be made to the State Agency or to the school or child-care institution causing the loss. The State Agency or the school or child-care institution shall have full opportunity to submit evidence, explanation or information concerning instances of noncompliance or diversion of funds before a final determination is made in such cases.

(b) *Saving clause.* Any or all of the provisions of this part may be withdrawn, or amended, at any time by the Department: *Provided, however,* That any withdrawal or amendment shall not be made without due prior notice in writing to the State Agencies or to nonprofit private schools or child-care institutions in which the Program is administered by FDAO.

(c) *State requirements.* Nothing contained in this part shall prevent a State Agency from imposing additional requirements for participation in the Program which are not inconsistent with the provisions of this part.

§ 215.15 Program information.

Schools and child-care institutions desiring information concerning the Program should write to their State educational Agency, or the appropriate Area Director of FDAO as indicated below:

(a) In the States of Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia: Food Distribution Area Office, C&MS, U.S. Department of Agriculture, 346 Broadway, Room 604, New York, N.Y., 10013.

(b) In the States of Alabama Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia: Food Distribution Area Office, C&MS, U.S. Department of Agriculture, 50 Seventh Street NE., Room 252, Atlanta, Ga., 30323.

(c) In the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin: Food Distribution Area Office, C&MS, U.S. Department of Agriculture, 536 South Clark Street, Chicago, Ill., 60605.

(d) In the States of Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, and Texas: Food Distribution Area Office, C&MS, U.S. Department of Agriculture, 500 South Ervay Street, Room 3–127, Dallas, Tex., 75201.

(e) In the States of Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming: Food Distribution Area Office, C&MS, U.S. Department of Agriculture, Room 344, Appraisers' Building, 630 Sansome Street, San Francisco, Calif., 94111.

NOTE: The recordkeeping and reporting requirements herein specified have been approved by, and any further such requirements that may be established will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. Date of filing with the FEDERAL REGISTER.

Dated: November 26, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 65–12882; Filed, Dec. 1, 1965; 8:48 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Eligibility Requirements for Price Support, Amdt. 3]

PART 1425—COOPERATIVE MARKETING ASSOCIATIONS

Subpart—Eligibility Requirements for Price Support

MEMBER BUSINESS

The regulations issued by the Commodity Credit Corporation, published in 30 F.R. 6907, 9260, and 9877 and containing eligibility requirements for cooperative marketing associations to obtain price support, are hereby amended as follows:

Section 1425.11 is amended to exclude from consideration as member or nonmember business tung oil delivered to an association pursuant to a marketing contract with CCC and to read as follows:

§ 1425.11 Member business.

If price support is sought for a commodity of a particular crop, not less than 80 percent of the commodity of such crop that is acquired by or delivered to the Association for marketing must be produced by its members or by members of its member associations. Purchases of commodities by the association from CCC and deliveries of tung oil to the associa-

tion pursuant to marketing contracts with CCC shall not be considered in determining the volume of member and nonmember business of the association.

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on November 26, 1965.

ROLAND F. BALLOU,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 65-12933; Filed, Dec. 1, 1965; 8:52 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 19509]

PART 545—OPERATIONS

Notice Concerning Distribution of Earnings by Federal Savings and Loan Associations

NOVEMBER 23, 1965.

Whereas, by Federal Home Loan Bank Board Resolutions No. 15,320 and 15,342, dated December 22 and 29, 1961, respectively, this Board resolved to amend § 545.1-1 of the rules and regulations for the Federal Savings and Loan System to provide for the quarterly distribution of dividends, the distribution of earnings on amounts withdrawn between distribution dates and for the establishment of a determination date not later than the 20th of the month; and

Whereas, said resolutions prohibited the utilization of these provisions prior to June 30, 1963, in certain States; and

Whereas, said date of June 30, 1963, was successively extended to June 30, 1964, to March 31, 1965, and, most recently, to July 1, 1966, to permit State legislatures to authorize similar activities by State-chartered savings and loan associations; and

Whereas, the Board has determined that further postponement is unwarranted:

Now, therefore, it is hereby resolved that this Board determines not to extend beyond July 1, 1966, the date on which all Federal savings and loan associations may utilize to the full extent the applicable provisions of paragraphs (b), (c) and (d) of § 545.1-1 of the rules and regulations for the Federal Savings and Loan System.

It is hereby further resolved that the Secretary to the Board is directed to transmit the foregoing to the Office of the Federal Register for publication.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 65-12926; Filed, Dec. 1, 1965; 8:51 a.m.]

[No. 19,510]

PART 555—BOARD RULINGS

Classification of Fraternity Houses; Rescission

NOVEMBER 23, 1965.

Whereas by Federal Home Loan Bank Board Resolution No. 19,466, dated October 28, 1965, and duly published in the FEDERAL REGISTER on November 3, 1965, this Board amended § 541.10-3 of the rules and regulations for the Federal Savings and Loan System (12 CFR 541.10-3) to define the term "other dwelling units" to include a structure or structures designed or used as fraternity houses which include sleeping accommodations for students of a college or university; and

Whereas such amendment requires the rescission of paragraph (a) of § 555.3 of the rules and regulations for the Federal Savings and Loan System (12 CFR 555.3(a)):

It is hereby resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of the rescission hereinafter set forth, and for the purpose of effecting such rescission, hereby rescinds paragraph (a) of § 555.3 of the rules and regulations for the Federal Savings and Loan System (12 CFR 555.3(a)), effective immediately.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

It is hereby further resolved that, as the foregoing rescission merely affects an interpretative rule, the Board hereby finds that notice and public procedure on said rescission are unnecessary under § 508.12 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.12), and section 4(a) of the Administrative Procedure Act and, for the same reason, the Board hereby finds that postponement of the effective date under the provisions of § 508.14 of the general regulations of the Federal Home Loan Bank Board and section 4(c) of the Administrative Procedure Act is not required and the Board hereby provides that the said amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 65-12927; Filed, Dec. 1, 1965; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 65-EA-13]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration, Designation and Revocation of Control Area Extensions, Control Zones and Transition Areas

On page 11142 of the FEDERAL REGISTER for August 28, 1965, the Federal Aviation Agency published proposed regulations which would revoke the Rosewood, Ohio, control area extension and Springfield, Ohio, control zone; alter the Wright-Patterson AFB, Ohio, Wilmington, Ohio and Dayton, Ohio control zones; designate 700-foot floor transition areas over Sidney Airport, Sidney, Ohio, Piqua Airport, Piqua, Ohio, Montgomery County Airport, Dayton, Ohio, Springfield Municipal Airport, Springfield, Ohio, James M. Cox-Dayton Municipal Airport, Dayton, Ohio, Patterson and Wright Air Force Bases, Dayton, Ohio, Clinton County AFB, Wilmington, Ohio; designate a 1,200-foot floor Dayton, Ohio, transition area.

Interested parties were given 45 days after publication in which to submit written data or views. All comments received were favorable.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., February 3, 1966.

(Sec. 307(a) of the Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on November 19, 1965.

OSCAR BAKKE,
Director, Eastern Region.

1. Amend § 71.165 of Part 71 of the Federal Aviation Regulations by deleting the Rosewood, Ohio, control area extension.

2. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the Springfield, Ohio, control zone.

3. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the Dayton, Ohio, control zone and inserting in lieu thereof:

DAYTON, OHIO
(JAMES M. COX-DAYTON MUNICIPAL)

Within a 5-mile radius of the center, 39°53'57" N., 84°13'14" W. of James M. Cox-Dayton Muncipal Airport, Dayton, Ohio, excluding that airspace within a 1-mile radius of the center, 39°54'52" N., 84°18'45" W. of Studebaker Farms Airport, Union, Ohio.

4. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the Wright-Patterson AFB, Ohio, control zone and insert in lieu thereof:

DAYTON, OHIO
(WRIGHT-PATTERSON AFB)

Within a 5-mile radius of the center, 39°45'25" N., 84°02'55" W. of Patterson AFB, Dayton, Ohio; within 2 miles each side of the Patterson VOR 039° radial extending from the 5-mile radius zone to 10 miles northeast of the VOR; within 2 miles each side of the Patterson TACAN 054° radial extending from the 5-mile radius zone to 8 miles northeast of the TACAN; within a 5-mile radius of the center, 39°46'35" N., 84°06'35" W. of Wright AFB, Dayton, Ohio; within a 5-mile radius of the center, 39°50'45" N., 83°50'15" W. of Springfield Municipal Airport, Springfield, Ohio; and within 2 miles each side of the Springfield RBN 054° bearing extending from the Springfield 5-mile radius zone to 6 miles northeast of the RBN.

5. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Wilmington, Ohio, control zone and inserting in lieu thereof:

WILMINGTON, OHIO

Within a 5-mile radius of the center, 39°26'00" N., 83°48'00" W., of Clinton County AFB, Wilmington, Ohio; within 2 miles each side of the Clinton County RBN 037° bearing extending from the 5-mile radius zone to 7 miles northeast of the RBN; within 2 miles each side of the 212° bearing from a point 39°25'51" N., 83°48'10" W., extending from the 5-mile radius zone to 7 miles southwest of said point and within 2 miles each side of the centerline of Runway 22 extended from the 5-mile radius zone to 8 miles southwest of the end of the runway, including that airspace within a 1-mile radius of the center, 39°26'20" N., 83°42'20" W. of Hollister Field, Wilmington, Ohio.

6. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a 700- and 1,200-foot floor Dayton, Ohio, transition area described as follows:

DAYTON, OHIO

That airspace extending upward from 700 feet above the surface bounded by a line beginning at: 39°59'00" N., 83°40'00" W. to 39°55'00" N., 83°37'00" W. to 39°45'00" N., 83°43'00" W. to 39°39'00" N., 84°07'00" W. to 39°45'00" N., 84°24'00" W. to 39°49'-00" N., 84°27'00" W. to 40°04'00" N., 84°17'-00" to the point of beginning.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: 39°19'00" N., 84°00'00" W. to 39°40'00" N., 84°25'00" W. to 40°10'00" N., 85°00'00" W. to 40°30'00" N., 84°49'00" W. to 40°32'00" N., 84°30'00" W. to 40°29'00" N., 84°14'00" W. to 40°30'00" N., 83°50'00" W. to 40°00'00" N., 83°15'00" W. to 39°05'-00" N., 83°30'00" W. to the point of beginning.

7. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a 700-foot floor Dayton, Ohio (Montgomery County), transition area described as follows:

DAYTON, OHIO
(MONTGOMERY COUNTY)

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 39°35'28" N., 84°13'24" W. of Montgomery County Airport, Dayton, Ohio; and within 2 miles each side of the Montgomery VOR 145° radial extending from the 6-mile radius area to 8 miles southeast of the VOR, excluding that portion which lies within the Middletown, Ohio, transition area.

8. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a 700-foot floor Piqua, Ohio, transition area described as follows:

PIQUA, OHIO

That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center, 40°10'00" N., 84°19'00" W. of Piqua Airport, Piqua, Ohio; and within 2 miles each side of the Dayton VOR 024° radial extending from the 4-mile radius area to the VOR.

9. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a 700-foot floor Sidney, Ohio, transition area described as follows:

SIDNEY, OHIO

That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center, 40°14'23" N., 84°09'17" W. of Sidney Airport, Sidney, Ohio; and within 2 miles each side of the Rosewood VOR 242° radial extending from the 4-mile radius area to the VOR.

10. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a 700-foot floor Wilmington, Ohio, transition area.

WILMINGTON, OHIO

That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, 39°26'00" N., 83°48'00" W. of Clinton County AFB, Wilmington, Ohio.

[F.R. Doc. 65-12916; Filed, Dec. 1, 1965; 8:50 a.m.]

[Airspace Docket No. 65-EA-37]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone

On page 11146 of the FEDERAL REGISTER for August 28, 1965, the Federal Aviation Agency published proposed regulations which would establish a part-time control zone for Tweed-New Haven Airport.

Interested parties were given 45 days after publication in which to submit written data or views. All comments received were favorable.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., February 3, 1966.

(Sec. 307(a) of the Federal Aviation Act of 1958; (72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on November 19, 1965.

WAYNE S. HENDERSHOT,
Deputy Director, Eastern Region.

Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to designate a part time control zone for New Haven, Conn., described as follows:

NEW HAVEN, CONN.

Within a 4-mile radius of the center, 41°15'51" N., 72°53'11" W., of Tweed-New Haven Airport, New Haven, Conn.; within 2 miles each side of the centerline of Runway 1 extended from the 4-mile radius zone to 4 miles north of the end of the runway; and within 2 miles each side of the New Haven VOR 192° radial extending from the 4-mile radius zone to 7 miles south of the VOR. This control zone is effective from 0700 to 1700 hours, local time, daily and during specific dates and times established in advance by a Notice to Airmen.

[F.R. Doc. 65-12917; Filed, Dec. 1, 1965; 8:50 a.m.]

[Airspace Docket No. 65-EA-31]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration, Designation of Control Zone and Transition Area

On page 11145 of the FEDERAL REGISTER for August 28, 1965, the Federal Aviation Agency published proposed regulations which would alter the Houlton, Maine Control Zone; designate a 700-foot floor transition area over Houlton International Airport, Houlton, Maine, and designate a 1,200-foot floor Houlton, Maine Transition Area.

Interested parties were given 45 days after publication in which to submit written data or views. All comments received were favorable.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., February 3, 1966.

(Sec. 307(a) of the Federal Aviation Act of 1058; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on November 19, 1965.

WAYNE S. HENDERSHOT,
Deputy Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Houlton, Maine, control zone and insert in lieu thereof:

HOULTON, MAINE

Within a 4-mile radius of the center, 46°-07'25" N., 67°47'40" W., of Houlton International Airport, Houlton, Maine, and within 2 miles each side of the Houlton VOR 018° radial extending from the 4-mile radius zone to the VOR, excluding the airspace within Canada.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate 700- and 1,200-foot floor Houlton, Maine, transition areas described as follows:

That airspace extending upwards from 700 feet above the surface within a 7-mile radius of the center, 46°07'25" N., 67°47'40" W., of Houlton International Airport, Houlton, Maine; within 2 miles each side of the Houlton VOR 198° radial extending from the 7-mile radius area to 8 miles south of the VOR.

That airspace extending upward from 1,200 feet above the surface within an area beginning at the intersection southeast of Presque Isle, Maine, of the United States-Canadian border and a 40-mile radius arc centered at 46°57'05" N., 67°53'10" W. (Loring AFB), thence clockwise along this arc to 46°33'00" N., to 45°56'00" N., 68°36'00" W. to 45°38'00" N., 67°40'30" W. thence along the United States-Canadian border to the point of beginning, excluding the airspace within Canada.

[F.R. Doc. 65-12918; Filed, Dec. 1, 1965; 8:50 a.m.]

[Airspace Docket No. 65-EA-30]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration, Designation of Control Zones

On pages 11144 and 11145 of the FEDERAL REGISTER for August 28, 1965, the Federal Aviation Agency published proposed regulations which would alter the Limestone, Maine, and Presque Isle, Maine, control zones; designate a 700-foot floor transition area over Presque Isle Municipal Airport, Presque Isle, Maine, Caribou Municipal Airport, Caribou, Maine, and Loring AFB, Limestone, Maine; designate a 1,200-foot floor Presque Isle, Maine transition area.

Interested parties were given 45 days after publication in which to submit written data or views. All comments received were favorable.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., February 3, 1966.

(Sec. 307(a) of the Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on November 19, 1965.

WAYNE S. HENDERSHOT,
Deputy Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Limestone, Maine, control zone and insert in lieu thereof:

LIMESTONE, MAINE

Within a 5-mile radius of the center, 46°57'05" N., 67°53'10" W., of Loring AFB, Limestone, Maine, excluding the portion outside of the United States; within 2 miles each side of the Loring TACAN 168° radial extending from the 5-mile radius zone to 6.5 miles south of the TACAN; and within 2 miles each side of the Loring TACAN 348° radial extending from the 5-mile radius zone to 7 miles north of the TACAN.

2. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Presque Isle, Maine, control zone and insert in lieu thereof the following:

PRESQUE ISLE, MAINE

Within a 5-mile radius of the center, 46°41'30" N., 68°02'30" W., of Presque Isle Airport, Presque Isle, Maine; within 2 miles each side of the Presque Isle VOR 159° radial extending from the 5-mile radius zone to the VOR; and within 2 miles each side of the Sprague ville RR., south course extending from the 5-mile radius zone to 7 miles south of the RR.

This control zone is effective from 0800 to 2000 hours, local time, daily, 0800 to 1730 hours local time, Saturdays and during specific dates and times established in advance by a Notice to Airmen.

3. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a 700- and 1,200-foot floor Presque Isle, Maine, transition area described as follows:

PRESQUE ISLE, MAINE

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center, 46°41'30" N., 68°02'30" W., of Presque Isle Airport, Presque Isle, Maine; within 2 miles each side of the Presque Isle VOR 339° radial extending from the 8-mile radius area to 8 miles north of the VOR; within 2 miles each side of the Sprague ville R.R., south course extending from the 8-mile radius area to 8 miles south of the RR.; within a 5-mile radius of the center, 46°52'14" N., 68°01'07" W., of Caribou Airport, Caribou, Maine; within an 8-mile radius of the center, 46°57'05" N., 67°53'10" W., of Loring AFB, Limestone, Maine; within 2 miles each side of the Loring TACAN 348° radial extending from the Loring 8-mile radius area to 12 miles north of the TACAN; within 2 miles each side of the Loring ILS localizer south course extending from the Loring 8-mile radius area to 12 miles south of the OM, excluding the portion outside the United States.

That airspace extending upward from 1,200 feet above the surface within a 40-mile radius of the center of Loring AFB excluding the portion outside of the United States.

[F.R. Doc. 65-12919; Filed, Dec. 1, 1965; 8:50 a.m.]

[Airspace Docket No. 65-EA-28]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration, Designation and Revocation of Control Area Extensions, Control Zones and Transition Areas

On pages 11143 and 11144 of the FEDERAL REGISTER for August 28, 1965, the Federal Aviation Agency published proposed regulations which would revoke the Plattsburgh, N.Y., and Newport, Vt., control area extensions; alter the Burlington, Vt., Montpelier, Vt., and Massena, N.Y., control zones; alter the Massena, N.Y., and Montpelier, Vt., transition areas; designate 700-foot floor transition areas over Plattsburgh AFB, Plattsburgh, N.Y., Adirondack Airport, Saranac Lake, N.Y., Newport Municipal Airport, Newport, Vt., and Burlington Municipal Airport, Burlington, Vt.; designate a 1,200-foot floor Burlington, Vt., transition area.

Interested parties were given 45 days after publication in which to submit written data or views. All comments received were favorable.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., February 3, 1966.

(Sec. 307(a) of the Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on November 19, 1965.

OSCAR BAKKE,
Director, Eastern Region.

1. Amend § 71.165 of Part 71 of the Federal Aviation Regulations by deleting the Plattsburgh, N.Y., control area extension.

2. Amend § 71.165 of Part 71 of the Federal Aviation Regulations by deleting the Newport, Vt., control area extension.

3. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Burlington, Vt., control zone and inserting in lieu thereof:

Within a 5-mile radius of the center, 44°-28'15" N., 73°09'10" W., of the Burlington Airport, Burlington, Vt.; within 2 miles each side of the Burlington ILS localizer northwest course extending from the 5-mile radius zone to the LOM; within 2 miles each side of the Burlington VOR 018° radial extending from the 5-mile radius zone to the VOR.

4. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Massena, N.Y., control zone and inserting in lieu thereof:

Within a 5-mile radius of the center, 44°-56'10" N., 74°50'50" W., of Richards Field, Massena, N.Y.; within 2 miles each side of the Massena VOR 284° radial extending from the 5-mile radius zone to the VOR excluding the airspace within Canada.

5. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Montpelier, Vt., control zone and inserting in lieu thereof:

Within a 5-mile radius of the center, 44°12'15" N., 72°33'45" W., of Barre-Montpelier Airport, Montpelier, Vt.; within 2 miles each side of the Montpelier VOR 160° radial extending from the 5-mile radius zone to 8 miles south of the VOR within 2 miles each side of the centerline of Runway 23 extended from the 5-mile radius zone to 8 miles southwest of the end of Runway 23.

6. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting the description of the Massena, N.Y., transition area and inserting in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 44°58'10" N., 74°50'50" W., of Richards Field, Massena, N.Y.; within 3 miles each side of the Massena VOR 104° and 284° radials extending from the 5-mile radius to 8 miles east of the VOR excluding the airspace within Canada.

7. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting the description of the Montpelier, Vt., transition area and inserting in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the center, 44°12'15" N., 72°33'45" W., of Barre-Montpelier Airport, Montpelier, Vt.

8. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a 700-foot floor Plattsburgh, N.Y., transition area described as follows:

PLATTSBURGH, N.Y.

That airspace extending upward from 700 feet above the surface within a 13-mile radius of the center, 44°39'05" N., 73°28'10" W., of Plattsburgh AFB, Plattsburgh, N.Y.; within 2 miles each side of the airport ILS localizer north course extending from the 13-mile radius area to 12 miles north of the OM; within 2 miles each side of the Plattsburgh radio beacon 004° bearing extending from the 13-mile radius area to 8 miles north of the RBN; within 2 miles each side of the Plattsburgh VOR 033° radial extending from the 13-mile radius area to 8 miles northeast of the VOR.

9. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a 700-foot floor Saranac Lake, N.Y., transition area described as follows:

SARANAC LAKE, N.Y.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 44°23'04" N., 74°12'09" W., of Adirondack Airport, Saranac Lake, N.Y.; within 5 miles south and 8 miles north of the Saranac Lake VOR 237° radial extending from the VOR to 12 miles southwest of the VOR. This transition area is effective from sunrise to sunset, daily.

10. Amend § 71.181 of Part 71 of the Federal Aviation regulations by designating a 700-foot floor Newport, Vt., transition area described as follows:

NEWPORT, VT.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 44°53'22" N., 72°13'48" W., of Newport Airport, Newport, Vt.; within 2 miles each side of a bearing 032° from the Newport radio beacon extending from the 5-mile radius area to 8 miles northeast of the radio beacon, excluding the portion overlying Canada. This transition area is effective from sunrise to sunset, daily.

11. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a 700- and 1,200-foot floor Burlington, Vt., transition area described as follows:

BURLINGTON, VT.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the center, 44°28'15" N., 73°09'10" W., of Burlington Airport, Burlington, Vt.; within 2 miles each side of the Burlington VOR 198° radial extending from the 10-mile radius to 8 miles south of the Burlington VOR; within 8 miles northeast and 5 miles southwest of the Burlington ILS northwest localizer course extending from the 10-mile radius to 12 miles northwest of the Burlington LOM; excluding that airspace that coincides with the Plattsburgh, N.Y., transition area.

That airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at: 45°00'30" N., 72°00'00" W. to 44°55'00" N., 72°05'00" W. to 44°25'00" N., 72°20'00" W. to 43°55'00" N., 72°16'00" W. to 43°47'00" N., 72°39'00" W., 44°00'00" N., 73°16'00" W. to 44°00'00" N., 74°35'00" W. to 44°42'00" N., 74°54'00" W. to 44°42'00" N., 75°05'00" W. to 44°56'00" N., 75°05'00" W. thence easterly along the United States-Canadian Border to the point of beginning.

[F.R. Doc. 65-12920; Filed, Dec. 1, 1965; 8:51 a.m.]

[Airspace Docket No. 65-EA-95]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation and Revocation of Federal Airways

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a continuous airway bearing one designating number between the Washington, D.C., and Boston, Mass., terminal areas, and to revoke an airway between Norwich, Conn., and Hampton, N.Y., which would coincide with the continuous airway. This designation and revocation of Federal airways will be coincident with existing airways and therefore will not assign or revoke controlled airspace.

In Airspace Docket No. 65-WA-31 (30 F.R. 13503) the 800 series airways were revoked and Victor 457 was extended from Norwich to Hampton, N.Y., to provide continuity in the airways structure for a preferred route from Washington to Boston, effective January 6, 1966. Subsequent to the publication of that docket, it was determined that the volume of traffic between Washington and Boston warranted the establishment of an airway bearing a single designator between these terminals. Concurrently with the designation of this airway, the segment of V-457 between Norwich and Hampton becomes unnecessary and is therefore revoked.

Since this amendment does not alter the extent of controlled airspace, imposes no additional burden upon any person, and is in the public interest, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., February 3, 1966, as hereinafter set forth.

Section 71.123 (29 F.R. 17509, 30 F.R. 13903) is amended as follows:

1. In V-308 "to Nottingham." is deleted and "Nottingham; Kenton, Del.; INT of Kenton 086° and Sea Isle, N.J., 049° radials (Avalon INT); INT of Sea Isle 049° and Hampton, N.Y., 223° radials (Dutch INT); Hampton; INT Hampton 059° and Norwich, Conn., 177° radials; Norwich; Putnam, Conn.; INT Putnam 043° and Boston, Mass., 256° radials; to Boston. The airspace below 2,000 feet MSL that lies outside the United States and the airspace below 3,000 feet MSL between Kennedy, N.Y., 087° and 141° radials is excluded." is substituted therefor.

2. V-457 is amended to read as follows:

V-457 From Norwich, Conn., via Providence, R.I.; INT Providence 013° and Boston, Mass., 223° radials; to Boston.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 24, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-12857; Filed, Dec. 1, 1965; 8:45 a.m.]

[Airspace Docket No. 64-SO-58]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of Jet Routes

On November 16, 1965, Federal Register Document No. 65-12227 was published in the FEDERAL REGISTER (30 F.R. 14313) amending Parts 71 and 75 of the Federal Aviation Regulations effective January 6, 1966. Included in this Document was the realignment of Jet Route No. 53 via the direct radials between Vero Beach, Fla., and Daytona Beach, Fla. Jet Route No. 20 is presently designated in part from Orlando, Fla., to the intersection of the Orlando 118° and the Vero Beach 339° radials. This intersection lies over the centerline of the present alignment of Jet Route No. 53 between Vero Beach and Jacksonville, Fla. Realignment of Jet Route No. 53 as accomplished in Federal Register Document No. 65-12227 would result in termination of Jet Route No. 20 approximately 1 mile to the west of the centerline of Jet Route No. 53. In order to provide continuity between Jet Routes Nos. 20 and 53, action is taken herein to extend Jet Route No. 20 to intersect the centerline of Jet Route No. 53.

Since this alteration is editorial in nature and extends Jet Route No. 20 only 1 mile within already existing controlled airspace, the Administrator finds that notice and public procedure hereon are unnecessary and the effective date of the amendment as initially adopted may be retained.

In consideration of the foregoing, Federal Register Document No. 65-12227 (30 F.R. 14313) is amended, effective immediately, as hereinafter set forth.

Paragraph e is added to section 2 as follows:

e. In Jet Route No. 20 "Vero Beach, Fla., 339°" is deleted and "Vero Beach, Fla., 341°" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 26, 1965.

JAMES L. LAMPL,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-12921; Filed, Dec. 1, 1965; 8:51 a.m.]

[Docket No. 6806; Amdt. No. 127-4]

PART 127—CERTIFICATION AND OPERATION OF SCHEDULED AIR CARRIERS WITH HELICOPTERS

Assignment of Emergency Duties to Crewmembers, and Alcoholic Beverage Consumption

This amendment adds to Part 127 of the Federal Aviation Regulations §§ 127.147, and 127.229 to provide for the assignment of individual emergency evacuation functions to required crewmembers on helicopters operated by scheduled air carriers, and for the control of drinking and service of alcoholic beverages on those helicopters.

This amendment was originally proposed as a notice of proposed rule making issued as Notice No. 65-17 and published in the FEDERAL REGISTER on July 30, 1965 (30 F.R. 9548).

All of the written comments that were received favored the proposed amendments.

Interested persons have been given an opportunity to participate in the making of this amendment, and careful consideration has been given to all relevant matter presented.

In consideration of the foregoing, and for the reasons set forth in Notice No. 65-17, Part 127 of the Federal Aviation Regulations is amended, effective December 31, 1965, as follows:

1. By adding a new section following § 127.145 to read as follows:

§ 127.147 Emergency and emergency evacuation duties.

(a) Each certificate holder shall, for each type of helicopter, assign to each category of required crewmember, as appropriate, the necessary functions to be performed in an emergency or a situation requiring emergency evacuation. The certificate holder shall show those functions are realistic, can be practically accomplished, and will meet any reasonably anticipated emergency including the possible incapacitation of individual crewmembers or their inability to reach the passenger cabin because of shifting cargo in combination cargo-passenger helicopters.

(b) The certificate holder shall describe in its manual the functions of each category of required crewmembers under paragraph (a) of this section.

2. By adding a new section following § 127.227 to read as follows:

§ 127.229 Alcoholic beverages.

(a) No person may drink any alcoholic beverage aboard a helicopter unless the certificate holder operating the helicopter has served that beverage to him.

(b) No certificate holder may serve any alcoholic beverage to any person aboard any of its helicopters if that person appears to be intoxicated.

(c) No certificate holder may allow any person to board any of its helicopters if that person appears to be intoxicated.

(d) Each certificate holder shall, within 5 days after the incident, report to the Administrator the refusal of any person to comply with paragraph (a) of this section, or any disturbance caused by a person who appears to be intoxicated aboard any of its helicopters.

(Secs. 313(a), 601, and 604(a) of the Federal Aviation Act of 1958, 49 U.S.C. 1354, 1421, 1424)

Issued in Washington, D.C., on November 24, 1965.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 65-12858; Filed, Dec. 1, 1965; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. No. PR-96]

PART 311—DISCLOSURE OF AIRCRAFT ACCIDENT INVESTIGATION INFORMATION

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of November 1965.

The Board believes it desirable to amend Part 311 in order to clarify its policies and procedures with respect to the release of aircraft accident information and, more particularly, the disclosure of aircraft accident information by Board employees in connection with suits or actions for damages growing out of accidents.

In the past private parties, or their attorneys, have construed § 311.2, which authorizes release of certain information concerning aircraft accidents, such as names and addresses of the occupants of the aircraft and of witnesses to the accident, as requiring the Board employees to furnish such information even where it is not available in the Board's files. No such requirement was ever intended by the rule and the new § 311.3(c) expressly states that the Board employees are under no duty to obtain this information where it is not available in the Board's files.

The Board's regulations have restricted the testimony of its employees to the facts observed by them in the course of their accident investigations where an appropriate showing is made that such facts cannot be obtained by any other method. Part 311 has been revised to contain a statement of the considerations on which such a restriction is based. In addition the revised regulations contain more specific provisions with respect to the procedures to be followed for obtaining the testimony of Board employees for use in litigation by way of deposition and point out that no necessity exists for subpoenaing a Board employee or for requesting the Board to approve the giving of testimony by a former Board employee. Revised Part 311 also contains editorial changes which are intended to clarify the former provisions.

Since this regulation constitutes a rule of agency procedure, notice and public procedure thereon are not required.

In consideration of the foregoing, the Civil Aeronautics Board hereby adopts revised Part 311 of the Procedural Regulations (14 CFR Part 311) effective January 3, 1966, which reads as follows:

Sec.
311.1 Purpose.
311.2 Finding as to the public interest.
311.3 Release of information concerning accidents.
311.4 Disclosure of information by testimony in suits or actions for damages arising out of aircraft accidents.
311.5 Disclosure of information by testimony in state and local investigations.
311.6 Release and disclosure of information pertaining to aircraft incidents not classified as accidents.

AUTHORITY: The provisions of this Part 311 issued under sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply secs. 102, 202(a), 701, 72 Stat. 740, 742, 781; 49 U.S.C. 1302, 1322, 1441.

§ 311.1 Purpose.

This part prescribes the policies and procedures of the Board with respect to the release of information coming into the possession of the Board or its staff in the course of conducting investigations of aircraft accidents. This part also establishes procedures for the disclosure of such aircraft accident information by testimony of Board employees in suits or actions for damages arising out of aircraft accidents and in State or local investigations.[1]

§ 311.2 Finding as to the public interest.

All accident reports and underlying papers in the office of the Bureau of Safety are in the custody of the Secretary of the Board subject to access by employees of the Board for purposes relating to their official duties. Employees have no control of such reports and papers, and no discretion with regard to permitting the use of them for any other purpose except as provided in this part. Making such reports or underlying papers public otherwise than as provided in this part is hereby found to be contrary to the public interest. Employees are hereby prohibited from giving out any such reports, papers or copies thereof to private parties or to local officers; or from testifying in any suit or action for damages as to information in such reports or papers; or producing such reports, papers, or copies thereof in any suit or action for damages (whether in answer to subpoenas duces tecum or otherwise), except as provided in this part.

§ 311.3 Release of information concerning accidents.

Information secured by the Board concerning accidents involving aircraft may be released only as follows:

(a) *Regional field offices.* Supervisory Investigators of field offices shall, upon request, release the following information concerning any accident at any time during or after the investigation of the accident:

(1) Place and date of the accident;

(2) Make, model, identification mark, and registered owner or operator of the aircraft involved;

(3) Names and addresses of the crew and other occupants of the aircraft or persons injured in the accident, and

(4) Medical information pertaining to the nature of any fatalities resulting from the accident and to the condition of injured persons when that information is factually established by physicians or hospitals. Disclosure of this information must be qualified by the statement that such information is based on reports of physicians or hospitals.

(b) *The Washington office.* The Director of the Bureau of Safety or such person in the Washington office as he shall designate shall, upon request, release the information described in paragraph (a) of this section. In addition, the Director or his designee shall, upon request:

(1) Release the names of witnesses and their addresses;

(2) Make replies as to facts in answer to specific inquiries, either verbal or written, concerning aircraft accidents; and

(3) Make available for inspection that portion of the file which contains factual data pertinent to the accident, but shall not make available any portion of the file which contains any opinion, conclusion, evaluation, or recommendation of any employee of the Board or any employee of the Federal Aviation Agency who has participated in the accident investigation; and furnish copies of only those documents in the accident file which are available for inspection under this subparagraph, provided that the expense of making such copies is borne by the recipient.

(c) Nothing in this section is to be interpreted as requiring Board employees to secure information for release where such information is not presently in the Board's files.[2]

§ 311.4 Disclosure of information by testimony in suits or actions for damages arising out of aircraft accidents.

Section 701(e) of the Federal Aviation Act (49 U.S.C. 1441(e)) precludes the use of the Board's reports in any suit or action for damages arising out of an accident. The purpose of section 701(e) would be defeated if expert opinion testimony of Board employees, and their evaluations, conclusions and recommendations which are reflected in the ultimate views of the Board expressed in its report concerning the cause of the accident and the prevention of future accidents, are admitted in evidence or used in any way in private litigation arising out of an aircraft accident. For the same reason, the use of employees' factual reports in private litigation arising out of accidents would defeat the purpose of section 701(e). Furthermore, the use of Board employees as experts to give opinion testimony in court would impose a serious administrative burden on the Board's investigative staff. Accordingly, no Board employee or former Board employee shall make public by testimony in any suit or action arising out of an aircraft accident information obtained by him in the performance of his official duties, except in accordance with the following provisions:

(a) *Testimony of employees and former employees.* Employees may serve as witnesses for the purpose of testifying to the facts observed by them in the course of accident investigations in those suits or actions for damages arising out of aircraft accidents in which an appropriate showing has been made that the facts desired to be adduced are not reasonably available to the party seeking such evidence by any other method, including the use of discovery procedures against the opposing party. Employees and former employees shall testify only as to facts actually observed by them in the course of accident investigations and shall respectfully decline to give opinion evidence as expert witnesses, their evaluations and conclusions, or testify with respect to recommendations resulting from accident investigations on the grounds that section 701(e) and this part prohibit their giving such testimony. Litigants are expected to obtain their expert witnesses from other sources.

(b) *Use of reports.* An employee or former employee may use his factual report solely to refresh his memory, and shall decline to read any portion thereof into the record or refer to it or comment with respect to its contents.

(c) *Testimony by deposition and written interrogatories.* Testimony of employees will be made available for use in suits or actions for damages arising out of accidents through depositions or written interrogatories. Normally depositions will be taken and interrogatories will be answered at the Board's office to which the employee is assigned at a time arranged with the employee reasonably fixed so as to avoid substantial interference with the performance of the duties of the employee concerned. Employees will not be permitted to appear and testify in court except in the most unusual circumstances for good cause shown. Mere failure to make a timely request for a deposition will not be regarded as an unusual circumstance.

(d) *Request for testimony of employees.* (1) A request for testimony of a Board employee relating to an aircraft accident by deposition, interrogatories, or appearance in court shall be addressed to the Associate General Counsel, Rules and Rates Division, who may approve or deny the request. Such request shall set forth the title of the case and the court and the reasons for desiring the testimony and shall limit the testimony sought to that available under the provisions of paragraph (a) of this section. The Associate General Counsel shall attach to his approval such reasonable conditions as he may deem appropriate in order that the testimony shall be limited to factual matters as provided in paragraph (a) of this section, shall not interfere with the performance of the duties of the witnesses as set forth in paragraph (c) of this section, and shall otherwise conform to the policies of this part. Upon completion of a deposition a copy of the transcript of testimony will be furnished at the expense of the party requesting the deposition to the Associate General Counsel, Rules and Rates Division, for the Board's files.

(2) A subpoena should not be served upon a Board employee in connection with the taking of his deposition.

(e) *Request for testimony of former employees.* It is not necessary to request approval for testimony of a former Board employee.

(f) *Procedure in the event of a subpoena.* If an employee has received a subpoena to appear and testify, a request for approval of his deposition testimony shall not be approved until the subpoena has been withdrawn. If any employee receives a subpoena to produce accident reports or underlying papers or to give testimony at a time and place specified therein as to accident information, the employee shall immediately notify the Director, Bureau of Safety. He shall give the data identifying the accident; the title of the case, the name of the judge, if available, and the title and address of the court; the date on which he is directed to appear; the name, address and telephone number, if available, of the attorney representing the party who caused the issuance of the subpoena, the scope of the testimony, if known, and whether or not the evidence is available elsewhere. The Director will immediately, upon receipt of notice that an employee has been subpoenaed, inform the General Counsel. The General Counsel will either (1) make arrangements with the court to have the employee excused from testifying or (2) give the employee permission to testify. Unless one of these actions is taken, the employee shall appear in response to the subpoena and respectfully decline to testify or to produce the records called for, on the grounds that this part prohibits such conduct. In carrying out the provisions of this paragraph, the General Counsel shall be guided by the policies set forth in this part.

§ 311.5 Disclosure of information by testimony in State and local investigations.

Employees and former employees may testify in a coroner's inquest and a grand jury proceeding by a State or local government only as to the facts actually observed by them in the course of accident investigations and shall not give opinion evidence as expert witnesses or testify with respect to recommendations resulting from accident investigations.

§ 311.6 Release and disclosure of information pertaining to aircraft incidents not classified as accidents.

Information secured by the Board in the investigation of an aircraft incident not classified as an aircraft accident may be released or disclosed upon request, but only in accordance with the provisions of §§ 311.1 to 311.5.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65-12924; Filed, Dec. 1, 1965; 8:51 a.m.]

[1] The procedures of the Federal Aviation Agency for the disclosure of information with respect to the testimony of its employees as witnesses in legal proceedings and the release or disclosure of FAA files and documents are contained in Part 185 of the Federal Aviation Agency's regulations (14 CFR Part 185).

[2] The Board's rules governing the conduct of aircraft accident investigations are contained in Part 320 of the Board's regulations (14 CFR Part 320).

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER B—STANDARD REFERENCE MATERIALS

PART 230—STANDARD REFERENCE MATERIALS

Subpart D—Standards of Certified Properties and Purity

MISCELLANEOUS AMENDMENTS

Under the provisions of 15 U.S.C. 275a and 277, the following amendments relating to standard reference materials issued by the National Bureau of Standards are effective upon publication in the FEDERAL REGISTER. The amendments add certain standard reference materials.

The following amends 15 CFR Part 230.

§ 230.8-9 [Amended]

1. Section 230.8-9 Glass Viscosity Standards is amended to add standards 712, 713, and 714 as follows:

Sample Nos.	Kind	Unit of issue (pounds)	Price
712	Mixed alkali lead silicate glass, ¾" patties (6 pcs.).	0.5	$25.00
713	Dense barium crown 620/603 glass—1⅜" diam. x ⅜" thick gobs (4 pcs.).	.5	25.00
714	Alkaline earth alumina silicate glass—¾" diam. cane (16 pcs.—6" long).	.5	25.00

2. Section 230.8–22 Thermal emittance standards is added as follows:

§ 230.8–22 Thermal emittance standards.

Sample No.	Kind	Price
1402	Emittance Standards, ½" discs Pt-13% Rh.	$175.00
1403	Emittance Standards, ¾" discs Pt-13% Rh.	185.00
1404	Emittance Standards, 1" discs Pt-13% Rh.	200.00
1405	Emittance Standards, 1⅛" discs Pt-13% Rh.	235.00
1406	Emittance Standards, 1¼" discs Pt-13% Rh.	250.00
1407	Emittance Standards, 2" x 2" squares Pt-13% Rh.	385.00
1408	Emittance Standards, 1" x 10" strips Pt-13% Rh.	600.00
1409	Emittance Standards, ¾" x 10" strips Pt-13% Rh.	750.00
1420	Emittance Standards, ½" discs Kanthal.	175.00
1421	Emittance Standards, ¾" discs Kanthal.	175.00
1422	Emittance Standards, 1" discs Kanthal.	175.00
1423	Emittance Standards, 1¼' discs Kanthal.	175.00
1424	Emittance Standards, 1½' discs Kanthal.	175.00
1425	Emittance Standards, 2' x 2' squares Kanthal.	175.00
1426	Emittance Standards, 1' x 10' strips Kanthal.	175.00
1427	Emittance Standards, ¾' x 10' strips Kanthal.	175.00
1428	Emittance Standards, ¼' x 8' strips Kanthal.	175.00
1440	Emittance Standards, ½' discs Inconel.	175.00
1441	Emittance Standards, ⅞' discs Inconel.	175.00
1442	Emittance Standards, 1' discs Inconel.	175.00
1443	Emittance Standards, 1¼' discs Inconel.	175.00
1444	Emittance Standards, 1½' discs Inconel.	175.00
1445	Emittance Standards, 2' x 2' squares Inconel.	175.00
1446	Emittance Standards, 1' x 10' strips Inconel.	175.00
1447	Emittance Standards, ¾' x 10' strips Inconel.	175.00

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277; Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

A. V. ASTIN,
Director.

[F.R. Doc. 65–12856; Filed, Dec. 1, 1965; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C–985]

PART 13—PROHIBITED TRADE PRACTICES

1895 Associates, Inc., and Bernard K. Hoffer

Subpart—Enforcing Dealings or payments wrongfully: § 13.1045 *Enforcing dealings or payments wrongfully.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, 1895 Associates, Inc., et al., New York, N.Y., Docket C–985, Sept. 2, 1965]

Consent order requiring New York City publisher of the newspaper National Jewish Chronicle, to cease and desist from publishing unordered or unauthorized advertisements and from making unlawful demands for payment of nonexistent debts.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents 1895 Associates, Inc., a corporation, and its officers, and Bernard K. Hoffer, individually and as an employee of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the soliciting, offering for sale or sale of advertising space in the newspaper designated as National Jewish Chronicle, or any other publication, whether published under that name or any other name, and in connection with the offering for sale, sale or distribution of said newspaper, or any other publication, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Placing, printing or publishing, or causing to be placed, printed or published, any advertisement on behalf of any person, firm or corporation in any publication without a prior authorization, order or agreement to purchase said advertisement.

2. Sending or causing to be sent, bills, letters or notices to any person, firm or corporation with regard to any advertisement which has been or is to be printed, inserted or published on behalf of said person, firm or corporation, or in any other manner seeking to exact payment for any such advertisement, without a prior authorization, order or agreement to purchase said advertisement.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 2, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 65–12888; Filed, Dec. 1, 1965; 8:48 a.m.]

[Docket No. C–981]

PART 13—PROHIBITED TRADE PRACTICES

Federated Department Stores, Inc.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731; as amended; 15 U.S.C. 18) [Order of divestiture, Federated Department Stores, Inc., Cincinnati, Ohio, Docket C–981, Aug. 5, 1965]

Consent order requiring the nation's fourth largest department store company of Cincinnati, Ohio, to desist from acquiring any department store or any general merchandise, apparel, or furniture store, as defined in this order, for the next 5 years, without the prior consent of the Commission.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I

It is ordered, That, for five (5) years from the effective date of this order, respondent, Federated Department Stores, Inc., shall cease and desist from acquiring, directly or indirectly, without first notifying the Federal Trade Commission and obtaining its consent, any department store or other GMAF store, or any interest in capital stock or other share capital, or any assets constituting a substantial part of all of the assets, of any concern engaged in the department store or other GMAF store business, in the United States.

II

It is further ordered, That section I of this order shall terminate if the Federal Trade Commission, through trade regulation rules or other like non-adjudicative industry wide proceedings, issues rules or guidelines covering the subject matter of this order.

III

It is further ordered, That, in the event the Federal Trade Commission, in any adjudicative or consent order proceeding involving a market extension acquisition of one or more department or other GMAF stores by a company which owns or operates one or more department stores, issues any order which imposes limitations on future such market extension acquisitions less restrictive than the comparable provisions of this order, then the Federal Trade Commission shall, on application of respondent, pursuant to Rule 3.28 of the Commission's rules of practice, reopen this proceeding any, are necessary and appropriate to bring the restrictions imposed on respondent herein into conformity with those imposed by such order.

Definitions. The term "department store or other GMAF store," as used in this order, shall mean retail stores in the following categories as specified in the kind-of-business classifications (SIC—Standard Industrial Classification) published in Appendix A of the Retail Trade-Area Statistics Reports issued under the title, "U.S. Bureau of the Census, Cénsus of Business, 1963, Retail Trade," as series BC63–RA:

1. "Department stores" are retail stores normally employing 25 or more people and engaged in selling some items in each of the following lines of merchandise:

(i) Furniture, home furnishings, appliances, radio and TV sets;

(ii) A general line of apparel; and

(iii) Household linens and dry goods.

An establishment with annual total sales of less than $5 million, in which sales of any one of these groupings is greater than 80 percent of total sales, is not classified as a department store.

An establishment with annual total sales of $5 million or more is classified as a department store even if sales of

one of the groups described above is more than 80 percent of total sales, provided that the combined sales of the other two groups is $500,000 or more (SIC 531).

2. "GMAF stores" are retail stores in the following categories:

(i) Department stores, as defined above;

(ii) Other retail stores primarily engaged in the sale of apparel, which includes clothing, footwear, and related articles and accessories for personal wear and adornment, for men, women and children (SIC Major Group 56);

(iii) Limited price variety stores—Retail stores primarily selling a variety of merchandise at low and popular price ranges, such as stationery, gift items, accessories, toilet articles, light hardware, toys, housewares, confectionery; these establishments frequently are known as "5 and 10 cent" stores and "5 cents to a dollar" stores, although they usually sell merchandise outside these price ranges (SIC 533);

(iv) Miscellaneous general merchandise stores—Retail stores primarily selling household linens and dry goods, and/or a combination of apparel, hardware, homewares or home furnishings; stores which meet the criteria for department stores except as to number of employees are included here (Part of SIC 539);

(v) Dry goods stores—Retail stores primarily selling dry goods, notions, and piece goods (Part of SIC 539);

(vi) Sewing, needlework stores—Retail stores primarily selling sewing and knitting supplies and yarn or any combination of these commodities (Part of SIC 539); and

(vii) Furniture, home furnishings, and equipment stores—Retail stores primarily selling merchandise used in furnishing the home, such as furniture, floor coverings, draperies, glass and chinaware, domestic stoves, refrigerators, and other household electrical and gas appliances, including radio and TV sets (SIC Major Group 57).

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: August 5, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 65–12889; Filed, Dec. 1, 1965; 8:48 a.m.]

[Docket No. C–984]

PART 13—PROHIBITED TRADE PRACTICES

Good Brothers, et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053–35 Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185–30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1590 *Composition:* 13.1590–30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Good Brothers et al., New York, N.Y., Docket C–984, Sept. 1, 1965]

In the Matter of Good Brothers, a Partnership, and Harry Good and Samuel Good, Individually and as Co-Partners Trading as Good Brothers

Consent order requiring New York City manufacturers of fur products, to cease violating the Fur Products Labeling Act by misbranding and falsely invoicing their fur products; furnishing false guaranties that said products were not misbranded, falsely invoiced or advertised; and failing to comply with other requirements of the Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Good Brothers, a partnership, and Harry Good and Samuel Good, individually and as co-partners trading as Good Brothers or under any other trade name, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Representing directly or by implication on labels that the fur contained in any fur product is natural when the fur contained therein is bleached, dyed, tip-dyed, or otherwise artificially colored.

2. Failing to affix labels to fur products showing in words and in figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

3. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form on labels affixed to fur products.

4. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting on labels affixed to fur products.

5. Failing to set forth on labels the item numbers or mark assigned to a fur product.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Representing directly or by implication on invoices that the fur contained in fur products is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Setting forth on invoices information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

4. Failing to set forth the term "natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

5. Failing to set forth on invoices the item number or mark assigned to fur products.

It is further ordered, That respondents Good Brothers, a partnership, and Harry Good and Samuel Good, individually and as co-partners trading as Good Brothers or under any other trade name, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any fur product is not misbranded, falsely invoiced or falsely advertised when the respondents have reason to believe that such fur product may be introduced, sold, transported, or distributed in commerce.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 1, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 65–12890; Filed, Dec. 1, 1965; 8:48 a.m.]

[Docket No. C–982]

PART 13—PROHIBITED TRADE PRACTICES

Charles Norris, et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30–75 Textile Fiber Products Identi-

fication Act; § 13.70 *Fictitious or misleading guarantees;* § 13.73 *Formal regulatory and statutory requirements:* 13.73–90 Textile Fiber Products Identification Act. Subpart—Misbranding or mislabeling: § 13.1185 *Compositions:* 13.1185–80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–70 Textile Fiber Products Identification Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Charles Norris, et al., Dallas, Tex., Docket C–982, Aug. 6, 1965]

In the Matter of Charles Norris and Billie Norris, Individually and as Officers of Marsann Carpets, Inc.

Consent order requiring the proprietors of a Dallas, Tex., retail carpet concern, to cease violating the Textile Fiber Products Identification Act by misbranding and falsely advertising textile fiber products, namely floor coverings, and by deceptively guaranteeing said products as set forth in the order below.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Charles Norris and Billie Norris, individually and as officers of Marsann Carpets, Inc., and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Failing to set forth that the required disclosure as to the fiber content of floor coverings relates only to the face, pile, or outer surface of such products and not to exempted backing, filling or padding, when such is the case.

2. Failing to affix labels to such textile fiber products showing each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

B. Falsely and deceptively advertising textile fiber products by: Making any representations, by disclosure or by implication, as to the fiber content of any textile fiber product in any written advertisement which is used to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of such textile fiber product, unless the same information required to be shown on the stamp, tag, label or other means of identification under section 4(b) (1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, except that the percentages of the fibers present in the textile fiber product need not be stated.

C. Failing to set forth in disclosing the required fiber content information as to floor coverings containing exempted backings, fillings, or paddings, that such disclosure relates only to the face, pile or outer surface of such textile fiber products and not to the exempted backings, fillings, or paddings.

It is further ordered, That respondents Charles Norris and Billie Norris, individually and as officers of Marsann Carpets, Inc., and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of floor coverings or other products in commerce, as "commerce" is defined in the Federal Trade Commission Act do forthwith cease and desist from: Representing that any of respondents' products are guaranteed, unless the nature and extent of the guarantee, the identity of the guarantor, and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: August 6, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65–12891; Filed, Dec. 1, 1965; 8:48 a.m.]

[Docket No. C–980]

PART 13—PROHIBITED TRADE PRACTICES

Henry T. Onodera et al.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Henry T. Onodera et al., Los Angeles, Calif., Docket C–980, Aug. 4, 1965]

In the Matter of Henry T. Onodera Individually and Trading as Pacific Import Sales, and Onodera Silks

Consent order requiring a Los Angeles, Calif., importer and distributor of fabrics, to cease violating the Flammable Fabrics Act by importing and selling fabrics which were so highly flammable as to be dangerous when worn by individuals.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Henry T. Onodera, individually and trading as Pacific Import Sales and Onodera Silks or under any other trade name or names, and respondent's representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from:

(a) Importing into the United States; or

(b) Selling, offering for sale, introducing, delivering for introduction, transporting, or causing to be transported, in commerce, as "commerce" is defined in the Flammable Fabrics Act; or

(c) Transporting or causing to be transported, for the purpose of sale or delivery after sale in commerce;

Any fabric which, under the provisions of section 4 of the said Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: August 4, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65–12892; Filed, Dec. 1, 1965; 8:49 a.m.]

[Docket No. C–983]

PART 13—PROHIBITED TRADE PRACTICES

Sinclare, Ltd., and H. Peter Knuepfel

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–80 Textile Fiber Products Identification Act. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1400 *Dealer as manufacturer.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Sinclare, Ltd., et al., San Francisco, Calif., Docket C–983, Aug. 10, 1965]

Consent order requiring a San Francisco, Calif., importer and distributor of textile fiber products, to cease violating the Textile Fiber Products Identification Act by falsely labeling, invoicing and advertising textile fiber products, such as labeling textile fiber products as 100 percent Polyester when such products contained substantially different fibers; and by misrepresenting the nature of their business by using the legend "manufacturers" on invoices, when in fact, respondents do not own or operate any manufacturing plants.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Sinclare, Ltd., a corporation, and its officers and H. Peter Knuepfel, individually and as an employee of said corporation and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from introducing, delivering for introduction, selling, advertising, or offering for sale, in commerce, or transporting or causing to be transported in commerce, or importing into the United States any textile fiber product; or selling, offering for sale, advertising, delivering, transporting or causing to be transported, any textile fiber product, which has been advertised or offered for sale in commerce; or selling, offering for sale, advertising, delivering, transporting, or causing to be transported, after shipment in commerce, any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act:

1. Which is falsely or deceptively stamped, tagged, labeled, invoiced, advertised or otherwise identified as to the name or amount of constituent fibers contained therein.

2. Unless each such product has securely affixed thereto, or placed thereon, a stamp, tag, label, or other means of identification correctly showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

It is further ordered, That respondents Sinclare, Ltd., a corporation, and its officers, and H. Peter Knuepfel, individually and as an employee of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of merchandise in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting in any manner that the respondents are manufacturers or own, operate or control the plant in which their products are made.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: August 10, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65–12893; Filed, Dec. 1, 1965; 8:49 a.m.]

Title 29—LABOR

Chapter IV—Office of Labor-Management and Welfare-Pension Reports, Department of Labor

SUBCHAPTER A—LABOR-MANAGEMENT REPORTS

PART 453—GENERAL STATEMENT CONCERNING BONDING REQUIREMENTS OF LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACT OF 1959

Miscellaneous Amendments

Section 502(a) of the Labor-Management Reporting and Disclosure Act of 1959 (73 Stat. 536, 29 U.S.C. 502) requiring a bond covering the "faithful discharge of duties" of certain officers and employees of labor organizations and trusts in which a labor organization is interested has been amended (79 Stat. 888), effective September 29, 1965, to require in lieu thereof an "honesty" bond, and to authorize the Secretary of Labor to exempt labor organizations from placing a bond with a surety company holding a grant of authority from the Secretary of the Treasury under the Act of July 30, 1947 (6 U.S.C. 6–13), when, in the opinion of the Secretary, a labor organization has made other bonding arrangements which would provide the protection required by section 502(a) at comparable cost or less.

Part 453 is herein amended accordingly to change references to "faithful discharge of duties" to "acts of fraud or dishonesty" as appropriate where such appear in §§ 453.2, 453.8, 453.9, 453.10, and 453.14. Section 453.12 interpreting and explaining the term "faithful discharge of duties" is amended to interpret and explain the term "fraud or dishonesty," and a new § 453.26 is added to explain the powers of the Secretary to provide an exemption for labor organizations where other bonds may provide adequate protection at comparable cost or less. Therefore, Part 453 of 29 CFR is amended as follows:

1. Paragraph (a) of § 453.2 is hereby amended to read as follows:

§ 453.2 Provisions of the statute.

(a) Section 502(a) requires that—

Every officer, agent, shop steward, or other representative or employee of any labor organization (other than a labor organization whose property and annual financial receipts do not exceed $5,000 in value), or of a trust in which a labor organization is interested, who handles funds or other property thereof shall be bonded to provide protection against loss by reason of acts of fraud or dishonesty on his part directly or through connivance with others.

* * * * * *

2. Paragraphs (b), (c), and (d) of § 453.8 are hereby amended to read as follows:

§ 453.8 Personnel who "handle" funds or other property.

* * * * * *

(b) *Persons included generally.* The basic objective of section 502(a) is to provide reasonable protection of funds or other property rather than to insure against every conceivable possibility of loss. Accordingly, a person shall be deemed to be "handling" funds or other property, so as to require bonding under that section, whenever his duties or activities with respect to given funds or other property are such that there is a significant risk of loss by reason of fraud or dishonesty on the part of such person, acting either alone or in collusion with others.

(c) *Physical contact as criterion of "handling."* Physical dealing with funds or other property is, under the principles above stated, not necessarily a controlling criterion in every case for determining the persons who "handle" within the meaning of section 502(a). Physical contact with cash, checks or similar property generally constitutes "handling." On the other hand, bonding may not be required for office personnel who from time to time perform counting, packaging, tabulating or similar duties which involve physical contact with checks, securities, or other funds or property but which are performed under conditions that cannot reasonably be said to give rise to significant risks with respect to the receipt, safekeeping or disbursement of funds or property. This may be the case where significant risks of fraud or dishonesty in the performance of duties of an essentially clerical character are precluded by the closeness of the supervision provided or by the nature of the funds or other property handled.

(d) *"Handling" funds or other property without physical contact.* Personnel who do not physically handle funds or property may nevertheless "handle" within the meaning of section 502(a) where they have or perform significant duties with respect to the receipt, safekeeping or disbursement of funds or other property. For example, persons who have access to a safe deposit box or similar depository for the purpose of adding to, withdrawing, checking or otherwise dealing with its contents may be said to "handle" these contents within the meaning of section 502(a) even though they do not at any time during the year actually secure such access for such purposes. Similarly, those charged with general responsibility for the safekeeping of funds or other property such as the treasurer of a labor organization, should be considered as handling funds or other property. It should also be noted that the extent of actual authority to deal with funds or property may be immaterial where custody or other functions have been granted which create a substantial risk of fraud or dishonesty. Thus, if a bank account were maintained in the name of a particular officer or employee whose signature the bank were authorized to honor, it could not be contended that he did not "handle" funds merely because he had been forbidden by the organization or by his superiors to make deposits or withdrawals.

* * * * * *

3. Paragraphs (a) (2) and (b) of § 453.9 are hereby amended to read as follows:

§ 453.9 "Handling" of funds or other property by personnel functioning as a governing body.

(a) • • •

(2) It is difficult to formulate any general rule for such cases. The mere fact that a board of trustees, executive board or similar governing body has general supervision of the affairs of a trust or labor organization, including investment policy and the establishment of fiscal controls, would not necessarily mean that the members of this body "handle" the funds or other property of the organization. On the other hand, the facts may indicate that the board or other body exercises such close, day-to-day supervision of those directly charged with the handling of funds or other property that it might be unreasonable to conclude that the members of such board were not, as a group, also participating in the handling of such funds and property.[1] Also, whether or not the members of a particular board of trustees or executive board handle funds or other property in their capacity as such, certain of these members may hold other offices or have other functions involving duties directly related to the receipt, safekeeping or disbursement of the funds or other property of the organization so that it would be necessary that they be bonded irrespective of their board membership.

(b) *Nature of responsibilities as affecting "handling."* With respect to particular responsibilities of boards of trustees, executive boards and similar bodies in disbursing funds or other property, much would depend upon the system of fiscal controls provided in a particular trust or labor organization. The allocation of funds or authorization of disbursements for a particular purpose is not necessarily handling of funds within the meaning of the section. If the allocation or authorization merely permits expenditures by a disbursing officer who has responsibility for determining the validity or propriety of particular expenditures, then the action of the disbursing officer and not that of the board would constitute handling. But if pursuant to a direction of the board, the disbursing officer performed only ministerial acts without responsibility to determine whether the expenditures were valid or appropriate, then the board's action would constitute handling. In such a case, the absence of fraud or dishonesty in the acts of the disbursing officer alone would not necessarily prevent fraudulent or dishonest disbursements. The person or persons who are charged with or exercise responsibility for determining whether specific disbursements are bona fide, regular, and in accordance with the applicable constitution, trust instrument, resolution or other laws or documents governing the disbursement of funds or other property should be considered to handle such funds and property and be bonded accordingly.

[1] As to group coverage, see § 453.16.

4. Section 453.10 is hereby amended to read as follows:

§ 453.10 The statutory provision.

The statute requires that every covered person "shall be bonded to provide protection against loss by reason of acts of fraud or dishonesty on his part directly or through connivance with others."

5. Section 453.12 is hereby amended to read as follows:

§ 453.12 Meaning of fraud or dishonesty.

The term "fraud or dishonesty" shall be deemed to encompass all those risks of loss that might arise through dishonest or fraudulent acts in handling of funds as delineated in §§ 453.8 and 453.9. As such, the bond must provide recovery for loss occasioned by such acts even though no personal gain accrues to the person committing the act and the act is not subject to punishment as a crime or misdemeanor, provided that within the law of the state in which the act is committed, a court would afford recovery under a bond providing protection against fraud or dishonesty. As usually applied under state laws, the term "fraud or dishonesty" encompasses such matters as larceny, theft, embezzlement, forgery, misappropriation, wrongful abstraction, wrongful conversion, willful misapplication or any other fraudulent or dishonest acts resulting in financial loss.

6. Section 453.14 is hereby amended to read as follows:

§ 453.14 The meaning of "funds."

While the protection of bonds required under the Act must extend to any actual loss from the acts of fraud or dishonesty in the handling of "funds or other property" (§ 453.7), the amount of the bond depends upon the "funds" handled by the personnel bonded and their predecessors, if any. "Funds" as here used is not defined in the Act. As in the case of "funds or other property" discussed earlier in § 453.7, the term would not include property of a relatively permanent nature such as land, buildings, furniture, fixtures, or property similarly held for use in the operations of the labor organization or trust rather than as quick assets. In its normal meaning, however, "funds" would include, in addition to cash, items such as bills and notes, government obligations and marketable securities, and in a particular case might well include all the "funds or other property" handled during the year in the positions occupied by the particular personnel for whom the bonding is required. In any event, it is clear that bonds fixed in the amount of 10 percent or more of the total "funds or other property" handled by the occupants of such positions during the preceding fiscal year would be in amounts sufficient to meet the statutory requirement. Of course, in situations where a significant saving in bonding costs might result from computing separately the amounts of "funds" and of "other property" handled, criteria for distinguishing particular items to be included in the quoted terms would prove useful. While the criteria to be applied in a particular case would depend on all the relevant facts concerning the specific items handled, it may be assumed as a general principle that at least those items which may be handled in a manner similar to cash and which involve a like risk of loss should be included in computing the amount of "funds" handled.

7. Section 453.26 is hereby added to read as follows:

§ 453.26 Powers of the Secretary of Labor to exempt.

Section 502(a) of the Act provides that when in the opinion of the Secretary of Labor a labor organization has made other bonding arrangements which would provide the protection required at comparable cost or less, he may exempt such labor organization from placing a bond through a surety company holding a grant of authority from the Secretary of the Treasury under the Act of July 30, 1947 (6 U.S.C. 6–13), as acceptable surety on federal bonds.

(Sec. 502, 73 Stat. 536, 79 Stat. 888, 29 U.S.C. 502; and Secretary's Order 24–63 (28 F.R. 9172))

This amendment shall take effect upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 23d day of November 1965.

JAMES J. REYNOLDS,
Labor-Management Services Administrator.

[F.R. Doc. 65–12875; Filed, Dec. 1, 1965; 8:47 a.m.]

Chapter XIV—Equal Employment Opportunity Commission

PART 1604—GUIDELINES ON DISCRIMINATION BECAUSE OF SEX

By virtue of the authority vested in it by Section 713(b) of the Civil Rights Act of 1964, 42 U.S.C. 2000e–12(b), the Equal Employment Opportunity Commission hereby amends Chapter XIV of Title 29 of the Code of Federal Regulations to add a new Part 1604, entitled Guidelines on Discrimination Because of Sex. Because the provisions of the Administrative Procedure Act (5 U.S.C. 1003) requiring notice of proposed rule making, opportunity for public participation, and delay in effective date, are inapplicable to these interpretative rules, they shall become effective immediately and shall be applicable with respect to cases presently before or hereafter filed with the Commission.

The new Part 1604 reads as follows:

Introduction. The following guidelines are interpretations of the Commission published pursuant to Section 713(b) of the Civil Rights Act of 1964, 42 U.S.C. 2000e–12(b), and § 1601.30 of the Commission's regulations, 29 CFR 1601.30.

The Commission has proceeded with caution in interpreting the scope and application of Title VII's prohibition of discrimination in employment on account of sex. We are mindful that there is little relevant legislative history to serve as a guide to the intent of Congress in this area. Also, there is little light in the experience with state statutes. An overly literal interpretation of the prohibition might disrupt longstanding employment practices required by state legislation or collective bargaining agreements without achieving compensating benefits in progress towards equal opportunity.

These guidelines are an effort to temper the bare language of the statute with common sense and a sympathetic understanding of the position and needs of women workers. Nevertheless, where the plain command of the statute is that there be no artificial classification of jobs by sex, the Commission feels bound to follow it, notwithstanding the fact that such segregation has, in particular cases, worked to the benefit of the woman worker.

Probably the most difficult area considered in these guidelines is the relation of Title VII to state legislation designed originally to protect women workers. The Commission cannot assume that Congress intended to strike down such legislation. Yet our study demonstrates that some of this legislation is irrelevant to present day needs of women, and much of this legislation is capable, in particular applications, of denying effective equality of opportunity to women.

Title VII, which makes suspect any sex distinction in employment, and state protective legislation, which requires special treatment for women, represent competing value judgments which cannot easily be harmonized. Clarification and improvements can however be achieved. We believe it desirable—even essential—that Congress and the state legislatures address themselves to this problem. State legislatures will find archaic provisions in their laws which should be updated. And the Congress may wish to determine how much weight should be given to outmoded laws whose practical effect today is not so much to protect as to disadvantage.

The many State commissions on the Status of Women, which have expressed concern that some protective laws may have lost their rationale, may wish to make appropriate recommendations to State legislatures. The Women's Bureau of the Department of Labor, which has been studying these laws, should soon have available a definitive analysis with special emphasis on the relevance of these laws to current technology and women's increasingly important role in society.

Sec.
1604.1 Sex as a bona fide occupational qualification.
1604.2 Separate lines of progression and seniority systems.
1604.3 Discrimination against married women.
1604.4 Job opportunities advertising.
1604.5 Employment agencies.
1604.6 Pre-employment inquiries as to sex.
1604.7 Relationship of Title VII to the Equal Pay Act.

AUTHORITY: The provisions of this Part 1604 are issued pursuant to Sec. 713(b), Civil Rights Act of 1964, 78 Stat. 265.

§ 1604.1 Sex as a bona fide occupational qualification.

(a) The Commission believes that the bona fide occupational qualification exception as to sex should be interpreted narrowly. Labels—"Men's jobs" and "Women's jobs"—tend to deny employment opportunities unnecessarily to one sex or the other.

(1) The Commission will find that the following situations do not warrant the application of the bona fide occupational qualification exception:

(i) The refusal to hire a woman because of her sex, based on assumptions of the comparative employment characteristics of women in general. For example, the assumption that the turnover rate among women is higher than among men.

(ii) The refusal to hire an individual based on stereotyped characterizations of the sexes. Such stereotypes include, for example, that men are less capable of assembling intricate equipment; that women are less capable of aggressive salesmanship. The principle of non-discrimination requires that individuals be considered on the basis of individual capacities and not on the basis of any characteristics generally attributed to the group.

(iii) The refusal to hire an individual because of the preferences of co-workers, the employer, clients or customers except as covered specifically in subparagraph (2) of this paragraph.

(iv) The fact that the employer may have to provide separate facilities for a person of the opposite sex will not justify discrimination under the bona fide occupational qualification exception unless the expense would be clearly unreasonable.

(2) Where it is necessary for the purpose of authenticity or genuineness, the Commission will consider sex to be a bona fide occupational qualification, e.g., an actor or actress.

(3) Most States have enacted laws or administrative regulations with respect to the employment of women. These laws fall into two general categories:

(i) Laws that require that certain benefits be provided for female employees, such as minimum wages, premium pay for overtime, rest periods or physical facilities;

(ii) Laws that prohibit the employment of women in certain hazardous occupations, in jobs requiring the lifting of heavy weights, during certain hours of the night, or for more than a specified number of hours per day or per week.

(b) The Commission believes that some state laws and regulations with respect to the employment of women, although originally for valid protective reasons, have ceased to be relevant to our technology or to the expanding role of the woman worker in our economy. We shall continue to study the problems posed by these laws and regulations in particular factual contexts, and to cooperate with other appropriate agencies in achieving a regulatory system more responsive to the demands of equal opportunity in employment.

(c) The Commission does not believe that Congress intended to disturb such laws and regulations which are intended to, and have the effect of, protecting women against exploitation and hazard. Accordingly, the Commission will consider limitations or prohibitions imposed by such state laws or regulations as a basis for application of the bona fide occupational qualification exception. However, in cases where the clear effect of a law in current circumstances is not to protect women but to subject them to discrimination, the law will not be considered a justification for discrimination. So, for example, restrictions on lifting weights will not be deemed in conflict with Title VII except where the limit is set at an unreasonably low level which could not endanger women.

(1) An employer, accordingly, will not be considered to be engaged in an unlawful employment practice when he refuses to employ a woman in a job in which women are legally prohibited from being employed or which involve duties which women may not legally be permitted to perform because of hazards reasonably to be apprehended from such employment.

(2) On the other hand, an employer will be deemed to have engaged in an unlawful employment practice if he refuses to employ or promote a woman in order to avoid providing a benefit for her required by law—such as minimum wage or premium overtime pay.

(3) Where state laws or regulations provide for administrative exceptions, the Commission will expect an employer asserting a bona fide occupational qualification pursuant to this paragraph to have attempted in good faith, to obtain an exception from the agency administering the state law or regulation.

§ 1604.2 Separate lines of progression and seniority systems.

(a) It is an unlawful employment practice to classify a job as "male" or "female" or to maintain separate lines of progression or separate seniority lists based on sex where this would adversely affect any employee unless sex is a bona fide occupational qualification for that job. Accordingly, employment practices are unlawful which arbitrarily classify jobs so that:

(1) A female is prohibited from applying for a job labeled "male," or for a job in a "male" line of progression; and vice versa.

(2) A male scheduled for layoff is prohibited from displacing a less senior female on a "female" seniority list; and vice versa.

(b) A seniority system or line of progression which distinguishes between "light" and "heavy" jobs constitutes an unlawful employment practice if it operates as a disguised form of classification by sex, or creates unreasonable obstacles to the advancement by members of either sex into jobs which members of that sex would reasonably be expected to perform.

§ 1604.3 Discrimination against married women.

(a) The Commission has determined that an employer's rule which forbids or restricts the employment of married women and which is not applicable to married men is a discrimination based on sex prohibited by Title VII of the Civil Rights Act. It does not seem to us relevant that the rule is not directed against all females, but only against married females, for so long as sex is a factor in the application of the rule, such application involves a discrimination based on sex.

(b) It may be that under certain circumstances, such a rule could be justified within the meaning of Section 703 (e)(1) of Title VII. We express no opinion on this question at this time except to point out that sex as a bona fide occupational qualification must be justified in terms of the peculiar requirements of the particular job and not on the basis of a general principle such as the desirability of spreading work.

§ 1604.4 Job opportunities advertising.

(a) Help wanted advertising may not indicate a preference based on sex unless a bona fide occupational qualification makes it lawful to specify male or female.

(b) When a newspaper or other publication classifies such advertising in separate "Male," "Female," and "Male and Female" columns, advertising will most clearly avoid an indication of preference by using the "Male and Female" column. However, advertisers covered by the Civil Rights Act of 1964 may place advertisements for jobs open to both sexes in columns classified "Jobs of Interest—Male" or "Jobs of Interest—Female" provided (1) the advertisement specifically states that the job is open to males and females and (2) substantially the following notice appears in a prominent place on every other page in the section in which the classified advertising appears:

NOTICE: Many listings in the "male" or "female" columns are not intended to exclude or discourage applications from persons of the other sex. Such listings may be used because some occupations are considered more attractive to persons of one sex than the other. Discrimination in employment because of sex is prohibited by the 1964 Federal Civil Rights Act with certain exception (and by the law of _____ State). Employment agencies and employers covered by the Act must indicate in their advertisement whether or not the listed positions are available to both sexes.

Abbreviations, such as M & F, may be used in the advertisement to indicate that males and females may apply, if such abbreviations are readily comprehensible or are explained in the notice.

§ 1604.5 Employment agencies.

(a) Section 703(b) of the Civil Rights Act specifically states that it shall be unlawful for an employment agency to discriminate against any individual because of sex. The Commission has determined that private employment agencies which deal exclusively with one sex are engaged in an unlawful employment practice, except to the extent that such agencies limit their services to furnishing employees for particular jobs for which sex is a bona fide occupational qualification.

(b) An employment agency that receives a job order containing an unlawful sex specification will share responsibility with the employer placing the job order if the agency fills the order knowing that the sex specification is not based upon a bona fide occupational qualification. However, an employment agency will not be deemed to be in violation of the law, regardless of the determination as to the employer, if the agency does not have reason to believe that the employer's claim of bona fide occupations qualification is without substance and the agency makes and maintains a written record available to the Commission of each such job order. Such record shall include the name of the employer, the description of the job and the basis for the employer's claim of bona fide occupational qualification.

(c) It is the responsibility of employment agencies to keep informed of opinions and decisions of the Commission on sex discrimination.

§ 1604.6 Pre-employment inquiries as to sex.

A pre-employment inquiry may ask "Male _____, Female _____"; or "Mr. Mrs., Miss," provided that the inquiry is made in good faith for a non-discriminatory purpose. Any pre-employment inquiry in connection with prospective employment which expresses directly or indirectly any limitation, specification or discrimination as to sex shall be unlawful unless based upon a bona fide occupational qualification.

§ 1604.7 Relationship of Title VII to the Equal Pay Act.

(a) Title VII requires that its provisions be harmonized with the Equal Pay Act (section 6(d) of the Fair Labor Standards Act of 1938, 29 U.S.C. 206 (d)) in order to avoid conflicting interpretations or requirements with respect to situations to which both statutes are applicable. Accordingly, the Commission interprets section 703(h) to mean that the standards of "equal pay for equal work" set forth in the Equal Pay Act for determining what is unlawful discrimination in compensation are applicable to Title VII. However, it is the judgment of the Commission that the employee coverage of the prohibition against discrimination in compensation because of sex is co-extensive with that of the other prohibitions in section 703, and is not limited by section 703(h) to those employees covered by the Fair Labor Standards Act.

(b) Accordingly, the Commission will make applicable to equal pay complaints filed under Title VII the relevant interpretations of the Administrator, Wage and Hour Division, Department of Labor. These interpretations are found in 29 Code of Federal Regulations, Part 800.-119–800.163. Relevant opinions of the Administrator interpreting "the equal pay for equal work standard" will also be adopted by the Commission.

(c) The Commission will consult with the Administrator before issuing an opinion on any matter covered by both Title VII and the Equal Pay Act.

Signed at Washington, D.C., this 24th day of November 1965.

FRANKLIN D. ROOSEVELT, Jr.,
Chairman.

[F.R. Doc. 65–12874; Filed, Dec. 1, 1965; 8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 15—MATTER MAILABLE UNDER SPECIAL RULES

PART 17—MAIL ADDRESSED TO MILITARY POST OFFICES OVERSEAS

PART 25—FOURTH CLASS

PART 33—METERED STAMPS

PART 35—PHILATELY

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows:

I. In Part 15, make the following changes:

§ 15.2 [Amended]

A. In § 15.2, the title is changed for clarification. As so changed, the title of § 15.2 reads as follows: "§ 15.2 *Conditions for mailing.*"

NOTE: The corresponding Postal Manual section is 125.2.

B. In § 15.2, paragraph (b)(4) is deleted.

NOTE: The corresponding Postal Manual section is 125.224.

C. In § 15.2, *Conditions for mailing,* present paragraph (c)(2) is redesignated new paragraph (d) entitled *Matches.* Present paragraph (c)(3) is redesignated paragraph (c)(2). In addition, present paragraph (d) is redesignated paragraph (e). Moreover, present paragraph (e) is redesignated paragraph (g) and a new paragraph (f) is inserted which clarifies regulations pertaining to mailing conditions for poisons. As so inserted, new paragraph (f) reads as follows:

(f) *Poisons*—(1) *Poisons for scientific use.* Poisons for scientific use which are not outwardly or of their own force dangerous or injurious to life, health, or property may be shipped between manufacturers, dealers, bona fide research or experimental scientific laboratories, and employees of the Federal, State, or local governments who have official use of such poisons. Any such employee must be designated by the head of his agency to receive or send such poisons. The preparation and packaging of such poisonous articles shall be under the same conditions as apply to other articles covered by this Part 15.

(2) *Poisonous drugs and medicines.* Poisonous drugs and medicines may be shipped only from the manufacturer thereof or dealer therein to licensed physicians, surgeons, dentists, pharmacists, druggists, cosmetologists, barbers, and veterinarians.

(3) *Prescription medicines containing narcotics.* The Veterans' Administration, including its hospitals and other facilities, are authorized to send prescription medicines containing narcotics by registered mail to certain veterans. (See § 51.6(a) of this chapter). Other shipments containing narcotics addressed to individuals are limited to provisions of subparagraph (2) of this paragraph.

(4) *Excess or undesired narcotic drugs.* Shipments of excess or unwanted narcotic drugs may be sent by registered mail to district supervisors of the U.S. Bureau of Narcotics. Shipments of narcotics may also be sent by registered mail to the Drugs Disposal Committee, U.S. Bureau of Narcotics, Washington, D.C., 20226.

NOTE: The corresponding Postal Manual sections are 125.23 through 125.27.

II. In § 17.1 *Mailing preparation,* paragraph (d) *General prohibitions* is amended as follows:

1. The introductory text of paragraph (d) is redesignated as subparagraph (1), and present subparagraphs (1), (2), and (3) are redesignated as subdivisions (i), (ii), and (iii), respectively.

2. A new paragraph (d)(2) is added to show that watches and jewelry valued in excess of $10 may be accepted for mailing to oversea military post offices only when they are sent by registered mail. As so added, new paragraph (d)(2) reads as follows:

§ 17.1 Mailing preparation.

* * * * * * *

(d) *General prohibitions.* * * *

(2) Jewelry and watches having a value in excess of $10 may be accepted for mailing to oversea military post offices only when sent by registered mail, provided there is no specific prohibition against sending such items to the military post office of destination. See § 17.2.

NOTE: The corresponding Postal Manual section is 127.142.

III. In § 25.1 *Rates,* a new subdivision (v) is added under paragraph (b)(1) to show that the maximum weight of 80 pounds is allowed in a sack. As so added, subdivision (v) reads as follows:

§ 25.1 Rates.

* * * * * * *

(b) *Catalogs and similar printed advertising matter in bound form having 24 or more pages at least 22 of which are printed, weighing 16 ounces or more but not exceeding 10 pounds*—(1) *Rates for bulk mailings of separately addressed identical pieces in quantities of not less than 300 mailed at one time.* * * *

(v) *Maximum weight in a sack.* The total weight of pieces placed in one sack must not exceed 80 pounds.

* * * * * * *

NOTE: The corresponding Postal Manual section is 135.121e.

IV. In § 33.3 *Use of meter,* subdivision (vi) under paragraph (b)(2) is revised to prescribe a maximum weight limit of 80 pounds for private containers of articles shipped to other post offices for mailing. As so revised, subdivision (vi) reads as follows:

§ 33.3 Use of meter.

* * * * * * *

(b) *Payment of postage.* * * *

(2) Local postmasters may set a meter for use in paying postage on mail to be presented at another post office under the following conditions:

* * * * * * *

(vi) Matter sent to other post offices for mailing must be shipped in private containers. The total weight of pieces placed in containers such as cartons, crates, etc. which are to be handled by postal employees must not exceed 80 pounds. Post offices will not furnish mail sacks for this purpose.

* * * * * * *

NOTE: The corresponding Postal Manual section is 143.322f.

V. In Part 35 make the following changes:

A. In § 35.5 *Inaugural covers* make the following changes:

1. The material in present paragraph (a)(1) is redesignated as subdivision (i) under paragraph (a)(1) and revised.

2. A new subdivision (ii) is added to present paragraph (a)(1) to list the three events for which cachets are authorized.

3. In paragraph (a)(4) a new subdivision (iii) is added to provide that upon submission of inaugural covers, directional service desired, if applicable, is to be indicated.

4. In paragraph (a)(5) subdivisions (i) and (v) are revised for clarity.

The affected portions of § 35.5 read as follows:

§ 35.5 Inaugural covers.

(a) *First flights*—(1) *Cachets authorized.* (i) The Post Office Department recognizes events such as new air service by applying cachets on inaugural covers. Official cachets of distinctive commemorative design are authorized, by publication of a notice in the Postal Bulletin, if notification is received from the carrier at least 20 days before the scheduled date of new service.

NOTE: The corresponding Postal Manual section is 145.511a.

(ii) Cachets are authorized for:

(*a*) All stop points on a new airmail route.

(*b*) New stop points on an existing route or on an additional segment.

(*c*) Events of national aviation interest.

NOTE: The corresponding Postal Manual section is 145.511b.

* * * * * * *

(4) *Submission of covers.* * * *

(iii) Indicate directional service desired, if applicable. (See subdivision (i) of paragraph (a)(5) of this section).

NOTE: The corresponding Postal Manual section is 145.514c.

(5) *Compliance with collectors requests*—(i) *Directional covers.* Requests of collectors for dispatch in a particular direction will be complied with to the greatest extent practicable. No directional service for events of national aviation interest.

* * * * * * *

(v) *Color of ink.* Requests for the use of a color of ink other than that authorized by the Post Office Department cannot be complied with. The authorized color of ink will be used in applying the cachet to all covers.

* * * * * * *

NOTE: The corresponding Postal Manual sections are 145.515a and 145.515e.

B. Section 35.7 is revised for clarity. As so revised, § 35.7 reads as follows:

§ 35.7 Stamp publication.

The Department issues a publication (POD–9 rev.) entitled "Postage Stamps for the United States 1847–1963", containing reproductions and information of interest to collectors on all U.S. stamps issued from 1847 through the John James Audubon commemorative stamps, issued December 7, 1963.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501)

HARVEY H. HANNAH,
Acting General Counsel.

[F.R. Doc. 65–12912; Filed, Dec. 1, 1965; 8:50 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3882]

[Misc–1375265]

COLORADO

Modification of Oil Shale Withdrawal

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Executive Order No. 5327 of April 15, 1930, withdrawing oil shale deposits and lands containing such deposits, is hereby modified to the extent necessary to permit disposal of the following described lands (but not the mineral estate thereof) by means of an exchange under section 8 of the act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g), as amended:

SIXTH PRINCIPAL MERIDIAN

T. 5 S., R. 95 W.,
Sec. 7, lot 10;
Sec. 18, lot 4.

The areas described aggregate 42.53 acres.

2. Acquisition of the offered lands will benefit a Federal land program. This order therefore is not subject to provi-

sions of R.S. 2276 as amended (43 U.S.C. 832).

3. The provisions of Executive Order No. 5327, as modified prior to the date of this order, shall continue to apply to the mineral estate in the lands.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

NOVEMBER 26, 1965.

[F.R. Doc. 65-12866; Filed, Dec. 1, 1965; 8:46 a.m.]

[Public Land Order 3883]

[Colorado 0125430]

COLORADO

Withdrawal for Delta National Fish Hatchery

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for use as a fish hatchery:

SIXTH PRINCIPAL MERIDIAN

T. 15 S., R. 93 W.,
Sec. 10, N½N½NE¼NE¼.

Containing approximately 10 acres.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

NOVEMBER 26, 1965.

[F.R. Doc. 65-12867; Filed, Dec. 1, 1965; 8:46 a.m.]

[Public Land Order 3884]

[Wyoming 0317603]

WYOMING

Withdrawal for National Forest Administrative Sites and Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the United States mining laws (Ch. 2, Title 30 U.S.C.), in aid of programs of the Department of Agriculture:

TETON NATIONAL FOREST

SIXTH PRINCIPAL MERIDIAN

Fox Park Administrative Site

T. 48 N., R. 112 W.,
Sec. 22, NE¼NE¼NW¼.

Crystal Creek Campground

T. 42 N., R. 113 W.,
Sec. 17, N½NE¼NE¼.

Gros Ventre Slide Geologic Area

T. 42 N., R. 114 W.,
Sec. 4, W½NW¼, NW¼SW¼, W½NW¼SW¼SW¼, S½SW¼SW¼, S½SE¼SW¼;
Secs. 5 and 8;
Sec. 9, NW¼, W½SW¼;
Sec. 17, N½, N½SW¼, NW¼SE¼.

Crystal Springs Administrative Site

T. 42 N., R. 117 W.,
Sec. 24, S½SE¼NE¼ (S½ of Lot 2).

The areas described aggregate 2,175.15 acres, in Teton County.

The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

NOVEMBER 26, 1965.

[F.R. Doc. 65-12868; Filed, Dec. 1, 1965; 8:46 a.m.]

[Public Land Order 3886]

[New Mexico 0557886]

NEW MEXICO

Transferring Jurisdiction Over Oil and Gas Deposits, Vance Air Force Base

Whereas, the hereinafter described acquired lands comprising a portion of Vance Air Force Base, are reported to be subject to drainage of their oil and gas deposits by wells on adjacent lands in private ownership; and

Whereas, it is in the public interest that such protective action be taken as will prevent loss to the United States by reason of the drainage or threatened drainage from the said lands; and

Whereas, in order to facilitate such action, it is considered advisable that jurisdiction over the oil, gas, and other mineral deposits in such lands be transferred from the Department of the Air Force to the Department of the Interior; and

Whereas, such transfer has the concurrence of the Secretary of the Air Force;

Now, therefore, by virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The jurisdiction over all mineral deposits (including oil and gas and constituents thereof, and all gaseous substances, including helium), owned by the United States in the following described lands comprising a portion of Vance Air Force Base, Oklahoma, is hereby transferred from the Department of the Air Force to the Department of the Interior:

VANCE ILS OUTER MARKER ANNEX

A tract of land located in the N½NW¼NW¼ of sec. 35, T. 21 N., R. 7 W., Indian Meridian, Garfield County, Okla., more particularly described as:

Beginning at a point 748.25 feet E., and 33 feet S., of the NW corner of sec. 35, thence E. 40 feet,
S. 140.00 feet,
E. 151.75 feet,
S. 100.00 feet,
W. 380.00 feet,
N. 100.00 feet,
E. 188.25 feet,
N. 140.00 feet to the point of beginning.

Containing approximately 1 acre, no portion of the surface of which shall be used for oil and gas operations while the surface is under the jurisdiction of the Department of Defense.

TRACT NO. 9

South Half (S½) of the Southwest Quarter (SW¼); and South Half (S½) of North Half (N½) of Southwest Quarter (SW¼); and the South 220 feet of the North Half (N½) of North Half (N½) of Southwest Quarter (SW¼) of Section Twenty-Six (26), Township Twenty-two (22) North, Range Seven (7) West of the Indian Meridian.

The area described is designated as Tract No. 9, Vance Air Force Base Project, and contains 133.33 acres, more or less.

Tract No. 9 was acquired by deed dated May 14, 1955, from Opal Pauling Spleth, Ollin M. Spleth, Pearl Florence Franklin, and Lloyd G. Franklin, which deed is recorded in Volume 255 on page 121 of the deed records of Garfield County, State of Oklahoma.

TRACT NO. 11

A tract of land in the SE¼ more particularly described as: Beginning at the south quarter corner of Section 26, Township 22 North, Range 7 West; thence north 2,200.0' along the North-South quarter line of said Section 26 to a point; thence east 1,440.0' to a point, said point being 440.0' south of the East-West quarter line of said Section 26; thence south 1,070.0' to a point; thence east 1,200.0' to a point on the east line of said Section 26; thence south 1,130.0' along said east line to the Southeast corner of said Section 26; thence west 2,640.0' along the south line of said Section 26 to the point of beginning.

The area described is designated as Tract No. 11, Vance Air Force Base Project, and contains 103.85 acres, more or less.

Tract No. 11 was acquired by deed dated March 16, 1955, from Frank Baker, Jr., et ux, Vera Baker, which deed is recorded in Book 254 on page 142 of the deed records of the County of Garfield, State of Oklahoma.

TRACT NO. 13

Lot Three (3); Lot Four (4); North Half (N½) of South Half (S½) of the Northwest Quarter (NW¼); and the North 485 feet of the South Half (S½) of South Half (S½) of the Northwest Quarter (NW¼) of Section Two (2), Township Twenty-one (21) North, Range 7 West of the Indian Meridian.

The area described is designated as Tract No. 13, Vance Air Force Base Project, and contains 147.37 acres, more or less.

Tract No. 13 was acquired by deed dated March 16, 1955, from Ralph V. Atherton et ux., Edna M. Atherton, which deed is recorded in Book 254 on page 144 of the deed records of the County of Garfield, State of Oklahoma.

TRACT NO. 14

A tract of land in the Northeast Quarter (NE¼) of Section Two (2), Township Twenty-one (21) North, Range Seven (7) West, more particularly described as:

Beginning at the north quarter corner of said Section 2; thence east 2,640 feet along the north line of said Section 2 to the northeast corner thereof, same being the northeast corner of Lot 1 of said Section 2; thence south 1,100 feet along the east line of said Section 2, same being east line of Lot 1 of said Section to a point; thence west and parallel to the south line of said Lot 1, a

distance of 1,200 feet to a point; thence south 1,319.46 feet, parallel to and at a distance of 120 feet from the west line of said Lot 1 and the west line of the SE¼NE¼ of said Section 2, to a point; thence west 1,440 feet, parallel to and at a distance of 175 feet from the south line of said NE¼ to a point on the north-south quarter line of said Section 2; thence north 2,425.40 feet along said north-south quarter line to the point of beginning.

The area described is designated as Tract No. 14, Vance Air Force Base Project, and contains 110.36 acres, more or less.

Tract No. 14 was acquired by deed dated April 26, 1955, from Joseph G. Wilson et ux., Grace M. Wilson, which deed is recorded in Book 254 on page 526 of the deed records of the County of Garfield, State of Oklahoma.

TRACT NO. 17

A tract of land in the S½SW¼SW¼ of Section 2, Township 21 North, Range 7 West of the Indian Meridian, Garfield County, Oklahoma, described as: Beginning at a point 719.5 feet East and 33 feet North of the Southwest corner of said Section 2; thence North 309.5 feet to a point; thence West 7.0 feet to a point; thence North 75.0 feet to a point; thence East 75.0 feet to a point; thence South 75.0 feet to a point; thence West 28.0 feet to a point; thence South 309.5 feet to a point; thence West 40.0 feet to the point of beginning.

The area described is designated as Tract No. 17, Vance Air Force Base Project, and contains 0.41 acre, more or less.

Tract No. 17 was acquired by deed dated November 7, 1955, from Harold Montgomery et ux., Mabel I. Montgomery, which deed is recorded in Book 257 on page 445 of the deed records of the County of Garfield, State of Oklahoma.

TRACT NO. 46

A tract of land in the N½W¼SW¼ of Section 26, Township 22 North, Range 7 West of the Indian Meridian more particularly described as: Beginning at a point 440.0 feet south and 470.0 feet east of the west quarter corner of said Section 26; thence north and parallel to the west line of said Seciton 26 a distance of 200.0 feet to a point; thence east and parallel to the east-west quarter line of said Section 26 a distance of 540.0 feet to a point; thence south and parallel to the west line of said Section 26 a distance of 200.0 feet to a point; thence west parallel to the east-west quarter line of said Section 26 a distance of 540.0 feet to the point of beginning.

The area described is designated as Tract No. 46, Vance Air Force Base Project, and contains 2.48 acres, more or less.

Tract No. 46 was acquired by deed dated September 29, 1955, from Pearl Florence Franklin et vir., Lloyd G. Franklin, and Opal Pauline Spleth et vir., Ollin M. Spleth, which deed is recorded in Book 257 on page 55 of the deed records of the County of Garfield, State of Oklahoma.

TRACT NO. 51

INDIAN MERIDIAN

T. 21 N., R. 7 W.,
Sec. 11.

A tract of land in the SW¼NW¼ more particularly described as: Beginning at a point on the west line of said SW¼NW¼, said point being 642.0 feet north of the southwest corner thereof; thence east and parallel to the south line of said SW¼NW¼ 702.5 feet to a point; thence south and parallel to the west line of said SW¼NW¼ 17.5 feet to a point; thence east and parallel to the south line of said SW¼NW¼ 75.0 feet to a point; thence north and parallel to the west line of said SW¼NW¼ 75.0 feet to a point; thence west and parallel to the south line of said SW¼NW¼ 75.0 feet to a point; thence south and parallel to the west line of said SW¼NW¼ 17.5 feet to a point; thence west and parallel to the south line of said SW¼NW¼ 702.5 feet to a point on the west line thereof; thence south along said west line 40.0 feet to the point of beginning.

The area described aggregates 0.77 acre, more or less, situate in Garfield County, Oklahoma.

Tract No. 51 was acquired in Civil Action No. 7516 styled United States of America vs. 0.77 Acre of Land, More or Less, Situate in Garfield County, Okla.; and Merle A. Collins, et al., in the U.S. District Court for the Western District of Oklahoma, filed 15 May 1957.

TRACT NO. 52

The South 175.0 feet of the South Half (S½) of Northwest Quarter (NW¼) of Section 2, Township 21 North, Range 7 West of the Indian Meridian.

The area described is designated as Tract No. 52, Vance Air Force Base Project, and contains 10.61 acres, more or less.

Tract No. 52 was acquired by deed dated March 8, 1957, from Ralph V. Atherton et ux, Edna M. Atherton, which deed is recorded in Book 264 on page 68 of the deed records of the County of Garfield, State of Oklahoma.

TRACT NO. 53

A tract of land in the SW¼ of Section 2, Township 21 North, Range 7 West of the Indian Meridian, more particularly described as follows: Beginning at a point on the north line of said SW¼, said point being 224.30 feet west of the northeast corner thereof; thence west along said north line 2,415.70 feet, more or less, to the northwest corner of said SW¼; thence south along the west line of said SW¼ 2,120.0 feet to a point; thence east and parallel to the south line of said SW¼ 1,552.5 feet to a point; thence northeasterly on a straight line 2,289.0 feet, more or less, to point of beginning.

The area described is designated as Tract No. 53, Vance Air Force Base Project, and contains 96.56 acres, more or less.

Tract No. 53 was acquired by deed dated February 25, 1957, from Harold Montgomery, et ux, Mabel I. Montgomery, which deed is recorded in Book 264 on page 69 of the deed records of the County of Garfield, State of Oklahoma.

TRACT NO. 60

A tract of land in the NE¼ more particularly described as: Beginning at the center of said Section 36; thence north along the north-south quarter line of said Section, said line also being the east line of Vance Air Force Base, to a point on the south right of way line of the Chicago, Rock Island & Pacific Railroad access spur to said Base, said point being 665.82 feet, more or less, south of the north quarter corner of said Section; thence easterly along said south right of way line to a point on the westerly right of way line of the Chicago, Rock Island & Pacific Railroad main line; thence southerly along said westerly right of way line to a point on the east-west quarter line of said Section 36; thence west along said east-west quarter line to the Point of Beginning in Section 36, Township 22 North, Range 7 West of the Indian Meridian.

The area described is designated as Tract No. 60, Vance Air Force Base Project, and contains 61.00 acres, more or less.

Tract No. 60 was acquired by deed dated December 12, 1957, from William H. Kisner et ux, Elma Kisner, which deed is recorded in Book 267 on page 456 of the deed records of the County of Garfield, State of Oklahoma.

TRACT NO. 61

Part of the NW¼ described as: Beginning at the southeast corner of said NW¼; thence west along the south line of said NW¼, 490.00 feet; thence north and parallel with the east line of said NW¼, 1,475.00 feet; thence northeasterly on a straight line to a point on the east line of said NW¼, said point being 600.00 feet south of the northeast corner of said NW¼; thence south along east line of said NW¼, 2,040.00 feet to the point of beginning, in Section 26, Township 22 North, Range 7 West of the Indian Meridian.

The area described is designated as Tract No. 61, Vance Air Force Base Project, and contains 19.77 acres, more or less.

Tract No. 61 was acquired by deed dated September 4, 1958, from P. C. Simons et ux, Dorothy Simons, which deed is recorded in Book 271 on page 269 of the deed records of the County of Garfield, State of Oklahoma.

TRACT NO. 62

Part of the North 440.0 feet of the SW¼ described as: Beginning at the northeast corner of SW¼; thence West along the north line of said SW¼ 490.00 feet; thence South and parallel with the East line of said SW¼, 290.00 feet; thence southwesterly on a straight line to a point, said point being 440.00 feet South and 540.00 feet West of the northeast corner of said SW¼; thence East and parallel with the North line of said SW¼, 540.00 feet to a point on the East line of said SW¼; thence North along the East line of said SW¼, 440.00 feet to the point of beginning in Section 26, Township 22 North, Range 7 West of the Indian Meridian.

The area described is designated as Tract No. 62, Vance Air Force Base, and contains 5.04 acres, more or less.

Tract No. 62 was acquired by deed dated October 2, 1958 from Opal Pauline Spleth et vir, Ollin M. Spleth, and Pearl Florence Franklin, which deed is recorded in Book 272 on page 33 of the deed records of the County of Garfield, State of Oklahoma.

TRACT NO. 63

A tract of land in the SE¼ more particularly described as: Beginning at the Northwest corner of said SE¼; thence South along the West line of said SE¼ 440.00 feet; thence East and parallel with the North line of said SE¼ 1,440.00 feet; thence South and parallel with the West line of said SE¼ 1,070.00 feet; thence East and parallel with the North line of said SE¼ 470.70 feet; thence North and parallel with the West line of said SE¼ 1,510.00 feet to a point on the North line of said SE¼; thence West along the North line of said SE¼ 1,910.70 feet to the Point of Beginning in Section 26, Township 22 North, Range 7 West of the Indian Meridian.

The area described is designated as Tract No. 63, Vance Air Force Base Project, and contains 30.86 acres of land, more or less.

Tract No. 63 was acquired by deed dated October 24, 1958 from Lucille May Teemley, Executrix of the Estate of Frank Baker, which deed is recorded in Book 272 on page 220 of the deed records of the County of Garfield, State of Oklahoma.

TRACT NO. 64

Part of the NE¼ described as: Beginning at the Southwest corner of said NE¼; thence East along South line of said NE¼, 2,010.70 feet; thence North and parallel with West line of said NE¼, 400.00 feet; thence Northwesterly on a straight line to a point on the North line of said NE¼, said point being 660.00 feet East of Northwest corner of said NE¼; thence West along the North line of said NE¼, 660.00 feet to the Northwest corner of said NE¼; thence South along the West line of said NE¼, 2,640.00 feet to the Point of Beginning in Section 26, Township 22 North, Range 7 West of the Indian Meridian.

The area described is designated as Tract No. 64, Vance Air Force Base Project, and contains 87.13 acres, more or less.

Tract No. 64 was acquired by deed dated September 3, 1958, from Egie Cropper and J. F. Cropper, wife and husband, which deed is recorded in Book 271 on page 255 of the deed records of the County of Garfield, State of Oklahoma.

2. The Secretary of the Interior shall take such action as may be necessary to protect the United States from loss on account of drainage or threatened drainage of oil and gas and their constituents, and any gaseous substances (including helium), from such lands.

3. The jurisdiction of the Department of the Interior over such lands shall be limited only by the primary jurisdiction of the Department of the Air Force over the lands for military purposes.

4. The jurisdiction of the Department of the Interior over such mineral deposits shall continue until revocation of this order, and no action which may be taken by the Department of the Air Force to relinquish jurisdiction over the described lands for military purposes or to transfer such jurisdiction out of the Department of the Air Force shall affect in any way the jurisdiction of the Department of the Interior over the mineral deposits.

5. Prior to any advertisement for bids, the Department of the Air Force shall have the opportunity to indicate any further reservations and restrictions that are to be included in the proposed lease or leases.

6. Prior to execution of any lease or development authorized by the Department of the Interior, the approval of the Department of the Air Force is to be obtained to insure that there is no interference with the primary use for the lands for missions of the Department of the Air Force.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

NOVEMBER 26, 1965.

[F.R. Doc. 65-12869; Filed, Dec. 1, 1965; 8:46 a.m.]

[Public Land Order 3887]

[Montana 069920]

MONTANA

Revocation of Forest Service Administrative Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The departmental order of October 26, 1908, and Executive Order No. 2910 of July 12, 1918, withdrawing public lands in sections 25 and 36, T. 13 S., R. 10 W., Montana Principal Meridian, for use of the Forest Service as the Sheep Creek Administrative Site, are hereby revoked.

2. The area withdrawn totals 640 acres. The lands described as in then unsurveyed section 25 (46 acres), were later identified as being within section 36.

3. Until 10 a.m. on May 28, 1966, the State of Montana shall have a preferred right of application to select the lands as provided by R.S. 2276, as amended (43 U.S.C. 852). After that date and hour the lands shall become subject to application, petition, location and selection generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on January 6, 1966, shall be considered as simultaneously filed at that time. Those filed thereafter shall be considered in the order of filing.

4. The lands have been open to applications and offers under the mineral leasing laws and, except for 46 acres withdrawn by the order of October 26, 1908, to location for metalliferous minerals. The entire section 36 will be open generally to location under the mining laws at 10 a.m. on May 28, 1966.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

NOVEMBER 26, 1965.

[F.R. Doc. 65-12870; Filed, Dec. 1, 1965; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 0—COMMISSION ORGANIZATION

PART 97—AMATEUR RADIO SERVICE

Radio Operator Examination Points

Order. In the matter of amendment of § 0.445(c) and Appendix 1, Part 97, of the Commission's rules regarding radio operator examination points

The Commission having under consideration a modification of its commercial and amateur radio operator examination points; and

It appearing, that it would be in the public interest to conduct operator examinations semiannually at Las Vegas, Nev., in view of an increased demand for examinations to be given at that location; and

It further appearing, that the amendments herein ordered are procedural in nature and not substantive and therefore compliance with the public rulemaking procedures required by sections 4 (a) and (b) of the Administrative Procedure Act is not required:

It is ordered, This 29th day of November 1965, pursuant to authority of § 0.261 of the Commission's rules and to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and pursuant to section 3(a) of the Administrative Procedure Act, that § 0.445(c) and Appendix 1, Part 97 of the Commission's rules be amended as set forth below, effective December 6, 1965.

(Secs. 4, 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303; sec. 3, 60 Stat. 238; 5 U.S.C. 1002)

Released: November 29, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

1. Section 0.445(c) of the Commission's rules is amended by adding Las Vegas, Nev. as a semiannual examination point.

2. Appendix 1, Part 97 of the Commission's rules is amended by adding Las Vegas, Nev. as a semiannual examination point.

[F.R. Doc. 65-12928; Filed, Dec. 1, 1965; 8:51 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Missisquoi National Wildlife Refuge, Vt.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 28.28 Special regulations; recreation; for the individual wildlife refuge areas.

Boats may be launched, and vehicles and boat trailers parked, in designated areas. Fishing is permitted in designated areas. Picnicking is permitted where facilities are provided. Litter must be placed in trash receptacle provided. Sightseeing, nature study, and photography are permitted. Pets are allowed if on a leash not over 10 feet in length. All activities except fishing are limited to daylight hours. All persons shall comply with all local, State, and Federal laws, ordinances, and regulations.

The refuge areas, comprising 4,679.98 acres, are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office and Courthouse, Boston, Mass., 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1966.

[SEAL] RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

NOVEMBER 15, 1965.

[F.R. Doc. 65-12871; Filed, Dec. 1, 1965; 8:47 a.m.]

PART 33—SPORT FISHING

Long Lake National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH DAKOTA

LONG LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Long Lake National Wildlife Refuge, Moffit, N. Dak., is

permitted on all refuge waters. These open areas, comprising 3,625 acres, are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for winter sport fishing on the refuge extends from December 15, 1965, to March 15, 1966. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuges generally which are set forth in Title 50, Part 33, and are effective through March 15, 1966.

OMAR N. SWENSON,
Refuge Manager, Long Lake National Wildlife Refuge, Moffit, N. Dak.

NOVEMBER 24, 1965.

[F.R. Doc. 65-12872; Filed, Dec. 1, 1965; 8:47 a.m.]

PART 33—SPORT FISHING

Carolina Sandhills National Wildlife Refuge, S.C.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

SOUTH CAROLINA

CAROLINA SANDHILLS NATIONAL WILDLIFE REFUGE

Sport fishing on the Carolina Sandhills National Wildlife Refuge, McBee, S.C., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 79 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga., 30323. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The sport fishing season on the refuge extends from February 15, 1966, through November 30, 1966, on Lakes Sixteen and Seventeen; from March 15, 1966, through October 15, 1966, on Martins Pond and from June 1, 1966, through November 30, 1966, on Lake Bee.

(2) Fishing permitted during daylight hours only.

(3) Fishing on Sunday prohibited.

(4) Boats with electric motors permitted; gasoline powered engines prohibited. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

NOVEMBER 23, 1965.

[F.R. Doc. 65-12873; Filed, Dec. 1, 1965; 8:47 a.m.]

PART 33—SPORT FISHING

Seney National Wildlife Refuge, Mich.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MICHIGAN

SENEY NATIONAL WILDLIFE REFUGE

Sport fishing on the Seney National Wildlife Refuge, Mich., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 5,700 acres or 100 percent of the total water area of the refuge, are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from January 1 through February 28, 1966, inclusive.

(2) Species permitted to be taken: Northern pike, walleyed pike, and other minor species as permitted by State regulations.

(3) Daily creel limits: Northern pike and walleyed pike—5 singly or combined; minimum size limit for northerns is 20 inches, for walleyes, 13 inches; creel limits for other species are as prescribed by State regulations.

(4) Method of fishing:

(a) Two lines under immediate control, having a total of not more than 4 hooks on all lines, may be used for still fishing, ice fishing, casting, or trolling if under immediate supervision. All hooks, single, double or treble pointed, attached to a manufactured artificial bait counted as one hook.

(b) Minnows may be used for bait only in the Manistique River.

(c) Spearing through the ice is permitted, subject to State regulations.

(5) Other provisions:

(a) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(b) A Federal permit is not required to enter the public fishing area.

(c) The use of motorized snow vehicles is authorized along established roads, trails and dikes.

(d) The provisions of this special regulation are effective to March 1, 1966.

JOHN B. HAKALA,
Refuge Manager, Seney National Wildlife Refuge, Seney, Mich.

NOVEMBER 24, 1965.

[F.R. Doc. 65-12896; Filed, Dec. 1, 1965; 8:49 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER G—EMERGENCY OPERATIONS

[General Order 75, 2d Rev., Amdt. 9]

PART 308—WAR RISK INSURANCE

Miscellaneous Amendments

Effective as of midnight, December 7, 1965, G.m.t., part 308 is hereby amended to reflect the following changes:

Amend §§ 308.6 *Period of interim binders and renewal procedure*, 308.106 *Standard form of war risk hull insurance interim binder and optional disbursements insurance endorsement*, 308.206 *Standard form of war risk protection and indemnity insurance interim binder*, and 308.305 *Standard form of Second Seamen's war risk insurance interim binder*, by changing the expiration dates contained therein to read "midnight, February 7, 1966, G.m.t."

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

By order of the Maritime Administrator.

Dated: November 23, 1965.

JOHN M. O'CONNELL,
Assistant Secretary.

[F.R. Doc. 65-12923; Filed, Dec. 1, 1965; 8:51 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 999]

DATES

Importation Exemptions

Notice is hereby given of a proposal by the Department, to amend § 999.1 *Regulation governing the importation of dates* (7 CFR Part 999) pursuant to the requirements of section 8e (7 U.S.C. 608e–1) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposal under consideration is to provide that any dates that are denatured so as to render them unfit for human consumption may be imported exempt from the provisions of this section. Interest has been expressed in dates to be utilized as a livestock feed supplement.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than the 30th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows: Revise § 999.1(d) to read:

§ 999.1 Regulation governing the importation of dates.

* * * * * *

(d) *Exemptions.* Notwithstanding any other provision of this section, any lot of dates for importation which in the aggregate does not exceed 70 pounds and any dates that are so denatured as to render them unfit for human consumption may be imported exempt from the provisions of this section.

* * * * * *

Dated: November 29, 1965.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–12934; Filed, Dec. 1, 1965; 8:52 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Parts 201, 206, 251, 287]

CHARGES AND FEES FOR CERTAIN SERVICES

Notice of Extension of Time for Filing Comments

In notice of proposed rule making appearing in F.R. Doc. 65–10742, in the FEDERAL REGISTER issue of October 9, 1965 (30 F.R. 12889), comments on the proposed charges or fees were permitted to be filed "by close of business on November 8, 1965." The time for submission of comments was extended to December 1, 1965 (30 F.R. 14014, November 5, 1965).

Notice is hereby given that the time in which comments may be submitted is extended to "by close of business on December 8, 1965."

By order of the Maritime Administrator.

Dated: November 30, 1965.

JOHN M. O'CONNELL,
Assistant Secretary.

[F.R. Doc. 65–12997; Filed, Dec. 1, 1965; 9:49 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Antidumping—AA 643.3–r]

PERCHLORETHYLENE SOLVENT FROM FRANCE

Determination of Sales at Not Less Than Fair Value

NOVEMBER 24, 1965.

On October 5, 1965, there was published in the FEDERAL REGISTER a Notice of Intent to Discontinue Investigation and to Make Determination That No Sales Exist Below Fair Value because of price revisions with respect to perchlorethylene solvent imported from France, manufactured by Solvay & Cie, Paris, France, and that such fact is considered to be evidence that there are not, and are not likely to be, sales below fair value.

No persuasive evidence or argument to the contrary having been presented within 30 days of the publication of the above-mentioned notice in the FEDERAL REGISTER, I hereby determine that because of price revisions, perchlorethylene solvent from France, manufactured by Solvay & Cie, Paris, France, is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

This determination and the statement of the reason therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 65–12913; Filed, Dec. 1, 1965; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Filing of California State Protraction Diagram

NOVEMBER 24, 1965.

Notice is hereby given that effective January 3, 1966, the following protraction diagram, approved June 18, 1965, is officially filed of record in the Riverside Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. of the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM NO. 22

SAN BERNARDINO MERIDIAN, CALIF.

T. 13 S., R. 20 E.,
Secs. 1 and 2;
Sec. 3, E½;
Sec. 11, N½, SE¼;
Secs. 12 and 13;
Sec. 14, E½;
Sec. 23, NE¼;
Sec. 24, N½, SE¼.
T. 13 S., R. 21 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 14 S., R. 20 E.,
Sec. 25, S½;
Sec. 26, SE¼;
Sec. 35, E½.
T. 14 S., R. 21 E.,
Sec. 26, W½, SE¼;
Sec. 27, NE¼, S½;
Sec. 28, S½;
Sec. 29, W½, SE¼;
Sec. 30, NE¼, S½;
Secs. 31 to 35, inclusive
T. 15 S., R. 21 E.,
Sec. 2, W½;
Secs. 3 to 10 inclusive;
Sec. 17 excluding mineral surveys;
Sec. 18;
Secs. 19 to 21 excluding mineral surveys;
Sec. 22;
Sec. 23, W½;
Sec. 27;
Sec. 28, N½, SE¼;
Sec. 29, W½;
Sec. 30;
Sec. 31, N½;
Sec. 32, NW¼;
Sec. 33, NE¼;
Sec. 34, N½;
Secs. 37 to 39, inclusive.

Copies of this diagram are for sale at one dollar ($1.00) each by the Cadastral Engineering Office, Bureau of Land Management, 4017 Federal Building, 650 Capitol Mall, Sacramento, Calif., 95814 and the District and Land Office, Bureau of Land Management, 1414 8th Street, Post Office Box 723, Riverside, Calif., 92502.

HALL H. MCCLAIN,
District and Land Office Manager.

[F.R. Doc. 65–12862; Filed, Dec. 1, 1965; 8:46 a.m.]

CALIFORNIA

Notice of Filing of California State Protraction Diagram

NOVEMBER 24, 1965.

Notice is hereby given that effective January 3, 1966, the following protraction diagram, approved June 18, 1965, is officially filed of record in the Riverside Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. of the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM NO. 23

SAN BERNARDINO MERIDIAN, CALIF.

T. 13 S., R. 22 E.,
Sec. 19, NE¼, S½;
Sec. 20, NW¼, S½;
Sec. 26 excluding mineral survey;
Secs. 27 to 34, inclusive;
Sec. 35 excluding mineral surveys.
T. 13½ S., R. 22 E.,
Secs. 31 to 33, inclusive;
Sec. 34 excluding mineral survey;
Secs. 35 and 36.
T. 14 S., R. 22 E.,
Sec. 1;
Secs. 2 to 4, inclusive excluding mineral surveys;
Secs. 5 and 6;
Sec. 7, N½, SE¼;
Sec. 8;
Secs. 9 to 11, inclusive excluding mineral surveys;
Secs. 12 to 15, inclusive;
Sec. 23, N½, SE¼;
Secs. 24 and 25;
Sec. 26, E½.
T. 14 S., R. 23 E.,
Secs. 2 to 11, inclusive;
Secs. 13 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 14½ S., R. 23 E.,
Secs. 31 to 36, inclusive.
T. 15 S., R. 22 E.,
Sec. 1;
Sec. 2, E½;
Sec. 11, E½;
Sec. 12, N½, SW¼.
T. 15 S., R. 23 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 20, inclusive;
Secs. 22 to 24, inclusive.

Copies of this diagram are for sale at one dollar ($1.00) each by the Cadastral Engineering Office, Bureau of Land Management, 4017 Federal Building, 650 Capitol Mall, Sacramento, Calif., 95814 and the District and Land Office, Bureau of Land Management, 1414 8th Street, Post Office Box 723, Riverside, Calif., 92502.

HALL H. MCCLAIN,
District and Land Office Manager.

[F.R. Doc. 65–12863; Filed, Dec. 1, 1965; 8:46 a.m.]

CALIFORNIA

Notice of Filing of California State Protraction Diagram

NOVEMBER 24, 1965.

Notice is hereby given that effective January 3, 1966, the following protraction diagram, approved June 18, 1965, is officially filed of record in the Riverside Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. of the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM NO. 25

SAN BERNARDINO MERIDIAN, CALIF.

T. 13 S., R. 17½ E.,
Secs. 1 to 3, inclusive;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34 and 35.
T. 14 S., R. 18 E.,
Sec. 5, NW¼, S½;
Secs. 6 and 8;
Sec. 9, NW¼, S½;
Sec. 22, NW¼, S½;
Sec. 23, NW¼, S½;
Sec. 27;
Secs. 37 to 58, inclusive.

Copies of this diagram are for sale at one dollar ($1.00) each by the Cadastral Engineering Office, Bureau of Land Management, 4017 Federal Building, 650 Capito. Mall, Sacramento, Calif., 95814, and the District and Land Office, Bureau of Land Management, 1414 8th Street, Post Office Box 723, Riverside, Calif., 92502.

HALL H. MCCLAIN,
District and Land Office Manager.

[F.R. Doc. 65-12864; Filed, Dec. 1, 1965; 8:46 a.m.]

[Oregon 016900]

OREGON

Notice of Proposed Withdrawal and Reservation of Land

NOVEMBER 23, 1965.

The Corps of Engineers, U.S. Department of the Army, has filed an application, Serial Number Oregon 016900, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws (Chap. 2, 30 U.S.C.) and mineral leasing laws.

The applicant desires to use the land in connection with construction, operation, and maintenance of the Applegate Reservoir Project on the upper Applegate River, a tributary of the Rogue River.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 710 NE. Holladay, Portland, Oreg., 97232.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Corps of Engineers.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

OREGON

WILLAMETTE MERIDIAN

Rogue River National Forest

T. 40 S., R. 3 W.,
Sec. 30, NE¼NE¼NW¼, S½NE¼NW¼, SE¼SW¼NW¼, SE¼NW¼, and SW¼;
Sec. 31, W½E½ and W½.
T. 40 S., R. 4 W.,
Sec. 25, NE¼, SW¼, NE¼SE¼, W½SE¼, and N½SE¼SE¼;
Sec. 26, E½SE¼;
Sec. 34, SE¼SE¼;
Sec. 35, NE¼NE¼, S½NE¼, SW¼, NE¼SE¼, and W½SE¼.
T. 41 S., R. 4 W.,
Sec. 1, NW¼NW¼, S½NW¼, and N½S½;
Sec. 3, E½NE¼, N½SW¼, and SE¼;
Sec. 11, NE¼, E½NW¼, and W½SW¼;
Sec. 15, lots 5 and 6.

Total national forest lands—2661.47 acres.

Public Domain

T. 41 S., R. 3 W.,
Sec. 6, E½NE¼, NW¼NE¼, NE¼NW¼, and NE¼SE¼.
T. 41 S., R. 4 W.,
Sec. 2, SE¼NE¼ and NW¼NW¼;
Sec. 14, lot 8.

Total public domain lands—293.39 acres.

The areas described aggregate 2954.86 acres.

DOUGLAS E. HENRIQUES,
Land Office Manager.

[F.R. Doc. 65-12865; Filed, Dec. 1, 1965; 8:46 a.m.]

CALIFORNIA

Notice of Filing of California State Protraction Diagram

NOVEMBER 23, 1965.

Notice is hereby given that effective January 4, 1966, the following protraction diagram, approved June 18, 1965, is officially filed of record in the Sacramento, Calif., Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. of the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM

HUMBOLDT MERIDIAN

T. 3 S., R. 1 W.,
Sec. 21, including NW¼;
Secs. 22 and 23;
Sec. 24, including NE¼;
Secs. 25, 26, and 27;
Sec. 28, excluding SW¼;
Sec. 33, excluding NW¼;
Secs. 34, 35, and 36.

JOHN E. CLUTE,
Chief, Branch of Title and Records.

[F.R. Doc. 65-12894; Filed, Dec. 1, 1965; 8:49 a.m.]

COLORADO

Notice of Termination of Proposed Withdrawal and Reservation of Lands

NOVEMBER 24, 1965.

Notice of an application Serial No. Colo. 0125220 for withdrawal and reservation of lands was published as Federal Register Document No. 65-4486 on page 6090 of the issue for April 29, 1965. The applicant agency has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 295, such lands will be at 10 a.m. on December 30, 1965, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

NEW MEXICO PRINCIPAL MERIDIAN, COLO.

T. 46 N., R. 6 W.,
Sec. 17, SE¼NE¼SW¼, E½SE¼SW¼, SW¼NW¼SE¼, and W½SW¼SE¼;
Sec. 20, E½E½W½, and W½W½E½.

The area described aggregates approximately 220 acres in Gunnison County.

J. ELLIOTT HALL,
Chief, Lands and Minerals Program Management.

[F.R. Doc. 65-12895; Filed, Dec. 1, 1965; 8:49 a.m.]

[F-031915]

ALASKA

Notice of Amendment of Proposed Withdrawal and Reservation of Lands

The Bureau of Land Management, U.S. Department of the Interior, has filed an application to amend Serial Number Fairbanks 031915, application for withdrawal to enlarge the area to that described below. These lands will be withdrawn from all forms of appropriation under the public land laws, including the mining laws. The applicant desires the land for establishment of a Bureau of Land Management protective area, under Executive 10355 (43 U.S.C. 141).

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the Manager, Fairbanks District and Land Office of the Bureau of Land Management, Department of the Interior, Post Office Box 1150, Fairbanks, Alaska.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Land Management.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

RICHARDSON CLEAR CREEK AREA

Unsurveyed land at approximate latitude 64°12' N., and approximate longitude 146°10' W., described by perimeter.

TRACT 1

All lands within ¼ mile of Clear Creek or any of the channels of that stream between a point which bears S. 69°0' E. at a distance of 295 chs. from VABM "Top" 1579 and a point marked by the confluence of Clear Creek and a slough of the Tanana River.

Excluding what will be when surveyed lots 1, 2, and 3, U.S. Survey 4224 and lots 1 through 11, inclusive, U.S. Survey 4163.

The tract described contains approximately 1,700 acres.

TAYLOR HIGHWAY AREA

Unsurveyed land described by perimeter.

TRACT 2

Beginning at a point on the centerline of the Taylor Highway at the intersection of this centerline and the left limit of the South Fork of the Fortymile River, said point found at approximate latitude 64°04' N., approximate longitude 141°46' W.

From the initial point: Southwesterly, along the centerline of the Taylor Highway approximately 10 chs.; northerly, parallel to the course of the South Fork of the Fortymile River approximately 40 chs.; easterly, to a point on the left limit of said River approximately 10 chs.; southerly, along the left limit of said River approximately 10 chs. to the point of beginning.

The tract described contains approximately 40 acres.

TRACT 3

Beginning at a point on the centerline of the Taylor Highway at the intersection of this centerline and the right limit of the West Fork of the Dennison Fork of the Fortymile River, said point found at approximate latitude 63°53' N., approximate longitude 142°14' W.

From the initial point: Southerly along the centerline of the Taylor Highway approximately 20 chs.; westerly approximately 40 chs.; northerly to a point on the right limit of the West Fork of the Dennison Fork of the Fortymile River approximately 20 chs.; easterly along the right limit of said river approximately 40 chs. to the point of beginning.

The tract described contains approximately 80 acres.

TRACT 4

Beginning at a point on the centerline of the Taylor Highway where this centerline intersects with the centerline of the roadway known as "the Boundary Cutoff", said point found at approximate latitude 64°09' N., approximate longitude 141°20' W.

From the initial point: Easterly along the centerline of the Taylor Highway approximately 10 chs.; southerly approximately 20 chs.; westerly approximately 20 chs.; northerly approximately 20 chs.; easterly along the centerline of the Taylor Highway approximately 10 chs. to the point of beginning.

The tract described contains approximately 40 acres.

The area described aggregates approximately 1,860 acres.

R. DON CHRISTMAN,
Acting State Director.

[F.R. Doc. 65-12914; Filed, Dec. 1, 1965; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

MONROE LIVESTOCK MARKET ET AL.

Notice of Changes in Names of Posted Stockyards; Corrected Reprint

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
ALABAMA	
Monroe Livestock Market, Monroeville, May 1, 1961.	Monroe Livestock Market, Inc., July 28, 1965.
ARIZONA	
Arizona Livestock Auction, Phoenix, Nov. 5, 1957--	Arizona Livestock Auction, Inc., July 1, 1965.
ARKANSAS	
Hope Livestock Commission Company, Hope, Dec. 18, 1958.	Hope Livestock Commission, Apr. 20, 1965.
IDAHO	
Jerome Livestock Commission Co., Jerome, Mar. 29, 1950.	Tink's Livestock Commission, Inc., July 26, 1965.
IOWA	
Algona Livestock Market, Algona, May 16, 1959---	Algona Livestock Auction, Aug. 15, 1965.
Marvel-Edge Livestock Market Center, Inc., Webster City, Feb. 10, 1941.	Marvel Livestock Market Center, Inc., Mar. 1, 1965.
KANSAS	
Coffey County Community Sale, Burlington, June 16, 1959.	Coffey County Livestock Market, July 1, 1965.
LOUISIANA	
La. Delta Auction Company, Tallulah, June 21, 1957.	Tallulah Livestock Auction, July 15, 1965.
West Monroe Livestock Auction, Inc., West Monroe, Mar. 29, 1957.	West Monroe Livestock Auction, Aug. 16, 1965.
MISSOURI	
Neosho Livestock Auction, Neosho, June 4, 1959---	Neosho Livestock Auction Co., June 15, 1965.
Tuesday Community Sale, Butler, June 5, 1959---	Butler Community Sale, June 5, 1965.
NEW YORK	
Kimball Stand Commission Sales, Jamestown, Aug. 11, 1960.	Norvel Reed & Sons, Inc., July 1, 1965.
NORTH CAROLINA	
Asheville Live Stock Yard, Asheville, Sept. 26, 1957.	Asheville Livestock and Implement Company, Inc., July 17, 1965.
OREGON	
Salem Auction Yard, Salem, May 14, 1960--------	Salem Auction Yard, Inc., July 1, 1965.
SOUTH DAKOTA	
Willow Lake Sales Co., Willow Lake, June 24, 1959--	Willow Lake Sales Company, July 1, 1965.
TEXAS	
Hico Commission Company, Hico, Sept. 11, 1961---	Hico Livestock Commission, July 26, 1965.
O. L. Colley Livestock Commission Company, Mt. Pleasant, May 18, 1950.	C & S Livestock Commission Company, July 1, 1965.
Wharton Livestock Commission Co., Wharton, Oct. 26, 1951.	Wharton County Livestock Commission Co., Feb. 20, 1964.

Done at Washington, D.C., this 6th day of October 1965.

J. R. BRANNIGAN,
Acting Chief, Rates and Registrations Branch, Packers and Stockyards Division, Consumer and Marketing Service.

[F.R. Doc. 65-10912; Filed, Oct. 12, 1965; 8:51 a.m.]

DECATUR LIVESTOCK AUCTION, ET AL.

Posted Stockyards; Corrected Reprint

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

Name and location of stockyard and date of posting
ARKANSAS
Decatur Livestock Auction, Decatur, Nov. 2, 1965.
CALIFORNIA
Newhall Horse and Mule Auction, Inc., Newhall, Oct. 10, 1965.
MISSISSIPPI
Ledford Livestock Company, Inc., doing business as Mississippi Livestock Yards, Laurel, Oct. 30, 1965.
TEXAS
Canyon Livestock Commission Company, Canyon, Oct. 21, 1965.
WYOMING
Laramie Livestock Exchange, Inc., Laramie, Nov. 7, 1965.

Done at Washington, D.C., this 16th day of November 1965.

K. A. POTTER,
Acting Chief, Rates and Registrations Branch, Packers and Stockyards Division, Consumer and Marketing Service.

[F.R. Doc. 65-12515; Filed, Nov. 19, 1965; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN CYANAMID CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 6B1896) has been filed by American Cyanamid Co., Wayne, N.J., 07470, proposing that paragraph (d)(3) of § 121.2536 *Filters resin-bonded* be amended by changing the first item to read "Melamine-formaldehyde as the basic polymer or chemically modified with one or more of the amine catalysts identified in § 121.2514(b)(3)(xiii)."

Dated: November 23, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-12901; Filed, Dec. 1, 1965; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

URANIUM HEXAFLUORIDE

Charges and Specifications

Correction

In F.R. Doc. 65-12828, appearing at page 14821 of the issue for Tuesday, November 30, 1965, the following correction is made in Table 4, under item 6: For molybdenum, the numerical value should read "200" instead of "300".

CIVIL AERONAUTICS BOARD

[Docket No. 15353; Order E-22939]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Fare Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of November 1965.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conferences 1-2 and 1-2-3 of the International Air Transport Association (IATA), and adopted at the meetings of the Bermuda Conference, September 20 through October 3, 1965.

The agreement encompasses resolutions for effect December 1, 1965, relating to transatlantic passenger fare matters. It accomplishes the redrafting, with technical revisions, and readoption of the resolution establishing baggage excess weight charges. The substantive provisions are the same as previously approved by the Board.[1] The agreement, in addition, adopts a new resolution relating to the applicability of resolutions relating to ancillary fare matters, such as baggage rules, in situations where the carriers are unable to agree upon basic fares. In such circumstances, the new resolution provides that the ancillary resolutions shall not be deemed void except in instances where their applicability is expressly made dependent upon effectiveness of resolutions establishing fares.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the following resolutions to be adverse to the public interest or in violation of the Act.

CAB No. 18575	IATA No.	Title	Application
R-1	003	Rescission resolution	1-2-3.
R-2	009	Applicability of resolutions in absence of IATA agreed fares.	1-2, 1-2-3.
R-3	311	Baggage excess weight charges.	1-2, 1-2-3.

[1] Approved in Order E-21714, dated Jan. 25, 1965, for the period Apr. 1, 1965 through Mar. 31, 1967.

Accordingly, it is ordered That:

Agreement CAB 18575, R-1 through R-3, be approved.

Any air carriers party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and 19 copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65-12925; Filed, Dec. 1, 1965; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13931, 13933; FCC 65-1053]

BURLINGTON BROADCASTING CO. AND MOUNT HOLLY-BURLINGTON BROADCASTING CO., INC.

Memorandum Opinion and Order

In re applications of William S. Halpern and Louis N. Seltzer, d/b as Burlington Broadcasting Co., Burlington, N.J., Docket No. 13931, File No. BP-12580; Mount Holly-Burlington Broadcasting Co., Inc., Mount Holly, N.J., Docket No. 13933, File No. BP-13952; for construction permit.

1. The Commission has under consideration [1] a decision of the U.S. Court of Appeals for the District of Columbia Circuit issued on March 17, 1965 (Case No. 17,988), remanding the above proceeding to the Commission.[2] The Court's decision denied the Commission's motion for remand for the issuance of appropriate orders adopting the Report and Recommendation of the Commission released December 10, 1964, FCC 64-1133, 3 RR 2d 863, and directed the Commission to reopen the record, accept the application of West Jersey Broadcasting Co. and all other qualified applicants for the facilities here involved, allow intervention by John C. Giordano, Receiver of the assets of Mount Holly-Burlington Broadcasting Co., Inc., and hold new comparative proceedings to determine which applicant is best qualified to be awarded said facilities.

2. Pursuant to the Court's decision, the Commission will reopen the record herein, accept the tendered application of West Jersey Broadcasting Co., and permit the filing of additional applications for the facilities here involved. This proceeding will remain in abeyance during a 60-day period within which new applications will be accepted for filing in accordance with the terms outlined herein.

3. To accommodate the filing of new applications, the Commission waives the applicable provisions of its rules insofar as the procedures prescribed herein may conflict with such rules; particularly §§ 1.227, 1.571, and 1.591.

4. Since the filing of new applications will be permitted, Burlington Broadcasting Co. and West Jersey Broadcasting Co., whose applications are now on file with or tendered to the Commission, may amend such applications as they wish or file new applications during the time allowed for filing new applications. Therefore, Burlington Broadcasting Co.'s petition for leave to amend will be dismissed as moot.

Accordingly, it is ordered, This 24th day of November 1965, that the record of the instant proceeding is reopened and said proceeding is held in abeyance, pending further order of the Commission; and

It is further ordered, That the application of West Jersey Broadcasting Co. is accepted for filing; and

It is further ordered, That interested parties so desiring may, within 60 days of the release of this Memorandum Opinion and Order, file applications for 1460 kc in Mount Holly or Burlington, N.J.; and

It is further ordered, That the Petition for Leave to Amend, filed October 21, 1965, by William S. Halpern and Louis N. Seltzer, d/b as Burlington Broadcasting Co. is dismissed as moot, and that Burlington Broadcasting Co. and West Jersey Broadcasting Co. may amend their above-described applications as they see fit during the aforementioned 60-day period allowed for the filing of new applications.

It is further orderd, That John C. Giordano, Receiver of the assets of Mount Holly-Burlington Broadcasting Co., Inc., is permitted to participate in all further hearings in this proceeding as a party intervenor.

Released: November 29, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[3]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12929; Filed, Dec. 1, 1965; 8:51 a.m.]

[1] The Commission will also consider herein a Petition for Leave to Amend filed Oct. 21, 1965, by Burlington Broadcasting Co.

[2] On Oct. 25, 1965, the U.S. Supreme Court denied a petition for certiorari filed by Burlington Broadcasting Co. seeking review of this decision, —— U.S. ——.

[Docket Nos. 16060, 16061; FCC 65R-419]

CLAY COUNTY BROADCASTING CO. AND WILDERNESS ROAD BROADCASTING CO.

Memorandum Opinion and Order Amending Issues

In re applications of John E. White, Calvin C. Smith, Jack C. Hall, and Cloyd Smith, d/b as Clay County Broadcasting Co., Manchester, Ky., Docket No. 16060, File No. BPH-4596; The Wilderness Road Broadcasting Co., Manchester, Ky., Docket No. 16061, File No. BPH-4655; for construction permits.

1. The Review Board has before it a petition to enlarge issues, filed September 29, 1965, by The Wilderness Road Broadcasting Co. (Wilderness), and comments, filed October 11, 1965, by the Broadcast Bureau. A late opposition was filed by Clay County Broadcasting Co. (Clay) on November 5, 1965.[1]

2. Clay and Wilderness are mutually exclusive applicants for FM Channel 276 in Manchester, Ky. Their applications were the subject of two letters received by the Commission during the months of August and September 1965, commenting favorably on the qualifications of John E. White, a member of the Clay partnership. One letter, from Governor Edward T. Breathitt of Kentucky, was dated August 19, 1965; the other, from Father Walter O'Donnell, was dated September 8, 1965. Both of these dates are subsequent to the adoption by the Commission of new rules concerning ex parte communications.[2]

3. Rule 1.1225(a) prohibits interested parties from making or soliciting ex parte presentations. It therefore becomes necessary to determine if in fact any solicitation to influence the proceeding was made. Cf., Black Hills Video Corporation, FCC 65-1005, released November 12, 1965. The determination of this question should be made with particular reference to whether the solicitation, if any, was made prior to August 16, 1965, the effective date of the Report and Order. Knowledge of the matters to be determined by the issues added herein is peculiarly within the knowledge of Clay County Broadcasting Co., and that applicant will therefore have the burden of proceeding with the introduction of evidence and the burden of proof under the issues. See Elyria-Lorain Broadcasting Company, FCC 65-857, released September 29, 1965.

Accordingly, it is ordered, This 24th day of November 1965, that the petition to enlarge issues, filed September 29, 1965, by the Wilderness Road Broadcasting Co., is granted to the extent reflected herein and is denied in all other respects; and that the issues in this proceeding are enlarged by the addition of the following issues:

To determine whether John E. White or any other partner in Clay County Broadcasting Co., at any time after public notice was given of the filing of a conflicting application, solicited Governor Edward T. Breathitt of Kentucky, or Father Walter O'Donnell to make an ex parte presentation to the Commission in behalf of their application.

To determine, in light of evidence adduced pursuant to the foregoing issue, whether Clay County Broadcasting Co. possesses the requisite character qualifications to be a licensee of the Commission.[3]

Released: November 26, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[4]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12930; Filed, Dec. 1, 1965; 8:52 a.m.]

[Docket Nos. 15877, 15878; FCC 65M-1539]

SMILES OF VIRGINIA, INC., AND PETERSBURG BROADCASTING CO., INC.

Order Continuing Prehearing Conference

In re applications of Smiles of Virginia, Inc., Petersburg, Va., Docket No. 15877, File No. BPH-4641; Petersburg Broadcasting Co., Inc., Petersburg, Va., Docket No. 15878, File No. BPH-4700; for construction permits.

The Hearing Examiner having under consideration a petition, filed on November 24, 1965, by Smiles of Virginia, Inc., requesting that the prehearing conference in the above-entitled proceeding, presently scheduled for November 26, 1965, be continued to December 7, 1965, at 9 a.m.; and

It appearing, that the comparative issues in this proceeding may be rendered moot by the recent action of the Commission in allocating a second FM channel to Petersburg, Va.; and

It further appearing, that counsel for the other parties to this proceeding have informally consented to the instant postponement and agreed to a waiver of the 4-day rule:

It is therefore, ordered, This 24th day of November 1965, that the petition be and it is hereby granted; and the prehearing conference now scheduled for November 26, 1965, be and the same is hereby continued to December 7, 1965, at 9 a.m., in the offices of the Commission in Washington, D.C.

Released: November 29, 1965.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12931; Filed, Dec. 1, 1965; 8:52 a.m.]

[1] Despite the untimeliness of Clay's opposition, the Board has considered White's affidavit and Father O'Donnell's letter attached thereto and does not consider that either document negates the need for the issues added herein.

[2] Report and Order, Rules Governing Ex parte Communications in Hearing Proceedings, FCC 65-598, 5 RR 2d 1681, 1 FCC 2d 49, released July 21, 1965, effective Aug. 16, 1965.

[3] Wilderness also requests addition of an issue to determine whether these matters require assessment of a "comparative demerit" against Clay in the event that Clay is not considered to be disqualified. It is not necessary to add such an issue as the evidence adduced pursuant to the issues added herein will, of course, be relevant to the comparative issue. See discussion of Character, Policy Statement on Comparative Broadcast Hearings, FCC 65-689, 5 RR 2d 1901, 1913, 1 FCC 2d 393, 399.

[4] Dissenting statement of Board Member Nelson filed as part of original document.

[5] Commissioners Hyde and Bartley absent; Commissioner Cox not participating.

[Docket Nos. 16290, 16291; FCC 65M-1540]

WMGS, INC. (WMGS), AND OHIO RADIO, INC.

Order Continuing Prehearing Conference

In re applications of WMGS, Inc. (WMGS), Bowling Green, Ohio, Docket No. 16290, File No. BR-3097, for renewal of license; and Ohio Radio, Inc., Bowling Green, Ohio, Docket No. 16291, File No. BP-16423, for construction permit.

The Hearing Examiner having under consideration communication dated November 22, 1965, from counsel for WMGS, Inc. (WMGS), requesting that the prehearing conference now scheduled for December 15, 1965, be rescheduled for December 20, 1965;

It appearing, that good cause exists why said request should be granted and counsel for WMGS, Inc., states that counsel for Ohio Radio, Inc., and Chief, Broadcast Bureau interpose no objection to said request;

Accordingly, it is ordered, This 26th day of November 1965, that the request is granted and that the prehearing conference now scheduled for December 15, 1965, be and the same is hereby rescheduled for December 20, 1965, 9 a.m., in the Commission's offices, Washington, D.C.

Released: November 29, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12932; Filed, Dec. 1, 1965; 8:52 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP66-148]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Application

NOVEMBER 23, 1965.

Take notice that on November 12, 1965, Natural Gas Pipeline Co. of America (Applicant), 122 South Michigan Avenue, Chicago, Ill., 60603, filed in Docket No. CP66-148 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of an additional daily contract quantity of 163 Mcf of natural gas to Wilson Gas Service Co., Inc. (Wilson Gas), an existing customer of Applicant, as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that Wilson Gas has advised Applicant by letter dated October 15, 1965, that it has elected, pursuant to paragraph 17 of the general terms and conditions of Applicant's FPC Gas Tariff, to receive service under Applicant's Rate Schedule G-2, to be effective December 1, 1965, in lieu of continuing to receive service under Applicant's Rate Schedule CD-2. Wilson Gas has further advised Applicant that it requires and will contract for an additional Daily Contract Quantity of 163 Mcf of natural gas for delivery to commence December 1, 1965. Wilson Gas has an existing Daily Contract Quantity of 587 Mcf of gas. Applicant proposes to sell and deliver the additional volume of gas from its unallocated capacity of 30,171 Mcf of gas authorized by order issued in Docket No. CP65-404 on August 24, 1965.

Applicant states that no additional facilities are required for the proposed sale and delivery and that said sale and delivery will be made at an existing delivery point.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 13, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-12885; Filed, Dec. 1, 1965; 8:48 a.m.]

[Docket No. RI64-176]

GULF OIL CORP.

Order Permitting Withdrawal of Increased Rate Filing, Severing Proceeding in Part, and Terminating Proceeding in Part

NOVEMBER 23, 1965.

By its motion filed October 27, 1965 in the above-entitled proceeding, Gulf Oil Corp. (Gulf) requests that it be permitted to withdraw Supplement No. 8 to Gulf's FPC Gas Rate Schedule No. 192, and that the subject increased rate proceeding insofar as it involves said Supplement No. 8 be terminated as well as severed from the show cause proceedings in Docket Nos. AR61-1, et al.

The Commission finds: As said Supplement No. 8 has not been placed in effect, good cause exists for permitting its withdrawal; and, insofar as Docket No. RI64-176 involves said Supplement No. 8, for severing such part from the show cause proceedings in Docket Nos. AR61-1, et al., and for terminating such part from the proceeding in Docket No. RI64-176.

The Commission orders:

(A) Supplement No. 8 to Gulf's FPC Gas Rate Schedule No. 192 is permitted to be withdrawn.

(B) Insofar as Docket No. RI64-176 involves said Supplement No. 8, such portion of the proceeding is severed from the show cause proceedings in Docket Nos. AR61-1, et al., and such portion of the proceeding in Docket No. RI64-176 is terminated.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-12886; Filed, Dec. 1, 1965; 8:48 a.m.]

[Docket No. RI66-181]

PAN AMERICAN PETROLEUM CORP.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

NOVEMBER 23, 1965.

On November 1, 1965, Pan American Petroleum Corp. (Pan American) [1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated October 27, 1965.

Purchaser and producing area: Tennessee Gas Transmission Co. (Riverdale O'Nell Field, Nueces and San Patricio Counties, Texas) (R.R. District No. 4).

Rate schedule designation: Supplement No. 8 to Pan American's FPC Gas Rate Schedule No. 138.

Effective date: December 2, 1965.[2]
Amount of annual increase: $5,475.
Effective rate: 14.0 cents per Mcf.
Proposed rate: 15.0 cents per Mcf.[3]
Pressure base: 14.65 p.s.i.a.

Pan American proposes a unilateral or "ex parte" rate increase to 15.0 cents per Mcf from a present rate of 14.0 cents per Mcf now being collected for gas sold to Tennessee Gas Transmission Co. (Tennessee) in Texas Railroad District No. 4. Pan American's contract with Tennessee expired on May 1, 1956. Pan American now delivers gas to Tennessee on a day-to-day basis and reserves the right to change rates at such time and to such extent as it alone may deem proper, subject only to the rules and regulations of the Commission and the requirements of the Natural Gas Act.

Pan American's proposed rate exceeds the applicable price level for increased rates in Texas Railroad District No. 4 as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56).

[1] Address is: Post Office Box 3092, Houston, Tex., 77001.

[2] The stated effective date is the effective date proposed by Respondent.

[3] Ex parte price increase.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 8 to Pan American's FPC Gas Rate Schedule No. 138 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 8 to Pan American's FPC Gas Rate Schedule No. 138.

(B) Pending such hearing and decision thereon, Supplement No. 8 to Pan American's FPC Gas Rate Schedule No. 138 is hereby suspended and the use thereof deferred until May 2, 1966, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 5, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-12887; Filed, Dec. 1, 1965; 8:48 a.m.]

FEDERAL RESERVE SYSTEM

UNITED CALIFORNIA BANK

Order Approving Merger of Banks

In the matter of the application of United California Bank for approval of merger with Feather River National Bank.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by United California Bank, Los Angeles, Calif., a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and Feather River National Bank, Oroville, Calif., under the charter and title of the former. As an incident to the merger, the sole office of Feather River National Bank would become a branch of the resulting bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger:

It is hereby ordered, For the reasons set forth in the Board's Statement [1] of this date, that said application be and hereby is approved: *Provided*, That said merger shall not be consummated (a) within 7 calendar days after the date of this Order or (b) later than 3 months after said date.

Dated at Washington, D.C., this 22d day of November 1965.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 65-12860; Filed, Dec. 1, 1965; 8:46 a.m.]

SOCIETY CORP.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Society Corp., Cleveland, Ohio, for approval of the acquisition of voting shares of the North Madison Banking Co., North Madison, Ohio.

There has come before the Board of Governors, pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(2)) and § 222.4(a)(2) of Federal Reserve Regulation Y (12 CFR 222.4(a)(2)), an application of Society Corp., Cleveland, Ohio, a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of the North Madison Banking Co., North Madison, Ohio.

In accordance with section 3(b) of the Act, the Board notified the Ohio Superintendent of Banks of receipt of the application and requested his views and recommendation thereon. The Superintendent recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER of July 14, 1965 (30 F.R. 8869), providing an opportunity for interested persons to submit comments and views with respect to the proposed acquisition. The time for filing such comments and views has expired, and all those received have been considered by the Board.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C., 20551, or to the Federal Reserve Bank of San Francisco. Dissenting Statement of Governor Robertson also filed as part of the original document and available upon request.

[2] Voting for this action: Chairman Martin, and Governors Balderston, Shepardson, Mitchell, Daane, and Maisel. Voting against this action: Governor Robertson.

It is hereby ordered, For the reasons set forth in the Board's Statement [1] of this date, that said application be and hereby is approved: *Provided*, That the acquisition so approved shall not be consummated (a) within 7 calendar days after the date of this Order or (b) later than 3 months after said date.

Dated at Washington, D.C., this 24th day of November 1965.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 65-12861; Filed, Dec. 1, 1965; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 7-2487, 7-2488]

AMERICAN SUGAR CO. AND ETHYL CORP.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 26, 1965.

In the matter of applications of the Boston Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities and Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges: American Sugar Co., File 7-2487; Ethyl Corp., File 7-2488.

Upon receipt of a request, on or before December 13, 1965, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C., 20551, or to the Federal Reserve Bank of Cleveland.

[2] Voting for this action: Unanimous, with all members present.

contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-12876; Filed, Dec. 1, 1965; 8:47 a.m.]

[File No. 70-4331]

OHIO EDISON CO.

Notice of Proposed Acquisition of Utility Assets

NOVEMBER 26, 1965.

Notice is hereby given that Ohio Edison Co. ("Ohio Edison"), 47 North Main Street, Akron, Ohio, 44308, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9(a) and 10 of the Act as applicable to the proposed transactions. All interested persons are referred to the application, on file at the office of the Commission, for a statement of the transactions proposed therein which are summarized below.

Ohio Edison proposes to acquire from the Village of Lowellville, Ohio ("Lowellville"), the electric distribution system (exclusive of land and buildings) presently owned and operated by the latter, and which serves approximately 665 customers. Said property consists of poles, crossarms, lights, primary and secondary wires, cables, transformers, transformer platforms and stations, meters, service drops, fixtures, tools, appliances and any and all other equipment and personal property used in connection with said system; and includes approximately 14½ pole line miles of overhead distribution facilities, 190 street lights and 131 line transformers of approximately 2081 kva. aggregate capacity.

Ohio Edison proposes to pay $258,560 for said property, which is to be transferred to Ohio Edison free and clear of all encumbrances. It is stated that said price was bid by Ohio Edison pursuant to an advertisement inviting bids issued by Lowellville under an ordinance adopted by that municipality; that Ohio Edison's was the sole bid submitted; and that the bid was duly accepted by Lowellville.

Lowellville is situated in close proximity to the city of Youngstown and surrounding areas in Ohio presently served by Ohio Edison. Ohio Edison presently supplies power to Lowellville for distribution over its system under a municipal resale power contract, which the parties will terminate at the time of the transfer of the property. Under said contract, Ohio Edison delivered to Lowellville 4,568,000 Kwh. of electric energy and received revenues of $70,670 during the 12-month period ended September 30, 1965. The filing states that upon the consummation of the acquisition, the property will be operated as a part of the Ohio Edison integrated system, and that application of Ohio Edison's rates will result in an over-all reduction in the bills of Lowellville's present customers.

The filing states further that the property to be acquired will be recorded on the books of Ohio Edison on the basis of the original cost thereof (to the extent such original cost can be determined from records or estimated) and the difference, if any, between the purchase price of such property and such original cost will be recorded and disposed of in accordance with the accounting regulations and orders of the regulatory commissions having jurisdiction, namely, the Federal Power Commission and The Public Utilities Commission of Ohio; and that, except to the extent of such accounting jurisdiction by said two regulatory agencies, no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Expenses incurred by Ohio Edison in connection with the proposed transaction, consisting of company payroll costs and expenses and miscellaneous expenses, are estimated at $300.

Notice is further given that any interested person may, not later than December 17, 1965, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-12877; Filed, Dec. 1, 1965; 8:47 a.m.]

[File No. 70-4330]

MISSISSIPPI POWER & LIGHT CO.

Proposed Issue and Sale at Competitive Bidding of Principal Amount of Bonds and Par Value of Preferred Stock

NOVEMBER 26, 1965.

Notice is hereby given that Mississippi Power & Light Co. ("Mississippi"), Post Office Box 1640, Jackson, Miss., 39205, an electric utility subsidiary company of Middle South Utilities, Inc. ("Middle South"), a registered holding company, has filed a declaration, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50 thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, on file at the office of the Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Mississippi proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 under the Act, $25,000,000 principal amount of First Mortgage Bonds, ____ percent Series due January 1, 1996. The interest rate (which shall be a multiple of ⅛ of 1 percent) and the price to be received for the bonds (which price, exclusive of accrued interest, shall be not less than 100 percent nor more than 102¾ percent of the principal amount) are to be determined by competitive bidding. The bonds will be issued under and secured by the Company's Mortgage and Deed of Trust, dated September 1, 1944, as heretofore supplemented, and as to be further supplemented by an Eighth Supplemental Indenture, dated January 1, 1966.

Mississippi also proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 under the Act, 100,000 shares of its authorized but unissued $100 par value preferred stock. The annual dividend rate (which shall be a multiple of 1/25th of 1 percent) and the price to be received for the preferred stock (which shall be not less than $100 nor more than $102.75 per share) are to be determined by the competitive bidding.

The net proceeds from the sale of the bonds and preferred stock, together with internally generated funds and funds on hand (including $4,000,000 expected to be derived from the sale by Mississippi to Middle South of 250,000 shares of no par value common stock, File No. 70-4328) will be used, to the extent necessary, to retire bank borrowings then outstanding which will have been incurred for the purpose of completing Mississippi's 1965 construction program. The remaining proceeds will be applied toward Mississippi's 1966 construction program, estimated at $49,000,000, and for other corporate purposes. It is stated that no further financing will be required in respect of the 1966 construction program other than about $7,000,000 of short term bank borrowings to be incurred in 1966.

The declaration further states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

The fees and expenses to be incurred by Mississippi in connection with the proposed transactions are estimated to aggregate $95,000, allocated $65,000 and $30,000, respectively, to the issue and sale of the bonds and preferred stock. The aforesaid amounts include auditor's fees of $2,500 and $1,000 respectively, and counsel fees in the amounts of $19,000 and $14,000, respectively. The fees of counsel for the underwriters, estimated at $7,000 for the bonds and $5,000 for the preferred stock, are to be paid in each case by the successful bidders.

Notice is further given that any interested person may, not later than December 21, 1965, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after that date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-12878; Filed, Dec. 1, 1965; 8:47 a.m.]

[File No. 70-4326]

NATIONAL FUEL GAS CO. ET AL.

Merger of Subsidiary Companies, Intrasystem Transfer of Assets, and Dissolution of Subsidiary Company

NOVEMBER 26, 1965.

Notice is hereby given that National Fuel Gas Co. ("National"), 30 Rockefeller Plaza, New York, N.Y., 10020, a registered holding company, its gas utility subsidiary company, United Natural Gas Co. ("United"), and two of its wholly owned, nonutility, gas-producing subsidiary companies, Empire Gas & Fuel Co. ("Empire") and Jefferson County Co. ("Jefferson"), have filed a joint application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, 9, and 10 of the Act and Rules 42, 43, 44, and 46 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the amended joint application-declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

United is engaged in the business of producing, purchasing, storing, transporting, and selling natural gas at wholesale and retail. Its service area is located in western and northwestern Pennsylvania and a small section of eastern Ohio, and its principal wholesale customer is Iroquois Gas Corp. ("Iroquois"), a public-utility subsidiary company of National which distributes gas at retail in western New York. United's total assets, as at August 31, 1965, were recorded at $60,076,114. At that date, all of its outstanding securities, except $500,000 principal amount of notes payable to banks, were owned by National.

Empire produces natural gas from its own wells in Potter County, Pa. This production is delivered at the Pennsylvania-New York border to Iroquois. Empire's total assets, as at August 31, 1965, were recorded at $284,804. All of its outstanding common stock was acquired by National in January 1962 (Holding Company Act Release No. 14537 (October 31, 1961)).

Jefferson, also a producer of natural gas, owns and operates 323 gas wells and a gathering system in several contiguous townships in Jefferson, Elk, and Forest Counties, Pa. It sells substantially all of its production to Pennsylvania Gas Co., a public utility subsidiary company of National, which operates in northwestern Pennsylvania and in Chautauqua County, N.Y. Jefferson's total assets, as at August 31, 1965, were recorded at $826,372.

In order to effectuate corporate simplification of the National holding-company system, it is proposed that Empire be merged into United. In connection therewith, United will issue 6,802 shares of its no par value capital stock to National upon the latter's surrender of the 2,000 shares of Empire's $100 par value capital stock which it now holds. The merger is to become effective as of the close of business on December 31, 1965. Empire's assets, together with its earned surplus, will be recorded on the books of United at the same amounts at which they are recorded on the books of Empire on the closing date. After giving effect to the merger, National's investment in United's stock will be equal to the sum of its present investments in the stocks of United and Empire.

It is also proposed that United acquire for cash from Jefferson all of the latter's assets and other debits, except organization costs, cash, and U.S. Government obligations, and assume all liabilities and other credits of Jefferson, as of December 31, 1965. The net value of such assets, at original cost less accrued depreciation, after deducting all liabilities, was $546,439 at August 31, 1965. United will record the assets of Jefferson on its books at the same amounts at which they are recorded on the books of Jefferson on the date of closing. After January 1, 1966, Jefferson will be dissolved under Pennsylvania law, and its then net assets, consisting entirely of cash, will be distributed to National, its sole stockholder, as a liquidating dividend.

The joint application-declaration states that the Pennsylvania Public Utility Commission and the Federal Power Commission have jurisdiction over the proposed merger; that the orders of said commissions are to be filed herein by amendment; and that no other regulatory agency, other than this Commission, has jurisdiction over the transactions proposed.

Fees and expenses incident to the proposed transactions are estimated at $275 for National and $5,450 for United, the latter amount consisting of counsel fees and expenses and $50 filing fees.

Notice is further given that any interested person may, not later than December 17, 1965, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said amended joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-12879; Filed, Dec. 1, 1965; 8:47 a.m.]

[File No. 1-3393]

VTR, INC.

Order Suspending Trading

NOVEMBER 26, 1965.

The common stock, $1 par value, of VTR, Inc., being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for

the period November 28, 1965, through December 7, 1965, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-12880; Filed, Dec. 1, 1965; 8:48 a.m.]

TARIFF COMMISSION

[337-20]

IN-THE-EAR HEARING AIDS

Amendment of Notice of Investigation and Postponement of Date of Hearing

The paragraph numbered (1) of the Tariff Commission's notice of investigation under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) with respect to in-the-ear hearing aids, published in the FEDERAL REGISTER on October 5, 1965 (30 F.R. 12693), is amended so as to read as follows:

(1) That, for the purposes of section 337 of the Tariff Act of 1930, an investigation be instituted with respect to imported in-the-ear hearing aids which are made in accordance with or employ, embody, or contain the inventions disclosed in claims of United States Letters Patent 3,197,576 and/or 3,197,577 and /or United States Letters Patent Design 200,858.

The public hearing in connection with the above-mentioned investigation, heretofore scheduled for 10 a.m., e.s.t., on December 7, 1965, has been rescheduled for 10 a.m., e.s.t., on January 18, 1966.

Issued: November 24, 1965.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 65-12881; Filed, Dec. 1, 1965; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 850]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

NOVEMBER 26, 1965.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application as published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of § 1.247(d)(4) of the special rule. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 504 (Sub-No. 84), filed October 13, 1965. Applicant: HARPER MOTOR LINES, INC., 213 Long Avenue, Elberton, Ga. Applicant's representative: Monty Schumacher, 1375 Peachtree Street NE., Suite 693, Atlanta 9, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Nahunta and Folkston, Ga., over U.S. Highway 301, serving all intermediate points. NOTE: Applicant states that it intends to tack the above proposed authority at Nahunta, Ga., with authority previously granted in Certificate No. MC 504 (Sub-No. 44) between Waycross and Brunswick, Ga. This route connects in turn with applicant's regular and irregular route authority issued in Certificate Nos. MC 504 subs 1, 21, 29, 30, 33, 36, 37, 42, 43, 44, 46, 47, 49, 50, 56, 60, and 69, wherein applicant is authorized to serve points in the States of Georgia, New York, New Jersey, Pennsylvania, Maryland, Virginia, South Carolina, Illinois, Indiana, Ohio, North Carolina, Delaware, Alabama, and the District of Columbia, for the transportation of general commodities with certain exceptions. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 531 (Sub-No. 201), filed November 15, 1965. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, Tex., 77021. Applicant's representative: Ewell H. Muse, Jr., 515 Perry-Brooks Building, Austin, Tex., 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except liquefied petroleum gases), in bulk, in tank vehicles, from the plantsite of Dow Chemical Co., at or near Plaquemine, La., to points in Mississippi, Alabama, Arkansas, and Texas. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 730 (Sub-No. 263), filed November 15, 1965. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank vehicles, between points in Union County, Oreg., on the one hand, and, on the other, points in Montana and Washington. NOTE: Applicant states that it intends to tack the above proposed authority with that authority previously granted in Certificates No. MC 730 Subs 52 and 60, wherein applicant is authorized to serve points in the States of California, Arizona, Utah, Nevada, Washington, Montana, Oregon, Idaho, Texas, New Mexico, Colorado, and Wyoming. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 998 (Sub-No. 7), filed November 8, 1965. Applicant: LINDSAY TRANSFER, INC., Post Office Box 384, Sutton, Nebr., 68979. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stamp dispensers, metal pipe and irrigation equipment, grain bins, corn cribs, storage tanks, metal buildings* (knocked down and complete), *dryers, drying and aeration equipment, conveying equipment, feed automation equipment, fertilizer spreaders, barnyard equipment* (including oilers, feeders, waterers, and gates), *electric motors and switches*, and *all parts and components* used in the manufacture, erection, and operation of the aforementioned items, from Henderson, Nebr., and points within 7 miles thereof, to points in the United States, except Alaska, Hawaii, Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island; and (2) *aluminum and aluminum articles, iron and steel articles*, as described in appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Indiana, Illinois, Michigan, Ohio, Iowa, and Kansas, to Henderson, Nebr., and points within 7 miles thereof. NOTE: If a hearing is deemed necessary, applicant requests that it be held at Lincoln, Nebr.

No. MC 2230 (Sub-No. 15), filed November 15, 1965. Applicant: MACK'S TRANSPORT SERVICE, INC., 1215 North 17th Street, Box 1908, Lincoln, Nebr. Applicant's representative: James E. Ryan, 214 Sharp Building, Lincoln, Nebr., 68508. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Two, three, and four wheeled automotive vehicles* used in the transportation of passengers or property, or both, uncrated and *parts and accessories* for such vehicles when moving at the same time and with the same vehicles of which they are a part, from points in the United States (except Alaska and Hawaii), to Lincoln, Nebr., restricted to vehicles being returned to the site or sites of the Cushman Motor Works, Inc. NOTE: If a hearing is deemed necessary applicant requests it be held at Lincoln, Nebr.

No. MC 2392 (Sub-No. 44), filed November 15, 1965. Applicant: WHEELER TRANSPORT SERVICE, INC., Post Office Box 432, Genoa, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, from the warehouse site of Consumers Cooperative Association at Council Bluffs, Iowa, to points in Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, and South Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 3062 (Sub-No. 22), filed November 8, 1965. Applicant: L. A. TUCKER TRUCK LINES, INC., Post Office Box 414, Cape Girardeau, Mo. Applicant's representative: G. M. Rebman, Suite 1230, Boatmen's Bank Building, St. Louis, Mo., 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), serving Rector, Ark., as an off-route point in connection with applicant's presently authorized regular-route operations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 4941 (Sub-No. 22), filed November 15, 1965. Applicant: QUINN FREIGHT LINES, INC., 1093 North Montello Street, Brockton, Mass. Applicant's representative: M. E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal cutting and mine drilling machines, and parts therefor*, from Claremont, N.H., to points in Kentucky NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 23939 (Sub-No. 161), filed November 15, 1965. Applicant: ASBURY TRANSPORTATION CO., a corporation, 2222 East 38th Street, Los Angeles, Calif., 90058. Applicant's representative: Warren N. Grossman, 740 Roosevelt Building, 727 West Seventh Street, Los Angeles 17, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid hydrogen*, in bulk, in specially designed trailer equipment, between the plantsite of Air Products & Chemicals, Inc., located near Long Beach, Calif., on the one hand, and, on the other, the plantsite of Air Products & Chemicals, Inc., located in Orleans Parish, La., and the NASA Missile Test Facility near Gainesville, Miss. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 25869 (Sub-No. 48), filed November 8, 1965. Applicant: NOLTE BROS. TRUCK LINE, INC., Post Office Box 7184, South Omaha, Nebr. Applicant's representative: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Schuyler, Nebr., to points in Colorado, Illinois, Iowa, Minnesota, and Wisconsin, restricted to traffic originating at Schuyler, Nebr. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 29553 (Sub-No. 6), filed November 15, 1965. Applicant: LAMBERT'S EXPRESS, INC., 1000 South Fourth Street, Harrison, N.J. Applicant's representative: Charles J. Williams, 1060 Broad Street, Newark, N.J., 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Kitchen sinks and household and electrical appliances*, from Newark, N.J., to points in Broome, Chemung, Cortland, and Oneida Counties, N.Y., and *returned shipments* of the commodities specified above, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 30837 (Sub-No. 322), filed November 15, 1965. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. Applicant's representative: Paul F. Sullivan, Federal Bar Building, 1815 H Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles*, in secondary movements, by the truckaway method, restricted to the transportation of vehicles manufactured or assembled at the site of the plant of American Motors (Canada) Ltd., in Brampton, Ontario, Canada, (1) from Buffalo, N.Y., and points within 20 miles thereof, to points in New York and Pennsylvania; (2) from Little Ferry, N.J., and points within 20 miles thereof, to points in Connecticut, New Jersey, New York, and Rhode Island; (3) from Selkirk, N.Y., and points within 20 miles thereof, to points in Connecticut, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont; and (4) from Framingham, Mass., and points within 20 miles thereof, to points in Connecticut, Maine, Massachusetts, New Hampshire, and Rhode Island. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 30837 (Sub-No. 323), filed November 15, 1965. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. Applicant's representative: Paul F. Sullivan, 1815 H Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks, with catch basincleaner, streetcleaner, and flusher bodies mounted thereon*, in secondary truckaway service, and *catch basincleaner, streetcleaner and flusher bodies* (for mounting on and use with truck chassis), from Pomona, Calif., to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 31600 (Sub-No. 602), filed November 17, 1965. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass., 02154. Applicant's representative: Harry C. Ames, Jr., Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* and *vegetable oil products*, in bulk, in tank vehicles, from Columbus, Ohio, to points in Connecticut, Massachusetts, and Rhode Island. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 35320 (Sub-No. 86), filed November 15, 1965. Applicant: T.I.M.E. FREIGHT, INC., 2598 74th Street, Post Office Box 1120, Lubbock, Tex. Applicant's representatives: Frank M. Garrison, Post Office Box 1120, Lubbock, Tex., and W. D. Benson, Jr., 9th Floor Citizens Tower, Lubbock, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Oklahoma City, Okla., and Globe, Ariz., from Oklahoma City, Okla., over U.S. Highway 660 to Santa Rosa, N. Mex., thence over U.S. Highway 54 to Vaughn, thence over U.S. Highway 60 to Globe, Ariz., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations. NOTE: Applicant states the above proposed service will be tacked at Oklahoma City, Okla., and Globe, Ariz., for the purpose of joinder only. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Dallas, or Lubbock, Tex., or Albuquerque, N. Mex.

No. MC 35890 (Sub-No. 33), filed October 11, 1965. Applicant: BLODGETT UNCRATED FURNITURE SERVICE, INC., 845 Chestnut Street SW., Grand Rapids, Mich. Applicant's representative: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y., 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, in crates and cartons, from points in Massachusetts and Connecticut to Jamestown, N.Y., and (2) *new furniture* from points in Cheshire County, N.H., to Jamestown, N.Y., and *damaged*

[1] Copies of Special Rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

and defective shipments of the above specified commodities, on return. NOTE: Applicant states that it intends to tack authority obtained in instant application with existing authority held to provide a through service to points in the states of Michigan, Indiana, and Illinois. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 42688 (Sub-No. 5), filed November 8, 1965. Applicant: JOHN WELLER SCHROCK, doing business as SCHROCK TRANSFER, 234 West Patriot Street, Somerset, Pa., 15501. Applicant's representative: James O. Courtney, 142 North Court Avenue, Somerset, Pa., 15501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives and household goods as defined by the Commission), between Somerset County Municipal Airport, in Somerset Township, Somerset County, Pa., on the one hand, and, on the other, points in Bedford, Cambria, Somerset, and Westmoreland Counties, Pa., and Alleghany County, Md. NOTE: If a hearing is deemed necessary, applicant requests it be held at Somerset, Pa.

No. MC 50069 (Sub-No. 335), filed November 15, 1965. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 930 North York Road, Hinsdale, Ill., 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plasticizers*, in bulk, in tank vehicles, from Toledo, Ohio, and points within 5 miles thereof, to points in Connecticut, Illinois, Indiana, Kentucky, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 52657 (Sub-No. 642), filed November 15, 1965. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill., 60620. Applicant's representative: A. J. Bieberstein, 121 West Doty Street, Madison, Wis., 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles*, in secondary movements, by the truckaway method, restricted to the transportation of vehicles manufactured or assembled at the site of the plant of American Motors (Canada) Limited, in Brampton, Ontario, Canada, (1) from Buffalo, N.Y., and points within 20 miles thereof, to points in New York and Pennsylvania; (2) from Little Ferry, N.Y., and points within 20 miles thereof, to points in Connecticut, New Jersey, New York, and Rhode Island; (3) from Selkirk, N.Y., and points within 20 miles thereof, to points in Connecticut, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont; and (4) from Framingham, Mass., and points within 20 miles thereof, to points in Connecticut, Maine, Massachusetts, New Hampshire, and Rhode Island. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 52709 (Sub-No. 274), filed November 16, 1965. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo., 80216. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Schuyler, Nebr., to points in California, Oregon, Washington, Utah, Idaho, Arizona, Nevada, and Colorado, restricted to traffic originating at the plantsite of Spencer Packing Co. at Schuyler, Nebr. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 52709 (Sub-No. 275), filed November 16, 1965. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo., 80216. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Adams County, Nebr., to points in Washington, Oregon, Nevada, Utah, Idaho, and Wyoming. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 61048 (Sub-No. 5), filed June 21, 1965. Applicant: LEONARD BROS. MOTOR EXPRESS SERVICE, INC., Post Office Box 664, Greensburg, Pa. Applicant's representatives: Jerome Solomon, 1302 Grant Building, Pittsburgh, Pa., and S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Philadelphia, Pa., and New York, N.Y., from Philadelphia over U.S. Highway 1 to Trenton, N.J., thence over U.S. Highway 206 to Somerville, N.J., and thence over U.S. Highway 22 to New York, N.Y., and return over the same route, serving all intermediate points in New Jersey; (2) between Philadelphia, Pa., and Hartford, Conn.; from Philadelphia over U.S. Highway 1 to New Haven, Conn., thence over U.S. Highway 5 to Hartford, and return over the same routes, serving all intermediate points in New Jersey, New York, and Connecticut, and the off-route points in Delaware County, Pa., on and east of U.S. Highway 202; (3) between Bridgeport, Conn., and Torrington, Conn.; from Bridgeport over Connecticut Highway 8 to Torrington, and return over the same route, serving all intermediate points; and, (4) between Philadelphia, Pa., and New York, N.Y.; from Philadelphia over U.S. Highway 30 to Camden, N.J., thence over U.S. Highway 130 to New Brunswick, N.J., and thence over U.S. Highway 1 to New York, N.Y., and return over the same route, serving all intermediate points. NOTE: Applicant holds authority to transport the above specified commodities between the points indicated over irregular routes. The purpose of this application is to convert such irregular route authority to regular-route operations. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 61592 (Sub-No. 58), filed November 15, 1965. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa, 52722. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements, agricultural machinery, beach cleaners*, and *rock pickers*, from points in Scotts Bluff County, Nebr., to points in Alabama, Arizona, Colorado, Connecticut, Delaware, Illinois, Iowa, Kansas, Maine, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Utah, and Virginia, and (2) *material, equipment* and *supplies used in the manufacture and distribution of the commodities described in (1) above*, from the destination points in (1) above to points in Scotts Bluff County, Nebr. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 61592 (Sub-No. 59), filed November 17, 1965. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa, 52722. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Particle board* from points in Bell County, Ky., to points in Wisconsin, Illinois, Michigan, Ohio, Indiana, Kentucky, Tennessee, Mississippi, Alabama, Florida, Georgia, North Carolina, South Carolina, Virginia, West Virginia, Delaware, Pennsylvania, Maryland, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, Vermont, and the District of Columbia; (2) *glue*, when tendered into a premounted sealed or collapsible container, from High Point, Charlotte, Fayetteville, and Greensboro, N.C., Lansdale, Pa., West Memphis, Ark., Alexandria, La., Demopolis, Ala., Bainbridge, N.Y., Houston, Tex., and Sheboygan, Wis., to points in Bell County, Ky., and (3) *lumber*, from points in Pennsylvania, New York, North Carolina, South Carolina, Indiana, Illinois, Ohio, West Virginia, Tennessee, Louisiana, Kentucky, and Vermont, to points in Bell County, Ky., and *damaged and rejected and returned shipments, and exempt commodities*, in (1), (2), (3) above, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 68078 (Sub-No. 21), filed November 12, 1965. Applicant: CENTRAL MOTOR EXPRESS, INC., 2909 South Hickory Street, Chattanooga, Tenn., 37407. Applicant's representative: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn., 37402. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Classes A and B explosives*, between Heflin and Birmingham, Ala., over U.S. Highway 78 (also over Interstate Highway 20), serving no intermediate points; (2) between Birmingham and Cullman, Ala., over U.S. Highway 31, serving all intermediate points; (3) between Tuscaloosa, and Mobile, Ala., over U.S. Highway 43, serving no intermediate points; (4) between Birmingham, Ala., and the Alabama-Mississippi State line, from Birmingham over U.S. Highway 11 to junction U.S. Highway 82 at Tuscaloosa, Ala., thence over U.S. Highway 82 to the the Alabama-Mississippi State line, and return over the same, route, serving all intermediate points; and (5) between Reform and Aliceville, Ala., over Alabama Highway 17, serving all intermediate points. Irregular routes: (a) Between points within 18 miles of Anniston, Ala., and (b) between points within 10 miles of Cullman, Ala., on the one hand, and, on the other, points in Alabama within 125 miles of Cullman, Ala. NOTE: Applicant states the purpose of this application is to reinstate or obtain the explosive rights previously held by East Alabama Express, Inc., in MC 99151 Sub 4 and not transferred to applicant herein in the purchase of East Alabama Express, Inc., in Docket MC-F-8581 nor in companion certificate MC 68078 Sub 19 issued July 27, 1965. Applicant also states that it intends to tack the above proposed authority with that authoriy previously granted in Certificate No. MC 68078 and Subs 4, 5, 7, 11, 12, 13, 15, 17, and 19, wherein applicant is authorized to serve points in the States of Tennessee, Alabama, and Georgia. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 68539 (Sub-No. 18), filed November 12, 1965. Applicant: ROMANS MOTOR FREIGHT, INC., Ord, Nebr. Applicant's representative: J. Max Harding, Post Office Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products* and *meat byproducts* and *articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Schuyler, Nebr., to points in Kansas, North Dakota, Oklahoma, South Dakota, and Wyoming. NOTE: Applicant states the proposed operation will be restricted to traffic originating at Schuyler, Nebr. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 68539 (Sub-No. 19), filed November 12, 1965. Applicant: ROMANS MOTOR FREIGHT, INC., Ord, Nebr. Applicant's representative: J. Max Harding, Post Office Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products* and *meat byproducts* and *articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from points in Adams County, Nebr., to points in Kansas, North Dakota, South Dakota, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 74846 (Sub-No. 57), filed November 15, 1965. Applicant: LEWIS G. JOHNSON, INC., Port Gibson, N.Y. Applicant's representative: Raymond A. Richards, Post Office Box 25, Webster, N.Y., 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite of American Home Foods at Milton, Pa., to points in that part of New York on and west of a line beginning at Clayton, N.Y., and extending along New York Highway 12 to Binghamton, N.Y., thence along U.S. Highway 11 to the New York-Pennsylvania State line. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 75185 (Sub-No. 258), filed November 15, 1965. Applicant: SERVICE TRUCKING CO., INC., Post Office Box 276, Federalsburg, Md., 21632. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from plantsite of American Home Foods Division at Milton, Pa., to points in Florida, Georgia, North Carolina, and South Carolina. NOTE: If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 82063 (Sub-No. 16), filed November 8, 1965. Applicant: KLIPSCH HAULING CO., a corporation, 119 East Loughborough Street, St. Louis 11, Mo. Applicant's representative: Ernest A. Brooks II, 1301–02 Ambassador Building, St. Louis, Mo., 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, liquid, in bulk, in tank vehicles, from points in the United States (excluding Alaska and Hawaii), to points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 85784 (Sub-No. 3), filed October 27, 1965. Applicant: HOMER WHITE, INC., 297 Ramsdell Avenue, Buffalo, N.Y., 14223. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Buffalo and Niagara Falls, N.Y.; (1) from Buffalo over New York Highway 265 to Tonawanda (also over New York Highway 266 to Tonawanda), and thence over New York Highway 384 to Niagara Falls, (2) from Buffalo over New York Highway 384 to Niagara Falls, (3) from Buffalo over New York Highway 384 to North Tonawanda, thence over New York Highway 429 to Johnsburg, N.Y., and thence over New York Highway 18 to Niagara Falls, and return over the same routes, serving all intermediate points in (1) through (3) above, and (4) between Buffalo and Niagara Falls, N.Y., over Interstate Highway 190, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's regular-route operations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 92983 (Sub-No. 481), filed November 10, 1965. Applicant: ELDON MILLER, INC., Post Office Drawer 617, Kansas City, Mo., 64141. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine*, in bulk, in tank vehicles, from points in New York to points in Illinois and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 95540 (Sub-No. 659), filed November 15, 1965. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's representative: Jack M. Holloway (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yeast*, from Jacksonville, Fla., to Thomasville, Ga. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 95540 (Sub-No. 660), filed November 17, 1965. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's representative: Jack M. Holloway (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from Schuyler, Nebr., restricted to traffic originating at the plantsite of Spencer Packing Co., Schuyler, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 95540 (Sub-No. 661), filed November 17, 1965. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Post Office Box 828, Thomasville, Ga. Applicant's representative: Jack M. Hol-

loway (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and potato products*, not frozen, from Robbinsville, N.J., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Pennsylvania, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 102295 (Sub-No. 9), filed November 16, 1965. Applicant: GUY HEAVENER, INC., Harleysville, Pa. Applicant's representative: V. Baker Smith, 2107 Fidelity-Philadelphia Trust Building, Philadelphia, Pa., 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone*, from points in Bucks County, Pa., to points in New York. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 103993 (Sub-No. 236), filed November 15, 1965. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. Applicant's representative: John E. Lesow, 3737 North Meridian Street, Indianapolis, Ind., 46208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements from points in Blue Earth County, Minn., to points in the United States (except Hawaii), but including Alaska. NOTE: If a hearing is deemed necessary, applicant does not specify a place of hearing.

No. MC 105045 (Sub-No. 15), filed November 16, 1965. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania Street, Evansville, Ind. Applicant's representative: Ernest A. Brooks II, 1301–02 Ambassador Building, St. Louis, Mo., 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials*, and *supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum* and their products and byproducts, and (2) *machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up of pipe*, except the stringing or picking up of pipe in connection with main or trunk pipelines, between points in West Virginia and Virginia, on the one hand, and, on the other, points in North Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va.

No. MC 107107 (Sub-No. 355), filed November 12, 1965. Applicant: ALTERMAN TRANSPORT LINES, INC., Post Office Box 458, Allapattah Station, Miami, Fla., 33142. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat by-products and articles* distributed by meat packinghouses as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), (2) *foods, food ingredients and food materials*, (3) *chemicals, chemical blends*, and *ingredients* to be used in further manufacturing processes; transportation of which does not require special equipment or bulk or tank vehicles, (4) *inedible meats, meat products, and meat byproducts, lard, tallows, and oils*, (5) *agricultural products and those commodities* embraced in section 203(b)(6) of Part II of the Interstate Commerce Act, when moving in the same vehicle with economic regulated commodities, (6) *frozen animal and poultry foods*, and (7) *industrial products*, in packages, requiring refrigeration, from Gulfport, Miss., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary applicant requests it be held at Jackson, Miss., or New Orleans, La.

No. MC 107403 (Sub-No. 653), filed November 8, 1965. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastics*, in bulk, in tank or hopper vehicles, from Gales Ferry, Conn., to Federalsburg, Md. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107403 (Sub-No. 654), filed November 15, 1965. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from Lewistown, Pa., to points in Maryland, New Jersey, and New York. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107496 (Sub-No. 429), filed November 17, 1965. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Des Moines, Iowa. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, from Wood River, Ill., and points within 5 miles thereof, to points in Indiana, Kansas, Kentucky, Michigan, Missouri, New Jersey, Ohio, Nebraska, Minnesota, Wisconsin, and Pennsylvania. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 107496 (Sub-No. 431), filed November 15, 1965. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Des Moines, Iowa, 50309. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil*, in bulk from Hartford, Ill., to Indianapolis, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 107698 (Sub-No. 40), filed November 15, 1965. Applicant: BONANZA, INC., Post Office Box 5526, Midwest City, Okla. Applicant's representative: Wilburn L. Williamson, 443–54 American Building, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen vegetables* and *frozen berries* (1) from points in Oregon and Washington to Sanger, Calif., and (2) from Sanger, Calif., to points in Texas, Missouri, Kansas, Oklahoma, and Louisiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 108068 (Sub-No. 54), filed November 17, 1965. Applicant: U.S.A.C. TRANSPORT, INC., 25200 West Six Mile Road, Detroit, Mich., 48240. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Articles* requiring specialized handling or rigging, and (b) *articles* which do not require specialized handling or rigging when moving in the same shipment or same vehicle with articles which require specialized handling or rigging, between points in North Carolina, Virginia, West Virginia, Delaware, Maryland, New Jersey, New York, Pennsylvania, Connecticut, Rhode Island, Massachusetts, Ohio, Illinois, Indiana, and District of Columbia; (2) (a) *commodities*, the transportation of which, because of their size or weight, requires the use of special equipment, and (b) *commodities* which do not require the use of special equipment when moving in the same shipment or same vehicle with commodities which require the use of special equipment because of size or weight, between points in Texas, on the one hand, and, on the other, points in Ohio and the Lower Peninsula of Michigan; (3) (a) *commodities*, the transportation of which, because of size or weight, requires the use of special equipment or special handling, and (b) *commodities*, which do not require the use of special equipment or special handling when moving in the same shipment or same vehicle with commodities requiring the use of special equipment or special handling because of size or weight, from points in Michigan and Ohio, to points in California, Nevada, and Utah, part (3) (a) and (b) are restricted against the transportation to Utah and Nevada of commodities used in or in connection with the construction, maintenance, repair, operation, servicing, or dismantling of pipelines; and any operations authorized in paragraphs 3(a) or 3(b) shall not be tacked or joined with any other authority presently held by carrier for purpose of providing through service; and (4) (a) *heavy machinery* and *articles* which require specialized handling or rigging be-

cause of their size or weight and (b) *machinery* or *articles* which do not require the use of specialized handling or rigging when moving in the same shipment or same vehicle with heavy machinery or articles which require specialized handling or rigging because of their size or weight, between points in Lucas County, Ohio, on the one hand, and, on the other, points in the Lower Peninsula of Michigan. NOTE: Applicant presently holds the authority in 1(a), 2(a), 3(a), and 4(a) above and seeks no extension of territory. Applicant is seeking only an extension of authority in 1(b), 2(b), 3(b), and 4(b) above. Applicant intends to tack any grant of authority except in 3(a) and 3(b) above. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., and Chicago, Ill.

No. MC 108449 (Sub-No. 216), filed November 16, 1965. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn., 55113. Applicant's representative: Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis., 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bulk, from Janesville, Wis., and points within 10 miles thereof, to points in Illinois and Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 108460 (Sub-No. 15), filed November 15, 1965. Applicant: PETROLEUM CARRIERS COMPANY, a corporation, 5104 West 14th Street, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, from Lidgerwood, N. Dak., to points in Big Stone, Chippewa, Grant, Medicine, Stevens, and Swift Counties, Minn., and points in that part of South Dakota east of U.S. Highway 281 and north of U.S. Highway 14 and *rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 109584 (Sub-No. 133), filed November 15, 1965. Applicant: ARIZONA-PACIFIC TANK LINES, a corporation, 3201 Ringsby Court, Denver, Colo., 80216. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juices and fruit-juice concentrates*, in bulk, in tank vehicles, between points in Arizona, on the one hand, and, on the other, points in California. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 109689 (Sub-No. 169), filed November 15, 1965. Applicant: W. S. HATCH CO., a corporation, 643 South 800 West, Woods Cross, Utah. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah, 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea*, in bags or bulk, *urea solutions*, *ammonium nitrate solutions*, *nitrogenous fertilizer solutions*, and *nitric acid*, in bulk, in tank vehicles, from Cheyenne, Wyo., and points within 5 miles thereof, to points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cheyenne, Wyo.

No. MC 110420 (Sub-No. 491), filed November 15, 1965. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar, starch, and products of corn*, dry, in bulk, in tank and hopper type vehicles, from Decatur, Ill., to points in New Jersey. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110420 (Sub-No. 492), filed November 15, 1965. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gin*, in bulk, in tank vehicles, from Pekin, Ill., to points in Connecticut, Illinois, Indiana, Kentucky, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110420 (Sub-No. 493), filed November 19, 1965. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Syrups, sweeteners, and blends and mixtures thereof*, in bulk, in tank or hopper type vehicles, from Granite City, Ill., to Edinburg, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 110525 (Sub-No. 756), filed November 15, 1965. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's representatives: Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C., 20005, and Edwin H. van Deusen, 520 East Lancaster Avenue, Downingtown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and invert sugars*, and *blends and mixtures*, of liquid sugar, invert sugar, and corn syrup, in bulk, in tank vehicles, (1) from Toledo, Ohio, to points in Indiana, Michigan, and Pennsylvania, and (2) from Detroit, Mich., to points in Indiana, Ohio, and Pennsylvania. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111231 (Sub-No. 95), filed November 15, 1965. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in containers, packages or drums, and *advertising material, articles distributed by wholesale or retail suppliers, marketers, or distributors of petroleum products*, in the conduct of their business when shipped in mixed loads with petroleum products, from Oklahoma City, Okla., to points in Iowa and Wisconsin. NOTE: If a hearing is deemed necessary, applicant does not specify location.

No. MC 111812 (Sub-No. 323), filed November 17, 1965. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, Post Office Box 747, Sioux Falls, S. Dak., 57101. Applicant's representatives: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr., 68102, and William J. Walsh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery, advertising matter, display racks and premiums* used or useful in the sale and distribution of candy and confectionery, from Milwaukee, Wis., to points in Idaho, Montana, Oregon, Utah, and Washington. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 112148 (Sub-No. 39), filed November 12, 1965. Applicant: JAMES H. POWERS, INC., Melbourne, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa, 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Westfield, N.Y., and North East, Pa., to points in Iowa, Nebraska, Minnesota, Missouri, South Dakota, and North Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112520 (Sub-No. 134), filed November 12, 1965. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. Applicant's representative: Sol H. Proctor, 1730 American Heritage Life Building, Jacksonville, Fla., 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer* (except nitrogen fertilizer solutions), in bulk, in tank vehicles, from the storage facilities of the Allied Chemical Corp. in Bainbridge, Ga., to points in Alabama, Florida, and Georgia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla., or Atlanta, Ga.

No. MC 112617 (Sub-No. 213), filed November 12, 1965. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 5135, Cherokee Station, Louisville 5, Ky. Applicant's representative: L. A. Jaskiewicz, 600 Madison Building, 1155 15th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Albany and Alma, Ga., and points within 15 miles thereof, to points in Alabama

and Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112801 (Sub-No. 35), filed November 8, 1965. Applicant: TRANSPORT SERVICE CO., a corporation, 5100 West 41st Street, Post Office Box 272, Cicero Station, Chicago, Ill., 60650. Applicant's representative: Leonard A. Jaskiewicz, Madison Building, 1155 15th Street NW., Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oils, petroleum lubricating products, proprietary antifreeze, alcohol compounds, carbon gum and sludge removing compounds, greases, core oils and compounds, and automobile chemicals and compounds*, from Danville and Seneca, Ill., to points in Wisconsin, Indiana, Ohio, Kentucky, Minnesota, Tennessee, West Virginia, Pennsylvania, New Jersey, New York, Michigan, Maryland, Delaware, Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112801 (Sub-No. 36), filed November 8, 1965. Applicant: TRANSPORT SERVICE CO., a corporation, 5100 West 41st Street, Post Office Box 272, Cicero Station, Chicago, Ill., 60650. Applicant's representative: Leonard A. Jaskiewicz, Madison Building, 1155 15th Street NW., Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plant and terminal facilities of Olin Mathieson Chemical Corp., Joliet, Ill., to points in Illinois, Indiana, Iowa, Michigan, Missouri, Minnesota, Wisconsin, Kentucky, and Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112822 (Sub-No. 57), filed November 15, 1965. Applicant: EARL BRAY, INC., Linwood and North Streets, Post Office Box 1191, Cushing, Okla., 74023. Applicant's representative: Marion F. Jones, 420 Denver Club Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dispersants, refrigerants, and blends or mixtures thereof*, including but not limited to trichloromonofluoromethane, dichlorodifluromethane, monochlorodifluoromethane, trichlorotrifluoroethane, and dichlorotetrafluoethane, in bulk and in containers, from Wichita, Kans., and points within 5 miles thereof, to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 113388 (Sub-No. 67), filed November 9, 1965. Applicant: LESTER C. NEWTON TRUCKING CO., a corporation, Bridgeville, Del. Applicant's representative: H. Charles Ephraim, 1411 K Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, from the plantsite of American Home Foods at Milton, Pa., to points in Delaware, Florida, Georgia, Maryland, New York, North Carolina, Pennsylvania, South Carolina, Virginia, West Virginia, and the District of Columbia, and (2) *refused, damaged, rejected and returned shipments* of the commodities specified above, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113678 (Sub-No. 168) (Amendment), filed August 26, 1965, published FEDERAL REGISTER of September 9, 1965, amended November 16, 1965, and republished, as amended, this issue. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's representative: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, dairy products*, and *articles* distributed by meat packinghouses, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Wichita, Kans., to points in Kansas, Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, and *exempt commodities*, on return. NOTE: The purpose of this republication is to add the destination State of Arizona. If a hearing is deemed necessary, applicant does not specify a place of hearing.

No. MC 113678 (Sub-No. 194), filed November 15, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's representative: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in George, Hinds, Rankin, Copiah, and Greene Counties, Miss., to points in Colorado, Louisiana, Texas, Oklahoma, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Michigan, Ohio, Pennsylvania, New York, Massachusetts, Connecticut, New Jersey, Delaware, West Virginia, North Carolina, Virginia, South Carolina, Georgia, Florida, Tennessee, Alabama, Arkansas, Kentucky, Nebraska, and Washington, D.C. NOTE: If a hearing is deemed necessary, applicant did not specify any particular area.

No. MC 114045 (Sub-No. 208), filed November 15, 1965. Applicant: TRANSCOLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and bottled foodstuffs*, from Cade and Lozes, La., to points in Arizona, California, Idaho, New Mexico, Nevada, Oregon, Texas, Utah, and Washington. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 114045 (Sub-No. 209), filed November 15, 1965. Applicant: TRANSCOLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Robbinsville, N.J., to points in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114045 (Sub-No. 210), filed November 15, 1965. Applicant: TRANSCOLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except frozen meats), from Kansas City, Mo., to points in Delaware, Kentucky, New Jersey, New York, Maryland, Ohio, Pennsylvania, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 114045 (Sub-No. 211), filed November 15, 1965. Applicant: TRANSCOLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, canned, prepared or preserved* (other than frozen), from Fruitland, Md., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114165 (Sub-No. 3), filed November 15, 1965. Applicant: PELICAN TRUCKING COMPANY, INC., 1600 Wells Island Road, Shreveport, La. Applicant's representative: Robert L. Garrett, Slattery Building, Shreveport, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal tanks* of all types and kinds, between Shreveport, La., and Texarkana, Ark.-Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Shreveport, La.

No. MC 114211 (Sub-No. 94), filed November 8, 1965. Applicant: WARREN TRANSPORT, INC., 213 Witry Street, Post Office Box 420, Waterloo, Black Hawk County, Iowa. Applicant's representative: Charles W. Singer, 33 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm implements and farm machinery, generators, generators and engines combined, and parts* of the above-named commodities, from Newton, Iowa, to points in the United States, including Alaska (but excluding Hawaii), and *rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114360 (Sub-No. 13), filed November 15, 1965. Applicant: SOUTHERN EXPRESS COMPANY, a corporation, 3333 Cicero Avenue, Cicero, Ill. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel* and *iron and steel articles*, between points in Pennsylvania, Ohio, West Virginia, Indiana, Illinois, Wisconsin, and Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 115793 (Sub-No. 6), filed November 12, 1965. Applicant: CALDWELL FREIGHT LINES, INC., Post Office Box 672, Lenoir, N.C. Applicant's representative: H. Overton Kemp, Room 101, 327 North Tryon Street, Post Office Box 20202, Charlotte, N.C., 28202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* and *furniture parts*, from Johnson City, Tenn., to points in Caldwell and Catawba Counties, N.C., and *rejected, refused*, and *damaged furniture* and *furniture parts*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 115826 (Sub-No. 117), filed November 15, 1965. Applicant: W. J. DIGBY, INC., Post Office Box 5088, Terminal Annex, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, and commodities in bulk, in tank vehicles), from Worthington and Mankato, Minn., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115841 (Sub-No. 255), filed November 15, 1965. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses* (except commodities in bulk, in tank vehicles), as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766; (2) *frozen foods*; (3) *canned and preserved foods*; (4) *chemicals, blends* and *ingredients to be used in further manufacturing processes*, transportation of which does not require special equipment or bulk or tank vehicles; (5) *inedible meats, meat products and meat byproducts, lard, tallows*, and *oils*; (6) *agricultural products* and those *commodities* embraced in section 203(b)(6) of Part II of the Interstate Commerce Act, when moving in the same vehicle with economic regulated commodities; (7) *frozen animal and poultry foods*; (8) *industrial products* in packages, requiring refrigeration; and (9) *coffee*, condensed, *coffee extracts, coffee*, green, *tea*, and *tea dust, and sugar*, from Gulfport, Miss., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 115841 (Sub-No. 256), filed November 15, 1965. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Lafayette, Ind., to points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, Michigan, Ohio, New Jersey, Pennsylvania, New York, Rhode Island, Vermont, Virginia, West Virginia, Kentucky, and Tennessee. NOTE: If a hearing is deemed necessary, applicant did not specify any particular area.

No. MC 116085 (Sub-No. 2), filed November 15, 1965. Applicant: FRISKNEY AND HARDING TRUCKING, INC., Post Office Box 3, Kendallville, Ind. Applicant's representative: Donald W. Smith, Suite 511, Fidelity Building, Indianapolis, Ind., 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed autographic register paper, autographic registers, sales books, deposit slips, sales slips*, and *printed forms*, from the plantsites and warehouses of Sturgis Newport Business Forms, Inc., located at Sturgis, Mich., Corinth, Miss., Clanton, Ala., Newport News, Va., White Water, Wis., Pompano Beach, Fla., Birmingham, Ala., and Binghamton, N.Y., to points in Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Indiana, Michigan, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Ohio, Pennsylvania, New York, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia, and (2) *machinery, materials and supplies* used or useful in the manufacture of printed autographic register paper, autographic registers, sales books, deposit slips, sales slips and printed forms, on return. Restrictions: The service proposed herein is subject to the following conditions: The authority sought herein is restricted against the transportation of commodities, to the extent pertinent, which because of size or weight require the use of special equipment. The operations proposed herein are limited to a transportation service to be performed under a continuing contract or contracts, with Sturgis Newport Business Forms, Inc., Sturgis, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 116457 (Sub-No. 2), filed November 17, 1965. Applicant: CLAUDE BUTLER, doing business as BUTLER TRUCKING CO., Box 416, Show Low, Ariz. Applicant's representative: Pete H. Dawson, 4453 East Piccadilly Road, Phoenix, Ariz., 85018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and forest products*, from points in Yavapai, Coconino, Navajo, Apache, and Gila Counties, Ariz., to points in New Mexico, Texas, and Oklahoma. NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 116602 (Sub-No. 4), filed November 12, 1965. Applicant: JAMES F. HERLIHY, doing business as HERLIHY TRUCKING COMPANY, Rural Delivery No. 2, Binghamton, N.Y. Applicant's representative: Donald C. Carmien, 300 Press Building, Binghamton, N.Y., 13902. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, those requiring special equipment, classes A and B explosives, commodities in bulk and household goods as defined by the Commission), between points in Broome, Tioga, and Chenango Counties, N.Y., on the one hand, and, on the other, the John F. Kennedy International Airport, New York, N.Y., restricted to traffic having an immediately prior or subsequent movement by air. NOTE: If a hearing is deemed necessary, applicant requests it be held at Binghamton, N.Y.

No. MC 116763 (Sub-No. 70), filed November 16, 1965. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned, prepared*, or *preserved foodstuffs* from points in Massachusetts to points in Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 116791 (Sub-No. 19), filed November 12, 1965. Applicant: FARMERS ELEVATOR OF KENSINGTON, MINNESOTA, INC., Kensington, Minn., 56343. Applicant's representative: A. R. Fowler, 2288 University Avenue, Saint Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alfalfa*, ground and pressed into cubes or pellets, in bulk, from West Fargo, N. Dak., to Duluth, Minn., and Superior, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 117344 (Sub-No. 160), filed November 17, 1965. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Post Office Box 37, Cincinnati, Ohio, 45215. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Cincinnati, Ohio, to Wyandotte, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 117883 (Sub-No. 69), filed November 17, 1965. Applicant: SUBLER TRANSFER, INC., East Main Street, Post Office Box 62, Versailles, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, from the plantsite of Spencer Packing Co., located at or near Schuyler, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and Washington, D.C., restricted to traffic originating at the plantsite of Spencer Packing Co. located at or near Schuyler, Nebr., and against the transportation of hides, and bulk commodities in tank vehicles. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 119268 (Sub-No. 50), filed November 15, 1965. Applicant: OSBORN, INC., 228 North Fourth Street, Post Office Box 649, Gadsden, Ala. Applicant's representative: Robert E. Tate, 2025 City Federal Building, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), (2) *frozen foods*, (3) *canned and preserved foods*, (4) *chemicals, chemical blends, and ingredients*, to be used in further manufacturing processes, transportation of which does not require special equipment or bulk or tank vehicles, (5) *inedible meats, meat products, and meat byproducts, lard, tallows, and oils*, (6) *agricultural products* and those *commodities* embraced in section 203(b)(6) of Part II of the Interstate Commerce Act, when moving in the same vehicle with economically regulated commodities, (7) *frozen animal and poultry foods*, (8) *industrial products*, in packages, requiring refrigeration, and (9) *coffee*, condensed, *coffee extracts, coffee, green tea and tea dust and sugar*, from Gulfport, Miss., to points in Alabama, Georgia, Idaho, Ohio, Illinois, Indiana, Iowa, Michigan, Minnesota, Oregon, Utah, Washington, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 119547 (Sub-No. 8), filed November 12, 1965. Applicant: EDGAR W. LONG, Route No. 4, Zanesville, Ohio. Applicant's representative: Richard H. Brandon, Hartman Building, Columbus, Ohio, 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay building tile and materials used in the installation of clay building tile*, from points in Stark County, Ohio, and points in Tuscarawas County, Ohio, within 2 miles of East Sparta, Ohio, to points in Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Idaho, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, Wyoming, and Washington, D.C., and (2) *materials used in the manufacture of clay building tile*, from the destination States specified above to points in Stark County, Ohio, and points in Tuscarawas County, Ohio, within 2 miles of East Sparta, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119654 (Sub-No. 2), filed November 15, 1965. Applicant: HI-WAY DISPATCH, INC., 26th Street and Bypass, Marion, Ind. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Chicago, Ill., to points in Indiana on and north of U.S. Highway 40, and Rushville, Shelbyville, and Connersville, Ind., and *damaged and rejected shipments* of the commodities specified above, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 119767 (Sub-No. 128) (Amendment), filed September 30, 1965, published FEDERAL REGISTER issue October 21, 1965, amended November 22, 1965, and republished as amended this issue. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, millwork, roofing, and materials and supplies* used by roofing, building, and paving contractors, from points in Jackson County, Iowa, and points within ten (10) miles thereof, to points in Wisconsin and the Upper Peninsula of Michigan. NOTE: The purpose of this republication is to add *materials* in the commodity description. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119767 (Sub-No. 139), filed November 15, 1965. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in containers, from points in Pulaski County, Ill., to points in Illinois, Indiana, Kentucky, Iowa, Michigan, Minnesota, Missouri, North Dakota, Ohio, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Winona, Minn.

No. MC 119829 (Sub-No. 17), filed November 12, 1965. Applicant: F. J. EGNER & SON, INC., Post Office Box 216, West Richfield, Ohio. Applicant's representative: John C. Bradley, Suite 618 Perpetual Building, 1111 E Street NW., Washington, D.C., 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar pitch*, in bulk, in tank vehicles, (1) from East Liverpool, Ohio, to Youngstown and McDonald, Ohio, and (2) from McDonald, Ohio to Youngstown, Ohio. NOTE: Applicant states that it holds authority to transport "heavy residual fuel oil" between the points set forth in this application in MC 119829 (Sub-No. 2). In view of the similarity of character of these two substances, applicant is of the belief that it may already have authority to transport coal tar pitch. Out of an abundance of caution and in order to avoid any question as to the propriety of its operations, this application is filed. If a hearing is deemed necessary, applicant requests that it be held at Columbus, Ohio.

No. MC 121142 (Sub-No. 5) (Amendment), filed October 13, 1965, published FEDERAL REGISTER issue of November 4, 1965, amended November 18, 1965, and republished, as amended, this issue. Applicant: J & G EXPRESS, INC., Post Office Box 2069, Jackson, Miss. Applicant's representative: James N. Clay III, 340 Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk), (1) between Grenada and Houston, Miss., over Mississippi Highway 8, serving all intermediate points, (2) between junction Mississippi Highway 7 and the Mississippi-Tennessee State line and Belzoni, Miss., over Mississippi Highway 7, serving all intermediate points, and (3) between Grenada and Jackson, Miss., over U.S. Highway 51, with closed doors (except for shipments to or from points on the routes described in (1) and (2) above). NOTE: The purpose of this republication is to broaden the scope of the proposed operation, in (3) above. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 123067 (Sub-No. 38), filed November 12, 1965. Applicant: M & M TANK LINES, INC., Post Office Box 4174, North Station, Winston-Salem, N.C. Applicant's representative: Frank C. Philips, Post Office Box 612, Winston-Salem, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* in bulk, having a prior movement by rail, water or pipeline, between points in North Carolina, South Carolina, Virginia, and Georgia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 123639 (Sub-No. 40), filed November 12, 1965. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver, Colo., 80216. Applicant's representative: Charles W. Singer, Tower Suite 3600, 33 North La Salle Street, Chicago, Ill., 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Wahoo, Nebr., to points in Arizona, California, Colorado, and New Mexico. NOTE: If a hearing is deemed necessary, applicant does not specify location.

No. MC 124078 (Sub-No. 169), filed November 17, 1965. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis., 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground limestone*, in bulk, from Gantts Quarry, Ala., to Sandusky, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Montgomery, Ala.

No. MC 124211 (Sub-No. 73), filed November 15, 1965. Applicant: HILT TRUCK LINE, INC., 3751 Sumner Street, Post Office Box 824, Lincoln 1, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Canned goods and foodstuffs*, serving points in St. Croix County, Wis., as off-route points in connection with applicants' authorized regular-route operations, from St. Paul, Minn., to Lincoln, Nebr. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 124211 (Sub-No. 74), filed November 15, 1965. Applicant: HILT TRUCK LINE, INC., 3751 Sumner Street, Post Office Box 824, Lincoln 1, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fungicides, herbicides, insecticides, and petroleum products*, from points in Vermilion County, Ill., to points in Nebraska (except Omaha). NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 124211 (Sub-No. 75), filed November 17, 1965. Applicant: HILT TRUCK LINE, INC., 3751 Sumner Street, Post Office Box 824, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in York County, Nebr., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 124511 (Sub-No. 5), filed November 15, 1965. Applicant: JOHN F. OLIVER, Post Office Box 233, Mexico, Mo. Applicant's representative: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory clay products*, from Mexico, Mo., and points in its commercial zone, to points in Indiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jefferson City, Mo.

No. MC 124951 (Sub-No. 15), filed November 15, 1965. Applicant: WATHEN TRANSPORT, INC., Post Office Box 237, Henderson, Ky. Applicant's representative: Robert M. Pearce, 1033 State Street, Central Building, Bowling Green, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream and dairy products*, (1) from Evansville, Ind., and Owensboro, Ky., to points in Tennessee, and (2) from points in Indiana, Illinois, Kentucky, and Tennessee, to Evansville, Ind., and Owensboro, Ky., and *rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 124951 (Sub-No. 16), filed November 17, 1965. Applicant: WATHEN TRANSPORT, INC., Post Office Box 237, Henderson, Ky. Applicant's representative: Robert M. Pearce, 1033 State Street, Bowling Green, Ky., 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products*, from Evansville and Mount Vernon, Ind., and Owensboro, Ky., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, Tennessee, and Wisconsin, and *rejected shipments*, on return. NOTE: Applicant is also authorized to operate as a contract carrier under Permit No. MC 119309, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 124951 (Sub-No. 17), filed November 17, 1965. Applicant: WATHEN TRANSPORT, INC., Post Office Box 237, Henderson, Ky. Applicant's representative: Robert M. Pearce, 1033 State Street, Bowling Green, Ky., 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feeds* and *dry animal and poultry feed ingredients* (except canned animal feeds), and *insecticides* in mixed loads only with the commodities specified above, from Mount Vernon, Ind., to points in Illinois, Indiana, Kentucky, Missouri, and Tennessee, and *rejected shipments*, on return. NOTE: Applicant is also authorized to operate as a contract carrier in Permit No. MC 119309, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 126822 (Sub-No. 3), filed November 17, 1965. Applicant: PASSAIC GRAIN & WHOLESALE CO., INC., Post Office Box 23, Passaic, Mo. Applicant's representative: Carll V. Kretsinger, Suite 510, Professional Building, Kansas City, Mo., 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides*, between Phelps City, Mo., on the one hand, and, on the other, points in the United States (excluding Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 127253 (Sub-No. 20), filed November 15, 1965. Applicant: GRACE LEE CORBETT, doing business as R. A. CORBETT TRANSPORT, Post Office Box 86, Lufkin, Tex. Applicant's representative: Ewell H. Muse, Jr., Suite 415, Perry Brooks Building, Austin, Tex., 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals, acids, fertilizer, fertilizer materials*, and *urea*, liquid and dry, in bulk, and (2) *fertilizer* and *urea*, in bags, from Helena, Ark., and points in Arkansas within 10 miles thereof, to points in Oklahoma, Texas, New Mexico, and Louisiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Memphis, Tenn., Little Rock, Ark., New Orleans, La., or Houston, Tex.

No. MC 127443 (Sub-No. 1), filed November 16, 1965. Applicant: ROBERT GUY SCHOLL, doing business as SCHOLL TRUCKING, Box 621, Scottsbluff, Nebr. Applicant's representative: Donald E. Leonard, Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Freeport, Tex., to Denver, Colo., and points in Nebraska. NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit MC 124216 and sub 1, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant request it be held at Denver, Colo.

No. MC 127458 (Sub-No. 2), filed November 17, 1965. Applicant: DOBSON CARTAGE & STORAGE COMPANY, a corporation, 1006 East Indiana Street, Bay City, Mich. Applicant's representative: Rex Eames, 1800 Buhl Building, Detroit, Mich., 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated furniture* and *merchandise*, in retail delivery service, between Bay City and Midland, Mich., on the one hand, and, on the other, points in Michigan on and north of Michigan Highway 46 and on and east of U.S. Highway 27 and Interstate Highway 75, under a continuing contract with Sears, Roebuck & Co., Bay City, Mich. NOTE: Applicant is also authorized to conduct operations as common carrier in Certificate No. MC 69322, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 127715, filed November 12, 1965. Applicant: NU-WAY EXPRESS AND VAN CO., INC., 1401 South State Street, Chicago, Ill., 60605. Applicant's representative: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind., 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and appliances*, uncrated, between points in Cook, Du Page, Lake and Will Counties, Ill., on the one hand, and, on the other, points in that part of Indiana on and west of Indiana Highway 15 and on and north of U.S. Highway 24. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127721, filed November 8, 1965. Applicant: DEPENDABLE DELIVERY SERVICE, INC., 522 Twin Oaks Drive, Havertown, Pa. Applicant's representative: Harry C. Maxwell, 200 Penn Square Building, Juniper and Filbert Streets, Philadelphia 7, Pa. Authority sought to operate as a *contract carrier*,

by motor vehicle, over irregular routes, transporting: *Such merchandise* as is ordinarily dealt in by retail stores and mail-order houses, between Philadelphia, King and Prussia, and Upper Darby, Pa., and Audubon, N.J., on the one hand, and, on the other, points in New Castle County, Del., Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Middlesex, Monmouth, Ocean, and Salem Counties, N.J., and Berks, Bucks, Chester, Delaware, Lehigh, Montgomery, and Philadelphia Counties, Pa., and *returned shipments*, on return. NOTE: *Applicant states* that the proposed operation will be performed under a continuing contract with J. C. Penney Co., Inc., and no transportation shall be provided for any shipment; i.e., a package or a group of packages from a single consignor to a single consignee, weighing more than 500 pounds. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 127722, filed November 12, 1965. Applicant: DAVID L. RHODA, Route 1, Schoolcraft, Mich. Applicant's representative: Gordon H. Kriekard, 1015 American National Bank Building, Kalamazoo, Mich., 49006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed* and *feed ingredients*, from Hammond, Ind., to points in that part of Michigan on and south of Interstate Highway 96 and on and west of U.S. Highway 127. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 127726, filed November 15, 1965. Applicant: LAWRENCE RAY PALMER and LAWRENCE RICHARD PALMER, a partnership, doing business as PALMER MACHINE WORKS, Roundhouse Road, Box 358, Amory, Miss. Applicant's representative: Rubel L. Phillips, Deposit Guaranty Bank Building, Jackson, Miss., 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer and fertilizer materials*, dry, in bulk and in packages, from the plantsite of International Minerals & Chemical Corp., Florence, Ala., to points in Mississippi, and (2) *fertilizer and fertilizer materials*, dry, in bulk and in packages, from the plantsite of International Minerals & Chemical Corp., Tupelo, Miss., to the plantsite of International Minerals & Chemical Corp., Florence, Ala., and *rejected or returned shipments*, on return, in (1) and (2) above. NOTE: Applicant states that the proposed operation will be under a continuing contract with International Minerals & Chemical Corp., Atlanta, Ga. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 127728, filed November 12, 1965. Applicant: A. R. BAILEY and C. E. NORRIS, a partnership, doing business as AMERICAN PARCEL SERVICE, 1800 East Bessemer Avenue, Greensboro, N.C. Applicant's representative: A. W. Flynn, Jr., 201–205 Jefferson Building, Post Office Box 127, Greensboro, N.C., 27402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations, cosmetics, tooth brushes, insecticides*, and *household sprays*, from Greensboro, N.C., to points in Person, Granville, Orange, Alamance, Yadkin, Davie, Caswell, Guilford, Rockingham, Stokes, Surry, Forsyth, Davidson, Randolph, Moore, and Chatham Counties, N.C., on traffic having a prior out-of-State movement. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 127729, filed November 15, 1965. Applicant: WHITE MOVING & STORAGE, INC., Rural Route No. 3, Greenfield, Ohio. Applicant's representative: Earl J. Thomas, Thomas Building, Post Office Drawer 70, 5844–5866 North High Street, Worthington, Ohio, 43085. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foam plastic seat* and *back inserts*, from Greenfield, Ohio, to Detroit, Mich., and St. Louis, Mo., and *rejected shipments*; on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

MOTOR CARRIERS OF PASSENGERS

No. MC 14071 (Sub-No. 1), filed November 17, 1965. Applicant: LEBANON BUS CO., a corporation, 9th and Chestnut Streets, Lebanon, Pa., 17042. Applicant's representative: James W. Hagar, Post Office Box 432, Harrisburg, Pa., 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, beginning and ending at Elstonville, Pa., and points within 15 miles of Elstonville, and extending to points in the United States, including Alaska but excluding Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 101883 (Sub-No. 3), filed November 15, 1965. Applicant: CAVALLO BUS LINES, INC., 301 West Osie Avenue, Gillespie, Ill. Applicant's representative: B. W. La Tourette, Jr., Suite 1230, Boatmen's Bank Building, St. Louis, Mo., 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, between points in Madison, Macoupin, and Montgomery Counties, Ill., on the one hand, and, on the other, St. Louis, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 125130 (Sub-No. 5), filed November 12, 1965. Applicant: DALTON-HINSDALE BUS LINE, INC., River Road, Hinsdale, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations limited to round-trip, sightseeing, and pleasure tours designed for leisurely travel, as distinguished from expeditious point-to-point transportation, beginning and ending at points in Berkshire County, Mass., and extending to points in the United States, excluding Alaska and Hawaii. NOTE: Applicant states ((1) each tour must include (a) sightseeing stops en route, and (b) an overnight stop every night during the entire tour, (2) on each tour the passengers must (a) maintain their identity as a group for the duration of the tour, (b) engage in some group activities that are organized, supervised, and controlled by the carrier, and (c) be accompanied by a tour conductor or guide and (3) the price of each tour must include (a) some of the meals, (b) lodging for each night during the entire tour, (c) admission fees to any point or events of interest for which a fee is charged and (d) the cost of transportation). If a hearing is deemed necessary, applicant requests it be held at Springfield, Mass.

No. MC 127723, filed November 10, 1965. Applicant: ANDREW RAY ENLOW, doing business as ENLOW CHARTER COACHES, 1166 Jefferson Street, Galesburg, Ill. Applicant's representative: John W. Murray, 1370 Frank Street, Galesburg, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, beginning and ending at points in Fulton, Hancock, Henderson, Henry, McDonough, Knox, Mercer, and Warren Counties, Ill., and extending to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, or Chicago, Ill.

WATER CARRIER APPLICATION

No. W-463 (Sub-No. 9), JAMES HUGHES, INC.—EXTENSION—FLORIDA Common Carrier Application, filed November 15, 1965. Applicant: JAMES HUGHES, INC., 17 Battery Place, New York, N.Y. Application of James Hughes, Inc., filed November 15, 1965, for a revised certificate authorizing extension of its operations to include operation as a *common carrier* by water in interstate or foreign commerce, by non-self-propelled vessels with the use of separate towing vessels in the transportation of *property*, to wit, objects too large to move by rail or truck, between ports and points along the Atlantic coast and tributary waterways, not including the New York State Canal System, from Maine to Virginia, inclusive, on the one hand, and, on the other, ports and points within the State of Florida, excluding Jacksonville. NOTE: Applicant holds authority issued June 21, 1944, in certificate W-463, to operate as a common carrier by non-self-propelled vessels with the use of separate towing vessels, in interstate or foreign commerce, in the transportation of commodities generally, between ports and points along the Atlantic coast and tributary waterways, not including the New York State Canal System, from Maine to Virginia inclusive.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 127716, filed November 15, 1965. Applicant: SCOTTSVILLE FREIGHT LINE, INCORPORATED, 635 Devon Drive, Nashville, Tenn. Applicant's representative: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn., 37402. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Nashville, Tenn., and Scottsville, Ky., over U.S. Highway 31E, serving those intermediate and off-route points within ten (10) miles of Nashville, Tenn., and within five (5) miles of Scottsville, Ky.

No. MC 127720, filed November 12, 1965. Applicant: EARL L. HANSON, doing business as EARL HANSON TRUCKING CO., Route 2, Box 15, Mount Vernon, Wash. Applicant's representative: James T. Johnson, IBM Building, Seattle, Wash., 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in sacks from Hamilton, Wash., and points within 5 miles thereof to points in Multnomah, Yamhill, Clackamas, Washington, Marion, Linn, Lane, and Benton Counties, Oreg. NOTE: Applicant is also authorized to conduct operations as a common carrier in Certificate MC 117444, therefore dual operations may be involved.

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Sub-No. 88), filed November 9, 1965. Applicant: GREYHOUND LINES, INC., 140 South Dearborn Street, Chicago, Ill. Applicant's representative: W. T. Meinhold, 371 Market Street, San Francisco, Calif., 94106. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers. (1) *Establish a new, regular route of operation over Idaho Highway 25 between Bliss and a point approximately 1 mile south of Wendell, herein referred to as "South Wendell Junction" as a segment of regular Idaho Route No. 14 on revised Certificate Sheet No. 58, in lieu of the present segment of said route between these points which is herein proposed to be revoked*, (2) *redescribe present alternate Idaho Route No. 15 on revised Certificate Sheet No. 58 to correctly indicate the western terminus thereof at a point approximately 3 miles south of Hagerman as "South Hagerman Junction" and, incidental to the relief requested in (1) above, revoke the segment of said Idaho Route No. 15 between West Wendell Junction and Wendell*, and (3) *in accomplishment of the foregoing relief, delete the present authorization of said Idaho Routes Nos. 14 and 15 from the certificate and substitute therefor the following*, respectively: Idaho Route No. 14, between Bliss and Twin Falls; from Bliss over Idaho Highway 25 to junction U.S. Highway 93, and thence over U.S. Highway 93 to Twin Falls, and return over the same route, serving all intermediate points. Idaho Route No. 15. Between South Hagerman Junction and West Wendell Junction; from junction U.S. Highway 30 and unnumbered highway (South Hagerman Junction), over unnumbered highway to junction Idaho Highway 25 (West Wendell Junction), as an alternate route to be used for operating convenience only, with no service at intermediate points, subject to the general conditions and orders set forth on First Revised Sheet No. 1A of Certificate No. MC 1515 (Sub-No. 7). NOTE: The changes in operating authority hereinabove shown and explained are proposed to be incorporated in the designated revised sheet to said proposed Certificate No. MC 1515 (Sub-No. 7). Common control may be involved.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-12827; Filed, Dec. 1, 1965; 8:45 a.m.]

[2d Rev. S.O. 947; Rev. Pfahler's Car Distribution Direction 1]

PENNSYLVANIA RAILROAD CO. AND CHICAGO, BURLINGTON AND QUINCY RAILROAD CO.

Freight Car Distribution

Pursuant to section I (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (a) (5) (ii) of the Interstate Commerce Commission Second Revised Service Order No. 947 (28 F.R. 12127; 29 F.R. 6014, 9670, 18506; 30 F.R. 6220 and 7522).

It appearing, That there continues to exist a shortage of boxcars in sections of the country served by the Chicago, Burlington & Quincy Railroad Co. because of inequitable distribution, and it appearing that the present carrier rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of cars to the railroads owning such cars are ineffective; this Agent is of the opinion that an emergency exists requiring immediate action, and that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this direction effective upon less than 30 days' notice.

It is ordered, That:

(1) The Pennsylvania Railroad Co. and the Chicago, Burlington & Quincy Railroad Co. shall observe, enforce, and obey the following directions, rules, regulations, and practices with respect to freight car distribution:

(a) The Pennsylvania Railroad Co. shall deliver to the Chicago, Burlington & Quincy Railroad Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships.

(b) The rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

(c) Cars applied under this direction shall be carded to the Chicago, Burlington & Quincy Railroad Co. and each car shall be identified by the Pennsylvania Railroad Co. on its empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(2) No common carrier by railroad subject to the Interstate Commerce Act shall intercept, appropriate, or divert any empty cars moving under the provisions of this direction.

(a) The Pennsylvania Railroad Co. must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m., to the Chicago, Burlington & Quincy Railroad Co.

(b) The Chicago, Burlington & Quincy Railroad Co. must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, received from the Pennsylvania Railroad Co. during the preceding week, ending each Sunday at 11:59 p.m.

(3) Application: The provisions of this direction shall apply to intrastate, interstate, and foreign commerce.

(4) Regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(5) Effective date: This direction shall become effective at 11:59 p.m., November 30, 1965.

(6) Expiration date: This direction shall expire at 11:59 p.m., December 31, 1965, unless otherwise modified, changed or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 29, 1965.

INTERSTATE COMMERCE COMMISSION,

[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 65-12904; Filed, Dec. 1, 1965; 8:49 a.m.]

[2d Rev. S.O. 947; Pfahler's Car Distribution Direction 2; Amdt. 1]

KANSAS CITY SOUTHERN RAILWAY CO. AND ILLINOIS CENTRAL RAILROAD CO.

Freight Car Distribution

Upon further consideration of Pfahler's Car Distribution Direction No. 2 (the

Kansas City Southern Railway Co.-Illinois Central Railroad Co.) and good cause appearing therefor:

It is ordered, That:

Pfahler's Car Distribution Direction No. 2 be, and is hereby amended by substituting the following paragraph (6) for paragraph (6) thereof:

(6) Expiration date: This Direction shall expire at 11:59 p.m., December 31, 1965, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That this Direction shall become effective at 11:59 p.m., November 30, 1965, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 29, 1965.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 65-12905; Filed, Dec. 1, 1965; 8:49 a.m.]

[2d Rev. S.O. 947; 2d Rev. Pfahler's Car Distribution Direction 3; Amdt. 1]

NEW YORK CENTRAL RAILROAD CO. AND CHICAGO AND NORTH WESTERN RAILWAY CO.

Freight Car Distribution

Upon further consideration of Pfahler's Car Distribution Direction No. 3 (The New York Central Railroad Co.-The Chicago and North Western Railway Co.) and good cause appearing therefor:

It is ordered, That:

Pfahler's Car Distribution Direction No. 3 be, and is hereby amended by substituting the following paragraph (6) for paragraph (6) thereof:

(6) Expiration date: This Direction shall expire at 11:59 p.m., December 31, 1965, unless otherwise modified, changed or suspended by order of this Commission.

It is further ordered, That this Direction shall become effective at 11:59 p.m., November 30, 1965, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of Federal Register.

Issued at Washington, D.C., November 29, 1965.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 65-12906; Filed, Dec. 1, 1965; 8:50 a.m.]

[2nd Rev. S.O. 947; Rev. Pfahler's Car Distribution Direction 4]

LOUISVILLE AND NASHVILLE RAILROAD CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Freight Car Distribution

Pursuant to section I (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (a) (5) (ii) of the Interstate Commerce Commission Second Revised Service Order No. 947 (28 F.R. 12127; 29 F.R. 6014, 9670, 18506; 30 F.R. 6220 and 7522).

It appearing, That there continues to exist a shortage of boxcars in sections of the country served by the Chicago, Burlington, & Quincy Railroad Co. because of inequitable distribution, and it appearing that the present carrier rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of cars to the railroads owning such cars are ineffective; this Agent is of the opinion that an emergency exists requiring immediate action, and that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this direction effective upon less than 30 days' notice.

It is ordered, That:

(1) The Louisville and Nashville Railroad Co. and the Chicago, Burlington & Quincy Railroad Co. shall observe, enforce, and obey the following directions, rules, regulations, and practices with respect to freight car distribution.

(a) The Louisville and Nashville Railroad Co. shall deliver to the Chicago, Burlington & Quincy Railroad Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships.

(b) The rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

(c) Cars applied under this direction shall be carded to the Chicago, Burlington & Quincy Railroad Co. and each car shall be identified by the Louisville and Nashville Railroad Co. on its empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(2) No common carriers by railroad subject to the Interstate Commerce Act shall intercept, appropriate, or divert any empty cars moving under the provisions of this direction.

(a) The Louisville and Nashville Railroad Co. must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m., to the Chicago, Burlington & Quincy Railroad Co.

(b) The Chicago, Burlington & Quincy Railroad Co. must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, received from the Louisville and Nashville Railroad Co. during the preceding week, ending each Sunday at 11:59 p.m.

(3) Application: The provisions of this direction shall apply to intrastate, interstate, and foreign commerce.

(4) Regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(5) Effective date: This direction shall become effective at 11:59 p.m., November 30, 1965.

(6) Expiration date: This direction shall expire at 11:59 p.m., December 31, 1965, unless otherwise modified, changed or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 29, 1965.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 65-12907; Filed, Dec. 1, 1965; 8:50 a.m.]

[Notice 126]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 29, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-68242. By order of November 23, 1965, Transfer Board approved the transfer to Turley's Transfer Co., Inc., Central City, Ky., of Certificate in No. MC-112814, issued February 29, 1952, to L. J. Turley, Jr., doing business as Turley's Transfer Co., Central City, Ky., authorizing the transportation of: Household goods, between Central City, Ky., and points within 25 miles of Central City, on the one hand, and, on the other, points in Indiana, Ohio, Tennessee, Illinois, and West Virginia. Harold M. Streets, Benson-Lawton Building, Post Office Box 230, Central City, Ky., attorney for applicants.

No. MC-FC-68245. By order of November 23, 1965, Transfer Board approved the transfer to Marshall's Express, Inc., Providence, R.I., of Certificate in No. MC-64382, issued January 7, 1943, to John W. Marshall, doing business as Marshall's Express, Providence, R.I., authorizing the transportation of: Household goods, between East Providence and Providence, R.I., on the one hand, and, on the other, New York, N.Y., and specified parts of Connecticut and Massachusetts; and new furniture, between Providence, R.I. and Boston, Mass. Earl Edward Bushman, Jr., 100 Cumberland Road, Warwick, R.I., attorney for applicants.

No. MC-FC-68297. By order of November 29, 1965, Transfer Board approved the transfer to Mt. Pleasant Transfer, Inc., Mt. Pleasant, Tenn., of the operating rights in Certificate No. MC-71772, issued April 18, 1961, to J. H. Morgan, doing business as Mt. Pleasant Transfer Co., Mt. Pleasant, Tenn., authorizing the transportation, over regular routes, of: General commodities, with the usual exceptions, between Nashville, and Mt. Pleasant, Tenn., serving the intermediate point of Ashwood, Tenn. Walter Harwood, 515 Nashville Bank & Trust Building, Nashville, Tenn., attorney for applicants.

No. MC-FC-68298. By order of November 26, 1965, Transfer Board approved the transfer to Fred Carpenter, Inc., Syracuse, N.Y., of the operating rights in Certificate No. MC-5164 (Sub-No. 42), issued November 5, 1946, to Fred C. Carpenter, Syracuse, N.Y., authorizing the transportation, over irregular routes of: Commodities which because of their size or weight require special handling or the use of special equipment, over irregular routes, between Syracuse, N.Y., and points and places in New York within 75 miles of Syracuse on the one hand, and, on the other, points and places in New York, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New Jersey, Pennsylvania, and Ohio. George B. Peluso, 913 State Tower Building, Syracuse, N.Y., 13202, attorney for applicants.

No. MC-FC-68299. By order entered November 26, 1965, Transfer Board approved the transfer to Nantasket, Allerton & Hull Express Co., Inc., doing business as Daley & Wanzer, Hull, Mass., of the portion of the operating rights in Certificate No. MC-53884, issued May 11, 1949, to Charles F. Johnson and George A. Harris, a partnership, doing business as Moriarty Van Lines & C. Moriarty & Co., Jamaica Plains, Mass., and amended May 16, 1960, to show the trade name as Moriarty Van Lines, authorizing the transportation of: Household goods, as defined by the Commission, between Boston, Mass., and points within 15 miles thereof on the one hand, and, on the other, points in Maryland, Virginia, and the District of Columbia. Robert J. Gallagher, 111 State Street, Boston, Mass., 02109, attorney for applicants.

No. MC-FC-68302. By order entered November 26, 1965, Transfer Board approved the transfer to Robert W. Leasure, Wheeling, W. Va., of the portion of the operating rights in Certificate No. MC-47157, issued June 13, 1941, to Pete Zukoff, Moundsville, W. Va., authorizing the transportation, over irregular routes, of: Household goods, between points and places in Marshall and Ohio Counties, W. Va., and Belmont County, Ohio, on the one hand, and, on the other, points and places in Pennsylvania, those in West Virginia north of U.S. Highway 50, and those in Ohio east of U.S. Highway 23, including points and places on the indicated portions of the highways specified. D. L. Bennett, 2207 National Road, Wheeling, W. Va., representative for applicants.

No. MC-FC-68305. By order of November 26, 1965, the Transfer Board approved the transfer to James R. Gulley and Madison D. Locke, a partnership, doing business as J&M Trucking, East Ely, Nev., of the Certificate in No. MC-72543, issued November 30, 1961, to Dan Oxborrow, Ely, Nev., authorizing the transportation of: Livestock, from points within 50 miles of Battle Mountain, Nev., to Battle Mountain; ore and concentrates, and mining machinery, equipment, and supplies, between points in Nevada within 100 miles of Battle Mountain, Nev., including Battle Mountain, except that service is not authorized between points on U.S. Highway 40, and between points in Nevada within 150 miles of Ely, Nev., including Ely. E. R. Miller, Jr., 364 Aultman Street, Ely, Nev., attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 65-12908; Filed, Dec. 1, 1965; 8:50 a.m.]

[Notice No. 93]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 29, 1965.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 19227 (Sub-No. 95 TA), filed November 24, 1965. Applicant: LEONARD BROS. TRANSFER, INC., 2595 Northwest 20th Street, Miami, Fla., 33142. Applicant's representative: J. F. Dewhurst (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* which require the use of special equipment because of size or weight, between points in New Mexico and California, for 180 days. Supporting shippers: FMC Corp., 3075 12th Street, Box 552, Riverside, Calif., 92502; General Atomic, Post Office Box 608, San Diego, Calif., 92112; General Dynamics, Post Office Box 1950, San Diego 12, Calif.; Hardwicke-Etter Co., Sherman, Tex.; Interstate Electronics Corp., 707 East Vermont Avenue, Anaheim, Calif.; Kaufman Fabricators, Inc., Kaufman, Tex.; LTV Military Electronics Division, Post Office Box 6118, Dallas, Tex., 75222; Murdock Machine & Engineering Co., 5100 Carpenter Freeway West, Irving, Tex., 75060; Rolin Communication Facilities Co., Inc., 401 North Bowser Road, Richardson, Tex., 75081; Solar, a division of International Harvester Co., San Diego, Calif., 92112; Thermovac, 400 South Wilson Way, Stockton, Calif., 95201; Universal Pole Bracket Corp., Post Office Box 8454, Houston, Tex., 77004; and LTV Aerospace Corp., Post Office Box 5907, Dallas, Tex., 75222. Send protests to: Joseph B. Teichert, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 1621, 51 Southwest First Avenue, Miami, Fla., 33130.

No. MC 58813 (Sub-No. 67 TA), filed November 24, 1965. Applicant: SELMAN'S EXPRESS, INC., 460 West 35th Street, New York, N.Y. Applicant's representative: Solomon Granett, 1740 Broadway, New York, N.Y., 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, loose, on hangers only, from Hollywood, Fla., to New York, N.Y., and *materials* and *supplies* used in the manufacture of wearing apparel, from New York, N.Y., to Hollywood, Fla., for 120 days. Supporting shipper: Haybro Uniform Corp., 2360 Hayes Street, Hollywood, Fla. Send protests to: Stephen P. Tomany, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y., 10013.

No. MC 113678 (Sub-No. 198 TA), filed November 24, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's representative: Stanley Averch (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, from Greeley, Colo., and Denver, Colo., to points in Nevada, for 180 days. Supporting shipper: Monfort Packing Co., Greeley, Colo. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, Bureau of Op-

erations and Compliance, 2022 Federal Building, Denver, Colo., 80202.

No. MC 117834 (Sub-No. 3 TA), filed November 24, 1965. Applicant: WILLIAM R. PINKERTON, doing business as BILL PINKERTON, Route 4, Box 192C, Little Rock, Ark. Applicant's representative: Guy Amsler, Jr., Donaghey Building, Little Rock, Ark. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fruit and vegetable shipping containers*, knocked down or set up, from Little Rock, Ark., to points in Louisiana, for 180 days. Supporting shipper: Little Rock Crate & Basket Co., 1623 East 14th Street, Little Rock, Ark. Send protests to: D. R. Partney, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2519 Federal Office Building, 700 West Capitol Avenue, Little Rock, Ark., 72201.

No. MC 127734 TA, filed November 24, 1965. Applicant: WILLIE T. FLOWERS, Post Office Box 29, Lapel, Ind. Applicant's representative: Ira Haymaker, 806 Merchants Bank Building, Indianapolis, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* in beverage containers between Anderson, Ind., and Peoria, Ill., Milwaukee, Wis., and Louisville, Ky., and a radius of 5 miles around each terminal, for 180 days. Supporting shipper: Maco Beverage Corp., 1803 Columbus Avenue, Anderson, Ind. Send protests to: John G. Edmunds, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind., 46802.

No. MC 127735 TA, filed November 24, 1965. Applicant: ROY E. BARKER, doing business as ROY E. BARKER PRODUCE, 121 Manolia Street, North Little Rock, Ark. Applicant's representative: Guy Amsler, Jr., Donaghey Building, Little Rock, Ark. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fruit and vegetable shipping containers*, knocked down or set up, from Little Rock, Ark., to points in Florida, and in Texas south and east of U.S. Highway 377 running from Del Rio north through Fort Worth to Interstate Highway 35 and north to the Texas border, for 180 days. Supporting shipper: Little Rock Crate & Basket Co., 1623 East 14th Street, Little Rock, Ark. Send protests to: D. R. Partney, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2519 Federal Office Building, 700 West Capitol Avenue, Little Rock, Ark., 72201.

No. MC 127736 TA, filed November 24, 1965. Applicant: L. C. Gachot and L. P. Northen, a partnership, doing business as GACHOT BROS. PRODUCE, 2011 East Roosevelt, Little Rock, Ark. Applicant's representative: Guy Amsler, Jr., Donaghey Building, Little Rock, Ark. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fruit and vegetable shipping containers*, knocked down or set up, from Little Rock, Ark., to points in Florida, and Texas south and east of U.S. Highway 377 running from Del Rio north through Fort Worth to Interstate Highway 35 and north to the Texas border, for 180 days. Supporting shipper: Little Rock Crate & Basket Co., 1623 East 14th Street, Little Rock, Ark. Send protests to: D. R. Partney, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2519 Federal Office Building, 700 West Capitol Avenue, Little Rock, Ark., 72201.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-12909; Filed, Dec. 1, 1965; 8:50 a.m.]

[No. 34573 (Sub-No. 5)]

MULTIPLE CAR RATES ON CANNED FOODSTUFFS, PACIFIC COAST TO EAST

Assignment for Hearing and Directing Special Procedure

It appearing, That in the original order in this proceeding, dated March 18, 1965, the Commission, Division 2, acting as an Appellate Division, entered upon an investigation concerning the matter of rates and charges, and the rules, regulations and practices affecting such rates and charges, applicable on interstate or foreign commerce of canned goods, various minima, between Pacific Coast territory and transcontinental eastern defined points;

It further appearing, That by order dated October 12, 1965, the Commission instituted an investigation into the lawfulness of certain rates and charges, rules, regulations and practices of certain tariff schedules which are similar to, or in addition to, those covered by the original order and Sub-Nos. 1, 2, 3, and 4 in this proceeding;

And it further appearing, That upon consideration of the record in this proceeding and having determined that it is of such a nature as to require the adoption of special procedure, including a formal hearing before a hearing examiner, and for good cause appearing therefor:

It is ordered, That:

(a) This proceeding be, and it is hereby, referred to Hearing Examiner Richard S. Ries for hearing at the time and place hereafter designated and for recommendation of an appropriate order thereon, accompanied by the reasons therefor;

(b) The respondents and any interested party in support thereof shall file with the Commission on or before January 11, 1966, their prepared testimony, in writing, including all exhibits thereto and, at the same time, serve a copy of such prepared testimony and exhibits upon all parties to the proceeding;

(c) The protestants and any interested party in support thereof shall file with the Commission on or before February 8, 1966, their prepared testimony in writing, including all exhibits thereto and, at the same time, serve a copy of such prepared testimony and exhibits upon all parties to the proceeding;

(d) Parties desiring to cross-examine witnesses who have submitted prepared statements shall give notice to that effect in writing to the affiant and his counsel, if any, on or before February 15, 1966, a copy of such notice to be filed simultaneously with the Commission;

(e) A hearing will be held at the Offices of the Interstate Commerce Commission, Washington, D.C., on February 23, 1966, commencing at 9:30 a.m. U.S. standard time for the purpose of cross-examining all witnesses so requested and for the introduction of the rebuttal evidence of the respective parties;

(f) An original with the affidavit and signature in ink together with two copies of all prepared testimony shall be filed with the Commission;

(g) Evidence presented which fails to conform to the above-outlined procedure will be grounds for its rejection from the record of the proceeding.

It is further ordered, That a copy of this order be delivered to the Director, Office of Federal Register, for publication in the FEDERAL REGISTER as notice to all parties.

And it is further ordered, That, to avoid future unnecessary service upon those respondents who, although participating carriers in the tariff schedules which are the subject of investigation herein, are not actively interested in the outcome of such investigation, subsequent service on respondents herein of notices and orders of the Commission will be limited to those respondents who:

(1) Have been identified by name in the order or orders of investigation herein,

(2) Specifically make written request to the Secretary of the Commission to be included on the service list, or

(3) Have appeared at a hearing.

Dated at Washington, D.C., this 9th day of November A.D. 1965.

By the Commission, Commissioner Freas.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-12910; Filed, Dec. 1, 1965; 8:50 a.m.]

TEXAS, OKLAHOMA & EASTERN RAILROAD CO.

Diverting or Rerouting Traffic

In the opinion of R. D. Pfahler, agent, the Texas, Oklahoma & Eastern Railroad Co., because of damage to a bridge at Valliant, Okla., is unable to transport traffic routed over its line.

It is ordered, That:

(a) Rerouting traffic: The Texas, Oklahoma & Eastern Railroad Co., and its connections being unable to transport traffic routed over its line because of damage to bridge at Valliant, Okla., is hereby authorized to reroute or divert such traffic over any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained. The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date. This order shall become effective at 3 p.m., November 26, 1965.

(g) Expiration date. This order shall expire at 11:59 p.m., December 10, 1965, unless otherwise modified, changed or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 26, 1965.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 65-12903; Filed, Dec. 1, 1965; 8:49 a.m.]

[3d Rev. S.O. 562; Pfahler's I.C.C. Order 195; Amdt. 1]

DULUTH, WINNIPEG AND PACIFIC RAILWAY CO.

Diverting or Rerouting of Traffic

Upon further consideration of Pfahler's I.C.C. Order No. 195 and good cause appearing therefor:

It is ordered, That:

Pfahler's I.C.C. Order No. 195 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date: This order shall expire at 11:59 p.m., December 15, 1965, unless otherwise modified, changed or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., November 30, 1965, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 29, 1965.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 65-12902; Filed, Dec. 1, 1965; 8:49 a.m.]

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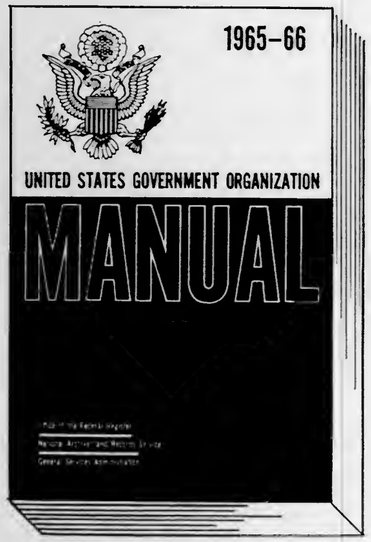
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PART 1204—COMPENSATION AND ALLOWANCES

Tropical Differential

Effective the first day of the first pay period beginning on or after October 1, 1965, § 1204.12(d) is amended to read as follows:

§ 1204.12 Tropical differential.

• • • • •

(d) An employee may be paid tropical differential under this section only to the extent that such payment, when combined with his aggregate compensation established under §§ 1204.10 and 1204.11, does not exceed the current rate of step 5, GS–17, of the General Schedule of the Classification Act of 1949, as amended.

STANLEY R. RESOR,
Secretary of the Army.

[F.R. Doc. 65–12939; Filed, Dec. 2, 1965; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

Subpart E—United States Standards for Milled Rice

MILLING REQUIREMENTS IN NUMERICAL GRADES

On pages 13265 and 13266 of the FEDERAL REGISTER of October 19, 1965, there was published, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003), a notice of proposed rule making to amend §§ 68.301(a), 68.302, and 68.303 (a), (b), (c), (d), and (e) of the U.S. Standards for Milled Rice (7 CFR 68.301 et seq.) under the authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.).

In the notice it was proposed that the standards for milled rice should be amended by subdividing the milling requirement "reasonably well milled" into three degrees of milling, as follows: U.S. No. 3 Milled Rice shall be at least reasonably well milled; U.S. No. 4 Milled Rice shall be at least lightly milled; and U.S. No. 5 and U.S. No. 6 Milled Rice shall be at least loosely milled. In addition, it was proposed that the lowest level of milling for U.S. No. 3 and U.S. No. 4 Milled Rice should be improved, and that the lowest level for U.S. No. 5 and U.S. No. 6 Milled Rice should remain substantially unchanged. It was also proposed that the milling requirements for all classes of milled rice should conform to such change, that the change should apply to Second Head Milled Rice, Screenings Milled Rice, and Brewers Milled Rice, and that the milling requirements for all milled rice should be based on physical samples of milled rice prepared by the Consumer and Marketing Service. Interested persons were given 10 days to submit written data, views, or recommendations with respect to the proposed amendment.

Statement of considerations. Copies of the notice of proposed rule making, as published in the FEDERAL REGISTER, were sent to over 500 individuals, corporations, and associations which are interested in the milling, drying, and use of rice. Thirteen persons or organizations submitted comments with respect to the proposal. Two of those submitting comments opposed the proposed changes. All others endorsed such changes.

The Rice Millers Association has stated that when rice is milled to the minimum limits of "reasonably well milled" as applied at present it does not satisfy the rice trade's idea of U.S. No. 3 Milled Rice. The Association has also stated that there should be a difference between the milling requirements for U.S. No. 3 and U.S. No. 4 Milled Rice, and also between the milling requirements for U.S. No. 4, and U.S. No. 5 and U.S. No. 6 Milled Rice.

In order to provide such differences in the milling requirements, it is concluded that the present milling requirement, "reasonably well milled" should be subdivided to improve the level of milling for grades U.S. No. 3 and U.S. No. 4, and that the lowest level of milling for grades U.S. No. 5 and U.S. No. 6 should be left substantially unchanged; that the change in milling requirement should apply to all classes of milled rice; and that the change should also apply to Second Head Milled Rice, Screenings Milled Rice, and Brewers Milled Rice.

In order to provide for these changes, it is concluded that the terminology used to describe the several degrees of milling should be as follows: U.S. No. 1 and U.S. No. 2 shall be well milled; U.S. No. 3 shall be at least reasonably well milled; U.S. No. 4 shall be at least lightly milled; and U.S. No. 5 and U.S. No. 6 shall be at least loosely milled.

This change in milling requirements should result in a more uniform degree of milling for grades U.S. No. 3 and U.S. No. 4 Milled Rice; and should therefore tend to improve the position of U.S. rice in the world market. The change in milling requirements will not cause any hardship to the rice milling industry, since the milling requirements as proposed are the minimum requirements for the specific grades. Rice of the grades U.S. No. 3, U.S. No. 4, U.S. No. 5, and U.S. No. 6 can still be "well milled" or "reasonably well milled" because rice which meets a higher milling requirement will not be downgraded on this factor.

To achieve uniform interpretations, it is concluded that the milling requirements should be based on physical samples of long grain, medium grain, and short grain milled rice prepared by the Consumer and Marketing Service. The samples will show the lowest level for each different degree of milling in all classes of milled rice, and will be available for reference in all rice inspection offices.

Regulatory action. After due consideration of all submissions made pursuant to the notice of proposed rule making and of all other relevant matters, and pursuant to the authority contained in section 203(c) of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621(c)), the proposed amendment of the U.S. Standards for Milled Rice, as published in the FEDERAL REGISTER on October 19, 1965 (F.R. Doc. 65–11153), is hereby adopted without change to become effective January 3, 1966.

Done at Washington, D.C., this 30th day of November 1965.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

Section 68.301(a) is revised to read as follows:

§ 68.301 Terms defined.

• • • • • •

(a) *Milled rice.* Milled rice shall be whole or broken kernels of rice (Oryza sativa) from which the hulls and at least the outer bran layers and a part of the germs have been removed and not more than 10.0 percent of seeds or foreign material either singly or combined.

• • • • • •

A new § 68.302(c) is added to read as follows:

§ 68.302 Principles governing application of standards.

• • • • • •

(c) *Milling requirements.* Samples illustrating the lowest level for each degree of milling of milled rice, i.e., "well milled," "reasonably well milled," "lightly milled," "loosely milled," and "unpolished" will be maintained by the Grain Division, Consumer and Marketing Service, and will be available for reference in all rice inspection offices.

§ 68.303 [Amended]

1.a. In §§ 68.303 (a) and (b) the last three sentences in footnote 1 are changed to read, respectively, as follows: "U.S. No. 3 may be light gray and shall be at least reasonably well milled. U.S. No. 4 may be gray or slightly rosy and shall be at least lightly milled. U.S. No. 5 and U.S. No. 6 may be dark gray or rosy and shall be at least loosely milled."

b. Footnote 1 in said paragraphs (a) and (b) reads as follows:

[1] Color and milling requirements: U.S. No. 1 shall be white or creamy and shall be well milled. U.S. No. 2 may be slightly gray and shall be well milled. U.S. No. 3 may be light gray and shall be at least reasonably well milled. U.S. No. 4 may be gray or slightly rosy and shall be at least lightly milled. U.S. No. 5 and U.S. No. 6 may be dark gray or rosy and shall be at least loosely milled.

2. a. In § 68.303(c) the last three sentences of footnote 1 are changed to read, respectively, as follows: "U.S. No. 3 may be light gray and shall be at least reasonably well milled. U.S. No. 4 may be gray or slightly rosy and shall be at least lightly milled. U.S. No. 5 may be dark gray or rosy and shall be at least loosely milled."

b. Footnote 1 in said paragraph (c) reads as follows:

[1] Color and milling requirements: U.S. No. 1 shall be white or creamy and shall be well milled. U.S. No. 2 may be slightly gray and shall be well milled. U.S. No. 3 may be light gray and shall be at least reasonably well milled. U.S. No. 4 may be gray or slightly rosy and shall be at least lightly milled. U.S. No. 5 may be dark gray or rosy and shall be at least loosely milled.

3 a. In § 68.303(d) the last three sentences of footnote 1 are changed to read as follows: "U.S. No. 3 may be light gray or slightly rosy and shall be at least reasonably well milled. U.S. No. 4 may be gray or rosy and shall be at least lightly milled. U.S. No. 5 may be dark gray or very rosy and shall be at least loosely milled."

b. Footnote 1 in said paragraph (d) reads as follows:

[1] Color and milling requirements: U.S. No. 1 shall be white or creamy and shall be well milled. U.S. No. 2 may be slightly gray and shall be well milled. U.S. No. 3 may be light gray or slightly rosy and shall be at least reasonably well milled. U.S. No. 4 may be gray or rosy and shall be at least lightly milled. U.S. No. 5 may be dark gray or very rosy and shall be at least loosely milled.

4. a. In § 68.303(e) the color and milling requirements for grades U.S. No. 3, U.S. No. 4, and U.S. No. 5 are changed to read, respectively, as follows:

"May be light gray or slightly rosy and shall be at least reasonably well milled."

"May be gray or rosy and shall be at least lightly milled."

"May be dark gray or very rosy and shall be at least loosely milled."

b. The table in said paragraph (e) insofar as it lists the numerical grades and the respective color and milling requirements therefor reads as follows:

Grade	Color and milling requirements
U.S. No. 1	Shall be white or creamy and shall be well milled.
U.S. No. 2	May be slightly gray and shall be well milled.
U.S. No. 3	May be light gray or slightly rosy and shall be at least reasonably well milled.
U.S. No. 4	May be gray or rosy and shall be at least lightly milled.
U.S. No. 5	May be dark gray or very rosy and shall be at least loosely milled.

[F.R. Doc. 65-12993; Filed, Dec. 2, 1965; 8:50 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—Consumer and Marketing Service (Packers and Stockyards Division), Department of Agriculture

PART 203—STATEMENTS OF GENERAL POLICY UNDER THE PACKERS AND STOCKYARDS ACT

Meat Packer Sales and Purchase Contracts

On August 25, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 10994) regarding the proposed issuance of a statement of general policy with respect to meat packer sales and purchase contracts. Interested persons were given an opportunity to submit written data, views, and arguments concerning the proposed statement. After consideration of all relevant matters, the following statement with respect to all meat packer sales and purchase contracts made by packers subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), has been formulated and adopted by the Consumer and Marketing Service for the guidance of packers and other persons and is issued as § 203.7 of Part 203, Chapter II, Title 9, Code of Federal Regulations, to read as follows:

§ 203.7 Statement with respect to meat packer sales and purchase contracts.

(a) The Packers and Stockyards Division, Consumer and Marketing Service, receives numerous complaints concerning the failure or refusal of buyers to pay the full purchase price for, or to accept delivery of, their purchases of meat and meat food products and sellers failing to meet contractual specifications. Most such complaints arise out of disputes concerning condition, grade, weight, or shipping instructions.

(b) It is believed that both seller and buyer should take the following points into consideration when selling and buying meat and meat food products:

(1) *Terms of shipment and time of arrival.* Terms and conditions of shipment and delivery should be specified in the contract and both parties should understand fully all terms and conditions of the contract. Any deviation from normal practices, such as a guaranty by the shipper as to the date of arrival at destination, or a deviation from the normal meaning of terms, should also be fully understood and made a part of the contract.

(2) *Quality and condition.* (i) A seller has the responsibility of making certain that the meat and meat food products shipped are in accordance with the terms of the contract specifications.

(ii) When a buyer believes that the shipment does not meet the terms of the contract, he should immediately contact the seller or the seller's agent and advise him of the nature of the complaint. This affords the seller an opportunity to renegotiate the contract, to personally inspect the meat or meat food products, or to have an impartial party inspect or examine the meat or meat food products. Inspection and examination service of this type is available nationally through the USDA meat grading service and locally through various impartial persons or agencies.

(iii) All terms of a transaction should be made clear in the contract, whether written or verbal. If there is any chance of misunderstanding, a written confirmation should be exchanged between the parties. In any case where a contract dispute cannot be settled between the parties and either party intends to file a complaint, such complaint should be brought to the attention of the nearest Packers and Stockyards Division area office as soon as possible. However, a concerted effort on the part of both buyer and seller to negotiate clear and complete contracts will greatly reduce misunderstandings which can result in the filing of complaints with the Division.

(c) If the Packers and Stockyards Division has reason to believe that any packer unjustifiably (1) has refused to pay the contractual price for meat or meat food products purchased, (2) has refused to accept a shipment of meat or meat food products, or (3) has failed to ship meat or meat food products in accordance with the terms of the contract specifications, consideration will be given to the issuance of a complaint charging the packer with violation of section 202 of the Act. In the formal administrative proceeding initiated by any such complaint, the Judicial Officer of the Department will determine, upon the basis of the record in the proceeding, whether the packer has violated the Act and should be ordered to cease and desist from continuing such violation.

(Sec. 407(a), 42 Stat. 169, 72 Stat. 1750; 7 U.S.C. 228 (a); interprets or applies Sec. 202, 42 Stat. 161 et seq., as amended; 7 U.S.C. 192)

The term "packer," as used in this statement, includes all packers as defined in section 201 of the Act. This includes, for example, in addition to persons who buy livestock in commerce for purposes of slaughter, retailers engaged in the business of manufacturing or preparing meats or meat food products for sale or shipment in commerce.

This statement is for the purpose of setting forth the views of the Consumer and Marketing Service to guide those persons in the packing industry engaged in the legitimate buying or selling of meat or meat food products. The statement is not to be construed as an approval of all transfers of meat between packers, such as transfers of meat between competing slaughterers which are for the purpose or have the effect of restraining commerce.

The foregoing statement shall become effective upon its publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 30th day of November 1965.

CLARENCE H. GIRARD,
Deputy Administrator,
Consumer and Marketing Service.

[F.R. Doc. 65-12972; Filed, Dec. 2, 1965; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 1267; Amdt. 39-163]

PART 39—AIRWORTHINESS DIRECTIVES

Douglas Model DC-3 Series Airplanes

Amendment 536 (28 F.R. 1371), AD 63-4-1, as amended by Amendments 569 (28 F.R. 5232), 627 (28 F.R. 10637), and 39-98 (30 F.R. 8203), requires inspection and modification of the wing lower surface attach angles and doublers on Douglas Model DC-3 Series airplanes. Subsequent to the issuance of Amendment 39-98, it has come to the attention of the Agency that some misunderstanding may exist with respect to the requirement of AD 63-4-1 because of the many detailed amendments that have been made to that AD. Therefore, the Agency considers it appropriate to clarify the existing requirements by incorporating AD 63-4-1 as amended by Amendments No. 569, 627, and 39-98, into a new superseding airworthiness directive without substantive change.

In view of the foregoing and since this amendment imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

DOUGLAS. Applies to all DC-3 series including Military C-47, C-47A, C-47B, C-48, C-48A, C-49, C-49A, C-49B, C-49C, C-49D, C-49J, C-49K, C-50, C-50A, C-50B, C-50C, C-50D, C-51, C-52, C-52A, C-52B, C-52C, C-53, C-53B, C-53C, C-53D, C-68, C-117A, and R4D Series except R4D-8 airplanes certificated as Civil Airplanes.

Compliance required as indicated:

(a) Unless already accomplished within the last 400 hours' times in service, within the next 50 hours' time in service after the effective date of this AD, inspect the wing lower attach angles on both the outer wing and center section between the front and rear spars for cracks between the attach bolt holes. Use at least a 4-power magnifying glass. Reinspect at intervals not to exceed 450 hours' time in service from the last inspection. Replace cracked attach angles prior to further flight.

(b) Unless already accomplished in accordance with AD 39-24-1 and AD 52-22-3, or AD 63-4-1 as amended by Amendment 627 (28 F.R. 10637) and the time in service since such accomplishment is verified by maintenance records, all airplanes not being presented for an initial airworthiness certificate shall be inspected in accordance with subparagraphs (d) (1) through (3) within the next 500 hours' time in service after the effective date of this AD and thereafter at each 2,000 hours' time in service until the following modifications are accomplished:

(1) All outer wing lower surface doublers, P/N's 570602-206 and -207 or P/N's 5115200-206 and -207 shall be replaced with new doublers fabricated from 0.072 material in the manner described in Douglas Service Bulletin DC-3 No. 262, reissued June 14, 1963.

(2) All outer wing lower surface doublers, P/N's 570602-208 and -209 or P/N's 5115200-208 and -209 shall be replaced with new doublers fabricated from 0.064 material in the manner described in Douglas Service Bulletin DC-3 No. 262, reissued June 14, 1963.

(3) All outer wing lower surface attach angles shall be replaced with new angles fabricated for proper installation with the new heavier doublers in the manner described in Douglas Service Bulletin DC-3 No. 262, reissued June 14, 1963, except that aircraft modified to incorporate doublers and attach angles described in Douglas Service Bulletins No. 220 and No. 146, respectively, are satisfactory until parts must again be replaced per paragraph (d) below.

(4) The wing center section lower surface shall be modified by incorporating witness holes, installing new wrap around doublers attached to the wing skin and new attach angles as described in Douglas Service Bulletin DC-3 No. 262, reissued June 14, 1963, except that modifications made prior to the effective date of this amendment in accordance with Douglas Drawing 5406787 "D", "E", or "F" are satisfactory until parts must again be replaced.

(5) Airplanes reworked in accordance with Service Sketch No. 624 are satisfactory if such rework is necessary in the accomplishment of the rework outlined in Douglas Service Bulletin No. 262, reissued June 14, 1963. In such cases, rework in accordance with Douglas Service Sketch No. 624 must be accomplished at each subsequent replacement of the wing attach angles and doublers.

(6) The proper installation alignment of the attach angles and doublers described in subparagraphs (b) (1), (2), (3), and (4) shall be maintained. This shall be accomplished by the use of satisfactory jigs or by FAA-approved equivalent means. Douglas jig fixtures P/N's A652-5110506-1-1F2 and A652-5110506-1F2 or P/N's C652-5110500-101-1-1F1 and C652-5110500-101-1F1 or those that meet the criteria of Advisory Circular AC 39-1, are considered to be satisfactory for alignment purposes.

(c) Airplanes being presented for an initial airworthiness certificate must be modified in accordance with subparagraphs (b) (1) through (6) prior to the issuance of the airworthiness certificate.

(d) Before 8,000 and again at 12,000 hours' time in service following any modification prescribed by paragraph (b) the outer wings shall be removed, affected areas must be thoroughly cleaned and inspections must be conducted as follows:

(1) Inspect the center wing skin and outer wing attach angle doublers for cracks along the radius of the bent-up flange at the attachment joint. Conduct the inspections with at least a 6-power magnifying glass or by dye penetrant;

(2) Inspect the center and outer wing attach angles including the areas between the attaching bolt holes for evidence of cracks. Remove all paint to permit inspection with at least a 6-power magnifying glass or by dye penetrant; and

(3) Make visual inspections through the witness holes in the center section at the front and center spars for evidence of cracks.

(e) The modifications specified in paragraph (b) shall be reaccomplished within each 16,000 hours of service after the original modification unless an inspection per paragraph (d) reveals no cracks and the reinspections are conducted at intervals not to exceed 2,000 hours of service.

(f) Any cracked parts found during the inspections outlined in paragraphs (a) and (d) shall be replaced with new parts prior to further flight. The newly replaced parts shall then be made subject to the inspection requirements of paragraphs (a) and (d) as appropriate, and all uncracked parts which are not replaced will continue to be inspected per paragraph (d) with adherence to the previously established inspection schedules for those parts.

(g) Whenever wings are being replaced after modification per paragraph (b); whenever spar butt plates on the center and outer wing, the compression angles on the center wing or the waffle plates on the outer wing are reworked or replaced; or whenever one outer wing is substituted for another, the following tolerances shall be maintained:

(1) Compression angles attached to corrugation and stringers and the spar cap butt plates of the center wing must be held in plane with the wrap around doubler on the attach angle to a plus 0.004 inch/minus 0.000 inch.

(2) The waffle plates attached to the stringers and the spar cap butt plates of the outer wing must be held in plane with the wrap around doubler on the attach angle to a plus 0.006 inch/minus 0.000 inch.

(3) Tolerances of a maximum of 0.010 inch interference to a maximum of 0.010 inch clearance between the compression angles and waffle plates and between the spar cap butt plates, are acceptable if previously accomplished per AD 58-12-1. The tolerances set forth in subparagraphs (g) (1) and (2) shall be used for all attach angle installations subsequent to the effective date of this AD.

NOTE: These new tolerances will allow a flush to a 0.010 inch interference between the compression angles and plates when the wing is installed. This interference fit assures the most effective distribution of loads across the joint and the maximum service life.

(h) Upon request of the operator, an FAA maintenance inspector, subject to the prior approval of the Chief, Aircraft Engineering

Division, FAA Western Region, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(i) FAA-approved revisions to Douglas Service Bulletin DC-3 No. 262, reissued June 14, 1963, are also considered satisfactory in complying with this AD.

This supersedes amendment 536 (28 F.R. 1371), AD 63-4-1, as amended by amendments 569 (28 F.R. 5232), 627 (28 F.R. 10637), and 39-98 (30 F.R. 8203).

This amendment becomes effective December 3, 1965.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1423)

Issued in Washington, D.C., on November 29, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-12941; Filed, Dec. 2, 1965; 8:45 a.m.]

[Airspace Docket No. 65-EA-21]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration and Designation of Control Zone and Transition Areas

On pages 10908 and 10909 of the FEDERAL REGISTER for August 21, 1965, the Federal Aviation Agency published proposed regulations which would alter the Fort Knox, Ky., control zone; designate 700-foot floor transition areas over Standiford and Bowman Fields, Louisville, Ky., Godman Army Air Field, Fort Knox, Ky., Taylor County Airport, Campbellsville, Ky., and designate a 1,200-foot floor Louisville, Ky., transition area.

Interested parties were given 45 days after publication in which to submit written data or views. All comments received were favorable.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., February 3, 1966.

(Sec. 307(a) of the Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on November 19, 1965.

WAYNE S. HENDERSHOT,
Deputy Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Fort Knox, Ky., control zone and insert in lieu thereof:

Within a 5-mile radius of the center, 37°-54'25" N., 85°58'15" W. of Godman AAF, Fort Knox, Ky., within 2 miles each side of the 334° bearing from the Fort Knox RBN extending from the 5-mile radius zone to 7 miles N of the RBN; within 2 miles each side of the Fort Knox VOR 326° radial extending from the 5-mile radius zone to 7 miles NW of the VOR; within 2 miles each side of the Fort Knox VOR 006° radial extending from the 5-mile radius zone to 7 miles N of the VOR; within 2 miles each side of the Fort Knox VOR 167° radial extending from the 5-mile radius zone to 7 miles S of the VOR.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700- and 1,200-foot floor Louisville, Ky., transition area described as follows:

LOUISVILLE, KY.

That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, 38°10'33" N., 85°44'12" W. of Standiford Field, Louisville, Ky., within 5 miles E and 8 miles W of the Standiford ILS localizer S course extending from the 12-mile radius area to 12 miles S of the OM; within a 6-mile radius of the center, 37°54'-25" N., 85°58'15" W. of Godman AAF, Fort Knox, Ky., within 5 miles E and 8 miles W of the 167° radial of the Fort Knox VOR (37°54'27" N., 85°58'23" W.) extending from the VOR to 12 miles S of the VOR; within 2 miles each side of the 326° radial of the Fort Knox VOR extending from the 6-mile radius area to 8 miles NW of the VOR; within 2 miles each side of the 354° bearing from the Fort Knox RBN extending from the 6 mile radius area to 8 miles N of the RBN; within 2 miles each side of the Fort Knox VOR 005° radial extending from the 6-mile radius area to 8 miles N of the VOR.

That airspace extending upward from 1,200 feet above the surface beginning at 37°26'-00" N., 86°30'00" W. to 38°57'00" N., 86°-30'00" W. to 38°57'00" N., 86°06'00" W. to 39°10'00" N., 86°06'00" W. to 39°10'00" N., 85°39'00" W. to 39°12'00" N., 85°30'00" W. to 38°26'00" N., 85°15'00" W. to 38°24'00" N., 85°00'00" W. to 37°25'00" N., 85°00'00" W. to 37°05'00" N., 85°11'00" W. to 37°00'00" N., 85°34'00" W. to 37°32'00" N., 85°45'00" W.; to point of beginning.

3. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor Campbellsville, Ky., Transition Area described as follows:

CAMPBELLSVILLE, KY.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 37°21'22" N., 85°18'40" W. of Taylor County Airport, Campbellsville, Ky., and within 2 miles each side of the Campbellsville RBN 171° bearing extending from the 4-mile radius area to 8 miles south of the RBN, effective from 0830 to 1900 local time daily.

[F.R. Doc. 65-12942; Filed, Dec. 2, 1965; 8:45 a.m.]

[Airspace Docket No. 65-EA-32]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 13512 of the FEDERAL REGISTER for October 23, 1965, the Federal Aviation Agency adopted a regulation designating a 700-foot transition area over Portsmouth, Ohio. The description of this transition area was in part predicated on the Portsmouth, Ohio, RBN. It has since been determined that a refinement of the RBN coordinates is necessary.

Since this amendment is minor in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective immediately.

In view of the foregoing, a minor change to the coordinates of the Portsmouth RBN are hereby adopted effective upon publication in the FEDERAL REGISTER as follows:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Portsmouth, Ohio, transition area the phrase, "Portsmouth RBN 38°47'14" N., 85°-51'02" W." and insert in lieu thereof, "Portsmouth RBN 38°46'54" N., 82°-50'42" W."

(Sec. 307(a) of the Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on November 19, 1965.

OSCAR BAKKE,
Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the descriptions of the Charleston, W. Va. control zone and insert in lieu thereof:

CHARLESTOWN, W. VA.

Within a 5-mile radius of the center, 38°-22'21" N., 81°35'35" W., of Kanawha Airport, Charleston, W. Va.; within 2 miles each side of the ILS localizer NE course extending from the 5-mile radius zone to the OM; within 2 miles each side of the Charleston, VORTAC 081° radial extending from the 5-mile radius zone to 2 miles E of the VORTAC.

2. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Huntington, W. Va. control zone and insert in lieu thereof:

HUNTINGTON, W. VA.

Within a 5-mile radius of the center, 38°-22'00" N., 82°33'00" W., of Tri-State Airport, Huntington, W. Va.; within a 5-mile radius of the center, 38°25'14" N., 82°29'35" W., of Huntington-Downtown Airport, Chesapeake, Ohio; within 2 miles each side of the 017° bearing from the Huntington, W. Va., RBn extending from the Huntington-Downtown Airport 5-mile radius zone to 7 miles N of the RBn; within 2 miles each side of the Tri-State Airport ILS localizer NW course extending from the Tri-State Airport 5-mile radius zone to the OM; within 2 miles each side of the 251° bearing from the Huntington, W. Va., RBn extending from the Tri-State Airport 5-mile radius zone to 7 miles W of the RBn; within 2 miles each side of the Tri-State Airport ILS localizer SE course extending from the Tri-State Airport 5-mile radius zone to 9 miles SE of the localizer.

3. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor, Huntington, W. Va. transition area described as follows:

HUNTINGTON, W. VA.

That airspace extending upward from 700 feet above the surface within the area bounded by a line beginning at: 38°15'00" N, 82°20'00" W to 38°15'00" N, 82°45'00" W to 38°36'00" N, 82°58'00" W to 38°43'00" N, 82°42'00" W to 38°27'00" N, 82°20'00" W to point of beginning.

4. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor Portsmouth, Ohio transition area described as follows:

PORTSMOUTH, OHIO

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center, 38°50'26" N, 82°50'50" W, of Scioto County Airport, Portsmouth, Ohio; within 2 miles each side of a 178° bearing from the Portsmouth RBn 38°46'54" N, 82°50'42" W extending from the 8-mile radius area to 8 miles S of the RBn.

5. Amend § 71.181 of the Federal Aviation Regulations so as to designate a 700- and 1,200-foot floor Charleston, W. Va. transition area described as follows:

CHARLESTON, W. VA.

That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, 38°22'21" N, 81°35'35" W, of Kanawha Airport, Charleston, W. Va.; within 8 miles NW and 5 miles SE of the ILS localizer NE course extending from the 12-mile radius area to 12 miles NE of the ILS OM.

That airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at: 38°00'00" N, 82°55'00" W to 38°45'00" N, 83°30'00" W to 39°00'00" N, 83°00'00" W to 39°00'00" N, 81°04'00" W to 38°13'30" N, 80°41'00" W to 38°02'00" N, 82°15'00" W to the point of beginning.

[F.R. Doc. 65-12943; Filed, Dec. 2, 1965; 8:45 a.m.]

[Airspace Docket No. 65-EA-36]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 10912 of the FEDERAL REGISTER for August 21, 1965, the Federal Aviation Agency published proposed regulations which would designate a 700-foot floor transition area over Danbury Airport, Danbury, Conn.

Interested parties were given 45 days after publication in which to submit written data or views. All comments received were favorable.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., February 3, 1966.

(Sec. 307(a) of the Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on November 19, 1965.

WAYNE S. HENDERSHOT,
Deputy Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor Danbury, Conn., transition area described as follows:

DANBURY, CONN.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°22'20" N., 73°29'00" W., of Danbury Airport, Danbury, Conn.; and within 2 miles each side of the centerline of Runway 35 extended from the 5-mile radius area to 7 miles N of the end of the runway, excluding that airspace which coincides with the Bridgeport, Conn., and White Plains, N.Y., 700-foot floor transition areas.

[F.R. Doc. 65-12944; Filed, Dec. 2, 1965; 8:45 a.m.]

[Airspace Docket No. 65-EA-40]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On pages 11392 and 11393 of the FEDERAL REGISTER for September 8, 1965, the Federal Aviation Agency published proposed regulations which would alter the Rochester, N.Y., control zone and transition area.

Interested parties were given 45 days after publication in which to submit written data or views. All comments received were favorable.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., February 3, 1966.

(Sec. 307(a) of the Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on November 19, 1965.

OSCAR BAKKE,
Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Rochester, N.Y., control zone and insert in lieu thereof:

Within a 5-mile radius of the center, 43°07'10" N., 77°40'15" W., of the Rochester-Monroe County Airport, Rochester, N.Y.; within 2 miles each side of the Rochester VOR 168° radial, extending from the 5-mile radius zone to 7 miles southeast of the VOR; within 2 miles each side of the Rochester VOR 280° radial, extending from the 5-mile radius zone to 8 miles west of the VOR; within 2 miles each side of the Rochester VOR 026° radial extending from the 5-mile radius zone to 7 miles northeast of the VOR; within 2 miles each side of the Rochester VOR 214° radial extending from the 5-mile radius zone to 7 miles southwest of the VOR and within 2 miles each side of the Rochester ILS localizer east course extending from the 5-mile radius zone to the OM.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the coordinates of the Rochester-Monroe County Airport and insert in lieu thereof "43°07'10" N., 77°40'15" W." in the Rochester, N.Y., transition area.

[F.R. Doc. 65-12945; Filed, Dec. 2, 1965; 8:45 a.m.]

[Airspace Docket No. 65-EA-46]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of Transition Area

On page 11329 of the FEDERAL REGISTER for September 3, 1965, the Federal Aviation Agency published proposed regulations which would alter the Bangor, Maine, transition area.

Interested parties were given 45 days after publication in which to submit written data or views. All comments received were favorable.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., February 3, 1966.

(Sec. 307(a) of the Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on November 19, 1965.

WAYNE S. HENDERSHOT,
Deputy Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to add a new paragraph to the description of the Bangor, Maine, transition area as follows:

That airspace extending upward from 5,500 feet MSL bounded by a line beginning at 45°24'00" N., 68°55'00" W., to 45°12'00" N., 69°23'00" W., to 45°07'30" N., 69°28'00" W., to 45°23'00" N., 69°48'00" W., to 45°23'00" N., 69°30'00" W., to the point of beginning.

[F.R. Doc. 65-12946; Filed, Dec. 2, 1965; 8:45 a.m.]

[Airspace Docket No. 65-EA-50]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 11329 of the FEDERAL REGISTER for September 3, 1965, the Federal Aviation Agency published proposed regulations which would designate a 700-foot floor transition area over Grand Canyon State Airport, Wellsboro, Pa.

Interested parties were given 45 days after publication in which to submit written data or views. No objections to the proposal were received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., February 3, 1966.

(Sec. 307(a) of the Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on November 19, 1965.

WAYNE S. HENDERSHOT,
Deputy Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor Wellsboro, Pa., transition area described as follows:

WELLSBORO, PA.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 41°43'45" N., 77°23'30" W., of Grand Canyon State Airport, Wellsboro, Pa., and within 2 miles each side of Stonyfork, Pa., VOR 212° radial extending from the 6-mile radius area to 8 miles southwest of the VOR. This transition area is effective from sunrise to sunset daily.

[F.R. Doc. 65-12947; Filed, Dec. 2, 1965; 8:46 a.m.]

[Airspace Docket No. 65-EA-88]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Control Area Extension

The Federal Aviation Agency proposes to amend § 71.165 of Part 71 of the Federal Aviation Regulations so as to revoke the Wilmington, Del., control area extension (29 F.R. 17580).

The airspace contained in the control area extension is now incorporated in transition area airspace and therefore the extension is no longer required. Since this amendment imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In view of the foregoing, the proposed amendment is hereby adopted effective 0001 e.s.t., February 3, 1966 as follows:

1. Amend § 71.165 of Part 71 of the Federal Aviation Regulations so as to delete the Wilmington, Del., control area extension.

(Sec. 307(a) of the Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on November 19, 1965.

OSCAR BAKKE,
Director, Eastern Region.

[F.R. Doc. 65-12948; Filed, Dec. 2, 1965; 8:46 a.m.]

[Airspace Docket No. 65-EA-89]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Control Area Extensions

The Federal Aviation Agency proposes to amend § 71.165 of Part 71 of the Federal Aviation Regulations so as to revoke the Limestone, Maine, control area extension (29 F.R. 17567).

The airspace contained in the control area extension is now incorporated in transition area airspace and therefore the extension is no longer required. Since this amendment imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In view of the foregoing, the proposed amendment is hereby adopted effective 0001 e.s.t., February 3, 1966, as follows:

1. Amend § 71.165 of Part 71 of the Federal Aviation Regulations so as to delete the Limestone, Maine, control area extension.

(Sec. 307(a) of the Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on November 19, 1965.

OSCAR BAKKE,
Director, Eastern Region.

[F.R. Doc. 65-12949; Filed, Dec. 2, 1965; 8:46 a.m.]

[Airspace Docket No. 65-EA-93]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Control Area Extensions

The Federal Aviation Agency proposes to amend § 71.165 of Part 71 of the Federal Aviation Regulations so as to revoke the Charleston, W. Va. (29 F.R. 17560), Cincinnati, Ohio (29 F.R. 17561), Columbus, Ohio (29 F.R. 17561), Lexington, Ky. (29 F.R. 17567), Louisville, Ky. (29 F.R. 17568), and Wilmington, Ohio (29 F.R. 17580), control area extensions.

The airspace contained within the subject control area extensions is now contained in transition areas and thus they are no longer required. Since these amendments do not impose any additional burden on any person, notice and public procedures hereon are unnecessary.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., February 3, 1966 as follows:

1. Amend § 71.165 of Part 71 of the Federal Aviation Regulations so as to delete the Charleston, W. Va., Cincinnati, Ohio, Columbus, Ohio, Lexington, Ky., Louisville, Ky., and Wilmington, Ohio, control area extensions.

(Sec. 307(a) of the Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on November 19, 1965.

OSCAR BAKKE,
Director, Eastern Region.

[F.R. Doc. 65-12950; Filed, Dec. 2, 1965; 8:46 a.m.]

[Airspace Docket No. 65-SO-25]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Transition Area; Amendment

On September 11, 1965, Federal Register Document No. 65-9629 was published in the FEDERAL REGISTER (30 F.R. 11670) amending Part 71 of the Federal Aviation Regulations. Due to procedural changes and a coincident boundary, a change in the Memphis, Tenn., transition area is necessary.

The Memphis, Tenn., 700-foot transition area is described in part as "• • • within 2 miles each side of the Memphis VORTAC 354° radial, extending from the 7-mile radius area to 8 miles N of a 058° bearing from the Brooks RBN • • •." This portion of the Memphis, Tenn., 700-foot transition area should be described as "• • • within 2 miles each side of the Memphis VORTAC 353° radial, extending from the 7-mile radius area to 8 miles N of a 056° bearing from the Brooks RBN, excluding the portion that would coincide with the Memphis NAS, Tenn., transition area • • •."

Since this amendment is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective December 9, 1965, Federal Register Document No. 65-9629 is amended as follows: "• • • within 2 miles each side of the Memphis VORTAC 354° radial, extending from the 7-mile radius area to 8 miles N of a 058° bearing from the Brooks RBN • • •" is deleted, and "• • • within 2 miles each side of the Memphis VORTAC 353° radial, extending from the 7-mile radius area to 8 miles N of a 056° bearing from the Brooks RBN, excluding the portion that would coincide with the Memphis NAS, Tenn., transition area • • •" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on November 24, 1965.

W. B. RUCKER,
Acting Director, Southern Region.

[F.R. Doc. 65-12951; Filed, Dec. 2, 1965; 8:46 a.m.]

[Airspace Docket No. 65-SO-72]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area, Designation of Transition Area, and Revocation of Control Area Extension

On October 14, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 13078) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the Macon, Ga., transition area, designate a transition area at Allendale, S.C., and revoke the Allendale, S.C., control area extension.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., February 3, 1966, as hereinafter set forth.

1. In § 71.165 (29 F.R. 17557) the Allendale, S.C., control area extension is revoked.

2. In § 71.181 (29 F.R. 17643) the Macon, Ga., transition area (30 F.R. 8471) is amended to read:

MACON, GA.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Robins AFB; within 8 miles SE and 5 miles NW of the Macon ILS localizer SW course extending from the Macon Municipal Airport (latitude 32°41'35" N., longitude 83°38'50" W.) to 12 miles SW of the ILS OM; that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of the Macon VORTAC (latitude 32°-41'27" N., longitude 83°38'50" W.); within the area N of Macon bounded on the N by V-18, on the E by V-35, and on the SW by V-267; within the area SE of Macon bounded on the NW by V-70, on the NE by V-5, on the E by V-157 and on the SW by V-243; that airspace extending upward from 3,000 feet MSL within the area NE of Macon extending from the 35-mile radius area bounded on the N by V-18, on the E by longitude 82°50'00" W., on the SE by V-56, and on the W by V-35; within the area E of Macon extending from the 35-mile radius area bounded on the NW by V-56, on the N by a line extending through latitude 33°03'50" N., longitude 82°50'00" W. and latitude 33°03'40" N., longitude 82°-30'00" W., on the E by longitude 82°30'00" W., on the SE by V-70, and on the S by V-154; and the area S of Macon bounded on the N by V-70, on the E by V-243, on the S by latitude 32°00'00" N., and on the W by V-35, excluding the portion that coincides with the Atlanta, Ga., transition area.

3. In § 71.181 (29 F.R. 17643) the following transition area is added:

ALLENDALE, S.C.

That airspace extending upward from 2,700 feet MSL bounded on the NW by V-70, on the SE by V-157, and on the SW by V-267/5E, excluding federal airways.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on November 24, 1965.

W. B. RUCKER,
Acting Director, Southern Region.

[F.R. Doc. 65-12952; Filed, Dec. 2, 1965; 8:46 a.m.]

[Airspace Docket No. 65-SW-38]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to redesignate the time of usage for Restricted Area R-5110 at McGregor, N. Mex.

Restricted Area R-5110 is designated 31,000 feet to unlimited and continuous. The using agency, the U.S. Army, has advised the Federal Aviation Agency that the time of usage for the restricted area can be reduced to 0001 to 2400 m.s.t., Monday through Friday. This change will permit full usage by the public on 2 days a week, Saturday and Sunday.

Since this amendment is less restrictive in nature, notice and public procedure hereon are unnecessary and the amendment could be made effective immediately.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

In § 73.51 (29 F.R. 17756), Restricted Area R-5110 at McGregor, N. Mex., is amended as follows:

1. Time of designation. Change "continuous" to read "From 0001 to 2400 m.s.t., Monday through Friday."

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 26, 1965.

ARCHIE W. LEAGUE,
Director, Air Traffic Service.

[F.R. Doc. 65-12953; Filed, Dec. 2, 1965; 8:46 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER-449]

PART 231—TRANSPORTATION OF MAIL; MAIL SCHEDULES

General Schedules and Revised Pages Thereof

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of November, 1965.

The Board has published in 30 F.R. 11227 and circulated to the industry in EDR-91, dated August 26, 1965, Docket 16454, a notice of proposed rule making which proposed certain revisions of Part 231 of the Board's Economic Regulations, including a requirement that air carriers file summaries of all additions and changes in general schedules and revision pages thereof filed by the air carriers pursuant to the provisions of that Part. Comments were received from 12 air carriers: Allegheny, American, Braniff, Delta, Eastern, Lake Central, North Central, Northwest, Pan American, Southern, TWA, and United.

The Board has considered the comments submitted by the carriers and has determined in the light of those comments to modify the amendment proposed in EDR-91 in the manner described below.

All of the carriers which filed comments objected to the proposed requirement that all general schedules and revision pages thereof be printed in not less than 8-point type. The carriers noted that, as contrasted with 6-point type, 8-point type would greatly increase their printing and distribution costs by doubling the number of schedule pages required. In addition, the increased number of pages would make the schedules less readable insofar as they would tend to preclude complete presentation of a schedule on one side of a sheet. The final rule embodies our conclusion that 6-point type will suffice for proper readability.

A number of carriers also objected to the requirement that the type used in general schedules and revised pages thereof be in bold or full-face type. They pointed out that bold or full-face type was subject to much the same infirmity as 8-point type inasmuch as it would tend to prevent complete presentation of a schedule on one side of a sheet. In addition, many of the carriers use in their schedules combinations of bold and light-face type which, we believe, will often result in a more readable document than the use of bold or full-face type alone. For these reasons the final rule omits the proposed requirement for bold or full-face type and requires merely that the 6-point type be reproduced in a clearly legible manner.

In connection with the printing or reproduction of general schedules and revised pages thereof, Southern Airways suggested that the final rule be drafted so that it will be sufficiently flexible not to inhibit the use of modern reproduction methods. We have adopted this suggestion in the final rule which allows the use of any durable process of printing or reproduction so long as the material communicated is in 6-point type, on durable paper, and clearly legible.

No carrier objected in principle to the proposal in EDR-91 that each filing of a general schedule or revision pages thereof be accompanied by a summary sheet of schedule additions and changes. However, the proposed requirement has been modified in a number of ways in the text of the final rule. The final rule does not require that time changes occasioned by the beginning and ending of daylight saving time be reflected in the summary sheet. In addition, the final rule provides that the carriers may simply state in the summary sheet those flights in which the only time changes are minor time changes of one hour or less, without further elaboration respecting time changes on those flights.

The Board believes that the above-described modifications of prescribed summary sheet content will avoid any undue burden on the carriers and at the same time prevent major schedule changes from being obscured by minor ones.

With respect to the summarization of service changes in the summary sheet, we have adopted the recommendation of Eastern Air Lines that the concept of "new nonstops" be clarified explicitly to state that what is being referred to is nonstop service between points not previously receiving such service.

In addition to the above-described modifications adopted in response to the carriers' suggestions, we have determined on our own initiative that the final rule should be modified so as to clearly spell out that, as part of the "pertinent data" which the carriers are required to set forth in the summary sheet, there should be a plain statement of the fact, whenever applicable, that a schedule addition or change involving interchange services is subject to prior Board approval. It should be emphasized that making this statement in the summary with respect to a particular schedule addition or change in no way relieves the carrier from its obligations to apply for and to obtain the necessary Board approval for the change.

Accordingly, the Board hereby amends Part 231 of the Economic Regulations effective April 1, 1966, as follows:

1. By revising § 231.1 thereof to read as follows:

§ 231.1 Filing of general schedules.

Each air carrier authorized to engage in air transportation shall file with the Board a statement, to be known as a "general schedule," showing the points

between which the air carrier is authorized to engage in air transportation, all schedules of aircraft which will be operated by the air carrier between such points on the date the general schedule is to become effective, the time of arrival and departure at each point, and the frequency of each schedule. Prior to the date it engages in any scheduled air transportation each such air carrier shall file a general schedule with the Board.

2. By revising § 231.2 to read as follows:

§ 231.2 Form of schedules.

All general schedules and revised pages thereof shall be in loose-leaf form, with sheets 8½ by 11 inches in size, and shall be printed, typewritten, planographed, stereotyped, mimeographed, or prepared by other similar durable process, in a clearly legible manner on durable paper in not less than 6-point type. One side of each sheet shall have a left margin at least 1-inch wide, and the reverse side of each sheet shall be left blank.

3. By revising paragraph (b) of § 231.5 and by adding a new paragraph (d) to § 231.5 so that § 231.5 reads as follows:

§ 231.5 Additions and changes.

* * * * *

(b) Any change in an existing schedule on which mail is being transported shall be filed with the Board at least 10 days prior to the effective date of such change: *Provided, however,* That any change in schedule, or the addition of a new schedule, required by an order of the Postmaster General under section 405(b) of the act shall be filed with the Board by the air carrier on or before the effective date of such order: *And provided further,* That if the Board postpones the effective date of any such order pursuant to section 405(b) of the act, the air carrier shall revise its general schedule to conform to the action taken on such order by the Board and shall make such revision as promptly as possible, but not more than 10 days after the effective date of such order.

NOTE: For related provisions applicable to Alaskan Air Carriers, see § 292.4 of this subchapter.

* * * * *

(d) Each filing made pursuant to this section shall be accompanied by a summary sheet of all additions and changes, furnishing under appropriate reference to schedule pages and flight numbers, all pertinent data concerning time, equipment, and service changes. The term "service changes" means such changes as inauguration of new service, stops added or deleted, nonstop service between points not previously receiving such service, new airports, service suspensions and frequency changes. Carriers may summarize time changes of 1 hour or less by stating, in applicable situations, in the summary sheet that, "the only time changes involved in flights Nos. * * * are minor time changes of 1 hour or less." It shall not be necessary to show in the summary sheet any time changes which are occasioned only by the beginning and ending of daylight saving time. Where any schedule addition or change of any kind involves interchange services and is subject to prior Board approval, the summary sheet shall plainly state that fact. Such statement shall not in any way relieve the carrier of its obligation to apply for and obtain prior Board approval for such schedule addition or change.

4. By revising § 231.6 to read as follows:

§ 231.6 Number of copies; filing address.

Each air carrier shall transmit to the Board three copies of each general schedule or revised page thereof, and three copies of the summary of additions and changes required by § 231.5, accompanied by a letter of transmittal (in duplicate if a receipt is desired) listing the general schedule or revised pages and summary that are transmitted for filing. The letter of transmittal and listed enclosures shall be included in one package addressed to:

Civil Aeronautics Board, Office of the Secretary, Washington, D.C., 20428.

(Secs. 204(a) and 405(b), Federal Aviation Act of 1958; 72 Stat. 743, 760; 49 U.S.C. 1324(a), 1375(b))

Effective: April 1, 1966.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 65-12984; Filed, Dec. 2, 1965; 8:49 a.m.]

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. No. OR-15]

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION; NONHEARING MATTERS

Delegations of Authority

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of November 1965.

On October 13 and 15, 1965, respectively, the Board reorganized its Office of the General Counsel and the Bureau of Economic Regulation (See Press Releases CAB 65-126 and 65-129). As a result of this reorganization, certain changes were made in staff designations which require amendments to Subpart B of Part 385 dealing with the delegation of functions to staff members. The attached amendments reflect these changes and provide for delegations of authority to the staff members in charge of the newly created Bureau of Economics, the Bureau of Operating Rights and the Rules and Rates Division of the Office of the General Counsel. In addition, the Board's Office of Carrier Accounts and Statistics was recently redesignated the Bureau of Accounts and Statistics and this, too, requires certain amendments to the applicable delegations of authority. Further, the delegations of authority to the Alaska Liaison Representative with respect to certain rate matters are being deleted. All of these amendments are provided for herein.

Since this amendment is a rule of internal agency organization, it may be adopted without public notice and procedure, and may be made effective upon adoption.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 385 of the Organization Regulations (14 CFR Part 385) effective November 29, 1965, as follows:

1. Amend the table of contents for Subpart B of Part 385 by deleting §§ 385.12 and 385.17 and by modifying the entries of §§ 385.13, 385.14, 385.15, 385.18, 385.19, and 385.21 to read as follows:

Sec.
385.12 [Deleted]
385.13 Delegation to the Director, Bureau of Operating Rights.
385.14 Delegation to the Chief, Rates Division, Bureau of Economics.
385.15 Delegation to the Chief, Tariffs Section, Rates Division, Bureau of Economics.
385.17 [Deleted]
385.18 Delegation to the Director, Bureau of Accounts and Statistics.
385.19 Delegation to the Chief, Regulations and Reports Division, Bureau of Accounts and Statistics.
385.21 Delegation to Associate General Counsel, Rules and Rates Division.

2. Amend paragraph (a) of § 385.10 to correct the reference to the Director, Bureau of Economic Regulation. As amended, § 385.10(a) reads as follows:

§ 385.10 Delegation to Chief Hearing Examiner, Bureau of Hearing Examiners.

The Board hereby delegates to the Chief Examiner, Bureau of Hearing Examiners, the authority to:

(a) Consolidate, upon recommendation of the Director, Bureau of Economics (or such staff member of the Bureau of Economics as he may designate), into one proceeding cases involving the investigation of a tariff or of complaints concerned with related tariffs.

* * * * *

§ 385.12 [Deleted]

3. Delete § 385.12 *Delegation to the Director, Bureau of Economic Regulation.*

4. Amend § 385.13 *Delegation to the Chief, Routes and Agreements Division, Bureau of Economic Regulation* by renumbering existing § 385.12(a) as § 385.13(a-1), by renumbering existing § 385.12(b) as § 385.13(a-2), by renumbering existing § 385.13(a) as § 385.13(a-3), and by modifying the heading and introductory paragraph of § 385.13. As amended, § 385.13 will read, in part, as follows:

§ 385.13 Delegation to the Director, Bureau of Operating Rights.

The Board hereby delegates to the Director, Bureau of Operating Rights, the authority to:

(a-1) Approve or deny applications of certificated route air carriers for exemptions to serve a point certificated on one segment of its route in place of a point certificated on another segment of its route whenever no substantial competition to other lines will result, and to perform single flights outside the authority contained in the certificate.

(a-2) Approve, when no person disclosing a substantial interest protests, or deny applications of certificated route air carriers for exemptions to perform any other operation prohibited by a term, condition or limitation in a certificate.

(a-3) Approve or disapprove Airport Notices which indicate an intention to serve regularly a point through any airport not regularly used by a holder of a certificate of public convenience and necessity; and grant or deny requests for an effective date earlier than 30 days subsequent to filing such Airport Notice.

* * * * *

5. Amend the heading and introductory paragraph of § 385.14 *Delegation to the Chief, Rates Division, Bureau of Economic Regulation* to read as follows:

§ 385.14 Delegation to the Chief, Rates Division, Bureau of Economics.

The Board hereby delegates to the Chief, Rates Division, Bureau of Economics, the authority to:

* * * * *

6. Amend the heading and introductory paragraph of § 385.15 *Delegation to the Chief, Tariffs Section, Rates Division, Bureau of Economic Regulation* to read as follows:

§ 385.15 Delegation to the Chief, Tariffs Section, Rates Division, Bureau of Economics.

The Board hereby delegates to the Chief, Tariffs Section, Rates Division, Bureau of Economics, the authority to:

* * * * *

§ 385.17 [Deleted]

7. Delete § 385.17 *Delegation to the Alaska Liaison Representative, Bureau of Economic Regulation.*

8. Amend the heading and introductory paragraph and paragraph (e) of § 385.18 *Delegation to the Chief, Office of Carrier Accounts and Statistics* to read as follows:

§ 385.18 Delegation to the Director, Bureau of Accounts and Statistics.

The Board hereby delegates to the Director, Bureau of Accounts and Statistics, the authority to:

* * * * *

(e) Grant or deny with the concurrence of the General Counsel, the Director, Bureau of Economics, and the Director, Bureau of Operating Rights, requests for confidential treatment of preliminary year-end financial reports.

* * * * *

9. Amend the heading and introductory paragraph of § 385.19 *Delegation to the Chief, Regulations and Reports Division, Office of Carrier Accounts and Statistics* to read as follows:

§ 385.19 Delegation to the Chief, Regulations and Reports Division, Bureau of Accounts and Statistics.

The Board hereby delegates to the Chief, Regulations and Reports Division, Bureau of Accounts and Statistics, the authority to take any or all of the following actions in administering the accounting report or record-retention regulation of Part 249 of this chapter (Economic Regulations):

* * * * *

10. Amend the heading and introductory paragraph of § 385.21 *Delegation to Associate General Counsel, Rules and Special Counsel Division* to read as follows:

§ 385.21 Delegation to Associate General Counsel, Rules and Rates Division.

The Board hereby delegates to the Associate General Counsel, Rules and Rates Division, the authority to:

* * * * *

(Secs. 202(a), 204(a), 72 Stat. 741, as amended by 75 Stat. 785; 72 Stat. 743; 49 U.S.C. 1322(a), 1324(a); Reorganization Plan No. 3 of 1961, 75 Stat. 837; 49 U.S.C. 1324 note; 26 F.R. 5989)

Effective: November 29, 1965.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 65-12985; Filed, Dec. 2, 1965; 8:49 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

PART 17—REPORTS BY FUTURES COMMISSION MERCHANTS AND FOREIGN BROKERS

Place and Time of Filing Reports

Pursuant to the authority vested in the Secretary of Agriculture by sections 4g, 5(b) and 8a of the Commodity Exchange Act, as amended (7 U.S.C. 6g, 7(b) and 12a), § 17.02 of the regulations under said act relating to reports by futures commission merchants and foreign brokers (17 CFR 17.02) is hereby amended to read as follows:

§ 17.02 Place and time of filing reports.

(a) *Futures commission merchants*—(1) *Place of filing reports.* The reports required to be filed by futures commission merchants under sections 17 and 17.01 on series 01 forms and Form 102, respectively, must be filed at the Commodity Exchange Authority office in the city in which is located the contract market involved in the reported transactions; except that if there is no Commodity Exchange Authority office in such city, the reports shall be filed in accordance with instructions from the Commodity Exchange Authority.

(2) *Time of filing reports.* Except as otherwise provided in this paragraph, the reports on series 01 forms and Form 102 shall be filed by futures commission merchants with the appropriate Commodity Exchange Authority office on the business day following the day for which the reports are filed, and not later than 30 minutes before the official opening of the contract market involved in the reported transactions. If the futures commission merchant does not have an office in the city in which the appropriate Commodity Exchange Authority office is located, such reports may be transmitted to such Commodity Exchange Authority office by mail. Each report transmitted by mail must be postmarked not later than midnight of the day covered by the report.

(b) *Foreign brokers.* The reports required to be filed by foreign brokers under sections 17 and 17.01 on series 01 forms and Form 102, respectively, shall be prepared for each business day on which there are reportable transactions and shall be transmitted to the Commodity Exchange Authority at least once each week. Foreign brokers in Canada or Mexico shall transmit such reports to the Commodity Exchange Authority office in the city in which is located the contract market involved in the reported transactions. If there is no Commodity Exchange Authority office in such city, the reports shall be transmitted in accordance with instructions from the Commodity Exchange Authority. Foreign brokers in other countries shall mail the reports to the Commodity Exchange Authority office in New York, N.Y.

(Sec. 4g as added by sec. 5, 49 Stat. 1496, sec. 5(b), 42 Stat. 1000, sec. 8a as added by sec. 10, 49 Stat. 1500; 7 U.S.C. 6g, 7(b) and 12a)

Effective date. The amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment makes it clear that the provisions of § 17.02 are applicable to reports on Form 102 as well as reports on series 01 forms. The requirements as to the time and place for filing such reports are also clarified. The required reports are necessary in connection with the proper administration of the Commodity Exchange Act. The amendment should be made effective as soon as possible in order to be of maximum effectiveness in securing compliance with the reporting requirements involved. Accordingly, it is found under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that notice and other public procedure concerning the amendment are impracticable and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 29th day of November 1965.

GEORGE L. MEHREN, *Assistant Secretary.*

[F.R. Doc. 65-12973; Filed, Dec. 2, 1965; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER C—MILITARY EDUCATION

PART 543—PROMOTION OF RIFLE PRACTICE

Schools and Civilian Shooting Clubs

Sections 543.1–543.3 are revised to read as follows:

§ 543.1 General.

(a) *Purpose.* Sections 543.1–543.3 prescribe the method of implementing the program of the Secretary of the Army for promoting marksmanship training with rifled arms among able-bodied citizens of the United States. See § 543.4. Members of the Armed Forces of the United States, the Reserve components thereof and the ROTC are not eligible to receive support under the provisions of §§ 543.1–543.3.

(b) *Prerequisite for enrollment.* As a condition precedent to consideration of enrollment application and/or continued support, clubs, schools and State associations must comply with existing civil rights laws and ordinances as prescribed in DOD Directive 5500.11 (29 F.R. 19291, 31 December 1964) and AR 600–23. Assurances, in the following format, will be prepared in triplicate and forwarded to the Director of Civilian Marksmanship as a part of initial enrollment or as requested by the Director of Civilian Marksmanship.

ASSURANCE OF COMPLIANCE WITH THE DEPARTMENT OF DEFENSE DIRECTIVE UNDER TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

_____
(Name of Applicant-Recipient)

(hereinafter called "Applicant-Recipient") Hereby Agrees That it will comply with title VI of the Civil Rights Act of 1964 (P.L. 88–352) and all requirements imposed by or pursuant to the Directive of the Department of Defense (32 CFR part 300, issued as Department of Defense Directive 5500.11, December 28, 1964) issued pursuant to that title, to the end that, in accordance with title VI of that Act and the Directive, no person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of or be otherwise subjected to discrimination under any program or activity for which the Applicant-Recipient receives Federal aid in the form of equipment, supplies of financial assistance from the Department of Army and Hereby Gives Assurance That it will immediately take any measures necessary to effectuate this agreement.

If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the Applicant-Recipient by the Department of Army, assurance shall obligate the Applicant-Recipient, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any personal property is so provided, this assurance shall obligate the Applicant-Recipient for the period during which it retains ownership or possession of the property. In all other cases, this assurance shall obligate the Applicant-Recipient for the period during which the Federal financial assistance is extended to it by the Department of Army. This Assurance is given in consideration of and for the purpose of obtaining after the date hereof, the loan of rifled arms for marksmanship training, the receipt of ammunition, targets, and other supplies and appliances necessary for such training, and of conducting competitive marksmanship activities in which equipment, property, and supplies provided in whole or in part through federally financed assistance are utilized. The Applicant-Recipient recognizes and agrees that such Federal financial assistance will be extended in reliance on the representations and agreements made in this assurance, and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Applicant-Recipient, its successors, transferees, and assignees, and the person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Applicant-Recipient.

Dated_____

_____
(Applicant-Recipient)

By _____
(President, Chairman of Board, or comparable authorized official)

_____

_____
(Applicant-Recipient's Mailing Address)

§ 543.2 Issues of equipment to schools and civilian shooting clubs.

(a) *Issues of rifles, ammunition, and related equipment to schools.*—(1) *Authority.* Under authority of Title 10, United States Code, section 4652, and §§ 543.1–543.3, rifles, ammunition, targets, and certain other related equipment will be issued to schools not authorized such issues under other existing laws such as section 4651 and 4652, Title 10, United States Code. To draw this equipment, a school must be approved by the State adjutant general, must maintain during the active school year a uniformed Corps of Cadets numbering at least 30 above the age of 14 years who receive military instruction including target practice and must fire a Director of Civilian Marksmanship approved qualification course. Only items listed in §§ 543.1–543.3 will be issued. Arms will be issued only for the use of cadets receiving military training determined to be adequate as the result of inspection by or under the direction of the Adjutant General of the State, Territory, or the District of Columbia. Cadets who are 14 years of age or over may fire any or all of the qualification courses prescribed for schools contained in the Director of Civilian Marksmanship pamphlet "Courses of Fire for Civilian Marksmanship Training." Appropriate awards will be issued in accordance with the Director of Civilian Marksmanship qualification pamphlet when scores are submitted to the Director of Civilian Marksmanship.

(2) *Application for enrollment.* Schools desiring enrollment in the Director of Civilian Marksmanship program should write directly to the Director of Civilian Marksmanship, Department of the Army, Washington, D.C., 20315. Upon receipt of such request, enrollment forms and other related material will be furnished for completion and return to the Director of Civilian Marksmanship. Enrollment forms consist of—

(i) DA Form 1276 (Initial or Annual Inspection of Institutions for Qualification).

(ii) DA Form 1289 (Requisition).

(iii) DA Form 1272 (Bond Application).

(iv) Assurance of Compliance with Title VI Civil Rights Act of 1964.

(3) *Issues.* (i) The arms and accessories to be issued are as follows, subject to availability:

Articles	*Quantity*
Rifle, cal. .30 M1 w/equipment	1 per cadet.
Rifle, cal. .22 w/o equipment	10 per school.

(ii) Initial requisitions: When enrollment forms are forwarded to the Director of Civilian Marksmanship, the school will include the initial requisition, DA Form 1289, specifying the number of rifles by type desired. The requisition will be processed upon enrollment of the school and approval of the school's surety bond. See paragraph (c)(1) of this section. The accountable officer will be designated in writing by the president or principal of the school. If nonexpendable items are requested, a bond must be executed to cover the value of the issued property. See paragraph (c)(2) of this section.

(iii) Annual issues of appropriate ammunition and targets will be made to authorized schools, subject to availability of funds and in accordance with basis of issue and directives published as necessary by the Director of Civilian Marksmanship. The number of uniformed cadets receiving prescribed military instruction and participating in small arms marksmanship training must be shown in item 3, DA Form 1289.

(b) *Issues of rifles, ammunition, and related equipment to civilian shooting clubs.*—(1) *Authority.* The Secretary of the Army is authorized by Title 10, United States Code, section 4308, within the limits of funds made available annually to him in accordance with rules and regulations approved by him upon the recommendation of the National Board for the Promotion of Rifle Practice, to assist civilian shooting clubs in conducting small arms marksmanship training with rifled arms; the support, maintenance, and management of matches or competitions in the use of such arms; the issue, in connection therewith, of arms, ammunition and targets; and the procurement and award of trophies, medals, badges, and other pertinent insignia to winning competitors. (Title 10, United States Code, sections 4307–4313.)

(2) *Application for enrollment.* Shooting clubs which are affiliated with the National Rifle Association of America (NRA) and meet Director of Civilian Marksmanship requirements, are eligible to receive Government assistance for civilian marksmanship training through

the Office of the Director of Civilian Marksmanship, Department of the Army. This assistance will be provided eligible clubs enrolled by the Director of Civilian Marksmanship in accordance with subdivisions (i) through (viii) of this subparagraph.

(i) General requirements: to be eligible for enrollment with the Director of Civilian Marksmanship, a club must—

(*a*) Affiliate with the National Rifle Association.

(*b*) Write directly to the Director of Civilian Marksmanship, Department of the Army, Washington, D.C., 20315. Upon receipt of a request for enrollment, enrollment forms and other related material will be furnished for completion and return to the Director of Civilian Marksmanship. Enrollment forms consist of—

(*1*) DA Form 1271 (Application for Enrollment).

(*2*) DA Form 1272 (Bond Application).

(*3*) DA Form 1273 (Requisition).

(*4*) DA Form 1274 (Description of Available Range Facilities).

(*5*) ODCM Form 137 (Roster of Club Members).

(*6*) Assurance of Compliance with Title VI Civil Rights Act of 1964.

(*c*) Be composed of at least 10 members meeting the age requirements established for its type of club (Junior, Senior, College, Senior with Junior Division).

(*d*) Conduct an active program of marksmanship training for a reasonably permanent membership for at least 9 months of each year. This requirement cannot be considered as including summer camps, at which marksmanship programs are not generally in accordance with §§ 543.1–543.3 and therefore are not eligible for support.

(*e*) Provide, or have access to, adequate range facilities to enable each member to fire for practice and record at least once a year.

(ii) A senior club must, in addition to the foregoing requirements, insure that at least 10 of its members are physically fit citizens of the United States 19 years of age or older who are not participating in any marksmanship program with military-type small arms which is administered by the Armed Forces or their Reserve components or otherwise assisted by the Government.

(iii) All members of the Army, Navy, Air Force, Marine Corps, and Coast Guard, including the Reserve components of these services, are considered to be eligible for participation in marksmanship programs sponsored and supported by their respective service. Such persons may become members of DCM-enrolled clubs but *may not be counted as members* eligible to receive free assistance from the Director of Civilian Marksmanship.

(iv) A junior division of a senior club, to be enrolled as a Director of Civilian Marksmanship club, must comply with subdivision (i) of this subparagraph and must have as members at least 10 physically fit youths who are 12 through 18 years of age. The senior club will be responsible for the conduct of training of the members of the junior division which it sponsors, and will be accountable for all property issued, such property to be secured by the parent club's bond.

(v) A college club will maintain a membership of at least 10 physically fit civilians enrolled in any university, college, or educational institution. Clubs organized at educational institutions having an ROTC unit will not be authorized material aid under the provisions of §§ 543.1–543.3 until they have first sought such aid from the ROTC representatives at the school involved. Depending upon the amount of assistance rendered by the ROTC activity, the Director of Civilian Marksmanship may be requested to provide supplemental assistance.

(vi) A junior club, to receive Government assistance through the Director of Civilian Marksmanship, must maintain a membership of not less than 10 physically fit youths 12 through 18 years of age, who are citizens of the United States and organized and functioning under the direct supervision of a National Rifle Association approved adult leader. In the case of Boy Scouts of America troops and posts, club strength will be limited to that established by National Council, Boy Scouts of America, normally 32 members. Director of Civilian Marksmanship support will be governed by this restriction.

(vii) All clubs enrolled with the Director of Civilian Marksmanship, Department of the Army, will carry on small arms marksmanship training in accordance with regulations prescribed by the Secretary of the Army, based upon recommendations of the National Board for the Promotion of Rifle Practice and make annual reports (paragraph (c)(6) of this section) of such training to the Director of Civilian Marksmanship. Accredited clubs not desiring the loan of arms as authorized by §§ 543.1–543.3 may also enroll with the Director of Civilian Marksmanship. However, all clubs enrolled with the Director of Civilian Marksmanship, whether receiving Government assistance or not, must comply with the above requirements and agree that the maximum number of eligible members (exclusive of those who are members of the Armed Forces of the United States and the Reserve components thereof) will fire for qualification, annually, one of the courses currently prescribed for record firing by the Director of Civilian Marksmanship and that the required report will be executed and submitted annually to the Director of Civilian Marksmanship in accordance with instructions contained in paragraph (c)(6) of this section. If the Annual Statistical Report indicates that a Director of Civilian Marksmanship club is making insufficient effort to qualify its membership, the Director of Civilian Marksmanship may remove such a club from Director of Civilian Marksmanship enrollment.

(viii) Qualification courses authorized:

(*a*) Members of each club enrolled with the Director of Civilian Marksmanship will fire annually, for qualification purposes, one of the courses authorized in the current Director of Civilian Marksmanship qualification pamphlet. Qualifying scores, when reported to the Director of Civilian Marksmanship, will be recorded and appropriate badges or certificates will be issued. Current pamphlets may be obtained by written request to the Director of Civilian Marksmanship.

(*b*) Record firing of a club will be conducted in accordance with current Director of Civilian Marksmanship and National Rifle Association rules, any caliber .30 military rifle (NRA rules 3.1, 3.2 and 3.3) may be used. Only metallic sights may be used.

(*c*) The president of a senior club is responsible for designating which courses of fire will be fired by the members of that club, including those to be fired by the members of any junior division sponsored by the club. The course or courses so designated may be fired as many times during the season as the club president directs, but only the highest complete aggregate score of each individual with each arm will be reported (paragraph (c)(6) of this section).

(*d*) Where the course of fire of any programed individual or aggregate rifle match in a National Rifle Association approved or registered tournament corresponds to one of the currently prescribed Director of Civilian Marksmanship approved courses or the National Match course, the scores attained in such a match may be counted as the annual record firing of individuals of a club. In a National Rifle Association Regional Championship or in a major command competition (includes Army Area matches) scores fired in the National Board for the Promotion of Rifle Practice approved match, rifle or pistol, may also be recorded as individual record scores of members of clubs participating in such competitions. Likewise, scores made in the National Board for the Promotion of Rifle Practice sponsored individual rifle and pistol matches of the annual National Matches may be recorded as the individual record scores of members of clubs participating in those competitions.

(*e*) Annual allowances of ammunition will not be increased on account of any club firing record courses more than once. Except when participating in competitions in which credits toward Distinguished designation may be earned, no restrictions will be placed upon the type of ammunition which will be used by civilians when firing the various Army rifle and pistol marksmanship qualification courses for record.

(*f*) Scores attained in the competitions cited above will entitle the individual to appropriate certificate of qualification. Scores attained in the National Match competitions to which reference is made in (*d*) of this subdivision will entitle the individual to the appropriate Army qualification badge, awarded by the Director of Civilian Marksmanship.

(3) *Issues.* (i) Mandatory requirements pertaining to receipt of Govern-

ment assistance. To initially receive, and to continue to receive, Government assistance, indicated in §§ 543.1–543.3, clubs are required at all times to maintain current affiliation with the National Rifle Association and to comply with §§ 543.1–543.3. All issues are subject to the limitations of available resources and may be suspended or canceled at any time. The initial issue will be based upon the total membership participating in the marksmanship program at the time of enrollment; thereafter, all issues of expendable supplies will be based upon the number of members having fired a Director of Civilian Marksmanship qualification course during the preceding reporting period. Each member is required to fire at least one of the prescribed qualification courses for record each year, although it is not necessary that qualifying scores be attained.

(ii) Issues of ammunition and targets are made to the club, not to individuals. Supplies furnished by the Director of Civilian Marksmanship are for the specific purpose of supporting the marksmanship training program conducted by the club. Under no circumstances should these issues be considered automatically the property of any individual, to be used at his discretion. The club officers are responsible for insuring that all Director of Civilian Marksmanship issues are used for the purpose for which intended and in consonance with all directives issued by the Department of the Army and the Director of Civilian Marksmanship. Sale or barter of ammunition and/or targets issued by the Director of Civilian Marksmanship is prohibited.

(iii) Caliber .30 ammunition may be issued to senior clubs for members (ages 14 and above) of the junior division of a senior club who have actually fired a caliber .30 qualification course and the results reported in ODCM Form 137, Roster of Club Members. Caliber .30 rifles and ammunition will not be issued to junior clubs.

(iv) Where the marksmanship training program of a club is limited to a brief period each year, such as at summer camps, or where there is reason to believe that such is the case, support, if rendered, will not be on the same basis as that rendered regularly organized and functioning clubs but will be as determined by the Director of Civilian Marksmanship, within the limitations of available resources and contingent upon whether the club is actually complying with §§ 543.1–543.3. Should it be determined that the club making the request is not conducting a satisfactory marksmanship training program, no support of any kind will be furnished by the Director of Civilian Marksmanship.

(v) Clubs enrolled with the Director of Civilian Marksmanship which have a summer camp connection will not be authorized support for those individuals which participate only during the camp period.

(vi) Rifle clubs at educational institutions: Issues to rifle clubs at educational institutions will be made only upon request of the instructor approved by the principal or president of the school.

(vii) Senior clubs: Each senior club so far as funds will permit will be issued not more than the following as initial issue:

Articles	*Quantity*
Rifle, U.S. Caliber .30 M1 with equipment.[1]	4 per club.
Rifle, Caliber .22 w/o equipment.[2]	4 per club.
Pistol, Caliber .45 automatic M1911A1.	4 per club.[3]

[1] Where the number of members of any single club who participate in rifle practice in any 1 year does not exceed 25. If more than 25 members of any club participate in rifle practice in any 1 year, then 1 additional rifle may be authorized for each additional 10 such members, the total not to exceed 8 to any single club.

[2] Only when sufficient quantities are available above the needs of schools and junior rifle clubs.

[3] To be issued only when available from U.S. Army stocks and when the club actually participates in pistol marksmanship activities.

(viii) Junior clubs: Each junior club, so far as funds will permit will be issued not more than the following as initial issue:

Articles	*Quantity*
Rifle, Caliber .22[1] without equipment.	4 per club.[2]

[1] Any rifle, caliber .22 available at time of issue, every effort being made to insure that all caliber .22 rifles issued to a club will be the same make and model.

[2] If more than 10 members of a junior club participate in target practice in any 1 year, then 1 additional rifle may be authorized for each additional 5 members, the total rifles issued not to exceed 10 to any junior club.

(ix) Additional equipment required to support club growth may be requested by a club after submission of the club's first annual statistical report. The letter of request, addressed to the Director of Civilian Marksmanship, will include the number of additional items of nonexpendable equipment desired. When determined by the Director of Civilian Marksmanship to be essential to the success of a club program, issues of additional arms may also be made to enrolled clubs for the purpose of competing in competitions conducted within the intent and scope of §§ 543.1–543.3 and 543.8. Resources permitting additional ammunition and targets may also be issued as determined appropriate by the Director of Civilian Marksmanship. Action taken by the Director of Civilian Marksmanship will be dependent upon complete justification and resources available.

(x) Equipment for State Rifle and Pistol Association: Each recognized and approved State Rifle and Pistol Association may receive eight National Match M1 or M14 rifles and six National Match caliber .45 pistols to be used by members of the Civilian Teams selected to represent their respective states in the National Matches each year. If the number of weapons is insufficient, additional weapons may be obtained upon application to the Director of Civilian Marksmanship, provided acceptable justification is furnished. In states having no acceptable State Association, a recognized civilian club, authorized by the State adjutant general and approved by the Director of Civilian Marksmanship may receive these weapons. The weapons will remain in the custody of the State association or authorized club on a year-round basis. Such weapons are not intended for personal use during the off-season and, therefore, should be retained by the State association in storage from October through March. Alteration or modification of these weapons is not authorized. All appropriate regulations pertaining to bonding, transportation, maintenance, and property accountability for civilian clubs as well as compliance with Title VI of the Civil Rights Act of 1964, apply to these organizations. The issue of ammunition will be as determined by the Director of Civilian Marksmanship.

(4) *Requisitions.* All requests for issues of supplies and equipment, whether initial issue or annual issue, will be made on DA Form 1273 (Requisition for Articles Authorized for issue to the Civilian Rifle Club) to the Director of Civilian Marksmanship. If nonexpendable items are requested, a bond must be executed to cover the value of the issued property. See paragraph (c)(2) of this section.

(5) *Clubs located on military installations.* Clubs organized on military installations are eligible to receive assistance provided they meet the requirement for civilian members and are located within the limits of the United States, the Panama Canal Zone, or the Commonwealth of Puerto Rico. No assistance may be provided clubs located in embassies, consulates, missions, etc.

(c) *Administrative procedures*—(1) *Annual requisitions.* (i) Annual allowances of expendable supplies are issued for use during the *fiscal* year for schools, junior clubs and colleges, and during the *calendar* year for senior clubs. Allowances are not cumulative and are subject to availability of resources.

(ii) Requisitions for annual allowances required for the succeeding year will be based upon the annual report submitted on DA Form 1288 for schools and DA Form 1277 for clubs. See paragraph (b)(3)(i) of this section.

(2) *Bonds, care of property, fire insurance and lost property surveys*—(i) *Bond.* As a condition precedent to the issue of any Government property each school, club, or State association will be required to file with the Director of Civilian Marksmanship a properly executed bond as prescribed by this office.

(ii) *Safekeeping of arms, equipment, and ammunition.* The officials of schools, clubs, and State associations participating in the Director of Civilian Marksmanship program are responsible for the safekeeping of arms, equipment, and ammunition issued to them and for insuring that proper precautions are taken to prevent these Government issues from being improperly used and from falling into the hands of unauthorized or irresponsible persons. Further, it is the responsibility of school, club and State association officials to insure that arms and ammunition are stored in accordance with local ordinances and regulations.

(iii) *Lost property surveys.* Government-owned property, lost, destroyed, or damaged by fire, flood, theft, tornado, or other similar causes, without fault or neglect on the part of the schools, State associations, club officials or members, will be replaced at the expense of the United States except for transportation costs. To determine whether such loss, destruction, or damage was without fault or neglect on the part of the school, club officials, or members, a Report of Survey (DD Form 200) will be made in accordance with instructions provided by the Director of Civilian Marksmanship.

(3) *Sales.* When ammunition and other expendable supplies listed in paragraphs (a)(3) and (b)(3) of this section, required for maintenance of equipment listed in those paragraphs, or for the conduct of required small arms marksmanship training as indicated in paragraphs (a)(1) and (b)(2) of this section, are not available for free issue to clubs or to schools enrolled with the Director of Civilian Marksmanship, such items may be purchased from the Army depots. Letter requests for purchase of such items will be forwarded in accordance with AR 700–100 and the DCM Price List by the club secretary, or, in the case of schools, by the State adjutant general, president or principal of the school, properly certified that "the requested material is required for the maintenance of issued arms or conduct of small arms marksmanship training pursuant to AR 920–20." Price lists giving procedure for making such purchases are available from the Director of Civilian Marksmanship.

(4) *Defective ammunition.* (i) All requests for replacement of ammunition for reasons of unserviceability, and/or complaints concerning malfunction of ammunition issued by the Director of Civilian Marksmanship must be addressed to the Commanding General, U.S. Army Ammunition Procurement and Supply Agency, Joliet, Ill., 61202, within 30 days of the receipt of the ammunition in order to qualify for "replacement without cost" consideration. Such reports will give the complete nomenclature of the ammunition, the lot number, the date received, the shipper, the quantity on hand for which replacement is desired, and the reasons for requesting replacement. Should investigation of the complaint require that samples of the ammunition be examined or test fired under Ordnance cognizance, such samples of the ammunition will be furnished by the organization upon request. The Commanding General, U.S. Army Ammunition Procurement and Supply Agency will take action to replace all ammunition, determined by that agency to be defective, on a round-for-round basis at no cost to the organization. No replacement will be made unless the ammunition is found to be defective.

(ii) Requests for replacement of ammunition which has been in the hands of the organization longer than 30 days or requests for replacement made solely on the basis of personal preferences will not be accepted. Ordnance installations receiving complaints direct from organizations will transmit such complaints to the Commanding General, U.S. Army Ammunition Procurement and Supply Agency, Joliet, Ill., 61202, and will provide the following information if the ammunition involved in the complaint was supplied by that installation:

(*a*) That further action is justified in accordance with the noted 30-day period.

(*b*) Date of visual inspection preceding the issue and apparent serviceability at time of issue.

(*c*) Date of latest inspection and apparent, current serviceability.

(*d*) Confirmation of lot identity.

(*e*) Availability of sample ammunition for tests, if deemed necessary.

(iii) Organizations which have unserviceable ammunition on hand, and which have no disposal facilities, may return it to the depot from which it was supplied for disposition. Concurrently with the return a written affidavit will be furnished to the commanding officer of the installation, relinquishing all claim to the ammunition and requesting that it be accepted for disposition.

(5) *Rifles, accessories and equipment*—(i) *Care.* The clubs, State associations and schools to which issues of Ordnance property are made will be required to keep said property in good and serviceable condition, as issued by the Government. All equipment issued is subject to recall in the event of emergency.

(ii) *Inspection.* Rifles, accessories, and equipment which become unserviceable will be reported at once to the Director of Civilian Marksmanship, Department of the Army, by the responsible holder of such property. Upon receipt of such report, the Director of Civilian Marksmanship, Department of the Army, will issue instructions direct to the club, State association, or school for the return of unserviceable arms, accessories, and equipment to a designated arsenal, shipment to be made without expense to the Government. Upon reaching an arsenal, items will be inspected and if the condition is found to be due to the wear and tear of normal usage, they may be replaced with serviceable items of similar nature; but if their condition is found to be due to carelessness or to other than legitimate causes, the extent of damage, including the value of all missing items and/or parts, will be determined by the receiving officer and reported to the Director of Civilian Marksmanship, Department of the Army, who will require payment by the school, responsible party, State association, or club under their surety bond prior to any new issue of rifles or accessories.

(iii) *Return.* When any school, State association or club fails to return the arms, accessories, and equipment in its charge within 30 days after demand made by the Director of Civilian Marksmanship, or within such time as may be designated by him, claim will be made under the surety bond of the club, school, or State association.

(iv) *Transportation.* The transportation of rifles, pistols, spare parts, and other supplies from Government depots to clubs and/or from clubs to depots will be without expense to the United States. Refusal by a club to accept any shipment of materials requested by the club may be considered cause for immediate removal from the rolls of the Director of Civilian Marksmanship.

(6) *Annual reports.* (i) Reports listed below will cover the period 1 July of one year to 30 June of the succeeding year (fiscal year) for junior clubs, schools, and colleges; and from 1 January to 31 December (calendar year) for senior clubs and senior clubs with junior divisions, as applicable. Reports must reach the office of the Director of Civilian Marksmanship, Department of the Army, as soon as possible after the close of the reporting period. DA Forms for these reports will be furnished by the Director of Civilian Marksmanship on or about May 1 or December 1 each year, as applicable.

(ii) Each school will submit its Annual Report of Firing and Target Practice of Institutions (DA Form 1288) through the adjutant general of the State, or District of Columbia, showing the full name and address of each student firing and the total score for the course fired for record.

(iii) Each club will submit DA Form 1277 (Annual Statistical Report of Civilian Rifle Club) and ODCM Form 137 (Roster of Club Members) to the Director of Civilian Marksmanship showing the full name of each firing member, address, age, course, score and the date fired for record.

(iv) Firing reports by State associations will be made as requested by the Director of Civilian Marksmanship in letter instructions.

(v) An annual inventory of property, DA Form 1275, issued by the Government to the school, State association or club, will be submitted direct to the Director of Civilian Marksmanship, Department of the Army, by the official accountable for Government property held by the school, State association, or club. Serial numbers of all weapons, by type, must be listed.

(vi) DA Form 1274 (Description of Available Range Facilities) will be submitted annually by all clubs enrolled with the Director of Civilian Marksmanship.

(vii) Annual report of inspection of schools made under direction of the adjutant general of the State, Territory, or District of Columbia, covering qualifications of school to remain eligible for Government assistance, reported on DA Form 1276 (Annual Inspection of Institutions for Qualifications with Director of Civilian Marksmanship) will be forwarded to the Director of Civilian Marksmanship, by the adjutant general involved.

(viii) Appropriate certificates of qualification (DA Form 1282, 1282–1, or 1282–2) or badges will be issued to school cadets and club members qualifying in marksmanship based upon information contained in record of qualification forms submitted. DA Forms for submitting

this report of qualification are as follows: DA Form 1278 (Record of Qualification For Junior Smallbore Rifle Course) DA Form 1279 (Record of Qualification For Caliber .22 Rifle), DA Form 1280 (Record of Qualification For Caliber .30 Rifle), and DA Form 1281 (Record of Qualification For Pistol Or Revolver). These forms will be furnished upon request to the Director of Civilian Marksmanship.

(7) *Failure to comply with instructions.* Failure on the part of any school or club to fire prescribed qualification courses in compliance with §§ 543.1–543.3 or to comply with any other regulations that may be prescribed by the Director of Civilian Marksmanship, for the use, care, preservation, or accountability of any rifles or accessories or ammunition therefor issued to it by the United States Army, will be considered sufficient cause for the prompt withdrawal of the Government property in its possession, and removal of the organization from the rolls of the Director of Civilian Marksmanship.

§ 543.3 Use of rifle ranges for rifle practice by civilians.

(a) *General provisions.* All ranges which have been constructed, wholly or partly, with funds provided by Congress will be open for use by those in any branch of the military or naval service of the United States and by all able-bodied citizens of the United States, under regulations to be prescribed by the controlling authorities and approved by the Secretary of the Army. Capable officers and noncommissioned officers of the Regular Army and National Guard may be detailed to duty at such ranges as instructors for the purpose of training the citizenry in the use of the military arm. All ranges at installations of the U.S. Army, and all ranges which have been constructed in whole or in part with funds provided by Congress, will be open for use by clubs, schools, colleges, and other responsible organizations. Ranges will be open for use by such organizations only at such times as they are not actually required for the use of the Army or the controlling service. For the purpose of §§ 543.1–543.3, ranges are divided into two classes—those at which personnel of the Regular Army are stationed and those at which there are no such personnel.

(b) *Applications for use of ranges.* Application for the use of a range at which personnel of the Regular Army are stationed will be addressed to the Director of Civilian Marksmanship, Department of the Army, Washington, D.C., 20315, by the president, secretary, or executive head of the organization desiring the use of the range. The Director of Civilian Markmanship, when satisfied as to the responsibility of the organization, will furnish to the president, secretary, or executive head thereof a letter addressed to the commanding officer of the installation at which the range is located approving the application, subject to such local regulations as the commanding officer may prescribe. The president, secretary, or executive head of the organization will then address a letter to the commanding officer of the installation, inclosing the approval of the Director of Civilian Marksmanship, and setting forth the date or dates on which the organization desires to use the range, the particular ranges at which it is desired to fire, what kind of targets are desired at each range, whether instructors are desired, and whether or not the organization will furnish its own arms and ammunition. The commanding officer will reply, stating whether or not the range will be available on the dates requested, or, if not, the dates on which it will be available, which if any of the facilities requested can be furnished, and to whom the organization will report upon arrival at the range. Subsequent applications for the use of the range by the same organization may be conducted in a less formal manner as agreed upon by the range personnel and the club organization concerned.

(c) *Personnel and target materials.* Commanding officers at all installations provided with ranges may detail an officer in charge of civilian rifle (or pistol) practice, with such assistants as may be necessary. The officer in charge will be responsible for the proper use and preservation of all Government property involved; for insuring that the local regulations are observed, and that the proper safety precautions are observed by all persons using the range. Pit details, target handlers, road guards, scorers, etc., will not be furnished. Using organizations will make the necessary arrangements for the manual labor required for the operation of the ranges. The necessary and regular target material will be provided unless the organization elects to provide its own target material. Special material, such as special targets, field glasses, telescopes, score books, etc., must be provided by the using organization. Organizations may desire to use arms, ammuntion, methods of firing, and target arrangements at variance with those prescribed for the Regular Army. There is no objection to this, provided normal safety precautions are observed and no expense to the United States is involved, and further provided that the normal target arrangement is reestablished by the organizations at such times as may be indicated by the range authorities.

(d) *Issue and care of arms.* (1) Commanding officers may requisition standard service rifles, pistols and equipment for civilian target practice on the basis of 4 rifles and/or pistols for each target available on the range, but not to exceed 50 rifles and/or pistols for any one installation. Such arms will be issued daily to members of organizations who apply for the use of the same. Civilians using these rifles and/or pistols will be required to complete their daily practice at such time as will permit them to properly clean the rifles and/or pistols before leaving the range. Care and preservation of the arm by the individual user will be considered as a necessary part of his instruction and will be required.

(2) Issues of arms and target material at installations authorized in this section may be made within the Department of the Army.

(3) The arms indicated in subparagraph (1) of this paragraph will be made available under conditions to be prescribed by Army commanders for use of authorized civilian participants in major command competitions (AR 622–10) approved by Army commanders.

(e) *Ammunition.* Organizations using military ranges must furnish their own ammunition or ammunition furnished by the Director of Civilian Marksmanship as provided in § 543.2(a)(3) and (b)(3). More than one allowance will not be issued to an individual or organization by the Government.

(f) *Record practice for qualification.* When necessary, the commanding officer may designate a day or days when members of organizations may participate in record practice for qualification as prescribed in field manuals. The necessary personnel to supervise and record the firing at the butts and firing point will be provided by using organizations.

(g) *Denial of privileges in certain cases.* Commanding officers will deny the privileges of the range and installation to any person or organization which willfully disobeys any of the rules and regulations prescribed for the use of the range, or whose conduct on the range or installation is such as to warrant such action. Commanding officers are also authorized to refuse the use of the range to any individual whose knowledge of the basic principles of rifle shooting is so lacking that range practice will be of no value to him or unsafe to himself or others; but in such cases may offer the individual the services of an instructor in basic principles necessary as a preparation for range firing.

(h) *Additional rules to be prescribed.* Commanding officers are authorized to prescribe such additional rules and regulations as may be necessary, keeping in mind that it is the intention of Congress that, so far as is consistent with the proper training of troops, range facilities and personnel of the Army will be available for the instruction in small arms marksmanship practice of all able-bodied citizens of the United States. Whether or not ranges will be open for use by civilian organizations on other than normal duty days is left to the discretion of the commanding officer.

(i) *Use of ranges where no Regular Army personnel are present.* Organizations which desire to use ranges at installations where no personnel of the Regular Army are present will make application for the necessary authority to the Director of Civilian Marksmanship. The Director of Civilian Marksmanship will then request permission from the State Adjutant General or other agency concerned, and will notify the requesting club of the result. It is the responsibility of the requesting club or organization to arrange all details with the commander or agency concerned. Organizations using these ranges must provide their own arms, ammunition, and target materials or those made available by the Director of Civilian Marksmanship, as provided by law.

[AR 920–20, Sept. 17, 1965] (Sec. 4308, 70A Stat. 236; 10 U.S.C. 4308)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 65–12940; Filed, Dec. 2, 1965; 8:45 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 60—IMMIGRATION; AVAILABILITY OF, AND ADVERSE EFFECT UPON, AMERICAN WORKERS

In the November 19, 1965, issue of the FEDERAL REGISTER (30 F.R. 14494), there was published a proposal to amend Subtitle A of Title 29 of the Code of Federal Regulations by adding thereto a new Part 60. Interested persons were given 10 days in which to file written statements of data, views, or arguments in regard to this proposal. After consideration of all such relevant matter as was presented regarding the rules proposed, I have decided to and do hereby adopt them without change.

These rules implement provisions of the Immigration and Nationality Act which become effective on December 1, 1965. Under these provisions certain classes of persons cannot be admitted to the United States until determinations of the kind made in these rules have been made. This circumstance is hereby found to be good cause to provide no delay in effective date of these rules. The new 29 CFR Part 60 will become effective immediately.

Signed at Washington, D.C., this 29th day of November 1965.

W. WILLARD WIRTZ,
Secretary of Labor.

Sec.
60.1 Purpose and scope.
60.2 Certification and noncertification schedules.
60.3 Requests for certification not covered by schedules.
60.4 Reconsideration of review by the Secretary of Labor.

AUTHORITY: The provisions of this Part 60 issued under sec. 212(a)(14) of the Immigration and Nationality Act of 1952, as amended by Public Law 89–236 (79 Stat. 911).

§ 60.1 Purpose and scope.

Sections 101(a)(27)(A) and 203 of the Immigration and Nationality Act were amended on October 3, 1965, to require as a condition to the admission of any "special immigrant", any nonpreference immigrant under paragraph 203(a)(8), and any preference immigrants under paragraphs 203(a)(3) or 203(a)(6) that the Consular Officer be in receipt of a determination made by the Secretary of Labor pursuant to the provisions of section 212(a)(14) of the Act. Accordingly, the immigrants for whom the 212(a)(14) certification is made a condition precedent to admission to the United States are as follows:

(a) Third preference immigrants who are described as "qualified immigrants who are members of the professions, or who because of their exceptional ability in the science or in the arts, will substantially benefit prospectively the national economy, cultural interest, or welfare of the United States." (Section 203(a)(3).)

(b) Sixth preference immigrants who are described as "qualified immigrants who are capable of performing specified skilled or unskilled labor, not of a temporary or seasonal nature, for which a shortage of employable and willing persons exists in the United States." (Section 203(a)(6).)

(c) Nonpreference immigrants who are described as "other qualified immigrants strictly in the chronological order in which they qualify." (Section 203(a)(8).

(d) Special immigrants who are described as "an immigrant[s] who was born in any independent foreign country in the Western Hemisphere or in the Canal Zone and the spouse and children of any such immigrant, if accompanying or following to join him." (Section 101(a)(27)(A).)

The determination and certification required to be made by the Secretary of Labor is described in section 212(a)(14) of the Act as follows:

Except as otherwise provided in this Act, the following classes of aliens shall be ineligible to receive visas and shall be excluded from admission into the United States:

(14) Aliens seeking to enter the United States, for the purpose of performing skilled or unskilled labor, unless the Secretary of Labor has determined and certified to the Secretary of State and to the Attorney General that (A) there are not sufficient workers in the United States who are able, willing, qualified, and available at the time of application for a visa and admission to the United States and at the place to which the alien is destined to perform such skilled or unskilled labor, and (B) the employment of such aliens will not adversely affect the wages and working conditions of the workers in the United States similarly employed. The exclusion of aliens under this paragraph shall apply to special immigrants defined in section 101(a)(27)(A) (other than the parents, spouses, or children of United States citizens or of aliens lawfully admitted to the United States for permanent residence), to preference immigrant aliens described in section 203(a)(3) and (6), and to nonpreference immigrant aliens described in section 203(a)(8);

§ 60.2 Certification and noncertification schedules.

(a) *Determination.* To reduce the delay in processing an alien's request for visa, the determination has been made by the Secretary of Labor pursuant to section 212(a)(14) that:

(1) For the categories of employment described in Schedule A and in the geographic areas therein set forth, there are not sufficient workers who are able, willing, qualified, and available for employment in such categories, and the employment of aliens in such categories and in such areas will not adversely affect the wages and working conditions of workers in the United States similarly employed.

(2) For the categories of employment described in Schedule B, the determination and certification required by section 212(a)(14) cannot now be made.

(b) *Applicability.* The determinations set forth in paragraph (a) of this section above shall apply to all visa petitions made or pending after November 30, 1965, and shall remain in effect until the Schedules are amended. Unless otherwise indicated in the Schedules, their geographic applicability is the United States, which means the continental United States, Alaska, Hawaii, Puerto Rico, Guam, and the Virgin Islands.

(c) *Modification.* The Secretary may amend the Schedules described in paragraph (a) of this section, at any time upon his own initiative or upon written petition of any person requesting the inclusion or omission of any occupation or the modification of the application of the Schedules to any geographical area and setting forth reasonable grounds therefor. Such petition should be filed by mail with the Secretary of Labor, U.S. Department of Labor, Washington, D.C., 20210.

§ 60.3 Request for certification not covered by schedules.

Any alien, or person in his behalf, seeking admission to the United States under sections 101(a)(27)(A) (other than the parents, spouses, or children of United States citizens or aliens lawfully admitted to the United States for permanent residence), 203(a)(3), 203(a)(6), or 203(a)(8) whose employment is not included in the certification or noncertification schedules described in § 60.2 may request a 212(a)(14) certification by filing a Form ES–575 describing the alien's qualifications and prospective employment in the United States. The Form ES–575 may be obtained from any consular office, and instructions concerning its use, completion and transmission may be obtained from any office of the Immigration and Naturalization Service, any consular office or any local office of the State Employment Service.

§ 60.4 Reconsideration or review by the Secretary of Labor.

Any alien denied a certification pursuant to § 60.3 may request reconsideration or review by the Secretary of Labor. Requests for reconsideration or review should be made in writing to the Secretary of Labor, U.S. Department of Labor, Washington, D.C., 20210, and should set forth reasonable grounds therefor.

SCHEDULE A

Group I: Persons upon whom an advanced degree has been conferred at least equivalent to the Master's degree conferred by accredited U.S. colleges and universities and who have been gainfully employed for at least two years in an occupation related to and dependent upon their area of academic specialization. Among physicians and surgeons, certification by the Educational Council for Foreign Medical Graduates may be substituted for two years of gainful employment.

Group II: Persons whose education or experience is equivalent to the baccalaureate degree conferred by accredited U.S. colleges and universities in the following specialties:

Aeronautical Engineering.
Chemical Engineering.
Electrical Engineering.
Electronic Engineering.
Library Science.
Mathematics.
Mechanical Engineering.
Metallurgical Engineering.
Metallurgy.
Nuclear Engineering.
Organic Chemistry.
Pharmacology.
Physical Chemistry.
Physics.

Group III: Professional Nurses presenting the education or experience required for licensure in the State or territory of intended residence. Evidence that the qualifications necessary for licensure have been met must include a Letter of Evaluation from the Board of Nursing in the State of intended residence certifying that the Professional Nurse has met the minimum requirements of education, training, and experience for licensure in the State.

SCHEDULE B

OCCUPATIONAL TITLES

Attendants, Parking Lot.
Attendants (Service Workers such as Personal Service Attendants, Amusement and Recreation Service Attendants).
Automobile Service Station Attendants.
Bakers' Helpers.
Bartenders.
Bookkeepers II.
Bus Boys.
Carpenters' Helpers.
Cashiers II.
Chauffeurs and Taxicab Drivers.
Charwomen and Cleaners.
Clerks (general office).
Clerks, Hotel.
Clerks and Checkers, Grocery Store.
Cook's Helpers.
Counter and Fountain Workers.
Domestic Day Workers.
Electric Truck Operators.
Elevator Operators.
Fishermen and Oystermen.
Floor Man, Floor Boy and Floor Girl.
Groundskeepers.
Guards and Watchmen.
Housekeepers.
Housemen and Yardmen.
Janitors.
Kitchen Workers and Helpers.
Laborers, Farm.
Laborers, Mine.
Laborers, Common.
Launderers, Cleaners, Dyers and Pressers.
Library Assistants.
Loopers and Toppers, Textile.
Maids, Hotel.
Material Handlers.
Packers, Markers, Bottlers, and related.
Painters' Helpers.
Porters.
Routeman Helpers.
Sailors and Deck Hands.
Sales Clerk, General.
Sewing Machine Operators and Hand-Stitchers.
Street Railway and Bus Conductors.
Telephone Operators.
Truck Drivers and Tractor Drivers.
Truck Driver's Helpers.
Typists, lesser skilled.
Ushers, Recreation and Amusement.
Waiters and Waitresses.
Warehousemen.
Welder's Helpers.

OCCUPATIONAL DEFINITIONS

Attendants, Parking Lot

Park Automobiles for customers in parking lots or garages and collect fees based on time span of parking.

Attendants (Service Workers such as Personal Service Attendants, Amusement and Recreation Service Attendants).

Perform a variety of routine tasks attending to the personal needs of customers at such places as amusement parks, bath houses, clothing checkrooms, and dressing rooms. Includes such tasks as taking and issuing tickets, checking and issuing clothing and supplies, cleaning premises and equipment, answering inquiries, checking lists, and maintaining simple records.

Automobile Service Station Attendants

Service automotive vehicles with fuel, lubricants, and automotive accessories at drive-in service facilities. Also compute charges and collect fees from customers.

Bakers' Helpers

Perform routine tasks to assist bakers in the production of baked goods. Involves such activities as greasing pans, moving and distributing ingredients and supplies, and weighing and measuring ingredients according to instructions.

Bartenders

Prepare, mix, and dispense alcoholic beverages for consumption by bar customers. Also compute and collect charges for drinks.

Bookkeepers II

Keep records of one facet of an establishment's financial transactions. Responsible for maintaining one set of books, and specialize in such areas as accounts-payable, accounts-receivable, or interest-accrued.

Busboys

Facilitate food service in an eating place by performing such tasks as removing dirty dishes, replenishing linen and silver supplies, serving water and butter to patrons, and cleaning and polishing equipment.

Carpenters' Helpers

Perform routine tasks to assist carpenters in building wooden structures. Involves such activities as conveying tools and materials about work site, sawing lumber to specified size, holding lumber for nailing, and oiling and cleaning tools and equipment.

Cashiers II

Receive cash in payment for goods or services rendered, compute and make change, and record amount received. Usually employed in retail trade environment, such as stores or restaurants.

Chauffeurs and Taxicab Drivers

Drive automobiles to convey passengers according to their instructions.

Charwomen and Cleaners

Keep premises of commercial establishments, office buildings, or apartment houses in clean and orderly condition by performing such tasks as mopping and sweeping floors, dusting and polishing furniture and fixtures, and vacuuming rugs. Work according to set routines.

Clerks (General Office)

Perform a variety of routine clerical tasks in an office to relieve others of detail work. Involves such activities as copying and posting data, recording orders, routing correspondence, and taking stock inventory.

Clerks, Hotel

Perform a variety of routine tasks to accommodate hotel guests. Involves such activities as registering guests, dispensing keys, distributing mail, collecting payments, and adjusting complaints.

Clerks and Checkers, Grocery Stores

Itemize, total, and receive payment for purchases in grocery stores, usually using cash register. Often assist customer in locating items, stock shelves, and keep stock-control and sales-transaction records.

Cooks' Helpers

Perform a variety of routine tasks to assist workers engaged in preparing food. Involves such activities as cleaning and cutting food, weighing and measuring ingredients, carrying and distributing equipment about work area, and cleaning equipment.

Counter and Fountain Workers

Serve food to patrons at lunchroom counters, cafeterias, soda fountains, or similar public eating places. Take orders from customers and frequently prepare simple items, such as dessert dishes; itemize and total checks; receive payment and make change; and clean work area and equipment.

Domestic Day Workers

Perform a variety of routine domestic duties in a household according to employer's instructions. Involves such activities as cleaning and dusting, making beds, and washing and ironing clothing. Usually work on a day-to-day contract basis.

Electric Truck Operators

Drive gasoline or electric-powered industrial trucks or tractors equipped with forklift, elevating platform, or trailer hitch to move and stack equipment and materials in a warehouse, storage yard, or factory.

Elevator Operators

Operate elevators to transport passengers and freight between building floors.

Fishermen and Oystermen

Hunt, catch, and/or trap fish, using such equipment as lines, nets, and pots; work shellfish beds and harvest shellfish.

Floor Men, Floor Boy and Floor Girl

Perform a variety of routine tasks in support of other workers in and around such work sites as factory floors and service areas, frequently at the beck and call of others. Involves such tasks as cleaning floors, materials, and equipment; distributing materials and tools to workers; running errands; delivering messages; emptying containers; and removing materials from work area to storage or shipping areas.

Groundskeepers

Maintain grounds of industrial, commercial, or public property in good condition. Involves such tasks as cutting lawns, trimming hedges, pruning trees, repairing fences, planting flowers, and shoveling snow.

Guards and Watchmen

Guard and patrol premises of industrial or business establishments or similar types of property to prevent theft and other crimes and prevent possible injury to others.

Housekeepers

Supervise workers engaged in maintaining interiors of residential buildings in a clean and orderly fashion. They assign duties to maids, charwomen, and housemen; inspect finished work, and maintain supply of equipment and materials.

Housemen and Yardmen

1. Perform routine tasks to keep hotel premises neat and clean. Involves such tasks as cleaning rugs; washing walls, ceilings, and windows, moving furniture, mopping and waxing floors, and polishing metalwork.

2. Maintain the grounds of private residences in good order. Typical tasks are mowing and watering lawns, planting flowers and shrubs, and repairing and painting fences. Work on instructions of private employer.

Janitors

Keep hotel, office building, apartment house, or similar building in clean and orderly condition, and tend furnaces and boilers to provide heat and hot water. Typical tasks are sweeping and mopping floors, emptying trash containers, and doing minor painting and plumbing repairs. Often maintain residence at place of work.

Kitchen Workers and Helpers

Perform routine tasks in kitchen of restaurant. Primary responsibility is to maintain work areas and equipment in a clean and orderly fashion. Involves such tasks as mopping floors, removing trash, washing pots and pans, transferring supplies and equipment, and washing and peeling vegetables.

Laborers, Farm

Plant, cultivate, and harvest farm products, following instructions of supervisors, often working as members of a team. Typical tasks are watering and feeding livestock, picking fruit and vegetables, and cleaning storage areas and equipment.

Laborers, Mine

Perform routine tasks in underground or surface mine, pit, or quarry, or at tipple, mill or preparation plant. Involves such tasks as cleaning work areas, shoveling coal onto conveyors, pushing mine cars from working face to haulage road, and loading or sorting material onto wheelbarrow.

Laborers, Common

Perform routine tasks in an industrial construction or manufacturing environment. Typical tasks are loading and moving equipment and supplies, cleaning work areas, and distributing tools. Work upon instructions, according to set routine.

Launderers, Cleaners, Dyers, and Pressers

Wash, clean, dye, and press soiled and wrinkled garments, usually in a commercial or industrial laundry. Occasionally work in a private household.

Library Assistants

Keep library records; sort and shelve books; issue and receive such library materials as books, films, and phonograph records; and perform a variety of routine clerical tasks to relieve librarians of detail work. Answer routine inquiries and refer matters requiring professional assistance to librarians.

Loopers and Toppers, Textile

1. Tend machines that shear nap, loose threads, and knots from cloth surfaces to give uniform finish and texture.

2. Operate looping machines to close openings in toe of seamless hoses or join knitted garment parts.

3. Loop stitches of ribbed garment [parts on points of transfer bar to facilitate transfer of garment] parts to needles of knitting machine.

Maids, Hotel

Clean hotel rooms and halls; sweep and mop floors, dust furniture, empty wastebaskets, make beds.

Material Handlers

Load, unload, and convey materials within or near plant, yard, or worksite, under specific instructions.

Packers, Markers, Bottlers, and Related

Pack products into containers, such as cartons or crates; mark identifying information on articles; insure filled bottles are properly sealed and marked; often working with team on or at end of assembly line.

Painters' Helpers

Assist painters in preparing and applying protective and decorative coats of paint to surfaces. Typical tasks are arranging and assembling scaffolding, preparing surfaces for painting, and cleaning equipment and work areas.

Porters

1. Carry baggage for passengers of airline, railroad, or motor-bus by hand or handtruck. Perform related personal services in and around public transportation environment.

2. Keep building premises, working areas in production departments of industrial organizations, or similar sites in clean and orderly condition.

Routemen Helpers

Aid routemen in providing sales, services, or deliveries of goods to customers over an established route. Involves such tasks as loading and unloading trucks, carrying merchandise to and from trucks, and collecting payments.

Sailors and Deck Hands

Stand deck watches and perform a variety of tasks to preserve painted surfaces of ship, and maintain lines, running gear, and cargo handling gear in safe operating condition. Involves such tasks as mopping decks, chipping rust, painting chipped areas, and splicing rope.

Sales Clerks, General

Receive payment for merchandise in a retail establishment, wrap or bag merchandise, and keep shelves stocked.

Sewing-Machine Operators and Hand-Stitchers

1. Operate single- or multiple-needle sewing machines to join parts in the manufacture of such products as awnings, carpets, and gloves. Specialize in one type of sewing machine limited to joining operations.

2. Join and reenforce parts of such articles as garments, and curtains, sew buttonholes and attach fasteners to articles, or sew decorative trimmings to articles, using needle and thread.

Street Railway and Bus Conductors

Collect fares or tickets from passengers, issue transfers, open and close doors, announce stops, answer questions, and signal operator to start or stop.

Telephone Operators

Operate telephone switchboards to relay incoming and internal calls to phones in an establishment, and make connections with external lines for outgoing calls. Taking messages, supplying information, and keeping records of calls and charges is often involved. Some situations primarily involve establishing or aiding telephone users in establishing local or long distance telephone connections.

Truck Drivers and Tractor Drivers

1. Drive trucks to transport materials, merchandise, equipment, or people to and from specified destinations, such as plants, railroad stations, and offices.

2. Drive tractors to move materials, draw implements, pull out objects imbedded in ground, or pull cable of winch to raise, lower, or load heavy materials or equipment.

Truck Drivers' Helpers

Assist truck drivers by loading and unloading vehicles, securing items in position on truck to prevent damage, delivering and stacking merchandise on customers premises and collecting payment or obtaining receipt.

Typists, lesser skilled

Type straight-copy material, such as letters, reports, stencils, and addresses, from draft or corrected copy. Not required to prepare materials involving the understanding of complicated technical terminology, the arrangement and setting of complex tabular detail, or similar problems. Typing speed in English does not exceed 52 words per minute on a manual typewriter and/or 60 words per minute on an electric typewriter and the error rate reaches 12 or more for a five minute typing period on representative business correspondence.

Ushers (Recreation and Amusement)

Assists patrons at entertainment events in finding seats, searching for lost articles, and locating facilities.

Waiters and Waitresses

Serve food to patrons of eating establishments. Present menus, take orders, relay orders to kitchen, and prepare and present bills.

Warehousemen

Receive, store, ship, and distribute materials, tools, equipment, and products within establishments as directed by others.

Welders' Helpers

Assist workers in welding, brazing, and flame and arc cutting activities by performing such routine tasks as moving equipment and supplies; cleaning work area, equipment, and materials; connecting hoses; starting engines; and setting workplece in place.

[F.R. Doc. 65-12976; Filed, Dec. 2, 1965; 8:48 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

MISCELLANEOUS AMENDMENTS

1. In § 3.57(a), subparagraph (4) is amended to read as follows:

§ 3.57 Child.

(a) *General.* The term "child" of the veteran means an unmarried person:

• • • • • •

(4) Who, after reaching the age of 18 years and until completion of education or training (but not after reaching the age of 23 years) is pursuing a course of instruction at an approved educational institution. (Public Law 89-311)

• • • • • •

2. In § 3.350, that portion of paragraphs (a), (c), (e), and (i) preceding subparagraph (1) and paragraphs (b), (d), (f), and (h) are amended to read as follows:

§ 3.350 **Special monthly compensation ratings.**

(a) *Ratings under 38 U.S.C. 314(k).* The special monthly compensation provided by 38 U.S.C. 314(k) is payable for anatomical loss or loss of use of one hand, one foot, both buttocks, a creative organ, blindness of one eye having only light perception, deafness of both ears, having absence of air and bone conduction, or complete organic aphonia with constant inability to communicate by speech. The monthly rate of $47 based on war service ($38 peacetime) is applicable only once in any one case when payable in addition to compensation under 38 U.S.C. 314 (a) through (j). However, when there is entitlement under 38 U.S.C. 314 (l) through (n) or an intermediate rate under (p) such additional allowance is payable for each anatomical loss or loss of use existing in addition to the requirements for the basic rates, provided the total does not exceed $600 per month ($480 peacetime) independent of additional compensation for dependents under 38 U.S.C. 315, or the special allowance for aid and attendance provided by 38 U.S.C. 314(r).

• • • • • •

(b) *Ratings under 38 U.S.C. 314(l).* The special monthly compensation provided by 38 U.S.C. 314(l) is payable for anatomical loss or loss of use of both hands, both feet, one hand and one foot, blindness in both eyes with visual acuity of 5/200 or less or being permanently bedridden or so helpless as to be in need of regular aid and attendance. The monthly rate is $400 ($320 peacetime).

(1) *Extremities.* The criteria for loss and loss of use of an extremity contained in paragraph (a)(2) of this section are applicable.

(2) *Eyes, bilateral.* 5/200 visual acuity or less bilaterally qualifies for entitlement under 38 U.S.C. 314(l). However, evaluation of 5/200 based on acuity in excess of that degree but less than 10/200 (§ 4.83 of this chapter), does not qualify. Concentric contraction of the field of vision beyond 5 degrees in both eyes is the equivalent of 5/200 visual acuity.

(3) *Need for aid and attendance.* The criteria for determining that a veteran is so helpless as to be in need of regular aid and attendance are contained in § 3.352(a).

(4) *Permanently bedridden.* The criteria for rating are contained in § 3.352 (a). Where possible, determinations should be on the basis of permanently bedridden rather than for need of aid and attendance (except where 38 U.S.C. 314(r) is involved) to avoid reduction during hospitalization where aid and attendance is provided in kind.

(c) *Ratings under 38 U.S.C. 314(m).* The special monthly compensation provided by 38 U.S.C. 314(m) is payable for anatomical loss or loss of use of two extremities at a level or with complications preventing natural elbow or knee action with prosthesis in place; or for blindness in both eyes having only light perception; or for blindness in both eyes rendering him so helpless as to be in need of regular aid and attendance. The monthly rate is $450 (or $360).

• • • • • •

(d) *Ratings under 38 U.S.C. 314(n).* The special monthly compensation provided by 38 U.S.C. 314(n) is payable for the anatomical loss of two extremities so near the shoulder or hip as to prevent the use of a prosthetic appliance or anatomical loss of both eyes. The rate is $525 per month (or $420). Amputation is a prerequisite. If a prosthesis cannot be worn at the present level of amputation but could be applied if there were a reamputation at a higher level the requirements of this paragraph are not met; instead, consideration will be given to loss of natural elbow or knee action.

(e) *Ratings under 38 U.S.C. 314(o).* The special monthly compensation provided by 38 U.S.C. 314(o) is payable for conditions entitling to two or more of the rates (no condition being considered twice) provided in 38 U.S.C. 314 (l) through (n) or for bilateral deafness rated at 60 percent or more disabling, and the hearing impairment in one or both ears is service connected, in combination with service-connected blindness with bilateral visual acuity 5/200 or less. The monthly rate is $600 (or $480).

• • • • • •

(f) *Intermediate or next higher rate; 38 U.S.C. 314(p)—(1) Extremities.* (i) Anatomical loss or loss of use of one extremity with the anatomical loss or loss of use of another extremity at a level or with complications preventing natural elbow or knee action with prosthesis in place will entitle to the rate intermediate between 38 U.S.C. 314 (l) and (m); monthly rate $425 (or $340).

(ii) Anatomical loss or loss of use of one extremity with anatomical loss of another extremity so near the shoulder or hip as to prevent the use of a prosthetic appliance will entitle to the rate equal to 38 U.S.C. 314(m); rate $450 (or $360).

(iii) Anatomical loss or loss of use of extremity at a level preventing natural elbow or knee action with prosthesis in place with anatomical loss of another extremity so near the shoulder or hip as to prevent the use of a prosthetic appliance will entitle to the rate intermediate between 38 U.S.C. 314 (m) and (n); rate $488 (or $390).

(2) *Eyes, bilateral, and blindness in connection with deafness.*

(i) Blindness of one eye with 5/200 visual acuity or less and blindness of the other eye having only light perception will entitle to the rate intermediate between 38 U.S.C. 314 (l) and (m); rate $425 (or $340).

(ii) Blindness of one eye with 5/200 visual acuity or less and anatomical loss, or blindness having no light perception accompanied by phthisis bulbi, evisceration or other obvious deformity or disfigurement of the other eye, will entitle to a rate equal to 38 U.S.C. 314(m); rate $450 (or $360).

(iii) Blindness of one eye having only light perception and anatomical loss, or blindness having no light perception accompanied by phthisis bulbi, evisceration or other obvious deformity or disfigurement of the eye, will entitle to a rate intermediate between 38 U.S.C. 314 (m) and (n); rate $488 (or $390).

(iv) Total blindness of both eyes having no light perception accompanied by phthisis bulbi, evisceration, or other obvious deformity or disfigurement will entitle to a rate equal to 38 U.S.C. 314 (n); rate $525 (or $420).

(v) Blindness in both eyes rated under 38 U.S.C. 314 (l), (m), or (n), or under the intermediate or next higher rate provisions outlined above, when accompanied by:

(a) Service-connected total deafness in one ear, will afford entitlement to the next higher intermediate rate or if the veteran is already entitled to an intermediate rate to the next higher statutory rate under 38 U.S.C. 314, but not higher than the (o) rate; or

(b) Bilateral deafness rated at no less than 40 percent, and the hearing impairment in one or both ears is service connected, will afford entitlement to the next higher statutory rate under 38 U.S.C. 314 or if the veteran is already entitled to an intermediate rate to the next higher intermediate rate, but in no event higher than the rate for (o) (P.L. 89-311).

(3) *Additional independent 50 percent disabilities.* In addition to the statutory rates payable under 38 U.S.C. 314 (l) through (n) and the intermediate or next higher rate provisions outlined above, additional single permanent disability or combinations of permanent disabilities independently ratable at 50 percent or more will afford entitlement to the next higher intermediate rate or if already entitled to an intermediate rate to the next higher statutory rate under 38 U.S.C. 314, but not above the (o) rate. In the application of this subparagraph the disability or disabilities independently ratable at 50 percent or more must be separate and distinct and involve different anatomical segments or bodily systems from the conditions establishing entitlement under 38 U.S.C. 314 (l) through (n) or the intermediate rate provisions outlined above.

(i) The graduated ratings for arrested tuberculosis (38 U.S.C. 356) will not be utilized in this connection, but the permanent residuals of tuberculosis may be utilized.

(ii) Where the independently ratable disability has been the basis for entitlement under 38 U.S.C. 314(k) it may not be used in 50 percent combination to produce an intermediate rate under 38 U.S.C. 314(p).

(4) *Additional independent 100 percent ratings.* In addition to the statutory rates payable under 38 U.S.C. 314 (l) through (n) and the intermediate or next higher rate provisions outlined above additional single permanent disability independently ratable at 100 percent apart from any consideration of individual unemployability will afford entitlement to the next higher statutory rate under 38 U.S.C. 314 or if already entitled to an intermediate rate to the next higher intermediate rate, but in no event higher than the rate for (o). In the application of this subparagraph the single permanent disability independently ratable at 100 percent must be separate and distinct and involve different anatomical segments or bodily systems from the conditions establishing entitlement under 38 U.S.C. 314 (l) through (n) or the intermediate rate provisions outlined above.

(i) Where the multiple loss or loss of use entitlement to a statutory or intermediate rate between 38 U.S.C. 314 (l) and (o) is caused by the same etiological disease or injury, that disease or injury may not serve as the basis for the independent 50 percent or 100 percent unless it is so rated without regard to the loss or loss of use.

(ii) The graduated ratings for arrested tuberculosis (38 U.S.C. 356) will not be utilized in this connection, but the permanent residuals of tuberculosis may be utilized.

• • • • • •

(h) *Special aid and attendance benefit in maximum monthly compensation cases; 38 U.S.C. 314(r).* A veteran receiving the maximum rate ($600 or $480) of special monthly compensation under any provision or combination of provisions in 38 U.S.C. 314 who is in need of regular aid and attendance is entitled to an additional allowance during periods he is not hospitalized at U.S. Government expense. (See § 3.552(b)(2) as to continuance following admission for hospitalization.) Rate is $250 (or $200). Determination of this need is subject to the criteria of § 3.352. This additional allowance is payable whether or not the need for regular aid and attendance was a partial basis for entitlement to the maximum $600 (or $480) rate, or was based on an independent factual determination.

(i) *Total plus 06 percent, or housebound; 38 U.S.C. 314(s).* The special monthly compensation at the rate of $350 (or $280) provided by 38 U.S.C. 314(s) is payable where the veteran has a single service-connected disability rated as 100 percent under regular schedular evaluation and,

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3. Section 3.383 is revised to read as follows:

§ 3.383 **Blindness, bilateral kidney involvement or total deafness.**

For periods on or after August 28, 1962, blindness in both eyes or bilateral kidney involvment, and for periods on or after December 1, 1965, total deafness in both ears will be considered service connected as provided in this section. Service connection for the bilateral disability will be assigned on the type of service (i.e., wartime or peacetime) on which service connection is established for the unilateral qualifying condition.

(a) *Blindness.* Where the veteran has suffered blindness in one eye as a result of service-connected disability and has suffered blindness in the other eye as a result of non-service-connected disability not the result of his own willful misconduct.

(b) *Bilateral kidney involvement.* Where the veteran has suffered the loss or loss of use of one kidney as a result of service-connected disability and has suffered severe involvement of the other kidney such as to cause total disability as a result of non-service-connected disability not the result of his own willful misconduct. (Public Law 87-610)

(c) *Total deafness.* Where the veteran has suffered total deafness in one ear as a result of a service-connected disability and has suffered total deafness in the other ear as the result of non-service-connected disability not the result of his own willful misconduct. (38 U.S.C. 360; Public Law 89-311)

4. In § 3.503, paragraph (a) following the introduction is amended to read as follows:

§ 3.503 **Children.**

• • • • • •

(a) *Age 18 (or 23) (38 U.S.C. 3012(a); § 3.57).* Day before 18th (or 23d birthday.

• • • • • •

5. In § 3.552, paragraphs (a)(3), (d), (g), (h), and (i) are amended to read as follows:

§ 3.552 **Adjustment of allowance for regular aid and attendance.**

(a) • • •

(3) Additional compensation for dependents under § 3.4(b)(2) is payable during hospitalization in addition to the rates authorized by this section. The rates specified will also be increased by amounts authorized under 38 U.S.C. 314(k) based on independently ratable disability, subject to the statutory ceiling on the total amount of compensation payable ($600 or $480).

• • • • • •

(d) Where entitlement by reason of need for regular aid and attendance is the basis of the monthly rate under 38 U.S.C. 314(l) or the peacetime rate the award will be reduced to the rate payable under 38 U.S.C. 314(s).

• • • • • •

(g) Where a veteran entitled to one of the rates under 38 U.S.C. 314 (l), (m), or (n) or their corresponding peacetime equivalent by reason of anatomical losses or losses of use of extremities, blindness (visual acuity 5/200 or less or light perception only), or anatomical loss of both eyes is being paid compensation of $600 (or $480) because of entitlement to another rate under section 314(l) on account of need for aid and attendance his compensation will be reduced while hospitalized to the following:

(1) If entitlement is under section 314(l) and in addition there is need for regular aid and attendance for another disability, the award during hospitalization will be $450 (or $360) since the disability requiring aid and attendance is 100 percent disabling. (38 U.S.C. 314 (p))

(2) If entitlement is under section 314(m), $525 (or $420).

(3) If entitlement is under section 314(n), $600 (or $480) would be continued, since the disability previously causing the need for regular aid and attendance would then be totally disabling entitling him to the maximum rate under 38 U.S.C. 314(p).

(h) If, because of blindness, a veteran requires regular aid and attendance, but has better vision than "light perception only" his award under 38 U.S.C. 314(m) $450 (or $360) will be reduced while hospitalized to the rate payable under 38 U.S.C. 314(l) ($400 or $320).

(i) If the disability meets the aid and attendance requirements of 38 U.S.C. 314(l) and the intermediate or next higher rate was assigned for disability independently ratable at 50 percent or 100 percent, the award based on such entitlement will be reduced because of hospitalization to the amount payable under 38 U.S.C. 314(s).

6. In § 3.667, paragraph (e) is amended to read as follows:

§ 3.667 **School attendance.**

• • • • • •

(e) *Accrued benefits only.* When a claim for accrued benefits is filed by or on behalf of a veteran's child over 18 but under 23 years of age, who was pursuing a course of instruction at the time of the payee's death and payment of accrued benefits only is involved, evidence of school attendance need not be confirmed by the school. When the payee's death occurred during a school vacation period, the requirements will be considered to have been met if the child was carried on the school rolls on the last day of the regular school term immediately preceding the date of the payee's death. (38 U.S.C. 3012(b)(7))

7. In § 3.1000(d), subparagraph (2) is amended to read as follows:

§ 3.1000 **Under 38 U.S.C. 3021.**

• • • • • •

(d) *Definitions.* • • •

(2) "Child" is as defined in § 3.57 and includes an unmarried child who became permanently incapable of self-support prior to attaining 18 years of age as well as an unmarried child over the age of 18 but not over 23 years of age, who was pursuing a course of instruction within the meaning of § 3.57 at the time of the payee's death. However, upon the death of a child in receipt of death pension, compensation, or dependency and indemnity compensation, any accrued will be payable to the surviving child or children of the veteran entitled to death pension, compensation, or dependency and indemnity compensation. Upon the death of a child, another child who has elected war orphans' educational assistance under 38 U.S.C. ch. 35 may receive accrued death pension, compensation, or dependency and indemnity compensation, payable on behalf of the deceased child for periods prior to the commencement of benefits under that chapter.

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(72 Stat. 1114; 38 U.S.C. 210)

These VA Regulations are effective December 1, 1965.

Approved: November 26, 1965.

By direction of the Administrator.

[SEAL] A. H. MONK,
Acting Deputy Administrator.

[F.R. Doc. 65-12978; Filed, Dec. 2, 1965; 8:49 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[RM-754]

PART 87—AVIATION SERVICES

Frequency Stability; Correction

The Appendix to the order in the above-entitled matter released May 21, 1965, FCC 65-419, 30 F.R. 7105, § 87.65 (a) (6) of Part 87, Aviation Services, is corrected to read as follows:

§ 87.65 Frequency stability.

(a) • • •

(6) Band 136 to 470 Mc/s:	
Fixed stations:	
Power 50 w or less	[4] 0.005
Power above 50 w	[4] .002
Land stations	[5] .005
Mobile stations:	
Survival craft stations	.01
Land mobile stations with power above 5 w	[3] .002
Aircraft and all other mobile stations	[4] .005
Radionavigation stations	[4] .005

• • • • •

Released: November 29, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12988; Filed, Dec. 2, 1965; 8:49 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[No. 34626]

PART 203—DESTRUCTION OF RECORDS OF MOTOR CARRIERS AND BROKERS

At a session of the Interstate Commerce Commission, division 2, held at its Office in Washington, D.C., on the 9th day of November A.D. 1965.

The Commission having under consideration the matter of regulations governing the destruction of records of carriers by motor vehicles pursuant to the Interstate Commerce Act, as amended;

It appearing, that since the minor technical changes herein are permissive in nature, and are a relaxation of the regulations, public rule making procedures pursuant to section 4 of the Administrative Procedure Act are deemed unnecessary, and for good cause shown;

It is ordered, That Part 203 under this chapter and title is canceled in its entirety and that the regulations appearing below and by this reference made a part hereof, be, and they are substituted in its place; and,

It is further ordered, That this order and the attachments hereto are hereby approved to become effective on publication in the FEDERAL REGISTER; and,

It is further ordered, That since these regulations as they affect Class III Motor Carriers and Brokers are merely a recodification of the regulations presently in effect and not a change in substance, service of this order shall only be made on Class I and Class II Motor Carriers. Notice shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, division 2.

[SEAL] H. NEIL GARSON,
Secretary.

Subpart A—Class I and Class II Motor Carriers

Sec.
203.1 Introduction.
203.2 Authority to destroy records.
203.3 Photographic copies.
203.4 Supervision of destruction.
203.5 List of records destroyed.
203.6 Motor carrier going out of business.
203.7 Waivers of requirements of the regulations of this part.
203.8 Prescribed periods of retention.

Subpart B—Class III Motor Carriers

203.20 Period of retention.
203.21 Lawful destruction.
203.22 Accidental destruction.

Subpart C—Brokers

203.30 Brokers.

AUTHORITY: The provisions of this Part 203 issued under sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304. Interpret or apply sec. 220, 49 Stat. 563, as amended, 49 U.S.C. 320.

Subpart A—Class I and Class II Motor Carriers

§ 203.1 Introduction.

The following regulations covering Class I and Class II Motor Carriers specify the records and documents which may be destroyed and prescribes the length of time the same shall be preserved, but mention of a record or document hereinafter imposes no requirements that such record shall be installed if its purpose is otherwise being adequately served. Nothing contained in these regulations shall be construed to excuse noncompliance with requirements of any other governmental body, Federal or State, prescribing longer retention periods for any category of records.

§ 203.2 Authority to destroy records.

Motor carriers subject to these regulations may destroy records or documents named or described in these regulations after they have been preserved for the periods of time herein prescribed.

§ 203.3 Photographic copies.

(a) All records and documents must be preserved in their original form for the periods specified in the "Schedule of Records," § 203.8, unless the records and documents are suitably photographed and the microfilm is retained in lieu of the original record for the required retention period, subject to the limitations indicated below:

(1) The records listed in § 203.8 with a permanent retention period may not be destroyed after being photographed for preservation unless a waiver is granted pursuant to § 203.7.

(2) All records and documents listed in § 203.8 other than those excluded above and those required to be retained in original form, may be destroyed after they have been suitably photographed for preservation.

(b) To be acceptable in lieu of original records, photographic copies of records must meet the following minimum requirements:

(1) Photographic copies shall be no less readily accessible than the original record or document as normally filed or preserved would be, and suitable means or facilities shall be available to locate, identify, read or reproduce such photographic copies.

(2) Any significant characteristic, feature or other attribute of the original record or document, which photography in black and white will not preserve, shall be clearly indicated before the photograph is made.

(3) The reverse side of printed forms need not be copied if nothing has been added to the printed matter common to all such forms, but an identified specimen of such form shall be on the film for reference.

(4) Film used for photographing copies shall be of permanent record type meeting in all respects the minimum specifications of the National Bureau of Standards, and all processes recommended by the manufacturer shall be observed to protect it from deterioration or accidental destruction.

(5) Each roll of film shall include a microfilm of a certificate or certificates stating that the photographs are direct and facsimile reproductions of the original records and that they have been made in accordance with prescribed instructions. Such certificate or certificates shall be executed by a person or persons having personal knowledge of the facts covered thereby.

§ 203.4 Supervision of destruction.

(a) Immediately upon the effective date of these regulations, each motor carrier subject thereto shall appoint an officer or other supervisory employee to be responsible for the destruction of records and documents. Such appointment shall be by formal corporate act of the board of directors or its executive committee. Designation may be made by title only, rather than by name and title, and thus obviate the necessity for a new resolution or order each time a successor is appointed. An existing appointment in conformity with the procedure indicated herein which was made under prior regulations shall be recognized as being in compliance with the regulations herein.

(b) If the property of a motor carrier subject to these regulations is in the hands of a trustee, executor, administrator, or assignee, the officer or other employee to have responsibility for the destruction of records and documents shall be designated by such trustee, executor, administrator, or assignee.

(c) It is not required that a copy of the resolution or order of appointment be filed with the Commission.

§ 203.5 List of records destroyed.

(a) The responsible officer or employee shall maintain a comprehensive list describing all records and documents which have been destroyed pursuant to these regulations. The list so maintained shall include all records and documents destroyed, including microfilms destroyed. This list shall include form numbers and descriptive title (or descriptions) of the records destroyed and the periods covered.

(b) The list so maintained shall be available for inspection in the office of the responsible officer or employee and shall be in such detail that the destroyed records or documents may be identified and the time, place, and method of destruction can be established. If the destruction is by accident or at the hand of an unauthorized person not subject to the motor carrier's control, then the list shall include a statement of the relevant circumstances.

§ 203.6 Motor carrier going out of business.

The records and documents herein referred to may be destroyed after business is discontinued and the motor carrier is completely liquidated. The records may not be destroyed until dissolution is final and all transactions are completed. When the operations of a motor carrier are continued by another company, the latter company shall preserve records and documents of such operations in the manner and for the retention periods prescribed herein.

§ 203.7 Waivers of requirements of these regulations.

A waiver from any provision of these regulations may be made by the Commission upon its own initiative or upon submission of a written request therefor by any motor carrier. Each request for waiver shall demonstrate that unusual circumstances warrant a departure from prescribed retention periods, procedures, or techniques or that compliance with such prescribed requirements would impose an unreasonable burden upon the motor carrier, and that the granting of the waiver would be in the public interest.

§ 203.8 Prescribed periods of retention.

The following "Schedule of Records" shows each category of records and the retention periods.

SCHEDULE OF RECORDS

Item	Category of records	Retention period
	1. GENERAL AND FINANCIAL	
1	Minute books of directors, executive committees, stockholders, and other corporate meetings.	Permanently.
2	Capital stock records:	
	(a) Capital stock ledger	Permanently.
	(b) Capital stock certificates, records of or stubs of	Permanently.
	NOTE: If the information shown on the stubs is recorded in permanent records the stubs are required to be retained only for a period of 3 years.	
	(c) Stock transfer register	Permanently.
	(d) Memoranda and bills of sale or of transfer of capital stock	3 years.
	(e) Capital stock subscription notices and requests for allotment	3 years.
	(f) Canceled capital stock certificates	Optional.
3	Bond records:	
	(a) Registered bond ledger	10 years after redemption.
	(b) Records or stubs of bonds	10 years after redemption.
	NOTE: If the information shown on the stubs is retained in other records for a longer period of time the stubs are required to be retained only for a period of 3 years.	
	(c) Memoranda and bills of sale or of transfer of registered bonds	3 years.
	(d) Records of interest coupons paid and unpaid	5 years after payment.
4	Corporate elections:	
	(a) Proxies of holders of voting securities	2 years.
	(b) Lists of holders of voting securities presented at meetings	3 years.
	(c) Ballots cast and tabulations of vote	2 years.
	(d) Judges' reports of election results	2 years.
5	Ledgers:	
	(a) General and auxiliary ledgers and indexes thereto	Permanently.
	(b) Trial balance sheets of general and auxiliary ledgers	4 years.
6	Record of securities owned, in treasury, or with custodians	10 years after the related securities are sold, redeemed or otherwise disposed of.
7	General journals:	
	(a) General journal entries	Permanently.
	(b) Supporting papers not otherwise provided for	6 years.
8	Cash receipts records:	
	(a) General cash receipts journals	Permanently.
	(b) Detailed records supporting totals recorded in item 9(a)	6 years.
	(c) Bank deposit slips	3 years.
9	Records summarizing the results of noncarrier operations for entry in general books.	6 years.
	Note: Ledgers, journals, abstracts, reports, vouchers, etc., shall be retained for the same periods as are provided for similar documents elsewhere in these regulations.	
10	Deeds and other title papers, franchises; applications to and certificates or permits from regulatory bodies authorizing operations or extensions of operations and all papers, memoranda and correspondence in connection therewith.	Until expiration or cancellation.
11	Contracts and agreements:	
	(a) Contracts, leases and agreements except as provided in item 11(b), 40(e), 58(f), 72(e), and 76(e). These include property and equipment leases, owner-operator agreements and card or book records thereof.	3 years after expiration or cancellation.
	(b) Contracts and required files for transactions which are subject to the provisions of the Clayton Antitrust Act (15 USC 20).	In original form for 10 years after expiration, provided there is no pending litigation involving these records and, provided that the carrier informs the Commission of its intended action 2 weeks prior to date the records are to be destroyed.
12	Tax records:	
	(a) Taxes based on income	6 years.
	(b) Real estate and personal property tax	6 years.
	(c) Taxes based on payrolls	6 years.
	(d) Federal excise taxes	6 years.
	(e) Highway use taxes	6 years.
	(f) Corporate privilege tax	6 years.
13	Treasurer's records:	
	(a) Statements and summaries of balances on hand and with depositaries.	Optional.
	(b) Statements from depositaries of funds received, disbursed, and transferred.	3 years.
	(c) Bank reconciliations; checks, drafts, etc., issued and not presented.	3 years.
	(d) Copies of deposit slips	3 years.
	(e) Agents' remittance slips	3 years.
14	General office records relating to establishment of credit arrangements with shippers.	2 years after discontinuance of credit arrangement.
15	Reports of examinations, audits and transfers by special accountants, traveling auditors, time inspectors, weight inspectors, etc., and supporting papers.	2 years.
16	Reports to Interstate Commerce Commission and other regulating bodies:	
	(a) Annual financial, operating, and statistical reports, file copies of, and supporting papers.	Permanently.
	(b) Reports of operating revenues, expenses, and statistics, file copies, and supporting papers.	3 years.
	(c) Accident register and attached file copies of accident reports (Form BMC-50).	In original form for 3 years following occurrence of any recorded accident.
	(d) Reports of hours of service, file copies of, and supporting papers:	
	(1) Drivers' logs (Form BMC 59)	In original form for 12 months from date of receipt.
	(2) Monthly hours of service report (Form BMC 60)	In original form for 3 years.
	(e) Reports to regulating bodies regarding expenditures of proceeds from sale of authorized securities, file copies of and supporting papers.	3 years.
	(f) Other reports to regulatory bodies not provided for by items (a) to (e).	3 years.
	(g) Copies of applications to and authorities from regulating bodies for the issuance of stocks, bonds, and other securities (see item (e) above).	Permanently.

SCHEDULE OF RECORDS—Continued

Item	Category of records	Retention period
	I. GENERAL AND FINANCIAL—continued	
	NOTE: The supporting papers referred to in item 16 are those requisite to support the reports named, and not elsewhere provided for in these regulations. If figures for such reports are assembled on memorandum sheets, such sheets constitute a part of the supporting papers and shall be retained accordingly.	
17	Annual reports or statements to stockholders, file copies of	Permanently.
18	Miscellaneous statistical reports, statements and summaries (not otherwise provided for herein) used for administrative purposes only and not entering the accounts of the company.	Optional.
	II. TRANSPORTATION	
40	Tariffs and other rate authorities:	
	(a) Tariffs, classifications, division sheets, and circulars in which the carriers are interested relative to the transportation of persons or property, in the general files of the traffic or other department in which the complete official file is maintained.	2 years after expiration or cancellation.
	(b) Tariffs, classifications, division sheets, and circulars in other departments and at agencies, if copies of the same issues of such tariffs, etc., are preserved in the general files referred to in (a) above.	Until expiration or cancellation.
	(c) Contracts and minimum rate schedules of contract motor carriers except as provided in item 11(b).	3 years after expiration or cancellation.
	(d) Requests and receipts from agents and others for tariffs, classifications, division sheets, and circulars.	Optional.
	(e) Written requests on carrier from persons and companies for quotations of rates, and copies of carrier's quotations.	Optional.
	(f) Copies of concurrences and powers of attorneys filed with the Interstate Commerce Commission and with other regulating bodies.	2 years after cancellation.
	(g) Authorities for the transportation of property, free or at reduced rates and supporting papers.	3 years.
	(h) Correspondence and working papers in connection with the making of rates and compilation of tariffs, classifications, division sheets, and circulars affecting the transportation of persons or property.	2 years after cancellation of tariff.
	(i) Records, circulars, and settlements, regarding conventions, excursions, traffic promotions, and similar matters.	3 years.
	(j) Public timetables and literature, correspondence or records relating to them.	Optional.
41	Records pertaining to the diversion or reconsignment of freight, including requests, tracers, and correspondence in connection therewith.	2 years.
42	Records and reports pertaining to embargoes, congested traffic and similar matters.	3 years.
43	Journals, summaries, or other records of freight revenues	6 years.
44	Journals, summaries, or other records of passenger revenues	6 years.
45	Passes, reduced fares, and free tickets:	
	(a) Copies of orders for printing pass stock	Optional.
	(b) Records of pass stock	3 years.
	(c) Records and reports of passes issued or requested from other carriers.	3 years.
	(d) Records and reports of tickets issued free or at reduced rates, and of such tickets requested from other carriers.	3 years.
	(e) All other records and documents relating to the issuance or use of passes and tickets at reduced rates or free.	1 complete calendar year.
	(f) Canceled passes and tickets issued free or at reduced rates	2 years.
46	Journals, summaries, or other records of transportation revenues other than freight and passenger.	6 years.
47	Journals, summaries or other records of revenues from operations other than transportation.	6 years.
48	Bills of lading and releases:	
	(a) Consignors' shipping orders, consignors' shipping tickets, and copies of bills of lading, freight bills from other carriers and other similar documents furnished the carrier for movement of freight.	3 years.
	(b) Contracts covering risk of carriers to transportation and storage.	2 years after expiration.

SCHEDULE OF RECORDS—Continued

Item	Category of records	Retention period
	II. TRANSPORTATION—continued	
49	Freight bill:	
	(a) Origin station copy	Optional.
	(b) Delivery receipt, records of and receipt for delivery of freight to consignees and connecting carriers.	3 years.
	(c) Settlement copy receivable, paid copy of freight bill retained by carrier to support the receipt of freight charges.	3 years.
	(d) Settlement copy payable, paid copy of freight bill retained by carrier to support payment of freight charges to other carriers.	3 years.
	(e) Unsettled copy, records of unsettled freight bills, freight bills in suspense and supporting papers.	1 year after settlement or other final disposition.
	(f) All other copies (see item 12f)	Optional.
	NOTE: A freight bill is a document which shows shipper, consignee, origin of shipment and destination, number of pieces, description of the commodity weight, rate, freight and any other connecting carrier involved in the transportation of the shipment and shows the total charges to be paid by the customer.	
50	Freight corrections:	
	(a) Correction notices	3 years.
	(b) Undercharge and overcharge freight statements	3 years.
	(c) Records and reports of correction notices	3 years.
51	Records and reports pertaining to import and export freight, bonded freight and baggage, steamships' engagements, etc.	3 years.
52	Records and reports pertaining to the operation of marine and floating equipment.	3 years.
53	Mail service:	
	(a) Records and reports of mail weighing, mail failures, and detentions, fines, deductions, and irregularities.	3 years.
	(b) Records and reports of mail pouches received and distributed	1 year.
54	Revenue equipment movements:	
	(a) Dispatchers' sheets, registers, and other records pertaining to the movement of buses, trucks, tractors, and trailers.	3 years.
	(b) Records and reports of trailers, buses, and other vehicles interchanged.	3 years.
	(c) Books and circulars of instructions to agents, drivers, and others in the general file of the carrier.	3 years after expiration or cancellation.
55	Records, reports, orders, and tickets pertaining to the weighing of truckloads and less than truckload shipments.	3 years.
56	Freight loading and unloading records:	
	(a) Freight checkers' records	2 years.
	(b) Reports, manifests, load sheets and abstract of shipments made and received.	2 years.
	(c) Orders for the reconsignment of freight	2 years.
	(d) Reports of shipments received and transported by contract carriers not covered by freight bills.	3 years.
	(e) Records of vehicles iced and ventilated	2 years.
	(f) Records of unloading, feeding and watering livestock	2 years.
57	Copies of notices to consignees of arrival of freight	2 years.
58	Pickup and delivery records:	
	(a) All records detailing shipments picked up from or delivered to a carrier by consignor, drayman, carrier's own equipment or any other source.	2 years.
	(b) Notice to consignees of tender of delivery	2 years.
	(c) Pickup service call sheets	1 year.
	(d) Patron's authority for service desired (cartage authorities)	1 year after cancellation.
	(e) Record of c.o.d. collections and remittances	3 years after expiration or cancellation.
	(f) Contracts for pickup, delivery, and transfer service (see item 11(b)).	3 years after expiration or cancellation.
59	Drivers' reports not provided for elsewhere	2 years.
60	Records and reports of tickets and ticket stock, whether in station or general office.	3 years.
61	Records and reports of baggage checks issued, sold, and on hand, whether in station or general office.	3 years.
62	Agents' balance sheets	3 years.
63	Agency cash books	6 years.
64	Used and canceled tickets, cash fare slips, baggage checks, etc., reports of which showing their sale and use have been audited (except as otherwise provided in item 45(f)).	Optional.
65	All records, reports, and documents at stations and terminals not otherwise provided for in these regulations.	3 years.

SCHEDULE OF RECORDS—Continued

Item	Category of records	Retention period
	III. EXPENDITURES	
70	Cash disbursements (cash, checks, and drafts):	
	(a) Check and cash disbursement journals (check registers)	Permanently.
	(b) Duplicate copies of checks or check stubs if detail is not shown in item (a).	Permanently.
	(c) Reports of petty cash disbursed	3 years.
	(d) Checks paid and canceled:	
	1—Payroll checks	3 years.
	2—All other checks	6 years.
	(e) Reports of drafts issued by agents and officers	1 year.
71	Invoices and vouchers:	
	(a) Invoice registers and voucher registers	15 years.
	(b) Paid and canceled vouchers and supporting papers, except as otherwise provided in item 72(a) and 99.	6 years.
	(c) Invoices for material and supplies purchased not attached to vouchers or paid checks and supporting details. For expenditures relating to property see item 72.	6 years.
72	Records of terminal property and highway equipment:	
	(a) Records, reports, statements and memoranda showing the details of all debits and credits on account of the cost of property.	3 years after sale or retirement.
	(b) Records and memoranda pertaining to depreciation, retirements, and replacements of property.	3 years after sale or retirement.
	(c) Contracts and other agreements relating to the construction, acquisition or sale of property except as provided for in item 11(b).	3 years after sale or retirement.
	(d) Plans, specifications, estimates of work, records of engineering studies, construction bids, and similar records pertaining to addition and betterment projects which have been put in execution except as provided for in item 11(b).	3 years after sale or retirement.
	(e) Plans, specifications, estimates of work, records of engineering studies, construction bids, and similar records pertaining to addition and betterment projects which have been abandoned.	3 years after abandonment.
	(f) Patent records and related data	3 years after disposition or expiration of patent.
73	Records and reports of repairs and renewals of buildings and other structures.	6 years.
74	Payroll records:	
	(a) Original source documents used in preparation of payrolls; namely, time cards, trip records, work orders, etc.	3 years.
	(b) Payroll registers and related payroll records	6 years.
	(c) Applications and authorities for changes in payroll	1 year.
	(d) Records and memoranda pertaining to deductions from payrolls for social security taxes.	6 years.
	(e) Records of employees—applications for employment, reports and certificates of physical and other examinations, service records, efficiency tests, employees' rosters and other similar records pertaining to employees.	1 year after termination of employment.
	(f) Employees' welfare and pension records including records of employees' relief, health and insurance, savings, and workmens' compensation, accident reports, other than records pertaining to the receipt and disbursement of funds.	1 year.
75	Records of assignments, attachments, and garnishment of employees' salaries.	2 years.
76	Purchases and sales:	
	(a) Copies of orders for the purchase of material and supplies	3 years.
	(b) Bids and offers for the sale or purchase of material and supplies except as provided in item 11 (b).	1 year.
	(c) Contracts for the purchase or sale of material and supplies except as provided in item 11(b).	3 years after expiration.
	(d) Advices or requisitions from storekeepers and others for the purchase of material and supplies.	Optional.
	(e) Price records of purchases, file copies of	3 years.
77	Inventories of materials and supplies:	
	(a) General inventories of materials and supplies on hand including fuel, oil and tires.	6 years.
	(b) Stock cards, inventory cards and other detail records	1 year.
	(c) Records and reports of materials and supplies received and issued except as otherwise provided in item 72.	6 years.
	(d) Requisitions and receipts for materials and supplies issued, the totals of which have been transcribed into other records for retention.	1 year.
	(e) Price records of materials and supplies issued, file copies	3 years.

SCHEDULE OF RECORDS—Continued

Item	Category of records	Retention period
	IV. SHOPS AND GARAGES	
80	Records and reports of repairs to automotive vehicles and other equipment.	3 years.
81	Records and reports of motor changes	3 years.
82	Inspection records:	
	(a) Certificates of inspection and test data including nondestructive tests on tank motor vehicles used to transport inflammable liquids, corrosive liquids, compressed gasses or liquid poisons.	3 years after retirement or disposition.
	(b) Records and reports of automotive equipment purchased	3 years after retirement or disposition.
83	Records and reports of automotive equipment light-weighed and stenciled.	3 years after retirement or disposition.
84	Records and reports of equipment numbers changed	3 years after retirement or disposition of vehicle.
85	Records and reports of automotive equipment in and out of service	3 years.
86	Records and reports of automotive equipment failures	3 years.
87	Vehicle condition report by driver	In original form for 3 months.
	V. INSURANCE AND SAFETY	
96	Fidelity and indemnity bonds:	
	(a) Records and files relating to expired, terminated, and canceled fidelity bonds of employees, including the bonds.	3 years after expiration of liability of bonding company.
	(b) Records and files relating to expired, terminated, and canceled indemnity bonds incident to transportation and other charges, including the bonds.	3 years after expiration of liability of bonding company.
97	Insurance records:	
	(a) Schedules of fire, cargo, public liability and property damage, and other insurance.	3 years after policy expires.
	(b) Insurance policies	Optional after expiration of liability of insurer.
	(c) Letter and telegraphic reports of damages by fire, collision, etc.	3 years.
	(d) Reports of minor losses by fire, collision, etc., not covered by insurance or less than minimum amount collectible.	2 years.
	(e) Schedules of risks covered by self-insurance reserves	2 years.
98	Claim registers:	
	(a) Claim registers, card, or book indexes and other records in connection with the recording of overcharge, loss and damage, personal injury, fire and other claims presented against carriers.	6 years.
	(b) Records showing the details of authorities issued to agents, carriers, and others for participation in freight claims.	6 years.
99	Claim papers substantiating overcharge, loss and damage, personal injury, fire, and other claims whether such papers are filed separately or attached to vouchers.	3 years after settlement or rejection.
100	Records of fire and other damages to property of others: (Reports and statements of overcharges regarding injuries by fire or otherwise, to property of others, when not necessary to support claims or vouchers.)	3 years.
101	Reports and statements regarding personal injuries, when not necessary to support claims and vouchers.	3 years.
102	Records of unclaimed, over, short, damaged, and refused freight:	
	(a) Tracers, reports, and other records pertaining to unclaimed, over, short, damaged, and refused freight, when not necessary to support claims or vouchers.	1 year.
	(b) Authorities for disposal of unclaimed, damaged and refused freight.	3 years.
103	Vehicle accidents:	
	(a) Record of automotive vehicle accidents.	3 years.
	(b) Reports of accidents by drivers or others.	3 years.
	(c) Reports of damage to equipment by accidents.	3 years.
104	Reports and records in connection with policing the motor carriers' detective service, investigations of robberies, and attempts to defraud when not the subject of claim against the carrier.	Optional.
105	Reports and records in connection with the prevention of loss and damage to freight shipments.	Optional.

SCHEDULE OF RECORDS—Continued

Item	Category of records	Retention period
	VI. MISCELLANEOUS	
120	Tabulating data:	
	(a) When the results are transcribed to other records covered by these regulations.	Destroy at option after appropriate summaries have been made.
	(b) When the results are not transcribed to other records covered by these regulations.	For the period prescribed for the specific records.
	(c) Records of code numbers and the periods during which they were effective.	For the period prescribed for the specific records.
121	Duplicate copies of accounts, records, and memoranda listed in these regulations, if all information on such duplicates is contained on the originals or other copies retained, and if such duplicates are not specifically provided for in these regulations.	Optional.
122	Books and circulars of instructions to agents and others, in the general file of the department in which the complete official file is maintained.	3 years after expiration or cancellation.
123	Data relating to the destruction of records	20 years.
124	Correspondence:	
	(a) Correspondence and records thereof relating to subjects listed in items 1 to 123, inclusive.	For the period prescribed for the records to which the correspondence relates.
	(b) Operators' copies of telegrams, including relay copies, if the original or other copies of such messages are retained as provided for in (a) above.	Optional.
	(c) Stenographers' notebooks and phonograph and other mechanical device records, if transcripts thereof are retained, as provided for in (a) above.	Optional.
	(d) Transcripts of teletype messages	For the period prescribed for the records to which the correspondence relates.

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Subpart B—Class III Motor Carriers

§ 203.20 Period of retention.

(a) *Records to be permanently preserved.* The following regulations covering Class III Motor Carriers shall be retained permanently unless the motor carrier operations are sold or otherwise disposed of, in which event they may be transferred to the person or company continuing such operations:

(1) General and auxiliary ledgers, journals, cash books, and journal entries.

(2) Property records showing costs and dates acquired including certificates or abstracts of title and records pertaining to depreciation, retirements and replacements of property.

(3) Capital stock records, minutes of directors, stockholders, and other corporate meetings.

(b) *Other documents.* Driver's logs shall be preserved for 1 year as prescribed in Part 195 of this chapter. All other accounts, records, memoranda, documents, papers, and correspondence shall be preserved for a period of not less than 3 years or for longer periods if ordered by other lawful authority.

§ 203.21 Lawful destruction.

Any motor carrier other than a Class I and Class II motor carrier may destroy its accounts, records, memoranda, documents, papers, and correspondence named in § 203.20(b) after preserving the same for the periods of time respectively specified therein.

§ 203.22 Accidental destruction.

If any accounts, records, memoranda, documents, papers, or correspondence shall be accidentally lost or destroyed by fire, flood, or other calamity, a statement shall be submitted to the Interstate Commerce Commission describing as accurately as possible the accounts, records, memoranda, documents, papers, or correspondence, and the circumstances under which they were lost or destroyed.

Subpart C—Brokers

§ 203.30 Brokers.

The requirements of §§ 203.20 to 203.23 inclusive, shall apply equally to brokers when the subject matter permits application.

[F.R. Doc. 65-12911; Filed, Dec. 2, 1965; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3885]

[Riverside 06911]

CALIFORNIA

Modifying Reclamation Withdrawals and Public Water Reserve No. 90

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and by virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

The Executive order of March 10, 1924, creating Public Water Reserve No. 90, the departmental orders of October 19, 1920, and June 4, 1930, and the Bureau order of July 23, 1947, withdrawing lands for reclamation purposes in connection with the Colorado River Storage Project, are hereby modified to the extent necessary to permit the granting of a right-of-way, under section 2477, U.S. Revised Statutes (43 U.S.C. 932), to the County of Riverside, for the construction of a highway over the following described lands, as shown on the map filed with the Bureau of Land Management under Riverside 06911 as part of the application by the county:

SAN BERNARDINO MERIDIAN

T. 7 S., R. 10 E.,
Sec. 34, SW¼.

The area described contains 0.67 acre.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

NOVEMBER 26, 1965.

[F.R. Doc. 65-12964; Filed, Dec. 2, 1965; 8:47 a.m.]

[Public Land Order 3888]

[Washington 05788]

WASHINGTON

Partial Revocation of National Forest Administrative Sites

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The departmental orders of January 8, 1907, and April 30, 1908, so far as they withdrew the following-described national forest lands for administrative sites, are hereby revoked:

WILLAMETTE MERIDIAN

OLYMPIC NATIONAL FOREST

Corrigenda Site

T. 26 N., R. 3 W.,
Sec. 24, SW¼SW¼SE¼;
Sec. 25, An irregular tract in the N½.

OKANOGAN NATIONAL FOREST

Salmon Creek Site

T. 37 N., R. 24 E.,
Sec. 33, N½NW¼SW¼, SW¼NW¼SW¼.

The areas described aggregate approximately 52.50 acres.

2. At 10 a.m. on January 4, 1966, the lands shall be subject to such forms of disposition as may by law be made of national forest lands.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

NOVEMBER 29, 1965.

[F.R. Doc. 65-12965; Filed, Dec. 2, 1965; 8:47 a.m.]

[Public Land Order 3889]

[Idaho 016683]

IDAHO

Opening Lands Subject to Section 24 of Federal Power Act

By virtue of the authority contained in section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, it is ordered as follows:

1. In DA-571-Idaho the Federal Power Commission determined that the power value of the following described lands will not be injured or destroyed by restoration to location, entry or selection, subject to the provisions of section 24 of the Federal Power Act.

BOISE MERIDIAN

SALMON NATIONAL FOREST

T. 23 N., R. 17 E., unsurveyed.

Beginning at Corner No. 1, a ½-inch iron rod in mound of stone from which U.S. Location Monument No. 368 bears N. 86°46' E., a distance of 4,715.01 feet;

S. 29°35' E., 1.96 chains;
S. 23°02'30" W., 1.75 chains;
S. 38°35' W., 2.11 chains;
S. 78°27'30" W., 1.98 chains;
N. 79°39' W., 2.98 chains;
N. 54°19'30" W., 1.78 chains;
N. 53°57' E., 2.03 chains;
N. 65° E., 6.29 chains to the place of beginning, containing 2.49 acres, more or less, which will probably be, when surveyed, in section 15.

2. At 10 a.m., on January 4, 1966, the lands shall be open to such forms of disposition as may by law be made of national forest lands, subject to the provisions of section 24 of the Federal Power Act.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

NOVEMBER 29, 1965.

[F.R. Doc. 65-12966; Filed, Dec. 2, 1965; 8:47 a.m.]

[Public Land Order 3890]

[Sacramento 075738, 075739]

CALIFORNIA

Establishing Reservoir Site Reserve No. 23 and Powersite Classification No. 446; Tributaries of Sacramento River

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and by virtue of the authority contained in the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and in 1950 Reorganization Plan No. 3 (64 Stat. 1262; 5 U.S.C. 133z-15, note), it is ordered as follows:

1. Subject to existing valid rights, the following described lands are hereby temporarily withdrawn from appropriation under the public land laws, including the mining laws (Ch. 2, Title 30 U.S.C.), but not from leasing under the mineral leasing laws, as Reservoir Site Reserve No. 23:

MOUNT DIABLO MERIDIAN

(SACRAMENTO 075738)

T. 26 N., R. 7 W.,
Sec. 2, lot 4;
Sec. 24, NW¼NE¼ and N½NW¼.
T. 40 N., R. 8 W.,
Sec. 14, NE¼NE¼, SE¼NW¼, N½SW¼ and E½SE¼;
Sec. 20, lot 1 (unpatented land in E½), lots 2, 3, 9 and 11, lot 38 (that part in sec. 20 unsurveyed);
Sec. 21, lot 38 (that part in sec. 21);
Sec. 22, SW¼SW¼;
Sec. 24, NW¼NW¼;
Sec. 30, lot 1.

The areas described aggregate approximately 614 acres, of which 447 acres are national forest lands in the Shasta and Klamath National Forests, and 167 acres are public lands.

2. The following described lands under jurisdiction of the Secretary of the Interior are hereby classified as powersites, so far as title to such lands and interests therein remain in the United States, subject to provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended:

POWERSITE CLASSIFICATION NO. 446

(*Sacramento 075739*)

T. 29 N., R. 7 W.,
Sec. 18, lot 1 of NW¼.
T. 29 N., R. 8 W.,
Sec. 16, E½SE¼.
T. 23 N., R. 7 W.,
Sec. 2, W½SE¼;
Sec. 22, NE¼NE¼;
Sec. 26, E½SE¼;
Sec. 36.
T. 22 N., R. 7 W.,
Sec. 1, NW¼;
Sec. 12, NW¼NE¼.
T. 19 N., R. 6 W.,
Sec. 5, lot 3, SE¼NW¼, and NE¼SW¼;
Sec. 6, lots 1 and 2.
T. 20 N., R. 6 W.,
Sec. 29, E½SW¼;
Sec. 31, SW¼NE¼, and SE¼SW¼;
Sec. 32, E½NW¼.
T. 21 N., R. 6 W.,
Sec. 7, lot 16;
Sec. 18, lots 5, 6, 15, and 16;
Sec. 31, lot 13.

The lands in the following township are all in the Lassen National Forest:

T. 28 N., R. 5 E.,
Sec. 4, SE¼SW¼, and S½SE¼;
Sec. 9, NE¼NE¼;
Sec. 10, NW¼NW½, SE¼NW¼, NE¼SW¼, and SW¼SW¼;
Sec. 15, NW¼NW¼;
Sec. 20, NW¼SW¼;
Sec. 22, SW¼NW¼.

The areas described in paragraph 2 aggregate approximately 2,053 acres, all referable to Mount Diablo Meridian.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

NOVEMBER 29, 1965.

[F.R. Doc. 65-12967; Filed, Dec. 2, 1965; 8:47 a.m.]

[Public Land Order 3891]

[Wyoming 0319015]

WYOMING

Partial Revocation of Townsite Withdrawal, Shoshone Project

By virtue of the authority contained in section 1 of the Act of April 16, 1906 (34 Stat. 116), and in section 4 of the Act of June 27, 1906 (34 Stat. 520; 43 U.S.C. 561), it is ordered as follows:

The departmental order of April 19, 1920, withdrawing lands for townsite purposes (Frannie Townsite), is hereby revoked so far as it affects the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 58 N., R. 98 W.,
Sec. 25, SE¼SE¼.

The area described contains 40 acres, which is still withdrawn for reclamation purposes.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

NOVEMBER 29, 1965.

[F.R. Doc. 65-12968; Filed, Dec. 2, 1965; 8:48 a.m.]

[Public Land Order 3892]

[Idaho 016372]

IDAHO

Withdrawal for Civil Works Project

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), and reserved under jurisdiction of the Corps of Engineers, Department of the Army, for the Lucky Peak Reservoir:

BOISE MERIDIAN

T. 2 N., R. 4 E.,
Sec. 6, lot 7 and NE¼SE¼NE¼.

Containing 51.04 acres in Ada County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

NOVEMBER 29, 1965.

[F.R. Doc. 65-12969; Filed, Dec. 2, 1965; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 68]

U.S. STANDARDS FOR ROUGH, BROWN, AND MILLED RICE

Extension of Time for Filing Comments

A proposal for considering a possible revision of the U.S. Standards for Rough Rice (7 CFR 68.201-68.203), Brown Rice (7 CFR 68.251-68.253), and Milled Rice (7 CFR 68.301-68.303), was set forth in the notice which was published in the FEDERAL REGISTER on October 27, 1965 (30 F.R. 13649).

In consideration of comments and suggestions received indicating the need for further study of the proposal, the time within which written data, views, and arguments may be submitted by interested parties for consideration of the aforesaid proposal is hereby extended until December 31, 1965.

Done at Washington, D.C., this 26th day of November 1965.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 65-12994; Filed, Dec. 2, 1965; 8:50 a.m.]

[7 CFR Part 967]

CELERY GROWN IN FLORIDA

Notice of Proposed Rule Making

Notice is hereby given that the Secretary of Agriculture is considering the approval of administrative rules and a limitation of shipments regulation, hereinafter set forth, which were recommended by the Florida Celery Committee, established pursuant to Marketing Agreement No. 149 and Order No. 967 (7 CFR Part 967; 30 F.R. 14266) regulating the handling of celery grown in Florida. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views or arguments in connection with these proposals should file the same, in quadruplicate, with the Hearing Clerk, Room 112, Administration Building, U.S. Department of Agriculture, Washington, D.C., 20250, not later than the 5th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposals are as follows:

GENERAL

Sec.
967.100 Communications.

DEFINITIONS

Sec.
967.110 Order.
967.111 Marketing agreement.
967.112 Terms.

INTERPRETATIVE RULES

967.130 Producer.

ADMINISTRATIVE RULES

967.150 Marketable quantity.
967.151 Base quantities.
967.152 Reserve for base quantities.

LIMITATION OF SHIPMENTS

967.301 Marketable quantity for 1965-66 season.

AUTHORITY: §§ 967.100 to 967.301 issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

GENERAL

§ 967.100 Communications.

Unless otherwise provided in the marketing agreement and order, or by specific direction of the committee, all reports, applications, submittals, requests, and communications in connection with the marketing agreement and order shall be addressed to the Florida Celery Committee, 4401 E. Colonial Drive, Post Office Box 20067, at Orlando, Fla.

DEFINITIONS

§ 967.110 Order.

"Order" means Order No. 967 (§§ 967.1-967.60) regulating the handling of celery grown in Florida.

§ 967.111 Marketing agreement.

"Marketing Agreement" means Marketing Agreement No. 149.

§ 967.112 Terms.

Except as otherwise provided herein, terms used in this subpart shall have the same meaning as when used in the marketing agreement and order.

INTERPRETATIVE RULES

§ 967.130 Producer.

(a) "Producer" shall be deemed to include any person: (1) Who or which owns and farms land resulting in his or its ownership of the celery produced thereon; (2) who or which rents and farm land, resulting in his or its ownership of all or a portion of the celery produced thereon; or (3) who or which owns land which he or it does not farm and, as rental for such land, obtains the ownership of a portion of the celery produced thereon.

(b) The term "producer" is defined in § 967.6 as being any person engaged in a proprietary capacity in the production of celery (as defined in § 967.4). The term "person" is construed to mean the business unit which produces celery for market. The term producer shall be limited to those who have an ownership in celery produced in the production area.

(c) The term "partnership" shall be deemed to include a husband and wife with respect to land, the title to which, or leasehold interest in which, is vested in them as tenants in common, joint tenants, or tenants by entirety, or, under community property laws, as community property. The term "partnership" shall also be deemed to include two or more persons which join together by agreement, informal or otherwise, for the purpose of producing celery and which, as a unit, has ownership of such celery. The term "partnership" shall also include so-called "joint ventures," wherein one or more parties to the arrangement contribute capital and others contribute labor, management, equipment, or other services, or any variation of such contributions by two or more parties, so that it results in the production of celery for market and ownership thereof by such joint venture.

ADMINISTRATIVE RULES

§ 967.150 Marketable quantity.

Pursuant to § 967.36(b) no handler may handle any harvested celery, when a Marketable Quantity is in effect, unless it is within the Marketable Allotment of a producer who has a Base Quantity pursuant to § 967.38 and such producer authorized the first handler thereof to purchase or otherwise handle it. Pursuant to § 967.38(c) each producer shall notify the committee, by certification to it, on forms furnished by the committee, as to each such handler and the number of crates of harvested celery to be so handled.

§ 967.151 Base quantities.

(a) To provide the committee with information on which it may make determinations of Base Quantities as provided in § 967.37, the committee shall upon request furnish forms for registration as a producer to each known producer and to other persons who have indicated to the committee an interest in applying for a Base Quantity.

(1) One such form, as prescribed by the committee, shall include provisions whereby the committee will be given information by the producer on the number of crates of celery sold by such producer or on his behalf during the seven seasons 1958-59 through 1964-65, broken down by crates, handlers and seasons. Other such forms shall provide for the furnishing of information and details by any producer who prior to September 30, 1965, made firm and substantial commitments for the production of celery and who offers substantial proof that his record of base period sales is not representative of his commitments. Such reports shall be submitted to the committee within such time as it may prescribe.

(2) Persons wishing to register who had no sales of celery during the seven

seasons 1958–59 through 1964–65, may make application in such manner and on such forms as may be prescribed by the committee, which forms may include, but not necessarily be limited to, details on:

(i) Individual or firm name;

(ii) Location and size of farming operation;

(iii) Any firm and substantial commitments, such as contractual arrangements with credit agencies, handlers, fertilizer dealers, management agencies, and others, for the production and marketing of celery, including references to land, equipment, occupation, crops produced, past experience in farming, and to celery seedbeds and acreage planted or to be planted, and crates to be marketed therefrom.

(b) The committee upon receipt of the completed registrations and other forms shall consider and make determinations of Base Quantities for registered producers based upon the following, as applicable:

(1) The producer's sales of harvested celery in the base period as provided in § 967.37(b).

(2) The producer's firm and substantial commitments for the production of celery prior to September 30, 1965; the acreage so committed; and the probable marketable production therefrom for a season based on local experience, practices, and conditions.

(3) The equitable apportionment of Base Quantities among all eligible producers.

(c) As provided in § 967.37, the committee may provide for informal review in open meeting of the committee, or subcommittee thereof, of applicant's request for increases in Base Quantities or for Base Quantities. Such meeting shall be so conducted that an accurate record shall be made of relevant evidence presented. The record of such informal review, with references to relevant data and information presented, shall be retained by the committee and shall be subject to review by the Secretary.

(d) Each completed form submitted to the committee shall be considered and determinations shall be made thereon as promptly as practicable, which, as a matter of policy, should be within 30 days. The committee shall notify each individual in writing of the action taken on the forms submitted. If the committee has not advised an individual of its final decision within 45 days of the submission thereon, the individual may appeal to the Secretary for appropriate consideration thereof.

(e) To administer this part in accordance with its terms and provisions, a record of each Base Quantity and each Marketable Allotment shall be maintained by the committee.

(1) Whenever any Base Quantity or any Marketable Allotment is established for a producer, the committee shall so record and advise such producer on forms designated by it.

(2) No producer may transfer any Base Quantity or Marketable Allotment or obtain the same without first submitting a report containing all the details of the proposed transfer to the committee for record keeping and verification. Such reports shall be on forms prescribed by the committee and shall include, but not necessarily be limited to, and as applicable, Base Quantity or Marketable Allotment held, number of crates to be transferred and the specific period of time the transfer will be in effect, name and address of the producer to whom such Base Quantity or Marketable Allotment is being transferred, number of crates marketed in the representative period, qualifications as a producer and particulars on the sale and handling of the celery referable to the transferred Base Quantity or Marketable Allotment. The committee will only give consideration to requests for transfers of Base Quantities prior to the time Marketable Allotments are established for a particular season, after which time requests for transfers of Marketable Allotments may be made to, and considered by the Committee: *Provided*, That, requests for transfers of Base Quantities for any future seasons may be made at any time.

(3) No handler may purchase harvested celery from, or handle harvested celery on behalf of, any producer, under a Base Quantity or Marketable Allotment transferred from one producer to another producer, unless such transfer was approved by the committee and recorded by it, or appropriate subcommittee, and the transferee has been so notified by the committee.

§ 967.152 Reserve for base quantities.

(a) Each season for which it recommends establishment of a Marketable Quantity under the provisions of § 967.36, the committee shall consider the need for a reserve for Base Quantities. Such consideration shall be directed to factors related to reserve needs, such as, but not necessarily limited to, the equitable apportionment of Base Quantities of celery among producers; and the need to meet additional demand for celery.

(b) The committee shall recommend to the Secretary, with its considerations and judgments thereon, the amount, if any, of harvested celery, in terms of crates, which should be established in a reserve for Base Quantities for the ensuing season. Such reserve may be calculated as a percentage of the total Marketable Quantity for a season or the then current Base Quantities, or shipments for a previous season or the average of shipments for two or more seasons, or on other similar basis to be determined by the committee with the Secretary's approval.

(c) The reserve, if any, for a particular season shall, for any season after the initial season, be established by the Secretary, pursuant to the committee recommendations or other available information, no later than the date of the establishment of Marketable Quantity.

(d) Applicants for Base Quantities or increases of Base Quantities, who have registered under § 967.151(a), may apply to the committee for a portion of such reserve within such time and on forms prescribed by it. The committee shall considered each application in accordance with § 967.151(b) and the amount of celery needed to meet the Marketable Quantity or revised Marketable Quantity for the season, the historical supply available, and the decline or increase in volume of celery production by other producers; and, if approved thereunder, determine the Base Quantity for each such applicant.

(e) Any balance of the reserve which has not been distributed during a current season shall not carry forward into the following season.

LIMITATION OF SHIPMENTS

§ 967.301 Marketable quantity for 1965–66 season.

(a) The Marketable Quantity of celery, for the marketing season ending July 31, 1966, is established pursuant to § 967.36(a), as 7,762,325 crates. No handler may purchase from or handle on behalf of any producer more harvested celery than a quantity computed as the Marketable Allotment of such producer, less sales of harvested celery by such producer during the period beginning November 15, 1965, and ending December 15, 1965.

(b) The marketing season, for purposes of this regulation, shall include the period November 15, 1965, to July 31, 1966.

(c) Terms used herein shall have the same meaning as when used in the marketing agreement and order.

Dated: November 30, 1965.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 65–12995; Filed, Dec. 2, 1965; 8:50 a.m.]

[7 CFR Parts 1003, 1016]

[Docket Nos. AO–293–A10, AO–312–A6]

MILK IN WASHINGTON, D.C., AND UPPER CHESAPEAKE BAY MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Holiday Inn, 8601 Baltimore Boulevard, College Park, Md., 10 a.m., e.s.t., on December 14, 1965, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Washington, D.C., and Upper Chesapeake Bay marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the University of Maryland:

Proposal No. 1. For Order No. 3, insert between the present section 60 and 61—1003.60a—None of the provisions of this part shall apply to a governmental agency. Receipts of fluid milk products from a pool plant, or from a cooperative association in its capacity as a handler, by such an agency shall be Class I and sales of fluid milk products to a pool plant from such an agency shall be Class II.

Proposal No. 2. For Order No. 16, insert between present section 60 and 61—1016.60a—None of the provisions of this part shall apply to a governmental agency. Receipts of fluid milk products from a pool plant, or from a cooperative association in its capacity as a handler, by such an agency shall be Class I and sales of fluid milk products to a pool plant from such an agency shall be Class II.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 3. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the Market Administrator, Post Office Box 9245, Rosslyn Station, Arlington, Va., 22209; the Market Administrator, Post Office Box 6848, Towson Station, Baltimore, Md., 21204; or from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C., 20250, or may be there inspected.

Signed at Washington, D.C., on November 29, 1965.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 65–12974; Filed, Dec. 2, 1965; 8:48 a.m.]

[7 CFR Parts 1032, 1050]

[Docket Nos. AO–313–A8, AO–355]

MILK IN CENTRAL ILLINOIS AND SUBURBAN ST. LOUIS MARKETING AREAS

Notice of Extension of Time for Filing Briefs on Record of Hearing Held on Proposed Milk Order for Central Illinois Marketing Area and Proposed Amendments to Suburban St. Louis Milk Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing with the Hearing Clerk, proposed findings and conclusions and written arguments or briefs based upon the evidence received at the hearing held on October 6–8, 1965, in Peoria, Ill., and on October 11–13, 1965, in Springfield, Ill., on a proposed milk order for the Central Illinois marketing area and on proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Suburban St. Louis marketing area is hereby extended to December 18, 1965.

Signed at Washington, D.C., on November 29, 1965.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 65–12975; Filed, Dec. 2, 1965; 8:48 a.m.]

[7 CFR Parts 1044, 1045]

[Docket Nos. AO 299–A8, AO 334–A7]

MILK IN MICHIGAN UPPER PENINSULA AND NORTHEASTERN WISCONSIN MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders or Appropriate Suspension of Certain Provisions Thereof

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Holiday Inn on U.S. Highway 41 and 32 at South Ashland Avenue, Green Bay, Wis., beginning at 10 a.m., local time, on December 9, 1965, with respect to proposed amendments to, or appropriate suspension action concerning, the tentative marketing agreements and the orders, regulating the handling of milk in the Michigan Upper Peninsula and Northeastern Wisconsin marketing areas.

The public hearing is for the purpose of receiving evidence concerning whether emergency conditions exist which justify appropriate amendment or suspension of any relevant provisions of the Class I pricing sections of the aforesaid marketing orders so as to result in maintaining, for December 1965 and immediately ensuing months, approximately the same Class I minimum prices as were effective under the orders during the month of November 1965. At the hearing, evidence also will be received on the question of whether the due and timely execution of the functions of the Secretary imperatively and unavoidably requires the omission of a recommended decision in connection with any emergency amendatory action that may be required with respect to the Michigan Upper Peninsula and Northeastern Wisconsin orders.

The aforesaid proposals have not received approval of the Secretary of Agriculture.

Signed at Washington, D.C., on November 30, 1965.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 65–12996; Filed, Dec. 2, 1965; 8:50 a.m.]

POST OFFICE DEPARTMENT

[39 CFR Part 22]

QUALIFICATIONS FOR SECOND-CLASS PRIVILEGES

Notice of Proposed Rulemaking

Notice is hereby given of proposed rulemaking consisting of proposed revisions of paragraphs (b)(5) and (b)(8) of § 22.2 of Title 39, Code of Federal Regulations, which describe the characteristics of publications which may qualify as mail matter of the second class. Paragraph (b)(5) describes standards for a list of subscribers. The proposed amendment to paragraph (b)(5) would make it clear that publications wishing to qualify for second-class mailing privileges must have a list of subscribers who pay or promise to pay at a rate which is more than nominal for issues of the publication. Paragraph (b)(8) would make it clear that nominal rate subscriptions are not included in determining whether a publication has a legitimate list of subscribers. The proposed amendment to this paragraph would clarify the standards under which persons may qualify for second-class mailing privileges.

Members of the public who wish to present written data, views or arguments concerning the proposed amendments, may do so by filing them with the Director, Classification and Special Services Division, Bureau of Operations, Post Office Department, Washington, D.C., 20260, at any time prior to the 30th day following the date of publication of this notice in the FEDERAL REGISTER.

The proposed amendments to § 22.2(b) read as follows:

§ 22.2 Qualifications for second-class privileges.

* * * * *

(b) *Basic qualifications.* * * *

(5) *List of subscribers.* Publications must have a legitimate list of persons who have subscribed by paying or promising to pay at a rate above nominal (see subparagraph (8) of this paragraph) for copies to be received during a stated time.

* * * * *

(8) *Nominal rate publications.* Publications designed primarily for circulation at nominal rates may not qualify for second-class privileges. Persons whose subscriptions are obtained at a nominal rate shall not be included as a part of the legitimate list of subscribers required by subparagraph (5) of this paragraph. Copies sent in fulfillment of subscriptions obtained at a nominal rate must be charged with postage at the

transient rate (see § 22.1(c) of this chapter). Nominal rate subscriptions include those which are sold:

(i) At a token subscription price that is so low that it cannot be considered a material consideration.

(ii) At a reduction to the subscriber, under a premium offer or any other arrangements, of more than 50 percent of the regular advertised annual subscription price for a single copy of each issue. The value of a premium is considered to be its actual cost to the publisher, the recognized retail value, or the represented value, whichever is highest.

* * * * *

NOTE: The corresponding Postal Manual sections are 132.225 and 132.228.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501)

HARVEY H. HANNAH,
Acting General Counsel.

[F.R. Doc. 65-12990; Filed, Dec. 2, 1965; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Parts 221, 298]

[General Orders 107; 29 Rev., Amdt. 5; 61, 2d Rev., Amdt. 6]

VESSELS AND SHIPYARD FACILITIES

Mortgages and Assignment of Rights to Trustees

Mortgages of vessels, assignments of rights in vessels under construction, and mortgages of shipyards, drydocks, or shipbuilding or ship-repairing plants or facilities, to trustees.

In accordance with the provisions of section 4, Administrative Procedure Act (5 U.S.C. 1003), notice is hereby given that (1) a group of sections are proposed to be added to Part 221, (2) paragraph (f) of § 298.4 is proposed to be amended, and (3) § 221.11 is proposed to be amended by adding a new paragraph (g), as hereinafter set forth.

APPROVAL OF TRUSTEES UNDER PUBLIC LAW 89-346

Sec.

221.21 Purpose.
221.22 Applications.
221.23 Agreements of applicants.
221.24 Approval of applicants.
221.25 Roster of approved trustees.
221.26 Disapproval of trustees.
221.27 Removal without disapproval.
221.28 Publication of notices.
221.29 Forms.

AUTHORITY: §§ 221.21 to 221.29 issued under sec. 204, 49 Stat. 1987, as amended, 46 U.S.C. 1114; sec. 19, 41 Stat. 995, 46 U.S.C. 876; sec. 9, 39 Stat. 730, as amended, 46 U.S.C. 808; sec. 37, 40 Stat. 901, as amended, 46 U.S.C. 835; subsec. 0, 41 Stat. 1004, 46 U.S.C. 961; Public Law 89-346; Reorganization Plan No. 7 of 1961 (26 F.R. 7315).

§ 221.21 Purpose.

The purpose of the regulations in this part is to provide for the approval and disapproval by the Secretary of Commerce of banks and trust companies as trustees under Public Law 89-346 (amending sections 9 and 37 of the Shipping Act, 1916, and subsection 0 of the Ship Mortgage Act, 1920, and providing a procedure for assuring the validity of certain bonds, notes, and other evidence of indebtedness and the validity and preferred status of certain mortgages of vessels). The functions of the Secretary of Commerce under Public Law 89-346 have been delegated to the Maritime Administrator pursuant to section 3.03 of Department Order 117 (Revised) (27 F.R. 3637, April 27, 1962).

§ 221.22 Applications.

(a) Any qualified bank or trust company acting or proposing to act as trustee in connection with a bond, note, or other evidence of indebtedness which is or will be secured by a mortgage of a vessel to the trustee or by an assignment to the trustee of the owner's right, title or interest in a vessel under construction, or by a mortgage to the trustee on a shipyard, drydock, or ship-building or ship-repairing plant or facilities, may apply for approval as trustee pursuant to Public Law 89-346 and this regulation.

(b) Applications may be made at any time after the effective date of this regulation. Applications shall be submitted to the Secretary, Maritime Administration, Washington, D.C., 20235.

(c) Applications shall be made in duplicate on the form of Application for Approval as Trustee set forth in § 221.29. Each copy of the application shall be completed by the insertion of appropriate and full information as indicated on the form; shall be executed by a responsible and duly authorized official of the applicant; and shall be accompanied by an affidavit of citizenship and the most recent published report of condition of the applicant, unless reference is made to an affidavit or report previously filed. The form of affidavit of citizenship to be used in connection with applications is that prescribed in 32A CFR AGE-2.

(d) A single application will suffice for requesting approval of a single bank or trust company as trustee under all trusts, irrespective of number or whether existing or proposed.

§ 221.23 Agreements of applicants.

Each applicant shall be bound by the agreements contained in its application, which agreements shall survive the approval of the applicant as trustee.

§ 221.24 Approval of applicants.

(a) Applicants meeting the standards for trustees specified in Public Law 89-346 will be eligible for approval as trustees. National banks, although designated national banking associations, will be eligible for approval as corporations organized and doing business under the laws of the United States. The Maritime Administrator, or his duly authorized representative, will indicate the approval of the Secretary of Commerce of an applicant as trustee by signing the Secretary's Approval appearing at the end of the application form and returning a duplicate signed copy to the applicant, but no approval shall be construed to alter retroactively any rights which were the subject matter of litigation pending on the date of enactment of Public Law 89-346.

(b) Upon approval, a Notice of Approval of Applicant as Trustee will be published.

§ 221.25 Roster of approved trustees.

Upon approval, each applicant will be placed on a Roster of Approved Trustees to be maintained by the Maritime Administrator according to trustee's name, address, and date of approval. The Roster of Approved Trustees will be available for public inspection in the office of the Secretary, Maritime Administration, Washington, D.C., 20235, during official business hours.

§ 221.26 Disapproval of trustees.

(a) Approved trustees shall be subject to disapproval if they cease to meet the standards for trustees specified in Public Law 89-346. Disapproval of a trustee shall become effective upon the date of publication of a Notice of Final Disapproval of Trustee. A Notice of Proposed Disapproval of Trustee will first be published together with a tentative finding of the trustee's lack of qualifications, which may include the trustee's lack of qualifications which will be inferred from the trustee's failure to furnish information relating to its qualifications pursuant to its application referred to in § 221.23. If the approved trustee cures such lack of qualifications or satisfactorily demonstrates that no deficiency exists a Notice of Withdrawal of Proposed Disapproval of Trustee will be published; otherwise a Notice of Final Disapproval of Trustee will be published not less than 30 days after publication of the Notice of Proposed Disapproval of Trustee.

(b) Copies of notices published pursuant to this section will be mailed to the trustee and to those creating the trusts under which the trustee has been acting or proposing to act according to the information furnished to the Maritime Administrator by the trustee.

(c) Upon publication of a Notice of Final Disapproval of Trustee, the name of the trustee will be removed from the Roster of Approved Trustees.

§ 221.27 Removal without disapproval.

(a) Any approved trustee may request removal from the Roster of Approved Trustees without disapproval. Removal of a trustee shall become effective upon the date of publication of a Notice of Approval of Request for Removal from Roster of Approved Trustees. The trustee shall certify in its request for removal that it is no longer acting or proposing to act as trustee in connection with a bond, note or other evidence of indebtedness which is or will be secured by a mortgage of a vessel to the trustee or by an assignment to the trustee of the owner's right, title or interest in a vessel under construction, or by a mortgage to the trustee on a shipyard, drydock, or ship-building or ship-repairing plant or facilities. A Notice of Request for Removal from Roster of Approved Trustees will first be published together with a statement of the trustee's aforesaid certification. If the approved trustee requests a withdrawal of its request for removal or if it is found that the trustee's certification is not correct based on information furnished to the Maritime Administrator, a Notice of Withdrawal or Rejection of Request for Removal from Roster of Approved Trustees will be published; otherwise a Notice of Approval of Request for Removal from Roster of Approved Trustees will be published not less than 30 days after publication of the Notice of Request for Removal from Roster of Approved Trustees.

(b) Copies of notices published pursuant to this section will be mailed to the trustee and to those creating the trusts under which the trustee has been acting or proposing to act according to the information furnished to the Maritime Administrator by the trustee.

(c) Upon publication of a Notice of Approval of Request for Withdrawal from Roster of Approved Trustees, the name of the trustee will be removed from the Roster of Approved Trustees.

§ 221.28 Publication of notices.

Whenever in this regulation reference is made to the publication of a notice or to a notice as having been published, it means publication in the FEDERAL REGISTER by the Maritime Administrator.

§ 221.29 Forms.

The forms of Application for Approval as Trustee referred to in § 221.22 and the Trustee's Annual Supplemental Certification referred to in said Application are as follows:

Form MA------
(----------)

DEPARTMENT OF COMMERCE,
MARITIME ADMINISTRATION

APPLICATION FOR APPROVAL AS TRUSTEE

The undersigned (the "Trustee") hereby applies for approval as trustee pursuant to Public Law 89-346 and the regulation prescribed by the Secretary of Commerce, acting by and through the Maritime Administrator (the "Secretary"), to implement the provisions of Public Law 89-346 (46 CFR 221.21-221.29; the "Regulation").

In support of this application the Trustee certifies to and agrees with the Secretary as hereinafter set forth.

The Trustee certifies:

(a) That it is acting or proposing to act as trustee in connection with a bond, note, or other evidence of indebtedness which is or will be secured by a mortgage of a vessel to the Trustee or by an assignment to the Trustee of the owner's right, title or interest in a vessel under construction, or by a mortgage to the Trustee on a shipyard, drydock, or ship-building or ship-repairing plant or facilities;

(b) That the attached List of Trusts is a true and correct list of the trusts under which the Trustee is acting or proposing to act as trustee as aforesaid; and

(c) That the Trustee is a bank or trust company which—

(1) Is organized as a corporation, and is doing business, under the laws of the United States (----------) or of the State
(Check, if applicable)
of ----------,
(Insert name of State, if applicable)
which laws are cited as ----------

(Insert full citation of applicable laws)

(2) Is authorized by such laws, specifically the provisions of ----------,
(Insert full citation)
to exercise corporate trust powers;

(3) Is a citizen of the United States within the meaning of section 2 of the Shipping Act, 1916, as amended (46 U.S.C. 802), as evidenced by (i) (----------) the attached affidavit of citizenship dated the date
(Check, if applicable)
hereof; or (ii) (----------) affidavit
(Check, if applicable)
of citizenship dated ----------, filed with the Secretary by letter dated ---------- which affidavit is true and correct as of the date hereof;

(4) Is subject to supervision or examination by Federal or State authority, namely
----
(Insert name of authority and full citation of law under which acting)
----------; and

(5) Has a combined capital and surplus of at least $3,000,000 as set forth in its most recent published report of condition, (----------) copy of which dated
(Check, if applicable)
---------- is attached, or (----------)
(Check, if applicable)
copy of which dated ---------- was filed with the Secretary by letter dated ----------

The Trustee agrees:

(a) That it will once each year, within 30 days after its annual meeting of stockholders, so long as it shall continue to be on the Roster of Approved Trustees referred to in the Regulation, file with the Secretary, Maritime Administration, a Trustee's Annual Supplemental Certification in the form prescribed by the Regulation;

(b) That it will, so long as it shall continue to be on the Roster of Approved Trustees referred to in the Regulation:

(1) Furnish to the Secretary, Maritime Administration, at the time of publication, a copy of each of its published reports of conditions;

(2) Forthwith as it gains knowledge of such fact, notify the Secretary, Maritime Administration, in writing if it shall cease to be a bank or trust company which (i) is organized as a corporation, and is doing business, under the laws as aforesaid, (ii) is authorized under such laws to exercise corporate trust powers, (iii) is a citizen of the United States as aforesaid, (iv) is subject to supervision or examination by Federal or State authority as aforesaid, and (v) has a combined capital and surplus (as set forth in its most recent published report of condition) of at least $3,000,000;

(3) Notify the Secretary, Maritime Administration, in writing of any changes in the List of Trusts under which it is acting or proposing to act as trustee as aforesaid, as such changes occur;

(4) Notify the Secretary, Maritime Administration, in writing of any changes in its name or address, as such changes occur;

(5) Furnish to the Secretary such further relevant and material information concerning its qualifications as trustee under Public Law 89-346 and concerning the trusts under which it is acting or proposing to act as trustee as aforesaid, as the Secretary may from time to time request; and

(6) Permit the representatives of the Maritime Administrator, upon request, to examine its books and records relating to the matters referred to herein.

This Application is made in order to induce the Secretary to grant his approval of the undersigned as trustee pursuant to Public Law 89-346 and the Regulation, and may be relied on by the Secretary for such purpose.

Dated this ------ day of ----------, 19---.

(Name of Trustee)

(Address of Trustee)

By ----------
(Name)

(Title)

Attest:
(Seal)

(Name)

(Title)

SECRETARY'S APPROVAL

In reliance on the foregoing Application, the above-named Trustee is hereby approved as trustee pursuant to Public Law 89-346 and 46 CFR 221.11-221.29.

Dated this ------ day of ----------, 19---.

SECRETARY OF COMMERCE,
MARITIME ADMINISTRATOR.

By ----------
(Name)

(Title)

LIST OF TRUSTS

Identity of trust instrument by name, date, parties, amendments, and vessel or other property	Name and address of creator of trust	Designation of series of bonds, notes or other evidence of indebtedness, and date of original issue

Form MA-
( )

DEPARTMENT OF COMMERCE
MARITIME ADMINISTRATION

TRUSTEE'S ANNUAL SUPPLEMENTAL CERTIFICATION

Pursuant to the regulation prescribed by the Secretary of Commerce, acting by and through the Maritime Administrator (the "Secretary"), to implement the provisions of Public Law 89-346 (46 CFR 221.21-221.29; the "Regulation"), and to our Application for Approval as Trustee dated ----------, the undersigned (the "Trustee") hereby certifies to the Secretary:

(a) That the certifications made in (c) (1), (2), (3), (4), and (5) of our aforesaid Application for Approval as Trustee (1) (----------) are true and correct as
(Check, if applicable)
of the date hereof; or (2) (----------)
(Check, if applicable)
are true and correct as of the date hereof, except for ----------
(Insert any change required to make such
----
certifications true and correct as of the
----------;
date hereof)

(b) That the Trustee's affidavit of citizenship attached or referred to in our aforesaid

Application for Approval as Trustee (1) (----------) is true and correct as
(Check, if applicable)
of the date hereof; or (2) (----------)
(Check, if applicable)
is superseded by (----------) the
(Check, if applicable)
attached affidavit of citizenship dated the date hereof, or by (----------) affi-
(Check, if applicable)
davit of citizenship dated ----------, filed with the Secretary by letter dated ----------, which affidavit is true and correct as of the date hereof; and

(c) That the most recent published report of condition of the Trustee dated ----------
(1) (----------) is attached, or (2)
(Check, if applicable)
(----------) was filed with the Sec-
(Check, if applicable)
retary by letter dated ----------.

As agreed in our aforesaid Application for Approval as Trustee, we have notified you of all changes in the List of Trusts under which we are acting or proposing to act as trustee within the purview of Public Law 89-346 and the Regulation.

This Certification is made in order to induce the Secretary to continue his approval of the undersigned as trustee pursuant to Public Law 89-346 and the Regulation, and may be relied on by the Secretary for such purpose.

Dated this ------ day of ----------, 19---.

(Name of trustee)

(Address of trustee)

By ----------
(Name)

(Title)

Attest:

(Seal)

(Name)

(Title)

§ 298.4 Eligibility requirements.

* * * * *

(f) *United States citizenship; approved trustee.* Each mortgagor, borrower, mortgagee, and lender, and his successors and assigns, shall be a citizen of the United States within the meaning of section 2, Shipping Act, 1916, as amended, sections 37 and 38, Merchant Marine Act, 1920, as amended, and section 905(c), Merchant Marine Act, 1936, as amended. Each managing agent and bareboat charterer of the vessel or vessel, and his successors and assigns, shall likewise be such a citizen. In case of a mortgage or loan involving a trust indenture and an issue of bonds or notes thereunder, the trustee designated in such trust indenture, and each substitute trustee, shall be a trustee approved pursuant to Public Law 89-346 and §§ 221.21-221.29 of this chapter.

* * * * *

§ 221.11 Citizenship declarations by owners or mortgagees of vessels of the United States as required by section 40 of the Shipping Act, 1916, as amended.

* * * * *

(g) Form MA-4563 for execution by each trustee to whom a mortgage of a vessel is given (but not in substitution for any other declaration required to be filed under this section), shall read as follows:

(Form MA-4563)

U.S. DEPARTMENT OF COMMERCE
MARITIME ADMINISTRATION

(Section 40, Shipping Act, 1916, as amended)
46 U.S.C. 838, 40 Stat. 902, 62 Stat. 212

DECLARATION OF TRUSTEE/MORTGAGEE*

The undersigned (the "Trustee") hereby declares that this declaration is filed in connection with the mortgage given by ----------
----
to ----------,
dated ----------, covering the vessel(s)
----------, now
held by the Trustee. The term "Bonds" as used in this declaration means (a) all bonds, notes, or other evidence of indebtedness now or heretofore secured by said mortgage, and (b) in the case of an indebtedness secured first by an assignment to the Trustee or to its predecessor(s) as trustee, if any, of the owner's right, title, or interest in said vessel(s) while under construction, and secured later by the aforesaid mortgage, all bonds, notes or other evidence of indebtedness heretofore secured by said assignment.

The Trustee hereby further declares (check at least one of the following statements as applicable):

(a) (----------) that there has been approval of the Trustee and of its predecessor(s) as trustee, if any, pursuant to Public Law and 46 CFR 221.21-221.29 with no break in the continuity of such approval from a date and time prior to the original issuance of any of the Bonds to the date hereof or from a date and time not later than November 8, 1966, to the date hereof;

(b) (----------) that there has been approval of the Trustee and of its predecessor(s) as trustee, if any, pursuant to Public Law and 46 CFR 221.21-221.29 with no break in the continuity of such approval from a date and time prior to the original issuance of any of the Bonds to the date hereof or from a date and time not later than November 8, 1966, to the date hereof, except for the period(s) ----------
during which there was no issuance, transfer, or assignment of any of the Bonds to any person not a citizen of the United States within the meaning of sections 2, 9, and 37, Shipping Act, 1916, as amended, without the approval of the Secretary of Commerce;

(c) (----------) that there has been no issuance, transfer or assignment of any of the Bonds to any person not a citizen of the United States within the meaning of sections 2, 9, and 37, Shipping Act, 1916, as amended, without the approval of the Secretary of Commerce, prior to the date hereof.

(Date)

(Name of trustee)

By ----------[1]
(Signature and title)

PENALTY FOR FALSE STATEMENT: Section 40, Shipping Act, 1916, as amended, provides "Whoever knowingly makes any false statement of a material fact in any such declaration shall be guilty of a misdemeanor and subject to a fine of not more than $5,000, or to imprisonment for not more than 5 years, or both."

[1] Unless Trustee is an individual, insert name of president, secretary or treasurer of Trustee or any other official duly authorized by Trustee to execute declaration.

* This declaration is to be taken whenever any mortgage of a vessel to a trustee is presented for recording (but not in substitution for any other declaration required to be filed under 46 CFR 221.11).

Effective date. The foregoing shall be effective on the date of publication (in final form) in the FEDERAL REGISTER.

Interested persons may submit data, views, or comments relative to this matter in writing, in triplicate, addressed to the Secretary, Maritime Administration, Washington, D.C., 20235, by close of business January 5, 1966. Consideration will be given to such written data, views, or comments, and action will be taken thereon, within the discretion of the Maritime Administrator.

By order of the Maritime Administrator.

Dated: November 26, 1965.

JOHN M. O'CONNELL,
Assistant Secretary.

[F.R. Doc. 65-12936; Filed, Dec. 2, 1965; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 65-CE-123]

CONTROL ZONES, TRANSITION AREA, AND CONTROL AREA EXTENSION

Proposed Alteration, Designation, and Revocation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the controlled airspace in the Minot, N. Dak., terminal area.

The following controlled airspace is presently designated in the vicinity of Minot, N. Dak.:

(1) The Minot, N. Dak. (Minot International Airport) control zone is designated as that airspace within a 5-mile radius of Minot International Airport (latitude 48°15'45" N., longitude 101°16'50" W.); within 2 miles either side of the Minot RR SE course extending from the 5-mile radius zone to 12 miles SE of the RR and within 2 miles either side of the Minot VOR 254° and 074° radials extending from the 5-mile radius zone to 12 miles NE of the VOR.

(2) The Minot, N. Dak. (Minot AFB) control zone is designated as that airspace within a 5-mile radius of the Minot AFB (latitude 48°25'18" N., longitude 101°22'08" W.) and within 2 miles either side of the Minot AFB ILS localizer SE course extending from the 5-mile radius zone to the OM.

(3) The Minot, N. Dak., control area extension is designated as that airspace within a 35-mile radius of Minot AFB (latitude 48°25'18" N., longitude 101°22'08" W.); within a 35-mile radius of Minot VOR extending clockwise from the 091° radial to the 147° radial of the VOR, including the airspace S of Minot within 8 miles W and 6 miles E of the Bismarck, N. Dak. VOR 333° radial extending from 58 miles NW of the Bismarck VOR to the Minot 35-mile radius area.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Minot, N. Dak., terminal area, including plans to relocate the Minot VOR from its present location to a location on the Minot International Airport and to decommission the Minot L/MF radio range station, proposes the following airspace actions:

(1) Revoke the Minot, N. Dak., control area extension in its entirety.

(2) Redesignate the Minot, N. Dak. (International Airport), control zone to comprise the airspace within a 5-mile radius of Minot International Airport (latitude 48°15'44" N., longitude 101°17'04" N.), within 2 miles each side of the Minot VORTAC 097° radial extending from the 5-mile radius zone to 8 miles E of the VORTAC, and within 2 miles each side of the Minot VORTAC 260° radial extending from the 5-mile radius zone to 8 miles W of the VORTAC.

(3) Redesignate the Minot, N. Dak. (Minot AFB), control zone to comprise the airspace within a 5-mile radius of Minot AFB (latitude 48°24'56" N., longitude 101°21'26" W.), within 2 miles each side of the Minot AFB ILS localizer SE course extending from the 5-mile radius zone to the LOM, within 2 miles each side of the Minot AFB TACAN 119° radial extending from the 5-mile radius zone to 8 miles SE of the TACAN, and within 2 miles each side of the Minot AFB TACAN 307° radial extending from the 5-mile radius zone to 8 miles NW of the TACAN.

(4) Designate a Minot, N. Dak., transition area as that airspace extending upward from 700 feet above the surface within a 7-mile radius of Minot International Airport (latitude 48°15'44" N., longitude 101°17'04" W.), within 5 miles N and 8 miles S of the Minot VOR 260° radial extending from the VOR to 12 miles W of the VOR, within an 8-mile radius of Minot AFB (latitude 48°24'56" N., longitude 101°21'26" W.), and within 2 miles each side of the Minot AFB TACAN 307° radial extending from the 8-mile radius area to 12 miles NW of the TACAN; and that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of the Minot AFB TACAN; and that airspace extending upward from 5,000 feet MSL within a 50-mile radius of Minot AFB TACAN, excluding the area north of latitude 49°00'00" N.

The proposed control zones would provide controlled airspace protection for aircraft departing Minot International Airport and Minot AFB during climb to 700 feet above the surface and for aircraft executing the prescribed instrument approach procedures at the two airports during descent below 1,000 feet above the surface.

The proposed 700-foot floor transition area would provide controlled airspace protection for aircraft arriving and departing the two airports during descent from 1,500 to 1,000 feet above the surface and during climb from 700 to 1,200 feet above the surface. The 1,200-foot floor transition area would provide controlled airspace protection for aircraft executing the prescribed instrument approach procedures at the two airports during the portions of those procedures executed between 5,300 feet MSL and 1,500 feet above the surface. The 5,000-foot MSL floor transition area would provide controlled airspace protection for aircraft executing the prescribed instrument approach procedures for Minot AFB during the portions of those procedures executed above 5,300 feet MSL. The transition areas with floors of 1,200 feet above the surface and 5,000 feet MSL would combine to provide controlled airspace protection for the holding pattern areas and for a maximum of flexibility in radar control of Minot terminal area arriving and departing air traffic.

The floors of the airways that traverse the transition areas proposed herein would automatically coincide with the floors of the transition areas.

New approach procedures are being developed for Minot International Airport and one minor revision is being made to an approach procedure at Minot AFB in conjunction with the action proposed herein.

Specific details of the new approach procedures for Minot International Airport and the revision to the Air Force approach procedure may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on November 19, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65-12955; Filed, Dec. 2, 1965; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-CE-137]

CONTROL AREA EXTENSION, CONTROL ZONE AND TRANSITION AREA

Proposed Revocation, Alteration and Designation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the controlled airspace in the Sioux Falls, S. Dak., terminal area.

The following controlled airspace is presently designated in the vicinity of Sioux Falls, S. Dak.:

(1) The Sioux Falls, S. Dak., control zone is designated as that airspace within a 5-mile radius of Sioux Falls Airport (Foss Field); within 2 miles either side of the Sioux Falls VORTAC 336° radial extending from the 5-mile radius zone to 12 miles NW of the VORTAC; within 2 miles either side of the Sioux Falls ILS localizer SW course extending from the 5-mile radius zone 12 miles SW of the OM and within 2 miles either side of the ILS localizer NE course extending from the 5-mile radius zone to 16 miles NE of the localizer.

(2) The Sioux Falls, S. Dak., control area extension is designated as that airspace SE of Sioux Falls within a 15-mile radius of the Sioux Falls VORTAC, extending clockwise from the south boundary of V-148 to the E boundary of V-15; that airspace within a 45-mile radius of the Sioux Falls VORTAC, extending clockwise from the W boundary of V-15 S of Sioux Falls to the S boundary of V-120 W of Sioux Falls; that airspace within a 36-mile radius of the Sioux Falls VORTAC extending from the N boundary of V-120 W of Sioux Falls clockwise to the N boundary of V-148 NE of Sioux Falls; within 11 miles S and 7 miles N of the Sioux Falls VORTAC 267° radial extending from the Sioux Falls 45-mile radius area to 52 miles W of the VORTAC; and within 12 miles SW and 8 miles NE of the Sioux Falls VORTAC 288° radial extending from INT of the Sioux Falls VORTAC 288° and the Huron, S. Dak., VOR 140° radials to 22 miles W of INT.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Sioux Falls, S. Dak., terminal area, proposes the following airspace actions:

(1) Revoke the Sioux Falls, S. Dak., control area extension in its entirety.

(2) Redesignate the Sioux Falls, S. Dak., control zone as that airspace within a 5.5-mile radius of Sioux Falls/Joe Foss Field (latitude 43°34'44" N., longitude 96°44'27" W.).

(3) Designate the Sioux Falls, S. Dak., transition area as that airspace extending upward from 700 feet above the surface within a 10-mile radius of Sioux Falls/Joe Foss Field (latitude 43°34'44" N., longitude 96°44'27" W.), within a 21-mile radius of the Sioux Falls VOR-

TAC, extending from a line 5 miles east of and parallel to the 154° T (145° M) radial, clockwise to the 329° T (320° M) radial, and within a 17-mile radius of the Sioux Falls VORTAC, extending from the 329° T (320° M) radial, clockwise to a line 5 miles south of and parallel to the 070° T (061° M) radial; and that airspace extending upward from 1,200 feet above the surface within a 43-mile radius of the Sioux Falls VORTAC bounded on the east by a line 5 miles east of and parallel to the 154° T (145° M) radial, clockwise to a line 6 miles northwest of and parallel to the 231° T (222° M) radial, and within a 33-mile radius of the Sioux Falls VORTAC, bounded on the northwest by a line 5 miles southwest of and parallel to the 336° T (327° M) radial, clockwise to a line 5 miles south of and parallel to the 070° T (061° M) radial.

The proposed control zone will provide controlled airspace protection for arriving and departing aircraft at Sioux Falls/Joe Foss Field Airport during descent from 1,000 feet above the surface and during climb to 700 feet above the surface.

The proposed 700-foot floor transition area will provide controlled airspace protection for aircraft during climb from 700 to 1,200 feet above the surface and for aircraft executing the prescribed instrument approach procedure during descent from 1,500 to 1,000 feet above the surface. The proposed 1,200-foot floor transition areas to the north and south will provide controlled airspace protection for aircraft holding at Chester, Sherman, Canton, and Parker intersections. It will also provide protection for aircraft executing jet penetration procedures to Sioux Falls/Joe Foss Field Airport.

The proposed transition area will replace the Sioux Falls control area extension.

The floors of the airways that traverse the transition areas proposed herein will automatically coincide with the floors of the transition areas.

Certain minor revisions to the prescribed jet penetration procedures will be required in conjunction with the actions proposed herein, but operational complexity would not be increased nor will aircraft performance or present landing minimums be adversely affected.

Specific details of the changes procedures that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on November 19, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65-12956; Filed, Dec. 2, 1965; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-WE-25]

CONTROL ZONE, TRANSITION AREA, AND CONTROL AREA EXTENSION

Proposed Alteration, Designation and Revocation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations which would alter controlled airspace in the San Rafael, Calif. (Hamilton AFB), terminal area.

The Agency has completed a comprehensive review of the terminal airspace structure requirements and is considering the following airspace actions:

1. Alter the San Rafael, Calif. (Hamilton AFB), control zone by redescribing it as that airspace within a 5-mile radius of Hamilton AFB, San Rafael, Calif. (latitude 38°03'35'' N., longitude 122°30'35'' W.), within 2 miles each side of the Hamilton AFB VOR 137° radial extending from the 5-mile radius zone to 8 miles SE of the VOR; and within 2 miles each side of the Hamilton AFB TACAN 305° radial extending from the 5-mile radius zone to 12 miles NW of the TACAN.

2. Designate the San Rafael transition area as follows: That airspace extending upward from 700 feet above the surface bounded on the E by the W edge of V-195, on the S by latitude 38°02'00'' N., and on the W and N by an arc of a 23-mile radius circle centered at Hamilton AFB (latitude 38°03'35'' N., longitude 122°30'35'' W.) to the W edge of V-195; that airspace extending upward from 1,200 feet above the surface bounded on the N by the S edge of V-200, on the E by the W edge of V-195, on the S by latitude 38°02'00'' N. to the E edge of V-199, thence via the E edge of V-199 to latitude 38°43'30'' N., thence via latitude 38°43'30'' N. to the E edge of V-25, thence via the E edge of V-25 to the S edge of V-200.

3. Revoke the Santa Rosa 1,200-foot transition area.

4. Revoke that portion of the San Francisco control area extension N of latitude 38°02'00'' N.

The proposed San Rafael control zone is required for aircraft conducting instrument procedures prescribed for Hamilton AFB.

The proposed San Rafael transition area provides protection for aircraft executing instrument approach, departure, holding, and radar vectoring procedures conducted outside the limits of the control zone.

Certain minor revisions to prescribed instrument procedures may accompany the action proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or landing minimums be adversely affected.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public Docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Agency, 5651 West Manchester Avenue, Los Angeles, Calif., 90045.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on November 26, 1965.

JOSEPH H. TIPPETS,
Director, Western Region.

[F.R. Doc. 65-12957; Filed, Dec. 2, 1965; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Foreign Assets Control

IMPORTATION OF PROCESSED HUMAN HAIR FROM REPUBLIC OF KOREA

Available Certifications by Republic of Korea

Notice is hereby given that certificates of origin issued by the Ministry of Commerce and Industry of the Republic of Korea under procedures agreed upon between that Government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Korea of the following additional commodity:

Hair, human, processed (wigs, etc.).

[SEAL] MARGARET W. SCHWARTZ,
Director,
Foreign Assets Control.

[F.R. Doc. 65-12991; Filed, Dec. 2, 1965; 8:50 a.m.]

Office of the Secretary

[Dept. Order 183; Rev. 4]

CERTAIN OFFICIALS

Order of Succession

1. Pursuant to Executive Order 10941, dated May 15, 1961, in the case of the death, resignation, absence, or sickness of the Secretary, the Under Secretary, and the Under Secretary for Monetary Affairs, the following officers shall, in the order of succession indicated, act as Secretary of the Treasury until a successor is appointed or until the absence or sickness shall cease:

(a) General Counsel.

(b) Assistant Secretaries, appointed by the President with Senate confirmation, in the order in which they took the oath of office as Assistant Secretary.

2. Under the authority of Reorganization Plan No. 26 of 1950, the order of succession stated in paragraph 1 above is hereby extended to include the following, after the Assistant Secretaries appointed by the President with Senate confirmation:

(a) Executive Pay Act Officials appointed by the President with Senate confirmation, first in the order of Executive Pay Act levels, then in the order in which they took the oath of office in their present positions.

3. Under the authority of Reorganization Plan No. 26 of 1950, the order of succession stated in paragraphs 1 and 2 above is hereby further extended to include the following, after the Executive Pay Act Officials appointed by the President with Senate confirmation:

(a) Executive Pay Act Officials, not appointed by the President with Senate confirmation, first in the order of Executive Pay Act levels, then in the order in which they took the oath of office in their present positions.

(b) The Assistants to the Secretary at GS-18 in the order of the dates of their appointments as Assistants to the Secretary.

(c) Other GS-18 officials in the Office of the Secretary in the order in which they took the oath of office.

(d) GS-18 Bureau officials appointed by the President with Senate confirmation in the order in which they took the oath of office.

4. Under the authority of Reorganization Plan No. 26 of 1950, the senior official of GS-15 rank or above from the Office of the Secretary, and in the absence of such an official, the senior Treasury Bureau Headquarters official of GS-15 rank or above present at the Treasury Emergency Relocation Site, is authorized to perform as Acting Secretary of the Treasury all the duties of the Secretary of the Treasury whenever, to the best of his knowledge, the Secretary of the Treasury and all officers authorized under paragraphs 1, 2, and 3 above to act as Secretary are unable to take action. Seniority shall be determined by rank and salary level and length of service therein.

5. Under the authority of Reorganization Plan No. 26 of 1950, in the event all the officers designated in paragraphs 1, 2, 3, and 4 above are unavailable or unable to take action, the following officers shall, in the order of succession indicated, act as Secretary of the Treasury as required:

(a) Regional Commissioners, Internal Revenue Service, in the order in which they were appointed as Regional Commissioners.

Dated: November 26, 1965.

[SEAL] HENRY H. FOWLER,
Secretary of the Treasury.

[F.R. Doc. 65-12992; Filed, Dec. 2, 1965; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

RETAILERS' INVENTORIES, SALES AND NUMBER OF ESTABLISHMENTS

Notice of Consideration To Continue Survey

Notice is hereby given that the Bureau of the Census is considering a proposal to repeat in 1966 the Annual Retail Trade Survey which has been conducted each year under Title 13 U.S.C. 181, 224, and 225 to collect data covering year-end inventories, annual sales, and number of retail stores operated as of the end of the year. This survey, which provides important information on retail inventories and sales-inventory ratios, is the only continuing source available on a comparable classification basis and on a sufficiently timely basis for use as the benchmark for monthly inventory estimates. It also assists in establishing a benchmark for the geographic area distribution of sales.

On the basis of information and recommendations received by the Bureau of the Census, the data will have significant application to the needs of the public, the distributive trades, and governmental agencies, and are not publicly available from non-governmental or other governmental sources.

Such a survey, if conducted, shall begin not earlier than 30 days after the publication of this notice in the FEDERAL REGISTER.

Reports will be required only from a selected sample of retail establishments in the United States. The sample will provide, with measurable reliability, statistics on the subjects specified above. Reports will be requested from sampled stores on the basis of their sales size and/or location in Census Sample Areas. A group of the largest firms, in terms of number of retail stores, will be requested to report their sales and number of stores by country; but those firms which are participating monthly in the Bureau's geographic area survey will be asked to report at the national level only.

Copies of the proposed forms and a description of the collection methods are available on request to the Director, Bureau of the Census, Washington, D.C., 20233.

Any suggestions or recommendations concerning the subject matter of the proposed survey should be submitted in writing to the Director of the Bureau of the Census within 30 days after the date of this publication and will receive consideration.

A. ROSS ECKLER,
Director, Bureau of the Census.

[F.R. Doc. 65-12935; Filed, Dec. 2, 1965; 8:45 a.m.]

Office of the Secretary

ASSISTANT SECRETARY OF COMMERCE AND DIRECTOR OF ECONOMIC DEVELOPMENT

Delegation of Authority To Perform Functions of Administrator of Economic Development Administration

Pursuant to the authority vested in the Secretary of Commerce by law, the Assistant Secretary of Commerce and Director of Economic Development is hereby authorized as follows:

A. To perform the functions of the Administrator of the Economic Development Administration as set forth in Department Order 4-A of September 1,

1965 (30 F.R. 11399), pending the appointment of the Administrator.

B. To designate an official or officials who report directly to him to perform the functions of the Administrator during his absence, sickness, inability to serve, or at such other times as he may deem necessary.

Effective date: November 24, 1965.

JOHN T. CONNOR,
Secretary of Commerce.

[F.R. Doc. 65-12937; Filed, Dec. 2, 1965; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-4544 etc.]

SINCLAIR OIL & GAS CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates and Pending Certificate Applications [1]

NOVEMBER 23, 1965.

Sinclair Oil & Gas Co. (Operator), et al., and other Applicants listed herein, Docket Nos. G-4544, et al.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 16, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-4544 ..... D 11-15-65	Sinclair Oil & Gas Co. (Operator), et al., Post Office Box 521, Tulsa, Okla., 74102 (partial abandonment).	Transcontinental Gas Pipe Line Corp., Aneckerville Field, De Witt County, Tex.	(1)	.....
C160-509 ..... C 11-15-65	Union Producing Co., Post Office Box 1407, Shreveport, La., 71102.	United Gas Pipe Line Co., Hynes Ranch, Refugio County, Tex.	[2] 13.2002	14.65
C162-996 [3] ..... D 10-8-65	Lone Star Producing Co. (Operator), et al., 301 South Harwood St., Dallas, Tex., 75201.	Lone Star Gathering Co., acreage in Goliad County, Tex.	Assigned	.....
C164-1355 ..... C 11-17-65	D. A. Dorward, et al., 41 North Chesterfield Rd., Columbus, Ohio, 43209.	Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va.	25.0	15.325
C165-951 ..... C 11-17-65	Trojan Coal & Petroleum Corp., Clark Bldg., Indiana, Pa.	Consolidated Gas Supply Corp., Troy District, Gilmer County, W. Va.	25.0	15.325
C165-1319 ..... C 11-10-65	Amax Petroleum Corp., Enterprise Bldg., Tulsa, Okla., 74103.	Panhandle Eastern Pipe Line Co., acreage in Beaver County, Okla.	17.0	14.65
C165-1324 ..... C 11-12-65	A. M. van Flick, 211 Water St., Weston, W. Va., 26452.	Equitable Gas Co., acreage in Lewis and Gilmer Counties, W. Va.	25.0	15.325
C166-389 ..... A 11-12-65	Fair Oil Co., (Operator), et al., Post Office Box 689, Tyler, Tex., 75702.	Texas Eastern Transmission Corp., Green Fox Field, Marion County, Tex.	15.0	14.65
C166-390 ..... B 11-12-65	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla., 72102.	El Paso Natural Gas Co., Angels Peak Gallup Field, San Juan County, N. Mex.	Depleted	.....
C166-391 ..... A 11-12-65	Ed F. Brock, Post Office Box 797, Lefors, Tex., 79054.	Phillips Petroleum Co., East Panhandle Field, Wheeler County, Tex.	7.5	14.65
C166-392 ..... A 11-12-65	Leland Fikes (Operator), et al., 1416 Commerce Bldg., Dallas, Tex.	Texas Gas Transmission Corp., North Welsh Field, Jefferson Davis Parish, La.	[4] 16.75	15.025
C166-393 ..... A 11-12-65	Marshall Burlew (Operator), et al., New Hartford Rd., Owensboro, Ky., 42301.	Texas Gas Transmission Corp., Midland Field, Muhlenberg County, Ky.	17.0	15.025
C166-394 ..... B 11-15-65	Monsanto Co., 1300 Main St., Houston, Tex., 77002.	Kansas-Nebraska Natural Gas Co., Inc., Jackpot Field, Morgan and Weld Counties, Colo.	Uneconomical	.....
C166-395 ..... (G-18719) F 11-9-65	H. K. Keesee (successor to M. J. Florence Trust), Box 1995, Farmington, N. Mex.	El Paso Natural Gas Co., acreage in Sandoval County, N. Mex.	11.0	15.025
C166-396 ..... A 11-15-65	Harold D. Courson (Operator), et al., Post Office Box 809, Perryton, Tex., 79070.	Phillips Petroleum Co., Panhandle Field, Wheeler County, Tex.	[5] 9.5	14.65
C166-397 ..... A 11-15-65	Claud B. Hamill, 2306 First City National Bank Bldg., Houston, Tex., 77002.	United Gas Pipe Line Co., Mount Selman Subclarksville Field, Cherokee and Smith Counties, Tex.	[6] 10.75	14.65
C166-398 ..... A 11-15-65	Oil Development Co. of Texas, 900 Polk St., Amarillo, Tex., 79101.	Panhandle Eastern Pipe Line Co., Frantz (Lower Morrow) Field, Ochiltree County, Tex.	17.0	14.65
C166-399 ..... A 11-12-65	Phillips Petroleum Co., Bartlesville, Okla., 74004.	Cities Service Gas Co., Bishop Area, Roger Mills County, Okla.	15.0	14.65
C166-400 ..... A 11-12-65	Phillips Petroleum Co., Bartlesville, Okla., 74004.	Cities Service Gas Co., Bishop Area, Ellis County, Okla.	17.0	14.65
C166-401 ..... A 11-15-65	Harold D. Courson (Operator), et al., Post Office Box 809, Perryton, Tex.	Phillips Petroleum Co., Panhandle Field, Wheeler County, Tex.	[7] 9.5	14.65
C166-402 ..... A 11-15-65	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla., 74102.	Cities Service Gas Co., Watonga Field, Woodward County, Okla.	[8] 14.0	14.65
C166-403 ..... A 11-15-65	Southern Union Production Co., Fidelity Union Tower, Dallas, Tex., 75201.	Arkansas Louisiana Gas Co., Gilmer Area, Upshur County, Tex.	[9] 12.03	14.65
C166-404 ..... A 11-15-65	Ashland Oil & Refining Co., Post Office Box 1503, Houston, Tex., 77001.	Texas Gas Transmission Corp., acreage in Muhlenberg and Hopkins Counties, Ky.	17.0	15.025
C166-405 ..... (G-6073) F 11-15-65	Hugh A. Hawthorne (successor to Pan American Petroleum Corp.), Post Office Box 51915, Lafayette, La.	American Louisiana Pipe Line Co., South Elton Field, Jefferson Davis Parish, La.	[10] 18.25	15.025
C166-406 ..... (G-4780) F 11-15-65	Hugh A. Hawthorne (successor to Amerada Petroleum Corp.).	United Gas Pipe Line Co., South Elton Field, Jefferson Davis Parish, La.	[11] 18.0	15.025
C166-407 ..... B 11-15-65	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla., 74102.	Michigan Wisconsin Pipe Line Co., Adams Ranch Field, Meade County, Kans.	Depleted	.....
C166-408 ..... A 11-10-65	Marathon Oil Co., 539 South Main St., Findlay, Ohio, 45840.	El Paso Natural Gas Co., Argo No. 1 Well, San Juan Area, San Juan County, N. Mex.	12.0	15.025

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
C166-409 ..... B 11-15-65	Shannon Oil Co., et al., c/o Sherman S. Poland, Ross, Marsh & Foster, 725 15th St. NW., Washington, D.C., 20005.	Kansas-Nebraska Natural Gas Co., Inc., Mount Rogers Unit Area, Fremont County, Wyo.	Depleted	.....
C166-411 ..... B 11-12-65	Texam Oil Corp., Post Office Box 1663, Midland, Tex., 79701.	Coastal States Gas Producing Co., acreage in Duval County, Tex.	Depleted	.....

[1] Reserves insufficient to justify purchaser laying lines necessary to connect to well.
[2] Includes 0.2002 cent tax reimbursement.
[3] No permanent certificate issued—temporary authorization granted only.
[4] Includes 1.75 cents per Mcf tax reimbursement.
[5] Includes 1.0 cent per Mcf gathering allowance.
[6] Plus 1.28 percent tax reimbursement.
[7] Includes 2.0 cents per Mcf gathering allowance.
[8] Subject to deduction of 0.75 cent per Mcf for dehydration and 1.5 cents per Mcf for compression, if compression is necessary and buyer elects to compress gas.
[9] Subject to reductions for compression charge, excess sulphur content and treating cost, should gas not meet minimum contract specifications.
[10] Plus 1.5 cents per Mcf tax reimbursement.
[11] Approved rate per settlement order issued by the Commission on Feb. 1, 1963.

[F.R. Doc. 65-12883; Filed, Dec. 2, 1965; 8:45 a.m.]

[Docket No. CP66-157]

BLUEBONNET GAS CORP.

Notice of Application

NOVEMBER 24, 1965.

Take notice that on November 17, 1965, Bluebonnet Gas Corp. (Applicant), 1215 Chamber of Commerce Building, Houston, Tex., 77002, filed in Docket No. CP66-157 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the sale for resale of natural gas in interstate commerce to Florida Gas Transmission Co. (Florida Gas), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate metering, regulating and requisite interconnecting facilities required to transport gas which will be purchased by Applicant from Vernon J. Main, Jr., Operator (Main), in the Lottie-Bayou White Area Field, Pointe Coupee Parish, La. Applicant estimates that the proposed deliveries will be 1,000 Mcf of gas per day. The present estimate of reserves dedicated to Applicant under its contract with Main is 3,055 MMcf at 15.025 p.s.i.a. as of August 26, 1965. On September 27, 1965, Main filed in Docket No. CI66-238 an application for a certificate of public convenience and necessity authorizing the sale of gas to Applicant.

Applicant states that the proposed sale and delivery of gas to Florida Gas will be made at a point in Pointe Coupee Parish where Florida Gas' transmission line traverses the State of Louisiana.

The total estimated cost of the proposed facilities is $13,000, which will be financed by the issuance of common stock.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 15, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-12958; Filed, Dec. 2, 1965; 8:47 a.m.]

[Docket No. CP66-154]

PLATEAU NATURAL GAS CO.

Notice of Application

NOVEMBER 24, 1965.

Take notice that on November 15, 1965, Plateau Natural Gas Co. (Applicant), Post Office Box 1357, Colorado Springs, Colo., 80901, filed in Docket No. CP66-154 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition by merger and the operation of all the jurisdictional natural gas facilities of Applicant's wholly owned subsidiary, Kansas-Colorado Utilities, Inc. (KCU), and the continuation of all sales and services heretofore rendered by KCU, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it owns and operates distribution systems in six unconnected divisions and that KCU is an interstate natural gas transmission company. Applicant further states that with the increase in the sales of natural gas to farmers for irrigation purposes, Applicant has been extending its pipeline system beyond the distribution areas and has become more like KCU in its transmission function.

The application states that the merger will result in a simplification of the corporate structure and result in economies and efficiencies of operation and that approximately $10,000 per year will be saved in the elimination of duplicate audits and filings with regulatory authorities.

Applicant proposes to operate all its facilities and those of KCU as an integrated company and to continue all sales and services heretofore rendered by KCU, except that the sale for resale of natural gas by KCU to Applicant will cease.

No change in rates on file with the Commission is proposed by the merger. For simplification, Applicant proposes to file its own tariff providing general service (Rate Schedule G-1), interruptible service (Rate Schedule I-1), and irrigation service (Rate Schedule IS-1) to KCU's existing, non-affiliated, resale customers.

In addition to sales made to Applicant in its Southern Division, Eastern Division (exempted from the Commission's jurisdiction pursuant to section 1(c) of the Natural Gas Act by the Commission's order issued December 1, 1961, in Docket No. CP62-8) and Panhandle Division, KCU also sells gas to Felt Water Development Co. for resale for irrigation purposes, to Pioneer Natural Gas Co. for resale for distribution in Texline, Tex., and to Southern Union Gas Co. for distribution in Clayton, N. Mex.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 15, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc 65-12959; Filed, Dec. 2, 1965; 8:47 a.m.]

[Docket No. RI66-175]

SOCONY MOBIL OIL CO., INC.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

NOVEMBER 23, 1965.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A below.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 5, 1966.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI66-175	Socony Mobil Oil Co., Inc., Post Office Box 2444, Houston, Tex., 77001.	154	3	Phillips Petroleum Co. (Panhandle Field, Gray and Carson Counties, Tex.) (R.R. District No. 10).	[1] $2,774	10-25-65	[2] 11-25-65	[3] 11-26-65	9.0	[4] [5] 11.0	

[1] Phillips Petroleum Co. resells the gas to El Paso Natural Gas Co. (Carson County production) and Northern Natural Gas Co. (Gray County production) under its FPC Gas Rate Schedule Nos. 32 and 262 at rates of 19.76 cents per Mcf and 18.93 cents per Mcf which are in effect subject to refund in Docket Nos. G-20403 and RI60-226, respectively.

[2] The stated effective date is the first day after expiration of the required statutory notice.

[3] The suspension period is limited to 1 day.

[4] Unilateral rate increase (contract expired Dec. 1, 1964).

[5] Pressure base is 14.65 p.s.i.a.

[6] Settlement rate pursuant to Commission order issued May 5, 1964, in Docket Nos. G-12193, et al.

Socony Mobil Oil Co., Inc. (Socony), requests that its proposed rate increase be permitted to become effective as of November 24, 1965. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Socony's rate filing and such request is denied.

Socony proposes a unilateral rate increase from 9.0 cents to 11.0 cents per Mcf at 14.65 p.s.i.a., amounting to approximately $2,774 annually for wellhead sales of gas to Phillips Petroleum Co. (Phillips). Phillips gathers and processes the gas through its Texas Panhandle system, and resells the gas to El Paso Natural Gas Co. (Carson County production) and Northern Natural Gas Co. (Gray County production) under its FPC Gas Rate Schedule Nos. 32 and 262 at rates of 19.76 cents and 18.93 cents per Mcf, which are in effect subject to refund in Docket Nos. G-20403 and RI60-226, respectively. Socony's contract expired by its own terms on December 1, 1964, and buyer and seller have been unable to negotiate a renewal or extension of said contract on mutually acceptable terms.

Socony's subject rate schedule was included in its offer of settlement which was approved by Commission order issued May 5, 1964, in Docket Nos. G-12193, et al. That order specified a settlement rate of 9.0 cents per Mcf, the effective rate at the time of the settlement. Said order provides, inter alia, for a moratorium period on rate increase filings until January 1, 1967, but allows Socony to file for rate increases which do not exceed the applicable area ceiling. Although Socony's proposed 11.0 cents per Mcf wellhead rate does not exceed the ceiling for increased rates in Texas Railroad District No. 10 as set forth in the Commission's Statement of General Policy No. 61-1, as amended, it is suspended for one day from November 25, 1965, the date of expiration of the statutory notice, because the sale related thereto is considered to be for non-pipeline quality gas. We consider the area rate ceiling to be applicable to sales of residue gas at the outlet of the plant which is the point of delivery to the pipeline company.

On November 8, 1965, Phillips filed a motion objecting to the filing of Socony but does not object to the payment of the proposed 11.0 cents per Mcf rate provided that the payment of such rate is made subject to refund and requests that such rate be suspended for at least one day.

[F.R. Doc. 65-12884; Filed, Dec. 2, 1965; 8:45 a.m.]

[Docket No. CP66-155]

SOUTHERN NATURAL GAS CO.

Notice of Application

NOVEMBER 24, 1965.

Take notice that on November 16, 1965, Southern Natural Gas Co. (Applicant), Post Office Box 2563, Birmingham, Ala., 35202, filed in Docket No. CP66-155 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon its Spaulding branch line and the metering and regulating facilities located on such line, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the 4-inch Spaulding branch line, approximately 5 miles in length, commences at a point of connection with a pipeline belonging to United States Steel Corp., which connects with Applicant's pipeline system, and extends to the Sintering Plant of Republic Steel Corp. (Republic) near Spaulding, Jefferson County, Ala.

The proposed abandonment is the result of the cancellation, effective July 31, 1965, of Applicant's gas service contract with Republic. Applicant states that Republic has ceased to operate the Spaulding Sintering Plant and has informed Applicant that it has no present intention of resuming purchases of gas at that plant.

Applicant states that no service will be affected by the abandonment.

Applicant proposes to abandon the pipeline in place and salvage the metering and regulating equipment.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 15, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-12960; Filed, Dec. 2, 1965; 8:47 a.m.]

[Docket No. CP66-156]

SOUTHERN NATURAL GAS CO.

Notice of Application

NOVEMBER 24, 1965.

Take notice that on November 16, 1965, Southern Natural Gas Co. (Applicant), Post Office Box 2563, Birmingham, Ala., 35202, filed in Docket No. CP66-156 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon its Phil Campbell Meter Station by sale to Northwest Alabama Gas District (Gas District), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the Phil Campbell Meter Station is located at a point on the distribution system of Gas District near Alabama Highway No. 5 in the vicinity of the town of Phil Campbell in Marion County, Ala. It is currently used to measure gas sold to Phil Campbell by Applicant pursuant to a service agreement dated August 7, 1959.

Pursuant to an agreement between Gas District and Phil Campbell, Gas District transports gas for Phil Campbell from Applicant's point of delivery for Phil Campbell and Gas District, which is located on Applicant's main North Line, to the above-described Phil Campbell Meter Station.

Applicant further states that Phil Campbell has informed it that it had entered an agreement with Gas District under which Gas District would operate and maintain Phil Campbell's distribution system. Phil Campbell, therefore, obtained Applicant's consent to cancel, effective November 1, 1965, the service agreement dated August 7, 1959. Applicant states it has no further use for the meter.

Applicant further states that it and Gas District have entered into a new service agreement, dated September 23, 1965, pursuant to which the Contract Demand applicable to Gas District will be increased, effective November 1, 1965, by the amount of the Maximum Delivery Obligation presently applicable to Phil Campbell.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 15, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-12961; Filed, Dec. 2, 1965; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

PUBLIC HEALTH SERVICE

Statement of Organization and Delegations of Authority

The Statement of Organization and Delegations of Authority of the Department of Health, Education, and Welfare (22 F.R. 1245 as amended by 28 F.R. 10433, 10688, 11647, and 13374, 29 F.R. 12482 and 18182, and 30 F.R. 7296), is hereby amended as follows:

Sec. 4.20, paragraph (b), is amended by adding a new subparagraph 19 as follows:

(19) The functions relating to the United States-Japan Cooperative Medical Science Program as specified in the Memorandum of Understanding of October 4, 1965, between the Department of State and the Department of Health, Education, and Welfare and delegated under section 5(f) of the International Health Research Act of 1960 (Public Law 86-610, 22 USC 2101 et seq.) and the President's letter of October 1, 1965, to the Secretary (1 Presidential Documents 355).

Dated: November 29, 1965.

[SEAL] JOHN W. GARDNER,
Secretary, Department of Health, Education, and Welfare.

[F.R. Doc. 65-12987; Filed, Dec. 2, 1965; 8:49 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ASSISTANT COMMISSIONER FOR URBAN PLANNING AND COMMUNITY DEVELOPMENT

Revocation of Delegation of Authority

The delegation of authority to the Assistant Commissioner for Urban Planning and Community Development with respect to the open-space land program as authorized under Title VII of the Housing Act of 1961 (75 Stat. 183, 42 U.S.C. 1500), effective May 22, 1963 (28 F.R. 5101, 5/22/63), is hereby revoked.

Effective as of the 3d day of December 1965.

WILLIAM L. SLAYTON,
Urban Renewal Commissioner.

[F.R. Doc. 65-12977; Filed, Dec. 2, 1965; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16318; FCC 65-1062]

NEW SOUTH BROADCASTING CORP.

Order Designating Application for Hearing on Stated Issues

In re application of New South Broadcasting Corp., Meridian, Miss., Docket No. 16318, File No. BPH-4818; requests: 97.1 mc, No. 246; 40.3 kw; 186 feet; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 24th day of November 1965;

The Commission having under consideration the above-captioned and described application;

It appearing, that, except as indicated by the issues specified below, the applicant is legally, technically, financially, and otherwise qualified to construct and operate as proposed; and

It further appearing, that applicant is controlled by Frank E. Holladay and Joseph W. Carson who also control station WNSL-FM, Laurel, Miss.; and

It further appearing, that, significant improvement in the facilities of station WNSL-FM and the subject proposal could not be achieved without causing 1 mv/m overlap in contravention of § 73.240(a)(1) of the Commission's rules.

It further appearing, that, in view of the foregoing, the Commission is unable

to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the extent to which "duopoly" considerations may preclude future expansion of WNSL–FM and the Meridian proposal and in light of the evidence adduced in response to this question, whether this proposal represents an efficient use of the channel within the meaning of section 307(b) of the Communications Act of 1934, as amended.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, whether a grant of the application would serve the public interest, convenience and necessity.

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: November 30, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65–12989; Filed, Dec. 2, 1965; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16562]

COMPANIA MEXICANA DE AVIACION, S.A.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on December 10, 1965, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Examiner.

[1] Commissioners Hyde and Bartley absent; Commissioner Lee dissenting and voting to grant.

Dated at Washington, D.C., November 29, 1965.

[SEAL] JAMES S. KEITH,
Hearing Examiner.

[F.R. Doc. 65–12986; Filed, Dec. 2, 1965; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 54]

WEST INDIES FREIGHT SERVICE, INC.

Order To Show Cause

On November 17, 1965, the New Hampshire Insurance Co. (Emicke & Loren, Inc., agents) notified the Commission that the surety bond filed pursuant to section 44(c), Shipping Act, 1916 (46 U.S.C. 1245) by West Indies Freight Service, Inc., 345 East 99th Street, New York 29, N.Y., would be cancelled effective 12:01 a.m., December 18, 1965.

Section 44(c) of the Shipping Act, 1916 (46 U.S.C. 1245) and § 510.5(f) of General Order 4 (46 CFR) provide that no license shall remain in force unless such forwarder shall have furnished a bond.

Section 44(d) of the Shipping Act, 1916 (46 U.S.C. 1245) provides that licenses may, after notice and hearing, be suspended or revoked for wilful failure to comply with any provision of the Act, or with any lawful rule of the Commission promulgated thereunder.

Therefore, it is ordered, That West Indies Freight Service, Inc., on or before December 10, 1965, either (1) submit a valid bond effective on or before December 17, 1965, or (2) show cause in writing or request a hearing to be held at 10 a.m. on December 14, 1965, in Room 505, Federal Maritime Commission, 1321 H Street NW., Washington, D.C., 20573, to show cause why its license should not be suspended or revoked pursuant to section 44(d), Shipping Act, 1916.

It is further ordered, That the Director, Bureau of Domestic Regulation, forthwith revoke License No. 54, if the licensee fails to comply with this order.

It is further ordered, That a copy of this order to show cause and all subsequent orders in this matter be served upon the licensee and be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Special Assistant to the Secretary.

[F.R. Doc. 65–12982; Filed, Dec. 2, 1965; 8:49 a.m.]

[FF–2728 etc.]

W. O. SMITH & CO., INC., ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following freight forwarder cooperative working agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement or request for a hearing should also be forwarded to each of the parties to the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Unless otherwise indicated, these agreements are non-exclusive, cooperative working arrangements under which the parties may perform freight forwarding services for each other. Forwarding and service fees are to be agreed upon on each transaction. Ocean freight compensation is to be divided as agreed between the parties.

W. O. Smith & Co., Inc., New York, N.Y. (branch office), and Nordstrom Freighting Corp., New York, N.Y.	FF–2728
Paul Sustek Co., Inc., Phila, Pa., and Kersten Shipping Agency, Inc., New York, N.Y.	FF–2741
J. T. Steeb & Co., Inc., Tacoma, Wash., and W. J. Byrnes & Co., Seattle, Wash.	FF–2742
American Union Transport Forwarding, Inc., New York, N.Y., and The A. W. Fenton Co., Inc., Cleveland, Ohio	FF–2744
A. R. Savage & Son, Tampa, Fla., and Bernadine Shipping Co., Inc., New York, N.Y.	FF–2746
A & M Custom Brokers Co., Boston, Mass., and J. F. Moran Co., Providence, R.I.	FF–2747
Freedman & Slater, Inc., New York, N.Y., and Hampton Roads Shipping Corp., Newport News, Va.	FF–2749
Hasman & Baxt of La., Inc., New Orleans, La., and Oceanbrokers, Inc., San Francisco, Calif.	FF–2750
Nordstrom Freighting Corp., New York, N.Y., and A. & M. Customs Brokers Co., Boston, Mass.	FF–2751
Bernadine Shipping Co., Inc., New York, N.Y., and J. K. Ebberwein, Savannah, Ga.	FF–2752
Doranco, Inc., Long Beach, Calif., and Universal Transport Corp. (western division), San Francisco, Calif.	FF–2753
A & M Custom Brokers Co., Boston, Mass., and Chase Leavitt & Co., Portland, Maine	FF–2754
Leyden Shipping Corp., New York, N.Y., and Sumter Marine Corp., Charleston, S.C.	FF–2755
Luigi Serra, Inc., New York, N.Y., and Coastal Forwarders, Charleston, S.C.	FF–2756
John S. James, Savannah, Ga., and R. B. Comar, Inc., Charleston, S.C.	FF–2757
Advance Shipping Co., Inc., New York, N.Y., and I. C. Harris & Co., Detroit, Mich.	FF–2763
Mohegan International Corp., New York, N.Y., and R. B. Comar, Inc., Charleston, S.C.	FF–2764
Cobal International, Inc., New York, N.Y., and T. D. Downing Co., Boston, Mass.	FF–2765
W. O. Smith & Co., Inc., Norfolk, Va., and Alltransport, Inc., New York, N.Y.	FF–2766
Reney Forwarding Co., Inc., New York, N.Y., and Wall Shipping Co., Inc., Baltimore, Md.	FF–2767
Portala Shipping Service, New York, N.Y., and W. M. Stone & Co., Inc., Norfolk, Va.	FF–2768
J. S. Lipinski Co., Toledo, Ohio, and Major Forwarding Co., Inc., New York, N.Y.	FF–2770
Hampton Roads Shipping Corp., Newport News, Va., and C. H. Powell Co., Inc., New York, N.Y.	FF–2771

Agreement No. FF–2484 between Forwarding Services, Inc., New York, N.Y., and Henry E. Sullivan, Jr., Jacksonville, Fla., is a cooperative working arrangement whereunder forwarding and service fees are minimum charge of $5.00 a shipment, maximum $10.00 a shipment. Special services remain subject to negotiation and agreement on each transaction (such as tracing, issuing dock receipts, etc.). Ocean freight brokerage to be divided on the basis of sixty-six and two-thirds percent (66⅔%) for Forwarding Services, Inc. and thirty-three and one-third percent (33⅓%) to Henry E. Sullivan, Jr.

Agreement No. FF–2641 between The W. P. Neth Co., Inc., New York, N.Y., and C. H. Powell, Inc., Boston, Mass., is a cooperative working arrangement whereunder The W. P. Neth Co., Inc., will pay a specific sum to C. H. Powell, Inc. for the singe service of clearing export declarations out of the port of Boston on their behalf. (All other services to be performed by The W. P. Neth Co., Inc., in New York. Both parties agree that ocean freight brokerage is not to be divided but is to be retained by the originating forwarder.)

Agreement No. FF–2740 between Seaway Forwarding Co., Cleveland, Ohio, and Ray C. Fischer Co., Inc., Minneapolis, Minn., is a cooperative working arrangement whereunder forwarding and service fees will be $5.00 for clearance of export declarations. Ocean freight compensation is to be retained by the originating forwarder.

Agreement No. FF–2743 between C. S. Greene & Co., Inc., Chicago, Ill., and International Expediters, Inc., New York, N.Y., is a cooperative working arrangement whereunder forwarding and service fees are $3.50 for passing of shipper's export declaration only. Special services remain subject to negotiation and agreement on each transaction. Ocean freight compensation is to be retained by the originating forwarder.

Agreement No. FF–2748 between H. L. Ziegler, Inc., Houston, Tex., and F. J. Herbelein Forwarding Co., Inc., Galveston, Tex., is a cooperative working arrangement whereunder forwarding and service fees are subject to negotiation and agreement on each transaction depending upon the services to be performed. Ocean freight brokerage is to be divided equally (50–50) between the parties. This division of brokerage will be restricted to those shipments handled on behalf of each other.

Agreement No. FF–2758 between Walsh Stevedoring Co., Pensacola, Fla. (Party A), and Major Forwarding Co., Inc., New York, N.Y. (Party B), is a cooperative working arrangement whereunder for shipments through the Port of Pensacola, Fla., Party (b) agrees to pay Party (a) the following scale of charges for documentary work:

Passing Export Declarations	$2.00
Consular Clearance	3.00
Preparation of Bill of Lading	3.00
Preparation of Export Declaration	3.00
Preparation of Consular Invoices	5.00

As heretofore, party (b) would arrange for shipping space, preparation for Customs Declaration and Bill of Lading in blank, and party (a) would be expected to complete these documents and have the Bills of Lading returned promptly to party (b). Ocean freight compensation to be retained by party (b).

Agreement No. FF–2759 between Behring-South Ports Shipping, Inc., Houston, Tex., and Ray C. Fischer Co., Inc., Minneapolis, Minn., is a cooperative working arrangement whereunder forwarding and service fees are $5.00 for clearance of export declarations. Ocean freight compensation is to be retained by the originating forwarder.

Agreement No. FF–2760 between Forwarding Services, Inc., New York, N.Y., and A. F. Burstrom & Son, Inc., Detroit, Mich., is a cooperative working arrangement whereunder forwarding and service fees are $12.50, passing shipper's export declarations $2.50. Special services remain subject to negotiation and agreement on each transaction (such as tracing, issuing dock receipts, etc., additional services as agreed). Ocean freight brokerage to be divided on the basis of sixty-six and two-thirds percent (66⅔%) to Forwarding Services, Inc., and thirty-three and one-third percent (33⅓%) to A. F. Burstrom & Son on the amount collected.

Agreement No. FF–2761 between Forwarding Services, Inc., New York, N.Y., and Albatross Shipping Co., New Orleans, La., is a cooperative working arrangement whereunder forwarding and service fees are subject to negotiation. Special services remain subject to negotiation and agreement on each transaction (such as tracing, issuing dock receipts, etc., additional services as agreed). Ocean freight brokerage to be divided on the basis of sixty-six and two-thirds percent (66⅔%) to Forwarding Services, Inc., and thirty-three and one-third percent (33⅓%) to Albatross Shipping Co. on amount collected.

Agreement No. FF–2762 between Forwarding Services, Inc., New York, N.Y., and M. H. Garvey Co., Boston, Mass., is a cooperative working arrangement whereunder forwarding and service fees are subject to negotiation on each transaction. Special services remain subject to negotiation and agreement on each transaction (such as tracing, issuing dock receipts, etc., additional services as agreed). Ocean freight brokerage to be divided equally 50–50.

Agreement No. FF–2769 between Lunham & Reeve, Inc., New York, N.Y., and W. R. Zanes & Co., Houston, Tex., is a cooperative working arrangement whereunder forwarding and service fees are $10.00. Special services remain subject to negotiation and agreement on each transaction. Ocean freight brokerage 50 percent for Lunham & Reeve, Inc. and 50 percent for W. R. Zanes & Co.

Agreement No. FF–2739 between Atlas Forwarding Co., Inc., New York, N.Y., and Hampton Roads Shipping Corp., Newport News, Va., is a cooperative working arrangement whereunder forwarding and service fees are subject to negotiation and agreement on each transaction, depending upon the services to be performed. Ocean freight compensation received from ocean carriers in the form of freight brokerage shall not be shared by the parties. All compensation of this nature will be received only by Atlas Forwarding Co., Inc.

Agreement No. FF–2745 between Hermann Ludwig of America, Inc., New York, N.Y., and Footner and Co., Inc., Baltimore, Md., is a cooperative working arrangement whereunder forwarding and service fees are subject to negotiation and agreement on each transaction depending upon the services to be performed. Ocean freight brokerage will be retained by the originating forwarder.

Dated: November 30, 1965.

THOMAS LISI,
Secretary.

[F.R. Doc. 65–12983; Filed, Dec. 2, 1965; 8:49 a.m.]

FEDERAL RESERVE SYSTEM

BRENTON COMPANIES, INC.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Brenton Companies, Inc., Des Moines, Iowa, for approval of the acquisition of voting shares of Dallas County State Bank, Adel, Iowa.

There has come before the Board of Governors, pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(2)) and § 222.4(a)(2) of Federal Reserve Regulation Y (12 CFR 222.4(a)(2)), an application by Brenton Companies, Inc., Des Moines, Iowa, a registered bank holding company, for the Board's prior approval of the acquisition of at least 80 percent of the outstanding voting shares of Dallas County State Bank, Adel, Iowa.

As required by section 3(b) of the Act, notice of receipt of the application was given to the Iowa Superintendent of Banking with a request for his views and recommendation. The Deputy Superintendent of Banking advised that the Iowa Department of Banking had no objection to the application. Notice of receipt of the application was published in the FEDERAL REGISTER on September 25, 1965 (30 F.R. 12309), which provided an opportunity for submission of comments and views regarding the proposed acquisition. The time for filing such comments and views has expired, and all those received have been considered by the Board.

It is hereby ordered, for the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) within 7 calendar days after the date of this order or (b) later than 3 months after said date.

Dated at Washington, D.C., this 26th day of November 1965.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 65-12962; Filed, Dec. 2, 1965; 8:47 a.m.]

BRENTON COMPANIES, INC.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Brenton Companies, Inc., Des Moines, Iowa, for approval of the acquisition of voting shares of Palo Alto County State Bank, Emmetsburg, Iowa.

There has come before the Board of Governors, pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(2)) and § 222.4 (a)(2) of Federal Reserve Regulation Y (12 CFR 222.4(a)(2)), an application by Brenton Companies, Inc., Des Moines, Iowa, a registered bank holding company, for the Board's prior approval of the acquisition of at least 80 percent of the outstanding voting shares of Palo Alto County State Bank, Emmetsburg, Iowa.

As required by section 3(b) of the Act, notice of receipt of the application was given to the Iowa Superintendent of Banking with a request for his views and recommendation. The Deputy Superintendent of Banking advised that the Iowa Department of Banking had no objection to the application. Notice of receipt of the application was published in the FEDERAL REGISTER on September 25, 1965 (30 F.R. 12309), which provided an opportunity for submission of comments and views regarding the proposed acquisition. The time for filing such comments and views has expired, and all those received have been considered by the Board.

It is hereby ordered, for the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) within 7 calendar days after the date of this Order or (b) later than 3 months after said date.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C., 20551, or to the Federal Reserve Bank of Chicago.

[2] Voting for this action: Unanimous, with all members present.

[1] Filed as part of F.R. Doc. 65-12962, supra. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C., 20551, or to the Federal Reserve Bank of Chicago.

Dated at Washington, D.C., this 26th day of November 1965.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 65-12963; Filed, Dec. 2, 1965; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 553]

CALIFORNIA

Declaration of Disaster Area

Whereas, it has been reported that during the month of November 1965, because of the effects of certain disasters, damage resulted to residences and business property located in Simi Valley, Ventura County in the State of California;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid county and areas adjacent thereto, suffered damage or destruction resulting from a flood, and accompanying conditions occurring on or about November 14 through 17, 1965.

OFFICE

Small Business Administration Regional Office, 312 West Fifth Street, Los Angeles, Calif.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to May 31, 1966.

Dated: November 22, 1965.

ROSS D. DAVIS, *Executive Administrator.*

[F.R. Doc. 65-12970; Filed, Dec. 2, 1965; 8:48 a.m.]

[Delegation of Authority 30, Detroit, Mich., Region (Rev. 1)]

DETROIT REGIONAL OFFICE

Delegation of Authority To Conduct Program Activities

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Midwestern Area), 30 F.R. 3252, as amended, 30 F.R. 7686, 8599, 13556, and 14062, the following authority is hereby redelegated to the specific positions as indicated herein:

A. *Size determinations (delegated to the positions as indicated below).* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

B. *Eligibility determinations (delegated to the positions as indicated below).* To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

C. *Chief, Financial Assistance Division.* 1. Item I.A. (Size determinations for Financial Assistance only.)

2. Item I.B. (Eligibility determinations for Financial Assistance only.)

3. To approve business and disaster loans not exceeding $350,000 (SBA share).

4. To decline business and disaster loans of any amount.

5. To disburse unsecured disaster loans.

6. To enter into business and disaster loan participation agreements with banks.

7. To execute loan authorizations for Washington and Area approved loans and loans approved under delegated authority, said execution to read as follows:

SMALL BUSINESS ADMINISTRATION,
By ----------
(Name)
Title of person signing.

8. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

9. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

10. To approve, when requested in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

11. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

12. To take all necessary actions in connection with the administration, servicing, collection and liquidation of all loans and other obligations or assets, including collateral purchased; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privileges under the loan guaranty plan.

D. *Chief, Loan Processing and Administration, and Group Leaders, LP&A (Loan Processing Activities).* 1. Item I.C.3.

2. To decline business and disaster loans of any amount.

3. Item I.C.6 through 10.

4. Item I.A. (Size Determinations for Financial Assistance only.)

5. Item I.B. (Eligibility Determinations for Financial Assistance only.)

Loan administration activities. 6. To approve the modifications and amendments of loan conditions for loans that have been fully disbursed.

7. Item I.C. 12—only the authority for servicing, administration and collection, including subitems a. and b.

E. *Working Supervisor, Loan Liquidation.* Item I.C. 12—only the authority for liquidation, including collateral purchased, and subitems a. and b.

F. *Chief, Procurement and Management Assistance.* 1. Items I.A. (Size Determinations on P&MA activities only.)

2. Items I.B. (Eligibility Determinations on P&MA activities only.)

G. *Regional Counsel.* To disburse approved loans.

H. *Administrative Officer.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by United States Attorney in foreclosure cases.

2. To (a) purchase all office supplies and expendable equipment, including all desk top items, and rent regular office equipment; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government Bills of Lading.

3. In connection with the establishment of Disaster Loan Offices, to (a) obligate Small Business Administration to reimburse General Services Administration for the rental of office space; (b) rent office equipment; and (c) procure (without dollar limitation) emergency supplies and equipment.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by the Administration.

II. The authority delegated herein cannot be redelegated.

III. The authority delegated herein to a specific position may be exercised by any SBA employee designated as Acting in that position.

IV. All previously delegated authority is hereby rescinded without prejudice to actions taken under such Delegations of Authority prior to the date hereof.

Effective date. November 24, 1965.

ROBERT F. PHILLIPS, *Regional Director, Detroit, Mich.*

[F.R. Doc. 65-12971; Filed, Dec. 2, 1965; 8:48 a.m.]

[2] Voting for this action: Unanimous, with all members present.

INTERSTATE COMMERCE COMMISSION

[Notice No. 94]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 30, 1965.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 59367 (Sub-No. 28 TA), filed November 26, 1965. Applicant: DECKER TRUCK LINE, INC., Post Office Box 915, Fort Dodge, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in section A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk and in tank vehicles), from Harlan, Iowa, to points in Wisconsin, for 180 days. Supporting shipper: Western Iowa Pork Co., Harlan, Iowa. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa.

No. MC 61403 (Sub-No. 144 TA), filed November 26, 1965. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Post Office Box 47, Kingsport, Tenn., 37662. Applicant's representative: Charles E. Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paints, stains, or varnishes*, in bulk, in tank vehicles, from the plantsite of Pittsburgh Plate Glass Co., at Delaware, Ohio, to Fort Smith, Ark., for 180 days. Supporting shipper: Pittsburgh Plate Glass Co., 1 Gateway Center, Pittsburgh, Pa., 15222. Send protests to: J. E. Gamble, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 706 U.S. Courthouse, Nashville, Tenn., 37203.

No. MC 106194 (Sub-No. 15 TA), filed November 26, 1965. Applicant: HORN TRANSPORTATION, INC., 1119 West 24th Street, Kansas City, Mo. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel* and *iron and steel articles*, between points in Pueblo County, Colo., on the one hand, and, on the other, points in Wyoming and Texas, for 180 days. Supporting shippers: Frank W. Winne & Son, Inc., 20 West Ninth Street, Building, Kansas City, Mo.; and, the Colorado Fuel & Iron Corp., Post Office Box 1920, Denver, Colo., 80201. Send protests to: District Supervisor B. J. Schreier, Bureau of Operations and Compliance, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo.

No. MC 107496 (Sub-No. 434 TA), filed November 26, 1965. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua at Third, Post Office Box 855, Des Moines, Iowa, 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, and *sand with additives*, in bags, in bulk, from Troy Grove, Ill., to points in Iowa, Indiana, Michigan, and Wisconsin, for 180 days. Supporting shipper: The Arrowhead Co., Post Office Box 67, Chesterton, Ind. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa.

No. MC 111729 (Sub-No. 121 TA), filed November 26, 1965. Applicant: ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y., 11361. Applicant's representative: J. K. Murphy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, and written instruments* (except coin, currency, bullion, and negotiable securities), as are used in the operations of banks and banking institu-

tions, between St. Louis and Hannibal, Mo., over routes in Illinois for operating convenience only, for 180 days. Supporting shippers: American Trust Co. of Hannibal, Hannibal, Mo.; and Hannibal National Bank, Hannibal, Mo. Send protests to: E. N. Carignan, District Supervisor, Bureau of Operations and Compliance. Interstate Commerce Commission, 346 Broadway, New York, N.Y., 10013.

No. MC 119778 (Sub-No. 98 TA), filed November 26, 1965. Applicant: REDWING CARRIERS, INC., Post Office Box 34, Powderly Station, Wilson Road, Birmingham, Ala., 35211. Applicant's representative: H. D. McGough (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro-alloys*, in bulk, in dump vehicles, from Rockwood, Tenn., to Fairfield, Ala., for 120 days. Supporting shipper: Union Carbide Corp., 270 Park Avenue, New York 17, N.Y. Send protests to: B. R. McKenzie, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1325 City Federal Building, Birmingham, Ala., 35203.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-12980; Filed, Dec. 2, 1965; 8:49 a.m.]

[Notice No. 1268]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 30, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-35398. By order of November 26, 1965, the Transfer Board approved the 6-month lease to Bob Mendenhall, doing business as Fort Smith-Sallisaw Transfer, Fort Smith, Ark., of the certificate in No. MC-120178 (Sub-No. 1), issued September 9, 1959, to Lawrence Fox, doing business as Fox Transfer, 115 North Second Street, Paris, Ark., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Subiaco, Ark., and Fort Smith, Ark., serving intermediate points on Arkansas Highway 22. Jim Jones, 204 North Elm, Sallisaw, Okla., attorney for lessee.

No. MC-FC-68214. By order of November 29, 1965, the Transfer Board approved the transfer to F. J. Dilda, Inc., Aurora, Ohio, of the certificate in No. MC-107857, issued November 2, 1961, to Fred A. Ainbinder, 1600 Church Street, Wantagh, Long Island, N.Y., authorizing the transportation of: Horses (other than ordinary livestock), and feed, equipment, paraphernalia, and attendants incidental to the care, transportation, and display of such animals, between New York, N.Y., and points on Long Island within 75 miles of New York, on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Virginia. Joseph P. Tulley, Cleveland Trust Building, Willoughby, Ohio, 44094, attorney for transferee.

No. MC-FC-68249. By order of November 26, 1965, the Transfer Board approved the transfer to Denver Pacific Express, Inc., Denver, Colo., of Permit No. MC-124363 (Sub-No. 1), issued July 16, 1965, to George R. Eddleman, Clarence J. Eddleman, Charlie R. Eddleman, and Joe W. Eddleman, a partnership, doing business as Eddleman Bros., Denver, Colo., authorizing the transportation of meats, meat products, and meat byproducts, and articles distributed by meat packinghouses, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 206 and 766, over irregular routes, from Denver and Greeley, Colo., to points in Arizona, California, Oregon, Texas, Utah, and Washington, with no transportation for compensation on return except as otherwise authorized. Herbert M. Boyle, 946 Metropolitan Building, Denver 2, Colo., attorney for applicants.

No. MC-FC-68309. By order of November 26, 1965, the Transfer Board approved the transfer to Bob Utgard, doing business as Utgard Trucking, Star Prairie, Wis., of the operating rights of Joe Kempe, Le Roy, Minn., in Certificate No. MC-117146, issued November 19, 1963, authorizing the transportation, over irregular routes, of animal and poultry feeds, from New Richmond, Wis., to Le Roy, Minn. A. R. Fowler, 2288 University Avenue, St. Paul, Minn., 55114, representative for applicants.

No. MC-FC-68310. By order of November 23, 1965, the Transfer Board approved the transfer to Burton Schmoldt, Wayne, Nebr., of the operating rights issued by the Commission January 4, 1945, and December 22, 1949, under Certificates Nos. MC-26073 and MC-26073 (Sub-No. 1), respectively, to Vincent C. McCullough, Laurel, Nebr., authorizing the transportation, over regular routes, of livestock, between Concord, Nebr., and Sioux City, Iowa; general commodities, with exceptions, from Sioux City to Concord; over irregular routes, grain, from specified points in Iowa, to Laurel, Nebr., and points within 20 miles of Laurel; petroleum products, in containers, coal and agricultural implements and parts, from Sioux City, Iowa, to points in Nebraska; livestock, between points in Nebraska, on the one hand, and, on the other, Sioux City, Iowa, and Yankton, S. Dak., from points in Nebraska, to points in Iowa; and household goods and emigrant movables, between points in Nebraska on the one hand, and, on the other, points in that part of Iowa on and west of U.S. Highway 169.

No. MC-FC-68311. By order of November 23, 1965, the Transfer Board approved the transfer to Valdez Transfer, a corporation, Tempe, Ariz., of the operating rights in the certificate of registration in No. MC-96931 (Sub-No. 1), issued June 1, 1965, to Tereso Valdez, doing business as Valdez Transfer, Tempe, Ariz., evidencing the right of the holder thereof to engage in interstate or foreign commerce, corresponding in scope to the service authorized by Certificate of Convenience and Necessity No. 3728, dated March 24, 1961, issued by the Arizona Corporation Commission. Richard Minne, Minne & Sorenson, 609 Luhrs Building, Phoenix, Ariz., attorney for applicants.

No. MC-FC-68315. By order of November 26, 1965, the Transfer Board approved the transfer to Paul E. Liechty and Helen M. Liechty, a partnership, doing business as Paul's Friendly Service, Archbold, Ohio, of the operating rights in Certificate No. MC-124528, issued March 1, 1963, to Paul E. Liechty and Arthur J. Liechty, doing business as Paul's Friendly Service, Archbold, Ohio, authorizing the transportation, over irregular routes, of: Disabled and wrecked vehicles, in wrecker service, and in connection with wrecker service, parts and equipment for disabled and wrecked vehicles, between points in that part of Ohio on and north of U.S. Highway 224 and west of Ohio Highway 13, on the one hand, and, on the other, points in Illinois, Indiana, Pennsylvania, and the Lower Peninsula of Michigan. Owen Rice, 301½ North Defiance Street, Archbold, Ohio, 43502, attorney for applicants.

No. MC-FC-68317. By order of November 26, 1965, the Transfer Board approved the transfer to Benlen Enterprises, Inc., Westbury, N.Y., of Certificate No. MC-39161, issued December 14, 1964, to Original New Jersey Motor Lines, Inc., New York (Bronx), N.Y., authorizing the transportation of such general merchandise as is usually dealt in by wholesale and retail chain variety stores, over irregular routes, between New York, N.Y., on the one hand, and, on the other, Perth Amboy, N.J., and points in Essex, Hudson, and Union Counties, N.J. Morris Honig, 150 Broadway, New York, N.Y., 10038, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-12981; Filed, Dec. 2, 1965; 8:49 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 30, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40155—*Sodium silicate from Cincinnati, Ohio.* Filed by O. W. South, Jr., agent (No. A4798), for interested rail carriers. Rates on sodium silicate, other than dry, in tank carloads, from Cincinnati, Ohio, to Greenville and Travelers Rest, S.C.

Grounds for relief—Market competition.

Tariff—Supplement 61 to Southern Freight Association, agent, tariff ICC S-484.

FSA No. 40156—*Ethylene glycol from and to Rocky Mount, N.C.* Filed by Southwestern Freight Bureau, agent (No. B-8787), for interested rail carriers. Rates on ethylene glycol, in tank carloads, from and to Rocky Mount, N.C., on the one hand, and, to and from specified points in Louisiana and Texas, on the other.

Grounds for relief—Market competition.

Tariff—Supplement 354 to Southwestern Freight Bureau, agent, tariff ICC 4064.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-12979; Filed, Dec. 2, 1965; 8:49 a.m.]

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Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 65–EA–52]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On pages 11395 and 11396 of the FEDERAL REGISTER for September 8, 1965, the Federal Aviation Agency published proposed regulations which would designate a 700-foot floor transition area over Leesburg Municipal (Godfrey) Airport, Leesburg, Va.

Interested parties were given 45 days after publication in which to submit written data or views. No objections to the proposal were received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t. February 3, 1966.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on November 19, 1965.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor Leesburg, Va., transition area described as follows:

LEESBURG, VA.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 39°04'45" N., 77°33'26" W., of Leesburg Municipal (Godfrey) Airport and within 2 miles each side of a bearing 079° from the Poolesville, Va., RBN extending from the 6-mile radius area to 8 miles east of the RBN, excluding the portion within the Washington, D.C., transition area.

[F.R. Doc. 65–12998; Filed, Dec. 3, 1965; 8:45 a.m.]

[Airspace Docket No. 65–EA–55]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration and Designation of Control Zone and Transition Areas

On pages 11393 and 11394 of the FEDERAL REGISTER for September 8, 1965, the Federal Aviation Agency published proposed regulations which would alter the Lebanon, N.H., control zone, designate a 700-foot floor transition area over the Lebanon Regional Airport, Lebanon, N.H., and Hartness Airport, Springfield, Vt., and designate a 1,200-foot floor, Lebanon, N.H., transition area.

In reviewing the criteria for the Lebanon control zone, it was determined that an additional 5.5 mile extension was required for aircraft departing via Runway 18 en route Victor Airway 151. It is proposed to add an extension premised on Runway 18, which will only extend beyond the basic 5-mile radius zone less than a mile. It is also intended to correct a typographical error in the latitude coordinate of the center of the Lebanon Regional Airport.

Interested parties were given 45 days after publication in which to submit written data or views. All comments received were favorable. Since the proposed changes to the notice are minor in nature, notice and public procedure thereon are unnecessary.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t. February 3, 1966, except as follows:

1. In Items 1 and 2, delete the latitude coordinate of the Lebanon Regional Airport and insert in lieu thereof, "43°37'-35" N".

2. In Item 1 in the text, delete the period at the end of the description and insert in lieu thereof a semicolon and add the phrase, "within 2 miles either side of the center line of Runway 18 extended 5.5 miles from the end of the runway".

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on November 19, 1965.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Lebanon, N.H., control zone and insert in lieu thereof:

LEBANON, N.H.

Within a 5-mile radius of the center, 43°-37'35" N., 72°18'10" W., of Lebanon Regional Airport, Lebanon, N.H.; within 2 miles each side of the Lebanon VOR 231° and 051° radials extending from the 5-mile radius zone to 2 miles northeast of the VOR; within 2 miles each side of the Lebanon VOR 104° radial extending from the VOR to 3.5 miles east of the VOR and within 2 miles each side of the Lebanon VOR 134° radial extending from the VOR to 4 miles southeast of the VOR; within 2 miles either side of the centerline of runway 18 extended 5.5 miles from the end of the runway.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700- and 1,200-foot floor Lebanon, N.H., transition area described as follows:

LEBANON, N.H.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, 43°47'35" N., 72°18'10" W. of Lebanon Regional Airport, Lebanon, N.H., extending clockwise from the 210° to the 030° bearing from the airport and within a 15-mile radius of Lebanon Regional Airport extending clockwise from the 030° to the 210° bearing from the airport.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: 43°11'00" N., 72°39'00" W. to 43°47'00" N., 72°39'00" W. to 43°55'00" N., 72°16'00" W. to 43°43'00" N., 71°50'00" W. to 43°35'00" N., 71°55'00" W. to 42°55'00" N., 72°00'00" W. to 43°05'00" N., 72°13'00" W. to the point of beginning.

3. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor Springfield, Vt., transition area described as follows:

SPRINGFIELD, VT.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Hartness Airport (latitude 43°20'40" N., longitude 72°31'15" W.); within 2 miles each side of the Keene VOR 341° radial extending from the 5 mile radius area to 5.5 miles SE of the Springfield RBN; within 2 miles each side of the 185° bearing from the Springfield RBN extending from the 5-mile radius area to 8 miles S of the RBN. This transition area is effective from sunrise to sunset, daily.

[F.R. Doc. 65–12999; Filed, Dec. 3, 1965; 8:45 a.m.]

[Airspace Docket No 65–EA–65]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 11396 of the FEDERAL REGISTER for September 8, 1965, the Federal Aviation Agency published proposed regulations which would amend the Federal Aviation Regulations so as to designate a 700-foot floor transition area over Miller Airport, Alliance, Ohio.

Interested parties were given 45 days after publication in which to submit written data or views. No objections to the proposal were received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., February 3, 1966.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on November 19, 1965.

OSCAR BAKKE,
Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor Alliance, Ohio, transition area described as follows:

ALLIANCE, OHIO

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 40°58'56" N., 81°02'22" W., of Miller Airport, Alliance, Ohio, and within 2 miles each side of the Akron VOR 136° radial extending from the 5-mile radius area to the VOR, excluding the portion within the Akron, Ohio, transition area.

[F.R. Doc. 65–13000; Filed, Dec. 3, 1965; 8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 6990; Amdt. 453]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELED, EFFECTIVE 27 NOV. 1965, OR UPON DECOMMISSIONING OF LBT RBN.

City, Aiken; State, S.C.; Airport name, Municipal; Elev., 530'; Fac. Class., MIIW; Ident., IAK; Procedure No. 1, Amdt. Orig.; Eff. date, 21 Mar. 64

Snake Int	AIA RBn	Direct	5600	T-dn	300–1	300–1	200–½
				Minimums when control zone is effective:			
				C-dn#	400–1	500–1	500–1½
				S-dn-30#	400–1	400–1	400–1
				A-dn#	800–2	800–2	800–2
				Minimums when control zone not effective:			
				C-dn%	500–1	600–1	600–1½
				S-dn-30	500–1	500–1	500–1
				A-dn	NA	NA	NA

Procedure turn E side of crs, 133° Outbnd, 313° Inbnd, 5600' within 10 miles.
Minimum altitude over facility on final approach crs, 4700'.
Crs and distance, facility to airport, 312°—2.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3 miles after passing the AIA RBn, make right turn, climbing to 5600' on 133° bearing from AIA RBn within 10 miles, make left turn and return to the AIA RBn.
NOTES: (1) Approach from holding pattern at RBn not authorized; procedure turn required. (2) Altimeter setting from BFF FSS when control zone is not effective.
%No lights on Runways 17/35.
#These minimums apply at all times for air carriers with approved weather reporting service.
MSA within 25 miles of facility: 000°–090°—5600'; 090°–180°—5900'; 180°–270°—5900'; 270°–360°—5200'.

City, Alliance; State, Nebr.; Airport name, Alliance Municipal; Elev., 3930'; Fac. Class., HW; Ident., AIA; Procedure No. 1, Amdt. Orig.; Eff. date, 27 Nov. 65

Fort Myers VOR	FMY RBn	Direct	1500	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-4	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 221° Outbnd, 041° Inbnd, 1500' within 10 miles.
Minimum altitude over facility on final approach crs, 600'.
Crs and distance, facility to airport, 041°—4.1 miles.
If visual contact not established upon descent to authorized landing minimums of if landing not accomplished within 4.1 miles after passing FMY RBn, climb to 1500' on crs of 057° from FMY RBn within 20 miles.
MSA within 25 miles of facility: 000°–090°—2100'; 090°–180°—1400'; 180°–270°—1200'; 270°–360°—1500'.

City, Fort Myers; State, Fla.; Airport name, Page Field; Elev., 17'; Fac. Class., BH; Ident., FMY; Procedure No. 1, Amdt. 3; Eff. date, 27 Nov. 65; Sup. Amdt. No. 2; Dated, 2 June 62

DHN VORTAC	OZ LOM	Direct	2000	T-dn	300–1	300–1	200–½
Hartford Int	OZ LOM	Direct	2000	C-dn	500–1	500–1	500–1½
ETP RBn	OZ LOM	Direct	2000	S-dn-6	400–1	400–1	400–1
Abbeville Int	OZ LOM	Direct	2000	A-dn	800–2	800–2	800–2
Opp Int	OZ LOM	Direct	2000				
Darlington Int	OZ LOM	Direct	2000				

Radar available.
Procedure turn W side of crs, 239° Outbnd, 059° Inbnd, 2000' within 10 miles. Nonstandard due to airway S.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 059°—5.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing OZ LOM, turn left, climb to 2000' and proceed direct to ETP RBn or, when directed by ATC, turn left and return to OZ LOM at 2000'.
NOTES: (1) Authorized for military use only except by prior arrangement. (2) Teardrop procedure turn authorized, same altitude utilizing crs of 257° Outbnd, 059° Inbnd.
MSA within 25 miles of facility: 000°–360°—1800'.

City, Fort Rucker; State, Ala.; Airport name, Cairns AAF; Elev., 305'; Fac. Class., LOM; Ident., OZ; Procedure No. 1, Amdt. 6; Eff. date, 27 Nov. 65; Sup. Amdt. No. 5; Dated, 14 Sept. 63

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
DHN VORTAC	OZ LOM	Direct	2000	T-dn	300–1	300–1	200–½
Hartford Int	OZ LOM	Direct	2000	C-dn	500–1	500–1	500–1½
ETP RBn	OZ LOM	Direct	2000	S-dn-6	400–1	400–1	400–1
Abbeville Int	OZ LOM	Direct	2000	A-dn	800–2	800–2	800–2
Opp Int	OZ LOM	Direct	2000				
Darlington Int	OZ LOM	Direct	2000				

Radar available.
Procedure turn teardrop, 262° Outbnd, 059° Inbnd. Initial penetration 15,000' or below; penetration turn left, 8000', complete at 2000' within 20 miles.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 059°—5.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing OZ LOM, turn left, climb to 2000' and proceed direct to ETP RBn.
NOTES: (1) Rate of descent not to exceed 4000 f.p.m. and 200 K. (2) Direction of penetration turn nonstandard due ATC requirements. (3) Authorized for military use only except by prior arrangement.
MSA within 25 miles of facility: 000°–360°—1800'.

City, Fort Rucker; State, Ala.; Airport name, Cairns AAF; Elev., 305'; Fac. Class., MIIW; Ident., OZ; Procedure No. 2, Amdt. 2; Eff. date, 27 Nov. 65; Sup. Amdt. No. 1; Dated, 14 Sept. 63

				T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-13*	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Radar required.
No procedure turn due R-2103.
Minimum altitude over facility on final approach crs, 1600'.
Crs and distance, facility to airport, 134°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing LOR RBn, climb to 2000' and proceed direct to DHN VOR via R 264°, DHN VOR.
NOTES: (1) This procedure to be utilized only by aircraft having operating VOR and ADF receivers. (2) Authorized for military use only except by prior arrangement.
Other change: Deletes note regarding procedure not authorized unless Cairns radar operating.
*Reduction of landing visibility below ¾ mile not authorized.
MSA within 25 miles of facility: 000°–090°—2000'; 090°–180°—2600'; 180°–270°—1700'; 270°–360°—1700'.

City, Fort Rucker; State, Ala.; Airport name, Cairns AAF; Elev., 305'; Fac. Class., MIIW; Ident., LOR; Procedure No. 3, Amdt. 1; Eff. date, 27 Nov. 65; Sup. Amdt. No. Orig.; Dated, 5 Oct. 63

DHN VORTAC	LOR RBn	Direct	2000	T-dn	300–1	300–1	200–½
Hartford Int	LOR RBn	Direct	2000	C-dn	500–1	500–1	500–1½
ETP RBn	LOR RBn	Direct	2000	A-dn	800–2	800–2	800–2
Abbeville Int	LOR RBn	Direct	2000				
Opp Int	LOR RBn	Direct	2000				
Darlington Int	LOR RBn	Direct	2000				

Radar available.
Procedure turn N side of crs, 239° Outbnd, 059° Inbnd, 1600' within 10 miles. Nonstandard due traffic Cairns AAF.
Minimum altitude over facility on final approach crs, 1100'.
Crs and distance, facility to airport, 059°—1.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.5 miles after passing LOR RBn, turn right, climb to 2000'. proceed direct to Enterprise RBn.
NOTES: Authorized for military use only except by prior arrangement.
Other changes: Deletes transition Cairns LOM.
MSA within 25 miles of facility: 000°–090°—2100'; 090°–180°—2100'; 180°–270°—1700'; 270°–360°—1700'.

City, Fort Rucker; State, Ala.; Airport name, Lowe AAF; Elev., 244'; Fac. Class., MIIW; Ident., LOR; Procedure No. 1, Amdt. 2; Eff. date, 27 Nov. 65; Sup. Amdt. No. 1; Dated, 14 Mar. 64

PROCEDURE CANCELED, EFFECTIVE 27 Nov. 1965, or upon decommissioning of LBT RBn.

City, Lumberton; State, N.C.; Airport name, Lumberton Municipal; Elev., 126'; Fac. Class., MHW; Ident., LBT; Procedure No. 1, Amdt. Orig.; Eff. date, 25 Jan. 64

Macon VOR	LOM	Direct	1600	T-dn	300–1	300–1	200–½
Powersville Int	LOM (final)	Direct	1500	C-dn	500–1	500–1	500–1½
				S-dn-5*	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Radar available.
Procedure turn S side SW crs, 227° Outbnd, 047° Inbnd, 1600' within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 047°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 2200' on crs, 047° within 20 miles or, when directed by ATC, turn left, climbing to 2000' direct to LOM.
Other changes: Deletes missed approach note.
MSA within 25 miles of facility: 000°–090°—2200'; 090°–180°—1500'; 180°–270°—1900'; 270°–360°—2100'.
*Reduction in landing visibility below ¾ mile not authorized.

City, Macon; State, Ga.; Airport name, Macon Municipal; Elev., 354'; Fac. Class., LOM; Ident., MC; Procedure No. 1, Amdt. 9; Eff. date, 27 Nov. 65; Sup. Amdt. No.8; Dated, 31 July 65

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300-1	300-1	NA
				C-d	800-1	800-1	NA
				C-n	800-2	800-2	NA
				A-dn	NA	NA	NA

Radar required.
Procedure turn not authorized.
Minimum altitude over facility on final approach crs, 1600'.
Crs and distance, facility to airport, 214°—8.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.4 miles after passing Dulles LOM, make right-climbing turn to 3000', then proceed direct to Casanova VOR. Hold SW, R 207°, 1-minute left turns.
MSA within 25 miles of facility: 000°–090°—3100'; 090°–180°—1600'; 180°–270°—3400'; 270°–360°—3900'.

City, Manassas; State, Va.; Airport name, Manassas Municipal (Harry P. Davis Field); Elev., 186'; Fac. Class., LOM; Ident., DI; Procedure No. 1, Amdt. Orig.; Eff. date, 27 Nov. 65

SCK VOR	LOM	Direct	2000	T-dn	300-1	300-1	200-½
Woodward Int	LOM	Direct	2000	C-dn	500-1	500-1	500-1½
Tracy Int	LOM	Direct	2000	S-dn-29R	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 111° Outbnd, 291° Inbnd, 2000' within 10 miles of LOM.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 291°—5.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing LOM, turn left, climb to 2000' on 233° crs from LOM within 15 miles.
MSA within 25 miles of facility: 000°–090°—3200'; 090°–180°—3500'; 180°–270°—4400'; 270°–360°—2000'.

City, Stockton; State, Calif.; Airport name, Stockton Metropolitan; Elev., 29'; Fac. Class., LOM; Ident., SC; Procedure No. 1, Amdt. 3; Eff. date, 27 Nov. 65; Sup. Amdt. No. 2; Dated, 12 Dec. 64

Chardon VOR	Lost Nation RBn	Direct	3000	T-dn	300-1	300-1	300-1
Mentor Int	Lost Nation RBn	Direct	3000	C-dn	1200-1	1200-1	1200-1½
Fairport Int	Lost Nation RBn	Direct	3000	S-dn-27	1200-1	1200-1	1200-1
				A-dn	NA	NA	NA
				If Falstaff Int is received, the following minimums apply:			
				C-dn	600-1	600-1	600-1½
				S-dn-27	500-1	500-1	500-1

Radar available.
Procedure turn N side of crs, 092° Outbnd, 272° Inbnd, 3000' within 10 miles of Falstaff Int.
Minimum altitude over Falstaff Int on final approach crs, 1800'.
Crs and distance, Falstaff Int to airport, 272°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of LNN RBn or 4.3 miles after passing Falstaff Int, climb to 3000' on crs of 272° within 10 miles and return to LNN RBn, hold W, 092° Inbnd.
NOTE: Facility owned and operated by Lost Nation Airport.
CAUTION: Stack, 920'—1.7 miles WSW of airport. High lines along E boundary of airport.
Other change: Deletes radar transition and vectoring note. Deletes note on communications and weather.
MSA within 25 miles of facility: 000°–090°—2300'; 090°–180°—2700'; 180°–270°—3000'; 270°–360°—1600'.

City, Willoughby; State, Ohio; Airport name, Lost Nation; Elev., 626'; Fac. Class., MII; Ident., LNN; Procedure No. 1, Amdt. 5; Eff. date, 27 Nov. 65; Sup. Amdt. No. 4; Dated, 27 Mar. 1963

Mentor Int	Lost Nation RBn	Direct	3000	T-dn	300-1	300-1	300-1
Chardon VOR	Lost Nation RBn	Direct	3000	C-dn	800-1	800-1	800-1½
Fairport Int	Lost Nation RBn	Direct	3000	A-dn	NA	NA	NA

Radar available.
Procedure turn N side of crs, 272° Outbnd, 092° Inbnd, 3000' within 10 miles. Nonstandard due to ATC.
Minimum altitude over facility on final approach crs, 1400'.
Facility located on the airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of LNN RBn, make left-climbing turn to 3000', return to RBn, hold W, 092° Inbnd.
NOTE: Facility owned and operated by Lost Nation Airport.
CAUTION: Stack, 920'—1.7 miles WSW of airport. High lines along E boundary of airport.
Other change: Deletes radar transition and vectoring note. Deletes note on weather and communications.
MSA within 25 miles of facility: 000°–090°—2300'; 090°–180°—2700'; 180°–270°—3000'; 270°–360°—1600'.

City, Willoughby; State, Ohio; Airport name, Lost Nation; Elev., 626'; Fac. Class., MII; Ident., LNN; Procedure No. 2, Amdt. 3; Eff. date, 27 Nov. 65; Sup. Amdt. No. 2; Dated, 27 Mar. 65

2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Skipperville Int	HEY VOR	Direct	2000	T-dn	300-1		
Abbeville Int	HEY VOR	Direct	2000	C-dn	900-1		
DIN VORTAC	HEY VOR	Direct	2000	S-dn-17*	900-1		
OZ LOM	HEY VOR	Direct	2000	A-dn	900-2		
				If Ewell Int received, minimums become:			
				C-dn	400-1		
				S-dn-17	400-1		
				A-dn	800-2		

Radar available.
Procedure turn E side of crs, 356° Outbnd, 176° Inbnd, 2000' within 10 miles.
Minimum altitude over Ewell Int on final approach crs, 1200'; over facility, 800'.
Crs and distance, facility to airport, 176°—1.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.1 miles after passing HEY VOR, turn left, climb to 1700', return direct to HEY VOR.
NOTES: (1) Procedure authorized for rotary wing aircraft only. (2) Authorized for military use only except by prior arrangement.
*Reduction of landing visibility not authorized.
MSA within 25 miles of facility: 000°–090°—1800'; 090°–180°—2600'; 180°–270°—1700'; 270°–360°—1700'.

City, Fort Rucker; State, Ala.; Airport name, Hanchey AHP; Elev., 311'; Fac. Class., T-VOR; Ident., HEY; Procedure No. 1, Amdt. 3; Eff. date, 27 Nov. 65; Sup. Amdt. No. 2; Dated, 14 Mar. 65

				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-15L and R*	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn W side of crs, 332° Outbnd, 152° Inbnd, 1900' within 10 miles.
Minimum altitude over facility on final approach crs, 1900'; over JA LOM, 6.4-mile DME/Radar Fix, or Ruth Int, 1300'.
Crs and distance, facility to Runway 15L, 152°—11.7 miles; JA LOM, 6.4-mile DME/Radar Fix, or Ruth Int to Runway 15L, 152°—5.3 miles.
Crs and distance facility to Runway 15R, 155°—12.2 miles; JA LOM 6.4-mile DME/Radar Fix, or Ruth Int to Runway 15R, 155°—5.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runway 15L: Within 11.7 miles after passing JAN VORTAC, turn right, climb to 2000' on JAN VORTAC, R 164° within 20 miles. Runway 15R: Within 12.2 miles after passing JAN VORTAC, turn right, climb to 2000' on JAN VORTAC, R 164° within 20 miles.
NOTE: When authorized by ATC, DME may be used within 30 miles at 3100', to position aircraft for a straight-in approach with the elimination of a procedure turn.
*400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights. Runways 15L and R. 400-½ authorized, except for 4-engine turbojet aircraft, with operative ALS, Runway 15L.
MSA within 25 miles of facility: 000°–090°—1700'; 090°–180°—2100'; 180°–270°—3100'; 270°–360°—1700'.

City, Jackson; State, Miss.; Airport name, Allen C. Thompson Field; Elev., 345'; Fac. Class., H-BVORTAC; Ident., JAN; Procedure No. 1, Amdt. 4; Eff. date, 27 Nov. 65; Sup. Amdt. No. 3; Dated, 15 Aug. 64

Linden VOR	Stockton VOR	Direct	2000	T-dn	300-1	300-1	200-½
Orange Int	Stockton VOR	Direct	2000	C-dn	500-1	500-1	500-1½
Woodward Int	Stockton VOR	Direct	2000	S-dn-29R*	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 123° Outbnd, 303° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1200'.
Crs and distance, facility to airport, 304°—4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 miles after passing VOR, turn left, climb to 2000' on SCK VOR, R 229° within 15 miles.
*400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
MSA within 25 miles of facility: 000°–090°—3200'; 090°–180°—3700'; 180°–270°—4400'; 270°–360°—2000'.

City, Stockton; State, Calif.; Airport name, Stockton Metropolitan; Elev., 29'; Fac. Class., BVORTAC; Ident., SCK; Procedure No. 1, Amdt. 6; Eff. date, 27 Nov. 65; Sup. Amdt. No. 5; Dated, 12 Dec. 64

3. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Snake Int	AIA VOR	Direct	5200	T–dn	300–1	300–1	200–½
				Minimums when control zone is effective:			
				C–dn#%	500–1	500–1	500–1½
				S–dn–12#	500–1	500–1	500–1
				A–dn#	800–2	800–2	800–2
				Minimums when control zone is not effective:			
				C–dn%	700–1	700–1	700–1½
				S–dn–12	700–1	700–1	700–1
				A–dn	NA	NA	NA

Procedure turn W side of crs, 287° Outbnd, 107° Inbnd, 5200′ within 10 miles.
Minimum altitude over facility on final approach crs, 4630′.
Facility on airport, crs and distance, breakoff point to Runway 12, 120°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing AIA VOR, make right turn, climbing to 5200′ on R 133° within 10 miles, turn left and return to AIA VOR.
NOTE: Altimeter setting from BFF FSS when control zone is not effective.
%No lights on Runways 17/35.
#These minimums apply at all times for air carriers with approved weather reporting service.
MSA within 25 miles of facility: 000°–090°—5600′; 090°–180°—5900′; 180°–270°—5900′; 270°–360°—5200′.

City, Alliance; State, Nebr.; Airport name, Alliance Municipal; Elev., 3930′; Fac. Class., T–BVOR; Ident., AIA; Procedure No. TerVOR–12, Amdt. Orig.; Eff. date, 27 Nov. 65

Snake Int	AIA VOR	Direct	5200	T–dn	300–1	300–1	200–½
				Minimums when control zone is effective:			
				C–dn#%	600–1	600–1	600–1½
				S–dn–30#	600–1	600–1	600–1
				A–dn#	800–2	800–2	800–2
				If AIA RBn received, following minimums apply:			
				C–dn#%	400–1	500–1	500–1½
				S–dn–30#	400–1	400–1	400–1
				Mimimums when control zone is not effective:			
				C–dn%	800–1	800–1	800–1½
				S–dn–30	800–1	800–1	800–1
				A–dn	NA	NA	NA
				If AIA RBn received, following minimums apply:			
				C–dn%	600–1	600–1	600–1½
				S–dn–30	500–1	500–1	600–1

Procedure turn E side of crs, 133° Outbnd, 313° Inbnd, 5200′ within 10 miles.
Minimum altitude over facility on final approach crs, 4730′.
Crs and distance, AIA RBn to airport, 312°—2.1 miles; breakoff point to Runway 30, 301°—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing AIA VOR, or 2.1 miles after passing AIA RBn, make left turn, climbing to 5200′ on R 287° within 10 miles, turn left, and return to AIA VOR.
NOTE: Altimeter setting from BFF FSS when control zone not effective.
#These minimums apply at all times for air carriers with approved weather reporting service.
%–No lights on Runways 17/35.
MSA within 25 miles of facility: 000°–090°—5600′; 090°–180°—5900′; 180°–270°—5900′; 270°–360°—5200′.

City, Alliance; State, Nebr.; Airport name, Alliance Municipal; Elev., 3930′; Fac. Class., T–BVOR; Ident., AIA; Procedure No. TerVOR–30, Amdt. 3; Eff. date, 27 Nov. 65; Sup. Amdt. No. 2; Dated, 17 Apr. 65

PROCEDURE CANCELED, EFFECTIVE 27 NOV. 1965.

City, Fort Myers; State, Fla.; Airport Name, Page Field; Elev., 17′; Fac. Class., BVOR; Ident., FMY; Procedure No. TerVOR–4, Amdt. 1; Eff. Date, 4 Jan. 64; Sup. Amdt. No. Orig.; Dated, 5 May 62

DHN VORTAC	OZR VOR	Direct	2000	T–dn	300–1	300–1	200–½
Hartford Int	OZR VOR	Direct	2000	C–dn	500–1	500–1	500–1½
ETP RBn	OZR VOR	Direct	2000	S–dn–6*	500–1	500–1	500–1½
Abbeville Int	OZR VOR	Direct	2000	A–dn	800–2	800–2	800–2
Opp Int	OZR VOR	Direct	2000	If aircraft equipped with VOR and ADF, and Bellwood Int received, the following minimums apply:			
Darlington Int	OZR VOR	Direct	2000	S–dn–6#	400–1	400–1	400–1

Radar available.
Procedure turn W side of crs, 231° Outbnd, 051° Inbnd, 1700′ within 10 miles.
Minimum altitude over facility on final approach crs, 800′ (700′ if Bellwood Int identified).
Crs and distance, facility to airport, 065°—0.4 mile.
Crs and distance, breakoff point to end of Runway 6, 059°—1 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of OZR VOR, turn right, climb to 2000′ on R 165°, OZR VOR to Hartford Int, hold SW, 1-minute right turns, or when directed by ATC, turn right, climb to 2000′ on R 085°, OZR VOR to DHN VORTAC, hold SE on R 150°, DHN VORTAC, 1-minute left turns.
NOTE: Authorized for military use only except by prior arrangement.
Other change: Deletes transition from Skipperville Int.
*Reduction of landing visibility below ¾ mile not authorized.
#400–¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
MSA within 25 miles of facility: 000°–090°—2600′; 090°–180°—2600′; 180°–270°—1700′; 270°–360°—1700′.

City, Fort Rucker; State, Ala.; Airport name, Cairns AAF; Elev., 305′; Fac. Class., VOR; Ident., OZR; Procedure No. TerVOR–6, Amdt. 6; Eff. date, 27 Nov. 65; Sup. Amdt. No. 5; Dated, 16 Jan. 65

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
DHN VORTAC	OZR VOR	Direct	2000	T–dn	300–1	300–1	200–½
Hartford Int	OZR VOR	Direct	2000	C–dn	500–1	500–1	500–1½
ETP RBn	OZR VOR	Direct	2000	S–dn–24#	400–1	400–1	400–1
Abbeville Int	OZR VOR	Direct	2000	A–dn	800–2	800–2	800–2
Opp Int	OZR VOR	Direct	2000				
Darlington Int	OZR VOR	Direct	2000				

Radar available.
Procedure turn S side of crs, 061° Outbnd, 241° Inbnd, 1700′ within 10 miles of Newton Int.
Minimum altitude over Newton Int on final approach crs, 1700′.
Crs and distance, Newton Int to VOR, 241°—5.5 miles.
Crs and distance, breakoff point to end of Runway 24, 239°—1 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of OZR VOR, turn left, climb to 2000′ on R 165°, OZR VOR to Hartford Int, hold SW, 1-minute right turns, or when directed by ATC, turn left, climb to 2000′ on R 085°, OZR VOR to DHN VORTAC, hold SE on R 150°, DHN VORTAC, 1-minute left turns.
NOTE: Authorized for military use only except by prior arrangement.
#400–¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
MSA within 25 miles of facility: 000°–090°—2600′; 090°–180°—2600′; 180°–270°—1700′; 270°–360°—1700′.

City, Fort Rucker; State, Ala.; Airport name, Cairns AAF; Elev., 305′; Fac. Class., VOR; Ident., OZR; Procedure No. Ter-VOR-24, Amdt. 4; Eff. date, 27 Nov. 65; Sup. Amdt. No. 3; Dated, 16 Jan. 65

				T–dn	300–1	300–1	200–½
				C–dn	500–1	500–1	500–1½
				S–dn–13#*	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2

Radar available.
Procedure turn W side of crs, 324° Outbnd, 144° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 900′.#
Crs and distance, breakoff point to approach end of Runway 13, 129°—0.22 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of MCN VOR, turn right and climb to 2000′ on R 324° within 15 miles.
*Reduction in landing visibility below ¾ mile not authorized.
#Maintain 1000′ Inbnd until after passing 190° bearing to MC LOM. If 190° bearing to MC LOM not received, ceiling minimums become 600′ and descent below 1000′ not authorized.
MSA within 25 miles of facility: 000°–090°—2200′; 090°–180°—1800′; 180°–270°—1900′; 270°–360°—2100′.

City, Macon; State, Ga.; Airport name, Macon Municipal; Elev., 354′; Fac. Class., BVORTAC; Ident., MCN; Procedure No. TerVOR–13, Amdt. 5; Eff. date, 27 Nov. 65; Sup. Amdt. No. 4; Dated, 10 Oct. 64

Flat Rock VOR	Biltmore Int	Direct	2000	T–dn	300–1	300–1	200–½
Biltmore Int	RIC VOR (final)	Direct	600	C–dn	600–1	600–1	600–1½
Manakin RBn	RIC VOR	Direct	2000	S–dn–15	600–1	600–1	600–1
5-mile Radar Fix	RIC VOR (final)	Direct	600	A–dn	800–2	800–2	800–2
				If aircraft equipped with dual VOR receivers and Biltmore Int or 5-mile Radar Fix received, the following minimums apply:			
				S–dn–15*	400–1	400–1	400–1

Radar available.
Procedure turn N side of crs, 347° Outbnd, 167° Inbnd, 1700′ within 10 miles.
Minimum altitude over Biltmore Int on final approach crs, 800′; over facility, 600′.
Crs and distance, breakoff point to approach end of runway, 154°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing no accomplished within 0 mile of RIC VOR, climb to 2000′ on R 167°, RIC VOR within 10 miles, return to RIC VOR. Hold SW, 220° Outbnd, 040° Inbnd, 1-minute right turns.
*400–¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
MSA within 25 miles of facility: 000°–180°—1600′; 180°–360°—2100′.

City, Richmond; State, Va.; Airport name, Richard E. Byrd Flying Field; Elev., 167′; Fac. Class., BVOR; Ident., RIC; Procedure No. TerVOR–15, Amdt. 14; Eff. date, 27 Nov. 65; Sup. Amdt. No. 13; Dated, 8 May 65

4. By amending the following very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

From—	To—	Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums: 2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Fort Myers RBn	FMY VOR	Direct	1500	T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-4	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2
				If aircraft equipped with operating DME or ADF receivers and FMY RBn or the 4.4-mile DME Fix identified, the following minimums apply:			
				C-dn	400–1	500–1	500–1½
				S-dn-4	400–1	400–1	400–1

Procedure turn S side of crs, 214° Outbnd, 034° Inbnd, 1500′ within 10 miles.
Minimum altitude over the 4.4-mile DME Fix or FMY RBn on final approach crs, 600′; over FMY VOR, 400′.
Crs and distance, 4.4-mile DME Fix or FMY RBn to breakoff point, 034°—3.3 miles; breakoff point to approach end of runway, 046°—0.8 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of VOR, make right turn, intercept R 060°, FMY VOR, climb to 1500′ within 20 miles of FMY VOR.
NOTE: When authorized by ATC, Fort Myers DME may be used for an 8-mile orbit from R 115° clockwise thru R 354° at 1500′ to position aircraft for a straight-in approach with the elimination of the procedure turn.
MSA within 25 miles of facility: 000°–090°—2100′; 090°–180°—2100′; 180°–270°—1200′; 270°–360°—1500′.

City, Fort Myers; State, Fla.; Airport name, Page Field; Elev., 17′; Fac. Class., L-BVORTAC; Ident., FMY; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. date, 27 Nov. 65

Key West RBn	Key West VORTAC	Direct	1500	T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				A-dn	800–2	800–2	800–2

Procedure turn W side of crs, 308° Outbnd, 128° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 500′.
Crs and distance, facility to airport, 128°—2.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.8 miles after passing EYW VORTAC, turn left, climb to 1500′ on R 090° within 20 miles of EYW VOR.
NOTES: (1) FAA control tower not operating on 24-hour basis. (2) When authorized by ATC, Key West DME, 8-mile orbit may be used from R 040° counter clockwise through R 308° at 1500′ in order to position aircraft for an approach with the elimination of the procedure turn.
MSA within 25 miles of facility: 000°–360°—1400′.

City, Key West; State, Fla.; Airport Name, Key West International; Elev., 4′; Fac. Class., H-BVORTAC; Ident., EYW; Procedure No. VOR/DME 1, Amdt. 1; Eff. date, 27 Nov. 65; Sup. Amdt. No. Orig.; Dated, 6 Nov. 65

6-mile Fix, R 324°	6-mile Fix, R 324° (final)	Direct	2000	T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-13*	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Radar available.
Procedure turn W side of crs, 324° Outbnd, 144° Inbnd, 2000′ between 6 and 16 miles of VOR. Beyond 16 miles not authorized.
Facility on airport.
Minimum altitude over 6-mile Fix, R 324° on final approach crs, 2900′.
Crs and distance, breakoff point to approach end of Runway 13, 129°—0.22 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of VOR, turn right and climb to 2000′ on R 324° within 16 miles.
NOTE: When authorized by ATC, DME may be used within 16 miles at 2200′ in all directions to position aircraft for a final approach with the elimination of a procedure turn.
*Reduction in landing visibility below ¾ mile not authorized.
MSA within 25 miles of facility: 000°–090°—2200′; 090°–180°—1800′; 180°–270°—1900′; 270°–360°—2100′.

City, Macon; State, Ga.; Airport name, Macon Municipal; Elev., 354′; Fac. Class., BVORTAC; Ident., MCN; Procedure No. 1, Amdt. 3; Eff. date, 27 Nov. 65; Sup. Amdt. No. 2; Dated, 10 Oct. 64

5. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

From—	To—	Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums: 2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
DHN VORTAC	OZ LOM	Direct	2000	T-dn	300–1	300–1	200–½
Hartford Int	OZ LOM	Direct	2000	C-dn	500–1	500–1	500–1½
ETP RBn	OZ LOM	Direct	2000	S-dn-6*	200–½	200–½	200–½
Abbeville Int	OZ LOM	Direct	2000	A-dn	600–2	600–2	600–2
Opp Int	OZ LOM	Direct	2000				
Darlington Int	OZ LOM	Direct	2000				

Radar available.
Procedure turn W side of crs, 239° Outbnd, 059° Inbnd, 2000′ within 10 miles. Nonstandard due to airway S.
Minimum altitude at glide slope interception Inbnd, 2060′.
Altitude of glide slope and distance to approach end of runway at OM, 1984′—5.8 miles; at MM, 497′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn right, climb to 2000′ on R 165°, OZR VOR to Hartford Int., hold SW, 1-minute, right turns, or when directed by ATC, turn right, climb to 2000′ on R 085°, OZR VOR to DHN VORTAC, hold SE on R 150°, DHN VORTAC, 1-minute, left turns.
NOTE: Authorized for military use only except by prior arrangement.
Other change: Deletes transition from Echo Int.
*400–¾ required when glide slope not utilized.

City, Fort Rucker; State, Ala.; Airport name, Cairns AAF; Elev., 305′; Fac. Class., ILS; Ident., I-OZR; Procedure No. ILS-6, Amdt. 3 ;Eff. date 27 Nov. 65; Sup. Amdt. No. 2; Dated, 16 Jan. 65

Macon VOR	LOM	Direct	1600	T-dn	300–1	300–1	200–½
Powersville Int	LOM (final)	Direct	1600	C-dn	500–1	500–1	500–1½
				S-dn-5 *	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2

Radar available.
Procedure turn S side SW crs, 227° Outbnd, 047° Inbnd, 1600′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude at glide slope interception Inbnd, 1600′.
Altitude of glide slope and distance to approach end of runway at OM, 1490—3.8 miles; at MM, 540′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2200′ on crs, 047° within 15 miles of LMM or, when directed by ATC, turn left, climbing to 2000′ direct to LOM.
CAUTION: 1209′ tower, 5.5 miles NE of airport on missed approach crs.
Other changes: Deletes missed approach radar note.
*500–¾ required when glide slope not utilized. Reduction in landing visibility not authorized.

City, Macon; State, Ga.; Airport name, Macon Municipal; Elev., 354′; Fac. Class., ILS; Ident., I-MCN; Procedure No. ILS-5, Amdt. 10; Eff. date, 27 Nov. 65; Sup. Amdt. No. 9; Dated, 4 Sept. 65

Linden VOR	LOM	Direct	2000	T-dn	300–1	300–1	200–½
Woodward Int	LOM	Direct	2000	C-dn	500–1	500–1	500–1½
SCK VOR	LOM	Direct	2000	S-dn-29R	400–¾	400–¾	400–¾
Orange Int	LOM	Direct	2000	A-dn	600–2	600–2	600–2

Procedure turn N side of crs, 111° Outbnd, 291° Inbnd, 2000′ within 10 miles of OM.
Minimum altitude at glide slope interception Inbnd, 2000′.
Altitude of glide slope and distance to approach end of runway at OM, 1528′—5.4 miles; at MM, 248′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn left, climb to 2000′ on SCK VOR, R 229° or SCK LOM bearing, 233° within 15 miles.
NOTE: No approach lights.

City, Stockton; State, Calif.; Airport name, Stockton Metropolitan; Elev., 29′; Fac. Class., ILS; Ident., I-SCK; Procedure No. ILS-29R, Amdt. 5; Eff. date, 27 Nov. 65; Sup. Amdt. No. 4; Dated, 13 Feb. 65

6. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

From—	To—	Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums: 2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots

PROCEDURE CANCELED, EFFECTIVE 27 NOV. 1965.

City, Anchorage; State, Alaska; Airport name, Anchorage International; Elev., 124′; Fac. Class., and Ident., Anchorage Radar; Procedure No. 1, Amdt. 11; Eff. Date, 4 Sept. 65; Sup. Amdt. No. 10; Dated, 24 Apr. 65

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				Precision approach			
000°	360°	Within: 20 miles	2000				
045°	345°	20–40 miles	3000	S-dn-6	200–½	200–½	200–½
345°	045°	20–10 miles	4000	S-dn-18, 36	300–¾	300–¾	300–¾
				A-dn	600–2	600–2	600–2
				Surveillance approach			
				T-dn	300–1	300–1	200–½
				C-dn-6, 24, 36	500–1	500–1	500–1½
				C-dn-18	600–1	600–1	600–1½
				S-dn-6, 24, 36#	400–1	400–1	400–1
				S-dn-18*	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2

All bearings and distances are from radar antenna with sector azimuth progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runway 6 or 36, turn right (Runways 18 or 24, turn left), climb to 2000' on R 165°, OZR VOR to Hartford Int, hold SW, 1-minute right turns, or when directed by ATC (Runways 6 or 36, turn right; Runways 18 or 24, turn left), climb to 2000' on R 085°, OZR VOR to DHN VORTAC, hold SE on R 150°, DHN VORTAC, 1-minute left turns.
NOTE: Authorized for military use only except by prior arrangement.
#400–¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
*Reduction of landing visibility not authorized.

City, Fort Rucker; State, Ala.; Airport name, Cairns AAF; Elev., 365'; Fac. Class. and Ident., Cairns Radar; Procedure No. 1, Amdt. 6; Eff. date, 27 Nov. 65; Sup. Amdt. No. 5; Dated, 16 Jan. 65

Radar terminal area maneuvering sectors and altitudes: From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
														Precision approach			
000	360	20	2000											S-dn-17	200–½		
														Surveillance approach			
														T-dn	300–1		
														C-dn	400–1		
														S-dn-17	400–1		
														A-dn	800–2		

All bearings and distances are from radar antenna with sector azimuths progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn left, climb to 2000' return direct to HEY VOR.
NOTES: (1) Radar handoff procedures authorized between Cairns RAPCON and Hanchey GCA within 20 miles. (2) Procedure authorized for rotary wing aircraft only. (3) Authorized for military use only except by prior arrangement.

City, Fort Rucker; State, Ala.; Airport name, Hanchey AHP; Elev., 311'; Fac. Class. and Ident., Hanchey Radar; Procedure No. 1, Amdt. 1; Eff. date, 27 Nov. 65; Sup. Amdt. No. Orig.; Dated, 7 Dec. 63

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on October 21, 1965.

C. W. WALKER,
Acting Director, Flight Standards Service.

[F.R. Doc. 65–11648; Filed, Dec. 3, 1965; 8:45 a.m.]

[Reg. Docket No. 7039; Amdt. 95–135]

PART 95—IFR ALTITUDES

Miscellaneous Changes

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of the Federal Aviation Regulations is amended, effective January 6, 1966, as follows:

1. By amending Subpart C as follows:

Section 95.292 *Red Federal airway 92* is deleted:

Section 95.1001 *Direct routes—United States* is amended to delete:

From, to, and MEA

Bimini, British West Indies, VOR; *Dolphin INT, Fla., via control 1150; 2,000. *2,500—MRA.
Dolphin INT, Fla., via control 1,150; Halibut INT, Fla.; 2,500.
Panama City, Fla., VOR; Dead Lake INT, Fla. (PFN 100/PAM 050); *1,600. *1,300—MOCA.
Dead Lake INT, Fla.; Teresa INT, Fla.; *5,000. *1,500—MOCA.

Bahama Routes

56V:
Nassau, Bahama, VOR; *Thompson INT, Bahama; **2,000. *5,800—MRA. **1,200—MOCA.
Thompson INT, Bahama; High Rock INT, Bahama; *8,000. *1,000—MOCA.
High Rock INT, Bahama; *Abaco INT, Bahama; **10,000. *10,000—MRA. **1,000—MOCA.

Section 95.1001 *Direct routes—United States* is amended by adding:

From, to, and MEA

Baltimore, Md., VOR; Frederick, Md., VOR; 2,600.
Chico, Calif., VOR; Jewell INT, Calf., northeastbound; *3,000. Southwestbound; *2,500. *2,400—MOCA. MAA—12,000.
Chico, Calif., VOR; Red Bluff, Calif., VOR; *2,500. *2,400—MOCA. MAA—12,000.
Marysville, Calif., VOR; Chico, Calif., VOR; 2,500. MAA—12,000.
Marysville, Calif., VOR; Grimes INT, Calif.; *2,000. *1,300—MOCA. MAA—12,000.
Marysville, Calif., VOR; Yuba City INT, Calif., westbound; *3,000, eastbound; *2,500. *1,300—MOCA. MAA—12,000.
Red Bluff, Calif., VOR; Redding, Calif., VOR; *3,000. *2,800—MOCA. MAA—12,000.
Panama City, Fla., VOR; Wilma INT, Fla.; *1,600. *1,500—MOCA.
Wilma INT, Fla.; Teresa INT, Fla.; *5,000. *1,300—MOCA.
Bimini, Bahama, VOR; Halibut INT, Fla.; 2,500.
Caesar INT, Miss.; Gulfport, Miss., VOR; *1,700. *1,500—MOCA.
Caesar INT, Miss.; Poplarville INT, Miss.; *1,900. *1,400—MOCA.

Bahama Routes

56V:
Nassau, Bahama, VOR; *Major INT, Bahama; **4,500. *3,000—MRA. **1,200—MOCA.
Major INT, Bahama; *Abaco INT, Bahama; **8,500. *10,000—MRA. **1,100—MOCA.

63V:
Palm Beach, Fla., VOR; Halibut INT, Bahama; *2,500. *1,400—MOCA.

64V:
Fort Lauderdale, Fla., VOR; Pike INT, Fla.; *2,000. *1,400—MOCA.
Pike INT, Fla.; Freeport, Bahama, VOR; *4,500. *1,100—MOCA.

65V:
Nassau, Bahama, VOR; *Major INT, Bahama; **4,500. *3,000—MRA. **1,200—MOCA.
Major INT, Bahama; Freeport, Bahama, VOR; *2,000. *1,100—MOCA.
Freeport, Bahama, VOR; *Mullet INT, Bahama; **4,500. *6,500—MRA. **1,100—MOCA.

12 Lima:
Nassau, Bahama, RBN; Rock Sound, Bahama, RBN; *#2,000. *1,400—MOCA. #3,800 required without HF airborne communication equipment.

Section 95.1001 *Direct route—United States* is amended to read in part:

Miami, Fla., LF/RBN; Palm Beach, Fla., LF/RBN; 2,000.
Miami, Fla., LF/RBN; Fort Lauderdale, Fla., LF/RBN; 2,000.
Oceanside, Calif., VOR; United States-Mexican border; *6,000. *5,900—MOCA.
Fort Myers, Fla., LF/RBN; Palm Beach, Fla., LF/RBN; 2,000.
Palm Beach, Fla., LF/RBN; Fort Lauderdale, Fla., LF/RBN; 2,000.
Palm Beach, Fla., LF/RBN; *Kingfish INT, Fla.; 2,000. *2,500—MRA.
Palm Beach, Fla., VOR; Bonita INT, Fla.; 2,000.
Palm Beach, Fla., VOR; Pike INT, Fla.; 2,000.
Palm Beach, Fla., VOR; Mackerel INT, Fla.; *2,000. *1,400—MOCA.
Palm Beach, Fla., VOR; St. Petersburg, Fla., VOR; 18,000. MAA—45,000.
Palm Beach, Fla., VOR; *Sturgeon INT, Fla. (via control 1,150); 14,000. *13,000—MRA.

From, to, and MEA

Bahama Routes

58V:
Nassau, Bahama, VOR; *Morely INT, Bahama; **2,000. *8,000—MRA. **1,200—MOCA.

4 Lima:
Palm Beach, Fla., RBN; Bimini, Bahama, RBN; 2,000.

7 Lima:
Grand Bahama, AAFB, Bahama, RBN; Halibut INT, Bahama; *2,000. *1,400—MOCA.
Halibut INT, Bahama; Palm Beach, Fla., RBN; *2,000. *1,400—MOCA.

10 Lima:
Miami, Fla., RBN; Grand Bahama, AAFB, Bahama, RBN; *2,000. *1,400—MOCA.

Section 95.6001 *VOR Federal airway 1* is amended to delete:

Int, 170° M rad, Kennedy VOR and 053° M rad, Barnegat VOR; Kennedy, N.Y., VOR; *2,000. *1,500—MOCA.

Section 95.6001 *VOR Federal airway 1* is amended to read in part:

Jacksonville, Fla., VOR; *Clinch INT, Fla.; **1,500. *3,000—MRA. **1,200—MOCA.
Clinch INT, Fla.; *Starfish INT, Fla.; **2,000. *3,000—MRA. **1,000—MOCA.
Starfish INT, Fla.; Tybee INT, Ga.; *5,000. *1,000—MOCA.
Tybee INT, Ga.; Royal INT, S.C.; *6,000. *1,000—MOCA.
Royal INT, S.C.; *Bay Point INT, S.C.; **2,000. *3,000—MRA. **1,200—MOCA.
Bay Point INT, S.C.; *Rockville INT, S.C.; **2,000. *3,000—MRA. **1,200—MOCA.
Rockville INT, S.C.; Charleston, S.C., VOR; *2,000. *1,400—MOCA.

Section 95.6003 *VOR Federal airway 3* is amended to read in part:

*Sombrero INT, Fla.; Eagle INT, Fla.; **6,000. *6,000—MRA. **1,100—MOCA.
Brunswick, Ga., VOR; *Fairhope INT, Ga.; **1,500. *3,000—MRA. **1,400—MOCA.
Bethany INT, Conn.; Hartford, Conn., VOR; *2,700. *2,100—MOCA.

Section 95.6004 *VOR Federal airway 4* is amended to read in part:

Louisville, Ky., VOR; Lexington, Ky., VOR; 2,500.

Section 95.6005 *VOR Federal airway 5* is amended to read in part:

Austin INT, Ky., via E alter.; New Hope, Ky., VOR via E alter.; 3,000.
Louisville, Ky., VOR; Cincinnati, Ohio, VOR; 2,400.

Section 95.6009 *VOR Federal airway 9* is amended to read in part:

Pontiac, Ill., VOR; Joliet, Ill., VOR; *2,500. *2,100—MOCA.

Section 95.6010 *VOR Federal airway 10* is amended to read in part:

Kirksville, Mo., VOR; Luray INT, Mo.; *2,700. *2,400—MOCA.

Section 95.6013 *VOR Federal airway 13* is amended to read in part:

New Waverly INT, Tex., via W alter.; Lufkin, Tex., VOR via W alter.; *3,300. *1,700—MOCA.
Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6015 *VOR Federal airway 15* is amended to read in part:

From, to, and MEA

Houston, Tex., VOR via W alter.; Sealy INT, Tex., via W alter.; *2,000. *1,800—MOCA.
Sioux City, Iowa, VOR; Canton INT, S. Dak.; *3,300. *3,000—MOCA.
Canton INT, S. Dak.; Sioux Falls, S. Dak., VOR; 2,900.

Section 95.6016 *VOR Federal airway 16* is amended to read in part:

Blythe, Calif., VOR; Buckeye, Ariz., VOR; *6,000. *5,600—MOCA.
Phoenix, Ariz., VOR; *Toltec INT, Ariz.; 5,000. *5,500—MOCA Toltec INT, eastbound.
Hope INT, Ark.; Grapevine INT, Ark.; *3,000. *1,800—MOCA.
Sulphur Springs, Tex., VOR via S alter.; Texarkana, Ark., VOR via S alter.; *2,100. *1,900—MOCA.
Coyle, N.J., VOR; Riverhead, N.Y., VOR; 3,000.
Foster INT, R.I.; Woonsocket INT, R.I.; *2,400. *1,900—MOCA.
Woonsocket INT, R.I.; Millis INT, Mass.; *2,300. *1,700—MOCA.
Millis INT, Mass.; Walpole INT, Mass.; *2,300. *1,600—MOCA.
Walpole INT, Mass.; Boston, Mass., VOR; *2,3000. *1,800—MOCA.

Section 95.6017 *VOR Federal airway 17* is amended to read in part:

McAllen, Tex., VOR; McCook INT, Tex.; 1,500. MAA—9,000.
McCook INT, Tex.; *Jennings INT, Tex.; **2,500. MAA—9,000. *4,500—MRA. **1,800—MOCA.
Jennings INT, Tex.; Laredo, Tex., VOR; *2,500. *1,900—MOCA. MAA—9,000.

Section 95.6020 *VOR Federal airway 20* is amended to delete:

South Boston, Va., VOR via N alter.; Flat Rock, Va., VOR via N alter.; 2,500.

Section 95.6023 *VOR Federal airway 23* is amended to read in part:

*Arvin INT, Calif., via E alter.; Bakersfield, Calif., VOR via E alter.; **4,000. *7,300—MCA Arvin INT, southbound. **3,000—MOCA.

Section 95.6030 *VOR Federal airway 30* is amended to delete:

Colts Neck, N.J., VOR; Int, 100° M rad, Colts Neck VOR and 207° M rad, Kennedy VOR; 2,000.
Int, 100° M rad, Colts Neck VOR and 207° M rad, Kennedy VOR; Kennedy, N.Y., VOR; 1,700.
Kennedy, N.Y., VOR; Beach INT, N.Y.; *6,000. *1,500—MOCA.
Beach INT, N.Y.; Hampton, N.Y., VOR; *5,000. *1,500—MOCA.
Hampton, N.Y., VOR; Montauk INT, N.Y.; 1,900.
Montauk INT, N.Y.; Norwich, Conn., VOR; *2,300. *1,700—MOCA.

Section 95.6039 *VOR Federal airway 39* is amended to read in part:

Myrtle Beach, N.C., VOR; *Longwood INT, S.C.; **1,800. *2,500—MRA. **1,300—MOCA.
Longwood INT, S.C.; *Dock INT, S.C.; **1,800. *3,000—MRA. **1,300—MOCA.

Section 95.6044 *VOR Federal airway 44* is amended to read in part:

Dry Ridge INT, Ky.; Falmouth, Ky., VOR; 2,500.

Section 95.6044 *VOR Federal airway 44* is amended to delete:

Dry Ridge INT, Ky.; Falmouth, Ky., VOR; 2,500.

Section 95.6045 *VOR Federal airway 45* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6047 *VOR Federal airway 47* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6048 *VOR Federal airway 48* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6049 *VOR Federal airway 49* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6050 *VOR Federal airway 50* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6051 *VOR Federal airway 51* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6052 *VOR Federal airway 52* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6053 *VOR Federal airway 53* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6054 *VOR Federal airway 54* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6055 *VOR Federal airway 55* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6056 *VOR Federal airway 56* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6057 *VOR Federal airway 57* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6058 *VOR Federal airway 58* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6059 *VOR Federal airway 59* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6060 *VOR Federal airway 60* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6061 *VOR Federal airway 61* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6062 *VOR Federal airway 62* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6063 *VOR Federal airway 63* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6064 *VOR Federal airway 64* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6065 *VOR Federal airway 65* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6066 *VOR Federal airway 66* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6067 *VOR Federal airway 67* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6068 *VOR Federal airway 68* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6069 *VOR Federal airway 69* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6070 *VOR Federal airway 70* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6071 *VOR Federal airway 71* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6072 *VOR Federal airway 72* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6073 *VOR Federal airway 73* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6074 *VOR Federal airway 74* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6075 *VOR Federal airway 75* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6076 *VOR Federal airway 76* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6077 *VOR Federal airway 77* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6078 *VOR Federal airway 78* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6079 *VOR Federal airway 79* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6080 *VOR Federal airway 80* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6081 *VOR Federal airway 81* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6082 *VOR Federal airway 82* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6083 *VOR Federal airway 83* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6084 *VOR Federal airway 84* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6085 *VOR Federal airway 85* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6086 *VOR Federal airway 86* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6087 *VOR Federal airway 87* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6088 *VOR Federal airway 88* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6089 *VOR Federal airway 89* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6090 *VOR Federal airway 90* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6091 *VOR Federal airway 91* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6092 *VOR Federal airway 92* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6093 *VOR Federal airway 93* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6094 *VOR Federal airway 94* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6095 *VOR Federal airway 95* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6096 *VOR Federal airway 96* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6097 *VOR Federal airway 97* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6098 *VOR Federal airway 98* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6099 *VOR Federal airway 99* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6100 *VOR Federal airway 100* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6101 *VOR Federal airway 101* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6102 *VOR Federal airway 102* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6103 *VOR Federal airway 103* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6104 *VOR Federal airway 104* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6105 *VOR Federal airway 105* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6106 *VOR Federal airway 106* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6107 *VOR Federal airway 107* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6108 *VOR Federal airway 108* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6109 *VOR Federal airway 109* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6110 *VOR Federal airway 110* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6111 *VOR Federal airway 111* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6112 *VOR Federal airway 112* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6113 *VOR Federal airway 113* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6114 *VOR Federal airway 114* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6115 *VOR Federal airway 115* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6116 *VOR Federal airway 116* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6117 *VOR Federal airway 117* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6118 *VOR Federal airway 118* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6119 *VOR Federal airway 119* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6120 *VOR Federal airway 120* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6121 *VOR Federal airway 121* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6122 *VOR Federal airway 122* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6123 *VOR Federal airway 123* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *3,000. *2,000—MOCA.
Nashville INT, Mo.; Nevada INT, Mo.; *2,700. *2,000—MOCA.

Section 95.6124 *VOR Federal airway 124* is amended to read in part:

Lufkin, Tex., VOR; Carthage INT, Tex.; *

From, to, and MEA

Falmouth, Ky., VOR; York, Ky., VOR; 3,000.
York, Ky., VOR; Parkersburg, W. Va., VOR; 2,600.
Barnegat, N.J., VOR; Int, 053° M rad, Barnegat VOR and 088° M rad, Coyle VOR; *3,000. *1,600—MOCA.
Int, 053° M rad, Barnegat VOR and 088° M rad, Coyle VOR; Riverhead, N.Y., VOR; 3,000.

Section 95.6045 *VOR Federal airway 45* is amended by adding:

Saginaw, Mich., VOR; Alpena, Mich., VOR; *2,800. *2,200—MOCA.
Saginaw, Mich., VOR via W alter.; Alpena, Mich., VOR via W alter.; *2,800. *2,100—MOCA.
Alpena, Mich., VOR; Pellston, Mich., VOR; *2,600. *2,100—MOCA.

Section 95.6045 *VOR Federal airway 45* is amended to read in part:

Jackson, Mich., VOR; Lansing, Mich., VOR; *3,000. *2,900—MOCA.
Lansing, Mich., VOR; Saginaw, Mich., VOR; *2,600. *2,300—MOCA.

Section 95.6046 *VOR Federal airway 46* is amended to delete:

Kennedy, N.Y., VOR; Deer Park, N.Y., VOR; 2,000.

Section 95.6047 *VOR Federal airway 47* is amended to read in part:

Moorefield INT, Ind.; Cincinnati, Ohio, VOR; 2,400.

Section 95.6050 *VOR Federal airway 50* is amended to read in part:

Kirksville, Mo., VOR; Quincy, Ill., VOR; *2,700. *2,400—MOCA.

Section 95.6053 *VOR Federal airway 53* is amended to read in part:

Lexington, Ky., VOR; Louisville, Ky., VOR; 2,500.

Section 95.6054 *VOR Federal airway 54* is amended to read in part:

Texarkana, Ark., VOR via N alter.; *Pike INT, Ark., via N alter.; **3,500. *4,000—MRA. **2,000—MOCA.
Pike INT, Ark., via N alter.; Marcus INT, Ark., via N alter.; *3,500. *2,000—MOCA.
Marcus INT, Ark., via N alter.; Hot Springs, Ark., VOR via N alter.; *2,500. *2,400—MOCA.
Memphis, Tenn., VOR; Slayden INT, Miss.; *1,900. *1,600—MOCA.
Slayden INT, Miss.; Muscle Shoals, Ala., VOR; *3,000. *2,000—MOCA.
Quitman, Tex., VOR; Texarkana, Ark., VOR; *2,100. *1,900—MOCA.

Section 95.6056 *VOR Federal airway 56* is amended to read in part:

Macon, Ga., VOR; Gordon INT, Ga.; 2,200.
Gordon INT, Ga.; *Anna INT, Ga.; **2,000. *2,600—MRA. **1,800—MOCA.
Anna INT, Ga.; Augusta, Ga., VOR; *2,000. *1,800—MOCA.

Section 95.6062 *VOR Federal airway 62* is amended to read in part:

Cisco INT, Tex.; *Mill INT, Tex.; **5,500. *3,500—MRA. **3,900—MOCA.

Section 95.6066 *VOR Federal airway 66* is amended to read in part:

Imperial, Calif., VOR; Yuma, Ariz., VOR; 3,000.

Section 95.6069 *VOR Federal airway 69* is amended to read in part:

From, to, and MEA

Pontiac, Ill., VOR; Joliet, Ill., VOR; *2,500. *2,100—MOCA.

Section 95.6071 *VOR Federal airway 71* is amended to read in part:

El Dorado, Ark., VOR; Sparkman INT, Ark.; *2,500. *1,600—MOCA.
Sparkman INT, Ark.; Caney INT, Ark.; *3,500. *1,400—MOCA.
Caney INT, Ark.; Hot Springs, Ark., VOR; 2,400.
*Woodville INT, La.; Natchez, Miss., VOR; **2,000. *3,000—MRA. **1,800—MOCA.

Section 95.6074 *VOR Federal airway 74* is amended to read in part:

Barber INT, Ark., via S alter.; Paron INT, Ark., via S alter.; *4,500. *3,600—MOCA.
Paron INT, Ark., via S alter.; Little Rock, Ark., VOR via S alter.; 2,500.

Section 95.6076 *VOR Federal airway 76* is amended to read in part:

Eagle Lake Tex., VOR via S alter.; Houston, Tex., VOR via S alter.; 2,100.
Austin, Tex., VOR; Industry, Tex., VOR; *2,200. *2,100—MOCA.
Sealy INT, Tex.; Houston, Tex., VOR; *2,000. *1,800—MOCA.
Llano, Tex., VOR; Lake Travis INT, Tex.; *3,000. *2,600—MOCA.

Section 95.6094 *VOR Federal airway 94* is amended to read in part:

Casa Grande, Ariz., VOR; *Toltec INT, Ariz.; **5,000. *5,500—MCA Toltec INT, eastbound. **4,300—MOCA.
Dyess, Tex., VOR; *Mill INT, Tex.; **5,500. *3,500—MRA. **3,900—MOCA.

Section 95.6095 *VOR Federal airway 95* is amended to read in part:

Phoenix, Ariz., VOR via W alter.; *Knob INT, Ariz., via W alter., northbound; 8,000. Southbound; 6,000. *8,000—MRA.
Phoenix, Ariz., VOR; *Tonto INT, Ariz., **10,000. *12,000—MRA. **9,900—MOCA.

Section 95.6100 *VOR Federal airway 100* is amended to read in part:

Sioux City, Iowa, VOR; Fort Dodge, Iowa, VOR; *3,200. *2,800—MOCA.

Section 95.6105 *VOR Federal airway 105* is amended to read in part:

*Phoenix, Ariz., VOR; **Cactus, INT, Ariz., northbound; 8,000. Southbound; 5,000. *5,200—MCA Phoenix VOR, northwestbound. **8,000—MRA.
Cactus INT, Ariz.; *Cavecreek INT, Ariz., northbound; 8,000. Southbound; 5,000. *8,000—MRA.
Phoenix, Ariz., VOR via E alter; *Knob INT, Ariz., via E alter., northbound; 8,000. Southbound; 6,000. *8,000—MRA.

Section 95.6114 *VOR Federal airway 114* is amended to read in part:

Logansport INT, La.; Converse INT, La.; *3,500. *1,700—MOCA.
Kingston INT, La., via N alter.; Converse INT, La., via N alter.; *3,500. *1,600—MOCA.

Section 95.6115 *VOR Federal airway 115* is amended to read in part:

Parkersburg, W. Va., VOR; Allegheny, Pa., VOR; 3,200.

Section 95.6119 *VOR Federal airway 119* is amended to read in part:

From, to, and MEA

Henderson, W. Va., VOR; *Reedsville INT, W. Va.; 2,700. *3,000—MRA.
Reedsville INT, W. Va.; Parkersburg, W. Va., VOR; 2,700.

Section 95.6128 *VOR Federal airway 128* is amended to read in part:

California INT, Ky.; Tyler INT, Ohio; 2,500.
Foster INT, Ky., via S alter.; York, Ky., VOR via S alter.; 3,000.
Cincinnati, Ohio, VOR via N alter.; Lindale INT, Ohio, via N alter.; 2,500.
Lindale INT, Ohio, via N alter.; York, Ky., VOR via N alter.; 3,000.

Section 95.6141 *VOR Federal airway 141* is amended to read in part:

Craigville INT, Mass.; Hyannis, Mass., VOR; *1,900. *1,300—MOCA.
Hyannis, Mass., VOR; Brant Rock INT, Mass.; *3,000. *1,400—MOCA.
Brant Rock INT, Mass.; Cohasset INT, Mass.; *2,000. *1,400—MOCA.
*West Bangor INT, N.Y.; Massena, N.Y., VOR; 3,400. *4,500—MRA. *3,700—MCA West Bangor INT, eastbound.
Ipswich INT, Mass.; Manchester, N.H., VOR; *2,300. *1,700—MOCA.

Section 95.6143 *VOR Federal airway 143* is amended to delete:

Montebello, Va., VOR; Luray INT, Va.; 5,600.
Luray INT, Va.; Cassanova, Va., VOR; 6,000.
Cassanova, Va., VOR; Manassas INT, Va.; 2,400.
Manassas INT, Va.; Nottingham, Md., VOR; 1,900.

Section 95.6156 *VOR Federal airway 156* is amended to read in part:

Elkins, W. Va., VOR via N alter.; Kessel, W. Va., VOR via N alter.; 6,000.
Kessel, W. Va., VOR via N alter.; Luray INT, Va., via N. alter.; 6,000.
Luray INT, Va., via N alter.; Rochelle INT, Va., via N alter.; 5,500.
Rochelle INT, Va., via N alter.; Gordonsville, Va., VOR via N alter., northwestbound; 6,000. Southeastbound; 4,000.

Section 95.6157 *VOR Federal airway 157* is amended to read in part:

Rocky Mount, N.C., VOR; Lawrenceville, Va., VOR; *2,000. *1,700—MOCA.

Section 95.6157 *VOR Federal airway 157* is amended to delete:

Richmond, Va., VOR via W alter.; Brooke, Va., VOR via W alter.; 2,000.
Brooke, Va., VOR via W alter.; Ironsides INT, Md., via W alter.; 2,000.
Ironsides INT, Md., via W alter.; Doncaster INT, Va., via W alter.; 2,000.
Doncaster INT, Va., via W alter.; Washington, D.C., VOR via W alter.; *1,800. *1,400—MOCA.
Colts Neck, N.J., VOR; Int, 100° M rad, Colts Neck VOR and 207° M rad, Kennedy VOR; 2,000.
Int, 100° M rad, Colts Neck VOR and 207° M rad, Kennedy VOR; Kennedy, N.Y., VOR; 1,700.

Section 95.6159 *VOR Federal airway 159* is amended to read in part:

Hopkins INT, Fla., via E alter.; Orlando, Fla., VOR via E alter.; *2,000. *1,500—MOCA.

Section 95.6167 *VOR Federal airway 167* is amended to read in part:

Coyle, N.J., VOR; Kennedy, N.Y., VOR; 1,900.

Section 95.6180 *VOR Federal airway 180* is amended to read in part:

From, to, and MEA

San Antonio, Tex., VOR; Clear Springs, INT, Tex.; *2,700. *2,200—MOCA.
Clear Springs INT, Tex.; Weimar INT, Tex.; *2,500. *1,800-MOCA.

Section 95.6198 *VOR Federal airway 198* is amended to read in part:

San Antonio, Tex., VOR; Clear Springs INT, Tex.; *2,700. *2,200—MOCA.
Clear Springs INT, Tex.; Weimar INT, Tex.; *2,500. *1,800—MOCA.
Eagle Lake, Tex., VOR; Houston, Tex., VOR; 2,100.

Section 95.6212 *VOR Federal airway 212* is amended to read in part:

San Antonio, Tex., VOR; Clear Springs INT, Tex.; *2,700. *2,200—MOCA.
Clear Springs INT, Tex.; Weimar INT, Tex.; *2,500. *1,800—MOCA.

Section 95.6222 *VOR Federal airway 222* is amended to delete:

Gordonsville, Va., VOR; Grubbs INT, Va.; *2,000. *1,500—MOCA.

Section 95.6222 *VOR Federal airway 222* is amended to read in part:

San Antonio, Tex., VOR; Redwood INT, Tex.; 2,600.
Sealy INT, Tex.; Houston, Tex., VOR; *2,000. *1,800—MOCA.

Section 95.6226 *VOR Federal airway 226* is amended to delete:

Stillwater, N.J., VOR; Int, 061° M rad, Solberg VOR and 155° M rad, Sparta VOR; 3,000.
Int, 061° M rad, Solberg VOR and 155° M rad, Sparta VOR; Kennedy N.Y., VOR; 2,500.

Section 95.6226 *VOR Federal airway 226* is amended by adding:

Stillwater, N.J., VOR; Budd Lake INT, N.J.; 3,000.

Section 95.6232 *VOR Federal airway 232* is amended to delete:

Tannersville, Pa., VOR; Kennedy, N.Y., VOR; 2,600.

Section 95.6232 *VOR Federal airway 232* is amended to read in part:

Mentor INT, Ohio; Chardon, Ohio, VOR; 3,000.

Section 95.6232 *VOR Federal airway 232* is amended by adding:

Tannersville, Pa.; Int, 124° M rad, Tannersville VOR and 061° M rad, Solberg VOR; 2,600.

Section 95.6234 *VOR Federal airway 234* is amended to read in part:

*Conchas Dam INT, N. Mex.; Dalhart, Tex., VOR; **11,000. *9,900—MCA Conchas Dam INT, northeastbound. **7,000—MOCA.

Section 95.6249 *VOR Federal airway 249* is amended to delete:

Colts Neck, N.J.; Boonton INT, N.J.; 2,000.
Boonton INT, N.J.; Sparta, N.J., VOR; 3,000.

Section 95.6257 *VOR Federal airway 257* is amended to read in part:

*Phoenix, Ariz., VOR; **Cactus INT, Ariz., northbound; 8,000. Southbound; 5,000. *5,200—MCA Phoenix VOR, northwestbound. **8,000—MRA.
Cactus INT, Ariz.; *Cavecreek INT, Ariz., northbound; 8,000. Southbound; 5,000. *8,000—MRA.

Section 95.6258 *VOR Federal airway 258* is amended to read in part:

From, to, and MEA

Beckley, W. Va., VOR; Roanoke, Va., VOR; 6,000.
Pigg INT, Va.; Kentuck INT, Va.; 4,000.
Kentuck INT, Va.; Danville, Va., VOR; 3,000.

Section 95.6260 *VOR Federal airway 260* is amended to read in part:

Roanoke, Va., VOR; Goose INT, Va.; 5,000.
Goose INT, Va.; Lynchburg, Va., VOR; westbound; 5,000. Eastbound; 3,000.

Section 95.6276 *VOR Federal airway 276* is amended to read in part:

Robbinsville, N.J., VOR; Dutch INT, N.J.; 4,000.

Section 95.6292 *VOR Federal airway 292* is amended to read in part:

Bethany INT, Conn.; Hartford, Conn., VOR; *2,700. *2,100—MOCA.
Hartford, Conn., VOR; Framingham INT, Mass.; *2,600. *2,000—MOCA.

Section 95.6305 *VOR Federal airway 305* is amended to read:

El Dorado, Ark., VOR; Sheridan INT, Ark.; *2,500. *1,600—MOCA.
Sheridan INT, Ark.; Little Rock, Ark., VOR; 3,300.

Section 95.6307 *VOR Federal airway 307* is amended to read:

United States-Canadian border; Annette Island, Alaska, VOR; 4,200.
Annette Island, Alaska, VOR; Tokeen INT, Alaska; 6,000.
Tokeen INT, Alaska; Port Walter INT, Alaska; *9,000. *5,500—MOCA.
Port Walter INT, Alaska; Biorka Island, Alaska, VOR; *6,000. *5,500—MOCA.
Biorka Island, Alaska, VOR; Sisters Island, Alaska, VOR; 6,500.

Section 95.6308 *VOR Federal airway 308* is amended to read in part:

Morrefield INT, W. Va.; Casanova, Va., VOR; 6,700.
Casanova, Va., VOR; Manassas INT, Va.; 2,400.
Manassas INT, Va.; Nottingham, Md., VOR; 1,900.

Section 95.6309 *VOR Federal airway 309* is added to read:

Charleston, W. Va., VOR; Int, 070° M rad, Parkersburg VOR and 220° M rad, Allegheny, VOR; 5,000.
Int, 070° M rad, Parkersburg VOR and 220° M rad, Allegheny VOR; Allegheny, Pa., VOR; 3,200.

Section 95.6312 *VOR Federal airway 312* is added to read:

Coyle, N.J., VOR; Int, 053° M rad, Barnegat VOR and 088° M rad, Coyle VOR; 3,000.
Int, 053° M rad, Barnegat VOR and 088° M rad, Coyle VOR; Dutch INT, N.J.; 6,000.

Section 95.6317 *VOR Federal airway 317* is added to read:

United States Canadian border; Annette Island, Alaska, VOR; 5,000.
Annette Island, Alaska, VOR; Level Island, Alaska, VOR; *7,000. *5,800—MOCA.
Level Island, Alaska, VOR; Sisters Island, Alaska, VOR; *9,000. *6,600—MOCA.
Sisters Island, Alaska, VOR; *Cape Spencer, Alaska, LF/RBN; **6,000. *14,200—MCA Cape Spencer LF/RBN, westbound. **5,500—MOCA.
Cape Spencer, Alaska, LF/RBN; *Harbor Point INT, Alaska; **15,000. *16,000—MRA. **5,300—MOCA.

Section 95.6424 *VOR Federal airway 424* is amended to read in part:

From, to, and MEA

Marshall, Mo., VOR; Macon, Mo., VOR; *2,600. *2,100—MOCA.

Section 95.6437 *VOR Federal airway 437* is amended to delete:

Charleston, S.C., VOR; Florence, S.C., VOR; *2,400. *1,500—MOCA.
Charleston, S.C., VOR via W alter.; *Gillyard INT, S.C., via W alter.; 1,300. *1,500—MRA.
Gillyard INT, S.C., via W alter.; Lane INT, S.C., via W alter.; 1,300.
Lane INT., S.C., via W alter.; Florence, S.C., VOR via W alter.; *2,000. *1,500—MOCA.

Section 95.6437 *VOR Federal airway 437* is amended by adding:

Charleston, S.C., VOR via E alter.; Florence, S.C., VOR via E alter.; *2,400. *1,500—MOCA.
Charleston, S.C., VOR; *Gillyard INT, S.C.; 1,300. *1,500—MRA.
Gillyard INT, S.C.; Wessels INT, S.C.; 1,300.
Wessels INT, S.C.; Florence, S.C., VOR; *2,000. *1,500—MOCA.

Section 95.6439 *VOR Federal airway 439* is amended to delete:

Annette Island, Alaska, VOR; Indian Point INT, Alaska; *16,00. *5,700—MOCA.

Section 95.6440 *VOR Federal airway 440* is amended by adding:

United States-Canadian border; Biorka Island, Alaska, VOR; *15,000. *4,000—MOCA.

Section 95.6455 *VOR Federal airway 455* is amended to read in part:

Hattiesburg, Miss., VOR via W alter.; Louin INT, Miss., via W alter.; *2,000. *1,800—MOCA.

Section 95.6457 *VOR Federal airway 457* is amended by adding:

Hampton, N.Y., VOR; Montauk INT, N.Y.; 1,900.
Montauk INT, N.Y.; Norwich, Conn., VOR; *2,300. *1,700—MOCA.

Section 95.6457 *VOR Federal airway 457* is amended to read in part:

Millis INT, Mass.; Walpole INT, Mass.; *2,300. *1,600—MOCA.
Walpole INT, Mass.; Boston, Mass., VOR; *2,300. *1,800—MOCA.

Section 95.6477 *VOR Federal airway 477* is amended to read in part:

New Waverly INT, Tex., via E alter.; Leona, Tex., VOR via E alter.; *2,500. *1,800—MOCA.

Section 95.6478 *VOR Federal airway 478* is amended to read in part:

Falmouth, Ky., VOR; Newcombe, Ky., VOR; 3,000.

Section 95.6488 *VOR Federal airway 488* is amended to read in part:

Tanana, Alaska, VOR; Minto INT, Alaska; *7,000. *4,700—MOCA.
Minto INT, Alaska; Fairbanks, Alaska, VOR; *4,000. *3,500—MOCA.

Section 95.6490 *VOR Federal airway 490* is amended to read in part:

Manchester, N.H., VOR; Ipswich INT, Mass.; *2,300. *1,700—MOCA.

Section 95.6495 *VOR Federal airway 495* is deleted.

From, to, and MEA

Section 95.6512 *VOR Federal airway 512* is deleted.
Section 95.6802 *VOR Federal airway 802* is deleted.
Section 95.6804 *VOR Federal airway 804* is deleted.
Section 95.6805 *VOR Federal airway 805* is deleted.
Section 95.6806 *VOR Federal airway 806* is deleted.
Section 95.6807 *VOR Federal airway 807* is deleted.
Section 95.6810 *VOR Federal airway 810* is deleted.
Section 95.6819 *VOR Federal airway 819* is deleted.
Section 95.6830 *VOR Federal airway 830* is deleted.
Section 95.6837 *VOR Federal airway 837* is deleted.
Section 95.6839 *VOR Federal airway 839* is deleted.
Section 95.6843 *VOR Federal airway 843* is deleted.
Section 95.6845 *VOR Federal airway 845* is deleted.
Section 95.6846 *VOR Federal airway 846* is deleted.
Section 95.6853 *VOR Federal airway 853* is deleted.
Section 95.6854 *VOR Federal airway 854* is deleted.
Section 95.60855 *VOR Federal airway 855* is deleted.
Section 95.6859 *VOR Federal airway 859* is deleted.
Section 95.6861 *VOR Federal airway 861* is deleted.
Section 95.6863 *VOR Federal airway 863* is deleted.
Section 95.6875 *VOR Federal airway 875* is deleted.
Section 95.6879 *VOR Federal airway 879* is deleted.
Section 95.6880 *VOR Federal airway 880* is deleted.
Section 95.6881 *VOR Federal airway 881* is deleted.
Section 95.6887 *VOR Federal airway 887* is deleted.
Section 95.6888 *VOR Federal airway 888* is deleted.

From, to, MEA, and MAA

Section 95.7002 *Jet Route No. 2* is amended to read in part:

Fort Stockton, Tex., VORTAC; *Sonora INT, Tex.; 20,000; 45,000. *24,000—MRA.
Sonora INT, Tex.; San Antonio, Tex., VORTAC; 22,000; 45,000.

Section 95.7007 *Jet Route No. 7* is amended to read in part:

Great Falls, Mont., VORTAC; United States-Canadian border; 18,000; 45,000.

Section 95.7015 *Jet Route No. 15* is amended to read in part:

Austin, Tex., VORTAC; *Sonora INT, Tex.; 22,000; 45,000. *24,000—MRA.
Sonora INT, Tex.; Wink, Tex., VORTAC; 24,000; 45,000.

Section 95.7053 *Jet Route No. 53* is amended to read in part:

Miami, Fla., VORTAC; Palm Beach, Fla., VORTAC; 18,000; 45,000.
Palm Beach, Fla., VORTAC; Vero Beach, Fla., VORTAC; 18,000; 45,000.
Vero Beach, Fla., VORTAC; Daytona Beach, Fla., VORTAC; 18,000; 45,000.

From, to, MEA, and MAA

Daytona Beach, Fla., VORTAC; Jacksonville, Fla., VORTAC; 18,000; 45,000.

Section 95.7076 *Jet Route No. 76* is amended to read in part:

Tuba City, Ariz., VORTAC; Las Vegas, N. Mex., VORTAC; 27,000; 45,000.

Section 95.7077 *Jet Route No. 77* is amended to read in part:

Miami, Fla., VORTAC; Palm Beach, Fla., VORTAC; 18,000; 45,000.

Section 95.7077 *Jet Route No. 77* is amended by adding:

Jacksonville, Fla., VORTAC; Charleston, S.C., VORTAC; 18,000; 45,000.
Charleston, S.C., VORTAC; Wilmington, N.C., VORTAC; 18,000; 45,000.

Section 95.7079 *Jet Route No. 79* is amended to read in part:

Miami, Fla., VORTAC; Palm Beach, Fla., VORTAC; 18,000; 45,000.

Section 95.7079 *Jet Route No. 79* is amended by adding:

Palm Beach, Fla., VORTAC; Vero Beach, Fla., VORTAC; 18,000; 45,000.
Vero Beach, Fla., VORTAC; Daytona Beach, Fla., VORTAC; 18,000; 45,000.
Daytona Beach, Fla., VORTAC; Charleston, S.C., VORTAC; 18,000; 45,000.
Charleston, S.C., VORTAC; Wilmington, N.C., VORTAC; 18,000; 45,000.

Section 95.7079 *Jet Route No. 79* is amended to delete:

Continental boundary; Wilmington, N.C., VORTAC; 18,000; 45,000.

Section 95.7103 *Jet Route No. 103* is amended by adding:

Orlando, Fla., VORTAC; Daytona Beach, Fla., VORTAC; 18,000; 45,000.
Daytona Beach, Fla., VORTAC; Savannah, Ga., VORTAC; 18,000; 45,000.

2. By amending Subpart D as follows: Section 95.8003 *VOR Federal airway changeover points:*

Airway segment: From; to—Changeover point: Distance; from

V–1 is amended by adding:
Jacksonville, Fla., VOR; Charleston, S.C., VOR; 79; Jacksonville.

V–96 is amended to delete:
Kokomo, Ind., VOR; Fort Wayne, Ind., VOR; 27; Fort Wayne.

V–208 is amended by adding:
Santa Catalina, Calif., VOR; Oceanside, Calif., VOR; 20; Santa Catalina.

V–252 is amended by adding:
Geneseo, N.Y., VOR; Binghamton, N.Y., VOR; 34; Geneseo.

V–307 is amended by adding:
Sandspit, British Columbia, VOR; Annette Island, Alaska, VOR; 45; Sandspit.
Annette Island, Alaska, VOR; Biorka Island, Alaska, VOR; 103; Annette Island.
Biorka Island, Alaska, VOR; Sisters Island, Alaska, VOR; 48; Biorka Island.

V–317 is amended by adding:
Annette Island, Alaska, VOR; Level Island, Alaska, VOR; 64; Annette Island.
Level Island, Alaska, VOR; Sisters Island, Alaska, VOR; 66; Level Island.

V–440 is amended by adding:
Sandspit, British Columbia, VOR; Biorka Island, Alaska, VOR; 113; Sandspit.

V–495 is amended to delete:
Biorka Island, Alaska, VOR; Sisters Island, Alaska, VOR; 48; Biorka Island.

Airway segment: From; to—Changeover point: Distance; from

V–830 is amended to delete:
Memphis, Tenn., VOR; Jacks Creek, Tenn., VOR; 46; Memphis.

V–839 is amended to delete:
Fort Mill, S.C., VOR; Pulaski, Va., VOR; 86; Fort Mill.

V–843 is amended to delete:
Scotland, Ind., VOR; Bowling Green, Ky., VOR; 63; Scotland.

V–887 is amended to delete:
Jacks Creek, Tenn., VOR; Memphis, Tenn., VOR; 42; Jacks Creek.

J–15 is amended to delete:
San Antonio, Tex., VORTAC; Wink, Tex., VOR; 160; San Antonio.

(Secs. 307 and 1110 of the Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510)

Issued in Washington, D.C., on November 23, 1965.

C. W. WALKER,
Director,
Flight Standards Service.

[F.R. Doc. 65–12859; Filed, Dec. 3, 1965; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER H—DETERMINATION OF WAGE RATES

[Sugar Determination 863.17; Interpretation]

PART 863—SUGARCANE; FLORIDA

Fair and Reasonable Wage Rates

Pursuant to the provisions of section 301(c)(1) of the Sugar Act of 1948, as amended (herein referred to as "act"), the following interpretation is made to clarify the regulations contained in the determination of fair and reasonable wage rates for sugarcane fieldworkers in Florida as set forth in § 863.17 of Chapter VIII of Title 7 of the Code of Federal Regulations (30 F.R. 13764), published October 29, 1965:

Interpretation. The wage rate as set forth in 7 CFR 863.17 for "Tractor drivers and operators of mechanical harvesting and loading equipment," was designed and intended and is interpreted to apply to the prime operators of mechanical harvesting or loading equipment. Other workers employed to assist in the operation of such equipment, such as harvester cutter blade operators, shall be paid not less than the wage rate set forth in the regulation for "All Other Workers."

Statement of bases and considerations. This interpretation provides that the minimum wage set forth in the wage determination for tractor drivers and operators of harvesting or loading equipment is applicable to the prime operators of such equipment. Other workers employed on mechanical harvesting or loading machines, such as a harvester topper blade operator, must be paid not less than the rate specified in the regulation for the classification "All Other Workers."

Florida sugarcane producers are developing mechanical harvesting machines to reduce the substantial number of workers required for the hand cutting of sugarcane. One of the major problems encountered in mechanical harvesting is the removal in the field of the tops of the sugarcane stalks. This extraneous material must be removed before the milling operation since it contains impurities which adversely affect sugar recoveries. One method followed by producers in Florida is to employ hand labor in the field to cut off the tops of sugarcane stalks with a machete. Another method is to attach to the harvesting machine a platform and cutting knives which are raised or lowered, depending upon the height of the cane, to sever the tops of the sugarcane stalks. The work of this harvester topper blade operator is relatively unskilled and requires a minimum of instruction or training. This classification of workers was not contemplated prior to the beginning of the 1965 crop harvesting season but has been a development resulting from the experimental work being conducted with harvesting machines. In the transitional stage of this experimental work it is possible that other worker classifications of lower skill than the prime operator may be required. In such event the applicable minimum wage for such other workers would be that established for the classification "All Other Workers."

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; sec. 301, 61 Stat. 929, as amended; 7 U.S.C. 1132)

Effective date. December 1, 1965.

Signed at Washington, D.C., on November 30, 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65–13019; Filed, Dec. 3, 1965; 8:47 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Tangelo Reg. 29]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.478 Tangelo Regulation 29.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905; 30 F.R. 13933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangelos, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 30, 1965, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangelos; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangelos, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the U.S. Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title).

(2) Tangelo Regulation 28 (30 F.R. 12635) is hereby terminated at 12:01 a.m., e.s.t., December 6, 1965.

(3) During the period beginning at 12:01 a.m., e.s.t., December 6, 1965, and ending at 12:01 a.m., e.s.t., December 23, 1965, and beginning at 12:01 a.m., e.s.t., December 30, 1965, and ending at 12:01 a.m., e.s.t., August 1, 1966, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangelos, grown in the production area, which do not grade at least U.S. No. 1 Russet; or

(ii) Any tangelos, grown in the production area, which are of a size smaller than 2⅜₀ inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Oranges and Tangelos.

(4) During the period beginning at 12:01 a.m., e.s.t., December 23, 1965, and ending at 12:01 a.m., e.s.t., December 30, 1965, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico, any tangelos, grown in the production area.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 1, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–13055; Filed, Dec. 3, 1965; 8:47 a.m.]

[Tangerine Reg. 30]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.477 Tangerine Regulation 30.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905; 30 F.R. 13933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangerines, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and sup-

porting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 30, 1965, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, and standard pack, as used herein, shall have the same meaning as is given to the respective term in the U.S. Standards for Florida Tangerines (§§ 51.1810–51.1834 of this title).

(2) Tangerine Regulation 29 (30 F.R. 14263) is hereby terminated at 12:01 a.m., e.s.t., December 6, 1965.

(3) During the period beginning at 12:01 a.m., e.s.t., December 6, 1965, and ending at 12:01 a.m., e.s.t., December 23, 1965, and beginning at 12:01 a.m., e.s.t., December 30, 1965, and ending at 12:01 a.m., e.s.t., August 1, 1966, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangerines, grown in the production area, which do not grade at least U.S. No. 1 Russet; or

(ii) Any tangerines, grown in the production area, which are of a size smaller than $2\frac{1}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Tangerines.

(4) During the period beginning at 12:01 a.m., e.s.t., December 23, 1965, and ending at 12:01 a.m., e.s.t., December 30, 1965, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico, any tangerines, grown in the production area.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 1, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–13056; Filed, Dec. 3, 1965; 8:47 a.m.]

[Orange Reg. 51]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.476 Orange Regulation 51.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905, 30 F.R. 13933) regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, including Temple and Murcott Honey oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, including Temple oranges, but not including Murcott Honey oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 30, 1965, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, including Temple and Murcott Honey oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the applicable meaning given to the respective term in the U.S. Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title) or in Regulation 105–1.02 of the regulations of the Florida Citrus Commission.

(2) Orange Regulation 50 (30 F.R. 14263) is hereby terminated at 12:01 a.m., e.s.t., December 6, 1965.

(3) During the period beginning at 12:01 a.m., e.s.t., December 6, 1965, and ending at 12:01 a.m., e.s.t., December 23, 1965, and beginning at 12:01 a.m., e.s.t., December 30, 1965, and ending at 12:01 a.m., e.s.t., August 1, 1966, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, except Temple and Murcott Honey oranges, grown in the production area, which do not grade at least Florida Special No. 1 grade for oranges (including tangelos, Temples, and Murcott Honey oranges);

(ii) Any oranges, except Temple and Murcott Honey oranges, grown in the production area, which are of a size smaller than $2\frac{8}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Oranges and Tangelos: *Provided*, That in determining the percentage of oranges in any lot which are smaller than $2\frac{8}{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size $2\frac{1}{16}$ inches in diameter or smaller;

(iii) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 1 Russet;

(iv) Any Temple oranges, grown in the production area, which are of a size smaller than $2\frac{8}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Oranges and Tangelos;

(v) Any Murcott Honey oranges, grown in the production area, which do not grade at least U.S. No. 1 Russet; or

(vi) Any Murcott Honey oranges, grown in the production area, which are of a size smaller than $2\frac{1}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of Murcott Honey oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Orange and Tangelos.

(4) During the period beginning at 12:01 a.m., e.s.t., December 23, 1965, and ending at 12:01 a.m., e.s.t., December 30, 1965, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico, any oranges, including Temple and Murcott Honey oranges, grown in the production area.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 1, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–13057; Filed, Dec. 3, 1965; 8:47 a.m.]

[Grapefruit Reg. 60]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.475 Grapefruit Regulation 60.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905; 30 F.R. 13933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 30, 1965, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the U.S. Standards for Florida Grapefruit (§§ 51.750–51.783 of this title).

(2) Grapefruit Regulation 59 (30 F.R. 14262) is hereby terminated at 12:01 a.m., e.s.t., December 6, 1965.

(3) During the periods beginning at 12:01 a.m., e.s.t., December 6, 1965, and ending at 12:01 a.m., e.s.t., December 23, 1965, and beginning at 12:01 a.m., e.s.t., December 30, 1965, and ending at 12:01 a.m., e.s.t., August 1, 1966, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any seeded grapefruit, grown in the production area, which do not grade at least U.S. No. 1 Golden;

(ii) Any seedless grapefruit, grown in Regulation Area I, which do not grade at least U.S. No. 1 Golden;

(iii) Any seedless grapefruit, grown in Regulation Area II, which do not grade at least U.S. No. 1 Golden: *Provided*, That such grapefruit which grade U.S. No. 2 or U.S. No. 2 Bright may be shipped if such grapefruit meet the requirements as to form (shape) and color specified in the U.S. No. 1 grade;

(iv) Any seeded grapefruit, grown in the production area, which are smaller than $3\frac{15}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the U.S. Standards for Florida Grapefruit; or

(v) Any seedless grapefruit, grown in the production area, which are smaller than $3\frac{9}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said U.S. Standards for Florida Grapefruit.

(4) During the period beginning at 12:01 a.m., e.s.t., December 23, 1965, and ending at 12:01 a.m., e.s.t., December 30, 1965, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico, any variety of grapefruit, grown in the production area.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 1, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–13058; Filed, Dec. 3, 1965; 8:47 a.m.]

[Navel Orange Reg. 89]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.389 Navel Orange Regulation 89.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the cir-

cumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 2, 1965.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., December 5, 1965, and ending at 12:01 a.m., P.s.t., December 12, 1965, are hereby fixed as follows:

(i) District 1: 1,700,000 cartons;
(ii) District 2: 37,960 cartons;
(iii) District 3: 200,000 cartons;
(iv) District 4: 60,000 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 3, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–13086; Filed, Dec. 3, 1965; 11:22 a.m.]

[Lemon Reg. 191]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.491 Lemon Regulation 191.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 30, 1965.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., December 5, 1965, and ending at 12:01 a.m., P.s.t., December 12, 1965, are hereby fixed as follows:

(i) District 1: 37,200 cartons;
(ii) District 2: 79,050 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 1, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–13060; Filed, Dec. 3, 1965; 8:47 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[CCC Grain Price Support Regs., Amdt. 5]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—General Regulations Governing Price Support for the 1964 and Subsequent Crops

ELIGIBLE PRODUCERS

The regulations issued by the Commodity Credit Corporation published in 29 F.R. 2686 as amended, 29 F.R. 7662, 30 F.R. 4750, 30 F.R. 9088, and 30 F.R. 9877 and containing the General Regulations Governing Price Support for the 1964 and Subsequent Crops of Grains and Similarly Handled Commodities are hereby further amended as follows:

Section 1421.52(a) is amended by deleting the last sentence of the paragraph, and a new paragraph (g) is added to provide that an approved cooperative marketing association may obtain price support on certain commodities in behalf of its producer-members. The amended and added portions of § 1421.52 read as follows:

§ 1421.52 Eligible producers.

(a) *Producer.* An eligible producer of a crop of a commodity shall be an individual, partnership, association, corporation, estate, trust, State or political subdivision or agency thereof, or other legal entity (1) which produces such crop as landowner, landlord, tenant, or sharecropper, or in the case of rice, furnishes water for a share of the rice crop, and (2) which meets the requirements for eligibility for price support contained in the regulations in this subpart.

* * * * *

(g) *Approved cooperative.* In the case of dry edible beans, rice, soybeans, and tung oil, an approved cooperative marketing association which meets the applicable requirements of the regulations in Part 1425 of this chapter shall be eligible to obtain price support in behalf of its members who are eligible producers. The term "producer" as used in this subpart and on applicable price support forms shall refer both to an eligible producer as defined in paragraphs (a), (b), and (c) of this section and to an approved marketing association as defined in this paragraph (g).

Effective date. This amendment shall become effective on publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on December 1, 1965.

R. P. BEACH,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 65–13021; Filed, Dec. 3, 1965; 8:47 a.m.]

[CCC Grain Price Support Reg., 1965-Crop Flaxseed Supp., Amdt. 2]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1965 Crop Flaxseed Loan and Purchase Program

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation published in 30 F.R. 8823 and 10835 and containing the specific requirements of the 1965-crop flaxseed loan and purchase program are hereby amended to establish a basic county support rate for Madison County, Mont.

Section 1421.3050(d) is amended by inserting, between the counties of McCone and Musselshell under the heading "Montana," the following:

Madison	$2.38

(Sec. 4, 62 Stat. 1070, as amended; sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1054; 15 U.S.C. 714 b and c, 7 U.S.C. 1447, 1421)

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on December 1, 1965.

R. P. BEACH,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 65–13020; Filed, Dec. 3, 1965; 8:47 a.m.]

[CCC Grain Price Support Regs.; 1965-Crop Corn Supp., Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1965-Crop Corn Loan and Purchase Program

SUPPORT RATES

Correction

In F.R. Doc. 65–12207 appearing at page 14361 in the issue for Wednesday, November 17, 1965, the rate per bushel figure for Henry County, Ill., now reads "1.06". It is corrected to read "1.05".

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

SUBCHAPTER B—IMMIGRATION REGULATIONS

PART 243—DEPORTATION OF ALIENS IN THE UNITED STATES

Implementation of Act of October 3, 1965

Correction

In F.R. Doc. 65–12796 appearing at page 14772 in the issue for Tuesday, November 30, 1965, the penultimate line in the paragraph amending § 243.8 now reads: "* * * under section 203(a) of the Act who * * *". It is corrected to read: "* * * under section 203(a)(3) of the Act who * * *".

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter:

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart I—Nondiscrimination and Equal Opportunity in Housing

Section 200.320 is amended to read as follows:

§ 200.320 Subdivision report, multifamily preapplication analysis and land development insurance requirements.

All requests for a subdivision report under home mortgage procedures or requests for preapplication analysis of multifamily projects or for preapplication analysis of land development insurance projects shall be accompanied by a statement of the applicant in which he agrees to comply with the regulations in this subpart. The statement shall be in a form satisfactory to the Commissioner.

Section 200.325 is amended to read as follows:

§ 200.325 Corporate charters and regulatory agreements.

Corporate charters, regulatory agreements and other instruments relating to multifamily projects or land development insurance projects insured pursuant to applications received after November 20, 1962, under which the Commissioner exercises controls over rentals or methods of operation of mortgagors participating in housing programs of the Federal Housing Administration shall contain provisions requiring compliance with the regulations in this subpart.

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; sec. 712, 62 Stat. 1281, as amended; sec. 907, 65 Stat. 301, as amended; sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

In Chapter II a new Subchapter V and new Part 1000 are added as follows:

SUBCHAPTER V—LAND DEVELOPMENT INSURANCE

PART 1000—MORTGAGE INSURANCE FOR LAND DEVELOPMENT

Subpart A—Eligibility Requirements

DEFINITIONS

Sec.
1000.1 Definitions.

PRELIMINARY EXAMINATION AND APPLICATION

1000.5 Preliminary examination.
1000.7 Filing of application.

FEES AND CHARGES

1000.10 Application fee.
1000.12 Commitment fee.
1000.17 Fees on increases.
1000.20 Transfer fee.
1000.22 Refund of fees.
1000.25 Maximum charges by mortgagee.

ELIGIBLE MORTGAGORS

1000.30 Eligible mortgagors.

ELIGIBLE MORTGAGEES

1000.35 Qualification of lenders.

ELIGIBLE MORTGAGES

1000.40 Mortgage forms.
1000.42 Eligibility of property.
1000.45 Mortgage lien.
1000.47 Maximum mortgage maturity.
1000.50 Maximum interest rate.
1000.52 Maximum mortgage amount—dollar limitation.
1000.55 Maximum mortgage amount—loan-to-value limitation.
1000.57 Reduced mortgage amount—leaseholds.
1000.60 Application of payments.
1000.62 Standard for acceptability.
1000.65 Zoning, deed or building restrictions.
1000.67 Issuance of bonds secured by trust indenture.

COMMITMENT TO INSURE

1000.70 Issuance of commitment.
1000.72 Types of commitment.
1000.73 Term of commitment.
1000.75 Reopening of expired commitment.
1000.77 Extension of commitment.

INSURANCE OF ADVANCES

1000.80 Building loan agreement.
1000.82 Assurance of completion.

SPECIAL REQUIREMENTS

1000.85 Land development criteria.
1000.87 Equity requirements.
1000.90 Escrow for offsite utilities and streets.
1000.92 Water and sewerage facilities.

PREVAILING WAGE REQUIREMENTS

1000.95 Labor standards.
1000.97 Ineligible contractors.
1000.100 Ineligible advances.
1000.102 Wage certificate.
1000.105 Discrimination prohibited.

COST CERTIFICATION REQUIREMENTS

1000.110 Certification of cost requirements.
1000.112 Form of contract.
1000.115 Certificate as to subcontracts.
1000.117 Certificate of actual cost—contents in general.
1000.120 Certificate of actual cost—fixed fee or no contract.
1000.122 Certificate of actual cost—subcontractor's cost.
1000.125 Contractor's certification—fixed fee contract.
1000.127 Records.
1000.130 Certificate of public accountant.
1000.132 Reduction in mortgage amount.
1000.135 Effect of agreement.
1000.137 Cost certification incontestable.

TITLE

1000.140 Eligibility of title.
1000.142 Title evidence.

AMENDMENTS AND EFFECTIVE DATE

1000.145 Amendment of regulations.
1000.147 Effective date.

Subpart B—Contract Rights and Obligations

1000.251 Incorporation by reference.
1000.253 Mortgage insurance premium.
1000.255 Amendment of regulations.
1000.260 Effective date.

AUTHORITY: The provisions of this Part 1000 issued under sec. 1010, 79 Stat. 464; 12 U.S.C. 1749jj.

Subpart A—Eligibility Requirements

Definitions

§ 1000.1 Definitions.

As used in this subpart, the following terms shall have the meaning indicated:

(a) "Act" means the National Housing Act.

(b) "Administrator" means the Housing and Home Finance Administrator or his authorized representatives.

(c) "Commissioner" means the Federal Housing Commissioner or his authorized representatives.

(d) "Improvements" mean water lines and water supply installations, sewer lines and sewage disposal installations, roads, streets, curbs, gutters, sidewalks, storm drainage facilities, and other installations or work, whether on or off the site of the mortgaged property, which the Commissioner deems necessary or desirable to prepare land primarily for residential and related uses or to provide facilities for public or common use. These public or common facilities shall include only such buildings as are needed in connection with water supply or sewage disposal installations and such buildings, other than schools, as the Commissioner considers appropriate, which are to be owned and maintained jointly by the property owners.

(e) "Insured mortgage" means a mortgage insured by the endorsement of the credit instrument by the Commissioner.

(f) "Land development" means the process of making, installing, or constructing improvements.

(g) "Local public body" means a county, city, or other political subdivision within which a land development project or part of such project is established, and any other political subdivision, public agency, or instrumentality of one or more States, counties, or political subdivisions empowered under law to take or withhold any action required in connection with the establishment of such project.

(h) "Maturity date" means the date on which the mortgage indebtedness would be extinguished if paid in accordance with the payments provided for in the mortgage.

(i) "Mortgage" means such a first lien upon real estate and other property as is commonly given to secure advances on, or the unpaid purchase price of, real estate under the laws of the State, district or territory in which the real estate is located, together with the credit instrument or instruments, if any, secured thereby.

(j) "Mortgagee" means the original lender under a mortgage, and its successors and assigns, and includes the holders of credit instruments issued under a trust indenture, mortgage or deed of trust pursuant to which such holders act by and through a trustee therein named.

(k) "Mortgagor" means the original borrower under a mortgage and its successors and assigns.

(l) "Project" means the land development and improvements which meet the land development criteria established by the Commissioner and which are to be paid for in part with proceeds of an insured mortgage or mortgages.

(p) "State" includes the several States, Puerto Rico, the District of Columbia, Guam, and the Virgin Islands.

Preliminary Examination and Application

§ 1000.5 Preliminary examination.

Prior to the filing of an application, the sponsor of a land development project shall request and be given an analysis of the proposed project. No fee shall be charged for the analysis.

§ 1000.7 Filing of application.

An application for insurance of a mortgage on a project shall be submitted by an approved mortgagee and by the sponsors of such project through the local FHA office on an approved FHA form. No application shall be considered unless the information, documents, and exhibits required by the application are furnished, and the application fee paid.

Fees and Charges

§ 1000.10 Application fee.

An application fee of $1.50 per thousand of the face amount of the mortgage loan applied for shall accompany the application.

§ 1000.12 Commitment fee.

A commitment fee which, when added to the application fee will aggregate $4.50 per thousand dollars of the face amount of the loan set forth in the commitment, shall be paid within 30 days after the date of the commitment.

§ 1000.17 Fees on increases.

(a) *Increase in commitment prior to endorsement*—(1) *Additional application fee.* Upon an application, filed prior to initial endorsement (or prior to endorsement in a case involving insurance upon completion), for an increase in the amount of an outstanding commitment, an additional application fee of $1.50 per thousand dollars computed upon the amount of the increase requested shall accompany the application.

(2) *Additional commitment fee.* Any increase in the amount of a commitment shall be subject to payment of an additional commitment fee which, when added to the additional application fee, will aggregate $4.50 per thousand dollars of the amount of the increase. The additional commitment fee shall be paid within 30 days after the date of the issuance of the amended commitment. If the additional commitment fee is not paid within 30 days, the commitment for the increased amount shall expire and the previous commitment shall be reinstated.

(b) *Increase in mortgage between initial and final endorsement*—(1) *Additional application fee.* Upon an application, filed between initial and final endorsement, for an increase in the amount of the mortgage, either by amendment, by substitution of a new mortgage or by the addition of a separate mortgage or mortgages, an additional application fee of $1.50 per thousand dollars computed on the amount of the increase requested shall accompany the application.

(2) *Additional commitment fee.* The approval of any increase in the amount of the mortgage shall be subject to payment of an additional commitment fee which, when added to the additional application fee, will aggregate $4.50 per thousand dollars of the amount of the increase granted.

§ 1000.20 Transfer fee.

Upon application for approval of a case involving the transfer of physical assets or involving the substitution of mortgagor, a transfer fee of 50 cents per thousand dollars shall be paid on the original face amount of the mortgage.

§ 1000.22 Refund of fees.

If an application is rejected before it is assigned for processing, or in such other instances as the Commissioner may determine, the entire application fee or any portion thereof may be returned to the applicant. Commitment and reopening fees may be refunded, in whole or in part, if it is determined by the Commissioner that there is a lack of need for the project or that the development or financing of the project has been prevented because of condemnation proceedings or other type of legal action taken by a governmental body or public agency, or in such other instances as the Commissioner may determine. A transfer fee may be refunded only in such instances as the Commissioner may determine.

§ 1000.25 Maximum charges by mortgagee.

The mortgagee may collect from the mortgagor the amount of the fees provided for in this subpart and may charge the mortgagor an initial service charge in an amount not to exceed 1½ percent of the original principal amount of the mortgage. Any additional charges shall be subject to prior approval of the Commissioner.

Eligible Mortgagors

§ 1000.30 Eligible mortgagors.

(a) *General requirements.* In order to be eligible as a mortgagor under this subpart, the applicant must be a mortgagor approved by the Commissioner, which is regulated or restricted by the Commissioner as to capital structure, use of property and methods of operation. A public body shall not be eligible for approval as a mortgagor. The regulation or restriction of the mortgagor shall continue until the termination of all obligations of the Commissioner under the insurance contract and during such further period of time as the Commissioner shall be the owner, holder, or reinsurer of the mortgage. The regulation or restriction may be in the form of a regulatory agreement, corporate charter or such other means as the Commissioner may approve.

(b) *Special requirements—water or sewer systems.* The owner of a privately or cooperatively owned water or sewer system may be approved as a mortgagor.

Such mortgagor shall be regulated by the Commissioner with respect to capital structure, methods of operation, rate of return, user rates and charges, and the terms and conditions of any sale or transfer. This regulation by the Commissioner shall continue for the entire period of private or cooperative ownership or until the Commissioner is satisfied that adequate provision exists, through governmental regulation or other means, to protect the system users as to the methods of operation, rates, charges, and disposition of such system.

Eligible Mortgagees

§ 1000.35 Qualification of lenders.

The provisions of §§ 203.1 through 203.4 and 203.6 through 203.9 of this chapter shall govern the eligibility, qualifications and requirements of mortgagees under this subpart.

Eligible Mortgages

§ 1000.40 Mortgage forms.

(a) *Approval of forms.* The mortgage shall be executed upon a form approved by the Commissioner for use in the jurisdiction where the project is located.

(b) *Changes in form.* No changes in the approved form shall be made without the prior written approval of the Commissioner.

§ 1000.42 Eligibility of property.

A mortgage to be eligible for insurance shall be on real estate held:

(a) In fee simple; or

(b) Under a lease for not less than 99 years which is renewable; or

(c) Under a lease having a term which is determined by the Commissioner as sufficient to cover the period for development of the project plus the period necessary to meet the leasehold eligibility requirements for obtaining the FHA financing of the dwelling units to be constructed upon completion of the project.

§ 1000.45 Mortgage lien.

The mortgagor shall certify at the time application is made for the final insured advance of mortgage proceeds, with respect to that portion of the mortgaged property not released from the lien of the mortgage, that:

(a) The mortgage is the first lien upon that portion of the project upon which the improvements (exclusive of those involving facilities intended for public use that are in public ownership) have been made or constructed.

(b) The property upon which the improvements have been made or constructed is covered by a mortgage which is free and clear of all liens other than the insured mortgage and such other liens as may be approved by the Commissioner; and

(c) There will not be outstanding any other unpaid obligations in connection with the mortgage transaction, the purchase of the mortgaged property, or the improvements which have been made or constructed, except obligations approved by the Commissioner.

§ 1000.47 Maximum mortgage maturity.

The mortgage shall have a maturity not to exceed 7 years from the date of initial endorsement or such longer maturity as the Commissioner deems reasonable in the case of a privately owned system for water or sewerage, and shall contain amortization or sinking fund provisions satisfactory to the Commissioner.

§ 1000.50 Maximum interest rate.

The mortgage may bear interest at such rate as may be agreed upon by the mortgagee and the mortgagor but in no case shall the interest rate exceed 5¼ percent per annum.

§ 1000.52 Maximum mortgage amount—dollar limitation.

A mortgage or the total principal obligation of all mortgages for any one project shall at no time exceed $10,000,000.

§ 1000.55 Maximum mortgage amount—loan-to-value limitation.

A mortgage shall involve a principal obligation not in excess of the lesser of the following:

(a) 75 percent of the Commissioner's estimated value of the property covered by the mortgage security as of the completion of the development to be financed with assistance under this part; or

(b) 50 percent of the Commissioner's estimated value of the land before development plus 90 percent of the Commissioner's estimated cost of such development.

§ 1000.57 Reduced mortgage amount—leaseholds.

In the event the mortgage is on a leasehold estate rather than a fee simple holding, the maximum mortgage amount based upon the limitations of this part is subject to reduction by an amount equal to the capitalized value of the ground rent.

§ 1000.60 Application of payments.

The mortgage shall contain a provision satisfactory to the Commissioner, setting forth the manner in which the mortgagee shall apply payments. No prepayment penalty will be permitted.

§ 1000.62 Standard for acceptability.

In order for a mortgage to be acceptable for insurance, the property or project shall represent a good mortgage insurance risk.

§ 1000.65 Zoning, deed or building restrictions.

The project when completed shall not violate any material zoning or deed restrictions applicable to the project site, and shall comply with all applicable building and other governmental regulations and requirements.

§ 1000.67 Issuance of bonds secured by trust indenture.

In the event that bonds or other obligations are to be issued as a part of the insured mortgage transaction, the form of bonds and the form of trust indenture shall be subject to the approval of the Commissioner, and shall be subject to all of the following conditions:

(a) The Trustee shall be an approved mortgagee authorized to act in a fiduciary capacity.

(b) The Trustee shall be the holder of record of the insured mortgage (represented by the trust indenture) and shall be authorized to act on behalf of the holders of the bonds or other obligations in all matters concerning the mortgage insurance contract.

(c) The holders of the bonds shall look solely to the Trustee for the benefits of the contract of mortgage insurance. The trust indenture shall expressly authorize the Commissioner to make payment of any insurance claim to the Trustee, without liability or accountability to the bondholders to see to the application of the mortgage insurance contract benefits.

(d) The bonds or other obligations shall be issued only to holders meeting one of the following qualifications:

(1) A mortgagee approved by the Commissioner.

(2) A pension or retirement fund or a profit-sharing plan, having lawful authority to acquire the bonds or other obligations, which fund is maintained and administered by a corporation or by a governmental agency or by a trustee or trustees.

(3) A charitable or nonprofit organization.

Commitment to Insure

§ 1000.70 Issuance of commitment.

Upon approval of an application for insurance, a commitment shall be issued by the Commissioner setting forth the terms and conditions upon which the mortgage will be insured.

§ 1000.72 Types of commitment.

The commitment may provide for the insurance of advances during construction or for insurance upon completion.

§ 1000.73 Term of commitment.

If the commitment fee is paid as required, a commitment shall have a term which is determined as follows:

(a) A commitment to insure advances shall be effective for a period of not more than 180 days from the date of issuance.

(b) A commitment to insure upon completion shall be effective for a designated term within which the mortgagor is required to begin construction, and if construction is begun as required, the commitment shall be effective for such additional period, estimated by the Commissioner, as will allow for completion of construction.

(c) The term of a commitment may be extended in such manner as the Commissioner may, from time to time, prescribe.

(d) If the payment of a commitment fee is not received by the Commissioner within 30 days after the date of issuance of a commitment, the commitment shall expire on the 30th day.

§ 1000.75 Reopening of expired commitment.

An expired commitment may be reopened if a request for reopening is received by the Commissioner within 90 days of the expiration of the commit-

ment. The reopening request shall be accompanied by a fee of 50 cents per thousand dollars of the amount of the expired commitment. A commitment which has expired because of failure to pay the commitment fee may be reopened only upon payment of the commitment fee and the reopening fee. If the reopening request is not received by the Commissioner within the required 90-day period, a new application, accompanied by an application fee, shall be submitted. If a commitment for an increased amount has expired because of failure to pay an additional commitment fee based on the amount of the increase, the reopening fee shall be computed on the basis of the amount of the commitment increase rather than on the amount of the original commitment.

§ 1000.77 Extension of commitment.

Where the mortgagee has failed to take action within the period of time required in order to prevent the expiration of a commitment or in order to reopen an expired commitment, the Commissioner may extend such period and may retroactively reinstate or reopen such commitment.

INSURANCE OF ADVANCES

§ 1000.80 Building loan agreement.

Prior to the initial endorsement of the mortgage for insurance, the mortgagor and mortgagee shall execute a building loan agreement approved by the Commissioner setting forth the terms and conditions on which progress payments may be advanced during construction.

§ 1000.82 Assurance of completion.

(a) Assurance of completion satisfactory to the Commissioner shall be furnished in one of the following forms:

(1) A bond of a surety company satisfactory to the Commissioner on a form approved by the Commissioner. The bond shall be in the amount of 100 percent (or such lesser amount as approved by the Commissioner) of the cost of the improvements as estimated by the Commissioner.

(2) An escrow deposit with the mortgagee (or with a depository satisfactory to the mortgagee and the Commissioner) of cash or securities of, or fully guaranteed as to principal and interest by, the United States of America in such amount and under a completion assurance agreement acceptable to the Commissioner.

(b) The mortgagee may accept, in lieu of a cash deposit required by paragraph (a)(2) of this section, an unconditional irrevocable letter of credit issued to the mortgagee by a banking institution. In the event a demand under the letter of credit is not immediately met, the mortgagee shall forthwith provide cash equivalent to the undrawn balance thereunder.

SPECIAL REQUIREMENTS

§ 1000.85 Land development criteria.

(a) The land shall be developed in accordance with a plan that:

(1) Is acceptable to the Commissioner as providing reasonable assurance that the land development will contribute to good living conditions in the area being developed;

(2) Is consistent with a comprehensive plan which covers, or with comprehensive planning being carried on for, the area in which the land is situated and which meets criteria set forth by the Commissioner.

(b) The Commissioner shall receive assurances satisfactory to him that the area being developed will:

(1) Have a sound economic base and a long economic life;

(2) Be characterized by sound land use patterns; and

(3) Include or be served by such shopping, school, recreational, transportation, and other facilities as the Commissioner deems adequate or necessary.

(c) The land development shall be undertaken and carried out pursuant to a schedule that will assure the use of such land for the purpose for which it is developed within the shortest reasonable period of time consistent with the objectives of sound and economic community growth or urban development. The schedule shall provide specific information as to the proposed period of time in which the sale or other use of the developed land shall take place, and in which construction of residential or other buildings shall commence on the developed land.

§ 1000.87 Equity requirements.

(a) *Funds and finances—insured advances.* If the commitment provides for insurance of advances during construction, the following requirements shall be met:

(1) The mortgagor shall deposit with the mortgagee, prior to initial endorsement, an amount deemed by the Commissioner to be sufficient (when added to the proceeds of the insured mortgage) to defray during the course of construction, payments for accrued taxes, hazard insurance premiums, and assessments required by the terms of the mortgage.

(2) The mortgagor shall deposit with the mortgagee, prior to initial endorsement, cash deemed by the Commissioner to be sufficient (when added to the proceeds of the insured mortgage) to assure completion of the project and to pay the initial service charge, the carrying charges, and the legal and organization expenses incident to the project. The cash shall be held by the mortgagee under an appropriate agreement, approved by the Commissioner, requiring that prior to the advance of any mortgage money, all such cash be disbursed for work and material on the physical improvements, and for any other charges and expenses which are payable.

(3) All fees and charges to be paid by the mortgagor in connection with financing which are in excess of the initial service charge and which have been approved by the Commissioner shall be deposited with the mortgagee in cash, prior to initial endorsement, unless other arrangements acceptable to the Commissioner are made.

(b) *Deposit and use of funds.* Unless other arrangements acceptable to the Commissioner are made, the funds referred to in paragraph (a) of this section shall be deposited with and held by the mortgagee in a special account or by an acceptable depository, designated by the mortgagee, under an appropriate agreement approved by the Commissioner.

(c) *Letter of credit.* The mortgagee may accept, in lieu of a cash deposit required by paragraphs (a) (1) and (3) of this section, an unconditional irrevocable letter of credit issued to the mortgagee by a banking institution. In the event a demand under the letter of credit is not immediately met, the mortgagee shall forthwith provide cash equivalent to the undrawn balance thereunder.

§ 1000.90 Escrow for offsite utilities and streets.

(a) The Commissioner may require the deposit with the mortgagee or with an acceptable trustee or escrow agent designated by the mortgagee, under an appropriate agreement, of such cash as may be required for the completion of offsite public utilities and streets.

(b) The mortgagee may accept, in lieu of a cash deposit required by paragraph (a) of this section, an unconditional irrevocable letter of credit issued to the mortgagee by a banking institution. In the event a demand under the letter of credit is not immediately met, the mortgagee shall forthwith provide cash equivalent to the undrawn balance thereunder.

§ 1000.92 Water and sewerage facilities.

The project after development shall be served by public systems for water supply and sewerage disposal consistent with other existing or prospective systems in the area. The Commissioner may, however, approve an adequate privately or cooperatively owned system which is consistent with other existing or prospective systems in the area and is regulated, in a manner acceptable to the Commissioner, with respect to user rates and charges, capital structure, methods of operation, rate of return, and conditions and terms of any sale or transfer.

PREVAILING WAGE REQUIREMENTS

§ 1000.95 Labor standards.

Any contract, subcontract, or building loan agreement executed for the performance of construction of the project shall comply with all applicable standards and provisions of the Regulations of the Secretary of Labor, published in Title 29, Code of Federal Regulations, as Part 5 of Subtitle A thereof, and as amended from time to time.

§ 1000.97 Ineligible contractors.

No land development contract shall be entered into with a general contractor or a subcontractor if such contractor or subcontractor (or any firm, corporation, partnership or association in which such contractor or subcontractor has a substantial interest) is on the ineligible list of contractors or subcontractors established by the Commissioner or by the Comptroller General pursuant to the Regulations of the Secretary of Labor (29 CFR 5.6(b)).

§ 1000.100 Ineligible advances.

Unless approved by the Commissioner, no advance under the mortgage shall be eligible for insurance after notification from the Commissioner that the general contractor or any subcontractor (or any firm, corporation, partnership, or association in which such contractor or subcontractor has a substantial interest) was, on the date the contract or subcontract was executed, on the ineligible list established by the Commissioner or by the Comptroller General pursuant to the provisions of the Regulations of the Secretary of Labor (29 CFR 5.6(b)).

§ 1000.102 Wage certificate.

No advance under the mortgage shall be eligible for insurance unless there is filed with the application for such advance a certificate as required by the Commissioner. The certificate shall state that the laborers and mechanics employed in the construction of the project have been paid not less than the wages prevailing in the locality for the corresponding classes of laborers and mechanics employed on construction of similar character. The prevailing wage determination shall be made by the Secretary of Labor prior to the beginning of construction and after the date of filing of the application for insurance.

§ 1000.105 Discrimination prohibited.

Any contract or subcontract executed for the development of land shall contain a provision that there shall be no discrimination against any employee, or applicant for employment because of race, color, creed, or national origin. Where the mortgagor is the general contractor, the building loan agreement shall contain the above provisions.

§ 1000.110 Certification of cost requirements.

(a) Prior to initial endorsement of the mortgage for insurance, the mortgagor, the mortgagee, and the Commissioner shall enter into an agreement approved by the Commissioner for the purpose of precluding any excess of mortgage proceeds over the amounts specified in § 1000.132. Under this agreement, the mortgagor shall agree to:

(1) Disclose its relationship with the general contractor, including any collateral agreement, and with subcontractors and suppliers;

(2) Enter into a development contract the terms of which shall depend on whether or not there exists an identity of interest between the mortgagor and the contractor;

(3) Execute a certificate prior to each insured advance showing actual amounts disbursed prior to the initial endorsement of the mortgage for insurance or since the last insured advance; and

(4) Apply any excess of mortgage proceeds over the amounts specified in § 1000.132 to reduction of the outstanding balance of the principal of the mortgage, as and when directed by the Commissioner.

(b) The provisions of subparagraphs (1) and (2) of paragraph (a) of this section shall not apply where the mortgagor is the general contractor.

§ 1000.112 Form of contract.

The form of contract between the mortgagor and the general contractor shall be in accordance with the following:

(a) *Lump sum contract.* If the Commissioner determines that neither the mortgagor nor any of the officers, directors, stockholders, partners or beneficiaries of the mortgagor have any interest in the general contractor, there may be used a lump sum form of contract providing for payment of a specified amount.

(b) *Fixed fee contract.* If the Commissioner determines that the mortgagor, its officers, directors, stockholders, partners or beneficiaries have any interest, financial or otherwise, in the general contractor, the form of contract shall provide for payment of the actual cost of land development not to exceed an upset price and may provide for payment of a fixed fee to the general contractor which shall not exceed a reasonable allowance as established by the Commissioner, in accordance with customary practices in the area.

§ 1000.115 Certificate as to subcontracts.

If the Commissioner determines that the mortgagor, its officers, directors, stockholders, partners or beneficiaries have any interest, financial or otherwise, in any subcontractor or material supplier, the mortgagor shall certify (at such times and in such form as may be prescribed by the Commissioner prior to final endorsement of the mortgage for insurance) that the amounts paid to such subcontractor or material supplier were not more than the rate prevailing in the locality for similar type labor and materials.

§ 1000.117 Certificate of actual cost—contents in general.

(a) *Submission of certificates.* The mortgagor's certificate of actual cost, in a form prescribed by the Commissioner, shall be submitted prior to each insured advance.

(b) *Items to be included.* Each certificate shall show the actual cost to the mortgagor of items as follows:

(1) Development contract, where the mortgagor and the general contractor are separate entities.

(2) Construction of the improvements, where the mortgagor is the general contractor and there is no development contract.

(3) Architect's fee, engineer's fee, and land planning fees.

(4) Offsite public utilities and streets not included in computations under subparagraphs (1) and (2) of this paragraph.

(5) Organization and legal work.

(6) Other items of expense approved by the Commissioner.

(c) *Items not to be included.* The certificate shall not include as actual cost any kickbacks, rebates, trade discounts, or other similar payments to the mortgagor, or to any of its officers, directors, stockholders, partners, or beneficiaries. Any such payments shall be deducted from the costs determined under paragraph (b) of this section.

§ 1000.120 Certificate of actual cost—fixed fee or no contract.

In the case of a cost plus fixed fee contract or where the mortgagor is the general contractor and there is no development contract, the certificate of actual cost, in addition to the requirements of § 1000.142, shall show the following allowances:

(a) Such general overhead items as are acceptable to the Commissioner.

(b) A reasonable allowance for the general contractor's profit as established by the Commissioner.

§ 1000.122 Certificate of actual cost—subcontractor's cost.

(a) *Submission of certificates.* The Commissioner may require the mortgagor to submit a certificate of actual cost showing all amounts actually paid by a subcontractor, material supplier or equipment lessor, where it is determined by the Commissioner that an identity of interest exists between either of the following:

(1) The mortgagor or any of its officers, directors, stockholders, partners or beneficiaries and any subcontractor, material supplier, or equipment lessor.

(2) The general contractor and any subcontractor, material supplier, or equipment lessor.

(b) *Items to be included.* Each certificate shall show the amounts paid for labor, materials, subcontracts and overhead.

(c) *Items not to be included.* The certificate shall not include amounts paid for any kickbacks, rebates, trade discounts, or other similar payments to the general contractor, the mortgagor, or any of its officers, directors, stockholders, partners, or beneficiaries.

§ 1000.125 Contractor's certification—fixed fee contract.

A general contractor receiving a fixed fee shall certify, in form prescribed by the Commissioner, as to all actual costs paid for labor, materials, and subcontract work under the general contract. The fee of the general contractor, any kickbacks, rebates, trade discounts, or other similar payments to the general contractor or mortgagor corporation or any of its officers, directors, stockholders, partners or beneficiaries shall not be included in arriving at such actual costs.

§ 1000.127 Records.

The mortgagor shall keep and maintain adequate records of all costs of any development or other cost items not representing work under the general contract and shall require the general contractor to keep similar records. Upon request by the Commissioner, such records, together with any collateral agreements, shall be made available for examination.

§ 1000.130 Certificate of public accountant.

The certificates of actual cost shall be supported by certificates, when required by the Commissioner, as to accuracy by an independent Certified Public Accountant or independent public accountant, and shall include a statement that the

accounts, records and supporting documents have been examined in accordance with generally accepted auditing standards to the extent deemed necessary to verify the actual costs.

§ 1000.132 Reduction in mortgage amount.

The principal obligation of the mortgage shall be reduced at or before final endorsement for insurance or at such other times as required by the Commissioner, to an amount not exceeding 50 percent of the Commissioner's estimated value of the remaining land before development, and 90 percent of the actual cost of the land development allocated by the Commissioner to such remaining land.

§ 1000.135 Effect of agreement.

Any agreement, undertaking, statement, or certification required in connection with cost certification shall specifically state that it has been made, presented, and delivered for the purpose of influencing an official action of the Commissioner and may be relied upon as a true statement of the facts contained therein.

§ 1000.137 Cost certification incontestable.

Upon the Commissioner's approval of the certification by the mortgagor as to actual costs submitted in connection with the request for the final insured advance of mortgage proceeds, such certification shall be final and incontestable, except for fraud or material misrepresentation on the part of the mortgagor. This provision shall not apply to any other certification by the mortgagor as to actual costs.

TITLE

§ 1000.140 Eligibility of title.

In order for the mortgaged property to be eligible for insurance, the Commissioner shall determine that marketable title thereto is vested in the mortgagor as of the date the mortgage is filed for record. The title evidence shall be examined by the Commissioner and the original endorsement of the credit instrument for insurance shall be evidence of its acceptability.

§ 1000.142 Title evidence.

Upon insurance of the mortgage, the mortgagee shall furnish to the Commissioner a survey, satisfactory to him, and a policy of title insurance, as provided in paragraph (a) of this section. If, for reasons the Commissioner deems satisfactory, title insurance cannot be furnished under paragraph (a) of this section, the mortgagee shall furnish evidence of title in accordance with paragraph (b), (c), or (d) of this section, as the Commissioner may require. Each time there is an insured advance, the title evidence shall be continued down to date of mortgagee's request for the insured advance with the proper amount of title insurance including coverage against any outstanding liens of mechanics or materialmen. Any survey, policy of title insurance, or other evidence of title required under this section shall be furnished, upon insurance of the mortgage or the advance, without expense to the Commissioner. The types of title evidence are:

(a) A title insurance policy, issued by a company and in a form satisfactory to the Commissioner. The policy shall name as the insureds the mortgagee and the Commissioner as their respective interests may appear. The title policy shall provide that upon acquisition of title by the mortgagee or the Commissioner, it shall become an owner's policy running to the mortgagee or Commissioner, as the case may be.

(b) An abstract of title satisfactory to the Commissioner, prepared by an abstract company or individual engaged in the business of preparing abstracts of title, accompanied by a legal opinion satisfactory to the Commissioner as to the quality of such title, signed by an attorney at law experienced in the examination of titles.

(c) Torrens or similar title certificate.

AMENDMENTS AND EFFECTIVE DATE

§ 1000.145 Amendment of regulations.

The regulations in this subpart may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not adversely affect the interests of a mortgagee under the contract of insurance on any mortgage already insured or to be insured on which the Commissioner has made a commitment to insure.

§ 1000.147 Effective date.

Unless otherwise specified, provisions of this subpart shall be effective as to all mortgages with respect to which a commitment to insure is issued on or after August 10, 1965.

Subpart B—Contract Rights and Obligations

§ 1000.251 Incorporation by reference.

(a) All of the provisions of §§ 207.-251 et seq. (Part 207, Subpart B) of this chapter, covering mortgages insured under section 207 of the National Housing Act, apply to mortgages on a land development insured under title X of the National Housing Act, except the following provisions:

Sec.
207.251 Definitions.
207.252 First, second and third premiums.
207.253 Adjusted premium and termination charges.
207.264 Effective date.

(b) For the purposes of this subpart, all references in Part 207 of this chapter to section 207 of the Act shall be construed to refer to title X of the Act.

(c) All of the definitions in § 1000.1 shall apply to this subpart. In addition, as used in this part, the term "contract of insurance" means the agreement evidenced by the Commissioner's insurance endorsement and includes the provisions of this subpart and of the Act.

§ 1000.253 Mortgage insurance premium.

(a) If the mortgage is for a term not in excess of 7 years, the mortgage insurance premium shall be computed and paid as follows:

(1) The mortgagee, upon initial endorsement of the mortgage note for insurance, shall pay to the Commissioner a mortgage insurance premium equal to 2 percent of the original face amount of the insured mortgage if the mortgage is for a term of 3 years or less. If the mortgage is for a term in excess of 3 years, an additional mortgage insurance premium equal to one-twelfth of 1 percent of the original face amount of the mortgage shall be collected at the time of initial endorsement, for each month, or fraction thereof, in excess of the 3-year term.

(2) In the event the original term of the mortgage is extended with the approval of the Commissioner, a mortgage insurance premium for the period of extension shall be due, and payable by the mortgagee, on the date the Commissioner approves such extension. This premium shall be equal to 1 percent of the unpaid principal balance of the mortgage outstanding on the date of the Commissioner's approval of such extension for each 12-month period or fraction thereof of the additional term of the mortgage granted by the extension.

(b) If the mortgage is for a term in excess of 7 years and is to cover water or sewerage systems, the mortgage insurance premium shall be computed and paid as follows:

(1) The mortgagee, upon initial endorsement of the mortgage note for insurance, shall pay to the Commissioner a mortgage insurance premium equal to one-twelfth of 1 percent of the original face amount of the insured mortgage for each month, or fraction thereof, prior to the date of commencement of amortization.

(2) Upon commencement of amortization and until the mortgage is paid in full, or until receipt by the Commissioner of an application for insurance benefits, or until the contract of insurance is otherwise terminated with the consent of the Commissioner, the mortgagee, on the date amortization commences and on each aniversary of such date, shall pay an annual mortgage insurance premium equal to three-fourths of 1 percent of the average outstanding principal obligation of the mortgage for the year following the date on which such premium becomes payable.

(3) The premiums payable on and after the date of the commencement of amortization shall be calculated in accordance with the amortization provisions without taking into account delinquent payments or prepayments. All premiums are payable in advance.

§ 1000.255 Amendment of regulations.

The regulations in this subpart may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not adversely affect the interests of a mortgagee under the contract of insurance on any mortgage already insured or to be insured on which the Commissioner has made a commitment to insure.

§ 1000.260 Effective date.

Unless otherwise specified, the provisions of this subpart shall be effective as to all mortgages with respect to which a commitment to insure is issued on or after August 10, 1965.

Issued at Washington, D.C., December 1, 1965.

PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

[F.R. Doc. 65-13022; Filed, Dec. 3, 1965; 8:47 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 6865]

PART 145—TEMPORARY REGULATIONS IN CONNECTION WITH THE EXCISE TAX REDUCTION ACT OF 1965

Exemption Certificates for Use in Obtaining Supplies for Vessels and Aircraft Tax Free

Correction

In F.R. Doc. 65-12775 appearing at page 14790 in the issue for Tuesday, November 30, 1965, the exemption certificate form set forth in § 145.4-1 is corrected to read as follows:

EXEMPTION CERTIFICATE

(For use by purchasers of articles for use as fuel supplies, ships' stores, sea stores, or legitimate equipment on certain vessels or aircraft (sections 4221 and 4222 of the Internal Revenue Code of 1954).)

---------- , 19----
(Date)

The undersigned purchaser hereby certifies that he is the----------
---
(Owner, charterer, or authorized agent)
of ---------- and that
(Name of company and vessel)
the article or articles specified in the accompanying order, or as specified below or on the reverse side hereof, will be used only for fuel supplies, ships' stores, sea stores, or legitimate equipment on a vessel belonging to one of the following classes of vessels to which section 4221 of the Internal Revenue Code of 1954 applies:

(Check class to which vessel belongs)

---- (1) Vessels engaged in foreign trade.
---- (2) Vessels engaged in trade between the Atlantic and Pacific ports of the United States.
---- (3) Vessels engaged in trade between the United States and any of its possessions.
---- (4) Vessels employed in the fisheries or whaling business.
---- (5) Vessels of war of the United States or a foreign nation.

If the articles are purchased for use on civil aircraft engaged in trade as specified in (1) or (3) above, state the name of the country in which the aircraft is registered ----------

The undersigned understands that if the articles are used for any purpose other than as stated in this certificate, or are resold or otherwise disposed of, he must report such fact to the manufacturer. It is understood that this certificate may not be used in purchasing articles tax free for use as fuel supplies, etc., on pleasure vessels, or on any type of aircraft except (i) civil aircraft employed in foreign trade or trade between the United States and any of its possessions, and otherwise entitled to exemption, and (ii) aircraft owned by the United States or any foreign country and constituting a part of the armed forces thereof.

The undersigned understands that the fraudulent use of this certificate to secure exemption will subject him and all guilty parties to a penalty equivalent to the amount of tax due on the sale of the articles and upon conviction to a fine of not more than $10,000, or to imprisonment for not more than 5 years, or both, together with costs of prosecution. The undersigned also understands that he must be prepared to establish by satisfactory evidence the purpose for which the article was used.

(Signature)

(Address)

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3893]

[Anchorage 032107]

ALASKA

Revocation of Public Land Order No. 1745

By virtue of the authority vested in the President by section 1 of the Act of March 12, 1914 (38 Stat. 305; 48 U.S.C. 304), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 1745 of October 7, 1938, which withdrew the following described public lands for use of the Alaska Railroad for dock and warehouse purposes, is hereby revoked:

SEWARD AREA

Beginning at Corner No. 3, U.S. Survey No. 3294; thence;
East, 3,090.81 feet to a point on the north-south centerline of sec. 7, T. 1 S., R. 1 E., S.M.;
South, 4,754.36 feet along the centerline of secs. 7 and 18 to a point on the northerly boundary of U.S. Survey No. 1651, 272.59 feet west of Corner No. 2, U.S. Survey No. 1651;
West, 3,694.67 feet along the northerly boundary of U.S. Survey No. 1651, to Meander Corner No. 1;
West, 800.0 feet;
North, 4,879.65 feet;
East, 1,103.79 feet to Corner No. 4, of U.S. Survey No. 3294;
S. 67°58' E., 333.96 feet along the southerly boundary of U.S. Survey 3294 to Corner No. 3, thereof, the Point of Beginning.

The area described contains approximately 494.71 acres.

The lands are situated across Resurrection Bay from Seward. Elevation ranges from sea level to 700 feet. Soils are shallow and extremely rocky. Vegetative cover consists of mature Sitka Spruce, intermingled with alder. Access is by boat or float plane.

2. Until 10 a.m. on March 1, 1966, the State of Alaska shall have a preferred right to select the lands subject to the requirements and limitations of the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR 2222.9. After that time the lands shall be open to operation of the public land laws generally, including the mining and mineral leasing laws, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on March 1, 1966, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to the Manager, Anchorage District and Land Office, Bureau of Land Management, Anchorage, Alaska.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

NOVEMBER 30, 1965.

[F.R. Doc. 65-13003; Filed, Dec. 3, 1965; 8:45 a.m.]

Proposed Rule Making

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

[29 CFR Part 1602]

EMPLOYER REPORTING REQUIREMENTS

Notice of Public Hearing Required by Section 709(c), Title VII, Civil Rights Act of 1964, and of Proposed Rule Making

Correction

In F.R. Doc. 65–12737, appearing at page 14658 of the issue for Thursday, November 25, 1965, the third line of the seventh paragraph is corrected so that the paragraph reads as follows:

Item 8 calls for the filing of the following information with respect to each apprenticeship program in which an employer participates or to which he contributes: (a) Name and location of joint apprenticeship committee, if any; (b) trade or craft; (c) name and location of participating trade organization, if any; (d) name and location of participating labor organization, if any; (e) Government agency with which the program is registered, if any.

FEDERAL AVIATION AGENCY

[14 CFR Parts 1, 91]

[Reg. Docket No. 6652; Notice 65–11]

CLEARANCES AND INSTRUCTIONS

Withdrawal of Notice of Proposed Rule Making

The purpose of this action is to withdraw Notice 65–11 which was published in the FEDERAL REGISTER (30 F.R. 6921) on May 20, 1965. In Notice 65–11 the Federal Aviation Agency proposed amendments to Parts 1 and 91 which would revise the definitions of "air traffic control" and "air traffic control clearances" with the objective of clarifying the distinction between ATC clearances and ATC instructions.

Comments received in response to the notice varied from unqualified endorsement to unqualified objection; however, the preponderance of comments objected to the proposal, or suggested other courses of action. At the request of some major aviation interests, a public hearing was convened by the FAA on September 20, 1965, at which the public was given an additional opportunity to present its views. Representatives of most major aviation interests made presentations at the hearing. All presentations were in opposition to the proposal primarily because of its failure to clarify the extent of the respective responsibilities of pilots and controllers. It was unanimously recommended that the notice be withdrawn.

While this proposal is being withdrawn, some parties at the hearing expressed a desire to explore the subject matter further. The Agency will consider any specific proposal in this matter presented by interested parties; however, there appears to be no present need for the proposed amendments.

In consideration of the foregoing, effective immediately, the notice of proposed rule making published in the FEDERAL REGISTER (30 F.R. 6921) on May 20, 1965, and circulated as Notice No. 65–11, is hereby withdrawn.

This withdrawal is made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on November 30, 1965.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 65–13001; Filed, Dec. 3, 1965; 8:45 a.m.]

Notices

DEPARTMENT OF STATE

Office of the Secretary

MURPHY OIL CORP.

Notice of Application for Presidential Permit

The Department of State has received an application, dated October 25, 1965, from the Murphy Oil Corp. for a Presidential Permit to construct, operate and maintain a pipeline for crude oil at the international boundary line between the United States and Canada, between Toole County, Mont., and Alberta, Canada.

Notice is hereby given that written comments on this application will be received by the Department of State for 30 days from the date of publication of this notice.

For the Secretary of State.

RICHARD D. KEARNEY,
Deputy Legal Adviser.

[F.R. Doc. 65–13004; Filed, Dec. 3, 1965; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[Bureau of Mines Manual; Minerals Research Release BM–MR–4]

MINERALS RESEARCH

Redelegation of Authority

The following redelegation is a portion of the Bureau of Mines Manual and the numbering system is that of the Manual.

PART 200—BUREAU OF MINES DELEGATIONS

205.11.1 *Procurement and contracting—Formally advertised contracts.* The authority in 205 B.M. 11.1, but limited to amounts not to exceed $25,000 for any one contract, is redelegated by several Research Directors and Chiefs of Laboratories to the following officials:

COAL RESEARCH

Anthracite Research Laboratory:
Acting Chief.
Supervisory Minerals Preparation Research Engineer (Solid Fuels).
Supervisory Chemical Engineer.

METALLURGY RESEARCH

Albany Metallurgy Research Center: Supervisory General Supply Specialist (not to exceed $10,000).
Twin Cities Metallurgy Research Center: Management Officer.
Rolla Metallurgy Research Center:
Superintendent (not to exceed $5,000).
Purchasing Agent (not to exceed $5,000).
Salt Lake City Metallurgy Research Center: Administrative Officer (not to exceed $500).

MINING RESEARCH

Twin Cities Mining Research Center: Management Officer, Twin Cities Metallurgy Research Center.

PETROLEUM RESEARCH

Bartlesville Petroleum Research Center:
Superintendent.
Administrative Officer.
San Francisco Petroleum Research Laboratory: Project Coordinator.

Authority to enter into contracts exceeding $25,000 must be requested from the Assistant Director, Minerals Research through the appropriate Director of Research. Requests for approval may be submitted via teletype, memorandum, or requisition.

The authority delegated herein shall be exercised in accordance with the applicable limitations in the Federal Property and Administrative Service Act of 1949, as amended, and in accordance with applicable policies, procedures, and controls prescribed by the General Services Administration, the Department of the Interior and the Bureau of Mines.

As a service in accomplishing procurement actions, the Chiefs, Eastern and Western Administrative Offices, may exercise their separately delegated contracting authorities of this paragraph in fulfilling Minerals Research requirements when requested by the appropriate official listed in paragraph 200 M.R. 3.3, but limited to amounts delegated to the requesting official.

205.11.4 *Negotiated contracts.* The authority to enter into negotiated contracts under section 302(c)(3) of the Federal Property and Administrative Services Act of 1949, as amended (purchases not in excess of $2,500), is redelegated by several Research Directors and Chiefs to the following officials:

COAL RESEARCH

Morgantown Coal Research Center:
Superintendent.
Administrative Officer.
Supervisory Supply Assistant.
Anthracite Research Laboratory:
Acting Chief.
Supervisory Minerals Preparation Research Engineer (Solid Fuels).
Supervisory Chemical Engineer.

METALLURGY RESEARCH

Albany Metallurgy Research Center: Supervisory General Supply Specialist.
College Park Metallurgy Research Center:
Administrative Officer.
Supply Assistant.
Twin Cities Metallurgy Research Center:
Management Officer.
Purchasing Agent.
Reno Metallurgy Research Center:
Superintendent.
Chief, Boulder City Metallurgy Research Laboratory.
Chief, Berkeley Thermodynamics Laboratory.
Rolla Metallurgy Research Center:
Superintendent.
Purchasing Agent.
Salt Lake City Metallurgy Research Center:
Administrative Officer (not to exceed $500).
Tuscaloosa Metallurgy Research Center:
Administrative Officer.

MINING RESEARCH

Twin Cities Mining Research Center:
Management Officer, Twin Cities Metallurgy Research Center.
Purchasing Agent, Twin Cities Metallurgy Research Center.

PETROLEUM RESEARCH

Morgantown Petroleum Research Laboratory:
Superintendent.
Administrative Officer.
Supervisory General Supply Specialist.
Bartlesville Petroleum Research Center:
Superintendent.
Administrative Officer.
Chief, Procurement and Property Management.
Laramie Petroleum Research Center: Superintendent.
San Francisco Petroleum Research Laboratory: Project Coordinator.

The authority delegated herein shall be exercised in accordance with the applicable limitations as outlined in 205 M.R. 11.1 above.

As a service in accomplishing procurement actions, the Chiefs, Eastern and Western Administrative Offices, may exercise their separately delegated negotiating authority in fulfilling Minerals Research requirements when requested by the appropriate official listed in paragraph 200 M.R. 3.3, but limited to amounts not to exceed $25,000 for any one contract, unless prior approval has been obtained from the Assistant Director, Minerals Research.

JOE B. ROSENBAUM,
Acting Assistant Director, Minerals Research.

[F.R. Doc. 65–13010; Filed, Dec. 3, 1965; 8:46 a.m.]

Fish and Wildlife Service

[Docket No. A–350]

JOHN L. FINLEY

Notice of Loan Application

John L. Finley, Box 2258, Kodiak, Alaska, 99615, has applied for a loan to aid in financing the construction of a new 29-foot wood seine boat to engage in the fishery for salmon in Southwestern Alaskan waters.

Notice is hereby given pursuant to the provisions of Public Law 89–85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C., 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic

hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic injury or hardship.

H. E. CROWTHER,
Acting Director,
Bureau of Commercial Fisheries.

DECEMBER 1, 1965.

[F.R. Doc. 65-13006; Filed, Dec. 3, 1965; 8:46 a.m.]

[Docket No. S-323]

PARKS CANNING CO., INC.

Notice of Loan Application

Parks Canning Co., Inc., 309 Colman Building, Seattle, Wash., 98104, has applied for a loan from the Fisheries Loan Fund to aid in the purchase of a used 82.3-foot registered length wood vessel to engage in the fishery for king crab in Alaskan waters.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C., 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic injury or hardship.

H. E. CROWTHER,
Acting Director,
Bureau of Commercial Fisheries.

DECEMBER 1, 1965.

[F.R. Doc. 65-13007; Filed, Dec. 3, 1965; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order 7-A]

OFFICE OF STATE TECHNICAL SERVICES

Functions and Responsibilities

The following order was issued by the Secretary of Commerce on November 19, 1965.

SECTION 1. *Purpose.* The purpose of this order is to establish the Office of State Technical Services, delegate authority to the Director, and describe the functions of the Office.

SEC. 2. *General.* .01 The Office of State Technical Services is hereby established as a primary organization unit of the Department of Commerce pursuant to the authority vested in the Secretary of Commerce by the State Technical Services Act of 1965 (Public Law 89-182) and otherwise by law.

.02 The Office of State Technical Services (hereinafter called the "Office") shall be headed by a Director who shall report and be responsible to the Assistant Secretary of Commerce for Science and Technology (hereinafter called the "Assistant Secretary"). The Director shall be assisted by a Deputy Director who shall perform the functions of the Director in the latter's absence.

SEC. 3. *Delegation of authority.* .01 Pursuant to the authority vested in the Secretary of Commerce by law and subject to such policies and directives as the Assistant Secretary may prescribe, the Director is hereby delegated the functions, powers, duties, and authorities of the Secretary of Commerce under the State Technical Services Act of 1965 (Public Law 89-182) (hereinafter called the "Act") with the following exceptions:

a. Transmittal of the annual report to the President and the Congress, as required by section 14(b) of the Act, which function shall be exercised by the Secretary.

b. Appointment of the public committee to evaluate the significance and impact of activities conducted under this Act, as required by section 15 of the Act, which function shall be exercised by the Secretary.

c. Determination of the amounts of funds appropriated each year under the Act which may be reserved under section 10(c) of the Act for payments for special merit or additional technical services programs under that section, which function is to be exercised by the Assistant Secretary.

.02 The approval of the Assistant Secretary shall be obtained before issuance by the Director of any rules, regulations, criteria, or procedures to be published in the FEDERAL REGISTER.

.03 The Director may redelegate any authority conferred on him by this order to any officer or employee of the Office of State Technical Services, subject to such conditions in the exercise of such authority as the Director shall prescribe.

SEC. 4. *Functions and responsibilities.* The Director shall perform functions which include, but are not limited to, the following:

.01 Develop and issue policies, standards, criteria, procedures, rules, and regulations as directed by the Act, or as deemed necessary or appropriate for the administration of the Act.

.02 Assist States in initiating their technical services programs by consultation, and by approval of amounts (not to exceed $25,000 a year for each of the first 3 fiscal years) and by payments of approved amounts to designated agencies, as authorized by section 10(e) of the Act.

.03 Develop requirements for effective 5-year plans and annual technical services programs, accept (or refuse to accept) such plans and programs, and review, approve, or disapprove accepted plans and programs, as prescribed by sections 3 to 7 and section 9 of the Act.

.04 Approve amounts to be paid and make payments to designated agencies, participating institutions, or persons in support of each approved technical services program, as authorized by section 10(b) of the Act.

.05 Select technical services programs, projects or activities to be supported from funds reserved by the Assistant Secretary under section 10(c) of the Act; approve the terms, conditions and amounts to be paid therefor under published criteria and regulations; and make payments as authorized by section 10(c) of the Act.

.06 Provide or make arrangements for the provision of, appropriate reference services to designated agencies, or to others as authorized under section 11 of the Act.

.07 Provide consultation to, and collaborate with, other units of the Department of Commerce, or the Federal Government, and appropriate State and local government agencies, universities, and nonprofit institutions, in efforts to obtain wider diffusion and more effective application of science and technology in business, commerce, and industry.

.08 Undertake such other activities as are necessary and proper to assure effective administration of the Act.

SEC. 5. *Administrative services.* The Office of State Technical Services will obtain necessary personnel, financial and administrative services from the Office of the Assistant Secretary for Administration.

SEC. 6. *Organization and assignment of functions.* The organizational structure and assignment of functions within the Office of State Technical Services shall be prescribed and approved in a separate Department Order (7-B) to be issued over the signatures of the Assistant Secretary for Administration and the Assistant Secretary.

Effective date. November 19, 1965.

DAVID R. BALDWIN,
Assistant Secretary
for Administration.

[F.R. Doc. 65-13008; Filed, Dec. 3, 1965; 8:46 a.m.]

[Dept. Order 128]

UNDER SECRETARY OF COMMERCE FOR TRANSPORTATION

Duties and Responsibilities

NOVEMBER 22, 1965.

The following order was issued by the Secretary of Commerce on November 22, 1965. This material supersedes the material appearing at 30 F.R. 14534 of November 20, 1965, and 30 F.R. 7018-7019 of May 25, 1965.

SECTION 1. *Purpose.* The purpose of this order is to prescribe the scope of authority and the duties and responsibilities of the Under Secretary of Commerce for Transportation, hereinafter called the Under Secretary for Transportation; and to prescribe the organization structure of the Office of the Under Secretary for Transportation.

SEC. 2. *Duties and responsibilities.* The Under Secretary for Transportation shall serve as the principal adviser to the Secretary on all matters which involve transportation policies of the Federal Government and on all matters concerning transportation responsibilities and activities of the Department of Commerce. His particular duties and responsibilities shall include:

a. Exercising policy direction and general supervision of the Bureau of Public Roads, the Maritime Administration, the St. Lawrence Seaway Development Corporation, and the Great Lakes Pilotage Administration;

b. Reviewing and taking final action on decisions of the Maritime Subsidy Board;

c. Formulating, in consultation with Executive Branch agencies concerned, overall transportation policies and programs within the Government to assure balanced development of the Nation's transportation system;

d. Administering a program of transportation research;

e. Administering a program of research, development, and demonstration in high-speed ground transportation;

f. Obtaining and providing transportation statistics and other information as will contribute to the improvement of the national transportation system;

g. Providing leadership in the Government in the formulation and coordination of program and policies to improve highway safety;

h. Developing for presentation, in consultation with the General Counsel and other interested offices in the Department, policy and program positions bearing on existing or proposed legislation;

i. Developing for presentation, in consultation with the General Counsel and other interested offices in the Department, positions on matters under consideration by regulatory agencies that involve Federal transportation policies or concern transportation programs;

j. Serving as the focal point within the Department on, and representing the Department with respect to, all transportation activities of an interdepartmental nature;

k. Issuing orders as may be required under section 1 of the Defense Production Act of 1950, as amended, as provided in section 3.f. herein;

l. Administering the Aviation War Risk Insurance Program;

m. Administering the Aircraft Loan Guarantee Program; and

n. Carrying out the emergency transportation planning and coordination functions assigned to the Department of Commerce under Executive Order 10999 of February 16, 1962.

SEC. 3. *Scope of authority.* The Under Secretary for Transportation shall exercise the authority vested in the Secretary under:

a. Section 202 of Reorganization Plan No. 7 of 1961, and under any other existing or subsequent legislation and Executive Orders pertaining to the functions delegated to the Maritime Subsidy Board insofar as relates to reviewing and taking final action on decisions of the Maritime Subsidy Board as provided in section 7 of Department Order 117 of April 9, 1962, as amended:

b. Title XIII, Public Law 85-726 (49 U.S.C. 1531-1542), pertaining to the Aviation War Risk Insurance Program;

c. Public Law 85-307, 71 Stat. 629, as amended, and Public Law 87-820 (49 U.S.C. 1324 note and 49 U.S.C. 1380), pertaining to the Aircraft Loan Guarantee Program;

d. Public Law 89-220, to undertake research and development in high-speed ground transportation and for other purposes including the collection of transportation statistics; except the authority in section 5(a) thereof to establish an advisory committee and the authority in section 10 thereof relating to the submission of reports and recommendations to the Congress and the President shall be reserved to the Secretary;

e. Executive Order 10771, dated June 20, 1958, relating to the supervision and direction of the St. Lawrence Seaway Development Corporation and to assistance of the Corporation by the Department in encouraging the development of traffic and maximum utilization of the Seaway;

f. Title I of the Defense Production Act of 1950, as amended, (50 U.S.C. App. 2071 et seq.), as conferred on the Secretary under Executive Order 10480, dated August 14, 1953, as amended, to issue or modify orders restricting transportation and discharge of certain commodities or for the prohibition of movement of American carriers to certain designated destinations, which authority has heretofore been implemented by the issuance of Transportation Orders T-1 and T-2;

g. Executive Order 10999, dated February 16, 1962, relating to emergency transportation, planning and coordination.

SEC. 4. *Deputy Under Secretary for Transportation.* .01 The Deputy Under Secretary for Transportation shall assist the Under Secretary for Transportation in (1) policy direction and supervision of the Bureau of Public Roads, the Maritime Administration, the St. Lawrence Seaway Development Corporation and the Great Lakes Pilotage Administration, (2) matters pertaining to transportation policies and operating programs and (3) the executive management of the Office of the Under Secretary for Transportation. This assistance shall include supervision of the following components of the Office of the Under Secretary for Transportation: Office of Transportation Policy Development, Office of Transportation Programs, and Office of Emergency Transportation.

.02 The Deputy Under Secretary for Transportation shall act as the Under Secretary for Transportation during the absence of the Under Secretary for Transportation.

SEC. 5. *Deputy Under Secretary for Transportation Research.* .01 The Deputy Under Secretary for Transportation Research shall assist the Under Secretary for Transportation (1) in planning and administering the transportation research, development and statistics programs in the Office of the Under Secretary for Transportation, (2) by coordinating the research and development programs of the Bureau of Public Roads and the Maritime Administration, and (3) by maintaining liaison with other governmental agencies and private transportation research and developing activities. This assistance shall include supervision of the following components or activities of the Office of the Under Secretary for Transportation: Office of Transportation Research, Office of High-Speed Ground Transportation, Office of Transportation Data Systems, the economic evaluation of the supersonic transport aircraft, and such other special research and development work as may be assigned.

.02 The Deputy Under Secretary for Transportation Research shall act as the Under Secretary for Transportation during the absence of the Under Secretary for Transportation and the Deputy Under Secretary for Transportation.

SEC. 6. *Office of Transportation Policy Development.* The Office of Transportation Policy Development shall develop overall transportation policies, plans and programs to assure the balanced development of the Nation's transportation system. In carrying out these functions, it shall:

a. Conduct reviews and analyses of proposed or existing policies within the Government affecting transportation;

b. Identify and define major transportation problems of the Nation and propose research undertakings, policy studies, program planning, or other actions needed for solutions of the problems;

c. Consult with other Federal agencies concerning the coordination within the Government of transportation policies and programs required for the Nation's overall transportation needs;

d. In consultation with the Office of the General Counsel and other interested offices in the Department, develop for presentation positions on matters under consideration by regulatory agencies that involve Federal transportation policies or concern transportation programs; and

e. In consultation with the Office of the General Counsel and other interested offices in the Department, develop for presentation policy and program positions bearing on existing or proposed legislation.

SEC. 7. *Office of Transportation Programs.* The Office of Transportation Programs shall:

a. Provide staff support to the Under Secretary for Transportation and the Deputy Under Secretary for Transportation in their exercise of policy direction, supervision and coordination of organization units of the Department enumerated in section 2, above;

b. Perform the functions required in administering the Aviation War Risk Insurance Program and the Aircraft Loan Guarantee Program;

c. Maintain and participate in interagency activities which involve the coordination of transportation program responsibilities exercised by the Department, to insure that implementation of overall transportation programs within the Government is consistent with the objectives of national transportation policy; and

d. Coordinate the development and execution of a comprehensive national highway safety program, and provide coordination of highway safety functions exercised both within and outside the Department.

SEC. 8. *Office of Emergency Transportation.* The Office of Emergency Transportation shall perform all functions concerning emergency transportation planning and coordination assigned the Department under Executive Order 10999 of February 12, 1962. In carrying out these functions, it shall:

a. Prepare national plans, programs and procedures for the centralized control of all modes of transportation and for the proper allocation of the civil transportation capacity to meet civil and military needs in an emergency;

b. Develop and up-date long range programs designed to meet mobilization requirements for the use of all means of national and international transportation, including air, ground, water, and pipelines;

c. Develop and maintain plans to utilize, both domestically and internationally, the civil air carrier transportation capacity in a national emergency;

d. Prepare plans to claim from Federal agencies the materials, manpower, equipment, supplies, and services needed to support coordination of transportation in an emergency, and work with such agencies in developing programs to insure availability of such resources;

e. Propose and monitor or conduct research concerned with transportation emergency preparedness problems, provide representation on ad hoc or task force study groups, and provide advice and assistance to other agencies in planning research on emergency transportation problems;

f. Initiate with other agencies the development of joint plans for coordination of the emergency transportation program, and utilize to the maximum, the capabilities of other agencies, by contractual or other arrangements to perform emergency transportation planning; and

g. Develop and maintain program and organizational plans for exercise by the Department of its transportation responsibilities during an emergency.

SEC. 9. *Office of Transportation Research.* The Office of Transportation Research shall plan an overall program of research essential to the Nation's transportation needs, and shall:

a. Conduct, directly or through contract, transportation research projects;

b. Gather and interpret research information needed to help the Under Secretary for Transportation formulate and recommend national transportation policy;

c. Develop and test policy analysis systems, equipment and facilities which can aid transportation operators, regulators and planners, but not including the area of responsibility assigned by this order to the Office of High-Speed Ground Transportation;

d. Disseminate within the Government and to private and public organizations, research findings and information of the Department that will aid research and operational efforts;

e. Evaluate and coordinate research and development programs of the Bureau of Public Roads and the Maritime Administration; and

f. Maintain liaison with other Government agencies and with private transportation research and development groups.

SEC. 10. *Office of High-Speed Ground Transportation.* The Office of High-Speed Ground Transportation shall plan and carry out a program of research, development and demonstration in high-speed ground transportation.

SEC. 11. *Office of Transportation Data Systems.* The Office of Transportation Data Systems shall plan and carry out a program for the collection, collation and dissemination of data, statistics and other information on transportation.

SEC. 12. *Savings Provision.* All orders, delegations of authority and other actions heretofore issued or taken by or relating to the Office of the Under Secretary of Commerce for Transportation or any official thereof shall remain in effect until specifically revoked or amended by proper authority.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[F.R. Doc. 65-13009; Filed, Dec. 3, 1965; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

BYPRODUCT, SOURCE AND SPECIAL NUCLEAR MATERIALS IN QUANTITIES NOT SUFFICIENT TO FORM CRITICAL MASS

Criteria for Guidance of States and AEC in Discontinuance of AEC Regulatory Authority and Assumption Thereof by States Through Agreement

Notice is hereby given that an amendment to the Criteria for Guidance of States and AEC in Discontinuance of AEC Regulatory Authority and Assumption Thereof by States Through Agreement, set out below, has been adopted by the Commission. This amendment, effective on publication, adds a new paragraph to the Criteria, which provides that a State assuming regulatory responsibilities pursuant to section 274 of the Atomic Energy Act of 1954, as amended, should provide exemptions for AEC contractors substantially equivalent to the exemptions provided in the Commission's regulations, Parts 30, 40, 50, and 70.

On July 13, 1965, the Commission published in the FEDERAL REGISTER (30 F.R. 8802) a request for public comment on the proposed amendment to the Criteria to provide for such exemptions. Sixty days were allowed for public comment. The text of the amendment, set out below, is identical to the proposed amendment published on July 13, 1965.

The amendment is not intended to affect the respective rights and powers of the Commission or any of the States under the U.S. Constitution, including any immunity from State regulation the Commission might validly assert under the laws and Constitution of the United States on behalf of its contractors or subcontractors.

A new paragraph 28 is added to the Criteria for Guidance of States and AEC in Discontinuance of AEC Regulatory Authority and Assumption Thereof by States Through Agreement to read as follows:

28. *AEC contractors.* The State should provide exemptions for AEC contractors which are substantially equivalent to the following exemptions:

(a) Prime contractors performing work for the AEC at U.S. Government-owned or controlled sites;

(b) Prime contractors performing research in, or development, manufacture, storage, testing, or transportation of, atomic weapons or components thereof;

(c) Prime contractors using or operating nuclear reactors or other nuclear devices in a U.S. Government-owned vehicle or vessel; and

(d) Any other prime contractor or subcontractor when the State and the AEC jointly determine (i) that, under the terms of the contract or subcontract, there is adequate assurance that the work thereunder can be accomplished without undue risk to the public health and safety and (ii) that the exemption of such contractor or subcontractor is otherwise appropriate.

(Sec. 274, 73 Stat. 688; 42 U.S.C. 2021)

Dated at Washington, D.C., this 29th day of November 1965.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 65-13005; Filed, Dec. 3, 1965; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16682; Order E-22944]

CHRISTMAS PACKAGES TO VIETNAM

Domestic Service Mail Rate for Packages Bearing Surface Parcel Postage

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of November 1965.

The Board, on November 17, 1965, adopted Order E-22898 directing all interested persons, and specifically the air carriers listed in the appendix thereto and the Postmaster General, to show cause why the Board should not adopt the proposed findings and conclusions and fix, determine and publish the rates proposed therein for the mail transportation described.

The time designated for filing notice of objection has elapsed and no objections have been filed. All parties have therefore waived the right to a hearing and all other procedural steps short of a final decision of the Board fixing the final rates.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof,

It is ordered That:

1. The fair and reasonable final service mail rates to be paid by the Postmaster General to:

Airlift International, Inc.
Allegheny Airlines, Inc.
American Airlines, Inc.
Bonanza Air Lines, Inc.
Braniff Airways, Inc.
Central Airlines, Inc.
Continental Air Lines, Inc.
Delta Air Lines, Inc.
Eastern Air Lines, Inc.
The Flying Tiger Line, Inc.
Frontier Airlines, Inc.
Lake Central Airlines, Inc.
Mohawk Airlines, Inc.
National Airlines, Inc.
North Central Airlines, Inc.
Northeast Airlines, Inc.
Northwest Airlines, Inc.
Ozark Air Lines, Inc.
Pacific Air Lines, Inc.
Piedmont Aviation, Inc.
Southern Airways, Inc.
Trans-Texas Airways, Inc.
Trans World Airlines, Inc.
United Air Lines, Inc.
West Coast Airlines, Inc.
Western Air Lines, Inc.

for the transportation by aircraft of packages over their routes within the 48 contiguous States and the District of Columbia, destined to the military port of embarkation in San Francisco for shipment to South Vietnam, affixed with surface parcel postage, the facilities used and useful therefor, and the services connected therewith are, for the period from the date of this order through December 20, 1965, a rate equal to 50 percent of the service mail rates fixed and determined for such air carriers in Order E-22512, adopted August 6, 1965.

2. This order be served upon the air carriers listed in paragraph 1 above, and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65-13017; Filed, Dec. 3, 1965; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 65-CE-14]

QUINCY CABLEVISION, INC.

Notice of Petition for and Grant of Discretionary Review

On November 8, 1965, the Agency's Central Regional Office issued the following Determination of No Hazard to Air Navigation (Aeronautical Study No. CE-OE-65-913) at Kansas City, Mo.:

The Federal Aviation Agency has conducted an aeronautical study in accordance with § 77.19, Federal Aviation Regulations, to determine what effect the following described construction would have upon the safe and efficient utilization of navigable airspace.

Applicant: Quincy Cablevision, Inc.
Structure: Microwave Tower.
Location: Keokuk, Iowa.
Height: 1000' AMSL; 400' AGL.
Latitude: 40°23'56".
Longitude: 91°25'49".

The proposed structure would be located 4 miles south of the Keokuk Airport. It would not exceed the standards for determining obstructions as applied to this airport. It would exceed the standards for determining obstructions to air navigation in § 77.23(a)(5) of the Federal Aviation Regulations (more than 200 feet above ground within a transition area).

The aeronautical study disclosed the proposed structure would have no adverse effect on aeronautical operations, procedures or minimum flight altitudes.

Therefore, pursuant to the authority delegated to me, it is found that the structure would have no substantial adverse effect upon the safe and efficient utilization of navigable airspace and it is hereby determined that the structure would not be a hazard to air navigation provided it is obstruction marked and lighted in accordance with FAA standards.

This determination is effective and becomes final on December 16, 1965, unless a petition for review is filed under § 77.37. If a petition is filed, further notice will be given and the determination will not become final pending disposition of the petition. Petitions for discretionary review must be filed in triplicate with Chief, Obstruction Evaluation Branch, Federal Aviation Agency, Washington, D.C., 20553, within 30 days after the date of issuance and must contain a full statement of the basis upon which it is made.

This determination expires on June 18, 1966, unless application is made to the FCC for a construction permit before that date, or the determination is otherwise extended, revised, or terminated. If application is made to the FCC within the 6 months time period, the determination expires on the date prescribed in the FCC construction permit for completion of construction or on the date the FCC denies the application.

Notice to this office is required at least 48 hours before the start of construction and again within 5 days after the construction reaches its greatest height.

GEORGE D. SMITH,
Chief, Airspace Branch, Air Traffic Division.

On November 11 and November 19, 1965, the Keokuk Municipal Airport Commission, and the National Business Aircraft Association, Inc., (NBAA) respectively, petitioned the Administrator for a discretionary review of the above determination.

The petitions set forth the following issues:

1. In view of the fact that there is no official altimeter setting in the Keokuk area, a 400-foot tower is too close to the altitude of the ceiling requirement for an instrument approach to the Keokuk Airport, which requires a 500-foot ceiling and 1 mile visibility.

2. The proposed tower would be too close to the airport's traffic pattern following completion of the planned extension of the northwest/southeast runway.

3. The tower would be a hazard to traffic arriving and departing the Keokuk Airport since the nearest source of an altimeter setting in the area is 27 miles distant and a difference in air pressure between the source and Keokuk could serve to reduce the clearance between an aircraft at 500 feet and the 400-foot tower.

4. The tower lies on a VFR route; aircraft operating at 500 feet with the weather at, or near, VFR minimums, which are frequently encountered in the area, would have inadequate clearance with a 400-foot tower.

5. The proposed tower site is one-half mile south of the southern edge of a transition area and directly on a VFR, southbound, departure route; aircraft keeping low to stay under this transition area while skirting the western edge of Keokuk City en route to the Mississippi, would overfly the top of the tower by approximately 100 feet.

6. The tower would be slightly more than 3 miles from the end of the northwest/southeast runway, which when extended southeast as planned, would leave inadequate separation for IFR procedures.

Notice is hereby given that, pursuant to the authority delegated to me by the Administrator, the petitions by the Keokuk Municipal Airport Commission and the NBAA for discretionary review under § 77.37 of Part 77 are granted and such review will be conducted on the basis of written materials pursuant to § 77.37(c)(1).

Interested persons may, within 30 days of the issuance date of this notice, submit any relevant information in writing for consideration in this review to the Federal Aviation Agency, Air Traffic Service, Obstruction Evaluation Branch, 800 Independence Avenue SW., Washington, D.C., 20553. Submissions must be filed in triplicate and be relevant to the effect of the proposed structure on safe air navigation.

A copy of appropriate correspondence in this case is on file in OE Docket No. 65-CE-14, and may be examined by interested persons at the Federal Aviation Agency, Office of the General Counsel, Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553.

Upon conclusion of this discretionary review, an appropriate order will be pub-

lished in the FEDERAL REGISTER. In accordance with § 77.37 of the Federal Aviation Regulations, the determination of no hazard to air navigation issued by the Agency's Central Regional Office in Aeronautical Study No. CE-OE-65-913 is not and will not be a final determination pending final disposition of the petitions.

Issued in Washington, D.C., on November 29, 1965.

ARCHIE W. LEAGUE,
Director, Air Traffic Service.

[F.R. Doc. 65-13002; Filed, Dec. 3, 1965; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 65-44]

ABSORPTION OF PORT HANDLING CHARGES ON RAIL CAR TRAFFIC

Notice of Investigation and Suspension

NOVEMBER 30, 1965.

It appearing, that there have been filed with the Federal Maritime Commission by Sea-Land Service, Inc., and Seatrain Lines, Inc., tariff schedules providing for an absorption or rebate of port handling charges on traffic interchanged with railroads at North Atlantic ports to become effective November 27, 1965, and later designated as follows:

Sea-Land Service, Inc., Freight Tariff No. 7-A—FMC-F No. 10; Item 625, 1st and 2d Revised Page 36 and *Seatrain Lines, Inc., Outward Freight Tariff No. 1, FMC-F No. 1;* Item 27, 3d Revised Page 61-A and *Homeward Freight Tariff No. 3, FMC-F No. 3;* Item 420, Original Page 25-C.

It further appearing, that upon consideration of the said schedules and protests thereto there is reason to believe that the tariff revisions if permitted to become effective, may result in an unlawful rebate, absorption or allowance in violation of sections 16 and 18, Shipping Act, 1916 and sections 2 and 3 of the Intercoastal Shipping Act, 1933;

It further appearing, that, the Commission is of the opinion that these tariff revisions should be made the subject of a public investigation and hearing to determine whether they are unjust, unreasonable, or otherwise unlawful under the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933, and that the effective date of the proposed tariff changes should be suspended pending such investigation;

Now, therefore, it is ordered, That, an investigation be, and it is hereby, instituted into and concerning the aforementioned tariff revisions with a view to making such findings and orders in the premises as the facts and circumstances shall warrant;

It is further ordered, That Item No. 625 on 1st and 2d Revised Page 36 of Sea-Land's Tariff FMC-F No. 10 and Item 27, 3d Revised Page 61-A and Item 420, Original Page 25-C of Seatrain's Tariffs FMC-F No. 1 and FMC-F No. 3 be, and they are hereby suspended and that the use thereof be deferred to and including March 26, 1966, unless otherwise authorized by the Commission; and that the rates, fares, charges, rules, regulations and/or practices heretofore in effect and which were to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until the period of suspension has expired or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission;

It is further ordered, That there shall be filed immediately with the Commission by Sea-Land Service, Inc., and Seatrain Lines, Inc., a consecutively numbered supplement to each of the aforesaid tariffs, which supplements shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described, and shall state that the aforesaid matter is suspended and may not be used until the 27th day of March 1966, unless otherwise authorized by the Commission; and that the matter heretofore in effect, and which was to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension may be changed until the period of suspension has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission;

It is further ordered, That copies of this order shall be filed with the said tariff schedules in the Bureau of Domestic Regulation of the Federal Maritime Commission;

It is further ordered, That (I) the investigation herein ordered be assigned for public hearing by the Chief Examiner, before an examiner of the Commission's Office of Hearing Examiners at a date and place to be announced; (II) Sea-Land Service, Inc., and Seatrain Lines, Inc., be, and they are hereby made respondent in this proceeding; (III) a copy of this order shall forthwith be served upon said respondents and protestants; (IV) the said respondents and protestants be duly notified of the time and place of the hearing herein ordered; and (V) this order and notice of the said hearing be published in the FEDERAL REGISTER.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 502.-73) with copy to respondents.

By the Commission, November 24, 1965.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 65-13018; Filed, Dec. 3, 1965; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-7222]

MICHIGAN GAS & ELECTRIC CO.

Notice of Hearing

DECEMBER 2, 1965.

Take notice that a hearing in the above-docketed proceeding will be held on December 22, 1965, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., 20426. This proceeding was instituted by Commission order issued May 4, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-13085; Filed, Dec. 3, 1965; 9:24 a.m.]

INTERSTATE COMMERCE COMMISSION

[Second Rev. S.O. 947; Pfahler's Car Distribution Direction 7]

NEW YORK, NEW HAVEN & HARTFORD RAILROAD CO. ET AL.

Freight Car Distribution

Pursuant to section I (15) and (17) of the Interstate Commerce Act and authority vested in me by Paragraph (a) (5) (ii) of the Interstate Commerce Commission Second Revised Service Order No. 947 (28 F.R. 12127; 29 F.R. 6014, 9670, 18506; 30 F.R. 6220 and 7522).

It appearing, that there exists a shortage of boxcars in sections of the country served by the Northern Pacific Railway Co. because of inequitable distribution, and it appearing that the present carrier rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of cars to the railroads owning such cars are ineffective; this Agent is of the opinion that an emergency exists requiring immediate action, and that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this direction effective upon less than 30 days' notice.

It is ordered, That:

(1) The New York, New Haven & Hartford Railroad Co., Erie-Lackawanna Railroad Co., Soo Line Railroad Co., and the Northern Pacific Railway Co. shall observe, enforce, and obey the following directions, rules, regulations, and practices with respect to freight car distribution:

(a) The New York, New Haven & Hartford Railroad Co. shall deliver to the Erie-Lackawanna Railroad Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships.

(b) Cars received by the Erie-Lackawanna Railroad Co. under this order shall be delivered to the Soo Line Railroad Co.

(c) Cars received by the Soo Line Railroad Co. under this order shall be delivered to the Northern Pacific Railway Co.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be carded to the Northern Pacific Railway Co. and each car shall be identified by the New York, New Haven & Hartford Railroad Co., Erie-Lackawanna Railroad Co., and Soo Line Railroad Co. on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(2) No common carrier by railroad subject to the Interstate Commerce Act shall intercept, appropriate, or divert any empty cars moving under the provisions of this direction.

(a) The New York, New Haven, and Hartford Railroad Co. must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m., to the Erie-Lackawanna Railroad Co.

(b) The Erie-Lackawanna Railroad Co. and the Soo Line Railroad Co. must advise Agent R. D. Pfahler each Wednesday as to the number of cars received and delivered, as requested by this order, during the preceding week.

(c) The Northern Pacific Railway Co. must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, received during the preceding week, ending each Sunday at 11:59 p.m.

(3) Application: The provisions of this direction shall apply to intrastate, interstate, and foreign commerce.

(4) Regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(5) Effective date: This direction shall become effective at 12:01 a.m., December 6, 1965.

(6) Expiration date: This direction shall expire at 11:59 p.m., December 31, 1965, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 30, 1965.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 65-13011; Filed, Dec. 3, 1965; 8:46 a.m.]

[Second Rev. S.O. 947; Pfahler's Car Distribution Direction No. 6]

SOUTHERN PACIFIC CO. AND CHICAGO, ROCK ISLAND & PACIFIC RAILROAD CO.

Freight Car Distribution

Pursuant to section I (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (a) (5) (ii) of the Interstate Commerce Commission Second Revised Service Order No. 947 (28 F.R. 12127; 29 F.R. 6014, 9670, 18506; 30 F.R. 6220 and 7522).

It appearing that there exists a shortage of boxcars in sections of the country served by the Chicago, Rock Island & Pacific Railroad Co. because of inequitable distribution, and it appearing that the present carrier rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of cars to the railroads owning such cars are ineffective; this Agent is of the opinion that an emergency exists requiring immediate action, and that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this direction effective upon less than 30 days' notice.

It is ordered, That:

(1) The Southern Pacific Co. and the Chicago, Rock Island & Pacific Railroad Co. shall observe, enforce, and obey the following directions, rules, regulations, and practices with respect to freight car distribution:

(a) The Southern Pacific Co. shall return to the Chicago, Rock Island & Pacific Railroad Co. at Houston the equivalent number of empty boxcars per week received by the Southern Pacific Co. from the Chicago, Rock Island & Pacific Railroad Co. under load consigned to Goodpasture Grain Co. Exception: Cars subject to Car Service Rule 2.

(b) The rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

(2) The Southern Pacific Co. must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m., to the Chicago, Rock Island & Pacific Railroad Co.

(a) The Chicago, Rock Island & Pacific Railroad Co. must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, received from the Southern Pacific Co. during the preceding week, ending each Sunday at 11:59 p.m., as well as the number of loaded cars delivered by the Chicago, Rock Island & Pacific Railroad Co. for Southern Pacific Co. switch delivery to the Goodpasture Grain Co. at Houston during the same period.

(3) Application. The provisions of this direction shall apply to intrastate, interstate, and foreign commerce.

(4) Regulations suspended. The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(5) Effective date: This direction shall become effective at 12:01 a.m., December 3, 1965.

(6) Expiration date: This direction shall expire at 11:59 p.m., December 31, 1965, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 30, 1965.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 65-13012; Filed, Dec. 3, 1965; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 1, 1965.

Protests to the granting of an application must be prepared in accordance with § 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA 40157—*Pulpboard or fiberboard from points in Southern Territory.* Filed by O. W. South, Jr., agent (No. A4801), for interested carriers. Rates on Pulpboard or fiberboard, in carloads, from points in southern territory to Carpentersville and North Chicago, Ill.

Grounds for relief—Market competition.

Tariff—Supplement 19 to Southern Freight Association, agent, tariff ICC S-519.

FSA 40158—*Brick or tile raw materials between points in Southern Territory.* Filed by O. W. South, Jr., agent (No. A4802), for interested carriers. Rates on brick or tile raw materials, as described in the application, in carloads, between points in southern territory.

Grounds for relief—Carrier competition, modified short-line distance formula and grouping.

Tariff—Supplement 119 to Southern Freight Association, agent, tariff ICC S-144.

FSA 40159—*Liquid caustic soda from Evans City, Ala.* Filed by O. W. South, Jr., agent (No. A4803), for and on behalf Atlantic Coast Line Railroad Co. and other interested carriers. Rates on liquid caustic soda, in tank carloads, from Evans City, Ala., to specified points in South Carolina.

Grounds for relief—Market competition.

Tariff—Supplement 220 to Southern Freight Association, agent, tariff ICC S–194.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65–13013; Filed, Dec. 3, 1965; 8:47 a.m.]

[Notice 95]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 1, 1965.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 22179 (Sub-No. 11 TA), filed November 29, 1965. Applicant: FREEMAN TRUCK LINE, INC., 416 Jackson Avenue, Oxford, Miss. Applicant's representative: John Paul Jones, 189 Jefferson, Memphis, Tenn., 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Durant, Miss., and Yazoo City, Miss., from Durant over U.S. Highway 51 to Pickens, Miss., thence over Mississippi Highway 432 to Benton, Miss., thence over Mississippi Highway 16 to Yazoo City, and return over the same route, serving all intermediate points, and the off-route points of Crupp, Valley, and Tinsley, Miss., for service between Memphis, Tenn., and the above-named Mississippi points, except Durant, by tacking at Durant the authority sought herein with applicant's present authority; and over an alternate route, to be used for operating convenience only, for the said Memphis-Yazoo City and Crupp, Valley, and Tinsley, Miss., service by tacking at Grenada, Miss., the following alternate route with applicant's present authority: From Grenada, Miss., over Mississippi Highway 7 to Greenwood, Miss., thence over U.S. Highway 49E to Yazoo City, Miss., and return, for 180 days. Supporting shippers: Motor Parts Co., Post Office Box 169, Yazoo City, Miss.; Yazoo Tractor Co., Inc., Yazoo City, Miss.; Alexander Manufacturing Co., Post Office Box 107, Yazoo City, Miss.; Shannon Tractor Co., Inc., Post Office Box 808, Yazoo City, Miss.; S. Moses Co., Vending, Post Office Box 658, Yazoo City, Miss.; Massey-Ferguson, Inc., 308 South Mound Street, Yazoo City, Miss.; Southern Bag Corp., Post Office Box 389, Yazoo City, Miss.; Fouche Tractor & Implement Co., 201 North Mound Street, Yazoo City, Miss.; Woodruff & Hollis Ford Co., 426 South Main Street, Yazoo City, Miss.; JPS Building Supplies, Inc., 333 North Main Street, Yazoo City, Miss.; Mississippi Tobacco Co., Post Office Box 839, Yazoo City, Miss., the W. L. Somner Co., Inc., Post Office Box 82, Shreveport, La.; Ely & Walker, 823 East Holmes Road, Whitehaven, Tenn.; and, Southland Oil Co., Yazoo City, Miss. Send protests to: W. W. Garland, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 390, U.S. Federal Building, Memphis, Tenn., 38103.

No. MC 30837 (Sub-No. 324 TA), filed November 26, 1965. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis., 53141. Applicant's representative: Albert P. Barber (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Seat cabs*, set up, for agricultural, construction and industrial implements and machinery, Menomonee Falls, Wis., to Bettendorf, Iowa; East Moline, Rock Island, Silvis, and Springfield, Ill.; Bay City, and Detroit, Mich.; Independence, Mo.; and Indianapolis, Ind., for 150 days. Supporting shipper: Allen Industrial Products, Inc., Division of Stolper Industries, Menomonee Falls, Wis., 53051, A. A. Ladwig, vice president, manufacturing. Send protests to: W. F. Sibbald, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 108 West Wells Street, Room 511, Milwaukee, Wis., 53203.

No. MC 58813 (Sub-No. 68 TA), filed November 26, 1965. Applicant: SELMAN'S EXPRESS, INC., 460 West 35th Street, New York, N.Y. Applicant's representative: Solomon Granett, 1740 Broadway, New York, N.Y., 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, loose, on hangers only, from Hialeah, Fla., to New York, N.Y., and *materials and supplies used in the manufacture of wearing apparel*, from New York, N.Y., to Hialeah, Fla., for 120 days. Supporting shipper: Elco Coat Co., Inc., 247 West 38th Street, New York, N.Y., 10018. Send protests to: Stephen P. Tomany, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y., 10013.

No. MC 80428 (Sub-No. 53 TA), filed November 26, 1965. Applicant: McBRIDE TRANSPORTATION, INC., Main and Nelson Streets, Goshen, N.Y. Applicant's representative: Middleton, Gianniny & Remington, 900 Midtown Tower, Rochester, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar, invert sugar and molasses*, in tank vehicles, from Charlestown, Mass., to Alton, Albany, Mount Morris, Rochester, Syracuse, Honeoye Falls, Oakfield, South Dayton, Victor, Elmira, Binghamton, Johnson City, Endicott, Utica, Hammondsport, Naples, and Auburn, N.Y., for 120 days. Supporting shipper: L. C. Watkins Co., Inc., 375 Glen Ellyn Way, Rochester, N.Y. Send protests to: Charles F. Jacobs, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 215–217 Post Office Building, Binghamton, N.Y., 13902.

No. MC 99744 (Sub-No. 3 TA), filed November 26, 1965. Applicant: VICTOR GROTHAUS, doing business as GROTHAUS EXPRESS, 201 East 4th Street, Kingsley, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Omaha, Nebr., and Salix, Iowa, from Omaha over U.S. Highway 75 to Salix, and return over the same route, serving the intermediate points of Whiting and Sloan, Iowa, and the off-route points of Climbing Hill, Hornick, and Bronson, Iowa, for 150 days. Supporting shippers: Bronson Community School, Bronson, Iowa; Bronson Garage, Bronson, Iowa; Woodbury Central Community Schools, Climbing Hill, Iowa; Climbing Hill Savings Bank, Climbing Hill, Iowa; Western Iowa Telephone Association, Lawton, Iowa; Iowa Public Service Co., Moville, Iowa; Mobil Oil Co., Whiting, Iowa; Freeman Drug Co., Whiting, Iowa; Holmes Publishing Co., Whiting, Iowa; Fountain Implement Co., Sloan, Iowa; Erickson Implement Co., Sloan, Iowa; Northwest Iowa Telephone Co., Sloan, Iowa; Farmers Elevator Co., Sloan, Iowa; Farmers Co-op Lumber Co., Hornick, Iowa; Farmers Co-op Oil Co., Hornick, Iowa; Farmers Co-op Elevator Co., Hornick, Iowa; Owego Grain & Equipment Co., Salix, Iowa; and, Farmers Co-op Elevator Co., Salix, Iowa. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 304 Post Office Building, Sioux City, Iowa, 51101.

No. MC 110663 (Sub-No. 9 TA), filed November 26, 1965. Applicant: R. CONLEY, INC., 6891 Seneca Street, Elma, N.Y., 14059. Applicant's representative: William J. Hirsch, 43 Niagara Street, Buffalo, N.Y., 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juices*, in bulk, in tank vehicles, from Naples, Newfane, and Westfield, N.Y., to Chicago, Ill., and *returned shipments* in reverse direction, for 180 days. Supporting shippers: Westfield-Sommers Foods, Inc., Westfield, N.Y.; and, Earl T. Howell & Sons, Inc., Box 27, Newfane, N.Y., 14108. Send protests to: George M. Parker, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 324, 121 Ellicott Street, Buffalo, N.Y., 14203.

No. MC 111434 (Sub-No. 64 TA), filed November 26, 1965. Applicant: DON WARD, INC., 241 West 56th Avenue, Denver, Colo. Applicant's representative: Peter J. Crouse (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cinders, clay, or shale*, from Rocky Flats, Colo., to Laramie, Wyo., for 150 days. Supporting shipper: Ideal Cement Co., 821 17th Street, Denver, Colo., 80202. Send protests to: Luther H. Oldham, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2022 Federal Building, 1961 Stout Street, Denver, Colo.

No. MC 111785 (Sub-No. 20 TA), filed November 26, 1965. Applicant: BURNS MOTOR FREIGHT, INC., R.F.D. No. 1, Post Office Box 149, Marlinton, W. Va. Applicant's representative: Donald E. Cross, 917 Munsey Building, Washington, D.C., 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Kiln dried wood mouldings*, from Beverly (Randolph County), W. Va., to Ballwin (St. Louis County), Mo., for 180 days. Supporting shipper: Tygart Moulding Corp., Beverly, W. Va., 26253. Send protests to: H. R. White, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 3202 Federal Office Building, Charleston, W. Va., 25301.

No. MC 119829 (Sub-No. 18 TA), filed November 29, 1965. Applicant: F. J. EGNER & SON, INC., 3969 Congress Parkway, Post Office Box 216, West Richfield, Ohio. Applicant's representative: R. L. Yates (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar pitch*, in bulk, in tank vehicles, (1) from East Liverpool, Ohio, to Youngstown and McDonald, Ohio, and (2) from McDonald, Ohio, to Youngstown, Ohio, for 150 days. Supporting shipper: United States Steel Corp., 525 William Penn Place, Pittsburgh, Pa. Send protests to: G. J. Baccei, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 435 Federal Building, Cleveland, Ohio, 44114.

No. MC 124078 (Sub-No. 171 TA), filed November 26, 1965. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis., 53246. Applicant's representative: James R. Ziperski (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, and in packages, from the transfer terminal of the Alpha Portland Cement Co., at or near Westboro, Mass., to points in Merrimack and Belknap Counties, N.H., for 180 days. Supporting shipper: Alpha Portland Cement Co., Alpha Building, Easton, Pa., Robert M. Horrom, general traffic manager. Send protests to: W. F. Sibbald, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 108 West Wells Street, Room 511, Milwaukee, Wis., 53203.

No. MC 127735 (Sub-No. 1 TA), filed November 26, 1965. Applicant: ROY E. BARKER, doing business as ROY E. BARKER PRODUCE, 121 Magnolia Street, North Little Rock, Ark. Applicant's representative: Louis Tarlowski, Pyramid Life Building, Little Rock, Ark. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wooden wire bound boxes*, knocked down, in bundles, from the plantsite of Arkansas Wirebound Box Co., Inc., Atkins, Ark., to points in Hidalgo, Cameron, Dimmit, Zavala, Maverick, Webb, Starr, and Bexar Counties, Tex., for 180 days. Supporting shipper: Arkansas Wirebound Box Co., Inc., Atkins, Ark. Sent protests to: D. R. Partney, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2519 Federal Office Building, 700 West Capitol Avenue, Little Rock, Ark., 72201.

No. MC 127743 TA, filed November 26, 1965. Applicant: JAMES H. FOLEY, 20 Longmeadow Road, Arlington, Mass. Applicant's representative: Robert J. Gallagher, 111 State Street, Boston, Mass., 02109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic signs*, from Leominster, Mass., to points in the United States east of the Mississippi River, for 180 days. Supporting shipper: Colorvision Plastics, Inc., 476 Boylston Street, Boston, Mass., 02116. Send protests to: James F. Martin, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 30 Federal Street, Boston, Mass., 02110.

No. MC 127745 (Sub-No. 2 TA), filed November 26, 1965. Applicant: GEORGE B. KING, doing business as KING TRANSFER, 714 Pearl Street, Onawa, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Omaha, Nebr., and Little Sioux, Modale, Mondamin, Pisgah, Moorhead, Blencoe, Soldier, Turin, Ute, Castana, Mapleton, Whiting, Danbury, Hornick, Sloan, Climbing Hill, Salix, Sioux City Airbase, Sergeant Bluff, Bronson, Onawa, and Sioux City, Iowa, for 180 days. Supporting shippers: Charles F. Griffin, Mapleton, Iowa; Onawa Rexall Drug, Kenneth Kunce, Onawa, Iowa; Moen Clothing Co., J. S. Hanks, Onawa, Iowa; Farmers Cereal Co., Sloan, Iowa; John Holmes Publishing Co., Whiting, Iowa; Juneman Hardware, Sloan, Iowa; Coast to Coast Stores, C. T. Murphy, Onawa, Iowa; Langren Seed Co., Whiting, Iowa; Moon's, Darold Moon, Onawa, Iowa; Great Plains Supply Co., Onawa, Iowa; Arney Autosalvage, Bud Derrick, Owner, Onawa, Iowa; Beaver & Sons, Climbing Hill, Iowa; Don Wulf, Climbing Hill, Iowa; Bob's Market, Robert R. Stone, Bronson, Iowa; Farmers Cooperative Lumber Co., Hornick, Iowa; Northwest Iowa Telephone Co., Inc., Sloan, Iowa; M & R Oil Co., Modale, Iowa; Meadows Fertilizer Service, Box 174, Ute, Iowa; Griffith Hardware & Implements, Moorhead, Iowa; Soldier Elevator, Soldier, Iowa; Burke Grocery, Clarence Burke, Turin, Iowa; Keitges Wholesale Tobacco & Candy, Onawa, Iowa; Harms Oil Co., Blencoe, Iowa; Alton Hardware & Appliance, Little Sioux, Iowa; Muxfeldt Farm Supply, Mondamin, Iowa; Watson Locker, Box 42, Sloan, Iowa; Farmers Cooperative Elevator, Hornick, Iowa; Pete's Service, Climbing Hill, Iowa; Carlson's Drug Store, Sloan, Iowa; Longval Bros. Hardware, Sloan, Iowa; Whiting Cooperative, Whiting, Iowa; and, House Bros. Oil Co., Onawa, Iowa. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 304 Post Office Building, Sioux City, Iowa, 51101.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65–13014; Filed, Dec. 3, 1965; 8:47 a.m.]

[Notice 1269]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 1, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–67814. By order of November 24, 1965, the Transfer Board approved the transfer to Starlite Delivery Service, Inc., Bayonne, N.J., of portion of the operating rights issued by the Commission November 1, 1944, under Certificate No. MC–31044, to Apex Express, Inc., Perth Amboy, N.J., authorizing the transportation, over irregular routes, of general commodities, except household goods, between New York, N.Y., on the one hand, and, on the other, Dover, Raritan, Princeton, Englishtown, and Hightstown, N.J., points in Hudson, Essex, Union, and Middlesex Counties, N.J., and points in Bergen, Passaic, Morris, and Somerset Counties, N.J., on and east of a boundary line beginning at the New York-New Jersey State line near Suffern, N.Y., and extending along U.S. Highway 202 to junction U.S. Highway 206, and thence along U.S. Highway 206 to the Somerset-Mercer County line, subject to cancellation of duplicating rights. Maxwell A. Howell, 1511 K Street NW., Washington, D.C., attorney for applicants.

No. MC-FC-68203. By order of November 30, 1965, the Transfer Board approved the transfer to La Grou Motor Service, Inc., Chicago, Ill., of Certificate No. MC-44288 issued May 6, 1949, to Louis J. De Wolf, doing business as La Grou Motor Service, Chicago, Ill., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over irregular routes, between points in the Chicago, Ill., commercial zone, as defined by the Commission in 1 M.C.C. 673. Harold E. Marks, 208 South La Salle Street, Chicago, Ill., 60604, attorney for applicants.

No. MC-FC-68277. By order of November 30, 1965, the Transfer Board approved the transfer to the B. T. Newman Bus Service, Inc., Greenwich, Conn., of Certificate No. MC-45011 issued April 25, 1942 (as amended) to the 277 West Putnam Avenue Corp., Greenwich, Conn., authorizing the transportation over irregular routes, of passengers and their baggage, restricted to traffic originating at the points and in the territory indicated, in charter operations, from Cos Cob, Conn., and points in Connecticut, within 10 miles of Cos Cob, to points in Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia, and return; and from New York, N.Y., to Baltimore, Md., Gardner and Fitchburg, Mass., and points in Connecticut within 10 miles of Cos Cob, including Cos Cob, and return. S. B. Zinder, 140 Cedar Street, New York, N.Y., 10006, attorney for applicants. Ivey, Barnum & O'Mara, 170 Mason Street, Greenwich, Conn., attorney for applicants.

No. MC-FC-68319. By order of November 26, 1965, the Transfer Board approved the transfer to Calvert Moving & Storage, Inc., Kearney, Nebr., of Certificate No. MC-2025, issued April 7, 1949, to E. Dorothea Hargleroad and Corwin J. Hargleroad, a partnership, doing business as Hargleroad Van & Storage Co., Hastings, Nebr., authorizing the transportation of household goods, over irregular routes, between points in Nebraska, on the one hand, and, on the other, points in Arkansas, Colorado, Illinois, Iowa, Kansas, Missouri, Wisconsin, and Wyoming, traversing Minnesota, Oklahoma, and South Dakota for operating convenience only. James E. Ryan, 214 Sharp Building, Lincoln 8, Nebr., attorney for applicants.

No. MC-FC-68320. By order of November 29, 1965, the Transfer Board approved the transfer to Jack Link Truck Line, Inc., Dyersville, Iowa, of Permit No. MC-124807 issued March 5, 1964, to Jack Link, doing business as Jack Link Truck Line, Dyersville, Iowa, authorizing the transportation over irregular routes of cottage cheese, from Holy Cross, Iowa, to points in Missouri, Nebraska, and South Dakota; dairy products, as described in section B of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, from Chippewa Falls, and Richland Center, Wis., to points in Indiana and Illinois (except Chicago, Ill.); and from Bettendorf, Iowa, to Chippewa Falls, Wis.; dairy products (except those moving in bulk and in tank vehicles), from Chippewa Falls, Richland Center, and Westby, Wis., Dubuque, Iowa, and Le Sueur, Minn., to points in Iowa, Missouri, Nebraska, and South Dakota, with specified restriction. William A. Landau, 1307 East Walnut Street, Des Moines, Iowa, 50306, representative for applicants.

No. MC-FC-68321. By order of November 30, 1965, the Transfer Board approved the transfer to Evansville Express Co., a corporation, Grayville, Ill., of the operating rights issued by the Commission December 8, 1964, under Certificate No. MC-126214 to William H. Reynolds, doing business as Evansville Express, Grayville, Ill., authorizing the transportation, over regular routes, of general commodities, with certain exceptions, between Evansville, Ind., and Grayville, Ill., serving the intermediate points between Calvin, Ill., and Grayville, Ill., including Calvin, and the off-route points of Cowling and Keensburg, Ill. Charles W. Singer, 33 North La Salle Street, Chicago, Ill., attorney for applicants.

No. MC-FC-68330. By order of November 30, 1965, the Transfer Board approved the transfer of the authority acquired pursuant to approval and consummation of No. MC-FC-67494 by Frederick A. Zank and Duane G. Rahl, a partnership, doing business as Stewart Bus Lines, Vernon Street, Eau Claire, Wis., of the operating rights in Certificate No. MC-582 issued March 27, 1957, to Allen S. McManus, doing business as Stewart Bus Lines, Eau Claire, Wis., to Johnny Transit Lines, Inc., 3715 Rhode Island Avenue, St. Louis Park, Minn., authorizing the transportation, over specified regular routes, of: Passengers and their baggage, and express and newspapers, in the same vehicle with passengers, between Eau Claire, Wis., and Winona, Minn.; between Rochester, Minn., and Nelson, Wis.; and between Galesville, Wis., and Winona, Minn., serving all intermediate points on the highways utilized in performing the said service.

No. MC-FC-68293.* By order of November 23, 1965, the Transfer Board approved the transfer to Charles R. Irvin, doing business as Dick Irvin Trucking Co., Shelby, Mont., of the certificate in No. MC-41671, issued April 21, 1941, to Alvis Kascht, Oilmont, Mont., authorizing the transportation of: Petroleum in containers, mining machinery, and machinery, materials, supplies and equipment incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between points in Toole County, Mont. Cedor B. Aronow, 153 Main Street, Shelby, Mont., 59474, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-13015; Filed, Dec. 3, 1965; 8:47 a.m.]

[Notice 1269-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 1, 1965.

Application filed for temporary authority under section 210(a) (b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 179:

No. MC-FC-67892. Application filed November 29, 1965, for ERDINE L. SYKES, doing business as SYKES VAN LINES, 6212 Terry Parker Drive South, Jacksonville, Fla, 32211, to temporarily lease the operating rights of RALPH DE COSTA SHAW, doing business as SEABOARD VAN LINES, 6255 Livingston Road SE., Oxon Hill, Md., under section 210a(b). The transfer to ERDINE L. SYKES, doing business as SYKES VAN LINES, of the operating rights of RALPH DE COSTA SHAW, doing business as SEABOARD VAN LINES, is pending.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-13016; Filed, Dec. 3, 1965; 8:47 a.m.]

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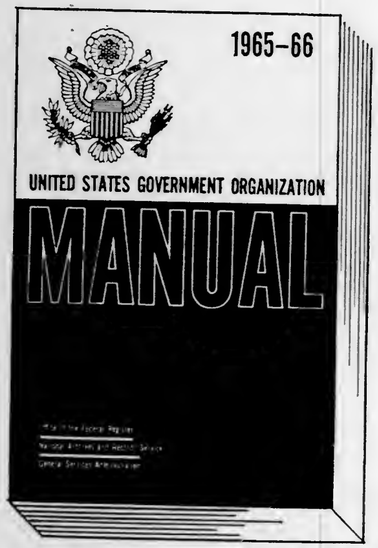
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AMENDING EXECUTIVE ORDER NO. 11157 AS IT RELATES TO INCENTIVE PAY FOR HAZARDOUS DUTY INVOLVING PARACHUTE JUMPING

By virtue of the authority vested in me by Section 301(a) of Title 37, United States Code, and as President of the United States and Commander in Chief of the Armed Forces of the United States, Section 108(c) of Executive Order No. 11157[1] of June 22, 1964, is hereby amended by adding the following new sentence at the end thereof:

"The minimum requirements may be waived by the commanding officer of a member for any period that the member is unable to perform the required jumps by reason of being engaged in combat operations in a hostile fire area designated under Section 310 of Title 37 of the United States Code."

This Order shall be effective December 1, 1965.

LYNDON B. JOHNSON

THE WHITE HOUSE,
December 3, 1965.

[F.R. Doc. 65-13165; Filed, Dec. 6, 1965; 11:12 a.m.]

[1] 3 CFR 1964 Supp., p. 139.

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

SUBCHAPTER B—CIVIL SERVICE REGULATIONS

PART 213—EXCEPTED SERVICE

Part 213 is revised to read as follows:

Subpart A—General Provisions

Sec.
213.101 Definitions.
213.102 Identification of positions in Schedule A, B, or C.

Subpart B—[Reserved]

Subpart C—Excepted Schedules

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AUTHORITY: The provisions of this Part 213 issued under R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp.

Subpart A—General Provisions

§ 213.101 Definitions.

In this part and elsewhere in this chapter:

(a) "Excepted service" means "unclassified service," "unclassified civil service," and "positions outside the competitive civil service," as used in statutes and Executive orders, and includes all positions in the executive branch of the Federal Government which are specifically excepted from the competitive service by or pursuant to statute, by the President, or by the Commission under § 6.1, Subchapter A, of the Civil Service Rules.

(b) "Excepted position" means a position in the excepted service.

§ 213.102 Identification of positions in Schedule A, B, or C.

The Commission shall decide whether the duties of any particular position are such that it may be filled as an excepted position under Schedule A, B, or C.

Subpart B—[Reserved]

Subpart C—Excepted Schedules

SCHEDULE A

§ 213.3101 Positions other than those of a confidential or policy-determining character for which it is not practicable to examine.

(a) The positions enumerated in §§ 213.3102 to 213.3199 are positions other than those of a confidential or policy-determining character for which it is not practicable to examine and which are excepted from the competitive service and constitute Schedule A.

(b) An agency (including a military department) may not appoint the son or daughter of a civilian employee of that agency, or the son or daughter of a member of its uniformed service, to a position listed in Schedule A for part-time, seasonal, intermittent, or other temporary employment within the United States, between May 1, 1965, and September 30, 1965; except that this prohibition shall not apply to the appointment of persons who are eligible for placement assistance under the Commission's Separated Career Employee (SCE) Program.

§ 213.3102 Entire executive civil service.

(a) Positions of Chaplain and Chaplain's Assistant.

(b) Cooks, except at fixed locations such as hospitals, quarantine stations, and penal institutions.

(c) Positions to which appointments are made by the President without confirmation by the Senate.

(d) Attorneys.

(e) Law clerk trainee positions. Appointments under this paragraph shall be confined to graduates of recognized law schools or persons having equivalent experience and shall be for periods not to exceed 14 months pending admission to the bar. No person shall be given more than one appointment under this paragraph. However, an appointment which was initially made for less than 14 months may be extended for not to exceed 14 months in total duration.

(f) Chinese, Japanese, and Hindu interpreters.

(g) Any position the duties of which are part-time or intermittent in which the appointee will receive compensation during his service year that aggregates not more than 40 percent of the annual salary rate for the first step of GS–3. This limitation on compensation includes any premium pay such as for overtime, night, Sunday, or holiday work. It does not, however, include any mandatory within-grade salary increases to which the employee becomes entitled subsequent to appointment under this authority. Appointments under this authority shall not be for job employment. In the metropolitan area of Washington, D.C., appointments under this authority shall be subject to the prior approval of the Commission.

(h) Subject to prior approval by the Commission, positions in Federal mental institutions when filled by persons who have been patients of such institutions and been discharged and are certified by the medical head thereof as recovered sufficiently to be regularly employed but it is believed desirable and in the interest of the persons and the institution that they be employed at the institution.

(i) Subject to prior approval of the Commission, positions requiring temporary, part-time, or intermittent employment in wage board type occupations (i.e., positions excluded from Classification Act coverage by section 202(7) of the Act) on construction or repair work, where the activity is carried on in localities where examination coverage for the positions has not been provided and where because of employment conditions there is a shortage of available candidates for the positions. Appointments under this paragraph shall not extend beyond 1 year, and the employment thereunder shall not exceed 180 working days a year. Seasonal employments of a recurring nature are not authorized under this paragraph.

(j) [Reserved]

(k) Positions without compensation provided appointments thereto meet the requirements of applicable laws relating to compensation.

(l) Positions requiring the temporary or intermittent employment of professional, scientific, or technical experts for consultation purposes.

(m) Nonsupervisory positions of custodial laborer (levels 1, 2, and 3) and general laborer (levels 2 and 3) in field establishments outside central office and regional office cities of the Commission where examination coverage has not been provided for the positions, as follows:

(1) For temporary, intermittent, or seasonal employment (exclusive of positions covered by paragraph (l) of this section) not to exceed 180 working days a year in the Departments of Agriculture, Commerce, and Interior, in the Federal Aviation Agency, and in the International Boundary and Water Commission; or

(2) When it is specifically held by the Commission that this authority is applicable, for employment in localities that are isolated with respect to labor supply and where there is a shortage of available candidates for the positions.

(n) Any local physician, surgeon, or dentist employed under contract or on a part-time or fee basis when, in the opinion of the Commission, appointment through competitive examination is impracticable.

(o) Positions of a scientific, professional, or analytical nature when filled by bona fide members of the faculty of an accredited college or university who have special qualifications for the positions to which appointed. Employments under this provision shall not exceed 130 working days a year.

(p) Positions of a scientific, professional, or analytical nature when filled by bona fide graduate students at accredited colleges or universities provided that the work performed for the agency is to be used by the student as a basis for completing certain academic requirements toward a graduate degree. Employments under this provision may be continued only so long as the foregoing conditions are met, and the total period of such employment shall not exceed one year in any individual case: *Provided*, That such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

(q) Temporary or intermittent positions at GS–7 and below when the appointees are to assist scientific, professional, or technical employees. Persons employed under this provision shall be (1) bona fide students at high schools or accredited colleges or universities pursuing courses related to the field in which employed; or (2) bona fide high school science and mathematics teachers. No person shall be employed under this provision (i) in a position of a routine clerical type; or (ii) in excess of 1,040 working hours a year; except that the 1,040-working-hours-a-year limitation shall not apply to persons employed under this provision in positions at GS–5 and below which are established in connection with an organized work-study program involving alternating periods of work experience and related study at an accredited college or university in a cooperative curriculum in which the work experience is a prerequisite to the award of a degree.

(r) All positions of a project nature when filled by individuals the salaries for whom are paid out of funds allocated by the President under authority of Public Law 87–658, approved September 14, 1962, the Public Works Acceleration Act. Employment under this authority shall be for a temporary period not to exceed one year.

(s) [Reserved]

(t) Not to exceed September 30, 1968, and subject to prior approval of the Civil Service Commission, positions when filled by mentally retarded persons in accordance with written agreements executed between an agency and the Civil Service Commission. Provisions to be included in such agreements are specified in the Federal Personnel Manual.

(u) Until June 30, 1968, and for not more than 100 positions and subject to prior approval of the Commissioners, a position when filled by a severely handicapped person who, under temporary appointment, has demonstrated his ability to perform satisfactorily the duties of the position.

(v) [Reserved]

(w) Part-time or intermittent positions, the duties of which involve laboring or other work of a routine nature when filled by students appointed in furtherance of the President's Youth Opportunity Back-to-School Drive and when the following conditions are met:

(1) Appointees are enrolled in or accepted for enrollment in a resident secondary school or institution of higher learning, accredited by a recognized accrediting body;

(2) Employment does not exceed 15 hours in any calendar week;

(3) While employed, appointees continue to maintain an acceptable school standing;

(4) Appointees need the earnings from the employment to continue in school; and

(5) Salaries are fixed by the agency head at a level commensurate with the duties assigned and the expected level of performance.

Appointments under this authority may not extend beyond one year: *Provided*, That such appointments may be extended for additional periods of not to exceed one year each if the conditions for initial appointment are still met. An agency head may not appoint under this authority the son or daughter of a civilian employee of that agency or the son or daughter of a member of its uniformed service. A person may not be appointed under this authority unless he has reached his 16th but not his 22d birthday.

§ 213.3103 Executive Office of the President.

(a) *Office of Science and Technology.* (1) All professional positions on the Staff of the Office.

§ 213.3104 Department of State.

(a) *Office of the Secretary.* (1) Six Physical Science Administration Officers at GS–14 and above in the Office of International Scientific Affairs.

(2) Six positions of Member of the Executive Secretariat.

(3) Chief, Reports and Operations Staff, Executive Secretariat.

(4) Four Assistants to the Executive Secretary, Executive Secretariat.

(5) Executive Officer, Executive Secretariat.

(6) Chief, Correspondence Review Staff, Executive Secretariat.

(7) Not to exceed January 1, 1966, not more than five Protocol Officers, grades GS–5 to –13 in the Office of Protocol; and not more than ten Representational Services Officers, grades GS–5 to –15 in the Office of Special Representational Services.

(b) *Bureau of Intelligence and Research.* (1) Not to exceed 35 professional and technical positions.

(2) Two professional positions in the Division of Intelligence Acquisition and Distribution.

(c) *International Boundary and Water Commission, United States and Mexico.* (1) Gage readers employed part time or intermittently at isolated localities when, in the opinion of the Commission, appointment through competitive examination is impracticable.

(2) Not to exceed 27 Realty Officers, Appraisers, Negotiators, Specialists, and Assistants, GS–5 through 14. Not to exceed five Interviewers (Interpreter), GS–5 through 11. Appointment under this authority may not extend beyond four years from the date of authorization of the Chamizal Project.

(3) Not to exceed three Administrative Assistants GS–7 through 11. Appointments under this authority may not extend beyond four years from the date of authorization of the Chamizal Project.

(d) *International Boundary Commission, United States and Canada.* (1) Temporary and intermittent field employees such as instrumentmen, foremen, recorders, packers, cooks, and axemen, for not to exceed 130 working days or 6 months within any 1 calendar year.

(e) *Office of the Assistant Secretary for Public Affairs.* (1) Chief, Public Studies Division.

(2) Chief, Public Services Division.

(3) Chief, Historical Division.

(4) One Special Assistant to the Chief, News Division.

(5) One Special Assistant to the Deputy Assistant Secretary (Domestic Affairs).

(f) *Bureau of International Organization Affairs.* (1) One Special Assistant to the Assistant Secretary.

§ 213.3105 Treasury Department.

(a) *Bureau of Narcotics.* (1) Fifty positions of Narcotic Agent for undercover work.

(b) *Bureau of Customs.* (1) Positions in foreign countries designated as "interpreter-translator" and "special employees," when filled by appointment of persons who are not citizens of the United States; and positions in foreign countries of messenger and janitor.

(2) [Reserved]

(3) Part-time, intermittent, or temporary Customs Inspectors, Deputy Collectors, and Deputy Collectors in Charge in Alaska at a salary rate not in excess of GS–8, for not to exceed 130 working days a year.

(4) Positions of day "pickup" laborers whose assignments are to intermittent duties of short duration that must be performed without delay in field establishments where hiring of "pickup" laborers is authorized by the Bureau of Customs headquarters. Persons appointed under this authority may not be employed in this kind of work in the Bureau of Customs for more than 180 working days a year under this authority or under a combination of this authority and any other authority for excepted appointment that may be appropriate. This authority is not appropriate for job employment.

(5) Positions at the GS–9 grade level and below of customs enforcement officer, customs inspector, customs marine clerk/officer, customs sampler, customs warehouse officer, deputy collector, interpreter, janitor, and laborer that are of a continuing nature, and the duties of which are intermittent or part-time and require the services of an employee for not more than 700 hours of employment during his service year. A person appointed under this authority may not be employed in the Bureau of Customs under a combination of this authority and any other authority for excepted appointment for more than 700 hours during his service year.

(6) Twenty-five positions of Criminal Investigator for special assignments.

(7) One position of Confidential Assistant to the Commissioner of Customs.

(8) Staff assistant positions established to aid in the reorganization of the Bureau of Customs under Reorganization Plan No. 1 of 1965, when filled by persons with 1 year or more of current service as a Presidential appointee in a key position in the Bureau. No person may be employed under this paragraph in excess of 3 years.

(c) *Coast Guard.* (1) Lamplighters.

(2) Professors, associate professors, assistant professors, instructors, one principal librarian, one cadet hostess, and one psychologist (counseling) at the Coast Guard Academy, New London, Conn.

(d) *U.S. Savings Bonds Division.* (1) Positions of State Director and Deputy State Director, and Regional Director and Assistant Regional Director.

(e) *Internal Revenue Service.* (1) Fifty positions of investigator for special assignments.

§ 213.3106 Department of Defense.

(a) *Office of the Secretary.* (1) Five Special Advisers in the immediate office of the Secretary or Deputy Secretary with responsibility for studies and recommendations in broad program areas. These positions have advisory rather than operating duties, except as operating or administrative responsibility may be exercised in connection with pilot studies.

(2) Positions assigned exclusively to Communications Intelligence Activities.

(3) Positions assigned to or in support of special classified training activities.

(4) Three Staff Assistants.

(5) Not to exceed January 1, 1966, 8 positions of Regional Director in the Office of the Assistant Secretary of Defense (Civil Defense).

(b) *Entire Department (including the Office of the Secretary of Defense and the Departments of the Army, Navy, and Air Force).* (1) Professional positions in Military Dependent School Systems overseas.

(2) Positions in Attache Systems overseas, including positions in the Naval Research Branch Office in London.

(3) Positions of clerk-translator, translator, and interpreter overseas.

(4) Positions of Educational Specialist the incumbents of which will serve as Director of Religious Education on the Staffs of the Chaplains in the military services.

(5) Positions under the program for utilization of alien scientists approved under pertinent directives administered by the Director of Defense Research and Engineering of the Department of Defense when occupied by alien scientists initially employed under the program including those who have acquired United States citizenship during such employment.

(6) Until December 31, 1966, not to exceed 75 positions to be filled by foreign nationals designated by the Department as eligible for resettlement assistance.

(c) *Interdepartmental Activities.* (1) Positions in support of National Security Programs and Space Council Activities.

(d) *General.* (1) Positions the duties of which are of a quasi-military nature and involve the security of secret or confidential matter when, in the opinion of the Commission, appointment through competitive examination is impracticable.

§ 213.3107 Department of the Army.

(a) *General.* (1) Positions the duties of which are of a quasi-military nature and involve the security of secret or confidential matter when, in the opinion of the Commission, appointment through competitive examination is impracticable.

(2) Unskilled laborers and munitions handlers engaged in handling Ordnance materiel, including ammunition, where temporary or intermittent employment is necessary.

(3) Student occupational therapist positions in Army hospitals. Appointments to these positions will not extend beyond the training period applicable to each individual case, which is a minimum of 3 months' training and a maximum of 12 months' training, depending upon the individual's previous clinical training.

(4) [Reserved]

(5) Positions assigned exclusively to Army Communications Intelligence Activities.

(6) Trainee student medical technologist (intern) positions at the Rodriguez Army Hospital, Fort Brooke, Puerto Rico. Appointments to these positions will not extend beyond the training period applicable to each individual case, depending upon the individual's previous clinical training. Employment under this provision may not exceed 1 year in any individual case: *Provided,* That such employment may, with the approval of the Commission, be extended for not to exceed an additional year. This authority shall be applied only to positions whose compensation is fixed in accordance with the provisions of section 3 of Public Law 80–330.

(b) *Transportation Corps.* (1) Longshoremen and stevedores employed at ports of embarkation in the United States; and all positions on vessels operated by the Transportation Corps.

(c) *Corps of Engineers.* (1) Land appraisers employed on a temporary basis for a period not to exceed 1 year on special projects where knowledge of local values or conditions or other specialized qualifications not possessed by appraisers regularly employed by the Corps of Engineers are required for successful results.

(2) Nonsupervisory positions of custodial laborer (levels 1, 2, and 3) and general laborer (levels 2 and 3) on survey, construction, short-term maintenance, or floating-plant operations, where because of turnover, lack of housing facilities, mobility of work site, or remoteness of personnel servicing facilities, an adequate labor force can be recruited only by immediate gate hiring on a local basis. This authority can be used only when the Commission has determined that it is specifically applicable to a given situation; ordinarily, it will not be used for employment in Civil Service central office, regional, and branch office cities or in cities where there is a local Board of U.S. Civil Service Examiners to service the employing establishment.

(3) Positions of Academic Director, Department Head, and Instructor at the U.S. Military Academy Preparatory School, Fort Belvoir, Va.

(d) *U.S. Military Academy, West Point, N.Y.* (1) Civilian professors, instructors, teachers (except teachers at the Children's School), hostesses, chapel organist and choirmaster, librarian when filled by an officer of the Regular Army retired from active service, and military secretary to the Superintendent when filled by a Military Academy graduate retired as a regular commissioned officer for disability.

(e) *National War College, Washington, D.C.* (1) Civilian directors of studies for employment of not to exceed 1 year: *Provided,* That such employment may, with the prior approval of the Commission, be extended for not to exceed 1 additional year.

(f) *Joint Brazil-United States Defense Commission.* (1) One position of clerk-stenographer-translator or civilian aide requiring a knowledge of English, Portuguese, and Spanish.

(g) *Defense Language Institute.* (1) Language instructor positions and professional positions at the West Coast Branch whose duties require supervising the language instructors or developing and evaluating instructional material and methods directly related to the teaching of foreign languages.

(2) Typists of foreign language material at the West Coast Branch whose duties require them to make corrections in grammar and spelling of the material typed.

(3) Professors, instructors, and teachers at the East Coast Branch.

(4) Foreign language instructor positions at local Army language training facilities established pursuant to the Defense Language Program.

(h) *Army War College, Carlisle Barracks, Pa.* (1) One position of Educational Specialist for employment of not to exceed 1 year: *Provided,* That such employment may, with the prior approval of the Commission, be extended for not to exceed 1 additional year.

(i) *Army Biological Laboratories, Fort Detrick, Md.* (1) Scientific and professional research associate positions at the Army Biological Laboratories, Fort Detrick, Md., when filled on a temporary or intermittent basis by persons having a doctoral degree in the biophysical or biological sciences or related fields of study for research activities of mutual interest to the appointee and the Laboratories. No more than 5 new appointments may be made in any one calendar year. Employment under this provision shall not exceed 1 year in any individual case: *Provided,* That such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

§ 213.3108 Department of the Navy.

(a) *General.* (1) Intelligence and Counter Intelligence positions assigned exclusively to Naval Intelligence Activities and positions assigned to Naval Security Group Activities/Functions.

(2) [Reserved]

(3) Positions of teachers in indigenous schools at Chichi Jima, Bonin-Volcano Islands.

(4) Not to exceed 50 positions of Resident-in-Training at U.S. Naval hospitals which have residency training programs, when filled by residents assigned as affiliates for part of their training from non-Federal hospitals. Assignments to these positions shall be on a temporary (full-time or part-time) or intermittent basis, shall not amount to more than 6 months for any person, and shall be only to positions excepted from the Classification Act under the provisions of Public Law 330 of the 80th Congress.

(5) One Staff Assistant to the Naval Aide to the President.

(6) Until June 30, 1967, not to exceed 16 positions when occupied by U.S. citizens who were serving under excepted or overseas limited appointment at the Naval Base at Guantanamo Bay, Cuba, during October 1962.

(7) Positions of Student Social Worker for temporary, part-time, or intermittent employment in Navy hospitals when filled by bona fide students enrolled in academic institutions: *Provided,* That the work performed in the agency is to be used by the student as a basis for completing certain academic requirements required by such educational institution to qualify for a graduate degree in social work. This authority shall be applied only to positions the compensation of which is fixed in accordance with the provisions of section 3 of Public Law 80–330.

(8) Positions of Student Practical Nurse for temporary, part-time, or intermittent employment in Naval Hospitals and Station Hospitals, when filled by trainees enrolled in a non-Federal institution in an approved program of educational and clinical training which meets the requirements for licensing as a practical nurse. This authority shall be applied only to positions the compensation of which is fixed in accordance with the provisions of section 3 of Public Law 80–330.

(b) *U.S. Naval Academy.* (1) Professors, instructors, and teachers in the U.S. Naval Academy, the U.S. Naval Postgraduate School, and the Naval War College; and the librarian, organist-choirmaster, registrar, the Dean of Admissions at the U.S. Naval Academy, and social counselors.

(c) *U.S. Naval Home.* (1) Positions of Orderly when filled by the appointment of beneficiaries of the Home.

(d) *Military Sea Transportation Service.* (1) All positions on vessels operated by the Military Sea Transportation Service.

(e) *U.S. Naval Research Laboratory, Washington, D.C.; U.S. Navy Electronics Laboratory, San Diego, Calif.; U.S. Naval Ordnance Laboratory, White Oak, Silver Spring, Md.; U.S. Naval Weapons Laboratory, Dahlgren, Va.; and David Taylor Model Basin, Washington, D.C.* (1) Scientific and professional research associate positions when filled on a temporary or intermittent basis by persons having a doctoral degree in physical science or related fields of study, for research activities of mutual interest to the appointee and the Laboratory. Appointments under this provision may not exceed 20 each calender year at the Naval Research Laboratory, 6 each calendar year at the U.S. Navy Electronics Laboratory, 10 each calender year at the U.S. Naval Ordnance Laboratory, 10 each calendar year at the U.S. Naval Weapons Laboratory, and 10 each calendar year at the David Taylor Model Basin. Employment under this provision will not exceed 1 year in any individual case: *Provided,* That such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

(f) *U.S. Naval Radiological Defense Laboratory, San Francisco, California.* (1) Scientific and professional research positions at GS–12 and above when filled on a temporary basis by persons having a doctoral degree or its equivalent in natural science and related fields of study, for research activities of mutual interest to the appointee and the Laboratory. Total employment under this provision may not exceed six positions at any one time. Employment under this provision may not exceed 1 year in any individual case: *Provided,* That such employment may, with the approval of the Commission, be extended for not to exceed 1 additional year.

(g) *U.S. Medical Research Institute, National Naval Medical Center, Bethesda, Maryland.* (1) Scientific and professional resident research associate positions when filled on a temporary basis by persons having a doctoral degree in an appropriate biological or biochemical science, or in medicine or related fields of study, for research activities of mutual interest to the appointee and the Institute. Total employment under this provision may not exceed five positions at any one time. Employment under this provision shall not exceed 1 year in any individual case: *Provided,* That such employment may, with the prior approval of the Commission, be extended for not to exceed an additional year.

§ 213.3109 Department of the Air Force.

(a) *Office of the Secretary.* (1) Four Special Assistants in the Office of the Secretary of the Air Force. These positions have advisory rather than operating duties except as operating or administrative responsibilities may be exercised in connection with pilot studies.

(b) and (c) [Reserved]

(d) *U.S. Air Force Academy, Colorado.* (1) Positions of Cadet Hostesses, Instructors in Physical Education, and two Instructors in Music (Choirmasters).

(e) *The Air Force Systems Command and the Office of Aerospace Research.* (1) Scientific and professional research associate positions when filled on a temporary or intermittent basis by persons having a doctoral degree in physical science or related fields of study, for research activities of mutual interest to the appointee and the Command. Total employment under this provision may not exceed 20 positions at any one time. Employment under this provision shall not exceed 1 year in any individual case: *Provided,* That such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

§ 213.3110 Department of Justice.

(a) *General.* (1) Field Deputy U.S. Marshals employed on an hourly basis for intermittent service.

(2) Positions of temporary deputy marshals in lieu of bailiff in the United States courts when employed on an intermittent basis.

(3) U.S. Marshal in the Virgin Islands.

(4) Until December 31, 1966, 25 professional, technical, and administrative positions at grade GS–11 and above to staff the program under the Law Enforcement Assistance Act of 1965.

(b) *Immigration and Naturalization Service.* (1) Information Officer.

(2) Four positions of Regional Commissioner.

§ 213.3111 Post Office Department.

(a) *General.* (1) Clerks in fourth-class post offices.

(2) Substitute Rural Carriers employed:

(i) During the incumbency of a Rural Carrier to serve the Carrier's route when he is absent on leave or for military duty, or

(ii) To serve pending the filling of a Rural Carrier vacancy, provided that the Post Office Department shall obtain prior approval of the Commission for employment of any substitute in a Rural Carrier vacancy in excess of 90 days.

(3) Special delivery messengers in second-, third-, and fourth-class post offices.

(4) One Administrative Assistant to each Regional Director (15 positions).

(5) One Administrative Assistant to the Assistant to the Regional Director (Dallas Region).

(6) One Administrative Assistant to the Assistant to the Regional Director (St. Louis Region).

(7) Clerks employed on a part-time basis in third-class post offices in Alaska.

(8) Fourth-class postmaster positions in Alaska.

(9) Positions (other than Postmaster) in Samoa, The Trust Territory, Canton Island, and Wake Island.

(10) One additional Assistant to the Boston Regional Director.

(11) Temporary employment of Christmas Assistants in the postal field service for a period of not to exceed 15 calendar days in the month of December.

(12) For employment of eleven deaf mutes on an experimental basis with prior approval of the Commission.

§ 213.3112 Department of the Interior.

(a) *General.* (1) Temporary, intermittent, or seasonal positions in the field service of the Department of the Interior, when filled by the appointment of persons who are certified as maintaining a permanent and exclusive residence within, or contiguous to, a field activity or district, and as being dependent for livelihood primarily upon employment available within the field activity of the Department.

(2) All positions on Government-owned ships or vessels operated by the Department of the Interior.

(3) Temporary or seasonal caretakers at temporarily closed camps or improved areas to maintain grounds, buildings, or other structures and prevent damage or theft of Government property. Such appointments shall not extend beyond 130 working days a year without the prior approval of the Commission.

(4) Temporary, intermittent, or seasonal field assistants at GS–5, or its equivalent, and below in such areas as foresty, range management, soils, engineering, fishery and wildlife management, and with surveying parties. Employment under this authority shall not exceed 180 working days a year for positions at GS–4 and below in survey parties in the Bureau of Land Management and Geological Survey and shall not exceed 130 working days a year for other positions authorized under this subparagraph. This authority shall not apply to positions of field assistants engaged in fishery management work in Alaska.

(5) Temporary emergency forest and range fire and blister rust control employees in the field service of the Department of the Interior employed for fire prevention or suppression or blister rust control for not to exceed 130 working days a year, except that temporary and seasonal forest and range fire employees in the Bureau of Land Management in Alaska may be employed for fire prevention or suppression for not to exceed 180 working days a year.

(6) Persons employed in field positions, the work of which is financed jointly by the Department of the Interior and cooperating persons or organizations outside the Federal service.

(7) All positions in the Bureau of Indian Affairs and other positions in the Department of the Interior directly and primarily related to the providing of services to Indians when filled by the appointment of Indians who are one-fourth or more Indian blood.

(8) Subject to prior approval of the Commission, temporary, intermittent, or seasonal positions at GS–7 or below in Alaska, as follows: Positions in nonprofessional mining activities, such as those of drillers, miners, caterpillar operators; and samplers; and positions of field assistants engaged in fishery management work. Employment under this authority shall not exceed 180 working days a year and shall be appropriate only when the activity is carried on in a remote or isolated area, there is no Board of U.S. Civil Service Examiners to service the employing establishment, and there is a shortage of available candidates for the positions.

(9) Subject to prior approval of the Commission, temporary, part-time, or intermittent employment of mechanics, skilled laborers, equipment operators and tradesmen on construction, repair, or

maintenance work for not to exceed 180 working days a year in Alaska, when the activity is carried on in a remote or isolated area, there is no Board of U.S. Civil Service Examiners to service the employing establishment, and there is a shortage of available candidates for the positions.

(10) Seasonal airplane pilots and airplane mechanics in Alaska, not to exceed 180 working days a year.

(b) *Bureau of Indian Affairs.* (1) Housekeeper positions at a gross salary not in excess of the entrance rate of grade GS–4 or its equivalent when, because of isolation or lack of quarters, appointment through competitive examination is, in the opinion of the Commission, impracticable.

(2) Subject to prior approval of the Commission, assistants in Alaska native schools (not including teachers and instructors) at a salary rate not in excess of that of GS–4 or its equivalent where the schools are in isolated or remote areas or lack suitable quarters.

(c) *Indian Arts and Crafts Board.* (1) The Executive Director.

(d) *Bonneville Power Administration.* (1) Five Area Managers.

(e) *Office of Territories.* (1) The Clerk of the High Court of American Samoa.

(2) [Reserved]

(3) The Government Comptroller for the Virgin Islands.

(4) Special Assistants to the Governor of American Samoa who perform specialized administrative, professional, technical, and scientific duties as members of his immediate staff.

(f) *National Park Service.* (1) Park Ranger positions (general, naturalist, historian, and archeologist) at salaries equivalent to GS–5 or GS–4, and not to exceed 200 such positions at salaries equivalent to grade GS–7 or GS–6 in which the duties are supervisory or are limited to a highly specialized part of the duties performed by career protective or interpretive personnel of the National Park Service. Employment under this subparagraph is limited to persons who meet the qualifications standards for each salary level which have been agreed upon by the Commission and the Department. These standards include as a minimum the following number of previous seasons' experience in the National Park Service as a park ranger at a salary equivalent to the next lower grade:

(i) For IGS–7, 2 seasons at IGS–6 level;
(ii) For IGS–6, 2 seasons at IGS–5 level;
(iii) For IGS–5, 1 season at IGS–4 level.

Employment under this subparagraph shall be only for duty that is temporary, intermittent, or seasonal, and no person shall be employed by the National Park Service under this subparagraph or a combination of this and any other excepting authorities in excess of 180 working days a year.

(g) *Bureau of Reclamation.* (1) Appraisers and examiners employed on a temporary, intermittent, or part-time basis on special valuation or prospective-entrymen-review projects where knowledge of local values or conditions or other specialized qualifications not possessed by regular Bureau employees are required for successful results. Employment under this provision shall not exceed 130 working days a year in any individual case: *Provided,* That such employment may, with prior approval of the Commission, be extended for not to exceed an additional 50 days in any single year.

(h) *The Alaska Railroad.* (1) Until December 31, 1965, all positions in Alaska in The Alaska Railroad and four technical positions in The Alaska Railroad Office in Seattle, Wash.

(i) *Office of Geography.* (1) One position of Research Analyst (Native Arabic Language Expert), GS–7.

§ 213.3113 Department of Agriculture.

(a) *General.* (1) Agents employed in field positions the work of which is financed jointly by the Department and cooperating persons, organizations, or governmental agencies outside the Federal service. This authority is not applicable to positions in the Agricultural Research Service or positions in the Statistical Reporting Service. This authority is not applicable to the following positions in the Consumer and Marketing Service: agricultural commodity grader (grain) and (meat), agricultural commodity aid (grain), and poultry and tobacco inspection positions.

(2) Any local veterinarian employed on a fee basis or a part-time basis.

(3) Not to exceed 25 professional, scientific, or technical positions in grade GS–7 or higher to be filled on an exchange basis by qualified employees on the rolls of State governments, colleges, or universities, for a limited period not to exceed 1 year.

(4) Local Agents, except veterinarians, employed temporarily outside Washington, in demonstrating in their respective localities the necessity of eradicating contagious or infectious animal diseases.

(5) Temporary, intermittent, or seasonal employment in the field service of the Department of Agriculture in the kinds of positions indicated below. This authority is applicable to positions where the salary is equivalent to GS–5 or below; except that for the forest worker positions under subdivision (v) of this subparagraph it may be used regardless of salary for wage board positions, and for the positions under subdivision (viii) of this subparagraph it may be used for the levels therein indicated. Employment under this authority shall not exceed 130 working days a year for positions under subdivisions (ii), (iii), and (iv) of this subparagraph; and total employment under this subparagraph shall not exceed 180 working days a year.

(i) Field assistants for subprofessional services.

(ii) Subject to prior approval of the Commission, clerical positions and positions in the trades, crafts, and manual laborer occupational groups exclusive of those covered by § 213.3102 (i) and (m) at places other than at central office and regional and branch office cities of the Commission when (*a*) there is no local Board of U.S. Civil Service Examiners to service the employing establishment, and (*b*) there is no appropriate register or there is a shortage of available eligibles.

(iii) Caretakers at temporarily closed camps or improved areas.

(iv) Field enumerators and supervisors.

(v) Forest workers engaged primarily for fire prevention or suppression activities and also other forest workers when the employment is with headquarters other than forest supervisor and regional offices.

(vi) State Performance Assistants of the Agricultural Stabilization and Conservation Service.

(vii) Collectors of the Farmers Home Administration.

(viii) Agricultural Research helpers, helper-leaders, and workers, paid at rates not in excess of WB–5 and Leader–5 in the Agricultural Research Service.

(6) Not to exceed eight positions whose incumbents serve on an intermittent or temporary basis as field representatives of the Department of Agriculture and in this capacity represent the Department's Disaster Committee in conducting surveys and appraisals of conditions in areas whose status as "major disaster" areas under Public Law 81–875, is under consideration. Employment under this authority shall not exceed 130 working days a year.

(7) [Reserved]

(8) Until December 31, 1966, not to exceed 100 positions directly concerned with programs of the Department for employment of Cuban refugees possessing college-level training appropriate for such positions: *Provided,* That employment under this authority in any one individual case shall be on a temporary basis for periods not to exceed one year and shall not exceed two years without the prior approval of the Civil Service Commission.

(b) *Office of the Secretary.* (1) Special Livestock Loans Committeemen employed for not more than 180 working days a year, to approve and direct the servicing of emergency livestock loans.

(2) The positions of the two members and two alternate members of the Board of Forest Appeals which must be filled under Departmental regulation by persons who have not been Federal employees for two years before appointment. Employment under this exception shall be on a when-actually-employed basis.

(c) *Forest Service.* (1) Temporary, intermittent, or seasonal positions when filled by the appointment of persons who are certified as maintaining a permanent and exclusive residence within, or contiguous to, a national forest and as being dependent for livelihood primarily upon employment available within the national forest.

(2) Positions in Alaska of Laborers, Boat Operators, Mechanics, Equipment Operators, and Carpenters whose duties require the operation of boats in coastal waters and/or the establishment and maintenance of work camps in remote areas.

(d) *Agricultural Stabilization and Conservation Service.* (1) Six Area Directors above GS–14.

(2) Members of State Committees.

(3) State Executive Directors.

(4) Farmer fieldmen and farmer fieldwomen to interpret and explain and supervise farm programs.

(e) *Farmers Home Administration.* (1) State committeemen to consider, recommend, and advise with respect to the Farmers Home Administration program.

(2) County committeemen to consider, recommend, and advise with respect to the Farmers Home Administration program.

(3) Temporary positions whose principal duties involve the making and servicing of emergency loans pursuant to Public Law 87–128. Appointment under this provision shall not exceed 1 year unless extended with the prior approval of the Commission for additional periods of not to exceed 1 year each.

(4) State Directors and not to exceed three positions of State Director-at-Large.

(5) Temporary positions in State and county offices of the Farmers Home Administration whose principal duties involve the making and servicing of loans pursuant to the Economic Opportunity Act of 1964. Appointments under this provision shall not exceed 1 year unless extended with prior Commission approval for not to exceed 1 additional year.

(f) *Consumer and Marketing Service.* (1) Positions of cotton classers GS–9 and below, clerks GS–2, and laborers, employed on a seasonal basis in cotton-classing offices outside the Washington, D.C., Metropolitan Area. Employment under this authority (or under a combination of this authority and any other excepting authority) shall not exceed 1,280 hours a year in the case of cotton classers and laborers and 1,040 hours a year in the case of clerks; except that GS–5 cotton classers may be employed as trainees during their first appointment only for an initial period of six months for training purposes without regard to the above time limitation.

(2) Positions of poultry inspector (veterinarian at GS–11 and below, and nonveterinarian at appropriate grades below GS–11) for employment on a temporary, intermittent, or seasonal basis, not to exceed 1,280 hours a year.

(3) Milk Market Administrators.

(4) All positions on the staffs of Milk Market Administrators.

(5) Positions of agricultural commodity aid (cotton) GS–2, 3, and 4, employed on a seasonal basis in cotton-classing offices outside the Washington, D.C., Metropolitan Area for not to exceed 1,280 hours a year. Employment under this authority may not exceed 850 positions at GS–2, and 92 positions at GS–3 and GS–4.

(g) *Agricultural Research Service.* (1) Field employees on programs conducted under the terms of cooperative agreements or memorandums of understanding with States or other non-Federal cooperating organizations, provided the employees are jointly selected and their salary is supplied by the cooperators on the basis of not less than a 40 percent contribution by each of the cooperators.

(2) Temporary field positions concerned with the control, suppression, and eradication of emergency livestock diseases. Persons appointed under this authority may not be employed in these positions in the Agricultural Research Service for longer than 1 year under this authority, or under a combination of this and any other authorities for excepted appointment that may be appropriate, without prior approval of the Commission. This authority shall be appropriate only in situations declared by the Secretary of Agriculture to be emergencies threatening the livestock industry of the country.

(3) Not to exceed 25 professional research associate positions, at GS–11 and above, in laboratories doing basic research work in the Agricultural Research Service to be filled on a temporary basis by scientists with a doctoral degree who possess specialized knowledges or abilities applicable to the basic research programs involved. Employment under this provision shall not exceed 1 year in any individual case: *Provided,* That such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

(h) *Foreign Agricultural Service.* (1) Agricultural Attache positions at grade GS–16 and above where the duties require that the major portion of the employee's time be spent in foreign countries.

(i) *International Agricultural Development Service.* (1) Positions of Technical Leader at Grade GS–12 and above employed in the training of foreign nationals on a temporary basis for not to exceed 130 working days a year.

§ 213.3114 Department of Commerce.

(a) *General.* (1) Agents to take and transmit meteorological observations in connection with aviation who are employed on a part-time basis and whose compensation is based on a fee for each observation performed rather than on an hourly or per annum basis: *Provided,* That the number of observations shall not exceed a daily average of 12 during any calendar month.

(2) Employment of individuals, firms, or corporations for not to exceed 1 year for special statistical studies and statistical compilations, other than Personal Census Records Service, the compensation for which is derived from funds deposited with the United States under the Act of May 27, 1935 (49 Stat. 292): *Provided,* That such employments may, with the approval of the Commission, be extended for not to exceed an additional year.

(3) Not to exceed 50 scientific and technical positions whose duties are performed primarily in the Antarctic. Incumbents of these positions may be stationed in continental United States for periods of orientation, training, analysis of data, and report writing.

(b) *Office of the Secretary.* (1) The positions of Security Control Officer, Deputy Security Control Officer, and Chief, Personnel Security Division.

(2) One Civil Aviation Specialist.

(3) One Adviser on Equal Employment Opportunity.

(c) *Coast and Geodetic Survey.* (1) All civilian positions on vessels operated by the Coast and Geodetic Survey.

(2) Temporary positions required in connection with the surveying operations of the field service of the Coast and Geodetic Survey. Appointment to such positions shall not exceed 8 months in any 1 calendar year.

(d) *Bureau of the Census.* (1) Supervisors, assistant supervisors, supervisors' clerks, and enumerators in the field service for temporary, part-time, or intermittent employment, for not to exceed 1 year: *Provided,* That such appointments may be extended for additional periods of not to exceed 1 year each; but that after December 31, 1960, this subparagraph shall not be authority for employment in full-time positions for longer than 1 year.

(e) *National Bureau of Standards.* (1) Scientific and professional research associate positions when filled on a temporary or intermittent basis by persons having a doctoral degree in physical science or related fields of study, for research activities of mutual interest to the appointee and the Bureau. Total employment under this provision may not exceed 20 new appointments each fiscal year, including those at the headquarters and at the Boulder, Colorado, Laboratories of the Bureau. Employment under this provision shall not exceed 1 year in any individual case: *Provided,* That such employment may, with the approval of the Commission, be extended for not to exceed an additional year. Such extensions shall not be included against the quota of 20 new appointments as stated above.

(f) *Bureau of Public Roads.* (1) Temporary, intermittent, or seasonal employment in the field service of the Bureau of Public Roads at grades not higher than GS–5 for subprofessional engineering aide work on highway surveys and construction projects, for not to exceed 180 working days a year, whenever in the opinion of the Commission appointment through competitive examination is impracticable.

(g) *Business and Defense Services Administration.* (1) Not to exceed 30 positions, at grades GS–13 and higher, to be filled by appointment of persons, qualified as industrial specialists, who possess specialized knowledge and experience in the field of industrial production, industrial operations and related problems, applicable to one or more of the current segments of industry served by the Business and Defense Services Administration. Appointments under this authority may be made for a period not to exceed 2 years, and may, with prior aproval of the Commission, be extended for an additional period of 2 years.

(h) *Maritime Administration.* (1) Public Information Officer.

(2) [Reserved]

(3) Chief, Office of Program Planning.

(4) [Reserved]

(5) The positions of Chief Investigator and Security Officer and Deputy Chief Investigator and Security Officer.

(6) All positions on Government-owned vessels or those bareboats chartered to the Government and operated by or for the Maritime Administration.

(7) [Reserved]

(8) One Special Assistant to the Administrator (Tanker Adviser).

(9) Two Special Assistants to the Deputy Administrator.

(10) U.S. Merchant Marine Academy, positions of: Professors, instructors, and teachers; including Heads of the Departments of Physical Training and Athletics, Ships Medicine, Ship Management, History and Languages, Mathematics and Science, Nautical Science and Engineering; Academy Training Representatives; the Regimental Officer; the Drill and Activities Officers; the Band and Activities Officer; and the First, Second, and Third Battalion Officers.

(11) U.S. Merchant Marine Academy, positions of: The Superintendent; the Executive Officer and Assistant Superintendent; Dean; Registrar and Educational Services Officer; Educational Specialist (Administration) (Assistant Dean); Alumni Records Officer and Placement Director; Librarian; and the Special Assistant to the Superintendent.

(i) *Office of the Assistant Secretary for Domestic and International Business.* (1) Ten positions at GS–13 and above in specialized fields relating to international trade or commerce in the Bureau of International Commerce or in other units under the jurisdiction of the Assistant Secretary for Domestic and International Business. Incumbents shall be assigned to advisory rather than to operating duties, except as operating and administrative responsibility may be required for the conduct of pilot studies or special projects. Employment under this authority will not exceed 2 years for any individual appointee.

(2) Not to exceed 40 positions of Managers and Deputy Managers of International Trade Fairs and Exhibit Programs in foreign countries when the duties require a considerable portion of the employee's time to be spent in foreign countries.

(j) *Weather Bureau.* (1) Subject to prior approval of the Commission, which shall be contingent upon a showing of inadequate housing facilities, meteorological aid positions at the following stations in Alaska: Barrow, Bethal, Kotzebue, McGrath, Northway, and St. Paul Island.

(2) Cook positions on Swan Island.

(3) Scientific and professional research positions at GS–12 and above when filled on a temporary, part-time, or intermittent basis by persons having a doctoral degree in meteorology or related fields of study, for research activities of mutual interest to the appointee and the Bureau. Total employment under this provision may not exceed ten positions at any one time, nor more than one year under this authority for any one individual, without prior approval of the Commission.

§ 213.3115 Department of Labor.

(a) *Office of the Secretary.* (1) Chairman and two Members, Employees' Compensation Appeals Board.

(b) *Bureau of Employment Security.* [Reserved]

(c) [Reserved]

(d) *Bureau of Labor Statistics.* (1) Part-time and intermittent employment for field survey and enumeration work in the Bureau of Labor Statistics. This authority is applicable to positions where the salary is equivalent to GS–5 and below. Employment within the Bureau of Labor Statistics under this authority, or a combination of this authority and any other authorities for excepted appointment, shall not exceed:

(i) 180 working days a year for positions at GS–5;

(ii) 130 working days a year for positions at GS–4 and below.

The total number of appointments at GS–5 shall not exceed 75. Appointments at the GS–3 and GS–4 grade levels are not limited in number.

(e) [Reserved]

(f) *Office of Federal Contract Compliance.* (1) All positions in the Office of Federal Contract Compliance established under Parts II, III, and IV of Executive Order No. 11246 of September 24, 1965.

§ 213.3116 Department of Health, Education, and Welfare.

(a) *St. Elizabeths Hospital.* (1) Three Medical Officers (Surgical Resident).

(2) Student Medical Interns for temporary or part-time employment.

(3) Temporary positions of graduate nurses appointed as students for the purpose of receiving 12 weeks of training equivalent to psychiatric affiliation. This authority shall be applied only to positions whose compensation is fixed in accordance with the provisions of section 3 of Public Law 80–330.

(4) Three positions of Medical Officers (Radiology Resident): *Provided,* That employment under this authority shall not exceed 1 year, except that selected residents may be nominated and reappointed for an additional year of training when the parent hospital determines that the supplemental training will meet the specialized needs of the individual resident.

(5) Until June 30, 1969, eight psychodrama trainees, including interns and first- and second-year residents. This authority shall be applied only to positions with compensation fixed in accordance with the provisions of section 3 of Public Law 80–330.

(6) Two Medical Officers (Anatomical Pathology Resident) for not to exceed 2 years' employment in the case of any one individual.

(7) Three Medical Officers (Internal Medicine Resident) for not to exceed 3 months' employment in the case of any one individual.

(8) Four positions of Medical Officer (Physical Medicine and Rehabilitation Resident): *Provided,* That employment under this authority shall not exceed 1 year, except that selected residents may be nominated and reappointed for an additional year of training when the parent hospital determines that the supplemental training will meet the specialized needs of the individual resident. Initial appointments may be made at any level within the 3-year residency as approved by the American Medical Association.

(9) Not to exceed 22 positions of Chaplain Residents: *Provided,* That employment under this authority shall not exceed 39 months for any individual. This authority shall be applied only to positions whose compensation is fixed in accordance with the provisions of section 3 of Public Law 80–330.

(b) *Public Health Service.* (1) Special escorts to accompany patients of the Public Health Service in accordance with existing laws and regulations. Employment under this subparagraph shall be only for the period of time necessary for the escort to deliver the patient to his destination and to return.

(2) Positions at Government sanatoria when filled by patients during treatment or convalescence.

(3) All positions in leprosy investigation stations.

(4) Positions concerned with problems in preventive medicine financed or participated in by the Department of Health, Education, and Welfare and a cooperating State, county, municipality, incorporated organization, or an individual in which at least one-half of the expense is contributed by the cooperating agency either in salaries, quarters, materials, equipment, or other necessary elements in the carrying on of the work.

(5) Medical and dental interns, externs, and residents; and student nurses.

(6) Positions of scientific, professional, or technical nature when filled by bona fide students enrolled in academic institutions: *Provided,* That the work performed in the agency is to be used by the student as a basis for completing certain academic requirements required by an educational institution to qualify for a scientific, professional, or technical field: *And provided further,* That appropriate exclusions of the positions under the authority of Public Law 80–330 have been approved by the Civil Service Commission.

(7) Student Dietitians and Resident Physicians at Freedman's Hospital.

(8) Positions directly and primarily related to the providing of services to Indians when filled by the appointment of Indians who are one-fourth or more Indian blood.

(9) Not to exceed 30 positions of clerical assistants employed on a part-time and intermittent basis to aid cooperating clinicians in non-Federal tuberculosis sanatoria in the keeping of records and the preparation of reports in connection with research studies into the effectiveness of antimicrobial agents in the treatment of tuberculosis. Persons appointed under this authority may not be employed in this kind of work in the Public Health Service for more than 180 working days in a single year under this authority or under a combination of this and any other authority for excepted appointment that may be appropriate.

(c) *Office of Education.* (1) Positions concerned with problems in education financed and participated in by the Office of Education, Department of Health, Education, and Welfare, and a cooperating State educational agency, or university or college, in which there is joint responsibility for selection and supervision of employees, and at least one-half of the expense is contributed by the cooperating agency in salaries, quarters, materials, equipment, or other necessary elements in the carrying on of the work.

(d) *Social Security Administration.* (1) One position of claims examiner or social insurance representative in a district office of the Bureau of Old-Age and Survivors Insurance in the State of Arizona when filled by the appointment of a person of one-fourth or more Indian blood.

(e) *General.* (1) Until December 31, 1966, 60 positions in medical and related occupations for employment under the Cuban refugee program. Employment of any person under this authority shall not extend more than 1 year beyond the expiration of the authority.

(f) *The President's Council on Physical Fitness.* (1) Three staff assistants, The President's Council on Physical Fitness.

(g) *Welfare Administration.* (1) Not to exceed 150 positions directly concerned with programs conducted by the Department in connection with the problems of Cuban refugees: *Provided,* That employment under this authority shall be temporary and no employment shall be made under it after December 31, 1966.

§ 213.3121 National Security Council.

(a) All positions on the staff of the Council.

§ 213.3124 Board of Governors, Federal Reserve System.

(a) All positions.

§ 213.3126 Office of Emergency Planning.

(a) One Field Representative, Resource Readiness Office.

§ 213.3127 Veterans Administration.

(a) *Construction Division.* (1) Temporary construction workers paid from "purchase and hire" funds and appointed for not to exceed the duration of a construction project.

§ 213.3128 U.S. Information Agency.

(a) Two Liaison Officers (Congressional) in the Office of the General Counsel.

(b) One Chief of Religious Information.

§ 213.3129 Federal Power Commission.

(a) Three special assistants to the Commission.

§ 213.3130 Securities and Exchange Commission.

(a) Director, Division of Corporation Finance; Director, Division of Corporate Regulation; Director, Division of Trading and Markets.

(b) Nine positions of Regional Administrator.

§ 213.3132 Small Business Administration.

(a)–(d) [Reserved]

(e) When the President under 42 U.S.C. 1855–1855g, or the Secretary of Agriculture under 7 U.S.C. 1961, declares an area to be a disaster area, positions filled by temporary appointment of employees to make and administer disaster loans in that area under the Small Business Act, as amended, for the duration of the disaster. Original appointments may not exceed 6 months, and no employee appointed under this exception may work in any one disaster area for more than 6 months without prior approval of the Commission.

§ 213.3133 Federal Deposit Insurance Corporation.

(a) All field positions concerned with the work of liquidating the assets of closed banks or the liquidation of loans to banks, and all temporary field positions the work of which is concerned with paying the depositors of closed insured banks.

(b) One position of Chief Clerk in the San Juan, P.R., office.

§ 213.3135 National Capital Housing Authority.

(a) Executive Director.

§ 213.3136 U.S. Soldiers' Home.

(a) All positions.

§ 213.3137 General Services Administration.

(a) *General.* (1) Custodians, guards, watchmen, laborers, and other employees engaged in the custody, care, and preservation of plants, warehouses, shipyards, airfields, and surplus facilities of a similar nature pending disposition of such facilities.

§ 213.3138 Federal Communications Commission.

(a) One Associate Chief Engineer.

(b) The Chief of each of the following Bureaus: Broadcast, Common Carrier, Safety and Special Radio Services, and Field Engineering and Monitoring.

§ 213.3139 U.S. Tariff Commission.

(a) The Secretary of the Commission.

§ 213.3141 National Labor Relations Board.

(a) Election Clerks and Election Examiners for temporary, part-time, or intermittent employment in connection with elections under the Labor Management Relations Act.

§ 213.3142 Export-Import Bank of Washington.

(a) Three Special Assistants to the Board of Directors, grade GS–14 and above, with responsibility for carrying out special overseas assignments for the Board.

§ 213.3143 Farm Credit Administration.

(a) Federal Land Bank Association receivers and conservators.

(b) Not to exceed seven positions in the Credit Services of the Farm Credit Administration in grades GS–13 or above, requiring technical or administrative experience in the field of agricultural credit: *Provided,* That this authority may be used only when making appointments of persons who have acquired such experience in the Farm Credit Administration or in one or more of the institutions supervised by the Farm Credit Administration.

§ 213.3144 Housing and Home Finance Agency.

(a) *Office of the Administrator.* (1) [Reserved]

(2) Director, Compliance Division.

(3) Seven Regional Administrators.

(4) Director, Community Disposition Staff.

(5) One Special Assistant to the Deputy Administrator.

(b) *Federal Housing Administration.* (1) Five Zone Operations Commissioners.

(c) *Federal National Mortgage Association.* (1) Until September 30, 1965, one Special Assistant (VHMCP).

§ 213.3146 Selective Service System.

(a) State Directors.

(b) Deputy or Assistant State Directors and State Medical Officers in State Headquarters.

(c) Until June 30, 1967, Executive Secretary, National Advisory Committee on the Selection of Physicians, Dentists, and Allied Specialists.

(d) Executive Secretary, National Selective Service Appeal Board.

§ 213.3147 Federal Mediation and Conciliation Service.

(a) Executive Secretary of a Board of Inquiry appointed under section 206 of the Labor-Management Relations Act of 1947 (29 U.S.C. 176).

§ 213.3148 National Aeronautics and Space Administration.

(a) One hundred fifty alien scientists having special qualifications in the fields of aeronautical and space research where such employment is deemed by the Administrator of the National Aeronautics and Space Administration to be necessary in the public interest.

(b) Forty scientific specialists to be engaged on special research projects.

(c) [Reserved]

(d) Ten medical officer positions for employment of third year medical residents in the field of aerospace medicine. An individual may not be employed more than one year under this exception.

§ 213.3149 Panama Canal Company. New Orleans.

(a) All positions on vessels operated by the Panama Canal Company.

§ 213.3152 St. Lawrence Seaway Development Corporation.

(a) One Assistant Manager, Seaway International Bridge.

§ 213.3154 Federal Home Loan Bank Board.

(a) One Secretary, Federal Home Loan Bank Board.

(b) [Reserved]

(c) All temporary field positions in the Federal Savings and Loan Insurance Corporation concerned with the work of liquidating the assets of closed insured institutions, or the liquidation of loans or the handling of contributions to insured institutions and the purchase of assets therefrom, and all temporary field positions of the Federal Savings and Loan Insurance Corporation the work of which is concerned with paying the depositors of closed insured institutions.

§ 213.3156 Commission on Civil Rights.

(a) Fifteen positions at grade GS–11 and above to engage in and advise on the collection, study, and appraisal of information developed in accordance with Public Law 88-352. Appointments made under this authority shall be limited to persons having a particular competency in the areas concerned and shall not extend beyond March 31, 1968.

(b) Until March 31, 1968, not to exceed 20 positions at GS–5 through GS–11 for the temporary part-time or intermittent employment of persons hired locally to investigate sworn complaints of patterns or practices of fraud or discrimination in the conduct of national elections. Employment under this authority shall not exceed 130 days in any one service year.

§ 213.3157 Federal Aviation Agency.

(a) Caretakers and light attendants employed on emergency fields and other air navigation facilities, who are paid on a fee basis.

(b) Medical Officer positions on Canton and Wake Islands.

(c) Laborer positions on Swan Island.

§ 213.3158 Franklin Delano Roosevelt Memorial Commission.

(a) All positions on the staff of the Commission.

§ 213.3160 Peace Corps.

(a) One Special Representative when employed on an intermittent basis.

(b) Thirty-five positions, filled by temporary appointment of 2 years or less, on the staff of the Peace Corps training camp in Puerto Rico.

§ 213.3161 James Madison Memorial Commission.

(a) One Executive Secretary

§ 213.3162 National Aeronautics and Space Council.

(a) All positions.

§ 213.3164 U.S. Arms Control and Disarmament Agency.

(a) Until April 30, 1969, seven project officers above GS–13 in the Weapons Evaluation and Control Bureau and 10 physical science officers above GS–12.

§ 213.3165 President's Advisory Committee on Labor-Management Policy.

(a) One Assistant Executive Director.

§ 213.3166 President's Committee on Juvenile Delinquency and Youth Crime.

(a) Until July 30, 1966, all positions on the staff.

§ 213.3169 President's Committee on Equal Opportunity in Housing.

(a) Positions, other than the Staff Director, on the Staff of the President's Committee on Equal Opportunity in Housing established by the President on November 20, 1962.

§ 213.3170 Civil Service Commission.

(a) Persons employed on a WAE basis to serve as members of the International Organizations Employees Loyalty Board for the purpose of holding hearings overseas.

§ 213.3174 Smithsonian Institution.

(a) Positions when filled by alien scientists and technicians appointed after the Secretary has determined in each case that no qualified citizen is available for the particular position.

§ 213.3178 Atlantic-Pacific Interoceanic Canal Study Commission.

(a) All positions on the Commission staff.

§ 213.3179 The President's Commission on Crime in the District of Columbia.

(a) All positions on the President's Commission on Crime in the District of Columbia.

§ 213.3181 The President's Commission on Law Enforcement and Administration of Justice.

(a) All positions on the President's Commission on Law Enforcement and Administration of Justice.

§ 213.3182 National Foundation on the Arts and the Humanities.

(a) *National Endowment for the Arts.*

(1) Deputy Director.

(2) Director of State and Local Operations.

(3) Seven Arts Program Directors.

(4) Director of Education and Government Liaison.

(5) Director of Studies and Analysis.

(6) Project Coordinator.

(7) Three Project Evaluators.

(8) Four Grant Processors.

SCHEDULE B

§ 213.3201 Positions other than those of a confidential or policy-determining character for which it is not practicable to hold a competitive examination.

The positions enumerated in §§ 213.3202 to 213.3299 are positions other than those of a confidential or policy-determining character for which it is not practicable to hold a competitive examination and which are excepted from the competitive service and constitute Schedule B. Appointments to these positions are subject to such noncompetitive examination as may be prescribed by the Commission.

§ 213.3202 Entire executive civil service.

(a) Student Trainee positions established in connection with an organized preprofessional undergraduate work-study program involving alternating periods of planned work experience (including at least 6 months in the agency) and related study at an accredited college or university in either (1) a cooperative curriculum in which the work experience is a prerequisite to the award of a degree, or (2) a curriculum where formal arrangements are made with the college or university for selecting and retaining program participants, and for scheduling and coordinating work experience and academic study. Appointments under this paragraph may be made only to Student Trainee positions which are preparatory to professional work which the Commission determines to be in a shortage occupation for this purpose. The Commission's determinations in this respect and other requirements relating to appointments under this paragraph will be published in the Federal Personnel Manual. Except for the requirement of competitive selection from a register, appointments under this paragraph are subject to all the requirements and conditions governing career-conditional appointment, including investigation by the Commission to establish the appointee's qualifications and suitability. Appointees may not continue to serve in Student Trainee positions more than 90 days after they complete or are separated from the work-study program.

§ 213.3204 Department of State.

(a) Persons formerly employed abroad in the Foreign Service of the United States (this means civilian employment in the executive branch) for a period of at least 4 years for service in executive and administrative positions, or for at least 2 years for professional positions, in grades GS–9 and above.

(b) Technical cryptographic positions in the Communications Security Division, Office of Communications.

(c) Director and Deputy Director, Foreign Buildings Operations.

§ 213.3205 Treasury Department.

(a) Positions of Deputy Comptroller of the Currency, Chief National Bank Examiner, Assistant Chief National Bank Examiner, Regional Chief National Bank Examiner, Deputy Regional Chief National Bank Examiner, Senior National Bank Examiner, National Bank Examiner, Senior Assistant National Bank Examiner, Assistant National Bank Examiner, Deputy to the Comptroller of the Currency for Trusts, Representatives in Trusts, Associates in Trusts, Assistants in Trusts, and one Administrative Assistant to the Comptroller of the Currency, whose salaries are paid from assessments against national banks and other financial institutions.

(b) Cryptographer, U.S. Coast Guard.

(c) Not to exceed two positions of Accountant (Tax Specialist) at grades GS–13 and above to serve as specialists on the accounting analysis and treatment of corporation taxes. Employments under this paragraph shall not exceed a period of 18 months in any individual case.

(d) Positions concerned with the protection of the life and safety of the President and members of his immediate family, or other persons for whom similar protective services are prescribed by law, when filled in accordance with special appointment procedures approved by the Commission. Service under this authority may not exceed (1) a total of four years or (2) 120 days following completion of the service required for conversion under Executive Order 11203, whichever occurs first.

§ 213.3206 Department of Defense.

(a) *Office of the Secretary.* (1) Professional members of Policy Planning Staff in positions at grades GS–16 and above and two Special Projects Directors, GS–15, Office of Deputy Assistant Secretary (Planning and NSC), Office of the Assistant Secretary of Defense (International Security Affairs).

(2) Professional positions at GS–11 and above involving systems, cost, and economic analysis functions, Office of the Assistant Secretary of Defense (Systems Analysis), and Office of the Deputy Assistant Secretary (Programing) in the Office of the Assistant Secretary of Defense (Comptroller).

(3) Professional positions at grades GS–16 and above in the Directorate for Special Studies, Office of the Deputy Assistant Secretary (Manpower Requirements and Special Studies), Office of the Assistant Secretary of Defense (Manpower).

(4) One Assistant for Counter-Insurgency, Office of the Assistant Secretary (International Security Affairs).

§ 213.3209 Department of the Air Force.

(a) Positions assigned exclusively to Air Force Communications Intelligence Activities.

(b) Civilian Deans and Professors at the Air Force Institute of Technology, Wright-Patterson Air Force Base, Dayton, Ohio.

§ 213.3210 Department of Justice.

(a) Deputy U.S. Marshals, Supervisory Deputy U.S. Marshals, and Chief Deputy U.S. Marshals.

(b) Positions of Port Receptionist and Supervisory Port Receptionist, Immigration and Naturalization Service.

§ 213.3212 Department of the Interior.

(a) Any competitive position at an Indian school when filled by the spouse of a competitive employee of the school, when because of isolation or lack of quarters, the Commission deems appointment through competitive examination impracticable.

(b) To the extent and in the occupations set by the Commission, positions on the staff of the Job Corps camps established by Title I of the Economic Opportunity Act of 1964, when it is determined that existing registers are not appropriate or do not permit appointment expeditiously. This authority may not be used after December 31, 1965.

§ 213.3213 Department of Agriculture.

(a) To the extent and in the occupations set by the Commission, positions on the staff of the Job Corps camps established under Title I of the Economic Opportunity Act of 1964, when it is determined that existing registers are not appropriate or do not permit appointment expeditiously. This authority may not be used after December 31, 1965.

§ 213.3214 Department of Commerce.

(a) *Community Relations Service.* (1) Four Field Coordinators for appointments not to exceed two years. No person shall be appointed under this authority after August 1, 1966.

(2) Not to exceed 20 positions at grades GS–11 through GS–15 involving program responsibilities in the specialized area of community relations for appointments of not to exceed two years. No person shall be appointed under this authority after August 1, 1966.

§ 213.3215 Department of Labor.

(a) Not to exceed 20 positions of Manpower Development Specialist at grades GS–12 through GS–15 for employment in the Neighborhood Youth Corps. This authority may not be used after December 31, 1965.

§ 213.3216 Department of Health, Education, and Welfare.

(a) *Office of Education.* (1) Fifty positions, GS–7 through GS–11, concerned with advising on education policies, practices, and procedures under unusual and abnormal conditions. Persons employed under this provision must be bona fide elementary school and high school teachers. Appointments under this authority may be made for a period of not to exceed one year, and may, with the prior approval of the Civil Service Commission, be extended for an additional period of one year.

(2) Thirty positions, GS–11 through GS–15, involving program responsibilities under Titles IV and VI of the Civil Rights Act of 1964. An appointment may not be made under this subparagraph after August 1, 1966.

§ 213.3228 U.S. Information Agency.

(a) Persons formerly employed abroad in the Foreign Service of the United States or as Binational Center Grantees for a period of at least 4 years for service in executive and administrative positions, or for at least 2 years for professional positions, in grades GS–9 and above.

§ 213.3229 Federal Power Commission.

(a) A Chief Engineer.

§ 213.3244 Housing and Home Finance Agency.

(a) *Federal Housing Administration.* (1) Ten Zone Intergroup Relations Advisers.

§ 213.3246 Selective Service System.

(a) Positions in the Selective Service System when filled by persons who as commissioned officer personnel in the Armed Forces have previously been trained for or have been on active military duty in the Selective Service program, and cannot, for some reason beyond their control, be brought to active military duty in the current Selective Service program.

§ 213.3253 District of Columbia Government.

(a) Chairman, Secretary and Members of the Board of Police and Fire Surgeons, District of Columbia.

§ 213.3256 Commission on Civil Rights.

(a) Until August 1, 1966, three positions at grade GS–9 and above to engage in the preparation and dissemination of information about the developments, legislation, and other pertinent happenings relating to the field of civil rights gathered by the Commission on Civil Rights in carrying out its assigned functions.

§ 213.3260 Peace Corps.

(a) Not to exceed 10 positions in grades GS–9 through GS–15 when filled by persons who have served overseas for at least 2 years in the foreign service of the Peace Corps or in the Foreign Service of the Department of State or of other constituent agencies of the Department.

§ 213.3268 Agency for International Development.

(a) Not to exceed 30 positions at GS–9 and above when filled by persons who have served overseas with the Agency for International Development for not less than 2 years.

§ 213.3273 Office of Economic Opportunity.

(a) To the extent and in the occupations set by the Commission, positions concerned with the administration and implementation of the Office of Economic Opportunity program when it is determined that existing registers are not appropriate or do not permit appointment expeditiously. This authority may not be used after December 31, 1965.

(b) One Chief, Planning Division.

(c) One Chief, Analysis Division.

(d) One Chief, Research Division.

(e) Seven Regional Directors.

§ 213.3276 Appalachian Regional Commission.

(a) Two Program Coordinators.

§ 213.3277 Equal Employment Opportunity Commission.

(a) Until August 1, 1966, technical positions above the clerical level engaged in the substantive program of the Equal Employment Opportunity Commission under Title VII of the Civil Rights Act of 1964.

SCHEDULE C

§ 213.3301 Positions of a confidential or policy-determining character.

The positions enumerated in §§ 213.3302 to 213.3399 are positions of a confidential or policy-determining character which are excepted from the competitive service, to which appointments may be made without examination by the Commission and which constitute Schedule C.

§ 213.3303 Executive Office of the President.

(a) *Bureau of the Budget.* (1) Three Assistant Directors.

(2) Two Private Secretaries to the Director.
(3) One Private Secretary to the Deputy Director.
(4) One Private Secretary to each of the three Assistant Directors.
(5) One Assistant to the Director.
(b) *Council of Economic Advisers.* (1) Three Private Secretaries to the Chairman and one to each of the other two members.
(c) *Office of Science and Technology.* (1) One Confidential and Secretarial Assistant to the Director.
(2) One Confidential and Secretarial Assistant to the Deputy Director.
(3) One Special Assistant to the Director.
(d) *Office of the Special Representative for Trade Negotiations.* (1) One Confidential Assistant to the Deputy Special Representative.

§ 213.3304 Department of State.

(a) *Office of the Secretary.* (1) Five Special Assistants.
(2) [Reserved]
(3) [Reserved]
(4) Two Confidential Assistants and four Private Secretaries to the Secretary.
(5) Five Special Assistants to the Under Secretary.
(6) One Special Assistant (Fisheries) to the Under Secretary.
(7) Three Confidential Assistants and one Private Secretary to the Under Secretary.
(8) Two Staff Assistants.
(9)–(14) [Reserved]
(15) One Personal Assistant to the Director, Food for Peace, Office of the Under Secretary.
(16) One Personal Assistant and one Private Secretary to the Under Secretary for Economic Affairs.
(17) [Reserved]
(18) One Special Assistant and one Staff Assistant to the Under Secretary for Economic Affairs.
(19) One Assistant Director, Food for Peace, Office of the Under Secretary.
(20) One Personal Assistant and one Special Assistant to the Ambassador-at-Large.
(21) One Special Assistant to the Secretary (Food-for-Peace Program).
(b) *Bureau of Security and Consular Affairs.* (1) Deputy Administrator.
(2) Administrator.
(3) Deputy Administrator for Refugee Relief.
(4) One Private Secretary to the Administrator.
(5) Deputy Administrator.
(c) *Office of the Assistant Secretary for Congressional Relations.* (1) One Congressional Liaison Officer (House).
(2) Deputy Assistant Secretary.
(3) Congessional Liaison Officer (Senate).
(4) One Confidential Assistant to the Assistant Secretary.
(5) One Staff Assistant.
(6) Four Legislative Management Officers.
(7) Two Legislative Officers.
(8) One Special Assistant to the Assistant Secretary.
(9) One Personal Assistant to the Assistant Secretary.
(d) *Office of the Assistant Secretary for Public Affairs.* (1) One Deputy Assistant Secretary.
(2) One Private Secretary to the Assistant Secretary.
(3) One Special Assistant to the Assistant Secretary.
(4) Director of the Office of News.
(5) [Reserved]
(6) One Deputy Assistant Secretary (Public Services).
(7) One Deputy Assistant Secretary (Policy Plans and Guidance).
(e) *Bureau of Economic Affairs.* (1) One Deputy Assistant Secretary (International Finance and Development), one Deputy Assistant Secretary (International Trade), and one Deputy Assistant Secretary (International Resources).
(2) One Private Secretary to the Assistant Secretary.
(f) *Bureau of Intelligence and Research.* (1) One Private Secretary.
(2) Director of Intelligence and Research.
(3) Deputy Director of Intelligence and Research.
(4) One Staff Assistant.
(g) *Bureau of Near Eastern and South Asian Affairs.* (1) Deputy Assistant Secretary.
(2) One Private Secretary to the Assistant Secretary.
(3) One Deputy Assistant Secretary.
(h) *Bureau of International Organization Affairs.* (1) Two Deputy Assistant Secretaries.
(2) One Private Secretary to the Assistant Secretary.
(3) One Special Assistant to the Assistant Secretary.
(4) One Special Assistant to the Assistant Secretary (Public Affairs).
(i) *Bureau of European Affairs.* (1) Deputy Assistant Secretary.
(2) One Private Secretary to the Assistant Secretary.
(3) Deputy Assistant Secretary (German and NATO Affairs).
(4) One Deputy Assistant Secretary for Atlantic Affairs.
(j) *Bureau of Far Eastern Affairs.* (1) Deputy Assistant Secretary.
(2) One Private Secretary to the Assistant Secretary.
(3) One Deputy Assistant Secretary for Far Eastern Economic Affairs.
(4) [Reserved]
(5) One Special Assistant to the Assistant Secretary.
(6) One Staff Assistant.
(k) *Bureau of Inter-American Affairs.* (1) Deputy Assistant Secretary.
(2) One Private Secretary to the Assistant Secretary.
(3) [Reserved]
(4) One Special Assistant to the Assistant Secretary (Public Affairs).
(5) One Deputy Assistant Secretary for Inter-American Economic Affairs.
(6) Deputy Assistant Secretary (Social Development).
(7) Two Secretaries and Personal Assistants to the U.S. Representative to the Council of the Organization of American States.
(l) *Office of the Legal Adviser.* (1) Deputy Legal Adviser.
(2) One Private Secretary to the Legal Adviser.
(m) *Executive Secretariat.* (1) The Executive Secretary.
(2) Two Deputy Executive Secretaries.
(n) *Policy Planning Council.* (1) The Deputy Counselor and Vice Chairman.
(2) The Executive Secretary.
(3) Twelve Members.
(4) One Private Secretary to the Counselor and Chairman.
(5) [Reserved]
(6) One Staff Assistant.
(o) *Office of the Assistant Secretary for Administration.* (1) Deputy Assistant Secretary for Personnel.
(2) One Confidential Assistant to the Assistant Secretary.
(3) One Private Secretary to the Assistant Secretary for Administration.
(p) *Office of the Deputy Under Secretary for Administration.* (1) One Confidential Assistant to the Deputy Under Secretary.
(2) Chief, Special Liaison Staff.
(3) [Reserved]
(4) Three Special Liaison Assistants, Special Liaison Staff.
(5) The Deputy Assistant Secretary for Security.
(6) Two Special Assistants to the Deputy Under Secretary.
(7) Director, Office for Special Representational Services.
(8) Deputy Assistant Secretary for Community Advisory Services.
(9) The Chief of Protocol.
(10) Two Staff Assistants and one Private Secretary to the Chief of Protocol.
(q) *Office of the Deputy Under Secretary for Political Affairs.* (1) One Special Assistant to the Deputy Under Secretary.
(2) One Confidential Assistant to the Deputy Under Secretary.
(3) One Deputy Assistant Secretary for Political-Military Affairs.
(4) One Special Assistant to the Secretary and Coordinator of International Labor Affairs.
(r) *Bureau of African Affairs.* (1) Deputy Assistant Secretary.
(2) One Private Secretary to the Assistant Secretary.
(3) One Deputy Assistant Secretary for African Economic Affairs.
(4) One Special Assistant to the Assistant Secretary.
(5) One Staff Assistant to the Assistant Secretary.
(s) *Bureau of Educational and Cultural Affairs.* (1) One Private Secretary to the Assistant Secretary for Educational and Cultural Affairs.
(2) One Special Assistant.
(3) One Deputy Assistant Secretary.
(4) One Deputy Assistant Secretary for Plans.
(t) *Office of the Inspector General, Foreign Assistance.* (1) One Private Secretary to the Inspector General, Foreign Assistance.
(2) One Private Secretary to the Deputy Inspector General, Foreign Assistance.

§ 213.3305 Treasury Department.

(a) *Office of the Secretary.* (1) One Assistant to the Secretary (Public Affairs); one Assistant to the Secretary (Debt Management); and one Special Assistant to the Secretary.
(2) [Reserved]
(3) Special Assistant to the Under Secretary.
(4) Director, Office of Tax Legislation.
(5) The Director, Office of Law Enforcement Coordination.
(6) Assistant to the Secretary (Congressional Relations).
(7) [Reserved]
(8) Assistant to the Secretary (National Security Affairs).
(9) Deputy Assistant Secretary (International Affairs).
(10) One Public Affairs Specialist.
(11) The Director, Office of Tax Analysis.
(12) Director, Office of Financial Analysis.
(13) One Deputy Under Secretary for Monetary Affairs.
(14) One Special Assistant to the Secretary.
(15) [Reserved]
(16) One Staff Assistant to the Assistant to the Secretary (National Security Affairs).
(17) One Deputy Director, Office of Financial Analysis.
(18) One Secretarial Assistant to the Secretary.
(19) One Special Assistant to the Secretary (for Enforcement).
(20) One Private Secretary to the Special Assistant to the Secretary (for Enforcement).
(21) Two Liaison Officers in the Office of the Special Assistant to the Secretary (for Enforcement).
(b) *Office of the Treasurer of the United States.* (1) One Confidential Administrative Assistant to the Treasurer of the United States.
(c) *Bureau of Customs.* (1) Commissioner of Customs.
(2) [Reserved]
(3) One Confidential Assistant to the Commissioner of Customs.
(d) *U.S. Savings Bonds Division.* (1) National Director.
(e) *Bureau of the Mint.* (1) One Special Assistant to the Director of the Mint.

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* (1) One Special Assistant and two Private Secretaries to the Secretary of Defense.
(2) Two Private Secretaries to the Deputy Secretary of Defense and one Private Secretary to each of the following: The Director of Defense Research and Engineering; the Principal Deputy Director of Defense Research and Engineering; the four Deputy Directors of Defense Research and Engineering; the Director, Advanced Research Projects Agency; the Assistant Secretary of Defense (Manpower); the Assistant Secretary of Defense (International Security Affairs); the Assistant Secretary of Defense (Public Affairs); the Assistant Secretary of Defense (Installations and Logistics); the Assistant Secretary of Defense (Administration); the Assistant Secretary of Defense (Comptroller); the Assistant Secretary of Defense (Systems Analysis); the General Counsel; the Deputy General Counsel; the Assistant to the Secretary of Defense (Atomic Energy); and the Military Assistants to the Secretary of Defense.
(3) Three Chauffeurs for the Secretary of Defense.
(4) One Deputy Assistant Secretary, Office of the Assistant Secretary of Defense for Public Affairs.
(5) Two Confidential Assistants to the Assistant Secretary of Defense (International Security Affairs).
(6) The Defense Adviser to USRO in Paris, France.
(7) Two Private Secretaries to the Defense Adviser to USRO in Paris, France.
(8) One Deputy Assistant Secretary (Security Policy), Office of the Assistant Secretary of Defense (Manpower).
(9) One Deputy Assistant Secretary (European and North Atlantic Treaty Organization Affairs), Office of the Assistant Secretary of Defense for International Security Affairs.
(10) One Deputy Assistant Secretary (International Security Affairs), Office of the Assistant Secretary of Defense for International Security Affairs.
(11) One Assistant to the Secretary of Defense (Legislative Affairs).
(12) One Private Secretary to the Assistant to the Secretary of Defense (Legislative Affairs).
(13) One Special Assistant to the Assistant to the Secretary of Defense (Legislative Affairs).
(14) One Personal Secretary to the Deputy Secretary of Defense.
(15) One Private Secretary to the Deputy Assistant Secretary (International Security Affairs), Office of the Assistant Secretary of Defense for International Security Affairs.
(16) Three Private Secretaries to the Special Assistant to the Secretary of Defense.
(17) One Deputy Assistant Secretary (Arms Control), Office of the Assistant Secretary of Defense for International Security Affairs.
(18) [Reserved]
(19) One Deputy Assistant Secretary of Education and Manpower Resources, Office of the Assistant Secretary of Defense (Manpower).
(20) One Deputy Assistant Secretary (Far East and Latin American Affairs), Office of the Assistant Secretary of Defense for International Security Affairs.
(21) [Reserved]
(22) One Confidential Assistant to the Special Assistant to the Secretary of Defense.
(23) One Private Secretary to the Assistant Secretary of Defense, Office of the Director of Defense Research and Engineering.
(24) [Reserved]
(25) [Reserved]
(26) One Congressional Liaison Officer (Civil Defense), Office of the Assistant to the Secretary of Defense (Legislative Affairs).
(27) The Director of Economic Utilization Policy, Office of the Assistant Secretary of Defense (Installations and Logistics).
(28) Two Staff Assistants to the Special Assistant to the Secretary of Defense.
(29) One Staff Assistant to the Director of Economic Utilization Policy, Office of the Assistant Secretary of Defense (Installations and Logistics).
(30) One Private Secretary to the Chairman, Joint Chiefs of Staff.
(31) One Deputy Assistant Secretary (Manpower Requirements and Special Studies), Office of the Assistant Secretary of Defense (Manpower).
(32) One Confidential Assistant to the Assistant Secretary of Defense (Installations and Logistics).
(33) [Reserved]
(34) Principal Assistant to the Deputy Assistant Secretary (Civil Rights and Industrial Relations).
(35) One Staff Assistant to the Deputy Assistant Secretary (Civil Rights and Industrial Relations).
(36) One Private Secretary to the Deputy Assistant Secretary (Civil Rights and Industrial Relations).
(37) Director for Equal Employment Opportunity, Office of the Deputy Assistant Secretary (Civil Rights and Industrial Relations), Office of the Assistant Secretary of Defense (Manpower).
(38) One Private Secretary to the Director for Equal Employment Opportunity.
(39) One Staff Assistant to the Director for Equal Employment Opportunity.
(40) One Assistant to the Assistant Secretary of Defense (International Security Affairs).
(41) One Deputy Assistant Secretary (Near East, South Asia Affairs and MAP Policy Review), Office of the Assistant Secretary of Defense for International Security Affairs.
(42) Aide to the Vice President.
(43) Four Deputy Directors of Defense Research and Engineering and the Director, Advanced Research Projects Agency.
(44) One Special Assistant to the Assistant Secretary of Defense (Public Affairs).
(45) One Director of Operations, Office of the Assistant Secretary of Defense (Public Affairs).
(46) One Private Secretary to the Director of Operations, Office of the Assistant Secretary of Defense (Public Affairs).
(47) One Deputy Assistant Secretary (Civil Rights and Industrial Relations), Office of the Assistant Secretary of Defense (Manpower).
(48) One Principal Deputy Director of Defense Research and Engineering.
(b) *Court of Military Appeals.* (1) One Private Secretary and two Technical Assistants to each Judge of the Court.
(c) *Interdepartmental Programs.* (1) Two Personal Secretaries and Confidential Assistants to the Military Representatives of the President.
(2) Four Private Secretaries engaged in the interdepartmental activities of the Office of the Secretary of Defense.
(d) *Defense Supply Agency.* (1) One Confidential Assistant (Economic Utilization Policy) to the Director, Defense Supply Agency.

§ 213.3307 Department of the Army.

(a) *Office of the Secretary.* (1) One Private Secretary or Confidential As-

sistant to the Secretary, to the Under Secretary, and to each Assistant Secretary of the Army.

(2) One Deputy to the Assistant Secretary of the Army (Installations and Logistics)—Installations.

(3) The General Counsel.

(4) [Reserved]

(5) One Deputy for International Affairs to the Under Secretary of the Army.

(6) [Reserved]

(7) One Deputy Under Secretary (Manpower and Reserve Forces).

(8) One Confidential Assistant to the Deputy for International Affairs to the Under Secretary of the Army.

(9) One Confidential Assistant (Economic Utilization Policy) to the Assistant Secretary of the Army (Installations and Logistics).

(10) One Assistant to the Deputy for International Affairs to the Under Secretary of the Army.

(11) One Deputy Under Secretary (Personnel Management).

(12) [Reserved]

(13) The Director of Civil Defense.

(14) Deputy Director of Civil Defense.

(15) One Special Assistant to the Assistant Secretary of the Army (Installations and Logistics) for Planning.

(16) Special Assistant for Legislative Affairs to the Chief of Legislative Liaison.

(b) *General.* (1) [Reserved]

(2) One Administrative Assistant and four Private Secretaries to the Military Aide to the President.

§ 213.3308 Department of the Navy.

(a) *Office of the Secretary.* (1) Four Civilian Aides or Executive Assistants to the Secretary.

(2) Two Private or Confidential Secretaries to the Secretary and one to the Under Secretary and to each Assistant Secretary of the Navy.

(3) One Chauffeur for the Secretary of the Navy.

(4) One Confidential Secretary to the Civilian Aide to the Secretary of the Navy.

(5) One Private Secretary to the Naval Aide to the President.

(6) Two Civilian Aides or Executive Assistants to the Under Secretary.

(7) Four Civilian Aides or Executive Assistants to the Assistant Secretary (Installations and Logistics).

(8) Two Civilian Aides or Executive Assistants each to the Assistant Secretary (Research and Development) and the Assistant Secretary (Financial Management).

(9) One Confidential Assistant (Economic Utilization Policy) to the Assistant Secretary of the Navy (Installations and Logistics).

§ 213.3309 Department of the Air Force.

(a) *Office of the Secretary.* (1) Three Special Assistants to the Secretary, and one Special Assistant to the Under Secretary, and to each Assistant Secretary of the Air Force.

(2) Five Private Secretaries. (For employment of Private Secretaries to officials in the Office of the Secretary who are appointed by the President or are appointed under subparagraph (1) of this paragraph.)

(3) The General Counsel.

(4) One Confidential Assistant (Economic Utilization Policy) to the Assistant Secretary of the Air Force (Materiel).

§ 213.3310 Department of Justice.

(a) *Office of the Attorney General.* (1) The Executive Assistant to the Attorney General.

(2) The Pardon Attorney.

(3) Three Private Secretaries to the Attorney General.

(4) One Chauffeur for the Attorney General.

(5) Two Special Assistants for Public Relations.

(6) One Confidential Assistant to the Attorney General.

(7) Two Secretaries for the Attorney General.

(8) Two Receptionists for the Attorney General.

(9) Three Confidential Assistants to the Attorney General.

(b) *Office of the Deputy Attorney General.* (1) Two Confidential Assistants (Private Secretaries) to the Deputy Attorney General.

(2) Head of Executive Office for U.S. Attorneys.

(3) Assistant Deputy Attorney General for Legal Administration.

(4) Assistant Deputy Attorney General for Litigation.

(5) Head, Executive Office of U.S. Marshalls.

(c) *Office of the Solicitor General.* (1) The First Assistant to the Solicitor General.

(2) One position of Trial Attorney (General)—Second Assistant.

(3) One Confidential Assistant (Private Secretary) to the Solicitor General.

(d) *Anti-Trust Division.* (1) The First Assistant to the Assistant Attorney General.

(2) Chief, General Litigation Section.

(3) Chief, Trial Section.

(4) Chief, Special Litigation Section.

(5) Chief, Judgments and Judgment Enforcement Section.

(6) Chief, Special Trial Section.

(7) Chief, Appellate Section.

(8) Chief, Field Office (six positions).

(9) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.

(10) Chief, Economic Section.

(11) Chief, Public Counsel and Legislative Section.

(12) [Reserved]

(13) Chief, Field Operations.

(14) Second Assistant to the Assistant Attorney General.

(15) Director, Policy Planning.

(e) *Civil Division.* (1) The First Assistant to the Assistant Attorney General.

(2) Second Assistant to the Assistant Attorney General.

(3) Chief, Admiralty and Shipping Section.

(4) Chief, Court of Claims Section.

(5) Chief, Fraud Section.

(6) Chief, General Litigation Section.

(7) Chief, Patent Section.

(8) Chief, Appellate Section.

(9) Chief, Torts Section.

(10) Chief, Admiralty and Shipping Section, New York.

(11) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.

(12) One Executive Assistant.

(13) Chief, General Claims Section.

(f) *Criminal Division.* (1) The First Assistant to the Assistant Attorney General.

(2) Second Assistant to the Assistant Attorney General.

(3) Chief, Administrative Regulations Section.

(4) Chief, General Crimes Section.

(5) [Reserved]

(6) Chief, Appeals and Research Section.

(7) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.

(8) Chief, Organized Crime and Racketeering Section.

(9) Chief, Fraud Section.

(10) Three positions of Trial Attorney (General)—Staff Assistant.

(g) *Tax Division.* (1) The First Assistant to the Assistant Attorney General.

(2) Chief, Appellate Section.

(3) Chief, Criminal Section.

(4) Chief, Review Section.

(5) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.

(6) Second Assistant to the Assistant Attorney General.

(7) Chief, General Litigation Section.

(8) One Assistant for Civil Trials.

(h) *Land and Natural Resources Division.* (1) The First Assistant to the Assistant Attorney General.

(2) Chief, Lands Acquisition Section.

(3) Chief, Appellate Section.

(4) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.

(5) Chief, Indian Claims Section.

(i) *Office of Alien Property.* (1) One Deputy Director.

(j) *Immigration and Naturalization Service.* (1) General Counsel.

(2) One Confidential Assistant (Private Secretary) to the Commissioner.

(3) Executive Assistant to the Commissioner.

(4) Two Associate Commissioners, one for Operations, and one for Management.

(5) Four Deputy Associate Commissioners, one for each of the following: Domestic Control; Travel Control; Security; and Administrative Services.

(k) *Board of Immigration Appeals.* (1) Executive Assistant.

(2) The Chairman.

(3) Four Members of the Board.

(l) *Office of Legal Counsel.* (1) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.

(2) The First Assistant to the Assistant Attorney General.

(3) The second Assistant to the Assistant Attorney General.

(m) *Bureau of Prisons.* (1) The Director.

(2) [Reserved]

(3) Three Assistant Directors.

(4) Technical and Legislative Adviser.

(n) *Federal Prison Industries, Inc.* (1) The Commissioner of Industries.

(2) [Reserved]

(3) The Associate Commissioner.

(o) *Office of U.S. Attorney.* (1) Secretary and Confidential Assistant to the U.S. Attorney (10 positions).

(p) *Internal Security Division.* (1) The First Assistant to the Assistant Attorney General.

(2) One Executive Assistant to the Assistant Attorney General.

(3) One Confidential Assistant to the Assistant Attorney General.

(4) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.

(5) Chief, Appeals and Research Section.

(6) Chief, Civil Section.

(7) Chief, Foreign Agents Registration Section.

(8) Chief, Criminal Section.

(q) *Civil Rights Division.* (1) The First Assistant to the Assistant Attorney General.

(2) Second Assistant to the Assistant Attorney General.

(3) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.

§ 213.3311 Post Office Department.

(a) *Office of the Postmaster General.* (1) One Executive Assistant to the Postmaster General.

(2) Six Special Assistants to the Postmaster General.

(3) One Receptionist.

(4) Three Assistants to the Executive Assistant to the Postmaster General.

(5) Two Confidential Assistants to the Postmaster General.

(6) Two Secretaries to the Executive Assistant to the Postmaster General.

(7) One Secretarial Assistant to the Postmaster General.

(8) One Confidential Administrative Assistant to the Postmaster General.

(9) One Private Secretary to each of the three Assistants to the Executive Assistant to the Postmaster General.

(10) One Administrative Assistant to the Executive Assistant to the Postmaster General.

(11) One Deputy Special Assistant to the Postmaster General (Information).

(12) One Confidential Assistant to the Special Assistant to the Postmaster General (Information).

(13) One Private Secretary to the Special Assistant to the Postmaster General (Information).

(14) One Deputy Executive Assistant to the Postmaster General.

(15) The Director, Office of Regional Administration.

(16) One Director of Community Programs.

(17) One Private Secretary to the Deputy Executive Assistant to the Postmaster General.

(18) One Special Assistant to the Director, Office of Regional Administration.

(b) *Bureau of Facilities.* (1) One Confidential Assistant to the Assistant Postmaster General.

(2) One Private Secretary to the Assistant Postmaster General.

(3) One Deputy Assistant Postmaster General.

(4) One Private Secretary to the Deputy Assistant Postmaster General.

(5) One Executive Assistant to the Assistant Postmaster General.

(6) [Reserved]

(7) One Private Secretary to the Executive Assistant to the Assistant Postmaster General.

(8) One Deputy Assistant Postmaster General.

(9) One Special Assistant to the Assistant Postmaster General.

(10) One Special Assistant to the Assistant Postmaster General (Financial Affairs).

(c) *Bureau of Transportation.* (1) One Special and Confidential Assistant to the Assistant Postmaster General.

(2) One Information Specialist.

(3) One Private Secretary to the Assistant Postmaster General.

(4) One Deputy Assistant Postmaster General.

(5) One Executive Assistant to the Assistant Postmaster General.

(6) One Deputy Assistant Postmaster General.

(d) *Bureau of Personnel.* (1) One Private Secretary to the Assistant Postmaster General.

(e) *Office of the General Counsel.* (1) Two Private Secretaries to the General Counsel.

(f) *Bureau of Operations.* (1) One Confidential Assistant to the Assistant Postmaster General.

(2) One Executive Assistant and two Special Assistants to the Assistant Postmaster General.

(3) One Private Secretary to the Assistant Postmaster General.

(4) Two Deputy Assistant Postmasters General.

(5) One Private Secretary to each of two Deputy Assistant Postmasters General.

(g) *Bureau of Finance.* (1) One Confidential Assistant to the Assistant Postmaster General.

(2) One Special Representative to the Assistant Postmaster General.

(3) One Private Secretary to the Assistant Postmaster General.

(h) *Office of the Deputy Postmaster General.* (1) One Executive Assistant to the Deputy Postmaster General.

(2) One Confidential Administrative Assistant to the Deputy Postmaster General.

(3) Two private Secretaries to the Deputy Postmaster General.

(4) One Private Secretary to the Executive Assistant to the Deputy Postmaster General.

§ 213.3312 Department of the Interior.

(a) *Office of the Secretary.* (1) Assistant to the Secretary.

(2) One Confidential Assistant and one Private Secretary to the Secretary.

(3) Four Special Assistants to the Secretary.

(4) Six Confidential Assistants (Field Representatives).

(5) Chauffeur for the Secretary.

(6) One Deputy Under Secretary.

(7) Confidential Assistant (Administrative Assistant) to the Under Secretary.

(8) Four Deputy Assistant Secretaries (one each for Mineral Resources, Public Land Management, Water and Power Development, and Fish and Wildlife); and one Confidential Assistant (Administrative Assistant) to each of the four Assistant Secretaries for Mineral Resources, Public Land Management, Water and Power Development, and Fish and Wildlife.

(9) Director, Resources Program Staff.

(10) Assistant Director, Resources Program Staff.

(11) Planning Reports Review Coordinator, Resources Program Staff.

(12) One Confidential Assistant (Administrative Assistant) to the Director, Resources Program Staff.

(13) One Private Secretary to the Under Secretary.

(14) One Assistant to the Secretary.

(15) Director, Office of Oil and Gas.

(16) One Secretarial Attendant to the Secretary.

(17) Director, Office of Minerals and Solid Fuels.

(18) Director, Office of Minerals Exploration.

(19) Director, Office of Saline Water.

(20) Administrator, Oil Import Administration.

(21) Assistant to the Secretary (Congressional Liaison).

(22) The Administrator, Defense Electric Power Administration, Office of the Assistant Secretary for Water and Power Development.

(23) One Staff Assistant to the Assistant Secretary for Public Land Management.

(24) One Assistant to the Secretary (International Affairs).

(25) Director, Office of Water Resources Research.

(26) Associate Director, Office of Water Resources Research.

(27) One Special Assistant to the Secretary (Liaison-International Atomic Energy Agency).

(28) One Assistant and Science Adviser to the Secretary.

(29) One Coordinator, Interior Youth Conservation Center Program.

(b) *Office of the Solicitor.* (1) One Confidential Assistant to the Solicitor.

(2) Two Special Assistants to the Solicitor.

(3) One Deputy Solicitor.

(4) Five Associate Solicitors.

(5) One Assistant to the Secretary and Legislative Counsel.

(c) *U.S. Fish and Wildlife Service.* (1) One Special Assistant to the Commissioner of Fish and Wildlife.

(d) *Bureau of Mines.* (1) One Private Secretary to the Director.

(2) [Reserved]

(3) One Assistant Director (Health and Safety).

(4) One Deputy Director.

(5) One Assistant Director (Helium Activities).

(6) One Assistant Director (Minerals Research).

(7) One Assistant Director (Mineral Resources Development).

(e) *Geological Survey.* (1) One Private Secretary to the Director.

(f) *Bureau of Reclamation.* (1) One Private Secretary to the Commissioner.

(2) Three Assistant Commissioners.

(g) *Southeastern Power Administration.* (1) Administrator.

(2) One Private Secretary to the Administrator.

(h) *National Park Service.* (1) Director.

(2) One Private Secretary to the Director.

(3) One Assistant Director.

(4) One Associate Director.

(i) *Bonneville Power Administration.* (1) Administrator.

(2) One Private Secretary to the Administrator.

(3) One Special Assistant to the Administrator.

(4) Two Assistants to the Administrator.

(j) *Bureau of Indian Affairs.* (1) Three Assistants to the Commissioner.

(2) One Private Secretary to the Commissioner.

(k) *Southwestern Power Administration.* (1) Administrator.

(2) Assistant Administrator.

(3) One Confidential Secretary, Office of the Administrator.

(l) *Office of Territories.* (1) One Director.

(2) One Confidential Assistant to the Director.

(3) Chief, Division of Insular Affairs.

(4) One Governor, American Samoa.

(5) One Secretary of American Samoa.

(6) One Chief Justice of American Samoa.

(7) The High Commissioner and one Deputy High Commissioner, Trust Territory of the Pacific Islands.

(8) One Private Secretary to the Governor of Virgin Islands.

(9) One Administrative Assistant to the Governor of Virgin Islands.

(10) One Assistant Director.

(11) One Confidential Assistant to the Governor of American Samoa.

(12) One Secretary to the Government Secretary of American Samoa.

(13) One Private Secretary to the Governor of Guam.

(14) One Secretary to the Government Secretary of Guam.

(15) Chief Justice of the Trust Territory.

(16) One Secretary to the High Commissioner of the Trust Territory.

(17) One Secretary to the Deputy High Commissioner of the Trust Territory.

(m) *Bureau of Outdoor Recreation.* (1) The Director.

(2) One Associate Director.

(3) One Confidential Assistant to the Director.

§ 213.3313 Department of Agriculture.

(a) *Office of the Secretary.* (1) One Administrative Assistant to the Secretary.

(2) One Assistant to the Secretary (States Relations).

(3) One Assistant to the Secretary (Agricultural Programs).

(4) One Executive Assistant to the Secretary.

(5) Five Confidential Assistants to the Secretary.

(6) One Private Secretary to the Secretary.

(7) Two Chauffeurs for the Secretary.

(8) One Private Secretary and Administrative Assistant to the Executive Assistant to the Secretary.

(9) One Confidential Assistant to the Assistant Secretary for Marketing and Consumers' Services.

(10) One Private Secretary to each of the three Assistant Secretaries other than the Administrative Assistant Secretary.

(11) One Staff Assistant—Program Appraisal.

(12) One Special Assistant to the Secretary.

(13) One Private Secretary and Administrative Assistant to the Assistant to the Secretary (Agricultural Programs).

(14) One Assistant to the Secretary (Administrative Officer).

(15) One Assistant to the Secretary (Counsel on Consumer Interests).

(16) One Assistant to the Secretary (Defense Mobilization Planning).

(17) One Assistant to the Secretary (Civil Rights and Equal Opportunity in Employment and Housing).

(18) One Deputy Assistant Secretary (Rural Development and Conservation).

(19) One Deputy Assistant Secretary (International Affairs).

(20) One Confidential Assistant to the Assistant Secretary for Rural Development and Conservation.

(21) One Deputy Assistant Secretary (Marketing and Consumer Services).

(22) One Confidential Assistant to the Executive Assistant to the Secretary.

(b) *Rural Electrification Administration.* (1) One Private Secretary to the Administrator.

(2) One Deputy Administrator.

(3) Two Assistant Administrators.

(4) Three Assistants to the Administrator.

(c) *Office of the Under Secretary.* (1) One Administrative Officer and Private Secretary to the Under Secretary.

(2) One Deputy Under Secretary.

(3) One Private Secretary to the Deputy Under Secretary.

(d) *Office of the General Counsel.* (1) One Deputy General Counsel.

(2) Three Assistant General Counsels.

(3) One Private Secretary to the General Counsel.

(e) *Foreign Agricultural Service.* (1) Three Assistant Administrators.

(2) The Administrator.

(3) General Sales Manager.

(4) Deputy General Sales Manager.

(5) The Associate Administrator.

(f) *Farmers Home Administration.* (1) One Deputy Administrator.

(2) One Assistant Administrator.

(3) One Assistant to the Administrator.

(4) Two Confidential Assistants to the Administrator.

(5) One Private Secretary to the Administrator.

(6) One Assistant Administrator (Insured Loan Funds).

(g) *Federal Crop Insurance Corporation.* (1) The Manager.

(2) Members of the Board of Directors.

(3) One Private Secretary to the Manager.

(4) One Deputy Manager.

(h) *Agricultural Stabilization and Conservation Service.* (1) Administrator.

(2) One Associate Administrator.

(3) Two Deputy Administrators.

(4) Six Confidential Assistants to the Administrator.

(5) One Private Secretary to the Administrator.

(6) Director, Livestock and Dairy Policy Staff.

(7) Director, Grain Policy Staff.

(8) Director, Cotton Policy Staff.

(9) Director, Oils and Peanut Policy Staff.

(10) Director, Sugar Policy Staff.

(11) Director, Tobacco Policy Staff.

(12) Director, Policy and Program Appraisal.

(13) Director, Conservation and Land Use Policy Staff.

(i) *Commodity Credit Corporation.* (1) The President.

(2) The Executive Vice-President.

(3) The Secretary.

(4) One Confidential Assistant to the President.

(j) *Federal Extension Service.* (1) The Administrator.

(2) One Deputy Administrator.

(3) One Private Secretary to the Administrator.

(k) *Soil Conservation Service.* (1) Administrator.

(2) One Associate Administrator.

(3) One Confidential Assistant to the Administrator.

(4) One Private Secretary to the Administrator.

(l) [Reserved]

(m) *Consumer and Marketing Service.* (1) The Administrator.

(2) One Private Secretary to the Administrator.

(3) Two Confidential Assistants to the Administrator.

(n) *Agricultural Economics.* (1) The Director.

(2) One Confidential Assistant to the Director.

(3) One Private Secretary to the Director.

(4) Two Staff Assistants to the Director.

(o) *Rural Community Development Service.* (1) Administrator.

(2) Deputy Administrator.

(3) One Private Secretary to the Administrator.

(4) One Private Secretary to the Deputy Administrator.

(p) *Science and Education.* (1) The Director.

(q) *International Agricultural Development Service.* (1) The Administrator.

§ 213.3314 Department of Commerce.

(a) *Office of the Secretary.* (1) Nine Confidential Assistants to the Secretary.

(2) Three Private Secretaries to the Secretary.

(3) One Confidential Assistant and two Private Secretaries to the Under Secretary.

(4) One Confidential Assistant and one Private Secretary to the Under Secretary for Transportation.

(5) One Confidential Assistant and one Private Secretary to the Assistant Secretary for Economic Affairs.

(6) One Confidential Assistant and one Private Secretary to the General Counsel.

(7) One Private Secretary to the Deputy Under Secretary for Transportation (Operations).

(8) Deputy General Counsel.

(9) One Private Secretary to the Deputy General Counsel.

(10) One Special Assistant to the Secretary.

(11) One Chauffeur for the Secretary.

(12) One Deputy Assistant Secretary of Commerce for Economic Affairs.

(13) One Private Secretary to the Deputy Assistant Secretary for Economic Affairs.

(14) One Confidential Assistant to the Assistant Secretary for Administration.

(15) Two Congressional Liaison Officers.

(16) Director, Office of Field Services.

(17) One Deputy Under Secretary for Transportation (Operations).

(18) [Reserved]

(19) One Special Assistant to the Director, Office of Field Services.

(20) One Private Secretary to the Director, Office of Field Services.

(21) Director, Office of Emergency Transportation.

(22) Deputy Director, Office of Emergency Transportation.

(23) One National Export Expansion Coordinator.

(24) One Special Assistant to the National Export Expansion Coordinator.

(25) One Private Secretary to the National Export Expansion Coordinator.

(26) One Special Assistant to the Secretary (Economic Affairs).

(27) One Deputy National Export Expansion Coordinator.

(28) One Confidential Assistant to the Deputy to the Secretary.

(29) One Confidential Assistant to the Under Secretary for Transportation.

(30) Deputy Assistant Secretary for Economic Policy Review, Office of the Assistant Secretary for Economic Affairs.

(31) Deputy Assistant Secretary for Statistics and Economic Research, Office of the Assistant Secretary for Economic Affairs.

(32) Director, Transportation Research Staff, Office of the Deputy Under Secretary for Transportation (Policy).

(33) Director, Office of Appalachian Assistance.

(34) Director, Office of Transportation Policy Development.

(35) One Deputy Under Secretary.

(36) One Private Secretary to the Deputy Under Secretary.

(37) One Deputy Under Secretary for Transportation Research.

(b) *Inland Waterways Corporation.* (1) Chairman of the Advisory Board.

(c) *Business and Defense Services Administration.* (1) Administrator.

(2) Three Confidential Assistants to the Administrator.

(3) Deputy Administrator.

(4) One Confidential Assistant to the Deputy Administrator.

(5) One Secretarial Assistant to the Administrator.

(6) The Assistant Administrator for International Commodity Activities.

(7) The Assistant Administrator for Business and Government Services.

(8) One Confidential Secretary to the Administrator.

(d) *Bureau of Census.* (1) [Reserved]

(2) One personal assistant to the Director.

(e) [Reserved]

(f) *National Bureau of Standards.* (1) One Private Secretary to the Director.

(g) *Bureau of Public Roads.* (1) Solicitor.

(2) Four Special Assistants to the Federal Highway Administrator.

(3) One Private Secretary to the Federal Highway Administrator.

(4) One Private Secretary to the Solicitor.

(5) The Deputy Federal Highway Administrator.

(h) *Patent Office.* (1) Private Secretary to the Commissioner, and to each of the Assistant Commissioners.

(2) Assistant to the Commissioner.

(3) One Confidential Secretary to the Chairman of the President's Commission on the Patent System.

(i) [Reserved]

(j) *Maritime Administration.* (1) General Counsel.

(2) Two Confidential Assistants to the Administrator.

(3) One Private Secretary to the General Counsel.

(k) *Area Redevelopment Administration.* (1) One Deputy Administrator.

(2) One Assistant Administrator (Area Operations).

(3) Five Special Assistants to the Administrator.

(4) One Private Secretary to the Administrator.

(5) One Private Secretary to the Deputy Administrator.

(6) One Private Secretary to the Assistant Administrator (Area Operations).

(7) Staff Director, Appalachian Project.

(l) *U.S. Travel Service.* (1) One Confidential Assistant to the Director.

(2) The Deputy Director.

(3) One Private Secretary to the Deputy Director.

(m) *Office of the Assistant Secretary for Domestic and International Business.* (1) One Private Secretary and two Confidential Assistants to the Assistant Secretary for Domestic and International Business.

(2) One Deputy Assistant Secretary for Domestic Business Policy.

(3) One Private Secretary to the Deputy Assistant Secretary for Domestic Business Policy.

(4) One Deputy Assistant Secretary for Trade Policy.

(5) One Deputy Assistant Secretary for Financial Policy.

(6) One Private Secretary to the Deputy Assistant Secretary for Trade Policy.

(7) One Private Secretary to the Deputy Assistant Secretary for Financial Policy.

(8) The Director, Bureau of International Commerce.

(9) One Deputy Director, Bureau of International Commerce.

(10) One Private Secretary to the Director, Bureau of International Commerce.

(11) One Private Secretary to the Deputy Director, Bureau of International Commerce.

(12) The Director, Office of Trade Adjustment.

(13) One Private Secretary to the Director, Office of Trade Adjustment.

(14) Executive Director, Export Expansion Councils, Office of Field Services.

(n) *Office of the Assistant Secretary for Science and Technology.* (1) One Deputy Assistant Secretary for Science and Technology.

(2) Two Special Assistants to the Assistant Secretary for Science and Technology.

(o) *Community Relations Service.* (1) One Deputy Director.

(2) One Legal Adviser.

(3) One Associate Director for Conciliation.

(4) One Special Assistant to the Director.

(5) One Assistant for Program Development.

(6) One Volunteer Group Liaison Officer.

(7) One Government Services Liaison Officer.

(8) Two Private Secretaries to the Director.

(9) One Private Secretary to the Deputy Director.

(10) One Private Secretary to the Associate Director for Conciliation.

(11) One Private Secretary to the Legal Adviser.

(12) One Private Secretary to the Special Assistant to the Director.

(p) *Environmental Science Services Administration.*

(1) One Private Secretary to the Administrator.

(2) One Private Secretary to the Deputy Administrator.

(q) *Office of the Assistant Secretary for Economic Development.* (1) Five Special Assistants to the Administrator, Economic Development Administration.

(2) One Private Secretary to the Administrator, Economic Development Administration.

(3) One Private Secretary to the Deputy Administrator, Economic Development Administration.

(4) One Private Secretary to each of the five Special Assistants to the Administrator, Economic Development Administration.

(5) One Deputy Administrator, Economic Development Administration.

(6) One Deputy Assistant Secretary for Economic Development (Liaison).

(7) One Deputy Assistant Secretary for Economic Development (Operations).

(8) Two Special Assistants to the Assistant Secretary for Economic Development.
(9) Two Private Secretaries to the Assistant Secretary for Economic Development.
(10) One Private Secretary to each of the two Deputy Assistant Secretaries for Economic Development.
(11) The Director, Office of Regional Economic Development.
(12) The Deputy Director, Office of Regional Economic Development.
(13) One Special Assistant to the Director, Office of Regional Economic Development.
(14) One Private Secretary each to the Director and Deputy Director, Office of Regional Economic Development.

§ 213.3315 Department of Labor.

(a) *Office of the Secretary.* (1) Four Special Assistants, three Confidential Assistants, and one Confidential Assistant (Private Secretary) to the Secretary of Labor.
(2) One Chauffeur for the Secretary of Labor.
(3) One Special Assistant and one Private Secretary to the Under Secretary of Labor.
(4) One Private Secretary to each Assistant Secretary of Labor who is appointed by the President.
(5) One Private Secretary to the Secretary.
(6) Two Confidential Assistants to the Under Secretary of Labor.
(7) One Confidential Assistant to the Assistant Secretary.
(8) One Executive Assistant to the Secretary.
(9) One Special Assistant to the Secretary.
(10) One Assistant to each Assistant Secretary of Labor appointed by the President.
(11) One Special Assistant to the Assistant Secretary for Labor-Management Relations.
(12) One Private Secretary to the Executive Assistant to the Secretary.
(13) One Confidential Assistant to the Assistant Secretary for International Labor Affairs.
(14) One Assistant to the Special Assistant to the Secretary, Office of Legislative Liaison.
(15) One Economic Adviser to the Secretary.
(16) One Confidential Aide in the Office of the Assistant Secretary for Planning and Policy Development.
(17) The Manpower Administrator.
(18) The Labor-Management Services Administrator.
(19) The Director, Neighborhood Youth Corps.
(20) One Private Secretary to the Economic Adviser to the Secretary.
(21) One Private Secretary to the Manpower Administrator.
(22) Director, Office of Manpower, Automation, and Training.
(23) One Private Secretary to the Director, Office of Manpower, Automation, and Training.

(b) *Office of the Solicitor.* (1) One Private Secretary to the Solicitor.
(c) *Bureau of Employment Security.* (1) The Administrator.
(2) One Secretary (Stenography) in the Office of the Administrator.

(d) *Bureau of Labor Statistics.* (1) One Private Secretary to the Commissioner.

(e) *Bureau of Apprenticeship and Training.* (1) Administrator.
(2) One Private Secretary to the Administrator.

(f) *Women's Bureau.* (1) One Private Secretary to the Director.
(2) Two Special Assistants to the Director.

(g) *Bureau of Labor Standards.* (1) Director.
(2) One Private Secretary to the Director.
(3) One Confidential Assistant to the Director.

(h) *Wage and Hour and Public Contracts Divisions.* (1) Deputy Administrator.
(2) One Confidential Assistant to the Administrator.

(i) *Bureau of Veterans Reemployment Rights.* (1) Director.

(j) *Bureau of Employees' Compensation.* (1) Director.

(k) *President's Committee on Migratory Labor.* (1) The Executive Director.

(l) *The President's Committee on Manpower.* (1) The Executive Director.

§ 213.3316 Department of Health, Education, and Welfare.

(a) *Office of the Secretary.* (1) Director of Security.
(2) Two Confidential Assistants to the Secretary.
(3) Publications Writer.
(4) Two Assistants to the Secretary.
(5) One Executive Secretary.
(6) Two Confidential Secretaries to the Under Secretary.
(7) One Assistant to the Secretary.
(8) One Congressional Liaison Officer.
(9) One Assistant to the Congressional Liaison Officer.
(10) One Confidential Assistant to the Under Secretary.
(11) [Reserved]
(12) One Confidential Secretary to the Assistant to the Secretary authorized under subparagraph (7) of this paragraph.
(13) One Staff Assistant to the Secretary.
(14) One Confidential Secretary to one of the Special Assistants to the Secretary authorized under subparagraph (4) of this paragraph.
(15) [Reserved]
(16) One Assistant to the Under Secretary (Manpower Training).
(17) One Staff Assistant to the Under Secretary (Manpower Training).
(18) One Assistant to the Secretary (for Educational Television).
(19) One Deputy Assistant to the Secretary (for Educational Television).
(20) Special Assistant to the Secretary (for Mental Retardation Activities).
(21) Two Confidential Secretaries to the Special Assistant to the Secretary (for Mental Retardation Activities).
(22) Deputy Special Assistant to the Secretary (for Mental Retardation Activities).
(23) One Assistant to the Secretary for Special Programs.
(24) Director, Office of Economic and Social Analysis.
(25) One Confidential Assistant to the Special Assistant to the Secretary (for Mental Retardation Activities).

(b) *Vocational Rehabilitation Administration.* (1) Commissioner of Vocational Rehabilitation.
(2) One Deputy Commissioner.

(c) *Office of Education.* (1) One Special Assistant to the Commissioner of Education.
(2) One Assistant to the Commissioner (Public Affairs).
(3) Deputy Commissioner of Education.
(4) One Assistant to the Deputy Commissioner.
(5) One Staff Assistant to the Deputy Commissioner.
(6) One Confidential Secretary to the Deputy Commissioner.

(d) *Office of the Assistant Secretary for Federal-State Relations.* (1) One Confidential Assistant to the Assistant Secretary.
(2) One Special Assistant on Federal-State Problems.
(3) One Special Assistant.
(4) One Deputy Assistant Secretary for Federal-State Relations.
(5) One Confidential Secretary to the Deputy Assistant Secretary for Federal-State Relations.

(e) *Office of the General Counsel.* (1) One Associate General Counsel.

(f) *Office of the Assistant Secretary for Legislation.* (1) Three Special Assistants to the Assistant Secretary.
(2) One Deputy Assistant Secretary for Legislation.
(3) One Program Coordination Officer.
(4) One Confidential Secretary to the Deputy Assistant Secretary for Legislation.
(5) The Director, Office of Program Analysis, and Special Assistant to the Assistant Secretary (for Legislation).
(6) One Deputy Assistant Secretary for Legislative Services.
(7) Two Confidential Secretaries to the Assistant Secretary.

(g) *Welfare Administration.* (1) The Commissioner.
(2) One Deputy Commissioner.
(3) [Reserved]

(h) *Office of the Assistant Secretary for Health and Scientific Affairs.* (1) Two Confidential Secretaries to the Assistant Secretary for Health and Scientific Affairs.

(i) *Administration on Aging.* (1) Deputy Commissioner.

§ 213.3322 Interstate Commerce Commission.

(a) One Private Secretary to each Commissioner.
(b) Managing Director.
(c) One Congressional Liaison Officer.

§ 213.3323 General Accounting Office.

(a) One Administrative Assistant (Confidential Assistant) to the Comptroller General.
(b) Two Private Secretaries to the Comptroller General.

§ 213.3325 The Tax Court of the United States.

(a) One Private Secretary and two Technical Assistants for the Chief Judge and each Judge.

§ 213.3326 Office of Emergency Planning.

(a) *Office of the Director.* (1) Two Administrative Assistants to the Director.
(2) One Courier.
(3) Two Special Assistants to the Director.
(4) Legal Adviser.
(5) One Information Specialist.

(b) *Office of the Deputy Director.* (1) One Confidential Administrative Assistant to the Deputy Director.
(2) One Secretary to the Deputy Director.

(c) *Office of the Assistant Director for Telecommunications Management.* (1) One Confidential Administrative Assistant to the Assistant Director.
(2) One Technical Assistant to the Director of Telecommunications Management (Space Communications).

(d) *Office of the Assistant Director.* (1) One Confidential Administrative Assistant to the Assistant Director.

(e) *Office of the Assistant Director.* (1) One Confidential Administrative Assistant to the Assistant Director.

(f) *Office of Liaison and Public Affairs.* (1) The Director.
(2) Director, Information and Press Relations Division.
(3) Director, Federal-State and International Relations Division.

(g) *Economic Affairs Office.* (1) The Director.
(h) [Reserved]

(i) *Program Development Office.* (1) The Director.

(j) *Government Readiness Office.* (1) The Director.
(2) Coordinator, National Defense Executive Reserve.
(k) [Reserved]

(l) *Resource Readiness Office.* (1) The Director.

(m) *Telecommunications Office.* (1) The Director.

(n) *Program Evaluation Office.* (1) The Director.

§ 213.3327 Veterans Administration.

(a) *Office of the Administrator.* (1) Two Special Assistants to the Administrator.
(2) Two Confidential Assistants to the Special Assistant to the Administrator.
(3) The Deputy Administrator.
(4) The General Counsel.
(5) The Associate Deputy Administrator.
(6) Chairman, Administrator's Advisory Council.
(7) One Assistant Deputy Administrator.
(8) One Confidential Assistant to the Associate Deputy Administrator.

(b) *Department of Veterans Benefits.* (1) The Chief Benefits Director.

(c) *Department of Data Management.* (1) The Chief Data Management Director.

§ 213.3328 United States Information Agency.

(a) One Secretarial Assistant to the Deputy Director.
(b) One Executive Assistant to the Director.
(c) One Secretarial Assistant to the Director.
(d) One Secretary to the Director.
(e) One Special Assistant to the Deputy Director.
(f) One Special Assistant to the Director.

§ 213.3329 Federal Power Commission.

(a) Three Private Secretaries in the Office of the Chairman, one Confidential Assistant to the Chairman, and one Private Secretary, and one Confidential Assistant to each other Commissioner.
(b) One Assistant to the Chairman.
(c) General Counsel.
(d) Executive Director.
(e) Two Private Secretaries to the Executive Director.
(f) Two Technical Assistants to each Commissioner.
(g) Chief, Bureau of Power.
(h) Chief, Bureau of Natural Gas.
(i) The Assistant Executive Director.

§ 213.3330 Securities and Exchange Commission.

(a) One General Counsel.
(b) One Chief Accountant.
(c) [Reserved]
(d) One Confidential Assistant to each Member of the Commission (five positions).
(e) One Executive Assistant to the Chairman.

§ 213.3331 National Mediation Board.

(a) One Private Secretary to each Member of the National Railroad Adjustment Board.
(b) One Private Secretary to each Member of the Third Division Regional Supplemental Railroad Adjustment Board (10 positions).
(c) One Private Secretary to each member of the First Division, Firemen's Supplemental Adjustment Board, National Railroad Adjustment Board.

§ 213.3332 Small Business Administration.

(a) Three Deputy Administrators.
(b) One Special Assistant to each Deputy Administrator.
(c) Two Special and Confidential Assistants to the Administrator.
(d) One General Counsel.
(e) [Reserved]
(f) Assistant Administrator for Economics.
(g) [Reserved]
(h) Two Special Assistants to the Administrator.
(i) Two Private Secretaries to the Administrator.
(j) [Reserved]
(k) Director, Office of Procurement Services.
(l) [Reserved]
(m) The Deputy Administrator for the Small Business Investment Division.
(n) and (o) [Reserved]
(p) Director, Office of Loan Processing.
(q) Director, Office of Loan Administration.
(r) Director, Office of Area Redevelopment Loans.
(s) [Reserved]
(t) One Staff Assistant to the Administrator.
(u) The Executive Administrator.
(v) Four Assistant Deputy Administrators.
(w) One Assistant to the Special Assistant for Advisory Councils.
(x) One Special Assistant (Minority Groups).
(y) Director, Office of Public Information.
(z) Assistant Administrator for Management Assistance.
(aa) Deputy Assistant Administrator for Management Assistance.
(bb) One Confidential Assistant to the Administrator (Economic Opportunity).
(cc) One Director, Office of Economic Opportunity Assistance.
(dd) One Assistant for Congressional Relations.
(ee) Assistant Deputy Administrator for Procurement and Management Assistance.
(ff) Director, Office of Procurement Assistance.

§ 213.3333 Federal Deposit Insurance Corporation.

(a) One Assistant to each member of the Board of Directors.
(b) One Confidential Assistant to the Board of Directors.
(c) General Counsel.
(d) One Special Assistant to the Chairman.
(e) Executive Assistant and Controller.

§ 213.3334 Federal Trade Commission.

(a) General Counsel.
(b) Director, Bureau of Economics.
(c) One Secretary of the Federal Trade Commission.
(d) Executive Director.
(e) One Confidential Assistant and Chief Legal Adviser to the Chairman.
(f) Director, Bureau of Restraint of Trade.
(g) Director, Bureau of Deceptive Practices.
(h) Director, Bureau of Field Operations.
(i) Director, Bureau of Textiles and Furs.
(j) Director, Bureau of Industry Guidance.

§ 213.3337 General Services Administration.

(a) *Office of the Administrator.* (1) Six Members of the Board of Contract Appeals.
(2) The Deputy Administrator.
(3) One Special Assistant to the Administrator.
(4) Three Confidential Assistants to the Administrator.
(5) The Assistant Administrator.
(6) Two Confidential Assistants to the Assistant Administrator.
(7) Two Assistants to the Assistant Administrator.
(8) One Deputy Assistant Administrator.

(9) Two Confidential Assistants to the Deputy Administrator.
(10) One Assistant to the Assistant Administrator.
(b) *Public Buildings Service.* (1) The Commissioner.
(c) *Federal Supply Service.* (1) The Commissioner.
(d) *National Archives and Records Service.* (1) The Archivist of the United States.
(e) *Defense Materials Service.* (1) The Commissioner.
(f) *Transportation and Communications Service.* (1) The Commissioner.
(g) *Utilization and Disposal Service.* (1) The Commissioner.

§ 213.3338 Federal Communications Commission.

(a) One General Counsel.
(b) One Chief Engineer.

§ 213.3339 U.S. Tariff Commission.

(a) One Private Secretary to each Commissioner.

§ 213.3340 Civil Aeronautics Board.

(a) One Special Assistant to the Chairman of the Board.
(b) General Counsel of the Board.
(c) Director, Bureau of Economic Regulation.
(d) One Special Assistant for Congressional Relations.
(e) One Secretary to the Special Assistant for Congressional Relations.
(f) Director, Bureau of Safety.
(g) One Administrative Assistant to each Member of the Board.
(h) One Secretary to each Member of the Board.
(i) The Executive Director of the Board.

§ 213.3341 National Labor Relations Board.

(a) One Private Secretary to the Chairman of the Board.
(b) One Solicitor.
(c) One Chief Legal Assistant to each Board Member.
(d) One Confidential Assistant to each Board Member.
(e) One Associate General Counsel, Division of Operations.
(f) One Associate General Counsel, Division of Law.
(g) Three Special Assistants to the General Counsel.
(h) One Confidential Assistant to the General Counsel.

§ 213.3342 Export-Import Bank of Washington.

(a) One Executive Vice-President.
(b) One Confidential Assistant to the President.
(c) One Private Secretary to the First Vice-President.
(d) The General Counsel.
(e) One Private Secretary to each of the three members of the Board of Directors.
(f) Chief, Office of Program Planning and Information.
(g) One Vice-President for Exporter Credits, Guarantees, and Insurance.
(h) [Reserved]
(i) One Special Assistant to the President and Chairman.
(j) One Treasurer-Controller.

§ 213.3343 Farm Credit Administration.

(a) Three Directors of Credit Services.
(b) One General Counsel.
(c) One Deputy Governor.
(d) Three Deputy Directors of Credit Services.

§ 213.3344 Housing and Home Finance Agency.

(a) *Office of the Administrator.* (1) One Deputy Administrator.
(2) One Assistant Administrator (Program Policy).
(3) General Counsel.
(4) One Assistant Administrator (International Housing).
(5) Community Facilities Commissioner.
(6) Deputy Urban Renewal Commissioner.
(7) One Assistant Administrator for Public Affairs.
(8) One Special Assistant to the Administrator.
(9) One Special Assistant (Administrator's Office).
(10) One Assistant Commissioner for Program Planning, Urban Renewal Administration.
(11) One Confidential Assistant to the Commissioner, Urban Renewal Administration.
(12) Two Secretaries to the Community Facilities Commissioner.
(13) One Secretary to the General Counsel.
(14) One Secretary to the Congressional Liaison Officer.
(15) Assistant Commissioner for Technical Standards, Urban Renewal Administration.
(16) One Secretary to the Assistant Administrator (Program Policy).
(17) Assistant Administrator (Housing for Senior Citizens).
(18) One Private Secretary to the Assistant Administrator (Community Programs).
(19) Deputy Assistant Administrator (Housing for Senior Citizens).
(20) Two Special Assistants to the Commissioner, Community Facilities Administration.
(21) Three Assistants to the Congressional Liaison Officer.
(22) One Assistant Administrator (Community Programs).
(23) One Executive Assistant to the Commissioner, Urban Renewal Administration.
(24) One Assistant Commissioner for Field Operations, Urban Renewal Administration.
(25) Assistant Administrator (Transportation).
(26) One Secretary to the Special Assistant to the Administrator.
(27) One Private Secretary to the Assistant Administrator (Transportation).
(28) One Deputy Assistant Administrator (Program Policy).
(29) One Deputy Assistant Administrator (Transportation).
(30) One Secretary and Confidential Assistant to the Assistant Administrator for Public Affairs.
(31) One Congressional Liaison Officer.
(32) One Assistant Commissioner for Urban Planning and Community Development, Urban Renewal Administration.
(33) One Assistant Administrator (Metropolitan Development).
(34) One Deputy Commissioner, Community Facilities Administration.
(35) and 36 [Reserved]
(37) One Secretary and Confidential Assistant to the Deputy Commissioner, Community Facilities Administration.
(38) The Chief Counsel, Community Facilities Administration.
(39) The Chief Counsel, Urban Renewal Administration.
(40) One Secretary and Confidential Assistant to the Assistant Administrator (Metropolitan Development).
(41) One Special Assistant to the Commissioner, Urban Renewal Administration.
(42) One Assistant to the Deputy Commissioner, Community Facilities Administration.
(43) One Assistant Commissioner for Operations and Engineering, Community Facilities Administration.
(44) One Assistant Commissioner for Program Development, Community Facilities Administration.
(45) One Assistant Commissioner for Management Control, Community Facilities Administration.
(46) One Special Counsel and Assistant to the Deputy Administrator.
(47) One Secretary to the Chief Counsel, Community Facilities Administration.
(b) *Federal Housing Administration.* (1) One Deputy Commissioner.
(2) One General Counsel.
(3) One Assistant Commissioner, Technical Standards.
(4) One Assistant to the Commissioner.
(5) One Assistant to the Commissioner (Intergroup Relations Service).
(6) One Assistant Commissioner for Programs.
(7) Director, Program Division.
(8) One Confidential Assistant to the Assistant Commissioner for Programs.
(9) One Congressional Liaison Officer.
(10) One Special Assistant for Elderly Housing.
(11) One Special Assistant for Nursing Homes.
(12) One Assistant Commissioner for Multifamily Housing.
(13) One Assistant Commissioner (Executive Officer).
(14) One Assistant Commissioner for Congressional Liaison and Public Information.
(15) Special Assistant for Home Improvement Plans and Mortgage Servicing.
(16) One Assistant to the Commissioner—Special Projects.
(17) [Reserved]
(18) One Associate Deputy Commissioner for Operations.
(19) One Associate Deputy Commissioner for Management.
(20) One Assistant Commissioner for Home Mortgages.

(21) One Assistant Commissioner for Property Improvement.
(c) *Public Housing Administration.* (1) One Special Assistant to the Commissioner (Liaison).
(2) One Special Assistant to the Commissioner (Racial Relations).
(3) General Counsel.
(4) One Deputy Commissioner.
(5) One Confidential Assistant to the Commissioner.
(6) One Assistant Commissioner for Development.
(7) One Assistant Commissioner for Management.
(8) One Assistant Commissioner for Program Planning.
(d) *Federal National Mortgage Association.* (1) The President.

§ 213.3345 Indian Claims Commission.

(a) One Private Secretary to each Commissioner.

§ 213.3347 Federal Mediation and Conciliation Service.

(a) One General Counsel.

§ 213.3348 National Aeronautics and Space Administration.

(a) One Secretary to the Administrator.
(b) One Secretary to the Deputy Administrator.
(c) [Reserved]
(d) One Secretary (Stenography) to the Associate Administrator for Manned Space Flight.
(e) One Confidential Assistant to the Assistant Administrator for Management Development.
(f) One Confidential Assistant to the Executive Secretary.

§ 213.3350 Foreign Claims Settlement Commission of the United States.

(a) Special Assistant to the Commissioners.
(b) One Confidential Assistant to the Chairman.
(c) One Private Secretary to the Chairman and to each of the other two Commissioners.

§ 213.3351 Subversive Activities Control Board.

(a) One Executive Secretary and Chief Clerk.
(b) One Private Secretary to each Member of the Board.
(c) One Confidential Administrative Assistant to each Member of the Board.

§ 213.3352 Saint Lawrence Seaway Development Corporation.

(a) One Private Secretary to the Administrator.
(b) One Special Assistant to the Administrator.

§ 213.3354 Federal Home Loan Bank Board.

(a) [Reserved]
(b) One Director, Federal Home Loan Bank Operations.
(c) One General Counsel.
(d) [Reserved]
(e) Two Secretaries to the Chairman of the Board.
(f) Two Secretaries to Board Members.
(g) Director, Federal Savings and Loan Insurance Corporation.
(h) and (i) [Reserved]
(j) One Director, Office of Research and Home Finance.
(k) One Director, Office of Examinations and Supervision.
(l) [Reserved]
(m) One Assistant to each of three Board Members (including the Chairman).
(n) One Private Secretary to the Assistant to each of three Board Members (including the Chairman).
(o) Deputy Director, Federal Savings and Loan Insurance Corporation.

§ 213.3355 The Renegotiation Board.

(a) One Special Assistant to the Chairman and one Special Assistant to each of the other four Renegotiation Board Members.
(b) One Secretary to the Chairman.
(c) One Secretary to each of the four Board Members.

§ 213.3356 Commission on Civil Rights.

(a) [Reserved]
(b) Director, Field Services Division.
(c) One Confidential Secretary to the Staff Director.
(d) One Program Assistant (Special Assistant to the Staff Director).
(e) One Special Assistant for Public Affairs.

§ 213.3357 Federal Aviation Agency.

(a) Two Assistants to the Chief, Congressional Relations Division.
(b) The Director of Information Services.
(c) [Reserved]
(d) One Private Secretary to the Administrator.
(e)–(i) [Reserved]
(j) Assistant Administrator for Congressional Liaison.
(k) One Congressional Liaison Specialist.

§ 213.3359 National Capital Transportation Agency.

(a) One Confidential Assistant to the Administrator.
(b) One Confidential Assistant to the Deputy Administrator.
(c) One Special Assistant to the Administrator.
(d) One Legislative Assistant.
(e) One Special Assistant for Congressional Liaison.

§ 213.3360 Peace Corps.

(a) One Confidential Assistant (Secretary) to the Director.
(b) Two Confidential Secretaries (Stenography) to the Director.
(c) The General Counsel.
(d) The Associate Director, Office of Program Development and Operations.
(e) The Associate Director, Office of Peace Corps Volunteers.
(f) One Deputy Associate Director, Office of Peace Corps Volunteers.
(g) The Associate Director, Office of Public Affairs.
(h) One Deputy Associate Director, Office of Public Affairs.
(i) Associate Director, Office of Planning, Evaluation, and Research.
(j) The Chief, Division of Public Information.
(k) One Deputy Associate Director, Office of Program Development and Operations.
(l) One Special Assistant for Congressional Relations, Office of Public Affairs.
(m) The Chief, Division of Training.
(n) One Special Assistant to the Director.
(o) The Chief, Division of Selection, Office of Peace Corps Volunteers.
(p) One Confidential Assistant (Secretary) to the Deputy Director.
(q) Director, Division of Planning, Office of Planning, Evaluation, and Research.
(r) The Executive Secretary.
(s) The Director, Division of University, Private, and International Cooperation.
(t) The Deputy Director, Division of University, Private, and International Cooperation.
(u) The Director and the Deputy Director, Africa Regional Office.
(v) The Director, Division of Program Development and Coordination.
(w) Director, Division of Evaluation, Office of Planning, Evaluation, and Research.
(x) Deputy Associate Director, Office of Planning, Evaluation, and Research.
(y) One Staff Adviser for International Programs.
(z) Director, Division of Volunteer Support.
(aa) One Confidential Assistant to the Director.

§ 213.3364 U.S. Arms Control and Disarmament Agency.

(a) One Private Secretary to the Director.
(b) One Private Secretary to the Deputy Director.
(c) One Private Secretary to each Assistant Director appointed by the President (four positions).
(d) One Public Affairs Adviser.
(e) One Special Assistant to the Deputy Director.
(f) Three Disarmament Advisers, Disarmament Advisory Staff.
(g) The General Counsel.
(h) One Private Secretary to the General Counsel.

§ 213.3367 Federal Maritime Commission.

(a) One Confidential Assistant to each Commissioner.
(b) The Managing Director.
(c) The General Counsel.
(d) One Private Secretary to the Chairman, one Private Secretary to each Commissioner, one Private Secretary to the General Counsel, and one Private Secretary to the Managing Director.

§ 213.3368 Agency for International Development.

(a) *Office of the Administrator.* (1) Three Special Assistants to the Administrator.
(2) One Confidential Assistant (Private Secretary) to the Administrator.
(3) One Chauffeur for the Administrator.

(4) One Private Secretary to each of the two Deputy Administrators.

(b) *Office of the Assistant Administrator for Congressional Liaison.* (1) One Staff Assistant to the Assistant Administrator.

(2) One Private Secretary to the Assistant Administrator.

(c) *Office of the General Counsel.* (1) One Private Secretary to the General Counsel.

(2) The General Counsel.

(d) *Office of the Assistant Administrator for Development Finance and Private Enterprise.* (1) One Special Assistant (Confidential) to the Assistant Administrator.

§ 213.3369 President's Committee on Equal Opportunity in Housing.

(a) The Staff Director.

§ 213.3371 President's Committee on Consumer Interests.

(a) One Confidential Assistant.

(b) The Executive Director.

(c) One Congressional Liaison Specialist.

§ 213.3372 Administrative Office of the U.S. Courts.

(a) One Assistant Director.

§ 213.3373 Office of Economic Opportunity.

(a) *Office of the Director.* (1) One Executive Secretary.

(2) One Assistant Director for Interagency Relations.

(3) One Assistant Director for Private Groups.

(4) One Assistant Director for Congressional Relations.

(5) One Assistant Director for Public Affairs and Information.

(6) One Assistant Director for Inspection.

(7) One Assistant Director for Program Planning, Analysis, and Research.

(8) One Deputy Assistant Director for Program Planning, Analysis, and Research.

(9) Executive Adviser (Programs).

(10) Special Assistant to the Deputy Director.

(b) *Community Action Program.* (1) One Associate Director for Program Policy Development.

(2) One Deputy Associate Director for Program Policy Development.

(3) One Assistant for Program Development and Evaluation.

(4) One Associate Director for Field Operations.

(5) One Associate Director for Program Support.

(c) *Volunteers in Service to America Program.* (1) One Deputy Director.

(2) One Associate Director for Volunteers.

(3) One Associate Director for Project Evaluation.

(4) One Associate Director for Volunteer Assistance.

(d) *Job Corps.* (1) One Deputy Director.

(2) One Associate Director for Operations.

(3) One Associate Director for Programs.

§ 213.3375 President's Council on Equal Opportunity.

(a) Executive Secretary.

(b) Assistant Executive Secretary.

§ 213.3376 Appalachian Regional Commission.

(a) One Special Assistant to the Federal Cochairman and one Special Assistant to his Alternate.

(b) One Private Secretary to the Federal Cochairman and one Private Secretary to his Alternate.

§ 213.3377 Equal Employment Opportunity Commission.

(a) One Special Assistant to the Chairman.

(b) The Public Affairs Officer.

(c) The Chief, Congressional Liaison Staff.

(d) One Special Assistant and one Secretary to each Member of the Commission.

(e) Two Secretaries to the Chairman.

(f) One Secretary to the Special Assistant to the Chairman.

§ 213.3380 Water Resources Council.

(a) Director, Water Resources Council Staff.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65-13084; Filed Dec. 6, 1965; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 65-CE-141]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Detroit, Mich. (Detroit City Airport), control zone.

On December 9, 1965, the Madison Heights radio beacon will be decommissioned and concurrently therewith the Detroit City outer compass locator and outer marker will be commissioned as component parts of an instrument landing system to serve the Detroit City Airport. The Detroit City OM and LOM will be located at the existing site of the Madison Heights RBN. This amendment will not affect the airspace encompassed in the presently designated Detroit, Mich., control zone. However, the description of the present control zone must be changed to conform with the decommissioning and commissioning of these navaids.

Since this amendment is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are not necessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as follows:

In § 71.171 (29 F.R. 17581) the Detroit, Mich. (Detroit City Airport), control zone is amended to read:

DETROIT, MICH.

Within a 5-mile radius of the Detroit City Airport (latitude 42°24'35" N., longitude 83°00'35" W.), within 2 miles each side of the Detroit City Airport ILS localizer NW course extending from the 5-mile radius zone to 6 miles NW of the approach end of the Detroit City Airport Runway 15; within 2 miles each side of the Windsor, Ontario, Canada, RR NW course, extending from the 5-mile radius zone to the United States/Canadian border and within 2 miles each side of the Windsor, Ontario, Canada, VOR 320° radial extending from the 5-mile radius zone to the United States/Canadian border.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on November 24, 1965.

DONALD S. KING,
Acting Director, Central Region.

[F.R. Doc. 65-13025; Filed, Dec. 6, 1965; 8:45 a.m.]

[Airspace Docket No. 65-SO-44]

PART 73—SPECIAL USE AIRSPACE

Revocation and Alteration of Restricted Areas; Correction

On November 3, 1965, Federal Register Document 65-11766 was published in the FEDERAL REGISTER (30 F.R. 13903) to be effective 0001 e.s.t., January 6, 1966. This document contained amendments to Part 73 of the Federal Aviation Regulations by revoking and altering restricted areas at Albemarle Sound, N.C.

The boundary description of R-5302, Albemarle Sound, N.C., should have included the phrase "to point of beginning." Also the name "Albemarle" was misspelled in each place in the document where it appears. Accordingly, action is taken herein to make these corrections.

Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary and the effective date of the final rule as initially adopted is retained.

In consideration of the foregoing, effective immediately, Federal Register Document 65-11766 is altered as follows:

1. In Item 1. delete the period at the end of the description of the boundaries of R-5302 and add ", to point of beginning.".

2. In each place where the name "Albermarle" appears, delete and substitute the name "Albemarle".

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 29, 1965.

CLIFFORD P. BURTON,
Acting Director, Air Traffic Service.

[F.R. Doc. 65-13026; Filed, Dec. 6, 1965; 8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 6998; Amdt. 454]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following low or medium frequency range procedures prescribed in § 97.11(a) to read:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Chena Int	FI LFR	Direct	2500	T-dn*	300-1	300-1	300-1
Wolf Int	FI LFR	Direct	3000	C-dn*	600-1	600-1	600-1½
Fox RBn	FI LFR	Direct	4000	S-dn	NA	NA	NA
FAIVOR	FI LFR	Direct	4000	A-dn*	800-2	800-2	800-2

Radar available.
Procedure turn S side of crs, 060° Outbnd, 240° Inbnd, 2400' within 10 miles. Nonstandard to avoid high terrain N of final approach crs.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 240°—2.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles from FI LFR, turn left, climb to 2400' on E crs, 060° to Chena Int.
*CAUTION: All maneuvering to be S and E of airport.
NOTE: Prior arrangement for landing required for civil aircraft not on official business.
MSA within 25 miles of facility: NE, 6000'; SE, 5000'; SW, 5000'; NW, 5200'.

City, Fairbanks; State, Alaska; Airport name, Wainwright AAF; Elev., 448'; Fac. Class., SBRAZ; Ident., FI; Procedure No. 1, Amdt. 1; Eff. date, 4 Dec. 65; Sup. Amdt. No. Orig.; Dated, 3 Mar. 62

2. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Bowie Int	LOM	Direct	2000	T-dn	300-1	300-1	200-½
Baltimore VOR	LOM	Direct	2000	C-dn	500-1	500-1	500-1½
Dayton Int	LOM	Direct	2000	S-dn-10	400-1	400-1	400-1
Clarksville Int	LOM (final)	Direct	1400	A-dn	800-2	800-2	800-2

Radar available.
Procedure turn S side of crs, 282° Outbnd, 102° Inbnd, 2000' within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 1400'.
Crs and distance, facility to airport, 102°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing BA LOM, climb to 2000' on 102° crs from LOM within 10 miles, proceed to Bodkin Int, hold E, 1-minute left turns.
CAUTION: 340' tower, 2.2 miles S of airport.
MSA within 25 miles of facility: 090°-270°—2100'; 270°-090°—2400'.

City, Baltimore; State, Md.; Airport name, Friendship International; Elev., 146'; Fac. Class., LOM; Ident., BA; Procedure No. 4, Amdt. 11; Eff. date, 4 Dec. 65; Sup. Amdt. No. 10; Dated, 10 July 65

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Nashville Int	LOM	Direct	2900	T–dn	300–1	300–1	200–½
EOS VOR	LOM	Direct	3000	C–d	400–1	500–1	500–1½
Granby Int	LOM	Direct	2700	C–n	400–1½	500–1½	500–1½
				S–dn–13	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn N side of crs, 311° Outbnd, 131° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach, 2100′.
Crs and distance, facility to airport, 131°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished witbin 3.8 miles after passing LOM, climb to 2800′ on 131° crs, proceed to Granby Int or, when directed by ATC, make left turn, climbing to 2500′ and proceed to LOM.
NOTE: Approach from holding pattern not authorized. Procedure turn required.
CAUTION: 2049′ tower, 11 miles WNW of airport.
MSA within 25 miles of facility: 000°–090°—2400′; 090°–180°—3100′; 180°–270°—3000′; 270°–360°—3100′.

City, Joplin; State, Mo.; Airport name, Joplin Municipal; Elev., 980′; Fac. Class., LOM; Ident., JL; Procedure No. 1, Amdt. 11; Eff. date, 4 Dec. 65; Sup. Amdt. No. 10; Dated, 27 June 64

PROCEDURE CANCELED, EFFECTIVE 4 DEC. 1965, OR UPON DECOMMISSIONING OF MIA RBn.

City, Miami; State, Fla.; Airport name, Opa Locka; Elev., 9′; Fac. Class., SABH; Ident., MIA; Procedure No. 1, Amdt. 4; Eff. date, 28 Sept. 63; Sup. Amdt. No. 3; Dated, 29 June 63

PROCEDURE CANCELED, EFFECTIVE 4 DEC. 1965, OR UPON DECOMMISSIONING OF MIA RBn.

City, Miami; State, Fla.; Airport name, Miami International; Elev., 9′; Fac. Class., SABH; Ident., MIA; Procedure No. 2, Amdt. 5; Eff. date, 11 Apr. 64; Sup. Amdt. No. 4; Dated, 9 Feb. 63

PROCEDURE CANCELED, EFFECTIVE 9 DEC. 65, OR UPON DECOMMISSIONING OF NEW BERN RBn.

City, New Bern; State, N.C.; Airport name, Simmons-Nott; Elev., 18′; Fac. Class., BMH; Ident., EWN; Procedure No. 1, Amdt. 4; Eff. date, 13 Mar. 65; Sup. Amdt. No. 3; Dated, 16 Nov. 63

Martle Int	SPW RBn	Direct	3000	T–dn*$	300–1	300–1	NA
Everly Int	SPW RBn	Direct	3000	C–d	1000–1	1000–1	NA
				C–n$	1000–1½	1000–1½	NA
				A–dn	NA	NA	NA

Procedure turn E side of crs, 183° Outbnd, 003° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2300′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of SPW RBn, make left-climbing turn to 3000′, return to SPW RBn, hold S on 183° bearing from SPW RBn.
*400–1 required for eastbound traffic taking off on Runways 4 and 11, due to 1729′ tower, 1.7 miles E.
$Night takeoffs and landings not authorized on Runways 17/35 and 4/22.
MSA within 25 miles of facility: 000°–360°—2900′.

City, Spencer; State, Iowa; Airport name, Spencer Municipal; Elev., 1335′; Fac. Class., MHW; Ident., SPW; Procedure No. 1, Amdt. 1; Eff. date, 4 Dec. 65; Sup. Amdt. No. Orig.; Dated, 25 Sept. 65

Dover Int	LOM	Direct	3000	T–dn	300–1	300–1	200–½
TOP VOR	LOM	Direct	2500	C–dn	600–1	600–1	600–1½
				S–dn–13	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2
				The following minimums apply for aircraft equipped with VOR after passing Topeka Int:			
				S–dn–13	400–1	400–1	400–1

Radar available.
Procedure turn N side of crs, 306° Outbnd, 126° Inbnd, 2500′ within 10 miles of TOP RBn. Nonstandard due traffic.
Minimum altitude over TOP RBn on final approach crs, 2100′.
Crs and distance, TOP RBn to airport, 126°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing TOP RBn, climb to 2600′ on 126° crs within 15 miles or, when directed by ATC, (1) turn left, climbing to 2600′, proceed to TOP VOR or; (2) turn left, climbing to 2500′ and return to TOP LOM.
NOTE: Approach from holding pattern at TOP LOM not authorized. Procedure turn required.
Other change: Deletes radar advisory notes.
MSA within 25 miles of facility: 000°–090°—2400′; 090°–180°—2600′; 180°–270°—3500′; 270°–360°—2700′.

City, Topeka; State, Kans.; Airport name, Phillip Billard Municipal; Elev., 880′; Fac. Class., MHW; Ident., TOP; Procedure No. 1, Amdt. 18; Eff. date, 4 Dec. 65; Sup. Amdt. No. 17; Dated, 20 Mar. 64

3. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots

PROCEDURE CANCELED, EFFECTIVE 4 DEC. 1965.

City, Hilo; State, Hawaii; Airport name, General Lyman; Elev., 34′; Fac. Class., BVOR; Ident., ITO; Procedure No. 1, Amdt. 9; Eff. date, 14 Nov. 64; Sup. Amdt. No. 8; Dated, 6 Apr. 63

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
OE LFR	OME VOR	Direct	2100	T–dn	300–1	300–1	200–½
				C–dn*	500–1	500–1	500–1½
				S–dn–27#	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn S side of crs, 090° Outbnd, 270° Inbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1100′.*
Crs and distance, facility to airport, 270°—4.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing OME VOR, turn left, climb to 2300′ on R 125°, OME VOR within 15 miles.
CAUTION: High terrain to 1200′ beyond 3 miles N. Radio tower, 284′—3.3 miles ESE of airport.
#400–½ authorized, except for 4-engine turbojet aircraft, with operative SALS.
*Descent below 650′ not authorized until past OE LFR. If OE LFR not identified, ceiling minimums become 600′.
MSA within 25 miles of facility: 000°–090°—3300′; 090°–180°—1100′; 180°–270°—2000′; 270°–360°—4000′.

City, Nome; State, Alaska; Airport name, Nome FAA; Elev., 37′; Fac. Class., H–BVOR; Ident., OME; Procedure No. 1, Amdt. 4; Eff. date, 4 Dec. 65; Sup. Amdt. No. 3; Dated, 16 Oct. 65

SSM RBn	SSM VOR	Direct	2300	T–dn	300–1	300–1	200–½
				C–dn	500–1	500–1	500–1½
				S–dn–32*	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2

Radar available.
Procedure turn E side SE crs, 157° Outbnd, 337° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 337°—4.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles after passing SSM VOR, climb to 2500′ on crs of 337° and return to SSM, hold SE, 337° Inbnd right turns, or as directed by ATC, climb to 2500′ on crs, 337° and proceed direct to FSP VOR.
NOTES: (1) Runway lights Runways 14 and 32 only. (2) When authorized by ATC, DME may be used via 6-mile DME Arc at 2300′ altitude between SSM VOR R 030° CW to R 270° to position aircraft for straight-in approach with the elimination of the procedure turn.
*Reduction below 1 mile not authorized for nonstandard sequence flashers for Runway 32.
MSA within 25 miles of facility: 000°–090°—2500′; 090°–180°—2900′; 180°–270°—2300′; 270°–360°—2500′.

City, Sault Ste. Marie; State, Mich.; Airport name, Sault Ste. Marie Municipal; Elev., 722′; Fac. Class., BVORTAC; Ident., SSM; Procedure No. 1, Amdt. 6; Eff. date, 4 Dec. 65; Sup. Amdt. No. 5; Dated, 11 Sept. 65

FSD RBn	FSD VOR	Direct	2700	T–dn	300–1	300–1	*200–½
				C–dn	500–1	500–1	500–1½
				S–dn–15¢	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2

Procedure turn W side of crs, 327° Outbnd, 147° Inbnd, 2700′ within 10 miles.
Minimum altitude over facility on final approach crs, 2600′.
Crs and distance, facility to airport, 147°—4.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles, after passing FSD VOR, climb to 3000′ on R 063° within 20 miles.
NOTE: When authorized by ATC, DME may be used to position aircraft for straight-in approach at 2700′ between R 270°, clockwise to R 050° via 6-mile DME Arc with the elimination of procedure turn.
*200–1 required for takeoff on Runway 15.
¢Reduction not authorized.
MSA within 25 miles of facility: 000°–180°—3800′; 180°–270°—2800′; 270°–360°—3100′.

City, Sioux Falls; State, S. Dak.; Airport name, Joe Foss Field; Elev., 1428′; Fac. Class., BVORTAC; Ident., FSD; Procedure No. 1, Amdt. 4; Eff. date, 4 Dec. 65; Sup. Amdt. No. 3; Dated, 20 June 64

				T–dn	300–1	300–1	200–½
				C–dn	600–1	600–1	600–1½
				S–dn–22#	600–1	600–1	600–1
				A–dn	800–2	800–2	800–2

Radar available.
Procedure turn N side of crs, 031° Outbnd, 211° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 211°—4.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles after passing TOP VOR, climb to 2600′ on R 195° within 20 miles or, when directed by ATC, turn left, climb to 2600′, and return to TOP VOR.
Other change: Deletes radar advisory notes.
#Reduction not authorized.
MSA within 25 miles of facility: 000°–090°—2400′; 090°–180°—2600′; 180°–270°—3500′; 270°–360°—2700′.

City, Topeka; State, Kans.; Airport name, Phillip Billard Municipal; Elev., 880′; Fac. Class., BVORTAC; Ident., TOP; Procedure No. 1, Amdt. 8; Eff. date, 4 Dec. 65; Sup. Amdt. No. 7; Dated, 20 Mar. 65

Gisel Int	YKM VOR	Direct	4400	T–dn¢#	500–1	500–1	500–1
				C–dn*	800–2	800–2	800–2
				A–dn	900–2	900–2	900–2

Procedure turn S side of crs, 108° Outbnd, 288° Inbnd, 4400′ within 10 miles. Nonstandard due to terrain.
Final approach from holding pattern at YKM VOR not authorized, procedure turn required.
Minimum altitude over facility on final approach crs, 3000′.
Crs and distance, facility to airport, 244°—3.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing YKM VOR, make a right-climbing turn and return to VOR, climbing to 4400′ on R 108° within 15 miles. All turns S side, R 108°.
CAUTION: High terrain extends from NE to NW of YKM VOR.
¢Takeoff minimums Runways 4/22 and 16/34: 800–2 night.
#Takeoffs all runways: Unless otherwise directed by ATC, the following departure procedure is recommended to insure adequate terrain and obstruction clearance: Climb on R 284°, YKM VOR within 6 miles of YKM VOR to cross YKM VOR at or above, eastbound, V–4, 2000′; Westbound, V–4–8, 4500′; Southbound, V–25–28, 2000′; Northbound, V–25, 4500′; Northeastbound, V–48, 3000′; Southwestbound, V–48, 5400′. All turns S side R 284° YKM VOR.
*Circling S of the airport not authorized 110°, clockwise through 205° from airport location point. Terrain and obstructions within this area and within 1.7 miles to 2185′.
MSA within 25 miles of facility: 000°–090°—5300′; 090°–180°—4100′; 180°–270°—6800′; 270°–360°—6200′.

City, Yakima; State, Wash.; Airport name, Yakima Municipal; Elev., 1082′; Fac. Class., H–BVOR; Ident., YKM; Procedure No. 1, Amdt. 6; Eff. date, 4 Dec. 65; Sup. Amdt. No. 5; Dated, 26 Dec. 64

4. By amending the following terminal very high frequency omnirange (VOR/DME) procedures prescribed in § 97.11(d) to read:

4. By amending the following terminal very high frequenc y omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Bowie Int	BAL VOR	Direct	2000	T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-10°	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar available.
Procedure turn S side of crs, 284° Outbnd, 104° Inbnd, 2000′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 546′, maintain 1400′ until passing BAL LOM.
Crs and distance, breakoff point to approach end of runway, 102°—0.9 miles.
Crs and distance, LOM to airport, 102°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing BAL VOR, climb to 2000′ on R 105°, BAL VOR, proceed to Bodkin Int, hold E, 1-minute left turns.
CAUTION: 340′ tower, 2.2 miles S of airport.
*400–¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights. 400–½ authorized, except for 4-engine turbojet aircraft, with operative ALS.
MSA within 25 miles of facility: 000°–090°—2400′; 090°–360°—2100′.

City, Baltimore; State, Md.; Airport name, Friendship International; Elev., 146′; Fac. Class., BVORTAC; Ident., BAL; Procedure No. TerVOR-10, Amdt. 7; Eff. date, 4 Dec. 65; Sup. Amdt. No. 6; Dated, 15 May 65

Poole Int	EAR VOR	Direct	3300	T-dn	300–1	300–1	200–½
				Minimums when control zone effective:			
				C-dn ¾ #	600–1	600–1	600–1½
				S-dn-18 #	600–1	600–1	600–1
				A-dn #	800–2	800–2	800–2
				Following minimums apply if Kearney fan marker identified:			
				C-dn ¾ #	500–1	500–1	500–1½
				S-dn-18 #	400–1	400–1	400–1
				Minimums when control zone not effective:			
				C-dn ¾	700–1½	700–1½	700–2
				S-dn-18	700–1	700–1	700–1
				A-dn	NA	NA	NA
				Following minimums apply if Kearney fan marker identified:			
				C-dn ¾	600–1	600–1	600–1½
				S-dn-18	500–1	500–1	500–1

Procedure turn W side of crs, 350° Outbnd, 170° Inbnd, 3300′ within 10 miles.
Minimum altitude over facility on final approach crs, 2830′.
Crs and distance, Kearney FM to airport, 170°—3.8 miles; breakoff point to Runway 18, 177°—0.86 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing EAR VOR or 4.4 miles after passing Kearney FM, make left turn, climbing to 3300′ on R 350° within 10 miles, make left turn and return to EAR VOR.
NOTE: Altimeter setting from GRI FSS when control zone not effective.
CAUTION: 3240′ tower, 7 miles SE of airport.
¾Lights installed on Runways 18/36 only.
#These minimums apply at all times for air carriers with approved weather reporting services.
MSA within 25 miles of facility: 000°–180°—4200′; 180°–360°—3700′.

City, Kearney; State, Nebr.; Airport name, Kearney Municipal; Elev., 2130′; Fac. Class., T-BVOR; Ident., EAR; Procedure No. TerVOR-18, Amdt. 1; Eff. date, 4 Dec. 65; Sup. Amdt. No. Orig.; Dated, 4 Mar. 65

5. By amending the following very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
10-mile DME Fix, ITO VORTAC, R 323°	7-mile DME Fix, ITO VORTAC, R 323°	Direct	2500	T-dn*	300–1	300–1	200–½
7-mile DME Fix, R 323°	1-mile DME Fix, R 323° (final)	Direct	600	C-dn	600–1	600–1	600–1½
				A-dn	800–2	800–2	800–2

Procedure turn not authorized.
Straight-in to facility from 10-mile DME Fix, R 323° only.
Minimum altitude over 7-mile DME Fix, 2500′; over 1-mile DME Fix, R 323°—600′, on final approach crs.
Crs and distance, facility to airport, 259°—1 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 1-mile DME Fix, R 323°, turn left and climb to 3000′ on R 353° within 20 miles.
NOTE: DME required for execution of this approach.
CAUTION: Gradually rising terrain westerly quadrants.
*400–1 required Runway 26 with right turn after takeoff.
MSA within 25 miles of facility: 030°–120°—1200′; 120°–210°—7000′; 210°–300°—15,800′; 300°–030°—8000′.

City, Hilo; State, Hawaii; Airport name, General Lyman Field; Elev., 34′; Fac. Class., H-BVORTAC; Ident., ITO; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. date, 4 Dec. 65

10-miles DME Fix, R 080°, ITO VORTAC.	5.9-miles DME Fix, R 080°, ITO VORTAC.	Direct	1000	T-dn*	300–1	300–1	200–½
				C-dn	600–1	600–1	600–1½
Hibiscus Int	Bayview Int	Direct	1500	S-dn-26#	400–1	400–1	400–1
4.9-miles DME Fix, R 080° (Bayview Int)	ITO VORTAC (final)	Direct	400	A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 080° Outbnd, 260° Inbnd, 1500′ within 10 miles.
Nonstandard due ATC.
When authorized by ATC, DME may be used within 15 miles between R 323°, clockwise to 080° at 1500′ to position aircraft for final approach and elimination of procedure turn.
Minimum altitude over facility on final approach crs, 400′.
Crs and distance, facility to airport, 259°—1 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1 mile (1-mile DME Fix, R 259°) after passing ITO VORTAC, turn right and climb to 3000′ on R 353° within 20 miles.
CAUTION: Gradually rising terrain westerly quadrants.
*400–1 required Runway 26 with right turn after takeoff.
#400–¾ authorized, with operative high-intensity runway lights, except for 4-engine turbojets.
MSA within 25 miles of facility: 030°–120°—1200′; 120°–210°—7000′; 210°–300°—15,800′; 300°–030°—8000′.

City, Hilo; State, Hawaii; Airport name, General Lyman Field; Elev., 34′; Fac. Class., H-BVORTAC; Ident., ITO; Procedure No. VOR/DME No. 2, Amdt. Orig.; Eff. date, 4 Dec. 65

6. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Bowie Int	LOM	Direct	2000	T-dn***	300–1	300–1	200–½
Baltimore VOR	LOM	Direct	2000	C-dn	500–1	500–1	500–1½
Dayton Int	LOM	Direct	2000	S-dn-10**	*200–½	*200–½	*200–½
Clarksville Int	LOM (final)	Direct	1500	A-dn	600–2	600–2	600–2

Radar available.
Procedure turn S side of crs, 282° Outbnd, 102° Inbnd, 2000′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude at glide slope interception Inbnd, 1500′.
Altitude of glide slope and distance to approach end of runway at OM, 1423′—3.8 miles; at MM, 380′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 2000′ on back crs of ILS, proceed to Bodkin Int, hold E R 108°, 1-minute left turns.
CAUTION NOTE: Tower, 340′—2.2 miles S of field.
GLIDE SLOPE NOTE: Glide slope not usable Inbnd from middle marker; satisfactory for authorized minimums.
**RVR 2400′. Descent below 346′ not authorized unless approach lights are visible.
***RVR 2400′ authorized Runway 10.
*400–¾ required when glide slope inoperative. 400–½ authorized, except for 4-engine turbojet aircraft, with operative ALS.

City, Baltimore; State, Md.; Airport name, Friendship International; Elev., 146′; Fac. Class., ILS; Ident., I-BAL; Procedure No. ILS-10, Amdt. 15; Eff. date, 4 Dec. 65; Sup. Amdt. No. 14; Dated, 15 May 65

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Gordonsville VOR	AOM RBn	Direct	3400	T–dn%*	300–1	300–1	200–½
Rochelle Int	AOM RBn	Direct	3400	C–d	500–1	500–1	500–1¼
Rockfish Int	AOM RBn	Direct	3600	C–n	500–1½	500–1½	500–2
Midway Int	AOM RBn	Direct	3400	S–dn–3	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn E side of crs, 207° Outbnd, 027° Inbnd, 3400′ within 10 miles of AOM RBn.
Minimum altitude over AOM RBn on final approach crs, 2300′ over OM, 1334′.
Crs and distance AOM RBn to airport 027°—7.9 miles; OM to airport, 027°—3.9 miles.
No glide slope.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.9 miles after passing AOM RBn, or 2.9 miles after passing the OM, climb Outbnd on localizer back crs to Midway Int at 3000′. Hold SE, GVE R 330°, 1-minute right turns.
CAUTION: 1164′ obstruction, 2.5 miles NE of Runway 21.
%Runway 3 Takeoffs: Make immediate left-climbing 360° turn to intercept the localizer crs at 1000′ or above.
Proceed Outbnd on the localizer back crs to cross Midway Int at 3000′ or above. Proceed to Gordonsville VORTAC via the GVE 19-mile CW ARC to V16 at 3000′.
%Runway 21 Takeoffs: Make right-climbing 200° turn to intercept localizer back crs on 047° heading, cross Midway Int at 3000′ or above. Proceed to Gordonsville VORTAC via the GVE R 330°, at 3500′. DME equipped aircraft proceed via the GVE 19-mile CW ARC to V16 at 3000′.

City, Charlottesville; State, Va.; Airport name, Charlottesville-Albemarle; Elev., 634′; Fac. Class., ILS; Ident., I-CHO; Procedure No. ILS–3, Amdt. 2; Eff. date, 4 Dec. 65; Sup. Amdt. No. 1; Dated, 31 July 65

DAL VOR	Fair Park Int	Direct	2000	T–dn	300–1	300–1	200–½
Trinity Fork Int	Fair Park Int	Direct	2000	C–dn	400–1	500–1	500–1½
Duncanville RBn	Fair Park Int	Direct	2000	S–dn–31R%	400–1	400–1	400–1
Fair Park Int	Ross Ave Int (final)	Direct	1500	A–dn	800–2	800–2	800–2

Radar available.
Procedure turn S side SE crs, 128° Outbnd, 308° Inbnd, 2000′ within 10 miles of Ross Ave Int.
Altitude over Ross Ave Int, 1500′; over DDA RBn or Tank Fix, 1000′*.
Crs and distance, Ross Ave Int to Runway 31R, 308°—3.2 miles; DDA RBn or Tank Fix, to Runway 31R, 308°—1.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles after passing Ross Ave Int, climb to 2200′ on NW crs, ILS within 20 miles or, when directed by ATC, turn right, proceed direct to DAL VOR climbing to 2000′ or, when under positive radar contact, climb to 2000′ on crs, as directed by ATC within 20 miles.
CAUTION: 695′ tank, 1.5 miles from approach end of Runway 31R.
*Descent below 1000′ not authorized unless position over DDA RBn or Tank Fix determined.
%400–¾ authorized, except for 4-engine turbojet aircraft, with operative REIL or high-intensity runway lights.

City, Dallas; State, Tex.; Airport name, Dallas Love Field; Elev., 485′; Fac. Class., ILS; Ident., I-DAL; Procedure No. ILS-31R (back crs), Amdt. 12; Eff. date, 4 Dec. 65; Sup. Amdt. No. 11; Dated, 10 Apr. 65

QG LFR	DE RBn	Direct	2300	T–dn*	500–1	500–1	500–1
QG VOR	DE RBn	Direct	2300	C–dn	600–1	600–1	600–1½
SVM VOR	DE RBn	Direct	2700	S–dn–15#	600–1	600–1	600–1
Troy Int	DE RBn	Direct	2700	A–dn	800–2	800–2	800–2

Radar available.
Procedure turn E side of crs, 326° Outbnd, 146° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 146°—5.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing DE RBn, climb to 2000′ and proceed direct to QG LFR or, when directed by ATC, (1) climb to 2000′ and proceed direct to QG VOR or (2) make left-climbing turn to 2700′ and proceed to Oak Int. via QG, R 223°.
NOTES: (1) No glide slope. (2) No approach lights.
AIR CARRIER NOTE: Sliding scale not authorized.
*300–1 authorized on Runway 33L only.
#Reduction below 1 mile not authorized for REIL.
MSA within 25 miles of facility: 000°–090°—1800′; 090°–180°—2300′; 180°–270°—2800′; 270°–360°—2600′.

City, Detroit; State, Mich.; Airport name, Detroit City; Elev. ,626′; Fac. Class., ILS; Ident., I-DET; Procedure No. ILS–15, Amdt. Orig.; Eff. date, 4 Dec. 65, or upon commissioning of I-DET ILS

Granby Int	LOM	Direct	2700	T–dn	300–1	300–1	200–½
Nashville Int	LOM	Direct	2900	C–d	400–1	500–1	500–1½
EOS VOR	LOM	Direct	3000	C–n	400–1½	500–1½	500–1½
				S–dn–13@	300–¾	300–¾	300–¾
				A–dn	600–2	600–2	600–2

Procedure turn N side NW crs, 311° Outbnd, 131° Inbnd, 2500′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2260′.
Altitude of glide slope and distance to approach end of runway at LOM, 2132′—3.8 miles; at LMM, 1158′—0.4 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing JL LOM, climb to 2800′ on SE crs, ILS, proceed to Granby Int or, when directed by ATC, make left turn, climbing to 2500′ and proceed to LOM.
NOTE: Approach from holding pattern not authorized. Procedure turn required.
CAUTION: 2049′ tower, 11 miles WNW of airport.
@400–1 required when glide slope not utilized. Reduction not authorized.

City, Joplin; State, Mo.; Airport name, Joplin Municipal; Elev., 980′; Fac. Class., ILS; Ident., I-JLN; Procedure No. ILS–13, Amdt. 10; Eff. date, 4 Dec. 65; Sup. Amdt. No. 9; Dated, 16 May 64

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Granby Int	Webb City Int (final)	Direct	2700	T–dn	300–1	300–1	200–½
JL LOM	Webb City Int	Direct	2800	C–dn	500–1½	500–1½	500–1½
				S–dn–31@	500–1½	500–1½	500–1½
				A–dn	800–2	800–2	800–2

Procedure turn E side of SE crs, 131° Outbnd, 311° Inbnd, 2800′ within 10 miles of Webb City Int.
No glide slope. Minimum altitude over Webb City Int on final approach crs, 2700′.
Crs and distance, Webb City Int to airport, 311°—5.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing Webb City Int, climb to 2500′ on the NW crs of JLN localizer to JL LOM.
NOTE: Procedure authorized only when aircraft equipped to receive ILS and VOR simultaneously.
CAUTION: 2049′ tower, 11 miles WNW of airport.
@Reduction not authorized.

City, Joplin; State, Mo.; Airport name, Joplin Municipal; Elev., 980′; Fac. Class., ILS; Ident., I-JLN; Procedure No. ILS–31, Amdt. 9; Eff. date, 4 Dec. 65; Sup. Amdt. No. 8; Dated, 27 June 64

Pendleton VOR	LOM	Direct	4600	T–dn%	300–1	300–1	200–½
Pilot Rock Int	LOM	Direct	4800	C–dn	500–1	500–1	500–1½
Mission Int	LOM	Direct	4600	S–dn–25R*	200–½	200–½	200–½
Gardena Int	LOM	Direct	4600	A–dn	600–2	600–2	600–2

Procedure turn N side of crs, 070° Outbnd, 250° Inbnd, 4600′ within 10 miles.
(Final approach from holding pattern at PD LOM not authorized, procedure turn required.)
Minimum altitude at glide slope interception Inbnd, 3700′.
Altitude of glide slope and distance to approach end of runway at OM, 2750′—4.1 miles; at MM, 1725′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 4000′ direct to PDT VOR, continue climb on R 250°, within 15 miles or, when directed by ATC, climb to 4000′ on crs, 250° Outbnd, 070° Inbnd, within 15 miles of DT LMM.
%Takeoffs all runways: Unless otherwise directed by ATC, the following departure procedure is recommended to insure adequate terrain and obstruction clearance: Climb direct to PDT VOR, thence continue climb on R 234°, PDT VOR within 15 miles so as to cross PDT VOR at or above: Southeastbound, V–4, 2500′; southeastbound, V–298, 2500′; southwestbound, V–281, 2500′.
*Procedure not authorized with glide slope inoperative.

City, Pendleton; State, Oreg.; Airport name, Pendleton Municipal; Elev., 1493′; Fac. Class., ILS; Ident., I-PDT; Procedure No. ILS–25R, Amdt. 9; Eff. date, 4 Dec. 65; Sup. Amdt. No. 8; Dated, 17 July 65

Sioux Falls RBn	LOM	Direct	2700	T–dn*	300–1	300–1	200–½
Sioux Falls VOR	LOM	Direct	2700	C–dn	500–1	500–1	500–1½
Bestland Int	LOM	Direct	2700	S–dn–36#	200–½	200–½	200–½
Lennox Int	LOM	Direct	2700	A–dn	600–2	600–2	600–2
Russell Int	LOM	Direct	2700				

Procedure turn S side of crs, 206° Outbnd, 026° Inbnd, 2700′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2600′.
Altitude of glide slope and distance to approach end of runway at OM, 2526′—3.8 miles; at MM, 1623′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2700′ on NE crs of ILS within 10 miles.
NOTE: When authorized by ATC, FSD DME may be used to position aircraft for straight-in approach at 3000′ between R 160°, clockwise to R 300° and 3400′ between R 145°, clockwise to R 160°, via 14-mile DME Arc with the elimination of procedure turn.
*300–1 required for takeoff Runway 15.
@500–1 required when glide slope not utilized.
#When aircraft equipped to receive ILS and VOR simultaneously and Marle Int received, following minimums apply for all aircraft except 4-engine turbojet. 400–¾ with high-intensity runway lights; 400–½ with ALS in operation.

City, Sionx Falls; State, S. Dak.; Airport name, Joe Foss Field; Elev., 1428′; Fac. Class., ILS; Ident., I-FSD; Procedure No. ILS–3, Amdt. 11; Eff. date, 4 Dec. 65; Sup. Amdt. No. 10; Dated, 5 Dec. 64

Dover Int	LOM	Direct	3000	T–dn	300–1	300–1	200–½
TOP VOR	LOM	Direct	2500	C–dn	600–1	600–1	600–1½
				S–dn–13@	300–¾	300–¾	300–¾
				A–dn	600–2	600–2	600–2

Radar available.
Procedure turn N side of crs, 306° Outbnd, 126° Inbnd, 2500′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2100′.
Altitude of glide slope and distance to approach end of runway at LOM, 2030′—3.9 miles; at MM, 1078′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing TOP LOM, climb to 2600′ on SE crs of ILS within 15 miles or, when directed by ATC, turn left, climbing to 2600′, proceed to TOP VOR or turn left, climbing to 2500′ and return to TOP LOM.
NOTES: (1) Approach from holding pattern at TOP LOM not authorized. Procedure turn required. (2) No reduction to landing visibility minimums authorized below ¼ mile.
Other change: Deletes radar advisory notes.
@400–1 required when glide slope not utilized. No reduction authorized.

City, Topeka; State, Kans.; Airport name, Phillip Billard Municipal; Elev., 880′; Fac. Class., ILS; Ident., I-TOP; Procedure No. ILS–13, Amdt. 19; Eff. date, 4 Dec. 65; Sup. Amdt. No. 18; Dated, 20 Mar. 65

TOP VOR	Powerhouse Int	Direct	2600	T–dn	300–1	300–1	200–½
TOP LOM	Powerhouse Int	Direct	2600	C–dn	600–1	600–1	600–1½
				S–dn–31@	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2

Radar available.
Procedure turn E side of crs, 126° Outbnd, 306° Inbnd, 2600′ within 10 miles.
Minimum altitude over Powerhouse Int on final approach crs, 1700′.
Crs and distance, Powerhouse Int to airport, 306°—2.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.9 miles after passing Powerhouse Int, climb to 2500′ on NW crs, ILS within 15 miles or, when directed by ATC, turn right, proceed direct to TOP VOR, climbing to 2600′.
NOTE: Approach from holding pattern at Powerhouse Int not authorized. Procedure turn required.
Other changes: Deletes radar advisory notes. Deletes takeoff minimums reduction note. Deletes note restricting procedure authorization to ILS and VOR equipped aircraft.
@Reduction not authorized.

City, Topeka; State, Kans.; Airport name, Phillip Billard Municipal; Elev., 880′; Fac. Class., ILS; Ident., I-TOP; Procedure No. ILS–31 (back crs), Amdt. 9; Eff. date, 4 Dec. 65; Sup. Amdt. No. 8; Dated, 20 Mar. 65

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
YKM VOR	YK LOM	Direct	4400	T-dn	300-1	300-1	300-1
Oleed Int	YK LOM	Direct	4400	C-dn	800-2	800-2	800-2
				S-dn-27	300-1	300-1	300-1
				A-dn	900-2	900-2	900-2

Procedure turn S side of crs, 089° Outbnd, 269° Inbnd, 4400′ within 10 miles. (Final approach from holding pattern at YK LOM not authorized, procedure turn required.)
Minimum Altitude at glide slope interception Inbnd, 4000′.
Altitude of glide slope and distance to approach end of runway at OM, 3395′—6.9 miles; at MM, 1315′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make right-climbing turn and climb to 4400′ on E crs ILS within 10 miles of LOM.
NOTE: All components of the ILS and related airborne equipment must be operational and used when executing this approach, except that either the ALS or the condenser discharge flashers or combination thereof must be operational for the entire length of the ALS system.
CAUTION: High terrain extends from NE to NW of YKM VOR.
‡Takeoff minimums Runways 4/22 and 16/34: 500-1 day, 800-2 night.
%Takeoffs all runways: Unless otherwise directed by ATC, the following departure procedure is recommended to insure adequate terrain and obstruction clearance: Climb on R 284°, YKM VOR within 6 miles of YKM VOR to cross YKM VOR at or above, eastbound, V-4, 2000′; westbound, V4/4S, 4500′; southbound, V-25/25E, 2000′; northbound, V-25, 4500′; northeastbound, V-448, 3000′; southwestbound, V-448, 5400′. All turns S side R 284°, YKM VOR.
*Circling S of the airport not authorized 110°, clockwise through 269° from airport location point. Terrain and obstructions within this area and within 1.7 miles to 2135′.

City, Yakima; State, Wash.; Airport name, Yakima Municipal; Elev., 1082′; Fac. Class., ILS; Ident., I-YKM; Procedure No. ILS-27, Amdt. 12; Eff. date, 4 Dec. 65; Sup. Amdt. No. 11; Dated, 26 Dec. 64

7. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Within 20 miles of New Orleans Radar Site excepting quadrant 200°-230° bearing from Lakefront Airport.	Within 5 miles of New Orleans Lakefront Airport.	Direct	1500*	T-dn	300-1	300-1	200-½
Within 5 miles of New Orleans Lakefront Airport excepting quadrant 200°-230° bearing from Lakefront Airport.	New Orleans Lakefront Airport (final)	Direct	700	Surveillance approach			
				C-dn	700-1	700-1	700-1½
				A-dn	800-2	800-2	800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at Radar Fix over airport, proceed to Opal Int via V-240, climbing to 2000′, hold E of Opal at 2000′.
*Radar control must provide 3 miles lateral or 1000′ vertical separation from the following obstructions:

Obstruction	MSL height (feet)	Location from radar site
Radio tower	1049	12 miles SE.
TV tower	1049	16 miles E.

City, New Orleans; State, La.; Airport name, New Orleans Lakefront; Elev., 10′; Fac. Class., and Ident., New Orleans Radar; Procedure No. 1, Amdt. Orig.; Eff. date, 4 Dec. 65

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on October 28, 1965.

C. W. WALKER,
Acting Director, Flight Standards Service.

[F.R. Doc. 65-11834; Filed, Dec. 6, 1965; 8:45 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter V—Consumer and Marketing Service, Department of Agriculture

SUBCHAPTER B—EXPORT AND DOMESTIC CONSUMPTION PROGRAMS

[Amdt. 1]

PART 530—POULTRY AND POULTRY PRODUCTS

Subpart—Announcement PY-29, "Chicken Export Payment Program—GMX 73a"

The purpose of this amendment is to permit the wrapping of each bird in a sheet of film in lieu of inserting each bird in a bag, to permit the use of tapes in lieu of flat steel straps for closing and reinforcing the shipping containers, and to obtain additional information in offers.

Section 530.3 of this subpart is hereby amended to read as follows:

§ 530.3 Eligible chicken.

Export payments will be made on the exportation of certain classes of frozen, ready-to-cook U.S. Grade A chickens (i.e., broiler or fryer, roaster, hen or stewing chicken or fowl) with or without necks and with or without giblets. The live chickens shall have been produced in the United States and processed in plants operating under the Poultry Products Inspection Act and frozen in accordance with USDA requirements for product labeled as "fresh frozen," "quick frozen," or "frozen fresh," (7 CFR 81.50 (f)(1)). The chickens shall be packaged and packed in accordance with the requirements for Level B, Style 1, set forth in Federal Specification PPP-P-620a, dated Dec. 4, 1964, titled "Poultry, Chilled and Frozen, Ready-to-Cook (Eviscerated), Packaging and Packing of," and any amendments thereto in effect on the date of the contract, or as may be otherwise announced by USDA press release: *Provided, however,* That each chicken may be wrapped with a sheet of one of the three films specified in the Federal Specification to form a bag in lieu of inserting the bird in a bag: *And provided further,* That, in lieu of using flat steel straps for closing and reinforcing the shipping containers, the containers may be closed and reinforced by the use of complete bands of one-half inch or wider pressure sensitive adhesive filament reinforced tape conforming to Type IV., as set forth in Federal Specification PPP-T-97c, dated Oct. 30, 1958, titled "Tape; Pressure-Sensitive Adhesive, Filament Reinforced," and any amendments thereto in effect on the date of the contract, or as may be otherwise announced by USDA press release. For the purposes of this subpart "United States" means the 50 States and the District of Columbia.

Points 1 and 3 of the portion, *Information in offer,* of § 530.4 of this subpart are hereby deleted and the following substituted:

1. That offer is made subject to Announcement PY-29 and Amendment No. 1 thereof.
3. The offered export payment rate per net pound for chicken, as follows:
____ pounds (*insert class*) [(plain) (printed)] [(bags) (sheets)] @ ____ cents per pound to Austria (with) (without) necks and (with) (without) giblets.
____ pounds (*insert class*) [(plain) (printed)] [(bags) (sheets)] @ ____ cents per pound to Austria (with) (without) necks and (with) (without) giblets.
____ pounds (*insert class*) [(plain) (printed)] [(bags) (sheets)] @ ____ cents per pound to Switzerland (with) (without) necks and (with) (without) giblets.
____ pounds (*insert class*) [(plain) (printed)] [(bags) (sheets)] @ ____ cents per pound to Switzerland (with) (without) necks and (with) (without) giblets.
(The total tonnage in this item 3 must equal the tonnage shown in item 2. A country designated in the offer with respect to a particular quantity and class of chicken is the "applicable country specified in the contract" as that phrase is used in this subpart.)

This amendment shall be effective with respect to offers due December 13, 1965, and all subsequent offers.

Approved: December 3, 1965.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 65-13129; Filed, Dec. 6, 1965; 8:48 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. F]

PART 206—SECURITIES OF MEMBER STATE BANKS

Form for Amendment to Registration Statement or Periodic Report of Bank

Effective December 1, 1965, the following is added:

§ 206.45 Form for amendment to registration statement or periodic report of bank (Form F-20).

FORM F-20

AMENDMENT TO REGISTRATION STATEMENT OR PERIODIC REPORT OF BANK

General Instructions

A. The form set forth hereinafter is not to be used as a blank form to be filled in but is intended solely as a guide in the preparation of an amendment to a previously filed registration statement or report. Attention should be given to the general requirements governing amendments, which are prescribed in § 206.4(u).

B. The amendment shall contain the number and caption of each item being amended and each such item shall be restated, as amended, in its entirety. Where a financial statement, or a note or schedule related thereto, is being amended, such statement, note, or schedule likewise shall be restated in its entirety.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

WASHINGTON, D.C., 20551

Amendment Number ------
to
---------- [1]
on
Form F- ------ [2]

Pursuant to Section 12 or 13 of the Securities Exchange Act of 1934

(Exact name of bank as specified in charter)

(Address of principal office)

The undersigned bank hereby amends the following items, financial statements or exhibits, constituting part of the aforesaid statement or report, as set forth in the pages attached hereto:

(List all such items, financial statements, exhibits, or other portions amended.)

Pursuant to the requirements of the Securities Exchange Act of 1934, the bank has duly caused this amendment to be signed on its behalf by the undersigned, thereunto duly authorized.

(Name of bank)

By ----------
(Print name and title of signing officer under signature)

Date ----------

[1] Indicate appropriate designation of statement or report being amended, such as "Registration Statement" or "Annual Report for year ended December 31, 19--."

[2] Indicate the number of the form on which the statement or report was filed, such as "Form F-1."

Dated at Washington, D.C., this 26th day of November 1965.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 65-13038; Filed, Dec. 6, 1965; 8:46 a.m.]

[Reg. F]

PART 206—SECURITIES OF MEMBER STATE BANKS

Proxy Solicitation by Bank Management

§ 206.102 Disclosure of loans to "insiders".

(a) The Board of Governors has recently been asked to clarify its position with respect to disclosure of loans to "insiders"—that is, officers, directors, and persons holding more than 10 percent of the bank's stock—in management proxy statements furnished in accordance with the requirements of §§ 206.5 and 206.51 (Form F-5). This interpretation is also applicable to disclosure of such transactions under comparable provisions relating to registration of bank securities (§ 206.41; Form F-1) under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78*l*).

(b) Item 7(f) of Form F-5 and Item 12 of Form F-1 in effect require a de-

scription of any material[1] interest of any insider or any of his "associates"[2] in any material transaction to which the bank was, or is to be, a party. These items contain a number of specific exemptive instructions—for example, no disclosure is required where the only interlock is that a director of a bank is a director and/or officer of another corporation that is a party to the transaction. Generally, these items require disclosure of loans to a corporate borrower only where insiders, individually or with members of their immediate families,[3] own at least 10 percent of the borrower's outstanding stock.

(c) The Board does not regard loans and other extensions of credit by a registrant bank in the ordinary course of its business as "material" for the purposes of this part (and therefore required to be disclosed unless otherwise specifically exempted by the instructions in these Items) if such loans (1) are made on substantially the same terms, including interest rates and collateral, as those prevailing at the time for comparable transactions with other than insiders, (2) at no time aggregate more than 10 percent of the equity capital accounts of the bank or $10 million, whichever is less, and (3) do not involve more than the normal risk of collectibility or present other unfavorable features.

(d) Item 7(e) of Form F-5 requires disclosure of indebtedness to the bank of each director or officer of the bank and each nominee for election as a director. An instruction to this item specifically excludes indebtedness resulting from transactions in the ordinary course of the bank's business. The effect of this instruction is to exempt the bank from reporting under item 7(e) normal extensions of credit to such persons, of types and amounts customarily made by the bank in the usual course of its operations. However, even if disclosure of indebtedness is not required by item 7(e), consideration must be given to whether it must be reported in the light of the provisions of item 7(f), referred to above.

(e) It should also be noted that item 7(e) requires disclosure of any liability to the bank that appears to have arisen under section 16 of the Securities Exchange Act of 1934 (15 U.S.C. 78p) as a result of "insider" transactions in the bank's stock (or other equity security).

(15 U.S.C. 78w. Interprets or applies 15 U.S.C. 781 and 78n)

Dated at Washington, D.C., this 29th day of November 1965.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 65-13039; Filed, Dec. 6, 1965; 8:46 a.m.]

[1] "The term 'material', when used to qualify a requirement for furnishing of information as to any subject, limits the information required to those matters as to which an average prudent investor ought reasonably to be informed before buying or selling the security registered." (§ 206.2(n).)

[2] "The term 'associate', when used to indicate a relationship with any person, means (1) any corporation or organization (other than the bank or a majority-owned subsidiary of the bank) of which such person is an officer or partner or is, directly or indirectly, either alone or together with one or more members of his immediate family, the beneficial owner of 10 percent or more of any class of equity securities, (2) any trust or other estate in which such person has a substantial beneficial interest or as to which such person serves as a trustee or in a similar fiduciary capacity, and (3) any relative or spouse of such person, or any relative of such spouse, who has the same home as such person or who is a director or officer of the bank or any of its parents or subsidiaries." (§ 206.2(d).)

[3] "The term 'immediate family' includes a person's (1) spouse; (2) son, daughter, and descendant of either; (3) father, mother, and ancestor of either; (4) stepson and stepdaughter; and (5) stepfather and stepmother. For the purpose of determining whether any of the foregoing relationships exist, a legally adopted child shall be considered a child by blood." (§ 206.2(k).)

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8576o.]

PART 13—PROHIBITED TRADE PRACTICES

Revco D. S., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15–235 Producer status of dealer or seller: 13.15–235(k) Laboratory; 13.15–235(m) Manufacturer; § 13.110 *Indorsements, approval and testimonials.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1400 *Dealer as manufacturer;* § 13.1465 *Laboratory status;* § 13.1530 *Producer status of dealer.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Revco D. S., Inc., et al., Cleveland, Ohio, Docket 8576, June 28, 1965]

In the Matter of Revco D. S., Inc., a Corporation; and Standard Drug Co., a Corporation, Doing Business as Revco Discount Drug Centers; and Bernard Shulman, Individually and as an Officer of Each of Said Corporations; and W. B. Doner and Co., a Corporation; and Charles F. Rosen, Individually and as an Officer of Said Corporation

Order requiring a discount drug store chain with retail stores in Michigan, Ohio, and West Virginia, to cease representing falsely in advertisements in newspapers, by radio and television broadcasts, or any other means, that their drugs, foods, cosmetics, and devices have been approved or endorsed by an independent research or testing organization engaged in determining the merits of such merchandise and that they own, operate, or control manufacturing or laboratory facilities.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That:

I

Respondents Revco D. S., Inc., a corporation, and its officers, and Standard Drug Co., a corporation, and its officers, doing business as Revco Discount Drug Centers, or under any other name, and Bernard Shulman, individually and as an officer of said corporations, and respondents' agents, representatives and employees, directly or through any corporate or other device in connection with the offering for sale, sale or distribution of foods, drugs, cosmetics or devices, do forthwith cease and desist from:

A. Disseminating, or causing the dissemination of, any advertisement by means of the U.S. mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which:

(1) Represents, through the use or display of any words, emblem, seal, symbol, certification, or otherwise, that merchandise has been approved or endorsed by an independent organization engaged in protecting the interests of consumers or in determining objectively the merits of such merchandise, provided that it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that such representation is truthful in every material respect.

(2) Represents, directly or by implication, that respondents, or any of them, own, operate, or control any manufacturing or laboratory facilities.

B. Disseminating, or causing to be disseminated, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations or misrepresentations prohibited in paragraph A above.

Respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

II

Respondent Charles F. Rosen and respondent's agents, representatives and employees, directly or through any corporate or other device in connection with the offering for sale, sale or distribution of foods, drugs, cosmetics or devices, do forthwith cease and desist from:

A. Disseminating, or causing the dissemination of, any advertisement by means of the U.S. mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which represents, through the use or display of any words, emblem, seal, symbol, certification, or otherwise, that merchandise has been approved or endorsed by an independent organization engaged in protecting the interests of consumers or in determining objectively the merits of such merchandise, provided that it shall be a defense in any enforcement proceeding instituted hereunder for respondent to establish that such representation is truthful in every material respect.

B. Disseminating, or causing to be disseminated, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations or misrepresentations prohibited in paragraph A. above.

Respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with the order to cease and desist.

III

Respondent W. B. Doner & Co. and its officers, agents, representatives, and employees, directly or through any corporate or other device in connection with the offering for sale, sale or distribution of foods, drugs, cosmetics, or devices, do forthwith cease and desist from:

A. Disseminating, or causing the dissemination of, any advertisement by means of the U.S. mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which represents, through the use or display of any words, emblem, seal, symbol, certification, or otherwise, that merchandise has been approved or endorsed by an independent organization engaged in protecting the interests of consumers or in determining objectively the merits of such merchandise, provided that it shall be a defense in any enforcement proceeding instituted hereunder for respondent to establish that such representation is truthful in every material respect.

B. Disseminating, or causing to be disseminated, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations or misrepresentations prohibited in paragraph A. above.

Respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

It is further ordered, That the charges contained in paragraphs 7, 9, 12, and 13 of the complaint be, and they hereby are, dismissed.

Issued: June 28, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 65-13040; Filed, Dec. 6, 1965; 8:46 a.m.]

[Docket No. 8653]

PART 13—PROHIBITED TRADE PRACTICES

LaSalle Distributing Co., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15–195 Nature; § 13.235 *Source or origin.* Subpart — Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1490 *Nature;* § 13.1565 *Trade names;* Misrepresenting oneself and goods—Goods: § 13.1685 *Nature:* 13.1685–15 By misleading trade or corporate name. Subpart—Using misleading name—Goods: § 13.2315 *Nature;* § 13.2345 *Source or origin;* Using misleading name—Vendor: § 13.2425 *Nature, in general.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, LaSalle Distributing Co. et al., Detroit, Mich., Docket 8653, Aug. 6, 1965]

In the Matter of LaSalle Distributing Co., a Partnership, and Eastern Adjustment Salvage Co., a Partnership, and Harry Walkon, Morris Watnick, and Nathan Wigod, Individually and as Copartners Trading and Doing Business as the Above Partnerships

Order requiring Detroit, Mich, retailers of watches, radios, tableware, power tools, and other articles—selling for their own account—to cease using the words "Adjustment" or "Salvage" as part of their corporate name in advertising, thereby misrepresenting their business status and source of their merchandise, and to cease representing that said products were guaranteed without identifying the guarantor and disclosing the terms and conditions thereof.

The order to cease and desist is as follows:

It is ordered, That respondents Eastern Adjustment Salvage Co., a partnership, and Harry Walkon, Morris Watnick, and Nathan Wigod, individually and as copartners trading and doing business as Eastern Adjustment Salvage Co. or under any other trade name or names, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of watches, radios, tableware, power tools, or any other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from: Using the word "Adjustment" or "Salvage," or any other word, or words of similar import or meaning, in or as a part of respondents' trade or corporate name, or otherwise representing, directly or by implication, that they are liquidators, authorized adjusters or agents, engaged in the sale or disposition of bankrupt, estate, salvage, distrained or other distress or surplus merchandise for the purpose of liquidating, adjusting, paying off or otherwise settling indebtedness or claims; or misrepresenting, in any manner, their trade or business status or the source, character or nature of the merchandise being offered for sale.

It is further ordered, That respondents LaSalle Distributing Co., a partnership, and Eastern Adjustment Salvage Co., a partnership, and Harry Walkon, Morris Watnick, and Nathan Wigod, individually and as copartners trading and doing business as LaSalle Distributing Co. and Eastern Adjustment Salvage Co. or under any other trade name or names, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale or distribution of watches, radios, tableware, power tools, or any other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from: Representing, directly or by implication, that any of respondents' products are guaranteed unless the nature and extent of the guarantee, the identity of the guarantor, and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

By "Final Order" further order requiring report of compliance is as follows:

It is further ordered, That LaSalle Distributing Co., a partnership, and Eastern Adjustment Salvage Co., a partnership, and Harry Walkon, Morris Watnick, and Nathan Wigod, individually and as copartners trading and doing business as the above partnerships, shall, within sixty (60) days after service of this order upon them, file with the Commission a report in writing, signed by such respondents, setting forth in detail the manner and form of their compliance with the order to cease and desist.

Issued: August 6, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 65-13061; Filed, Dec. 6, 1965; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 815.6, Amdt. 2]

PART 815—ALLOTMENT OF DIRECT CONSUMPTION PORTION OF MAINLAND SUGAR QUOTA FOR PUERTO RICO

Calendar Year 1965

Basis and purpose. This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended and as further amended by Public Law 89–331 approved November 8, 1965 (hereinafter called the "Act"), for the purpose of amending Sugar Regulation 815.6 (30 F.R. 209, 13766) which established allotments of the direct-consumption portion

of the 1965 mainland quota for Puerto Rico.

This amendment of Sugar Regulation 815.6 is necessary to: (1) Give effect to the amendment of Sugar Regulation 811, Amendment 7 (30 F.R. 14260) which established the direct-consumption portion of the 1965 mainland quota for Puerto Rico of 148,677 short tons, raw value, a quantity greater than the 139,500 short tons, raw value, previously allotted and to allot the larger quantity in accordance with findings heretofore made and (2) determine deficits in allotments and prorate such deficits to other allottees that are able to utilize additional allotments.

The data in the following table shows in Column (1) the allotment of 148,677 tons which would result if each allottee had the ability to market its full allotment; in Column (2) the quantity reported to the Department pursuant to finding (11) of Sugar Regulation 815.6 (30 F.R. 209) and in Column (3) the quantities of deficit determined and prorated:

Allottee	1965 allotments prior to determination of deficits (1)	Maximum 1965 Marketing ability (2)	Deficits(−) and prorations of deficits(+) (3)
	Short tons, raw value		
Central Aguirre Sugar Co., a trust	4,894	7,592	+2,019
Central Roig Refining Co	20,393	21,500	+1,107
Central San Francisco	1,330	1,234	−96
Puerto Rican American Sugar Rfy., Inc	97,918	96,000	−1,918
Western Sugar Refining Co	24,117	23,005	−1,112
Liquid sugar reserve for persons other than named above	25		0
Total	148,677	149,331	0

Findings heretofore made by the Secretary in the course of this proceeding (30 F.R. 209) provide that this order shall be revised without further notice or hearing by the Administrator, Agricultural Stabilization and Conservation Service, for the purposes indicated above and such findings set forth the procedure for the revision of allotments.

Accordingly, allotments are herein established on the basis of and consistent with such findings.

Effective date. It is hereby determined and found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and, consequently, the amendment made herein shall become effective when filed for public inspection in the Office of the Federal Register.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act, it is hereby ordered that paragraph (a) of § 815.6 be amended to read as follows:

§ 815.6 Allotment of the direct-consumption portion of 1965 sugar quota for Puerto Rico.

(a) *Allotments.* The direct-consumption portion of the 1965 mainland sugar quota for Puerto Rico, amounting to 148,677 short tons, raw value, is hereby allotted as follows:

Allottee	Direct-consumption allotment (short tons raw value)
Central Aguirre Sugar Co., a trust	6,913
Central Roig Refining Co	21,500
Central San Francisco	1,234
Puerto Rican American Sugar Rfy., Inc	96,000
Western Sugar Refining Co	23,005
Liquid sugar reserve for persons other than named above	25
Total	148,677

• • • • •

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 205, 209; 61 Stat. 926, 928; 7 U.S.C. 1115, 1119)

Done at Washington, D.C., this 2d day of December 1965.

R. P. BEACH,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65-13104; Filed, Dec. 3, 1965; 1:28 p.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 190, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 910.490 (Lemon Regulation 190, 30 F.R. 14730) are hereby amended to read as follows:

§ 910.490 Lemon Regulation 190.

• • • • •

(b) *Order.* (1) • • •

(ii) District 2: 120,900 cartons.

• • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 1, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-13059; Filed, Dec. 6, 1965; 8:47 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-272; Order 809]

PART 11—ANNUAL CHARGES

Costs of Administration

NOVEMBER 30, 1965.

On March 25, 1965, the Commission gave notice by publication in the FEDERAL REGISTER (30 F.R. 4259) that it proposed to amend § 11.20 of its regulations under the Federal Power Act to modify the formula for fixing annual charges to nonpublic licensees (i.e., licensees other than states or municipalities) for hydroelectric projects of more than 2,000 horsepower installed capacity to eliminate the inequities in the application of the existing formula to pumped storage projects. Comments were invited from interested persons to be submitted by April 27, 1965. In response to this notice and invitation, the Commission received comments from 3 licensees, each of whom expressed its approval of the proposed changes in the method of computing annual license charges.

Section 10(e) of the Federal Power Act (16 U.S.C. 803(e)) requires that the Commission fix annual charges to licensees to reimburse the United States for its costs of administering Part I of the Act (16 U.S.C. 791–823). Section 11.20 of the regulations under the Federal Power Act now provides for fixing annual charges to nonpublic licensees by distributing the administrative costs attributable to this class of licensee in the proportion which the "annual charge factor" for each of the projects in the class bears to the total annual charge factors for all of the projects in the class. Paragraph (a)(3) of § 11.20 prescribes the formula by which the annual charge factor for each project is found. The components of that formula are the project's authorized installed capacity (measured in horsepower) and gross annual energy output (measured in kilowatt-hours), as follows:

$$\text{Annual Charge Factor} = \text{Authorized Installed Horsepower} + \frac{150 \text{ Gross Annual Kwh Generation}}{1{,}000{,}000}$$

A pumped storage operation involves the generation of electric energy during peak load periods by using water electrically pumped into a storage reservoir during earlier off-peak periods. Although more electric energy is consumed in pumping than is realized from generation, the generated energy is more valuable to the electric system than the pumping energy expended because of its timely delivery. Thus, after credit is allowed for the energy used in pumping, the benefits to an electric system from pumped storage facilities are only capacity benefits. Consequently, the use of annual energy output as a factor in the formula now in use causes the annual charges for administrative costs for such facilities to be disproportionately high.

Under the regulation here being adopted, the annual charge factor will be differently determined for each of three types of projects: (1) For conventional projects, the factor will continue to be computed as it now is; (2) for pure pumped storage projects, the factor will be equal to the authorized installed horsepower; (3) for mixed conventional-pumped storage projects, the factor will be found by the following formula—

$$\text{Annual Charge Factor} = \text{Authorized Installed Horsepower} + 150 \text{ (Millions of Kwh Gross Generation)} - 100 \text{ (Millions of Kwh for Pumping)}.$$

This formula provides that the annual energy output from pumped storage facilities will not be used to increase the annual charge factor. Because annual energy output from pumped storage facilities may not be measured in all projects, the formula estimates this output as two-thirds of the energy consumed in pumping. This proportion, which is typical of pumped storage operations, is expressed in the formula by the figures 100, by which annual pumping energy is multiplied, and 150, by which gross annual generation is multiplied.

The Commission further finds: (1) In view of the foregoing, and upon consideration of all relevant matters presented, this amendment is necessary and appropriate for the purposes of the Federal Power Act.

The Commission, acting pursuant to the Federal Power Act, as amended, particularly sections 10(e), 304(a) and 309 thereof (49 Stat. 842, 855, 858; 16 U.S.C. 803(e), 825c(a), 825h), orders:

(A) Part 11, Annual Charges, Subchapter B, Regulations Under the Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations, is amended by amending subparagraphs (3) and (4) of paragraph (a) of § 11.20 to read as follows:

§ 11.20 Costs of administration.

(a) • • •

(3) The annual charge factor for each such project shall be found as follows:

(i) For a conventional project the factor is its authorized installed capacity (horsepower) plus 150 times its annual energy output in millions of kilowatt-hours.

(ii) For a pure pumped storage project the factor is the authorized horsepower.

(iii) For a mixed conventional-pumped storage project the factor is its authorized installed capacity (horsepower) plus 150 times its gross annual energy output in millions of kilowatt-hours less 100 times the annual energy used for pumped storage pumping in millions of kilowatt-hours.

(4) To enable the Commission to determine such charges annually, each such licensee shall file with the Commission, on or before February 1 of each year, a statement under oath showing the gross amount of power generated (or produced by nonelectrical equipment) and the amount of power used for pumped storage pumping by the project during the preceding calendar year, expressed in kilowatt hours.

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(Secs. 10(e), 304(a), 309, 49 Stat. 842, 855, 858; 16 U.S.C. 803(e), 825c(a), 825h)

(B) This amendment herein adopted shall become effective December 30, 1965.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-13028; Filed, Dec. 6, 1965; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Ampicillin; Ampicillin Capsules; Ampicillin for Oral Suspension

Under the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357), and delegated by the Secretary of Health, Education, and Welfare to the Commissioner of Food and Drugs (21 CFR 2.90), Parts 141a and 146a are amended by adding thereto new sections, as follows, to provide for tests and methods of assay and certification of ampicillin (bulk anhydrous) and two dosage forms of this drug.

§ 141a.127 Ampicillin.

(a) *Potency, toxicity, moisture, pH, crystallinity, and ampicillin content.* Proceed as directed in § 141a.111 (a) to (f), inclusive.

(b) *Identity.* The infrared spectrum of a 0.5 percent mixture in a potassium bromide pellet compares qualitatively to that of a similarly treated authentic sample of ampicillin.

§ 141a.128 Ampicillin capsules.

(a) *Potency.* Proceed as directed in § 141a.112(a). The potency of ampicillin capsules is satisfactory if they contain not less than 90 percent and not more than 120 percent of the number of milligrams of ampicillin that they are represented to contain.

(b) *Moisture.* Use the contents of four capsules and proceed as directed in § 141a.111(c).

§ 141a.129 Ampicillin for oral suspension.

(a) *Potency.* Proceed as directed in § 141a.122(a). Its potency is satisfactory if it contains not less than 90 percent and not more than 120 percent of the number of milligrams of ampicillin that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.26(e).

(c) *pH.* Proceed as directed in §141a.5(b), except use the suspension obtained after reconstituting the drug as directed in its labeling.

§ 146a.123 Ampicillin.

(a) *Standards of identity, strength, quality, and purity.* Ampicillin is 6-[D-α - aminophenylacetamido]penicillanic acid. It is a white, microcrystalline powder. It is so purified that:

(1) It contains not less than 900 micrograms of ampicillin per milligram on an anhydrous basis.

(2) It passes the toxicity test.

(3) Its moisture content is not more than 2.0 percent.

(4) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 3.5 and not more than 6.0.

(5) Its ampicillin content is not less than 90 percent on an anhydrous basis.

(6) It gives a positive identity test for ampicillin.

(b) *Packaging; labeling; request for certification, samples; fees.* Proceed as directed in § 146a.6 (b), (c), (d), and (e).

§ 146a.124 Ampicillin capsules.

Ampicillin capsules conform to all the requirements and are subject to all procedures prescribed by § 146a.7 for ampicillin trihydrate capsules, except that:

(a) Ampicillin is used in lieu of ampicillin trihydrate in formulating the drug.

(b) Each capsule contains 125 milligrams, 250 milligrams, or 500 milligrams of ampicillin.

(c) The moisture content is not more than 4.0 percent.

(d) The ampicillin used conforms to the requirements of § 146a.123.

§ 146a.125 Ampicillin for oral suspension.

Ampicillin for oral suspension conforms to all the requirements and is sub-

ject to all procedures prescribed by § 146a.118 for ampicillin trihydrate for oral suspension, except that ampicillin is used in lieu of ampicillin trihydrate in formulating the drug, and the ampicillin used conforms to the requirements of § 146a.123.

I find that the drugs ampicillin, ampicillin capsules, and ampicillin for oral suspensions are safe and efficacious for use, conditions prerequisite to their certification under section 507 of the Federal Food, Drug, and Cosmetic Act, when they comply with the regulations promulgated in this order.

Notice and public procedure and delayed effective date are deemed unnecessary in this instance, and I so find, since the basic requirements of the statute have been complied with, since the regulations are not controversial in nature, and since the best interests of the public will be served by the issuance of the foregoing regulations providing for the certification of the subject drugs.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: December 1, 1965.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 65-13070; Filed, Dec. 6, 1965; 8:47 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6867]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Foreign Expropriation Capital Loss Carryovers

On September 29, 1965, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under sections 381, 832, 1212, and 1222 of the Internal Revenue Code of 1954 to conform the regulations to section 7 of the Act of September 2, 1964 (Public Law 88-571, 78 Stat. 860), relating to foreign expropriation capital loss carryovers, was published in the FEDERAL REGISTER (30 F.R. 12394). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted.

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

Approved: December 2, 1965.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 381, 832, 1212, and 1222 of the Internal Revenue Code of 1954 to section 7 of the Act of September 2, 1964 (Public Law 88-571, 78 Stat. 860), such regulations are amended as follows:

PARAGRAPH 1. Section 1.381(c)(3)-1 is amended by adding a subparagraph (3) to paragraph (a) as follows:

§ 1.381(c)(3)-1 Capital loss carryovers.

(a) *Carryover requirement.* • • •

(3) This section contains rules applicable to capital loss carryovers determined without reference to the amendment of section 1212(a) made by section 7 of the Act of September 2, 1964 (Public Law 88-571, 78 Stat. 860) in respect of foreign expropriation capital losses. If the distributor, transferor, or acquiring corporation sustains a net capital loss in a taxable year ending after December 31, 1958, any portion of which is attributable to a foreign expropriation capital loss, such portion shall be carried over to each of the ten succeeding taxable years consistently with the rules prescribed in this section and paragraph (a)(2) of § 1.1212-1.

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PAR. 2. Section 1.832-2 is amended by revising paragraph (a) to read as follows:

§ 1.832-2 Deductions.

(a) The deductions allowable are specified in section 832(c) and by reason of the provisions of section 832(c) (10) and (12) include in addition certain deductions provided in sections 161, and 241 and following. The deductions, however, are subject to the limitation provided in section 265, relating to expenses and interest in respect of tax-exempt income. The net operating loss deduction is computed under section 172 and the regulations thereunder. For the purposes of section 172, relating to net operating loss deduction, "gross income" shall mean gross income as defined in section 832(b)(1) and the allowable deductions shall be those allowed by section 832(c) with the exceptions and limitations set forth in section 172(d). In addition to the deduction for capital losses provided in subchapter P (section 1201 and following), chapter 1 of the Code, insurance companies are allowed a deduction for losses for capital assets sold or exchanged in order to obtain funds to meet abnormal insurance losses and to provide for the payment of dividends and similar distributions to policyholders. A special rule is provided for the application of the capital loss carryover provisions of section 1212. The deduction is the same as that allowed mutual insurance companies subject to the tax imposed by section 821; see section 822(c)(6) and the regulations thereunder. Insurance companies, other than mutual fire insurance companies described in § 1.831-1, are also allowed a deduction for dividends and similar distributions paid or declared to policyholders in their capacity as such. The deduction is otherwise the same as that allowed mutual insurance companies subject to the tax imposed by section 821; see section 823(2) and the regulations thereunder.

• • • • •

PAR. 3. Section 1.832-5 is amended by revising paragraph (a) to read as follows:

§ 1.832-5 Deductions.

(a) The deductions allowable are specified in section 832(c) and by reason of the provisions of section 832(c) (10) and (12) include in addition certain deductions provided in sections 161, and 241 and following. The deductions, however, are subject to the limitation provided in section 265, relating to expenses and interest in respect of tax-exempt income. The net operating loss deduction is computed under section 172 and the regulations thereunder. For the purposes of section 172, relating to net operating loss deduction, "gross income" shall mean gross income as defined in section 832(b)(1) and the allowable deductions shall be those allowed by section 832(c) with the exceptions and limitations set forth in section 172(d). In addition to the deduction for capital losses provided in subchapter P (section 1201 and following), chapter 1 of the Code, insurance companies are allowed a deduction for losses from capital assets sold or exchanged in order to obtain funds to meet abnormal insurance losses and to provide for the payment of dividends and similar distributions to policyholders. A special rule is provided for the application of the capital loss carryover provisions of section 1212. The deduction is the same as that allowed mutual insurance companies subject to the tax imposed by section 821; see section 822(c)(6) and the regulations thereunder. Insurance companies, other than mutual fire insurance companies described in section 831(a)(3)(A) and the regulations thereunder, are also allowed a deduction for dividends and similar distributions paid or declared to policyholders in their capacity as such. Similar distributions include such payments as the so-called unabsorbed premium deposits returned to policyholders by factory mutual insurance companies. The deduction is otherwise the same as that allowed mutual insurance companies subject to the tax imposed by section 821; see section 822(f)(2) and the regulations thereunder.

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PAR. 4. Section 1.1212 is amended by revising section 1212(a) and the historical note to read as follows:

§ 1.1212 Statutory provisions; capital loss carryover.

SEC. 1212. *Capital loss carryover*—(a) *Corporations*—(1) *In general.* If for any taxable year a corporation has a net capital loss, the amount thereof shall be a short-term capital loss—

(A) In each of the 5 succeeding taxable years, or

(B) To the extent such loss is attributable to a foreign expropriation capital loss, in each of the 10 succeeding taxable years,

to the extent such amount exceeds the total of any net capital gains (determined without regard to this paragraph) of any taxable years intervening between the taxable year in which the net capital loss arose and such succeeding taxable year.

(2) *Definitions and special rules*—(A) *Foreign expropriation capital loss defined.* For purposes of this subsection, the term "foreign expropriation capital loss" means, for any taxable year, the sum of the losses taken into account in computing the net capital loss for such year which are—

(i) Losses sustained directly by reason of the expropriation, intervention, seizure, or similar taking of property by the government of any foreign country, any political subdivision thereof, or any agency or instrumentality of the foregoing, or

(ii) Losses (treated under section 165(g)(1) as losses from the sale or exchange of capital assets) from securities which become worthless by reason of the expropriation, intervention, seizure, or similar taking of property by the government of any foreign country, any political subdivision thereof, or any agency or instrumentality of the foregoing.

(B) *Portion of loss attributable to foreign expropriation capital loss.* For purposes of paragraph (1), the portion of any net capital loss for any taxable year attributable to a foreign expropriation capital loss is the amount of the foreign expropriation capital loss for such year (but not in excess of the net capital loss for such year).

(C) *Priority of application.* For purposes of paragraph (1), if a portion of a net capital loss for any taxable year is attributable to a foreign expropriation capital loss, such portion shall be considered to be a separate net capital loss for such year to be applied after the other portion of such net capital loss.

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[Sec. 1212 as amended by sec. 230(a), Rev. Act 1964 (78 Stat. 99); sec. 7(a), Act of Sept. 2, 1964 (Pub. Law 88-571, 78 Stat. 860)]

PAR. 5. Section 1.1212-1 is amended by revising paragraph (a) to read as follows:

§ 1.1212-1 Capital loss carryover.

(a) *Corporations; other taxpayers for taxable years beginning before January 1, 1964*—(1) *Regular net capital loss.* (i) A corporation sustaining a net capital loss, and a taxpayer other than a corporation sustaining a net capital loss for any taxable year beginning before January 1, 1964, shall carry over such loss to each of the five succeeding taxable years and treat it in each of such five succeeding taxable years as a short-term capital loss to the extent not allowed as a deduction against any net capital gains of any taxable years intervening between the taxable year in which the net capital loss was sustained and the taxable year to which carried. The carryover is thus applied in each succeeding taxable year to offset any net capital gain in such succeeding taxable year. The amount of the capital loss carryover may not be included in computing a new net capital loss of a taxable year which can be carried forward to the next five succeeding taxable years. For purposes of this subparagraph, a net capital gain shall be computed without regard to capital loss carryovers. Further, a net capital loss for a taxable year beginning before October 20, 1951, shall be determined under the applicable law relating to the computation of capital gains and losses in effect before such date. Thus, where the applicable law for a taxable year beginning before October 20, 1951, provided that only certain percentages of the gain or loss recognized upon the sale or exchange of a capital asset should be taken into account in computing net capital loss, such percentages are to be taken into account in computing net capital loss for any such taxable year under this subparagraph. In the case of nonresident alien individuals not engaged in trade or business within the United States, see section 871 for special rules on capital loss carryovers. For the rules applicable to the portion of a net capital loss of a corporation which is attributable to a foreign expropriation capital loss sustained in taxable years ending after December 31, 1958, see subparagraph (2) of this paragraph. For the rules applicable to a taxpayer other than a corporation in the treatment of that amount of a net capital loss which may be carried over under this subparagraph as a short-term capital loss to the first taxable year beginning after December 31, 1963, see paragraph (b) of this section.

(ii) The practical operation of the provisions of this subparagraph may be illustrated by the following example:

Example. (a) For the taxable years 1952 to 1956, inclusive, an individual with one exemption allowable under section 151 (or corresponding provision of prior law) is assumed to have a net short-term capital loss, net short-term capital gain, net long-term capital loss, net long-term capital gain, and taxable income (net income for 1952 and 1953) as follows:

	1952	1953	1954	1955	1956
Carryover from prior years:					
From 1952		($50,000)	($29,500)	($29,500)	
From 1954				(19,500)	($13,000)
Net short-term loss (computed without regard to the carryovers)	($30,000)	(5,000)	(10,000)		
Net short-term gain (computed without regard to the carryovers)				40,000	
Net long-term loss	(20,500)		(10,000)	(5,000)	
Net long-term gain		25,000			15,000
Net income or taxable income, computed without regard to capital gains and losses, and, after 1953, without regard to the deduction provided by section 151	500	500	500	1,000	500
Net capital gain (computed without regard to the carryovers)		20,500		36,000	
Net capital loss	(50,000)		(19,500)		
Deduction allowable under section 1202					1,000
Taxable income (after deductions allowable under secs. 151 and 1202)					900

(b) *Net capital loss of 1952.* The net capital loss is $50,000. This figure is the excess of the losses from sales or exchanges of capital assets over the sum of (1) gains (in this case, none) from sales or exchanges of capital assets, and (2) net income (computed without regard to capital gains and losses) of $500. This amount may be carried forward in full as a short-term loss to 1953. However, in 1953 there was a net capital gain of $20,500, as defined by section 117(a)(10)(B) of the Internal Revenue Code of 1939, and limited by section 117(e)(1) of the 1939 Code, against which this net capital loss of $50,000 is allowed in part. The remaining portion—$29,500—may be carried forward to 1954 and 1955 since there was no net capital gain in 1954. In 1955 this $29,500 is allowed in full against net capital gain of $36,000, as defined by paragraph (d) of § 1.1222-1 and limited by subdivision (i) of this subparagraph.

(c) *Net capital loss of 1954.* The net capital loss is $19,500. This figure is the excess of the losses from sales or exchanges of capital assets over the sum of (1) gains (in this case, none) from sales or exchanges of capital assets and (2) taxable income (computed without regard to capital gains and losses and the deductions provided in section 151) of $500. This amount may be carried forward in full as a short-term loss to 1955. The net capital gain in 1955, before deduction of any carryovers, is $36,000. (See sections 1222(9)(B) and 1212 of the Internal Revenue Code of 1954, as it existed prior to the enactment of the Revenue Act of 1964.) The $29,500 balance of the 1952 loss is first applied against the $36,000, leaving a balance of $6,500. Against this amount the $19,500 loss arising in 1954 is applied, leaving a loss of $13,000, which may be carried forward to 1956. Since this amount is treated as a short-term capital loss in 1956 under subdivision (i) of this subparagraph, the excess of the net long-term capital gain over the net short-term capital loss is $2,000 ($15,000 minus $13,000). Half of this excess is allowable as a deduction under section 1202. Thus, after also deducting the exemption allowed as a deduction under section 151 ($600), the taxpayer has a taxable income of $900 ($2,500 minus $1,600) for 1956.

(2) *Corporations sustaining foreign expropriation capital losses for taxable years ending after December 31, 1958*—(i) *In general.* A corporation sustaining a net capital loss for any taxable year ending after December 31, 1958, any portion of which is attributable to a foreign expropriation capital loss, shall carry over such portion of the loss to each of the ten succeeding taxable years and treat it in each of such succeeding taxable years as a short-term capital loss to the extent and consistent with the manner provided in subparagraph (1) of this paragraph. For such purposes, the portion of any net capital loss for any taxable year which is attributable to a foreign expropriation capital loss is the amount, not in excess of the net capital loss for such year, of the foreign expropriation capital loss for such year. The portion of a net capital loss for any taxable year which is attributable to a foreign expropriation capital loss shall be treated as a separate net capital loss for that year and shall be applied, after first applying the remaining portion of such net capital loss, to offset any net capital gain in a succeeding taxable year. In applying net capital losses of two or more taxable years to offset the net capital gain of a subsequent taxable year, such net capital losses shall be offset against such net capital gain in the order of the taxable years in which the losses were sustained, beginning with the loss for the earliest preceding taxable year, even though one or more of such net capital losses are attributable in whole or in part to a foreign expropriation capital loss.

(ii) *Foreign expropriation capital loss defined.* For purposes of this subparagraph the term "foreign expropriation

capital loss" means, for any taxable year, the sum of the losses taken into account in computing the net capital loss for such year which are—

(a) Losses sustained directly by reason of the expropriation, intervention, seizure, or similar taking of property by the government of any foreign country, any political subdivision thereof, or any agency or instrumentality of the foregoing, or

(b) Losses (treated under section 165(g)(1) as losses from the sale or exchange of capital assets) from securities which become worthless by reason of the expropriation, intervention, seizure, or similar taking of property by the government of any foreign country, any political subdivision thereof, or any agency or instrumentality of the foregoing.

(iii) *Illustrations.* The application of this subparagraph may be illustrated by the following examples:

Example 1. X, a domestic corporation which uses the calendar year as the taxable year, owns as a capital asset 75 percent of the outstanding stock of Y, a foreign corporation operating in a foreign country. In 1961, the foreign country seizes all of the assets of Y, rendering X's stock in Y worthless and thus causing X to sustain a $40,000 foreign expropriation capital loss for such year. In 1961, X has $30,000 of other losses from the sale or exchange of capital assets and $50,000 of gains from the sale or exchange of capital assets. X's net capital loss for 1961 is $20,000 ($70,000−$50,000). Since the foreign expropriation capital loss exceeds this amount, the entire $20,000 is a foreign expropriation capital loss for 1961.

Example 2. Z, a domestic corporation which uses the calendar year as the taxable year, has a net capital loss of $50,000 for 1961, $30,000 of which is attributable to a foreign expropriation capital loss. Pursuant to the provisions of this paragraph, $30,000 of such net capital loss shall be carried over as a short-term capital loss to each of the 10 taxable years succeeding 1961, and the remaining $20,000 of the net capital loss shall be carried over as a short-term capital loss to each of the 5 taxable years succeeding 1961. Z has a $35,000 net capital gain (determined without regard to any capital loss carryover) for 1962. In offsetting the $50,000 capital loss carryover from 1961 against the $35,000 net capital gain for 1962, the $30,000 portion of such carryover which is attributable to the foreign expropriation capital loss for 1961 is applied against the 1962 net capital gain after applying the $20,000 remaining portion of the carryover. Thus, there is a capital loss carryover of $15,000 to 1963, all of which is attributable to the foreign expropriation capital loss for 1961. Z has a net capital loss for 1963 of $10,000, no portion of which is attributable to a foreign expropriation capital loss. For 1964, Z has a net capital gain of $22,000 (determined without regard to the capital loss carryovers from 1961 and 1963). In offsetting the capital loss carryovers from 1961 and 1963 against Z's $22,000 net capital gain for 1964, the $15,000 carryover from 1961 is applied against the 1964 net capital gain before the $10,000 capital loss carryover from 1963 is applied against such gain. Thus, $3,000 of the 1963 net capital loss remains to be carried over to 1965.

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PAR. 6. Section 1.1222–1 is amended by revising paragraphs (b)(1) and (d) to read as follows:

§ 1.1222–1 Other terms relating to capital gains and losses.

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(b)(1) In the definition of "net short-term capital gain", as provided in section 1222(5), the amounts brought forward to the taxable year under section 1212 (other than section 1212(b)(1)(B)) are short-term capital losses for such taxable year.

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(d) In the case of a corporation, the term "net capital gain" means the excess of the gains from sales or exchanges of capital assets over the losses from sales or exchanges of capital assets, which losses include any amounts brought forward by such taxpayer pursuant to section 1212. In the case of a taxpayer other than a corporation for taxable years beginning before January 1, 1964, the term "net capital gain" means the excess of (1) the sum of the gains from sales or exchanges of capital assets, plus taxable income (computed without regard to gains and losses from sales or exchanges of capital assets and without regard to the deductions provided by section 151, relating to personal exemptions, or any deductions in lieu thereof) of the taxpayer or $1,000, whichever is smaller, over (2) the losses from sales or exchanges of capital assets, which losses include amounts brought forward by such taxpayer under section 1212. Thus, in the case of estates and trusts for taxable years beginning before January 1, 1964, taxable income for the purposes of this paragraph shall be computed without regard to gains and losses from sales or exchanges of capital assets and without regard to the deductions allowed by section 642(b) to estates and trusts in lieu of personal exemptions. The term "net capital gain" is not applicable in the case of a taxpayer other than a corporation for taxable years beginning after December 31, 1963. In the case of a taxpayer whose tax liability is computed under section 3 for taxable years beginning before January 1, 1964, the term "taxable income", for purposes of this paragraph, shall be read as "adjusted gross income". For application of the term "net capital gain", in computing the capital loss carryover under section 1212, see paragraphs (a)(1)(ii) and (a)(2)(iii) of § 1.1212–1.

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(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[F.R. Doc. 65–13063; Filed, Dec. 6, 1965; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9–4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 9–4.51—Washington-Designated Research and Development Contracts With Educational Institutions

SUMMARY AND DISTRIBUTION OF REPORTS

Section 9–4.5109–8 *Summary and distribution of reports*, is revised to read as follows:

§ 9–4.5109–8 Summary and distribution of reports.

A table summarizing the various types of reports, time for submission, number of copies and distribution is set forth below. The distribution and schedule of reports shall be as prescribed in this table, unless the authorizing program division specifies otherwise. Usually an annual progress report and a 200-word summary are sufficient for fundamental research. These reports are prepared by the contractor and submitted to the appropriate AEC Field Office for distribution. The AEC Field Office shall transmit these reports with a covering memorandum indicating: (a) The other AEC offices receiving the documents, (b) the name of the contractor, and (c) the contract number. Each copy of the document should bear the contract number.

DISTRIBUTION AND SCHEDULE OF DOCUMENTS

Type	When due	Number of copies	Disposition of copies	Remarks
1. Summary: 200 words on scope and purpose (S. I.E. Form).	At start of initial contract and each renewal period.	4	Field Office (1); appropriate HQ Division (3).	
2. Renewal proposal	Not later than 3 months nor earlier than 6 months before contract expires.	6	Field Office (2); appropriate HQ Division (4).	Bind separately from annual progress report.
3. Annual progress report.	With renewal proposal	7	Field Office (2); appropriate HQ Division (4); DTIE (1).[1]	Bind separately from renewal proposal.
4. Other progress reports (brief topical reports, etc.).	As deemed necessary by investigator or as specifically requested by appropriate HQ Division.	7, or as requested.	do	Desired when significant results develop or when work has direct programmatic impact.
5. Reprints	As soon as available	7	do	Form AEC–427 not required with DTIE copy.
6. Manuscripts of journal articles.	When submitted to journal.	7	do	
7. Manuscripts of oral presentations.	When submitted to conference.	7	do	Abstracts will suffice if manuscript not available.
8. Final report	When contract is completed.	6	Field Office (2); appropriate HQ Division (2); DTIE (1); HQ Patent Br. (1).	

[1] DTIE copies should be accompanied by one copy of Form AEC–427 (except as noted above for item 5, reprints) and should be sent direct to USAEC, Division of Technical Information Extension, Post Office Box 62, Oak Ridge, Tenn., 37831, unless otherwise specified by the contract administrator.

(Sec. 161 Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These amendments are effective 45 days after publication in the FEDERAL REGISTER, but may be observed earlier.

Dated at Germantown, Md., this 29th day of November 1965.

For the U.S. Atomic Energy Commission.

R. J. HART,
Acting Director,
Division of Contracts.

[F.R. Doc. 65–13023; Filed, Dec. 6, 1965; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3894]

[Utah 0143635]

UTAH

Powersite Cancellation No. 217, Supplement Correction of Public Land Order No. 3744

By virtue of the authority contained in the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 1950 Reorganization Plan No. 3 (64 Stat. 1262; 5 U.S.C. 133z–15, note), it is ordered as follows:

1. The departmental order of April 10, 1946, creating Powersite Classification No. 377, is hereby canceled so far as it affects the following described lands:

SALT LAKE MERIDIAN

T. 26 S., R. 22 E.,
Sec. 6, E½NE¼SE¼SE¼.

Containing approximately 5 acres of nonpublic land.

2. Public Land Order No. 3744 of July 26, 1965, which canceled Powersite Classification No. 377 in part, is hereby corrected in the following respect:

In T. 26 S., R. 22 E., sec. 8, the description "SE¼NE¼" appearing twice in the said order is corrected to read "SW¼NE¼".

The SW¼NE¼ is withdrawn for reclamation purposes.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

DECEMBER 1, 1965.

[F.R. Doc. 65–13044; Filed, Dec. 6, 1965; 8:46 a.m.]

[Public Land Order 3895]

[Washington 05789]

WASHINGTON

Revocation of National Forest Administrative Sites

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The Departmental orders of November 23, 1906; December 13, 1906; September 23, 1907; November 9, 1907; November 26, 1907; January 28, 1908; February 25, 1908; April 13, 1908; October 17, 1908; December 4, 1908; December 15, 1908; March 15, 1909; August 19, 1909, and October 28, 1909, withdrawing lands for national forest administrative sites are hereby revoked so far as they affect the following described lands:

WILLAMETTE MERIDIAN

MOUNT BAKER NATIONAL FOREST

Big Beaver Administrative Site No. 35

T. 39 N., R. 12 E. (unsurveyed),
Sec. 36, metes and bounds.

OKANOGAN NATIONAL FOREST

McGregor Flat Ranger Station Administrative Site

T. 33 N., R. 17 E. (unsurveyed),
Sec. 9, metes and bounds (SW¼SW¼);
Sec. 16, metes and bounds (NW¼NW¼).

SNOQUALMIE NATIONAL FOREST

Big Creek Administrative Site

T. 14 N., R. 7 E.,
Sec. 4, SW¼NW¼.

Nisqually Ranger Station Administrative Site

T. 15 N., R. 7 E.,
Sec. 32, SE¼NE¼ and N½NE¼SE¼.

Christoff Ranger Station Administrative Site

T. 19 N., R. 9 E.,
Sec. 2, SW¼SW¼SW¼.

Hemlock Administrative Site

T. 22 N., R. 9 E.,
Sec. 26, lots 1 and 2.

General McClellan Ranger Station Administrative Site

T. 19 N., R. 10 E.,
Sec. 22, NW¼.

Snoqualmie Administrative Site

T. 24 N., R. 10 E.,
Sec. 20, SE¼.

North Fork Administrative Site

T. 12 N., R. 12 E.,
Sec. 6, metes and bounds (NE¼NE¼).

Conrad Meadows Administrative Site

T. 12 N., R. 12 E.,
Sec. 23, SE¼SW¼ and SW¼SE¼;
Sec. 26, NW¼NE¼ and NE¼NW¼.

Swamp Cabin Ranger Station Administrative Site

T. 16 N., R. 12 E.,
Sec. 26, metes and bounds.

South Fork Administrative Site

T. 13 N., R. 13 E.,
Sec. 31, metes and bounds (NE¼);
Sec. 32, metes and bounds (W½SW¼).

Timothy Ranger Station Administrative Site

T. 18 N., R. 13 E.,
Sec. 5, metes and bounds (SW¼NE¼, SE¼NW¼, and NW¼SE¼).

Naches Ranger Station Administrative Site

T. 18 N., R. 13 E.,
Sec. 6, metes and bounds (W½NE¼ and NW¼).

Cash Prairie Ranger Station Administrative Site

T. 14 N., R. 14 E.,
Sec. 21, metes and bounds (SW¼NE¼, SE¼NW¼, NE¼SW¼, and NW¼SE¼).

Soda Springs Ranger Station Administrative Site

T. 14 N., R. 14 E.,
Sec. 33, SW¼SW¼.

WENATCHEE NATIONAL FOREST

Icicle Ranger Station Administrative Site

T. 24 N., R. 17 E.,
Sec. 28, metes and bounds (N½SW¼).

Mox Canyon Ranger Station Administrative Site

T. 25 N., R. 17 E.,
Sec. 24, S½NW¼.

Beaver Creek Ranger Station Administrative Site

T. 26 N., R. 17 E.,
Sec. 12, lot 5.

Maverick Peak Ranger Station Administrative Site

T. 27 N., R. 18 E.,
Sec. 20, NW¼.

Clear Creek Administrative Site

T. 27 N., R. 18 E.,
Sec. 30, S½NE¼SW¼SE¼, SE¼NW¼SW¼SE¼, E½SW¼SW¼SE¼, and SE¼SW¼SE¼.

The areas described, including the nonpublic and national forest lands, aggregate 1,493.31 acres in Whatcom, Chelan, Lewis, Pierce, King, Yakima, and Kittitas Counties, of which those in T. 14 N., R. 7 E., and T. 22 N., R. 9 E., are nonpublic lands.

2. At 10 a.m. on January 6, 1966, the national forest lands shall be open to such forms of disposition as may by law be made of such lands.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

DECEMBER 1, 1965.

[F.R. Doc. 65–13045; Filed, Dec. 6, 1965; 8:46 a.m.]

[Public Land Order 3896]

[Sacramento 079683]

CALIFORNIA

Inter-Forest Land Transfers Exclusion of Private Lands From Plumas National Forest

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and upon recommendation of the Secretary of Agriculture, it is ordered as follows:

1. The following described lands are hereby excluded from the Plumas National Forest, and the boundaries of the said forest are adjusted accordingly:

MOUNT DIABLO MERIDIAN

T. 18 N., R. 7 E.,
Sec. 5, lots 1 to 4, incl., S½NE¼, S½NW¼, and SE¼;
Sec. 6, lots 1 to 7, incl., S½NE¼, SE¼NW¼, and E½SW¼;
Sec. 8, E½, E½NW¼, and SE¼SW¼.
T. 19 N., R. 7 E.,
Sec. 31, lots 5, 7, and 8, S½SE¼, and NE¼SW¼.

The areas described above aggregate approximately 1,580.70 acres of patented lands.

2. The following described lands within the exterior boundaries of the Stanislaus

National Forest are hereby transferred to the Eldorado National Forest:

MOUNT DIABLO MERIDIAN

T. 7 N., R. 14 E.,
Secs. 9 to 13, incl., 17, 19, and 20, those portions lying north of the North Fork of the Mokelumne River.

3. The following described lands within the exterior boundaries of the Eldorado National Forest are hereby transferred to the Stanislaus National Forest:

MOUNT DIABLO MERIDIAN

T. 7 N., R. 14 E.,
Secs. 10, 17, and 20, those portions lying south of the North Fork of the Mokelumne River.

4. The following described lands within the exterior boundaries of the Tahoe National Forest are hereby transferred to the Plumas National Forest:

MOUNT DIABLO MERIDIAN

T. 21 N., R. 13 E.,
Secs. 13 and 14, those portions lying westerly of the divide between Sulphur Creek and Sierra Valley.

The areas described aggregate approximately 812 acres.

The exterior boundaries of the forests involved are hereby adjusted in accordance with the transfers made by this order.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

DECEMBER 1, 1965.

[F.R. Doc. 65-13046; Filed, Dec. 6, 1965; 8:46 a.m.]

[Public Land Order 3897]

[Oregon 016434]

OREGON

Withdrawal for National Forest Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described lands in the national forests indicated, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

WILLAMETTE MERIDIAN, OREGON

UMATILLA NATIONAL FOREST

Long Prairie Spring Campground

T. 7 S., R. 24 E.,
Sec. 1, NW¼SW¼SW¼.

Crawford Spring Campground

T. 7 S., R. 24 E.,
Sec. 12, NE¼SE¼NW¼.

Government Spring Campground

T. 6 S., R. 26 E.,
Sec. 26, SE¼NW¼NW¼.

Willow Spring Campground

T. 7 S., R. 26 E.,
Sec. 10, SW¼NE¼SW¼ and N½SE¼SW¼.

Swale Spring Campground

T. 6 S., R. 28 E.,
Sec. 4, SW¼NE¼SW¼.

Biscuit Spring Campground

T. 4 S., R. 29 E.,
Sec. 32, S½NE¼NE¼NE¼ and N½SE¼NE¼NE¼.

Oriental Campground

T. 7 S., R. 33 E.,
Sec. 10, S½NE¼NE¼SW¼ and N½SE¼NE¼SW¼.

SISKIYOU NATIONAL FOREST

T. 36 S., R. 13 W.,
Sec. 1, E½SE¼;
Sec. 2, NW¼SW¼ and S½SE¼ (unsurveyed);
Sec. 3, lot 7.

The areas described aggregate 330 acres.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

DECEMBER 1, 1965.

[F.R. Doc. 65-13047; Filed, Dec. 6, 1965; 8:46 a.m.]

[Public Land Order 3898]

[Utah 0144044]

UTAH

Addition to National Forest

By virtue of the authority vested in the President by section 24 of the act of March 3, 1891 (20 Stat. 1103; 16 U.S.C. 471), and by section 1 of the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Subject to valid existing rights, the following described lands are hereby added to and made a part of the Dixie National Forest, and hereafter shall be subject to all laws and regulations applicable thereto:

SALT LAKE MERIDIAN

T. 41 S., R. 14 W.,
Sec. 17, N½NW¼ and SW¼NW¼;
Sec. 18, lots 1 to 6, incl., NE¼, E½NW¼, NE¼SW¼, and N½SE¼.
T. 41 S., R. 15 W.,
Sec. 13, NE¼.

The areas described aggregate 801.36 acres in Washington County.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

DECEMBER 1, 1965.

[F.R. Doc. 65-13048; Filed, Dec. 6, 1965; 8:46 a.m.]

[Public Land Order 3899]

[Colorado 0124543]

COLORADO

Withdrawal of Lands for Alamosa National Wildlife Refuge

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Subject to valid existing rights, the following described public land, which is under the jurisdiction of the Secretary of the Interior, is hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (Title 30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved as part of the Alamosa National Wildlife Refuge:

NEW MEXICO PRINCIPAL MERIDIAN

T. 36 N., R. 11 E.,
Sec. 2, lot 4 and SW¼NW¼.

Containing 86.29 acres in Alamosa County.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

DECEMBER 1, 1965.

[F.R. Doc. 65-13049; Filed, Dec. 6, 1965; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Lower Souris National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH DAKOTA

LOWER SOURIS NATIONAL WILDLIFE REFUGE

Sport fishing on the Lower Souris National Wildlife Refuge, N. Dak., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 11,430 acres or 100 percent of the total water area of the refuge, are delineated on maps available at refuge headquarters and from the Office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from December 15, 1965, through March 27, 1966, daylight hours only. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through March 27, 1966.

JERALD J. WILSON,
Refuge Manager, Lower Souris National Wildlife Refuge, Upham, N. Dak.

NOVEMBER 30, 1965.

[F.R. Doc. 65-13041; Filed, Dec. 6, 1965; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 240]

WINE

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form in the appendix below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington, D.C., 20224, within the period of 15 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Director, within the 15-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

In order to implement the provisions of section 806 (b) and (c) of Public Law 89-44 relating to (a) the amelioration and sweetening of wine, (b) the use of sugar in the production of wine, and (c) the total solids content of wine; and to make conforming amendments, the regulations in 26 CFR Part 240 are amended as follows:

PARAGRAPH 1. Section 240.13 is amended to redefine the term "Amelioration." As amended, § 240.13 reads as follows:

§ 240.13 Amelioration.

"Amelioration" shall mean the addition to juice or wine, before, during, and after fermentation, of either water or pure sugar, or a combination of water and pure sugar, or liquid sugar or invert sugar syrup, to adjust the acid content or to develop alcohol by fermentation.

§§ 240.30, 240.36 [Revoked]

PAR. 2. Sections 240.30 and 240.36 are revoked.

PAR. 3. Section 240.40 is amended to redefine the term "Pure sugar." As amended, § 240.40 reads as follows:

§ 240.40 Pure sugar.

"Pure sugar" shall mean pure refined sugar, suitable for human consumption, having a dextrose equivalent of not less than 95 percent on a dry basis, and produced from cane, beets, or fruit, or from grain or other sources of starch: *Provided*, That invert sugar syrup produced from such pure sugar by recognized methods of inversion may be used to prepare any sugar syrup, or solution of water and pure sugar.

PAR. 4. Section 240.40a is amended to redefine the term "Liquid sugar." As amended, § 240.40a reads as follows:

§ 240.40a Liquid sugar.

"Liquid sugar" shall mean a substantially colorless pure sugar and water solution containing not less than 60 percent pure sugar by weight (60 degrees Brix).

PAR. 5. A new section, § 240.40c, is added immediately following § 240.40b to define the term "Sugar." As added, § 240.40c reads as follows:

§ 240.40c Sugar.

"Sugar" shall mean pure sugar, liquid sugar, and invert sugar syrup.

§ 240.42 [Revoked]

PAR. 6. Section 240.42 is revoked.

PAR. 7. Section 240.46 is amended to redefine the term "Specially sweetened natural wine." As amended, § 240.46 reads as follows:

§ 240.46 Specially sweetened natural wine.

"Specially sweetened natural wine" shall mean a product having a total solids content in excess of 17 percent by weight and an alcohol content of less than 14 percent by volume, made in accordance with the provisions of section 5385, I.R.C., and Subpart R of this part.

PAR. 8. Section 240.163 is amended to delete references to intermediate storage, reserve storage, and permanent storage. As amended, § 240.163 reads as follows:

§ 240.163 Markings on fermenting and storage tanks.

Each tank used for the fermentation or storage of wine or for addition of wine spirits to wine will be marked with a permanent serial number and the capacity in wine gallons. Tanks of uniform dimensions from top to bottom shall be marked in addition with the capacity per inch of depth. Each tank will be marked to show its current use, either by permanent markings or by removable signs of durable materials. The use will be shown as "Fermenting Tank" (or "Fermenter"), "Storage Tank," or "Wine Spirits Addition Tank," and may be abbreviated to the initial letters if desired. Notification to the assistant regional commissioner is not required when changing the use and designation of such tanks, but only tanks approved for use in the addition of wine spirits to wine as provided in § 240.198 may be used for that purpose. A single series of numbers will be used for all fermenting, storage, and wine spirits addition tanks, except that separate series, preceded by an identifying letter, may be used for tanks in different buildings or rooms, if desired.

(72 Stat. 1379; 26 U.S.C. 5357)

PAR. 9. Section 240.221 is amended to delete the parenthetical reference to wine in intermediate storage. As amended, § 240.221 reads as follows:

§ 240.221 Bond, Form 700.

Each proprietor of a bonded wine cellar shall give bond, Form 700, for the payment of taxes imposed by the United States, including rectification and occupational taxes and penalties and interest, for which the proprietor shall become liable to the United States, respecting wine and wine spirits and the operation of the bonded wine cellar, whether the transaction or operation upon which the liability of the proprietor is based occurred on the bonded wine cellar premises (including transfers between noncontiguous portions thereof), or in transit, and for the faithful compliance, without fraud or evasion, with all requirements of the laws of the United States and regulations made in conformity therewith respecting wine and wine spirits and the operation of the bonded wine cellar. The penal sum of the bond shall be not less than the tax on all wine and wine spirits possessed at the bonded wine cellar, in transit to the bonded wine cellar, wine spirits authorized to be withdrawn under approved applications, or wine or wine spirits unaccounted for, at any one time, and the tax on all wine removed for export or for use as supplies on vessels or aircraft, but not exported or otherwise accounted for. The penal sum of the bond shall be not less than $1,000 or more than $50,000, except that where the amount of tax exceeds $250,000, the penal sum of the bond shall be $100,000: *Provided*, That the obligation on Form 700 shall not apply with respect to taxes in excess of $100 which have been determined for deferred payment upon removal of the wine from the bonded wine cellar, or transfer to a tax-paid wine room on the bonded wine cellar premises.

(72 Stat. 1379; 26 U.S.C. 5354)

PAR. 10. Section 240.354 is amended to authorize the use in standard wine of pure sugar as redefined in § 240.40. As amended, § 240.354 reads as follows:

§ 240.354 Sugar.

If dry sugar is to be used in the production of standard wine, only pure sugar, as defined in § 240.40, may be used.

If a solution of water and pure sugar is to be used, liquid sugar, or invert sugar syrup produced from pure sugar by recognized methods of inversion, may be used in the preparation of such solution. The use of mixtures of either different kinds of dry sugar or of different kinds of liquid sugar is permissible.

(72 Stat. 1387, as amended; 26 U.S.C. 5392)

PAR. 11. Section 240.360 is amended to delete the reference to total sugar solids. As amended, § 240.360 reads as follows:

§ 240.360 General.

Natural grape wine is the product of the juice of sound, ripe grapes, made with cellar treatment authorized by this part and having a total solids content subject to limitations stated in this subpart, but the total solids content of the wine shall in no case exceed 21 percent by weight.

(72 Stat. 1383, as amended, 1384, as amended; 26 U.S.C. 5381, 5382, 5383)

PAR. 12. Section 240.362 is amended to delete the requirement that the liquid in fermenters must be reported as wine produced within 30 days after deposit therein or be transferred to intermediate storage, and to require that the quantity of liquid in fermenters at the close of each month shall be reported on Form 702. As amended, § 240.362 reads as follows:

§ 240.362 Crushing and fermentation.

Water added at the time of crushing, including that necessary to flush equipment, may not reduce the density of the juice below 22 degrees Brix, in the production of natural wine: *Provided*, That if the total solids content of the juice is less than 23 degrees Brix, water used to flush equipment shall reduce the total solids content of the juice less than 1 degree Brix. (This limitation does not apply where water is used in the production of wine from high acid grapes; however, the limitations stated in § 240.366 are applicable.) Upon removal of wine from fermenters, the quantity of liquid will be determined accurately and recorded as wine produced. The quantity of liquid in fermenters at the close of each month shall be reported on Form 702 in the part of the form provided specifically therefor.

(72 Stat. 1381, 1383, as amended; 26 U.S.C. 5367, 5382)

PAR. 13. Section 240.363 is amended to prescribe procedures for the sweetening, with juice or sugar, of natural grape wine made without the use of sugar. As amended, § 240.363 reads as follows:

§ 240.363 Sweetening of natural grape wine produced without the use of sugar.

Natural grape wine produced without the use of sugar may be sweetened with concentrated or unconcentrated grape juice, before or after the addition of wine spirits; the only limitation being that the total solids content of the finished wine shall not exceed 21 percent by weight. Any natural grape wine produced without the use of sugar and containing less than 12 percent by weight of total solids, may be sweetened, after removal from fermenters, with pure dry sugar or liquid sugar if the total solids content of the finished wine does not exceed 12 percent by weight and the alcoholic content of the finished wine after sweetening is less than 14 percent by volume: *Provided*, That the use under this section of liquid sugar shall be so limited that the resulting volume will not exceed the volume which could result from the maximum authorized use of pure dry sugar only. The gallons of wine before and after sweetening shall be determined and entered on the record provided for in § 240.908. Where wine is sweetened with pure dry sugar or liquid sugar, show in such record which of those was used.

(72 Stat. 1383, as amended, 1384, as amended, 1387, as amended; 26 U.S.C. 5382, 5383, 5392)

PAR. 14. Section 240.366 is amended to authorize the addition of ameliorating material after fermentation, and to delete the requirement that ameliorating material may be added only in fermenters or intermediate storage. As amended, § 240.366 reads as follows:

§ 240.366 Limitations on amelioration.

In producing wine from grapes or grape juice having a high acid content, there may be added to the juice or to the wine, or both, ameliorating material consisting of either water, pure dry sugar, a combination of water and pure dry sugar, liquid sugar, or invert sugar syrup. The total volume of ameliorating material shall not reduce the natural fixed acid content of the juice and ameliorating material combined to less than five parts per thousand. The acid content shall be determined before fermentation, and calculated as tartaric acid. The volume of ameliorating material shall not exceed 35 percent of the total volume of the ameliorated juice or wine (calculated exclusive of pulp). The ameliorating material may be added before, during, or after fermentation. Where ameliorating material is added after fermentation, the gallons of wine before and after such addition shall be determined and entered on the record provided for in § 240.908. See Subpart XX of this part for tables showing the maximum quantity in gallons of ameliorating material that may be added to each 1,000 gallons of juice (exclusive of pulp) based on the acid expressed in parts per thousand of tartaric acid.

(72 Stat. 1384, as amended; 26 U.S.C. 5383)

PAR. 15. Section 240.367 is amended to delete the requirement that the liquid in fermenters must be reported as wine produced within 30 days after deposit therein or be transferred to intermediate storage, and to require that the quantity of liquid in fermenters at the close of each month shall be reported on Form 702. As amended, § 240.367 reads as follows:

§ 240.367 Record of production.

Upon completion of fermentation and removal from fermenters, the quantity of liquid will be determined accurately and recorded as wine produced. The quantity of liquid in fermenters at the close of each month shall be reported on Form 702 in the part of the form provided specifically therefor.

(72 Stat. 1381, 1384, as amended; 26 U.S.C. 5367, 5383)

PAR. 16. Section 240.368 is amended to prescribe procedures for the sweetening, with juice or sugar, of natural grape wine made with the use of sugar. As amended, § 240.368 reads as follows:

§ 240.368 Sweetening of natural grape wine produced with the use of sugar.

(a) *Use of concentrated or unconcentrated juice.* Any natural grape wine produced with the use of sugar may be sweetened, with concentrated or unconcentrated grape juice, before or after the addition of wine spirits; the only limitation being that the total solids content of the finished wine shall not exceed 21 percent by weight.

(b) *Use of pure dry sugar or liquid sugar.*

(1) Any natural grape wine produced with the use of sugar and containing less than 12 percent by weight of total solids, may be sweetened, after removal from the fermenters, with pure dry sugar or liquid sugar, if the total solids content of the finished wine does not exceed 12 percent by weight and the alcoholic content of the finished wine after sweetening is less than 14 percent by volume: *Provided*, That the use under this subparagraph of liquid sugar shall be limited so that the resulting volume will not exceed the volume which could result from the maximum authorized use of dry sugar only.

(2) Any natural grape wine of a winemaker's own production, produced under the provisions of § 240.365, may be sweetened, after removal from fermenters, with pure dry sugar or liquid sugar: *Provided*, That the total solids content of the finished wine shall not exceed 17 percent by weight if the alcoholic content is 14 percent or more by volume, and shall not exceed 21 percent by weight if the alcoholic content is less than 14 percent by volume: *Provided further*, That the volume of finished wine shall not exceed the volume of the juice from which produced and total allowable ameliorating material by more than 0.0675 gallon per gallon of juice and ameliorating material combined.

(3) Where wine is sweetened under the provisions of either subparagraph (1) or (2) of this paragraph, the gallons of wine before and after sweetening shall be determined and entered on the record provided for in § 240.908. Where wine is sweetened with pure dry sugar or liquid sugar, show in such record which of those was used.

(72 Stat. 1384, as amended; 26 U.S.C. 5383)

§§ 240.369–240.373 [Revoked]

PAR. 17. Sections 240.369, 240.370, 240.371, 240.372, and 240.373 are revoked.

PAR. 18. Section 240.374 is amended to delete the reference to reserve inventory and to prescribe requirements respecting the addition of wine spirits to wine, in general, and to ameliorated wine. As amended, § 240.374 reads as follows:

§ 240.374 General.

Grape wine spirits may be added only to natural grape wine of the proprietor's own production. The wine spirits may be added only in wine spirits addition tanks approved as provided in § 240.198. If the wine has been ameliorated, wine spirits may be added only if the juice or wine contains less than 14 percent of alcohol by volume at the time of such addition, unless wine spirits were previously added. The wine spirits will be procured as provided in Subpart PP of this part and will be added to the wine under the supervision of an internal revenue officer. The proprietor will advise the assistant regional commissioner, or other designated officer, in sufficient time that an internal revenue officer may be assigned. The assistant regional commissioner may permit the addition of wine spirits without supervision.

(72 Stat. 1381, 1382, 1383, as amended, 1384, as amended; 26 U.S.C. 5366, 5373, 5382, 5383)

PAR. 19. Section 240.402 is amended to delete the requirement that the liquid in fermenters must be reported as wine produced within 30 days after deposit therein or be transferred to intermediate storage, and to require that the quantity of liquid in fermenters at the close of each month shall be reported on Form 702. As amended, § 240.402 reads as follows:

§ 240.402 Crushing and fermentation.

Water added at the time of crushing, including that necessary to flush equipment, may not reduce the density of the juice below 22 degrees Brix, in the production of natural fruit wine: *Provided*, That if the total solids content of the juice is less than 23 degrees Brix, water used to flush equipment shall reduce the total solids content of the juice less than 1 degree Brix. (This limitation does not apply where water is used in the production of wine from high acid fruit; however, the limitations stated in § 240.407 are applicable.) Upon removal of wine from fermenters, the quantity of liquid will be determined accurately and recorded as wine produced. The quantity of liquid in fermenters at the close of each month shall be reported on Form 702 in the part of the form provided specifically therefor.

(72 Stat. 1381, 1383, as amended; 26 U.S.C. 5367, 5382)

PAR. 20. Section 240.406 is amended to provide for the production of fruit or berry wine with pure sugar or liquid sugar and to delete the reference to permanent storage. As amended, § 240.406 reads as follows:

§ 240.406 Use of pure dry sugar or liquid sugar.

A winemaker producing wine from fruit or berries, other than grapes, or from mixtures (which may include grapes) of two or more fruits or berries, with the addition of pure dry sugar or liquid sugar, but without water added to reduce acid content, may add such pure dry sugar or liquid sugar to the juice in the fermenters or to the wine after fermentation: *Provided*, That such wine shall have less than 14 percent alcohol by volume after complete fermentation, or after complete fermentation and sweetening, and a total solids content not in excess of 21 percent by weight. The use of liquid sugar under this section shall be limited so that the resultant volume will not exceed the volume which could result from the maximum authorized use of pure dry sugar only. Where pure dry sugar or liquid sugar is added to the juice in the fermenters, the winemaker shall maintain a separate record thereof showing the kind and quantity of juice (exclusive of pulps) deposited in fermenters and the quantity of pure dry sugar or liquid sugar added thereto. Where wine produced as provided in this section is sweetened after complete fermentation with pure dry sugar or liquid sugar, the gallons of wine before and after sweetening shall be determined and entered on the record provided for in § 240.908. After completion of fermentation of the wine, wine spirits may be added thereto in accordance with the provisions of §§ 240.374 through 240.380.

(72 Stat. 1383, as amended, 1385, as amended; 26 U.S.C. 5382, 5384)

PAR 21. Section 240.407 is amended to provide for the amelioration with liquid sugar of wine made from fruit, to authorize amelioration of such wines after fermentation, and to delete the reference to intermediate storage. As amended, § 240.407 reads as follows:

§ 240.407 Limitations on amelioration.

In producing wine from fruit other than grapes, or from mixtures (which may include grapes) of two or more fruits, if not made under § 240.406, the juice may be adjusted to correct for natural deficiencies by adding a sufficient quantity of pure dry sugar or liquid sugar to adjust the juice to a total solids content prior to fermentation of not more than 25 degrees Brix: *Provided*, That the pure dry sugar or liquid sugar so used shall not reduce the natural fixed acid in the corrected juice or wine to less than five parts per thousand: *Provided further*, That, if liquid sugar is so used, the volume of water contained therein shall be deducted from the volume of ameliorating material authorized to be used in the corrected juice or wine. Thereafter, there may be added to the juice or to the wine, or to both, ameliorating material consisting of either water, pure dry sugar, a combination of water and pure dry sugar, liquid sugar, or invert sugar syrup in such total volume as may be necessary to reduce the natural fixed acid content of the mixture of juice and such ameliorating material to a minimum of five parts per thousand. Where it is desired to so reduce the natural fixed acid content and to so adjust the total solids content of juice, the operations may be combined, and the pure dry sugar or liquid sugar for the adjustment of the total solids content may be mixed with the ameliorating material. The acid content shall be determined before fermentation, and calculated as malic acid for apple wine and as citric acid for other fruit wine. The volume of the ameliorating material shall not exceed 35 percent of the total volume of the ameliorated juice or wine (calculated exclusive of pulp), except that in the case of wine made exclusively from loganberries, currents, or gooseberries, the volume limitation shall be 60 percent. In determining the amount of ameliorating material permitted, the volume of the juice obtained after correction with pure dry sugar or liquid sugar within the 25 degrees limitation shall be used as a basis for the calculation. The ameliorating material may be added before, during, or after fermentation. Where ameliorating material is added after fermentation, the gallons of wine before and after such addition shall be determined and entered on the record provided for in § 240.908. See Subpart XX of this part for tables showing the maximum quantity in gallons of ameliorating material that may be added to each 1,000 gallons of juice (exclusive of pulp) based on the acid expressed in parts per thousand.

(72 Stat. 1385, as amended; 26 U.S.C. 5384)

PAR. 22. Section 240.408 is amended to delete the requirement that the liquid in fermenters must be reported as wine produced within 30 days after deposit therein or be transferred to intermediate storage, and to require that the liquid in fermenters at the close of each month shall be reported on Form 702. As amended, § 240.408 reads as follows:

§ 240.408 Record of production.

Upon removal from fermenters, in the production of wine under the provisions of § 240.406 or 240.407, the quantity of liquid will be determined accurately and recorded as wine produced. The quantity of liquid in fermenters at the close of each month shall be reported on Form 702 in the part of the form provided specifically therefor.

(72 Stat. 1381, 1385, as amended; 26 U.S.C. 5367, 5384)

PAR. 23. Section 240.409 is amended to prescribe procedures respecting the sweetening of natural fruit wine produced with the use of sugar. As amended, § 240.409 reads as follows:

§ 240.409 Sweetening of natural fruit wine produced with the use of sugar.

The provisions of § 240.368 respecting the sweetening of natural grape wine produced with the use of sugar shall be applicable to the sweetening of natural fruit wine produced with the use of sugar: *Provided*, That where such wine is sweetened with concentrated or unconcentrated juice, such juice shall be derived from the same kind of fruit: *Provided further*, That where natural fruit wine (other than grape) is sweetened under the provisions of § 240.368(b)(2), the total solids content of the finished wine may exceed 17 percent but shall not exceed 21 percent by weight, whether or not wine spirits have been added. The records required by § 240.368(b)(3), shall be applicable to the sweetening of natural fruit wine.

(72 Stat. 1384, as amended, 1385, as amended; 26 U.S.C. 5383, 5384)

§ 240.410 [Revoked]

PAR. 24. Section 240.410 is revoked.

PAR. 25. Section 240.411 is amended to delete the reference to reserve inventory. As amended, § 240.411 reads as follows:

§ 240.411 Addition of wine spirits.

To fruit wine produced from one kind of fruit under the provisions of § 240.401 or 240.407, wine spirits from the same kind of fruit may be added according to the procedures prescribed in §§ 240.374 through 240.380. Wine spirits may not be added to fruit wine made from mixtures of two or more fruits. Where the proprietor desires to add wine spirits made from the same kind of fruit to juice or concentrated juice, the provisions of §§ 240.382 and 240.383 (relative to the addition of wine spirits to grape juice or concentrated grape juice) shall be followed.

(72 Stat. 1382, 1383, as amended; 26 U.S.C. 5373, 5382)

PAR. 26. Section 240.430 is amended to change the reference to sugar solids of 15 percent by weight to total solids of 17 percent by weight and to delete the reference to reserve inventory. As amended, § 240.430 reads as follows:

§ 240.430 Production.

Specially sweetened natural wine is produced by adding to natural wine (including unfinished natural wine containing 14 percent or more of alcohol) of the proprietor's own production sufficient dry sugar, or juice, or concentrated juice of the same kind of fruit, separately or in combination, so that the finished product has a total solids content in excess of 17 percent by weight, a total solids content not over 35 percent by weight, and an alcohol content less than 14 percent by volume. The containers of unfinished natural wine having an alcohol content of 14 percent or more, held for the production of specially sweetened natural wine, will be marked to show the intended use. Natural wine containing added wine spirits may be used in the production of specially sweetened natural wine; however, wine spirits may not be added to specially sweetened natural wine.

(72 Stat. 1386, as amended; 26 U.S.C. 5385)

PAR. 27. Section 240.443 is amended to delete the reference to reserve inventory and the requirement that the liquid in fermenters must be reported as wine produced within 30 days after deposit therein or be transferred to intermediate storage, and to require that the liquid in fermenters at the close of each month shall be reported on Form 702. As amended, § 240.443 reads as follows:

§ 240.443 Production by fermentation.

If, in the production of special natural wine, the flavoring materials are added before or during fermentation, adequate precautions must be taken to prevent the accidental flavoring of other wine by contamination. Special natural wine made under this section may be ameliorated with pure dry sugar, water, or a combination of pure dry sugar and water, liquid sugar, or invert sugar syrup in the same manner and to the same extent as natural wine made from the same fruit, as provided in Subpart P of this part in the case of grape wine, or Subpart Q of this part in the case of fruit wine. Wine spirits may not be added to special natural wine, except the wine spirits contained in authorized essences made on bonded wine cellar premises as provided in § 240.446, or approved essences made elsewhere. Retsina wine is an example of special natural wine made under this section. Upon removal of the wine from fermenters the quantity of liquid will be determined accurately and recorded as wine produced. The quantity of liquid in fermenters at the close of each month shall be reported on Form 702 in the part of the form provided specifically therefor.

(72 Stat. 1381, 1386; 26 U.S.C. 5367, 5386)

PAR. 28. Sections 240.463 and 240.464 are amended to qualify the maximum solids content as total solids content. As amended, §§ 240.463 and 240.464 read as follows:

§ 240.463 Honey wine.

In the production of wine from honey, a quantity of water may be added to facilitate fermentation, but the density of the mixture of honey and water shall not be reduced below 22 degrees (Brix). Hops may be added in quantities not to exceed one pound for each 1,000 pounds of honey, and pure dry sugar or honey may be added for sweetening. The product shall have an alcohol content less than 14 percent after complete fermentation or complete fermentation and sweetening, and a total solids content not more than 35 degrees (Brix). If the finished wine has a total solids content of more than 21 degrees (Brix), it must be removed under a designation showing that it is unusually sweet.

(72 Stat. 1386, 1387; 26 U.S.C. 5387, 5388)

§ 240.464 Other agricultural products.

In the production of wine from agricultural products other than those specified in §§ 240.462, 240.462, and 240.463, water and pure dry sugar or liquid sugar or invert sugar syrup may be added to the extent necessary to facilitate fermentation: *Provided*, That the total weight of pure dry sugar used for fermentation shall be less than the weight of the primary winemaking material and the density of the mixture prior to fermentation shall not be less than 22 degrees (Brix), if water, or liquid sugar, or invert sugar syrup is used. Additional sugar may be used for sweetening, provided the alcohol content of the finished wine after complete fermentation, or after complete fermentation and sweetening, shall be less than 14 percent by volume and the total solids content shall not be more than 35 degrees (Brix). If the finished wine has a total solids content of more than 21 degrees (Brix), it must be removed under a designation showing that it is unusually sweet.

(72 Stat. 1386, 1387; 26 U.S.C. 5387, 5388)

PAR. 29. Section 240.483 is amended to delete paragraph (b) and redesignate paragraph "(c)" as paragraph "(b)." As amended, § 240.483 reads as follows:

§ 240.483 High fermentation wine.

High fermentation wine is a wine made within the limitations of § 240.365 for grape wine or § 240.405 for fruit wine, except (a) that the alcohol content after complete fermentation or complete fermentation and sweetening is 14 percent or more; and (b) that wine spirits may not be added. While high fermentation wine is not a natural wine or a standard wine, it may be produced, stored, and handled on standard wine premises, subject to appropriate marking or labeling.

(72 Stat. 1381, 1387; 26 U.S.C. 5364, 5388)

PAR. 30. Sections 240.488 and 240.634 are amended to change the reference to "kinds" of sugar to "sugar other than pure sugar". As amended, §§ 240.488 and 240.634 read as follows:

§ 240.488 Other wines.

Except as provided in §§ 240.483, 240.486 and 240.487, wine produced with sugar, water, liquid sugar, or invert sugar syrup beyond the limitations prescribed for standard wine, or wine made with sugar other than pure sugar, may be produced and stored only on premises qualified for that purpose and on which no standard wine is produced or stored. Upon removal, such wine shall be marked or labeled with a designation which will adequately disclose the nature and composition of the wine.

(72 Stat. 1381, 1387; 26 U.S.C. 5364, 5388)

§ 240.634 Marking of containers.

Each container removed, in addition to bearing the marks required by § 240.562, must be plainly marked "For Distilling Material" and show the kind or nature of the material, as standard grape (apple, peach, etc.) wine, or wine lees, raisin wine, etc., in order that the spirits distilled therefrom may be properly marked as to class and type. Where wine made with sugar other than pure sugar, or fermented with sugar in excess of the quantities authorized for a standard wine, is removed for distilling material, the composition of the material must be marked on the containers, and such wine may be transferred only to the production facilities of distilled spirits plants for the production of spirits other than wine spirits or brandy.

(72 Stat. 1364, 1381; 26 U.S.C. 5215, 5368)

§§ 240.906 and 240.907 [Revoked]

PAR. 31. Sections 240.906 and 240.907 are revoked.

PAR. 32. Section 240.908 is amended to delete the reference to wine in reserve. As amended, § 240.908 reads as follows:

§ 240.908 Form 2056, record of still wine.

Each proprietor of a bonded wine cellar who produces or receives still wine, other than distilling material or vinegar stock made with excess water, shall maintain a record of still wine on Form 2056, showing the quantities produced, received, removed, or used in effervescent wine production. A separate Form 2056 shall be maintained for each tax class of still wine. In each tax class, transactions for all still wines (including special natural wine but not including distilling material or vinegar stock) shall be entered on a single record. At the end of each month the totals shown by Form 2056 shall be reported on Form 702.

(72 Stat. 1381; 26 U.S.C. 5367)

PAR. 33. Section 240.914 is amended to delete the requirement for showing tank or lot numbers of wine in which sugar is used and to delete the reference to reserve inventory. As amended, § 240.914 reads as follows:

§ 240.914 Sugar record.

Each proprietor receiving, storing, and using sugar shall keep a separate record of such receipt and use. The record shall show the date of receipt, from whom received, and the kind and quantity. Invoices covering purchases shall be retained in support of this record. When sugar is used for ameliorating or sweetening purposes, the record shall show the date, kind, and quantity used. The sugar record shall also show sugar used in the production of allied products and sugar removed from the premises. At the close of each month the account shall be balanced and the quantity of each kind of sugar remaining on hand shall be shown in such record.

(72 Stat. 1381; 26 U.S.C. 5367)

PAR. 34. A new section, § 240.914a, is added immediately following § 240.914 to prescribe requirements for a record of amelioration. As added, § 240.914a reads as follows:

§ 240.914a Record of amelioration.

(a) *General.* Each proprietor who ameliorates juice or wine shall maintain daily records of such amelioration. Separate records shall be kept for each kind of fruit or berries, including grapes. No form of record is prescribed, but the records maintained shall contain all data necessary to enable internal revenue officers to readily ascertain whether the limitations on amelioration have been complied with. All quantities shall be recorded in gallons, and, where dry sugar is used, the quantity shall be determined either by measuring the increase in volume or by considering that each 13.5 pounds of dry sugar results in a volumetric increase of one gallon. Each separate record shall include the following:

(1) The quantity of juice (exclusive of pulp) deposited in fermenters.

(2) For juice from fruit and berries, other than grapes, the maximum quantity of pure dry sugar or liquid sugar authorized for adjustment, as provided in § 240.407.

(3) The maximum quantity of ameliorating material to which the juice is entitled, as provided in § 240.366 or 240.407, as applicable.

(4) The quantity of ameliorating materials used, including pure dry sugar or liquid sugar used for adjustment of the total solids.

(5) The quantity of ameliorating material authorized but not yet used.

Supporting records shall be maintained showing the basis for entries and calculations, including determination of the natural fixed acid content and total solids content of juice, as applicable. At the close of each month, transactions respecting ameliorating materials including sugar used for adjustment of total solids) shall be summarized, by kind of fruit or berries, including grapes, on Form 702, in the part of the form specifically provided therefor. The records of amelioration shall be maintained on the basis of annual accounting periods, with each period commencing on July 1 of a year and ending on June 30 of the following year: *Provided*, That the record for an accounting period shall be continued after June 30, where the juice or wine included therein is to be held after that date for completion of fermentation or amelioration. When the amelioration of wine included in the record for one accounting period is complete, the record shall be closed and any unused ameliorating material shall not be used. Wines included in the records for different accounting periods shall not be mixed with each other until the amelioration of both wines is complete.

(b) *Variation.* Notwithstanding the provisions of paragraph (a) of this section prohibiting the mixing of wines included in the records for different accounting periods, the assistant regional commissioner may, pursuant to written application, authorize a winemaker to mix such wines, before amelioration of such wines has been completed, when the assistant regional commissioner finds that the winemaker maintains such other records, in addition to those required by paragraph (a) of this section, as are necessary (1) to establish the quantity of unused authorized ameliorating material to which the resultant mixture would be entitled, and (2) to enable internal revenue officers to readily ascertain whether the limitations on amelioration have been complied with. Each application for variation under this paragraph shall be filed in duplicate, shall state the need for the variation, and shall describe the additional records to be maintained.

(72 Stat. 1381, 1385, as amended; 26 U.S.C. 5367, 5384)

PAR. 35. Section 240.915 is amended to delete the reference to Form 2054. As amended, § 240.915 reads as follows:

§ 240.915 Separate record of materials received and used.

Each proprietor producing wine shall maintain a separate record showing the receipt and use or other disposition of basic winemaking materials, such as fruit, juice or concentrated juice. Where juice, concentrated juice, or must is received from a concentrate plant, the record shall also show whether the identical volatile fruit flavor has been restored to such juice, concentrated juice, or must, and further, as to any such concentrated juice, its original density. If volatile fruit-flavor concentrate is received for use in the cellar treatment of natural wine, as authorized in Subpart O of this part, the record shall also show the receipt of such concentrate, the fold of such concentrate, the percent of alcohol by volume contained therein, and the use or other disposition of such concentrate. The record must show the date of receipt, the quantity received, the name and address of the person from whom received, and the date of use or other disposition of the materials. Where materials are received from others, the invoices or commercial papers showing the receipt will be retained in chronological order in support of the record. If materials are received off bonded premises and subsequently transferred to the bonded premises, the record will be maintained only with respect to material received on the bonded premises and will show the date of transfer and quantity transferred, but the invoices or commercial papers covering the purchase of the materials will also be kept available for inspection. Where grapes (other fruit) received on the bonded premises are used in producing juice to be stored for future use or for removal, the record will show the quantities of grapes used and juice produced. Where fruit or juice is used to produce concentrated juice the record will show the quantity of fruit or juice used and the quantity of concentrated juice produced. The record must also show the use or other disposition of the juice or concentrated juice produced. At the close of each month the materials account will be balanced and the totals reported on Form 702.

(72 Stat. 1381; 26 U.S.C. 5367)

PAR. 36. The undesigned center heading immediately preceding § 240.972 is amended to read "Determination of Total Solids".

PAR. 37. Section 240.975 and its heading are amended to delete "and sugar solids" from the heading and the procedure for determining sugar solids from the text. As amended, § 240.975 reads as follows:

§ 240.975 Total solids in wine.

Total solids content of wine means the degrees Brix of the dealcoholized wine, and is approximately equal to the percent of solids by weight in the dealcoholized wine. The total solids may be determined by dealcoholizing a measured volume of wine, restoring to the original volume with water, and determining the degrees Brix of this solution according to the instructions in §§ 240.972 to 240.974.

PAR. 38. The undesignated center heading immediately preceding § 240.976 is amended to read "Use of Pure Dry Sugar or Liquid Sugar to Correct Juice (Other Than Grape) to 25 Degrees Brix".

PAR. 39. Sections 240.976 and 240.978 are amended to include the use of other pure dry sugars having a dextrose equivalent of 95 percent on a dry basis. As amended, §§ 240.976 and 240.978 read as follows:

§ 240.976 Instructions respecting the use of pure dry sugar.

Section 240.978 (Table IV) shows the pounds of pure dry sugar required to raise the total solids content of 1 gallon of juice to 25 degrees Brix with commercial dextrose (1 molecule of water of crystallization), cane or beet sugar, or other pure dry sugars having a dextrose equivalent of not less than 95 percent on a dry basis. This table shall be used in determining the quantity of pure dry sugar that may be added to fruit and berry juice to correct natural deficiencies in the juice.

§ 240.978 Table IV, showing pounds of sugar required to raise 1 gallon of juice to 25 degrees Brix and the resultant gallonage.

Table IV shows the pounds of cane or beet sugar and the pounds of commercial dextrose required to raise 1 gallon of juice to 25 degrees Brix, and the resultant gallonage. Where other pure dry sugars having a dextrose equivalent of not less than 95 percent on a dry basis are used, the pounds of commercial dextrose required to raise 1 gallon of juice to 25 degrees Brix shall be used to determine the pounds of such other pure dry sugars required to raise 1 gallon of juice to 25 degrees Brix.

TABLE IV

Brix of juice	Pounds cane or beet sugar	Resultant gallonage	Pounds commercial dextrose	Resultant gallonage
0	2.7760	1.2069	3.3625	1.2625
25	0	1.0000	0	1.0000

PAR. 40. New sections, §§ 240.978a, 240.978b, 240.978c, are added immediately following § 240.978 to provide, respectively, instructions, formula, and table, with respect to the use of liquid sugar for correction of natural deficiencies in juice of fruit or berries. As added, §§ 240.978a, 240.978b, and 240.978c read as follows:

§ 240.978a Instructions respecting the use of liquid sugar.

Section 240.978c (Table IVa) shows the specific gravity and pounds per gallon for various degrees of Brix, and the pounds of sugar per gallon and the water per gallon for various degrees ranging from 60 to 90 degrees of Brix. This table may be used with the formula prescribed in § 240.978b for determining the quantity of liquid sugar (sucrose solution) of any degrees of Brix required to correct natural deficiencies in the juice of fruit or berries. This table also may be, but it is not required to be, used with the formula prescribed in § 240.978b for determining the quantity of liquid sugar, other than sucrose solution, required to correct natural deficiencies in the juice of fruit or berries.

§ 240.978b Formula for determining the required quantity of liquid sugar to correct natural deficiencies in the juice of fruit or berries.

(a) *Formula.* The pounds of liquid sugar of any degree of Brix required to raise the degrees of Brix in 1 gallon of juice to the desired degrees of Brix shall be determined by the following formula:

$$X=\frac{W(C-A)}{(B-C)}$$

where:

A = the Brix of the juice before correction;
B = the Brix of the liquid sugar to be used;
C = the desired Brix of the juice after correction;
W = the weight per gallon of the juice before correction; and
X = the pounds of liquid sugar to be added per gallon of juice to be corrected.

(b) *Example of use of formula.* Find the quantity of liquid sugar of 60 degrees Brix required to raise the total solids content of 500 gallons of juice from 12 degrees Brix to 25 degrees Brix.

(1) $A=0.12$
$B=0.60$
$C=0.25$
$W=8.72443$ (weight from Table IVa)

$$X=\frac{8.72443(0.25-0.12)}{(0.60-0.25)}$$

$=3.2405$ lbs. liquid sugar;

thus

(2) 3.2405×500 gallons juice $=1620.25$ lbs. liquid sugar; or

(3) $\frac{1620.25}{10.725278}$ (weight of liquid sugar at 60° Brix, Table IVa)

$=151.05$ gallons of liquid sugar.

§ 240.978c Table IVa, showing specific gravity and weight of 1 gallon of sucrose solution at 15.56° C. corresponding to degrees of Brix, and the pounds of sugar per gallon and gallons of water per gallon for 60 through 90 degrees of Brix.

TABLE IVa

Degrees Brix	Specific gravity [1]	Pounds per gallon	Sugar per gallon (lb.)	Water per gallon (gal.)
0	1.000000	8.32823		
1	1.003184	8.35475		
2	1.007083	8.38722		
3	1.011007	8.41990		
4	1.014958	8.45280		
5	1.018935	8.48592		
6	1.022940	8.51928		
7	1.026974	8.55288		
8	1.031036	8.58670		
9	1.035127	8.62078		
10	1.039246	8.65508		
11	1.043395	8.68963		
12	1.047573	8.72443		
13	1.051781	8.75947		
14	1.056020	8.79478		
15	1.060290	8.83034		
16	1.064589	8.86614		
17	1.068923	8.90224		
18	1.073286	8.93857		
19	1.077680	8.97517		
20	1.082107	9.01204		
21	1.086567	9.04918		
22	1.091058	9.08658		
23	1.095582	9.12426		
24	1.100138	9.16220		
25	1.104729	9.20044		
60	1.287822	10.725278	6.4352	0.51513
61	1.293726	10.774488	6.5724	.50455
62	1.299670	10.823951	6.7108	.49387
63	1.305652	10.873770	6.8505	.48309
64	1.311674	10.923923	6.9913	.47220
65	1.317732	10.974375	7.1333	.46121
66	1.323829	11.025152	7.2766	.45010
67	1.329965	11.076254	7.4211	.43889
68	1.336139	11.127673	7.5668	.42756
69	1.342352	11.179416	7.7138	.41613
70	1.348605	11.231493	7.8620	.40458
71	1.354893	11.283860	8.0115	.39292
72	1.361222	11.336570	8.1623	.38114
73	1.367590	11.389604	8.3144	.36925
74	1.373994	11.442938	8.4678	.35724
75	1.380435	11.496580	8.6224	.34512
76	1.386917	11.550564	8.7784	.33286
77	1.393434	11.604839	8.9357	.32049
78	1.399990	11.659439	9.0944	.30800

TABLE IVa—Continued

Degrees Brix	Specific gravity [1]	Pounds per gallon	Sugar per gallon (lb.)	Water per gallon (gal.)
79	1.406583	11.714347	9.2543	.29536
80	1.413214	11.769571	9.4157	.28264
81	1.419880	11.825087	9.5783	.26978
82	1.426585	11.880928	9.7424	.25679
83	1.433327	11.937077	9.9078	.24367
84	1.440106	11.993534	10.0746	.23042
85	1.446923	12.050308	10.2428	.21704
86	1.453774	12.107364	10.4123	.20353
87	1.460664	12.164746	10.5833	.18989
88	1.467589	12.222419	10.7557	.17611
89	1.474550	12.280392	10.9295	.16220
90	1.481547	12.338664	11.1048	.14815

[1] Specific gravity of a sucrose solution at 15.56°/15.56° C., calculated from Table 12 of Bureau of Standards Circular No. 19 with use of the factors given in Table 28 thereof.

[F.R. Doc. 65-13064; Filed, Dec. 6, 1965; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 907]

NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Expenses and Rate of Assessment for 1965–66 Fiscal Year

Consideration is being given to the following proposals submitted by the Navel Orange Administrative Committee, established under Marketing Agreement No. 117, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof: (1) That the expenses that are reasonable and likely to be incurred by the Navel Orange Administrative Committee during the period from November 1, 1965, through October 31, 1966, will amount to $290,000 and (2) that there be fixed, at $0.01 per carton of oranges, the rate of assessment payable by each handler in accordance with § 907.41 of the aforesaid marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file same in quadruplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than the 10th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: December 2, 1965.

PAUL A. NICHOLSON,
Deputy director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-13077; Filed, Dec. 6, 1965; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 240, 249]

[Release No. 34-7756]

WITHDRAWAL FROM REGISTRATION

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to amend its Rule 15b6-1 (17 CFR § 240.15b6-1) under the Securities Exchange Act of 1934 (Exchange Act) to require that notice of withdrawal from registration as a broker-dealer be filed on a new form to be designated Form BDW (17 CFR § 249.501a) in accordance with the instructions thereon. The amendment would also provide for a 60 day waiting period between the filing date and the effective date unless acceleration is granted or proceedings pursuant to section 15(b) of the Act are pending or are instituted, in which event the notice of withdrawal would not become effective except at such time and upon such terms and conditions as the Commission deems necessary or appropriate in the public interest or for the protection of investors. This action would be taken under the Exchange Act, particularly sections 15(b), 17(a), and 23(a) thereof.

Form BDW (17 CFR § 249.501a) would require the broker-dealer seeking to withdraw from registration to furnish specified information: (a) Whether he owes any money or securities to any customer, broker, or dealer, and if he does, the amount involved and the arrangements made for payment (in this case he would also have to furnish a current report of financial condition); (b) whether he is involved in any actions or proceedings and whether there are any unsatisfied judgments or liens against him; (c) the name and address of the person who will have custody or possession of his books and records required to be preserved under Rule 17a-4 (17 CFR § 240.17a-4); and (d) the address where such books and records will be located. This information will help the Commission to determine whether it is necessary in the public interest or for the protection of investors, particularly customers of the broker-dealer, to impose terms and conditions on the withdrawal of registration. Section 15(b) of the Act provides that the Commission may impose such terms and conditions as it deems necessary for such purpose.

The Form BDW would also contain a consent by the withdrawing broker-dealer to make the books and records he is required to preserve by Rule 17a-4 (17 CFR § 240.17a-4) available for examination by authorized members of the Commission's staff and an authorization to the custodian of such books and records to make them so available.

At the present time, Rule 15b6-1 (17 CFR § 240.15b6-1) provides that a notice of withdrawal will become effective on the 30th day after filing unless proceedings to revoke or suspend are pending, or the Commission, within the 30 day period, institutes proceedings. It has been found that 30 days are not sufficient to complete an investigation if one is required, and to institute proceedings in appropriate cases. It is believed that the proposed amendments will enable the Commission to carry out its responsibilities under the Exchange Act more effectively in the public interest and for the protection of investors.

The text of the proposed rule would be substantially as follows:

§ 240.15b6-1 Withdrawal from registration.

(a) Notice of withdrawal from registration as a broker or dealer pursuant to section 15(b) shall be filed on Form BDW in accordance with the instructions contained therein.

(b) Except as hereinafter provided, a notice to withdraw from registration filed by a broker or dealer pursuant to section 15(b) shall become effective on the 60th day after the filing thereof with the Commission or within such shorter period of time as the Commission may determine. If a notice to withdraw from registration is filed with the Commission at any time subsequent to the date of the issuance of a Commission order instituting proceedings pursuant to section 15(b) to censure, suspend, or revoke the registration of such broker or dealer, or if prior to the effective date of the notice of withdrawal the Commission institutes such a proceeding or a proceeding to impose terms or conditions upon such withdrawal, the notice of withdrawal shall not become effective except at such time and upon such terms and conditions as the Commission deems necessary or appropriate in the public interest or for the protection of investors.

(c) Every notice of withdrawal filed pursuant to this section shall constitute a "report" within the meaning of sections 15(b) and 17(a) and other applicable provisions of the Act.

(Secs. 15(b), 17(a), 23(a); 48 Stat. 895, 897, 901, as amended; 15 U.S.C. 78o, 78q, 78w)

In connection with proposed Rule 15b6-1 (17 CFR § 240.15b6-1), it is proposed that Subpart F of Part 249 of Chapter II of Title 17 of the Code of Federal Regulations by adding § 249.501a, as follows:

§ 249.501a Form BDW, Notice of withdrawal from registration as broker-dealer pursuant to § 240.15b6-1.

(Copies of this form have been filed with the original of this document. Additional copies can be obtained from the Securities and Exchange Commission, Washington, D.C., 20549.)

(Secs. 15(b), 17(a), 23(a); 48 Stat. 895, 897, 901, as amended; 15 U.S.C. 78o, 78q, 78w)

All interested persons are invited to submit their views and comments on the proposed amendments and form, in writing, to the Securities and Exchange Commission, Washington, D.C., 20549, on or before December 21, 1965. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

NOVEMBER 30, 1965.

[F.R. Doc. 65-13051; Filed, Dec. 6, 1965; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 121, 130, 144]

EDIBLE PRODUCTS OF ANIMALS TREATED WITH EXPERIMENTAL DRUGS, ANTIBIOTICS, FOOD ADDITIVES; VETERINARY NEW DRUGS FOR INVESTIGATIONAL USE

Revised Proposals Based on Comments on Prior Notices

In the matter of amending the new-drug regulations to prescribe conditions under which new drugs for use in animals may be distributed for laboratory or clinical testing and exempted for investigational use and prescribing conditions regulating the use for food purposes of edible products from test animals:

The comments received in response to the notices of proposed rule making in the above-identified matter published in the FEDERAL REGISTER of June 19, 1964 (29 F.R. 7823, 7824), have been studied, and the Commissioner of Food and Drugs pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (secs. 409, 505, 701(a), 52 Stat. 1052 as amended, 1055; 72 Stat. 1785; 21 U.S.C. 348, 355, 371(a)), and delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 2.90), has concluded that revised proposals should be published, as follows:

1. It is proposed to revise § 121.75 to read as follows:

§ 121.75 Exemption for investigational use and procedure for obtaining authorization to market edible products from experimental animals.

A food additive, including one that is a new drug or antibiotic, or foods containing such a food additive, intended for investigational use by qualified experts shall be exempt from the requirements of section 409 of the act under the following conditions:

(a) If intended for investigational use in vitro or with laboratory research animals, it bears a label which states prominently, in addition to other information required by the act:

Caution—Contains a new food additive (or new drug, or antibiotic). For investigational use only. Not for use in humans. To be used only for feeding or treating laboratory research animals, or for tests in vitro.

(b) If intended for clinical investigational use in animals other than laboratory research animals, and the edible products of the animals are to be marketed as food, permission for the marketing of the edible products as food

has been requested by the sponsor, and authorization has been granted by the Food and Drug Administration in accordance with § 130.3a of this chapter, or by the Department of Agriculture in accordance with § 309.20 of Title 9, Code of Federal Regulations, and it bears a label which states prominently, in addition to other information required by the act:

Caution—Contains a new food additive (or new drug, or antibiotic). For investigational use only. Not for use in humans. To be used only for feeding or treating experimental animals in clinical trials.

Caution—Edible products of experimental animals are not be used for food unless authorization has been granted by the U.S. Food and Drug Administration in accordance with § 130.3a of Title 21 of the Code of Federal Regulations, or by the U.S. Department of Agriculture in accordance with § 309.20 of Title 9, Code of Federal Regulations.

2. It is proposed to amend § 130.1 by adding the following new paragraphs:

§ 130.1 Definitions and interpretations.

• • • • •

(i) "Animals used only for laboratory research" and "laboratory research animals" mean animals of any species used solely for laboratory research purposes, and does not include animals used for any food purposes or animals intended to be kept as domestic pets or livestock.

(j) The term "sponsor" means the person or agency who assumes responsibility for an investigation of a new drug, including responsibility for compliance with applicable provisions of the act and regulations. The "sponsor" may be an individual, partnership, corporation, or Government agency and may be a manufacturer, scientific institution, or an investigator regularly and lawfully engaged in the investigation of new drugs.

3. It is proposed to amend § 130.3 in the following respects:

a. By changing the section heading to read:

§ 130.3 New drugs for investigational use in human beings; exemptions from section 505(a).

b. By revoking paragraph (f), which is reserved.

4. It is proposed to amend Part 130 by adding the following new section:

§ 130.3a New drugs for investigational use in animals; exemptions from section 505(a).

(a) *New drugs for tests in vitro and in laboratory research animals.* (1) A shipment or other delivery of a new drug intended solely for tests in vitro or in animals used only for laboratory research purposes shall be exempt from section 505(a) of the act if it is labeled as follows:

Caution—Contains a new drug. For investigational use only. Not for use in humans. To be used only for feeding or treating laboratory research animals, or for tests in vitro.

(2) The person or firm shipping new drugs for tests in vitro or in animals used only for laboratory research purposes under this exemption shall use due diligence to assure that the consignee is regularly engaged in conducting such tests and that the shipment of the new drug will actually be used for tests in vitro or in animals used only for laboratory research.

(3) The person who introduced such shipment or who delivered the drug for introduction into interstate commerce shall maintain adequate records showing the name and post-office address of the expert to whom the drug is shipped, date, quantity, and batch or code mark of each shipment and delivery for a period of 2 years after such shipment and delivery. Upon the request of a properly authorized employee of the Department at reasonable times, he shall make such records available for inspection and copying.

(4) The exemption allowed in this paragraph shall not apply to any new drug intended for in vitro use in the regular course of diagnosing or treating disease, including antibacterial sensitivity discs impregnated with any new drug or drugs, which discs are intended for use in determining susceptibility of microorganisms to the new drug or drugs.

(b) *New drugs for clinical investigation in animals.* A shipment or other delivery of a new drug intended for clinical investigational use in animals shall be exempt from section 505(a) of the act if all the following conditions are met:

(1) The label shall bear the statements:

Caution—Contains a new drug. For investigational use only. Not for use in humans. To be used only for feeding or treating experimental animals in clinical trials.

Caution—Edible products of experimental animals are not to be used for food unless authorization has been granted by the U.S. Food and Drug Administration in accordance with § 130.3a of Title 21 of the Code of Federal Regulations, or by the U.S. Department of Agriculture in accordance with § 309.20 of Title 9, Code of Federal Regulations.

(2) The person or firm shipping the new drug shall use due diligence to assure that the drug will actually be used for tests in animals and not in humans.

(3) The person who introduced such shipment or who delivered the drug for introduction into interstate commerce shall maintain adequate records showing the name and post-office address of the investigator to whom the drug is shipped, date, quantity, and batch or code mark of each shipment and delivery for a period of 2 years after such shipment and delivery. Upon the request of a properly authorized employee of the Department at reasonable times such records shall be made available for inspection and copying.

(4) Prior to the shipment of the drug for clinical tests in animals, the sponsor of the investigation shall submit in triplicate to the Food and Drug Administration a signed statement containing the following information:

(i) The identity of the drug.

(ii) All labeling and other pertinent information to be supplied to the investigators.

(iii) The name and address of each clinical investigator.

(iv) The approximate number of animals to be treated (or if not available, the amount of drug to be shipped).

(v) If the drug is given to food-producing animals, the application or a supplemental statement shall contain the following additional information:

(*a*) A commitment that the edible products from such animals shall not be used for food without prior authorization in accordance with § 121.75 of this chapter, from the Commissioner of Food and Drugs.

(*b*) Approximate dates of the beginning and end of the experiment or series of experiments.

(*c*) The method and duration of administration, including the dosage form of the drug, and proposed withdrawal time, if any.

(5) Authorization for use of edible products derived from a treated food-producing animal may be granted under the provisions of § 121.75 of this chapter when the following specified conditions are met, except that in the case of an animal administered any unlicensed experimental veterinary biological product regulated under the viruses, serums, toxins statute (21 U.S.C., Chapter V, sec. 151 et seq.) the product shall be exempt from the requirements of this section and § 121.75 when U.S. Department of Agriculture approval has been obtained as provided in § 103.2 of Title 9, Code of Federal Regulations. Information required for authorization shall include, in addition to all other requirements of this section, the following:

(i) Data to show that consumption of edible products that may contain drug residues or their metabolites will not be inconsistent with the public health; or

(ii) Data to show that food derived from such animals does not contain drug residues or their metabolites.

(iii) The name and location of the packing plant where the animals will be processed, except that this requirement may be waived, on request, by the terms of the authorization.

(6) On written request of the Food and Drug Administration, the sponsor shall submit any additional information with respect to the investigation deemed necessary to facilitate a determination of whether there are grounds in the interest of public health for terminating the exemption.

(7) The sponsor shall assure himself that the drug is shipped only to investigators who:

(i) Are qualified by scientific training and/or experience to evaluate the safety and/or effectiveness of the drug.

(ii) Shall maintain complete records of the investigations.

(iii) Shall furnish adequate and timely reports of the investigation to the sponsor.

(8) The sponsor:

(i) Shall retain all reports received from investigators for 2 years after the termination of the investigation or approval of a new-drug application and make such reports available to a duly authorized employee of the Department for inspection at all reasonable times.

(ii) Shall provide for current monitoring of the investigation by a person qualified by scientific training and experience to evaluate information obtained from the investigation, and shall promptly investigate and report to the Food and Drug Administration and to all investigators any findings associated with use of the drug that may suggest significant hazards pertinent to the safety of the drug.

(iii) Shall not unduly prolong distribution of the drug for investigational use.

(iv) Shall not, nor shall any person acting for or on behalf of the sponsor, represent that the drug is safe or effective for the purposes for which it is under investigation. This requirement is not intended to restrict the full exchange of scientific information.

(v) Shall not commercially distribute nor test-market the drug until a new-drug application is approved pursuant to section 505(c) of the act.

(9) If the shipment or other delivery of the new drug is imported or offered for importation into the United States for clinical investigational use in animals, it shall also meet the following conditions:

(i) The importer of all such shipments or deliveries is an agent of the foreign exporter residing in the United States or the ultimate consignee, which person has, prior to such shipments and deliveries, informed the Food and Drug Administration of his intention to import the new drug as sponsor in compliance with the conditions prescribed in this subdivision; or

(ii) The drug is shipped directly to a scientific institution with adequate facilities and qualified personnel to conduct laboratory or clinical investigations and is intended solely for use in such institutions and which institution has submitted a statement as sponsor of the investigation.

(10) If the Commissioner of Food and Drugs finds that:

(i) The sponsor of the investigation has failed to comply with any of the conditions for the exemption established in this subsection; or

(ii) The continuance of the investigation is unsafe or otherwise contrary to the public interest or the drug is used for purposes other than bona fide scientific investigation;

He shall notify the sponsor and invite his immediate correction. A conference will be arranged if requested. If the conditions of the exemption are not immediately met, the Commissioner shall notify the sponsor of the termination of the exemption and the sponsor shall recall or have destroyed the unused supplies of the drug.

(11) Where drugs were under clinical trial on or after the effective date of this section, the sponsor shall, within 120 days after such effective date, submit to the Food and Drug Administration the signed statement described in subparagraph (4) of this paragraph or a statement explaining why the investigation has been discontinued.

§ 144.8 [Amended]

5. It is proposed to amend § 144.8 by changing the citation "§ 130.3" to read "§ 130.3 or § 130.3a" in both places at which it occurs.

The Commissioner hereby offers an opportunity to any interested person to submit views and comments on this proposal within 60 days from the date of its publication in the FEDERAL REGISTER. Views and comments on this new proposal should be submitted, preferably in quintuplicate, to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, and may be accompanied by a memorandum or brief in support thereof.

Dated: November 26, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-13071; Filed, Dec. 6, 1965; 8:47 a.m.]

Office of Education

[45 CFR Part 170]

FEDERAL SHARE OF COST OF PROJECTS FOR PUBLIC COMMUNITY COLLEGES AND PUBLIC TECHNICAL INSTITUTES

Basic Criteria; Notice of Proposed Rule Making

Heretofore, the Federal share of the development cost of projects under Title I of the Higher Education Facilities Act of 1963 for public community colleges and public technical institutes was fixed by the Act at 40 percent, as reflected by the provisions of § 170.16(a) of the Federal Regulations covering the administration of the program (45 CFR Part 170). However, under recent amendments to the Higher Education Facilities Act (effected by the Higher Education Act of 1965 (P.L. 89-329)), the Act now provides that Federal share of the development cost of such projects shall not exceed 40 percent of such cost, but may be less than 40 percent of such cost. Unless a uniform statewide Federal share is provided for in the State plan, such plan must include objective standards and methods for determining the Federal share of the cost of such projects. Such standards and methods must, under the Act, conform to the basic criteria prescribed by the Commissioner by regulation.

Accordingly, pursuant to section 4 of the Administrative Procedures Act (5 U.S.C. 1003), notice is hereby given in accordance with such section that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to prescribe by regulation that the criteria to which State plan provisions for determining the Federal share of the cost of projects for public community colleges and public technical institutes must conform will be the same criteria to which State plan provisions for determining the Federal share of the cost of projects for institutions of higher education other than public community colleges and public technical institutes must, by regulation, now conform.

The following regulation, proposed to be issued pursuant to section 107 of the Act, would, by replacing § 170.16 of the current regulations, accomplish this end.

§ 170.16 Criteria for standards and methods to determine Federal shares of eligible projects.

(a) Unless the Federal share is specified in the State plan as a uniform percentage of the costs eligible for Federal financial participation, the State plan shall prescribe the standards and methods in accordance with which the State commission shall determine the Federal share of such costs, but in no event may the Federal share with respect to construction projects for public community colleges and public technical institutes exceed 40 percent, or the Federal share of any project with respect to an institution of higher education other than a public community college or public technical institute exceed 33⅓ percent, of such cost.

(b) Standards and methods for determining the Federal share pursuant to paragraph (a) of this section: (1) Must be objective and simple to apply; (2) may involve the use only of data which are to be submitted on the application form prescribed by the Commissioner, required by the State commission to be submitted in connection with the filing of an application, or contained in reports or publications readily available to the State commission and the institutions of higher education within the State; (3) must be such as will enable an applicant to calculate in advance (on the assumption that sufficient funds will be available to cover all applications) the estimated Federal share which the State commission will certify to the Commissioner if it recommends the project for a Federal grant; and (4) must be consistent with the criteria published by the Commissioner with respect to the determination of relative priorities among projects and be promotive of the purposes of the Act.

Prior to official adoption of the proposed criteria for standards and methods for determining the Federal share of projects for public community colleges and public technical institutes, consideration will be given to any written data, views or arguments pertaining thereto which are filed with the Commissioner of Education, U.S. Department of Health, Education, and Welfare, Office of Education, Washington, D.C., within 20 days from the date of publication of this notice.

Dated: November 17, 1965.

[SEAL] HENRY LOOMIS,
Acting Commissioner of Education.

Approved: December 1, 1965.

JOHN W. GARDNER,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 65-13069; Filed, Dec. 6, 1965; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[Antidumping—AA 643.3–H]

CAST IRON SOIL PIPE FROM POLAND

Antidumping Proceeding Notice

DECEMBER 1, 1965.

On November 3, 1965, the Commissioner of Customs received information in proper form pursuant to the provisions of § 14.6(b) of the customs regulations indicating a possibility that cast iron soil pipe and fittings for cast iron soil pipe imported from Poland are being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

Ordinarily, merchandise is considered to be sold at less than fair value when the net, f.o.b. factory price for exportation to the United States is less than the net, f.o.b. factory price to purchasers in the home market, or, where appropriate, to purchasers in other countries, after due allowance is made, for differences in quantity and circumstances of sale.

A summary of the information received is as follows:

The net price for export to the United States for cast iron soil pipe and fittings for cast iron soil pipe from Poland is substantially lower than the net price for the same type of cast iron soil pipe and fittings from noncontrolled economy countries, suggesting a possibility of sales at less than fair value within the meaning of the Antidumping Act.

In order to establish the validity of the information, the Bureau of Customs is instituting an inquiry pursuant to the provisions of § 14.6(d) (1) (ii), (2) and (3) of the customs regulations.

The information was submitted by the Cast Iron Soil Pipe Institute, Washington, D.C.

This notice is published pursuant to § 14.6(d) (1) (i) of the customs regulations (19 CFR 14.6(d) (1) (i)).

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 65–13065; Filed, Dec. 6, 1965; 8:47 a.m.]

Office of the Secretary

INTEREST EQUALIZATION TAX

President's Intention To Terminate Less Developed Country Designation of Certain Countries

The President has authorized me to state that it is his intention to notify the Senate and House of Representatives on or shortly after January 10, 1966, of his intention to terminate the designation of certain countries as less developed countries for purposes of the Interest Equalization Tax.

Pursuant to section 4916 of the Internal Revenue Code of 1954 and Executive Order Numbered 11224 dated May 14, 1965, certain countries have been designated as less developed countries for purposes of the Interest Equalization Tax. Subsection (b) of section 4916 provides that the President shall not terminate the designation of any country as a less developed country unless, at least 30 days before such termination, he has notified the Senate and the House of Representatives of his intention to terminate such designation.

In accordance with subsection (b) of section 4916 of the Internal Revenue Code, the President intends to issue an Executive order which will have the effect of terminating the designation of the following as less developed countries for purposes of the Interest Equalization Tax:

Abu Dhabi.	Kuwait—Saudi Arabia Neutral Zone.
Bahrain.	Libya.
Indonesia.	Qatar.
Iran.	Saudi Arabia.
Iraq.	

Such Executive order will apply to all acquisitions of stock or debt obligations made on or after the date of its filing with the Federal Register, unless made pursuant to a fixed commitment which was undertaken prior to December 7, 1965. Acquisitions made pursuant to such fixed commitments will retain their present right to be excluded from the Interest Equalization Tax.

[SEAL] HENRY H. FOWLER,
Secretary of the Treasury.

[F.R. Doc. 65–13168; Filed, Dec. 6, 1965; 11:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

HERCULES POWDER CO.

Notice of Filing of Petition for Food Additive Modified Polyacrylamide Resin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5A1607) has been filed by Hercules Powder Co., 910 Market Street, Wilmington, Del., 19899, proposing the issuance of a regulation to provide for the safe use of a modified polyacrylamide resin, containing less than 0.2 percent residual acrylamide, manufactured by the copolymerization of acrylamide with not more than 5 mole percent β-methacrylyloxyethyltrimethylammonium methyl sulfate as a flocculant in the clarification of beet sugar juice or cane sugar juice.

Dated: November 29, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65–13073; Filed, Dec. 6, 1965; 8:47 a.m.]

CAV. GEOM. V. NINO FORNACIARI

Notice of Filing of Petition Regarding Color Additive Grape Skin Extract

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(d), 74 Stat. 403; 21 U.S.C. 376(d)), notice is given that a petition (CAP 25) has been filed by Cav. Geom. V. Nino Fornaciari, Milano, Italy, c/o Mr. Arthur A. Vioni, Attorney, 99 Joralemon Street, Brooklyn, N.Y., 11201, proposing the issuance of a regulation to provide for the safe use and exemption from certification of grape skin extract (enocianina) as a color for still and carbonated drinks and ades, beverage bases, and alcoholic beverages.

Dated: November 29, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65–13072; Filed, Dec. 6, 1965; 8:47 a.m.]

HESS & CLARK, DIVISION OF RICHARDSON-MERRELL, INC.

Notice of Filing of Petition for Food Additives Furazolidone and Low-Level Antibiotics

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5C1579) has been filed by Hess & Clark, Division of Richardson-Merrell, Inc., Ashland, Ohio, 44805, proposing that § 121.255 *Furazolidone* be amended to provide for the safe use of furazolidone with low-level antibiotics in swine feed by redesignating item 3 in the table in paragraph (c) as item 4 and changing item 2 to items 2 and 3, as follows:

FURAZOLIDONE IN ANIMAL FEED

Principal ingredient	Grams per ton	Combined with	Grams per ton	Limitations	Indications for use
...	...	...	...	...	...
2. Furazolidone	100			For swine, as follows: 100 grams per ton; feed no less than 5 weeks.	Maintenance of weight gain and feed efficiency in the presence of bacterial enteritis, (neocrotic enteritis, necro) in swine; for growth promotion while on medication.
a. Furazolidone.	100	Bacitracin	10–50	As bacitracin, bacitracin methylene disalicylate, zinc bacitracin, or manganese bacitracin.	Growth promotion and feed efficiency.
b. Furazolidone.	100	Chlortetracycline	10–50	As chlortetracycline hydrochloride.	Do.
c. Furazolidone.	100	Penicillin	10–15	As procaine penicillin	Do.
d. Furazolidone.	100	Penicillin plus streptomycin.	9–50	Not less than 1.5 grams of penicillin and not less than 7.5 grams of streptomycin.	Do.
3. Furazolidone	150–200			For swine, as follows: 150 gm. per ton for 3 weeks, or 200 gm. per ton for 2 weeks.	Prevention of bacterial enteritis (necrotic enteritis, necro) and vibrionic (bloody) dysentery; growth promotion while on medication.
4. ...	...	...	...	...	...

Dated: November 29, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65–13074; Filed, Dec. 6, 1965; 8:47 a.m.]

TENNECO CHEMICALS, INC., NEWPORT DIVISION

Notice of Filing of Petition for Food Additive Chewing Gum Base

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 6A1819) has been filed by Tenneco Chemicals, Inc., Newport Division, Post Office Drawer 911, Pensacola, Fla., 32502, proposing that § 121.1059 *Chewing gum base* be amended to provide for the safe use of synthetic terpene resins consisting of polymers of α-pinene or dipentene as plasticizing materials in chewing gum base.

Dated: November 29, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65–13075; Filed, Dec. 6, 1965; 8:47 a.m.]

Office of the Secretary

PUBLIC HEALTH SERVICE

Statement of Organization and Delegations of Authority

The Statement of Organization and Delegations of Authority of the Department of Health, Education, and Welfare (22 F.R. 1245, as amended by 28 F.R. 10433, 10688, 11647, and 13374, 29 F.R. 12482 and 18182, and 30 F.R. 7296), is hereby amended as follows:

Section 4.20, paragraph b, is amended by adding a new subparagraph as follows:

(19) The functions vested in the Secretary by sections 204, 205, 206, 207, and 209 of the Solid Waste Disposal Act, P.L. 89–272.

[SEAL] JOHN W. GARDNER,
Secretary, Department of Health, Education, and Welfare.

DECEMBER 1, 1965.

[F.R. Doc. 65–13078; Filed, Dec. 6, 1965; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Riverside 07049]

CALIFORNIA

Order Opening Lands to Entry and Patenting

NOVEMBER 29, 1965.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended (43 U.S.C. 315g), the following described lands have been reconveyed to the United States:

SAN BERNARDINO MERIDIAN

T. 15½ N., R. 16 E.,
Sec. 36, All.
T. 15 N., R. 17 E.,
Sec. 16, All.

The areas described aggregate 1280 acres.

2. The lands are situated in the desert region of northeastern San Bernardino County, about 1½ miles from the Nevada State line. Sections 36 and 16 are located approximately 3 and 14 miles, respectively, south of the town of Nipton to Searchlight Highway. Access to both sections is not readily accessible by road except by four-wheel drive vehicles.

Both sections are located within a large block of public lands designated as a retention area and are similar in character to surrounding lands suitable primarily for grazing and open space. Vegetation consists of low growing desert shrubs and annual grasses. Topography is mountainous. All mineral rights have been reserved to the State of California.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands are hereby opened to application, petition and selection. All valid applications received at or prior to 10 a.m. on January 3, 1966, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to the Manager, Riverside District and Land Office, Bureau of Land Management, 1414 Eighth Street, Post Office Box 723, Riverside, Calif., 92502.

HALL H. MCCLAIN,
Manager.

[F.R. Doc. 65–13042; Filed, Dec. 6, 1965; 8:46 a.m.]

CHIEF, BRANCH OF LANDS, ET AL.

Redelegation of Authority

1. Pursuant to section 2.1, Bureau Order No. 701 of July 23, 1964, as amended, the following authority is hereby delegated to the Branch Chiefs of the Division of Lands and Minerals Program Management and Land Office to become effective immediately upon publication in the FEDERAL REGISTER.

(a) Chief, Branch of Lands, authority to take action for the Chief, Division of Lands and Minerals Program Management and Land Office, in matters listed in section 2.5(b)(c) and 2.9 of Part II, Bureau Order No. 701, supra.

(b) Chief, Branch of Minerals, authority to take action for the Chief, Division of Lands and Minerals Program Management and Land Office, in matters listed in section 2.2(b), Cancellations or surrenders of contracts and leases, except oil and gas leases; section 2.6 (except 2.6 (a) and (h)); and section 2.9(x) of Part II of Bureau Order No. 701, supra.

(c) Chief, Branch of Oil and Gas, authority to take action for the Chief, Division of Lands and Minerals Program Management and Land Office in matters listed in section 2.2(b) only as to relinquished oil and gas leases pursuant to section 30(b) of the Act of March 25, 1920 (41 Stat. 437; 30 U.S.C. 178(b)); section 2.2(c) only to the extent set out in 43 CFR 1852.1–7(a); and section 2.6 (a) and (h) of Part II, Bureau Order No. 701, supra.

(d) Chief, Branch of Title and Records, authority to take action for the Chief, Division of Lands and Minerals Program Management and Land Office, in matters listed in sections 2.2(c), 2.2(k); section 2.3(c); and section 2.4(a) (4) of Part II, Bureau Order No. 701 and Amendment No. 1, supra.

2. The authority delegated in paragraph 1 above may not be redelegated.

3. This redelegation of authority supersedes all previous redelegations.

MICHAEL T. SOLAN,
Chief, Division of Lands and Minerals, Program Management and Land Office.

Approved: November 30, 1965.

W. J. ANDERSON,
State Director, New Mexico.

[F.R. Doc. 65-13043; Filed, Dec. 6, 1965; 8:46 a.m.]

Fish and Wildlife Service

[Docket No. G-353]

HERBERT H. HUNTER, JR.

Notice of Loan Application

Herbert H. Hunter, Jr., Star Route, Box 5, Brownsville, Tex., 78520, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 61.6-foot registered length wood shrimp trawler to engage in the fishery for shrimp in the Gulf of Mexico.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965), that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C., 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic injury or hardship.

H. E. CROWTHER,
Acting Director,
Bureau of Commercial Fisheries.

DECEMBER 2, 1965.

[F.R. Doc. 65-13066; Filed, Dec. 6, 1965; 8:47 a.m.]

National Park Service

[Order No. 2, Amdt. 1]

HARPERS FERRY NATIONAL HISTORICAL PARK, W. VA.

Job Corps Conservation Center Director; Delegations of Authority Regarding Execution of Purchase Orders for Supplies, Equipment or Services

2. *Job Corps Conservation Center Director.* The Job Corps Conservation Center Director may issue Purchase Orders not in excess of $2,500.00 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriations.

(National Park Service Order 14 (19 F.R. 8824), as amended; 39 Stat. 535, 16 U.S.C., sec. 2, Northeast Region Order 4 (29 F.R. 13405))

Dated: November 10, 1965.

JOSEPH R. PRENTICE,
Superintendent, Harpers Ferry National Historical Park.

[F.R. Doc. 65-13050; Filed, Dec. 6, 1965; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-8]

NORTH CAROLINA STATE COLLEGE

Notice of Order Authorizing Disposal of Facility

Please take notice that the Atomic Energy Commission has issued an order, authorizing North Carolina State College (NCSC) located at Raleigh, N.C., to dispose of the dismantled NCSC nuclear reactor components to Mississippi State University located at State College, Miss., after Mississippi State University has been issued a license to acquire and possess said components containing not more than 6.5 grams of uranium 235 as residual nuclear fuel.

Copies of the order and of the application by North Carolina State College are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 29th day of November 1965.

For the Atomic Energy Commission.

R. L. DOAN,
Director,
Division of Reactor Licensing.

[Docket No. 50-8]

NORTH CAROLINA STATE COLLEGE

ORDER AUTHORIZING DISPOSAL OF FACILITY

On August 2, 1963, the Atomic Energy Commission issued an Order, pursuant to § 50.82, 10 CFR Part 50, of the Commission's regulations, authorizing North Carolina State College to proceed with dismantling of the North Carolina State College Reactor, NCSCR-4, as requested by the College. On November 12, 1963, the Commission authorized North Carolina State College to return the reactor's nuclear fuel to the Commission. Currently, the dismantled reactor components are in storage at the reactor facility, in accordance with the Commission's order. By application dated August 23, 1965, North Carolina State College requested (1) authorization to dispose of the dismantled reactor components to Mississippi State University, and (2) termination of License No. R-1 on the date that the physical transfer of the components is accomplished.

We have reviewed the request in accordance with the provisions of § 50.82 of 10 CFR Part 50 and have found that the disposal of the dismantled components of the facility is in accordance with the Commission's regulations and will not be inimical to the common defense and security or to the health and safety of the public.

Accordingly, it is hereby ordered that North Carolina State College may transfer the disassembled components of the North Carolina State College Reactor, NCSCR-4, to Mississippi State University in accordance with the plans described in its letter dated August 23, 1965, subject to the following conditions:

A. North Carolina State College shall not transfer the components of the reactor until Mississippi State University has been issued a license to acquire and possess said components;

B. North Carolina State College may transfer, pursuant to the Atomic Energy Act of 1954, as amended, and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material," no more than 6.5 grams of uranium 235, as residual nuclear fuel contained in disassembled reactor component parts. License No. R-1 will be terminated by a further order of the Commission after disposition of the reactor components has been made.

For the Atomic Energy Commission.

Date of Issuance: ———.

Director,
Division of Reactor Licensing.

[F.R. Doc. 65-13024; Filed, Dec. 6, 1965; 8:45 a.m.]

[Docket No. 50-227]

GENERAL DYNAMICS CORP.

Notice of Proposed Issuance of Facility License

Please take notice that the Atomic Energy Commission ("the Commission") is considering the issuance of a facility license substantially as set forth below to General Dynamics Corp. which would authorize operation of the Torrey Pines TRIGA Mark III nuclear reactor facility (previously referred to as the Thermionic Research TRIGA nuclear reactor), which is being constructed under Construction Permit No. CPRR-89 issued on June 14, 1965, at the Corporation's site at Torrey Pines Mesa, Calif.

The Commission would issue the license upon making the findings set forth in the proposed license.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this license may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's "Rules of Practice," 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued.

For further details with respect to this proposed license, see (1) the application and amendments thereto, and (2) a related Safety Evaluation prepared by the Test and Power Reactor Safety Branch of the Division of Reactor Licensing, all of which are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the Safety Evaluation may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545,

Attention: Director, Division of Reactor Licensing.

For the Atomic Energy Commission.

Dated at Bethesda, Md., this 3d day of December 1965.

R. L. DOAN,
Director,
Division of Reactor Licensing.

Proposed License

The Atomic Energy Commission (hereinafter referred to as "the Commission") having found that:

a. The application for license complies with the requirements of the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act"), and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

b. The reactor has been constructed in conformity with Construction Permit No. CPRR-89 and will operate in conformity with the application and in conformity with the Act and the rules and regulations of the Commission;

c. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public;

d. General Dynamics Corp. is technically and financially qualified to engage in the proposed activities in accordance with the Commission's regulations, and to assume financial responsibility for Commission charges for special nuclear material;

e. The possession and operation of the reactor, and the receipt, possession and use of the special nuclear material, in the manner proposed in the application, will not be inimical to the common defense and security or to the health and safety of the public;

f. General Dynamics Corp. has submitted proof of financial protection which satisfies the requirements of Commission regulations currently in effect;

Facility License No. ----, effective as of the date of issuance, is issued as follows:

1. This license applies to the Torrey Pines TRIGA Mark III type nuclear reactor (hereinafter, "the reactor"), owned by the General Dynamics Corp. (hereinafter, "the licensee") and located at the licensee's laboratory site at Torrey Pines Mesa near San Diego, Calif., and is described in the licensee's application for license dated July 2, 1964, and amendments thereto dated November 30, 1965, February 26, 1965, July 6, 1965, July 12, 1965, September 2, 1965, November 16, 1965, December 2, 1965, and the application dated April 19, 1965, submitted under Docket No. 50-163 (herein referred to as "the application").

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses General Dynamics Corp.:

A. Pursuant to section 104c of the Act and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities" to possess, use, and operate the reactor in accordance with the procedures and limitations described in the application;

B. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Material" to receive, possess, and use up to 10 kilograms of contained uranium-235 and 30 grams of plutonium in connection with operation of the reactor; and

C. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 30, "Licensing of Byproduct Material", to receive and possess a 15 curie sealed polonium 210-beryllium neutron source and up to a 150 curie sealed antimony 124-beryllium neutron source, either or both of which may be used for reactor start-up; and to possess, but not to separate such byproduct material as may be produced by operation of the reactor.

3. This license shall be deemed to contain and be subject to the conditions specified in section 30.32 of Part 30, section 50.54 of Part 50 and section 70.32 of Part 70, and is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

A. *Operating Restrictions.*

(1) The licensee shall not operate the reactor at steady state power levels in excess of 1500 kilowatts (thermal) without prior written authorization from the Commission.

(2) The control rods will have enough negative reactivity so that with the most reactive rod in the withdrawn position, there will be a shutdown margin of at least 0.1 percent $\Delta k/k$.

(3) A licensed senior operator shall be present at the facility during reactor operations, all fuel manipulations, all testing and/or calibration of the reactor and associated systems, and during any maintenance or modifications to the reactor systems.

(4) The licensee shall maintain attended and closely observed nuclear control instrumentation in operation at all times during operations which could involve changes in core reactivity when the facility is shutdown.

B. *Technical Specifications*

The Technical Specifications contained in Appendix "A" hereto (hereinafter referred to as the "Technical Specifications") are hereby incorporated in this license. Except as otherwise permitted by the Act and the rules, regulations, and orders of the Commission, the licensee shall operate the reactor in accordance with the Technical Specifications. No changes shall be made in the Technical Specifications unless authorized by the Commission as provided in section 50.59 of 10 CFR Part 50.

C. *Records*

In addition to those otherwise required under this license and applicable regulations, the licensee shall keep the following records:

(1) Reactor operating records, including power levels and periods of operation at each power level.

(2) Records showing radioactivity discharge into the air or water beyond the effective control of General Dynamics Corp. as measured at or prior to the point of such release or discharge.

(3) Records of emergency shutdowns and inadvertent scrams, including reasons for emergency shutdowns.

(4) Records of maintenance operations involving substitution or replacement of reactor equipment or components.

(5) Records of experiments installed including description, measured and calculated reactivity worths, locations, exposure time, total irradiation and any unusual events involved in their performance and in their handling.

D. *Reports*

In addition to reports otherwise required under this license and applicable regulations, the licensee shall make an immediate report in writing to the Commission of any occurrence of a possible unsafe condition relating to the operation of the reactor, including, without implied limitation:

(1) Any incident or condition relating to the operation of the reactor which prevented or could have prevented a nuclear system from performing its safety function as described in the Technical Specifications. For each such occurrence, General Dynamics Corp. shall promptly notify by telephone or telegraph, the Director of the appropriate Atomic Energy Commission Regional Compliance Office listed in Appendix D of 10 CFR 20 and shall submit within ten (10) days a report in writing to the Director, Division of Reactor Licensing (hereinafter, Director, DRL) with a copy to the Regional Compliance Office.

(2) General Dynamics Corp. shall report to the Director, DRL, in writing within 30 days of its observed occurrence any substantial variance disclosed by operation of the reactor from performance specifications contained in the Hazards Summary Report or the Technical Specifications.

(3) General Dynamics Corp. shall report to the Director, DRL, in writing within 10 days of its occurrence any accidental release of radioactivity, whether or not resulting in property damage or personal injury or exposure above permissible limits.

4. This license shall expire at midnight, June 14, 1975.

Attachment: Appendix A.[1]

Date of Issuance:

For the Atomic Energy Commission.

Director,
Division of Reactor Licensing.

[F.R. Doc. 65-13124; Filed, Dec. 6, 1965; 8:48 a.m.]

[Docket No. 50-237]

COMMONWEALTH EDISON CO.

Notice of Designation of Replacement of Member of Atomic Safety and Licensing Board

In the matter of Commonwealth Edison Co. (Dresden Nuclear Power Station Unit 2).

By "Notice of Hearing on Application for Provisional Construction Permit," dated October 25, 1965, in the above captioned matter, the Atomic Energy Commission designated an Atomic Safety and Licensing Board consisting of Dr. Hugh Paxton, Los Alamos, N. Mex.; Dr. Albert J. Kirschbaum, Livermore, Calif., and J. D. Bond, Esq., Chairman, Washington, D.C., to conduct the hearing and designated Dr. Eugene Greuling, Durham, N.C., as an alternate technically qualified member of the Board.

Due to the unavailability of Dr. Kirschbaum to participate in the hearing scheduled to commence on December 7, 1965, in Morris, Ill., the Atomic Energy Commission has designated Dr. Greuling as a member of the Atomic Safety and Licensing Board vice Dr. Kirschbaum.

Dated at Washington, D.C., this 3d day of December 1965.

United States Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 65-13128; Filed, Dec. 6, 1965; 8:48 a.m.]

[1] This item was not filed with the Office of the Federal Register but is available for inspection in the Public Document Room of the Atomic Energy Commission.

CIVIL AERONAUTICS BOARD

[Docket No. 16684]

INCREASED EASTERN AIR LINES JET FARES

Notice of Postponement of Prehearing Conference

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act, of 1958, as amended, that the prehearing conference in the above-entitled proceeding now assigned to be held on December 7, 1965, at 10 a.m., e.s.t., in Room 726, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Robert L. Park is postponed until further notice.

Dated at Washington, D.C., December 3, 1965.

[SEAL] ROBERT L. PARK,
Hearing Examiner.

[F.R. Doc. 65-13120; Filed, Dec. 6, 1965; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 65-SO-9]

SCRIPPS-HOWARD BROADCASTING CO., TELEVISION STATION WPTV; PALM BEACH, FLA.

Designation of Party to the Hearing

On October 23, 1965, in Vol. 30, No. 206, FEDERAL REGISTER, notice of hearing in the above matter was given to all parties. The notice provided that any person not designated as a party who believes his activities to be affected by the proposed construction should request designation as a party to the hearing.

Pursuant to the foregoing, Wometco Enterprises, Inc., on October 18, 1965, through the law firm of Cohn & Marks, petitioned to be designated as a party to the hearing.

Pursuant to the authority provided the presiding officer under § 77.51 of Part 77 of the Federal Aviation Regulations, notice is hereby given that Wometco Enterprises, Inc., is designated as a party to the hearing.

Issued in Washington, D.C., on December 1, 1965.

GEORGE R. BORSARI,
Presiding Officer.

[F.R. Doc. 65-13027; Filed, Dec. 6, 1965; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 65-1077]

STATION KABE, WESTWEGO, LA.

Procedure for Considering Applications for Frequency Vacated

DECEMBER 2, 1965.

On July 20, 1965, the Commission released an order (FCC 65-645) ordering a hearing on the application for a license to cover the construction permit of Station KABE, Westwego, La., giving the applicant 20 days to file a written appearance stating an intent to appear on the date of the hearing.

By order dated October 6, 1965 (Docket No. 16120, FCC 65D-43), the license application of KABE (File No. BL-10568), to cover the construction permit was denied for failure to prosecute. The Order became effective on November 26, 1965.

The Commission will consider immediately new applications proposing to use the frequency of the deleted facility, and hereby waives § 1.571(c) of its rules to give expeditious consideration to any application tendered.

Any application in response to this notice must be tendered for filing at the offices of the Commission in Washington, D.C., by the close of business on February 1, 1966, and must be substantially complete and meet the requirements of the Commission's rules. No application will be considered substantially complete unless it includes the engineering data required by section V-A of FCC Form 301.

Any party in interest desiring to file pleadings pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, concerning any applications accepted for filing under this Notice is directed to § 1.580(i) of the Commission's rules for the provisions governing the time of filing and other requirements relating to such pleading. Notwithstanding the provisions of § 1.580(i), petitions to deny may be filed no later than 30 days after issuance of a public notice of the acceptance for filing of any application or applications tendered pursuant to this Notice.

Adopted: December 1, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-13078; Filed, Dec. 6, 1965; 8:48 a.m.]

[Docket Nos. 16031, 16032; FCC 65M-1548]

CAPITAL BROADCASTING CORP. AND CAPITAL NEWS, INC.

Order Continuing Hearing

In re applications of Capital Broadcasting Corp., Frankfort, Ky., Docket No. 16031, File No. BPH-4195; Capital News, Inc., Frankfort, Ky., Docket No. 16032, File No. BPH-4249; for construction permits.

On the unopposed oral request of counsel for Capital Broadcasting Corporation, to permit consideration by the Review Board of applicants' "joint request for approval of agreement, dismissal of application of Capital News, Inc., and grant of application of Capital Broadcasting Corp.," filed September 23, 1965: *It is ordered*, This 30th day of November 1965, that the hearing is rescheduled from December 8 to January 17, 1966.

[1] Commissioner Wadsworth absent.

Released: December 1, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-13079; Filed, Dec. 6, 1965; 8:48 a.m.]

[Docket Nos. 15668, 15708; FCC 65M-1546]

CHICAGOLAND TV CO. AND CHICAGO FEDERATION OF LABOR AND INDUSTRIAL UNION COUNCIL

Order Regarding Procedural Dates

In re applications of Frederick B. Livingston and Thomas L. Davis, doing business as Chicagoland TV Co., Chicago, Ill., Docket No. 15668, File No. BPCT-3116; Chicago Federation of Labor and Industrial Union Council, Chicago, Ill., Docket No. 15708, File No. BPCT-3439; for construction permits for new television broadcast station (Channel 50).

In effectuation of certain agreements reached and rulings made during the course of a hearing conference this date; *It is ordered*, This 30th day of November 1965, that:

(1) Oral argument will be held on December 6, 1965, commencing at 9 a.m., relative to certain proposed exhibits and to the scope of the presently designated issues;

(2) The date for exchange of exhibits is continued from December 8 to December 15, 1965;

(3) The date for hearing on the admissibility of the exchanged exhibits is continued from December 22, 1965, to January 5, 1966, commencing at 10 a.m.; and,

(4) The date for further hearing, at which witnesses shall be examined, is continued from January 11 to January 18, 1966.

Released: November 30, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-13080; Filed, Dec. 6, 1965; 8:48 a.m.]

[Docket No. 14909; FCC 65M-1547]

SOUTHERN RADIO & TELEVISION CO.

Order Scheduling Hearing

In re application of Southern Radio & Television Co., Lehigh Acres, Fla., Docket No. 14909, File No. BP-14297; for construction permit.

In accordance with the ruling at yesterday's further prehearing conference: *It is ordered*, This 30th day of November 1965, that the hearing on remand is scheduled for January 10, 1966.

Released: December 1, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-13081; Filed, Dec. 6, 1965; 8:48 a.m.]

[Docket No. 16124; FCC 65M-1557]

WEST CENTRAL OHIO BROADCASTERS, INC.

Order Continuing Hearing

In re application of West Central Ohio Broadcasters, Inc., Xenia, Ohio, Docket No. 16124, File No. BP-15468; for construction permit.

It is ordered, This 2d day of December 1965, that the hearing in the above-entitled proceeding, which heretofore was scheduled for December 6, 1965, is continued to December 7, 1965, and will be held in the offices of the Commission, Washington, D.C., commencing at 10 a.m.

Released: December 2, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-13082; Filed, Dec. 6, 1965; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-7243]

CITY OF CLEWISTON, FLA., AND FLORIDA POWER & LIGHT CO.

Order Providing for Investigation and Hearing, and Denying Motion To Dismiss

NOVEMBER 30, 1965.

By this order we initiate an investigation and provide for hearing to determine whether the Florida Power & Light Co. (FPL) should be required to establish interconnection with and render wholesale electric service to the city of Clewiston, Fla. (Clewiston), and the rate therefor.

On September 7, 1965, Clewiston filed an application for interconnection and complaint against unlawful actions, requesting that this Commission, pursuant to sections 202, 205, 206, 207, 306, 307, 308, 309, 316, and 317 of the Federal Power Act, order a direct interconnection between FPL and Clewiston, and require the rendition of wholesale electric service by FPL to Clewiston. Clewiston's complaint alleges that FPL presently supplies wholesale electric service to Glades Electric Cooperative, Inc., Moore Haven, Fla. (Glades), which, in turn, supplies electric power and energy to an industrial corporation, the United States Sugar Corp. (Sugar Corporation). Clewiston's electric facilities connect with electric facilities of Sugar Corporation. The latter corporation generates a portion of its electric requirements and, as indicated, purchases a portion from Glades. During the 12 months ended September 30, 1964, Clewiston paid an average charge of 1.7 cents per kwh based upon total receipts of 14,417,000 kwh. Clewiston alleges that FPL has refused to provide a direct connection and electric service to Clewiston.

On October 6, 1965, FPL filed an answer opposing Clewiston's application for interconnection and complaint and a motion to dismiss the complaint for lack of jurisdiction. The answer and motion argue principally that Clewiston's complaint is premature because FPL has not been determined to be a public utility within the meaning of the Federal Power Act subject to the regulatory jurisdiction of this Commission. In reply to the motion for dismissal, Clewiston notes the pendency of this Commision's jurisdictional proceeding directed to FPL, Florida Power & Light Co. Order Initiating Investigation and Hearing, issued February 26, 1965, Docket No. E-7210, but maintains that concurrent Commission action in that proceeding and upon the city's application and complaint is warranted in the interests of the power supply needs of Clewiston.

Upon consideration of the contentions by Clewiston and FPL in the aforementioned pleadings, we conclude that the matters raised in Clewiston's application for interconnection and complaint should be investigated by our staff and set for public hearing. We do not agree with FPL that a prior determination that it is a public utility under the Act constitutes a prerequisite to a hearing on the merits of Clewiston's complaint. Clearly, such would place a considerable time burden upon parties filing complaints with the Commission. Therefore, the jurisdictional issue now before a Commission trial examiner in Docket No. E-7210 should be determined concurrently with the merits of Clewiston's complaint without further delay, and the motion to dismiss must be denied.

A copy of Clewiston's application for interconnection and complaint, together with a request for comments by November 9, 1965, was forwarded to Glades and Sugar Corporation. To date no reply has been received.

The Commission further finds:

In view of the foregoing, it is necessary and appropriate for the purposes of carrying out the provisions of the Federal Power Act, and particularly, but not in limitation of the foregoing, sections 202, 205, 206, 207, 306, 307, 308, and 309, that (1) FPL's motion to dismiss the application and complaint be denied, and (2) an investigation and a public hearing be ordered respecting the issues presented in the Application for Interconnection and Complaint filed by Clewiston and FPL's Answer thereto.

The Commission orders:

(A) FPL's Motion to Dismiss for Lack of Jurisdiction the Application for Interconnection and Complaint filed by Clewiston is hereby denied.

(B) A public hearing shall be held concerning the issues presented in the Application for Interconnection and Complaint filed by Clewiston and FPL's Answer thereto at a time and place to be specified by the presiding examiner.

(C) A prehearing conference shall be held before the presiding examiner commencing at 10 a.m., e.s.t, January 18, 1966, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., for purposes as specified in the Commission's rules of practice and procedure.

(D) In order that the issues involved herein may be properly determined, an investigation is hereby initiated and FPL is hereby directed pursuant to the provisions of sections 307 and 309 of the Federal Power Act to grant to authorized members of the staff of the Federal Power Commission during regular business hours, free access to its property and access to and the right to inspect and examine all of its accounts, records and memoranda including, but not limited to, the following: books, papers, correspondence, contracts, agreements, maps, reports of engineers, meter readings, and log sheets upon their request; and shall either furnish copies of such material at the request of the staff, or make such material available for reproduction by the staff or shall produce such material for use by the staff prior to and during said hearing at the Offices of the Commission, 441 G Street NW., Washington, D.C., 20426.

(E) Notices of intervention or petitions to intervene in this proceeding may be filed with the Federal Power Commission, Washington, D.C., 20426, on or before December 31, 1965, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.37).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-13029; Filed, Dec. 6, 1965; 8:45 a.m.]

[Docket No. CP66-159]

FLORIDA GAS TRANSMISSION CO.

Notice of Application

NOVEMBER 26, 1965.

Take notice that on November 22, 1965, Florida Gas Transmission Co. (Applicant), Post Office Box 44, Winter Park, Fla., filed in Docket No. CP66-159 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of the facilities necessary to sell and deliver natural gas on a direct preferred interruptible basis to International Minerals & Chemical Corp. (International) for use in its West Polk chemical plant located near Bradley Junction, in Polk County, Fla., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 3.79 miles of 4½-inch O.D. pipeline extending from its existing 8-inch Sarasota lateral pipeline in Polk County, Fla., in a westerly direction to said plant, together with the necessary metering and regulating facilities to render the proposed service.

Applicant states that the natural gas will be used by International for the production of diammonium phosphate to be marketed to the commercial fertilizer industry.

Applicant estimates the maximum deliveries to International will be 3,300 MMbtu (approximately 3,300 Mcf) daily and 912,500 MMbtu (approximately 912,500 Mcf) annually.

The estimated cost of the proposed facilities is $96,000, which cost is proposed to be financed out of funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 17, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-13030; Filed, Dec. 6, 1965; 8:45 a.m.]

[Project No. 742]

SOUTH DAKOTA

Order Vacating Land Withdrawal

NOVEMBER 26, 1965.

Lands withdrawn in Project No. 742, South Dakota, order vacating withdrawal under section 24 of the Federal Power Act.

The Bureau of Indian Affairs, Department of the Interior, by letter dated October 20, 1965 (Real Property Mgmt. Acq. & Disp.; 4920-65) requested that the hereinafter described lands be removed from the effect of power withdrawal pursuant to section 24 of the Federal Power Act in order that they may be utilized for water well sites in connection with a public housing development involving the Rosebud Sioux Indian Tribe. These lands are as follows:

SOUTH DAKOTA

SIXTH PRINCIPAL MERIDIAN

T. 42 N., R. 29 W.,
Sec. 34, NE¼SW¼, S½SW¼.

These are tribal lands of the Rosebud Sioux Tribe located on the Little White River, a tributary of the White River, near the town of White River in Millette County, S. Dak. The Rosebud Sioux are participating with a Public Housing Authority in establishing a low-rent housing project. The city of White River has agreed to permit the project to use city water and sewage facilities in exchange for water well easements on lands within the withdrawn area.

The NE¼SW¼ was withdrawn pursuant to the filing on September 21, 1926, of an application for a minor-part license for Project No. 742 by the village of White Water. The S½SW¼ was withdrawn pursuant to a filing by the Central West Public Service Co. of an application for a minor-part license on December 26, 1930, also for Project No. 742.

This project known as the White River Hydro Power Plant No. 1 consisted of a small concrete dam approximately 15 feet high and some 70 feet long equipped with tainter gates and flashboards, an earthen dike, a small reregulating reservoir and a concrete brick powerhouse constructed as part of the dam. The project occupied a total of 116.57 acres, of which 51.7 acres were tribal lands being a portion of the Rosebud Sioux Tribal Reservation. The project, when first constructed prior to 1930, flooded portions of the above-cited Indian lands during periods of highwater. However, during the period subsequent to construction of the project, the Bureau of Indian Affairs constructed various irrigation devices on the river above the project which presently precludes the normal flow of water from entering the project reservoir. In addition, a waterfowl refuge reservoir was established upstream causing a loss of water through evaporation and transpiration that would have otherwise flowed into the reservoir.

On January 5, 1927, the original license for minor-part Project No. 742 was issued to the village of White River, S. Dak., for a period terminating April 30, 1930. The license for the project was transferred and reissued from time to time. On June 19, 1945, the Commission authorized issuance of a license for the project which was designated Project No. 1891. However, by order of July 22, 1947, the order issuing a license in Project No. 1891 was rescinded and the application for a license for that project was dismissed on the grounds that the project did not occupy Indian lands. The Assistant Secretary of the Interior, in replying to our inquiry, advised that none of the 51.7 acres of tribal lands are now being flooded.

Since the river flows are being continuously diminished by upstream diversions for purposes of irrigation and wildlife protection, and furthermore, since it appears that these subject lands have not been used for a number of years for power purposes and will not be so used in the future, they no longer have power value.

The Commission finds: The above-described lands no longer have power value.

The Commission orders: The power withdrawals pertaining to the following lands:

SOUTH DAKOTA

SIXTH PRINCIPAL MERIDIAN

T. 42 N., R. 29 W.,
Sec. 34, NE¼SW¼, S½SW¼.

made pursuant to the filing of applications for minor-part licenses on September 21, 1926, and December 26, 1930, respectively, are hereby vacated.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-13031; Filed, Dec. 6, 1965; 8:45 a.m.]

[Docket No. CP66-158]

NORTHERN NATURAL GAS CO.

Notice of Application

NOVEMBER 29, 1965.

Take notice that on November 19, 1965, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha 2, Nebr., filed in Docket No. CP66-158 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the delivery of additional natural gas to two of its existing utility customers and the revision and initiation of firm natural gas service for three existing industrial consumers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that L. V. Crum, Jr., an existing distributor, has requested an increase in contract demand from 100 Mcf of gas to 225 Mcf of gas per day in order to serve new consumers who have or will soon be added due to the expansion of the Racine, Minn., distribution system.

Applicant further states that its Peoples Division (Peoples) has requested additional contract demand service in the amount of 700 Mcf of gas per day, of which 550 Mcf will be sold to W. S. Dickey Clay Manufacturing Co. (Dickey) for use in its processing plant near Lehigh, Iowa. In accordance with an order issued in Docket No. CP64-17 on October 29, 1963, firm service to Dickey is presently limited to 300 Mcf of gas per day. Annual firm and interruptible sales of natural gas to Dickey are estimated to be 512,250 Mcf.

The application states that Peoples proposes to use the remaining 150 Mcf of gas per day to initiate firm service to Farm Best, Inc., for use in its meat packing plant located in Denison, Iowa. Total annual sales of natural gas to Farm Best, Inc., are estimated to be 172,250 Mcf.

Applicant states that Peoples further proposes to initiate firm service in the amount of 150 Mcf of gas per day to Glenwood Packing Co. (Glenwood) for use in its meat packing plant located in Glenwood, Iowa, and that Peoples will supply the firm gas from existing contract demand by utilizing peak shaving facilities. Total annual sales of natural gas to Glenwood are estimated to be 82,925 Mcf.

No new facilities are required to effectuate Applicant's proposals.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 17, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-13032; Filed, Dec. 6, 1965; 8:45 a.m.]

[Docket No. G-13018, etc.]

PACIFIC NORTHWEST PIPELINE CORP. ET AL.

Order Granting Motion and Setting Date for Prehearing Conference

NOVEMBER 29, 1965.

Pacific Northwest Pipeline Corp., Docket No. G-13018; El Paso Natural Gas Co., G-13019, CP66-27; Northwest Pipeline Corp., CP66-28, CP66-29, CP66-30.

On October 11, 1965, the Commission staff (Staff) filed a motion for an order requiring the submittal of supplemental written testimony and presentation of independent witnesses in support of Northwest Pipeline Corp.'s applications in this proceeding. The motion noted that the Commission had required Northwest Pipeline Corp. (Northwest) and El Paso Natural Gas Co. (El Paso) to file written testimony and hearing exhibits in support of their applications on or before October 1, 1965, and that El Paso and Northwest had purported to comply with this requirement by the submission of the testimony of six witnesses, five of whom testified for El Paso and one for Northwest. By letter of its attorney, Northwest indicated the adoption of the testimony of the El Paso witnesses. Staff argued in its motion that the evidence submitted was not sufficient to adequately support the applications, that extensive cross-examination would be necessary to fully develop a record, and particularly that it was necessary that Northwest present witnesses "who are independent from El Paso" in support of its applications. The thrust of Staff's motion is that as a result of the decree of divestiture an independent company potentially capable of competing with El Paso must be created and that the evidence presented to the Commission is insufficient to allow the formation of a basis for the conclusion that the Company which will acquire and operate the properties to serve the Pacific Northwest area will be financially and economically feasible in the future.

On November 5, 1965, El Paso and Northwest filed answers in opposition to Staff's motion; Cascade Natural Gas Corp. filed an answer in support of Staff's motion.

El Paso and Northwest argue primarily that compliance with Staff's motion would be time consuming and would not allow divestiture "without delay" as required by the mandate of the Supreme Court, that Staff's motion is not sufficiently specific as to the kind of evidence desired, that Staff's motion requires a procedure "contrary to the established course of procedure," and to suggest that expert witnesses who are employees of El Paso should be disqualified as witnesses in support of Northwest's applications, is without basis in fact, in law, or in practice.

The April 6, 1964, mandate of the Supreme Court was to require the divestiture by El Paso of the former Pacific Northwest Pipeline Corp. properties without delay. The Commission recognizes that the divestiture decree of the District Court was issued pursuant to that mandate and that it constitutes a determination of the anti-trust issues in the proceeding. However, as recognized in the divestiture decree, under the Natural Gas Act it is incumbent upon El Paso and Northwest to file and prosecute the applications for certificate authorization presented in this proceeding. This does not mean mere pro forma compliance with the requirements of the Act and the Commission's Regulations. The Commission prior to certificating any major new pipeline must be assured that there will be an existing corporation capable of rendering long-term service sufficient to meet the demands of the market area at a price which is reasonable. This, Northwest must demonstrate in this proceeding. The decisions of its officers and personnel are the decisions upon which the customers in its service areas will have to rely. It is obligatory that Northwest assume complete responsibility for any decisions or positions emanating from this proceeding. It is quite evident to this Commission that the independent judgment of the Northwest officials is absolutely necessary to a determination of the capabilities of the corporation to serve the new area. This judgment must be expressed in this proceeding through evidence bearing upon the economic stability and future expectations of the company and upon the physical capacity of the company to meet its requirements. It is not the kind of evidence which should be drawn out on cross-examination by Staff or other parties. While it might be proper from a technical point of view for Northwest's officials to adopt the testimony of El Paso personnel in support of their case, it is also evident to this Commission that by so doing, the element of independent judgment so necessary to a sensible determination in this case will be missing. Staff's motion seeking to require the presentation of independent witnesses by Northwest is well taken and will be granted.

As to the requirement that evidence supplemental to that previously presented be served in order to more fully explain the companies' positions, we agree that only minimal evidence has been presented at this time. El Paso has pointed out that Staff did not particularize the evidence it felt was deficient. While this is true, we note that our regulations require the submittal of fully explained information. Regulations under the Natural Gas Act, section 157.14(a). Evidence submitted in support of an application should at least comply with this requirement. A review of the evidence submitted herein does not show that this condition was met. For example, nowhere in the submitted evidence do El Paso witnesses testify as to the effect on El Paso of the proposed divestiture. Lacking information of this kind, as well as other detail, Staff was entirely correct in filing the motion.

We agree with the applicants, however, that further particularization of the nature of the additional evidence would be useful. For this purpose, El Paso's suggestion that a prehearing conference be held is proper. A prehearing conference would enable all parties to the proceeding to present a statement as to the issues involved and their views on those issues, and, insofar as there is misunderstanding or disagreement as to the precise nature or quantum of additional evidence which should be adduced a prehearing conference under the examiner who will eventually hear the case would be the appropriate place for clarification and determination. Accordingly, we here order that a prehearing conference be held on December 16, 1965, for consideration of matters which might expedite this proceeding and particularly to explore and determine any remaining questions as to the nature of the additional evidence the applicants will be required to adduce.

The Commission orders:

(A) The motion of the Commission staff filed on October 11, 1965, is granted.

(B) Northwest Pipeline Corp. shall file additional evidence fully supporting its applications in this proceeding.

(C) El Paso Natural Gas Co. shall file additional evidence fully supporting its applications in this proceeding.

(D) A prehearing conference shall be held on December 16, 1965, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., for the purpose of further determining methods to expedite the proceeding and for further classification and determination of the manner in which Northwest and El Paso shall comply with Ordering Paragraphs B and C hereof.

(E) Presiding Examiner Harry Frazee or any other officer or officers of the Commission designated by the Chief Examiner shall preside at the above-ordered prehearing conference and shall take

such action as may be appropriate to expedite the hearing.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-13033; Filed, Dec. 6, 1965; 8:45 a.m.]

[Docket No. CP66-161]

SOUTHERN NATURAL GAS CO.

Notice of Application

NOVEMBER 30, 1965.

Take notice that on November 23, 1965, Southern Natural Gas Co. (Applicant), Post Office Box 2563, Birmingham, Ala., 35202, filed in Docket No. CP66-161 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued operation of certain line taps and metering facilities and the delivery in interstate commerce of natural gas, by means of such facilities, to 12 purchasers who use the gas in the operation of oil and gas leases, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the natural gas requirements of the aforementioned purchasers during the 12-month period which ended August 31, 1965, was 312,585 Mcf.

The facilities involved in the instant application are located in Yazoo, Madison, and Franklin Counties, all in the State of Mississippi. The aggregate cost of such facilities when constructed between 1942 and 1962 was $8,739.03. No new construction is proposed by the instant application.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 22, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-13034; Filed, Dec. 6, 1965; 8:45 a.m.]

[Docket No. RI66-176]

OKLAHOMA NATURAL GAS CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

NOVEMBER 26, 1965.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 12, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI66-176...	Oklahoma Natural Gas Co., Post Office Box 871, Tulsa, Okla., 74102.	28	1	Cities Service Gas Co. (Northwest Quinlan Field, Woodward County, Okla.) (Oklahoma Panhandle Area).	$1,380	11-3-65	[1] 12-4-65	[2] 12-5-65	[3] [4] 16.0	[3] [4] [5] 17.0	

[1] The stated effective date is the effective date requested by Respondent.
[2] The suspension period is limited to 1 day.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Subject to a downward B.t.u. adjustment.
[6] Includes 1.0 cent per Mcf dehydration and gathering charge paid by buyer to seller.

The contract related to the rate filing proposed by Oklahoma Natural Gas Co. (Oklahoma Natural) was executed subsequent to September 28, 1960, the date of issuance of the Commission's Statement of General Policy No. 61-1, as amended, and the proposed increased rate is above the applicable area ceiling for increased rates but below the initial service ceiling for the area involved. We believe, in this situation, Oklahoma Natural's rate filing should be suspended for 1 day from December 4, 1965, the proposed effective date, as hereinbefore ordered.

[F.R. Doc. 65-13036; Filed, Dec. 6, 1965; 8:45 a.m.]

[Project No. 1740]

UTAH POWER & LIGHT CO.

Notice of Application for Surrender of License for Constructed Project

NOVEMBER 29, 1965.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Utah Power & Light Co. (correspondence to: Utah Power & Light Co., care of Leighton and Sherline, Suite 707, 815 Connecticut Avenue NW., Washington, D.C., 20006), for surrender of license for constructed Project No. 1740, known as the Cokeville Plant, located on Pine Creek, a tributary of Bear River, in Lincoln County, Wyo., and affecting lands of the United States within the Wyoming Grazing District No. 4.

The existing project comprises a dam, flume, canal, penstock, powerhouse with a 350-kw generating unit, and appurtenant facilities.

According to the application, the continued operation of the project is uneconomical, and the energy supplied thereby can be supplied at a lesser cost from the Company's interconnected system.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is January 10, 1966. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-13035; Filed, Dec. 6, 1965; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

PINAL COUNTY DEVELOPMENT ASSOCIATION

Order Suspending Trading

DECEMBER 1, 1965.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the 5⅞ percent Industrial Development Revenue Bonds of Pinal County Development Association due April 15, 1989, otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934 that trading in such bonds be summarily suspended, this order to be effective for the period December 1, 1965, through December 10, 1965, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-13052; Filed, Dec. 6, 1965; 8:47 a.m.]

[812-1855]

STATE STREET INVESTMENT CORP.

Filing of Application for Order Exempting Sale by Open-End Company of Its Shares

DECEMBER 1, 1965.

Notice is hereby given that State Street Investment Corp. ("Applicant"), 140 Federal Street, Boston, Mass., which is registered under the Investment Company Act of 1940 ("Act") as an open-end diversified investment company, has filed an application pursuant to section 6(c) of the Act. Applicant proposes to issue its shares at net asset value for substantially all of the cash and securities of the Overland Corp. ("Overland") and requests an order of the Commission exempting the transaction from the provisions of section 22(d) of the Act. Generally speaking, section 22(d) of the Act, with certain exceptions not here relevant, prohibits a registered investment company from selling any redeemable security issued by it to any person except at a current offering price described in the prospectus. Because Applicant does not now have an effective prospectus which describes a current offering price for its shares, the proposed transaction would be prohibited by section 22(d) unless the Commission issues an order of exemption. Accordingly, an exemption is deemed necessary. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Overland, a Delaware corporation, was organized in 1936 and presently is being operated as an investment company. On April 2, 1954, Overland registered as an investment company under the Act and retained that status until June 2, 1965 when it applied for and received permission to deregister under said Act. All of Overland's issued and outstanding shares are owned by 21 persons. As at October 15, 1965, the net assets of Applicant and Overland were approximately $300,000,000 and $32,000,000, respectively.

Pursuant to an agreement between Applicant and Overland, substantially all the assets of Overland will be transferred to Applicant in exchange for stock of Applicant which in turn will be distributed to Overland's shareholders.

The amount of Applicant's stock to be delivered to Overland in accordance with the terms of the above-described agreement will be determined on the basis of the value of the gross assets of Overland to be transferred to Applicant and the net asset value per share of Applicant, respectively, as of the close of business on the last full business day of the New York Stock Exchange preceding the date of closing. Such amount of stock shall be computed by dividing Applicant's per share net asset value into the aggregate value of Overland's assets which aggregate value will first be reduced by an adjustment for potential federal income taxes payable upon the realization of the appreciation in the value of the securities of Overland to the extent that any such appreciation may proportionately exceed the appreciation of the securities of Applicant on the date of closing. As at October 15, 1965, no such adjustment would have been required. As of that date the appreciation (realized and unrealized) as a percentage of the net asset values of Applicant and Overland approximated 43 percent and 25 percent, respectively.

Notice is further given that any interested person may, not later than December 16, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-13053; Filed, Dec. 6, 1965; 8:47 a.m.]

[01-54]

TWIN PINES FARM DAIRY, INC.

Notice of Extension of Opportunity for Hearing

DECEMBER 1, 1965.

Twin Pines Farm Dairy, Inc., 8445 Lyndon Avenue, Detroit, Mich., having filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934 ("Act"), requesting an exemption

from the registration requirements of section 12(g) of the Act, and

The Commission, having issued on September 22, 1965, a public notice of the filing of the application and a further notice giving any interested person until October 13, 1965, to request in writing that a hearing be held on such matter or that such person be notified if the Commission should order a hearing thereon,

Notice is hereby given that the time within which such a request may be submitted is extended to December 15, 1965.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-13054; Filed, Dec. 6, 1965; 8:47 a.m.]

[812-1858]

GENERAL FOODS OVERSEAS DEVELOPMENT CORP.

Notice of Filing of Application for Order Exempting Company

DECEMBER 2, 1965.

Notice is hereby given that General Foods Overseas Development Corp. ("applicant"), 250 North Street, White Plains, N.Y., a Delaware corporation, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting it from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

The applicant was organized by General Foods Corp. ("General Foods") under the laws of the State of Delaware in November 1965. It is expected that all of the initially issued stock of the applicant, consisting of 10,000 shares of capital stock, par value $100 per share, will be purchased for $1,000,000, and held by General Foods. General Foods will also acquire any additional securities, other than debt securities, which applicant may issue in the future and will not dispose of any of the securities of applicant held by General Foods except to the applicant or to a wholly owned subsidiary of General Foods.

General Foods, a Delaware corporation, is engaged, directly and through subsidiaries, principally in the manufacture and sale of a broad range of food, grocery and household products.

Applicant has been organized in order to finance the expansion and development of General Foods' foreign operations in a manner which is designed to assist in improving the balance of payments position of the United States, in compliance with the voluntary cooperation program instituted by the President in February 1965. Applicant intends to issue and sell an aggregate of not less than $10,000,000 nor more than $12,000,000 principal amount of Promissory Notes due 1980 ("Notes"). General Foods will irrevocably and unconditionally guarantee the principal, premium, interest and mandatory prepayments on the Notes. Any additional debt securities of applicant which may be issued to or held by the public will be guaranteed by General Foods in the same manner as the Notes.

It is intended that at least 60 percent of the value of the total assets of applicant will be invested in or loaned to foreign companies which (1) are, or upon the making of such investment will be, majority-owned subsidiaries of General Foods as defined in section 2(a)(23) of the Act, and (2) are primarily engaged in a business or businesses other than investing, reinvesting, owning, holding or trading in securities. Pending the completion of such investment program, applicant intends to keep such assets invested temporarily in debt obligations of foreign governments, foreign financial institutions and other foreign persons maturing in one year or less. Applicant will not acquire the securities representing any of its investments or loans for the purpose of resale and will not trade in such securities.

Counsel has advised the applicant that United States persons will be required to report and pay an interest equalization tax with respect to acquisition of the Notes, except where a specific statutory exemption is available. By financing its foreign operations through the applicant rather than through the sale of its own debt obligations, General Foods will utilize an instrumentality the acquisition of whose debt obligations by United States persons would, generally, subject such persons to the interest equalization tax, thereby discouraging them from purchasing such debt obligations.

The Notes will be sold to foreign investors with whom the Notes will have been placed by Goldman, Sachs & Co., acting as agent for applicant. At the date of the application, the persons who will be purchasers of the Notes are not known, but each purchaser will be a person who is not a citizen of or resident in the United States or its territories. The Notes will be issued initially in principal amounts of $50,000 or integral multiples thereof, and thereafter may be exchanged only for Notes in the principal amount of $50,000 or integral multiples thereof. The purchasers of the Notes will agree that, unless in the opinion of counsel to the applicant such offers and sales may be made without registration under the Securities Act of 1933, they will not offer or sell any Notes (a) in the United States or its territories, (b) to any person who is a citizen of or normally resident in the United States or its territories, or (c) to any other person who intends to reoffer or resell any of such Notes in the United States or its territories or to such citizens or its residents.

Applicant asserts that it is not necessary or appropriate in the public interest or consistent with the protection of investors to regulate applicant under the Act, for the following reasons: (1) A principal purpose of applicant is to assist in improving the balance of payments program of the United States by serving as a vehicle through which General Foods may obtain funds in foreign countries for its foreign operations; (2) applicant will not deal or trade in securities; (3) the public policy underlying the Act is not applicable to applicant and the security holders of applicant do not require the protection of the Act, because the payment of the Notes, which is guaranteed by General Foods, does not depend upon the operations or investment policy of applicant, for the Note holders may ultimately look to the business enterprise of General Foods rather than solely to that of applicant; (4) the substantial minimum size of the Notes ($50,000 each) should effectively prevent investment in them by other than a relatively small number of fairly sophisticated investors.

Notice is further given that any interested person may, not later than December 16, 1965, at 12 noon, submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-13083; Filed, Dec. 6, 1965; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Sec. 5a Application 83; Amdt. 1]

ALASKA CARRIERS ASSOCIATION, INC.

Amendments to Agreement

DECEMBER 2, 1965.

The Commission is in receipt of an application in the above-entitled and numbered proceeding for approval of amendments to the agreement therein approved under the provisions of section 5a of the Interstate Commerce Act.

Filed November 17, 1965, by:

Edward R. Sanders, attorney in fact, 1701 East First Avenue, Anchorage, Alaska, 99501.

Amendments involved: Change the agreement so as to (1) increase the number of members of the standing rate committee, the executive committee, and the directors at large, and provide for alternates for the latter, (2) revise schedules of membership dues, and (3) provide for divisions of the standing rate committee.

The application may be inspected at the Office of the Commission in Washington, D.C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-13067; Filed, Dec. 6, 1965; 8:47 a.m.]

[No. 3666]

TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES BY PRIVATE MOTOR CARRIERS [1]

Petition of General Transportation Importance Granted

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 29th day of November A.D., 1965.

Upon consideration of the record in the above-entitled proceeding; the petition of the Private Truck Council of America, Inc., filed November 16, 1965, for a declaration of general transportation importance, and of a motion of the Private Carrier Conference Inc., filed November 18, 1965, requesting that action be deferred on the petition of the Private Truck Council of America, Inc.; and for good cause appearing:

It is ordered, That the petition for a declaration of general transportation importance be, and it is hereby granted, and that this proceeding is hereby declared to involve an issue of general transportation importance.

[1] Regulations considered in this report were proposed in Notice No. 50 and supplemental Notice No. 50, and were considered by the Commission, Division 3, in its report and order decided Oct. 21, 1965.

It is further ordered, That petitions for reconsideration in this proceeding may be filed within 30 days after the date of service of this order and replies thereto within 20 days after the final date for filing such petitions.

And it is further ordered, That the motion to defer action on the petition for a declaration of general transportation importance be, and it is hereby, denied.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-13068; Filed, Dec. 6, 1965; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 554]

HAWAII

Declaration of Disaster Area

Whereas, it has been reported that during the month of November 1965, because of the effects of certain disasters, damage resulted to residences and business property located in Maui and Oahu Counties in the State of Hawaii;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid Counties and areas adjacent thereto, suffered damage or destruction resulting from floods and accompanying conditions occurring on or about November 10 through 14, 1965.

OFFICE

Small Business Administration Regional Office, 1149 Bethel Street, Room 402, Honolulu, Hawaii, 96813.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to May 31, 1966.

Dated: November 23, 1965.

ROSS D. DAVIS, *Executive Administrator.*

[F.R. Doc. 65-13062; Filed, Dec. 6, 1965; 8:47 a.m.]

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FEDERAL REGISTER

VOLUME 30 • NUMBER 235

Tuesday, December 7, 1965 • Washington, D.C.

PART II

Administrative Committee of the Federal Register



Federal Register Regulations

No. 235—Pt. II——1

Title 1—GENERAL PROVISIONS

Chapter I—Administrative Committee of the Federal Register

REPUBLICATION OF CHAPTER, AS AMENDED

In order to facilitate its distribution and use, Chapter I of Title 1, Code of Federal Regulations is hereby republished by order of the Administrative Committee of the Federal Register. This republication is based on the revision of the chapter dated August 18, 1964 (29 F.R. 11782), and includes the amendment of July 31, 1965 (30 F.R. 9573), establishing a special edition of the FEDERAL REGISTER entitled "Weekly Compilation of Presidential Documents."

The republication as set forth below contains no substantive changes.

Subchapter A—General

Part
1 General information.
2 Services to the public.
3 Services to Federal agencies.
4 Agency representatives.

Subchapter B—Presidential Proclamations and Executive Orders

7 Preparation, presentation, filing, and publication of Executive orders and proclamations.

Subchapter C—The Federal Register

10 General.
11 Mandatory, authorized, and prohibited publication.
12 Publication schedules.
13 Order of arrangement in the FEDERAL REGISTER.
14 Indexes and ancillaries.
15 Distribution of FEDERAL REGISTER.
16 Preparation and transmittal of documents generally.
17 Preparation of documents subject to codification.
18 Preparation of notices and rule making proposals.

Subchapter D—Special Editions of the Federal Register

30 Code of Federal Regulations.
31 U.S. Government Organization Manual.
32 Presidential papers.

Subchapter E—Definitions

40 Meaning of terms in this chapter.

SUBCHAPTER A—GENERAL

PART 1—GENERAL INFORMATION

Sec.
1.0 Scope and purpose.
1.1 Administrative Committee of the Federal Register.
1.2 Office of the Federal Register; location, hours.
1.3 General authority of Director, Office of of the Federal Register.
1.4 Publication of statutes, rules, and related documents.
1.5 Availability of Federal Register publications.

AUTHORITY: The provisions of this Part 1 issued under sec. 6, 49 Stat. 501, as amended; 44 U.S.C. 306. Sec. 6, E.O. 10530, 19 F.R. 2709; 3 CFR 1954–1958 Comp.

§ 1.0 Scope and purpose.

This chapter sets forth the procedures, policies, determinations, and delegations whereby the Administrative Committee of the Federal Register carries out its general responsibilities under the Federal Register Act. One of the primary purposes of this chapter is to inform the public of the nature and uses of Federal Register publications. Interested persons should consider not only the provisions of this part and Part 2 of this subchapter but also should read related provisions directed principally to the agencies of the Federal Government. These latter provisions develop details and assist the user in taking full advantage of the protection and services afforded under the Federal Register Act.

§ 1.1 Administrative Committee of the Federal Register.

The Administrative Committee of the Federal Register, established by section 6 of the Federal Register Act, consists of the Archivist or Acting Archivist of the United States, who is chairman of the Committee, an officer of the Department of Justice, designated by the Attorney General, and the Public Printer or Acting Public Printer. The Director of the Office of the Federal Register serves as secretary of the Committee. All materials required by law to be filed with the Committee, and all correspondence, inquiries, and other communications intended for the Committee shall be directed to the Director at the Office of the Federal Register.

§ 1.2 Office of the Federal Register; location, hours.

The Office of the Federal Register is a component of the National Archives and Records Service of the General Services Administration. The Office is located in the National Archives Building, Eighth Street and Pennsylvania Avenue NW., Washington, D.C. Office hours are from 8:45 a.m. to 5:15 p.m., Monday through Friday except official Federal holidays.

§ 1.3 General authority of Director, Office of the Federal Register.

The Director is authorized to administer generally the provisions of this chapter, the related provisions of the Federal Register Act, and the pertinent provisions of acts and rules contemplated by section 5 of the Federal Register Act.

§ 1.4 Publication of statutes, rules, and related documents.

The Office of the Federal Register is responsible for the central filing of the original acts comprising the laws enacted by the Congress, and the original documents comprising the public rules and notices issued pursuant to those laws by the executive branch of the United States Government. From these original acts and documents, the Office publishes the *slip laws*, the *United States Statutes at Large*, the daily FEDERAL REGISTER, and the *Code of Federal Regulations*. From related official source material, the Office also publishes the *United States Government Organization Manual*, the *Public Papers of the Presidents of the United States*, and the *Weekly Compilation of Presidential Documents*.

§ 1.5 Availability of Federal Register publications.

The publications described in § 1.4 are printed by the Government Printing Office and may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. These publications are not available for free distribution to members of the public at large (see § 2.5 of this chapter).

PART 2—SERVICES TO THE PUBLIC

Sec.
2.1 Inquiries and correspondence.
2.2 Information service.
2.3 Public inspection of documents.
2.4 Reproductions and certified copies of acts and documents.
2.5 Subscription and sale of publications.

AUTHORITY: The provisions of this Part 2 issued under sec. 6, 49 Stat. 501, as amended; 44 U.S.C. 306. Sec. 6, E.O. 10530, 19 F.R. 2709; 3 CFR 1954–1958 Comp.

§ 2.1 Inquiries and correspondence.

Inquiries and other correspondence should be addressed to the Director, Office of the Federal Register, National Archives Building, Washington, D.C. 20408.

§ 2.2 Information service.

Information concerning the publications described in § 1.4 of this chapter and concerning the original acts and documents filed with the Office of the Federal Register will be given freely by the Office on request, unless the time required to provide that information would be excessive. Staff members of the Office will not undertake to summarize or interpret substantive text of any law or document.

§ 2.3 Public inspection of documents.

Current documents filed with the Office pursuant to law are open to public inspection in the Office of the Federal Register, National Archives Building, during the working day. There are no formal inspection requirements or procedures. Manual, typewritten, or other copies or excerpts may be made freely at the inspection desk.

§ 2.4 Reproductions and certified copies of acts and documents.

The furnishing of reproductions of acts and documents and the preparation and attachment of authentication certificates are governed by the rules covering the public use of records in the National Archives (41 CFR Part 101–7). In general, the rules provide for the advance payment of appropriate fees for reproduction services and for certifying reproductions.

§ 2.5 Subscription and sale of publications.

Federal Register publications are available through subscription or sale to members of the public at large. Provisions governing subscription and sale are as follows:

(a) *Slip laws.* See section 191, title 44 of the United States Code.

NOTE: Orders for individual copies of public slip law prints or annual subscription to such prints are handled by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

(b) *U.S. Statutes at Large.* See section 196a, title 44 of the United States Code.

NOTE: Orders are handled by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Price of volume varies with each session of Congress.

(c) *Federal Register.* See §§ 15.10 and 15.11 of this chapter.

(d) *Code of Federal Regulations.* See §§ 30.16 and 30.17 of this chapter.

(e) *U.S. Government Organization Manual.* See § 31.28 of this chapter.

(f) *Public Papers of the Presidents of the United States.* See § 32.22 of this chapter.

(g) *Weekly Compilation of Presidential Documents.* See § 32.50 of this chapter.

PART 3—SERVICES TO FEDERAL AGENCIES

Subpart A—General

Sec.
3.1 General cooperation.
3.2 Information service.
3.3 Submission of documents.
3.4 Informal staff assistance.
3.5 Reproductions and certified copies of acts and documents.
3.6 Official subscriptions and requisitions of Federal Register publications.

Subpart B—Special Assistance

3.10 Information on document drafting and publication assistance.
3.11 Programs of technical instruction.

Subpart C—Supplementary Printing and Editorial Services

3.15 Purpose.
3.16 Use of Federal Register standing type.
3.17 Overruns of Federal Register publications.
3.18 Special editorial service.
3.19 Supplementary loose-leaf services.

AUTHORITY: The provisions of this Part 3 issued under sec. 6, 49 Stat. 501, as amended; 44 U.S.C. 306. Sec. 6, E.O. 10530, 19 F.R. 2709; 3 CFR 1954–1958 Comp.

Subpart A—General

§ 3.1 General cooperation.

The Director stands ready to cooperate fully with all agencies having business with the Office in order to assist such agencies in complying with pertinent publication laws and to assure efficient public service in the promulgation of administrative documents having the effect of law or of legal notice.

§ 3.2 Information service.

The Office of the Federal Register stands ready to answer all appropriate inquiries presented in person, by telephone, or in writing. All written communications and all matters involving classified material or involving the Administrative Committee should be presented to the Director, Office of the Federal Register, National Archives Building, Washington, D.C. 20408.

§ 3.3 Submission of documents.

Documents authorized or required by law to be filed with the Office or published in the FEDERAL REGISTER or filed with the Administrative Committee shall be presented to the Director.

§ 3.4 Informal staff assistance.

The Office of the Federal Register is prepared to give informal assistance and advice to officials of the various agencies with respect to general or specific problems of rule drafting, rule making procedures, and promulgation practices.

§ 3.5 Reproductions and certified copies of acts and documents.

Reproductions or certified copies of original acts and documents filed with the Office which are required for official use ordinarily will be furnished by the Director on request without charge. In cases involving voluminous material or numerous copies, the requesting agency may be required to reimburse the cost of reproduction.

§ 3.6 Official subscriptions and requisitions of Federal Register publications.

The availability for official use of the Federal Register publications described in § 1.4 of this chapter varies with the nature of each publication. Provisions governing official distribution are as follows:

(a) *Slip laws.* See section 191, title 44 of the United States Code.

NOTE: Single copies may be obtained from the House or Senate Document Room, United States Congress. Quantity overruns of one or all of the slip laws may be obtained by timely submission of a requisition (Standard Form 1) to the Government Printing Office, Washington, D.C. 20402.

(b) *U.S. Statutes at Large.* See section 196a, title 44 of the United States Code.

NOTE: Written request for official copies should be directed to the Joint Committee on Printing, United States Capitol, Washington, D.C. 20510.

(c) *Federal Register.* See §§ 15.3 to 15.8 of this chapter.

(d) *Code of Federal Regulations.* See §§ 30.12 to 30.15 of this chapter.

(e) *U.S. Government Organization Manual.* See §§ 31.21 to 31.26 of this chapter.

(f) *Public Papers of the Presidents of the United States.* See §§ 32.15 to 32.19 of this chapter.

(g) *Weekly Compilation of Presidential Documents.* See § 32.40 of this chapter.

Subpart B—Special Assistance

§ 3.10 Information on document drafting and publication assistance.

The Director is authorized to prepare and distribute to agencies information and instructions designed to promote effective compliance with the purposes of the Federal Register Act, related statutes, and the rules prescribed in this chapter.

§ 3.11 Programs of technical instruction.

The Director is authorized to develop and conduct programs of technical instruction for the benefit of agencies. Programs shall be designed to explain and supplement the written materials distributed pursuant to § 3.10.

Subpart C—Supplementary Printing and Editorial Services

§ 3.15 Purpose.

The Director is authorized to provide special services to agencies to promote efficiency and economy through the use of printing and editorial facilities developed in editing and publishing the FEDERAL REGISTER and the Code of Federal Regulations.

§ 3.16 Use of Federal Register standing type.

Type used in printing the FEDERAL REGISTER is normally available for reuse by agencies in making reprints on their own requisition. Printing and binding requisitions (Standard Form 1) shall be submitted to the Office for forwarding to the Government Printing Office.

§ 3.17 Overruns of Federal Register publications.

To meet requirements for special distribution in substantial quantity, agencies may requisition overruns of any Federal Register publication by the timely submission of a printing and binding requisition (Standard Form 1) to the Government Printing Office. Detailed information regarding quantity overruns of each specific publication is provided in this chapter under § 3.6 (slip laws, U.S. Statutes at Large); §§ 15.6 and 15.7 (FEDERAL REGISTER); § 30.15 (Code of Federal Regulations); § 31.25 (U.S. Government Organization Manual); § 32.18 (Public Papers of the Presidents of the United States); and § 32.40 (Weekly Compilation of Presidential Documents).

§ 3.18 Special editorial service.

The Office is prepared to compile and collate Code units as of a given date in order to assist the issuing agency in preparing a document for publication in the FEDERAL REGISTER. Requests for this service may be made to the Office informally.

§ 3.19 Supplementary loose-leaf services.

The Director is authorized to cooperate with agencies in developing supplementary loose-leaf services covering special areas in which the need is sufficient to justify any added costs.

PART 4—AGENCY REPRESENTATIVES

Sec.
4.1 Designation.
4.2 Notification of designation.
4.3 Liaison duties.
4.4 Certifying duties.
4.5 Authorizing duties.

AUTHORITY: The provisions of this Part 4 issued under sec. 6, 49 Stat. 501, as amended;

44 U.S.C. 306. Sec. 6, E.O. 10530, 19 F.R. 2709; 3 CFR 1954–1958 Comp.

§ 4.1 Designation.

Each agency shall designate representatives to serve in the following-described capacities in relation to the Office of the Federal Register:

Liaison officer and alternate.
Certifying officer and alternate.
Authorizing officer and alternate.

§ 4.2 Notification of designation.

Every agency shall notify the Director in writing of the name, title, address, and telephone extension of each agency representative designated in compliance with § 4.1. Whenever a change in representation is made by an agency, prompt notification thereof shall be given in writing to the Director.

§ 4.3 Liaison duties.

The liaison officer shall represent his agency in all matters relating to the submission of documents to the Office and respecting general compliance with the provisions of this chapter. He also shall be responsible for the effective distribution and use within his agency of Federal Register information on document drafting and publication assistance authorized by § 3.10 of this chapter, and for promoting his agency's participation in the programs of technical instruction authorized by § 3.11 of this chapter. Additional liaison duties, with respect to the U.S. Government Organization Manual, are described in § 31.12 of this chapter.

§ 4.4 Certifying duties.

The certifying officer shall be responsible for the attachment of the required number of true copies to all original documents submitted by his agency to the Office and for affixing his certification, as provided by §§ 16.6 and 16.7 of this chapter.

§ 4.5 Authorizing duties.

The authorizing officer shall be responsible for furnishing the Director with a current mailing list of individuals or offices authorized under the provisions of this chapter to receive for official use the FEDERAL REGISTER, the Code of Federal Regulations, and the Weekly Compilation of Presidential Documents.

SUBCHAPTER B—PRESIDENTIAL PROCLAMATIONS AND EXECUTIVE ORDERS

PART 7—PREPARATION, PRESENTATION, FILING, AND PUBLICATION OF EXECUTIVE ORDERS AND PROCLAMATIONS

Sec.
7.1 Form.
7.2 Routing and approval of drafts.
7.3 Routing and certification of originals and copies.
7.4 Proclamations calling for the observance of special days or events.
7.5 Proclamations of treaties excluded.
7.6 Definition.

NOTE: The provisions of this Part 7 are derived from sections 1 to 6 of Executive Order 11030, 27 F.R. 5847, 3 CFR, 1962 Supp.

CROSS REFERENCE: For provisions respecting publication of Presidential documents in the Code of Federal Regulations, see § 30.8 of this chapter.

§ 7.1 Form.

Proposed Executive orders and proclamations shall be prepared in accordance with the following requirements:

(a) The order or proclamation shall be given a suitable title.

(b) The order or proclamation shall contain a citation of the authority under which it is issued.

(c) Punctuation, capitalization, spelling, and other matters of style shall, in general, conform to the most recent edition of the United States Government Printing Office Style Manual.

(d) The spelling of geographic names shall conform to the decisions of the Board on Geographic Names, established by section 2 of the act of July 25, 1947, 61 Stat. 456 (43 U.S.C. 364a).

(e) Descriptions of tracts of land shall conform, so far as practicable, to the most recent edition of the "Specifications for Descriptions of Tracts of Land for Use in Executive Orders and Proclamations," prepared by the Bureau of Land Management, Department of the Interior.

(f) Proposed Executive orders and proclamations shall be typewritten on paper approximately 8 x 13 inches, shall have a left-hand margin of approximately 1½ inches and a right-hand margin of approximately 1 inch, and shall be double-spaced except that quotations, tabulations, and descriptions of land may be single-spaced.

§ 7.2 Routing and approval of drafts.

(a) A proposed Executive order or proclamation shall first be submitted, with seven copies thereof, to the Director of the Bureau of the Budget, together with a letter, signed by the head or other properly authorized officer of the originating Federal agency, explaining the nature, purpose, background, and effect of the proposed Executive order or proclamation and its relationship, if any, to pertinent laws and other Executive orders or proclamations.

(b) If the Director of the Bureau of the Budget approves the proposed Executive order or proclamation, he shall transmit it to the Attorney General for his consideration as to both form and legality.

(c) If the Attorney General approves the proposed Executive order or proclamation, he shall transmit it to the Director of the Office of the Federal Register, National Archives and Records Service, General Services Administration: *Provided*, That in cases involving sufficient urgency the Attorney General may transmit it directly to the President: *And provided further*, That the authority vested in the Attorney General by this section may be delegated by him, in whole or in part, to the Deputy Attorney General, Solicitor General, or to such Assistant Attorney General as he may designate.

(d) After determining that the proposed Executive order or proclamation conforms to the requirements of § 7.1 and is free from typographical or clerical error, the Director of the Office of the Federal Register shall transmit it and three copies thereof to the President.

(e) If the proposed Executive order or proclamation is disapproved by the Director of the Bureau of the Budget or by the Attorney General, it shall not thereafter be presented to the President unless it is accompanied by a statement of the reasons for such disapproval.

§ 7.3 Routing and certification of originals and copies.

(a) If the order or proclamation is signed by the President, the original and two copies thereof shall be forwarded to the Director of the Office of the Federal Register for publication in the FEDERAL REGISTER: *Provided*, That prior to such forwarding the Seal of the United States shall be affixed to the originals of proclamations to the extent required by statute or Executive order.

(b) The Office of the Federal Register shall cause to be placed upon the copies of all Executive orders and proclamations forwarded as provided in paragraph (a) of this section the following notation, to be signed by the Director or by some person authorized by him to sign such notation: "Certified to be a true copy of the original."

§ 7.4 Proclamations calling for the observance of special days or events.

Except as may be otherwise provided by law, responsibility for the preparation and presentation of proposed proclamations calling for the observance of special days, or other periods of time, or events shall be assigned by the Director of the Bureau of the Budget to such agencies as he may consider appropriate. Such proposed proclamations shall be submitted to the Director at least 60 days before the date of the specified observance.

§ 7.5 Proclamations of treaties excluded.

Consonant with the provisions of section 12 of the Federal Register Act (49 Stat. 503; 44 U.S.C. 312), nothing in this order shall be construed to apply to treaties, conventions, protocols, or other international agreements, or proclamations thereof by the President.

§ 7.6 Definition.

The term "Presidential proclamations and Executive orders," as used in section 5(a) of the Federal Register Act (44 U.S.C. 305(a)), shall, except as the President or his representative may hereafter otherwise direct, be deemed to include such attachments thereto as are referred to in the respective proclamations or orders.

SUBCHAPTER C—THE FEDERAL REGISTER

PART 10—GENERAL

Sec.
10.1 Publication policy.
10.2 Daily publication.
10.3 Keying to Code of Federal Regulations.
10.4 Form of citation.
10.5 Unrestricted use.

AUTHORITY: The provisions of this Part 10 issued under sec. 6, 49 Stat. 501, as amended; 44 U.S.C. 306. Sec. 6, E.O. 10530, 19 F.R. 2709; 3 CFR 1954–1958 Comp.

§ 10.1 Publication policy.

(a) Pursuant to the act and the provisions of this chapter, the Office shall maintain a serial publication designated as the "FEDERAL REGISTER." It is the intent of the Administrative Committee that documents required or authorized to be filed for publication shall be published in the FEDERAL REGISTER as promptly as possible within limitations imposed by considerations of accuracy, usability, and reasonable costs.

(b) In prescribing rules governing headings, preambles, effective dates, authority citations, and similar matters of form, the Administrative Committee does not intend such rules to be construed as bearing on the validity of any document which is, in fact, filed and published under law.

§ 10.2 Daily publication.

The FEDERAL REGISTER shall be published daily Tuesday through Saturday. There shall be no publication on Sunday, Monday, or on the day after an official Federal holiday.

§ 10.3 Keying to Code of Federal Regulations.

Documents subject to codification, published in the daily issues of the FEDERAL REGISTER, shall be keyed to the Code of Federal Regulations and shall serve as daily supplements thereto.

§ 10.4 Form of citation.

Without prejudice to any other mode of citation, the contents of the FEDERAL REGISTER may be cited by volume and page number. The approved short form of citation to the FEDERAL REGISTER is "F.R." Thus "29 F.R. 3820" refers to material beginning on page 3820 of volume 29 of the daily issues.

§ 10.5 Unrestricted use.

There are no restrictions on the reproduction or republication of materials appearing in the FEDERAL REGISTER.

PART 11—MANDATORY, AUTHORIZED, AND PROHIBITED PUBLICATION

MANDATORY

Sec.
11.1 Proclamations, Executive orders, and other Presidential documents.
11.2 Documents having general applicability and legal effect.
11.3 Classes created by act of Congress.

AUTHORIZED

11.5 Documents of public interest.

EXPIRATION NOTICES

11.7 Notification of expiration of codified material.

CORRECTION OF ERRORS

11.10 Errors in documents.
11.11 Errors in printing.

UNAUTHORIZED OR PROHIBITED

11.20 Comments and news items.
11.21 International agreements.
11.22 Papers other than documents.

AUTHORITY: The provisions of this Part 11 issued under sec. 6, 49 Stat. 501, as amended; 44 U.S.C. 306. Sec. 6, E.O. 10530, 19 F.R. 2709; 3 CFR 1954–1958 Comp.

MANDATORY

§ 11.1 Proclamations, Executive orders, and other Presidential documents.

All Presidential proclamations and Executive orders in the numbered series, and all other documents which the President submits for publication or orders to be published, are filed with the Office and published in the FEDERAL REGISTER.

§ 11.2 Documents having general applicability and legal effect.

Every document issued under proper authority prescribing a penalty or a course of conduct, conferring a right, privilege, authority, or immunity, or imposing an obligation, and relevant or applicable to the general public, the members of a class, or the persons of a locality, as distinguished from named individuals or organizations, is hereby determined to have general applicability and legal effect. Such documents shall be filed with the Office and published in the FEDERAL REGISTER.

§ 11.3 Classes created by act of Congress.

Documents or classes of documents required to be published by act of Congress shall be filed with the Office and published in the FEDERAL REGISTER.

AUTHORIZED

§ 11.5 Documents of public interest.

Other documents which in the opinion of the Director are of sufficient public interest to warrant such publication may be filed with the Office and published in the FEDERAL REGISTER.

EXPIRATION NOTICES

§ 11.7 Notification of expiration of codified material.

(a) Whenever a document subject to codification expires after a specified period by its own terms or by statutory provision, notification by document of the actual expiration date should be submitted for publication in the FEDERAL REGISTER.

(b) If the preparation of such a document is not expedient, the responsible agency shall provide the Director with timely notification in writing that the document is no longer in effect, citing the pertinent terms.

CORRECTION OF ERRORS

§ 11.10 Errors in documents.

After a document has been formally filed for public inspection and publication, errors in the substantive text thereof may be corrected only by the formal filing and publication of another document effecting the correction.

§ 11.11 Errors in printing.

Typographical or clerical errors made in the printing of the FEDERAL REGISTER shall be corrected by the insertion of an appropriate notation or by a reprinting in the FEDERAL REGISTER published without further agency documentation: *Provided*, That the Director determines that the error (1) tends to confuse or mislead the reader, or (2) would affect text subject to codification.

UNAUTHORIZED OR PROHIBITED

§ 11.20 Comments and news items.

The act prohibits the publication in the FEDERAL REGISTER of comments or news items of any character whatsoever (44 U.S.C. 305(b)).

§ 11.21 International agreements.

The act does not apply to treaties, conventions, protocols, and other international agreements, or proclamations thereof by the President (44 U.S.C. 312).

NOTE: The materials described in § 11.21 are published by the Secretary of State pursuant to 1 U.S.C. 112a.

§ 11.22 Papers other than documents.

The act authorizes and requires the publication of certain "documents," as that term is defined in section 4 of the act (44 U.S.C. 304), and does not authorize or require the publication of papers that do not come within that definition.

PART 12—PUBLICATION SCHEDULES

Sec.
12.1 Publication schedules.
12.2 Receipt and processing.
12.3 Filing for public inspection.

EMERGENCY SCHEDULE

12.5 Procedure for Schedule 1.
12.6 Criteria for Schedule 1.
12.7 Timing.
12.8 Transmittal from distant points.

REGULAR SCHEDULE

12.11 Procedure for Schedule 2.
12.12 Timing.

SPECIAL SCHEDULE

12.15 Procedure for Schedule 3.
12.16 Criteria for Schedule 3.
12.17 Timing.

AUTHORITY: The provisions of this Part 12 issued under sec. 6, 49 Stat. 501, as amended; 44 U.S.C. 306. Sec. 6, E.O. 10530, 19 F.R. 2709; 3 CFR 1954–1958 Comp.

§ 12.1 Publication schedules.

Documents properly submitted for publication in the FEDERAL REGISTER shall be immediately assigned by the Office to one of the following publication schedules:

Schedule 1—Emergency.
Schedule 2—Regular.
Schedule 3—Special.

§ 12.2 Receipt and processing.

Documents shall be received during a working day. Upon receipt, documents shall be held for confidential processing until filed for public inspection.

§ 12.3 Filing for public inspection.

Documents shall be filed for public inspection on the working day preceding the publication day thereof. The Office shall place upon the original and certified copies of all documents a notation of the day and hour when they are filed and made available for public inspection. (See § 16.6 of this chapter.)

EMERGENCY SCHEDULE

§ 12.5 Procedure for Schedule 1.

A document shall be assigned to "Schedule 1—Emergency" upon specific

request of the issuing agency and agreement thereto by the Director. Requests may be made by letter of transmittal or otherwise, as time permits. Confirmation of the assignment shall be made as promptly as possible.

§ 12.6 Criteria for Schedule 1.

Schedule 1 is designed to provide the fastest possible publication of a document involving the prevention, alleviation, control, or relief of an emergency situation. Requests for such publication should briefly describe the emergency and the benefits attributable to immediate publication in the FEDERAL REGISTER. Assignments to Schedule 1 shall be allowed whenever feasible.

§ 12.7 Timing.

Documents received by the Office before noon and assigned to Schedule 1 shall be published in the daily issue next following. Whenever such documents are received in the afternoon, they shall be published as soon thereafter as practicable.

§ 12.8 Transmittal from distant points.

The text of a Schedule 1 document may be transmitted from a distant field installation to its Washington office by telecommunication. Certified transcriptions thereof may be filed forthwith, in advance of receipt of the original document. The original document must then be filed at the earliest possible time. In such cases, the publication date under Schedule 1 shall be based on receipt by the Office of the certified transcribed copies. (See § 16.1(c) of this chapter.)

REGULAR SCHEDULE

§ 12.11 Procedure for Schedule 2.

In the absence of special arrangement with the issuing agency, documents shall be assigned to Schedule 2 for regular publication. Receipt in the ordinary course of business shall be considered as a request for such publication.

§ 12.12 Timing.

Documents assigned to Schedule 2 shall be held for confidential processing, including typesetting, for one full working day after receipt, shall be filed by the Office for public inspection on the next working day, and shall be published on the publication day next following the day of filing. Thus the regular schedule of publication shall be as follows:

Received	*Filed*	*Published*
Monday	Wednesday	Thursday.
Tuesday	Thursday	Friday.
Wednesday	Friday	Saturday.
Thursday	Monday	Tuesday.
Friday	Tuesday	Wednesday.

SPECIAL SCHEDULE

§ 12.15 Procedure for Schedule 3.

(a) Documents received in the ordinary course of business may be assigned to Schedule 3 by the Director, who shall cause the liaison officer concerned to be immediately notified of the assignment and the reasons therefor.

(b) Documents that are the subject of agreements involving special editorial or publication services may be placed in Schedule 3 by prearrangement.

§ 12.16 Criteria for Schedule 3.

Except by prearrangement, documents may be assigned to Schedule 3 only because of technical problems requiring additional time to prepare material for the press. Such requirement for additional time generally may be obviated through advance consultation with the Office respecting unusual tabulations, illustrations, or exceptionally voluminous submissions.

§ 12.17 Timing.

(a) Except as provided in paragraph (b) of this section, documents assigned to Schedule 3 because of technical problems shall be published as nearly on regular schedule as practicable.

(b) Documents assigned to Schedule 3 by prearrangement shall be published on the date agreed upon, without regard to the regular schedule.

PART 13—ORDER OF ARRANGEMENT IN THE FEDERAL REGISTER

Sec.
13.1 General.
13.2 The President.
13.3 Rules and Regulations.
13.4 Proposed Rule Making.
13.5 Notices.

AUTHORITY: The provisions of this Part 13 issued under sec. 6, 49 Stat. 501, as amended; 44 U.S.C. 306. Sec. 6, E.O. 10530, 19 F.R. 2709; 3 CFR 1954–1958 Comp.

§ 13.1 General.

Documents published in the FEDERAL REGISTER shall be arranged under four principal headings in the following order:

The President.
Rules and Regulations.
Proposed Rule Making.
Notices.

§ 13.2 The President.

There shall be published under this heading all Executive orders and proclamations in the numbered series, and all other Presidential documents which the President submits for publication or orders to be published.

§ 13.3 Rules and Regulations.

There shall be published under this heading all other documents subject to codification.

§ 13.4 Proposed Rule Making.

There shall be published under this heading all general notices of proposed rule making submitted pursuant to section 4(a) of the Administrative Procedure Act or pursuant to the provisions of any other act, and similar notices voluntarily undertaken by the issuing agency.

§ 13.5 Notices.

There shall be published under this heading all documents not falling within the provisions of §§ 13.2 to 13.4. These documents include:

(a) Miscellaneous documents not subject to codification.

(b) Notices of hearings that are not included under proposed rule making.

(c) Documents which in the opinion of the Director are of sufficient public interest to warrant publication. (See § 11.5 of this chapter.)

PART 14—INDEXES AND ANCILLARIES

SUBJECT INDEXES

Sec.
14.1 Daily contents.
14.2 Analytical subject indexes.

NUMERICAL FINDING AIDS

14.5 Daily Codification Guides.
14.6 Monthly Cumulative Codification Guides.

AUTHORITY: The provisions of this Part 14 issued under sec. 6, 49 Stat. 501, as amended; 44 U.S.C. 306. Sec. 6, E.O. 10530, 19 F.R. 2709; 3 CFR 1954–1958 Comp.

SUBJECT INDEXES

§ 14.1 Daily contents.

The contents of each FEDERAL REGISTER shall be appropriately indexed under the names of the issuing agencies.

§ 14.2 Analytical subject indexes.

Analytical subject indexes covering the contents of the FEDERAL REGISTER shall be separately published as currently as practicable, and shall be cumulated and separately published at least once each calendar year.

NUMERICAL FINDING AIDS

§ 14.5 Daily codification guides.

Each daily issue shall carry a numerical list of the parts of the Code expressly affected by documents published in that issue. Beginning with the second issue of the month, each daily issue shall also carry a cumulated list of the parts affected by documents published during that month.

§ 14.6 Monthly cumulative codification guides.

Monthly codification guides shall be separately published on a cumulative basis during each calendar year. They shall contain a cumulative numerical list of the sections of the Code expressly affected by documents published in the FEDERAL REGISTER during the period covered.

PART 15—DISTRIBUTION OF FEDERAL REGISTER

Sec.
15.1 General.

OFFICIAL DISTRIBUTION

15.3 The Congress.
15.4 Judicial branch.
15.5 Executive agencies.
15.6 Requisitions for quantity overruns of specific issues.
15.7 Requisitions for quantity overruns of separate Part II issues.
15.8 Extra copies.

PUBLIC SALE

15.10 Monthly or annual subscription.
15.11 Individual copies.

AUTHORITY: The provisions of this Part 15 issued under sec. 6, 49 Stat. 501, as amended; 44 U.S.C. 306. Sec. 6, E.O. 10530, 19 F.R. 2709; 3 CFR 1954–1958 Comp.

§ 15.1 General.

The Government Printing Office shall make distribution of the FEDERAL REGISTER by delivery or by deposit at a post office at or before 9:00 a.m. of the publication day.

OFFICIAL DISTRIBUTION

§ 15.3 The Congress.

Members of the Congress shall be entitled to a maximum of 5 copies daily.

§ 15.4 Judicial branch.

(a) *Supreme Court.* The FEDERAL REGISTER shall be furnished without charge to the United States Supreme Court in such numbers as are needed for official use.

(b) *Other courts.* The FEDERAL REGISTER shall be furnished without charge to the other constitutional courts and the legislative courts of the United States in such numbers as are needed for official use. The Director of the Administrative Office of the United States Courts or his delegate shall submit written authorizations to the Director of the Federal Register specifying the quantities so required.

§ 15.5 Executive agencies.

The FEDERAL REGISTER shall be furnished without charge to officers and employees of the United States in such numbers as are needed for official use. Requests for placement on the FEDERAL REGISTER mailing list shall be made, in writing, to the Director by the person in the agency concerned who is authorized under §§ 4.1 and 4.5 of this chapter to list offices and employees who need to receive the FEDERAL REGISTER for official use.

§ 15.6 Requisitions for quantity overruns of specific issues.

To meet requirements for special distribution of the FEDERAL REGISTER in substantial quantity, agencies may request an overrun of a specific issue. Advance printing and binding requisitions (Standard Form 1), submitted by the agency directly to the Government Printing Office, must be received no later than 12 noon of the day before publication.

§ 15.7 Requisitions for quantity overruns of separate Part II issues.

Whenever copies in substantial quantity are required of a document estimated to fill at least sixteen FEDERAL REGISTER pages (approximately 80 or more typewritten double-spaced pages), such document may be published as a separate Part II of the FEDERAL REGISTER. Advance arrangements for this service must be made with the Office of the Federal Register. Copies of any such Part II may then be obtained by following the procedure described in § 15.6.

§ 15.8 Extra copies.

Requests for limited quantities of extra copies of a particular issue of the FEDERAL REGISTER for official use must be addressed to the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Extra copies must be paid for by the agency or official requesting them.

PUBLIC SALE

§ 15.10 Monthly or annual subscription.

The daily issues of the FEDERAL REGISTER shall be furnished to subscribers on a monthly or an annual basis, at a price determined by the Administrative Committee. The subscription price must be paid in advance to the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

§ 15.11 Individual copies.

Limited quantities of current or recent copies may be obtained from the Superintendent of Documents at a price determined by him.

PART 16—PREPARATION AND TRANSMITTAL OF DOCUMENTS GENERALLY

ORIGINAL AND COPIES

Sec.
16.1 Original and copies required.
16.2 Letters of transmittal.
16.3 Letter form.
16.4 Typewritten originals.
16.5 Printed or processed documents.
16.6 Certified copies.
16.7 Form of certification.
16.8 Signature.
16.9 Seal.

STYLE

16.15 Punctuation, capitalization, orthography.
16.16 Geographic names.
16.17 Descriptions of tracts of land.

ILLUSTRATIONS, TABULAR MATERIAL, AND FORMS

16.20 Illustrations and tabular material.
16.21 Forms.

AUTHORITY: The provisions of this Part 16 issued under sec. 6, 49 Stat. 501, as amended; 44 U.S.C. 306. Sec. 6, E.O. 10530, 19 F.R. 2709; 3 CFR 1954–1958 Comp.

CROSS REFERENCE: For preparation of Presidential proclamations and Executive orders, see Subchapter B of this chapter.

ORIGINAL AND COPIES

§ 16.1 Original and copies required.

(a) Ordinarily an original and two duplicate originals or certified copies of all documents required or authorized to be published in the FEDERAL REGISTER shall be submitted to the Office.

(b) Agencies submitting documents printed or processed on both sides shall furnish, in addition to an original, three duplicate originals or certified copies.

(c) In the case of documents issued outside the District of Columbia, certified text may be submitted in lieu of the original (see § 12.8 of this chapter). The certified text must be replaced by the original document as soon as possible for filing as required by section 2 of the Federal Register Act.

§ 16.2 Letters of transmittal.

Letters of transmittal are not required, but should be used whenever special handling or treatment is desired. (See Part 12 of this chapter.)

§ 16.3 Letter form.

The Code of Federal Regulations should never be amended by an instrument in the form of a letter. In fact, a letter is not an appropriate form for any document prepared for publication in the Rules and Regulations, Proposed Rule Making, or Notices portions of the FEDERAL REGISTER.

§ 16.4 Typewritten originals.

In general, documents shall be typewritten on white bond paper approximately 8 by 10½ inches, shall have a left-hand margin of approximately 1½ inches, and a right-hand margin of approximately 1 inch, and shall be double-spaced.

§ 16.5 Printed or processed documents.

Printed or processed documents may be accepted for filing and publication. The submitting agency shall obtain the prior approval of the Director respecting the suitability of such submission as an archival original and as printer's copy. Under no circumstances shall photostatic copies be accepted as original documents.

§ 16.6 Certified copies.

The certified copies or duplicate originals required under § 16.1 shall be attached to the original of all documents. All copies shall be entirely clear and legible. Copies of typewritten originals shall consist of either positive photostats on paper of a matte surface, electrostatic copies, or the first two carbon copies of the ribbon original. The time of filing and publication shall be governed by the time when clear and legible copies are submitted.

§ 16.7 Form of certification.

The copies of all documents required or authorized to be filed with the Office, except documents issued by the President, shall be certified substantially as follows: "Certified to be a true copy of the original". Each such certification shall be signed by a certifying officer designated pursuant to § 4.1 of this chapter.

§ 16.8 Signature.

All original and duplicate original documents shall be signed in ink. Initials and impressed signatures shall not be acceptable. The name and title of the official signing the document shall be typed beneath his signature.

§ 16.9 Seal.

Affixation of a seal to original documents or certified copies is optional with the issuing agency.

STYLE

§ 16.15 Punctuation, capitalization, orthography.

Punctuation, capitalization, orthography, and other matters of style shall conform in general to the most recent edition of the United States Government Printing Office Style Manual.

§ 16.16 Geographic names.

The spelling of geographic names shall conform to the most recent official deci-

sions of the Board on Geographic Names established pursuant to the act of July 25, 1947 (61 Stat. 456; 43 U.S.C. 364a).

§ 16.17 Descriptions of tracts of land.

Descriptions of tracts of land shall conform, so far as practicable, with the most recent edition of the "Specifications for Descriptions of Tracts of Land for Use in Executive Orders and Proclamations," prepared by the Bureau of Land Management, Department of the Interior.

ILLUSTRATIONS, TABULAR MATERIAL, AND FORMS

§ 16.20 Illustrations and tabular material.

Whenever possible documents should be so drafted as to make the inclusion of illustrations and tabular material unnecessary. If their inclusion cannot be avoided, the documents will be assigned to publication Schedule 3 (§§ 12.15–12.17), and the following provisions shall apply:

(a) *Illustrations.* The original drawings, or clear reproductions, of all maps, charts, graphs, or other illustrations shall be submitted to the Office six working days before the date on which publication is desired. A legible reproduction of the original illustration reduced to a size approximating 8 by $10\frac{1}{2}$ inches, shall appear as part of the original document and the required certified copies.

(b) *Tabular material.* Tabular material comprising more than two typewritten pages shall be forwarded to the Office six working days before the date on which publication is desired.

§ 16.21 Forms.

Tabulated blank forms for application, registration, reports, contracts, and the like, and the instructions for preparing such forms ordinarily shall not be published in full. In lieu thereof there may be submitted for publication a simple statement describing the function of the form and indicating the place, or places, where copies may be obtained.

PART 17—PREPARATION OF DOCUMENTS SUBJECT TO CODIFICATION

Subpart A—General Requirements

Sec.
17.1 General provisions
17.2 Descriptions of organization
17.3 Orderly development.

CODE STRUCTURE

17.4 Titles.
17.5 Chapters.
17.6 Parts.
17.7 Sections.
17.8 Subtitles.
17.9 Subchapters
17.10 Subparts and undesignated center heads.

NORMAL NUMBERING

17.12 Titles.
17.13 Chapters.
17.14 Parts.
17.15 Sections.
17.16 Internal divisions of sections.
17.17 Subtitles, subchapters, and subparts.
17.18 Reservation of numbers.

SPECIAL NUMBERING PROBLEMS

17.20 Addition of new units between existing units
17.21 Vacated numbers
17.22 Keying to agency numbering systems.
17.23 Statements of general policy; interpretations

HEADINGS

17.26 Required Code headings
17.27 Additional captions
17.28 Tables of contents
17.29 Composition of part headings

AMENDMENTS

17.32 [illegible] requirements

REFERENCES

17.34 General requirements
17.35 References to FEDERAL REGISTER
17.36 References between or within titles of the Code
17.37 Parallel citation of FEDERAL REGISTER and Code
17.38 References to 1938 edition of Code

EFFECTIVE-DATE STATEMENTS

17.41 Effective dates

Subpart B—Citations of Authority

17.45 General requirements
17.46 Agency responsibility [illegible]
17.47 Provisions for flexibility

PLACEMENT

17.50 Coverage of single section
17.51 Blanket coverage
17.52 Combined blanket and separate coverage
17.53 Combined blanket coverage
17.54 Documents involving various [illegible] ments
17.55 Non-statutory elements

FORM

17.60 General
17.61 Statutory materials
17.62 Non-statutory materials

AUTHORITY: The provisions of this Part 17 issued under sec. 6, 49 Stat. 501 as amended, sec. 11, 67 Stat. 388, as amended; 44 U.S.C. 306, 311. Sec. 6, E.O. 10530, 19 F.R. 2709; 3 CFR 1954–1958 Comp.

CROSS REFERENCE: For preparation of Presidential proclamations and Executive orders, see Subchapter B of this chapter.

Subpart A—General Requirements

§ 17.1 General provisions.

All documents subject to codification shall be drafted as amendments to the Code of Federal Regulations and prepared in accordance with the provisions of this part and of Part 16 of this chapter before submission to the Office. Each such document shall contain a promulgation statement precisely describing the relationship of the new provisions to existing provisions of the Code.

§ 17.2 Descriptions of organization.

The Director is authorized to designate documents submitted under section 3 (a) (1) of the Administrative Procedure Act as "documents subject to codification" under special agreement with the issuing agency. Such agreements shall be based on a formal statement, signed by the head of the agency, to the effect that (a) publication in the Code is necessary or desirable for the effective discharge of the agency's functions or activities, and (b) publication in the Code may be discontinued by order of the Administrative Committee for failure of the agency to keep publication current.

§ 17.3 Orderly development.

For the purpose of assuring orderly development along practical lines, the Director is authorized to establish new titles in the Code and to rearrange existing titles and subordinate assignments. Before taking such actions, the Director shall consult with all agencies directly affected by a proposed change.

CODE STRUCTURE

§ 17.4 Titles.

The major divisions of the Code are titles which bring together broadly related governmental functions.

§ 17.5 Chapters.

The normal divisions of titles are chapters which are assigned to the various agencies within titles descriptive of the subject matter covered by the agencies' rules and regulations.

§ 17.6 Parts.

The normal divisions of chapters are parts. A part should consist of a unified body of rules or regulations applying to a specific function of the issuing agency or devoted to specific subject matter under control of the issuing agency. Parts are normally assigned to chapters as follows: Chapter I, Parts 1 to 199; Chapter II, Parts 200 to 299; Chapter III, Parts 300 to 399, etc.

§ 17.7 Sections.

The normal divisions of parts are sections. The section is the basic unit of the Code. It should consist of a short, simple presentation of one principal proposition.

§ 17.8 Subtitles.

Subtitles may be used to distinguish between material emanating from an overall office or agency and the material issued by its various components. Subtitles may also be used to otherwise group chapters within a title.

§ 17.9 Subchapters.

Subchapters may be used to group related parts within a chapter.

§ 17.10 Subparts and undesignated center heads.

Subparts or undesignated center heads may be used to group related sections within a part. Undesignated center heads may also be used to group sections within a subpart.

NORMAL NUMBERING

§ 17.12 Titles.

Titles are numbered consecutively in Arabic throughout the Code.

§ 17.13 Chapters.

Chapters are numbered consecutively in Roman capitals throughout each title.

§ 17.14 Parts.

Parts are numbered in Arabic throughout each title.

§ 17.15 Sections.

Sections are numbered in Arabic throughout each part. A section number shall include the number of the part set off by a decimal point. Thus, the section number for section 15 within Part 17 is § 17.15.

§ 17.16 Internal divisions of sections.

Whenever internal divisions are necessary, sections shall be subdivided into paragraphs, paragraphs into subparagraphs, and subparagraphs into subdivisions, designated as follows:

Terminology:	*Illustrative symbol*
Paragraph	(a)
Subparagraph	(1)
Subdivision	(i)

§ 17.17 Subtitles, subchapters, and subparts.

Subtitles and subchapters are lettered consecutively in capitals throughout the title and the chapter respectively. Subparts may be lettered in capitals or may be undesignated.

§ 17.18 Reservation of numbers.

Where related parts or related sections are grouped under a heading as provided for in §§ 17.9 and 17.10, numbers should be reserved at the end of each group to allow for expansion.

SPECIAL NUMBERING PROBLEMS

§ 17.20 Addition of new units between existing units.

(a) If it becomes necessary to introduce a new part or section between existing parts or sections the new part or section shall be designated by the addition of a lowercase letter to the preceding part or section number. Thus, a part introduced between Parts 31 and 32 would be numbered Part 31a, and a section introduced between § 31.1 and § 31.2 would be numbered § 31.1a.

(b) If it should become necessary to introduce a paragraph between existing paragraphs, and revision of the entire section is not desirable, the new paragraph shall be designated by the addition of a hyphen and Arabic number to the letter designating the preceding paragraph. Thus, a paragraph introduced between paragraphs (a) and (b) would be numbered as paragraph (a–1).

(c) Should it become necessary to introduce a unit smaller than a paragraph between existing units, the entire paragraph should be revised.

§ 17.21 Vacated numbers.

Whenever a number is vacated by a revocation, the remaining elements in the overall unit shall retain their old numbers until the overall unit is completely revised. Prior to revision, the vacated number may be marked: [Reserved].

§ 17.22 Keying to agency numbering systems.

The keying of section numbers to make them correspond to particular numbering systems in use by the agency shall be permitted only when, in the opinion of the Director, the keying will be of benefit both to the agency and to the public. In all cases prior approval for the use of keying systems shall be obtained from the Director.

§ 17.23 Statements of general policy; interpretations.

Whenever a statement of general policy or interpretation, submitted pursuant to section 3(a)(3) of the Administrative Procedure Act, applies to an entire part, it should be included in, or appended to, that part. Similarly, whenever a statement of policy or interpretation applies to a specific section it should be appended to that section. Statements of policy and interpretations of broader scope should be assigned to a part or group of parts within the chapter affected.

HEADINGS

§ 17.26 Required Code headings.

(a) The title, chapter, and part heading, in that order, shall be set forth in full on separate lines at the beginning of each document. Subtitle, subchapter, and subpart headings shall also be set forth if applicable.

(b) Each section shall be given a brief descriptive heading. The section heading shall precede the text on a separate line.

§ 17.27 Additional captions.

(a) For the purpose of publication in the daily FEDERAL REGISTER, a brief caption more specifically describing the scope of a document constituting a partial amendment of the material within a part shall be provided immediately below the part heading.

(b) Agencies using regulation numbers or other identifying symbols shall place them in brackets centered immediately above the part heading.

§ 17.28 Tables of contents.

Tables of contents shall be used whenever a new part is introduced or an existing part is completely revised and whenever a group of sections is revised or added and set forth as a subpart or otherwise separately grouped under a centerhead. These tables shall precede the text of the rules or regulations and shall list the headings for the sections to which they are applicable.

§ 17.29 Composition of part headings.

A part heading should indicate briefly the general subject matter of the material appearing in the part. The use of phrases such as "Regulations under the act of July 26, 1955" or other expressions which are not descriptive of the subject matter should be avoided. Introductory expressions such as "Regulations governing" or "Rules applicable to" should not be used.

AMENDMENTS

§ 17.32 General requirements.

(a) When necessary for clarity, each amendatory document should include a brief statement of the nature and extent of the changes made.

(b) The number and heading of each section amended shall be set forth in full on a separate line.

(c) The text of each typographical unit amended shall be set forth in full as amended.

(d) Asterisks shall be used to indicate ellipsis of text retained without change. A separate line of five asterisks shall be used to indicate the ellipsis of one or more complete typographical units. A run-in line of three asterisks shall be used to indicate ellipsis of anything less than a complete typographical unit (see § 40.15 of this chapter).

REFERENCES

§ 17.34 General requirements.

All references to the Code shall be in terms of the specific titles, parts, sections, and paragraphs involved. Ambiguous references such as "herein" "above", "below", and the like shall never be used. All documents which contain reference to material published in the Code shall include the Code citation as part of such reference.

§ 17.35 References to Federal Register.

The contents of the FEDERAL REGISTER should be referred to by volume and page number. Thus material beginning on page 3820 of volume 29 should be cited: 29 F.R. 3820.

§ 17.36 References between or within titles of the Code.

Unless the meaning is otherwise precisely expressed and undue or awkward repetition would result, references should be as follows:

(a) *Between titles.* When reference is made to material codified under a title other than that in which the reference occurs, the short form of citation should be used. Thus a reference made within Title 41 to § 2.4 of Title 1 should be in the following form: 1 CFR 2.4.

(b) *Within titles.* When reference is made to material codified in the same title, the following forms should be used:

Chapter II of this title
Part 30 of this title.
§ 30.19 of this title.

(c) *Within chapters.* When reference is made to material codified in the same chapter, the following forms should be used:

Part 30 of this chapter.
§ 30.19 of this chapter.

(d) *Within sections.* Reference to other units within the same section should be cited as "paragraph (a) of this section" or "subparagraph (1) of this paragraph".

§ 17.37 Parallel citation of Federal Register and Code.

When appropriate, the Code and the FEDERAL REGISTER may be cited for parallel reference in the following forms:

18 CFR 157.18 (29 F.R. 4879).
§ 157.18 of this chapter (29 F.R. 4879).

§ 17.38 References to 1938 edition of Code.

Reference to the 1938 edition of the Code and supplements thereto may be made in the following forms:

1 CFR, 1938 ed., 1.1.

FEDERAL REGISTER, VOL. 30, NO. 235—TUESDAY, DECEMBER 7, 1965

1 CFR, 1943, Cum Supp., 2 1.
1 CFR, 1946 Supp., 2 1.

EFFECTIVE-DATE STATEMENTS

§ 17.41 Effective dates.

Each document subject to codification shall include a clear statement as to the date or dates on which its provisions are effective.

Subpart B—Citations of Authority

§ 17.45 General requirements.

Each section in a document subject to codification shall include or shall be covered by, a complete citation of the rule making authority under which the provisions of the section are issued, including (a) general rule making authority delegated by statute (b) specific rule making authority, if any, delegated by statute and, (c) executive delegations, if any, necessary to link the statutory authority to the issuing agency

§ 17.46 Agency responsibility; amendments.

The accuracy and integrity of citations of authority are the responsibility of the issuing agency Such citations shall be formally amended by the issuing agency to reflect changes in authority

§ 17.47 Provision for flexibility.

The Director is authorized to make exceptions to requirements respecting the placement and form of citations of authority whenever strict application of such requirements would impair the practical usefulness of such citations

PLACEMENT

§ 17.50 Coverage of single section.

Authority covering a single section shall be cited in parentheses on a separate line immediately following the text of the section. Thus:

(67 Stat 388, as amended, 44 U S C 311)

§ 17.51 Blanket coverage.

Authority covering a group of two or more consecutive sections shall be cited following the word "AUTHORITY" and placed as a text note immediately preceding the first section in the group. Thus:

AUTHORITY The provisions of this Part 1 issued under sec 6, 49 Stat 501, as amended; 44 U S C 306.

§ 17.52 Combined blanket and separate coverage.

Whenever individual sections within a group covered by a blanket citation reflect additional authority, a combined form shall be used: Thus:

AUTHORITY: The provisions of this Part 7 issued under sec. 6, 40 Stat. 501, as amended; 44 U S C 306, unless otherwise noted.

§ 17.53 Combined blanket coverage.

Whenever a group of two or more consecutive sections within a broader group covered by a blanket citation reflect the same additional authority, combined blanket citations shall be used. Thus:

AUTHORITY: The provisions of this Part 7 issued under sec. 6, 49 Stat. 501, as amended; 44 U.S.C. 306. §§ 7.1 to 7.11 also issued under 67 Stat. 388, as amended; 44 U.S.C. 311.

§ 17.54 Documents involving various amendments.

(a) Whenever a document prescribes various amendments, issued under common authority, the citation to such authority shall be placed in parentheses on a separate line following the last amendment.

(b) Whenever a document prescribes various amendments issued under varying authorities, each amendatory proposition shall be followed by the appropriate citation in parentheses on a separate line

§ 17.55 Non-statutory elements.

Documents required to be cited as authority shall be placed after any required statutory elements Thus

AUTHORITY The provisions of this Part 201 issued under sec 401 76 Stat 902, 19 U S C 1802 E O 11075 28 F R 473 3 CFR 1959 1963 Comp

FORM

§ 17.60 General.

The shortest form of citation compatible with positive identification and ready reference should be used in all formal citations of authority The Office is prepared to assist agencies in developing model citations under this criterion.

§ 17.61 Statutory materials.

(a) *Public laws* Citations to current public laws should include reference to the volume and page of the U.S. Statutes at Large to which they have been assigned Thus:

Sec 11 Pub Law 88 190 77 Stat 343

(b) *Statutes at Large and U S Code.* In citing the U.S. Statutes at Large, reference should be made to section, volume, and page. The page number should refer to the page on which the section cited begins The parallel U S. Code citation shall be given whenever possible In multiple citations, references to the Statutes should be arranged chronologically and grouped separately, preceding the group of parallel U S. Code citations.

§ 17.62 Non-statutory materials.

Documents should be cited by FEDERAL REGISTER volume and page, followed if possible, by the parallel citation to the Code of Federal Regulations. Thus:

T D 6721, 29 F.R. 4997
Special Civil Air Reg SR 422A, 28 F R 6703; 14 CFR Part 4b
E O 11130, 28 F R. 12789, 3 CFR 1959–1963 Comp.

PART 18—PREPARATION OF NOTICES AND RULE MAKING PROPOSALS

NOTICES IN GENERAL

Sec
18 1 General requirements.
18.2 Name of issuing agency.
18.3 Name of agency subdivision.
18 4 Agency document designation.
18 5 Additional captions.
18 6 Authority citation.

NOTICES OF PROPOSED RULE MAKING

18 10 General requirements.
18 11 Code designation.
18 12 Codification.

AUTHORITY: The provisions of this Part 18 issued under sec. 6, 49 Stat. 501, as amended; 44 U.S.C. 306. Sec. 6, E.O. 10530, 19 F.R 2709; 3 CFR 1954–1958 Comp.

CROSS REFERENCE: For preparation of Presidential proclamations and Executive orders, see Subchapter B of this chapter.

NOTICES IN GENERAL

§ 18.1 General requirements.

Documents not subject to codification shall be prepared in conformity with the provisions of this part and of Part 16 of this chapter.

§ 18.2 Name of issuing agency.

The name of the issuing agency shall be carried at the beginning of the document.

§ 18.3 Name of agency subdivision.

Whenever a document is issued by or for a specific bureau, service, or similar unit within a department or overall agency, the name of such bureau, service, or unit shall be carried on a separate line immediately below the name of the issuing agency.

§ 18.4 Agency document designation.

Agencies using file numbers, docket numbers, or similar identifying symbols shall place them in brackets on a separate line immediately following the headings required by §§ 18.2 and 18 3

§ 18.5 Additional captions.

A suitable short title identifying the subject shall be provided beginning on a separate line immediately following the other required caption or captions. Whenever appropriate, an additional brief caption indicating the nature of the document should be used.

§ 18.6 Authority citation.

The authority under which the document is issued should be cited in narrative form within text or in parentheses on a separate line following text.

NOTICES OF PROPOSED RULE MAKING

§ 18.10 General requirements.

Notices of proposed rule making required by section 4(a) of the Administrative Procedure Act or by any other act, and similar notices voluntarily undertaken, shall include a statement of (a) the time, place, and nature of public rule making proceedings; (b) reference to the authority under which the rule is proposed; and (c) either the terms or substance of the proposed rule or a description of the subjects and issues involved. Such notices shall conform to the provisions of this part and of Part 16 of this chapter.

§ 18.11 Code designation.

The area of the Code directly affected by a proposed rule shall be identified by placing the appropriate CFR citation in brackets immediately below the name of the issuing agency. Ordinarily this citation will consist of title and part, thus: [1 CFR Part 18].

§ 18.12 Codification.

Any portion of a proposed rule making document which consists of the full text of a proposed rule shall also conform to the provisions of Part 17 of this chapter.

SUBCHAPTER D—SPECIAL EDITIONS OF THE FEDERAL REGISTER

PART 30—CODE OF FEDERAL REGULATIONS

Subpart A—Publication

Sec.
30.1 Publication policy.
30.2 Form of citation.
30.3 Unrestricted use.
30.4 Orderly development.
30.5 General format and binding.
30.6 Daily supplementation.
30.7 Periodic supplementation and republication.
30.8 Presidential documents, Title 3.
30.9 Indexes.
30.10 Ancillaries.
30.11 Agency cooperation.

Subpart B—Distribution

OFFICIAL DISTRIBUTION

30.12 Congressional committees.
30.13 Judicial branch.
30.14 Executive agencies.
30.15 Governmental requisitions.

PUBLIC SALE

30.16 Individual books and supplements.
30.17 Subscription service.

AUTHORITY: The provisions of this Part 30 issued under sec. 6, 49 Stat. 501, as amended, sec. 11, 67 Stat. 388, as amended; 44 U.S.C. 306, 311. Sec. 6, E.O. 10530, 19 F.R. 2709; 3 CFR 1954–1958 Comp.

CROSS REFERENCE: For provisions respecting the structure of the Code, see §§ 17.4 to 17.10 of this chapter.

Subpart A—Publication

§ 30.1 Publication policy.

(a) Pursuant to the act and the provisions of this chapter, the Office shall maintain publication of a special edition of the FEDERAL REGISTER designed to present a compact and practical code entitled "Code of Federal Regulations."

(b) The Code shall be based with respect to continuity of coverage on the "Code of Federal Regulations, 1949 Edition" published pursuant to regulations of the Administrative Committee approved by the President October 11, 1948 (13 F.R. 5935). It is the intent of the Administrative Committee that every practical means be employed to keep this Code as current and as readily usable as possible within limitations imposed by considerations of dependability and reasonable costs.

§ 30.2 Form of citation.

The Code of Federal Regulations may be cited by title and section. The approved short form is by title number, initial letters of the name, and the combined part-section number. Thus 1 CFR 30.2 refers to Title 1, Code of Federal Regulations, Part 30, section 2.

§ 30.3 Unrestricted use.

There are no restrictions on the reproduction or republication of materials appearing in the Code of Federal Regulations.

§ 30.4 Orderly development.

For the purpose of assuring orderly development along practical lines, the Director is authorized to establish new titles in the Code, and to rearrange existing titles and subordinate assignments. Before taking any such action, the Director shall consult with all agencies directly affected by the proposed change.

§ 30.5 General format and binding.

For the purpose of attaining maximum usefulness, prompt publication, and economy of manufacture, the Director is authorized to provide for the binding of the Code into as many separate books as are indicated by the needs of users and compatible with the facilities of the Government Printing Office. Books may have permanent bindings (with or without pockets for supplements) or may be paperbound when, in the judgment of the Director, frequency of revisions, user needs, or other good reasons make such binding preferable.

§ 30.6 Daily supplementation.

Documents subject to codification, published in the daily issues of the FEDERAL REGISTER pursuant to Subchapter C of this chapter, shall be keyed to the Code and shall serve as daily supplements thereto.

§ 30.7 Periodic supplementation and republication.

(a) *Criteria.* Each book of the Code shall be updated by a supplementary book or by collation and republication at least once each calendar year. If no change has occurred during the year, a simple notation to that effect may serve as the supplement for that year. More frequent supplementation or collation and republication of any unit of the Code may be made whenever the Director determines that the content of the unit has been substantially superseded or otherwise determines that such action would be consistent with the intent and purpose of the Administrative Committee as stated in the last sentence of § 30.1(b).

(b) *Annual cutoff date.* The regular cutoff date for the coverage of annual supplements or republications shall be the last publication day of each calendar year. The text of each annual supplement or republication shall be limited to provisions which have been fully promulgated in the FEDERAL REGISTER on or before the cutoff date.

(c) *Other cutoff dates.* When supplementation or republication occurs more frequently than once each year, the cutoff dates shall be determined by the Director with due regard for the coverage of pertinent indexes and numerical finding aids.

§ 30.8 Presidential documents, Title 3.

(a) *Compilation and republication.* The Office shall compile and publish annual supplements to Title 3. The supplements shall contain the full text of proclamations, Executive orders, and other Presidential documents published in the daily FEDERAL REGISTER during the calendar year. Annual books may be paper bound and shall include appropriate indexes and ancillaries. Every five years, or as determined by the Director to be required, the annual supplements shall be compiled and republished in permanently bound form with consolidated indexes and numerical finding aids.

(b) *Codification.* It is the intent of the Administrative Committee that general and permanent Presidential documents of a regulatory nature also be codified under Title 3 or other appropriate titles.

§ 30.9 Indexes.

In general, each book shall include an explanation of its coverage and such other finding aids as may be authorized by the Director. A subject index to the entire Code shall be annually revised and separately published.

§ 30.10 Ancillaries.

The Code shall provide, among others, the following-described ancillary tables:

(a) *Parallel tables of statutory authority and rules.* In Title 2 or such other place as the Director may deem appropriate, numerical lists of all sections of the current edition of the United States Code (except 5 U.S.C. 22) which are cited by issuing agencies as rule making authority for currently effective rules in the Code of Federal Regulations. The lists shall be arranged in the order of the titles and sections of the United States Code with parallel citations to the pertinent titles and sections of the Code of Federal Regulations.

(b) *Tables of cited Presidential documents.* Under Title 3, tables of proclamations, Executive orders, and similar Presidential documents which are included or referred to in currently effective rules as published in the Code of Federal Regulations.

(c) *List of sections affected.* Following the text of each book or cumulative pocket supplement, a numerical list of all sections which are affected by documents published in the FEDERAL REGISTER on and after January 1, 1949. Listings shall refer to FEDERAL REGISTER pages and shall be designed to enable the user of the Code to assure himself of the precise text that was in effect on a given date in the period covered.

§ 30.11 Agency cooperation.

Each agency shall cooperate in keeping publication of the Code current by prompt compliance with deadlines set by the Office and the Government Printing Office.

Subpart B—Distribution

OFFICIAL DISTRIBUTION

§ 30.12 Congressional committees.

The Code shall be furnished to committees of the Congress in such numbers as are needed for official use. Authorization for furnishing such copies shall be submitted in writing to the Director by the Committee Chairman or his delegate.

§ 30.13 Judicial branch.

(a) *Supreme Court.* The Code shall be furnished without charge to the Supreme Court of the United States in such numbers as are needed for official use.

(b) *Other courts.* The Code shall be furnished without charge to the other

constitutional courts and to the legislative courts of the United States in such numbers as are needed for official use. Authorization for furnishing such copies shall be submitted in writing to the Director of the Federal Register and signed by the Director of the Administrative Office of the United States Courts or his delegate.

§ 30.14 Executive agencies.

The Code shall be furnished to officials, libraries, and major organizational units of the executive agencies as needed for official use. Authorization for furnishing copies shall be submitted to the Director in writing and signed by the authorizing officer or his alternate designated under § 4.1 of this chapter. Special needs for selected units of the Code in substantial quantity shall be filled by governmental requisition under § 30.15.

§ 30.15 Governmental requisitions.

Legislative, judicial, and executive agencies of the Federal Government shall be entitled to obtain selected units of the Code which are needed in substantial quantity for special distribution upon timely submission to the Government Printing Office of a printing and binding requisition (Standard Form 1).

PUBLIC SALE

§ 30.16 Individual books and supplements.

The books and supplements comprising the Code shall be placed on sale to the public by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, at prices determined by him under the general direction of the Administrative Committee.

§ 30.17 Subscription service.

Subscription service on an annual basis to all revised volumes and supplements of the Code shall be obtainable from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, at prices determined by him under the general direction of the Administrative Committee.

PART 31—U.S. GOVERNMENT ORGANIZATION MANUAL

PUBLICATION AND FORMAT

Sec.
31.1 Publication required.
31.2 Format and indexes.

SCOPE

31.6 Executive agencies.
31.7 Congress and the courts.
31.8 Supplementary material.

LIAISON OFFICERS

31.11 Designation of special officers.
31.12 Duties of regular officers.

MANNER OF COMPILATION

31.16 Preparation of agency statements.
31.17 Agency review of drafts.
31.18 Other organization statements.
31.19 Apportionment of space.

OFFICIAL DISTRIBUTION

31.21 The Congress.
31.22 Congressional committees.
31.23 Judicial branch.
31.24 Executive agencies.
31.25 Governmental requisitions.
31.26 Extra copies.

PUBLIC SALE

31.28 Current edition of Manual.

AUTHORITY: The provisions of this Part 31 issued under sec. 6, 49 Stat. 501, as amended; 44 U.S.C. 306. Sec. 6, E.O. 10530, 19 F.R. 2709; 3 CFR 1954–1958 Comp.

PUBLICATION AND FORMAT

§ 31.1 Publication required.

There shall be published, annually or at such times as may be determined by the Administrative Committee, a special edition of the FEDERAL REGISTER designated as the "United States Government Organization Manual."

§ 31.2 Format and indexes.

The Manual shall be separately published in handbook form, with appropriate indexes and ancillaries.

SCOPE

§ 31.6 Executive agencies.

Brief descriptions of the organization of the various agencies of the executive branch shall be published in the Manual. The text shall be based on the descriptions of organization required to be published in the FEDERAL REGISTER by section 3(a)(1) of the Administrative Procedure Act.

§ 31.7 Congress and the courts.

Brief descriptions of the organization of the Congress and of agencies of the legislative and judicial branches shall be published in the Manual.

§ 31.8 Supplementary material.

Brief descriptions of the organization of quasi-official agencies and similar supplementary information may be included in the Manual if, in the opinion of the Director, the material is of sufficient public interest to warrant such inclusion.

LIAISON OFFICERS

§ 31.11 Designation of special officers.

The Director shall request the agencies of the legislative and judicial branches and the quasi-official agencies represented in the Manual to designate special officers to maintain liaison with the Office of the Federal Register.

§ 31.12 Duties of regular officers.

Each liaison officer regularly designated under § 4.1 of this chapter shall review for accuracy the statement of agency organization submitted pursuant to § 31.17, and shall cause to be supplied any supplementary information concerning his agency which is to be included pursuant to § 31.8.

MANNER OF COMPILATION

§ 31.16 Preparation of agency statements.

The Office shall prepare an official draft of the descriptions of organization contemplated by § 31.6. In addition to identifying principal organizational units, these descriptions shall plainly indicate the places at which the public may secure information or make submittals or requests.

§ 31.17 Agency review of drafts.

Each such official draft, together with related supplementary material, shall be submitted by the Office to the appropriate liaison officer for review as to accuracy. Changes in the official draft shall be limited to factual corrections and to the updating of text to reflect organization as of the cutoff date of the edition of the Manual in process.

§ 31.18 Other organization statements.

Brief descriptions of the organization of agencies of the legislative and judicial branches and of quasi-official agencies shall be prepared and submitted to such agencies with a request that they be reviewed for accuracy.

§ 31.19 Apportionment of space.

The Director is authorized to determine the apportionment of space in the Manual with a view to maintaining balance and uniformity of presentation.

OFFICIAL DISTRIBUTION

§ 31.21 The Congress.

Each Member of the Congress shall be furnished two free copies of the Manual; and each Member shall be entitled to receive not more than four additional free copies for official use. Authorization for the furnishing of such additional copies shall be submitted in writing to the Director by the authorizing Member.

§ 31.22 Congressional committees.

Each Congressional committee shall be entitled to receive copies of the Manual without charge in such numbers as are needed for official use. Requests for placement on the Manual mailing list shall be made in writing to the Director by the chairman of the committee or his delegate.

§ 31.23 Judicial branch.

(a) *Supreme Court.* The Supreme Court of the United States shall be entitled to 18 copies of the Manual without charge.

(b) *Other courts.* The other constitutional courts and the legislative courts of the United States shall be entitled each to one copy of the Manual without charge. Authorization for furnishing such copies shall be submitted in writing to the Director of the Federal Register by the Director of the Administrative Office of the United States Courts or his delegate.

§ 31.24 Executive agencies.

The head of each agency in the executive branch and each liaison officer designated under §§ 4.1 and 31.11 of this chapter shall be entitled to one free copy of the Manual.

§ 31.25 Governmental requisitions.

Legislative, judicial, and executive agencies of the Federal Government may obtain at cost copies of the Manual for official use upon the timely submission to the Government Printing Office of a printing and binding requisition (Standard Form 1).

§ 31.26 Extra copies.

All requests for extra copies of the Manual must be addressed to the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, and such copies must be paid for by the agency or official requesting them.

PUBLIC SALE

§ 31.28 Current edition of Manual.

The Manual shall be placed on sale to the public by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, at a price to be determined by him under the general direction of the Administrative Committee.

PART 32—PRESIDENTIAL PAPERS

Subpart A—Annual Volumes

PUBLICATION AND FORMAT

Sec.
32.1 Publication required.
32.2 Coverage of prior years.
32.3 Format, indexes, ancillaries.

SCOPE

32.10 Basic criteria.
32.11 Sources.

OFFICIAL DISTRIBUTION

32.15 The Congress.
32.16 The Supreme Court.
32.17 Executive agencies.
32.18 Governmental requisitions.
32.19 Extra copies.

PUBLIC SALE

32.22 Sale of annual volumes.

Subpart B—Weekly Compilation

32.30 Publication required.
32.31 Format and indexes.
32.40 Official distribution.
32.50 Public sale.

AUTHORITY: The provisions of this Part 32 issued under sec. 6, 49 Stat. 501, as amended; 44 U.S.C. 306. Sec. 6, E.O. 10530, 19 F.R. 2709; 3 CFR 1954–58 Comp.

Subpart A—Annual Volumes

PUBLICATION AND FORMAT

§ 32.1 Publication required.

There shall be published forthwith at the end of each calendar year, a special edition of the FEDERAL REGISTER designated "Public Papers of the Presidents of the United States." Ordinarily each volume shall cover one calendar year and shall be identified further by the name of the President and the period covered.

NOTE: This program started with the year 1957.

§ 32.2 Coverage of prior years.

After conferring with the National Historical Publications Commission with respect to the need therefor, the Administrative Committee may from time to time authorize the publication of similar volumes covering specified calendar years prior to 1957.

NOTE: The Committee has approved the publication of volumes starting with the year 1945.

§ 32.3 Format, indexes, ancillaries.

Each annual volume, divided into books whenever appropriate, shall be separately published in the binding and style deemed by the Administrative Committee to be suitable to the dignity of the office of President of the United States. Each volume shall be appropriately indexed and shall contain appropriate ancillary information respecting significant Presidential documents not published in full text.

SCOPE

§ 32.10 Basic criteria.

The basic text of the volumes shall consist of oral utterances by the President or of writings subscribed by him.

§ 32.11 Sources.

(a) The basic text of the volumes shall be selected from: (1) Communications to the Congress, (2) public addresses, (3) transcripts of press conferences, (4) public letters, (5) messages to heads of state, (6) statements released on miscellaneous subjects, and (7) formal executive documents promulgated in accordance with law.

(b) In general, ancillary text, notes, and tables shall be derived from official sources.

OFFICIAL DISTRIBUTION

§ 32.15 The Congress.

Each Member of the Congress, during his term of office, shall be entitled to one copy of each annual volume published during such term. Authorization for furnishing such copies shall be submitted in writing to the Director and signed by the authorizing Member.

§ 32.16 The Supreme Court.

The Supreme Court of the United States shall be entitled to 12 copies of the annual volumes.

§ 32.17 Executive agencies.

The head of each department and the head of each independent agency in the executive branch of the Government shall be entitled to one copy of each annual volume upon application therefor in writing to the Director.

§ 32.18 Governmental requisitions.

Legislative, judicial, and executive agencies of the Federal Government may obtain, at cost, copies of the annual volumes for official use upon the timely submission to the Government Printing Office of a printing and binding requisition (Standard Form 1).

§ 32.19 Extra copies.

All requests for extra copies of the annual volumes must be addressed to the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Extra copies must be paid for by the agency or official requesting them.

PUBLIC SALE

§ 32.22 Sale of annual volumes.

The annual volumes shall be placed on sale to the public by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, at prices determined by him under the general direction of the Administrative Committee.

Subpart B—Weekly Compilation

§ 32.30 Publication required.

There shall be published promptly, once each week, a special edition of the FEDERAL REGISTER designated "Weekly Compilation of Presidential Documents."

§ 32.31 Format and indexes.

The Weekly Compilation shall be published in the style and binding deemed by the Administrative Committee to be most suitable for public and official use. The Director of the Federal Register shall provide indexes and such other finding aids as may be appropriate to effective use.

§ 32.40 Official distribution.

The Weekly Compilation shall be furnished regularly to members of Congress and to officials of the legislative, judicial and executive branches of the Government in such numbers as are needed for official use. Authorization to make such distribution shall be made in writing to the Director and signed by the authorizing officer. Special needs for selected issues in substantial quantity shall be filled by the timely submission to the Government Printing Office of a printing and binding requisition (Standard Form 1).

§ 32.50 Public sale.

The Weekly Compilation shall be placed on sale to the public by the Superintendent of Documents, Government Printing Office, Washington, D.C., 20402, at a price to be determined by him under the general direction of the Administrative Committee.

SUBCHAPTER E—DEFINITIONS

PART 40—MEANING OF TERMS IN THIS CHAPTER

Sec.
40.1 Meaning of terms.
40.2 Act.
40.3 Administrative Committee.
40.4 Administrative Procedure Act.
40.5 Agency.
40.6 Code.
40.7 Director.
40.8 Document.
40.9 Document having general applicability and legal effect.
40.10 Document subject to codification.
40.11 Federal Register.
40.12 Office.
40.13 Person.
40.14 Publication day.
40.15 Typographical unit.
40.16 Working day.

AUTHORITY: The provisions of this Part 40 issued under sec. 6, 49 Stat. 501, as amended; 44 U.S.C. 306. Sec. 6, E.O. 10530, 19 F.R. 2709; 3 CFR 1954–1958 Comp.

§ 40.1 Meaning of terms.

As used in this chapter, unless the context otherwise requires, terms shall have the meanings ascribed in this part.

§ 40.2 Act.

"Act" means the Federal Register Act, approved July 26, 1935, as amended (49 Stat. 500, as amended; 44 U.S.C. 301, et seq.).

§ 40.3 Administrative Committee.

"Administrative Committee" means the Administrative Committee of the Federal Register established under section 6 of the act.

§ 40.4 Administrative Procedure Act.

"Administrative Procedure Act" means the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 237, as amended; 5 U.S.C. 1001–1011).

§ 40.5 Agency.

"Agency" means each authority, whether or not within or subject to review by another agency, of the government of the United States other than the Congress, the courts, or the Governments of the District of Columbia, the Commonwealth of Puerto Rico, or the territories or possessions of the United States.

§ 40.6 Code.

"Code" means the Code of Federal Regulations prepared and published by the Office pursuant to section 11 of the act, as amended.

§ 40.7 Director.

"Director" means the Director of the Office of the Federal Register, National Archives and Records Service, General Services Administration.

§ 40.8 Document.

"Document" means any Presidential proclamation or Executive order, and any rule, regulation, order, certificate, code of fair competition, license, notice, or similar instrument issued, prescribed, or promulgated by an agency, and any other instrument authorized or required by law to be published in the FEDERAL REGISTER.

§ 40.9 Document having general applicability and legal effect.

"Document having general applicability and legal effect" means every document issued under proper authority prescribing a penalty or a course of conduct, conferring a right, privilege, authority, or immunity, or imposing an obligation, and relevant or applicable to the general public, the members of a class, or the persons of a locality, as distinguished from named individuals or organizations.

§ 40.10 Document subject to codification.

"Document subject to codification" means any document which has general applicability and legal effect and which is in force and effect and relied upon by the issuing agency as authority for, or invoked or used in the discharge of, any of its functions or activities: *Provided*, That descriptions of organization published pursuant to section 3(a)(1) of the Administrative Procedure Act may be assigned to and published in the Code under special agreements authorized by § 17.2 of this chapter.

§ 40.11 Federal Register.

"FEDERAL REGISTER" means the daily issue of the FEDERAL REGISTER.

§ 40.12 Office.

"Office" means the Office of the Federal Register, National Archives and Records Service, General Services Administration.

§ 40.13 Person.

"Person" means any individual, partnership, association, or corporation.

§ 40.14 Publication day.

"Publication day" means the day designated by the date line of the FEDERAL REGISTER in which a document is published. The FEDERAL REGISTER is published Tuesday through Saturday. There is no publication on Sunday, Monday, or on the day after an official Federal holiday.

§ 40.15 Typographical unit.

"Typographical unit" means a grammatical paragraph or an obvious segment of printed text similar in appearance to a paragraph.

§ 40.16 Working day.

"Working day" means the period from 8:45 a.m. to 5:15 p.m., Monday through Friday of each week, except official Federal holidays.

By order of the Administrative Committee of the Federal Register.

DAVID C. EBERHART,
Secretary.

[F.R. Doc. 65–13119; Filed, Dec. 6, 1965; 8:48 a.m.]

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THE UNIVERSITY OF MICHIGAN
DEC 13 1965
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FEDERAL REGISTER

VOLUME 30 • NUMBER 236

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Pages 15135–15197

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Agricultural Stabilization and Conservation Service
Civil Aeronautics Board
Civil Service Commission
Coast Guard
Consumer and Marketing Service
Customs Bureau
Engineers Corps
Federal Aviation Agency
Federal Communications Commission
Federal Home Loan Bank Board
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Interior Department
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Interstate Commerce Commission
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Treasury Department
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THE NATIONAL ARCHIVES OF THE UNITED STATES
1934

Volume 78

UNITED STATES STATUTES AT LARGE

[88th Cong., 2d Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1964, the twenty-fourth amendment to the Constitution, and Presidential proclamations. Included is a numerical listing of bills enacted into public and private law, and a guide to the legislative history of bills enacted into public law.

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BILL OF RIGHTS DAY
HUMAN RIGHTS DAY

By the President of the United States of America

A Proclamation

WHEREAS December 10, 1965, is the 17th anniversary of the Universal Declaration of Human Rights, which voices the aspirations of all mankind, and December 15, 1965, is the 174th anniversary of the first ten Amendments to the Constitution of the United States, which we honor as our Bill of Rights; and

WHEREAS the Universal Declaration is a further recognition of the great principles of freedom of speech, press, and assembly, of freedom of religion and conscience, of assurance of fair trial, and of the right to participate in government—all rights which are guaranteed by the Constitution of the United States; and

WHEREAS people everywhere in the world find common cause in the demand for more effective recognition—in law and in practice—of the inalienable right of every person to equal dignity and equal opportunity; and

WHEREAS our American heritage has found further expression in our own country through the adoption of new legislation for the protection of civil rights, for the guarantee of voting rights, and for the extension of economic opportunity to those who have not shared equally in the prosperity and promise of our time:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby proclaim December 10, 1965, as Human Rights Day and December 15, 1965, as Bill of Rights Day, and call upon the people of the United States to observe the week of December 10–17 as Human Rights Week.

Let us never forget the words cast on the big bell at Independence Hall, "Proclaim Liberty throughout the land and unto all the inhabitants thereof."

The Congress of the United States, our Executive Departments, the Courts, and men and women of good will throughout the land are daily demonstrating their determination that no one shall be denied enjoyment of his rights or equal opportunity to rise as far as his abilities will take him.

During this Human Rights Week, let us pause to reaffirm the ideals and principles which have been at the foundation of our country's growth and greatness—ideals which have stirred the minds and hearts of men from time immemorial, and which take on new power and promise for all peoples in this splendid age of scientific and cultural achievement.

Let each of us, in daily life, do what he can to make this a truly just and compassionate nation, remembering that as we work for freedom here—freedom from discrimination, freedom from ignorance, from poverty, from all that makes for fear and prejudice—we work not only for ourselves but for all mankind.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this second day of December in the year of our Lord nineteen hundred and sixty-five, and of the Independence of the United States of America the one hundred and ninetieth.

[SEAL]

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 65-13169; Filed, Dec. 6, 1965; 2:12 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3313 is amended to show that the title of one of the two Schedule C Staff Assistants to the Director, Agricultural Economics, is changed to Head, Staff Economists Group. Effective on publication in the FEDERAL REGISTER, subparagraph (4) of paragraph (n) of § 213.3313 is amended as set out below.

§ 213.3313 Department of Agriculture.

* * * * * * *

(n) *Agricultural Economics.* * * *

(4) One Head, Staff Economists Group, and one Staff Assistant to the Director.

* * * * * * *

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65-13140; Filed, Dec. 7, 1965; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 321—RESTRICTED ENTRY ORDERS

Subpart—Foreign Potatoes

SPECIAL PROVISION FOR IMPORTATION FROM BERMUDA AND CANADA

Under the authority of sections 1, 5, and 9 of the Plant Quarantine Act of August 20, 1912 (7 U.S.C. 154, 159, 162; 37 Stat. 315, 316, 318), § 321.8 of the restricted entry order (7 CFR 321.1 et seq.) relating to the importation of potatoes is hereby amended to read as follows:

§ 321.8 Special provision for the importation of potatoes from Bermuda and certain parts of the Dominion of Canada.

(a) Potatoes may be imported into the United States from Bermuda and the Dominion of Canada (other than British Columbia and Newfoundland) free of any restrictions whatsoever.

(b) Seed potatoes may be imported into the United States from the Province of British Columbia (other than Vancouver Island), Dominion of Canada, if the following conditions are met:

(1) The seed potatoes were grown on the mainland of the Province.

(2) A soil survey by the Canada Department of Agriculture of the field or fields where the seed potatoes were grown has shown the apparent freedom of such field or fields from golden nematode infestation.

(3) The seed potatoes are accompanied by a Canada Department of Agriculture export certificate certifying that the conditions in subparagraphs (1) and (2) of this paragraph have been complied with.

(c) The authorization in paragraph (b) of this section does not apply to the importation of table stock potatoes.

(Secs. 1, 5, 9, 37 Stat. 315, 316, 318, 7 U.S.C. 154, 159, 162; 29 F.R. 16210, as amended, 30 F.R. 5801; 7 CFR 321.1 et seq.)

The foregoing amendment shall be effective December 8, 1965, when it shall supersede the amendment effective July 21, 1965, 30 F.R. 9087.

The purpose of this amendment is to authorize the importation into the United States of seed potatoes from the Province of British Columbia (other than Vancouver Island) under certain conditions deemed sufficient to assure that such potatoes are not infested with the golden nematode. Under an amendment of § 321.8 effective July 21, 1965, importation of potatoes of all types from the Province of British Columbia was prohibited. Since that date extensive surveys of potato fields on the mainland of British Columbia and on-the-ground consultation on the problem by representatives of the U.S. Department of Agriculture have indicated that the mainland is apparently free of the pest. Section 321.8 is accordingly being amended to authorize the entry from British Columbia (other than Vancouver Island) of seed potatoes when they are accompanied by a certificate of the Canada Department of Agriculture certifying that the seed potatoes are from mainland fields that have been surveyed for golden nematode with negative results. Entry of table stock potatoes is still prohibited from the entire Province of British Columbia.

Inasmuch as this amendment relieves restrictions heretofore imposed, it should be made effective promptly in order to be of maximum benefit to importers of seed potatoes. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to this amendment are impracticable and contrary to the public interest, and good cause is found for making this revision effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 3d day of December 1965.

[SEAL] R. J. ANDERSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 65-13130; Filed, Dec. 7, 1965; 8:48 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

Subpart—1966 Crop of Extra Long Staple Cotton; Acreage Allotments and Marketing Quotas

COUNTY RESERVE

(a) Section 722.363 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). This section establishes the county reserve for the 1966 crop of extra long staple cotton. Such determination was made initially by the respective county committees and is hereby approved and made effective by the Administrator, ASCS, pursuant to delegated authority (19 F.R. 74, 21 F.R. 1665, 25 F.R. 3925, 28 F.R. 4368).

(b) Notice that the Secretary was preparing to establish State and county allotments was published in the FEDERAL REGISTER on September 22, 1965 (30 F.R. 12079), in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003). No written submissions were received in response to such notice.

(c) Since the establishment of county reserves under this section requires immediate action by the State and county committees, it is essential that § 722.363 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and § 722.363 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 722.363 County reserve for the 1966 crop of extra long staple cotton.

The county reserve for the 1966 crop of extra long staple cotton is established in accordance with § 722.309 of the Acreage Allotment Regulations for the 1964 and Succeeding Crops of Extra Long Staple Cotton (28 F.R. 11034, as amended). The following table sets forth the county reserve:

County	County reserve (acres)	County	County reserve (acres)
ARIZONA			
Cochise	2.0	Pima	5.2
Gila	0	Pinal	9.6
Graham	1.6	Santa Cruz	0
Maricopa	22.8	Yuma	2.4
CALIFORNIA			
Imperial	.7	Riverside	5.0
FLORIDA			
Alachua	0	Marion	0
Bradford	.4	Putnam	0
Hamilton	0	Sumter	4.9
Jefferson	0	Suwannee	0
Lake	0	Union	.1
Madison	0		
GEORGIA			
Berrien	13.9	Cook	0
NEW MEXICO			
Chaves	4.2	Luna	1.2
Dona Ana	34.6	Otero	0
Eddy	5.4	Sierra	19.7
Hidalgo	.6		
TEXAS			
Brewster	0	Pecos	1.9
Culberson	2.0	Presidio	.1
El Paso	15.6	Reeves	.7
Hudspeth	4.2	Ward	0
Loving	0		

Area	Area reserve (acres)
PUERTO RICO	
North	11.2

(Secs. 344, 347, 375, 63 Stat. 670, as amended, 63 Stat. 675, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1344, 1347, 1375)

Effective date. Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on December 3, 1965.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65-13131; Filed, Dec. 7, 1965; 8:48 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 88, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of Navel oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b) (1) (i), (iii), and (iv) of § 907.388 (Navel Orange Regulation 88, 30 F.R. 14730) are hereby amended to read as follows:

§ 907.388 Navel Orange Regulation 88.

* * * * *

(b) *Order.* * * *

(1) * * *

(i) District 1: Unlimited movement;

* * * * *

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 3, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-13094; Filed, Dec. 7, 1965; 8:45 a.m.]

[Navel Orange Reg. 90]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.390 Navel Orange Regulation 90.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and this part (Order No. 907, as amended), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 2, 1965.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., December 12, 1965, and ending at 12:01 a.m., P.s.t., October 31, 1966, no handler shall handle any navel oranges, grown in District 2, which are of a size smaller than 2.32 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided,* That not to exceed 5 percent, by count, of the oranges contained in any type of container may measure smaller than 2.32 inches in diameter.

(2) As used in this section, "handle," "handler," and "District 2" shall have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 3, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-13133; Filed, Dec. 7, 1965; 8:48 a.m.]

PART 971—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

Expenses and Rate of Assessment

Notice of rule making regarding proposed expenses and rate of assessment for the fiscal period ending July 31, 1966, to be effective under Marketing Agreement No. 144 and Marketing Order No. 971 (7 CFR Part 971), regulating the handling of lettuce grown in the Lower Rio Grande Valley in South Texas, was published in the FEDERAL REGISTER, October 16, 1965 (30 F.R. 13235). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to submit data, views, or arguments pertaining thereto not later than 15 days following publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice, which were recommended by the South Texas Lettuce Committee, established pursuant to the said marketing agreement and this part, it is hereby found and determined that:

§ 971.206 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period August 1, 1965, through July 31, 1966, by the South Texas Lettuce Committee for its maintenance and functioning and for such purposes as the Secretary determines to be appropriate, will amount to $18,235.00.

(b) The rate of assessment to be paid by each handler in accordance with the marketing agreement and this part shall be one cent ($0.01) per carton of lettuce handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section have the same meaning as when used in the said marketing agreement and this part.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that: (1) The relevant provisions of the marketing agreement and this part require that rates of assessment fixed for a particular fiscal period shall be applicable to all assessable lettuce from the beginning of such period, and (2) the current fiscal period began on August 1, 1965, and the rate of assessment herein fixed will automatically apply to all assessable lettuce beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 2, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-13095; Filed, Dec. 7, 1965; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 1464; Amdt. No. 137-1]

PART 137—AGRICULTURAL AIRCRAFT OPERATIONS

Expansion of Grandfather Provisions

The purpose of this amendment is to make the knowledge and skill and continuance of existing authority ("grandfather") privileges provided in Part 137 for holders of certificates of waiver also available to operators and pilots who can substantiate that they have, within the 12 months immediately preceding the effective date of Part 137, conducted agricultural aircraft operations in compliance with the Federal Aviation Regulations, without a certificate of waiver.

The Helicopter Association of America pointed out in a letter to the Agency, that since most agricultural operations with helicopters can be conducted within the regulations, many operators and pilots engaged in these operations without certificates of waiver. Thus, as Part 137 is presently written, the lack of a waiver would make these operators and pilots ineligible for the "grandfather" privileges that this Part provides for waiver holders. As it was the intent of Part 137 to exempt persons who have engaged in agricultural aircraft operations in compliance with Federal Aviation Regulations, from the knowedge and skill requirements of § 137.19(e) and to grant them a continuance of their existing authority, the fact that some of these operators or pilots do not possess a waiver should not prevent them from qualifying for the "grandfather" privileges.

Since these amendments are minor in nature and impose no additional burden on any person, I find that notice and public procedure thereon are unnecessary and good cause exists for making them effective on less than 30 days' notice.

In consideration of the foregoing, effective January 1, 1966, Part 137 of the Federal Aviation Regulations is amended as follows:

1. Section 137.13 is amended to read as follows:

§ 137.13 Continuance of existing authority.

Any person conducting agricultural aircraft operations under a certificate of waiver issued by the Administrator that is in effect on December 31, 1965, or any person who can substantiate that he has conducted agricultural aircraft operations in compliance with Federal Aviation Regulations without a certificate of waiver within 12 months immediately preceding January 1, 1966, may continue to operate, if he applies for an agricultural aircraft operator certificate before January 1, 1966. Unless the operating authority is sooner suspended or revoked, this extension of authority terminates when he is given notice of final action on his application.

§ 137.19 [Amended]

2. The second sentence of § 137.19(e) is amended to read as follows: "However an applicant need not comply with this paragraph if, at the time he applies for an agricultural aircraft operator certificate, he holds a current certificate of waiver for conducting agricultural aircraft operations or the person who is to supervise agricultural aircraft operations for him holds such a certificate, or if he or that supervisor can substantiate that either of them has conducted agricultural aircraft operations in compliance with the Federal Aviation Regulations without a certificate of waiver within 12 months immediately preceding January 1, 1966; and if his record of operation either with or without the certificate of waiver has not disclosed any question regarding the safety of his flight operations or his competence in dispensing agricultural materials or chemicals."

(Secs. 313(a), 307(c), 601, 607, Federal Aviation Act of 1958 (49 U.S.C. 1354, 1348, 1421, 1427))

Issued in Washington, D.C., on December 6, 1965.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 65-13198; Filed, Dec. 7, 1965; 9:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56542]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Clearance of Serially Numbered Substantial Holders or Outer Containers

On September 15, 1965, there was published in the FEDERAL REGISTER a notice of proposed rulemaking setting forth proposed amendments to the Customs Regulations relating to the clearance of serially numbered substantial holders or outer containers. No adverse representations were received.

Accordingly, Part 10 of the Customs Regulations is amended in terms of the published proposal (with the addition of a delayed effective date as to the marking requirements) by inserting after § 10.41a a new § 10.41b reading as follows:

§ 10.41b Clearance of serially numbered substantial holders or outer containers.

(a) The holders and containers described in this section may be released without entry or the payment of duty, subject to the provisions of this section.

(b) In the case of serially numbered holders or containers of United States manufacture for which free clearance under item 800.00, Tariff Schedules of the United States, is claimed, the owner shall place thereon the following mark-

ings: (1) 800.00, unless the holder or container has permanently attached thereto the manufacturer's metal tag or plate showing, among other things, the name and address of the manufacturer who is located in the United States. (2) The name of the owner, either positioned as indicated in the example below, or elsewhere conspicuously shown on the holder or container. (3) The serial number assigned by the owner, which shall be one of consecutive numbers and not to be duplicated. For example: 800.00 • • • Zenda • • • 2468.

(c) In the case of serially numbered holders or containers of foreign manufacture for which free clearance under the second provision in item 808.00, Tariff Schedules of the United States, is claimed, the owner shall place thereon the following markings: (1) 808.00. (2) The district and port code numbers of the port of entry, the entry number, and the last two digits of the fiscal year of entry covering the importation of the holders and containers on which duty was paid. (3) The name of the owner, either positioned as indicated in the example below, or elsewhere conspicuously shown on the holder or container. (4) The serial number assigned by the owner, which shall be one of consecutive numbers and not to be duplicated. For example: 808.00 • • • 10–1–366–63 • • • Zenda • • • 2468.

(d) The prescribed markings shall be clear and conspicuous, that is, they shall appear on an exposed side of the holder or container in letters and figures of such size as to be readily discernible. The markings will be stricken out or removed when the holders or containers are taken out of service or when ownership is transferred, except that appropriate changes may be made if a new owner wishes to use the holders and containers under this procedure.

(e) The owner shall keep adequate records open to inspection by customs officers, which shall show the current status of the serially numbered holders and containers in service and the disposition made of such holders and containers taken out of service.

(f) Nothing in this procedure shall be deemed to affect:

(1) The requirements for outward or inward manifesting of such holders or containers. The manifests will show for each holder or container its markings as provided for herein.

(2) The requirements of the Department of Commerce on exportation with respect to the filing of "Shipper's Export Declaration," Form 7525–V.

(3) The treatment of articles covered herein under the coastwise laws of the United States, with particular reference to section 883, Title 46, United States Code.

(g) If the holder or container and its contents are to move in bond from the port of arrival intact, the holder or container should appear on the inward foreign manifest so as to be related to the cargo contained therein. The holder or container and its contents will be cleared under this procedure at a subsequent port. If the holder or container is to move from the port of arrival not intact with its contents, the holder or container may appear on the inward foreign manifest separate from and not related to the cargo contained therein. The container will be cleared under this procedure at the port of arrival before it moves forward and will not appear on the inbond documents.

(h) A bond in the form set forth below will be filed with the collector of customs in the amount of $10,000. The bond will remain in force for a continuous period. The bond will be conditioned that upon a violation of the requirements of item 800.00 or 808.00, Tariff Schedules of the United States, or of these regulations, the owner will be liable for the payment of liquidated damages equal to the domestic value of the holder or container established in accordance with section 606, Tariff Act of 1930.

BOND FOR THE CONTROL OF IDENTIFIED SHIPPING CONTAINERS

Know all men by these presents that [1]_____ of _____, as principal, and [1] _____, of _____, and _____, of _____, as sureties, are held and firmly bound unto the United States of America in the sum of _____ dollars ($_____), for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

Witness our hands and seals this _____ day of _____, 19__.

Whereas, the above-bounden principal in the conduct of its domestic and international business expects to bring in and take out at a port or ports of entry, lift vans, cargo vans, shipping tanks, skids, pallets, and similar substantial holders or outer containers of United States or foreign manufacture, classifiable under item 800.00 or item 808.00, Tariff Schedules of the United States, and which have been serially numbered; and

Whereas, the above-bounden principal agrees that such holders or containers for which free release is claimed under item 800.00, Tariff Schedules of the United States, will not be advanced in value or improved in condition while they are abroad and that no drawback will be (or has been) claimed on their exportation, and that in the case of holders and containers for which free release under the second provision in item 808.00 is claimed the conditions required by that provision, including the initial duty payment, will be complied with; and

Whereas, the above-bounden principal agrees to mark such holders or containers in the manner prescribed by the Bureau of Customs and to keep adequate records, open to inspection by customs officers, showing current status of the holders and containers in service and the disposition made of holders and containers taken out of service.

Now, therefore, the condition of this obligation is such that—

(1) If the serially numbered lift vans, cargo vans, shipping tanks, skids, pallets, and other substantial holders or outer containers of United States manufacture for which free release is claimed under item 800.00, Tariff Schedules of the United States, are not advanced in value or improved in condition while they are abroad and no drawback is (or has been) claimed on their exportation, and if in the case of such holders or containers of foreign manufacture for which free release is claimed under the second provision of item 808.00, Tariff Schedules of the United States, the provisions of that item are complied with;

(2) If the above-bounden principal marks such holders or containers in the manner prescribed by the Bureau of Customs and keeps adequate records, open to inspection by customs officers, showing the current status of the holders and containers in service and the disposition made of holders and containers taken out of service;

(3) If the above-bounden principal strikes out or removes the markings from holders and containers when they are taken from service or when ownership is being transferred;

Then this obligation shall be void; otherwise it shall remain in full force and effect for the payment of liquidated damages in an amount equal to the domestic value of the article established in accordance with section 606, Tariff Act of 1930, not exceeding the sum named in this obligation, for any breach or breaches thereof.

Signed, sealed, and delivered in the presence of—

_____ (Name) (Address)

_____ (Name) (Address)

_____ (SEAL) (Principal)

_____ (Name) (Address)

_____ (Name) (Address)

_____ (SEAL) (Surety)

_____ (Name) (Address)

_____ (Name) (Address)

_____ (SEAL) (Surety)

(77A Stat. 409, sec. 623, 46 Stat. 759, as amended; 19 U.S.C. 1202 (Sch. 8, pt. 1C, hdnote. 3(a)), 1623)

(77A Stat. 14, sec. 624, 46 Stat. 759; 19 U.S.C. 1202 (Gen. Hdnote 11), 1624)

This amendment relieves restrictions and is within the exception of section 4(c) of the Administrative Procedure Act as to effective date requirements. This amendment shall be effective on the date of its publication in the FEDERAL REGISTER except that, with respect to the required marking of holders and containers which were covered by a bond filed with a collector of customs before the date of publication of this amendment and marked in accordance with instructions then in effect, the effective date shall be June 30, 1967.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: November 30, 1965.

TRUE DAVIS,
Assistant Secretary of the Treasury.

[FR. Doc. 65–13108; Filed, Dec. 7, 1965; 8:46 a.m.]

[1] If the principal or surety is a corporation, the name of the State in which incorporated also should be shown.

Title 24—HOUSING AND HOUSING CREDIT

Subtitle A—Department of Housing and Urban Development

PART 3—URBAN RENEWAL

The regulations governing the making of relocation payments under Title I of the Housing Act of 1949, as amended (42 U.S.C. 1450 et seq.), published under Part 3 of Subtitle A of Title 24 of the Code of Federal Regulations (first issued as of October 8, 1956, 21 F.R. 9991, Dec. 15, 1956, and amended at 22 F.R. 1980, Mar. 26, 1957; 22 F.R. 9937, Dec. 12, 1957; 23 F.R. 750, Feb. 5, 1958; 23 F.R. 1723, Mar. 13, 1958; 23 F.R. 5723, July 30, 1958; 23 F.R. 6595, Aug. 26, 1958; 23 F.R. 10531, Dec. 31, 1958; 24 F.R. 8604, Oct. 23, 1959; 26 F.R. 5712, June 27, 1961; 26 F.R. 7826, Aug. 23, 1961; 27 F.R. 7677, Aug. 3, 1962, corrected at 27 F.R. 7876, Aug. 9, 1962; 28 F.R. 588, Jan. 23, 1963, corrected at 28 F.R. 692, Jan. 25, 1963; 30 F.R. 439, Jan. 13, 1965; 30 F.R. 4715, Apr. 13, 1965; 30 F.R. 10027, Aug. 12, 1965), are hereby amended to include the regulations governing the making of relocation payments under section 404 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3074) and otherwise revised to read as follows:

Subpart A—[Reserved]

Subpart B—Relocation Payments

Sec.
3.100 Statement of applicable law.
3.101 Definitions.
3.102 Relocation payments by the Agency.
3.103 Basic eligibility conditions—displacement from an urban renewal area.
3.103a Basic eligibility conditions—displacement from a code enforcement area.
3.103b Basic eligibility conditions—displacement from a demolition grant area.
3.103c. Eligibility—relocation adjustment payment.
3.103d Notice of intention to move.
3.104 Administration of relocation payments program.
3.105 Fixed relocation payments to individuals and families.
3.106 Determining moving expenses of business concern.
3.107 Determining actual direct loss of property.
3.108 Filing of claims.
3.109 Limitations on amount of relocation payments.
3.110 Determinations in condemnation proceedings.

AUTHORITY: The provisions of this Part 3 issued under sec. 502, 62 Stat. 1283, as amended, sec. 114(d), 78 Stat. 789, sec. 404, 79 Stat. 486; 12 U.S.C. 1701c, 42 U.S.C. 1465 (d), 3074.

Subpart A [Reserved]

Subpart B—Relocation Payments

§ 3.100 Statement of applicable law.

Section 305 of the Housing Act of 1956 (70 Stat. 1100, 42 U.S.C. 1456) amended Title I of the Housing Act of 1949, as amended, by adding a new section 106(f), which provided that Title I urban renewal projects may include the making of relocation payments subject to rules and regulations prescribed by the Housing and Home Finance Administrator. Section 106(f) was amended by section 304 of the Housing Act of 1957 (71 Stat. 300), section 409 of the Housing Act of 1959 (73 Stat. 673), and section 304 of the Housing Act of 1961 (75 Stat. 167). Section 310 of the Housing Act of 1964 amended Title I by adding a new section 114 (78 Stat. 788, 42 U.S.C. 1465) and incorporated therein, with additional provisions, the former section 106(f) of Title I, which was repealed (42 U.S.C. 1456 (s)). Section 311(a) of the Housing and Urban Development Act of 1965 amended Title I by adding a new section 117 (79 Stat. 478, 42 U.S.C. 1468) providing for grants for programs of concentrated code enforcement and providing that the provisions of section 114 of Title I shall be applicable to such programs. Section 404(a) of the Housing and Urban Development Act of 1965 (79 Stat. 486, 42 U.S.C. 3074) provides that the provisions of section 114 of Title I shall be applicable to all programs under Title I; by virtue of such section 404(a), the provisions of section 114 of Title I are applicable to contracts for grants for the demolition of structures which are structurally unsound or unfit for human habitation. Authority to issue regulations is included in the delegation to the Urban Renewal Commissioner and Regional Administrators, as amended, republished at 25 F.R. 9874, October 14, 1960, as amended. Such delegation of authority is continued in full force and effect by section 9(c) of the Department of Housing and Urban Development Act (79 Stat. 671, 5 U.S.C. 624 note).

§ 3.101 Definitions.

For the purpose of the regulations in this subpart, the following terms shall mean:

(a) *Actual direct loss of property.* Actual loss in the value of the property (exclusive of goods or other inventory kept for sale) sustained by the site occupant by reason of the disposition or abandonment of the property resulting from the site occupant's displacement. A loss resulting from damage to the property while being moved is not included.

(b) *Agency.* (1) In an urban renewal area, the LPA, or (2) in a code enforcement area or demolition grant area, the code agency.

(c) *Business concern.* A corporation, partnership, individual, or other private entity, including a nonprofit organization, engaged in some type of business, professional, or institutional activity necessitating fixtures, equipment, stock in trade, or other tangible property for the carrying on of the business, profession, or institution.

(d) *Code agency.* A city, other municipality, or county authorized to engage in code enforcement activities in the locality.

(e) *Code enforcement.* Structural or other substantial repairs to, or alterations of, any building or other improvement on land, the demolition of any building or improvement, or a reduction in the number of occupants of, or any other change in the use of, any parcel of real property, pursuant to the requirements of, or to comply with a notice by a municipality of enforcement of, a zoning, building, or other municipal code or ordinance.

(f) *Code enforcement area.* An area which HUD has approved under section 117 of Title I for a program of concentrated code enforcement and public improvements.

(g) *Demolition grant area.* An area which HUD has approved under section 116 of Title I for a program of demolition of structures which are structurally unsound or unfit for human habitation.

(h) *Family.* Two or more persons related by blood, marriage, or adoption, who are living together in a single dwelling unit.

(i) *Federal financial assistance contract.* (1) A contract for a loan, a grant, or a loan and grant, between the Federal Government and the LPA for an urban renewal project, executed on or after August 7, 1956; or

(2) A contract for a grant for a program of concentrated code enforcement and public improvements between the Federal Government and the code agency; or

(3) A contract for a grant for the demolition of unsafe structures between the Federal Government and the code agency;

whichever is pertinent in the context.

(j) *HUD.* (1) Prior to November 9, 1965, the Housing and Home Finance Administrator; or (2) on and after November 9, 1965, the Housing and Home Finance Administrator in the Department of Housing and Urban Development pending appointment of the Secretary of Housing and Urban Development, and thereafter the Secretary of Housing and Urban Development; or (3) an employee duly authorized to perform the functions of such Administrator or Secretary.

(k) *Individual.* A person who is not a member of a family. An elderly individual is an individual 62 years of age or over at the time of displacement.

(l) *LPA.* A Local Public Agency authorized to undertake an urban renewal project being assisted under Title I.

(m) *Moving expenses*—(1) *Individuals and families.* Costs of packing, storing (for a period of 1 year or less), carting, and insuring of property and incidental costs of disconnecting and reconnecting household appliances.

(2) *Business concerns.* Costs of dismantling, crating, storing (for a period of 1 year or less), transporting, insuring, reassembling, reconnecting, and reinstalling of property (including goods or other inventory kept for sale), exclusive of the cost of any additions, improvements, alterations, or other physical changes in or to any structure in connection with effecting such reassembly, reconnection, or reinstallation.

(n) *Property.* Tangible personal property, excluding fixtures, equipment, and other property which under State or local law are considered real property,

but including such items of real property as the site occupant may lawfully remove.

(o) *Public body.* A State, county, municipality, or other political subdivision, or an authority or agency which is a public legal entity.

(p) *Relocation payment.* A payment by an Agency:

(1) To an individual or family, for reasonable and necessary moving expenses and any actual direct loss of property (for which reimbursement or compensation is not otherwise made);

(2) To a business concern, for its reasonable and necessary moving expenses and any actual direct loss of property except goodwill or profit (for which reimbursement or compensation is not otherwise made);

(3) To a small business concern, for its displacement (small business displacement payment);

(4) To or on behalf of a family or elderly individual, for relocation adjustment (relocation adjustment payment); or

(5) To an individual, family, or business concern for settlement costs (for which reimbursement or compensation is not otherwise made).

(q) *Settlement costs.* (1) Recording fees, transfer taxes, and similar expenses incidental to conveying real property to the Agency;

(2) Penalty costs for prepayment of any mortgage encumbering such real property; and

(3) The pro rata portion of real property taxes allocable to a period subsequent to the date of vesting of title, or the effective date of the acquisition of such real property by the Agency, whichever is earlier.

(r) *Site occupant.* A family, individual, or business concern, as defined above.

(s) *Small business concern.* A business concern (other than a nonprofit organization) which in the 2 tax years immediately preceding its displacement (or, if not in business that long, such lesser period as may be approved by HUD) had average annual gross receipts or sales in excess of $1,500, but average annual net earnings before income taxes of less than $10,000. Earnings for the purpose of this paragraph (s) include salaries, wages, or other compensation received by an owner of the concern or any member of his household related to him, or, in the case of a corporation, the principal stockholders as determined by HUD.

(t) *Title I.* Title I of the Housing Act of 1949, as amended (42 U.S.C. 1450 et seq.).

(u) *Urban renewal area.* An area which HUD has approved for an urban renewal project.

(v) *Urban renewal plan.* A duly approved plan, as it exists from time to time, for an urban renewal project.

(w) *Urban renewal project.* Undertakings and activities of an LPA in an urban renewal area for the elimination and prevention of the development or spread of slums or blight as defined in Title I.

(x) *Voluntary rehabilitation.* Structural or other substantial repairs to, or alterations of, any building or other improvement on land within an urban renewal area, undertaken by an owner of any interest in such real property, in order to conform to the property rehabilitation standards set forth in the urban renewal plan.

§ 3.102 Relocation payments by the Agency.

The Agency shall make relocation payments to or on behalf of eligible site occupants in accordance with and to the full extent permitted by the regulations in this subpart: *Provided*, That for each Federal financial assistance contract the LPA may elect whether to make payments for moving expenses in excess of $25,000 in accordance with § 3.109(a)(2).

§ 3.103 Basic eligibility conditions—displacement from an urban renewal area.

(a) *Displacement.* A site occupant is eligible for a relocation payment for moving expenses and actual direct loss of property incurred on or after August 7, 1956, and settlement costs incurred on or after August 10, 1965, if the displacement of the site occupant is:

(1) From real property within the urban renewal area, on or after the date of execution of the pertinent Federal financial assistance contract, or the date of HUD approval of a budget for project execution activities resulting in the displacement (provided that in the latter case a Federal financial assistance contract for such contemplated project is thereafter executed); and

(2) Made necessary by (i) the acquisition of such real property by the LPA, or any other public body, or (ii) code enforcement activities undertaken in connection with the urban renewal project, or (iii), a program of voluntary rehabilitation of buildings or other improvements in accordance with the urban renewal plan, as further defined in paragraphs (b) and (c) of this section.

(b) *Displacement made necessary by acquisition.* A site occupant of the property on the date of execution of a Federal financial assistance contract (or HUD concurrence, prior to its approval of an Application for Loan and Grant, in the commencement of a project execution activity) which contemplates acquisition of the property, regardless of when or if such acquisition takes place, and a site occupant of the property at the time of its acquisition may be deemed displaced by the acquisition upon vacating the property. For this purpose, acquisition means the obtaining by the LPA or other public body of title to, or the right to possession of, the real property. This paragraph (b) shall apply to a site occupant displaced on or after January 27, 1964, but shall not affect adversely, in the case of a site occupant displaced prior to January 13, 1965, eligibility established in accordance with regulations in effect at the time of the site occupant's displacement.

(c) *Displacement made necessary by code enforcement or voluntary rehabilitation.* The vacating by the site occupant of the real property after the happening of any of the following events shall be deemed to be a displacement from the urban renewal area made necessary by code enforcement or voluntary rehabilitation, as the case may be:

(1) In the case of voluntary rehabilitation, the commencement of, or notice by the owner of the real property of the commencement of, voluntary rehabilitation of the building or other improvement, or the part thereof, occupied by the site occupant which makes it necessary (as determined by the LPA) for the site occupant to vacate the real property.

(2) In the case of code enforcement, the commencement of, or notice by the code agency of, code enforcement, with respect to the real property, or the part thereof, occupied by the site occupant which makes it necessary (as determined by the LPA) for the site occupant to vacate the real property.

(3) In the case of either voluntary rehabilitation or code enforcement, an increase, or a notice of increase, in rent for the rent period involved amounting to not less than 25 percent in the case of a business concern and not less than 10 percent in the case of an individual or family: *Provided*, That in the case of an individual or family the increase shall also result in a rent exceeding the standards established by the LPA for displacees' ability to pay.

(d) *Small business displacement payment.* A small business concern which satisfies the eligibility conditions of paragraph (a) of this section is eligible for a small business displacement payment if the concern:

(1) Is displaced on or after January 27, 1964;

(2) Is not part of an enterprise having two or more establishments outside the urban renewal area;

(3) Has filed with the Internal Revenue Service an income tax return for the 2 tax years immediately preceding its displacement (or, if not in business that long, a tax return for such lesser period as may be approved by HUD); or has furnished such other evidence of earnings as may be approved by HUD; and

(4) Was doing business in the urban renewal area on the date of the approval by the governing body of the locality of an urban renewal plan: *Provided*, That if the displacement occurs pursuant to a Federal financial assistance contract in accordance with the third sentence of section 102(a) of Title I (Early Land Acquisition Loan), the applicable date shall be the date of the approval by the governing body of the locality of an application for such contract, and if the displacement occurs pursuant to HUD approval of a budget for project execution activities, the applicable date shall be the date of the resolution by the LPA requesting HUD approval of such project execution activities.

(e) *Outdoor advertising display.* A business concern which is not displaced from an urban renewal area shall be eligible for a relocation payment for moving expenses incurred on or after September 2, 1964, with respect to its outdoor advertising displays required in the determination of the LPA to be removed from the urban renewal area.

(f) *Temporary on-site moves.* No relocation payment shall be made to a site occupant for a temporary move within the urban renewal area.

§ 3.103a Basic eligibility conditions—displacement from a code enforcement area.

(a) *Displacement.* A site occupant is eligible for a relocation payment for moving expenses, actual direct loss of property, and settlement costs if the displacement is:

(1) From real property within the code enforcement area, on or after the date of execution of a Federal financial assistance contract or the date of HUD approval of a budget for a program of concentrated code enforcement (provided that in the latter case a Federal financial assistance contract is thereafter executed for the area); and

(2) Made necessary by (i) code enforcement activities, or (ii) the acquisition of real property by the code agency or any other public body in connection with a federally assisted program of concentrated code enforcement and public improvements, as further defined in paragraphs (b) and (c) of this section.

(b) *Displacement made necessary by code enforcement.* The displacement of a site occupant from a code enforcement area is deemed made necessary by code enforcement if the vacation of the real property occurs on or after the commencement of code enforcement, or notice by the code agency that code enforcement will be required, with respect to the real property occupied by the site occupant under either of the following circumstances:

(1) The code enforcement cannot reasonably be undertaken without the vacation of the real property by the site occupant and the code agency so determines in accordance with § 3.104(e)(2); or

(2) In the case of a tenant, the owner has increased the rent or has notified the tenant of an increase in rent amounting to not less than 25 percent in the case of a business concern and not less than 10 percent in the case of an individual or family: *Provided*, That in the case of an individual or family the increase shall also result in a rent exceeding the standards established by the code agency for displacees' ability to pay.

(c) *Displacement made necessary by acquisition.* The displacement of a site occupant from a code enforcement area is deemed made necessary by acquisition if the vacation of the real property occurs after the code agency or other public body acquiring legal or equitable title or the right to possession has ordered the site occupant to vacate the real property.

(d) *Small business displacement payment.* A small business concern which satisfies the eligibility conditions of paragraph (a) of this section is eligible for a small business displacement payment if the concern:

(1) Is not part of an enterprise having two or more establishments outside the code enforcement area;

(2) Satisfies the requirements of § 3.103(f)(3) governing evidence of earnings; and

(3) Was doing business in the code enforcement area on the date of the approval by the code agency of an application for a Federal financial assistance contract for the area.

(e) *Outdoor advertising display.* A business concern which is not displaced from a code enforcement area shall be eligible for a relocation payment for moving expenses with respect to its outdoor advertising displays required in the determination of the code agency to be removed from the code enforcement area by the acquisition of real property in connection with a Federally assisted program of concentrated code enforcement and public improvements.

§ 3.103b Basic eligibility conditions—displacement from a demolition grant area.

(a) *Displacement.* A site occupant is eligible for a relocation payment for moving expenses and actual direct loss of property if the vacation of the real property within a demolition grant area occurs on or after (1) the date of execution of a Federal financial assistance contract, or the date of HUD approval of an application for a demolition grant (provided that in the latter case a Federal financial assistance contract is thereafter executed for the area); and (2) order by the code agency to vacate and demolish the real property.

(b) *Small business displacement payment.* A small business concern which satisfies the eligibility conditions of paragraph (a) of this section is eligible for a small business displacement payment if the concern:

(1) Is not part of an enterprise having two or more establishments outside the demolition grant area;

(2) Satisfies the requirements of § 3.103(f)(3) governing evidence of earnings; and

(3) Was doing business in the demolition grant area on the date of the approval by the code agency of an application for a Federal financial assistance contract for the area.

§ 3.103c Eligibility—relocation adjustment payment.

A family or elderly individual who satisfies the eligibility conditions of § 3.103(a) (displacement from an urban renewal area), § 3.103a(a) (displacement from a code enforcement area), or § 3.103b(a) (displacement from a demolition grant area), is eligible for a relocation adjustment payment if the site occupant:

(a) Is unable to secure a suitable dwelling unit in (1) a low-rent housing project assisted under the United States Housing Act of 1937, as amended, 42 U.S.C. 1401 et seq. (or a State or local program found by HUD to have the same general purposes), or (2) a dwelling unit assisted under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s(a));

(b) Has moved to a decent, safe, and sanitary dwelling; and

(c) In the case of displacement from an urban renewal area, is displaced on or after January 27, 1964.

§ 3.103d Notice of intention to move.

Except as provided in this § 3.103d, no relocation payment for moving expenses or actual direct loss of property and no small business displacement payment shall be made to a business concern unless (a) the Agency has received, at least 30 days but not earlier than 90 days prior to the moving date, written notice from the business concern of its intention to move or dispose of the property, which shall be described generally in the notice, and the date of such intended move or disposition, and (b) the business concern has permitted, at all reasonable times, the inspection by or on behalf of the Agency of such property at the site from which the business concern is displaced. For the purpose of this § 3.103d, "moving date" shall mean the date on which the first item of such property is intended to be moved or disposed of. The Agency may make a relocation payment notwithstanding nonreceipt of such timely notice only if the Agency has determined that there was reasonable cause for the failure of the business concern to give such notice, and the Agency has adequately verified the facts pertaining to the move or disposition and the requested relocation payment.

§ 3.104 Administration of relocation payments program.

(a) *Conditions for relocation payment.* The Agency (or, if the Agency is the municipality, the board or commission responsible for carrying out the Federally assisted activities or, if there is no such board or commission, the principal executive officer of the municipality) shall approve a schedule (Form H-6148) of average annual gross rentals for standard housing in the locality for determining the amount of relocation adjustment payments in accordance with § 3.109(b)(2), any schedule (Form H-6142) of fixed payments to be paid in accordance with § 3.105, and any other conditions under which the Agency will make relocation payments. The schedules and conditions shall be consistent with the regulations in this subpart and shall be available in written form to site occupants in the relocation office of the Agency.

(b) *Notice to site occupants.* The Agency shall furnish all site occupants, who occupy property within an urban renewal area (or the area of the Federally assisted activities) and who are anticipated to be displaced, with a notice or informational statement advising the site occupant of (1) the availability of relocation payments to eligible site occupants, and (2) the office where the conditions under which relocation payments will be made are available for inspection.

(c) *Action on claim—finality.* The Agency is initially responsible for determining the eligibility of a claim for, and the amount of, a relocation payment and shall maintain in its files complete and proper documentation supporting the determination. The determination

on each claim shall be made or approved either by the governing body of the Agency or by the principal executive officer of the Agency or his duly authorized designee. The determination, or any redetermination by any duly designated officer or agency, shall be final and conclusive for any purposes and not subject to redetermination by any court or any other officer. Subject to the requirements of this paragraph (c), the Agency may permit a third-party contractor responsible for relocation activities to examine and recommend action on a claim and to disburse funds in payment of a claim which has been approved by the Agency.

(d) *Prompt payment.* A relocation payment shall be made by the Agency as promptly as possible after a site occupant's eligibility has been determined in accordance with the regulations in this subpart: *Provided*, That a relocation adjustment payment shall be made during the first 5 months after the Agency has determined the eligibility of the claimant.

(e) *Certain determinations.* (1) No claim based upon acquisition of real property by a public body other than the Agency shall be approved unless the Agency shall have determined that the claimant was displaced by the acquisition or in contemplation thereof. The determination shall be supported by a signed statement from the public body indicating (i) when it acquired or proposes to acquire the property occupied by the claimant, and (ii) whether it compensated or has agreed to compensate the claimant for moving expenses, actual direct loss of property, or settlement costs resulting from the displacement.

(2) No claim based upon code enforcement or voluntary rehabilitation shall be approved unless the Agency shall have determined that the claimant was displaced by such activities. The determination shall be supported by a statement by the Agency giving the factual basis on which the determination was made.

(f) *Agency setoff against claim.* The Agency may set off against the claim of an otherwise eligible site occupant any financial claim the Agency may have against the site occupant arising out of the use of the real property.

(g) *Approval by HUD—business concerns.* No relocation payment for moving expenses or settlement costs, or both, in excess of $10,000 shall be made without approval by HUD.

(h) *Reimbursement of relocation payments.* Relocation payments made in accordance with the regulations in this subpart and pursuant to a Federal financial assistance contract are reimbursable in full to the Agency as a Title I grant.

(i) *Accounts and records.* Accounts and records shall be maintained as prescribed by HUD and shall be subject to inspection or audit at all reasonable times by HUD. Records pertaining to eligibility of relocation payments, including all claims, receipted bills or other documentation in support of a claim, and records pertaining to action on a claim, shall be retained by the Agency for not less than 3 years after the completion of the urban renewal project or the other Federally assisted activities.

§ 3.105 Fixed relocation payments to individuals and families.

(a) *Schedule of fixed payments.* An Agency intending to pay fixed amounts in lieu of payments for reasonable and necessary moving expenses and actual direct loss of property of eligible individuals and families shall prepare a schedule of the fixed amounts which it proposes to pay. The schedule shall contain a statement indicating that the Agency intends to permit eligible individuals and families to claim reimbursement for their actual moving expenses and actual direct loss of property.

(b) *Schedule provision.* (1) A proposed schedule of fixed payments to eligible individuals and families owning furniture shall provide for a graduated scale of payments related to the number of all rooms occupied by the claimant except bathrooms, hallways, and closets, which payments shall not exceed the lowest normal charge for carting expenses for the average time required to move personal effects: *Provided*, That in any event the payments shall not exceed the maximum reimbursement to eligible individuals or families provided in the regulations in this subpart.

(2) Fixed payments to eligible individuals or families not owning furniture shall not exceed: (i) $5 for any individual, (ii) $10 for any family.

(c) *Administration of fixed payments.* Eligible individuals or families may be paid the amount provided in the schedule of fixed payments approved by HUD upon receipt of a properly completed claim. A fixed payment shall be in full settlement for the claimant's moving expense and any actual direct loss of property. If the joint occupants of a single dwelling unit at the project site move to two or more locations and consequently submit more than one claim, an eligible claimant for a fixed payment may be paid only his reasonable prorated share (as determined by the Agency) of the total fixed payment applicable to such dwelling unit, and the total of fixed payments made to all such claimants moving from such dwelling unit shall not exceed the total fixed payment applicable to such dwelling unit.

§ 3.106 Determining moving expenses of business concern.

(a) *Submission of bids prior to moving date.* No claim for a relocation payment for moving expenses in excess of $500 shall be allowed for costs incurred by a business concern on or after April 1, 1965, unless the concern has submitted to the Agency, at least 15 days prior to the commencement of the move, a bid from three reputable firms covering the moving costs involved. Whenever it is not feasible to obtain three bids for any category of work, a lesser number of bids shall be submitted, together with a written justification by the concern; and no relocation payment shall be allowed in such cases unless the Agency has approved the justification. The Agency, with HUD concurrence, may waive any requirement of this paragraph (a) for good cause.

(b) *Payment not to exceed low bid.* Payment to a business concern for moving expenses shall not exceed the amount of the low bid submitted in accordance with paragraph (a) of this section unless the bid requirement has been waived in accordance with paragraph (a) of this section.

§ 3.107 Determining actual direct loss of property.

(a) The amount of actual direct loss of any item of property claimed shall be determined as follows:

(1) The fair market value of the property for continued use at its location prior to the displacement shall be ascertained by the claimant by an appraisal satisfactory to the Agency, except as provided in subparagraph (2) of this paragraph.

(2) If the value of the property for which actual direct loss is claimed does not warrant the expenses of an appraisal, then its fair market value for such continued use shall be computed as follows: The original cost of the item to the claimant (exclusive of installation cost), multiplied by the figure obtained by dividing the period of the remaining useful life of the property at the date of removal, by the period of the normal useful life of the property at the date of its acquisition by the claimant.

(3) The property shall be disposed of by a bona fide sale (as determined by the Agency) at the highest price offered after reasonable efforts have been made over a reasonable period of time to interest prospective purchasers. A trade-in of the property may be considered a bona fide sale, and the trade-in allowance, exclusive of any amount of discount that would be allowed on the price of the property being acquired in the absence of the trade-in, shall be deemed the amount realized upon the sale of the property.

(4) If the amount realized from the sale, after deducting ordinary and reasonable expenses of the sale, is less than the fair market value for such continued use, the difference between the net amount realized and the fair market value is the amount of actual direct loss of the property. Expenses of sale include such items as sale commissions, auctioneer's fees, advertising costs, and similar charges.

(b) If a bona fide sale is not effected because no offer is received for the property, after reasonable efforts have been made over a reasonable period of time to sell it, then its fair market value for continued use, ascertained as provided in this section, is the amount of actual direct loss of the property.

(c) Cost of appraisals: The cost of appraisals to determine actual direct loss of property, if made by or in behalf of the claimant, is not allowable as part of a claim.

§ 3.108 Filing of claims.

(a) *Form of claim.* To obtain a relocation payment, a site occupant shall file a written claim with the Agency on the appropriate HUD forms.

(b) *Documentation in support of claim.* A claim shall be supported by the following:

(1) If for moving expenses, except in the case of a fixed payment, a receipted bill or other evidence of such expenses. By prearrangement between the Agency, the site occupant, and the mover, confirmed in writing by the Agency, the claimant may present an unpaid moving bill to the Agency, and the Agency may pay the mover directly.

(2) If for actual direct loss of property, written evidence thereof, which may include appraisals, certified prices, copies of bills of sale, receipts, canceled checks, copies of advertisements, offers to sell, auction records, and such other records as may be appropriate to support the claim.

(3) In any other case, such documentation as may be required by the Agency, which may include income tax returns, withholding or informational statements, and proof of age.

(c) *Time for filing claims.* A claim for moving expenses, actual direct loss of property, or a small business displacement payment shall be submitted to the Agency within a period of 6 months after the displacement of the claimant. A claim for a relocation adjustment payment shall be submitted within a period of 60 days after the displacement of the claimant. A claim for settlement costs shall be submitted within 6 months after the costs have been incurred.

(1) *Displacement prior to January 13, 1965.* Notwithstanding the first two sentences of the introductory text of this paragraph (c), a claim for a relocation adjustment payment or for a small business displacement payment by a claimant displaced from an urban renewal area on or after January 27, 1964, and prior to January 13, 1965, shall be submitted within a period of 60 days of the last published or other notice by the LPA of the availability of such payments.

(2) *Waivers.* The time limitations in this paragraph (c) may be waived by the Agency for good cause, with HUD concurrence, in the case of a claimant displaced on or after January 27, 1964.

§ 3.109 Limitations on amount of relocation payments.

(a) *Moving expenses and loss of property—(1) Maximum amount—individuals or families.* The maximum relocation payment that may be made or recognized for moving expenses and actual direct loss of property, for which reimbursement or compensation is not otherwise made, to an individual or family shall not exceed $100 with respect to moving expenses incurred and actual direct loss of property suffered prior to September 23, 1959, and $200 with respect to such expenses incurred and loss suffered on or after September 23, 1959. The maximum relocation payment that many be made or recognized for moving expenses and actual direct loss of property, for which reimbursement or compensation is not otherwise made, to two or more unrelated individuals occupying the same dwelling unit shall not exceed $200.

(2) *Maximum amount—business concerns.* The maximum relocation payment that may be made or recognized in the case of a business concern for moving expenses and actual direct loss of property, for which reimbursement or compensation is not otherwise made, shall not exceed $2,000 with respect to moving expenses incurred or direct loss of property suffered prior to July 12, 1957, or $2,500 with respect to moving expenses incurred or direct loss of property suffered between July 12, 1957, and September 22, 1959, both dates inclusive, or $3,000 with respect to moving expenses incurred or direct loss of property suffered on or after September 23, 1959. If the total of the actual moving expenses incurred on or after June 30, 1961, and prior to October 2, 1962, is greater than $3,000, the maximum relocation payment that may be made or recognized in the case of a business concern, for which reimbursement or compensation is not otherwise made, shall be the total of such actual moving expenses. If the total of the actual moving expenses incurred on or after October 2, 1962, and prior to August 12, 1965, is greater than $3,000, the maximum relocation payment that may be made or recognized in the case of a business concern, for which reimbursement or compensation is not otherwise made, shall be the total of such actual moving expenses or $25,000, whichever is less. If the total of the actual moving expenses incurred on or after August 12, 1965, is greater than $3,000, the maximum relocation payment that may be made or recognized in the case of a business concern, for which reimbursement or compensation is not otherwise made, shall be the sum of:

(i) The total actual moving expenses or $25,000, whichever is less; and

(ii) In the case of projects on a two-thirds capital grant basis, two-thirds of the actual moving expenses in excess of $25,000: *Provided*, That the Agency makes a cash payment to the business concern out of local funds in an amount equal to one-third of the actual moving expenses in excess of $25,000, which payment shall not constitute a local grant-in-aid to the urban renewal project or any portion of the local share of the cost of the Federally assisted activities required by Title I; or

(iii) In the case of projects on a three-fourths capital grant basis, three-fourths of the actual moving expenses in excess of $25,000: *Provided*, That the Agency makes a cash payment to the business concern out of local funds in an amount equal to one-fourth of the actual moving expenses in excess of $25,000, which payment shall not constitute a local grant-in-aid to the urban renewal project or any portion of the local share of the cost of the Federally assisted activities required by Title I.

(3) *Maximum moving distance.* If a business concern moves beyond 100 miles from the boundary of the city, town, or village, as the case may be, in which the Federally assisted activities are carried out, a relocation payment for its moving expenses may not be made in excess of the reasonable and necessary expenses for moving such distance of 100 miles.

(b) *Small business displacement and relocation adjustment—(1) Fixed amount—small business displacement.* A small business displacement payment shall be $1,500 for business concerns displaced prior to August 10, 1965, and $2,500 for business concerns displaced on or after August 10, 1965.

(2) *Maximum amount—relocation adjustment.* The total relocation adjustment payment that may be made for a family or elderly individual shall be an amount not to exceed $500 which, when added to 20 percent of the annual income of the family or individual at the time of displacement, equals the average annual gross rental required for a decent, safe, and sanitary dwelling of modest standards adequate in size to accommodate the family or individual (in the area in which the Federally assisted activities are carried out or in other areas not generally less desirable in regard to public utilities and public and commercial facilities), as determined by the Agency.

§ 3.110 Determinations in condemnation proceedings.

Notwithstanding any other provision of the regulations in this subpart, when property is acquired by proceedings in condemnation, and the amount of the judgment includes an allowance for reasonable and necessary moving expenses, actual direct loss of property, or settlement costs, the portion of the judgment representing compensation for these items, if separately stated, shall be entitled to recognition as a relocation payment in an amount not to exceed the applicable dollar limitations of § 3.109: *Provided*, That the allowance for actual direct loss of property makes no compensation for loss of goodwill or profit.

Effective as of the 8th day of December 1965.

WILLIAM L. SLAYTON,
Urban Renewal Commissioner.

[F.R. Doc. 65-13138; Filed, Dec. 7, 1965; 8:48 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER D—NAVIGATION REQUIREMENTS FOR CERTAIN INLAND WATERS

[CGFR 65-54]

PART 82—BOUNDARY LINES OF INLAND WATERS

PART 85—INTERPRETIVE RULINGS—INTERNATIONAL RULES

Miscellaneous Amendments

The description of the boundary line between inland waters and the high seas

at Christiansted Harbor, Island of St. Croix, Virgin Islands, in 33 CFR 82.240 is amended because the reference points used have been changed. The name of the "Scotch Bank Lighted Buoy 1" has been officially changed to "Christiansted Harbor Channel Lighted Buoy 1" and the "Long Reef Range Rear Daybeacon" has been removed. The amendments to 33 CFR 85.01–1 and 85.05–1 bring references to laws up to date. The amendment to 33 CFR 85.01–5 corrects the date of a Treasury Department Order. As these changes are editorial to bring the regulations up to date, as published in the FEDERAL REGISTER, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedure thereon and effective date requirements) are unnecessary under provisions in section 4 of this Act (5 U.S.C. 1003).

By virtue of the authority vested in me as Commandant, U.S. Coast Guard by section 633, Title 14, U.S. Code, and Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521) and 167–17 dated June 29, 1955 (20 F.R. 4976), the following amendments are prescribed and shall become effective upon the date of publication in the FEDERAL REGISTER:

1. Section 82.240 is amended to read as follows:

§ 82.240 Christiansted Harbor, Island of St. Croix, Virgin Islands.

A line drawn from Shoy Point to Christiansted Harbor Channel Lighted Buoy 1; thence to stack at Little Princess northwestward of leper settlement.

(Sec. 2, 28 Stat. 672, as amended; 33 U.S.C. 151. Treasury Dept. Order 120, July 31, 1950, 15 F.R. 6521)

§ 85.01–1 [Amended]

2. Section 85.01–1 *Scope* is amended by changing at the end thereof the reference from "Act of October 11, 1951 (65 Stat. 406–420; 33 U.S.C. 143–147d)" to "Act of September 24, 1963 (77 Stat. 195–210; 33 U.S.C. 1061–1094)."

§ 85.01–5 [Amended]

3. Section 85.01–5 *Assignment of functions* is amended by changing the date of Treasury Department Order 167–17 from "June 25, 1955" to "June 29, 1955."

§ 85.05–1 [Amended]

4. Section 85.05–1 *Stern light for motorboats operating on the high seas carried on centerline* is amended by changing the reference for Rule 10 of the "International Rules" from "(33 U.S.C. 145h)" to "(33 U.S.C. 1070)."

(Sec. 3, 60 Stat. 239 and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633. Treasury Dept. Orders 120, July 31, 1950, 15 F.R. 6521 and 167–17, June 29, 1955, 20 F.R. 4976)

Dated: December 1, 1965.

[SEAL] E. J. ROLAND,
Admiral,
U.S. Coast Guard, Commandant.

[F.R. Doc. 65–13109; Filed, Dec. 7, 1965; 8:46 a.m.]

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

PART 203—BRIDGE REGULATIONS

Galveston Harbor, Tex., and St. Andrew Bay, Fla.

1. Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U.S.C. 471), § 202.197 governing the use and navigation of anchorage areas in Galveston Harbor, Tex., is hereby revoked, effective upon publication in the FEDERAL REGISTER.

§ 202.197 Galveston Harbor, Tex.

[Revoked]

[Regs., Nov. 22, 1965, 1507–32 (Galveston Harbor, Tex.)–ENGCW–ON] (sec. 7, 38 Stat. 1053; 33 U.S.C. 471)

2. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.245 is hereby amended by revoking paragraph (i) (9) governing the operation of the Dupont Bridge across St. Andrew Bay (East Bay), Fla., effective upon publication in the FEDERAL REGISTER, since the bridge has been replaced by a new bridge, as follows:

§ 203.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(i) *Waterways discharging into Gulf of Mexico east of Mississippi River.* * * *

(9) St. Andrew Bay (East Bay), Fla.; State Road Department of Florida bridge (DuPont Bridge) on U.S. Highway 98 between San Blas and Long Point. [Revoked]

* * * * *

[Regs., Nov. 22, 1965, 1507–32 (St. Andrew Bay, Fla.)–ENGCW–ON] (sec. 5, 28 Stat. 362; 33 U.S.C. 499)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 65–13087; Filed, Dec. 7, 1965; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 15657; FCC 65–1087]

PART 15—RADIO FREQUENCY DEVICES

Further Order To Stay Effective Date of Certain Provision

In the matter of amendment of Part 15 of the Commission's rules, to provide for the operation of radio controls for door operators; Docket No. 15657, RM–524.

1. Paragraph (a) (6) of § 15.211, which prohibits radiation from radio controls for door openers on the aeronautical safety and radionavigation frequencies, was adopted by a First Report and Order in Docket 15657 on July 21, 1965, to become effective on September 7, 1965 (30 F.R. 9315, July 27, 1965). The effective date of this section with respect to equipment installed prior to September 7, 1965, was stayed to December 7, 1965, by an Order adopted August 31, 1965, (30 F.R. 11354, Sept. 4, 1965) in order to permit the holding of a Government-industry conference of the parties principally concerned.

2. A technical conference covering this matter was held on October 11, 1965. At this conference, a test program was laid out to make further measurements of radiation from the devices under consideration and of the effect of such radiation on aircraft receivers. Work on this test program has started but will not be completed by December 7, 1965.

3. Notwithstanding the Stay Order, the Commission's field engineers are continuing their efforts to reduce this hazard to air safety. Any control radiating an excessive amount of RF energy in the frequency bands involved is considered to be endangering aeronautical safety communications and radionavigation and as such, to be causing harmful interference. Such controls, wherever found, are required to stop operating until the harmful interference condition is eliminated.[1]

4. *It is, therefore, ordered,* That, paragraph (a) (6) of § 15.211 be stayed for a further period of 3 months ending March 7, 1966, insofar as it applies to equipment installed prior to September 7, 1965.

5. This Order is issued pursuant to authority contained in sections 4(i) and 405 of the Communications Act of 1934, as amended.

(Secs. 4, 405, 48 Stat. 1066, 1095, as amended; 47 U.S.C. 154, 405)

Adopted: December 3, 1965.

Released: December 3, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65–13134; Filed, Dec. 7, 1965; 8:48 a.m.]

[1] Section 15.222 provides that a low power communication device (which includes a radio control for a door opener) which causes harmful interference shall promptly stop operating until the harmful interference has been eliminated.

Section 15.4(b) defines harmful interference as any emission, radiation * * * which endangers the functioning of a radionavigation service, or any other safety service * * *.

[2] Commissioner Lee absent; Commissioner Loevinger's concurring statement filed as part of original document.

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Crab Orchard National Wildlife Refuge, Ill.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ILLINOIS

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

The public hunting of deer on the Crab Orchard National Wildlife Refuge is permitted on that portion of the refuge enclosed by a five-strand barbed wire fence and designated as Area II. This area, comprising 21,000 acres, is delineated on maps available at refuge headquarters, Rural Route No. 2, Carterville, Ill., 62918, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer and in accordance with State Administrative Order—1965, Article XXVI, and subject to the following special conditions:

(1) The open season for hunting deer on the refuge shall consist of 10 days as follows: January 1, 2, 3; and January 7, 8, 9; and January 14, 15, 16, 17, 1966.

(2) All hunters must report to the check-in station for assignment to stands or areas, and hunters will be restricted to those stands or areas assigned.

(3) Every deer killed must be checked out at established inspection stations before hunters leave the refuge.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31 1966.

LOYAL A. MEHRHOFF, JR.,
Project Manager, Crab Orchard National Wildlife Refuge, Carterville, Ill.

DECEMBER 1, 1965.

[F.R. Doc. 65–13088; Filed, Dec. 7, 1965; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1125]

[Docket No. AO–226–A11]

MILK IN PUGET SOUND, WASH., MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Puget Sound, Wash., marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C., 20250, by the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Seattle, Wash., on April 19–28, 1965, pursuant to notice thereof which was issued March 15, 1965 (30 F.R. 3603).

The material issues on the record of the hearing relate to:

(1) Expansion of the marketing area;

(2) The regulation of producer-handlers;

(3) The price for Class II milk;

(4) Computation of butterfat differentials;

(5) Definitions relating to plants;

(6) Definitions of "Handler", "Producer", and "Route disposition";

(7) Division of the shrinkage allowance between handlers;

(8) Changes in the classification provisions;

(9) Accounting for nonfluid milk products used for reconstitution and fortification of fluid milk products;

(10) Suspension or modification of the base-excess plan; and

(11) Miscellaneous changes.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Expansion of the marketing area.* The boundaries of the Puget Sound Marketing area should be extended to include most of the remaining unregulated areas in the counties now partly included in the marketing area. The Washington counties of San Juan and Island also should be added to the area. The Olympic Peninsula counties of Kitsap, Mason, Clallam, and Jefferson should remain unregulated.

A handler proposed that the presently defined marketing area be enlarged to include the counties of Island and San Juan and the remaining portions of most of the counties now only partly included in the marketing area. Proponent contended that if the proposal were adopted much of the record-keeping done by handlers to segregate their fluid milk sales outside the defined marketing area from their in-area sales could be eliminated.

The proposal should be adopted in most respects. The presently unregulated territory within the counties of Whatcom, Skagit, Snohomish, King, Grays Harbor, and Lewis (except the town of Vader) should be included in the marketing area. Also, the presently unregulated southeastern part of Pierce County and the unregulated territory in Pacific County north of township 11 N, excluding Long Island and the North Beach Peninsula, should be added to the area. The marketing area should include also the relatively small counties of San Juan and Island which are comprised of several islands located west of Whatcom, Skagit, and Snohomish Counties.

Handlers are required when reporting their total fluid milk sales to the market administrator to indicate the separate quantities of such sales which are made inside and outside the defined marketing area. The sales areas of several handlers in the market extend into unregulated territory. They, therefore, must keep such records as will enable them to report their sales on a segregated basis. The maintenance of adequate records is often difficult, particularly when only parts of retail routes are involved. Expanding the marketing area in the manner described would simplify their record-keeping and reporting of route disposition.

Enlargement of the marketing area to this limited extent would not extend the practical scope of regulation. Virtually all of the fluid milk sold within this proposed territory is distributed by handlers or producer-handlers now regulated under the Puget Sound order. In November 1964 such sales amounted to about 974,000 pounds, or 2 percent of the total Class I utilization by all such persons. It is not likely that handlers principally associated with other markets would extend their routes into the proposed area. Much of it is mountainous and sparsely populated. The periphery of the enlarged area would consist primarly of mountain ranges, the Canadian border and large expanses of water. Unregulated fluid milk sales are now made in the proposed area only by small producer-handler operations located at Lopez and Friday Harbor in San Juan County and at Eatonville in Pierce County.

The order now divides the marketing area into several districts for the purpose of pricing producer milk in accordance with its location value. These districts should be redefined to include all of the proposed enlarged marketing area. The districts are now described in terms of specific counties to the extent of their regulated portions. The additional territory in each county to be added to the marketing area should be included in the same district as the presently regulated portion of the respective county. Island County should be included within District 4 where plants are now subject to a location adjustment of 15 cents per hundredweight of Class I milk. San Juan County should be within a new District 5. The location adjustment of 40 cents which is presently applicable in San Juan County should be continued for that area.

Three regulated handlers proposed that Kitsap, Mason, Clallam, and Jefferson Counties be included in the marketing area. These counties are located on the Olympic Peninsula of Washington where such handlers have route distribution of fluid milk products. Proponents claimed that operators of unregulated distributing plants located on the peninsula are able to compete advantageously for fluid milk sales in that area because they are able to procure milk supplies at less than order prices. Proponents also contended that producers under the order carry the burden of reserve supplies associated with the Class I sales on the peninsula and, therefore, should share in the returns from such sales. Operators of three of the unregulated plants expressed opposition to the proposals affecting their respective sales areas.

In considering the expansion of the marketing area, witnesses generally attempted to distinguish between the marketing conditions applicable to Kitsap and Mason Counties and those applicable to Clallam and Jefferson Counties. The market characteristics of these two pairs of counties are very similar, however. Also, these same characteristics were shown to be basically the same for

the two peninsulas of Pierce County which are adjacent to Kitsap County. The following findings and conclusions are generally applicable to all four counties and those parts of Pierce County proposed herein to be excluded from the marketing area.

Unregulated handlers distribute approximately 70 percent of the fluid milk sold in each of the two pairs of counties. The major part of the unregulated sales in Kitsap and Mason Counties, as well as in the Pierce County peninsulas, is made by a cooperative association from its distributing plant at Bremerton in Kitsap County. Other such sales in those counties are by a handler at Port Orchard in Kitsap County and a producer-handler at Bremerton. Virtually all of the unregulated fluid milk sold in Clallam and Jefferson Counties is distributed by another cooperative association from its plant at Port Angeles in Clallam County. A producer-handler also is located in Clallam County. The two cooperative associations have fluid milk sales only in the counties just indicated.

There are no regulated distributing plants located in the four counties. The regulated milk which is distributed there is packaged primarily at pool plants in Seattle. Most of the packaged products are transported to the Olympic Peninsula by ferry and toll bridges across Puget Sound and are distributed either directly to wholesale and retail outlets or through distribution points to such outlets.

The competitive problems which proponents claimed they were experiencing on the peninsula were attributed to the marketing practices of the two cooperative associations which operate the unregulated plants at Bremerton and Port Angeles. Neither association, however, has the procurement cost advantage on their milk supplies relative to order prices which proponents alleged. One association's payments to its members per hundredweight of milk averaged 36 cents in 1963 and 33 cents in 1964 over the applicable Class I prices.

The other association's payments to its Grade A producers over the applicable Class I prices averaged about 37 cents per hundredweight in 1964. In each case such payments include the yearend distribution of the association's earnings. These payments were for all Grade A milk received from members regardless of whether the milk was used in Class I or Class II products. Class I utilization of Grade A milk at the associations' plants was described as averaging 79 percent in one case and 90 percent in the other. Both associations purchase their supplemental milk supplies from regulated sources in the market. They pay the same price (the order Class I price plus a premium) for this milk as do regulated proprietary handlers who purchase milk for Class I purposes. On the basis of these circumstances it is concluded that these two associations are not obtaining their Grade A milk supplies at less than order prices.

The four Olympic Peninsula counties are a significant market for milk regulated by the order. In addition to the packaged milk distributed there by regulated handlers, considerable bulk milk is purchased for supplemental purposes by the two major unregulated handlers on the peninsula. In 1964, 19 percent of the fluid milk sold from the Bremerton plant was obtained from regulated sources. Three percent of the fluid sales from the Port Angeles plant in that year represented milk priced under the order.

Producers whose milk is pooled under the order thus would be expected to have a definite interest in the marketing conditions on the Olympic Peninsula. There is no indication, however, that such producers in general consider that there is a need for regulating this area for the purpose of improving their marketing situation. In fact, a number of such producers located on the peninsula, who are members of one of the major cooperative associations in the market, expressed in their briefs specific opposition to the proposals. They indicated that any benefit to them resulting from the regulation of these counties would be negligible. Strong opposition to the extension of regulation to their area was expressed by the farmers whose milk is disposed of through the two unregulated plants at Bremerton and Port Angeles. From the standpoint of all milk producers involved, there thus appears to be no compelling reason to include these counties in the marketing area.

Competitive problems in obtaining or maintaining wholesale and retail outlets can be caused by various factors outside the scope of the regulatory program. The ability of an unregulated handler to offer to consumers lower prices, more attractive price discounts, and various services which a regulated handler believes he cannot meet is not necessarily attributable to the former's unregulated status. As previously indicated, most of the regulated milk distributed on the Olympic Peninsula is packaged at Seattle pool plants. Such milk must be moved to the peninsula either by ferry or toll bridges or by a circuitous land route through Olympia. Thus, regulated handlers selling packaged milk on the peninsula obviously incur distribution costs not experienced by their unregulated competitors.

Certainly a major factor in the Puget Sound market is the premiums over order prices which regulated proprietary handlers pay cooperative associations and nonmember producers for their milk supplies. In 1963 and 1964, for instance, such premiums averaged 35 and 42 cents, respectively, per hundredweight. This undoubtedly affects a handler's position in the market relative to handlers who may not be paying comparable prices. This is not a circumstance which the order regulation is designed to change.

There is no indication that the inclusion in the marketing area of Kitsap, Mason, Clallam, and Jefferson Counties and certain northwestern areas of Pierce County is necessary to establish or maintain orderly marketing conditions. Accordingly, the proposals are denied.

Expansion of the marketing area as proposed herein will reduce the amount of producer milk sold outside the marketing area. However, out-of-area sales will still exist. Presently, all producer milk disposed of not only within the marketing area but outside such area is fully regulated and priced under the order. It is necessary that this arrangement be continued under the Puget Sound order. Otherwise, the effect of the order would be nullified and the orderly marketing process would be jeopardized.

If only his in-area sales were subject to classification, pricing and pooling, a regulated handler with Class I sales both inside and outside the marketing area could assign any value he chose to his outside sales. He thereby could reduce his average cost of all of his Class I milk below that of other regulated handlers having all, or substantially all, of their Class I sales within the marketing area. In short, unless all milk of such a handler is fully regulated under the order, he in effect would not be subject to effective price regulation. The absence of effective classification, pricing and pooling of such milk would disrupt orderly marketing conditions within the regulated marketing area and would lead to a complete breakdown of the order. If a pool handler were free to value a portion of his milk at any price he chooses, it would be impossible to enforce uniform prices to all fully regulated handlers or a uniform basis of payments to the producers who supply the market. It is essential, therefore, that the order price all the producer milk received at a pool plant regardless of the point of disposition.

Limited quantities of Class I milk may be sold within the regulated marketing area from plants not under any Federal order. There is, of course, no way to treat such unregulated milk uniformly with regulated milk other than to regulate it fully. Nevertheless, it has been concluded that the application of "partial" regulation to plants having less association than required for market pooling would not jeopardize marketing conditions within the regulated marketing area. Official notice is taken of the June 19, 1964, decision (29 F.R. 9214) supporting amendments to several orders, including the Puget Sound order.

The operator of this partially regulated plant is afforded the option of: (1) Paying an amount equal to the difference between the Class I price and the weighted average price for all milk with respect to all Class I sales made in the marketing area, (2) purchasing at the Class I price under any Federal order sufficient Class I milk to cover his limited disposition within the marketing area, or (3) paying his dairy farmers an amount not less than the value of all their milk computed on the basis of the classification and pricing provisions of the order (the latter representing an amount equal to the order obligation for milk which is imposed on fully regulated handlers).

While all fluid milk sales of the partially regulated plant are not necessarily

priced on the same basis as fully regulated milk, the provisions described are, however, adequate under most circumstances to prevent sales of milk not fully regulated (pooled) from adversely affecting operation of the order and the fully regulated milk.

2. *The regulation of producer-handlers.* Producer-handlers should continue to be exempt from the pooling and pricing provisions of the order. Also, certain restrictions now applicable to a person's designation as a producer-handler should be removed.

The order provides essentially that a person who is a dairy farmer and who processes in his plant and distributes in the marketing area milk of his own production may be defined as a producer-handler and may be accorded exemption from all payment obligations normally applicable to handlers fully regulated under the order. A producer-handler must meet certain requirements to acquire and maintain such status, principal of which are limitation on the sources from which he may receive milk, necessary ownership and control of production, processing and distribution facilities, and limitation on the acquisition and disposition of production resources and facilities.

The three major cooperative associations in the market proposed that various degrees of regulation, depending upon their size, should be applied to producer-handlers. Under their proposal a producer-handler whose daily Class I sales averaged 4,000 pounds or more would be fully regulated. If his daily Class I sales ranged between 2,000 pounds and 3,999 pounds, only partial regulation would apply. In this case, the degree of exemption of his own production from pooling and pricing would diminish as Class I sales neared the upper limit. A producer-handler having Class I sales of less than 2,000 pounds daily would be exempt from regulation, providing that any purchases of supplemental milk were made from pool sources. He would be required to submit reports if he had at least 110 pounds of Class I sales daily in the marketing area.

A proprietary handler proposed that producer-handlers whose average daily Class I sales exceed 2,000 pounds be subject to full regulation. Two other proposals by proprietary handlers, as set forth in the hearing notice, would fully regulate all producer-handlers, in the one case, and, in the other, would regulate producer-handlers with a large volume of sales in any one day. At the hearing proponents abandoned the latter proposals and supported the proposal made by the cooperative associations.

The need for regulating producer-handlers in this market has been considered at a public hearing on previous occasions. At those times it was not found necessary to pool and price the milk of such persons to achieve the purposes of the statute authorizing Federal orders. It should be made clear at this point, however, that the Secretary is empowered by the Act to impose through an order regulation of producer-handlers in their capacity as handlers, if justified by prevailing marketing conditions. Producer-handlers claimed at the hearing that the statutory authority for such regulation does not exist and that on this basis all proposals pertaining to the regulation of producer-handlers should be dismissed at the outset. They contended that producer-handlers cannot be fully regulated as handlers inasmuch as they do not purchase milk from, and pay prices to, producers. Producer-handlers also claimed that in the Puget Sound market they cannot be subjected to full regulation inasmuch as they sell milk and milk products solely within the State of Washington and, thus, not in interstate commerce.

Neither claim is valid. The authority to regulate a handler with respect to milk of his own production under the terms of the Agricultural Marketing Agreement Act has been upheld in the courts in several cases arising under different milk orders.

The authority to regulate all handlers in a market in which it is found that the handling of milk or its products is in the current of interstate or foreign commerce, or directly burdens, obstructs or affects interstate or foreign commerce in milk or its products, has also been established in the courts. There is no reason to believe that these decisions would not be equally applicable to the regulation of producer-handlers in the Puget Sound market.

Forty-three producer-handlers now distribute milk of their own production in the Puget Sound marketing area. In 1964 they produced 46.1 million pounds of milk, of which 37.8 million pounds, or 82 percent, were disposed of as Class I milk in the marketing area. These sales represented 7.1 percent of the total in-area fluid milk sales. For March 1965, the most recent month for which data were available at the hearing, this percentage was 7.8.

Of the 43 producer-handlers, 23 had Class I disposition in December 1964 of less than 1,000 pounds daily. Their sales represented 9 percent of the total fluid sales of all producer-handlers that month. Of the remaining producer-handlers, four were in the 1,000- to 2,000-pound daily sales range and sold 5 percent of this total, eight were in the 2,000- to 4,000-pound category and sold 18 percent, and eight had daily volumes over 4,000 pounds and sold 68 percent of the producer-handler milk in the market.

The number of producer-handlers and the volume of their Class I sales have increased in recent years. In 1960, the first full year following the incorporation of the present producer-handler provisions in the order, there were 22 producer-handlers, of which 8 sold 2,000 pounds or more of Class I milk daily. The most rapid increase in numbers occurred in 1963 when there were 26 in January and 40 in December. Total producer-handler sales in the marketing area rose from 20.6 million pounds in 1960 (4.0 percent of total in-area sales) to 37.8 million pounds in 1964, an increase of 83 percent. By comparison fluid in-area sales of regulated handlers increased about 1.3 percent.

Proponents of regulating producer-handlers argued that the increase in producer-handler numbers and their sales has resulted because the exemption from pooling their own production provides producer-handlers with a competitive advantage as compared with milk of producers which is priced to handlers regulated under the order. Proponents maintained that the larger producer-handlers who have the preponderance of the total producer-handler sales therefore should be treated the same as other producers in their capacity as producers, and as fully regulated handlers in their capacity as handlers. This would be accomplished by requiring equalization with the pool on their own production, i.e., charging them class prices for their milk used and crediting them with producer prices.

The incentive which a producer has for becoming a producer-handler is the additional return which he may receive by marketing his production through his own processing and distribution facilities rather than through a regulated handler. The blend price (or base and excess prices) of the market represents the return that he as a producer may expect for his milk under the order. To the extent which he can sell a higher proportion of his production as Class I milk than the market average utilization of all producer milk in Class I, he as a producer-handler would have available the price differential between the utilization value of his own production and the order blend price which he could retain to enhance his returns as a producer or, as a handler, could use as a price incentive to maintain or increase fluid sales. This opportunity for a greater Class I utilization of his own production is evident by the fact that the average Class I utilization of producer milk by regulated handlers in 1964 was 45 percent, while producer-handlers' total Class I utilization of their own production (including both in-area and out-of-area sales) was 87 percent.

A realistic estimate under these circumstances of the competitive advantage on Class I sales which proponents claimed producer-handlers enjoy may be made by comparing the Class I and producer base prices under the order. The base price is the producer price in this market which closely reflects the Class I utilization of producer milk. In 1964 producers received this price for 89 percent of their milk, with the remainder of their milk being priced at the excess (Class II) price. Producer-handlers sold approximately the same percentage of their milk as Class I, and realized a Class II return on the remainder. Thus, by comparing the Class I price to the price for base milk, a meaningful estimate can be made of the competitive advantage it is alleged producer-handlers enjoy with respect to the proportion of their production sold as Class I milk. In 1964 the order Class I price averaged $4.82 and the order base price averaged $3.99, a difference of 83 cents per hundredweight.

These order prices, however, do not represent the real measure of the effective Class I-blend price differential prevailing in the market. Under purchase and sale arrangements between cooperative associations and handlers, premium Class I prices prevail in the market. The difference in 1964 between the premium Class I price and the base price paid to members of the largest cooperative association averaged about $1.02. Similar premium prices have been in effect for many years with the average annual Class I premium varying between 37 and 43 cents per hundredweight since 1960.

An important factor in determining this difference between the Class I and base prices is, of course, the percentage of producer milk used in Class I. This percentage has been dropping steadily in the Puget Sound market, from 74 percent in 1952 to 51 percent in 1960 to the present 45 percent. Producer receipts have more than doubled since 1952, while Class I sales have increased about 26 percent. The extent to which premium prices over order prices have contributed to this increase in producer receipts cannot be appraised with accuracy, but premium prices must be recognized as a contributing factor.

Marketing margins are an additional factor affecting the marketing situation under which producer-handlers compete for sales. While Class I prices both under the order and on a premium basis were about the same in 1960 and 1964, the reported retail price to consumers was higher in 1964 than in 1960 by several cents per quart.

Proponents argue that exempting producer-handlers from pooling creates the potential whereby producer-handlers may ultimately have all Class I sales and producers and fully regulated handlers have only Class II utilization. They point out that as producer-handler sales increase the difference between the Class I and blend prices to producers increases and that producer-handlers thereby increase their competitive advantage. Nevertheless, sales of producer-handlers have not increased generally throughout the Federal order system, but on the average have declined despite the fact that the exemption from pooling applies in all such orders. The cooperative associations' proposals would have reduced the Class I-base price difference under the order by only about 2 cents per hundredweight. The proposals would affect only 16 of the 43 producer-handlers operating in the market and thus would leave essentially the same incentive as at present for new producer-handlers and for expansion to the 2,000-pound daily limit proposed.

While during recent years the Class I sales of producer-handlers have increased and producer-handlers with substantial production have become a more significant competitive factor in the market, it cannot be concluded, as proponents claim, that these increases are a result of the regulatory program. Producer-handler sales have not increased generally under Federal milk order programs. During this period of increasing producer-handler sales in this market factors outside the order (negotiated prices above order price levels and increased marketing margins) have contributed to widening the difference between the returns available when milk is marketed to regulated handlers by producers and those available when the producer acts as a producer-handler and sells his milk to consumers. It cannot be concluded that increased producer-handler sales in the Puget Sound market are a problem which the order has created. Neither can it be concluded that at this time regulation of producer-handlers as proposed is required to protect the regulatory scheme of the order.

A number of requirements which a producer-handler must meet in order to be designated as such are now incorporated in the order. Such provisions have the purpose of making a producer-handler rely almost entirely on his own production for his supply of milk. They also assure that a producer-handler bears the full financial responsibilities and risks associated with his entire milk operation. Producer-handlers considered these requirements as very stringent but indicated that they could continue to operate under them if they were allowed to remain free of full regulation. Cooperative associations, in conjunction with their proposal to apply various degrees of regulation to producer-handlers, proposed the elimination of these requirements. In view of their perhaps undue complexity, evaluation of the continued need for all facets of these requirements in light of their practical effect upon the maintenance of orderly marketing should be made.

It is concluded that the requirement that a person who has lost his designation as a producer-handler wait a year to regain such status should be removed. A minor failure to meet all requirements for producer-handler status can result in a person losing such status. The regulatory effect may often be disproportionate to the relative significance of the requirement which was not met. Under present circumstances this provision probably contributes only to a minor degree in this market to the maintenance of orderly marketing. Since they must rely on their own production, producer-handlers must establish adequate production facilities to assure a sufficient milk supply for their own operation. Because of this there is likely to be little reason for producer-handlers to shift in and out of the pool for the purpose of obtaining additional milk supplies. Removal of this requirement would provide a more reasonable application of regulation to producer-handlers.

The order should continue to provide that a producer-handler lose his status as such beginning with the month following that in which he violates the requirements for producer-handler status. Redesignation as a producer-handler should be preceded by the performance of such requirements for 1 month.

In connection with this change, certain additional provisions should be removed from the order inasmuch as they no longer would have any practical effect. The order now limits the times when a producer-handler may dispose of or acquire, without losing his status as a producer-handler, a dairy herd, cattle barn or milking parlor which has been used, or is subsequently used, by another person for producing milk which is delivered as producer milk to another handler. A producer-handler loses his status if he so transfers such resources and facilities during any of the months of March through July. Similarly, if a producer-handler so acquires such resources and facilities during any of the months of August through February, he loses producer-handler status. A related provision stipulates that a producer-handler may not again use these same resources and facilities if they were previously used by him during any of the preceding 12 months and subsequently used during that time by another person for the production of producer milk. The attached order reflects the deletion of these provisions.

An additional provision which allows a producer-handler to purchase an unlimited quantity of milk from pool plants during a single span of 45 consecutive days in any 12-month period should be deleted. Its purpose is to allow producer-handlers to obtain milk from sources other than their own production during emergency conditions. The provision was placed in the order in conjunction with other changes in the producer-handler provisions which would require that a producer-handler could not regain designation as such for 12 months once his designation was cancelled. The provision was considered at that time as a reasonable adjunct to the 12-month waiting period provision.

The removal of this latter 12-month provision would reduce considerably any adverse regulatory impact on a producer-handler who might find it necessary to purchase milk from pool sources during some emergency situation and thus lose his producer-handler status. As indicated, redesignation as a producer-handler would need to be preceded by meeting the producer-handler performance requirements for only 1 month. Thus, the importance of the provision allowing unlimited purchases of pool milk for 45 days becomes considerably less in view of the other changes in the producer-handler provisions adopted herein.

The extent to which this provision has been used in emergencies was not indicated. A producer-handler witness testified, though, that producer-handlers as a group have purchased only very minor quantities of milk from regulated handlers. The continuance of this provision in conjunction with the removal of the 12-month waiting period for redesignation as a producer-handler would provide such person an opportunity to obtain unlimited quantities of milk from pool sources during much of the time he maintains producer-handler status. Removal of this provision would not affect the provision which allows producer-handlers to purchase from pool plants

up to 100 pounds on a daily average of packaged fluid milk products, other than whole milk.

3. *The price for Class II Milk.* The Class II price should be the average price per hundredweight for manufacturing grade milk f.o.b. plants in Minnesota and Wisconsin, as reported by the U.S. Department of Agriculture, adjusted to a 3.5-percent butterfat test. Such class price should not exceed a price based on the market values of butter and nonfat dry milk.

The price under the order for Class II milk presently is based on a butter-powder formula which uses an average of prices at Chicago for butter (plus 3 cents per pound) and nonfat dry milk and a "make allowance" of 80 cents per hundredweight.

A producer organization proposed that the Class II price should at least equal the Minnesota-Wisconsin manufacturing price as reported by the Department. This was suggested as a means of increasing returns to producers. Use of this price in 1964 would have increased the actual Class II price level by 19 cents per hundredweight. An average price increase of 24.5 cents would have prevailed during the first 8 months of 1965. (For purposes of price comparisons made herein for the months of April through August 1965, official notice is taken of the Puget Sound market administrator's official price announcements which set forth class prices and related pricing factors for these months.)

The three major cooperative associations in the market opposed the use of the Minnesota-Wisconsin price series and contended that the Class II price should continue to be based on a butter-powder formula. They proposed a modification of the present formula which would increase the current Class II price level by 9 cents per hundredweight. The present price computation would be changed under their proposal by deleting the addition of 3 cents to the Chicago butter price and reducing the "make allowance" to 57 cents per hundredweight. The associations stated that the Class II price should continue to be based on the market values of butter and powder as these are the products into which a large part of the market's reserve milk supplies are converted. They argued that their proposal, in conjunction with the 10-cent bulk tank premium on producer milk which is being paid by all handlers, would result in the same level of returns to producers for Class II milk as would exist if the Minnesota-Wisconsin price series were adopted and the bulk tank premium were not paid.

Milk disposed of in manufactured (Class II) uses must be priced under the order at a level which will result in the orderly marketing of such milk. Within this concept, the price level should be that which will provide the highest possible returns to all producers in the market. At the same time the Class II price should reflect appropriately the competitive price structure for those milk products which are manufactured by Puget Sound handlers. In recent years less than one-half of the producer milk in this market has been needed for fluid purposes. Because of the substantial quantities of surplus milk, an appropriate Class II price level is of particular significance to both producers and handlers.

A Class II price based on the Minnesota-Wisconsin manufacturing milk price series, not to exceed a limit related to butter and nonfat dry milk values, should adequately meet these pricing objectives. The desirability of using a competitive pay price is based on the premise that in the highly competitive dairy industry average prices which are paid in areas where there is substantial competition for manufacturing milk provide as good a measure of its value as can be obtained. The Minnesota-Wisconsin price series is representative of prices paid to farmers for about one-half of the manufacturing grade milk sold in the United States. In Minnesota about 84 percent of the milk sold off farms is of manufacturing grade and in Wisconsin, about 58 percent. (Official notice is taken of the "Supplement for 1963–64 to Dairy Statistics through 1960", Statistical Bulletin No. 303, Economic Research Service, U.S.D.A., June 1965.) There are many plants in these States which are competing for such milk supplies. This price series reflects a price level determined by competitive conditions which are affected by demand in all of the major uses of manufactured dairy products. Further, it reflects the supply and demand of manufactured dairy products within a highly coordinated marketing system which is national in scale. Milk products which are manufactured by Puget Sound handlers compete within this system.

The Minnesota-Wisconsin price series is presently used under the order as the basic formula for establishing the price for Class I milk. Official notice is taken of the decision issued by the Assistant Secretary on November 14, 1962 (27 F.R. 11349), concerning the adoption of this price series as the basic formula price for the Puget Sound order. This decision describes the manner in which the price series is obtained.

Cooperative associations in the Puget Sound market assume the responsibility of disposing of milk not needed by other handlers for fluid and Class II uses. The associations handle a large proportion of the Class II milk in the market, most of which is manufactured at their plants into butter and powder. In 1964, about 42 percent of the market's surplus milk went into these uses.

Because of the nature of their manufacturing operations, these associations expressed much concern about the relationship of the Minnesota-Wisconsin prices and the purchase prices for butter and powder. The associations contended that the Minnesota-Wisconsin price series is not sufficiently sensitive to changes in the market value of individual manufactured products, particularly butter. The divergence between the Minnesota-Wisconsin prices and the combined butter and powder product prices which has prevailed in December 1964 and the first several months of 1965 was cited as an example.

In 1962 nearly one-half of the total production of butter and nonfat dry milk in the United States occurred in the States of Minnesota and Wisconsin. More specifically, the two States accounted for 44 percent of the total butter and 49 percent of the total nonfat dry milk that was manufactured that year. (Official notice is taken of "Agricultural Statistics 1964," published by the U.S. Department of Agriculture.) In view of the volumes of these products involved, it is reasonable to expect that the available returns from these products would be closely reflected at most times in the pay prices of the manufacturing plants in these States.

Recognition should be given, nevertheless, to the possibility that a particular segment of the manufactured milk industry may be unduly influenced occasionally by certain supply-demand conditions not affecting the remainder of the industry. Such conditions may not be reflected sufficiently in the Minnesota-Wisconsin price series. Because of the importance of butter and powder manufacturing in this market, it is desirable that the Puget Sound Class II price not exceed a price level based on a butter-powder formula. Using a butter-powder price as a ceiling will insure that the Class II price will continue to reflect the product values of butter and powder in the event of an undue divergence in the relationship between such values and the Minnesota-Wisconsin prices. If the Class II price is too high relative to the value of the residual uses for surplus milk, the associations cannot handle such milk except at a financial loss. In this circumstance, members of the associations would be penalized relative to nonmember producers on the market.

A "ceiling" limit based on butter and powder values is used in a number of Federal order markets in connection with the use of the Minnesota-Wisconsin price for pricing milk in manufacturing uses comparable to the Puget Sound Class II uses. This price limit in such markets is equivalent to a butter-powder formula price using the product yields and prices suggested by the associations, with a "make allowance" of 48 cents. This formula would provide an upper limit to the Class II price which would be appropriate for conditions prevailing in the Puget Sound market, and should be adopted for that purpose.

Under the pricing scheme proposed herein, the Puget Sound Class II price would have averaged $3.144 per hundredweight, or 17.6 cents over the actual average price of $2.968, for the recent 5-year period of 1950 through 1964. Annually, the spread between proposed and actual average prices would not have varied from this difference by more than 3 cents. A similar average difference of 18 cents would have prevailed also for the first 8 months in 1965.

Over the 1960–64 period, the limiting effect of the proposed butter-powder formula on the Class II price would have been minimal. The Minnesota-Wisconsin price series averaged $3.158 in contrast to the proposed effective Class II price of $3.144 during this period, or a difference of 1.4 cents. The relationship of the Minnesota-Wisconsin prices and the combined market values of butter and powder thus has been relatively stable over an extended period of time. In light of this it is concluded that the Minnesota-Wisconsin price series would be a satisfactory basis on which to establish the Class II price for this market. The use of the proposed butter-powder formula as a price ceiling will, however, provide a proper pricing basis during those infrequent periods when significant differences between the Minnesota-Wisconsin prices and butter-powder product values prevail.

4. *Computation of butterfat differentials.* (a) The manner of computing the Class I and Class II butterfat differentials to handlers should be simplified. Such differentials are provided in the order for adjusting the class prices for each one-tenth of 1 percent that the butterfat content of the milk being priced differs from 3.5 percent. Presently, the differentials are computed by adding 3 cents to the average daily wholesale price per pound for butter at Chicago, multiplying by 0.120 for Class I milk and by 0.115 for Class II milk, and rounding the result to the nearest tenth of a cent.

Such differentials should be computed by multiplying the Chicago butter price by 0.125 for Class I milk and by 0.120 for Class II milk, as proposed by producers. Elimination of the addition of 3 cents and adjustment of the factors of 0.120 and 0.115 to 0.125 and 0.120, respectively, would simplify the computation of the butterfat differentials without significantly affecting their present levels.

(b) A single producer butterfat differential should be applicable to all milk received from producers. The differential should be the average of the Class I and Class II butterfat differentials to handlers weighted by the amounts of butterfat in producer milk in each class of use. When making payments to producers, prices for both base milk and excess milk would be adjusted for the butterfat content of the producer's total deliveries by this differential.

The order now provides that the uniform price for base milk be adjusted for butterfat content by a differential which reflects the weighted average of butterfat in base milk which is assigned to each class. This differential applies on an annual basis to about 89 percent of the producer milk pooled under the order. The uniform price for excess milk is adjusted by the Class II butterfat differential to handlers.

The use of a single producer butterfat differential, which was proposed by producers, would simplify the computation of producer payrolls. There would be no appreciable change in returns to producers and no change in costs to handlers.

5. *Definitions relating to plants.*—(a) *"Plant."* The "plant" definition should be revised to provide that a "reload point" not be considered as a plant if all the milk handled at such point during the month is moved to a single plant in the same pricing district.

A reload point is used primarily as a location at which milk is transferred from one farm pickup tank truck to another or to an over-the-road tank truck for further movement from farms to plants where it is processed. Under the present provisions a reload point is considered as a plant if it has appropriate health approval and is pooled as a "country plant" when shipments of milk from it to distributing plants qualifies it as such.

A proprietary handler operating two reload points in the same district as its distributing plant requested such a change in the order. The handler moves milk handled at each reload point to this distributing plant. When all of the milk received at a reload point is so moved, the handler desires that the reload point not be considered as a plant.

Revision of the plant definition in this manner would eliminate certain records which must be kept when the reload point is treated as a pool plant and would simplify the monthly reporting of receipts and utilization. Prices to producers would not be affected inasmuch as the point of receipt of their milk would still be in the same price zone.

The buildings, premises and storage facilities of a distribution point at which packaged fluid milk products are stored en route in the course of disposition should not be considered as a part of a plant. A handler desired that such distribution points be considered as part of the distributing plant at which the milk is processed and packaged. It was contemplated under this arrangement that for reporting purposes fluid milk products moved through a distribution point would be considered to have been disposed of when the products left the distribution point. Proponent claimed that the records of disposition it keeps for internal accounting would then more nearly conform with the records which it would have to keep for reporting and auditing purposes under the order.

As the order is now administered, disposition takes place at the time the products leave the plant where packaged. Under the proposed change, milk which had left the processing plant, but which had not been disposed of from the distribution point, would be in inventory. Inasmuch as fluid milk inventories are classified as Class I milk under the Puget Sound order, classification of packaged products would be the same under either accounting system. It is desirable, nevertheless, that only one accounting procedure be used for establishing the time when disposition takes place. It is concluded that the present accounting practice should be continued and that the order provisions should be clarified to specifically indicate when disposition of packaged fluid milk products occurs.

It is questionable that the financial records of a handler's fluid milk sales made through distribution points would totally agree with the information which must be used for reports to the market administrator and for verification through audits. Factors such as promotional practices, handling of returns, and accounting for inventories could affect this. It is not likely that adoption of this proposal would benefit handlers to the extent proponent claims.

Other than proponent, handlers apparently find the current accounting procedures satisfactory. Specific opposition to the proposal was expressed by a handler which has several distribution points.

(b) *"Pool plant."* A new "pool plant" definition with modified pooling requirements should be substituted for the present definitions of "fluid milk plant" and "country plant." As set forth in the attached order, plants now described as fluid milk plants would be defined as "pool distributing plants" and plants described as country plants would be defined as "pool supply plants." Such terms are commonly used in Federal orders and aptly describe the plants being defined.

Under the present Puget Sound order plants located in the marketing area need only be approved by appropriate health authorities for receiving milk qualified for consumption as fluid milk in the marketing area (Grade A milk) in order for their receipts to be included in the marketwide pool. Those plants which dispose of any fluid milk products on routes are "fluid milk plants" and other such plants are "country plants." Also included as country plants are plants located outside the marketing area which either ship milk to fluid milk plants or dispose of on routes in the marketing area specified percentages of their receipts of Grade A milk from dairy farmers. One plant at Sequim in Clallam County is specifically designated as a country plant exempt from such performance standards. The performance standards required of out-of-area distributing plants are the same as for supply plants.

Sharing in the proceeds of the Class I utilization of a market-wide pool should be determined by the extent to which plants serve the fluid needs of the market. The marketing performance standards used for this determination at any time should be equal for all plants performing the same functions. Any plant, wherever located, should be eligible to become a pool plant if it meets such standards.

The present Puget Sound order provisions do not conform to these standards. They have worked reasonably well, though, for two reasons. The principal area of production for the market is within the marketing area, and there have been few outside milk supplies seeking entry to the Puget Sound market.

The specific amendments proposed in the notice of hearing were of a minor nature. They would incorporate into the "fluid milk plant" definition an exemption from regulation for plants with minor route disposition in the marketing area and would designate an additional "country plant" at Ellensburg, Wash., to be exempt from performance standards.

The record shows the desirability of more uniform standards but does not provide the data upon which appropriate provisions may be based in all instances.

A pool distributing plant should be a plant from which distribution of fluid milk products in the marketing area averages more than 110 pounds daily and is 10 percent or more of the receipts of Grade A milk at the plant. A plant which distributes at least 10 percent of its receipts in the marketing area may reasonably be considered to be associated with the market to a degree that justifies its being fully regulated. Practically all distributing plants now operating in the market dispose of a much higher proportion of their receipts in the marketing area. Performance standards for distributing plants customarily require in addition that a substantial portion of receipts be disposed of on routes, either in or out of the area, in order that the plants that may qualify as distributing plants may be distinguished from those that qualify as supply plants. The record, however, does not provide sufficient basis for establishing either this qualification or uniform performance standards for all supply plants.

The order presently provides exemption from regulation for producer-handlers and nonpool plants selling not more than 3,400 pounds of fluid milk products per month in the marketing area. A uniform level of exemption from all regulation should apply to pool plants as well as to nonpool plants and producer-handlers. One hundred and ten pounds, approximately 50 quarts, daily is an appropriate standard for this purpose and is incorporated in the provisions for all three types of operations.

The record does not provide sufficient information upon which uniform performance standards for all supply plants may be established at this time. For this reason the present provisions are generally continued. The exemption from performance standards for designated plants located outside the marketing area should be discontinued, however. The Sequim plant is merely a receiving facility and substantially all of its receipts are shipped to fluid milk plants. It has met the specified performance standards at all times. While the Ellensburg plant has manufacturing facilities, it has continuously met the shipping requirements for pooling since becoming associated with the market in 1954.

6. *Definitions of "Handler," "Producer," and "Route disposition"*—(a) "Handler." The handler definition should be changed to include a cooperative association with respect to bulk tank milk of its member producers which is received from the farm for delivery to a pool plant of another handler in a tank truck owned and operated by, or under contract to, the association.

Changes in the methods of handling milk make desirable responsive changes in the order provisions to allow a cooperative association to act in this capacity. For many years milk was picked up at farms in cans or, more recently, in relatively small tank trucks. In those production areas somewhat distant from distributing plants, the milk was collected at supply plants and then hauled in large transport trucks to distributing plants. Today, virtually all member milk is picked up at the farm in large tank trucks and much of it is delivered to distributing plant in these same trucks. Receipt of the milk at a supply plant is often no longer a necessary step in the movement of milk from the farm to a distributing plant.

Under the present order provisions, milk moved directly from the farm to a distributing plant is considered as producer milk of the plant operator. The operator is then the accountable handler for the milk. Cooperative associations, in marketing their members' milk, arrange for the milk to be moved from members' farms to the plants where needed. The order does not allow an association to be the accountable handler for milk of its members which is moved from farms directly to a distributing plant, however. Because of this it has become common practice for a cooperative association to have its pickup trucks stop, when en route from farms to distributing plants, at its supply plant where a token withdrawal of milk from the trucks is made. By establishing the supply plant as the original point of receipt, the milk is then considered as producer milk of the association. Settlement for the milk is made on the basis of an interplant transfer. The major cooperative associations in the market requested a change in the handler definition which would make such a practice unnecessary.

The change in the handler definition proposed herein would allow cooperative associations to move member milk directly from the farm to the plants where needed and still retain handler status with respect to the milk. Unnecessary hauling costs now incurred by the associations to establish receipt at their plant could be eliminated. Associations would have more flexibility in setting up routing arrangements which may need to vary from day to day as milk is moved to handlers' plants in the quantities and at the times requested by such handlers.

The association should be required to notify the market administrator and the operator of the pool plant to which the milk is delivered, in writing prior to the first day of the month in which any such deliveries occur, that it elects to be the handler for such milk. In this capacity the cooperative association should report such milk as a receipt of producer milk at the location of the pool plant to which the milk is delivered and should be the responsible handler for making payments to the producers involved. The milk should be classified according to the use or disposition by the operator of the pool plant and should be assigned to the plant operator's utilization as though the milk were producer milk of the operator. The value of the milk at class prices should be included in the plant operator's net pool obligation. The plant operator should be required to pay the association for the milk at not less than the "weighted average price for all milk," as adjusted by the butterfat and location differentials to producers. The plant operator also should be responsible for paying the administrative assessment applicable to such milk. In the event some of the milk for which the cooperative association is the handler is not delivered to a pool plant, the milk not delivered should be producer milk of the association in all respects.

This proposed method of accounting and paying for such milk by the handlers involved differs somewhat from the method contemplated by the proponent cooperative associations. Under their proposal, the bulk tank milk of member producers moved directly from the farm to another handler's plant would be considered as a diversion of milk to such plant from the association's plant where the milk is normally received when not needed for bottling purposes. Accountability and payment for the milk under the order than would be in accordance with the rules applicable to interplant transfers of milk. Also, under their proposal the milk would be considered for pricing purposes to have been received by the association at the location of the plant which it operates if the plant to which the milk is physically delivered is subject to the same or lesser location adjustment as the association's plant. If a greater location adjustment is applicable, receipt would be at the plant to which the milk was delivered.

Permitting a cooperative association to be the handler for direct-delivered bulk tank milk should not be restricted to an association that operates a plant. This requirement would not offer any advantages to an association which could not be realized under the order provisions proposed herein. Being such a handler would be optional with the association and it could choose, of course, that method of operation which best accommodates its needs. As indicated, the handler operating the plant to which the milk is delivered would be required to settle for such milk with the producer-settlement fund at the class prices and with the association involved at the weighted average price. This has the merit that any adjustments in the handler's pool obligation which are found necessary on the basis of audit may be made directly with the handler.

(b) *"Producer."* The producer definition should be modified to exclude any dairy farmer whose milk is diverted from a plant regulated under another order to a pool plant if the milk retains status as producer milk under such other order. Also, any dairy farmer who disposes of on a route or to consumers at the farm a daily average of more than 110 pounds of fluid milk product should not be allowed producer status under the order.

This proposal, which was made by cooperative associations in the Puget Sound market, would allow surplus milk from other federally regulated markets to be delivered directly from the farm to Puget Sound pool plants for disposal without such milk being pooled under the Puget

Sound order. Producer associations in the Inland Empire market were described as occasionally having milk in excess of that which could be handled at facilities in that market. Pool plants in the Puget Sound market which have manufacturing facilities are available as an outlet for such milk. Under the present provisions, however, such milk, if moved directly from the farm to a Puget Sound pool plant, becomes pool milk under the Puget Sound order. The proponent associations which operate manufacturing plants will not accept such milk at their plants unless the milk has been received first at a plant pooled under the Inland Empire order. This has necessitated extra hauling, particularly in the case of producers in that market located in the Columbia Basin whose milk must be hauled east to a pool plant at Spokane and then west beyond the Columbia Basin area to the Puget Sound market. The movement of milk is then considered as an interorder transfer and the milk is not pooled under the Puget Sound order. Adoption of the proposal would facilitate the economical movement and orderly disposition of the surplus milk without diluting returns to the Puget Sound producers from Class I sales in the market.

The proposed change should be limited only to milk which is classified and priced under other Federal orders. As proposed by the proponent associations, dairy farmers whose milk is diverted from unregulated distributing plants to Puget Sound pool plants for manufacturing also would be excluded from being producers. Such persons and their milk are often difficult to identify, however, in contrast to producers and producer milk as defined by an order. The movement of surplus milk from the Yakima, Washington, area, which was singled out by proponents in conjunction with this proposal, to Puget Sound pool plants on an interplant basis was described as not involving any extra hauling. No modification of the order to accommodate such milk thus appears necessary.

The exclusion from producer status of a dairy farmer selling more than 110 pounds daily of fluid milk products would affect primarily those dairy farmers who process and distribute their milk outside the marketing area through their own plant but who do not qualify as producer-handlers under the order. Presently, such persons may ship milk which is surplus to their operations to a pool plant and gain producer status. Such milk does not represent a dependable supply of milk for the fluid requirements of the Puget Sound market nor is it intended as such by the shipper. The regulated market is used merely as an outlet for milk which he produces in excess of his own Class I requirements. In this circumstance it is not appropriate that such a person share in the returns from the Class I sales of the regulated market. Similar treatment is now applicable to persons who qualify as producer-handlers under the order.

(c) *"Route disposition."* A new definition of "route disposition" should be added. As set forth in the attached order, route disposition would mean any delivery, including delivery at a plant, plant store or eating place and delivery by a vendor or through a distribution point, of fluid milk products. A delivery of such products to a milk plant or in bulk to a commercial food processing establishment, however, would be excluded. Also, delivery to a military or other ocean transport vessel leaving the marketing area of fluid milk products which originated at a plant located outside the marketing area and were not received or processed at any pool plant would not be considered route disposition. This definition would not change in any way the present concept of what constitutes disposition on routes. It would merely simplify and clarify the remaining provisions of the order.

7. *Division of the shrinkage allowance between handlers.* The maximum allowance for shrinkage classified as Class II should be divided between receiving and processing handlers.

Producer groups proposed that the handler who first receives milk from producers should be allowed Class II shrinkage on the milk of up to 0.5 percent of the receipts. The handler who processes the milk should be allowed up to 1.5 percent Class II shrinkage on such milk. The total Class II shrinkage allowed under the proposal would be equal to that which is now allowed under the order. Presently, only the handler who first receives the milk may claim any Class II shrinkage.

Division of the shrinkage allowance in this manner would be in accord with the normal expectation that greater shrinkage occurs in processing milk than in receiving milk. This arrangement would be especially appropriate in this market since milk is often received at supply plants and then moved to distributing plants for processing. The shrinkage proposal was made in conjunction with the producer proposal, which is adopted herein, that a cooperative association be permitted to be the handler on direct-delivered bulk tank milk of its member producers. Division of the shrinkage allowance is a necessary adjunct to the practical use of this option by a cooperative association.

Under this provision as set forth in the attached order, the present two percent Class II shrinkage allowance would be retained for a plant operator who receives his milk supply directly from producers and processes it and disposes of no milk to other plants. In those circumstances where producer milk is received at a plant, or is received by a cooperative association in its capacity as a handler for bulk tank milk of its members, and is then transferred to another pool handler for processing, the total allowable shrinkage would be split. The handler receiving the milk from producers would be allowed Class II shrinkage of up to 0.5 percent whil the processing handler would be allowed Class II shrinkage of up to 1.5 percent. Any handler diverting milk to a nonpool plant also would be allowed up to 0.5 percent shrinkage on such milk. These shrinkage limits are in line with normal experience in many federally regulated markets.

The order should provide that when a handler receives milk from a cooperative association which is the handler for bulk tank milk of its members, the entire two percent allowance accrues to the handler if he elects to purchase the milk from the association on the basis of farm weights and individual producer tests. In this case the association would have no need for a shrinkage allowance on such milk. A handler making such election should notify the market administrator to that effect. Similarly, if the operator of the nonpool plant to which milk is diverted purchases the milk on the basis of farm weights and individual producer tests, no shrinkage allowance should apply for the diverting handler.

8. *Changes in the classification provisions.* On the basis of proposals by certain proprietary handlers and cooperative associations, certain changes in the classification of milk should be made.

Cream which is transferred under certain conditions to a nonpool plant located outside the marketing area and the counties of Kitsap, Mason, Clallam, Jefferson, and Pierce should be classified as Class II milk rather than as Class I milk. Such classification should be allowed only if the nonpool plant neither distributes fluid milk products on routes nor disposes of them to other nonpool plants. Also, the market administrator must be permitted to audit the records of the nonpool plant.

A proprietary handler requested such classification for cream which it wants to ship from its pool manufacturing plant to either of its manufacturing plants at Gustine, Calif., and Johnstown, Colo. The cream becomes available through the standardization of milk for its evaporated milk operation at the pool plant. The distant plants named have only manufacturing operations.

Cream disposed of outside the market in this manner should be classified as Class II milk. Returns to producers would not be affected in any manner. Proponent, on the other hand, would have greater latitude in utilizing its available facilities. A substantial decrease in the number of available butter churning facilities in the market further supports this action.

Any milk or milk products sterilized and packaged in hermetically sealed glass containers should be classified as Class II milk. This classification is now applicable to milk so packaged in metal containers. A proprietary handler which regularly ships milk and milk products to Alaska requested this modification. The handler contemplates moving through its pool plant a sterilized, hermetically sealed cream product packaged in glass containers. The product is packaged in California and would be consolidated at the handler's plant with other milk products for shipment to Alaska. There is no need to differentiate between sterile products packaged in metal containers and such products in glass containers.

The classification provisions should be changed accordingly.

A further change regarding the classification of milk sterilized and packaged in hermetically sealed containers which was proposed by producer groups should not be adopted. Under their suggested classification provisions, as set forth in the hearing notice, such milk, except evaporated milk, would be classified as Class I rather than Class II unless disposed of outside the marketing area. No justification for this change was given at the hearing and the change should not be made.

The producer proposal that fluid milk products which are dumped be classified as Class II milk should be adopted. Under normal circumstances handlers experience some spoilage of fluid milk products for which there is no commercial value. This occurs particularly with route returns of packaged products. Occasionally, milk which is being processed into cottage cheese will not "set" and must be dumped. Accordingly, such milk should not be valued under the order at the Class I price. The order should provide that the handler give such prior notice and opportunity for verification as may be required by the market administrator before such dumping occurs.

The classification provisions should be modified to provide that fluid milk products be classified as Class II milk if disposed of in bulk to any type of commercial food processing establishment for use in food products which are processed for general distribution to the public for consumption off the premises. Such an establishment would exclude any facility, such as various types of catering kitchens and kitchens of restaurant chains, at which the principal function is the preparation of food or meals for use within a limited period of time. The order now limits such establishments to bakeries, soup companies and candy manufacturing establishments.

This change would allow a Class II classification on sour cream disposed of in bulk to manufacturers of salad dressings. A witness for the principal producer group indicated that this classification change is desirable since such manufacturers represent an important outlet for producer milk. He indicated that sour cream cannot compete for these outlets when priced at the higher class value. Such disposition of sour cream is similar to disposition of fluid milk products for bakery, soup and candy uses and should be treated similarly.

9. *Accounting for nonfluid milk products used for reconstitution and fortification of fluid milk products.* The order should be clarified as to the manner in which handlers should account for nonfat milk solids used for fortifying fluid milk products. The order presently does not set forth clearly the accounting procedure to be used. Producers proposed that the market administrator's instructions to handlers concerning this matter be incorporated in the order.

Any fluid milk products fortified with added nonfat milk solids should be Class I milk in an amount equal only to the weight of an equal volume of a like unmodified product of the same butterfat content. The reportable quantity of nonfluid milk products used for fortification should be a weight equal to the increase in volume of the fluid milk products caused by the addition of the fortifying product. This quantity of nonfluid milk products should be reported as a receipt of other source milk.

This manner of accounting for nonfat milk solids is now being used to implement the classification and pricing of producer milk under the order. Setting forth in the order the specific accounting procedures for fortified products would facilitate the administration of the order.

The order also should be modified with respect to accounting for nonfluid milk products used in reconstituting fluid milk products. The order now provides that when skim milk or milk drinks are reconstituted the volume of the nonfluid milk products used shall be equivalent to the skim milk used to produce the nonfluid milk products. This accounting procedure should be used in the case of all reconstituted fluid milk products. The fluid milk equivalent of the nonfat milk solids used for reconstitution would be considered as other source milk.

Nonfluid milk products are ordinarily derived from unpriced milk or milk which has been priced as surplus milk under a Federal order. An economic incentive exists for handlers to substitute reconstituted fluid milk products for fluid milk products processed from current receipts of producer milk. Since such substitution would displace an equivalent amount of producer milk in Class I, the application of fluid equivalent pricing to all types of reconstituted fluid milk products is appropriate.

10. *Suspension or modification of the base-excess plan.*

(a) The base-excess plan used for distributing returns to producers should be continued.

A relatively small number of producers affiliated with a national farm organization proposed that the base-excess plan now provided for in the order be suspended for a trial period of 2 years beginning January 1, 1966. During this period a substitute base plan would be used which, in essence, would relate producers' bases to Class I utilization in the market. The producers contended that the present base-excess plan no longer is serving a useful purpose. They claimed that the plan induces the production of additional unneeded milk as producers attempt to establish larger bases.

Aside from the issue of whether the present base-excess plan is appropriate, consideration of the substitute base plan suggested by producers is not warranted. The order provisions which would be needed to implement such a plan were not developed sufficiently at the hearing to allow adequate appraisal of it. Furthermore, most of the Puget Sound producers were not aware that a base plan of this nature was to be considered at this proceeding inasmuch as the plan was not set forth in the notice of hearing. All producers in the market should have full opportunity to develop the necessary provisions of any base plan which might be adopted.

The purpose of the base-excess plan in the Puget Sound order has been to encourage a more even seasonal pattern of milk production. The normal pattern usually results in a greater supply of milk in the spring and early summer months. The base-excess plan has been in effect since the beginning of the order in 1951. Data for the market indicate a leveling of the seasonal variation in production since that time. In 1952 the average daily delivery per producer in the month of greatest production was 53 percent more than in the month of least production. For 1958 and 1964 comparable figures are 36 percent and 23 percent, respectively. It must be assumed that the base-excess plan has been a major factor in the changing production pattern for this market.

It cannot be determined that there is any direct relationship between this base-excess plan and the substantial amount of surplus milk in this market. Changes in technology and feeding and breeding practices cannot be overlooked as contributing significantly to the more than twofold increase since 1952 in the average daily delivery per producer. Withdrawing the base-excess plan on the basis that it contributes to excess production cannot be justified sufficiently to warrant such action.

The base-excess plan is a means of distributing to producers the total returns for their milk pooled under the order. Handlers' costs are not affected by the plan. Considerable weight, therefore, should be given to the desire of producers in the market as to whether they want such a plan. A large segment of such producers expressed opposition to the proposal to suspend the plan. They contended that the plan has been effective in leveling the seasonal variation of production.

In view of these considerations, the proposal is denied.

(b) No change should be made in certain parts of the provisions relating to the base-excess plan as suggested by cooperative associations. Producers proposed that any milk produced by a producer but which is not delivered to a plant because of circumstances generally beyond his control should be included in his total volume of milk used in computing his base. Also, they proposed that the order specify that a base may be computed for a producer-handler who discontinues operations as such or fails to meet the requirement for handler status.

Since the hearing was held, the Agricultural Marketing Agreement Act has been amended. Certain of the changes to the statute relate to the specific provisions which authorize base-excess plans such as is in the Puget Sound order. At the time producers were proposing certain changes in the base-excess plan, they were not aware, of course, of the forthcoming changes in the Act. Since the evidence offered in support of these proposals for relatively minor changes in the base-excess plan was given without knowledge of the statutory change

in procedures, it is concluded that a decision on these proposals should not be made on the basis of this record.

11. *Miscellaneous changes.*

(a) Reports of receipts and utilization which handlers must submit to the market administrator each month should be required to be submitted in the detail and on forms prescribed by the market administrator. This requirement, which has been set forth in the order since its inception, was omitted when the order was amended effective August 1, 1964. Reinstatement of the requirement will assure uniformity in reporting procedures and facilitate the classification and pricing of milk.

(b) A proposal was made by cooperative associations which would restate in conformance with other proposals the order language relating to location adjustments on Class II milk. During consideration of this proposal at the hearing, a proprietary handler proposed that the amount of adjustment be changed. Presently, a plus 25-cent location adjustment is applicable at pool plants located in District 1 or in the counties of Kitsap, Mason, or Pierce on milk which is utilized in certain Class II products, principal of which are ice cream and cottage cheese. It was proposed that this location adjustment be reduced to 15 cents per hundredweight.

The evidence is inconclusive as to whether a location adjustment other than that presently used would be appropriate under existing marketing conditions. Questions raised in the record concernig this issue, such as (1) the availability of milk for Class II use at District 1 plants at a lesser location adjustment, (2) the quantities of milk which must be shipped from supply plants to District 1 distributing plants for "premium" Class II uses, and (3) current transportation costs, suggest that a more thorough review be given the matter than occurred at the hearing. Accordingly, this change is not adopted.

(c) The market administrator should be required to report to a cooperative association, at the latter's request, the pro rata share of a handler's Class II utilization subject to a location adjustment which is assignable to milk of member producers caused to be delivered by the association directly from farms to the handler's plant. Such milk should include any bulk tank milk for which a cooperative association is the handler. Under present provisions a cooperative association may obtain similar information with respect to a handler's utilization of such milk in each class but without a detailed breakdown of the Class II uses.

As indicated above, milk used in certain Class II products at certain pool plants is subject to a plus 25-cent per hundredweight location adjustment. Knowing how much of its milk is used in these particular Class II products may assist the association in allocating available supplies of milk to handlers to the best advantage of the association. Confidentiality of the handler's operations would not be jeopardized under this arrangement.

(d) The order should provide that in the absence of specific tests the butterfat content of skim milk which a handler receives, uses or disposes of shall be 0.06 percent. Currently, if no butterfat test has been made the test of the skim milk is assumed to be zero. No practical method of separation removes all of the butterfat from milk, however. Thus, if the butterfat test of the skim milk which remains is considered as zero, a problem of accounting for all butterfat received may result. When large quantities of skim milk are involved, a handler may experience excessive shrinkage or some overage of butterfat. The application of an assumed butterfat test would tend to mitigate the problem. A test of 0.06 percent appears appropriate for this purpose.

(e) The order now provides that reporting of receipts and utilization and classification and assignment of milk shall be done on the basis of each plant which a handler operates. However, if a handler operates more than one pool plant and receives bulk fluid milk products from an unregulated supply plant or an other order plant which are to be assigned pro rata to his utilization, such assignment is based on the overall utilization of milk of all the pool plants of the handler. This arrangement may necessitate "borrowing" utilization from one plant for assignment purposes in another of the handler's plants.

This procedure is simplified in the attached order. It is provided that after classification of milk at each of the handler's pool plants is made, the utilization in each class at all of the plants shall be combined before assigning receipts of milk to the handler's utilization. If the handler has not received any other source milk which is subject to a pro rata assignment, assignment of receipts would be done on an individual plant basis.

(f) The entire order should be rewritten. The adoption of various proposals necessitates, of course, certain changes in the specific provisions involved. In addition, changes in other provisions are required to make the entire order conform with the amendments proposed herein. In view of the extensive changes, this occasion is an appropriate time for redrafting the entire order for the purpose of providing greater clarity in all provisions.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Puget Sound, Wash., marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

DEFINITIONS

§ 1125.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.).

§ 1125.2 Secretary.

"Secretary" means the Secretary of Agriculture, or other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 1125.3 Department.

"Department" means the U.S. Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this part.

§ 1125.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1125.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers, duly organized as such under the laws of any State, which includes members who are producers as defined in § 1125.11 and which the Secretary determines, after application by the association:

(a) To be qualified under the standards set forth in the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have its entire organization and all of its activities under the control of its members; and

(c) To be currently engaged in making collective sale of or marketing milk or its products for its members.

§ 1125.6 Puget Sound, Wash., marketing area.

"Puget Sound, Wash., marketing area" (hereinafter called the "marketing area") means all territory geographically within the places listed below, including all territory wholly or partly therein occupied by government (municipal, State or Federal) reservations, facilities, installations or institutions:

WASHINGTON COUNTIES

Grays Harbor.
Island.
King.
Lewis (except the town of Vader).
Pacific (all territory north of township 11 N except Long Island and the North Beach Peninsula).
Pierce (except Fox, McNeil, and Anderson Islands and the peninsulas adjacent to Kitsap County).
San Juan.
Skagit.
Snohomish.
Thurston.
Whatcom.

"District 1" shall include that portion of the marketing area in Grays Harbor, King, Pierce, Snohomish, and Thurston Counties. "District 2" shall include Whatcom County. "District 3" shall include that portion of the marketing area in Lewis and Pacific Counties. "District 4" shall include Skagit and Island Counties. "District 5" shall include San Juan County.

§ 1125.7 Plant.

"Plant" means the land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment, which is maintained and operated primarily for the receiving, handling and/or processing of milk and milk products.

(a) The buildings, premises and facilities, including facilities for washing tanks, of a reload point used primarily as a location at which milk is transferred from one farm pickup tank truck to another or to an over-the-road tank truck, and approved for such use by an appropriate health authority, shall constitute a plant, unless all milk handled through such reload point during the month is moved to a single plant in the same district. Any reload point on the premises of a plant engaging in other operations shall constitute a part of the operations of such plant.

(b) The buildings, premises and storage facilities of a distribution point at which are stored en route in the course of disposition fluid milk products that have been processed and packaged in consumer-type packages at a distributing plant shall not constitute a plant. Operations of such a distribution point located on the premises of a nonpool plant or a supply plant shall not constitute a part of the operations of such plant. Fluid milk products moved through a distribution point shall be classified on the basis of disposition from the distributing plant at which processed and packaged.

§ 1125.8 Pool plant.

"Pool plant" means any plant, other than an other order plant or the plant of a producer-handler, approved by a health authority having jurisdiction in the marketing area for receiving, processing or packaging of milk qualified for distribution as Grade A milk, which meets the conditions of paragraph (a) or (b) of this section:

(a) Any such plant, hereinafter referred to as a "pool distributing plant", from which during the month route disposition of fluid milk products in the marketing area averages more than 110 pounds daily and is also 10 percent or more of receipts of Grade A milk at such plant; or

(b) Any other such plant (including any reload point constituting a plant), hereinafter referred to as a "pool supply plant", at which milk so qualified is received from dairy farmers or a cooperative association pursuant to § 1125.10(f), and which is:

(1) Located in the marketing area; or

(2) Located outside the marketing area, and from which is moved in fluid form as milk to a pool distributing plant at least the following applicable percentage of both the skim milk and butterfat in Grade A milk received from dairy farmers:

(i) During the months of October through December, 50 percent of such receipts during the month; or

(ii) During the months of January through September, 20 percent of such receipts during the month, except that any plant which shipped more than 50 percent of such receipts during the entire period of October through December immediately preceding shall be a pool plant for each of the months of January through September.

(3) Any plant which otherwise meets the requirements of this paragraph may withdraw from pool supply plant status for any month in the January–September period if the operator of the plant files with the market administrator, prior to the first day of such month, a written request for such withdrawal.

§ 1125.9 Nonpool plant.

"Nonpool plant" means any plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which during the month an average of more than 110 pounds daily of fluid milk products is disposed of on routes in the marketing area.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products qualified for distribution as Grade A milk are moved to a pool plant during the month.

§ 1125.10 Handler.

"Handler" means any person in his capacity as:

(a) The operator of one or more pool plants;

(b) The operator of a partially regulated distributing plant;

(c) The operator of an other order plant from which fluid milk products are disposed of on a route in the marketing area;

(d) A producer-handler;

(e) Any cooperative association with respect to milk of its member producers caused to be diverted for the account of such cooperative association from a pool plant of another handler to a nonpool plant; or

(f) Any cooperative association with respect to milk of its member producers which is received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association, if the cooperative association notified the market administrator and the operator of the pool plant to whom the milk is delivered, in writing prior to the first day of the month in which the milk is delivered, that it elects to be the handler for such milk. For purposes of location adjustments to producers such milk is considered to have been received from producers by the cooperative association at the location of the pool plant to which it is delivered.

§ 1125.11 Producer.

"Producer" means any person engaged in the production of milk of dairy cows:

(a) Who produces such milk in compliance with the Grade A inspection requirements of a duly constituted health authority;

(b) Whose milk during the month is received at a pool plant or is diverted from a pool plant to a nonpool plant pursuant to § 1125.12, unless such milk is received at a pool plant by diversion from an other order plant and retains status as producer milk under the order by which such plant is regulated;

(c) Who is not a producer-handler as defined in any order (including this part) issued pursuant to the Act; and

(d) Who during the month has not disposed of on a route or to consumers at the farm an average of more than 110 pounds daily of fluid milk products.

§ 1125.12 Producer milk.

"Producer milk" or "milk received from producers" means skim milk and butterfat in milk produced by producers which is received for the account of a handler as follows:

(a) With respect to receipts at a pool plant, producer milk shall include:

(1) Milk received at such plant directly from producers;

(2) Milk diverted from such pool plant to a nonpool plant for the account of the operator of the pool plant, subject to the condition set forth in paragraph (c) of this section; and

(3) Milk received at such pool plant from a cooperative association in its capacity as a handler pursuant to § 1125.10(f), for all purposes other than those specified in paragraph (b)(2)(i) of this section;

(b) With respect to milk for which a cooperative association is a handler in a capacity other than as the operator of a pool plant, producer milk shall include:

(1) Milk diverted from the pool plant of another handler to a nonpool plant for the account of the cooperative association, subject to the condition set forth in paragraph (c) of this section; and

(2) Milk for which the cooperative association is a handler pursuant to § 1125.10(f) to the following extent:

(i) For purposes of reporting pursuant to §§ 1125.30(c) and 1125.31(a) and making payments to producers pursuant to § 1125.80(a); and

(ii) For all purposes, with respect to any such milk which is not delivered to the pool plant of another handler; and

(c) For purposes of location adjustments pursuant to §§ 1125.53, 1125.54 and 1125.81, milk diverted to a nonpool plant shall be priced at the location of the plant to which diverted.

§ 1125.13 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products from any source (including all receipts in fluid form from a producer-handler or the plant of a producer-handler as defined under this or any other Federal order) except:

(1) Producer milk; and

(2) Receipts from other pool plants; and

(b) Nonfluid and residual products (including those processed at the plant) which are reprocessed in connection with, or converted to, a fluid milk product during the month. The skim milk component of such products shall be as follows:

(1) A weight equal to the weight of the volume increase caused by nonfat milk solids in dry milk solids or condensed milk or skim milk products used for the fortification of, or as an additive to, fluid milk products; and

(2) The weight of a volume equivalent to the skim milk used to produce such product, with respect to other such products or uses.

§ 1125.14 Producer-handler.

"Producer-handler" means a person who is engaged in the production of milk and also operates a plant from which during the month an average of more than 110 pounds daily of fluid milk products is disposed of on a route(s) within the marketing area and who has been so designated by the market administrator upon his determination that all of the requirements of this section have been met, and that none of the conditions therein for cancellation of such designation exists. All designations shall remain in effect until cancelled pursuant to paragraph (c) of this section. The Department of Institutions, State of Washington, shall be a producer-handler exempt from the provisions of this section and §§ 1125.30 and 1125.32 with respect to milk of its own production and receipts from pool plants processed or received for consumption in State institutions and with respect to movements of milk to or from a pool plant.

(a) *Requirements for designation.* (1) The producer-handler has and exercises (in his capacity as a handler) complete and exclusive control over the operation and management of a plant at which he handles and processes milk received from his milk production resources and facilities (designated as such pursuant to paragraph (b)(1) of this section), the operation and management of which are under the complete and exclusive control of the producer-handler (in his capacity as a dairy farmer).

(2) The producer-handler neither receives at his designated milk production resources and facilities nor receives, handles, processes or distributes at or through any of his milk handling, processing or distributing resources and facilities (designated as such pursuant to paragraph (b)(2) of this section) fluid milk products derived from any source other than (i) his designated milk production resources and facilities, (ii) pool plants within the limitation specified in paragraph (c)(2) of this section, or (iii) nonfat milk solids which are used to fortify fluid milk products.

(3) The producer-handler is neither directly or indirectly associated with the business control or management of, nor has a financial interest in, another handler's operation; nor is any other handler so associated with the producer-handler's operation.

(4) Designation of any person as a producer-handler following a cancellation of his prior designation shall be preceded by performance in accordance with subparagraphs (1), (2), and (3) of this paragraph for a period of 1 month.

(b) *Resources and facilities.* Designation of a person as a producer-handler shall include the determination and designation of the milk production, handling, processing and distributing resources and facilities, all of which shall be deemed to constitute an integrated operation, as follows:

(1) As milk production resources and facilities: All resources and facilities (milking herd(s), buildings housing such herd(s), and the land on which such buildings are located) used for the production of milk:

(i) Which are directly, indirectly or partially owned, operated or controlled by the producer-handler;

(ii) In which the producer-handler in any way has an interest including any contractual arrangement; and

(iii) Which are directly, indirectly or partially owned, operated or controlled by any partner or stockholder of the producer-handler; *Provided*, That for purposes of this subparagraph any such milk production resources and facilities which the producer-handler proves to the satisfaction of the market administrator do not constitute an actual or potential source of milk supply for the producer-handler's operation as such shall not be considered a part of his milk production resources and facilities; and

(2) As milk handling, processing and distributing resources and facilities: All resources and facilities (including store outlets) used for handling, processing and distributing within the marketing area any fluid milk product:

(i) Which are directly, indirectly or partially owned, operated or controlled by the producer-handler; or

(ii) In which the producer-handler in any way has an interest, including any contractual arrangement, or with respect to which the producer-handler directly or indirectly exercises any degree of management or control.

(c) *Cancellation.* The designation as a producer-handler shall be cancelled under any of the conditions set forth in subparagraphs (1) and (2) of this paragraph, or upon determination by the market administrator that any of the requirements of subparagraphs (1), (2), and (3) of paragraph (a) of this section are not continuing to be met, such cancellation to be effective on the first day of the month following the month in which the requirements were not met, or the conditions for cancellation occurred.

(1) Milk from the designated milk production resources and facilities of the producer-handler is delivered in the name of another person as producer milk to another handler.

(2) The producer-handler handles fluid milk products derived from sources other than the designated milk production facilities and resources, with the exception of purchases from pool plants in the form of packaged fluid milk products, other than whole milk, which do not exceed a daily average during the month of 100 pounds.

(d) *Public announcement.* The market administrator shall publicly announce the name, plant location and farm location(s) of persons designated as producer-handlers, of those whose designations have been cancelled, and the effective dates of producer-handler status or loss of producer-handler status for each. Such announcements shall be controlling with respect to the accounting at plants of other handlers for milk received from any producer-handler.

(e) *Burden of establishing and maintaining producer-handler status.* The

burden rests upon the handler who is designated as a producer-handler to establish through records required pursuant to § 1125.33 that the requirements set forth in paragraph (a) of this section have been and are continuing to be met, and that the conditions set forth in paragraph (c) of this section for cancellation of designation do not exist.

§ 1125.15 Fluid milk product.

"Fluid milk product" means:

(a) Milk, skim milk, skim milk drinks, buttermilk, flavored milk, and flavored milk drinks, in fluid or frozen form (including such products reconstituted or fortified with additional nonfat milk solids);

(b) Cream (sweet or sour) in fluid or frozen form;

(c) Concentrated milk, skim milk, flavored milk, and flavored milk drinks; and

(d) Any mixtures in fluid form of cream and milk or skim milk (exclusive of ice cream and frozen dessert mixes, cocoa mixes, aerated cream products, or eggnog).

Fluid milk products shall not include those products commonly known as evaporated milk, condensed milk, and skim milk (plain or sweetened), yogurt, starter, or any milk or milk products sterilized and packaged in hermetically sealed metal or glass containers.

§ 1125.16 Route disposition.

"Route disposition" means any delivery of fluid milk products (including delivery at a plant, plant store, or eating place and delivery by a vendor or through a distribution point) except:

(a) A delivery to a plant;

(b) A delivery in bulk to a commercial food processing establishment; or

(c) A delivery to a military or other ocean transport vessel leaving the marketing area of fluid milk products which originated at a plant located outside the marketing area and were not received or processed at any pool plant.

§ 1125.17 Base.

"Base" means a quantity of milk, expressed in pounds per day or per month, computed pursuant to § 1125.60 (a) and (b), respectively.

§ 1125.18 Base milk and excess milk.

(a) "Base milk" means milk delivered by a producer during the month which is not in excess of:

(1) His daily base computed pursuant to § 1125.60(a) multiplied by the number of days of delivery in such month; or

(2) His monthly base computed pursuant to § 1125.60(b): *Provided*, That with respect to any producer with "every-other-day" delivery of milk the days of nondelivery shall be considered as days of delivery for the purposes of this section and of § 1125.60(a).

(b) "Excess milk" means milk delivered by a producer in excess of base milk.

§ 1125.19 Chicago butter price.

"Chicago butter price" means the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago as reported for the month by the Department. If no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter.

MARKET ADMINISTRATOR

§ 1125.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be designated by, and shall be subject to removal at the discretion of, the Secretary.

§ 1125.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1125.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1125.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 1125.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 1125.30 through 1125.32; or

(2) Made one or more of the payments pursuant to §§ 1125.80 through 1125.88;

(i) On or before the 13th day after the end of each month, report to each cooperative association (or its duly designated agent) which so requests the class utilization (and within Class II, the utilization specified in § 1125.54(a)) of milk of its member producers which is received by each handler directly from farms or from the cooperative association pusuant to § 1125.10(f). For the purposes of this report, such milk shall be prorated to each class (and within Class II, to the utilization specified in § 1125.54(a)) in the proportion that the total receipts of milk from producers and from cooperative associations pursuant to § 1125.10(f) of such handler were used in each class;

(j) Notify handlers as follows:

(1) On or before the 13th day after the end of each month, each handler whose net pool obligation is computed pursuant to § 1125.70 of:

(i) The amounts and values of his producer milk in each class and the totals of such amounts and values;

(ii) The amount of any charge made pursuant to § 1125.70 (b), (c), (d), or (e);

(iii) The uniform prices for base milk and excess milk;

(iv) The amounts specified in § 1125.84 (b) (1), (2), and (3);

(v) The amount due such handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund, as the case may be; and

(vi) The totals of the amounts required to be paid by such handler pursuant to §§ 1125.87 and 1125.88; and

(2) On or before the 22d day after the end of each month, each handler whose obligation is computed pursuant to § 1125.67, of any amount computed pursuant to § 1125.67(a) on the basis of information reported by such handler, the amount computed pursuant to § 1125.67 (b), and the amount due pursuant to § 1125.88 from such handler;

(k) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum price for Class I milk pursuant to § 1125.51(a) and the Class I butterfat differential pursuant to § 1125.52(a), both for the current month, and the minimum price for Class II milk pursuant to § 1125.51(b) and the Class II butterfat differential pursuant

to § 1125.52(b), both for the preceding month; and

(2) On or before the 13th day of each month, the weighted average and uniform prices computed pursuant to §§ 1125.71 and 1125.72 and the butterfat differential computed pursuant to § 1125.82, each applicable to milk received during the preceding month;

(l) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information;

(m) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1125.46(a)(7) and the corresponding step of § 1125.46 (b), estimate and publicly announce the utilization (to the nearest whole percentage), in each class, during the month, of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(n) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1125.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(o) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

REPORTS, RECORDS AND FACILITIES

§ 1125.30 Monthly reports of receipts and utilization.

On or before the 8th day of each month each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator, the following information for the preceding month:

(a) Each handler operating a pool plant(s) shall report separately for each pool plant:

(1) The quantities of skim milk and butterfat contained in:

(i) Milk received directly from producers, showing separately any milk of own-farm production;

(ii) Milk received from a cooperative association pursuant to § 1125.10(f);

(iii) Fluid milk products received from other pool plants; and

(iv) Other source milk;

(2) The utilization of all skim milk and butterfat required to be reported, including the quantities contained in fluid milk products on hand at the beginning and end of the month;

(3) The aggregate quantities of base milk and excess milk received; and

(4) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

(b) Each producer-handler shall report:

(1) The quantities of skim milk and butterfat contained in:

(i) Milk of own-farm production;

(ii) Receipts of fluid milk products from pool plants, showing separately receipts in packaged form and in bulk; and

(iii) Other source milk, showing separately any receipts from another dairy farmer; and

(2) As specified in paragraph (a) (2) and (4) of this section.

(c) Each cooperative association shall report with respect to milk for which it is the handler pursuant to either § 1125.10(e) or (f):

(1) The quantities of skim milk and butterfat received from producers;

(2) The utilization of skim milk and butterfat for which it is the handler pursuant to § 1125.10(e);

(3) The quantities of skim milk and butterfat delivered to each pool plant pursuant to § 1125.10(f); and

(4) As specified in paragraph (a) (3) and (4) of this section.

(d) Each handler who operates a partially regulated distributing plant shall report as specified in paragraph (a) (1), (2), and (4) of this section except that receipts from dairy farmers in Grade A milk shall be reported in lieu of those in producer milk. Such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of on routes in the marketing area as Class I milk.

(e) Each handler who operates another order plant with disposition of fluid milk products on routes in the marketing area shall report the quantities of skim milk and butterfat in such disposition.

§ 1125.31 Payroll reports.

On or before the 20th day of each month, handlers shall report to the market administrator as follows:

(a) Each handler with respect to each of his pool plants and each cooperative association which is a handler pursuant to § 1125.10 (e) or (f) shall submit his producer payroll for deliveries (other than his own-farm production) in the preceding month which shall show:

(1) The total pounds of base milk and the total pounds of excess milk received from each producer, the pounds of butterfat contained in such milk, and the number of days on which milk was delivered by such producer in such month;

(2) The amount of payment to each producer and cooperative association; and

(3) The nature and amount of any deductions or charges involved in such payments; and

(b) Each handler operating a partially regulated distributing plant who wishes computations pursuant to § 1125.67(a) to be considered in the computation of his obligation pursuant to § 1125.67 shall submit his payroll for deliveries of Grade A milk by dairy farmers which shall show:

(1) The total pounds of milk and the butterfat content thereof received from each dairy farmer;

(2) The amount of payment to each dairy farmer (or to a cooperative association on behalf of such dairy farmer); and

(3) The nature and amount of any deductions or charges involved in such payments.

§ 1125.32 Other reports.

At such time and in such manner as the market administrator may prescribe, each handler shall report to the market administrator such information in addition to that required under § 1125.30 as may be requested by the market administrator with respect to milk and milk products handled by him.

§ 1125.33 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or to establish the correct data with respect to the information required to be reported pursuant to §§ 1125.14, 1125.30, 1125.31, and 1125.32 and payments required to be made pursuant to §§ 1125.80 through 1125.88.

§ 1125.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, that handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 1125.35 Handler report to producers.

(a) In making payments to producers pursuant to § 1125.80, each handler, on or before the 19th day of each month, shall furnish each producer with a supporting statement in such form that it may be retained by the producer, which shall show for the preceding month:

(1) The identification of the handler and the producer;

(2) The total pounds of milk delivered by the producer and the average butterfat test thereof, the pounds of base and excess milk, and the pounds per shipment if such information is not furnished to the producer each day of delivery;

(3) The minimum rate(s) at which payment to the producer is required under the provisions of § 1125.80;

(4) The rate per hundredweight and amount of any premiums or payments above the minimum prices provided by the order;

(5) The amount or rate per hundredweight of each deduction claimed by the handler, together with a description of the respective deductions; and

(6) The net amount of payment to the producer.

(b) In making payment to a cooperative association in aggregate pursuant to § 1125.80(b) each handler upon request shall furnish to the cooperative association, with respect to each producer for whom such payment is made, any or all of the above information specified in paragraph (a) of this section.

CLASSIFICATION

§ 1125.40 Skim milk and butterfat to be classified.

All skim milk and butterfat received within the month by a handler which is required to be reported pursuant to § 1125.30 shall be classified by the market administrator pursuant to the provisions of §§ 1125.41 through 1125.46.

§ 1125.41 Classes of utilization.

Subject to the conditions set forth in §§ 1125.42, 1125.43, and 1125.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, subject to the following limitations and exceptions:

(i) Any products fortified with added nonfat milk solids shall be Class I in an amount equal only to the weight of an equal volume of a like unmodified product of the same butterfat content;

(ii) Fluid milk products in concentrated form shall be Class I in an amount equal to the skim milk and butterfat used to produce the quantity of such products disposed of; and

(iii) Products classified as Class II pursuant to paragraph (b) (3), (4), or (5) of this section are excepted;

(2) Contained in monthly inventory variation of fluid milk products; and

(3) Not specifically accounted for as Class II utilization.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce evaporated milk in hermetically sealed containers, butter, nonfat dry milk solids, powdered whole milk, casein and cheese (other than cottage, "baker's," "pot," cream or neufchatel), including that contained in residual products resulting from the manufacture of butter and cheese;

(2) Used to produce products other than fluid milk products or those specified in subparagraph (1) of this paragraph;

(3) In fluid milk products disposed of in bulk to a commercial food processing establishment for use in food products processed for consumption off the premises;

(4) In fluid milk products disposed of for livestock feed;

(5) In fluid milk products dumped after such prior notice and opportunity for verification as may be required by the market administrator;

(6) In shrinkage at each pool plant as computed pursuant to § 1125.42(b)(1) but not to exceed the following amount:

(i) Two percent of receipts in producer milk pursuant to § 1125.12(a) (1) and (2); plus

(ii) One and one-half percent of receipts of fluid milk products in bulk from other pool plants; plus

(iii) One and one-half percent of receipts from a cooperative association in its capacity as a handler pursuant to § 1125.10(f), except that if the handler operating the pool plant files notice with the market administrator that he is purchasing such milk on the basis of farm weights and individual producer tests, the applicable percentage shall be 2 percent; plus

(iv) One and one-half percent of receipts of fluid milk products in bulk from an other order plant, exclusive of the quantity for which Class II utilization was requested by the operator of such plant and the handler; plus

(v) One and one-half percent of receipts of fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; less

(vi) One and one-half percent of fluid milk products disposed of in bulk to other plants, except, in the case of milk diverted to a nonpool plant, if the operator of the plant to which the milk is diverted purchases such milk on the basis of farm weights and individual producer tests, the applicable percentage shall be 2 percent;

(7) In shrinkage at each pool plant as computed pursuant to § 1125.42(b)(2); and

(8) In shrinkage resulting from milk for which a cooperative association is the handler pursuant to § 1125.10 (e) or (f) not being delivered to pool plants and nonpool plants, but not in excess of one-half percent of such receipts, exclusive of those for which farm weights and individual producer tests are used as the basis of receipt at the plant to which delivered.

§ 1125.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts at each pool plant as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively (after reducing the quantity transferred to any nonpool plant located on the same premises by a pro rata share of shrinkage in such nonpool plant based on the proportion that such transfers are of its total receipts); and

(b) Prorate the resulting amounts between:

(1) A quantity equal to 50 times the maximum that may be computed pursuant to § 1125.41(b)(6); and

(2) Skim milk and butterfat in other source milk in the form of bulk fluid milk products, exclusive of that specified in § 1125.41(b)(6) (iv) and (v).

§ 1125.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first received such skim milk or butterfat proves that such skim milk and butterfat should be classified as Class II milk.

(b) The burden shall rest upon each handler to establish the sources of milk and milk products required to be reported by him pursuant to § 1125.30.

(c) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1125.44 Interplant movements.

Skim milk and butterfat moved by transfer, and by diversion under paragraph (c) of this section, as fluid milk products from a pool plant shall be assigned (separately) to each class in the following manner:

(a) To a pool distributing plant: As Class I milk to the extent Class I milk is available at the transferee plant after computations pursuant to § 1125.46 (a)(7) and the corresponding step of § 1125.46(b), subject to the following provisions:

(1) In the event the quantity transferred exceeds the total of receipts from producers and other pool plants at the transferor plant, such excess shall be assigned last to the Class I milk available at the transferee plant;

(2) If more than one transferor plant is involved, the available Class I milk shall first be assigned to pool plants located in District 1 and the counties of Pierce, Kitsap, and Mason, and then in sequence to the plants at which the least location adjustment applies;

(3) If Class I milk is not available in amounts equal to the sum of the quantities to be assigned pursuant to subparagraph (2) of this paragraph to plants having the same location adjustments, the transferee handler may designate to which of such plants the available Class I milk shall be assigned;

(4) If receipts of skim milk or butterfat from a pool plant located in District 1 or in the counties of Kitsap, Mason, or Pierce are assigned to Class II milk at the transferee plant, they shall be allocated, as designated by the transferee handler, to the uses stated in § 1125.54(a) only to the extent that the quantity so assigned exceeds other Class II uses remaining at the transferee plant after computations pursuant to § 1125.46 (a)(7) and the corresponding step of § 1125.46(b);

(5) Notwithstanding the prior provisions of this paragraph, any such skim milk and butterfat transferred in bulk from a pool plant to a pool distributing plant in which facilities are maintained and used to receive milk or milk products required by applicable health authority regulations to be kept physically separate from Grade A milk shall be classified in accordance with the provisions of paragraph (b) of this section; and

(6) If the transferor plant received during the month other source milk to be allocated pursuant to § 1125.46(a) (6) and (7) and the corresponding steps of § 1125.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant.

(b) To a pool supply plant as Class II milk, subject to the following conditions:

(1) The skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the transferee plant after computations pursuant to § 1125.46 (a)(7) and the corresponding step of § 1125.46(b) for such plant, and any additional amounts of such skim milk or butterfat shall be assigned to Class I milk and credited to transfers from transferor plants in the sequence at which the least location adjustment applies;

(2) If more than one transferor plant is involved, the available Class II milk shall first be assigned to transferor plants located outside District 1 and Kitsap, Mason, and Pierce Counties;

(3) If Class II milk is not available in amounts equal to the sum of the quantities to be assigned pursuant to subparagraph (2) of this paragraph, the transferee handler may designate the plant(s) to which the available Class II milk shall be assigned; and

(4) If receipts of skim milk or butterfat from a pool plant located in District 1 or in the counties of Kitsap, Mason, or Pierce are assigned to Class II milk at the transferee plant, they shall be allocated, as designated by the transferee handler, to the uses stated in § 1125.54(a) only to the extent that the quantity so assigned exceeds other Class II uses remaining at the transferee plant after computations pursuant to § 1125.46(a)(7) and the corresponding step of § 1125.46(b).

(c) To a nonpool plant:

(1) Except as provided for in subparagraphs (3) and (4) of this paragraph, as Class I milk, if transferred or diverted to a nonpool plant located outside the marketing area, except that cream transferred to a nonpool plant so located shall be classified as Class II if such nonpool plant neither distributes fluid milk products on routes nor disposes of them to other non-pool plants, and the market administrator is permitted to audit the records of such nonpool plant for purposes of verification;

(2) As Class I milk, if transferred or diverted to a producer-handler as defined in any order (including this part) issued pursuant to the Act, or to the plant of such a producer-handler;

(3) As Class II milk, if transferred or diverted to a nonpool plant located in the marketing area or within any of the counties of Kitsap, Mason, Clallam, Jefferson, and Pierce in the State of Washington, from which fluid milk products are not distributed on routes, subject to the following conditions:

(i) The transfer shall be classified as Class I milk unless the market administrator is permitted to audit the records of the nonpool plant for purposes of verification;

(ii) If such nonpool plant disposes of fluid milk products to any other nonpool plant distributing fluid milk products on routes, the transfer or diversion shall be classified as Class I milk up to the quantity of such disposition to the second nonpool plant; and

(iii) Milk classified as Class II shall be assigned to uses specified in § 1125.54(a) to the extent that such uses are available at such nonpool plant; and

(4) As follows, if transferred to an other order plant in excess of receipts from such plant in the same category as described in subdivision (i), (ii), or (iii) of this subparagraph:

(i) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(ii) If transferred in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subdivision (iii) of this subparagraph);

(iii) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(iv) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this subparagraph, classification shall be as Class I, subject to adjustment when such information is available;

(v) For purposes of this subparagraph, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II; and

(vi) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1125.41.

§ 1125.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and other obvious errors the reports of receipts and utilization submitted pursuant to § 1125.30 (a) and (c) and compute the total pounds of skim milk and butterfat in each class. For the purposes of such computation, 0.06 percent shall be used as the butterfat content of skim milk where no specific tests are available. Such computations shall be as follows:

(a) If any fluid milk products to be allocated pursuant to § 1125.46(a) (6) or (7) were received at any pool plant of a handler, there will be computed for such handler the total pounds of skim milk and butterfat, respectively, in each class at all of his pool plants combined, exclusive of any classification based upon movements between such plants, and allocation pursuant to § 1125.46 and computation of obligation pursuant to § 1125.70 shall be based upon the combined utilization so computed. For purposes of assigning location adjustments pursuant to §§ 1125.53 and 1125.54 with respect to milk moved between such plants, the skim milk and butterfat subtracted from each class pursuant to § 1125.46(a) (2), (3), (4), (6), and (7) and the corresponding steps of § 1125.46 (b) will be assigned so far as possible to utilization (exclusive of such interplant movements) reported at the plant at which it was received, and thereafter in sequence to plants at which location adjustment for such class is the same or most nearly similar, and the applicable location adjustments will be determined on the basis of the classification resulting from the application of § 1125.44 (a) and (b) to the remaining utilization reported;

(b) If no fluid milk products to be allocated pursuant to § 1125.46(a) (6) or (7) were received at any pool plant of a handler, the total pounds of skim milk and butterfat, respectively, in each class will be computed for each pool plant of such handler, and allocation pursuant to § 1125.46 and computation of obligation pursuant to § 1125.70 shall be made separately for each pool plant of the handler; and

(c) There will be computed for each cooperative association reporting pursuant to § 1125.30(c) the total pounds of skim milk and butterfat, respectively, in producer milk pursuant to § 1125.12(b). The amounts so determined shall be those used for computation pursuant to § 1125.46(c).

§ 1125.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1125.45, the market administrator shall determine the classification of producer milk for each handler at all his pool plants (or at each pool plant, when § 1125.45(b) applies) as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1125.41(b)(6);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below, from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products not qualified for disposition to consumers in fluid form, or which are from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Subtract, if the total pounds of skim milk in all classes pursuant to § 1125.45 exceed the total pounds of skim milk reported pursuant to § 1125.30 (a)(1), from the remaining pounds of skim milk in each class, in series beginning with Class II, the amount determined by prorating such excess between the pounds of skim milk subtracted pursuant to subdivisions (i) through (iii) of this subparagraph and the remaining receipts;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II, but not in excess of such quantity:

(i) Receipts of fluid milk products from unregulated supply plants for which the handler requests Class II utilization;

(ii) Remaining receipts of fluid milk products from unregulated supply plants which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in receipts of producer milk, receipts from pool plants of other handlers (and of the same handler, when § 1125.45(b) applies), and receipts in bulk from other order plants; and

(iii) Receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

(5) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(6) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (4)(i) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraph (4)(ii) of this paragraph:

(i) In series beginning with Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II utilization of skim milk announced for the month by the market administrator pursuant to § 1125.22(m) or the percentage that Class II utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers (and of the same handler, when § 1125.45(b) applies) according to the classification assigned pursuant to § 1125.44;

(9) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section and § 1125.45(c) into one total for each class and determine the weighted average butterfat content of producer milk in each class.

MINIMUM PRICES

§ 1125.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1125.51 Class prices.

Subject to the provisions of §§ 1125.52 through 1125.54, the minimum class prices per hundredweight of milk for the month shall be as follows:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.65. For each of the months of April through June, however, the price for Class I milk shall not be higher than the price for Class I milk computed pursuant to this paragraph for the immediately preceding month of March and for each of the months of October through January the price for Class I milk shall not be lower than the price for Class I milk computed pursuant to this paragraph for the immediately preceding month of September.

(b) *Class II milk.* The price for Class II milk shall be the basic formula price for the month, but not to exceed the price computed as follows:

(1) Multiply the Chicago butter price by 4.2;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

§ 1125.52 Butterfat differentials to handlers.

If the average butterfat content of Class I milk or Class II milk, computed pursuant to § 1125.46, differs from 3.5 percent, there shall be added to, or subtracted from, the applicable class price (§ 1125.51) for each one-tenth of 1 percent that the average butterfat content of such class is respectively above, or below, 3.5 percent, a butterfat differential computed as follows, rounded to the nearest one-tenth cent:

(a) *Class I milk.* Multiply the Chicago butter price for the preceding month by 0.125; and

(b) *Class II milk.* Multiply the Chicago butter price for the current month by 0.120.

§ 1125.53 Location adjustments on Class I milk.

The price of Class I milk at each plant shall be, regardless of point of disposition within or outside the marketing area, the Class I price pursuant to § 1125.51 less a location differential for such plant shown in the table below:

Plant location:	*Class I price differential (cents per hundredweight)*
District 1 or Kitsap, Mason or Pierce Counties	0
District 4	15
Districts 2, 3 and Kittitas County	20
District 5 and other locations outside the marketing area	40

§ 1125.54 Location adjustments on Class II milk.

In computing each handler's value of milk there shall be added with respect to each pool plant located in District 1 or in the counties of Kitsap, Mason or Pierce an amount of money computed as follows:

(a) Compute the sum (in pounds) of:

(1) The total utilization at such plant (including any disposition of skim milk and butterfat from such plant for similar uses at nonpool plants) of skim milk and butterfat, respectively, in the products or uses listed in §1125.41(b)(2) and (3); and

(2) The total quantity of skim milk and butterfat transferred to other pool plants and allocated to the uses specified in subparagraph (1) of this paragraph (as provided in § 1125.44 (a)(4) and (b)(4));

(b) Subtract from the amounts of skim milk and butterfat, respectively, resulting from paragraph (a) of this section, to the extent of such amounts, the amounts of skim milk and butterfat received at such plant from pool plants not located in District 1 or in the counties of Kitsap, Mason or Pierce, and assigned to Class II milk pursuant to § 1125.44; and

(c) Multiply by 25 cents per hundredweight the lesser of the following quantities:

(1) The sum of the net amounts of skim milk and butterfat resulting from paragraph (b) of this section; or

(2) The total amount of Class II milk pursuant to § 1125.46(c).

§ 1125.55 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

DETERMINATION OF BASE

§ 1125.60 Computation of producer bases.

Subject to the rules set forth in § 1125.61, the market administrator shall determine bases for producers in the manner provided in paragraphs (a) and (b) of this section:

(a) The daily base of each producer whose milk was received by a handler(s) on not less than one hundred twenty (120) days during the months of August through December, inclusive, shall be an amount computed by dividing such producer's total pounds of milk delivered in such 5-month period by the number of days from the date of his first delivery to the end of such 5-month period. The base so computed, which shall be recomputed each year, shall become effective on the first day of February next following and shall remain in effect through the month of January of the next succeeding year: *Provided*, That for any dairy farmer for whom information concerning deliveries during the base-earning period is available to the market administrator and who becomes a producer as a result of (1) the plant to which his milk was delivered during the base-earning period subsequently being qualified as a pool plant, or (2) cancellation of a producer-handler's designation as such, a daily base shall be computed pursuant to this paragraph.

(b) Any producer who is not eligible to receive a base computed pursuant to paragraph (a) of this section, shall have a monthly base computed by multiplying his deliveries to a handler(s) during the month by the appropriate monthly percentage in the following table:

January	70	July	55
February	70	August	60
March	65	September	60
April	55	October	65
May	45	November	70
June	50	December	70

§ 1125.61 Base rules.

The following rules shall be observed in the determination of bases:

(a) A base may be transferred upon written notice to the market administrator on or before the last day of the month of transfer, but under the following circumstances only: If a producer who earned a base pursuant to § 1125.60 (a) sells, leases or otherwise conveys his herd to another producer, the latter may receive the transferor's base, pursuant to the conveyance, and utilize such base for the remainder of the period for which such base is effective pursuant to § 1125.60(a), subject to the following conditions:

(1) Such base shall apply to deliveries of milk by the transferee producer from the same farm only;

(2) If such conveyance takes place subsequent to August 1 of any year, all milk delivered to a handler(s) between August 1 and the last day of the base-earning period as specified in § 1125.60 (a), inclusive, from the same farm (whether by the transferor or transferee producer) shall be utilized in computing the base of the transferee producer pursuant to § 1125.60(a);

(3) It is established to the satisfaction of the market administrator that the conveyance of the herd was bona fide and not for the purpose of evading any provision of this order; and

(4) Notwithstanding subparagraphs (1) and (2) of this paragraph, but in compliance with subparagraph (3) of this paragraph:

(i) A base, whether earned pursuant to § 1125.60(a) or received by transfer, may be transferred to a member of a baseholder's immediate family; and

(ii) In the case of a baseholder's death, a base earned pursuant to § 1125.60(a) by the baseholder or by a member of his immediate family may be further transferred to an outside party: *Provided*, That for purposes of this subparagraph a transfer to an estate shall not be considered as a transfer to an outside party.

(b) A new producer who ceases deliveries to a pool plant for more than 45 days shall lose his base if computed pursuant to § 1125.60(a) and if he resumes deliveries to such a plant he shall be paid on a base determined pursuant to § 1125.60(b) until he can establish a new base in the manner provided in § 1125.60 (a).

(c) By notifying the market administrator in writing on or before the 15th day of any month, a producer holding a base established pursuant to § 1125.60(a) may relinquish such base by cancellation. Such producer's base shall be computed in the manner provided by § 1125.60(b) and shall be effective from the first day of the month in which notice is received by the market administrator until the close of the period, pursuant to § 1125.60(a) for which such base was computed.

(d) As soon as bases computed by the market administrator are allotted, notice of the amount of each producer's base shall be given by the market administrator to the producer, the handler receiving such producer's milk and the cooperative association of which the producer is a member. Each handler, following receipt of such notice, shall promptly post in a conspicuous place at each of his plants a list or lists showing the base of each producer whose milk is received at such plant.

(e) If a producer operates more than one farm he shall establish a separate base with respect to producer milk delivered from each such farm.

(f) Only producers as defined in § 1125.11 may establish or earn a base pursuant to the provisions of § 1125.60, and only one base shall be allotted with respect to milk produced by one or more persons where the land, buildings and equipment used are jointly owned or operated.

APPLICABILITY OF PROVISIONS

§ 1125.65 Producer-handlers.

Sections 1125.40 through 1125.46, 1125.50 through 1125.55, 1125.60, 1125.61, 1125.70 through 1125.72, and 1125.80 through 1125.89 shall not apply to a producer-handler.

§ 1125.66 Plants subject to other Federal orders.

Except for §§ 1125.30(e) and 1125.32 through 1125.34, the provisions of this part shall not apply to a handler with respect to the operation of plants described as follows:

(a) A distributing plant from which a lesser volume of fluid milk products is disposed of in the Puget Sound marketing area than in the marketing area of another marketing agreement or order issued pursuant to the Act and which is fully subject to the classification and pricing provisions of such other agreement or order; and

(b) Any supply plant for any portion of the period of January through September, inclusive, that producer milk at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act.

§ 1125.67 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1125.30(d) and 1125.31(b) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1)(i) The obligation that would have been computed pursuant to § 1125.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1125.70(e) and a credit in the amount specified in § 1125.84(b)(3) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant

to §§ 1125.30(d) and 1125.31(b) similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1125.8(b)(2), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph, and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes within the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price).

DETERMINATION OF UNIFORM PRICES

§ 1125.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler (for each pool plant, when § 1125.45(b) applies) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1125.46(c), by the applicable class prices (adjusted pursuant to §§ 1125.52, 1125.53 and 1125.54) and add together the resulting amounts;

(b) (1) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1125.46(a)(9) and the corresponding step of § 1125.46(b), by the applicable class prices.

(2) In case overage occurs in a nonpool plant located on the same premises as a pool plant, such overage shall be prorated between the quantity transferred from the pool plant and other source milk in such nonpool plant, and an amount equal to the value of overage allocated to the transferred quantity at the applicable class price shall also be added;

(c) Add or subtract, as the case may be, the amount necessary to correct errors as disclosed by the verification of reports of such handler of his receipts and utilization of skim milk and butterfat in previous months for which payment has not been made;

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1125.46(a)(3) and the corresponding step of § 1125.46(b); and

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1125.46(a)(6) and the corresponding step of § 1125.46(b).

§ 1125.71 Computation of weighted average price for all milk.

For each month the market administrator shall compute the weighted average price for all milk of 3.5 percent butterfat content as follows:

(a) Combine into one total the values computed pursuant to § 1125.70 for all handlers who made the reports prescribed in § 1125.30 and who made the payments pursuant to § 1125.84 for the preceding month;

(b) Add the aggregate of the values of the location adjustments on base milk allowable pursuant to § 1125.81(a)(1) and on nonpool milk pursuant to § 1125.81(c);

(c) Deduct the aggregate of the values of the location adjustments on excess milk computed pursuant to § 1125.81(a)(2);

(d) Add an amount representing not less than one-half the unobligated cash balance in the producer-settlement fund;

(e) Subtract, if the average butterfat content of the milk specified in paragraph (f) of this section is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1125.82 and multiplying the resulting figure by the total hundredweight of such milk;

(f) Divide the resulting amount by the sum of the following for all handlers included in such computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1125.70(e); and

(g) Subtract not less than 4 cents but less than 5 cents from the price computed pursuant to paragraph (f) of this section. The result shall be known as the "weighted average price for all milk".

§ 1125.72 Computation of uniform prices for base milk and excess milk.

For each month the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk of 3.5 percent butterfat content received from producers as follows:

(a) From the net amount computed pursuant to § 1125.71(a) through (e) subtract the following:

(1) The amount computed by multiplying the hundredweight of milk specified in § 1125.71(f)(2) by the weighted average price for all milk; and

(2) The amount computed by multiplying the hundredweight of excess milk by the Class II price for 3.5 percent milk, rounded to the nearest one-tenth cent: *Provided*, That if such result is greater than an amount computed by multiplying the hundredweight of base milk by the Class I price (for 3.5 percent milk) plus four cents, such amount in excess thereof shall be subtracted from the result obtained prior to this proviso;

(b) Divide the net amount obtained in paragraph (a) of this section by the total hundredweight of base milk and subtract not less than 4 cents but less than 5 cents. This result shall be known as the uniform price per hundredweight of base milk of 3.5 percent butterfat content; and

(c) Divide the amount obtained in paragraph (a)(2) of this section plus any amount subtracted pursuant to the proviso of paragraph (a)(2) of this section by the hundredweight of excess milk, and subtract any fractional part of 1 cent. This result shall be known as the uniform price per hundredweight of excess milk of 3.5 percent butterfat content.

PAYMENTS

§ 1125.80 Time and method of payment to producers and to cooperative associations.

(a) On or before the 19th day after the end of each month, each handler shall make payment to each producer for milk received from such producer during such month:

(1) At not less than the uniform price for base milk for the quantity of base milk received, adjusted by the butterfat differential computed pursuant to § 1125.82 and by any location adjustment applicable under § 1125.81; and

(2) At not less than the uniform price for excess milk for the quantity of excess milk received, adjusted by the butterfat differential computed pursuant to § 1125.82 and by any location adjustment applicable under § 1125.81: *Provided*, If by such date such handler has not received full payment for such month pursuant to § 1125.85, he shall not be deemed to be in violation of this paragraph if he reduces uniformly for all producers his payments per hundredweight pursuant to this paragraph by a total amount not in excess of the reduction in payment from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payments is received from the market administrator.

(b) The payments required in paragraph (a) of this section shall be made, upon request, to a cooperative association qualified under § 1125.5, or to its duly authorized agent, with respect to milk received from each producer who has given such association authorization by contract or by other written instrument to collect the proceeds from the sale of his milk, and any payment made pursuant to this paragraph shall be made on or before the 17th day after the end of such month.

(c) On or before the 17th day after the end of each month, each handler shall pay to each cooperative association which operates a pool plant for skim milk and butterfat received from such cooperative association during such month an amount of money computed by multiplying the total pounds of such skim milk and butterfat in each class (pursuant to § 1125.44(a) or (b)) by the class price, taking into account any location adjustment, as provided by §§ 1125.53 and 1125.54, applicable at the pool plant of the cooperative association.

(d) On or before the 17th day after the end of each month, each handler who receives milk for which a cooperative association is the handler pursuant to § 1125.10(f) shall pay such cooperative association for such milk at not less than the weighted average price for all milk, adjusted by the differentials specified in §§ 1125.81(b) and 1125.82.

(e) None of the provisions of this section shall be construed to restrict any cooperative association qualified under section 8c(5)(F) of the Act from making payment for milk to its producers in accordance with such provision of the Act.

§ 1125.81 Location adjustments to producers and on nonpool milk.

(a) In making payments to producers pursuant to § 1125.80(a), subject to the application of § 1125.12(c), the following adjustments for location are applicable:

(1) Deduction may be made per hundredweight of base milk received from producers at respective plant locations at the same per hundredweight rates as specified for Class I milk in the table set forth in § 1125.53; and

(2) Twenty-five cents per hundredweight shall be added to the uniform price for excess milk received from producers at plants located in District 1 or in the counties of Kitsap, Mason, or Pierce.

(b) In making payments to a cooperative association pursuant to § 1125.80(d) deductions may be made at the rates specified in § 1125.53 for the location of the plant at which the milk was received from the cooperative association.

(c) For purposes of computations pursuant to §§ 1125.84 and 1125.85 the weighted average price for all milk shall be adjusted at the rates set forth in § 1125.53 applicable at the location of the nonpool plant from which the milk was received.

§ 1125.82 Producer butterfat differential.

In making payments pursuant to § 1125.80(a) for base milk and for excess milk and pursuant to § 1125.80(d) there shall be added to, or subtracted from, the respective uniform prices thereof or weighted average price, for each one-tenth of 1 percent that the average butterfat content of such milk is above or below 3.5 percent, a butterfat differential computed by the market administrator by multiplying the butterfat differential for Class I milk by the percentage of the butterfat contained in producer milk that is allocated to Class I, and by multiplying the remaining percentage of butterfat in producer milk by the butterfat differential for Class II milk, adding together the resulting amounts, and rounding to the nearest tenth of a cent.

§ 1125.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to §§ 1125.67 and 1125.84 and out of which he shall make all payments to handlers pursuant to § 1125.85.

§ 1125.84 Payments to the producer-settlement fund.

On or before the 15th day after the end of the month during which the milk was received, each handler shall pay to the market administrator the amount, if any, by which the total amount specified in paragraph (a) of this section exceeds the total amount specified in paragraph (b) of this section:

(a) The sum of:

(1) The net pool obligations computed pursuant to § 1125.70 for such handler; and

(2) For a cooperative association handler, the amount due from other handlers pursuant to § 1125.80(d);

(b) The sum of:

(1) The value of milk received by such handler from producers at the applicable uniform prices specified in § 1125.80(a);

(2) The amount to be paid to cooperative associations pursuant to § 1125.80(d); and

(3) The value at the weighted average price for all milk applicable at the location of the plant(s) from which received (not to be less than the value at the Class II price) adjusted for butterfat content by the producer butterfat differential, with respect to other source milk for which a value is computed pursuant to § 1125.70(e).

§ 1125.85 Payments out of the producer-settlement fund.

On or before the 17th day after the end of each month during which the milk was received, the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1125.84(b) exceeds the amount computed pursuant to § 1125.84(a), and less any unpaid obligations of such handler to the market administrator pursuant to §§ 1125.84, 1125.86, 1125.87, and 1125.88: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 1125.86 Adjustments of accounts.

Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in money due:

(a) The market administrator from such handler,

(b) Such handler from the market administrator, or

(c) Any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred following the 5th day after such notice.

§ 1125.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than with respect to milk of such handler's own production) pursuant to § 1125.80(a), shall make a deduction of 5 cents per hundredweight of milk, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to the following:

(1) All milk received from producers at a plant not operated by a cooperative association;

(2) All milk received at a plant operated by a cooperative association from producers who are not members of such association; and

(3) All milk received at a plant operated by a cooperative association(s) from producers who are members thereof but for whom any of the services set forth below in this paragraph is not being performed by such association(s), as determined by the market administrator.

Such deduction shall be paid by the handler to the market administrator on or before the 15th day after the end of the month. Such moneys shall be expended by the market administrator for the verification of weights, sampling and testing of milk received from producers and in providing for market information to producers; such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of each producer:

(1) Who is a member of, or who has given written authorization for the rendering of marketing service and the taking of deduction therefor to, a cooperative association,

(2) Whose milk is received at a plant not operated by such association, and

(3) For whom the market administrator determines that such association is performing the services described in paragraph (a) of this section, each handler shall deduct, in lieu of the deduction

specified under paragraph (a) of this section, from the payments made pursuant to § 1125.80(a) the amount per hundredweight on milk authorized by such producer and shall pay over, on or before the 15th day after the end of the month, such deduction to the association entitled to receive it under this paragraph.

§ 1125.88 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk (including such handler's own production), (b) other source milk allocated to Class I pursuant to § 1125.46(a) (3) and (6) and the corresponding steps of § 1125.46(b) and (c) packaged Class I milk disposed of on routes within the marketing area from a partially regulated distributing plant which exceeds Class I milk received during the month at such plant from pool plants and other order plants.

§ 1125.89 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last-known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate 2 years after the end of the month during which the milk involved in the claims was received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 1125.90 Effective time.

The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1125.91.

§ 1125.91 Suspension or termination.

The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the Act. This part shall terminate in any event whenever the provisions of the Act authorizing it cease to be in effect.

§ 1125.92 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1125.93 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expense of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1125.100 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1125.101 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Signed at Washington, D.C., on December 2, 1965.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 65-13098; Filed, Dec. 7, 1965; 8:46 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 251]

IMPORTATION OF DISTILLED SPIRITS, WINES, AND BEER

Notice of Proposed Rule Making

OCTOBER 28, 1965.

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue and the Commissioner of Customs, with the approval of the Secretary of the Treasury or his delegate. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington, D.C., 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Director, Alcohol and Tobacco Tax Division, within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

In order to (1) provide for the voiding of red strip stamps attached to bottles of imported spirits diverted for exportation, (2) eliminate the requirement that the customs officer make entries on Form 1444, (3) prescribe the number of copies to be prepared for certain notices and applications, and (4) make minor editorial changes, the regulations in 26 CFR Part 251, Importation of Distilled Spirits, Wines, and Beer, are amended as follows:

PARAGRAPH 1. Section 251.65a is amended to require the notice requesting an extension of time for making a final accounting of strip stamps to be filed in duplicate. As amended, § 251.65a reads as follows:

§ 251.65a Extension of time for final accounting of strip stamps.

Where an importer is not able, within the 18-month period prescribed in §§ 251.64 and 251.65, or within any extension period which might be granted in this section, to give a complete accounting for all strip stamps issued with respect to any requisition on Form 428 in the manner prescribed in this part, he shall notify the collector of customs, in writing, in duplicate, prior to the expiration of the 18-month period or any extension period granted under this section, setting forth all pertinent facts and requesting an extension of time wherein to make his final accounting. If satisfied that the circumstances warrant an extension of time, the collector of customs may grant an extension, or extensions, not to exceed a total of 12 months. If any application is made for a further extension of time, the collector of customs shall submit it, with his recommendation, to the Commissioner of Customs, who may, when the circumstances warrant, grant an additional extension of time. Where the collector of customs is not satisfied with the reasons given for requesting an extension of time, he shall proceed as prescribed in § 251.92.

(72 Stat. 1358; 26 U.S.C. 5205)

PAR. 2. Section 251.72 is amended to provide for the voiding, when so authorized by the collector of customs, of red strip stamps attached to bottles of imported spirits diverted for exportation. As amended, § 251.72 reads as follows:

§ 251.72 Exportation of imported distilled spirits; red strip stamps.

When imported distilled spirits to which red strip stamps were affixed prior to arrival in the United States are diverted for exportation purposes by the importer, the strip stamps shall be effectively destroyed by the importer under customs supervision, prior to exportation: *Provided*, That the collector of customs may authorize the importer to void, rather than destroy, such strip stamps under customs supervision. When voiding of red strip stamps has been authorized, they shall be voided by legibly stamping thereon, with indelible ink and in boldface capital letters no smaller than 10-point type, the word "VOIDED" or the word "CANCELED." Red strip stamps affixed to distilled spirits originating in the United States, evidencing the tax or indicating compliance with the provisions of chapter 51, I.R.C., shall not be removed at or prior to the time of exportation.

(72 Stat. 1358; 26 U.S.C. 5205)

PAR. 3. Section 251.73 is amended to provide for the destruction of red strip stamps, rather than to refer to § 251.72 for such provision. As amended, § 251.73 reads as follows:

§ 251.73 Withdrawal without payment of tax: red strip stamps.

Red strip stamps affixed to imported distilled spirits to be withdrawn from customs custody free of tax for entry into the United States shall be effectively destroyed by the importer, his agent, or the subsequent purchaser, under customs supervision, prior to such tax-free withdrawal.

(72 Stat. 1358; 26 U.S.C. 5205)

PAR. 4. Section 251.91 is amended to reflect the change in § 251.72 as to voiding red strip stamps. As amended, § 251.91 reads as follows:

§ 251.91 Credit for red strip stamps affixed to containers diverted by the importer for exportation.

When red strip stamps are destroyed or voided under the provisions of § 251.72, the importer may be given credit for such stamps if he obtains from the supervising customs officer a certificate regarding the destruction or voiding and submits the certificate to the collector of customs. The collector of customs shall, on receipt of the certificate, credit the original application for the stamps and the importer shall make appropriate entries on his strip stamp record.

(72 Stat. 1358; 26 U.S.C. 5205)

PAR. 5. Section 251.135 is amended to require that application, in triplicate, be filed for modification of Form 52A, 52B, or 338. As amended, § 251.135 reads as follows:

§ 251.135 Forms to be provided by users at own expense.

Forms 52A, 52B, and 338 shall be provided by importers at their own expense, but must be in the form prescribed: *Provided*, That with the approval of the Director, of an application, in triplicate, the forms may be modified to adapt their use to tabulating or other mechanical equipment.

(72 Stat. 1342, 1395; 26 U.S.C. 5114, 5555)

PAR. 6. Section 251.136 is amended to require that the application to keep files at a location other than the importer's place of business be filed in duplicate. As amended, § 251.136 reads as follows:

§ 251.136 Filing.

If the importer maintains looseleaf records of receipt or disposition, one legible copy of each such record shall be marked or stamped "Government File Copy," and shall be filed not later than the close of the business day next succeeding that on which the transaction occurred. All records required by this part, and legible copies of all reports required by this part to be submitted to the assistant regional commissioner or to the collector of customs, shall be filed separately, chronologically, and in numerical sequence within each date, at the importer's place of business to which they relate: *Provided*, That on application, in duplicate, the assistant regional commissioner may authorize the files, or any individual files, to be maintained at other premises under control of the importer, if he finds that such maintenance will not delay the timely filing of any document, or cause undue inconvenience to internal revenue or customs officers desiring to examine such files. Supporting documents, such as consignors' invoices, delivery receipts, or bills of lading, or exact copies thereof, may be filed in accordance with the importer's customary practice. Documents supporting records of disposition shall have noted thereon the serial numbers of the records of disposition to which they refer.

(72 Stat. 1342, 1345, 1361, 1395; 26 U.S.C. 5114, 5124, 5207, 5555)

PAR. 7. Section 251.184 is amended to eliminate the requirement for entries on Form 1444 by the customs officer. As amended, § 251.184 reads as follows:

§ 251.184 Customs gauge and release.

Where the appropriate permit, Form 1444, is on file, and on receipt of entry for release of distilled spirits, the spirits shall be gauged by a customs officer, who shall prepare a report of gauge on Form 2629, in triplicate. The distilled spirits may then be released free of tax for shipment to the United States or governmental agency thereof named in the permit, Form 1444. The customs officer shall state on each copy of Form 2629 the permit number of the Form 1444 under which the distilled spirits were withdrawn. The original of Form 2629 shall be retained by the collector of customs, one copy shall be forwarded to the governmental agency to whom the distilled spirits are consigned, and one copy shall be forwarded to the Director.

(72 Stat. 1375; 26 U.S.C. 5313)

[F.R. Doc. 65-13111; Filed, Dec. 7, 1965; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 399]

[Docket No. 16466]

PROCESSING OF APPLICATIONS OF FOREIGN AIR CARRIERS FOR STATEMENTS OF AUTHORIZATION TO CONDUCT OFF-ROUTE CHARTER TRIPS

Statements of General Policy; Termination of Rule Making Proceeding

DECEMBER 3, 1965.

On September 2, 1965 the Civil Aeronautics Board issued a notice of proposed rule making (PSDR-13, 30 F.R. 11391) wherein it proposed to amend Part 399, its Statements of General Policy (14 CFR Part 399), to provide that in processing

applications by foreign air carriers for off-route charter authority the Board will be guided by the volume and frequency and regularity restrictions imposed on off-route charters by U.S. air carriers. Interested persons were invited to file written data, views, or arguments pertaining to the proposed rule. Pursuant thereto, 15 comments were filed, including one comment from a U.S. flag carrier,[1] one from a U.S. supplemental air carrier,[2] nine from foreign air carriers,[3] and three from foreign governments.[4] In addition, the U.S. Department of State filed a comment. Opposition to the proposed policy statement was expressed by all but one of the persons filing comments, including the Department of State; the only support for the proposed rule came from one U.S. flag carrier.

Based on the comments filed, the Board has concluded that at this time it is not appropriate to impose these restrictions on the off-route charter authority of the foreign air carriers.

Accordingly, the Board hereby terminates the rule making proceeding in Docket 16466.

(Secs. 204(a), 402, 72 Stat. 743, 757; 49 U.S.C. 1324, 1372)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 65-13123; Filed, Dec. 7, 1965; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 1, 17, 73]

[Docket No. 16030]

ESTABLISHMENT AND USE OF ANTENNA FARM AREAS

Order Extending Time for Filing Reply Comments

1. The dates for filing comments and reply comments in this proceeding were extended to November 15, 1965, and November 30, 1965, respectively. Coral Television Corp. (permittee of WCIX-TV, Miami, Fla.), Midwest Radio-Television (WCCO-TV, Minneapolis, Minn.), and Twin City Area Educational Corp. (KTCA-TV and KTCI-TV, St. Paul, Minn.) have requested further extensions to file reply comments. In support of the requests, they refer to the additional length of time given to file comments in this proceeding and the complexity of the comments filed.

2. The Commission is of the view that an extension of time should be granted and, accordingly: *It is ordered*, This 1st day of December 1965, that the time for filing reply comments is extended from November 30, 1965, to December 14, 1965.

3. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Released: December 3, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 65-13135; Filed, Dec. 7, 1965; 8:48 a.m.]

[1] Trans World Airlines, Inc. (TWA).
[2] World Airways, Inc. (World).
[3] Aerovias Interamericanas de Panama, S.A. (Panama); Air France; Irish International Airlines (Irish); Japan Air Lines Co., Ltd. (Japan); KLM Royal Dutch Airlines (KLM); Lufthansa German Airlines (Lufthansa); Sabena Belgian World Airlines (Sabena); Scandinavian Airlines System (Scandinavian); Swissair.
[4] The Netherlands Government; Government of Switzerland; Federal Republic of Germany.

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[No. 19,541]

FEDERAL SAVINGS AND LOAN SYSTEM

Determination Date

DECEMBER 3, 1965.

Resolved, that, pursuant to Part 508 of the general regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 542.1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 542.1), it is hereby proposed that § 545.1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.1-1) be amended as follows:

Amend paragraph (d) of § 545.1-1, aforesaid, to read as follows:

§ 545.1-1 Distribution of earnings on bases, terms, and conditions other than those provided by charter.

* * * * *

(d) *Determination date.* For the purpose of computing earnings for distribution on savings accounts, the board of directors of a Federal association which has a charter in the form of Charter N or Charter K (rev.) may, after adoption of a resolution so providing and while such resolution remains in effect, fix a date, not later than the 20th of the month, for determining the date of investment of payments on savings accounts or designated classes thereof: *Provided*, That, prior to July 1, 1966, no such Federal association may fix as such date a date later than the 10th of the month if it is a date which building and loan or savings and loan associations, homestead associations, cooperative banks, and mutual savings banks in the State, district, or territory (including Puerto Rico, Guam, and the Virgin Islands) in which the home office of such Federal association is located are prohibited by the laws of such State, district, or territory from fixing as such date, except that such a Federal association may fix as such date a date not later than the 15th of the month if its home office is located in a State, district, or territory the laws of which expressly provide that building and loan or savings and loan associations, homestead associations, cooperative banks, or mutual savings banks may fix as such date a date not later than the 10th business day of the month. Payments received subsequent to such determination date shall receive earnings as if invested on the first of the next succeeding month, except that, after adoption by the association's board of directors of a resolution so providing and while such resolution remains in effect, payments received subsequent to a determination date which is not later than the 10th of the month shall receive earnings from the date of receipt.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D.C., 20552, not later than December 23, 1965, to be entitled to be considered. but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 65-13141; Filed, Dec. 7, 1965; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Bureau Memorandum No. 21, Revised, Supp. No. 3]

LENDING AND LIQUIDATION

Delegation of Functions

By virtue of authority vested in me as Commissioner of Accounts by Treasury Department Order No. 185-2 dated June 24, 1964 (29 F.R. 8177), it is ordered as follows:

1. There are delegated to the Comptroller, Bureau of Accounts, all of the functions of the Secretary of the Treasury under Reorganization Plan No. 1 of 1957, under section 409 of the Federal Civil Defense Act of 1950 and under section 302 of the Defense Production Act of 1950, as amended, which have been transferred to me by Treasury Department Order No. 185-2.

2. The authority delegated to the Director, Defense Lending by Bureau Memorandum No. 21, Revised, Supp. No. 2, dated June 24, 1964 (29 F.R. 8234), is rescinded.

3. The provisions hereof shall be effective December 8, 1965.

Dated: December 6, 1965.

[SEAL] S. S. SOKOL, *Commissioner of Accounts.*

[F.R. Doc. 65-13212; Filed, Dec. 7, 1965; 11:25 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

BARNARD LIVESTOCK AUCTION MARKET, WAYNE CITY, ILL., ET AL.

Proposed Posting of Stockyards

The Acting Chief, Rates and Registrations Branch, Packers and Stockyards Division, Consumer and Marketing Service, U.S. Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

Barnard Livestock Auction Market, Wayne City, Ill.
Central Illinois Livestock Market, Inc., Hopedale, Ill.
Breckinridge Co. Livestock Center, Inc., Irvington, Ky.
Pulaski County Livestock Market, Inc., Somerset, Ky.
Co-Op Sales Ring, Aztec, N. Mex.

Notice is hereby given, therefore, that the said Acting Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Acting Chief, Rates and Registrations Branch, Packers and Stockyards Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

All written submissions made pursuant to this notice shall be made available for public inspection at such time and places in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 2d day of December 1965.

K. A. POTTER, *Acting Chief, Rates and Registrations Branch, Packers and Stockyards Division, Consumer and Marketing Service.*

[F.R. Doc. 65-13096; Filed, Dec. 7, 1965; 8:45 a.m.]

OK LIVESTOCK MARKETS, CALDWELL, IDAHO, ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
IDAHO	
OK Livestock Markets, Caldwell, Dec. 30, 1937.	Boise Valley Livestock Commission Co., Inc., Sept. 1, 1965.
INDIANA	
Fort Wayne Livestock Auction, Fort Wayne, May 22, 1959.	Delta Livestock Auction & Commission Co., Aug. 19, 1965.
IOWA	
Lamoni Sale Corporation, Lamoni, May 22, 1959.	Lamoni Livestock Sales Co., Inc., June 26, 1965.
Oxford Livestock Market, Inc., Oxford, Aug. 5, 1958.	Oxford Auction Company, Inc., Aug. 20, 1965.
KANSAS	
Paola Market Sale, Paola, May 25, 1959------	Paola Market Sale, Inc., Sept. 27, 1965.
MISSOURI	
Ava Sales Co., Ava, May 8, 1959----------	Ava Sales Company, June 25, 1965.
NEW MEXICO	
Owen Livestock Auction Company, Albuquerque, Dec. 20, 1939.	Valley Livestock Auction Co., May 17, 1965.
OKLAHOMA	
Cordell Auction, Cordell, Apr. 9, 1959--------	Cordell Livestock Auction, Feb. 11, 1965.
OREGON	
Corvallis Auction Market, Corvallis, Sept. 22, 1959.	Corvallis Livestock Auction Market, Inc., Sept. 30, 1965.
PENNSYLVANIA	
Penns Valley Sales Barn, Centre Hall, Feb. 23, 1960.	Penns Valley Live Stock Auction, Inc., July 15, 1965.
TENNESSEE	
Macon County Livestock Market, Lafayette, May 6, 1959.	Macon County Livestock Market, Inc., July 30, 1965.

Done at Washington, D.C., this 2d day of December 1965.

K. A. POTTER, *Acting Chief, Rates and Registrations Branch, Packers and Stockyards Division, Consumer and Marketing Service.*

[F.R. Doc. 65-13097; Filed, Dec. 7, 1965; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[No. 84]

YUMA IRRIGATION PROJECT, ARIZONA-CALIFORNIA, RESERVATION DIVISION, CALIFORNIA

Public Notice of Annual Operation, Maintenance and Water Rental Charges

NOVEMBER 15, 1965.

1. *Annual Operation and Maintenance Charges for Lands Under Public Notice, Reservation Division.* The minimum annual operation and maintenance charge for calendar year 1966 and thereafter until further notice against all lands of the Reservation Division under public notice shall be $13.50 per irrigable acre, whether water is used or not, payment of which will entitle the water user to 8 acre-feet of water per acre on certain sandy areas shown on the list attached to Public Notice No. 72 dated December 1, 1955, as amended February 16, 1956, and to 5 acre-feet of water per irrigable acre on all other lands of the Division under public notice. Additional water, if available, will be furnished at the rate of $2.75 per acre-foot payable in advance. Credit equivalent to the amount paid for additional water unused prior to the end of any calendar year will be applied against the minimum charges for water for the following calendar year. No credit will be given for water purchased during any calendar year at the minimum charge but undelivered at the end of said calendar year.

The minimum annual operation and maintenance charge per calendar year for each parcel of land under public notice containing less than one acre shall be $13.50.

Where in the opinion of the Project Manager, Yuma Projects Office, it may be done without interference with other project requirements, upon written request filed in advance by a water user who is not delinquent in the payment of any operation and maintenance charges, water will be furnished free of charge for reclaiming lands by the usual methods: *Provided, however,* That lands for which free water was served during the preceding calendar year will not again be served free water in the absence of evidence satisfactory to the Project Manager that although the water so served free of charge during such preceding year was applied to the land in sufficient quantities over a period of not less than 3 months, the results accomplished during such preceding year were not satisfactory.

All minimum annual operation and maintenance charges shall be due and payable on January 1, 1966, and on January 1 of each year thereafter.

2. *Annual Water Rental Charges for Other Lands, Reservation Division.* Irrigation water will be furnished during the calendar year 1966 and thereafter until further notice for lands in the Reservation Division not under public notice which can be irrigated from the present distribution system without further construction expense by the Bureau, upon a rental basis under approved applications for temporary water service, at the following rates: The minimum annual charge shall be $13.50 per irrigable acre, payment of which will entitle the applicant to 5 acre-feet of water per acre. Additional water, if available, will be furnished at the rate of $2.75 per acre-foot. All charges shall be payable in advance of the delivery of water. Credit will be given for additional water paid for but not used.

3. *Penalties.* On all payments not made on or before the due dates, there shall be added on the following day a penalty of one-half of one percent of the amount unpaid and a like penalty of one-half of one percent of the amount unpaid on the first day of each calendar month thereafter so long as such default shall continue.

4. *Place of payment.* All payments should be made to the Bureau of Reclamation, Marine Corps Auxiliary Air Station, or mailed to Bureau of Reclamation, Bin 151, Yuma, Ariz.

A. B. WEST,
Regional Director.

[F.R. Doc. 65-13089; Filed, Dec. 7, 1965; 8:45 a.m.]

Fish and Wildlife Service

[Docket No. A-356]

CHAD B. WYATT

Notice of Loan Application

Chad B. Wyatt, Wrangell, Alaska, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 61.4-foot registered length wood vessel to engage in the fishery for salmon in Southeast Alaska.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised August 11, 1965), that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C., 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic injury or hardship.

DONALD L. MCKERNAN,
Director,
Bureau of Commercial Fisheries.

DECEMBER 3, 1965.

[F.R. Doc. 65-13105; Filed, Dec. 7, 1965; 8:46 a.m.]

[Docket No. C-227]

WALTER E. WALLIN

Notice of Loan Application

Walter E. Wallin, 2145 Notre Dame Drive, Eureka, Calif., has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 43-foot registered length wood vessel to engage in the fishery for salmon, crab, shrimp and tuna.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised August 11, 1965), that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C., 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic injury or hardship.

DONALD L. MCKERNAN,
Director,
Bureau of Commercial Fisheries.

DECEMBER 3, 1965.

[F.R. Doc. 65-13106; Filed, Dec. 7, 1965; 8:46 a.m.]

[Docket No. A-359]

JAMES EDWARD JOHNSON

Notice of Loan Application

James Edward Johnson, 914 Fifth, Spenard, Alaska, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new 31-foot gillnet boat to engage in the fishery for salmon in the Cook Inlet area of Alaska.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised August 11, 1965), that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C., 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic injury or hardship.

DONALD L. MCKERNAN,
Director,
Bureau of Commercial Fisheries.

DECEMBER 3, 1965.

[F.R. Doc. 65-13107; Filed, Dec. 7, 1965; 8:46 a.m.]

Office of the Secretary

LOUISIANA

Determination of a Fishery Failure Due to a Resource Disaster

DECEMBER 3, 1965.

Whereas, many firms and individuals are engaged in raising, harvesting, processing, and marketing oysters in the State of Louisiana; and

Whereas on September 9, 1965, Hurricane Betsy passed directly over the heart of Louisiana's oyster grounds, subjecting the area to a tidal wave and extreme winds which caused extensive damage to the oyster resource and industry through silting, covering with marsh grass, and littering with debris of State and private oyster grounds; and

Whereas, insurmountable uninsured losses of oyster production in the 1965-66 season will amount to a several million dollar decrease in State income; and

Whereas, the serious disruption of the Louisiana oyster fishery caused by alteration of habitat was due to natural causes;

Now, therefore, as Secretary of the Interior, I hereby determine that the foregoing circumstances constitute a commercial fishery failure due to a resource disaster within the meaning of section 4(b) of Public Law 88-309. Pursuant to this determination, I hereby authorize the use of funds appropriated under the above legislation to rehabilitate, restore, and put back into production the oyster grounds of the State of Louisiana, and for such other measures as may be necessary to mitigate the damage to the resource.

STEWART L. UDALL,
Secretary of the Interior.

[F.R. Doc. 65-13175; Filed, Dec. 7, 1965; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Report No. 65]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through November 22, 1965, exclusive of those vessels that called at Cuba on United States Government-approved noncommercial voyages and those listed in section 2. Pursuant to established United States Government policy, the listed vessels are ineligible to carry United States Government-financed cargoes from the United States.

FLAG OF REGISTRY, NAME OF SHIP	Gross tonnage
Total all flags (242 ships)	1,695,364
British (74 ships)	553,212
**Agate (trips to Cuba under ex-name Dalren—British flag).	
**Amalia (now Maltese flag).	
**Amazon River (now River—sold to Dutch breakers)	7,234
Antarctica	8,785
Arctic Ocean	8,791
Ardenode	7,036
Ardgem	6,981
Ardmore	4,664
Ardpatrick	7,054
Ardrowan	7,300
Ardsirod	7,025
Ardtara	5,795
**Arlington Court (now Southgate—British flag).	
Athelcrown (Tanker)	11,149
Athelduke (Tanker)	9,089
Athelmere (Tanker)	7,524
Athelmonarch (Tanker)	11,182
**Athelsultan (Tanker—broken up)	9,149
Avisfaith	7,868
Baxtergate	8,813
Cheung Chau	8,566
**Chipbee (sold for scrap)	7,271
**Cosmo Trader (trips to Cuba under ex-name, Ivy Fair—British flag).	
**Dalren (now Agate—British flag)	4,939
**East Breeze (now Phoenician Dawn—British flag)	8,708
Eastfortune	8,789
Formentor	8,424
**Free Enterprise (now Haitian flag)	6,807
**Free Merchant (now Cypriot flag)	5,237
**Garthdale (now Jeb Lee—British flag)	7,542
Grosvenor Mariner	7,026
Hazelmoor	7,907
Helka	2,111
Hemisphere	8,718
Ho Fung	7,121
Inchstaffa	5,255
**Ivy Fair (now Cosmo Trader—British flag—broken up)	7,201
**Jeb Lee (trip to Cuba under ex-name, Garthdale—British flag).	
Jollity	8,660
Kinross	5,388
La Hortensia	9,486
Linkmoor	8,236
Magister	2,339
Nancy Dee	6,597
Nebula	8,924
**Newdene (now Free Navigator—Cypriot flag).	
**Newforest (now Haitian flag)	7,185
Newgate	6,743
Newglade	7,368
**Newgrove (now Cypriot flag).	
Newheath	7,643
Newhill	7,855
Newlane	7,043
**Newmeadow (now Cypriot flag).	
Newmoat	7,151
Newmoor	7,168
Nils Amelon	6,281
Oceantramp	6,185
Oceantravel	10,477
Peony	9,037
**Phoenician Dawn (trips to Cuba under ex-name, East Breeze—British flag).	
**Redbrook (now E. Evangelia—Greek flag)	7,388
Ruthy Ann	7,361
**St. Antonio (now Maltese flag).	
Sandsend	7,236
Santa Granda	7,229
Sea Amber	10,421
Sea Coral	10,421
Sea Empress	9,841
Seasage	4,330
Shienfoon	7,127
**Shun Fung (wrecked)	7,148
**Soclyve (now Maltese flag).	
**Southgate (previous trips to Cuba under ex-name, Arlington Court—British flag)	9,662
Stanwear	8,108
**Suva Breeze (now Djatingaleh—Panamanian flag)	4,970
**Swift River (now Kallithea—Cypriot flag)	7,251
Thames Breeze	7,878
**Timios Stavros (now Maltese flag—previous trips to Cuba under Greek flag).	
Venice	8,611
Vercharmian	7,265
Vergmont	7,381
West Breeze	8,718
Yungfutary	5,388
Yunglutaton	5,414
Yungmeta	7,237
Lebanese (58 ships)	389,592
Agia Sophia	3,106
Aiolos II	7,256
Ais Giannis	6,997
Akamas	7,285
Al Amin	7,186
Alaska	6,989
Anthas	7,044
Antonis	8,259
**Ares (constructive total loss)	4,557
Aretl	7,176
Aristefs	6,995
Astir	5,324
Athamas	4,729
**Carnation (sold Spanish breakers)	4,834
Claire	5,411
Cris	6,632
Dimos	7,187
**E. Myrtidiotissa (trips to Cuba under ex-name, Kalliopi D. Lemos—Lebanese flag).	
**Free Trader (now Cypriot flag).	
Giannis	5,270
Giorgos Tsakirogiou	7,240
Granikos	7,282
Ilena	5,925
Ioannis Aspiotis	7,237
**Kalliopi D. Lemos (now E. Myrtidiotissa—Lebanese flag)	5,103
Katerina	9,357
Leftric	7,176
Malou	7,145
Mantric	7,255
Maria Despina	7,254
Maria Renee	7,203
Marichristina	7,124
**Marymark (sold German shipbreakers)	4,383
Mersinidi	6,782
Mimosa	7,314
Mousse	6,984
Nictric	7,296
Noelle	7,251
Noemi	7,070
Olga	7,199
Panagos	7,133
Parmarina	6,721
**Razani (broken up)	7,253

**Ships appearing on the list that have been scrapped or have had changes in name, and/or flag of registry.

FLAG OF REGISTRY, NAME OF SHIP—Continued

	Gross tonnage
Lebanese—Continued	
Reneka	7,250
Rio	7,194
St. Anthony	5,349
St. Nicolas	7,165
San George	7,267
**San John (now Ledra—Cypriot flag).	
San Spyridon	7,260
**Sheik Boutros (trips to Cuba under ex-name, Cavtat—Yugoslav flag).	
Stevo	7,066
Taxiarhis	7,349
Tetrric	7,045
Theodoros Lemos	7,198
Tony	7,176
Toula	4,561
Troyan	7,243
Vassiliki	7,192
Vastric	6,453
Vergolivada	6,339
Yanxilas	10,051
Greek (34 ships)	250,409
Agios Therapon	5,617
Akastos	7,331
Alice	7,189
**Ambassade (sold Hong Kong ship breakers)	8,600
Americana	7,104
Anacreon	7,359
**Anatoli (now Sunrise—Cypriot flag).	
**Andromachi (previous trips to Cuba under ex-name, Penelope—Greek flag)	6,712
**Antonia (now Amfithea—Cypriot flag).	
Apollon	9,744
Athanassios K	7,216
Barbarino	7,084
Calliopi Michalos	7,249
**Embassy (broken up)	8,418
**E. Evangelia (trips to Cuba under ex-name, Redbrook—British flag).	
Flora M	7,244
**Gloria (now Helen—Greek flag).	
**Helen (previous trips to Cuba under ex-name, Gloria—Greek flag)	7,128
Irena	7,232
Istros II	7,275
Kapetan Kostis	5,032
Kyra Hariklia	6,888
Maria Theresa	7,245
Marigo	7,147
**Maroudio (now Thalie—Panamanian flag)	7,369
**Mastro-Stellos II (now Wendy H.—South African flag)	7,282
**Nicolaos F. (previous trip to Cuba under ex-name, Nicolaos Frangistas—Greek flag)	7,199
**Nicolaos Frangistas (now Nicolaos F.—Greek flag).	
Pamit	3,929
Pantanassa	7,131
Paxoi	7,144
**Penelope (now Andromachi—Greek flag).	
**Presvia (broken up)	10,820
Redestos	5,911
Roula Maria (Tanker)	10,608
**Seirios (broken up)	7,239
Sophia	7,030
**Stylianos N. Vlassopulos (now Antonia II—Cypriot flag)	7,303
**Timios Stavros (formerly British flag—now Maltese flag).	

**Ships appearing on the list that have been scrapped or have had changes in name, and/or flag of registry.

FLAG OF REGISTRY, NAME OF SHIP—Continued

	Gross tonnage
Greek—Continued	
Tina	7,362
Western Trader	9,268
Polish (17 ships)	123,676
Baltyk	6,963
Bialystok	7,173
Bytom	5,967
Chopin	6,987
Chorzow	7,237
Huta Florian	7,258
Huta Labedy	7,221
Huta Ostrowiec	7,175
Huta Zgoda	6,840
*Hutnik	10,897
Kopalnia Bobrek	7,221
Kopalnia Czeladz	7,252
Kopalnia Miechowice	7,223
Kopalnia Siemianowice	7,165
Kopalnia Wujek	7,033
Piast	3,184
Transportowiec	10,880
Italian (14 ships)	111,681
Achille	6,950
Agostino Bertani	8,380
**Andrea Costa (Tanker—broken up)	10,440
Aspromonte	7,154
Caprera	7,189
Giuseppe Giulietti (Tanker)	17,519
Mariasusanna	2,479
Montiron	1,595
Nazareno	7,173
Nino Bixio	8,427
San Francesco	9,284
San Nicola (Tanker)	12,461
Santa Lucia	9,278
**Somalia (now Chenchang—Nationalist Chinese flag)	3,352
Cypriot (10 ships)	66,180
Acme	7,159
Adelphos Petrakis	7,170
**Amfithea (previous trip to Cuba under ex-name, Antonia—Greek flag)	5,171
**Antonia II (trip to Cuba under ex-name, Stylianos N. Vlassopulos—Greek flag).	
Artemida	7,247
**Free Merchant (trips to Cuba under British flag).	
**Free Navigator (previous trips to Cuba under ex-name, Newdene—British flag)	7,181
**Free Trader (previous trips to Cuba under Lebanese flag)	7,067
**Kallithea (trips to Cuba under ex-name, Swift River—British flag).	
**Ledra (previous trips to Cuba under ex-name, San John—Lebanese flag)	5,172
**Newgrove (previous trips to Cuba under British and Haitian flags)	7,172
**Newmeadow (previous trips to Cuba under British flag)	5,654
**Sunrise (previous trip to Cuba under ex-name, Anatoli—Greek flag)	7,187
Yugoslav (9 ships)	60,800
Bar	7,233
**Cavtat (now Sheik Boutros—Lebanese flag)	7,266
Cetinje	7,200
Dugi Otok	8,997
Kolasin	7,217
Mojkovac	7,125

*Added to Report No. 64, appearing in the FEDERAL REGISTER issue of Nov. 23, 1965.

FLAG OF REGISTRY, NAME OF SHIP—Continued

	Gross tonnage
Yugoslav—Continued	
Plod	3,657
Promina	6,960
**Trebisnjica (wrecked)	7,145
French (7 ships)	26,817
Arsinoe (Tanker—sunk)	10,426
Circe	2,874
Enee	1,232
Foulaya	3,739
Mungo	4,820
Nelee	2,874
Neve	852
Moroccan (5 ships)	35,628
Atlas	10,392
Banora	3,082
Marrakech	3,214
Mauritanie	10,392
Toubkal	8,748
Maltese (5 ships)	33,788
**Amalia (previous trips to Cuba under British flag)	7,304
Ispahan	7,156
**St. Antonio (previous trip to Cuba under British flag)	6,704
**Soclyve (previous trips to Cuba under British flag)	7,291
**Timios Stavros (previous trips to Cuba under British flag and Greek flag)	5,333
Finnish (3 ships)	21,170
Augusta Paulin	7,096
**Hermia (trip to Cuba under ex-name, Amfred—Swedish flag).	
Margrethe Paulin	7,251
Ragni Paulin	6,823
Netherlands (2 ships)	999
Meike	500
Tempo	499
Norwegian (2 ships)	11,894
Ole Bratt	7,144
**Tine (now Jezreel—Panamanian flag—wrecked)	4,750
Swedish (2 ships)	9,318
**Amfred (now Hermia—Finnish flag)	2,828
**Dagmar (now Ricardo—Panamanian flag)	6,490
Haitian:	
**Free Enterprise (trips to Cuba under British flag).	
**Newforest (trips to Cuba under British flag).	
**Newgrove (now Cypriot flag).	
Nationalist Chinese:	
**Chen Chang (trip to Cuba under ex-name, Somalia—Italian flag).	
Panamanian:	
**Djatingaleh (trips to Cuba under ex-name (Suva Breeze—British flag).	
**Jezreel (trip to Cuba under ex-name, Tine—Norwegian flag—wrecked).	
**Ricardo (trips to Cuba under ex-name, Dagmar—Swedish flag).	
**Thalie (trip to Cuba under ex-name, Maroudio—Greek flag).	
South African:	
**Wendy H. (trip to Cuba under ex-name, Mastro-Stellos II—Greek flag).	

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry United States Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the Cuba trade so long as it remains the policy of the United States Government to discourage such trade; and

(b) That no other vessels under their control will thenceforth be employed in the Cuba trade, except as provided in paragraph (c) and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuba trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

FLAG OF REGISTRY, NAME OF SHIP

a. Since last report: None.
b. Previous reports:

	Number of ships
Flag of registry (total)	88
British	37
Danish	1
Finnish	2
French	1
German (West)	1
Greek	25
Israeli	1
Italian	5
Japanese	1
Kuwaiti	1
Lebanese	2
Norwegian	4
Spanish	6
Swedish	1

SEC. 3. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through November 22, 1965:

Flag of Registry	Number of trips											
	1963	1964	1965									Total
			Jan.–Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	
British	133	180	30	10	13	11	11	11	7	8	6	420
Lebanese	64	91	14	6	2	9	8	2	3	1	.....	200
Greek	99	27	3	2	4	2	3	2	.....	.....	.....	142
Italian	16	20	8	2	1	3	2	2	2	1	.....	57
Yugoslav	12	11	4	.....	1	.....	2	2	2	.....	.....	34
Spanish	8	17	.....	.....	.....	.....	.....	.....	.....	.....	.....	25
Norwegian	14	10	.....	.....	.....	.....	.....	.....	.....	.....	.....	24
Moroccan	9	13	.....	.....	.....	.....	.....	.....	1	.....	.....	23
French	8	9	.....	.....	1	2	.....	2	.....	1	1	24
Cypriot	.....	1	.....	1	1	1	1	1	2	4	.....	12
Finnish	1	4	.....	.....	1	.....	.....	.....	.....	1	.....	8
Maltese	.....	2	1	1	.....	1	.....	1	.....	.....	.....	6
Netherlands	.....	4	.....	.....	1	.....	1	.....	.....	.....	.....	6
Swedish	3	3	.....	.....	.....	.....	.....	.....	.....	.....	.....	6
Kuwaiti	.....	2	.....	.....	1	.....	.....	.....	.....	.....	.....	3
Israeli	.....	.....	.....	2	.....	.....	.....	.....	.....	.....	.....	2
Danish	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1
German (West)	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1
Haitian	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	1
Japanese	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1
Subtotal	370	394	62	23	27	29	28	23	17	16	7	996
Polish	18	16	4	1	1	.....	1	1	1	.....	1	44
Grand total	388	410	66	24	28	29	29	24	18	16	8	1,040

NOTE: Trip totals in this section exceed ship totals in secs. 1 and 2 because some of the ships made more than 1 trip to Cuba. Monthly totals subject to revision as additional data become available.

By order of the Deputy Maritime Administrator.

Dated: November 26, 1965.

JOHN M. O'CONNELL,
Assistant Secretary.

[F.R. Doc. 65-13149; Filed, Dec. 7, 1965; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 15356]

NORTHEAST-BAHAMAS SERVICE

Notice of Prehearing Conference

At the direction of the Board,[1] notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on January 13, 1966, at 10 a.m., e.s.t., in Room 726, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Robert L. Park.

In order to facilitate the conduct of the conference, interested parties are instructed to submit on or before December 23, 1965, (1) motions requesting consolidation of applications or otherwise pertaining to the scope of the issues in this proceeding; (2) proposed statements of issues; (3) proposed stipulations; (4) requests for information; (5) statements of positions of parties; and (6) proposed procedural dates. Answers shall be submitted on or before January 5, 1966.

The motions referred to in (1) above, and any answers thereto, shall be filed with the Docket Section in accordance with the Board's rules of practice in Economic proceedings and copies thereof shall be served on the parties and the Examiner. The balance of the written submissions called for by this notice shall be made to the Examiner, with copies served on interested parties, but shall not be filed with the Docket Section.

Dated at Washington, D.C., December 1, 1965.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 65-13121; Filed, Dec. 7, 1965; 8:47 a.m.]

[Docket No. 16236; Order E-22954]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Cargo Rate Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of December 1965.

Agreement adopted by the Traffic Conferences of the International Air Transport Association relating to cargo rate matters; Docket 16236, Agreement CAB 18375, R-20, R-21, and R-23.

By Order E-22557, the Board announced its action on most cargo rate resolutions adopted by the Traffic Conferences of the International Air Transport Association (IATA) at meetings held in Venice in May 1965. The Board approved the bulk of the resolutions, but deferred action on Resolution 509 (Charge for Disbursements) and Resolution 513 (Mixed Consignment Rule). In its action, the Board took note of a statement received from the Air Freight Forwarders Association (AFFA) in opposition to Resolutions 509 and 513 as well as Resolution 512b (Air Cargo Rates—Airport-to-Airport).

The Board granted a period of 15 days in which to receive comments from the air carrier parties to the agreement, or other interested persons with respect to Resolutions 509 and 513, and similarly granted time for the receipt of comments upon action taken by the Board with respect to other resolutions.

A statement urging the Board to approve Resolutions 509 and 513 has been submitted by the Secretary of Traffic Conference 1 on behalf of Pan American World Airways, Inc., and Trans World Airlines, Inc. This statement has been concurred in by certain U.S. flag carrier and foreign air carrier members of IATA.[1] AFFA has submitted a statement in which it requests the Board to reconsider its approval of Resolution 512b and elaborates on or reaffirms its views in opposition to other resolutions. Comments in opposition to Resolution 509 were also submitted by Jet Air Freight, International Airfreight Division.

The Board has considered the comments received and its conclusions are set forth below:

[1] Members Gilliland and Adams, dissenting.

[1] See listing set forth below.

Resolution 509—Charge for disbursements. This resolution (as corrected) provides that a charge of 1 percent, but not less than $2.00, should be made for the collection by a member from the consignee of any amount indicated in the air waybill to be collected on behalf of any person other than a member. (Presumably for services either prior or subsequent to departure.[2]) Such charge would also be imposed upon a member but only where such amounts relate to services performed prior to departure. An exception provides that in any case the charges need not be made where the amount collected is less than $50 or for such part of the amount which relates to surface transportation prior to air carriage,[3] which surface charges are fully authenticated by appropriate documents.

AFFA claims (1) that the imposition of this fee is discriminatory against the forwarders in their role as indirect air carriers and their category of traffic, since it imposes a charge for services rendered which is not assessed by the IATA carriers where the services are rendered for each other; (2) that the resolution will have the effect of curtailing forwarders' ability to carry out their function as consolidators, since they will be subjected to charges not exacted from direct airline shippers where collect airline freight is involved; and (3) that since two shippers will be charged different amounts between the same two points (that is, a shipper who dispatches on a collect basis will be required to pay 1 percent more than the shipper who sends the same cargo prepaid), there may be a violation of § 221.60 of the Board's Economic Regulations prohibiting conflicting rates or fares.[4] Finally, AFFA expresses the conclusion that the IATA carriers appear to desire to divorce themselves from a substantial portion of their collect business. In this case, AFFA would have the IATA carriers divorce themselves entirely by deleting collect services from their tariffs. Such a course would, it is argued, place carriers, forwarders and direct shippers on an equal basis and remove the international transfer of funds into the realm of international banking. AFFA also believes that the $50 allowance for other services performed by forwarders, such as preparation of export declarations, consular documentation and bank drafts, will normally aggregate more than $50 and considers that an allowance of $100 and all prior transportation charges would be more equitable than the 1-percent surcharge.

Jet Air Freight supports AFFA's contention that the fee would place forwarders in a noncompetitive position vis-a-vis the airlines.

The responding IATA carriers contend that the provisions of the resolutions apply alike to carriers, forwarders and agents. The carriers agree that a charge need not be assessed on the domestic portion of the air transportation on a through air waybill and argue that the fact the forwarder may elect to route a shipment in a different manner is not a valid reason for claiming discrimination. The carriers also clarify that if the disbursement relates to air transportation on a domestic air waybill, then the charge applies equally to the IATA carrier, when via the same routing, since the service was prior to departure.

The IATA carriers note that the amounts for collection often exceed the amount of the air transportation charges and that c.o.d. charges are avoided by shippers, in many instances, by the insertion on the air waybill of amounts as "chargeable to consignee" without further description. These carriers state that the cost in collecting monies, in terms of accounting time, delay in collection and possible currency exchange losses is not inconsiderable and state that the charge or fee proposed is intended to defray these costs.

It is appropriate to review the details of the practices followed by the air freight forwarders and the direct air carriers with respect to the services to which the charge or fee would apply. As we understand it, the amounts indicated on the direct carriers' air waybills by forwarders for collection by carriers from consignees are not limited to the transportation charges incurred by forwarders over the domestic sectors. Rather, they include the total of all of the collect amounts that appear on the forwarders' individual house air waybills. For example, these amounts may include a forwarder's total tariff charges for each shipment included in the consolidation from the interior point of origin to the foreign point of destination, and total charges for other services such as the preparation of export declarations and consular documentation. Under present practices, the forwarder enters the collect amounts on the direct carrier's waybill at point of origin and deducts them from the remittances due the direct carrier in settling his accounts for a given period. The carrier invoices the amount to the forwarder or forwarder's agent who makes remittance to the carrier at the destination point.

Thus, the direct air carriers are providing a banking-type service. They are, in effect, financing to some degree the forwarders' normal business activities. It is not essential that the forwarders rely upon the underlying direct air carriers for such service. They have the option of collecting moneys due from the ultimate importers and remitting them directly to the home offices. To the extent the forwarders avail themselves of this service, which clearly is an extraordinary one, it is appropriate that the direct air carriers charge for it. It is an accepted and fundamental premise that only basic air transportation and directly related services be included in the transportation charges, and that additional services be subject to additional payments. Only in this manner can a shipper buying air transportation avoid an unfair burden of expense for additional services desired by other shippers.

While we have no objection to the carriers providing this service at a reasonable price, we would have serious difficulty with an agreement among the carriers which would preclude the offering of any collect service such as suggested by AFFA. The fee proposed is identical to that imposed on c.o.d. shipments, which has been approved by the Board, and we consider it to be a reasonable one.

Although we do not consider the resolution to be discriminatory against forwarders, certain aspects of the provisions raise possible questions of unjust discrimination. The resolution excludes from amounts to which the fee applies those which relate to charges for surface transportation services prior to air carriage, but does not exclude amounts relating to air transportation services prior to departure which are apparently rendered under substantially similar circumstances and conditions. Further, the resolution limits application of the fee to be collected on behalf of members to amounts relating to services performed prior to departure, while no such limitation is provided with respect to persons other than a member. Conversely, the latter provision would appear to impose a charge upon non-IATA members for the collection of amounts for services rendered after departure but would not impose the charge upon members for such services. The differences in the application of the fee in these situations appear, per se, unjustly discriminatory since, by the terms of the resolution, different charges could apply under substantially similar circumstances and conditions.

From the matters before the Board, the intended operations and the intentions of the carriers in interpreting the resolutions are not clear. The exception for charges for surface transportation may be intended to facilitate operations by IATA cargo agents, and it may be intended to apply only with respect to pickup or delivery trucking services within a limited pickup and delivery zone, as distinguished from line haul trucking services. The Board would distinguish a pickup or delivery service from line haul carriage[5] as not being a service which is like and rendered under substantially similar circumstances and conditions as line haul truck service. Exclusion of the fee for pickup or delivery service would therefore not be considered unjustly discriminatory. On the other hand, the absence of a fee for transportation charges for a line haul movement by truck would unjustly discriminate against air carriers (and their customers) who provide carriage to the point of origin. Our approval herein of this resolution will therefore be subject to the provision that it shall not be construed to approve differences in the application of the fee to transportation

[2] We understand "prior to departure" and "prior to air carriage" to mean prior to the point of origin as shown on the through international air waybill.

[3] Supra, footnote 2.

[4] This argument is without merit. The fee is a matter separate and apart from the rates. The fee is assessed for the performing of a service over and above the carriage of traffic.

[5] See, for example, pt. 222 of the Board's Economic Regulations and Orders E–21744 and E–21960, dated Feb. 1, 1965, and Mar. 29, 1965, respectively.

charges for line haul services by surface and by air rendered under substantially similar conditions and circumstances.[6]

Similarly, as to the provisions of the resolution apparently imposing the fee for collecting amounts for services rendered by nonmembers (non-IATA carriers) after departure, but not for members, it is not clear that services would be rendered on behalf of nonmembers after departure since nonmembers would participate in the transportation after departure only where they have interline arrangements with an IATA carrier. To make it clear, however, that different standards cannot be approved with respect to the application of the fee for services rendered on behalf of a nonmember than on behalf of a member, our approval herein will be subject to the provision that it shall not be construed to approve differences in application of the fee to members and nonmembers where the services after departure are rendered under substantially similar circumstances and conditions.

Resolution 512b (Air cargo rates—airport-to-airport). This resolution, as indicated in Order E–22557, combines, expands, and clarifies provisions in previously existing resolutions with respect to application of cargo rates, transit charges, and terminal charges and makes them applicable on a worldwide basis. In general terms, this resolution defines the services which may be included under the airport-to-airport cargo rate and conversely requires that services not so defined shall be charged to shippers or consignees as applicable. AFFA has requested that the Board reconsider its approval of this resolution, particularly the provisions contained in paragraphs 2(j) and 2(m).

Paragraph 2(j) permits storage under the airport-to-airport rate of a consignment after arrival at destination airport, and prior to customs clearance for a period not exceeding 48 hours. The 48-hour period begins 8 a.m. of the day following the day of arrival and excludes 2-day weekends and holidays.

AFFA had contended that the 48-hour limitation was unduly burdensome and requested that a reservation be placed on approval of applicable provisions so as to require, in effect, that warehousing accorded a consignment under the airport-to-airport rate conform with local customs practices. AFFA, in an elaboration on its earlier comments, contends that by the very nature of forwarders' operations, this limitation places a greater burden upon them than upon the public at large, and hence, has a discriminatory effect upon them. AFFA argues it is common practice in every country for the receiving forwarder or forwarder's agent to deliver to the various importers' brokers all accompanying documents needed to complete customs formalities, that in many countries charges due the forwarder from the importer are made in full before delivery of the documents, and that, from that time on, the disposition is entirely in the broker's hands. It is further alleged that in most jurisdictions forwarders are not permitted to have customs-bonded facilities, hence removal of the goods to forwarder facilities is not possible before customs clearance. It is AFFA's conclusion that the forwarders will be held accountable for charges incurred through no fault of their own. Moreover, AFFA alleges that present U.S. Customs regulations require uncleared goods to remain in the carrier's facilities for not more than 5 days and that, thereafter, goods are required to be moved to a public warehouse where they are stored under bond at the importer's expense.

We do not find that these arguments support a reversal of or a condition on the Board's approval of the provisions of paragraph 2(j). The resolution permits flexibility where circumstances at airports warrant a relaxation, and permits the carriers, by local agreement, to exceed the 48-hour limitation. These provisions are not new. These provisions which are now proposed for worldwide application are the same as were previously approved for application within the United States and Europe.[7] In the circumstances described by AFFA, whereby disposition of the freight moves to the control of the importer's broker, the premise of the argument appears to be that no charge should be imposed for holding forwarder traffic when it is not under the forwarder's control. The direct carrier's arrangement is with the forwarder, not the ultimate importer or importer's broker. The fact that the traffic may not be moved without delay through no fault of the forwarder does not make unreasonable a charge for additional warehousing. Neither do charges under these circumstances constitute discrimination against forwarders or forwarders' traffic.[8]

Paragraph 2(m) requires that a consignment be released in its entirety under the airport-to-airport rate. Conversely, it requires the imposition of a charge, determined locally, for the release of a consignment in parts. AFFA had contended that the provision would serve as a restraint on the free flow of international trade and urged that a condition be imposed excluding forwarders, brokers, or forwarders' agents from the application of these provisions. The Board found the provisions, which would require additional charges for the partial release of consignments, consistent with its policy with respect to assembly and distribution service.

AFFA, in elaborating on its earlier comments, contends that the effect of this restriction will result in the destruction of the value of consolidation service, and that the forwarder will be precluded from carrying out consolidation service for which he is especially certified by the Board. It is asserted that the function here involved is not the same as distribution, but rather one of "breakbulk" carried out by forwarders and brokers, not carriers. AFFA cites several examples to show that it would be most difficult to release the consignment in its entirety at once, at least without discrimination against some shippers. AFFA cites instances where the carrier lacks capability to ship the total consignment at once with the result that the last part will not be received until sometime later, explains that the documentation of all importers receiving goods in a given consignment may not be in order, and argues that with different brokers serving different importers, it is inconceivable that a total consignment could be released at once.

For the most part, the examples cited by AFFA reflect requirements for physical handling and distribution by carriers at destination of parts of consignments which are not required where a single shipment is delivered to one consignee at one time. We take cognizance of AFFA's contention that in many countries it is the practice for forwarders to deliver to the various importers' brokers all accompanying documents needed to clear customs and that, from that time on, the disposition of the freight is in the hands of the brokers, not the forwarders. Presumably, the brokers individually take delivery from the carriers of portions of the consignment for their respective importers. In this situation, it is the direct carriers which are performing some of the "breakbulk" service for forwarders.[9] By consolidating traffic received from various customers, the forwarders are enabled to utilize the lower unit rates applicable to large size shipments. To the extent, however, that such consolidation requires additional services upon the part of the direct carrier over and above what would be involved in the delivery of a single shipment to one consignee at one time and place, additional charges should be imposed. The performance of "breakbulk" services, as AFFA has characterized them in examples cited, requires separate delivery of parts of consignments by the carriers. The Board has

[6] The finding that line haul services by truck are substantially similar to services by air over the same points as to require no difference in the application of the fee for collection of transportation charges therefor does not require the conclusion that in all situations, carriage by air and by surface cannot be distinguished for the purpose of justifying different treatment. Our findings herein are grounded upon the basis that for the purpose of application of the collection fee for transportation charges for prior carriage, there is no difference between the modes of transportation which would justify a different treatment.

[7] An IATA agreement recently filed with the Board permits warehousing within the United States for a period of 5 days under the airport-to-airport rate.

[8] An "International Air Freight Forwarder," in the ordinary and usual course of its undertaking, assembles and consolidates or provides for assembling and consolidating of property or performs or provides for the performance of breakbulk and distributing operations with respect to consolidated shipments, or both, is responsible for the transportation of such property from the point of receipt to point of destination, and utilizes for the whole or any part of such transportation the services of a direct air carrier (§ 297.2, Economic Regulations).

[9] Supra, footnote 8.

previously found added charges for such services to be appropriate.[9]

AFFA makes reference to a situation where a carrier is unable to ship all of a consignment at one time. It objects to being required to await the delivery of the balance of the shipment or pay a charge for the release of a portion of a shipment, where only a part thereof is available for delivery. There is no indication of the extent to which this situation might arise, or that it was the purpose of the resolution to impose charges under these circumstances. No sound basis appears, however, for imposing a charge in this situation. The order will therefore contain a provision that approval of the resolution shall not be construed to extend to the imposition of charges for partial delivery, when a portion of a shipment is delayed or lost, with or without fault, while in the hands of the carrier.

Accordingly, we reaffirm our approval of this resolution, subject to the additional condition noted.

Resolution 513 (Charges for mixed consignments). This resolution, proposed for worldwide application, requires that a consignment consisting of different commodities, which do not qualify for the same rate and conditions, shall be charged for on the basis of the general cargo rate, provided that: (1) When the weight and contents of each package are declared separately, the appropriate rate for the weight of each may be charged, and the weight of the packaging of the consignment, or part thereof, shall be charged for on the basis of the highest rated article therein; and (2) when two or more packages come under the same description and qualify for the same rate and conditions, except for the individual weights, the charges for such packages shall be based on their total weight.

AFFA has asserted that the resolution is ambiguous and confusing, contending that if packaging does not include containers, it would be impractical to determine net and tare weights of individual parcels, and that different charges would be imposed for the same weight of packaging materials. AFFA, therefore, urges that the Board condition its approval of the resolution to the effect that "packaging," as used in the resolution, shall not be construed as including containers registered and approved under Resolution 521, and that shipments wholly or partially tendered to the members in registered containers shall not be considered as "mixed consignments."

[9] The model rules adopted by the Board, in Investigation-Accumulation, Assembly, and Distr. Rules, 12 CAB 337, 345–6 (1950) in defining distribution service included the provision that the carrier will segregate the parts of the shipment at its destination, where the carrier will deliver all of the parts to the consignee or consignees. The Board stated in its decision therein: "To the extent that shipments moving under the rules require services additional to those received by shipments not moving under these rules, the accessorial charges for the service must be reasonably compensatory" (p. 342).

We will herein approve this resolution without condition. While the resolution to some degree modifies the condition for rating mixed shipments in some areas, it does not appear that the rule will cause any significant changes in the overall level of rates for mixed shipments. Specific commodity rates are special rates generally below the general cargo rate level. The carriers have in their discretion prescribed the terms and conditions for combining the rates for shipments of differently rated specific commodities. There are no factors here before the Board requiring disapproval of the carriers' terms.

IATA provisions governing use of containers state the conditions under which the weight of containers will or will not be included in the assessment of charges. Although the carriers have clarified that packaging is definitely intended to include IATA registered containers, the language of the resolution as it relates to packaging is not as clear as would be desired. Packaging is not explicitly defined to mean outside containers and to exclude the wrapping of individual parcels. This, however, is not a basis for imposing the condition requested by AFFA. Such condition could be construed to remove the tare weight of IATA registered containers from any charge. Moreover, the rule as published in the tariffs must be specific and conform with Part 221 of the Board's Economic Regulations.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Federal Aviation Act of 1958, makes the following findings:

1. The Board does not find Resolutions 509 and 513, as contained in Agreement CAB 18375, R–20 and R–23, respectively, to be adverse to the public interest or in violation of the Act, provided that approval of Resolution 509 shall be subject to the conditions hereinafter ordered.

2. The Board finds it to be in the public interest to modify its outstanding approval in Order E–22557, of Resolution 512b, contained in Agreement 18375, R–21, so as to include the additional condition as hereinafter ordered.

Accordingly, it is ordered:

1. That Agreement CAB 18375, R–20 (Resolution 509) is approved provided that (a) such approval shall not be construed to approve differences in the application of the fee to amounts collected for transportation charges for line haul services by surface and by air rendered under substantially similar conditions and circumstances, and (b) such approval shall not be construed to approve differences in application of the fee to amounts collected for members and nonmembers (non-IATA carriers) where the services after departure are rendered under substantially similar circumstances and conditions.

2. That the Board's outstanding approval of Agreement CAB 18375, R–21 (Resolution 512b) as set forth in Order E–22557 is reaffirmed, but modified to include the following additional proviso: That approval of provisions of paragraph 2(m) shall not extend to the imposition of charges for partial delivery, where partial delivery of a shipment is requested at a time when full delivery cannot be made because a portion of the shipment is delayed or lost, with or without fault, while in the hands of the carrier.

3. That Agreement CAB 18375, R–23 (Resolution 513) is approved.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

List of carriers concurring in statement on behalf of Pan American and TWA:
Air Canada.
Air France.
Alitalia—Linee Aeree Italiane, S.p.A.
Braniff Airways, Inc.
Canadian Pacific Air Lines, Ltd.
Delta Air Lines, Inc.
Eastern Air Lines, Inc.
El Al Israel Airlines, Ltd.
S.A. Empresa de Viacao Aerea Rio Grandense (VARIG).
Japan Air Lines Co., Ltd.
KLM Royal Dutch Airlines.
Northwest Airlines, Inc.
Pan American Grace Airways, Inc.
Scandinavian Airlines System.
Societe Anonyme Belge d'Exploitation de la Navigation Aerienne (SABENA).
SWISSAIR, Swiss Air Transport Co. Ltd.

[F.R. Doc. 65–13122; Filed, Dec. 7, 1965; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16306–16309; FCC 65M–1567]

K-SIX TELEVISION, INC. (KVER), AND SOUTHWESTERN OPERATING CO. (KGNS–TV)

Order Scheduling Hearing

In re applications of K-Six Television, Inc. (KVER), Laredo, Tex., for construction permit for new television broadcast station, Docket No. 16306, File No. BPCT–3304, and for modification of construction permit, Docket No. 16307, File No. BMPCT–6153; and Southwestern Operating Co. (KGNS–TV), Laredo, Tex., for renewal of license, Docket No. 16308, File No. BRCT–503, and for construction permit to make changes, Docket No. 16309, File No. BPCT–3472:

It is ordered, This 3d day of December 1965, that Elizabeth C. Smith shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on January 17, 1966, 10 am.; and that a prehearing conference shall be held on December 29, 1965, commencing at 10 a.m.: *And, it is further ordered,* That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: December 3, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 65–13136; Filed, Dec. 7, 1965; 8:48 a.m.]

BROADCAST LICENSE RENEWAL APPLICATIONS

Notice of Forfeitures To Be Levied on Late Filers

DECEMBER 2, 1965.

The Commission announces that, starting with the broadcast station license renewal applications due to be filed by March 1, 1966, it has instructed the Broadcast Bureau to bring to its attention all instances in which broadcast licensees fail to make timely filing of their license renewal applications in accordance with the Commission's rules.

Except in cases where delay is found to be justified, the Commission intends to levy forfeitures for late filing.

This step is being taken in order to facilitate and expedite the processing of broadcast renewal applications, 300 to 400 of which expire every 2 months on a staggered plan based on geographical areas. The late filing of renewal applications has added needless burdens on the prompt and orderly processing of these applications.

The Commission urges all broadcasters to take all possible steps to insure that they file their renewal applications on time, so as to allow the full 90-day interval for the completion of processing prior to expiration of the current license terms.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 65–13137; Filed, Dec. 7, 1965; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

TORM TRAMPING CO. A/S AND ODNAMRA SHIPPING CORP.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington Office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Armando de Peralta, President, Peralta Shipping Corp., 85 Broad Street, New York, N.Y., 10004.

Agreement 9512, between Torm Tramping Co. A/S and Odnamra Shipping Corp., provides for the establishment of a joint service to operate under the trade name of "Peralta Line", between Canadian and U.S. Atlantic ports and U.S. Gulf ports on the one hand and ports of the United Kingdom and the Bordeaux/Hamburg Range on the other.

The agreement also provides for the joint service to (1) act as a single member of conferences, pooling arrangements or other agreements that may operate in, or affect, the whole or any portion of the trades covered and for its representation by Peralta Shipping Corp.; (2) establish rates, charges and practices in trades not covered by any conference of which the joint service is a member; (3) cooperate in supplying tonnage and sailings; (4) share in expenses, profits and losses based on percentages specified therein, and (5) terminate the agreement upon 6 months' written notice by one party to the other, to Peralta Shipping Corp., General Agents and the Commission.

Dated: December 3, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 65–13125; Filed, Dec. 7, 1965; 8:47 a.m.]

SEATRAIN LINES, INC., AND ATLANTRAFIK EXPRESS SERVICE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington Office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Harvey M. Flitter, Assistant Traffic Manager, Seatrain Lines, Inc., 595 River Road, Edgewater, N.J.

Agreement 9513, between Seatrain Lines, Inc., and Atlanttrafik Express Service, provides for the establishment of a transshipping arrangement between the carriers on the movement of controlled temperature cargo in the trade from loading ports in Australia to ports in Puerto Rico with transshipment at the port of New York, N.Y., under terms and conditions set forth in the agreement.

Dated: December 3, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 65–13126; Filed, Dec. 7, 1965; 8:47 a.m.]

INDEPENDENT OCEAN FREIGHT FORWARDER APPLICATIONS

Notice of Revisions

Notice is hereby given of changes in the following applications for independent ocean freight forwarder licenses filed pursuant to section 44, Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

GRANDFATHER APPLICANTS

Philippine Forwarding Co., Inc., 150 Nassau Street, New York, N.Y.; Application No. 615, withdrawn November 3, 1965.

NEW APPLICANT

Mr. Reginald William Winter, 426 South Spring Street, Room 409, Los Angeles, Calif.; Application, withdrawn November 3, 1965.

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission, applications for licenses as independent ocean freight forwarders, pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., 20573. Protests received within 60 days from the date of publication of this notice in the FEDERAL REGISTER will be considered.

Span International, Inc., 210 Harvey Street (mailing address), Lincroft, N.J.; David A. Jones, president; Alvin R. Abadie, vice president; Merlin A. Paddock, treasurer.

Eastern Freight Forwarders, Inc., First National Bank Building, Room 420, Mobile, Ala.; M. Woodrow Myers, president; Max Harrison, vice president; Harry D. Hardy, secretary.

Phil Thomas & Son International (Felician E. Tomaszewski, d.b.a.), Monadnock Building, 53 West Jackson Boulevard, Chicago, Ill.; Phil Thomas, proprietor.

Notice is hereby given of changes in the following independent ocean freight forwarder licenses.

ADDRESS CHANGES

H. G. Ollendorff, Inc., 10–15–25 44th Avenue, Long Island City, N.Y.; License No. 281.

Milton C. Merion, 145 Montgomery Avenue, Post Office Box 8, Bala Cynwyd, Pa.; License No. 936.

Schenkers International Forwarders, Inc. (Branch), 1102 World Trade Center, Houston, Tex.; License No. 911.

World-Wide Services, Inc. (Branch), TWA Hangar, Philadelphia International Airport, Philadelphia, Pa.; License No. 480.

J. S. Lipinski Co. (Branch), Post Office Box 48–913, Miami International Airport, Miami, Fla.; License No. 127.

CHANGE OF NAME

American Customs Brokerage Co., to American Customs Brokerage, Inc., Post Office Box 261, 235 South Queen Street, Honolulu, Hawaii; License No. 944.

The Doran Co. (Doran M. Wood, d.b.a), to Doranco, Inc., Pier 2, Berth 54, Long Beach, Calif.; License No. 1044.

CHANGE OF OFFICERS

Barr Shipping Co., Inc., 52 Broadway, New York, N.Y.; License No. 4; Robert Purcell, treasurer; Robert O'Neil, vice president.

Bevon International, Inc., 196 East Bay Street, Charleston, S.C.; License No. 1056; M. H. Mikell, Jr., assistant secretary.

The Peninsular & Occidental Steamship Co., Pier No. 2, Post Office Box 1349, Miami, Fla.; License No. 675; A. R. MacMannis, president and director; Frank H. Kenan, executive vice president and director; Lawrence Lewis, Jr., vice president and director; K. A. Osborne, vice president, general manager, and director; Edward P. Pfaff, Jr., comptroller and director; W. E. Smith, secretary; George Cordwell, assistant secretary; William C. Steel, assistant secretary; Mrs. M. W. Rockafellow, assistant treasurer; Harold B. Wahl, director and general solicitor; James G. Kenan, director.

GRANDFATHERS LICENSED

November 1965

Afro-Asian Forwarding Co., Inc., 20 Pearl Street, New York, N.Y.; License No. 473, Issued November 16, 1965.

Hasman & Baxt, Inc., 39 Broadway, New York, N.Y.; License No. 766, Issued November 17, 1965.

LATE AND NONLICENSED

November 1965

Traffic Dynamics, Inc., McKees Rocks Industrial Enterprises, McKees Rocks, Pa.; License No. 1098, Issued November 3, 1965.

Gulf Port Forwarding Co., Inc., 1510 Avenue H, Lubbock, Tex.; License No. 1099, Issued November 12, 1965.

Universal Van Lines, Inc., 117 West Virginia Beach Boulevard, Norfolk, Va.; License No. 1100, Issued November 12, 1965.

International Export Packers, Inc., 631 South Pickett Street, Alexandria, Va.; License No. 1101, Issued November 30, 1965.

Union Steamship Co. of New Zealand, Ltd., 230 California Street, San Francisco, Calif.; License No. 1102, Issued November 22, 1965.

Dated December 2, 1965.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-13127; Filed, Dec. 7, 1965; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI66-177, etc.]

SINCLAIR OIL & GAS CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

NOVEMBER 26, 1965.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 12, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effect date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI66-177	Sinclair Oil & Gas Co. (Operator), et al., Post Office Box 521, Tulsa, Okla., 74102.	93	3	Natural Gas Pipeline Co. of America (North Spearman Field, Hansford County, Tex.) (R.R. District No. 10).	$1,520	11-1-65	[2]12-2-65	5-2-66	[3][9]16.0	[3][10]17.0	
	do	94	9	Northern Natural Gas Co. (Elmwood Field, Beaver County, Okla.) (Oklahoma Panhandle Area).	6,886	11-1-65	[2]12-2-65	5-2-66	[9]16.995	[4][7]18.128	
RI66-178	do	86	6	Natural Gas Pipeline Co. of America (Quinduno Field, Roberts County, Tex.) (R.R. District No. 10).	7,137	11-1-65	[2]12-2-65	5-2-66	[9]12.0	[3][6]13.0	
	do	135	6	Northern Natural Gas Co. (North Harper Ranch Field, Clark County, Kans.).	4,134	11-1-65	[2]12-2-66	5-2-66	[9]15.0	[3][6]16.0	
	do	152	3	Colorado Interstate Gas Co. (Mocane Field, Beaver County, Okla.) (Panhandle Area).	3,170	11-1-65	[2]12-2-65	5-2-66	[9]16.905	[4][8]18.032	
RI66-179	Dunn and Kimberlin, 1241 Dallas Athletic Club Bldg., Dallas, Tex., 75201.	1	5	Panhandle Eastern Pipe Line Co. (Moore County, Tex.) (R.R. District No. 10).	1,103	11-4-65	[2]12-5-65	5-5-66	11.0	[3]12.0	
RI66-180	Pan American Petroleum Corp., Post Office Box 3092, Houston, Tex., 77001.	287	2	Valley Gas Transmission, Inc. (South Oakville Field, Live Oak County, Tex.) (R.R. District No. 2).	8,075	11-4-65	[5]1-21-66	6-21-66	[11]14.0	[3][11]15.0	

[1] The stated effective date is the effective date requested by Respondent.
[2] Periodic rate increase.
[3] Pressure base is 14.65 p.s.i.a.
[4] Subject to a downward B.t.u. adjustment.
[5] Settlement rate in Sinclair's company-wide settlement in Docket Nos. G-9291, et al. Moratorium on increased rates expired Sept. 1, 1965.
[6] Periodic increase plus proportional upward B.t.u. adjustment.
[7] Includes base rate of 16.0 cents per Mcf plus upward B.t.u. adjustment. Base rate also subject to downward B.t.u. adjustment.
[8] Settlement rate includes 15.0 cents per Mcf base rate plus upward B.t.u. adjustment. Total rate not to exceed 17.0 cents per Mcf. Base rate also subject to downward B.t.u. adjustment.
[9] The stated effective date is the first day after expiration of the required statutory notice.
[10] Subject to downward B.t.u. price adjustment for gas having a heating content of less than 1,000 B.t.u.'s per cubic foot.

[1] Does not consolidate for hearing or dispose of the several matters herein.

Dunn and Kimberlin request that their proposed rate increase be permitted to become effective as of December 1, 1965. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Dunn and Kimberlin's rate filing and such request is denied.

All of the proposed increased rates and charges exceed the applicable area price level for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56).

[F.R. Doc. 65-13037; Filed, Dec. 7, 1965; 8:45 a.m.]

[Docket Nos. CP66-55, RP66-18]

TENNESSEE GAS TRANSMISSION CO.

Findings and Order After Statutory Hearing

NOVEMBER 30, 1965.

On August 19, 1965, Tennessee Gas Transmission Co. (Tennessee), filed in Docket No. CP66-55 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas to Pennsylvania Gas and Water Co. (Penn Gas and Water) under a proposed initial Rate Schedule SS-E providing for a natural gas storage service, all as more fully set forth in the application.

Due notice of the application was published in the FEDERAL REGISTER on September 2, 1965 (30 F.R. 11294).

On September 23, 1965, a joint petition to intervene herein was filed by United Fuel Gas Co., The Manufacturers Light and Heat Co. and The Ohio Fuel Gas Co. (Petitioners). Petitioners state in the petition to intervene that a formal hearing is not requested and no objection is raised to the disposition of the proceeding under the Commission's shortened procedure method, provided the Commission incorporates conditions in the certificate order to provide that Tennessee shall not, in any rate proceeding, assess against any other class of service any deficiency in revenues under its Rate Schedule SS-E below the cost of service associated therewith and that appropriate costs of all facilities properly allocable to SS-E deliveries shall be subject to investigation and determination in a rate case or rate determination proceeding. Tennessee proposed an alternate condition, which is acceptable to Petitioners, providing (1) that the grant of the certificate requested shall not constitute a determination of the reasonableness or propriety of the rate or the form of the rate Tennessee will charge in connection with the proposed service and shall not be construed as a waiver of any of the requirements of section 4 of the Natural Gas Act, or of section 154 of the Commission's rules and regulations, with respect to the service in question, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against Tennessee; and (2) that Commission action in this proceeding shall not foreclose nor prejudice any future proceeding or objection relating to the rate to be charged for the service herein authorized, or any position any customer of Tennessee may hereafter take with respect to the proper distribution or allocation of Tennessee's costs and expenses in a future proceeding.

On November 5, 1965, Tennessee filed a letter supplementing its application which stated that:

(1) The proposed SS-E storage service offered to Penn Gas and Water would be available to all of Tennessee's customers in Zones 4 and 5,

(2) The proposed SS-E rate was necessary in order to provide firm winter storage service to Penn Gas and Water because Penn Gas and Water could not qualify for the existing SS-5 service, and

(3) No other existing rate schedule providing winter storage service is available to adequately service Penn Gas and Water.

Tennessee seeks authorization to render a natural gas storage service to Penn Gas and Water and for the delivery of a Daily Storage Quantity of 13,500 Mcf and a Winter Storage Quantity of 1,012,500 Mcf (at 15.025 psia). No additional facilities will be required because a portion of the unallocated maximum day capacity authorized at Docket No. CP65-120 will be utilized and deliveries will be made at the existing point of delivery to Penn Gas and Water.

The service will be rendered at a monthly charge composed of (a) Deliverability Charge of $1.85 times the Daily Storage Quantity, (b) Space Charge of 0.8 cent times the Winter Storage Quantity and (c) 0.5 cent per Mcf injected into or withdrawn from storage; plus a commodity charge of 27.34 cents in the Northern rate zone and 30.84 cents in the New York rate zone per Mcf delivered.

Tennessee further proposes to reduce Penn Gas and Water's existing peak-day contract demand to 24,990 Mcf, a reduction of 4,192 Mcf from the existing contract demand.

Rate Schedule SS-5 makes available to existing contract demand customers in Tennessee's New York rate zone (Zone 5) firm deliveries, during each year's November 1-April 30 withdrawal period, of daily volumes of gas up to a specified Daily Storage Quantity, with total volumes to be delivered during the withdraw period (Winter Storage Quantity) limited to 90 times the Daily Storage Quantity.

Tennessee proposes the new SS-E Schedule primarily to make available to Penn Gas and Water, an existing customer located in Tennessee's Northern Zone (Zone 4), a similar type of storage service now available only to Tennessee's Zone 5 customers under Rate Schedule SS-5. However, Tennessee offers to make the SS-E rate available in Zones 4 and 5, with increased commodity charges applicable in Zone 5. It appears that, if the proposed rate schedule were available only to a single customer, the rate schedule would be discriminatory and unduy preferential in violation of section 4(b) of the Natural Gas Act. We will therefore condition the issuance of this certificate upon the requirement that the new SS-E Rate Schedule be made available in both Zones 4 and 5, with the difference in commodity charges between Zones 4 and 5, as indicated above.

It appears that the terms of Rate Schedule SS-E are more advantageous to Tennessee's customers than the terms of Tennessee's existing Rate Schedule SS-5 and, therefore, it can be presumed that Tennessee's customers currently receiving service under Rate Schedule SS-5 will avail themselves of the new service. The dual rate structure will be allowed to continue for 1 year only in order to permit Penn Gas and Water to receive the service it urgently needs during the coming heating season. However, we are providing in this order for proceedings to be held in Docket No. RP66-18, being instituted herein, at which time Tennessee shall show that the proposed rate schedule is compensatory and that the rate schedule properly allocates to each zone its fair share of the cost of service.

After due notice, no petition to intervene, other than that of United Fuel Gas Co. et al., notice of intervention, or protest to the granting of the application has been filed.

At a hearing held on November 26, 1965, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the application submitted in support of the authorization, and upon consideration thereof the Commission, in the light of the previous discussion, finds that a certificate should be issued as hereinafter ordered and conditioned.

The Commission further finds:

(1) Tennessee Gas Transmission Co., a Delaware corporation, having its principal place of business in Houston, Tex., is a "natural-gas company" within the meaning of the Natural Gas Act, as heretofore found by the Commission in its order of July 15, 1947, in Docket No. G-910 (6 FPC 777).

(2) The proposed sale and delivery of natural gas, as hereinbefore described and as more fully described in the application in this proceeding, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The aforesaid proposed sale and delivery of natural gas are required by the public convenience and necessity and a certificate therefor should be issued as hereinafter ordered and conditioned.

(4) Applicant is able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(5) Public convenience and necessity require that the certificate issued herein and the rights granted hereunder be conditioned upon Tennessee's compliance with all applicable Commission regulations under the Natural Gas Act, and particularly the general terms and conditions set forth in paragraphs (a) and (e) of § 157.20 of such Regulations.

The Commission orders:

of evidence by other parties and rebuttal procedure (18 CFR 1.8 or 1.10) and the

cording to the Applicant, its construc- petitions or protests in accordance with privileges in the common stocks of the

The Commission orders:

(A) A certificate of public convenience and necessity is issued to Tennessee Gas Transmission Co., authorizing the sale and delivery of natural gas as described above and as more fully described in the application and filings in this proceeding, subject to the jurisdiction of the Commission, upon the terms and conditions of this order. The certificate shall be effective for a period of 1 year from the date of issuance of this order.

(B) The grant of the certificate herein shall not constitute a determination of the reasonableness or propriety of the rate Applicant proposes to charge in connection with the service herein authorized, or of the form or forms thereof, and shall not be construed as a waiver of any of the requirements of section 4 of the Natural Gas Act or of section 154 of the Commission's rules and regulations with respect to the service herein authorized, and is without prejudice to any findings or orders which have been, or may hereafter be, made by the Commission in any proceeding now pending or hereafter instituted by or against the Applicant. Further, our action in this proceeding shall not foreclose nor prejudice any future proceeding or objection relating to the rate to be charged for the service herein authorized, or any position any customer of Applicant may hereafter take with respect to the proper distribution or allocation of Applicant's cost and expenses in any proceeding where such distribution or allocation is in issue in determining the respective rates to be charged by Applicant for the various types and classifications of service rendered by it.

(C) Tennessee is hereby authorized to place into effect Rate Schedule SS–E for a period of 1 year or until otherwise authorized by the Commission in subsequent proceedings.

(D) Tennessee shall make its Rate Schedule SS–E available to all of its present customers in its Zones 4 and 5 who now purchase gas under Tennessee's SS–5 Rate Schedule.

(E) Tennessee's existing peak-day contract demand service to Pennsylvania is reduced to 24,990 Mcf.

(F) In the near future a hearing will be held in this docket at which time Tennessee shall be required to demonstrate that its SS–E Rate Schedule is compensatory and bears its fair share of Tennessee's cost of service.

(G) Tennessee shall make appropriate tariff filings for the service authorized herein in a form acceptable to the Commission.

(H) On or before February 7, 1966, Tennessee shall file its evidence in Docket No. RP66–18 to support the rates contained in Rate Schedule SS–E as being compensatory and as bearing their fair share of the cost of service for each zone.

(I) On March 7, 1966, a prehearing conference will be held at 10 a.m. e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., 20426, for the purpose of delineating issues, stipulating facts, and, if necessary, of setting dates for the filing of evidence by other parties and rebuttal evidence by Tennessee.

(J) Interventions in Docket No. RP66–18 shall be filed on or before January 14, 1966.

(K) The certificate issued herein and the rights granted hereunder are conditioned upon Applicant's compliance with all applicable Commission regulations under the Natural Gas Act and particularly the general terms and conditions set forth in paragraphs (a) and (e) of § 157.20 of such regulations.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 65–13099; Filed, Dec. 7, 1965; 8:46 a.m.]

[Docket No. CP66–160]

TENNESSEE GAS TRANSMISSION CO.

Notice of Application

NOVEMBER 30, 1965.

Take notice that on November 22, 1965, Tennessee Gas Transmission Co. (Applicant), Post Office Box 2511, Houston, Tex., 77001, filed in Docket No. CP66–160 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition by purchase of 24 miles of 16-inch pipeline presently owned by Socony Mobil Oil Co., Inc. (Socony). Applicant further requests authorization to operate in interstate commerce 8.6 miles of 16-inch pipeline, which pipeline is presently owned by Applicant and used only in the intrastate transportation of natural gas. The proposal involved is more fully set forth in the aforementioned application which is on file with the Commission and open to public inspection.

Applicant states that the entire 32.6 miles of 16-inch pipeline involved in the instant application was constructed in 1960 for the purpose of taking natural gas owned by Socony from the Second Bayou Field, Cameron Parish, La., into Applicant's system. Ownership of the line was divided. Socony owned 24 miles and Applicant 8.6 miles. The natural gas was sold and delivered pursuant to two industrial gas purchase and sales contracts between the parties.

The application states that the industrial contracts have been canceled and conventional gas purchase contracts have been signed and that the parties have agreed that Applicant should own and operate the entire 32.6 miles of pipeline. Pursuant to an agreement dated August 16, 1965, Applicant has agreed to pay to Socony the depreciated net book value of Socony's portion of the line (as of September 1, 1965, said value was $1,051,410).

Applicant states that the remaining recoverable natural gas reserves in the Second Bayou Field are estimated to be approximately 340,000 MMcf.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the natural Gas Act (§ 157.10) on or before December 22, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65–13100; Filed, Dec. 7, 1965; 8:46 a.m.]

[Docket No. E–7258]

EL PASO ELECTRIC CO.

Notice of Application

DECEMBER 1, 1965.

Take notice that on November 26, 1965, El Paso Electric Co. (Applicant), filed an application with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, seeking an order authorizing the issuance of short-term Promissory Notes in the aggregate principal amount of $12,000,000 outstanding at any one time.

Applicant is incorporated under the laws of the State of Texas and is qualified to carry on its business in the State of New Mexico with its principal place of business office at El Paso, Tex. The Applicant is engaged in the electric utility business and supplies electric energy at retail in 19 communities in Texas and 22 communities in New Mexico.

According to the application, the securities to be issued consist of Notes, each of a maturity not exceeding 12 months, to commercial banks and not for resale to the public. The total amount of the Notes outstanding at any one time will not exceed $12,000,000 and the Notes will have maturity dates not later than December 31, 1968. The Notes will bear interest at a rate per annum not in excess of ¼ of 1 percent of the prime rate in effect in New York City at the time of the borrowing or at the time of the renewal or extension of the loans as the case may be.

Applicant states that the proceeds from the Notes will be used, pending permanent financing together with other cash from operations, to reimburse the Company for its construction program contemplated and now in progress. According to the Applicant, its construction program for the remainder of the year 1965 and through 1968 will require approximately $36,690,000. The principal items in this program include $9.8 million for generating equipment, $9 million for transmission lines and substations, $900,000 for distribution substations, and $1.9 million for miscellaneous improvements to its system.

Any person desiring to be heard or to make any protest with reference to the application should on or before December 22, 1965, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65–13101; Filed, Dec. 7, 1965; 8:46 a.m.]

[Docket No. E–7254]

OTTER TAIL POWER CO.

Notice of Application

DECEMBER 1, 1965.

Take notice that on November 17, 1965, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Otter Tail Power Co. (Applicant), a corporation organized under the laws of the State of Minnesota and authorized to do business in the States of North Dakota and South Dakota, with its principal business office in Fergus Falls, Minn., seeking an order authorizing the issuance of unsecured Promissory Notes of up to $10,000,000 aggregate face value.

The Promissory Notes will be payable to such bank or banks from which the Applicant may borrow funds, up to but not exceeding $10,000,000 face amount, at any one time outstanding during the period from January 1, 1966 to December 31, 1968. These notes will bear interest at a rate not exceeding 5½ percent per annum and will have a maturing date of 1 year or less.

The Applicant proposes to issue the notes for the purpose of renewing the Company's bank loans incurred and to be incurred in 1965 to finance temporarily the balances of the 1965 construction program and to provide funds to finance temporarily the Company's 1966–1968 construction program prior to arranging for long-term financing, thereby enabling the Company to most effectively plan such long-term financing and to control the timing thereof. The Applicant's construction program will require the expenditure of $7,497,000 in 1966, $4,387,000 in 1967 and $5,275,000 in 1968 for electric production, electric transmission line and substations, electric distribution, and for electric general and other utility expenses.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 17, 1965, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65–13102; Filed, Dec. 7, 1965; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

DECEMBER 2, 1965.

The common stock, 10 cents par value, of Continental Vending Machine Corp., being listed and registered on the American Stock Exchange and having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange, and the 6 percent convertible subordinated debentures due September 1, 1976, being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 3, 1965, through December 12, 1965, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65–13090; Filed, Dec. 7, 1965; 8:45 a.m.]

[File Nos. 7–2490—7–2495]

COLORADO FUEL AND IRON CORP. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

DECEMBER 2, 1965.

In the matter of applications of the Detroit Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

Colorado Fuel & Iron Corp., File 7–2490; Fairchild Camera & Instrument Corp., File 7–2491; General Aniline & Film Corp., File 7–2492; Thiokol Chemical Corp., File 7–2493; U.S. Industries Inc., File 7–2494; Wolverine Shoe & Tanning Corp., File 7–2495.

Upon receipt of a request, on or before December 17, 1965 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65–13091; Filed, Dec. 7, 1965; 8:45 a.m.]

[File 7–2489]

McGRAW-HILL, INC.

Notice of Application of Unlisted Trading Privileges and of Opportunity for Hearing

DECEMBER 2, 1965.

In the matter of application of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges: McGraw-Hill, Inc., File 7–2489.

Upon receipt of a request, on or before December 17, 1965, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said ap-

plication by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-13092; Filed, Dec. 7, 1965; 8:45 a.m.]

UNITED STATES INFORMATION AGENCY

[Public Notice 11; Delegation of Authority 21C]

GENERAL COUNSEL AND DEPUTY GENERAL COUNSEL

Domestic Tort Claims

Pursuant to section 2672 of Title 28 of the United States Code, I hereby delegate to the General Counsel and Deputy General Counsel, authority to consider, ascertain, adjust, determine, and settle any domestic tort claim for money damages of $2,500 or less in accordance with laws relating thereto and as provided in appropriate administrative instructions. This authority may not be redelegated to subordinate officials.

This delegation of authority is effective November 8, 1965, and supersedes Delegation of Authority No. 21A, dated September 9, 1955 (20 F.R. 6988).

LEONARD H. MARKS, *Director.*

[F.R. Doc. 65-13093; Filed, Dec. 7, 1965; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 3, 1965.

Protests to the granting of an application must be prepared in accordance with § 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA 40160—*Joint motor-rail rates—Southern Motor Carriers.* Filed by Southern Motor Carriers Rate Conference, agent (No. 127), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in southern territory, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief—Motor-truck competition.

Tariff—Supplement 14 to Southern Motor Carriers Rate Conference, agent, tariff MF-ICC 1361.

FSA 40161—*Newsprint paper to points in southern territory.* Filed by O. W. South, Jr., agent (No. A4804), for interested carriers. Rates on newsprint paper, in carloads, from Childersburg, Coosa Pines, and Mobile, Ala., to points in southern territory, also Ohio and Mississippi River crossings, Virginia cities gateway points and Washington, D.C.

Grounds for relief—Motor-truck competition.

Tariff—Supplement 9 to Southern Freight Association, agent, tariff ICC S-530.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-13117; Filed, Dec. 7, 1965; 8:47 a.m.]

[Notice 376]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

DECEMBER 3, 1965.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 4963 (Deviation No. 12), JONES MOTOR CO., INC., Spring City, Pa., filed November 24, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follow: (1) From Boston, Mass., over Interstate Highway 95 to Providence, R.I.; (2) from Providence, R.I., over Interstate Highway 95 to New York, N.Y.; (3) from New York, N.Y., over Interstate Highway 95 to Philadelphia, Pa.; (4) from Philadelphia, Pa., over Interstate Highway 95 to Wilmington, Del.; (5) from Wilmington, Del., over Interstate Highway 95 to Baltimore, Md.; (6) from Baltimore, Md., over Interstate Highway 95 to Washington, D.C.; (7) from Washington, D.C., over Interstate Highway 95 to junction Interstate Highway 85 near Petersburg, Va., thence over Interstate Highway 85 to High Point, N.C.; and (8) from High Point, N.C., over Interstate Highway 85 to Charlotte, N.C.; and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follow: (1) From Boston, Mass., over U.S. Highway 20 to Springfield, Mass., thence over U.S. Highway 5 to New Haven, Conn., thence over U.S. Highway 1 to New York, N.Y.; (2) from Boston, Mass., over U.S. Highway 1 to New Haven, Conn.; (3) from Philadelphia, Pa., over U.S. Highway 1 to New York, N.Y.; (4) from Roanoke, Va., over U.S. Highway 460 to Lynchburg, Va., thence over U.S. Highway 29 via Charlottesville, Va., to Washington, D.C., thence over U.S. Highway 1 to Baltimore, Md., thence over U.S. Highway 40 to junction U.S. Highway 13, thence over U.S. Highway 13 to Trenton, N.J., thence over U.S. Highway 1 to New York; and (5) from Roanoke, Va., over U.S. Highway 220 to Ridgeway, Va.

Thence over Virginia Highway 87 to the Virginia-North Carolina State line, thence over North Carolina Highway 87 to Reidsville, N.C., thence over U.S. Highway 29 to Greensboro, N.C., thence over Alternate U.S. Highway 29 (formerly portion U.S. Highway 29) to High Point, N.C., thence over U.S. Highway 29 to junction Business Route U.S. Highway 29 (formerly portion U.S. Highway 29), thence over Business Route U.S. Highway 29 to Salisbury, N.C., thence over U.S. Highway 601 (formerly portion U.S. Highway 29) to junction U.S. Highway 29, thence over U.S. Highway 29 to Charlotte, N.C.; and return over the same routes.

No. MC 4963 (Deviation No. 13), JONES MOTOR CO., INC., Spring City, Pa., filed November 24, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between New York, N.Y., and Youngstown, Ohio, over Interstate Highway 80, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follow: (1) From York, Pa., over U.S. Highway 111 to Harrisburg, Pa., thence over U.S. Highway 322 to junction U.S. Highway 422, thence over U.S. Highway 422 to Reading, Pa., thence over U.S. Highway 222 to Allentown, Pa., thence over unnumbered highway (formerly U.S. Highway 22), via Butztown, Dryland and Wilson, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 to Newark, N.J.; (2) from Hanover, Pa., over Pennsylvania Highway 116 to junction U.S. Highway 30 (5 miles west of York), thence over U.S. Highway 30 to York, Pa., thence over U.S. Highway 111 to Harrisburg, Pa., thence over U.S. Highway 11 to Carlisle Toll Gate, thence over the Pennsylvania Turnpike to Irwin Toll Gate, thence over U.S. Highway 30 to Pittsburgh, Pa.; and (3) from Pittsburgh, Pa., over U.S. Highway 30 to junction Ohio Highway 7, thence over Ohio Highway 7 to Youngstown, Ohio, thence over U.S. Highway 422 to Cleveland, Ohio; and return over the same routes.

No. MC 4963 (Deviation No. 14), JONES MOTOR CO., INC., Spring City, Pa., filed November 24, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Canton, Ohio, and Wytheville, Va., over Interstate Highway 77, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follow: (1) From Pittsburgh, Pa., over U.S. Highway 19 to Portersville, Pa., thence over U.S. Highway 422 to Youngstown, Ohio, thence over Ohio Highway 18 to Akron, Ohio; (2) from Warren, Ohio, over Ohio Highway 45 to Salem, Ohio, thence over U.S. Highway 62 to Canton, Ohio; (3) from Pittsburgh, Pa., over Pennsylvania Highway 88 to Rochester, Pa., thence over Pennsylvania Highway 68 to junction Pennsylvania Highway 51, thence over Pennsylvania Highway 51 to the Pennsylvania-Ohio State line, thence over Ohio Highway 14 to Columbiana, Ohio, thence over Ohio Highway 46 to Canfield, Ohio, thence over U.S. Highway 224 to junction Ohio Highway 8, thence over Ohio Highway 8 to Akron, Ohio, thence over Ohio Highway 18 to Norwalk, Ohio, thence over U.S. Highway 20 to junction Ohio Highway 51 (formerly Business Route U.S. Highway 20), thence over Ohio Highway 51 to Toledo, Ohio, thence over U.S. Highway 24 to Flat Rock, Mich., thence over U.S. Highway 25 to Detroit, Mich., and thence over U.S. Highway 10 to Flint, Mich. (also from Toledo, Ohio, over U.S. Highway 23 to Flint; also from Flat Rock over U.S. Highway 24 to Pontiac, Mich., thence over U.S. Highway 10 to Flint); (4) from Hanover, Pa., over Pennsylvania Highway 116 to junction U.S. Highway 30 (5 miles west of York, Pa.).

Thence over U.S. Highway 30 to York, Pa., thence over U.S. Highway 111 to Harrisburg, Pa., thence over U.S. Highway 11 to Carlisle Toll Gate, thence over Pennsylvania Turnpike to Irwin Toll Gate, and thence over U.S. Highway 30 to Pittsburgh, Pa., (5) from Hanover, Pa., over Pennsylvania Highway 94 to Mt. Holly Springs, Pa., thence over Pennsylvania Highway 34 to Carlisle Toll Gate; (6) from Baltimore, Md., over U.S. Highway 140 to Reistertown, Md., thence over Maryland Highway 30 to the Maryland-Pennsylvania State line, thence over Pennsylvania Highway 94 to Hanover, Pa., thence over Pennsylvania Highway 116 to junction U.S. Highway 30, thence over U.S. Highway 30 to York, Pa.; (7) from Roanoke, Va., over U.S. Highway 11 via New Market, Va., to Stephens City, Va., thence over Virginia Highway 277 to junction U.S. Highway 340 (formerly Virginia Highway 12), thence over U.S. Highway 340 to junction U.S. Highway 50, thence over U.S. Highway 50 to Washington, D.C. (also from New Market, Va., over U.S. Highway 211 to Washington, D.C.), thence over U.S. Highway 1 to Baltimore, Md., thence over U.S. Highway 40 via the Delaware Memorial Bridge to Deepwater, N.J. (portion formerly shown via U.S. Highway 40 to Pennsville, N.J.), thence over U.S. Highway 130 to junction New Jersey Highway 44 (formerly portion U.S. Highway 130), thence over New Jersey Highway 44 via Paulsboro, N.J., to junction U.S. Highway 130, thence over U.S. Highway 130 to junction U.S. Highway 1, thence over U.S. Highway 1 to New York, N.Y.; and (8) from Roanoke, Va., over U.S. Highway 11 to Bristol, Tenn.; and return over the same routes.

No. MC 35484 (Deviation No. 17), VIKING FREIGHT COMPANY, 1525 South Broadway, St. Louis, Mo., 63104, filed November 19, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Indian Nation Turnpike and U.S. Highway 69, north of Savanna, Okla., over Indian Nation Turnpike to junction U.S. Highway 75 at or near Henryetta, Okla., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) from junction U.S. Highways 66 and 75 at or near Sapulpa, Okla., over U.S. Highway 75 to Dallas, Tex., (2) from junction U.S. Highways 66 and 69 (at or near Vinita, Okla.), over U.S. Highway 69 to junction U.S. Highway 75 (at or near Atoka, Okla.); and (3) from St. Louis, Mo., over U.S. Highway 66 to Oklahoma City, Okla., and return over the same routes.

No. MC 42487 (Deviation No. 51), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, Post Office Box 5138, Chicago, Ill., 60680, filed November 19, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Indianapolis, Ind. over Interstate Highway 70 to junction U.S. Highway 40 at or near Washington, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows:

(1) From Chicago, Ill., over U.S. Highway 41 to junction U.S. Highway 52, thence over U.S. Highway 52 to Indianapolis, Ind., thence over U.S. Highway 40 to junction U.S. Highway 35, thence over U.S. Highway 35 to junction U.S. Highway 127, and thence over U.S. Highway 127 to Cincinnati, Ohio, (2) from Cleveland, Ohio, over U.S. Highway 42 to Medina, Ohio, thence over Ohio Highway 3 to Columbus, Ohio, thence over U.S. Highway 40 to Lafayette, Ohio (also from Medina over U.S. Highway 42 to junction unnumbered highway (formerly portion U.S. Highway 42) near Lodi, Ohio), thence over unnumbered highway via Lodi to junction U.S. Highway 42, thence over U.S. Highway 42 to junction unnumbered highway (formerly portion U.S. Highway 42) thence over unnumbered highway via Ashland, Ohio, to junction U.S. Highway 42, thence over U.S. Highway 42 to Lafayette, thence over U.S. Highway 40 to Springfield, Ohio, thence over Ohio Highway 440 (formerly portion U.S. Highway 40) via Donnellsville, Phoneton, Vandalia, and Englewood, Ohio, to junction U.S. Highway 40 (near Clayton, Ohio) thence over U.S. Highway 40 to Indianapolis, Ind., and (3) from Philadelphia, Pa., over U.S. Highway 13 to junction U.S. Highway 40, thence over U.S. Highway 40 to St. Louis, Mo., and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 278) (Cancels No. MC 1501 Deviation No. 113), GREYHOUND LINES, INC. (SOUTHERN GREYHOUND LINES DIVISION), 219 East Short Street, Lexington, Ky., 40507, filed November 24, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage* and *express* and *newspapers*, in the same vehicle with passengers, over a deviation route as follows: From Henderson, N.C., over Interstate Highway 85 to junction U.S. Highway 1 northeast of South Hill, Va., and return over the same route; and over the following access route, from junction Interstate Highway 85 and U.S. Highway 58, over U.S. Highway 58 to South Hill, Va., and return over the same route; for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Richmond, Va., over U.S. Highway 1 via Petersburg and South Hill, Va., and Henderson, N.C., to Raleigh, N.C., and return over the same route.

No. MC 45626 (Deviation No. 20), VERMONT TRANSIT CO., INC., Burlington, Vt., 05402, filed November 22, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, over a deviation route as follows: Between Bellows Falls, Vt., and Ascutney, Vt., over Interstate Highway 91, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: Between Bellows Falls and Ascutney, Vt., over U.S. Highway 5.

No. MC 50026 (Deviation No. 5), ARKANSAS MOTOR COACHES LIMITED, INC., 100 East Markham, Little Rock, Ark., 72201, filed November 22, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express, mail* and *newspapers*, in the same vehicle with passengers, over a deviation route as follows: From junction U.S. Highway 67 and Interstate Highway 30, 2 miles south of Benton, Ark., over Interstate Highway 30 to junction U.S. Highway 270, and

thence over U.S. Highway 270 to Malvern, Ark., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the above-described property over a pertinent service route as follows: From Benton, Ark., over U.S. Highway 67 to junction Arkansas Highway 7 (5 miles north of Arkadelphia, Ark.), and return over the same route.

No. MC 61616 (Deviation No. 13), MIDWEST BUSLINES, INC., 433 West Washington Avenue, North Little Rock, Ark., filed November 22, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express, mail* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction U.S. Highway 67 and Interstate Highway 30, 2 miles south of Benton, Ark., over Interstate Highway 30 to junction U.S. Highway 270, thence over U.S. Highway 270 to Malvern, Ark., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From St. Louis over U.S. Highway 67 to Judsonia, Ark., thence over U.S. Highway 67 to junction U.S. Highway 67C, thence over U.S. Highway 67C to junction U.S. Highway 67, thence over U.S. Highway 67 to Maud, Tex., and return over the same route.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-13113; Filed, Dec. 7, 1965; 8:47 a.m.]

[Notice 852]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

DECEMBER 3, 1965.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 109478 (Sub-No. 87), filed November 26, 1965. Applicant: WORSTER MOTOR LINES, INC., East Main Road, Rural Delivery No. 1, North East, Pa. Applicant's representative: William W. Knox, 23 West 10th Street, Erie, Pa., 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned, prepared and preserved foodstuffs*, between points in Maine and Manchester, N.H., on the one hand, and, on the other, points in New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, and the District of Columbia.

HEARING: December 15, 1965, in Room 524, Lafayette Hotel, 638 Congress Street, Portland, Maine, before Examiner Samuel C. Shoup.

No. MC 113678 (Sub-No. 197), filed November 22, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's representative: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Cameron and Hidalgo Counties, Tex., to points in Louisiana, Nebraska, Colorado, Wisconsin, Michigan, Illinois, Virginia, West Virginia, Pennsylvania, New York, New Jersey, Minnesota, Delaware, Connecticut, Vermont, New Hampshire, Maine, Massachusetts, Rhode Island, District of Columbia, Kansas, Missouri, Iowa, Oklahoma, Arkansas, Mississippi, Indiana, Kentucky, Tennessee, Alabama, Ohio, Georgia, North Carolina, South Carolina, Florida, and Maryland.

HEARING: January 18, 1966, at the Baker Hotel, Dallas, Tex., before Examiner David Waters.

No. MC 117686 (Sub-No. 67), filed November 22, 1965. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Sioux City, Iowa. Applicant's representative: J. Max Harding, Post Office Box 2028, Lincoln, Nebr., 68508. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Cameron and Hidalgo Counties, Tex., to points in Minnesota, Iowa, Nebraska, Arkansas, Louisiana, Mississippi, Kansas, Missouri, South Dakota, and North Dakota.

HEARING: January 18, 1966, at the Baker Hotel, Dallas, Tex., before Examiner David Waters.

No. MC 105636 (Sub-No. 24) (REPUBLICATION), filed March 10, 1965, published FEDERAL REGISTER issue of April 1, 1965, and republished, this issue. Applicant: ARMELLINI EXPRESS LINES, INC., Oak and Brewster Roads, Vineland, N.J. Applicant's representative: Morris J. Winokur, Suite 1920, 2 Penn Center Plaza, John F. Kennedy Boulevard at 15th Street, Philadelphia, Pa., 19102. In the above-entitled proceeding the examiner recommended the issuance to applicant of a certificate of public convenience and necessity authorizing the operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, (1) of (a) flower baskets and containers from Meriden, Conn., to points in Florida, (b) fertilizer in packages, from Vineland, N.J., to points in Florida, (c) florists' supplies and equipment, from New York, N.Y., to points in Florida, and (d) flower sleeves, from Boston, Mass., to points in Florida, and (2) of poultry raisers' vaccines, drugs, insecticides, and equipment, from Vineland, N.J., to Charlotte, N.C., Gainesville, Ga., and Jacksonville, Fla., subject to the restriction that operations in (1) above shall be limited to traffic destined to flower growers. A decision and order of the Commission, Operating Rights Review Board No. 3, dated November 22, 1965, and served November 24, 1965, finds that operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of (1) *florists' supplies and equipment* from New York, N.Y., to points in Florida; (2) *flower baskets and containers* from Meriden, Conn., to points in Florida; (3) *flower sleeves* from Boston, Mass., to points in Florida; (4) *fertilizer*, in packages, from Vineland, N.J., to points in Florida; and (5) *poultry vaccines, drugs*, and *insecticides*, and *equipment* used in the raising of poultry, from Vineland, N.J., to Charlotte, N.C., Gainesville, Ga., and Jacksonville, Fla., subject to the condition that the authority granted herein to the extent that it duplicates any authority presently held by applicant shall not be construed as conferring more than a single operating right. A notice of the authority actually granted herein will be published in the FEDERAL REGISTER and issuance of the certificate herein will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest, who may have relied upon the notice of the application as originally published and would be prejudiced by the lack of proper notice of the authority actually granted herein, may file an appropriate pleading.

No. MC 111729 (Sub-No. 113) (Republication), filed August 24, 1965, published FEDERAL REGISTER issue of September 9, 1965, and republished this issue. Applicant: ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. Applicant's representative: Russell S. Bernhard, Commonwealth Building, 1625 K Street NW., Washington 6, D.C. By application filed August 24, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of the commodities and between the points indicated in the findings herein, subject to the restriction that no service shall be performed for any bank or banking institutions, namely, any national bank, State bank, Federal Reserve bank, savings and loan association, or savings bank. An order of the Commission, Operating Rights Board No. 1, dated November 17, 1965, and served November 29, 1965, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, (1) of *exposed and processed film* and *prints, complimentary replacement film, labels, envelopes, and packaging materials*, and *advertising literature* moving therewith, between Alexandria, Va., on the one hand, and, on the other, York, Pa., and (2) of *microfilm*, negative and positive, and *paper prints*, between Baltimore, Md., on the one hand, and, on the other, the District of Columbia and points in Philadelphia County, Pa. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER, and any proper party in interest may file an appropriate pleading within a period of 30 days from the date of such publication.

No. MC 126102 (Republication), filed March 17, 1964, published FEDERAL REGISTER issue of April 1, 1964, and republished, this issue. Applicant: ANDERSON MOTOR LINES, INC., 37 Woodruff Road, Walpole, Mass. Applicant's representatives: Leon J. Kowal, 73 Tremont Street, Boston, Mass., and Gerard J. Donovan, Post Office Box 126, Hyde Park 36, Mass. By application filed March 17, 1964, as amended, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of watches, watch bands, books, toys, beverages (nonalcoholic), candy (other than hollow mold), candy in novelty packages, cookies, cosmetics, costume jewelry, popped corn, drugs, drug store supplies, medicines, toilet preparations, greeting cards, paper and paper products, sanitary pads, stationery, store and office supplies, fixtures and displays, plastic articles over 15 pounds per cubic foot, notions, leather goods, razors, radios, lighters, and clocks, between Boston and Norwood, Mass., Providence, R.I., and Atlanta, Ga., on the one hand, and, on the other, points in Arkansas, Alabama, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Iowa, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Colorado.

A decision and order of the Commission, Division 1, dated November 15, 1965, and served November 23, 1965, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of *such commodities* as are sold in drugstores, chain, discount, and department stores excluding commodities in bulk, in tank vehicles, (a) from Norwood, Mass., to Wilmington, Del., Edgewater Park and Vineland, N.J., Cumberland and Hagerstown, Md., Richmond, Va., Danbury, Derby, and New Haven, Conn., Detroit, Grand Rapids, and Muskegon, Mich., and to points in Illinois, Maine, New York, Pennsylvania, and those points in Ohio north of U.S. Highway 36, and *returned shipments* of the commodities specified above; (b) from Atlanta, Ga., to Louisville, Ky., Fort Wayne, Muncie, and Indianapolis, Ind., Dayton and Cincinnati, Ohio, Racine, Wis., Jackson, Miss., Dallas and Groves, Tex., Monroe and New Orleans., La., Portsmouth and Norfolk, Va., Chickasaw, Montgomery, and Tuscaloosa, Ala., Charleston and Columbia, S.C., Memphis, Chattanooga, and Nashville, Tenn., points in Florida, North Carolina, Illinois, and the Washington, D.C., commercial zone, and *returned shipments* of the commodities specified above, limited to a transportation service to be performed under a continuing contract or contracts with Marrud, Inc., of Norwood, Mass. Any person or persons desiring to oppose the relief sought herein, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading, consisting of an original and six copies each.

No. MC 127072 (Sub-No. 2) (Republication), filed May 17, 1965, published FEDERAL REGISTER issue of June 9, 1965, and republished, this issue. Applicant: BROWNSVILLE PARTICLE BOARD, INC., Route 1, Brownsville, Oreg. Applicant's representative: Earl V. White, Fifth Avenue, 2130 SW. Fifth Avenue, Portland 1, Oreg. By application filed May 17, 1965, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle over irregular routes, transporting in bulk, or in bags when transported at the same time with shipments in bulk: (A) Almond shell pellets, from Sacramento, Calif.; (B) safflower pellets, from points in Contra Costa County, Calif.; (C) cottonseed meal and cottonseed pellets, from points in Fresno and Kern Counties, Calif.; and (D) alfalfa meal and alfalfa pellets, from points in Fresno, Kern, Tulare, Kings, Amador, and Sacramento Counties, Calif., and from points in Ada and Cassia Counties, Idaho, to points in Lane, Linn, Benton, Lincoln, Polk, Marion, Clark, Yamhill, Tillamook, Multnomah, Washington, Columbia, and Clatsop Counties, Oreg., and to points in Kittitas, Yakima, and Clark Counties, Wash. The application was referred to Hearing Examiner Robert H. Murphy, for hearing and the recommendation of an appropriate order thereon. Hearing was held on October 12, 1965, at Portland, Oreg. A report and order, served November 24, 1965, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, in the transportation of:

(A) *Almond shell pellets*, from Sacramento, Calif.; (B) *safflower pellets*, from Richmond, Calif.; (C) *cottonseed meal and cottonseed pellets*, from points in Fresno and Kern Counties, Calif.; and (D) *alfalfa meal and alfalfa pellets*, from points in Sacramento, Fresno, and Kern Counties, Calif., to points in Lane, Linn, Benton, Lincoln, Polk, Marion, Clark (should read Clackamas County), Yamhill, Tillamook, Multnomah, Washington, Columbia, and Clatsop Counties, Oreg., and to points in Kittitas, Yakima, and Clark Counties, Wash., subject to the condition that the above-specified commodities shall move in bags only when transported at the same time with shipments in bulk, and subject to the further condition that applicant shall maintain completely separate accounting systems for its private and for-hire carrier operations. The hearing examiner further finds that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. NOTE: The purpose of this republication is to show that the destination point of "Clark County, Oreg.," shown in (D) above, should read "Clackamas County, Oreg." Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER, and any proper party in interest may file an appropriate pleading within a period of 30 days from the date of such publication.

No. MC 127552 (Republication), filed September 3, 1965, published FEDERAL REGISTER issue of September 15, 1965, and republished, this issue. Applicant: POINT EXPRESS, INC., 3535 Seventh Avenue, Charleston, W. Va. Applicant's representative: Frank T. Litton, Kanawha Valley Building, Charleston 1, W. Va. By application filed September 3, 1965, applicant seeks a permit or, in the alternative, a certificate of public convenience and necessity, authorizing operation, in interstate or foreign commerce, as either a contract or a common carrier by motor vehicle, over irregular routes, of molten aluminum, to the point indicated in the findings herein from Ravenswood, W. Va., and of empty containers, on return, restricted to the transportation of the involved commodity "in special containers, on special trailers especially constructed to handle these containers," and further limited to a transportation service performed under a continuing contract with Kaiser Ravenswood Works Plant, of Ravenswood, W. Va., a division of Kaiser Aluminum & Chemical Corp., of Oakland, Calif. An Order of the Commission, Operating Rights Board No. 1, dated November 17, 1965, and served November 29, 1965, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of *molten aluminum*, from the plant site of the Kaiser Aluminum & Chemical Corp., at Ravenswood, W. Va., to Kokomo, Ind.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of

the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-9245 (Correction) (ORSCHELN BROS. TRUCK LINES, INC.—PURCHASE (PORTION)—IML FREIGHT, INC.), published in the November 3, 1965, issue of the FEDERAL REGISTER on page 13925. The following route description was inadvertently omitted from the operating rights sought to be transferred in the prior notice: *General commodities*, excepting, among others, household goods and commodities in bulk, between Springfield, Mo., and Lebanon, Mo., as an alternate route for operating convenience only, in connection with carrier's regular-route operations authorized between East St. Louis, Ill., and Springfield, Mo., serving no intermediate points, and serving Lebanon, Mo., for the purpose of joinder of routes only.

No. MC-F-9271. Authority sought for merger into MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa., 19050, of the operating rights and property of JAMES TRUCKING CO., Old Fort, Ohio, and for acquisition by MATLACK CORPORATION, and in turn by DUVERNEY B. MATLACK, EDWIN L. MATLACK, E. BROOKE MATLACK, JR., and ROBERT W. MATLACK, all of 10 West Baltimore Avenue, Lansdowne, Pa., 19050, of control of such rights and property through the transaction. Applicants' attorney: Maxwell A. Howell, 1120 Investment Building, 1511 K Street NW., Washington, D.C., 20005. Operating rights sought to be merged: *Chemicals*, in bulk, as a *common carrier*, over irregular routes, between Pittsburgh and Natrona, Pa., on the one hand, and, on the other, points in Ohio and West Virginia. MATLACK, INC. is authorized to operate as a *common carrier* in Maryland, Delaware, Pennsylvania, Virginia, New Jersey, New York, Ohio, West Virginia, North Carolina, Georgia, South Carolina, Indiana, Alabama, Missouri, Tennessee, Minnesota, Michigan, Illinois, Wisconsin, Kansas, Kentucky, Arkansas, Maine, Colorado, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, Florida, Louisiana, Mississippi, Iowa, Nebraska, Oklahoma, Texas, and the District of Columbia. Application has not been filed for temporary authority under Section 210a(b).

NOTE: Following consummation of the transaction in MC-F-9070, approving control, transferor will vacate its remaining authority, pursuant to order entered September 10, 1965, by the Commission, Finance Board No. 1.

No. MC-F-9272. Authority sought for purchase by DEAN VAN LINES, INC., 18420 South Santa Fe Avenue, Post Office Box 923, Long Beach 1, Calif., of the operating rights of PERRY MOVING & STORAGE, INC., 14 West Roy Street, Seattle, Wash., and for acquisition by DEAN VAN & STORAGE, INC., and DEAN INVESTMENT CO., and, in turn by A. E. DEAN, all of Long Beach 1, Calif., of control of such rights through the purchase. Applicants' attorneys and representative: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago, Ill., and Phelix Woempner, 14 West Roy Street, Seattle, Wash. Operating rights sought to be transferred: *Household goods* as defined by the Commission, as a *common carrier*, over irregular routes, between Seattle, Wash., and points within 25 miles of Seattle, on the one hand, and, on the other, points in Washington, Oregon, and Idaho. Vendee is authorized to operate as a *common carrier* in all States in the United States (except Alaska and Hawaii) and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9273. Authority sought for merger into LAKE SHORE DELIVERY, INC., 219 Brigham Road, Dunkirk, N.Y., of the operating rights and property of JACK COOGAN, INC., 417 Temple Street, Dunkirk, N.Y., and for acquisition by JOHN W. COOGAN, SR., 417 Temple Street, Dunkirk, N.Y., of control of such rights and property through the transaction. Applicants' attorney: Albert J. Tener, Bank of Jamestown Bldg., Jamestown, N.Y., 14701. Operating rights sought to be merged: *Household goods*, as defined by the Commission, as a *common carrier*, over irregular routes, between points in that part of Chautauqua County, N.Y., north of New York Highway 17, on the one hand, and, on the other, points in Ohio, Pennsylvania, and New Jersey. LAKE SHORE DELIVERY, INC., is authorized to operate as a *common carrier* in New York, Pennsylvania, and Ohio. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9274. Authority sought for control by RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard, Post Office Box 10837, Dallas, Tex., 75207, of STASI MOTOR FREIGHT, INC., 1401 Independence Avenue, Kansas City, Mo., and for acquisition by H. E. ENGLISH, also of Dallas, Tex., of control of STASI MOTOR FREIGHT, INC., through the acquisition by RED BALL MOTOR FREIGHT, INC. Applicants' attorney: Charles D. Mathews, Post Office Box 10837, Dallas, Tex., 75207. Operating rights sought to be controlled: *General commodities*, excepting among others, household goods, and commodities in bulk, as a *common carrier* over regular routes, between Levy, Ark., and Camp Joseph T. Robinson, Ark., between Palarm, Ark., and Camp Joseph T. Robinson, Ark., serving no intermediate points, between Kansas City, Kans., and Little Rock, Ark., serving intermediate and off-route points, with restriction: *packinghouse products*, from Kansas City, Kans., to Osceola, Ark., serving certain intermediate points; *packinghouse products*, including fresh meats, butter, oleomargarine and eggs, from Kansas City, Kans., to Memphis, Tenn., serving the intermediate point of Kansas City, Mo.; *cottonseed meal* and *cottonseed cake*, from Memphis, Tenn., to Kansas City, Kans., serving the intermediate point of Kansas City, Mo.; and *packinghouse products*, over irregular routes, from Kansas City, Kans., and Kansas City, Mo., to Jonesboro, Ark. RED BALL MOTOR FREIGHT, INC., is authorized to operate as a *common carrier* in Texas, Louisiana, Arkansas, New Mexico, Colorado, Oklahoma, Tennessee, Alabama, Mississippi, and Florida. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9275. Authority sought for purchase by HAGEN, INC., 4120 Floyd Street, Sioux City, Iowa, of the operating rights of GAIL W. DAHL AND FRED E. HAGEN, a partnership, doing business as DAHL TRUCK LINES, 4120 Floyd Street, Sioux City, Iowa, and for acquisition by FRED E. HAGEN, also of Sioux City, Iowa, of control of such rights through the purchase. Applicants' attorney: Donald E. Leonard, Post Office Box 2028, 605 South 14th, Lincoln, Nebr. Operating rights sought to be transferred: *Meats, packinghouse products, butter, eggs*, and *dressed poultry*, as a *contract carrier*, over regular routes, between Sioux City, Iowa, and Luverne, Minn., between Sioux City, Iowa, and Altamont, S. Dak., between Sioux City, Iowa, and Watertown, S. Dak., between Sioux City, Iowa, and Mountain Lake, Minn., serving certain intermediate and off-route points; *meats, meat products, and meat byproducts, dairy products, and articles distributed by meat packinghouses* (with exceptions where specified), as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and other related specified commodities, over irregular routes, from, to, and between certain specified points in Iowa, Minnesota, South Dakota, Nebraska, Montana, North Dakota, Wyoming, Idaho, and Oregon, with certain specified restrictions, as more specifically described in docket No. MC-109749 and subnumbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, in the entirety thereof. Vendee is authorized to operate as a *contract carrier* in Iowa, Illinois, Wisconsin, Nebraska, South Dakota, North Dakota, Wyoming, Minnesota, Montana, Kansas, Missouri, and Idaho. Application has not been filed for temporary authority under section 210a(b). NOTE: Docket No. MC-127042 (Sub-No. 10) is a matter directly related.

No. MC-F-9276. Authority sought for purchase by TRANSCON LINES, 1206 South Maple Avenue, Los Angeles, Calif., 90015, of the operating rights and property of KRAMER-CONSOLIDATED FREIGHT LINES, INC., 4195 Central Avenue, Detroit, Mich., 48210. Applicants' attorneys: Lee Reeder and W. E. Griffin, 1221 Baltimore, Kansas City, Mo., 64105, Courtney B. Rankin and Fred W. Freeman, 800 First National Building, Detroit, Mich., and Walter N. Bieneman, One Woodward Avenue, Suite 1700, Detroit, Mich. Operating rights sought to be transferred: *General commodities*, with certain specified exceptions, as a *common carrier*, over regular and irregular routes, from, to, and between specified points in the States of Illinois, Ohio, Michigan, Pennsylvania, New York, Maryland, New Jersey, Delaware, and the District of Columbia, with certain restrictions, serving various intermediate and off-route points, numerous alternate routes for operating convenience only, as more specifically described in docket No. MC-3261 and subnumbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating in full, the entirety, therof. Applicant also proposes to purchase those rights sought in pending docket No. MC-3261 Sub-No. 33, transporting general commodities (except those of unusual value, livestock, classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), as a common carrier, over regular routes, between certain specified points in Michigan, serving all intermediate and certain off-route points. Vendee is authorized to operate as a *common carrier* in Missouri, Illinois, Kansas, Indiana, Oklahoma, New Mexico, Ohio, Virginia, California, Texas, Arizona, Tennessee, Alabama, Georgia, and Mississippi. Application has not been filed for temporary authority under section 210a(b). NOTE: Docket No. F.D. 23902 was filed concurrently.

No. MC-F-9277. Authority sought for purchase by DEATON TRUCK LINE, INC., 3409 10th Avenue North, Birmingham, Ala., of a portion of the operating rights of POPLARVILLE TRUCK LINE, INC., Post Office Box 26125, New Orleans, La., and for acquisition by DEATON, INC., also of Birmingham, Ala., of control of such rights through the purchase. Applicants' attorneys: A. Alvis Layne, Pennsylvania Building, Washington, D.C., and John Paul Jones, 189 Jefferson Avenue, Memphis, Tenn. Operating rights sought to be transferred: *General commodities*, except those of unusual value, and except class A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *commmon carrier*, over irregular routes, between Poplarville, Miss., on the one hand, and, on the other, points in Louisiana, within 200 miles of Poplarville. Vendee is authorized to operate as a *common carrier* in Alabama, Georgia, Florida, South Carolina, North Carolina, Kentucky, Tennessee, Mississippi, Louisiana, Texas, Arkansas, Oklahoma, Missouri, Virginia, New Mexico, Colorado, Ohio, and Indiana. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9278. Authority sought for control by GULF REFRIGERATED EXPRESS, INC., 13990 West 30th Avenue, Golden, Colo., of LABERTEW TRUCKING, INC., 5110 Race Street, Denver, Colo., 80216, and for acquisition by RONALD W. WATTERS, also of Golden, Colo., of control of LABERTEW TRUCKING, INC., through the acquisition by GULF REFRIGERATED EXPRESS, INC. Applicants' attorney: Leslie R. Kehl, 420 Denver Club Building, Denver, Colo., 80202. Operating rights sought to be controlled: *Bananas*, as a *common carrier*, over irregular routes, from New Orleans, La., and Mobile, Ala., to Denver, Colorado Springs, and Pueblo, Colo. GULF REFRIGERATED EXPRESS, INC., holds no authority from this Commission. However, it controls DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 5135 York Street, Post Office Box 16021, Denver, Colo., which is authorized to operate as a *common carrier* in Colorado, New Mexico, Texas, Louisiana, Florida, Oklahoma, Alabama, Mississippi, Wyoming, Nebraska, Arkansas, Kansas, Arizona, California, North Dakota, South Dakota, Oregon, Washington, Idaho, Nevada, Montana, Utah, Georgia, and Tennessee. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9279. Authority sought for purchase by LIBERTY TRANSFER COMPANY, INC., 1601 Cuba Street, Baltimore, Md., of the operating rights of RED CIRCLE FREIGHT LINES, INC., 1615 Cuba Street, Baltimore, Md., and for acquisition by W. ELMER CONSTANTINE, also of Baltimore, Md., of control of such rights through the purchase. Applicants' attorney: S. Harrison Kahn, 733 Investment Building, Washington, D.C. Operating rights sought to be transferred: *Canned food products*, as a *contract carrier*, over irregular routes, from Baltimore, Md., to New York, N.Y., and certain specified points in New Jersey; from Baltimore, Md., to Fair Lawn, N.J. Restriction: The operations authorized herein immediately above, are limited to a transporation service to be performed, under a continuing contract, or contracts, with The Great Atlantic and Pacific Tea Co., Inc., of New York, N.Y.; *washing, cleaning and polishing materials and compounds, and empty containers and supplies* used in connection therewith, from Passaic, N.J., to Baltimore, Md., and Washington, D.C.; with persons (as defined in section 203(a) of the Interstate Commerce Act) who operate retail stores, the business of which is the sale of food, for the transportation of the commodities indicated and in the manner described below: *such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, *equipment, materials* and *supplies* used in the conduct of such business, from Brooklyn, N.Y., to Baltimore, Md.; and with persons (as defined in section 203(a) of the Interstate Commerce Act) who operate wholesale, retail, and chain grocery and food business houses, the business of which is the sale of food, for the transportation of the commodities indicated and in the manner specified below:

Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials* and *supplies*, used in the conduct of such business, between points in the NEW YORK, N.Y., commercial zone, as defined by the Commission in 1 M.C.C. 665, on the one hand, and, on the other, certain specified points in New Jersey; *such merchandise* as is dealt in by retail grocery stores, and *materials, supplies and equipment* used in the conduct of such business, from points in the New York commercial zone as defined by the Commission, except Brooklyn, N.Y., to Baltimore, Md.; *green coffee beans*, from Baltimore, Md., to Brooklyn, N.Y.; and *frozen fruits* and *frozen berries*, from Baltimore, Md., to Newark, N.J., and points in the New York, N.Y., commercial zone, as defined by the Commission. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with the following shippers: The Great Atlantic & Pacific Tea Co., New York, N.Y., Southern Packing Co., Baltimore, Md. Vendee is authorized to operate as a *contract carrier* in Maryland, Delaware, New York, Pennsylvania, New Jersey, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9280. Authority sought for purchase by FEUER TRANSPORTATION, INC., Federal and Knowles Streets, Yonkers, N.Y., 10702, of a portion of the operating rights of L. T. STEVENSON MOTOR LINES, INC., 11 West 42d Street, New York, N.Y., 10036, and for acquisition by JORDAN LIPPNER, also of Yonkers, N.Y., of control of such rights through the purchase. Applicants' attorneys: Zelby & Burstein, 160 Broadway, New York, N.Y., 10038, William D. Traub, 10 East 40th Street, New York, N.Y., 10016, and Nachamie & Benjamin, 11 West 42d Street, New York, N.Y., 10036. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between points in the NEW YORK, N.Y., commercial zone, as defined by the Commission in 1 M.C.C. 665, on the one hand, and, on the other, points in Nassau and Suffolk Counties, N.Y., and those in that part of Fairfield County, Conn., on and west of a line beginning at the New York-Connecticut State line and extending along Connecticut Highway 29 to Long Island Sound. Vendee is authorized to operate as a *common carrier*, in New Jersey, New York, and Connecticut.

Application has been filed for temporary authority under section 210a(b).

No. MC–F–9282. Authority sought for purchase by CALHOUN TRUCKING COMPANY, INC., 4325 Bath Street, Philadelphia, Pa., 19137, of the operating rights of DELAWARE INTERSTATE EXPRESS CO., 919 Glenview Street, Philadelphia, Pa., and for acquisition by LEO HOLT, SR., 6810 Roosevelt Boulevard, Philadelphia, Pa., of control of such rights through the purchase. Applicants' attorneys: Morris J. Winokur 1920 Two Penn Center Plaza, Philadelphia, Pa., 19102, and Raymond A. Thistle, Jr., Suite 1408–09, 1500 Walnut Street, Philadelphia, Pa., 19102. Operating rights sought to be transferred: *General commodities*, except those of unusual value, dairy products as defined by the Commission, class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier*, over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other, Wilmington, and Yorklyn, Del., between Philadelphia, Pa., on the one hand, and, on the other, certain specified points in New Jersey; *general commodities*, except those of unusual value, classes A and B explosives, alcoholic liquors, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Ocean City, N.J., and points within 10 miles of Ocean City other than Atlantic City, N.J., on the one hand, and, on the other, certain specified points in Pennsylvania.

General commodities, except those of unusual value, classes A and B explosives, alcoholic beverages, film, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Philadelphia, Pa., on the one hand, and, on the other, Points in Cape May County, N.J.; *groceries*, from Philadelphia, Pa., to points in that part of New Jersey south of U.S. Highway 30, with exceptions; and *petroleum products*, in containers, from Marcus Hook, Pa., and Claymont, Del., to Hammonton, Pleasantville, and Atlantic City, N.J. Vendee holds no authority from this Commission. However, by report and order, dated July 23, 1965, by the Commission, Finance Board No. 1, in docket No. MC–F–8940, CALHOUN TRUCKING COMPANY, INC., was authorized to purchase the operating rights and property of (1) LEO HOLT, doing business as HOLT'S MOTOR EXPRESS; (2) JOSEPH CALHOUN, doing business as CALHOUN TRUCKING COMPANY; and of the operating rights of (3) HOLT MOTOR EXPRESS, INC., all of Philadelphia, Pa., which are authorized to operate as *common carriers*, in: (1) Pennsylvania, New York, New Jersey, Maryland, and Delaware; (2) Pennsylvania, New Jersey, Delaware, Maryland, New York, and the District of Columbia; and (3) Pennsylvania. Application has been filed for temporary authority under section 210a (b).

No. MC–F–9283. Authority sought for purchase by VAN CURLER TRUCKING CORP., 121 La Grange Avenue, Rochester, N.Y., 14613, of the operating rights and property of HENRY A. CLOSSER, doing business as CLOSSER'S ROCHESTER-OSWEGO & FULTON EXPRESS LINES, 719 Ridge Road West, Ontario, N.Y., 14519, and for acquisition by CHARLES A. BOMRAD, also of Rochester, N.Y., 14613, of control of such rights and property through the purchase. Applicants' representative: Raymond A. Richards, 35 Curtice Park, Webster, N.Y., 14580. Operating rights sought to be transferred: Under a certificate of registration, in docket No. MC–34052 (Sub-No. 2), covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of New York. Vendee is authorized to operate as a *common carrier* in New York. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9284. Authority sought for purchase by M & M TANK LINES, INC., Post Office Box 4174, North Station, Winston-Salem, N.C., 27102, of a portion of the operating rights of FALWELL FAST FREIGHT, INC., 3915 Campbell Avenue, Lynchburg, Va., and for acquisition by S. H. MITCHELL, Post Office Box 612, Winston-Salem, N.C., of control of such rights through the purchase. Applicants' attorney and representative: A. W. Flynn, Jr., Post Office Box 127, Greensboro, N.C., 27402, and Frank C. Philips, Post Office Box 612, Winston-Salem, N.C., 27102. Operating rights sought to be transferred: *Petroleum products*, in bulk, in tank trucks, as a *common carrier*, over irregular routes, from Greensboro, N.C., and points within 15 miles of Greensboro, to points in Halifax, Henry, Wythe, Montgomery, Roanoke, Campbell, Rockbridge, Allegheny, and Pittsylvania Counties, Va., from Richmond, Va., to Caldwell, W. Va., from Friendship, N.C., to Honaker, Bedford, and Galax, Va.; *petroleum and petroleum products*, as described in appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from points in York County, Va., to points in Delaware, Maryland, North Carolina, West Virginia, and the District of Columbia; and *asphalt* and *asphalt products*, in bulk, in tank vehicles, from Greensboro, N.C., to points in Virginia (except points in Halifax, Henry, Wythe, Montgomery, Roanoke, Campbell, Rockbridge, Allegheny, and Pittsylvania Counties), West Virginia, and points in Kentucky and Tennessee on and east of a line beginning at Covington, Ky., at the Ohio River and U.S. Highway 27, extending southerly along U.S. Highway 27, through Kentucky and Tennessee to the Tennessee-Georgia State line. Vendee is authorized to operate as a *common carrier* in South Carolina, Virginia, North Carolina, Georgia, Tennessee, New Jersey, and Florida. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9285. Authority sought for purchase by WOOSTER EXPRESS, INC., Post Office Box 1469, Hartford, Conn., of the operating rights of ALBERT KROSNOSKI, doing business as AMBOY EXPRESS, Sayreville, N.J., and for acquisition by JOSEPH RAVALESE, 1028 Farmington Avenue, West Hartford, Conn., PATSY RAVALESE, 39 Hunter Drive, West Hartford, Conn., and JOSEPH RAVALESE, JR., 111 Meadow Lane, West Hartford, Conn., of control of such rights through the purchase. Applicants' attorney: Russell P. Sage, 2001 Massachusetts Avenue NW., Washington, D.C., 20036. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between New York, N.Y., and Philadelphia, Pa., serving the intermediate point of Trenton, N.J., restricted to traffic moving to or from points other than New York, N.Y., all other intermediate points without restriction and off-route points within 10 miles of the above-specified portions of U.S. Highway 1 and New Jersey Highway 25; *shirts, piece goods, pajamas, thread, trimmings, buttons, underwear, leather, paper, glass* and *metal frames*, over irregular routes, between Jersey City, Newark, Elizabeth, Linden, Rahway, Perth Amboy, and Fords, N.J., on the one hand, and, on the other, New York, N.Y.; *handkerchiefs*, from South River, N.J., to New York, N.Y.; and *machinery, equipment*, and *supplies*, used or useful in the manufacture of shirts and handkerchiefs, from New York, N.Y., to Perth Amboy and South River, N.J. Vendee is authorized to operate as a *common carrier* in Massachusetts, New Jersey, and Connecticut. Application has been filed for temporary authority under section 210a(b).

No. MC–F–9286. Authority sought for purchase by CLAREMONT MOTOR LINES, INC., Post Office Box 702, Claremont, N.C., of a portion of the operating rights of J & M TRANSPORTATION CO., INC., Post Office Box 589, Americus, Ga., and for acquisition by LOY THOMAS MILLER and DALE MAURICE MILLER, both also of Claremont, N.C., of control of such rights through the purchase. Applicants' attorney: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga., 30303. Operating rights sought to be transferred: *Salt and salt products*, and *pepper*, in packages, when transported in mixed loads with salt and salt products, as a *common carrier*, over irregular routes, from Marysville and St. Clair, Mich., and Rittman and Akron, Ohio, to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, and Virginia; and *animal and poultry* mineral feed mixtures, in packages, in mixed loads with salt and salt products, from Rittman, Ohio, and Marysville, Mich., to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, and Virginia. Vendee is authorized to operate as a *common carrier* in North Carolina, Ohio, Virginia, West Virginia, and Maryland. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65–13114; Filed, Dec. 7, 1965; 8:47 a.m.]

[Notice 854]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

DECEMBER 3, 1965.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

Special notice. The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below:

SPECIAL RULES OF PROCEDURE FOR HEARING

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 107496 (Sub-No. 433), filed November 22, 1965. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Des Moines, Iowa, 50309. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bulk, from the plant site of Mid-South Chemical Co. at or near Peoria, Ill., to points in Iowa, Indiana, Michigan, Minnesota, Missouri, Ohio, South Dakota, and Wisconsin. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

HEARING: January 17, 1966, at the U.S. Court House & Federal Office Building, 219 South Dearborn Street, Chicago, Ill., before Examiner Edith H. Cockrill.

No. MC 127215 (Sub-No. 14), filed November 19, 1965. Applicant: KENDRICK CARTAGE CO., a corporation, Salem, Ill. Applicant's representative: Thomas F. Kilroy, 1815 H Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, nitrogen fertilizer solution, aqua ammonia*, in bulk, in tank vehicles, and *fertilizer and fertilizer ingredients*, in bulk, (1) from the plant sites of the Midsouth Chemical Co. and Tuloma Gas Products Co., located at or near Peoria, Ill., to points in Iowa, Indiana, Michigan, Minnesota, Missouri, Ohio, South Dakota, and Wisconsin, and (2) from the plant site of the Tuloma Gas Products Co. at Burlington, Iowa, to points in Illinois, Indiana, Michigan, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin. NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit MC 110117, and subs thereunder, therefore dual operations may be involved.

HEARING: January 17, 1966, at the U.S. Courthouse & Federal Office Building, 219 South Dearborn Street, Chicago, Ill., before Examiner Edith H. Cockrill.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65–13115; Filed, Dec. 7, 1965; 8:47 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

DECEMBER 3, 1965.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

State Docket No. assigned 33557, filed November 9, 1965. Applicant: PUTNAM TRANSFER & STORAGE CO., 1502 Woodlawn Avenue, Zanesville, Ohio. Applicant's representative: Robert N. Krier, 50 West Broad Street, Columbus, Ohio. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of: *Property*, over irregular routes, from and to points and places in Hopewell Township, Perry County, Ohio.

HEARING: December 21, 1965 at 10 a.m. e.s.t., at the offices of the Public Utilities Commission of Ohio, 111 North High Street, Columbus, Ohio. Requests for procedural information including the time for filing protests, concerning this application should be addressed to the Public Utilities Commission of Ohio, 111 North High Street, Columbus, Ohio, and should not be directed to the Interstate Commerce Commission.

State Docket No. assigned 33566, filed November 12, 1965. Applicant: D. G. & M. MOTOR FREIGHT, INC., 4701 Silverwood Drive, Kettering, Ohio. Applicant's representative: William V. Blake, 123 Glencoe Road, Columbus, Ohio, 43214. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of: *Property*, over *regular routes*, between Dayton, Ohio and Georgetown, Manchester and Waynesville, Ohio: From Dayton, Ohio, to Xenia, Ohio, over U.S. Highway 35, thence from Xenia, Ohio, over U.S. Highway 68 to Georgetown, Ohio, and return over the same route; from Dayton, Ohio, to Wilmington, Ohio, over Ohio Highway 48 to the junction of Ohio Highway 48 and Ohio Highway 73, thence over Ohio Highway 73 to Wilmington, Ohio, and return over the same route; from Georgetown, Ohio, to Manchester, Ohio, over Ohio Highway 125 to junction of Ohio Highway 125 and Ohio Highway 136, thence over Ohio Highway 136, and return over the same route; from Georgetown, Ohio, to Manchester, Ohio, over U.S. Highway 68 to junction of U.S. Highway 68 and U.S. Highway 52, thence over U.S. Highway 52 and return over the same route. Restricted to service at: Georgetown, Manchester, Waynesville and Dayton, Ohio.

HEARING: December 21, 1965, at 10 a.m., e.s.t., at the Public Utilities Commission of Ohio, 111 North High Street, Columbus, Ohio. Requests for procedural information including the time for filing protests, concerning this application should be addressed to the Public Utilities Commission of Ohio, 111 North High Street, Columbus, Ohio, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65–13116; Filed, Dec. 7, 1965; 8:47 a.m.]

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PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show the exception under Schedule C of the position of Confidential Assistant to the Assistant Secretary for Education. Effective on publication in the FEDERAL REGISTER, paragraph (j), subparagraph (1) is added to § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

• • • • • •

(j) *Office of the Assistant Secretary for Education.* (1) One Confidential Assistant to the Assistant Secretary for Education.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65–13191; Filed, Dec. 8, 1965; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[849.2, Rev. 2, Amdt. 2]

PART 849—DOMESTIC BEET SUGAR PRODUCING AREA PREVENTED ACREAGE CREDIT; 1964 AND SUBSEQUENT CROPS

Scope and Purpose

Pursuant to the provisions of section 302(b) of the Sugar Act of 1948, as amended, paragraph (c)(2) of § 849.2, Rev. 2 (29 F.R. 8253) is amended to read as follows:

§ 849.2 Scope and purpose.

• • • • • •

(c)(2) *Prevented acreage credit.* Prevented acreage shall not be credited to a farm or in a personal history area to a farm operator commencing with the crop year 1966 and subsequent crop years when proportionate shares are determined for any such crop year for the Domestic Beet Sugar Area.

• • • • • •

Statement of bases and considerations. Section 302(b)(5) of the Act provides as follows: "Whether farm proportionate shares are or are not determined, the Secretary shall, insofar as practicable, protect the interest of producers who are cash tenants, share tenants, adherent planters, or sharecroppers and of the producers in any local producing area whose past production has been adversely, seriously, and generally affected by drought, storm, flood, freeze, disease, insects, or other similar abnormal and uncontrollable conditions."

The regulations in § 849.2 implement the above quoted statutory provisions pertaining to protection of a producers past production history.

The following new subparagraph (8) was added to subsection (b) of section 302 of the Act by the Sugar Act Amendments of 1965: "In order to protect the sugarbeet production history of farm operators (or farms) who in any crop year, because of a crop rotation program or for reasons beyond their control, are unable to utilize all or a portion of the farm proportionate share acreage established pursuant to this section, the Secretary may reserve for a period of not more than 3 crop years the production history of any such farm operators (or farms) to the extent of the farm proportionate share acreage released. The proportionate share acreage so released may be reallotted to other farm operators (or farms) but no production history shall accrue to such other farm operators (or farms) by virtue of such reallocation of the proportionate share acreage so released."

Prior to 1966, a farm or farm operator (in a personal history area) was given prevented acreage credit under § 849.2 when the Agricultural Stabilization and Conservation County Committee determined that the producer was prevented from seeding sugarbeets on a farm for the production of sugar or liquid sugar in an approved local producing area because of drought, storm, freeze, flood, disease, insects, or because of other similar abnormal and uncontrollable conditions. The acreage unused by a producer receiving prevented acreage credit could be reallocated to another producer who would receive credit for such acreage utilized thus resulting in an inflation of farm bases to the extent of the acreage utilized by such producer.

I find it is not practicable or necessary to provide for prevented acreage credit under section 302(b)(5) of the Act when proportionate shares are in effect in view of the provision of section 302(b)(8) of the Act which will afford the same protection when proportionate shares are in effect, to a producer who is prevented from planting all or part of his proportionate share because of a crop rotation program or reasons beyond his control, and since such subparagraph (8) requires that production history will not accrue by virtue of reallocation of released proportionate share acreage. This protection under section 302(b)(8) of the Act is afforded the farm or farm operator on an individual farm basis and eliminates the requirement that the local producing area qualify for prevented acreage credit to the farm or farm operator. In addition, this protection may extend for two years after the original claim is approved. Regulations implementing section 302(b)(8) of the Act are set forth under Part 895 of Chapter VIII, Title 7 of the Code of Federal Regulations.

Accordingly, I hereby find and conclude that this determination will effectuate the applicable provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Effective date. Date of publication.

Signed at Washington, D.C., on December 3, 1965.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65–13186; Filed, Dec. 8, 1965; 8:48 a.m.]

PART 895—RELEASE AND REALLOTMENT OF SUGARBEET PROPORTIONATE SHARE ACREAGE, 1966 AND SUBSEQUENT CROPS

Pursuant to the provisions of the Sugar Act of 1948, as amended, Chapter VIII of Title 7 of the Code of Federal Regulations is amended by adding a new Part 895, as above entitled, and by adding new §§ 895.1 to 895.6 containing certain provisions relating to Determination of Proportionate Shares, as follows:

Sec.
895.1 Scope and purpose.
895.2 Definitions.
895.3 Limitation and retention of accredited acreage credit.
895.4 Notice and right to appeal.
895.5 Reallotment of released acreage.
895.6 No accredited acreage credit for reallotted released acreage.

AUTHORITY: The provisions of this Part 895 issued pursuant to sec. 302 of the Sugar Act of 1948, as amended; sec. 403, 61 Stat. 932; 7 U.S.C. 1153, secs, 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132.

§ 895.1 Scope and purpose.

The provisions of this Part 895 are applicable only in the Domestic Beet Sugar Area when proportionate shares are in effect for a current crop year in such area and provide for protecting the production history of farms and individual operators for a period of not more than 3 years who in any crop year, because of a crop-rotation program or for

reasons beyond their control, are unable to utilize all or a portion of the farm proportionate share acreage established pursuant to section 302 of the Sugar Act of 1948, as amended. The proportionate share acreage so released may be reallotted to other producers, but no production history shall accrue to such other producers or farms by virtue of such reallocation of the proportionate share acreage so released.

§ 895.2 Definitions.

(a) "Secretary," "Deputy Administrator," "State Committee," "County Committee," "Producer," and "Operator" shall have the meaning set forth in Part 891 of this chapter.

(b) "DASCO," "Accredited Acreage," "Personal History Area," "Farm History Area," and "Proportionate Share" shall have the meaning contained in regulations effective for the crop year in which acreage is released and set forth in Part 850 of this chapter.

(c) "Share or portion thereof eligible for release" means the number of acres of the farm proportionate share initially established for the farm as adjusted by appeal (or tentative share in a personal history area), which the Agricultural Stabilization and Conservation County Committee determines will not be planted on a farm in any crop year subsequent to 1965, because of a crop rotation program or for other reasons beyond the control of the producer.

§ 895.3 Limitation and retention of accredited acreage credit.

(a) The number of proportionate share acres released and approved by the county committee for 1966 or for a subsequent year for credit to a farm or farm operator shall be the share or portion thereof eligible for release.

(b) Accredited acreage credit shall be given beginning with the 1966 crop year to a farm (or farm operator in a personal history area) releasing the acreage, equal to the share or portion thereof eligible for release for a period not to exceed 3 consecutive years including the crop year in which released: *Provided*, That the operator of the farm (or person in personal history area who has a personal accredited acreage record) releases such share or portion thereof by executing Form SU-105, at the ASCS county office of the county in which the headquarters of the farm is located. Such a release shall be executed for each individual crop year when proportionate shares are in effect but not to exceed 3 consecutive crop years.

(c) The release must be filed prior to a date determined and published by the State committee as the date beyond which sugarbeets are not normally seeded in the area, except that if the county committee finds that the eligible producer was prevented from filing a release by such date for reasons beyond his control, his claim as filed subsequently may be considered.

§ 895.4 Notice and right to appeal.

(a) In each case in which the county committee determines that the facts do not justify approval of the release of a share or part thereof the county committee shall notify the person filing the release of such determination giving the basis for such decision.

(b) Such notification shall inform the producer of his right to appeal, under Part 780 of Chapter VII of this title.

§ 895.5 Reallotment of released acreage.

The acreage resulting from the release of all or a portion of the shares pursuant to this Part 895 may be reallotted to other farms in the area on which additional acreage may be utilized or to farms in other allotment areas in the State subject to conditions in § 895.6 and in the same manner as provided for the distribution of unused proportionate share acreage in Part 850 of this chapter effective for the crop year in which the released acreage is reallotted.

§ 895.6 No accredited acreage credit for reallotted released acreage.

A farm on which the reallotted released acreage (as approved pursuant to this Part 895) is used, or the operator of such farm in a personal history area, will not receive accredited acreage credit for such utilized acreage. Likewise, recognition will not be given to such reallotted acreage in establishing State allocations or area allotments.

Statement of bases and considerations—General. Under the Sugar Act Amendments of 1965, a new subparagraph 8, of paragraph (b) of section 302 was added. This subparagraph provides that:

(8) In order to protect the sugarbeet production history for farm operators (or farms) who in any crop year, because of a crop-rotation program or for reasons beyond their control, are unable to utilize all or a portion of the farm proportionate share acreage established pursuant to this section, the Secretary may reserve for a period of not more than 3 crop years the production history for any such farm operators (or farms) to the extent of the farm proportionate share acreage released. The proportionate share acreage so released may be realloted to other farm operators (or farms) but no production history shall accrue to such other farm operators (or farms by virtue of such reallocation of the proportionate share acreage so released.

Determination. This determination provides that when a farm operator (or farm) releases, in any year when proportionate shares are in effect, all or a part of the proportionate share established for his farm which he is unable to utilize because of a crop rotation program or for other reasons beyond his control, such farm operator (or farm) will receive history credit, if approved, for the proportionate share acreage released. The operator of the farm for which the share is established must make application on Form SU-105 to the county committee for the county in which the headquarters of the farm is located stating the reason why he is releasing all or a part of such share. If the county committee determines that the operator did not plant all or a part of his share because of the unavailability of land to maintain a crop rotation program which would enable him to plant all or a part of his proportionate share, or for reasons beyond his control, production history credit will accrue to the farm operator (or farm) for such year, and the succeeding 2 years, upon execution of Form SU-105, and the county committee approves released share acreage for history credit.

The acreage so released can be redistributed to other farms in the allotment area that can utilize such acreage, or it can be redistributed to other allotment areas in the State in accordance with instructions issued by the State Committee. Any farm operator (or farm) utilizing such released proportionate share acreage will not receive production history acreage credit for the acreage so utilized. Likewise, recognition will not be given to such realloted acreage in establishing State allocations or area allotments.

Accordingly, I hereby find and conclude the the aforestated determination will effectuate the applicable provisions of the Act.

Effective date. Date of publication.

Signed at Washington, D.C., on December 3, 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-13159; Filed, Dec. 8, 1965; 8:46 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 913—GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT IN FLORIDA

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AUTHORITY: The provisions of this Part 913, inclusive, issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

§ 913.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Lakeland, Fla., June 28, 1965, upon a proposed marketing agreement and a proposed marketing order regulating the handling of grapefruit grown in the Interior District in Florida. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) This order, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) This order regulates the handling of grapefruit grown in the Interior District in Florida in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed marketing agreement and order upon which a hearing has been held;

(3) This order is limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of grapefruit grown in the Interior District in Florida which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of grapefruit grown in the Interior District, as defined in this order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is hereby found on the basis hereinafter indicated that good cause exists for making the provisions of this order effective December 20, 1965, and that it would be contrary to the public interest to postpone such effective date until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011). As soon as practicable after such effective time, and prior to imposition of regulations it will be necessary for the Interior Grapefruit Marketing Committee, the agency charged with administration of the program, and the Secretary to initiate and complete various actions of both organizational and regulatory natures, including the formulation and promulgation of rules and regulations to govern operations under the program. Shipments of grapefruit normally extend from late September into May. The period of seasonally heavy shipments has already begun and, historically, extends into April. Hence, for the program to be of maximum benefit during the 1965-66 shipping season the order should be made effective on December 20, 1965, the earliest practicable date. The provisions of the order are well known to handlers of Interior grapefruit since the public hearing held in connection with the order was completed June 28, 1965, and the recommended decision and the Secretary's decision were published in the FEDERAL REGISTER on October 22, 1965 (30 F.R. 13443), and November 13, 1965 (30 F.R. 14274), respectively. Copies of the regulatory provisions of this order were made available to all known interested parties; such provisions do not place any restrictions on handlers until regulations are issued thereunder and shipment of grapefruit takes place; and, therefore, compliance with such provisions will not require advance preparation on the part of persons subject thereto which cannot be completed prior to the effective date of regulation pursuant thereto.

(c) *Determinations.* It is hereby determined that:

(1) A marketing agreement regulating the handling of grapefruit grown in the Interior District in Florida, upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the grapefruit covered by this order) who, during the period August 1, 1964, through July 31, 1965, handled not less than 50 percent of the volume of grapefruit covered by this order; and

(2) The issuance of this order is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (August 1, 1964, through July 31, 1965), were engaged, within the production area specified in this order, in the production of grapefruit for market; such producers having also produced for market at least two-thirds of the volume of grapefruit represented in such referendum.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of grapefruit grown in the said Interior District shall be in conformity to, and in compliance with, the terms and conditions of this order; and such terms and conditions are as follows:

DEFINITIONS

§ 913.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 913.2 Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (Sec. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

§ 913.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 913.4 Fruit or grapefruit.

"Fruit" or "grapefruit" means any or all varieties of Citrus Paradisi, MacFadyen, grown in the Interior district in the State of Florida.

§ 913.5 Handler or shipper.

"Handler" is synonymous with "shipper" and means any person (except a common or contract carrier transporting grapefruit owned by another person) who, as owner, agent, or otherwise, handles grapefruit in fresh form, or causes grapefruit to be so handled.

§ 913.6 Handle or ship.

"Handle" or "ship" means to sell or transport grapefruit, or in any other way to place grapefruit in the current of commerce between the regulation area and any point outside thereof in the United States, Canada, or Mexico.

§ 913.7 Standard packed box.

"Standard packed box" means a unit or measure equivalent to one and three-fifths ($1\frac{3}{5}$) United States bushels of grapefruit, whether in bulk or in any container.

§ 913.8 Fiscal period.

"Fiscal period" means the period of time from August 1, of any year until July 31, of the following year, both dates inclusive: *Provided*, That the initial fiscal period shall begin on the effective date of this part.

§ 913.9 Committee.

"Committee" means Interior Grapefruit Marketing Committee.

§ 913.10 Regulation area.

"Regulation area" means that portion of the State of Florida which is bounded by the Suwannee River, the Georgia border, the Atlantic Ocean, and the Gulf of Mexico.

§ 913.11 Interior district or district.

"Interior district" or "district" means the production area comprised of the following areas in the State of Florida: The counties of Hillsborough, Pinellas, Manatee, Citrus, Sumter, Hernando, Pasco, Lake, Orange, Osceola, Seminole, Alachus, Putnam, St. Johns, Flagler, Marion, Levy, Duval, Nassau, Baker, Union, Bradford, Columbia, Clay, Gilchrist, Suwannee, Polk, Hardee, Sarasota, Monroe, Highlands, Okeechobee, Glades, De Soto, Charlotte, Lee, Hendry, Collier, Dade, Broward and County Commissioner's Districts One,

Two and Three of Volusia County and shall include the portions of the Counties of Brevard, Indian River, Martin, and Palm Beach except as particularly described as follows: Beginning at a point on the shore of the Atlantic Ocean where the line between Flagler and Volusia Counties intersects said shore, thence follow the line between said two counties to the southwest corner of Section 23, Township 14 South, Range 31 East; thence continue south to the southwest corner of Section 35, Township 14 South, Range 31, East; thence east to the northwest corner of Township 18 South, Range 32 East; thence south to the southwest corner of Township 17 South, Range 32 East; thence east to the northwest corner of Township 18 South, Range 33 East, thence south to the St. Johns River; thence along the main channel of the St. Johns River and through Lake Harney, Lake Poinsett, Lake Winder, Lake Washington, Sawgrass Lake, and Lake Helen Blazes to the range line between Ranges 35 East and 36 East; thence south to the south line of Brevard County; thence east to the line between Ranges 36 East and 37 East; thence south to the southwest corner of St. Lucie County; thence east to the line between Ranges 39 East and 40 East; thence south to the south line of Martin County, thence east to the line between Ranges 40 East and 41 East; thence south to the West Palm Beach Canal (also known as the Okeechobee Canal); thence follow said canal eastward to the mouth thereof; thence east to the shore of the Atlantic Ocean; thence northerly along the shore of the Atlantic Ocean to the point of beginning.

ADMINISTRATIVE BODY

§ 913.20 Establishment and membership.

There is hereby established an Interior Grapefruit Marketing Committee. The members and alternates of such committee shall be those members and alternates of the Growers Administrative Committee and Shippers Advisory Committee, selected under Order No. 905 (7 CFR Part 905), whose residence and principal place of business are in the Interior district: *Provided*, That in the event the membership of such committees is not selected as aforesaid, the Secretary may select the members and alternate members of the Interior Grapefruit Marketing Committee until such time as a method for the selection of the membership of such committee is prescribed in the provisions of this Part.

§ 913.21 Inability of members to serve.

An alternate for a member of the committee shall act in the place and stead of such member (a) in his absence, or (b) in the event of his removal, resignation, disqualification, or death, and until a successor for his unexpired term has been selected.

§ 913.22 Powers of the Interior Grapefruit Marketing Committee.

The committee, in addition to the power to administer the terms and provisions of this subpart, as provided in this subpart, shall have the power (a) to make, only to the extent specifically permitted by the provisions contained in this subpart, administrative rules and regulations; (b) to receive, investigate, and report to the Secretary complaints of violations of this subpart; and (c) to recommend to the Secretary amendments to this subpart.

§ 913.23 Duties of the Interior Grapefruit Marketing Committee.

It shall be the duty of the committee:

(a) To select a chairman from its membership, and to select such other officers and adopt such rules and regulations for the conduct of its business as it may deem advisable;

(b) To keep minutes, books, and records which will clearly reflect all of its acts and transactions, which minutes, books, and records shall at all times be subject to the examination of the Secretary;

(c) To act as intermediary between the Secretary and producers and handlers;

(d) To furnish the Secretary with such available information as he may request;

(e) To appoint such employees as it may deem necessary and to determine the salaries and define the duties of such employees;

(f) To cause its books to be audited by one or more certified or registered public accountants at least once for each fiscal period, and at such other times as it deems necessary or as the Secretary may request, and to file with the Secretary copies of all audit reports;

(g) To prepare and publicly issue a monthly statement of financial operations of the committee; and

(h) To provide an adequate system for determining the total crop of grapefruit, and to make such determinations, as it may deem necessary, or as may be prescribed by the Secretary, in connection with the administration of this subpart.

§ 913.24 Compensation and expenses of committee members.

The members and alternate members of the committee shall serve without compensation but may be reimbursed for expenses necessarily incurred by them in attending committee meetings and in the performance of their duties under this subpart.

§ 913.25 Procedure of committee.

(a) Except as provided in paragraphs (b) and (c) of this section, a majority of the members shall constitute a quorum and any decision or action shall require concurrence by a majority of the committee.

(b) For any recommendation for regulations to be valid, not less than 60 percent of the committee shall concur, except as provided for in paragraph (c) of this section.

(c) Not less than 75 percent of the committee shall concur to make a recommendation for regulations for any week following three or more weeks of continuous regulations. The requirements of this paragraph shall not apply to recommendations to amend an existing regulation.

(d) The vote of each member cast for or against any recommendations made pursuant to this subpart, shall be duly recorded. Each member must vote in person.

(e) In the event any member of the committee and his alternate are not present at any meeting of the committee, any alternate present who is not acting for any other member may be designated by the chairman of the committee, to serve in the place and stead of the absent member.

(f) The committee shall give to the Secretary the same notice of meetings of the committee as is given to the members thereof.

§ 913.26 Funds.

(a) All funds received by the committee pursuant to the provisions of this subpart shall be used solely for the purposes herein specified and shall be accounted for in the manner provided in this subpart.

(b) The Secretary may, at any time, require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the committee such member shall account for all receipts and disbursements and deliver all property and funds, together with all books and records in his possession, to his successor in office, and shall execute such assignment and other instruments as may be necessary or appropriate to vest in such successor full title to all of the property, funds and claims vested in such member pursuant to this subpart.

EXPENSES AND ASSESSMENTS

§ 913.30 Expenses.

The committee is authorized to incur such expenses as the Secretary may find are reasonable and are likely to be incurred to carry out the functions of the committee under this subpart during each fiscal period. The funds to cover such expenses shall be acquired by the levying of assessments upon handlers as provided in § 913.31.

§ 913.31 Assessments.

(a) Each handler who first handles fruit shall pay to the committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred by such committee for its maintenance and functioning during each fiscal period. Each such handler's share of such expenses shall be that proportion thereof which the total quantity of fruit shipped by such handler as the first handler thereof during the applicable fiscal period is of the total quantity of fruit so shipped by all handlers during the same fiscal period. The Secretary shall fix the rate of assessment per standard packed box of fruit to be paid by each such handler. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) At any time during or after the fiscal period, the Secretary may increase the rate of assessment so that the sum of money collected pursuant to the provisions of this section shall be adequate to cover the said expenses. Such increase shall be applicable to all fruit shipped during the given fiscal period. In order to provide funds to carry out the functions of the committee, handlers may make advance payment of assessments.

§ 913.32 Handler's accounts.

If, at the end of a fiscal period the assessments collected are in excess of expenses incurred, the committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: *Provided*, That funds already in the reserve do not exceed approximately one-half one fiscal period's expenses. Such reserve funds may be used (a) to cover any expenses authorized by this part and (b) to cover necessary expenses of liquidation in the event of termination of this part. If any such excess is not retained in a reserve, each handler entitled to a proportionate refund shall be credited with such refund against the operations of the following fiscal period unless he demands payment of the sum due him, in which case such sum shall be paid to him. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

REGULATION

§ 913.40 Marketing policy.

(a) Prior to the first recommendation for regulation during any marketing season, the committee shall submit to the Secretary its marketing policy for such season. Such marketing policy shall contain the following information:

(1) The estimated available crop of grapefruit in the district, including estimated quality;

(2) The estimated utilization of the crop that will be marketed in domestic, export, and by-product channels, together with quantities otherwise to be disposed of;

(3) A schedule of estimated weekly shipments of grapefruit during the ensuing season;

(4) The available supplies of competitive deciduous fruits in all producing areas of the United States;

(5) Level and trend in consumer income;

(6) Estimated supplies of competitive citrus commodities; and

(7) Any other pertinent factors bearing on the marketing of grapefruit. In the event that it becomes advisable substantially to modify such marketing policy, the committee shall submit to the Secretary a revised marketing policy.

(b) All meetings of the committee held for the purpose of formulating such marketing policies shall be open to growers and handlers.

(c) The committee shall transmit a copy of each marketing policy report or revision thereof to the Secretary and to each grower and handler who files a request therefor. Copies of all such reports shall be maintained in the office of the committee where they shall be available for examination by growers and handlers.

§ 913.41 Recommendation for volume regulation.

(a) The committee may, during any week, recommend to the Secretary the total quantity of grapefruit which it deems advisable to be handled during the next succeeding week: *Provided*, That volume regulations shall not be recommended after such regulations have been effective for an aggregate of 6 weeks during the 1965–66 fiscal period; or an aggregate of 8 weeks during the 1966–67 fiscal period; or an aggregate of 10 weeks during any subsequent fiscal period.

(b) In making its recommendations, the committee shall give due consideration to the following factors:

(1) Market prices for grapefruit;

(2) Supply of grapefruit on track at, and en route to, the principal markets;

(3) Supply, maturity, and condition of grapefruit in the production area;

(4) Market prices and supplies of citrus fruits from competitive producing areas, and supplies of other competitive fruits;

(5) Trend and level in consumer income; and

(6) Other relevant factors.

(c) At any time during a week for which the Secretary, pursuant to § 913.42, has fixed the quantity of grapefruit which may be handled, the committee may recommend to the Secretary that such quantity be increased for such week. Each such recommendation, together with the committee's reason for such recommendation, shall be submitted promptly to the Secretary.

§ 913.42 Issuance of volume regulation.

Whenever the Secretary finds, from the recommendations and information submitted by the committee, or from other available information, that to limit the quantity of grapefruit which may be handled during a specified week will tend to effectuate the declared policy of the act, he shall fix such quantity: *Provided*, That such regulations during each fiscal period shall not in the aggregate limit the volume of grapefruit shipments during the 1965–66 fiscal period for more than 6 weeks; or for more than an aggregate of 8 weeks during the 1966–67 fiscal period; or for more than an aggregate of 10 weeks during any subsequent fiscal period. The quantity so fixed for any week may be increased by the Secretary at any time during such week. Such regulations may, as authorized by the act, be made effective irrespective of whether the season average price of grapefruit is in excess of the parity price specified therefor in the act. The Secretary may upon the recommendation of the committee, or upon other available information, terminate or suspend any regulation at any time.

§ 913.43 Prorate bases.

(a) Each person who desires to handle grapefruit shall submit to the committee, at such time and in such manner as may be designated by the committee, and upon forms made available by it, a written application for a prorate base and for allotments as provided in this section and § 913.44.

(b) Such application shall be substantiated in such manner and shall be supported by such information as the committee may require.

(c) The committee shall determine the accuracy of the information submitted pursuant to this section. Whenever the committee finds that there is an error, omission, or inaccuracy in any such information, it shall correct the same and shall give the person who submitted the information a reasonable opportunity to discuss with the committee the factors considered in making the correction.

(d) Each week during the marketing season when volume regulation is likely to be recommended, the committee shall compute a prorate base for each handler who has made application in accordance with the provisions of this section. Except as provided in paragraph (e) of this section, such prorate base for each handler shall, for the 1965–66 fiscal period, be the quantity of grapefruit shipped by him during the preceding marketing season; for the 1966–67 fiscal period, be the average quantity of grapefruit shipped by him during the two preceding marketing seasons; and for subsequent fiscal periods, be the seasonal average quantity of grapefruit shipped by him during the three preceding marketing seasons.

(e) Any applicant for a prorate base who has made no shipments of grapefruit in the season immediately preceding the season for which prorate bases are being established, and who controls grapefruit and owns or has contracted for the use of packinghouse facilities to pack such grapefruit, shall be considered a new handler. The committee shall compute a prorate base for such applicant based upon his prior shipments of grapefruit, if any, grapefruit under his control, and any other factors which, in the judgment of the committee are relevant and proper to be used in arriving at an equitable prorate base for such handler. For the next succeeding fiscal period, the prorate base of such handler shall be the quantity of grapefruit shipped by him during the preceding marketing season, and for the second succeeding marketing season, his prorate base shall be the seasonal average quantity of grapefruit shipped by him during the two preceding marketing seasons.

§ 913.44 Allotments.

Whenever the Secretary has fixed the quantity of grapefruit which may be handled during any week, the committee shall calculate the quantity of grapefruit which may be handled during such week by each person who has applied for a prorate base. Such quantity shall be the allotment of such person and shall be that portion of the total quantity

fixed by the Secretary which, expressed in terms of percent, is equal to the percentage that such applicant's prorate base is of the aggregate of the prorate bases of all such applicants. The committee shall give reasonable notice to each person of the allotment computed for him pursuant to this section.

§ 913.45 Overshipments.

During any week for which the Secretary has fixed the total quantity of grapefruit which may be handled, any person who has received an allotment may handle, in addition to the total allotment available to him for use during such week, an amount of grapefruit equivalent to 10 percent of such total allotment, or 500 boxes, whichever is greater. The quantity of grapefruit so handled in excess of the total allotment which such person had available for use during such week (but not exceeding an amount equivalent to the excess shipments permitted under this section) shall be deducted from such person's allotment for the next week. If such person's allotment for such week is in an amount less than the excess shipments permitted under this section, the remaining quantity shall be deducted from succeeding weekly allotments issued to such person until such excess has been entirely offset: *Provided*, That at any time there is no volume regulation in effect it shall be deemed to cancel all requirements to undership allotments because of previous overshipments pursuant to this part.

§ 913.46 Undershipments.

If any person handles during any week a quantity of grapefruit, covered by a regulation issued pursuant to § 913.42, in an amount less than the total allotment available to him for such week, he may handle, during the next succeeding week, a quantity of grapefruit, in addition to that permitted by the allotment available to him for such week, equivalent to such undershipment or 25 percent of the allotment issued to him for the week during which the undershipment was made, whichever is the lesser: *Provided*, That the committee, with the approval of the Secretary, may increase or decrease such percentage.

§ 913.47 Allotment loans.

(a) A person to whom allotments have been issued, except a new handler, may lend such allotments to other persons to whom allotments have also been issued. A new handler may borrow allotments and repay same. Each party to any such loan agreement shall, prior to completion of the agreement, notify the committee of the proposed loan and the date of repayment and obtain the committee's approval of the agreement.

(b) The committee may act on behalf of persons desiring to arrange allotment loans. In each case, the committee shall confirm all such transactions immediately after the completion thereof by memorandum addressed to the parties concerned, which memorandum shall be deemed to satisfy the requirements of paragraph (a) of this section as to an approval of the loan agreement.

§ 913.48 Inspection and certification.

Whenever the handling of grapefruit is regulated pursuant to § 913.42, each handler who handles any grapefruit shall, prior to the handling of any lot of grapefruit, cause such lot to be inspected by the Federal or Federal-State Inspection Service and certified by it as meeting all applicable requirements of such regulation: *Provided*, That such inspection and certification shall not be required if the particular lot of fruit previously had been so inspected and certified.

REPORTS AND RECORDS

§ 913.50 Reports and records.

Upon request of the committee, made with approval of the Secretary, each handler shall furnish to the committee, in such manner and at such time as it may prescribe, reports of overshipments and undershipments and such other reports and information as may be necessary for the committee to perform its duties under this part. Each handler shall maintain for such period of time as the committee shall prescribe, with the approval of the Secretary, such records of grapefruit handled as may be necessary to verify reports submitted pursuant to this section.

MISCELLANEOUS PROVISIONS

§ 913.55 Fruit not subject to regulation.

Except as otherwise provided in this section, any person may, without regard to the provisions of §§ 913.42 through 913.48 and the regulations issued thereunder, ship grapefruit for the following purposes:

(a) To a charitable institution for consumption by such institution;

(b) To a relief agency for distribution by such agency;

(c) To a commercial processor for conversion by such processor into canned or frozen products or into a beverage base;

(d) By parcel post; and

(e) In such minimum quantities, types of shipments, or for such purposes as the committee with the approval of the Secretary may specify. No assessment shall be levied on fruit so shipped. The committee shall, with the approval of the Secretary, prescribe such rules, regulations, or safeguards as it may deem necessary to prevent grapefruit handled under the provisions of this section from entering channels of trade for other than the purposes authorized by this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications with the committee for authorization to handle grapefruit pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the grapefruit will not be used for any purpose not authorized by this section.

§ 913.56 Compliance.

Except as provided in this part, no person shall handle grapefruit during any week in which a regulation issued by the Secretary pursuant to § 913.42 is in effect, unless such grapefruit are, or have been, handled pursuant to an allotment therefor, or unless such person is otherwise permitted to handle such grapefruit under the provisions of this part; and no person shall handle grapefruit except in conformity with the provisions of this part and the regulations issued under this part.

§ 913.57 Right of Secretary.

The members of the committee (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 913.58 Effective time.

The provisions of this part shall become effective at such time as the Secretary may declare above his signature to this part, and shall continue in force until terminated in one of the ways specified in § 913.59.

§ 913.59 Termination.

(a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary shall terminate the provisions of this part at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal period, have been engaged in the production for market of fruit: *Provided*, That such majority have, during such period, produced for market more than 50 percent of the volume of such fruit produced for market, but such termination shall be effective only if announced on or before July 31 of the then current fiscal period.

(c) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 913.60 Proceedings after termination.

(a) Upon the termination of the provisions of this part, the then functioning members of the committee shall continue as joint trustees, for the purpose of liquidating the affairs of the same committee, of all the funds and property then in the possession of or under control of such administrative committee, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees (1) shall continue in such capacity until discharged by the Secretary; (2) shall, from time to time, account for all receipts and disbursements or deliver all property on hand, together with all books and records of the committee and of the joint trustees, to such person as the Secretary may direct; and (3) shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee, or the joint trustees pursuant to this part.

(c) Any funds collected pursuant to § 913.31, over and above the amounts necessary to meet outstanding obligations and expenses necessarily incurred during the operation of this part and during the liquidation period, shall be returned to handlers to the extent practicable after the termination of this part. The refund to each handler shall be represented by the excess of the amount paid by him over and above his pro rata share of the expenses.

(d) Any person to whom funds, or claims have been transferred or delivered by the committee, or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of said committee and upon the said joint trustees.

§ 913.61 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

§ 913.62 Agents.

The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any agency or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 913.63 Derogation.

Nothing contained in this part is, or shall be construed to be in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 913.64 Personal liability.

No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee.

§ 913.65 Separability.

If any provision of this part is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part of the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

Issued at Washington, D.C., this 6th day of December 1965, to become effective December 20, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 65-13188; Filed, Dec. 8, 1965; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 6417; Amdt. 39-164]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed Models 188A and 188C Series Airplanes

Amendment 39-100 (30 F.R. 8329), AD 65-15-4 requires inspection of the left and right lower No. 4 wing plank drain holes for cracks and repair of any cracks found on Lockheed Models 188A and 188C Series airplanes. Subsequent to the issuance of Amendment 39-100, the Agency has determined that in certain cases the compliance time for the accomplishment of the permanent repair work may be extended to 900 hours' time in service by shortening the repetitive inspection interval during part of the extended period. Therefore, Amendment 39-100 is further amended to provide for the extension of the compliance time for the accomplishment of the permanent repair to 900 hours' time in service in those cases where crack lengths do not exceed 0.32 inch.

Since this amendment relieves a restriction, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-100 (30 F.R. 8329), AD 65-15-4 is amended by amending subparagraph (d) (3) to read as follows:

(3) If the crack length does not exceed 0.32 inch, measured from the center of the drain hole, permanent repair of the drain hole area in accordance with subparagraph (1) may be deferred for a period not to exceed 900 hours' time in service after inspection if the following is complied with:

(i) Before further flight, enlarge the drain hole to 0.75-inch diameter and deburr the edges.

(ii) Inspect the area surrounding the enlarged hole for cracks, by dye penetrant method or an FAA-approved equivalent, within 60 hours' time in service after compliance with subdivision (i), and thereafter at intervals not to exceed 60 hours' time in service from the last inspection for the first 450 hours' time in service and for the remaining allotted hours' time in service inspect the area surrounding the enlarged hole for cracks, by dye penetrant method or an FAA-approved equivalent, at intervals not to exceed 30 hours' time in service.

(iii) If a crack is found during the inspection required by subdivision (ii), install the permanent repair required by subparagraph (1) or (2), as applicable, before further flight. The airplane may be ferried in accordance with the provisions of FAR 21.197 to the base at which the repairs are to be accomplished.

This amendment becomes effective December 9, 1965.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1423)

Issued in Washington, D.C., on December 2, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-13147; Filed, Dec. 8, 1965; 8:45 a.m.]

[Airspace Docket No. 65-SO-78]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On October 26, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 13582) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the Greensboro, N.C., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., February 3, 1966, as hereinafter set forth.

In § 71.181 (29 F.R. 17643) the Greensboro, N.C., transition area (30 F.R. 202) is amended to read:

GREENSBORO, N.C.

That airspace extending upward from 700 feet above the surface within 2 miles each side of the Greensboro ILS SE course extending from the 5-mile radius control zone to 8 miles SE of the Greensboro VOR 087° radial; within 2 miles each side of the Greensboro VOR 207° radial extending from the 5-mile radius control zone to 8 miles SW of the VOR; within 2 miles each side of the Greensboro VOR 033° radial extending from the 5-mile radius control zone to 16 miles NE of the VOR; within 2 miles each side of the Runway 5 centerline extended extending from the 5-mile radius control zone to 8 miles NE of the airport reference point (latitude 36°05'36" N., longitude 79°56'34" W.); including the airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at the point of intersection of the W boundary of V-103 and the arc of a

35-mile circle centered at latitude 36°06'00" N., longitude 80°01'30" W.; thence clockwise along this arc to the point of intersection with the arc of a 55-mile radius circle centered at the Douglas Airport, Charlotte, N.C. (latitude 35°12'58" N., longitude 80°56'22" W.); thence counterclockwise along this arc to the point of intersection with the E boundary of V–37; thence N along the E boundary of V–37 to point of intersection of the E boundary of V–37 and a line 7 miles NW of and parallel to the centerline of V–222; thence NE along a line 7 miles NW of and parallel to the centerline of V–222 to the W boundary of V–103; thence S along the W boundary of V–103 to the point of beginning.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on December 2, 1965.

WILLIAM M. FLENER,
Acting Director, Southern Region.

[F.R. Doc. 65–13148; Filed, Dec. 8, 1965; 8:45 a.m.]

[Airspace Docket No. 65–SW–37]

PART 73—SPECIAL USE AIRSPACE

Modification of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to reduce the time of use and lower the ceiling of Restricted Area R–3803 at Fort Polk, La.

The Department of the Air Force has advised the Federal Aviation Agency that the time of use and the ceiling could be reduced to permit greater availability to the public of this area. Therefore, action is taken herein to reflect these changes. In the event that the area is required for special training and other activities during other than the scheduled times, a NOTAM will be issued by the using agency at least 24 hours in advance.

Since this amendment is less restrictive in nature to the public, notice and public procedure hereon are unnecessary and the amendment may be made effective immediately.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

In § 73.38 (29 F.R. 17747; 30 F.R. 5831) the Designated altitudes and Time of designation of Restricted Area R–3803 at Fort Polk, La., are amended to read as follows:

Designated altitudes: Surface to 20,000 feet MSL.

Time of designation: Continuous from June 1 through August 31; other times as activated by NOTAM issued by the using agency at least 24 hours in advance.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 2, 1965.

CLIFFORD P. BURTON,
Acting Director, Air Traffic Service.

[F.R. Doc. 65–13149; Filed, Dec. 8, 1965; 8:45 a.m.]

[Airspace Docket No. 65–WE–101]

PART 75—ESTABLISHMENT OF JET ROUTES

Realignment of Jet Route

The purpose of this amendment to Part 75 of the Federal Aviation Regulations is to realign Jet Route No. 65 between the Blythe, Calif., and Palmdale, Calif., VORTACs. This action will eliminate a dog leg and shorten the distance between these points by 9 miles. The alignment has been flight checked by the Agency with an MEA of flight level 18,000 feet and an MAA of flight level 45,000 feet approved for the entire segment.

Since this amendment is procedural in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective immediately.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0001, e.s.t., February 3, 1966, as hereinafter set forth.

Section 75.100 (29 F.R. 17776) is amended as follows:

1. In Jet Route J–65 delete "the INT of Blythe 272° and the Palmdale, Calif., 124° radials;" from the text of the description.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 2, 1965.

JAMES L. LAMPL,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65–13150; Filed, Dec. 8, 1965; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Cooperative Advertising Allowances

§ 15.10 Cooperative advertising allowances.

(a) A manufacturer was informed in an advisory opinion that the requirements of section 2(d) of the amended Clayton Act will be satisfied where the proposed advertising allowance program reflects that alternative methods of promotion are available to customers unable to use the preferred method of advertising in the regular course of their business.

(b) As explained by the manufacturer, all of its customers will be offered advertising allowances equal to 1 percent of net purchases to defray up to a maximum of 50 percent of the actual cost of advertising its branded, first-quality products in any ACB (Advertising Checking Bureau, Inc.) daily and Sunday newspaper. Where a retailer is unable in a practical business sense to advertise in such newspaper the program will provide him with adequate alternative methods of sales promotion such as, but not limited to, other newspapers, letter stuffers, or handbills as will enable him to earn the allowances specified. A retailer may use up to 30 percent of his allowance in Christmas catalog advertising where the brand name or label is prominently mentioned, payment for which is based on catalog circulation. New accounts and those with which the manufacturer has had less than 1 year's experience will be offered the same allowance, payment for which will be computed on the basis of purchases for the first full quarter year. All accounts will be notified of the program by first-class mail, by the manufacturer's sales representatives and by notices accompanying invoices.

(38 Stat. 717, as amended; 15 U.S.C. 41–58; 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: December 8, 1965.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 65–13139; Filed, Dec. 8, 1965; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

Record Keeping; Controlled Accounts

On October 14, 1965, there was published in the FEDERAL REGISTER (30 F.R. 13076), a notice of proposed rule making regarding the amendment of § 1.33a of the general regulations (17 CFR 1.33a) under the Commodity Exchange Act. After due consideration of all relevant matters and pursuant to section 8a of the Commodity Exchange Act (7 U.S.C. 12a), § 1.33a is amended to read as follows:

§ 1.33a Controlled accounts.

(a) With respect to any account controlled by any person other than the customer for whom such account is carried, each futures commission merchant shall (1) promptly confirm in writing directly to the customer for whom such account is carried the execution of any trade originated by the controller of the account and retain a copy of such confirmation in accordance with the requirements of § 1.31; and (2) clearly show on each monthly statement furnished as required by § 1.33, or on an accompanying supplemental statement, the net profit or loss on all contracts closed since the date of the previous statement, and the net unrealized profit or loss in all open contracts figured to the market: *Provided, however,* That the provisions of this paragraph shall not apply to an account controlled by the spouse, parent, or child of the customer for whom such account is carried.

(b) With respect to any account carried for or in the name of a pool or combination of persons trading in commodities, each futures commission merchant shall furnish promptly to each individual participating in such pool or combination a copy of the monthly statement provided for by § 1.33, and clearly show on such statement, or on an accompanying supplemental statement, the further information specified in paragraph (a)(2) of this section. It is not required that the confirmation provided for by paragraph (a)(1) of this section be sent to the several individuals participating in such pool or combination.

(Sec. 8a, 49 Stat. 1500, as amended; 7 U.S.C. 12a)

Effective date. The amendment shall become effective 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 6th day of December 1965.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 65–13187; Filed, Dec. 8, 1965; 8:48 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R–272; Order 309]

PART 11—ANNUAL CHARGES

Costs of Administration

Correction

In F.R. Doc. 65–13028, appearing at page 15092 of the issue for Tuesday, December 7, 1965, the order number in the bracket heading should read as set forth above.

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Washington Headquarters

Pursuant to section 701(a) of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1055; 21 U.S.C. 371(a)) and section 3(a)(1) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1002(a)(1)), and under the authority vested in the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 290), § 2.101 is amended by inserting before "Bureau of Medicine" the following new bureau with its divisions:

§ 2.101 Washington headquarters.[1]

• • • • • •

BUREAU OF DRUG ABUSE CONTROL

Division of Case Assistance.
Division of Investigations.
Division of Drug Studies and Statistics.

• • • • • •

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: December 2, 1965.

WINTON B. RANKIN,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 65–13177; Filed, Dec. 8, 1965; 8:47 a.m.]

PART 8—COLOR ADDITIVES

Subpart E—Listing of Color Additives for Drug Use Subject To Certification

D&C RED NO. 39; LISTING AND CERTIFICATION FOR DRUG USE

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(b), (c), 74 Stat. 399, 402; 21 U.S.C. 376(b), (c)), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 2.90), the Commissioner of Food and Drugs, based on a petition filed by Winthrop Laboratories, Rensselaer, N.Y., and other relevant material, finds that the color additive D&C Red No. 39 is safe for use as a color additive in externally applied drugs under the conditions prescribed in this order. Therefore, Part 8 is amended by adding to Subpart E the following new section:

§ 8.4132 D&C Red No. 39.

(a) *Identity.* (1) The color additive D&C Red No. 39 is o-[p(β',β'-dihydroxydiethylamino)-phenylazo]-benzoic acid.

(2) Color additive mixtures made with D&C Red No. 39 may contain the following diluents: Water, acetone, isopropyl alcohol, and specially denatured alcohols used in accordance with 26 CFR Part 212.

(b) *Specifications.* D&C Red No. 39 shall conform to the following requirements:

Volatile matter (at 100° C.), not more than 2.0 percent.
Matter insoluble in acetone, not more than 1.0 percent.
Anthranilic acid, not more than 0.2 percent.
N,N-(β,β'-Dihydroxy-diethyl) aniline, not more than 0.2 percent.
Subsidiary colors, not more than 3.0 percent.
Lead, as Pb, not more than 20 parts per million.
Arsenic, as As, not more than 3 parts per million.
Pure dye, not less than 95.0 percent.

(c) *Uses and restrictions.* The color additive D&C Red No. 39 may be safely used for the coloring of quaternary ammonium type germicidal solutions intended for external application only, and subject to the further restriction that the quantity of the color additive does not exceed 0.1 percent by weight of the finished drug product.

(d) *Labeling requirements.* The color additive and any mixtures intended solely or in part for coloring purposes prepared therefrom shall bear, in addition to the other information required by the act, labeling in accordance with the provisions of § 8.32.

(e) *Certification.* All batches of D&C Red No. 39 shall be certified in accordance with regulations promulgated under Subpart A of this part.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20204, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 706 (b)(1), (c)(2), 74 Stat. 399, 402; 21 U.S.C. 376 (b)(1), (c)(2))

Dated: December 3, 1965.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 65–13178; Filed, Dec. 8, 1965; 8:47 a.m.]

SUBCHAPTER C—DRUGS

PART 148b—AMPHOTERICIN

Miscellaneous Amendments

Pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357), and delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90), Part 148b is amended as set forth below to provide for certain changes in testing methods to effect corrections and consistency of existing regulations.

§ 148b.1 [Amended]

1. Section 148b.1 is amended as follows:

a. Paragraph (a)(1)(vii) is changed to read:

(vii) It exhibits absorption maxima at 272, 282, 295, 362, 381, and 405 $m\mu$ when dissolved in dimethyl sulfoxide and diluted with absolute methyl alcohol.

b. Paragraph (b)(2)(v) is amended by changing the term "$[(B\times a)-(B\times A)]$", in the denominator of the equation, to read "$[(B\times a)-(b\times A)]$".

2. Section 148b.2 is amended by changing the section heading and the first and seventh sentences in paragraph (a)(1) to read as follows:

§ 148b.2 Amphotericin B for injection.

(a) *Requirements for certification—(1) Standards of identity, strength, quality, and purity.* Amphotericin B for injection is a dry powder containing in each immediate container 50 milligrams of amphotericin B, 41 milligrams of sodium desoxycholate, and suitable buffering substances. • • • The amphotericin B used conforms to the standards of § 148b.1(a)(1), except that its amphotericin A content is not more than 5.0 percent, its pH in a 3.0 percent aqueous suspension is not less than 3.5 and not more than 6.0, and its residue on ignition is not more than 0.5 percent. • • •

• • • • • •

3. Section 148b.3(b)(1) is amended to read:

§ 148b.3 Amphotericin B lotion.

• • • • • •

(b) *Tests and methods of assay—(1) Potency.* Dissolve an aliquot in sufficient dimethyl sulfoxide to produce a solution of convenient concentration. Proceed as directed in § 148b.1(b)(1). The amphotericin B content is satisfactory if it contains not less than 90 percent and not more than 125 percent of the number of milligrams of amphotericin B per milliliter that it is represented to contain.

• • • • • •

4. Section 148b.4(b)(1) is amended to read:

§ 148b.4 Amphotericin B ointment.

• • • • • •

(b) *Tests and methods of assay—(1) Potency.* With the aid of a high-speed glass blender dissolve an accurately weighed sample in sufficient dimethyl sulfoxide to produce a solution of convenient concentration. Proceed as directed in § 148b.1(b)(1). The amphotericin B content is satisfactory if it contains not less than 90 percent and not more than 125 percent of the number of milligrams of amphotericin B per gram that it is represented to contain.

• • • • • •

The amendments included in this order do not affect the safety or efficacy of the drug amphotericin B and are neither restrictive nor controversial. I therefore find that the requirements of section 507 of the Federal Food, Drug, and Cosmetic Act have been complied with and find, further, that notice and public procedure and delayed effective date are not necessary in this instance.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: December 3, 1965.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 65-13179; Filed, Dec. 8, 1965; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments are made to Chapter VII of Title 32:

SUBCHAPTER B—SALES AND SERVICES

Part 811 is revised to read as follows:

PART 811—SALE OF AERIAL AND DOCUMENTARY STILL PHOTOGRAPHY

Sec.
811.1 Purpose.
811.2 Exclusion.
811.3 Policy on release of photographs.
811.4 Who may sell photographs.
811.5 Who may purchase photographs.
811.6 Schedule of fees.
811.7 Collection and control of fees.

AUTHORITY: The provisions of this Part 811 issued under sec. 8012, 70A Stat. 488; sec. 501, 65 Stat. 290; 10 U.S.C. 8012, 5 U.S.C. 140.

SOURCE: AFR 95-4, November 17, 1965.

§ 811.1 Purpose.

This part controls the sale of unclassified Air Force documentary still photographs, explains when photographic material may be sold or released without charge, includes a schedule of fees, and tells how fees are collected and controlled.

§ 811.2 Exclusion.

This part does not apply to the sale of aerial photography. All requests for aerial photography will be referred to Defense Intelligence Agency, Washington, D.C., 20301, Attention: DIAAP-1L.

§ 811.3 Policy on release of photographs.

(a) *Sale of photographs.* Reproductions (prints and duplicate negatives) made from existing black and white negatives, duplicate color negatives and transparencies from existing counterpart color material, and ektacolor prints from existing ektacolor negatives may be sold, within the restrictions listed in this paragraph. The commander of the selling activity will insure that the purchaser understands the pertinent restrictions before photographs are released to him.

(1) The sale of photographs is discouraged. When they are sold, the number of prints sold from each negative will be limited to the minimum necessary.

(2) The following types of sales are prohibited:

(i) Prints and related photographic services that compete with commercial organizations.

(ii) Photographs not related to Air Force activities, even though they are made by Air Force photographers.

(iii) Photographs for any use which implies Air Force indorsement of a service or product, unless the buyer has obtained approval in writing from the Office of Information, Office of the Secretary of the Air Force.

(3) Each print sold will bear the official Air Force credit line as follows: "U.S. AIR FORCE PHOTO. Released by ____ Air Force Base."

(4) Sale of prints does not include waiver of proprietary or privacy rights, unless these rights and the right of transfer belong to the Air Force.

(5) No person or persons may claim exclusive rights to official Air Force photographs.

(b) *Photographs furnished without charge.* Photographs required to conduct official Department of Defense business will be furnished without charge. To the extent that workload and funds permit, prints requested by the following, for use as indicated, will be furnished without charge:

(1) The general public, to further the Armed Forces' Recruiting Program or public understanding of the Armed Forces.

(2) Members of Congress, for use in official governmental activities.

(3) Nonprofit organizations carrying on functions related to, or in the interest of, public health and welfare.

(4) Members of the Armed Forces in a casualty status, or their next of kin or authorized representatives, when the photographs requested relate to the casualty source.

(5) Prints required under statutes or executive orders.

(6) All Federal agencies carrying on functions related to Air Force objectives.

(7) Occasional or infrequent incidental requests (including those from residents in foreign countries) for which fees are determined to be inappropriate.

§ 811.4 Who may sell photographs.

Any Air Force activity with custody of still documentary negatives and transparencies may sell copies as outlined in this part.

§ 811.5 Who may purchase photographs.

The following may purchase unclassified Air Force photographs:

(a) Members and agencies of the Federal Government.

(b) The public; i.e., any person or group of persons, such as associations, organizations, partnerships, corporations, businesses, municipalities, counties, States, and territorial governments.

§ 811.6 Schedule of fees.

Fees are established by Department of Defense as follows:

NOTE: All prices listed are subject to change without notice.

(a) *Still pictorial or documentary photographic prints, black and white.* Not more than three prints may be sold from any individual negative on each order. Unlisted standard sizes of black and white prints may be furnished, if available, at proportionate fees.

(1) 8 x 10 single weight glossy finish,	
1st print	$0.90
2d and 3d prints, each	.40
(2) 8 x 10 double weight matte finish,	
1st print	.95
2d and 3d prints, each	.45
(3) 11 x 14 double weight matte finish,	
1st print	1.15
2d and 3d prints, each	.45
(4) 16 x 20 double weight matte finish,	
1st print	1.35
2d and 3d prints, each	.60
(5) 20 x 24 double weight matte finish,	
1st print	1.50
2d and 3d prints, each	.70

(b) *Color transparencies.* Color prints will not be furnished for public use.

(1) 35 mm. color transparencies (cardboard mount), each	$1.10
(2) 4 x 5 color transparencies or color negative, each	6.00
(3) 8 x 10 color transparencies or color negative, each (In quantities not to exceed three copies of any one view.)	10.00

(c) *Photostat copies.* Photostat copies (8½" x 10") of records pertaining to documentary or historical events may be made available at $0.20 each.

§ 811.7 Collection and control of fees.

(a) The Air Force activity that makes the sale will collect payment in advance.

(b) Payments may be made by cash, U.S. money order, certified check, or their equivalent. Negotiable instruments will be drawn payable to the Treasurer of the United States.

NOTE: Refunds will not be made because of changes in regulations, directives, or fee schedules that occurred after the sale or service was completed, nor for overpayments of one dollar or less.

PART 812—USER CHARGES

Part 812 is set forth, in part, to show those changes made by the current directive and to correct the words "new revenues" in § 812.4. Those changed portions are set forth as follows:

1. The source citation in Part 812 is amended to read as follows:

SOURCE: AFR 177-8, June 11, 1965.

2. In § 812.3(a) the introductory text and subparagraph (8) are amended to read as follows:

§ 812.3 Determining costs and fees for special services.

(a) *Determining costs.* Costs shall be determined or estimated from the best available records in the activity; cost accounting systems will not be established solely for this purpose. The cost computation shall cover the direct and indirect costs incurred by the activity performing the service. This includes but is not limited to:

• • • • •

(8) The costs of research, establishing standards, enforcement and regulation, to the extent they are determined by the activity to be properly chargeable to the services performed.

• • • • •

3. Section 812.4 is amended to read as follows:

§ 812.4 Determining charges for lease or sale.

Where federally owned resources or property are leased or sold, obtain a fair market value. Determine charges, so far as practicable and feasible, in accordance with comparable commercial practices. Charges need not be limited to the recovery of costs—they may produce net revenues to the Government. The exceptions in § 812.3(b) (1) through (4) also apply to lease or sale.

SUBCHAPTER C—PUBLIC RELATIONS

PART 834—SELECTING ARCHITECT-ENGINEERS FOR PROFESSIONAL SERVICES BY NEGOTIATED CONTRACTS

In § 834.5(a), the reference is deleted. Paragraph (a) now reads as follows:

§ 834.5 Reports.

(a) *Architect-engineer progress report.* Each architect-engineer contract of 6 months' duration or longer will contain a provision requiring the architect-engineer to submit to the contracting officer, by the 10th day of each calendar month, a report of the work accomplished in performance of the contract during the preceding calendar month. This provision may be inserted in contracts of less than 6 months' duration when special circumstances make inclusion desirable. One copy of the report will be forwarded to the major air command concerned. This reporting requirement has been exempted by the Bureau of the Budget from clearance under the Federal Reports Act of 1942.

• • • • • •

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012) [AFR 85-8, Feb. 17, 1964]

SUBCHAPTER E—SECURITY

PART 850—SAFEGUARDING CLASSIFIED INFORMATION

§ 850.16 [Amended]

1. In the Note following § 850.16(a), the reference is amended to read "§ 850.18."

§ 850.19 [Amended]

2. In § 850.19(f)(3)(ii), the reference "(see § 850.19)" is deleted.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012)

PART 852—INDUSTRIAL SECURITY

Section 852.17(b) is revised to read as follows:

§ 852.17 Unsatisfactory security conditions.

• • • • •

(b) Initiate action, in coordination with the director of the DCAS Region exercising security cognizance over the facility, to terminate the classified contract for default. The contracting commander also shall consider whether action should be taken to debar or suspend the contractor.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012)

By order of the Secretary of the Air Force.

FREDERICK A. RYKER,
Lieutenant Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 65-13146; Filed, Dec. 8, 1965; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 29—MIXED CLASSES

Treatment of Undeliverable Combination Mailing Pieces; Correction

In F.R. Doc. 65-9594 appearing in the issue for Friday, September 10, 1965, at pages 11603-11604, the cross reference in line five of § 29.4(a) was inadvertently designated § 29.1(c). The corrected cross reference is § 29.2.

HARVEY H. HANNAH,
Acting General Counsel.

[F.R. Doc. 65-13182; Filed, Dec. 8, 1965; 8:48 a.m.]

PART 121—OUTGOING PARCELS

PART 141—SHIPPER'S EXPORT DECLARATION

PART 168—DIRECTORY OF INTERNATIONAL MAIL

Group Shipments of Parcels to Foreign Countries

A notice of proposed revision in §§ 121.7 and 168.5 of Title 39, Code of Federal Regulations, was published in the FEDERAL REGISTER of September 10, 1965 (30 F.R. 11645-11646), concerning the discontinuance of group shipments of parcels to foreign countries effective January 1, 1966. Interested persons were given 30 days in which to submit written comments with respect to this proposal.

After consideration of the comments received, the Department has reached the conclusion to adopt the proposal. The amendments to be effective on January 1, 1966 are as follows:

I. In § 121.6, paragraph (c)(2) is revised to read as follows:

§ 121.6 Documentation.

• • • • •

(c) *Parcel post sticker, Form 2922.*

• • •

(2) *Preparation by sender.* Prepare a parcel post sticker for each parcel. Indicate alternative disposition and place name at bottom of the form. Do not use

Form 2922 on parcels for U.S. possessions.

NOTE: The corresponding Postal Manual section is 231.632.

II. Section 121.7 is amended to read as follows:

§ 121.7 Group shipments.

A group shipment of several parcels mailed simultaneously by the same sender to the same addressee must have a completed set of parcel post forms attached to each parcel in the group. Senders may not attach a single set of tags, covering the entire consignment, to only one parcel in the group.

NOTE: The corresponding Postal Manual section is 231.7.

III. In § 141.1, the first sentence of the material is amended to provide that shipper's export declarations are only required for commercial shipments valued at $100 or more. As so amended, the first sentence reads as follows:

§ 141.1 When required.

Business concerns sending merchandise valued at $100 or over to other business concerns—

* * * * *

NOTE: The corresponding Postal Manual section is 251.1.

§ 168.5 [Amended]

IV. In § 168.5 *Individual country regulations*, under each country provisions allowing group shipments are hereby rescinded effective January 1, 1966.

NOTE: Material under each country will be amended accordingly at a future date.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

HARVEY H. HANNAH,
Acting General Counsel.

[F.R. Doc. 65-13236; Filed, Dec. 8, 1965; 8:49 a.m.]

PART 168—DIRECTORY OF INTERNATIONAL MAIL

Individual Country Regulations

The regulations of the Post Office Department are amended as follows:

In § 168.5 *Individual country regulations*, make the following change to reflect current regulations:

In "Ghana", the item *Import restrictions* under Parcel Post is revised to read as follows:

Parcel Post

* * * * *

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

Addressees in Ghana are required to obtain import licenses for practically all types of merchandise.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

HARVEY H. HANNAH,
Acting General Counsel.

[F.R. Doc. 65-13183; Filed, Dec. 8, 1965; 8:48 a.m.]

PART 168—DIRECTORY OF INTERNATIONAL MAIL

Individual Country Regulations

The regulations of the Post Office Department are amended as follows:

In § 168.5 *Individual country regulations*, make the following changes to show the availability of insured parcel post service:

I. In "Philippines (Republic of The)" make the following changes to show the availability of insured parcel post service:

A. Under Parcel Post the material in the first two paragraphs under the item *Air parcel rates* is revised to read as follows:

Parcel Post

* * * * *

Air parcel rates. Four ounces or less, $1.93; each additional 4 ounces or fraction, 74 cents.

Weight limit: 44 pounds for all offices in the Philippines except for the offices listed below.

Sealing: Insured parcels must, and ordinary parcels may be sealed.

Group shipments: No.

Registration: No.

Insurance: Yes.

Postal forms required: 1 Form 2922; 1 Form 2966.

* * * * *

B. Under Parcel Post, the item *Indemnity* is deleted, and a new item *Insurance* is inserted in lieu thereof. As so inserted, new item *Insurance* reads as follows:

Parcel Post

* * * * *

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	*Fee, cents*
Not over $10	20
From $10.01 to $25	25
From $25.01 to $50	35
From $50.01 to $100	55
From $100.01 to $165	60

Print on the wrapper, near the "INSURED" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in United States currency and in gold francs. The indication in United States currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE
$25.75 (U.S.)
TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS
77.25 GOLD FRANCS

See Part 133 of this chapter, for method of converting United States currency into gold francs and for general information on insurance.

Coins, banknotes, currency notes, or any kind of securities payable to bearer, platinum, gold, or silver, whether manufactured or unmanufactured, precious stones, jewelry, or other precious articles sent as parcel post must be insured.

* * * * *

C. Under Parcel Post, the last paragraph under the item *Observations* is deleted.

II. Under "Places not included in alphabetical list of countries," place in the proper alphabetical order the following new items: "Pemba (Tanzania)," "Tanganyika (Tanzania)," and "Zanzibar (Tanzania)."

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

HARVEY H. HANNAH,
Acting General Counsel.

[F.R. Doc. 65-13184; Filed, Dec. 8, 1965; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9-1—GENERAL

Subpart 9-1.7—Small Business Concerns

SCREENING OF PROCUREMENTS

Section 9-1.705-3, *Screening of procurements* (b) is revised to read as follows:

§ 9-1.705-3 Screening of procurements.

(b) *Class set-asides.* An agreement has been reached between the AEC and the SBA that AEC would accept SBA initiation of class set-asides for formally advertised construction procurements estimated to cost between $2,500 and $500,000, including new construction, and repair, maintenance, and alteration of structures. When, in the judgment of the contracting officer, a particular procurement falling within these dollar limits is determined unsuitable for a set-aside for exclusive small business participation, he shall notify the appropriate SBA representative of this decision. Unless SBA appeals the decision (see FPR 1-1.706-2), the contracting officer shall proceed to process the procurement on an unrestricted basis. Proposed contracts for construction, and repair, maintenance, and alteration of structures having an estimated cost of more than $500,000 shall not be set aside for exclusive small business participation.

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 1st day of December 1965.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director,
Division of Contracts.

[F.R. Doc. 65-13143; Filed, Dec. 8, 1965; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Chapter IV—Vocational Rehabilitation Administration, Department of Health, Education, and Welfare

PART 405—CORRECTIONAL REHABILITATION STUDY

These regulations are issued to implement and govern the administration of the Correctional Rehabilitation Study Act of 1965 (P.L. 89-178), the purpose of which is to provide Federal assistance for an objective, thorough, and nationwide analysis and reevaluation of the extent of and means of resolving the critical shortage of qualified manpower in the field of correctional rehabilitation.

Subpart A—Grants

Sec.
405.1 Purpose.
405.2 Eligible grantees; application.
405.3 Grant conditions.
405.4 Nondiscrimination and civil rights.
405.5 Financial participation.

Subpart B—National Advisory Council on Correctional Manpower and Training

405.6 Appointment and composition.
405.7 Term of office.
405.8 Duties.
405.9 Per diem payments.

AUTHORITY: The provisions of this Part 405 issued under sec. 7(b), Vocational Rehabilitation Act, 68 Stat. 659, 29 U.S.C. 37(b); and the Correctional Rehabilitation Study Act of 1965, Public Law 89-178, 79 Stat. 676.

Subpart A—Grants

§ 405.1 Purpose.

Special project grants are authorized for the purpose of paying part of the cost of carrying out a program of research and study of the personnel practices and current and projected personnel needs in the field of correctional rehabilitation and of the availability and adequacy of the educational and training resources for persons in, or preparing to enter such field. This would include but not be limited to the availability of educational opportunities for persons in, or preparing to enter, such field, the adequacy of the existing curriculum and teaching methods and practices involved in the preparation of persons to work in this field, the effectiveness of present methods of recruiting personnel for such field and the extent to which personnel in the field are utilized in the manner which makes the best use of their qualifications.

§ 405.2 Eligible grantees; application.

(a) Grants may be made to one or more organizations. For this purpose, the term "organization" means a nongovernmental agency, organization, or commission, composed of representatives of leading professional associations, organizations, or agencies active in the field of corrections.

(b) Application shall be made in the form and detail required by the Commissioner of Vocational Rehabilitation. Applications for initial grants shall be submitted, not later than December 31, 1965, to the Assistant Commissioner, Research and Training, Vocational Rehabilitation Administration, DHEW, Washington, D.C., 20201, who processes them for submission to the National Advisory Council on Correctional Manpower and Training. The applicant may be requested to submit further information either before or after consideration of a project by the Council. All projects which meet the requirements for a grant are submitted to the Council which makes recommendations to the Commissioner. The Commissioner then determines the action to be taken with respect to each project and informs the applicant accordingly. In the case of approval, the applicant is advised of the amount and method of payment and the period to which the grant is to be applied. Separate application shall be made for continuation support.

§ 405.3 Grant conditions.

Grants under this part shall be subject to the following terms and conditions:

(a) The grantee organization will undertake and conduct, or if more than one organization is to receive grants, such organizations have agreed among themselves to undertake and conduct, a coordinated program of research into and study of all aspects of the resources, needs, and practices referred to in § 405.1;

(b) The research and study shall be completed not later than 3 years from the inauguration date specified in the approved application or applications;

(c) The grantee will file annual reports with the Secretary of Health, Education, and Welfare, the Commissioner of Vocational Rehabilitation, the Congress, the Governors of the several States and the President, among others the grantee may select; and the grantee will similarly file the final report; and

(d) Such other terms and conditions as the Commissioner of Vocational Rehabilitation may specify.

§ 405.4 Nondiscrimination and civil rights.

Attention is called to the requirements of Title VI of the Civil Rights Act of 1964. Section 601 provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance (42 U.S.C. sec. 2000d). The regulation implementing such Title VI has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (Part 80 of this title) and is applicable to Federal financial assistance extended under this part.

§ 405.5 Financial participation.

Federal financial participation shall be available in expenditures specified in the approved budget. The grantee organization or organizations is authorized to accept additional financial support from private or other public sources to assist in carrying on the project authorized by this part.

Subpart B—National Advisory Council on Correctional Manpower and Training

§ 405.6 Appointment and composition.

The National Advisory Council on Correctional Manpower and Training shall consist of the Secretary of Health, Education, and Welfare (or his designee) as Chairman and 12 members, not otherwise in the regular full-time employ of the United States, appointed without regard to civil service laws by the Secretary after consultation with the Attorney General of the United States. The appointed members shall be leaders in fields concerned with correctional rehabilitation or in public affairs. In selecting persons for appointment to the Council, consideration shall be given to such factors, among others, as (a) familiarity with correctional manpower problems, and (b) particular concern with the training of persons in or preparing to enter the field of correctional rehabilitation. Four members shall come from State or local correctional services.

§ 405.7 Term of office.

Each appointed member shall hold office for a term extending to the completion of the correctional rehabilitation study described in § 405.1, and the filing of the final report. Vacancies may be filled as they occur.

§ 405.8 Duties.

The Council shall consider all applications for grants under Subpart A of this part and make recommendations with respect to approval of applications for and the amount of such grants.

§ 405.9 Per diem payments.

Appointed members of the Council, while attending meetings or conferences thereof or otherwise serving on business of the Council, shall be entitled to receive compensation at a rate to be fixed by the Secretary of Health, Education, and Welfare, but not exceeding $100 per day, including travel time, and, while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b-2) for persons in the Government service employed intermittently.

Dated: December 3, 1965.

[SEAL] JOHN W. GARDNER,
Secretary.

[F.R. Doc. 65-13180; Filed, Dec. 8, 1965; 8:48 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER N—DANGEROUS CARGOES

[CGFR 65-52]

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

Miscellaneous Amendments

The provisions of R.S. 4472, as amended (46 U.S.C. 170), require that the land and water regulations governing the transportation of dangerous articles or substances shall be as nearly parallel as practical. The provisions in 46 CFR 146.02-18 and 146.02-19 make the Dangerous Cargo Regulations applicable to all shipments of dangerous cargoes by vessels. The Interstate Commerce Commission in Change Order No. 67 has made changes in the ICC regulations with respect to definitions, descriptive names, classifications, specifications of containers, packing, marking, labeling, and certification for certain dangerous cargoes, which are now in effect for land transportation. Various amendments to the Dangerous Cargo Regulations in 46 CFR Part 146 have been included in this document in order that these regulations governing water transportation of certain dangerous cargoes will be as nearly parallel as practicable with the regulations of the Interstate Commerce Commission which govern the land transportation of the same commodities.

The amendments to 46 CFR Part 146 are considered to be interpretations of law, or revised requirements to agree with existing ICC regulations, or editorial in nature, and it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedure thereon, and effective date requirements thereof) is unnecessary with respect to such changes.

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by section 632 of Title 14, U.S. Code, and Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167-14, dated November 26, 1954 (19 F.R. 8026), to promulgate regulations in accordance with the laws cited with the regulations below, the following amendments are prescribed and shall be effective January 1, 1966; however, the regulations in this document may be complied within lieu of existing requirements prior to that date.

Subpart 146.04—List of Explosives or Other Dangerous Articles Containing the Shipping Name or Description of Articles Subject to the Regulations in This Subchapter

§ 146.04-5 [Amended]

1. Section 146.04-5 *List of explosives and other dangerous articles and combustible liquids*, is amended by adding, changing, and deleting certain items as follows:

Article	Classed as	Label required [1]
Items added		
• • •	• • •	• • •
Aldrin	Pois. B	Poison.
• • •	• • •	• • •
*Beryllium compounds, solid, N.O.S.	Pois. B	Poison.
• • •	• • •	• • •
Dichloroisocyanuric acid, dry, containing more than 39 percent available chlorine.	Oxy. M	Yellow.
• • •	• • •	• • •
Potassium dichloroisocyanurate, dry, containing more than 39 percent available chlorine.	Oxy. M	Yellow.
• • •	• • •	• • •
Sodium dichloroisocyanurate, dry, containing more than 39 percent available chlorine (see: "Potassium dichloroisocyanurate, dry, containing more than 39 percent available chlorine").	Oxy. M	Yellow.
• • •	• • •	• • •
Trichloroisocyanuric acid, dry, containing more than 39 percent available chlorine (see: "Dichloroisocyanuric acid, dry, containing more than 39 percent available chlorine").	Oxy. M	Yellow.
• • •	• • •	• • •
Items changed		
• • •	• • •	• • •
*Charcoal, activated	Inf. S	Yellow.
• • •	• • •	• • •
Collodion cotton, wet with water (export shipments only)(see: "Wet nitrocellulose").	Inf. S	Yellow.
• • •	• • •	• • •
Dimethylhexane dihydroperoxide, dry (see: *"Organic peroxides"*).	Oxy. M	Yellow.
Dimethylhexane dihydroperoxide, wet (*wet with at least 30 percent of water by weight*) (see: *"Organic peroxides"*).	Oxy. M	Yellow.
• • •	• • •	• • •
Oxide, spent (see: "Iron mass, spent").	Inf. S	Yellow.
• • •	• • •	• • •
Sodium chlorite solution (not exceeding 42 percent sodium chlorite).	Cor. L	White.
• • •	• • •	• • •
Beryllium metal powder	Pois. B	Poison.
• • •	• • •	• • •
Methyl bromide mixture, liquid (containing no Class A poison).	Pois. B	Poison.
• • •	• • •	• • •

[1] Unless otherwise exempt by the provisions of the detailed regulations.

Subpart 146.05—Shipper's Requirements Re: Packing, Marking, Labeling, and Shipping Papers

2. Section 146.05-15 is amended by changing paragraph (g) (13) to read as follows:

§ 146.05-15 Marking and labeling applying to domestic shipments only.

• • • • • •

(g) • • •

(13) "Radioactive materials label" as described and illustrated in § 146.05-17 (w) on bundles, boxes, barrels, or crates of magnesium-thorium alloys, and on packages of uranium, normal or depleted, in solid form.

• • • • • •

Subpart 146.20—Detailed Regulations Governing Explosives

§ 146.20-7 [Amended]

3. Section 146.20-7 is amended by deleting paragraphs (l) through (t) and designating paragraphs (u) and (v) as (l) and (j), respectively.

4. Section 146.20-9 is amended by changing the text to read as follows:

§ 146.20-9 Class B explosives.

(a) Class B explosives are defined as those explosives which in general function by rapid combustion rather than detonation and include some explosive devices, such as, special fireworks, flash powders, some pyrotechnic signal devices, and liquid or solid propellant explosives which include some smokeless powders.

(b) Propellant explosives, Class B, are solid or liquid chemicals or chemical mixtures which function by combustion. The combustion is controlled by composition, size, form of grain, or other chemical or mechanical means. Any propellant is Class B which fails to detonate in five trials when tested in the package in which it is offered for shipment. In conducting the test, one propellant container shall be surrounded by inert loaded containers of the same weight, including one inert container placed on top of the propellant container. The propellant shall be ignited by means of a commercial electric squib placed within 4 inches of the bottom of the container. The presence of a crater and absence of flame shall be considered as evidence of detonation. Propellant explosives, Class B, include smokeless powder for small arms, smokeless powder for cannon, liquid monopropellant fuel, smokeless powder, or solid propellant explosives for rockets, jet thrust units, or other devices. Black powder is not included in this classification and is defined in § 146.20-7(a). Fire extinguisher charges containing not to exceed 50 grains of propellant explosives per unit are exempt from the regulations in this part.

5. Section 146.20-11 is amended by deleting paragraphs (a) through (dd) and changing the remaining text as follows:

§ 146.20-11 Class C explosives.

Class C explosives are defined as certain types of manufactured articles which contain Class A or Class B explosives, or both, as components but in restricted quantities, and certain types of fireworks.

§ 146.20-100 [Amended]

6. Section 146.20-100 *Table A—Classification: Class A; dangerous explosives* is amended as follows:

A. Amend "Ammunition for cannon with explosive projectiles, etc.", as follows:

(1) In column 2, delete "ICC packing regulations, etc.", and insert in lieu thereof:

Detonating fuzes, tracer fuzes, explosive, or ignition devices, or fuze parts with explosives contained therein must not be assembled in ammunition or included in the same outside package unless shipped by, for, or to the Departments of the Army, Navy, or Air Force of the U.S. Government or unless of a type approved by the Interstate Commerce Commission.

B. Under *"Ammunition—Projectiles, grenades, bombs, mines and torpedoes"*, amend the following:

1. Amend "Explosive projectiles" as follows:

(1) In column 2, delete "Shells, projectiles, etc." and insert in lieu thereof:

Shells, projectiles, warheads, or rocket heads, loaded with explosives or bursting charges, with or without other materials, for use in cannons, guns, tubes, mortars, or other firing or launching devices.

2. Amend "Explosive hand grenades, etc." as follows:

(1) In column 2, delete "They are filled with, etc.", and insert in lieu thereof:

They are filled with an explosive or a liquid, gas, or solid material such as a toxic or tear gas or an incendiary or smoke producing material and a bursting charge. When shipped without explosives or bursting charges, see "Chemical ammunition, Class A or B poisons", as set forth in §§ 146.25-100 and 146.25-200. For tear gas grenades see § 146.25-300.

3. Amend "Explosive bombs" as follows:

(1) In column 2, delete "Metal or other containers, etc.", and insert in lieu thereof:

Metal or other containers filled with explosives. They are used in warfare and include aeroplane bombs and depth bombs.

4. Amend "Explosive mines" as follows:

(1) In column 2, delete "Metal containers filled, etc." and insert in lieu thereof:

Metal or composition containers filled with high explosives.

C. Amend "Jet thrust units (jato), Class A explosives, etc.", as follows:

(1) In column 2, after "Metal cylinders, etc.", insert the following:

Jet thrust units are designed to be ignited by an electric igniter. They are used to assist aeroplanes to take off, to propel large missiles, and to drive moving targets for practice firing.

Devices consisting of an electrically operated or remotely controlled igniting element and a fast-burning composition assembled in a unit for use in igniting the propelling charge of jet thrust units. Under certain conditions the burning composition may explode.

D. Amend "Rocket ammunition with explosive projectiles, etc.", as follows:

(1) In column 2, delete "Rocket ammunition is fixed, etc.", and insert in lieu thereof:

Rocket ammunition (including guided missiles) consists of a completely assembled unit for launching from a tube, launcher, rails, trough, or other launching device, in which the propellant material is a solid propellant explosive. Such unit consists of an igniter, a rocket motor or jet thrust unit, and a warhead, either fuzed or unfuzed, containing high explosives or chemicals.

7. Section 146.20-200 *Table B—Classification: Class B; less dangerous explosives* is amended as follows:

§ 146.20-200 [Amended]

A. Amend *"Ammunition for cannon with nonexplosive projectile*, etc.", as follows:

(1) In Column (2), delete "Ammunition for cannon, etc.", and insert in lieu thereof:

Ammunition for cannon with empty projectiles, inert-loaded projectiles, solid projectiles, or without projectiles, or shell, and catapult charges exceeding 2 inches in diameter, is fixed ammunition assembled in a unit consisting of the cartridge case containing the propelling charge and primer with empty, inert-loaded, or solid projectiles, or without projectiles, which is fired from a cannon, mortar, gun, howitzer, or recoilless rifle.

B. Amend "Explosives power devices, Class B" as follows:

(1) In column 2, delete "Explosive power devices, Class B, etc.", and insert in lieu thereof:

Explosives power devices, Class B, are devices designed to operate ejecting apparatus or other mechanisms by means of a propellant explosive, Class B, and differ from explosive power devices, Class C, in that they contain larger or more powerful propellants. The devices must not rupture on functioning and must be of a type approved by the Interstate Commerce Commission. Explosive power devices, Class B, must not be shipped with igniters assembled therein unless shipped by, for, or to the Departments of the Army, Navy, and Air Force of the U.S. Government.

C. Amend "Jet thrust units (jato), Class B explosives, etc.", as follows:

(1) In column 2, delete "Jet thrust units (jato) Class B explosives, etc.", and insert in lieu thereof:

Jet thrust units (jato), Class B explosives, are metal cylinders containing a mixture of chemicals capable of burning rapidly and producing considerable pressure. Jet thrust units are designed to be ignited by an electric igniter. They are used to assist aeroplanes to take off, to propel large missiles, and to drive moving targets for practice firing.

(2) In column 2, delete "Igniters, jet thrust (jato) Class B explosives, etc." and insert in lieu thereof:

Igniters, jet thrust, are devices consisting of an electrically operated or remotely controlled igniting element and a fast-burning composition assembled in a unit for use in igniting the propelling charge of jet thrust units. Igniters must not be shipped assembled in the unit unless shipped by, for, or to the Departments of the Army, Navy, and Air Force of the U.S. Government.

D. Amend "Starter cartridges, jet engine, Class B explosives" as follows:

(1) In column 2, delete "Starter cartridges are used, etc." and insert in lieu thereof:

Starter cartridges, jet engine, consist of plastic/rubber cases, each containing a pressed cylinderical block of propellant explosives and having in the top of the case a small plastic compartment that encloses an electric squib, small amounts of black powder, and smokeless powder, which constitutes an igniter. The starter cartridge is used to activate a mechanical starter for jet engines. Igniter wires must be short-circuited when packed for shipment. Each outside package must be plainly marked "Starter cartridges, jet engine, Class B explosives".

§ 146.20-300 [Amended]

8. Section 146.20-300 *Table C—Classification: Class C; relatively safe explosives* is amended as follows:

A. Amend "Actuating cartridges, explosive, etc." as follows:

(1) In column 2, delete *"Used to actuate*, etc.", and insert in lieu thereof:

Actuating cartridges, explosive, fire extinguisher or valve consist of a small metal or fiber housing containing a small amount of initiating explosive and a propellant and are used to actuate valves on remotely controlled fire extinguishers or other apparatus.

B. Amend "Explosive auto alarms" as follows:

(1) In column 2, delete "Explosive auto alarms, etc.", and insert in lieu thereof:

Explosive auto alarms are tubular devices containing a small amount of explosive composition and igniting compound which is ignited by an electric spark. These devices must be so designed that they will neither burst nor cause external flame on functioning.

C. Amend "Trick matches" as follows:

(1) In column 2, delete "Trick matches are, etc." and insert in lieu thereof:

Trick matches consist of book matches, strike anywhere matches, or strike-on-box matches which have small amounts of explosives or pyrotechnic composition affixed to the match stem just below the match head. Cigarette loads, trick matches and trick noise makers, explosive must be of a type approved by the Interstate Commerce Commission.

D. Amend "Explosive power devices, Class C" as follows:

(1) In column 2, delete "Explosive power devices, Class C, etc." and insert in lieu thereof:

Explosive power devices, Class C, are devices designed to drive generators or mechanical apparatus by means of propellant explosives, Class B. The devices consist of a housing with a contained propellant charge and an electric igniter to squib. The devices must be of a design approved by the Interstate Commerce Commission for this classification.

E. Amend "Explosive release devices" as follows:

(1) In column 2, delete "Explosive release devices consist of, etc." and insert in lieu thereof:

Explosive release devices consist of a rod or link fitted with means for mechanical attachment to other apparatus or equipment and containing a small electrically initiated explosive charge which will break the rod or link upon functioning. These devices must be so designed that they will not function other explosive devices in the package sympathetically.

F. Amend "*(Fireworks, common*, etc." as follows:

(1) In column 1, delete *"Helicopter type rockets*, etc." and insert in lieu thereof:

Helicopter type rockets, total pyrotechnic composition not to exceed 20 grams each in weight. The inside tube diameter shall not exceed one-half inch.

(2) In column 1, delete "*(Skyrockets with sticks,* etc." and insert in lieu thereof:

Sky rockets with sticks, total pyrotechnic composition not to exceed 20 grams each in weight. The inside tube diameter shall not exceed one-half inch. The rocket sticks must be securely fastened to the tubes.

(3) In column 1, delete "*(Roman candles, not to exceed,* etc." and insert in lieu thereof:

Roman candles, not exceeding 10 balls spaced uniformly in the tube, total pyrotechnic composition not to exceed 20 grams each in weight. The inside tube diameter shall not exceed three-eighths inch.

(4) In column 2, delete the paragraphs "Common fireworks are, etc.", "Common fireworks must be, etc.", "No component part, etc." and insert in lieu thereof:

Common fireworks are fireworks devices suitable for use by the public and designed primarily to produce visible effects by combustion. Some small devices designed to produce audible effects are also included in this class. The types, sizes and amount of pyrotechnic contents of these devices are limited as enumerated in this paragraph. No component, of any device listed in this paragraph, which produces or is intended to produce an audible effect shall contain pyrotechnic composition in excess of 2 grains in weight; nor shall such device or component, upon functioning, project or disperse any metal, glass or brittle plastic fragments. (Propelling or expelling charges consisting of a mixture of sulfur, charcoal and saltpeter are not considered as designed to produce audible effects.) Any new device, not enumerated in this paragraph, must be approved by the ICC before being offered for transportation as common fireworks. Common fireworks must be in a finished state exclusive of mere ornamentation as supplied to the retail trade and must be so constructed and packed that loose pyrotechnic composition will not be present in packages in transportation. Fireworks, other than common fireworks as defined in this paragraph and those forbidden for transportation by § 146.20–3 are classed as special fireworks (see: Class B explosives).

G. Amend "*Flares and signalling devices*" as follows:

(1) In column 2, insert the following:

Smoke candles, smoke pots, smoke grenades, and smoke signals containing not more than 200 grams of pyrotechnic composition each exclusive of smoke compositions, without bursting charges, hand signal devices, very signal cartridges, and highway or railway fuses are devices designed to produce visible effects for signal purposes.

H. Amend "*Fuzes,* etc." as follows:

(1) In column 2, delete "Percussion fuzes, etc." and insert in lieu thereof:

Percussion fuzes, combination fuzes, and time fuzes are devices designed to ignite powder charges of ammunition or to initiate an intermediate charge (booster) in projectiles, bombs, etc. When such fuzes are assembled with booster charges they are properly described as "detonating fuzes".

(2) In column 2, delete "Detonating fuzes, Class C, etc." and insert in lieu thereof:

Detonating fuses, Class C explosives, are used in the military service to detonate high explosive bursting charges of projectiles, mines, bombs, torpedoes, grenades, demolition charges, and safety and arming devices. They contain a detonator and a quantity of high explosives. Additionally they may be used by the military or commercial users to transmit a detonation between two or more devices. This type detonating fuse contains either an explosive train consisting of mild detonating fuse, metal clad, igniter fuse, metal clad or similar type fuses, and any combination of one or more boosters, detonators and high explosives in a total quantity not exceeding 25 grams of explosive composition. All detonating fuses, Class C explosives, must be made and packed so that they will not cause functioning of other fuses, explosives, or other explosive devices if one of the fuses detonates in a shipping container or in adjacent containers.

I. Under "*Igniters*", amend "Delay electric igniters" as follows:

(1) In column 2, delete "Delay electric igniters consist, etc." and insert in lieu thereof:

Delay electric igniters consist of small metal, fiberboard, or pasteboard tubes containing a wire bridge in contact with a small quantity of ignition compound. The ignition compound is in contact with or in close proximity to a short piece of safety fuse.

J. Amend "Safety fuse" as follows:

(1) In column 2, delete "Safety fuse consists of, etc." and insert in lieu thereof:

Safety fuse consists of a core of black powder overspun with yarns, water-proofing compounds, and/or tapes.

K. Amend "Small-arms ammunition, etc." as follows:

(1) In column 2, delete "Small-arms ammunition, etc." and insert in lieu thereof:

Small-arms ammunition is fixed ammunition consisting of a metallic, plastic composition, or paper cartridge case, a primer, and a propelling charge, with or without bullet, shot, tear gas material, tracer components, or incendiary compositions or mixtures, but not including bullets loaded with high explosives and is further limited to the following:

Ammunition designed to be fired from a pistol, revolver, rifle, or shotgun held by the hand or to the shoulder.

Ammunition of caliber less than .75 inch (19.05 millimeters) designed to be fired from machine guns.

Blank cartridges, including canopy remover cartridges, starter cartridges and seat ejector cartridges, containing not more than 500 grains of propellant powder, provided that such cartridges shall be incapable of functioning en mass as a result of the functioning of any single cartridge in the container or as a result of exposure to external flame.

L. Amend "Toy caps, etc." as follows:

(1) In column 2, delete "Toy paper caps, etc." and insert in lieu thereof:

Toy paper caps, consisting of paper cap ammunition for toy pistols, in sheets, strips, rolls, or individual caps, must not contain more than an average of twenty-five hundredths of a grain of explosive composition per cap and must be packed in inside packages constructed of cardboard not less than 0.013 inch in thickness, metal not less than 0.008 inch in thickness, or noncombustible plastic not less than 0.15 inch in thickness, which shall provide a complete enclosure and the minimum dimensions of each side or end of such package shall be not less than one-eighth inch in height. Unless greater weight of composition is approved by the Interstate Commerce Commission, the number of caps in these inside packages shall be limited so that not more than 10 grains of explosive composition shall be packed into 1 cubic inch of space and not exceeding 17.5 grains of the explosive composition of toy caps shall be packed in any inside container.

(2) In column 2, delete "Toy propellant devices, etc." and insert in lieu thereof:

Toy propellant devices and toy smoke devices consist of small paper or composition tubes or containers containing a small charge of slow burning propellant powder or smoke producing powder. These devices must be so designed that they will neither burst nor produce external flame on functioning.

Subpart 146.21—Detailed Regulations Governing Inflammable Liquids

9. A new section 146.21–77 is added to read as follows:

§ 146.21–77 Limited quantity shipments of cements.

(a) Cements, except cements containing carbon bisulfide, when packed in glass or earthenware containers of not over 1 quart capacity each, or metal containers not over 5 gallons capacity each, and packed in strong outside containers are exempt from specification packaging, marking other than name of contents, and labeling requirements.

(b) Such shipments may be accepted on board all vessels subject to the regulations in this part, provided the bill of lading or other shipping paper correctly describes the article in accordance with the true name as shown in the commodity list. Stowage shall be "On deck under cover" or "Tween decks" in a compartment not subject to artificial heat.

10. A new section 146.21–79 is added to read as follows:

§ 146.21–79 Limited quantity shipments of inks.

(a) Inks, when packed in glass or earthenware containers of not over 1 quart capacity each, or metal containers not over 5 gallons capacity each, and packed in strong outside containers are exempt from specification packaging, marking other than name of contents, and labeling requirements.

(b) Such shipments may be accepted on board all vessels subject to the regulations in this part, provided the bill of lading or other shipping paper correctly describes the article in accordance with the true name as shown in the commodity list. Stowage shall be "On deck under cover" or "Tween decks" in a compartment not subject to artificial heat.

Subpart 146.22—Detailed Regulations Governing Inflammable Solids and Oxidizing Materials

§ 146.22–100 [Amended]

11. Section 146.22–100 *Table E—Classification: Inflammable solids and oxidizing materials* is amended as follows:

A. Amend "Calcium hypochlorite compounds, dry, etc." as follows:

(1) In columns 4, 5, 6, and 7, delete "Strong outside wooden or fiberboard packages, etc." and insert in lieu thereof:

Strong outside wooden or fiberboard packages with inside containers of glass not over 5 lb. cap. each, or with metal containers or plastic bottles not over 10 lb. cap. each. Outside wooden containers not to exceed 150 lb. gr. wt. and outside fiberboard containers not to exceed 65 lb. gr. wt.

B. After "Decaborane" insert the following:

(1) In column 1, insert:

Dichloroisocyanuric acid, dry, containing more than 39 percent available chlorine.
Trichloroisocyanuric acid, dry, containing more than 39 percent available chlorine.

(2) In column 2, insert:

White crystalline powder or granules.
Hygroscopic.
Up to 70 percent available chlorine.
Keep dry and cool.
White crystalline powder or granules.
Hygroscopic.
Up to 90 percent available chlorine.
Keep dry and cool.

(3) In column 3, insert:

Yellow.

(4) In column 4, insert:

Stowage:
"On deck protected."
"On deck under cover."
"Tween decks."
"Under deck, but not overstowed."
Outside containers:
Steel barrels or drums:
(ICC–6A, 6B, 6C) not over 55 gal. cap.
(ICC–17E, 17H, 37A, 37B) STC, not over 55 gal. cap.
Strong outside wooden or fiberboard packages with inside containers of glass not over 5 lb. cap. each, or with metal containers or plastic bottles not over 10 lb. cap. each. Outside wooden containers not to exceed 150 lb. gr. wt. and outside fiberboard containers not to exceed 65 lb. gr. wt.
Fiber drum (ICC–21C) WIL, not over 400 lb. net wt.

(5) In column 5, insert:

Stowage:
"On deck under cover."
"Tween decks readily accessible."
Outside containers:
Steel barrels or drums:
(ICC–6A, 6B, 6C) not over 55 gal. cap.
(ICC–17E, 17H, 37A, 37B) STC, not over 55 gal. cap.
Strong outside wooden or fiberboard packages with inside containers of glass not over 5 lb. cap. each, or with metal containers or plastic bottles not over 10 lb. cap. each. Outside wooden containers not to exceed 150 lb. gr. wt. and outside fiberboard containers not to exceed 65 lb. gr. wt.
Fiber drum (ICC–21C) WIL, not over 400 lb. net wt.

(6) In column 6, insert:

Ferry stowage (AA).
Outside containers:
Steel barrels or drums:
(ICC–6A, 6B, 6C) not over 55 gal. cap.
(ICC–17E, 17H, 37A, 37B) STC, not over 55 gal. cap.
Strong outside wooden or fiberboard packages with inside containers of glass not over 5 lb. cap. each, or with metal containers or plastic bottles not over 10 lb. cap. each. Outside wooden containers not to exceed 150 lb. gr. wt. and outside fiberboard containers not to exceed 65 lb. gr. wt.
Fiber drum (ICC–21C) WIL, not over 400 lb. net wt.

(7) In column 7, insert:

Ferry stowage (BB).
Outside containers:
Steel barrels or drums:
(ICC–6A, 6B, 6C) not over 55 gal. cap.
(ICC–17E, 17H, 37A, 37B) STC, not over 55 gal. cap.
Strong outside wooden or fiberboard packages with inside containers of glass not over 5 lb. cap. each, or with metal containers or plastic bottles not over 10 lb. cap. each. Outside wooden containers not to exceed 150 lb. gr. wt. and outside fiberboard containers not to exceed 65 lb. gr. wt.
Fiber drum (ICC–21C) WIL, not over 400 lb. net wt.

C. Amend "Lithium hydride, etc." as follows:

(1) In column 4, after "Lithium metal in cartridges containing more than 18 grams, etc." insert the following:

Authorized for lithium metal only:
ICC approved aluminum carrier tubes, WIC not over 50 gm. net wt.

D. Under "*Organic peroxides*", amend "Benzoyl peroxide, wet, etc." as follows:

(1) In column 4, add the following:

Fiber drum (ICC–21C) WIC of plastic, not over 225 lb. net wt.

E. After "Potassium bromate" insert the following:

(1) In column 1, insert:

Potassium dichloroisocyanurate, dry, containing more than 39 percent available chlorine.
Sodium dichloroisocyanurate, dry, containing more than 39 percent available chlorine.

(2) In column 2, insert:

White crystalline powder or granules.
Hygroscopic.
Up to 59 percent available chlorine.
Keep dry and cool.
White crystalline powder.
Hygroscopic.
Up to 60 percent available chlorine.
Keep dry and cool.

(3) In column 3, insert:

Yellow.

(4) In column 4, insert:

Stowage:
"On deck protected."
"On deck under cover."
"Tween decks."
"Under deck, but not overstowed."
Outside containers:
Steel barrels or drums:
(ICC–6A, 6B, 6C) not over 55 gal. cap.
(ICC–17E, 17H, 37A, 37B) STC, not over 55 gal. cap.
Strong outside wooden or fiberboard packages with inside containers of glass not over 5 lb. cap. each, or with metal containers or plastic bottles not over 10 lb. cap. each. Outside wooden containers not to exceed 150 lb. gr. wt. and outside fiberboard containers not to exceed 65 lb. gr. wt.
Fiber drum (ICC–21C) WIL, not over 400 lb. net wt.

(5) In column 5, insert:

Stowage:
"On deck under cover."
"Tween decks readily accessible."
Outside containers:
Steel barrels or drums:
(ICC–6A, 6B, 6C) not over 55 gal. cap.
(ICC–17E, 17H, 37A, 37B) STC, not over 55 gal. cap.
Strong outside wooden or fiberboard packages with inside containers of glass not over 5 lb. cap. each, or with metal containers or plastic bottles not over 10 lb. cap. each. Outside wooden containers not to exceed 150 lb. gr. wt. and outside fiberboard containers not to exceed 65 lb. gr. wt.
Fiber drum (ICC–21C) WIL, not over 400 lb. net wt.

(6) In column 6, insert:

Ferry storage (AA).
Outside containers:
Steel barrels or drums:
(ICC–6A, 6B, 6C) not over 55 gal. cap.
(ICC–17E, 17H, 37A, 37B) STC, not over 55 gal. cap.
Strong outside wooden or fiberboard packages with inside containers of glass not over 5 lb. cap. each, or with metal containers or plastic bottles not over 10 lb. cap. each. Outside wooden containers not to exceed 150 lb. gr. wt. and outside fiberboard containers not to exceed 65 lb. gr. wt.
Fiber drum (ICC–21C) WIL, not over 400 lb. net wt.

(7) In column 7, insert:

Ferry stowage (BB).
Outside containers:
Steel barrels or drums:
(ICC–6A, 6B, 6C) not over 55 gal. cap.
(ICC–17E, 17H, 37A, 37B) STC, not over 55 gal. cap.
Strong outside wooden or fiberboard packages with inside containers of glass not over 5 lb. cap. each, or with metal containers or plastic bottles not over 10 lb. cap. each. Outside wooden containers not to exceed 150 lb. gr. wt. and outside fiberboard containers not to exceed 65 lb. gr. wt.
Fiber drum (ICC–21C) WIL, not over 400 lb. net wt.

F. Amend the following items as indicated:

1. Potassium, metallic.
2. Sodium potassium alloys.

(1) In column 4, add the following:

ICC approved aluminum carrier tubes, WIC not over 50 gm. net wt.

G. Amend "Sodium hydrosulphite" as follows:

(1) In columns 4, 5, 6 and 7, delete "Fiber drums (ICC–21C), etc." and insert in lieu thereof:

Fiber drums (ICC–21C) not over 250 lb. net wt.

Subpart 146.23—Detailed Regulations Governing Corrosive Liquids

§ 146.23–100 [Amended]

12. Section 146.23–100 *Table F—Classification: Corrosive liquids* is amended as follows:

A. Amend "Bromotoluene, œ, etc." as follows:

(1) In column 4, after "Outside containers" insert the following:

Nickel drum (ICC–5K), not over 55 gal. cap.
Monel drum (ICC–5M), not over 10 gal. cap.

B. Amend "Compounds, cleaning, liquid (*containing hydrofluoric acid*), etc." as follows:

(1) In column 4, after "Outside containers:" insert the following:

Cylindrical steel overpack (ICC–6D) WIC ICC–2U, not over 15 gal. cap.

(2) In column 4, delete "Fiber drum (ICC–21C), etc." and insert in lieu thereof:

Fiber drum (ICC–21C) WIC ICC–2U, not over 15 gal. cap.

C. Amend "Hydrofluosilicic acid" as follows:

(1) In column 4, delete "Tank cars complying with ICC regulations".

(2) In column 4, under "Hydrofluosilicic acid of not over 40% strength, etc." insert:

Tank cars complying with ICC regulations.

D. Amend "Sodium chlorite solution, etc." as follows:

(1) In column 1, delete "Sodium chlorite solutions, etc." and insert in lieu thereof:

Sodium chlorite solution (not exceeding 42% sodium chlorite).

Subpart 146.25—Detailed Regulations Governing Poisonous Articles

13. Section 146.25–55 is amended by changing subparagraphs (b) (3) and (c) (1) as follows:

§ 146.25–55 Exemptions for poisons, Class B.

. . . . . .

(b) • • •

(3) *Delete:*

Beryllium metal powder.

(c) • • •

(1) Cyanides, or cyanide mixtures, in tightly closed glass, earthenware, metal, or polyethylene inside containers, not over 1 pound each, securely cushioned and packed in outside wooden or fiberboard boxes, or in wooden barrels. Net weight of cyanides or cyanide mixtures in any outside container, not over 25 pounds.

. . . . . .

§ 146.25–200 [Amended]

14. Section 146.25–200 *Table H—Classification: Class B; less dangerous poisons* is amended as follows:

A. Amend the following items as indicated:

1. Aldrin, etc.
2. Ammonium arsenate, solid.
3. Arsenic acid, solid, etc.
4. Arsenic bromide, solid, etc.
5. Arsenic sulfide (powder), solid.
6. Arsenical compounds or mixtures, N.O.S., solid.
7. Bordeaux arsenites, solid, etc.
8. Cocculus, solid (fishberry), etc.
9. Dinitrobenzol, solid, etc.
10. Drugs, chemicals, medicines or cosmetics, N.O.S. (solid), etc.
11. Ferric arsenate, solid, etc.
12. Insecticide, dry, etc.
13. Lead arsenate, solid, etc.
14. *Mercury compounds, solid,* etc.
15. Nicotine salicylate, etc.
16. Nitrochlorbenzene, meta or para, solid.
17. Poisonous solids, N.O.S.
18. Potassium arsenate, solid, etc.
19. Thallium salts, solid, etc.
20. Zinc arsenate, etc.

(1) In columns 4, 5, 6 and 7, wherever applicable, under "Steel barrels or drums:" add the following:

(ICC–37P) NRC, WIL, not over 15 gal. cap.

B. Amend "Aldrin mixtures, dry, etc." as follows:

(1) In column 1, insert:

Aldrin.

C. Amend "Beryllium metal powder" as follows:

(1) In column 1, delete "Beryllium metal powder" and insert in lieu thereof:

Beryllium compounds, solid, N.O.S.

(2) In column 2, delete:

A grey-white metal powder.

(3) In column 4, delete "Outside containers" and all subsequent text and insert in lieu thereof:

Outside containers:
Steel barrels or drums:
(ICC–5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt.
(ICC–6A) not over 880 lb. gr. wt.
(ICC–17E, 17H, 37A, 37B) STC, not over 375 lb. gr. wt.
When material is fused solid 880 lb. gr. wt. authorized.
Wooden barrels or kegs:
(ICC–10A, 10B, 10C) not over 600 lb. net wt.
(ICC–11A) not over 115 lb. net wt.
Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt.
Wooden kits (ICC–18B) WPL, not over 30 lb. net wt.
Fiberboard box (ICC–12A) WIC, glass not over 5 lb. cap. each; not over 20 lb. net cap. total.
Fiberboard boxes (ICC–12B, 12C) WIC, not over 50 lb. net wt.
Fiber drum (ICC–21C) not over 250 lb. gr. wt.
Plywood drums (ICC–22A) not over 115 lb. net wt.
Tank cars complying with ICC regulations.

(4) In column 5, delete "Outside containers" and all subsequent text and insert in lieu thereof:

Outside containers:
Steel barrels or drums:
(ICC–5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt.
(ICC–6A) not over 880 lb. gr. wt.
(ICC–17E, 17H, 37A, 37B) STC, not over 375 lb. gr. wt.
When material is fused solid 880 lb. gr. wt. authorized.
Wooden barrels or kegs:
(ICC–11A) not over 115 lb. net wt.
Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 110 lb. net wt.
Wooden kits (ICC–18B) WPL, not over 30 lb. net wt.
Fiberboard box (ICC–12A) WIC, glass not over 5 lb. cap. each; not over 20 lb. net cap. total.
Fiberboard boxes (ICC–12B, 12C) WIC, not over 50 lb. net wt.
Fiber drum (ICC–21C) not over 250 lb. gr. wt.
Plywood drums (ICC–22A) not over 115 lb. net wt.

(5) In column 6, delete "Outside containers" and all subsequent text and insert in lieu thereof:

Outside containers:
Steel barrels or drums:
(ICC–5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt.
(ICC–6A) not over 880 lb. gr. wt.
(ICC–17E, 17H, 37A, 37B) STC, not over 375 lb. gr. wt.
When material is fused solid 880 lb. gr. wt. authorized.
Wooden barrels or kegs:
(ICC–10A, 10B, 10C) not over 600 lb. net wt.
(ICC–11A) not over 115 lb. net wt.
Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt.
Wooden kits (ICC–18B) WPL, not over 30 lb. net wt.
Fiberboard box (ICC–12A) WIC, glass, not over 5 lb. cap. each; not over 20 lb. net cap. total.
Fiberboard boxes (ICC–12B, 12C) WIC, not over 50 lb. net wt.
Fiber drum (ICC–21C) not over 250 lb. gr. wt.
Plywood drums (ICC–22A) not over 115 lb. net wt.
Tank cars complying with ICC regulations.

(6) In column 7, delete "Outside containers" and all subsequent text and insert in lieu thereof:

Outside containers:
Steel barrels or drums:
(ICC–5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt.
(ICC–6A) not over 880 lb. gr. wt.
(ICC–17E, 17H, 37A, 37B) STC, not over 375 lb. gr. wt.
When material is fused solid 880 lb. gr. wt. authorized.
Wooden barrels or kegs:
(ICC–10A, 10B, 10C) not over 600 lb. net wt.
(ICC–11A) not over 115 lb. net wt.
Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt.
Wooden kits (ICC–18B) WPL, not over 30 lb. net wt.
Fiberboard box (ICC–12A) WIC, glass, not over 5 lb. cap. each; not over 20 lb. net cap. total.
Fiberboard boxes (ICC–12B, 12C) WIC, not over 50 lb. net wt.
Fiber drum (ICC–21C) not over 250 lb. gr. wt.
Plywood drums (ICC–22A) not over 115 lb. net wt.
Tank cars complying with ICC regulations.

D. Amend "Chlorpicrin, liquid, etc." as follows:

(1) In column 4, under "Outside containers, etc." delete all present text and insert in lieu thereof:

Wooden boxes (ICC–15A, 15B, 15C, 16A) WIC, not over 24 lb. net wt.
Fiberboard boxes (ICC–12B) WIC, not over 12 lb. net wt.
Cylinders (ICC–3A, 3AA, 3B, 3C, 3D, 3E, 4A, 4B, 4BA, 4C), not over 275 lb. water capacity.
Metal drums (ICC–5A), not over 33 gal. cap.
Tank cars complying with ICC regulations (trainships only).
Authorized only for chlorpicrin mixtures containing not to exceed 15% chlorpicrin by weight or 15% chlorpicrin by volume, 85% by volume dichloropropene technical, and only authorized for such mixtures not classed as inflammable under the regulations in this part:
Metal barrels or drums (ICC–17C, 17E) STC, not over 30 gal. cap.

E. Amend "Methyl bromide, liquid, etc." as follows:

(1) In columns 4, 5, 6, and 7, delete "Authorized only for mixtures, etc." and insert in lieu thereof:

Authorized only for mixtures of methyl bromide and ethylene dibromide, liquid containing not over 40% by weight of methyl bromide:
Metal barrels or drums:
(ICC–17C) STC, not over 5¼ gal. cap.

F. Amend the following items as indicated:

1. Parathion mixtures, dry.
2. Tetraethyl pyrophosphate mixture, dry, etc.

(1) In columns 4, 5, 6, and 7, delete "Authorized for dry mixtures not exceeding 5%, etc." and insert in lieu thereof:

Authorized for dry mixtures not exceeding 12% by weight of the liquid active ingredient:
Paper bags (ICC–44D) not over 50 lb. net wt.

(R.S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U.S.C. 375, 416, 170. Interpret or apply sec. 3, 68 Stat. 675; 50 U.S.C. 198, E.O. 11239, 30 F.R. 9671, 3 CFR 1965 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, November 26, 1964, 19 F.R. 8026)

Dated: November 30, 1965.

[SEAL] E. J. ROLAND,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 65–13110; Filed, Dec. 8, 1965; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter II—Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER G—PROCESSED FISHERY PRODUCTS, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

PART 262—U.S. STANDARDS FOR GRADES OF FROZEN RAW BREADED SHRIMP

On Tuesday, August 3, 1965, there was published in the FEDERAL REGISTER, pages 9644–9647, inclusive, Part 262—U.S. Standards for Grades of Frozen Raw Breaded Shrimp.

A request has been received from the National Shrimp Breaders Association, an organization representing about 80 percent of the processors of frozen raw breaded shrimp within the United States, for modification of provision of the standard pertaining to condition of coating. It is their view that the present provision is too stringent to be met, on a practical basis. Accordingly, the first two paragraphs of page 9645 of the FEDERAL REGISTER of August 3, 1965, are hereby amended to read as follows:

This part shall become effective at the beginning of the 1st calendar day following the date of this publication in the FEDERAL REGISTER, *Except:* That the requirements for condition of coating shall become effective at the beginning of the 60th calendar day following the date of this publication in the FEDERAL REGISTER. This will give the breaded shrimp industry an opportunity to submit data to support their position for modification of the condition of coating provision.

Breaded shrimp inspected and graded in accordance with this revised part between the 1st and the 60th day following the date of this publication in the FEDERAL REGISTER shall meet the requirements for condition of coating as provided in Part 262—U.S. Grade Standards for Raw Breaded Shrimp and published in the FEDERAL REGISTER (25 F.R. 8444) dated September 1, 1960, as amended by interim regulations published on page 7444 of the FEDERAL REGISTER dated June 5, 1965.

DONALD L. MCKERNAN,
Director,
Bureau of Commercial Fisheries.

DECEMBER 3, 1965.

[F.R. Doc. 65–13158; Filed, Dec. 8, 1965; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 717]

HOLDING OF REFERENDA ON MARKETING QUOTAS

Notice of Proposed Rule Making

Pursuant to authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), amendments to the Regulations Governing the Holding of Referenda on Marketing Quotas (28 F.R. 13249, 29 F.R. 16844, 30 F.R. 2521, 2588, 6144, 14260, 14411) are under consideration.

As presently contemplated, the amendments would:

1. Provide that only one polling place be designated in a community. This is for the purpose of eliminating the possibility of undetected duplicate voting. In order to insure reasonably convenient polling places for all farmers to vote, the definition of a referendum community would be revised to permit a smaller area such as a township (political subdivision of a community) or a voting precinct under regular elections to be considered a referendum community.

2. Clarify the eligibility of a spouse to vote by providing that the spouse of an eligible producer be eligible to vote if such spouse shares in the crop or proceeds of the crop as a landlord, tenant, or sharecropper by virtue of being an owner or co-owner of land or a party to either a written or oral leasing agreement.

3. Provide that eligibility to vote in referenda be limited to persons 18 years of age or older. This is considered a reasonable age for recognition as a landlord, operator, share tenant, or sharecropper of a person who shares in a crop or the proceeds of a crop.

4. Require that a list of the eligible voters, prepared from county office records for each community, be furnished referendum committees prior to the date of the referendum. Any person not listed as an eligible voter would be permitted to vote but his vote would be challenged and his eligibility to vote determined in accordance with the regulations.

Prior to the amendments being issued, consideration will be given to any data, views, and recommendations which are submitted in writing to the Director, Farmer Programs Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250. To be considered any such submission must be presented not later than 10 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Signed at Washington, D.C., on December 6, 1965.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65-13164; Filed, Dec. 8, 1965; 8:46 a.m.]

Consumer and Marketing Service

[7 CFR Part 52]

FROZEN CONCENTRATED ORANGE JUICE

U.S. Standards for Grades; Notice of Proposed Rule Making

Notice is hereby given that the U.S. Department of Agriculture is considering an amendment to the U.S. Standards for Grades of Frozen Concentrated Orange Juice (7 CFR 52.1581–52.1592) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment should file the same in duplicate not later than 30 days after publication hereof in the FEDERAL REGISTER with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, where they will be available for public inspection during official hours of business (paragraph (b) § 1.27, as amended at 29 F.R. 7311).

NOTE: Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

Statement of consideration leading to the proposed amendment. The matter of an upper limit of Brix value-acid ratio for Frozen Concentrated Orange Juice which would separate orange juice of very good flavor from that of less desirable flavor has been given careful study in the Department for a number of years. Packers who produce the greater volume of the Nation's pack of frozen concentrated orange juice urge that the maximum Brix value-acid level be increased to 19½ to 1 for the U.S. Grade A flavor classification. They contend that there is a considerable quantity of orange juice packed that meets excellent consumer acceptance up to this maximum.

In consideration of the foregoing matters it is now proposed to increase permitted maximum Brix value-acid ratios in U.S. Grade A from 18:1 to 19.5:1 and to remove the maximum ratio requirement from U.S. Grade B.

The proposed changes are as follows:

(1) The table contained in § 52.1589(a) would be deleted in its entirety and the following revised table substituted therefor.

	Brix value-acid ratio	
	Minimum	*Maximum*
(1) Without sweetener style:		
California or Arizona	11.5:1	19.5:1
Outside California or Arizona	12.5:1	19.5:1
(2) With sweetener style:		
California or Arizona	12:1	19.5:1
Outside California or Arizona	13:1	19.5:1

(2) The last sentence in § 52.1589(b) would be revised to read:

To score in this classification the frozen concentrated orange juice—irrespective of style or area of production—shall have a Brix value to acid ratio of not less than 10 to 1.

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624)

Dated: December 6, 1965.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 65-13189; Filed, Dec. 8, 1965; 8:48 a.m.]

[7 CFR Part 959]

ONIONS GROWN IN SOUTH TEXAS

Notice of Proposed Expenses and Rate of Assessment

Consideration is being given to the approval of the expenses and rate of assessment, hereinafter set forth, which were recommended by the South Texas Onion Committee, established pursuant to Marketing Agreement No. 143 and Marketing Order No. 959, both as amended (7 CFR Part 959).

This marketing program regulates the handling of onions grown in designated counties in South Texas, and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same in quadruplicate with the Hearing Clerk, Room 112, U.S. Department of Agriculture, Washington, D.C., 20250, not later than the 15th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposals are as follows:

§ 959.206 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period beginning August 1, 1965, through July 31, 1966, by the South Texas Onion Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate, will amount to $36,000.

(b) The rate of assessment to be paid by each handler in accordance with the Marketing Agreement and this part shall be 1 cent ($0.01) per 50-pound sack of onions, or equivalent quantity, handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section have the same meaning as when used in the said marketing agreement and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 3, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division.

[F.R. Doc. 65-13166; Filed, Dec. 8, 1965; 8:46 a.m.]

[7 CFR Part 1136]

[Docket No. AO-309-A6]

MILK IN GREAT BASIN MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Salt Lake City, Utah, on March 23–25, 1965, pursuant to notice thereof issued on February 26, 1965 (30 F.R. 2723).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on October 1, 1965 (30 F.R. 12736; F.R. Doc. 65-10616) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (30 F.R. 12736; F.R. Doc. 65-10616) are hereby approved and adopted and are set forth in full herein subject to the following modifications:

1. Under subheading 2. *Milk to be priced and pooled.* A new paragraph is added after each, the 11th and 25th paragraphs; three new paragraphs are added after the 13th paragraph; two new paragraphs are added after each, the 24th and 30th paragraphs; and paragraphs 12, 29, and 30 are revised.

2. Under subheading 3. *Classification and allocation of milk.* A new paragraph is added after each, the 6th, 12th, and 17th paragraphs.

The material issues on the record of the hearing relate to:

1. Expansion of marketing area;
2. Milk to be priced and pooled;
3. Classification and allocation of milk; and
4. Miscellaneous and administrative changes.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Expansion of marketing area.* The marketing area should be expanded to include Cache and Rich Counties in Utah and the cities of Malad and Preston in the State of Idaho. Proponents abandoned the proposal to add to the marketing area Lincoln County, Wyo., and the Idaho counties of Bear Lake, Franklin, and Oneida, except for the cities of Malad and Preston.

Cache and Rich Counties abut the present marketing area. They form the only territory in the northern half of Utah which is not a part of the existing marketing area. Malad is 13 miles from the boundary of the present marketing area. Preston is 8 miles from the border of Cache County.

The health ordinances pertaining to the production and distribution of fluid milk in these areas are similar to those in effect in the existing marketing area.

Recently Federated Dairy Farms, Inc., a regulated handler, acquired the distribution of the major handler supplying the territory to be added to the marketing area. As a result regulated handlers now dispose of all the milk distributed in Rich County. In Cache County approximately 75 percent of the milk is distributed by regulated handlers. The remaining milk is distributed from several plants located in the county, each of which is a producer-handler as defined in the order. No unregulated milk is distributed in Malad. In Preston 87 percent of the milk sales are made by fully regulated handlers. Most of the remainder is distributed by producer-handlers. A very small quantity of the milk distributed in Preston originates at a plant in Boise, Idaho. A witness for the handler operating the Boise plant stated that his company had no objection to Preston's being added to the marketing area.

In the absence of regulation, disorderly marketing conditions could develop in Cache and Rich Counties and the cities of Malad and Preston. Should unregulated handlers seek an outlet in this area under competitive conditions which differ from those of regulated handlers, the stability of the market would be in jeopardy. Including this territory in the marketing area will maintain stable marketing conditions should unregulated milk be disposed of therein. It will permit such milk to be distributed under conditions comparable to those applying to the regulated milk.

The handling of milk in Cache and Rich Counties and in the cities of Malad and Preston is in the current of interstate commerce. Producers supplying Great Basin handlers are located in Idaho, Wyoming, and Nevada, as well as in Utah. Milk of out-of-State producers is intermingled with Utah produced milk in the plants where it is processed and packaged. It is then distributed throughout the entire area served by regulated handlers including Cache and Rich Counties, Utah, and the communities in southern Idaho. All the regulated milk disposed of in Malad and Preston, Idaho, is processed and packaged in Utah plants.

2. *Milk to be priced and pooled.* Producer-handlers should continue to be exempt from full regulation.

Cooperative associations proposed that producer-handlers be subject to full regulation as handlers and that their production be pooled as producer milk. The present record, however, does not afford a basis for extending full regulation to producer-handlers.

The cooperatives argued that producer-handlers should be fully regulated because their number was increasing and their sales were increasing at a faster rate than the sales of regulated handlers. In 1961 the average number of known producer-handlers on the Great Basin market was 34.3. The number operating during the year varied from 32 to 37. In 1964 the average number on the market was 36.2. The number varied from 35 to 38 during the year. The percentage of the market's total Class I disposition sold by producer-handlers increased from 5.2 in 1961 to 7.9 in 1964.

Of 38 producer-handlers who filed reports with the market administrator for the month of January 1964 approximately 12 distributed pasteurized milk. The remaining 26 were raw milk distributors. There are believed to have been five additional raw milk distributors who did not file reports with the market administrator. Of the raw milk distributors reporting, a few also sold pasteurized products which they acquired from pool handlers.

At least two of the pasteurizing producer-handlers were fully regulated handlers when the order first became effective. They produced a portion of their requirements and purchased the remainder of their needs from other producers. To avoid pooling their own production these handlers became producer-handlers. They did this by increasing the size of their herds and discontinuing the purchase of milk from other producers.

Many of the remaining pasteurizing producer-handlers were formerly producers who marketed their milk through one or the other of the cooperative associations. Several of these testified that a major factor in their decision to enter the distribution field was their inability to acquire additional base as they increased their production. Although the order no longer contains a base and excess plan of distributing returns to producers, the two major cooperative associations continue to use a base and excess plan to pay their producer members. Bases are assigned member producers by the associations on the basis of past mar-

ketings. All production in excess of the assigned base is paid for at manufacturing prices. It appears that bases are not adjusted to changes in production of the individual producer. One producer-handler testified that even though he was able to purchase some additional bases from other producers, he still received manufacturing prices for more than half of his total production. Faced with the alternatives of continuing to market substantial percentages of his production at manufacturing prices, of cutting back production or of becoming a producer-handler, he chose the latter and began to market his milk directly to consumers. He stated this was the only way he could increase his share of the Class I sales in the market to a level which would permit him to continue to produce Grade A milk.

Most of the producer-handlers are relatively small and dispose of raw milk on their farms. Under regulations of the Utah State Department of Agriculture raw milk can be sold at retail only on the premises where produced by licensed producers who meet specific production, sanitary and handling requirements.

Although the prices at which raw milk is sold to consumers are somewhat less than the retail prices of pasteurized milk, the record does not indicate that this has caused disorderly marketing conditions. The demand for raw milk is limited and those consumers who desire to purchase it must travel to the producer's farm to secure it.

The producer-handlers who pasteurize their milk, on the average, dispose of a somewhat greater quantity of fluid milk than the raw milk producer-handlers. Many of them, however, are located in the more rural portions of the marketing area and their sales are confined to neighboring counties. In the metropolitan areas there are a few large producer-handlers who dispose of milk through milk depots. The record evidence, however, does not indicate that these producer-handlers have had a disruptive effect on the market. The prices received for pasteurized milk by these producer-handlers generally are comparable to the prices at which the milk of fully regulated handlers is sold. There is no evidence that producer-handlers have started price wars or engaged in other practices which threaten the stability of the market.

The definition of "producer-handler" should be clarified, however, with respect to the amount of milk which a producer-handler may purchase without losing his status. The present order provides that a producer-handler may receive during the month only milk of his own farm production or milk from other pool plants in an amount equal to 3,000 pounds or 5 percent of his Class I sales, whichever is the larger. Without further definition the term "milk" could be interpreted to mean fluid milk products, whole milk, or the milk equivalent of all dairy products received.

The purpose of the tolerance is to permit a producer-handler to augment his own production in emergency situations when it is insufficient to meet his Class I sales or to acquire for resale byproducts such as flavored milk or buttermilk which it is not practical to produce on such a small scale. Hence, the order should specify that the 3,000-pound or 5-percent limit applies to fluid milk products whether they be in the form of whole milk, cream, skim milk or similar items. A producer-handler should not be precluded from purchasing manufactured dairy products, such as butter and cheese which are in a form such that they cannot be reconstituted into fluid milk products.

Exceptors stated that the producer-handler definition provided in the recommended order would not preclude a producer-handler from obtaining fluid milk products in excess of 3,000 pounds per month or 5 percent of a producer-handler's Class I sales. They pointed out that a producer-handler could augment his supplemental supply of milk by reconstituting milk products into fluid milk products. Therefore, in order to insure that a producer-handler is effectively limited to Class I sales during the month which are not in excess of his own farm production and 3,000 pounds per month or 5 percent of the producer-handler's Class I sales during the month, whichever is the larger, the definition of a producer-handler should be revised to consider milk products which have been reconstituted into fluid milk products as a part of the limited supplemental supply of fluid milk products available to a producer-handler.

A plant which has a manufacturing operation, but which neither receives milk from dairy farmers nor possesses the approval of any duly constituted health authority for the processing or packaging of Grade A fluid milk products should be excluded from the definition of an approved plant.

Presently, an ice cream plant at Orem, Utah, which serves as a distribution point for fluid milk products processed and packaged by a pool plant, is an approved plant under the order. Since this plant receives no milk from producers, it has no obligation to the producer-settlement fund. The only effect of exempting such plant from approved plant status is to relieve it of the obligation of reporting to the market administrator each month. Reports from manufacturing plants which have no producer receipts serve little, if any, purpose. By specifying that an approved plant must receive milk from dairy farmers, this plant will be excluded from the definition. Other plants presently defined as approved plants would continue to meet the revised definition.

Exceptors agreed that the Orem, Utah, plant should be exempt from reporting but emphasized that the books and records of the plant should be subject to audit. The order requires the market administrator to audit the records of any person upon whose utilization a transfer from a handler depends. Accordingly, there is no need to revise the order as requested by exceptors.

Exceptors further stated that the proposed definition for an approved plant would permit evasion of regulation by plants which are processing or packaging fluid milk products and from which any such products are disposed of on routes in the marketing area. One of the proposed conditions for qualifying as an approved plant is that a plant must receive milk from dairy farmers. If a presently approved plant were to discontinue receiving milk from dairy farmers and were to receive its total milk supply from other plants, such plant would not be an approved plant under the proposed order.

In order to insure that presently regulated pool plants which are processing or packaging fluid milk products continue to remain subject to full regulation, the approved plant definition should be revised to include any plant which either receives milk from dairy farmers or possesses the approval of any duly constituted health authority for the processing or packaging of Grade A fluid milk products.

The order should be amended to permit milk to be diverted for Class III use from other Federal orders to plants fully regulated by the Great Basin order without losing its identity as producer milk under the diverting order. There are many Eastern Colorado producers whose farms are located in Utah at a considerable distance from any Eastern Colorado pool plant. When this milk is not required for Class I use by Eastern Colorado handlers, it may be diverted to nonpool plants. Many of the Utah producers of the Eastern Colorado order are located close to Great Basin pool plants with manufacturing facilities. Under present order provisions the milk of these Eastern Colorado producers may not be diverted to Great Basin pool plants as producer milk of the diverting order. As a consequence, in order to maintain producer milk status under the Eastern Colorado order, it sometimes has been necessary to haul this milk to Eastern Colorado pool plants in Denver and its environs.

Manufacturing facilities in Eastern Colorado are very limited. Hence, it is often necessary after receiving the Utah milk in Denver, to haul it back to Utah to be manufactured in Great Basin pool plants. Handling milk in this manner is inefficient and costly. The order should be amended to permit such milk to be pooled in the Eastern Colorado market even though diverted directly from the farm to manufacturing facilities which are regulated under the Great Basin order.

The order should also be amended to permit producer milk to be diverted for Class III by handlers under the Great Basin order to pool plants under any order which has a reciprocal provision whereby such milk is excluded from pooling in the market of actual receipt. Since it is possible for the same farmer to be a producer under two orders during the month, provision should be made to preclude pooling the same milk under two orders. As a general rule, when order provisions permit, the milk should be priced and pooled in the market with which it is primarily associated. However, when the reserve supply of one market is diverted to plants in another market for manufacturing use, such milk should be pooled in the market from which diverted, even though the greater volume of the milk of the producers involved may be received in the market to which the milk is diverted. Therefore if milk is diverted to other order plants for Class III use, it will be pooled as producer milk in the Great Basin market even though more of the producer's milk is delivered to the other order plant than to pool plants. Similarly, should milk of producers of another order which is surplus to its needs be diverted to a Great Basin pool plant for manufacturing use, the milk should continue to be pooled in the market from which diverted even though, during the month, the majority of such producer's milk was received at a Great Basin pool plant.

To be considered as a diversion, it is provided that the diverting handlers and the operator of the plant at which the milk is physically received must both report to their respective market administrators that such milk was diverted for Class III use. If the provisions of a neighboring order do not exclude from pooling milk which might be diverted from the Great Basin market, then milk so diverted will be excluded from pooling in Great Basin, and will be pooled in the market where physically received. In order to avoid duplication of pooling it is provided that milk diverted to another order plant will lose its status as pool milk under the Great Basin order immediately upon becoming subject to pooling under the other order as producer milk defined therein.

The order should be amended to include in the category of exempt plants all governmental agencies and Brigham Young University. At the present time the order exempts from regulation plants from which the total route distribution of fluid milk products is to individuals or institutions for charitable purposes and is without remuneration from such individuals or institutions.

Utah State University at Logan would undoubtedly become a producer-handler under the terms of the present order on the addition of Cache County to the marketing area. This is a state institution. It operates a dairy farm and a processing plant. Most of the milk produced on the farm is received at the dairy plant. There a portion of it is bottled for consumption in the campus facilities. The remainder of the milk received is manufactured into dairy products. If production in the school farm exceeds the needs of the school plant, the excess is sold to the Cache Valley Dairy Association which operates a manufacturing plant at Smithfield, Utah.

Utah State University is a state operated institution which produces and processes milk in part for the education of students in dairy husbandry and dairy technology, and in part for its own use. It does not compete with proprietary handlers for sales off campus. Because of the nature of its operation both the production and processing facilities should be exempt.

The record is silent as to whether there are other governmental agencies, State or municipal, which produce and process milk for their own use. If such agencies do exist they should likewise be exempt from all regulation.

Although Brigham Young University is not government operated, its production and processing facilities fall in the same category as those of Utah State University. At the present time the market administrator has determined that Brigham Young is a producer-handler. As such it is exempt except for the filing of monthly reports. While these reports are necessary in the case of producer-handlers who dispose of milk on routes or through depots in competition with regulated handlers, they are not necessary in the case of Brigham Young University in view of the nature of its operation. Therefore, it should be exempt also.

While these exempt plants will have no obligation to report to the market administrator, the order should provide that if they find it necessary to purchase milk from pool plants, sales to such institutions by pool plants will be classified as Class I. Likewise, any disposition of milk by these institutions to pool plants will be classified as Class III.

The milk which is surplus to the fluid requirements of these institutions is not a source of supply which can be depended upon to fulfill the regular requirements of the market. It bears the same relationship to the marketwide pool as does the surplus of producer-handlers and it should be allocated in the same manner as a receipt from a producer-handler. Accordingly, milk received at pool plants from plants operated by these institutions should receive a Class III classification.

Exceptors agreed that governmental agencies, Brigham Young University and plants whose total route distribution is to individuals or institutions for charitable purposes and is without remuneration from such individuals or institutions should be exempted from all provisions of the order. They requested, however, that the operations of such plants be subject to audit by the market administrator to determine whether these plants continue to meet the prescribed conditions necessary to maintain an exempt status.

It is not necessary that regular audits of the books and records of such plant be made to verify the continuation of exemption from order provisions for these plants. The market administrator may make such determination by survey or means other than audit. Accordingly, the exception is denied.

The recommended decision provided that the definition of a pool plant be revised to require that a distributing plant need dispose of only 30 percent of its receipts as fluid milk products on routes. In view of the exceptions received, the order should be revised to provide that the percentage of route disposition required for pooling be fixed at 50 percent during each month of the year. The requirement that 15 percent of the total route dispositions be disposed of on routes within the marketing area should be retained.

During the past several years it has been necessary to suspend provisions of the Great Basin milk order with respect to pooling standards for distributing plants. These suspensions have been necessary to enable cooperative associations to qualify their pool plants.

Cooperative associations represent more than 90 percent of the producers supplying the Great Basin marketing area. In addition to furnishing most of the milk utilized by proprietary handlers, the two major cooperatives each operate a distributing plant. Both of these plants have manufacturing facilities and handle a substantial portion of the reserve supplies of the market. In the flush months they have been unable to meet the pooling requirements of the order.

Cooperatives proposed that in determining the pool status of distributing plants which they operate there should be added to the receipts and utilization of their own plants, the deliveries of member milk to plants of other handlers classified according to its utilization at the receiving handler's plant. They also proposed that the percentage of route disposition required for pooling be fixed at 50 percent the year round. At the present time 40 percent route distribution is required during the months of April through July.

Exceptions were filed on behalf of the cooperative associations requesting that their proposal for qualifying a distributing pool plant be adopted in lieu of the requirements contained in the recommended order. The pooling standards contained in the recommended order would have required a distributing plant to dispose of 30 percent of its Grade A receipts on routes and to dispose of 15 percent of its total route disposition on routes within the marketing area. After reviewing the record evidence in light of the exceptions received, it is concluded that a distributing plant should be required to dispose of at least 50 percent of its Grade A receipts on routes and 15 percent of its total route disposition on routes within the marketing area to qualify as a pool plant.

In determining the qualification of a plant operated by a cooperative association the deliveries of milk of its members to plants of other handlers classified according to its utilization at the receiving handler's plant should be added to the receipts and utilization at the plant of the cooperative association.

The bottling plants of the cooperative associations are combination plants which have sizable manufacturing operations. These plants handle much of the reserve supply of the market. In the months of flush production and on weekends throughout the year, substantial volumes of reserve milk associated with the Class I sales of other handlers are received at the cooperative plants and manufactured into dairy products. The cooperative association plants can continue to perform this service of balancing the market supplies only if they retain pool plant status. It is proper, therefore, in determining the qualification of these cooperative plants to include the utilization of the plants for

which they handle the reserve supplies.

The rules governing diversions should provide more flexibility by permitting diversions on the basis of the percentage of the total volume of milk delivered to pool plants, either by a group of nonmember producers or by a cooperative association, rather than on deliveries of the individual producer.

The order presently provides that an individual producer who delivers milk to a pool plant may have his milk diverted to a nonpool plant or to a receiving facility not approved for handling milk for fluid consumption located at another pool plant, in an amount equal to not more than 200 percent of the milk physically received from such producer at pool plants.

Proponents requested that the diversion percentage to nonpool plants be limited to 25 percent of the producer milk. They further requested that two or more cooperative associations be permitted to combine their total deliveries to pool plants for the purpose of calculating the amount of milk which they may divert jointly as producer milk.

Since the impact on the pool fund is the same whether the milk of one producer or another producer is diverted, the order should provide the flexibility needed by cooperatives in serving the market efficiently. The same flexibility should be accorded also to handlers who may need to divert nonmember milk. This can be accomplished by having the percentages apply to total diversions instead of individual producers. However, a 3-day delivery requirement for each of the producers whose milk is diverted to nonpool plants during the month should be provided to assure that the producer's milk is acceptable in terms of quality for sale in the fluid market and that the milk furnished by the producer is available for fluid use.

Presently, two-thirds of a producer's deliveries may be diverted to nonpool plants or to a receiving facility not approved for handling milk for fluid consumption located at another pool plant. The percentage limitations herein provided permit diversions of producer milk in an amount not to exceed one-fourth of the total deliveries received at pool plants from producers. Even though the total amount of milk which may be diverted is greatly reduced, the flexibility provided by allowing milk of producers located nearest to nonpool plants to be diverted, will facilitate the handling of the market's reserve supply by creating greater efficiency in its handling.

Diversions in excess of 25 percent shall not be producer milk and the diverting handler or diverting cooperative shall specify the dairy farmers whose milk is ineligible as producer milk.

The option to permit two or more cooperatives to combine their deliveries to pool plants for the purpose of calculating the amount of milk which they may divert jointly should only apply when each association has filed a written request with the market administrator on or before the first day of the month for which the agreement is effective. This request should also indicate the responsibility each association assumes for designating the farmers whose milk is diverted in excess of the allowable amounts.

This amendment will facilitate for the proponent cooperative associations the arranging of their operations so that milk not needed for fluid use in the market can be more readily diverted to manufacturing pool plants nearer the production area. It will eliminate the need for milk to be hauled long distances to keep it associated with the pool while milk produced in areas near pool plants is being diverted to nonpool plants. Thus, the necessary reserve for the market would be utilized more efficiently.

Permitting cooperative associations to combine total deliveries to pool plants for calculating the quantity of milk which they may divert will not result in the total amount of milk which may be diverted as producer milk being any greater than by allowing the cooperatives to divert separately. It will provide, however, more flexibility in diverting milk of producers. It would be difficult for the market administrator to fix the responsibility for milk diverted in excess of permissible quantities when two or more cooperatives are involved. Therefore, in its request to exercise this option, each cooperative should state the basis on which over-diverted milk is to be assigned to producer-members of each cooperative association. Such basis of assignment must be approved in advance by the market administrator as a practical method which will insure the application of the intended limits with respect to total eligible diversions.

Presently, all producer milk disposed of both within the marketing area and outside such area is fully regulated and priced under the present order. It is necessary that this arrangement be continued under the amended Great Basin order. Otherwise, the effect of the order would be nullified and the orderly marketing process would be jeopardized.

If only his "in-area" sales were subject to classification, pricing and pooling, a pool handler with Class I sales both inside and outside the marketing area could assign any value he chose to his outside sales. He thereby could reduce his average cost of all of his Class I milk below that of other pool handlers having all, or substantially all, of their Class I sales within the marketing area. In short, unless all milk of such a handler is fully regulated under the order, he would not be subject to effective price regulation. The absence of effective classification, pricing and pooling of such milk would disrupt orderly marketing conditions within the regulated marketing area and could lead to a complete breakdown of the order. If a pool handler were free to value a portion of his milk at any price he chose, it would be impossible to enforce uniform prices to all fully regulated handlers or a uniform basis of payment to the producers who supply the market. It is essential, therefore, that the order price all the producer milk received at a pool plant regardless of the point of disposition.

Limited quantities (as provided) of Class I milk may be sold within the regulated marketing area from plants not under any Federal order. There is, of course, no way to treat such unregulated milk uniformly with regulated milk other than to regulate it fully. Nevertheless, it has been concluded that the application of "partial" regulation to plants having less association than required for market pooling would not jeopardize marketing conditions within the regulated marketing area. Official notice is taken of the June 19, 1964, decision (29 F.R. 9213) supporting amendments to several orders, including the Great Basin order.

The operator of the partially regulated plant is afforded the options of: (1) Paying an amount equal to the difference between the Class I price and the uniform price of producer milk with respect to all Class I sales made in the marketing area; (2) purchasing at the Class I price under any Federal order sufficient Class I milk to cover his limited disposition within the marketing area; or (3) paying his dairy farmers an amount not less than the value of all their milk computed on the basis of the classification and pricing provisions of the order (the latter representing an amount equal to the order obligation for milk which is imposed on fully regulated handlers).

While all fluid milk sales of the partially regulated plant are not necessarily priced on the same basis as fully regulated milk, the provisions described are, however, adequate under most circumstances to prevent sales of milk not fully regulated (pooled) from adversely affecting operation of the order and the fully regulated milk.

3. *Classification and allocation of milk.* A proposal to classify cream, pot and baker's cheese as Class II products was abandoned by proponents at the hearing. In the absence of any testimony in support of reclassifying such cheeses, the Class III classification should be retained on such products.

The request that sour cream be classified as Class II is denied. The principal evidence offered in support of the reclassification of sour cream was the fact that sales of the product have been declining in recent months, particularly in the wholesale trade to bakeries and restaurants. Sour cream is being displaced in these outlets by substitute products made from vegetable fat which are priced far below the price of sour cream.

Under the effective health regulations in the marketing area sour cream must be produced from Grade A milk. Sour cream is disposed of in the marketing area from both pool plants and nonpool plants. The sour cream from the nonpool plants, however, is labeled Grade A. There is no evidence that sour cream is disposed of in the marketing area other than under a Grade A label. Likewise, there is no evidence with respect to the labeling or composition of products such as dips and dressing whose principal ingredient is sour cream. Neither is their any evidence that such products are being disposed of in the marketing area from non-Grade A sources.

It must be recognized that it is not feasible to reduce the price of fluid milk products to a level at which they can compete on an equal price basis with nondairy substitutes. Lowering the pricing of sour cream to the Class II level would not reduce its cost to a point at which handlers could compete on an equal price basis with nondairy substitutes. The price resulting from a Class II classification for sour cream would reduce returns to producers for a product which must be made from Grade A milk and must be so labeled. The resulting price would not be low enough to increase sales of the product in competition with nondairy substitutes. To classify sour cream as Class II would be inconsistent with the established practice of uniform pricing of products which must be made from Grade A milk. Since sour cream is required to be produced from Grade A milk and is so labeled, producers should be paid on the same basis as for other fluid milk products which are required by local health authorities to be produced from Grade A milk.

The request that cream be classified as Class II is denied. Cream sold for fluid consumption in the marketing area is required to be made of Grade A milk and to be packaged under a Grade A label. Cooperative associations asked for a lower price in an effort to increase cream sales. The extent cream sales might be expected to increase if priced as Class II is highly speculative. Since the product is required to be produced from Grade A milk and is merchandised to consumers on the basis of its Grade A quality, producers should be paid on the same basis as for other fluid milk products disposed of under a Grade A label.

Bulk sales of fluid milk products to any commercial candymaking establishment which does not dispose of fluid milk products for fluid consumption either on or off the premises should be classified as Class III milk. Proponents stated that candymakers are presently using condensed milk and Grade C cream but would use Grade A products if they could be purchased at a Class III price. Since candymaking represents an additional use for milk which is surplus to the fluid requirements of the market, a Class III utilization should be assigned to such uses to encourage the use of producer milk by candy manufacturers.

Exceptors asked that a Class III classification for fluid milk products transferred to a candy manufacturer be conditioned upon books and records being made available to the market administrator. The order presently requires that the market administrator shall audit the records of any person upon whose utilization the classification of skim milk and butterfat transferred by a handler depends. Accordingly, no need exists for the conditional transfer requested by exceptors.

The definition of Class III milk should be clarified to state clearly that the skim milk portion of any fluid milk product which is disposed of for livestock feed or dumped shall be classified as Class III milk. The Class III classification of dumped milk, of course, is subject to the present order requirements of prior notification to the market administrator and opportunity for physical verification of such dumping.

The definition of other source milk should be amended to exclude Class II products received from other pool plants. Under present order provisions such a receipt would be allocated to Class III use in the transferee plant. Its disposition from the transferee plant, however, would be a Class II disposition. Thus the transferee handler would be assessed the difference between the Class II and Class III prices on milk which had already been classified and priced as Class II in the transferor plant. This situation will be avoided by excluding from the definition of other source milk, Class II products received from other pool plants.

The other source milk definition should be further revised to include any disappearance of products other than fluid milk products, which are in a form in which they may be converted into fluid milk products and which are not otherwise accounted for by plant records.

The order now includes in the definition of other source milk only those nonfluid milk products which have been reprocessed or converted to another product in the plant during the month. It can be argued that the handler is not required under the present order to account to the market administrator for such products which have disappeared but which are not shown to have been reprocessed or used in the manufacture of other products. Proper administration of the order requires that the handler account for the disposition of such products. Otherwise, the door is left open for circumvention of the order provisions.

By adding to the definition of other source milk, "any disappearance of products, other than fluid milk products, which are in a form in which they may be converted into fluid milk products and which are not otherwise accounted for," there will be no doubt of the market administrator's authority to consider as used for fluid purposes such products for which the handler was unable or unwilling to account otherwise.

In order to verify the actual utilization of milk received from producers, it is necessary that the market administrator be in a position to reconcile all receipts of milk and dairy products with the disposition records of the plant. If such records cannot be reconciled, the handler must be held responsible for the shrinkage or the overrun which occurs as a result of the discrepancy between the records of receipts and disposition. Otherwise, the handler with improper records would be in a position to gain an advantage over his competitors who properly accounted for all milk and dairy products received at the plant. It is equally necessary that the handler be required to account for all nonfluid dairy products which are in a form in which they can be converted into Class I products. Otherwise, a handler, by failing to keep records of nonfat dry milk products and similar products which he reconstituted into skim milk or other Class I items, could gain a competitive advantage over other handlers in the market.

Exceptions were received to the proposed definition of other source milk. Exceptors stated the inclusion in the other source milk definition of any disappearance of product other than a fluid milk product which is in a form in which it may be converted into a fluid milk product was unduly restrictive. They suggested that the provision should be modified to include only any unreasonable disappearance of such products. These exceptions are denied for the reasons previously stated.

It was proposed that the reporting and classification sections of the order be revised to permit a handler operating two or more pool plants a choice of accounting for his operation either on an individual plant basis for each plant, or on the basis of the combined operation of all his pool plants. The basis for the proposal was that it would be cheaper to prepare one combined report rather than individual reports.

The order presently provides that pool plant operators must submit a separate report for each pool plant. However, classification, the computation of shrinkage and allocation are based upon the combined pool plant operation of a handler.

The order herein set forth provides that pool plant operators shall continue to submit a separate report for each pool plant. It is further provided that classification and shrinkage shall be based upon the operation of each individual plant. Allocation is to be performed separately at each pool plant unless the pool plant handler receives other source milk which is subject to prorata assignment. In such instance the market administrator shall combine the total receipts at each pool plant before allocating other source milk.

Although it is likely that combined reporting of pool plant operations by a multiple pool plant handler may be less expensive than individual plant reporting, a more important reason exists for separate reporting. Separate reports for each pool plant will permit shrinkage to be computed separately for each pool plant. This will preclude a handler operating two or more pool plants from offsetting shrinkage in one plant against overage in another.

Proponents asked that shrinkage be on a combined basis even though no milk was transferred between such plants. Unless milk is transferred between pool plants of the handler, no means exist by which overage in one of such plants could be the cause of shrinkage in any of the remaining pool plants. Even if milk were transferred between pool plants of the same handler, the same care should be given to recording the weights and tests of milk so transferred as is given to transfers to pool plants of other handlers. The requirement that each plant must be separately accountable for shrinkage or overage will result in the multiple pool plant operator accounting to the pool on the same basis

for shrinkage or overage as is now required of the operator of an individual plant.

Exceptors objected to provisions requiring handlers to continue to report separately for each pool plant and to account for shrinkage at each pool plant. The arguments advanced in support of such objections are not persuasive and, therefore, the exceptions are denied for the reasons previously stated.

It was proposed that a provision of the transfer section of the order dealing with movements of milk between two pool plants be deleted. This provision requires that a transfer to a pool plant from a pool plant handler who has received other source milk at any of his pool plants shall be classified as though it had been a direct receipt of other source milk at the transferee plant. Its application can result in numerous reclassifications and minor audit adjustments between handlers. In most cases these adjustments in no way affect the total classification or value of the producer milk in the pool. Neither do they affect the classification of the other source milk.

The provision was intended to prevent a handler operating a pool plant with a low utilization from receiving a high Class I classification on receipts of other order milk or milk from unregulated supply plants, by having such milk received first at a high utilization plant and then transferred to the low utilization plant. As noted above, the provision can result in numerous adjustments which affect the pool not at all, but involve a great deal of bookkeeping and revision of records. In order to prevent meaningless adjustments, but effectuate the purpose for which the provision was designed, the order should provide that, if the transferor handlers has received other source milk, the transferred milk shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk. The subsequent application of the allocation provisions will result in the same total classification of other source milk and producer milk as is provided by the present order.

4. *Miscellaneous and administrative changes.* The market administrator should no longer be the intermediary between the handler and the cooperative associations with respect to payments for any of the milk received from the cooperative associations. Presently, the sum of the final payments due the individual producer-members of a cooperative association for milk received by handlers is paid by the market administrator to any cooperative association which is authorized by its members to collect payment for their milk and which has requested such payment from any handler in writing. The need for this provision ceased to exist upon the termination of the base plan previously a part of the order.

Official notice is taken of a final decision issued June 23, 1961 (26 F.R. 5807), by the Secretary of Agriculture. This decision states in part:

> Under the base-excess plan of payment effective under the order February 1, 1961, it is difficult for the handler to determine the quantity of base milk associated with a part-month delivery of such a producer.
>
> This difficulty can be overcome by requiring that handlers, upon request of the cooperative authorized to collect payments, pay the class use value of milk received from producer-members to the market administrator, who will remit to the cooperative association the value of such milk at the base and excess producer prices of the order.

Official notice also is taken of the termination order issued on August 28, 1964 (29 F.R. 12507), by the Assistant Secretary of Agriculture. This order terminated the base plan contained in the order. Therefore, the producer payment section should be revised to provide that handlers shall make payments for milk delivered by producer-members of cooperative associations directly to the associations entitled to receive payments for milk on behalf of their members.

The order should also specify that handlers shall pay a cooperative association which is a handler pursuant to § 1136.9(c) at the uniform price for milk received directly from producers' farms. Any audit adjustments arising in connection with such milk would be made through the handler rather than through the cooperative association. At the present time when an audit adjustment is made on such milk, the market administrator must bill the cooperative which, in turn, must bill the handler for the money due the producer-settlement fund. If a refund is due a handler, such refund must now be made to the cooperative association, which in turn, passes it on to the handler. This is a cumbersome procedure and, in case of default by a handler, it might be necessary to institute action against the cooperative association as well as the handler. Requiring payment at the uniform price instead of class prices for bulk tank milk for which the cooperative association is the handler will permit audit adjustments on such milk to be made directly with the handler utilizing such milk.

As a carryover from the base and excess plan the order in many places contains the term "weighted average price." The term "weighted average price" as used in the order refers to the weighted average of the base price and the excess price. Since the order now provides for a year-round uniform price, the several sections of the order which contain the terms "weighted average price" should be revised by substituting the word "uniform price" therefor.

The marketing service provision of the order should be retained. The proposal to delete the provision was made by a handler who receives milk from producers who are not members of a cooperative association.

A producer shipping milk to this handler supported the proposal on the grounds that his milk was weighed and tested regularly by the purchasing handler and only occasionally by the market administrator.

One of the terms and conditions provided for in the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. sec. 608c(5)) states in part:

> (E) Providing (1) except as to producers for whom such services are rendered by a cooperative association, • • •, for market information to producers and for the verification of weights, sampling, and testing of milk purchased from producers, and for making appropriate deductions therefor from payments to producers • • •.

The statute provides for verification of (rather than ascertainment of) weights, sampling and testing of milk of producers who are not members of a cooperative association which is performing such services. Thus, it is clear that such verification must be performed by a disinterested party, not by the handler who purchases the milk from producers. The marketing services provided by the market administrator are a verification process for the benefit of producers rather than a daily weighing and testing of each handler's producer receipts.

One of the objections to marketing service provided for nonmember producers concerned the allocation of assessment fees. When marketing services are provided by the market administrator, the rate of assessment is based on the expense incurred in performing services for the total volume of milk supplied the market by producers who are not members of any cooperative association. It is based on the cost per hundredweight of milk and not on the cost per producer just as the administrative assessment is based on the cost per hundred-weight, not on the cost per handler.

There are less than 50 nonmember producers. These producers are widely dispersed throughout the marketing area. As a consequence the cost of performing marketing services is higher than it would be if there were more producers, or if their farms were concentrated in the same locality.

It should be provided that no deductions for marketing service is to be made on a handler's own farm production. The principal reason for providing marketing service to producers is to verify weighing, testing and sampling of producer milk which is performed by the handler who purchases the milk. In the case of a handler receiving milk which he has produced himself, no purpose is served by verifying the accuracy with which he weighs and tests his own production.

Proponents abandoned those proposals contained in the notice of hearing which would have provided for storage and distribution depots to be considered as part of a pool plant operation, for a different assignment of shrinkage classification between producer milk and other source milk eligible for a prorata allocation, and for an interest charge on amounts owed by a handler to the market administrator. Since these proposals were not supported at the hearing, no further consideration of these proposals is warranted on this record.

Although the marketing area is being expanded, the supply-demand adjustment to the Class I price need not be changed. As previously noted, no new handlers will be brought under regulation by the expansion of the marketing area. In addition, no significant change has been made in the classification of fluid milk products. Thus, there will be no change in the receipts and utilization of pooled milk as a result of the expansion.

The order has been drafted to incorporate the conforming and clarifying changes necessary to effectuate the findings and the conclusions made herein. Except for those amendments specifically discussed above, these changes will not affect the scope of the order or its application to any handler subject thereto.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held;

(d) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce in milk or its products; and

(e) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to:

(1) Producer milk (including that classified pursuant to § 1136.40(b) but excluding, in the case of a cooperative association which is a handler pursuant to § 1136.9(c), milk which was received at the pool plant of another handler) and such handler's own production;

(2) Other source milk allocated to Class I pursuant to § 1136.44(a) (3) and (7) and the corresponding steps of § 1136.44(b); and

(3) Class I milk disposed of from partially regulated distributing plants on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

RULINGS ON EXCEPTIONS

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Great Basin Marketing Area" and "Order Amending the Order Regulating the Handling of Milk in the Great Basin Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

REFERENDUM ORDER; DETERMINATION OF REPRESENTATIVE PERIOD; AND DESIGNATION OF REFERENDUM AGENT

It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Great Basin marketing area, is approved or favored by the producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of September 1965 is hereby determined to be the representative period for the conduct of such referendum.

John B. Rosenbury is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), such referendum to be completed on or before the 30th day from the date this decision is issued.

Signed at Washington, D.C., on December 6 1965.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Great Basin Marketing Area

§ 1136.0 **Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Great Basin marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing the proceedings to formulate marketing agreements and marketing orders have been met.

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to:

(i) Producer milk (including that classified pursuant to § 1136.40(b) but excluding, in the case of a cooperative association which is a handler pursuant to § 1136.9(c), milk which was received at the pool plant of another handler) and such handler's own production;

(ii) Other source milk allocated to Class I pursuant to § 1136.44(a) (3) and (7) and the corresponding step of § 1136.44(b); and

(iii) Class I milk disposed of from partially regulated distributing plants on routes in the marketing area that exceeds Class I milk received during the month at such plants from pool plants and other order plants.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Great Basin marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on October 1, 1965, and published in the FEDERAL REGISTER on October 6, 1965 (30 F.R. 12736; F.R. Doc. 65-10616) shall be and are the terms and provisions of this order, and are set forth in full herein subject to the following revisions:

1. In § 1136.8, paragraph (b) is revised.
2. Section 1136.10 is revised.
3. In § 1136.11, paragraph (a) is revised.
4. In § 1136.42, paragraph (a) is revised.
5. Section 1136.44(a)(2) is revised.

1. Section 1136.6 is revised to read as follows:

§ 1136.6 Great Basin marketing area.

"Great Basin marketing area" hereinafter called the "marketing area" means all the territory, including all government reservations and installations and all municipalities, within the places listed below:

UTAH COUNTIES

Box Elder.	Rich.
Cache.	Salt Lake.
Carbon.	Sanpete.
Daggett.	Sevier.
Davis.	Summit.
Duchesne.	Tooele.
Emery.	Uintah.
Grand.	Utah.
Juab.	Wasatch.
Millard.	Weber.
Morgan.	

NEVADA COUNTIES

Elko.	White Pine.

IDAHO COUNTIES

Franklin (city of Preston only).
Oneida (Malad City only).

WYOMING COUNTY

Uinta (town of Evanston only).

2. Section 1136.7 is revised to read as follows:

§ 1136.7 Producer.

"Producer" means a dairy farmer (except a producer-handler or a producer-handler under another Federal milk order) who produces milk in compliance with the inspection requirements of a duly constituted health authority for fluid consumption (as used in this subpart, compliance with inspection requirements shall include production of milk acceptable for fluid consumption of agencies of the United States Government located in the marketing area) which milk is delivered to a pool plant during the month or diverted to a nonpool plant within the limits set forth in § 1136.13. The term shall not include such person with respect to milk diverted to a pool plant from an other order plant if the operator of both the transferor plant and the transferee plant have requested Class III classification in the reports of receipts and utilization filed with their respective market administrators.

3. In § 1136.8, paragraph (b) is revised to read as follows:

§ 1136.8 Producer-handler.

* * * * *

(b) Receives either at such plant or for disposition on routes (1) milk from his own farm production, (2) fluid milk products from pool plants, and (3) nonfluid other source milk: *Provided*, That the sum of the quantity specified in § 1136.8(b)(2) and the quantity specified in § 1136.8(b)(3) which is reconstituted into a fluid milk product during the month is not in excess of the larger of 3,000 pounds or 5 percent of such person's Class I sales.

* * * * *

4. Section 1136.10 is revised to read as follows:

§ 1136.10 Approved plant.

"Approved plant" means a plant which either receives milk from dairy farmers or possesses the approval of any duly constituted health authority for the processing or packaging of Grade A fluid products, and (a) in which milk or milk products are processed or packaged and from which any fluid milk product is disposed of during the month on routes in the marketing area, or (b) in which milk is received or processed and from which milk or skim milk is shipped during the month to a plant described in paragraph (a) of this section.

5. In § 1136.11, paragraph (a) is revised to read as follows:

§ 1136.11 Pool plant.

* * * * *

(a) An approved plant, except the plant of a producer-handler as described in § 1136.8, from which during the month there is disposed of on routes fluid milk products equal to not less than 50 percent of the receipts during the month at such plant of producer milk, producer milk diverted therefrom by the plant operator and receipts at the plant of fluid milk products from plants described pursuant to paragraph (b) of this section, and there are disposed of on routes in the marketing area fluid milk products equal to not less than 15 percent of the total fluid milk product disposition from the plant on routes. If any cooperative association operating an approved plant as defined in § 1136.10(a) causes producer milk to be delivered to a pool plant pursuant to this paragraph operated by another handler, such producer milk shall be included for the computations made pursuant to this paragraph for such cooperative association's plant along with the receipts of producer milk at such cooperative association's plant, and the quantity of such milk calculated as Class I milk pursuant to § 1136.22(h) shall be included for such computations along with the fluid milk products disposed of on routes from such cooperative association's plant. If such a cooperative association operates more than one approved plant as defined in § 1136.10(a), such producer milk and Class I milk shall be included in the computation for whichever plant the cooperative association requests in writing to the market administrator. If no such written request is made, such producer milk and Class I milk shall be prorated among the plants. If a handler operates more than one approved plant, the combined receipts and disposition of any of such plants may be used as the basis for qualifying the respective plants pursuant to the preceding computations specified in this paragraph if the handler in writing so requests the market administrator.

* * * * *

6. Section 1136.13 is revised to read as follows:

§ 1136.13 Producer milk.

"Producer milk" means only that skim milk and butterfat contained in milk from producers (in an amount determined by weights and measurements for individual producers, as taken at the farm in the case of milk moved from the farm in a tank truck) which is:

(a) Received from producers at a pool plant but not including milk of producers for which another person is the handler pursuant to § 1136.9(c): *Provided*, That milk received at a pool plant by diversions from a plant at which such milk would be fully subject to pricing and pooling under the terms and provisions of another order issued pursuant to the Act shall not be producer milk.

(b) Diverted by a handler from a pool plant to a nonpool plant or to a receiving facility not approved for handling milk for fluid consumption located at another pool plant. Such handler may divert the milk of any producer from whom at least three deliveries of milk have been received at a pool plant during the month in an amount equal to not more than the following:

(1) For a handler pursuant to § 1136.9(a) 25 percent of the producer milk received from producers who are not members of a cooperative association. Diversions in excess of such percentage shall not be considered producer milk, and the diverting handler shall specify the dairy farmers whose milk is ineligible as producer milk; or

(2) For a cooperative association which is a handler, 25 percent of the producer milk of members of such cooperative association: *Provided*, That such diverted milk shall be accounted for as a receipt of producer milk by the handler diverting the milk. Diversions in excess of such percentage shall not be considered producer milk, and the diverting cooperative shall specify the dairy farmers whose milk is ineligible as producer milk;

(3) Two or more cooperative associations may have their allowable diversions computed on the basis of the combined deliveries of milk by their member-producers if each association has filed such a request in writing with the market administrator on or before the first day of the month the agreement is effective. This request shall specify the basis for assigning over-diverted milk to the producer members of each cooperative according to a method approved by the market administrator; and

(c) Received by a cooperative association which is defined as a handler pursuant to § 1136.9(c).

7. In § 1136.14, paragraph (b) is revised to read as follows:

§ 1136.14 Other source milk.

* * * * *

(b) Products (except Class II products received from pool plants), other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month, and any disappearance of products other than fluid milk products which are in a form in which they may be converted into fluid milk products and which are not otherwise accounted for pursuant to § 1136.33.

8. Section 1136.40 is revised to read as follows:

§ 1136.40 Responsibility of handlers.

(a) Except as provided in paragraphs (b) and (c) of this section, all skim milk and butterfat shall be classified as Class I milk unless the handler who first received (or diverted) such skim milk and butterfat establishes that it should be classified otherwise.

(b) For the purposes of §§ 1136.41 through 1136.45, 1136.50 through 1136.54, and 1136.70 through 1136.74, milk delivered by a cooperative association in its capacity as a handler pursuant to § 1136.9(c) shall be classified and allocated as producer milk according to the use or disposition by the receiving handler and the value thereof at class prices shall be included in the receiving handler's net pool obligation pursuant to § 1136.70.

(c) In the case of milk received from producers by a cooperative association handler pursuant to § 1136.9(c), the cooperative association shall be responsible for proving that skim milk and butterfat in such milk which was not received at a pool plant should be classified other than as Class I and the operator of a pool plant receiving skim milk and butterfat from a cooperative association handler pursuant to § 1136.9(c) shall be responsible for proving that such skim milk and butterfat shall be classified other than as Class I.

9. Section 1136.41 is revised to read as follows:

§ 1136.41 Classes of utilization.

Subject to the conditions set forth in §§ 1136.42 through 1136.45, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of from a plant in the form of a fluid milk product except:

(i) Those classified pursuant to paragraph (c) (3), (4), and (7) of this section; and

(ii) Any product fortified with added solids shall be Class I in an amount equal only to the weight of an equal volume of a like unmodified product of the same butterfat content; or

(2) Not otherwise specifically accounted for as Class II or Class III utilization.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat used to produce cottage cheese.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product or a Class II product;

(2) Contained in inventories of fluid milk products on hand at the end of the month;

(3) Contained in fluid milk products disposed of for livestock feed (skim milk portion only);

(4) Contained in fluid milk products dumped (skim milk portion only) after prior notification to and opportunity for verification by the market administrator;

(5) In shrinkage of skim milk and butterfat, respectively, at each pool plant, or for which a cooperative association is the handler pursuant to § 1136.9(c), assigned pursuant to § 1136.45(b)(1), but not to exceed the following:

(i) Two percent of producer milk (except diverted milk); plus

(ii) One and one-half percent of milk received in bulk tank lots from other pool plants; plus

(iii) One and one-half percent of milk received from a cooperative association which is the handler for such milk pursuant to § 1136.9(c) (except that if the handler operating the pool plant files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage shall be 2 percent); plus

(iv) One and one-half percent of receipts of fluid milk products in bulk from an other order plant, exclusive of the quantity for which Class III utilization was requested by the operator of such plant and the handler; plus

(v) One and one-half percent of receipts of fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class III utilization was requested by the handler; less

(vi) One and one-half percent of milk disposed of in bulk tank lots to other pool plants (except when the exception specified in subdivision (iii) of this subparagraph applies, the applicable percentage shall be two percent).

(6) In shrinkage assigned pursuant to § 1136.45(b)(2);

(7) Disposed of in bulk to a commercial candy manufacturer who does not dispose of fluid milk products for consumption either on or off the premises; and

(8) Contained in any fortified fluid milk product in excess of the pounds classified as Class I milk pursuant to paragraph (a)(1)(ii) of this section.

10. In § 1136.42, paragraphs (a) and (b) are revised to read as follows:

§ 1136.42 Transfers.

* * * * *

(a) Except as provided in § 1136.40(b) if transferred to a pool plant of another handler (or other pool plants, if applicable) as fluid milk products shall be classified as Class I milk unless the operators of both plants claim utilization thereof in another class in their reports submitted pursuant to § 1136.30 subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to any class shall be limited to the amount thereof remaining in such class in the plant(s) of the transferee handler after computations pursuant to § 1136.44(a)(8) and the corresponding step of § 1136.44(b);

(2) If the transferor handler received during the month other source milk to be allocated pursuant to § 1136.44(a)(3) and the corresponding step of § 1136.44(b), the skim milk and butterfat so transferred shall be classified so as to allocate the lowest possible classification to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1136.44(a)(7)

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and (8) and the corresponding steps of § 1136.44(b), the skim milk and butterfat so transferred shall be classified so as to assign to producer milk the greatest possible Class I utilization at both plants;

(b) If transferred to the plant of a producer-handler or to an exempt plant as defined in § 1136.60a in the form of fluid milk products shall be classified as Class I milk;

* * * * *

11. Section 1136.43 is revised to read as follows:

§ 1136.43 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and other obvious errors, the reports of receipts and utilization submitted pursuant to § 1136.30. The skim milk contained in any product utilized, produced or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids. The market administrator shall compute the skim milk and butterfat in each class as follows:

(a) If no fluid milk products to be assigned pursuant to § 1136.44(a) (7) or (8) were received at any pool plant of the handler, allocation pursuant to § 1136.44 and computation of obligation pursuant to § 1136.70 shall be made separately for each pool plant of a handler operating two or more pool plants;

(b) Unless the conditions specified in paragraph (a) of this section apply, the market administrator will compute the pounds of skim milk and butterfat in each class at all pool plants of such handler, exclusive of any classification based upon movements between such plants, and allocation pursuant to § 1136.44 and computation of obligation pursuant to § 1136.70 shall be based upon the combined utilization so computed; and

(c) Producer milk for which a cooperative association is the responsible handler pursuant to § 1136.9 (b) or (c) shall be treated separately from the operations of any pool plant(s) operated by such cooperative association for the purpose of allocation pursuant to § 1136.44 and computation of obligation pursuant to § 1136.70.

12. Section 1136.44 is revised to read as follows:

§ 1136.44 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1136.43, the market administrator shall determine each month the classification of milk received from producers by each cooperative association handler pursuant to § 1136.9 (b) and (c) which was not received at a pool plant and the classification of milk received from producers and from cooperative association handlers pursuant to § 1136.9 (c) by each handler (or pool plant, if applicable) as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk classified as Class III pursuant to § 1136.41(c)(5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class III milk, the lesser of the pounds remaining or the quantity associated with such receipts and classified as Class III pursuant to § 1136.41(c)(8) plus two percent of such receipts (weight of an equal volume of a like unmodified product of the same butterfat content);

(ii) From Class I milk, the remainder of such receipts; and

(iii) In the event that packaged other order milk receipts are in excess of the total amount subtracted pursuant to § 1136.44(a)(2)(i) and (ii), the remaining quantity shall be subtracted from the utilization remaining in Class III and then Class II;

(3) Subtract, in the order specified below, the pounds of skim milk in each of the following:

(i) From the pounds of skim milk remaining in each class, in series beginning with Class III:

(*a*) Other source milk in a form other than that of a fluid milk product;

(*b*) Receipts of fluid milk products not qualified for fluid consumption, or which are from unidentified sources; and

(*c*) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order, and from exempt plants as defined in § 1136.60a;

(ii) From the pounds of skim milk remaining in Class II and Class III, beginning with Class II, receipts from pool plants of other handlers (or other pool plants, if applicable) in the form of cottage cheese;

(4) Subtract, in the order specified below in sequence beginning with Class III, from the pounds of skim milk remaining in Classes II and III but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant for which the handler requests Class III utilization;

(ii) Receipts of fluid milk products from an unregulated supply plant which are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I by 1.25; and

(*b*) Subtract from the result the sum of the pounds of skim milk in producer milk, in receipts from pool plants of other handlers (or other pool plants, if applicable), and in receipts in bulk from other order plants;

(iii) Receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, if Class III utilization was requested by the transferee handler and the operator of the transferor plant requests the lowest class utilization under the other order;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated plants which were not subtracted pursuant to subparagraph (4)(i) or (ii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraph (4)(iii) of this paragraph:

(i) In series beginning with Class III, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II and Class III utilization of skim milk announced for the month by the market administrator pursuant to § 1136.22(l) or the percentage that Class II and Class III utilization remaining is of the total remaining utilization of skim milk at the pool plant (or pool plants, if applicable) of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers (or other pool plants, if applicable) according to the classification assigned pursuant to § 1136.42(a);

(10) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

13. Section 1136.45 is revised to read as follows:

§ 1136.45 Shrinkage.

The market administrator shall assign shrinkage at each pool plant to receipts at such plant as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively; and

(b) Prorate each resulting amount computed in paragraph (a) of this section between the amounts of skim milk and butterfat, respectively, contained in:

(1) Receipts specified in § 1136.41(c)(5); and

(2) Remaining receipts of other source milk received in bulk form as fluid milk products.

14. A new § 1136.60a is added and reads as follows:

§ 1136.60a Exempt plants.

None of the provisions of this part shall apply to a governmental agency, to Brigham Young University, or to any approved plant from which the total route disposition of fluid milk products is to individuals or institutions for charitable purposes and is without remuneration from such individuals or institutions. Sales of fluid milk products from a pool plant to such an agency or institution shall be Class I and receipts of fluid milk products at a pool plant from such an agency or institution shall be Class III.

15. In § 1136.62, subdivision (i) of subparagraph (1) of paragraph (a) and subparagraph (4) of paragraph (b) are revised to read as follows:

§ 1136.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1)(i) The obligation that would have been computed pursuant to § 1136.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class III (or Class II) milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1136.70(e) and a credit in the amount specified in § 1136.82(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph;

* * * * *

(b) * * *

(4) From the value of such milk at the Class I price applicable at the location of this nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class III price).

16. In § 1136.70, the introductory text preceding paragraph (a) is revised to read as follows:

§ 1136.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler (at each pool plant, if applicable) and of each cooperative association handler pursuant to § 1136.9 (b) and (c) shall be a sum of money computed each month by the market administrator as follows:

17. In § 1136.71, paragraph (f) is revised to read as follows:

§ 1136.71 Computation of uniform price.

* * * * *

(f) Subtract not less than 5 cents nor more than 6 cents per hundredweight. The result shall be known as the uniform price.

18. In § 1136.73, paragraph (b) is revised to read as follows:

§ 1136.73 Location differentials to producers and on nonpool milk.

* * * * *

(b) For purposes of computations pursuant to §§ 1136.82 and 1136.83 the uniform price shall be adjusted at the rates set forth in § 1136.53 applicable at the location of the nonpool plant from which the milk was received.

19. Section 1136.80 is revised to read as follows:

§ 1136.80 Time and method of payment for producer milk.

(a) Except as provided in paragraph (b), (d), or (e) of this section, each handler shall make payment to each producer from whom milk is received as follows:

(1) On or before the last day of each month, for producer milk received during the first 15 days of the month, at not less than 1.2 times the Class III price for the preceding month; and

(2) On or before the 17th day of the following month, for producer milk received during the month, at not less than the uniform price pursuant to § 1136.71 adjusted by the butterfat and location differentials to producers, subject to the following adjustments:

(i) Less marketing service deductions made pursuant to § 1136.85;

(ii) Less the payment made pursuant to subparagraph (1) of this paragraph;

(iii) Plus or minus adjustments for errors made in previous payments to such producer and proper deductions authorized in writing by such producer; and

(iv) If by the date specified, such handler has not received full payment from the market administrator pursuant to § 1136.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator.

(b) In the case of a cooperative association which is authorized by its members to collect payment for their milk and which has requested such payment from any handler in writing and has so notified the market administrator, payment for milk received during the month by such handler(s) from producer-members of such association shall be accomplished as follows:

(1) On or before the third day prior to the last day of each month such handler shall pay to such cooperative association not less than 1.2 times the Class III price for the preceding month for the hundredweight of such milk received during the first 15 days of the month;

(2) On or before the 16th day of the following month such handler shall pay to such cooperative association the sum of the payments computed at the appropriate uniform price with respect to deliveries by producer-members of such association to handlers from whom payments have been requested, less the amounts of payments made to such association pursuant to subparagraph (1) of this paragraph, and less the amount retained by handlers as authorized deductions.

(c) Each handler who received milk from producers for which payment is to be made to a cooperative association pursuant to paragraph (b) of this section shall report to such cooperative association and to the market administrator on or before the 7th day of the following month, as follows:

(1) The total pounds of milk received during the month, and if requested, the pounds received from each member-producer;

(2) The amount of payment made pursuant to paragraph (b)(1) of this section and the quantity of milk to which such payment applied; and

(3) The amount or rate and nature of any proper deductions authorized to be made from payments.

(d) Each handler shall pay a cooperative association for milk received by him from such cooperative which is classified pursuant to § 1136.40(b) as follows:

(1) On or before the second day prior to the last day of each month, for milk received during the first 15 days of the month an amount per hundredweight not less than 1.2 times the Class III price for the preceding month; and

(2) On or before the 15th day of the following month for milk received during the month, not less than the value of such milk at the applicable uniform price, less payment made pursuant to subparagraph (1) of this paragraph.

(e) Each handler shall pay a cooperative association for milk received by him from a pool plant operated by such association as follows:

(1) On or before the second day prior to the end of each month, for milk received during the first 15 days of the month an amount per hundredweight not less than 1.2 times the Class III price for the preceding month; and

(2) On or before the 15th day of the following month for milk received during the month, not less than an amount computed by multiplying the minimum prices for milk in each class subject to the applicable location adjustment provided in § 1136.53 and the butterfat differential provided by § 1136.52, by the hundredweight of milk in each class pursuant to § 1136.44, such amount to be reduced in the amount of the payment made pursuant to subparagraph (1) of this paragraph.

20. Section 1136.82 is revised to read as follows:

§ 1136.82 Payments to the producer-settlement fund.

On or before the 14th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amount (for each pool plant, if applicable) specified in paragraph (a) of this section exceeds the amounts specified in paragraph (b) of this section:

(a) The sum of:

(1) The total of the net pool obligation computed pursuant to § 1136.70 for such handler; and

(2) In the case of a cooperative association which is a handler, the minimum amounts due from other handlers pursuant to § 1136.80 (d) and (e).

(b) The sum of:

(1) The value of milk received by such handler from producers and from cooperative association handlers pursuant to § 1136.9(c) at the uniform price adjusted by applicable differentials pursuant to §§ 1136.72 and 1136.73; and

(2) The value at the uniform price(s) applicable at the location of the plant(s) from which received (not to be less than the value at the Class III price) with respect to other source milk for which a value is computed pursuant to § 1136.70 (e).

21. In § 1136.85, paragraph (a) is revised to read as follows:

§ 1136.85 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to producers for milk pursuant to § 1136.80 (other than milk of his own production) shall deduct 6 cents per hundredweight, or such lesser amount as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 14th day after the end of the month. Such money will be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such services from a cooperative association;

* * * * *

22. Section 1136.86 is revised to read as follows:

§ 1136.86 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 14th day after the end of the month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to:

(a) Producer milk (including that classified pursuant to § 1136.40(b) but excluding, in the case of a cooperative association which is a handler pursuant to § 1136.9(c), milk which was received at the pool plant of another handler) and such handler's own production;

(b) Other source milk allocated to Class I pursuant to § 1136.44(a) (3) and (7) and the corresponding steps of § 1136.44(b); and

(c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

[F.R. Doc. 65-13190; Filed, Dec. 8, 1965; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 65-EA-69]

VOR FEDERAL AIRWAYS, AND LOW ALTITUDE REPORTING POINTS

Proposed Realignment, Revocation and Designation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations which will accomplish the following:

1. Realign V-232 segment from Chardon, Ohio, direct Franklin, Pa., direct to Keating, Pa.

2. Realign V-119 segment from Clarion, Pa., direct to Bradford, Pa.

3. Realign V-184 segment from Tidioute, Pa., to Philipsburg, Pa., via the intersection of the Tidioute 154° T (160° M) and the Philipsburg 296° (303° M) radials.

4. Delete the Fitzgerald, Pa., low altitude reporting point.

5. Designate the Cooksburg, Pa., Intersection (intersection of the Clarion, Pa., 044° T (050° M) and the Franklin, Pa., 099° T (105° M) radials), as a low altitude reporting point.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y., 11430. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

The above proposed airspace actions will permit decommissioning of the Fitzgerald VOR since it has been determined that this facility no longer is required to support low altitude airway structure in that area. Elimination of this VOR will not derogate the low altitude airway structure.

The official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

These amendments are proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on December 2, 1965.

JAMES L. LAMPL,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-13152; Filed, Dec. 8, 1965; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Butylated, Styrenated Cresols as Components of Food-Packaging Materials; Proposed Additional Use and Definition

The Commissioner of Food and Drugs has received a petition (FAP 5B1806) from the Goodyear Tire & Rubber Co., 1144 Market Street, Akron, Ohio, 44316, proposing that the food additive regulations be amended to provide for the additional use of butylated, styrenated cresols as antioxidants and/or stabilizers for polystyrene, rubber-modified polystyrene, and olefin polymers used in the manufacture of articles intended for use in contact with food.

On the basis of the information submitted in the petition, and other relevant material, and under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 409, 72 Stat. 1785; 21 U.S.C. 348), and delegated by him to the Commissioner (21 CFR 2.90), it is proposed to amend the food additive regulations to provide for the above-mentioned additional use of the subject additives and to further define the additives where they are listed in §§ 121.2520 and 121.2562. (These listings were made in response to petitions (FAP 1154, 1333) filed by the Goodyear Tire & Rubber Co.)

Accordingly, it is proposed to amend Part 121:

§ 121.2520 [Amended]

1. By changing in paragraph (c)(5) of § 121.2520 *Adhesives*, the item "Butylated, styrenated cresols" to read "Butylated, styrenated cresols identified in § 121.2566(b)."

§ 121.2562 [Amended]

2. By changing in paragraph (c)(4)(iii) of § 121.2562 *Rubber articles intended for repeated use* the item "Butylated, styrenated cresols" to read "Butylated, styrenated cresols identified in § 121.2566(b)."

3. By inserting alphabetically in the list in § 121.2566(b) a new item, as follows:

§ 121.2566 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) List of substances:

Limitations
* * *
Butylated, styrenated cresols produced when equal moles of isobutylene, styrene, and a metacresol paracresol mixture having a 3° C. distillation range including 202° C. are made to react so that the final product contains 20-24 percent of butylated cresols, 23.5-28.5 percent of styrenated cresols, 42-48 percent of butylated, styrenated cresols, and meets the following specifications: Acidity not more than 0.003 percent, and refractive index at 25° C. of 1.5500-1.5600, as determined by ASTM D 1218-61.	For use only: 1. As provided in §§ 121.2520 and 121.2562. 2. At levels not to exceed 0.5 percent by weight of polystyrene, rubber modified polystyrene, or olefin polymers used in articles that contact food only under the conditions described in § 121.2526 (c), table 2, under conditions of use C through G.
* * *	* * *

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written comments, preferably in quintuplicate, on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: December 3, 1965.

J. K. KIRK,
Assistant Commissioner for Operations

[F.R. Doc. 65-13181; Filed, Dec. 8, 1965; 8:48 a.m.]

POST OFFICE DEPARTMENT

[39 CFR Part 22]

QUALIFICATIONS FOR SECOND-CLASS PRIVILEGES

Notice of Proposed Rule Making; Correction

In F.R. Doc. 65-12990 appearing in the issue for Friday, December 3, 1965, at page 14993-14994, § 22.2(b)(8)(ii) should read as follows:

(ii) At a reduction to the subscriber, under a premium offer or any other arrangements, of more than 50 percent of the amount charged at the basic annual rate for a subscription which entitles the subscriber to receive one copy of each issue published during the subscription period. The value of a premium is considered to be its actual cost to the publisher, the recognized retail value, or the represented value, whichever is highest.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501)

HARVEY H. HANNAH,
Acting General Counsel.

[F.R. Doc. 65-13185; Filed, Dec. 8, 1965; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 16331; FCC 65-1080]

FM BROADCAST STATIONS

Proposed Table of Assignments

In the matter of amendment of § 73.202, *Table of Assignments, FM Broadcast Stations* (Quincy, Calif., McKinney, Tex., Glens Falls, N.Y., Gilroy, Calif., Panama City, Fla., Stillwater, Okla., St. Louis, Mo., and Granite City, Ill., Harriman, Tenn., St. Ignace, Mich., Cape May, N.J., Wichita Falls, Tex., and Centerville, Iowa); Docket No. 16331, RM-847, RM-859, RM-861, RM-868, RM-855, RM-858, RM-872, RM-873, RM-875.

1. Notice is hereby given of proposed rule making in the above-entitled matters, concerning amendments of the FM Table of Assignments contained in § 73.202 of the Commission's rules. All proposed assignments are alleged and appear to meet the separation requirements of the rules. All proposed assignments which are within 250 miles of the United States-Canadian border require coordination with the Canadian Government under the terms of the Canadian-United States FM Agreement of 1947 and the Working Arrangement of 1963. Except as noted, all channels proposed for shift or deletion are unoccupied and not applied for, and all population figures are taken from the 1960 U.S. Census.

2. *RM-847 Quincy, Calif.* (Wonderland Broadcasting Co.); *RM-859 McKinney, Tex.* (Disan Engineering Corp.); *RM-861 Glens Falls, N.Y.* (Normandy Broadcasting Corp.); *RM-868 Gilroy, Calif.* (Radio KPER);[1] *RM-872 Harriman, Tenn.* (Folkways Broadcasting Co., Inc.); *RM-873 St. Ignace, Mich.* (Mighty-Mac Broadcasting Co.); *RM-875 Cape May, N.J.* (Owen W. Hand and Edward Evanchyk). In these seven cases, interested parties have sought the assignment of a first Class A channel without requiring any changes in the Table. The communities are of substantial size and appear to warrant the proposed assignments. Comments are therefore invited on the additions to the Table listed below:

City	Channel No.
Quincy, Calif	[2] 240A
Glens Falls, N.Y	240A
McKinney, Tex	237A
Gilroy, Calif	232A
Harriman, Tenn	224A
St. Ignace, Mich	272A
Cape May, N.J	269A

[2] Petitioner points out that Channel 257A may also be assigned in full conformance with all the rules.

[1] On Nov. 17, 1965, Pacifica Foundation filed a statement requesting that Channel 228A be assigned to Gilroy instead of the requested 232A. This suggestion will be considered in the proceeding.

3. *RM-855. Panama City, Fla.* In a petition for rule making filed on September 17, 1965, Don Industries, Inc., prospective applicant for a new FM station in Panama City, Fla., requests the addition of Channel 261A to Panama City. This city presently has assigned Channels 223 and 300, both of which have been authorized. It has a population of 33,275 and is the largest community and county seat of Bay County (population 67,131). In addition to the two FM stations, Panama City and nearby Panama City Beach have four AM stations, two of which are unlimited time operations. Petitioner urges that the community needs an economic community service and that a Class A assignment would provide adequate coverage in view of the isolated situation of the city.

4. We are of the view that we should invite comments on the petitioner's proposal. However, since Panama City has been assigned the number of FM assignments contemplated for cities of this size in setting up the FM Table of Assignments, comments are invited on the issue of whether the proposed addition preclude any needed future assignments in the general area. Also, since we have been reluctant to mix Class A and C assignments in the same city to avoid competitive inequality wherever possible, comments are invited on this aspect of the proposal. Comments are therefore invited on the following:

City	Channel No.	
	Present	Proposed
Panama City, Fla	223, 300	223, 261A, 300

5. *RM-859. Stillwater, Okla.* On September 27, 1965, Disan Engineering Corp. filed a petition for rule making on behalf of Oklahoma State University requesting the addition of Channel 288A to Stillwater, Okla. Stillwater has a population of 23,965 and is the largest city and county seat of Payne County, which has a population of 44,231. It has one FM station in operation on Channel 230 and one daytime-only AM station. The University also operates an educational FM station (KOSU-FM) on Channel 219. Petitioner states that the University uses its radio facilities to train students who may eventually "be the controllers of tomorrow's radio" and that it is anxious to function as a regular commercial operator. Petitioner further submits that the University will eliminate its AM "wired-wireless" in the event it is granted the use of a commercial Class A assignment.

6. We are of the opinion that Stillwater may be large and important enough to warrant the assignment of an additional Class A channel, even though this may result in the mixing of a Class A and C assignment. We point out that if the proposal is adopted, the channel will be available for application by any other interested party, in addition to Oklahoma State University. Comments are invited therefore on the petitioner's proposal as follows:

City	Channel No.	
	Present	Proposed
Stillwater, Okla.	230	230, 288A

7. *RM–858. St. Louis, Mo., and Granite City, Ill.* On September 24, 1965, Charles H. Norman, permittee of FM Station WGNO, on Channel 293 at Madison, Ill., filed a petition for rule making requesting that Channel 293 be shifted from St. Louis, Mo., to Granite City, Ill., and for an order to him to show cause why the outstanding authorization for WGNO should not be modified to specify operation at Granite City rather than Madison. Petitioner received a construction permit for WGNO on Channel 293, assigned to St. Louis, under the "25-mile rule." Granite City has a population of 40,073 and Madison has 6,861. The only FM assignment in Granite City, Channel 285A, is licensed to Station WCBW in Columbia, Ill., also under the "25-mile rule." Thus, the relatively large city of Granite City is presently without an FM station. The only AM station located there is a daytime-only (WGNU) licensed to petitioner. Mr. Norman states that the permit for WGNO specifies a site and studio only 2 miles north of Granite City, that the station will provide a signal over the city of the strength required by the rules, and that identification of WGNO as a Granite City station would serve the public interest. St. Louis has seven Class C assignments other than Channel 293 as well as eight AM stations, six of which are unlimited time stations.

8. We are of the view that rule making should be instituted on petitioner's proposal. If it is determined by the Commission that the amendment proposed will serve the public interest, the Commission will take such further action as may be appropriate with respect to the outstanding authorization of WGNO. Comments are invited on the proposal therefore, to delete Channel 293 from St. Louis, Mo., and to assign it to Granite City, Ill.

9. *Wichita Falls, Tex., and Centerville, Ohio.* In addition to the above proposals made by interested parties, we wish to make two additional changes in the Table on our own motion to remove short-spaced assignments. First, Channel 247 was inadvertently assigned to Wichita Falls, Tex., in violation of the spacing rules. Second, in acting on RM–701 in Docket No. 15935 we assigned Channel 233 to Kirksville, Mo., without substituting Channel 237A for 232A at Centerville, Iowa, as requested by petitioner. We therefore propose to make the necessary changes as follows:

City	Channel No.	
	Present	Proposed
Wichita Falls, Tex.	225, 236, 247, 260, 277	225, 236, 260, 277
Centerville, Iowa	232A	237A

10. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

11. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before January 3, 1966, and reply comments on or before January 14, 1966. All submissions by parties to this proceeding or persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

12. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. Attention is directed to the provisions of paragraph (c) of § 1.419 which require that any person desiring to file identical documents in more than one docketed rule making proceeding shall furnish the Commission two additional copies of any such document for each additional docket unless the proceeding have been consolidated.

Adopted: December 1, 1965.

Released: December 3, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[a]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 65–13192; Filed, Dec. 8, 1965; 8:49 a.m.]

[47 CFR Part 73]

[Docket No. 16004]

FIELD STRENGTH CURVES FOR FM AND TV BROADCAST STATIONS

Order Extending Time for Filing Comments and Reply Comments

In the matter of §§ 73.333 and 73.699, field strength curves for FM and TV broadcast stations; Docket No. 16004.

1. In its notice of proposed rule making in the above-entitled matter (FCC 65–383) the Commission invited comments by June 14, 1965, and reply comments by June 25, 1965. In subsequent notices and orders the time was extended until December 15, 1965, and December 31, 1965, respectively. In the most recent order extending the time issued on October 21, 1965, the Commission discussed an engineering conference held for the purpose of providing the Association of Federal Communications Consulting Engineers and other interested engineers an opportunity to submit any additional measurements or information they might have which would help the Commission in adopting the best available propagation curves for FM and TV. As a result of this conference a working group was formed to complete the work of the conference. This group has not had sufficient time to accomplish its purpose. It is expected that the work of the group will be completed before March 15, 1966.

2. We are of the view that a further extension of time for filing comments in this proceeding would serve the public interest. *Accordingly, it is ordered,* This 30th day of November, 1965, that the time for filing comments and reply comments are extended from December 15, 1965, to March 15, 1966, and from December 31, 1965, to March 31, 1966, respectively.

3. This action is taken pursuant to authority contained in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Released: December 2, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE, *Secretary.*

[F.R. Doc. 65–13193; Filed, Dec. 8, 1965; 8:49 a.m.]

[a] Concurring statement of Commissioner Cox filed as part of original document; Commissioner Wadsworth absent.

FEDERAL HOME LOAN BANK BOARD

[No. 19,542]

[12 CFR Part 545]

FEDERAL SAVINGS AND LOAN SYSTEM

Determination Date; Correction

DECEMBER 7, 1965.

Resolved that in Federal Register Document No. 65–13141 proposing an amendment to paragraph (d) of § 545.1-1 of Subchapter C of Chapter V of Title 12 of the Code of Federal Regulations, published at 30 F.R. 15174, the following correction is hereby made: The last sentence in the proposed amendment is changed to read as follows: "Payments received by the association on or before such determination date shall receive earnings as if invested on the first of such month; payments received subsequent to such determination date shall receive earnings as if invested on the first of the next succeeding month, except that, after adoption by the association's board of directors of a resolution so providing and while such resolution remains in effect, payments received subsequent to a determination date which is not later than the tenth of the month shall receive earnings from the date of receipt."

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 65–13240; Filed, Dec. 8, 1965; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Ch. I]

[Ex Parte No. 246]

FEES FOR SERVICES PERFORMED IN CONNECTION WITH LICENSING AND RELATED ACTIVITIES

Extension of Time for Representations

DECEMBER 1, 1965.

The date for filing representations in the above-entitled proceeding has been extended to February 1, 1966, at the request of Mr. Harry C. Ames, Jr., on behalf of the Motor Carriers Lawyers Association.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65–13171; Filed, Dec. 8, 1965; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Antidumping—AA 643.3–p]

TITANIUM DIOXIDE FROM FRANCE

Determination of Sales at Not Less Than Fair Value

DECEMBER 1, 1965.

On May 15, 1965, there was published in the FEDERAL REGISTER a "Notice of Tentative Determination" that titanium dioxide, pigment grade, imported from France is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

The statement of reasons for the tentative determination was published in the above-mentioned notice, and interested parties were afforded until June 14, 1965, to make written submissions or to request in writing an opportunity to present views in connection with the tentative determination.

After consideration of all comments received, I hereby determine that for the reasons stated in the tentative determination titanium dioxide, pigment grade, imported from France is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

This determination is published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 65–13167; Filed, Dec. 8, 1965; 8:46 a.m.]

[Dept. Order 205–3]

DIRECTOR OF THE MINT

Delegation of Authority To Purchase Certain Equipment and Facilities

DECEMBER 2, 1965.

By virtue of the authority vested in the Secretary of the Treasury, including the authority in Reorganization Plan No. 26 of 1950, and by virtue of the authority vested in me as Assistant Secretary of the Treasury by Treasury Department Order No. 190 (Revision 3), there is hereby delegated to the Director of the Mint, without limitation, all the authority vested in the Secretary by the Act of August 20, 1963, Pub. L. 88–102, § 1, 77 Stat. 129 (31 U.S.C. 291) to furnish and equip the buildings described therein with all the necessary coinage and other special equipment and facilities. Any action heretofore taken by the Director of the Mint which involved the exercise of authority hereby granted is affirmed and ratified.

[SEAL] ROBERT A. WALLACE,
Assistant Secretary of the Treasury.

[F.R. Doc. 65–13170; Filed, Dec. 8, 1965; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Oregon 016990 (Wash.)]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Land

DECEMBER 1, 1965.

The Corps of Engineers, U.S. Department of the Army, has filed an application, Serial No. Oregon 016990 (Washington), for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws (Chap. 2, 30 U.S.C.) and mineral leasing laws.

The applicant desires to use the land in connection with project planning and the construction of Asotin Dam and Reservoir Project.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 710 Northeast Holladay, Portland, Oreg., 97232.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Corps of Engineers.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

WASHINGTON

WILLAMETTE MERIDIAN

T. 7 N., R. 46 E.,
Sec. 12, lots 1, 2, 3, and SW¼NE¼;
Sec. 13, SW¼SW¼.
T. 10 N., R. 46 E.,
Sec. 27, SW¼SE¼;
Sec. 35, SE¼SE¼.
T. 7 N., R. 47 E.,
Sec. 6, lot 8, and SW¼SE¼;
Sec. 7, lots 1, 2, 3, 4 and 5, and NE¼NW¼;
Sec. 29, lots 1, 3, 4 and 5, and E½SW¼;
Sec. 32, lots 1 and 2, SW¼NE¼, and E½SE¼;
Sec. 33, lots 1 and 2.
T. 8 N., R. 47 E.,
Sec. 5, lot 1;
Sec. 6, lot 2;
Sec. 21, lot 1.

The areas described aggregate 961.55 acres.

D. B. LEIGHTNER,
Acting Land Office Manager.

[F.R. Doc. 65–13160; Filed, Dec. 8, 1965; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order 152; Amdt. 1]

BUSINESS AND DEFENSE SERVICES ADMINISTRATION

Delegation of Authority

The following amendent to the order was issued by the Secretary of Commerce on December 3, 1965. This material amends the material appearing at 29 F.R. 5408–5409 of April 22, 1964.

Department Order 152, dated April 2, 1964, is hereby amended as follows:

In section 3, Delegation of Authority, a new subparagraph .01 10. is added to read:

10. Headnote 2, subpart B, part 6, schedule 6 of the Tariff Schedules of the United States (19 U.S.C. 1202) relating to the development, maintenance, and publication of a list of bona fide motor-vehicle manufacturers, and authority to promulgate rules and regulations pertaining thereto under section 501(2) of Title V of the Automotive Products Trade Act of 1965 (Public Law 89–283, 79 Stat. 1016).

Effective date: December 3, 1965.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[F.R. Doc. 65–13234; Filed, Dec. 8, 1965; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–130]

NORTHERN STATES POWER CO.

Notice of Issuance of Provisional Operating License Amendment

Please take notice that no request for a formal hearing having been filed following publication of the notice of proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 3 to Provisional Operating License No. DPR–11. The license, as previously issued, authorized Northern States Power Co. to operate the Pathfinder nuclear reactor located near Sioux Falls, S. Dak., at steady state power levels up to one (1) megawatt thermal. The amendment authorizes the licensee to increase the maximum steady state operating power level of the reactor to 190 megawatts thermal in accordance with the application for license amendment dated February 12, 1965, and the supplements thereto dated March 5, 1965, and April 28, 1965.

The amendment, as issued, is as set forth in the notice of proposed issuance of provisional operating license amendment published in the FEDERAL REGISTER on October 2, 1965, 30 F.R. 12645.

Dated at Bethesda, Md., this 2d day of December 1965.

For the Atomic Energy Commission.

R. L. DOAN,
Director,
Division of Reactor Licensing.

[F.R. Doc. 65–13197; Filed, Dec. 8, 1965; 8:49 a.m.]

[Docket No. 50–237]

COMMONWEALTH EDISON CO.

Notice of Designation of Alternate Member of Atomic Safety and Licensing Board

In the matter of Commonwealth Edison Co. (Dresden Nuclear Power Station Unit 2).

By "Notice of Hearing on Application for Provisional Construction Permit," dated October 25, 1965, and by "Notice of Designation of Replacement of Member of Atomic Safety and Licensing Board," dated December 3, 1965, in the above captioned matter, the Atomic Energy Commission designated an Atomic Safety and Licensing Board consisting of Dr. Hugh Paxton, Los Alamos, N. Mex.; Dr. Eugene Grueling, Durham, N.C.; and J. D. Bond, Esq., Chairman, Washington, D.C., to conduct the hearing on the Commonwealth Edison Co.'s application for a provisional construction permit.

The Atomic Energy Commission has designated Dr. David B. Hall, Los Alamos, N. Mex., as an alternate technically qualified member of the Atomic Safety and Licensing Board.

Dated at Washington, D.C., this 7th day of December 1965.

United States Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 65–13217; Filed, Dec. 8, 1965; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16692]

TRANSPORTES AEREOS PORTUGUESES, S.A.R.L.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on December 17, 1965, at 10 a.m., e.s.t., in Room 925, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., December 2, 1965.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 65–13176; Filed, Dec. 8, 1965; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16316; FCC 65M–1569]

NEW SOUTH BROADCASTING CORP.

Order Scheduling Hearing

In re application of New South Broadcasting Corp., Meridian, Miss., Docket No. 16318, File No. BPH–4818; for construction permit:

It is ordered, This 3d day of December 1965, that Isadore A. Honig shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on January 19, 1966, at 10 a.m.; and that a prehearing conference shall be held on December 28, 1965, commencing at 9 a.m.: *And, it is further ordered,* That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: December 6, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65–13194; Filed, Dec. 8, 1965; 8:49 a.m.]

[Docket Nos. 16301, 16312; FCC 65M–1570]

SAWNEE BROADCASTING CO. (WSNE), AND HALL COUNTY BROADCASTING CO. (WLBA)

Order Scheduling Hearing

In re applications of John T. Pittard, trading as Sawnee Broadcasting Co. (WSNE), Cumming, Ga., Docket No. 16301, File No. BP–16375; Ernest H. Reynolds, Jr., trading as Hall County Broadcasting Co. (WLBA), Gainesville, Ga., Docket No. 16312, File No. BP–16606; for construction permits:

It is ordered, This 3d day of December 1965, that Basil P. Cooper shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on January 20, 1966, at 10 a.m.; and that a prehearing conference shall be held on December 28, 1965, commencing at 9 a.m.: *And, it is further ordered,* That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: December 6, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65–13195; Filed, Dec. 8, 1965; 8:49 a.m.]

[Docket Nos. 16310, 16311; FCC 65M–1568]

WILKESBORO BROADCASTING CO. AND WILKES COUNTY RADIO

Order Scheduling Hearing

In re applications of Fletcher R. Smith and Madge P. Smith, doing business as Wilkesboro Broadcasting Co., Wilkesboro, N.C., Docket No. 16310, File No. BP–16466; Paul L. Cashion and J. B. Wilson, Jr., doing business as Wilkes County Radio, Wilkesboro, N.C., Docket No. 16311, File No. BP–16556; for construction permits:

It is ordered, This 3d day of December 1965, that Jay A. Kyle shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on January 17, 1966, at 10 a.m.; and that a prehearing conference shall be held on December 29, 1965, commencing at 9 a.m.: *And, it is further ordered,* That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: December 6, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65–13196; Filed, Dec. 8, 1965; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-4574, etc.]

J. RALPH GARNER ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

NOVEMBER 30, 1965.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 22, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field and location	Price per Mcf	Pressure base
G-4574 E 11-15-65	J. Ralph Garner (successor to Finch & Snider Oil and Gas Co.), Route No. 1. Bristol, W. Va.	Pennzoil Co., Ten Mile District, Harrison County, W. Va.	12.0	15.325
G-6170 D 11-22-65	The Superior Oil Co., Post Office Box 1521, Houston, Tex., 77001.	Southern Natural Gas Co., Gwinville Field, Jefferson Davis County, Miss.	Assigned	-------
G-8735 E 11-5-65	HRC Gas and Oil Associates (successor to the Manufacturers Light and Heat Co.), Post Office Box 628, Fairmont, W. Va.	Consolidated Gas Supply Corp., Proctor and Center Districts, Wetzel County, W. Va.	20.0	15.325
G-11074 D 11-18-65	The Superior Oil Co., Post Office Box 1521, Houston, Tex., 77001.	Kansas-Nebraska Natural Gas Co., Inc., Big Springs Field, Deuel County, Nebr.	(4)	-------
G-15951 E 11-12-65	Charles K. Williams (successor to J. F. Pritchard), c/o Wilbur J. Holleman, attorney, 325 National Bank of Tulsa Bldg., Tulsa, Okla., 74103.	Mississippi River Fuel Corp., Ruston Field, Lincoln Parish, La.	[3] 13.75	15.025
G-17339 D 11-18-65	The California Co., a Division of Chevron Oil Co., 1111 Tulane Ave., New Orleans, La., 70112 (partial abandonment).	Consolidated Gas Supply Corp., Acreage in Acadia Parish, La.	Uneconomical	-------
C164-189 C 11-15-65 [2]	Robert A. Lee and Hilton L. Ladner (Operator), et al., [2] 903 First National Bank Bldg., Jackson, Miss.	United Gas Pipe Line Co., Pistol Ridge Field, Pearl River County, Miss.	20.0	15.025
C164-1392 C 11-19-65	Monsanto Co. (Operator), et al., 1300 Main St., Houston, Tex., 77002.	Lone Star Gas Co., North Dibble and Southeast Boyle Areas, McClain County, Okla.	15.0	14.65
C165-205 C 11-12-65	Rodman Oil Co., Post Office Box 3826, Odessa, Tex.	West Lake Natural Gasoline Co., Nena Lucia Area, Nolan County, Tex.	8.5	14.65
C166-34 C 11-17-65	Phillips Petroleum Co. (Operator), et al., Bartlesville, Okla., 74004.	American Louisiana Pipe Line Co., Hog Bayou Field, Block 1, Offshore Cameron Parish, La.	19.0	15.025
C166-410 [6] A 11-15-65	Sinclair Oil & Gas Co., Post Office Box 521, Tulsa, Okla., 74102.	Northern Natural Gas Co., Eldorado Plant, Schleicher County, Tex.	16.5	14.65
C166-414 B 11-17-65 [5]	V-T Drilling Co., c/o Mr. Ira Van Tuyl, 711 Hulman Bldg., Evansville, Ind.	Consolidated Gas Supply Corp., Freemans Creek District, Lewis County, W. Va.	Production declined	-------
C166-415 A 11-18-65	Occidental Petroleum Corp., 5000 Stockdale Highway, Bakersfield, Calif.	Trunkline Gas Co., Mulvey Field, Vermilion Parish, La.	[6] 17.0	15.025
C166-416 A 11-18-65	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex., 77001.	American Louisiana Pipe Line Co., Buck Point Field, Vermilion Parish, La.	21.25	14.65
C166-417 A 11-5-65	Wood Oil Co., 800 Midstates Bldg., Tulsa, Okla., 74103.	Cities Service Gas Co., Eureka Field, Grant and Alfalfa Counties, Okla.	[7] 12.0	14.65
C166-418 A 11-19-65	Sunray DX Oil Co., Post Office Office Box 2039, Tulsa, Okla., 74102.	American Louisiana Pipe Line Co., Buck Point Field, Vermilion Parish, La.	21.25	15.025
C166-419 A 11-19-65	----do----	American Louisiana Pipe Line Co., East Buck Point Field, Vermilion Parish, La.	21.25	15.025
C166-420 A 11-19-65	The California Co., a division of Chevron Oil Co., 1111 Tulane Ave., New Orleans, La., 70112.	American Louisiana Pipe Line Co., Southwest Lake Arthur Field, Cameron Parish, La.	20.625	15.025
C166-421 A 11-19-65	Robert Mosbacher, 602 Bank of Commerce Bldg., Houston, Tex., 77002.	American Louisiana Pipe Line Co., Buck Point Field, Vermilion Parish, La.	21.25	15.025
C166-422 A 11-19-65	Sinclair Oil & Gas Co., Post Office Box 521, Tulsa, Okla., 74102.	American Louisiana Pipe Line Co., Boston Bayou Field, Vermilion Parish, La.	21.25	15.025
C166-423 A&E 11-12-65	Texota Oil Co. (successor to Douglas Corp.) [4] Petroleum Club Bldg., Suite 400, 110 16th St., Denver, Colo., 80202.	El Paso Natural Gas Co., Blanco Field, San Juan County, N. Mex.	11.0	15.025
C166-424 A 11-22-65	Tidewater Oil Co., Post Office Box 1404, Houston, Tex., 77001.	American Louisiana Pipe Line Co., Southwest Lake Arthur Field, Cameron Parish, La.	20.625	15.025
C166-425 A 11-22-65	Tenneco Oil Co., Post Office Box 2511, Houston, Tex., 77001.	American Louisiana Pipe Line Co., Boston Bayou Field, Vermilion Parish, La.	21.25	15.025
C166-426 A 11-22-65	Shell Oil Co., 50 West 50th St., New York, N.Y., 10020.	Arkansas Louisiana Gas Co., Red Oak Field, LeFlore County, Okla.	16.0	14.65
C166-427 A 11-22-65	Isaac Arnold et al., 500 Jefferson Bldg., Houston, Tex., 77002.	American Louisiana Pipe Line Co., Bayou Hebert Field, Vermilion Parish, La.	21.25	15.025
C166-429 A 11-18-65 [8]	Tenneco Oil Co., [9] Post Office Box 2511, Houston, Tex., 77001.	El Paso Natural Gas Co., Allison Unit Area, La Plata County, Colorado and San Juan County, N. Mex.	13.0	15.025
C166-430 A 11-19-65	Calvert Drilling Co., F. A. Calvert and Houston Huffman, c/o Barth P. Walker, Attorney, 220 Cravens Bldg., Oklahoma City, Okla., 73102.	Panhandle Eastern Pipe Line Co., Acreage in Woods County, Okla.	17.0	14.65
C166-431 B 11-22-65	Sunray DX Oil Co., Post Office Box 2039, Tulsa, Okla., 74102.	United Gas Pipe Line Co., North Charco Field, Goliad County, Tex.	Depleted	-------
C166-432 B 11-22-65	Sunset International Petroleum Corp., 8920 Wilshire Blvd., Beverly Hills, Calif., 90211.	El Paso Natural Gas Co., Acreage in Ochiltree County, Tex.	[10]	-------

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field and location	Price per Mcf	Pressure base
C166-433 A 11-22-65	Robert Thorsen et al., 969 First National Bank Bldg., 38 South Dearborn St., Chicago, Ill., 60603.	Lake Shore Pipe Line Co., Bushnell (Pennsylvania) Field, Erie County, Pa.	27.0	15.025

[1] Deletes terminated leases from basic contract.
[2] Includes 1.333 cents per Mcf tax reimbursement.
[3] Application to amend certificate filed by Hilton L. Ladner, Operator and Part Owner, to add acreage acquired by virtue of various farmouts; such farmout acreage is presently subject to contracts between United Gas Pipe Line Co. and George D. Hunt and Bonnie C. Whitaker—Docket No. G-8492; J. C. Vaughan, Jr.—Docket No. G-9160; W. B. and C. R. Ridgway—Docket Nos. G-8854 through G-8864; Humble Oil & Refining Co.—Docket No. G-8816; Gulf Oil Corp.—Docket No. G-7168; and Crow Drilling Co.—Docket No. G-7313.
[4] Gas-well gas. Meets or exceeds all pipeline quality standards as set out in the Commission's Opinion No. 468.
[5] Abandons service previously rendered by Prime Petroleum Co. et al.—Docket No. C163-1507.
[6] Subject to 1.0 cent per Mcf per stage of compression in the event Buyer elects to compress gas.
[7] Subject to reduction of 0.75 cent per Mcf for dehydration and 1½ cents per Mcf if compressor facilities are installed and placed in operation.
[8] Predecessor has no certificate or rate schedule on file.
[9] For Applicant's interest in properties acquired from Delhi-Taylor Oil Corp. Predecessor has no certificate or rate schedule on file.
[10] Lease was surrendered and terminated as a result of litigation in court, and Applicant has no further interest therein.

[F.R. Doc. 65-13103; Filed, Dec. 8, 1965; 8:45 a.m.]

[Project No. 2552]

CENTRAL MAINE POWER CO.

Notice of Application for License for Constructed Project

DECEMBER 1, 1965.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Central Maine Power Co. (correspondence to: W. H. Kimball, Vice President and Comptroller, 9 Green Street, Augusta, Maine, 04332), for license for constructed Project No. 2552, known as the Fort Halifax Project, located on Sebasticook River in the towns of Winslow and Benton, in Kennebec County, Maine.

The existing project consists of: (1) A dam comprising a nonoverflow section 50 feet long at elevation 60 feet, an Ambursen type overflow section about 352 feet long with crest elevation 47.5 feet to a wing wall at the intake section (the dam crest being equipped with 2 feet of pin-type flashboards); (2) a reservoir extending to the town of Benton; (3) a 74-foot 6-inch long and 88-foot wide intake and flume protected by racks and equipped with slide gates 6 feet 6 inches by 18 feet; (4) a powerhouse approximately 46 feet by 53 feet, concrete structure and brick superstructure containing two 750 kw generators each coupled to a turbine; and (5) appurtenant electrical and mechanical facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is January 17, 1966. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-13153; Filed, Dec. 8, 1965; 8:45 a.m.]

[Docket No. E-7259]

GULF STATES UTILITIES CO.

Notice of Application

DECEMBER 1, 1965.

Take notice that on November 26, 1965, Gulf States Utilities Co. (Applicant), a public utility incorporated under the laws of the State of Texas and qualified to carry on business in the State of Louisiana with its principal place of business office at Beaumont, Tex., filed an application with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, seeking authority to issue $20,000,000 principal amount of First Mortgage Bonds.

According to the application the new Bonds will be issued under the Applicant's Indenture of Mortgage dated September 1, 1926, as modified by Supplemental Indentures to and including a 21st Supplemental Indenture dated as of May 1, 1962, and as to be further supplemented by a 22d Supplemental Indenture to be dated as of the first day of the month in which the new Bonds are issued. Applicant proposes on or about January 6, 1966, to invite bids for the purchase of the new Bonds which bids must be in writing and specify the interest rate of the new Bonds and the price (exclusive of accrued interest) to be paid to the Applicant for the new Bonds which shall be not less than 100 percent nor more than 102½ percent.

According to the application, the proceeds from the issue of the new Bonds will initially reimburse the Applicant in part for the construction expenditures heretofore made and will enable the Company to pay in full all of its short-term notes estimated to be outstanding as of the date of the issuance of the new Bonds and permit carrying forward the Company's 1966 construction program. Applicant estimates that its 1966 construction program will require expenditures of $8.6 million for generation facilities, $19.3 million for transmission facilities and $900,000 for distribution facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 21, 1965, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-13154; Filed, Dec. 8, 1965; 8:45 a.m.]

[Docket No. E-7260]

NIAGARA MOHAWK POWER CORP.

Notice of Application

DECEMBER 2, 1965.

Take notice that on November 26, 1965, Niagara Mohawk Power Corp., (Niagara Mohawk), filed an application with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, seeking authority to acquire certain hydroelectric facilities from Henry Ford & Son, Inc. (Henry Ford).

Niagara Mohawk is incorporated under the laws of the State of New York with its principal place of business office at Syracuse, N.Y., and is engaged in the electrical utility business in 42 counties in upstate New York. Henry Ford is incorporated under the laws of the State of New York and authorized to do business in the State of New York with its principal place of business office at Dearborn, Mich.

The facilities which Niagara Mohawk proposes to acquire consist of Henry Ford's Green Island Hydroelectric Project located on the Hudson River at U.S. Navigation Lock and Dam on Green Island in Albany County, N.Y. This facility is licensed as FPC Project No. 13. Niagara Mohawk and Henry Ford have already filed an application pursuant to section 8 of the Federal Power Act for authority to transfer the license for this facility. Public notice of this application for transfer of license was issued on September 29, 1965.

As consideration for the transfer of this facility, Niagara Mohawk proposes to pay to Henry Ford the sum of $100,000 and to record the proposed acquisition by charging said amount to Account No. 102, Electric Plant Purchased. After the transaction is consummated, the manufacturing plant of Ford Motor Co. at Green Island, N.Y., will become a customer of Niagara Mohawk and Project No. 13 will be added to the available production facilities of Niagara Mohawk.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 20, 1965, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-13155; Filed, Dec. 8, 1965; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[01-24]

ATLANTIC TRUST CO.

Notice of Application and Opportunity for Hearing

DECEMBER 2, 1965.

Notice is hereby given that Atlantic Trust Co. (the "Company"), Atlantic National Bank of Jacksonville, Jacksonville, Fla., 32202, has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended ("Act"), for an order of the Commission exempting the Company from the provisions of section 12(g) of the Act. Exemption from section 12(g) will have the additional effect of exempting the Company from sections 13 and 14 of the Act and any officer, director, or beneficial owner of more than 10 percent of any class of equity security from section 16 thereof.

Section 12(g) of the Act requires the registration of the equity security of every issuer which is engaged in, or in a business affecting interstate commerce, or whose securities are traded by use of the mails or any means or instrumentality of interstate commerce and, on the last day of its fiscal year, has total asssets exceeding $1,000,000, and a class of equity security held of record initially by 750 or more persons, and after July 1, 1966, by 500 or more persons.

Section 12(h) empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the registration, periodic reporting and proxy solicitation provisions and to grant exemption from the insider reporting and trading provisions of the Act if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The application of the Company states in part:

1. All the capital stock of the Company is held in trust for the pro rata benefit of the 960 stockholders of the Atlantic National Bank of Jacksonville ("Bank"), as a class, whoever they may be from time to time, by three trustees who are officers of the Bank. The trust under which the capital stock of the Company is held has been in existence since its creation in 1923 and had as of December 31, 1964, assets in excess of $1,000,000.

2. The trust has never issued or used trust certificates; the Bank stock bears no statement or reference concerning the holder's beneficial interest in the Company. The only evidence of such interest in the Company is contained in the trust instrument. The beneficial interest cannot be separately transferred, but it passes only as an incident to a transfer of the Bank Stock.

3. The Bank wished to have the trustees transfer all shares of the Company to the Bank without consideration. The effect of this would be to make Bank the holder of the legal and equitable title of the Company Stock and the Bank the sole record and beneficial stockholder of the Company.

4. Both the Comptroller of the Currency and the Federal Reserve has held that this is permissible. On November 4, 1965, all the outstanding shares of stock of the Company were transferred without consideration, pursuant to express authorization in the trust agreement, to the Bank.

5. The Bank and the Company are and have been subject to regulation and examination by both the Comptroller of the Currency (the "Comptroller") and the Federal Reserve under the National Banking Act, the Federal Reserve Act and the Bank Holding Company Act of 1956. Under section 12(i) of the Exchange Act the Comptroller is vested with the enforcement powers granted the Commission under sections 12, 13, 14(a), 14(c), and 16 of the Exchange Act as to the Bank. Section 12(g)(1) will not apply to the Company beginning with the year 1966.

For a more detailed statement of matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission at 425 Second Street NW., Washington, D.C.

Notice is further given that any interested person may, not later than December 27, 1965, submit to the Commission in writing his views or any additional facts bearing upon his application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington, D.C., 20549, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application may be issued by the Commission unless an order for hearing upon said application is issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-13162; Filed, Dec. 8, 1965; 8:46 a.m.]

[01-37]

CORONET PETROLEUM CORP.

Notice of Application and Opportunity for Hearing

DECEMBER 2, 1965.

Notice is hereby given that Coronet Petroleum Corp. (Coronet), 2957 Humble Building, Houston, Tex., has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended ("the Act") for an order exempting it from the registration provisions of section 12(g) of the Act. Exemption from section 12(g) will have the additional effect of exempting Coronet from section 13 or 14 of the Act and any officer, director or beneficial owner of more than 10 percent of Coronet's capital stock from section 16 thereof.

Section 12(g) of the Act requires the registration of the equity securities of every issuer which is engaged in, or in a business affecting, interstate commerce, or whose securities are traded by use of the mails or any means or instrumentality of interstate commerce and, on the last day of its fiscal year, has total assets exceeding $1 million and a class of equity securities held of record initially by 750 or more persons, and after July 1, 1966, by 500 or more persons. Registration is terminated 90 days after the issuer files a certification with the Commission that the number of holders of the registered class of equity securities is fewer than 300 persons.

Section 12(h) empowers the Commission to exempt, in whole or in part, any issuer or class of issuer from the registration, periodic reporting and proxy solicitation provisions of the Act if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

Coronet's application states, in part:

1. Coronet, a Delaware corporation, had over $1 million total assets and in excess of 750 holders of its single class of capital stock, par value 20 cents on December 31, 1964. It would, therefore, be subject to the registration requirements of section 12(g).

2. Pursuant to a purchase agreement adopted by its shareholders on April 15, 1965, Coronet sold all its assets to the Texstar Corp. in exchange for stock of Texstar. On October 29, 1965, the shareholders of Coronet adopted a plan of complete liquidation and dissolution calling for the distribution to the shareholders pro rata of the Texstar stock.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 425 Second Street NW., Washington, D.C.

Notice is further given that any interested person may, not later than December 27, 1965, submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearng thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington, D.C., 20549, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application may be issued by the Commission unless an order for hearing upon said application is issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-13163; Filed, Dec. 8, 1965; 8:46 a.m.]

TARIFF COMMISSION

[337-D-23]

WALKIE-TALKIE UNITS

Notice of Dismissal of Complaint

After preliminary inquiry in accordance with § 203.3 of its rules of practice and procedure (19 CFR 203.3), the U.S. Tariff Commission, on December 1, 1965, dismissed the complaint filed under section 337 of the Tariff Act of 1930 by the Electrosolids Corp. of Los Angeles, Calif. The complaint alleged unfair methods of competition and unfair acts in the importation and sale of certain walkie-talkie units incorporating high gain superregenerative detector circuits, insofar as the circuitry incorporated in such walkie-talkie embodied, employed, or contained the invention disclosed in claims 5 and 6 of U.S. Letters Patent 3,151,297, assigned to Electrosolids.

Information obtained in the course of the preliminary inquiry shows that the patented circuits forming the basis of the complaint are not produced in the United States by or on behalf of the complainant, but rather are obtained by complainant from abroad. Section 337 does not apply in this case, since there is no industry in the United States producing the patented circuits nor any evidence that the effect or tendency of the importation or sale of any such patented circuits (or articles containing such circuits) has been to destroy or to prevent the establishment of such an industry.

Issued: December 2, 1965.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 65-13142; Filed, Dec. 8, 1965; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 853]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

DECEMBER 3, 1965.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of § 1.247(d)(4) of the special rule. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 1124 (Sub-No. 211), filed November 1, 1965. Applicant: HERRIN TRANSPORTATION COMPANY, a corporation, 2301 McKinney Avenue, Houston, Tex. Applicant's representative: Ralph W. Pulley, Jr., 45th Floor, First National Bank Building, Dallas, Tex., 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk, those of unusual value and those requiring special equipment), (1) between Phenix City, Ala., and Memphis, Tenn.; from Phenix City over U.S. Highway 280 to Birmingham, Ala., thence over U.S. Highway 78 to Memphis and return over the same route, serving all intermediate and off-route points in Russell County, Ala.; (2) between Phenix City, Ala., and El Dorado, Ark.; from Phenix City over U.S. Highway 80 to Montgomery, Ala., thence over U.S. Highway 82 to El Dorado and return over the same route, serving those intermediate points in Arkansas on U.S. Highway 82 between Lake Village and El Dorado, Ark., and all intermediate and off-route points in Russell County, Ala.; (3) between Phenix City, Ala., and Monroe, La., over U.S. Highway 80, serving Jackson, Miss., as a point of joinder only and serving all intermediate and off-route points in Russell County, Ala.; (4) between Phenix City, Ala., and Mobile, Ala.; from Phenix City over U.S. Highway 80 to Montgomery, Ala., thence over U.S. Highway 31 to Mobile and return over the same route, and serving Mobile, Ala., as a point of joinder only and serving all intermediate and off-route points in Russell County, Ala.; (5) between Phenix City, Ala., and New Orleans, La.; from Phenix City over U.S. Highway 80 to Meridian, Miss.

Thence over U.S. Highway 11 to New Orleans and return over the same route, serving all intermediate and off-route points in Russell County, Ala.; (6) between Phenix City, Ala., and Baton Rouge, La.; from Phenix City over U.S. Highway 80 to Meridian, Miss., thence over U.S. Highway 11 to junction U.S. Highway 190, thence over U.S. Highway 190 to Baton Rouge and return over the same route, serving all intermediate and off-route points in Russell County, Ala.; (7) between Phenix City, Ala., and Jacksonville, Fla.; from Phenix City over U.S. Highway 280 to Richland, Ga., thence over Georgia Highway 55 to Dawson, Ga., thence over U.S. Highway 82 to Waycross, Ga., thence over U.S. Highway 23 to Jacksonville and return over the same route, serving all intermediate and off-route points in Russell County, Ala.; (8) between Phenix City, Ala., and Savannah, Ga., over U.S. Highway 80, serving all intermediate and off-route points in Russell County, Ala.; (9) between Phenix City, Ala., and Pensacola, Fla.; from Phenix City over U.S. Highway 431 to Dothan, Ala., thence over U.S. Highway 231 to junction U.S. Highway 90, thence over U.S. Highway 90 to Pensacola and return over the same route, serving all intermediate and off-route points in Russell County, Ala.; and (10) between Phenix City, Ala., and Macon, Ga., over U.S. Highway 80, serving all intermediate and off-route points in Russell County, Ala. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 2594 (Sub-No. 1), filed November 23, 1965. Applicant: MICHAEL'S TRUCK RENTAL SERVICE, INC., 97 Summit Road, Port Washington, N.Y., 11050. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, *equipment, materials and supplies* used in the conduct of such business, between New York, N.Y., and points in Nassau, Suffolk, and Westchester Counties, N.Y., and those in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 25869 (Sub-No. 49), filed November 19, 1965. Applicant: NOLTE BROS. TRUCK LINE, INC., 2509 O Street, Post Office Box 184, South Omaha, Nebr. Applicant's representative: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

[1] Copies of Special Rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

ing: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from points in Saunders County, Nebr., to points in Indiana. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 29079 (Sub-No. 22), filed November 22, 1965. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1100 Home Avenue, Kokomo, Ind. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Copper wire* and *cable*, from the plantsite of Anaconda Wire and Cable Co., near La Grange (Oldham County), Ky., to points in Illinois, Indiana, Michigan, Ohio, and St. Louis, Mo., and (B) *general commodities* (except commodities in bulk, those of unusual value, dangerous explosives, household goods and those requiring special equipment), from points in Illinois, Indiana, Michigan, Ohio, and St. Louis, Mo., to the plantsite of Anaconda Wire and Cable Co., near La Grange (Oldham County), Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, or St. Louis, Mo.

No. MC 29929 (Sub-No. 6), filed November 22, 1965. Applicant: CANNY TRUCKING CO., INC., 6–18 Spring Forest Avenue, Binghamton, N.Y., 13905. Applicant's representative: Donald C. Carmien, 300 Press Building, Binghamton, N.Y., 13902. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, those requiring special equipment, those of unusual value, classes A and B explosives and household goods as defined by the Commission), serving points in Nassau County, N.Y., as off-route points in connection with applicant's authorized regular-route operations between Painted Post, N.Y., and New York, N.Y., commercial zone, restricted to traffic to and from points on regular-route authority outside of the New York, N.Y., commercial zone as defined by the Commission. NOTE: If a hearing is deemed necessary, applicant requests it be held at Binghamton, N.Y.

No. MC 40428 (Sub-No. 13), filed November 26, 1965. Applicant: CROSS TRANSPORTATION, INC., Carli's Corner, Bridgeton, N.J. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y., 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, and boxes, paper, fiberboard* or *pulpboard* in sheets or rolls and *paper, fiberboard or pulpboard liners* or *fillers*, from North Bergen, N.J., to points in Maine, Vermont, New Hampshire, Rhode Island, Pennsylvania (except points in the Philadelphia, Pa., commercial zone), Maryland, Delaware, Virginia, and the District of Columbia; (2) *plastic containers, and boxes*, from Jersey City, N.J., to points in Maine, Vermont, New Hampshire, Rhode Island, Connecticut, New York (except points in the New York, N.Y., commercial zone), Delaware, Maryland, Virginia, and the District of Columbia; and (3) *rejected, returned and damaged shipments*, from the above described destination points, to the above described origin points. NOTE: Applicant states that it presently holds authority to perform all of the above service via gateways of Bridgeton and Glassboro, N.J., and also holds general commodity authority via irregular and regular routes between Boston, Mass., and Newark, N.J., covering intermediate and off-route points in New York, Connecticut, Rhode Island, and Massachusetts. Applicant also states that it holds authority to serve all of Rhode Island and Connecticut via Boston, Mass. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 42487 (Sub-No. 640), filed November 22, 1965. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's representative: Robert C. Stetson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed*, liquid and dry, (1) from Morrill, Nebr., to points in Colorado, Montana, South Dakota, and Wyoming, and (2) from Cody, Wyo., to points in Montana and South Dakota. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Cheyenne, Wyo.

No. MC 50069 (Sub-No. 336), filed November 18, 1965. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 930 North York Road, Hinsdale, Ill., 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Chicago, Ill., to Ravenswood, W. Va. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 50069 (Sub-No. 337), filed November 18, 1965. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 930 North York Road, Hinsdale, Ill., 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plantsite of Central Farmers Fertilizer Co. at or near Albany, Ill., to points in Iowa, Minnesota, Wisconsin, Indiana, Missouri, Nebraska, South Dakota, and Illinois. NOTE: If a hearing is deemed necessary, applicant does not specify a particular location.

No. MC 55236 (Sub-No. 118), filed November 22, 1965. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Post Office Box 1187, Green Bay, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plant and terminal facilities of Olin-Mathieson Chemical Corp., at Joliet, Ill., to points in Illinois, Indiana, Iowa, Michigan, Missouri, Minnesota, Wisconsin, Kentucky, and Ohio. NOTE: If a hearing is deemed necessary, applicant does not specify a particular location.

No. MC 59120 (Sub-No. 23), filed November 22, 1965. Applicant: EAZOR EXPRESS, INCORPORATED, Eazor Square, Pittsburgh, Pa., 15201. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel* and *iron and steel articles*, as described in appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, between points in Pennsylvania on and west of U.S. Highway 219 on the one hand, and, on the other, points in Illinois, Indiana, the Southern Peninsula of Michigan, New York, New Jersey, Ohio, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 59680 (Sub-No. 152), filed November 19, 1965. Applicant: STRICKLAND TRANSPORTATION CO., INC., Post Office Box 5689, Dallas, Tex., 75222. Applicant's representative: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City 3, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Memphis, Tenn., and New Orleans, La.; from Memphis over U.S. Highway 61 through Baton Rouge, La., to New Orleans and return over the same route, serving the intermediate points of Zee, St. Francisville, Port Hudson, and Baton Rouge, La. NOTE: Applicant states that it intends to tack the above proposed operation with (1) its presently held authority in its (Sub-No. 117), to serve between Houston, Tex., and New Orleans, La., and (2) its authority presently held in its prime numbered certificate to serve Memphis, Tenn. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 61403 (Sub-No. 143), filed November 19, 1965. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. Applicant's representative: W. C. Mitchell, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Benzene phosphorous dichloride*, in bulk, in tank vehicles, from the plantsite of Stauffer Chemical Co. at or near Mount Pleasant, Tenn., to Gallipolis Ferry, W. Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 61592 (Sub-No. 51) (Amendment), filed September 10, 1965, published FEDERAL REGISTER, issue of September 30, 1965, republished as amended

October 7, 1965, and further amended November 26, 1965, and republished as further amended this issue. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa, 52722. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (not including tractors with vehicle beds, bed frames or fifth wheels), (2) *agricultural machinery and implements*, (3) *industrial and construction machinery and equipment*, (4) *equipment* designed for use in connection with tractors, (5) *trailers* designed for the transportation of the commodities described above (other than those designed to be drawn by passenger automobiles), (6) *attachments* for the commodities described above, (7) *internal combustion engines*, and (8) *parts* of the commodities described in (1) through (7) above when moving in mixed loads with such commodities, (a) from the plant and warehouse sites, and experimental farms of Deere & Co. in Dodge County, Wis., to points in Illinois, Iowa, and St. Louis, Mo., and (b) from the plant and warehouse sites, and experimental farms of Deere & Co. in Rock Island County, Ill., to points in Wisconsin and Iowa, and *damaged, rejected and returned shipments*, on return in (a) and (b) above. NOTE: The purpose of this republication is to add Iowa as a destination State to part (b) above of the territory sought. Applicant states the proposed operations in (a) and (b) above will be restricted to traffic originating at the plant and warehouse sites, and experimental farms, named above. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 63613 (Sub-No. 3), filed November 22, 1965. Applicant: SANDERCOCK TRANSFER & STORAGE CO., a corporation, 1708 Beach Street, San Luis Obispo, Calif. Applicant's representative: Arthur D. Guy, Jr., Dover Building, Suite 8, 833 Dover Drive, Newport Beach, Calif., 92660. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Santa Barbara, Monterey, and Ventura Counties, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 64932 (Sub-No. 389), filed November 19, 1965. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chlorobutadiene*, in bulk, in tank vehicles, from Montague, Mich., to Louisville, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 64932 (Sub-No. 390), filed November 26, 1965. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill., 60643. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Seymour, Ind., and points within 10 miles thereof, to points in Illinois, Kentucky, and Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 66140 (Sub-No. 4), filed November 18, 1965. Applicant: FYOCK MOTOR LINES, INC., 831 Pennsylvania Avenue, Pittsburgh 33, Pa. Applicant's representative: Jerome Solomon, 1302 Grant Building, Pittsburgh, Pa., 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned fruit and vegetable juices*, from Baltimore, Md., to points in that part of Maryland, Pennsylvania, Ohio, Virginia, West Virginia, and the District of Columbia, bounded by a line beginning at Baltimore and extending along U.S. Highway 40 to Hancock, Md., thence along U.S. Highway 522 to Warfordsburg, Pa., thence along Pennsylvania Highway 126 to Breezewood, Pa., thence along U.S. Highway 30 to Bedford, Pa., thence along U.S. Highway 220 to Duncansville, Pa., thence along Pennsylvania Highway 764 to Altoona, Pa., thence along U.S. Highway 220 to Hollidaysburg, Pa., thence west along U.S. Highway 22 to Ebensburg, Pa., thence along U.S. Highway 422 to Youngstown, Ohio, thence along U.S. Highway 62 to Salem, Ohio, thence along Ohio Highway 9 to Carrollton, Ohio, thence along Ohio Highway 39 to Roswell, Ohio, thence along unnumbered highway to Midvale, Ohio, thence along Ohio Highway 8 to the Ohio River, thence across the Ohio River to Sistersville, W. Va., thence along West Virginia Highway 18 to junction West Virginia Highway 23, thence along West Virginia Highway 23 to Salem, W. Va., thence along U.S. Highway 50 to Clarksburg, W. Va., thence along U.S. Highway 19 to Weston, W. Va., thence along U.S. Highway 33 to Franklin, W. Va., thence along U.S. Highway 220 to Romney, W. Va., thence along U.S. Highway 50 to Washington, D.C., and thence along U.S. Highway 1 to point of beginning, including points on the indicated portions of the highways specified, except those between Baltimore and Hollidaysburg, Pa., on U.S. Highways 40, 30, 220, and Pennsylvania Highway 126. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 73165 (Sub-No. 208), filed November 10, 1965. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel* and *iron and steel articles, pipe* and *pipe fittings* (except those items the transportation of which requires special equipment) and (restricted to the use of flatbed trailers), between points on the Mississippi and Tennessee Rivers on and south of the Kentucky-Tennessee State line and points in Alabama, Arkansas, Georgia, Florida, Mississippi, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., and Memphis, Tenn.

No. MC 80289 (Sub-No. 11), filed November 22, 1965. Applicant: HARRY KOVLER, doing business as RED LINE FURNITURE CARRIERS, 1339 Unruh Street, Philadelphia 11, Pa. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Housewares*, such as, but not limited to, bathroom scales, brush holders, breadboxes, towel holders, and canister sets, from New York, N.Y., to points in Connecticut, Delaware, Indiana, Illinois, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 80289 (Sub-No. 12), filed November 26, 1965. Applicant: HARRY KOVLER, doing business as RED LINE FURNITURE CARRIERS, 1339 Unruh Street, Philadelphia, Pa. Applicant's representative: Morris Honig, 150 Broadway, New York 38, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between New York, N.Y., on the one hand, and, on the other, points in Connecticut, Delaware, Indiana, Illinois, Maryland, Massachusetts, Michigan, New Jersey, New York, Pennsylvania, Ohio, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 80609 (Sub-No. 1), filed November 22, 1965. Applicant: H. S. FOREMAN, INC., 25 Foreman Road, Elizabethtown, Pa. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer* and *fertilizer ingredients*, in bulk, from Baltimore, Md., to points in New York; and (2) *urea*, in bulk, from North Claymont, Del., to points in New York and Pennsylvania. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 83539 (Sub-No. 165), filed November 18, 1965. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Post Office Box 5976, Dallas, Tex., 75222. Applicant's representative: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Commodities* which because of size or weight require the use of special equipment or handling, and (2) *commodities* which do not require the use of special equipment when moving in the same shipment or in the same vehicle with commodities which because of size or

weight require the use of special equipment, (a) between points in Wisconsin, on the one hand, and, on the other, points in Arkansas, Colorado, Kansas, Louisiana, Mississippi, New Mexico, Oklahoma, Texas, and Wyoming, and (b) between points in Texas and Oklahoma, on the one hand, and, on the other, points in North Dakota and South Dakota. NOTE: Applicant states it presently holds the authority in (1) above in its Sub 9 Certificate and is not requesting any extension of territory. Applicant is seeking only an extension of authority in (2) above. (B) (1) *Commodities* which because of size or weight require the use of special equipment or handling, and (2) *commodities* which do not require the use of special equipment when moving in the same shipment or on the same vehicle with commodities which because of size or weight require the use of special equipment, between Wichita, Kans., on the one hand, and, on the other, points in Missouri, Nebraska, Colorado, and those in Texas on and north of U.S. Highway 80.

NOTE: Applicant states it presently holds the authority in (1) above in its Sub 12 certificate and is not requesting any extension of territory. Applicant is seeking only an extension of authority in (2) above. (C) (1) *Commodities* which because of size or weight require the use of special equipment or handling, and (2) *commodities* which do not require the use of special equipment when moving in the same shipment or on the same vehicle with commodities which because of size or weight require the use of special equipment, between points in that part of Texas on and north of U.S. Highway 80 from the Texas-Louisiana State line through Marshall, Dallas, and Fort Worth to Mineral Wells, Tex., and on and east of U.S. Highway 281 from Mineral Wells through Wichita Falls to the Texas-Oklahoma State line, on the one hand, and, on the other, points in Colorado, Nebraska, and Missouri. NOTE: Applicant states it presently holds the authority in (1) above in its Sub 13 certificate and is not requesting any extension of territory. Applicant is seeking only an extension of authority in (2) above. (D) (1) *Commodities* which because of size or weight require the use of special equipment or handling, and (2) *commodities* which do not require the use of special equipment when moving in the same shipment or on the same vehicle with commodities which because of size or weight require the use of special equipment, (a) between points in Kansas, New Mexico, Texas, Oklahoma, and Louisiana, (b) between points in New Mexico, Texas, and Oklahoma, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Mississippi, and Arkansas, and (c) between points in Illinois, Indiana, Kentucky, Mississippi, and Arkansas. NOTE: Applicant states it presently holds the authority in (1) above in its Sub 14 certificate and is not requesting any extension of territory. Applicant is seeking only an extension of authority in (2) above. (E) (1) *Commodities* which because of size or weight require the use of special equipment or handling, and (2) *commodities* which do not require the use of special equipment when moving in the same shipment or on the same vehicle with commodities which because of size or weight require the use of special equipment, from points in Ohio, to points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas. NOTE: Applicant states it presently holds the authority in (1) above in its Sub 20 certificate and is not requesting any extension of territory. Applicant is seeking only an extension of authority in (2) above. (G) (1) *Commodities* which because of size or weight require the use of special equipment or handling, and (2) *commodities* which do not require the use of special equipment when moving in the same shipment or on the same vehicle with commodities which because of size or weight require the use of special equipment between points in Illinois and Indiana, on the one hand, and, on the other, points in Louisiana. Restriction: The service proposed in "G" above shall not be joined with or tacked to the authority in "A" through "F" herein above. NOTE: Applicant states it presently holds the authority in (1) above in its Sub 21 certificate and is not requesting any extension of territory. Applicant is seeking only an extension of authority in (2) above. (H) (1) *Commodities* which because of size or weight require the use of special equipment or handling, and (2) *commodities* which do not require the use of special equipment when moving in the same shipment or on the same vehicle with commodities which because of size or weight require the use of special equipment, between points in Texas, on the one hand, and, on the other, points in Oregon and Washington.

NOTE: Applicant states it presently holds the authority in (1) above in its Sub 30 certificate and is not requesting any extension of territory. Applicant is seeking only an extension of authority in (2) above. (I) (1) *Commodities* which because of size or weight require the use of special equipment or handling, and (2) *commodities* which do not require the use of special equipment when moving in the same shipment or on the same vehicle with commodities which because of size or weight require the use of special equipment, between points in Alaska, on the one hand, and, on the other, points in the continental United States south of the southern United States-Canada boundary line and west of the Mississippi River (except points in Idaho, California, and Nevada) and points in Wisconsin, Michigan, Illinois, Ohio, Pennsylvania, New York, and New Jersey. NOTE: Applicant states it presently holds the authority in (1) above in its Sub 39 certificate and is not requesting any extension of territory. Applicant is seeking only an extension of authority in (2) above. (J) (1) *Commodities* which because of size or weight require the use of special equipment or handling, and (2) *commodities* which do not require the use of special equipment when moving in the same shipment or on the same vehicle with commodities which because of size or weight require the use of special equipment, between points in Kansas and Oklahoma, on the one hand, and, on the other, points in Oregon and Washington. NOTE: Applicant states it presently holds the authority in (1) above in its Sub 66 certificate and is not requesting any extension of territory. Applicant is seeking only an extension of authority in (2) above. (K) (1) *Commodities* which because of size or weight require the use of special equipment or handling, and (2) *commodities* which do not require the use of special equipment when moving in the same shipment or on the same vehicle with commodities which because of size or weight require the use of special equipment, from points in Ohio to points in Kansas and Mississippi.

NOTE: Applicant states it presently holds the authority in (1) above in its Sub 82 certificate and is not requesting any extension of territory. Applicant is seeking only an extension of authority in (2) above. (L) (1) *Commodities* which because of size or weight require the use of special equipment or handling, and (2) *commodities* which do not require the use of special equipment when moving in the same shipment or on the same vehicle with commodities which because of size or weight require the use of special equipment, between points in Texas, on the one hand, and, on the other, points in Alabama, Georgia, and Florida. NOTE: Applicant states it presently holds the authority in (1) above in its Sub 92 certificate and is not requesting any extension of territory. Applicant is seeking only an extension of authority in (2) above. (M) (1) *Commodities* which because of size or weight require the use of special equipment or handling, and (2) *commodities* which do not require the use of special equipment when moving in the same shipment or on the same vehicle with commodities which because of size or weight require the use of special equipment, between Nashville, Tenn., and points in Tennessee within 50 miles of Nashville, on the one hand, and, on the other, points in Alabama, Arkansas, Georgia, Kentucky, Missouri, Mississippi, North Carolina, South Carolina, Virginia, and West Virginia. NOTE: Applicant states it presently holds the authority in (1) above in its Sub 93 certificate and is not requesting any extension of territory. Applicant is seeking only an extension of authority in (2) above. (N) (1) *Machinery* which because of size or weight requires the use of special equipment or handling, and (2) *machinery* which does not require the use of special equipment when moving in the same shipment or on the same vehicle with machinery which because of size or weight require the use of special equipment, between points in Wyoming, Colorado, Montana, North Dakota, South Dakota, and Utah. NOTE: Applicant states it presently holds the authority in (1) above in its Sub 96 certificate and is not requesting any extension of territory.

Applicant is seeking only an extension of authority in (2) above. (O) (1) *Commodities* which because of size or weight require the use of special equipment or handling, and (2) *commodities* which do not require the use of special equipment when moving in the same shipment or on the same vehicle with commodities which because of size or weight require the use of special equipment, (a) between points in Texas, on the one hand, and, on the other, points in Pennsylvania, New York, and New Jersey, and (b) between points in Michigan, Ohio, and Pennsylvania on the one hand, and, on the other, points in Montana, North Dakota, South Dakota, and Wyoming. NOTE: Applicant states it presently holds the authority in (1) above in its Sub 102 certificate and is not requesting any extension of territory. Applicant is seeking only an extension of authority in (2) above. (P) (1) *Machinery* which because of size or weight requires the use of special equipment or handling, and (2) *machinery* which does not require the use of special equipment when moving in the same shipment or on the same vehicle with machinery which because of size or weight require the use of special equipment, between points in Washington, Oregon, Idaho, and that part of Montana on and west of a line extending north and south through Dupuyer and Butte, Mont. NOTE: Applicant states it presently holds the authority in (1) above in its Sub 138 certificate and is not requesting any extension of territory. Applicant is seeking only an extension of authority in (2) above. (Q) (1) *Commodities* which because of size or weight require the use of special equipment or handling, and (2) *commodities* which do not require the use of special equipment when moving in the same shipment or on the same vehicle with commodities which because of size or weight require the use of special equipment, (a) between points in Nebraska, Iowa, Missouri, Kansas, and South Dakota. Restriction: Carrier shall not transport (1) any shipment which originates at St. Louis or Kansas City, Mo., and which is destined to any points in Missouri, Kansas, or Iowa, or (2) any shipment which originates at any points in Missouri, Kansas, or Iowa, and which is destined to St. Louis and Kansas City; (b) between points in Illinois, Iowa, and Nebraska, (c) between points in Douglas and Sarpy Counties, Nebr., on the one hand, and, on the other, points in Arkansas, Indiana, Kentucky, Michigan, New Mexico, North Dakota, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin.

Restriction: The proposed authority immediately above shall not be combined or joined with the authority described in Q above for the purpose of performing any through service; and (d) between points in Nebraska on the one hand, and, on the other, points in Montana. NOTE: Applicant states it presently holds the authority in (1) above in its Sub 146 certificate and is not requesting any extension of territory. Applicant is seeking only an extension of authority in (2) above. (R) (1) *Commodities* which because of size or weight require the use of special equipment or handling, and (2) *commodities* which do not require the use of special equipment when moving in the same shipment or on the same vehicle with commodities which because of size or weight require the use of special equipment, between Seagraves, Tex., and points in Texas within 250 miles of Seagraves and those in that part of Texas North of U.S. Highway 80 and west of U.S. Highway 75 beyond such 250-mile radius including points on the indicated portions of the highways specified, on the one hand, and, on the other, points in Arizona. NOTE: Applicant states it presently holds the authority in (1) above in its Docket No. MC-F-7115 and is not requesting any extension of territory. Applicant is seeking only an extension of authority in (2) above. (S) (1) *Commodities* which because of size or weight require the use of special equipment or handling, and (2) *commodities* which do not require the use of special equipment when moving in the same shipment or on the same vehicle with commodities which because of size or weight require the use of special equipment, (a) between Tacoma, Wash., and points in Oregon, and those in that part of California on and north of a line beginning at Santa Cruz, Calif., and extending along California Highway 17 to junction unnumbered highway (formerly portion California Highway 17), thence along unnumbered highway through Milpitas, Calif., to junction California Highway 21, thence along California Highway 21 to Dublin, Calif., thence along U.S. Highway 50 to junction unnumbered highway (formerly portion U.S. Highway 50).

Thence along unnumbered highway through Livermore, Calif., to junction U.S. Highway 50, thence along U.S. Highway 50 to junction unnumbered highway (formerly portion of U.S. Highway 50), thence along unnumbered highway through Folsom, Calif., to junction U.S. Highway 50, thence along U.S. Highway 50 to junction unnumbered highway (formerly portion of U.S. Highway 50), thence along unnumbered highway through Camino, Calif., to junction U.S. Highway 50, and thence along U.S. Highway 50 to the California-Nevada State line, and (b) from points in King and Pierce Counties, Wash., to points in Oregon. NOTE: Applicant states it presently holds the authority in (1) above in Docket No. MC-F-8496 and is not requesting any extension of territory. Applicant is seeking only an extension of authority in (2) above. (T) (1) *Commodities* which because of size or weight require the use of special equipment or handling, and (2) *commodities* which do not require the use of special equipment when moving in the same shipment or on the same vehicle with commodities which because of size or weight require the use of special equipment, between points in Cuyahoga County, Ohio, on the one hand, and, on the other, points in New Jersey. NOTE: Applicant states it presently holds the authority in (1) above in Docket No. MC-F-9244 and is not requesting any extension of territory. Applicant is seeking only an extension of authority in (2) above. Applicant further states it proposes to tack or join the authority which may be issued to it in this proceeding and perform a through service via its authorized gateways to the same extent that through service may be performed under its existing certificates. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Chicago, Ill., Dallas, Tex., and Los Angeles, Calif.

No. MC 85231 (Sub-No. 10), filed November 18, 1965. Applicant: FRANK WILLIAMS TRANSFER & STORAGE CO., a corporation, 204 North Franklin Avenue, Mansfield, Ohio. Applicant's representative: Richard H. Brandon, Hartman Building, Columbus, Ohio, 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stoves, stove parts, refrigerators, freezers, kitchen equipment*, and *appliances*, from Shelby, Ohio, to points in Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin; (2) *refrigerators and freezers*, from Galesburg, Ill., to Shelby, Ohio; (3) *ventilating hoods*, from Freeland, Pa., to Shelby, Ohio; and (4) *kitchen cabinets* from Richmond, Ind., to Shelby, Ohio. NOTE: If a hearing is deemed necessary, applicant requests that it be held at Columbus, Ohio.

No. MC 94201 (Sub-No. 57), filed November 9, 1965. Applicant: BOWMAN TRANSPORTATION, INC., 1010 Stroud Avenue, Post Office Box 2188, East Gadsden, Ala. Applicant's representative: Maurice F. Bishop, 325-29 Frank Nelson Building, Birmingham 3, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, foodstuffs, and beverages*, not requiring refrigeration, from points in Florida, to points in Alabama, Georgia, and Tennessee. NOTE: Applicant states that it intends and proposes to tack the authority sought herein with its existing authority to provide a through service to territories presently authorized to be served, including points in North Carolina, and South Carolina,

and points authorized in its Sub 52 and Sub 53 authorities, wherein applicant is authorized to conduct operations in the States of Connecticut, New Jersey, New York, Virginia, Maryland, Pennsylvania, Delaware, and Washington, D.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at Orlando, Fla.

No. MC 94430 (Sub-No. 27), filed November 18, 1965. Applicant: WEISS TRUCKING COMPANY, INC., Mongo, Ind. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Silica, Ohio, to Charlevoix, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 96176 (Sub-No. 12), filed November 18, 1965. Applicant: RAY CARTER, INC., 1629 Rozelle Street, Memphis, Tenn. Applicant's representative: Ernest A. Brooks II, 1301–02 Ambassador Building, St. Louis, Mo., 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, which because of size or weight require the use of special equipment or special handling; and (2) *commodities* which do not require the use of special equipment when moving in the same shipment or in the same vehicle with commodities which because of size or weight require the use of special equipment, between points in Tennessee, Louisiana, Arkansas, Mississippi, Kentucky, and Alabama. NOTE: Applicant states that no extension of territorial authority is sought. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 96498 (Sub-No. 22), filed October 28, 1965. Applicant: BONIFIELD BROS. TRUCK LINES, INC., 1200 East Second Street, Metropolis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between junction U.S. Highway 45 and Illinois Highway 145 at or near Brookport, Ill., and junction U.S. Highway 45 and Illinois Highway 145 at or near Harrisburg, Ill., over Illinois Highway 145, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 101474 (Sub-No. 12), filed November 22, 1965. Applicant: RED TOP TRUCKING, INCORPORATED, 7020 Cline Avenue, Hammond, Ind., 46323. Applicant's representative: Ernest A. Brooks II, 1301–02 Ambassador Building, St. Louis, Mo., 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as require the use of special equipment by reason of size or weight; and (2) *commodities* which do not require the use of special equipment when moving in the same shipment or in the same vehicle with commodities which because of size or weight require the use of special equipment, (a) between points in Illinois and Indiana; and (b) between points in Illinois and Indiana, on the one hand, and, on the other, points in the Lower Peninsula of Michigan. NOTE: Applicant states that it presently holds the authority in (1) (a) and (b) above and is not requesting any extension of territory. Applicant is seeking only an extension of authority in (2) (a) and (b) above. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 103993 (Sub-No. 237), filed November 15, 1965. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. Applicant's representative: John E. Lesow, 3737 North Meridian Street, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Campers, travel trailers*, and *trailers* designed to be drawn by passenger automobiles in initial movements, from points in Flathead County, Mont., to points in the United States, including Alaska, but excluding Hawaii. NOTE: If a hearing is deemed necessary, applicant does not specify location.

No. MC 105375 (Sub-No. 22), filed November 19, 1965. Applicant: DAHLEN TRANSPORT OF IOWA, INC., 875 North Prior Avenue, St. Paul, Minn., 55104. Applicant's representatives: J. William Cain and Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from the Mid America Pipeline Terminal at or near Cantril, Iowa, to points in Illinois and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 106074 (Sub-No. 15), filed November 15, 1965. Applicant: B & P MOTOR LINES, INC., Main Street, Hazelwood, N.C. Applicant's representative: James N. Golding, Plaza Building 4, South Pack Square, Asheville, N.C., 28807. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated, cartoned, and uncrated from Woodfin, N.C., to points in Illinois (except Chicago); those in Missouri (except St. Louis); Michigan (except Detroit), and those in Wisconsin, and *refused, returned*, and *damaged shipments* on return. NOTE: If a hearing is deemed necesary, applicant requests it be held at Asheville, N.C., or Charlotte, N.C.

No. MC 106674 (Sub-No. 49), filed November 22, 1965. Applicant: OSBORNE TRUCKING CO., INC., Schilli Building, East St. Louis, Ill. Applicant's representative: Thomas F. Kilroy, 1815 H Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and processed foodstuffs*, from Mount Summit, Ind., to Collinsville, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107002 (Sub-No. 274), filed November 19, 1965. Applicant: HEARIN-MILLER TRANSPORTERS, INC., Post Office Box 1123, Highway 80 West, Jackson, Miss., 39205. Applicant's representatives: Harry C. Ames, Jr., 529 Transportation Building, Washington, D.C., 20006, and H. D. Miller, Jr., Post Office Box 1250, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Creosote oil*, in bulk, from Jasper, Tex., and points within five (5) miles thereof, to points in Louisiana, Mississippi, Arkansas, and Oklahoma. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans or Shreveport, La.

No. MC 107403 (Sub-No. 656), filed November 19, 1965. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Varnish*, in bulk, in tank vehicles, from Pennsauken, N.J., to Tampa, Fla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107496 (Sub-No. 432), filed November 22, 1965. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Des Moines, Iowa, 50309. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from the plantsite of Alpha Portland Cement Co. at or near St. Louis, Mo., to points in Illinois. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 107839 (Sub-No. 95), filed November 19, 1965. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 5135 York, Box 16021, Denver, Colo., 80216. Applicant's representative: Duane W. Acklie, Box 2028, 605 South 14th Street, Lincoln, Nebr., 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned goods, fruit juices and fruit drinks* in containers, from points in Florida, to points in Alabama, Georgia, Louisiana, Mississippi, Nebraska, New Mexico, and Texas, and (2) *ingredients, materials and supplies* used in or for the manufacturing, processing, packaging, or distribution of foodstuffs, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 107839 (Sub-No. 96), filed November 26, 1965. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 5135 York Street, Post Office Box 16021, Denver, Colo. Applicant's representative: Marion F. Jones, Suite 420, Denver Club Building, Denver, Colo., 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potato products*, from points in Colorado, to points in Alabama, Arkansas, Florida, Georgia, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 109326 (Sub-No. 81), filed November 24, 1965. Applicant: C & D TRANSPORTATION CO., INC., Post Office Box 1503, Mobile, Ala., 36601. Applicant's representative: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from points in Adams County, Nebr., to points in Alabama, Louisiana, Mississippi, Tennessee, and Texas, restricted to traffic originating at points in Adams County, Nebr., and destined to points in the States named. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 109637 (Sub-No. 293), filed November 22, 1965. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville, Ky., 40211. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fluorine*, in bulk, in shipper owned tank vehicles, from Metropolis, Ill., to points in Nevada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 110988 (Sub-No. 163), filed November 22, 1965. Applicant: KAMPO TRANSIT, INC., 200 Cecil Street, Neenah, Wis. Applicant's representative: E. Stephen Heisley, 529 Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper mill waste*, in bulk, in tank or hopper type vehicles, from Cloquet, Minn., to points in Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 111076 (Sub-No. 2), filed June 10, 1965. Applicant: M. & J. TRUCKING CO., INC., Post Office Box 664, Greensburg, Pa. Applicant's representatives: Jerome Solomon, 1302 Grant Building, Pittsburgh, Pa., 15219, and S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between East Liverpool, Ohio, and Cleveland, Ohio; from East Liverpool over Ohio Highway 7 to Conneaut, Ohio, thence over U.S. Highway 20 to Cleveland, and return over the same routes, serving all intermediate points; (2) between Youngstown, Ohio, and Ashtabula, Ohio, from Youngstown over U.S. Highway 422 to junction Ohio Highway 46, thence over Ohio Highway 46 to Ashtabula, and return over the same route, serving all intermediate points; (3) between Youngstown, Ohio, and Cleveland, Ohio; from Youngstown over U.S. Highway 422 to Auburn Corners, Ohio, thence over Ohio Highway 44 to junction U.S. Highway 322, thence over U.S. Highway 322 to Cleveland, and return over the same route, serving all intermediate points; (4) between East Liverpool, Ohio, and Cleveland, Ohio; from East Liverpool over U.S. Highway 30 to Lisbon, Ohio, thence over Ohio Highway 45 to Salem, Ohio, thence over Ohio Highway 14 to Cleveland, and return over the same route, serving all intermediate points; (5) between Lisbon, Ohio, and Wooster, Ohio, over U.S. Highway 30, serving all intermediate points; (6) between Lisbon, Ohio, and Canton, Ohio; from Lisbon as specified above to Salem.

Thence over U.S. Highway 62 to Canton, and return over the same route, serving all intermediate points; (7) between Steubenville, Ohio, and Zanesville, Ohio, over U.S. Highway 22, serving all intermediate points; (8) between Bridgeport, Ohio, and Cambridge, Ohio, over U.S. Highway 40, serving all intermediate points; (9) between Bridgeport, Ohio, and Wooster, Ohio, over U.S. Highway 250, serving all intermediate points; (10) between Zanesville, Ohio and Cleveland, Ohio; from Zanesville over Ohio Highway 60 (formerly Ohio Highway 77) to Trinway, Ohio, thence over Ohio Highway 16 to Coshocton, Ohio, thence over Ohio Highway 76 to Wooster, Ohio, thence over Ohio Highway 3 to Medina, Ohio, thence over Ohio Highway 252 to Bay Village, Ohio, and thence over Interstate Highway 90 or U.S. Highway 6 to Cleveland, and return over the same routes, serving all intermediate points. NOTE: Applicant holds authority to transport the above specified commodities between the points indicated above over irregular routes. The purpose of this application is to convert such irregular route authority to regular-route operations. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 111231 (Sub-No. 96), filed November 17, 1965. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic conduit, pipe*, or *tubing*, with or without valves or fittings; *compound joint sealer*, and *bonding cement*, used in the installation of such conduit, pipe or tubing, from Oklahoma City, Okla., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, and West Virginia. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 111231 (Sub-No. 97), filed November 22, 1965. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from Kankakee, Ill., to points in Missouri. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 111231 (Sub-No. 98), filed November 26, 1965. Applicant JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, fertilizer, and fertilizer ingredients* between points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant does not specify a location .

No. MC 111231 (Sub-No. 99), filed November 26, 1965. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed and canned foodstuffs* between Collinsville, Ill., and points in Tennessee. NOTE: If a hearing is deemed necessary, applicant does not specify location.

No. MC 111812 (Sub-No. 322), filed November 15, 1965. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, Post Office Box 747, Sioux Falls, S. Dak., 57101. Applicant's representatives: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr., 68102, and William J. Walsh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Schuyler, Nebr., to points in Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia, restricted to traffic originating at the plantsite of Spencer Packing Co. at Schuyler, Nebr. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 112669 (Sub-No. 6), filed November 19, 1965. Applicant: FRIESEN TRUCK LINE, INC., 1207 East Second Street, Hutchinson, Kans. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans., 66603 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream* and *ice cream products, dairy products* and *eggs*, from Hutchinson, Wichita, and Hillsboro, Kans., to points in New Mexico and points in Sedgwick, Logan, Weld, Larimer, Boulder, Morgan, Phillips, Yuma, Washington, Jefferson, Adams, Arapahoe, Douglas, Elbert, Kit Carson, Lincoln, El Paso, Cheyenne, Kiowa, Crowley, Pueblo, Huerfano, Las Animos, Baca, Prowers, Bent, and Otero Counties, Colo. NOTE: If a hearing is deemed

necessary, applicant requests it be held at Wichita, Kans.

No. MC 113325 (Sub-No. 64), filed November 18, 1965. Applicant: SLAY TRANSPORTATION CO., INC., 2001 South Seventh Street, St. Louis, Mo. Applicant's representative: Chester A. Zyblut, 1000 Connecticut Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, aqua ammonia*, and *liquid fertilizers*, in bulk, in tank vehicles, from Muscatine, Iowa, and points within 5 miles thereof, to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Tennessee, Mississippi, Michigan, Indiana, Kentucky, Alabama, Ohio, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 113624 (Sub-No. 26), filed November 19, 1965. Applicant: WARD TRANSPORT, INC., Post Office Box 133, Pueblo, Colo. Applicant's representative: Marion F. Jones, Suite 420, Denver Club Building, Denver, Colo., 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar products*, in bulk, in tank vehicles, between points in Colorado, Nebraska, New Mexico, North Dakota, South Dakota, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 113678 (Sub-No. 195), filed November 19, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's representative: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Westfield, N.Y., and North East, Pa., to points in Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant does not specify a particular location.

No. MC 113678 (Sub-No. 196), filed November 22, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's representative: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery and confectionery products*, from Duryea, Pa., to points in Michigan, Illinois, Iowa, Missouri, Colorado, Indiana, Nebraska, Ohio, Pennsylvania, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant does not specify a particular location.

No. MC 113855 (Sub-No. 124), filed November 18, 1965. Applicant: INTERNATIONAL TRANSPORT, INC., Highway 52 South, Rochester, Minn. Applicant's representative: Gene P. Johnson First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Load packers*, (2) *garbage truck bodies*, (3) *dump bodies*, (4) *winches*, (5) *hoists*, and (6) *parts* of the commodities described in (1) through (5) above, from Wayne, Mich., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113855 (Sub-No. 125), filed November 22, 1965. Applicant: INTERNATIONAL TRANSPORT, INC., U.S. Highway 52 South, Rochester, Minn., 55901. Applicant's representative: Franklin J. Van Osdel, First National Bank Building, Fargo, N. Dak., 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asbestos cement pipe, conduit, and couplings*, with *accessories* necessary for installation thereof, from Riverside, Calif., and points within 3 miles thereof, to points in Oregon, Washington, Idaho, Montana, Wyoming, Utah, and Colorado. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles or San Francisco, Calif., Seattle, Wash., or Salt Lake City, Utah.

No. MC 113974 (Sub-No. 17), filed November 19, 1965. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., a corporation, 211 Washington Avenue, Dravosburg, Pa., 15034. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Articles* requiring specialized handling or rigging, because of size or weight, and (2) *articles* which do not require specialized handling or rigging, because of size or weight, when moving in the same shipment or in the same vehicle with articles requiring specialized handling or rigging, because of size or weight, between Norristown, Pa., and points in Pennsylvania, New York, New Jersey, Delaware, and Maryland within 150 miles of Norristown; (B) (1) *such commodities* as require the use of special equipment by reason of size or weight, and (2) *commodities* which do not require the use of special equipment by reason of size or weight, when moving in the same shipment or in the same vehicle with such commodities as require the use of special equipment by reason of size or weight, between points in Ohio, Pennsylvania, and West Virginia within 125 miles of Wheeling, W. Va., including Wheeling; (C) (1) *machinery, power plant equipment, transformers, construction equipment, structural steel, building materials, timbers, wire* and *cable, poles, boilers, stacks*, and *tanks* (except lumber and lumber products), restricted to transportation requiring special equipment, and (2) *machinery, power plant equipment, transformers, construction equipment, structural steel, building materials, timbers, wire* and *cable, poles, boilers, stacks*, and *tanks* (except lumber and lumber products), not restricted to transportation requiring special equipment, when moving in the same shipment or in the same vehicle with machinery, power plant equipment, transformers, construction equipment, structural steel, building materials, timbers, wire and cable, poles, boilers, stacks, and tanks (except lumber and lumber products), restricted to transportation requiring special equipment, between points in New York within 65 miles of Poughkeepsie, N.Y., including Poughkeepsie, on the one hand, and, on the other, points in that part of Connecticut, Massachusetts, New Jersey, New York, and Pennsylvania, in the territory bounded by a line beginning at Schenectady, N.Y., and extending along New York Highway 7 to Richmondville, N.Y.

Thence along New York Highway 10 to Deposit, N.Y., thence along New York Highway 17 to Monticello, N.Y., thence along New York Highway 42 to Port Jervis, N.Y., thence along U.S. Highway 209 to junction business route U.S. Highway 209 (formerly portion U.S. Highway 209) at or near Marshalls Creek, Pa., thence along business route U.S. Highway 209 to Stroudsburg, Pa., thence along U.S. Highway 611 to Easton, Pa., thence along U.S. Highway 22 to junction New Jersey Highway 28, thence along New Jersey Highway 28 to Bound Brook, N.J., thence along New Jersey Highway 18 to Highland Park, N.J., thence along New Jersey Highway 27 to Rahway, N.J., thence along unnumbered highway to junction U.S. Highway 1, thence along U.S. Highway 1 to New Haven, Conn., thence along Connecticut Highway 15 via East Hartford, Conn., to the Connecticut-Massachusetts State line, thence along Massachusetts Highway 15 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Massachusetts Highway 12, thence along Massachusetts Highway 12 via Worcester, Mass., to Fitchburg, Mass., thence along Massachusetts Highway 2A (formerly portion Massachusetts Highway 2) to junction Massachusetts Highway 2 near Westminster, Mass., thence along Massachusetts Highway 2 to the Massachusetts-New York State line, thence along New York Highway 2 to Troy, N.Y., and thence along New York Highway 7 to point of beginning, including points on the indicated portions of the highways specified: Restriction: No service shall be performed in the transportation of cement, in bulk, in tank vehicles, between points in New York within 65 miles of Poughkeepsie, N.Y., including Poughkeepsie, N.Y., on the one hand, and, on the other, points in the above specified area. NOTE: Applicant states that it presently holds the authority in (A)(1), (B)(1), and (C)(1) above and the purpose of this application is to obtain authority to transport the commodities specified in (A)(2), (B)(2), and (C)(2) above. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114529 (Sub-No. 5), filed June 16, 1965. Applicant: TRAVELERS MOTOR FREIGHT, INC., Post Office Box 664, Greensburg, Pa. Applicant's representatives: Jerome Solomon, 1302 Grand Building, Pittsburgh, Pa., and S. Harrison Kahn, Suite 733, Investment Building, Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between New York, N.Y., and Wheeling, W. Va.; from New York over U.S. Highway 1 to junction U.S. Highway 22, thence over U.S. Highway 22 to Harrisburg, Pa., thence over U.S. Highway 11 to the Pennsylvania Turnpike, thence over the Pennsylvania Turnpike to the New Stanton Exit of the Pennsylvania Turnpike, and thence over Interstate Highway 70 to junction U.S. Highway 40, thence over U.S. Highway 40 to Wheeling and return over the same routes, serving all intermediate points; (2) between New York, N.Y., and Philadelphia, Pa.; from New York over U.S. Highway 1 to Trenton, N.J., thence over U.S. Highway 13 or U.S. Highway 1 to Philadelphia, and return over the same routes, serving all intermediate points; and serving all points in New York and New Jersey within 30 miles of Newark, N.J., as off-route points; (3) between Philadelphia, Pa., and Harrisburg, Pa.; from Philadelphia over U.S. Highway 76 to the Pennsylvania Turnpike and thence over the Pennsylvania Turnpike to Harrisburg, and return over the same routes, serving all intermediate points; (4) between Philadelphia, Pa., and New Stanton, Pa.; from Philadelphia over U.S. Highway 30 to Lancaster, Pa., thence over U.S. Highway 230 to Harrisburg, Pa.

Thence over U.S. Highway 22 to New Alexandria, Pa., and thence over U.S. Highway 119 to New Stanton, and return over the same routes, serving all intermediate points; (5) between Parkersburg, W. Va., and Cleveland, Ohio; from Parkersburg over U.S. Highway 21 to Cleveland, and return over the same routes, serving all intermediate points; (6) between Canton, Ohio, and Van Wert, Ohio; from Canton over U.S. Highway 30 to Van Wert, and return over the same routes, serving all intermediate points; (7) between Pittsburgh, Pa., and Wheeling, W. Va.; from Pittsburgh over U.S. Highway 30 to junction West Virginia Highway 2, thence over West Virginia Highway 2 to Wheeling, and return over the same routes, serving all intermediate points; (8) between Weirton, W. Va., and Cleveland, Ohio; from Weirton over U.S. Highway 22 to Steubenville, Ohio, thence over Ohio Highway 43 to Canton, Ohio, and thence over Ohio Highway 8 to Cleveland, and return over the same routes, serving all intermediate points; (9) between Zanesville, Ohio, and Cincinnati, Ohio; from Zanesville over U.S. Highway 22 to Cincinnati, and return over the same routes, serving all intermediate points, and serving Newark, Coshocton, and Chillicothe, Ohio, as off-route points; (10) between New Stanton, Pa., and Washington, Pa.; from New Stanton over U.S. Highway 119 to Uniontown, Pa., and thence over U.S. Highway 40 to Washington, and return over the same routes, serving all intermediate points; (11) between New Stanton, Pa., and Toledo, Ohio; from New Stanton over U.S. Highway 119 to Greensburg, Pa., thence over U.S. Highway 30 to East Liverpool, Ohio, thence over Ohio Highway 7 to Youngstown, Ohio, thence over Ohio Highway 18 to Akron, Ohio, thence over U.S. Highway 21 to Cleveland, Ohio, and thence over Ohio Highway 2 to Toledo, and return over the same routes, serving all intermediate points; and serving Salem, Lisbon, and Alliance, Ohio, as off-route points; (12) between Wheeling, W. Va., and Cincinnati, Ohio; from Wheeling over U.S. Highway 40 to junction U.S. Highway 25, thence over U.S. Highway 25 to Cincinnati, and return over the same routes, serving all intermediate points; and (13) between Wheeling, W. Va., and Sandusky, Ohio; from Wheeling over the Ohio River Bridge to Bridgeport, Ohio, and thence over U.S. Highway 250 to Sandusky, and return over the same routes, serving all intermediate points. NOTE: Applicant holds authority to transport the above specified commodities between the points indicated over irregular routes. The purpose of this application is to convert such irregular route authority to regular-route operations. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 114533 (Sub-No. 114), filed November 26, 1965. Applicant: B.D.C. CORPORATION, 4970 South Archer Avenue, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commercial papers, documents, non-negotiable securities* except coin and currency and *negotiable securities* as are used in the conduct and operation of banks and banking institutions, and (2) *office records, documents, papers* that are used in the processing of data by electronic machines (computing) *punch cards, magnetic encoded documents, punch paper tape, printed reports* and *audit media*, (a) between Benton Harbor, Buchanan, Galien, and Baroda, Mich., and South Bend, Ind., and (b) between Benton Harbor, Buchanan, Niles, Cassopolis, Jackson, and Battle Creek, Mich., and Michigan City, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114552 (Sub-No. 25), filed November 22, 1965. Applicant: SENN TRUCKING COMPANY, a corporation, Post Office Box 333, Newberry, S.C. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C., 29201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, from points in Greensville County, Va., to points in Delaware, Illinois, Indiana, Maryland, Michigan, North Carolina, New Jersey, New York, Ohio, Pennsylvania, South Carolina, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 115180 (Sub-No. 25), filed November 23, 1965. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 408 West 14th Street, New York, N.Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Schuyler, Nebr., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the plantsite and/or warehouse facilities of Spencer Packing Co., located at or near Schuyler, Nebr. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115826 (Sub-No. 119), filed November 22, 1965. Applicant: W. J. DIGBY, INC., Post Office Box 5088, Terminal Annex, Denver, Colo., 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery*, and *advertising matter, display racks*, and *premiums*, used in the sale and distribution of candy and confectionery, from Chicago, Ill., to points in Idaho, Oregon, Montana, Washington, and Salt Lake City, Utah. NOTE: If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 115826 (Sub-No. 120), filed November 23, 1965. Applicant: W. J. DIGBY, INC., 1960 31st Street, Post Office Box 5088, Terminal Annex, Denver, Colo., 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, from the plantsite and/or cold storage facilities of The Rath Packing Co. at or near Sidney, Nebr. (restricted to traffic originating at such facilities), to points in Arizona, California, Nevada, Oregon, Utah, and Washington. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 115841 (Sub-No. 257), filed November 19, 1965. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food* and *foodstuffs* (except frozen foods), in vehicles equipped with mechanical refrigeration (except in bulk or tank vehicles), from Memphis, Tenn., to points in Arizona, California, Colorado, Nevada, Oregon, Utah, and Washington. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115841 (Sub-No. 258), filed November 19, 1965. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery, and confectionery products*, in vehicles equipped with mechanical refrigeration (except in bulk or tank vehicles), from the plantsite of Topps

Chewing Gum Co. at or near Duryea, Pa., to points in Alabama, Mississippi, Tennessee, Georgia, Arkansas, and Kentucky. NOTE: If a hearing is deemed necessary, appplicant does not specify a particular location.

No. MC 115841 (Sub-No. 259), filed November 19, 1965. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen), in vehicles equipped with mechanical refrigeration (except in bulk or tank vehicles), from points in Kent County, Del., to points in Tennessee, Alabama, Mississippi, and Louisiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dover, Del.

No. MC 115841 (Sub-No. 260), filed November 19, 1965. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, and (2) *commodities*, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act, if transported in vehicles not used in carrying any other property when moving in the same vehicle at the same time with foodstuffs, from points in Jefferson County, Ala., to points in California, Oregon, and Washington. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 116063 (Sub-No. 84), filed November 18, 1965. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., 2400 Cold Springs Road, Post Office Box 270, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrups and blends* thereof, in bulk, in tank vehicles, from Wichita, Kans., to points in Arkansas, Colorado, New Mexico, Oklahoma, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 116101 (Sub-No. 2), filed November 18, 1965. Applicant: QUICK AIR FREIGHT, INC., Cargo Building, Port Columbus, Columbus, Ohio. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Michigan, New York, Ohio, and Pennsylvania. NOTE: Applicant states the above proposed operations will be restricted to traffic requiring expedited, special delivery express-type transportation. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 116254 (Sub-No. 63), filed November 22, 1965. Applicant: CHEM-HAULERS, INC., Post Office Box 245, Sheffield, Ala. Applicant's representative: Walter Harwood, Nashville Bank & Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal and coke*, and *mixtures* and *compounds thereof*, in bulk, from points in Tuscaloosa County, Ala., to points in Florida, Georgia, Mississippi, Alabama, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham or Montgomery, Ala., or Atlanta, Ga.

No. MC 117686 (Sub-No. 68), filed November 22, 1965. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Sioux City, Iowa. Applicant's representative: J. Max Harding, Post Office Box 2028, Lincoln, Nebr., 68508. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in George, Hinds, Rankin, Copiah, and Greene Counties, Miss., to points in Louisiana, Texas, Oklahoma, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Michigan, Ohio, Georgia, Florida, Tennessee, Alabama, Arkansas, Kentucky, Nebraska, and South Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 117686 (Sub-No. 69), filed November 22, 1965. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Sioux City, Iowa. Applicant's representative: J. Max Harding, Post Office Box 2028, Lincoln, Nebr., 68508. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Macon, Marshall, Moberly, Carrollton, and Milan, Mo., to points in Arkansas, Oklahoma, Kansas, and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jefferson City, Mo.

No. MC 118196 (Sub-No. 51), filed November 19, 1965. Applicant: RAYE & COMPANY TRANSPORTS, INC., Highway 71, North, Post Office Box 613, Carthage, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products*, from St. James, Minn., and points within five (5) miles thereof, and Madelia, Minn., and points within five (5) miles thereof, to points in Texas, Missouri, Oklahoma, Kansas, Arkansas, Iowa, Nebraska, and Colorado. NOTE: If a hearing is deemed necessary, applicant did not specify any particular area.

No. MC 119531 (Sub-No. 49), filed November 19, 1965. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio, 45226. Applicant's representative: Charles W. Singer, Suite 3600, 33 North La Salle Street, Chicago, Ill., 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers* and *covers*, from Hoopeston, Ill., to points in Indiana, Kentucky, and Ohio, and *materials* and *supplies* used in or incidental to the manufacture, sale, and distribution of metal containers, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119732 (Sub-No. 7) (Amendment), filed June 14, 1965, published FEDERAL REGISTER issue of July 9, 1965, amended November 22, 1965, and republished as amended this issue. Applicant: PLAINFIELD TRUCKING, INC., Plainfield, Wis. Applicant's representative: Edward Solie, Executive Building, Suite 100, 4513 Vernon Boulevard, Madison 5, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bean harvesters* (bean harvesting machinery), owned or leased by Green Giant Co., between points in Wisconsin, Illinois, Indiana, Arkansas, Oklahoma, Missouri, Tennessee, Kentucky, Michigan, Minnesota, Iowa, Mississippi, South Dakota, and those in Texas on and east of U.S. Highway 83, restricted to service to be performed under a continuing contract, or contracts, with the Green Giant Co., Beaver Dam, Wis. NOTE: The purpose of this republication is to clearly set forth authority sought. Applicant states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 119741 (Sub-No. 24), filed November 18, 1965. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., Post Office Box 1453, Winter Haven, Fla. Applicant's representative: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from points in Adams County, Nebr., to points in Minnesota, Iowa, Kansas, Missouri, Wisconsin, and Illinois. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 119767 (Sub-No. 140), filed November 18, 1965. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat byproducts*, from Winona, Minn., to points in Illinois, Indiana, and Wisconsin. NOTE: Applicant presently holds authority to transport prepared food products between points in Wisconsin, on the one hand, and, on the other, points in Minnesota, Illinois, and Indiana. No duplicative authority is sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Winona, Wis.

No. MC 119767 (Sub-No. 141), filed November 22, 1965. Applicant: BEAVER TRANSPORT CO., a corporation, Post Office Box 339, 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned or preserved foodstuff*, from Delphos and Van Wert, Ohio, and Hoopeston, Ill., to points in Nebraska and Kansas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 119767 (Sub-No. 142), filed November 22, 1965. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis., 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Charcoal* and *charcoal briquettes;* and (2) *wood chips, vermiculite, lighter fluid and associated items*, used or useful in the preparation of barbecue, when moving in the same vehicle with charcoal and charcoal briquettes, from Burnside, Ky., to points in Illinois on and south of U.S. Highway 36. NOTE: If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 119767 (Sub-No. 143), filed November 22, 1965. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis., 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, from the plantsite of American Home Foods, located at Milton, Pa., to points in Illinois, Indiana, Michigan, and Ohio; and (2) *foodstuffs* (other than frozen), from the plantsite of American Home Foods, located at La Porte, Ind., to Milton, Pa. NOTE: If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 119778 (Sub-No. 96) (Correction) filed October 18, 1965, published FEDERAL REGISTER, issue of November 4, 1965, and republished as corrected this issue. Applicant: REDWING CARRIERS, INC., Post Office Box 34, Powderly Station, Birmingham, Ala., 35211. Applicant's representative: James A. Harkin, Post Office Box 426, Tampa, Fla., 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro-alloys*, in bulk, from Rockwood, Tenn., to Fairfield, Ala. NOTE: The purpose of this republication is to show the destination point as Fairfield, Ala., in lieu of that previously published. If a hearing is deemed necessary, applicant requests it be held at Birmingham or Montgomery, Ala., or Nashville, Tenn.

No. MC 119789 (Sub-No. 15), filed November 18, 1965. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6, Opelousas, La. Applicant's representative: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from points in Adams County, Nebr., to points in Alabama, Arkansas, Louisiana, Mississippi, Tennessee, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 119789 (Sub-No. 16), filed November 18, 1965. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6, Opelousas, La. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from points in Alabama, Arkansas, Louisiana, Mississippi, Tennessee and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 119789 (Sub-No. 17), filed November 19, 1965. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6, Opelousas, La. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles distributed by meat packinghouses*, as described in section A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Salina, Kans., to points in Alabama, Arkansas, Louisiana, Mississippi, Tennessee, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Topeka, Kans., or Kansas City, Mo.

No. MC 119792 (Sub-No. 24), filed November 19, 1965. Applicant: CHICAGO SOUTHERN TRANSPORTATION COMPANY, a corporation, 4000 Packers Avenue, Chicago, Ill. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in George, Hinds, Rankin, Copiah, and Greene Counties, Miss., to points in Illinois, Indiana, Iowa, Nebraska, Kansas, Missouri, Ohio, Wisconsin, and Minnesota. NOTE: If a hearing is deemed necessary, applicant does not specify a particular location.

No. MC 119792 (Sub-No. 25), filed November 19, 1965. Applicant: CHICAGO SOUTHERN TRANSPORTATION COMPANY, a corporation, 4000 Packers Avenue, Chicago, Ill. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles distributed by meat packinghouses* (except hides and commodities in bulk, in tank vehicles), as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite, warehouse, or other facilities of the Spencer Packing Co., located at or near Schuyler, Nebr., to points in Arkansas, Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: If a hearing is deemed necessary, applicant does not specify location.

No. MC 119792 (Sub-No. 26), filed November 19, 1965. Applicant: CHICAGO SOUTHERN TRANSPORTATION COMPANY, a corporation, 4000 Packers Avenue, Chicago, Ill. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts, dairy products*, and *articles distributed by meat packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except commodities in bulk, in tank vehicles); (2) *foods, foodstuffs and food ingredients* and *food mixtures;* (3) *chemicals, chemical blends* and *ingredients*, the transportation of which does not require special equipment or tank vehicles; (4) *inedible meats, meat products, lard, tallows* and *oil* (except in bulk or tank vehicles); (5) *animal, poultry or pet foods*, or *ingredients;* (6) *agricultural products and those commodities* included in section 203(b)(6) of Part II of the Interstate Commerce Act, when moving in the same vehicle with those under economic regulation, and (7) *coffee, coffee extracts, blends* or *mixtures, tea, tea extracts* or *blends*, and *sugar*, from Gulfport, Miss., to points in Illinois, Indiana, Iowa, Kansas, Missouri, Nebraska, Ohio, Minnesota, Wisconsin, and Michigan. NOTE: If a hearing is deemed necessary, applicant does not specify location.

No. MC 119792 (Sub-No. 27), filed November 19, 1965. Applicant: CHICAGO SOUTHERN TRANSPORTATION COMPANY, a corporation, 4000 Packers Avenue, Chicago, Ill. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles distributed by meat packinghouses* (except hides and commodities in bulk, in tank vehicles), as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Adams County, Nebr., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 119864 (Sub-No. 17), filed November 18, 1965. Applicant: HOFER MOTOR TRANSPORTATION CO., a corporation, 26740 Eckel Road, Perrysburg, Ohio, 43551. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuff*, and *food preparations*, from Beaver Dam, Fox Lake, Ripon, and Rosendale, Wis., to points in Ohio, Indiana, Michigan, and Kentucky, and *damaged and rejected shipments and pallets* with their protective packaging, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119864 (Sub-No. 18), filed November 18, 1965. Applicant: HOFER MOTOR TRANSPORTATION CO., a corporation, 26740 Eckel Road, Perrysburg, Ohio, 43551. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite of the Green Giant Co. located at or near Belvidere, Ill., to points in Kentucky, and *damaged and rejected shipments and pallets* with their protective packaging equipment, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119864 (Sub-No. 19), filed November 22, 1965. Applicant: HOFER MOTOR TRANSPORTATION CO., a corporation, 26740 Eckel Road, Perrysburg, Ohio, 43551. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from Rittman, Ohio, to Indianapolis, Ind., and *damaged and rejected shipments* on return. NOTE: Applicant states the proposed operation will be restricted to shipments originating at the plantsite of the Morton Salt Co., Rittman, Ohio, on shipments designated to the plantsite of Standard Brands Co. at Indianapolis, Ind. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119974 (Sub-No. 8), filed November 22, 1965. Applicant: L. C. L. TRANSIT COMPANY, a corporation, Post Office Box 949, Green Bay, Wis. Applicant's representative: Edward Solie, Suite 100, Executive Building, 4513 Vernon Boulevard, Madison 5, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, and *related advertising material, premiums*, and *dispensing equipment* when shipped with foodstuffs, from Cincinnati, Ohio, to Warsaw, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123407 (Sub-No. 23), filed November 22, 1965. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue, Minneapolis, Minn. Applicant's representative: Alan Foss, First National Bank Building, Fargo, N. Dak., 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* from Fairbury, Ill., to points in Nebraska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill.

No. MC 124183 (Sub-No. 7), filed November 22, 1965. Applicant: GARRISON TRANSPORT, INC., 405 South Grant Avenue., Fowler, Ind. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware* and *glass containers*, with or without caps, covers or stoppers, (1) from Burlington, Wis., to points in Iowa, Nebraska, and Minnesota, and (2) from Mundelein, Ill., to Terre Haute, Ind., and *damaged and rejected shipments* on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 124183 (Sub-No. 8), filed November 26, 1965. Applicant: GARRISON TRANSPORT, INC., 409 East 9th, Fowler, Ind. Applicant's representative: Walter F. Jones, Jr., 1017–19 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Beaver Dam, Fox Lake, Ripon, and Rosendale, Wis., to points in Indiana, Kentucky, Ohio, and the Lower Peninsula of Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 124211 (Sub-No. 76), filed November 22, 1965. Applicant: HILT TRUCK LINE, INC., 3751 Sumner Street, Post Office Box 824, Lincoln 1, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Logan County, Colo., to points in Illinois, Iowa, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 124211 (Sub-No. 77), filed November 22, 1965. Applicant: HILT TRUCK LINE, INC., 3751 Sumner Street, Post Office Box 824, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed* and *feed ingredients* between points in Illinois, Iowa, Minnesota, Missouri, Nebraska, and Wisconsin, on the one hand, and, on the other, points in Colorado, Idaho, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 124211 (Sub-No. 78), filed November 22, 1965. Applicant: HILT TRUCK LINE, INC., 3751 Sumner Street, Post Office Box 824, Lincoln 1, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts*, and *articles*, distributed by meat packinghouses, as described in appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Morgan County, Colo., to points in Illinois, Iowa, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 124546 (Sub-No. 2), filed November 18, 1965. Applicant: VELTMAN TERMINAL CO., a corporation, 4459 Fruitland Avenue, Los Angeles, Calif. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are sold by retail stores*, from Los Angeles, Calif., to the stores and warehouses of J. C. Penney Co., Inc., located at Lompoc, Santa Maria, San Luis Obispo, Indio, Lancaster, and Palmdale, Calif., and at points in Kern, Kings, Fresno, Tulare, and San Joaquin Counties, Calif. NOTE: Applicant states that the operations performed herein are limited to a transportation service to be performed under a continuing contract or contracts with the J. C. Penney Co., Inc. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 124692 (Sub-No. 15), filed November 22, 1965. Applicant: MYRON SAMMONS, Post Office Box 933, Missoula, Mont. Applicant's representative: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (not including tractors with vehicle beds, bed frames, or fifth wheels), (2) *agricultural machinery and implements*, (3) *industrial and construction machinery and equipment*, (4) *equipment designed for use in conjunction with tractors*, (5) *trailers* designed for the transportation of the commodities described above (other than those designed to be drawn by passenger automobiles), (6) *attachments for the commodities* described above, (7) *internal combustion engines*, and (8) *parts* of the commodities described in 1 through 7 above when moving in mixed loads with such commodities, (A) from plant and warehouse sites, and experimental farms, of Deere & Co. located in Black Hawk and Dubuque Counties, Iowa, to points in the United States (except Alaska and Hawaii), and (B) from plant and warehouse sites and experimental farms, of Deere & Co. located in Rock Island County, Ill., Polk and Wapello Counties, Iowa, and Dodge County, Wis., to points in the United States (except Alaska and Hawaii), and *damaged, rejected and return shipments*, on return. NOTE: Applicant states that the requested authority will be restricted to traffic originating at the plant and warehouse sites, and experimental farms, named above. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124692 (Sub-No. 16), filed November 22, 1965. Applicant: MYRON SAMMONS, Post Office Box 933, Missoula, Mont., 59801. Applicant's representative: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, as described in appendix VI to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 279, and *wallboard, pulpboard, hardboard, insulating and padding and cushioning materials*, and *accessories* for the installation thereof, from points in Illinois, Wisconsin, and Minnesota to points in Wyoming, Oregon, and Washington, and those points in Utah in and north of Tooele, Utah, Duchesne and Uintah Counties, Utah. NOTE: If a hearing is deemed necessary, applicant requests that it be held at Minneapolis, Minn.

No. MC 124774 (Sub-No. 33), filed November 22, 1965. Applicant CARAVELLE EXPRESS, INC., Post Office Box 384, Norfolk, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in York County, Nebr., to points in North Dakota, South Dakota, Colorado, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Michigan, Ohio, and Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 125420 (Sub-No. 9), filed November 19, 1965. Applicant: MERCURY TANKLINES LIMITED, Post Office Box 5858, South Edmonton, Alberta, Canada. Applicant's representative: J. F. Meglen, 207 Behner Building, 2822 Third Avenue North, Billings, Mont., 59103. Authority sought to operate as a *contract carrier*, by motor vehicle; over irregular routes, transporting: *Edible oil*, in bulk, in tank vehicles, for the account of Standard Brands, Ltd., from Jacksonville, Ill., to ports of entry on the international boundary line between the United States and Canada, at or near Sweetgrass, Mont., and Portal, N. Dak. NOTE: If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 125741 (Sub-No. 4), filed November 22, 1965. Applicant: M. H. BRYAN AND C. W. EADS, a partnership, doing business as RIVERTON-BIG HORN FREIGHT LINES, Post Office Box 2050, Casper, Wyo. Applicant's representative: Robert S. Stauffer, 1510 East 20th Street, Cheyenne, Wyo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Himes, Wyo., as an offroute point in connection with applicant's regular route operations between Casper and Cody, Wyo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Casper, Wyo., or Billings, Mont.

No. MC 127215 (Sub-No. 11), filed November 19, 1965. Applicant: KENDRICK CARTAGE CO., a corporation, Post Office Box 63, Salem, Ill. Applicant's representative: Thomas F. Kilroy, Federal Bar Building, 1815 H Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Pana, Ill., and points within 10 miles thereof, to points in Indiana, Iowa, Missouri, Wisconsin, and Illinois. NOTE: Applicant is presently authorized to operate as a contract carrier in Permit No. MC 110117 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill.

No. MC 127215 (Sub-No. 12), filed November 19, 1965. Applicant: KENDRICK CARTAGE CO., a corporation, Salem, Ill. Applicant's representative: Thomas F. Kilroy, 1815 H Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Wood River, Ill., to points in Arkansas, Indiana, Iowa, Kansas, Kentucky, Michigan, Mississippi, Missouri, New Jersey, New York, Ohio, Pennsylvania, and Tennessee. NOTE: Applicant is presently authorized to operate as a contract carrier in Permit No. MC 110117 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 127215 (Sub-No. 13), filed November 19, 1965. Applicant: KENDRICK CARTAGE CO., a corporation, Salem, Ill. Applicant's representative: Thomas F. Kilroy, 1815 H Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and asphalt products, and coal tar, and coal tar products*, in bulk, in tank vehicles, from points in Hamilton County, Ohio, to points in Illinois. NOTE: Applicant presently is authorized to operate as a contract carrier in Permit No. MC 110117 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 127215 (Sub-No. 15), filed November 24, 1965. Applicant: KENDRICK CARTAGE CO., a corporation, Salem, Ill. Applicant's representative: Thomas F. Kilroy, 1815 H Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt* and *asphalt products*, and *coal tar*, and *coal tar products*, in bulk, in tank vehicles, between points in Hamilton County, Ohio, on the one hand, and, on the other, points in Arkansas. NOTE: Applicant presently holds authority to operate as a contract carrier under Permit No. MC 110117 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at Columbus, Ohio.

No. MC 127527 (Sub-No. 1), filed November 19, 1965. Applicant: CARL W. REAGAN, doing business as SOUTHEAST TRUCKING CO., 8372 State Route 18, Rural Delivery No. 6, Ravenna, Ohio. Applicant's representative: Robert N. Krier, 3430 LeVeque-Lincoln Tower, 50 West Broad Street, Columbus, Ohio, 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Vitrified sewer pipe*, with or without mechanized joints and fittings, *wall coping*, and *experimental articles*, and *related articles and materials*, used in the installation of such commodities, including, but not limited to, lubricants, plastic bonding materials, and adhesives; *clay*, in bags; *clay products*, and *refractory materials*, including, but not limited to, firebrick, fireclay, furnace and kiln lining cements, and high temperature bonding mortar, from the plantsite of the United States Concrete Pipe Co., located at or near Mogadore, Ohio, to points in Michigan, West Virginia, Pennsylvania, New York, Maryland, New Jersey, Delaware, and the District of Columbia, and *damaged or rejected shipments* on return. NOTE: Applicant proposes to conduct operations under the applied for authority under continuing contract with the United States Concrete Pipe Co. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127674 filed October 22, 1965. Applicant: OWEN MICKEY LITTLE, doing business as OWEN M. LITTLE, Zionville, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cinder blocks, gravel*, and *crushed stone*, (1) from points in Watauga County, N.C., to points in Johnson County, Tenn., and (2) from Dante, Va., to Boone, N.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at Asheville, N.C.

No. MC 127732, filed November 22, 1965. Applicant: VESTER HARRIFORD, Post Office Box 52, Oakland, Ky. Applicant's representative: Whayne C. Priest, Jr., 511 East 10th Street, Bowling Green, Ky., 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* and *related advertising materials*, from Peoria and Belleville, Ill., Milwaukee, Wis., St. Joseph and St. Louis, Mo., Detroit, Mich., Cincinnati, Ohio, and Evansville, Ind., to Bowling Green, Ky., and *rejected and returned shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 127741, filed November 22, 1965. Applicant: ELWYN WEHE, doing business as WEHE TRUCK LINE, Blanca, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* from Tulsa, Oklahoma City, and Pryor, Okla.; Military and Lawrence, Kans.; and Horn, Mo., to points in Colorado.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 127742, filed November 22, 1965. Applicant: CLEVELAND GENERAL TRANSPORT CO., INC., 1 Van Street, Staten Island, New York, N.Y. Applicant's representative: Edward F. Bowes, 1060 Broad Street, Newark, N.J., 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Contractor's and factory equipment*, including heavy machinery; *steel and other materials and supplies* (including fuel) such as are used in construction, erection and building operations; *automotive display vehicles; airplanes; tractors, chassis*, and *other automotive equipment; forest products* (such as poles and piling); *metals; oils and greases; pipe; electrical equipment; building materials* of various kinds such as are ordinarily transported in flatbed vehicles, between points in New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia; and (B) *building materials* and *other commodities* ordinarily transported in dump trucks, *such as common brick, ashes, cinders*, and *pig iron*, between Newark, N.J., and points within 50 miles of Newark. NOTE: Applicant presently holds the above proposed authority as a contract carrier in Permit No. MC 5619. The purpose of this application is to convert present authority to that of common carriage. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127745 (Sub-No. 1), filed November 22, 1965. Applicant: GEORGE B. KING, doing business as KING TRANSFER, 714 Pearl Street, Onawa, Iowa. Applicant's representative: Ervin A. Hutchison, 420 Security Bank Building, Sioux City, Iowa, 51101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Omaha, Nebr., and Little Sioux, Modale, Mondamin, Pisgah, Moorhead, Blenco, Onawa, Soldier, Turin, Ute, Castana, Mapleton, Whiting, Danbury, Hornick, Sloan, Climbing Hill, Salix, Sioux City Airbase, Sergeant Bluff, Bronson, and Sioux City, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No. MC 127746, filed November 26, 1965. Applicant: LOUIS VENEZIA, Bear More Trailer Park, Belmar, N.J. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y., 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pellets*, in containers, *plastic scrap, additives for plastic* in containers, and *packaging materials* for plastic pellets, from points in New York, Pennsylvania, Delaware, Rhode Island, Connecticut, and Massachusetts, Hazelhurst, Ga., Akron, Ohio, Chicago and Elk Park Village, Ill., to Asbury Park, N.J., and (2) *plastic pellets*, in containers from Asbury Park, N.J., to the above described origin points. NOTE: Applicant states that the above proposed operation will be conducted under contract with Monmouth Plastics Division New York & New Jersey Cleaning & Dyeing Co., Inc. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

MOTOR CARRIERS OF PASSENGERS

No. MC 1934 (Sub-No. 19), filed November 17, 1965. Applicant: THE ARROW LINE, INC., 70 Florence Street, East Hartford, Conn. Applicant's representative: Thomas W. Murrett, 410 Asylum Street, Hartford, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special, all-expense, round-trip sightseeing and pleasure tours, in seasonal operations extending between April 26 and October 27 of each year, between points in Fairfield, New Haven, Middlesex, and Hartford Counties, Conn., on the one hand, and, on the other, port of entry on the international boundary line between the United States and Canada located at Champlain, N.Y. NOTE: Applicant states "that any authority granted herein be limited in point of time for such period in the year 1967 as the Montreal World's Fair is open to the public (The Montreal World's Fair is known as Expo 67)." If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

No. MC 96318 (Sub-No. 12) filed November 19, 1965. Applicant: YELLOW COACH LINES, INC., 99 New West Street, Pittsfield, Mass. Applicant's representative: Frank Daniels, 15 Court Square, Boston, Mass., 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations limited to round-trip sight-seeing and pleasure tours designed for leisurely travel, as distinguished from expeditious point-to-point transportation, beginning and ending at points in Berkshire County, Mass., and extending to points in the United States, excluding Alaska and Hawaii. NOTE: Applicant states: (1) each tour must include (a) sightseeing stops en route, and (b) an overnight stop every night during the entire tour, (2) on each tour the passengers must (a) maintain their identity as a group for the duration of the tour, (b) engage in some group activities that are organized, supervised, and controlled by the carrier, and (c) be accompanied by a tour conductor or guide and (3) the price of each tour must include (a) some of the meals, (b) lodging for each night during the entire tour, (c) admission fees to any point or events of interest for which a fee is charged and (d) the cost of transportation. If a hearing is deemed necessary, applicant requests it be held at Springfield, Mass.

No. MC 107048 (Sub-No. 4), filed November 22, 1965. Applicant: KEYSTONE CHARTER SERVICE, INC., 901 North Cameron Street, Harrisburg, Pa. Applicant's representative: L. C. Major, Jr., 2001 Massachusetts Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* and *express* and *newspapers*, in the same vehicle with passengers, between Harrisburg, Pa., and Wilmington, Del.; from Harrisburg over U.S. Highway 230 to Lancaster, Pa., thence over U.S. Highway 30 to junction Pennsylvania Highway 41, thence over Pennsylvania Highway 41 to the Pennsylvania-Delaware State line, thence over Delaware Highway 48 to Wilmington and return over the same route, serving all intermediate points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 127603 (Sub-No. 2), filed November 19, 1965. Applicant: GEORGE'S BUS CO. INC., 956 Dean Street, Brooklyn, N.Y. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers* in special operations, in daily round-trip service, between U.S. Naval Shipyard, Brooklyn, N.Y., and U.S. Naval Shipyard, Philadelphia, Pa. NOTE: If a hearing is deemed necessary applicant requests it be held at New York, N.Y.

No. MC 127678 (Correction), filed October 25, 1965, published in FEDERAL REGISTER, issue of November 11, 1965, and republished this issue. Applicant: MYER GOODWIN, 67 Rockland Street, Natick, Mass. Applicant's representative: John F. Curley, 15 Court Square, Boston, Mass. NOTE: The purpose of this republication is to show the address of applicant's representative as shown above in lieu of that previously published.

No. MC 127733, filed November 22, 1965. Applicant: FITCHBURG AND LEOMINSTER STREET RAILWAY COMPANY, a corporation, R1427 Water Street, Fitchburg, Mass., 01420. Applicant's representative: Frank Daniels, 15 Court Square, Boston, Mass., 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *newspapers*, in the same vehicle with passengers, between Fitchburg, Mass., and Greenville, N.H.: (1) From Fitchburg over city streets to junction Massachusetts Highway 31, thence over Massachusetts Highway 31 to the Massachusetts-New Hampshire State line, thence over New Hampshire Highway 31 to Greenville, and return over the same route, serving all intermediate points; and (2) from Fitchburg over city streets to junction Massachusetts Highway 31, thence over Massachusetts Highway 31 to juntion Massachusetts Highway 119, thence over Massachusetts Highway 119 to Ashby Center, Mass., thence over Turnpike Road to junction Massachusetts Highway 31, thence as specified in (1) above to Greenville, and return over the same route, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

APPLICATION OF FREIGHT FORWARDER

FREIGHT FORWARDER OF PROPERTY

No. FF-330, HOME-PACK TRANSPORT, INC., freight forwarder application, filed November 22, 1965. Applicant: HOME-PACK TRANSPORT, INC., 57–48 49th Street, Maspeth, N.Y. Applicant's representative: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y., 10036. Authority sought under Part IV of the Interstate Commerce Act as a freight forwarder in interstate or foreign commerce, in the forwarding of *used household goods, used automobiles*, and *unaccompanied baggage*, between points in the United States, including Alaska and Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 113024 (Sub-No. 50), filed November 22, 1965. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delivery No. 2, Smyrna, Del. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C., 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bathroom and washroom fixtures, sinks*, and *attachments and accessories therefor*, from the plantsite of Universal-Rundle Corp., Camden, N.J., to Garden Grove, Ventura, and Whittier, Calif. NOTE: Applicant states that the above proposed operation will be conducted for the account of Universal-Rundle Corp., New Castle, Pa.

No. MC 114290 (Sub-No. 25), filed November 18, 1965. Applicant: EXLEY EXPRESS, INC., 2610 Southeast 8th Avenue, Portland, Oreg., 97202. Applicant's representative: James T. Johnson, IBM Building, Seattle, Wash., 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen vegetables* (cooked, glazed, or with sauces), (1) from points in California to points in Yamhill, Multnomah, Marion, and Washington Counties, Oreg., and Seattle, Wash.; (2) from points in Oregon to points in California; (3) from points in Yamhill, Umatilla, Multnomah, Marion, and Washington Counties, Oreg., to Seattle, Wash., and Phoenix and Tucson, Ariz., (4) from points in Washington to points in California and points in Marion, Multnomah, Washington, Umatilla, and Yamhill Counties, Oreg.; (5) from Walla Walla, Wash., to Phoenix, Ariz.; (6) from Nampa, Idaho, to Hillsboro, Woodburn, and Portland, Oreg., and San Francisco, Calif.; and (7) from points in Oregon and Washington to points in California and Phoenix, Safford, and Tucson, Ariz. NOTE: Applicant states that the purpose of this application is to add to its commodity description language which will specifically authorize the transportation of frozen vegetables which have been cooked, glazed or had sauce or butter added between the same points and areas it is presently authorized to serve in the transportation of frozen vegetables.

No. MC 115668 (Sub-No. 9), filed November 18, 1965. Applicant: WYLLIS B. HERRICK, doing business as W. B. HERRICK, Rural Route No. 2, Kendallville, Ind. Applicant's representative: William L. Carney, 105 East Jennings, South Bend, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cookies* and *cakes*, from the plantsite of Continental Baking Co. at or near River Forest, Ill., to North Judson and Rensselaer, Ind., and (2) *stale returned or rejected shipments*, and *empty containers*, from North Judson and Rensselaer, Ind., to the plantsite of Continental Baking Co. at or near River Forest, Ill.

No. MC 127737, filed November 22, 1965. Applicant: JIM EDWARD GODFREY, Route 3, Gaffney, S.C. Applicant's representative: H. Overton Kemp, Room 101, 327 North Tryon Street, Post Office Box 20202, Charlotte, N.C., 28202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials and ingredients*, in bulk, in spreader service, and in bags, from Spartanburg, S.C., to points in Avery, Buncombe, Burke, Cleveland, Gaston, Haywood, Henderson, Jackson, Lincoln, Madison, McDowell, Mecklenburg, Mitchell, Polk, Rutherford, Transylvania, Union, and Yancey Counties, N.C., and *refused, rejected, and damaged fertilizer, fertilizer materials and ingredients*, on return.

No. MC 127740, filed November 19, 1965, Applicant: GUY SEAY, Route 6, Spartanburg, S.C. Applicant's representative: H. Overton Kemp, 327 North Tryon Street, Post Office Box 20202, Charlotte, N.C., 28202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials and ingredients*, in bags and in bulk, from Spartanburg, S.C., to points in Avery, Buncombe, Burke, Cleveland, Gaston, Haywood, Henderson, Jackson, Lincoln, Madison, McDowell, Mecklenburg, Mitchell, Polk, Rutherford, Transylvania, Union, and Yancey Counties, N.C.

MOTOR CARRIER OF PASSENGERS

No. MC 9598 (Sub-No. 5), filed November 22, 1965. Applicant: UNION STREET RAILWAY COMPANY, a corporation, 935 Purchase Street, New Bedford, Mass. Applicant's representative: Neal Holland, 77 Franklin Street, Boston, Mass., 02110. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail and newspapers* in the same vehicle with passengers, between New Bedford, Mass., and Taunton, Mass., from New Bedford over Massachusetts Highway 18 to junction unnumbered highway (County Street) in Freetown, Mass.; thence over unnumbered highway (County Street) through Freetown, Lakeville, and Berkley, Mass., to junction Massachusetts Highway 140 at or near Taunton, Mass., thence over Massachusetts Highway 140 to Taunton, and return over the same route, serving all intermediate points. NOTE: Common control may be involved.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65–13118; Filed, Dec. 8, 1965; 8:45 a.m.]

[Notice 97]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 6, 1965.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 113855 (Sub-No. 126 TA), filed December 2, 1965. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. Applicant: Alan Foss, First National Building, Fargo, N. Dak., 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asbestos cement pipe, conduit and couplings, with accessories necessary for installation thereof*, from Riverside, Calif., and points within 3 miles thereof, to points in Idaho, Oregon, Utah, Washington, Montana, Wyoming, and Colorado, for 180 days. Supporting shipper: Certain-teed Products Corp., Pipe Division, Lea Building, Ambler, Pa., 19002. Send protests to: C. H. Bergquist, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., 55401.

No. MC 119114 (Sub-No. 4 TA), filed December 1, 1965. Applicant: HASKELL F. YOUNG, 1421 Chandler Drive, Charleston, W. Va. Applicant's representative: Donald P. Krisher, 623 Peoples Building, Charleston, W. Va., 25301.

Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pies, pastries, and baked goods, and empty containers or other incidental facilities used in transporting these commodities*, from South Charleston and Bluefield, W. Va., and London, Ky., to Greenville and Anderson, S.C., and Atlanta, Ga.; and from South Charleston, W. Va., to Uhrichsville, Ohio, for 180 days. Supporting shipper: Griffin Pie Co. of South Charleston, South Charleston, W. Va. Send protests to: H. R. White, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 3202 Federal Office Building, Charleston, W. Va., 25301.

No. MC 126724 (Sub-No. 4), filed December 2, 1965. Applicant: DOBSON MILK TRANSIT, INC., Box 206, Orfordville, Wis., 53576. Applicant's representative: Geo. K. Steil, Janesville, Wis., 53545. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen orange juice*, from points in Florida, and *empty corrugated boxes* from Rome, Ga., in shipper-owned air ride suspension trailer, with applicant providing air ride suspension tractor, to Bancroft Dairy at Madison, Wis., for 180 days. Supporting shipper: Bancroft Dairy, 1010 South Park Street, Madison, Wis., 53715. Charles W. Buckner, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 214 North Hamilton Street, Madison, Wis., 53703.

No. MC 126724 (Sub-No. 5 TA), filed December 2, 1965. Applicant: DOBSON MILK TRANSIT, INC., Box 206, Orfordville, Wis., 53576. Applicant's representative: Geo. K. Steil, Janesville, Wis., 53545. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described in section B of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in shipper-owned air ride suspension trailers, with applicant providing tractor with air ride suspension, from Bancroft Dairy, Madison, Wis., to Tallahassee, Winter Haven, Miami, Fort Lauderdale and West Palm Beach, Fla., for 180 days. Supporting shipper: Bancroft Dairy, 1010 South Park Street, Madison, Wis., 53715. Send protests to: Charles W. Buckner, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 214 North Hamilton Street, Madison, Wis., 53703.

No. MC 127750 TA, filed December 1, 1965. Applicant: GEORGE T. ALLEN, doing business as ALLEN SALES AND SERVICE, Carnesville, Ga. Applicant's representative: Wm. Addams, 6th Floor, 1776 Peachtree Street Building, Atlanta, Ga. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Expanded polystyrene insulating material*, (unpackaged), weighing less than two (2) pounds per cubic foot, from the plantsite of Dyplast of South Carolina, and Anderson, S.C., to points in North Carolina, Georgia, Florida, Alabama, Louisiana, and Virginia, for 180 days. Supporting shipper: Dyplast of South Carolina, Anderson, S.C. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations and Compliance, 680 West Peachtree Street NW., Room 300, Atlanta, Ga., 30308.

No. MC 127751 TA, filed December 2, 1965. Applicant: RAYMOND R. JONES, doing business as JONES ENTERPRISES, 1135 NE 113th Street, Portland, Oreg., 97220. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Heavy equipment parts* and *oilfield equipment and supplies*, from Portland, Oreg., to points within, and between points in Oregon and Washington, for 150 days. Supporting shippers: Vinnell-McNamara-Mannis-Fuller, Post Office Box 67, Rufus, Oreg.; Western Offshore Drilling & Exploration Co., Post Office Box 1417, Newport, Oreg.; and, Shell Oil Co., 1008 West 6th Street., Los Angeles, Calif., 90054. Send protests to: S. F. Martin, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 538 Pittock Block, Portland, Oreg., 97205.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-13172; Filed, Dec. 8, 1965; 8:47 a.m.]

[Notice 1270]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 6, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

MC-FC-68075. By order of November 30, 1965, the Transfer Board approved the transfer to Great Northern Cartage Co., a corporation, Lincoln, Nebr., of a portion of the Certificate in No. MC-43925, issued May 10, 1954, to Brandt, Incorporated, Omaha, Nebr., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, over regular routes, between Omaha, Nebr., and Homer, Nebr., serving all intermediate points on the highways specified. Charles J. Kimball, Box 2028, Lincoln, Nebr., attorney for applicants.

No. MC-FC-68230. By order of November 30, 1965, the Transfer Board approved the transfer to John Sherman and Charles Clark, a partnership, doing business as Sherman & Clark, Howard, S. Dak., of the operating rights issued by the Commission January 20, 1956, and October 16, 1961, under Certificates Nos. MC-81667 and MC-81667 (Sub-No. 3), respectively, to Harvey S. Church, Madison, S. Dak., authorizing the transportation, over irregular routes, of livestock, emigrant movables, and household goods, between Madison, S. Dak., and points within 25 miles of Madison, on the one hand, and, on the other, points in Iowa, Minnesota, and Nebraska; milled feed, between Madison, S. Dak., and Sioux City, Iowa; and milled feeds, from Sioux City, Iowa, to points in South Dakota as described. Mead Bailey, 509 South Dakota Avenue, Sioux Falls, S. Dak., attorney for applicants.

No. MC-FC-68323. By order of November 30, 1965, the Transfer Board approved the transfer to Globe Storage & Moving Co., Inc., New York, N.Y., of the operating rights issued by the Commission September 3, 1940, under Certificate No. MC-24322, to Charles A. Johnson, Brooklyn, N.Y., authorizing the transportation, over irregular routes, of household goods, between New York, N.Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, Vermont, and the District of Columbia. Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica 32, N.Y., attorney for applicants.

No. MC-FC-68327. By order of November 30, 1965, the Transfer Board approved the transfer to Ivan Thompson and Lloyd Thompson, a partnership, doing business as Thompson & Son, Bridgewater, Iowa, of the certificate in No. MC-53492, issued October 2, 1959, to Ivan Thompson, Bridgewater, Iowa, authorizing the transportation of: Livestock, feed, and grain, over regular routes, between Fontanelle, Iowa, and Omaha, Nebr., serving intermediate and off-route points within 15 miles of Fontanelle; and livestock, agricultural commodities, building materials, agricultural implements, machinery and parts, feeds, and farm hardware, over regular routes, between Fontanelle, Iowa, and Omaha, Nebr., serving intermediate and off-route points within 13 miles of Fontanelle. A. R. Fowler, 2288 University Avenue, St. Paul, Minn., 55114, representative for applicants.

No. MC-FC-68328. By order of November 30, 1965, the Transfer Board approved the transfer to S & S Trucking, Inc., Belle Fourche, S. Dak., of the permit in No. MC-113635, issued April 5, 1954, to Pete C. Shear, Belle Fourche, S. Dak., authorizing the transportation of: Bentonite, from points in Wyoming, Montana, and South Dakota within 100 miles of Colony, Wyo., to Colony, Wyo. R. E. Brandenburg, 612 6th Avenue, Belle Fourche, S. Dak., 57717, attorney for applicants.

No. MC-FC-68334. By order of November 30, 1965, the Transfer Board approved the transfer of William Owen Rogers, doing business as Bill Rogers Trucking Co., Odessa, Tex., of the operating rights of J. S. Brimberry, doing business as Oilfield Transportation Co., Odessa, Tex., in Certificate No. MC-34209, issued March 20, 1943, authorizing the transportation, over irregular routes, of machinery, materials, supplies, and equipment, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between Ranger, Tex., and points within 100 miles of Ranger, on the one hand, and, on the other, points in Lea and Eddy Counties, N. Mex., and between Big Spring, Tex., and points in Texas within 120 miles of Big Spring, not including those within 100 miles of Ranger, Tex., on the one hand, and, on the other, Hobbs, N. Mex., and points in New Mexico within 50 miles of Hobbs, and between points in Texas. Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex., 75201, attorney for applicants.

No. MC-FC-68335. By order of November 30, 1965, the Transfer Board approved the transfer to William P. Ralston, Bern, Kans., of the operating rights of Clarence Shaw, Sabetha, Kans., in Certificate No. MC-61152, issued September 8, 1961, authorizing the transportation, over irregular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Oneida, Kans., and points within 10 miles thereto, on the one hand, and, on the other, St. Joseph, Mo., and the transportation, over irregular routes, of livestock, farm machinery, farm machinery parts, agricultural commodities, and feed, between Oneida, Kans., and points within 10 miles thereof, on the one hand, and, on the other, Kansas City, Kans., and Kansas City, Mo., and of livestock, between Oneida, Kans., and points within 10 miles thereof, on the one hand, and, on the other, Omaha, Nebr. John E. Jandera, 641 Harrison, Topeka, Kans., 66603, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-13173; Filed, Dec. 8, 1965; 8:47 a.m.]

[Notice No. 96]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 3, 1965.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 17002 (Sub-No. 25 TA), filed November 29, 1965. Applicant: CASE DRIVEWAY, INC., 6001 U.S. Route 60 East, Post Office Box 1156, Huntington, W. Va., 25714. Applicant's representative: Paul F. Sullivan, 1815 H Street, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel*, and *iron and steel articles*, from the plant site of the H. K. Porter Co., Huntington, W. Va., to points in Iowa, for 180 days. Supporting shipper: H. K. PORTER COMPANY, INC., Post Office Box 118, Huntington, W. Va., 25706. Send protests to: H. R. White, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 3202 Federal Office Building, Charleston, W. Va., 25301.

No. MC 33273 (Sub-No. 1 TA), filed December 1, 1965. Applicant: KENMAC VAN & STORAGE, INC., Post Office Box 323, Lawton, Okla., 73502. Applicant's representative: Alan F. Wohlstetter, One Farragut Square South, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Oklahoma and points in Cooke, Montague, Archer, Baylor, Knox, Childress, Wichita, Wilbarger, Hardeman, Foard, Cottle, and Collingsworth, Tex., restricted to shipments having a prior or subsequent movement beyond said points, in containers, and further restricted to pickup and delivery service incidental to and in connection with packing, crating and containerization, or unpacking, uncrating and decontainerization of such shipments, for 180 days. Supporting shippers: Mr. Robert M. Graham, operations manager, Vanpac Carriers, Inc., 2114 MacDonald Avenue, Richmond, Calif.; Mr. Raymond Nishida, vice president, Higa Fast Pac, Inc., 25 California Street, San Francisco, Calif.; and, Mr. A. A. Protenic, vice president, Routed Thru-Pac, Inc., 350 Broadway, New York 13, N.Y. Send protests to: Ralph Bezner, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 816 T&P Building, Fort Worth, Tex., 76102.

No. MC 61403 (Sub-No. 145 TA), filed November 29, 1965. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. Applicant's representative: Charles E. Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resins*, dry, in bulk, in tank or hopper type vehicles, from the plant site of Pantasote Corp., at or near Point Pleasant (Mason County), W. Va., to points in Alabama, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois (except points in Bond, Clinton, Jersey, Madison, Monroe, Perry, Randolph, St. Clair, and Washington Counties), Indiana, Iowa (except points on and west of U.S. Highway 65), Kentucky, Louisiana (except points on and west of U.S. Highway 67), Maine (except points in Aroostook and Penobscot Counties), Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, for 180 days. Supporting shipper: The Pantasote Co., 26 Jefferson Street, Passaic, N.J., 07056. Send protests to: J. E. Gamble, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 706 U.S. Courthouse, Nashville, Tenn., 37203.

No. MC 66562 (Sub-No. 2129 TA), filed December 1, 1965. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y., 10017. Applicant's representative: William H. Marx (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* moving in express service (including class A and B explosives), between Memphis, Tenn., and Bowling Green, Ky., serving the intermediate and/or off-route points of Arlington, Brownsville, Bells, Humboldt, Milan, McKenzie, Paris, and Clarksville, Tenn., and Russellville, Ky., (1) from Memphis over U.S. Highway 79 to junction U.S. Highway 68, thence over U.S. Highway 68 to Bowling Green, and return over the same route; and (2) from Memphis over Interstate Highway 40 to junction U.S. Highway 45, thence over U.S. Highway 45 to junction U.S. Highway 45-E to Milan, and return over the same route, as an alternate route for operating convenience only, for 150 days. Restrictions: The service to be performed shall be limited to that which is auxiliary to or supplemental of express service of the Railway Express Agency. Shipments transported shall be limited to those moving on through bills of lading or express receipts. NOTE: The above authority corresponds in part to applicant's existing authority between Memphis and Trenton, Tenn., MC-66562 Sub 1749, which does not authorize service to intermediate points. No duplication of authority is sought or intended by this application. Supporting shippers: There are twelve (12) supporting statements from shippers which may be examined here at the Commission, in Washington, D.C., or at the New York field office named below. Send protests to: Stephen P. Tomany, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y., 10013.

No. MC 77380 (Sub-No. 3 TA), filed November 29, 1965. Applicant: HEICK MOVING AND STORAGE, INC., 3618

Lexington Avenue, Madison, Wis., 53714. Applicant's representative: Edward Solie, Executive Building, Suite 100, 4513 Vernon Boulevard, Madison, Wis., 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Adams, Columbia, Crawford, Dane, Dodge, Fond du Lac, Grant, Green, Green Lake, Iowa, Jefferson, Juneau, La-Crosse, LaFayette, Marquette, Monroe, Richland, Rock, Sauk, Vernon, Walworth, Waushara, and Winnebago Counties, Wis., restricted to shipments having a prior or subsequent movement beyond said counties and further restricted to pickup and delivery service incidental to and in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such shipments, for 180 days. Supporting shipper: Home-Pack Transport, Inc., 57–48 49th Street, Maspeth, N.Y., 11378. Send protests to: Charles W. Buckner, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 214 North Hamilton Street, Madison, Wis., 53703.

No. MC 90195 (Sub-No. 5 TA), filed December 1, 1965. Applicant: ABE FRANK, doing business as F. & B. TRUCKING, 14–50 128th Street, College Point, Long Island, N.Y., 11356. Applicant's representative: Martin Werner, 2 West 45th Street, New York, N.Y., 10036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New upholstered furniture*, from the plantsite of Valley Upholstery Corp., in Bridgeport, Conn., to New York City, and points in Nassau, Suffolk, Rockland and Westchester Counties, N.Y., points in New Jersey on and north of New Jersey Highway 33, and Philadelphia and Allentown, Pa., *materials and supplies* used in the manufacture of upholstered furniture (except commodities in bulk, in tank vehicles) and *returned shipments of new upholstered furniture*, from the above-named destination points to the above-named plant site, for 150 days. Supporting shipper: Valley Upholstery Corp., 14–50 128th Street, College Point 56, N.Y. Send protests to: E. N. Carignan, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y., 10013.

No. MC 107002 (Sub-No. 275 TA), filed November 29, 1965. Applicant: HEARIN-MILLER TRANSPORTERS, INC., Post Office Box 1123, Highway 80 West, Jackson, Miss., 39205. Applicant's representative: D. D. Kennedy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats or oils* (tallow), in bulk, in tank vehicles, from Hernando, Miss., to Memphis, Tenn., for 150 days. Supporting shipper: Humko Products, Sterick Building, Memphis, Tenn., 38101. Send protests to: Floyd A. Johnson, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 320 U.S. Post Office Building, Jackson, Miss., 39201.

No. MC 107002 (Sub-No. 276 TA), filed November 29, 1965. Applicant: HEARIN-MILLER TRANSPORTERS, INC., Post Office Box 1123, Highway 80 West, Jackson, Miss., 39205. Applicant's representative: D. D. Kennedy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Baton Rouge, La., to White Sands Proving Grounds near Las Cruces, N. Mex., for 180 days. Supporting shipper: Allied Chemical Corporation, 40 Rector Street, New York, N.Y., 10006. Send protests to: Floyd A. Johnson, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 320 U.S. Post Office Building, Jackson, Miss., 39201.

No. MC 107002 (Sub-No. 277 TA), filed November 29, 1965. Applicant: HEARIN-MILLER TRANSPORTERS, INC., Post Office Box 1123, Highway 80 West, Jackson, Miss., 39205. Applicant's representative: D. D. Kennedy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid latex*, having a prior transportation by rail, from Greenville, Miss., to Monticello, Ark., for 180 days. Supporting shipper: General Tire & Rubber Co., Post Office Box 951, Akron, Ohio, 44309. Send protests to: Floyd A. Johnson, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 320 U.S. Post Office Building, Jackson, Miss., 39201.

No. MC 107403 (Sub-No. 657 TA), filed November 29, 1965. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa., 19050. Applicant's representative: C. W. Zook (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible tallow*, in bulk, in tank vehicles, from Canton, Ohio, to McKees Rocks, Pa., for 150 days. Supporting shipper: The Sugardale Provision Co., 1600 Harmont Avenue NE., Post Office Box 310, Canton, Ohio, 44701. Send protests to: Ross A. Davis, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 900 U.S. Customhouse, Philadelphia, Pa., 19106.

No. MC 108207 (Sub-No. 173 TA), filed November 29, 1965. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Post Office Box 5888, Dallas, Tex. Applicant's representative: J. E. McClellan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Human blood plasma*, from Memphis, Tenn., to Berkeley, Calif., for 150 days. Supporting shipper: Cutter Laboratories, Fourth and Parker Streets, Berkeley, Calif. Send protests to: E. K. Willis, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 513 Thomas Building, 1314 Wood Street, Dallas, Tex., 75202.

No. MC 113678 (Sub-No. 201 TA), filed December 1, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's representative: Duane W. Acklie, NSEA Building, 14th and J Streets, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by-products*, from the plant and storage facilities of Minden Dressed Beef Co., located in Kearney County, Nebr., to York and Omaha, Nebr., for tacking with authority held in Sub 63 and Sub 66, for 180 days. Supporting shippers: Cornland Dressed Beef Co., Lexington, Nebr.; and, Minden Dressed Beef Co., Minden, Nebr. Send protests to: Herbert C. Ruoff, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo., 80202.

No. MC 114084 (Sub-No. 5 TA), filed November 30, 1965. Applicant: S AND S TRUCKING COMPANY, a corporation, 118 South Oakland Street, Statesville, N.C. Applicant's representative: H. Overton Kemp, Room 101, 327 North Tryon Street, Charlotte, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and furniture* parts, from points in Rutherford County, N.C., to points in Maine, New Hampshire, and Vermont, for 180 days. Send protests to: Broyhill Furniture Industries, Lenoir, N.C. Send protests to: Jack K. Huff, District supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 206, 327 North Tryon Street, Charlotte, N.C., 28202.

No. MC 118959 (Sub-No. 25 TA), filed November 29, 1965. Applicant: JERRY LIPPS, INC., 130 South Frederick, Cape Girardeau, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boards, building, wall or insulating, and materials and supplies used in their installation*, from Macon, Ga., and Pensacola, Fla., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Texas, and Wisconsin, for 180 days. Supporting shipper: Armstrong Cork Co., Harry W. Deck, operations transportation manager, Lancaster, Pa. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 3248–B, 1520 Market Street, St. Louis, Mo., 63103.

No. MC 124078 (Sub-No. 172 TA), filed November 29, 1965. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis., 53246. Applicant's representative: James R. Ziperski (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, and in packages, from the distribution terminal of Lone Star Cement Corp. at Louisville, Ky.; to points in Kentucky, points in Clay, Richland, Lawrence, Wayne, Edwards, Wabash, Hamilton, White, Saline, Gallatin, Pope and Hardin Counties, Ill.; Posey, Gibson, Knox, Vanderburgh, Daviess, Pike, Warrick, Spencer, Dubois, Martin, Lawrence, Orange, Crawford, Perry, Jackson, Washington, Harrison, Floyd, Clark, Scott, Jefferson, Jennings, Ripley, Dearborn, Ohio, and Switzerland Counties, Ind.; Hamilton, Clermont, and Brown Counties, Ohio; and Stewart, Houston, Humphreys, Montgomery, Dickson, Robertson, Cheatham, Davidson, Sumner, Trousdale, Wilson, Macon, Smith, Clay, Jackson, Putnam, Overton, Pickett, Cumberland, Fentress, Scott, Morgan, Campbell, Anderson, Clairborne, Union, Knox, and Grainger Counties Tenn., for 150 days. Supporting shipper: Lone Star Cement Corp., 100 Park Avenue, New York, N.Y., 10017, R. E. Buckwalter, general traffic manager. Send protests to: W. F. Sibbald, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 108 West Wells Street, Room 511, Milwaukee, Wis., 53203.

No. MC 124389 (Sub-No. 6 TA), filed November 29, 1965. Applicant: TORVAL R. MONCRIEFF, 1701 East First Avenue, Anchorage, Alaska, 99501. Applicant's representative: Lloyd I. Hoppner, Post Office Box 516, Fairbanks, Alaska. Authority sought to operate as a *contract carrier*, over irregular routes, transporting: *Meat, meat products*, and *meat by-products*, as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between Anchorage and Fairbanks, Alaska; also between Tok Junction, Alaska, and Anchorage and Fairbanks, Alaska; including service to points intermediate thereto, as an extension of and with the right to combine the authority herein sought with that presently held under MC–124389 Sub 3, for 180 days. Supporting shipper: Western Supply, Inc., 1101 Whitney Road, Anchorage, Alaska, 99501. Send protests to: District Supervisor Hugh H. Chaffee, Interstate Commerce Commission, Bureau of Operations and Compliance, Post Office Box 1532, Anchorage, Alaska, 99501.

No. MC 127746 (Sub-No. 1 TA), filed December 1, 1965. Applicant: LOUIS VENEZIA, Bear More Trailer Park, Belmar, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y., 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pellets* in containers, *plastic scrap, additives* for plastic in containers, *packaging materials* for plastic pellets, from New Castle, Del., Hazlehurst, Ga., New York, Garden City, and Mount Vernon, N.Y., Akron, Ohio, Darby, Pottsville, Kobuta, and Washington, Pa., and Nasonville, R.I., to Asbury Park, N.J., and *plastic pellets* in containers, from Asbury Park, N.J., to the above named origin points, for 180 days. Supporting shipper: Monmouth Plastics Division, New York & New Jersey Dyeing Co., Inc., 814 Asbury Avenue, Asbury Park, N.J.

No. MC 127558 (Sub-No. 1 TA), filed November 29, 1965. Applicant: CALVIN C. ROSS, Hillsboro, Wis., 54634. Applicant's representative: Edward Solie, Executive Building, Suite 100, 4513 Vernon Boulevard, Madison, Wis., 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough lumber*, when moving on flatbed semitrailers, from Gotham, Wis., to Blue Island, Freeport, and Waukegan, Ill., and from La Farge, Wis., to Menominee, Mich., and Freeport, Ill., for 180 days. Supporting shippers: Bert Greli, Saw Mill, Gotham, Wis.; and, H&D Lumber Co., La Farge, Wis. Send protests to: Charles W. Buckner, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 214 North Hamilton Street, Madison, Wis., 53703.

No. MC 127748 TA, filed December 1, 1965. Applicant: FOURMEN DELIVERY SERVICE, INC., 153–58 Rockaway Boulevard, Jamaica, N.Y., 11434. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y., 11432. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Luggage and such personal property usually carried by airline passengers*; between La Guardia Airport, John F. Kennedy International Airport, New York, N.Y., and Newark Airport, Newark, N.J., on the one hand, and, on the other, points in New York, Connecticut, Massachusetts, New Jersey, Pennsylvania, Maryland, and Washington, D.C., for 180 days. Supporting shippers: Pilgrim Airlines, New London-Waterford Airport, Box 1743, New London, Conn.; Scandinavian Airlines System, Inc., International Arrivals Building, New York International Airport, Jamaica, N.Y., 11430; Lufthansa German Airlines, John F. Kennedy International Airport, Jamaica 30, Long Island, N.Y.; Pan American World Airways, John F. Kennedy International Airport, Jamaica, N.Y., 11430; Irish International Airlines, New York International Airport, Jamaica 30, N.Y.; Eastern Air Lines, Inc., John F. Kennedy International Airport, Jamaica, N.Y., 11430. Send protests to: E. N. Carignan, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y., 10013.

MOTOR CARRIER OF PASSENGERS

No. MC 127678 (Sub-No. 1 TA), filed November 30, 1965. Applicant: MYER GOODWIN, 67 Rockland Street, Natick, Mass. Applicant's representative: John F. Curley, 15 Court Square, Boston, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers* in special operations, beginning and ending at Natick, Framington, Wellesley, Waltham, Hopkinton, Norwood, Wayland, Sherborn, Maynard, Marlboro, Canton, Dover, Ashland, Weston, Duxbury, Holliston, Milford, Westwood, Concord, Lincoln, and Lexington, Mass., and extending to Lincoln Downs Race Track, Lincoln, R.I., and Narragansett Park, Pawtucket, R.I., for 150 days. Supporting shippers: Robert Tetrault, Holliston, Mass.; Charles Ateroniam, Holliston, Mass.; Clarence L. Storer, Waltham, Mass.; Charles R. Maud, Waltham, Mass.; Vernon P. Gates, Waltham, Mass.; Leo Dee, Concord, Mass.; Richard Morrill, Wellesley, Mass.; John McDougall, Westwood, Mass.; Gordon H. Atkinson, Westwood, Mass.; George F. Dickey, Wayland, Mass.; Charles E. Ramsey, Wayland, Mass.; Peter Caradonna, Canton, Mass.; Francis Burke, Canton, Mass.; Thomas J. Kennedy, Norwood, Mass.; Phyllis F. Rowe, Weston, Mass.; Marie Bassett, Weston, Mass.; Barry Fahey, Lexington, Mass.; Frank Girdon, Lincoln, Mass.; Fred J. Berghesi, Ashland, Mass.; Frederick Murphy, Hopkinton, Mass.; David Treadwell, Dover, Mass.; John Sacco, Framingham, Mass.; Paul T. Mason, Marlboro, Mass.; Raymond W. Bridge, Natick, Mass.; John Handrahan, Sudbury, Mass.; and, Zakie Zakorian, Milford, Mass. Send protests to: James F. Martin, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 30 Federal Street, Boston, Mass., 02110.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65–13112; Filed, Dec. 7, 1965; 8:46 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 6, 1965.

Protests to the granting of an application must be prepared in accordance with § 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA 40162—*Sand to New Britain, Conn.* Filed by Southwestern Freight Bureau, agent (No. B–8788), for interested carriers. Rates on sand, as described in the application, in carloads, from specified points in Missouri and Oklahoma, also Guion, Ark., and Brady, Tex., to New Britain, Conn.

Grounds for relief—Carrier competition.

Tariff—Supplement 81 to Southwestern Freight Bureau, agent, tariff I.C.C. 4565.

FSA 40163—*Ethylene glycol from Doe Run, Ky.* Filed by O. W. South, Jr., agent (No. A4805), for interested carriers. Rates on ethylene glycol, in tank carloads, from Doe Run, Ky., to Atlas and Hercules, Mo.

Grounds for relief—Market competition.

Tariff—Supplement 96 to Southern Freight Association, agent, tariff ICC S–240.

FSA 40164—*Superphosphate from Epco, Idaho.* Filed by Western Trunk Line Commitee, agent (No. A–2437), for interested carriers. Rates on superphosphate, not defluorinated superphosphate, nor feed grade superphosphate, in carloads, from Epco, Idaho, to points in western trunkline territory.

Grounds for relief—Market competition.

Tariff—Supplement 137 to Western Trunk Line Committee, agent, tariff ICC A-4411.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 13174; Filed, Dec. 8, 1965; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U.S.C. 201 et seq.), and Administrative Order 579 (28 F.R. 11524) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods, for certificates issued under general learner regulations (29 CFR 522.1 to 522.9), and the principal product manufactured by the employer are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

The Arrow Co., division of Cluett, Peabody & Co., Inc., Shamokin, Pa.; effective 11-4-65 to 11-3-66 (men's sport shirts).

Baumel Dress Corp., corner Willow and Grant Streets, Olyphant, Pa.; effective 11-5-65 to 11-4-66 (ladies' and children's dresses).

Benjamin & Johnes, Inc., 410 Ashe Avenue, Dunn, N.C.; effective 11-9-65 to 11-8-66 (foundation garments).

J. H. Bonck Co., Inc., 1100 South Jefferson Davis Parkway, New Orleans, La.; effective 10-31-65 to 10-30-66 (men's and boys' sport shirts).

Carthage Shirt Corp., Carthage, Tenn.; effective 11-3-65 to 11-2-66 (men's and boys' sport and dress shirts).

Choctaw Manufacturing Co., Inc., Silas, Ala.; effective 11-2-65 to 11-1-66 (men's trousers).

Cowden-Mt. Sterling Co. & Cowden-Greer Co., 124 Apperson Heights, Mount Sterling, Ky.; effective 10-23-65 to 10-22-66 (men's work clothes).

Dixie Manufacturing Co., Inc., 14th and Bailey Streets, Columbia, Tenn.; effective 11-12-65 to 11-11-66. Learners may not be employed at special minimum wage rates in the production of skirts (ladies' and girls' sportswear, shorts, and slacks).

Dover Mills, Inc., Pisgah, Ala.; effective 10-30-65 to 10-29-66 (children's knit shirts).

E & W of Canton, Inc., a division of Washington Manufacturing Co., Inc., Canton, Miss.; effective 11-20-65 to 11-19-66 (men's sport shirts).

The Eastern Isles Manufacturing Corp., Richlands, Va.; effective 11-1-65 to 10-31-66 (ladies' pajamas, nightgowns).

Elder Manufacturing Co., Webb City, Mo.; effective 10-31-65 to 10-30-66 (boys' shirts).

Executive Service Co., Pickens, S.C.; effective 10-27-65 to 10-26-66 (men's dress shirts).

Four's Co., Inc., Rural Delivery No. 1, Blairsville, Pa.; effective 11-16-65 to 11-15-66 (children's dresses).

Glamorise Foundations, Inc., 2729 Reach Road, Williamsport, Pa.; effective 11-3-65 to 11-2-66 (brassieres, girdles, corselettes).

H. W. Gossard Co., 105 North Franklin Street, Bicknell, Ind.; effective 11-11-65 to 11-10-66 (foundation garments).

Guntown Slacks, Inc., Guntown, Miss.; effective 11-12-65 to 11-11-66 (men's and boys' slacks).

Hicks-Ponder Co., 1795 Maple Avenue, Yuma, Ariz.; effective 11-13-65 to 11-12-66 (men's pants).

Imperial Reading Corp., Marshall, Tex.; effective 11-14-65 to 11-13-66 (denim jeans).

Imperial Reading Corp., Christiansburg, Va.; effective 10-31-65 to 10-30-66 (men's and boys' denim jeans).

Kenrose Manufacturing Co., Inc., Buchanan, Va.; effective 11-1-65 to 10-31-66 (women's dresses).

Key Work Clothes of Missouri, Nevada, Mo.; effective 11-1-65 to 10-31-66 (men's work pants and work shirts).

Knickerbocker Manufacturing Co., West Point, Miss.; effective 11-9-65 to 11-8-66 (men's woven sleepwear).

Lansford Apparel Co., West Patterson Street, Lansford, Pa.; effective 10-31-65 to 10-30-66 (children's dresses).

The H. D. Lee Co., Inc., Boaz, Ala.; effective 11-5-65 to 11-4-66 (men's work clothing).

Luverne Slacks Co., Inc., Luverne, Ala.; effective 11-1-65 to 10-31-66 (men's slacks).

Martin Manufacturing Co., Inc., Ramer, Tenn.; effective 11-3-65 to 11-2-66 (uniform shirts).

Masterson, Inc., North 3d Street, Booneville, Miss.; effective 10-28-65 to 10-27-66 (boys' and girls' cotton outerwear jackets).

McNair Clothing Manufacturing Co., 759 East Fronton Street, Brownsville, Tex.; effective 10-25-65 to 10-24-66 (men's work pants and work shirts).

Milan Shirt Manufacturing Co., 134 Williamson Street, Milan Tenn.; effective 11-4-65 to 11-3-66 (work shirts).

Orangeburg Manufacturing Co., Inc., Orangeburg, S.C.; effective 11-8-65 to 11-7-66 (children's dresses).

Press Dress & Uniform Co., Hummelstown, Pa.; effective 10-29-65 to 10-28-66 (maids' and nurses' uniforms and cotton dresses).

Rob Roy Co., Inc., Cambridge, Md.; effective 11-1-65 to 10-31-66 (boys' shirts).

Rector Garment Co., Inc., Rector, Ark.; effective 10-28-65 to 10-27-66 (men's trousers).

S. & S. Manufacturing Co., Inc., 200 West Main Street, Spartanburg, S.C.; effective 11-1-65 to 10-31-66 (ladies' and children's blouses).

Salant & Salant, Inc., First Street, Lexington, Tenn.; effective 11-9-65 to 11-8-66 (boys' shirts).

Salant & Salant, Inc., Pine Street, Lexington, Tenn.; effective 11-6-65 to 11-5-66 (men's and boys' slacks).

Salant & Salant, Inc., Washington Street, Paris, Tenn.; effective 11-9-65 to 11-8-66 (men's and boys' shirts).

Salant & Salant, Inc., Tennessee Avenue, Parsons, Tenn.; effective 11-8-65 to 11-7-66 (men's and boys' work pants).

Shane Uniform Co., Inc., 2015 West Maryland Street, Evansville, Ind.; effective 11-6-65 to 11-5-66 (washable service apparel for men and women).

Shelburne Shirt Co., Inc., 69 Alden Street, Fall River, Mass.; effective 11-1-65 to 10-31-66 (men's dress shirts).

Sherman Underwear Mills, Inc., Welwood Avenue, Hawley, Pa.; effective 10-23-65 to 10-22-66 (ladies' and children's panties).

Sparta Garment Co., Inc., Sparta, Ga.; effective 10-31-65 to 10-30-66 (men's and boys' trousers).

Stadium Manufacturing Co., Inc., Box 97, Winfield, Ala.; effective 11-21-65 to 11-20-66 (men's and boys' slacks).

Levi Strauss & Co., 1808 Cherry Street, Knoxville, Tenn.; effective 11-9-65 to 11-8-66 (men's, ladies' and children's overalls, men's and children's slacks).

Steele Apparel Co., Steele, Mo.; effective 11-5-65 to 11-4-66 (ladies' dresses).

Walhalla Garment Co., Inc., Walhalla, S.C.; effective 11-6-65 to 11-5-66 (women's dresses).

Washington Overall Manufacturing Co., South Court Street, Scottsville, Ky.; effective 10-26-65 to 10-25-66 (men's and boys' trousers).

Wentworth Manufacturing Co., Blanding Street, Lake City, S.C.; effective 11-9-65 to 11-8-66 (ladies' wash frocks).

Wilgree Manufacturing Co., Inc., North Harney Street, Camilla, Ga.; effective 11-3-65 to 11-2-66 (men's shirts).

Winfield Manufacturing Co., Winfield, Ala.; effective 11-5-65 to 11-4-66 (men's trousers).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Bonacci Sportswear Co., 312 Penn Avenue, Scranton, Pa.; effective 10-28-65 to 10-27-66; 5 learners (ladies' outerwear jackets).

Burgaw Manufacturing Co., Burgaw, N.C.; effective 10-27-65 to 10-26-66; 10 learners (women's dresses).

Edison Textiles, Inc., Edison, Ga.; effective 11-3-65 to 11-2-66; 10 learners (infants' and girls' panties).

Eileen Hope, Inc., 110 South 2d Street, Halifax, Pa.; effective 10-27-65 to 10-26-66; 10 learners (women's dresses).

Garan, Inc., Eupora, Miss.; effective 11-4-65 to 11-3-66; 5 learners (men's and boys' knitted polo shirts).

Manila Manufacturing Co., Inc., Manila, Ark.; effective 10-27-65 to 10-26-66; 10 learners (ladies' dresses).

Oswego Foundations, Inc., 185 East Seneca Street, Oswego, N.Y.; effective 11-1-65 to 10-31-66; 10 learners (women's girdles and corsets).

Protexall, Inc., 77 South Henderson Street, Galesburg, Ill.; effective 10-27-65 to 10-26-66; 10 learners (men's work clothing).

Summit Sportswear, Inc., 44 Ludlow Street, Summit Hill, Pa.; effective 11-6-65 to 11-5-66; 5 learners (ladies' and children's blouses).

Willmar Garment Co., Industrial Park, Willmar, Minn.; effective 10-27-65 to 10-26-66; 10 learners (children's outer garments).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

The Arrow Co., a division of Cluett, Peabody & Co., Inc., Carbon Hill, Ala.; effective 11-8-65 to 5-7-66; 60 learners (boys' shirts).

E & W of Heber Springs, Inc., Heber Springs, Ark.; effective 10-23-65 to 4-22-66; 50 learners (boys' shirts).

Form-O-Uth Brassiere Co., d.b.a. Marie Foundations Branch, 800 East Kingsmill, Pampa, Tex.; effective 10-25-65 to 4-24-66; 25 learners (women's brassieres and girdles).

Glenn Clothing Manufacturing Co., Inc., Dickenson County, Clintwood, Va.; effective 10-28-65 to 4-27-66; 15 learners (boys' trousers).

Reidbord Bros. Co., Lumber Street, Buckhannon, W. Va.; effective 11-1-65 to 4-30-66; 25 learners (men's dress slacks).

Rector Garment Co., Inc., Rector, Ark.; effective 11-7-65 to 5-6-66; 30 learners (men's trousers).

Steele Apparel Co., Steele, Mo.; effective 11-5-65 to 5-4-66; 15 learners (ladies' dresses).

Washington Garment Co., 2020 Main Street Extension, Washington, Pa.; effective 11-6-65 to 5-5-66; 40 learners (ladies' sportswear).

Winfield Manufacturing Co., Winfield, Ala.; effective 11-5-65 to 5-4-66; 15 learners (men's trousers).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.80 to 522.85, as amended).

Cardinal Glove Co., Inc., 158 Summit Street, Newark, N.J.; effective 10-29-65 to 10-28-66; 10 learners for normal labor turnover purposes (cotton work gloves).

Mountain City Glove Co., Inc., Mountain City, Tenn.; effective 10-28-65 to 10-27-66; 10 learners for normal labor turnover purposes (work gloves).

Northern Glove & Mitten Co., 1514 Morrow Street, Green Bay, Wis.; effective 11-3-65 to 11-2-66; 5 learners for normal labor turnover purposes (leather gloves and mittens).

Twin City Glove Manufacturing Co., Inc., 27 Jefferson Street, Martins Ferry, Ohio; effective 11-2-65 to 11-1-66; 10 learners for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Bear Brand Hosiery Co., Henderson, Ky.; effective 11-6-65 to 11-5-66; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Charles H. Bacon Co., Inc., Loudon, Tenn.; effective 11-3-65 to 11-2-66; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Beaver Hosiery Co., Hickory, N.C.; effective 10-23-65 to 10-22-66; 5 learners for normal labor turnover purposes (seamless).

Danville Knitting Mills, Inc., Lynn and Newton Streets, Danville, Va.; effective 10-23-65 to 10-22-66; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Ridgeview Hosiery Mill Co., Newton, N.C.; effective 11-6-65 to 11-5-66; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Wyatt Knitting Co., 1006 Goldsboro Avenue, Sanford, N.C.; effective 11-1-65 to 10-31-66; 5 learners for normal labor turnover purposes (full-fashioned, seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.30 to 522.35, as amended).

Athens Lingerie Corp., Athens, Ala.; effective 11-2-65 to 11-1-66; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' lingerie and sleepwear).

Casa Grande Mills, a division of the Parsons & Baker Co., North Pinal Avenue, Casa Grande, Ariz.; effective 11-16-65 to 11-15-66; 5 learners for normal labor turnover purposes (infants' underwear).

Cullman Lingerie Corp., Cullman, Ala.; effective 10-31-65 to 10-30-66; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' lingerie and sleepwear).

Dri-Set, Inc., Graysville, Tenn.; effective 11-9-65 to 11-8-66; 5 percent of the total number of factory production workers for normal labor turnover purposes (infants' knitted sleeping wear).

Haleyville Textile Mills, Inc., Haleyville, Ala.; effective 10-31-65 to 10-30-66; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's underwear and sleepwear).

Knickerbocker Manufacturing Co., West Point, Miss.; effective 11-9-65 to 11-8-66; 5 percent of the total number of factory production workers engaged in the production of men's woven underwear for normal labor turnover purposes (men's woven underwear).

O'Bryan Bros., Inc., 600 West Seminary, Richland Center, Wis.; effective 11-15-65 to 11-14-66; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's and children's pants and slips).

Rocky Mount Undergarment Co., Inc., 1536 Boone Street, Rocky Mount, N.C.; effective 11-8-65 to 11-9-66; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' and children's panties).

Sherman Underwear Mills, Inc., Welwood Avenue, Hawley, Pa.; effective 11-5-65 to 11-4-66; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' and children's panties) (replacement certificate).

Sylvester Textile Corp., Sylvester, Ga.; effective 11-13-65 to 5-12-66; 10 learners for plant expansion purposes (ladies' and children's underwear).

The following student-worker certificates were issued pursuant to the regulations applicable to the employment of student-workers (29 CFR 527.1 to 527.9). The effective and expiration dates, occupations, wage rates, number of student-workers, and learning periods for the certificates issued under Part 527 are as indicated below.

Campion Academy, Southwest 42d and Academy Drive, Loveland, Colo.; effective 11-5-65 to 8-31-66; authorizing the employment of 35 student-workers in the broom manufacturing industry in the occupations of broom maker, stitcher, sorter, winder, and related skilled and semiskilled occupations, for a learning period of 360 hours at rates of $1.10 an hour for the first 180 hours and $1.15 an hour for the remaining 180 hours.

Forest Lake Academy, Maitland, Fla.; effective 10-8-65 to 8-31-66; authorizing the employment of: (1) 25 student-workers in the printing industry in the occupations of compositor, pressman, and related skilled and semiskilled occupations including incidental clerical work in the shop, for a learning period of 1,000 hours at the rates of $1.10 an hour for the first 500 hours and $1.15 an hour for the remaining 500 hours; and (2) 80 student-workers in the bookbindery industry in the occupations of bookbinder, bindery worker, sewer, trimmer, backer, cutter, casemaker and related skilled and semiskilled occupations including incidental clerical work in the shop, for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours.

The student-worker certificates were issued upon the applicant's representations and supporting material fulfilling the statutory requirements for the issuance of such certificates, as interpreted and applied by Part 527.

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Pursuant to the provisions of 29 CFR 522.9, any person aggrieved by the issuance of any learner certificate may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER.

Learner and student-worker certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 26th day of November 1965.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 65-13161; Filed, Dec. 8, 1965; 8:46 a.m.]

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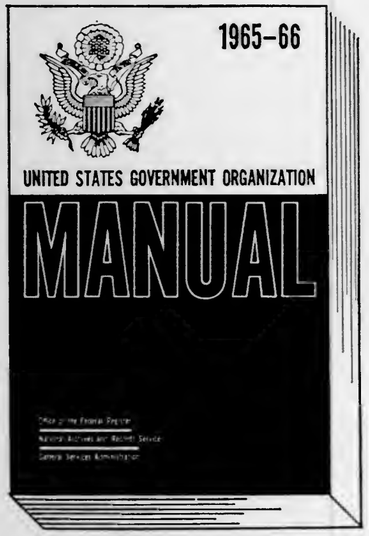
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Business and Defense Services Administration
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Consumer and Marketing Service
Federal Aviation Agency
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14 CFR

71 (5 documents) 15272, 15273
97 15274

PROPOSED RULES:

37 15294
91 15296
121 (2 documents) 15296
127 15296
129 15296
145 15296

15 CFR

10 15287
230 15290

16 CFR

13 (2 documents) 15290, 15291

19 CFR

301 15271

21 CFR

5 15291
10 15291

29 CFR

611 15292

49 CFR

1 15292
95 15292

Rules and Regulations

Title 19—CUSTOMS DUTIES

Chapter III—Business and Defense Services Administration, Department of Commerce

PART 301—DETERMINATION OF BONA FIDE MOTOR-VEHICLE MANUFACTURER

Pursuant to authority contained in the Automotive Products Trade Act of 1965 (Public Law 89–283, 79 Stat. 1016), and Subpart B, Part 6, schedule 6 of the Tariff Schedules of the United States as proclaimed by Proclamation No. 3682 of October 21, 1965 (30 F.R. 13683), and Commerce Department Order No. 152, as amended, of Dec. 3, 1965, there is hereby established Chapter III, Part 301 of Title 19 of the Code of Federal Regulations to provide for carrying out the functions and responsibilities of the Administrator, Business and Defense Services Administration, relating to the development, maintenance and publication of a list of "bona fide motor-vehicle manufacturers." The regulations established hereby are necessary to the implementation of the Agreement Concerning Automotive Products Between the Government of the United States of America and the Government of Canada, signed by the President on January 16, 1965, and involve foreign affairs functions of the United States. Therefore, these regulations fall within the foreign affairs exception to the provisions of section 4 of the Administrative Procedure Act requiring notice of proposed rule making, opportunity for public participation, and delay in effective dates. Accordingly, these regulations shall become effective upon publication in the FEDERAL REGISTER. A new Chapter III, "Business and Defense Services Administration, Department of Commerce," is added to Title 19 of the Code of Federal Regulations.

Part 301 is added to Chapter III, Title 19 of the Code of Federal Regulations to read as set forth above:

Sec.

301.1 Scope and purpose.
301.2 Definitions.
301.3 Application.
301.4 Determination by the Administrator.
301.5 Maintenance and publication of list of bona fide motor-vehicle manufacturers.

AUTHORITY: The provisions of this Part 301 issued under Commerce Department Order No. 152, as amended, and 79 Stat. 1016.

§ 301.1 Scope and purpose.

The purpose of this part is to set forth regulations implementing headnote 2 to Subpart B, Part 6, schedule 6 of the Tariff Schedules of the United States as proclaimed by Proclamation No. 3682 of October 21, 1965 (30 F.R. 13683), issued pursuant to Titles II and IV of the Automotive Products Trade Act of 1965, by establishing a procedure under which a person may apply to be determined a "bona fide motor-vehicle manufacturer." Under headnote 2 to Subpart B, Part 6, schedule 6 of the Tariff Schedules of the United States as proclaimed by Proclamation No. 3682, whenever the Secretary of Commerce has determined a person to be a bona fide motor-vehicle manufacturer, such person is eligible to obtain duty-free importation of certain Canadian articles and to issue certain orders, contracts, or letters of intent under or pursuant to which other persons, not themselves bona fide motor-vehicle manufacturers, may obtain duty-free treatment for such Canadian Articles. The responsibilities of the Secretary of Commerce relating to the development, maintenance and publication of a list of "bona fide motor-vehicle manufacturers" and the authority to promulgate rules and regulations pertaining thereto, were delegated to the Administrator, Business and Defense Services Administration, Department of Commerce, by Department Order No. 152, as amended, December 3, 1965.

§ 301.2 Definitions.

For the purposes of the regulations in this part and the forms issued to implement it:

(a) The term "Act" shall mean the Automotive Products Trade Act of 1965 (Public Law 89–283, 79 Stat. 1016).

(b) The term "Administrator" means the Administrator of the Business and Defense Services Administration, Department of Commerce.

(c) The term "motor vehicle" means a motor vehicle of a kind described in item 692.05 or 692.10 of Subpart B, Part 6, schedule 6, of the Tariff Schedules of the United States (excluding an electric trolley bus and a three-wheeled vehicle) or an automobile truck tractor.

(d) The term "bona fide motor-vehicle manufacturer" means a person who, upon application to the Administrator under this part, is determined by the Administrator to have produced no fewer than 15 complete motor vehicles in the United States during the 12-month period preceding the date certified in the application, and to have had as of such date installed capacity in the United States to produce 10 or more complete motor vehicles per 40-hour week. A person shall only be regarded as having had the capacity to produce a complete motor vehicle if his operations included the assembly of two or more major components (e.g., the attachment of a body to a chassis) to create a new motor vehicle ready for use.

(e) The term "person" includes any individual, corporation, partnership, association, company, or any other kind of organization.

(f) The term "United States" includes only the States, the District of Columbia, and Puerto Rico.

§ 301.3 Application.

(a) Any person in the United States desiring to be determined a bona fide motor-vehicle manufacturer shall apply to the Administrator by filing two copies of Form BDSAF 725 in accordance with the instructions set forth on the form and in this part. Application forms may be obtained from the Administrator, any field office of the U.S. Department of Commerce, or from U.S. Collectors of Customs, and should be mailed or delivered to the:

Office of the Administrator, Business and Defense Services Administration, U.S. Department of Commerce, Washington, D.C., 20230.

§ 301.4 Determination by the Administrator.

(a) As soon as practicable after receipt of the application, the Administrator shall determine whether an applicant has produced no fewer than 15 complete motor vehicles in the United States during the 12-month period preceding the date after January 17, 1965, certified in the application and as of such date, had installed capacity in the United States to produce 10 or more complete motor vehicles per 40-hour week. The Administrator may request such additional data from an applicant as he may deem appropriate to establish whether the applicant has satisfied the requirements of this part.

(b) A determination by the Administrator under this part shall be effective for a 12-month period to begin on the date as of which the Administrator determines that the applicant qualified under this part. Within 60 days prior to the termination of such period, a bona fide motor-vehicle manufacturer may apply for another determination under this part.

(c) The Administrator will promptly notify each applicant in writing of the final action taken on his application.

§ 301.5 Maintenance and publication of a list of bona fide motor-vehicle manufacturers.

(a) The Administrator shall maintain, and publish from time to time in the FEDERAL REGISTER, a list of the names and addresses of bona fide motor-vehicle manufacturers, and the effective dates for each determination.

This regulation shall become effective upon publication in the FEDERAL REGISTER.

Dated December 7, 1965.

A. A. BERTSCH,
Acting Administrator, Business and Defense Services Administration.

[F.R. Doc. 65–13233; Filed, Dec. 9, 1965; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 65-CE-72]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On September 10, 1965, a rule was published in the FEDERAL REGISTER (30 F.R. 11597) effective February 3, 1966, which designated the Alpena, Michigan, control zone as that airspace:

Within a 5-mile radius of Phelps-Collins Airport, Alpena, Mich. (latitude 45°05'00" N., longitude 83°33'30" W.); within 2 miles each side of the Alpena VOR 346° radial, extending from the 5-mile radius zone to 8 miles N of the VOR; within 2 miles each side of the Alpena VOR 186° radial, extending from the 5-mile radius zone to 8 miles S of the VOR; within 2 miles each side of the Alpena VOR 306° radial, extending from the 5-mile radius zone to 8 miles NW of the VOR; and within 2 miles each side of the 360° and 180° bearings from the Alpena RBN extending from the 5-mile radius zone to 8 miles N of the RBN. This control zone shall be effective during the specific dates and times established in advance by a notice to airmen and continuously published in the Airman's Information Manual.

Since publication of the foregoing designation, the Air Force has modified its procedures which use the Alpena radio beacon. These modifications eliminate the requirement for a control zone extension north of the radio beacon. This results in a reduction in size of the Alpena control zone. Inasmuch as this amendment is less restrictive and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., February 3, 1966, as hereinafter set forth.

In § 71.171 (29 F.R. 17581) the Alpena, Michigan, control zone is amended to read:

ALPENA, MICH.

Within a 5-mile radius of Phelps-Collins Airport, Alpena, Mich. (latitude 45°05'00" N., longitude 83°33'30" W.); within 2 miles each side of the Alpena VOR 346° radial, extending from the 5-mile radius zone to 8 miles N of the VOR; within 2 miles each side of the Alpena VOR 186° radial, extending from the 5-mile radius zone to 8 miles S of the VOR; within 2 miles each side of the Alpena VOR 306° radial, extending from the 5-mile radius zone to 8 miles NW of the VOR; and within 2 miles each side of the 180° bearing from the Alpena RBN, extending from the 5-mile radius zone to the RBN. This control zone shall be effective during the specific dates and/or times established in advance by a notice to airmen and continuously published in the Airman's Information Manual.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on December 2, 1965.

DONALD S. KING,
Acting Director, Central Region.

[F.R. Doc. 65-13201; Filed, Dec. 9, 1965; 8:45 a.m.]

[Airspace Docket No. 64-EA-25]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration and Designation of Control Zone and Transition Areas

On page 10954 of the FEDERAL REGISTER for August 24, 1965, the Federal Aviation Agency published proposed regulations which would alter the Columbus, Ohio, control zone; designate 700-foot floor transition areas over Columbus Municipal Airport, Columbus, Ohio, Anchor Hocking Airport, Lancaster, Ohio, and Ohio University Airport, Athens, Ohio; designate a 1,200-foot floor Columbus, Ohio, transition area.

Interested parties were given 45 days after publication in which to submit written data or views. The Aircraft Owners and Pilots Association submitted comments which questioned the size of the 700- and 1,200-foot transition areas and also the northeast extension of the control zone. The control zone objection is answered to a certain extent in that since the publication of the notice, certain changes in the operational activity of the Air Force have permitted changes to the control zone. It is intended to eliminate the control zone based on the 094° true bearing from Price Airport. Further the northeast extension will be reduced from 11.5 to 6.5 statute miles. Further the southwest extension will be premised on the TACAN facility. As to the transition areas, a review of the criteria does not permit relaxation of the controlled airspace. The proposed controlled airspace was to protect both IFR, en route and holding operations. IFR radar procedures in the Columbus area are authorized within a 50 NM radius of the Columbus Airport and the transition area envisioned will contain some 25 holding patterns.

In view of the foregoing, the proposed regulations are adopted effective 0001 e.s.t., February 3, 1966, except as follows:

In the text of the Columbus, Ohio, control zone, delete all after the phrase "the Columbus RBN to the Lockbourne AFB;" and insert in lieu thereof, "within 2 miles each side of the Lockbourne TACAN 229° radial extending from the Lockbourne AFB 5-mile radius area to 8 miles southwest of the TACAN; within 2 miles each side of the Lockbourne AFB northeast localizer course extending from the Lockbourne AFB 5-mile radius area to the Lockbourne OM including that airspace within a 1-mile radius of the center, 39°53'10" N., 82°57'55" W., of South Columbus Airport, Columbus, Ohio, and a ½-mile radius of the center, 39°54'20" N., 82°51'20" W., of Esselburne Airport.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N.Y., on November 30, 1965.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Columbus, Ohio, Control Zone and insert in lieu thereof:

COLUMBUS, OHIO

Within a 5-mile radius of the center, 39°59'30" N., 82°53'20" W., of Columbus Municipal Airport, Columbus, Ohio; within a 5-mile radius of the center, 39°48'50" N., 82°55'40" W., of Lockbourne AFB, Columbus, Ohio; within 2 miles each side of the Columbus runway 10L ILS localizer extending from the 5-mile radius zone to the runway 10L OM; within 2 miles each side of the Columbus runway 10R ILS localizer course extending from the 5-mile radius zone to 6.5 miles W of the runway 10R localizer; within 2 miles each side of the Columbus runway 28L ILS localizer course extending from the 5-mile radius zone to the runway 28L OM; within 2 miles either side of a direct line extending from the Columbus RBN to the Lockbourne AFB within 2 miles each side of the Lockbourne TACAN 229° radial extending from the Lockbourne AFB 5-mile radius area to 8 miles southwest of the TACAN; within 2 miles each side of the Lockbourne AFB 5-mile radius area to the Lockbourne OM including that airspace within a 1-mile radius of the center, 39°53'10" N., 82°57'55" W., of South Columbus Airport, Columbus, Ohio and a ½-mile radius of the center, 39°54'20" N., 82°51'20" W., of Esselburne Airport.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700- and 1,200-foot floor Columbus, Ohio, Transition Area described as follows:

COLUMBUS, OHIO

That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, 39°59'30" N., 82°53'20" W., of Columbus Municipal Airport, Columbus, Ohio; within a 14-mile radius of the center, 39°48'50" N., 82°55'40" W., of Lockbourne AFB, Columbus, Ohio; within a 5-mile radius of the center, 39°45'25" N., 82°39'35" W., of Anchor Hocking Airport, Lancaster, Ohio; within 2 miles each side of the Lockbourne VOR 088° radial extending from the Anchor Hocking Airport 5-mile radius area to 8 miles E of the VOR; that airspace within a line from 39°49'35" N., 82°37'30" W., to 40°00'00" N., 82°32'30" W., to 40°10'00" N., 82°32'30" W. to 40°10'10" W., 82°53'20" W.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: 40°27'28" N., 82°07'37" W. to 39°52'25" N., 82°13'00" W. to 39°40'00" N., 82°00'00" W. to 39°40'00" N., 81°47'00" W. to 39°00'00" N., 81°43'40" W. to 39°00'00" N., 83°00'00" W. to 38°45'00" N., 83°30'00" W. to 38°30'00" N., 83°18'15" W. to 38°30'00" N., 83°30'00" N., 83°59'00" W. to 39°19'00" N., 83°59'00" W., 39°19'00" N., 84°00'00" W. to 39°05'00" N., 83°30'00" W. to 40°00'00" N., 83°15'00" W. to 40°30'00" N., 83°50'00" W. to 40°30'00" N., 83°10'00" W. to point of beginning.

3. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor Athens, Ohio, Transition Area described as follows:

ATHENS, OHIO

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 39°20'09" N., 82°04'16" W., of Ohio University Airport, Athens, Ohio, and within 2 miles each side of the 069° bearing from the Athens RBN extending from the 6-mile radius area to 8 miles E of the RBN.

[F.R. Doc. 65-13202; Filed, Dec. 9, 1965; 8:45 a.m.]

[Airspace Docket No. 64-EA-37]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration and Designation of Control Zones and Transition Areas

On pages 6793 and 6794 of the FEDERAL REGISTER dated May 19, 1965, as amended on pages 13237 and 13238 of the FEDERAL REGISTER dated October 16, 1965, the Federal Aviation Agency published proposed regulations which would alter the Albany and Glens Falls, N.Y., transition areas, the Albany, Schenectady, and Glens Falls, N.Y., control zones; designate 700-foot above ground transition areas over Pittsfield Airport, Pittsfield, Mass., and Rutland Airport, Rutland, Vt.; revoke the Albany, N.Y., control area extension and the transition areas of Cambridge and Middlegrove, N.Y. A 700-foot above ground Albany, N.Y., transition area would also be designated.

Interested parties were given 45 days after publication in which to submit written data or views. The Soaring Society of America objected to the 1,200-foot Albany transition area on the grounds that the designation would now hamper their glider training flights which apparently commence at 3,000 feet above ground over the airport. They indicate that the transition area would henceforth require that they have 3 miles of visibility. A review of the controlled airspace in the vicinity of and over the Ballston Spa Airport establishes that it is circumscribed by Victor Airway 203 and 490 as well as a portion of the Albany control area extension. Further, this controlled airspace comes to 700 feet above the airport. Thus, the proposed rule would relax the airspace by raising the floor to 1,200 feet above the airport. No other objections were received to the proposed regulations.

It has also been determined that a minor change is necessary to the control zone by adding a mile to the extension based on the Glenville 037° bearing. Further, the effective hours of operation of the control area will be changed by moving the period ahead 1 hour. Since these changes are minor in nature, notice and public procedure thereon are unnecessary.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., February 3, 1966 except as follows:

1. Under Item 3 in the text of the Schenectady, N.Y., control zone, delete the number, "6" in the phrase, "6 miles northeast of the RBN" and insert in lieu thereof the number, "7".

2. Under Item 3 in the text material, delete the phrase, "0600 to 2200 hours", and insert in lieu thereof, "0700 to 2300 hours".

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N.Y., on November 30, 1965.

MARTIN J. WHITE,
Acting Director, Eastern Region.

3. *Schenectady, N.Y.*

Within a 5-mile radius of the center, 42°51'13" N., 73°55'48" W., of Schenectady County Airport, Schenectady, N.Y.; within 2 miles each side of the Glenville RBN 037° bearing extending from the 5-mile radius zone to 7 miles northeast of the RBN; within 2 miles each side of the centerline of Runway 28 extended from the 5-mile radius zone to 9 miles west of the end of the runway; and within 2 miles each side of the centerline of Runway 33 extended from the 5-mile radius zone to 5 miles northwest of the end of the runway, excluding that portion coinciding with the Albany, N.Y., Control Zone. This control zone is effective from 0700 to 2300 hours local time, daily.

4. *Glens Falls, N.Y.*

Within a 5-mile radius of the center, 43°20'32" N., 73°36'35" W., of Warren County Airport, Glens Falls, N.Y.; within 2 miles each side of the centerline of Runway 30 extended from the 5-mile radius zone to 11 miles west of the end of the runway; within 2 miles each side of the centerline of Runway 1 extended from the 5-mile radius zone to 12 miles north of the end of the runway; and within 2 miles each side of the Glens Falls VOR 005° radial extending from the 5-mile radius zone to 12 miles north of the VOR.

[F.R. Doc. 65-13203; Filed, Dec. 9, 1965; 8:45 a.m.]

[Airspace Docket No. 65-WE-96]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On September 28, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 12360) stating that the Federal Aviation Agency proposed to alter the time of designation of the Crows Landing, Calif., control zone.

The proposal would alter the time of designation of the part time control zone from 0800 to 0100 hours, local time daily, Monday through Friday, to 0800 to 1630 hours local time daily, Monday through Friday. Additionally, it would permit minor variations in the time of designation.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all relevant matter presented.

The Aircraft Owners and Pilots Association was opposed to the proposed action as they believed frequent changes in the control zone would make charting of current information difficult. AOPA further recommended that changes in the designation of part time control zones be coincident with the publication of appropriate aeronautical charts.

The time of designation will be depicted on aeronautical charts as 0800 to 1630 hours, local time daily, Monday through Friday, and times published in NOTAMS and the Airman's Information Manual. Depiction of the time of designation in this manner will resolve any concern over frequent aeronautical chart changes.

This amendment relaxes a prior requirement and it is desired to make the final rule effective in less than 30 days from publication in the FEDERAL REGISTER. For the reason stated above, the Administrator finds that good cause exists for making this amendment effective on less than 30 days' notice.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 6, 1966, as hereinafter set forth.

In § 71.171 (30 F.R. 3352), the Crows Landing, Calif., control zone is amended to read:

CROWS LANDING, CALIF.

Within a 5-mile radius of ALF Crows Landing (latitude 37°24'35" N., longitude 121°-06'40" W.), excluding the portion within a 1-mile radius of Patterson Field, Patterson, Calif. (latitude 37°28'05" N., longitude 121°-10'06" W.). This control zone will be effective from 0800 to 1630 hours, local time daily, Monday through Friday and times established in advance by a notice to airmen and continuously published in the Airman's Information Manual. The portion within R-2528 would be used only after obtaining prior approval from appropriate authority.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348))

Issued in Los Angeles, Calif., on December 2, 1965.

JOSEPH H. TIPPETS,
Director, Western Region.

[F.R. Doc. 65-13219; Filed, Dec. 9, 1965; 8:47 a.m.]

[Airspace Docket No. 65-WE-111]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Bellingham, Wash., control zone.

A Bellingham control zone extension is presently designated with reference to the Bellingham Radio Range. This facility is being decommissioned and the prescribed instrument approach procedure is being canceled. Therefore, action is taken herein to revoke the control zone extension based on this facility.

Since this amendment imposes no additional burden on any person, notice and public procedure hereon is unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., February 3, 1966, as hereinafter set forth.

In § 71.171 (30 F.R. 8999) the Bellingham, Wash., control zone is amended to read:

BELLINGHAM, WASH.

Within a 5-mile radius of Bellingham Municipal Airport (latitude 48°47'40" N., longitude 122°32'10" W.); within 2 miles each side of the Bellingham VOR 169° radial, extending from the 5-mile radius zone to 1 mile S of the VOR.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348))

Issued in Los Angeles, Calif., on December 1, 1965.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 65-13220; Filed, Dec. 9, 1965; 8:47 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 7011; Amdt. 455]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
New Hampton Int	Charles City RBn	Direct	2700	T-dn*	300-1	300-1	200-½
				C-d	600-1	600-1	600-1½
				C-n*	600-1½	600-1½	600-2
				S-dn-12*	600-1	600-1	600-1
				A-dn	NA	NA	NA

Procedure turn N side of crs, 308° Outbnd, 128° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1700′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of the CCY RBn, make left-climbing turn to 2600′ on the 308° bearing from the CCY RBn within 10 miles.
NOTE: Obtain Mason City altimeter setting.
*Night takeoffs and landings authorized on Runways 12, 30 only.
MSA within 25 miles of facility: 000°-360°—2600′.

City, Charles City; State, Iowa; Airport name, Charles City Municipal; Elev., 1130′; Fac. Class., MHW; Ident., CCY; Procedure No. 1, Amdt. Orig.; Eff. date, 9 Dec. 65

Porter Int	LOM	Direct	1800	T-dn%	300-1	300-1	200-½
Walls Int	LOM	Direct	1800	C-dn	500-1	500-1	500-1½
Waverly Int	LOM (final)	Direct	1700	S-dn-9	400-1	400-1	400-1
Kerrville Int	LOM	Direct	1800	A-dn	800-2	800-2	800-2
Memphis VORTAC	LOM	Direct	1900				

Radar available.
Procedure turn S side W crs, 267° Outbnd, 087° Inbnd, 1800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 087°—4.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles after passing ME LOM, climb to 1900′ on crs, 087° within 15 miles or, when directed by ATC, turn right, climb to 1900′ on R 109°, MEM VORTAC within 15 miles.
NOTE: TDZ-35, CL 35/17, VASI 27.
Other change: Deletes transitions from Oakville Int and Bruins RBn.
%AIR CARRIER NOTE: Takeoff with less than 200-½ not authorized on Runways 14-32.
MSA within 25 miles of facility: 000°-090°—2400′; 090°-180°—1700′; 180°-270°—1700′; 270°-360°—1700′.

City, Memphis; State, Tenn.; Airport name, Memphis Metropolitan; Elev., 331′; Fac. Class., LOM; Ident., ME; Procedure No. 1, Amdt. 14; Eff. date, 9 Dec. 65; Sup. Amdt. No. 13; Dated, 6 Feb. 65

Independence Int	LOM	Direct	1900	T-dn#	300-1	300-1	200-½
Coldwater Int	LOM	Direct	1900	C-dn	500-1	500-1	500-1½
Walls Int	LOM	Direct	1900	S-dn-35*	500-1	500-1	500-1
Porter Int	LOM	Direct	1900	A-dn	800-2	800-2	800-2

Radar available.
Procedure turn E side of crs, 174° Outbnd, 354° Inbnd, 1900′ within 10 miles.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 354°—4.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing TS LOM, climb to 2500′ on crs of 354° within 15 miles or, when directed by ATC, turn left, climb to 1800′ on R 257°, MEM VORTAC within 15 miles.
NOTE: TDZ-35, CL 35/17, VASI 27.
Other change: Deletes transition from MEM VOR.
*Reduction below ¾ mile (RVR 4000′) not authorized.
#AIR CARRIER NOTE: Takeoff with less than 200-½ not authorized on Runways 14-32.
MSA within 25 miles of facility: 000°-090°—2400′; 090°-180°—1700′; 180°-270°—1600′; 270°-360°—1800′.

City, Memphis; State, Tenn.; Airport name, Memphis Metropolitan; Elev., 331′; Fac. Class., LOM; Ident., T8; Procedure No. 2, Amdt. 6; Eff. date, 9 Dec. 65; Sup. Amdt. No. 5; Dated, 27 Mar. 65

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
	-			T-dn%	2500-2	2500-2	2500-2
				C-dn	3000-2	3000-2	3000-2
				A-dn	3500-3	3500-3	3500-3

Procedure turn N side of crs, 276° Outbnd, 096° Inbnd, 8000′ within 10 miles. Beyond 10 miles not authorized (nonstandard due to terrain S).
Minimum altitude over facility on final approach crs, 6500′.
Crs and distance, facility to airport, 121°—1.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.4 miles after passing MSO RBn, turn right and climb to 9000′ on a crs of 276° from MSO RBn within 10 miles.
NOTE: Final approach from holding pattern at the RBn not authorized. Procedure turn required.
%Takeoff all runways: Aircraft departing via airways climb clear of clouds over the airport to 1500′; continue climb in a right-hand holding pattern within 6 miles of the VOR on R 282° or within 5 miles of the RBn on 280° magnetic bearing from the RBn to depart the facility on crs at 7,500′ or above. All turns S of crs.
MSA within 25 miles of facility: 045°-135°—8800′; 135°-225°—10,000′; 225°-315°—9000′; 315°-045°—11,000′.

City, Missoula; State, Mont.; Airport name, Missoula County; Elev., 3203′; Fac. Class., H-SAB; Ident., MSO; Procedure No. 1, Amdt. 4; Eff. Date, 11 Dec. 65; Sup. Amdt. No. 3; Dated, 24 July 65

Mobile VORTAC	LOM	Direct	1600	T-dn	300-1	300-1	200-½
Brookley VORTAC	LOM	Direct	1600	C-dn	400-1	500-1	500-1½
				S-dn-14	400-1	400-1	400-1
				A-dn	800-3	800-2	800-2

Radar available.
Procedure turn W side of crs, 320° Outbnd, 140° Inbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 140°—4.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing LOM, make right turn, climb to 1800′ on 180° crs from LOM within 20 miles or, when directed by ATC, make right turn, proceed direct to MOB VORTAC climbing to 1800′ and enter holding pattern.
MSA within 25 miles of facility: 000°-090°—2400′; 090°-180°—2400′; 180°-270°—1500′; 270°-360°—1600′.

City, Mobile; State, Ala.; Airport name, Bates Field; Elev., 215′; Fac. Class., LOM; Ident., Mo; Procedure No. 1, Amdt. 17; Eff. date, 11 Dec. 65; Sup. Amdt. No. 16; Dated, 29 May 65

2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 149° Outbnd, 329° Inbnd, 1900′ within 10 miles.*
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 329°—5.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing CAE VORTAC, climb to 2000′ on R 329° within 10 miles.
*When authorized by ATC, DME may be used within 15 miles at 1900′ in all directions to position aircraft for final approach with the elimination of a procedure turn.
MSA within 25 miles of facility: 000°-090°—2900; 090°-180°—1700′; 180°-270°—1800′; 270°-360°—2000′.

City, Columbia; State, S.C.; Airport name, Columbia Metropolitan; Elev., 236′; Fac. Class., BVORTAC; Ident., CAE; Procedure No. 1, Amdt. 8; Eff. date, 11 Dec. 65; Sup. Amdt. No. 7; Dated, 4 May 63

				T-dn*	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-35#	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn E side of crs, 166° Outbnd, 346° Inbnd, 1900′ within 10 miles.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 346°—5.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing MEM VORTAC, climb to 2500′ on R 356° within 15 miles or, when directed by ATC, turn left and climb to 1900′ on R 257° within 15 miles.
NOTES: (1) TDZ-35, CL 35/17, VASI 27. (2) When authorized by ATC, DME may be used from R 125° through R 215° within 25 miles at 1900′ to position aircraft for a straight-in approach with the elimination of the procedure turn.
*AIR CARRIER NOTE: Takeoff with less than 200-½ not authorized on Runways 14-32.
#Reduction below ¾ mile (RVR 4000′), not authorized.
MSA within 25 miles of the facility: 000°-090°—2400′; 090°-180°—1700′; 180°-270°—1600′; 270°-360°—1800′.

City, Memphis; State, Tenn.; Airport name, Memphis Metropolitan; Elev., 331′; Fac. Class., BVORTAC; Ident., MEM; Procedure No. 1, Amdt. 18; Eff. date, 9 Dec. 65; Sup. Amdt. No. 17; Dated, 6 Feb. 65

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
15-mile DME Fix, R 348°----	Central Int/Radar (final)----	Direct----	1300	T-dn*----	300-1	300-1	200-½
				C-dn----	500-1	500-1	500-1½
				S-dn-17#----	400-1	400-1	400-1
				A-dn----	800-2	800-2	800-2

Radar available.
Procedure turn W side of crs, 348° Outbnd, 168° Inbnd, 1800′ within 10 miles of Central Int/Radar.
Minimum altitude over Central Int/Radar on final approach crs, 1300′.
Crs and distance, Central Int/Radar to airport, 168°—3.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 miles after passing Central Int/Radar, climb to 1900′ on R 185° within 15 miles or, when directed by ATC, turn left and climb to 1900′ on R 109° within 15 miles.
NOTES: (1) TDZ–35, CL 35/17, VASI 27. (2) When authorized by ATC, DME may be used from R 270° through R 357° within 25 miles at 1800′ to position aircraft for a straight-in approach with the elimination of the procedure turn.
*AIR CARRIER NOTE: Takeoff with less than 200-½ not authorized on Runways 14-32.
#400-¾ authorized, with operative, high-intensity runway lights, except for 4-engine turbojets.
MSA within 25 miles of facility: 090°–050°—2400′; 050°–180°—1700′; 180°–270°—1600′; 270°–360°—1800′.

City, Memphis; State, Tenn.; Airport name, Memphis Tenn.; Elev., 331′; Fac. Class., BVORTAC; Ident., MEM; Procedure No. 2, Amdt. Orig.; Eff. date, 9 Dec. 65

MSO RBn----	VOR----	Direct----	8000	T-dn%----	2500-2	2500-2	2500-2
				C-dn----	3300-2	3300-2	3300-2
				A-dn----	3500-3	3500-3	3500-3
				If aircraft equipped with VOR and ADF and Primrose Int received, the following minimums apply:			
				C-dn----	3000-2	3000-2	3000-2

Procedure turn N side of crs, 278° Outbnd, 098° Inbnd, 8000′ within 10 miles. Beyond 10 miles not authorized. Nonstandard due to terrain S.
Minimum altitude over Primrose Int on final approach crs, 6500′.
Crs and distance, Primrose Int to airport, 098°—3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of VOR, turn right and climb to 9000′ on R 273°, MSO VOR, within 15 miles.
NOTE: Final approach from holding pattern at the VOR not authorized. Procedure turn required.
CAUTION: High terrain SW of missed approach turn area.
%Takeoff all runways: Aircraft departing via airways climb clear of clouds over the airport to 1500′, continue climb in a right-hand holding pattern within 6 miles of the VOR on R 282° or within 5 miles of the RBn on 280° magnetic bearing from the RBn to depart the facility on crs at 7,500′ or above. All turns S of crs.
MSA within 25 miles of facility: 045°–135°—8800′; 135°–225°—10,600′; 225°–315°—9000′; 315°–045°—11,000′.

City, Missoula; State, Mont.; Airport name, Missoula County; Elev., 3203′; Fac. Class., BVORTAC; Ident., MSO; Procedure No. 1, Amdt. 6; Eff. date, 11 Dec. 65; Sup. Amdt. No. 5; Dated, 24 July 65

				T-dn----	300-1	300-1	200-½
				C-d----	500-1	500-1	500-1½
				C-n----	500-2	500-2	500-2
				S-d-9*----	500-1	500-1	500-1
				S-n-9#----	500-2	500-2	500-2
				A-dn----	800-2	800-2	800-2
				If aircraft has operating ADF or DME receivers and Lake Int is identified, the following minimums are authorized:			
				C-dn----	400-1	500-1	500-1½
				S-dn-9----	400-1	400-1	400-1

Radar available.
Procedure turn S side of crs, 288° Outbnd, 108° Inbnd, 1800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′; over Lake Int, 700′.
Crs and distance, facility to airport, 108°—6.3 miles; Lake Int to airport, 108°—3.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 miles after passing MOB VORTAC, turn right, climb to 1800′ on MOB VORTAC, R 180° within 20 miles or, when directed by ATC, turn left, climb to 1800′ on MOB VORTAC, R 059° within 20 miles.
NOTE: When authorized by ATC, DME may be used within 20 miles at 1800′ to position aircraft for a straight-in approach with the elimination of a procedure turn.
*Reduction of landing visibility below ¾ mile not authorized.
#Reduction of landing visibility not authorized.
MSA within 25 miles of the facility: 000°–090°—1900′; 090°–180°—1900′; 180°–270°—1500′; 270°–360°—1600′.

City, Mobile; State, Ala.; Airport name, Bates Field; Elev., 215′; Fac. Class., BVORTAC; Ident., MOB; Procedure No. 1, Amdt. 15; Eff. date, 11 Dec. 65; Sup. Amdt. No. 14; Dated, 29 May 65

				T-dn----	300-1	300-1	200-½
				C-dn----	500-1	500-1	500-1½
				S-dn-29*----	500-1	500-1	500-1
				A-dn----	800-2	800-2	800-2

Procedure turn N side crs, 109° Outbnd, 289° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 289°—5.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.9 miles after passing MSL VOR, climb to 2200′, turn left and return to MSL VOR or, when directed by ATC, climb to 2200′ on R 294°, MSL VOR within 10 miles.
CAUTION: Transmission line poles, 654′ located 1.5 miles E of approach end of Runway 29.
*Reduction of landing visibility below ¾ mile not authorized.
MSA within 25 miles of facility: 000°–360°—2200′.

City, Muscle Shoals; State, Ala.; Airport name, Muscle Shoals; Elev., 548′; Fac. Class., BVOR; Ident., MSL; Procedure No. 1, Amdt. 15; Eff. date, 11 Dec. 65; Sup. Amdt. No. 14; Dated, 10 Apr. 65

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn----	300-1	300-1	200-½
				C-dn----	500-1	500-1	500-1½
				S-dn-12#----	500-1	500-1	500-1
				A-dn----	800-2	800-2	800-2

Procedure turn S side of crs, 275° Outbnd, 095° Inbnd, 1800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 095°—4.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing PIA VOR, make right turn climbing to 1800′. Return to Peoria VOR or, when directed by ATC, make left turn, climbing to 2400′, proceed to Bradley Int.
CAUTION: Unlighted high tension towers between facility and airport.
#Reduction in minimums for HIRL's not authorized. Reduction below ¾ mile not authorized.
MSA within 25 miles of facility: 000°–180°—2400′; 180°–360°—2000′.

City, Peoria; State, Ill.; Airport name, Greater Peoria; Elev., 659′; Fac. Class., BVORTAC; Ident., PIA; Procedure No. 1, Amdt. 7; Eff. date, 11 Dec. 65; Sup. Amdt. No. 6; Dated, 7 Mar. 64

PROCEDURE CANCELED, EFFECTIVE 9 DEC. 1965.

City, Spartanburg; State, S.C.; Airport name, Spartanburg Downtown Municipal; Elev., 816′; Fac. Class., BVORTAC; Ident., SPA; Procedure No. 1, Amdt. 3; Eff. date, 1 May 65; Sup. Amdt. No. 2; Dated, 25 May 63

				T-d----	300-1	NA	NA
				C-d----	600-1	NA	NA
				S-d-27----	600-1	NA	NA
				A-d*----	NA	NA	NA
				If aircraft is equipped with operating VOR/DME and Doria 4-mile DME Fix is received, minimums become:			
				C-d----	400-1	NA	NA
				S-d----	400-1	NA	NA

Radar available.
Procedure turn S side of crs, 091° Outbnd, 271° Inbnd, 1800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′; at 4-mile DME Fix, 900′.
Crs and distance, facility to airport 271°—8.3 miles; 4-mile DME Fix to airport, 271°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.3 miles after passing UBS VORTAC, climb to 1800′ on R 271°, UBS VORTAC within 20 miles.
NOTES: (1) When authorized by ATC, DME may be used within 20 miles at 1800′ to position aircraft for a straight-in approach with the elimination of a procedure turn. (2) Aircraft will cancel IFR with UBS approach control prior to landing and upon reaching visual flight conditions. (3) Aircraft will not take off without prior ATC approval.
MSA within 25 miles of facility: 000°–360°—1900′.

City, Starkville; State, Miss.; Airport name, Oktibbeha; Elev., 250′; Fac. Class., L-BVORTAC; Ident., UBS; Procedure No. 1, Amdt. Orig.; Eff. date, 9 Dec. 65

3. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Scotland VOR----	BMG VOR----	Direct----	2300	T-dn----	300-1	300-1	200-½
Spencer Int----	BMG VOR----	Direct----	2300	C-dn----	600-1	600-1	600-1½
Paragon Int----	BMG VOR----	Direct----	2300	S-dn-6----	600-1	600-1	600-1
Wilbur Int----	BMG VOR----	Direct----	2300	A-dn#----	800-2	800-2	800-2

Procedure turn S side of crs, 235° Outbnd, 055° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 1440′.
Crs and distance, breakoff point to Runway 6, 060°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of BMG VOR, climb to 2300′ on R 055° and return to BMG VOR.
#Alternate minimums apply only during hours of control zone operation or for air carriers with approved weather reporting service.
MSA within 25 miles of facility: 000°–090°—2500′; 090°–180°—2300′; 180°–270°—2200′; 270°–360°—2100′.

City, Bloomington; State, Ind.; Airport name, Monroe County; Elev., 840′; Fac. Class., BVOR; Ident., BMG; Procedure No. TerVOR-6, Amdt. 3; Eff. date, 11 Dec. 65; Sup. Amdt. No. 2; Dated, 21 Aug. 65

Scotland VOR----	BMG VOR----	Direct----	2300	T-dn----	300-1	300-1	200-½
Spencer Int----	BMG VOR----	Direct----	2300	C-dn----	700-1	700-1	700-1½
Paragon Int----	BMG VOR----	Direct----	2300	S-dn-24----	700-1	700-1	700-1
Wilbur Int----	BMG VOR----	Direct----	2300	A-dn#----	800-2	800-2	800-2

Procedure turn N side of crs, 071° Outbnd, 251° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 1540′.
Crs and distance, breakoff point to Runway 24, 251°—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing BMG VOR, climb to 2300′, southwestbound on BMG VOR R 251° and return to the BMG VOR.
#Alternate minimums apply only during hours of control zone operation or for air carriers with approved weather reporting service.
MSA within 25 miles of facility: 000°–090°—2500′; 090°–180°—2300′; 180°–270°—2200′; 270°–360°—2100′.

City, Bloomington; State, Ind.; Airport name, Monroe County; Elev., 840′; Fac. Class., BVOR; Ident., BMG; Procedure No. TerVOR-24, Amdt. 2; Eff. date, 11 Dec. 65; Sup. Amdt. No. 1; Dated, 21 Aug. 65

4. By amending the following very high frequency omnirange—distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
MSO VOR	6-mile DME Fix, R 282°	Direct	8300	T-dn%	1500–2	1500–2	1500–2
MSO RBn	MSO VOR	Direct	8300	C-dn**	1500–2	1500–2	1500–2
				A-dn	2000–3	2000–3	2000–3

Procedure turn W side of crs, 282° Outbnd, 102° Inbnd, 8300′ between 6- and 16-mile DME Fix, R 282.°
Minimum altitude over 6-mile DME Fix, R 282° on final approach crs, 6300′.
Crs and distance, 6-mile DME Fix, R 282° to airport, 102°—5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 1-mile DME Fix, R 282°, climb to 8300′ in right-hand holding pattern between the 6-mile DME Fix, R 282° and the VOR, all turns S of crs.
NOTES: (1) When authorized by ATC, DME may be used to position aircraft on final approach crs at 8300′ between radials, 278° clockwise to 282° via 16-mile DME Arc with the elimination of procedure turn. (2) Final approach from holding pattern at the 6-mile DME Fix, R 282 not authorized. Procedure turn required.
%Takeoff all runways: Aircraft departing via airways climb clear of clouds over the airport to 1500′, continue climb in a right-hand holding pattern within 6 miles of the VOR on R 282° or within 5 miles of the RBn on 280° magnetic bearing from the RBn to depart the facility on crs at 7500′ or above. All turns S of crs.
**Circling N of airport not authorized.
MSA within 25 miles of the facility: 045°–135°—8800′; 135°–225°—10,600′; 225°–315°—9000′; 315°–045°—11,000′.

City, Missoula; State, Mont.; Airport name, Missoula County; Elev., 3203′; Fac. Class., BVORTAC; Ident., MSO; Procedure No. VOR/DME No. 1, Amdt. 1; Eff. date, 11 Dec. 65; Sup. Amdt. No. Orig.; Dated, 15 Dec. 64

				T-dn	300–1	300–1	200–½
				C-d	600–1	600–1	600–1½
				C-n	600–2	600–2	600–2
				S-d-17*	600–1	600–1	600–1
				S-n-17*	600–2	600–2	600–2
				A-dn	800–2	800–2	800–2
				If aircraft equipped with VOR/DME and Valley 3-mile DME Fix received, the following minimums apply:			
				C-dn	500–1	500–1	500–1½
				S-dn-17**	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Procedure turn E side of crs, 016° Outbnd, 196° Inbnd, 2800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1900′.
Minimum altitude over Valley 3-mile DME Fix, 1500′.
Crs and distance, Valley 3-mile DME Fix to airport, 196°—4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7 miles after passing SPA VORTAC, climb to 2300′ on R 196° within 15 miles or when directed by ATC, make left-climbing turn to 2800′, returning to SPA VORTAC via R 196°.
*Reduction in landing visibility not authorized.
**Reduction of landing visibility below ¾ mile not authorized.
MSA within 25 miles of facility: 000°–090°—4500′; 090°–180°—2100′; 180°–270°—4200′; 270°–360°—6000′.

City, Spartanburg; State, S.C.; Airport name, Spartanburg Downtown Memorial; Elev., 816′; Fac. Class., BVORTAC; Ident., SPA; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. date, 9 Dec. 65

5. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots

PROCEDURE CANCELED, EFFECTIVE 11 DEC. 1965.

City, Chicago; State, Ill.; Airport name, Chicago-O'Hare International; Elev., 667′; Fac. Class., ILS; Ident., I-OHA; Procedure No. ILS-32R (back crs), Amdt. 5; Eff. date, 26 June 65; Sup. Amdt. No. 4; Dated, 30 Jan. 65

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
CGT VOR	Park Int	Via CGT, R 350° and SE crs, IDN ILS.	3500	T-dn%	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-32R*	400–1	400–1	400–1
API VOR	Park Int (final not authorized)	Direct	3500	A-dn	800–2	800–2	800–2
Niles Int	Park Int	Via API, R 088° and SE crs, IDN ILS.	3500				
ORD VOR	Park Int (final not authorized)	Direct	3500				
Park Int	OM (final)	Direct	2300				
Lakewood Int	ORD VOR	Via OBK, R 272° and ORD VOR, R 306°.	3500				

Radar available.
Procedure turn E side of crs, 138° Outbnd, 318° Inbnd, 3500′ within 10 miles of Park Int.
Minimum altitude over Park Int on final approach crs, 3500′; over OM, 2300′.
Crs and distance, OM to airport, 318°—5.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing OM, turn right to 335° heading, climb to 1500′, then make right-climbing turn to 3500′ and proceed to Evanston Int via ORD VOR, R 075°.
NOTES: (1) Functioning VOR receiver required unless radar operating. (2) No glide slope, middle compass locator, or middle marker.
%CAUTION: Takeoffs on Runway 27 when weather is below 2000–3 will intercept ORD VOR, R 250° and climb to 2000′ before proceeding westbound. Takeoffs on Runway 2L when weather is below 2000–3 will intercept ORD VOR, R 306° and climb to 2000′ before proceeding westbound.
*400–¾ authorized with operative high-intensity runway lights, except for 4-engine turbojets.

City, Chicago; State, Ill.; Airport name, Chicago O'Hare International; Elev., 667′; Fac. Class., ILS; Ident., I-IDN; Procedure No. ILS-32R, Amdt. Orig.; Eff. date, 11 Dec. 65

Congress Int	River Grove OM (final 32L)	318°—2.4 miles	2300	T-dn	300–1	300–1	200–½
Canal Int	Indian OM (final 32R)	318°—6.8 miles	2300	C-dn	NA	NA	NA
				S-dn-32L#	200–½	200–½	200–½
				S-dn-32R*	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn not authorized. Radar required.
Crs, River Grove OM to 32L, 318°; Indian OM to 32R, 318°.
Runway 32L: Minimum altitude over Congress Int, 3000′; over River Grove OM, 2300′.
Runway 32R: Minimum altitude over Canal Int, 4000′; over Indian OM, 2300′.
Altitude of glide slope and distance to approach end of runway at OM: 32L, 282°—5.6 miles; 32R, no glide slope, 5.7 miles.
Altitude of glide slope at MM: 32L, 851′—0.6 mile; 32R, no MM.
When advised by controller or if visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runway 32L: Turn left to 90° heading, climb to 1500′, then make left-climbing turn to 3500′ and proceed direct to DPA VOR. Runway 32R: Turn right to 335° heading, climb to 1500′, then make right-climbing turn to 3500′ and proceed to Evanston Int via ORD, R 075°.
#Runway 32L: 400–¾ required when glide slope not utilized. 400–½ with operative ALS except for 4-engine turbojets.
*Runway 32R: No approach lights, glide slope, MM or LMM. 400–¾ authorized with operative high-intensity runway lights except for 4-engine turbojets.
NOTES: (1) Use of this procedure is mandatory when conducting a parallel ILS 32 L and R approach, and is authorized only when airborne 75 mc (or ADF) and localizer receiver are operating simultaneously. Radar fixes in lieu of Congress or Canal Int will be provided on pilot's request. (2) When any required airborne receiver in note (1) is malfunctioning or a parallel approach is not desired, immediate notification of approach control is mandatory. (3) When advised that parallel operations are in progress, the pilot will check his authorization for Runways 32 L and R and be prepared to accept or reject approach to either. (4) When advised by ATC, pilot shall monitor both control frequency and localizer voice continuously during the remainder of the approach.

City, Chicago; State, Ill.; Airport name, Chicago O'Hare International; Elev., 667′; Fac. Class., ILS; Ident., I-RVG and I-IDN; Procedure No. Parallel ILS 32 L and R, Amdt. Orig.; Eff. date, 11 Dec. 65

Kerrville Int	LOM	Direct	1800	T-dn@*	300–1	300–1	200–½
Porter Int	LOM	Direct	1800	C-dn	500–1	500–1	500–1½
Walls Int	LOM	Direct	1700	S-dn-9#%	200–½	200–½	200–½
Waverly Int	LOM (final)	Direct	1900	A-dn	600–2	600–2	600–2
Memphis VORTAC	LOM	Direct					

Radar available.
Procedure turn S side W crs, 267° Outbnd, 087° Inbnd, 1800′ within 10 miles.
Minimum altitude at glide slope Int. Inbnd, 1700′.
Altitude of glide slope and distance to approach end of runway at OM, 1650′—4.2 miles; at MM, 540′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1900′ on E crs, ILS (087°), within 15 miles or, when directed by ATC, turn right, climb to 1900′ on R 109°, MEM VORTAC within 15 miles.
NOTE: TDZ–35, CL 35/17, VASI 27.
Other changes: Deletes transitions from Oakville Int and Bruins Int.
@AIR CARRIER NOTE: Takeoff with less than 200–½ not authorized Runways 14–32.
#400–¾ (RVR 4000′) required when glide slope not utilized. 400–½ (RVR 2400′) authorized with operative ALS, except for 4-engine turbojets.
%RVR 2400′. Descent below 531′ not authorized unless approach lights are visible.
*RVR 2400′ authorized Runway 9.

City, Memphis; State, Tenn.; Airport name, Memphis Metropolitan; Elev., 331′; Fac. Class., ILS; Ident., I-MEM; Procedure No. ILS-9, Amdt. 11; Eff. date, 9 Dec. 65; Sup. Amdt. No. 10; Dated, 2 May 64

MEM VORTAC	Oakville Int	Direct	1900	T-dn#	300–1	300–1	200–½
Collierville Int	Oakville Int (final)	Direct	1400	C-dn	500–1	500–1	500–1½
				S-dn-27%	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar available.
Procedure turn S side E crs, 087° Outbnd, 267° Inbnd, 1900′ within 10 miles of Oakville Int.
No glide slope. Minimum altitude over Oakville Int on final approach crs, 1400′.
Crs and distance, Oakville Int to airport, 267°—4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 miles after passing Oakville Int, climb to 1800′ on W crs, ILS within 15 miles or, when directed by ATC, turn left, climb to 1900′ on R 257°, MEM VORTAC within 15 miles.
NOTE: TDZ–35, CL 35/17, VASI 27.
#AIR CARRIER NOTE: Takeoff with less than 200–½ not authorized on Runways 14–32.
%400–¾ authorized, with operative high-intensity runway lights, except for 4-engine turbojets.

City, Memphis; State, Tenn.; Airport name, Memphis Metropolitan; Elev., 331′; Fac. Class., ILS; Ident., I-MEM; Procedure No. ILS-27 (back crs), Amdt. 11; Eff. date, 9 Dec. 65; Sup. Amdt. No. 10; Dated, 5 Sept. 64

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Independence Int	LOM	Direct	1900	T-dn$#	300–1	300–1	200–½
Coldwater Int	LOM	Direct	1900	C-dn	500–1	500–1	500–1½
Walls Int	LOM	Direct	1900	S-dn-35@*	200–½	200–½	200–½
Porter Int	LOM	Direct	1900	A-dn	600–2	600–2	600–2

Radar available.
Procedure turn E side of crs, 174° Outbnd, 354° Inbnd, 1900′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 1700′.
Altitude of glide slope and distance to approach end of runway at OM, 1694′—4.7 miles; at MM, 531′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2500′ on crs of 354° from LOM within 15 miles or, when directed by ATC, turn left, climb to 1800′ on R 257°, MEM VORTAC within 15 miles.
NOTE: TDZ–35, CL 35/17, VASI 27.
Other change: Deletes transition from MEM VOR.
#AIR CARRIER NOTE: Takeoff with less than 200–½ not authorized on Runways 14–32.
*500–¾ (RVR 4000′) required when glide slope not utilized. Reduction below ¾ mile (RVR 4000′) not authorized.
@RVR 2400′. Descent below 531′ not authorized unless approach lights are visible.
$RVR 2400′ authorized Runway 35.

City, Memphis; State, Tenn.; Airport name, Memphis Metropolitan; Elev., 331′; Fac. Class., ILS; Ident., I-TSE; Procedure No. ILS–35, Amdt. 6; Eff. date, 9 Dec. 65; Sup. Amdt. No. 5; Dated, 27 Mar. 65

MSP RBn	LOM	Direct	2600	T-dn	300–1	300–1	200–½
MSP VOR	LOM	Direct	2600	C-dn	500–1	500–1	500–1½
FGT VOR	LOM	Direct	2600	S-dn-29L*$	300–¾	300–¾	300–¾
Prior Int	LOM	Direct	2600	A-dn	700–2	700–2	700–2
White Bear Int	LOM	Direct	2600				

Radar available.
Procedure turn E side SE crs, 115° Outbnd, 295° Inbnd, 2600′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2600′.
Altitude of glide slope and distance to approach end of runway at OM, 2511′—5.5 miles; at MM, 1033′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2500′ on NW crs, ILS to Loretto Int, or when directed by ATC, make left-climbing turn, climb to 2600′ and return to LOM.
$300–1 authorized, except for 4-engine turbojet aircraft with operative SALS.
*400–1 required. When glide slope inoperative. 400–¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights. 400–½ authorized, except for 4-engine turbojet aircraft, with operative SALS.

City, Minneapolis; State, Minn.; Airport name, Minneapolis-St. Paul International (World-Chamberlain Field); Elev., 840′; Fac. Class., ILS; Ident., I-MSP; Procedure No. ILS–29L, Amdt. 20; Eff. date, 11 Dec. 65; Sup. Amdt. No. 19; Dated, 29 Apr. 65

Mobile VORTAC	LOM	Direct	1600	T-dn	300–1	300–1	200–½
Brookley VORTAC	LOM	Direct	1600	C-dn	400–1	500–1	500–1½
				S-dn-14*	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2

Radar available.
Procedure turn W side of crs, 320° Outbnd, 140° Inbnd, 1600′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 1600′.
Altitude of glide slope and distance to approach end of runway at OM, 1526′—4.6 miles; at MM, 429′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make right turn, climb to 1800′ on 180° crs from LOM within 20 miles or, when directed by ATC, make right turn, proceed direct to MOB VORTAC, climbing to 1800′ and enter holding pattern.
*400–¾ required when glide slope not utilized. 400–½ authorized, except for 4-engine turbojet aircraft, with operative ALS.

City, Mobile; State, Ala.; Airport name, Bates Field; Elev., 218′; Fac. Class., ILS; Ident., I-MOB; Procedure No. ILS–14, Amdt. 16; Eff. date, 11 Dec. 65; Sup. Amdt. No. 15; Dated, 29 May 65

PIA VOR	Norwood Int	Direct	2300	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-12#	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 303° Outbnd, 123° Inbnd, 2300′ within 10 miles of Norwood Int.
Minimum altitude over Norwood Int on final approach crs, 1300′.
Crs and distance, Norwood Int to airport, 123°—2.4 miles.
No glide slope.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.4 miles after passing Norwood Int, climb to 1800′ and proceed to PIA VOR or, when directed by ATC, climb to 2400′ and proceed to Bradley Int.
NOTES: (1) Procedure approved for dual omni equipped aircraft only (back crs approach). (2) When authorized by ATC, PIA DME may be used to position aircraft for straight-in approach at 2300′ between R 160° clockwise to R 050° via 7-mile DME Arc with the elimination of procedure turn.
CAUTION: Unlighted high tension towers, 2.4 miles NW of airport.
#400–¾ authorized with operative HIRL except for 4-engine turbojets; reduction below ¾ not authorized.

City, Peoria; State, Ill., Airport name, Greater Peoria; Elev., 659′; Fac. Class., ILS; Ident., I-PIA; Procedure No. ILS–12 (back crs), Amdt. 6; Eff. date, 11 Dec. 65; Sup. Amdt. No. 5; Dated, 13 June 64

PIA VOR	LOM	Direct	2400	T-dn	300–1	300–1	200–½
Pekin Int	LOM	Direct	2400	C-dn	400–1	500–1	500–1½
Mora Int	LOM	Direct	2400	S-dn-30	200–½	200–½	200–½
Mossville Int	LOM	Direct	2400	A-dn	600–2	600–2	600–2
Bradley Int	LOM	Direct	2400				

Procedure turn E side of SE crs, 123° Outbnd, 303° Inbnd, 2400′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2400′.
Altitude of glide slope and distance to approach end of Runway 30 at LOM, 2332′—5.3 miles; at LMM, 883′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1800′, proceed to PIA VOR or, when directed by ATC, climb to 2400′, proceed to Bradley Int.
NOTE: When authorized by ATC, PIA DME may be used to position aircraft for straight-in approach at 2400′ between R 045° clockwise to R 170° via 19-mile DME Arc with the elimination of procedure turn. When glide slope inoperative, 300–½ authorized with operative ALS except for 4-engine turbojets.

City, Peoria; State, Ill.; Airport name, Greater Peoria; Elev., 659′; Fac. Class., ILS; Ident., I-PIA; Procedure No. ILS–30, Amdt. 5; Eff. date, 11 Dec. 65; Sup. Amdt. No. 4; Dated, 13 June 64

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Cardinal Int	LOM	Direct	2000	T-dng#	300–1	300–1	200–½
St. Paul Int	LOM (final)	Via STL, R 277° and NW Crs, LMR ILS.	2000	C-dn	500–1	500–1	500–1½
				S-dn-12R@	400–1	400–1	400–1
				A-dn	600–2	600–2	600–2
STL VOR	LOM	Direct	2000				
Lake RBn	LOM	Direct	2000				
ST LOM	LOM	Direct	2000				
Academy Int	LOM	Direct	2200				
Godfrey Int	LOM	Direct	2200				
Maryland Heights VOR	LOM	Direct	2600				
LeMay Int	LOM	Direct	2000				
Park Int	LOM						

Radar available.
Procedure turn N side of crs, 297° Outbnd, 117° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 117°—5.3 miles.
No glide slope.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing LMR LOM, climb to 2000′ on 117° bearing from LM LOM within 10 miles turn right, return to LM LOM or, when directed by ATC, climb to 2400′ on 117° bearing from LM LOM within 10 miles turn right, proceed to Lake RBn.
CAUTION: Vehicular traffic crossing perpendicular to approach crs and extending above ALS 900′ from threshold Runway 12R.
#RVR 2400′ authorized Runway 24.
@No Reduction authorized.

City, St. Louis; State, Mo.; Airport name, Lambert-St. Louis Municipal; Elev., 571′; Fac. Class., ILS; Ident., I-LMR; Procedure No. ILS–12R, Amdt. 2; Eff. date, 11 Dec. 65; Sup. Amdt. No. 1; Dated, 20 Nov. 65

6. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
		Within:		Surveillance approach			
040°	185°	20 miles	1900				
185°	040°	20 miles	1800	T-dn*	300–1	300–1	200–½
				C-dn#	500–1	500–1	500–1½
				S-dn-6@	400–1	400–1	400–1
				S-dn-17, 275	400–1	400–1	400–1
				S-dn-3, 21	400–1	400–1	400–1
				S-dn-35¢@	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

All bearings and distances are from radar antenna site with sector azimuths progressing clockwise. Radar control must provide 3 miles or 1000′ vertical separation from following towers:
1349′—9.7 miles NE, 1340′—8 miles NE, 975′—9.2 miles NE, and 1333′—8.7 miles NE.
Runways 27 and 21: Climb to 1900′ on R—257°, MEM VORTAC within 15 miles. Runways 3 and 9: Turn right, climb to 1900′ on R 109°, MEM VORTAC within 15 miles. Runway 35: Turn right, climb to 1900′ on R 109°, MEM VORTAC within 15 miles. Runway 17: Turn right, climb to 1900′ on R 257°, MEM VORTAC within 15 miles.
NOTE: TDZ–35, CL 35/17, VASI 27.
*AIR CARRIER NOTE: Takeoff with less than 200–½ not authorized on Runways 14–32.
#400–¾ (RVR 4000′) authorized, with HIRL, except for 4-engine turbojets. 400–½ (RVR 2400′) authorized, with ALS, except for 4-engine turbojets.
¢400–¾ authorized, with HIRL, except for 4-engine turbojets.
@Radar will not descend aircraft below 800′ until 2 miles from approach end of Runway 35.

City, Memphis; State, Tenn.; Airport name, Memphis Metropolitan; Elev., 331′; Fac. Class., and Ident., Memphis Radar; Procedure No. 1, Amdt. 13; Eff. date, 9 Dec. 65; Sup. Amdt. No. 12; Dated, 31 July 65

All directions	Radar site	Within 20 miles	2000	Surveillance approach			
				T-dn	300–1	300–1	200–½
				C-dn 6	500–1	500–1	500–1½
				C-dn 2, 15, 20, 24, 33.	400–1	500–1	500–1½
				S-dn 6	500–1	500–1	500–1
				S-dn 15, 24, 33.*	400–1	400–1	400–1
				S-dn-2, 20	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000′ on runway heading, proceed direct to HPW VOR. Hold NE, R 025°, 1-minute left turns.
NOTE: On approach to Runway 15, maintain 900′ until passing 4-mile Radar Fix.
*400–¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.

City, Richmond; State, Va.; Airport name, Richard E. Byrd Flying Field; Elev., 167′; Fac. Class., and Ident., Richmond Radar; Procedure No. 1, Amdt. 2; Eff. date, 11 Dec. 65; Sup. Amdt. No. 1; Dated, 19 June 65

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on November 4, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-12065; Filed, Dec. 9, 1965; 8:50 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show the exception under Schedule C of the position of Private Secretary to the Deputy Assistant Secretary for Education and Manpower Resources, Office of the Assistant Secretary of Defense (Manpower). Effective on publication in the FEDERAL REGISTER, subparagraph (49) is added to paragraph (a) of § 213.3306 as set out below.

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* • • •

(49) One Private Secretary to the Deputy Assistant Secretary for Education and Manpower Resources, Office of the Assistant Secretary of Defense (Manpower).

• • • • • •

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65-13222; Filed, Dec. 9, 1965; 8:48 a.m.]

PART 531—PAY UNDER THE CLASSIFICATION ACT SYSTEM

Special Provisions; Promotions and Transfers

Section 531.204 is amended to make it clear that the "mandatory promotion" rule applies only to transfers and promotions from one Classification Act position to a higher Classification Act position. Section 531.204 is amended as follows:

§ 531.204 Special provisions.

(a) *Promotions and transfers.* The requirements of section 802(b) of the act apply only (1) to a transfer from one Classification Act position to a higher Classification Act position, and (2) to a promotion from one Classification Act grade to a higher Classification Act grade.

• • • • • •

(Sec. 1101, 63 Stat. 971; 5 U.S.C. 1072)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65-13223; Filed, Dec. 9, 1965; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

Subpart—1966 Crop of Upland Cotton; Acreage Allotments and Marketing Quotas

COUNTY RESERVE

(a) Section 722.274 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). This section establishes the county reserve for the 1966 crop of upland cotton. Such determination was made initially by the respective county committees and is hereby approved and made effective by the Administrator, ASCS, pursuant to delegated authority (19 F.R. 74, 21 F.R. 1665, 25 F.R. 3925, 28 F.R. 4368).

(b) Notice that the Secretary was preparing to establish State and county allotments was published in the FEDERAL REGISTER on September 22, 1965 (30 F.R. 12079), in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003). No written submissions were received in response to such notice.

(c) Since the establishment of county reserves under this section requires immediate action by the State and county committees, it is essential that § 722.274 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and § 722.274 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 722.274 County reserve for the 1966 crop of upland cotton.

The county reserve for the 1966 crop of upland cotton is established in accordance with § 722.209 of the Acreage Allotment Regulations for the 1964 and Succeeding Crops of Upland Cotton (28 F.R. 11041, as amended). The following table sets forth the county reserve:

ALABAMA

County	County reserve (acres)	County	County reserve (acres)
Autauga	21.1	Houston	46.5
Baldwin	6.7	Jackson	10.5
Barbour	71.3	Jefferson	225.6
Bibb	3.2	Lamar	64.5
Blount	1,000.5	Lauderdale	104.6
Bullock	167.3	Lawrence	61.1
Butler	304.0	Lee	155.1
Calhoun	381.4	Limestone	31.9
Chambers	50.7	Lowndes	28.2
Cherokee	37.2	Macon	196.6
Chilton	22.8	Madison	72.0
Choctaw	404.5	Marengo	32.2
Clarke	280.2	Marion	538.2
Clay	26.3	Marshall	94.8
Cleburne	25.1	Mobile	9.1
Coffee	34.5	Monroe	44.8
Colbert	29.1	Montgomery	266.0
Conecuh	14.4	Morgan	22.5
Coosa	34.2	Perry	7.1
Covington	62.1	Pickens	25.7
Crenshaw	179.4	Pike	202.4
Cullman	57.6	Randolph	147.5
Dale	126.4	Russell	19.1
Dallas	51.7	St. Clair	29.4
De Kalb	2.7	Shelby	24.5
Elmore	46.0	Sumter	169.8
Escambia	142.2	Talladega	17.1
Etowah	535.6	Tallapoosa	281.4
Fayette	103.6	Tuscaloosa	26.9
Franklin	53.7	Walker	79.5
Geneva	95.5	Washington	154.0
Greene	48.6	Wilcox	12.3
Hale	15.4	Winston	30.2
Henry	57.2		

ARIZONA

Cochise	11.6	Pima	15.0
Gila	0	Pinal	3.7
Graham	2.5	Santa Cruz	4.9
Greenlee	4.9	Yavapai	0
Maricopa	54.5	Yuma	8.7
Mohave	2.1		

ARKANSAS

Arkansas	8.5	Lee	49.0
Ashley	4.0	Lincoln	15.2
Baxter	2.0	Little River	13.7
Benton	0	Logan	4.5
Boone	0	Lonoke	138.6
Bradley	136.5	Madison	0
Calhoun	28.9	Marion	0
Carroll	0	Miller	12.3
Chicot	13.3	Mississippi	22.3
Clark	19.0	Monroe	7.1
Clay	15.9	Montgomery	0
Cleburne	7.2	Nevada	25.4
Cleveland	30.2	Newton	0
Columbia	13.8	Ouachita	14.5
Conway	7.5	Perry	1.0
Craighead	16.4	Phillips	24.9
Crawford	3.2	Pike	1.3
Crittenden	24.5	Poinsett	16.6
Cross	3.3	Polk	7.3
Dallas	6.2	Pope	13.1
Desha	12.3	Prairie	18.4
Drew	77.0	Pulaski	3.5
Faulkner	26.9	Randolph	9.0
Franklin	3.3	St. Francis	32.1
Fulton	6.9	Saline	2.9
Garland	0	Scott	10.0
Grant	17.6	Searcy	1.3
Greene	4.2	Sebastian	34.5
Hempstead	15.8	Sevier	6.2
Hot Spring	60.9	Sharp	41.0
Howard	2.0	Stone	.1
Independence	5.2	Union	18.9
Izard	5.5	Van Buren	4.4
Jackson	2.9	Washington	0
Jefferson	26.6	White	26.0
Johnson	8.1	Woodruff	9.2
Lafayette	39.8	Yell	5.1
Lawrence	3.8		

CALIFORNIA

County	County reserve (acres)	County	County reserve (acres)
San Benito	1.9	Tulare	63.6
Fresno	91.9	Imperial	16.7
Kern	118.2	Los Angeles	29.7
Kings	21.7	Riverside	22.8
Madera	88.8	San Bernardino	9.6
Merced	12.6	San Diego	2.0
Stanislaus	.1		

FLORIDA

Alachua	0	Lafayette	9.7
Baker	0	Leon	83.4
Bay	7.5	Levy	0
Calhoun	38.7	Liberty	1.2
Clay	.1	Madison	132.6
Columbia	24.4	Nassau	0
Dixie	.2	Okaloosa	109.0
Escambia	175.0	Putnam	0
Gadsden	25.2	Santa Rosa	70.7
Gilchrist	0	Suwannee	97.6
Hamilton	98.6	Taylor	3.4
Holmes	152.1	Union	0
Jackson	288.9	Walton	118.1
Jefferson	88.5	Washington	61.7

GEORGIA

Appling	71.1	Fulton	66.1
Atkinson	76.2	Gilmer	.3
Bacon	91.7	Glascock	47.5
Baker	8.5	Glynn	0
Baldwin	15.4	Gordon	152.1
Banks	26.3	Grady	34.8
Barrow	43.5	Greene	22.9
Bartow	39.0	Gwinnett	51.8
Ben Hill	38.2	Habersham	11.7
Berrien	10.5	Hall	29.8
Bibb	11.7	Hancock	83.1
Bleckley	16.5	Haralson	47.8
Brantley	6.3	Harris	20.2
Brooks	105.2	Hart	43.2
Bryan	16.0	Heard	35.6
Bulloch	303.4	Henry	124.7
Burke	102.1	Houston	50.5
Butts	25.9	Irwin	29.6
Calhoun	2.8	Jackson	39.9
Camden	0	Jasper	45.3
Candler	88.8	Jeff Davis	84.9
Carroll	76.9	Jefferson	38.0
Catoosa	63.7	Jenkins	24.2
Charlton	1.0	Johnson	236.0
Chatham	.4	Jones	13.9
Chattahoochee	2.1	Lamar	25.4
Chattooga	100.1	Lanier	34.9
Cherokee	69.1	Laurens	19.8
Clarke	50.4	Lee	9.7
Clay	32.0	Liberty	6.0
Clayton	39.8	Lincoln	50.5
Clinch	15.2	Long	8.0
Cobb	133.8	Lowndes	92.8
Coffee	159.9	Lumpkin	2.9
Colquitt	57.9	McDuffie	182.3
Columbia	15.4	McIntosh	.1
Cook	218.1	Macon	11.8
Coweta	54.1	Madison	128.2
Crawford	16.8	Marion	8.8
Crisp	27.5	Meriwether	62.6
Dade	29.8	Miller	34.6
Dawson	10.1	Mitchell	16.8
Decatur	51.3	Monroe	10.1
De Kalb	1.9	Montgomery	111.6
Dodge	24.9	Morgan	157.6
Dooly	3.7	Murray	24.2
Dougherty	8.8	Muscogee	3.0
Douglas	48.5	Newton	61.8
Early	19.8	Oconee	49.8
Echols	1.0	Oglethorpe	54.3
Effingham	71.6	Paulding	149.4
Elbert	54.9	Peach	10.9
Emanuel	72.3	Pickens	38.5
Evans	99.2	Pierce	52.7
Fannin	0	Pike	12.8
Fayette	40.8	Polk	100.9
Floyd	165.0	Pulaski	22.1
Forsyth	30.2	Putnam	20.3
Franklin	53.8	Quitman	29.6
		Rabun	0

GEORGIA—Continued

County	County reserve (acres)	County	County reserve (acres)
Randolph	24.9	Treutlen	91.9
Richmond	25.5	Troup	10.0
Rockdale	61.7	Turner	20.5
Schley	13.6	Twiggs	26.4
Screven	35.5	Union	0
Seminole	22.0	Upson	14.6
Spalding	86.9	Walker	305.6
Stephens	8.0	Walton	75.4
Stewart	38.4	Ware	30.2
Sumter	45.8	Warren	134.6
Talbot	38.0	Washington	31.1
Taliaferro	12.5	Wayne	67.1
Tattnall	210.3	Webster	9.9
Taylor	30.5	Wheeler	85.6
Telfair	35.2	White	7.4
Terrell	20.7	Whitfield	250.0
Thomas	9.7	Wilcox	21.4
Tift	71.0	Wilkes	53.5
Toombs	108.1	Wilkinson	19.2
Towns	0	Worth	65.2

ILLINOIS

Alexander	127.3
Massac	0
Pulaski	81.3

KANSAS

Montgomery	0

KENTUCKY

Ballard	1.8	Graves	19.0
Calloway	10.3	Hickman	98.7
Carlisle	6.8	McCracken	.6
Fulton	17.4	Marshall	4.7

LOUISIANA

Parish	Parish reserve (acres)	Parish	Parish reserve (acres)
Acadia	412.2	Lincoln	145.0
Allen	78.1	Livingston	38.1
Ascension	60.3	Madison	55.7
Assumption	0	Morehouse	268.0
Avoyelles	1,137.2	Natchitoches	351.2
Beauregard	34.8	Ouachita	1,175.0
Bienville	217.5	Pointe Coupee	906.5
Bossier	2,150.0	Rapides	846.9
Caddo	3,845.8	Red River	1,075.8
Calcasieu	0	Richland	394.3
Caldwell	116.1	Sabine	174.3
Cameron	0	St. Helena	120.7
Catahoula	766.3	St. James	0
Claiborne	430.3	St. Landry	825.5
Concordia	156.1	St. Martin	303.6
De Soto	104.5	St. Tammany	5.1
East Baton Rouge	50.0	Tangipahoa	167.0
East Carroll	97.4	Tensas	157.1
East Feliciana	350.7	Union	437.7
Evangeline	577.4	Vermilion	588.2
Franklin	597.3	Vernon	59.8
Grant	582.2	Washington	482.3
Iberia	23.7	Webster	459.7
Iberville	66.1	West Baton Rouge	115.9
Jackson	83.4	West Carroll	237.5
Jefferson	0	West Feliciana	92.3
Jefferson Davis	53.7	Winn	89.2
Lafayette	462.3		
La Salle	16.0		

MARYLAND

County	County reserve (acres)
Caroline	0

MISSISSIPPI

Adams	69.4	Chickasaw	91.6
Alcorn	91.4	Choctaw	101.4
Amite	25.9	Claiborne	83.8
Attala	88.1	Clarke	114.1
Benton	79.1	Clay	409.4
Bolivar	18.6	Coahoma	13.8
Calhoun	449.4	Coplah	205.7
Carroll	41.5	Covington	229.5

MISSISSIPPI—Continued

County	County reserve (acres)	County	County reserve (acres)
De Soto	3.7	Neshoba	243.6
Forrest	39.5	Newton	409.8
Franklin	18.8	Noxubee	123.8
George	59.9	Oktibbeha	117.1
Greene	49.8	Panola	263.4
Grenada	77.2	Pearl River	10.0
Hancock	0	Perry	32.6
Harrison	0	Pike	20.8
Hinds	52.8	Pontotoc	129.0
Holmes	17.4	Prentiss	110.7
Humphreys	2.1	Quitman	32.9
Issaquena	2.2	Rankin	230.5
Itawamba	69.6	Scott	202.6
Jackson	0	Sharkey	2.9
Jasper	251.3	Simpson	346.1
Jefferson	237.3	Smith	242.1
Jefferson Davis	294.4	Stone	9.1
Jones	150.3	Sunflower	4.8
Kemper	327.8	Tallahatchie	15.9
Lafayette	98.0	Tate	16.7
Lamar	62.7	Tippah	122.0
Lauderdale	56.8	Tishomingo	61.6
Lawrence	185.8	Tunica	21.4
Leake	226.7	Union	130.1
Lee	178.9	Walthall	298.1
Leflore	12.8	Warren	40.3
Lincoln	97.7	Washington	6.1
Lowndes	105.0	Wayne	158.9
Madison	154.4	Webster	54.2
Marion	235.1	Wilkinson	101.4
Marshall	230.9	Winston	180.1
Monroe	165.5	Yalobusha	80.9
Montgomery	51.5	Yazoo	11.8

MISSOURI

Bollinger	5.2	Oregon	16.9
Butler	5.6	Ozark	10.0
Cape Girardeau	1.1	Pemiscot	10.6
Carter	1.0	Ripley	14.2
Dunklin	38.6	Scott	63.1
Howell	1.9	Stoddard	14.4
Mississippi	20.2	Wayne	.5
New Madrid	40.8	Vernon	0

NEVADA

Clark	0.
Nye	0.

NEW MEXICO

Chaves	934.2	Luna	.6
Curry	2.7	Otero	.9
De Baca	1.4	Quay	23.6
Dona Ana	21.8	Roosevelt	1.2
Eddy	3,690.7	Sierra	181.4
Grant	0	Socorro	23.4
Hidalgo	2.3	Valencia	0
Lea	5.2		

NORTH CAROLINA

Alamance	7.3	Forsyth	15.6
Alexander	81.6	Franklin	67.0
Anson	216.9	Gaston	189.7
Beaufort	29.4	Gates	236.8
Bertie	310.6	Granville	14.5
Bladen	286.9	Greene	461.3
Brunswick	37.6	Guilford	9.3
Burke	8.1	Halifax	1,370.8
Cabarrus	118.9	Harnett	12.3
Caldwell	0	Hertford	121.1
Camden	6.0	Hoke	1,474.2
Carteret	7.0	Hyde	29.7
Catawba	303.7	Iredell	725.9
Chatham	55.8	Johnston	1,152.0
Chowan	166.2	Jones	30.7
Cleveland	15.7	Lee	69.0
Columbus	10.0	Lenoir	282.1
Craven	57.3	Lincoln	315.0
Cumberland	1,627.7	Martin	177.2
Currituck	21.1	Mecklenburg	231.1
Davidson	112.3	Montgomery	168.0
Davie	208.0	Moore	97.3
Duplin	249.7	Nash	254.8
Durham	5.9	New Hanover	1.6
Edgecombe	12.7		

NORTH CAROLINA—Continued

County	County reserve (acres)	County	County reserve (acres)
Northampton	23.5	Rutherford	221.3
Onslow	38.6	Sampson	441.8
Orange	3.9	Scotland	602.3
Pamlico	27.3	Stanly	222.3
Pasquotank	30.7	Tyrrell	23.4
Pender	40.9	Union	421.3
Perquimans	36.1	Vance	441.3
Person	0	Wake	109.8
Pitt	419.5	Warren	753.1
Polk	26.0	Washington	49.4
Randolph	6.9	Wayne	1,291.1
Richmond	100.6	Wilkes	9.1
Robeson	2,255.4	Wilson	439.9
Rowan	206.1	Yadkin	4.6

OKLAHOMA

Adair	7.9	Le Flore	33.3
Atoka	182.8	Lincoln	86.9
Beaver	0	Logan	102.0
Beckham	87.4	Love	813.7
Blaine	9.9	McClain	307.8
Bryan	2,050.0	McCurtain	159.1
Caddo	288.4	McIntosh	223.6
Canadian	189.5	Major	212.3
Carter	123.9	Marshall	260.8
Cherokee	0	Mayes	1.6
Choctaw	79.1	Murray	.3
Cimarron	0	Muskogee	852.5
Cleveland	58.9	Noble	1.6
Coal	311.3	Nowata	77.7
Comanche	488.2	Okfuskee	292.8
Cotton	455.9	Oklahoma	8.1
Craig	.6	Okmulgee	342.0
Creek	125.4	Osage	35.1
Custer	1,243.8	Pawnee	123.4
Dewey	206.1	Payne	108.1
Ellis	13.6	Pittsburg	4.7
Garfield	0	Pontotoc	20.9
Garvin	219.9	Pottawatomie	85.0
Grady	133.6	Pushmataha	60.3
Grant	.3	Roger Mills	367.0
Greer	47.5	Rogers	43.8
Harmon	177.1	Seminole	49.3
Harper	0	Sequoyah	107.8
Haskell	116.4	Stephens	385.2
Hughes	391.0	Texas	0
Jackson	85.1	Tillman	3.5
Jefferson	1,599.4	Tulsa	9.4
Johnston	187.7	Wagoner	13.7
Kay	3.9	Washita	6,357.0
Kingfisher	59.0	Woodward	51.9
Kiowa	123.5		
Latimer	30.3		

SOUTH CAROLINA

Abbeville	174.0	Hampton	158.8
Aiken	298.5	Horry	289.1
Allendale	140.0	Jasper	42.1
Anderson	425.8	Kershaw	386.2
Bamberg	240.3	Lancaster	129.5
Barnwell	211.2	Laurens	260.2
Beaufort	76.9	Lee	53.3
Berkeley	336.7	Lexington	329.9
Calhoun	319.1	McCormick	181.6
Charleston	51.2	Marion	217.5
Cherokee	215.9	Marlboro	87.8
Chester	237.9	Newberry	286.2
Chesterfield	596.9	Oconee	429.6
Clarendon	496.6	Orangeburg	123.8
Colleton	534.4	Pickens	244.3
Darlington	529.7	Richland	104.1
Dillon	418.7	Saluda	317.4
Dorchester	144.3	Spartanburg	1,002.1
Edgefield	180.8	Sumter	650.3
Fairfield	66.7	Union	81.5
Florence	1,382.8	Williamsburg	632.2
George town	42.5	York	299.2
Greenville	717.2		
Greenwood	266.2		

TENNESSEE

Bedford	14.9	Bradley	21.5
Benton	10.7	Cannon	1.0

TENNESSEE—Continued

County	County reserve (acres)	County	County reserve (acres)
Carroll	87.0	Loudon	0
Chester	23.7	McMinn	5.2
Coffee	8.0	McNairy	48.4
Crockett	105.7	Madison	27.1
Davidson	0	Marion	1.1
Decatur	4.4	Marshall	6.0
De Kalb	1.9	Maury	4.3
Dyer	137.0	Meigs	2.2
Fayette	26.1	Monroe	1.1
Franklin	4.9	Moore	2.1
Gibson	16.3	Obion	41.6
Giles	171.5	Perry	5.4
Grundy	4.7	Polk	9.9
Hamilton	15.2	Rhea	.1
Hardeman	25.1	Robertson	0
Hardin	37.0	Rutherford	11.9
Haywood	62.4	Shelby	26.3
Henderson	76.9	Tipton	53.4
Henry	23.2	Van Buren	1.5
Hickman	1.0	Warren	3.3
Humphreys	.1	Wayne	12.7
Lake	13.6	Weakley	43.5
Lauderdale	31.7	White	2.0
Lawrence	69.9	Williamson	.5
Lewis	2.6	Wilson	.3
Lincoln	52.3		

TEXAS

Anderson	114.7	Dawson	24.9
Andrews	7.7	Deaf Smith	24.8
Angelina	269.1	Delta	136.7
Aransas	.4	Denton	94.6
Archer	17.2	De Witt	56.5
Armstrong	15.3	Dickens	13.1
Atascosa	99.2	Dimmit	18.4
Austin	30.7	Donley	9.6
Bailey	8.0	Duval	27.7
Bandera	0	Eastland	383.9
Bastrop	95.9	Ector	10.2
Baylor	8.1	Ellis	228.7
Bee	20.9	El Paso	14.9
Bell	149.8	Erath	88.2
Bexar	299.1	Falls	281.4
Blanco	1.0	Fannin	244.2
Borden	2.0	Fayette	563.5
Bosque	194.2	Fisher	9.7
Bowie	287.0	Floyd	29.8
Brazoria	22.3	Foard	4.3
Brazos	84.2	Fort Bend	19.0
Brewater	0	Franklin	133.8
Briscoe	46.1	Freestone	101.0
Brooks	34.5	Frio	13.4
Brown	44.7	Gaines	21.5
Burleson	603.7	Galveston	2.4
Burnet	118.4	Garza	15.3
Caldwell	73.6	Gillespie	30.1
Calhoun	22.6	Glasscock	1.2
Callahan	20.3	Goliad	18.2
Cameron	81.2	Gonzales	61.1
Camp	36.6	Gray	30.6
Carson	5.7	Grayson	186.4
Cass	157.4	Gregg	38.6
Castro	19.7	Grimes	94.0
Chambers	2.0	Guadalupe	819.6
Cherokee	195.2	Hale	36.1
Childress	6.0	Hall	20.9
Clay	44.5	Hamilton	153.4
Cochran	7.5	Hansford	27.6
Coke	28.0	Hardeman	75.6
Coleman	120.7	Hardin	5.4
Collin	504.2	Harris	27.5
Collingsworth	80.1	Harrison	140.9
Colorado	58.2	Hartley	.2
Comal	10.0	Haskell	215.1
Comanche	263.9	Haya	42.0
Concho	38.8	Hemphill	3.1
Cooke	75.0	Henderson	328.6
Coryell	200.5	Hidalgo	550.5
Cottle	7.7	Hill	185.9
Crockett	0	Hockley	8.3
Crosby	11.4	Hood	184.7
Culberson	5.0	Hopkins	82.7
Dallam	0	Houston	1,714.0
Dallas	696.2	Howard	7.1
		Hudspeth	5.3

TEXAS—Continued

County	County reserve (acres)	County	County reserve (acres)
Hunt	139.6	Presidio	0.2
Irion	2.8	Rains	56.8
Jack	52.0	Randall	15.4
Jackson	17.8	Reagan	2.0
Jasper	68.8	Real	1.8
Jeff Davis	.1	Red River	50.2
Jefferson	2.8	Reeves	3.8
Jim Hogg	52.6	Rufugio	19.5
Jim Wells	45.3	Roberts	0
Johnson	55.0	Robertson	233.6
Jones	88.2	Rockwall	374.3
Karnes	18.6	Runnels	117.5
Kaufman	55.2	Rusk	857.0
Kendall	0	Sabine	278.2
Kent	106.3	San Augustine	314.8
Kerr	4.9	San Jacinto	41.0
Kimble	25.7	San Patricio	128.4
King	.3	San Saba	48.9
Kinney	12.0	Schleicher	6.1
Kleberg	9.3	Scurry	39.4
Knox	17.9	Shackelford	44.7
Lamar	43.6	Shelby	866.4
Lamb	29.4	Smith	690.1
Lampasas	85.4	Somervell	75.3
La Salle	4.3	Starr	70.5
Lavaca	85.9	Stephens	17.0
Lee	39.9	Sterling	2.0
Leon	125.1	Stonewall	4.0
Liberty	259.0	Sutton	0
Limestone	77.1	Swisher	9.6
Live Oak	39.6	Tarrant	58.8
Llano	16.3	Taylor	91.0
Loving	0	Terrell	0
Lubbock	43.1	Terry	7.7
Lynn	8.3	Throckmorton	30.3
McCulloch	31.5	Titus	380.8
McLennan	173.3	Tom Green	145.7
McMullen	59.7	Travis	820.4
Madison	84.4	Trinity	144.5
Marion	287.6	Tyler	67.0
Martin	9.5	Upshur	147.5
Mason	122.8	Upton	.3
Matagorda	5.4	Uvalde	31.5
Maverick	6.3	Val Verde	5.0
Medina	47.6	Van Zandt	92.9
Menard	8.1	Victoria	24.1
Midland	18.8	Walker	58.8
Milam	239.4	Waller	9.9
Mills	35.8	Ward	1.8
Mitchell	46.7	Washington	541.1
Montague	48.2	Webb	13.4
Montgomery	99.5	Wharton	95.9
Moore	9.1	Wheeler	15.8
Morris	150.1	Wichita	283.9
Motley	1.8	Wilbarger	67.7
Nacogdoches	285.1	Willacy	9.6
Navarro	485.4	Williamson	104.8
Newton	78.9	Wilson	442.5
Nolan	86.2	Winkler	0
Nueces	39.3	Wise	72.8
Ochiltree	14.5	Wood	610.3
Oldham	0	Yoakum	6.9
Palo Pinto	99.2	Young	269.2
Panola	318.9	Zapata	18.0
Parker	222.9	Zavala	12.0
Parmer	40.1		
Pecos	3.7		
Polk	35.7		
Potter	1.0		

VIRGINIA

Accomack	0	Mecklenburg	42.7
Brunswick	92.9	Nansemond	21.6
Charlotte	0	Patrick	0
Chesapeake	0	Prince Edward	.6
Cumberland	.4	Prince George	5.8
Dinwiddie	31.5	Southampton	60.8
Franklin	0	Surry	.9
Greensville	42.7	Sussex	39.0
Henrico	0		
Isle of Wight	21.0		
Lunenburg	16.2		

(Secs. 344, 375, 63 Stat. 670, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1344, 1375)

Effective date. Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on December 3, 1965.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65-13132; Filed, Dec. 9, 1965; 8:45 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 8]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Quotas for Foreign Countries for 1965

Basis and purpose and bases and considerations. This amendment is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended and as further amended by Public Law 89-331 approved November 8, 1965), hereinafter referred to as the "Act", and the memorandum from the President of the United States to the Secretary of Agriculture dated November 20, 1965, hereinafter set forth. The purpose of this amendment to Sugar Regulation 811 (29 F.R. 18149, 30 F.R. 2206, 2397, 4314, 10183, 12329, 13010, and 14260) is to suspend the 1965 quota of Southern Rhodesia and to prorate such quota among the Western Hemisphere countries named in subsection (c)(3)(A) of section 202 of the Act as amended.

Section 202(d)(1)(B) of the Act provides that: "Whenever and to the extent that the President finds that the establishment or continuation of a quota or any part thereof for any foreign country would be contrary to the national interest of the United States, such quota or part thereof shall be withheld or suspended, and such importation shall not be permitted. A quantity of sugar equal to the amount of any quota so withheld or suspended shall be prorated to the other countries listed in subsection (c)(3)(A) (other than any country whose quota is withheld or suspended) on the basis of the quotas then in effect for such countries."

Section 202(d)(1)(C) states that "The quantities of sugar prorated pursuant to the foregoing provisions of this subsection shall be designated as temporary quotas and the term 'quota' as defined in this Act shall include a temporary quota established under this subsection."

On November 20, 1965, the following memorandum was issued by the President:

THE WHITE HOUSE
WASHINGTON

NOVEMBER 20, 1965.

Memorandum for the Secretary of Agriculture.

Subject: Finding Pursuant to Section 202(d)(1)(B) of the Sugar Act of 1948, as Amended by the Sugar Act Amendments of 1965.

In view of the unilateral declaration of independence by Southern Rhodesia and the tensions that have arisen as a result of that declaration, I find that it would be contrary to the national interest of the United States to continue the sugar quota for Southern Rhodesia for 1965 or to establish a sugar quota for Southern Rhodesia for 1966. You are directed to take the necessary steps to see that no sugar originating in Southern Rhodesia is imported to the United States from the date of this finding.

LYNDON B. JOHNSON.

Effective date. In view of the abovecited direction of the President to the Secretary, the 30-day notice and public procedure requirements of the Administrative Procedure Act will be contrary to the public interest and this amendment shall become effective on November 20, 1965.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by amending § 811.33(c)(1) to read as follows:

§ 811.33 Quotas for foreign countries.

* * * * *

(c)(1) For the calendar year 1965 the quota for foreign countries, other than the Republic of the Philippines, totaling 2,421,798 short tons, raw value, is hereby prorated, subject to limitations set forth in subparagraph (2) of this paragraph. Quantities prorated to individual countries pursuant to section 202(d)(1)(B) are shown in columnn 1 and total prorations are shown in column 2, as follows:

Country	(Column 1)	(Column 2)
	Short tons, raw value	
Argentina	356	68,723
Australia		200,307
Belgium		1,937
Brazil	1,233	238,351
British Honduras	23	4,528
British West Indies	681	131,555
China		72,436
Colombia	157	30,260
Costa Rica	195	37,588
Dominican Republic	2,149	415,405
Ecuador	276	53,313
El Salvador	96	18,671
Fiji Islands		48,823
France		6,103
French West Indies	239	46,253
Guatemala	196	37,831
Haiti	103	20,010
India		103,919
Ireland		2,398
Malagasy Republic		7,871
Mauritius		16,008
Mexico	2,175	420,516
Nicaragua	226	43,746
Panama	81	15,629
Peru	1,341	259,287
Reunion		2,373
South Africa		103,862
Swaziland		9,648
Turkey		1,574
Venezuela	15	2,873
Total	9,542	2,421,798

* * * * *

(Sec. 403, 61 Stat. 932, 7 U.S.C. 1153)

Issued at Washington, D.C., this 6th day of December 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-13239; Filed, Dec. 9, 1965; 8:50 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 36—EXPORT AND IMPORT OF BYPRODUCT MATERIAL

PART 40—LICENSING OF SOURCE MATERIAL

Miscellaneous Amendments

On May 11, 1963, the Commission published for public comment proposed amendments of 10 CFR Parts 30 and 40 which would simplify the Commission's licensing requirements with regard to the export of byproduct material and import of byproduct and source material. The Commission has decided to adopt the proposed amendments, with the changes discussed below, as an effective rule. Part 30 has been recodified since this proposed rule was published on May 11, 1963, and the proposed amendments of Part 30 will appear in a new Part 36, "Export and Import of Byproduct Material."

The amendments will permit exports of byproduct material under the Commission's general licenses in Part 36 if the exporter is licensed by the Commission or an agreement State[1] to possess byproduct material in the United States. The amendments of Parts 36 and 40 will establish general licenses for import of byproduct material and source material where the importer is authorized to possess the byproduct material or source material involved under a specific or general license issued by an agreement State. It is unnecessary for the general licenses authorizing import to extend to byproduct materials covered by licenses issued by the Commission. Except as otherwise provided in the license, a Commission license to possess byproduct or source material carries with it the right to import such material (10 CFR 30.34(c)).

The text of the following amendments is, with three changes, essentially the same as the text of the proposed amendments set forth in the notice of proposed rule making. The amendment of paragraph (c) of § 30.33 has been eliminated since that paragraph was revoked by the Commission effective July 14, 1964 (29 F.R. 9529). The text of § 30.33(b) (New § 36.21) has been revised to reference the list of countries in § 36.50, Schedule A, rather than referencing "* * * Cuba or countries or areas now or hereafter listed

[1] A State to which the Commission has transferred certain regulatory authority over radioactive material by formal agreement, pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

as Subgroup A countries or destinations in § 371.3 of the Comprehensive Export Schedule of the United States Department of Commerce (15 CFR 371.3)." The term "Subgroup A countries" is no longer used in the export regulations of the Department of Commerce. The words, "an exemption or," have been deleted in §§ 30.39 (New § 36.31) and 40.24, so that the general licenses authorizing persons in an agreement State to import the material extend only to persons authorized to possess the material under a specific or general license issued by the State. The general licenses would not apply to persons exempt from licensing in an agreement State. The purpose of the changes in the proposed amendments concerning §§ 36.31 and 40.24 is to assure that persons in agreement States and nonagreement States will be accorded comparable treatment.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, the following amendments of 10 CFR Parts 36 and 40 are published as a document subject to codification to be effective 30 days after publication in the FEDERAL REGISTER.

1. Section 36.21 of 10 CFR Part 36 is amended to read as follows:

§ 36.21 Export of certain byproduct material to countries other than Schedule A countries.

A general license designated AEC–GL–3621 is hereby issued authorizing any licensee of the Commission or of an agreement State to export from the United States byproduct material covered by his license having an atomic number from 3 to 83, inclusive, or tritium when contained in luminous safety devices installed in aircraft as generally licensed items pursuant to § 31.7 of this chapter, to any foreign country except countries or destinations listed in § 36.50, Schedule A.

2. The first sentence of § 36.22(a) of 10 CFR Part 36 is amended to read as follows:

§ 36.22 Export of certain quantities of tritium and polonium 210.

(a) A general license designated AEC–GL–3622 is hereby issued authorizing any licensee of the Commission or of an agreement State to export from the United States to any foreign country except Poland or Rumania or countries or destinations listed in § 36.50, Schedule A, 5,000 curies of tritium and 5,000 curies of polonium 210 in a calendar quarter. • • •

• • • • • •

3. A new § 36.31 is added to 10 CFR Part 36 to read as follows:

§ 36.31 General license for import.

A general license is hereby issued authorizing any person to import into the United States byproduct material which he is authorized to possess in the United States under a specific or general license issued by an agreement State.

4. A new paragraph (m) is added to § 40.4 of 10 CFR Part 40 to read as follows:

§ 40.4 Definitions.

• • • • • •

(m) "Agreement State" means any State with which the Commission has entered into an effective agreement under subsection 274b. of the Atomic Energy Act of 1954, as amended.

5. A new § 40.24 is added to 10 CFR Part 40 to read as follows:

§ 40.24 General license for import.

A general license is hereby issued authorizing any person to import into the United States source material which he is authorized to possess in the United States under a specific or general license issued by an agreement State.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201. Interpret or apply secs. 81, 82, 68 Stat. 935; 42 U.S.C. 2111, 2112)

Dated at Washington, D.C., this 29th day of November 1965.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 65–13229; Filed, Dec. 9, 1965; 8:48 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. F]

PART 206—SECURITIES OF MEMBER STATE BANKS

Proxy Solicitation by Bank Management

§ 206.103 Financial statements to be included in annual reports to security holders.

(a) Since 1966 will generally be the first time that banks subject to the public disclosure requirements of the Securities Exchange Act of 1934 (15 U.S.C. 78) will be soliciting proxies in accordance with such requirements, the Board of Governors directs the attention of registrant banks to § 206.5(c) (Reg. F). It is provided therein that a bank's proxy statement (or the statement that must be distributed where management does not solicit proxies) which relates to an annual meeting of security holders at which directors are to be elected, shall be accompanied or preceded by an annual report to such security holders "containing such financial statements for the last fiscal year as will, in the opinion of the management, adequately reflect the financial position and operations of the bank."

(b) Adherence to the following reporting standards, prescribed in Regulation F, is considered necessary to reflect adequately the financial position and results of operations of registrant banks in such annual reports to security holders:

(1) Financial statements should be prepared on a consolidated basis to the extent required by Regulation F.

(2) A statement of income should be furnished in a form providing for the determination of the "amount transferred to undivided profits" as a result of all activity related to the preceding year.

(3) A statement of changes in capital accounts, including capital reserves, should be included.

(4) Valuation reserves should be reported as reductions of related asset values.

(5) A reconciliation of valuation reserves should be presented, showing material charges and credits.

(c) Section 206.5(c) further provides that—

The financial statements included in the annual report may omit details or summarize information if such statements, considered as a whole in the light of other information contained in the report and in the light of the financial statements of the bank filed or to be filed with the Board, will not by such procedure omit any material information necessary to a fair presentation or to make the financial statements not misleading under the circumstances. Subject to the foregoing requirements with respect to financial statements, the annual report to security holders may be in any form deemed suitable by the management.

(d) Pursuant to these provisions, the financial statements included in annual reports to security holders should not be inconsistent with the financial reporting prescribed by Regulation F and they should conform in all material respects to the accounting principles stated therein. However, annual reports to security holders need not include the detailed information required in annual reports filed with the Federal Reserve Board on Federal Reserve Form F–2 (§ 206.42).

(15 U.S.C. 78w. Interprets or applies 15 U.S.C. 78n)

Dated at Washington, D.C., this 29th day of November 1965.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 65–13205; Filed, Dec. 9, 1965; 8:45 a.m.]

[Reg. Q]

PART 217—PAYMENT OF INTEREST ON DEPOSITS

Maximum Rates of Interest

1. Effective December 6, 1965, § 217.6 (Supplement to Regulation Q) is amended to read as follows:

§ 217.6 Maximum rates of interest payable on time and savings deposits by member banks.

Pursuant to the provisions of section 19 of the Federal Reserve Act and § 217.3, the Board of Governors of the Federal Reserve System hereby prescribes the following maximum rates[1] of interest payable by member banks of the Federal Reserve System on time and savings deposits:

(a) *Maximum rate of 5½ percent.* No member bank shall pay interest accruing at a rate in excess of 5½ percent per annum, compounded quarterly,[2] regardless of the basis upon which such interest may be computed, on any time deposit.

(b) *Maximum rate of 4 percent.* No member bank shall pay interest accruing at a rate in excess of 4 percent per annum, compounded quarterly,[2] regardless of the basis upon which such interest may be computed, on any savings deposit.

2a. The purpose of the amendment is to increase the rate of interest that member banks are permitted to pay on time deposits, including certificates of deposit. Formerly, member banks were permitted to pay interest up to 4½ percent per annum on a time deposit with maturity of 90 days or more and to pay interest up to 4 percent on any such deposit with maturity of less than 90 days. Member banks are now permitted to pay interest up to 5½ percent per annum on any time deposit, irrespective of maturity. (A time deposit does not include a deposit contract that provides for payment in less than 30 days § 217.1.)

b. There was no notice and public participation with respect to this amendment, nor is the effective date thereof deferred. In the circumstances, such procedure and delay would prevent the action from becoming effective as promptly as necessary in the public interest. (See § 262.1(e) of the Board's rules of procedure (12 CFR 262.1(e)).)

(12 U.S.C. 248(i) and 371b)

Dated at Washington, D.C., this 3d day of December 1965.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 65–13206; Filed, Dec. 9, 1965; 8:46 a.m.]

Chapter III—Federal Deposit Insurance Corporation

PART 329—PAYMENT OF DEPOSITS AND INTEREST THEREON BY INSURED NONMEMBER BANKS

Maximum Rates of Interest Payable on Time and Savings Deposits

Effective December 7, 1965, § 329.6 of the rules and regulations of the Federal Deposit Insurance Corporation (12 CFR 329.6) is amended to read as follows:

§ 329.6 Maximum rates[1] of interest payable on time and savings deposits by insured nonmember banks.

(a) *Maximum rate of 5½ percent.* No insured nonmember bank shall pay interest accruing at a rate in excess of 5½ percent per annum, compounded quarterly,[2] regardless of the basis upon which such interest may be computed, on any time deposit.

(b) *Maximum rate of 4 percent.* No insured nonmember bank shall pay interest accruing at a rate in excess of 4 percent per annum, compounded quarterly,[2] regardless of the basis upon which such interest may be computed, on any savings deposit.

[1] The maximum rates of interest payable by member banks of the Federal Reserve System on time and savings deposits as prescribed herein are not applicable to any deposit which is payable only at an office of a member bank located outside of the States of the United States and the District of Columbia.

[2] This limitation is not to be interpreted as preventing the compounding of interest at other than quarterly intervals: *Provided*, That the aggregate amount of such interest so compounded does not exceed the aggregate amount of interest at the rate above prescribed when compounded quarterly.

The purpose of the amendment is to increase the rate of interest that insured State nonmember banks are permitted to pay on time deposits, including certificates of deposit. Formerly, insured State nonmember banks were permitted to pay interest up to 4½ percent per annum on a time deposit with maturity of 90 days or more and to pay interest up to 4 percent on any such deposit with maturity of less than 90 days. Insured State nonmember banks are now permitted to pay interest up to 5½ percent per annum on any time deposit with maturity of 30 days or more.

There was no notice and public participation with respect to this amendment, nor is the effective date thereof deferred with prior publication as the Board of Directors has found pursuant to § 302.6 of the Corporation's rules and regulations that in the circumstances, such procedure and delay would prevent the action from becoming effective as promptly as necessary in the public interest.

(Sec. 9, 64 Stat. 881; 12 U.S.C. 1819) (Interprets or applies sec. 18, 64 Stat. 891; 12 U.S.C. 1828)

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 65–13221; Filed, Dec. 9, 1965; 8:47 a.m.]

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. FSLIC–2,335]

PART 561—DEFINITIONS

Slow Loans

DECEMBER 6, 1965.

Resolved that, notice and public procedure having been duly afforded (30 F.R. 14048) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration and of determination by it of the advisability of amendment of § 561.16 of the Rules and Regulations for Insurance of Accounts (12 CFR 561.16) and for the purpose of effecting such amendment, hereby amends said § 561.16 as follows, effective December 10, 1965:

Amend § 561.16 of the Rules and Regulations for Insurance of Accounts by the addition of a new paragraph, paragraph (f), to read as follows:

§ 561.16 Slow loans.

• • • • • •

(f) In computing delinquencies for purposes of this section, any loan as to which the insured institution has the benefit of any guaranty by the Federal Savings and Loan Insurance Corporation shall be considered to be current as of the date such guaranty becomes effective with respect to that particular loan and only subsequent delinquencies shall be counted in determining whether the loan is slow.

• • • • • •

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that, inasmuch as the foregoing amendment relieves restriction, the Board hereby finds that postponement of the effective date under the provisions of § 508.14 of the general regulations of the Federal Home Loan Bank Board and section 4(c) of the Administrative Procedure Act is not required and the Board hereby provides that the said amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 65–13227; Filed, Dec. 9, 1965; 8:48 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Subtitle A—Office of the Secretary of Commerce

PART 10—PROCEDURES FOR THE DEVELOPMENT OF VOLUNTARY PRODUCT STANDARDS

After giving public notice of proposed changes in the procedures for the development of voluntary standards (FEDERAL REGISTER, September 8, 1965), and after considering public comments, I hereby prescribe and publish the procedures set forth below for the development of voluntary product standards cooperatively with producers, distributors, users, consumers, and government agencies.

The procedures set forth the responsibilities of the industry and the role of the Department of Commerce in the development of such standards; provide guides for establishing a balanced standard review committee; set forth the requirements for general acceptance before a standard is published; and provide

other safeguards for protecting the public interest.

These procedures shall be effective on the date of their publication in the FEDERAL REGISTER. The processing of any standards currently under development under previous procedures wil continue from the appropriate point in the new procedures.

Signed in Washington, D.C., on this 7th day of December, 1965.

J. HERBERT HOLLOMON,
Assistant Secretary for Science and Technology.

Sec.

10.0 General.
10.1 Initiating development of new standard.
10.2 Development of proposed standard.
10.3 Establishment of the Standard Review Committee.
10.4 Development of a recommended standard.
10.5 Procedure for acceptance of recommended standard.
10.6 Standing Committee for published product standard.
10.7 Publication of standard.
10.8 Reference to a standard.
10.9 Revision or amendment of a standard.
10.10 Withdrawal of a published standard.
10.11 Effect of procedures.

AUTHORITY: The provisions of this Part 10 issued under the Act of March 3, 1901, ch. 872, sec. 2, 31 Stat. 1449; as amended by the Act of July 22, 1950, ch. 486, sec. 1, 64 Stat. 371 (15 U.S.C. 272); Reorg. Plan No. 3 of 1946, Part VI.

§ 10.0 General.

(a) *Introduction.* (1) The participation by the Federal Government in the development of voluntary standards for products, processes, and materials is recognized as a service to the public. Activity in this area is defined in Part VI of the Reorganization Plan No. 3 of 1946 and Department Order No. 90, revised January 30, 1964. Such standards may cover terms, classes, sizes (including body sizes for wearing apparel), dimensions, capacities, quality levels, performance criteria, testing equipment, and test procedures.

(2) The Department of Commerce recognizes the importance, the advantages, and the benefits of standardization activities. Economic growth is promoted through the reduction of production costs and of inventory and distribution costs and the simplification of installation and use.

(b) *Requirements for Department of Commerce participation.* The Department of Commerce (hereinafter referred to as "The Department") will participate in the development of a voluntary standard when the standard is deemed appropriate, in that it—

(1) Is not contrary to the public interest,

(2) Has national effect or implication,

(3) Has apparent industry-wide interest or endorsement, and

(4) Is not such that it can be processed according to needs or desires of the industry by a nationally recognized private standardizing body.

(c) *Role of the Department.* The Department, in responding to a specific request from industry, assists in the establishment of a voluntary standard through the following:

(1) Acts as an unbiased coordinator in the development of the standard.

(2) Provides editorial assistance in the preparation of the standard.

(3) Supplies such assistance and review as is required to assure the technical soundness of the standard.

(4) Sees that the standard is representative of the views of producers, distributors, users, and consumers.

(5) Seeks satisfactory adjustment of valid points of disagreement.

(6) Publishes the standard.

(7) Establishes a hallmark which may be used on or for products that meet the requirements set forth in the standard.

(d) *Role of industry.* One or more segments of an industry contribute to the development of a voluntary standard as follows:

(1) Initiate and participate in the development of a standard.

(2) Provide technical counsel on a standard.

(3) Promote the use of, and support for, the standard.

§ 10.1 Initiating development of new standard.

(a) Any group of manufacturers, distributors, consumers, users, or testing laboratories, or any State or Federal agency concerned with a particular product, may request the Department to participate in the development and publication of a voluntary standard for that product under the procedures set forth in this part. Any request shall be in writing, and shall be signed by a representative of the group or agency, and forwarded to the Department. The request shall contain the following information:

(1) The purpose and scope of a suggested standard.

(2) A succinct statement of the need for the suggested standard and why it is desirable that the standard be developed through the Department of Commerce procedures.

(3) A statement of reasons why the suggested standard would be in the public interest.

(4) Available technical data essential to the suggested standard and its further development, such as physical, mechanical, chemical or performance requirements, and production figures for the common stock varieties.

(5) Any other information which may be necessary as a basis for discussion by others.

(6) The names and addresses of the members of the group making the request if it is not a nationally recognized group.

The initial request may be accompanied by a copy of a draft of the suggested standard.

(b) If a request meeting the foregoing criteria is received by the Department and the Department determines that it would not be contrary to the public interest to develop a standard for the product, the Department may initiate the development of the standard by requesting that a draft of the suggested standard be prepared by an appropriate technical committee, if one has not been submitted by the proponent group.

§ 10.2 Development of proposed standard.

(a) The proposed standard as submitted to the Department shall—

(1) Be based on adequate technical information,

(2) Include performance criteria and test procedures which are adequate and can be readily understood and applied to products to determine conformance or nonconformance with the standard by any competent testing laboratory,

(3) Be not contrary to the public interest,

(4) Be generally acceptable by the producers, distributors, consumers, and users of the product,

(5) Be technically sound, and,

(6) Be in the proper form.

A proposed standard that fulfills these requirements may be submitted to the Department for further development.

(b) A proposed standard that meets the criteria set forth in paragraph (a) of this section, will be subjected to an impartial technical review by an appropriate individual or agency (Government or nongovernment, but not associated with the proponent group).

(c) A proposed standard may be made available for public comment and may be circulated by the Department to appropriate producers, distributors, users, consumers, and other interested groups for consideration and comments.

(d) The proponent group, or technical committee when appropriate, will consider all comments and suggestions received by the Department as a result of any circulation, and will recommend adjustments in the proposal that are technically sound and that will secure the greatest acceptance of the standard by the industry.

§ 10.3 Establishment of the Standard Review Committee.

(a) The Department will establish a Standard Review Committee within a reasonable time after receiving a proposed standard as revised in light of comment. The Committee will be made up of qualified representatives of producers, distributors, and consumers or users of the product for which a standard is sought and any other appropriate general interest groups. The Committee may remain in existence for a period necessary for the final development of the standard, or for 2 years, whichever is less. Alternates to committee members may be appointed by the Department if deemed necessary by the Committee and the Department.

(b) The Department shall be responsible for the organization of the Committee and the procedures under which it functions.

§ 10.4 Development of a recommended standard.

(a) The Standard Review Committee, with the guidance and assistance of the Department and, if appropriate, the technical reviewer designated under § 10.2(b), shall review an adjusted proposed standard promptly, and, when the Committee finds that the proposal meets the requirements set forth in § 10.2(a), it may recommend the proposal for acceptance under § 10.5.

(b) The business of a Standard Review Committee, except for the final recommendation of a standard, shall be conducted by majority vote of at least a quorum. A quorum shall consist of at least two-thirds of the total membership of the Committee. No standard may be recommended to the Department by the Committee unless it has been approved by three-quarters of all the members of the Committee. A vote may be taken by letter, either by the Committee chairman or by the Department.

(c) In recommending a standard to the Department for acceptance, the Standard Review Committee shall furnish a written report explaining the principal issues before the Committee, if any, and outlining how any objections were resolved or, if any objection remains, providing a statement by the minority of the reasons for the objection together with the Committee's reasons for rejecting such objection in making its recommendations.

§ 10.5 Procedure for acceptance of recommended standard.

(a) Upon receipt from the Committee of a recommended standard and report, the Department shall give appropriate public notice and distribute the recommended standard for acceptance unless—

(1) Upon a showing by any member of the Committee who has voted to oppose the recommended standard on the basis of an unresolved objection, the Department determines that if such objection were not resolved, the recommended standard—

(i) Would be contrary to the public interest, if published;

(b) Would be technically inadequate; or

(c) Would be inconsistent with law or established public policy.

(2) The Department determines that all criteria and procedures set forth herein have not been met satisfactorily or that there is legal objection to the recommended standard.

(b) Distribution for acceptance will be made to a list compiled by the Department, which shall be representative of producers, distributors, users, consumers, appropriate testing laboratories, and interested State and Federal agencies, and to any others upon request.

(c) The Department will analyze the responses and if such analysis indicates that the recommended standard is supported by a consensus, then it will be published as a product standard by the Department. (For the purpose of these procedures, consensus means general concurrence with no substantive objection deemed valid by the Department.)

§ 10.6 Standing Committee for published product standard.

(a) Prior to the printing of a product standard, the Department will appoint a Standing Committee, which may include members from the Standard Review Committee, to receive and consider proposals to revise or amend the standard in light of changing circumstances and to make appropriate recommendations to the Department.

(1) The Committee may be called upon to assist the Department in interpreting the standard. The members of a Standing Committee should be knowledgeable about—

(i) The product or products covered by the standard,

(ii) The standard itself, and

(iii) Industry and trade practices relating to the standard.

(2) The membership of a Standing Committee shall have an adequate balance among producers, distributors, users and consumers, and any other important interests such as State or Federal agencies, independent testing laboratories, educational institutions, or professional organizations.

(b) The appointments to the Standing Committee will be for a maximum term of 5 years. However, the Committee may be reconstituted by the Department, whenever necessary to meet changing situations.

(c) The procedures, organization, and functions of a Standing Committee may be fixed by the Department.

§ 10.7 Publication of standard.

(a) A standard published by the Department under these procedures is a voluntary standard and thus by itself has no mandatory or legally-binding effect. Any person may choose to use or not to use such a standard.

(b) A publication fee will be charged to the sponsoring group, as appropriate, to cover the initial publication expenses incurred by the Government Printing Office in printing the final standard as issued by the Department. This fee will entitle the sponsoring group to one thousand copies of the standard. Additional copies will be sold by the Public Printer in accordance with the Government printing laws and regulations.

§ 10.8 Reference to a standard.

Appropriate reference in contracts, codes, advertising, invoices, announcements, product labels, and the like, may be made to a standard published under these procedures. Such reference shall be in accordance with such policies as the Department may establish.

§ 10.9 Revision or amendment of a standard.

(a) A published standard shall require revision when any of its basic or substantive provisions are determined to be inadequate by its Standing Committee or by the Department for one or more of the following reasons or for other appropriate reasons:

(1) Any portion of the standard is obsolete, technically inadequate, or no longer acceptable to or used by the industry.

(2) The standard or any part of it is being used to mislead consumers or is found to be against the best interests of consumers.

(3) The standard is being used to control or limit production, to set prices, to create undue artificial economic advantages for one part of the industry in relation to another, or otherwise to constitute an unreasonable restraint of trade or create illegal dominance in the industry.

(b) Each suggestion for revision shall be referred to the Standing Committee for appropriate consideration. The processing of a suggested revision is the same as for the development of a new standard under these procedures and the Standing Committee serves the same functions as the Standard Review Committee in the process.

(c) Each standard will be reviewed within 5 years after initial issuance or last revision. Minor technical amendments may be published, at the discretion of the Department, upon the general concurrence of the Standing Committee.

§ 10.10 Withdrawal of a published standard.

(a) Any standard published under these or any previous procedures may be withdrawn by the Department at any time upon reasonable public notice if the standard is obsolete, technically inadequate, no longer acceptable to and used by the industry, contrary to law, not in the public interest, or for other reasons, and revision is not feasible or would serve no useful purpose.

(b) Before withdrawing a published standard the Department will review with the Standing Committee for that standard, if such a committee exists, the relative advantages and disadvantages of revision or amendment, development of a new standard, or withdrawal.

(c) Adequate public notice of intent to withdraw an existing standard will be given and all previous acceptors of the standard will be notified of this intent. Withdrawal terminates the authority to refer to the published standard as a commodity or a product standard developed under Department of Commerce procedures, from the effective date of the withdrawal.

§ 10.11 Effect of procedures.

These procedures, effective upon issuance, supersede all commodity standards procedures previously issued by the Department of Commerce or any of its offices or bureaus, but current commodity standards published under any such superseded procedures will remain in effect.

[F.R. Doc. 65-13264; Filed, Dec. 9, 1965; 8:50 a.m.]

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER B—STANDARD REFERENCE MATERIALS

PART 230—STANDARD REFERENCE MATERIALS

Miscellaneous Amendments

Under the provisions of 15 U.S.C. 275a and 277, the following amendments relating to standard reference materials issued by the National Bureau of Standards are effective upon publication in the FEDERAL REGISTER. The amendments add certain standard reference materials, some of which are renewals of out of stock standards, and changes the price of others.

The following amends Title 15 CFR 230 which appeared in the FEDERAL REGISTER of April 17, 1965 (Volume 30, Number 74, Part II).

Subpart C—Standards of Certified Chemical Composition

1. Section 230.7–16 *Ceramic materials* is amended by the addition of standards 70a and 99a to read as follows:

Sample No.	Kind	Approximate weight (grams)	Price
70a	Feldspar, potash	40	$10.00
99a	Feldspar, soda	40	10.00

2. Section 230.7–18 *Metallo-organic compounds* is amended to delete standard 1067 and to add standard 1076 to read as follows:

Sample No.	Kind	Approximate weight (grams)	Price
1076	Potassium erucate	5	$15.00

3. Section 230.7–19 *Microchemical standards* is amended to change the price of standard 143b (Cystine) to read as follows:

Sample No.	Kind	Constituents determined or intended use	Approximate weight (grams)	Price
143b	Cystine	S, C, H, N	2	$11.00

Subpart D—Standards of Certified Properties and Purity

1. In § 230.8–5 subparagraph (3), *Beta, gamma, and electron-capture solution standards* is amended by the addition of standard 4946–B to read as follows:

Sample No.	Radionuclide	Calibration radiation	Approximate activity (month, year)	Approximate wt of solution (grams)	Price per sample
4946–B	Cerium 141	β^-	7×10^4 dps/g (4/65)	5	$53.00

2. In § 230.8–5 subparagraph (5) *Point source gamma-ray standards* is amended by the addition of standards 4991–B, 4992–C, 4998–C, D, and 4201 to read as follows:

Sample No.	Radionuclide	Approximate emission rate at time of calibration (month, year)	Price per sample
4991–B	Sodium 22	6×10^4 γps (1/65)	$57.00
4992–C	Zinc 65	5×10^4 γps (1/65)	50.00
4998–C, D	Yttrium 88	1.4×10^4 γps (3/65)	53.00
4201	Niobium 94	1.4×10^4 γps (7/65)	55.00

3. In § 230.8–5 subparagraph (8) *Radium gamma-ray solution standards* is amended to increase the price of the standards to read as follows:

Sample No.	Radium content (in micrograms) as of 1947	Approximate weight (grams)	Price per sample
4955	0.1	5	$34.00
4956	0.2	5	34.00
4957	0.5	5	34.00
4958	1.0	5	34.00
4959	2.0	5	34.00
4960	5.0	5	34.00
4961	10	5	34.00
4962	20	5	34.00
4963	50	5	34.00

4. Section 230.8–6 *Standard rubbers and rubber compounding materials* is amended to increase the price of standard 373e and to add new standard 384 to read as follows:

Sample No.	Kind	Approximate weight (grams)	Price
373e	Benzothiazyl-disulfide.	500	$9.00
384	N-Tertiary-butyl-2-benzothiazole sulfenamide.	800	5.00

5. Section 230.8–8 *Viscometer calibrating liquids* is amended to change the price of oils L and N from the present price of $20.00 to $22.50 for oil L and $25.00 for oil N.

6. Section 230.8–18 *Glass spheres for sieve calibration* is amended by the addition of standard 1003 (Micron glass spheres) to read as follows:

Sample No.	Kind	Approximate weight (grams)	Price
1003	Microscopically calibrated glass spheres 5–30 microns.	40–45	$15.00

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

A. V. ASTIN,
Director.

[F.R. Doc. 65–13145; Filed, Dec. 9, 1965; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C–986]

PART 13—PROHIBITED TRADE PRACTICES

S. Schwartz & B. Klein, Inc., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act.

(Sec. 8, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, S. Schwartz & B. Klein, Inc., et al., New York, N.Y., Docket C–986, Sept. 10, 1965]

In the Matter of S. Schwartz & B. Klein, Inc., a Corporation, and Samuel Schwartz and Benjamin Klein, Individually and as Officers of the Said Corporation

Consent order requiring New York City manufacturers of fur products to cease misbranding and falsely invoicing fur products in violation of the Fur Products Labeling Act by failing to set forth on labels and invoices the term "natural" to describe furs which were not artificially colored; setting forth on invoices the term "blended" to describe the artificial coloring of furs; and failing to comply with other requirements of the Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents S. Schwartz & B. Klein, Inc., a corporation, and its officers, and Samuel Schwartz and Benjamin Klein, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce; as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form on labels affixed to fur products.

3. Failing to set forth the term "natural" as part of the information required to be disclosed on labels under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

4. Failing to set forth on labels the item number or mark assigned to a fur product.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

3. Setting forth the term "blended" or any term of like import as part of the information required under section 5(b)(1) of the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe the pointing, bleaching, dyeing, tip-dyeing or otherwise artificial coloring of furs contained in fur products.

4. Failing to set forth the term "natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

5. Failing to set forth separately information required under section 5(b)(1) of the Fur Products Labeling Act and rules and regulations promulgated thereunder with respect to each section of fur products composed of two or more sections containing different animal furs.

6. Failing to set forth on invoices the item number or mark assigned to fur products.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 10, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 65–13209; Filed, Dec. 9, 1965; 8:46 a.m.]

[Docket No. C–987]

PART 13—PROHIBITED TRADE PRACTICES

Cosmetics Manufacturing Co. and Sanford Barth

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1745 *Source or origin:* 13.1745–70 Place: 13.1745–70(a) Domestic products as imported; Misrepresenting oneself and goods—Prices: § 13.1811 *Fictitious preticketing.* Subpart—Using misleading name—Goods: § 13.2345 *Source or origin:* 13.2345–65 Place: 13.2345–65(a) Domestic product as imported.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Cosmetics Manufacturing Co. et al., Long Beach, Calif., Docket C–987, Sept. 9, 1965]

Consent order requiring Long Beach, Calif., distributors of toilet preparations to jobbers and retailers, to cease preticketing perfumes and toilet preparations with prices higher than regular retail selling prices; representing falsely on labels affixed thereto and on cartons that said merchandise was manufactured in a foreign country; and from using foreign words and terms in product names and depictions indicative of foreign origin unless such designations and depictions disclose the fact that said merchandise was manufactured in the United States.

The order to cease and desist, including further order requiring report of compliance therewith is as follows:

It is ordered, That respondents Cosmetics Manufacturing Co., a corporation, and its officers, and Sanford Barth, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of perfume or other toilet preparations, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(a) The act or practice of pre-ticketing merchandise at an indicated retail price or otherwise disseminating or advertising a list, suggested or other indicated retail price for respondents' merchandise: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that such indicated retail price was disseminated or advertised in good faith and has not appreciably exceeded the highest price at which substantial sales of such articles were being made in respondents' trade area.

(b) In connection with perfume or other toilet preparations not wholly made in a foreign country,

1. Representing directly that such products are made in a foreign country, or

2. Using any foreign word, term or phrase in any brand or product name, or using any depiction or other device, word, term or phrase indicative of foreign origin, unless clear and conspicuous disclosure is made in close connection and conjunction therewith of the fact that such products were made in the United States.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 9, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 65–13210; Filed, Dec. 9, 1965; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 5—FOOD; EXEMPTIONS FROM LABELING REQUIREMENTS

PART 10—DEFINITIONS AND STANDARDS FOR FOOD

Anticaking Agents and Certain Other Substances in Salt; Exemption From Declaration of Presence in Fabricated Foods

There was published in the FEDERAL REGISTER of February 27, 1965 (30 F.R. 2604), a proposal of the Salt Institute, 33 North La Salle Street, Chicago, Ill., 60602, that regulations be issued to exempt from labeling declaration anticaking salt additives which become components of other fabricated foods because of the use of salt. Comment on the proposal was invited.

A number of comments were received, which were generally favorable. How-

ever, one comment objected to the proposal on the grounds that incidental additives are not ingredients within the meaning of sections 403(g) and 403(i) of the Federal Food, Drug, and Cosmetic Act, and therefore, exempting them is unnecessary.

The Food and Drug Administration has, over the years, expressed the policy that it is not practicable to declare as ingredients some safe incidental substances that may be present in fabricated foods as migrants from production or packaging materials, or as minute pesticide residues from preharvest application. In adopting and implementing this policy, the Administration has distinguished between this type of incidental additives and those incidentally present as the result of using in a fabricated food an ingredient to which an additive had been deliberately and purposefully added. Therefore, the contention that no incidental additives in fabricated foods are "ingredients" within the meaning of sections 403(g) and 403(i) of the act, thus obviating any need for exemption from label declaration, is rejected.

The Commissioner of Food and Drugs has considered the proposal, the comments offered on it, and other available data, and has concluded that the declaration on the label of a fabricated food containing salt need not include the presence of those anticaking agents and other substances designed to improve the physical properties of the salt, when the additives to salt are present in the fabricated food in a negligible and insignificant amount not intended to nor in fact having any effect in or on the fabricated food.

Accordingly, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 403(i), 701(a), 52 Stat. 1046, 1048, 1055; 21 U.S.C. 341, 343 (i), 371(a)), and in accordance with the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90): *It is ordered*, That Parts 5 and 10 be amended as follows:

1. Part 5 is amended by adding thereto the following new section:

§ 5.9 Labeling of foods in which salt containing anticaking agents or other substances is an ingredient.

Anticaking agents and other substances added to salt for the purpose of improving the physical properties of such salt are deemed to be incidental additives and are exempt from label declaration as ingredients of foods fabricated from such salt and other ingredients when:

(a) The salt anticaking agents or substances added to otherwise improving the physical properties of salt are not food additives within the meaning of section 201(s) of the Federal Food, Drug, and Cosmetic Act, are present at a level not greater than necessary to accomplish their intended physical effect, or if food additives, are used in salt in accordance with section 409 of the act and regulations thereunder.

(b) The classes of substances named in paragraph (a) of this section are present at nonfunctional and insignificant levels and do not exert any effect on the fabricated food containing such salt.

2. Section 10.3(a) is amended to read as follows:

§ 10.3 Conformity to definitions and standards of identity.

* * * * *

(a) It contains an ingredient for which no provision is made in such definition and standard, unless such ingredient is an incidental additive introduced at a nonfunctional and insignificant level as a result of its deliberate and purposeful addition to another ingredient permitted by the terms of the applicable standard and the presence of such incidental additive in unstandardized foods has been exempted from label declaration as provided in Part 5 of this chapter.

* * * * *

(Secs. 401, 403(i), 701(a), 52 Stat. 1046, 1048, 1055; 21 U.S.C. 341, 343(i), 371(a))

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

Dated: December 3, 1965.

WINTON B. RANKIN,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 65-13228; Filed, Dec. 9, 1965; 8:48 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

SUBCHAPTER A—REGULATIONS

PART 611—SWEATER AND KNIT SWIMWEAR INDUSTRY IN PUERTO RICO

Wage Rates

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205), and by means of Administrative Order No. 593 (30 F.R. 10114), the Secretary of Labor appointed and convened Industry Committee No. 75. Administrative Order No. 593 referred to Industry Committee No. 75 the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the sweater and knit swimwear industry in Puerto Rico and gave due notice of the hearing of the Committee, as provided in 29 CFR 511.2.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee filed with the Administrator a report containing its findings of fact and recommendation with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), the recommendation of Industry Committee No. 75 is hereinafter published in this revision of 29 CFR 611.2.

Effective December 26, 1965, 29 CFR 611.2 is revised to read as follows:

§ 611.2 Wage rate.

A wage rate of not less than $1.22 an hour shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the sweater and knit swimwear industry in Puerto Rico who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or in the production of goods for commerce as those terms are defined in section 3 of the Act.

(Sec. 8, 52 Stat. 1064, as amended; 29 U.S.C. 208)

Signed at Washington, D.C., this 6th day of December 1965.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 65-13238; Filed, Dec. 9, 1965; 8:49 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 1—GENERAL RULES OF PRACTICE

CROSS REFERENCE: For a document containing interim rules, and suspending rules relating solely to admission to practice before the Commission of attorneys at law contained in §§ 1.7 to 1.13, see F.R. Doc. 65-13226 in notices section, *infra*.

[S.O. 971]

PART 95—CAR SERVICE

Union Railroad Co. Authorized To Operate Over Trackage of Pennsylvania Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Safety and Service Board, held in Washington, D.C., on the 7th day of December A.D. 1965.

It appearing, that the Union Railroad Co. has made application to the Commission, Finance Docket No. 23898, for authority to acquire trackage rights over existing tracks of the Pennsylvania Railroad's McKeesport Branch in Allegheny County, Pa. The tracks over which trackage rights are sought begin at a point on the Pennsylvania Railroad which is at the connection of the Pennsylvania Railroad and the Union Railroad and is approximately 1,675 feet southwardly from the centerline of the Grant Avenue grade crossing over the tracks of the Pennsylvania Railroad in the city of Duquesne; thence over tracks leased to the Union Railroad a distance of 1,578 feet to a siding of the Pennsylvania Railroad; thence southwardly over said siding, a distance of 1,649 feet, to the beginning of the McKeesport Branch of the Pennsylvania Railroad and being a short distance north of the McKeesport-Duquesne Highway Bridge passing over the branch; thence over said McKeesport Branch and bridge over the Monongahela River, a distance of 5,321 feet, to the end of said McKeesport Branch at the easterly edge of Martin Street extended, in the city of McKeesport thence northeastwardly over a siding off said McKeesport Branch, a distance of 2,175 feet, to a connection with tracks in Riverton Yard of the Pennsylvania Railroad leased to the Union Railroad; and including said tracks in Riverton Yard, a distance of 1,575 feet.

The Commission is of the opinion that there is need for the Union Railroad to operate over the trackage of the Pennsylvania Railroad between Duquesne and McKeesport, Pa., pending decision in Finance Docket No. 23898 and that operation of this line will best promote the service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 95.971 Service Order No. 971.

(a) *Union Railroad Co. authorized to operate over trackage of Pennsylvania Railroad Co.* The Union Railroad Co. be, and it is hereby authorized to operate over and perform service over trackage of the Pennsylvania Railroad Co. beginning at a point on the Pennsylvania Railroad which is at the connection of the Pennsylvania Railroad and the Union Railroad and is approximately 1,675 feet southwardly from the center line of the Grant Avenue grade crossing over the tracks of the Pennsylvania Railroad in the city of Duquesne; thence over tracks leased to the Union Railroad a distance of 1,578 feet to a siding of the Pennsylvania Railroad; thence southwardly over said siding, a distance of 1,649 feet, to the beginning of the McKeesport Branch of the Pennsylvania Railroad and being a short distance north of the McKeesport-Duquesne Highway Bridge passing over the branch; thence over said McKeesport Branch and bridge over the Monongahela River, a distance of 5,321 feet to a connection with tracks in Riverton Yard of the Pennsylvania Railroad leased to the Union Railroad; and including said tracks in Riverton Yard, a distance of 1,575 feet.

(b) *Application.* The provisions of this order shall apply to intrastate and foreign traffic as well as to interstate traffic.

(c) *Rules and regulations suspended.* The operation of all rules and regulations insofar as they conflict with the provisions of this order is hereby suspended.

(d) *Effective date.* This order shall become effective at 12:01 a.m., December 10, 1965.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 30, 1966, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies Secs. 1(10-17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4))

It is further ordered, That copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Safety and Service Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 65-13224; Filed, Dec. 9, 1965; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1073, 1074]

[Docket Nos. AO–173–A17, AO–249–A7]

MILK IN WICHITA, KANS., AND SOUTHWEST KANSAS MARKETING AREAS

Notice of Extension of Time for Filing Briefs on Record of Hearing Held on Proposed Amendments

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing with the Hearing Clerk, proposed findings and conclusions and written arguments or briefs based upon the evidence received at the hearing held on November 16 and 17, 1965, in Wichita, Kans., on proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Wichita, Kans., and Southwest Kansas marketing areas is hereby extended from December 10, 1965, to December 17, 1965.

Signed at Washington, D.C., on December 6, 1965.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 65–13213; Filed, Dec. 9, 1965; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 37]

[Docket No. 7046; Notice No. 65–36]

OXYGEN REGULATORS, DEMAND; TECHNICAL STANDARD ORDER

Notice of Proposed Rule Making

The Federal Aviation Agency is considering amending Part 37 of the Federal Aviation Regulations by adding a new Technical Standard Order (TSO) for demand oxygen regulators which are to be used on air carrier and certain transport category aircraft. This TSO contains the minimum performance standards that such a regulator must meet in order for the manufacturer to identify it with the applicable TSO marking.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before March 8, 1966, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This proposal classifies the various demand type oxygen regulators and specifies the design and construction characteristics and the performance requirements applicable to each class of regulator. In addition, the TSO specifies the maximum operating altitude for each class of regulator. A similar notice of proposed rule making covering the crewmember demand oxygen masks to be used on air carrier or transport category aircraft was published in 30 F.R. 9547, dated July 30, 1965.

This notice, like the oxygen mask notice, affects only a limited number of non-air carrier transport category aircraft. Section 25.1441 requires that oxygen equipment be of an approved type only if a transport category aircraft is to be certificated for operations above 40,000 feet. Use of equipment meeting this proposed standard (if adopted) would satisfy the approval requirement. It should also be emphasized that equipment approval may also be obtained on an individual basis notwithstanding the existence of a TSO on that equipment.

In consideration of the foregoing, it is proposed to amend Part 37 of the Federal Aviation Regulations by adding a new section reading as follows:

§ 37.____ Oxygen regulators, demand (air carrier or transport category aircraft); TSO–C____.

(a) *Applicability.* This technical standard order prescribes minimum performance standards that aircraft demand oxygen regulators, to be used on air carrier or transport category civil aircraft, must meet in order to be identified with the applicable TSO marking. New models of demand oxygen regulators that are to be so identified and that are manufactured on or after the effective date of this section must meet the requirements of the following "Federal Aviation Agency Standard, Oxygen Regulators, Demand." [1]

(b) *Marking.* In addition to the markings required by § 37.7, the inlet supply pressure range and the maximum operating altitude must also be marked on the regulator.

(c) Data requirements. The manufacturer must furnish the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located, the following technical data:

(1) Seven copies of the manufacturer's operating instructions, equipment limitations, and installation procedures; and

(2) One copy of the manufacturer's test report.

FEDERAL AVIATION AGENCY STANDARD, OXYGEN REGULATORS, DEMAND

1. *Purpose.* This standard contains minimum performance and quality control standards for the manufacture of demand oxygen system regulators.

2. *Classification.* Demand regulators are classified as follows:

(a) Straight demand regulators designed to deliver oxygen only.

(b) Diluter demand regulators designed to deliver a mixture of oxygen and air, and oxygen only.

(c) Straight demand pressure regulators (straight demand regulators designed to deliver oxygen under positive pressure).

(d) Diluter demand pressure regulators (diluter demand regulators designed to deliver undiluted oxygen under positive pressure).

3. *Design and construction of regulator.* To be eligible for approval under a TSO authorization, the regulator must possess the following design and construction characteristics:

3.1 Demand regulators designed to be mounted directly upon an oxygen mask must include a flexible oxygen supply tube connecting the regulator inlet with the oxygen supply system.

3.2 Demand regulators must be constructed of materials that—

(a) Do not contaminate air or oxygen; and

(b) Are not adversely affected by continuous contact with oxygen.

3.3 (a) Demand regulators must be equipped with a 200 mesh screen, or equivalent filter, at the oxygen inlet port.

(b) Diluter demand and diluter demand pressure regulators must be equipped with a screen of not more than 100 mesh and not less than 30 mesh, or equivalent filter, at the air inlet port.

3.4 Diluter demand and diluter demand pressure regulators must be provided with a manually operated diluter valve that will close the air inlet port to provide for the delivery of undiluted oxygen. If the diluter valve is controlled by means of a rotating handle or lever, the travel must be limited to not more than 180 degrees from the open to the closed position. The diluter valve open position must be designated "normal oxygen" and the diluter valve closed position must be designated "100 percent oxygen." Means must be provided to prevent the diluter valve from assuming a partially open or partially closed position.

3.5 Straight demand pressure and diluter demand pressure regulators must be designed to provide oxygen at a positive pressure of 11.0 ± 1.0 inches H_2O to determine mask peripheral leakage at altitudes below which positive pressures are hereinafter required. The means of obtaining this pressure must be by push, pull, or toggle control appropriately marked to indicate its purpose.

[1] Additional copies may be obtained upon request addressed to: Federal Aviation Agency, Distribution Section, HQ–436, Washington, D.C., 20553.

3.6 Demand regulators must incorporate means to indicate when cylinder oxygen is and is not flowing from the regulator outlet.

4. *Performance.* Two demand regulators of each class for which approval is sought must be shown to comply with the minimum performance standards set forth in paragraphs 4.1 through 4.10 in any position which the regulators can be mounted. Tests must be conducted at ambient atmospheric conditions of approximately 30 inches Hg and 70° F. except as otherwise specified. It is permissible to correct gas flow rates and pressures to STPD conditions by computation.

4.1 (a) Demand regulators must supply the following oxygen or oxygen-air flows at not more than the specified outlet pressures. These characteristics must be displayed at all altitudes, with the oxygen supply pressure at all values within the design inlet pressure range, and with the diluter valve open and closed.

Flow, LPM, STPD:	*Maximum outlet suction pressure, inches of water*
20	0.40
70	.80
100	.92

(b) Demand regulators must not flow more than 0.01 LPM, STPD, when the outlet suction pressure is reduced to 0 inches of H_2O under the conditions specified in subparagraph (a) of this paragraph.

4.2 (a) Diluter demand and diluter demand pressure regulators must supply the following percentages of cylinder oxygen, by volume, at the specified atmospheric pressures and corresponding altitudes. These oxygen percentages must be delivered at regulator outlet gas flows of 20, 70, and 100 LPM, STPD, with the oxygen supply pressure at all values within the design inlet pressure range.

Pressure mm Hg	Altitude feet	Minimum percent cylinder oxygen	
		Diluter demand	Diluter demand pressure
760	0	0	40
632.4	5,000	0	40
522.8	10,000	6	40
429.1	15,000	14	40
349.5	20,000	25	40
282.4	25,000	40	40
226.1	30,000	61	61
179.3	35,000	91	91
178.5	35,100	95	95
141.2	40,000	95	95
111.1	45,000	0	95

(b) Straight demand and straight demand pressure regulators must supply not less than 95 percent oxygen, by volume, at all altitudes under the conditions specified in subparagraph (a) of this paragraph.

4.3 (a) Diluter demand pressure regulators with the diluter valve open or closed, and straight demand pressure regulators, must provide positive breathing pressures at a flow of 20 LPM, STPD, in accordance with the following table:

Altitude 1,000 feet	*Positive outlet pressure—H_2O*
30	0.0 ± 0.5 -0.0
40	0.5 ± 0.5
42	5.0 ± 0.5
44	9.5 ± 0.5
45	11.5 ± 0.5

(b) The positive pressure at 100 LPM, STPD, must not decrease by more than 0.8 inches H_2O from the positive pressure at 20 LPM, STPD.

(c) The positive pressure at 0.01 LPM, STPD, must not increase by more than 0.8 inches H_2O from the positive pressure at 20 LPM, STPD.

4.4 (a) The inward leakage of air through the regulator at sea level must not exceed 0.1 LPM, STPD, with a suction pressure of 1.0 inches H_2O applied to the outlet port, the oxygen supply inlet port sealed, and the diluter valve closed.

(b) The outward leakage of air through the regulator at sea level must not exceed 0.1 LPM, STPD, with a positive pressure of 12 inches H_2O applied to the outlet port, the oxygen supply inlet port sealed, and the diluter valve open and closed.

(c) The regulator outlet leakage must not exceed 0.01 LPM, STPD, with the oxygen supply port open and any oxygen supply pressure within the specified operating range applied at the regulator inlet port.

(d) The regulator overall leakage must not exceed 0.01 LPM, STPD, with the oxygen supply port sealed and the regulator pressurized to a value equal to the maximum specified oxygen supply pressure. Leakage must be determined on the basis of a decrease in pressure during a 2-minute period.

4.5 (a) Straight demand pressure and diluter demand pressure regulators must comply with paragraphs 4.1 through 4.4 after a negative pressure of 29 inches Hg and a positive pressure of 24 inches H_2O is applied to the outlet port for a period of 2 minutes. The diluter valve must be closed during the tests.

(b) Straight demand and diluter demand regulators must comply with paragraphs 4.1 through 4.4 after a negative pressure of 29 inches Hg and a positive pressure of 12 inches H_2O is applied at the inlet port for a period of 2 minutes. The diluter valve must be closed during the tests.

(c) Demand regulators must comply with paragraphs 4.1 through 4.4 after a positive pressure of 1.5 times the maximum oxygen supply pressure is applied to the inlet port, or to the inlet of the oxygen supply tube in the case of mask mounted regulators, for a period of 2 minutes. The positive pressure must be applied rapidly to simulate rapid opening of the supply valve. The diluter valve must be closed and the outlet port must be sealed during the test.

4.6 (a) Straight demand and diluter demand regulators must comply with paragraphs 4.1 through 4.4 after being subjected to a change in pressure from not less than 12.2 p.s.i.a. to not less than 2.7 p.s.i.a. in not more than 10 seconds.

(b) Straight demand pressure and diluter demand pressure regulators must comply with paragraphs 4.1 through 4.4 after being subjected to a change in pressure from not less than 12.2 p.s.i.a. to not less than 2.1 p.s.i.a. in not more than 10 seconds.

4.7 Demand regulators must comply with paragraphs 4.1 through 4.4 under each condition specified in subparagraphs (a) through (d) of this paragraph with the maximum oxygen supply pressure applied to the regulator inlet:

(a) At a temperature of approximately 70° F. after being stored at a temperature of not less than 160° F. for 12 hours.

(b) At a temperature of approximately 70° F. after being stored at a temperature of not warmer than −67° F. for 2 hours.

(c) At a temperature of not less than 160° F.

(d) At a temperature of not more than −40° F.

4.8 Demand regulators must comply with paragraphs 4.1 through 4.4 while being subjected simultaneously to the vibration conditions specified in paragraph (a) of this paragraph, applied along each mutually perpendicular axis, and the simulated flow conditions specified in subparagraph (b) of this paragraph.

(a)

Vibration cps	Maximum double amplitude inches	Maximum "g"
5–500	0.036	2

(b)

Cycles	Peak flow per cycle LPM, STPD	Back pressure at 0 LPM H_2O	Dilution valve
25,000	70	1.0	Closed.
25,000	70	1.0	Open.
100,000	30	.5	Closed.
100,000	30	.5	Open.

4.9 Demand regulators must be free if vibration, flutter, or chatter that will prevent compliance with paragraphs 4.1 through 4.3 when subjected to the following simulated flow conditions:

Cycles	Peak flow per cycle LPM, STPD	Back pressure at 0 LPM H_2O	Diluter valve
5,000	100	1.5	Closed.
5,000	100	1.5	Open.

4.10 Demand regulators when subject to accelerations up to 3 "g" in any position must comply with paragraph 4.1 except that the suction pressures specified in subparagraph 4.1(a) may be exceeded by not more than 0.6 inches H_2O.

5. *Maximum operating altitude.* The minimum pressure to which the regulator has been shown to comply under paragraph 4.6 (a) or (b) of this standard determines the maximum operating altitude of the regulator, except that the maximum operating altitude must not exceed the value shown in the following table:

Class	*Feet*
Straight or diluter-demand	40,000
Pressure demand	45,000

6. *Quality control.* 6.1 Each production regulator must be shown to comply with paragraphs 4.1 through 4.4.

6.2 One regulator selected at random from each lot must be shown to comply with paragraphs 4.1 through 4.10. The lot size may be selected by the applicant subject to the approval of the Federal Aviation Agency on the basis of evaluation of the quality control system of the applicant (see FAR, section 37.5).

7. *Abbreviations and definitions.*

LPM: Liters per minute.

STPD: Standard temperature and pressure, dry (0°, 760 mm Hg).

c.p.s.: Cycles per second.

p.s.i.a.: Pounds per square inch absolute.

g: Acceleration of gravity, 32 feet/second.

This amendment is proposed under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and 1421).

Issued in Washington, D.C., on December 3, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65–13151; Filed, Dec. 9, 1965; 8:45 a.m.]

[14 CFR Parts 91, 121, 129]

[Reg. Docket No. 7054; Notice 65-38]

AIRBORNE DISTANCE MEASURING EQUIPMENT; CIVIL AIRCRAFT WITHIN ALASKA AND HAWAII

Notice of Proposed Rule Making

The Federal Aviation Agency is considering amending Parts 91, 121, and 129 to extend the airborne DME requirements, now in effect in the 48 contiguous States and the District of Columbia, to civil airplanes (including foreign civil airplanes) operating in the VOR air navigation system in the States of Hawaii and Alaska.

Interested persons are invited to participate in the making of this proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before February 8, 1966, will be considered by the Administrator before taking action upon the proposed rules. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This proposal would require all civil airplanes when operated at and above 24,000 feet MSL, within the State of Hawaii after April 30, 1967, or within the State of Alaska after March 31, 1968, to be equipped with DME. In addition, DME would be required on the following civil airplanes operated in the States of Hawaii or Alaska under FAR Part 121 or Part 129 after the indicated dates, regardless of the altitude flown:

(1) Turbine engine powered airplanes: Within Hawaii—April 30, 1967; Within Alaska—March 31, 1968.

(2) Pressurized reciprocating engine powered airplanes: Within Hawaii—December 31, 1967; Within Alaska—September 30, 1968.

(3) All other large airplanes: Within Hawaii—April 30, 1968; Within Alaska—March 31, 1969.

By amendments to former CAR Parts 40, 41, 42 (now combined in FAR Part 121), 43 (now FAR Part 91) and FAR Part 129 similar requirements were prescribed initially for U.S. air carrier airplanes and other civil aircraft of the United States and subsequently for foreign civil aircraft, when operated within the 48 contiguous States and the District of Columbia. A discussion of the development and use of DME including its need for the safe and efficient use of the airspace was set forth in the initial notice of proposed rule making and the final amendments to those parts (see draft release 61-11, 26 F.R. 4455; amendments 40-38, 41-2, 42-44, 43-16, 28 F.R. 479-484). These final amendments stated that when sufficient VORTAC facilities become available for use in Alaska and Hawaii, DME would also be required in those areas.

There are now three operating VORTAC installations in the VOR air navigation system of the State of Hawaii and by the end of May 1966, it is expected that the remaining eight VORTAC facilities planned to complete those installations for that State will be in operation. The State of Alaska also has three operating VORTAC installations and it is expected that nine more installations will be operating by February 1966, with the remaining 14 planned facilities scheduled for installation in 1967 and 1968.

In view of the above, the Agency now finds that in order to achieve the maximum safety and efficency in the use of the Alaskan and Hawaiian airspace the DME equipment requirement should be extended to certain civil aircraft operated within those States.

In consideration of the foregoing, it is proposed to amend Parts 91, 121, and 129 of the Federal Aviation Regulations as follows:

(1) Section 91.33(e) is amended by inserting after the words "U.S. registered civil aircraft" the words "in the State of Alaska after March 31, 1968, in the State of Hawaii after April 30, 1967 or,".

(2) The first sentence of paragraph (e) of § 91.43 is amended to read as follows: "If VOR navigation equipment is required under paragraph (c)(1)(ii) of this section, no person may operate a foreign civil aircraft, in the State of Alaska after March 31, 1968, in the State of Hawaii after April 30, 1967, or in the 48 contiguous States or in the District of Columbia after December 31, 1966, at and above 24,000 feet MSL, unless the aircraft is equipped with distance measuring equipment (DME) capable of receiving and indicating distance information from the VORTAC facilities to be used."

(3) Section 121.349(c) is amended to read as follows:

§ 121.349 Radio equipment for operations under VFR over routes not navigated by pilotage or for operations under IFR or over-the-top.

* * * * *

(c) Whenever VOR navigational receivers are required by paragraph (a) or (b) of this section, at least one approved distance measuring equipment unit (DME), capable of receiving and indicating distance information from VORTAC facilities, must be installed on each airplane, when operated in the 48 contiguous States and the District of Columbia. This paragraph also applies to each airplane operated at and above 24,000 feet MSL in the State of Alaska after March 31, 1968, in the State of Hawaii after April 30, 1967, and to each airplane regardless of the altitude flown when operated within the States of Alaska or Hawaii after the indicated dates:

(1) Turbine engine powered aircraft: within Alaska—March 31, 1968; within Hawaii—April 30, 1967.

(2) Pressurized reciprocating engine powered airplanes: within Alaska—September 30, 1968; within Hawaii—December 31, 1967.

(3) Other large airplanes: within Alaska—March 31, 1969, within Hawaii—April 30, 1968.

* * * * *

(4) Section 129.17(b) is amended to read as follows:

§ 129.17 Radio equipment.

* * * * *

(b) Whenever VOR navigational equipment is required by paragraph (a) of this section, at least one distance measuring equipment (DME), capable of receiving and indicating distance information from the VORTAC facilities to be used must be installed on each airplane when operated above 24,000 feet MSL, within the 48 contiguous States and the District of Columbia, after December 31, 1966, within the State of Alaska after March 31, 1968, or within the State of Hawaii after April 30, 1967, and must be installed on each of the following airplanes, regardless of the altitude flown when operated within the indicated geographical area after the indicated dates:

(1) Within the 48 contiguous States and the District of Columbia—

(i) Turbine engine powered airplanes and pressurized reciprocating engine powered airplanes—December 31, 1966;

(ii) Other large airplanes—December 31, 1967.

(2) Within the State of Alaska—

(i) Turbine engine powered airplanes—March 31, 1968;

(ii) Pressurized reciprocating engine powered airplanes—September 30, 1968;

(iii) Other large airplanes—March 31, 1969.

(3) Within the State of Hawaii—

(i) Turbine engine powered airplanes—April 30, 1967;

(ii) Pressurized reciprocating engine powered airplanes—December 31, 1967;

(iii) Other large airplanes—April 30, 1968.

This amendment is proposed under the authority of sections 307, 313(a), 601, 604, and 605 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354, 1421, 1424 and 1425).

Issued in Washington, D.C., on December 6, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-13230; Filed, Dec. 9, 1965; 8:49 a.m.]

[14 CFR Parts 121, 127, 145]

[Docket No. 7053; Notice No. 65-37]

REPAIR STATIONS PERFORMING WORK ON AIR CARRIER AND COMMERCIAL OPERATORS AIRCRAFT

Notice of Proposed Rule Making

The Federal Aviation Agency is considering amending Parts 121, 127, and 145 of the Federal Aviation Regulations to clarify the requirements concerning the performance of maintenance, alterations and required inspections for air carriers and commercial operators.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before February 8, 1966, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Section 145.57 of the Federal Aviation Regulations prescribes the performance standards governing the maintenance and alteration of aircraft by certificated repair stations. Under these general rules, certificated repair stations are now doing work for operators required to have a continuous airworthiness program under Parts 121 and 127, in a manner that complies with the maintenance and alteration regulations applicable to such operators. However, at present, the repair stations are not specifically required by Part 145 to perform maintenance and alterations for an air carrier or a commercial operator in accordance with the air carrier's or commercial operator's continuous air worthiness program as set forth in its manuals. Since the regulations governing the performance of maintenance and alterations for air carriers and commercial operators should be consistent regardless of who does the work, the Agency proposes to amend Part 145 to specifically require repair stations to perform that work in accordance with the procedures outlined in the applicable sections of Subpart L of Part 121 and Subpart I of Part 127 as set forth in the required manuals. Since this provision would apply to both the domestic and foreign repair stations, it is proposed to incorporate it in a new section under Subpart A of Part 145. Moreover, it is proposed to incorporate into the new section a recordkeeping requirement for the repair stations which is specifically applicable to work performed for the air carriers and commercial operators. This would obviate the need for the general requirement set forth in the penultimate sentence of paragraph (b) of § 145.79.

In addition to the foregoing, it is proposed to amend Parts 121 and 127 to make it clear that persons directly in charge of maintenance and alterations or performing required inspections for air carriers or commercial operators in foreign repair stations need not hold an appropriate airman certificate. While the Agency has administered the regulations in the manner set forth in this proposal, the need to clarify the requirements is recognized.

In consideration of the foregoing, it is proposed to amend Parts 121, 127, and 145 of the Federal Aviation Regulations as follows:

1. By amending §§ 121.378(a) and 127.139(a), respectively, to read as follows:

(a) Except for maintenance, alterations, and required inspections performed by certificated foreign repair stations, each person who is directly in charge of maintenance or alteration, and each person performing required inspections must hold an appropriate airman certificate.

2. By adding a flush sentence at the end of §§ 121.709(b) and 127.319(b), respectively, to read as follows:

Notwithstanding subparagraph (3) of this paragraph, after maintenance or alterations performed by certificated foreign repair stations, the airworthiness release or log entry required by paragraph (a) of this section may be signed by a person authorized by the foreign repair station.

3. By adding the following new section immediately after § 145.1:

§ 145.2 Performance of maintenance, preventive maintenance, alterations and required inspections for an air carrier or commercial operator under the continuous airworthiness requirements of Parts 121 and 127.

(a) Each repair station that performs any maintenance, preventive maintenance, alterations, or required inspections for an air carrier or commercial operator having a continuous airworthiness program under Parts 121 or 127 shall comply with Subpart L of Part 121 (except §§ 121.363, 121.369, and 121.373) or Subpart I of Part 127 (except §§ 127.131, 127.134, and 127.136), as applicable. In addition, each repair station shall perform that work in accordance with the air carrier's or commercial operator's manual.

(b) The recordkeeping and recording requirements of this Part are met by a repair station performing maintenance, preventive maintenance, or alterations under paragraph (a) of this section when the repair station complies with the recordkeeping and reporting requirements applicable to the air carrier or commercial operator under Parts 121 or 127.

4. By amending § 145.57(a) to read as follows:

§ 145.57 Performance standards.

(a) Except as provided in § 145.2, each certificated domestic repair station shall perform its maintenance and alteration operations in accordance with the standards in Part 43 of this chapter. It shall maintain, in current condition, all manufacturer's service manuals, instructions, and service bulletins that relate to the articles that it maintains or alters.

* * * * *

5. By striking out the third sentence of § 145.79.

These amendments are proposed under sections 313(a), 601, 605, and 607 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1425, and 1427).

Issued in Washington, D.C., on December 6, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-13231; Filed, Dec. 9, 1965; 8:49 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Filing of California State Protraction Diagram: Correction

DECEMBER 6, 1965.

The notice of filing of California State protraction diagram appearing on pages 14935–14936 of the FEDERAL REGISTER issue for December 2, 1965 (F.R. Doc. 65–12864), is hereby corrected by adding the following land description:

CALIFORNIA PROTRACTION DIAGRAM NO. 25

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 14 S., R. 18 E.,
Sec. 35.

HALL H. MCCLAIN,
Manager.

[F.R. Doc. 65–13256; Filed, Dec. 9, 1965; 8:50 a.m.]

Fish and Wildlife Service

[Docket No. Sub–G–11]

WALLACE J. BOUDREAUX

Notice of Hearing on Amended and Supplemental Application

By initial decision issued September 29, 1965, the presiding officer approved the application for subsidy in the above matter, for a fishing vessel construction cost differential subsidy, to assist in the construction, in a shipyard of the United States, of a steel trawler having an overall length of 82 feet, to engage in the fishery for shrimp, including royal red shrimp, Atlantic tuna, snapper, and spiny lobster. The initial decision became final. By letter dated November 29, 1965, applicant seeks to amend his application to increase the size of the proposed vessel to an overall length of 95 feet and to increase the engine and freezer capacity.

By order issued December 3, 1965, the presiding officer has directed that hearing upon applicant's amended and supplemental application will be held on January 11, 1966, at 11 a.m., e.s.t., in Room 3356, Interior Building, 18th and C Streets NW., Washington, D.C., 20240. Notice of this hearing is hereby given pursuant to the provisions of the U.S. Fishing Fleet Improvement Act (P.L. 88–498) and Notice and Hearing on Subsidies (50 CFR Part 257). Any person desiring to intervene shall file a petition of intervention with the Director, Bureau of Commercial Fisheries, as prescribed in 50 CFR Part 257 at least 10 days prior to the date set for hearing. If such petition of intervention is filed, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the event of such a change along with the new location.

DONALD L. MCKERNAN,
Director,
Bureau of Commercial Fisheries.

DECEMBER 8, 1965.

[F.R. Doc. 65–13241; Filed, Dec. 9, 1965; 8:50 a.m.]

REGIONAL DIRECTORS

Research Contracts; Delegations of Authority

Chapter 4, Part 4 of the Administrative Manual of the Bureau of Sport Fisheries and Wildlife is amended as set forth below. The purpose of the amendment is to delegate authority to regional directors to negotiate contracts with educational institutions for research work to be performed by cooperative fishery units.

1. Section 4 AM 4.5B is amended to read as follows:

4.5 *Contracting matters.*

* * * * *

B. *Negotiated purchase and contracts.* The officers and employees designated in this section are severally authorized, subject to the provisions of 205 DM 11, to exercise the following authority under the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. 252 et seq.). This authority includes the negotiation, without advertising, of purchases and contracts for supplies and services, when it is determined that the facts are such as to bring the particular purchase or contract within the cited provisions of the act.

* * * * *

(5) *Subsection 302(c)(5).* Services rendered by any university, college or other educational institution, excluding research work other than that pertaining to cooperative fishery units.

JOHN S. GOTTSCHALK,
Director.

DECEMBER 3, 1965.

[F.R. Doc. 65–13211; Filed, Dec. 9, 1965; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

COOPERATIVE STATE RESEARCH SERVICE

Statement of Organization and Delegations

Pursuant to the authority contained in R.S. (5 U.S.C. 22), and Reorganization Plan No. 2 of 1953, section 130 of Secretary's Order dated November 27, 1964 (29 F.R. 16210), as amended, is amended as follows:

1. By deleting from subsection c. "(76 Stat. 806–807)." and substituting in lieu thereof "(16 U.S.C. 582e—582a–7)."

2. By deleting the present language of subsection d. and substituting in lieu thereof "Authority to make grants under section 2 of the Act of August 4, 1965 (7 U.S.C. 450b), and the Act of September 6, 1958 (42 U.S.C. 1891–1893)."

3. By deleting from subsection e. "(77 Stat. 90)" and substituting in lieu thereof "(7 U.S.C. 390–390k)."

4. By deleting from subsection f. "P.L. 89–4" and substituting in lieu thereof "the Appalachian Regional Development Act of 1965 (P.L. 89–4)."

Signed at Washington, D.C., this 6th day of December 1965.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 65–13214; Filed, Dec. 9, 1965; 8:47 a.m.]

UTAH

Extension of Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named county in the State of Utah new disasters have caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Utah	*Present designation*
Millard	29 F.R. 14993

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1966, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 6th day of December 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65–13215; Filed, Dec. 9, 1965; 8:47 a.m.]

WEST VIRGINIA

Designation and Extension of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of West Virginia, a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

WEST VIRGINIA

Barbour.	Marshall.
Brooke.	Ohio.
Calhoun.	Preston.
Clay.	Randolph.
Gilmer.	Taylor.
Hancock.	Tucker.
Harrison.	

It has also been determined that in the hereinafter-named counties in the State of West Virginia the above-mentioned natural disaster has caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

West Virginia	*Present designation*
Berkeley	30 F.R. 1880
Grant	29 F.R. 18515
Hampshire	29 F.R. 18515
Hardy	29 F.R. 18515
Jefferson	30 F.R. 1880
Mineral	29 F.R. 18515
Morgan	30 F.R. 1880
Pendleton	29 F.R. 18515

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1966, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 6th day of December 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65–13216; Filed, Dec. 9, 1965; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

DIRECTOR, DIVISION OF MILITARY APPLICATION, ET AL.

Notice of Basic Compensation

Pursuant to the provisions of section 309 of the Government Employees Salary Reform Act of 1964 (Public Law 88–426, approved August 14, 1964), the salaries of the following positions, established by the Atomic Energy Act of 1954, as amended, were adjusted from $24,500 to $25,382 per annum, effective October 10, 1965:

Authorizing section of Atomic Energy Act of 1954, as amended

Title of position

Director, Division of Military Application and Program Division Directors. — Sec. 25a.
Director, Division of Inspection — Sec. 25c.
Executive Management Positions — Sec. 25d.

Dated: December 2, 1965.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 65–13199; Filed, Dec. 9, 1965; 8:45 a.m.]

[Docket No. 50–114]

WILLIAM MARSH RICE UNIVERSITY

Notice of Issuance of Order Authorizing Dismantling of Facility

Please take notice that the Atomic Energy Commission has issued an order authorizing William Marsh Rice University to dismantle its Model AGN–211, Serial No. 101 nuclear reactor located on the University's campus in Houston, Tex., and covered by AEC Facility License No. R–54.

Copies of the Commission's order, the proposal by William Marsh Rice University and a related safety evaluation prepared by the Research and Power Reactor Safety Branch of the Division of Reactor Licensing are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the safety evaluation may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20445, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 2d day of December 1965.

For the Atomic Energy Commission.

R. L. DOAN,
Director,
Division of Reactor Licensing.

[F.R. Doc. 65–13200; Filed, Dec. 9, 1965; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 14235; Order E–22975]

BONANZA AIR LINES, INC., ET AL.

Promotional Area-Fare Tariffs for Foreign Visitors

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of December 1965.

On October 25, 1965, Bonanza Air Lines, Inc., in behalf of itself and certain other air carriers [1] filed an amended agreement with the Board to effect modifications in its existing agreement concerning the "Visit USA" tariff. The existing agreement was first approved by Order E–19961, of August 29, 1963, and an amendment to it was approved by Order E–21851 of February 26, 1965.

By the amended agreement, the carriers would (1) extend the agreed expiration date on the current "Visit USA" tariff for one year, to December 31, 1966; (2) permit the use of a "miscellaneous charges order" for the "Visit USA exchange order"; and (3) redesignate the tariff publishing agent as Airline Tariff Publishers, Inc.

In view of the nature of the amendments made, and on the basis of the reasons stated by the Board in Order E–19961, adopted August 29, 1963, the Board does not find Agreement CAB 17281–A2 adverse to the public interest or in violation of the Act.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 412, and 414 thereof,

It is ordered That:

1. Agreement CAB 17281–A2 is approved.

2. Any air carrier party to the Agreement, or any interested person may within 10 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data in support of or in opposition to the Board's action herein. An original and nineteen copies of the statement should be filed with the Board's Docket Section. The Board may, upon consideration of any statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65–13218; Filed, Dec. 9, 1965; 8:47 a.m.]

[1] Alaska Airlines, Inc., Allegheny Airlines, Inc., Central Airlines, Inc., Frontier Airlines, Inc., Lake Central Airlines, Inc., Mohawk Airlines, Inc., North Central Airlines, Inc., Ozark Air Lines, Inc., Pacific Air Lines Inc., Piedmont Aviation, Inc., Southern Airways, Inc., and West Coast Airlines, Inc.

FEDERAL AVIATION AGENCY

[OE Docket No. 65–SO–9]

SCRIPPS-HOWARD BROADCASTING CO., TELEVISION STATION WPTV

Designation of Party to Hearing; Joinder of Party and Prehearing Order

On October 23, 1965, in Vol. 30, No. 206, FEDERAL REGISTER, notice of hearing in the above matter was given to all parties. The notice provided that any person not designated as a party who believes his activities to be affected by the proposed construction should request designation as a party to the hearing.

Pursuant to the foregoing, Broward County Department of Airports, on November 30, 1965, through the Director, Department of Airports, petitioned to be designated as a party to the hearing.

Pursuant to the authority provided the presiding officer under § 77.51 of Part 77 of the Federal Aviation Regulations, notice is hereby given that Broward County Department of Airports is designated as a party to the hearing.

Issued in Washington, D.C., on December 6, 1965.

GEORGE R. BORSARI,
Presiding Officer.

[F.R. Doc. 65–13204; Filed, Dec. 9, 1965; 8:45 a.m.]

[OE Docket No. 65-SO-9]

SCRIPPS-HOWARD BROADCASTING CO., TELEVISION STATION WPTV

Designation of Party to Hearing

On December 3, 1965, WCKT petitioned for leave to intervene in the Public Hearing scheduled for December 13, 1965, concerning the proposal of Scripps-Howard Broadcasting Co., Palm Beach, Fla., to build a television antenna 2,049 feet AMSL near Boca Raton, Fla.

Pursuant to the authority provided the presiding officer under § 77.51 of Part 77 of the Federal Aviation Regulations, the Sunbeam Television Corp., the operators of WCKT, is designated as a party to the Scripps-Howard Public Hearing scheduled for December 13, 1965.

Issued in Washington, D.C., on December 7, 1965.

GEORGE R. EORSARI,
Presiding Officer.

[F.R. Doc. 65-13232; Filed, Dec. 9, 1965; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

COMMISSION OF PUBLIC DOCKS, PORTLAND, OREG., AND MATSON NAVIGATION CO.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington Office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 12 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Portland Public Docks, 3070 Northwest Front Avenue, Portland, Oreg., 97210.

Agreement No. T-1806-1, between the Commission of Public Docks, Portland, Oreg. (Commission) and Matson Navigation Co. (Matson) modifies the basic agreement of the parties which provides for the lease to Matson of certain terminal properties in Portland. The purpose of the modification is to provide for a 30-day extension of time in which the Commission may contract for the construction of certain improvements and installation of equipment at the leased premises.

Dated: December 7, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-13235; Filed, Dec. 9, 1965; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-11952, etc.]

SOCONY MOBIL OIL CO., INC., ET AL.

Findings and Order After Statutory Hearing

DECEMBER 1, 1965.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC Gas Rate Schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are either equal to or below the ceiling prices established by the Commission's Statement of General Policy 61-1, as amended, or involve sales for which permanent certificates have been previously issued.

By the order accompanying Opinion No. 464 (33 FPC __) issued June 10, 1965, the Commission issued a certificate of public convenience and necessity in Docket No. G-16460 authorizing the sale of natural gas. Said certificate was issued to Mineral Ventures Corp. but should have been issued to Ambassador Oil Corp. (Operator), et al. Mineral Ventures Corp. is included in the "et al." designation. Anadarko Production Co. (Operator), et al., has succeeded to the interests of Ambassador as of August 1, 1965. Accordingly, the certificate issued in Docket No. G-16460 will be amended by substituting Ambassador in lieu of Mineral Ventures; and as of August 1, 1965, the certificate issued in Docket No. G-16460 will be terminated and the authorization granted thereunder will be included under the certificate issued to Ambassador in Docket No. G-12755, to which Anadarko succeeded as of August 1, 1965.

Anadarko Production Co., Applicant in Docket No. CI64-766, proposes to continue the sale of natural gas heretofore authorized in said docket and made pursuant to Ambassador Oil Corp., FPC Gas Rate Schedule No. 19. Said rate schedule has been redesignated as that of Anadarko. The presently effective rate under Ambassador's FPC Gas Rate Schedule No. 19 for sales of gas from acreage acquired by Ambassador from Ashland Oil & Refining Co. and theretofore dedicated to Ashland's FPC Gas Rate Schedule No. 108 is in effect subject to refund in Docket No. RI60-230.[1] Anadarko has filed a motion to be substituted in lieu of Ambassador as respondent in said proceeding. Accordingly, Anadarko will be substituted as respondent, said proceeding will be redesignated, and Anadarko will be required to file an agreement and undertaking in Docket No. RI60-230 to assure the refund of any amounts collected by Ambassador and Anadarko in excess of the amount determined to be just and reasonable in said proceeding.

Sentinel Petroleum Corp., Applicant in Docket No. CI66-112, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G-10006 and made pursuant to Amerada Petroleum Corp. FPC Gas Rate Schedule No. 50. The contract comprising said rate schedule will also be accepted for filing as Sentinel's rate schedule. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI64-492. Applicant has requested to be made a corespondent in said proceeding and has submitted a surety bond to assure the refund of any amount collected by it in excess of the amount determined to be just and reasonable in said proceeding. Accordingly, Applicant will be made corespondent, the proceeding will be redesignated and the surety bond will be accepted for filing.

After due notice, no petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on November 24, 1965, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and

[1] Consolidated with Docket No. AR64-1, et al.

operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G-4241, G-10006, G-10686, G-11952, G-12755, G-20244, CI61-516, CI61-569, CI61-1190, CI62-523, CI62-1104, CI62-1362, CI64-766, CI64-1476, CI65-265, CI65-642, and CI65-1307 should be amended as hereinafter ordered.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificate heretofore issued in Docket No. G-16460 should be amended by substituting Ambassador Oil Corp. (Operator), et al., in lieu of Mineral Ventures Corp.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificate of public convenience and necessity heretofore issued to Ambassador Oil Corp. (Operator), et al., in Docket No. G-16460 should be terminated as of August 1, 1965, and the authorization to sell natural gas thereunder should be included under the authorization herein issued to Anadarko Production Co. (Operator), et al., in Docket No. G-12755 as of August 1, 1965.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificate of public convenience and necessity heretofore issued to Socony Mobil Oil Co., Inc., in Docket No. G-11939 should be terminated and the authorization to sell natural gas thereunder should be included under the authorization herein issued in Docket No. G-11952.

(9) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the tabulation herein and in the respective applications, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of public convenience and necessity heretofore issued to the respective Applicants herein relating to the abandonments hereinafter permitted and approved should be terminated.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Anadarko Production Co. should be substituted in lieu of Ambassador Oil Corp. as respondent in the proceeding pending in Docket No. RI60-230, that said proceeding should be redesignated accordingly, and that Anadarko should be required to file an agreement and undertaking in Docket No. RI60-230.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Sentinel Petroleum Corp. should be made a co-respondent in the proceeding pending in Docket No. RI64-492, that said proceeding should be redesignated accordingly and that the surety bond submitted by Sentinel in said proceeding should be accepted for filing.

(13) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the respective related rate schedules and supplements as designated or redesignated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after April 15, 1965, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d) of the Commission's Statement of General Policy 61-1, as amended, shall be filed prior to the applicable dates, as indicated by footnotes 5 and 7 in the attached tabulation.

(E) The certificate issued herein in Docket No. CI66-186 is subject to the conditions set forth in paragraphs (C), (D), and (E) of the order accompanying Opinion No. 353 (27 FPC 449), except that said certificate shall not be subject to the Commission's ultimate determination in Docket No. R-200.

(F) The certification heretofore issued in Docket Nos. G-11952, CI64-1476 and CI65-642 are amended by adding thereto authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(G) The certificate of public convenience and necessity heretofore issued to Socony Mobil Oil Co., Inc., in Docket No. G-11939 is terminated and the authorization to sell natural gas thereunder is included under the authorization herein issued in Docket No. G-11952.

(H) The certificate heretofore issued in Docket No. CI61-516 is amended to include the sale of natural gas from the additional acreage and such authorization is subject to the conditions set forth in paragraphs (C), (D), and (E) of the order accompanying Opinion No. 353 (27 FPC 449); further, the contract involved is amended with respect to the additional acreage, to provide for a proportional downward Btu price adjustment.

(I) The certificates heretofore issued in Docket Nos. G-4241, G-10006, G-10686, and CI62-1104 are amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicants in Docket Nos. CI66-289, CI66-112, CI66-278, and CI66-290.

(J) The certificates heretofore issued in Docket Nos. G-12755, G-20244, CI61-569, CI61-1190, CI62-523, CI62-1362, CI64-766, CI65-265, and CI65-1307 are amended by changing the certificate holders to the respective successors in interest as indicated in the tabulation herein.

(K) The certificate heretofore issued in Docket No. G-16460 is amended by substituting Ambassador Oil Corp. (Operator), et al., in lieu of Mineral Ventures Corp.

(L) The certificate of public convenience and necessity heretofore issued to Ambassador Oil Corp. (Operator), et al., in Docket No. G-16460 is terminated as of August 1, 1965, and the authorization to sell natural gas thereunder is included under the authorization herein issued to Anadarko Production Co. (Operator), et al., in Docket No. G-12755 as of August 1, 1965.

(M) The authorization granted in paragraph (J) above in Docket Nos. G-20244, CI61-569, CI61-1190, CI62-1362, CI64-766, CI65-265, and CI65-1307, authorizing the sales of gas by Anadarko Production Co. (Operator), et al., to its parent, Panhandle Eastern Pipe Line Co., excluding sales attributable to the "et al." parties, determines the rate which legally may be paid by the buyer to the seller, but is without prejudice to any action which the Commission may take in any future rate proceeding involving either company.

(N) Permission for and aproval of the abandonment of service by the respective Applicants, as hereinbefore described and as more fully described in the respective applications herein are granted.

(O) The certificates heretofore issued in Docket Nos. G-9855, CI61-1628 and CI63-382 are terminated.

(P) Anadarko Production Co. is substituted in lieu of Ambassador Oil Corp. as respondent in the proceeding pending in Docket No. RI60-230, and said proceeding is redesignated accordingly.[2]

(Q) Within 30 days from the issuance of this order Anadarko Production Co. (Operator), et al., shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI60-230 to assure the refund of any amounts collected by it and Ambassador Oil Corp. (Operator), et al., for sales of natural gas from acreage acquired by Ambassador from Ashland Oil & Refining Co. and theretofore dedicated to Ashland's FPC Gas Rate Schedule No. 108, in excess of the amount determined to be just and reasonable in Docket No. RI60-230. Unless notified to the contrary by the Secretary within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing. The order of August 10, 1965,[3] in Docket No. CI62-989, et al., is amended by deleting therefrom the requirement that Ambassador file an agreement and undertaking in Docket No. RI60-230.

(R) Anadarko Production Co. (Operator), et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the Regulations thereunder, and the agreement and undertaking filed by Anadarko in Docket No. RI60-230 shall remain in full force and effect until discharged by the Commission.

(S) Sentinel Petroleum Corp. is made a co-respondent with Amerada Petroleum Corp. in the proceeding pending in Docket No. RI64-492 and said proceeding is redesignated accordingly,[4] and the surety bond submitted by Sentinel in said proceeding is accepted for filing.

(T) Sentinel Petroleum Corp. shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the Regulations thereunder, and the surety bond filed by Sentinel in Docket No. RI64-492 shall remain in full force and effect until discharged by the Commission.

(U) The respective related rate schedules and supplements as indicated in the tabulation herein are accepted for filing; further, the rate schedules relating to the successions herein are redesignated and accepted, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates as indicated in the tabulation herein.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G-11952 ..... (G-11939) C 9-20-65 [1]	Socony Mobil Oil Co., Inc.	United Gas Pipe Line Co., Boyce and South Porter Fields, Goliad, Karnes, and De Witt Counties, Tex.	(2)	59	.....
G-12755 ..... (G-16460)[3] E 7-29-65	Anadarko Production Co. (Operator), et al. (successor to Ambassador Oil Corp. (Operator), et al.).	Colorado Interstate Gas Co., Mocane-Laverne Area, Beaver County, Okla.	Ambassador Oil Corp. (Operator), et al., FPC GRS No. 3.	94	.....
			Supplement No. 1	94	1
			Notice of succession (undated).[4]	.....	.....
			Effective date: 8-1-65	.....	.....
G-20244 ..... E 7-29-65	....do.....	Panhandle Eastern Pipe Line Co., acreage in Edwards County, Kans.	Ambassador Oil Corp. (Operator), et al., FPC GRS No. 9.	97	.....
			Notice of succession (undated).[4]	.....	.....
			Effective date: 8-1-65	.....	.....
CI61-516 ..... C 8-2-65 [5]	Pan American Petroleum Corp. (Operator), et al.[6]	Michigan Wisconsin Pipe Line Co., acreage in Swain Unit, Woodward County, Okla.	Amendatory agreement 6-18-65.	330	23
CI61-569 ..... E 7-29-65	Anadarko Production Co. (Operator), et al. (successor to Ambassador Oil Corp. (Operator), et al.).	Panhandle Eastern Pipe Line Co., Schoolfield Unit, Cimarron County, Okla.	Ambassador Oil Corp. (Operator), et al., FPC GRS No. 12.	100	.....
			Supplement No. 1	100	1
			Notice of succession (undated).[4]	.....	.....
			Effective date: 8-1-65	.....	.....
CI61-1190 ..... E 7-29-65	....do.....	Panhandle Eastern Pipe Line Co., acreage in Beaver County, Okla.	Ambassador Oil Corp. (Operator), et al., FPC GRS No. 13.	101	.....
			Supplement No. 1	101	1
			Notice of succession (undated).[4]	.....	.....
			Effective date: 8-1-65	.....	.....
CI62-523 ..... E 9-27-65	H. C. Glass (successor to Guest & Moller Oil Co.).	Northern Natural Gas Co., acreage in Ochiltree County, Tex.	Guest & Moller Oil Co., FPC GRS No. 1.	2	.....
			Supplement Nos. 1-5	2	1-5
			Notice of succession (undated).	.....	.....
			Assignment 3-25-65	2	6
			Effective date: 4-1-65	.....	.....
CI62-1362 ..... E 7-29-65	Anadarko Production Co. (successor to Ambassador Oil Corp.).	Panhandle Eastern Pipe Line Co., Pryor "A" Unit, Beaver County, Okla.	Ambassador Oil Corp., FPC GRS No. 17.	103	.....
			Notice of succession (undated).[4]	.....	.....
			Effective date: 8-1-65	.....	.....
CI64-766 ..... E 7-29-65	Anadarko Production Co. (Operator), et al. (successor to Ambassador Oil Corp. (Operator), et al.).	Panhandle Eastern Pipe Line Co., acreage in Cimarron County, Okla.	Ambassador Oil Corp. (Operator), et al., FPC GRS No. 19.	105	.....
			Supplement No. 1	105	1
			Notice of succession (undated).[4]	.....	.....
			Effective date: 8-1-65	.....	.....
CI64-1476 ..... C 10-11-65 [7]	Tidewater Oil Co.....	El Paso Natural Gas Co., San Juan Basin-Dakota Field, San Juan County, N. Mex.	Supplemental agreement 9-22-65.[8]	134	2
CI65-265 ..... E 7-29-65	Anadarko Production Co. (Operator), et al. (successor to Ambassador Oil Corp. (Operator), et al.).	Panhandle Eastern Pipe Line Co., Light Field, Beaver County, Okla.	Ambassador Oil Corp. (Operator), et al., FPC GRS No. 22.	107	.....
			Notice of succession (undated).[4]	.....	.....
			Effective date: 8-1-65	.....	.....
CI65-642 ..... C 10-7-65 [7]	Dabney Crump, et al.....	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	Letter agreement 2-23-65.[9]	2	1
CI65-1307 ..... E 7-29-65	Anadarko Production Co. (Operator), et al. (successor to Ambassador Oil Corp. (Operator), et al.).	Panhandle Eastern Pipe Line Co., acreage in Seward County, Kans.	Ambassador Oil Corp., (Operator), et al., FPC GRS No. 24.	109	.....
			Notice of succession (undated).[4]	.....	.....
			Effective date: 8-1-65	.....	.....

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[2] Ashland Oil & Refining Co. and Anadarko Production Co. (Operator), et al.

[3] Published in the FEDERAL REGISTER on Aug. 19, 1965, 30 F.R. 10337.

[4] Amerada Petroleum Corp. and Sentinel Petroleum Corp.

by FPC GRS No. 60). Docket No. G-11952 will be terminated and the authorization granted thereunder will be included under the certificate in Docket No. G-11952.

[2] Contract dated Aug. 16, 1963, as amended, Sept. 27, 1965, and Oct. 27, 1965, was amended. Included therein was the dedication of all of Applicant's interest in the Goliad, Karnes and De Witt Counties, Tex., to United. This agreement was designated as Supp. No. 5 to Applicant's RS No. 39 and made effective Sept. 21, 1965, included in this dedicated acreage were the leases originally dedicated in Docket No. G-11952 will be terminated and the authorization granted thereunder will be included under the certificate issued in Docket No. G-12755.

[3] Assignment whereby Anadarko acquired this acreage is filed as Supp. No. 4 to Anadarko's FPC GRS No. 93.

[4] July 1, 1967, moratorium date pursuant to Commission's Statement of General Policy 61-1, as amended.

[5] By letter filed Oct. 29, 1965, Applicant advised willingness to accept authorization for the additional acreage conditioned as paragraph (I) of the temporary letter, dated Nov. 1, 1965.

[6] Effective date: Date of initial delivery.

[7] Omitted.

[8] Omitted.

[9] Omitted.

[10] Omitted.

[11] Omitted.

[12] Basic contract between Amerada Petroleum Corp. and El Paso; on file as Amerada's FPC GRS No. 60.

[13] Basic contract.

[14] Deletes acreage assigned by Amerada to Ken Blackford.

[15] Provides for the determination of the specific gravity and gasoline content of the gas every six (6) months instead of every three (3) months.

[16] Farmout agreement between Raymond Oil and Gas, Inc. (now merged with Sentinel Petroleum Corp.) and Amerada Petroleum Corp.

[17] Assignment between Amerada and Sentinel reinstating farmout agreement dated Aug. 16, 1963, originally made between Amerada and Raymond Oil and Gas, Inc.

[18] By letter filed Nov. 4, 1965, Applicant agreed to accept a permanent certificate upon the same terms as the temporary (Opinion No. 353, excluding "R-250" condition).

[19] Production of gas no longer economically feasible.

[20] Effective date: Date of first delivery.

[21] Deletes the Northwest Production Corp. (Operator), et al., FPC GRS No. 1.

[22] Assignment and operating agreement from Northwest Production Corp. to Southwest Production Co. and assignment from Southwest to Skelly Oil Co.

[23] Assignment covers production from all formations to the base of the Mesverde Formation (Secs. 3 and 10, T33N, R10W.)

[24] Assignment covers production from the base of the Mesverde Formation to the base of the Dakota Formation (Secs. 3 and 10, T33N, R10W).

[25] Assignment covers production from the base of the Mesverde Formation to the base of the Dakota Formation (all or portion of Secs. 3, 4, 5, 8, 9, 16, 17, T33N, R10W).

[26] Assignment covers production from all formations to the base of the Mesverde Formation (all or portion of Secs. 4, 5, 9, 16, 17, T33N, R10W).

[27] Assignment covers production from the base of the Mesverde Formation to the base of the Dakota Formation (Sec. 4, T33N, R10W).

[28] Assignment covers production from all formations to the base of the Mesverde Formation (Secs. 6, 7, 8, 18, 31, 32, 33, T33N, R10W).

[29] Assignment covers production from the base of the Mesverde Formation to the base of the Dakota Formation (Secs. 25, 26, 35, 36, T33N, R10W).

[30] Assignment covers production from all formations to the base of the Mesverde Formation (all or portion of Secs. 30, T33N, R9W and Secs. 26, 35, 36, T33N, R9W).

[31] Source of gas depleted.

[32] Between Rogers Lacy, et al., and buyer; also on file as R. Lacy, Inc. (Operator), et al., FPC GRS No. 11.

[33] Provides for assignment of subject acreage to Applicant after commercial production is obtained.

[34] Basic contract between Union Producing Co. and buyer; on file as Union's FPC GRS No. 248.

[35] Provides for Louisiana severance tax reimbursement to seller.

[36] Partial assignment of acreage from Union Producing Co. to Franks Petroleum, et al. Acreage previously covered under Union's certificate, Issue 1, Docket No. G-11939. Deletions have been made from the assigned acreage.

[37] Contract between Socony Mobil Oil Co., Inc., and Montana-Dakota Utilities Co.

[F.R. Doc. 65-13156; Filed, Dec. 9, 1965; 8:45 a.m.]

[Docket No. RI-66-162]

TEXACO INC.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

DECEMBER 1, 1965.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
A CI66-112 ..... (G-11939) F 7-30-65	Sentinel Petroleum Corp.	El Paso Natural Gas Co., San Juan Field, Rio Arriba County, N. Mex.	Contract 2-15-65 [13]	1	1
			Letter agreement 5-4-65.[14]	1	2
			Letter agreement 5-10-65.[15]	1	3
			Letter agreement 7-7-65.[16]	1	4
			Agreement 8-16-63 [17]	1	5
			Agreement 2-23-65 [18]		
			Effective date: 2-27-64		
			Contract 6-15-65	1	.....
CI66-186 ..... A 9-7-65 [19]	Jones & Pellow Oil Co. (Operator), et al.[20]	Michigan Wisconsin Pipe Line Co., Valley Center West Field, Dewey County, Okla.	Notice of cancellation 8-24-65.[21]	2	4
CI66-246 ..... (CI63-382) B 9-20-65	Kimbark Exploration Co. (Operator), et al.	Kansas-Nebraska Natural Gas Co., Inc., Darby Creek Field, Logan County, Colo.	Contract 6-15-65 [22]	211	1
A CI66-778 ..... (G-10960) F 10-4-65	Skelly Oil Co. (successor to Southwest Production Co.).	El Paso Natural Gas Co., acreage in La Plata County, Colo.	Operator agreement 1-21-64.[23]	211	2
			Operator agreement and assignment 1-21-64.[23]	211	3
			Assignment 1-21-64	211	4
			Operator agreement and assignment 1-21-64.[24]	211	5
			Operator agreement and assignment 1-21-64.[25]	211	6
			Operator agreement and assignment 1-21-64.[26]	211	7
			Operator agreement and assignment 1-21-64.[27]	211	8
			Operator agreement and assignment 1-21-64.[28]	211	9
			Effective date: 8-12-64		
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A CI66-289 ..... (G-1241) F 10-7-65	Chas. T. McCord, Jr., d.b.a. McCord Oil Co. (successor to R. Lacy, Inc. (Operator), et al.).	Lone Star Gas Co., Carthage Field, Panola County, Tex.	Amendment 8-23-52	2	1
			Amendment 6-24-60	2	2
			Farmout agreement 6-6-61.[16]	2	3
A CI66-290 ..... (CI62-1104) F 10-4-65	Frank S. Petroleum (Operator), et al. (successor to Union Producing Co.).	United Gas Pipe Line Co., South Downsville Field, Lincoln Parish, La.	Contract 3-15-62 [30]	5	1
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			Assignment 9-10-65 [37]	5	4
CI66-291 ..... A 10-7-65 [1]	The Atlantic Refining Co.	Montana-Dakota Utilities Co., Indian Butte Field, Fremont County, Wyo.	Ratified 8-25-65	298	1
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CI66-302 ..... A 10-11-65 [6]	Chester Oil Co.....	Panhandle Eastern Pipe Line Co., Mocane-Laverne Area, Beaver County, Okla.	Contract 9-8-65 [6]	3	.....

[1] Applicant requests that the certificate issued in Docket No. G-11952 be amended to authorize the sale of gas formerly granted in Docket No. G-11939 and covered under Applicant's FPC GRS No. 31 (which is being superseded

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's Rules of Practice and Procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 13, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cent per Mcf: Rate in effect	Cent per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI66–182...	Texaco Inc., Post Office Box 52332, Houston, Tex., 77052.	42	10	Phillips Petroleum Co.[1] (Texas-Hugoton Field, Hansford County, Tex.) (R. R. District No. 10) and Hugoton Field, Texas County, Okla.) (Panhandle Area).	$8,777 309	11–8–65 11–8–65	[2] 1–1–66 [3] 1–1–66	[3] 1–2–66 [3] 1–2–66	[4] [7] 6.1949 [5] [8] 6.136	[4] [8] [7] 6.8451 [4] [5] [8] 6.780	

[1] Phillips resells the gas after processing in its Sherman Gasoline Plant under its FPC Gas Rate Schedule No. 4 to Michigan Wisconsin Pipe Line Co. The effective rate under Phillips' rate schedule is 14.2183 cents per Mcf which is in effect subject to refund in Docket No. RI60–349.
[2] The stated effective date is the effective date requested by Respondent.
[3] The suspension period is limited to 1 day.
[4] Periodic rate increase.
[5] Pressure base is 14.65 psia.
[6] Sweet gas rate subject to a deduction of 0.4466 cent per Mcf for sour gas. Respondent states that in some instances sour gas will be delivered.
[7] Texas production (includes tax reimbursement).
[8] Oklahoma production (no tax reimbursement).

APPENDIX A

Texaco Inc.'s (Texaco) proposed increased rates are for wellhead sales of gas to Phillips Petroleum Co. (Phillips), the plant operator, who gathers and processes the gas in its Sherman Gasoline Plant and resells the residue gas after processing to Michigan Wisconsin Pipe Line Co. Phillips' resale of the gas is made under its FPC Gas Rate Schedule No. 4 at a current rate of 14.2183 cents per Mcf, which is in effect subject to refund in Docket No. RI60–349. Texaco's proposed rates are below the area increased ceiling of 11.0 cents per Mcf but the sales related thereto are considered to be for non-pipeline quality gas. We consider the increased ceiling to be applicable in this case at the outlet of the processing plant which is the point of delivery to the pipeline company. Under the circumstances, we believe that Texaco's proposed rate increases should be suspended for one day from January 1, 1966, the proposed effective date.

[F.R. Doc. 65–13157; Filed, Dec. 9, 1965; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

BANCOHIO CORP.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of BancOhio Corp., Columbus, Ohio, for approval of the acquisition of up to 100 percent of the outstanding voting shares of The First National Bank of Jackson, Jackson, Ohio.

There has come before the Board of Governors, pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(2)), and § 222.4(a)(2) of Federal Reserve Regulation Y (12 CFR 222.4(a)(2)), an application by BancOhio Corp., Columbus, Ohio, a registered bank holding company, for the Board's prior approval of the acquisition of up to 100 percent of the outstanding voting shares of The First National Bank of Jackson, Jackson, Ohio.

In accordance with section 3(b) of the Act, the Board notified the Comptroller of the Currency of receipt of the application and requested his views and recommendation with respect to the application. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER of May 6, 1965 (30 F.R. 6368), providing an opportunity for interested persons to submit comments and views with respect to the proposed acquisition. The time for filing such comments and views has expired, and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) within seven calendar days after the date of this order or (b) later than three months after said date.

Dated at Washington, D.C., this 1st day of December 1965.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C., 20551, or to the Federal Reserve Bank of Cleveland.

By order of the Board of Governors.[1]

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 65–13207; Filed, Dec. 9, 1965; 8:46 a.m.]

GREENFIELD BANKING CO.

Order Approving Merger of Banks

In the matter of the application of Greenfield Banking Co. for approval of merger with the First National Bank of Fortville.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by Greenfield Banking Co., Greenfield, Ind., a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and the First National Bank of Fortville, Fortville, Ind., under the charter and title of the former. As an incident to the merger, the sole office of the First National Bank of Fortville would become a branch of the resulting bank. Notice of the proposed merger in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger,

[2] Voting for this action: Unanimous, with all members present.

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved, provided that said merger shall not be consummated (a) within 7 calendar days after the date of this order, or (b) later than 3 months after said date.

Dated at Washington, D.C., this 1st day of December 1965.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 65–13208; Filed, Dec. 9, 1965; 8:46 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

[Secretary's Order 36–65]

ASSISTANT SECRETARY FOR LABOR-MANAGEMENT RELATIONS ET AL.

Delegation of Authority Regarding Administration and Enforcement of Service Contract Act of 1965

1. *Purpose.* To delegate authority and assign responsibility for performance of functions assigned to the Secretary of Labor pursuant to the Service Contract Act of 1965.

2. *Authority and directives affected.* a. This order is issued pursuant to the Act of March 4, 1913, as amended (37 Stat. 736; 5 U.S.C. 611), R.S. 161 (5 U.S.C. 22), Reorganization Plan No. 6 of 1950 (15 F.R. 3174; 64 Stat. 1263; 5 U.S.C. 611 Note), and P.L. 89–286 (79 Stat. 1034).

b. All orders, instructions, and memoranda of the Secretary of Labor or other officials of the Department of Labor are superseded to the extent that they are inconsistent herewith.

3. *Background.* The Service Contract Act of 1965 is designed to require that contracts by the United States in excess of $2,500 for furnishing services contain provisions specifying the minimum monetary wages and fringe benefits to be paid to various classes of service employees in the performance of the contract as determined by the Secretary in accordance with prevailing rates for such employees in the locality but not in any case lower than the minimum specified in section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060; 29 U.S.C. 201 et seq.). The Act also requires that these contracts provide that no part of the services be performed under working conditions under the control or supervision of the contractor which are unsanitary or hazardous to the health or safety of the service employees. Provision is made for enforcement by withholding contract payments in a sum equal to underpayments of compensation due employees; cancellation and reaward of contracts where violations are found, charging additional costs to the original contractor; 3 years ineligibility for further contracts for those found to have violated the Act; and actions in court to recover underpayments of compensation due. The Secretary is authorized to make regulations, issue orders, hold hearings, and make decisions under the Act and make regulations allowing reasonable variations, tolerances, and exemptions to and from any or all of its provisions.

4. *Delegation of authority and assignment of responsibility.* a. *Assistant Secretary for Labor-Management Relations.* The Assistant Secretary for Labor-Management Relations shall provide line supervision to the Administrator of the Wage and Hour and Public Contracts Divisions in the execution of the Secretary's responsibilities under the Service Contract Act of 1965.

b. *Administrator of the Wage and Hour and Public Contracts Divisions.* Subject to the direction of the Assistant Secretary for Labor-Management Relations, the Administrator of the Wage and Hour and Public Contracts Divisions shall have the authority and responsibility for: (1) Determining minimum wages and fringe benefits pursuant to section 2(a) of the Act; (2) issuing interpretations with respect to the Act and regulations thereunder on the advice of the Solicitor; (3) authorizing and instituting investigations and prosecuting any inquiry with respect to possible violations of the Act; (4) reviewing findings and decisions of the hearing examiners in administrative enforcement proceedings and making revised findings, conclusions, and decisions pursuant to section 8 of the Administrative Procedure Act as well as reviewing and modifying recommendations to the Secretary of Labor concerning application of the ineligibility list sanction; (5) making recommendations to the Secretary of Labor as to exceptions, limitations, variations, tolerances, and exemptions from the provisions of the Act and from regulations of the Secretary of Labor; (6) making disbursements from the deposit fund directly to the underpaid employees from any accrued underpayments withheld under the Act; (7) making recommendations to the Secretary for the issuance, amendment, or rescission of such rules and regulations as he may deem to be necessary or advisable to carry out the provisions of the Act; and (8) making appropriate arrangements with the contracting agencies pursuant to section 3 of the Act and for their cooperation in carrying out its provisions.

c. *Solicitor of Labor.* The Solicitor of Labor shall have responsibility for: (1) Providing legal advice and assistance to the Secretary and the Administrator of the Wage and Hour and Public Contracts Divisions in the issuance of regulations, rules, and interpretations under the Service Contract Act of 1965 and the regulations issued thereunder; (2) prosecuting judicial enforcement proceedings, determination in each case whether such proceedings are appropriate to be made by the Solicitor of Labor; and (3) assisting the Administrator of the Wage and Hour and Public Contracts Divisions in the development of policies for the administration and enforcement of the Service Contract Act of 1965.

4. *Effective date.* This order is effective immediately.

Signed at Washington, D.C., this 3d day of December 1965.

W. WILLARD WIRTZ, *Secretary of Labor.*

[F.R. Doc. 65–13237; Filed, Dec. 9, 1965; 8:49 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C., 20551, or to the Federal Reserve Bank of Chicago.

[2] Voting for this action: Unanimous, with all members present.

INTERSTATE COMMERCE COMMISSION

[Notice 98]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 7, 1965.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 66562 (Sub-No. 2132 TA), filed December 3, 1965. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y., 10017. Applicant's representative: William H. Marx (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities, including class A and B explosives,* moving in express service, between Philadelphia, Pa., and Wilmington, Del.; from Philadelphia over city streets and Industrial Highway to Chester, Pa., thence over Pennsylvania Highway 291 to junction U.S. Highway 13, thence south over U.S. 13 to Claymont,

Del., thence over alternate U.S. Highway 13 (Governor Printz Boulevard) to Wilmington, Del., and return over the same route, serving all intermediate points, for 180 days. Supporting shipper: No supporting shipper's statement is attached to application. Statement of facts is attached to application. Send protests to: Stephen P. Tomany, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y., 10013.

No. MC 114541 (Sub-No. 12 TA), filed December 3, 1965. Applicant: FLORIDA FROZEN FOODS EXPRESS LIMITED, 964 Middlegate Road, Cooksville, Ontario, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and cheese products*, from the port of entry on the boundary line between the United States and Canada at or near Niagara Falls, N.Y., to points in Florida, for 180 days. Supporting shipper: Pet Milk Canada Ltd., Toronto, Ontario, Canada. Send protests to: George M. Parker, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 324 Federal Office Building, 121 Ellicott Street, Buffalo, N.Y., 14203.

No. MC 119507 (Sub-No. 16 TA) (Amendment), filed November 18, 1965, published FEDERAL REGISTER, issue of November 25, 1965, and republished as amended this issue. Applicant: CRAUN TRANSPORTATION, INC., Emma Street, Bettsville, Ohio. Applicant's representative: L. W. Craun (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, in bulk, from River Rouge, Mich., to points in Illinois, Indiana, Iowa, Kentucky, Missouri, New York, Ohio (except points in Cuyahoga, Geauga, Lorain, and Portage Counties), Pennsylvania, West Virginia, and Wisconsin, for 150 days. Supporting shipper: Marblehead Lime Co., division of General Dynamics Corp., 300 West Washington Boulevard, Chicago, Ill., 60606. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio, 43604. NOTE: The purpose of this republication is to show that applicant intends to transport lime in addition to limestone products.

No. MC 119777 (Sub-No. 50 TA), filed December 2, 1965. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Box 31, U.S. Highway 41 South, Madisonville, Ky., 42431. Applicant's representative: Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky., 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard*, faced or finished with decorative or protective material, and *accessories and supplies used in installation thereof*, when moving with shipments of such fiberboard, from the plantsite of the Masonite Co., at Laurel, Miss., to points in Arkansas, Connecticut, Delaware, Florida, Georgia (except Atlanta and its commercial zone), Kansas, Maine, Maryland, New Jersey, Massachusetts, New Hampshire, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and Texas, for 180 days. Supporting shipper: Mr. Frank E. Lawless, assistant general traffic manager, Masonite Corp., 29 North Wacker Drive, Chicago, Ill., 60606. Send protests to: Wayne L. Merillatt, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky., 40202.

No. MC 127045 (Sub-No. 1 TA), filed December 3, 1965. Applicant: C & D TRUCKING CO., 103 Jefferson Street, Emporia, Va. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities, materials, equipment and supplies used or sold by the foundry industry* (except commodities in bulk in tank vehicles, and those requiring special equipment), between Emporia, Va., on the one hand, and, on the other, points in Maryland, North Carolina, Delaware, New Jersey, New York, Pennsylvania, Connecticut, and the District of Columbia, for 150 days. Supporting shipper: Emporia Foundry, Inc., Box 111, Emporia, Va., 23847. Send protests to: Robert W. Waldron, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 10-502 Federal Building, Richmond, Va., 23240.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-13225; Filed, Dec. 9, 1965; 8:48 a.m.]

ATTORNEYS REPRESENTING OTHERS BEFORE THE COMMISSION

Interim Rules

DECEMBER 3, 1965.

Public Law 89-332 signed by President Johnson on November 8, 1965, provides, in pertinent part, that any person who is a member in good standing of the bar of the highest court of any State, possession, territory, Commonwealth, or the District of Columbia may represent others before any agency upon filing with the agency a written declaration that he is currently so qualified and that he is authorized to represent the particular party in whose behalf he acts.

In view of the foregoing, the rules relating solely to admission to practice before the Commission of attorneys at law are suspended. Pending issuance of amended rules, any attorney may represent a party before the Commission (1) if he is presently enrolled to practice before the Interstate Commerce Commission; or (2) files with the Secretary of the Commission at the inception of a proceeding or with a hearing officer at the time of a hearing, a written declaration in each proceeding in which he is counsel. The declaration shall contain the following information:

1. A statement that the declarant is currently qualified as a member in good standing of the bar of the highest court in any State, possession, Commonwealth, territory, or the District of Columbia, specifying the bar or bars in which he has membership,

2. The declarant's full name, address, and telephone number, and

3. A statement that declarant is authorized to represent a particular party and the name and address of that party.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-13226; Filed, Dec. 9, 1965; 8:50 a.m.]

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THE NATIONAL ARCHIVES OF THE UNITED STATES
1934

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PART 303—RULES AND REGULATIONS UNDER THE TEXTILE FIBER PRODUCTS IDENTIFICATION ACT

Miscellaneous Amendments; Correction

On November 9, 1965, the Commission issued miscellaneous amendments to the rules and regulations under the Textile Fiber Products Identification Act (72 Stat. 1717, 15 U.S.C. 70). Such amendments were published in the FEDERAL REGISTER on Saturday, November 13, 1965.

The reference in paragraph (a)(1) of amended § 303.16 (Rule 16) to "paragraph (b) of § 303.6 (Rule 6)" as appearing on page 14254 of the Saturday, November 13, 1965, issue of the FEDERAL REGISTER is hereby corrected to read "paragraph (b) of § 303.3 (Rule 3)."

The reference in paragraph (a) of amended § 303.42 (Rule 42) to "paragraph (b) of § 303.6 (Rule 6)" as appearing on page 14254 of the Saturday, November 13, 1965 issue of the FEDERAL REGISTER is hereby corrected to read "paragraph (b) of § 303.3 (Rule 3)."

(Sec. 7, 72 Stat. 1717; 15 U.S.C. 70e)

Issued: December 8, 1965.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65–13275; Filed, Dec. 10, 1965; 8:46 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Navy

Section 213.3108 is amended to show the exception under Schedule A of the position of Personnel Security Specialist in the Bureau of Naval Personnel. Effective on publication in the FEDERAL REGISTER, subparagraph (9) is added to paragraph (a) of § 213.3108 as set out below.

§ 213.3108 **Department of the Navy.**

(a) *General.* • • •

(9) One Personnel Security Specialist, Naval Personnel Program Support Activity, Bureau of Naval Personnel.

• • • • • •

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65–13278; Filed, Dec. 10, 1965; 8:46 a.m.]

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3112 is amended to extend the exception under Schedule A of positions in The Alaska Railroad in Alaska and of four technical positions in The Alaska Railroad's Seattle, Wash., Office for an additional year until December 31, 1966. Effective on publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (h) of § 213.3112 is amended as set out below.

§ 213.3112 **Department of the Interior.**

• • • • • •

(h) *The Alaska Railroad.* (1) Until December 31, 1966, all positions in Alaska in The Alaska Railroad and four technical positions in The Alaska Railroad Office in Seattle, Wash.

• • • • • •

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65–13279; Filed, Dec. 10, 1965; 8:46 a.m.]

PART 511—POSITION CLASSIFICATION UNDER THE CLASSIFICATION ACT SYSTEM

PART 534—PAY UNDER OTHER SYSTEMS

Sociological Interns

Section 511.201(b) is amended to show the exclusion from Part 511 and the Classification Act of 1949, as amended, of certain sociological interns, Department of Health, Education, and Welfare. Section 534.202(b) is amended to show the exclusion from the Federal Employees Pay Act and the Classification Act, and the maximum stipends prescribed for, these sociological interns. Sections 511.201(b) and 534.202(b) are amended as follows:

1. Effective on publication in the FEDERAL REGISTER, the following item is added to paragraph (b) of § 511.201 as set out below.

§ 511.201 **Coverage of and exclusions from the Classification Act.**

• • • • • •

(b) *Exclusions.* • • •

Sociological interns, Department of Health, Education, and Welfare, approved training after a minimum of 3 years college level training.

(Sec. 2, 61 Stat. 727 and sec. 1101, 63 Stat. 971; 5 U.S.C. 1052, 1072)

2. Effective on publication in the FEDERAL REGISTER, the following item is added to paragraph (b) of § 534.202 as set out below.

§ 534.202 **Maximum stipends.**

• • • • • •

(b) • • •

Sociological interns, Department of Health, Education, and Welfare: Approved training after a minimum of 3 years college level training, L–4.

• • • • • •

(Secs. 1, 2, 3, 61 Stat. 727; 5 U.S.C. 902, 1051, 1052)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65–13280; Filed, Dec. 10, 1965; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements and Quotas for 1966

Basis and purpose and bases and considerations. This regulation is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended and as further amended by Public Law 89–331 approved November 8, 1965), hereinafter referred to as the "Act", and the memorandum from the President of the United States to the Secretary of Agriculture dated November 20, 1965, hereinafter set forth. The purpose of Sugar Regulation 811 is to determine pursuant to section 201 of the Act the amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1966, and to establish sugar quotas for the supplying areas in terms of short tons of sugar, raw value, equal to the amount determined by the Secretary of Agriculture to be needed in 1966.

Further, this regulation establishes quantities of certain quotas that may be filled by direct-consumption sugar and establishes a liquid sugar quota.

In accordance with the rule making requirements of the Administrative Procedure Act (60 Stat. 237) there was published in the FEDERAL REGISTER (30 F.R. 14440) a notice of proposed rule making for the issuance of a regulation determining sugar requirements for the continental United States and establishing quotas for the calendar year 1966. Written data, views, or arguments for consideration in connection with the proposed regulation were to be submitted by interested persons prior to November 30, 1965. All data, views, and comments received relative to the proposed regulation were thoroughly considered. This determination differs from the proposed determination in one major respect; the quota of Southern Rhodesia of 6,094 short tons, raw value has been withheld pursuant to section 202(d)(1)(B) of the Act upon the following finding of the President of the United States:

THE WHITE HOUSE

WASHINGTON

NOVEMBER 20, 1965.

Memorandum for the Secretary of Agriculture.

Subject: Finding Pursuant to Section 202(d)(1)(B) of the Sugar Act of 1948, as Amended by the Sugar Act Amendments of 1965.

In view of the unilateral declaration of independence by Southern Rhodesia and the tensions that have arisen as a result of that declaration, I find that it would be contrary to the national interest of the United States to continue the sugar quota for Southern Rhodesia for 1965 or to establish a sugar quota for Southern Rhodesia for 1966. You are directed to take the necessary steps to see that no sugar originating in Southern Rhodesia is imported to the United States from the date of this finding.

LYNDON B. JOHNSON.

The quota withheld from Southern Rhodesia has been prorated to Western Hemisphere countries pursuant to section 202(d)(1)(B) of the Act.

Section 201 of the Act directs the Secretary to determine for each calendar year the amount of sugar needed to meet the requirements of consumers in the continental United States and to revise such determination during the calendar year whenever he deems it necessary. The section sets forth criteria to guide the Secretary in his determination and states that such determination shall be made so as to protect the welfare of consumers and of those engaged in the domestic sugar industry by providing such supply of sugar as will be consumed at prices which will not be excessive to consumers and which will fairly and equitably maintain and protect the welfare of the domestic sugar industry.

During the 12-month period ended September 30, 1965, distribution of sugar for consumption in the continental United States totaled 9,980,000 short tons, raw value. While deliveries during the first 11 months of this period probably represented sugar consumption during that period, the high rate of deliveries in September (1,007,000 tons) resulted in some overall increase in users stocks during the 12-month period.

Based on this distribution, the quantity of sugar to be consumed in calendar year 1966 is expected to be about 10,100,000 short tons, raw value, when allowance is made for increased consumption due to the normal increase in population and for refining losses.

Refiners' inventories of quota sugar at the beginning of 1966 are expected to be below the level of a year earlier but about at the average of the last 10 years. It is not possible now to estimate the level of such inventories at the end of 1966.

The domestic price of raw sugar was quite stable during the first 10 months of 1965 and averaged 6.74 cents per pound, within one percent of the price referred to in section 201 of the Act.

In recognition of possible inventory variations during 1966 of quota sugar in the hands of refiners and users and to encourage the maintenance of sugar prices in line with the objectives of the Act at a level which will protect the domestic sugar industry, quotas established by this regulation total 9.8 million tons or about 300,000 tons below anticipated consumption. During the course of the year, it will be necessary to increase the requirements determination for the purpose of raising the quota for Hawaii pursuant to section 202(a)(2)(B) of the Act. This cannot be done until final production from the 1965 Hawaiian crop becomes known.

In view of the wide differential between the price of domestic raw sugar and the world price of raw sugar, there would be a strong tendency for an excessive quantity of foreign sugar to be shipped to this country early in 1966. This would preclude meeting the price objectives of the Act. Accordingly, in order to achieve the objectives of the Act, it is necessary that provision be made for quantitative limitations on the total importation of raw sugar from foreign countries for the first quarter and the first half of the year.

The limitation for the first half of the year is established at 1,700,000 tons of which 700,000 tons may be imported during the first quarter. During the last 3 years, importations of foreign sugar during the first half of the year have averaged about 1,700,000 tons with about 650,000 tons being imported during the first quarter.

To give recognition to the seasonality of production and movement of sugar from the foreign countries, allocations during the first quarter and first half of 1966 will primarily be based on their average imports during those periods during 1963, 1964, and 1965.

Effective date. The Act provides that the Secretary of Agriculture shall, during the last 3 months of 1965, determine sugar requirements and establish sugar quotas for the continental United States for the calendar year 1966. The regulations determining 1966 sugar requirements and quotas apply not only to sugar imported or marketed beginning January 1, 1966, but also to any sugar imported prior thereto for refining, storage, and subsequent release within 1966 quotas as may be provided for by regulation. Accordingly, it is hereby found to be impracticable and not in the public interest to comply with the 30-day effective date requirements of the Administrative Procedure Act. The aspects of § 811.43 relating to the submission and approval or acceptance of applications shall be effective when filed with the FEDERAL REGISTER and all other provisions of this regulation shall become effective January 1, 1966.

Sec.
811.40 Sugar requirements, 1966.
811.41 Quotas for domestic areas.
811.42 [Reserved]
811.43 Quotas for foreign countries.
811.44 Applicability of quotas.
811.45 Restrictions on importations and marketings within quotas.

AUTHORITY: §§ 811.40 to 811.45 issued under sec. 403, 61 Stat. 932, 7 U.S.C. 1153. Interprets or applies secs. 201, 202, 207, 208, 209, 210; 61 Stat. 923, as amended, 924, as amended, 925, as amended, 927, as amended, and 928, as amended; 7 U.S.C. 1111, 1112, 1117, 1118 and 1119.

§ 811.40 Sugar requirements, 1966.

The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1966 is hereby determined to be 9,800,000 short tons, raw value.

§ 811.41 Quotas for domestic areas.

(a) For the calendar year 1966 domestic area quotas limiting the quantities of sugar which may be brought into or marketed for consumption in the continental United States are established, pursuant to section 202(a) of the Act, in column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established, pursuant to section 207 of the Act, in column (2) as follows:

Area	Quotas (1)	Direct-consumption limits (2)
	(Short tons, raw value)	
Domestic beet sugar	3,025,000	No limit
Mainland cane sugar	1,100,000	No limit
Hawaii	1,110,000	33,516
Puerto Rico	1,140,000	147,000
Virgin Islands	15,000	0

(b) Of the quantity established in paragraph (a) of this section for Puerto Rico which may be filled by direct-consumption sugar, 126,033 short tons, raw value, may be filled only by sugar principally of crystalline structure.

§ 811.42 [Reserved]

§ 811.43 Quotas for foreign countries.

(a) The quotas or prorations for foreign countries limiting the quantities of sugar which may be imported into the continental United States during the calendar year 1966 for consumption therein and the amounts of such quotas and prorations that may be filled by direct-consumption sugar are hereby established as set forth in the following paragraphs (b), (c), (d), and (e) of this section.

(b) For the calendar year 1966 the quota for the Republic of the Philippines is 1,060,860 short tons, raw value, and the quantity of such quota that may be filled by direct-consumption sugar is 59,920 short tons, raw value.

(c) For the calendar year 1966, the prorations or allocations to individual foreign countries other than the Republic of the Philippines pursuant to section 202(c) and section 202(d) of the Act are as follows provided the Secretary receives prior to December 31, 1965, the assurances required by sections 202(c)(4) and 202(d)(6) of the Act from the foreign countries named herein:

	Country quotas (1)	Temporary quotas pursuant to— Sec. 202(d)(1)(A) (2)	Temporary quotas pursuant to— Sec. 202(d)(1)(B) (3)	Total quotas (4)
	(Short tons, raw value)			
Mexico	181,175	181,175	1,163	363,513
Dominican Republic	177,191	177,190	1,137	355,518
Brazil	177,191	177,190	1,137	355,518
Peru	141,331	141,331	907	283,569
British West Indies	70,783	70,783	454	142,020
Ecuador	25,782	25,782	165	51,729
French West Indies	22,266	22,266	143	44,675
Argentina	21,797	21,797	140	43,734
Costa Rica	20,860	20,860	134	41,854
Nicaragua	20,860	20,860	134	41,854
Colombia	18,750	18,750	120	37,620
Guatemala	17,578	17,578	113	35,269
Panama	13,125	13,125	84	26,334
El Salvador	12,891	12,891	82	25,864
Haiti	9,844	9,844	63	19,751
Venezuela	8,906	8,906	57	17,869
British Honduras	5,156	5,156	33	10,345
Bolivia	2,109	2,109	14	4,232
Honduras	2,109	2,109	14	4,232
Australia	84,377	84,377	-------	168,754
Republic of China	35,157	35,157	-------	70,314
India	33,751	33,751	-------	67,502
South Africa	24,844	24,844	-------	49,688
Fiji Islands	18,516	18,516	-------	37,032
Thailand	7,734	7,734	-------	15,468
Mauritius	7,734	7,734	-------	15,468
Malagasy Republic	3,984	3,985	-------	7,969
Swaziland	3,047	3,047	-------	6,094
Ireland	5,351	-------	-------	5,351
Total	1,174,199	1,168,847	[1] 6,094	2,349,140

[1] Prorations of the quota for Southern Rhodesia withheld in accordance with a Presidential Finding of Nov. 20, 1965, pursuant to sec. 202(d)(1)(B) of the Act. From cols. 1 and 2 each, there have been excluded 3,047 short tons, raw value, representing the total quota to which Southern Rhodesia would otherwise be entitled.

(d) (1) Of the total quotas and prorations for foreign countries established in paragraphs (b) and (c) of this section, only 1,700,000 short tons, raw value of raw sugar may be authorized for importation from all foreign countries in accordance with Part 817 of this chapter during the first 6 months of 1966, and of such 1,700,000 short tons, raw value, 700,000 short tons, raw value, may be authorized for importation during the first quarter of the year.

(2) The importation of raw sugar within the above specified quarterly limitations will be authorized on the basis of applications for "Set-Aside of Quota" on Form SU-8A or "Sugar Quota Clearance" on Form SU-3 in accordance with the provisions of Part 817 of this chapter except as provided in subparagraph (3) of this paragraph for first quarter importations and in subparagraph (4) of this paragraph for second quarter importations. Applications to import raw sugar from the Republic of the Philippines must, before final approval of any priority granted pursuant to subparagraphs (3) and (4) of this paragraph, be supplemented by certification from the Sugar Quota Administrator of the Government of the Philippines granting the applicant the permission to export sugar to the U.S. market.

(3) (i) Applications for the importation of sugar during the first quarter received on or before 10 days after the effective date of this order will be considered as having been received at the same time.

(ii) First priority shall be given to applications to import sugar from countries from which sugar was imported during the first quarter of 1963, 1964, and 1965 but not to permit importations of sugar during the first quarter to exceed the average of the country's first quarter importations as set forth in subparagraph (5) of this paragraph;

(iii) Second priority shall be given to applications to import sugar from countries in order of size of quota, smallest first, but not to exceed 20 percent of the country's annual quota.

(iv) Any quantity not prorated under subdivisions (ii) and (iii) of this subparagraph shall be prorated among applications for priority under subdivision (ii) that were not approved in the full amount applied for, and such proration shall be made on the basis of the amounts of such applications approved for priority.

(4) (i) Applications for the importation of sugar during the second quarter received on or before January 15, 1966, will be considered as having been received at the same time.

(ii) First priority shall be given to applications to import sugar from countries from which sugar was imported during the first half of 1963, 1964, and 1965, but not to permit importation of sugar during the first half to exceed the average of such country's importations as set forth in subparagraph (5) of this paragraph: *Provided*, That if the quantity of sugar which may be imported during the second quarter is less than the quantity needed to approve such applications, the quantity of sugar which may be imported during the second quarter shall be prorated on the basis of importations from countries as set forth in subparagraph (5) of this paragraph.

(iii) Second priority shall be given to applications to import sugar from countries in the order of the size of quota, smallest first, but not to permit the importation of sugar during the first half of 1966 in excess of 50 percent of the country's annual quota.

(iv) Any quantity not prorated under subdivision (ii) and (iii) of this subparagraph shall be prorated among applications for priority under subdivision (ii) that were not approved in the full amount applied for, and such proration shall be made on the basis of the amounts of such applications approved for priority.

(5) Average importations into the continental United States within quota, during the first quarter and first half of the years 1963, 1964, and 1965:

Country	First quarter	First half
	(Short tons, raw value)	
Philippines	179,256	484,894
Mexico	116,479	301,760
Dominican Republic	81,525	250,869
Brazil	73,276	101,073
Peru	61,968	104,190
British West Indies	14,643	69,728
Ecuador	8,023	9,935
French West Indies	5,667	38,780
Argentina	7,805	28,550
Costa Rica	3,455	23,315
Nicaragua	8,241	23,329
Colombia	0	11,377
Guatemala	13,029	34,648
Panama	4,328	9,917
El Salvador	3,965	12,437
Haiti	8,572	18,842
Venezuela	0	1,949
British Honduras	0	1,739
Bolivia	0	0
Honduras	0	0
Australia	12,994	12,994
Republic of China	6,939	60,241
India	7,833	55,068
South Africa	32,376	32,376
Fiji Islands	0	0
Thailand	0	0
Mauritius	0	0
Malagasy Republic	0	0
Swaziland	2,088	2,088
Southern Rhodesia	0	0
Total	651,562	1,689,979

(e) For the calendar year 1966, the quantity of each proration established in paragraph (c) of this section that may be filled by direct-consumption sugar pursuant to section 207(e) of the Act is as follows:

Country	Short tons, raw value
Ireland	5,351
Panama	3,817

(f) For the calendar year 1966 the quota for liquid sugar for foreign countries as a group is 2,000,000 gallons of sirup of cane juice of the type of Barbados molasses, limited to liquid sugar containing soluble nonsugar solids (excluding any foreign substance that may have been added or developed in the product) of more than 5 percent of the total soluble solids, which is not to be used as a component of any direct-consumption sugar but is to be used as molasses without substantial modification of its characteristics after importation.

§ 811.44 Applicability of quotas.

(a) All sugar and liquid sugar marketed or imported into the continental United States is subject to the provisions of Part 816 or Part 817 of this chapter which prescribe the time, manner and conditions under which quotas and prorations are filled by the marketing and importation of sugar or liquid sugar.

(b) The quantitative limitations established by §§ 811.41 and 811.43, inclusive, do not apply to sugar or liquid sugar marketed or imported pursuant

to sections 211 and 212 of the Act in accordance with the provisions of Part 816 or Part 817 of this chapter.

§ 811.45 Restrictions on importations and marketings within quotas.

Subject to the provisions of Part 816 and Part 817 of this chapter all persons are prohibited from bringing or importing into or marketing in the continental United States any sugar or liquid sugar in excess of or after the applicable quota or quantity set forth in §§ 811.41 to 811.43, inclusive, has been filled or any sugar or liquid sugar as direct-consumption sugar after the direct-consumption portion of the applicable quota has been filled.

Issued at Washington, D.C., this 8th day of December 1965.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 65-13276; Filed, Dec. 9, 1965; 8:50 a.m.]

[Sugar Reg. 817, Amdt. 3]

PART 817—REQUIREMENTS RELATING TO BRINGING OR IMPORTING SUGAR OR LIQUID SUGAR INTO CONTINENTAL UNITED STATES

Miscellaneous Amendments

Basis and purpose and bases and considerations. This amendment is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), and the memorandum from the President of the United States to the Secretary of Agriculture dated November 20, 1965 hereinafter set forth. The purposes of this amendment are (1) to make effective the finding of the President of the United States of November 20, 1965, that no sugar originating in Southern Rhodesia be imported into the United States from the date of such finding; and (2) to provide for a revised Set-Aside Application and Agreement applicable to sugar importations after 1965. The regulation pertaining to sugar quota set-aside agreements also has been revised by this amendment to include notice that a set-aside agreement does not reserve a quota in the event the President acts under section 202(d)(1)(B) of the Act to withhold or suspend such quota. The President's directive of November 20, 1965, was as follows:

THE WHITE HOUSE

WASHINGTON

NOVEMBER 20, 1965.

Memorandum for the Secretary of Agriculture.

Subject: Finding Pursuant to Section 202(d)(1)(B) of the Sugar Act of 1948, as Amended by the Sugar Act Amendments of 1965.

In view of the unilateral declaration of independence by Southern Rhodesia and the tensions that have arisen as a result of that declaration, I find that it would be contrary to the national interest of the United States to continue the sugar quota for Southern Rhodesia for 1965 or to establish a sugar quota for Southern Rhodesia for 1966. You are directed to take the necessary steps to see that no sugar originating in Southern Rhodesia is imported to the United States from the date of this finding.

LYNDON B. JOHNSON.

Effective date. In view of the directions of the President to the Secretary of Agriculture, the 30-day notice and public procedure provisions of the Administrative Procedure Act will be contrary to the public interest and this amendment with respect to § 817.8(a) shall become effective on November 20, 1965. To afford all interested persons the opportunity of making commitments to supply this market with sugar and to make arrangements for the orderly shipping of such sugar to serve the needs of this market during the first 6 months of 1966, it is important that this amendment be made effective at the earliest possible time. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is unnecessary, impractical and contrary to the public interest and with respect to §§ 817.4 and 817.6 this amendment shall become effective when published in the FEDERAL REGISTER.

Pursuant to the provisions of section 403 of the Act (61 Stat. 932), Part 817 of this chapter is amended at §§ 817.4(e), 817.6 and 817.8.

1. Section 817.4 is amended by adding a new subparagraph (5) to § 817.4(e) to read as follows:

§ 817.4 Application by importer.

* * * * * * *

(e) * * *

(5) (i) With respect to importations of sugar from foreign countries, beginning with the calendar year 1966, application for set-aside of quota or quota proration for the importation of a specified quantity of raw sugar may be made to the Sugar Quota Group and approved, as provided in this subparagraph (5). Such application for set-aside shall be in the form of a Set-Aside Application and Agreement Form SU-8-A as hereafter set forth. The submission of a Set-Aside Application does not relieve the applicant of the necessity of submitting an application for authorization for release of sugar as required under paragraph (a) of this section. Any application for set-aside of quota or quota proration submitted pursuant to this subparagraph (5) covering a quantity of sugar to be imported within a quota or quota proration established in Part 811 of this chapter for a specified foreign country, or a quantity of sugar to be imported within a quota deficit quantity established for allocation or allocated in Part 811 of this chapter may be approved by the Secretary, except as limited by any time periods specified in Part 811 of this chapter, not more than 75 days prior to the first day of the 3 month importation period stated in the Set-Aside Application and Agreement. During the period from the date of approval of a Set-Aside Application and Agreement through the 15th day after the end of the importation period stated therein, both dates inclusive, and subject to the terms and conditions of such Application and Agreement, the quota or quota proration designated in the application shall be set aside to the extent of the quantity of sugar approved for set-aside under such Application and Agreement. A sugar quota set-aside agreement would not be effective to reserve a quota in the event that the President acting under section 202(d)(1)(B) of the Act withholds or suspends the quota applicable to the sugar covered by the set-aside agreement, since the agreement is necessarily based on there being a quota in effect at the time of importation.

(ii) Set-Aside Applications and Agreements submitted pursuant to this subparagraph (5) shall be submitted in triplicate on Form SU-8-A to provide the following information and certification:

Form SU-8-A (Dec. 6, 1965) — Budget Bureau No. 40-R-3282.2 Approval Expires 3-31-68

SUGAR QUOTA SET-ASIDE APPLICATION AND AGREEMENT

I, _____ of
(Name of applicant)

_____
(Street address) (City) (State)

hereby certify that as owner, or as agent or broker for the owner, I have under my sole control _____ short tons (commercial weight) of sugar in _____, and
(Name of country)

I hereby make application under the provisions of § 817.4(e)(5) of Sugar Regulation 817 for the set-aside of that quantity of the quota or quota proration for such country established in Sugar Regulation 811.

I agree that in consideration of the approval of this application I will import the sugar into the continental United States during the 3 month importation period specified in this agreement in accordance with the provisions of this agreement and applicable provisions of Sugar Regulation 817 and 811, regardless of whether sugar quotas are suspended on or before such date of importation.

It is hereby agreed by and between the United States of America and the undersigned that the failure to import the quantity of sugar approved for set-aside of quota or quota proration pursuant to this application will substantially damage the program established under the Sugar Act of 1948, as amended, for providing supplies of sugar to be consumed at prices that will not be excessive to consumers in the United States; that the amount of such damages is very difficult to accurately estimate; that the undersigned will pay liquidated damages to the United States of 0.50 cent per pound for each pound of sugar approved for set-aside of quota or quota proration under this application which is not imported into the continental United States on or before the 15th day after the end of the importation period stated in this application, except that no liquidated damages shall be paid (1) for a quantity of sugar not imported which is within an allowance for normal shipping losses and normal loading variations equal to the smaller of eleven per centum of the quantity imported (commercial weight) or five thousand tons, and (2) for sugar not imported with respect to which the applicant, within a period of time prescribed by the Administrator, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, furnishes evidence satisfactory to the Administrator that importation within the period ending 15 days after the end of the importation period stated in this application was prevented by disasters at sea, acts of God, strikes so extensive and of such duration or the occurrence of an insuperable and extraordinary interference which could not have been foreseen or prevented by the applicant's exercise of prudence, diligence, and care as to prevent such importation.

I further certify that I have arranged for and will deposit an irrevocable letter of credit within 3 business days after the approval date of this application and agreement expiring no earlier than 60 days after the end of the importation period stated in this agreement, issued by _____
_____
(Name and address of bank)

in an amount not less than an amount determined by multiplying the total number of tons stated in this application by 2,000 and multiplying the product thereof by 0.5 cent. It is further agreed that such letter of credit shall authorize the Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, to draw upon the letter of credit on the basis of a written statement signed by the Administrator, Agricultural Stabilization and Conservation Service, or his authorized representative, which sets forth that a specified amount is due as liquidated damages under the terms and conditions of this Application and Agreement. It is further agreed that if such letter of credit as described above is not received by the Agricultural Stabilization and Conservation Service or a wire notice from a United States bank of the issuance of such letter of credit has not been received by the Agricultural Stabilization and Conservation Service within 3 business days after the approval date of this Application and Agreement as furnished to the applicant by a telegraphic notice from the Sugar Quota Group, any approval of this Application and Agreement will be cancelled and this Application and Agreement shall be null and void.

In the event the full quantity applied for cannot be approved, I will accept a smaller quantity of not less than _____ short tons, commercial weight.

Importation period: The sugar covered by this agreement will be imported during the 3-month period beginning _____
(Date)

and ending _____
(Date)

Solely for the general guidance of the U.S. Department of Agriculture, I anticipate that the sugar will arrive as follows:

Month	*Short tons, commercial weight*
_____	_____
_____	_____
_____	_____

Signed _____
Title _____
Date _____

Approved as Set-Aside No. _____, for _____ short tons (commercial weight), on _____
(Date)

By _____
(Head, Sugar Quota Group)

2. Section 817.6 is amended by amending paragraphs (a) and (b) to read:

§ 817.6 Specific authorization for release.

(a) *Time of issue and duration of validity.* Specific authorizations by the Secretary for release by a Collector will be issued no more than 5 days prior to the stated date of departure of the vessel or other carrier on which the sugar or liquid sugar is to be shipped. The authorization shall be valid for the period specified thereon, subject to extension by the Secretary for good cause. In case the port of arrival or the name of the receiver is not known when the application becomes eligible pursuant to paragraph (b) of this section, the authorization will not be transmitted to the collector until all the information required by paragraph (a) of § 817.4 is received in the Sugar Quota Group.

(b) *Order of eligibility of applications for authorizations for release of sugar and for the set-aside of quantities for future release.* The order of eligibility for authorization or approval of applications provided for in this paragraph (b) is subject to such modifications as are specified in Part 811 of this chapter. An application on "Sugar Quota Clearance Record", Form SU-3, for authorization to a Collector for the release of sugar which is not being imported under an application for set-aside approved under § 817.4(e) shall become eligible for authorization at 12:01 a.m., on the 5th calendar day prior to the date stated on the application as the date of departure of the shipment of sugar from the area of origin, or at the time of receipt of the application, whichever time occurs later. An application for set-aside submitted pursuant to § 817.4(e) shall become eligible for approval at 12:01 a.m. on the first day that such application for set-aside may be approved as provided in § 817.4(e), or at the time of receipt of the application, whichever time occurs later. The Secretary shall authorize the release by the Collector of sugar not being imported under an application for set-aside and approve applications for set-aside in the same order as such applications for release or set-aside become eligible for authorization or approval. If an application for the release of sugar and an application for set-aside applicable to the same quota become eligible for authorization and approval at the same time, the application for release of sugar shall have priority. If two or more applications for the release of sugar applicable to the same quota become eligible for authorization at the same time, such applications shall be authorized in the order of the date of departure stated thereon, earliest first. If two or more such applications state the same dates of departure and the unfilled balance of the quota or quota proration is less than the total quantity of sugar covered by such applications, the quantity authorized for release under each such application shall be determined by multiplying the quantity covered by each application by the percentage which the unfilled balance of the quota or quota proration is of the total quantity covered by such applications. If two or more applications for set-aside become eligible at the same time and the unfilled balance of the quota or quota proration is less than the total quantity of sugar covered by such applications the quantity to be approved under each such application shall be determined by multiplying the quantity covered by each application by the percentage which the unfilled balance of the quota or quota proration is of the total quantity covered by such applications.

* * * * *

3. Section 817.8 is amended by amending paragraph (a) to read:

§ 817.8 Authorization for purposes other than to fill current quotas.

(a) Upon fulfillment of the requirements of §§ 817.3 and 817.4 and the applicable provisions of this section and § 817.9, the authorization required pursuant to § 817.5 may be given to the Collector to release sugar or liquid sugar for importation for the purposes specified in this section without effect on a quota at the time of importation, except that sugar or liquid sugar may not be imported pursuant to this section from any country with which the United States is not in diplomatic relations or from any country whose quota has been withheld or suspended by the President pursuant to section 202(d)(1)(B) of the Act. Accordingly, the application required by § 817.4 must show that the sugar covered by such application was produced from sugarbeets or sugarcane grown in the sugar producing country as identified on the application.

* * * * *

NOTE: The reporting and/or record-keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Sec. 403, 61 Stat. 932, 7 U.S.C. 1153, as amended, and as further amended by Public Law 89-331, approved Nov. 8, 1965.)

Issued at Washington, D.C., this 8th day of December 1965.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 65-13277; Filed, Dec. 9, 1965; 8:50 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 91]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.391 Navel Orange Regulation 91.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and this part (Order No. 907, as amended), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby

found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 9, 1965.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., December 12, 1965, and ending at 12:01 a.m., P.s.t., December 19, 1965, are hereby fixed as follows:

(i) District 1: 1,500,000 cartons;
(ii) District 2: 89,753 cartons;
(iii) District 3: 180,000 cartons;
(iv) District 4: 50,000 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 10, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–13370; Filed, Dec. 10, 1965; 11:26 a.m.]

[Grapefruit Reg. 30]

PART 909—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF.; AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

Limitation of Shipments

§ 909.330 Grapefruit Regulation 30.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and this part (Order No. 909, as amended), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of White Water, California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date. The Administrative Committee held an open meeting on December 2, 1965, to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such open meeting; necessary supplemental economic and statistical information upon which this recommended section is based were received by the Department on December 7, 1965; information regarding the provisions of the section recommended by the committee has been disseminated to shippers of grapefruit, grown as aforesaid, and this section, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this section effective on the date hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) Grapefruit Regulation 29 (30 F.R. 13052) is hereby terminated at 12:01 a.m., P.s.t., December 12, 1965.

(2) Except as otherwise provided in subparagraph (3) of this paragraph, during the period beginning at 12:01 a.m., P.s.t., December 12, 1965, and ending at 12:01 a.m., P.s.t., August 1, 1966, no handler shall handle from the State of California or the State of Arizona to any point outside thereof:

(i) Any grapefruit which do not meet the requirements of the U.S. No. 2 grade which for purposes of this regulation shall include the requirement that the grapefruit be fairly well colored, instead of slightly colored, and free from peel that is more than one inch in thickness at the stem end (measured from the flesh to the highest point of the peel): *Provided*, That the tolerances prescribed for the U.S. No. 2 grade shall be the tolerances applicable to the requirements of this subparagraph except that not more than 5 percent shall be allowed for grapefruit having peel more than one inch in thickness at the stem end; or

(ii) Any grapefruit which measure less than $3\frac{1}{16}$ inches in diameter, except that a tolerance of 5 percent, by count, for grapefruit smaller than $3\frac{1}{16}$ inches shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the revised U.S. Standards for Grapefruit (California and Arizona), §§ 51.925–51.955 of this title: *Provided*, That in determining the percentage of grapefruit in any lot which are smaller than $3\frac{1}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $4\frac{2}{16}$ inches in diameter and smaller.

(3) Subject to the requirements of subparagraph (2) (i) of this paragraph, any handler may, but only as the initial handler thereof, handle grapefruit smaller than $3\frac{1}{16}$ inches in diameter directly to a destination in Zone 4, Zone 3, or Zone 2; and if the grapefruit is so handled directly to Zone 2 the grapefruit does not measure less than $3\frac{5}{16}$ inches in diameter: *Provided*, That a tolerance of 5 percent, by count, of grapefruit smaller than $3\frac{5}{16}$ inches in diameter shall be permitted, which tolerance shall be applied in accordance with the aforesaid provisions for the application of tolerances and, in determining the percentage of grapefruit in any lot which are smaller than $3\frac{5}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are $3\frac{13}{16}$ inches in diameter and smaller.

(4) As used herein, "handler," "variety," "grapefruit," "handle," "Zone 1," "Zone 2," and "Zone 3" shall have the same meaning as when used in said amended marketing agreement and order; the terms "U.S. No. 2" and "fairly well colored" shall have the same meaning as when used in the aforesaid revised U.S. Standards for Grapefruit; and "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to blossom end of the fruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 8, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–13283; Filed, Dec. 10, 1965; 8:47 a.m.]

[Lemon Reg. 192]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.492 Lemon Regulation 192.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 7, 1965.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., December 12, 1965, and ending at 12:01 a.m., P.s.t., December 19, 1965, are hereby fixed as follows:

(i) District 1: 46,500 cartons;
(ii) District 2: 93,000 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 9, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–13323; Filed, Dec. 10, 1965; 8:47 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

[Rev. I: Amdt. 9]

PART 1483—WHEAT AND FLOUR

Subpart—Flour Export Program—Cash Payment (GR–346) Terms and Conditions

The Terms and Conditions of the Flour Export Program—Cash Payment (GR–346) (25 F.R. 5816) as amended (25 F.R. 9939, 25 F.R. 10758, 27 F.R. 1753, 27 F.R. 4863, 27 F.R. 10351, 29 F.R. 4667, 29 F.R. 12010, and 30 F.R. 6771) are further amended as follows:

Section 1483.222(a) is amended by adding the following:

§ 1483.222 Conversion factors.

(a) • • •

Rolled wheat (92.6 percent type of extraction operation)	0.788.

• • • • • •

Section 1483.225(b) (1) (viii) is amended and (b) (2) (xii) added as follows:

§ 1483.225 Notice of sale.

• • • • • •

(b) *Information required.* (1) • • •

(viii) If the sale is made on a FAS or FOB price basis, the coast or coasts of export provided for in the contract between the exporter and foreign buyer; if the sale is made on a C & F or CIF price basis, the coast or coasts of export from which it is anticipated exportation will be made.

• • • • • •

(2) • • •

(xii) Import license number, when required by the applicable purchase authorization.

Section 1483.227(b) (1) (ix) is amended and (b) (2) (xi) added as follows:

§ 1483.227 Declaration of sale and evidence of sale.

(b) • • •

(1) • • •

(ix) If the sale is made on a FAS or FOB price basis, the coast or coasts of export provided for in the contract between the exporter and foreign buyer; if the sale is made on a C & F or CIF price basis, the coast or coasts of export from which it is anticipated exportation will be made.

• • • • • •

(xi) Import license number, when required by the applicable purchase authorization.

• • • • • •

Section 1483.266(c) is amended by adding the following:

§ 1483.266 Export requirements.

(c) • • •

(A)	(B)
Rolled wheat (92.6 percent type of extraction operation)	1,800

• • • • • •

Section 1483.291 is amended to read as follows:

§ 1483.291 Flour.

"Flour," for the purpose of this subpart, means wheat flour processed in the United States or Puerto Rico from wheat as defined in the Official Grain Standards of the United States and grown in the United States, and shall include whole wheat flour, durum flour, malted wheat flour, self-rising flour, semolina, farina, bulgur, rolled wheat, and denatured flour, but shall not include wheat products produced during a continuing process of manufacturing products other than flour, nor flour mixes unless composed entirely of wheat flour except for additives. The flour shall be such as not to be in conflict with the laws of the country to which it is intended for export. As used herein, (a) "bulgur" means the food product prepared from wheat by scouring, tempering, cooking (steaming under pressure), drying, and removing the bran coat, (b) "rolled wheat" means the food product prepared from wheat, without material removal of the bran and germ, by pressing the wheat into flakes of reasonably uniform size, and (c) "denatured flour" means flour to which a denaturant, such as for example lamp black, ground walnut or pecan shell powder, has been added. The quantity of flour exported which is eligible for export payment shall be determined (1) by deducting from the net weight of the shipment, the weight of any enrichment, or other additive (including Creta Praeperata), in excess of one-half of one percent of the combined net weight of the flour and additive, (2) in the case of flour to which a denaturant has been added by deducting from the net weight of the shipment the weight of any enrichment, the weight of any additive other than the denaturant and the weight of the denaturant added to the flour in excess of one-eighth

of one percent of the combined net weight of the flour and the denaturant (after deducting the weight of any enrichment and additive other than the denaturant). (See §§ 1483.205(i) and 1483.222 with regard to the determination of rates of payment for particular exportations of flour).

(Secs. 4 and 5, Stat. 1070 and 1072, sec. 2, 63 Stat. 945, as amended, 15 U.S.C. 714 b and c, and 7 U.S.C. 1641)

Effective date. This amendment shall be effective on the date of filing this amendment with the Director, Office of the Federal Register.

Signed at Washington, D.C., on December 8, 1965.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 65-13326; Filed, Dec. 9, 1965; 4:37 p.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—Consumer and Marketing Service (Packers and Stockyards Division), Department of Agriculture

PART 203—STATEMENTS OF GENERAL POLICY UNDER THE PACKERS AND STOCKYARDS ACT

Regulations and Practices of Stockyard Owners and Market Agencies

On October 5, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 12686, 12687) regarding the proposed issuance of a statement of interpretation with respect to regulations and practices of stockyard owners and market agencies. Interested persons were given an opportunity to submit written data, views, and arguments concerning the proposed statement. After consideration of all relevant matters, the following statement with respect to regulations and practices of stockyard owners and market agencies subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), has been formulated and adopted by the Consumer and Marketing Service for the guidance of stockyard owners and market agencies and is issued as § 203.8 of Part 203, Chapter II, Title 9, Code of Federal Regulations, to read as follows:

§ 203.8 Statement with respect to regulations and practices of stockyard owners and market agencies.

(a) Stockyard owners and market agencies have the statutory duty to furnish upon reasonable request, without discrimination, reasonable services, and to establish, observe, and enforce just, reasonable, and nondiscriminatory regulations and practices in respect to the furnishing of services.

(b) The Packers and Stockyards Division, Consumer and Marketing Service, encourages stockyard owners and market agencies to make innovations and to establish and enforce regulations which foster efficient and competitive livestock markets. Section 201.4 of the regulations under the Packers and Stockyards Act (§ 201.4 of this chapter) emphasizes the importance of self-regulation by the livestock industry. It provides for the "legitimate application or enforcement of any valid bylaw, rule or regulation, or requirement of any exchange, association, or other organization, or any other valid law, rule or regulation, or requirement to which any packer, stockyard owner, market agency, dealer, or licensee shall be subject which is not inconsistent or in conflict with the act and these regulations."

(c) The livestock industry is in a constant state of transition. Rapid changes in the industry require a continual appraisal by stockyard owners and market agencies of their regulations, practices, facilities, and services to meet the demands of the changing industry and to insure improved, efficient services for market patrons.

(d) Livestock owners today have many alternative methods of buying and selling livestock which were not available at the time the Packers and Stockyards Act became law. Terminal livestock markets and auction markets compete with each other as well as other marketing channels, and stockyard owners and market agencies must continually seek ways to improve services and facilities offered to livestock owners. Subject to reasonable regulation, the right to control and conduct the business of a public stockyard remains in the stockyard company, and the right to impose reasonable requirements on its members remains in the livestock exchanges. The Packers and Stockyards Act, 1921, does not abridge the right of the stockyard owner and livestock exchange to conduct their businesses and to establish and enforce regulations and practices not in conflict with the purposes of the law.

(e) Livestock market owners are not required to obtain a Federal certificate of public convenience and necessity before engaging in the business of operating a stockyard as a stockyard owner and conversely, they are not required to obtain Federal Government approval before they cease operations. The Packers and Stockyards Act does not prohibit a stockyard owner from changing the character of the market business. Nothing in the Act prohibits a stockyard owner from converting his operations from a terminal market to an alternative method of doing business. Nothing in the Act prohibits the stockyard owner from operating the new business alone or in association with other persons, including some or all of the market agencies previously engaged in business at the terminal stockyards.

(f) Market agencies at a terminal livestock market have invested time, resources, and effort in establishing their businesses at the market. As long as a terminal livestock market continues in business as a terminal market, the market agencies at the market cannot be removed arbitrarily or capriciously by the stockyard owner. There must be good and sufficient reasons for any such action. Similarly, the number of market agencies operating at the terminal market may be reduced only if such action is reasonably required to foster and insure an efficient, competitive livestock market.

(g) Whenever a stockyard owner engaged in operating a terminal livestock market elects to make a significant change affecting persons engaged in business at the stockyard, reasonable notice must be given to the public and to all persons engaged in business at the stockyard. The notice should be given as much in advance as possible before the date the stockyard owner proposes to effect any such change.

(h) The Packers and Stockyards Division of the Consumer and Marketing Service has the responsibility of giving consideration to the issuance of a complaint charging a violation of the Act whenever it has reason to believe that any stockyard owner or market agency has issued or is operating under an unjust, unreasonable, or discriminatory rule, regulation, or requirement. In the formal administrative proceeding initiated by any such complaint, it is the responsibility of the Judicial Officer of the Department to determine, after full hearing, whether the stockyard owner or market agency has violated the Act.

(i) The Consumer and Marketing Service does not favor or endorse any one system of livestock marketing over any other system of marketing. The views set forth in this statement regarding converting from one system to another are solely for the purpose of setting forth our interpretation of the applicable legal provisions inasmuch as questions have arisen with respect to these matters.

(j) This statement is for the purpose of setting forth the views of the Consumer and Marketing Service to guide those persons engaged in business as market agencies or as stockyard owners in establishing, observing, and enforcing regulations and practices in the control and conduct of their business.

The foregoing statement shall become effective upon its publication in the FEDERAL REGISTER.

(Sec. 407(a), 42 Stat. 169, 72 Stat. 1750; 7 U.S.C. 228(a); interprets or applies secs. 304, 307, 312; 42 Stat. 161 et seq., as amended; 7 U.S.C. 205, 208, 213)

Done at Washington, D.C., this 7th day of December 1965.

CLARENCE H. GIRARD,
Deputy Administrator,
Consumer and Marketing Service.

[F.R. Doc. 65-13261; Filed, Dec. 10, 1965; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 64-EA-41]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alterations of Control Zones and Transition Area and Designation of Transition Area

On August 13, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 10117) stating that the Federal Aviation Agency proposed to amend Part 71 of the Federal Aviation Regulations that would alter the respective control zones at Boston, Mass., South Weymouth, Mass., and Bedford, Mass., alter the Boston transition area, and designate the Worcester, Mass., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. An adverse comment was received from the Aircraft Owners and Pilots Association directed to the configuration of the proposed Boston (Logan Airport) control zone and the Bedford control zone. The suggested changes submitted by the AOPA would require numerous additional extensions to accommodate the instrument approach procedures at Logan Airport. The Agency has given careful consideration to the comments on both the Boston and Bedford control zones; however, when these comments are weighed against the requirements to protect operations conducted below 1,000 feet above the terrain, the proposed configurations are still considered to be the best overall assignment of the controlled airspace involved.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., February 3, 1966, as hereinafter set forth.

1. In § 71.171 (29 F.R. 17581) the following control zones are amended to read as follows:

a. BOSTON, MASS.

Within an 8-mile radius of the Logan International Airport (latitude 42°21'55" N., longitude 71°00'05" W.); and within 2 miles E and 3 miles W of the 020° bearing from the Logan International Airport runway 4R ILS LMM extending from the 8-mile radius zone to 10 miles N of the LMM.

b. SOUTH WEYMOUTH, MASS.

Within a 5-mile radius of South Weymouth NAS (latitude 42°08'55" N., longitude 70°-56'25" W.); within 2 miles each side of the 337° bearing from the South Weymouth RBN extending from the 5-mile radius zone to the RBN; within 2 miles each side of the South Weymouth TACAN 165° radial extending from the 5-mile radius zone to 6 miles S of the TACAN; and within 2 miles each side of the South Weymouth TACAN 073° radial extending from the 5-mile radius zone to 6 miles E of the TACAN. This control zone is effective from 0800 to 2000, local time, daily.

c. BEDFORD, MASS.

Within a 5-mile radius of Hanscom Airport (latitude 42°28'04" N., longitude 71°-17'23" W.); within 2 miles each side of the Bedford VORTAC 281° radial extending from the 5-mile radius zone to 12 miles W of the VORTAC; within 2 miles each side of the Bedford ILS localizer W course extending from the 5-mile radius zone to 8 miles W of the LOM; within 2 miles each side of the extended centerline of Runway 23 extending from the 5-mile radius zone to 6 miles SW of the lift-off end of the runway; within 2 miles each side of the extended centerline of Runway 5 extending from the 5-mile radius zone to 6 miles NE of the lift-off end of the runway; and within a 1-mile radius of Erickson Airport (latitude 42°27'50" N., longitude 71°31'00" W.).

2. In § 71.181 (29 F.R. 17643) the Boston, Mass., transition area is amended to read as follows:

BOSTON, MASS.

That airspace extending upward from 700 feet above the surface bounded by a line beginning at:

Latitude 42°53'00" N., longitude 71°-05'00" W. to latitude 42°43'00" N., longitude 70°46'00" W. to latitude 42°30'00" N., longitude 70°48'00" W. to latitude 42°14'00" N., longitude 70°38'00" W. to latitude 41°59'00" N., longitude 70°48'00" W. to latitude 41°-59'00" N., longitude 70°53'00" W. to latitude 42°03'00" N., longitude 71°10'00" W. to latitude 42°13'00" N., longitude 71°21'00" W. to latitude 42°21'00" N., longitude 71°25'00" W. to latitude 42°22'00" N., longitude 71°-47'00" W. to latitude 42°27'00" N., longitude 71°55'00" W. to latitude 42°39'00" N., longitude 71°55'00" W. to latitude 42°41'00" N., longitude 71°42'00" W. to latitude 42°38'00" N., longitude 71°20'00" W. to latitude 42°-43'00" N., longitude 71°15'00" W. to the point of beginning; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at:

Latitude 42°53'00" N., longitude 71°05'00" W. to latitude 42°45'00" N., longitude 70°-37'00" W. to latitude 42°44'25" N., longitude 70°37'15" W., thence along a line 3 nautical miles from and parallel to the shoreline to latitude 42°41'20" N., longitude 70°30'00" W. to latitude 42°15'20" N., longitude 70°-30'00" W. to latitude 42°13'20" N., longitude 70°18'30" W. to latitude 41°53'30" N., longitude 70°56'30" W. to latitude 42°04'00" N., longitude 71°19'00" W. to latitude 41°56'-35" N., longitude 71°26'00" W., thence counterclockwise along the arc of a 27-mile radius circle centered on the NAS Quonset Point VOR to latitude 41°47'45" N., longitude 71°46'40" W. to latitude 41°55'00" N., longitude 71°59'00" W. to latitude 42°05'00" N., longitude 72°00'00" W. to latitude 42°-55'00" N., longitude 72°00'00" W. to latitude 42°43'00" N., longitude 71°40'00" W. to latitude 42°43'00" N., longitude 71°15'00" W. to the point of beginning, excluding the portion within the Taunton, Mass., transition area; and that airspace extending upward from FL 200 to FL 300, inclusive, east of Boston bounded by a line beginning at:

Latitude 42°24'30" N., longitude 70°15'30" W. to latitude 42°27'50" N., longitude 70°04'00" W. to latitude 42°25'30" N., longitude 70°04'00" W. to latitude 42°24'30" N., longitude 69°46'00" W. to latitude 42°21'30" N., longitude 69°30'00" W. to the point of beginning.

3. Section 71.181 (29 F.R. 17643) is amended by adding the following transition area:

WORCESTER, MASS.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Worcester, Mass., Airport (latitude 42°-16'05" N., longitude 71°52'20" W.); within 2 miles each side of the Worcester ILS localizer SE course extending from the 7-mile radius area to 8 miles SE of the OM.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 6, 1965.

JAMES L. LAMPL,
Acting Chief, Airspace Regulations
and Procedures Division.

[F.R. Doc. 65-13245; Filed, Dec. 10, 1965; 8:45 a.m.]

[Airspace Docket No. 65-CE-87]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of VOR Federal Airway Segment

On August 26, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 11047) stating that the Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a segment of VOR Federal airway No. 430 from Grand Forks, N. Dak., to the Devils Lake, N. Dak., VOR.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The Air Transport Association submitted a favorable endorsement of the proposal and suggested that V-430 be further extended from Devils Lake to Minot, N. Dak. The Agency is considering such an extension of V-430 upon the relocation of the Minot VOR.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., March 3, 1966, as hereinafter set forth.

In § 71.123 (29 F.R. 17509) V-430 is amended to read as follows:

V-430 From Williston, N. Dak., to Minot, N. Dak.
From Devils Lake, N. Dak., to Grand Forks, N. Dak.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 6, 1965.

JAMES L. LAMPL,
Acting Chief, Airspace Regulations
and Procedures Division.

[F.R. Doc. 65-13246; Filed, Dec. 10, 1965; 8:45 a.m.]

[Airspace Docket No. 65-EA-56]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Control Zone Transition Areas and Control Area Extensions

On pages 11394 and 11395 of the FEDERAL REGISTER for September 8, 1965, the Federal Aviation Agency published proposed regulations which would alter the Cleveland, Ohio (Cleveland-Hopkins Airport), control zone, revoke the Cleve-

land, Ohio, control area extension, alter the Sandusky, Ohio, and Cleveland, Ohio, transition areas.

Interested parties were given 45 days after publication in which to submit written data or views. Due consideration was given to all relevant matters presented.

The Aircraft Owners and Pilots Association commented that they did not feel that the 1,200-foot transition area was justified. However, a review of the requirements for protecting aircraft executing prescribed holding, radar vectoring, arrival, missed approach, departure and other enroute procedures establishes a need for the 1,200-foot transition area. It is noted that the coordinates of the 21-mile radius circle must be corrected to cure an error in the longitude coordinate.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t. February 3, 1966, except as follows:

1. Under Item 3 in the text, delete the longitude coordinate of the 21-mile radius circle and insert in lieu thereof, "82°39'05''W".

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on November 19, 1965.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

1. Amend § 71.165 of Part 71 of the Federal Aviation Regulations so as to delete the Cleveland, Ohio, control area extension.

2. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete in the Cleveland, Ohio (Cleveland-Hopkins Airport), control zone in the caption and text the words "Cleveland-Hopkins Airport" and insert in lieu thereof the words "Cleveland-Hopkins International Airport."

3. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the Cleveland, Ohio, transition area description the words "Cleveland-Hopkins Airport" and insert in lieu thereof "Cleveland-Hopkins International Airport." Further, delete in the text all after the words "• • • 10 miles northwest of the airport" and insert in lieu thereof:

"That airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at 41°57'00'' N., 81°18'00'' W., thence clockwise along the arc of a 19-mile radius circle (centered at 41°41'-00'' N., 81°23'25'' W.), to 41°24'20'' N., 81°23'00'' W., to 41°21'00'' N., 81°31'00'' W., thence clockwise along the arc of an 18-mile radius circle (centered at 41°24'30'' N., 81°51'00'' W.) to the 146° bearing from said center, thence southeast along the 146° bearing to 41°08'00'' N., 81°36'00'' W., to 40°53'-00'' N., 81°43'00'' W., thence clockwise along the arc of a 37-mile radius circle (centered at 41°24'30'' N., 81°51'00'' W.) to 40°56'30'' N., to 82°12'00'' W., to 41°08'40'' N., 82°32'-00'' W., thence clockwise along the arc of a 21-mile radius circle (centered at 41°26'00'' N., 82°39'05'' W.) to 41°14'00'' N., 82°57'00'' W., to 41°19'10'' N., 82°49'20'' W., thence clockwise via the arc of a 12-mile radius circle (centered at 41°26'00'' N., 82°39'05'' W.) to 41°36'30'' N., 82°40'00'' W., to 41°-40'30'' N., 82°40'00'' W., thence east along the United States-Canada border to 42°02'-20'' N., 81°37'00'' W. to 42°00'00'' N., 81°-18'00'' W. to point of beginning."

4. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the Sandusky, Ohio, transition area description, all after the words "• • • 8 miles southwest of the VORTAC".

[F.R. Doc. 65-13247; Filed, Dec. 10, 1965; 8:45 a.m.]

[Airspace Docket No. 65-WA-61]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Low and High Altitude Reporting Points and Alteration of High Altitude Reporting Point Description

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to designate the following VOR/VORTAC Navaids as Domestic Low Altitude Reporting Points: Burley, Idaho; McCall, Idaho; Twin Falls, Idaho; Sod House, Nevada; Rome, Oregon; and Boysen Reservoir, Wyo. The designation of these reporting points will improve air traffic control service in areas with limited radar coverage. In addition, the McCall, Idaho, VOR is designated as a Domestic High Altitude Reporting Point in order to improve air traffic service at the entry point in the Salt Lake City ARTC area for jet routes Nos. J-54 and J-114. The final action taken in these amendments is to redescribe the Davey intersection as the intersection of Yarmouth, Nova Scotia, 230° and Bangor, Maine, 152° True radials. This will locate the intersection using two VOR radials instead of the present use of a VOR radial and a bearing from an L/F navigational aid.

Since these amendments are procedural in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., March 3, 1966, as hereinafter set forth.

1. In § 71.203 (29 F.R. 17711) the following Domestic Low Altitude Reporting Points are added:

a. Burley, Idaho.
b. McCall, Idaho.
c. Twin Falls, Idaho.
d. Sod House, Nev.
e. Rome, Oreg.
f. Boysen Reservoir, Wyo.

2. In § 71.207 (29 F.R. 17718) the following changes are made:

a. "McCall, Idaho" is added.

b. "Davey INT" is amended to read "Davey INT: INT Yarmouth, Nova Scotia, 230° and Bangor, Maine, 152° radials."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 6, 1965.

JAMES L. LAMPL,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-13248; Filed, Dec. 10, 1965; 8:45 a.m.]

[Amdt. 91-25, Docket No. 7058]

PART 91—GENERAL OPERATING AND FLIGHT RULES

IFR Radio Communications

The purpose of this amendment is to clarify the requirement for a pilot to report the passing of designated reporting points while operating under radar control.

Section 91.125 of the Federal Aviation Regulations requires the pilot to report by radio as soon as possible the time and altitude of passing each designated reporting point or the reporting points specified by air traffic control.

The separation and control of air traffic under IFR is predicated upon knowledge of the position of aircraft in flight. The aircraft's position has been obtained through position reports transmitted by the pilot. Therefore, the regulations have, for years, required the pilot to communicate the passing of each designated reporting point as specified on charts or by ATC. In many areas today, surveillance radar permits ATC to observe the position of aircraft which have been identified on the radar display. This has obviated the need for the pilot to make routine position reports when operating under radar control. In this environment, pilots have been advised that they are in "radar contact" and that they should discontinue making position reports until advised they are no longer under radar control.

When radar control was implemented it was contemplated that the pilot should automatically omit making position reports when advised that ATC has radar contact, and should automatically resume making reports when informed that the radar service is terminated or the radar contact is lost. However, it was determined to allow a trial period during which the controller advised the pilot when position reports were no longer necessary. The results of this procedure during the trial period indicate that it is now appropriate to implement the procedure of automatically omitting position reports while under radar control.

Since this amendment is clarifying in nature and imposes no additional burden on any person, it is determined that notice and public procedure hereon is unnecessary.

In consideration of the foregoing, § 91.125(a) of Chapter I of Title 14 of the Code of Federal Regulations is amended, effective January 10, 1966, to read as follows:

§ 91.125 IFR radio communications.

• • • • •

(a) The time and altitude of passing each designated reporting point, or the reporting points specified by ATC, except that while the aircraft is under radar control, only the passing of those reporting points specifically requested by ATC need be reported:

• • • • • •

(Sec. 307, Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 7, 1965.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 65-13249; Filed, Dec. 10, 1965; 8:45 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 5; Amdt. 3]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition for Sale of Government Property

On August 6, 1965, there was published in the FEDERAL REGISTER (30 F.R. 9830) a notice of proposal to amend the definition of a small business manufacturer for the sale of Government-owned property, other than timber, for concerns primarily engaged in SIC Industry 2911, petroleum refining.

Under the proposed amendment, a concern in this industry would be considered as small if its number of employees does not exceed 1,000 persons and it does not have more than 30,000 barrels-per-day crude-oil capacity from owned or leased facilities.

Interested persons were given an opportunity to present their comments or suggestions thereon to the Small Business Administration, Office of Economic Analysis, within 30 days after the date of publication of the notice in the FEDERAL REGISTER. After consideration of all relevant matters regarding the proposal, the amendment set forth below is hereby adopted.

The Small Business Size Standards Regulation (Revision 5) (30 F.R. 2247), as amended (30 F.R. 4252, 6778, 8825, 9055, 12640), is hereby further amended by deleting § 121.3-9(a)(1) in its entirety and substituting in lieu thereof new § 121.3-9(a)(1) as follows:

§ 121.3-9 Definition of small business for sales of Government property.

• • • • • •

(a) *Sales of Government-owned property other than timber.* • • •

(1) *Manufacturers.* Any concern which is primarily engaged in manufacturing is small if its number of employees does not exceed 500 persons provided, however, that a concern primarily engaged in SIC Industry 2911, petroleum refining, is small if its number of employees does not exceed 1,000 persons and it does not have more than 30,000 barrels-per-day crude-oil capacity from owned or leased facilities.

• • • • • •

Dated: December 8, 1965.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 65-13335; Filed, Dec. 10, 1965; 8:47 a.m.]

[Rev. 5; Amdt. 6]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Small Business Nonmanufacturer for Purpose of Government Procurements and Subcontracting

On October 22, 1965, there was published in the FEDERAL REGISTER (30 F.R. 13459) a notice of proposal to amend the definition of a small business nonmanufacturer in § 121.3-8(c) of the Small Business Size Standards Regulation (Revision 5), as amended, so as to permit a petroleum refiner whose number of employees does not exceed 1,000 persons and whose refinery or refineries do not have more than 30,000 barrels-per-day crude-oil capacity from owned or leased facilities to furnish in the performance of a set-aside contract, refined products obtained from a second refiner not qualifying as a small business, provided that such products are obtained pursuant to a bona fide exchange agreement between the bidder and the second refiner, in effect on the date of the bid: *And, provided, further,* That the agreement requires exchanges in a stated ratio, on a refined product for an identical refined product basis, and precludes any monetary settlement: *And, provided, further,* That the products exchanged for the products offered and delivered in the performance of the contract are manufactured by the bidder.

Interested persons were given an opportunity to present their comments or suggestions thereon to the Office of Economic Analysis within 30 days after the date of publication of the notice in the FEDERAL REGISTER.

After consideration of all relevant matters regarding the proposal, SBA has determined that a small business petroleum refiner should be permitted to deliver in the performance of a set-aside contract, products exchanged with a refiner not qualifying as a small business on a refined product for refined product basis rather than on a refined product for identical refined product basis. Therefore, the amendment set forth below is hereby adopted.

The Small Business Size Standards Regulation (Revision 5) (30 F.R. 2247), as amended (30 F.R. 4252, 6778, 8825, 12640, 9055) is hereby further amended by:

1. Deleting the note in § 121.3-8(c) in its entirety and substituting the following note in lieu thereof:

§ 121.3-8 Definition of small business for Government procurement.

• • • • • •

(c) *Nonmanufacturing.* [Reserved]

NOTE: On April 5, 1963, there was published in the FEDERAL REGISTER (28 F.R. 3358) a proposed new definition of a small business nonmanufacturer. Interested persons were requested to file written comments. The comments filed suggested the need for further study of the proposal. Until such time as a new definition of a small business nonmanufacturer is adopted, the following definition shall be applicable:

Any concern which submits a bid or offer in its own name, other than on a construction or service contract, but which proposes to furnish a product not manufactured by said bidder or offeror, is deemed to be a small business concern when:

(1) It is a small business concern within the meaning of paragraph (a) of this section (its number of employees does not exceed 500 persons), and

(2) In the case of Government procurement reserved for or involving the preferential treatment of small businesses, such nonmanufacturer shall furnish in the performance of the contract the products of a small business manufacturer or producer which products are manufactured or produced in the United States; provided, however, if the goods to be furnished are woolen, worsted, knitwear, duck, and webbing, dealers and converters shall furnish such products which have been manufactured or produced by a small weaver (small knitter for knitwear), and, if finishing is required, by a small finisher. If the procurement is for thread dealers and converters shall furnish such products which have been finished by a small finisher. (Finishing of thread is defined as all "dyeing, bleaching, glazing, mildew proofing, coating, waxing, and other applications required by the pertinent specification, but excluding mercerizing, spinning, throwing, or twisting operations".) If the procurement is for a refined petroleum product, other than a lubricant or miscellaneous petroleum product, a small petroleum refining concern (Standard Industrial Classification Industry No. 2911) may furnish the product of a refinery not qualified as small business if such product is obtained pursuant to a bona fide exchange agreement, in effect on the date of the bid or offer, between the bidder or offeror and the refiner of the product to be delivered, provided that the exchange agreement requires exchanges in a stated ratio on a refined petroleum product for a refined petroleum product basis, and precludes any monetary settlement, and provided, further, that the products exchanged for the products offered and to be delivered to the Government are manufactured by the bidder or offeror.

• • • • • •

Effective date. This amendment shall become effective on publication in the FEDERAL REGISTER.

Dated: December 9, 1965.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 65-13348; Filed, Dec. 10, 1965; 10:41 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER B—STANDARD REFERENCE MATERIALS

PART 230—STANDARD REFERENCE MATERIALS

Subpart C—Standards of Certified Chemical Composition

STEELS AND HIGH TEMPERATURE ALLOYS

Under the provisions of 15 U.S.C. 275a and 277, the following amendments relating to standard reference materials issued by the National Bureau of Standards are effective upon publication in the FEDERAL REGISTER. The amendments add certain standard reference materials.

The following amends Title 15 CFR Part 230.

1. Section 230.7-1 *Steels (chip form)* is amended to add standard 348 as follows:

Sample No.	Kind	Price
348	N126=Cr15 (A286)	$15.00

2. Section 230.7-8 *High temperature alloys (solid form)* is amended to add standards 1193, 1194, and 1195 as follows:

Sample[1] Nos.	Kind[2]	Price
1193	W545	$35.00
1194	A286	35.00
1195	Discalloy	35.00

[1] Size: solid sections, 1¼ inches in diameter and ¾-inch thick.
[2] Issued in the wrought condition.

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

A. V. ASTIN,
Director.

[F.R. Doc. 65-13242; Filed, Dec. 10, 1965; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER B—NAVIGATION

PART 706—NAVIGATIONAL LIGHT WAIVERS

Landing Ship Medium Rocket

Sections 360 and 1052 of Title 33, United States Code, provide that the requirements of the Regulations for Preventing Collisions at Sea, 1960, the Inland Rules, the Great Lakes Rules and the Western River Rules as to number, position, range of visibility, or arc of visibility of the lights required to be displayed by vessels shall not apply to any vessel of the Navy when the Secretary of the Navy or such official as he may designate shall find or certify that, by reason of special construction, it is not possible for such vessel or class of vessels to comply with the statutory provisions as to navigation lights.

A recent study indicates that the military design characteristics of the Landing Ship Medium Rocket (LSMR) precludes the installation of the forward twenty-point white light at a height above the hull required to conform with Rule 2(a) of the Regulations for Preventing Collisions at Sea (33 U.S.C. 1062(a)).

I hereby certify that these Landing Ships Medium Rocket (LSMR) are naval vessels of special construction and, with respect to the position on such vessels of the forward twenty-point white light, it is not possible to comply with the requirements of the regulations referred to in sections 360 and 1052, Title 33, United States Code.

I further find that it is feasible to locate these said navigation lights as follows:

(a) The forward 20-point white light shall be carried at a height of 16 feet or more above the hull.

(b) The ratio of the horizontal to the vertical distance between the two 20-point lights shall be 3.0 or greater to 1; however the horizontal distance between the forward and after 20-point white lights shall be 158 feet or greater.

Further, I certify that such location constitutes compliance as closely with the applicable statutes as I hereby find to be feasible.

I do specify that this waiver amends the consolidated tabulation of lights described in Table One of § 706.2, Title 32, Code of Federal Regulations published in the FEDERAL REGISTER of August 31, 1965 (30 F.R. 11172) by adding "LSMR (Landing Ship Medium Rocket)" to those vessels described in Table One as Amphibious Warfare Vessels and adding in the succeeding columns applicable to such ships the following:

	1st column	2d column	3d column	4th column
LSMR (landing ship medium rocket).	19 or less.	None	3.0 or greater to 1.	158 or greater.

I specify that the foregoing amendment shall become effective on the date of publication of this document in the FEDERAL REGISTER.

(Sec. 1, 59 Stat. 590, sec. 2, 77 Stat. 194, 33 U.S.C. 360, 1052)

Dated at Washington this December 4, 1965.

[SEAL] VICTOR M. LONGSTREET,
Assistant Secretary of the Navy.

[F.R. Doc. 65-13288; Filed, Dec. 10, 1965; 8:47 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 17—MEDICAL

State Home Facilities for Furnishing Nursing Home Care

1. In § 17.171, paragraph (a) is amended to read as follows:

§ 17.171 Nursing home beds required for war veterans by State.

(a) For purposes of the regulations concerning State home facilities furnishing nursing home care, Appendix "A" prescribes the number of beds required to provide adequate nursing home care to war veterans residing in each State. Such number does not exceed one and one-half beds per 1,000 war veteran population of such State.

* * * * *

2. Section 17.172 is revised to read as follows:

§ 17.172 Scope of grants program.

Subject to the availability of an appropriation, a grant may be made to a State which has submitted, and has had approved by the Administrator, an application for assistance to construct State home facilities within the minimum general standards prescribed in Appendix "B" to the regulations concerning State home facilities for furnishing nursing home care.

3. In § 17.173, paragraphs (b)(6) and (c) are amended to read as follows:

§ 17.173 Applications with respect to projects.

* * * * *

(b) * * *

(6) Contractors engaged in the construction of the project will be required to comply with the provisions of Executive Order 11246 of September 24, 1965, and rules, regulations, or orders as the Secretary of Labor may issue or adopt.

(c) The Administrator will approve any such application if he finds that

(1) There are sufficient funds available to make the grant requested with respect to such project,

(2) Such grant does not exceed 50 per centum of the estimated cost of construction of such project,

(3) The application contains such assurances as to use, title, financial support, reports and access to records, payment of prevailing rates of wages, and compliance with the provisions of Executive Order 11246 as required in paragraph (b) of this section,

(4) The plans and specifications for such project are in accord with VA general standards, Appendix B, and,

(5) The construction of such project, together with other projects under construction, and other facilities will not exceed the one and one-half beds per thousand war veteran population limitation prescribed in § 17.171.

* * * * *

4. Appendix A following § 17.176 is revised to read as follows:

Appendix A

STATE HOME FACILITIES FOR FURNISHING NURSING HOME CARE

The maximum number of beds, as required by 38 U.S.C. 5034(1), to provide adequate nursing home care to war veterans residing in each State is established as follows:

State	War veteran population[1]	Number of beds
Alabama	313,000	470
Alaska	21,000	32
Arizona	174,000	261
Arkansas	171,000	257
California	2,282,000	3,423
Colorado	223,000	335
Connecticut	349,000	524
Delaware	56,000	84
District of Columbia	96,000	144
Florida	699,000	1,049
Georgia	377,000	566
Hawaii	46,000	69
Idaho	73,000	110
Illinois	1,261,000	1,892
Indiana	547,000	821
Iowa	302,000	453
Kansas	245,000	368
Kentucky	300,000	450
Louisiana	328,000	492
Maine	108,000	162
Maryland	407,000	611
Massachusetts	679,000	1,019
Michigan	914,000	1,371
Minnesota	399,000	599
Mississippi	178,000	267
Missouri	513,000	770
Montana	79,000	119
Nebraska	149,000	224
Nevada	49,000	74
New Hampshire	79,000	119
New Jersey	851,000	1,277
New Mexico	105,000	158
New York	2,105,000	3,158
North Carolina	425,000	638
North Dakota	53,000	80
Ohio	1,205,000	1,808
Oklahoma	266,000	399
Oregon	237,000	356
Pennsylvania	1,429,000	2,144
Rhode Island	110,000	165
South Carolina	208,000	312
South Dakota	68,000	102
Tennessee	374,000	561
Texas	1,079,000	1,619
Utah	101,000	152
Vermont	42,000	63
Virginia	434,000	651
Washington	363,000	545
West Virginia	194,000	291
Wisconsin	442,000	663
Wyoming	43,000	65
Puerto Rico (Commonwealth)	87,000	131

[1] Data as of June 30, 1965.
Source: Research Statistics Service, Office of the VA Controller. (Based on last available Bureau of the Census data.)

(72 Stat. 1114; 38 U.S.C. 210; P.L. 89-311)

These VA Regulations are effective date of approval.

Approved: December 6, 1965.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 65-13244; Filed, Dec. 10, 1965; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER D—PUBLIC BUILDINGS AND SPACE

PART 101-18—ACQUISITION OF REAL PROPERTY

Subpart 101-18.1—Acquisition by Lease

SPECIAL PURPOSE SPACE

Delegation to Department of Agriculture to lease certain pesticide storage facilities.

Section 101-18.106-1(a) is amended by adding subparagraph (12) as follows:

§ 101-18.106-1 List of special purpose space.

(a) Department of Agriculture:

* * * * *

(12) Storage for pesticide materials and equipment.

* * * * *

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER.

Dated: December 3, 1965.

LAWSON B. KNOTT, JR.,
Administrator of General Services.

[F.R. Doc. 65-13289; Filed, Dec. 10, 1965; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3867]

[Montana 070206]

MONTANA

Withdrawal for National Forest Administrative Site

Correction

In F.R. Doc. 65-12294, appearing at page 14376 of the issue for Wednesday, Nov. 17, 1965, the following correction is made in the land description: The fifth line of the section 16 entry, which is a repeat of the fourth line, should be deleted.

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER N—DANGEROUS CARGOES

[CGFR 65-52]

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

List of Articles

Correction

In F.R. Doc. 65-13110, appearing at page 15216 of the issue for Thursday, December 9, 1965, the following correction is made in the tabular material amending § 146.04-5: In the "Article" column, preceding the entry for Beryllium metal powder, there should appear a center heading reading *"Items deleted"*.

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1070]

MILK IN CEDAR RAPIDS-IOWA CITY MARKETING AREA

Notice of Proposed Suspension of Certain Provisions of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Cedar Rapids, Iowa City marketing area is being considered effective on and after January 1, 1966.

The provisions proposed to be suspended are:

In § 1070.10(d)(3) the following provisions:

1. All of the table headed "month" and "minimum percentage."

2. In the text preceding the table the provision "quantity of," the provision "at least the following percentages, in the months indicated, of the total quantity of" and the provision "all," relating to the pool plant provisions applicable to a plant operated by a cooperative association.

The suspension of these provisions would result in the text reading as follows: "(3) From which the milk transferred by the association to plants of other handlers specified in paragraph (a) of this section plus that delivered by such association pursuant to paragraph (c) of this section and that delivered directly from the farms of members of such association to such plants is Grade A milk delivered by producers who are members of the association:"

This action has been requested by a cooperative association in the market to enable it to maintain the pool status of a market balancing plant operated by it. This cooperative association supplies some handlers in the Cedar Rapids-Iowa City market with their daily requirements of milk and uses the balancing plant to assemble milk for shipment to other markets when it is not needed by these handlers.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C., 20250, not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on December 7, 1965.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 65-13262; Filed, Dec. 10, 1965; 8:46 a.m.]

[7 CFR Parts 1073, 1074]

[Dockets Nos. AO-173-A17, AO-249-A7]

MILK IN WICHITA, KANS., AND SOUTHWEST KANSAS MARKETING AREAS

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the Wichita, Kans., and Southwest Kansas marketing areas. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C., 20250, by the third day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders as amended, were formulated, was conducted at Wichita, Kans., on November 16 and 17, 1965, pursuant to notice thereof which was issued October 5, 1965 (30 F.R. 12847).

The material issues on the record of the hearing relate to:

1. Merger of the Wichita, Kans. and Southwest Kansas orders with inclusion of additional territory in the marketing area.
2. Milk to be priced and pooled.
3. Classification and allocation.
4. Class prices.
5. Location adjustments to the Class I and producer prices.
6. Take out- pay back plan of distributing returns to producers.
7. Miscellaneous administrative and conforming changes.

This decision concerns itself only with the classification and pricing of skim milk and butterfat used to produce cottage cheese, as it applies to the present Wichita order. Decision on this matter as it affects the proposed merged and expanded marketing area, as well as all other issues, is deferred.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

Wichita Class II milk price. The present Wichita, Kans. order Class II milk price should be 15 cents above the Class III price and the Class II classification provisions modified until such time as action may be taken on all issues of this hearing.

A proposal made by the cooperative associations representing 94 percent of the producers in the Wichita order and supported by handlers would decrease the Class II milk price (skim milk and butterfat used to produce cottage cheese) from 80 cents to 15 cents above the present Class III price for a temporary period pending action on the entire record of this hearing.

The present Wichita order classifies as Class II milk all skim milk and butterfat used to produce cottage cheese in plants approved for sale of cottage cheese in jurisdictions within the marketing area which require that cottage cheese be made from Grade A milk, and prices Class II milk at 80 cents over the Class III price.

The city of Wichita requires that cottage cheese be made from Grade A milk. Since it is the predominant population center of the present marketing area all pool plants presently producing cottage cheese are approved for sales in Wichita and the Class II milk price applies to all cottage cheese produced in these plants.

The present Class II classification and price were first effective in 1958. The price level was established on the basis of the requirement of the city of Wichita that cottage cheese be made from Grade A milk.

Since 1958 important changes have occurred that affect the competitive situation with respect to the sale of cottage cheese. Due to improved highways and methods of reclassification, distribution of handlers for cottage cheese and fluid milk products has changed extensively in recent years. Although the Wichita City ordinance still requires handlers who sell cottage cheese in the city to make it from Grade A milk, large amounts of cottage cheese made from Grade A milk in other markets, such as Kansas City, are sold in the city and in the Wichita marketing area. During the past year and a half, one substantial Wichita outlet for cottage cheese has changed its source of supply to a lower cost market from a local handler making cottage cheese from producer milk under this order.

Wichita handlers also compete extensively outside the Wichita area in other parts of the State of Kansas with handlers from these other markets. They have expanded their sales area extensively into western Kansas.

These changes have been gradual during the past seven years. They have now reached the point, however, where handlers are looking elsewhere for cheaper sources of supplies of milk or cottage cheese itself.

Handlers contended that the present Class II milk price for cottage cheese increased the cost, as compared to surrounding markets, 6 cents per pound of cottage cheese or 20 percent.

The cost of skim milk to handlers in other nearby marketing areas for cottage cheese is generally less than the cost to regulated handlers in this market. This is the price situation causing Wichita handlers to look elsewhere for either supplies of skim milk or bulk cottage cheese.

There was unanimity of both producers and handlers in the request for immediate action in lowering the present Wichita Class II price. This is an indication that the situation in the market today with respect to sales of cottage cheese has reached a point where there is real danger of further loss of sales of cottage cheese.

In view of the period of time required for consideration of the other issues of this hearing, separate prompt action should be taken to decrease the Class II price for the Wichita order. The classification provisions should also be changed to apply this price to all skim milk and butterfat used to produce cottage cheese, eliminating the present limitation with respect to plant approval for sale of cottage cheese in jurisdictions requiring Grade A approval.

Among the other issues open for consideration of the hearing is the pricing of Class II milk. Until such time as consideration can be given to the entire record with respect to pricing of both Class II and Class III milk, definite decision cannot be made concerning the precise level of the Class II milk price to be applicable for an indefinite period, or for pricing any milk other than that priced under the present Wichita order. However, for the interim period pending full consideration of all issues of the hearing, the proposal of cooperative associations and handlers appears to provide a reasonably appropriate basis for pricing Class II milk under the present Wichita order. It should be adopted for this purpose.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto: and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Wichita, Kans., marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Section 1073.41(b) is amended to read as follows:

§ 1073.41 **Classes of utilization.**

• • • • • •

(b) Class II milk shall be all skim milk and butterfat used to produce cottage cheese;

• • • • • •

2. Section 1073.51(b) is amended to read as follows:

§ 1073.51 **Class prices.**

• • • • • •

(b) *Class II milk.* The price per hundredweight shall be the Class III price for the month, plus 15 cents.

• • • • • •

Signed at Washington, D.C., on December 8, 1965.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 65-13263; Filed, Dec. 10, 1965; 8:46 a.m.]

[7 CFR Parts 1097, 1102, 1108]

[Docket Nos. AO-219-A16, AO-237-A11, AO-243-A13]

MILK IN MEMPHIS, TENN.; FORT SMITH, ARK.; AND CENTRAL ARKANSAS MARKETING AREAS

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order, Memphis, Tenn., Marketing Area

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Memphis, Tenn., on May 20-21 and in Little Rock, Ark., on May 24-25, 1965, pursuant to notice thereof issued on May 7, 1965 (30 F.R. 6534). Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on November 23, 1965 (30 F.R. 14733; F.R. Doc. 65-12735), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision on certain proposed amendments to the Memphis, Tenn., Central Arkansas and Fort Smith, Ark., orders, such recommended decision containing notice of opportunity to file written exceptions thereto. This decision concerns only amendments to the Memphis, Tenn., order. Notice has been given providing additional time for filing exceptions relating to the Class I prices under the Central Arkansas and Fort Smith, Ark., orders.

The material issues, findings and conclusions, rulings and general findings of the recommended decision (30 F.R. 14733; F.R. Doc. 65-12735) are hereby approved and adopted and are set forth in full herein subject to the following modifications:

1. The paragraph immediately preceding the "Findings and Conclusions" is deleted and a new paragraph added.

2. Under Issue No. 1 *Class I price in Memphis and Central Arkansas markets* the following changes are made:

a. The first, second, and third paragraphs and the title are deleted and three new paragraphs and title are added.

b. The 4th sentence in the 11th paragraph is deleted.

c. A new 1st sentence is added to the 12th paragraph.

d. The 4th sentence in the 13th paragraph is deleted.

e. The 14th and 15th paragraphs are deleted.

f. The 20th, 21st, 22d and 23d paragraphs are deleted and two new paragraphs are added.

g. The 47th paragraph is deleted and a new paragraph added.

h. The 1st sentence of the 48th paragraph is deleted and a new 1st sentence added.

The material issues on the record of the hearing relate to:

A. Issues relating to Memphis, Tennessee, and Central Arkansas orders:

1. Class I prices under Memphis and Central Arkansas orders.

B. Issues relating to only Memphis, Tennessee, order:

2. Qualifications for regulated plants.

3. Definition of "handler", "producer", "approved plant", "route disposition", "fluid milk product", and "other source milk".

4. Plants subject to other Federal orders.

5. Handler location differentials.

6. Method of pooling.

7. Base rules and computation of uniform base and excess prices.

C. Miscellaneous and conforming changes, all three orders.

This decision covers only the issue No. A1 to the extent it deals with Class I prices under the Memphis order. The remaining issues of the hearing will be considered in a further decision on this record.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Class I price in Memphis market.* The supply-demand adjustment in the Memphis order should be limited to not more than 25 cents, plus or minus, in all months.

The issue with respect to Class I prices under the Memphis order concerns the comparative level in relation to Class I prices under other orders.

The Class I price formulas under the Memphis Federal milk order is the basic formula price (Minnesota-Wisconsin manufacturing price) plus seasonal differentials of $1.50 in the months of March through July and $1.91 in the months of August through February and plus or minus the supply-demand adjustment. The supply-demand adjustment is based on the producer milk receipts and Class I disposition of fully regulated handlers under the Memphis, Central Arkansas and Fort Smith orders. The price formula under the Central Arkansas order is the same as the Memphis formula. In the Fort Smith order the Class I differentials are $1.45 April through June and $1.85 in the months of July through March and the same supply-demand adjustment applies as under other two orders.

The immediate circumstances bringing pressure on the price situation in the Memphis market involved: (1) Bulk milk received by Memphis handlers from Paducah and Chicago order regulated plants; (2) receipts by a Memphis handler of packaged fluid milk products from a plant of the same corporation regulated under the St. Louis order; (3) route disposition in the Memphis marketing area by a plant at Cape Girardeau, Mo., regulated under the St. Louis order and route disposition in the marketing area by plants regulated under the Paducah order; and (4) assertions of handlers of the intention to obtain a full or partial supply of milk elsewhere unless a closer alignment to St. Louis and Paducah markets were attained. The foregoing actions by handlers in this and nearby markets have reduced the Class I disposition of the producers regularly supplying the market. As a result, a greater proportion of their milk must be disposed of in lower-priced manufacturing uses.

These circumstances are relatively recent in their origin. The St. Louis handler at Cape Girardeau had been disposing of milk in the Memphis market for about a year prior to this hearing. Part of the time such plant was subject to the Memphis order and since February 1, 1965, has been a plant regulated under the St. Louis order. The importations of milk by handlers from other markets have occurred during 1965. Such occurrences were preceded by a widening in the differences of prices in the Memphis order over the St. Louis and Paducah order Class I prices.

Price comparisons with other markets should make allowance for cost of moving milk from the other markets to Memphis. The city of Memphis is approximately 300 miles south of St. Louis. Based on the rate of 1.5 cents per 10 miles provided under the location adjustment provision in the Memphis order, 45 cents would be the allowance for the distance from St. Louis. During 1964 the Memphis order Class I price was $5.195 at Memphis, which adjusted to the St. Louis location would be $4.745. The St. Louis order Class I price averaged $4.42 or 32.5 cents less than the Memphis price at the St. Louis location.

A further comparison is made with the St. Louis order price at Cape Girardeau, since a St. Louis order plant located there is disposing of milk in the Memphis marketing area. The St. Louis order Class I price at Cape Girardeau is 15 cents per hundredweight higher than at St. Louis. The location allowance under the Memphis order for the distance from Memphis to Cape Girardeau is 27 cents. Thus during 1964 the average difference in price exceeded such allowance by 35.5 cents.

Similarly, the city of Memphis is approximately 174 miles south of Paducah, Kentucky. The location allowance for such distance under the Memphis order is 27 cents, which, applied to the average Class I price during 1964 results in a price at the Paducah location of $4.925. This was approximately 39.5 cents more than the average Paducah order price during the year. In the 2 years prior to 1964 the price differences compared to St. Louis were less. In 1962 and 1963 the Memphis order Class I prices exceeded the St. Louis order Class I prices plus location allowance by approximately 18 and 21 cents, respectively. In the same years the Class I prices exceeded the Paducah order Class I prices by 29 and 21 cents, respectively.

Since 1962 the average annual level of the Memphis Class I price has increased from $4.88 per hundredweight in that year to $5.195 in 1964. Of this 31.5-cent increase, 20 cents was due to action of the supply-demand adjustment and the remainder due to other factors. Such action of the supply-demand adjustment resulted from the lesser ratio of producer milk supplies to handler Class I disposition than in the earlier period. Prior to November 1963, such utilization relationship was based on only the Memphis market. The Central Arkansas market did not have a supply-demand adjustment except through adoption of the Memphis pricing. Beginning with November 1963 the supply-demand adjustment in the Memphis, Central Arkansas, and Fort Smith markets was based on producer milk supplies and handlers' Class I disposition under all three orders. Under the provisions described, the adjustor added an average of 2 cents in 1962, 11 cents in 1963, 22 cents in 1964 and has ranged from 18 to 36 cents in the first 11 months of 1965.[1] Since the ratio of producer milk to Class I disposition in Memphis has changed only slightly since 1962, most of the upward adjustment must be ascribed to changes in the ratio of producer milk to Class I in the other two markets. In 1962 the average ratio for the Memphis Market was 107 percent (producer milk as a percent of Class I) and in 1964 was 109 percent. In the Central Arkansas market the ratio changed from 112 percent in 1962 to 90 percent in 1964. In the Forth Smith market the percentage was 112 percent in 1962 and 108 percent in 1964.

The relatively short supply as indicated by the preceding utilization figures has required the procurement of supplementary supplies from nonproducer sources, particularly in the fall and winter months. Prior to 1965, handlers in all three of these markets obtained their entire supply through the cooperative associations, including supplementary supplies of other source milk.

During the 6 months of October 1964 through March 1965, 5,114,038 pounds of other source milk were classified as Class I under the Memphis order. In the same period 30,742,984 pounds of other source milk were classified as Class I under the Central Arkansas order. Nearly all of this supplemental milk was procured for these markets by the cooperative associations from sources in Missouri, Iowa, Minnesota, and Wisconsin.

The circumstances under which milk from other markets has entered the Memphis market in recent periods has increased the importance of price relationships with other markets.

Because of these circumstances the cooperative supplying the larger part of the milk requirements for the Memphis market advocated adjustment of the Class I price level in closer relation to the St. Louis order Class I price. This they would accomplish by basing the supply-demand adjustment for the Memphis market on only the producer milk and handler's Class I disposition under the Memphis order. Since the ratio of producer milk to Class I disposition is higher in the Memphis market than in the Central Arkansas or Fort Smith markets, the effect would be a reduction in the supply-demand adjustment for the Memphis market.

[1] Official notice is taken of public announcements of market data by the market administrator since the hearing.

The Central Arkansas Milk Producers Association, which has provided about 11 percent of the Memphis milk supply opposed such price adjustment which under present circumstances would mean a price reduction. The latter association has a major part of its disposition to fluid milk plants in the Central Arkansas market.

Official notice is taken of the notice of a public hearing held in Chicago, Ill., beginning November 4, 1965 (30 F.R. 13789), on proposed amendments to 12 Federal milk orders including the St. Louis Order No. 62. In a decision on the record of that hearing it is concluded that the Class I price under the St. Louis order should be maintained at the November 1965 level through December 1965 and January and February 1966; and should be 20 cents less in the months of March, April, May, and June 1966.

These changes in the St. Louis order Class I prices would materially lessen the price differences compared to the Memphis market. Official notice is also taken of the published price data for the St. Louis market showing that the supply-demand adjustments under the St. Louis order for the months of September, October, and November are plus 8 cents, plus 6 cents, and plus 10 cents, respectively. While these conditions under the St. Louis order would tend to narrow the price difference compared to Memphis, the recent increases in the Memphis supply-demand adjustment have tended to maintain the difference.

It is concluded therefore that limitation of the Memphis order supply-demand adjustment is necessary for proper relationship to other markets to the north. The supply-demand adjustment should be limited to not more than plus or minus 25 cents per hundredweight in all months.

The contemplated actions on the Memphis and St. Louis orders would reduce the price difference between the two markets. For the months of March through June 1966, the relationship would be further affected by the 41-cent seasonal decrease in the Memphis Class I price differential compared to the contemplated 20-cent decrease in the St. Louis Class I price from the February level.

The Central Arkansas Milk Producers Association, which represents virtually all of the milk supply for the Central Arkansas market, opposed price reduction in either the Central Arkansas or Memphis market and expressed concern as to the effect of any difference in Class I price levels between the two markets. While this decision states the necessity of the change in the Memphis order price, a decision on the Central Arkansas order Class I price is deferred and an additional period for exceptions is provided as previously noted herein.

Proposals made by certain handlers would result in greater reductions in the Class I price level. The proposals included elimination or modification of the supply-demand adjustment, a 16-cent reduction in the Class I price differentials, and a limit for the prices in relation to the Class I price under the St. Louis Federal order. Included among the proposed modifications of the supply-demand adjustment were: (1) Base the supply-demand adjustment on the producer milk and Class I sales at only Memphis order plants; (2) limit the supply-demand adjustment to plus or minus 10 cents per hundredweight; (3) in addition to the milk of producers delivered to regulated plants, include in the supply all other production of these dairy farmers which may be sold outside the market by the cooperative association; and (4) exclude any Class I disposition allocated to other source milk regulated by another order.

The fundamental basis given by the handlers for a lower price level was to bring the price closer to Class I prices under the St. Louis and Paducah orders. The handlers proposed elimination of the supply-demand adjustment and a 16-cent reduction in the amount of the Class I price differentials. This would result in an annual average price about 42 cents over the St. Louis annual average price, assuming that the St. Louis supply-demand adjustment based on utilization in that market was zero and that the St. Louis price was subject to a negative adjustment of 24 cents reflecting the Chicago order supply-demand adjustment. The further proposal of the handlers to limit the Memphis Class I prices to not more than 42 cents over the St. Louis Class I price would thus confirm such relationship each month.

While this proposed price formula would bring about a fixed relationship with St. Louis, the amount of reduction is too severe in relation to the supply situation for this market. Seasonal price differentials in the Memphis market need not be precisely the same as under the St. Louis order.

One handler proposal would eliminate from the supply-demand computation any Class I disposition which is allocated to other source milk.

The entire utilization within fully regulated plants under these orders is significant with respect to the supply and demand situation. If the supply-demand computation did not include Class I disposition allocated to other source milk, the computation would not reflect a complete or accurate representation of the market situation. Although handler testimony intimated that milk from other order sources could displace some of producer milk, the extent of such displacement currently was not specified. It is concluded that the total Class I disposition of regulated handlers under these three orders closely reflects the demand for producer milk.

The matter of whether the supply-demand adjustment should include in addition to milk received from producers at regulated plants also milk of these dairy farmers sold off the market by the cooperative association was fully examined in a decision of the Assistant Secretary issued October 25, 1963 (28 F.R. 11550). The situation described on this record was much the same as that described in the decision in October 1963. Much of the milk sold off the markets by the cooperative associations is because of day of the week changes in the fluid requirements of regulated plants. Some plants require deliveries on only 3 days a week. The requirements of plants tend to be lighter in the first part of the week and heavier towards the end of the week. Milk production cannot be adjusted to such variations in requirements, and consequently the milk produced but not required by regulated plants must find disposition at manufacturing plants or other outlets.

In the Memphis market, this off-the-market milk is normally disposed of by the Mid-South Milk Producers Association to manufacturing plants. The Central Arkansas Milk Producers Association, which regularly supplies handlers in the Central Arkansas and Fort Smith markets as well as in Memphis also moves milk of member producers not requested by regulated plants to manufacturing plants, or to other outlets. The Central Arkansas Milk Producers Association has established fluid outlets in Texarkana which is an unregulated market, and disposes of member milk to other unregulated outlets for fluid use. The association also has producer members on the Ozarks Federal order market. Milk of members of the association is shifted among these various outlets according to the most advantageous disposition.

During 1964 the Mid-South Milk Producers Association disposed of 6,062,324 pounds of milk off the market, equal to about 2.1 percent of the quantity of producer milk under the order. This is a lesser quantity and percentage than referred to in the decision of October 1963 for sales off the market. Similar data for the Central Arkansas market are not available.

Some other considerations affect the manner in which the cooperative associations dispose of milk not requested by handlers. Under these orders handlers obtain virtually their entire supply from cooperative associations according to their daily needs. The exceptions to this method of procurement are in only a few recent months as described in prior findings. It would be uneconomical for milk unneeded at fluid milk plants to be received there if such plants merely dispose of it to manufacturing plants. The practice of the cooperative associations in moving such milk directly from farms to manufacturing plants saves transportation and handling. The association also saves administrative assessment on such milk when it is not reported under the order.

It is clear that milk not requested for delivery by regulated handlers and sold off the market by the Mid-South Milk Producers Association is nevertheless available to Memphis regulated handlers if they so desire it for use in their plants. However, because regulated handlers do not request that it be delivered to their plants, there is no necessary attachment or association of

such milk with the market. In the absence of handlers assuming responsibility for such milk under pricing provisions of the order the milk in question cannot be definitely identified as part of the supply for the market. Insofar as the regulated plants have declined to accept the milk and have allowed the burden to rest with the cooperative association to dispose of the milk, the association is, of course, free to seek the best other outlets available. Such other outlets have no implicit identification with these markets.

In such circumstances milk sold outside the order regulation by the cooperative cannot be considered as reserve milk in the normal sense and associated with the market. It does not represent quantities of milk actually burdening the supply of the market. Further, to the extent that sales are made by a cooperative association to other fluid markets, such milk is clearly not available for this market and is irrelevant in this supply-demand computation. This is true with respect to milk sold by the Central Arkansas Milk Producers Association in the Ozarks market which is a regulated market and the milk supplied by the association to the unregulated Texarkana market. To the extent that any other fluid outlets are found by the association such milk does not constitute a supply for this market.

Assuming that complete data could be made available as to sales outside these markets by the cooperative associations their inclusion in the supply-demand computation would require a review and appropriate modification of the standard utilization percentages. In view of the influences outside these markets which might affect the quantities of milk involved, it is not probable that the resulting supply-demand computation would be a better representation than presently provided in the order. No useful purpose under the orders would be served in requiring cooperative associations to report such off-market sales as proposed by one handler.

The proposal to limit the supply-demand adjustment to 10 cents is not adopted. The proposal of handlers would unduly limit the amount of price adjustment and would prevent it from adequately reflecting changes in market conditions.

The proposal to provide a uniform rather than seasonal Class I price differentials for handlers with fluid milk plants located in the State of Mississippi is denied.

A Memphis handler operating a fluid milk plant at Oxford, Miss., proposed that the order Class I price for fluid milk plants located in the State of Mississippi be computed by adding a uniform monthly differential of $1.74 to the basic formula price (Minnesota-Wisconsin price) each month, plus or minus the supply-demand adjustment.

This handler is also subject to the Mississippi State Milk Commission regulation. Such regulation provides that he shall pay the higher of the established State Class I price or the Memphis Federal order Class I price. The State price is uniform for all months.

The handler complained that the Memphis order seasonal differentials of $1.50 for the months of March through July and $1.91 for other months result in Class I prices which place him at a competitive disadvantage with other Memphis order handlers because during the period of lower seasonal differential he must pay higher prices under the State order.

This handler distributes milk in the portion of the Memphis marketing area within the State of Mississippi. He also has distribution in areas served by handlers regulated under the Mississippi Federal Order No. 103, the marketing area of which adjoins the Memphis order marketing area on the southern side. Although proponent is the only Memphis handler with his plant in Mississippi, at least two other Memphis handlers besides the Oxford handler have route sales in some of the same areas in the State of Mississippi as does the proponent. These handlers' plants are located at Memphis.

The Assistant Secretary in his decision of October 25, 1963 (28 F.R. 11550), found that the Class I price provisions should provide for seasonal Class I price differential of $1.50 during the months of March through July and $1.91 for the other 7 months. These seasonal Class I price differentials were deemed necessary to reduce the incentive for excess production during the summer months and to attract producer milk supplies during the fall and winter months when supplies for the market were inadequate to meet Class I requirements. Reference was also made to the desirability of having a range in seasonal pricing about the same as nearby markets from which supplemental milk might be obtained.

Official notice is taken of the Memphis Milk Review for May 1965, issued by the Memphis market administrator, which contains tables showing that about 33.7 percent of the producer milk for the Memphis market originates from farms in the northern counties of Mississippi. This area, therefore, is an important part of the production area for the Memphis market. Milk produced here supplies other Memphis handlers as well as proponent. The milk is handled as part of the total milk supply of membership of the Mid-South Milk Producers Association for delivery to handlers according to their particular needs.

It would not be consistent with the purpose of seasonal pricing if some of the milk in the area, but not all, was subject to such pricing. This would mean that the pricing of such portion of the milk not subject to seasonal pricing would not contribute to the purpose of achieving a more even supply of milk for the fluid market.

The proponent's request for elimination of the seasonal changes in the pricing is for the purpose of accommodating the pricing to factors beyond the control of Federal order regulation. In the area in Mississippi where Federal order regulation applies, a seasonal plan is used. Under the Mississippi Federal order seasonal Class I price differentials which apply at Greenville, Grenada, and Columbus, Miss. (location of plants competing with proponent), are $2.09 in the months of August through February and $1.89 in the other months, in both cases adjusted for location under the Mississippi order. It would not be possible to adjust the seasonal pricing plan under the Memphis order for each individual handler to meet the peculiarities of his competitive situation. Such circumstances change from time to time and are not directly related to the problem of establishing even production for the fluid market.

A Memphis handler's representative requested that on the basis of the record of this hearing the Memphis order supply-demand adjustment be suspended. Two Central Arkansas handlers joined this request, one requesting a like suspension of the supply-demand adjustor for the three orders and the other for only the Central Arkansas order. The handler representative also requested that the Class I pricing provision of the Memphis order be amended on the basis of the record of this hearing under an expedited procedure without the issuance of a recommended decision and opportunity for exceptions by interested parties.

After the close of the hearing, Mid-South Milk Producers Association and five milk handlers subject to the Memphis order, filed petitions requesting suspension of the Memphis supply-demand adjustor until such time as the decision could be issued. Other interested parties filed objection to any suspension of the supply-demand adjustor. All interested parties were provided the opportunity to submit data, views and arguments concerning the proposed suspension of the supply-demand adjustor at a public meeting conducted at Memphis on July 29, pursuant to notice issued July 23, 1965 (30 F.R. 9318). The proceedings to consider suspension of the supply-demand adjustor were terminated on August 5, 1965 (30 F.R. 9953) in view of the wide divergence of opinion as to the merit of the proposed suspension action as expressed at the public meeting and pending determination of the matter of the Class I price on the basis of the May hearing record.

The request for suspension of the supply-demand adjustment on the basis of the record of this hearing is denied. The request for amendment of the Class I price provision of the Memphis order through expedited procedure by omitting a recommended decision was denied in the recommended decision. The procedure for issuance of a recommended decision may be omitted only if the Secretary finds on the basis of the record that due and timely execution of his functions imperatively and unavoidably requires such omission. The testimony on the record was not without controversy as to the actions requested. Cooperative associations representing a majority of producers opposed omission of a recommended decision on the Class I price issue. Certain producer interests contended that the market situation would not justify any price reduction. There is not a surplus of producer milk on the Memphis market, and as has been pointed out, in some recent months supplies from other sources were relied upon to meet the needs of handlers for their fluid milk requirements.

In these circumstances it was concluded in the recommended decision that the parties objecting to omission of the recommended decision should not be precluded from the opportunity to submit exceptions to such recommended decision.

The record similarily does not support the omission of a final decision and modification of the order by suspension of certain provisions. The price decrease herein proposed should be made effective at the earliest possible date, even though that date should fall within the month. Handlers should be offered two options to determine their cost of Class I milk for the month of December. A handler may elect two accounting periods, one accounting period to cover the days in the month before the price decrease became effective and one accounting period to cover the days in the month during which the price decrease was in effect. Or, a handler may elect to have but one accounting period for the month and have the price decrease prorated according to the number of days it was effective during the month. There would probably be little difference in the returns to producers under either option. A handler should indicate the option he elects at the time he files his report for the month.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

In accordance with § 900.8(d)(6) of the rules of practice and procedure (7 CFR Part 900) an attorney made an offer of proof with respect to certain testimony and an exhibit (Exhibit No. 55) which he desired to have entered in the record although the presiding officer had ruled to exclude such testimony and exhibit from the record. The attorney further requested in his brief a reversal of certain of such rulings.

The proffered testimony pertained to: (1) A proposal which had been submitted to the Secretary to amend the Class I price provisions of the Suburban St. Louis Order No. 32; (2) a description of "super pool" payments made outside of order regulation to producers on the Chicago market; (3) a statement of intent to submit a proposal to the Secretary to eliminate the supply-demand adjustment in the Chicago Order No. 30; (4) Exhibit No. 55 entitled "Pure Milk Association Class I Price Comparison"; (5) a statement of intent to submit a proposal to the Secretary to merge the Memphis, Central Arkansas, and Fort Smith, Ark., Federal milk orders; and (6) description of a purported study in process to gather evidence to present at a hearing for the merger of the three orders.

A ruling on the relevancy of these items by the hearing examiner sustained objections to receipt of such items as evidence.

The above numbered items (2) and (4) contain information relating to the cost of available milk supplies and are relevant to the issues in this hearing. The rulings of the hearing examiner on these two matters are therefore overruled and these are received as evidence.

With respect to items numbered (1), (3), (5), and (6) the hearing examiner's rulings are sustained. These did not contain evidence material to the issues of the hearing.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Memphis, Tenn., Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Memphis, Tenn., Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Referendum order; determination of representative period; and designation of referendum agent. It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order, as amended and as hereby further amended, regulating the handling of milk in the Memphis, Tenn., marketing area, is approved or favored by the producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of October 1965 is hereby determined to be the representative period for the conduct of such referendum.

Charles S. McDonald, Market Administrator, is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), such referendum to be completed on or before December 11, 1965.

Signed at Washington, D.C., on December 8, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Memphis, Tennessee, Marketing Area

§ 1097.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Memphis, Tenn., marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act:

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions, which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Memphis, Tenn., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on November 23, 1965, and published in the FEDERAL REGISTER on November 27, 1965 (30 F.R. 14733; F.R. Doc. 65–12735), shall be and are the terms and provisions of this order, and are set forth in full herein subject to the following revision:

In § 1097.51(a), the introductory text of subparagraph (3) is revised to read as follows:

§ 1097.51 Class prices.

* * * * *

(a) *Class I milk price.* * * *

(3) For a "minus deviation percentage" the Class I price shall be increased and for a "plus deviation percentage" the Class I price shall be decreased as follows: *Provided,* That from the effective date of this amended order, and each month thereafter, the plus or minus adjustment shall not exceed 25 cents:

* * * * *

[F.R. Doc. 65–13259; Filed, Dec. 10, 1965; 8:46 a.m.]

[7 CFR Parts 1102, 1108]

[Docket Nos. AO–237–A11, AO–243–A13]

MILK IN CENTRAL ARKANSAS AND FORT SMITH, ARK., MARKETING AREAS

Notice of Additional Time for Filing Exceptions to Recommended Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing order (7 CFR Part 900), notice is hereby given that additional time is given for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Central Arkansas and Fort Smith, Ark., marketing areas, which was issued November 23, 1965 (30 F.R. 14733). Such exceptions should be filed not later than January 3, 1966, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C., 20250. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on December 8, 1965.

CLARENCE H. GIRARD,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 65–13260; Filed, Dec. 10, 1965; 8:46 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

CERTAIN TYPES OF TOBACCO

Need for Marketing Quota Programs on an Acreage-Poundage Basis; Meetings To Obtain Recommendations

In FEDERAL REGISTER Document 65–12844, published on December 1, 1965 (30 F.R. 14865), the meeting date and place for burley tobacco was stated as December 14, 1965, Ballroom, Phoenix Hotel, Lexington, Ky., and the date for fire-cured and dark air-cured tobacco was given as December 13, 1965. The markets for these kinds of tobacco are now open and will remain open until about December 17, 1965. In order to insure greater attendance by interested persons who are engaged in the marketing of tobacco, the date and place of the meeting for burley tobacco and the date of the meeting for fire-cured and dark air-cured tobacco are hereby changed.

1. *Burley tobacco.* 9:30 a.m., e.s.t., December 21, 1965, Convention Hall, Phoenix Hotel, Lexington, Ky.

2. *Fire-cured and dark air-cured tobacco.* 9:30 a.m., c.s.t., December 22, 1965, National Guard Armory, Hopkinsville, Ky.

Issued at Washington, D.C., on December 9, 1965.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65–13320; Filed, Dec. 10, 1965; 8:47 a.m.]

Forest Service

REGIONAL FORESTERS

Delegation of Authority To Execute Road Right-of-Way Construction and Use Agreements and Temporary Agreements for Access

Pursuant to (a) Delegation of Authority and Assignment of Functions by the Secretary of Agriculture dated December 24, 1953, effective January 2, 1954 (19 F.R. 74), made pursuant to Reorganization Plan No. 2 of 1953 and other authorizations; and (b) the Delegation of Authority by the Chief, Forest Service, dated September 30, 1963 (28 F.R. 10828), authority is hereby delegated to the Regional Forester of each Forest Service Region to execute Road Right-of-Way Construction and Use Agreements and temporary agreements for access under the authority of the act of October 13, 1964 (78 Stat. 1089, 16 U.S.C. 532–538) in accordance with the regulations of the Secretary. The Regional Foresters may redelegate this authority to the Deputy Regional Foresters and Assistant Regional Foresters.

Done at Washington, D.C., this 2d day of December 1965.

M. M. NELSON,
Deputy Chief, Forest Service.

[F.R. Doc. 65–13284; Filed, Dec. 10, 1965; 8:47 a.m.]

Office of the Secretary

TEXAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Texas natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

TEXAS	
Harris.	Pecos.
Mitchell.	Rockwall.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1966, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 8th day of December 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65–13285; Filed, Dec. 10, 1965; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16691]

KAR-AIR oy

Notice of Prehearing Conference

Application of KAR-AIR oy for the amendment and renewal of its foreign air carrier permit so as to authorize it to engage in charter foreign air transportation with respect to persons and their accompanied baggage and property between any point or points in Finland and any point or points in the United States.

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on December 16, 1965, at 10 a.m., Room 701, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Leslie G. Donahue.

Dated at Washington, D.C., December 6, 1965.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 65–13281; Filed, Dec. 10, 1965; 8:47 a.m.]

[Docket No. 15909]

SOUTHERN SEGMENT 11 RENEWAL CASE

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on January 6, 1966, at 10 a.m., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Barron Fredricks.

Dated at Washington, D.C., December 7, 1965.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 65–13282; Filed, Dec. 10, 1965; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

PACIFIC FAR EAST LINE, INC., AND AMERICAN PRESIDENT LINES, LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609! or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. James F. McCone, Traffic Manager, Pacific Far East Line, Inc., 141 Battery Street, San Francisco, Calif., 94111.

Agreement 9514, between Pacific Far East Line, Inc. and American President

Lines, Ltd., provides that Pacific Far East Line, Inc., assents to and concurs in the publication and filing of freight tariff publications applying from ports in India (except Calcutta); ports in Pakistan (except Chittagong and Chalna); Colombo, Ceylon; also from West Coast Australia; Rabaul, New Britain, Lae and Port Moresby, New Guinea to specified ports in California with transhipment via Hong Kong which tariffs American President Lines, Ltd. may publish and file under section 18(b)(2) of the Shipping Act, 1916. American President Lines, Ltd. agrees to name Pacific Far East Line, Inc., as a concurring carrier in its tariffs covering the ports described above.

Dated: December 8, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-13286; Filed, Dec. 10, 1965; 8:47 a.m.]

PACIFIC FAR EAST LINE, INC., AND AMERICAN PRESIDENT LINES, LTD

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. James F. McCone, Traffic Manager, Pacific Far East Line, Inc., 141 Battery Street, San Francisco, Calif., 94111.

Agreement 9515, between Pacific Far East Line, Inc. and American President Lines, Ltd., provides that Pacific Far East Line, Inc., assents to and concurs in the publication and filing of freight tariff publications applying from San Francisco, Long Beach, and Los Angeles Harbor, Calif., and the ports of Bombay, Calcutta, Cochin, Madras, India; Colombo, Ceylon; Chittagong, Chalna, Karachi, Pakistan; also rates to other ports in India, Burma, New Guinea, and the Solomon Islands with transhipment via Hong Kong which tariffs American President Lines, Ltd., may publish and file under section 18(b)(2) of the Shipping Act, 1916. American President Lines, Ltd., agrees to name Pacific Far East Line, Inc., as a concurring carrier in its tariffs covering the ports described above.

Dated: December 8, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-13287; Filed, Dec. 10, 1965; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP66-162]

CITY OF POTOSI, MO., AND MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Application

DECEMBER 6, 1965.

Take notice that on November 24, 1965, the city of Potosi, Mo. (Applicant), filed in Docket No. CP66-162 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Mississippi River Transmission Corp. (Respondent) to establish physical connection of its transmission facilities with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution in Applicant and in the unincorporated community of Frankclay, Mo., and environs, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The city of Potosi is in Washington County, and the unincorporated community of Frankclay is in St. Francois County, Mo. The estimated population of Potosi and Frankclay and environs is approximately 3,800 persons. Potosi is situated approximately 15 miles northwest of the proposed point of interconnection with Respondent's main line in Missouri, and Frankclay is situated approximately 4 miles from said interconnection. Applicant states that there are no existing gas distribution facilities in either community.

Applicant proposes to construct, own and operate a natural gas distribution system in Potosi and the necessary gas distribution facilities in Frankclay. Applicant also proposes to construct and operate a 4½-inch lateral transmission line approximately 15 miles in length extending westward from a point of interconnection at Desloge, Mo., with Respondent's main transmission line to the city-gate of Potosi. Applicant states that this lateral facility will pass in close proximity to Frankclay.

Estimated peak day and annual volumes required by the communities are as follows:

	First year	Second year	Third year
Annual (Mcf)	116,290	131,460	138,020
Peak day (Mcf)	1,165	1,320	1,405

Total estimated cost of Applicant's proposed distribution system and lateral transmission line is $520,000, which cost will be financed through the issuance of gas revenue bonds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 27, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-13265; Filed, Dec. 10, 1965; 8:46 a.m.]

[Project No. 2553]

CONSUMERS POWER CO.

Notice of Application for License for Constructed Project

DECEMBER 6, 1965.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Consumers Power Co. (correspondence to: W. R. Boris, Secretary, Consumers Power Co., 212 West Michigan Avenue, Jackson, Mich), for a license for constructed Project No. 2553, known as the Sabin Plant, located on Boardman River in the vicinity of Traverse City, Grand Traverse County, Mich.

The existing project consists of: (1) A reservoir; (2) a dam of earth embankment with approximately 154 feet of concrete corewall; (3) a concrete spillway structure with a 30-foot wide flashboard section and a steel tainter gate 5½ feet high and 18 feet wide; (4) a powerhouse of brick masonry and steel frame construction housing two generating units with a total installed capacity of 900 kw; (5) a substation located 100 feet from the powerhouse containing three 34.5 kv transformers; (6) approximately 70 feet of 34.5 kv transmission line; and (7) appurtenant electrical and mechanical facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is January 17, 1966. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-13266; Filed, Dec. 10, 1965; 8:46 a.m.]

[Docket No. CP64-184]

EL PASO NATURAL GAS CO.

Notice of Petition To Amend

DECEMBER 6, 1965.

Take notice that on November 29, 1965, El Paso Natural Gas Co. (Petitioner), Post Office Box 1492, El Paso, Tex., 79999, filed in Docket No. CP64-184 a petition to amend the order issued in said docket on April 20, 1964, as amended by orders issued March 29, 1965, and September 3, 1965, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the aforementioned orders, Petitioner was authorized to construct and operate certain facilities and to sell and deliver natural gas for resale by use of such facilities. Among the authorized facilities was the Deming Ranchettes tap which was proposed to be installed and utilized for the sale and delivery of natural gas to Western Gas Service Co. (Western) for resale to domestic consumers situated in the Deming Ranchettes subdivision located in the vicinity of Deming, N. Mex.

Petitioner now states that these facilities have not been constructed and are not now proposed to be constructed since Western does not now propose to initiate natural gas service to the Deming Ranchettes subdivision. Petitioner therefore requests that the order issued in Docket No. CP64-184, as amended, be further amended by deleting the authorization to construct and operate the Deming Ranchettes tap and to sell and deliver n Ranchettes tap and to sell and deliver natural gas to Western for resale in the said Deming Ranchettes subdivision.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 27, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-13267; Filed, Dec. 10, 1965; 8:46 a.m.]

[Docket No. CP66-164]

EL PASO NATURAL GAS CO.

Notice of Application

DECEMBER 6, 1965.

Take notice that on November 29, 1965, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex., 79999, filed in Docket No. CP66-164 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval to abandon certain facilities and for a certificate of public convenience and necessity to continue the operation of certain facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to "budget-type" certificate authorization issued in Docket No. G-20051, 23 FPC 287 (1960), it has constructed and placed in operation facilities necessary to receive residue gas purchased from Graridge Corp., et al. (Graridge) at the outlet of Graridge's gasoline plant located in San Juan County, N. Mex., under the terms of a residue gas purchase agreement dated August 25, 1960. These facilities consist of a purchase meter station and a dehydrator located at the outlet of Graridge's said gasoline plant and approximately 211 feet of 4½-inch O.D. pipeline extending from the purchase meter to a point of connection with Applicant's 16-inch O.D. Aneth-San Juan River Plant pipeline.

The application states that Graridge has discontinued operation of its gasoline plant and that as a result thereof, Applicant proposes and seeks permission and approval to abandon all of such facilities except that terminal 11 feet of pipeline connecting with the Aneth-San Juan River Plant pipeline.

The application further states that the direct sale and delivery of gas was initiated by Applicant to El Paso Natural Gas Products Co. and continued to Shell Pipe Line Corp., successor to El Paso Natural Gas Products Co., for use in a pumping station in San Juan County, N. Mex., by means of gas first obtained from the Graridge plant and later obtained from the Aneth-San Juan River Plant pipeline. This sale is made by means of a meter situated 11 feet from the Aneth-San Juan River Plant pipeline on the pipeline connecting the Graridge plant. Since gas in the Aneth-San Juan River Plant pipeline is of interstate character, Applicant seeks authorization to continue the operation of the facilities used for the direct sale.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 27, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-13268; Filed, Dec. 10, 1965; 8:46 a.m.]

[Docket No. G-15426, etc.]

KINGWOOD OIL CO. ET AL.

Order Amending Order Issuing Certificates, Accepting Notices of Succession for Filing, Substituting Respondents, and Requiring Filing of Agreements and Undertakings

DECEMBER 2, 1965.

On September 3, 1965, Kingwood Oil Co. (Petitioner), a subsidiary of The Kingwood Corporation, filed a petition to amend the orders issuing certificates of public convenience and necessity to Kingwood Oil Co., now The Kingwood Corp., by substituting Petitioner as certificate holder. Effective July 23, 1965, Kingwood Oil Co. changed its name to The Kingwood Corp. and on the same date formed a wholly-owned subsidiary, Kingwood Oil Co., Petitioner herein. Effective August 1, 1965, The Kingwood Corp. assigned its gas leases, properties and interests therein to Petitioner.

On October 4, 1965, Petitioner filed a motion to be substituted as respondent in each of the predecessor Kingwood Oil Co.'s rate proceedings.

The Commission orders:

(A) The orders issuing certificates of public convenience and necessity to Kingwood Oil Co., now The Kingwood Corp., in Docket Nos. G-15426, G-15711, G-19221, G-19798, CI60-536, CI60-744, CI61-267, CI61-1297, CI62-139, CI63-1492, and CI64-479 are amended by substituting Petitioner as certificate holder, and in all other respects said orders shall remain in full force and effect.

(B) Notices of Succession filed by Petitioner to the predecessor Kingwood Oil Co. FPC gas rate schedules are accepted for filing effective as of August 1, 1965. The designations of said rate schedules shall remain unchanged.

(C) Petitioner is substituted in lieu of the predecessor Kingwood Oil Co. as respondent in the proceedings pending in Docket Nos. RI60-456,[1] RI64-529, RI64-800, RI65-257, and RI65-379. The designations of said proceedings shall remain unchanged.

(D) Within 30 days from the date of this order Petitioner shall execute, in the form set out below, and shall file with the Secretary of the Commission acceptable agreements and understakings in the dockets listed in paragraph (C) above to assure the refund of all amounts, together with interest at the rate of seven percent per annum, collected in excess of the amounts determined to be just and reasonable in said proceedings. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreements and undertakings shall be deemed to have been accepted for filing.

(E) Petitioner shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and Petitioner's agreements and under-

[1] Consolidated with Docket No. AR64-1, et al.

takings shall remain in full force and effect until discharged by the Commission.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

Suggested agreement and undertaking:

BEFORE THE FEDERAL POWER COMMISSION

(Name of Respondent _____)

Docket No. _____

AGREEMENT AND UNDERTAKING OF (NAME OF RESPONDENT) TO COMPLY WITH REFUNDING AND REPORTING PROVISIONS OF SECTION 154.102 OF THE COMMISSION'S REGULATIONS UNDER THE NATURAL GAS ACT

(Name of Respondent) hereby agrees and undertakes to comply with the refunding and reporting provisions of section 154.102 of the Commission's Regulations under the Natural Gas Act insofar as they are applicable to the proceeding in Docket No. ____ (and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto)[1] this _____ day of _____, 196__.

(Name of Respondent)

By _____

Attest:

_____

[1] If a corporation.

[F.R. Doc. 65-13269; Filed, Dec. 10, 1965; 8:46 a.m.]

[Docket No. CP66-167]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Application

DECEMBER 6, 1965.

Take notice that on November 29, 1965, Texas Eastern Transmission Corp. (Applicant), Post Office Box 2521, Houston, Tex., 77001, filed in Docket No. CP66-167 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of Winter Service gas to the Manufacturers Light and Heat Co. (Manufacturers) for a period of 1 year commencing on the date service is authorized, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it filed an application on September 17, 1965, in Docket No. CP66-77, seeking authorization to sell up to 6,000 Mcf of Winter Service gas to the United Gas Improvement Co. (UGI) for its upstate divisions at six existing metering and regulating stations owned by Applicant which connect with the facilities of UGI. That filing was opposed by Manufacturers.

At a conference held on November 22, 1965, the parties agreed to a settlement whereby Applicant will sell the 6,000 Mcf of Winter Service gas to Manufacturers, for a 1-year period commencing on the date service is authorized, at the aforesaid six metering and regulating stations. Manufacturers will, in turn, make available to UGI under Manufacturers' Winter Service Rate Schedule, the quantities of Winter Service gas which UGI requires.

It was further agreed that the program adopted by the settlement agreement is to be without prejudice to any position taken by the parties with respect to Applicant's pending application in Docket No. CP66-77, or any other docket.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 27, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-13270; Filed, Dec. 10, 1965; 8:46 a.m.]

[Docket No. RI66-189, etc.]

TENNECO OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

DECEMBER 6, 1965.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 19, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect—	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI66-189...	Tenneco Oil Co., Post Office Box 18, Houston, Tex., 77001.	91	13	Texas Eastern Transmission Corp. (Meyersville Field, De Witt County, Tex.) (R.R. District No. 2).	$2,248	11-15-65	[3] 12-16-65	5-16-66	[4] 13.8733	[5] [6] 14.3733	
RI66-190...	Tenneco Oil Co. (Operator), et al.	103	8	do	3,366	11-15-65	[3] 12-16-65	5-16-66	[4] 13.8733	[5] [6] 14.3733	

[2] The stated effective date is the 1st day after expiration of the required statutory notice.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Equivalent to 14.3733 cents per Mcf when a standard differential of 0.5 cents per Mcf maintained by Texas Eastern Transmission Corp. for delivery of dehydrated gas at a central point is taken into consideration.
[6] Renegotiated rate accepted by the Commission as being consistent with the provisions of the 2d amendment to the Statement of General Policy No. 61-1.

[1] Does not consolidate for hearing or dispose of the several matters herein.

Tenneco Oil Co. and Tenneco Oil Co. (Operator) et al. both referred to herein as Tenneco), request that their proposed rate increases be permitted to become effective as of October 1, 1965. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Tenneco's rate filings and such requests are denied.

Tenneco's proposed rate increases of 0.5 cent per Mcf, from 13.8733 cents to 14.3733 cents per Mcf, are for gas sold under their FPC Gas Rate Schedule Nos. 91 and 103 to Texas Eastern Transmission Corp. (Texas Eastern) in Texas Railroad District No. 2. The proposed increases are from renegotiated rates previously accepted as being consistent with the provisions of the second amendment to the Statement of General Policy No. 61-1. The subject rate schedules provide for delivery of nondehydrated gas at the outlet of the producer's facilities at or near each well or wells.

The gas purchased by Texas Eastern in this area (Wilcox Trend) is transported by Texas Eastern to the Goliad Plant, where it is processed for the extraction of liquid components, dehydrated and redelivered to Texas Eastern at the outlet of such plant. Texas Eastern maintains a standard contract differential of 0.5 cent per Mcf for dehydrated gas delivered at a central point in the Wilcox Trend Area. The actual costs incurred by Texas Eastern for dehydration and central point delivery of the subject gas is not ascertainable at this time but the Commission has applied the standard 0.5 cent differential for these costs in determining whether to suspend proposed rates in this area. The addition of this 0.5 cent differential to the instant proposed rates, since Texas Eastern must gather and dehydrate the subject gas, would cause such rate to exceed the area increased ceiling level of 14.6 cents per Mcf established by the Commission for pipeline quality gas. Pipeline quality gas in this area is understood to apply to sales of dehydrated gas delivered at a central point in the field. Under the circumstances, Tenneco's proposed increased rates are suspended as hereinbefore ordered because the sales related thereto are considered to be for nonpipeline quality gas within the meaning of the Commission's Statement of General Policy No. 61-1, as amended, because of the cost incurred by buyer for dehydrating and gathering.

[F.R. Doc. 65-13271; Filed, Dec. 10, 1965; 8:46 a.m.]

[Docket Nos. RI66-188, RI66-174]

PERRY R. BASS, ET AL.

Order Providing for Hearing On and Suspension of Proposed Change in Rate, Effective Subject to Refund, and Terminating Rate Suspension Proceeding

DECEMBER 3, 1965.

On November 4, 1965, Perry R. Bass (Operator) et al. (Bass) [1] tendered for filing a proposed change in their presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is designated as follows:

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI66-188...	Perry R. Bass (Operator), et al., 12th Floor, Fort Worth National Bank Bldg., Fort Worth, Tex., 76102, Attn.: Mr. Roy T. Durst.	1	2	El Paso Natural Gas Co. (Brown-Bassett Field, Terrell County, Tex.) (R.R. District No. 7-C) (Permian Basin Area).	$5,243	11-4-65	[2] 12-5-65	[3] 12-6-65	[4] [7] 16.0	[4] [8] 16.5	

[2] The stated effective date is the 1st day after expiration of the required statutory notice.
[3] The suspension period is limited to 1 day.
[4] "Fractured" rate increase.
[5] Pressure base is 14.65 p.s.i.a.
[6] Less processing cost of 3.31 cents per Mcf for pipeline quality gas remaining after processing for removal of carbon dioxide diluent (processing cost shall not exceed 4.5 cents per Mcf in any event).
[7] Initial rate.

Bass requests waiver of the statutory notice to permit their rate increase to become effective as of November 4, 1965, the date of filing. In support of their requests, Bass states that their increase was contractually due on January 1, 1963. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Bass' rate filing and such request is denied.

Bass, a producer-respondent in the Permian Basin Opinion No. 468, proposes a "fractured" rate increase from 16.0 cents to 16.5 cents per Mcf, amounting to $5,243 annually, for a sale of residue gas to El Paso Natural Gas Co. in the Permian Basin Area of Texas. The proposed rate is equal to the base just and reasonable ceiling for new gas-well gas and any residue gas derived therefrom prescribed by Commission Opinion Nos. 468 and 468-A.

On August 24, 1965, Bass filed a periodic rate increase from 16.0 cents to 17.0 cents per Mcf to the subject sale. By order issued September 23, 1965, the proposed rate increase submitted on August 24, 1965, was rejected because of the January 1, 1968, moratorium prescribed by Opinion No. 468 on increased rates in excess of the area rates. On October 25, 1965, Bass filed an application for rehearing of the September 23, 1965, order. Bass subsequently filed the subject rate increase.

By order issued November 22, 1965, in Docket No. RI66-174, Bass' application for rehearing was granted and the previously rejected rate increase from 16.0 cents to 17.0 cents per Mcf was suspended for 5 months from the time it would have become effective had it not been rejected (i.e. September 24, 1965).

The contract covering the subject sale contains quality standards which do not conform to the standards prescribed in Opinion Nos. 468 and 468-A. The contract provides for a maximum diluent content (nitrogen, hydrogen sulphide, organic sulphur and carbon dioxide) not in excess of the 60 percent by volume. The principal impurity is carbon dioxide and the contract provides for a maximum deduction of 4.5 cents per Mcf from the contract rate for removal of the diluent content. Bass indicates in their rate increase filing that the produced gas contains in excess of 50 percent CO_2 and that the processing cost for the removal of the CO_2 is 3.31 cents per Mcf (the 3.31 cents per Mcf charge does not reflect the cost for fuel and shrinkage gas). As for delivery pressure, the contract provides for delivery at the natural well flowing pressure, with the buyer having the right to operate its gathering system at pressures not to exceed 1000 p.s.i.g. The buyer may refuse to accept delivery of gas from any well producing at a natural wellhead flowing pressure of less than 250 p.s.i.g. Opinion No. 468 prescribes a minimum delivery of 500 p.s.i.g. The contract contains no B.t.u. adjustment provisions.

Although the increased rate of 16.5 cents per Mcf is equal to the area base rate prescribed in Opinion Nos. 468 and 468-A, it may require adjustment because of quality. Under the circumstances, we believe Bass' proposed rate increase from 16.0 cents to 16.5 cents per Mcf should be accepted for filing and permitted to supersede Bass' suspended rate increase from 16.0 cents to 17.0 cents per Mcf, and suspended for only 1 day from December 5, 1965, the date of expiration of the statutory notice, and the rate suspension proceeding in Docket No. RI66-174 should be terminated as hereinafter ordered.

Bass shall file with the Commission as a condition of this order within 60 days of the date of issuance of this order a statement setting forth either that the gas sold under the subject rate schedule accords with all pipeline quality standards established in Opinion Nos. 468 and 468-A, or in which respects the gas deviates from such standards; the agreed cost

[1] Address is 12th Floor, Fort Worth National Bank Building, Fort Worth, Tex., 76102. Attention: Mr. Roy T. Durst.

to the purchaser of processing the gas to bring it to the pipeline quality standards established there with respect to each quality deviation; any upward or downward B.t.u. adjustment; and the resulting applicable area rate for the gas. Such statement should be signed by both the seller and the purchaser. If the seller and the purchaser are unable to agree upon any or all of the particulars entering into the computation of the applicable area rate, the seller shall file the statement herein required which shall indicate the absence of agreement and supply the information required to compute the applicable area rate as well as the contentions of the parties with respect to the quality and amount of the adjustment for any item in dispute. The purchaser may file a separate statement setting forth its views within the period herein provided.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown for accepting for filing Bass' proposed supersedeing rate increase from 16.0 cents to 16.5 cents per Mcf, designated as Supplement No. 2 to Bass' FPC Gas Rate Schedule No. 1, and for terminating the rate suspension proceeding in Docket No. RI66–174.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Bass' FPC Gas Rate Schedule No. 1 and that such supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) The 16.5 cents per Mcf rate contained in Supplement No. 2 to Bass' FPC Gas Rate Schedule No. 1 is accepted for filing and permitted to supersede the 17.0 cents per Mcf rate contained in Supplement No. 1 to Bass' FPC Gas Rate Schedule No. 1 suspended in the proceeding in Docket No. RI66–174, and the proceeding in said docket is terminated.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Bass' FPC Gas Rate Schedule No. 1.

(C) Pending such hearing and decision thereon, Supplement No. 2 to Bass' FPC Gas Rate Schedule No. 1 is accepted for filing, as noted above, and is hereby suspended and the use thereof deferred until December 6, 1965, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Bass, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Bass shall execute and file under Docket No. RI66–188 with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser, El Paso Natural Gas Co. Unless Bass is advised to the contrary within 15 days from the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(D) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f) on or before January 19, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65–13250; Filed, Dec. 10, 1965; 8:45 a.m.]

[Docket No. CP65–140, etc.]

CITIES SERVICE GAS CO. ET AL.

Notice of Postponement of Dates for Filing Prepared Testimony and for Prehearing Conference

DECEMBER 3, 1965.

In the matter of Cities Service Gas Co., Docket No. CP65–140; El Paso Natural Gas Co., Docket No. CP65–384; Northern Natural Gas Co., Docket No. CP65–389; Ashland Oil & Refining Co. (Operator), et al., Docket No. G–3912; Sinclair Oil & Gas Co. (Operator), et al., Docket Nos. CI65–1267, CI65–1271.

Take notice that the date of December 11, 1965, for the filing of prepared testimony and exhibits and the date of December 16, 1965, for the convening of a prehearing conference in the above-entitled consolidated proceeding are hereby postponed until further notice in order to allow the Commission sufficient time within which to act upon the motions, filed by the State Corporation Commission of the State of Kansas and El Paso Natural Gas Co., seeking consolidation of the above-entitled proceeding with the proceeding in Arkansas Louisiana Gas Co., et al., Docket Nos. CP64–125, et al., and answers in opposition thereto filed by Arkansas Loulsiana Gas Co. and Cities Service Gas Co.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65–13251; Filed, Dec. 10, 1965; 8:45 a.m.]

[Docket No. CP65–395 etc.]

HUMBLE GAS TRANSMISSION CO. AND MISSISSIPPI VALLEY GAS CO.

Order Instituting Proceeding, Granting Motion To Consolidate Proceedings and Establishing Procedure

DECEMBER 3, 1965.

In the matter of Humble Gas Transmission Co., Docket No. CP65–395; Mississippi Valley Gas Co., complainant, v. Humble Gas Transmission Co., defendant, Docket No. RP66–9.

Mississippi Valley Gas Co. (MVG), on September 2, 1965, filed a formal complaint against Humble Gas Transmission Co. (Humble), in Docket No. RP66–9, alleging that paragraph 10 of the General Terms and Conditions of Humble's FPC Gas Tariff [1] is unjust, unreasonable, unduly discriminatory or preferential within the meaning of sections 4(b) and 5(a) of the Natural Gas Act. MVG requests the Commission to "set this matter down for hearing" and to consolidate its complaint proceeding with Humble's certificate application in Docket No. CP 65–395.

In its complaint, MVG alleges that, under paragraph 10, Humble maintains "an absolute veto" over its industrial load growth that subjects MVG to an undue prejudice or disadvantage, which is illustrated by Humble's application, in Docket No. CP65–395, seeking Commission authorization to construct facilities to make a direct industrial sale to Diamond National Corp. (Diamond) a company that has located a new plant in the area served by MVG. MVG states that it sought to obtain written consent from Humble under paragraph 10 to serve the natural gas requirements of this new plant, but was refused consent to make this sale.

Humble, on October 1, 1965, filed an answer to the complaint, in which it states that its service agreements with MVG and its other G–1 customers do not contain volumetric limitations, which are imperative for the protection of Humble against distributors' requirements that exceed the capability of Humble's facilities or would prove uneconomical. As to the proposed MVG sale to Diamond, Humble states that the needed additional volumes required to make that sale were available only at a rate in excess of its G–1 rate and that its contract with Diamond is in the public interest inasmuch as the increased incremental purchased gas costs are recovered exclusively from Diamond and are not borne by Humble's other customers. Humble also alleges that paragraph 10 is per se just, reasonable, and nondiscriminatory.

The pleadings leave unresolved substantial questions of fact and law bearing upon issues evoked by conflicting contentions concerning paragraph 10; whether, among other things, paragraph 10 subjects MVG and Humble's other G–1 customers to any undue prejudice, disadvantage, or discrimination. Therefore, it appears that a public hearing should be held in order to afford all parties opportunity to present evidence concerning the issues raised by those pleadings.

Humble, on November 2, 1965, filed a motion in the above-entitled proceedings requesting the Commission to consolidate the complaint proceeding with the proceeding involved in Docket No. CP65–395. By order issued September 17, 1965, in Docket No. CP65–395, Humble was ordered to show cause "why the Commission should not find and determine that [paragraph 10] in [its] filed tariff is unjust and unreasonable." In its motion, Humble states that MVG, in its formal complaint, requested consolidation of these proceedings and that these proceedings appear to raise a common question.

On November 12, 1965, MVG filed an answer to the motion for consolidation requesting the Commission to deny that motion. MVG there asserts that the order issued September 17, 1965, in Docket No. CP65–395 relates to the issue of the reasonableness of paragraph 10 as well as the issue of certificating the proposed sale to Diamond, and, therefore, a determination of the discrimination issue in Docket No. CP65–395 "will almost certainly make further proceedings unnecessary in" Docket No. RP66–9. However, MVG does not seek to withdraw its complaint nor does it suggest any other procedure for disposing of its complaint. Additionally, MVG, in its answer, alleges that no useful purpose will be served by consolidation inasmuch as consolidation will result in a delay of the proceedings and will result in considerable controversy as to which party has the burden of proving discrimination or the lack of it.

MVG's objections to consolidation are without merit. The issue involved, i.e., the propriety of paragraph 10, is common in both proceedings, and therefore, should be tried in one proceeding. Any alleged conflict that may arise during the consolidated proceedings as to which party has the burden of proof or the burden of going forward with the evidence can be resolved by the Presiding Examiner. Furthermore, the possibility of such conflict does not warrant the trial of the same issue in two separate hearings.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues raised by the complaint filed by MVG be set for public hearing; that the complaint proceeding be consolidated with the proceeding involved in Docket No. CP65–395 for purposes of hearing and decision; and that the consolidated proceedings be tried in accordance with the procedures set out below.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 15, and 16 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR ch. I) a public hearing shall be held on a date to be fixed by notice from the Presiding Examiner concerning the issues raised in the formal complaint filed by MVG in Docket No. RP66–9.

(B) The motion to consolidate the proceedings involved in Docket No. RP66–9 with the proceeding in Docket No. CP65–395 filed by Humble on November 2, 1965, is granted and those proceedings are consolidated for the purposes of hearing and decision.

(C) The time for filing of evidence as prescribed by our order issued September 17, 1965, in Docket No. CP65–395, is modified as follows: Humble, in Docket No. CP65–395, and MVG, in Docket No. RP66–9, shall file their direct testimony and exhibits with the Presiding Examiner on or before January 10, 1966, and shall serve copies upon all other parties in the consolidated proceedings.

(D) Pursuant to § 1.18 of the Commission's rules of practice and procedure, a prehearing conference before the Presiding Examiner shall commence at 10 a.m., e.s.t. on January 18, 1966, in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., 20426, for the purpose of reaching such agreements as will expedite the determination to be made herein, including, but not limited to, stipulation of facts, narrowing and defining of issues, and establishment of dates for the service of answering and rebuttal testimony and for the cross-examination of all testimony.

(E) The cross-examination, when commenced, shall be continuous unless the Presiding Examiner finds that extraordinary circumstances preclude such procedure.

(F) Presiding Examiner Harry W. Frazee, or any other officer designated by the Chief Examiner for the purpose (see Delegation of Authority, 18 CFR 3.5 (d)), shall prescribe other relevant procedural matters not herein provided, shall preside at the prehearing conferences and at the hearing in these matters, and shall control these proceedings until the completed record is certified to the Commission, pursuant to the Commission's rules of practice and procedure.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65–13252; Filed, Dec. 10, 1965; 8:45 a.m.]

[Docket No. E–7255]

NEW BEDFORD GAS AND EDISON LIGHT CO. AND PLYMOUTH COUNTY ELECTRIC CO.

Notice of Application

DECEMBER 3, 1965.

Take notice that on November 18, 1965, a joint application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act by New Bedford Gas and Edison Light Co. (New Bedford), a corporation organized under the laws of the State of Massachusetts and authorized to do business in Massachusetts, with its principal business office located in New Bedford, Mass., and Plymouth County Electric Co. (Plymouth), a corporation organized under the laws of the State of Massachusetts and authorized to do business in the State of Massachusetts, with its principal place of business in Cambridge, Mass., seeking authorization for the sale and transfer by Plymouth of certain facilities to New Bedford.

Plymouth, which purchases all of its electricity requirements from New Bedford, proposes to sell to New Bedford all of its operating facilities used for transmission and distribution. Plymouth currently sells electricity at retail in 13 communities in Plymouth, Bristol, and Barnstable Counties, Mass. The facilities sold will be operated by New Bedford for the same purpose as formerly. There will be no disruption of service, no changes in power supply or any effect on existing contracts.

The consideration for the property, plant, and equipment included in this sale will be the depreciated original cost per books of such facilities to be transferred, calculated as of January 1, 1966 and will be paid in cash. The total utility plant of Plymouth, as of August 31, 1965, amounts to $11,537,454.

Subsequent to the acquisition, New Bedford intends to file, immediately after the closing date, new retail electric rates which will result in annual savings to customers in both franchise areas totaling $177,600. Applicants state that as far as operations are concerned, many of its functions are already performed on an integrated system basis and that New Bedford's ownership and operation of transmission lines and distribution facilities will complete this unification. It is contended that Plymouth's transmission lines, extending from Plymouth to Kingston constitute a gap in New Bedford's transmission system which will be eliminated by the proposed acquisition and thus provide New Bedford with a contiguous transmission system.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 27, 1965, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65–13253; Filed, Dec. 10, 1965; 8:45 a.m.]

FEDERAL TRADE COMMISSION

FAILURE TO DISCLOSE FOREIGN ORIGIN ON RADIOS, ETC.

Notice of Adjourned Hearing With Opportunity To Present Additional Views

On October 19, 1965, there was published in the FEDERAL REGISTER (30 F.R.

[1] Paragraph 10 of the General Terms and Conditions of Humble's tariff reads as follows:

"Buyer shall not sell gas purchased under Seller's Rate Schedule G–1 to any one industrial consumer in excess of 100,000 cubic feet per month except by written consent of Seller."

13299) a Notice of Public Hearing Relating to Failure to Disclose Foreign Origin on Radios, Televisions, Phonographs, Tape Recorders, and Component Parts Thereof. Interested parties were afforded opportunity to submit written data, views, or arguments and to be heard at a public hearing. Pursuant to such notice, the public hearing was held in Washington on December 6, 1965.

The Commission will hold an adjourned hearing on January 5, 1966, commencing at 10 a.m., e.s.t., in Room 532, Federal Trade Commission Building, at which time interested or affected parties may orally express their views in the matter. Parties desiring to be heard at that time should inform the Secretary, Federal Trade Commission, not later than December 29, 1965. The time for presenting written data, views, or arguments is hereby extended to January 5, 1966.

The data, views, or arguments presented orally or in writing will be available for examination by interested parties at the Federal Trade Commission, Washington, D.C

Issued: December 10, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65-13272; Filed, Dec. 10, 1965; 8:46 a.m.]

DISCLOSURE OF FOREIGN ORIGIN OF WATCHES, ETC.

Opportunity To Present Data, Views, or Arguments

Notice is hereby given that the Federal Trade Commission will hold a public hearing on Friday, January 7, 1966, commencing at 10 a.m., e.s.t., in Room 532, Federal Trade Commission Building, Sixth Street and Pennsylvania Avenue, Washington, D.C., at which time and place all interested and affected parties may verbally present data, views, arguments, and suggestions relevant to the disclosure of the foreign origin of watches, watch cases, watch movements, watch bands, and parts thereof, marketed in the United States of America. Written data, views, arguments, and suggestions will also be considered if mailed to the Secretary, Federal Trade Commission, Sixth Street and Pennsylvania Avenue NW., Washington, D.C., 20580, on or before January 3, 1966. Persons submitting written presentations exceeding 2 pages should file 12 copies thereof, and persons desiring to make verbal presentations at the hearing on January 7, 1966, should notify the Secretary of the Commission to this effect, with an estimate of the time required for his verbal presentation, not later than January 3, 1966.

The purpose of this hearing is to afford the Commission the benefit of the views of all concerned to assist it in reaching a determination as to what action, if any, the Commission should take in the public interest under the statutes administered by it.

To assist the Commission information and suggestions on the following points are desired.

1. The approximate number of watches being sold annually in the United States, and an approximation of the percentage thereof having jeweled movements and the percentage having pin lever movements.

2. With respect to movements assembled in the United States, an approximation of the number, types, and value of component parts which are of foreign manufacture; and with respect to watches or movements assembled in the Virgin Islands, an approximation of the numbers, types and value of component parts (including cases and dials) which are of foreign origin, broken down by country of origin; an approximation of the watches and movements entering the United States from the Virgin Islands, and an approximation of the percentage of the movements contained in such watches which were assembled in the Virgin Islands.

(NOTE. Such estimates should separately specify the percentage of jeweled watches and those of the pin lever type.)

3. Whether the purchasing public has a preference for watches having movements made in the United States (1) over those made in any foreign country, or (2) over those made in any foreign country except Switzerland.

4. Identification of the parts of watch cases, and of the principal and more important parts of watch movements. How many parts are involved in the assembly of men's jeweled wrist watches of the usual design and size?

5. Should there be requirement of disclosure of the fact that one or more parts of a watch movement are of foreign manufacture? If so, how can this be accomplished with likely notice of the disclosure to the purchasing public prior to consummation of purchases, and in a manner which will assure of the disclosure carrying through to purchasers and prospective purchasers.

6. Whether there should be requirement of disclosure of the fact that a watch has a case or part thereof made in a foreign country.

7. Is it important to consumer purchasers of watches whether the movements, or parts of movements, of such watches have been made in a foreign country; or have been made by an American or foreign manufacture? What is to be regarded as the country of origin of a watch movement?

Interested persons are invited to submit any information pertinent to these matters or other aspects of the subject.

The data, views, or arguments presented orally or in writing will be available for examination by interested parties at the Federal Trade Commission, Washington, D.C.

The public hearing which will be held on January 7, 1966, will be before the full Commission.

Issued: December 10, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65-13327; Filed, Dec. 10, 1965; 8:47 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN POLAND

Levels of Restraint

DECEMBER 2, 1965.

On November 30, 1965, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6 relating to nonparticipants, informed the Government of Poland that it was renewing for an additional 12-month period, through December 3, 1966, the arrangements in effect between the two governments on the export of cotton textile products in Categories 19, 26, 28, and 34 produced or manufactured in Poland.

There is published below a letter of December 2, 1965, from the Chairman, President's Cabinet Textile Advisory Committee, to the Commissioner of Customs, directing that the amount in Categories 19, 26, 28, and 34 of cotton textile products produced or manufactured in Poland, which may be entered, or withdrawn from warehouse, for consumption in the United States from December 4, 1965, through December 3, 1966, be limited to designated levels.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

Washington, D.C.
December 2, 1965.

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
Washington, D.C.

DEAR MR. COMMISSIONER: Under the terms of the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6 relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, you are directed to prohibit, effective December 4, 1965, and for the 12-month period extending through December 3, 1966, entry into the United States for consumption, and withdrawal from warehouse for consumption, of cotton textile products in Categories 19, 26, 28, and 34 produced or manufactured in Poland, in excess of the following levels of restraint:

Category	12-month level of restraint
19	656,250 square yards.
26	105,000 square yards.
28	118,125 units.
34	66,150 units.

In carrying out this directive, entries of cotton textile products in Categories 19, 26, 28, and 34, produced or manufactured in Poland, which have been exported to the United States from Poland prior to December 4, 1965, shall to the extent of any unfilled balance, be charged against the level of restraint established for such goods during the period December 4, 1964 through December 3, 1965. In the event that this level has been exhausted by previous entries, such goods shall be charged against the level established under the present directive.

A detailed description of the listed categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 1, 1963 (28 F.R. 10551) and amendments thereto on March 24, 1964 (29 F.R. 3679).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Poland and with respect to imports of cotton textile products from Poland have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of section 4 of the Administrative Procedure Act. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

JOHN T. CONNOR,
Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 65-13243; Filed, Dec. 10, 1965; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[01-49]

SKAGIT VALLEY TELEPHONE CO.

Order Postponing Hearing

DECEMBER 7, 1965.

Skagit Valley Telephone Co., Mount Vernon, Wash., has applied to the Securities and Exchange Commission for exemption from the registration provisions of section 12(g) of the Securities Exchange Act of 1934 and the application is scheduled for hearing on December 13, 1965.

Counsel for said Telephone Company and for Telephones, Inc., have requested that the hearing be postponed to January 17, 1966; and the Division of Corporation Finance interposes no objection thereto. Accordingly,

It is ordered, That the hearing herein is postponed to January 17, 1966, at the same hour and place.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-13257; Filed, Dec. 10, 1965; 8:45 a.m.]

[File No. 1-3393]

VTR, INC.

Order Suspending Trading

DECEMBER 7, 1965.

The common stock, $1 par value, of VTR, Inc., being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 8, 1965, through December 17, 1965, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-13258; Filed, Dec. 10, 1965; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 8, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA 40165—*Iron or steel pipe or tubing from Galveston, Tex.*—Filed by Southwestern Freight Bureau, agent (No. B-8789), for interested carriers. Rates on iron or steel pipe or tubing, in carloads, from Galveston, Tex., to points in Arkansas, Kansas, Louisiana, Missouri, New Mexico, and Oklahoma.

Grounds for relief—Market competition.

Tariff—Supplement 22 to Southwestern Freight Bureau, agent, tariff ICC 4620.

FSA 40166—*Joint motor-rail rates—Eastern Central.*—Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 387), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in middlewest and southwestern territories, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 1 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-ICC A-268.

FSA 40167—*Joint motor-rail rates—Eastern Central.*—Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 388), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Central States territory, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 1 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-ICC A-268.

FSA 40168—*Joint motor-rail rates—Eastern Central.*—Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 389), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Central States territory, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 1 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-ICC A-268.

FSA 40169—*Joint motor-rail rates—Eastern Central.*—Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 390), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in Central States, middlewest, and southwestern territories, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 1 to Eastern Central Motor Carriers Association, Inc., agent tariff MF-ICC A-268.

FSA 40170—*Joint motor-rail rates—Eastern Central.*—Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 391), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in Central States, middlewest and southwestern territories, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 1 to Eastern Central Motor Carriers Association, Inc., agent tariff MF-ICC A-268.

FSA 40171—*Joint motor-rail rates—Eastern Central.*—Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 392), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in Central States, middlewest, and southwestern territories, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 1 to Eastern Central Motor Carriers Association, Inc., agent tariff MF-ICC A-268.

FSA 40172—*Joint motor-rail rates—Eastern Central.*—Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 393), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in Central States, middlewest, and southwestern territories, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 1 to Eastern Central Motor Carriers Association, Inc., agent tariff MF-ICC A-268.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-13273; Filed, Dec. 10, 1965; 8:46 a.m.]

[Notice 99]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 8, 1965.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 42487 (Sub-No. 641 TA), filed December 3, 1965. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's representative: T. L. Barbera (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Weed killing chemicals and compounds*, liquid, in bulk, in tank vehicles, from Richmond, Calif., to Dayton, N.J., for 120 days. Supporting shipper: Stauffer Chemical Co., 636 California Street, San Francisco, Calif., 94119. Send protests to: William R. Murdoch, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif., 94102.

No. MC 72322 (Sub-No. 3 TA), filed December 3, 1965. Applicant: LOWDER TRANSPORTATION, INC., 26 Prospect Street, Woburn, Mass. Applicant's representative: Mary E. Kelley, 10 Tremont Street, Boston, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials and supplies, fiberboard, wallboard and ceiling tile*, between Andover, Mass., and points in Vermont, New Hampshire, and Rhode Island under a continuing contract with Allied Chemical Corp., for 150 days. Supporting shipper: Allied Chemical Corp., 40 Rector Street, New York, N.Y., 10006. Send protests to: Mr. James F. Martin, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 30 Federal Street, Boston, Mass., 02110.

No. MC 107839 (Sub-No. 98 TA), filed December 3, 1965. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 5135 York Street, Post Office Box 16021, Denver, Colo., 80216. Applicant's representative: Marion F. Jones, 420 Denver Club Building, Denver, Colo., 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and dairy products, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from (1) Denver, Colo., and McCook, Nebr., to Atlanta, Ga., and from (2) Atlanta, Ga., to Denver, Colo., for 150 days. Supporting shipper: Shurtenda Steaks, Inc., 2466 West Second Avenue, Denver, Colo. Send protests to: Herbert C. Ruoff, Bureau of Operations and Compliance, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo., 80202.

No. MC 109638 (Sub-No. 17 TA), filed December 3, 1965. Applicant: WOODROW EVERETTE, doing business as W. EVERETTE TRUCK LINE, Hodges Street, Post Office Box 145, Washington, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, manufactured from forest products*, from Emporia, Va., to points in North Carolina, South Carolina, Pennsylvania, District of Columbia, Delaware, Maryland, New Jersey, New York, Michigan, Ohio, Illinois, and Indiana, for 180 days. Supporting shipper: Georgia-Pacific Corp., Southern Finance Building, Augusta, Ga. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Post Office Box 10885, Cameron Village Station, Raleigh, N.C., 27605.

No. MC 114533 (Sub-No. 115 TA), filed December 3, 1965. Applicant: B. D. C. CORPORATION, 4970 South Archer Avenue, Chicago, Ill., 60632. Applicant's representative: Herman Burk (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, and written instruments* (except coins, currency, and negotiable securities) as are used in the conduct of banks and banking institutions, between St. Louis, Mo., on the one hand, and, on the other, points in Adams, Alexander, Bond, Brown, Calhoun, Clay, Clinton, Crawford, Edwards, Effingham, Fayette, Franklin, Gallatin, Greene, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macoupin, Madison, Marion, Massac, Monroe, Montgomery, Morgan, Perry, Pike, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Scott, Union, Wabash, Washington, Wayne, White, and Williamson Counties, Ill., for 180 days. Supporting shipper: Federal Reserve Bank of St. Louis, St. Louis, Mo. Send protests to: Charles J. Kudelka, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 1086, 219 South Dearborn Street, Chicago, Ill., 60604.

No. MC 114533 (Sub-No. 116 TA), filed December 3, 1965. Applicant: B. D. C. CORPORATION, 4970 South Archer Avenue, Chicago, Ill., 60632. Applicant's representative: Herman Burk (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cash register tapes, daily reports, credit media, and merchandise stubs*, between (1) Cleveland, Rocky River, Willowick, Middleburg Heights, Columbus, Portsmouth, Steubenville, Canton, Springfield, Mansfield, Ashland, Cambridge, and Chillicothe, Ohio, on the one hand, and, on the other, Highland Park, Mich., and (2) between Buffalo, West Seneca, and Dunkirk, N.Y., on the one hand, and, on the other, Highland Park, Mich., for 180 days. Supporting shipper: Davidson Bros., Inc., 1200 East McNichols Road, Detroit, Mich., 48203. Send protests to: Charles J. Kudelka, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 1086, 219 South Dearborn Street, Chicago, Ill., 60604.

No. MC 115523 (Sub-No. 126 TA), filed December 3, 1965. Applicant: CLARK TANK LINES COMPANY, 1450 Beck Street, Post Office Box 1895, Salt Lake City, Utah, 84116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Carbon and Summit Counties, Utah, to points in Idaho, for 180 days. Supporting shippers: David's Elevator, Inc., Post Office Box 587, Blackfoot, Idaho, 83221; and, Independent Coal & Coke Co., 706 Judge Building, Salt Lake City, Utah, 84111. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2224 Federal Building, Salt Lake City, Utah, 84111.

No. MC 127671 (Sub-No. 1 TA), filed December 3, 1965. Applicant: JAMES P. VANDERLIP, JR., doing business as JIM VANDERLIP, JR., TRUCKING, 679 Roca Street, Ashland, Oreg. Applicant's representative: Jake Stockwell, Medford, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cinnabar ore* from Patrick's Creek, Calif., to Cave Junction, Oreg., for 150 days. Supporting shipper: Four Peaks Development Co., Post Office Box 33, Cave Junction, Oreg. Send protests to: Albert E. Odoms, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 538 Pittock Block, Portland, Oreg., 97205.

No. MC 127757 TA, filed December 3, 1965. Applicant: P. ROSS GUARINO, INC., 3815 40th Street, Tampa 10, Fla. Applicant's representative: Donald Murchison, Suite 211, Allen Paris Building, 211 South Beverly Drive, Beverly Hills, Calif., 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cloth or fabrics*, in bales, bundles or packages, from points in North Carolina, South Carolina, and Georgia, to El Paso, Tex., and Los Angeles, Calif., under a continuing contract or contracts with Brooks-Weisberg Co., Inc., *clothing or wearing apparel*, folded flat in bales or cartons, and *component parts used in the manufacture thereof*, as described in appendix X, Ex Parte No. MC-45, from points in Georgia and El Paso, Tex., to Los Angeles, Calif., under a continuing contract or contracts with Brooks-Weisberg Co., Inc., for 180 days. Supporting shipper: Brooks-Weisberg Co., 526 South Los Angeles Street, Los Angeles, Calif., 90013.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-13274; Filed, Dec. 10, 1965; 8:46 a.m.]

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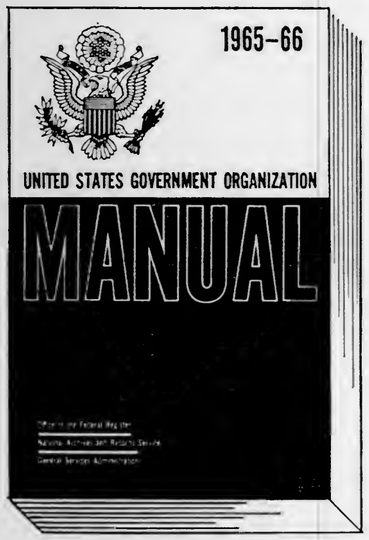
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Title 3—THE PRESIDENT

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LAW DAY, U.S.A., 1966

By the President of the United States of America

A Proclamation

"Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can save it; no constitution, no law, no court can even do much to help it. * * * the spirit of liberty is the spirit of Him who, near two thousand years ago, taught mankind that lesson it has never learned, but has never quite forgotten; that there may be a kingdom where the least shall be heard and considered side by side with the greatest."

These words of a great American jurist, the late Judge Learned Hand, are especially appropriate this year as the United States of America celebrates the one hundred and seventy-fifth anniversary of the Bill of Rights, and the one hundred and ninetieth anniversary of the independence of our Nation. Both occasions are notable milestones in the life of our republic and in man's quest for freedom and justice under law.

These two significant events in American history serve to remind us that the great individual rights we value so highly carry with them corresponding obligations of citizenship: to obey the law—recognize the rights of others—resolve grievances by lawful means—support law enforcement agencies—encourage law obedience by others—practice and teach patriotism—and defend our country.

The fostering of greater respect for the rule of law, and of deeper understanding of our great heritage of individual liberty, will immeasurably aid the United States in its war on crime and juvenile delinquency.

The Congress by joint resolution has wisely designated the first day of May of each year as Law Day, U.S.A., to remind us of the fundamental truth that our liberty, our rights to pursue our individual destinies, and our very lives are dependent upon our system of law and independent courts. Only under the rule of law, and obedience thereto, can we rightfully claim our heritage of individual freedom.

The observance of Law Day, U.S.A., on May 1, 1966, with the theme, "Respect the Law—It Respects You," will serve to focus attention on the need for every individual to do his part to help strengthen our national commitment to the rule of law.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby request the observance of Sunday, May 1, 1966, as Law Day in the United States of America.

I urge clergymen of all faiths to bring to public attention through sermons and appropriate programs the indissoluble links that exist between religion and the law and America's heritage of religious and individual freedom under law resulting from this bond.

I urge also that Law Day, U.S.A. be observed with suitable programs and ceremonies; and that schools, civic and service organizations, public bodies, courts, the legal profession, and the media of information and entertainment participate in this educational and patriotic undertaking. I call upon public officials to display the Nation's flag on public buildings on that day as requested by the Congress.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this eighth day of December in the year of our Lord nineteen hundred and sixty-five, and [SEAL] of the Independence of the United States of America the one hundred and ninetieth.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 65-13386; Filed, Dec. 10, 1965; 3:48 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3305 is amended to show the exception under Schedule C of the position of Deputy Assistant to the Secretary (Congressional Relations). Effective on publication in the FEDERAL REGISTER, subparagraph (22) is added to paragraph (a) of § 213.3305 as set out below.

§ 213.3305 Treasury Department.

(a) *Office of the Secretary.* • • •

(22) One Deputy Assistant to the Secretary (Congressional Relations).

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65-13336; Filed, Dec. 13, 1965; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER A—COMMODITY STANDARDS AND STANDARD CONTAINER REGULATIONS

PART 27—COTTON CLASSIFICATION UNDER COTTON FUTURES LEGISLATION

PART 28—COTTON CLASSING, TESTING, AND STANDARDS

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946

PART 61—COTTONSEED SOLD OR OFFERED FOR SALE FOR CRUSHING PURPOSES (INSPECTION, SAMPLING, AND CERTIFICATION)

Change in Agency Name

Pursuant to the order of the Secretary dated February 8, 1965 (30 F.R. 2160), changing the name of Agricultural Marketing Service to Consumer and Marketing Service, 7 CFR Parts 27, 28, and 61 are hereby amended by changing the term "Agricultural Marketing Service" to read "Consumer and Marketing Service" wherever it appears in the following sections:

Part 27—§ 27.2(c), § 27.92.
Part 28—§ 28.901(b,c,d).
Part 61—§ 61.2(e,f,g), § 61.45, § 61.46.

Done at Washington, D.C., this 9th day of December 1965.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 65-13337; Filed, Dec. 13, 1965; 8:47 a.m.]

SUBCHAPTER D—REGULATIONS UNDER THE POULTRY PRODUCTS INSPECTION ACT

PART 81—INSPECTION OF POULTRY AND POULTRY PRODUCTS

Miscellaneous Amendments

Under authority contained in the Poultry Products Inspection Act, as amended (21 U.S.C. 451 et seq.), the U.S. Department of Agriculture hereby amends the Regulations Governing the Inspection of Poultry and Poultry Products (7 CFR Part 81, as amended) as set forth below.

Statement of considerations. The amendments increase the hourly rate from $5.80 per hour to $6.20 per hour for overtime and holiday inspection service under the Act and for inspections upon appeals which are found to be frivolous. These changes are necessary due to the recent general salary increases of Federal employees and the increase in other cost related to furnishing such service.

The amendments also make the following changes which either relieve restrictions or are of a nonsubstantive nature and are for administrative purposes. Under the amendments poultry singeing operations may be accomplished either on dressed poultry or, when dressed poultry is to be warm-eviscerated, after evisceration and prior to packing. Presently, the poultry must be singed in dressed form.

The regulations presently provide that the name and address of the packer shall be used on containers of products of poultry not intended for human food or intended for export for processing as human food. The amendments will allow the name and address of either the packer or, with specified qualification, the name and address of the distributor to be used on such containers.

The regulation containing the form of application for inspection under the Act is deleted so that the regulations will not have to be amended each time the application form is changed. The regulations presently require that application must be made on a form furnished by the Inspection Service. These forms are readily available to interested persons.

The amendments are as follows:

1. The last sentence of § 81.49(d) is amended to read:

§ 81.49 Operations and procedures.

• • • • • •

(d) • • • Notwithstanding the foregoing, dressed poultry which is to be warm eviscerated is not required to be vented or singed if it is to be singed after evisceration and prior to packing, and dressed poultry which has been vented and singed and is to be eviscerated in an official establishment within 72 hours from time of slaughter may, when approved by the Inspection Service, be transferred by conveyor or operational type container or other approved means to such official establishment prior to removal of the feed in the crop.

• • • • • •

§ 81.98 [Amended]

2. Section 81.98 is amended by changing "$5.80" in the last sentence to "$6.20."

3. The last sentence of § 81.147 is deleted and the following sentences are added in lieu thereof:

§ 81.147 Products of poultry not intended for human food or intended for export for processing as human food.

• • • The containers of all such products shall bear the name and address of the packer or distributor, and when the name of the distributor is shown, it shall be qualified by such terms as "packed for," "distributed by," or "distributors." In addition, the containers of such products shall bear the plant number of the plant where packed and shall not bear the official inspection mark.

§ 81.170 [Amended]

4. Section 81.170 is amended by changing "$5.80" in the last sentence to "$6.20."

§ 81.171 [Amended]

5. Section 81.171 is amended by changing "$5.80" in the second sentence of paragraph (a) to "$6.20."

§ 81.172 [Amended]

6. Section 81.172 is amended by changing "$5.80" to "$6.20."

§ 81.174 [Deleted]

7. Section 81.174 is deleted.

(Sec. 14, 71 Stat. 447, 21 U.S.C. 463; 29 F.R. 16210, as amended, 30 F.R. 1260, as amended)

The facts upon which are based the determination as to the level of charges necessary to cover the cost of overtime and holiday inspection work and inspection pursuant to frivolous appeals are not available to the industry, but are peculiarly within the knowledge of the Department. Therefore, public rule making would not result in the Department receiving additional information on this matter. The changes in rate of charges should become effective

January 1, 1966, for accounting purposes. The other changes in the regulations relieve restrictions or are of a nonsubstantial, administrative nature and will not require any changes in the operations of any persons, and should be made effective as soon as feasible in order to accomplish their purposes. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Issued at Washington, D.C., this 9th day of December 1965 to become effective on January 1, 1966.

R. K. SOMERS,
Deputy Administrator,
Consumer Protection.

[F.R. Doc. 65-13338; Filed, Dec. 13, 1965; 8:47 a.m.]

Chapter III—Agricultural Research Service, Department of Agriculture

[P.P.C. 624, 11th Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Soybean Cyst Nematode

REGULATED AREAS

Pursuant to § 301.79-2 of the regulations supplemental to the soybean cyst nematode quarantine (7 CFR 301.79-2), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), administrative instructions appearing as 7 CFR 301.79-2a are hereby revised to read as follows:

§ 301.79-2a Administrative instructions designating regulated areas under the soybean cyst nematode quarantine.

The following counties, other civil divisions, farms, and other premises, or parts thereof, in the quarantined States, listed below, are designated as soybean cyst nematode regulated areas within the meaning of the provisions of this subpart:

ARKANSAS

Clay County. The entire county.
Craighead County. The entire county.
Crittenden County. The entire county.
Cross County. The entire county.
Desha County. Sec. 27, T. 10 S., R. 4 W.
Greene County. The entire county.
Jackson County. The entire county.
Lawrence County. That portion of the county lying east of the Black River.
Lee County. The entire county.
Mississippi County. The entire county.
Phillips County. The entire county.
Poinsett County. The entire county.
Prairie County. Sec. 20, T. 4 N., R. 5 W.
Randolph County. That portion of the county lying east of the Black and Current Rivers.
St. Francis County. The entire county.
Woodruff County. The entire county.

ILLINOIS

Alexander County. Tps. 14 S., 15 S., and 16 S., all in R. 1 W.; T. 16 S., R. 2 W.; T. 16 S., R. 3 W.; secs. 1, 12, 13, 24, 25, and 36, T. 14 S., R. 2 W.; secs. 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, T. 15 S., R. 2 W.; secs. 25, 33, 34, 35, and 36, T. 15 S., R. 3 W.; and that portion of the county lying south of T. 16 S., R. 1 W. and R. 2 W.
Johnson County. The property owned by Armstrong Cork Co. and operated by William Shirley Ames located in SW¼ sec. 18 and W½ sec. 19, T. 12 S., R. 2 E.
The property owned by Jesse H. Lowery and operated by William Shirley Ames located in SW¼ sec. 30, T. 12 S., R. 2 E.
The property owned by Mert Lowery and operated by William Shirley Ames located in SW¼ sec. 30, T. 12 S., R. 2 E.
Massac County. The property owned and operated by Landis Newton located in the NW¼ sec. 30, T. 14 S., R. 3 E.
The property owned and operated by C. Whitelock located in NW¼ sec. 22, T. 14 S., R. 3 E.
The property owned and operated by E. Woods located in SE¼ sec. 18, T. 14 S., R. 3 E.
Pulaski County. Tps. 14 S., 15 S., and 16 S., all in R. 1 W.; Tps. 14 S., 15 S., and 16 S., all in R. 1 E.; secs. 7, 18, 19, 30, and 31, T. 14 S., R. 2 E.; and secs. 6, 7, and 18, T. 15 S., R. 2 E.
The property owned by R. S. Miller and operated by A. Eddleman located in SE¼ sec. 35 and SW¼ sec. 36, T. 14 S., R. 2 E.
The property owned and operated by Milford D. Jones located in NE¼ sec. 35, T. 14 S., R. 2 E.
The property owned by Marshall Weese and operated by A. R. Parker located in NW¼ sec. 36, T. 14 S., R. 2 E.
Union County. The property owned by Armstrong Cork Co. and operated by William Shirley Ames, located in sec. 24 and S½ sec. 13, T. 12 S., R. 1 E.
The property owned by Catherine McKenzie and operated by William Shirley Ames located in SE¼ sec. 25, T. 12 S., R. 1 E.
The farm owned by Harvey Weaver and operated by William Shirley Ames, located in SE¼ sec. 25, T. 12 S., R. 1 E.

KENTUCKY

Ballard County. The entire county.
Carlisle County. The property owned by Stanley Jones consisting of 210 acres located 0.7 mile east of the intersection of routes 307 and 62, on both sides of the road.
Fulton County. The entire county.
Graves County. That portion of the county west and south of a line beginning at the intersection of the Tennessee-Kentucky State line and State Highway 381, thence extending north along State Highway 381 to its intersection with State Highway 94 at Lynnville, thence west along State Highway 94 to its intersection with State Highway 303, thence north along State Highway 303 to its intersection with U.S. Highway 45 at Mayfield, thence north along U.S. Highway 45 to the McCracken county line.
Hickman County. The entire county.

MISSISSIPPI

Coahoma County. The property owned by John Ella Fraction and operated by National Fraction, located in sec. 32, T. 28 N., R. 5 W.
The property owned by Mark Ham and operated by Sigman Planting Co., located in secs. 6, 7, and 8, T. 27 N., R. 5 W.
The property owned by Kyser Estate and operated by Hurst Bros., located in sec. 1, T. 27 N., R. 6 W.
The property owned by Regenold & Earls Co. and operated by Dan F. Crumpton, Jr., located in secs. 5 and 6, T. 27 N., R. 5 W., and in secs. 31 and 32, T. 28 N., R. 5 W.
De Soto County. That portion of the county lying west of the east line of R. 9 W., and north of the south line of T. 2 S.
Tunica County. That portion of the N½ of T. 3 S., R. 10 W., lying in Tunica County.

MISSOURI

Bollinger County. That portion of the county lying south and east of a line beginning at the point where the west line of R. 10 E. intersects the Bollinger-Stoddard County line; thence extending due north along said county line to the point where it intersects the north line of T. 29 N.; thence due east along said county line to the Bollinger-Cape Girardeau County line.
Butler County. That portion of the county lying south and east of a line beginning at the point where U.S. Highway 67 intersects the Arkansas-Missouri State line; thence extending northward to the point where said highway intersects the west line of R. 6 E.; thence due north to a point 3 miles north of the north line of T. 24 N.; thence due east to the St. Louis and San Francisco Railroad; thence northeastward along said railroad to its intersection with the St. Frances River.
Cape Girardeau County. That portion of the county lying south and east of a line beginning at the point where the north side of T. 29 N. intersects the Bollinger-Cape Girardeau county line; thence extending due east to its junction with State Highway 25; thence northeastward along said highway to its junction with State Highway 74; thence eastward along said highway to a point where it intersects U.S. Highway 61; thence due east along a projected line to the Mississippi River.
Dunkin County. The entire county.
Mississippi County. The entire county.
New Madrid County. The entire county.
Pemiscot County. The entire county.
Scott County. The entire county.
Stoddard County. The entire county.

NORTH CAROLINA

Brunswick County. The property owned by Alma Medlin and operated by Leo Medlin Estate, located on the southwest side of State Secondary Road 1419 and 1 mile southeast of the Columbus County line.
The property owned and operated by Leo Medlin Estate, located on the southwest side of State Secondary Road 1419 and 1.1 miles southeast of the Columbus County line.
Camden County. The Woodson Farrill farm located on the west side of State Secondary Road 1114 and 0.4 mile north of the junction of said road and State Highway 343.
The property owned by Mrs. Etta Mae McPherson, located on the east side of State Secondary Road 1224 and 0.5 mile north of the junction of said road and State Secondary Road 1217.
The J. E. McPherson Trust Farm, located at the end of a field road 1 mile south of State Secondary Road 1239, said field road junctioning with State Secondary Road 1239, 1 mile east of the junction of said road and State Secondary Road 1224.
The Frank Sawyer farm located on the north side of State Secondary Road 1225 and at the junction of said road with State Secondary Road 1224.
The Dr. J. B. Sawyer farm located on the northwest side of State Secondary Road 1115 and 0.1 mile northeast of the junction of said road with State Secondary Road 1107.
The Mack Sawyer farm located on both sides of State Secondary Road 1225 and at the junction of said road with State Secondary Road 1217.
Currituck County. The property owned by Edward L. Bunton located on the west side of State Secondary Road 615 at a point

where said road intersects the North Carolina-Virginia State line.
The P. P. Gregory farm located on the east side of State Secondary Road 1147 and 0.4 mile north of Indian Creek.
The property owned by J. F. Kitchen located on the west side of State Secondary Road 615, 0.9 mile south of the North Carolina-Virginia State line.
The C. C. Leary farm located on the west side of State Secondary Road 1148 and 0.6 mile northwest of the junction of said road and U.S. Highway 158.
The Herman Peil farm located on the southwest side of State Secondary Road 1148 and 0.3 mile southeast of the junction of State Secondary Roads 1148 and 1200 with U.S. Highway 158.
The property owned by Ogden Reid located on the east and west sides of State Secondary Road 615, 0.6 mile south of the North Carolina-Virginia State line.
Gates County. That portion of the county bounded by a line beginning at a point where State Highway 32 crosses the North Carolina-Virginia State line, thence extending east along the State line to the Camden County line, thence in a southwesterly direction along the west edge of the Great Dismal Swamp to a point 1.4 miles east of Corapeake on State Secondary Road 1332, thence along said road in a westerly direction to Corapeake, thence along State Highway 32 from Corapeake to the Virginia State line, the point of beginning, excluding the corporate limits of Corapeake.
That area bounded by a line beginning at a point where North Carolina Secondary Road 1305 junctions with the North Carolina-Virginia State line, thence extending southeast along said road to its junction with North Carolina Secondary Road 1308, thence northwest along said road to its intersection with ACL Railroad, thence northeast along said railroad to the North Carolina-Virginia State line, thence east along said State line to the point of beginning.
The Charlie Cross farm located on the west side of State Secondary Road 1200, 0.1 mile north of the junction of said road and State Secondary Road 1226.
The T. H. Fowler farm located on the southeast side of U.S. Highway 13 and 100 yards north of the junction of said highway and State Secondary Road 1214.
The G. M. Gardner farm located on the south side of Nansemond-Gates County line and 0.4 mile west of State Secondary Road 1200.
The Fentriss Hill farm located on the north side of State Secondary Road 1412 and 0.5 mile west of the intersection of said road and State Highway 32 at Muddy Cross.
The Mrs. Lizzie Hobbs farm, operated by Odell Hobbs, located on the south side of State Secondary Road 1413, 1.6 miles east of the junction of said road and State Highway 32.
The Henry B. Hoffler farm, operated by David Hoffler, located on the south side of State Secondary Road 1428, 1 mile east of said road and State Highway 32.
The J. G. Lyles property, operated by W. J. Daniels, located on the northeast side of State Secondary Road 1002, 1.8 miles northwest of Acorn Hill.
The Hurley Roundtree farm located on the west side of State Highway 32, 0.3 mile south of the junction of said highway and State Secondary Road 1332.
The W. A. Russell farm located on the east side of State Secondary Road 1002, 0.1 mile north of the junction of said road and State Secondary Road 1428.
The Mrs. O. C. Turner farm located on the north side of State Secondary Road 1100, 0.2 mile west of the junction of said road and State Secondary Road 1101.
The C. H. Wiggins, Jr., farm located on the north side of State Secondary Road 1413, 1.1 miles east of the junction of said road and State Highway 32.
The J. H. Wiggins farm located on the northwest side of U.S. Highway 13 at the junction of said highway and State Secondary Road 1214.
The property owned by the Jim Wiggins Estate, operated by Mrs. O. C. Turner with Benny Owens as tenant, located immediately northwest of the intersection of State Secondary Roads 1100 and 1101.
Johnston County. That area bounded by a line beginning at a point where the Sampson-Johnston County line intersects State Highway 96, thence extending north along said highway to its intersection with State Highway 50, thence southeast along said highway to its junction with State Secondary Road 1136, thence east along said road to its junction with State Secondary Road 1009, thence south along said road to its intersection with the Johnston-Wayne County line, thence southwest along said county line to its junction with the Sampson-Johnston County line, thence southwest along said county line to the point of beginning.
The M. C. Lee farm located on the north side of State Secondary Road 1136 and 0.3 mile east of its junction with State Secondary Road 1139.
The Coy Lofton farm located on the east side of State Secondary Road 1009 and 0.6 mile south of Bentonville.
The I. J. Williams Estate located on the northeast side of the junction of State Secondary Roads 1120 and 1121.
New Hanover County. That portion of the county bounded by a line beginning at a point where the ACL Railroad Bridge crosses the Northeast Cape Fear River and extending south along said railroad to State Highway 132, thence southeast along said highway to Smith Creek, thence west along said creek to the Northeast Cape Fear River, thence in a northwesterly and then easterly direction along said river to the ACL Railroad Bridge, the point of beginning, excluding all of New Hanover County Airport.
The Mrs. C. F. Canady farm located on the north side of State Secondary Road 1403 and 1.5 miles east of its junction with State Secondary Road 1407, said junction being 0.5 mile east of U.S. Highway 17.
The J. H. Covil farm located on the north side of State Secondary Road 1403 and 0.2 mile east of its junction with State Secondary Road 1407, said junction being 0.5 mile east of U.S. Highway 17.
The H. H. Horrell farm located on the north side of State Secondary Road 1335 and 0.1 mile east of its intersection with State Highway 132.
The property owned and operated by H. C. Johnson, located on the northeast side of State Secondary Road 1327 and 0.6 mile northwest of its junction with U.S. Highway 17.
The H. C. Johnson farm located on the northeast side of State Secondary Road 1327 and 0.2 mile northwest of its junction with U.S. Highway 17.
The H. C. Johnson farm located on the south side of State Secondary Road 1403 and 1.7 miles east of its junction with State Secondary Road 1407, said junction being 0.5 mile east of U.S. Highway 17.
The property owned and operated by J. D. Murray, located at the end of State Secondary Road 1322 and 2.2 miles from its intersection with State Highway 132.
The property owned and operated by Alex Trask, located on the north side of State Secondary Road 1322 and east of State Highway 132 at the intersection of these two roads.
The J. A. Yopp farm located on the south side of State Secondary Road 1322 and 1.2 miles east of its intersection with State Highway 132.
Pasquotank County. That portion of the county bounded by a line beginning at the junction of State Secondary Road 1338 and U.S. Highway 17 and extending southeast along said highway to its junction with State Secondary Road 1343, thence south along said road to its junction with State Secondary Road 1332, thence southeast along said road to its junction with Knobbs Creek, thence northwest along said creek to its intersection with State Secondary Road 1338, thence northeast along said road to the point of beginning.
That area bounded by a line beginning at a point where State Secondary Road 1101 and U.S. Navy Railroad intersect and extending southeast along said railroad to its intersection with State Secondary Road 1169, thence southwest along said road to its intersection with State Secondary Road 1101, thence northwest and north along said road to the point of beginning.
The property owned and operated by Billy Bateman, located on the west side of State Secondary Road 1182 and 1 mile southwest of its junction with State Secondary Roads 1101 and 1132.
The property owned and operated by E. L. Benton, located on the west side of State Secondary Road 1182 and 0.2 mile southwest of its junction with State Secondary Roads 1101 and 1132.
The property owned by E. L. Brothers and operated by George Hewitt, located on the northeast side of State Secondary Road 1360 and 0.6 mile northwest of its intersection with State Secondary Road 1361.
The Carolina Virginia Amusement Co. property, operated by Carson Davis, located on the southwest side of State Secondary Road 1152 and 0.5 mile south of its intersection with U.S. Highway 17.
The property owned and operated by W. C. Comba, located on the east side of State Secondary Road 1182 and 0.5 mile southwest of its junction with State Secondary Roads 1101 and 1132.
The property owned by E. Copersmith and operated by Billy Bateman, located on the west side of State Secondary Road 1182 and 0.5 mile southwest of its junction with State Secondary Roads 1101 and 1132.
The property owned and operated by George Hewitt, located on both sides of State Secondary Road 1360 and 0.8 mile northwest of its intersection with State Secondary Road 1361.
The Warren Meads farm located on the west side of State Secondary Road 1182, and 0.8 mile southwest of its junction with State Secondary Roads 1101 and 1132.
The property owned and operated by Joe Spence, located on the east side of State Secondary Road 1360 and 0.5 mile northwest of its intersection with State Secondary Road 1361.
Pender County. That area bounded by a line beginning at a point where Long Creek junctions with the Northeast Cape Fear River, thence extending northwest along said creek to its junction with Rileys Creek, thence northeast along said creek to its intersection with State Secondary Road 1409, thence north along said road to its junction with State Secondary Road 1400, thence northeast along said road to its junction with State Highway 53, thence northeast along said highway to its junction with State Secondary Road 1509, thence east along said road to its intersection with Burgaw Creek, thence southeast along said creek to its junction with the Northeast Cape Fear River, thence south along said river to its intersection with State Highway 210, thence northeast and then southeast along said highway to its junction with State Secondary Road 1002, thence southwest along said road to its intersection with Island Creek, thence

northeast and then northwest along said creek to its junction with the Northeast Cape Fear River, thence west along said river to the point of beginning, excluding the town of Burgaw.

The M. A. Boryk farm located on the west side of State Secondary Road 1400 and 0.2 mile south of the Burgaw city limits.

Perquimans County. That portion of the county bounded by a line beginning at the junction of the Perquimans-Pasquotank County line and State Secondary Road 1001, thence extending southwest along said road to its junction with State Secondary Road 1204, thence north and then northwest along said road to its intersection with the Perquimans-Gates County line, thence east along said county line to its intersection with the Perquimans-Pasquotank County line, thence southeast along said county line to the point of beginning.

The property owned by the Cox Estate and operated by M. R. Winslow, located on the northeast side of State Secondary Road 1006 and 1 mile southwest of its intersection with the Perquimans-Pasquotank County line.

Sampson County. The Quinton Butler farm located on both sides of State Secondary Road 1006 and 0.2 mile southeast of its junction with State Secondary Road 1338.

The H. M. Jackson farm located on the east side of State Secondary Road 1456 and 0.6 mile south of its junction with State Secondary Road 1459.

The Laura Matthis farm located on the northeast side of State secondary Road 1006 and 0.2 mile southeast of its junction with State Secondary Road 1338.

The Charles H. McLamb farm located on both sides of State Secondary Road 1456 and 0.3 mile northwest of its junction with State Secondary Road 1338.

The Judson McLamb farm located at the intersection of State Secondary Roads 1456 and 1338.

The W. A. McLamb farm located on the southwest side of State Secondary Road 1006 and 0.4 mile southeast of its junction with State Secondary Road 1338.

The Clemmie Saunders farm located on the west side of State Highway 242 and 0.4 mile north of Piney Green.

The Ottis Tew farm located on both sides of State Secondary Road 1456 and 0.3 mile south of its junction with State Secondary Road 1459.

The Kenneth Underwood farm located on the northwest side of State Secondary Road 1409 at its junction with State Secondary Road 1408.

Tyrrell County. The F. T. Combs farm located on the east side of State Secondary Road 1310 and 1 mile north of the junction of said road and State Secondary Road 1309.

The W. A. Hollis farm located on the south side of State Secondary Road 1209 and 1.2 miles east of the junction of said road with State Secondary Road 1223.

The W. A. Howett farm located on the south side of State Secondary Road 1209 and 1 mile southeast of the junction of said road with State Secondary Road 1223.

TENNESSEE

Carroll County. The farm owned by Viona Pope, known as the Pope farm, consisting of 100 acres located in Civil District 2, on the north side of State Highway 105, 3.5 miles northwest of the town of Trezevant.

The farm owned by J. T. Hill, consisting of 165 acres located in Civil District 2, on the north side of State Highway 105, 4 miles northwest of the town of Trezevant.

The farm owned and operated by Kermit Cates, known as the U. L. Watkins farm, consisting of 130 acres located in Civil District 2, 3.3 miles west of the town of Trezevant on the east side of a gravel road between Republican Grove Road and State Road 105.

Crockett County. The entire county.

Dyer County. The entire county.

Fayette County. Civil District 6 and that part of Civil District 7 lying north of U.S. Highway 64.

Gibson County. That part of Gibson County north and west of a line beginning at the point where State Highway 54 intersects the Gibson-Crockett County line, thence extending northeast along State Highway 54 to its intersection with State Highway 105 in the town of Bradford, thence east along State Highway 105 to the intersection of State Highway 105 and a gravel road in the town of Skull Bone, thence north along said gravel road to the Gibson-Weakley County line.

The farm owned and operated by T. Baley, known as the Baley farm, consisting of 355 acres located in Civil District 4, 1 mile south of the old Gibson Wells community and one-half mile east of State Highway 54.

The farm owned by Mamie Faln, known as the Mamie Faln farm, consisting of 175 acres in Civil District 11, located 5 miles northeast of Trenton on State Highway 54.

Haywood County. The entire county.

Lake County. The entire county.

Lauderdale County. The entire county.

Madison County. The farm owned by James V. Morris, consisting of 300 acres, located in Civil District 7 on the south side of U.S. Highway 70, 2.4 miles west of the town of Huntersville.

The farm owned by Jack Terrell consisting of 93 acres located in Civil District 3, one-half mile west of Pleasant Plain Road on the north side of McClelan Road.

The farm owned by T. H. Bond, consisting of 540 acres in Civil District 7 on the north side of U.S. Highway 70, 2.7 miles west of Huntersville.

Obion County. The entire county.

Shelby County. That part of Shelby County known as President's Island.

That part of Shelby County known as Mud Island (also called City Island), and Civil District 1, exclusive of the city of Memphis.

Tipton County. The entire county.

Weakley County. That part of the county lying north and west of a line beginning at a point where State Highway 54 intersects the Weakley-Gibson County line, thence extending northeast along said highway to the point where it intersects State Highway 89, thence northeast along State Highway 89 to its intersection with the boundary line of Civil District 25, thence east along the boundary of Civil Districts 25 and 5 to the Weakley-Henry County line.

The farm owned by Mrs. Florence Tansil and Mrs. Ruth Irvin, known as the Mosley farm, consisting of 80 acres, located in Civil District 9, on the west side of a gravel road, 1.5 miles south of the intersection of said road with State Highway 124 which is 3.3 miles east of the town limits of Greenfield.

VIRGINIA

Chesapeake City. The property owned by Ernest A. and Leila G. Breakfield, located on the east side of State Road 663, 0.3 mile south of the junction of State Roads 708 and 663.

The property owned by Hugh W. and Irene D. Carpenter, located on the west side of State Road 191, at the junction of State Roads 663 and 191.

The property owned by Marion H. Charlton, located on the east and west sides of State Road 191, at the junction of State Roads 191 and 685.

The property owned by David O. Gleming, located on the north and south sides of State Road 663, 0.6 mile east of the junction of State Roads 191 and 663.

The property owned by Porter Hardy, Jr., and Lynn M. Hardy, located on the east and west sides of State Road 660, 0.1 mile north of the junction of State Roads 660 and 790.

The property owned by Porter Hardy, Jr., Lynn M. Hardy, and John A. McKenzie, located on the northwest side of State Road 655, 0.4 mile north of the junction of State Roads 658 and 655.

The property owned by Emily Carney Hargroves, Virginia Carney Hurdle, Emily S. Carney, and Ann G. Carney, located on the south side of State Road 705, 0.3 mile east of the junction of State Roads 705 and 663.

The property owned by James P. and Rufus C. Lilley, located on the north and south sides of State Road 705, 0.1 mile east of the junction of State Roads 663 and 705.

The property owned by Annie P. Marshall, located on the east side of State Road 663, 0.1 mile south of the junction of State Road 663 and 708.

The property owned by Ogden R. and Mildred Odman, located on the north and south sides of State Road 663, 0.8 mile south of the junction of State Roads 820 and 663.

The property owned by Mary Francis Peek, located on a private road 0.3 mile east of State Road 191, said private road junctioning with State Road 191 at a point 0.2 mile south of the intersection of State Roads 337 and 191.

The property owned by Jennie H. Trotman, located on the north side of State Road 655 and on the east side of State Road 647, at the junction of State Roads 647 and 655.

The property owned by J. Felix Walker, located on the north, south, and east sides of State Road 663, 0.1 mile south of the junction of State Roads 663 and 820.

The property owned by William J. and Vertly W. Watts, located on a private road 0.1 mile east of State Road 191, said private road junctioning with State Road 191 at a point 0.2 mile south of the intersection of State Roads 191 and 337.

The property owned by Bruno H. Wittig, located on the west side of a private road 1 mile west of State Road 191, said private road junctioning with State Road 191 at a point 0.2 mile south of the junction of State Roads 191 and 663.

Isle of Wight County.[1] The property owned by L. N. Alphin, Sr., located on the west side of State Road 614, 0.75 mile northwest of the junction of State Road 614 and U.S. Highway 258.

The property owned by the A. W. Ballard Estate, located on the west side of State Road 614, 0.9 mile south of the junction of State Road 614 and U.S. Highway 258.

The property owned by the A. W. Ballard Estate, located on the west side of State Road 614, 0.1 mile south of the Virginian Railroad right-of-way.

The property owned by Claire W. Bittle, located on the south side of U.S. Highway 58, 0.2 mile southwest of the junction of U.S. Highway 58 and State Road 630.

The property owned by James F. Bracey, Sr., and James F. Bracey, Jr., located on a private road 0.3 mile south of U.S. Highway 58, said private road junctioning with U.S. Highway 58, 1.2 miles east of the junction of U.S. Highways 58 and 258.

The property owned by Mary Lee W. Bryant, located on the east side of U.S. Highway 258, 1 mile south of the intersection of U.S. Highway 258 and State Road 611.

The property owned by Alphonso L. Duck, Sr., located on the east side of State Road 614, 0.5 mile north of the junction of State Road 614 and U.S. Highway 258.

The property owned by the J. F. Duke, Sr., Estate, located on a private road 0.2 mile east of the intersection of said road and State Road 632, said intersection being 0.8 mile northeast of the junction of State Roads 632 and 1701.

[1] See also designation of regulated areas under heading "Nansemond County."

The property owned by the Jacob E. Eley Estate, located on the east side of State Road 643 at the junction of State Roads 643 and 603.

The property owned by Thomas A. Gardner, located on the northeast side of State Road 606, at the junction of State Roads 606 and 690, with a wooded area owned by Thomas A. Gardner on the west side of State Road 690, 0.3 mile south of the junction of 606 and 690.

The property owned by Estelle Gibbs, located on a private road 0.3 mile west of U.S. Route 10, said private road junctioning with U.S. Route 10 at the junction of U.S. Routes 10 and 32.

The property owned by Alma J. and H. DeWitt Griffin, located on the north side of State Road 606 at the junction of State Roads 606 and 700.

The property owned by J. Causey Griffen, located on the southeast side of State Road 696, 0.5 mile northeast of the junction of State Roads 615 and 696.

The property owned by Ella H. Holland, located on both sides of State Road 644 at the intersection of State Roads 644 and 647.

The property owned by the Joseph H. Holland Estate, located on both sides of State Road 609 at the junction of State Roads 609 and 640.

The property owned by Wilson S. Holland, located on the east side of U.S. Highway 258, 0.3 mile south of the intersection of U.S. Highway 258 and State Road 611.

The property owned by Rufus A. Jenkins, located on the west side of State Road 609, 0.4 mile north of the intersection of State Road 609 and U.S. Highway 258

The property owned by R. Phoebus Jones, located on the east side of State Road 615 at the intersection of the Seaboard Airline Railway and said road.

The property owned by Seth Lankford, located at the end of State Road 660, 0.4 mile southeast of the junction of State Routes 620 and 660.

The property owned by Alice L. Livsle, located on the east side of U.S. Highway 258, and south of State Road 630 at the southern junction of said highways.

The property owned by Carr H. Munford, located on both sides of State Road 635 at the junction of State Roads 635 and 610.

The property owned by Wilbur R. Nelms, located on the north side of State Road 644, 0.2 mile east of the intersection of State Roads 644 and 647.

The property owned by Leon E. Outland, located on the south side of State Road 612, 0.5 mile southeast of the junction of State Roads 612 and 632.

The property owned by Wayland A. Perry, located on the north side of State Road 630 at the junction of State Roads 630 and 631.

The property owned by Selma H. and Frank E. Pulley, located on the west side of State Road 649, 0.6 mile west of the junction of State Roads 637 and 649.

The property owned by Harrison A. Redd, located on the north side of State Road 636, 0.3 mile east of the intersection of State Road 636 and U.S. Highway 460.

The property owned by Mrs. Vergie C. Rhodes, located on the east side of State Road 612 at the intersection of State Roads 611 and 612.

The property owned by J. Rosser Richards, located on a private road 0.3 mile east of State Road 660, said private road junctioning with State Road 660 at a point 0.4 mile southeast of the junction of State Roads 620 and 660.

The property owned by J. Rosser Richards, located on the east side of State Road 660, 0.3 mile southeast of the junction of State Roads 620 and 660.

The property owned by John C. Rose, located in Carrsville on the southeast side of State Road 632, 0.3 mile northeast of the junction of State Roads 632 and 1701.

The property owned by Lizzie G. Turner, located on the west side of U.S. Highway 258, 0.2 mile north of the junction of State Roads 258 and 638.

The property owned by James H. and B. A. Vaughn, located on both sides of State Road 612, 0.5 mile north of the junction of State Roads 612 and 633.

The property owned by Elvin H. Whitley, located on the north side of State Road 611, 0.75 mile west of the intersection of U.S. Highway 258 and State Road 611.

The property owned by Ida B. Wilson, located on a private road 0.4 mile west of State Road 652, said private road junctioning with State Road 652 at a point 0.3 mile south of the junction of State Roads 652 and 692.

Nansemond County. That portion of the county bounded by a line beginning at the intersection of State Roads 32 and 678 and extending east on State Road 678 to the western boundary of the property owned by E. Hurley Brinkley, thence north and east along the boundaries of said property and continuing east along the northern boundary of the property owned by Willie C. Knight to State Road 604, thence south on State Road 604 to the northern boundary of the property owned by Raymond R. Brinkley, thence east along the northern boundary of said property to the Dismal Swamp, thence south along the Dismal Swamp to the North Carolina-Virginia State line, thence west along the State line to State Road 32, thence northward to the point of beginning.

That portion of the county bounded by a line beginning at the intersection of State Road 616 and the Nansemond-Isle of Wight County line, thence extending southeast to the junction of State Road 616 and State Road 615, thence north along State Road 615 following the western and northern boundaries of the properties owned by C. E. Daughtrey and Jasper W. Daughtrey, thence along the western and northern boundaries of the property owned by Frank Holland and Mary L. Holland to and along the eastern boundary of the property owned by Lydia and J. E. Griffin to State Road 189, thence east along State Road 189 and south along the eastern boundaries of the properties owned by James E. Rawls and Samuel L. Hunter, thence along the southern boundary of the Samuel L. Hunter property to State Road 616, thence northwest along State Road 616 including the property owned by Clifford D. Holland lying on both sides of State Road 616, and thence from the junction of the northern boundary of said property and State Road 616 northwest along State Road 616 to the property owned by Helen I. Lawrence, thence along the eastern and southern boundaries of said property to State Road 189, thence along State Road 189, including all of the property owned by R. Kermit Saunders on both sides of said road, to State Road 615, and thence north along State Road 615 to the junction of State Roads 615 and 618, thence west along State Road 618 to the Nansemond-Isle of Wight County line, thence northeast along said county line, but including that portion of the property owned by Carlton L. Cutchin in Isle of Wight County, to the point of beginning.

That portion of the county bounded by a line beginning at the intersection of U.S. Route 58, and the Isle of Wight-Nansemond County line, thence extending northeast along said county line, but including that portion of the property owned by Elliott L. Johnson extending into Isle of Wight County, thence south along the eastern boundary of said property to the northern boundary of the property owned by Jasper Daughtrey, Jr., and Mildred B. Daughtrey, his wife, thence along the northern and then along the eastern boundaries of said property, thence east along the northern boundaries of the properties owned by Clarence T. Daughtrey and Mamie D. Duke, thence along the eastern and then along the southern boundaries of the Mamie D. Duke property to the eastern boundary of the Clarence T. Daughtrey property, thence south along the eastern boundary of the Emmett L. Rawles property to U.S. Route 58, thence northwest on U.S. Route 58 to the southern boundary of the Emmett L. Rawles property, thence west along the southern boundaries of the Emmett L. Rawles and Jarvis L. Howell properties, thence north along the western boundaries of the Jarvis L. Howell and Elliott L. Johnson properties to the point of beginning.

That portion of the county bounded by a line beginning at a point where State Road 612 intersects the property owned by J. D. Rawles, thence extending southeast along State Road 612, including that portion of the J. D. Rawles property lying east of said road, to the southern boundary of the property owned by the W. Joe Smith Estate, thence along the southern boundary of said property to the eastern boundary of the property owned by Dr. W. John Norfleet, thence along the eastern and then the southern boundaries of said property to State Road 664, thence south and west along State Roads 664 and 667 to the western boundary of the property owned by David L. Rawles, Jr., thence along the western and then the northern boundaries of said property to State Road 616, thence north along the western boundary of the property owned by Dr. W. John Norfleet and continuing north along the western boundary of the property owned by Sue K. Jolly and the property owned by J. D. Rawles, thence east along the northern boundary of the said J. D. Rawles property to the point of beginning.

The property owned by Nancy F. Abernathy, located on the north side of State Road 653, 1 mile northwest of the junction of State Roads 653 and 612.

The property owned by Percy L. Artis located on State Road 679, 1 mile southeast of its junction with State Road 189.

The property owned by K. A. Asbell located on the southwest side of State Road 616, 0.1 mile southeast of the intersection of said road and U.S. Route 13.

The property owned by W. M. Aston, Jr., located on the east side of State Road 608, 0.2 mile north of the junction of State Roads 608 and 644.

The property owned by Willis Elmer Austin, located on both sides of State Road 668, 0.5 mile west of the junction of said road and U.S. Route 13.

The property owned by Hurley B. Aswell and the property owned by Gurney C. Hare, located at the junction of State Roads 642 and 673; and adjacent thereto, property owned by the M. Gay Taylor Estate and Priscilla Vann on State Road 673, and the property owned by R. H. Brinkley located on the west side of State Road 642 at its junction with State Road 678.

The property owned by Rudolph C. Badger, located at the junction of State Roads 642 and 674; and adjacent thereto, the property to the south owned by the Julius E. Baines Estate located on the west side of State Road 642, and the property on the south owned by John H. Parker located on both sides of State Road 642; and the property owned by Rudolph C. Badger, lying on the east side of State Road 642 between two sections of the John H. Parker property and extending southeast to the Dismal Swamp.

The property owned by Burleigh Edward Baines, located on the east and west sides of State Road 672, 0.25 mile southeast of the junction of State Road 672 and U.S. Highway 13.

The property owned by Joseph Talmadge Baines, located on the northeast side of State Road 684, 1.5 miles east of the junction of State Roads 684 and 672.

The property owned by Ray Lee Baines, located on the west side of State Road 673, 1.75 miles northwest of the junction of State Roads 673 and 642.

The property owned by Shirley M. Baines, located on both sides of State Road 684 at the junction of said road and the North Carolina State line.

The property owned by Shirley M. Baines, located on the east side of State Road 642 at the northern junction of State Roads 642 and 678, and the adjoining property to the east owned by Pearl Brinkley.

The property owned by Samuel M. Barnes, located on the east side of State Road 667, 1 mile southeast of the junction of State Roads 667 and 664.

The property owned by W. Emory Beale, located on the west side of State Road 616, 0.2 mile northwest of the intersection of State Roads 616 and 189.

The property owned by J. L. and Lida L. Benton, located on both sides of State Road 604, 1 mile north of the junction of State Roads 604 and 678.

The property owned by James F. Bracey, Jr., and Joyce S. Bracey, his wife, lying on the east side of State Road 612 at the northern junction of State Roads 661 and 612.

The property owned by the Jennie W. Bradford Estate, located on the east and west sides of U.S. Route 17 at the south side of the Nansemond River bridge.

The property owned by N. Herman Bradshaw, located on the west side of State Road 647 at the intersection of State Road 647 and U.S. Highway 13.

The property owned by G. C. Branton, Jr., located on the east side of U.S. Highway 13 at the junction of U.S. Highway 13 and State Road 676.

The property owned by Carlton W. Brinkley, located on both sides of State Road 678, 0.3 mile west of the intersection of State Roads 678 and 32.

The property owned by Floyd J. Brinkley, located on the east side of State Road 673 at the intersection of State Roads 675 and 673.

The property owned by J. M. Brinkley, located on the west side of State Road 32, one-quarter mile north of the intersection of State Roads 678 and 32.

The property owned by C. W. Britton and Louise B. Britton, located on a private road 0.25 mile west of State Road 653, said private road junctioning with State Road 653 at a point 1.1 miles south of the junction of said road and State Road 664.

The properties owned by Reginald E. Brothers, Carrie B. Knight and Willie C. Knight, located at the junction of State Roads 675 and 642.

The property owned by Noah Brown, located on both sides of State Road 610 at the junction of State Roads 610 and 650.

The property owned by Clyde H. Bunch, located on both sides of State Road 604, 1.2 miles north of the junction of State Roads 604 and 678.

The property owned by the Haywood Bunch Estate, located on both sides of State Road 642, 0.4 mile south of the junction of State Roads 642 and 32.

The property owned by Frank W. Butler, located on both sides of State Road 662, 1 mile north of the junction of State Roads 662 and 643.

The property owned by Robert D. Butler, located on the east side of State Road 614 at the Nansemond-Isle of Wight County line.

The property owned by Emma Byrd, located on the east side of State Road 643, 1 mile southwest of the junction of State Roads 643 and 663.

The property owned by Wesley Byrd, located on the northwest side of State Road 643, 0.5 mile northeast of the junction of State Roads 643 and 662.

The property owned by the Wright B. Carney Estate, located on the west side of State Road 624, 1.2 miles north of the junction of State Roads 624 and 658.

The property owned by James A. Carr, Jr., located on the east side of State Road 653 at the junction of State Roads 653 and 664.

The property owned by Clifton S. Carr, Jr., located on the east side of State Road 653 at the junction of State Roads 653 and 664.

The property owned by James Alfred Carr, Jr., located on the west side of State Road 612 at the junction of State Roads 612 and 651.

The property owned by Juanita Morgan Carr, located on the west side of State Road 653, at the junction of State Roads 653 and 664.

The property owned by Amos Carter, located on both sides of State Road 612 at the junction of State Roads 612 and 661.

The property owned by Amos M. Carter, located on the south side of State Road 661 at the junction of State Roads 661 and 612.

The property owned by Mike L. Carter and Mary Elizabeth Duke Carter, his wife, located on the north side of State Road 616, 0.6 mile east of the junction of State Roads 616 and 664.

The property owned by Alfred W. Copeland, located on the east side of State Road 649, 0.5 mile north of the junction of State Roads 649 and 662.

The property owned by Christopher C. Copeland, Jr., located on the east side of State Road 662 at the junction of said road and State Road 663.

The property owned by Elijah W. Copeland, located on a private road 0.25 mile south of State Road 616, said private road junctioning with State Road 616 at a point 0.6 mile east of the junction of said road and State Road 679.

The property owned by J. E. Copeland, located on the east side of State Road 643, at the west junction of State Roads 643 and 616.

The property owned by Julius E. Copeland, located at the junction of State Roads 664 and 642 and lying on the north side of State Road 642.

The property owned by M. E. Copeland, located on the northwest side of U.S. Highway 13, 0.3 mile southwest of the junction of U.S. Highway 13 and State Road 32.

The property owned by Thurman G. Copeland, located on the west side of State Road 662, 0.2 mile north of the junction of said road and State Road 643.

The property owned by Thurman G. Copeland, located on the southwest side of State Road 662 at the junction of said road and State Road 663.

The property owned by William J. Copeland, located on the south side of State Road 661, 0.1 mile east of the junction of State Roads 661 and 613.

The property owned by Harry W. Davidson, located on both sides of State Road 616, 0.6 mile west of the junction of State Roads 616 and 613.

The property owned by Isaac Demiel, located on the northwest side of State Road 685, 1.2 miles northeast of the junction of State Roads 685 and 647.

The property owned by the Charles E. Duke Estate, located on the north side of State Road 645, 0.7 mile east of the junction of State Roads 645 and 643.

The property owned by Della Le Eason, located on the east side of State Road 673, at the junction of State Road 673 and U.S. Highway 13.

The property owned by Earl T. Eberwine, located on the west side of State Road 626, 0.1 mile north of the junction of State Roads 702 and 626.

The property owned by Earl T. Eberwine, located on a private road 0.3 mile west of State Road 626, said private road junctioning with State Road 626 on the south side of the Nansemond River.

The property owned by Earl T. and Edna A. Eberwine, located on the north side of State Road 702, at the junction of State Roads 702 and 626.

The property owned by F. Bruce Eberwine, located on a private road 0.2 mile north of State Road 702, said private road junctioning with State Road 702 at a point 0.5 mile west of the junction of State Roads 702 and 626.

The property owned by F. Bruce Eberwine, located on the north side of State Road 702, 0.3 mile west of the junction of State Roads 702 and 626.

The property owned by George K. Eberwine, located on the south side of State Road 702, 0.4 mile west of the junction of State Roads 626 and 702.

The property owned by George K. Eberwine, located on a private road 0.2 mile south of U.S. Route 17, said private road junctioning with U.S. Route 17 at a point 0.5 mile west of the intersection of U.S. Route 17 and State Road 626.

The property owned by George K. Eberwine, F. Bruce Eberwine, Earl T. Eberwine and Evelyn Eberwine Woodard, located on the west side of State Road 626, 0.9 mile south of the intersection of U.S. Route 17 and State Road 626.

The property owned by Vernon G. Eberwine, Jr., located on the south side of the junction of State Roads 701 and 627.

The property owned by the Vernon G. Eberwine, Sr., Estate, located on the northeast and the southwest sides of State Road 697, on the east side of the junction of State Roads 696 and 697.

The property owned by the Vernon G. Eberwine, Sr., Estate, located on the southeast side of State Road 627 and on the northeast and the southwest sides of State Road 697, at the junction of State Roads 627 and 697.

The property owned by James H. Eley, located on the southeast side of State Road 643, at the junction of State Roads 643 and 662.

The property owned by Willis H. and Shirley C. Eley, located east of State Road 643, on a private road which junctions with State Road 643, 0.5 mile north of the junction of State Roads 616 and 643.

The property owned by Isaac O. Ellis, located on the east side of State Road 660, 1 mile south of the junction of State Roads 660 and 616.

The property owned by John Robert Ellis and Jacqueline F. Ellis, his wife, located on the west side of State Road 660 at the junction of State Roads 660 and 616.

The property owned by John Robert Ellis, located on both sides of State Road 612, 0.3 mile northwest of the junction of State Roads 616 and 612.

The property owned by Lloyd Ellis, located on a private road 0.25 mile west of State Road 612, said private road junctioning with State Road 612 at a point 0.71 mile southwest of the junction of State Roads 612 and 660.

The property owned by Rachel Duke Ellis, located on a private road 0.2 mile north of the junction of said road and State Road 634, said junction being 0.5 mile northwest of the junction of State Roads 634 and 644.

The property owned by Oscar, William L., Elihu, Ernest L., and James Faulk, located on the north side of State Road 616, 0.1 mile west of the east junction of State Roads 616 and 643.

The property owned by William L. Faulk, located on the north side of State Road 616 at the west junction of State Roads 616 and 643.

The property owned by W. L. Faulk, located on both sides of State Road 668, 1.2 miles northeast of the intersection of said road and State Road 616.

The property owned by the William Luther Faulk Estate, located on the east side of State Road 649, at the junction of State Roads 649 and 650.

The property owned by John E. Felton, located on the east side of State Road 643, 0.1 mile north of the junction of said road and State Road 671.

The property owned by John E. Felton, located on the west side of State Road 643, 0.1 mile north of the junction of said road and State Road 671.

The property owned by T. H. Fowler, located on both sides of U.S. Route 13, at the junction of said route and State Road 670.

The property owned by George M. Gardner, located on both sides of State Road 615, 1.2 miles south of the intersection of State Roads 615 and 667.

The property owned by H. Grady Gardner, located on the west side of State Road 615, 1.2 miles south of the intersection of State Roads 615 and 667.

The property owned by Joe Henry Gardner, located on both sides of State Road 664, 0.1 mile west of the junction of State Roads 664 and 648.

The property owned by Joe H. Gardner, located on a private road, 0.3 miles southwest of the junction of said road and State Road 662, said junction being 0.6 mile southeast of the junction of State Roads 662 and 664.

The property owned by Lloyd H. Gardner, located on a private road, 0.5 mile southwest of the junction of said road and State Road 662, said junction being 0.6 mile southeast of the junction of State Roads 662 and 664.

The property owned by Alvin L. Glasscock, located at the end of State Road 712, 0.1 mile south of the junction of State Roads 125 and 712.

The property owned by Alvin L. Glasscock, located on the south side of State Road 125, 0.1 mile west of the junction of State Roads 125 and 628.

The property known as the Mills E. Godwin, Sr., Estate, owned by Mills E. Godwin, Jr., Leah Otelia Godwin, Mildred Elizabeth Godwin Knight, and Mary Lee Gadwin Jones Estate, located on the east and west sides of State Road 125 immediately south of the junction of State Roads 620 and 125, and the north side of State Road 620 at the junction of State Roads 620 and 125.

The property owned by H. P. Gomer, located on both sides of State Road 643 at the junction of State Roads 643 and 616.

The property owned by J. Stanley Gomer, located on a private road, 0.1 mile southwest of State Road 616, said private road junctioning with State Road 616, 0.5 mile southeast of the junction of said road and State Road 643.

The property owned by R. Old Green, located on the east side of State Road 626, 0.9 mile north of the intersection of U.S. Route 17 and State Road 626.

The property owned by Jessie S. and Mamie B. Griffin, located on both sides of State Road 678, 1 mile west of the junction of State Roads 642 and 678.

The property owned by Arnie N. Harcum, located on the east side of State Road 613, 0.4 mile south of the junction of State Roads 613 and 661.

The property owned by James A. Harcum, located on the east side of State Road 613, 0.6 mile south of the junction of State Roads 613 and 661.

The property owned by Jessie Q. Harcum, located on the east side of State Road 660, 1 mile south of the intersection of State Roads 660 and 664.

The property owned by J. L. Hare Estate, located on both sides of State Roads 648 and 664 at the junction of said roads.

The property owned by Charles C. Harrell, located on both sides of State Road 32, 0.5 mile north of the junction of State Roads 675 and 32.

The property owned by Claudine N. Harrell, located on both sides of State Road 662 at the junction of State Roads 662, 664, and 689.

The property owned by L. Whidby Harrell, located on the south side of State Road 661, 0.1 mile west of the junction of State Roads 661 and 680.

The property owned by Marion J. Harrell, located on the south side of U.S. Highway 58 at the junction of U.S. Highway 58 and State Road 610.

The property owned by Mary Elizabeth Harrell, located on the east side of State Road 627, 0.6 mile north of the junction of State Roads 627 and 629.

The property owned by W. C. and Eva V. Harrell, located on the north side of State Road 664, at the junction of State Roads 662, 664, and 689.

The property owned by Claudie Hedgebeth, located on the east side of State Road 660, 0.2 mile north of the intersection of State Roads 660 and 653.

The property owned by the R. E. Hedgebeth Estate, located on the north side of State Road 653, 0.5 mile northwest of the junction of State Roads 653 and 664.

The property owned by W. L. Hedgebeth, located on the south side of U.S. Highway 58, 0.2 mile east of the junction of U.S. Highway 58 and State Road 647.

The property owned by F. H. Hedgebeth, located on the north side of U.S. Highway 58 at the junction of State Road 647 and U.S. Highway 58.

The property owned by the Hewitt Farms, Inc., located on the west side of State Road 629, 0.7 mile north of the intersection of State Road 629 and Kings Highway.

The property owned by Annie Holland, located at the junction of State Roads 610 and 662, lying on both sides of State Road 610.

The property owned by Ayler J. Holland, located on both sides of State Road 189 at the junction of State Roads 189 and 613.

The properties owned by D. Hurley Holland, located at the junction of State Roads 664 and 649 and extending east on both sides of State Road 664.

The property owned by D. Hurley Holland, located on the south side of State Road 664, 0.2 mile east of the junction of said road and State Road 649.

The property owned by D. Hurley Holland, located on the south side of State Road 664, 0.5 mile east of the junction of State Roads 664 and 649.

The property owned by Edna C. Holland, located on the west side of State Road 660, 0.3 mile north of the intersection of State Roads 660 and 653.

The property owned by Ella L. Holland and Linwood W. Holland, located on the west side of State Road 661, 0.4 mile south of the intersection of State Roads 661 and 679.

The property owned by E. L. H. and Preston G. Holland, located on both sides of State Road 680, 0.3 mile northwest of the junction of State Roads 680 and 661.

The property owned by Eula D. Holland, Maude Lee Marsh, Judith A. Hill, and Georgie H. Bounds, located on both sides of State Road 650, 0.4 mile west of the west junction of State Roads 650 and 610.

The property owned by Guss R. Holland, located at the junction of State Roads 661 and 613 and lying on the north side of State Road 661.

The property owned by Ima S. Holland, located on both sides of State Road 660, 0.5 mile south of the intersection of State Roads 660 and 664.

The property owned by Mollie W. Holland, located on the east side of State Road 612, 1 mile north of the junction of State Roads 612 and 653.

The property owned by Morris C. Holland and Florence P. Holland, located on the east side of State Road 649 at the junction of State Roads 649 and 689.

The property owned by Nurney H. Holland, located on the east side of State Road 660 at the junction of State Roads 660 and 650.

The property owned by Paul C. Holland, Jr., located on a private road on the south side of the Southern Railway 0.1 mile south of U.S. Highway 58, the junction of said private road and U.S. Highway 58 being at a point 0.3 mile west of the junction of U.S. Highway 58 and State Road 660.

The property owned by Robert W. Holland, located at the intersection of State Roads 651 and 612, lying on both sides of State Road 651.

The property owned by Dempsey D. Horton, located on the south side of U.S. Route 13, 0.5 mile west of the junction of said route and State Road 670.

The property owned by J. Lewis Horton, located on the south side of State Road 647 at the intersection of State Road 647 and U.S. Highway 13.

The property owned by Leonard F. Horton, located on the north side of State Road 664, 0.3 mile east of the junction of State Roads 664 and 643.

The property owned by A. T. Howell, located on the south side of State Road 667, 1 mile east of the intersection of State Roads 667 and 666.

The property owned by Delware Howell, located on both sides of State Road 613, 0.3 mile southeast of the junction of State Roads 613 and 189.

The property owned by Dewey H. Howell, located on the north side of State Road 667, 0.6 mile southwest of the intersection of said road and State Road 666.

The property owned by E. J. Howell, located on the west side of State Road 615 at the junction of State Roads 615, 687, and 189.

The property owned by W. H. Howell, located 0.5 mile southwest of the village of Ellwood.

The property owned by Fred Hunter, Lula V. Hunter, Carrie Johnson and Thomas Johnson, located on a private road 0.1 mile east of State Road 661, said private road junctioning with State Road 661 at a point 0.7 mile south of the intersection of said road and State Road 679.

The property owned by L. L. Jernigan, located on the south side of State Road 668, 0.1 mile east of the junction of said road and State Road 669.

The property owned by Mallie R. Jernigan, located on both sides of State Road 664, 1 mile east of the junction of State Roads 664 and 643.

The property owned by Charlie T. and Myrtle D. Johnson, located on both sides of State Road 615 at the junction of State Roads 615 and 616.

The property owned by Mary Hamilton Johnson, located on the northwest side of State Road 664, 0.5 mile northeast of the intersection of State Roads 664 and 612.

The property owned by Edward Jones, located on a private road 0.1 mile southwest of the junction of said road and State Road 613, said junction being at a point 0.5 mile south of the junction of State Roads 613 and 661.

The property owned by the J. Floyd Jones Estate, located on the west side of State Road 673, 1 mile northwest of the junction of State Roads 673 and 642.

The property owned by Lee Jones, located on the south side of State Road 667, 1.25 miles northeast of the intersection of State Roads 667 and 666.

The property owned by Ruby Parker Jones and the property owned by Lawrence F. Jones, located at the junction of State Roads 666 and 615.

The property owned by the Spencer Jones Estate, located on both sides of State Road

643, 0.8 mile south of the junction of State Roads 643 and 616.

The property owned by Eddie A. Kelly, located on State Road 678, 1 mile west of its intersection with State Road 32.

The property owned by Dora King, located on the north side of State Road 664, 0.3 mile west of the junction of State Roads 664 and 642.

The property owned by Harvey P. King, located on the east side of State Road 642, 1.25 miles north of the junction of State Roads 642 and 674.

The property owned by Essie B. Kirns, located on the east and west sides of State Road 135, 0.4 mile northwest of the intersection of State Roads 135 and 658.

The property owned by W. C. Knight, located on the east side of State Road 642, 0.7 mile north of the junction of State Roads 642 and 32.

The property owned by Willie C. Knight, located on a private road 0.2 mile east of State Road 32, said private road joining State Road 32 at a point 0.3 mile southeast of the junction of State Roads 642, 32, and 616.

The property owned by Melvin Langston, located on the east side of State Road 643, 0.5 mile north of the junction of said road and State Road 616.

The property owned by Robert E. Langston, located on both sides of State Road 643, 0.3 mile north of the junction of State Roads 643 and 616.

The property owned by Robert E. Langston, located on the east side of State Road 664, 0.8 mile south of the junction of said road and State Road 667.

The property owned by Robert E. Langston, located on the west side of State Road 643 at its junction with State Road 662.

The property owned by Rachel Lassiter, located on State Road 674, 0.5 mile east of the Atlantic Coast Line Railroad tracks.

The property owned by Mary F. Ledbetter, located on a private road 0.7 mile north of State Road 616, said private road junctioning with State Road 616, at a point 0.3 mile southeast of the intersection of said road and State Road 668.

The property owned by the J. E. March Estate, located on the north side of State Road 616 at the junction of State Roads 616 and 653.

The property owned by the J. E. March Estate, located on the east side of State Road 660, 0.3 mile north of the junction of said road and State Road 616.

The property owned by the J. E. March Estate, located on a private road 0.1 mile west of State Road 653, said private road junctioning with State Road 653 at a point 0.25 mile north of the junction of said road and State Road 616.

The property owned by Franklin Matthews and Annie Lucille Matthews, located on a private road 0.5 mile west of State Road 658, said private road junctioning with State Road 658 at a point 0.5 mile north of the intersection of U.S. Route 17 and State Road 658.

The property owned by Jodie C. Matthews, located on the east and west sides of State Road 626 and on the south side of U.S. Route 17 at the intersection of U.S. Route 17 and State Road 626 and on the north and south sides of U.S. Route 17 east of said intersection.

The property owned by Jodie C. Matthews, located on the east and west sides of State Road 623, 1 mile north of the junction of State Roads 623 and 658.

The property owned by Jodie C. Matthews, located on the east side of State Road 626, 0.3 mile south of the intersection of U.S. Route 17 and State Road 626.

The property owned by Jodie C. Matthews, located on the southwest and northeast sides of State Road 135, 0.2 mile northwest of the intersection of State Roads 135 and 658.

The property owned by Jodie C. Matthews and Willie E. Matthews, located on the west side of State Road 623, 0.7 mile north of the junction of State Roads 658 and 623.

The property owned by Jodie C. Matthews and Willie E. Matthews, located on the west side of State Road 623, 0.5 mile north of the junction of State Roads 658 and 623.

The property owned by Tommie Milteer lying between State Roads 32 and 646 at the junction of State Roads 646 and 674.

The property owned by A. W. Moore, located on the north side of State Road 647, 200 feet west of the junction of State Roads 647 and 685.

The property owned by Clarence A. Morgan, located on the east side of State Road 643, 0.6 mile south of the junction of said road and State Road 663.

The property owned by Clarence A. Morgan, located on both sides of State Road 643, 0.2 mile south of the junction of said road and State Road 663.

The property owned by Clarence A. Morgan, located on the west side of State Road 643, 0.7 mile south of the junction of said road and State Road 663.

The property owned by Clarence A. Morgan, located at the town of Leesville on the south side of State Road 664 at its junction with State Road 643.

The property owned by G. W. Morgan, located on the east side of U.S. Route 13, 0.5 mile north of the junction of said route and State Road 647.

The property owned by H. A. Morgan, located on the west side of State Road 660, 0.2 mile north of the junction of State Roads 660 and 616.

The property owned by Thomas W. Morgan, Jr., and Louise S. Morgan, located on the south side of State Road 616, at the junction of State Road 653.

The property owned by R. Preston Morris, located on both sides of State Road 671, 1 mile east of the junction of State Roads 671 and 643.

The property owned by Howard W. Overton lying south of State Road 675 and west of State Road 32 at the intersection of State Roads 32 and 675 and extending north on the west side of State Road 646.

The property owned by Frank E. Owen, located on both sides of State Road 643, 0.5 mile northeast of the junction of State Roads 643 and 664.

The property owned by Coston Parker, located on the northwest side of State Road 667, 0.8 mile northeast of the intersection of State Roads 666 and 667.

The property owned by George W. Parker, located on both sides of State Road 664, 0.5 mile west of the junction of State Roads 664 and 673.

The property owned by J. H. Parker, located on the west side of State Road 642, 2.25 miles north of the junction of State Roads 642 and 674.

The property owned by Linwood Parker, located on the east and west sides of State Road 604, 0.5 mile south of the intersection of State Roads 642 and 604.

The property owned by Rufus Peele, located on a private road 0.3 mile west of the junction of said road and State Road 643, said junction being at a point 200 feet north of the junction of State Roads 643 and 645.

The property owned by Willie S. Peele, located on the south side of State Road 645, 0.2 mile east of the junction of State Roads 645 and 643.

The property owned by Frank A. Perry, located on both sides of State Roads 668 and 616 at the intersection of said roads.

The property owned by Frank A. Perry and Judith Anne Perry, his wife, located on the south side of State Road 650, 0.5 mile east of the junction of State Roads 650 and 660.

The property owned by Miss Judith A. Perry, located on the southwest side of State Road 647, 0.25 mile northwest of the intersection of State Road 647 and U.S. Highway 13.

The property owned by C. E. Piland, located on the southeast side of State Road 664, at the intersection of State Roads 664 and 660.

The property owned by Cyrus E. Piland and Irene C. Piland, his wife, located on the southeast side of State Road 664, 0.3 mile southwest of the intersection of State Roads 664 and 660.

The property owned by Irene C. Piland, located on the west side of State Road 664, at the junction of State Roads 664 and 653.

The property owned by Jethro Haslett Piland, located on the east side of State Road 649 at the junction of State Roads 662 and 649.

The property owned by Penelope Piland, located on the northwest side of State Road 664, 0.1 mile southwest of the intersection of State Roads 664 and 660.

The property owned by the Trustees of Poor Land, located on a private road 0.5 mile west of State Road 624, said private road junctioning with State Road 624 at a point 1 mile north of the junction of State Roads 624 and 658.

The property owned by the Trustees of Poor Land, located on the west side of State Road 624, 0.2 mile north of the junction of State Roads 658 and 624.

The property owned by the Trustees of Poor Land, located on a private road 0.2 mile west of State Road 658, said private road junctioning with State Road 658, 0.5 mile north of the intersection of U.S. Route 17 and State Road 658.

The property owned by Jefferson B. Porter, located on the east side of State Road 615 and extending east to State Road 666, 0.5 mile south of the junction of State Roads 615 and 666.

The property owned by the William Porter Estate, located between State Roads 615 and 666, at the junction of said roads.

The property owned by the city of Portsmouth, located on the south side of State Road 604, 1 mile southeast of the junction of State Roads 604 and 640.

The property owned by George D. Privott, located on both sides of State Road 32, 0.5 mile south of the junction of said road and U.S. Route 13.

The property owned by Joseph Lester Pulley, located on the north side of State Road 649 at the junction of State Roads 649 and 648.

The property owned by Boyd Edward Quate, Martha Alice Quate and Martha Holland Quate, located on the south side of State Road 651, 0.5 mile west of the intersection of State Roads 651 and 612.

The property owned by Emmett H. Rawles, Jr., located on the south side of State Road 666 at the junction of said road and State Road 661.

The property owned by Estelle C. Rawles, located on both sides of State Road 649, at the junction of State Roads 649 and 650.

The property owned by J. D. Rawles, located on the west side of State Road 649, at the junction of State Roads 649 and 650.

The property owned by Jethro E. Rawles, located on the west side of State Road 643, as the junction of State Roads 643 and 616.

The property owned by Shirley H. Rawles, located on the west side of a private road 0.2 mile north of State Road 668, said private road junctioning with State Road 668 at a point 1.4 miles southwest of the junction of said road and U.S. Route 13.

The property owned by Ernest J. Reid, Ellen Reid Burwell, and James W. Reid, located on the west side of State Road 643, 0.4 mile north of the junction of said road and State Road 616.

The property owned by Ira S. Reid, located on the west side of State Road 643, 0.6 mile

north of the east junction of State Roads 643 and 616.

The property owned by McCoy J. Reid and Lillian B. Reid, located on the northeast side of a private road 0.1 mile southeast of State Road 643, said private road junctioning with State Road 643 at a point 0.5 mile south of the junction of said road and State Road 663.

The property owned by Ruth Knight Rice, located on the south side of State Road 675, 0.5 mile east of the intersection of State Road 675 and the Atlantic Coast Line Railroad.

The property owned by Vernon and Nettie L. Riddick, located on a private road 0.2 mile south of State Road 678, said private road junctioning with State Road 678 at a point 0.5 mile southeast of the junction of State Roads 678 and 673.

The property owned by the David R. Roberts Estate, located on the north side of State Road 616, at the junction of said road and State Road 660.

The property owned by James Barry Robinson Home for Boys, located on the north side of State Road 659, 1.5 miles west of the intersection of State Roads 659 and 626.

The property owned by Gerald C. Rountree, located on both sides of State Road 643, 0.5 mile south of the junction of State Roads 643 and 616.

The property owned by Minnie D. Rountree, located on the east side of State Road 660, 1.1 miles south of the junction of said road and State Road 616.

The property owned by R. Kermit Saunders, located on the east side of State Road 661 at the intersection of State Roads 661 and 679 and extending north to the junction of State Roads 661 and 616.

The property owned by C. F. Savage, located on both sides of State Road 634, 0.4 mile northwest of the junction of State Roads 634 and 644.

The property owned by Walter W. Simons, located on the south side of State Road 664, 0.5 mile northwest of the junction of State Roads 664 and 643.

The property owned by William D. Simons, located on the east side of State Road 643 and on the north and south sides of State Road 664, at the junction of State Roads 643 and 664.

The property owned by the W. Joe Smith Estate, located on the west side of State Road 612 at the junction of State Roads 612 and 664.

The property owned by Ruth M. Smith, located on both sides of State Road 630, 0.7 mile east of the junction of State Roads 628 and 630.

The property owned by Grace E. Spivey, Myrtle S. Baines, and John Fletcher Spivey, located on the south side of State Road 664, 0.2 mile east of the junction of State Roads 664 and 643.

The property owned by John Burgess Stephenson, located on both sides of State Road 616, 0.2 mile southeast of the junction of said road and State Road 643.

The Lloyd Stephenson property, located on the north side of State Road 675, 0.2 mile west of the intersection of State Roads 675 and 32.

The property owned by Cora L. Sumner, Leroy Langston, Susie L. Doles, Irma L. Skeeter, and Beulah L. Copeland, located on a private road 0.2 mile east of State Road 643, said private road junctioning with State Road 643 at a point 0.7 mile north of the junction of said State Road and U.S. Route 13.

The property owned by Lloyd K. Taylor, Sr., located on the northeast side of State Road 673 at the junction of State Roads 673 and 642.

The property owned by William K. Taylor, located on the southwest side of State Road 673 at the junction of State Roads 673 and 642.

The property owned by Cortez H. Tomlin and Marion A. Tomlin, his wife, located on both sides of State Road 680, 0.6 mile southeast of the junction of State Roads 680 and 612.

The property owned by Elizabeth Eberwine Tonkin, located at the end of State Road 626 on the west side of State Road 626.

The property owned by Jesse F. Turner, located north of State Road 673 on a private road which junctions with State Road 673, 0.5 mile south of the junction of State Road 673 and U.S. Route 13, and the adjoining property to the northeast owned by William T. Harrell.

The property owned by George D. Underwood, located on a private road 0.4 mile northwest of State Road 610, said private road junctioning with State Road 610 at a point 0.3 mile northwest of the junction of State Road and U.S. Highway 58.

The property owned by Charles H. Vaughn, located on both sides of State Road 616, 0.7 mile northwest of the junction of said route and U.S. Route 13.

The property owned by the Virginia Electric and Power Company, located on the east side of State Road 624, 0.5 mile north of the junction of State Roads 624 and 658.

The property owned by the Squire Titus Walden Estate, located on the southwest side of State Road 616 at the junction of State Roads 616 and 661.

The property owned by Willis W. Walden, located on the east side of State Road 661, 0.6 mile south of the intersection of State Roads 661 and 679.

The property owned by C. C. Ward, located on both sides of State Road 677, at the Virginia-North Carolina State line.

The property owned by Cecil T. Ward, located on a private road 0.1 mile east of State Road 677, said private road junctioning with State Road 677, at a point 0.3 mile north of the Virginia-North Carolina State line.

The property owned by M. S. Ward, located on the north side of State Road 616, at its junction with State Road 677.

The property owned by Annie E. Warren, located on the east side of State Road 653, 1 mile south of the junction of State Roads 653 and 664.

The property owned by Frank M. Warrington, located on both sides of State Road 603, 1.9 miles east of the junction of State Roads 10 and 603.

The property owned by Littleton West, located on the north side of State Road 616, 0.6 mile west of the junction of State Roads 616 and 613.

The property owned by W. Jape West, located on the south side of State Road 616, 0.7 mile west of the junction of State Roads 616 and 613.

The property owned by William White and Celia White, his wife, located on the west side of State Road 660, and extending west to State Road 667, 0.3 mile north of the junction of State Roads 660 and 667.

The property owned by Willis L. Whitfield and Junious O. H. Whitfield, located on the south side of State Road 664, 1 mile east of the junction of State Roads 664 and 643.

The property owned by B. E. Wiggins, located on the west side of State Road 660, 0.5 mile south of the junction of State Roads 660 and 616.

The property owned by Cora Wiggins, located on the south side of State Road 671, 0.5 mile east of the junction of said road and State Road 643.

The property owned by Doss Wiggins, located on both sides of State Road 616, 300 feet west of the junction of State Roads 616 and 613.

The property owned by the Willis J. Wiggins Estate, located 0.5 mile north of the junction of State Roads 666 and 661, and lying on the west side of State Road 661.

The property owned by George F. Wilkerson, located on both sides of State Road 628, 0.3 mile east of the junction of State Roads 628 and 692.

The property owned by Lemuel T. Wilkins, located on both sides of State Road 32 at the junction of State Roads 616 and 32, and extending eastward across State Road 642.

The property owned by Lonnie J. Wilkins, located at the junction of State Roads 612 and 661, and lying on the west side of State Road 612.

The property owned by Julia Ann Matthews Williams, located on the west side of State Road 623, 0.2 mile north of the junction of State Roads 658 and 623.

The property owned by Mignon D. Williams, located on the east side of State Road 604, 2 miles south of the junction of State Roads 604 and 642.

The property owned by Isiah Wilson, located on both sides of State Road 667, 0.5 mile west of the junction of State Roads 667 and 664.

The property owned by Mrs. Nettie Wilkins Winslow, located on a private road 0.7 mile south of State Road 616, said private road junctioning with State Road 616 at its junction with State Road 612.

The property owned by W. J. Winslow, located on the west side of State Road 13, 0.4 mile north of the intersection of State Roads 13 and 647.

The property owned by Mamie Holland Worrell, located on the east side of State Road 612, 0.6 mile north of the junction of State Roads 612 and 653.

The property owned by Sam Jimmie Worrell and Inez S. Worrell, his wife, located on the east side of State Road 612, 0.8 mile north of the junction of State Roads 612 and 653.

The property owned by the E. Linwood Wright Estate, located on the west side of State Road 624, 0.8 mile north of the junction of State Roads 624 and 658.

The property owned by James H. Wright, located on a private road 0.1 mile northwest of State Road 649, said private road junctioning with State Road 649, 0.1 mile north of the junction of State Roads 649 and 650.

The property owned by the Nicholas C. Wright Estate, located on State Road 620, 1.3 miles southeast of the junction of State Roads 620 and 628.

The property owned by William Frank Wright, located on a private road 0.2 mile northwest of the junction of said private road and State Road 649, said junction being 0.1 mile north of the junction of State Roads 649 and 650.

Southampton County. The property owned by John M. Camp, Jr., Olive Camp Johnson, and Virginia Camp Smith, located on the east side of U.S. Highway 258 at the junction of U.S. Highway 258 and State Road 690.

The property owned by James Chesley, Sr., and the Alice Lewis Beale Estate, located on the southeast side of State Road 684, and the northeast side of State Road 680 at the junction of State Roads 680 and 684.

The property owned by B. W. Everett, located on the north side of State Road 708 and on the west side of State Road 673, at the junction of State Roads 708 and 673.

The property owned by C. R. Everett, located on the northeast and southwest sides of State Road 678, 0.7 mile southeast of the junction of State Roads 678 and 677.

The property owned by Herman H. Grant, located on the south side of State Road 708, 2 miles west of the junction of State Roads 708 and 673.

The property owned by Mrs. Clarys McClenney Lawrence, located on the west side of State Road 714, 1.5 miles northwest of the junction of State Roads 714 and 189.

The property owned by the Mrs. Lucy C. Myrick Estate, located on the north and

south sides of State Road 708, 1.2 miles west of the junction of State Roads 673 and 708.

The property owned by Mrs. Thelma T. Simmons and the L. W. Simmons Estate, located on the east side of State Road 673, 0.2 mile south of the junction of State Roads 708 and 673.

The property owned by Mrs. Thelma T. Simmons and the L. W. Simmons Estate, located on the east side of State Road 673, 0.4 mile south of the junction of State Roads 708 and 673.

The property owned by Mrs. Thelma T. Simmons and the L. W. Simmons Estate, located on the north side of State Road 673 at the junction of State Roads 673 and 707.

The property owned by John B. Thorpe, Jr., and Rebecca R. Thorpe, located on the south side of State Road 708 and on the west side of State Road 673, at the junction of State Roads 673 and 708.

The property owned by Mrs. Alice Worrell, located on the east side of State Road 673 at the junction of State Roads 673 and 708.

Virginia Beach City. The property owned by H. Clay Ackiss, located on the west side of State Road 615, 1.3 miles south of the junction of State Roads 615 and 623.

The property owned by Jessie L. Barnes, located on both sides of State Road 615, 0.7 mile south of the junction of State Roads 615 and 670.

The property owned by Marion G. Bright, located on the northwest and southeast sides of State Road 777 at the southwest end of State Road 777.

The property owned by Nelson P. Brock, located on the east side of State Road 615 at the south junction of State Roads 615 and 627.

The property owned by Linwood J. and Ulla C. Brumley, located on the east and west sides of State Road 664, 0.1 mile north of the intersection of State Road 664 and the Virginia-North Carolina State line.

The property owned by Claudia May Clifton, located on the east and west sides of State Road 615, 0.2 mile north of the junction of State Roads 615 and 671.

The property owned by Roy A. Craft, located on the east side of State Road 615, 0.1 mile south of the south junction of State Roads 615 and 627.

The property owned by Christine E. Dixon, Marie Dixon Kight, Mildred Dixon Brinkley, Barbara Dixon Jones, Charles Joseph Dixon, Evelyn Dixon Kemp, Daniel I. Dixon, and Irving Dixon, located on the east and west sides of State Road 615 immediately south of the junction of State Roads 671 and 615.

The property owned by Jesse T. Dudley, located on the north side of State Road 670 at the junction of State Roads 615 and 670.

The property owned by Clyde O. and J. W. Freeman, located on the north side of State Road 621, 0.1 mile east of the junction of State Roads 615 and 621.

The property owned by Ernest F. Grimstead, located on the north and south sides of State Road 669, 0.2 mile west of Back Bay.

The property owned by James and Maude M. Hoggard, located on the east and west sides of State Road 615, and on the northwest and southeast sides of State Road 777, at the junction of State Roads 615 and 777.

The property owned by Betty Salmons Lusk, located on the east side of State Road 663, 0.3 mile southeast of the junction of State Roads 621 and 663.

The property owned by the Ryland J. Murden Estate, located on the west side of State Road 615 and the south side of State Road 627, at the junction of State Roads 615 and 627.

The property owned by the Princess Anne County Board of Supervisors, located on the south side of State Road 618 and on the east side of State Road 621, at the junction of State Roads 621 and 618.

The property owned by A. Lee Salmons, located on the west side of State Road 615, 1 mile south of the south junction of State Roads 615 and 623.

The property owned by John W. Smith, located on the east and west sides of State Road 615 at the intersection of State Road 615 and the Virginia-North Carolina State line.

The property owned by William Crinshaw Smith, located on the east side of State Road 615, 0.2 mile south of the junction of State Roads 615 and 616.

The property owned by Nettie F. Spence, located on the east side of State Road 615, 1.1 miles south of the south junction of State Roads 615 and 623.

The property owned by Dallas Williams, located on the east and west sides of State Road 664, at the intersection of State Road 664 and the Virginia-North Carolina State line.

The property owned by Frank Tullie Williams, located on the east side of State Road 621 and on the north side of State Road 619, at the junction of State Roads 621 and 619.

The property owned by Tilford H. Williams, located on the east side of State Road 615, 0.4 mile north of the intersection of State Road 615 and the Virginia-North Carolina State line.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161; 29 F.R. 16210, as amended, 30 F.R. 5801; 7 CFR 301.79–2)

These administrative instructions shall become effective December 14, 1965, when they shall supersede P.P.C. 624, 10th Rev., 7 CFR 301.79–2a, effective July 15, 1964.

The Director of the Plant Pest Control Division has determined that infestations of the soybean cyst nematode exist or are likely to exist in the counties, other civil divisions, farms, and other premises, or parts thereof, listed above, or that it is necessary to regulate such localities because of their proximity to infestation or their inseparability for quarantine purposes from infested localities. Therefore, such counties, other civil divisions, farms, and other premises, or parts thereof, are designated as soybean cyst nematode regulated areas.

This revision adds to the regulated areas, the entire counties of Cross, Jackson, Lee, Phillips, St. Francis, and Woodruff, and certain parts of Desha, Lawrence, Prairie, and Randolph Counties in Arkansas; and certain parts of Johnson, Massac, and Union Counties, in Illinois; Carlisle County, Ky.; Coahoma County, Miss.; Bollinger and Cape Girardeau Counties in Missouri; Johnston and Sampson Counties in North Carolina; and Chesapeake City, Va. Heretofore no parts of said counties or city were regulated.

In addition, the regulated areas are extended in five counties in Arkansas, two counties in Illinois, three counties in Kentucky, three counties in Missouri, eight counties in North Carolina, six counties in Tennessee, and three counties in Virginia. The regulated areas in Virginia Beach City, Va., are extended by the addition of 16 properties.

Inasmuch as this revision imposes restrictions deemed necessary to prevent the interstate spread of the soybean cyst nematode, it should be made effective promptly in order to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing revision are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 26th day of November 1965.

[SEAL] LEO G. K. IVERSON,
Acting Director,
Plant Pest Control Division.

[F.R. Doc. 65–13321; Filed, Dec. 13, 1965; 8:46 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 813.4, Amdt. 4]

PART 813—ALLOTMENT OF SUGAR QUOTAS, DOMESTIC BEET SUGAR AREA

1965 Allotment

Basis and purpose. This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (61 Stat. 922), and as further amended by Public Law 89–331 approved November 8, 1965, hereinafter called the "Act," for the purpose of amending Sugar Regulation 813.4 (30 F.R. 435, 8461, 12282, 14308) which established allotments for the Domestic Beet Sugar Area for the calendar year 1965.

Section 205(a) of the Act as amended by Public Law 89–331 on November 8, 1965, included a new provision which provides in substance that when the allotment of the quota for the Domestic Beet Sugar Area is required the Secretary is authorized to take into consideration, in lieu of or in addition to the factors of processing, past marketings, and ability to market, the need for establishing an allotment which will permit such marketing of sugar as is necessary for the reasonably efficient operation of any nonaffiliated single plant processor of sugarbeets, subject to the limitations that the marketing allotment of any such processor of sugarbeets shall not be increased above an allotment of 25,000 short tons, raw value; and that the total increases in marketing allotments made to such processors in the domestic beet sugar area shall be limited to 25,000 short tons of sugar, raw value, for each calendar year.

In view of the fact that this new provision was not considered in the record of the hearing heretofore held on December 4, 1964, for allotting the 1965 Beet Sugar Area Quota, it was necessary to reopen the record and hearing in the proceedings pertaining to the allotment of the 1965 quota identified as Hearing Clerk Docket No. SH–236, to permit evidence, limited to the subject and issues pursuant to the new provision, to be introduced into such record.

On November 9, 1965, Sugar Regulation 813.4, Amendment 3 (30 F.R. 14308) became effective, which was based on the record of the December 4, 1964, hearing record, and allotted all but 25,000 tons of the Domestic Beet Sugar Area quota then in effect. The 25,000 tons was withheld so that consideration could be given to the new provision of section 205(a) which was made effective retroactive to January 1, 1965.

Pursuant to section 205(a) of the Act and in accordance with the applicable rules of practice and procedure a notice was published on November 17, 1965 (30 F.R. 14378), that Sugar Hearing Docket SH–236 would be reopened and a public hearing would be held in Washington, D.C., Room 2–W, Administration Building, U.S. Department of Agriculture on November 19, 1965, beginning at 10 a.m., e.s.t., for the purpose of receiving evidence limited to the establishment of allotments of the 1965 Domestic Beet Sugar Area quota for the reasonably efficient operation of any nonaffiliated single plant processor of sugarbeets as provided for by the new provision of section 205 of the Act.

The hearing was held at the time and place specified in the notice of reopened hearing and testimony was received with respect to the subject and issues referred to in the hearing notice.

Omission of a recommended decision and effective date. On the basis of the record of the reopened hearing held in this proceeding it is found and determined that a delay in the issuance of this amended order would be a detriment to the orderly marketing during the remainder of the year 1965 of the additional quantity of sugar to be allotted and thus the order should be issued at the earliest possible date. Accordingly, in order to fully effectuate the purposes of section 205(a) of the Act it is hereby found that due and timely execution of the functions imposed upon the Secretary under the Act imperatively and unavoidably requires the omission of a recommended decision in this proceeding. It is also hereby further found and determined for the reasons given above for the omission of a recommended decision that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impractical and contrary to the public interest, and consequently, this order shall become effective when filed for public inspection in the Office of the Federal Register.

Basis for findings and conclusions. The witness for the Government proposed at the hearing that allotments be established for the reasonably efficient operation of two nonaffiliated single plant processors of sugarbeets, Buckeye Sugar, Inc., of Ohio and National Sugar Manufacturing Co. of Colorado, as set forth in the following findings and conclusions, and that allotments of the 1965 Domestic Beet Sugar Area quota be established as provided in the following order. The same proposal was recommended by the Beet Sugar Industry Task Force in their letter to the Director, Sugar Policy Staff, Agricultural Stabilization and Conservation Service, dated November 16, 1965, which was accepted in evidence at the reopened hearing as Exhibit 15 (R. 48).

The record of the reopened hearing contains only one proposal on the subject and issues considered at the hearing, and with respect to which findings and conclusions are hereafter made, and no alternative proposal was made.

Findings and conclusions. In addition to the findings and conclusions made in Sugar Regulation 813.4 (30 F.R. 435) and on the basis of the record of the hearing (including the reopened portion), I hereby further find and conclude:

That Buckeye Sugars, Inc., of Ohio and National Sugar Manufacturing Co. of Colorado are nonaffiliated single plant processors of sugarbeets, each having allotments of the 1965 Domestic Beet Sugar Area quota of less than 25,000 short tons, raw value;

That there is a need for establishing allotments for Buckeye Sugars, Inc., and National Sugar Manufacturing Co. which will permit such marketing of sugar as is necessary for the reasonably efficient operations of such processors;

That each of the allotments for Buckeye Sugars, Inc., and National Sugar Manufacturing Co. established by the order issued pursuant to these findings and conclusions are not increased above 25,000 short tons, raw value, and are at a level necessary for the reasonably efficient operations of such processors; and

That the unallotted portion of the 1965 Domestic Beet Sugar Area quota, pursuant to Sugar Regulation 813.4, Amendment 3 (30 F.R. 14308), amounting to 25,000 short tons, raw value, be allotted as follows:

(a) 2,808 tons to Buckeye Sugars, Inc., to provide a total 1965 allotment of 20,062 tons, equivalent to 375,000 hundredweight of refined sugar;

(b) 1,574 tons to National Sugar Manufacturing Co. to provide a total 1965 allotment of 10,700 tons, equivalent to 200,000 hundredweight of refined sugar; and

(c) The balance of the 25,000 tons amounting to 20,618 tons shall be allocated prorata to other allottees on the basis of allotments made effective by Sugar Regulation 813.4, Amendment 3 (30 F.R. 14308).

Order. Pursuant to provisions of section 205(a) of the Act and in accordance with findings and conclusions heretofore made, paragraph (a) of § 813.4 is amended to read as follows:

§ 813.4 Allotment of the 1965 sugar quota for the domestic beet sugar area.

(a) *Allotments.* The 1965 calendar year sugar quota for the Domestic Beet Sugar Area of 3,025,000 short tons, raw value is hereby allotted to the following processors in the quantities which appear opposite their respective names.

Processor	Short tons, raw value	Equivalent in hundredweight refined beet sugar
Amalgamated Sugar Co., The	370,150	6,918,692
American Crystal Sugar Co	327,101	6,114,037
Buckeye Sugars, Inc	20,062	375,000
Empire State Sugar Co	8,462	158,168
Great Western Sugar Co., The	719,150	13,442,056
Holly Sugar Corp	501,051	9,365,439
Layton Sugar Co	16,576	309,813
Michigan Sugar Co	94,946	1,774,692
Monitor Sugar Division, Robert Gage Coal Co	46,068	861,084
National Sugar Manufacturing Co., The	10,700	200,000
Spreckels Sugar Co., division of American Sugar Co	462,026	8,636,000
Union Sugar Division, Consolidated Foods Corp	154,104	2,880,449
Utah-Idaho Sugar Co	294,605	5,506,635
Total	3,025,000	56,542,065

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 205, 209; 61 Stat. 926; as amended, 928; 7 U.S.C. 1115, 1119, and as further amended by the Act enacted on Nov. 8, 1965)

Effective date. When filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., this 10th day of December 1965.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 65–13379; Filed, Dec. 10, 1965; 3:12 p.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments; Correction

In F.R. Document 65–13058 appearing at page 15031 of the issue of Saturday, December 4, 1965 (30 F.R. 15031), the grade "U.S. No. 1 Golden" appearing in paragraph (b)(3)(iii) of § 905.475 is corrected to read "U.S. No. 1 Russet."

Dated: December 8, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–13322; Filed, Dec. 13, 1965; 8:46 a.m.]

[948.349 Amdt. 1]

PART 948—IRISH POTATOES GROWN IN COLORADO

Limitation of Shipments

Correction

In F.R. Doc. 65–11324, appearing at page 13435 of the issue for Friday, October 22, 1965, the following correction should be made:

In § 948.349(d)(1) the reference to "paragraph (c) of this section" should read "paragraph (e) of this section".

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

PART 1464—TOBACCO

Subpart—Tobacco Loan Program

Set forth below is a schedule of advance rates, by grades, for the 1965 crop of types 42–44, 51, 52, 53, 54, and 55 tobacco, under the tobacco loan program published July 30, 1965, as amended (30 F.R. 9533, 14273).

Sec.

1464.1736 1965 Crop—Ohio Filler Tobacco, Types 42–44, Advance Schedule.
1464.1737 1965 Crop—Connecticut Valley Broadleaf Tobacco, Type 51, Advanced Schedule.
1464.1738 1965 Crop—Connecticut Valley Havana Seed Tobacco, Type 52, Advance Schedule.
1464.1738 1965 Crop—New York and Pennsylvania Havana Seed Tobacco, Type 53, and Southern Wisconsin Tobacco, Type 54, Advance Schedule.
1464.1740 1965 Crop—Northern Wisconsin Tobacco, Type 55, Advance Schedule.

AUTHORITY: §§ 1464.1736—1464.1740 issued under sec. 4, 62 Stat. 1070, as amended, sec. 5, 62 Stat. 1072, secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, 1054, sec. 125, 70 Stat. 198, 74 Stat. 6; 7 U.S.C. 1441, 1445, 1421, 1423, 7 U.S.C. 1813, 15 U.S.C. 714b, 714c.

§ 1464.1736 1965 Crop—Ohio Filler Tobacco, Types 42–44, Advance Schedule.[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate
Crop run (stripped together):	
X1	29
X2	27
X3	24
X4	21
Nondescript: N	12

§ 1464.1737 1965 Crop—Connecticut Valley Broadleaf Tobacco, Type 51, Advance Schedule.[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate
Binders:	
B1	50
B2	47
B3	43
B4	39
B5	36
Nonbinder: X1	30

§ 1464.1738 1965 Crop—Connecticut Valley Havana Seed Tobacco, Type 52, Advance Schedule.[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate
Binders:	
B1	48
B2	46
B3	42
B4	38
B5	35
Nonbinder: X1	30

[1] The cooperative association through which price support is made available is authorized to deduct from the amount paid the grower 50 cents per hundred pounds to apply against receiving and overhead costs, plus a fee of $5.00 for each lot of tobacco received for sample grading purposes. Only the original producer is eligible to receive advances. No advance is authorized for tobacco graded "No–G" (no grade).

§ 1464.1739 1965 Crop—New York and Pennsylvania Havana Seed Tobacco, Type 53, and Southern Wisconsin Tobacco, Type 54, Advance Schedule.[2]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate
Binders:	
B1	33
B2	32
B3	30
Strippers:	
C1	28
C2	27
C3	26
Crop-run:	
X1	33.5
X2	29
X3	24
Farm Fillers:	
Y1	24
Y2	22
Y3	20
Nondescript:	
N1	19
N2	16

§ 1464.1740 1965 Crop—Northern Wisconsin Tobacco, Type 55, Advance Schedule.[3]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate
Binders:	
B1	43
B2	39
B3	37
Strippers:	
C1	35.5
C2	33
C3	28.5
Crop-run:	
X1	32.5
X2	29.5
X3	25
Farm Fillers:	
Y1	26
Y2	24
Y3	22
Nondescript:	
N1	19
N2	16

Effective date. Date of filing with Office of the Federal Register.

[2] The cooperative association through which price support is made available is authorized to deduct from the amount paid the grower $1.00 per hundred pounds to apply against receiving and overhead costs. Only the original producer is eligible to receive advances. No advance is authorized for tobacco graded "N1" (first quality nondescript), "N2" (second quality nondescript), "S" (scrap), or "No–G" (no grade).

[3] The cooperative association through which price support is made available is authorized to deduct from the amount paid the grower $1.00 per hundred pounds on tobacco of the B grade group and 50 cents per hundred pounds on tobacco of all other grade groups to apply against receiving and overhead costs, plus a fee of $5.00 for each lot of tobacco received for sample grading purposes. Only the original producer is eligible to receive advances. No advance is authorized for tobacco graded "No–G" (no grade), or "S" (scrap).

Signed at Washington, D.C., on December 8, 1965.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 65–13325; Filed, Dec. 13, 1965; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 6944; Amdt. 39–166]

PART 39—AIRWORTHINESS DIRECTIVES

Maule Model M–4–210 Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring several modifications to the airplane fuel system on Maule Model M–4–210 airplanes was published in 30 F.R. 12687.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

MAULE. Applies to Model M–4–210 airplanes, Serial Numbers 1001 through 1035.

Compliance required within the next 100 hours' time in service after the effective date of this AD unless already accomplished.

To prevent loss of engine power due to fuel starvation, modify the fuel system in accordance with Maule Service Letter No. 7, dated June 15, 1965, or later FAA-approved revision, or an equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Central Region.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1423)

This amendment becomes effective January 13, 1966.

Issued in Washington, D.C., on December 7, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65–13292; Filed, Dec. 13, 1965; 8:45 a.m.]

[Docket No. 6951; Amdt. 39–165]

PART 39—AIRWORTHINESS DIRECTIVES

Vickers Viscount Model 810 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring replacement of the carbon pile voltage regulators AB5859 or 877928 with Bendix Corp. solid state voltage regulator 4B39–15 on Vickers Viscount Model 810 Series airplanes was published in 30 F.R. 12845.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

VICKERS. Applies to Viscount Model 810 Series airplanes.

Compliance required within the next 500 hours' time in service after the effective date of this AD unless already accomplished.

To prevent overloading of the emergency inverter type 32E01–2–A in the event of main d.c. bus-bar failure, replace the carbon pile voltage regulators AB5859 or 877928 with Bendix Corp. solid state voltage regulator 4B39–15.

(British Aircraft Corp. (Operating), Ltd. (Weybridge Division), Modification Bulletin No. G.2015 (810 Series) and later ARB-approved issues cover this subject.)

(Sec. 313(a), 601, and 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1423)

This amendment becomes effective January 13, 1966.

Issued in Washington, D.C., on December 7, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65–13293; Filed, Dec. 13, 1965; 8:45 a.m.]

[Docket No. 6962; Amdt. 39–167]

PART 39—AIRWORTHINESS DIRECTIVES

Macchi Models AL 60 and AL 60–B Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspection and replacement where necessary of the eyebolts located at the elevator center hinge on Macchi Models AL 60 and AL 60–B airplanes was published in 30 F.R. 13015.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

MACCHI. Applies to Models AL 60 and AL 60–B airplanes.

Compliance required as indicated.

To prevent further failures of the threaded shank of the eyebolt, Heim Co. P/N M44–14, located at the elevator center hinge, accomplish the following:

(a) Within 25 hours' time in service after the effective date of this AD, visually, or by use of other FAA-approved methods, inspect the threaded shank of the eyebolt, Heim Co. P/N M44–14.

(b) If no cracks are found, repeat the inspection specified in (a) at intervals not to exceed 25 hours' time in service from the previous inspection.

(c) If cracks are found, replace the eyebolt. If the replacement eyebolt is of the same part number, the repetitive inspections required by (b) must be continued.

(d) The repetitive inspection required by (b) may be discontinued when Aermacchi Modification No. AL60/24, installation of eyebolt Heim Co. P/N MD46–15, or an FAA-approved equivalent is accomplished.

(Aeronautica Macchi Service Bulletin No. AL60/11 and Modification Bulletin No. AL60/24 covers this subject.)

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1423)

This amendment becomes effective January 13, 1966.

Issued in Washington, D.C., on December 7, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65–13294; Filed Dec. 13, 1965; 8:45 a.m.]

[Docket No. 7058; Amdt. 39–168]

PART 39—AIRWORTHINESS DIRECTIVES

Brantly Model B–2 Series Helicopters

There have been failures of the tail rotor blade grip at the outboard thrust bearing shoulder on Brantly Model B–2 Series helicopters. Since this condition is likely to exist or develop in other helicopters of the same type design, an airworthiness directive is being issued to require inspection and replacement as necessary of the tail rotor blades on the subject helicopters.

As a situation exists which demands immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BRANTLY. Applies to Model B–2 Series helicopters, Serial Number 454 and below, equipped with Tail Rotor Blades Assembly, P/N B2–111–11.

Compliance required as indicated, unless already accomplished.

To prevent further failures of the tail rotor blade grip at the outboard thrust bearing shoulder, accomplish the following:

(a) For helicopters with tail rotor blades assembly, P/N B2–111–11, with less than 100 hours' time in service on the effective date of this AD, comply with paragrapha (c) through (g) before the accumulation of 125 hours' time in service.

(b) For helicopters with tail rotor blades assembly, P/N B2–111–11, with 100 or more hours' time in service on the effective date of this AD, comply with paragraphs (c) through (g) within the next 25 hours' time in service.

(c) Remove and disassemble tail rotor blades assembly, P/N B2–111–11, from hub and thrust bearings in accordance with Brantly Model B2B Maintenance Manual.

(d) Using letter sealing wax or any other hard-setting, low-temperature-melting (250° F. or less) material, make an impression of the thrust bearing shoulder relief radius in the grip at Blade Station 3.06, and inspect for a radius less than 0.020 inch:

(e) Using at least a two-power magnifying glass, inspect for sharp corner circumferential tool marks deeper than 0.010 inch.

(f) Remove from service any tail rotor blade with tool marks deeper than 0.010 inch or relief radius less than 0.020 inch before further flight.

(g) Reinstall any tail rotor blade with tool marks not deeper than 0.010 inch or relief radius not less than 0.020 inch in accordance with Brantly Model B2B Maintenance Manual.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1423)

This amendment becomes effective December 14, 1965.

Issued in Washington, D.C., on December 8, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65–13295; Filed, Dec. 13, 1965; 8:45 a.m.]

[Docket No. 7059; Amdt. 39–169]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild Model F–27 Series Airplanes

There have been instances of cracking in the engine mount fittings, on Fairchild Model F–27 Series airplanes which could result in failure of such engine mounts. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspection, and replacement where necessary, of the engine mount fittings on the subject airplanes.

As a situation exists which demands immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

FAIRCHILD. Applies to Model F–27 Series airplanes incorporating upper engine mount fittings P/N's 27–503148–31, –32, –41, –42, –51, –52, –61, –62, and lower engine mount fittings P/N's 27–503149–11, –12, –31, –32, –41, and –42.

Compliance required as indicated.

To detect cracks in the engine mount attachment fittings, accomplish the following:

(a) Within the next 50 hours' time in service after the effective date of this AD, unless already accomplished within the 250 hours' time in service before the effective date of this AD, inspect the engine mount fittings in accordance with paragraph (d).

(b) For engine mount fittings with 10,000 or more hours' time in service on the effective date of this AD, reinspect in accordance with paragraph (d) at intervals not to exceed 300 hours' time in service from the last inspection.

(c) For engine mount fittings with less than 10,000 hours' time in service on the effective date of this AD, reinspect in accordance with paragraph (d) before the accumulation of 10,150 hours' time in service, unless accomplished after the accumulation of 9,850 hours' time in service, and thereafter at intervals not to exceed 300 hours' time in service from the last inspection.

(d) Visually inspect for cracks each engine mount fitting (eight per airplane), on the forward side of the firewall, including all welds, using at least a 10-power glass or an FAA-approved equivalent. Clean all surfaces of each engine mount fitting prior to inspecting, (without removing fitting).

(e) If a crack is found during the inspection specified in paragraph (d) before further flight, replace the engine mount fitting with a part of the same part number that has been inspected in accordance with paragraph (d), or an equivalent part approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(f) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Sec. 313(a), 601, and 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1423)

This amendment becomes effective December 14, 1965.

Issued in Washington, D.C., on December 8, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-13296; Filed, Dec. 13, 1965; 8:45 a.m.]

[Airspace Docket No. 65-CE-35]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of VOR Federal Airways

On June 18, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 7929) stating that the Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would alter, in part, VOR Federal airways Nos. 14, 88, 191, 210, 426, 804, and 859 by raising the floors from 700 feet to 1,200 feet above the surface on certain segments of these airways.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. No comments were received. The substance of the final rule is the same as proposed in the notice except that the segments of V-804 and V-859 are not included in this action. These airway segments were revoked in Airspace Docket No. 65-WA-31, effective January 6, 1966.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., February 3, 1966, as hereinafter set forth.

Section 71.123 (29 F.R. 17509; 30 F.R. 2928, 4121, 6241) is amended as follows:

1. In V-14 all between "Neosho 233° radials; and Attica, Ohio;" is deleted and "12 AGL Springfield, Mo., including a 12 AGL S alternate via INT of Neosho 074° radial with Springfield direct radial to Fayetteville, Ark.; 12 AGL Vichy, Mo., including a 12 AGL N alternate; 12 AGL St. Louis, Mo., including a 12 AGL N alternate and also a 12 AGL S alternate via INT of Vichy 069° and St. Louis 219° radials; 12 AGL Vandalia, Ill., including a 12 AGL N alternate via INT of St. Louis 062° and Vandalia 273° radials; 12 AGL Terre Haute, Ind.; 12 AGL Indianapolis, Ind., including a 12 AGL S alternate via INT of Terre Haute 079° and Indianapolis 230° radials; 12 AGL INT of Indianapolis 054° and Findlay, Ohio, 249° radials; 12 AGL Findlay;" is substituted therefor.

2. In V-88 all after "Springfield;" is deleted and "12 AGL Vichy, Mo.; 12 AGL Richwoods, Mo.; 12 AGL to INT of Richwoods 086° and St. Louis, Mo., 170° radials." is substituted therefor.

3. In V-191 all after "Farmington, Mo.;" is deleted and "12 AGL INT of Farmington 351° and Troy, Ill., 234° radials; 12 AGL Troy; 12 AGL Decatur, Ill.; 12 AGL Roberts, Ill.; 12 AGL INT of Roberts 008° and Joliet, Ill., direct radial to Kedzie, Ill., RBN; 12 AGL Northbrook, Ill.; 12 AGL INT of Northbrook 078° and Chicago, Ill., 019° radials; 12 AGL INT of Chicago, 019° and Milwaukee, Wis., 121° radials; 12 AGL Milwaukee; 12 AGL Oshkosh, Wis.; 12 AGL Stevens Point, Wis.; 12 AGL Wausau, Wis.; 12 AGL to Rhinelander, Wis." is substituted therefor.

4. In V-210 all between "Lamar and Rosewood, Ohio;" is deleted and "From Kansas City, Mo., 12 AGL via Marshall, Mo., 12 AGL Hallsville, Mo.; 12 AGL St. Louis, Mo., including a 12 AGL N alternate; 12 AGL Vandalia, Ill.; 12 AGL Terre Haute, Ind.; 12 AGL Indianapolis, Ind., including a 12 AGL S alternate via INT of Terre Haute 079° and Indianapolis 230° radials; 12 AGL INT of Indianapolis 069° and Fort Wayne, Ind., 187° radials;" is substituted therefor.

5. V-426 is amended to read as follows:

V-426 from Richwoods, Mo., 12 AGL, via St. Louis, Mo., 12 AGL to INT of St. Louis 062° radial and Troy, Ill., direct radial to Decatur, Ill.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 8, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations
and Procedures Division.

[F.R. Doc. 65-13297; Filed, Dec. 13, 1965; 8:45 a.m.]

[Airspace Docket No. 65-CE-75]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Extension of VOR Federal Airway; Correction

On November 18, 1965, there was published in the FEDERAL REGISTER (30 F.R. 14424) an amendment to the Federal Aviation Regulations which extended VOR Federal airway No. 45 from Saginaw, Mich., via Alpena, Mich., to Pellston, Mich., including a W alternate from Saginaw to Alpena. This action was to be effective January 6, 1966.

Subsequent to the publication of this amendment, it has been determined that the commissioning date of the Alpena VOR will be delayed until February 3, 1966. Accordingly, the effective date of this amendment must be postponed until that date.

Since 30 days will elapse from the time of publication of the rule as initially adopted to this effective date, this change is made in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing, effective immediately, Federal Register Document 65-12358 is amended as follows: "effective 0001 e.s.t., January 6, 1966." is deleted and "effective 0001 e.s.t., February 3, 1966." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 8, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations
and Procedures Division.

[F.R. Doc. 65-13298; Filed, Dec. 13, 1965; 8:45 a.m.]

[Airspace Docket No. 61-FW-76]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES

Designation of Federal Airway

On May 2, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 4200) stating that the Federal Aviation Agency is considering the designation of a VOR Federal airway No. 466, and associated control areas, from the Columbus, Miss., VOR to the Jackson, Miss., VORTAC.

Subsequent to publication of the notice of proposed rule making, an extensive analysis of the situation and attendant problems was made by the Agency. As a result of this study, on June 8, 1965, a supplementary notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 7502) stating that the original notice was altered by changing the ceiling of the proposed airway from 9,000 feet MSL to 8,000 feet MSL.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The Air Transport Association (ATA) and the U.S. Navy submitted comments in response to the supplemental notice of proposed rule making. The ATA comments were primarily directed at the capping of the proposed airway at 8,000 feet MSL while the U.S. Navy comments dealt with the designation of the proposed airway below its proposed Intensive Student Jet Training Area (ISJTA) and within an offairway area utilized as a Navy training area.

The Agency has given careful consideration to these comments; however, the designation of the airway between Jackson, Miss., and Columbus, Miss., as proposed in the supplemental notice is considered to be the best means to serve scheduled and other IFR traffic that operates between these terminal areas. This determination is based upon the following:

1. The vertical extent of the airway will tend to draw transiting aircraft out of the ISJTA thereby providing a degree and type of segregation which is known to the operators of the different air activities.

2. The airway will clearly identify a channel within which the Navy should not conduct acrobatic activity.

3. The airway provides a reasonable (though not ideal) routing for non-participating propeller-driven aircraft to transit the ISJTA with minimum impact on Navy flight activity.

4. The additional traffic which may be drawn to the airway might very well transit the ISJTA along a less safe route if the airway was not provided.

The final rule contained herein will extend VOR Federal airway No. 245 from Jackson, Miss., direct to Columbus, Miss. This action is considered preferable to the designation of V-466 as proposed in the notice. When the Meridian ISJTA is in use the Memphis ARTCC will not authorize flights along this airway segment above 7,000 feet MSL. Also included in the final rule are the realignments of J-22 and J-31 to provide for the lateral limits of these jet routes to coincide with the low altitude airways designated via the Meridian VOR.

The Meridian Intensive Student Jet Training Area will be established concurrently with the extension of the airway and the realignment of the jet routes. The boundaries of this training area will be described as follows:

Beginning at latitude 32°35'25" N., longitude 90°04'15" W.; to latitude 33°00'10" N., longitude 89°59'15" W.; to latitude 33°23'50" N., longitude 90°09'45" W.; to latitude 33°25'00" N., longitude 88°46'00" W.; to latitude 33°14'00" N., longitude 88°35'00" W.; to latitude 33°05'00" N., longitude 88°13'00" W.; to latitude 33°09'00" N., longitude 88°02'00" W.; to latitude 33°04'20" N., longitude 88°01'25" W.; to latitude 33°01'45" N., longitude 88°00'00" W.; to latitude 32°28'20" N., longitude 88°47'40" W.; to latitude 32°38'00" N., longitude 88°59'30" W.; to latitude 32°32'50" N., longitude 89°05'10" W.; to latitude 32°40'15" N., longitude 89°27'20" W.; to point of beginning.

Time of use: Sunrise to sunset, Monday through Friday; at other times as published by NOTAM 24 hours in advance.

Altitudes: 8,000 feet MSL to FL 235.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0001 e.s.t., February 3, 1966, as hereinafter set forth.

1. Section 71.123 (29 F.R. 17509) is amended as follows:

V-245 is amended to read:

V-245 From Alexandria, La., via Natchez, Miss.; Jackson, Miss., 32 miles; 38 miles 12 AGL; to Columbus, Miss., excluding the airspace 8,000 feet MSL and above from Jackson to Columbus.

2. Section 71.207 (29 F.R. 17718) is amended by adding "Meridian, Miss."

3. Section 75.100 (29 F.R. 17776) is amended as follows:

a. In Jet Route No. 22 "INT of the McComb 046° and the Birmingham, Ala., 232° radials;" is deleted and "Meridian, Miss.," is substituted therefor.

b. In Jet Route No. 31 "the INT of the New Orleans 021° and the Birmingham, Ala., 232° radials" is deleted and "Meridian, Miss.;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 8, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations
and Procedures Division.

[F.R. Doc. 65-13299; Filed, Dec. 13, 1965; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-988]

PART 13—PROHIBITED TRADE PRACTICES

Abco Furs, Inc., and Hy Fishman

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements:* 13.73-10 Fur Products Labeling Act. Subpart—Invoicing Products Falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1490 *Nature;* § 13.1555 *Size, extent or equipment;* § 13.1570 *Unique status or advantages;* Misrepresenting oneself and goods—Goods: § 13.1685 *Nature:* 13.1685-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Abco Furs, Inc., et al. New York, N.Y., Docket C-988, Sept. 10, 1965]

Consent order requiring two New York City firms dealing in fur products to cease misbranding, falsely advertising, and falsely invoicing fur products in violation of the Fur Products Labeling Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Abco Furs, Inc., a corporation, and its officers, Hy Fishman, Inc., a corporation, and its officers, and Hy Fishman, individually and as an officer of said corporations, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce; as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Failing to set forth the term "natural" as part of the information required to be disclosed on labels under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

3. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting on labels affixed to fur products.

4. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on labels in the sequence required by Rule 30 of the aforesaid rules and regulations.

5. Failing to set forth on labels the item number or mark assigned to a fur product.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices as the term "invoice" is defined in the Fur Products Labeling Act showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Failing to set forth on invoices the item number or mark assigned to a fur product.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or in-

directly in the sale, or offering for sale of any fur product, and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Represents, directly or by implication, that any of the respondents is a member of Master Furriers Guild Association of America; or which otherwise misrepresents respondents' affiliations or connections with any other trade organization.

3. Represents, directly or by implication, that respondents' enterprise is a division of America's largest retail fur servicing chain, or is a member of a chain of over 200 stores or is a chain organization; or which otherwise misrepresents the respondents' affiliations or connections with any other business organization.

4. Represents, directly or by implication, that respondents market showroom sample products or products used in television or fashion shows: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish (1) that such category or categories of merchandise are available from respondents and (2) that the volume of merchandise which comprises the category or categories of products named or implied in respondents' sales solicitation is truthfully disclosed in immediate conjunction with such representation.

5. Represents, directly or by implication, that respondents are America's recognized leader or a leader in custom fur remodeling or redyeing.

6. Represents, directly or by implication, that respondents are America's largest fur rental company.

7. Misrepresents in any manner, directly or by implication, the size, scope, nature, status, reputation or type of respondents' business.

8. Represents, directly or by implication, that respondents market unredeemed storage furs or any other type of unredeemed merchandise: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish (1) that such merchandise is available from them and (2) that the volume of merchandise which comprises the category or categories of products named or implied in respondents' sales solicitation is truthfully disclosed in immediate conjunction with such representation.

9. Suggests, directly or by implication, any qualification or limitation of the disclosure that a fur or fur product is used, second-hand, or damaged, by such terms as "slightly used", "like new", or otherwise: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that such qualification or limitation truthfully represents the degree and extent to which the fur or fur product so described has been used or damaged.

10. Misrepresents in any manner, directly or by implication, the nature, type or quality of respondents' fur products.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 10, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65-13308; Filed, Dec. 13, 1965; 8:45 a.m.]

[Docket No. C-989]

PART 13—PROHIBITED TRADE PRACTICES

Waltham Athleticwear Manufacturing Co., Inc., and Theodore G. Vlachos

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30–100 Wool Products Labeling Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73–70 Wool Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–40 Federal Trade Commission Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–80 Wool Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Waltham Athleticwear Manufacturing Co., Inc., et al., Boston, Mass., Docket C-989, Sept. 10, 1965]

Consent order requiring a Boston, Mass., manufacturer of athletic wool jackets, shirts, and other wool products to cease misbranding and falsely advertising such wool products in violation of the Wool Products Labeling Act; and falsely invoicing said products in violation of the Federal Trade Commission Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That Waltham Athleticwear Manufacturing Co., Inc., a corporation, and its officers, and Theodore G. Vlachos, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, distribution or delivery for shipment in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from:

Misbranding of such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

3. Setting forth information required under section 4(a)(2) of the Wool Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form on labels affixed to wool products.

4. Failing to label or mark samples, swatches, or specimens of wool products subject to the Wool Products Labeling Act, in such manner as to show their respective fiber contents and other information required by law when said samples, swatches, or specimens are used to promote or effect sales of such wool products in commerce.

5. Failing to set forth required information on labels attached to wool products consisting of two or more sections of different fiber composition, in such a manner as to show the fiber content of each section in all instances where such marking is necessary to avoid deception.

It is further ordered, That respondents Waltham Athleticwear Manufacturing Co., Inc., and its officers, and Theodore G. Vlachos, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of articles of wearing apparel or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from: Misrepresenting the character or amount of constituent fibers contained in respondents' apparel or other products on invoices or shipping memoranda applicable thereto, in categories, advertisements or promotional materials or in any other manner.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 10, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65-13309; Filed, Dec. 13, 1965; 8:45 a.m.]

[Docket No. C-990]

PART 13—PROHIBITED TRADE PRACTICES

Milton Kramer and Goodwear Hat Manufacturing Co.

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1695 *Old, secondhand, reclaimed or reconstructed as new.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1880 *Old, used, or reclaimed as unused or new.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Milton Kramer et al., Atlanta, Ga., Docket C-990, Sept. 10, 1965]

Consent order requiring a firm in Atlanta, Ga., engaged in manufacturing men's hats from reconditioned or made-over hat bodies which had been previously used or worn, to cease selling such hats in commerce unless they were stamped "second-hand", "worn", "used", or "made-over" as specified in order.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent, Milton Kramer, an individual, trading as Goodwear Hat Manufacturing Co., or under any other name or names, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of hats in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale, selling or distributing discarded, secondhand or previously used hats that have been rebuilt, reconstructed, reconditioned or otherwise made over, or hats that are composed in whole or in part of materials which have previously been worn or used, unless a statement that said hats are composed of secondhand, worn or used materials (e.g., "second-hand", "worn", "used", or "made-over") is stamped in some conspicuous place on the exposed surface of the inside of the hat in clearly legible terms which cannot be obliterated without mutilating the hat itself, provided that if sweat bands or bands similar thereto are attached to said hats, that such statement may be stamped upon the exposed surface of such bands providing that said stampings be of such a nature that they cannot be removed or obliterated without mutilating the band and the band itself cannot be removed without rendering the hat unserviceable.

2. Placing in the hands of others the means and instrumentalities by and through which they may mislead and deceive the public into believing that respondent's hats are made entirely of new materials.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: September 10, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65-13310; Filed, Dec. 13, 1965; 8:45 a.m.]

[Docket No. C-991]

PART 13—PROHIBITED TRADE PRACTICES

Debutogs, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30–75 Textile Fiber Products Identification Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73–90 Textile Fiber Products Identification Act. Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053–30 Flammable Fabrics Act; 13.1053–80 Textile Fiber Products Identification Act; 13.1053–90 Wool Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–80 Textile Fiber Products Identification Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1715 *Quality.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–70 Textile Fiber products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; 54 Stat. 1128–1130; 67 Stat. 111, as amended; 15 U.S.C. 45, 70, 68, 1191) [Cease and desist order, Debutogs, Inc., et al., New York, N.Y., Docket C-991, Sept. 16, 1965]

In the Matter of Debutogs, Inc., and Junior Bazaar, Inc., Corporations and Hannah S. Horowitz, Individually and as an Officer of Said Corporations

Consent order requiring a New York City manufacturer of wearing apparel, to cease and desist from misbranding and falsely advertising its textile fiber products, from misrepresenting its textile products as "Water Repellent", and from furnishing false guaranties.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Debutogs, Inc., and Junior Bazaar, Inc., corporations, and their officers, and Hannah S. Horowitz, individually and as an officer of said corporations, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Failing to affix labels to such textile fiber products showing each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

2. Failing to set forth respective percentages of fibers contained in the front and back of pile fabrics in such a manner as to give the ratio between the front and back of each such fabric where an election is made to separately set out the fiber content of the face and back of textile products containing pile fabrics.

B. Falsely and deceptively advertising textile fiber products by:

1. Making any representations, by disclosure or by implication, as to the fiber contents of any textile fiber product in any written advertisement which is used to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of such textile fiber product, unless the same information required to be shown on the stamp, tag, label or other means of identification under sections 4(b)(1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, except that the percentages of the fibers present in the textile fiber product need not be stated.

2. Using a fiber trademark in advertisements without a full disclosure of the required content information in at least one instance in the said advertisement.

3. Using a fiber trademark in advertising textile fiber products containing more than one fiber without such fiber trademark appearing in the required fiber content information in immediate proximity and conjunction with the generic name of the fiber in plainly legible type or lettering of equal size and conspicuousness.

It is further ordered, That respondents Debutogs, Inc., and Junior Bazaar, Inc., corporations, and their officers, and Hannah S. Horowitz, individually and as an officer of said corporations, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States of textile fiber products; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of textile fiber products, which have been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery,

transportation, or causing to be transported, after shipment in commerce, of textile fiber products, whether in their original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from failing to maintain records of fiber content of textile fiber products manufactured by them, as required by section 6(a) of the Textile Fiber Products Identification Act and Rule 39 of the regulations promulgated thereunder.

It is further ordered, That respondents Debutogs, Inc., and Junior Bazaar, Inc., corporations, and their officers, and Hannah S. Horowitz, individually and as an officer of said corporations, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any textile fiber product is not misbranded or falsely invoiced.

It is further ordered, That Debutogs, Inc., and Junior Bazaar, Inc., corporations, and their officers, and Hannah S. Horowitz, individually and as an officer of said corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, distribution or delivery for shipment in commerce, of wool wearing apparel or other wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from furnishing a false guaranty that any wool product is not misbranded, when the respondents have reason to believe that such wool product may be introduced, sold, transported or distributed in commerce.

It is further ordered, That Debutogs, Inc., and Junior Bazaar, Inc., corporations, and their officers, and Hannah S. Horowitz, individually and as an officer of said corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing to any person a guaranty with respect to any article of wearing apparel or fabric which respondents, or any of them, have reason to believe may be introduced, sold or transported in commerce, which guaranty represents, contrary to fact, that reasonable and representative tests made under the procedures provided in section 4 of the Flammable Fabrics Act, as amended, and the rules and regulations thereunder, show and will show that the article of wearing apparel, or the fabric used or contained therein, covered by the guaranty, is not, in the form delivered or to be delivered by the guarantor, so highly flammable under the provisions of the Flammable Fabrics Act as to be dangerous when worn by individuals, provided, however, that this prohibition shall not be applicable to a guaranty furnished on the basis of, and in reliance upon, a guaranty to the same effect received by respondents in good faith signed by and containing the name and address of the person by whom the article of wearing apparel or fabric was manufactured or from whom it was received.

It is further ordered, That respondents Debutogs, Inc., and Junior Bazaar, Inc., corporations, and their officers, and Hannah S. Horowitz, individually and as an officer of said corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of textile products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing in any manner that textile products offered for sale are "Water Repellent": *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the products so characterized have been processed or treated to be and are in fact "Water Repellent."

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 16, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65-13311; Filed, Dec. 13, 1965; 8:45 a.m.]

[Docket No. C-993]

PART 13—PROHIBITED TRADE PRACTICES

Louangel Corp. et al.

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1745 *Source or origin:* 13.1745–70 Place: 13.1745–70(a) Domestic products as imported. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1900 *Source or origin:* 13.1900–30 Foreign in general.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, The Louangel Corp. et al., Brooklyn, N.Y., Docket C-992, Sept. 16, 1965]

In the Matter of The Louangel Corp., a Corporation, and Arnold Schnapp and Marvin Schnapp, Individually and as Officers of Said Corporation

Consent order requiring a Brooklyn, N.Y., distributor of toilet preparations to jobbers and retailers for resale to the public, to cease representing falsely on bottles, cartons and labels that its domestic perfumes and toilet preparations were manufactured in a foreign country; and to cease using foreign words or terms in product names or depictions indicative of foreign origin unless such designations and depictions disclose the fact that said products were made in the United States.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents The Louangel Corp., a corporation, and its officers, and Arnold Schnapp and Marvin Schnapp, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of perfume or other toilet preparations, not wholly made in a foreign country, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(a) Representing directly that such products are made in a foreign country, or

(b) Using any foreign word, term or phrase in any brand or product name, or using any depiction or other device, word, term or phrase indicative of foreign origin, unless clear and conspicuous disclosure is made in close connection and conjunction therewith of the fact that such products were made in the United States.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 16, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65-13312; Filed, Dec. 13, 1965; 8:45 a.m.]

[Docket Nos. C-993, C-994, C-995o.]

PART 13—PROHIBITED TRADE PRACTICES

Clarise Sportswear Co., Inc., et al.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.825 *Allowances for services or facilities.*

(Sec. 6, 38 Stat. 721, 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist orders, Clarise Sportswear Co., Inc., Docket C-993, May Knitting Co., Inc., Docket C-994, Huddlespun, Inc., Docket C-995, New York, N.Y., Sept. 20, 1965]

In the Matter of Clarise Sportswear Co., Inc., a Corporation, May Knitting Co., Inc., a Corporation, Huddlespun, Inc., a Corporation

Consent orders requiring three New York wearing apparel manufacturers to cease discriminating among their competing customers in the payment of advertising and promotional allowances, in violation of section 2(d) of the Clayton Act.

Identical orders to cease and desist, including further orders requiring report of compliance therewith (combining respondents in these three cases), are as follows:

It is ordered, That [the respondents Clarise Sportswear Co., Inc., May Knitting Co., Inc., and Huddlespun, Inc., corporations, their officers, directors, agents, representatives and employees, directly or through any corporate or other device, in the course of their business in commerce], as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from: Paying or contracting for the payment of anything of value to, or for the benefit of, any customer of the respondent as compensation or in consideration for advertising or promotional services, or any other service or facility, furnished by or through such customer in connection with the handling, sale or offering for sale of wearing apparel products manufactured, sold or offered for sale by respondent, unless such payment or consideration is made available on proportionally equal terms to all other customers competing with such favored customer in the distribution or resale of such products.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 20, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65-13313; Filed, Dec. 13, 1965; 8:45 a.m.]

[Docket No. C-996]

PART 13—PROHIBITED TRADE PRACTICES

American Institute of Practical Nursing, Inc., and Bernard Dunn

Subpart—Advertising falsely or misleadingly: § 13.115 *Jobs and employment service;* § 13.190 *Results.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1670 *Jobs and employment;* § 13.1730 *Results.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, American Institute of Practical Nursing, Inc., et al., Chicago, Ill., Docket C-996, Sept. 21, 1965]

Consent order requiring a Chicago, Ill., concern to cease misrepresenting its correspondence course of instruction in practical nursing by representing falsely in advertisements and other promotional material that persons completing said course would become a practical nurse, competent in the duties thereof, and qualified to secure employment as a practical nurse with hospitals or similar places of employment.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents, American Institute of Practical Nursing, Inc., a corporation, and Bernard Dunn, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of correspondence courses of instruction in practical nursing or any similar or related course of instruction in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing directly or indirectly:

1. That persons completing said courses of instruction will thereby have become and will thereby be proficient and competent in the performance of the duties and functions of a practical nurse; or otherwise misrepresenting in any manner the training and experience afforded by respondents' course of instruction.

2. That persons completing said courses of instruction will thereby have become and will thereby be a practical nurse.

3. That persons completing said courses of instruction will thereby have become and will thereby be qualified and enabled to secure employment as a practical nurse on general or private duty with hospitals, institutions, individuals or similar or related places of employment; or otherwise misrepresenting in any manner the employment for which persons completing respondents' courses of instruction will be qualified.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 21, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65-13314; Filed, Dec. 13, 1965; 8:45 a.m.]

[Docket No. 8547o.]

PART 13—PROHIBITED TRADE PRACTICES

J. B. Williams Co., Inc., and Parkson Advertising Agency, Inc.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* 13.170–52 Medicinal, therapeutic, healthful, etc. Subpart—Misrepresenting oneself and goods—Goods: § 13.1710 *Qualities or properties.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: §13.1863 *Limitations of product.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, The J. B. Williams Co., Inc., et al., New York, N.Y., Docket 8547, Sept. 28, 1965]

Order requiring a New York manufacturer of drug preparations and its advertising agency, to cease misrepresenting the effectiveness of its "Geritol" liquid and tablets by falsely representing in television commercials and newspaper advertising that all cases of tiredness, loss of strength, run-down feeling, nervousness, and irritability indicate a deficiency of iron and that the common, effective remedy for these symptoms is "Geritol"; and also to affirmatively state that in the great majority of cases of tiredness the symptoms are not caused by such iron or vitamin deficiency.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents, The J. B. Williams Co., Inc., a corporation, and Parkson Advertising Agency, Inc., a corporation, and their officers, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the preparation designated Geritol Liquid or the preparation designated Geritol Tablets, or any other preparation of substantially similar composition or possessing substantially similar properties, under whatever name or names sold, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated by means of the U.S. mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement:

(a) Which represents directly or by implication and without qualification that the preparation is an effective remedy for tiredness, loss of strength, run-down feeling, nervousness or irritability;

(b) Which represents directly or by implication that the preparation is a generally effective remedy for tiredness, loss of strength, run-down feeling, nervousness, or irritability;

(c) Which represents directly or by implication that the preparation is an effective remedy for tiredness, loss of strength, run-down feeling, nervousness, or irritability in more than a small minority of persons experiencing such symptoms;

(d) Which represents directly or by implication that the use of such preparation will be beneficial in the treatment or relief of tiredness, loss of strength, rundown feeling, nervousness, or irritability, unless such advertisement expressly limits the claim of effectiveness of the preparation to those persons whose symptoms are due to an existing deficiency of one or more of the vitamins contained in the preparation, or to an existing deficiency of iron or to iron deficiency anemia, and, further, unless the advertisement also discloses clearly and conspicuously that: (1) In the great majority of persons who experience such symptoms, these symptoms are not caused by a deficiency of one or more of the vitamins contained in the preparation or by iron deficiency or iron deficiency anemia; and (2) for such persons the preparation will be of no benefit.

(e) Which represents directly or by implication that tiredness, loss of strength, run-down feeling, nervousness, or irritability are generally reliable indi-

cations of iron deficiency or iron deficiency anemia;

(f) Which represents directly or by implication that the presence of iron deficiency or iron deficiency anemia can be self diagnosed or that either can generally be determined without a medical test conducted by or under the supervision of a physician;

(g) Which represents directly or by implication that the use of such preparation will increase the strength or energy of any part of the body in any amount of time less than that in which the consumer may actually experience improvement;

(h) Which represents directly or by implication that the use of such preparation will promote convalescence from a cold, flu, fever, virus infection, sore throat or any other winter illnesses;

(i) Which represents directly or by implication that the vitamins supplied in such preparation are of any benefit in the treatment or relief of an existing deficiency of iron or iron deficiency anemia.

2. Disseminating, or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of any such preparation in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in, or which fails to comply with the affirmative requirements of, paragraph 1 hereof.

It is further ordered, That the hearing examiner's initial decision, as modified and as supplemented by the findings and conclusions embodied in the accompanying opinion, be, and it hereby is, adopted as the decision of the Commission.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist set forth herein.

Issued: September 28, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65-13315; Filed, Dec. 13, 1965; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

Archers Creek, S.C.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 204.80 (a)(1) is hereby amended to define the limit along Broad River of the danger zone in Archers Creek, S.C., effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 204.80 Archers Creek, Ribbon Creek and Broad River, S.C.; U.S. Marine Corps Recruit Depot Rifle and Pistol Ranges, Parris Island.

(a) During the periods when the rifle and pistol ranges on Parris Island are in use, the following areas will be restricted to navigation:

(1) At the rifle range—Archers Creek from a line between points along the shore of Broad River at latitude 32°21'-19", longitude 80°44'32", and at latitude 32°21'05", longitude 80°44'09" to Beaufort River, and Ribbon Creek from Broad River entrance.

• • • • •

(Regs., Nov. 30, 1965, 1507-32 (Archers Creek, S.C.)-ENGCW-ON; sec. 7, 40 Stat. 266; 33 U.S.C. 1)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 65-13290; Filed, Dec. 13, 1965; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 65-1092]

PART 83—STATIONS ON SHIPBOARD IN MARITIME SERVICES

Miscellaneous Amendments

Order. At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 8th day of December 1965;

The Commission having under consideration the above-captioned matter;

It appearing, that §§ 83.39 and 83.40 of the Commission's rules provide for the licensing of plurality and portable ship stations. A plurality ship station license permits the licensee to operate similar ship stations on board two or more ships under one authorization. A portable ship station license permits the licensee to operate the station which is of a portable nature on a ship or ships of the United States; and

It further appearing, that §§ 83.66 and 83.71 of the Commission's rules require that licensees of plurality and portable ship stations shall, at the time the application is filed and during the entire period of the license, keep the Commission and Engineer-in-Charge of the radio district in which the stations are operated currently informed in writing or by telegram of certain particulars in regard to the ship stations being operated under such licenses; and

It further appearing, that these notification requirements have served no significantly useful purpose and their elimination will result in savings to both the Commission and licensees; and

It further appearing, that since numerous ship stations may be authorized under one plurality license, the Commission believes that it is necessary that a record of these vessels be maintained. Therefore, the amendments herein ordered will require the licensee to keep a current list, available for inspection, of all vessel names and registration numbers authorized by a plurality ship station license; and

It further appearing, that, the amendments adopted herein are primarily procedural in nature and are minor in significance and, hence the public notice provisions of section 4 of the Administrative Procedure Act are not applicable; and

It further appearing, that the authority for the amendments herein ordered is contained in section 4(i) of the Communications Act of 1934, as amended.

It is ordered, Effective December 17, 1965, that Part 83 of the Commission's rules is amended as set forth in the Appendix hereto.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154; interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: December 9, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE, *Secretary.*

A. Part 83 Stations on Shipboard in the Maritime Services is amended as follows:

1. Section 83.39 is amended to read:

§ 83.39 One application for a plurality ship station license.

(a) One application may be filed for a plurality ship station license to cover similar radiotelephone stations (normally in multiples of ten) on board two or more ships: *Provided*, The following elements are the same:

(1) Nature of application (new, renewal, modification or special temporary authority);

(2) Applicant;

(3) Licensee (when request is for renewal or modification);

(4) Class of station and nature of service;

(5) Conditions which establish and maintain control of the station;

(6) Class or classes of emission, authorized transmitter power, and authorized carrier frequency or frequencies are the same for each radiotelephone transmitter to be authorized.

(b) The issuance of such a license as provided in paragraph (a) is contingent on the following:

(1) The ships do not engage on voyages to any foreign country;

(2) The transmitting equipment is not authorized in any other instrument issued by the Commission;

(3) The transmitting equipment is not installed on board ship for the purpose of complying with the provisions of any statute or international agreement requiring the installation or use for safety purposes;

(4) The licensee shall keep a current list, available for inspection, of all vessel names and registration numbers authorized by the plurality ship station license.

§ 83.66 [Deleted]

2. Section 83.66 is deleted.

[1] Commissioners Henry, Chairman, and Wadsworth absent.

§ 83.71 [Deleted]

3. Section 83.71 is deleted.

4. Section 83.74, paragraph (c) is amended to read:

§ 83.74 Assignment of call signs.

• • • • •

(c) Normally, an individual call sign shall be assigned to each ship (other than survival craft attached to a parent ship) carrying a station licensed in the maritime mobile service, provided that a single call sign shall be assigned to a plurality of stations authorized by one station license in accordance with § 83.39 whenever such stations are easily identified by means other than call signs and their signal of identification or characteristics of emission are published, when required by international agreement, in appropriate international documents.

• • • • •

5. Section 83.102, paragraphs (b) and (c) are amended to read:

§ 83.102 Posting station licenses and transmitter identification cards or plates.

• • • • •

(b) With respect to stations of a portable nature, including marine utility stations but excluding stations authorized in accordance with § 83.39, where posting of a station license is impracticable, the requirement of paragraph (a) of this section shall not apply: *Provided*, That in lieu thereof the original station license or a photocopy thereof is retained on board the vessel (other than survival craft carried on board a parent ship) during the entire time the station is located thereon.

(c) A current license authorizing a plurality of stations, pursuant to § 83.39, shall be retained by the licensee at any location where it is readily accessible for inspection. In addition, an executed Transmitter Identification Card (FCC Form 452-C) or a plate of metal or other durable substance, legibly indicating the call sign and the licensee's name and address, shall be affixed, readily visible for inspection to each transmitter: *Provided*, That if the transmitter is not in view of the operating position or is not readily accessible for inspection, then such card or plate shall be affixed to the control equipment at the principal transmitter operating position or posted adjacent thereto.

• • • • •

6. Section 83.364, paragraph (c) is amended to read:

§ 83.364 Identification of station.

• • • • •

(c) The provisions of paragraphs (a) and (b) of this section shall apply also to ship stations of a portable nature when using telephony and operated on board ship pursuant to § 83.40.

[F.R. Doc. 65-13340; Filed, Dec. 13, 1965; 8:47 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter V—Office of Foreign Assets Control, Department of the Treasury

PART 515—CUBAN ASSETS CONTROL REGULATIONS

Miscellaneous Amendments

Section 515.536 is being added to the Regulations to authorize importation on the basis of "appropriate" certificates of origin of goods presumptively subject to § 515.204. Section 515.808 is being amended to authorize customs procedures in connection with this authorization.

The Cuban Assets Control Regulations are hereby amended by the addition of the following section:

§ 515.536 Certain transactions with respect to merchandise affected by § 515.204.

(a) With respect to merchandise the importation of which is prohibited by § 515.204, all Customs transactions are authorized except the following:

(1) Entry for consumption (including any appraisement entry, any entry of goods imported in the mails, regardless of value, and any other informal entries);

(2) Entry for immediate exportation;

(3) Entry for transportation and exportation;

(4) Withdrawal from warehouse;

(5) Transfer or withdrawal from a foreign-trade zone; or

(6) Manipulation or manufacture in a warehouse or in a foreign-trade zone.

(b) Paragraph (a) of this section is intended solely to allow certain restricted disposition of merchandise which is imported without proper authorization. Paragraph (a) of this section does not authorize the purchase or importation of any merchandise.

(c) The purchase outside the United States for importation into the United States of nickel-bearing materials presumptively subject to section 515.204 and the importation of such merchandise into the United States (including transactions listed in paragraph (a) of this section) are authorized if there is presented to the collector of customs in connection with such importation the original of an appropriate certificate of origin as defined in paragraph (d) of this section and provided that the merchandise was shipped to the United States directly, or on a through bill of lading, from the country issuing the appropriate certificate of origin.

(d) A certificate of origin is appropriate for the purposes of this section only if

(1) It is a certificate of origin the availability of which for Cuban Assets Control purposes has been announced in the FEDERAL REGISTER by the Office of Foreign Assets Control; and

(2) It bears a statement by the issuing agency referring to the Cuban Assets Control Regulations and stating that the certificate has been issued under procedures agreed upon with the U.S. Government.

Section 515.808 is hereby amended to read as follows:

§ 515.808 Customs procedures; merchandise specified in § 515.204.

(a) With respect to merchandise specified in § 515.204 (including nickel-bearing materials presumptively subject thereto) whether or not such merchandise has been imported into the United States, collectors of customs shall not accept or allow any:

(1) Entry for consumption (including any appraisement entry, any entry of goods imported in the mails, regardless of value, and any other informal entries);

(2) Entry for immediate exportation;

(3) Entry for transportation and exportation;

(4) Withdrawal from warehouse;

(5) Transfer or withdrawal from a foreign-trade zone; or

(6) Manipulation or manufacture in a warehouse or in a foreign-trade zone, unless either:

(i) The merchandise was imported prior to 12:01 a.m., February 7, 1962, or

(ii) A specific license pursuant to this part is presented, or

(iii) Instructions from the Office of Foreign Assets Control, either directly or through the Federal Reserve Bank of New York, authorizing the transaction are received, or

(iv) The original of an appropriate certificate of origin as defined in § 515.536(d) is presented.

(b) Whenever a specific license is presented to a collector of customs in accordance with this section, one additional legible copy of the entry, withdrawal or other appropriate document with respect to the merchandise involved shall be filed with the collector of customs at the port where the transaction is to take place. Each copy of any such entry, withdrawal or other appropriate document, including the additional copy, shall bear plainly on its face the number of the license pursuant to which it is filed. The original copy of the specific license shall be presented to the collector in respect of each such transaction and shall bear a notation in ink by the licensee or person presenting the license showing the description, quantity and value of the merchandise to be entered, withdrawn or otherwise dealt with. This notation should be so placed and so written that there will exist no possibility of confusing it with anything placed on the license at the time of its issuance. If the license in fact authorizes the entry, withdrawal or other transaction with regard to the merchandise the collector, or other authorized customs employee, shall verify the notation by signing or initialing it after first assuring himself that it ac-

curately describes the merchandise it purports to represent. The license shall thereafter be returned to the person presenting it and the additional copy of the entry, withdrawal or other appropriate document shall be forwarded by the collector to the Foreign Assets Control.

(c)(1) Whenever the original of an appropriate certificate or origin as defined in § 515.536(d) is presented to a collector of customs in accordance with this section, an additional legible copy of the entry, withdrawal or other appropriate document with respect to the merchandise involved shall be filed with the collector of customs at the port where the transaction is to take place. Each copy of the entry, withdrawal, or other appropriate document, including the additional copy, shall bear plainly on its face the following statement: "This document is presented under the provisions of § 515.536(c) of the Cuban Assets Control Regulations." The original of the certificate of origin shall not be returned to the person presenting it. It shall be securely attached to the additional copy required by this subparagraph and shall be forwarded by the collector to the Office of Foreign Assets Control, Treasury Department Washington, D.C., 20220. Collectors may forward such documents weekly or more often if the volume warrants.

(2) If the original of an appropriate certificate of origin is properly presented to a collector of customs with respect to a transaction which is the first of a series of transactions which may be allowed in connection therewith under subdivision (iv) of paragraph (a)(6) of this section (as, for example, where merchandise has been entered in a bonded warehouse and an appropriate certificate of origin is presented which relates to all of the merchandise entered therein but the importer desires to withdraw only part of the merchandise in the first transaction), the collector shall so note on the original of the appropriate certificate of origin and return it to the importer. In addition, the collector shall endorse his pertinent records so as to record what merchandise is covered by the appropriate certificate of origin presented. The collector may thereafter allow subsequent authorized transactions on presentation of the certificate of origin. The collector shall, with respect to each such transaction, demand an additional copy of each withdrawal or other appropriate document, which copy shall be promptly forwarded by the collector to the Office of Foreign Assets Control, Treasury Department, Washington, D.C., 20220, with an endorsement thereon reading:

This document has been accepted pursuant to § 515.808(c)(2) of the Cuban Assets Control Regulations. Appropriate certificate of origin No._____from (country).

When the final transaction has been effected under the certificate of origin, the original shall be taken up and attached to the entry and forwarded as in this paragraph (c).

(d) Whenever a person shall present an entry, withdrawal or other appropriate document affected by this section and shall assert that no specific Foreign Assets Control license or appropriate certificate of origin as defined in § 515.536 (d) is required in connection therewith, the collector of customs shall withhold action thereon and shall advise such person to communicate directly with the Federal Reserve Bank of New York to request that instructions be issued to the collector to authorize him to take action with regard thereto.

[SEAL] MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 65-13435; Filed, Dec. 13, 1965; 12:20 p.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 812]

SUGAR REQUIREMENTS AND QUOTAS

Hawaii and Puerto Rico; Local Consumption for Calendar Year 1966

Notice is hereby given that the Secretary of Agriculture, pursuant to authority vested in him by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), and as further amended by Public Law 89-331, approved November 8, 1965, is considering the determination of sugar requirements and the establishment of quotas for local consumption in Hawaii and Puerto Rico for the calendar year 1966.

In accordance with the rule making requirements of the Administrative Procedure Act (60 Stat. 237) all persons who desire to submit written data, views, or arguments for consideration in connection with the proposed regulation may file the same in duplicate with the Director, Sugar Policy Staff, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250, on or before December 20, 1965. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

The proposed determination of sugar requirements and quotas for Hawaii and Puerto Rico for the calendar year 1966, set forth in form and language appropriate for issuance if adopted by the Secretary, is as follows:

Basis and purpose. The purpose of Sugar Regulation 812 is to determine pursuant to sections 201 and 203 of the Sugar Act of 1948, as amended (hereinafter referred to as the "Act"), the amount of sugar needed to meet the requirements of consumers in Hawaii and in Puerto Rico and to establish quotas for local consumption in such areas. To the extent required by section 201 of the Act, this regulation establishes sugar requirements based on official estimates of the Department of Agriculture and on statistics published by other agencies of the government.

Since the Act provides that the Secretary of Agriculture determine sugar requirements for local consumption in Hawaii and in Puerto Rico and establish local consumption quotas to be effective on January 1, 1966, it is found to be impracticable and not in the public interest to comply with the 30-day effective date requirements of the Administrative Procedure Act, and these regulations shall be effective January 1, 1966.

Sec.
812.1 Sugar requirements and quota—Hawaii.
812.2 Sugar requirements and quota—Puerto Rico.
812.3 Restrictions on marketing.

§ 812.1 **Sugar requirements and quota—Hawaii.**

It is hereby determined, pursuant to section 203 of the Act, that the amount of sugar needed to meet the requirements of consumers in Hawaii for the calendar year 1966 is 50,000 short tons, raw value, and a quota of 50,000 short tons, raw value, is hereby established for Hawaii for local consumption for the calendar year 1966.

§ 812.2 **Sugar requirements and quota—Puerto Rico.**

It is hereby determined, pursuant to section 203 of the Act, that the amount of sugar needed to meet the requirements of consumers in Puerto Rico for the calendar year 1966 is 130,000 short tons, raw value, and a quota of 130,000 short tons, raw value, is hereby established for Puerto Rico for local consumption for the calendar year 1966.

§ 812.3 **Restrictions on marketing.**

Pursuant to section 209 of the Act, for the calendar year 1966 all persons are hereby prohibited from marketing, pursuant to Part 816 of this chapter (23 F.R. 1943, 27 F.R. 1450), in Hawaii or in Puerto Rico, for consumption therein, any sugar or liquid sugar after the quota for the area for the calendar year 1966 has been filled. Pursuant to section 211(c) of the Act, the quota for each area may be filled only with sugar produced from sugarcane grown in the respective area.

Statement of bases and considerations. Pursuant to section 203 of the Act, the provisions of section 201 of the Act deemed applicable to the determination of the amounts of sugar needed to meet the requirements of consumers in Hawaii and in Puerto Rico relate to (1) the quantities of sugar distributed for local consumption in Hawaii and in Puerto Rico during the 12-month period ended September 30, 1965, (2) deficiencies or surpluses in inventories of sugar, and (3) changes in consumption because of changes in population and demand conditions.

The quantities of sugar distributed for consumption in Hawaii and in Puerto Rico, including that which was lost in refining after charge to the local quotas, during such 12-month period are estimated to have been approximately 46,000 short tons of sugar, raw value, and 122,000 short tons of sugar, raw value, respectively.

The provisional estimate by the Bureau of Census of the total population for Hawaii as of July 1, 1965, is 711,000. This represents a normal increase in population for Hawaii over 1964. No provisional estimate of population is available for Puerto Rico for 1965.

In Hawaii industrial use accounts for a substantial portion of the total consumption of sugar and this demand is a significant factor in the total sugar requirements. During the period 1958 through 1964 sugar consumption in this area has varied from 120.0 to 138.0 pounds, raw value, per person. These wide year-to-year variations suggest the possibility that requirements could be higher in 1965 than in the 12 months ended September 30, 1965, when sugar marketings approximated 46,000 short tons, raw value.

In Puerto Rico during the 12 months ended September 30, 1965, marketings of sugar for local consumption totaled approximately 122,000 short tons, raw value. Refiners' inventories of sugar as of September 30, 1965, were at approximately the same level as those held on September 30, 1964. After making allowance for possible consumption increases in 1966 resulting from probable population increases, the total sugar needed to meet requirements for local consumption in Puerto Rico in 1966 may be approximately 130,000 short tons, raw value.

Circumstances prevailing in the utilization of quota for local consumption in Hawaii and Puerto Rico are such that no special problems arise nor are the objectives of the Act jeopardized if the 1966 local quota is not completely filled. It is therefore, desirable to establish the 1966 requirements and quotas sufficiently high initially so that later adjustments may be avoided.

In accordance with the above, the requirements for local consumption in Hawaii and Puerto Rico for 1966 have been determined to be 50,000 and 130,000 short tons, raw value, respectively.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 201, 203, 209, 210, 412; 61 Stat. 923, as amended, 925, 928; 7 U.S.C. 1111, 1112, 1119, 1112)

Signed at Washington, D.C., this 10th day of December 1965.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 65-13378; Filed, Dec. 10, 1965; 3:12 p.m.]

Consumer and Marketing Service

[7 CFR Parts 1102, 1108]

[Docket Nos. AO-237-A11, AO-243-A13]

MILK IN CENTRAL ARKANSAS AND FORT SMITH, ARK., MARKETING AREAS

Supplemental Notice of Time for Filing Exceptions to Recommended Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of

1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the notice of additional time to January 3, 1966, for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Central Arkansas and Fort Smith, Ark., marketing areas, issued December 8 by the Deputy Administrator, Regulatory Programs, is hereby modified so that the time for filing exceptions to the Secretary's recommended decision issued November 23, 1965 (30 F.R. 14733) is extended to and including December 14, 1965, instead of January 3, 1966.

Dated at Washington, D.C., December 10, 1965.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 65-13404; Filed, Dec. 13, 1965; 9:37 a.m.]

[7 CFR Part 1068]

MILK IN MINNEAPOLIS-ST. PAUL MARKETING AREA

Notice of Proposed Suspension of Certain Provision of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provision of the order regulating the handling of milk in the Minneapolis-St. Paul marketing area is being considered for the period of January 1, 1966, through June 30, 1966.

The provision proposed to be suspended is: In § 1068.77(b) the words "and may be transferred from such producer to another producer: *Provided*, That all deliveries of milk by a producer who has transferred his base to another producer shall be excess milk until July 1 next following such transfer", relating to the transfer of bases between producers.

This action was requested by cooperatives representing more than 80 percent of the producers supplying the market. The proposed suspension would prevent the transfer of bases between producers during the forthcoming base paying period. Proposals to delete the base and excess plan from the order were considered at a hearing held July 21–23. Proponents allege that many of the cooperatives supplying milk to the market do not plan to pay their producers under a base and excess plan during the coming year. In such event the bases established by member producers of these cooperatives would be available for transfer to producers who are not members of such associations. If members of the cooperative transferred their bases to other producers, the cooperative would be credited in the pool with only the excess or manufacturing milk price for the milk of these producers. Proponents believe this would create disorderly marketing conditions.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C., 20250, not later than 5 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk, during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on December 8, 1965.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 65-13324; Filed, Dec. 13, 1965; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 39]

[Docket No. 7057]

AIRWORTHINESS DIRECTIVES

Boeing Models 707 and 720 Series Airplanes

The Federal Aviation Agency is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Boeing Models 707 and 720 Series airplanes. There have been reports of moisture accumulation in the fuel dump system limit switches which could result in arcing and a possible fire hazard on the subject airplanes. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed AD would require inspection, and replacement where necessary, of the limit switches and wiring on Boeing Models 707 and 720 Series airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before January 13, 1966, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BOEING. Applies to Models 707 and 720 Series airplanes.

Compliance required within the next 1000 hours' time in service after the effective date of this AD unless already accomplished.

To prevent fire hazards due to possible arcing from moisture ingression into fuel dump system limit switches, accomplish the following in accordance with Boeing Service Bulletin No. 2183, dated May 17, 1965, or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(a) Inspect each limit switch receptacle for presence of the O-ring seal. Receptacles without O-rings or which show signs of moisture ingression should be removed and checked for damage to the pin contacts and to the interface seal. If satisfactory, the receptacle may be cleaned and, after installation of a new O-ring, reinstalled on the airplane. The mating plug connector must be removed and replaced in all cases where an O-ring is found to be missing.

(b) Inspect each connector, BAC–C45-FS12–12S and BAC–C45FS10–5S for presence of sealing plugs in all unused contact holes in the connector grommet. Check also for moisture ingression. A light gray-green deposit on the rubber face of the sealing member shows moisture was present. Replace plug connectors found with unplugged holes in grommets, or with evidence of moisture ingression. Plug all unused holes in grommet by inserting 1/16-inch diameter teflon rod in each hole approximately 3/4 inch, and trimming rod approximately 1/8-inch above grommet. Tighten threaded coupling until connector shell flange bottoms on receptacle. (Approximately 24 inch-pounds torque is required.) Secure all coupling with safety wire.

(c) Replace all wires on which the insulation has been abraded.

Issued in Washington, D.C., on December 7, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-13300; Filed, Dec. 13, 1965; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 15671; FCC 65-1095]

FM BROADCAST STATIONS

Proposed Table of Assignments

Report and order. In the matter of amendment of § 73.202, *Table of Assignments FM Broadcast Stations* (Grand Rapids and Ionia, Mich.); Docket No. 15671, RM–663.

1. The Commission has before it for consideration its notice of proposed rule making (FCC 64–966) issued in this proceeding on October 22, 1964, inviting comments on a proposal to shift Channel 267 from Grand Rapids to Ionia, Mich., in response to a petition for rule making filed on September 22, 1964, jointly by Atlas Broadcasting Co. and Country Broadcasting Co. At the time the petition was filed Atlas Broadcasting Co. was the licensee of Station WMAX–FM (now WYON) on Channel 267 at Grand Rapids and Country Broadcasting Co. was the prospective assignee of Station WMAX–FM to be operated as an Ionia station. Both parties had entered into an agreement for the sale and transfer of the station, subject to Commission approval. The subject petition also contained a request for an order to show cause why the licensee of WMAX–FM should not be modified to specify operation at Ionia instead of Grand Rapids.[1]

2. In a letter dated November 5, 1965, Country Broadcasting Co. requests dismissal of the subject rule making proceeding. Country states that it became the licensee of Station WYON (formerly WMAX–FM) on January 5, 1965, and that an application for increase in power and change in transmitter location (BPH–4935) was granted and that construction is nearing completion. Country urges that these events have accomplished its objective of obtaining additional FM service for the Ionia area envisaged by the subject petition. It therefore requests that the proceeding be dismissed.

3. The Commission is of the view that a grant of the request of Country for dismissal of the instant proceeding will serve the public interest. *Accordingly, it is ordered*, That the petition for rule making, RM–663, filed jointly by Atlas Broadcasting Co. and Country Broadcasting Co. is dismissed.

4. *It is further ordered*, That this proceeding is terminated.

Adopted: December 8, 1965.

Released: December 9, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-13341; Filed, Dec. 13, 1965; 8:47 a.m.]

[1] Monroe MacPherson, trading as Ionia Broadcasting Co., a licensee of Station WION at Ionia, and a principal in Country Broadcasting Co., previously filed a petition (RM–588) requesting the assignment of Channel 221A to Ionia by making other changes in the table. This request was considered in Docket No. 15542 but was not adopted in that proceeding.

[2] Chairman Henry absent.

[47 CFR Parts 89, 91, 93]

[Docket No. 16259]

SECONDARY FREQUENCY ASSIGNMENTS IN CERTAIN AREAS

Order Extending Time for Filing Comments

In the matter of temporarily amending Parts 89, 91, and 93 of the Commission's rules to test the principle of Secondary Frequency Assignments in California, Texas, and the city of Chicago, Ill., Docket No. 16259.

1. The Associated Public-Safety Communications Officers, Inc. (APCO), and the Forestry Conservation Communications Association (FCCA) have requested the Commission to extend the time for filing comments in the above-captioned matter (FCC 65–964, released Oct. 29, 1965). Comments are now due to be filed on or before December 6, 1965.

2. In support of the requested extension, APCO states that on December 1–3, 1965, meetings were held in Washington, D.C., by the Public Safety Communications Council and by Officers of APCO to consider matters of particular significance to this Docket. As a result of these meetings, APCO proposes to develop certain specific information concerning frequency availability in the areas involved. The FCCA states that additional time is necessary in order to properly prepare "worthwhile" comments.

3. It appearing that the additional time requested by APCO and FCCA would not unduly delay initiation of the sharing experiment and that the above-mentioned data would be useful to the Commission in resolving the issues in this proceeding.

4. In view of the foregoing: *It is ordered*, This sixth day of December 1965, pursuant to § 0.331(b) (4) of the Commission's rules, that the time for filing comments in the above-captioned proceeding is extended from December 6, 1965, to January 31, 1966, and that the time for filing reply comments is extended from December 21, 1965, to February 15, 1966.

Released: December 9, 1965.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-13342; Filed, Dec. 13, 1965; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Notice Relating to Hearing on Definition of Small Business for Purpose of Bidding on Government Procurements for Products Classified in SIC 2026, Fluid Milk

On November 10, 1965, there was published in the FEDERAL REGISTER (30 F.R. 14173) a notice that, on November 30, 1965, the Small Business Administration would hold a hearing on the definition of a small business for the purpose of bidding on Government contracts for products classified in SIC Industry 2026, Fluid Milk. Interested persons were invited to file, on or before November 26, 1965, written statements of facts, opinions, or arguments concerning the appropriate definition of small business for the above purposes.

The hearing was held on November 30, 1965, in accordance with the notice. In the course of the hearing, a request was made that the record be kept open until December 30, 1965, for the purpose of filing additional written statements. There being no objection to this request, the record shall be kept opened until the close of business on December 30, 1965.

All correspondence on this matter should be addressed to:

Eugene J. Davidson, Presiding Officer, Fluid Milk Industry Hearing, Small Business Administration, 811 Vermont Avenue NW., Washington, D.C., 20416.

As announced in the November 10, 1965, notice, SBA is interested in receiving information relating to the following: (1) What is the present competitive structure of the Fluid Milk Industry, both nationally and in a given market area? (2) Is there a difference in the size structure of concerns bidding on Government procurements for products classified in SIC 2026, Fluid Milk (both procurements set-aside for small business and non-set-aside procurements) as compared with the overall competitive structure of the industry? and (3) What are the economies of scale in the industry and the competitive advantages of concerns of certain size as compared with concerns of a smaller size?

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 65-13319; Filed, Dec. 13, 1965; 8:46 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

GENERAL ADVISORY COMMITTEE ON FOREIGN ASSISTANCE PROGRAMS

Appointment of Additional Member

The following additional member has been appointed to serve on the General Advisory Committee on Foreign Assistance Programs which was established by the President on March 26, 1965:

Mr. Joseph A. Beirne, President, Communications Workers of America, 1925 K Street NW., Washington, D.C.

Dated: December 2, 1965.

WILLIAM O. HALL,
Assistant Administrator for Administration.

[F.R. Doc. 65-13329; Filed, Dec. 13, 1965; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. Sub-B-41]

LEPIRE FISHING CORP.

Notice of Hearing

Lepire Fishing Corp., 356 County Street, New Bedford, Mass., has applied for a fishing vessel construction differential subsidy to aid in the construction of a 90-foot overall wood vessel to engage in the fishery for scallops, flounder, lobster, and groundfish.

Notice is hereby given pursuant to the provisions of the U.S. Fishing Fleet Improvement Act (P.L. 88-498) and Notice and Hearing on Subsidies (50 CFR Part 257) that a hearing in the above-entitled proceedings will be held on February 1, 1966, at 10 a.m., e.s.t., in Room 3356, Interior Building, 18th and C Streets NW., Washington, D.C., 20240. Any person desiring to intervene must file a petition of intervention with the Director, Bureau of Commercial Fisheries, as prescribed in 50 CFR Part 257 at least 10 days prior to the date set for the hearing. If such petition of intervention is granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the event of such a change along with the new location.

DONALD L. MCKERNAN,
Director,
Bureau of Commercial Fisheries.

DECEMBER 8, 1965.

[F.R. Doc. 65-13316; Filed, Dec. 13, 1965; 8:46 a.m.]

[Depredation Order]

DEPREDATING GOLDEN EAGLES

Order Permitting Taking To Seasonally Protect Domestic Livestock in Certain Texas Counties

Pursuant to authority in section 2 of the Act of June 8, 1940 (54 Stat. 250), as amended, and in accordance with regulations under Part 11, Title 50, Code of Federal Regulations, the Secretary of the Interior has authorized the taking of golden eagles without a permit to seasonally protect domesticated livestock during the period from December 15, 1965, through June 15, 1966, in Texas subject to the following conditions:

1. Golden eagles may be taken without a permit only for the protection of domesticated livestock and only by livestock owners and their agents.

2. Golden eagles may be taken by any suitable means or methods except by the use of poison or from aircraft.

3. Golden eagles or any parts thereof taken pursuant to this authorization may not be possessed, purchased, sold, traded, bartered, or offered for sale, trade, or barter.

4. Taking without a permit is authorized only in the following named counties:

El Paso.	Sutton.
Jeff Davis.	Pecos.
Brewster.	Culberson.
Val Verde.	Real.
Uvalde.	Sterling.
Kerr.	Glasscock.
Edwards.	Reagan.
Crockett.	Irion.
Ward.	Tom Green.
Upton.	Coke.
Hudspeth.	Schleicher.
Presidio.	Crane.
Terrell.	Burnet.
Kinney.	McCulloch.
Bandera.	Blanco.
Kimble.	San Saba.

5. Any person taking golden eagles pursuant to this authorization must at all reasonable times, including during actual operations, permit any Federal or State game law enforcement officer free and unrestricted access over the premises on which such operations have been or are being conducted; and shall furnish promptly to such officer whatever information he may require concerning such operations.

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 10, 1965.

[F.R. Doc. 65-13347; Filed, Dec. 13, 1965; 8:47 a.m.]

[Docket No. Sub-B-43]

MARGARET, INC.

Notice of Hearing

Margaret, Inc., Reedville, Va., has applied for a fishing vessel construction differential subsidy to aid in the construction of a 172-foot steel vessel to engage in the fishery for menhaden and other herring-like fishes.

Notice is hereby given pursuant to the provisions of the U.S. Fishing Fleet Improvement Act (P.L. 88-498) and Notice and Hearing on Subsidies (50 CFR Part 257) that a hearing in the above-entitled proceedings will be held on February 3, 1966, at 10 a.m., e.s.t., in Room 3356, Interior Building, 18th and C Streets NW., Washington D.C., 20240. Any person desiring to intervene must file a petition of intervention with the Director, Bureau of Commercial Fisheries, as prescribed in 50 CFR Part 257 at least 10 days prior to the date set for the hearing. If such petition of intervention is granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the event of such a change along with the new location.

DONALD L. MCKERNAN,
Director,
Bureau of Commercial Fisheries.

DECEMBER 8, 1965.

[F.R. Doc. 65-13317; Filed, Dec. 13, 1965; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-5]

PENNSYLVANIA STATE UNIVERSITY

Notice of Proposed Issuance of Amendment to Facility License

Please take notice that the Atomic Energy Commission ("the Commission") is considering the issuance of an amendment to a facility license substantially as set forth below to the Pennsylvania State University which would authorize operation of a TRIGA Mark III nuclear core and control system as a replacement for the core and control system in the existing Pennsylvania State Reactor which is being installed under Construction Permit No. CPRR-90 issued on August 19, 1965, on the University's campus at University Park, Pa.

The Commission would issue the license upon making the findings set forth in the proposed license.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this license may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued.

For further details with respect to this proposed license, see (1) the application and amendments thereto, and (2) a related Safety Evaluation prepared by the Test and Power Reactor Safety Branch of the Division of Reactor Licensing, all of which are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the Safety Evaluation may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 10th day of December 1965.

For the Atomic Energy Commission.

R. L. DOAN,
Director,
Division of Reactor Licensing.

PROPOSED AMENDMENT TO LICENSE

[License No. R-2, Amdt. 14]

The Atomic Energy Commission (hereinafter referred to as "the Commission") having found that:

a. The application for license complies with the requirements of the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act"), and the Commission's regulations set forth in Title 10, Chapter I, CFR;

b. The reactor has been constructed in conformity with Construction Permit No. CPRR-90 and will operate in conformity with the application and in conformity with the Act and the rules and regulations of the Commission;

c. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public;

d. The Pennsylvania State University is technically and financially qualified to engage in the proposed activities in accordance with the Commission's regulations, and to assume financial responsibility for Commission charges for special nuclear material;

e. The possession and operation of the reactor, and the receipt, possession and use of the special nuclear material, in the manner proposed in the application, will not be inimical to the common defense and security or to the health and safety of the public;

f. The Pennsylvania State University is a non-profit educational institution and will use the reactor for the conduct of educational activities. The Pennsylvania State University is therefore exempt from the financial protection requirement of subsection 170a of the Act.

License No. R-2, as amended, is amended in its entirety, effective as of the date of issuance, to read as follows:

1. This license applies to the Pennsylvania State Reactor with the installed TRIGA Mark III nuclear core and control system (hereinafter, "the reactor"), owned by the Pennsylvania State University (hereinafter, "the licensee"), and located at University Park, Pa., and described in the licensee's application for license dated March 8, 1965, and amendment thereto dated May 31, 1965, and December 3, 1965 (hereinafter referred to as "the application").

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses the Pennsylvania State University:

A. Pursuant to section 104c of the Act and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities" to possess, use, and operate the reactor in accordance with the procedures and limitations described in the application;

B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material" to receive, possess, and use up to 4 kilograms of contained uranium 235 in connection with operation of the reactor, and 7.510 kilograms of contained uranium 235 in MTR type fuel elements; and

C. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material", to receive, possess, and use two 50 curie sealed antimony-beryllium neutron sources, either or both of which may be used for reactor start-up; and to possess, but not to separate such byproduct material as may be produced by operation of the reactor.

3. This license shall be deemed to contain and be subject to the conditions specified in §§ 30.32 of Part 30, 50.54 of Part 50 and 70.32 of Part 70, and is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

A. *Maximum power level.* The licensee may operate the reactor at steady state power levels up to maximum of 1000 kilowatts (thermal).

B. *Technical specifications.* The Technical Specifications contained in Appendix "A" hereto[1] (hereinafter referred to as the "Technical Specifications") are hereby incorporated in this license. Except as otherwise permitted by the Act and the rules, regulations, and orders of the Commission, the licensee shall operate the reactor in accordance with the Technical Specifications. No changes shall be made in the Technical Specifications unless authorized by the Commission as provided in § 50.59 of 10 CFR Part 50.

C. *Records.* In addition to those otherwise required under this license and applicable regulations, the licensee shall keep the following records:

(1) Reactor operating records, including power levels and periods of operation at each power level.

(2) Records showing radioactivity discharge into the air or water beyond the effective control of the Pennsylvania State University as measured at or prior to the point of such release or discharge.

(3) Records of emergency shutdowns and inadvertent scrams, including reasons for emergency shutdowns.

(4) Records of maintenance operations involving substitution or replacement of reactor equipment or components.

(5) Records of experiments installed including description, measured and calculated reactivity worths, locations, exposure time, total irradiation and any unusual events involved in their performance and in their handling.

D. *Reports.* In addition to reports otherwise required under this license and applicable regulations, the licensee shall make an immediate report in writing to the Commission of any occurrence of a possible unsafe condition relating to the operation of the reactor, including, without implied limitation:

[1] This item was not filed with the Office of the Federal Register but is available for inspection in the Public Docket Room of the Atomic Energy Commission.

(1) Any incident or condition relating to the operation of the reactor which prevented or could have prevented a nuclear system from performing its safety function as described in the Technical Specifications. For each such occurrence, the Pennsylvania State University shall promptly notify by telephone or telegraph, the Director of the appropriate Atomic Energy Commission Regional Compliance Office listed in Appendix D of 10 CFR Part 20 and shall submit within ten (10) days a report in writing to the Director, Division of Reactor Licensing (hereinafter, Director, DRL) with a copy to the Regional Compliance Office.

(2) The Pennsylvania State University shall report to the Director, DRL, in writing within 30 days of its observed occurrence any substantial variance disclosed by operation of the reactor from performance specifications contained in the Hazards Summary Report or the Technical Specifications.

(3) The Pennsylvania State University shall report to the Director, DRL, in writing within ten days of its occurrence any accidental release of radioactivity, whether or not resulting in property damage or personal injury or exposure above permissible limits.

4. This license shall expire at midnight, June 30, 1985.

Date of issuance:

For the Atomic Energy Commission.

Director,
Division of Reactor Licensing.

[F.R. Doc. 65-13387; Filed, Dec. 13, 1965; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16340, 16341; FCC 65M-1591]

EDGEFIELD-SALUDA RADIO CO. (WJES), AND WQIZ, INC. (WQIZ)

Order Scheduling Hearing

In re applications of Franklin D. R. McClure, Jessie Claude Casey, James H. Satcher and Van E. Edwards, Jr., doing business as the Edgefield-Saluda Radio Co. (WJES), Johnston, S.C., Docket No. 16340, File No. BP-16489; WQIZ, Inc. (WQIZ), Saint George, S.C., Docket No. 16341, File No. BP-16625; for construction permits:

It is ordered, This 9th day of December 1965, that David I. Kraushaar shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on February 9, 1966, at 10 a.m.; and that a prehearing conference shall be held on January 6, 1966, commencing at 9 a.m.: *And, it is further ordered,* That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: December 9, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-13343; Filed, Dec. 13, 1965; 8:47 a.m.]

[Docket Nos. 16340, 16341]

EDGEFIELD-SALUDA RADIO CO. (WJES), AND WQIZ, INC. (WQIZ)

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Franklin D. R. McClure, Jessie Claude Casey, James H. Satcher, and Van E. Edwards, Jr., doing business as the Edgefield-Saluda Radio Co. (WJES), Johnston, S.C., Docket No. 16340, File No. BP-16489, has 1570 kc, 250 w, Day, Class II, requests: 810 kc, 1 kw, Day, Class II; WQIZ, Inc. (WQIZ), Saint George, S.C., Docket No. 16341, File No. BP-16625, has: 1300 kc, 500 w, Day, Class III, requests: 810 kc, 5 kw, Day, Class II; for construction permits.

The Commission, by the Chief of the Broadcast Bureau under delegated authority, considered the above-captioned application on December 6, 1965;

It appearing, that, except as indicated by the issues specified below, each of the applicants is legally, technically, financially, and otherwise qualified to construct and operate as proposed; and

It further appearing, that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The applications propose co-channel operations at a distance of approximately 86 miles and are mutually exclusive in that they involve prohibited overlap of contours as defined by § 73.37 (a) of the Commission's rules.

2. The proposed increase in the WJES antenna height has yet to receive clearance from the Federal Aviation Agency. Accordingly, an air hazard issue will be included and the latter made a party to the proceeding.

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations of Stations WJES and WQIZ, respectively, and the availability of other primary service to such areas and populations.

2. To determine whether there is a reasonable possibility that the tower height and location proposed by Station WJES would constitute a menace to air navigation.

3. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient, and equitable distribution of radio service.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

It is further ordered, That the Federal Aviation Agency is made a party to the proceeding.

It is further ordered, That, in the event of a grant of either application, the construction permit shall contain the following conditions: Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 73.87 of the Commission's rules are not extended to this authorization, and such operation is precluded.

Permittee shall install an approved type transmitter.

It is further ordered, That, in the event of a grant of the WQIZ application, the construction permit shall contain the following condition: Before program tests are authorized, permittee shall submit sufficient field intensity measurement data, to establish that the proposed antenna system complies with the minimum efficiency requirements of § 73.189 of the Commission's rules.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: December 8, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-13344; Filed, Dec. 13, 1965; 8:47 a.m.]

[Docket Nos. 16039, 16040; FCC 65M-1589]

FINE MUSIC BROADCASTS, INC., AND BELK BROADCASTING CO. OF FLORIDA, INC.

Order Continuing Prehearing Conference

In re applications of Fine Music Broadcasts, Inc., Jacksonville, Fla., Docket No. 16039, File No. BPH-3604; Belk Broadcasting Co. of Florida, Inc., Jacksonville, Fla., Docket No. 16040, File No. BPH-4772; for construction permits.

The Hearing Examiner having under consideration a letter filed December 6, 1965, on behalf of Fine Music Broadcasts, Inc., requesting that the prehearing conference scheduled for December 10, 1965, be continued to January 10, 1966; and

It appearing that the reason for the requested continuance is to give the parties additional time to put into a formal written contract the terms of an agreement between the parties, gather the necesary affidavits and prepare motions and pleadings for submission to the Commission which, if approved, will result in a settlement of this case; and

It further appearing that counsel for the Broadcast Bureau interposes no objection to the continuance, and good cause for granting the continuance having been shown:

It is ordered, This the 8th day of December 1965, that the request for continuance in letter form is granted, and the prehearing conference scheduled for December 10, 1965, is continued to January 10, 1966.

Released: December 9, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-13345; Filed, Dec. 13, 1965; 8:47 a.m.]

[Docket No. 14368, etc.; FCC 65M-1586]

SYRACUSE TELEVISION, INC., ET AL.

Order Continuing Hearing

In re applications of Syracuse Television, Inc., Syracuse, N.Y., Docket No. 14368, File No. BPCT-2924; W. R. G. Baker Radio & Television Corp., Syracuse, N.Y., Docket No. 14369, File No. BPCT-2930; Onondaga Broadcasting, Inc., Syracuse, N.Y., Docket No. 14370, File No. BPCT-2931; WAGE, Inc., Syracuse, N.Y., Docket No. 14371, File No. BPCT-2932; Syracuse Civic Television Association, Inc., Syracuse, N.Y., Docket No. 14372, File No. BPCT-2933; Six Nations Television Corp., Syracuse, N.Y., Docket No. 14444, File No. BPCT-2957; Salt City Broadcasting Corp., Syracuse, N.Y., Docket No. 14445, File No. BPCT-2958; George P. Hollingbery, Syracuse, N.Y., Docket No. 14446, File No. BPCT-2968; for construction permits for new television broadcast stations.

The Hearing Examiner having under consideration a joint motion by seven of the eight applicants in the above-entitled proceeding, filed December 7, 1965, for a continuance of the hearing until January 31, 1966, to which the remaining applicant and the Commission's Broadcast Bureau have consented;

It appearing, that although there have been previous continuances requested, and granted, in this remanded proceeding, "good cause" for a further postponement of the hearing has been demonstrated in that the seven petitioners allege that they have reached an agreement on the major points involved which looks toward a settlement of the proceeding and that all the applicants have been endeavoring diligently to negotiate such an agreement; and

It appearing further, that petitioners commit themselves "to press forward as expeditiously as possible and will use their best efforts to prepare and file with the Commission an executed agreement by January 17, 1966":

It is ordered, This 8th day of December 1965, that the joint motion is hereby granted and the hearing in this proceeding is continued from December 13, 1965, until 10 a.m., Monday, January 31, 1966, at the Commission's offices, Washington, D.C.; and

It is ordered further, That the parties make every reasonable effort to file their executed agreement with the Commission, accompanied by an appropriate petition for the Commission's approval thereof, by not later than January 17, 1966.[1]

Released: December 8, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-13346; Filed, Dec. 13, 1965; 8:47 a.m.]

[1] No further continuances will be granted absent a showing that the requisite agreement is on file or about to be submitted, or of specific reasons for not having the document ready by the established Jan. 17 deadline. If the negotiations, for any reasons, should founder before the deadlines set herein the parties are to notify the Examiner forthwith so that the hearing may proceed with a minimum of delay.

FEDERAL DEPOSIT INSURANCE CORPORATION

WESTERN MARYLAND TRUST CO.

Notice of Application for Exemption From Provisions of Act

Pursuant to authority granted the Corporation under sections 12(h) and 12(i) of the Securities Exchange Act of 1934, as amended, notice is hereby given to all interested parties that the Western Maryland Trust Co., Frederick, Md., has applied to the Federal Deposit Insurance Corporation for exemption from certain provisions of that Act. The bank has asked the Corporation to exempt it, its officers, directors and certain controlling persons from the requirements of sections 12, 13, 14, and 16 of the Act.

Notice is hereby given interested persons will have opportunity to present their written views or comments on this application within 20 days following the date of publication of this notice in the FEDERAL REGISTER. Communications should be addressed to the Secretary, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, D.C., 20429.

Dated this 30th day of November 1965.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 65-13328; Filed, Dec. 13, 1965; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI66-183, etc.]

CLEARY PETROLEUM INC. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [2]

DECEMBER 3, 1965.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 19, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI66-183	Cleary Petroleum, Inc. (Operator) et al., 316 Kermac Bldg., Oklahoma City, Okla., 73102.	6	[3] 17	Arkansas Louisiana Gas Co. (Starr Field, Blaine County, Okla.) (Oklahoma "Other" Area).	$1,800	11-8-65	[2] 12-9-65	5-9-66	15.0	[4] [5] 16.8	
RI66-184	Apache Corp. (Operator), et al., 823 South Detroit, Tulsa, Okla., 74120.	17	1	Panhandle Eastern Pipe Line Co., (Southwest Greenough Field, Beaver County, Okla.) (Oklahoma Panhandle Area).	480	11-5-65	[6] 1-1-66	6-1-66	16.0	[4] [7] 17.0	
RI66-185	do	18	1	do	448	11-5-65	[6] 1-1-66	6-1-66	16.0	[4] [8] 17.0	
RI66-186	Amax Petroleum Corp., 5th Floor, Enterprise Bldg., Tulsa, Okla., 74103.	3	4	Northern Natural Gas Co. (Laverne Field, Harper County, Okla.) (Oklahoma Panhandle Area).	3,342	11-9-65	[6] 1-1-66	6-1-66	[9] 17.0	[4] [8] [10] 18.0	
RI66-187	Petroleum, Inc., 352 North Broadway, Wichita, Kans.	20	2	Michigan Wisconsin Pipe Line Co. (Laverne Field, Beaver County, Okla.) (Oklahoma Panhandle Area).	14,443	11-10-65	[2] 12-11-65	5-11-66	[6] 18.3	[4] [8] [11] 20.8	

[1] Applicable to Supplement No. 16 only. Increased rate for remainder of acreage is 16.8 cents per Mcf subject to refund in Docket No. RI65-443.
[2] The stated effective date is the effective date requested by Respondent.
[3] Increase is from certificated rate to initial contract rate.
[4] Pressure base is 14.65 p.s.i.a.
[5] Periodic rate increase.
[6] Subject to a downward B.t.u. adjustment.
[7] Includes base rate of 17.0 cents per Mcf before increase and base rate of 19.0 cents per Mcf after increase plus 1.3 cents upward B.t.u. adjustment (1133 B.t.u. gas).
[8] Does not consolidate for hearing or dispose of the several matters herein.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR Ch. I, Pt. 2, § 2.56).

[F.R. Doc. 65–13254; Filed, Dec. 13, 1965; 8:45 a.m.]

[Docket No. G–5491, etc.]

EDWARDS OIL & GAS CO. ET AL.

Findings and Order After Statutory Hearing

DECEMBER 2, 1965.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC Gas Rate Schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are either equal to or below the ceiling prices established by the Commission's Statement of General Policy 61–1, as amended, or involve sales for which permanent certificates have been previously issued.

After due notice, no petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on December 1, 1965, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments, and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Docket No. CI66–145 should be canceled and that the application filed therein should be processed as a petition to amend the certificate heretofore issued in Docket No. G–10574 by permitting the successor in interest to continue the service heretofore authorized.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G–3203, G–5491, G–7193, G–11451, G–12466, G–13633, G–15270, G–15308, G–16218, G–17582, CI63–20, CI63–431, CI63–603, CI63–1209, CI65–2, and CI65–896 should be amended as hereinafter ordered.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificate heretofore issued to Wheless Drilling Co. in Docket No. CI60–697 should be terminated and the authorization to sell natural gas thereunder should be included under the authorization herein issued to Pan American Petroleum Corp. (Operator), et al., in Docket No. G–17582.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificate heretofore issued to Sinclair Oil & Gas Co. in Docket No. CI64–278 should be terminated and the authorization to sell natural gas thereunder should be included under Applicant's certificate in Docket No. CI63–603.

(9) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the tabulation herein and in the respective applications, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of public convenience and necessity heretofore issued to the respective Applicants herein relating to the abandonments hereinafter permitted and approved should be terminated.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Docket No. G–13501 should be severed from the proceeding in Docket No. AR64–2, et al., and the rate suspension proceeding in Docket No. G–13501 should be terminated.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the respective related rate schedules and supplements as designated or redesignated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after April 15, 1965, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d) of the Commission's Statement of General Policy 61–1, as amended, shall be filed prior to the applicable dates, as indicated by footnotes 4 and 28 in the attached tabulation.

(E) The certificate issued herein in Docket No. CI66–292 authorizing the sale of gas by Anadarko Production Co. to its parent, Panhandle Eastern Pipe Line Co., determines the rate which legally may be paid by the buyer to the seller, but is without prejudice to any action which the Commission may take in any future rate proceeding involving either company.

(F) The certificate issued herein in Docket No. CI66–321 is contingent upon Applicant's filing of executed copies of the assignment which covers interest in the properties covered by the farmout agreement.

(G) The certificates heretofore issued in Docket Nos. G–5491, G–15270, G–16218, G–17582, CI63–20, CI63–603, CI65–2, and CI65–896 are amended by adding thereto or deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(H) The certificate heretofore issued to Wheless Drilling Co. in Docket No. CI60–697 is terminated and the authorization to sell natural gas thereunder is included under the authorization herein issued to Pan American Petroleum Corp. (Operator), et al., in Docket No. G–17582.

(I) The certificate heretofore issued to Sinclair Oil & Gas Co. in Docket No. CI64–278 is terminated and the authorization to sell natural gas thereunder is included under Applicant's certificate in Docket No. CI63–603.

(J) The authorization granted in paragraph (G) above in Docket No. CI65–2 authorizing the sale of gas by Arkla Exploration Co., et al., to its parent, Arkansas Louisiana Gas Co., determines the rate which legally may be paid by the buyer to the seller, but is without prejudice to any action which the Commission may take in any future rate proceeding involving either company.

(K) The certificates heretofore issued in Docket Nos. G–3203, G–7193, G–13633 and G–15308 are amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicants in Docket Nos. CI66–62, CI66–321, CI66–322, and CI66–317.

(L) Docket No. CI66–145 is canceled.

(M) The certificates heretofore issued in Docket Nos. G–10574, G–11451, G–12466, CI63–431, and CI63–1209 are amended by changing the certificate holders to the respective successors in interest as indicated in the tabulation herein.

(N) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described and as more fully described in the respective applications herein are granted.

(O) The certificates heretofore issued in Docket Nos. G–10852, G–13124, G–14773, G–14983, CI61–20, and CI63–446 are terminated.

(P) Docket No. G–13501 is severed from the proceeding in Docket No. AR64–2, et al., and the rate suspension proceeding in Docket No. G–13501 is terminated.

(Q) The respective related rate schedules and supplements as indicated in the tabulation herein are accepted for filing; further, the rate schedules relating to the successions herein are redesignated and accepted, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates as indicated in the tabulation herein.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G–5491 D 10–11–65	Edwards Oil & Gas Co.	Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va.	Letter agreement 4–28–65.[1 3]	1	4
G–11451 E 8–16–65	J & J Enterprises, Inc. (successor to R. J. Braden, et al.).	Consolidated Gas Supply Corp., Union District, Upshur County, W. Va.	R. J. Braden, et al., FPC GRS No. 2.	2	-------
			Notice of succession 7–28–65.	-------	-------
			Assignment 4–14–65 [1]	2	1
			Assignment 4–15–65 [1]	2	2
			Assignment 4–16–65 [1]	2	3
			Effective date: 4–1–65	-------	-------
G–12466 E 8–16–65	do	do	R. J. Braden, et al., FPC GRS No. 3.	3	-------
			Notice of succession 7–28–65.	-------	-------
			Assignment 4–14–65 [1]	3	1
			Assignment 4–15–65 [1]	3	2
			Assignment 4–16–65 [1]	3	3
			Effective date: 4–1–65	-------	-------
G–15270 C 10–11–65 [4]	Socony Mobil Oil Co., Inc.	Trunkline Gas Co., San Carlos Field, Hidalgo County, Tex.	Amendment 6–4–65	162	7
			Amendment 9–8–65 [1 5]	162	1 to 7
G–16218 D 8–3–65	Gulf Oil Corp. (Operator), et al.	Transwestern Pipeline Co., Southeast Stockholm Field, Harper County, Okla.	Letter agreement 6–18–65.[3 1]	196	35
G–16218 D 9–13–65	do	do	Letter agreement 7–26–65.[1 6]	196	36
G–17582 (CI60–697) C 10–11–65 [1]	Pan American Petroleum Corp. (Operator), et al.	Texas Gas Transmission Corp., Minden Field, Webster Parish, La.	Assignment 4–19–60 [32]	247	6
			Assignment 10–31–62,[33] (supersedes Wheless Drilling Co. (Operator), et al., FPC GRS No. 5).	247	7
			Effective date: 8–26–62	-------	-------
CI63–20 D 8–2–65	Humble Oil & Refining Co.	Arkansas Louisiana Gas Co., Arkoma Area, Haskell County, Okla.	Assignment 7–21–65 [1 12]	337	15
CI63–431 E 10–14–65	Freddie Morgan Field, administratrix (Operator), et al. (successor to Fred Morgan (Operator), et al.).	Northern Natural Gas Co., Gate Area, Beaver County, Okla.	Fred Morgan (Operator), et al., FPC GRS No. 2.	1	1
			Notice of succession (undated).	-------	-------
			Letter of administration 6–25–65.[13]	1	1
			Effective date: 6–25–65	-------	-------
CI63–603 (CI64–278) C 10–6–65 [14]	Sinclair Oil & Gas Co.	Lone Star Gas Co., East Doyle Field, Stephens County, Okla.	Amendment 7–30–65 [16] (supersedes FPC GRS No. 324).[3]	239	7
CI63–1209 E 10–6–65	HI-Plains Production, Inc. (Operator), et al. (successor to Ross Petroleum, Inc. (Operator), et al.).	Phillips Petroleum Co., Hugoton Field, Sherman County, Tex.	Ross Petroleum, Inc. (Operator), et al. FPC GRS No. 2.	1	-------
			Notice of succession (undated).	-------	-------
			Assignment 7–23–64 [12]	1	1
			Assignment 7–24–64 [12]	1	2
			Effective date: 7–1–64	-------	-------
CI65–2 C 9–7–65 [17]	Arkla Exploration Co., et al.	Arkansas Louisiana Gas Co., acreage in Haskell County, Okla.	Letter agreement 8–23–65 [1 13]	20	5
CI65–896 C 9–22–65 [4]	Cequin Corp. (Operator), et al.	Gas Transport, Inc., Ravenswood Field, Grant District, Jackson County, W. Va.	Amendment 7–12–65	1	1
			Amendment 7–30–65 [1]	1	2
CI65–1212 A 5–17–65 [4]	Pan American Petroleum Corp.	Panhandle Eastern Pipe Line Co., Northwest Mendota and Parsell Areas, Hemphill and Roberts Counties, Tex.	Contract 3–23–65	425	-------
			Letter agreement 3–23–65.[6]	425	1
A CI66–62 (G–3203) E 7–20–65	Caruthers Operating Co., Inc. (Operator), et al.[18]	Southwest Gas Producing Co., Inc., Lisbon Field, Claiborne Parish, La.	Contract 6–21–65 [19]	1	-------
			Contract 2–23–63 [34]	1	1
			Letter agreement 1–24–65.	1	2
			Letter agreement 8–6–65.[3]	1	3
CI66–145 (G–10574) A 8–16–65 [2]	J & J Enterprises, Inc. (successor to R. J. Braden, et al.).	Consolidated Gas Supply Corp., Union District, Upshur County, W. Va.	R. J. Braden, et al., FPC GRS No. 1.	1	-------
			Notice of succession 7–28–65.	-------	-------
			Assignment 4–14–65 [1]	1	1
			Assignment 4–15–65 [1]	1	2
			Effective date: 4–1–65	-------	-------
CI66–178 A 9–1–65 [4]	Sun Oil Co. (Southwest Division).	Lone Star Gathering Co., Speary Field, Karnes County, Tex.	Contract 7–28–65 [4]	194	-------

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted			
			Description and date of document	No.	Supp.	
C166-321, (G-7160) F 10-12-65	J. L. Trittipo, Inc. (successor to the Pure Oil Co.).	Consolidated Gas Supply Corp., White Oak Creek, Sherman and Cabin Creek Districts, Boone and Kanawha Counties, W. Va.	Contract 10-31-24 [3]	1		
			Supplemental agreement 9-16-27.	1	1	
			Supplemental agreement 2-20-30.	1	2	
			Letter agreement 2-27-32.	1		
			Supplemental agreement 11-18-57.	1	4	
			Notice of change (undated) [4]	1	5	
			Notice of change (undated) [4]	1	6	
			Farmout agreement 10-15-64.	1	7	
			Supplemental agreement 6-2-65. [5]	1	8	
C166-322, (G-12633) F 10-20-65	South Shore Oil and Development Co., et al. (successor to Union Producing Co.).	United Gas Pipe Line Co., Lirette Field, Terrebonne Parish, La.	Effective date: 11-1-57 [6]	2		
			Contract 9-15-57 [7]	2		
			Letter amendment 7-1-60. [8]	2	1	
			Letter amendment 7-1-64. [8]	2	2	
			Farmout agreement 2-26-65. [9]	2	3	
			Assignment 3-25-65 [10]	2	4	
			Letter agreement 4-8-65. [11]	2	5	
C166-323, A 10-21-65 [4]	Sun Oil Co.	United Fuel Gas Co., Hall Hollow Field, Lost River District, Hardy County, W. Va.	Effective date: 3-25-65.	105		
			Contract 8-19-65 [6]	105		
C166-325, A 10-21-65 [4]	Estate of B. F. Allison (Operator), et al.	Kansas-Nebraska Natural Gas Co., Inc., Arrow Field, Washington County, Colo.	Contract 6-8-65 [6]	1		

[1] Deletes expired leases from the contract.
[2] Effective date: Date of this order.
[3] Assigns interest from R. J. Braden, et al., to J & J Enterprises, Inc.
[4] Jan. 1, 1968, moratorium date pursuant to Commission's Statement of General Policy 61-1, as amended.
[5] Provides for the sale and delivery of gas in accordance with the terms of the contract, as modified by settlement order dated May 5, 1964, with redetermination option on Jan. 1, 1970 and Jan. 1, 1975. The provision of the amendment comply with section 154.93 of the Commission's regulation under the Natural Gas Act.
[6] Effective date: Date of initial delivery.
[7] Deletes 80 acres. By letter dated Oct. 12, 1965, Transwestern states that the reserves attributable to this acreage are 240,000 Mcf and the cost of connection about $12,000 or 5 cents per Mcf. It is uneconomical. The remaining 7/8 interest is owned by Skelly Oil Co. and at a recent meeting it was decided not to connect. Transwestern states that the reserves involved are 133,000 Mcf, the connection costs are about $60,000 or about 50 cents per Mcf.
[8] Adds all acreage under Wheless Drilling Co.'s FPC GRS No. 5 to Pan American's FPC GRS No. 247 which acreage Pan American acquired from Wheless in Docket No. C160-697. Docket No. C160-697 will be terminated.
[9] Conveys property from Wheless Drilling Co. to Wheless Drilling Trustees, et al. (Wheless had previously acquired the acreage in volume 1 from Humble).
[10] Assigns all contractual rights from Wheless Drilling Trustees, et al., to Pan American.
[11] Assigns acreage to Arkla Exploration Co. and to J. T. Stephens d.b.a. Stevens Production Co. On Sept. 7, 1965 Arkla filed in Docket No. C165-2 to cover sales from the subject acreage.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted			
			Description and date of document	No.	Supp.	
C166-198, A 9-7-65 [1]	Apco Oil Corp.	El Paso Natural Gas Co., Blanco Mesa Verde Field, San Juan County, N. Mex.	Contract 1-12-65 [2]	20	1	
			Assignment 2-1-65 [3] [12]	20	2	
			Assignment 7-1-65 [3] [12]			
C166-202, A 10-6-65 [1]	Anadarko Production Co.	Panhandle Eastern Pipe Line Co., Red Cave Field, Morton County, Kans.	Contract 9-8-65 [6]	114		
C166-204, A 10-11-65 [1]	Gulf Oil Corp.	Panhandle Eastern Pipe Line Co., West Perryton Field, Ochiltree County, Tex.	Contract 8-23-65 [6]	301		
C166-206, (G-6446) B 10-11-65	James F. Scott, et al.	Consolidated Gas Supply Corp., Hall District, Doddridge County, W. Va.	Notice of cancellation 10-7-65. [2] [3]	2	5	
C166-303, A 10-13-65 [1]	Aylward Drilling Co. (Operator), et al.	Cities Service Gas Co., Deerhead North Field, Barber County, Kans.	Contract 10-1-65 [6]	8		
C166-305, (G-10627) B 10-14-65	International Helium, Inc. (Operator), et al.	United Gas Pipe Line Co., Ewell Nedd Lease, Bethany Field, Harrison County, Tex.	Notice of cancellation 10-11-65. [2] [3]	3	7	
C166-306, A 10-13-65 [1]	Ezra R. Gawthrop, et al, d.b.a. Gawthrop Oil & Gas Producers, Inc.	Pennzoil Co., McClellan District, Doddridge County, W. Va.	Contract 9-9-64 [6]	1		
C166-307, A 10-15-65 [1]	Gulf Oil Corp.	Cities Service Gas Co., Hogas Field, Barber County, Kans.	Contract 9-15-65 [7]	302	1	
			Contract 7-8-65 [6]	302		
C166-309, A 10-18-65 [2]	W. W. F. Oil Corp. (Operator), et al.	Truckline Gas Co., Moanaker Field, Jefferson Island Salt Dome, La.	Contract 9-3-65	4		
			Assignment 10-19-65 [3]	4	1	
C166-311, (G-14773) B 10-15-65	Sheridan C. Lewis, Jr., trustee.	Coastal States Gas Producing Co., West Adami Field, Webb County, Tex.	Notice of cancellation (undated). [2] [3]	1		
C166-312, (G-14863) B 10-15-65	Texo Oil Corp.	Coastal States Gas Producing Co. Tiger Field, Duval County, Tex.	Notice of cancellation (undated). [2] [3]	1	1	
C166-313, (C161-20) B 10-15-65	Tri-Ess Corp., (Operator), agent for Texo Oil Corp., et al.	Coastal States Gas Producing Co., Peters Ranch Area, Duval County, Tex.	Notice of cancellation (undated). [2] [3]	2	1	
C166-315, A 10-18-65 [1]	Lloyd A. Lynd, Jr.	Cities Service Gas Co., acreage in Cowley County, Kans.	Contract 8-3-65 [6]	1		
C166-316, A 10-18-65 [1]	Quaker State Oil Refining Corp.	United Fuel Gas Co., Hart's Creek District, Lincoln County, W. Va.	Contract 8-6-65 [6]	12		
A C166-317, (G-15308) F 10-18-65	Cabot Corp. (SW).	United Gas Pipe Line Co., Fostoria Field, Montgomery County, Tex.	Contract 5-29-58 [13]	79	1	
			Letter agreement 5-29-58. [14]	79		
			Assignment 6-29-65 [15]	79	2	
			Effective date: 6-29-65.			
C166-318, A 10-19-65	C. R. Anes, d.b.a. Anes Oil & Gas.	Texas Gas Transmission Corp., Morton Gas Field, Hopkins County, Ky.	Contract 10-12-65 [6]	1		
C166-319, (G-13124) B 10-19-65	Bright & Schiff.	Texas Eastern Transmission Corp., East Riverside Field, San Patricio County, Tex.	Notice of cancellation (undated). [2] [16]	32 [2]	3	
C166-320, A 10-15-65	L. & H. Drilling Co., Inc. (Operator), et al.	Texas Gas Transmission Corp., Sugar Creek Field, Hopkins County, Ky.	Contract 9-16-65 [6]	1		

[12] Adds acreage under Arkla's contract which adopted terms of Humble's contract to which acreage was previously dedicated in Docket No. C163-20.
[13] Applicant was previously covered by the filings of the prior operator, Sinclair Oil & Gas Co. Now that Caruthers is operator in place of Sinclair and since Sinclair wishes to maintain its own filings, Caruthers is making a separate filing to cover itself and the other co-owners.
[14] Ratifies and adopts terms of Feb. 23, 1953 contract.
[15] Also on file as Sinclair Oil & Gas Co. FPC GRS No. 252.
[16] Application filed in Docket No. C166-145 will be canceled and construed as a petition to amend the certificate issued in Docket No. G-10574 and Docket No. C166-145 will be canceled.
[17] Basic contract between Schermerhorn Oil Corp. and Kenwood Oil Co. as sellers and El Paso Natural Gas Co. as buyer.
[18] Assigns Kenwood Oil Co.'s interest to Apco Oil Corp.
[19] Assigns Schermerhorn Oil Corp.'s interest to Apco Oil Corp.
[20] Source of gas depleted.
[21] Adopts terms of July 8, 1965 contract.
[22] July 1, 1967, moratorium date pursuant to Commission's Statement of General Policy 61-1, as amended.
[23] Assigns 50 percent interest in properties to N. H. Wheless Oil Co.
[24] Executed between United and Halbouty, et al.; on file as Michel T. Halbouty, et al., FPC GRS No. 7.
[25] Amends taxing provisions.
[26] Assignment of certain interest to Cabot Corp.
[27] A rate of 14.4 cents per Mcf was suspended in Docket No. G-13501, but was never placed in effect subject to refund, therefore, the related rate suspension proceeding in Docket No. G-13501 will be terminated.
[28] Basic contract between the Pure Oil Co. and Hope Natural Gas Co. (now Consolidated Gas Supply Corp.); on file as the Pure Oil Co. FPC GRS No. 7.
[29] Provides for price increase from 26.88 cents per Mcf to 28.96 cents per Mcf.
[30] Provides for price decrease from 28.96 cents per Mcf to 26.88 cents per Mcf in accordance with Commission's order of Nov. 27, 1962, approving rate settlement.
[31] Basic contract between Union Producing Co. and United Gas Pipe Line Co. (affiliated companies); on file as Union Producing Co. FPC GRS No. 215.
[32] Amends tax reimbursement provision.
[33] Farmout of certain acreage (the Delta Securities Co., Inc. Lease) from Union Producing Co. to Consolidated Gas Supply Corp. (formerly Hope Natural Gas Co.). Acreage previously nonproductive.
[34] Assigns ¼ interest in subject farmout each to South Shore and J. P. Owen.
[35] Union Producing Co.'s agreement in the assignment by Consolidated to South Shore and J. P. Owen.

See footnotes at end of table.

[F.R. Doc. 65-13255; Filed, Dec. 13, 1965; 8:45 a.m.]

[Docket No. CP66-163]

EL PASO NATURAL GAS CO.

Notice of Application

DECEMBER 6, 1965.

Take notice that on November 29, 1965, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex., 79999, filed in Docket No. CP66-163 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that Applicant heretofore constructed and placed in operation approximately 0.01 mile of 4½-inch O.D. and 0.01 mile of 2⅜-inch O.D. pipeline, a wellhead meter and a dehydrator for the purpose of receiving dry gas from Texaco Inc. (Texaco), at the wellhead of Texaco's Texas-LaBarge No. 5-D well located in Sublette County, Wyo. The application further states that the aforementioned well is no longer productive and that, therefore, Applicant's facilities utilized for the purchase and receipt of gas from the said well are no longer required. Applicant proposes to abandon such facilities.

Applicant states that upon the receipt of the requested authorization, it proposes to retire the pipeline in place and to salvage the dehydrator and wellhead meter and to place such materials in stock pending future need therefor at other locations.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 27, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-13301; Filed, Dec. 13, 1965; 8:45 a.m.]

[Docket No. CP66-166]

EL PASO NATURAL GAS CO.

Notice of Application

DECEMBER 6, 1965.

Take notice that on November 29, 1965, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex., 79999, filed in Docket No. CP66-166 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the reinstallation and operation of an existing meter station previously utilized for a direct sale so that, upon grant of the authorization requested, such facilities may be utilized for the purchase of residue gas from Sinclair Oil & Gas Co. (Sinclair) in Midland County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that, heretofore, under Sinclair's FPC Gas Rate Schedule No. 174, Sinclair has made well head deliveries of gas to Applicant at various points in Midland County, Tex., pending arrangements for processing of such gas. The application further states that Sinclair now proposes to process such gas and deliver the residue resulting therefrom to Applicant under the terms and conditions of Sinclair's FPC Gas Rate Schedule No. 7, with delivery to be made at a point where, previously, Applicant sold Sinclair gas, on a direct basis, for cycling purposes. The meter station used by Applicant in such direct sale is to be reversed and reinstalled, at an estimated cost of $300, and thereafter operated by Applicant to enable receipt and measurement of the residue volumes deliverable by Sinclair.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 27, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-13302; Filed, Dec. 13, 1965; 8:45 a.m.]

[Docket No. CP66-169]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Application

DECEMBER 7, 1965.

Take notice that on December 1, 1965, Natural Gas Pipeline Co. of America (Applicant), 122 South Michigan Avenue, Chicago, Ill., 60603, filed in Docket No. CP66-169 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to construct and operate natural gas transmission and storage facilities in 1966 and 1967 in order to increase its transmission system capacity by 250,000 Mcf of gas per day and to increase its storage facilities capacity by 150,000 Mcf of gas per day, and authorizing Applicant to sell and deliver additional

volumes of gas to its existing customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that its transmission system is proposed to be expanded in the course of a 2-year program by the installation of approximately 367.66 miles of 36-inch looping pipeline and by the addition of 56,400 horsepower compression on its Gulf Coast Line, and by the construction of 49.2 miles of 36-inch pipeline extending from its Herscher Storage Field, located in Kankakee County, Ill., to the facilities of Chicago District Pipeline Co. in Cook County, Ill. Applicant's proposed storage system construction for 1966 and 1967 is comprised of thirty-nine new injection-withdrawal wells, the repiping of approximately 15.74 miles of gathering lines with larger diameter pipe, an addition of approximately 7.39 miles of 12-inch, 10-inch, and 6-inch gathering line, and the installation of 12,460 horsepower of compression. Applicant also proposes the construction and installation of various sales meter stations and miscellaneous appurtenant facilities.

Applicant also seeks authorization to sell and deliver additional daily contract quantities of natural gas to existing resale customers under its Rate Schedules CD–1 and G–1 in amounts totaling 93,238 Mcf and 137,651 Mcf for service commencing on December 1, 1966, and December 1, 1967, respectively.

Applicant states that it intends to allocate the proposed additional storage withdrawal capacity to its customers in accordance with the procedure of allocation set forth in its FPC Gas Tariff, Second Revised Volume No. 1, Rate Schedule S–1. The additional volumes which would result from the application of the Tariff allocation procedure total 78,000 Mcf of gas per day for service commencing on December 1, 1966, and an equal amount for service commencing on December 1, 1967.

The application states that the proposed expansion program also provides for an unallocated capacity of 10,762 Mcf of gas per day in 1966 and 18,349 Mcf of gas per day in 1967, available for service of presently unforeseen requirements of existing customers and new customers.

The total estimated cost of the proposed 2-year program is $88,099,000, with the estimated cost of construction proposed in 1966 being $43,296,000, and that proposed in 1967 being $44,803,000. Applicant proposes to finance these costs with funds to be obtained through interim and permanent financing arrangements.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 29, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65–13303; Filed, Dec. 13, 1965; 8:45 a.m.]

[Docket No. CP66–165]

OHIO FUEL GAS CO.

Notice of Application

DECEMBER 6, 1965.

Take notice that on November 29, 1965, The Ohio Fuel Gas Co. (Applicant), 99 North Front Street, Columbus, Ohio, filed in Docket No. CP66–165 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the establishment of an additional point of delivery and sale to Columbia Gas of Ohio, Inc. (Columbia of Ohio), in Bay Township, Ottawa County, Ohio, for resale to United States Rubber Co., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to tap its Line D–74 in Ottawa County, Ohio, and to construct a measuring station and 1,800 feet of 12¾-inch O.D. pipeline, together with the necessary valves, fittings and incidental facilities.

The application states that Columbia of Ohio's total requirements from Applicant for a peak day during the winter of 1965–66 are estimated at 1,878,200 Mcf. The estimated maximum daily and annual Mcf requirements of the United States Rubber Co. are stated to be:

	First year	Second year	Third year
Annual (Mcf).....	312,726	312,726	455,000
Peak day (Mcf)..	1,880	1,880	2,740

Applicant states that it has been advised by Columbia of Ohio that the present contractual commitments with Applicant are considered adequate for initiation of service to the prospective new customer and that the furnishing of service to its prospective customer in the prospective new market area will not impair its ability to serve the existing markets of its customers.

Applicant further states that a number of industries are presently considering locating in proximity to the new location of the United States Rubber Co. in Ottawa County and that there also exists the probability that residential customers will be added by Columbia of Ohio after it has installed the facilities necessary for it to receive and transport the volumes made available by Applicant at the proposed new delivery point.

The total estimated cost of Applicant's proposed construction is $30,500, which cost will be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 27, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65–13304; Filed, Dec. 13, 1965; 8:45 a.m.]

[Docket No. CP66–168]

RED SNAPPER PIPE LINE CO.

Notice of Application

DECEMBER 6, 1965.

Take notice that on December 1, 1965, Red Snapper Pipe Line Co. (Applicant), Post Office Box 52619, New Orleans, La., 70150, filed in Docket No. CP66–168 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the transportation in interstate commerce of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate a 30-inch marine pipeline lying parallel to, and approximately 75 miles distant from, the Louisiana coast, together with two 30-inch shore lines connecting said pipeline with terminals located near Gibson, Terrebonne Parish, La., and Eshere, Vermillion Parish, La., the entire system aggregating approximately 294.85 miles of 30-inch pipeline. Applicant also proposes to construct the following facilities:

(a) Five 70-foot square steel double deck marine platforms, each supported by four 33-inch diameter steel pilings driven into the gulf floor,

(b) Two 16,000 BHP compressor stations,
(c) Four 72-inch diameter by 30-foot high gas scrubbers each rated 300 Mcf/d,
(d) Six regenerative cycle dry dessicant hydrocarbon control units each rated at 200 Mcf/d,
(e) Two 5 pair 12-inch meter tube sales meter stations and
(f) Other appurtenant facilities necessary and incidental to the operation of the foregoing facilities.

Applicant requests authority to transport, by means of the aforementioned facilities, a peak day volume of 1,182,000 Mcf of natural gas.

The application states that the proposed transmission system would be multiphase in operation with approximately 9.1 percent of the maximum flow capacity of the system being devoted to the transportation of liquid hydrocarbons. Applicant also proposes to construct facilities to separate and store these liquids.

Applicant states that at this time it neither owns any facility nor is it engaged in any activity that is subject to the jurisdiction of the Commission.

Applicant estimates the cost of the proposed facilities will be $127,231,000, which cost is to be financed through the sale of additional common stock to existing shareholders, and by the sale of debt securities to institutional investors.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 27, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65–13305; Filed, Dec. 13, 1965; 8:45 a.m.]

[Docket No. CI66–16]

CHARLES L. REED, LOUIS FABIAN, ET AL.

Notice of Date of Hearing

DECEMBER 6, 1965.

Notice of the application in the above-numbered docket was issued by the Secretary of the Commission on July 20, 1965, and published in the FEDERAL REGISTER on July 27, 1965, 30 F.R. 9333.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 25, 1966, at 10 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by said application.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65–13306; Filed, Dec. 13, 1965; 8:45 a.m.]

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

IMPORTATION OF CERTAIN MERCHANDISE DIRECTLY FROM FRANCE

Available Certifications by the Government of France

Notice is hereby given that certificates of origin issued by the Ministere de l'Industrie of the Government of France under procedures agreed upon between that Government and the Office of Foreign Assets Control in connection with the Cuban Assets Control Regulations are available with respect to the importation into the United States directly, or on a through bill of lading, from France of the following commodity:

Nickel-bearing materials

MARGARET W. SCHWARTZ,
Director, Office of Foreign Assets Control.

[F.R. Doc. 65–13436; Filed, Dec. 13, 1965; 12:19 p.m.]

SECURITIES AND EXCHANGE COMMISSION

[812–1827]

QUEENSLAND ALUMINA SECURITY CORP.

Notice of Filing of Application for Order Declaring Company Exempt

DECEMBER 8, 1965.

Notice is hereby given that Queensland Alumina Security Corp. ("Applicant"), 100 West 10th Street, Wilmington, Del., a corporation organized under the laws of the State of Delaware, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting Applicant from all the provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations which are summarized below.

Applicant was organized solely to facilitate the long-term financing in the United States of Queensland Alumina Ltd. ("QAL"), an Australian corporation, which will operate a bauxite processing plant in the State of Queensland, Australia. All of the issued ordinary shares of QAL and all of Applicant's outstanding 1000 shares of common stock are owned by a major aluminum producer, two subsidiaries of major aluminum producers, and a large mining company, respectively, as follows: Pechiney Campagnie de Products Chimiques et Electrometallurgiques, 20 percent; Kaiser Alumina Australia Corp., a wholly-owned subsidiary of Kaiser Aluminum & Chemical Corp., 52 percent; Alcan Queensland Pty. Limited, a wholly-owned subsidiary of Aluminum Limited, 20 percent; and CRA Alumina Pty. Limited, a wholly-owned subsidiary of Conzine Riotinto of Australia Limited, 8 percent.

Applicant proposes to issue and sell $135,000,000 principal amount of its Secured Notes to six domestic banks and insurance companies, and to apply the proceeds to the purchase of a like principal amount of Dollar Debentures to be issued by QAL. The Dollar Debentures will have the same maturities and interest rate as Applicant's Secured Notes. Each of the purchasers of the Secured Notes will represent that it is purchasing for investment. The Secured Notes will be issued under a closed collateral trust indenture under which all of the Applicant's common stock and all of the Dollar Debentures will be pledged as security. QAL's revenues will be derived from tolling charges in an amount designed to service its Dollar Debentures and to cover operating expenses. The debt service portion of the tolling charges will be assigned and paid directly to the trustee by QAL.

The application states that Applicant will not operate at a profit or pay any dividends, that it has no present intention of issuing any securities other than its common stock and Secured Notes described above, that it will not trade in QAL Dollar Debentures, or own or hold securities of any other company, and that it does not propose to engage in any activities beyond those described in its application.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant has agreed, in the event the Commission grants the application, that the Commission's order may be issued subject to specified conditions relating to the filing with the Commission of certain financial data and information regarding the ownership of its equity securities, transfers or proposals to transfer its Secured Notes, and proposals to issue additional Secured Notes.

Notice is further given that any interested person may, not later than December 22, 1965, at 5:30 p.m., submit to the

Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after such date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65–13318; Filed, Dec. 13, 1965; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[2d Rev. S.O. 947; 2d Rev. Pfahler's Car Dist. Direction 4]

LOUISVILLE AND NASHVILLE RAILROAD CO. ET AL.

Shortage of Boxcars

Pursuant to section I (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (a) (5) (ii) of the Interstate Commerce Commission Second Revised Service Order No. 947 (28 F.R. 12127; 29 F.R. 6014, 9670, 18506; 30 F.R. 6220 and 7522).

It appearing, that there continues to exist a shortage of boxcars in sections of the country served by the Northern Pacific Railway Co. because of the inequitable distribution, and it appearing that the present carrier rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of cars to the railroads owning such cars are ineffective; this agent is of the opinion that an emergency exists requiring immediate action, and that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this direction effective upon less than 30 days' notice.

It is ordered, That:

(1) The Louisville and Nashville Railroad Co., Chicago, Burlington & Quincy Railroad Co., and the Northern Pacific Railway Co. shall observe, enforce, and obey the following directions, rules, regulations, and practices with respect to freight car distribution.

(a) The Louisville and Nashville Railroad Co. shall deliver to the Chicago, Burlington & Quincy Railroad Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44' 8'' and doors less than eight feet wide. Exception: Canadian ownerships.

(b) Cars received by the Chicago, Burlington & Quincy Railroad Co. under this order shall be delivered to the Northern Pacific Railway Co.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be carded to the Northern Pacific Railway Co. and each car shall be identified by the Louisville and Nashville Railroad Co., and Chicago, Burlington and Quincy Railroad Co. on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(2) No common carrier by railroad subject to the Interstate Commerce Act shall intercept, appropriate, or divert any empty cars moving under the provisions of this direction.

(a) The Louisville & Nashville Railroad Co. must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m., to the Chicago, Burlington & Quincy Railroad Co.

(b) The Chicago, Burlington & Quincy Railroad Company must advise Agent R. D. Pfahler each Wednesday as to the number of cars received and delivered, as requested by this order, during the preceding week.

(c) The Northern Pacific Railway Co. must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, received during the preceding week, ending each Sunday at 11:59 p.m.

(3) *Application.* The provisions of this direction shall apply to intrastate, interstate, and foreign commerce.

(4) *Regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(5) *Effective date.* This direction shall become effective at 12:01 a.m., December 10, 1965.

(6) *Expiration date.* This direction shall expire at 11:59 p.m., December 31, 1965, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 8, 1965.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 65–13330; Filed, Dec. 13, 1965; 8:47 a.m.]

[2d Rev. S.O. 947; 2d Rev. Pfahler's Car Dist. Direction 1]

PENNSYLVANIA RAILROAD CO. ET AL.

Shortage of Boxcars

Pursuant to section I (15) and (17) of the Interstate Commerce Act and authority vested in me by Paragraph (a) (5) (ii) of the Interstate Commerce Commission Second Revised Service Order No. 947 (28 F.R. 12127; 29 F.R. 6014, 9670, 18506; 30 F.R. 6220 and 7522).

It appearing, that there continues to exist a shortage of boxcars in sections of the country served by the Northern Pacific Railway Co. because of inequitable distribution, and it appearing that the present carrier rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of cars to the railroads owning such cars are ineffective; this agent is of the opinion that an emergency exists requiring immediate action, and that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this direction effective upon less than 30 days' notice.

It is ordered, That:

(1) The Pennsylvania Railroad Co., Chicago, Burlington & Quincy Railroad Co., and the Northern Pacific Railway Co. shall observe, enforce, and obey the following directions, rules, regulations, and practices with respect to freight car distribution:

(a) The Pennsylvania Railroad Co. shall deliver to the Chicago, Burlington & Quincy Railroad Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships.

(b) Cars received by the Chicago, Burlington & Quincy Railroad Co. under this order shall be delivered to the Northern Pacific Co.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be carded to the Northern Pacific Railway Co. and each car shall be identified by the Pennsylvania Railroad Co., and Chicago, Burlington & Quincy Railroad Co. on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(2) No common carrier by railroad subject to the Interstate Commerce Act shall intercept, appropriate, or divert any empty cars moving under the provisions of this direction.

(a) The Pennsylvania Railroad Co. must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m., to the Chicago, Burlington & Quincy Railroad Co.

(b) The Chicago, Burlington & Quincy Railroad Co. must advise Agent R. D. Pfahler each Wednesday as to the number of cars received and delivered, as requested by this order, during the preceding week.

(c) The Northern Pacific Railway Co. must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, received during the preceding week, ending each Sunday at 11:59 p.m.

(3) *Application.* The provisions of this direction shall apply to intrastate, interstate, and foreign commerce.

(4) *Regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(5) *Effective date.* This direction shall become effective at 12:01 a.m., December 10, 1965.

(6) *Expiration date.* This direction shall expire at 11:59 p.m., December 31, 1965, unless otherwise modified, changed or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 8, 1965.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 65–13331; Filed, Dec. 13, 1965; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 9, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA 40173—*Joint motor-rail rates—Middlewest Motor Feight.* Filed by Middlewest Motor Freight Bureau, agent (No. 363), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middlewest territory; between points in middlewest territory, on the one hand, and, points in Central States and southwestern territories, on the other; between points in Central States, middlewest, and southwestern territory, on the one hand, and, points in Canada, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 59 to Middlewest Motor Freight Bureau, agent, tariff MF–ICC 417.

FSA 40174—*Potatoes other than sweet to points in southern territory.* Filed by Western Trunk Line Committee, agent (No. A–2438), for interested carriers. Rates on potatoes, other than sweet, in carloads, from points in Idaho and Montana, to points in southern territory.

Grounds for relief—Market competition.

Tariff—Supplement 14 to Western Trunk Line Committee, agent, tariff ICC A–4477.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 65–13332; Filed, Dec. 13, 1965; 8:47 a.m.]

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Atomic Energy Commission
Civil Aeronautics Board
Consumer and Marketing Service
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Farmers Home Administration
Federal Aviation Agency
Federal Communications Commission
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Title 3—THE PRESIDENT

Executive Order 11260

AMENDING EXECUTIVE ORDER NO. 11185 RELATING TO FACILITATING COORDINATION OF FEDERAL EDUCATION PROGRAMS

WHEREAS there has been created in the Department of Health, Education, and Welfare, under the authority of Section 4(a) of Public Law 89-115, approved August 9, 1965, 79 Stat. 449, the position of "Assistant Secretary (for Education)"; and

WHEREAS it is appropriate that the Assistant Secretary (for Education) perform the function of facilitating the coordination of Federal education programs and be a member, and the chairman, of the Federal Interagency Committee on Education:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered that Executive Order No. 11185 [1] of October 16, 1964, entitled "To Facilitate Coordination of Federal Education Programs," be, and it is hereby, amended as follows:

(1) By substituting for the text "Commissioner of Education (hereinafter referred to as the Commissioner)" in Section 1 the following: "Assistant Secretary (for Education) (hereinafter referred to as the Assistant Secretary)".

(2) By substituting for "Commissioner of Education" in the catchline of Section 2 the following: "Assistant Secretary (for Education)".

(3) By substituting for the word "Commissioner" in the first sentence of Section 2 and in Sections 3(c), 3(d), and 4(b) the words "Assistant Secretary".

(4) By substituting for the text "The Committee shall be composed of the Commissioner, who shall be the chairman", in Section 4(c), the following: "The Committee shall be composed of the Assistant Secretary, who shall be the chairman, the Commissioner of Education".

LYNDON B. JOHNSON

THE WHITE HOUSE,
December 11, 1965.

[F.R. Doc. 65-13442; Filed, Dec. 13, 1965; 2:50 p.m.]

[1] 3 CFR 1964 Supp., p. 201; 29 F.R. 14399.

Executive Order 11261

AMENDING EXECUTIVE ORDER NO. 10973 OF NOVEMBER 3, 1961, PROVIDING FOR THE ADMINISTRATION OF FOREIGN ASSISTANCE AND RELATED FUNCTIONS

By virtue of the authority vested in me by the Foreign Assistance Act of 1961 (75 Stat. 424), and as President of the United States, it is ordered that Executive Order No. 10973 [1] of November 3, 1961, be, and it is hereby, amended by substituting for Section 304 thereof the following:

"SEC. 304. *United States Information Agency.* (a) The United States Information Agency shall perform all public information functions abroad with respect to the foreign-assistance, aid, and development programs of the United States Government.

"(b) There are hereby delegated to the Director of the United States Information Agency the functions conferred upon the President by sections 221 and 222 of the Act to the extent that those functions relate to informational media guaranties authorized by section 1011 of the United States Information and Educational Exchange Act of 1948 (68 Stat. 862), as amended."

LYNDON B. JOHNSON

THE WHITE HOUSE,
December 11, 1965.

[F.R. Doc. 65-13441; Filed, Dec. 13, 1965; 2:50 p.m.]

[1] 3 CFR 1959–1963 Comp., p. 493; 26 F.R. 10469.

Executive Order 11262

PLACING ADDITIONAL POSITIONS IN LEVELS IV AND V OF THE FEDERAL EXECUTIVE SALARY SCHEDULE

By virtue of the authority vested in me by subsection (f) of section 303 of the Government Employees Salary Reform Act of 1964, and as President of the United States, Executive Order No. 11248 of October 10, 1965, as amended, is further amended as follows:

SECTION 1. Section 1 of that Order, placing certain positions in Level IV of the Federal Executive Salary Schedule, is amended by adding thereto the following:

(4) Executive Secretary, President's Commission on Law Enforcement and Administration of Justice.

SEC. 2. Section 2 of that Order, placing certain positions in Level V of the Federal Executive Salary Schedule, is amended by adding thereto the following:

(4) Director, Bureau of Outdoor Recreation, Department of the Interior.

(5) Assistant to the Secretary of Defense (Legislative Affairs).

LYNDON B. JOHNSON

THE WHITE HOUSE,
December 13, 1965.

[F.R. Doc. 65-13465; Filed, Dec. 13, 1965; 4:58 p.m.]

Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER A—GENERAL REGULATIONS

[FHA Instructions 442.1, 442.2, 442.4, 443.1, 444.1, 444.4, 444.5, 471.1]

PART 310—INTEREST, ANNUAL CHARGE, AND REPURCHASE AGREEMENT FOR INSURED LOANS

Part 310, Subchapter A, Chapter III, Title 6, Code of Federal Regulations (28 F.R. 9937, 29 F.R. 339, 30 F.R. 565), is revised to prescribe new rates and terms available to insured lenders, to include reference to the Rural Housing Insurance Fund and insured section 502 Rural Housing loans, to define "public body," to make other clarifying changes, and to read as follows:

Sec.
310.1 Definitions.
310.2 General.
310.3 Farm Ownership, Labor Housing, Soil and Water, and section 502 Rural Housing loans to applicants other than public bodies.
310.4 Labor Housing and Soil and Water loans to public bodies.
310.5 Senior Citizens Rental Housing loans.
310.6 Loans resold out of the insurance fund.

AUTHORITY: The provisions of this Part 310 issued under sec. 510, 63 Stat. 437, sec. 339, 75 Stat. 318; 42 U.S.C. 1480, 7 U.S.C. 1989; Orders of Sec. of Agr., 29 F.R. 16210, 16840, 30 F.R. 14049. Additional provisions are cited in parentheses following the sections affected.

§ 310.1 Definitions.

As used in this part, the term:

(a) "Fixed period" means the period during which the holder of an insured loan is not entitled to have the loan purchased by the Government.

(b) "Repurchase agreement" means the provision in the insurance endorsement or other agreement by which the Government agrees to purchase the loan from the holder after the expiration of a specified fixed period.

(c) "Annual charge" means the percentage per annum of the unpaid principal balance of the loan which is retained by the Government out of interest payments on such loans as provided in its loan insurance contract with the holder.

(d) "Insurance endorsement" means Form FHA 440–5, "Insurance Endorsement," or other form of insurance endorsement approved by the Farmers Home Administration, which the Government executes at the time it insures the loan.

(e) "Insurance fund" or "the fund" means the Agricultural Credit Insurance Fund made available under section 309 (a) of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1929(a)), or the Rural Housing Insurance Fund made available under section 517(e) of the Housing Act of 1949 (42 U.S.C. 1487(e)), for the discharge of obligations of the Farmers Home Administration under its insurance endorsements.

(f) "Public body" means a State, Territory, or a possession of the United States, or any political subdivision of such State, Territory, or possession, including districts and divisions thereof, when the interest income derived from obligations issued by such State, Territory, possession or political subdivision, is exempt from Federal income taxation.

(g) "Farm Ownership loan" means a Farm Ownership loan insured under the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1921 et seq.).

(h) "Soil and Water loan" means a Soil and Water loan insured under the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1921 et seq.).

(i) "Labor Housing loan" means a Domestic Farm Labor Housing loan insured under section 514 of the Housing Act of 1949 (42 U.S.C. 1484) or under section 517(b) of the Housing Act of 1949 (42 U.S.C. 1487(b)).

(j) "Senior Citizens Rental Housing loan" means a Senior Citizens Rental Housing loan insured under section 515 (b) of the Housing Act of 1949 (42 U.S.C. 1485(b)) or under section 517(b) of the Housing Act of 1949 (42 U.S.C. 1487(b)).

(k) "Section 502 Rural Housing loan" means a Rural Housing loan insured under section 517(a) of the Housing Act of 1949 (42 U.S.C. 1487(a)).

§ 310.2 General.

(a) Interest rates, annual charges, and lengths of the fixed periods for nonredemption of loans insured by the Farmers Home Administration shall be as prescribed in this Part 310. However, the Administrator of the Farmers Home Administration may, in his discretion, by reason of the condition of the money market generally or in specific instances, or the needs of the program, authorize the insurance of any loan or class of loans with a different rate of interest or annual charge, or a different fixed period, or any combination thereof.

(b) Loans made by lenders other than the United States will be insured at the time of the loan closing. Loans made by the United States out of the insurance fund will be sold to lenders singly or in blocks and will be insured at the time of sale.

(c) The annual charge to be retained by the Government will be the difference, if any, between the per annum interest rate to the lender on the unpaid balance of the loan and the per annum interest rate to the borrower on the unpaid balance of the loan. Such annual charge, if any, will be specified in the insurance endorsement.

§ 310.3 Farm Ownership, Labor Housing, Soil and Water, and section 502 Rural Housing loans to applicants other than public bodies.

(a) For Farm Ownership, Labor Housing, and Soil and Water loans made to applicants other than public bodies, the interest rate to the borrower will be 5 percent per year on the unpaid principal balance of the loan.

(b) For section 502 Rural Housing loans, the interest rate will be 5 percent to the borrower whose family income is low or moderate, or 5¾ percent to the borrower whose family income is above moderate.

(c) The interest rate to the lender will be either 4¾ percent with a 5-year repurchase agreement, or at the lender's option, 5 percent with a 25-year repurchase agreement.

(Sec. 514, 75 Stat. 186, secs. 307, 308, 75 Stat. 308, sec. 517, 79 Stat. 498; 42 U.S.C. 1484, 1487, 7 U.S.C. 1927, 1928)

§ 310.4 Labor Housing and Soil and Water loans to public bodies.

For Labor Housing and Soil and Water loans made to public bodies, the interest rate to the lender will be determined by bid. The interest rate to the borrower will be the rate to the lender plus one percent if the rate to the lender is 3 percent or less, or 4 percent if the rate to lender is more than 3 percent but not more than 4 percent. The length of the fixed period will be 5 years.

(Sec. 514, 75 Stat. 186, secs. 307, 308, 75 Stat. 308, sec. 517(b) 79 Stat. 498; 42 U.S.C. 1484, 1487(b), 7 U.S.C. 1927, 1928)

§ 310.5 Senior Citizens Rental Housing loans.

For Senior Citizens Rental Housing loans, the interest rate to the borrower will be 5¾ percent. The rate to the lender, the annual charge and length of fixed period will be determined by negotiation between the Farmers Home Administration and the buyer.

(Sec. 515(b), 76 Stat. 671, sec. 517(b), 79 Stat. 498; 42 U.S.C. 1485(b), 1487(b))

§ 310.6 Loans resold out of the insurance fund.

Loans previously insured and purchased by the fund may be resold to lenders singly or in blocks and will be reinsured at the time of sale. The interest rate to the lender and the length of the fixed period will be determined by negotiation between the Farmers Home Administration and the buyer. The fixed

period will begin on the date of the Government's reinsurance agreement.

(Sec. 514, 75 Stat. 186, secs. 308, 309, 75 Stat. 308, 309, sec. 515(b), 76 Stat. 671, sec. 517, 79 Stat. 498; 42 U.S.C. 1484, 1485(b), 1487, 7 U.S.C. 1928, 1929)

This order is effective as of November 8, 1965.

Dated: December 10, 1965.

HOWARD BERTSCH,
Administrator,
Farmers Home Administration.

[F.R. Doc. 65-13333; Filed, Dec. 14, 1965; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter II—Consumer and Marketing Service (School Lunch Program), Department of Agriculture

[Amdt. 4]

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Miscellaneous Amendments

The regulations for the operation of the National School Lunch Program (28 F.R. 1247) as amended (28 F.R. 1415, 11531, 29 F.R. 311, 14619) are hereby amended as follows:

1. Paragraph (b) of § 210.1 *General purpose and scope* is amended to read as follows:

§ 210.1 General purpose and scope.

* * * * *

(b) The Act authorizes the apportionment of funds to the States for (1) general food assistance, (2) special food assistance, and (3) nonfood assistance, and also authorizes donations of agricultural commodities and other foods acquired by the Department. This part announces the policies and prescribes the regulations with respect to the operation of the general cash-for-food assistance and the special cash-for-food assistance phases of the program (i.e., subparagraphs (1) and (2) of this paragraph) conducted under the National School Lunch Act.

2. Paragraphs (f) and (h) of § 210.2 *Definitions* are amended as follows:

§ 210.2 Definitions.

* * * * *

(f) "FDAO" means Food Distribution Area Office(s), Consumer Food Programs, of the Consumer and Marketing Service of the U.S. Department of Agriculture.

* * * * *

(h) "Milk" means unflavored milk which meets State and local standards for fluid whole milk and flavored milk made from fluid whole milk which meets such standards.

* * * * *

3. Section 210.4 *Apportionment of funds to States* is amended to read as follows:

§ 210.4 Apportionment of funds to States.

(a) Any Federal funds made available for general cash-for-food assistance shall be apportioned among the States in accordance with section 4 of the Act on the basis of two factors: (1) The participation rate for the State, and (2) the assistance need rate for the State. The amount of apportionment to any State shall be determined by the following method: First, by determining an index for the State by multiplying factors (1) and (2) of this paragraph; second, by dividing this index by the sum of the indices for all the States (exclusive of American Samoa for periods ending before July 1, 1967); and third, by applying the figure thus obtained to the total funds to be apportioned.

(b) For the five fiscal years in the period beginning July 1, 1962, and ending June 30, 1967, the amount apportioned to American Samoa for general cash-for-food assistance shall be $25,000 each year, which amount shall be first deducted from the funds available for apportionment in determining the amounts to be apportioned to the other States.

(c) If any State cannot utilize all the funds apportioned to it for general cash-for-food assistance, or if additional funds are made available under section 3 of the Act for apportionment among the States, further apportionment shall be made among the remaining States in the same manner as the initial apportionment: *Provided, however,* That the Department may determine the minimum amount of such funds it is practicable to so apportion.

(d) A share of the general cash-for-food assistance funds apportioned to any State shall be withheld by C&MS for the nonprofit private schools of that State, if the State Agency does not administer the Program in such schools. The funds so withheld by C&MS shall be an amount which bears the same ratio to the general cash-for-food assistance funds apportioned to that State as the participation rate of all nonprofit private schools of the State bears to the participation rate of all schools in the State.

(e) Three percent of any Federal funds made available for special cash-for-food assistance under section 11 of the Act for any fiscal year shall be apportioned to Puerto Rico, the Virgin Islands, Guam, and American Samoa. The apportionment to each of those States shall be in an amount which bears the same ratio to the total of such funds as the number of free or reduced-price lunches served in accordance with § 210.9 in those States in the preceding fiscal year bears to the total number of free or reduced-price lunches so served in all those States in the preceding fiscal year. Of the remaining amount made available for special cash-for-food assistance under section 11 of the Act for any fiscal year, not less than 50 percent shall be apportioned among the States, other than Puerto Rico, the Virgin Islands, Guam, and American Samoa, on the basis of two factors, (1) the number of free or reduced-price lunches served in accordance with § 210.9 in the preceding fiscal year and (2) the assistance need rate. These factors shall be applied in the following manner: First, determine an index for each State by multiplying factors (1) and (2) of this paragraph; second, divide this index by the sum of the indices for all such States; and, third, apply the figure thus obtained to the total funds to be apportioned. Any funds so initially apportioned to a State under section 11 of the Act which cannot be used for special cash-for-food assistance together with the remainder of the funds available under section 11 shall be further apportioned on the same basis as the initial apportionment to such States which justify the need for additional funds on the basis of operating experience.

(f) A share of the special cash-for-food assistance funds apportioned to any State shall be withheld by C&MS for the nonprofit private schools of that State, if the State Agency does not administer the Program in such schools. The funds so withheld by C&MS shall be an amount which bears the same ratio to the special cash-for-food assistance funds apportioned to the State as the number of free and reduced-price lunches served in accordance with § 210.9 in the preceding fiscal year by all nonprofit private schools participating in the Program in the State bears to the number of free and reduced-price lunches so served during the year by all schools participating in the Program in the State.

4. Section 210.5 *Payments to States* is amended by adding the following paragraph:

§ 210.5 Payments to States.

* * * * *

(b) The special cash-for-food assistance funds apportioned to any State Agency for any fiscal year shall be made available in accordance with the method set forth in this section for general cash-for-food assistance, and to the extent practicable shall be in accordance with the same schedules.

* * * * *

5. Section 210.6 *Matching of funds* is amended by adding the following paragraph:

§ 210.6 Matching of funds.

* * * * *

(f) Notwithstanding the provisions of the foregoing paragraphs of this section, no matching of funds shall be required with respect to special cash-for-food assistance.

6. Paragraph (c) of § 210.8 *Requirements for participation* is amended to read as follows:

§ 210.8 Requirements for participation.

* * * * *

(c) Selection of schools for participation in the Program shall be in accordance with the following:

(1) Schools shall be selected for participation in the general cash-for-food assistance phase of the Program on the basis of need and attendance.

(2) Schools shall be selected for participation in the special cash-for-food assistance phase of the Program on the basis of the following factors: (i) The economic condition of the area from which such schools draw attendance; (ii) the needs of pupils in such schools for free and reduced-price lunches; (iii) the percentage of free and reduced-price lunches being served in such schools to their pupils; (iv) the prevailing price of lunches in such schools as compared with the average prevailing price of lunches served in the State under the National School Lunch Act and (v) the need of such schools for additional assistance as reflected by the financial position of the school lunch program in such schools. (For the purposes of subdivision (v) of this subparagraph the need for additional assistance shall mean the need for reimbursement at rates above nine cents per Type A lunch.) The need for special assistance out of section 11 funds shall be reviewed annually.

(3) In no event shall any school which operates the food or milk service in any attendance unit under a contractual arrangement with a concessionaire or food service management company or under a similar arrangement be eligible for participation in the Program with respect to such attendance unit, even though the school or such attendance unit obtains no profit from the operation of such food or milk service.

* * * * *

7. Paragraph (a) of § 210.10 *Reimbursement payments* is amended to read as follows:

§ 210.10 Reimbursement payments.

(a) Reimbursement shall be paid only in connection with lunches meeting the requirements of § 210.9. The maximum rate of reimbursement shall be 9 cents for a Type A lunch, except that not to exceed 7 cents may be paid if the Type A lunch does not include milk; and the maximum rate of reimbursement shall be 2 cents for a Type C lunch: *Provided, however,* That State Agencies, or FDAO where applicable, are authorized to reimburse from general cash-for-food assistance funds, at rates not to exceed 15 cents for a Type A lunch and 13 cents for a Type A lunch which does not include milk, schools which have a high proportion of children unable to pay for their lunches and for which it is determined that additional financial assistance is needed in order that they can meet program requirements; and State Agencies, or FDAO where applicable, are authorized to reimburse from special cash-for-food assistance funds, at rates not to exceed 15 cents for a Type A lunch and 13 cents for a Type A lunch which does not include milk, schools which have been selected for participation on the basis of the following factors: (1) The economic condition of the area from which such schools draw attendance; (2) the needs of pupils in such schools for free and reduced-price lunches; (3) the percentage of free and reduced-price lunches being served in such schools to their pupils; (4) the prevailing price of lunches in such schools as compared with the average prevailing price of lunches served in the State under the National School Lunch Act; and (5) the need of such schools for additional assistance as reflected by the financial position of the school lunch programs in such schools. In the event the funds made available under section 11 of the Act are insufficient to reimburse schools participating in the special cash-for-food assistance phase of the Program for the entire school year, general cash-for-food assistance funds may be used to reimburse claims of such schools for the latter part of the school year.

* * * * *

8. Section 210.16 *Administrative analyses and audits* is amended by adding the following:

§ 210.16 Administrative analyses and audits.

* * * In making administrative analyses or audits for any fiscal year, the State Agency, and OIG in connection with audits of operations under the administration of a State Agency, may disregard any overpayment which does not exceed $5.00 or does not exceed the amount established under State law, regulations or procedure as a minimum amount for which claim will be made for State losses generally: *Provided, however,* That no overpayment shall be disregarded where there are unpaid claims of the same fiscal year from which the overpayment can be deducted, or where there is evidence of violation of Federal or State statutes.

This amendment shall be effective upon filing with the Office of the Federal Register.

Approved: December 9, 1965.

[SEAL] GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 65-13372; Filed, Dec. 14, 1965; 8:47 a.m.]

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Appendix—Initial Apportionment of Food Assistance Funds Pursuant to National School Lunch Act Fiscal Year 1966

Pursuant to section 11 of the National School Lunch Act, as amended, food assistance funds available for the fiscal year ending June 30, 1966, are apportioned among the States as follows:

State	Initial apportionment	State agency	Withheld for private schools
Alabama	$29,090	$28,460	$630
Alaska	3,725	3,725	
Arizona	12,797	10,681	2,116
Arkansas	18,664	17,799	865
California	20,196	20,196	
Colorado	5,738	4,727	1,011
Connecticut	2,456	2,456	
Delaware	496	490	6
District of Columbia	6,020	6,020	
Florida	39,925	38,510	1,415
Georgia	42,981	42,981	
Guam	141	77	64
Hawaii	3,063	1,498	1,565
Idaho	1,421	1,231	190
Illinois	10,975	10,975	
Indiana	8,007	8,007	
Iowa	7,021	4,976	2,045
Kansas	3,204	3,204	
Kentucky	52,085	52,085	
Louisiana	59,802	59,802	
Maine	5,710	4,141	1,569
Maryland	5,491	3,698	1,793
Massachusetts	12,799	12,799	
Michigan	14,206	10,526	3,680
Minnesota	9,634	7,233	2,401
Mississippi	28,744	28,744	
Missouri	12,595	12,595	
Montana	3,689	2,945	744
Nebraska	5,683	3,662	2,021
Nevada	698	693	5
New Hampshire	2,966	2,966	
New Jersey	7,708	3,819	3,889
New Mexico	14,795	14,795	
New York	196,724	196,724	
North Carolina	37,437	37,437	
North Dakota	3,341	2,223	1,118
Ohio	26,212	19,950	6,262
Oklahoma	17,280	17,280	
Oregon	2,202	2,202	
Pennsylvania	36,931	24,282	12,649
Puerto Rico	57,740	57,740	
Rhode Island	271	271	
South Carolina	38,173	36,969	1,204
South Dakota	5,345	5,345	
Tennessee	49,426	48,613	813
Texas	39,420	36,484	2,936
Utah	5,376	5,321	57
Vermont	1,728	1,728	
Virginia	19,600	18,913	687
Virgin Islands	1,656	1,656	
Washington	5,618	4,622	996
West Virginia	23,010	22,547	469
Wisconsin	10,045	5,853	4,192
Wyoming	459	459	
American Samoa	463	463	
Total	1,030,000	972,608	57,392

(Secs. 2–12, 60 Stat. 230–233, as amended, 76 Stat. 944; 42 U.S.C. 1751–1760)

Dated: December 9, 1965.

ROY W. LENNARTSON,
Associate Administrator.

[F.R. Doc. 65-13373; Filed, Dec. 14, 1965; 8:45 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

Proportionate Shares for Farms; 1966 Crop

Sec.
850.168 Definitions.
850.169 National acreage requirement, minimum proportionate share acreages for reserve localities, contingency acreage and State acreage allocations.
850.170 Administration of proportionate share program.

Sec.
850.171 Subdivision of State acreage allocation.
850.172 Requests for shares.
850.173 Set-aside acreage for new producers and students, appeals and adjustments.
850.174 Establishment of farm bases,
850.175 Eminent domain.
850.176 Establishment of initial shares for old-producer farms.
850.177 Adjustments.
850.178 Establishment of shares for old-producer farms.
850.179 Establishment of shares for reserve acreage farms.
850.180 Establishment of shares for new-producer farms.
850.181 Distribution of unused acreages.
850.182 Notification of shares and right of appeal.
850.183 Notification of excess sugarbeet acreage.
850.184 Redetermination of shares for reconstituted farms.
850.185 Erroneous notice of 1966 share or of excess acreage.
850.186 Eligibility for payment under the Act.
850.187 Shares for farms from acreage allocated for single nonaffiliated factories.

AUTHORITY: §§ 850.168 to 850.187 issued pursuant to sec. 302 of the Sugar Act of 1948, as amended (sec. 403, 61 Stat. 932; 7 U.S.C. 1153, secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132; P.L. 89-331).

§ 850.168 Definitions.

(a) "Act", "Secretary", "Deputy Administrator", "State Committee", "County Committee", "Producer" and "Operator" shall have the meaning set forth in Part 891 of this chapter.

(b) "DASCO" means Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

(c) "Old-producer farm" means a farm for which a 1966-crop farm base is established pursuant to § 850.174.

(d) "New-producer farm" means a farm, other than a reserve acreage farm, for which a 1966-crop farm base may not be established pursuant to the provisions of § 850.174.

(e) "Accredited acreage" for any crop year means the acreage of sugarbeets within farm proportionate shares, when applicable, which was either harvested for the extraction of sugar or liquid sugar as determined by the county committee or was determined by a member of the county committee to have been bona fide abandoned acreage to the extent of fulfilling at least the requirements for abandonment payment set forth in subparagraphs (1) through (5) of § 842.2 of this chapter as shown by the county office records, including any prevented acreage approved for the farm or recorded for the proportionate share area, as the case may be, in accordance with the limitations on the prevented acreage history credit that may be approved pursuant to Part 849 of this chapter, but excluding any acreage used within the acreage committed to a farm pursuant to Part 851 of this chapter, except acreage committed to the Mendota, Calif., locality.

(f) "Reserve acreage" means the acreage committed to a locality in a State and to a farm or farm operator pursuant to Part 851 of this chapter, except acreage committed to the Mendota, Calif., locality.

(g) "Reserve acreage farm" means any farm or farm operator in a personal history area receiving a commitment of acreage for the 1966-crop year from acreage allocated in paragraph (b) of § 850.169. Such commitment shall be not more than the amount of reserve acreage for the crop committed to the farm pursuant to Part 851 of this chapter. For the purposes of this section, a reserve acreage farm in a farm history area shall be entitled to the accredited acreage record, if any, accruing to such farm in excess of the reserve acreage for the crop committed to such farm pursuant to Part 851 of this chapter.

(h) "Base period" means the 1962, 1963, and 1964 crop years, except that the base period for any farm in the Mendota, Calif., locality to which a commitment was made pursuant to Part 851 of this chapter shall be 1963, 1964, and 1965. The accredited acreage record of farms on which sugarbeets were planted pursuant to a commitment of acreage during the period 1963–65 will be used in lieu of the accredited acreage on such farms in the period 1962–64 for purposes of allotting the State acreage allocations to the allotment areas in California.

(i) "Personal history area" means any State or substantial portion thereof in which the personal sugarbeet production history of farm operators was used generally prior to 1962 in establishing shares or where shares were not established prior to 1962 and the State Committee is authorized by DASCO to use personal history.

(j) "Farm history area" means any area which is not a personal history area.

(k) "Proportionate share" or "share" means the proportionate share for a farm in terms of planted acreage as provided in sections 301 and 302 of the Act.

(l) "1965 formula" means the formula, including the adjustment factor, that was applied to the accredited acreage record of the farm (or farm operator in a personal history area) to determine the 1965 initial share for the farm (or farm operator in a personal history area).

(m) "The 1965 share" means the share initially established for the 1965 farm and for which notice was first given the producer, and includes any adjustment granted under an appeal pursuant to Part 780 of this title.

§ 850.169 National acreage requirement, minimum proportionate share acreages for reserve localities, contingency acreage and State acreage allocations.

(a) *National acreage requirement.* A requirement of 1,435,000 acres is hereby established for the 1966 crop of sugarbeets. The acreages shown in paragraphs (b), (c), and (d) of this section are reserved from the foregoing requirement and are allocated as provided in such paragraphs.

(b) *Proportionate share acreages for reserve localities.*

Locality	Acres
Hereford, Tex.:	
Castro, Deaf Smith, and Parmer Counties	[1] 22,230
Curry County, N. Mex.	[2] 2,500
Ottawa, Ohio:	
Allen, Auglaize, Defiance, Fulton, Hancock, Hardin, Putnam, and Van Wert Counties	2,415
Idaho Falls, Idaho:	
Bannock, Bingham, Bonneville, Fremont, Jefferson, Madison and Power Counties	8,140
Carrollton-Croswell:	
Michigan (counties of east central Mich.)	4,030
Drayton, N. Dak.:	
Kittson and Marshall Counties, Minn	[3] 12,205
Pembina and Walsh Counties, N. Dak.	[3] 18,795
Drayton locality: total	31,000
Auburn, N.Y.:	
Cayuga, Onandaga, Ontario, Oswego, Seneca, Tompkins, Wayne and Yates Counties	29,500
Phoenix, Ariz.:	
Any county	20,000
Easton, Maine:	
Aroostook County	33,000
Total	152,815

[1] Texas.
[2] New Mexico.
[3] Approximate.

While the commitments of acreage to the foregoing localities pursuant to Part 851 of this chapter specifically enumerated the counties named above, the processor is not precluded from contracting with farms in other counties if such action is necessary to utilize the acreage committed to the locality on the best qualified farms.

(c) *Proportionate share acreages for single plant localities.* To provide any nonaffiliated single plant processor of sugarbeets with an estimated quantity of sugar for marketing of not to exceed 25,000 short tons of sugar, raw value, the following acreage is hereby allocated:

Locality	Acres
The National Sugar Manufacturing Co.:	
Colorado	1,250
Kansas	2,525
Buckeye Sugars, Inc.:	
Ohio	350

The foregoing acreage allocation, hereinafter referred to as "single plant reserve," is in addition to the allotments that may be made to the respective company areas as the result of the subdivision of the State acreage allocations pursuant to § 850.171. Individual farm proportionate shares from the acreage made available pursuant to this section shall be established pursuant to § 850.187.

(d) *Contingency acreage.* Contingency acreage of 1,000 acres is reserved for use by DASCO and may be allocated by him to States to provide acreage otherwise unavailable for increases in shares granted by DASCO on the basis of appeals made to him in accordance with Part 780 of this title, and for the purpose of rectifying misapplications of these regulations or errors in establishing shares and to provide acreage for other contingencies, the meeting of which are deemed necessary to carry out the objectives of the Act.

(e) *State acreage allocations.* After deducting the acreage as heretofore provided in this section, the balance of the national acreage requirement totaling 1,277,060 is allocated to States as follows:

State	Acres	State	Acres
California	321,945	North Dakota	48,923
Colorado	175,383	Ohio	29,622
Idaho	152,723	Oregon	19,970
Illinois	1,069	South Dakota	10,560
Indiana	57	Texas	6,124
Iowa	3,667	Utah	34,025
Kansas	20,629	Washington	56,312
Michigan	77,862	Wyoming	57,605
Minnesota	113,009		
Montana	83,651		
Nebraska	81,520		
Nevada	2,309		
New Mexico	95		

(f) *Shares for old growers with history in the closed factory district of Nebraska.* Subject to the limitations of available unused acreage from the allotment to the American Crystal Area of Nebraska for the 1966 crop, the State Committee for Nebraska shall take appropriate action to cause the establishment of shares for producers who are forced to discontinue sugarbeet production in such area because of the closing of the beet sugar factory serving the area and who undertake to continue sugarbeet production in another area of the State.

(1) *Action by the State Committee for Nebraska.* The State Committee shall compute a new-producer share for each such producer by applying the 1965 formula used in establishing old-producer shares in the American Crystal Area of Nebraska to the sugarbeet production record in the base period of the land formerly operated by such producer, the personal production record of the operator in the base period, or combination thereof.

(2) *Limitation.* The acreage to be used to establish such new-producer shares for producers who move from the American Crystal allotment area of Nebraska to another area in that State will be limited to the amount of acreage which the Nebraska State Committee determines will not be used for the production of sugarbeets for sugar in the American Crystal allotment area and reduces the allotment to such area by such amount: *Provided*, That any such acreage shall be reduced by the amount of the share, if any, that is permitted to be established pursuant to this Part 850 on the basis of the past production records of the farm such producer will operate in 1966.

§ 850.170 Administration of proportionate share program.

(a) *State Committee responsibilities.* The State Committee shall be responsible for establishing farm shares in accordance with the provisions of this Part 850. In carrying out the program, the committee may obtain recommendations from individual growers, grower organizations, processors and other interested persons at a meeting or meetings to be held by the committee.

(b) *Basic determinations.* The State Committee shall formulate in written form the following determinations:

(1) The subdivision of the State into allotment areas, where applicable.

(2) Level of the set-asides for new producers.

(3) Level of each of the set-asides for appeals and adjustments.

(4) The level of minimum small-producer shares, if determined by the State Committee.

(5) The minimum acreage which the committee determines is economically feasible to plant as a new-producer share and the method of distributing such new-producer shares.

(6) Date beyond which sugarbeets are not normally seeded in allotment areas of State.

(c) *Review by DASCO.* Determinations shall be reviewed by DASCO for conformity with the provisions of this Part 850, shall be subject to the approval of DASCO and shall be available for public inspection in State and county offices. The determinations for each State shall be effective when published in the FEDERAL REGISTER.

§ 850.171 Subdivision of State acreage allocation.

(a) *Allotment areas.* Before establishing shares, the State Committee may subdivide the State acreage allocation into allotments for areas within the State, such as the territory served by a beet sugar company, a county or a group of counties.

(b) *Formula.* In making such a subdivision, the State committee shall apply the same formula that was used to establish 1965 crop year area allotments except that in the Mendota, Calif., locality, the formula will be applied to the 1963, 1964, and 1965 accredited acreages. A formula will not be applied to acreage commitments remaining in effect from the National Sugarbeet Acreage Reserve.

(c) *State not subdivided.* If the State acreage allocation is not subdivided, shares will be established directly from such allocation and the State shall be deemed to be one allotment area.

§ 850.172 Requests for shares.

(a) *Filing requests by operator.* Except as provided in paragraph (b) of this section, the operator of a farm for the 1966–crop desiring a share, shall file a written request therefor with the local Agricultural Stabilization and Conservation Service County Office on or before the effective closing date shown in paragraph (f) of this section. In the case of a joint operation, the request for a share shall be made in the names of all such persons by the person (or persons) who bears the major portion of the opportunity of gain or risk of loss. A request for a share with respect to a farm to be operated by a corporation, association or partnership shall be made in the name of the corporation, association or partnership.

(b) *Request filed by persons other than farm operator.* An owner in a farm history area when the operator of his 1966 farm is not known, or in a personal history area a person having an accredited acreage record who does not know what area his 1966 farm will comprise prior to the closing date for filing requests, who desires a share for his farm or prospective farm may file the request required in paragraph (a) of this section. In a personal history area such a request will be considered as a preliminary request.

(c) *Information required.* Except as provided in paragraph (b) of this section, each request shall specify the location of the land, the identity of the farm, and shall include a statement that the person (or persons) signing the request will be the operator of the farm at the time of planting 1966-crop sugarbeets thereon, that he (or they) plan to continue as operator of the farm throughout the 1966-crop season and that he (or they) will promptly notify the county committee of any changes in operations of the farm made during the season. The name of the owner or lessor of the land comprising the farm, if different from the operator thereof, shall also be stated on the request.

(d) *Obtaining request forms.* A request form may be obtained from local Agricultural Stabilization and Conservation county offices, from fieldmen of sugar companies or from such other source as the State Committee may designate. The State Committee shall publicize directions for filing such requests.

(e) *Effective closing dates.*

State	Closing date
Arizona	May 25, 1966
California:	
Northern area	Dec. 17, 1965
Southern area	Mar. 25, 1966
Colorado	Jan. 28, 1966
Idaho	Jan. 14, 1966
Illinois	Mar. 18, 1966
Indiana	Feb. 11, 1966
Iowa	Feb. 25, 1966
Kansas	Jan. 28, 1966
Maine	Mar. 11, 1966
Michigan	Feb. 11, 1966
Minnesota	Jan. 31, 1966
Montana	Jan. 14, 1966
Nebraska	Jan. 28, 1966
Nevada	Feb. 11, 1966
New Mexico	Feb. 1, 1966
New York	Mar. 11, 1966
North Dakota	Jan. 31, 1966
Ohio	Feb. 11, 1966
Oregon	Jan. 14, 1966
South Dakota	Feb. 11, 1966
Texas	Jan. 21, 1966
Utah	Jan. 28, 1966
Washington	Jan. 7, 1966
Wyoming	Jan. 14, 1966

(f) *Exceptions to closing date.* A request may be accepted after the effective closing date for consideration with respect to available acreage, if the State committee determines that the person desiring a share was prevented from filing by such date due to illness or other reason beyond his control. If, after the expiration of a reasonable time for the acceptance of requests generally following the closing date, the total acreage planted in any State does not exceed the allocation for the State, the proportion-

ate shares for both old and new-producer farms in such State may be revised by the State committee so as to coincide with the planted acreages, except that if the county or State committee determines for a farm that the acreage has not been timely reported in accordance with paragraph (e) of § 850.186, as required under Part 817 of this chapter, or was knowingly incorrectly reported by the farm operator and either such committee determines that the planted acres exceed the proportionate share for the farm, a proportionate share shall not be established to coincide with the planted acreage.

§ 850.173 Set-aside acreage for new producers and students, appeals and adjustments.

(a) *New producers and students.* Not less than one-half of 1 percent of the State acreage allocation shall be set aside for new-producer farm shares and for farms operated by students on test plots under accredited agricultural educational programs, except that if the minimum acreage for a new-producer share, as determined pursuant to § 850.170, is in excess of the minimum acreage required to be set aside pursuant to this paragraph, such set-aside will not be required.

(b) *Appeals and adjustments.* Not less than one-half of 1 percent of the State acreage allocation shall be set aside for making adjustments in initial shares as provided in § 850.177 and for adjustments under § 850.180(d) and not less than one-half of 1 percent for making adjustments pursuant to written appeals filed pursuant to Part 780 of this title.

§ 850.174 Establishment of farm bases.

(a) *General.* A farm base shall be determined by the State Committee for each farm (except a reserve acreage farm without an accredited acreage record in the base period, or in 1965, and a 1966 crop new-producer farm) for which a request for a 1966-crop proportionate share is filed pursuant to § 850.172.

(b) *Farm history area—(1) 1966 farm same as 1965 farm.* The 1966-crop farm base for any farm which is constituted the same as for the 1965 crop shall be the 1965-crop share initially established for such farm as adjusted by appeal.

(2) *Reconstituted farms.* The 1966-crop farm base for any farm which is constituted differently than for the 1965 crop shall be determined by applying the 1965-crop formula to the accredited acreage record of such reconstituted farm during the base period.

(3) *Share not established for 1965.* The 1966-crop farm base for a farm with an accredited acreage record in the base period but for which a 1965 share was not established shall be determined in the manner provided in subparagraph (2) of this paragraph.

(c) *Personal history area—(1) 1966 farm same as 1965 farm.* The 1966-crop farm base for any farm which is constituted the same as for the 1965 crop and which is operated by the same person who operated the 1965 farm, shall be the 1965-crop share initially established for such farm as adjusted by appeal.

(2) *Reconstituted farms.* The 1966-crop farm base for any farm which is constituted differently than the operator's 1965 farm shall be determined by applying the 1965-crop formula to the accredited acreage record, except that in the Mendota, Calif., locality by applying the 1965-crop formula to the 1963, 1964, and 1965-crop acreage records.

(3) *Share not established for 1965.* The 1966-crop farm base for a farm operated by a person with an accredited acreage record during the base period but who did not operate a sugarbeet farm in 1965 shall be determined in the manner provided in subparagraph (2) of this paragraph.

(4) *Death, retirement, or incapacity.* In case of death, retirement, or incapacity of an operator having a personal sugarbeet production record during the base period or for whom a new-producer share was established for the 1965 crop, such record and the 1966 farm base which was or could have been established for him pursuant to this section shall accrue to the legal representative of his estate or to a member of his family, if in the 1966-crop year, such legal representative or family member continues the customary sugarbeet operations of the retired, deceased or incapacitated operator.

(5) *Corporations.* In case of the merger or consolidation of two or more corporations for the 1966 crop, the accredited sugarbeet acreage record of any of the constituent corporations shall be credited to the surviving or consolidated corporation if the survivor or consolidated corporations operate land and produce sugarbeets. The farm base in such case shall be the sum of the 1965 shares initially established for the predecessor corporations. The personal sugarbeet production records of individuals or of a partnership forming a corporation may not be credited to such corporation. Upon the dissolution of a corporation, no personal history credits of the corporation shall be transferred to individuals.

(6) *Initiation of joint operation.* Where a person having a personal accredited acreage record during the base period, in an area where such records are used, and another person or persons initiate a joint operation of a farm for the production of the 1966-crop of sugarbeets by a partnership, sharing arrangement or other form of joint enterprise, the farm base shall be established by applying the 1965 formula to an acreage not exceeding the landowner's share of the sugarbeet crops included in the accredited acreage record for the farm during the base period, unless the county committee determines, and a representative of the State committee concurs, that such joint enterprise is conducted exclusively by the immediate members of a family, or that under such joint enterprise the person or persons having the accredited acreage record during the base period share in the control and direction of the sugarbeet operations and bear the major portion of the risk of financial loss or opportunity of financial gain resulting from such operations. If, as aforesaid, the county committee determines and a representative of the State committee concurs that such joint operation of the farm is a family operation or that the person or persons having the accredited acreage record during the base period will share in the control and direction of the sugarbeet operations and bear a major portion of the risk of financial loss or opportunity of gain resulting from such operations, the base for such farm shall be established in accordance with this paragraph (c) and in such case, if more than one person farming the combined operation has a personal accredited acreage record for 1965, the 1966-farm base shall be the sum of the 1965 shares initially established for the 1965 farms operated by these persons.

(7) *Dissolving of partnership.* If a partnership was dissolved prior to the planting of the 1966 crop the accredited acreage record of the partnership shall be credited to the individuals who were members of the partnership, pro rata, on the basis of their respective contributions to such partnership at the time it was formed, or if such dissolved partnership was in existence for at least 3 years, the accredited acreage record of the partnership may be credited to each of the former partners in accordance with a written agreement signed by all of the former partners or their legal representatives. The 1966 farm bases shall be established for the farms operated by the persons credited with such records by applying the 1965 formula to the accredited acreage record for the base period.

(d) *Reserve acreage farms with accredited acreage records.* The 1966 farm base shall equal that portion of the 1965 share initially established for such farm, as adjusted by appeal, based on the accredited acreage record of such farm in the base period. Such farm base shall be computed pursuant to the applicable paragraphs of this section. A farm base will not be established for that portion of the acreage utilized on the farm in previous years under the commitment of reserve acreage.

§ 850.175 Eminent domain.

The share established or which would have been established pursuant to § 850.178 or § 850.179 for any land removed from sugarbeet production by acquisition after the 1962 crop year by a Federal, State or other agency or entity entitled to exercise the right of eminent domain, shall, upon application to the State Committee, be added to the 1966 share, if any, established pursuant to this section for other land within the State owned by the owner of the land so removed. If the removed land did not have a sugarbeet production record in any of the years after the 1962-crop year because of its acquisition, the State Committee shall consider that sugarbeet production would have continued during any one or more of such years on such land except for its acquisition, at the same level as the last year sugarbeets were produced on the land and on such basis shall determine the share that would have been established for the removed land pursuant to § 850.178.

§ 850.176 Establishment of initial shares for old-producer farms.

(a) *Limitation.* No initial share shall be established for a farm in excess of the requested acreage for such farm.

(b) *Farm bases equal to or smaller than area allotment.* In any allotment area in which the total of farm bases is equal to or smaller than the area allotment less the set-asides of acreage made pursuant to § 850.173, initial shares for farms for which the respective requested acreages are equal to or less than their farm bases shall coincide with the requested acreages and the initial shares for other farms shall be computed by prorating to such farms in accordance with their respective bases the area allotment less such set-asides and the total of the initial shares of the farms for which the requested acreages are equal to or less than their farm bases.

(c) *Farm bases exceed area allotment.* In any allotment area in which the total of farm bases exceed the area allotment less the set-asides of acreage made pursuant to § 850.173, initial shares shall be computed by prorating the area allotment less such set-asides to the farms in accordance with their respective bases.

§ 850.177 Adjustments.

Initial shares shall be adjusted by the State Committee, within acreage set aside for adjustments plus any acreage available in excess of initial shares, to the extent determined by it to be necessary to establish a share for each farm which is fair and equitable, as compared with all other farms in the allotment area, by taking into consideration (a) increased 1965-crop plantings because of acreages unused by other growers, (b) availability and suitability of land, (c) area of available fields, (d) crop rotation practices, (e) availability of irrigation water (where irrigation is used), (f) adequacy of drainage, (g) availability of production and marketing facilities and (h) the production experience of the operator.

§ 850.178 Establishment of shares for old-producer farms.

(a) *Initially established share.* The 1966 share for any farm, other than a reserve acreage farm, shall be the initial share determined pursuant to § 850.176 plus the adjustment, if any, made pursuant to § 850.177.

(b) *Tentative share in a personal history area only.* The State Committee shall establish a tentative share pursuant to a request filed by a prospective operator of a farm pursuant to paragraph (b) of § 850.172, pending the filing of a completed request for a share in full detail within 60 days following such closing date or such later date established as provided in § 850.172. The computation of a tentative share shall not constitute the establishment of a share, but will serve simply as a representation that a share may be established upon the filing of a fully completed request for a share in the time and manner as provided in this paragraph (b).

(c) *Subdivided farms.* In any allotment area wherein the State Committee has established a minimum proportionate share for small producers, any farm operated in 1965 and prior years under a joint operation as a single unit shall not have a minimum 1966 share established for each unit if the 1965 farm is subdivided in 1966 and each subdivision will be operated individually by the operators of the jointly operated 1965 farm, unless the county committee determines that the operator of such a subdivision bears all of the operator's share of the risk of financial loss or the opportunity for financial gain on the separate operation.

§ 850.179 Establishment of shares for reserve acreage farms.

(a) *Reserve acreage farms having accredited acreage records.* The 1966 share for a reserve acreage farm having an accredited acreage record during the base period shall be the sum of the initial share determined pursuant to § 850.176 plus the adjustment, if any, made pursuant to § 850.177 and plus the acreage determined pursuant to paragraph (b) of this section.

(b) *Reserve acreage farms.* The 1966 share for a reserve acreage farm other than one for which a share is established pursuant to paragraph (a) of this section shall be the larger of the reserve acreage utilized on the farm for the 1965 crop year or the 1966-crop acreage contracted by the processor from the reserve acreage allocated to localities pursuant to § 850.169(b), but not greater than the acreage limitation specified in such Part 851 of this chapter from allocations of acreage to farms in the locality: *Provided, however,* That the State Committee determines that the operators with whom the processor contracted for acreage from the acreage commitment, pursuant to the allocation established under § 850.169(b), were selected by the processor on a fair and reasonable basis in consideration of the availability and suitability of land, availability of irrigation water (where irrigation is used), adequacy of drainage, the prospective beet growers' records as farmers and the location of the land in relation to the new or expanded facility with respect to which the commitment of acreage was made to the locality. If this determination cannot be made, shares shall be established by the State Committee from the acreage allocated under § 850.169(b) within the limitations provided in Part 851 of this chapter on the basis of the aforesaid considerations.

§ 850.180 Establishment of shares for new-producer farms.

(a) *Limitation on establishment of new-producer shares.* The acreage to be used in establishing shares for new-producer farms shall be that set aside pursuant to § 850.173 and any other unused acreage that the State Committee determines shall be used for that purpose. Except for educational student test plots, a new-producer farm share may not be established for a 1966 farm having an accredited acreage history in the base period or if the 1966 farm is comprised of land that was part or parts of a farm or farms that had an accredited acreage history in the base period even though such part or parts do not have an accredited acreage history. A new-producer share shall not exceed the requested acreage.

(b) *Distribution of new-producer shares.* The State Committee shall determine and specify in the standards and procedures published in the FEDERAL REGISTER the minimum acreage which is economically feasible to plant as a new-producer share. The State Committee shall also determine whether distribution of acreage will be made on the basis of the entire State, allotment areas, or on the basis of counties or groups of counties within the allotment areas. If distribution is made on the basis of counties or groups of counties, such distribution shall be made in multiples of the minimum economic unit of acreage determined above (rounding fractions) on the basis of the 1966-crop farm bases of old-producer farms within such counties or groups of counties or on such other basis as is approved by DASCO and set forth in the standards and procedures published in the FEDERAL REGISTER.

(c) *Basis of rating new-producer requests.* Shares shall first be established for such farms as the State Committee determines are being operated by students as educational test plots. Thereafter, shares shall be established for other farms which are to be operated by new producers during the 1966-crop year. In determining whether a farm for which a request is filed for a new-producer share may qualify for such a share, the State Committee (or such county committees as are designated by the State Committee in its standards and procedures to rate qualifications of applicants within the county or group of counties subject to review by the State committee), shall rate each request as outstanding, well-qualified or less qualified by taking into consideration (1) the availability and suitability of land, (2) availability of irrigation water (where irrigation is used), (3) adequacy of drainage, (4) the sugarbeet production experience of the operator and (5) the availability of production and marketing facilities. In considering availability of marketing facilities the combined costs of the producer and the processor for transporting beets from the farm to the nearest sugarbeet factory, within broad rate limits, may be taken into account.

(d) *Priority and method of selection.* To be rated as "outstanding" an applicant must have had significant sugarbeet production experience and must rate at least well-qualified on all other items of consideration. If there is sufficient acreage available, minimum shares shall be established for all farms whose operators are rated outstanding. However, if the State Committee determines that the share established for the farm of any such operator does not fully rec-

ognize the production experience of the operator such share may be adjusted from acreage set aside pursuant to paragraph (b) of § 850.173 to a level commensurate with such experience by taking into consideration the factors enumerated above. If there is not sufficient acreage available for new producers within an allotment area, county or group of counties to establish minimum new-producer shares for all farms whose operators are rated outstanding, minimum shares shall be established for those farms whose operators are rated as outstanding and who are selected by lot.

(1) If, after establishing shares for the farms of operators rated as outstanding, there is new-producer acreage remaining, minimum shares shall be established for the farms of all operators rated as well-qualified. If there is not sufficient acreage to establish minimum shares for all the farms of such operators, minimum shares shall be established for those who are selected by lot.

(2) Each drawing by lot shall be supervised by a representative of the State Committee, or by a representative of the county committee designated by the State Committee if the distribution of new-producer acreage is made by counties or groups of counties. Persons who will be included in the drawing shall be given an advance notice and opportunity to attend. The name (or corresponding numbers) shall be placed in a container and shall be indistinguishable to the person making the draws. Before the drawing the person in charge shall announce how the selections will be made.

(e) *Allotment of new-producer acreage.* All acreage set aside for new producers shall be allotted to those rated as outstanding, and well-qualified, if requested, unless the State Committee finds that new-producer farms would then be allotted shares out of proportion to the shares for old-producer farms and obtains the approval of DASCO to allot a lesser acreage. Any unused new-producer acreage shall be available for distribution to other farms.

§ 850.181 Distribution of unused acreages.

(a) Final date for redistribution of unused acreage: Revisions in shares may be made within the allotment area in accordance with procedures established by the State Committee to offset underplantings and failure to plant including acreage available pursuant to §§ 895.1 through 895.6 of this chapter. Such revision may be made during the crop season, but not later than thirty days prior to the beginning of harvest in the allotment area as determined by the State Committee, except that in the northern allotment area of California such redistribution of acreage shall not be made after October 1, 1966, unless a later date is approved by DASCO. Revision may be effected on a sub-area basis, such as counties, sugar factory districts or sugar company territories.

(b) Unused acreage in any area may be reallotted by the State Committee among other areas within the State.

(c) Reduction in shares: In case of a disagreement between producers and a sugarbeet processor with respect to the sugarbeet purchase contract to be effective in the settlement area, or where no company offers a contract to producers to cover fully the shares for their farms, the shares allotted to the farms operated by such producers shall not be reduced unless the affected producers voluntarily agree to reductions in their respective shares or the State Committee determines that such shares should be reduced because of unusual circumstances and for good cause and that the involved acreages should be reallotted by the State Committee to other producers.

§ 850.182 Notification of shares and right of appeal.

(a) *Notification of share.* Each farm operator filing a request shall be notified in writing on behalf of the State Committee of the share established in response to his request, even if the acreage established is "none." Such notice shall inform him of his right to appeal under Part 780 of this title and each such farm operator shall be notified in writing of any cancellation or adjustment made in the share as provided in this part.

(b) *Notification of tentative share.* In any case in which a tentative share is computed pursuant to a preliminary request for a share, as provided in § 850.172, the person filing the preliminary request shall be furnished a notice which shall inform him that the acreage stated thereon as a tentative share does not constitute the establishment of a farm share for the purpose of payment under the Act, and that a farm share for such purpose may be established only upon the filing of a fully completed request for a share within the time and in the manner as provided in § 850.172.

(c) *Notification of redetermined share.* The farm operator of each farm for which a share is redetermined shall be notified in writing on behalf of the State Committee of the redetermined share and of the right to appeal therefrom as provided in Part 780 of this title.

§ 850.183 Notification of excess sugarbeet acreage.

If the county committee determines that the acreage of sugarbeets for any farm is in excess of the share established for such farm, written notice of such excess acreage and of the eligibility requirements for payment as set forth in § 850.186 shall be furnished to the operator of such farm.

§ 850.184 Redetermination of shares for reconstituted farms.

For the purpose of this section, the division or combination of a farm or farms and the reconstitution of a farm or farms shall be those which give effect to the definition of a farm set forth in Part 822 of this chapter. Shares will be redetermined under the following circumstances:

(a) *Reserve acreage farms.* The reconstitution of farms receiving commitments from the National Sugarbeet Acreage Reserve and the establishment of proportionate shares for such reconstituted farms shall be made as hereinafter provided:

(1) *Combination of farms having commitments prior to 1966.* If two or more farms that received commitments prior to 1966 are combined for the 1966 crop, the share for such combined farm shall be the sum of the shares determined pursuant to § 850.179 for the individual farms.

(2) *Combination of 1966 reserve acreage farms.* If two or more farms having commitments of acreage for the first time in 1966 are combined before planting 1966 beets, the proportionate shares for such farms shall be cancelled and a new share established by the State Committee, for the combined farm, after the processor in the locality to which the commitment of acreage was made has been notified. Such share will not exceed the maximum acreage limitation for commitments of acreage for the farm in the locality. If two or more farms with commitments of acreage for the first time in 1966 are combined after planting, the share for such combined 1966-crop farm shall be the sum of the shares established pursuant to § 850.179.

(3) *Reserve acreage farm combined with accredited acreage farm.* If a farm that received a commitment of reserve acreage prior to 1966 is combined for the 1966 crop with another farm with an accredited acreage record, the share for such combined farm shall be the sum of the shares established pursuant to §§ 850.178 and 850.179(a) for each form.

(4) *New 1966 reserve acreage farm combined with accredited acreage farm before and after planting.* If, before planting, a farm receiving a commitment of reserve acreage for the first time for the 1966 crop is combined with another farm having an accredited acreage record with the result that the combined farm is ineligible for a commitment of reserve acreage, such commitment shall be cancelled. If such combination occurs after planting, the share for such combined farm shall be the sum of the shares established pursuant to §§ 850.178 and 850.179 and in any such case, a farm base and a farm proportionate share shall be determined for the combined farm in accordance with §§ 850.174, 850.176 and 850.178.

(5) *New 1966 reserve acreage farm combined with 1966 new-producer farm.* If a farm receiving a commitment of reserve acreage for the first time for the 1966 crop is combined with another farm for which a new 1966 producer share was established, such new-producer share shall be cancelled.

(6) *Subdivision of a new 1966 reserve acreage farm before planting.* If a farm, in a farm history area, with a commitment of reserve acreage for the first time in 1966 is subdivided before planting, the share shall remain with the part of the farm for which the processor contracts with the operator of such subdivided part. In a personal history area, the share shall remain with the operator to whom the share was originally issued.

(7) *Subdivision of new 1966 reserve acreage farm after planting.* When any such farm is subdivided after planting, the share shall be apportioned pro rata to the subdivisions on the basis of the acreage planted to 1966-crop sugarbeets on each subdivision.

(b) *Non-reserve acreage farms.* The reconstitution of farms not involving reserve acreage and the establishment of proportionate shares for such reconstituted farms shall be made as hereafter provided in this paragraph (b).

(1) *Farm subdivided before planting.* When a farm, as constituted at the time the 1966-crop share is established for it, is subdivided prior to planting time, the share established for such farm shall be cancelled and each subdivision shall be credited with the record of accredited acreage thereon during the base period if available or if not available with its pro rata share of such accredited acreage based upon the percentage that the acreage suitable for the production of sugarbeets in such subdivision is of the total acreage suitable for the production of sugarbeets in the farm of which it was a part. A farm base and a share shall be determined for each reconstituted farm in accordance with §§ 850.174, 850.176 and 850.178, subject to the acreage available.

(2) *Combined before planting.* When two or more old-producer farms are combined prior to planting time, the share or shares established therefor shall be cancelled and a farm base and a share shall be established for such combined farm in accordance with §§ 850.174, 850.176, and 850.178, subject to acreage available.

(3) *Subdivision or combination of new-producer farm.* When a 1966 new-producer share is established for a farm and such farm is subdivided or combined with another farm prior to planting, the share or shares shall be cancelled and farm bases and shares shall be redetermined in accordance with §§ 850.174, 850.176, and 850.178 or § 850.180 subject to acreage available. If a 1966 new-producer farm is subdivided or combined with another farm after planting, but prior to harvest, the share or shares for the combined farm shall be added or if subdivided the shares shall be prorated to the subdivisions on the basis of the sugarbeet acreage planted on each subdivision.

(4) *Combination after planting.* Except as provided in paragraph (c) of this section, when a farm, as constituted at the time a 1966-crop share is established for it is combined with another 1966 farm or part thereof subsequent to planting time, but prior to harvest of the 1966-crop beets, the share established for such farm shall be added to the share, if any, established for the farm with which it is combined to establish a share for the combined farm.

(5) *Subdivision after planting.* Except as provided in paragraph (c) of this section when a farm, as constituted at the time a 1966-crop share is established for it, is subdivided and each division becomes a separate farm or part of another farm subsequent to planting time but prior to harvest of the 1966-crop beets, the share established for such farm shall be prorated to the subdivisions on the basis of the acreage planted to 1966-crop sugarbeets on each subdivision. Such prorated portions of the 1966-crop share so determined shall then be added to the 1966-crop share, if any, of the land with which it is combined to establish a share for each such reconstituted farm.

(c) *Improper personal history credit.* (1) If a 1966-crop share was established for a farm with consideration of the personal history of a person who had no interest or did not acquire any interest in such farm as an operator, the share for the farm shall be cancelled and a farm base and share determined for the farm as provided in §§ 850.174, 850.176, and 850.178.

(2) *Improper joint operation.* If the county committee determines that any farm for which the share was established with consideration of the personal history of a person (or persons) is being operated jointly with or is being operated by another person (or persons), excluding a joint operation conducted exclusively by the immediate members of the family of the person contributing the personal acreage history credit; or that any such farm is subdivided into or is combined with one or more than other farms, the State Committee shall be notified of the circumstances and the share for the farm shall be cancelled and a new base and share or bases and shares for the farm, combined farms, or subdivisions of such farm shall be established in accordance with the provisions of §§ 850.174, 850.176, and 850.178.

(3) *Recognition of proper joint operation.* In any case when planting has occurred and the State Committee is satisfied that the foregoing changes in operations described in subparagraphs (1) and (2) of this paragraph were not made as an attempt to transfer a share or share history, it may make an exception and recognize the share as originally established. In determining whether to make an exception, the State Committee shall be guided by whether the person (or persons) whose personal history was considered in establishing the original share for the farm, shares to a major extent in the risk of financial loss or opportunity of gain from the sugarbeet operations and whether the joint enterprise, or transfer of operations to another person (or persons) represents normal, sound operational arrangements which would be undertaken in the absence of sugarbeet acreage controls.

§ 850.185 Erroneous notice of 1966 share or of excess acreage.

(a) *Incorrect notice.* If, through error, a producer is officially notified of a 1966-crop share for his farm greater than the share properly established pursuant to this Part 850, or is furnished an incorrect notice of excess sugarbeet acreage, or if the acreage of sugarbeets is in excess of the share for the farm and a notice thereof is not mailed to the producer, and it is found by the State Committee that such producer, acting solely on the information contained in the erroneous notice or without a notice of excess sugarbeet acreage being mailed to him, marketed 1966-crop sugarbeets from an acreage in excess of the share properly established, the producer will be deemed to be in compliance with the share unless he marketed sugarbeets for sugar from an acreage in excess of the share stated in the erroneous notice or unless it is determined by the State Committee that the error in the share or notice was so gross, or that the excess acreage was so gross as to place the producer on notice regarding the error in the share or in the existence of the excess acreage.

(b) *Limitation of sugar act payment.* The Sugar Act Payment with respect to the farm shall be limited to the amount of sugar commercially recoverable from the sugarbeets marketed (or processed) from the acreage within the properly established share.

(c) *Correction of share if smaller than correct share.* If the share for any farm was established by the use of incorrect data, resulting in a share smaller than the share that would have been established by the use of correct data, such share shall be increased to the correct level from acreage available within the State acreage allocation or if no acreage is available in such allocation, the case shall be transmitted to DASCO, for appropriate action to correct the error.

§ 850.186 Eligibility for payment under the Act.

(a) Provisions for determining compliance with the conditions for payment provided by the Act, and for determining the facts constituting the basis for any such payment are set forth in Part 891 of this chapter. In addition to fulfilling the conditions for payment prescribed by the Act, a producer must also comply with the provisions of this section to be eligible for payment under the Act.

(b) Compliance with farm share: The acreage of sugarbeets grown on the farm and marketed (or processed) and used for the production of sugar or liquid sugar shall not exceed the share determined for the farm in accordance with this part, except as provided in § 850.185 and except that any sugarbeets grown on acreage in excess of such share may be marketed (or processed) for the extraction of sugar or liquid sugar for livestock feed or for the production of livestock feed, if the operator-producer on the farm furnishes weight tickets to the county committee evidencing that such sugarbeets were sold by him, or were processed by or for him, for the extraction of sugar or liquid sugar for livestock feed, or for the production of livestock feed, and if so sold, were purchased by the processor for such purpose. Notwithstanding the foregoing provisions of this paragraph, the producer shall be deemed to have met the requirements for payment with respect to marketings (or processings) within the share where sugar beets were marketed (or processed) for sugar from an acreage on the farm exceeding the share: *Provided,*

That (1) such excess acreage is not more than the larger of two-tenths acre or 1 percent of the share but not in excess of 3 acres, (2) the county committee finds that the operator did not intentionally market (or process) sugarbeets from an acreage in excess of the share for the farm and the State Committee concurs in such findings, and (3) within 1 year from the date of the processing of such excess sugarbeets the producer has arranged for the raw value equivalent of sugar produced from sugarbeets in the Domestic Beet Sugar Area which had not been marketed to fill a quota for such area as provided in Part 816 of this chapter to be made subject to a bond given pursuant to the provisions of Part 816 of this chapter which provides that a condition of such bond shall be that the sugar shall be used for livestock feed. The Sugar Act payment in such case shall be limited to the amount of sugar commercially recoverable from the sugarbeets marketed (or processed) from the acreage within such share.

(c) Certification of acreage: If the operator of any farm, which is located in a county designated in Part 718 of this title, as a county in which farm operators' certification of the acreage and land use may be accepted with respect to sugarbeets in lieu of a farm inspection and measurement, fails to file a timely report as required under such Part 718 of this title or files a timely report showing that the acreage of sugarbeets is within the proportionate share for the farm and it is later determined by the county or State Committee that such acreage is in excess of the proportionate share and was knowingly incorrectly reported by the farm operator, no payment shall be made with respect to such farm.

§ 850.187 Shares for farms from acreage allocated for single nonaffiliated factories.

This section specifies conditions under which 1966-crop sugarbeet farm shares will be established in the allotment areas in the States receiving allocations of acreage pursuant to paragraph (c) of § 850.169 and the utilization of such acreage.

(a) *Allotment areas.* For the National Sugar Manufacturing Company and for Buckeye Sugars, Inc., each of the State committees of Colorado, Kansas and Ohio will establish an allotment area in their State in which farm shares will be established pursuant to this section.

(b) *Area allotments.* An allotment shall be made by the State Committee from the acreage allocated to each State pursuant to paragraph (e) of § 850.169 to the allotment areas established pursuant to paragraph (a) of this section. For the Buckeye Sugars, Inc. area and for the areas in the southern district of Colorado, the base acreages and allotments shall be determined pursuant to paragraph (b) of § 850.171. The base acreages and area allotments for the area in Kansas of the National Sugar Manufacturing Company and other allotment areas in Kansas shall be determined by adding 30 percent of the 1962–63 average accredited acreage and 70 percent of the 1964 accredited acreage and such base acreages shall be factored to the State allocation.

(c) *Set asides for adjustments, appeals, and new-producer shares.* Set asides for new producers, appeals, and adjustments shall not be made from the allotments made pursuant to the single plant reserve provided pursuant to paragraph (c) of § 850.169.

(d) *Requests for shares.* Pursuant to the applicable provisions of § 850.172, requests for shares shall be filed on Form SU–401. Such requests shall state the acreage desired based on the accredited acreage history of the farm in the base period, and the acreage desired from the single plant reserve. In the Buckeye Sugars, Inc. locality, if applicable, the request will also state the acreage desired from the acreage commitment pursuant to paragraph (b) of § 850.169 to the locality. Such requests will state that if the proportionate share for the farm is increased by acreage from the single plant reserve, the person requesting such increase in acreage agrees to deliver all of the sugarbeets produced on the farm to the single nonaffiliated factory in the allotment area and he acknowledges that failure to do so will result in the farm being ineligible for a Sugar Act payment.

(e) *Rating requests.* The county committee, in cooperation with representatives of the processor in the locality, for purposes of utilizing acreage to be made available under the single plant reserve shall rate, in the following order, as outstanding, well-qualified or less-qualified, requests by old producers on the basis of the criteria contained in § 850.177 and requests by operators of new-producer farms on the basis of the criteria contained in § 850.180. In making such ratings, consideration also shall be given to the record of efficiency as a farmer of the person requesting the acreage, the nearness of the farm in relation to the factory and the contractual preference of the processor; and the acreage requested may be reduced on the basis of the criteria considered in rating requests under this paragraph.

(f) *Establishing shares for old producers.* Shares shall be established for old-producer farms pursuant to §§ 850.174 and 850.176 from the area's acreage allotment made pursuant to paragraph (b) of this section subject to increases from the single plant reserve.

(g) *Establishing shares for reserve acreage farms.* Shares shall be established as provided in § 850.179 for farms in the locality supplying sugarbeets to Buckeye Sugars, Inc., which received commitments of acreage under paragraph (b) of § 850.169 subject to increases from the single plant reserve.

(h) *Eligible farms and utilization of acreage allocated from single plant reserve.* An eligible farm is any farm which supplied sugarbeets to National Sugar Manufacturing Co. or to Buckeye Sugars, Inc., in 1965, or a farm which did not supply sugarbeets to either one of these companies or any other processor in 1965 but did supply sugarbeets to one of these companies in 1964, and a new-producer farm which will contract for delivery of 1966-crop sugarbeets to either of these companies. Each State's allocation of the single plant reserve shall be used by the State committee to increase shares established under paragraphs (f) and (g) of this section and to provide shares for new producers in accordance with requests filed as provided in paragraph (d) of this section for an eligible farm and shall be distributed in the following order of priority: (1) Old-producer farms rated as outstanding; (2) new-producer farms rated as outstanding; (3) old-producer farms rated as well-qualified; (4) new-producer farms rated as well-qualified, and (5) reserve acreage farms in the Buckeye Sugars, Inc., locality. If the single plant reserve for use in any of the foregoing priority groups is not sufficient to increase or establish shares for all qualified farms in a group to the extent of acreage requested or determined by the county committee, the farms to which single plant reserve acreage is to be distributed in the priority group shall be selected by the county committee in cooperation with the processor taking into consideration the criteria as provided in paragraph (e) of this section. If the State's acreage allocation of the single plant reserve is not fully utilized after distribution of such acreage to all priority groups as heretofore provided, any such acreage remaining may be distributed to farms in any priority group to which such acreage was distributed in an amount less than requested and to farms for which acreage was requested but which did not qualify for priority.

(i) *Redistribution of unused proportionate share acreage.*—(1) *Unused accredited proportionate share acreage.* Unused proportionate share acreage based on accredited acreage made available from the acreage allocation pursuant to paragraph (e) of § 850.169 may be redistributed pursuant to paragraph (a) of § 850.181 to other farms in the same allotment area that can utilize additional acreage.

(2) *Single plant reserve acreage.* Subject to the conditions provided in paragraph (d) of this section, any proportionate share acreage using single plant reserve acreage which is not utilized in full on the farm may be redistributed to other farms in the allotment area receiving an allocation from the single plant reserve. Any such acreage shall not be redistributed by the State Committee to other allotment areas in the State. Any unused single plant reserve acreage allocated to a State may be redistributed by DASCO to the area in another State serving the same nonaffiliated single plant processor of sugarbeets.

(j) *Forfeiture of Sugar Act payment.* Any Sugar Act payment otherwise due a producer on a farm which received an allocation of acreage from the acreage made available from the single plant reserve pursuant to a request as provided in paragraph (d) of this section, shall be forfeited if the sugarbeets produced on such farm are delivered to a processor other than National Sugar Manufacturing Co. or Buckeye Sugars, Inc.

(k) *Applicability of §§ 850.168 through 850.186.* Where applicable, but subject to the conditions of this § 850.187, the provisions of §§ 850.168 through 850.186 will apply to shares determined pursuant to this section.

STATEMENT OF BASES AND CONSIDERATIONS

Sugar Act requirements. As a condition for payment to producers, section 301(b) of the Act, as modified by section 302(b)(6), provides that there shall not have been marketed (or processed), except for livestock feed or for the production of livestock feed, an amount of sugarbeets grown on the farm and used for the production of sugar or liquid sugar in excess of the proportionate share for the farm, if farm proportionate shares are determined by the Secretary pursuant to section 302 of the Act. The term "proportionate share" is the individual farm's share of the total acreage of sugarbeets required to enable the producing area to meet its quota (and provide a normal carryover inventory) as estimated by the Secretary for the calendar year during which the larger part of the sugar from such crop normally would be marketed.

Section 302(a) provides that the amount of sugar with respect to which payment may be made shall be the amount of sugar commercially recoverable from the sugarbeets grown on the farm and marketed (or processed by the producer) for sugar or liquid sugar not in excess of the proportionate share for the farm, if farm proportionate shares are determined by the Secretary.

Subsections (1), (2), and (5) of section 302(b) provide that in determining proportionate shares with respect to a farm, the Secretary may take into consideration the past production on the farm of sugarbeets marketed (or processed) for the extraction of sugar or liquid sugar and the ability to produce such sugarbeets; that the Secretary may also, in lieu of or in addition to the past production of farms, take into consideration the sugarbeet production history of a person who was the farm operator during the base period in any State or substantial portion thereof in which he determines that sugarbeet production is organized generally around persons rather than units of land, other than a State or substantial portion thereof wherein personal sugarbeet production history of farm operators was not used generally prior to 1962 in establishing farm proportionate shares. Provision is also made that the Secretary shall insofar as practicable, protect the interests of new producers and small producers, and the interests of producers who are cash tenants, share tenants or sharecroppers, and of the producers in any local producing area whose past production has been adversely, seriously and generally affected by drought, storm, flood, freeze, disease or insects, or other similar abnormal and uncontrollable conditions.

This year, the Congress amended section 302 of the Act to provide for the reservation for not more than 3 years of the production history of farm operators (or farms) who are unable to utilize all or a portion of their proportionate shares because of a crop-rotation program or for reasons beyond their control and who release such shares. The Act was also amended authorizing the Secretary to reserve from the national sugarbeet acreage requirements for each of the 1966, 1967, and 1968 crops a total acreage estimated to yield not more than 25,000 short tons, raw value, of sugar, to provide any nonaffiliated single plant processor of sugarbeets with an estimated quantity of sugar for marketing of not to exceed 25,000 short tons of sugar, raw value. The statute provides that the Secretary shall allocate such acreage to farms on such basis as he determines necessary to accomplish the purposes for which such acreages are provided.

General. Acreage restrictions were not applicable to the sugarbeet crops of 1961 through 1964. Plantings increased from about 972,000 acres for the restricted 1960 crop to about 1,443,000 acres for the 1964 crop. At the recommendation of sugarbeet grower associations and sugarbeet processors, acreage restrictions were imposed for the 1965 crop at a level of 1,375,000 acres. Of this requirement, 118,815 acres were assigned to localities that received commitments from the national sugarbeet acreage reserve for the crops of 1963 through 1965 to provide sugarbeets for new and substantially expanded old facilities.

Although the Congress this year provided a substantial increase in the quota for the area, existing sugar stocks and farmer interest in acreage make it necessary to restrict 1966 acreages to avoid sugar production greater than that needed to meet quota and carryover requirements.

Informal public hearings. Two informal public hearings were held on the 1966 proportionate share program. The first was held on September 8, 1965, in Denver, Colorado. At this hearing, views and recommendations from interested persons were requested on all matters relating to the establishment of 1966-crop proportionate shares, including the level of the national sugarbeet acreage requirement. A spokesman for all of the sugarbeet growers associations and processors made recommendations on the principal items covered in the Department's press release of August 26, 1965, announcing the hearing. These recommendations were as follows:

1. That the national acreage requirement be established at a level of from 1,325,000 to 1,350,000 acres.

2. That 1,000 acres be set aside for use in rectifying misapplication of the proportionate share regulations, correcting errors in establishing proportionate shares and to meet other similar contingencies, as proposed by the Department.

3. Use of a formula substantially the same as that used under the 1965 program in establishing State base acreages. Under that recommendation, base acreages would generally be computed by adding 30 percent of the 1962–63 average accredited acreages and 70 percent of the 1964 accredited acreages, excluding acreages from the national sugarbeet acreage reserve. The resultant State base acreages would be factored to the national acreage requirement, less the national reserve acreage and the contingency reserve.

4. Objection to the Department's proposal that the foregoing 30–70 formula be used to establish area allotments within States and that 1965 farm shares, as adjusted under appeal, become the 1966-crop farm bases. In lieu thereof, he recommended that each State ASC Committee be permitted to select, subject to the Department's approval, the formula it deemed appropriate.

5. Set-asides, corresponding to those proposed by the Department, for appeals and adjustments and for establishing shares for new producers.

The second hearing was held in Washington, D.C., on November 18, 1965. The purpose of this hearing was to receive views and recommendations for consideration by the Secretary in the reservation and allocation of acreage for nonaffiliated single plant processors, provision for which was made by an amendment to section 302(b) of the Sugar Act approved November 8, 1965. Recommendations were also requested as to the level of the 1966-crop national acreage requirement in light of the most recent estimates of 1965-crop beet sugar production. At this hearing, Buckeye Sugars, Inc., of Ottawa, Ohio, requested 350 acres which it was estimated would, together with regular acreage in the locality, yield a quantity of sugar for marketing of 25,000 short tons, raw value. The National Sugar Manufacturing Co. of Sugar City, Colo., requested 3,100 acres which it was estimated would, together with the regular acreage in the locality, yield a quantity of sugar for marketing of 16,050 tons, raw value. These two companies were specifically mentioned in the legislative history pertaining to this amendment. Their requests were supported by the Beet Sugar Industry. In a brief, one company operating a new beet sugar factory in an area to which a commitment of acreage was made from the national sugarbeet acreage reserve for the 1965 crop made a request for additional acreage for such facility.

A spokesman for the majority of the growers and processors recommended that the 1966-crop national acreage requirement be established at 1,435,000 acres. The California Beet Growers Association and three of the four processors operating in that State recommended that an acreage requirement of not larger than that (1,325,000 to 1,350,000 acres) recommended at the September hearing be established. This lower acreage requirement was recommended so as to lessen the possibility of an undue build-up of beet sugar stocks and to improve returns to sugarbeet growers.

Determination. This determination establishes a national requirement of 1,435,000 acres. In consideration of the acreages that will likely be utilized

within this limitation, the probable yields of sugarbeets per acre and the probable sugar recoveries, this acreage requirement should enable the area to meet its quota and provide a normal carryover inventory within the range contemplated by the Congress at the time the quota for the area was increased (82 to 90 percent of the following year's quota).

The proposals made by the Department at the September hearing in Denver, for administering the program are, generally, embodied into this determination. From the national acreage requirement, 152,815 acres are reserved to establish proportionate shares for farms in localities to which commitments have previously been made from the national sugarbeet acreage reserve for the crops of 1964 through 1966 for new and substantially expanded beet sugar facilities. In accordance with the provisions of subsection 302(b)(9) of the Act, a total of 4,125 acres is reserved from the national requirement and made available for establishing proportionate shares for farms that will supply sugarbeets to the factories of two nonaffiliated single plant processors. Of this total, 3,775 acres are assigned to farms in Colorado and Kansas with the sugarbeets to be processed at the factory of the National Sugar Manufacturing Co. of Sugar City, Colo. It is estimated that this acreage, together with contracting of regular acreage accruing to the factory district from the formula provided herein will permit the production of 16,050 short tons, raw value, of sugar, the estimated maximum quantity that the facility can manufacture. At the November hearing the National Sugar Manufacturing Co. requested 3,100 acres from the reserve based on estimates of accredited acreage which can be contracted in 1966. In the company's brief, submitted pursuant to the hearing, this request was increased to 3,775 acres in light of anticipated 1966 contractings within the total acreage expected to be made available based upon the accredited acreage records in the company areas in Colorado and Kansas. An allocation of 350 acres is made to farms in Ohio that will grow sugarbeets to be processed at the factory of Buckeye Sugars, Inc., of Ottawa, Ohio. It is estimated that this acreage together with regular acreage will permit the production of 25,000 short tons, raw value, of sugar, the maximum authorized under the Act for any one company. With respect to both companies, it is contemplated that only such of the foregoing acreages will be used as will be needed to bring sugar production up to the quantities requested.

In determining State allocations, a base acreage was established for each sugarbeet producing State by giving a weighting of 30 percent to 1962–63 average acreages and 70 percent to 1964 acreages. These weightings were applied to the 1963–64 and 1965 acreages, respectively, in the Mendota, Calif., locality. Since reserve growers in this locality (the first to complete its 3-year protective period provided under the national sugarbeet acreage reserve) had no production during 1962, the 1963–65 period is used to provide credit for the same number of years as is provided for growers generally. The base acreages resulting from the application of the aforementioned weightings were factored to 1,277,060 acres (1,435,000 less the acreages reserved as shown above). Generally, the resultant State allocations will permit the establishment of proportionate shares for old growers at the levels effective for the 1965 crop.

Provision is made for dividing the State allocations among the allotment areas within States in accordance with the same formula used in each State for the 1965 crop. Except for two States, this formula gave a weighting of 30 percent to 1962–63 average acreages and 70 percent to 1964 acreages.

The determination provides that, generally, 1966 farm bases will be established at the level of the 1965-crop shares initially established, as adjusted by appeal. For any farm that is reconstituted for the 1966 crop, the farm base will be determined by the use of the same formula that was used in the allotment area to establish farm bases for the 1965 crop. To afford growers in the Mendota, Calif., locality the use of 3 years of production records, the 1965 formula for farmers in that locality will be applied to the 1963, 1964, and 1965 accredited acreages rather than to the 1962, 1963, and 1964 acreages. State committees are authorized to adjust shares, including consideration of increased 1965 plantings due to reallotments of unused acreages.

Special provision is made for the determination of proportionate shares for farmers who will supply sugarbeets to the factories of nonaffiliated single plant processors.

If a farm operator releases all or a portion of the 1966 proportionate share established for his farm because of a crop rotation program or reason beyond his control and such cause is approved by the county committee of the headquarters county, the individual operator (or his farm) will receive history credit for the amount of the proportionate share so released. Such released acreage may be redistributed to other farms in the allotment area or to other areas within the State but the farm operators (or the farms) utilizing such released share acreage will not receive history credit for such acreage. This provision will replace the provision relating to prevented acreage credits included under the 1965 proportionate share program.

The other provisions of this regulation are generally similar to those which were in effect for the 1965 program.

The provisions of this regulation provide an equitable basis for establishing shares for farms in the domestic beat sugar area for the 1966 crop.

Accordingly, I hereby find and conclude that the foregoing regulation will effectuate the applicable provisions of the Act.

Effective date. Date of publication.

Signed at Washington, D.C., on December 10, 1965.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 65–13398; Filed, Dec. 14, 1965; 8:49 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 900—GENERAL REGULATIONS

Subpart—Procedure for Conduct of Referenda To Determine Producer Approval of Milk Marketing Orders To Be Made Effective Pursuant to Agricultural Marketing Agreement Act of 1937, as Amended

Sec.
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900.311 Submittals or requests.

AUTHORITY: The provisions of this subpart issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 900.300 General.

Unless otherwise prescribed, the procedure contained in this subpart shall be applicable to each producer referendum conducted for the purpose of ascertaining whether the issuance by the Secretary of a milk marketing order is approved or favored, as required under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended, 7 U.S.C. 601–674). The procedure in this subpart replaces the procedure for conducting similar referenda (15 F.R. 5177) issued August 7, 1950.

§ 900.301 Definitions.

As used in this subpart and in all supplementary instructions, forms, and documents, unless the context or subject matter otherwise requires, the following terms shall have the following meanings:

(a) *Act.* "Act" means Public Act No. 10, 73d Congress (48 Stat. 31), as amended, and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246), as amended.

(b) *Department.* "Department" means the United States Department of Agriculture.

(c) *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(d) *Administrator.* "Administrator" means the Administrator of the Consumer and Marketing Service, with power to redelegate, or any officer or employee of the Department to whom authority has been delegated or may hereafter be delegated to act in his stead.

(e) *Person.* "Person" includes any individual, partnership, corporation, association, and any other business unit.

(f) *Order.* "Order" means the marketing order (including an amendatory order) with respect to which the Secretary has directed that a referendum be conducted.

(g) *Producer.* "Producer" means any person who is a dairy farmer and who, during the representative period, met the requirements of the term "producer" as defined in the order had such order been in effect during the representative period.

(h) *Handler.* "Handler" means any person who, during the representative period, met the requirements of the term "handler" as defined in the order had such order been in effect during the representative period.

(i) *Referendum agent.* "Referendum agent" means the person designated by the Secretary to conduct the referendum.

(j) *Representative period.* "Representative period" means the period designated by the Secretary pursuant to section 8c of the act (7 U.S.C. 608c).

(k) *Cooperative association.* "Cooperative association" means any association of producers that the administrator has found to be qualified pursuant to section 608c(12) of the act.

§ 900.302 Associations eligible to vote.

(a) Any association of producers, not previously determined to be a cooperative association may file an application for a determination as to whether it is a cooperative association and thus eligible to vote in a referendum. Such application shall be filed with the Administrator at least 60 days prior to the holding of the referendum: *Provided, however,* That the Administrator may permit the filing of an application in less than 60 days when, in the opinion of the Administrator, such filing would not delay the conduct of the referendum.

(b) Within a time fixed by the referendum agent, but not later than 5 days prior to the final date for balloting, each cooperative association electing to vote shall, upon the request of the referendum agent, furnish to him a certified list showing the name and address of each producer for whom it claims the right to vote and the plant at which such person's milk was received during the representative period.

§ 900.303 Conduct of referendum.

The referendum shall be conducted by mail in the manner prescribed in this subpart. The referendum agent may utilize such personnel or agencies of the Department as are deemed necessary by the Administrator.

§ 900.304 Who may vote.

(a) Each producer shall be entitled to only one vote and to cast one ballot in each referendum; and no person who may claim to be a producer shall be refused a ballot. Each producer casting more than one ballot with conflicting votes shall thereby invalidate all ballots cast by such producer in such referendum. Each ballot cast shall contain a certification by the person casting the ballot that he is a producer.

(b) Except as provided in section 8c(5)(B) of the act, as amended, any cooperative association eligible under § 900.302 may, if it elects to do so, vote and cast one ballot for producers who are members of, stockholders in, or under contract with, such cooperative association. A cooperative association shall submit, with its ballot, a certified copy of the resolution authorizing the casting of the ballot. Each such cooperative association entitled to vote in a referendum casting more than one ballot with conflicting votes shall thereby invalidate all ballots cast by such voter in such referendum.

(c) Voting by proxy or agent, or in any manner, except by the producer or cooperative association will not be permitted; however, a producer which is other than an individual may cast its ballot by a person who is duly authorized and such ballot shall contain a certification by such person that the person on whose behalf the ballot is cast is a producer.

§ 900.305 Duties of referendum agent.

The referendum agent shall also:

(a) For purposes of mailing, prepare a record of producers which will disclose the name of each such person, his address, the name of the handler who received the producer's milk during the representative period, and the name of the cooperative association, if any, which claims the right to vote for the producer. Such record may be compiled from readily available sources, including the following:

(1) Records of the Department;

(2) Producer records supplied by handlers;

(3) Health authority records;

(4) Certifications signed by dairy farmers who claim to be producers;

(5) Any other reliable sources of information which may be available to the referendum agent.

(b) Apply, as a guide, the following criteria in preparing a record of producers:

(1) When the order requires approval by an appropriate health authority before a person meets the definition of producer, only those persons having such approval and who otherwise meet the definition may be regarded as producers. When the definition of producer requires the shipment of milk to a handler or a plant as well as health authority approval, only those persons having such approval and whose milk was received by a handler or at a plant may be regarded as producers.

(2) When the order requires shipment to a handler or to a plant, without regard to health authority approval, a person may not be regarded as a producer, except as provided in subparagraph (6) of this paragraph, unless his name appears on the handler's producer records.

(3) In the case of a producer that is other than an individual, the business unit shall be regarded as the producer.

(4) No person may be included in the record more than once although he may operate more than one farm, hold more than one health authority approval, or appear on more than one handler's producer records.

(5) In the event the health authority records are not available, are inaccurate, or are incomplete, the appearance of the producer's name on a handler's records as an approved producer shall be prima facie evidence of health authority approval.

(6) In the event any handler refuses or fails to make his records available to the referendum agent, a certification signed by the producer shall be regarded by the referendum agent as prima facie evidence that such person is eligible to vote.

(c) Verify the information supplied by each cooperative association which wishes to vote on behalf of producers, as follows:

(1) Examine the records of the cooperative association for the purpose of ascertaining whether each producer claimed by the cooperative association is a member of, stockholder in, or under contract with the cooperative association.

(2) Identify the persons ascertained to be members of, stockholders in, or under contract with a cooperative association which wishes to vote on behalf of its producers with the names of producers which appear on the record compiled pursuant to paragraph (a) of this section.

(3) In determining whether a cooperative association may vote on behalf of a producer the following criteria shall be used:

(i) The cooperative association may vote for each producer who is a member of, stockholder in, or under contract with such cooperative association on the date of the order directing that the referendum be conducted.

(ii) The cooperative association may cast only one ballot for all such producers.

(iii) Whenever more than one cooperative association claims the right to vote for a producer only the cooperative association which furnished evidence satisfactory to the referendum agent that such association was in fact marketing the milk of the producer on the date of the referendum order may vote for such producer.

§ 900.306 Notice of the referendum.

(a) The referendum agent shall at least 5 days prior to the final date for balloting:

(1) Mail to each cooperative association which has elected to cast a ballot on behalf of its producers and to each of all other known producers, a notice of the referendum which will include instructions for completing the ballot, a statement as to the time within which the ballot must be mailed to, and re-

ceived by, the referendum agent, a copy of the final decision, and a ballot containing a description of the terms and conditions of the order.

(2) Give public notice of the referendum:

(i) By furnishing press releases and other information to available media of public information (including but not limited to press, radio, and television facilities) serving the area, announcing the time within which ballots must be completed and mailed to and received by the referendum agent, eligibility requirements, where additional information may be procured, and other pertinent information; and

(ii) By such other means as said agent may deem advisable.

§ 900.307 Time for voting.

There shall be no voting except within the time specified by the referendum agent as stated in the notice of the referendum.

§ 900.308 Tabulation of ballots.

(a) *General.* The referendum agent shall verify the information supplied with each ballot. If he ascertains that the person who cast the ballot was eligible to do so, that the ballot is complete and was mailed and received within the prescribed time, the ballot shall be eligible to be counted. If the referendum agent ascertains that the person who cast the ballot was not eligible to do so, or if the producer who cast the ballot was a member of, stockholder in, or under contract with a cooperative association which cast a valid ballot, or if the ballot is not completed or cast in accordance with instructions, or if the ballot was not mailed to or received by the referendum agent within the prescribed time, the ballot shall be marked "disqualified" with a notation on the ballot as to the reason for the disqualification. The total number of ballots cast, including the disqualified ballots, shall be ascertained. The number of eligible ballots cast approving and the number of eligible ballots cast disapproving the issuance of the order shall also be ascertained. The ballots marked "disqualified" shall not be considered as approving or disapproving the issuance of the order, and the persons who cast such ballots shall not be regarded as participating in the referendum.

(b) *Individual-handler pool provisions.* Whenever separate approval of the pooling provisions of the order is required by section 608c(5)(B)(i) of the act, any ballot which approves the issuance of the order and disapproves the pooling provisions, or approves the pooling provisions and disapproves the issuance of the order, shall be disqualified; and the referendum agent shall mark the ballot accordingly.

(c) *Record of results of the referendum.* The referendum agent shall notify the Administrator of the number of eligible ballots cast, the count of the votes, the number of disqualified ballots and the number of producers who were eligible to cast ballots. The referendum agent shall seal the ballots, including those marked "disqualified", the list of eligible voters and tabulation of ballots, and shall transmit to the Administrator a complete detailed report of all action taken in connection with the referendum together with all the ballots cast and all other information furnished to or compiled by the referendum agent.

(d) *Announcement of the results of the referendum.* Announcement of the results of the referendum will be made only at the direction of the Secretary. The referendum agent, or others who assist in the referendum, shall not disclose the results of the referendum or the total number of ballots cast.

§ 900.309 Confidential information.

The ballots cast, the identity of any person who voted, or the manner in which any person voted and all information furnished to, compiled by, or in the possession of the referendum agent, shall be regarded as confidential.

§ 900.310 Supplementary instructions.

The Administrator is authorized to issue instructions and to prescribe forms and ballots, not inconsistent with the provisions of this subpart, to govern the conduct of referenda by referendum agents.

§ 900.311 Submittals or requests.

Interested persons may secure information or make submittals or requests to the Administrator with respect to the provisions contained in this subpart.

Effective date. January 1, 1966.

Signed at Washington, D.C., on December 10, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 65-13401; Filed, Dec. 14, 1965; 8:49 a.m.]

PART 900—GENERAL REGULATIONS

Subpart—Procedure for the Conduct of Referenda in Connection With Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended

This subpart is a codification of the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Tree Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended," issued June 18, 1963, and published in the FEDERAL REGISTER, issue of June 21, 1963 (28 F.R. 6409), which replaced the procedure for conducting similar referenda (15 F.R. 5176) issued August 7, 1950. Included in the codification are certain modifications including those to conform, to the extent practical, the procedure therein to the Procedure for the Conduct of Referenda to Determine Producer Approval of Milk Marketing Orders to be made effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, which is also published (7 CFR 900.300–900.311) in this issue of the FEDERAL REGISTER.

Sec.
900.400 General.
900.401 Definitions.
900.402 Voting.
900.403 Instructions.
900.404 Subagents.
900.405 Ballots.
900.406 Referendum report.
900.407 Confidential information.

AUTHORITY: The provisions of this subpart issued under sec. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 900.400 General.

Referenda for the purpose of ascertaining whether the issuance by the Secretary of Agriculture of a marketing order to regulate the handling of any fruit, vegetable, or nut, or product thereof, or the continuance or termination of such an order, is approved or favored by producers or processors shall, unless supplemented or modified by the Secretary, be conducted in accordance with this subpart.

§ 900.401 Definitions.

(a) "Act" means Public Act No. 10, 73d Congress (48 Stat. 31), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246), as amended (7 U.S.C. 601–674).

(b) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead; and "Department" means the United States Department of Agriculture.

(c) "Administrator" means the Administrator of the Consumer and Marketing Service, with power to redelegate, or any officer or employee of the Department to whom authority has been delegated or may hereafter be delegated to act in his stead.

(d) "Order" means the marketing order (including an amendatory order) with respect to which the Secretary has directed that a referendum be conducted.

(e) "Referendum agent" means the individual or individuals designated by the Secretary to conduct the referendum.

(f) "Representative period" means the period designated by the Secretary pursuant to section 8c of the act (7 U.S.C. 608c).

(g) "Person" means any individual, partnership, corporation, association, or other business unit. For the purpose of this definition, the term "partnership" includes (1) a husband and wife who have title to, or leasehold interest in, land as tenants in common, joint tenants, tenants by the entirety, or, under community property laws, as community property, and (2) so-called "joint ventures," wherein one or more parties to the agreement, informal or otherwise, contributed capital and others contribute labor, management, equipment, or other services, or any variation of such contributions by two or more parties, so that it results in the growing of the commodity for market and the authority to transfer title to the commodity so produced.

(h) "Producer" means any person defined as a producer in the order who: (1) Owns and farms land, resulting in his ownership of the commodity produced thereon; (2) rents and farms land, resulting in his ownership of all or a portion of the commodity produced thereon; or (3) owns land which he does not farm and, as rental for such land, obtains the ownership of a portion of the commodity produced thereon. Ownership of, or leasehold interest in, land and the acquisition, in any manner other than as hereinbefore set forth, of legal title to the commodity grown thereon shall not be deemed to result in such owners or lessees becoming producers.

§ 900.402 Voting.

(a) Each person who is a producer, as defined in this subpart, at the time of the referendum and who also was a producer during the representative period, shall be entitled to only one vote in the referendum, except that: (1) In a landlord-tenant relationship, wherein each of the parties is a producer, each such producer shall be entitled to one vote in the referendum; and (2) a cooperative association of producers, bona fide engaged in marketing the commodity or product thereof proposed to be regulated, or in rendering services for or advancing the interest of the producers of such commodity or product, may, if it elects to do so, vote, both by number and total volume, for the producers who are members of, stockholders in, or under contract with such association.

(b) Whenever, as required by the act, processors vote on the issuance of an order, each processor who is engaged in canning or freezing within the production area of the commodity covered by the order shall be entitled to vote in the referendum the quantity of such commodity canned or frozen within the production area for market by him during the representative period determined by the Secretary.

(c) Proxy voting is not authorized but an officer or employee of a corporate producer, processor or cooperative association, or an administrator, executor or trustee of a producing estate may cast a ballot on behalf of such producer, processor, estate, or cooperative association. Any individual so voting in a referendum shall certify that he is an officer or employee of the producer, processor, or cooperative association, or an administrator, executor, or trustee of a producing estate, and that he has the authority to take such action. Upon request of the referendum agent, the individual shall submit adequate evidence of such authority.

(d) Each producer, cooperative association of producers, and processor entitled to vote in a referendum shall be entitled to cast one ballot in the referendum. Each producer, cooperative association of producers, and processor casting more than one ballot with conflicting votes shall thereby invalidate all ballots cast by such producer, cooperative association of producers, or processor in such referendum.

§ 900.403 Instructions.

The referendum agent shall conduct the referendum, in the manner herein provided, under supervision of the Administrator. The Administrator may prescribe additional instructions, not inconsistent with the provisions hereof, to govern the procedure to be followed by the referendum agent. Such agent shall:

(a) Determine the time of commencement and termination of the period of the referendum, and the time prior to which all ballots must be cast.

(b) Determine whether ballots may be cast by mail, at polling places, at meetings of producers or processors, or by any combination of the foregoing.

(c) Provide ballots and related material to be used in the referendum. Ballot material shall provide for recording essential information for ascertaining (1) whether the person voting, or on whose behalf the vote is cast, is an eligible voter, and (2) the total volume (i) produced for market during the representative period, or (ii) canned or frozen for market during the representative period.

(d) Give reasonable advance notice of the referendum (1) by utilizing without advertising expense available media of public information (including, but not being limited to, press and radio facilities) serving the production area, announcing the dates, places, or methods of voting, eligibility requirements, and other pertinent information, and (2) by such other means as said agent may deem advisable.

(e) Make available to producers and the aforesaid cooperative associations which indicate to the agent their intentions to vote, and to processors when required, instructions on voting, appropriate ballot and certification forms, and, except in the case of a referendum on the termination or continuance of an order, the text of the proposed order and a summary of its terms and conditions: *Provided*, That no person who claims to be qualified to vote shall be refused a ballot.

(f) If ballots are to be cast by mail, cause all the material specified in paragraph (e) of this section to be mailed to each producer (and processor when required) whose name and address is known to the referendum agent.

(g) If ballots are to be cast at polling places or meetings, determine the necessary number of polling or meeting places, designate them, announce the time of each meeting or the hours during which each polling place will be open, provide the material specified in paragraph (e) of this section, and provide for appropriate custody of ballot forms and delivery to the referendum agent of ballots cast.

(h) At the conclusion of the referendum, canvass the ballots, tabulate the results, and, except as otherwise directed, report the outcome to the Administrator and promptly thereafter submit the following:

(1) All ballots received by the agent and appointees, together with a certificate to the effect that the ballots forwarded are all of the ballots cast and received by such persons during the referendum period;

(2) A list of all challenged ballots deemed to be invalid; and

(3) A tabulation of the results of the referendum and a report thereon, including a detailed statement explaining the method used in giving publicity to the referendum and showing other information pertinent to the manner in which the referendum was conducted.

§ 900.404 Subagents.

The referendum agent may appoint any person or persons deemed necessary or desirable to assist said agent in performing his functions hereunder. Each person so appointed may be authorized by said agent to perform, in accordance with the requirements herein set forth, any or all of the following functions (which, in the absence of such appointment, shall be performed by said agent):

(a) Give public notice of the referendum in the manner specified herein;

(b) Preside at a meeting where ballots are to be cast or as poll officer at a polling place;

(c) Distribute ballots and the aforesaid texts to producers (and to processors when required) and receive any ballots which are cast; and

(d) Record the name and address of each person receiving a ballot from, or casting a ballot with, said subagent and inquire into the eligibility of such person to vote in the referendum.

§ 900.405 Ballots.

The referendum agent and his appointees shall accept all ballots cast; but, should they, or any of them, deem that a ballot should be challenged for any reason, said agent or appointee shall endorse above his signature, on said ballot, a statement to the effect that such ballot was challenged, by whom challenged, the reasons therefor, the results of any investigations made with respect thereto, and the disposition thereof. Invalid ballots shall not be counted.

§ 900.406 Referendum report.

Except as otherwise directed, the Administrator shall prepare and submit to the Secretary a report on results of the referendum, the manner in which it was conducted, the extent and kind of public notice given, and other information pertinent to analysis of the referendum and its results.

§ 900.407 Confidential information.

All ballots cast and the contents thereof (whether or not relating to the identity of any person who voted or the manner in which any person voted) and all information furnished to, compiled by, or in possession of, the referendum agent shall be treated as confidential.

Dated: December 10, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 65-13402; Filed, Dec. 14, 1965; 8:49 a.m.]

[Navel Orange Reg. 89, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1) (i), (ii), (iii), and (iv) of § 907.389 (Navel Orange Regulation 89, 30 F.R. 15031) are hereby amended to read as follows:

§ 907.389 Navel Orange Regulation 89.

• • • • • •

(b) *Order.* (1) • • •

(i) District 1: Unlimited movement;
(ii) District 2: Unlimited movement;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

• • • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 10, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-13371; Filed, Dec. 14, 1965; 8:47 a.m.]

PART 967—CELERY GROWN IN FLORIDA

Subpart—Rules and Regulations

Notice of rule making with respect to proposed administrative rules to be made effective under Marketing Agreement No. 149 and Order No. 967 (7 CFR Part 967; 30 F.R. 14266) regulating the handling of celery grown in Florida, was published in the FEDERAL REGISTER December 3, 1965 (30 F.R. 14991). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

This notice afforded interested persons an opportunity to file written data, views, or arguments in connection with these proposals not later than 5 days after publication in the FEDERAL REGISTER. The Florida Celery Committee recommended at their November meeting that a closing date for registration of all persons interested in qualifying as producers be prescribed. The committee's views on this are well considered and their recommendation for a closing date is adopted.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice which was recommended by the Florida Celery Committee, established pursuant to the aforesaid marketing order, the following administrative rules are hereby approved to become effective 1 day after publication in the FEDERAL REGISTER.

GENERAL

Sec.
967.100 Communications.

DEFINITIONS

967.110 Order.
967.111 Marketing Agreement.
967.112 Terms.

INTERPRETATIVE RULES

967.130 Producer.

ADMINISTRATIVE RULES

967.150 Marketable Quantity.
967.151 Base Quantities.
967.152 Reserve for Base Quantities.

AUTHORITY: The provisions of this subpart issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

GENERAL

§ 967.100 Communications.

Unless otherwise provided in the marketing agreement and order, or by specific direction of the committee, all reports, applications, submittals, requests, and communications in connection with the marketing agreement and order shall be addressed to the Florida Celery Committee, 4401 East Colonial Drive, Post Office Box 20067, at Orlando, Fla.

DEFINITIONS

§ 967.110 Order.

"Order" means Order No. 967 (§§ 967.1–967.60) regulating the handling of celery grown in Florida.

§ 967.111 Marketing agreement.

"Marketing Agreement" means Marketing Agreement No. 149.

§ 967.112 Terms.

Except as otherwise provided herein, terms used in this subpart shall have the same meaning as when used in the marketing agreement and order.

INTERPRETATIVE RULES

§ 967.130 Producer.

(a) "Producer" shall be deemed to include any person: (1) Who or which owns and farms land resulting in his or its ownership of the celery produced thereon; (2) who or which rents and farms land, resulting in his or its ownership of all or a portion of the celery produced thereon; or (3) who or which owns land which he or it does not farm and, as rental for such land, obtains the ownership of a portion of the celery produced thereon.

(b) The term "producer" is defined in § 967.6 as being any person engaged in a proprietary capacity in the production of celery (as defined in § 967.4). The term "person" is construed to mean the business unit which produces celery for market. The term producer shall be limited to those who have an ownership in celery produced in the production area.

(c) The term "partnership" shall be deemed to include a husband and wife with respect to land, the title to which, or leasehold interest in which, is vested in them as tenants in common, joint tenants, or tenants by entirety, or, under community property laws, as community property. The term "partnership" shall also be deemed to include two or more persons which join together by agreement, informal or otherwise, for the purpose of producing celery and which, as a unit, has ownership of such celery. The term "partnership" shall also include so-called "joint ventures," wherein one or more parties to the arrangement contribute capital and others contribute labor, management, equipment, or other services, or any variation of such contributions by two or more parties, so that it results in the production of celery for market and ownership thereof by such joint venture.

ADMINISTRATIVE RULES

§ 967.150 Marketable Quantity.

Pursuant to § 967.36(b) no handler may handle any harvested celery, when a Marketable Quantity is in effect, unless it is within the Marketable Allotment of a producer who has a Base Quantity pursuant to § 967.38 and such producer authorized the first handler thereof to purchase or otherwise handle it. Pursuant to § 967.38(c) each producer shall notify the committee, by certification to it, on forms furnished by the committee, as to each such handler and the number of crates of harvested celery to be so handled.

§ 967.151 Base Quantities.

(a) To provide the committee with information on which it may make determinations of Base Quantities as provided in § 967.37, the committee shall upon request furnish forms for registration as a producer to each known producer and to other persons who have indicated to the committee an interest in applying for a Base Quantity. For the initial season, all such forms for registration as producers, with prescribed information under subparagraphs (1) and (2) immediately following, shall be filed not later than December 20 of such season. The committee may not determine a Base Quantity for such initial season in connection with any such forms filed subsequent to such closing date.

(1) One such form, as prescribed by the committee, shall include provisions whereby the committee will be given information by the producer on the number of crates of celery sold by such producer or on his behalf during the seven seasons 1958–59 through 1964–65, broken down by crates, handlers and seasons. Other such forms shall provide for the furnishing of information and details by any producer who prior to September 30, 1965, made firm and substantial commitments for the production of celery and who offers substantial proof that his record of base period sales is not representative of his commitments. Such reports shall be submitted to the committee within such time as it may prescribe.

(2) Persons who filed forms for registration as producers, as provided in this paragraph (a) and who had no sales of celery during the seven seasons 1958–59 through 1964–65, may make application for the issuance of Base Quantities in such manner and on such forms as may be prescribed by the committee, which forms may include, but not necessarily be limited to, details on:

(i) Individual or firm name.

(ii) Location and size of farming operation.

(iii) Any firm and substantial commitments, such as contractual arrangements with credit agencies, handlers, fertilizer dealers, management agencies, and others, for the production and marketing of celery, including references to land, equipment, occupation, crops produced, past experience in farming, and to celery seedbeds and acreage planted or to be planted, and crates to be marketed therefrom.

(b) The committee upon receipt of the completed registrations and other forms shall consider and make determinations of Base Quantities for registered producers based upon the following, as applicable:

(1) The producer's sales of harvested celery in the base period as provided in § 967.37(b).

(2) The producer's firm and substantial commitments for the production of celery prior to September 30, 1965; the acreage so committed; and the probable marketable production therefrom for a season based on local experience, practices, and conditions.

(3) The equitable apportionment of Base Quantities among all eligible producers.

(c) As provided in § 967.37, the committee may provide for informal review in open meeting of the committee, or subcommittee thereof, of applicants' request for increases in Base Quantities or for Base Quantities. Such meeting shall be so conducted that an accurate record shall be made of relevant evidence presented. The record of such informal review, with references to relevant data and information presented, shall be retained by the committee and shall be subject to review by the Secretary.

(d) Each completed form submitted to the committee shall be considered and determinations shall be made thereon as promptly as practicable, which, as a matter of policy, should be within 30 days. The committee shall notify each individual in writing of the action taken on the forms submitted. If the committee has not advised an individual of its final decision within 45 days of the submission thereon, the individual may appeal to the Secretary for appropriate consideration thereof.

(e) To administer this part in accordance with its terms and provisions, a record of each Base Quantity and each Marketable Allotment shall be maintained by the committee.

(1) Whenever any Base Quantity or any Marketable Allotment is established for a producer, the committee shall so record and advise such producer on forms designated by it.

(2) No producer may transfer any Base Quantity or Marketable Allotment or obtain the same without first submitting a report containing all the details of the proposed transfer to the committee for record keeping and verification. Such reports shall be on forms prescribed by the committee and shall include, but not necessarily be limited to, and as applicable, Base Quantity or Marketable Allotment held, number of crates to be transferred and the specific period of time the transfer will be in effect, name and address of the producer to whom such Base Quantity or Marketable Allotment is being transferred, number of crates marketed in the representative period, qualifications as a producer and particulars on the sale and handling of the celery referable to the transferred Base Quantity or Marketable Allotment. The committee will only give consideration to requests for transfers of Base Quantities prior to the time Marketable Allotments are established for a particular season, after which time requests for transfers of Marketable Allotments may be made to, and considered by, the Committee: *Provided*, That, requests for transfers of Base Quantities for any future seasons may be made at any time.

(3) No handler may purchase harvested celery from, or handle harvested celery on behalf of, any producer, under a Base Quantity or Marketable Allotment transferred from one producer to another producer, unless such transfer was approved by the committee and recorded by it, or appropriate subcommittee, and the transferee has been so notified by the committee.

§ 967.152 Reserve for Base Quantities.

(a) Each season for which it recommends establishment of a Marketable Quantity under the provisions of § 967.36, the committee shall consider the need for a reserve for Base Quantities. Such consideration shall be directed to factors related to reserve needs, such as, but not necessarily limited to, the equitable apportionment of Base Quantities of celery among producers; and the need to meet additional demand for celery.

(b) The committee shall recommend to the Secretary, with its considerations and judgments thereon, the amount, if any, of harvested celery, in terms of crates, which should be established in a reserve for Base Quantities for the ensuing season. Such reserve may be calculated as a percentage of the total Marketable Quantity for a season or the then current Base Quantities, or shipments for a previous season or the average of shipments for two or more seasons, or on other similar basis to be determined by the committee with the Secretary's approval.

(c) The reserve, if any, for a particular season shall, for any season after the initial season, be established by the Secretary, pursuant to the committee recommendations or other available information, no later than the date of the establishment of Marketable Quantity.

(d) Applicants for Base Quantities or increases of Base Quantities, who have registered under § 967.151(a), may apply to the committee for a portion of such reserve within such time and on forms prescribed by it. The committee shall consider each application in accordance with § 967.151(b) and the amount of celery needed to meet the Marketable Quantity or revised Marketable Quantity for the season, the historical supply available, and the decline or increase in volume of celery production by other producers; and, if approved thereunder, determine the Base Quantity for each such applicant.

(e) Any balance of the reserve which has not been distributed during a current season shall not carry forward into the following season.

It is hereby found that good cause exists for not postponing the effective date of these rules and regulations beyond the day after publication in the FEDERAL REGISTER in that: (1) these rules apply to the handling of celery grown in Florida and the handling of celery for the 1965–66 season has begun; (2) it is necessary to place these rules in effect at the earliest possible date in order to effectuate operations under the marketing agreement and order during the current season, should a Marketable Quantity be established; (3) eligible persons are afforded opportunity to file registration forms; and (4) notice of proposed rule making has been given by publication in the FEDERAL REGISTER of December 3, 1965 (30 F.R. 14991).

Dated: December 10, 1965, to become effective December 16, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-13405; Filed, Dec. 14, 1965; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 7032; Amdt. 39-170]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 720 and 720B Series Airplanes

Amendment 39-161 (30 F.R. 14649), AD 65-27-1, requires inspection, and re-

pair where necessary, of the wing upper surface skin on Boeing Model 720 and 720B Series airplanes. Subsequent to the issuance of Amendment 39–161, the Agency has determined that it is necessary to revise the X-ray inspection method and to increase the area required to be inspected by the AD. Therefore, Amendment 39–161 is amended to require the more sensitive X-ray inspection specified in Revision 2 of the manufacturer's service bulletin and a more extensive X-ray inspection.

As a situation exists which demands immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–161 (30 F.R. 14649), AD 65–27–1, is amended as follows:

1. By striking out the words "Boeing Service Bulletin No. 2309, Revision 1, or later FAA-approved revision" from paragraphs (c) and (e) and inserting the words "Boeing Service Bulletin No. 2309, Revision 2, or later FAA-approved revision" in place thereof.

2. By striking out the words "Boeing Service Bulletin No. 2309, Revision 1" from paragraph (d) and inserting the words "Boeing Service Bulletin No. 2309, Revision 2, or later FAA-approved revision" in place thereof.

3. By striking out the words "from stringer No. 17" from paragraph (d) and inserting the words "from stringer No. 8" in place thereof.

4. By striking out the parenthetical statement.

This amendment becomes effective December 15, 1965.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on December 9, 1965.

C. W. WALKER,
Director,
Flight Standards Service.

[F.R. Doc. 65–13358; Filed, Dec. 14, 1965; 8:46 a.m.]

[Airspace Docket No. 65–WE–94]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone and Transition Area

On October 15, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 13168) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the Wenatchee, Wash., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001, e.s.t., March 3, 1966, as hereinafter set forth:

1. In § 71.171 (29 F.R. 17581) the following control zone is added:

WENATCHEE, WASH.

Within a 5-mile radius of Pangborn Field, Wenatchee, Wash. (latitude 47°24'00" N., longitude 120°12'30" W.), and within 2 miles each side of the Wenatchee VOR 124° radial, extending from the 5-mile radius zone to 10.5 miles SE of the VOR, excluding the airspace within a 1-mile radius of Fancher Field, Wash. (latitude 47°26'55" N., longitude 120°16'40" W.).

2. In § 71.181 (29 F.R. 17643) the following transition area is added:

WENATCHEE, WASH.

That airspace extending upward from 1,200 feet above the surface within 5 miles S and 8 miles N of the Wenatchee VOR 092° and 272° radials, extending from 7 miles W to 14 miles E of the VOR, and within 5 miles SW and 8 miles NE of the 124° radial, extending from the VOR to 14 miles SE of the VOR.

(Sec. 307(a), Federal Aviation Act of 1958, as amended; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on December 7, 1965.

JOSEPH H. TIPPETS,
Director, Western Region.

[F.R. Doc. 65–13359; Filed, Dec. 14, 1965; 8:46 a.m.]

[Airspace Docket No. 65–EA–42]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of VOR Federal Airways

On August 3, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 9648) stating that the Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would redesignate VOR Federal airways Nos. 39 and 837, in part, from South Boston, Va., via Duncan, Va., to Gordonsville, Va.; redesignate the VOR Federal airway No. 260 segment from Lynchburg, Va., via Duncan, to Flat Rock, Va.; and that would designate VOR Federal airway No. 323 from Greensboro, N.C., via the intersection of the Greensboro, N.C., 026° T and the Duncan 231° T radials, Duncan, Va., Brooke, Va., to the intersection of the Brooke 045° T and the Washington, D.C., 189° T radials.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable. The substance of the final rule is the same as proposed in the notice except the redesignation of V–837 proposed from South Boston, Va., via Duncan, Va., to Gordonsville, Va., is deleted since this segment is proposed for revocation in Airspace Docket No. 65–WA–31.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., March 3, 1966, as hereinafter set forth.

Section 71.123 (29 F.R. 17509, 30 F.R. 4121) is amended as follows:

1. In V–39 "Gordonsville, Va.;" is deleted and "Duncan, Va.; Gordonsville, Va.;" is substituted therefor.

2. In V–260 "Flat Rock, Va.;" is deleted and "Duncan, Va.; Flat Rock, Va.;" is substituted therefor.

3. V–323 is added: V–323 From Greensboro, N.C.; INT of Greensboro 026° and Duncan, Va., 231° radials; Duncan; Brooke, Va.; to INT of Brooke 045° and Washington, D.C., 189° radials.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 8, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65–13361; Filed, Dec. 14, 1965; 8:46 a.m.]

[Airspace Docket No. 65–CE–117]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On September 23, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 12130) stating that the Federal Aviation Agency proposed to designate controlled airspace in the vicinity of Ashland, Wis.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The one comment received was favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 21, 1966, as hereinafter set forth:

In § 71.181 (29 F.R. 17643) the following transition area is added:

ASHLAND, WIS.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of John F. Kennedy Memorial Airport (latitude 46°33'07" N., longitude 90°55'07" W.); and within 8 miles SE and 5 miles NW of the 208° bearing from John F. Kennedy Memorial Airport, extending from the airport to 12 miles SW of the airport; and within 8 miles W and 5 miles E of the 013° bearing from John F. Kennedy Memorial Airport, extending from the airport to 12 miles N of the airport; and that airspace extending upward from 1,200 feet above the surface within 8 miles NE and 5 miles SW of the 140° bearing from John F. Kennedy Memorial Airport, extending from the airport to 12 miles SE of the airport.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on December 2, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65–13362; Filed, Dec. 14, 1965; 8:46 a.m.]

[Airspace Docket No. 65–EA–74]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of Transition Area

On page 13545 of the FEDERAL REGISTER for October 23, 1965, the Federal Aviation Agency proposed regulations which would alter the Zanesville, Ohio, 700-foot floor transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., March 3, 1966.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on December 2, 1965.

OSCAR BAKKE,
Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Zanesville, Ohio, transition area the words, "within 2 miles each side of the Zanesville RBN 210° bearing extending from the 7-mile radius area to 8 miles SW of the RBN; and within 2 miles each side of the Zanesville VOR 222° radial, extending from the 7-mile radius area to 8 miles SW of the VOR;" and substitute therefor, "within 8 miles E and 5 miles W of the Zanesville VOR 222° radial extending from the VOR to 12 miles SW of the VOR".

[F.R. Doc. 65–13363; Filed, Dec. 14, 1965; 8:46 a.m.]

[Airspace Docket No. 65–SW–27]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area; Correction

On October 22, 1965, Federal Register Document 65–11308 was published in FEDERAL REGISTER (30 F.R. 13437) which altered the Lafayette, La., transition area.

Federal Register Document 65–11308 is amended herein to clarify the transition area description by specifying that the segment within 2 miles each side of the Lafayette localizer south course extends from an arc of a 5-mile circle centered on the Lafayette airport to 14 miles south of the airport. This segment is presently described as extending from "the 5-mile radius area" to 14 miles S of the airport.

Since this amendment will impose no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective immediately.

In consideration of the foregoing, the fourth paragraph of Federal Register Document No. 65–11308 is amended, effective immediately, to read as follows:

In § 71.181 (29 F.R. 15948) the Lafayette, La., transition area is amended to read.

LAFAYETTE, LA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of latitude 30°02'15" N., longitude 91°53'00" W., within 2 miles each side of the Lafayette VOR 139° radial extending from the 5-mile radius area to the VOR, within 2 miles each side of the Lafayette ILS localizer N course extending from the OM to 1 mile S, within 2 miles each side of the Lafayette ILS localizer S course extending from the arc of a 5-mile radius circle centered on the Lafayette Airport (latitude 30°12'00" N., longitude 91°59'40" W.) to 14 miles S of the airport, and within 2 miles each side of the Lafayette VOR 172° radial extending from the VOR to 8 miles S; and that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at latitude 30°46'20" N., longitude 91°50'40" W., to latitude 30°07'40" N., longitude 91°36'45" W., to latitude 30°13'00" N., longitude 90°-57'00" W., to latitude 29°53'00" N., longitude 91°00'00" W., to latitude 29°47'00" N., longitude 91°11'00" W., to latitude 29°36'00" N., longitude 91°11'00" W., thence west via latitude 29°36'00" N., to and clockwise along the arc of a 35-mile radius circle centered at latitude 30°02'15" N., longitude 91°53'00" W., to latitude 29°56'00" N., thence north to latitude 30°32'00" N., longitude 92°15'00" W., to point of beginning; within 8 miles N and 5 miles S of the White Lake VOR 090° and 270° radials extending from 7 miles W to 13 miles E of the VOR, and within 8 miles S and 5 miles N of the White Lake VOR 091° and 271° radials extending from 7 miles E to 13 miles W of the VOR.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Forth Worth, Tex., on December 7, 1965.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 65–13360; Filed, Dec. 14, 1965; 8:46 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Reg. 4, further amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950–)

Subpart H—Evidence

EVIDENCE AS TO AGE

Regulations No. 4, as amended, of the Social Security Administration (20 CFR 404.1, et seq.) are further amended as follows:

1. Section 404.703 is amended to read as follows:

§ 404.703 Evidence as to age.

(a) *When required.* An applicant for benefits under title II of the Act shall file supporting evidence showing the date of his birth if his age is a condition of entitlement or is otherwise relevant to the payment of benefits pursuant to such title II. Such evidence may also be required by the Administration as to the age of any other individual when such other individual's age is relevant to the determination of the applicant's entitlement.

(b) *Type of evidence to be submitted.* Where an individual is required to submit evidence of date of birth as indicated in paragraph (a) of this section, he shall submit a public or church record of birth or baptism or other public record established or recorded before his fifth birthday. Where it is shown that no such document recorded or established before age 5 is available, the individual shall submit a document established or recorded before his 11th birthday as proof of age. Where it is shown that no document established or recorded before the individual's 11th birthday is available, the individual shall submit other evidence established as close to his 11th birthday as possible, which may serve as the basis for a determination of the date of birth provided it is corroborated by other evidence or by information in the records of the Administration.

(c) *Evaluation of evidence.* In determining the probative value of evidence submitted to prove age, in the absence of a public or church record of birth or baptism or other public record established or recorded before age 11, consideration will be given to when (how long after the individual's 11th birthday) the document was established or recorded, whether it is corroborated by other evidence or by information in the records of the Administration, the circumstances attending its establishment or recordation, and its general probative value. Among the documents which may be submitted for such purpose are: School record, census record, bible or other family record, church record of confirmation or baptism in youth or early adult life, insurance policy, marriage record, passport, employment record, military record, delayed birth certificate, and birth certificate of child of applicant. In addition, for a foreign born individual, the record of arrival or naturalization record may be the earliest established available domestic record of his date of birth.

(d) *Certified copy in lieu of original.* In lieu of the original of any record, except a bible or other family record, there may be submitted as evidence of age a copy of such record or a statement as to the date of birth shown by such record, which has been duly certified (see § 404.701(g)).

(e) *When additional evidence may be required.* If the evidence submitted is not convincing, additional evidence may be required.

(Secs. 205 and 1102, 53 Stat. 1368, as amended 49 Stat. 647 as amended; sec. 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 405 and 1302)

Dated: December 2, 1965.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: December 8, 1965.

WILBUR J. COHEN,
Acting Secretary of Health, Education, and Welfare.

[F.R. Doc. 65–13395; Filed, Dec. 14, 1965; 8:49 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 33-4811, 34-7763, 35-15359, 40-4426, AS-102]

PART 211—INTERPRETATIVE RELEASES RELATING TO ACCOUNTING MATTERS (ACCOUNTING SERIES RELEASES)

PART 231—INTERPRETATIVE RELEASES RELATING TO SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 241—INTERPRETATIVE RELEASES RELATING TO SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 251—INTERPRETATIVE RELEASES RELATING TO PUBLIC UTILITY HOLDING COMPANY ACT OF 1935 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 271—INTERPRETATIVE RELEASES RELATING TO INVESTMENT COMPANY ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

Balance Sheet Classification of Deferred Income Taxes Arising From Installment Sales

It has come to the attention of the Securities and Exchange Commission that diverse practices exist regarding the balance sheet classification of deferred income taxes arising from the use of the installment method of reporting gross profit for income tax purposes. The majority of companies having installment receivables classified as current assets classify the related deferred income taxes as a noncurrent credit item, while some classify the deferred income taxes as a current liability or as a deduction from the receivables. It is understood that, at the end of their current fiscal years, some registrants intend to change from current to noncurrent the classification of the deferred income taxes if other companies continue to classify the related deferred income taxes as a noncurrent item. The Commission's staff has noted that some companies have recently changed their reporting practices to show such deferred income taxes as a noncurrent item while retaining the related installment receivables among current assets.

The classification of deferred income taxes related to installment receivables as noncurrent is significant when considered in light of the practice of classifying assets and liabilities as current or noncurrent in accordance with the normal operating cycle of the business. In Regulation S-X (17 CFR Part 210) the Commission recognized the operating cycle treatment in the determination of working capital.[1]

The installment receivables and related deferred income taxes pertaining to the same operating cycle clearly are both either current or noncurrent. There is no justification from the standpoint of either proper accounting or fair financial reporting for the use of the operating cycle approach for installment receivables and not for the related deferred income taxes. Obligations for items which have entered into the operating cycle and which mature within the operating cycle should be included in current liabilities when the related receivables are included in current assets, in order to present fairly the working capital position.[2]

The deduction of the deferred income taxes from the related installment receivables is not considered to be an appropriate procedure; the current value of the receivables is not affected by the amount of the tax deferral. The deferral is not a valuation reserve but a credit item representing cash retained in the business by the deferral of tax payments under the alternate tax provisions.

In view of the increasing use by many companies of installment sales and similar credit practices and the significance of the increasing amounts of the related deferred income taxes involved, the Commission deems it appropriate to state its opinion as to the proper reporting to be followed with respect to such deferred income taxes.[3] Where installment receivables are classified as current assets in accordance with the operating cycle practice, the related liabilities or credit items maturing or expiring in the time period of the operating cycle, including the deferred income taxes on installment sales, should be classified as current liabilities. Installment receivables not realizable within one year and the related deferred income taxes may be classified consistently as noncurrent items. In financial statements filed with the Commission for fiscal years ending on or after December 31, 1965, assets and liabilities entering into the operating cycle shall be classified consistently as current or noncurrent items. In addition, appropriate disclosure of the classification followed and amounts involved should be given.

[SEAL] ORVAL L. DUBOIS,
Secretary.

DECEMBER 7, 1965.

[F.R. Doc. 65-13357; Filed, Dec. 14, 1965; 8:45 a.m.]

[1] Regulation S-X, Rules 3-13 and 3-14 (17 CFR 210.3-13 and 210.3-14). *Cf.* American Institute of Certified Public Accountants, Accounting Research Bulletin No. 43, Chapter 3A, Current Assets and Current Liabilities.

[2] Cf. "Inventory of Generally Accepted Accounting Principles for Business Enterprises" by Paul Grady, Accounting Research Study No. 7, American Institute of Certified Public Accountants, New York, 1965, pp. 28, 29, and 65.

[3] Accounting Series Release No. 4, reaffirmed in Accounting Series Release No. 96 (17 CFR Part 211; 11 F.R. 10913, 28 F.R. 586).

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

[Reg. S-17]

PART 221—TIMBER

Cancellation of Contracts

Section 221.17 of Title 36, Code of Federal Regulations, is amended to read as follows:

§ 221.17 Cancellation of contracts.

(a) Timber sale contracts may be canceled:

(1) For serious or continued violation of their terms.

(2) Upon application, or with the consent of, the purchaser, when such action is of advantage to the United States or not prejudicial to its interests.

(3) Upon application of the purchaser if the value of the timber remaining to be cut is diminished materially because of catastrophic damage caused by forces beyond the control of the purchaser resulting in (i) physical change in the sale area or access to it, or (ii) damage to timber remaining to be cut.

(b) Cancellation will be by the Chief, Forest Service, if the amount of the sale exceeded the Regional Forester's authorization and by the Regional Forester in all other cases.

(30 Stat. 35, as amended, 16 U.S.C. 476, 551)

Done at Washington, D.C., this 10th day of December, 1955.

JOHN A. BAKER,
Assistant Secretary.

[F.R. Doc. 65-13334; Filed, Dec. 14, 1965; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

SUBCHAPTER B—LAND TENURE MANAGEMENT (2000)

[Circular No. 2202]

PART 2230—SPECIAL USES

Subpart 2234—Rights-of-Way

CANALS, DITCHES, AND RESERVOIRS FOR IRRIGATION; CORRECTION

The circular identification number for F.R. Doc. 65-12831 published November 30, 1965 (30 F.R. 14800), is corrected to read Circular No. 2202.

J. P. BEVINE,
Acting Associate Director.

DECEMBER 8, 1965.

[F.R. Doc. 65-13353; Filed, Dec. 14, 1965; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 170—FINANCIAL ASSISTANCE FOR CONSTRUCTION OF HIGHER EDUCATION FACILITIES

Miscellaneous Amendments

The following amendments are hereby made to part 170, 45 CFR (29 F.R. 12307, August 27, 1964) issued pursuant to the Higher Education Facilities Act of 1963, Public Law 88-204 (77 Stat. 364, 20 U.S.C. 711):

1. Section 170.1(d), dealing with the definition of academic facilities, is amended, to reflect an amendment of the Act by the Higher Education Act of 1965, by adding to subparagraph (5) thereof, provision for excluding from those facilities eligible for Federal participation, facilities used or to be used by a school of nursing as defined in section 843 of the Public Health Service Act.

As so amended, § 170.1(d)(5) reads as follows:

§ 170.1 Definitions.

As used in this part:

* * * * *

(d) * * * the term "academic facilities" does not include:

* * * * *

(5) Any facility used or to be used by a "school of medicine", "school of dentistry", "school of osteopathy", "school of pharmacy", "school of optometry", "school of podiatry", or "school of public health" as these terms are defined in section 724 of the Public Health Service Act, or a "school of nursing" as defined in section 843 of that Act; * * *

2. Subparagraph (2) of § 170.1(l), dealing with the definition of equipment, is deleted. Determination as to whether an item qualifies as an item of equipment shall be made solely on the basis of the criteria set forth in subparagraph (1) of § 170.1(l).

3. According to the most recent statistical information available to the Office of Education, part-time students enrolled in programs which normally lead to the award of a bachelor's or higher degree, carry approximately one-third of the normal full-time academic workload. This information further indicates that of the students enrolled in programs which are not chiefly creditable toward bachelor's or higher degree, approximately 40 percent are full-time students; the remaining 60 percent are part-time students and carry approximately 28 percent of the normal full-time academic workload. Subparagraph (2) of § 170.1(m) is hereby amended so as to utilize this information as a basis for defining "full-time equivalent number of students" for the purpose of determining State allotments for the fiscal years after fiscal year 1965. In addition, subparagraph (3) of § 170.1(m) is hereby amended so as to retain the existing definition insofar as it relates to the reporting of enrollment trends and projections in connection with the applications of individual institutions, and to define the term "full-time student" for the purpose of this definition.

As so amended, subparagraphs (2) and (3) of § 170.1(m) read as follows:

§ 170.1 Definitions.

As used in this part:

* * * * *

(m) "Full-time equivalent number of students" means:

* * * * *

(2) For purposes of determining State allotments for fiscal years after fiscal year 1965, the number of full-time students enrolled in programs which consist wholly or principally of work normally creditable towards a bachelor's or higher degree plus one-third of the number of part-time students enrolled in such programs, plus 40 percent of the number of students enrolled in programs which are not chiefly transferable towards a bachelor's or higher degree plus 28 percent of the remaining number of such students. Student enrollment figures for each fiscal year for the purpose of this computation shall be those listed in the most recent edition of the Office of Education publication Opening Fall Enrollment in Higher Education.

(3) For purposes of reporting enrollment trends and projections in connection with applications for financial assistance for individual institutions under Title I of the Act, the "full-time equivalent number of students" may be defined for each State by the State commission by specific State plan provision. In the absence of such a definition in the applicable State plan, "full-time equivalent number of students" shall be the total number of full-time students plus the full-time equivalent number of part-time students determined by dividing the total number of credit hours of part-time students by the normal load for a full-time student in the institution. For the purpose of this definition, full-time students are those carrying at least 75 percent of a normal student-hour load; for graduate students this means at least 75 percent of the academic load in course work or other required activity (such as a thesis) normally recommended for such students.

* * * * *

4. Subparagraph (2) of paragraph (f) and paragraph (l) of § 170.2, dealing with the assurances that are prerequisite to the approval of applications for assistance under any title of the Act, are hereby amended to provide that the contractor's payment bond need be for no more than half the contract price and to clarify requirements for competitive bidding in the awarding of construction contracts. Section 170.2 is also amended by adding a new paragraph, paragraph (p), which provides that all applicable provisions for equal opportunity in employment, pursuant to Executive Order 11246, will be included in all construction contracts covered by the application. In addition, paragraph (c) of § 170.45, and paragraph (f) of § 170.53, are deleted.

Section 170.2 (f)(2), (l), and (p) read as follows:

§ 170.2 General terms and conditions.

No application will be approved for Federal assistance under the Act unless it contains assurances that:

* * * * *

(f) Construction contracts for the construction covered by the application will:

* * * * *

(2) Provide that the contractor shall furnish a performance bond in the amount of the contract price and a payment bond in the amount of at least one-half the contract price, unless otherwise agreed to by the Commissioner in the case of contracts for small sums, and that the contractor shall maintain, during the life of the contract, workmen's compensation, adequate fire, public liability, and property damage insurance (unless the applicant makes other arrangements for any or all such insurance).

* * * * *

(l) All contracting for construction shall be on a fixed price basis; contracts will be awarded on the basis of competitive bidding, either by public advertising or by obtaining three or more bids from responsible bidders and that when bidding is by the latter method the owner shall permit any responsible contractor not on the selected list to submit a bid; such contracts will be awarded to the responsible bidder submitting the lowest acceptable bid; and the concurrence of the Commissioner will be obtained before awarding any such construction contract.

* * * * *

(p) All applicable provisions for equal opportunity in employment, pursuant to Executive Order 11246, will be included in all construction contracts covered by the application, and all other requirements, imposed by or pursuant to that Executive Order, will be complied with.

5. Section 170.3, dealing with the determination of costs eligible for Federal participation, is revised to read as follows:

§ 170.3 Determination of costs eligible for Federal participation.

Determination of costs eligible for Federal participation will be based for each individual project, whether application is made under Title I, II, or III of the Act, upon: (1) the date on which a given cost item was incurred (obligated or contracted for, whichever is earlier); (2) whether the cost is for an allowable item of expense in accordance with the definition of "development cost" contained in section 401(c) of the Act; (3) the portion of the total development cost of a proposed facility which is clearly assignable to academic facilities eligible under the type of assistance for which

application is submitted; and (4) the amount of any financial assistance under any other Federal program which the applicant has obtained or is assured of obtaining for the project.

(a) Any cost incurred before, or under a contract entered into before, December 16, 1963, shall be excluded from the eligible development cost.

(b) For applications for institutions other than public community colleges and public technical institutes, for construction which is not limited to structures, or portions thereof, especially designed for instruction or research in the natural or physical sciences, mathematics, modern foreign languages, or engineering, or for use as a library, any cost incurred before, or under a contract entered into before, the date of enactment of the Higher Education Act of 1965 shall be excluded from the eligible development cost for Title I grant participation.

(c) In addition, for applications received by a State commission under Title I of the Act or by the Commissioner under Title II or Title III of the Act on or after April 1, 1965, and prior to April 1, 1966, the following shall be excluded from the eligible development cost:

(1) Any cost, other than costs for architectural/engineering or legal services or for acquisition of land and/or existing structures, incurred before, or under a contract entered into before, the date of receipt of the application by the Commissioner, or, in the case of a Title I application, by the State commission: *Provided, however,* That the provisions of this subparagraph (1) shall not apply to costs incurred before or under a contract entered into before the date of such receipt where: (i) those costs were incurred under a contract the award of which was concurred in by the Commissioner in connection with another application (under another title of the act) for a grant or loan covering the same facilities; and (ii) such other application and the application covering the costs in question were received by the Commissioner, or, in the case of a Title I application, by the State commission, within an 18-month period; and (iii) the application covering the costs in question is approved by the Commissioner, or, in the case of a Title I application, is recommended by the State commission for such approval within 18 months of its receipt.

(2) Any land acquisition costs, costs of acquisition of existing structures, or costs for legal services, incurred more than 2 years prior to the date of such receipt of an application.

(3) Any cost incurred under a construction contract (including contracts for installation of built-in equipment) which, unless a waiver was granted by the Commissioner pursuant to section 403(a) of the Act, did not, when let, provide that laborers and mechanics employed by the contractor and any of his subcontractors will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (Public Law 403, 74th Congress), and receive overtime compensation in accordance with the provisions of the Contract Work Hours Standards Act (Public Law 87-581); and include, and provide for their inclusion in subcontracts, all applicable provisions regarding equal employment opportunity pursuant to Executive Order 11246.

(4) Any cost incurred under a construction contract or under any contract for the purchase or installation of any equipment, the terms of which are not consistent with or which was not awarded on a competitive basis consistent with the requirements of § 170.2(i).

(d) In addition, for applications received on or after April 1, 1966, either by the Commissioner under Title II or Title III of the Act or by a State commission under Title I of the Act, the following shall be excluded from the eligible development cost:

(1) Any project costs, other than the costs of architectural/engineering services and those costs covered by subparagraph (3) of this paragraph (d), incurred before or under a contract entered into before the date of acceptance by the applicant of the Commissioner's grant or loan offer for the approved project: *Provided, however,* That the provisions of this subparagraph (1) shall not apply to costs incurred before or under a contract entered into before acceptance of a grant or loan offer where: (i) Those costs were incurred under a contract the award of which was concurred in by the Commissioner in connection with another application (under another title of the Act) for a grant or loan covering the same facilities; and (ii) such other application and the application covering the costs in question were received by the Commissioner, or, in the case of a Title I application, by the State commission, within a 6-month period; and (iii) the application covering the costs in question is approved by the Commissioner, or, in the case of a Title I application, is recommended by the State commission for such approval within 18 months of its receipt.

(2) Any cost incurred under a construction contract (including contracts for installation of built-in equipment), or under a contract for purchase of movable equipment, entered into before the date of concurrence by the Commissioner in the award of such contract.

(3) Any land acquisition costs, costs of acquisition of existing structures, or costs for legal services, incurred more than 2 years prior to the date of receipt of the application by the Commissioner, or, in the case of a Title I application, by the State commission.

(e) In any case where State plan provisions require that applications be resubmitted to the State commission one or more times during an 18-month period following the date of their initial receipt by the State commission, such resubmitted application shall, unless substantially changed, be considered for the purposes of paragraphs (c) and (d) of this § 170.3 to be received as of the original date of filing. In all other cases, applications which have been resubmitted or refiled or substantially changed by amendment, shall be considered for the purposes of paragraphs (c) and (d) of this § 170.3, to be received as of the date of such resubmission, refiling, or amendment.

(f) If the project for which a grant or loan is requested is a part of a larger facility, the portion of the development cost eligible for Federal participation shall be determined in a manner acceptable to the Commissioner, taking into account the relative proportion of total assignable area in the larger facility which is eligible for the type of Federal financial assistance requested.

6. Section 170.11, dealing with project eligibility for grants under Title I of the Act, is hereby amended to modify the provisions for determining urgency of need for a substantial increase in student enrollment capacity and pursuant to the amendment of the Act by the Higher Education Act of 1965, to include provision for determining whether a project will result in an urgently needed substantial expansion or creation of capacity to carry out extension and continuing education programs.

As so revised, § 170.11 reads as follows:

§ 170.11 Project eligibility.

To qualify for a grant from funds allotted pursuant to Title I of the Act, the project covered by a grant application shall meet applicable conditions as set forth in section 106 of the Act.

(a) As used in section 106 of the Act, "other construction to be undertaken within a reasonable time" shall mean construction in progress as of the date of the application or construction approved to start within 2 years of the date of application.

(b) The addition of 10,000 square feet of assignable area in instructional or library facilities, or the addition of assignable area equal to 50 percent of the existing assignable area in instructional or library facilities, shall qualify as a substantial expansion of the institution's student enrollment capacity or capacity to carry out extension and continuing education programs on the campus of such institution.

(c) In determining whether a substantial expansion of enrollment capacity or capacity to carry out extension and continuing education programs is urgently needed, consideration shall be given to (1) the capacity enrollment ratio at the campus to be expanded and the planned for and reasonably expected increase in undergraduate enrollment (full-time equivalent) at such campus; or to (2) the degree of utilization of existing facilities devoted to extension and continuing education programs, if any, and the association of the project with a planned substantial increase in such programs (including the reasonably expected enrollment growth in such programs) at the campus at which the facility is to be constructed, which is in response to demonstrated needs of the community or State in which the campus is located.

(d) In determining whether the creation of enrollment capacity or capacity to carry out extension and continuing education programs at a new institution or branch campus is urgently needed, consideration shall be given to (1) the planned for and reasonably expected undergraduate enrollment (full-time equivalent) at such institution or branch campus, upon completion of the proposed project, and to any available data on the needs for expansion of enrollment capacity in the particular State; or to (2) the planned association of the project with substantial new extension and continuing education programs which are to be initiated on the campus of such institution or branch campus upon the completion of the proposed project, and which are in response to demonstrated needs of the community or State in which the campus is located.

7. Paragraph (c) of § 170.18, dealing with provisions for retention by a State commission of Title I applications not assigned sufficiently high priorities to qualify for Federal grants as of any closing date, is amended to provide an option for State commissions to establish specific provisions for the retention and the refiling of applications in each State.

As so revised paragraph (c) of § 170.18 reads as follows:

§ 170.18 Closing dates for consideration of applications.

* * * * *

(c) Applications not recommended for grants as of any closing date shall, in the absence of specific procedures included in the applicable State plan, be retained and reconsidered for 18 months after their date of receipt (as determined under § 170.3(e)) by the State commission. Applications which are not recommended for a grant within such 18-month period shall be returned to applicants. Any applicant may at any time withdraw his application and may resubmit any application which has been withdrawn or returned by the State commission.

8. Section 170.19, dealing with State plan provisions, is hereby amended by numbering the first paragraph thereof as paragraph (a), and renumbering the following lettered subparagraphs as subparagraphs (1) through (6), respectively, and by adding at the end thereof a new paragraph, paragraph (b), which sets forth the procedure for amending State plans. Section 170.19(b) reads as follows:

§ 170.19 State plan.

* * * * *

(b) All proposed amendments to the State plan shall be submitted to the Commissioner for his approval in such form and in accordance with such instructions as are established for that purpose. Such amendments shall apply uniformly to all applications to be considered together as of any closing date, and, unless otherwise provided in the State plan, shall become effective immediately upon approval by the Commissioner, except that in no event shall any amendment which affects the standards and methods for determining priorities or Federal shares or any amendment providing for an additional closing date or for the change in an existing closing date, become effective sooner than 60 days after the date the proposal to make such amendment is received by the Commissioner and 30 days after the date of the Commissioner's approval of the amendment as a part of the State plan: *Provided, however,* That amendments which are required by amendments of the Act or are designed to promptly implement amendments of the Act may be made effective immediately upon their approval by the Commissioner.

9. Section 170.21, which provides for the amendment of project applications under Title I and the processing of supplemental applications for an increase in the amount of the Federal share, is hereby amended (1) to state expressly in paragraph (c) the circumstances under which the filing of a supplemental application is appropriate, and (2) by adding a new paragraph (d) dealing with the method of calculating the total Federal share in cases where supplemental grant applications have been submitted.

Section 170.21 (c) and (d) read as follows:

§ 170.21 Amendment of project applications.

* * * * *

(c) Any time after an application has been forwarded to the Commissioner by the State commission with a recommendation for a Federal grant, an applicant desiring to apply for an increase in the amount of the Federal share on the basis of an increase in development cost which is not due to a change in the scope of the project, or for the balance of the original amount when a partial Federal share was recommended pursuant to § 170.17(b)(2), shall submit a supplemental application on forms supplied by the Commissioner together with any additional information which may be required by the State commission. Supplemental applications shall be considered together with all other applications eligible for consideration as of the next applicable closing date and each supplemental application shall be assigned a relative priority and otherwise processed in accordance with the State plan as if it is (together with the previously approved application) an original application. In no event shall a supplemental application be considered by a State commission or approved by the Commissioner after final settlement has been made on the completed project.

(d) Unless otherwise specifically provided in the State plan, the provisions of the State plan in effect for the closing date as of which the original application was recommended by the State commission shall be applied in determining the total Federal share (original plus supplemental) for which the project qualifies.

10. Section 170.22, which provides for adjustment in the amount of the Federal share of a Title I project based on the actual cost of the project, is hereby amended to clarify the basis for computing the Federal share in cases where the actual eligible development cost is lower than the estimated eligible development cost.

Section 170.22 as so amended reads as follows:

§ 170.22 Adjustments in amount of Federal share.

(a) The Federal share will be expressed in the grant agreement both as a dollar amount and as a percentage of the eligible development cost of the project, as determined in accordance with the provisions of the State plan in effect at the time the project is recommended. Determination of the percentage so specified will be made according to the following criteria:

(1) Where the State plan provisions in effect at the time the project was recommended by the State commission set forth the Federal share as a given percentage of cost, but where such percentage of cost is to be limited by a certain dollar amount (representing less than such given percentage of cost), the percentage to be specified in the grant agreement will be such given percentage.

(2) Where such State plan provisions provide for a Federal share based on a given percentage or the sum of given percentages of cost, but also provide for increasing the Federal share above such amounts to some higher percentage in the event sufficient funds are available in the same fiscal year, the percentage specified in the grant agreement will be the highest possible percentage under the State plan.

(3) Where such State plan provisions provide for a Federal share of some lower percentage of cost than is permissible under the Act, and do not provide for increasing the Federal share above such percentage, the percentage specified in the grant agreement will be determined by dividing the dollar amount of the Federal share by the amount of the net estimated eligible project development cost.

(b) At the time of final settlement under the grant agreement, the amount of the Federal share shall be subject to adjustment on the basis of the actual eligible development cost of the project.

(c) In the event the actual eligible development cost is less than the estimated eligible development cost, the applicant shall be entitled to payment on the basis of the Federal share computed by multiplying the actual eligible development cost by the percentage specified in the grant agreement pursuant to paragraph (a) of this section, or to the dollar amount specified in the grant agreement, whichever is the lesser.

(d) In the event that actual eligible development cost exceeds the estimated eligible development cost, the applicant shall be entitled to payment on the basis of the Federal share which was expressed as a dollar amount in the grant agreement pursuant to paragraph (a) of this section.

(Secs. 101-407; 77 Stat. 364-379; 20 U.S.C. 711-757)

Dated: November 17, 1965.

[SEAL] HENRY LOOMIS,
Acting Commissioner of Education.

Approved: December 3, 1965.

JOHN W. GARDNER,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 65-13375; Filed, Dec. 14, 1965; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 42]

STANDARDS FOR CONDITION OF FOOD CONTAINERS

Notice of Proposed Rule Making

Notice is hereby given that the U.S. Department of Agriculture is considering revising the U.S. Standards for Condition of Food Containers as presented below pursuant to the Agricultural Marketing Act of 1946, as amended (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision of the standards should file the same in duplicate, not later than February 15, 1966, with the Hearing Clerk, U.S. Department of Agriculture, Room 112 Administration Building, Washington, D.C., 20250, where they will be available for public inspection during official hours of business.

Statement of consideration. After 2 years of practical application of this Standard in the field, extensive study of the various provisions, and review of suggestions from interested parties, it has been determined that certain changes and additions would improve the Standard for the purpose intended. The changes and additions are as follows:

(1) Provision has been made for normal, tightened, and reduced inspection. This allows latitude in sample size based on prior experience.

(2) Sampling plans for condition of container have been realigned and the number of plans has been reduced to provide for simplified procedures of sampling compatible with the usual size of lots to be examined.

(3) The maximum number of primary containers to be drawn from various size cases have been changed to reduce the amount of destructive sampling of shipping cases.

(4) Changes have been made in the specified AQL's for the respective class of defects. AQL's for the respective class of defects. AQL's 0.065, 0.10 have been deleted and AQL's 0.50, 0.25 added. The new recommended AQL's are considered best for the usual purpose intended and are based on considerable study.

(5) A separate table of defects for labeling and marking has been established.

(6) Based on suggestions for changes in defect classifications, new tables of defects have been established for the various types of containers. A section has been included in each table to cover general defects.

(7) Certain definitions have been amended or added for the sake of clarity.

The proposed revision incorporates the best information available to provide for a uniform standard to measure the acceptability of a lot whenever condition examination of the exterior of filled food containers is requested as part of a sales transaction.

The standards are as follows:

Subpart A—Definitions

Sec.
42.101 Meaning of words.
42.102 Definitions, general.

Subpart B—Condition Inspection Procedures

42.103 Purpose and scope.
42.104 Sampling plans and defects.
42.105 Basis for selection of sample.
42.106 Classifying and recording defects.
42.107 Lot acceptance criteria.
42.108 Normal, tightened or reduced inspection.
42.109 Sampling plans for normal condition of container inspection, Tables I and I–A.
42.110 Sampling plans for tightened condition of container inspection, Tables II and II–A.
42.111 Sampling plans for reduced condition of container inspection, Tables III and III–A; and limit number for reduced inspection, Table III–B.
42.112 Defects of containers, Tables IV, V, VI, VII.
42.113 Defects of label, marking, or code; Table VIII.

Subpart C—Miscellaneous

42.115 Operating Characteristic (OC) curves.

AUTHORITY: The provisions of this Part 42 issued under secs. 203, 205, 60 Stat. 1087, as amended, 1090, as amended; 7 U.S.C. 1622, 1624.

Subpart A—Definitions

§ 42.101 Meaning of words.

Words used in this part in the singular form shall be considered to import the plural, or vice versa, as the case may demand.

§ 42.102 Definitions, general.

For the purpose of this part, unless the context otherwise requires, the following terms shall be construed, respectively, to mean:

Acceptable Quality Level (AQL). The AQL is expressed in terms of defects per 100 units (DHU) Lots having a quality level equal to a specified AQL will be accepted approximately 95 percent of the time when using the sampling plans prescribed for the AQL. (See operating characteristic curves in Subpart C, § 42.115.)

Acceptance Number (Ac). The number in a sampling plan that indicates the maximum number of defects permitted in a sample in order to consider a lot as meeting a specific requirement.

Administrator. The Administrator of the Consumer and Marketing Service (C&MS) of the Department or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated, the authority to act in his stead.

Condition. The degree of acceptability of the container with respect to freedom from defects which affect the serviceability, including appearance as well as usability, of the container for its intended purpose.

Defect classifications. The terms used to denote the severity of a defect. The terms are as follows:

(1) *Critical defect*—A defect that seriously affects, or is likely to seriously affect, the usability of the container for its intended purpose.

(2) *Major defect*—A defect that materially affects, or is likely to materially affect, the usability of the container for its intended purpose.

(3) *Minor defect*—A defect that materially affects the appearance of the container but is not likely to affect the usability of the container for its intended purpose.

(4) *Insignificant defect*—A flaw in the container that does not materially affect the appearance and does not affect usability of the container for its intended purpose when performing examinations, insignificant defects shall not be recorded.

Department. The U. S. Department of Agriculture.

Double sampling. A sampling inspection scheme which involves use of two independently drawn but related samples, a first sample and a second sample which is added to the first to form a total sample size. A double sampling plan consists of first and total sample sizes with associated acceptance and rejection criteria. The first sample must be inspected first and, if possible, a decision as to acceptance or rejection of the lot made before a second sample is inspected. When the decision cannot be made on the first sample, a second sample is inspected, the decision to accept or reject is based on the total sample size.

Lot. A collection of units of the same size, type and style which has been manufactured or processed under essentially the same conditions. The term shall mean "inspection lot"; i.e., a collection of units of product from which a sample is to be drawn and inspected to determine conformance with the applicable acceptance criteria. An inspection lot may differ from a collection of units designated as a lot for other purpose (e.g. production lot, shipping lot, etc.).

Operating characteristic curve ((OC) curve). A curve that gives the probability of acceptance as a function of a specific lot quality level.

Origin inspection. An inspection made at any location where the filled containers are examined prior to shipment or transfer to the purchaser.

Primary container. The immediate container in which the product is packaged and which serves to protect, preserve, and maintain the quality and market shelf life of the product. It may be metal, glass or fiber, wood, textile, plastic, paper, or any other suitable type of material and may be supplemented by liners, overwraps, or other protective materials.

Random sampling. A process of selecting a sample from a lot whereby each unit in the lot has an equal chance of being chosen. Predetermined sampling patterns must be used to avoid subjective biases.

Rejection number (Re). The number in a sampling plan that indicates the minimum number of defects in a sample that will cause a lot to fail a specific requirement.

Sample. Any number of sample units which are to be used for inspection.

Sample size (n). The number of sample units which are to be included in the sample.

Sample unit. The individual container including any component parts.

Sampling plan. Any plan stating the sample size or sizes, acceptance number or numbers, and rejection number or numbers.

Shipping case. The container in which the product or primary container is placed to protect, preserve, and maintain the quality of the product in transit or storage.

Single sampling. A sampling inspection scheme where the decision to accept or reject an inspection lot with respect to a specified requirement is made after the inspection of a single sample. A single sampling plan consists of a single sample size with associated acceptance and rejection criteria.

Total defects. The sum of critical, major, and minor defects.

Subpart B—Condition Inspection Procedures

§ 42.103 Purpose and scope.

(a) This subpart outlines the procedure to be used to establish the condition of containers in lots of packaged foods. This subpart shall be used to determine the acceptability of a lot based on specified acceptance levels included in the plan outlined in § 42.106 or any alternative plan which is approved by the Administrator. This subpart or approved alternative plan will be applied when a Government agency or private user of the C&MS inspection or grading services requests that filled containers or shipping cases be certified for condition.

(b) This subpart will not be used when the C&MS inspection or grading services are requested to examine product characteristics only and are not requested to certify to the condition of the filled containers.

(c) This does not preclude a statement on the certificate limited to a description of defective containers observed during the process of examining sample units for product characteristics. Such a statement shall apply only to defective containers observed and shall not necessarily be indicative of the condition of the other containers in the lot.

(d) Unless otherwise specified by the user of service, this subpart will not apply to inspection lots of less than 50 shipping cases or to inspection lots of less than 300 primary containers. When the primary container is the shipping case, the shipping case limit will apply When the number of primary containers is 300 or more; or the number of shipping cases is 50 or more, this subpart will be used for the examination of the primary container and the shipping case if the examination of one or both has been requested.

§ 42.104 Sampling plans and defects.

(a) *Sampling plans.* Sections 42.109 through 42.111 show the minimum number of containers to examine for condition in relation to lot size ranges. Any other sampling plan in the tables with a larger first sample size than that indicated by the lot size range may be specified. The tables also provide acceptance (Ac) and rejection (re) numbers for lot acceptance (or rejection) based on the number, class, and type of defects present in the sample.

(b) *Defects.* The tables in § 42.112 enumerate and classify defects according to the degree to which the individual defect affects the serviceability, including appearance as well as usability, of the container for its intended purpose. The table in § 42.113 enumerates and classifies defects of the label, marking, or code.

§ 42.105 Basis for selection of sample.

(a) *Identification of lot.* Selection of proper samples requires sufficient information to identify the lot; such information includes, but is not limited to:

(1) The lot size (see § 42.103 for restriction on small lots);

(2) The type and size of container;

(3) The code marks or other identification marks and the number of containers represented by each mark;

(4) The history of the lot regarding previous inspections; and

(5) The inspection status (normal, tightened, or reduced) of the processor.

(b) *Preliminary scanning.* Prior to drawing the sample, the lot should be scanned to determine if any segments or portions are abnormal with respect to wet cases, blown cans, top layer rust, leaking bags, etc. If such segments or portions noted are of any consequence, the lot may be rejected for condition of containers without sampling.

(c) *Sample size.* Determination of the number of containers to check for condition:

(1) Refer to the table in §§ 42.109 through 42.111 (sampling plans) and find where the lot size (number of individual containers) fits into the column headed "Lot Size Ranges."

(i) Tables I–A (normal), II–A (tightened), or III–A (reduced), as applicable, will apply to origin inspections, unless the contractor requests that corresponding single sampling plans be used.

(ii) The appropriate double sampling plans in Table I will apply to other than origin inspections, unless the contractor requests that corresponding single sampling plans be used.

(2) Select the appropriate sample size for the corresponding lot size range as indicated in the appropriate column headed "Sample Size." A larger sample may be specified but it must be one of the listed plans in the table. The sample size cannot be an interpolation between plans.

(3) Lots rejected for unsatisfactory condition of containers may be subsequently sampled after being reconditioned or reworked. Such lots of resulting portion of a lot may be sampled as a reoffered lot providing the reoffered portion is separately identifiable. When making such inspections, the appropriate sampling plan for tightened inspection shall be used. Except in the case of an appeal inspection, it is not permissible to reinspect a previously rejected lot until it has been reconditioned or reworked.

(d) *Sample selection.* Select samples from the lot presented in accordance with either of the following two procedures as may be applicable. (A lot offered for inspection will be accepted or rejected in its entirety with either sampling procedure used to select the sample.)

(1) *Proportional random sampling.* When the number of codes or other identifying marks within the lot and the approximate number of cases or containers per code are known, select sample units at random within each mark and in a number proportionate to the number of containers represented by such mark.

(2) *Simple random sampling.* When there are no code or other identifying marks, or when the number of codes or identifying marks within the lot and/or approximate number of cases or containers per mark are not known, select sample units at random from the entire lot.

(e) *Maximum sample units per case.* If the lot is cased, predetermine the number of containers to draw from each case as well as the position within each case. Do not restrict the sampling to the top or bottom layers or to the corners. The best sample is one selected from all the various positions in the shipping case. It is desirable but not mandatory to limit the number of sample units to a single container from any one case. Multiple sample units may be taken from a single case but not in excess of the following plan:

(1) When containers are packed 12 or less to a case, draw a maximum of 6 sample units from any one case; and

(2) When containers are packed more than 12 to a case but not more than 60, draw a maximum of 12 sample units from any one case; and

(3) When containers are packed more than 60 to a case but not more than 250, draw a maximum of 16 sample units from any one case; and

(4) When containers are packed more than 250 in a case, draw a maximum of 24 sample units from any one case.

§ 42.106 Classifying and recording defects.

(a) *Classifying defects.* Examine each sample unit for the applicable type of defects listed in the table covering the container being inspected in §§ 42.112 and 42.113. Other defects, not specifically listed, shall be classified according to their effect on the intended use of the container.

(b) *Recording defects.* Record on a worksheet the number, type, and class (critical, major, or minor) of defects on each sample unit.

(c) *Totaling defects.* Add the number of defects in each class, then add the number of minor, major, and critical defects to obtain the total defects.

(1) Related defects are defects on a single container that are related to a single cause. If the initial incident causing one of the defects had not occurred, none of the other related defects on the container would be present. As an example of related defects, a can may be a leaker and also the exterior seriously rusted due to the leakage of the contents. In this case, the container is scored only once for these two defects since the rust condition can be attributed to the leak. Score the container according to whichever condition is the most serious. In this example, score as a "leaker" (a critical defect) and not as "pitted rust" (a major defect).

(2) Unrelated defects are defects on a single container that result from separate causes. If the incident that caused one of the defects had not occurred, the other unrelated defects on the container would still be present. As an example of unrelated defects, a can may be seriously rusted, may have a bad dent along the seam, and the label may also be detached from the can because of improper gluing. In this case it is unlikely that any of the three defects exist because of a common cause. Therefore, they are considered unrelated defects and should be scored as three defects.

(3) The lot acceptance portion of this procedure is based on the number of defects per 100 containers. It is necessary to determine if the defects on any one container are "related" defects or "unrelated" defects. A container is scored for the most serious of related defects, and is also scored for each unrelated defect.

§ 42.107 Lot acceptance criteria.

(a) Acceptance and rejection numbers: The acceptability of the lot is determined by relating the number and class of defects enumerated on the worksheet to the acceptance and rejection numbers shown in §§ 42.109 through 42.111 for the respective sample size and Acceptable Quality Level (AQL).

(b) Unless otherwise specified, use the following AQL's for the respective class of defects:

Defect class	AQL at origin inspection	AQL at other than origin inspection
Critical	0.25	0.25
Major	1.5	2.5
Total	6.5	10.0

(c) Acceptance or rejection: Refer to the appropriate sample size and AQL and compare the number of defects found in the sample with the acceptance (Ac) and rejection (Re) numbers in the sampling plan.

(1) Accept the lot after examining the single sample or first sample of a double sampling plan when all of the following conditions are met:

(i) The number of critical defects does not exceed the applicable acceptance number (Ac) for critical defects, and

(ii) The number of major defects does not exceed the applicable acceptance number (Ac) for major defects, and

(iii) The total number of critical, major, and minor defects does not exceed the applicable acceptance number (Ac) for total defects.

(2) Reject the lot after examining the single sample or first sample of a double sampling plan when any one or more of the following conditions occur:

(i) The number of critical defects equals or exceeds the applicable rejection number (Re) for critical defects, or

(ii) The number of major defects equals or exceeds the applicable rejection number (Re) for major defects, or

(iii) The total number of critical, major, and minor defects equals or exceeds the applicable rejection number (Re) for total defects.

(3) If the lot can neither be accepted nor rejected on the first sample, when a double sampling plan is used, select and examine the prescribed second sample. Accept the lot if the accumulated defects of the first and second sample meet conditions of subparagraph (1) of this paragraph, otherwise, reject the lot.

§ 42.108 Normal, tightened, or reduced inspection.

(a) *Normal inspection.* Sampling plans for normal inspection are those in Tables I and I–A. These plans shall be used except when the history of inspection permits reduced inspection or requires tightened inspection.

(b) *Tightened inspection.* Sampling plans for tightened inspection are those in Tables II and II–A.

(c) *Reduced inspection.* Sampling plans for reduced inspection are those in Tables III and III–A.

(d) *Switching rules.* The normal inspection procedure shall be followed except when conditions in subparagraph (1) or (3) below are applicable or unless otherwise specified. Application of the following switching rules will be based on the inspection records of the lots from a single production plant.

(1) *Normal inspection to reduced inspection.* When normal inspection is in effect, reduced inspection may be instituted providing that all of the following conditions are satisfied for each class of defect:

(i) The preceding 10 inspection lots (or more, as indicated by the note to Table III–B) which have been inspected within the preceding 6 months have been on normal inspection and none has been rejected on original inspection; and

(ii) The total number of defects in the samples from the preceding 10 inspection lots (or such other number of lots used for condition in subdivision (i) of this subparagraph) is equal to or less than the applicable number given in Table III–B. If a double sampling plan is used, all samples inspected should be included, not "first" samples only; and

(iii) Reduced inspection is considered desirable by responsible authority.

(2) *Reduced inspection to normal inspection.* When reduced inspection is in effect, normal inspection shall be reinstituted if any of the following occur on original inspection:

(i) An inspection lot is rejected; or

(ii) Production becomes irregular or delayed; or

(iii) Other valid conditions warrant that normal inspection shall be reinstituted.

(3) *Normal inspection to tightened inspection.* When normal inspection is in effect, tightened inspection shall be instituted when 2 out of 5 consecutive inspection lots have been rejected on original inspection (i.e., ignoring resubmitted lots for this procedure).

(4) *Tightened inspection to normal inspection.* When tightened inspection is in effect, normal inspection may be reinstituted when five consecutive inspection lots have been considered acceptable on original inspection.

(e) *Application of switching rules.* Normal, tightened, or reduced inspection shall continue unchanged for each class of defects on successive inspection lots that are similar in character (i.e., style, size, and type container, etc.) except where the switching rules require a change. The rules for switching procedures shall be applied independently to each class of defects. When the rules require a switch to tightened inspection on one or more classes of defects all classes shall be on tightened inspection. However, before switching from tightened inspection to normal inspection or from normal inspection to reduced inspection, all classes of defects must meet the applicable rules for switching.

§ 42.109 Sampling plans for normal condition of container inspection, Tables I and I–A.

TABLE I—SAMPLING PLANS FOR NORMAL CONDITION OF CONTAINER INSPECTION

Code	Lot size ranges—Number of containers in lot	Type of plan	AQL 0.15				Other acceptable quality levels (normal inspection)															
			Sample size		Ac	Re	Sample size	0.25		0.50		1.0		1.5		2.5		4.0		6.5		10.0	
								Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re
CA	6,000 or less	Single		126	0	1		84	0	1	1	2	2	3	3	4	4	5	6	7	9	10	13	14
		Double	1st				1st	36	(*)	(*)	0	2	0	3	0	4	0	4	0	5	2	7	3	9
			2d				2d	60																
			Total				Total	96	(*)	(*)	1	2	2	3	3	4	4	5	7	8	10	11	15	16
CB	6,001–12,000	Single		264	1	2		168	1	2	2	3	4	5	5	6	7	8	11	12	16	17	23	24
		Double	1st	174	0	2	1st	120	0	2	0	3	2	5	2	6	3	7	6	10	10	14	14	19
			2d	162			2d	60																
			Total	336	1	2	Total	180	1	2	2	3	4	5	5	6	8	9	12	13	17	18	25	26
CC	12,001–36,000	Single		500	2	3		315	2	3	3	4	6	7	8	9	13	14	19	20	28	29	41	42
		Double	1st	252	0	3	1st	168	0	3	0	4	1	5	2	7	5	10	7	13	12	18	19	26
			2d	288			2d	180																
			Total	540	2	3	Total	348	2	3	3	4	7	8	9	10	14	15	21	22	31	32	45	46
CD	Over 36,000	Single		800	3	4		500	3	4	5	6	9	10	12	13	18	19	28	29	42	43	62	63
		Double	1st	456	0	4	1st	228	0	3	0	5	2	7	3	9	5	11	8	17	15	24	23	34
			2d	408			2d	288																
			Total	864	3	4	Total	516	3	4	5	6	9	10	12	13	19	20	29	30	43	44	64	65
CE		Single		1,250	4	5		800	4	5	7	8	13	14	18	19	27	28	42	43	64	65	95	96

Ac=Acceptance number.
Re=Rejection number.

*=Reject on one or more defects. These plans are less preferable than those with numbers listed under Ac and Re.

TABLE I–A—SAMPLING PLANS OF SELECTED AQL'S FOR NORMAL CONDITION OF CONTAINER INSPECTION

Code	Lot size ranges—Number of containers in lot	Type of plan	Sample size		Acceptable quality levels (normal inspection)					
					0.25		1.5		6.5	
					Ac	Re	Ac	Re	Ac	Re
CA	6,000 or less	Double	1st	36	(*)	(*)	0	4	2	7
			2d	60						
			Total	96	(*)	(*)	3	4	10	11
CB	6,001–12,000	Double	1st	120	0	2	2	6	10	14
			2d	60						
			Total	180	1	2	5	6	17	18
CC	12,001–36,000	Double	1st	168	0	3	2	7	12	18
			2d	180						
			Total	348	2	3	9	10	31	32
CD	Over 36,000	Double	1st	228	0	3	3	9	15	24
			2d	288						
			Total	516	3	4	12	13	43	44

§ 42.110 Sampling plans for tightened condition of container inspection; Tables II and II–A.

TABLE II—SAMPLING PLANS FOR TIGHTENED CONDITION OF CONTAINER INSPECTION

Code	Lot size ranges—Number of containers in lot	Type of plan	AQL 0.15				Other acceptable quality levels (normal inspection)																	
			Sample size		Ac	Re	Sample size		0.25		0.50		1.0		1.5		2.5		4.0		6.5		10.0	
									Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re
CB	6,000 or less	Single		264	0	1		168	0	1	1	2	2	3	4	5	5	6	7	8	11	12	16	17
		Double	1st				1st	120	(*)	(*)	0	2	0	3	2	5	2	6	3	7	6	10	10	14
			2d				2d	60																
			Total				Total	180	(*)	(*)	1	2	2	3	4	5	5	6	8	9	12	13	17	18
CC	6,001–12,000	Single		500	1	2		315	1	2	2	3	3	4	6	7	8	9	13	14	19	20	28	29
		Double	1st	360	0	2	1st	168	0	2	0	3	0	4	1	5	2	7	5	10	7	13	12	18
			2d	156			2d	180																
			Total	516	1	2	Total	348	1	2	2	3	3	4	7	8	9	10	14	15	21	22	31	32
CD	12,001–36,000	Single		800	2	3		500	2	3	3	4	5	6	9	10	12	13	18	19	28	29	42	43
		Double	1st	456	0	3	1st	228	0	3	0	3	0	5	2	7	3	9	5	11	8	17	15	24
			2d	408			2d	288																
			Total	864	2	3	Total	516	2	3	3	4	5	6	9	10	12	13	19	20	29	30	43	44
CE	Over 36,000	Single		1,250	3	4		800	3	4	4	5	7	8	13	14	18	19	27	28	42	43	64	65
		Double	1st				1st	456	0	4	1	5	2	6	5	10	8	13	12	19	21	28	32	41
			2d				2d	408																
			Total				Total	864	3	4	4	5	8	9	14	15	19	20	29	30	44	45	69	70
CF		Single		1,250	3	4		1,250	4	5	7	6	10	11	19	20	26	27	41	42	63	64	96	97

TABLE II-A—SAMPLING PLANS OF SELECTED AQL'S FOR TIGHTENED CONDITION OF CONTAINER INSPECTION

Code	Lot size ranges—Number of containers in lot	Type of plan	Sample size		Acceptable quality levels (tightened inspection)					
					0.25		1.5		6.5	
					Ac	Re	Ac	Re	Ac	Re
CB	6,000 or less	Double	1st	120	(*)	(*)	2	5	6	11
			2d	60						
			Total	180	(*)	(*)	4	5	12	13
CC	6,001–12,000	Double	1st	168	0	2	1	5	7	13
			2d	180						
			Total	348	1	2	7	8	21	22
CD	12,001–36,000	Double	1st	228	0	3	2	7	8	17
			2d	288						
			Total	516	2	3	9	10	29	30
CE	Over 36,000	Double	1st	456	0	4	5	10	21	28
			2d	408						
			Total	864	3	4	14	15	44	45

§ 42.111 Sampling plans for reduced condition of container inspection, Tables III and III–A; and limit number for reduced inspection, Table III–B.

TABLE III—SAMPLING PLANS FOR REDUCED CONDITION OF CONTAINER INSPECTION

Code	Lot size ranges—Number of containers in lot	Type of plan	Sample size		Acceptable quality levels (reduced inspection)																			
					0.15		0.25		0.50		1.0		1.5		2.5		4.0		6.5		10.0			
					Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re		
CAA	6,000 or less	Single		29	1	2	1	2	1	2	1	2	1	2	2	3	3	4	4	5	5	6		
		Double	1st	18	0	2	0	2	0	2	0	2	0	2	0	3	1	3	1	4	2	5		
			2d	18																				
			Total	36	1	2	1	2	1	2	1	2	1	2	2	3	4	5	5	6	6	7		
CA	6,001–36,000	Single		84	1	2	1	2	1	2	2	3	3	4	4	5	6	7	9	10	13	14		
		Double	1st	36	0	2	0	2	0	2	0	3	0	4	0	4	0	5	2	7	3	9		
			2d	60																				
			Total	96	1	2	1	2	1	2	2	3	3	4	4	5	7	8	10	11	15	16		
CB	Over 36,000	Single		168	1	2	1	2	2	3	4	5	5	6	7	8	11	12	16	17	23	24		
		Double	1st	120	0	2	0	2	0	3	2	5	2	6	3	7	6	10	10	14	14	19		
			2d	60																				
			Total	180	1	2	1	2	2	3	4	5	5	6	8	9	12	13	17	18	25	26		

TABLE III-A—SAMPLING PLANS FOR REDUCED CONDITION OF CONTAINER INSPECTION

Code	Lot size ranges—Number of containers in lot	Type of plan	Sample size		Acceptable quality levels (reduced inspection)					
					0.25		1.5		6.5	
					Ac	Re	Ac	Re	Ac	Re
CAA	6,000 or less	Single		29	1	2	1	2	4	5
		Double	1st	18	0	2	0	2	1	4
			2d	18						
			Total	36	1	2	1	2	5	6
CA	6,001–36,000	Single		84	1	2	3	4	9	10
		Double	1st	36	0	2	0	4	2	7
			2d	60						
			Total	96	1	2	3	4	10	11
CB	Over 36,000	Single		168	1	2	5	6	16	17
		Double	1st	120	0	2	2	6	10	14
			2d	60						
			Total	180	1	2	5	6	17	18

TABLE III-B—LIMIT NUMBERS FOR REDUCED INSPECTION

Number of sample units from last 10 lots inspected within 6 months	Acceptable quality level								
	0.15	0.25	0.5	1.0	1.5	2.5	4.0	6.5	10.0
130–199	(*)	(*)	(*)	(*)	0	0	2	4	7
200–319	(*)	(*)	(*)	0	0	2	4	8	14
320–499	(*)	(*)	(*)	0	1	4	8	14	24
500–799	(*)	(*)	0	2	3	7	14	25	40
800–1,249	(*)	0	1	4	7	14	24	42	68
1,250–1,999	0	0	3	7	13	24	40	69	110
2,000–3,149	0	2	6	14	22	40	68	115	181
3,150–4,999	1	4	10	24	38	67	111	186	-------
5,000–7,999	3	7	18	40	63	110	181	-------	-------
8,000–12,499	7	14	31	68	105	181	-------	-------	-------
12,500–19,999	13	24	52	110	169	-------	-------	-------	-------
20,000–31,499	22	40	87	181	-------	-------	-------	-------	-------
31,500–49,999	38	67	141	-------	-------	-------	-------	-------	-------
50,000–Over	63	110	229	-------	-------	-------	-------	-------	-------

*Denotes that the number of sample units from the last 10 inspection lots is not sufficient for reduced inspection for this AQL. In this instance more than inspection lots may be used for the calculations if the inspection lots used are the most recent ones in sequence within the last 6 months, they have all been on normal inspection, and none has been rejected on original inspection.

TABLE V—GLASS CONTAINERS

Examination	Defects	Categories: Critical	Major	Minor
General	Type or size of container or component parts not as specified.	None permitted		
	Closure not sealed, crimped, or fitted properly		101	
Finish	Dirty, stained, or smeared			201
	Chips, stained, or smeared			202
	Stone (unmelted material) in glass			203
	Frog eggs (surface defects)			204
	Sagging (surface defects)			205
	Head (bubble in glass):			
	(a) 2/8 or less in diameter			206
	(b) Exceeding 2/8" in diameter		102	
	Checked		103	
	Thin spot		104	
	Blister (structural defect)		105	
Workmanship	Bird swing (glass appendage inside container)	1		
	Fins (on finish)	2		
	Cross-threaded:			
	(a) Cross-threaded			207
	(b) Loose but not leaking			208
	(c) Pitted rust		106	
	Cap (lent, processed):			
	(a) Cross-threaded or loose	3		
	(b) Pitted rust		107	
	Sealing tape or cello band (when required):			
	(a) Improperly placed			209
	(b) Not covering juncture of cap and glass		108	
	(c) Ends overlap by less than 1/2"		109	
	(d) Loose or deteriorating		110	

TABLE VI—RIGID AND SEMIRIGID CONTAINERS—CORRUGATED OR SOLID FIBERBOARD, CHIPBOARD, WOOD, ETC. (EXCLUDING GLASS AND METAL)

Examination	Defects	Categories: Critical	Major	Minor
General	Type or size of container or component parts not as specified.	None permitted		
	Closure not sealed, crimped, or fitted properly		101	
	Dirty, stained, or smeared			201
Workmanship	Wet (including ice packs):			
	(a) Materially affecting appearance but not usability			202
	(b) Materially affecting usability		102	
	Moldy	1		
	Crushed or torn:			
	(a) Materially affecting appearance but not usability			203
	(b) Materially affecting usability		103	
	Separation in fiberboard (delamination of fiberboard):			
	(a) Materially affecting appearance but not usability			204
	(b) Materially affecting usability		104	
	Sifting or leaking		105	
	Nails or staples (when required):			
	(a) Not as required, insufficient number or improperly positioned			205
	(b) Nails or staples protruding		106	
	Glue or adhesive not covering sufficient area or not holding properly (when required):			
	(a) Tertiary container		107	
	(b) Secondary or primary container			206
	Flaps not locked in primary container			207
	Sealing tape or strapping (when required):			
	(a) Missing		108	
	(b) Improperly placed or applied			208

§ 42.112 Defects of containers; Tables IV, V, VI, and VII.

TABLE IV—METAL CONTAINERS

Examination	Defects	Categories: Critical	Major	Minor
General	Type or size of container or component parts not as specified.	None permitted		
	Closure incomplete, not located correctly or not sealed, crimped, or fitted properly		101	
	Dirty, smeared, or stained			201
	Key opening metal containers (when required):			
	(a) Key missing		102	
	(b) Key does not fit tab		103	
	(c) Tab or opening band insufficient to provide access		104	
	(d) Inability to key		105	
	Improper sealing; hand would not be removed in one continuous strip			
	Open top with plastic overcap (when required):			
	(a) Plastic overcap missing		106	
	(b) Plastic overcap warped (making opening or reapplication difficult)		107	
	Missing or incomplete			202
Finish (tinplate or outside coating).	Blistered, flaked, sagged, or wrinkled			203
	Scratched or scored			204
	Fine tracks			205
	Rust (rust confined to the top or bottom double seam or rust that can be removed with a soft cloth is not scored as defect):			
	(a) Rust stain (nonmilitary purchases)			206
	(b) Rust stain (military purchases)		108	
	(c) Pitted rust		109	
Workmanship	Dents:			
	(a) Affecting appearance but not usability			207
	(b) Materially affecting usability		110	
	Buckles:			
	(a) Not involving end seam			208
	(b) Extending into the end seam		111	
	Collapsed		112	
	Flat panel (without denting)			209
	Soldering:			
	(a) Missing when required		113	
	(b) Not smooth or evenly applied			210
	(c) Excessive use of flux			211
	Cable cut exposing seam		114	
	Improper seam		115	
	Swollen, springer, or flipper (not applicable to gas or pressure packed product not frozen products)	1		
	Leaker or blown	2		
	Frozen products only:			
	(a) Bulging ends 3/16" to 1/4" beyond lip			212
	(b) Bulging ends more than 1/4" beyond lip		116	

TABLE VII—FLEXIBLE CONTAINERS (PLASTIC, CELLO, PAPER, TEXTILE, ETC)

Examination	Defects	Categories: Critical	Major	Minor
General	Type or size of container or component parts not as specified.	None permitted		
	Closure not sealed, crimped, stitched, or fitted properly		101	
Finish	Dirty, stained, or smeared			201
	Unmelted gels in plastic			202
Workmanship	Torn		102	
	Sifting or leaking		103	
	Moldy	1		
	Individual packages sticking together		104	
	Not fully covering product		105	
	Wet or damp (excluding ice packs):			
	(a) Materially affecting appearance but not usability			203
	(b) Materially affecting usability		106	
	Overwrap or secondary container (when required):			
	(a) Missing		107	
	(b) Loose, not sealed or closed			204
	(c) Improperly applied			205
	Sealing tape, strapping or adhesives (when required):			
	(a) Missing		108	
	(b) Improperly placed, applied, torn, or wrinkled			206
	Tape over bottom and top closures (when required):			
	(a) Not covering stitching		109	
	(b) Torn (exposing stitching)		110	
	(c) Wrinkled (exposing stitching)		111	
	(d) Not adhering to bag:			
	1. Exposing stitching		112	
	2. Not exposing stitching			207
	(e) Improper placement			208

§ 42.113 Defects of label, marking, or code; Table VIII.

TABLE VIII—LABEL, MARKING OR CODE

Examination	Defect	Categories: Major	Minor
General	Not specified method	101	
	Missing (when required)	102	
	Loose or improperly applied		201
	Torn or mutilated		202
	Text illegible or incomplete		203
	Incorrect		204
	In wrong location		205

Subpart C—Miscellaneous

§ 42.115 Operating Characteristic (OC) curves.

(a) This section contains the Operating Characteristic (OC) curve for each of the sampling plans given in Tables I, I-A, II, II-A, III and III-A. The OC curve and the corresponding sampling plans are listed by AQL.

(b) Different acceptance and rejection criteria are provided for each AQL. The criteria for each AQL must be obtained from the applicable sampling plan tables.

(c) The curves show the ability of the various sampling plans to distinguish between good and bad lots. This can be illustrated by examining OC curve 6 for an AQL of 0.25 defects per hundred units in the Reduced and Normal Inspection Plans. If the quality of the lots submitted for inspection is poorer than the AQL of 0.25 defects per hundred units, fewer lots will be accepted. For example, OC curve 6 shows that when the quality of lots submitted for inspection is 1.0 defects per hundred units, only 26 percent of the lots are expected to be accepted. Conversely when the quality of the lots submitted for inspection is better than the AQL of 0.25 defects per hundred units, most lots are expected to be accepted. For example, the same OC curve 6 shows that when the quality of lots submitted for inspection is 0.10 defects per hundred units, about 99 percent of the lots are expected to be accepted.

(d) The table of sampling plans that correspond to OC curve 6 can be found over the curves for an AQL of 0.25 defects per hundred units in the Reduced and Normal Inspection Plan. An examination of this table reveals that there is one single and one double sampling plan that have OC curves comparable to OC curve 6. The first plan listed is a single plan requiring the inspection of 500 individual containers. Under this plan the lot is accepted as meeting the requirements for an AQL of 0.25 if there are 3 or less defects in the sample or rejected if there are 4 or more defects in the sample.

(e) The next plan that is listed in the column headed 6 for an AQL of 0.25 is a double sampling plan that requires the initial inspection of 228 individual containers. The lot will be accepted as meeting the requirements of an AQL of 0.25 if there are no defects in the sample, and rejected if there are 3 or more defects in the sample. In the event that the number of defects is between the acceptance (0) and rejection (3) numbers, additional containers must be inspected. In this case, the table indicates that a total of 516 containers must be inspected before a decision can be made to either accept or reject the lot. This will require the inspection of 288 more containers (516—228=288).

If there are 3 or less defects in the total sample, the lot will be accepted. If there are 4 or more defects in the total sample, the lot will be rejected. The other double sampling plans operate in a similar manner with the only differences being the sample sizes and acceptance and rejection numbers.

NOTE: The Operating Characteristic curves and sampling plans for each curve are not included at this time. However, copies are filed with the FEDERAL REGISTER and Hearing Clerk and may be viewed by interested parties. The OC curves and sampling plans will be published when the standard is presented in final form.

Done at Washington, D.C., this 8th day of December 1965.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 65-13339; Filed, Dec. 14, 1965; 8:45 a.m.]

[7 CFR Part 1068]

[Docket No. AO-178-A15]

MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Minneapolis, Minn., on July 21-23, 1965, pursuant to notice thereof issued on June 22, 1965 (30 F.R. 8227).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on November 26, 1965 (30 F.R. 14855; F.R. Doc. 65-12848), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (30 F.R. 14855; F.R. Doc. 65-12848) are hereby approved and adopted and are set forth in full herein subject to the following modification:

1. Under subheading 5 (*a*) *Level of Class I price differential*, a new paragraph is added after the 7th paragraph.

2. Under subheading 5 (*b*) *Supply-demand formula*, the 2d sentence in the 14th paragraph and the first sentence in the 16th paragraph are revised.

The material issues on the record of the hearing relate to:

1. Expansion of the marketing area;
2. Pool plant requirements;
3. Classification and pricing of milk used to produce cottage cheese;
4. Transfers;
5. Class I pricing;
6. Location adjustments;
7. Butterfat differentials and butterfat allowance in fluid skim milk;
8. Deletion of the base and excess plan; and
9. Administrative changes.

Action with respect to Issue 5 should be made effective as soon as possible. In order to accomplish this, this decision is confined to Issue 5 and the remaining issues will be dealt with in a separate decision at a later date.

Findings and conclusions. The following findings and conclusions on material issue 5 are based on evidence presented at the hearing and the record thereof:

5. *Class I price*—(a) *Level of Class I price differential.* The present class I

price differential should be increased 10 cents through June 1966.

Producer associations proposed that the Class I differential be permanently increased 10 cents per hundredweight. Witnesses representing cooperatives and individual producers who also testified stated that this increase was necessary to reflect the increased costs of producing milk. They testified that while the various costs of producing milk have increased substantially during recent years, the Class I pricing provisions have not been amended to reflect these increased costs.

Any change in the level of the Class I price must be justified under the pricing standards of the Agricultural Marketing Agreement Act of 1937, which authorizes the issuance of milk orders. The Act requires that the Secretary establish the Class I price at a level which will reflect certain economic factors which affect the market supply and demand for milk in the marketing area, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

Until recently supplies of fluid milk have been fully adequate to meet the Class I needs of the market. In 1963 and 1964 producer milk utilized in Class I was 62 and 63 percent, respectively, of total producer receipts. However, producer milk utilized in Class I has increased markedly during August, September, and October 1965 compared with the same months in 1964. Official notice is taken of the statistics published by the market administrator for these months. Average Class I utilization of producer milk in the months of August, September, and October 1965 was 72 percent, 85 percent, and 86 percent, respectively. During the same months in 1964 the comparable utilization was 68 percent, 77 percent, and 73 percent. Thus the average Class I utilization of producer milk for the period was 81 percent in 1965 and 73 percent in 1964. This increased utilization is the result of an increase in Class I sales together with a decrease in supplies.

In recent months there has been an abnormal drop in the production of individual producers. Average daily deliveries per producer in September and October 1964 were 824 and 857 pounds, respectively. The comparable deliveries in 1965 were 802 and 792 pounds. This is a reduction of slightly over 5 percent and a reversal of the long-term production trend in the market.

Production has been lower in September and October 1965 compared with the same months in the previous year throughout the States of Minnesota and Wisconsin. Official notice is taken of the September and October 1965 issues of the U.S. Department of Agriculture publication "Milk Production". Total production in Minnesota was down 5 percent in September and 7 percent in October 1965 compared with the same months in 1964. In Wisconsin the comparable decreases in production were 1 percent and 6 percent.

To help maintain present production and insure a sufficient quantity of pure and wholesome milk in view of these developments, the Class I price should be increased 10 cents per hundredweight through June 1966. This increase will encourage higher levels of grain feeding by producers and reduce the number of cows culled from their herds.

In their exceptions to the recommended decision producers objected because the increase in the Class I differential is temporary rather than permanent. However, as noted above the current supply situation is a reversal of the long-term trend in the market. Production is expected to return to normal after the current crop year, thus resulting in an adequate supply of milk for the market. Therefore, the Class I price should not be increased permanently.

(b) *Supply-demand formula.* The computation of the supply-demand ratio and the table of standard percentages or "norms" should be revised.

Producers proposed that the actual pounds of Class I cream sales be used in determining total Class I demand rather than the present method of converting cream sales to a 3.5-percent milk equivalent. They proposed that the standard percentages be revised to reflect this change.

Use of the actual pounds of Class I product disposed of by regulated handlers will afford a better gauge of the demand for Class I milk than does the present practice of combining the actual pounds of product other than cream with the whole milk equivalent of the butterfat in cream disposed of as Class I.

When the present method of computing supply-demand norms was adopted, the average butterfat content of fluid milk products other than cream approximated 3.5 percent. The average test of all Class I including cream was substantially in excess of 3.5 percent. Thus the actual product pounds did not reflect the volume of whole milk actually needed to supply the total Class I requirements of the market.

In recent years consumer preference has changed. The demand for skim milk and low fat milk has increased substantially. Sales of light cream and "half and half" have increased at the expense of heavy cream. As a result the average test of all Class I milk is now below 3.5 percent in all months of the year. The pounds of product actually disposed of as Class I milk represent the entire demand for both skim milk and butterfat for such use. Adding the milk equivalent of the butterfat in cream to the pounds of product disposed of in other Class I items, now results in an inflated demand figure which is not truly representative of the actual requirements of the market. It is likely that this trend to lower butterfat content will continue in the foreseeable future. The order should be changed to reflect the current marketing situation.

The supply-demand norms were last revised on September 1, 1957. A comparison of the two methods of computing the Class I volume has been made for that year and the year immediately preceding and immediately following. Official notice is taken of the reports of the market administrator for the years 1956, 1957, and 1958.

Using the present method of computation, the current supply-demand ratio averaged 77.7 percent in 1956. In 1957, it averaged 72.4 percent, and in 1958 was 74.0 percent. Had actual product pounds of Class I been used rather than the milk equivalent of the cream, the supply-demand ratios for the same years would have averaged 68.0, 63.2, and 64.5 percent, respectively, an average difference of 9.5 percent.

The annual average of the supply-demand norms in the present order is 77.0 percent. To reflect the same supply-demand conditions which prevailed in 1956, 1957 and 1958, the attached order provides norms with an annual average of 67.5 percent, based on actual product pounds of Class I. Under the supply-demand norms effective for the period 1956–58, the Class I price was increased an average of 3.3 cents in 1956. In 1957 and 1958 it was decreased an average of 1.63 and 4.5 cents, respectively. Had the attached order been effective in the same period, the average Class I differential would have been increased 1.0 cent in 1956, and decreased 6.5 cents in 1957, and 4.5 cents in 1958.

In 1962, 1963, and 1964, the order resulted in annual average monthly deductions of 12.875, 10.375, and 9.25 cents, respectively. Had the attached order been in effect the deductions would have averaged 11.625, 8.625, and 7.25 cents, respectively.

For the first 9 months of 1965 the average supply-demand adjustment was minus 9.5 cents. Had the attached order been effective, the adjustment would have been minus 8.7 cents. Thus had the supply-demand ratio been based on actual product pounds of Class I milk, the Class I price in recent years would have averaged approximately 1.5 cents higher than the price which prevailed.

Producers also proposed that the table of standard percentages be revised to eliminate the present contraseasonality in the supply-demand adjuster. During the past few years the supply-demand formula has resulted in considerably larger reductions of the Class I price during the late summer and fall months when the market's supply has been shortest than during the months of flush production. This is undoubtedly a result of the shift in seasonality of supplies brought about by the base and excess plan. At the same time, however, such contraseasonal adjustments tend to impede improvement of the seasonal production pattern. In 1962, for example, the average supply-demand adjustment was minus 9 cents for April, May, and June but was minus 17 cents for September, October, and November. During 1963, for the same months, the reduction averaged 7.0 and 15.5 cents, respectively, and in 1964 the figures were 7.5 and 12.0. Had the revised supply-demand formula provided herein been in effect, the average deduction in April, May, and June 1962 would have been 14.5 cents and the average for September, October, and November would have been 9.0 cents. During 1963 the average deductions would have been 12.0 and 7.5 cents, respectively. In 1964 the average adjustment would have been minus 12 cents in April, May, and June, but minus 3.5 cents in September, October, and November.

The following standard percentages have been constructed to eliminate the contraseasonality of the present standard percentages and, also, to reflect the change in computing Class I cream sales previously discussed:

Months to which applicable	Standard percentages	Months used in computing current supply-demand ratio
January	77	October-November.
February	72	November-December.
March	68	December-January.
April	68	January-February.
May	67	February-March.
June	66	March-April.
July	60	April-May.
August	57	May-June.
September	57	June-July.
October	66	July-August.
November	75	August-September.
December	77	September-October.

It is concluded that these standard percentages will provide an appropriate basis for adjustments of the Class I price in this market as supply and demand conditions change and, therefore, should be adopted.

Producers further proposed that adjustments be made to offset the decrease in Class I prices resulting from one of the amendments which became effective August 1. These proposals would increase the Class I price about 2 cents per hundredweight through adjustment of the supply-demand norms and increase the Class I differential 5 cents per hundredweight during the months of July through October. The August 1964 amendment provided that only the volume of product actually disposed as fortified fluid milk would be classified as Class I instead of the full skim equivalent of such products.

These proposed amendments should not be adopted. Use of the skim milk equivalent of nonfat milk solids in fortified products resulted in a quantity of milk classified in Class I which exceeded the actual quantity of product. The previous method of accounting thus resulted in inflating the amount of Class I milk beyond actual disposition as Class I.

Since the quantity attributable to fortified products was an unreal quantity, it is not necessary to provide for it in either the supply-demand adjustor or Class I differential. It has been found elsewhere in this decision that the amendments included herein provide sufficient price incentive to assure an adequate supply of milk for this market.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth therein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

RULINGS ON EXCEPTIONS

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

MARKETING AGREEMENT AND ORDER

Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing agreement regulating the handling of milk in the Minneapolis-St. Paul, Minn., marketing area," and "Order amending the order regulating the handling of milk in the Minneapolis-St. Paul, Minn., marketing area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

DETERMINATION OF REPRESENTATIVE PERIOD

The month of September 1965 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Minneapolis-St. Paul, Minn., marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on December 10, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Amending Order Regulating Handling of Milk in Minneapolis-St. Paul, Minn., Marketing Area

§ 1068.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Minneapolis-St. Paul, Minn., marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Minneapolis-St. Paul, Minn., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on November 26, 1965 (30 F.R. 14855; F.R. Doc. 65-12848), shall be and are the terms and provisions of this order, and are set forth in full herein:

1. In § 1068.52 paragraph (b) is revised to read as follows:

§ 1068.52 Supply and demand ratio.

* * * * *

(b) Determine the total pounds of milk and milk products disposed of from pool plants as Class I (excluding shrinkage and unaccounted for milk) during the same 2 months; and

* * * * *

2. Section 1068.53 is revised to read as follows:

§ 1068.53 Class I price.

Subject to the differentials provided in §§ 1068.55 and 1068.56(a), the price per hundredweight for Class I milk each month shall be the basic formula price for the preceding month computed pursuant to § 1068.51 plus an amount as follows: $1.00 for July, August, September, October, and November; $0.76 for other months: *Provided*, That prior to July 1, 1966, $0.86 shall be added to the basic formula price in lieu of the above amounts: *And provided further*, That whenever the current supply-demand ratio varies from that set forth in the table below, the Class I price shall be increased or decreased 1.5 cents for each full percentage point that the current supply-demand ratio is above or below that set forth in the table, but such price shall not be increased or decreased more than 24 cents for any month because of the current supply-demand ratio:

Months to which applicable	Standard percentages	Months used in computing current supply-demand ratio
January	77	October-November.
February	72	November-December.
March	68	December-January.
April	68	January-February.
May	67	February-March.
June	66	March-April.
July	60	April-May.
August	57	May-June.
September	57	June-July.
October	66	July-August.
November	75	August-September.
December	77	September-October.

[F.R. Doc. 65-13374; Filed, Dec. 14, 1965; 8:47 a.m.]

[9 CFR Parts 316, 317]

MEAT FOOD PRODUCTS

Labeling Those Which Resemble Other Products

Notice is hereby given in accordance with section 4(a) of the Administrative Procedure Act (5 U.S.C. 1003(a)) that pursuant to the authority conferred by the Meat Inspection Act, as amended and extended (21 U.S.C. 71-91, 96) and subsections 306 (b) and (c) of the Tariff Act of 1930, as amended (19 U.S.C. 1306 (b) and (c)) it is proposed to amend §§ 316.13 and 317.8(c) of the Meat Inspection Regulations (9 CFR 316.13 and 317.8(c)) as follows, in order to provide further assurance that meat food products will not be sold in interstate or foreign commerce under false or deceptive names.

Section 316.13 would be amended by deletion of the words "in casings" in the section heading.

Section 316.13 would be further amended by changing paragraph (b) to read:

(b) Meat food products that are susceptible of marking and in appearance resemble any product having a common, usual, or established trade or product name, but that differ from the composition of such product as required by the regulations in Part 317 or 328 of this subchapter, or, in the absence of any such requirement, that differ from the normal composition of such product, shall bear on each piece or link the word "imitation" prominently displayed, except that products such as mixtures of meat and cereal or other extenders, or meat and cheese products, or meat and vegetable products, that resemble hamburger, sausage, or other ground meat may bear a descriptive name of the product on each link or piece in lieu of the word "imitation" and except that any product within this paragraph (b) that is packed in a container of a kind customarily sold at retail intact, which bears a descriptive name of the product and is otherwise properly labeled under the regulations in Part 317 of this Subchapter, need not bear on each link or piece any markings otherwise required by this paragraph.

Section 317.8(c) would be amended by the addition thereto of a new subparagraph reading as follows:

(70) Product labeled as a specified kind of meat patty or meat patty mix, such as "Beef Patty" or "Beef Patty Mix", shall consist only of chopped fresh meat, of the kind specified, with or without the addition of fat as such and/or condimental substances, in condimental proportions, and shall contain no more than 30 percent fat, and shall be in patty or patty mix form as indicated on the label.

Statement of considerations. A study of the marketing practices with respect to the above-described products indicates a need for the proposed labeling requirements to prevent the sale of the products in interstate of foreign commerce under false or deceptive names.

Any person who wishes to submit written data, views or arguments concerning the proposed amendments may do so by filing them, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C., 20250, within 60 days after the date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Done at Washington, D.C., this 10th day of December 1965.

R. K. SOMERS,
Deputy Administrator,
Consumer and Marketing Service.

[F.R. Doc. 65-13400; Filed, Dec. 14, 1965; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Oil Import Administration

[32A CFR Ch. X]

[Oil Import Reg. 1, Revision 4]

IMPORTS OF CRUDE OIL AND UNFINISHED OILS

Petrochemical Plants

Presidential Proclamation 3279, as amended, authorizes the Secretary of the Interior, for reasons of equity and competitive capability, to provide for the making of allocations in Districts I-IV and in District V of imports of crude oil and unfinished oils to persons having petrochemical plants in these districts.

In order to implement this provision of the proclamation, I propose to recommend to the Secretary of the Interior that he issue amendments to Oil Import Regulation 1 which would embody the following plan:

1. Persons having petrochemical plants in Districts I-IV or in District V would be entitled to allocations of imports of crude oil or unfinished oils into these districts on the basis of petrochemical plant inputs to those plants. For this purpose, the terms "petrochemical plant", "petrochemical plant inputs", and "petrochemicals" would be defined as follows:

(a) "Petrochemical plant"—a plant in which petrochemical plant inputs are processed and converted by chemical reactions and more than 50 percent of the output (by weight) consists of petrochemicals;

(b) "Petrochemical plant inputs"—the following feedstocks when charged to a petrochemical plant (but excluding any such feedstock which is imported into the United States by pipeline, rail, or other means of overland transportation from the country where it was produced, which country is also the country of production of the crude oil from which such feedstock was processed or manufactured):

(i) Liquids under atmospheric pressure that have been recovered from mixtures of hydrocarbons which existed in a vaporous phase in a reservoir, and are not natural gas products,[1]

(ii) Ethane, propane and butanes,

(iii) Naphtha;

(c) "Petrochemicals"—chemical intermediates which are produced from petrochemical feedstocks and which are used for producing such materials as synthetic fibers, synthetic rubbers, plastics and resins, surface coatings, automotive chemicals, detergents, explosives, insecticides, herbicides, solvents, dyes, and plasticizers.

2. Each eligible applicant would be entitled to an allocation of imports of crude or unfinished oils equal to a fixed percentage of the petrochemical plant inputs in Districts I-IV or in District V charged to his petrochemical plant during the year ending 3 months before the beginning of the allocation period. For a particular allocation period, the fixed percentage with respect to Districts I-IV and the fixed percentage with respect to District V each would represent approximately the ratio between (a) the quantity of imports available for allocation in Districts I-IV (or in District V) on the basis of refinery inputs and (b) the total inputs during the "refinery year" (the period of 12 months ending 3 months before the beginning of the allocation period) of those eligible applicants which will receive allocations on the basis of refinery inputs. Example: For an allocation period beginning January 1, 400,000 B/D of imports of crude oil and unfinished oils are available for allocation in Districts I-IV on the basis of refinery inputs. Those applicants which will receive allocations on this basis had inputs of 5,000,000 B/D during the 12 months which ended in the month of September preceding January 1. The ratio mentioned above would be

$$\left(\frac{400{,}000\ \text{B/D}}{5{,}000{,}000\ \text{B/D}}\right)$$

and the fixed percentage for computing allocations to persons having petrochemical plants would be approximately 8 percent.

3. An applicant who qualifies for an allocation pursuant to section 10 or 11 of the Oil Import Regulation 1 and on the basis of petrochemical plant inputs to a petrochemical plant would not receive two allocations but would receive an allocation computed on whichever basis would result in his obtaining the larger allocation.

4. An allocation made on the basis of petrochemical plant inputs would not entitle a person to a license which would allow the importation of unfinished oils in excess of a fixed percentum of the allocation. However, provision would be made for a person to petition the Administrator to adjust this percentage, if the petitioner certifies that the unfinished oils will not be exchanged, that they will be run entirely in the petitioner's petrochemical plant, and that not less than 50 percent of the yields (by weight) from the unfinished oils will be petrochemicals.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed plan to the Administrator, Oil Import Administration, Washington, D.C., 20240, on or before January 3, 1966.

ELMER L. HOEHN,
Administrator,
Oil Import Administration.

DECEMBER 13, 1965.

[F.R. Doc. 65-13456; Filed, Dec. 14, 1965; 8:49 a.m.]

[1] Proclamation 3279 defines "natural gas products" as "liquids (under atmospheric conditions) including natural gasoline, which are recovered by a process of absorption, adsorption, compression, refrigeration, cycling, or a combination of such processes, from mixtures of hydrocarbons that existed in a vaporous phase in a reservoir and which, when recovered and without processing in a refinery, otherwise fall within" the definitions of gasoline, jet fuel, naphtha, and fuel oil, in the Proclamation.

FEDERAL AVIATION AGENCY

[14 CFR Part 61]

[Reg. Docket No. 7063; Notice 65-39]

HELICOPTER PILOTS

Requirements for Instrument Ratings and Unrestricted Airline Transport Pilot Certificates

The Federal Aviation Agency is considering amending Part 61 of the Federal Aviation Regulations to provide standards for the issue of a rotorcraft (helicopter) instrument rating.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before February 14, 1966, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Since July 19, 1958, airline transport pilot certificates issued to pilots flying helicopters in air transportation have restricted the holders to helicopter flights conducted under visual flight rules only. At that time, no civil helicopter had been certificated for instrument flight, and no civil helicopter instrument operations were authorized. However, subsequent to 1964, the airworthiness certificates of at least two helicopter models were amended to include approval for instrument flight. In addition, two scheduled air carriers have applied for approval of instrument operations to be conducted in scheduled helicopter operations.

The present Part 61 limits the holder of an airline transport pilot certificate with a rotorcraft (helicopter) rating to operate helicopters under VFR only flight conditions when exercising the privileges of that certificate and that rating. Furthermore, there are no standards in present Part 61 under which a helicopter pilot may obtain a helicopter instrument rating.

Although Part 61 presently limits the holder of an airline transport pilot certificate with a rotorcraft (helicopter) rating to operate helicopters only under VFR when exercising the privileges of his airline transport pilot certificate, the holder of a private or commercial pilot certificate with an instrument rating obtained in airplanes has no such limitation when piloting a helicopter under instrument flight conditions even though he has never demonstrated instrument flying skill in the helicopter. The pilot techniques necessary to fly a helicopter under instruments are substantially different from those required to fly an airplane under instruments. Therefore, even though a pilot is qualified and rated for instrument flying in airplanes, he should also be required to demonstrate his instrument flying skill in a helicopter before he is authorized under that rating to operate a helicopter under instrument flight conditions.

In consideration of the above, the Agency feels that Part 61 should be amended to include standards for pilots to obtain a helicopter instrument rating.

As in the case of the airline transport pilot, these amendments will limit the holder of a private or commercial pilot certificate with an instrument rating obtained in airplanes to piloting a helicopter under VFR only. However, under these amendments the holder of any pilot certificate (other than a student pilot certificate) will be permitted to fly helicopters under IFR if he demonstrates satisfactory instrument flight skill in helicopters and his pilot certificate is amended to include this qualification.

These amendments will permit the holder of a pilot certificate, who is permitted to operate helicopters under instrument flight conditions on the basis of an exemption granted by the Agency, to obtain a rotorcraft (helicopter) instrument rating without further meeting the requirements of §§ 61.151, 61.153, and 61.155.

The amendments will also permit the holder of a pilot certificate issued under the military competency provisions of § 61.31 to obtain a rotorcraft (helicopter) instrument rating without further meeting the requirements of §§ 61.35 and 61.37 if he presents satisfactory documentary evidence that he holds or has held a military instrument rating or card issued by the Armed Force concerned that authorized him to pilot rotorcraft (helicopter) under instrument flight conditions.

The experience requirements have been increased in the case of helicopter qualifications in view of the substantial difference in the pilot technique required to fly helicopters under instrument flight conditions. In addition, the recency of flight experience for a helicopter pilot with an airline transport pilot certificate has been increased to 6 hours within the preceding 6 months since the present 2-hour minimum appears to be insufficient.

In consideration of the foregoing, it is proposed to amend Part 61 of the Federal Aviation Regulations as follows:

1. By amending § 61.3(f) to read as follows:

§ 61.3 Certificates and ratings required.

• • • • •

(f) *Instrument rating.* No person may act as pilot in command of an aircraft under instrument flight rules or in weather conditions less than the minimums prescribed for VFR flight unless he holds a current instrument rating, or an airline transport pilot certificate not limited to VFR only, appropriate to the category of aircraft in which he acts as pilot in command.

2. By amending § 61.15 by adding the following new paragraph (l):

§ 61.15 Aircraft ratings.

• • • • •

(l) At any time before (twenty-four months from the effective date of this amendment) the holder of a pilot certificate that permits him to operate helicopters under instrument flight conditions on the basis of an exemption granted by the Administrator, and the holder of a pilot certificate issued under § 61.31 who holds or has held a military instrument rating or card authorizing him to pilot rotorcraft (helicopters) IFR may obtain a helicopter instrument rating without further showing of instrument competency in a helicopter.

3. By amending § 61.31(c) to read as follows:

§ 61.31 Military pilots or former military pilots: special rules.

• • • • •

(c) *Instrument rating.* A private or commercial pilot who holds a current military instrument rating or card is entitled to an instrument rating under this Part for the category of aircraft for which the military instrument rating or card was issued.

• • • • •

4. By amending § 61.35(a)(2) to read as follows:

§ 61.35 Instrument rating: knowledge and experience requirements.

(a) • • •

(2) A private pilot certificate and meet the requirements of either § 61.115(a) except subparagraphs (3) and (4) thereof, or § 61.119(a), appropriate to the category of aircraft for which the instrument rating is sought.

• • • • •

5. By amending the first sentence of § 61.35(c) to read as follows: "An applicant for an instrument rating must have at least 40 hours of instrument time under actual or simulated conditions (including time acquired in a synthetic trainer), of which at least 20 hours were in flight (including at least 10 hours flight time in the category of aircraft in which the instrument rating is sought) and at least 15 hours were instrument flight instruction given by a flight instructor with an instrument rating on his flight instructor certificate."

6. By amending the first sentence of § 61.35(c)(3) to read as follows: "One flight of at least 200 nautical miles, or in the case of a rotorcraft (helicopter) a flight of at least 50 nautical miles, on Federal airways while operating in accordance with an approved IFR flight plan."

7. By amending § 61.37(c)(2)(iii) and (vi) to read as follows:

§ 61.37 Instrument rating: skill requirements.

(c) • • •

(2) • • •

(iii) Stalls and maneuvering at approach speeds, except that stalls are not required for helicopters.

• • • • •

(vi) Engine-out procedures, if test is in multiengine aircraft.

• • • • •

8. By amending the first sentence of § 61.47(d) to read as follows: "A pilot may not act as pilot in command of an aircraft under IFR or in weather conditions less than prescribed VFR minimums unless, within the preceding 6 calendar months, he has had at least 6 hours of instrument flight under actual or simulated instrument flight conditions of which at least 3 hours must have been accomplished in the category of aircraft in which he acts as pilot in command."

9. By amending § 61.47(e) to read as follows:

§ 61.47 Recent flight experience.

• • • • •

(e) *Instrument: airline transport.* An airline transport pilot may not act as pilot in command of an aircraft under instrument flight conditions in operations for which an airline transport pilot certificate is required unless he has had at least 2 hours (6 hours for helicopter pilots) of instrument flight time under instrument weather conditions, or simulated instrument flight conditions, in that category of aircraft within the preceding 6 months, or until he has had at least 2 hours (6 hours for helicopter pilots) of flight time under those conditions, accompanied by a pilot with at least a private pilot certificate who holds an appropriate category, class, type rating (if applicable), and an instrument rating for the category of aircraft concerned.

• • • • •

11. By amending § 61.149 to read as follows:

§ 61.149 Rotorcraft rating: general requirements.

An applicant for an airline transport pilot certificate with a rotorcraft (helicopter) rating must meet the applicable requirements of §§ 61.151, 61.153, and 61.155 for a helicopter rating limited to "VFR only" or for one "not limited to VFR only" as appropriate.

12. By amending § 61.151 to read as follows:

§ 61.151 Rotorcraft rating: aeronautical knowledge.

An applicant for an airline transport pilot certificate with a rotorcraft rating must, after meeting the requirements of § 61.141 (except paragraph (a) thereof) and the applicable requirements of § 61.153, pass a written test on—

(a) So much of this chapter as relates to air carrier rotorcraft operations;

(b) Rotorcraft design, components, systems and performance limitations:

(c) Basic principles of loading and weight distribution and their effect on rotorcraft flight characteristics;

(d) Air traffic control systems and procedures relating to rotorcraft;

(e) Procedures for operating rotorcraft in potentially hazardous meteorological conditions;

(f) Flight theory as applicable to rotorcraft; and

(g) For a rating not limited to VFR only, the items listed under paragraphs (b) through (m) of § 61.143.

13. By amending § 61.153 by adding the following new paragraph (c):

§ 61.153 Rotorcraft rating: aeronautical experience.

• • • • •

(c) In addition to the requirements of paragraphs (a) and (b) of this section, an applicant for an airline transport pilot certificate with a rotorcraft (helicopter) rating, not limited to VFR only, must have at least 75 hours of instrument time under actual or simulated instrument conditions of which no less than 50 hours were completed in flight with at least 25 hours in helicopters as pilot in command, or as copilot performing the duties and functions of a pilot in command under the supervision of a pilot in command, or combination thereof.

14. By amending § 61.155 to read as follows:

§ 61.155 Rotorcraft rating: aeronautical skill.

(a) An applicant for an airline transport pilot certificate with a rotorcraft rating, limited to VFR only, must show his ability to satisfactorily pilot rotorcraft by performing at least the following:

(1) Normal takeoffs and landings, crosswind landings, climbs, and climbing turns, steep turns, maneuvering at minimum speed, rapid descent, and quick stops.

(2) Simulated emergency procedures, including failure of an engine or other component or system, fire, ditching, evacuation, and operating emergency equipment.

(3) Approach and landing with simulated one engine inoperative in multi-engine helicopters or in autorotation in single engine helicopters.

(4) Any other maneuvers considered necessary to show his ability.

(b) An applicant for an airline transport pilot certificate with a rotorcraft rating, not limited to VFR only, must meet the requirements of paragraph (a) of this section and in addition must perform the following:

(1) The requirements of § 61.147 except § 61.147(a)(8).

(i) The maneuvers listed under § 61.147 (a) (6) and (15) are not required if the applicant holds a helicopter instrument rating.

(ii) The maneuver listed under § 61.147(a)(14) is limited to rapid descent only.

(iii) The maneuvers listed under § 61.147(a) (6), (15), and (16) may be performed on partial panel at the discretion of the FAA flight inspector.

(c) The holder of an airline transport pilot certificate with a rotorcraft category and helicopter class rating who applies for an additional helicopter type rating must show his ability to satisfactorily pilot the type helicopter for which he seeks a rating by performing the maneuvers listed in paragraph (a) of this section (limited to VFR only) or paragraph (b) of this section (not limited to VFR only).

15. By amending § 61.157 by redesignating paragraph (b) as paragraph (c), and adding a new paragraph (b) to read as follows:

§ 61.157 Additional category ratings.

• • • • •

(b) *Rotorcraft rating not limited to VFR only.* The holder of an airline transport pilot certificate (airplane rating) who applies for a rating authorizing him to pilot a rotorcraft not limited to VFR only must meet the applicable requirements of §§ 61.151, 61.153, and 61.155.

• • • • •

(Secs. 313(a), 601, 602, Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421, 1422)

Issued in Washington, D.C., on December 9, 1965.

C. W. WALKER,
Director,
Flight Standards Service.

[F.R. Doc. 65-13364; Filed, Dec. 14, 1965; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-WE-43]

VOR FEDERAL AIRWAYS

Proposed Alterations

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the floors of segments of V-6, -19, -26, -86, -89, -100, -118, -138, -169, -207, and -524 as follows:

1. V-6 from Medicine Bow, Wyo., 1,200 feet above the surface (AGL) to Sidney, Nebr.

2. V-19 from Cheyenne, Wyo., 1,200 feet AGL to Casper, Wyo., including an E alternate 1,200 feet AGL from Cheyenne to Casper via the INT of Cheyenne 002° and Douglas, Wyo., 152° True radials and Douglas, and from Sheridan, Wyo., 21 miles 1,200 feet AGL, 35 miles 7,500 feet above mean sea level (MSL), 1,200 feet AGL to Billings, Mont., including an E alternate from Sheridan 21 miles 1,200 feet, AGL, 38 miles 7,500 feet, MSL, 1,200 feet AGL to Billings.

3. V-26 from Casper, Wyo., 14 miles 1,200 feet AGL, 25 miles 7,500 feet, MSL, 92 miles 9,000 feet MSL, 1,200 feet AGL via Rapid City, S. Dak., to Philip, S. Dak.

4. V-86 from Billings, Mont., 32 miles 1,200 feet AGL, 35 miles 7,500 feet MSL, 1,200 feet AGL to 20 miles, E of Sheridan, Wyo., 45 miles 7,000 feet MSL, 72 miles 8,000 feet MSL, 1,200 feet AGL to Rapid City, S. Dak.

5. V-89 from Cheyenne, Wyo., 1,200 feet AGL to Chadron, Nebr., including a 1,200 feet AGL E alternate from Cheyenne to Chadron via Scottsbluff, Nebr.

6. V-100 from Medicine Bow, Wyo., 59 miles, 1,200 feet AGL, 49 miles 8,500 feet MSL, 1,200 feet AGL to Chadron, Nebr.

7. V-118 from Laramie, Wyo., 1,200 feet AGL to Cheyenne, Wyo.

8. V-138 from Medicine Bow, Wyo., 1,200 feet AGL, via Cheyenne, Wyo., to Sidney, Nebr., including a 1,200-foot AGL N alternate from Medicine Bow to Cheyenne.

9. V-169 from Sidney, Nebr., 1,200 feet AGL via Scottsbluff, Nebr., and Chadron, Nebr., to Rapid City, S. Dak.

10. V-207 from Gill, Colo., 1,200 feet AGL, to Scottsbluff, Nebr.

11. V-524 from Laramie, Wyo., 1,200 feet AGL via the INT of Laramie 069° and Scottsbluff, Nebr., 254° True radials, to Scottsbluff.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The 1,200 AGL floors are required for climb to minimum en route altitudes, en route altitude changes and aeronautical chart legibility. These actions will neither affect present air traffic procedures nor minimum en route altitudes.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on December 8, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-13365; Filed, Dec. 14, 1965; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-EA-82]

VOR FEDERAL AIRWAYS

Proposed Realignment and Designation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would accomplish the following:

1. Realign V-72 segment from Albany, N.Y., via Cambridge, N.Y., to the intersection of Cambridge 063° T (077° M) and Keene, N.Y., 341° T (355° M) (Hartness, Vt., Intersection).

2. Realign V-106 segment from Gardner, Mass., via Manchester, N.H., to Kennebunk, Maine.

3. Designate a VOR airway from Gardner, Mass., via the intersection of the Gardner 098° T (112° M) and the Boston, Mass., 015° T (030° M) to Boston.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y., 11430. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The realignment of V-72 from Albany to the Hartness Intersection would provide a route with controlled airspace for air traffic originating from Hartness Airport and from areas north of Hartness which require clearance to Albany and points west and southwest of Albany. The realignment of V-106 via the Manchester VOR eliminates the airway crossing point with V-141 northwest of the Manchester VOR. The designation of the airway from Gardner to Boston via the Revere Intersection would be utilized as an additional inbound route to the Boston terminal area.

These amendments are proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on Dec. 8, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-13366; Filed, Dec. 14, 1965; 8:46 a.m.]

[14 CFR Parts 71, 75]

[Airspace Docket No. 65-EA-58]

VOR FEDERAL AIRWAYS AND JET ROUTES

Proposed Realignment

The Federal Aviation Agency is considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would accomplish the following:

1. Realign V-196 from Utica, N.Y., direct to Saranac Lake, N.Y., direct Plattsburgh, N.Y.

2. Realign V-203 from Albany, N.Y., direct Saranac Lake, direct to Massena, N.Y.

3. Realign the United States portion of V-282 from Saranac Lake direct to St. Eustache, Quebec, Canada.

4. Realign J-509 from the INT of Albany, N.Y., 343° T (356° M) and St. Eustache, Quebec, Canada, 188° T (203° M) radials, to St. Eustache, excluding the portion within Canada.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y., 11430. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

These actions would reduce the airway mileage between St. Eustache and Albany, improve arrival and departure procedures at Adirondack Airport, Saranac Lake and permit establishment of a lower minimum en route altitude on V-196 between Saranac Lake and Utica. The realignment of J-509 would permit transition between this jet route and V-282.

These amendments are proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on December 8, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-13367; Filed, Dec. 14, 1965; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 16205]

RESPONSES AND MISREPRESENTATIONS BY APPLICANTS, PERMITTEE AND LICENSEES

Notice Extending Time for Filing Comments

1. Comments in the above-entitled proceeding are now due by December 8, 1965. In a petition filed December 7, 1965, the Federal Communications Bar Association (FCBA) asks that the time for filing be further extended to January 10, 1966, in order to permit that group to file comments which may be helpful to the Commission, and, more specifically, to enable the FCBA executive Committee to have an opportunity to consider and approve such comments.

2. The Commission believes that good cause for the requested extension has been shown. Accordingly, notice is hereby given that the time for filing comments in the above-entitled proceeding is extended to and including January 10, 1966.

3. Authority for this action is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: December 8, 1965.

Released: December 10, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-13390; Filed, Dec. 14, 1965; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SMALL BUSINESS FRANCHISE SIZE CRITERIA

Notice of Proposed Rule Making

Notice is hereby given that the Small Business Administration (SBA) invites further comment on the size standards for determining whether a concern operating under a franchise agreement is a small business concern.

Section 3 of the Small Business Act (15 U.S.C. 632; 72 Stat. 384) defines a small business concern for the purpose of that Act as one which is independently owned and operated and is not dominant in its field of operation. It also authorizes the Administrator of SBA to use additional criteria in making a detailed definition of small business.

The Regulations of SBA presently provide that the affiliates of a concern are to be included in determining the small business size status of the concern. Concerns are affiliates of each other:

"When either directly or indirectly (1) one concern (other than an investment company licensed under the Small Business Investment Act of 1958 or registered under the Small Business Investment Act of 1958 or registered under the Investment Company Act of 1940, as amended), controls or has the power to control the other, or (2) a third party or parties (other than an investment company licensed under the Small Business Investment Act of 1958 or registered under the Investment Company Act of 1940, as amended), controls or has the power to control both. In determining whether concerns are independently owned and operated and whether or not affiliation exists, consideration shall be given to all appropriate factors, including common ownership, common management, and contractual relationships." Section 121.3-2(a) of the Small Business Size Standards Regulation (Revision 5, as amended) 30 F.R. 2247-56.

SBA has held that franchise agreements establish contractual relationships between the franchisor and the franchisee within the meaning of § 121.3-2 (a), supra, and that the franchisor has the power to control the franchisee whenever the franchise agreement authorizes the franchisor to:

1. Approve employment or continued employment of the franchisee's employees, or

2. Require the franchisee to conduct its business pursuant to or operate its business in strict conformance with, or comply with, or follow plans and instructions promulgated from time to time by franchisor, or

3. Determine for the franchisee the standards of service and production whenever such service and production constitute the major portion of the franchisee's business, so that by setting standards the franchisor can direct the manner in which the franchisee shall operate its business, or

4. Prohibit the franchisee from withdrawing more than a specified percentage of its net profits or from withdrawing from its account more than a specified weekly amount as remuneration for personal management.

This determination applies to all franchise arrangements except those relating to retail gasoline stations, new automobile dealers, bottlers of soft drinks, farm equipment dealers, or those under which less than 50 percent of the franchisee's receipts result from operations.

The recent growth of the franchise type operation and its significant contribution to the improvement of the competitive ability of small business concerns, together with the indications by the courts that additional information is required to determine the effect of the relationships between the franchisor and the franchisee, has caused SBA to review its regulations and decisions regarding affiliation between franchisor and franchisees.

On March 10, 1965, SBA published in the FEDERAL REGISTER (30 F.R. 3279), a notice inviting written comments on the criteria which should be utilized in determining whether a concern operating under a franchise agreement is a small business concern. There was minimal response to this invitation. In order to secure further information, SBA proposes to conduct a hearing on February 7, 1966, at 10 a.m., in Room 442 Lafayette Building, 811 Vermont Avenue NW., Washington, D.C., relative to the following issues:

1. Should SBA ignore all contractual restraints so long as the right to profit and the risk of loss is substantially that of an otherwise eligible small business concern?

2. Should SBA weigh the effect of specific contractual restraints on the independent operation of the franchisee such as the right of franchisor to:

(a) Approve employment or continued employment of the franchisee's employees;

(b) Require compliance by franchisee with business plan(s) and instructions promulgated from time to time by the franchisor;

(c) Determine standards of quality, service, production, and advertising;

(d) Set the amount of franchisee's remuneration for personal management;

(e) Prohibit sale of products and use of services or supplies by the franchisee that are not approved by franchisor;

(f) Control inventory of franchisee;

(g) Inspect franchisee's books;

(h) Require franchisee to contribute to national advertising costs, advertise locally as directed and participate in promotions;

(i) Purchase the business upon termination of the franchise;

(j) Prohibit certain business practices by franchisee such as relying on credit, etc.;

(k) Require franchisee to furnish financial statements to the franchisor;

(l) Enforce the franchisee's agreement that, for a specified period of years after termination of the franchise, he will not directly or indirectly enter the employment of, or render services to, or engage in, or hold an interest in a business within the same territory, which might reasonably be called competition to the franchisor;

(m) Require that franchisee lease his premises to franchisor as security for breach of the agreement;

(n) Prohibit conduct of other business for the franchisee?

3. Should SBA's determination concerning the restrictive standards be based on:

(a) The need for the standards to protect the integrity and image of the product or service, and

(b) The need for the standards in the assurance of financial success?

4. Should SBA measure the reasonableness of these contractual restraints by:

(a) The severity of the punitive clauses for noncompliance by the franchisee;

(b) The presence or absence of right of recourse to the courts in the event of termination without cause;

(c) The right of the franchisee to require the franchisor to renegotiate or renew the agreement and the nature of the indemnity provisions, if any, in event of termination in the agreement;

(d) The presence or absence of a prohibition on the franchisor to compete with the franchisee for a specific period following termination of a franchise?

5. Should SBA determine that regardless of restrictive standards a franchisee shall be an eligible small business concern if:

(a) It is otherwise eligible;

(b) Its franchisor is itself competitive; and

(c) The franchisor does not occupy a substantial portion of its market as related to the size of others engaged in identical or similar activity?

The criteria for determining the size of the franchisor could be gross annual sales and net income after taxes.

6. Should SBA consider the combined activities (operations) of the franchise organization or establish separate criteria for franchisors as a group, franchisees as a group, and individual franchisees of the same franchisor?

7. Should SBA consider the records of franchisors which reflect the condition and quality of their product or service as compared with others in that market or industry (volume-percentage-comparative position)?

8. Should SBA review the history of the industry to determine whether the restraints imposed are inherent thereto, and in fact demonstrate there are no less restrictive restraints available that would retain protection of goodwill and image, and that would also assure financial success?

9. What evidence should be considered as establishing that the primary purpose of these agreements is to protect the franchisor's trademarks and are essential thereto?

10. What evidence should be considered as establishing that opportunities were afforded to small operators to enter business and compete successfully that could not have done so as individual concerns?

11. Is there sufficient data collected empirically or scientifically to support the proposition that the franchise system is a needed tool by which independent concerns can oppose successfully vertically integraded large concerns?

12. Is financial assistance by SBA to franchisees which are capable of securing such assistance from their franchisors precluded by section 7(a)(1) of the Small Business Act, which provides that:

No financial assistance shall be extended • • • unless the financial assistance applied for is not otherwise available on reasonable terms?

13. Should SBA assistance to franchisees be limited? Should one criterion for determining SBA assistance to a franchisee be the effect of such assistance on a competing nonfranchised small business?

Interested persons are invited to file with SBA within thirty (30) days after publication of this notice in the FEDERAL REGISTER written comments or notice of their intention to testify at a hearing concerning the above.

All correspondence shall be addressed to:

Philip F. Zeidman
General Counsel
Small Business Administration
Washington, D.C., 20416

Dated: December 9, 1965.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 65-13368; Filed, Dec. 14, 1965; 8:47 a.m.]

FEDERAL REGISTER, VOL. 30, NO. 241—WEDNESDAY, DECEMBER 15, 1965

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order 2]

ASSISTANT COMMISSIONER (TECHNICAL) AND DIRECTOR, INTERNATIONAL TAX RELATIONS DIVISION

Revocation of Authority to Communicate and Consult on Tax Matters With Finance Ministry of Sweden

DECEMBER 8, 1965.

Commissioner Delegation Order No. 2, dated April 21, 1955, delegated to the Assistant Commissioner (Technical) and the Director, International Tax Relations Division, authority to communicate and consult on tax matters with the Finance Ministry of Sweden. The International Tax Relations Division was abolished in 1962 and its functions (except the preparation and issuance of rulings concerning the interpretation or application of tax conventions) have been transferred to organizations other than Technical.

Accordingly, Commissioner Delegation Order No. 2, dated April 21, 1955, is hereby revoked.

Effective date. December 8, 1965.

[SEAL] SHELDON S. COHEN,
Commissioner.

[F.R. Doc. 65-13368; Filed, Dec. 14, 1965; 8:48 a.m.]

Office of the Secretary

[Dept. Circ. 570, 1965 Rev. Supp. 10]

MARYLAND AMERICAN GENERAL INSURANCE CO.

Surety Company Acceptable on Federal Bonds

DECEMBER 9, 1965.

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C. 6–13.

An underwriting limitation of $214,000 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of June 1, 1966. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C., 20226.

State in Which Incorporated, Name of Company and Location of Principal Executive Office
Texas
Maryland American General Insurance Co., Baltimore, Md.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 65-13389; Filed, Dec. 14, 1965; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Montana 072014]

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

DECEMBER 6, 1965.

The Department of Agriculture has filed the above application, serial number Montana 072014, withdrawal of the lands described below, from mineral location and entry under the mining laws, subject to existing valid claims.

The applicant desires the land for campgrounds and picnic sites.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 316 North 26th Street, Billings, Mont., 59101.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

PRINCIPAL MERIDIAN, MONTANA

BITTERROOT NATIONAL FOREST

Martin Creek Public Campground

T. 2 N., R. 17 W.,
Sec. 9, SE¼SE¼SW¼, S½NE¼SE¼SW¼, SW¼NW¼SW¼SE¼.

Total area 17.5 acres.

Bertie Lord River Flat Recreation Area

T. 2 N., R. 18 W.,
Sec. 24, S½SW¼SW¼NE¼, NW¼NW¼SE¼, E½NE¼NE¼SW¼, and SE¼SE¼SE¼NW¼.

Total area 22.5 acres.

Jennings Campground

T. 2 N., R. 18 W.,
Sec. 26, SW¼NW¼NW¼, and NW¼SE¼NW¼NW¼;
Sec. 27, SE¼NE¼NE¼.

Total area 22.5 acres.

Spring Gulch Campground

T. 1 N., R. 20 W.,
Sec. 1, SW¼SE¼SE¼;
Sec. 12, N½NW¼NE¼NE¼.

Total area 15 acres.

Crazy Creek Campground

T. 1 N., R. 20 W.,
Sec. 22, W½W½SW¼SE¼, and E½E½SE¼SW¼;
Sec. 27, W½NW¼NE¼, and NW¼SW¼NE¼.

Total area 50 acres.

Charles Waters Memorial Campground

T. 10 N., R. 20 W.,
Sec. 32, S½NW¼SE¼SE¼, SW¼NE¼SE¼SE¼, N½SW¼SE¼SE¼, NW¼SE¼SE¼SE¼, S½SW¼SE¼, S½NE¼SW¼SE¼, NW¼NE¼SW¼SE¼, NE¼SE¼SW¼, SE¼NW¼SE¼SW¼, N½SW¼SE¼SW¼, N½SE¼SE¼SW¼, SE¼SE¼SE¼SW¼, NE¼SE¼SW¼SW¼, and NW¼SW¼SE¼.

Total area 80 acres.

Larry Creek Campground

T. 10 N., R. 20 W.,
Sec. 33, NW¼NW¼.

Total area 40 acres.

Boulder Creek Campground and Road Termini

T. 1 N., R. 21 W.,
Sec. 18, W½W½SW¼SE¼, and SE¼SW¼SW¼SE¼;
Sec. 19, W½SW¼NE¼NE¼, SE¼SW¼NE¼NE¼, NW¼NE¼NW¼NE¼, N½NW¼NW¼NE¼, S½NE¼NW¼NE¼, SE¼NW¼NW¼NE¼, SE¼NW¼NE¼, N½NE¼SW¼NE¼, and N½NW¼SE¼NE¼.

Total area 55 acres.

Lost Horse Campground

T. 4 N., R. 21 W.,
Sec. 18, SW¼NW¼NW¼SE¼, S½NE¼NE¼SW¼, SE¼NE¼SW¼, and NW¼SW¼NW¼SE¼.

Total area 20 acres.

Lake Como Recreation Area

T. 4 N., R. 21 W.,
Sec. 29, S½SW¼SW¼;
Sec. 31, Lot 1;
Sec. 32, Lots 2 and 3.

Total area 79.88 acres.

Indian Tree Recreation Area

T. 1 S., R. 19 W.,
Sec. 9, E½E½SE¼SW¼, SW¼SE¼SE¼SW¼, E½E½NE¼SW¼, NW¼NE¼NE¼SW¼, and S½SE¼SE¼NW¼;
Sec. 16, W½NE¼NW¼, W½NE¼NE¼NW¼, and N½NW¼SE¼NW¼.

Total area 60 acres.

Lost Trail Recreation Area

T. 2 S., R. 19 W.,
Sec. 4, Lots 1, 3, and 4.

Total area 87.67 acres.

Little West Fork Campground

T. 1 S., R. 22 W.,
Sec. 4, Lot 4.

Total area 34.66 acres.

Little Boulder Bay Recreation Area

T. 1 S., R. 22 W.,
Sec. 26, N½SE¼SW¼SE¼, S½NE¼SW¼SE¼, NW¼NE¼SW¼SE¼, and NE¼NW¼SW¼SE¼.

Total area 15 acres.

Slate Creek Campground

T. 2 S., R. 22 W.,
Sec. 2, Lot 2.

Total area 47.6 acres.

Rombo Campground

T. 2 S., R. 22 W.,
Sec. 11, S½SE¼NE¼NW¼, E½SE¼NW¼, E½SW¼SE¼NW¼, E½NW¼NE¼SW¼, and W½NE¼NE¼SW¼.

Total area 40 acres.

Overwhich Campground

T. 2 S., R. 22 W.,
Sec. 14, SW¼NW¼NE¼NW¼, W½SW¼NE¼NW¼, SE¼SW¼NE¼NW¼, S½NE¼NW¼NW¼, N½SE¼NW¼NW¼, SE¼SE¼NW¼NW¼, and N½NW¼SE¼NW¼.

Total area 27.5 acres.

Alta Campground

T. 2 S., R. 22 W.,
Sec. 34, Lot 1.

Total area 46.24 acres.

The areas described aggregate 761.05 acres.

KENNETH J. SIRE,
Acting Land Office Manager.

[F.R. Doc. 65-13350; Filed, Dec. 14, 1965; 8:45 a.m.]

COLORADO

Consolidation of Grazing Districts Nos. 1 and 6

Notice is hereby given that Colorado Grazing Districts No. 1 and No. 6, administered by the Bureau of Land Management District Office at Craig, Colo., are being consolidated.

By virtue of the authority vested in the Secretary of the Interior by the Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315, et seq.), as amended, and delegated to the Director, Bureau of Land Management, the lands in Colorado District No. 6 are added to the lands in Colorado District No. 1 and Colorado Grazing District No. 6 is abolished, effective December 31, 1965.

The district office at Craig, Colo., is designated as the headquarters for the consolidated district. A Resource Area Headquarters of the Craig District will be retained in Meeker, Colo.

The consolidation of these districts will require reorganization of the district advisory boards in accordance with the provisions of 43 CFR Subpart 4114. This decision shall become effective upon the date of publication in the FEDERAL REGISTER.

CHARLES H. STODDARD,
Director.

DECEMBER 8, 1965.

[F.R. Doc. 65-13351; Filed, Dec. 14, 1965; 8:45 a.m.]

COLORADO

Consolidation of Grazing Districts Nos. 5 and 8

Notice is hereby given that Colorado Grazing Districts No. 5 and No. 8, administered by the Bureau of Land Management District Office at Canon City, Colo., are being consolidated.

By virtue of the authority vested in the Secretary of the Interior by the Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315, et seq.), as amended, and delegated to the Director, Bureau of Land Management, the lands in Colorado District No. 8 are added to the lands in Colorado District No. 5 and Colorado Grazing District No. 8 is abolished effective December 31, 1965.

The district office at Canon City is designated as the headquarters for the consolidated district.

The consolidation of these districts will require reorganization of the district advisory boards in accordance with the provisions of 43 CFR Subpart 4114. This decision shall be effective upon the date of publication in the FEDERAL REGISTER.

CHARLES H. STODDARD,
Director.

DECEMBER 8, 1965.

[F.R. Doc. 65-13352; Filed, Dec. 14, 1965; 8:45 a.m.]

Fish and Wildlife Service

[Docket No. S-330]

HOWARD CLIFTON AAKER

Notice of Loan Application

Howard Clifton Aaker, Salmon Bay Terminal, Seattle, Wash., 98119, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 43.5-foot registered length wood trolling vessel to engage in the fishery for salmon and albacore in the waters of the Pacific Ocean and Gulf of Alaska.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965), that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C., 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic injury or hardship.

DONALD L. MCKERNAN,
Director,
Bureau of Commercial Fisheries.

DECEMBER 10, 1965.

[F.R. Doc. 65-13376; Filed, Dec. 14, 1965; 8:47 a.m.]

[Docket No. Sub-B-42]

TONNESSEN FISHERIES, INC.

Notice of Hearing

Tonnessen Fisheries, Inc., 24 Eddy Street, North Dartmouth, Mass., has applied for a fishing vessel construction differential subsidy to aid in the construction of a 90-foot overall wood vessel to engage in the fishery for scallops, flounder, lobster, groundfish, and swordfish.

Notice is hereby given pursuant to the provisions of the U.S. Fishing Fleet Improvement Act (P.L. 88-498) and Notice and Hearing on Subsidies (50 CFR Part 257) that a hearing in the above-entitled proceedings will be held on February 8, 1966, at 10 a.m., e.s.t., in Room 3356, Interior Building, 18th and C Streets NW., Washington, D.C. Any person desiring to intervene must file a petition of intervention with the Director, Bureau of Commercial Fisheries, as prescribed in 50 CFR Part 257 at least 10 days prior to the date set for the hearing. If such petition of intervention is granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the event of such a change along with the new location.

DONALD L. MCKERNAN,
Director,
Bureau of Commercial Fisheries.

DECEMBER 10, 1965.

[F.R. Doc. 65-13377; Filed, Dec. 14, 1965; 8:47 a.m.]

National Park Service

[Order 1]

CHIEF, INTERPRETATION AND RESOURCES MANAGEMENT, BIGHORN CANYON RECREATION AREA, MONTANA AND WYOMING

Delegation of Authority Regarding Execution of Contracts and Purchase Orders for Supplies, Equipment, or Services

1. *Chief, Interpretation and Resources Management.* The Chief, Interpretation and Resources Management may execute and approve contracts not in excess of $10,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

(National Park Service Order 14 (19 F.R. 8824), as amended; 39 Stat. 535, 16 U.S.C., sec. 2; Midwest Region Order 3 (21 F.R. 1494))

Dated: November 15, 1965.

JOSEPH C. RUMBURG, Jr.,
Superintendent,
Bighorn Canyon Recreation Area.

[F.R. Doc. 65-13354; Filed, Dec. 14, 1965; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

FROZEN CONCENTRATED ORANGE JUICE

Notice of Purchase Program GMP 135a

In order to encourage the domestic consumption of oranges by diverting them from the normal channels of trade and commerce in accordance with section 32, Public Law 320, 74th Congress, approved August 24, 1935, as amended, the U.S. Department of Agriculture offers to purchase frozen concentrated orange juice processed from oranges produced in the continental United States, for subsequent use in school lunch programs. Purchases will be made on an offer and acceptance basis as a surplus removal activity. Details and specifications of the invitation to offer frozen orange concentrate are contained in Announcement FV-385 issued by the Department on December 10, 1965. Quantities purchased will depend upon quantities and prices offered. Information concerning this purchase program may be obtained from the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C., 20250.

(Sec. 32, 49 Stat. 774, as amended, 7 U.S.C. 612c)

Dated: December 10, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-13399; Filed, Dec. 14, 1965; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-241]

MISSISSIPPI STATE UNIVERSITY

Notice of Application for License To Receive, Possess, and Store Nuclear Reactor Components

Please take notice that Mississippi State University, under section 104c of the Atomic Energy Act of 1954, has submitted an application for a license to receive, possess, and store, but not to assemble, nuclear reactor components to be obtained from North Carolina State University. The components are to be stored on the Mississippi State University campus located at State College, Mississippi, until applications for a construction permit and operating license are filed with the Commission and acted upon. A copy of the application is available for public inspection at the AEC Public Document Room, located at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 7th day of December 1965.

For the Atomic Energy Commission.

R. L. DOAN,
Director,
Division of Reactor Licensing.

[F.R. Doc. 65-13349; Filed, Dec. 14, 1965; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16236; Order E-22984]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 9th day of December 1965.

Pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement has been filed with the Board between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conferences 1-2, 3-1, and 1-2-3 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA letters dated November 18 and 23, 1965,[1] as set forth in the attachment hereto[2] (1) names additional specific commodity rates for existing commodity descriptions, (2) names rates in certain areas under descriptions currently in effect in other areas, and (3) cancels rates under existing commodity descriptions. The agreement, excluding the canceled rates, reflects reductions in rates ranging from 19.4 to 66.6 percent of the otherwise applicable rates and is consistent with the present specific commodity rates within the applicable areas.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That Agreement C.A.B. 18169, R-31 through R-37, be approved, provided that such approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65-13396; Filed, Dec. 14, 1965; 8:49 a.m.]

[1] Received in the Board Nov. 22 and 26, 1965, respectively.

[2] Attachment filed as part of original document.

[Docket No. 11749]

AIRLIFT RENEWAL PROCEEDING

Notice of Hearing

Notice is hereby given, pursuant to provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on January 4, 1966, at 10 a.m. e.s.t., in Room 726, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., December 8, 1965.

[SEAL] THOMAS L. WRENN,
Associate Chief Examiner.

[F.R. Doc. 65-13397; Filed, Dec. 14, 1965; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 65-1099]

MICROWAVE-SERVED CATV STATIONS

Transition Period for Applicability of Carriage and Non-Duplication Rules

DECEMBER 9, 1965.

The Commission has issued a letter to all applicants in the Domestic Point-to-Point Microwave Service for renewal of licenses of microwave stations used to relay television broadcast signals to community antenna television systems. This letter is with reference to the rules, adopted by the Commission in its First Report and Order in Docket Nos. 14895 and 15233 (FCC 65-335, F.R. 3038, April 29, 1965), as modified in its Memorandum Opinion and Order in said dockets (FCC 65-601, 30 F.R. 8840, July 14, 1965), which require, in general, that a microwave-served community antenna television system (CATV) carry the signals of all local television stations, without material degradation in technical quality, and refrain from duplicating the programs of local commercial stations, either simultaneously or within 15 days before or after the local broadcast.

The Commission stated that it would examine the question of whether it would be desirable to allow a transition period for some CATV systems before requiring full compliance with the rules relating to carriage. (First Report and Order, supra, paragraph 161.) To obtain relevant information, the Commission sent questionnaires to known operators of CATV systems. On the basis of the responses to these questionnaires and other information available, it would appear that less than 20 percent of the microwave-served CATV systems are not now in compliance with the rules; that half of these systems either have the unused channel capacity to come into compliance or, in view of present expansion plans, will be able to comply; and that less than 10 percent of the systems now operating cannot comply with the rules without having to drop one or more signals currently carried. In these circumstances, there appears to be no compelling reason to provide, by a generally applicable rule, a transition period for the microwave-served systems before requiring full compliance with the rules. Rather, the Commission believes that an immediate application of the rules is desirable, with the provision that any system showing need for delay in complying may be granted a waiver of the rules for a reasonable period on a case-by-case basis. Accordingly, it has advised all common carrier renewal applicants that the rules will be generally applicable as of February 1, 1966.

Applications for CATV microwave authorizations in the Business Radio Service have been granted only since January 1962, for a term of five years, so there are no renewal applications now pending, nor will renewal applications be filed prior to 1967. While no renewal applications are due for some time, there appears to be no reason why the rules should not be made effective at the same time (February 1, 1966) as to renewal applications in the Business Radio Service. Consequently, any future application for an authorization in the Business Radio Services for a microwave facility to transmit the signals of a television broadcasting station to a CATV system should contain a request for waiver of the rules relating to carriage, if a waiver is desired. All such requests for waivers should make the same showing required of common carrier applicants for microwave authorizations. This showing is detailed in the letter referred to above stating:

• • • The request for waiver should include the petition by the CATV system that the microwave licensee seek the waiver from the Commission; and the system should include a statement that it has served a copy of that petition on any television station to be affected. The request for waiver should demonstrate the hardships to the CATV system, the disruption of service to the customers of the CATV system which would result from immediate compliance with the carriage requirements, the need for the particular length of time for which the waiver is requested, and the future plans to come into compliance. Finally, the request should state whether substitution of the local station's signal on a simultaneous-only basis will be afforded during the period for which any waiver is granted where the local station is not now carried and its programming is duplicated by a more distant signal. See Black Hills Video Corp., 6 Pike & Fischer, R.R. 2d. 199, at 201 (¶ 9).

Adopted: December 8, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-13391; Filed, Dec. 14, 1965; 8:48 a.m.]

[1] Chairman Henry absent; Commissioners Bartley and Loevinger concurring in the result.

[Docket No. 16250; FCC 65M-1594]

SERVICE ELECTRIC CABLE TV, INC.

Memorandum Opinion and Order Scheduling Prehearing Conference

1. On December 9th the respondent (Service Electric, 206-208 East Third Street, Bethlehem, Pa.), in the above-entitled proceeding filed a motion requesting that the hearing, which is now scheduled to convene on December 20, be postponed 2 months, until February 21, 1966. The motion paper sets forth at length the steps the moving party has taken to eliminate the conditions which have caused this proceeding to be instituted, including a conference and inspection in the field jointly with two engineers of the Commission's Field Engineering Bureau and the Bureau's attorney, on complaints by the public. It states, further, that "At the time the instant motion was prepared and as recently as several days before the inspection on November 22 and 23, Respondent knew of no uncorrected cases of interference to off-the-air reception". And respondent also avers its understanding that "as of this date" (presumably December 8), there is no record of unsatisfied complaints on file at the Commission. Respondent urges that the 2 months continuance it is requesting is needed in order to conduct a comprehensive study of a possible source of radiation which stems from receiver design, beyond its, or its industry's, control in the present state of the art and in no way generated within its CATV system or by faulty components within the CATV system or the system's design.

2. The Hearing Examiner realizes that equity may require a further postponement of the hearing in this proceeding especially in light of the probabilities, as explained in the motion paper, that the facts respondent believes it will be able to establish may be needed for a proper interpretation of the Commission's rules governing permissible radiation tolerances for CATV systems. On the other hand, protection of the listening and viewing public from electrical interference must be the paramount consideration. Therefore, before he acts on the motion before him the Hearing Examiner has determined to set the matter down for further prehearing conference; first, in order that he may ascertain for the record whether any complaints have been received either by the respondent or the Commission as of the day before the conference, and, if so, what steps are to be taken to eliminate such complaints; and, second, to ascertain the exact relationship between the respondent's proposed study and the applicable rules.

Accordingly, it is ordered, This 10th day of December 1965, on the Hearing Examiner's own motion, that a further prehearing conference in the above-entitled proceeding will be convened at 3 p.m., on Thursday, December 16, 1965, at the Commission's offices, Washington, D.C.

Released: December 10, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-13393; Filed, Dec. 14, 1965; 8:48 a.m.]

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

DECEMBER 10, 1965.

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on January 21, 1966, the standard broadcast applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to §§ 1.227(b)(1) and 1.591(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on 1966, which involves a conflict necessitating a hearing with an application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on January 20, 1966, or (b) the earlier effective cut-off date which a listed application or any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing

the time of filing and other requirements relating to such pleadings.

Adopted: December 10, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX

Applications from the top of the processing line

BP-16459 New, Burney, Calif.
R. L. Hansen.
Req: 1250 kc, 1 kw, Day.

BP-16711 New, Chardon, Ohio.
Radio Buckeye, Inc.
Req: 1560 kc, 250 w, DA, Day (facilities of WGLD).

BP-16712 KSMM, Shakopee, Minn.
Progress Valley Broadcasters, Inc.
Has: 1530 kc, 500 w, Day.
Req: 1170 kc, 1 kw, Day.

BP-16714 New, Hot Springs, Ark.
Christian Broadcasting Co.
Req: 1420 kc, 5 kw, Day.

BP-16723 New, Sandusky, Mich.
Sanilac Broadcasting Co.
Req: 1560 kc, 1 kw, DA, Day.

BP-16729 New, Dumas, Ark.
D and T Broadcasting Co.
Req: 1190 kc, 1 kw, Day.

BP-16730 New, New Castle, Ind.
Newcastle Broadcasting Corp.
Req: 570 kc, 500 w, DA-2, U.

BP-16732 New, Fosston, Minn.
E. P. De La Hunt, Jr., trading as Fosston Broadcasting Co.
Req: 1480 kc, 1 kw, Day.

BP-16733 New, Fortuna, Calif.
Dale A. Owens.
Req: 1280 kc, 1 kw, Day.

BP-16735 New, Burlington, Vt.
Carter Broadcasting Corp.
Req: 1070 kc, 5 kw, Day.

BP-16736 KOSG, Pawhuska, Okla.
Cherokee Broadcasting Co.
Has: 1500 kc, 500 w, Day.
Req: 1500 kc, 5 kw, 500 w (CH), DA, Day.

BP-16737 WGON, Munising, Mich..
Pictured Rocks Radio Corp.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw-LS, U.

BP-16738 New, Shively, Ky.
W. V. Ramsy and Lewis Young, doing business as Shively Broadcasting Co.
Req: 1130 kc, 500 w, Day.

BP-16744 WGKA, Atlanta, Ga.
Glenkaren Associates, Inc.
Has: 1600 kc, 1 kw, Day.
Req: 1190 kc, 1 kw, Day.

BP-16745 KRVC, Ashland, Oreg.
Faith Tabernacle, Inc.
Has: 1350 kc, 1 kw, Day.
Req: 1400 kc, 250 w, 1 kw-LS, U.

BP-16746 New, Eatonton, Ga.
Lawrence S. Lane and Paul J. Wolfe, Jr., doing business as Eatonton Broadcasting Co.
Req: 1520 kc, 500 w, Day.

BP-16747 New, Calhoun, Ga.
William E. Stocks and Emma H. Stocks, doing business as New Echota Broadcasting Co.
Req: 1110 kc, 250 w, Day.

BP-16748 New, Jackson, Ga.
Robert P. Shapard, Jr.
Req: 1540 kc, 1 kw, Day.

BP-16764 New, Salt Lake City, Utah.
Holladay Broadcasting Co.
Req: 1060 kc, 10 kw, Day.

BP-16765 New, Salinas, P.R.
Island Broadcasting Corp.
Req: 1210 kc, 1 kw, Day.

BP-16766 New, Bridgeton, N.C.
V. W. B., Inc.
Req: 1380 kc, 5 kw, Day.

BP-16768 New, Sallisaw, Okla.
Little Dixie Radio, Inc.
Req: 1510 kc, 1 kw, 500 w (CH), Day.

BP-16769 New, Hondo, Tex.
Ben J. Conroy, Jr., trading as Medina Broadcasting Co.
Req: 1060 kc, 500 w, Day.

BP-16770 WRSJ, San Juan, P.R.
Radio San Juan, Inc.
Has: 1560 kc, 250 w, 5 kw-LS, U (Bayamon, P.R.).
Req: 1560 kc, 25 kw, 50 kw-LS, DA-2, U (San Juan, P.R.).

BP-16794 WMBC, Columbus, Miss.
J. W. Furr.
Has: 1400 kc, 250 w, 1 kw-LS, U (Macon, Miss.).
Req: 1400 kc, 250 w, U (Columbus, Miss.).

BP-16795 New, Woodruff, S.C.
S. J. Workman.
Req: 1510 kc, 1 kw, 250 w (CH), Day.

BP-16797 New, Ozark, Ark.
Ozark Broadcasting Co., Inc.
Req: 1540 kc, 500 w, Day.

[F.R. Doc. 65-13392; Filed, Dec. 14, 1965; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-1867]

OWENS-CORNING FIBERGLAS INTERNATIONAL CORP.

Notice of Filing of Application for Order Exempting Company

DECEMBER 9, 1965.

Notice is hereby given that Owens-Corning Fiberglas International Corp. ("applicant"), National Bank Building, Toledo, Ohio, 43601, a Delaware corporation, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting it from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

The applicant was organized by Owens-Corning Fiberglas Corp. ("OCF") under the laws of the State of Delaware in November 1965. All of the authorized stock of applicant, consisting of 10,000 shares of common stock, par value $1 per share, will be purchased for cash, stock and debt obligations of other foreign subsidiaries or affiliates of OCF having a fair market value of $6,155,000, and held by OCF. OCF will also acquire any additional securities, other than debt securities, which applicant may issue in the future and will not dispose of any of the securities of applicant held by OCF except to the applicant or to a wholly owned subsidiary of OCF.

OCF, a Delaware corporation, together with its majority-owned subsidiaries and affiliates, are engaged in the manufacture and sale of a variety of glass fiber products and other glass or insulation products for consumer and industrial use.

Applicant has been organized in order to finance the expansion and development of OCF's foreign operations in a manner which is designed to assist in improving the balance of payments position of the United States, in compliance with the voluntary cooperation program instituted by the President in February 1965. Applicant intends to issue and sell an aggregate of not less than $6,000,000 nor more than $6,500,000 principal amount of its 5¾ percent Promissory Notes Due 1980 ("Notes"). OCF will guarantee payment of the principal, premium, if any, interest and mandatory prepayments on the Notes. Any additional debt securities of applicant which may be issued to or held by the public will be guaranteed by OCF in the same manner as the Notes.

It is intended that the assets of applicant will be invested in or loaned to foreign subsidiaries and affiliates of OCF and invested in obligations of foreign governments, foreign financial institutions or other foreign companies, payable either in United States dollars or other currencies and maturing in 1 year or less; and that at least 90 percent of such assets will be invested in or loaned to foreign companies at least 40 percent of whose outstanding voting securities are owned, directly or indirectly, by OCF, and which are primarily engaged in businesses other than that of investing, reinvesting, owning, holding or trading in securities. Applicant will proceed as expeditiously as possible with the investment of its assets in such manner. Pending the completion of such investment program, applicant may invest its assets in obligations of foreign governments, foreign financial institutions or other foreign companies, payable either in United States dollars or other foreign currencies and maturing in one year or less, in a proportion greater than that permitted above. Applicant will not acquire the securities representing such loans or investments for the purpose of sale and will not trade in such securities.

Counsel has advised the applicant that United States persons will be required to report and pay an interest equalization tax with respect to acquisitions of the Notes, except where a specific statutory exemption is available. By financing its foreign operations through the applicant rather than through the sale of its own debt obligations, OCF will utilize an instrumentality the acquisition of whose debt obligations by United States persons would, generally, subject such persons to the interest equalization tax, thereby discouraging them from purchasing such debt obligations.

The Notes are to be sold to a limited number of purchasers in a private placement outside the United States and will be delivered to the purchasers against receipt of payment therefor outside the United States. The Note Purchase Agreements pursuant to which the Notes are to be issued will contain a covenant by the respective purchasers to the effect that they will not offer, sell or deliver the Notes in the United States or to citizens or persons normally resident therein or to any other person who intends to reoffer or resell the Notes in the United States or to such citizen or resident unless, in the opinion of counsel for the applicant, such offers and sales may be made without registration under the Securities Act of 1933. Applicant has agreed that its counsel will inform the Commision of the relevant facts prior to issuing any such opinion; and applicant also has agreed to file annually with the Commission certain financial and stock ownership information.

Applicant asserts that it is not necessary or appropriate in the public interest or consistent with the protection of investors to regulate applicant under the Act for the following reasons: (1) The sole purpose of applicant is to assist in improving the balance of payments program of the United States by serving as a vehicle through which OCF may obtain funds in foreign countries for its foreign operations; (2) applicant will not deal or trade in securities; (3) the public policy underlying the Act is not applicable to applicant and the security holders of applicant do not require the protection of the Act, because the payment of the Notes, which is guaranteed by OCF, does not depend on the operations or investment policy of applicant, for the Noteholders may ultimately look to the business enterprise of OCF and its subsidiaries and affiliated companies rather than solely to that of applicant; (4) the substantial minimum size of the Notes ($50,000 each) should effectively prevent investment in them by other than a relatively small number of sophisticated investors; (5) none of the securities (other than debt securities) of applicant will be held by any person other than OCF or a wholly owned subsidiary of OCF; and (6) the Notes will be offered and sold abroad to a limited number of foreign nationals under circumstances designed to prevent any reoffering or resale in the United States or to any United States citizen or resident.

Notice is further given that any interested person may, not later than December 27, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-13355; Filed, Dec. 14, 1965; 8:45 a.m.]

[01-36]

HALIBUT PRODUCERS COOPERATIVE

Notice of Application and Opportunity for Hearing

DECEMBER 8, 1965.

Notice is hereby given that Halibut Producers Cooperative ("Halibut"), 5401 Shilshole Avenue NW., Seattle, Wash., a nonprofit Washington corporation, has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended ("Act"), for an order of the Commission exempting Halibut from the provisions of section 12(g) of the Act. Exemption from section 12(g) will have the additional effect of exempting Halibut from sections 13 and 14 of the Act and any officer, director or beneficial owner of more than 10 percent of any class of equity security of Halibut from section 16 thereof.

Section 12(g) of the Act requires the registration of the equity security of every issuer which is engaged in interstate commerce or in a business affecting interstate commerce, or whose securities are traded by use of the mails or any means or instrumentality of interstate commerce and, on the last day of its fiscal year, has total assets exceeding $1,000,000, and a class of equity security held of record initially by 750 or more persons, and after July 1, 1966, by 500 or more persons.

Section 12(h) empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the registration, periodic reporting and proxy solicitation provisions and to grant exemptions from insider reporting and trading provisions of the Act if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

Halibut is a nonprofit Washington corporation organized to take advantage of the Fishermen's Marketing Act of 1934 (15 U.S.C. § 521) and the "Fish Marketing Act" of the State of Washington (RCW 24.36.060).

The Fishermen's Marketing Act of 1934 provides, in part, that certain fishermen may act together in associations, corporate or otherwise, with or without capital stock under certain circumstances. Associations are authorized provided they are operated for the mutual benefit of the members thereof and conform to one or both of the following requirements:

First. That no member of the association is allowed more than one vote because of the amount of stock or membership capital he may own therein; or

Second. That the association does not pay dividends on stock or membership capital in excess of 8 per centum per annum and in any case to the following:

Third. That the association shall not deal in the products of nonmembers to an amount greater in value than such as are handled by it for members.

The "Fish Marketing Act" provides an exemption for certain associations from the requirements of the Washington Securities Act.

The criteria employed in providing a specific exemption for farmers' cooperatives in section 12(g)(2)(E) of the Securities Exchange Act of 1934 closely parallel the conditions imposed by the Fishermen's Marketing Act of 1934.

The application of Halibut states, in part:

1. Halibut, in all respects, complies with the provisions of the Fishermen's Marketing Act of 1934. Membership in Halibut is limited [by the by-laws] to "persons engaged in the Fishery Industry as fishermen." Each member is allowed to hold only one share of the capital stock and is allowed only one vote. Each share of capital stock costs $10.00, which amount is returnable to the stockholder when he resigns from Halibut.

2. The shares of Halibut are not freely transferable. They may not be transferred to anyone who would not qualify for membership. Furthermore, no transfer of capital stock may occur without the prior consent of Halibut's Trustees.

3. Halibut pays no dividends on its capital stock. However, upon liquidation, the capital stock would receive liquidating dividends.

4. The fact that ownership is limited to one share, that alienation is restricted, that shares do not sell at a premium over their par ($10.00), and that Halibut is non profit and, therefore, makes no provision for dividends, minimizes the interest of the general public in the issuer, and makes trading activity negligible. Interest in the security is limited to those fishermen who either wish to employ the marketing services of Halibut, or have a voice in its operation, or both.

5. Halibut has waived a hearing in connection with the matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission at 425 Second Street NW., Washington, D.C.

Notice is further given that an order granting an exemption under section 12(h) from the provisions of section 12(g) of the Act, may be issued by the Commission at any time on or after January 7, 1966, unless prior thereto a hearing upon the application is ordered by the Commission upon request or upon its own motion. Any interested person may, not later than January 5, 1966, at 5:30 p.m., e.s.t., in writing, submit to the Commission, his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Ex-

change Commission, 425 Second Street NW., Washington, D.C., 20549, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-13356; Filed, Dec. 14, 1965; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-4541, etc.]

SINCLAIR OIL & GAS CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

DECEMBER 7, 1965.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 4, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however*, That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-4541 C 11-26-65	Sinclair Oil & Gas Co., Post Office Box 521, Tulsa, Okla., 74102.	El Paso Natural Gas Co., North Justis Blinebry Field, Lea County, N. Mex.	0.0	14.65
G-6024 E 11-8-65	Jack Wrather, Jr. (successor to R. E. Hibbert, Operator), c/o J. T. Vaughan, Jr., attorney and agent, 2929 Cedar Springs Rd., Dallas, Tex., 75219.	Cities Service Gas Co., acreage in Oklahoma County, Okla.	10.0	14.65
G-8660 E 11-26-65	The Texstar Corp. (successor to Gulf Coast Leaseholds, Inc.), 2957 Humble Bldg., Houston, Tex.	Texas Eastern Transmission Corp., Clayton Field, Live Oak County, Tex.	13.87733	14.73
G-14223 9-30-65 [1]	Socony Mobil Oil Co., Inc., et al., Post Office Box 2444, Houston, Tex., 77001.	Colorado Interstate Gas Co., Keyes Field, Cimarron County, Okla.	[2] 15.0	14.65
G-15791 C 12-1-65	Sun Oil Co. (Southwest Division), 1608 Walnut St., Philadelphia, Pa., 19103.	Transwestern Pipeline Co., North Follett Field, Lipscomb County, Tex.	17.0	14.65
G-16139 D 12-1-65	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla., 74102.	Transwestern Pipeline Co., Como Area, Ochiltree County, Tex.	(3)	------
G-18748 C 11-24-65	Sinclair Oil & Gas Co., Post Office Box 521, Tulsa, Okla., 74102.	El Paso Natural Gas Co., Clear Lake Field, Beaver County, Okla.	17.0	14.65
C161-1385 D 11-22-65	Sunray DX Oil Co., Post Office Box 2039, Tulsa, Okla., 74102 (partial abandonment).	Cities Service Gas Co., Dower Field, Barber County, Kans.	Depleted	------
C163-20 D 11-29-65	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex., 77001.	Arkansas Louisiana Gas Co., Arkoma Area, Latimer County, Okla.	Assigned	------
C163-951 C 11-22-65	Young and Hildreth, et al., Post Office Box 494, Spencer, W. Va., 25276.	Consolidated Gas Supply Corp., Spencer District, Roane County, W. Va.	25.0	15.325
C163-1415 C 11-23-65	Tenneco Oil Co., Post Office Box 2511, Houston, Tex., 77001.	Northern Natural Gas Co., Kiowa Creek Field, Lipscomb County, Tex.	15.0	14.65
C163-1440 E 10-7-65	Quaker State Oil Refining Corp. (successor to Devonian Gas & Oil Co.), Box 337, Bradford, Pa., 16701.	Equitable Gas Co., Birch District, Braxton County, W. Va.	25.0	15.325
C164-976 D 11-22-65	Texaco Inc. (Operator), et al., Post Office Box 52332, Houston, Tex., 77052.	Kansas-Nebraska Natural Gas Co., Inc., Bradshaw Gas Area, Hamilton County, Kans.	(4)	------
C165-80 C 11-29-65	J. C. Baker & Son, Inc., Gassaway, W. Va.	Consolidated Gas Supply Corp., Salt Lick District, Braxton County, W. Va.	[5] 27.0	15.325
C166-143 C 11-26-65	Kerr-McGee Corp.,[6] Kerr-McGee Bldg., Oklahoma City, Okla., 73102.	American Louisiana Pipe Line Co., Hog Bayou Field, Block 1, Offshore Cameron Parish, La.	19.0	15.025
C166-434 (G-18748) F 11-5-65	Earl T. Smith, receiver (successor to Sinclair Oil & Gas Co.), c/o Maston C. Courtney; attorney, Culton, Morgan, Britain & White, Post Office Box 189, Amarillo, Tex.	El Paso Natural Gas Co., acreage in Ochiltree County, Tex.	17.0	14.65
C166-435 A 11-23-65	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif., 90017.	American Louisiana Pipe Line Co., Bayou Hebert Field, Vermilion and Iberia Parishes, La.	[7] 21.25	15.025
C166-436 A 11-24-65	....do....	American Louisiana Pipe Line Co., Buck Point Field, Vermilion Parish, La.	[7] 21.25	15.025
C166-437 A 11-26-65	E. K. Edmiston, First National Bank Bldg., Wichita, Kans., 67202.	Cities Service Gas Co., acreage in Barber County, Kans.	14.0	14.65
C166-438 A 11-26-65	Shell Oil Co., 50 West 50th St., New York, N.Y., 10020.	American Louisiana Pipe Line Co., West Gueydan Field, Vermilion Parish, La.	21.25	15.025
C166-439 A 11-26-65	....do....	American Louisiana Pipe Line Co., East Buck Point Field, Vermilion Parish, La.	21.25	15.025
C166-440 A 11-26-65	Texaco Inc. (Operator), et al., Post Office Box 52332, Houston, Tex., 77052.	Texas Gas Transmission Corp., Maurice and Milton Fields, Vermilion and Lafayette Parishes, La.	20.625	15.025
C166-441 (G-20224) F 11-26-65	Cabot Corp. (SW), (Operator), et al. (successor to Shell Oil Co.), 125 High St., Boston, Mass., 02110.	Natural Gas Pipeline Co. of America, acreage in Texas County, Okla.	16.0+ B.t.u. adjustment.[8]	14.65
C166-443 A 11-26-65	Shell Oil Co.	American Louisiana Pipe Line Co., Buck Point Field, Vermilion Parish, La.	21.25	15.025
C166-444 B 11-22-65	Socony Mobil Oil Co., Inc., Post Office Box 2444, Houston, Tex., 77001.	Arkansas Louisiana Gas Co., Rodessa Field, Marion County, Tex.	Depleted	------
C166-445 B 11-22-65	....do....	Transcontinental Gas Pipe Line Corp., West Leleux Field, Acadia Parish, La.	Depleted	------

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
C166-446 A 11-23-65	Ohio-West Virginia Oil & Gas Co., 8222 Perry Highway, Pittsburgh, Pa., 15237.	Penova Interests, Grant District, Ritchie County, W. Va.	19.0	15.325
C166-447 A 11-29-65	Union Producing Co., Post Office Box 1407, Shreveport, La., 71102.	American Louisiana Pipe Line Co., Southwest Lake Arthur Field, Cameron Parish, La.	20.625	15.025
C166-448 A 11-30-65	W. H. Hildreth, et al., d.b.a. W. A. Smith Lease, Spencer, W. Va., 25276.	United Fuel Gas Co., Union District, Clay County, W. Va.	25.0	15.325
C166-449 A 11-22-65	Carl H. Noel, c/o Ernest S. Baker, attorney, 1013 Midland Savings Bldg., Denver, Colo., 80202.	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	13.0	15.025
C166-450 (G-19316) F 11-29-65	J. Gregory Merrion and Robert L. Bayless (successor to Humble Oil & Refining Co., Post Office Box 507, Farmington, N. Mex.	El Paso Natural Gas Co., Gavilan Pictured Cliffs Field, Rio Arriba County, N. Mex.	[9] 12.0495	15.025
C166-451 (G-19315) F 11-29-65	....do....	El Paso Natural Gas Co., Blanco Mesa Verde Field, Rio Arriba County, N. Mex.	13.0	15.025
C166-452 A 11-30-65	First Transportation Gas Corp., Inc., One Chase Manhattan Plaza, New York, N.Y., 10005.	Michigan Wisconsin Pipe Line Co., Randall Unit, Harper County, Okla.	17.0	14.65
C166-453 A 12-1-65	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla., 74102.	American Louisiana Pipe Line Co., Redfish Point Field, Vermilion Parish, La.	21.25	15.025

[1] Amendment to certificate filed to include the interest of Reuel W. Little, a signatory co-owner. Same interest was previously covered by Little's certificate in Docket No. G-15041. The certificate in Docket No. G-15041 will be terminated.
[2] Subject to upward or downward B.t.u. adjustment.
[3] Deletes acreage insofar as Jamieson, Haar, and Truax leases. Purchaser deems it uneconomical to connect to wells thereon.
[4] Deletes from basic contract 1,120 acres of land on which leases have expired or otherwise terminated.
[5] Includes 2.0 cents gathering and transportation charge.
[6] Formerly Kerr-McGee Oil Industries, Inc.
[7] Subject to deduction up to 2.0 cents per Mcf for compression, if delivery pressure is insufficient to allow gas to enter Buyer's line, and Buyer elects to compress gas.
[8] Rate in effect subject to refund in Docket No. R165-475.
[9] Application states rate of 12.2340 cents per Mcf currently being collected by Predecessor, subject to refund in Docket No. R164-385.

[F.R. Doc. 65-13307; Filed, Dec. 14, 1965; 8:45 a.m.]

OFFICE OF EMERGENCY PLANNING

CALIFORNIA

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85-763, and Public Law 87-296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter dated December 7, 1965, reading in part as follows:

> I have determined that the damage in various areas of the State of California adversely affected by heavy rains and flooding, beginning on or about November 13, 1965, is of sufficient severity and magnitude to warrant Federal assistance to supplement State and local efforts.

I do hereby determine the following areas in the State of California to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of December 7, 1965:

THE COUNTIES OF:

Riverside Ventura.
San Bernardino

Dated: December 9, 1965.

BUFORD ELLINGTON, *Director, Office of Emergency Planning.*

[F.R. Doc. 65-13394; Filed, Dec. 14, 1965; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 555]

CALIFORNIA

Declaration of Disaster Area

Whereas, it has been reported that during the month of November 1965, because of the effects of certain disasters, damage resulted to residences and business property located in Riverside and San Bernardino Counties in the State of California;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid counties and areas adjacent thereto, suffered damage or destruction resulting from floods and accompanying conditions occurring or beginning on or about November 22, 1965.

OFFICE

Small Business Administration Regional Office, 312 West Fifth Street, Los Angeles, Calif., 90013.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to May 31, 1966.

Dated: November 29, 1965.

ROSS D. DAVIS, *Executive Administrator.*

[F.R. Doc. 65-13369; Filed, Dec. 14, 1965; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

DECEMBER 10, 1965.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State docket numbers assigned Nos. MC 2706 and MC 2708 Sub 1, filed August 13, 1965. Applicant: ROBERT H. BRADSHAW, doing business as HARTSVILLE FREIGHT COMPANY, Hartsville, Tenn. Applicant's representative: Walter Harwood, 515 Nashville Bank & Trust Building, Nashville, Tenn. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of: *Property*, over regular routes, between Nashville and Hartsville, Tenn., over U.S. Highway 70N and/or Interstate Highway 40, to Lebanon, Tenn., thence via U.S. Highway 231 from Lebanon to junction with Tennessee Highway 25; thence via Tennessee Highway 25 to Hartsville, and

return over same route, said alternate routes to be used in conjunction with the carrier's service route via U.S. Highway 31–E to Gallatin, thence via Tennessee Highway 25 to Hartsville, and return.

HEARING: January 18, 1966, at 9:30 a.m., c.s.t., in the Commission's Hearing Room, Floor C–1, 110 Cordell Hull Building, Nashville, Tenn. Requests for procedural information including the time for filing protests, concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn., 37219, and should not be directed to the Interstate Commerce Commission.

State Docket No. MT–2958, filed December 1, 1965. Applicant: RED ARROW EXPRESS, INC., 264 North Street, Arcade, N.Y., 14009. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of: *General commodities,* between Arcade and Buffalo, N.Y., via New York Highway 39 and New York Highway 16, including service to, from, and between all intermediate points and the off-route points of Bliss, Strykersville, Java Village, North Java, Pike, Freedom, and Sandusky, N.Y., and over irregular routes, between Arcade, N.Y., on the one hand, and, on the other, the above-named off-route points.

HEARING: Date, time, and place of hearing to be hereafter fixed. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the New York Public Service Commission 55 Elk Street, Albany, N.Y., 12225, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65–13380; Filed, Dec. 14, 1965; 8:47 a.m.]

[Notice 100]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 10, 1965.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 52579 (Sub-No. 46 TA), filed December 7, 1965. Applicant: GILBERT CARRIER CORP., 441 Ninth Avenue, New York, N.Y., 10001. Applicant's representative: Harris J. Klein, 280 Broadway, New York, N.Y., 10007. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Wearing apparel,* on hangers, from Racine, Wis., to Chicago, Ill., for 180 days. Supporting shipper: Marshall Field & Co., Adolf Schwaderer, traffic manager, 111 North State Street, Chicago, Ill. Send protests to: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 346 Broadway, New York, N.Y., 10013.

No. MC 58813 Sub 69 TA, filed December 7, 1965. Applicant: SELMAN'S EXPRESS, INC., 460 West 35th Street, New York, N.Y., 10001. Applicant's representative: Solomon Granett, 1740 Broadway, New York, N.Y., 10019. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Materials and supplies used in the process of manufacture of wearing apparel,* between: (a) New York, N.Y., on the one hand, and, on the other, Waycross, Ga., Greenville, S.C., and Jacksonville, Fla., and (b) Waycross, Ga., on the one hand, and, on the other, West Palm Beach, Miami, and Jacksonville, Fla., and Greenville, S.C. (all restricted to movements to or from garment sewing plants); (2) *unfinished wearing apparel in process of manufacture* (garments sewn together but not otherwise completed), from Waycross, Ga., to West Palm Beach, Fla., Greenville, S.C., Jacksonville and Miami, Fla.; (3) *wearing apparel,* loose, on hangers, from Waycross, Ga., Greenville, S.C., and Jacksonville, Fla., to New York, N.Y., for 120 days. Supporting shipper: Swainsboro Manufacturing Corp., 1515 Albany Avenue, Waycross, Ga. Send protests to: Stephen P. Tomany, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y., 10012.

No. MC 85570 (Sub-No. 6 TA), filed December 7, 1965. Applicant: VALLEY TRUCKING, INC., 25 Spalding Street, Everett, Mass., 02149. Applicant's representative: Arthur A. Wentzell, 539 Hartford Turnpike, Shrewsbury, Mass., 01545, Mail address: Post Office Box 720, Worcester, Mass., 01601. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Furniture,* such as various types of beds, and parts thereof, mattresses, box springs, and dual purpose sleeping equipment, in double or single wall paper bags, from Bayonne, N.J., to Medford, Mass., *damaged or rejected shipments* on return, for 180 days. Supporting shipper: The Englander Co., 901 East 104th Street, Chicago, Ill., 60628. Send protests to: Acting District Supervisor Edward D. Shea, Interstate Commerce Commission, Bureau of Operations and Compliance, 30 Federal Street, Boston, Mass., 02110.

No. MC 102616 (Sub-No. 776 TA), filed December 7, 1965. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa., 17405. Applicant's representative: James Annand (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Resins,* dry, in bulk, in tank or hopper type vehicles, from the plantsite of the Pantasote Corp. at or near Point Pleasant (Mason County), W. Va., to points in Alabama, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois (except points in Bond, Clinton, Jersey, Madison, Monroe, Perry, Randolph, St. Clair, and Washington Counties), Indiana, Iowa (except points on and west of U.S. Highway 65), Kentucky, Louisiana (except points on and west of U.S. Highway 67), Maine (except points in Aroostook and Penobscot Counties), Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, for 150 days. Supporting shipper: The Pantasote Co., 28 Jefferson Street, Passaic, N.J., 07056. Send protests to: Robert W. Ritenour, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 218 Central Industrial Building, 100 North Cameron Street, Harrisburg, Pa.

No. MC 107515 (Sub-No. 531 TA), filed December 6, 1965. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road SE., Atlanta, Ga., 30310, Mail address, Post Office Box 10799, Station A. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products,* and *meat byproducts,* from Abilene, Tex., to points in Anniston, Birmingham, Dothan, Florence, Mobile, and Montgomery, Ala.; Washington, D.C.; Jacksonville, Miami, Ocala, Orlando, Panama City, Pensacola, St. Petersburg, Tampa, and West Palm Beach, Fla.; Albany, Atlanta, Augusta, Moultrie, Rome, Savannah, Sylvester, Thomasville, and Tifton, Ga.; Watertown, Mass.; Bayonne, N.J.; Asheville, Charlotte, Gates County, High Point, Jacksonville, Raleigh, and Salem, N.C.; Charleston, Columbia, Florence, Greenville, and Sumter, S.C.; Chattanooga, Jackson, Johnson City, Knoxville, and Nashville, Tenn.; Norfolk and Williamsburg, Va., for 180 days. Supporting shipper: Gooch Packing Co., Inc., Post Office Box 2738, 800 Almond Street, Abilene, Tex. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 680 West Peachtree Street NW., Room 300, Atlanta, Ga., 30308.

No. MC 111729 (Sub-No. 123 TA), filed December 7, 1965. Applicant: ARMORED CARRIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y., 11361. Applicant's representative: J. K. Murphy, 222–17 Northern Boulevard, Bayside, N.Y., 11361. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Commercial papers, documents and written instruments including originals and copies of checks, drafts, notes, money orders, travelers' checks and canceled bonds and accounting papers relating thereto, including originals and copies of cash letters, letters of transmittal, summary sheets, adding machine tapes, deposit records, withdrawal slips and debit and credit records* (except coin, currency, bullion and negotiable securities), (1) between Richmond and Roanoke, Va., on the one hand, and, on the other, Charleston (Kanawha County), W. Va.; (2) between Gallipolis, Ohio, on the one hand, and, on the other, Charleston, W. Va., for 180 days. Supporting shippers: The Ohio Valley Bank Co., Gallipolis, Ohio, The Kanawha Valley Bank, Charleston 26, W. Va. Send protests to: E. N. Carignan, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 346 Broadway, New York, N.Y., 10013.

No. MC 115257 (Sub-No. 19 TA), filed December 6, 1965. Applicant: SHAMROCK VAN LINES, INC., Post Office Box 5447, Dallas, Tex., 75207, Office: 432 North Belt Line Road, Irving, Tex. Applicant's representative: R. C. Dawe (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Crated and pre-cartoned furniture,* in mixed shipments, from Camden, Ark., to points in Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, Tennessee, Virginia, Kentucky, West Virginia, District of Columbia, Indiana, Delaware, Pennsylvania, Ohio, Illinois, New York, and Maryland, for 180 days. Supporting shipper: Camden Furniture Co., Camden, Ark. Send protests to: E. K. Willis, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1314 Wood Street, 513 Thomas Building, Dallas, Tex., 75202.

No. MC 119531 (Sub-No. 50 TA), filed December 7, 1965. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio, 45226. Applicant's representative: John M. Cleary, Brawner Building, 888 17th Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Glass bottles,* from the plantsite of Brockway Glass Co., Inc., Brockway, Pa., to the plantsite of the Storh Brewery Co., Detroit, Mich., for 180 days. Supporting shipper: J. B. Belton, general traffic manager, Brockway Glass Co., Inc., Brockway, Pa., 15824. Send protests to: Emil P. Schwab, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio, 45202.

No. MC 123497 (Sub-No. 1 TA), filed December 7, 1965. Applicant: GERALD S. ANDERSON and M. IRVING ANDERSON, a partnership, doing business as ANDERSON BROTHERS, Post Office Box 72, Siren, Wis. Applicant's representative: John J. Keller, 201 West Wisconsin Avenue, Neenah, Wis. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Manufactured wood products,* specifically, livestock flooring, setup, unpainted, from points in Burnett County, Wis., to points in North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Illinois, Indiana, and Michigan, and *returned, refused or rejected shipments of the same commodity,* from points in North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Illinois, Indiana, and Michigan, to points in Burnett County, Wis., for 120 days. Supporting shipper: North States Wood Products, Inc., 925 West Broadway, Minneapolis, Minn., 55411, Everett C. Pennock, president. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations and Compliance, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., 55401.

No. MC 126472 (Sub-No. 3 TA), filed December 7, 1965. Applicant: Willcoxson Transport, Inc., Bloomfield, Iowa, 52537. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines, Iowa. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquified petroleum gas,* in bulk, in tank vehicles, from Mid-American Pipeline Terminal at or near Cantril, Iowa, to points in Missouri, for 180 days. Supporting shipper: Consumers Cooperative Association, Post Office Box 7305, Kansas City, Mo., 64116. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa, 50309.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65–13381; Filed, Dec. 14, 1965; 8:48 a.m.]

[Notice 1271]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 10, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

Finance Docket No. 23737. By order of December 7, 1965, the Transfer Board approved the transfer to Sause Towing Co., a corporation, Room 217 Terminal Sales Building, Portland, Oreg., 97205, of permit in No. W–898 (Sub-No. 4), issued July 29, 1948, to Henry Sause, Jr., and Curtis Sause, doing business as Sause Towing Co., 217 Terminal Sales Building, 1220 Southwest Morrison Street, Portland, Oreg., authorizing transportation in interstate and foreign commerce by non-self-propelled vessels with the use of separate towing vessels, in the transportation of lumber, piling, grape stakes, fence posts, shingles, and rough and finished lumber products, (1) from Crescent City, Calif., to ports along San Francisco Bay and ports in Oregon along the Pacific coast, including the Columbia River and its tributaries below and including Portland, Oreg., and (2) from ports in Oregon along the Pacific coast to Coos Bay and ports along the Columbia River and its tributaries below and including Portland.

No. MC–FC–68248. By order of December 8, 1965, the Transfer Board approved the transfer to Ruth N. Dewald, Pottsville, Pa., of a portion of Permit No. MC–115883 (Sub-No. 2), issued February 6, 1959, to Robert A. Welsh, White Mills, Pa., authorizing the transportation over regular and irregular routes of coal, from mines in Carbon, Northumberland, Columbia, and Schuylkill Counties, Pa., and those in Hazel Township, in Luzerne County, Pa., to New York, N.Y. (Borough of Manhattan), serving no intermediate points. Daniel H. Jenkins, 309 Mears Building, Scranton, Pa., representative for applicants.

No. MC–FC–68294. By order of November 30, 1965, the Transfer Board approved the transfer to Ashton Trucking Co., a corporation, Monte Vista, Colo., of Certificate No. MC–57880, and permits in Nos. MC–62538, MC–62538 (Sub-No. 9), MC–62538 (Sub-No. 11), and MC–62538 (Sub-No. 13), issued June 18, 1964, June 19, 1964, June 19, 1964, June 16, 1964, March 1, 1965, and October 1, 1965, respectively to James E. Ashton, doing business as Ashton Trucking Co., Monte Vista, Colo., authorizing the transportation of: Wool, livestock, and agricultural commodities with certain exceptions, general commodities, with the usual exceptions including household goods and commodities in bulk, contractors' machinery requiring special equipment, and contractors' equipment moving incidentally thereto, potato starch, such commodities as are manufactured, processed of sold by persons who are engaged primarily in the milling of flour and incidentally in the sale and distribution of seed and grains and cotton seed products, from, to or between specified points in Arizona, Colorado, New Mexico, and Utah. A dual finding for such holding

has been made. Marion F. Jones, 420 Denver Club Building, Denver, Colo., 80202, attorney for applicants.

No. MC–FC–68324. By order of December 8, 1965, the Transfer Board approved the transfer to Maiers Motor Freight Co., a corporation, Vassar, Mich., of the operating rights issued by the Commission January 14, 1960, February 16, 1962, April 28, 1964, and July 14, 1965, under Certificates Nos. MC–59124 (Sub-No. 5), MC–59124 (Sub-No. 6), MC–59124 (Sub-No. 10), and MC–59124 (Sub-No. 13), respectively, to George P. Maiers and Clare E. Maiers, a partnership, doing business as Maiers & Sons Motor Freight, Vassar, Mich., authorizing the transportation, over regular routes, of general commodities, except household goods, commodities in bulk, and other specified equipment, between points in Michigan; scrap iron, coke, and limestone, in bulk, and castings, forgings, and pig iron, between Vassar, Mich., and points in Michigan; palletts, skids, and shipping containers, used, when utilized in services other than those performed by carrier, from points in Michigan to Vassar, Mich.; castings and containers, therefor, from Vassar, Mich., to Maysville, Ky.; and returned containers when utilized in services other than those performed by the carrier, and returned castings, from Maysville, Ky., to Vassar, Mich.; and general commodities, with certain exceptions, serving the plant site of Welsh Industries, Inc., located approximately 4 miles east of Vassar, Mich., and 1 mile south of Saginaw Road, as an off-route point in connection with carrier's regular-route operations to and from Vassar, Mich. Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, Mich., attorney for applicants.

No. MC–FC–68333. By order of December 8, 1965, the Transfer Board approved the transfer to Magnus A. Stensvold, doing business as Stensvold Trucking, Deer Park, Wis., of Certificate No. MC–1571, issued to Wayne D. Peterson, Deer Park, Wis., authorizing the transportation over irregular routes of livestock, between points (1) in the towns of Cylon, Forest, and Stanton, in St. Croix County, Wis., and (2) in the towns of Black Brook, and Alden, in Polk County, Wis., on the one hand, and, on the other, St. Paul, South St. Paul, Minneapolis, Newport, and Stillwater, Minn.; and groceries, feed, farm machinery, farm supplies, household goods, hardware, oil, and grease, and fertilizer, from St. Paul, South St. Paul, Minneapolis, Newport, and Stillwater, Minn., to points in the above-specified towns in St. Croix and Polk Counties, Wis. A. R. Fowler, 2288 University Avenue, St. Paul, Minn., representative for applicants.

No. MC–FC–68332. By order of December 8, 1965, the Transfer Board approved the transfer to D. G. Koelling, doing business as H & K Truck Lines, Great Bend, Kans., of Certificates Nos. MC–108066 and MC–108066 (Sub-No. 5), issued October 28, 1949, and December 3, 1963, respectively, to W. R. Houdyshell and D. G. Koelling, a partnership, doing business as H & T Truck Lines, Great Bend, Kans., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over regular routes, between Great Bend, Kans., and Galatia, Kans., with service authorized to and from all intermediate points; and the off-route point of Beaver, Kans.; and between Otis, Kans., and Great Bend, Kans., serving all intermediate points, and the off-route point of Olmitz, Kans.; and of the operating rights in Certificate of Registration No. MC–108066 (Sub-No. 4) issued February 12, 1965, to W. R. Houdyshell and D. G. Koelling, a partnership, doing business as H & K Truck Lines, Great Bend, Kans., corresponding to the rights authorized to be transferred to transferor in certificate covering route 205 in Docket 8872–M, dated December 15, 1949, and pursuant to certificate covering Route 4249 in Docket 47, 806–M, dated October 6, 1954, and transferred to applicants June 21, 1957, issued by the State Corporation Commission of the State of Kansas. D. G. Koelling, 2530 20th Street, Post Office Box 906, Great Bend, Kans., 67530, representative for applicants.

No. MC–FC–68336. By order of December 8, 1965, the Transfer Board approved the transfer to Robbins Truck Line, Inc., Hardinsburg, Ky., of the operating rights in the certificate of registration in No. MC–98478 (Sub-No. 3), issued March 29, 1965, to E. D. Robbins, doing business as Robbins Truck Line, Hardinsburg, Ky., evidencing the right of the holder thereof to engage in interstate or foreign commerce, corresponding in scope to the service authorized pursuant to Certificate of Convenience and Necessity Nos. 363, 371, and 108 embracing No. 719 and No. 841, issued by the Department of Motor Transportation, the Commonwealth of Kentucky. Rudy Yessin, McClure Building, Frankfort, Ky., attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65–13382; Filed, Dec. 14, 1965; 8:48 a.m.]

[Notice 377]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

DECEMBER 10, 1965.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c) (8) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 3379 (Deviation No. 6), SNYDER BROS. MOTOR FREIGHT, INC., 363 Stanton Avenue, Akron, Ohio, 44301; filed November 26, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: between Washington, Pa., and Hancock, Md., over U.S. Highway 40, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follow: (1) From Akron over U.S. Highway 224 to Deerfield, Ohio, thence over Alternate Ohio Highway 14 (formerly Ohio Highway 14) to junction Ohio Highway 14, thence over Ohio Highway 14 to the Ohio-Pennsylvania State line, thence over Pennsylvania Highway 51 to Rochester, Pa., thence over U.S. Highway 30 to Breezewood, Pa., thence over Pennsylvania Highway 126 to Warfordsburg, Pa., thence over U.S. Highway 522 to Hancock, Md.; (2) from Irwin, Pa., over the Pennsylvania Turnpike to Breezewood, Pa.; and (3) from Columbus, Ohio, over U.S. Highway 40 to Washington, Pa., and thence over Interstate Highway 70 to junction Interstate Highway 76, and return over the same routes.

No. MC 42487 (Deviation No. 52), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif., 94025, filed November 26, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over Interstate Highway 94 to Madison, Wis., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Appleton, Wis., over U.S. Highway 41 to Kaukauna, Wis., thence over Wisconsin Highway 55 to junction U.S. Highway 10, thence over U.S. Highway 10 to Manitowoc, Wis., thence over U.S. Highway 141 to Sheboygan, Wis., thence over Wisconsin Highway 23 to Plymouth, Wis., thence return over Wisconsin Highway 23 to junction Wisconsin Highway 57, thence over Wisconsin Highway 57 to Milwaukee, Wis., and thence over U.S. Highway 41 to Chicago, (2) from Two Rivers, Wis., over Wisconsin Highway 42 to Manitowoc, Wis., thence over U.S. Highway 141 to Milwaukee, Wis., and thence over U.S. Highway 41 via Rosecrans, Ill., to Chicago, Ill., (3) from Two Rivers, Wis. to Rosecrans, Ill., as specified in (2) above, thence over Illinois Highway 173 to junction Illinois Highway 42, and thence over Illinois Highway 42 to Chicago, Ill., (4) from Chicago over Illinois Highway 42 to the Illinois-Wisconsin State line, thence over Wisconsin Highway 32 (formerly Wisconsin Highway 42) to Milwaukee, Wis., thence over Wisconsin Highway 175 (formerly U.S. Highway 41) via Menomonee Falls and Fond du Lac, Wis., to junction U.S. Highway 45 (formerly portion U.S. Highway 41) thence over U.S. Highway 45 via Oshkosh, Wis., to junction Wisconsin Highway 114 (formerly portion U.S. Highway 41), thence over Wisconsin Highway 114 to junction U.S. Highway 41 (near Neenah, Wis.), thence over U.S. Highway 41 to junction unnumbered highway (formerly portion U.S. Highway 41) west of Appleton, Wis., thence over unnumbered highway via Appleton, and Little Chute, Wis., to Kaukauna, Wis., thence over Wisconsin Highway 55 (formerly portion U.S. Highway 41) to junction U.S. Highway 41, thence over U.S. Highway 41 to Green Bay, Wis., and (5) from Milwaukee, Wis. over U.S. Highway 18 to Waukesha, Wis. (also from Milwaukee over Wisconsin Highway 59 to Waukesha), and thence over U.S. Highway 18 to Madison, Wis., and return over the same routes.

No. MC 42487 (Deviation No. 53), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif., 94025, filed November 29, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions over a deviation route as follows: From Pendleton, Oreg., over Interstate Highway 80N to junction Interstate Highway 82 at or near Stanfield, Oreg., thence over Interstate Highway 82 to Ellensburg, Wash., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Portland, Oreg., over U.S. Highway 30 to Boardman, Oreg., thence over U.S. Highway 730 to Umatilla, Oreg., thence over unnumbered highways via Hermiston, Stanfield, and Echo, Oreg., to Pendleton, Oreg., and thence over U.S. Highway 30 via Fruitland, Idaho, to Twin Falls (also from junction U.S. Highways 30 and 30N approximately 3 miles south of Weiser, Idaho, over U.S. Highway 30N via Weiser to Fruitland, thence over U.S. Highway 30 to Twin Falls); (2) from Prosser, Wash., over U.S. Highway 410 to junction Washington Highway 8E, thence over Washington Highway 8E to Paterson, Wash., and thence over the Ferry across the Columbia River to junction U.S. Highway 730 near Irrigon, Oreg.; and (3) from Portland, Oreg., to Vancouver, Wash., as specified above, thence over U.S. Highway 830 to Maryhill, Wash., and thence over U.S. Highway 97 to Ellensburg, Wash., and return over the same routes.

No. MC 42487 (Deviation No. 54), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif., 94025, filed December 3, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From Los Angeles, Calif., over Interstate Highway 10 to junction U.S. Highway 80, at or near Benson, Ariz., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Los Angeles, Calif., over U.S. Highway 60 to Mesa, Ariz., thence over Arizona Highway 87 to junction Arizona Highway 84, and thence over Arizona Highway 84 to Tucson, Ariz., and (2) from Tucson, Ariz., over U.S. Highway 80 to Douglas, Ariz., and return over the same routes.

No. MC 10875 (Deviation No. 4), BRANCH MOTOR EXPRESS CO., 114 Fifth Avenue, New York, N.Y., 10011, filed November 29, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Binghamton, N.Y., and Scranton, Pa., Interstate Highway 81, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: Between Binghamton, N.Y., and Scranton, Pa., over U.S. Highway 11.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 279) (Cancels Deviation No. 209), GREYHOUND LINES, INC. (Southern Division), 219 East Short Street, Lexington, Ky., 40507, filed November 26, 1965. Carrier proposes to operate as a common carrier, by motor vehicle, of *passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, over deviation routes as follows: From junction of U.S. Highway 11 and Interstate Highway 81 at the Tennessee-Virginia State line at Bristol, Va., over Interstate Highway 81 to junction U.S. Highway 50, at or near Winchester, Va., with the following access routes: (a) From junction of Interstate Highway 81 and Virginia Highway 76, over Virginia Highway 76 to Bristol, Va.; (b) from junction Interstate Highway 81 and Virginia Highway 75, over Virginia Highway 75 to Abingdon, Va.; (c) from junction Interstate Highway 81 and Virginia Highway 762, over Virginia Highway 762 to junction U.S. Highway 11 at or near Chilhowie, Va.; (d) from intersection of Interstate Highway 81 and Virginia Highway 658, over Virginia Highway 658 to Marion, Va.; (e) from intersection of Interstate Highway 81 and Virginia Highway 669, over Virginia Highway 669 to Marion, Va.; (f) from intersection of Interstate Highway 81 and Virginia Highway 16, over Virginia Highway 16 to Marion, Va.; (g) from junction of Interstate Highway 81 and U.S. Highways 21 and 52, over U.S. Highways 21 and 52 to Wytheville, Va.; (h) from junction of Interstate Highway 81 and Virginia Highway 610, over Virginia Highway 610 to Wytheville, Va.; (i) from junction of Interstate Highway 81 and U.S. Highway 11, over U.S. Highway 11 to Pulaski, Va.; (j) from junction of Interstate Highway 81 and Virginia Highway 100, over Virginia Highway 100 to Dublin, Va.; (k) from junction of Interstate Highway 81 and Virginia Highway 8, over Virginia Highway 8, to Christiansburg, Va.

(l) From junction of Interstate Highway 81 and Virginia Highway 635, over Virginia Highway 635 to Salem, Va.; (m) from the junction of Interstate Highway 81 and Virginia Highway 619, over Virginia Highway 619 to Salem, Va.; (n) from junction of Interstate Highway 81 and Interstate Highway 581, over Interstate Highway 581 to Roanoke, Va.; (o) from junction of Interstate Highway 81 and Virginia Highway 43, over Virginia Highway 43 to Buchanan, Va.; (p) from the junction of Interstate Highway 81 and Virginia Highway 692, over Virginia Highway 692 to Natural Bridge, Va.; (q) from the junction of Interstate Highway 81 and U.S. Highway 60, over U.S. Highway 60 to Lexington, Va.; (r) from the junction of Interstate Highway 81 and U.S. Highway 250, over U.S. Highway 250 to Staunton, Va.; (s) from the junction of Interstate Highway 81 and U.S. Highway 33, over U.S. Highway 33 to Harrisonburg, Va.; (t) from the junction of Interstate Highway 81 and Virginia Highway 260, over Virginia Highway 260 to New Market, Va.; (u) from the junction of Interstate Highway 81 and Virginia Highway 675, over Virginia Highway 675 to Edinburg, Va.; (v) from the junction of Interstate Highway 81 and Virginia Highway 642, over Virginia Highway 642 to Woodstock, Va.; (w) from the junction of Interstate Highway 81 and Virginia Highway 638 over Virginia Highway 638 to Strasburg, Va.; (x) from the junction of Interstate Highway 81 and Virginia Highway 55, over Virginia Highway 55 to Strasburg, Va.; (y) from the junction of Interstate Highway 81 and Virginia Highway 277, over Virginia Highway 277 to Stephens City, Va.; and (z) from the junction of Interstate Highway 81 and U.S. Highway 50, over U.S. Highway 50 to Winchester, Va.; and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follow: (1) From Winchester, Va., over U.S. Highway 11 to Lexington, Va.; and (2) from Knoxville, Tenn., over U.S. Highway 11–W to Bristol, Va.-Tenn., thence over U.S. Highway 11 to junction Virginia Highway 90 to Rural Retreat, Va., thence return over U.S. Highway 11 via Wytheville, Fort Chiswell, Pulaski, Salem and Roanoke, Va., to Lexington, Va. (also from junction U.S. Highway 11 and Virginia Highway 101, southwest of Pulaski over Virginia Highway 101 to junction Virginia Highway 100, thence over Virginia Highway 100 via Draper, Va., to junction Virginia Highway 99, thence over Virginia Highway 99 to Pulaski), and return over the same routes.

No. MC 1515 (Deviation No. 280), GREYHOUND LINES, INC. (Central Division), 210 East Ninth Street, Fort Worth, Tex., 76102, filed November 29, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and

express and newspapers in the same vehicle with passengers, over a deviation route as follows: From Ames, Iowa, over relocated U.S. Highway 30 to interchange with Interstate Highway 35, thence over Interstate Highway 35 to junction Interstate Highway 80 north of Des Moines, Iowa, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Fort Dodge, Iowa, over U.S. Highway 20 to junction U.S. Highway 69, and thence over U.S. Highway 69 via Ames, Iowa, to Des Moines, Iowa, and return over the same route.

No. MC 1515 (Deviation No. 281), GREYHOUND LINES, INC. (Western Division), Market and Fremont Streets, San Francisco, Calif., 94106, filed November 29, 1965. Applicant's representative: W. T. Meinhold, 371 Market Street, San Francisco, Calif., 94105. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction unnumbered highway and Washington Highway 104 (South Point Road Junction, Wash.), over Washington Highway 104 to junction unnumbered highway (South Center Junction, Wash.), thence over unnumbered highway to Center, Wash., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Seattle, Wash., via ferry to Winslow, thence over Washington Highway 21A and Agate Pass Bridge to junction Washington Highway 21, thence over Washington Highway 21 to junction Washington Highway 9E (Hood Canal Toll Bridge), thence over Washington Highway 9E to junction Washington Highway 9, thence over Washington Highway 9 to junction U.S. Highway 101 (Discovery Bay), thence over U.S. Highway 101 to Port Angeles, Wash., and return over the same routes.

No. MC 84728 (Deviation No. 4), SAFEWAY TRAILS, INC., 1200 I Street NW., Washington, D.C., filed December 1, 1965. Applicant's representative: Bradley G. McDonald, 1735 K Street NW., Washington, D.C., 20006. Carrier proposes to operate as a *common carrier*, by motor vehicle of *passengers and their baggage, and express, newspapers, and mail*, in the same vehicle with passengers over deviation routes as follow: (1) Between junction Black Horse Pike (New Jersey Highway 168) and access roads to New Jersey Turnpike Exit 3 and junction New Jersey Highway 168 and Atlantic City Expressway, over New Jersey Highway 168; (2) between junction New Jersey Highway 168 and Atlantic City Expressway and Atlantic City, N.J., over Atlantic City Expressway; (3) between junction U.S. Highway 30 and New Jersey Highway 54 and junction access roads to Atlantic City Expressway and Atlantic City Expressway, over New Jersey Highway 54 and access roads; (4) between junction U.S. Highway 30 and New Jersey Highway 50 and junction access roads to Atlantic City Expressway and Atlantic City Expressway, over New Jersey Highway 50 and access roads; (5) between junction U.S. Highway 40 and New Jersey Highway 50 over New Jersey Highway 50 and access roads to Atlantic City Expressway; (6) between junction U.S. Highway 30 and access roads to the Garden State Parkway and junction access roads to Atlantic City Expressway and Atlantic City Expressway, over access roads to the Garden State Parkway, Garden State Parkway, and access roads to the Atlantic City Expressway; and (7) between junction U.S. Highways 40 and 322 and access roads to the Garden State Parkway and junction access roads to the Atlantic City Expressway and Atlantic City Expressway, over access roads to the Garden State Parkway, Garden State Parkway and access roads to the Atlantic City Expressway, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and their property over pertinent service routes as follows:

(1) From Philadelphia, Pa., over U.S. Highway 30 to Atlantic City; (2) from Philadelphia, Pa., over U.S. Highway 30 to Germania, N.J., thence over unnumbered highway to Cardiff, N.J., thence over unnumbered highway to junction U.S. Highway 40, thence over U.S. Highway 40 to Atlantic City; (3) from Camden, N.J., over Admiral Wilson Boulevard, to junction New Jersey Highway 70, thence over New Jersey Highway 70 to junction New Jersey Highway 73, thence over New Jersey Highway 73 to junction U.S. Highway 30; (4) from junction New Jersey Highways 38 and 73 over New Jersey Highway 73 through Camden-Philadelphia Interchange to the New Jersey Turnpike; (5) from junction New Jersey Turnpike at Lincoln Tunnel Interchange over New Jersey Turnpike to Delaware Memorial Bridge Interchange; (6) from Camden, N.J., over New Jersey Highway 168 (formerly New Jersey Highway 42) and access roads to New Jersey Turnpike at Woodbury-South Camden Interchange; (7) from Camden, N.J., over New Jersey Highway 38 to junction New Jersey Highway S–41, thence over New Jersey Highway S–41 and access roads to New Jersey Turnpike at Philadelphia-Camden Interchange and (8) from junction Interstate Highway 295 and New Jersey Highway 168 over Interstate Highway 295 to junction New Jersey Highway 73, and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65–13383; Filed, Dec. 14, 1965; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 10, 1965.

Protests to the granting of an application must be prepared in accordance with § 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA 40175—*Peanuts returned to points in southwestern territory*—Filed by Southwestern Freight Bureau, agent (No. B–8790), for interested carriers. Rates on peanuts, raw, shelled or not shelled, in carloads, from Chicago, Ill., and points taking same rates, to points in Arkansas, New Mexico, Oklahoma, and Texas.

Grounds for relief—Carrier competition.

Tariff—Supplement 58 to Southwestern Freight Bureau, agent, tariff ICC 4418.

FSA 40176—*Iron and steel articles from Leeds, Ala.*—Filed by Southwestern Freight Bureau, agent (No. B–8792), for interested carriers. Rates on iron and steel articles, in carloads, from Leeds, Ala., to specified points in Louisiana and Texas.

Grounds for relief—Market competition.

Tariff—Supplement 161 to Southwestern Freight Bureau, agent, tariff ICC 4503.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65–13384; Filed, Dec. 14, 1965; 8:48 a.m.]

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THE UNIVERSITY OF MICHIGAN
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FEDERAL REGISTER

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Thursday, December 16, 1965 • Washington, D.C.

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THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERA SCRIPTA MANET
* 1934 *

Volume 78

UNITED STATES STATUTES AT LARGE

[88th Cong., 2d Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1964, the twenty-fourth amendment to the Constitution, and Presidential proclamations. Included is a numerical listing of bills enacted into public and private law, and a guide to the legislative history of bills enacted into public law.

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Title 3—THE PRESIDENT

Proclamation 3693

MODIFYING PROCLAMATION 3279 ADJUSTING IMPORTS OF PETROLEUM AND PETROLEUM PRODUCTS

By the President of the United States of America

A Proclamation

WHEREAS, pursuant to section 2 of the act of July 1, 1954, as amended (72 Stat. 678), and section 232 of the Trade Expansion Act of 1962 (Public Law 87–794), findings and determinations have been made that adjustments in the imports of crude oil, unfinished oils, and finished products were necessary so that such imports would not threaten to impair the national security, such adjustments have been made by Proclamation 3279 [1] (24 F.R. 1781) and modified by Proclamation 3290 (24 F.R. 3527), Proclamation 3328 (24 F.R. 10133), Proclamation 3386 (25 F.R. 13945), Proclamation 3389 (26 F.R. 507, 811), Proclamation 3509 (27 F.R. 11985), Proclamation 3531 (28 F.R. 4077), and Proclamation 3541 (28 F.R. 5931); and

WHEREAS, I find and determine that, in order to prevent total imports from impairing accomplishment of the purposes of Proclamation 3279, as amended, it is necessary to impose restrictions on the movement of crude oil, unfinished oils, and finished products into foreign trade zones; and

WHEREAS, I find and determine that for reasons of equity and competitive capability, there should be authority to include petrochemical plants within the system of allocation of imports; and

WHEREAS, it appears that, as represented by the Government of the Commonwealth of Puerto Rico, the development of a petrochemical industry in Puerto Rico will provide a substantial and much needed increase in opportunities for employment of its citizens, I find and determine that provisions should be made permitting the development, without impairment of the objectives of Proclamation 3279, as amended, of such an industry in Puerto Rico:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and the statutes, including section 232 of the Trade Expansion Act of 1962, do hereby proclaim that:

1. Paragraph (a) of section 1 of Proclamation 3279, as amended, is amended to read as follows:

(a) In Districts I–IV, in District V, and in Puerto Rico, no crude oil, unfinished oils, or finished products may be entered for consumption or withdrawn from warehouse for consumption, and no foreign crude oil, unfinished oils, or finished products may be brought into a foreign trade zone in Districts I–IV or in District V for processing within the zone, except (1) by or for the account of a person to whom a license has been issued by the Secretary of the Interior pursuant to an allocation made to such person by the Secretary in accordance with regulations issued by the Secretary, and such entries, withdrawals, and shipments into foreign trade zones may be made only in accordance with the terms of such license, or (2) as authorized by the Secretary pursuant to paragraph (b) of this section, or (3) as to finished products, by or for the account of a department, establishment, or agency

[1] 3 CFR, 1959–1963 Comp., p. 11; 24 F.R. 1781.

of the United States, which shall not be required to have such a license but which shall be subject to the provisions of paragraph (c) of this section, or (4) crude oil, unfinished oils, or finished products which are transported into the United States by pipeline, rail, or other means of overland transportation from the country where they were produced, which country, in the case of unfinished oils or finished products, is also the country of production of the crude oil from which they were processed or manufactured.

* * * * * * *

2. Subparagraph (1) of paragraph (a) and paragraph (c) of section 2 of Proclamation 3279, as amended, are severally amended to read as follows:

(a) (1) In Districts I–IV, for a particular allocation period the maximum level of imports, subject to allocation, of crude oil, unfinished oils, and finished products (other than residual fuel oil to be used as fuel) shall be an amount equal to the difference between (i) 12.2 percent of the quantity of crude oil and natural gas liquids which the Secretary estimates will be produced in these districts during the particular allocation period and (ii) the quantity of imports of crude oil, unfinished oils, and finished products excepted by clause (4) of paragraph (a) of section 1 which the Secretary estimates will be imported into these districts during that allocation period plus the quantity estimated by the Secretary by which shipments of unfinished oils and finished products (other than residual fuel oil to be used as fuel) from Puerto Rico to Districts I–IV during that allocation period will exceed the quantity so shipped during a comparable base period in the year 1965. As used in this subparagraph (1), the term "natural gas liquids" means natural gas products and other hydrocarbons such as isopentane, propane, and butane, or mixtures thereof, recovered from natural gas by means other than refining. Within such maximum level, imports of unfinished oils shall not exceed such percentum of the permissible imports of crude oil and unfinished oils as the Secretary may determine and imports of finished products (other than residual fuel oil to be used as fuel) shall not exceed the level of imports of such products into these districts during the calendar year 1957.

* * * * * * *

(c) The Secretary, having taken into account the standards prescribed for allocation of imports of crude oil and unfinished oils into Puerto Rico, any actions taken pursuant to section 4, and shipments from Puerto Rico into Districts I–IV, shall establish for each allocation period a maximum level of imports into Puerto Rico of crude oil and unfinished oils which, in his judgment, is consonant with the objectives of this proclamation. The maximum level of imports of finished products into Puerto Rico for a particular allocation period shall be approximately the level of such imports during all or part of the calendar year 1958 as determined by the Secretary to be consonant with the purposes of this proclamation or such higher level as the Secretary may determine is required to meet a demand in Puerto Rico for finished products that would not otherwise be met.

* * * * * * *

3. Subparagraphs 1, 2, and 3 of paragraph (b) of section 3 of Proclamation 3279, as amended, are severally amended to read as follows:

(b) (1) With respect to the allocation of imports of crude oil and unfinished oils into Districts I–IV and into District V, such regulations shall provide, to the extent possible, for a fair and equitable distribution among persons having refinery capacity in these districts in relation to refinery inputs (excluding inputs of crude oil or unfinished oils imported pursuant to clause (4) of paragraph (a) of Section 1). The Secretary may by regulation also provide for the making of such allocations to persons having petrochemical plants in these districts in relation to inputs to such plants (excluding inputs of crude oil or unfinished oils imported pursuant to clause (4) of paragraph (a) of section 1). Provision may be made in the regulations for the making of such allocations on the basis of graduated scales of inputs. Provision shall be made in the regulations for the gradual reduction of

allocations made on the basis of the last allocations of imports of crude oil under the Voluntary Oil Import Program, except that provision shall be made for a more rapid reduction of those allocations based on allocations under the Voluntary Oil Import Program which reflected imports of crude oil in the category now covered by clause (4) of paragraph (a) of section 1.

(2) Such regulations shall provide for the allocation of imports of crude oil and unfinished oils into Puerto Rico among persons having refinery capacity in Puerto Rico in the calendar year 1964 on the basis of estimated requirements, acceptable to the Secretary, of each such person for crude oil and unfinished oils. The regulations shall provide also that if, during a period comprising the same number of months as an allocation period and ending three months before the beginning of the allocation period, any such person ships to Districts I–IV unfinished oils or finished products (other than residual fuel oil to be used as fuel) or sells unfinished oils or finished products (other than residual fuel oil to be used as fuel) which are shipped to Districts I–IV in excess of the volume of unfinished oils or finished products (other than residual fuel oil to be used as fuel) which he so shipped or which he sold and were so shipped during the corresponding base period in the years 1964 and 1965 or in the year 1965, as the case may be, the person's allocation for the next allocation period shall be reduced by the amount of the excess. In addition the Secretary may provide by regulation for the making, in instances in which the Secretary determines that such action would not impair the accomplishment of the objectives of this proclamation, of allocations of imports of crude oil and unfinished oils into Puerto Rico to persons as feedstocks for facilities which will be established or for the operation of facilities which are established and which in the judgment of the Secretary will promote substantial expansion of employment in Puerto Rico through industrial development, and such regulations shall provide for the imposition of such conditions and restrictions upon such allocations as the Secretary may deem necessary to assure that any imports so allocated are used for the purposes for which an allocation is made and that the holder of such an allocation fulfills commitments made in connection with the making of the allocation.

(3) Except for crude oil or unfinished oils imported pursuant to special relief granted pursuant to section 4, such regulations shall require that imported crude oil and unfinished oils be processed in the licensee's refinery or petrochemical plant, except that exchanges for domestic crude or unfinished oils may be made if otherwise lawful, if effected on a current basis and reported in advance to the Secretary, and if the domestic crude or unfinished oils are processed in the licensee's refinery or petrochemical plant.

4. Subparagraph (1) of paragraph (g) of section 9 of Proclamation 3279, as amended, is amended to read as follows:

(g) (1) Liquefied gases—hydrocarbon gases such as ethane, propane, propylene, butylene, and butanes (but not methane) which are recovered from natural gas or produced in the refining of petroleum and which, to be maintained in a liquid state at ambient temperatures, must be kept under greater than atmospheric pressures;

* * * * * * *

5. This amendatory proclamation shall become effective on January 1, 1966.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this tenth day of December in the year of our Lord nineteen hundred and sixty-five, and [SEAL] of the Independence of the United States of America the one hundred and ninetieth.

LYNDON B. JOHNSON

By the President:

GEORGE W. BALL,
Acting Secretary of State.

[F.R. Doc. 65-13488; Filed, Dec. 14, 1965; 1:38 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 97]

PART 1097—MILK IN MEMPHIS, TENN., MARKETING AREA

Order Amending Order

§ 1097.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Memphis, Tenn., marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interst; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than December 15, 1965. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs was issued November 23, 1965, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued December 8, 1965. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective December 15, 1965, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least three-fourths of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Memphis, Tenn., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

In § 1097.51(a), the introductory text of subparagraph (3) is revised to read as follows:

§ 1097.51 Class prices.

* * * * * *

(a) *Class I milk price.* * * *

(3) For a "minus deviation percentage" the Class I price shall be increased and for a "plus deviation percentage" the Class I price shall be decreased as follows: *Provided,* That from the effective date of this amended order, and each month thereafter, the plus or minus adjustment shall not exceed 25 cents:

* * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. December 15, 1965.

Signed at Washington, D.C., on December 10, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 65–13432; Filed, Dec. 15, 1965; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 65–CE–106]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration and Designation of Control Zones, Designation of Transition Area, and Revocation of Control Area Extension

On September 10, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 11644) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the Sault Ste Marie, Mich., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable. Since the publication of the Notice, the Canadian Department of Transport has agreed to delete the use of the Sault Ste. Marie RBN for approach procedures into the Sault Ste. Marie, Ontario, Airport; and the ADF approach procedure (AL–503–ADF) for Sault Ste Marie, Mich., Airport is being canceled. Modification of the procedures by Canada and cancellation of the ADF approach procedure for Sault Ste. Marie, Mich., Airport eliminate the requirement for controlled airspace designated with reference to the Sault Ste. Marie RBN. Since this change in the proposed rule is less restrictive in nature and imposes no additional burden on any person, further notice and public procedure hereon are not necessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., March 3, 1966, as hereinafter set forth.

1. In §71.165 (29 F.R. 17557) the Sault Ste. Marie, Mich., control area extension is revoked.

2. In § 71.171 (29 F.R. 17581) the following control zones are amended to read:

SAULT STE. MARIE, MICH. (KINCHELOE AFB)

Within a 5-mile radius of Kincheloe AFB (latitude 46°15'00" N., longitude 84°28'00"

W.), within 2 miles each side of the Kincheloe TACAN 143° radial extending from the 5-mile radius zone to 8 miles SE of the TACAN, within 2 miles each side of the Kincheloe VOR 150° radial extending from the 5-mile radius zone to 12 miles SE of the VOR; within 2 miles each side of the Kincheloe TACAN 337° radial extending from the 5-mile radius zone to 8 miles NW of the TACAN and within 2 miles each side of the Kincheloe ILS localizer NW course extending from the 5-mile radius zone to the OM.

SAULT STE. MARIE, MICH. (MUNICIPAL AIRPORT)

Within the United States within a 5-mile radius of Sault Ste. Marie Municipal Airport (latitude 46°28'40" N., longitude 84°21'55" W.), excluding the portion W of a line between the INTs of the 5-mile radius and the Sault Ste. Marie, Ontario, Canada, control zone.

3. In § 71.171 (29 F.R. 17581) the following control zone is added:

SAULT STE. MARIE, ONTARIO, CANADA

Over the United States within a 5-mile radius of the Sault Ste. Marie Airport (latitude 46°29'00" N., longitude 84°31'00" W.), and within 2 miles each side of the Sault Ste. Marie ILS localizer NW course extending from the 5-mile radius zone to the OM, excluding the portion east of a line between the INTs of the 5-mile radius and the 5-mile radius of the Sault Ste. Marie, Mich., control zone.

4. In § 71.181 (29 F.R. 17643) the following transition area is added:

SAULT STE. MARIE, MICH.

That airspace within the United States extending upward from 700 feet above the surface within a 7-mile radius of Kincheloe AFB (latitude 46°15'00" N., longitude 84°28'00" W.); within 2 miles each side of the Sault Ste. Marie VOR 153° radial extending from the VOR to 8 miles SE of the VOR, within 2 miles each side of the Sault Ste. Marie, Ontario, Canada, ILS localizer NW course extending from the OM to 8 miles NW of the OM, and within 2 miles each side of the 293° bearing from the Gros Cap RBN extending from the RBN to 8 miles NW of the RBN and the airspace within the United States extending upward from 1,200 feet above the surface within a 34 mile radius of Kincheloe AFB and within 8 miles NE and 5 miles SW of the Whitefish, Michigan, VOR 118° and 298° radials extending from 12 miles SE to 13 miles NW of the VOR.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Kansas City, Mo., on December 2, 1965.

DONALD S. KING,
Acting Director, Central Region.

[F.R. Doc. 65-13457; Filed, Dec. 15, 1965; 8:49 a.m.]

[Airspace Docket No. 65-CE-109]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area, and Alteration of Control Zones, and Revocation of Control Area Extension

On September 16, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 11874) stating that the Federal Aviation Agency proposed to alter controlled airspace in the Marquette, Mich., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., March 3, 1966, as hereinafter set forth.

1. In § 71.165 (29 F.R. 17557) the Marquette, Mich., control area extension is revoked.

2. In § 71.171 (29 F.R. 17581) the following control zones are amended to read:

MARQUETTE, MICH. (MARQUETTE COUNTY AIRPORT)

Within a 5-mile radius of Marquette County Airport (latitude 46°32'03" N., longitude 87°33'35" W.); within 2 miles each side of the Marquette VOR 084° and 250° radials, extending from the 5-mile radius zone to 8 miles E and W of the VOR.

MARQUETTE, MICH. (K. I. SAWYER AFB)

Within a 5-mile radius of K. I. Sawyer AFB (latitude 46°21'15" N., longitude 87°23'40" W.); within 2 miles each side of the K. I. Sawyer AFB ILS localizer S course extending from the 5-mile radius zone to the LOM; within 2 miles each side of the K. I. Sawyer AFB TACAN 183° radial extending from the 5-mile radius zone to 8 miles S of the TACAN; and within 2 miles each side of the K. I. Sawyer TACAN 015° radial extending from the 5-mile radius zone to 8 miles N of the TACAN.

3. In § 71.181 (29 F.R. 17643) the following transition area is added:

MARQUETTE, MICH.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Marquette County Airport (latitude 46°32'03" N., longitude 87°33'35" W.); within 8 miles S and 5 miles N of the Marquette VOR 250° radial extending from the VOR to 12 miles W of the VOR; within an 8-mile radius of K. I. Sawyer AFB (latitude 46°21'15" N., longitude 87°23'40" W.); within 2 miles each side of the K. I. Sawyer AFB ILS localizer course extending from the 8-mile radius area to 12 miles S of the LOM; within 2 miles each side of the K. I. Sawyer AFB TACAN 183° radial, extending from the 8-mile radius area to 12 miles S of the TACAN; and within 2 miles E and 5 miles W of the K. I. Sawyer AFB TACAN 015° radial, extending from the 8-mile radius area to 12 miles N of the TACAN; and that airspace extending upward from 1,200 feet above the surface within a 40-mile radius of K. I. Sawyer AFB, excluding the portion which overlies the Escanaba, Mich., transition area.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Kansas City, Mo., on December 3, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65-13458; Filed, Dec. 15, 1965; 8:49 a.m.]

[Airspace Docket No. 65-CE-116]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On September 29, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (39 F.R. 12415) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the Muncie, Ind., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The Air Transport Association concurred in the proposal; however, Mr. Thomas E. Reese of Reese Flying Service and the Aircraft Owners and Pilots Association objected to the portion of the proposal which included Reese Airport within the Muncie control zone. A review of the proposal revealed that a modification could be made to the VOR approach procedure for Runway 32 at Muncie which would eliminate the requirement to have Reese Airport within the Muncie control zone. The VOR approach procedure which was proposed for Runway 20 at Muncie will not be published. Therefore, there will be no requirement for a control zone extension and 700 foot floor transition area extension to the north. As a result of the exclusion of Reese Airport from the control zone, the above-mentioned objections were withdrawn. Since these changes in the proposed rule are less restrictive in nature and impose no additional burden on any person, further notice and public procedure hereon are not necessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., March 3, 1966, as hereinafter set forth.

1. § 71.171 (29 F.R. 17581) the Muncie, Ind., control zone is amended to read:

MUNCIE, IND.

Within a 5-mile radius of Delaware County Airport, Muncie, Ind. (latitude 40°14'26" N., longitude 85°23'43" W.); and within 2 miles each side of the Muncie VOR 125° and 320° radials extending from the 5-mile radius zone to 8 miles SE and NW of the VOR from 0700 to 2300 hours local time daily.

2. In § 71.181 (29 F.R. 17643) the Muncie, Ind., transition area is amended to read:

MUNCIE, IND.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Delaware County Airport, Muncie, Ind. (latitude 40°14'26" N., longitude 85°23'43" W.); within 2 miles each side of the Muncie VOR 320° radial extending from the 5-mile radius area to 8 miles NW of the VOR, and within 2 miles each side of the Muncie VOR 125° radial extending from the 5-mile radius area to 13 miles SE of the VOR; and that airspace extending upward from 1,200 feet above the surface within the area bounded by the line beginning at latitude 40°40'00" N., longitude 85°30'00" W.; to latitude 40°30'00" N., longitude 85°22'00" W.; to latitude 40°30'00" N., longitude 84°49'00" W.; to latitude 40°10'00" N., longitude 85°00'00" W.; to latitude 40°10'00" N., longitude 85°05'45" W.; to latitude 40°00'00" N., longitude 84°58'00" W.; to latitude 40°00'00" N., longitude 86°00'00" W.; to latitude 40°07'00" N., longitude 86°00'00" W.; to latitude 40°30'00" N., longitude 85°50'00" W.; to latitude 40°40'00" N., longitude 85°50'00" W.; to the point of beginning and within a 12-mile radius of Marion Municipal Airport.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Kansas City, Mo., on December 7, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65-13459; Filed, Dec. 15, 1965; 8:49 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-284; Order No. 311]

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

F.P.C. Form No. 1; Report Form Prescribed for Class A and Class B Electric Utilities and Others Subject to the Federal Power Act; Miscellaneous Amendments

DECEMBER 8, 1965.

On September 21, 1965, the Commission issued a notice of proposed rulemaking in this proceeding (30 F.R. 12360, Sept. 28, 1965), wherein it proposed to amend several of the schedules in FPC Form No. 1, the annual report required by § 141.1 of the regulations under the Federal Power Act to be made by public utilities, licensees and others subject to the reporting requirements of the Federal Power Act.

The changes proposed in the notice were, for the most part, in response to suggestions made by representatives of the electric power industry and were designed to minimize existing reporting requirements. Among the changes proposed, however, were others, more fully described in the notice, which were designed to supply additional information to assist the Commission in the proper performance of its responsibilities under the Act.

Many of the comments filed offer criticisms of the items in the latter class of proposals and we shall consider those in the future course of this proceeding. In the meantime there is no reason to delay incorporation of the other changes in the form for the reporting year 1965.

The amendments prescribed herein to the schedules on pages 432, 432b, 436–437, and 442 of form No. 1 were not included in the notice of proposed rulemaking. However, they are of a clarifying nature and will not impose any substantial added burden to the reporting requirements.

The Commission finds:

(1) The amendments to the annual report form here prescribed are necessary and appropriate for the administration of the Federal Power Act.

(2) Since the amendments prescribed herein which were not included in the notice in this proceeding are of a clarifying nature further notice thereof is unnecessary.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly sections 4 (a), (b), (c), 301(a), 302, 304, 309, and 311 thereof (49 Stat. 839, 854, 855, 858, 859; 16 U.S.C. 797 (a), (b), (c), 825(a), 825a (a), 825c, 825h, 825j), orders:

(A) Annual Report FPC Form No. 1, prescribed by § 141.1(a), Subchapter D, Chapter I, Title 18 of the Code of Federal Regulations, is amended as follows:

1. In schedule (p. 201) entitled "Nonutility Property (Account 121)", instruction paragraph 4 is amended to read as follows: "List separately any property previously devoted to public service having an original cost of $150,000 or more and give date of transfer to Account 121, Nonutility Property. Other items of property previously devoted to public service may be grouped provided that the number of properties so grouped is indicated."

2. The two schedules (p. 203) entitled, respectively, "Special Funds (Accounts 125, 126, 127, 128)" and "Special Deposits (Accounts 132, 133, 134)" are deleted.

3. The schedule (p. 204) entitled "Notes and Accounts Receivable" is amended by deleting the parenthetical references "(see schedule p. 205)" and inserting in the heading thereof the following: "Show separately by footnote the total amount of notes and accounts receivable from directors, officers, and employees included in Notes Receivable (Account 141) and Other Accounts Receivable (Account 143)."

4. The two schedules (p. 205) entitled, respectively, "Notes Receivable (Account 141)" and "Accounts Receivable (Accounts 142, 143)" are deleted.

5. In schedule (p. 405) entitled "Electric Plant Held For Future Use (Account 105)", instruction paragraphs 1 and 2 are amended to read as follows:

1. Report separately each property held for future use at end of the year having an original cost of $100,000 or more. Other items of property held for future use may be grouped provided that the number of properties so grouped is indicated.

2. For property having an original cost of $100,000 or more previously used in utility operations, now held for future use, give, in addition to other required information, the date that utility use of such property was discontinued, and the date the original cost was transferred to Account 105.

6. In schedule (p. 426) entitled "Franchise Requirements (Account 927) (Electric,", delete the figure "$2500" wherever it appears in instruction paragraph 1, and insert in lieu thereof the figure "$10,000".

7. In schedule (p. 432) entitled "Steam-Electric Generating Plant Statistics (Large Plants)", change designation of instruction paragraph 7 to 8 and insert a new instruction as follows:

7. If more than one fuel is burned in a plant furnish only the composite heat rate for all fuels burned.

8. In the portion of the same schedule appearing on page 432b, insert a new instruction paragraph 3 as follows:

3. All heat rates on this page and also on pages 432 and 432a should be computed on the basis of total fuel burned including burner lighting and banking fuel.

9. In schedule (pp. 436–437) entitled "Steam-Electric Generating Plants" insert the following footnote to columns (e), (f), (g), (i), (k), and (n): "• • • Include both ratings for the boiler and the turbine-generator of dual-rated installations."

10. In schedule (p. 442) entitled "Transmission Line Statistics" insert the following footnote to the column heading above columns (f) and (g): "• • • In the case of underground lines, report circuit miles."

11. The last page entitled "Verification" is amended to read as set out in the attachment hereto.[1]

(Secs. 4 (a), (b), (c), 301(a), 302, 304, 309, 311, 49 Stat. 839, 854, 855, 858, 859; 16 U.S.C. 797 (a), (b), (c), 825(a), 825a(a), 825c, 825h, 825j)

(B) The amendments prescribed herein shall be effective for the reporting year 1965 and thereafter.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-13414; Filed, Dec. 15, 1965; 8:45 a.m.]

[Docket No. R-283; Order No. 310]

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

F.P.C. Forms No. 2 and No. 2-A; Annual Reports of Classes A, B, C, and D Natural Gas Companies Subject to the Natural Gas Act; Miscellaneous Amendments

DECEMBER 8, 1965.

On September 20, 1965, the Commission issued a notice of proposed rulemaking in this proceeding (30 F.R. 12361, Sept. 28, 1965), wherein it proposed to amend several of the schedules in FPC Form No. 2 and FPC Form No. 2-A, the annual reports required by §§ 260.1 and 260.2, respectively, of the Regulations Under the Natural Gas Act to be made by natural gas pipeline companies subject to the Natural Gas Act.

The changes proposed in the notice were, for the most part, in response to suggestions made by representatives of the natural gas industry and were designed to minimize existing reporting requirements. Among the changes pro-

[1] Filed as part of the original document.

posed, however, were others, more fully described in the notice, which were designed to supply additional information to assist the Commission in the proper performance of its responsibilities under the Act.

Many of the comments filed offer criticisms of the items in the latter class of proposals and we shall consider those in the future course of this proceeding. In the meantime there is no reason to delay incorporation of the other changes in the form for the reporting year 1965.

The Commission finds: The amendments to the annual report form here prescribed are necessary and appropriate for the administration of the Natural Gas Act.

The Commission, acting pursuant to the provisions of the Natural Gas Act, as amended, particularly sections 10 and 16 thereof (52 Stat. 826, 830; 15 U.S.C. 717i, 717o), orders:

(A) Annual Report FPC Form No. 2, prescribed by § 260.1(a), Subchapter G, Chapter I, Title 18 of the Code of Federal Regulations, is amended as follows:

1. In General Instruction 14., delete the sentence reading "If B.t.u. reported by respondent was determined on a different basis, explain such different basis.".

2. In schedule (p. 201) entitled "Nonutility Property (Account 121)", instruction paragraph 4 is amended to read as follows: "List separately any property previously devoted to public service having an original cost of $150,000 or more and give date of transfer to Account 121, Nonutility Property. Other items of property previously devoted to public service may be grouped provided that the number of properties so grouped is indicated."

3. The two schedules (p. 203) entitled, respectively, "Special Funds (Accounts 125, 126, 127, 128)" and "Special Deposits (Accounts 132, 133, 134)" are deleted.

4. The schedule (p. 204) entitled "Notes and Accounts Receivable" is amended by deleting the parenthetical references "(see schedule p. 205)" and inserting in the heading thereof the following: "Show separately by footnote the total amount of notes and accounts receivable from directors, officers, and employees included in Notes Receivable (Account 141) and Other Accounts Receivable (Account 143)."

5. The two schedules (p. 205) entitled, respectively, "Notes Receivable (Account 141)" and "Accounts Receivable (Accounts 142, 143)" are deleted.

6. In schedule (p. 506) entitled "Gas Plant Held For Future Use" (Account 105), instruction paragraphs 1 and 2 are amended to read as follows:

1. Report separately each property held for future use at end of the year having an original cost of $100,000 or more. Other items of property held for future use may be grouped provided that the number of properties so grouped is indicated.

2. For property having an original cost of $100,000 or more previously used in utility operations, now held for future use, give, in addition to other required information, the date that utility use of such property was discontinued, and the date the original cost was transferred to Account 105.

7. In schedule (p. 542) entitled "Franchise Requirements (Account 927) (Gas)", delete the figure "$2500" wherever it appears in instruction paragraph 1, and insert in lieu thereof the figure "$10,000".

8. The last page entitled "Verification" is amended to read as set out in the attachment hereto.

(Secs. 10, 16, 52 Stat. 826, 830; 15 U.S.C. 717i, 717o)

(B) Annual Report FPC Form No. 2-A, prescribed by § 260.2(a), Subchapter G, Chapter I, Title 18 of the Code of Federal Regulations, is amended by deleting the "Verification" on page 14 thereof and inserting in lieu thereof the "Attestation" set out in the attachment hereto.[1]

(C) The amendments prescribed herein shall be effective for the reporting year 1965 and thereafter.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-13413; Filed, Dec. 15, 1965; 8:45 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 4]

PART 120—LOAN POLICY

Terms and Conditions of Financial Assistance

The Small Business Administration Loan Policy Regulation, as revised in 28 F.R. 6675, and amended in 29 F.R. 2486, 18419, and 30 F.R. 9813, is hereby further amended as follows:

By deleting § 120.2(b)(2)(ii) and (iii) in their entirety and substituting a new § 120.2(b)(2)(ii) as follows:

§ 120.2 Terms and conditions of financial assistance.

* * * * *

(b) *Charges on guaranteed loans—*

* * *

(2) *Interest.* * * *

(ii) Direct loans: Except as provided in subdivision (iv) of this subparagraph, interest on all direct loans which may be made by SBA shall be at the rate of 5½ percent per annum, except as may be otherwise required by reason of the provisions of the Servicemen's Readjustment Act of 1944, as amended.

* * * * *

[1] Filed as part of the original document.

Effective date. This amendment shall be effective for all direct loans approved on or after November 8, 1965.

Dated: December 7, 1965.

ROSS D. DAVIS, *Executive Administrator.*

[F.R. Doc. 65-13440; Filed, Dec. 15, 1965; 8:48 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 50—NEIGHBORHOOD YOUTH CORPS PROJECTS FOR UNEMPLOYED YOUTH

Miscellaneous Amendments

Pursuant to authority contained in section 602(n) of the Economic Opportunity Act of 1964 (78 Stat. 508) and Delegation No. 1-64 (29 F.R. 14764), the Secretary of Labor and the Director of the Office of Economic Opportunity hereby amend Title 29, Part 50, of the Code of Federal Regulations as set forth below.

The provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) which require notice of proposed rule making, opportunity for public participation, and delay in effective date are not applicable because these rules involve matters that relate only to public benefits. We do not believe such procedures will serve a useful purpose here. Accordingly, these amendments shall become effective immediately.

The amendments read as follows:

1. Paragraph (n) of § 50.1 is amended to read as follows:

§ 50.1 Definitions.

* * * * *

(n) "Unemployed youth" means a youth who at the time of his selection for a project is not working regularly for remuneration in excess of 10 hours a week.

* * * * *

2. Paragraph (b) of § 50.12 is amended to read as follows:

§ 50.12 Enrollment in other programs.

* * * * *

(b) A youth formerly enrolled in a regular Institutional or On-the-Job Training program under the Manpower Development and Training Act may be enrolled in a project only with the permission of the Secretary.

3. Paragraph (g) of § 50.22 is amended to read as follows:

§ 50.22 Standards for a project.

* * * * *

(g) The enrollees' rates of pay and other conditions of employment are appropriate and reasonable in the light of such factors as the types of work performed, the geographical region and the proficiency of the enrollee, and comply with all applicable Federal, State and local laws, rules and regulations dealing with or relating to employment conditions: *Provided,* That, consistent with this section, the sponsor may set a uniform wage rate for all enrollees on the project: *Provided further,* That no enrollee shall be employed for more than 40 hours per week except on projects of the type described in § 50.32(c); and

* * * * *

4. Paragraph (b) of § 50.26 is amended to read as follows:

§ 50.26 Safety and workmen's compensation.

* * * * *

(b) Except as provided herein acceptable workmen's compensation insurance which meets existing requirements under State law shall be provided for each staff employee engaged at least one-half of his working time on the project and for each enrollee. Such insurance shall provide, notwithstanding the absence of such a requirement under State law, for the payment of medical, surgical, nursing, and hospital services, medical and surgical apparatus and appliances, and medicines which may be reasonably necessary to treat injury or disease arising out of and in the course of employment. Where the State law limits the liability of the employer in permanent total disability cases to a maximum total dollar amount or to a specified period of time, the level of benefits provided by State law immediately prior to any expiration of such benefits shall be continued for the full period of such disability without regard to any maximum total dollar limitation. Such insurance shall not be required when State law prohibits a sponsor from providing such benefits or when the Secretary has determined it is impractical to provide such benefits.

5. Section 50.28 is amended to read as follows:

§ 50.28 Length of project.

Each project shall be for a period which is of sufficient duration to achieve its objective consistent with § 50.22(a), but shall not exceed such period as may be prescribed by law.

(Sec. 602, 78 Stat. 528)

Signed at Washington, D.C., this 8th day of December 1965.

W. WILLARD WIRTZ, *Secretary of Labor.*

R. SARGENT SHRIVER, *Director, Office of Economic Opportunity.*

[F.R. Doc. 65-13423; Filed, Dec. 15, 1965; 8:46 a.m.]

Chapter V—Wage and Hour Division, Department of Labor

SUBCHAPTER A—REGULATIONS

PART 694—MINIMUM WAGE RATES IN INDUSTRIES IN THE VIRGIN ISLANDS

Pursuant to sections 5 and 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205 and 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 594 (30 F.R. 10115), the Secretary of Labor appointed and convened Special Industry Committee No. 9 for the Virgin Islands, and referred to it the question of the minimum rate or rates of wages to be fixed for all industries in the Virgin Islands in which employees are engaged in commerce or in the production of goods for commerce (except those industries and parts thereof to which a minimum wage of $1.25 an hour is now applicable under 29 CFR Part 694) or are employed in enterprises engaged in commerce or in the production of goods for commerce as those terms are defined in section 3 of the Act.

Administrative Order No. 594 also gave due notice of the hearing of the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee filed with the Administrator a report containing findings of fact and recommendations with respect to the matters referred to it.

Accordingly, pursuant to section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), the recommendations of Special Industry Committee No. 9 for the Virgin Islands are hereinafter published in this order amending 29 CFR Part 694.

Effective January 1, 1966, 29 CFR Part 694 is revised to read as follows:

Sec.
694.1 Definitions of industries; classifications.
694.2 Minimum wage rates.
694.3 Notices.

AUTHORITY: The provisions of this Part 694 issued under sec. 8, 52 Stat. 1064, as amended; 29 U.S.C. 208. Interpret or apply secs. 5, 6, 52 Stat. 1062, as amended; 29 U.S.C. 205, 206.

§ 694.1 Definitions of industries; classifications.

(a) *Air transportation industry.* This industry includes the transportation of passengers and cargo by air, and all activities in connection therewith.

(b) *Alcoholic beverages and industrial alcohol industry.* This industry includes the manufacture of alcoholic beverages, including, but not by way of limitation, the distilling, rectifying, blending, or bottling of rum, gin, whiskey, brandy, liqueurs, cordials, wine and beer, and the manufacture of industrial and other types of alcohol.

(c) *Banking, real estate, accounting, and insurance industry.* This industry includes the business carried on by any banking, insurance, financial, real estate, or accounting firm, institution, agency, or enterprise.

(d) *Bay rum and other toilet preparations industry.* This industry includes the manufacture, including bottling and packaging, of bay oil, bay rum, perfumes, colognes, toilet waters and other toilet preparations.

(e) *Communications and public utilities industry.* This industry includes the activities carried on by any radio or television system of communication or by any messenger service; and the activities carried on by any public utility enterprise engaged in the furnishing of such services as the transmission of messages, the operation of a telephone system, the generation or distribution of electric power, the manufacture or distribution of gas, the storage or distribution of water, or any similar service.

(f) *Distribution, trucking and construction industry.* This industry includes: (1) The wholesaling, warehousing, and other distribution of commodities, including, but without limitation, the activities of importers, exporters, wholesalers, retailers, public warehouses, and brokers and agents (except realty and financial), including manufacturers' selling agencies; (2) the activities carried on by any common or contract carrier engaged in the transportation of property by motor vehicle; (3) the designing, construction, reconstruction, alteration, repair, and maintenance of buildings, structures, and other improvements, the assembling at the construction site and the installation of machinery and other facilities in or upon such buildings, structures, and improvements, and the dismantling, wrecking or other demolition of such improvements and facilities.

(g) *Jewelry, pen, thermometer, industrial belting and miscellaneous metal products industry.* This industry includes the manufacture of precious and costume jewelry, watchbands, cigarette lighters, scissors, fishing rods and reels, binoculars, ballpoint pens, thermometers, metal floor dividers, industrial belting and parts therefor, and the assembling and manufacture of clocks and watches.

(h) *Shipping, marine transportation, and ship and boat building industry*—(1) *The industry.* This industry includes: The transportation of passengers and cargo by water, and all activities in connection therewith, including, but without limitation, the operation of terminals, piers, wharves, and docks, including bunkering, stevedoring, storage, and lighterage operations, and the operations of tourist bureaus, and travel and ticket agencies; and the building, repairing, and maintenance of ships and boats, and the manufacture and repairing of sails, rope, fenders, and other marine equipment.

(2) *Seamen classification in the industry.* This classification of the shipping, marine transportation, and ship and boat building industry in the Virgin Islands includes the activities engaged in by seamen employed on vessels documented under the laws of the United States and registered in the Virgin Islands.

(i) *Miscellaneous industry.* This industry includes the manufacture of all products and other activities except those included in the definitions of other industries in the Virgin Islands as defined herein. This industry is divided into two classifications which are designated and defined as follows:

(1) *Wool yarn classification.* The spinning of woolen yarn and operations incidental thereto.

(2) *General classification.* All activities and the manufacture of all products included in the miscellaneous industry, except those included in the wool yarn classification.

§ 694.2 Minimum wage rates.

Every employer shall pay to each of his employees in the Virgin Islands, who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in any enterprise engaged in commerce or in the production of goods for commerce (as those terms are defined in section 3 of the Act), wages at a rate not less than the minimum rate or rates of wages prescribed in this section for the industries and classifications in which such employee is engaged.

(a) *Alcoholic beverages and industrial alcohol industry.* The minimum wage for this industry is $1.20 an hour.

(b) *The seamen classification of the shipping, marine transportation and ship and boat building industry.* The minimum wage for this classification is $1.15 an hour.

(c) *The wool yarn classification of the miscellaneous industry.* The minimum wage for this classification is $1.05 an hour.

(d) *Other industries and classifications in the Virgin Islands.* The minimum wage for all industries and classifications in the Virgin Islands except those named in paragraphs (a), (b), and (c) of this section is $1.25 an hour.

§ 694.3 Notices.

Every employer subject to the provisions of § 694.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 694.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour and Public Contracts Divisions of the U.S. Department of Labor, and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D.C., this 10th day of December 1965.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 65-13461; Filed, Dec. 15, 1965; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9-16—PROCUREMENT FORMS

Subpart 9-16.9—Illustration of Forms

Subpart 9-16.50—Contract Outlines

MISCELLANEOUS AMENDMENTS

Section 9-16.951-2 (*AEC 103a*) *Purchase Order Terms*, paragraph 5, *Nondiscrimination in employment*, is revised to read as follows:

§ 9-16.951-2 (AEC 103a) Purchase Order Terms.

* * * * *

5. *Equal opportunity in employment.* The Equal Opportunity clause in FPR 1-12.803-2 is incorporated herein by reference and is applicable unless this contract is exempt under the rules and regulations of the Secretary of Labor issued pursuant to Executive Order No. 11246 of September 24, 1965 (30 F.R. 12319, Sept. 28, 1965).

* * * * *

Section 9-16.5002-8, *Outline of fixed-price contract for research and development with educational institutions*, ARTICLE B-XI—PAYMENTS, paragraphs (a) and (b) of the Note are revised to read as follows:

§ 9-16.5002-8 Outline of fixed-price contract for research and development with educational institutions.

* * * * *

ARTICLE B-XI—PAYMENTS

* * * * *

NOTE: * * *

(a) The Commission shall issue a letter of credit as provided for by Treasury Department Circular No. 1075 of May 28, 1964, under which payments to the Contractor with respect to the amount of consideration provided for in Article III of this contract will be made. The Contractor agrees that the first ninety (90) percent of the amount of consideration provided for in said Article III will be under the letter of credit and will be subject to the submission by the Contractor of a Payment Voucher on Letter of Credit (Standard Form 218), in accordance with procedures based upon Treasury Department Circular No. 1075 of May 28, 1964, which are agreed to by the parties. Following submission by the Contractor of the annual progress report or final report provided for in Article B-XXI, in form and content satisfactory to the Commission within a reasonable period of time following the expiration of an annual contract period, and upon submission by the Contractor to the Commission of such invoices or vouchers as are satisfactory to the Commission, the Commission shall pay the Contractor the final ten (10) percent of the consideration provided for in Article III of this contract; provided, however, that if the Contractor submits a renewal proposal with such annual progress report, as provided for in Article B-XXI, and the renewal proposal is accepted by the Commission, the amount covered by the letter of credit will be increased, within a reasonable period of time following the expiration of an annual contract period, to include the final ten (10) percent of the consideration provided for in Article III and payment of the final ten (10) percent will be under the letter of credit and will be subject to submission by the Contractor of a Payment Voucher on Letter of Credit (Standard Form 218) in accordance with the aforesaid procedures.

(b) The Commission reserves the right to cancel or modify, increase or decrease the amount covered by the letter of credit, provided that such action is required because of a change in the amount of consideration provided for in Article III of a contract covered by the letter of credit or is taken pursuant to the pertinent provisions of paragraph 1 of this Article. The issuance and use of a letter of credit and receipt of funds pursuant thereto shall not prejudice or otherwise adversely affect any of the Government's rights under the contract.

* * * * *

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 8th day of December 1965.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director,
Division of Contracts.

[F.R. Doc. 65-13406; Filed, Dec. 15, 1965; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Merritt Island National Wildlife Refuge, Fla.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

FLORIDA

MERRITT ISLAND NATIONAL WILDLIFE REFUGE

Sport fishing on the Merritt Island National Wildlife Refuge, Titusville, Fla., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 17,240 acres are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga., 30323. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The sport fishing season extends from January 9, 1966 through November 24, 1966.

(2) Fishing may be prohibited at certain times in all or part of Banana Creek when safety and operational factors by NASA so require. At such times the area will be posted as closed. Bank fishing along Banana Creek is prohibited.

(3) Fishermen may not leave fishing rods and/or poles unattended.

(4) Air-thrust boats are prohibited. Inboard and outboard boats are permitted in the waters open to fishing, except in areas specifically designated by suitable posting by the refuge officer-in-charge as closed to motor boat operation.

(5) Access will be permitted only during the period from one hour before sunrise to one hour after sunset.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

W. L. TOWNS,
Acting Regional Director,
Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 65-13420; Filed, Dec. 15, 1965; 8:46 a.m.]

PART 33—SPORT FISHING

Tamarac National Wildlife Refuge, Minn.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MINNESOTA

TAMARAC NATIONAL WILDLIFE REFUGE

Sport fishing on the Tamarac National Wildlife Refuge, Rochert, Minn., is permitted only on the areas designated by signs as open to fishing. This posted area, comprising 9,000 acres, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from date of this publication through February 15, 1966, during daylight hours only.

(2) The use of minnows or fish, or parts thereof, for bait is not permitted.

(3) Fishing in the Ottertail River at the bridge on County Road 26 is limited to 100 yards upstream and downstream from the bridge.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through February 15, 1966.

R. W. HUNT,
Refuge Manager, Tamarac National Wildlife Refuge, Rochert, Minn.

DECEMBER 2, 1965.

[F.R. Doc. 65-13421; Filed, Dec. 15, 1965; 8:46 a.m.]

PART 33—SPORT FISHING

DeSoto National Wildlife Refuge, Iowa and Nebraska

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

IOWA AND NEBRASKA

DESOTO NATIONAL WILDLIFE REFUGE

Sport fishing on the DeSoto National Wildlife Refuge, Iowa and Nebraska, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 850 acres, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

(1) Open season: Daylight hours January 1, 1966, through February 28, 1966, and 4:30 a.m. to 10 p.m., May 1, 1966, through September 15, 1966.

(2) All fishermen shall conform with the regulations of the State in which he is properly licensed—either Iowa or Nebraska.

(3) Trot lines are not permitted.

(4) Archery fishing is not permitted.

(5) The use of motor boats is permitted during the May 1 to September 15 period.

(6) Motor or wind driven conveyances are not permitted on the ice during the January 1 to February 28 period.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through September 15, 1966.

KERMIT D. DYBSETTER,
Refuge Manager, DeSoto National Wildlife Refuge, Missouri Valley, Iowa.

DECEMBER 10, 1965.

[F.R. Doc. 65-13437; Filed, Dec. 15, 1965; 8:47 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Waterways Along Atlantic and Gulf Coasts

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.240 is hereby amended changing the caption for the purpose of clarification and the note at the end of the section effective upon publication in the FEDERAL REGISTER, as follows:

§ 203.240 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico (including coastal waterways contiguous thereto and tributaries to such waterways and the Lower Atchafalaya River, La.), except the Mississippi River and its tributaries and outlets; bridges.

* * * * *

NOTE: The special regulations contained in §§ 203.245 to 203.491, prescribed where local conditions require to govern the operation of certain bridges, supplement the general regulations contained in § 203.240.

[Regs., Dec. 1, 1965, 1507-32 (Waterways Along Atlantic and Gulf Coasts)—ENGCW-ON] (sec. 5, 28 Stat. 362; 33 U.S.C. 499)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 65-13411; Filed, Dec. 15, 1965; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[27 CFR Part 6]

RETAILERS OF INTOXICATING LIQUORS

Inducements Furnished

Notice is hereby given, pursuant to the provisions of section 5 of the Federal Alcohol Administration Act (49 Stat. 981 as amended; 27 U.S.C. 205), of a public hearing to be held at 10 a.m., e.s.t., on January 11, 1966, at Room 2326, Internal Revenue Service Building, 12th Street and Constitution Avenue NW., Washington, D.C., at which time and place all interested parties will be afforded opportunity to be heard, in person or by authorized representative, with reference to proposals, the substance of which are stated below, to amend 27 CFR Part 6, Inducements Furnished to Retailers.

Written data, views, or arguments relevant and material to these proposals may be submitted in duplicate for incorporation into the record of hearing (1) by mailing the same to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington, D.C., 20224, provided they are received prior to the termination of the hearing, or (2) by presenting the same at the said hearing. At the conclusion of the hearing a reasonable opportunity will be afforded interested parties for examination of the record and for the submission of briefs.

This hearing is called in response to a petition filed by the Distilled Spirits Institute. It is limited to distilled spirits since it is understood from representatives of the wine and malt beverage trade associations that the recognition given by the existing regulations to trade practices in the wine and malt beverages area is satisfactory and, therefore, the proposed relaxation of the present regulations does not cover wine and malt beverages.

Substance of proposals. 1. To amend § 6.21 by changing the proviso therein to read as follows: "*Provided*, That, except for the inside signs and displays covered by § 6.23a, such furnishing is not conditioned, directly or indirectly, on the purchase of distilled spirits, wine, or malt beverages".

2. To amend § 6.23a to permit displays (for use in windows or elsewhere in the interior of a retail establishment) to include items having utilitarian or secondary-use value to the retailer, if such items are an integral part of the display and their cost does not exceed $3 (this amount subject to increase or decrease on the basis of evidence submitted at the hearing), and such cost is included in the overall cost of the display. Only one such item would be permitted in any one display.

3. To amend § 6.28 with respect to distilled spirits only, so as to increase from $10 to $25 (or to some intermediate amount) the limitation contained therein on the aggregate annual cost of retailer advertising specialties in any one retail establishment.

[SEAL] HAROLD A. SERR,
Director, Alcohol and Tobacco Tax Division, Internal Revenue Service.

[F.R. Doc. 65-13491; Filed, Dec. 15, 1965; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1068]

[Docket No. AO-178-A15]

MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Minneapolis-St. Paul, Minn., marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C., 20250, by the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Minneapolis, Minn., on July 21-23, 1965, pursuant to notice thereof which was issued June 22, 1965 (30 F.R. 8227).

The material issues on the record of the hearing relate to:

1. Expansion of the marketing area;
2. Pool plant requirements;
3. Classification and pricing of milk used to produce cottage cheese;
4. Transfers;
5. Class I pricing;
6. Location adjustments;
7. Butterfat differentials and butterfat allowance in fluid skim milk;
8. Deletion of the base and excess plan; and
9. Administrative changes.

Issue 5 was considered in a separate decision. The remaining issues are considered herein.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Expansion of the marketing area.* The marketing area should not be expanded.

A group of proprietary handlers proposed that the Minneapolis-St. Paul marketing area be expanded to include the presently unregulated portions of Hennepin County, Dakota County, Washington County, and the part of Anoka County south of a line extending due west from the northwest corner of Washington County, all in the State of Minnesota.

In support of the proposal to expand the marketing area, handler witnesses stressed the need for assuring that all handlers selling in the communities adjacent to the present marketing area purchase milk on the same basis as fully regulated handlers. The record, however, contains no information on the prices paid for milk by unregulated handlers. Neither does it indicate whether their milk is customarily purchased at a flat price or on a classified pricing system.

The proponent handlers claimed to dispose of 71 percent of the Class I sales within the marketing area. The remaining 29 percent is disposed of by handlers who did not support the expansion of the marketing area. Proponents estimated that their proportion of the sales of regulated milk in the proposed area would be about the same.

They did not know, however, what percentage of the Class I sales in the proposed area were made by regulated handlers. This information is lacking both for the proposed area as a whole and for the individual communities contained therein. Likewise, the record contains only sketchy information concerning the unregulated handlers selling in the proposed area. From the evidence it is impossible to determine either the total volume or percentage of Class I sales disposed of by unregulated handlers. With respect to the individual unregulated plants known to be disposing of milk in the proposed area, in most cases it is impossible to estimate whether such plants would be subject to full regulation if the area were expanded.

Unregulated handlers who appeared in opposition to the proposal alleged that if disorderly marketing conditions did exist in some parts of the proposed area, these resulted from the price-cutting tactics of regulated handlers who were attempting to expand their distribution areas into localities served by the unregulated handlers.

The largest cooperative association in the market did not support the proposal. Another cooperative which operates both regulated plants and an unregulated plant which would become subject to partial regulation under the proposal, opposed expansion of the marketing area. Its representative testified that there are no disorderly marketing conditions in the proposed area.

The present record affords no basis for adding to the marketing area any portion of the proposed territory.

2. *Pool plant requirements.* The percentage of total Grade A receipts which a plant processing or packaging milk must dispose of for Class I purposes to qualify as a pool plant should be reduced.

The order presently provides that for a plant processing or packaging milk to qualify as a pool plant, 40 percent of its total Grade A receipts must be disposed of as Class I milk during each of the months of January through June and 60 percent during each of the months of July through December. These percentages should be changed to 30 percent and 50 percent, respectively. This reduction was proposed by the Farmers Cooperative Creamery Co. There was no opposition to this proposal.

The proposal is intended to insure pool status for a distributing plant located in St. Paul. This plant has been a major handler on the market continuously during the entire period of regulation. In addition to its fluid milk distribution business, this handler is engaged in the manufacture of cottage cheese. As a result of the expansion of its cottage cheese business, there have been a few months in the recent past when the percentage of Class I utilization in the plant fell below the required percentages for pooling.

The proponent cooperative association operates a supply plant which is the primary source of supply for the distributing plant. When the proponent is unable to furnish sufficient milk for the needs of the distributing plant, it arranges for additional supplies to be delivered by another cooperative association. The latter milk is delivered directly from producer farms.

When this occurs it does not affect the pool status of the milk in the plant, since its entire supply is received from cooperative association handlers. Whether this plant is a pool plant or a nonpool plant, however, does affect the allocation of the milk in the plant, and the percentage of milk from the supply plant which may be subject to a location differential.

Whether it has met the pooling standards cannot be determined until its monthly report of receipts and utilization has been received and checked. If it has failed to qualify as a pool plant it is necessary to revise the reports of the cooperative association suppliers before computing the uniform price for the month.

Reducing the percentage of total receipts which must be disposed of as Class I milk to 30 percent during January through June and 50 percent during July through December will enable the St. Paul plant to qualify as a pool plant in all months of the year. There are no partially regulated plants which would become regulated by virtue of this change. Thus, this change will not affect the present status of any other plant. The present pooling requirement that a plant must distribute 15 percent of its total Class I sales within the marketing area will continue to assure that only plants associated with the Minneapolis-St. Paul market will participate in the marketwide pool.

Presently, all producer milk disposed of both within the marketing area and outside such area is fully regulated and priced under the present order. It is necessary that this arrangement be continued under the amended Minneapolis-St. Paul order. Otherwise, the effect of the order would be nullified and the orderly marketing process would be jeopardized.

If only his "in-area" sales were subject to classification, pricing and pooling, a pool handler with Class I sales both inside and outside the marketing area could assign any value he chose to his outside sales. He thereby could reduce his average cost of all of his Class I milk below that of other pool handlers having all, or substantially all, of their Class I sales within the marketing area. In short, unless all milk of such a handler is fully regulated under the order, he would not be subject to effective price regulation. The absence of effective classification, pricing and pooling of such milk would disrupt orderly marketing conditions within the regulated marketing area and could lead to a complete breakdown of the order. If a pool handler were free to value a portion of his milk at any price he chose, it would be impossible to enforce uniform prices to all fully regulated handlers or a uniform basis of payment to the producers who supply the market. It is essential, therefore, that the order price all the producer milk received at a pool plant regardless of the point of disposition.

Limited quantities (as provided) of Class I milk may be sold within the regulated marketing area from plants not under any Federal order. There is, of course, no way to treat such unregulated milk uniformly with regulated milk other than to regulate it fully. Nevertheless, it has been concluded that the application of "partial" regulation to plants having less association than required for market pooling would not jeopardize marketing conditions within the regulated marketing area. Official notice is taken of the June 19, 1964, decision (29 F.R. 9110) supporting amendments to several orders, including the Minneapolis-St. Paul order.

The operator of the partially regulated plant is afforded the options of: (1) Paying an amount equal to the difference between the Class I price and the uniform price of producer milk with respect to all Class I sales made in the marketing area; (2) purchasing at the Class I price under any Federal order sufficient Class I milk to cover his limited disposition within the marketing area; or (3) paying his dairy farmers an amount not less than the value of all their milk computed on the basis of the classification and pricing provisions of the order (the latter representing an amount equal to the order obligation for milk which is imposed on fully regulated handlers).

While all fluid milk sales of the partially regulated plant are not necessarily priced on the same basis as fully regulated milk, the provisions described are, however, adequate under most circumstances to prevent sales of milk not fully regulated (pooled) from adversely affecting operation of the order and the fully regulated milk.

3. *Classification and pricing of milk used to produce cottage cheese.* No change should be made in the classification of skim milk and butterfat used to produce cottage cheese. The order presently classifies all manufactured products, including cottage cheese, as Class II. The Class II price is the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the U.S. Department of Agriculture, adjusted to 3.5 percent butterfat content.

Farmers Cooperative Creamery Co. and Land O'Lakes Creameries, Inc., proposed that milk used to produce cottage cheese be priced 20 cents above the Class II price. Twin City Milk Producers Association and Minnesota Milk Co. opposed any increase in the price of milk used to produce cottage cheese.

Health regulations in Minneapolis and St. Paul require that cottage cheese manufactured or sold within the city limits be made from Grade A milk and labeled as such. There was conflicting testimony concerning the regulations in the remainder of the marketing area. The record contains no specific evidence regarding health regulations for cottage cheese sold within this area. However, cottage cheese not bearing a Grade A label is being sold in portions of the marketing area. Some of this cheese is actually made from Grade A milk but it is not known if this is true of all the cottage cheese sold in containers which are not labeled Grade A.

Proponents argued that the order price of skim milk used in the production of cottage cheese was less than the cost of skim milk from alternative sources. During 1964 the average value of skim milk in Class II uses was 63 cents per hundredweight. Had the revised butterfat differential adopted below been in effect, the value of the skim milk would have been 76 cents per hundredweight. Prices allegedly paid for skim milk at several plants were offered in evidence.

Except in one instance, however, the price quoted represented the amount remaining after subtracting a butterfat value from the average price paid by the plant for whole milk. These plants process other products and distribute fluid milk products in addition to their cottage cheese operations. Therefore, it is not appropriate to compare the skim milk value in these plants with the cost of skim milk used to produce cottage cheese. The only price quoted for skim milk was 92 cents per hundredweight delivered to the plant. This included a hauling charge of 7 cents. The price actually received at the plants which separated the milk was 85 cents per hundredweight. Since the cost of handling and separating the skim milk is included, this price is not comparable to the Class II skim value under the order. If these costs were deducted, the resulting figure would be no greater than the Class II skim value provided in the attached order.

Approximately 40 percent of the cottage cheese manufactured by handlers is disposed of outside the marketing area in competition with cottage cheese manufactured in unregulated plants or in plants regulated under other nearby orders. One large manufacturer of cottage cheese stated that recently several accounts in the marketing area had been lost to outside competition.

A comparison of prices fixed by nearby orders for skim milk used in cottage cheese reveals that the price provided in this order is equal to or higher than the price established in any of the surrounding markets with which Minneapolis-St. Paul handlers may be in competition. These include Duluth-Superior, Chicago, North Central Iowa, and the Wisconsin markets. Although there are few or no sales of cottage cheese within the Minneapolis-St. Paul marketing area from any of these orders at the present time, too high a price for cottage cheese under Order No. 68 could result in local manufacturers being at a competitive disadvantage in the Twin Cities market. One witness stated that a manufacturer of cottage cheese whose plant is regulated by the Chicago order has been soliciting accounts in the area.

If milk used in cottage cheese were priced higher than the alternative product cost, use of local skim milk in this product would be discouraged. There is no advantage to producers in obtaining a higher price for milk used in cottage cheese if the resulting higher finished product cost reduces sales.

It is concluded that no change should be made in the classification of skim milk and butterfat used to produce cottage cheese.

4. *Transfers.* The order should be amended to permit Class II classification of milk which is transferred in bulk to nonpool plants within a 150-mile radius of the Minnesota Transfer Viaduct over University Avenue in St. Paul, Minn. The present order provides that bulk transfers shall be Class I if the nonpool plant is more than 100 miles from such point in St. Paul.

The area within which milk may be transferred to nonpool plants and classified in accordance with its actual use is normally called the "surplus disposal area". Land O'Lakes Creameries, Inc., proposed the expansion of the surplus disposal area. Their representative testified that it has been necessary for this cooperative to transfer milk from their pool supply plant at Mondovi, Wis., to their nonpool manufacturing plant at Whitehall, Wis. There has been a difference of opinion between the proponent and the market administrator concerning the distance between the Whitehall plant and St. Paul, Minn. The plant is located almost exactly 100 miles from the Minnesota Transfer Viaduct. It was further stated that it would on occasion facilitate their operation if milk could be transferred from the Mondovi plant to a manufacturing plant which they operate at Caledonia, Minn. This plant is more than 100 but less than 150 miles from St. Paul.

To accommodate the orderly and economical marketing of the market's reserve supplies, the surplus disposal area should be expanded to encompass the territory within a radius of 150 miles from St. Paul. Located within this area are most of the manufacturing plants in Minnesota and a significant portion of the manufacturing plants in Wisconsin. The manufacturing facilities within this area are fully adequate to handle the milk not needed by order handlers for Class I purposes. Transfers to nonpool plants at greater distances are normally for Class I use.

When a fluid milk product in bulk is transferred to a nonpool plant within the surplus disposal area, the market administrator is required to verify the utilization claimed. A surplus disposal area larger than that provided would greatly increase the costs of the market administrator in verifying the utilization of occasional or irregular shipments to nonpool plants located beyond this distance. The area described will encompass the normal production area for the market and the nonpool plants where the surplus production can be conveniently handled.

The present order defines distance in terms of "airline miles". When the order was issued it was intended that the distance should be computed in a straight line rather than in terms of highway mileage. The use of statute miles was intended and the order has always been so interpreted. In computing aeronautical distances, however, nautical miles are used. Thus the term "airline mile" is frequently interpreted to mean a nautical mile of approximately 6,080 feet rather than a statute mile of 5,280 feet. To avoid confusion and insure the continuance of existing location differentials at their present rate, distance should be expressed in terms of a radius from the Minnesota Transfer Viaduct based on statute miles. This language should be incorporated in the provisions dealing with location differentials as well as with the surplus disposal area.

Prior to the amendments which became effective August 1, 1964, the transfer provisions permitted cream transferred to a nonpool plant from which no fluid milk is distributed on routes to be classified as Class II regardless of the location of the receiving plant. Through an oversight this provision was omitted from the present order when it was last amended. This provision is appropriate and desirable and, therefore, it should be reinstated in the order.

6. *Location adjustments.* No location adjustments should be applicable on milk used to produce manufactured products.

Farmers Cooperative Creamery Co. and Land O'Lakes Creameries, Inc., proposed that location adjustments be made applicable on milk used to produce cottage cheese. At the hearing, however, Land O'Lakes withdrew support of its proposal. These proposals were predicated on a separate classification and higher price for milk used to produce cottage cheese. Since it has been concluded that no change should be made in the classification or pricing of skim milk and butterfat used to produce cottage cheese, location differentials for this product become a moot question. In any event, location adjustments are not appropriate for any manufactured product, such as cottage cheese, based upon the location of the plant to which the milk is delivered. There is little or no difference in the value of milk for manufacturing uses associated with the location of the plant receiving the milk in the Twin Cities milk supply area. This is because of the low cost per hundredweight of milk equivalent involved in transporting finished manufactured products. There is no evidence in the record that prices paid by manufacturing plants within the milkshed reflect any difference in value associated with location.

7. *Butterfat differentials and butterfat in fluid skim milk.* The butterfat differentials which are used for adjusting class prices for each one-tenth percent variation in the butterfat content of the milk in each class should be revised. The Class I butterfat differential should be computed by adding 20 percent to the price of New York Grade AA butter and dividing the resulting value by 10. The Class II butterfat differential should be computed by adding 15 percent to the butter price and dividing the result by 10. The percentages presently provided in the order for Class I milk are 25 percent during December through June and 35 percent during all other months. For Class II milk 21.14 percent is added to the New York butter price.

The differentials provided herein will better reflect the respective values of skim milk and butterfat under current marketing conditions. In recent years the sales of fluid milk products containing a high proportion of butterfat have been decreasing while sales of products made up of a high percentage of solids not fat have tended to increase. This is reflected by the fact that in 1956 the average butterfat content of producer milk in Class I was 3.96 percent while in 1964 it had dropped to 3.44 percent. With too high a butterfat differential, producers do not receive their appropriate share of the Class I sales value represented by the solids not fat portion of fluid milk products. A high butterfat differential also has the effect of pricing cream for Class I use at a high level. The Class I differential adopted should give encouragement to increasing the disposition of butterfat in fluid outlets.

The Class II differential will more closely reflect actual paying prices for butterfat at local manufacturing plants. Therefore, it will facilitate the movement of butterfat in the reserve supply of milk to manufacturing outlets and eliminate the possibility of unstable marketing conditions which could arise if excess butterfat cannot be readily disposed of at the order price. As discussed above this change will also increase the value of skim milk used to produce cottage cheese.

The butterfat differential to producers should be calculated at the average of the Class I and Class II differentials weighted by the proportion of butterfat in producer milk classified in each class during the month. Under the present order the producer butterfat differential is identical to the Class II butterfat differential. The method provided herein will reflect the actual value of butterfat in producer milk at its utilization at the class prices provided by the order just as the uniform price reflects the average utilization value of the whole milk.

It was proposed that the provision in the order which permits handlers to claim 0.065 percent butterfat in fluid skim milk in the absence of actual tests should be deleted.

This provision should be revised rather than deleted. The order should provide that, if the handler fails to report the butterfat content of skim milk, or has inadequate records to substantiate a claimed butterfat content other than 0.065 percent, the market administrator shall assume a butterfat content of 0.065 percent.

At the present time it is optional with the handler whether he claims butterfat in skim milk. If he claims a butterfat content but has no records to support it, the market administrator uses the factor of 0.065 percent to determine the value of butterfat in the skim milk. If the handler does not report butterfat in the skim milk, a zero butterfat content is assumed.

For several months handlers have been having their receipts of fluid skim milk tested for butterfat content by the University of Minnesota. Results of the tests show that the butterfat content of fluid skim ranges between 0.045 and 0.080 percent and averages close to the 0.065 percent specified in the order. It is appropriate to continue to use 0.065 percent in the absence of acceptable records.

8. *Deletion of the base and excess plan.* The base and excess plan of distributing returns for milk among producers should be deleted from the order effective July 1, 1966.

Twin Cities Milk Producers Association, representing more than 75 percent of the producers in the market, proposed deletion of the base and excess plan from the order. Other producer associations serving the market supported the proposal. There was no opposition to removing the base and excess plan.

Under the present plan producers establish bases for each of the months of January through June according to average daily deliveries during the preceding July through October. During January through June separate uniform prices for base milk and excess milk are computed. The uniform price for excess milk is the Class II price. The total value of excess milk is subtracted from the total value of all producer milk and the remainder divided by the total hundredweight of base milk to determine the base price. In all other months producers receive the marketwide uniform price for all milk delivered to pool plants.

The base-excess plan was placed in the order to encourage producers to level the seasonality of milk production so as to insure an adequate supply of milk to consumers throughout the year. In past years production in the spring was considerably higher than in the fall. In 1950 for example, for every hundred pounds of milk delivered in May only 56 pounds were delivered in September by members of the Twin Cities Milk Producers Association. By 1964 the differences between spring peaks and fall lows in production had narrowed significantly. Proponents testified that the plan has served the purpose for which it was intended and the need for these provisions no longer exists.

The seasonal changes presently provided in the Class I price formula, together with the changes in the seasonality of the supply-demand adjustor recommended under issue 5 in the partial recommended decision issued November 26, 1965, should provide sufficient incentive for producers to continue the more even production pattern which has been achieved. The seasonal changes in the Class I price provide higher returns to those producers whose marketings are greatest in the fall months. Thus, without the base and excess plan there will continue to be an incentive for producers to maintain a more even seasonal production pattern.

Deleting the base and excess plan for distributing returns from milk among producers will not change the cost of milk for handlers.

The changes provided in this decision will not become effective until after the current base-forming period. Many producers in the market have arranged their production pattern to obtain the optimum benefits under the plan. These producers who have so arranged their program would be penalized to the extent that they would receive the uniform price for all their milk, rather than the higher base price for their base milk during January through June. Therefore, the base and excess plan should not be deleted from the order until after the base-paying months in 1966.

9. *Administrative changes.* Payments to the producer-settlement fund should be due on or before the 18th day after the end of the month, and payments should be made out of the fund on or before the 19th day after the end of each month. The order presently provides that these payments be made by the 16th and 17th day of the month, respectively.

These changes were proposed by the major cooperative association in the market. Under present circumstances handlers may not be notified of their obligation to the producer-settlement fund until as late as the 15th day of the month under the present order. From a purely mechanical standpoint, it is difficult for handlers to comply with the present payment date. It is concluded that adoption of these changes should ease this compliance problem.

Ruling on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Minneapolis-St. Paul, Minn., marketing area is recommended as the detailed and appropriate means by

which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

§ 1068.9 [Amended]

1. In the proviso of § 1068.9(a) the figures "40" and "60" are changed to "30" and "50", respectively.

2. Section 1068.17 is revised to read as follows:

§ 1068.17 Base milk.

"Base milk" means producer milk received by a handler from a producer(s) during each of the months of January through June 1966, which is not in excess of such producer's daily base computed pursuant to § 1068.75, multiplied by the number of days in such month.

3. Section 1068.18 is revised to read as follows:

§ 1068.18 Excess milk.

"Excess milk" means producer milk received by a handler from a producer(s) during each of the months of January through June 1966, which is in excess of base milk received from such producer during such month.

4. In § 1068.30 subparagraph (a)(4) is revised to read as follows:

§ 1068.30 Monthly reports of receipts and utilization.

(a) • • •

(4) The aggregate quantities of base milk and excess milk received (for January through June 1966); and

• • • • • •

5. In § 1068.44 paragraphs (d) and (e) are revised to read as follows:

§ 1068.44 Transfers.

• • • • • •

(d) As Class I milk, if transferred to a nonpool plant that is neither an other order plant nor a producer-handler plant and is located beyond a 150-mile radius from the Minnesota Transfer Viaduct over University Avenue in St. Paul, Minn., except that cream so transferred in bulk form shall be Class II if no fluid milk products are distributed on routes from the receiving plant;

(e) As Class I milk, if transferred in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant and is within a radius of 150 miles from the Minnesota Transfer Viaduct over University Avenue in St. Paul, Minn., unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

• • • • • •

6. Section 1068.55 is revised to read as follows:

§ 1068.55 Location differential to handlers.

The Class I price for producer milk and other source milk (for which a location adjustment is applicable) at a plant located beyond a radius of 15 miles from the Minnesota Transfer Viaduct over University Avenue in St. Paul, Minn., shall be reduced by the amount indicated below. Such deduction shall be based on the mileage as computed by the market administrator:

Location of plant (miles):	Amount of deduction (cents)
15 to 20	8
20 to 30	10
30 to 40	12
40 to 50	14
50 to 60	15
60 to 70	16
70 or over	[1] 17

[1] Plus an additional 1 cent for each 10 miles or fraction thereof in excess of 80 miles.

7. In § 1068.56 paragraphs (a) and (b) are revised as follows:

§ 1068.56 Butterfat differentials to handlers.

• • • • • •

(a) *Class I milk.* To the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93 score) butter at New York, as reported by the Department of Agriculture for the preceding month, add 20 percent, and divide the sum obtained by 10.

(b) *Class II milk.* To the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93 score) butter at New York, as reported by the Department of Agriculture for the month, add 15 percent, and divide the sum obtained by 10.

• • • • • •

8. Section 1068.63 is revised to read as follows:

§ 1068.63 Butterfat in fluid skim milk.

For classification purposes, pursuant to §§ 1068.40 through 1068.46, butterfat in skim milk either disposed of to others or used in the manufacture of milk products shall be accounted for at a butterfat content of 0.065 percent, unless the handler has adequate records of the actual butterfat content of such skim milk.

9. In § 1068.72 the introductory text is revised to read as follows:

§ 1068.72 Computation of uniform price for base milk.

For each of the months of January through June 1966, the market administrator shall compute a price per hundredweight for base milk of producers as follows:

• • • • • •

10. In § 1068.80 subparagraphs (b) (1) and (2) are revised to read as follows:

§ 1068.80 Time and method of payment.

• • • • • •

(b) • • •

(1) For the months of July through December 1966, and for all months thereafter, at not less than the uniform price computed pursuant to § 1068.71, subject to the butterfat and location differentials set forth in §§ 1068.81 and 1068.82, and less the amount of payment made pursuant to paragraph (c) of this section; and

(2) For the months of January through June 1966, at not less than the price for base milk computed pursuant to § 1068.72 for all base milk received from such producer, and at not less than the uniform price for excess milk for all milk received from such producer in excess of his base milk, subject in both cases to the butterfat and location differentials set forth in §§ 1068.81 and 1068.82, and less the amount of payment made pursuant to paragraph (c) of this section.

11. Section 1068.81 is revised to read as follows:

§ 1068.81 Butterfat differential to producers.

The uniform prices pursuant to §§ 1068.71 and 1068.72 shall be increased or decreased for each one-tenth of 1 percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I and Class II milk pursuant to § 1068.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth cent.

12. In § 1068.82 paragraph (a) is revised is read as follows:

§ 1068.82 Location differentials to producers and on nonpool milk.

(a) In making payments pursuant to § 1068.80 (b) and (c) for milk received at a pool plant located beyond the radius of 15 miles from the Minnesota Transfer Viaduct over University Avenue in St. Paul, Minn., each handler shall deduct from the applicable price payable to such producers the amount indicated below. Such deduction shall be based on the mileage as computed by the market administrator:

Location of plant (miles):	Amount of deduction (cents)
15 to 20	8
20 to 30	10
30 to 40	12
40 to 50	14
50 to 60	15
60 to 70	16
70 or over	[1] 17

[1] Plus an additional 1 cent for each 10 miles or fraction thereof in excess of 80 miles.

§ 1068.84 [Amended]

13. In the introductory text of § 1068.84 the date "16th" is changed to "18th".

§ 1068.85 [Amended]

14. In § 1068.85 the date "17th" is changed to "19th".

15. In § 1068.87 paragraph (b) is revised to read as follows:

§ 1068.87 Statement to producers.

• • • • • •

(b) The total pounds and the average butterfat content of the milk received from the producer, and for the months of January through June 1966, the pounds of base milk and pounds of excess milk;

• • • • • •

Signed at Washington, D.C., on December 10, 1965.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 65-13433; Filed, Dec. 15, 1965; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 39]

[Docket No. 7065]

AIRWORTHINESS DIRECTIVES

Lycoming Model IO-360-A1A Series Engines

The Federal Aviation Agency is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Lycoming Model IO-360-A1A series engines. There have been failures of the connecting rods on the subject engines. Since this condition is likely to exist or develop in other engines of the same design, the proposed AD would require replacement of existing connecting rods with new redesigned connecting rods on Lycoming Model IO-360-A1A series engines.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before January 17, 1966, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

LYCOMING. Applies to Model IO-360-A1A engines with serial numbers 101-51 through 1231-51A, and all engines remanufactured by Lycoming prior to December 1, 1964.

Compliance required as indicated.

To prevent further failures of connecting rod assemblies, P/N 74503, accomplish the following:

(a) Replace connecting rod assemblies P/N 74503 with 200 or more hours' time in service on the effective date of this AD with connecting rod assembly P/N 75059 within the next 50 hours' time in service in accordance with Lycoming Service Bulletin No. 302 or later FAA-approved revision.

(b) Replace connecting rod assemblies P/N 74503 with less than 200 hours' time in service on the effective date of this AD with connecting rod assembly P/N 75059 before the accumulation of 250 hours' time in service in accordance with Lycoming Service Bulletin No. 302 or later FAA-approved revision.

Issued in Washington, D.C., on December 10, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-13412; Filed, Dec. 15, 1965; 8:45 a.m.]

Notices

INTERSTATE COMMERCE COMMISSION

[Notice 856]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

DECEMBER 10, 1965.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of § 1.247(d)(4) of the special rule. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 2980 (Sub-No. 3), filed November 26, 1965. Applicant: LANDGREBE MOTOR TRANSPORT, INC., State Road 130, Valparaiso, Ind. Applicant's representative: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind., 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), moving in a circuitous manner, from La Crosse, Ind., over U.S. Highway 421 to junction Indiana Highway 10, thence over Indiana Highway 10 to Culver, Ind., thence north over Indiana Highway 17 to junction Indiana Highway 8, thence west over Indiana Highway 8 to La Crosse, Ind., serving all intermediate points, and serving points bounded by the above-named highways as off-route points NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 11899 (Sub-No. 15), filed November 22, 1965. Applicant: STEVENS TRUCK LINES, INC., 893 Ridge Road, Webster, N.Y., 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs, including canned carbonated beverages*, from Le Roy, Mount Morris (Leicester) and Oakfield, N.Y., to Baltimore, Bethesda and Landover, Md., and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Rochester, N.Y.

No. MC 19227 (Sub-No. 96), filed November 26, 1965. Applicant: LEONARD BROS. TRANSFER, INC., 2595 Northwest 20th Street, Miami, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water cooling towers and parts* thereof when moving with such towers, from Glasgow, Mo., to points in Arizona, California, Colorado, Nevada, and Utah. NOTE: If a hearing is deemed necessary, applicant requests that it be held at Miami, Fla., or Washington, D.C.

No. MC 19227 (Sub-No. 97), filed November 26, 1965. Applicant: LEONARD BROS. TRANSFER, INC., 2595 Northwest 20th Street, Miami, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water cooling towers and parts thereof*, when moving with such towers, from Glasgow, Mo., to points in Arkansas, Kansas, Louisiana, Mississippi, Nebraska, New Mexico, Oklahoma, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Washington, D.C.

No. MC 19227 (Sub-No. 98), filed November 26, 1965. Applicant: LEONARD BROS. TRANSFER, INC., 2595 Northwest 20th Street, Miami, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water cooling towers and parts thereof* when moving with such towers, from Glasgow, Mo., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Washington, D.C.

No. MC 19227 (Sub-No. 100), filed December 1, 1965. Applicant: LEONARD BROS. TRANSFER, INC., 2595 Northwest 20th Street, Miami, Fla., 33142. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, semitrailers, trailer chassis* and *semitrailer chassis* (except those designed to be drawn by passenger automobiles), in truckaway and driveaway service, between Birmingham, and Haleyville, Ala., and Collins, Miss., on the one hand, and, on the other, points in the United States including Alaska, but excluding Hawaii, and (2) *tractors* in secondary driveaway service only when drawing trailers moving in initial driveaway service, between Birmingham and Haleyville, Ala. and Collins, Miss., on the one hand, and, on the other, points in the United States including Alaska, but excluding Hawaii. NOTE: If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 21170 (Sub-No. 133), filed December 6, 1965. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles* distributed by meat packinghouses as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Mankato and Worthington, Minn., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to traffic originating at the plant site and storage facilities utilized by Armour and Company at or near Mankato and Worthington, Minn. NOTE: If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 29805 (Sub-No. 9), filed November 22, 1965. Applicant: GULF STATES TRUCK LINES, INC., 8801 Linwood Avenue, Shreveport, La. Applicant's representative: Robert L. Garrett, Slattery Building, Shreveport, La., 71101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Structural steel forms, metal tanks*, and *tank car parts*, from Texarkana, Ark.-Tex., to Shreveport, La., and (2) *metal tanks* of all types and kinds, from Shreveport, La., to Texarkana, Ark.-Tex. NOTE: Applicant states duplication of authority is not sought. If a hearing is deemed necessary, applicant requests it be held at Shreveport, La.

No. MC 29886 (Sub-No. 220), filed November 26, 1965. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's representative: Charles M. Pieroni (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A)(1) *Front-end shovel loaders*, assembled, and *industrial lift trucks*, assembled, which because of size or weight require special equipment, and (2) *front-end shovel loaders*, assembled, and *industrial lift trucks*, assembled, which do not require the use of special equipment when moving in the same shipment or in the same vehicle with front end shovel loaders or industrial lift trucks which because of size or weight require the use of special equipment, from San Leandro, Calif., to points in the United States (except those in Arizona, Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, Texas, and Utah). NOTE: Applicant states it holds authority in (1) above in its Sub 99 and is not requesting any extension of territory. Applicant is seeking only an extension of authority in (2) above. (B)(1) *Front-end shovel loaders*, assembled, and *industrial lift trucks*, assembled, which, because of size or weight require special equipment, and (2) *front-end shovel loaders*, assembled, and *industrial lift trucks*, assembled, which do not require the use of special equipment when moving in the same shipment or in the same vehicle with front-end shovel loaders or industrial lift trucks which because of size or weight require the use of special equipment, from points in the United States (except those in Alaska, Arizona, Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, Texas, and Utah), to San Leandro, Calif. NOTE: Applicant states it holds authority in (1) above in its Sub 137 and is not requesting any extension of territory. Applicant is seeking only an extension of authority in (2) above. (C)(1) *Lift trucks*, which, because of size or weight, require the use of low-bed equipment, and (2) *lift trucks*, which do not require the use of special equipment when moving in the same shipment or in the same vehicle with lift trucks which because of size or weight require the use of special equipment, from Philadelphia, Pa., to points in Arizona, Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, Texas, Connecticut, Delaware, Illinois, Mair ., Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Virginia, Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, California, Colorado, Idaho, Iowa, Minnesota, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, Wyoming, and the District of Columbia. NOTE: Applicant states it holds authority in (1) above in its Sub 168 and is not requesting any extension of territory.

Applicant is seeking only an extension of authority in (2) above. (D)(1) *Such commodities*, which because of size or weight require special handling or the use of special equipment (except automobiles, trucks, buses, trailers, cabs, chassis, and cement in bulk), and (2) *such commodities*, which do not require the use of special equipment when moving in the same shipment or in the same vehicle with such commodities which because of size or weight require the use of special equipment (except automobiles, trucks, buses, trailers, cabs, chassis, and cement in bulk), between points in Ohio on and north of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 30 to junction U.S. Highway 30N, near Delphos, Ohio, thence along U.S. Highway 30N to junction U.S. Highway 30, near Mansfield, Ohio, and thence along U.S. Highway 30 to the Ohio-West Virginia State line, points in Indiana and Illinois, and points in New York on and west of a line beginning at Rochester, N.Y., and extending along U.S. Highway 15 to junction New York Highway 245, thence along New York Highway 245 to junction New York Highway 39, thence along New York Highway 39 to junction U.S. Highway 219, thence along U.S. Highway 219 to the New York-Pennsylvania State line. NOTE: Applicant states it holds authority in (1) above in its Sub 184 and is not requesting any extension of territory. Applicant is seeking only an extension of authority in (2) above. (E)(1) *Contractor's machinery and equipment*, and *such commodities* which because of size or weight require the use of special equipment or special handling, and (2) *contractors' machinery and equipment*, and *such commodities* which do not require the use of special equipment or special handling, when moving in the same shipment or in the same vehicle with contractors' machinery and equipment and such commodities which because of size or weight require the use of special equipment or special handling, between points in Michigan on and south of a line extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., thence along business route Interstate Highway 96 (formerly U.S. Highway 16) to Lansing, Mich., thence on and west of a line extending along U.S. Highway 127 to Jackson, Mich., thence along unnumbered highway (formerly portion U.S. Highway 127) to junction U.S. Highway 12 (formerly portion U.S. Highway 127), near Somerset Center, Mich., thence along U.S. Highway 12 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Michigan-Ohio State line, on the one hand, and, on the other, points in Illinois, Indiana, Ohio, and Wisconsin. NOTE: Applicant states it holds authority in (1) above in its Sub 189 and is not requesting any extension of territory. Applicant is seeking only an extension of authority in (2) above.

(F)(1) *Commodities*, the transportation of which because of size or weight require the use of special equipment, and *related machinery parts, and related contractors' materials and supplies* when their transportation is incidental to the transportation by carrier of commodities which by reason of size or weight require the use of special equipment, and (2) *commodities*, the transportation of which does not require the use of special equipment, and *related machinery parts, and related contractors' materials and supplies* when their transportation is incidental to the transportation by carrier of commodities which do not require the use of special equipment, (1) between points in Michigan, restricted against the transportation in interstate or foreign commerce, of any traffic the origin and destination of which are both within 35 miles of Detroit, Mich., including Detroit, and (2) between points in that part of Michigan on, south, and west of a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to junction business route Interstate Highway 96 (formerly U.S. Highway 16), thence along business route Interstate Highway 96 to Lansing, Mich., and thence along U.S. Highway 127 to the Michigan-Ohio State line, on the one hand, and, on othe other, points in Connecticut, Iowa, Missouri, New Jersey, New York, and Pennsylvania. NOTE: Applicant states it holds authority in (1) above in its Sub 189 and is not requesting any extension of territory. Applicant is seeking only an extension of authority in (2) above. (G)(1) *Commodities*, the transportation of which because of size or weight require the use of special equipment, and *related materials, supplies, and parts* of such commodities, when their transportation is incidental to the transportation of commodities which because of size or weight require the use of special equipment, and (2) *commodities*, the transportation of which does not require the use of special equipment, and *related materials, supplies, and parts* of such commodities, when their transportation is incidental to the transportation of commodities which do not require the use of special equipment, between the plant site of Bethlehem Steel Corp., Burns Harbor, Porter County, Ind., on the one hand, and, on the other, points in Iowa, Missouri, and Wisconsin. Restriction: The authority herein is restricted to the transportation of shipments originating at, or destined to, the plant site of Bethlehem Steel Corp., Burns Harbor, Porter County, Ind. NOTE: Applicant states it holds authority in (1) above in its Sub 198 and is not requesting any extension of territory. Applicant is seeking only an extension of authority in (2) above. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 30844 (Sub-No. 203), filed November 26, 1965. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 5000, Waterloo, Iowa. Applicant's representative: Truman A. Stock-

[1] Copies of Special Rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

ton, Jr., The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plant site of the Snyder Packing Co., located in Adams County, Nebr., to points in Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Washington, D.C.

No. MC 50069 (Sub-No. 338), filed November 26, 1965. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 930 North York Road, Hinsdale, Ill., 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid corn syrup*, in bulk, in tank vehicles, from Terre Haute, Ind., to Chicago, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 53965 (Sub-No. 46), filed November 26, 1965. Applicant: GRAVES TRUCK LINE, INC., Salina, Kans. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans., 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Schuyler, Nebr., to points in Arkansas, Louisiana, Missouri, Kansas, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, and Texas, points in Laramie County, Wyo., and points in Sedgwick, Logan, Weld, Larimer, Boulder, Morgan, Phillips, Yuma, Washington, Jefferson, Adams, Arapahoe, Douglas, Elbert, Kit Carson, Lincoln, El Paso, Cheyenne, Kiowa, Crowley, Pueblo, Huerfano, Las Animas, Baca, Prowers, Bent, and Otero Counties, Colo. NOTE: Applicant states the proposed service to be restricted to traffic originating at the plant site of Spencer Packing Co. at Schuyler, Nebr. If a hearing is deemed necessary, applicant does not specify any particular area.

No. MC 57798 (Sub-No. 2), filed November 22, 1965. Applicant: BAKER MOTOR EXPRESS, INC., 18 Livingston Street, Warsaw, N.Y., 14569. Applicant's representative: Raymond A. Richards, 35 Curtice Park, Post Office Box 25, Webster, N.Y., 14580 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (a) between points in Erie County, N.Y., (b) between points in Wyoming County, N.Y., (c) between points in Erie County, N.Y., on the one hand, and, on the other, points in Cattaraugus, Genesee, Livingston, and Wyoming Counties, N.Y., and (d) between points in Wyoming County, N.Y., on the one hand, and, on the other, points in Cattaraugus, Genesee, and Livingston Counties, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Rochester, N.Y.

No. MC 59150 (Sub-No. 22), filed November 22, 1965. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Fla. Applicant's representative: Martin Sack, Jr., 710 Atlantic Bank Building, Jacksonville, Fla., 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Articles* requiring specialized handling or rigging, (a) between points in Florida, on the one hand, and, on the other, points in Georgia; and (b) between Jacksonville, Fla., on the one hand, and, on the other, points in Florida, and (2) *articles* which do not require specialized handling or rigging when moving in the same shipment or in the same vehicle with articles requiring specialized handling or rigging, (a) between points in Florida, on the one hand, and, on the other, points in Georgia; and (b) between Jacksonville, Fla., on the one hand, and, on the other, points in Florida; (B) (1) *articles* requiring specialized handling or rigging because of size or weight, between points in Florida, on the one hand, and, on the other, points in Alabama, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, and (2) *articles* which do not require specialized handling or rigging because of size or weight when moving in the same shipment or in the same vehicle with articles requiring specialized handling or rigging because of size or weight, between points in Florida, on the one hand, and, on the other, points in Alabama, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia. NOTE: Applicant presently holds the authority in (A) (1) and (B) (1) above and is not requesting any extension of territory. Applicant is seeking only an extension of authority in (A) (2) and (B) (2) above. If a hearing is deemed necessary, applicant does not specify location.

No. MC 59150 (Sub-No. 23), filed November 22, 1965. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Box 47 (Station G), Jacksonville, Fla. Applicant's representative: Martin Sack, Jr., Atlantic National Bank Building, Jacksonville, Fla., 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic conduit* and *plastic pipe, cement conduit and cement pipe* containing asbestos fiber, and *couplings, rings*, and *accessories* for installation thereof, from Green Cove Springs, Fla., to points in Virginia, West Virginia, Delaware, Maryland, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 61396 (Sub-No. 147), filed November 26, 1965. Applicant: HERMAN BROS. INC., 2501 North 11th Street, Post Office Box 189 (downtown station), Omaha, Nebr. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, from the site of Consumers Co-op warehouse near Council Bluffs, Iowa, to points in Iowa, Colorado, Kansas, Minnesota, Nebraska, and South Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 64112 (Sub-No. 26), filed November 26, 1965. Applicant: NORTHEASTERN TRUCKING COMPANY, a corporation, 2508 Starita Road, Charlotte, N.C. Applicant's representative: W. Delbert Turner, Sr., Post Office Box 3661, Charlotte, N.C., 28203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden doors* and *plywood*, from Fayetteville, and Vander, N.C., to points in New York on and east of New York Highway 12 and points in Connecticut, Massachusetts, and Rhode Island. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 65697 (Sub-No. 2) (Petition for Interpretation), filed August 27, 1965. Petitioner: THEATRES SERVICE COMPANY, a corporation, Atlanta, Ga. Petitioner's representative: David A. Sutherlund, 1120 Connecticut Avenue NW., Washington, D.C., 20036. As here involved, petitioner holds authority in No. MC 65697 (Sub-No. 2), to transport: "• • • magazines, books, and periodicals consigned to or from magazine dealers and distributors • • •", over specified regular routes in Alabama, Georgia, and Tennessee. By the instant petition, petitioner requests the Commission (1) institute a proceeding to interpret its right to transport "books" under the authority issued in MC 65697 (Sub-No. 2), and (2) set the matter down for oral hearing so that it may produce witnesses to demonstrate that its transportation of "books" is, and has been, lawful. Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading, consisting of an original and six copies each. NOTE: An application for permanent authority was filed concurrently, and has been assigned No. MC 65697 (Sub-No. 34). This petition and the permanent authority application will be handled together.

No. MC 65697 (Sub-No. 34), filed August 27, 1965. Applicant: THEATRES SERVICE COMPANY, a corporation, Post Office Box 1695, Atlanta, Ga. Applicant's representative: David A. Sutherlund, 1120 Connecticut Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Magazines, books, and periodicals*, (A) between Atlanta, Ga., and points in Alabama, Tennessee, and Georgia, as follows: (1) From Atlanta over U.S. Highway 78 via Anniston, Ala., to Birmingham, Ala.; (2) from Atlanta to Anniston, Ala., as specified above, thence over U.S. Highway 431 via Gadsden, Ala., to Attalla, Ala., thence over U.S. Highway 11 to Birmingham; (3) from Atlanta to Gadsden, Ala., as specified above, thence over U.S. Highway 11 to Birmingham; (4) from Atlanta over U.S. Highway 29 to Tuskegee, Ala., thence over unnumbered highway to East Tallassee, Ala., thence over Alabama Highway 14 to Wetumpka, Ala., and thence over U.S. Highway 231 to Montgomery, Ala.; (5) from Atlanta to Tuskegee as specified above, thence over U.S. Highway 80 to Montgomery; (6) from Atlanta to Tuskegee as specified above, thence over Alabama Highway 81 to Notasulga, Ala., thence over Alabama Highway 14 to East Tallassee, Ala., and thence to Montgomery as specified above; (7) from Atlanta over U.S. Highway 41 via Murfreesboro, Tenn., to Nashville, Tenn.; (8) from Atlanta to Murfreesboro, Tenn., as specified above, thence over U.S. Highway 231 to Lebanon, Tenn., and thence over U.S. Highway 70N to Nashville; (9) from Atlanta to Lebanon as specified above, thence over U.S. Highway 70N to junction Tennessee Highway 45, thence over Tennessee 45 to junction U.S. Highway 31E, and thence over U.S. Highway 31E to Nashville; (10) from Atlanta over U.S. Highway 29 to Moreland, Ga., thence over Georgia Highway 41 to Harris, Ga., thence over Georgia Highway 18 to Pine Mountain, Ga., and thence over U.S. Highway 27 to Columbus, Ga.; (11) from Atlanta over U.S. Highway 278 to junction Georgia Highway 11, thence over Georgia Highway 11 to Monroe, Ga., thence return over Georgia Highway 11 to Social Circle, Ga., thence over Georgia Highway 229 to junction U.S. Highway 278, and thence over U.S. Highway 278 to Union Point, Ga.; (12) from Atlanta over U.S. Highway 278 to Union Point; (13) from Atlanta over U.S. Highway 19 to Thomaston, Ga., thence over Georgia Highway 36 to Barnesville, Ga., and thence over U.S. Highway 41 to Macon, Ga.; (14) from Atlanta over U.S. Highway 41 via Griffin, Ga., to Barnesville, Ga., and thence continuing over U.S. Highway 41 to Macon as specified above; (15) from Atlanta over U.S. Highway 29 to junction Georgia Highway 72, thence over Georgia Highway 72 via Comer, Ga., to Elberton, Ga.

(16) From Atlanta over U.S. Highway 29 to Hartwell, Ga., thence over Georgia Highway 7 to Elberton; (17) from Atlanta over U.S. Highway 23 to Gainesville, Ga., thence over U.S. Highway 129 to Jefferson, Ga., and thence over Georgia Highway 15 to Commerce, Ga.; (18) from Atlanta over U.S. Highway 29 to Winder, Ga., thence over Georgia Highway 11 to Jefferson, Ga., and thence to Commerce as specified above; (19) from Atlanta over U.S. Highway 78 to Villa Rica, Ga., thence over Georgia Highway 61 to junction Georgia Highway 166, thence over Georgia Highway 166 to Carrollton, Ga., and thence over U.S. Highway 27 to Cedartown, Ga.; (20) from Atlanta over U.S. Highway 78 to Austell, Ga., thence over U.S. Highway 278 to Cedartown; (21) from Atlanta over U.S. Highway 41 to Cass Station, Ga., thence over Georgia Highway 20 to Rome, Ga., thence over Georgia Highway 53 to Calhoun, Ga., thence over U.S. Highway 41 to Dalton, Ga., and thence over U.S. Highway 76 to Chatsworth, Ga.; (22) from Atlanta over U.S. Highway 41 to Calhoun, Ga., and thence to Chatsworth as specified above; (23) from Atlanta over U.S. Highway 78 to Monroe, Ga.; (24) from Atlanta over U.S. Highway 29 to Winder, Ga., thence over Georgia Highway 11 to Monroe, and return over these routes to Atlanta. Service is proposed to and from the off-route points of Fort McClellan, Riverview, Prattville, Maxwell Field, and Phenix City, Ala., Sewanee, Tenn., and Fort Benning, Millstead, Porterdale, Mansfield, and Newborn, Ga.; (25) from Atlanta over U.S. Highway 19 via Albany, Ga., to Thomasville, Ga., thence over U.S. Highway 84 to Donalsonville, Ga.; and return to Albany as specified above, thence over U.S. Highway 82 to Dawson, Ga., thence over Georgia Highway 55 to Richland, Ga., thence over U.S. Highway 280 to Columbus, Ga., thence over U.S. Highway 80 to Talbotton, Ga., thence over Georgia Highway 41 to Harris, Ga., and thence to Atlanta as specified above. (B) Between Chattanooga, Tenn., and Nashville and Knoxville, Tenn., and Rome, Ga., as follows:

(1) From Chattanooga over U.S. Highway 41 to Monteagle, Tenn., thence over U.S. Highway 64 to Winchester, Tenn., thence over U.S. Highway 41A to Shelbyville, Tenn., thence over U.S. Highway 231 to Murfreesboro, Tenn., and thence over U.S. Highway 41 to Nashville; (2) from Chattanooga over U.S. Highway 11 to Knoxville; (3) from Chattanooga over U.S. Highway 11 to Athens, Tenn., thence over Tennessee Highway 30 to Etowah, Tenn., and thence over U.S. Highway 411 to Knoxville; (4) from Chattanooga over U.S. Highway 27 to Rome, and return over these routes to Chattanooga. Service is proposed to and from the off-route points of Chickamauga and Lindale, Ga. (C) Between Knoxville, Tenn., and Elizabethton and LaFollette, Tenn., as follows: (1) From Knoxville over U.S. Highway 11E to Greeneville, Tenn., thence over Tennessee Highway 93 to junction Tennessee Highway 81, thence over Tennessee Highway 81 to junction U.S. Highway 23, thence over U.S. Highway 23 through Kingsport, Tenn., to Johnson City, Tenn., and thence over U.S. Highway 321 to Elizabethton; (2) from Knoxville to Kingsport as specified above, thence over U.S. Highway 11W to Bristol, Tenn., thence over U.S. Highway 11E to Johnson City, Tenn., and thence to Elizabethton as specified above; (3) from Knoxville over U.S. Highway 11W via Kingsport, Tenn., to Bristol, Tenn., thence over U.S. Highway 11E to junction U.S. Highway 19E, and thence over U.S. Highway 19E to Elizabethton; (4) from Knoxville over U.S. Highway 11E to Johnson City, Tenn., thence to Elizabethton as specified above; (5) from Knoxville over U.S. Highway 441 to junction U.S. Highway 411, thence over U.S. Highway 411 via Newport, Tenn., to Greeneville, Tenn., thence over U.S. Highway 11E to Tusculum, Tenn., thence over Tennessee Highway 107 to junction Tennessee Highway 81, thence over Tennessee Highway 81 to Erwin, Tenn., thence over U.S. Highway 23 to Johnson City, Tenn., and thence to Elizabethton as specified above; (6) from Knoxville over U.S. Highway 70 to Newport, Tenn., thence to Greeneville, Tenn., as specified above, thence over U.S. Highway 11E to Jonesboro, Tenn., thence over Tennessee Highway 81 to Erwin, Tenn., and thence to Elizabethton as specified above; (7) from Knoxville over U.S. Highway 25W to LaFollette, Tenn.; (8) from Knoxville over Tennessee Highway 33 to junction Government Road, thence over Government Road to Coal Creek, Tenn., and thence over U.S. Highway 25W to LaFollette; (9) from Knoxville over U.S. Highway 11E to Whitesburg, Tenn., thence over Tennessee Highway 66A to junction Tennessee Highway 66, thence over Tennessee Highway 66 to junction Tennessee Highway 70, thence over Tennessee Highway 70 to Rogersville, Tenn., thence over U.S. Highway 11W to Kingsport, Tenn., thence over U.S. Highway 23 to junction Tennessee Highway 81, thence over Tennessee Highway 81 to Jonesboro, Tenn., thence over U.S. Highway 11E to Johnson City, Tenn., and thence to Elizabethton as specified above; and return over these routes to Knoxville.

(D) Between Birmingham, Ala., and Florence, Ala., as follows: (1) from Birmingham over U.S. Highway 31 to Decatur, Ala., thence over Alabama Highway 20 to Tuscumbia, Ala., and thence over U.S. Highway 43 to Florence; (2) from Birmingham over U.S. Highway 78 to Jasper, Ala., thence over Alabama Highway 5 to Phil Campbell, Ala., and thence over U.S. Highway 43 to Florence, and return over these routes to Birmingham. Service is proposed to and from the off-route point of Cordova, Ala. (E) Between Montgomery, Ala., and Prattville, Ala.: From Montgomery over U.S. Highway 31 to junction Alabama Highway 14, thence over Alabama Highway 14 to Prattville, and return over the same route. Service is proposed to and from all intermediate points on each of the above described routes. NOTE: Applicant states that the authority sought herein to transport "magazines, books, and periodicals" corresponds exactly to the authority presently held in MC 65697 (Sub-No. 2) to transport "magazines, books, and periodicals, consigned to or from magazine dealers or distributors" except for minor modifications to reflect changes in highway numbers. The purpose of the instant application is simply to modify the existing authority so as to permit the transportation of "magazines, books, and periodicals" not consigned to or from magazine dealers or distributors. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 90373 (Sub-No. 23), filed November 23, 1965. Applicant: C. & R. TRUCKING CO., a corporation, Inman Avenue, Avenel, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paint, varnishes, shellacs, plasticizers, adhesives, and materials and supplies used in the manufacture thereof*, between the plant site of the Socony Paint Products Co., Inc., at the township of Edison, N.J., on the one hand, and, on the other, New York, N.Y., points in Nassau, Suffolk, Westchester, Orange, and Rockland Counties, N.Y., points in Fairfield County, Conn., and points in Pennsylvania east of U.S. Highways 11 and 111. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 97911 (Sub-No. 3), filed November 18, 1965. Applicant: DEARMAN TRANSPORTATION CO., INC., 906 Fifth Avenue, Post Office Box 203, Mansfield, Ohio. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), (1) between Toledo, Ohio, and Portsmouth, Ohio, over U.S. Highway 23, serving all intermediate points and the off-route points of Lancaster, Wyandot, and Nevada, Ohio; (2) between Conneaut, Ohio, and Toledo, Ohio, (a) over U.S. Highway 20, and (b) from Conneaut over Ohio Highway 7 to junction Interstate Highway 90, thence over Interstate Highway 90 to Toledo, and return over the same route, serving all intermediate points in (a) and (b) above, and the off-route points of Grafton, Oberlin, Lagrange, Avon, and Berlin Heights, Ohio; (3) between Ashtabula, Ohio, and Loudonville, Ohio, from Astabula over Ohio Highway 46 to junction Ohio Highway 5, thence over Ohio Highway 5 to junction Ohio Highway 3, thence over Ohio Highway 3 to Loudonville, and return over the same route, serving all intermediate points and the off-route points of Girard, Niles, Lordstown, Wadsworth, Rittman, Orrville, Marshallville, Shreve, Lakeville, and Big Prairie, Ohio; (4) between East Liverpool, Ohio, and Upper Sandusky, Ohio, from East Liverpool over U.S. Highway 30 to junction U.S. Highway 30N, thence over U.S. Highway 30N to Upper Sandusky, and return over the same route, serving all intermediate points and the off-route points of Salem, Alliance, Louisville, Orrville, Kidron, North Robinson, and Nevada, Ohio; (5) between Mansfield, Ohio, and Marion, Ohio, from Mansfield over U.S. Highway 30 to junction U.S. Highway 30S, thence over U.S. Highway 30S to Marion, and return over the same route, serving all intermediate points; (6) between Cleveland, Ohio, and Columbus, Ohio, (a) from Cleveland over U.S. Highway 42 to junction U.S. Highway 23, thence over U.S. Highway 23 to Columbus, and return over the same route, serving all intermediate points and the off-route points of Spencer, Polk, Red Haw, Ashland, Lattasburg, Pavonia, Edison, Denmark, and Marengo, Ohio, and (b) over Interstate Highway 71, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's regular route operations; (7) between Cleveland, Ohio, and Fremont, Ohio, over U.S. Highway 6, serving all intermediate points and the off-route points of Avon, Amherst, and Berlin Heights, Ohio; (8) between Sandusky, Ohio, and Marion, Ohio, over Ohio Highway 4, serving all intermediate points.

(9) Between Sandusky, Ohio, and junction of Ohio Highway 13 and U.S. Highway 40, over Ohio Highway 13, serving all intermediate points and the off-route points of Huron, New London, Coshocton, Butler, and Lancaster, Ohio; (10) between New Haven, Ohio, and junction Ohio Highway 39 and U.S. Highway 21, from New Haven over Ohio Highway 61 to junction Ohio Highway 39, thence over Ohio Highway 39 to junction U.S. Highway 21, and return over the same route, serving all intermediate points and the off-route points of New Washington, Tiro, Lakeville, Big Prairie, Shreve, Mount Hope, Fredericksburg, and Coshocton, Ohio; (11) between Akron, Ohio, and Fostoria, Ohio, from Akron over U.S. Highway 224 to junction Ohio Highway 18, thence over Ohio Highway 18 to Fostoria, and return over the same route, serving all intermediate points and the off-route points of Wadsworth, Seville, LeRoy, Spencer, Rittman, and Tiffin, Ohio; (12) between Cleveland, Ohio, and Dayton, Ohio, from Cleveland over U.S. Highway 21 to junction U.S. Highway 40, thence over U.S. Highway 40 (also over Interstate Highway 70) to junction U.S. Highway 42, thence over U.S. Highway 42 to junction U.S. Highway 35, thence over U.S. Highway 35 to Dayton, and return over the same route, serving all intermediate points and the off-route points of Peninsula, Coshocton, and Lancaster, Ohio; (13) between Columbus, Ohio, and junction Interstate Highway 71 and U.S. Highway 35, over Interstate Highway 71, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's regular route operations; (14) between Wooster, Ohio, and Mount Vernon, Ohio, from Wooster over Ohio Highway 76 to junction U.S. Highway 62, thence over U.S. Highway 62 to junction U.S. Highway 36, thence over U.S. Highway 36 to Mount Vernon, and return over the same route, serving all intermediate points and the off-route points of Killbuck and Fredericksburg, Ohio; (15) between Ashtabula, Ohio, and Akron, Ohio, from Ashtabula over Ohio Highway 46 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction Ohio Highway 44, thence over Ohio Highway 44 to junction Ohio Highway 5, thence over Ohio Highway 5 to Akron, and return over the same route, serving all intermediate points and the off-route points of Aurora and Garrettsville, Ohio.

(16) Between Cleveland, Ohio, and Warren, Ohio, over U.S. Highway 422, serving all intermediate points and the off-route points of Aurora, Garrettsville, Newton Falls, Lordstown, Niles, and Girard, Ohio; (17) between Cleveland, Ohio, and East Sparta, Ohio, over Ohio Highway 8, serving all intermediate points and the off-route points of Hudson, Peninsula, Aurora, Hartville, Alliance, Salem, and Louisville, Ohio; (18) between Wooster, Ohio, and junction U.S. Highway 250 and U.S. Highway 21, over U.S. Highway 250, serving all intermediate points and the off-route points of Kidron, Brewster and Mount Hope, Ohio; (19) between Ashland, Ohio, and Lorain, Ohio, from Ashland over Ohio Highway 60 to junction Ohio Highway 162, thence over Ohio Highway 162 to junction Ohio Highway 58, thence over Ohio Highway 58 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction Ohio Highway 57, thence over Ohio Highway 57 to Lorain, and return over the same route, serving all intermediate points and the off-route points of Spencer, Lagrange, Grafton, Oberlin and Amherst, Ohio. NOTE: Applicant states that the proposed operations shall be limited to traffic originating at, destined to, or transferred at the following points: Akron; Ashland; Auburn Township, Crawford County; Bellville; Bucyrus; Butler; Cleveland; Cranberry Township, Crawford County; Fredericktown; Galion; Jackson Township, Crawford County; Loudonville; Lucas; Mansfield; Marion; Perrysville, Ashland County; and Sandusky Township, Richland County, Ohio. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 101075 (Sub-No. 99), filed 26, 1965. Applicant: TRANSPORT, INC., 1215 Center Avenue, Post Office Box 396, Moorhead, Minn. Applicant's representative: Ronald B. Pitsenbarger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquified petroleum gas*, in bulk, from Wahpeton, N. Dak., to points in Minnesota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 102806 (Sub-No. 17), filed November 23, 1965. Applicant: PETROLEUM TRANSPORTATION, INC., Post Office Box 399, Gastonia, N.C. Applicant's representative: Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and asphalt products*, in bulk, from Thrift, N.C., and points within five (5) miles thereof to points in South Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 103051 (Sub-No. 204) (Amendment) filed November 12, 1965, published FEDERAL REGISTER issue November 25, 1965, amended December 1, 1965, and republished as amended, this issue. Applicant: FLEET TRANSPORT COMPANY, INC., 340 Armour Drive NE., Atlanta, Ga., 30324. Applicant's representative: R. J. Reynolds, Suite 403–11 Healey Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup, liquid sugar, and blends of corn syrup and liquid sugar*, in bulk, in tank vehicles, from Birmingham, Ala., to points in Louisiana and Mississippi. NOTE: The purpose of this republication is to change origin point to read as shown above, rather than that shown in previous publication. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 103051 (Sub-No. 205), filed November 22, 1965. Applicant: FLEET TRANSPORT COMPANY, INC., 340 Armour Drive NE., Atlanta, Ga., 30324. Applicant's representative: R. J. Reynolds, Jr., Suite 403–11, Healey Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid fertilizer*, in bulk, in tank vehicles, from the storage facilities of Allied Chemical Corp. in Bainbridge, Ga., to points in Florida and Georgia; and (2) *liquid fertilizer* (except nitrogen solutions) from the storage facilities of Allied Chemical Corp. in Bainbridge, Ga., to points in Alabama. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 103051 (Sub-No. 206), filed December 1, 1965. Applicant: FLEET TRANSPORT COMPANY, INC., 340 Armour Drive NE., Post Office Box 13694 (Station K), Atlanta, Ga., 30324. Applicant's representative: R. J. Reynolds, Jr., Suite 403–11, Healey Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay slurry*, in bulk, from Dry Branch, Gordon, McIntyre, Huber, and Sandersville, Ga., to Luke, Md., Tyrone, Pa., Covington, Va., and Mechanicville, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 105461 (Sub-No. 69), filed November 26, 1965. Applicant: HERR'S MOTOR EXPRESS, INC., Quarryville, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boat pumps, sheet metal building materials*, and *accessories, fittings, supplies and tools used in the installation thereof*, from the site of Berger Brothers Co. at Lower Southampton Township, Bucks County, Pa., to points in New Jersey (except Atlantic, Burlington, Cape May, Monmouth, and Ocean Counties), New York and Connecticut. NOTE: If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 106398 (Sub-No. 319), filed November 24, 1965. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from Abingdon, Va., to points in the United States (except Alaska and Hawaii). NOTE: Dual operations are involved, as applicant controls three contract carriers of various food and retail grocery merchandise; Food Transport, Inc., holding permit No. MC 29281 Sub-No. 1, Market Haulage, Inc., holding permits No. MC 116714 and subs thereunder, and Relay Transport, Inc., holding permits No. MC 111309 and Sub 2. If a hearing is deemed necessary, applicant requests that it be held at Portsmouth, Va.

No. MC 107460 (Sub-No. 19) (Amendment), filed November 1, 1965, published in FEDERAL REGISTER issue of November 18, 1965, amended December 1, 1965, and republished as amended this issue. Applicant: WILLIAM Z. GETZ, INC., 2454 Harrisburg Pike, Lancaster, Pa. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal roofing and siding, and fabricated metal products, and aluminum scrap*, from the site of the Quaker State Metals Co. Division and the Howe Sound Aluminum Division of Howe Sound Co. plant in Manheim Township, Lancaster County, Pa., to points in Alabama, Mississippi, Kansas, and Nebraska, and (2) *aluminum scrap and skids*, used in transporting the commodities specified above, from the above specified destination points to the site of the Quaker State Metals Co. Division and the Howe Sound Aluminum Division of Howe Sound Co. plant in Manheim Township, Lancaster County, Pa., restricted to a transportation service to be performed under a continuing contract or contracts with Quaker State Metals Co. Division and Howe Sound Aluminum Division of Howe Sound Co. of New York, N.Y. NOTE: The purpose of this republication is to include aluminum scrap in (2) above. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107496 (Sub-No. 435), filed November 19, 1965. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Des Moines, Iowa. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup and liquid sugar* and *blends* of corn syrup and liquid sugar, in bulk, from Sioux City, Iowa, and Decatur, Ill., to points in Iowa, Nebraska, South Dakota, and Minnesota. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 107839 (Sub-No. 97), filed November 26, 1965. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 5135 York Street, Denver, Colo. Applicant's representative: Marion F. Jones, Suite 420, Denver Club Building, Denver, Colo., 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and dairy products, and articles distributed by meat packinghouses*, as described in sections A, B and C of appendix I the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (1) from Denver, Colo., and McCook, Nebr., to Atlanta, Ga., and (2) from Atlanta, Ga., to Denver, Colo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 109326 (Sub-No. 80), filed November 22, 1965. Applicant: C & D TRANSPORTATION CO., INC., Post Office Box 1503, Mobile, Ala., 36601. Applicant's representative: John W. Cooper, 805 Title Building, Birmingham, Ala., 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts* and *articles distributed by meat packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles); (2) *frozen foods;* (3) *canned and preserved foods;* (4) *chemicals, chemical blends*, and *ingredients* to be used in further manufacturing processes, transportation of which does not require special equipment or bulk or tank vehicles; (5) *inedible meats, meat products*, and *meat byproducts, lard, tallows, and oils;* (6) *agricultural products* and those *commodities* embraced in section 203(b)(6) of Part II of the Interstate Commerce Act when moving in the same vehicle with economic regulated commodities; (7) *frozen animal and poultry foods*, (8) *industrial products*, in packages, requiring refrigeration; and (9) *Coffee*, condensed; *coffee extracts; coffee*, green; *tea and tea dust* and *sugar*, from Gulfport, Miss., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia, and *returned merchandise*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 109326 (Sub-No. 82), filed November 24, 1965. Applicant: C & D TRANSPORTATION CO., INC., Post Office Box 1503, Mobile, Ala., 36601. Applicant's representative: Paul M. Danfell, Suite 1600, First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Salina, Kans., to points

in Alabama, Florida, Georgia and Tennessee (except Memphis, Tenn., and points in the commercial zone thereof). NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Topeka, Kans.

No. MC 109326 (Sub-No. 83), filed November 24, 1965. Applicant: C & D TRANSPORTATION CO., INC., Post Office Box 1503, Mobile, Ala. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products* and *meat byproducts*, and *articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Schuyler, Nebr., to points in Alabama, Louisiana, Mississippi, Tennessee, and Texas, restricted to traffic originating at Schuyler, Nebr., and destined to points in the States named. NOTE: If a hearing is deemed necessary, applicant requests that it be held at Omaha, Nebr.

No. MC 109478 (Sub-No. 88), filed November 26, 1965. Applicant: WORSTER MOTOR LINES, INC., East Main Road, Rural Delivery No. 1, North East, Pa. Applicant's representative: William W. Knox, 23 West Tenth Street, Erie, Pa., 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar, invert sugar, molasses* in tank vehicles and *dry sugar*, from Boston, Mass., to points in New York (except points in Columbia, Delaware, Dutchess, Greene, Nassau, Orange, Putnam, Rockland, Suffolk, Sullivan, Ulster, and Westchester Counties, and New York, N.Y.). NOTE: If a hearing is deemed necessary, applicant does not specify a particular location.

No. MC 109847 (Sub-No. 8), filed November 23, 1965. Applicant: BOSS-LINCO LINES, INC., 226 Ohio Street, Buffalo, N.Y. Applicant's representative: Harold G. Hernly, 711 14th Street NW., Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household good as defined by the Commission, commodities in bulk and those requiring special equipment), between Buffalo, Utica, Rochester, Syracuse, Amsterdam, Jamestown, Olean, Elmira, and Binghamton, N.Y., Philadelphia and Ridgway, Pa., on the one hand, and, on the other, points in Virginia, North Carolina, South Carolina, Alabama, and Georgia, restricted against (1) the movement of traffic between points in Virginia, North Carolina, South Carolina, Georgia, and Alabama, on the one hand, and, on the other, Philadelphia, Pa., and its commercial zone, and (2) between the identical points specified in (1) above, on the one hand, and, on the other, New York, N.Y., and its commercial zone. NOTE: Applicant states that it intends to tack the above proposed authority with its authority in Certificate No. MC 109847 and subs thereunder, wherein applicant is authorized to serve points in the States of New York, Pennsylvania, and New Jersey. If a hearing is deemed necessary, applicant requests it be held at Buffalo, Syracuse, or Binghamton, N.Y.

No. MC 110193 (Sub-No. 112) (Amendment), filed September 13, 1965, published FEDERAL REGISTER issue October 7, 1965, amended December 2, 1965, and republished as amended, this issue. Applicant: SAFEWAY TRUCK LINES, INC., 20450 Ireland Road, Post Office Box 2628, South Bend, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from points in Morgan and Logan Counties, Colo., to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, District of Columbia, Delaware, Indiana, Maine, Michigan, New Hampshire, Ohio, Vermont, Virginia, and West Virginia. NOTE: The purpose of this republication is to broaden the scope of the origin territory. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Kansas City, Mo.

No. MC 110193 (Sub-No. 125), filed November 26, 1965. Applicant: SAFEWAY TRUCK LINES, INC., 20450 Ireland Road, Post Office Box 2628, South Bend, Ind. Applicant's representative: Walter J. Kobos, Post Office Box 2628, South Bend, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines* and *toothbrushes* and *advertising and printed matter* in mixed shipments with drugs, medicines and toothbrushes, not to exceed ten percent (10%) of the weight of the shipment, from Brooklyn, N.Y. and New Brunswick, N.J, to Bloomington, Minn., restricted to shipments originating at Brooklyn, N.Y., and/or New Brunswick, N.J., and terminating at Bloomington, Minn., and further restricted to shipments moving in mechanically heated or refrigerated equipment. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110505 (Sub-No. 64), filed November 26, 1965. Applicant: RINGLE TRANSPORT, INC., 405 South Grant Avenue, Fowler, Ind. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Preserved and canned foodstuff*, (1) from Appleton, Bear Creek, Belgium, Brillion, Cambria, Cedar Grove, Clyman, Columbus, Eagle River, Fall River, Galesville, Germantown, Green Bay, Hillsboro, Horicon, Janesville, Madison, Manitowoc, Markesan, New Richmond, Random Lake, and Sheboygan, Wis., to points in Illinois, Indiana, Michigan, Missouri, and Ohio, and (2) from Lomax, Princeville, and Rochelle, Ill., to points in Indiana, Michigan, Missouri, and Ohio, and *damaged and rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110525 (Sub-No. 738) (Amendment), filed August 4, 1965, published in FEDERAL REGISTER issue of August 26, 1965, amended November 23, 1965, and republished as amended, this issue. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's representatives: Leonard A. Jaskiewicz, 1155 15th Street NW., Madison Building, Washington, D.C., 20005, and Edwin H. van Deusen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash*, in bulk, in tank vehicles, from Solvay, N.Y., to Carteret, N.J. NOTE: The purpose of this republication is to remove the plantsite restrictions. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110525 (Sub-No. 758), filed November 24, 1965. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downington, Pa., 19335. Applicant's representatives: Leonard A. Jaskiewicz, 1155 15th Street NW., Madison Building, Washington, D.C., 20005, and Edwin H. van Deusen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils and vegetable oil products*, in bulk, in tank vehicles, from Columbus, Ohio, to points in Connecticut, Massachusetts, and Rhode Island. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111231 (Sub-No. 100), filed November 24, 1965. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Macon, Marshall, Moberly, Carrollton, and Milan, Mo., to points in Arkansas, Oklahoma, and Kansas. NOTE: If a hearing is deemed necessary, applicant does not specify a particular location.

No. MC 111231 (Sub-No. 101), filed November 29, 1965. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials, compounds*, and *ingredients, feed and feed ingredients*, from East St. Louis, Ill., to points in Arkansas, Kentucky, Missouri, Tennessee, Indiana, and Illinois. NOTE: If a hearing is deemed necessary, applicant does not specify a particular location.

No. MC 111284 (Sub-No. 1), filed November 22, 1965. Applicant: Q & R MOTOR SERVICE CO., a corporation, 2701 West Clay, St. Charles, Mo. Applicant's representative: Joseph R. Nacy, 117 West High Street, Post Office Box 352, Jefferson City, Mo., 65102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Meats, packinghouse products* and *commodities used by packinghouses*, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 272, 273, and 766; Regular routes: (1) Between East St. Louis, Ill., and Jefferson City, Mo.; from East St. Louis over U.S. Highway 40 to junction U.S. Highway 63, thence over U.S. Highway 63 to Jefferson City and return over the same route, serving all intermediate points and those off-route points in the East St. Louis, Ill.-St. Louis, Mo., commercial zone as defined by the Commission; (2) between junction U.S. Highways 40 and 54 and Jefferson City, Mo., over U.S. Highway 54, serving all intermediate points; (3) between junction U.S. Highway 40 and Missouri Highway 19 and Wellsville, Mo., over Missouri Highway 19, serving all intermediate points; and (4) between junction U.S. Highways 40 and 54 and Mexico, Mo., over U.S. Highway 54, serving all intermediate points; Irregular routes: Between points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone as defined by the Commission, on the one hand, and, on the other, points in that part of Missouri on and within an area bounded by a line beginning at Canton, Mo., and extending along Missouri Highway 16 to junction Missouri Highway 6, thence over Missouri Highway 6 to junction U.S. Highway 65, thence over U.S. Highway 65 to junction U.S. Highway 36, thence over U.S. Highway 36 to Hamilton, Mo., thence return over U.S. Highway 36 to junction U.S. Highway 65, thence over U.S. Highway 65 to junction Missouri Highway 10, thence over Missouri Highway 10 to Richmond, Mo., thence return over Missouri Highway 10 to junction U.S. Highway 65, thence over U.S. Highway 65 to junction U.S. Highway 50, thence over U.S. Highway 50 to Warrensburg, Mo., thence return over U.S. Highway 50 to junction U.S. Highway 65, thence over U.S. Highway 65 to junction Missouri Highway 7, thence over Missouri Highway 7 to junction U.S. Highway 54, thence over U.S. Highway 54 to junction Missouri Highway 42, thence over Missouri Highway 42 to junction Missouri Highway 17, thence over Missouri Highway 17 to junction Missouri Highway 52, thence over Missouri Highway 52 to junction U.S. Highway 54, thence over U.S. Highway 54 to the Missouri River, thence along the Missouri River to its confluence with the Mississippi River, thence along the Mississippi River to Canton, Mo., the point of beginning. NOTE: Applicant states that it intends to transport damaged, defective, rejected, or returned shipments of the above described commodities, on return trips. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 111729 (Sub-No. 122), filed November 22, 1965. Applicant: ARMORED CARRIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies, and advertising literature moving therewith* (excluding motion picture film used primarily for commercial theatre and television exhibition), (a) between points in Berkeley County, W. Va., on the one hand, and, on the other, Alexandria, Va., (b) between Detroit, Mich., on the one hand, and, on the other, points in Mahoning and Trumbull Counties, Ohio, (c) between Philadelphia, Pa., on the one hand, and, on the other, points in Lackawanna County, Pa., (d) between Pittsburgh, Pa., on the one hand, and, on the other, points in Fayette and Westmoreland Counties, Pa., and (e) between Washington, D.C., on the one hand, and, on the other, Annapolis, Md., and points in Culpeper and Orange Counties, Va., (2) *payroll checks, business papers, records and audit and accounting media* (except cash letters), (a) between Canton, Ohio, and Detroit, Mich., (b) between Cincinnati, Ohio, on the one hand, and, on the other, Indianapolis and Richmond, Ind., and (c) between Erie, Pa., on the one hand, and, on the other, Medina, N.Y., and Conneaut, Painesville and Willoughby, Ohio. NOTE: Applicant holds contract carrier authority in MC 112750 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111812 (Sub-No. 324), filed November 22, 1965. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, Post Office Box 747, Sioux Falls, S. Dak., 57101. Applicant's representatives: William J. Walsh (same address as applicant) *and* Donald L. Stern, 630 City National Bank Building, Omaha, Nebr., 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts*, and *articles* distributed by meat packinghouses, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from points in Adams County, Nebr., to points in Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming, restricted to traffic originating at the plant sites and facilities utilized by Snyder Packing Co. in Adams County, Nebr. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 112520 (Sub-No. 135), filed November 19, 1965. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. Applicant's representative: Sol H. Proctor, 1730 American Heritage Life Building, Jacksonville, Fla., 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard or pulpboard and accessories and supplies* used in the installation thereof, from points in Calhoun County, Fla., to points in Alabama, Florida, and Georgia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla., Atlanta, Ga., or Tallahassee, Fla., respectively.

No. MC 112750 (Sub-No. 217), filed November 22, 1965. Applicant: ARMORED CARRIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, and written instruments, including originals and copies of checks, drafts, notes, money orders, travelers' checks, and canceled bonds, and accounting papers relating thereto, including originals and copies of cash letters, letters of transmittal, summary sheets, adding machine tapes, deposit records, withdrawal slips, and debit and credit records* (except coin, currency, bullion and negotiable securities), and *audit and accounting media*, under continuing contracts with banks and banking institutions only, namely, national banks, State banks, Federal Reserve banks, savings and loan associations, and savings banks, between Wilkes-Barre, Pa., on the one hand, and, on the other, points in Orange and Broome Counties, N.Y. NOTE: Applicant has pending applications for common carrier authority in MC 111729 and Subs. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113362 (Sub-No. 98), filed November 24, 1965. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr., 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products and commodities* used by packinghouses, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from points in Iowa, to points in Illinois, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, and Indiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 113651 (Sub-No. 96), filed November 26, 1965. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from points in Adams County, Nebr., to points in New York, New Jersey, Maryland, Pennsylvania, Maine, Ohio, Michigan, New Hampshire, Vermont, Delaware, Vir-

ginia, West Virginia, Indiana, Massachusetts, Connecticut, Rhode Island, and Washington, D.C., restricted to traffic originating in Adams County, Nebr., and further restricted against tacking at destination. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 113678 (Sub-No. 199), filed November 26, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's representative: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Salina, Kans., to points in Alabama, Indiana, Louisiana, Mississippi, New Mexico, Oregon, and Texas. NOTE: If a hearing is deemed necessary, applicant did not specify any particular area.

No. MC 113678 (Sub-No. 200), filed November 26, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's representative: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plant site of American Home Foods, Inc., located at or near LaPorte, Ind., to points in Iowa, Nebraska, Kansas, and Colorado. NOTE: If a hearing is deemed necessary, applicant did not specify any particular area.

No. MC 114045 (Sub-No. 212), filed November 23, 1965. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products*, and *meat byproducts*, as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration, from Evansville, Ind., to points in Oregon and Washington. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114045 (Sub-No. 213), filed November 23, 1965. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery and confectionery products*, from the plant site of Topps Chewing Gum Co., at or near Duryea, Pa., to points in Texas, Oklahoma, Arizona, New Mexico, California, Missouri, and Kansas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 116077 (Sub-No. 186) (Clarification), filed October 15, 1965, published FEDERAL REGISTER issue of November 4, 1965, amended November 26, 1965, and republished as amended this issue. Applicant: ROBERTSON TANK LINES, INC., Post Office Box 9527, 5700 Polk Avenue, Houston, Tex., 77011. Applicant's representatives: Thomas E. James, 721 Brown Building, Austin, Tex., 78701, and Mert Starnes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar emulsion* (other than chemical or petroleum), in bulk, from Toledo, Ohio, to points in Texas. NOTE: The purpose of this republication is to reflect that the proposed operation will be in bulk, rather than as shown in previous publication. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 117119 (Sub-No. 287), filed November 29, 1965. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's representative: John H. Joyce, 26 North College Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite of American Home Foods, Division of American Home Products Corp., at Milton, Pa., to points in Illinois, Wisconsin, Minnesota, Iowa, Missouri, Kansas, Nebraska, South Dakota, and North Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117119 (Sub-No. 289), filed November 29, 1965. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark., 72728. Applicant's representative: John H. Joyce, 26 North College, Fayetteville, Ark., 72702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Martinsburg, W. Va., and Winchester and Timberville, Va., to points in Arkansas, Louisiana, Mississippi, Missouri, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 117119 (Sub-No. 290), filed November 29, 1965. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark., 72728. Applicant's representative: John H. Joyce, 26 North College, Fayetteville, Ark., 72702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Disposable foil trays*, from Paris, Tex., to Modesto, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 117119 (Sub-No. 291), filed November 29, 1965. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark., 72728. Applicant's representative: John H. Joyce, 26 North College, Fayetteville, Ark., 72702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses* as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Schuyler, Nebr., to points in Washington, Oregon, Idaho, Montana, Wyoming, Nevada, and Utah. NOTE: If a hearing is deemed necessary, applicant requests that it be held at Omaha, Nebr.

No. MC 117119 (Sub-No. 292), filed November 29, 1965. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark., 72728. Applicant's representative: John H. Joyce, 26 North College, Fayetteville, Ark., 72702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Fort Smith and Springdale, Ark., to points in Nevada, Washington, and Oregon. NOTE: If a hearing is deemed necessary, applicant requests that it be held at Boise, Idaho.

No. MC 117119 (Sub-No. 293), filed November 29, 1965. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's representative: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Fort Smith and Springdale, Ark., to Washington, D.C., and points in Pennsylvania, Maryland, and New Jersey. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117119 (Sub-No. 294), filed November 29, 1965. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's representative: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Fort Smith and Springdale, Ark., to points in California. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 117119 (Sub-No. 295), filed November 29, 1965. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's representative: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plant site of American Home Foods, Inc., located at or near LaPorte, Ind., to points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117119 (Sub-No. 298), filed December 3, 1965. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark., 72728. Applicant's representative: John H. Joyce, 26 North College, Fayetteville, Ark., 72702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from points in Adams County, Nebr., to points in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Minnesota, Missouri, Montana, Nevada, New Mexico, Oklahoma, Oregon, Tennessee, Utah, Washington, Wisconsin, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 117416 (Sub-No. 17), filed November 23, 1965. Applicant: NEWMAN AND PEMBERTON CORPORATION, 2007 University Avenue NW., Knoxville, Tenn. Applicant's representative: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laundry bleach* (except in bulk in tank vehicles), from Atlanta, Ga., to points in Kentucky, points in North Carolina on, west and south of a line beginning at the Georgia-North Carolina State line near Dillard, Ga., and extending north along U.S. Highway 23 to Lake Junaluska, N.C., thence along North Carolina Highway 209 to junction U.S. Highway 70, thence along U.S. Highway 70 to the North Carolina-Tennessee State line, and points in that part of Tennessee (except Nashville and Memphis) on, north and west of a line beginning at the Virginia-Tennessee State line and extending south along U.S. Highway 25–E to junction U.S. Highway 70, thence west along U.S. Highway 70 to junction U.S. Highway 70–S, thence along U.S. Highway 70–S to junction U.S. Highway 70, thence along U.S. Highway 70 to the Tennessee-Arkansas State line. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 117416 (Sub-No. 18), filed November 23, 1965. Applicant: NEWMAN AND PEMBERTON CORPORATION, 2007 University Avenue NW., Knoxville, Tenn. Applicant's representative: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers*, from Chestnut Hill, Tenn., to Griffin, Ga. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Knoxville, Tenn.

No. MC 117639 (Sub-No. 3), filed November 22, 1965. Applicant: JACK S. OCHSNER, doing business as PICK's PACK HAULER, 1714 West Fifth Street, Hastings, Nebr. Applicant's representative: Duane W. Acklie, Box 2028, Lincoln, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick and clay products*, from Endicott, Lincoln, and Nebraska City, Nebr., to points in Colorado, Iowa, Kansas, Missouri, South Dakota, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 117686 (Sub-No. 70), filed November 22, 1965. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Sioux City, Iowa. Applicant's representative: J. Max Harding, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Dodge City, Kans., to points in Alabama, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC 117686 (Sub-No. 71), filed November 29, 1965. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Sioux City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products*, from St. James, Minn., and points within five (5) miles thereof, and Madelia, Minn., and points within five (5) miles thereof, to points in Texas, Mississippi, Louisiana, Arkansas, Missouri, Kansas, Oklahoma, Nebraska, Iowa, Alabama, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jefferson City, Mo.

No. MC 117765 (Sub-No. 37), filed November 22, 1965. Applicant: HAHN TRUCK LINE, INC., 5800 North Eastern, Oklahoma City, Okla., 73111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer, fertilizer compounds, fertilizer ingredients*, and *urea*, from the plant site of Nipak, Inc., located at Lawrence, Kans., to points in Iowa, Missouri, and Nebraska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 117803 (Sub-No. 8) (Clarification), filed October 25, 1965, published in FEDERAL REGISTER issue of November 18, 1965, and republished as clarified this issue. Applicant: LABERTEW TRUCKING, INC., 5110 Race Street, Denver, Colo. Applicant's representative: Edward T. Lyons, Jr., Suite 420 Denver Club Building, Denver, Colo., 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural commodities*, the transportation of which is partially exempt under provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with bananas, from points in Alabama, Louisiana, Mississippi, and Texas, to points in Colorado. NOTE: The additional authority sought herein is to be operated in connection with that held by applicant in MC 117803 which authorizes the transportation of "bananas, from New Orleans, La., and Mobile, Ala., to Denver, Colorado Springs, and Pueblo, Colo."; and that applied for in its pending application MC 117803 (Sub-No. 7), which seeks authority for the transportation of "bananas, from Freeport, Tex., to points in Colorado." The purpose of this republication is to clarify the proposed operation of Labertew Trucking, Inc. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 118196 (Sub-No. 52), filed November 26, 1965. Applicant: RAYE & COMPANY TRANSPORTS, INC., Highway 71 North, Post Office Box 613, Carthage, Mo., 64836. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and in tank vehicles and hides), from Schuyler, Nebr., to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Mississippi, Montana, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming, restricted to traffic originating at the plant site at or near Schuyler, Nebr. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 119489 (Sub-No. 7), filed November 22, 1965. Applicant: PAUL ABLER, doing business as CENTRAL TRANSPORT COMPANY, Post Office Box 596, Norfolk, Nebr. Applicant's representative: J. Max Harding, 605 South 14th Street, Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* in bulk between points in Nebraska, restricted against (1) the movement of petroleum products in bulk; (2) the movement of fertilizer or fertilizer mixtures from LaPlatte, Nebr.; and (3) the movement of inedible animal fats and blends thereof from points in Nebraska to Omaha and Nebraska City, Nebr. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 119767 (Sub-No. 145), filed November 24, 1965. Applicant: BEAVER TRANSPORT CO., a corporation, Post Office Box 339, 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned or preserved foodstuff* from Delphos and Van Wert, Ohio, to Hoopeston, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 123048 (Sub-No. 77), filed November 26, 1965. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements and farm machinery and parts*, from Minneapolis, Minn., to points in Illinois, Wisconsin, and the Upper Peninsula of Michigan, (2) *agricultural implements, farm machinery and parts*, from Mendota, Ill., to points in Wisconsin and the Upper Peninsula of Michigan, and (3) *agri-*

cultural implements, farm machinery, and tractor and combine cabs (glass and steel), from Meade, Kans., to points in Illinois, Wisconsin, and the Upper Peninsula of Michigan, and *rejected shipments* of the commodities specified in (1), (2), and (3) above, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Milwaukee or Madison, Wis.

No. MC 123201 (Sub-No. 7) filed November 23, 1965. Applicant: HORVATH BROS. TRUCKING, INC., 322 Schuyler Avenue, Kearny, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *Steel* and *iron and steel articles*, from Newark, N.J., to points in Monroe County, Pa., and *returned shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 123304 (Sub-No. 9), filed November 26, 1965. Applicant: SOUTHERN COURIERS, INC., 1316 North Carroll Street, Dallas, Tex. Applicant's representative: Ewell H. Muse, Jr., Suite 415 Perry Brooks Building, Austin, Tex., 78701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents*, and *written instruments, including originals and copies of checks, drafts, notes, money orders, travelers' checks, and canceled bonds*, and *accounting papers relating thereto, including originals and copies of cash letters, letters of transmittal, summary sheets, adding machine tapes, deposit records, withdrawal slips*, and *debit and credit records* (except coin, currency, bullion, and negotiable securities) between points in Alabama, on the one hand, and, on the other, points in Georgia. NOTE: Applicant holds common carrier authority in MC 126745 and Subs thereto, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 123314 (Sub-No. 7), filed November 23, 1965. Applicant: JOHN F. WALTER, Post Office Box 175, Newville, Pa. Applicant's representative: Henry M. Wick, Jr., 1515 Park Building, Pittsburgh, Pa., 15222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware, glass containers, caps, covers, stoppers or tops for glass containers, paper cartons, and pallets, and damaged and rejected shipments* of the commodities specified, between Winchester, Ind., on the one hand, and, on the other, points in West Virginia and Pennsylvania on and west of U.S. Highway 219. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 123393 (Sub-No. 105), filed November 24, 1965. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 2105 East Dale Street, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuff*, from Buffalo, N.Y., to points in Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 123888 (Sub-No. 11), filed November 24, 1965. Applicant: CANA TRANSPORT CO., INC., 706 Franklin Street, Endicott, N.Y. Applicant's representative: Donald C. Carmien, 300 Press Building, Binghamton, N.Y., 13902. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hides*, from points in Kansas, Missouri, Iowa, Illinois, Kentucky, and Tennessee, to Endicott, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 123888 (Sub-No. 12), filed November 24, 1965. Applicant: CANA TRANSPORT CC., INC., 706 Franklin Street, Endicott, N.Y. Applicant's representative: Donald C. Carmien, 300 Press Building, Binghamton, N.Y., 13902. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hides*, for the account of Granite State Leathers, Inc., from Kansas City and St. Louis, Mo., and Des Moines, Iowa, to Nashua, N.H., and (2) *nonflammable, nonexplosive water solubic tanning chemicals*, from Nashua, N.H., to Kansas City, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 124181 (Sub-No. 5), filed November 23, 1965. Applicant: JOSEPH GENOVA, Clayton Road, Williamstown, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned goods* from Glassboro, N.J., to New York, Buffalo, Albany, Schenectady, Rochester, and Canadaigua, N.Y., Philadelphia, Wilkes-Barre and Scranton, Pa., Baltimore, Md., Washington, D.C., Hartford, New Haven, and Stamford, Conn., Boston, Mass., Providence, R.I., Norfolk and Richmond, Va., and Charlotte, N.C.; and (2) *empty containers, ends, caps* and *covers* from Baltimore, Md., to Glassboro, N.J. Restriction: The operations proposed herein are to be limited to a transportation service to be performed, under a continuing contract, or contracts, with National Fruit Co., Glassboro, N.J. NOTE: If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 124211 (Sub-No. 79), filed November 26, 1965. Applicant: HILT TRUCK LINE, INC., 3751 Sumner Street, Post Office Box 824, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paint materials* and *plumbing supplies*, from points in Douglas County, Nebr., to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 124669 (Sub-No. 14), filed November 26, 1965. Applicant: TRANSPORT, INC., OF SOUTH DAKOTA, 1012 West 41st Street, Sioux Falls, S. Dak. Applicant's representative: Ronald B. Pitsenberger, Post Office Box 396, Moorhead, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and fertilizer solutions*, in bulk, from Creston, Iowa, and points within 10 miles thereof, to points in Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 124386 (Sub-No. 9), filed November 23, 1965. Applicant: PHILIP PICARIELLO, doing business as P & F CARRIERS, 21 Main Street, East Paterson, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07360. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Resins* in bulk, in tank vehicles, from Newark and Wood Ridge, N.J., to Alexandria, Va., Chamblee, Ga., Cleveland, Ohio, Lancaster, Pa., Lowville and Syracuse, N.Y., and New Bedford, Mass., under a continuing contract with Cellofilm Corporation of Wood Ridge, N.J., and Cellomor Corporation of Newark, N.J. NOTE: Applicant states the purpose of this application is to add an additional commodity. Carrier already has authority to transport nitrocellulose solutions in bulk, in tank vehicles for these same two contracting shippers. Applicant is also authorized to conduct operations as common carrier in certificate No. MC 26570, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124886 (Sub-No. 10), filed November 26, 1965. Applicant: PHILLIP PICARIELLO, doing business as P & F CARRIERS, 21 Main Street, East Paterson, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Nitrocellulose solutions*, from Chicago, Ill., to Delaware, Ohio, Chamblee, Ga., and Detroit, Mich, under continuing contract with Cellofilm Corp. of Wood Ridge, N.J. NOTE: Applicant is also authorized to conduct operations as a common carrier in certificate No. MC 26570, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 125466 (Sub-No. 1), filed November 24, 1965. Applicant: V & P CARRIERS, INC., 377 Montauk Avenue, Brooklyn 8, N.Y. Applicant's representative: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies, and equipment* used in the manufacture of bicycles and children's velocipedes, uncrated and crated, from points in Alabama, Georgia, Illinois, Indiana, Michigan, New York, Ohio, and Tennessee to Brooklyn, N.Y. NOTE: Applicant presently holds contract carrier authority to serve one shipper from Brooklyn, N.Y., to 13 States in the transportation of bicycles and children's velocipedes. Applicant proposes to transport materials, supplies, and equipment on the return movement to the same shipper's plant site in Brooklyn, N.Y. The proposed authority is to be restricted to the same shipper which applicant is presently serving. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 126358 (Sub-No. 11), filed November 26, 1965. Applicant: LAWRENCE L. BENNETT, doing business as BENNETT TRUCKING CO., 113 Mitchell Street, Hawkinsville, Ga. Applicant's representative: Ariel V. Conlin, Suite 626, Fulton National Bank Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock*, (1) from points in Georgia and Alabama, to points in Texas, Oklahoma, Kansas, New Mexico, Arizona, California, Florida, and Alabama, and (2) from points in Georgia to points in Alabama. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 127215 (Sub-No. 16), filed November 26, 1965. Applicant: KENDRICK CARTAGE CO., a corporation, Salem, Ill. Applicant's representative: Thomas F. Kilroy, 1815 H Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products, petroleum treating compounds, and chemicals*, in bulk, in tank vehicles, from Kilgore and Odessa, Tex., and points within 10 miles of each, to points in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, and Wisconsin. NOTE: Applicant presently holds authority to operate as a contract carrier under permit No. MC 110117 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at Dallas, Tex.

No. MC 127468 (Sub-No. 1) (Amendment), filed November 15, 1965, published FEDERAL REGISTER issue November 25, 1965, amended December 8, 1965, and republished as amended this issue. Applicant: LTD., INC., 1615 Lumber Street, Chicago, Ill. Applicant's representative: Seymour S. Guthman, 1030 Executive Building, 1030 15th Street NW., Washington, D.C., 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electric appliances and equipment, matcrial and supplies*, used or useful in the manufacture, sales and distribution of electrical appliances, for the account of the Sunbeam Corp., Chicago, Ill., between Chicago, Ill., Elkin and Ahoskie, N.C., Manning and Denmark, S.C., Forest and Waynesboro, Miss., Coushatta, La., Dumus, Ark., Fort Lauderdale, Fla., McRae, Ga., and the ports of entry on the international boundary line between the United States and Canada, at or near Detroit, Mich., and Niagara Falls, N.Y. NOTE: The purpose of this republication is to broaden the territorial description. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127743 (Sub-No. 1), filed November 26, 1965. Applicant: JAMES H. FOLEY, 20 Longmeadow Road, Arlington, Mass. Applicant's representative: Robert J. Gallagher, 111 State Street, Boston, Mass., 02109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic signs*, from Leominster, Mass., to points in States east of the Mississippi River, namely, Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and *damaged, rejected or returned shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 127749, filed November 22, 1965. Applicant: METRO MOTOR FREIGHT, INC., 3821 Northwest 58th Terrace, Oklahoma City, Okla. Applicant's representative: Rufus H. Lawson, 106 Bixler Building, 2400 Northwest 23d Street, Oklahoma City 7, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Oklahoma City, Okla., and Tulsa, Okla., (a) over U.S. Highway 66, serving no intermediate points, and (b) over Interstate Highway 44 (Turner Turnpike), serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 127752, filed November 19, 1965. Applicant: WILLIAM P. RALSTON, Bern, Kans. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans., 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed*, from Omaha, Nebr., to points in Brown, Nemaha, and Marshall Counties, Kans. NOTE: If a hearing is deemed necessary, applicant requests it be held at Topeka, Kans.

No. MC 127754, filed November 19, 1965. Applicant: ROLINTHONY TRUCKING, INC., 1125 Bronx River Avenue, Bronx, N.Y. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cutlery, flatware, kitchen utensils*, and *component parts thereof* (other than gold or silverplated), between piers, wharves, freight forwarders and consolidators in the New York, N.Y., commercial zone on the one hand, and, on the other, the plant site of Regent-Sheffield, Ltd., East Farmingdale, N.Y., restricted to traffic in interstate or foreign commerce. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Sub-No. 90), filed November 16, 1965. Applicant: GREYHOUND LINES, INC., 140 South Dearborn Street, Chicago, Ill., 60603. Applicant's representative: Earl A. Bagby, 371 Market Street, San Francisco, Calif., 94105. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage. Establish a special-operations route between Las Vegas, Nev., and points within ten (10) air-line miles thereof, on the one hand, and, on the other, Kingman, Ariz., over U.S. Highway 95 to junction U.S. Highway 93, thence over U.S. Highway 93 to Kingman, Ariz., to be operated as a segment of a route to be used for the transportation of interstate traffic in special operations between Las Vegas and points within ten (10) air-line miles thereof, on the one hand, and, on the other, Kingman, Ariz., and points beyond otherwise authorized to be served, including Grand Canyon National Park, Ariz.* (a) *Within the State of Nevada:* On Revised Sheet No. 62. (9) Between Las Vegas and points within ten (10) air-line miles thereof, on the one hand, and, on the other, the Nevada-Arizona State line, from Las Vegas and points within ten (10) air-line miles thereof, over U.S. Highway 95 to junction U.S. Highway 93, thence over U.S. Highway 93 to the Nevada-Arizona State line, and return over the same route. Service is proposed to be conducted in special operations only, serving no intermediate points. (b) *Within the State of Arizona:* On Revised Sheet No. 5. (20) Between the Nevada-Arizona State line and Kingman, over U.S. Highway 93. Service is proposed to be conducted in special operations only, serving no intermediate points. NOTE: The changes in operating authority hereinabove shown and explained are proposed to be incorporated in the designated revised sheets to certificate No. MC 1515 (Sub-No. 7). Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Las Vegas, Nev.

No. MC 127521 (Sub-No. 1EX), filed November 5, 1965. Carrier: SUBURBAN TRANSIT LINES, a corporation, 13th and C Streets, Post Office Box 2190, Sacramento, Calif. Filed by: Greyhound Lines, Inc., as party in interest, 140 South Dearborn, Chicago, Ill. Greyhound's representative: Craig McAtee, 601 California Street, San Francisco, Calif., 94103. Application filed by Greyhound Lines, Inc., as a party in interest for issuance of certificate of exemption under section 204(a)(4a) part II to Suburban Transit Lines, to transport by motor vehicle, over regular routes: *Passengers and their baggage, express and newspapers*, in the same vehicle with passengers, between Sacramento, Calif., and McClellan Air Force Base, Calif.; (a) from Sacramento over city streets to U.S Highway 40, thence over U.S. Highway 40 to junction Del Paso Boulevard, thence over Del Paso Boulevard to Marysville Road, thence over Marysville Road to junction Grand Avenue, thence over Grand Avenue to junction Roseville

Road, thence over Roseville Road to junction Watt Avenue, thence over Watt Avenue to McClellan Air Force Base and return over the same route, serving no intermediate points, and (b) from Sacramento over city streets to U.S. Highway 40, thence over U.S. Highway 40 to junction Interstate Highway 80, thence over Interstate Highway 80 to Watt Avenue, thence over Watt Avenue to McClellan Air Force Base, and return over the same route, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held with Suburban Transit Lines, MC 127521, which was published September 1, 1965.

WATER CARRIER APPLICATION

WATER CARRIER OF PROPERTY

No. W-1224 STANDARD METALS CO., INC., Common Carrier Application, filed November 26, 1965. Applicant: STANDARD METALS CO., INC., Cemetery Street, Junction City, Ky. Applicant's representative: Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C., 20005. Application filed November 26, 1965, for certificate authorizing operation as a *common carrier* by water, covering a new operation in interstate or foreign commerce under Part III of the Interstate Commerce Act, in year round operation, in the transportation of *scrap metals*, between Camp Nelson, Ky., and the confluence of the Kentucky and Ohio Rivers, serving all intermediate points for pickup and delivery, thence via the Ohio River to Pittsburgh, Pa. Service between the confluence of the Kentucky and Ohio Rivers and Pittsburgh, Pa., and intermediate points is limited to delivery only.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 31389 (Sub-No. 67), filed March 1, 1965. Applicant: McLEAN TRUCKING COMPANY, a corporation, Post Office Box 213, 617 Waughtown Street, Winston-Salem, N.C. Applicant's representative: David G. Macdonald, 1000 16th Street NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), Part I, New England Area: Route 501 between New York, N.Y., and Boston, Mass., (a) from New York over U.S. Highway 1 by New Haven and New London, Conn., and Providence, R.I., to Boston and return over the same route, (b) from New York as specified above to junction Alternate U.S. Highway 1 near Allenton, R.I., thence over Alternate U.S. Highway 1 to junction Rhode Island Highway 2, thence over Rhode Island Highway 2 to Providence, thence over U.S. Highway 1 to junction Alternate U.S. Highway 1, near Plainville, Mass., thence over Alternate U.S. Highway 1 to junction U.S. Highway 1 near Dedham, Mass., thence to Boston, as specified above, (c) from New York over Interstate Highway 95 and the Connecticut Turnpike by Bridgeport, New Haven, East Lyme and New London, Conn., and Providence, R.I., to Boston, and return over the same route, (d) from New York to New Haven, Conn., as specified above, thence over U.S. Highway 5 by East Hartford, Conn., to Springfield, Mass. (also from New Haven over Interstate Highway 91 to Springfield, Mass.), thence over U.S. Highway 20 to Worcester, thence over Massachusetts Highway 9 (also over U.S. Highway 20) to Boston, and return over the same routes, (e) from New York to Springfield, Mass., as specified above, thence by Chicopee, Mass., to junction Interstate Highway 90, thence over Interstate Highway 90 to Boston, and return over the same route, (f) from New York to Norwalk, Conn., as specified above, thence over U.S. Highway 7 to Danbury, Conn., thence over Interstate Highway 84 to junction Interstate Highway 90, thence to Boston as specified above, and return over the same routes.

(g) From New York to East Hartford, as specified above, thence over U.S. Highway 6 by South Killingly, Conn., to Providence, R.I., thence to Boston, as specified above, and return over the same route, (h) from New York to Groton, Conn., as specified above, thence over Connecticut Highway 12 to the Connecticut-Massachusetts State line, thence over Massachusetts Highway 12 to Worcester, Mass., thence to Boston as specified above, and return over the same route, (i) from New York to East Lyme, Conn., as specified above, thence over the Connecticut Turnpike to junction U.S. Highway 6 at South Killingly, Conn., thence to Boston as specified above, and return over the same route, (j) from New York to Bridgeport, Conn., as specified above, thence over Connecticut Highway 8 to Waterbury, thence over Alternate U.S. Highway 6 to Milldale, thence over Connecticut Highway 10 to junction U.S. Highway 6, thence over U.S. Highway 6 to East Hartford (also from Waterbury over Interstate Highway 84 to Hartford), thence to Boston as specified above, and return over the same routes; Route 502 between Norwalk, and Saugatuck, Conn., from Norwalk over Connecticut Highway 123 to junction Connecticut Highway 106 (near New Canaan), thence over Connecticut Highway 106 to Wilton, thence over U.S. Highway 7 to junction Connecticut Highway 57 at or near Georgetown, thence over Connecticut Highway 57 to Saugatuck, and return over the same routes; Route 503 between Bridgeport, and Danbury, Conn., (a) from Bridgeport over Connecticut Highway 58 to junction U.S. Highway 202, thence over U.S. Highway 202 to Danbury, and return over the same route, (b) from Bridgeport over Connecticut Highway 25 to junction U.S. Highway 6, thence over U.S. Highway 6 to Danbury, and return over the same route; Route 504 between New Haven and Granby, Conn., from New Haven over Connecticut Highway 10 to Granby (also over Alternate U.S. Highway 5 to North Haven, thence over Connecticut Highway 22 to junction Connecticut Highway 10, thence as specified above, and return over the same route; Route 505 between Beacon Falls and Meriden, Conn., from Beacon Falls over Connecticut Highway 42 to junction Connecticut Highway 10, thence over Connecticut Highway 10 to Cheshire, thence over Connecticut Highway 70 to Meriden, and return over the same route; Route 506 between Wallingford and Southington, Conn., from Wallingford over Connecticut Highway 71 to Meriden, thence over Connecticut Highway 120 (also over Alternate U.S. Highway 6 to Milldale, thence over Connecticut Highway 10) to Southington, and return over the same route.

Route 507 between Naugatuck and Wallingford, Conn., from Naugatuck over Connecticut Highway 68 to junction Connecticut Highway 70, thence over Connecticut Highway 70 to Cheshire, thence over Connecticut Highway 10 to junction unnumbered highway, thence over unnumbered highway to Wallingford, and return over the same route; Route 508 between Naugatuck and Torrington, Conn., from Naugatuck over Connecticut Highway 63 to Litchfield, thence over Connecticut Highway 25 to Torrington, and return over the same route; Route 509 between Waterbury and Torrington over Connecticut Highway 8; Route 510 between Litchfield and East Litchfield over Connecticut Highway 116; Route 511 between Waterbury and Watertown, Conn., from Waterbury over Connecticut Highway 73 to junction Connecticut Highway 63, thence over Connecticut Highway 63 to Watertown, and return over the same route; Route 512 between Stratford and Long Hill, Conn., from Stratford over Connecticut Highway 108 to Huntington, thence over unnumbered highway to Long Hill, and return over the same route; Route 513 between Meriden and Middletown, Conn. over Alternate U.S. Highway 6; Route 514 between New Haven and Centerbrook, Conn., (a) over Connecticut Highway 80 and (b) from New Haven over U.S. Highway 1 to East Haven, thence over Connecticut Highway 100 to Foxon, thence over Connecticut Highway 80 to Centerbrook, and return over the same route; Route 515 between Old Saybrook and Hartford, Conn., over Connecticut Highway 9; Route 516 between North Branford and Stony Creek, Conn., from North Branford over Connecticut Highway 139 to junction unnumbered highway, thence over unnumbered highway to Stony Creek, and return over the same route; Route 517 between Madison and North Madison, Conn., over Connecticut Highway 79; Route 518 between Deep River, Conn., and junction unnumbered highway and Connecticut Highway 80 west of Deep River, over unnumbered highway; Route 519 between Old Lyme and Norwich, Conn., from Old Lyme over Connecticut Highway 156 to New London, thence over Connecticut Highway 32 to Norwich, and return over the same route.

Route 520 between Norwich and Middletown, Conn., from Norwich over Connecticut Highway 2 to Colchester, thence over Connecticut Highway 16 to junction Alternate U.S. Highway 6, thence over Alternate U.S. Highway 6 to Middletown, and return over the same route; Route 521 between Tylerville and Willimantic, Conn., from Tylerville over Connecticut Highway 82 to East Haddam, thence over Connecticut Highway 149 to junction Connecticut Highway 16, thence over Connecticut Highway 16 to Colchester, thence over Connecticut Highway 85 to Hebron, thence over Alternate U.S. Highway 6 to junction U.S. Highway 6, thence over U.S. Highway 6 to Willimantic, and return over the same route; Route 522 between Norwich and Willimantic, Conn., from Norwich over Connecticut Highway 2 to Yantic, thence over Connecticut Highway 32 to Willimantic, and return over the same route; Route 523 between Norwich and North Franklin, Conn., from Norwich over Connecticut Highway 12 to junction Connecticut Highway 97, thence over Connecticut Highway 97 to Baltic, thence over Connecticut Highway 207 to North Franklin, and return over the same route; Route 524 between Jewett City, Conn., and junction Connecticut Highway 164 and Connecticut Highway 2 over Connecticut Highway 164; Route 525 between Colchester and Hartford, Conn., over Connecticut Highway 2; Route 526 between Willimantic and Thompsonville, Conn., from Willimantic over Connecticut Highway 32 to junction Connecticut Highway 190, thence over Connecticut Highway 190 to Thompsonville, and return over the same route; Route 527 between Hartford, Conn., and Springfield, Mass., over Alternate U.S. Highway 5; Route 528 between North Granby, and Stafford Springs, Conn., from North Granby over Connecticut Highway 189 to Granby, thence over Connecticut Highway 20 to junction Connecticut Highway 140, thence over Connecticut Highway 140 by Ellington (also from Ellington over unnumbered highway to junction Connecticut Highway 83, thence over Connecticut Highway 83 to junction Connecticut Highway 74, thence over Connecticut Highway 74 to junction Connecticut Highway 30, thence over Connecticut Highway 30 to junction Connecticut Highway 140, thence over Connecticut Highway 140) to Stafford Springs, and return over the same route; Route 529 between Manchester and Tolland, Conn., (a) from Manchester over Connecticut Highway 83 to junction Connecticut Highway 30, thence over Connecticut Highway 30 to junction Connecticut Highway 74, thence over Connecticut Highway 74 to Tolland, and return over the same route, and (b) from Manchester over Connecticut Highway 83 to junction Connecticut Highway 74, thence over Connecticut Highway 74 to Tolland, and return over the same route.

Route 530 between Hartford and Thomaston, Conn., over U.S. Highway 6; Route 531 between Thomaston and Litchfield, Conn., over Connecticut Highway 254; Route 532 between Middletown and Bristol, Conn., over Connecticut Highway 72; Route 533 between Hartford and Torrington, Conn., (a) over Connecticut Highway 4 and (b) from Hartford over Connecticut Highway 4 to junction Connecticut Highway 179, thence over Connecticut Highway 179 to junction Connecticut Highway 25, thence over Connecticut Highway 25 to Torrington, and return over the same route; Route 534 between Hartford and Winsted, Conn., over U.S. Highway 44; Route 535 between Unionville and Avon, Conn., from Unionville over Connecticut Highway 167 to West Avon, thence over unnumbered highway to Avon, and return over the same route; Route 536 between Granby and Winsted, Conn., from Granby over Connecticut Highway 20 to junction Connecticut Highway 219, thence over Connecticut Highway 219 to junction Connecticut Highway 318, thence over Connecticut Highway 318 to junction U.S. Highway 44, thence over U.S. Highway 44 to Winsted, and return over the same route; Route 537 between East Windsor Hill and Weatogue, Conn., from East Windsor Hill over unnumbered highway by South Windsor, to junction Interstate Highway 291, thence over Interstate Highway 291 to Wilson, thence over Alternate U.S. Highway 5 to junction Connecticut Highway 178, thence over Connecticut Highway 178 to junction Connecticut Highway 185, thence over Connecticut Highway 185 to Weatogue, and return over the same route; Route 538 between Thompsonville and Windsor, Conn., from Thompsonville over Connecticut Highway 190 to junction Connecticut Highway 75, thence over Connecticut Highway 75 to Windsor, and return over the same route; Route 539 between Rocky Hill and Glastonbury, Conn., from Rocky Hill over Connecticut Highway 160 to South Glastonbury, thence over Connecticut Highway 17 to Glastonbury, and return over the same route; Route 540 between junction Interstate Highways 91 and 291 and junction Interstate Highway 291 and U.S. Highway 5 over Interstate Highway 291; Route 541 between junction Interstate Highways 91 and 491 and junction Interstate Highways 491 and 84 over Interstate Highway 491; Route 542 between Stafford Springs, Conn., and Palmer, Mass., from Stafford Springs over Connecticut Highway 32 to the Massachusetts-Connecticut State line, thence over Massachusetts Highway 32 to Palmer and return over the same route; Route 543 between Springfield and Griswoldville, Mass., from Springfield over U.S. Highway 5 (also over Interstate Highway 91) to Greenfield, thence over Massachusetts Highway 2 to junction Massachusetts Highway 112, thence over Massachusetts Highway 112 to Griswoldville, and return over the same route.

Route 544 between Springfield and Williamstown, Mass., (a) from Springfield over U.S. Highway 20 to Pittsfield, thence over Massachusetts Highway 8 to North Adams, thence over Massachusetts Highway 2 to Williamstown, and return over the same route, (b) from Springfield over Massachusetts Highway 33 (also over U.S. Highway 5) to junction Interstate Highway 90, thence over Interstate Highway 90 to Lee, thence over U.S. Highway 20 to Pittsfield, thence to Williamstown as specified above, and return over the same route; and (c) from Springfield over U.S. Highway 5 (also over Interstate Highway 91) to Greenfield, thence over Massachusetts Highway 2 to Williamstown, and return over the same route; Route 545 between junction U.S. Highway 20 and Massachusetts Highway 102 near East Lee, Mass., and Sheffield, Mass., from junction U.S. Highway 20 and Massachusetts Highway 102 over Massachusetts Highway 102 to Stockbridge, thence over U.S. Highway 7 to Sheffield, and return over the same route; Route 546 between Winsted, Conn., and Sheffield, Mass., from Winsted over U.S. Highway 44 to junction U.S. Highway 7, thence over U.S. Highway 7 to Sheffield, and return over the same route; Route 547 between Westfield and Agawam, Mass., from Westfield over U.S. Highway 202 to junction Massachusetts Highway 57, thence over Massachusetts Highway 57 to Agawam, and return over the same route; Route 548 between Westfield, Mass., and Granby, Conn., over U.S. Highway 202; Route 549 between Springfield, Mass., and Warehouse Point, Conn., from Springfield over Massachusetts Highway 83 to East Longmeadow, thence over Massachusetts Highway 220 to the Massachusetts-Connecticut State line, thence over Connecticut Highway 220 to junction Connecticut Highway 140, thence over Connecticut Highway 140 to Warehouse Point, and return over the same route; Route 550 between Springfield and Greenfield, Mass., from Springfield over Massachusetts Highway 33 to junction Massachusetts Highway 47, thence over Massachusetts Highway 47 by Hadley, to junction Massachusetts Highway 63, thence over Massachusetts Highway 63 to Millers Falls, thence over Massachusetts Highway 2A to Greenfield, and return over the same route; Route 551 between junction U.S. Highway 5 and Massachusetts Highway 116 and Sunderland, Mass., over Massachusetts Highway 116; Route 552 between Northampton and Hadley, Mass., over Massachusetts Highway 9; Route 553 between Holyoke and Northampton, Mass., from Holyoke over Massachusetts Highway 141 to Easthampton, thence over Massachusetts Highway 10 to Northampton, and return over the same route.

Route 554 between Westfield and Easthampton, Mass., over Massachusetts Highway 10; Route 555 between Holyoke and Palmer, Mass., from Holyoke over U.S. Highway 202 to Belchertown, thence over Massachusetts Highway 181 to Palmer, and return over the same route; Route 556 between Worcester and Palmer, Mass., (a) from Worcester over Massachusetts Highway 9 to Ware, thence over Massachusetts Highway 32 to Palmer, and return over the same route; (b) from Worcester over Massachusetts Highway 9 to junction Massachusetts Highway 67, thence over Massachusetts Highway 67 to junction U.S. Highway 20, thence over U.S. Highway 20 to Palmer, and return over the same route;

Route 557 between Worcester and Greenfield, Mass., (a) from Worcester over Massachusetts Highway 122 to junction Massachusetts Highway 2, thence over Massachusetts Highway 2 to Greenfield, and return over the same route; (b) from Worcester over Massachusetts Highway 122 to junction Massachusetts Highway 32, thence over Massachusetts Highway 32 to Athol, thence over Massachusetts Highway 2A to junction Massachusetts Highway 2, thence over Massachusetts Highway 2 to Greenfield, and return over the same route, and (c) from Worcester over Massachusetts Highway 122A to Rutland, thence over Massachusetts Highway 56 to Hubbardston, thence over Massachusetts Highway 68 to Gardner, thence over Massachusetts Highway 2 to Greenfield, and return over the same route; Route 558 between Gardner and Winchendon, Mass., from Gardner over Massachusetts Highway 68 to Baldwinville, thence over U.S. Highway 202 to Winchendon, and return over the same route; Route 559 between Winchendon and Worcester, Mass., (a) over Massachusetts Highway 12, and (b) from Winchendon over Massachusetts Highway 12 to junction Massachusetts Highway 140, thence over Massachusetts Highway 140 to junction Massachusetts Highway 12 near West Boylston, thence over Massachusetts Highway 12 to Worcester, and return over the same route; Route 560 between Barre and Sterling, Mass., over Massachusetts Highway 62; Route 561 between Fitchburg and Holden, Mass., over Massachusetts High way 31; Route 562 between North Oxford and Leicester, Mass., over Massachusetts Highway 56; Route 563 between Worcester, Mass., and Providence, R.I., from Worcester over Massachusetts Highway 122 to Massachusetts-Rhode Island State line, thence over Rhode Island Highway 122 to Providence, and return over the same route, and (b) from Worcester over Massachusetts Highway 146 to Massachusetts-Rhode Island State line, thence over Rhode Island Highway 146 to Providence, and return over the same route.

Route 564 between Webster and Medford, Mass., over Massachusetts Highway 16; Route 565 between West Boylston and Milford, Mass., over Massachusetts Highway 140; Route 566 between Marlboro and Milford, Mass., over Massachusetts Highway 85; Route 567, between Northboro and Wellesley, Mass., over Massachusetts Highway 135; Route 568 between Holliston and Wayland, Mass., over Massachusetts Highway 126; Route 569 between Northboro and Pepperell, Mass., from Northboro over unnumbered highway to Berlin, thence over Massachusetts Highway 62 to Clinton, thence over Massachusetts Highway 110 to junction Massachusetts Highway 111, thence over Massachusetts Highway 111 to Pepperell, and return over the same route; Route 570 between Clinton and Ayer, Mass., over unnumbered highways by Shirley; Route 571 between Marlboro and Leominster, Mass., from Marlboro over Massachusetts Highway 85 to junction Massachusetts Highway 117, thence over Massachusetts Highway 117 to Leominster, and return over the same route; Route 572 between Fitchburg and Boston, Mass., (a) over Massachusetts Highway 2A, and (b) from Fitchburg over Massachusetts Highway 12 to junction Massachusetts Highway 2, thence over Massachusetts Highway 2 to Boston, and return over the same route; Route 573 between Hudson and Concord, Mass., over Massachusetts Highway 62; Route 574 between Harvard and Maynard, Mass., from Harvard over Massachusetts Highway 111 to junction Massachusetts Highway 27, thence over Massachusetts Highway 27 to Maynard, and return over the same route; Route 575 between Westminster and West Leominster, Mass., over Massachusetts Highway 2; Route 576 between Boston and Lowell, Mass., (a) from Boston over Massachusetts Highway 3 to junction Massachusetts Highway 3A, thence over Massachusetts Highway 3 (also over Massachusetts Highway 3A) to Lowell, and return over the same route, and (b) over Massachusetts Highway 38; Route 577 between Lowell, Mass., and junction Massachusetts Highways 2A and 225 near Lunenburg; from Lowell over Massachusetts Highway 3A to North Chelmsford, thence over Massachusetts Highway 40 to Groton, thence over Massachusetts Highway 225 to junction Massachusetts Highway 2A, and return over the same route.

Route 578 between Wilmington and Billerica, Mass., from Wilmington over Massachusetts Highway 129 to junction unnumbered highway, thence over unnumbered highway to Billerica, and return over the same route; Route 579 between Wilmington, Mass., and junction Massachusetts Highways 62 and 3A near Pinehurst, over Massachusetts Highway 62; Route 580 between North Chelmsford and Tyngsboro, Mass., over Massachusetts Highway 4; Route 581 between Braintree and Gloucester, Mass., over Masachusetts Highway 128; Route 582 between Boston and Lawrence, Mass., (a) over Massachusetts Highway 28, and (b) from Boston over Massachusetts Highway 28 to junction Interstate Highway 93, thence over Interstate Highway 93 to junction Interstate Highway 495, thence over Interstate Highway 495 to Lawrence, and return over the same route; Route 583 between Lowell and Salisbury, Mass., over Massachusetts Highway 110; Route 584 between Boston and Salisbury, Mass., (a) over U.S. Highway 1, and (b) from Boston over U.S. Highway 1 to junction Interstate Highway 95, thence over Interstate Highway 95 to junction Massachusetts Highway 110, thence over Massachusetts Highway 110 to Salisbury, and return over the same route; Route 585 between junction Massachusetts Highways 28 and 125 and Haverhill, Mass., over Massachusetts Highway 125; Route 586 between Waltham and Revere, Mass., over Massachusetts Highway 60; Route 587 between Revere and Newburyport, Mass., over Massachusetts Highway 1A; Route 588 between Boston, Mass., and Providence, R.I., (a) from Boston over Massachusetts Highway 28 by Randolph to Brockton, thence over Massachusetts Highway 123 to Massachusetts-Rhode Island State line, thence over Rhode Island Highway 123 to junction Rhode Island Highway 114, thence over Rhode Island Highway 114 to Providence, and return over the same route, and (b) from Boston over U.S. Highway 1 to Dedham, thence over U.S. Highway 1A to junction U.S. Highway 1 near Plainville, thence over U.S. Highway 1 to Providence, and return over the same route; Route 589 between Randolph and South Easton, Mass., from Randolph over Massachusetts Highway 139 to Stoughton, thence over Massachusetts Highway 138 to South Easton, and return over the same route.

Route 590 between Boston and Plymouth, Mass., (a) over Massachusetts Highway 3, and (b) over Massachusetts Highway 3A; Route 591 between Boston and Plainville, Mass., from Boston over Massachusetts Highway 3A to Quincy, thence over Massachusetts Highway 53 to Weymouth, thence over Massachusetts Highway 18 to Elmwood, thence over Massachusetts Highway 106 to Plainville, and return over the same route; Route 592 between Brockton and Plymouth, Mass., from Brockton over Massachusetts Highway 27 to junction Massachusetts Highway 3A, thence over Massachusetts Highway 3A to Plymouth, and return over the same route; Route 593 between Brockton and Weymouth, Mass., from Brockton over Massachusetts Highway 123 to Assinippi, thence over Massachusetts Highway 53 to Weymouth, and return over the same route; Route 594 between Norton and Wrentham, Mass., (a) over Massachusetts Highway 140 by Mansfield and Foxboro, and (b) also from Mansfield over unnumbered highway to E. Foxboro, thence over unnumbered highway to Foxboro), thence over Massachusetts Highway 140 to Wrentham, and return over the same route, Route 595 between Brockton and Dedham, Mass., from Brockton over Massachusetts Highway 27 to Medfield, thence over Massachusetts Highway 109 to Dedham, and return over the same route; Route 596 between Providence, R.I., and Plymouth, Mass., from Providence over U.S. Highway 44 by Taunton and Nemasket, Mass. (also from Taunton over unnumbered highway by E. Taunton to Precinct, thence over Massachusetts Highway 105 to Nemasket, thence over U.S. Highway 44) to Plymouth, and return over the same route; Route 597 between South Easton and Fall River, Mass., over Massachusetts Highway 138; Route 598 between East Providence, R.I., and Attleboro, Mass., from East Providence over Rhode Island Highway 152 to Rhode Island-Massachusetts State line, thence over Massachusetts Highway 152 to Attleboro, and return over the same route; Route 599 between Plymouth, Mass., and junction Massachusetts Highway 3 and U.S. Highway 6 at Cape Cod Canal, over Massachusetts Highway 3.

Route 600 between Providence, R.I., and Provincetown, Mass., from Providence over U.S. Highway 6 by New Bedford, Mass. (also over Interstate Highway 195 to New Bedford), to Provincetown, and return over the same route; Route 601 between Providence and Newport, R.I., over Rhode Island Highway 114; Route 602 between Buzzards Bay and Falmouth, Mass., over Massachusetts Highway 28; Route 603 between junction U.S. Highway 6 and Rhode Island Highway 101 and junction U.S. Highway 44 and Connecticut Highway 32 near West Willington, Conn., from junction U.S. Highway 6 and Rhode Island Highway 101 over Rhode Island Highway 101 to Rhode Island-Connecticut State line, thence over Connecticut Highway 101 to junction U.S. Highway 44, thence over U.S. Highway 44 to junction Connecticut Highway 32, and return over the same route. Route 604 between Torrington, Conn., and junction U.S. Highway 20 and Massachusetts Highway 8 near East Lee, Mass., from Torrington over Connecticut Highway 8 to the Connecticut-Massachusetts State line, thence over Massachusetts Highway 8 to junction U.S. Highway 20, and return over the same route; Route 605 between junction U.S. Highway 44 and 44A near Warrenville, Conn., and junction U.S. Highways 44A and U.S. Highway 6 near Bolton Notch, Conn., over U.S. Highway 44A; Route 606 between Danbury and Canaan, Conn., over U.S. Highway 7; Route 607 between junction Massachusetts Highway 9 and Interstate Highway 495 and Salisbury, Mass., from junction Massachusetts Highway 9 and Interstate Highway 495 over Interstate Highway 495 to junction Massachusetts Highway 110, thence over Massachusetts Highway 110 to Salisbury, and return over the same route; Route 608 between Milford and Taunton, Mass., over Massachusetts Highway 140; Route 609 between junction Massachusetts Highways 128 and 24 and Fall River, Mass., over Massachusetts Highway 24; Route 610 between junction Interstate Highways 95 and 295 south of Providence, R.I., and junction Interstate Highways 95 and 295 north of Providence, over Interstate Highway 295; Route 611 between Lawrence and Salem, Mass., over Massachusetts Highway 114.

NOTE: Applicant states service over the foregoing routes is proposed to and from intermediate and off-route points as follows: (1) Service is proposed to and from all intermediate points in Massachusetts and to and from all other Massachusetts points as off-route points; (2) general commodities, without limitation, may be transported between points in Massachusetts; (3) in Rhode Island service is proposed to and from the intermediate and off-route points of Providence and points within 5 miles thereof restricted to shipments transported to, from, or through a point in New York; to and from points within 25 miles of but more than 5 miles from Providence, restricted to shipments transported to, from, or through a point on carrier's regular routes in Virginia on or south of U.S. Highway 58 or a point in West Virginia; and all other points in Rhode Island restricted to delivery of textiles and textile products transported from or through a point on carrier's routes in Virginia on or south of U.S. Highway 58; and (4) to and from all intermediate and off-route points in Connecticut as follows: (a) To and from points within 20 miles of Springfield, Mass., in Connecticut, without limitation; and (b) to and from all other points in Connecticut restricted to shipments transported to, from, or through a point in New York State.

Part II, Hudson Valley Area: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods* in 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), Route 612 between Albany, N.Y., and Newark, N.J., from Albany over U.S. Highway 9W to Newburgh, thence over New York Highway 32 to junction New York Highway 17, thence over New York Highway 17 to New York-New Jersey State line, thence over New Jersey Highway 17 to junction New Jersey Highway 3, thence over New Jersey Highway 3 to junction U.S. Highway 1, thence over U.S. Highway 1 to Newark, and return over the same route; Route 613 between Albany and New York, N.Y., over U.S. Highway 9; Route 614 between Newburgh and Kingston, N.Y., from Newburgh over New York Highway 300 to Wallkill, thence over New York Highway 208 to New Paltz, thence over New York Highway 32 by junction New York Highway 213 (also from said junction over New York Highway 213) to Kingston, and return over the same route.

Route 615 between Newburgh and Kerhonkson, N.Y., from Newburgh over New York Highway 52 to Ellenville, thence over U.S. Highway 209 to Kerhonkson, and return over the same route; Route 616 between Kerhonkson and Poughkeepsie, N.Y., (a) over U.S. Highway 44 and (b) from Kerhonkson over U.S. Highway 44 to junction New York Highway 299, thence over New York Highway 299 to Highland, thence over U.S. Highway 44 to Poughkeepsie, and return over the same route; Route 617 between Kerhonkson and Kingston, N.Y., over U.S. Highway 209; Route 618 between Newburgh and Port Jervis, N.Y., from Newburgh over New York Highway 17K to Montgomery, thence over New York Highway 84 to Middletown, thence over U.S. Highway 6 to Port Jervis, and return over the same route; Route 619 between Middletown and Harriman, N.Y., from Middletown over New York Highway 84 to junction U.S. Highway 6, thence over U.S. Highway 6 to Harriman, and return over the same route; Route 620 between Middletown and Pine Bush, N.Y., over New York Highway 302; Route 621 between Newburgh, N.Y., and junction New York Highways 17 and 17A, from Newburgh over New York Highway 94 to Warwick, thence over New York Highway 17A to junction New York Highway 17, and return over the same route; Route 622 between Newburgh and Amenia, N.Y., (a) from Newburgh over New York Highway 52 to Stormville, thence over New York Highway 216 to junction New York Highway 55, thence over New York Highway 55 to junction New York Highway 22, thence over New York Highway 22 to Amenia, and return over the same route; and (b) from Newburgh over New York Highway 52 to Beacon, thence over New York Highway 90 to junction U.S. Highway 9, thence over U.S. Highway 9 to Poughkeepsie, thence over U.S. Highway 44 to Amenia, and return over the same route; Route 623 between Amenia and Red Hook, N.Y., from Amenia over New York Highway 22 to junction New York Highway 199, thence over New York Highway 199 to Red Hook, and return over the same route; Route 624 between Newburgh and Peekskill, N.Y., (a) from Newburgh over U.S. Highway 9W to junction U.S. Highway 6, thence over U.S. Highway 6 to Peekskill, and return over the same route, and (b) from Newburgh over New York Highway 218 to junction U.S. Highway 9W, thence as specified above to Peekskill, and return over the same route, Route 625 between Peekskill, N.Y., and Danbury, Conn., over U.S. Highway 6.

Route 626 between Carmel and Ossining, N.Y., from Carmel over unnumbered highway to Croton Falls, thence over New York Highway 22 to Mount Kisco, thence over New York Highway 133 to Ossining, and return over the same route; Route 627 between Pawling and Croton Falls, N.Y., from Pawling over New York Highway 55 to junction New York Highway 22 thence over New York Highway 22 to Croton Falls, and return over the same route; Route 628 between Mount Kisco and Port Chester, N.Y., from Mount Kisco over New York Highway 117 to junction New York Highway 128, thence over New York Highway 128 to New York-Connecticut State line, thence over the Riversville Road to Glenville, thence over unnumbered highway to Connecticut-New York State line, thence over unnumbered highway to junction New York Highway 120A, thence over New York Highway 120A to Port Chester, and return over the same route, and (b) from Mount Kisco over New York Highway 117 to junction New York Highway 120, thence over New York Highway 120 to junction New York Highway 120A, thence over New York Highway 120A to New York-Connecticut State line, thence over Connecticut Highway 120A to junction New York Highway 120A, thence over New York Highway 120A to Port Chester (also from junction New York Highways 120 and 120A over New York Highway 120 to junction New York Highway 119A, thence over New York Highway 119 to Rye, thence over U.S. Highway 1 to Port Chester, and return over the same route; Route 629 between Armonk and New York, N.Y., over New York Highway 22, Route 630 between Tarrytown and Port Chester, N.Y., over New York Highway 119 (also over Interstate Highway 287); Route 631 between White Plains and Mamaroneck, N.Y., (a) over New York Highway 127 and (b) over Mamaroneck Avenue; Route 632 between White Plains and Larchmont, N.Y., over New York Highway 125; Route 633 between New York and White Plains, N.Y., over New York

Highway 100; Route 634 between North Tarrytown, N.Y., and junction New York Highways 117 and 120 near Chappaqua, N.Y., over New York Highway 117; Route 635 between Ossining and New York, N.Y., from Ossining over New York Highway 9A to Yonkers, thence over New York Highway 9 to New York, and return over the same route; Route 636 between junction New York Highways 9A and 100 near Hawthorne, N.Y., and Hartsdale, N.Y., from junction New York Highways 9A and 100 over New York Highway 100 to junction New York Highway 100A, thence over New York Highway 100A to Hartsdale, and return over the same route.

Route 637 between North Tarrytown, N.Y., and junction New York Highways 9A and 100B; from North Tarrytown over unnumbered highways by Eastview to junction New York Highway 100C, thence over New York Highway 100C to junction New York Highway 100, thence over New York Highway 100 to junction New York Highway 100B, thence over New York Highway 100B to junction New York Highway 9A, and return over the same route. NOTE: Applicant states service over the above routes is proposed as follows: (1) In New Jersey, serving all intermediate points and the off-route points of East Orange, Passaic, Englewood, Hackensack, Montclair, and Paterson, N.J., (2) in New York, serving as intermediate and off-route points, points in Dutchess, Orange, Ulster, Putnam, and Westchester Counties; and (3) in Connecticut serving all intermediate points. Part III, Pennsylvania, New Jersey, and Metropolitan New York City Area: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), Route 638 between New York, N.Y., and Philadelphia, Pa., (a) over U.S. Highway 1 (also over Interstate Highway 95), and (b) from New York, as specified above, to junction U.S. Highway 1 and U.S. Highway 130, thence over U.S. Highway 130 to Camden, N.J., thence across the Delaware River to Philadelphia, and return over the same route, (c) from New York by the Lincoln Tunnel, thence over New Jersey Highway 3 to New Jersey Turnpike (also by Holland Tunnel, thence over Business U.S. Highway 1 and by the New Jersey Turnpike Extension to the New Jersey Turnpike), thence over the New Jersey Turnpike to Interchange 4, thence over New Jersey Highway 73 and the Tacony Bridge to Philadelphia (also from Interchange 4 over New Jersey Highway 73 to junction New Jersey Highway 38, thence over New Jersey Highway 38 to Camden, thence across the Ben Franklin or Walt Whitman Bridges to Philadelphia) and return over the same route; (d) from New York over the George Washington Bridge, thence over Interstate Highway 95 (also over U.S. Highway 1) to the New Jersey Turnpike, thence to Philadelphia as specified above and return over the same route, and (e) from New York over U.S. Highway 22 to Somerville, N.J., thence over U.S. Highway 202 to Doylestown, Pa., thence over U.S. Highway 611 to Philadelphia, and return over the same route.

Route 639 between New York, N.Y., and Phillipsburg, Pa., (a) from New York over U.S. Highway 46 to Hacketstown, N.J., thence over New Jersey Highway 57 to junction New Jersey Highway 24, thence over New Jersey Highway 24 to Phillipsburg, and return over the same route and (b) from New York to Newark, as specified above, thence over U.S. Highway 22 by Still Valley, N.J. (also from Still Valley over Alternate U.S. Highway 22) (also over Interstate Highway 78), to Phillipsburg, and return over the same route; Route 640 between New York, N.Y., and Totowa, N.J., from New York over the George Washington Bridge, thence over New Jersey Highway 4 (also over Interstate Highway 80) to Totowa, and return over the same route; Route 641 between Newark, N.J., and junction New Jersey Highway 3 and U.S. Highway 46 at Clifton, N.J., over New Jersey Highway 17; Route 642 between Newark and Sussex, N.J., over New Jersey Highway 23; Route 643 between Newark and Danville, N.J., from Newark over New Jersey Highway 24 to Morristown, thence over New Jersey Highway 53 to Danville, and return over the same route; Route 644 between Newark, N.J., and junction U.S. Highway 46 and New Jersey Highway 10 near Ledgewood, N.J., over New Jersey Highway 10; Route 645 between Newark and New Brunswick, N.J., over New Jersey Highway 27; Route 646 between Jersey City and Waldwick, N.J., from Jersey City over New Jersey Highway 7 to Belleville, thence over New Jersey Highway 21 to junction New Jersey Highway 20, thence over New Jersey Highway 20 to Paterson, thence over Maple Avenue to Hohokus, thence over Sheridan Avenue to Waldwick, and return over the same route; Route 647 between New Brunswick and Trenton, N.J., (a) from New Brunswick over New Jersey Highway 27 to Princeton, thence over U.S. Highway 206 to Trenton, and return over the same route, and (b) from New Brunswick over New Jersey Highway 18 to Middlesex, thence over New Jersey Highway 28 to Somerville, thence over U.S. Highway 206 to Trenton, and return over the same route; Route 648 between Somerville, N.J., and junction U.S. Highway 202 and New Jersey Highway 17, over U.S. Highway 202 (also over Interstate Highway 287); Route 649 between Bedminster and Hamburg, N.J., from Bedminister over U.S. Highway 206 to junction New Jersey Highway 94, thence over New Jersey Highway 94 to Hamburg, and return over the same route.

Route 650 between Bound Brook and Bernardsville, N.J., (a) over New Jersey Secondary Highway 525 and (b) from Bound Brook over New Jersey Secondary Highway 527 by Warrenville and Basking Ridge to junction U.S. Highway 202, thence over U.S. Highway 202 to Bernardsville, and return over the same route; Route 651 between Summit and Livingston, N.J., over New Jersey Secondary Highway 527; Route 652 between Livingston, N.J., and junction New Jersey Highway 23 and New Jersey Secondary Highway 527 near Singac, N.J., over New Jersey Secondary Highway 527; Route 653 between Verona, N.J., and junction U.S. Highway 46 and New Jersey Secondary Highway 506, over New Jersey Secondary Highway 506; Route 654 between Newark and Glen Ridge, N.J., from Newark over New Jersey Highway 21 to junction New Jersey Secondary Highway 506, thence over New Jersey Secondary Highway 506 to Glen Ridge, and return over the same route; Route 655 between Ridgefield and Rockleigh, N.J., over New Jersey Secondary Highway 501; Route 656 between Ridgefield Park and Park Ridge, N.J., from Ridgefield Park over New Jersey Secondary Highway 505 to junction unnumbered highway, thence over unnumbered highway to Park Ridge, and return over the same route; Route 657 between Rahway and Toms River, N.J., (a) from Rahway over New Jersey Highway 35 to Seaside Heights, thence over New Jersey Highway 37 to junction New Jersey Secondary Highway 549, thence over New Jersey Secondary Highway 549 to Toms River, and return over the same route, (b) from Rahway, as specified above, to Eatontown, thence over New Jersey Highway 71 by Belmar to junction New Jersey Highway 34, thence over New Jersey Highway 34 to junction New Jersey Highway 88, thence over New Jersey Highway 88 to junction New Jersey Highway 70 (also from Belmar over New Jersey Highway 35 to junction New Jersey Highway 70), thence over New Jersey Highway 70 to Lakehurst, thence over New Jersey Highway 37 to Toms River, and return over the same route, and (c) from Rahway over U.S. Highway 9 (also over the Garden State Parkway) to Toms River (also over U.S. Highway 9 to junction New Jersey Secondary Highway 522, thence over New Jersey Secondary Highway 522 to Freehold, thence over New Jersey Highway 79 to junction U.S. Highway 9 to Toms River), and return over the same route.

Route 658 between New Brunswick, N.J., and junction New Jersey Highway 18 and U.S. Highway 9, over New Jersey Highway 18; Route 659 between New Brunswick and South Amboy, N.J., from New Brunswick over New Jersey Highway 18 to junction New Jersey Secondary Highway 535, thence over New Jersey Secondary Highway 535 to South Amboy, and return over the same route; Route 660 between Old Bridge, N.J., and junction New Jersey Highway 35 and New Jersey Secondary Highway 516, over New Jersey Secondary Highway 516; Route 661 between Camden and Lakehurst, N.J., over New Jersey Highway 70; Route 662 between junction U.S. Highway 9 and New Jersey Highway 34 and junction New Jersey Highway 34 and New Jersey Highway 35, over New Jersey Highway 34; Route 663 between Penns Neck and Asbury Park, N.J., from Penns Neck over New Jersey Secondary Highway 571 to Highstown, thence over New Jersey Highway 33 to Asbury Park, and return over the same route; Route 664

between Interchange 7 of the New Jersey Turnpike and Trenton, N.J., over U.S. Highway 206; Route 665 between Trenton and Somerville, N.J., from Trenton over New Jersey Highway 29 to Lambertville, thence over U.S. Highway 202 to Somerville, and return over the same route; Route 666 between Phillipsburg, N.J., and Philadelphia, Pa., (a) from Phillipsburg over U.S. Highway 22 to Easton, Pa., thence over U.S. Highway 611 to Philadelphia, and return over the same route, and (b) from Phillipsburg over U.S. Highway 22 to junction Pennsylvania Highway 191, thence over Pennsylvania Highway 191 to junction U.S. Highway 309, thence over U.S. Highway 309 to Philadelphia, and return over the same route; Route 667 between Philadelphia and New Hope, Pa., (a) from Philadelphia over U.S. Highway 13 to Morrisville, thence over Pennsylvania Highway 32 to New Hope, and return over the same route and (b) from Philadelphia over Pennsylvania Highway 532 to Newton, thence over Pennsylvania Highway 413 to junction Pennsylvania Highway 232, thence over Pennsylvania Highway 232 to New Hope, and return over the same route; Route 668 between Hackettstown and Washington, N.J., from Hackettstown over U.S. Highway 46 to junction New Jersey Highway 69, thence over New Jersey Highway 69 to Washington, and return over the same route.

Route 669 between Newton, N.J., and junction New Jersey Highways 23 and 517; from Newton over unnumbered highway to junction Alternate New Jersey Highway 517, thence over Alternate New Jersey Highway 517 to junction New Jersey Highway 517, thence over New Jersey Highway 517 to junction New Jersey Highway 23, and return over the same route; Route 670 between Newton and Great Meadows, N.J., from Newton over New Jersey Highway 94 to Blairstown, thence over New Jersey Highway 521 to Hope, thence over unnumbered highway to Great Meadows, and return over the same route; Route 671 between Dover and Montague, N.J., from Dover over New Jersey Highway 15 to Ross Corner, thence over U.S. Highway 206 to Montague, and return over the same route; Route 672 between Dover and Chester, N.J., over New Jersey Highway 513; Route 673 between Chester and Morristown, N.J., over New Jersey Highway 24; Route 674 between Madison, N.J., and junction Ridgedale Avenue and New Jersey Highway 10, from Madison over Ridgedale Avenue to Florham Park, thence over Ridgedale Avenue (also over Hanover Road), to junction New Jersey Highway 10, and return over the same route; Route 675 between Morristown and Newark, N.J., over New Jersey Highway 510; Route 676 between Morristown, N.J., and junction Moores Turnpike and New Jersey Highway 10, from Morristown over Sussex Avenue to Mount Freedom, thence over Carroll Road to junction Moores Turnpike, thence over Moores Turnpike to junction New Jersey Highway 10, and return over the same route; Route 677 between Newfoundland, N.J., and junction U.S. Highway 23 and Alternate New Jersey Highway 511, from Newfoundland over New Jersey Highway 513 to junction New Jersey Highway 511, thence over New Jersey Highway 511 to junction Alternate New Jersey Highway 511 near Pompton Lakes, thence over Alternate New Jersey Highway 511 to junction New Jersey Highway 23, and return over the same route; Route 678 between Paterson, N.J., and junction New Jersey Highways 23 and 511 near Butler, N.J., from Paterson over New Jersey Highway 504 to junction U.S. Highway 202, thence over U.S. Highway 202 to Pompton, thence over unnumbered highway to junction New Jersey Highway 511, thence over New Jersey Highway 511 to junction New Jersey Highway 23, and return over the same route.

Route 679 between junction New Jersey Highways 3 and 20 and Paterson, N.J., from junction New Jersey Highways 3 and 20 over New Jersey Highway 3 to Passaic, thence over Main Avenue to Paterson, and return over the same route; Route 680 between Rockleigh and Englewood, N.J., from Rockleigh over Paris Avenue to junction New Jersey Highway 503, thence over New Jersey Highway 503 to Englewood, and return over the same route; Route 681 between Dumont and Alpine, N.J., from Dumont over New Jersey Highway 502 to junction U.S. Highway 9W, thence over U.S. Highway 9W to Alpine, and return over the same route; Route 682 between Park Ridge and Alpine, N.J., from Park Ridge over Park Avenue to Prospect Avenue, thence over Prospect Avenue to Riverdale Road, thence over Riverdale Road to Poplar Road, thence over Poplar Road, to Washington Avenue, thence over Washington Avenue to Tappan Road, thence over Tappan Road, to Central Avenue, thence over Central Avenue to Branch Avenue, thence over Branch Avenue to Closter Dock Road, thence over Closter Dock Road to Alpine, and return over the same route; Route 683 between Ridgewood and West Mahwah, N.J., over New Jersey Highway 507; Route 684 between Park Ridge and Ramsey, N.J., from Park Ridge over New Jersey Highway 505 to Grand Avenue, thence over Grand Avenue to Chestnut Ridge Road, thence over Chestnut Ridge Road to Lake Street, thence over Lake Street to junction New Jersey Highway 507, thence over New Jersey Highway 507 to junction Ramsey Road, thence over Ramsey Road to Ramsey, and return over the same route; Route 685 between junction New Jersey Highways 3 and 20 and Hackensack, N.J., from junction New Jersey Highways 3 and 20 over New Jersey Highway 20 to junction Washington Avenue, thence over Washington Avenue to junction Moonachee Road, thence over Moonachee Road to Little Ferry, thence over Liberty Street to Hudson Street, thence over Hudson Street to Hackensack, and return over the same route; Route 686 between Park Ridge and Hackensack, N.J., from Park Ridge over Broadway to Westwood, N.J., thence over Washington Avenue to junction Kinderamack Road, thence over Kinderamack Road to Hackensack, and return over the same route; Route 687 between Washington and Flemington, N.J., over New Jersey Highway 69.

Route 688 between Clinton and Phillipsburg, N.J., from Clinton over New Jersey Highway 513 to Frenchtown, thence over New Jersey Highway 519 to Phillipsburg, and return over the same route; Route 689 between New Brunswick, N.J., and junction U.S. Highway 202 and New Jersey Highway 567, from New Brunswick over New Jersey Highway 514 to junction New Jersey Highway 567, thence over New Jersey Highway 567 to junction U.S. Highway 202, and return over the same route; Route 690 between junction U.S. Highway 22 and New Jersey Highway 533 and junction U.S. Highway 202 and New Jersey Highway 533, over New Jersey Highway 533; Route 691 between Ringoes, N.J., and junction New Jersey Highways 518 and 27; from Ringoes over New Jersey Highway 69 to junction New Jersey Highway 518, thence over New Jersey Highway 518 to junction New Jersey Highway 27, and return over the same route; Route 692 between Trenton, N.J., and junction New Jersey Highways 69 and 518 near Woodsville, N.J., over New Jersey Highway 69; Route 693 between junction New Jersey Highways 69 and 546 and U.S. Highway 206, over New Jersey Highway 546; Route 694 between Phillipsburg and Buttzville, N.J., from Phillipsburg over New Jersey Highway 24 to junction New Jersey Highway 519, thence over New Jersey Highway 519 to junction U.S. Highway 46, thence over U.S. Highway 46 to Buttzville, and return over the same route; Route 695 between Frenchtown and Flemington, N.J., over New Jersey Highway 12; Route 696 between Milburn and Liberty Corner, N.J., over New Jersey Highway 512; Route 697 between Neshanic and Ringoes, N.J., over New Jersey Highway 514; Route 698 between junction New Jersey Highways 35 and 36 near Keyport, N.J., and Asbury Park, N.J., over New Jersey Highway 36; Route 699 between Hightstown and Lakehurst, N.J., from Hightstown over New Jersey Highway 571 to junction New Jersey Highway 547, thence over New Jersey Highway 547 to Lakehurst, and return over the same route; Route 700 between Old Bridge and Toms River, N.J., over New Jersey Highway 527.

Route 701 between Princeton and Sea Bright, N.J., from Princeton over New Jersey Highway 571 to Penns Neck, thence over unnumbered highway by Plainsboro, to junction New Jersey Highway 535, thence over New Jersey Highway 535 to junction New Jersey Highway 520, thence over New Jersey Highway 520 to Sea Bright, and return over the same route; Route 702 between Freehold and Long Branch, N.J., over New Jersey Highway 537; Route 703 between Bound Brook and Elizabeth, N.J., over New Jersey Highway 28; Route 704 between South Plainfield and Westfield, N.J., over New Jersey Highway 509; Route 705 between Perth Amboy and Watchung, N.J., from Perth Amboy over New Jersey Highway 501 by Metuchen, to junction New Jersey Highway 529, thence over New Jersey Highway 529 (also from Metuchen

over New Jersey Highway 531) to Watchung, and return over the same route; Route 706 between New Brunswick and Keyport, N.J., from New Brunswick over New Jersey Highway 18 to junction New Jersey Highway 516, thence over New Jersey Highway 516 to Keyport, and return over the same route. NOTE: Service over the foregoing routes is proposed at all intermediate and the off-route points in Hudson, Essex, Union, Bergen, Passaic, Middlesex, Hunterdon, Ocean, Morris, Sussex, Warren, Somerset, Mercer, and Monmouth Counties and Camden, N.J.; and all off-route points in Bucks and Northampton Counties, Pa.; Route 707 between Newark and Perth Amboy, N.J., over New Jersey Highway 440 by Staten Island; Route 708 between South Amboy, N.J., and junction New Jersey Highways 522 and 518 near Rocky Hill, N.J., from South Amboy over unnumbered highway by Old Bridge, Spotswood, and Helmetta to Jamesburg, thence over New Jersey Highway 522 to Junction New Jersey Highway 518, and return over the same route. Item A: Serving York, Pa., as an off-route point in connection with carrier's regular-route operations in MC-31389 and subnumbered dockets, and as proposed herein, restricted to origination of shipments of general commodities, as defined above, and delivery of shipments of textiles and textile products.

Part IV, East South Routes: General commodities (except those of unusual value, classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, in 17 M.C.C. 467, commodities in bulk, commodities requiring special eqiupment, and those injurious or contaminating to other lading), Route 709 between junction U.S. Highways 40 and 13 and Interstate Highway 95, near Wilmington, Del., Elizabeth, Rocky Mount and Winston-Salem, N.C., and Danville, Va., from said junction near Wilmington over U.S. Highway 13 to junction U.S. Highway 17, thence over U.S. Highway 17 to Elizabeth, serving intermediate points in North Carolina only and restricted to delivery only, Route 710 from said junction near Wilmington to Elizabeth City, as above, thence over U.S. Highway 17 to junction U.S. Highway 64, thence over U.S. Highway 64 to Rocky Mount, serving intermediate points in North Carolina only and restricted to delivery only; Route 711 from said junction near Wilmington over U.S. Highway 13 to junction U.S. Highway 58, thence over U.S. Highway 58 to junction Virginia Highway 189, thence over Virginia Highway 189 to junction U.S. Highway 258, thence over U.S. Highway 258 to Lawrence, N.C., thence over North Carolina Highway 97 to Rocky Mount, serving intermediate points in North Carolina only and restricted to delivery only; Route 712 from said junction near Wilmington over U.S. Highway 40 to Baltimore, Md., thence over U.S. Highway 1 to Washington, D.C. (also from junction U.S. Highway 1 and Interstate Highway 495 north of Washington over Interstate Highway 495 to junction Virginia Highway 350 south of Washington), thence over Virginia Highway 350 to junction U.S. Highway 1, thence over U.S. Highway 1 to Richmond, Va., thence over U.S. Highway 301 (also from said junction near Wilmington over Interstate Highway 95, by Richmond, Va., to junction U.S. Highway 64, thence over U.S. Highway 64) to Rocky Mount, and return, serving all intermediate points restricted to shipments transported to, from or through a place in North Carolina.

Route 713 from said junction near Wilmington, to Richmond as in 712 above, thence over U.S. Highway 360 to junction Virginia Highway 304, thence over Virginia Highway 304 to junction U.S. Highway 58, thence over U.S. Highway 58 to Danville, Va., thence over U.S. Highway 29 to Reidsville, N.C., thence over U.S. Highway 158 to Winston-Salem, and return, serving all intermediate points other than those between Richmond, Va., and Danville, Va., not inclusive, restricted to shipments transported to, from or through a place in North Carolina or to, from or through Danville, Va. Item A: Service over the foregoing routes is proposed at off-route points in North Carolina more than 100 miles from, and east of a north-south line drawn through, High Point, N.C., and on or north of U.S. Highway 76 restricted to delivery only. Part V, Authority Within North Carolina: General commodities (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Route 800 between Winton and Rich Square, N.C., from Winton over U.S. Highway 13 to Ahoskie, thence over North Carolina Highway 561 to Rich Square, and return over the same route; Route 801 between Rocky Mount and Elizabeth City, N.C., from Rocky Mount over North Carolina Highway 97 to Lawrence, thence over U.S. Highway 258 to Murfreesboro (also from Rocky Mount over U.S. Highway 301 to Weldon), thence over U.S. Highway 158 to Elizabeth City, and return over the same route; Route 802 between Windsor and Ahoskie, N.C., over U.S. Highway 13; Route 803 between Williamston and Elizabeth City, N.C., over U.S. Highway 17; Route 804 between Bethel and Belhaven, N.C., from Bethel over North Carolina Highway 33 to Washington, thence over U.S. Highway 264 to Belhaven, and return over the same route; Route 805 between Greenville and Washington, N.C., over U.S. Highway 264; Route 806 between Williamston and Columbia, N.C., over U.S. Highway 64.

Route 807 between Williamston and New Bern, N.C., over U.S. Highway 17; Route 808 between Rocky Mount and Norlina, N.C., over North Carolina Highway 43; Route 809 between Norlina and Weldon, N.C., over U.S. Highway 158; Route 810 between Rocky Mount and Roanoke Rapids, N.C., over North Carolina Highway 48; Route 811 between Jackson and Windsor, N.C., from Jackson over North Carolina Highway 305 to junction North Carolina Highway 308, thence over North Carolina Highway 308 to Windsor, and return over the same route; Route 812 between Rocky Mount and Greenville, N.C., over North Carolina Highway 43; Route 813 between Lawrence and Goldsboro, N.C., from Lawrence over U.S. Highway 258 to Snow Hill, thence over U.S. Highway 13 to Goldsboro, and return over the same route; Route 814 between Zebulon and Wilson, N.C., over U.S. Highway 264; Route 815 between junction U.S. Highway 64 and North Carolina Highway 231 near Spring Hope and Middlesex, N.C., over North Carolina Highway 231; Route 816 between Fremont and Bailey, N.C., from Fremont over North Carolina Highway 222 to junction North Carolina Highway 581, thence over North Carolina Highway 581 to Bailey, and return over the same route; Route 817 between Wilson and Goldsboro, N.C., over U.S. Highway 117; Route 818 between Grifton, N.C., and junction U.S. Highway 17 and North Carolina Highway 118 near Vanceboro, N.C., over North Carolina Highway 118; Route 819 between New Bern and Jacksonville, N.C., over U.S. Highway 17; Route 820 between Kinston and Mount Olive, N.C., from Kinston over North Carolina Highway 55 to junction unnumbered highway, thence over unnumbered highway to Mount Olive, and return over the same route; Route 821 between Kinston and Pollocksville, N.C., over North Carolina Highway 58; Route 822 between Kinston and Wallace, N.C., from Kinston over North Carolina Highway 11 to Pink Hill, thence over unnumbered highway to Beulaville, thence over North Carolina Highway 41 to Wallace, and return over the same route; Route 823 between Roseboro and Garland, N.C., over North Carolina Highway 411; Route 824 between Fayetteville and Goldsboro, N.C., over U.S. Highway 13.

Route 825 (this number omitted intentionally); Route 826 between Wilson and Kinston, N.C., from Wilson over North Carolina Highway 58 to Snow Hill, thence over U.S. Highway 258 (also over North Carolina Highway 91) to Kinston, and return over the same route; Route 827 between Jacksonville and Wilmington, N.C., over U.S. Highway 17; Route 828 between Kinston and Warsaw, N.C., from Kinston over North Carolina Highway 11 to Kenansville, thence over North Carolina Highway 24 to Warsaw, and return over the same route; Route 829 between Warsaw and Wilmington, N.C., over U.S. Highway 117; Route 830 between Faison and Elizabethtown, N.C., from Faison over North Carolina Highway 403 to Clinton, thence over North Carolina Highway 701 to Elizabethtown, and return over the same route; Route 831 between Lumberton and Chadbourn, N.C., over U.S. Highway 74; Route 832 between New Bern and Beaufort, N.C., over U.S. Highway 70; Route 833 between Lumberton and Wallace, N.C., over North Carolina Highway 41; Route 834 between Warsaw and Morehead, N.C., over North Carolina Highway 24; Route 835 between Lumberton and Charlotte, N.C., over U.S. Highway 74. Item: (A) Service in connection with the foregoing regular routes in this part is proposed as follows: (a) To and from the termini named, all intermediate points, and the off-route points more than 100 miles from, and east of a north-south line drawn through High Point, N.C., restricted to shipments transported to, from or through Asheville or Charlotte, Monroe or Wadesboro, N.C., or a South Carolina point and (b) to the termini named, all intermediate points, and the off-route points more than 100 miles from, and east of a north-south line drawn through, High Point, N.C., which are on or north of U.S. Highway 76, which are not transported to, from or through Asheville, Charlotte, Monroe, Wadesboro or a South Carolina point, restricted to delivery of shipments transported from or through York or Philadelphia, Pa., Baltimore, Md., or Charleston, W. Va., or Pittsburgh, Pa.

(B) Service is proposed at the off-route points in North Carolina more than 100 miles from High Point, N.C., which are east of a north-south line drawn through High Point, N.C., in connection with carrier's regular-routes in North Carolina within said defined area authorized in certificates issued in MC-31389 dated July 26, 1956, MC 31389 Sub 37 dated August 9, 1955, and MC 31389 Sub 40 dated August 11, 1955, restricted (a) to shipments transported to, from or through Asheville, Charlotte, Monroe, or Wadesboro, N.C., or a South Carolina Point, or (b) to delivery of shipments transported from or through Philadelphia or York, Pa., Baltimore, Md., Charleston, W. Va., or Pittsburgh, Pa. (C) Service is proposed at the off-route points in North Carolina within 100 miles of High Point, N.C., in connection with carrier's regular-routes in North Carolina within 100 miles of High Point authorized in certificates issued in MC 31389 dated July 26, 1956, MC 31389 Sub 40 dated August 11, 1956, and MC 31389 Sub 43 dated August 11, 1957, and as proposed herein. (D) Service is proposed to and from the intermediate and off-route points in that part of Virginia beginning at the Virginia-North Carolina State line, and those in that part of Virginia south and east of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 220 to Roanoke, thence along U.S. Highway 460 to junction U.S. Highway 360, thence along U.S. Highway 360 to Richmond, and thence along U.S. Highway 60 to Norfolk, including points on the indicated portions of the highways specified, in connection with the following of the carrier's presently authorized regular routes:

(a) Between Greensboro, N.C., and Lynchburg, Va., over U.S. Highway 29; (b) between Lynchburg, Va., and Roanoke, Va., over U.S. Highway 460; (c) between Greensboro, N.C., and Roanoke, Va., over U.S. Highway 220; (d) between Henderson, N.C., and Richmond, Va., over U.S. Highway 1; (e) between Petersburg, Va., and Rocky Mount, N.C., over U.S. 301; (f) between Norfolk, Va., and Elizabeth City, N.C., over U.S. Highway 17; and (g) between Norfolk, Va., and Rocky Mount, N.C., over U.S. Highway 17, U.S. Highway 58, Virginia Highway 189, and U.S. Highway 258, restricted to shipments transported to, from or through Charlotte, N.C., or a point within 50 miles of Hartsville, S.C. (E) Serving Roxboro, N.C., as an off-route point, in connection with carrier's regular-route operations to and from points in North Carolina, restricted to shipments of textiles and textile products to or through a point in Connecticut. (F) Serving Rutherfordton, N.C., as an authorized off-route point to U.S. Highway 64 in North Carolina, restricted to delivery of shipments of *wool stock* transported from or through Boston, Mass. Part VI, Authority Between North Carolina and South Carolina: General commodities (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Route 836 between Wilmington, N.C., and Myrtle Beach, S.C., over U.S. Highway 17; Route 837 between Whiteville, N.C., and Conway, S.C., over U.S. Highway 701; Route 838 between Chadbourn, N.C., and Conway, S.C., from Chadbourn over North Carolina Highway 410 to junction U.S. Highway 701, thence over U.S. Highway 701 to Conway, and return over the same route; Route 839 between Wilmington, N.C., and Hartsville, S.C., from Wilmington over U.S. Highway 76 to Florence, S.C., thence over U.S. Highway 52 to Darlington, thence over South Carolina Highway 34 to junction South Carolina Highway 151, thence over South Carolina Highway 151 to Hartsville, and return over the same route; Route 840 between Lumberton, N.C., and junction U.S. Highways 76 and 301 near Peedee, S.C., over U.S. Highway 301.

Route 841 between Fayetteville, N.C., and Hartsville, S.C., from Fayetteville over U.S. Highway 401 to Laurinburg, thence over U.S. Highway 15 to Hartsville, and return over the same route; Route 842 between Laurinburg, N.C., and Cheraw, S.C., from Laurinburg over North Carolina Highway 79 to the North Carolina-South Carolina State line, thence over South Carolina Highway 79 to junction South Carolina Highway 383, thence over South Carolina Highway 383 to junction South Carolina Highway 9, thence over South Carolina Highway 9 to Cheraw, and return over the same route; Route 843 (a) between Henderson, N.C., and Cheraw, S.C., from Henderson over U.S. Highway 158 to Oxford, thence over U.S. Highway 15 (also from Henderson over U.S. Highway 1) to Northview, thence over U.S. Highway 1 to junction North Carolina Highway 177 near Marston, thence over North Carolina Highway 177 to the North Carolina-South Carolina State line, thence over South Carolina Highway 177 to Cheraw, and return over the same route, and (b) between Greensboro, N.C., and Cheraw, S.C., from Greensboro over U.S. Highway 220 to Rockingham, thence over U.S. Highway 1 to Cheraw, and return over the same route; Route 844 between Winston-Salem, N.C., and Patrick, S.C., from Winston-Salem over U.S. Highway 52 to Lexington, thence over North Carolina Highway 8 (also over U.S. Highway 52) to junction North Carolina Highway 8 and U.S. Highway 52 near New London, thence over U.S. Highway 52 to Wadesboro, thence over North Carolina Highway 742 to North Carolina-South Carolina State line, thence over South Carolina Highway 742 to Chesterfield, thence over South Carolina Highway 102 to Patrick, and return over the same route; Route 845 between Charlotte, N.C., and Cheraw, S.C., from Charlotte over U.S. Highway 74 to Wadesboro, thence over U.S. Highway 52 to Cheraw and return over the same route.

Route 846 between Hendersonville, N.C., and Sumter, S.C., from Hendersonville over U.S. Highway 176 by Spartanburg and Jonesville, S.C., to Columbia, S.C., thence over U.S. Highway 378 (also from Jonesville over South Carolina Highway 9 to Chester, thence over U.S. Highway 321 to Rockton, thence over South Carolina Highway 34 to Camden, thence over U.S. Highway 521) to Sumter, and return over the same route; Route 847 between Asheville, N.C., and Lancaster, S.C., from Asheville over U.S. Highway 74 to Charlotte, thence over U.S. Highway 21 to Pineville, N.C., thence over U.S. Highway 521 to Lancaster, S.C., and return over the same route; Route 848 between Hickory, N.C., and Lancaster, S.C., from Hickory over U.S. Highway 321 to Chester, S.C., thence over South Carolina Highway 9 to Lancaster, and return over the same route. NOTE: Service is proposed in connection with the foregoing regular routes as follows: (A) In North Carolina, service is proposed to and from (1) the termini named, all intermediate points, and the off-route points more than 100 miles from, and east of a north-south line drawn through, High Point, N.C., and on or south of U.S. Highway 76, restricted to shipments transported to, from or through Richmond, Va., Asheville, Charlotte, Monroe, or Wadesboro, N.C., or a South Carolina point within 50 miles of Hartsville, S.C.; (2) the termini named, all intermediate points and the off-route points, all within 100 miles of High Point, N.C., without restriction; (3) the termini named, all intermediate points, and the off-route points more than 100 miles from and west of a north-south line drawn through High Point, N.C., restricted to shipments transported to, from or through Charlotte or Winston-Salem, N.C., Columbia, S.C., or a South Carolina point within 50 miles of Hartsville, S.C.

(B) In South Carolina service is proposed to and from (1) the termini named, all intermediate points and the off-route points, all within 50 miles of Hartsville, S.C., without restriction; (2) the termini named, intermediate points, and the off-route points, all in Newberry, Saluda, McCormick, Edgefield, Aiken, Lexington, Calhoun, Orangeburg, Dorchester, Charleston, Collector, Beaufort, Jasper, Hampton, Berkeley, Allendale, Barnwell, and Georgetown Counties, S.C., and those in Lancaster, Fairfield, Kersher, Richland, Sumter, Clarendon, Florence, Harry, Marion, and Williamsburg Counties, S.C., more than 50 miles from Hartsville, S.C., restricted to shipments transported to, from or through Columbia, S.C., a point within 50 miles of Hartsville, S.C., Asheville, Charlotte, Winston-

Salem, Greensboro, Durham, or Henderson, N.C., or Richmond, Va. Route 849 between Asheville, N.C., and North Augusta, S.C., over U.S. Highway 25. Service is proposed at the intermediate and off-route points in Edgefield and McCormick Counties, S.C., and serving Greenville, S.C., for joinder only, restricted to shipments transported to, from or through Asheville, Charlotte, Winston-Salem, Greensboro, Durham, or Henderson, N.C., or Richmond, Va.; Route 850 between Asheville, N.C., and Columbia, S.C., from Asheville over U.S. Highway 25 to junction U.S. Highway 176, thence over U.S. Highway 176 (also from Asheville over Interstate Highway 26) to Columbia, and return over the same route. Service is proposed at the intermediate and off-route points in Newberry, Lexington and Richland Counties, S.C., and serving Spartanburg, S.C., for joinder only, restricted to shipments transported to, from or through Asheville, Charlotte, Winston-Salem, Greensboro, Durham, or Henderson, N.C., or Richmond, Va.; Route 851 between Asheville, N.C., and Charleston, S.C., over Interstate Highway 26, serving no intermediate points.

Part VII, South Carolina and Georgia: General commodities (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Route 852 between Cheraw, S.C., and Augusta, Ga., over U.S. Highway 1; Route 853 between Patrick, S.C., and Savannah, Ga., from Patrick over South Carolina Highway 102 to Hartsville, thence over U.S. Highway 15 by Rosinville to Walterboro, thence over U.S. Highway 17A to junction U.S. Highway 17, thence over U.S. Highway 17 to junction U.S. Highway 17A, thence over U.S. Highway 17 (also over U.S. Highway 17A) to Savannah, and return over the same route; Route 854 between Chester, S.C., and Augusta, Ga., from Chester over South Carolina Highway 72 to Whitmire, thence over South Carolina Highway 19 to junction U.S. Highway 25 near Trenton, S.C., thence over U.S. Highway 25 to Augusta, and return over the same route; Route 855 between Columbia, S.C., and Washington, Ga., over U.S. Highway 378; Route 856 between Augusta, Ga., and McCormick, S.C., from Augusta over Georgia Highway 28 to the Georgia-South Carolina State line, thence over South Carolina Highway 28 to Clarks Hill, thence over U.S. Highway 221 to McCormick, and return over the same route; Route 857 between Columbia, S.C., and Savannah, Ga., from Columbia over U.S. Highway 321 by Denmark (also from Denmark over U.S. Highway 78 to Bamberg), thence over U.S. Highway 601 to junction U.S. Highway 321, thence over U.S. Highway 321 to junction U.S. Highway 17, thence over U.S. Highway 17 to Savannah, and return over the same route; Route 858 between Cheraw and Charleston, S.C., from Cheraw over U.S. Highway 52 by Florence, to junction U.S. Highways 52 and 176 near Goose Creek, thence over U.S. Highway 176 (also from Florence over South Carolina Highway 51 to Kingsburg, thence over South Carolina Highway 41 to junction U.S. Highway 17, thence over U.S. Highway 17) to Charleston, and return over the same route.

Route 859 between Lancaster and Nichols, S.C., over South Carolina Highway 9; Route 860 between Marion and Myrtle Beach, S.C., over U.S. Highway 501; Route 861 between Sumter and Conway, S.C., over U.S. Highway 378; Route 862 between Sumter and Georgetown, S.C., over U.S. Highway 521; Route 863 between Florence and Columbia, S.C., over U.S. Highway 76; Route 864 between Sumter and Lancaster, S.C., over U.S. Highway 521; Route 865 between Lugoff and Norway, S.C., from Lugoff over U.S. Highway 601 to Orangeburg, thence over South Carolina Highway 400 to Norway, and return over the same route; Route 866 between Camden and Timmonsville, S.C., from Camden over South Carolina Highway 34 to Bishopville, thence over South Carolina Highway 341 to junction U.S. Highway 401, thence over U.S. Highway 401 to junction South Carolina Highway 403, thence over South Carolina Highway 403 to Timmonsville, and return over the same route; Route 867 between Kershaw and Chesterfield, S.C., from Kershaw over U.S. Highway 601 to junction South Carolina Highway 265, thence over South Carolina Highway 265 to junction South Carolina Highway 9, thence over South Carolina Highway 9 to Chesterfield, and return over the same route; Route 868 between Kershaw and Pageland, S.C., over U.S. Highway 601; Route 869 between Georgetown and Myrtle Beach, S.C., from Georgetown over U.S. Highway 17 (also from Georgetown over U.S. Highway 701 to Conway, thence over U.S. Highway 501) to Myrtle Beach, and return over the same route; Route 870 between Georgetown and Walterboro, S.C., from Georgetown over U.S. Highway 17A (also from Georgetown over U.S. Highway 17 to Jacksonboro, thence over South Carolina Highway 64) to Walterboro, and return over the same route; Route 871 between Kingstree, S.C., and junction South Carolina Highway 527 and U.S. Highway 378, over South Carolina Highway 527; Route 872 between Jacksonboro, S.C., and junction U.S. Highways 17 and 17A near Yemassee, S.C., over U.S. Highway 17.

Route 873 between Gardens Corner, and Parris Island Marine Base, S.C., from Gardens Corner over U.S. Highway 21 to Beaufort, thence over South Carolina Highway 281 to junction unnumbered highways, thence over unnumbered highways to Parris Island Marine Base, and return over the same route; Route 874 between North Augusta and Yemassee, S.C., over South Carolina Highway 28; Route 875 between Allendale and Walterboro, S.C., from Allendale over South Carolina Highway 641 to junction South Carolina Highway 64, thence over South Carolina Highway 64 to Walterboro, and return over the same route; Route 876 between Olar and Barnwell, S.C., over South Carolina Highway 64; Route 877 between Orangeburg, S.C., and junction U.S. Highways 21 and 17A near Yemassee, S.C., over U.S. Highway 21; Route 878 between Aiken and Denmark, S.C., over U.S. Highway 78; Route 879 between Beach Island and the Savannah River Plant of the Atomic Energy Commission, over unnumbered highway by Jackson; Route 880 between Barnwell, S.C., and the Savannah River Plant of the Atomic Energy Commission, over South Carolina Highway 64; Route 881 between junction U.S. Highways 21 and 176 south of Columbia, S.C., and junction U.S. Highways 176 and 178 near Goose Creek, S.C., over U.S. Highway 176, serving all intermediate points; Route 882 between Augusta and Madison, Ga., over U.S. Highway 278 by Thomson; Route 883 between Thomson and Athens, Ga., over U.S. Highway 78 by Washington; Route 884 between Union Point and Washington, Ga., over Georgia Highway 44; Route 885 between Augusta and Statesboro, Ga., over U.S. Highway 25 by Waynesboro; Route 886 between Waynesboro and Swainsboro, Ga., over Georgia Highway 56.

Route 887 between Statesboro and Savannah, Ga., over U.S. Highway 80; Route 888 between Warrenton and Milledgeville, Ga., from Warrenton over Georgia Highway 16 to Sparta, thence over Georgia Highway 22 to Milledgeville, and return over the same route; Route 889 between Washington and Hartwell, Ga., from Washington over Georgia Highway 17 to Elberton, thence over Georgia Highway 77 to Hartwell, and return over the same route. NOTE: Service is proposed in connection with the foregoing regular routes as follows: (A) In South Carolina, service is proposed to and from (1) the termini named, all intermediate points and the off-route points, all within 50 miles of Hartsville, S.C., without restriction; (2) the termini named, intermediate points, and the off-route points, all in Newberry, Saluda, McCormick, Edgefield, Aiken, Lexington, Calhoun, Orangeburg, Dorchester, Charleston, Collector, Beaufort, Jasper, Hampton, Berkeley, Allendale, Barnwell, and Georgetown Counties, S.C., and those in Lancaster, Fairfield, Kersher, Richland, Sumter, Clarendon, Florence, Harry, Marion, and Williamsburg Counties, S.C., more than 50 miles from Hartsville, S.C., restricted to shipments transported to, from or through Columbia, S.C., a point within 50 miles of Hartsville, S.C., Asheville, Charlotte, Winston-Salem, Greensboro, Durham, or Henderson, N.C., or Richmond, Va. (B) in Georgia, service is proposed to and from the termini named, all intermediate points and off-route points in that part of Georgia north and east of a line beginning at Savannah, and extending along U.S. Highway 80 to Swainsboro, thence along U.S. Highway 1 to Louisville, thence along Georgia Highway 24 to Eatonton, thence along U.S. Highway 129 to junction U.S. Highway 29, thence along U.S. Highway 29 to the Georgia-South Carolina State line, restricted to shipments transported to, from or through Columbia, S.C., a point within

50 miles of Hartsville, S.C., Asheville, Charlotte, Winston-Salem, Greensboro, Durham, or Henderson, N.C., or Richmond, Va.

Part VIII, Central—South Area: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, in 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), Route 890 from Indianapolis, Ind., to Lenoir, N.C.; from Indianapolis over regular routes presently authorized in MC 31389 Sub 61 to Corbin, Ky., thence over U.S. Highway 25E (also over U.S. Highway 25W) to Newport, Tenn., thence over U.S. Highway 70 to Morganton, N.C., thence over North Carolina Highway 18 to Lenoir, serving the intermediate point of Marion, N.C. NOTE: Duplication of authority will be eliminated; Route 891 from Henderson, N.C., to Richmond, Ind., from Henderson over U.S. Highway 158 to Yanceyville, thence over North Carolina Highway 86 to the Virginia-North Carolina State line, thence over Virginia Highway 86 to Danville, thence over U.S. Highway 58 to Martinsville, thence over U.S. Highway 220 to Roanoke, thence over Virginia Highway 311 to junction U.S. Highway 60, thence over U.S. Highway 60 to St. Albans, W. Va., thence over U.S. Highway 35 to Richmond, Ind., serving no intermediate points; Route 892 from Henderson, N.C., to Jeffersonville, Ind., from Henderson to St. Albans, as in Route 891 above, thence over U.S. Highway 60 to Louisville, Ky., thence over U.S. Highway 31 to Jeffersonville, serving no intermediate points; Route 893 from Richmond, Va., to Bluefield, W. Va., from Richmond over U.S. Highway 360 to junction Virginia Highway 307, thence over Virginia Highway 307 to junction U.S. Highway 460, thence over U.S. Highway 460 by Lynchburg (also from Richmond over U.S. Highway 60 to Amherst, Va., thence over U.S. Highway 29 to Lynchburg, thence over U.S. Highway 460) to Bluefield, W. Va., serving intermediate points in West Virginia.

Route 894 from Richmond, Va., to Charleston, W. Va., from Richmond over U.S. Highway 60 to Charleston, serving no intermediate points. NOTE: Serving Columbia City, Ind., and Portland, Ind., as intermediate and off-route points in connection with carrier's regular-route operations in Indiana, restricted to shipments transported from or by Fayetteville or Dunn, N.C.; Part IX, Central Area: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), (A) between Pittsburgh, Pa., and East Liverpool, Cleveland, Sandusky, Fremont, and Toledo, Ohio, and Fort Wayne, Ind., (1) from Pittsburgh over U.S. Highway 30 by Chester, W. Va. (also from Pittsburgh over Pennsylvania Highway 65 to Rochester, Pa., thence over Pennsylvania Highway 68 to the Pennsylvania-Ohio State line, thence over Ohio Highway 39), to East Liverpool, and return over the same route; (2) from Pittsburgh over U.S. Highway 30 to Lisbon, Ohio, thence over Ohio Highway 45 to Salem, Ohio (also from Pittsburgh over Pennsylvania Highway 65 to Rochester, Pa., thence over Pennsylvania Highway 51 to the Pennsylvania-Ohio State line, thence over Ohio Highway 14 to Salem), thence over Ohio Highway 14A to Deerfield, thence over Ohio Highway 14 by Edinburg to Cleveland, and return over the same route; (3) from Pittsburgh to Edinburg, Ohio, as above, thence over Ohio Highway 18 to Norwalk, Ohio (also from Lisbon over U.S. Highway 30 to Wooster, Ohio), thence over U.S. Highway 250 to Sandusky, and return over the same route; (4) from Pittsburgh to Norwalk, Ohio, as above (also from Deerfield over U.S. Highway 224 to junction U.S. Highway 250, thence over U.S. Highway 250 to Norwalk) thence over U.S. Highways 6 and 20 to Fremont, and return over the same route.

(5) From Pittsburgh over U.S. Highway 19 to junction Interstate Highway 80S (also from Pittsburgh over Pennsylvania Highway 51 to Rochester, thence over Pennsylvania Highway 65 to New Brighton, thence over Pennsylvania Highway 18 to junction Interstate Highway 80S), thence over Interstate Highway 80S to junction Interstate Highway 80, thence over Interstate Highway 80 to Interchange No. 6, thence over Ohio Highway 53 to Freemont, and return over the same route; (6) from Pittsburgh to Fremont, Ohio, as above, thence over U.S. Highway 20 to junction Interstate Highway 280 (also from Pittsburgh to Interchange No. 6 of Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 280), thence over Interstate Highway 280 to Toledo, and return over the same route; (7) from Pittsburgh to Salem, Ohio, as above, thence over U.S. Highway 62 to Canton (also from Pittsburgh over U.S. Highway 30 to Canton, as above), thence over U.S. Highway 30 to junction U.S. Highways 30N and 30S near Mansfield, thence over U.S. Highway 30N to junction U.S. Highway 30S near Delphos, thence over U.S. Highway 30 to Fort Wayne, Ind., and return over the same route. NOTE: Service is proposed to and from all intermediate points in Pennsylvania and West Virginia. (B) between Pittsburgh, Pa., and Cincinnati, Portsmouth, Ironton, and Coal Grove, Ohio; (8) from Pittsburgh over U.S. Highway 19 to Washington, Pa., thence over U.S. Highway 40 by Wheeling, W. Va., to junction U.S. Highway 22, thence over U.S. Highway 22 by Circleville, Ohio, to Cincinnati, and return over the same route; (9) from Pittsburgh over Pennsylvania Highway 50 to junction Interstate Highway 79, thence over Interstate Highway 79 to junction Interstate Highway 70, thence over Interstate Highway 70 by Wheeling, W. Va., to Cincinnati, and return over the same route; (10) from Pittsburgh to Circleville, as above, thence over U.S. Highway 23 to Portsmouth, and return over the same route; (11) from Pittsburgh by Wheeling, W. Va., to Bridgeport, Ohio, as above, thence over Ohio Highway 7 to Ironton, and return over the same route.

(12) From Pittsburgh to Wheeling, W. Va., as above, thence over West Virginia Highway 2 to Parkersburg, thence over U.S. Highway 50 to junction Ohio Highway 7, thence over Ohio Highway 7 to Ironton, and return over the same route. NOTE: Service is proposed to and from all intermediate points in Pennsylvania, Wheeling, W. Va., and Bridgeport, Bellaire, and Coal Grove, Ohio. Item A: Serving Benwood, Glendale, McMechen, and Moundsville, W. Va., points on Ohio Highway 7 between Bridgeport and East Liverpool, Ohio, inclusive and those on West Virginia Highway 2 between Chester and Wheeling, W. Va., not on carrier's regular routes, as off-route points in connection with carrier's proposed (routes 1 through 12 above) and authorized regular route operations. Item B: Serving points in that part of West Virginia bounded by a line beginning at the West Virginia-Pennsylvania State line and extending along U.S. Highway 30 to junction West Virginia Highway 2, thence along West Virginia Highway 2 to junction West Virginia Secondary Highway 3, thence along West Virginia Secondary Highway 3 to junction West Virginia Highway 66, thence along West Virginia Highway 66 to junction U.S. Highway 30, thence along U.S. Highway 30 to the West Virginia-Ohio State line, thence along the West Virginia-Ohio State line to the West Virginia-Pennsylvania State line, and thence along the West Virginia-Pennsylvania State line to the point of beginning, including points on the highways named, as intermediate and off-route points in connection with carrier's proposed Route 1 above.

Item C: Serving points in that part of Pennsylvania bounded by a line beginning at the Ohio-Pennsylvania State line, near New Bedford, Pa., and extending along U.S. Highway 422 to junction unnumbered highway (formerly portion U.S. Highway 422) thence along unnumbered highway by Walkchalk, Pa., to junction Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to junction U.S. Highway 119, thence along U.S. Highway 119 to the Pennsylvania-West Virginia State line, thence along the Pennsylvania-West Virginia State line to the Pennsylvania-Ohio State line, thence along the Pennsylvania-Ohio State line to point of beginning, as intermediate and off-route points in connection with carrier's authorized regular-route operations to and from Pittsburgh, Pa. Item F: *Classes a and b explosives*, and *general commodities* (except commodities of unusual value, household goods as defined by the Commission, commodities in bulk, those requiring special equipment and livestock), (a) serving points within 25 miles of Cincinnati, Ohio, in Ohio and Kentucky, as intermediate and off-route points in connection with carrier's authorized regular-route operations between Lexington, Ky., and Cincinnati, Ohio, over U.S. Highway 25 and Kentucky Highway 17;

(b) serving off-route points in Fayette, Jessamine, Woodford, Scott, Bourbon, Nicholas, Montgomery, Clark, Estill Lee, Owsley, Rockcastle, Boyle, Gannard, Mercer, Franklin, and Anderson Counties, Ky., in connection with carrier's authorized regular-route operations between Cincinnati, Ohio, and Lexington, Ky., and those in Fayette County, Ky., in connection with carrier's authorized regular-route operations to and from Louisville, Ky.; (c) serving Addyston, Cheriot, Deer Park, Elmwood Place, Lockland, Mariemont, Norwood, Reading, Red Bank, St. Bernard, Silverton, and Wyoming, Ohio, as intermediate and off-route points in connection with carrier's authorized regular-route operations to and from Cincinnati.

Item D General commodities, including classes A and B explosives (but excluding commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Loogootee, Ind., and Naval Ammunition Depot near Burns City, Ind., (a) from Loogootee over Indiana Highway 45 to junction Indiana Highway 645, thence over Indiana Highway 645 to Naval Ammunition Depot, and return over the same route, serving no intermediate points, and (b) from Loogootee over Indiana Highway 45 to junction Indiana Highway 558, thence over Indiana Highway 558 to Naval Ammunition Depot and return over the same route, serving no intermediate points; (C) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), between points in Pennsylvania as follows: (13) From Pittsburgh over Pennsylvania Highway 28 to Kittanning, and return over the same route; (14) from Pittsburgh over Pensylvania Highway 8 to Butler, and return over the same route; (15) from Pittsburgh over Pennsylvania Highway 65 to New Castle, and return over the same route; (16) from Pittsburgh over U.S. Highway 19 to junction U.S. Highway 422, and return over the same route; (17) from New Washington, and return over the same route; (18) from Kittanning over U.S. Highway 422 to the Pennsylvania-Ohio State line, and return over the same route; (19) from Pittsburgh over U.S. Highway 30 to Greensburg, and return over the same route; (20) from junction Pennsylvania Highway 65 and Interstate Highway 80S over Interstate Highway 80S to New Stanton Interchange, and return over the same route; (21) from Greensburg over U.S. Highway 119 to junction Interstate Highway 70, thence over Interstate Highway 70S to Washington, and return over the same route.

(22) From Greensburg over Pennsylvania Highway 136 (formerly Pennsylvania Highway 71) to West Newton, thence over Pennsylvania Highway 31 to the Pennsylvania-West Virginia State line, and return over the same route; (23) from Butler over Pennsylvania Highway 68 to Rochester, and return over the same route; (24) from Kittanning over Pennsylvania Highway 66 to junction Alternate Pennsylvania Highway 66, thence over Alternate Pennsylvania Highway 66 (also over Pennsylvania Highway 66) to North Vandergrift, thence over Pennsylvania Highway 66 to Greensburg, and return over the same route; (25) from Butler over Pennsylvania Highway 356 to junction Pennsylvania Highway 66 near North Washington, and return over the same route; (26) from junction Pennsylvania Highways 28 and 56 near Springdale over Pennsylvania Highway 56 to junction Pennsylvania Highway 66 near Vandergrift, and return over the same route; (27) from Greensburg over U.S. Highway 119 to the Pennsylvania-West Virginia State line, and return over the same route; (28) from Pittsburgh over U.S. Highway 22 to junction Pennsylvania Highway 66, and return over the same route; (29) from Pittsburgh over Pennsylvania Highway 130 to Greensburg, and return over the same route; (30) from Uniontown over U.S. Highway 40 to Washington, and return over the same route; (31) from Pittsburgh over Pennsylvania Highway 88 to Point Marion, and return over the same route; (32) from West Newton over Pennsylvania Highway 31 to Ruffs Dale, and return over the same route; (33) from Washington over U.S. Highway 19 to the Pennsylvania-West Virginia State line, and return over the same route.

(34) From Waynesburg over Pennsylvania Highway 21 to Uniontown, and return over the same route; (35) from Pittsburgh over Pennsylvania Highway 50 to Independence, and return over the same route; (36) from New Castle, Pa., over Pennsylvania Highway 168 to junction Pennsylvania Highway 18 near Frankford Springs, and return over the same route; (37) from New Castle over Pennsylvania Highway 108 to junction Pennsylvania Turnpike at the Ohio-Pennsylvania State line, and return over the same route; (38) from Pittsburgh over Pennsylvania Highway 60 to Corapolis, and return over the same route; (39) from junction U.S. Highway 30 and Pennsylvania Highway 151 north of Kendall over Pennsylvania Highway 151 to junction Pennsylvania Highway 51 near South Heights, and return over the same route; (40) from Pittsburgh over Pennsylvania Highway 519 to junction U.S. Highway 19, thence over U.S. Highway 19 to Washington, and return over the same route. NOTE: This application is filed pursuant to MC-C-4366, effective May 1, 1964, which provides the special rules for conversion of irregular route to regular motor carrier operations. SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 73464 (Sub-No. 95) (Amendment), filed March 1, 1965, published FEDERAL REGISTER issue of June 30, 1965, amended December 6, 1965, and republished, as amended, this issue. Applicant: JACK COLE COMPANY, a corporation, 1900 Vanderbilt Road, Birmingham, Ala. Applicant's representative: James E. Wilson, 1735 K Street NW., Washington, D.C., 20006. In the above-numbered application for conversion of irregular routes to regular routes, filed March 1, 1965, applicant requests that the following described routes be included in said conversion application: Between Birmingham, Ala., and Atlanta, Ga.; (1) from Birmingham over U.S. Highway 78 to Atlanta, (2) from Birmingham as specified in (1) above, to Tallapoosa, Ga., thence over Georgia Highway 120 to junction U.S. Highway 278, and thence over U.S. Highway 278 to Atlanta, (3) from Birmingham over Interstate Highway 20 to Atlanta, (4) from Birmingham over U.S. Highway 78 and Interstate Highway 20 to Atlanta, (5) from Birmingham as specified in (4) above to Heflin, Ala., thence over Alabama Highway 46 to the Alabama-Georgia State line, and thence over Georgia Highway 166 to Atlanta, and (6) from Birmingham over U.S. Highway 11 to Gadsden, Ala., thence over U.S. Highway 411 to Cass, Ga., and thence over U.S. Highway 41 to Atlanta, and return over the same routes, serving all intermediate and off-route points within 15 miles of Birmingham, and all intermediate and off-route points in Georgia on traffic moving to or from points in Alabama. NOTE: The purpose of this republication is to add the above-described routes. This application is filed pursuant to MC-C-4366, effective May 1, 1964, which provides the special rules for conversion of irregular route to regular motor carrier operations. SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 109515 (Sub-No. 8), filed November 24, 1965. Applicant: OZELLA KIMBROUGH HARRINGTON, doing business as KIMBROUGH TRUCKING COMPANY, Post Office Box 604, Benson, Ariz. Applicant's representative: Earl H. Carroll, 363 North First Avenue, Phoenix, Ariz., 85003. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate solution*, from Curtiss, Ariz., to Kennecott Copper Corp., Chino Mines Division near Santa Rita, N. Mex. NOTE: Applicant states the above proposed operation will be conducted for Apache Powder Co., Curtiss, Ariz.

No. MC 113024 (Sub-No. 51), filed November 23, 1965. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delivery No. 2, Smyrna, Del. Applicant's representative: Samuel W. Earnshaw, 333 Washington Building, Washington, D.C., 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bathroom and washroom fixtures, sinks, attachments*, and *accessories therefore*, for account of Universal-Rundle Corp., of New Castle, Pa., from plantsites of Universal-Rundle Corp., New Castle, Pa., and Camden, N.J., to Atlanta, Augusta, and Macon, Ga.; Birmingham, Montgomery, Decatur, and Gadsden, Ala.; Chattanooga, Memphis, Johnson City, and Knoxville, Tenn.; Charleston, Columbia, and Spartanburg, S.C.; Kinston, Raleigh, Wilson, North Wilkesboro, Winston-Salem, and Charlotte, N.C.

No. MC 127717, filed November 15, 1965. Applicant: Y. HIGA ENTERPRISES, LIMITED, 2150 North Nimitz Highway, Honolulu, Hawaii. Applicant's representative: Katsugo Miho, Fourth Floor, Finance Factors Building, 195 South King Street, Honolulu, Hawaii, 96813. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, including *household goods*, (1) between points on the Island of Oahu, Hawaii, and (2) between the port of Honolulu, Hawaii, on the one hand, and, on the other, points in the United States. NOTE: Applicant states it proposes to serve seaports and airports located on the mainland of the United States.

No. MC 127753, filed November 19, 1965. Applicant: AALCO EXPRESS COMPANY, INC., 3514 Goodfellow Avenue, St. Louis, Mo. Applicant's representative: Ernest A. Brooks II, 1301–02 Ambassador Building, St. Louis, Mo., 63101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Furnaces, sheet metal ducts, metal guttering* and *roofing materials*, and *related parts, materials* and *supplies* when moving in conjunction therewith (except commodities, which because of size or weight, require special equipment), from the plantsite of Souther Steel & Aluminum Co. at St. Louis, Mo., to points in Madison and St. Clair Counties, Ill. NOTE: Applicant states that the above proposed operation will be conducted under continuing contract with Souther Steel & Aluminum Co. of St. Louis, Mo. Applicant is also authorized to conduct operations as a common carrier in Certificate No. 30824 and subs thereunder, therefore dual operations may be involved.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-13385; Filed, Dec. 15, 1965; 8:45 a.m.]

[Notice 857]

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

DECEMBER 12, 1965.

The following application is governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b), of the Interstate Commerce Act, and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIER OF PROPERTY

No. MC-F-9276 (Correction) (TRANSCON LINES—PURCHASE—KRAMER-CONSOLIDATED FREIGHT LINES, INC.), published in the December 8, 1965, issue of the FEDERAL REGISTER on page 15193. The purpose of this notice is to include in the operating rights sought to be transferred, the State of *Indiana*, which was inadvertently omitted in the prior notice.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-13444; Filed, Dec. 15, 1965; 8:48 a.m.]

[Notice 1272]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 13, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice, any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-68189. By order of December 9, 1965, Transfer Board approved the transfer to McIntire Brothers, Inc., Knox, Indiana, of the operating rights of Rentschler Grain Co., Inc., Rochester, Ind., in certificates Nos. MC-125215 (Sub-No. 1) and MC-125215 (Sub-No. 3), issued September 25, 1963, and September 1, 1965, respectively, authorizing the transportation, over irregular routes, of tomatoes, pulpboard boxes, and empty tin cans, machinery, canned goods, livestock, agricultural commodities, feed, and fertilizer, household goods and emigrant movables, from, to, and between specified points in Indiana, Michigan, Ohio, Pennsylvania, Illinois, and of nitrogen fertilizer solution and ammoniating solution, from the storage terminal of Southern Nitrogen Company, Inc., at or near Fulton, Ind., to points in Illinois, Ohio, and the Lower Peninsula of Michigan. Warren C. Moberly, 1212 Fletcher Trust Building, Indianapolis, Ind., 46204, attorney for applicants.

No. MC-FC-68316. By order of December 9, 1965, Transfer Board approved the transfer to Kelley & Hawes Express, Inc., Winchester, Mass., of the operating rights in certificates Nos. MC-31262 and MC-31262 (Sub-No. 2) issued June 10, 1941, and September 16, 1965, to James M. Bruno, doing business as Kelley & Hawes Express, Winchester, Mass., authorizing the transportation, over irregular routes, of: General commodities, with the usual exceptions, between specified counties in Massachusetts. Eugene F. Murphy, 11 Beacon Street, Boston, Mass., 02108, attorney for applicants.

No. MC-FC-68340. By order entered December 9, 1965, Transfer Board approved the transfer to Rush Delivery Service, Inc., 1 Monsignor O'Brien Highway, Box 6, East Cambridge, Mass., of the certificate of registration No. MC-85625 (Sub-No. 1), issued December 23, 1963, to Dann C. Wyman, doing business as Rush Delivery Service, 1 Monsignor O'Brien Highway, Box 6, East Cambridge, Mass., evidencing a right to engage in interstate or foreign commerce in the transportation of: General commodities, within Massachusetts.

No. MC-FC-68343. By order of December 9, 1965, Transfer Board approved the transfer to Leander M. Harris, Chad McGee, James A. Bell, Gerald J. McGee, E. A. McVey, Dudley Fox, and Donald R. McGee, a partnership, doing business as Sierrita Mining & Ranching Co., Box 25-A, Sasabe Star Route, Tucson, Ariz., 85700, of the operating rights of Leander M. Harris, Chad McGee, James A. Bell, Gerald J. McGee, L. L. McGee, E. A. McVey, Dudley Fox, C. E. Harris, and Donald R. McGee, a partnership, doing business as Sierrita Mining & Ranching Co., Box 25-A, Sasabe Star Route, Tucson, Ariz., 85700, in certificate of registration No. MC-99175 (Sub-No. 1), issued September 2, 1965, authorizing the transportation, of all types of ore and mining timbers, within a 35-mile radius of Sahuarita, Ariz., stipulated to stay south of line drawn east and west 5 miles south of Tucson.

No. MC-FC-68346. By order of December 9, 1965, Transfer Board approved the transfer to Prange Transfer Co., Inc., Pleasantville, Iowa, of certificate No. MC-78214, issued May 15, 1950, to C. G. Prange, doing business as Prange Transfer Co., Pleasantville, Iowa, authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over regular routes, between Pleasantville, Iowa, and Des Moines, with service authorized to and from all intermediate points; between Des Moines, Iowa, and Williamson, Iowa, with service authorized to and from the intermediate and off-route points of Melcher, Dallas, and Columbia, Iowa; between junction Iowa Highways 60 and 181 and Gosport, Iowa, with service authorized to and from the intermediate point of Knoxville, Iowa; and between the junction of Iowa Highways 14 and 253 over Iowa Highway 14 to Chariton, and return over the same route with no service authorized to or from intermediate points. Claire G. Prange, 504 Jefferson Street, Pleasantville, Iowa, 50225, representative for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-13445; Filed, Dec. 15, 1965; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 13, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA 40177—*Vegetable oils from points in southern territory.* Filed by O. W.

South, Jr., agent (No. A4806), for interested carriers. Rates on vegetable oils and related articles, in carloads, from points in southern territory, to official-southern territory border points described in the application.

Grounds for relief—Market competition.

Tariff—Supplement 21 to Southern Freight Association, agent, tariff I.C.C. S–537.

FSA 40178—*Superphosphate to Mercdosia, Ill.*—Filed by O. W. South, Jr., agent (No. A4807), for interested carriers. Rates on superphosphate, not defluorinated superphosphate, nor feed grade superphosphate, in bulk, in carloads, subject to minimum shipment of not less than 500,000 pounds, from producing points in Florida to Meredosia, Ill.

Grounds for relief—rail-barge-truck competition.

Tariff—Supplement 9 to Southern Freight Association, agent, tariff I.C.C. S–553.

FSA 40179—*Iron or steel plate or sheet to Blakely, Ala.* Filed by O. W. South, Jr., agent (No. A4808), for interested carriers. Rates on iron or steel plate or sheet, noibn, in carloads, from Ashland, Ky., to Blakely, Ala.

Grounds for relief—Barge competition.

Tariff—Supplement 34 to Southern Freight Association, agent, tariff I.C.C. S–502.

FSA 40180—*Class and commodity rates from and to Ferguson, Miss.* Filed by O. W. South, Jr., agent (No. A4811), for and on behalf of carriers parties to Uniform Classification Committee, agent, tariff I.C.C. 1. Rates on property moving on class and commodity rates, in carloads and less-than-carloads, from or to Ferguson, Miss., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—New station and grouping.

FSA 40181—*Liquid caustic soda to points in Georgia.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2812), for interested carriers. Rates on liquid caustic soda, in tank carloads, from specified points in Michigan, New Jersey, New York, Ohio, and West Virginia, to specified points in Georgia.

Grounds for relief—Market competition.

Tariffs—Supplements 182 and 121 to Traffic Executive Association—Eastern Railroads, agent, tariffs I.C.C. C–102 and C–334, respectively.

FSA 40182—*Bituminous coal to Worcester, Mass.* Filed by Traffic Executive Association-Eastern Railroads, agent (No. E.R. 2813), for interested carriers. Rates on bituminous coal, blacksmith or cannel and coal briquettes, in carloads, from mine origins in Maryland, Pennsylvania, and West Virginia to Worcester, Mass., for B&M Corp., and NYNH&H R.R. delivery.

Grounds for relief—Competition with electric generating plants located at adjacent destinations.

Tariffs—Supplement to Baltimore and Ohio Railroad Company tariff I.C.C. 3278 and other schedules referred to in the application.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 65–13446; Filed, Dec. 15, 1965; 8:48 a.m.]

[Second Rev. S.O. 562 Pfahler's I.C.C. Order No. 170; Amdt. 4]

GEORGIA & FLORIDA RAILWAY

Rerouting or Diversion of Traffic

Upon further consideration of Pfahler's I.C.C. Order No. 170 (Georgia & Florida Railway) and good cause appearing therefor:

It is ordered, That:

Pfahler's I.C.C. Order No. 170 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., March 31, 1966, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 31, 1965, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 10, 1965.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 65–13447; Filed, Dec. 15, 1965; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CHIEF, BRANCH OF LANDS, ET AL.

Redelegation of Authority by Land Office Manager; Correction

In F.R. Doc. 65–12370, appearing at page 14444 of the issue of Thursday, November 18, 1965, the following correction is made. The reference in paragraph (b) section "2.2c" should read section "2.2d".

R. E. MCCARTHY,
Acting Manager.

Approved: December 7, 1965.

NOLAN F. KEIL,
Acting State Director, California.

[F.R. Doc. 65–13422; Filed, Dec. 15, 1965; 8:46 a.m.]

[Montana 071936]

MONTANA

Order Providing for Opening of Public Lands

DECEMBER 10, 1965.

1. The State of Montana has stated that the hereinafter described lands patented to the State under the provisions of the Act of June 14, 1926 (44 Stat. 741; 43 U.S.C. 869), as amended, commonly known as the Recreation and Public Purposes Act, will not be used in conjunction with the Haymaker Elk Range. The State of Montana, therefore, has reconveyed the lands to the United States:

PRINCIPAL MERIDIAN, MONT.

T. 10 N., R. 12 E.,
Sec. 28, Lots 1 and 5.

The area described contains 61.50 acres.

2. The lands are located in Wheatland County, approximately 27 miles northwest of Harlowton, Mont. The topography is gently to moderately rolling. The soil is a sandy loam. Vegetation consists of native short and mid-grasses with a thin stand of timber on the ridge. The lands are not suitable for farming.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands are hereby opened to application, petition, location and selection. All valid applications received at or prior to 10 a.m., on January 17, 1966, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Billings, Mont., 59101.

EUGENE H. NEWELL,
Acting Manager, Land Office.

[F.R. Doc. 65–13438; Filed Dec. 15, 1965; 8:47 a.m.]

[New Mexico 0555485]

NEW MEXICO

Notice of Proposed Classification

DECEMBER 10, 1965.

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), notice is hereby given of a proposal to classify the lands described below for disposal through exchange under section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272), as amended by the act of June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315–g). These lands are exclusively in Indian use areas and will facilitate the land adjustment program of the Bureau of Indian Affairs. In exchange the United States will acquire privately owned lands in a predominantly public land area which acquisition will facilitate the land adjustment program of the Bureau of Land Management. Information concerning the lands, including the record of public discussions, is available for inspection and study in the Socorro

District Office, Bureau of Land Management, Post Office Box 1456, Socorro, N. Mex., 87801. For a period of 60 days from the date of this publication, interested parties may submit comments to the district manager of the Socorro district office.

The lands affected by this proposal are located in Socorro, Valencia, and McKinley Counties, N. Mex., and are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN

NEW MEXICO

T. 3 N., R. 6 W.,
Secs. 14, 18, 22, 24, and 26;
Sec. 34, NE¼NE¼.
T. 3 N., R. 7 W.,
Sec. 12;
Sec. 14, E½E½;
Sec. 24, N½, N½SW¼, and E½SE¼.
T. 6 N., R. 14 W.,
Sec. 4, lots 1, 2, S½NE¼, and SW¼;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 8;
Sec. 10, S½NW¼ and SW¼NE¼;
Sec. 12, E½;
Sec. 14, S½;
Secs. 18, 22, 24, 26, and 34.
T. 7 N., R. 14 W.,
Sec. 12, NE¼;
Sec. 18, N½NE¼, and SE¼NE¼;
Sec. 22, W½;
Secs. 24, 28, and 30.
T. 7 N., R. 15 W.,
Secs. 4, 12, 14, and 18;
Sec. 20, W½;
Sec. 24, N½, SW¼, and S½SE¼;
Sec. 26;
Sec. 30, lots 3, 4, E½SW¼, and SE¼;
Sec. 34.
T. 7 N., R. 16 W.,
Sec. 4;
Sec. 12, SW¼;
Sec. 28, NE¼NE¼.
T. 8 N., R. 15 W.,
Sec. 6, lot 4;
Sec. 12, NE¼, and SW¼.
T. 10 N., R. 15 W.,
Sec. 6, lots 1, 2, 3, 4, 7, SW¼NE¼, SE¼NW¼, and SE¼SW¼;
Sec. 10, NW¼.
T. 9 N., R. 16 W.,
Sec. 4, lots 1, 2, and S½NE¼.
T. 10 N., R. 16 W.,
Sec. 14, W½SW¼;
Sec. 28, NW¼;
Sec. 34, SE¼.

The areas described aggregate 19,807.18 acres.

W. J. ANDERSON,
State Director.

[F.R. Doc. 65–13439; Filed, Dec. 15, 1965; 8:48 a.m.]

[Fairbanks 034892]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

DECEMBER 8, 1965.

The Federal Aviation Agency has filed an application, Serial Number Fairbanks 034892, for withdrawal of the lands described below, from all forms of appropriation under the public lands laws, including the mining laws, mineral leasing laws, grazing laws, and disposal of material under the Materials Act of 1947, as amended. The applicant desires the land to protect airport approach zones and to make the airport eligible for Federal Aid to Airport funds under section 303(c) and 307(a) of the Federal Aviation Act of 1958, Public Law 85–726 (72 Stat. 748) and (63 Stat. 377; 40 U.S.C. 471).

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the District and Land Office Manager, Bureau of Land Management, Department of the Interior, Post Office Box 1150, Fairbanks, Alaska, 99701.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior, who will determine whether or not the lands will be withdrawn as requested by the Federal Aviation Agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MCGRATH AIRPORT AREA

PARCEL NO. 1

Commencing at the centerline of Runway No. 15–33 at Runway Station No. 25+00, said station being the true point of beginning of this description; thence proceed due West 600.00 feet to Corner No. 1; thence due North 2,170 feet to a point on the South Shore of the Kuskokwim River, said point being Corner No. 2; thence meandering along the South Shore of the Kuskokwim River in an East-Southeast direction 1,250 feet more or less to Corner No. 3; thence due South 1,865.00 feet to Corner No. 4; thence due West 600.00 feet to the point of beginning, containing 55.60 acres more or less.

MCGRATH AIRPORT AREA

PARCEL NO. 2

Commencing at the centerline of Runway No. 15–33 at Runway Station No. 91+33, said station being the true point of beginning of this description; thence proceed East 600.00 feet to Corner No. 1; thence due South 1,550 feet more or less to a point on the North Shore of the Kuskokwim River, said point being Corner No. 2; thence meandering Westerly along the North Shore of the Kuskokwim River 1,200.00 feet more or less to Corner No. 3; thence due North 1,720.00 feet to Corner No. 4; thence due East 600.00 feet to the point of beginning, containing 45.00 acres more or less.

The area described aggregates approximately 100.60 acres.

BURTON W. SILCOCK,
State Director.

[F.R. Doc. 65–13448; Filed, Dec. 15, 1965; 8:48 a.m.]

Geological Survey

[Wyoming 11]

WYOMING

Phosphate Land Classification Order

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; U.S.C. 31), and as delegated to me by Departmental Order 2563 of May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

SIXTH PRINCIPAL MERIDIAN, WYO.

PHOSPHATE LANDS

T. 43 N., R. 118 W.,
Sec. 4, S½SW¼, unsurveyed;
Sec. 5, SE¼NE¼, E½SE¼, unsurveyed;
Sec. 8, NE¼NE¼, S½NE¼, SE¼NW¼, S½, unsurveyed;
Sec. 9, N½, N½SW¼, SW¼SW¼, N½SE¼, unsurveyed;
Sec. 10, NW¼, unsurveyed;
Sec. 15, W½NE¼, NW¼, N½SW¼, unsurveyed;
Sec. 16, W½NE¼, SE¼NE¼, W½, SE¼, unsurveyed;
Sec. 17, W½NE¼, SE¼NE¼, W½, SE¼, unsurveyed;
Sec. 18, E½SE¼, unsurveyed;
Sec. 19, lots 1 and 2; E½SE¼, unsurveyed;
Sec. 20, N½NW¼, W½SW¼, unsurveyed;
Sec. 28, S½NW¼, SW¼, W½SE¼, SE¼SE¼, unsurveyed;
Sec. 29, S½NE¼, W½, SE¼, unsurveyed;
Sec. 30, E½E½, unsurveyed;
Sec. 31, E½NE¼, unsurveyed;
Sec. 32, N½, unsurveyed;
Sec. 33, N½, unsurveyed;
Sec. 34, NW¼NW¼, unsurveyed.

RECLASSIFIED PHOSPHATE LANDS FROM NONPHOSPHATE LANDS

Prior classification of the following lands as nonphosphate is hereby revoked and the lands are reclassified as phosphate lands:

SIXTH PRINCIPAL MERIDIAN, WYO.

T. 43 N., R. 118 W.,
Sec. 3, W½SW¼, unsurveyed;
Sec. 4, SW¼NE¼, S½NW¼, N½SW¼, SE¼, unsurveyed;
Sec. 28, SW¼NE¼, unsurveyed;
Sec. 32, NE¼SW¼, NW¼SE¼, unsurveyed.

NONPHOSPHATE LANDS

T. 43 N., R. 118 W.,
Sec. 2, N½NW¼, unsurveyed;
Sec. 3, N½N½, unsurveyed;
Sec. 4, N½N½, unsurveyed;
Sec. 5, N½NE¼, SW¼NE¼, unsurveyed;
W½NW¼, SE¼NW¼, SW¼, W½SE¼, unsurveyed;
Sec. 6, lots 1 through 4, inclusive;
Sec. 7, lots 1 through 4, inclusive;
Sec. 8, NW¼NE¼, N½NW¼, SW¼NW¼, unsurveyed;
Sec. 9, SE¼SW¼, S½SE¼, unsurveyed;
Sec. 10, NE¼, S½, unsurveyed;
Sec. 11, W½, unsurveyed;
Sec. 15, S½SW¼, W½SE¼, unsurveyed;
Sec. 16, NE¼NE¼, unsurveyed;
Sec. 20, N½NW¼, W½SW¼, unsurveyed;
Sec. 28, S½NW¼, SW¼, W½SE¼, SE¼SE¼, unsurveyed;
Sec. 29, S½NE¼, W½, SE¼, unsurveyed;
Sec. 30, E½E½, unsurveyed;
Sec. 31, E½NE¼, unsurveyed;
Sec. 32, N½, unsurveyed;
Sec. 33, N½, unsurveyed;
Sec. 34, NW¼NW¼, unsurveyed;

Sec. 17, NE¼NE¼, unsurveyed;
Sec. 18, lots 1 and 2;
Sec. 20, NE¼, S½NW¼, E½SW¼, unsurveyed;
Sec. 21, N½, unsurveyed;
Sec. 27, SW¼, unsurveyed;
Sec. 28, N½NW¼, NE¼SE¼, unsurveyed;
Sec. 29, N½NE¼, unsurveyed;
Sec. 34, NE¼NW¼, S½NW¼, unsurveyed.

The area described aggregates 9,397 acres, more or less, of which about 5,120 acres are classified as phosphate lands, about 560 acres are reclassified as phosphate lands that were formerly classified nonphosphate lands, and about 3,717 acres are classified as nonphosphate lands.

ARTHUR A. BAKER,
Acting Director.

DECEMBER 9, 1965.

[F.R. Doc. 65-13460; Filed, Dec. 15, 1965; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

GREAT PLAINS CONSERVATION PROGRAM

Applicability to Certain Texas County

Designation of County Within the Great Plains Area of the Ten Great Plains States Where the Great Plains Conservation Program Is Specifically Applicable.

For the purpose of making contracts based upon an approved plan of farming operations pursuant to the Act of August 7, 1956 (70 Stat. 1115, 16 U.S.C. 590p(b)), as amended, the following county in the following State is designated as susceptible to serious wind erosion by reason of its soil types, terrain, and climatic and other factors.

TEXAS

Montague.

Done at Washington, D.C., this 10th day of December 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-13434; Filed, Dec. 15, 1965; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-33]

LABORATORY FOR ELECTRONICS, INC., TRACERLAB DIVISION

Notice of Amendment of Byproduct, Source and Special Nuclear Material License

Please take notice that the Atomic Energy Commission has issued Amendment No. 2 to License No. 20-1382-14 held by Laboratory for Electronics Inc., Tracerlab Division, which provides for renewal of the license for a period of two (2) years.

The license provides for the receipt and storage of packages containing waste byproduct, source, and special nuclear material and transfer of the waste material to authorized land burial sites for disposal.

The license amendment provides only for the continuation of activities previously authorized. The Commission has determined that prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

The text of this amendment is set forth below.

Dated at Bethesda, Md., December 8, 1965.

For the Atomic Energy Commission.

RICHARD E. CUNNINGHAM,
Acting Director,
Division of Materials Licensing.

[License No. 20-1382-14; Amdt. 2]

The Atomic Energy Commission having found that:

A. The licensee's equipment and procedures are adequate to protect health and minimize danger to life or property.

B. The licensee is qualified by training and experience to use the material for the purpose requested in accordance with the regulations in Title 10, Code of Federal Regulations, and in such manner as to protect health and minimize danger to life or property.

C. The application dated November 5, 1965, complies with the requirements of the Atomic Energy Act of 1954, as amended, and is for a purpose authorized by that act.

D. Issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

Byproduct, source, and special nuclear material License No. 20-1382-14 is amended as follows:

This license shall expire two (2) years from the last day of the month in which this amendment is issued.

Date of issuance: December 8, 1965.

For the Atomic Energy Commission.

RICHARD E. CUNNINGHAM,
Acting Director,
Division of Materials Licensing.

[F.R. Doc. 65-13407; Filed, Dec. 15, 1965; 8:45 a.m.]

[Docket No. 50-14]

BATTELLE MEMORIAL INSTITUTE

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 2, set forth below, to Facility License No. CX-9, authorizing operation until December 28, 1975, of the plastic-moderated critical assembly, designated as the Battelle Plastic Reactor Facility, located near West Jefferson, Ohio.

The expiration date specified in Facility License No. CX-9, as originally issued, was December 28, 1965. In an application dated October 22, 1965, Battelle Memorial Institute requested a renewal of the license for a period of 10 years. No change in operating conditions is involved.

Within 15 days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see the application for renewal, a copy of which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 8th day of December 1965.

For the Atomic Energy Commission.

R. L. DOAN,
Director,
Division of Reactor Licensing.

Facility License Amendment

[License No. CX-9; Amdt. 2]

The Atomic Energy Commission having found that:

a. The application for license amendment dated October 22, 1965, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

b. The issuance of this license amendment will not be inimical to the common defense and security or to the health and safety of the public; and

c. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated.

Facility License No. CX-9, as amended, which authorizes Battelle Memorial Institute to operate the plastic-moderated critical assembly, designated as the Battelle Plastic Reactor Facility, located near West Jefferson, Ohio, is hereby further amended in accordance with the application.

1. Paragraph 5 is amended to read as follows:

"5. This amended license shall expire on December 28, 1975, unless sooner terminated."

2. This amendment is effective as of the date of issuance.

Date of issuance: December 8, 1965.

For the Atomic Energy Commission.

R. L. DOAN,
Director,
Division of Reactor Licensing.

[F.R. Doc. 65-13408; Filed, Dec. 15, 1965; 8:45 a.m.]

[Docket No. 50-246]

GENERAL DYNAMICS CORP.

Notice of Application for Utilization Facility License

Please take notice that General Dynamics Corporation, under section 104c of the Atomic Energy Act of 1954, has submitted an application for a license to construct and operate an Annular Core Reactor Experiment critical assembly for nuclear research on the corporation's John Jay Hopkins Laboratory site at Torrey Pines Mesa, Calif. A copy of the application is available for public inspection in the AEC Public Document Room, located at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 7th day of December 1965.

For the Atomic Energy Commission.

R. L. DOAN,
Director,
Division of Reactor Licensing.

[F.R. Doc. 65-13409; Filed, Dec. 15, 1965; 8:45 a.m.]

[Docket No. 50-247]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Notice of Application for Construction Permit and Facility License

Please take notice that Consolidated Edison Co. of New York, Inc., 4 Irving Place, New York, N.Y., 10003, pursuant to section 104b of the Atomic Energy Act of 1954, as amended, has filed an application, dated December 3, 1965, for a construction permit and facility license to authorize construction and operation of a pressurized water nuclear reactor having a net electrical capacity of approximately 873 megawatts derived from a thermal capacity of approximately 2,758 megawatts.

The proposed reactor, designated by the applicant as Indian Point Station Unit No. 2, is to be located adjacent to and north of the existing Indian Point Station Unit No. 1 on the applicant's site consisting of approximately 250 acres on the east bank of the Hudson River in the Village of Buchanan, Westchester County, N.Y.

A copy of the application is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 8th day of December 1965.

For the Atomic Energy Commission.

R. L. DOAN,
Director,
Division of Reactor Licensing.

[F.R. Doc. 65-13410; Filed, Dec. 15, 1965; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 14737]

FRONTIER RENEWAL CASE

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on January 11, 1966, at 10 a.m., in Room 726, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., December 9, 1965.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 65-13449; Filed, Dec. 15, 1965; 8:48 a.m.]

[Docket No. 14868]

LAKE CENTRAL AIRLINES ROUTE INVESTIGATION

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled case is assigned to be held on January 12, 1966, at 10 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., December 10, 1965.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 65-13450; Filed, Dec. 15, 1965; 8:48 a.m.]

[Docket No. 16222, etc.; Order E-22987]

SAN FRANCISCO & OAKLAND HELICOPTER AIRLINES, INC., ET AL.

Order Fixing Final Mail Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of December 1965.

Petition of San Francisco & Oakland Helicopter Airlines, Inc., for a service mail rate; and service mail rates for Chicago Helicoper Airways, Inc., Los Angeles Airways, Inc., and New York Airways, Inc.; Docket 16222, et al.

All of the four certificated helicopter carriers have had open service mail rates since June 19, 1965.[1] The rates were opened by a show cause order (E-22281 June 9, 1965) proposing a new final service mail rate to be based on the domestic multielement formula applying to fixed wing carriers. An objection to that order was filed by the Post Office Department. San Francisco & Oakland Helicopter Airlines, Inc. (SFO), also objected insofar as the order failed in its case to propose retroactive application of the new rate to the February 4, 1964, date of its petition in Docket 15012. Thereafter, Chicago Helicopter Airways, Inc. (Chicago), and Los Angeles Airways, Inc. (Los Angeles), filed motions seeking dismissal of the proceeding as to them and reestablishment of the old $2.58 per ton-mile rate. Another show cause order (E-22692 September 24, 1965) was then issued proposing the closing of the Chicago and Los Angeles rates by reestablishing the $2.58 rate per ton mile in their case. Timely objection and answer to this order were filed by SFO.

SFO does not object to the reestablishment of the old $2.58 rate for Chicago and Los Angeles. It merely objects to the Board making a finding that $2.58 per ton mile is a fair and reasonable rate of compensation for the carriage of mail by helicopter. It is SFO's position that $2.58 per ton mile does not cover the helicopter carriers' cost of providing the service and therefore no finding that such a rate is fair and reasonable is possible. It also takes the position that such a finding would prejudice it in making its case for a higher rate.

The position taken by SFO in its objection and answer to Order E-22692 is essentially the same as that expressed by it in an answer to the motion of Chicago seeking reestablishment of the old rate. It was explicitly stated in the show cause order that the action proposed there would not establish a precedent affecting the service mail rates of SFO and New York Airways, Inc. (New York), involved in the pending proceeding. The $2.58 rate per ton mile was proposed only for Chicago and Los Angeles. The finding that this rate is fair and reasonable was and is based on an evaluation of only the experience of the two carriers for which the rate is being established and not the helicopter industry as a whole. Neither does it represent a finding that the full cost of providing mail service by helicopter can be recouped at a rate of $2.58 per ton mile. The $2.58 per ton-mile rate established here is not meant to be a "class rate" such as it was when originally established or such as the multielement rate proposed by E-22281 would have been had it been finalized. Thus, the action taken herein cannot in any way prejudice the processing of SFO's service mail rate petition. Moreover, inasmuch as SFO does not compete with Chicago or Los Angeles in the carriage of mail, the latter two carriers' rate of $2.58 per ton mile can have no economic impact on the operation of SFO. The Board has, therefore, concluded that SFO lacks standing to object to the action proposed in Order E-22692, and that the proposed rate of $2.58 per ton mile should be established as the final rate for Chicago Helicopter and Los Angeles Helicopter to apply on and after June 19, 1965. The Board, upon con-

[1] San Francisco & Oakland Helicopter Airlines, Inc. (SFO), filed a petition in docket 15012 opening its rate as of Feb. 4, 1964. However, the rates of the other three carriers remained closed until June 19, 1965.

sideration of the record, hereby reaffirms and makes final the findings and conclusions set forth in the order to show cause.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof: *It is ordered*, That:

1. The fair and reasonable final rate of compensation to be paid Chicago Helicopter Airways, Inc., and Los Angeles Airways, Inc., for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith between the points which each of the carriers has been, is presently, or hereafter may be authorized to transport mail by its certificates of public convenience and necessity or Board exemption order on and after June 19, 1965, is $2.58 per mail ton mile.

2. The foregoing rate per mail ton mile shall be applied to the mail ton miles flown in each postal accounting period, or lesser period, based upon the direct airport-to-airport mileage between points served for the carriage of mail.

3. Such service mail rates shall be paid in their entirety by the Postmaster General pursuant to section 406(c) of the Federal Aviation Act of 1958, and no part of such amount shall be paid by the Board.

4. Further proceedings in Docket 16222, et al., as they pertain to Chicago Helicopter Airways, Inc., and Los Angeles Airways, Inc., are dismissed.

5. The action proposed herein shall be without prejudice to the rights of any other party in Docket 16222, et al.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 65-13451; Filed, Dec. 15, 1965; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16301, 16312; FCC 65M-1596]

SAWNEE BROADCASTING CO. (WSNE), AND HALL COUNTY BROADCASTING CO. (WLBA)

Order Continuing Prehearing Conference

In re applications of John T. Pittard, tr/as Sawnee Broadcasting Co. (WSNE), Cumming, Ga., Docket No. 16301, File No. BP-16375; Ernest H. Reynolds, Jr., tr/as Hall County Broadcasting Co. (WLBA), Gainesville, Ga., Docket No. 16312, File No. BP-16606; for construction permits.

On the Hearing Examiner's own motion and with the consent of counsel for the above-entitled applicants, the prehearing conference in the above-entitled proceeding now scheduled for December 28, 1965, is continued to January 3, 1966, commencing at 9 a.m. in the offices of the Commission, Washington, D.C.

It is so ordered, This the 10th day of December 1965.

Released: December 13, 1965.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 65-13462; Filed, Dec. 15, 1965; 8:49 a.m.]

[Docket Nos. 16342-16344; FCC 65-1093]

SEVEN (7) LEAGUE PRODUCTIONS, INC. (WIII), ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Seven (7) League Productions, Inc. (WIII), Homestead, Fla., Docket No. 16342, File No. BR-3580, Has: 1430 kc, 500 w, Day, Class III, for renewal of license; and South Dade Broadcasting Co., Inc., Homestead, Fla., Docket No. 16343, File No. BP-16371, Requests: 1430 kc, 500 w, Day, Class III; Redlands Broadcasting Co., Inc., Homestead, Fla., Docket No. 16344, File No. BP-16476, Requests: 1430 kc, 500 w, Day, Class III; for construction permits.

1. The Commission has before it for consideration the above-captioned mutually exclusive applications.

2. On January 29, 1964, the Commission deferred action on the application of Seven (7) League Productions, Inc., for renewal of its WIII broadcast license. From the data submitted in that application, the Commission is unable to conclude that Seven (7) League Productions, Inc., is financially qualified for a renewal of its license. Seven League's balance sheet at December 31, 1963, filed as part of the renewal application, shows (a) a bank overdraft of $395; (b) current liabilities of $50,069, exceeding current assets by $41,148; (c) an operating deficit of $39,305; and (d) long-term liabilities totaling $150,820, including a $141,550 note payable to the First National City Bank of New York, regarding which payment of the installment due December 31, 1963, was in arrears.

3. From the data submitted to it by South Dade Broadcasting Co., Inc., the Commission is unable to conclude that that applicant is financially qualified, in that a substantial and material question exists as to whether South Dade has or will have sufficient funds for the construction and operation of its proposed station for at least 1 year. It appears, upon examination of the South Dade application, that some $75,000 will be needed to meet those expenses. The application as originally submitted showed that capital stock amounting to $35,000 had been subscribed for by seven persons, each to take one-seventh of the total. In an amendment filed March 18, 1965, the applicant reported that one of the seven subscribers, Frank Basso, had resigned as an officer and director and relinquished his stock interest in the corporation and that the remaining six subscribers had each agreed to subscribe for one-sixth of Basso's portion. The amendment was not, however, documented by signed statements by the remaining six subscribers agreeing to such further subscription. Moreover, no financial information has been submitted regarding subscriber Earle R. Hackett, and the balance sheets of Thomas A. Collins, Arnold S. Friedman, and Richard Accursio are deficient in that liabilities are not segregated to show current liabilities and the amounts payable on long-term liabilities during the following 12 months. Thus it cannot be determined whether Hackett, Collins, Friedman, and Accursio will have sufficient funds available to meet their subscription commitments. South Dade's financial plan also includes the obtaining of a $54,000 bank loan to be secured by the endorsements of the applicant's stockholders. However, the applicant has not shown that the subscribers have agreed to endorse the bank's note.

4. From the data submitted by Redlands Broadcasting Co., Inc., the Commission is unable to conclude that that applicant is financially qualified, in that a substantial and material question exists as to whether Redlands has or will have sufficient funds for the construction and operation of its proposed station for at least 1 year. The Redlands proposal is partially dependent upon the availability of a $60,000 loan by the Bank of Florida at Homestead. On November 30, 1964, Redlands submitted to the Commission a letter from the bank committing itself to lend Redlands that sum—"contingent upon a grant of application for such radio station * * * and endorsement of all of the principals in the corporation". On February 8, 1965, Redlands submitted a statement signed by each of the five principals at that time, agreeing to endorse the bank note. On August 30, 1965, Redlands reported that one of the principals, Irving Peskoe, had assigned his 20-percent stock interest in the applicant to his wife, Beatrice Peskoe, and that she had been elected "second vice president" and had replaced her husband as a member of the board of directors. To date, no statement signed by Mrs. Peskoe, agreeing to endorse the bank note, has been submitted to the Commission. In view of these facts, a question exists as to the availability of the above-described loan.

5. Since the above applications for construction permits and the requested renewal of license are mutually exclusive, it will be necessary—assuming that all three are found basically qualified—to determine which of the three proposals, on a comparative basis, would best serve the public interest. The Commission, in its "Policy Statement on Comparative Broadcast Hearings", FCC 65-689, released July 28, 1965, 5 R.R. 2d 1901, indicated that it did not therein attempt to deal with "the somewhat different problems raised where an applicant is contesting with a licensee seeking renewal of license." On consideration, the Commission has concluded that the Policy Statement should govern the introduction of evidence in this and similar proceedings where a renewal application is contested. For a recent discussion of matters which may be adduced under the new comparative issue see In re Keith L. Reising, adopted October 20, 1965, 1 FCC 2d 1082. However, we wish to make it clear that the parties will be free to urge any arguments they may deem applicable concerning the relative weight to be afforded the evidence bearing on the various comparative factors.

6. The Commission finds that, except as indicated by the issues specified below, the applicants are legally, technically, and otherwise qualified to construct and operate their respective stations as proposed; but that it cannot be determined whether Redlands Broadcasting Co., Inc., Seven (7) League Productions, Inc., and South Dade Broadcasting Co., Inc., are financially qualified. In view of the foregoing, the Commission is unable to find that a grant of any of the aforementioned applicant's applications would serve the public interest, convenience and necessity and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

Accordingly, it is ordered, This 8th day of December 1965; that, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether Seven (7) League Productions, Inc., is financially qualified for a renewal of the broadcast license of Station WIII, Homestead, Fla.

2. To determine, with respect to the application of South Dade Broadcasting Co., Inc.—

a. Whether the present South Dade stock subscribers are committed to purchase that portion of the applicant corporation's authorized stock which was previously subscribed for by Frank Basso;

b. Whether stock subscribers Hackett, Collins, Friedman, and Accursio will each have sufficient funds available to purchase one-seventh of the applicant's originally authorized stock plus one-sixth of the portion of that stock previously subscribed for by Frank Basso;

c. Whether—in view of the applicant's failure thus far to show that the subscribers have agreed to endorse the bank's note—the bank loan of $54,000 described in the application will be available; and

d. Whether, in view of the evidence adduced with respect to Items 2-a through 2-c, the applicant is financially qualified to construct and operate its proposed station in that it has or will have sufficient funds for the construction and operation of such station for at least 1 year.

3. To determine, with respect to the application of Redlands Broadcasting Co., Inc.—

a. Whether—in view of the applicant's failure thus far to show that one of its principals, Beatrice Peskoe, has agreed to endorse the bank's note—the bank loan of $60,000 described in the application will be available;

b. Whether, in view of the evidence adduced with respect to Item 3-a, the applicant is financially qualified to construct and operate its proposed station in that it has or will have sufficient funds for the construction and operation of such station for at least 1 year.

4. To determine which of the proposals would best serve the public interest.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the applications should be granted.

It is further ordered, That, in the event of a grant of the application of South Dade Broadcasting Co., Inc. or of Redlands Broadcasting Co., Inc., the construction permit shall contain the following conditions:

Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, the present provisions of § 73.87 of the Commission's rules are not extended to this authorization, and such operation is precluded.

Painting and lighting of the antenna system shall be in accordance with Paragraphs 1, 3, 11, 21, and 22 of FCC Form 715.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: December 13, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 65-13463; Filed, Dec. 15, 1965; 8:49 a.m.]

[Docket Nos. 16260-16265; FCC 65M-1600]

WESTERN UNION TELEGRAPH CO. AND CALIFORNIA INTERSTATE TELEPHONE CO.

Order Continuing Hearing

In re applications of The Western Union Telegraph Co., Docket No. 16260, File No. T-C-1661-10, for removal of restrictions on the use of certain existing facilities in the Domestic Public Point-to-Point Microwave Radio Service between Pasadena and Goldstone, Calif.; and California Interstate Telephone Co., for a construction permit to add new facilities to Station KMW61 in the Domestic Public Point-to-Point Microwave Radio Service at Barstow, Calif., Docket No. 16261, File No. 6844-C1-P-65; and for construction permits to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at: Goldstone Echo, Calif., Docket No. 16262, File No. 6845-C1-P-65; Lane Mountain, Calif., Docket No. 16263, File No. 6846-C1-P-65; Ford Mountain, Calif., Docket No. 16264, File No. 6847-C1-P-65; and Fort Irwin, Calif., Docket No. 16265, File No. 6848-C1-P-65.

In accordance with the disposition at today's prehearing conference: *It is ordered*, This 10th day of December 1965, that the hearing is rescheduled from December 14, 1965, to March 15, 1966.

Released: December 13, 1965.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 65-13464; Filed, Dec. 15, 1965; 8:49 a.m.]

[1] Chairman Henry absent; Commissioner Cox concurring.

FEDERAL POWER COMMISSION

[Docket No. CP66-170]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Application

DECEMBER 8, 1965.

Take notice that on December 1, 1965, Natural Gas Pipeline Co. of America (Applicant), 122 South Michigan Avenue, Chicago, Ill., 60603, filed in Docket No. CP66-170 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a supply pipeline and miscellaneous facilities appurtenant thereto extending from a point in the Erath Field, Vermilion Parish, La., to Applicant's existing natural gas transmission system in southwest Cameron Parish, La., to enable Applicant to take into its main pipeline system natural gas proposed to be purchased from Texaco, Inc. (Texaco), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that Applicant and Texaco have entered into a Gas Sales Contract dated August 10, 1965, providing for the sale to Applicant of a Contract Quantity of 150,000 Mcf of gas per day from Texaco during the first year of delivery of gas, increasing by 50,000 Mcf per day each year to a daily average volume of 300,000 Mcf in the fourth and subsequent years. The application further states that throughout the contract term Texaco will make available,

and Applicant is entitled to purchase, up to 150 percent of the contract quantity on any day (equal to 225,000 Mcf of gas in the first year of delivery and rising to 450,000 Mcf in the fourth and subsequent years), but that Applicant need not purchase more than 50 percent of the contract quantity on any one day (equal to 75,000 Mcf of gas in the first year of delivery and 150,000 Mcf in the fourth and subsequent years).

Applicant states that Texaco warrants that it will initially commit to the proposed sale reservoirs containing recoverable reserves of at least 1.2 billion Mcf of gas, and by the fourth year of deliveries will have committed under such contract reservoirs containing 2.4 billion Mcf of recoverable reserves. Applicant further states that pursuant to the aforementioned contract Texaco may commit reserves situated onshore or offshore of Vermilion, Iberia and St. Mary Parishes, La., but not less than 75 percent of the estimated recoverable reserves must be situated in the Federal offshore area and that Texaco will deliver all gas sold pursuant to the contract to Applicant at a single onshore point at the outlet of Texaco's Henry Processing Plant located in the Erath Field in south Louisiana.

Specifically, Applicant proposes to install approximately 114 miles of 30-inch pipeline, a purchase meter station and miscellaneous other facilities appurtenant thereto, at an estimated total cost of $19,463,000. Applicant states that it will finance this cost with funds to be obtained through interim and permanent financing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 29, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-13415; Filed, Dec. 15, 1965; 8:45 a.m.]

[Docket No. CP66-178]

TRANSWESTERN PIPELINE CO.

Notice of Application

DECEMBER 8, 1965.

Take notice that on December 2, 1965, Transwestern Pipeline Co. (Applicant), Post Office Box 1502, Houston, Tex., 77001, filed in Docket No. CP66-178 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(c) of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction and operation of natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it seeks authorization to construct and operate certain gas sales and transmission facilities, including taps, valves, meters, and service lines, to be used only for the purpose specifically set forth in § 157.7(c)(1) of the regulations under the Natural Gas Act, except that Applicant will not make any direct industrial sales under the authorization requested.

The application states that deliveries to any one consumer through the facilities to be installed pursuant to the authorization sought will not exceed 100,000 Mcf per year and none of the gas delivered will be used by such consumers for boiler fuel purposes.

Total estimated cost of Applicant's proposed facilities is not to exceed $150,000, and will be financed with internally generated funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 30, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-13416; Filed, Dec. 15, 1965; 8:46 a.m.]

[Docket No. CP66-176]

UNION GAS SYSTEM, INC., AND CITIES SERVICE GAS CO.

Notice of Application

DECEMBER 8, 1965.

Take notice that on December 2, 1965, Union Gas System, Inc. (Applicant), Post Office Box 347, Independence, Kans., 67301, filed in Docket No. CP66-176 an application pursuant to section 7(a) of the Natural Gas Act for an order directing Cities Service Gas Co. (Respondent) to make a physical connection of its transmission facilities with Applicant's proposed lateral pipeline and to sell and deliver up to 528 Mcf of natural gas per day to Applicant, all as more fully stated in the application which is on file with the Commission and open to public inspection.

Applicant requests that Respondent be directed to make a physical connection between the proposed lateral and Respondent's 16-inch transmission pipeline to serve the city of Easton (Easton) and the community of Lowemont in Leavenworth County, Kans. Applicant proposes to construct and operate the lateral pipeline extending 7½ miles from the proposed point of interconnection westward to Easton, a lateral pipeline extending 2.36 miles northward from the Easton lateral to the community of Lowemont, and the distribution systems in both service areas.

Applicant states that Easton has a population of approximately 500 and 140 residences and that Lowemont has a population of 35 and 10 residences. Forty-eight additional residences are located on the proposed lateral lines, according to the application.

The estimated peak day and annual natural gas requirements for the communities for the first 3 years of proposed operations are as follows:

	First year	Second year	Third year
Peak day (Mcf)	375	454	528
Annual (Mcf)	29,813	35,683	41,171

Applicant's estimated cost of construction of the laterals and distribution systems to be constructed by it is $88,811, which amount is to be financed from treasury cash.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 30, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-13417; Filed, Dec. 15, 1965; 8:46 a.m.]

[Docket No. CP66-177]

UNION GAS SYSTEM, INC., AND CITIES SERVICE GAS CO.

Notice of Application

DECEMBER 8, 1965.

Take notice that on December 2, 1965, Union Gas System, Inc. (Applicant), Post Office Box 347, Independence, Kans., 67301, filed in Docket No. CP66-177 an application pursuant to section 7(a) of the Natural Gas Act for an order directing Cities Service Gas Co. (respondent) to make a physical connection between its transmission facilities and Applicant's facilities and to sell and deliver up to 150 Mcf of natural gas per day to Applicant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests that Respondent be directed to make a physical interconnection between its 16-inch transmission line and Applicant's proposed lateral pipeline to serve the community of Kickapoo in Leavenworth County, Kans. Applicant proposes to construct and operate a lateral pipeline extending 4 miles northward from the point of interconnection to the community of Kickapoo, and a distribution system.

Applicant states that the area to be served has a population of approximately 262, with 75 residences in Kickapoo and along the lateral lines. Estimated requirements are as follows:

	First year	Second year	Third year
Peak day (Mcf)	99	123	150
Annual (Mcf)	7,515	9,382	11,356

The estimated cost of construction of the proposed lateral and distribution system are estimated to be $32,464, which will be financed from treasury cash.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 30, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-13418; Filed, Dec. 15, 1965; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-2496]

McDONNELL AIRCRAFT CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

DECEMBER 10, 1965.

In the matter of application of the Boston Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges: McDonnell Aircraft Corp.; File 7-2496.

Upon receipt of a request, on or before December 27, 1965, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addresed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commision pertaining thereto.

For the Commission (pursuant to delegated authority).

ORVAL L. DUBOIS,
Secretary.

[SEAL]

[F.R. Doc. 65-13425; Filed, Dec. 15, 1965; 8:46 a.m.]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

DECEMBER 10, 1965.

The common stock, 10 cents par value, of Continental Vending Machine Corp., being listed and registered on the American Stock Exchange and having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange, and the 6 percent convertible subordinated debentures due September 1, 1976, being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 13, 1965, through December 22, 1965, both dates inclusive.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[SEAL]

[F.R. Doc. 65-13426; Filed, Dec. 15, 1965; 8:46 a.m.]

[812-1861]

NASSAU PHYSICIANS GUILD INVESTING CO., INC.

Notice of Filing of Application for Order Temporarily Exempting Applicant From the Provisions of the Act

DECEMBER 10, 1965.

Notice is hereby given that Nassau Physicians Guild Investing Co., Inc. ("Applicant") 1200 Stewart Avenue, Garden City, Long Island, N.Y., a registered investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order temporarily exempting Applicant from the provisions of section 15(a) of the Act insofar as such provisions may prevent the surviving corportion of a proposed merger involving Applicant's present investment adviser, from serving as Applicant's investment adviser during the period of time between January 1, 1966 (the date of the proposed merger), and March 15, 1966 (the date of Applicant's annual shareholders' meeting). Upon consummation of the proposed merger, Applicant's existing investment advisory contract shall be deemed terminated and the surviving corporation of the merger will be serving without a written contract approved in accordance with section 15(a) of the Act. Section 15(a) of the Act provides among other things that no person may serve as investment adviser of a registered investment company except pursuant to a written contract that has been approved by the vote of a majority of the outstanding voting securities of such company. All interested persons are referred to the application which is on file with the Commission for a statement of the representations therein which are summarized below.

Applicant's investment adviser, Standard & Poor's Corp. ("Old S&P") intends to enter into an Agreement of Merger with McGraw-Hill, Inc. ("McGraw-Hill"), following which the surviving company, McGraw-Hill, will transfer the business and assets of Old S&P to a newly formed, wholly-owned subsidiary of McGraw-Hill, which subsidiary will also bear the name of Standard & Poor's Corp. ("New S&P") and which will continue with the present management, personnel, policies and business of Old S&P. Applicant states that the proposed merger is intended to become effective as of January 1, 1966.

The assignment of the existing investment advisory agreement between Applicant and Old S&P, which will be caused by the proposed merger, will terminate the agreement. It is proposed that Applicant and New S&P enter into a new investment advisory agreement substan-

tially similar to the existing agreement to take effect at the time the merger is consummated and to submit such new agreement to Applicant's shareholders for approval at their annual meeting to be held on March 15, 1966.

The rate of the fee payable by Applicant to New S&P during the period between January 1, 1966 and March 15, 1966 will be the same as the rate paid to Old S&P under the existing contract.

Applicant submits that it is not in the interest of its stockholders nor in the public interest to require the calling of a special meeting of shareholders prior to the annual meeting on March 15, 1966, solely for the purpose of approving an investment advisory agreement with the New S&P which is practically the same entity as that which is now furnishing Applicant with investment advisory services.

Notice is further given that any interested person may, not later than December 29, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon the request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65–13427; Filed, Dec. 15, 1965; 8:47 a.m.]

[File No. 70–4333]

NEW JERSEY POWER & LIGHT CO.

Notice of Proposed Sale of Utility Assets

DECEMBER 10, 1965.

Notice is hereby given that New Jersey Power & Light Co. ("NJP&L") Madison Avenue at Punch Bowl Road, Morristown, N.J., 07960, a public-utility subsidiary company of General Public Utilities Corp., a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 12(d) of the Act and Rule 44 thereunder as being applicable to the proposed transaction. All interested persons are referred to said declaration on file in the office of the Commission for a statement of the proposed transaction which is summarized as follows:

NJP&L proposes to sell to New Jersey Bell Telephone Co. ("Telco"), a nonassociate company, 4,400 electric distribution wood poles and 2,059 appurtenant anchor plates and rods, in place, for a cash consideration equal to the depreciated original cost of said property as of December 31, 1965, estimated at $309,316.39. The sale will be consummated early in January 1966, and the price will be adjusted to reflect any replacements or renewals of such facilities made up to the date of closing.

It is stated that poles of the nature here involved are used jointly by NJP&L and Telco in order to reduce overall investment and improve service; that the company which has the smaller number of joint use poles pays rental on the difference in number, but with the understanding that periodically each of the companies will be brought to the position of owning about 50 percent of the poles; that at the present time, NJP&L owns approximately 8,800 more joint use poles than does Telco; and that the proposed sale by NJP&L will eliminate that difference.

The filing states further that the Board of Public Utility Commissioners of the State of New Jersey has jurisdiction over the proposed sale; that the order of that Commission will be filed herein by amendment; that no other State commission has jurisdiction with respect to the proposed transaction; and that, assuming the proposed transaction (including the accounting therefor) is approved by this Commission under the Act, no other Federal commission has jurisdiction with respect thereto.

The fees and expenses in connection with the proposed transaction are estimated at $2,500, including legal fees of $1,650.

Notice is further given that any interested person may, not later than January 5, 1966, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided by Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65–13428; Filed, Dec. 15, 1965; 8:47 a.m.]

PINAL COUNTY DEVELOPMENT ASSOCIATION

Order Suspending Trading

DECEMBER 10, 1965.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the 5⅞ percent Industrial Development Revenue Bonds of Pinal County Development Association due April 15, 1989, otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934 that trading in such bonds be summarily suspended, this order to be effective for the period December 11, 1965, through December 20, 1965, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65–13429; Filed, Dec. 15, 1965; 8:47 a.m.]

[811–1280]

POWDRELL & ALEXANDER, INC.

Notice of Filing of Application for Order Declaring Company Has Ceased To Be an Investment Company

DECEMBER 10, 1965.

Notice is hereby given that Powdrell & Alexander, Inc. ("Applicant"), Post Office Box "E", Boca Raton, Fla., a Delaware corporation and a management closed-end nondiversified investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order declaring that applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein.

Applicant represents that its outstanding securities are beneficially owned by not more than one hundred persons and that it is not making and does not propose to make a public offering of its securities.

Section 3(c)(1) of the Act provides that any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities is not an investment company within the meaning of the Act.

Notice is further given that any interested person may, not later than December 28, 1965 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65–13430; Filed, Dec. 15, 1965; 8:47 a.m.]

[812–1795]

WALDORF SYSTEM INC.

Notice of Filing of Application for Order Exempting Proposed Transaction and for Confidential Treatment of Certain Matters

DECEMBER 10, 1965.

Notice is hereby given that Waldorf System Inc. ("Waldorf"), 512 West 58th Street, New York, N.Y., a Massachusetts corporation, and Restaurant Associates, Inc. ("Restaurant"), 515 West 57th Street, New York, N.Y., a New York corporation (hereinafter sometimes collectively called "applicants"), have filed a joint application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") and Rule 17d–1 promulgated under section 17(d) of the Act. Applicants request an order of the Commission (1) exempting from the provisions of section 17(a) of the Act transactions incident to the proposed acquisition by a wholly-owned subsidiary of Waldorf of substantially all the assets of Restaurant, subject to substantially all of Restaurant's liabilities, for 1,060,686 shares of Waldorf's common stock, and (2) authorizing, pursuant to Rule 17d–1, the participation of certain persons in such transactions. Following the sale of its assets, Restaurant will distribute to its stockholders the Waldorf stock so received, and will be dissolved. The effect of the proposal will be to exchange 1.375 shares of Waldorf stock for each share of Restaurant stock outstanding. The application also seeks an order pursuant to section 45(a) of the Act granting confidential treatment to certain parts of reports prepared for Waldorf and Restaurant by the investment banking firms of Bear, Stearns & Co. and Hayden, Stone Inc., respectively, in connection with the proposed exchange. All interested persons are referred to the application, as amended, for a statement of applicants' representations, which are summarized below.

Waldorf has outstanding 460,900 shares of common stock, owned by approximately 3,400 shareholders, which shares are listed on the New York Stock Exchange. A.M. Capital Corporation ("A.M. Capital"), a closed-end nondiversified investment company registered under the Act, owns 65,056 shares or 14 percent of Waldorf common stock. A. M. Capital is the largest single stockholder of Waldorf and only two other persons, neither of whom is affiliated with A.M. Capital, own, directly or indirectly, 5 percent or more of Waldorf's outstanding stock. Of Waldorf's board of directors consisting of 10 percons, 3, namely, Martin Brody, Lawrence Fleisher and James H. Slater, are also directors of A.M. Capital. Mr. Fleisher is president of A.M. Capital and Mr. Slater owns 8.7 percent of the voting stock of A.M. Capital. Mr. Brody owns 13.3 percent of the voting stock of A.M. Capital and he is also chairman of the boards of Waldorf and Restaurant. In addition, Messrs. Brody, Fleisher, and Slater own, respectively, 200, 100, and 600 shares of Waldorf common stock and 100, 100, and 200 shares of Restaurant common stock.

Restaurant has outstanding 771,408 shares of common stock, listed on the American Stock Exchange, and owned by approximately 1,700 persons. Waldorf owns 164,787 shares of Restaurant common stock, representing 21.3 percent thereof, and has an irrevocable proxy for 1 year to vote 220,492 shares, or 28.6 percent, of Restaurant's common stock. Four of Restaurant's 11 directors are also directors of Waldorf.

Applicants do not admit that they, or either of them, are persons "controlled," within the meaning of section 2(a)(9) of the Act, by A.M. Capital, or that Restaurant is an "affiliated person" of A.M. Capital, within the meaning of section 2(a)(3) of the Act. However, those relationships have been assumed for purposes of the application and the application has been filed in order to eliminate any questions as to full compliance by applicants with the provisions of section 17 of the Act.

Waldorf is engaged in the operation of cafeterias and restaurants located principally in the New England area, with some establishments located in Florida, New Jersey, New York, and Ohio. Its operations are primarily in the low-to-medium price range. For 1964 and the first quarter of 1965, the high and low sales prices of Waldorf common stock on the New York Stock Exchange were 8¼ and 4⅞, respectively; the closing price on May 11, 1965, the day before public announcement of the proposed exchange, was 6⅛. Waldorf has been advised by the New York Stock Exchange that proceedings for delisting its common stock are being considered. However, arrangements have been made for the simultaneous listing, on consummation of the proposed transaction, of Waldorf's common stock on the American Stock Exchange and the voluntary delisting of such stock on the New York Stock Exchange. For the years ended December 31, 1962, and 1963, and January 2, 1965, Waldorf reported respective net losses from operations, before giving effect to special items relating primarily to sales or discontinuance of restaurants, of $219,023, $115,007, and $200,357. For the 12-month period ended October 2, 1965, such net losses from operations of Waldorf, on the basis of its unaudited statement of income, were $143,519. However, if effect is given to the elimination of net operating losses of unprofitable restaurants which Waldorf has sold or closed during such period, or which Waldorf has entered into agreements to sell, the net income of Waldorf as so adjusted would be $128,368. Such adjusted net income of Waldorf from its operations, plus Waldorf's interest of 21.3 percent in the net income of Restaurant for the twelve months ended October 30, 1965, would be $292,378, or approximately $0.63 per share of Waldorf common stock. Such amount would be $237,261 or $0.51 per share after provision for income taxes which would normally be payable by Waldorf. However, Waldorf has available estimated tax loss carry-forwards aggregating $770,000 expiring from 1965 to 1970. The book value of the Waldorf common stock was $10.67 per share as of August 28, 1965.

Restaurant is engaged primarily in the restaurant business, principally in the New York City area. Its units sell food within a wide range of prices. For 1964 and the first quarter of 1965, high and low sales prices of Restaurant common stock on the American Stock Exchange were 11½ and 6¼, respectively; the closing price of such stock on May 11, 1965 was 7⅞. Before giving effect to special items relating to dispositions of a subsidiary and assets of terminated businesses, Restaurant reported net income on its common stock for its fiscal years ended October 31, 1962, 1963, and 1964, of $147,440 ($0.19 per share), $36,023 ($0.05 per share), and $592,056 ($0.77 per share), respectively. For its fiscal year ended October 31, 1965, Restaurant's net income, on the basis of its unaudited statement of income, was approximately $770,000 or $1.00 per share. The book value of the Restaurant common stock was $6.12 per share as of June 30, 1965.

Applicants have claimed the following to be advantages of the proposed exchange: savings in costs and increase in efficiency resulting from combined functions, including purchasing, real estate and leasing activities, accounting, advertising, and public relations; increased diversity of food service operations; and combined management and resources to

facilitate expansion of activities for both companies. The application states that the basis for the proposed exchange was arrived at through independent studies of Bear, Stearns & Co., and Hayden, Stone Inc., which take into account, among other factors, the relative earnings, financial and market positions of Waldorf and Restaurant, current and historic market prices of their respective stock, and the book values of their assets. Waldorf has been advised by Bear, Searns & Co. and Restaurant has been advised by Hayden, Stone Inc. that, in their opinion, the number of shares of Waldorf stock to be exchanged pursuant to the plan of acquisition and dissolution is fair and equitable to each of applicants and its stockholders.

In effect, section 17(a) of the Act, as here pertinent, makes it unlawful (1) for Restaurant to sell its assets to a wholly-owned subsidiary of Waldorf, since Restaurant is controlled by Waldorf and is an affiliated person of Waldorf and its subsidiary, and Waldorf and its subsidiary are controlled by (and also affiliated persons of) A.M. Capital, a registered investment company and (2) for Waldorf to sell its securities to Restaurant, unless the Commission upon application under section 17(b) of the Act grants an exemption from such prohibitions. Section 17(b) of the Act directs the granting of such application, if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned; if the proposed transaction is consistent with the policy of A.M. Capital, the only registered investment company concerned, as recited in its registration statement and reports filed under the Act; and if the proposed transaction is consistent with the general purposes of the Act.

Section 17(d) of the Act and Rule 17d–1 thereunder, taken together, provide, as here pertinent, that it shall be unlawful for an affiliated person of a registered investment company, acting as principal, to participate in, or to effect any transaction in connection with, any joint transaction or arrangement in which any such registered company is a participant unless an application regarding such arrangement has been granted by the Commission and that, in passing upon such application, the Commission will consider whether the participation of such registered company in such arrangement is consistent with the provisions, policy, and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

As stated above, Messrs. Brody, Fleisher, and Slater are each directors of A.M. Capital and are thus affiliated persons of A.M. Capital under section 2(a)(3) of the Act. Messrs. Brody, Fleisher, and Slater are also affiliated persons of A.M. Capital by virtue of Mr. Fleisher's presidency of A.M. Capital and Messrs. Brody's and Slater's respective 13.3 percent and 8.7 percent voting stock interests in A.M. Capital. Such persons' participation in the proposed transaction as directors and stockholders of Waldorf and as stockholders of Restaurant appears to involve a joint transaction or arrangement within the meaning of section 17(d) of the Act and Rule 17d–1 thereunder. Applicants do not concede that section 17(d) of the Act and Rule 17d–1 thereunder are applicable to the proposed transactions, but seek relief thereunder in order to eliminate any questions as to full compliance with section 17 of the Act.

Applicants have requested that certain information appearing in the reports prepared by Bear, Stearns & Co., and Hayden, Stone Inc., filed as exhibits to the application, be accorded confidential treatment because public disclosure of such information is unnecessary in view of the large amount of financial and operating information available to investors in the remaining portions of the reports and that will be available to investors in the proxy material to be mailed to stockholders of Waldorf and of Restaurant in connection with the proposed transaction. Applicants also believe that public disclosure of such plans and operating information would be of great advantage to competitors of applicants and would be of material disadvantage to the continued conduct and expansion of the business of applicants. The information requested to be accorded confidential treatment relates primarily to the number of employees, lease expiration dates, amounts of average checks, and profit margin and profit contribution of each of the restaurants operated by applicants. Such information, supporting the statements contained in the application, has been furnished to the Commission by separate amendment to the application and confidential treatment of such information has been requested pursuant to section 45(a) of the Act.

Notice is further given that any interested person may, not later than December 23, 1965, at 12:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the addresses stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65–13431; Filed, Dec. 15, 1965; 8:47 a.m.]

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PART II

Department of Agriculture

Office of the Secretary



Sales of Agricultural Commodities for Foreign Currencies

No. 242—Pt. II——1

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 11—SALES OF AGRICULTURAL COMMODITIES FOR FOREIGN CURRENCIES

Subpart A—Regulations Governing the Financing of Commercial Sales of Surplus Agricultural Commodities for Foreign Currencies

Sec.

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AUTHORITY: The provisions of this Subpart A issued under sec. 102, 68 Stat. 455, as amended, 69 Stat. 44; 78 Stat. 1035; 7 U.S.C. 1702, E.O. 10900, 26 F.R. 143, 3 CFR, 1961 Supp. Interpret or apply secs. 2, 101, 102, 106, 109, 304, 68 Stat. 454, 455, 457, 459, all as amended; 7 U.S.C. 1691, 1693, 1701, 1702, 1706, 1709.

§ 11.1 General statement.

(a) *What this subpart covers.* This subpart (hereinafter called the regulations) contains the regulations governing the sale and exportation of surplus agricultural commodities or the products thereof for foreign currencies under Title I of Public Law 480, Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1701–1709). Under this statute, Agricultural Commodities Agreements are entered into by the governments of the importing countries and the United States of America covering financing of the sale and exportation of surplus agricultural commodities and products thereof including certain ocean transportation costs. The agreements provide for repayment to the United States in the currency of the importing country. The Administrator, Foreign Agricultural Service, administers this program. These regulations prescribe procedures to be followed by importing countries in making application to the Administrator, Foreign Agricultural Service, for authorizations to purchase such commodities and products thereof, the issuance of such purchase authorization by the Administrator, and the financing by Commodity Credit Corporation of the sale and exportation of such commodities or products thereof through private trade channels to the maximum extent practicable, including the financing of certain ocean transportation costs.

(b) *Purchase authorizations and approval of vessels.* After approval of the importing country's application therefor, purchase authorization(s) will be issued by the Administrator, Foreign Agricultural Service. The importing country through its authorized importers or agents will procure the commodities from U.S. sources and will arrange for shipment in U.S.-flag vessels when such vessels are required to be used. Following issuance of purchase authorizations and upon application, the Controller, Commodity Credit Corporation, will issue letters of commitment to U.S. Banking institutions designated by the importing country and acceptable to Commodity Credit Corporation (see § 11.11), unless the importing country elects to procure the commodities under the reimbursement method of financing (see § 11.10). Prior approval for the use of all vessels must be obtained from the applicable office of the U.S. Department of Agriculture (see § 11.12(b)). The advice of vessel approval will state whether or not the cost of ocean transportation will be financed by Commodity Credit Corporation and the amount, if any, of the freight differential approved for each vessel.

(c) *Letters of commitment and reimbursement method of financing.* If the purchase authorization is issued under the letter of commitment method of financing the U.S. suppliers of agricultural commodities will receive payment under letters of credit opened or requested by the approved applicant (see definition in § 11.2(c)(2)) in the importing country, issued, confirmed or advised by the U.S. bank, for the cost of the commodities and, when authorized and included as a part of the commodity cost, the cost of ocean transportation and insurance. If the purchase authorization is issued under the reimbursement method of financing, the U.S. suppliers will obtain payment from the importing country or its assignee (see § 11.10(c)). When the cost of ocean transportation is approved for financing and is to be financed separately from the commodity cost, the supplier of ocean transportation will obtain payment from the importing country or its assignee. Commodity Credit Corporation will reimburse U.S. banks for payments made under letters of commitment and will reimburse the importing country or its assignee for the cost of ocean transportation which is financed separately from the commodity cost and for commodities procured under the reimbursement method of financing.

(d) *Advice of amount financed and deposit of foreign currency.* The U.S. bank will forward documents and advice of the amount financed by Commodity Credit Corporation to the foreign correspondent bank, and advice of payment will also be furnished to the approved applicant or its designee if it is other than the foreign correspondent bank, in the case of payments under the letter of commitment method of financing. CCC will forward advice of the amount financed to the importing country or its assignee in the case of payments under the reimbursement method of financing. The importing country will arrange for prompt deposit of the equivalent foreign currency.

(e) *Where information is obtainable.* General information about this program and information about purchase authorizations and related operations under the program may be obtained from the Director, Program Operations Division, FAS, U.S. Department of Agriculture, Washington, D.C., 20250. Information about financing operations under the program, including forms prescribed for use thereunder, may be obtained from the Controller, CCC, U.S. Department of Agriculture, Washington, D.C., 20250. The Foreign Agricultural Service will make public the issuance of each purchase authorization through a USDA press announcement.

§ 11.2 Definition of terms.

Terms used in this subpart, subject to amplification in subsequent sections, are defined as follows:

(a) *Terms relating to the United States, its agencies and officials.* (1) "C&MS" shall mean Consumer and Marketing Service, U.S. Department of Agriculture.

(2) "CCC" shall mean the Commodity Credit Corporation, U.S. Department of Agriculture.

(3) "The Controller, CCC", shall mean the Controller, Commodity Credit Corporation, or his designee.

(4) "ASCS" shall mean the Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

(5) "ASCS Offices" shall mean the ASCS Offices listed in § 11.16, and any other offices or agencies which may succeed to the functions of such offices.

(6) "FAS" shall mean the Foreign Agricultural Service, U.S. Department of Agriculture.

(7) "USDA" shall mean the U.S. Department of Agriculture and shall include all or any of the offices mentioned in subparagraphs (1) through (6) of this paragraph.

(8) "The Administrator" shall mean the Administrator of the Foreign Agricultural Service or his designee.

(9) "United States" shall mean the 50 States, the District of Columbia, and Puerto Rico.

(b) *Terms relating to ocean transportation.* (1) "Dry bulk carriers" are irregularly scheduled vessels commonly referred to as "tramps". They go where full cargoes are offered. Rates are negotiated by charter arrangements covering the movement of a specific commodity, a specific quantity, at a specific time from a specific port or ports to specific destination port or ports. Cargoes generally include grain, coal, fertilizers, lumber, pitch, salt, sugar, etc.

(2) "Dry cargo liners" are regularly scheduled vessels on specific trade routes. Any cargo can be shipped in this service including part-cargoes (parcels) of bulk items as grain, coal, etc., generally not

exceeding 60 percent of the capacity of the vessel. Petroleum, vegetable oils, and similar bulk liquids carried in deep tanks of dry cargo liner vessels are classified as liner cargoes.

(3) "Tankers" are vessels which are designed to carry full cargoes of liquids. Because of compartmentation, tankers can carry a combination of such cargoes, including bulk grain. Rates are negotiated by charter arrangements in the same manner as with dry bulk carriers.

(4) "Form CCC 106" shall mean "Advice of Vessel Approval", Form CCC 106–1 (Supplier of Commodity), Form CCC 106–2 (Ocean Carrier), or Form CCC 106–3 (Cotton), or any or all of them, as applicable. Colors of the original form are: Form CCC 106–1 yellow; Form CCC 106–2 blue; and Form CCC 106–3 white.

(5) "Ocean bill of lading" shall mean a non-negotiable copy (or photostat) of an "On-Board" bill of lading or a bill of lading with an "On-Board" endorsement dated and signed or initialed on behalf of the carrier.

(6) "Ocean Transportation" shall mean, and is interchangeable with, the term "ocean freight".

(7) "Notice of Arrival" shall mean a written notice or copy of a cablegram acceptable to CCC reciting that the vessel has arrived at the first port of discharge.

(c) *Other terms.* (1) "Affiliate": A firm (corporation, partnership, individual, or other legal entity) is an "affiliate" of another firm, if either owns more than a 50 percent interest in or controls the other or if a third firm owns more than a 50 percent interest in, or controls, both.

(2) "Approved applicant" shall mean the bank in the importing country or any other agency designated by the importing country acceptable to USDA, named in any letter of commitment issued to a banking institution under this subpart. This term shall include any agent authorized to act on behalf of such an applicant.

(3) "Banking institution" shall mean a banking institution organized under the laws of the United States, any State, or the District of Columbia.

(4) "Form CCC 329" shall mean the signed original of Form CCC 329, Supplier's Certificate, with Invoice and Contract Abstract on the reverse.

(5) "Commodity" shall mean the surplus agricultural commodity or product thereof specified in the applicable purchase authorization.

(6) "Copy" shall mean a copy or photostat of an original document showing all data shown on the original. If a signature on the original is required, the copy should show the signature or the name of the person who signed the original, or be accompanied by a statement from the banking institution that the original was signed.

(7) "Delivery" shall mean the transfer to or for the account of an importer of custody and right of possession of the commodity in export channels as specified in the purchase authorization.

(8) "Importer" shall mean any person or organization, governmental or otherwise, in the importing country who contracts with the supplier for the importation of the commodity.

(9) "Importing country" shall mean any nation with which an agreement has been negotiated pursuant to Title I, Public Law 480.

(10) "Letters of credit" shall mean irrevocable commercial letters of credit issued, confirmed, or advised by a banking institution on behalf of an approved applicant.

(11) "Purchase Authorization" shall mean FAS Form 480–A, "Authorization to Purchase Surplus Agricultural Commodities with Foreign Currency", or FAS Form 480–A (Ocean Transportation), "Authorization to Procure Ocean Transportation", issued to an importing country pursuant to this subpart.

(12) "Supplier" shall mean any firm (corporation, partnership, individual, or other legal entity) which sells any agricultural commodity or products thereof to an importer under the terms of a purchase authorization for delivery to such importer in export channels, or which sells ocean transportation to an importer or supplier of the commodity under the terms of a purchase authorization.

(13) "Selling Agent" shall mean any firm (corporation, partnership, individual, or other legal entity) which operates as a formally appointed sales agent for the supplier of the commodity and who is not affiliated with the importer or the importing country.

(14) "Foreign Currency" shall mean, and is interchangeable with the term "Local Currency", and refers to the currency of the country which signs an Agricultural Commodities Agreement with the United States and to which a purchase authorization is issued.

(15) "Title I" shall mean Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended.

§ 11.3 Purchase authorizations.

(a) *Application.* The importing country shall submit an Application for authorization to purchase agricultural commodities with foreign currency or authorization to procure ocean transportation, or both, for each commodity to the Administrator. The application shall be submitted in triplicate on FAS Form 480–1 and shall include a statement as to the usual marketings of the commodity in accordance with the applicable Agricultural Commodities Agreement and any other information required by the Administrator.

(b) *Issuance of purchase authorizations.* Upon approval of the application by the Administrator, appropriate purchase authorizations as described below will be issued to the importing country, and financing should be in accordance with such purchase authorization.

(1) Authorization to Purchase Surplus Agricultural Commodities with Foreign Currency, FAS Form 480–A.

(2) Authorization to Procure Ocean Transportation, FAS Form 480–A (Ocean Transportation).

(c) *Provisions of purchase authorizations.* Each purchase authorization will specify:

(1) *Authorizations to purchase surplus agricultural commodities with foreign currency.* (i) The commodity to be purchased, and the approximate quantity and maximum dollar value thereof;

(ii) Contracting requirements in addition to or in lieu of those enumerated in Appendix A of this subpart, if any;

(iii) The periods during which contracts between suppliers and importers may be entered into and during which deliveries may be made;

(iv) The terms of delivery to the importer in export channels of trade;

(v) Documentation required in support of drafts presented to banking institutions by suppliers, other than the documentation specified in this subpart;

(vi) Provisions relating to local currency deposits;

(vii) The ASCS Office which will administer the financing operation on behalf of CCC;

(viii) The method of financing;

(ix) Any other provision deemed necessary by the Administrator.

(2) *Authorization to procure Ocean Transportation, FAS Form 480–A.* (i) The commodity to be shipped;

(ii) The delivery period;

(iii) The maximum dollar amount;

(iv) Provisions relating to local currency deposits;

(v) Any other provisions deemed necessary by the Administrator.

(3) *Applicability of this subpart.* In addition to the provisions of the particular purchase authorization, each purchase authorization shall be subject to the provisions of the regulations in this subpart to the same extent as if they were fully set forth in the purchase authorization.

(d) *Modification or revocation.* The Administrator reserves the right at any time for any reason or cause whatsoever to supplement, modify, or revoke any purchase authorization, including the termination of deliveries thereunder. CCC shall reimburse suppliers of commodities and ocean transportation who would otherwise be entitled to be financed, for costs incurred as a result of such action by the Administrator in connection with firm sales or shipping contracts, and not otherwise recovered after a reasonable effort to minimize such costs: *Provided, however,* That such reimbursement shall not be made to a supplier if the Administrator determines that his action was taken because the supplier failed to comply with the requirements of these regulations or the applicable purchase authorizations.

(e) *Refund to CCC.* The importing country shall pay in U.S. dollars promptly to CCC upon demand by the Administrator the entire amount financed by CCC (or such lesser amount as the Administrator may demand) whenever the Administrator determines that the importing country has failed to comply with any agreement or commitment made by it in connection with the transaction financed.

(f) *Extension of delivery periods in purchase authorizations.* Requests for extensions of delivery periods will be considered by the Administrator only if

submitted by the importing country. Such requests should be submitted as far as possible in advance of the expiration of the delivery period and in any event as soon as the importing country has knowledge that there is a possibility that delivery will not be completed within the period specified in the purchase authorization. Requests for extension must establish to the satisfaction of the Administrator that failure to complete delivery was due to a cause other than the fault or negligence of the importer or the supplier. The Administrator may also approve requests for extension if he determines that such extensions would be in the interest of the United States.

§ 11.4 Subauthorizations.

The importing country may issue subauthorizations to importers within the terms of each purchase authorization. The importing country, in subauthorizing, shall instruct importers to use the purchase authorization number in placing orders, and shall specify to importers all the provisions of the purchase authorization which are applicable to the subauthorization. Each importer to whom a subauthorization has been issued by his Government must inform his supplier that the transaction is to be financed under Title I and must give to his supplier the purchase authorization number that has been given to him. Copies of purchase authorizations may be obtained from the Administrator. The importer must also inform his supplier of any special provisions which affect the supplier in carrying out the transactions.

§ 11.5 Eligible commodities.

(a) *Surplus agricultural commodities.* To be eligible for financing, the commodities must be agricultural commodities grown in the United States and, if processed, grown and processed in the United States, which are at the time of exportation in excess of domestic requirements, adequate carryover, and anticipated exports for dollars, as determined by the Secretary of Agriculture.

(b) *Commodity description and specification.* Only the commodity described and specified in the purchase authorization shall be eligible for financing.

(c) *Payment-in-kind and cash payment-export programs.* Any commodity exported under this subpart to which a payment-in-kind or cash export subsidy is applicable under any export subsidy program will be eligible for such subsidy payment if the terms and conditions of such export subsidy program are met.

§ 11.6 Contracts between suppliers and importers.

(a) *Eligibility for financing.* In order to be eligible for financing under Title I, contracts shall comply with the following requirements unless otherwise specified in the purchase authorization:

(1) Contracts between importers and commodity suppliers must be entered into within the contracting period specified in the purchase authorization and shall provide for deliveries to the importer in accordance with the delivery terms and during the delivery period specified in the purchase authorization, unless an extension of such contracting or delivery period is granted in writing by the Administrator;

(2) Any contracts for a commodity, under a purchase authorization which limits contracting to f.o.b. or f.a.s terms, must be separate and apart from the contract for ocean transportation on such commodity;

(3) The contracted price must not be on a cost plus-a-percentage-of cost basis;

(4) The supplier must be engaged in the business of selling for export, or furnishing ocean transportation, from the United States, must maintain a bona fide business office in the United States, and must have a person, principal or agent, upon whom service of judicial process may be had in the United States. A firm of which more than 50 percent is owned or which is controlled by a foreign government is not eligible to act as supplier.

(5) The Administrator reserves the right at any time to require of any supplier relevant information as to the supplier and his selling agents. The details of all sales contracts between the suppliers and importers are required to be stated in the notification of sale pursuant to Appendix A or in the purchase authorization and will be subject to prior approval by USDA.

(b) *Invitation to bid.* (1) Importers may make purchases through negotiation with a supplier or suppliers of the importer's choice or on the basis of invitations to submit competitive offers. If competitive offers are invited, such invitations shall not limit the right to submit offers to any specified group or class of suppliers but shall permit submission of offers by any supplier who meets the requirements of paragraph (a) (4) of this section.

(2) An importer's request for offers pursuant to which an export sales contract is entered into must not preclude such offers being made for shipment from any U.S. port(s). This requirement does not preclude the importer from accepting offers on the basis of shipment from port(s) which result in the lowest total landed cost of the commodity. The purchase authorization, however, may provide otherwise as to ports of shipment.

(c) *Minimum offers.* Requests by importers for offers shall not establish minimum quantities that will be eligible for consideration. All offers regardless of size must be considered and evaluated.

(d) *Record of offers submitted by suppliers.* The importing country shall maintain a record of all offers received from U.S. suppliers either as a result of public tenders or negotiation. The Administrator reserves the right to examine these records or to request specific information in connection with the offers until the expiration of 3 years after final payment under contracts awarded pursuant to the purchase authorization.

(e) *Shipment prior to letter of credit.* If the supplier of the commodity permits shipment or the ocean carrier accepts the commodity before receipt of an acceptable letter of credit from a U.S. bank they take such action at their own risk. This action in itself does not affect eligibility for CCC financing provided acceptable documentation is presented within the time limitations prescribed in this subpart.

(f) *Webb-Pomerene Law (Export Trade Act).* A supplier who is a member of a Webb-Pomerene Association and who enters into contracts with importers as a member of such an association shall so indicate in Block 11 of Form CCC 329.

(g) *Contract information.* The supplier shall state in Block 21 of Form CCC 329 the contract delivery periods or dates and quantities covered by the entire contract.

(h) *Affiliate clause.* The supplier shall state in Block 21 of Form CCC 329 either: "I am an affiliate of the importer", or "I am not an affiliate of the importer".

(i) *Contract disputes.* Contracts between suppliers and importers should stipulate the responsibility of each party for payment of any costs not eligible for financing by CCC and should provide a method for amicable settlement of any dispute arising therefrom. Questions as to financing of such ineligible costs are to be resolved between the parties to the contract.

(j) *Special contracting provisions.* In addition to the general provisions for contracting set forth in paragraphs (a) through (i) of this section, additional special contracting provisions applicable to individual commodities are prescribed in Appendix A attached to this subpart. Each purchase authorization, unless it is otherwise provided therein, shall be subject to the special provisions of Appendix A, for the specific commodity named in the purchase authorization, as if such special provisions were fully set forth in the purchase authorizations.

(k) All contracts entered into for financing hereunder shall be deemed to include all terms and conditions required to be included in order to be eligible for financing hereunder.

§ 11.7 Commodity price provisions.

(a) *Maximum price.* The supplier's sales price must not exceed the prevailing range of export market prices as applied to the terms of sale at the time of sale, as determined by USDA, and, in addition, where the purchase authorization provides for a maximum price, expressed either in dollars or cents or to be computed on a stated basis, the supplier's sales price shall not exceed such maximum price. The "time of sale," unless otherwise defined for specific commodities in Appendix A, shall mean the day as of which the sale price is established in or pursuant to the contract between the importer and the supplier or the day of any amendment thereto if such amendment in any manner affects the sales price, as determined by USDA. In the event USDA is unable to ascertain the prevailing range of export market prices for a specific commodity, USDA will determine a

maximum export market price, representing the top of the range of export market prices, for the commodity at the time of sale for the time and place of delivery provided for in the contract. In so determining a maximum export market price, USDA will utilize, as needed, available domestic or export market information for the same or other quality descriptions, packagings, locations, and dates; will apply appropriate market differentials where applicable and such other factors as would be reflected in the export market price at the time of sale for the time and place of delivery; and will take into account CCC export sales prices where appropriate.

(b) *Prior approval of contract price.* Prior approval by the Administrator, FAS, or his designee, of the contracted price of the commodity is required as a condition of eligibility for financing unless otherwise provided in the purchase authorization. The detailed instructions for requesting and obtaining such prior approval are set forth in Appendix A, or will be stated in the purchase authorization.

(c) *Maximum price for affiliates.* In addition to the maximum price provisions in paragraph (a) of this section, the sales price for the commodities sold to an affiliate of the supplier shall not be in excess of the aggregate amount of the following:

(1) The initial cost to the supplier in his acquisition from U.S. sources;

(2) The actual cost, if available, otherwise the average cost, incurred by the supplier for any handling, processing, and transportation to point of delivery; and

(3) Any markup regularly and customarily charged.

(d) *Reduction for unauthorized selling agent's commissions.* If it is established that (1) an agent employed or engaged by the supplier is not a selling agent as defined in § 11.2(c) (13) of this subpart or (2) a sales commission is in excess of the rate or percentage customarily and usually charged for the services performed and the commodity involved, the supplier's sales price, if otherwise eligible for financing, will be reduced for financing purposes in the case of subparagraph (1) of this paragraph by the amount of the commission to the ineligible agent and in the case of subparagraph (2) of this paragraph by the amount of excess commission. Such reductions in the supplier's sales price for the purpose of determining the amount which will be financed will be made even though the sales price meets the requirement of § 11.7.

(e) *Refund of excess price.* If the sale has been financed and it is determined that the sales price exceeds the maximum price permissible under paragraph (a) or (c) of this section, the supplier shall refund the amount of such excess to CCC promptly after determination and notification of the amount thereof by CCC. If not promptly refunded, such amount may be set-off by CCC against monies owed by it to the supplier. CCC will make appropriate refund of equivalent local currency to the importing country. The making of any such refund to CCC, or any set-off by CCC, shall not, however, prejudice the right of the supplier to challenge the correctness of such determination in a court action brought against CCC for recovery of the amount refunded or set-off.

§ 11.8 Fees, discounts, commissions, ship's dollar disbursements, and brand names.

(a) *Consular fees.* Consular fees imposed for the issuance or legalization of consular invoices or certificates in connection with the importation of commodities into a foreign country will not be financed by CCC.

(b) *Discounts.* If a contract provides for one or more discounts (including but not limited to trade or quantity discounts and discounts for prompt payment) whether expressed as such or as "commission" to the importer, only the invoice amount after discount (supplier's contracted price less all discounts) will be eligible for financing.

(c) *Commissions.* (1) A commission to a selling agent employed or engaged by the supplier to obtain a contract, except as stated in subparagraph (3) of this paragraph, will be financed to the extent that such commission is not in excess of the rate or percentage customarily and usually charged for the services performed and the commodity involved, as determined by USDA.

(2) If the supplier of the commodity or ocean transportation has employed any person or firm, other than a selling agent, to obtain a contract under any agreement the amount paid to such person or firm will not be eligible for financing.

(3) No commission paid or to be paid to any agency, including a corporation, owned or controlled by the government of the importing country or to any affiliate of the supplier will be eligible for financing, whether included in the price of the commodity or separately stated.

(4) No commission paid or to be paid to any agent, broker, or other representatives of the importing country will be eligible for financing, whether included in the price of the commodity or separately stated. This is not applicable to ocean transportation brokerage commissions which do not exceed 2½ percent of the freight financed.

(5) In the case of ocean transportation, CCC will not finance: Address commissions; brokerage commissions in excess of 2½ percent of the freight financed; or ship's dollar disbursements.

(d) *Brand names.* Brand names are not required to be shown on packaged commodities. If, however, a brand name is used, it must be a bona fide U.S. brand. The container or label attached thereto must show the name and U.S. business address of the supplier or the manufacturer. Any reference on the container or label attached thereto to foreign addresses of suppliers or foreign brand names is prohibited and the sale will be ineligible for financing. If the markings on the shipping container include a brand name, such brand name shall be identical with the brand name on the unit container.

§ 11.9 Adjustment refunds and insurance.

(a) *Adjustment refunds—(1) Letter of commitment method of financing.* All claims by importers for adjustment refunds arising out of the terms of the contract or out of the normal customs of the trade, including arbitration and appeal awards, amicable allowances, and claims for overpayment of ocean transportation, if such refunds relate to amounts financed by CCC, shall be settled by payment in U.S. dollars and such payment shall be remitted by the supplier for the account of the importer to the banking institution to which the supplier presented the documents covering the original transaction. The remittance to the banking institution shall be identified with the date and amount of the original payment, the commercial letter of credit number, and the applicable purchase authorization number. Upon demand by CCC the importing country shall pay to CCC an amount in U.S. dollars equal to the dollar value of the adjustment refunds.

(2) *Reimbursement method of financing.* Special provisions relating to adjustment refunds will be contained in commodity purchase authorizations under the reimbursement method and in ocean transportation purchase authorizations.

(b) *Insurance for the account of the importer in c.i.f. sales.* Where the cost of insurance is included in the net c.i.f. invoice price of the commodity financed pursuant to specific authorization for c.i.f. sales in the applicable purchase authorization and the supplier furnishes insurance in favor of or for the account of the importer, the policies or certificates of insurance shall provide that all claims shall be paid in U.S. dollars and that the underwriter shall notify the Controller, CCC, at the time a claim thereunder is paid, indicating the purchase authorization number; the name and address of the supplier, importer, and payee of the claim; the amount paid; the nature of the claim; the quantity of the commodity involved in the claim; the date of shipment; the bill of lading number; and the name of the vessel. Upon demand by CCC, the importing country shall pay to CCC U.S. dollars in the amount paid by the insurance underwriters.

(c) *Ineligible transactions.* Suppliers shall refund dollars to CCC, upon demand by CCC, for transactions or portions thereof which are not eligible for financing, as determined by CCC.

(d) *Violation of Agricultural Commodities Agreement.* Whenever the Administrator determines that the importing country has failed to comply with any agreement or commitment made by it in connection with the Agricultural Commodities Agreement between the United States and the importing country pursuant to which the importation took place, the importing country shall pay in U.S. dollars to CCC promptly

upon demand by the Administrator the entire amount financed by CCC or such lesser amount as the Administrator shall demand.

(e) *Refund of foreign currency.* Immediately after receipt by CCC of U.S. dollar payments from or for the account of importing countries under paragraphs (a), (b), (c), or (d) of this section, CCC will provide for payment to the importing country of the foreign currency equivalent of dollars received, provided such foreign currency is deposited for the transaction represented, as follows:

(1) For payments under paragraph (a), (b), or (c) of this section, the foreign currency equivalent will be at the exchange rate agreed upon by the Government of the United States and the government of the importing country in effect on the last day of the calendar month during which dollar payment was remitted by the supplier or the insurer to or for the account of the importer, except that if there has been a change in the exchange system or structure of the importing country, such payment shall be made at the agreed exchange rate which was in effect on the date of dollar disbursement for the transaction financed, and except further that foreign currency shall not be paid under such paragraphs (a), (b), or (c) of this section where the dollars are to be reauthorized for replacement of the commodity.

(2) For payment under paragraph (d) of this section, the foreign currency equivalent will be at the agreed exchange rate in effect on the date of the dollar disbursement for the transaction financed; provided, that foreign currency will not be refunded to the extent that deposits of such currency have been made available to the importing country on a grant basis.

§ 11.10 Reimbursement method of financing.

(a) *Contracted price of commodity.* Whenever a purchase authorization for the commodity (including ocean transportation and insurance when included in the commodity price) provides for the reimbursement method of financing, CCC will reimburse the importing country or its assignee for dollar payments to suppliers upon submission of the documents required by § 11.13(c). Letters of commitment will not be issued under reimbursement type purchase authorizations.

(b) *Ocean transportation.* Purchase authorizations which authorize financing the cost of ocean freight separately from the commodity cost shall be financed by the reimbursement method. CCC will reimburse the importing country or its assignee for dollar payments to suppliers of ocean freight upon submission of the documents required by § 11.13 (e). Letters of commitment will not be issued for ocean transportation purchase authorizations.

(c) *Assignment.* (1) The right to receive reimbursement under a reimbursement type purchase authorization may be assigned by the importing country to any bank, trust company or other financing institution in the United States by sending a completed Instrument of Assignment, Form CCC 335, in an original and one copy, to the assignee.

(2) If the assignee accepts the assignment, the original and two copies of the Notice of Assignment, Form CCC 334, should be prepared by the assignee and together with one copy of the signed Instrument of Assignment, Form CCC 335, filed with the Controller, CCC. The copy of the signed Instrument of Assignment submitted with the Notice of Assignment must contain all of the signatures, seals, acknowledgments, etc., which appear on the original. The Controller, CCC, will acknowledge receipt of the assignment.

(d) *Limitation on assignment.* The assignment may be made only to a bank, trust company, or other financing institution in the United States. The assignment shall cover all amounts payable under the purchase authorization and not already paid, shall not be made to more than one party, and shall not be subject to further assignment, except that any such assignment may be made to one party as agent or trustee for two or more parties participating in the financing. Unless otherwise provided by the purchase authorization, the right of any such assignee to obtain reimbursement shall not be contingent upon the deposit of currency by the importing country.

(e) *Protection of assignee.* A supplement, modification, or revocation of a reimbursement type purchase authorization shall become effective as to the assignee upon receipt by the assignee from the Controller, CCC, of written notice of such supplement, modification, or revocation except that such supplement, modification, or revocation shall in no event affect or impair the right to obtain reimbursement to the extent of any payments made in reliance upon the assignment by such assignee prior to receipt of such notice, or any irrevocable obligation incurred in reliance upon such assignment, such assignee prior to receipt of such notice, for which the assignee has not been repaid by the importing country (there shall be no obligation on the assignee's part to obtain such repayment). The term "purchase authorization," as used in any assignment of the right to receive reimbursement under a reimbursement type purchase authorization, shall be deemed to include each such supplement or modification from and after receipt by the assignee from the Controller, CCC, of written notice of the same, subject always, however, to the foregoing provisions preserving rights of reimbursement on behalf of the assignee.

(f) *Requests for reimbursement.* (1) All requests for reimbursement, supported by the required documentation, shall be submitted to the ASCS office named in the reimbursement type purchase authorization or to the bank holding an assignment acknowledged by CCC, not later than 210 days after expiration of the delivery period specified in such purchase authorization or any extension of such 210-day period granted by the Administrator. When the request for reimbursement is submitted by a banking institution to CCC, a statement by the bank that the documents had been received within the 210-day period and that payment to the supplier was authorized within such 210-day period, shall satisfy the requirements of this paragraph even though submission to CCC is made subsequent to the 210-day period.

(g) *Set-off of overpayments.* Amounts improperly paid to any assignee by CCC may be set-off against amounts due the assignee under the same reimbursement type purchase authorization. Such overpayments may also be set-off against amounts due the same assignee under other reimbursement type purchase authorizations issued to the same importing country provided such assignee is notified of the amount to be set-off at the time receipt of the assignment is acknowledged by CCC.

(h) *Deposit of foreign currency.* The importing country shall provide, as hereinafter stated, for the deposit of foreign currency equivalent to dollars disbursed by CCC, except that foreign currency shall not be deposited for the amount of ocean freight differential. Deposits shall be at the rate of exchange for U.S. dollars provided in the applicable Agricultural Commodities Agreement. Documentation for each such deposit shall be furnished to the U.S. Disbursing Officer, located at the American Embassy in the importing country, and shall show the number of the purchase authorization, the date and amount of the related dollar disbursement, the exchange rate applicable to the deposit, and the amount of foreign currency deposited. Deposits shall be made immediately after receipt by the importing country or its designee of documentation showing the date and net amount of dollar reimbursement (after deduction of ocean freight differential, if any) by CCC to the importing country, or to its assignee if the right to receive reimbursement under the purchase authorization has been assigned.

(i) *Special provisions.* Requirement for handling adjustment refunds, special documentation, and other provisions not otherwise specified in these regulations for reimbursement type purchase authorizations will be set forth in the purchase authorizations as needed.

§ 11.11 Letter of commitment method of financing.

(a) *General.* (1) Letters of commitment issued by the Controller, CCC, to banking institutions designated by the importing country and acceptable to CCC will assure reimbursement to the banking institution, in accordance with the terms of such letters of commitment, for payments made or drafts accepted, not in excess of the amount specified in the letter of commitment, made under letters of credit for the account of the approved applicant.

(2) Each letter of commitment will name the Federal Reserve Bank(s) to which drafts shall be presented by the banking institution in order to obtain reimbursement of amounts paid under the letters of credit and will name the ASCS Office which will administer the financing operations under the letter of commitment on behalf of CCC.

(b) *Application—(1) Original applications.* The importing country shall apply for a letter of commitment by submitting the signed original of the Application for Letter of Commitment or Amendment, Form CCC 327, to the Controller, CCC. This form will identify the U.S. bank designated to receive the letter of commitment and the approved applicant, and show the maximum amount to be financed under the letter of commitment.

(2) *Amendments.* The importing country shall submit the signed original of Form CCC 327 to the Controller, CCC, to request changes in letters of commitment, except for reductions in amounts which may be made by banking institutions in accordance with paragraph (f) of this section.

(c) *Issuance.* Upon approval of the importing country's original application for a letter of commitment, the Controller, CCC, will issue the original and one copy of Form CCC 328, Letter of Commitment, to the designated banking institution. Upon approval of the importing country's application for an amendment of a letter of commitment, the Controller, CCC, will issue the original and one copy of Form CCC 328–1, Amendment to Letter of Commitment, to the designated banking institution.

(d) *Acceptance by banking institution.* All letters of commitment and all amendments thereto issued in accordance with paragraph (c) of this section, except amendments which increase the amounts of letters of commitment, shall be accepted or rejected by the banking institution. The banking institution shall promptly return to CCC the copy of Form CCC 328 or Form CCC 328–1, indicating acceptance or rejection.

(e) *Advice to importing country.* The Controller, CCC, will send to the appropriate office of the importing country, a copy of each letter of commitment or amendment accepted by the banking institution, as well as amendments increasing the amounts of letters of commitment.

(f) *Reduction by banking institution.* The amount of a letter of commitment may be reduced by a banking institution, when so requested by the importing country, by issuing a Notice of Reduction of Letter of Commitment, Form CCC 328–2. The request of the importing country to the banking institution may be made by letter or telegram or other method acceptable to the banking institution. Instructions to the banking institution for the preparation and distribution of this form are contained in the form.

(g) *Successors.* The letter of commitment shall inure to the benefit of the banking institution's legal successors and assigns.

(h) *Issuance of letters of credit.* In issuing, confirming, or advising letters of credit pursuant to a letter of commitment, the banking institution shall observe the following:

(1) *General.* The application or request for, and any agreement relating to, any letter of credit issued, confirmed, or advised in connection with a letter of commitment to a banking institution, may contain such provisions as the approved applicant and the banking institution may agree upon, and the approved applicant and the banking institution may agree to any extension of the life of, or any other modification of, or variation from, the provisions of any such letter of credit: *Provided,* That such provisions and any such extension, modification, or variance shall be in no respect inconsistent with or contrary to the provisions of the letter of commitment; in the case of any such inconsistency or conflict, the provisions of the letter of commitment shall prevail with respect to CCC financing: *And provided further,* That where letters of credit provide for acceptance of time drafts such letters of credit (or applications therefor) shall specify that the discount and acceptance fees shall be for the account of the importer. Every application for a letter of credit shall provide for submission to the banking institution of the documentation required by this subpart and by the purchase authorization.

(2) *Identification.* Each letter of credit, modification, or extension shall bear the number of the applicable purchase authorization and, if possible, of the letter of commitment.

(3) *Commodity description.* The commodity description in letters of credit shall not be inconsistent with the description in the purchase authorization. In making payments or accepting time drafts under letters of credit, the banking institution shall, on the basis of the information contained in the required documents, act in accordance with good commercial practice. (As to Form CCC 329 (Reverse), see §§ 11.15(a)(3) and 11.15(c)(2).)

(4) *Time drafts.* Immediately after acceptance of time drafts, the banking institutions shall forward the documents required by § 11.13, to the ASCS Office named in the letter of commitment. Drafts drawn by the banking institution on CCC shall be presented to the Federal Reserve Bank and shall be supported by the documents required by § 11.13 or shall be supported by Form CCC 339, "Advice of Receipt of Documents," if such documents were submitted to CCC prior to presentation of the draft.

(5) *Delays in opening letters of credit.* Interest or carrying charges incurred as a result of delays in opening letter(s) of credit are not eligible for CCC financing.

(6) *Delay in presenting documents.* No transaction under a letter of credit which provides for deferred presentation of documentation required by CCC shall be eligible for financing.

(i) *Availability of information to CCC.* The banking institution shall make available to CCC, upon request, a copy of each letter of credit issued, confirmed, or advised by it, and of any extension or modification thereof; a copy of each application and agreement relating to such letter of credit; a copy of each document in its possession received by it under the letter of credit; and detailed advice of the interest, commissions, expenses, or other items charged by it in connection with each such letter of credit.

(j) *Acceptability of documents.* Acceptance by the banking institution of any document in the ordinary course of business in good faith as being genuine and valid and sufficient in the premises, and the delivery thereof to the Federal Reserve Bank or the ASCS Office as required, shall constitute full compliance by the banking institution with any provisions of this subpart, the purchase authorization, or the letter of commitment requiring delivery of a document of the sort that the document actually delivered purports to be. The banking institution shall be entitled to receive and retain reimbursement of the amount of all payments made or acceptances by it against documents so accepted, notwithstanding that such payments or acceptances may be made in connection with a sale at a price in excess of the maximum specified in § 11.7 except to the extent provided in § 11.15(b)(7).

(k) *Truth or accuracy of supplier's statements.* The banking institution shall have no responsibility for the truth or accuracy of the statements contained in the supplier's certificate or invoice-and-contract abstract. The rights of the banking institution under the letter of commitment will not be affected by the fact that such abstracts may be incomplete, or may indicate noncompliance with any provision of this subpart, or of the purchase authorization or of the letter of commitment, or may be inconsistent with other required documents.

(l) *Notice of supplement, modification, or revocation.* A supplement, modification, or revocation of any purchase authorization or letter of commitment shall become effective as to a banking institution upon the receipt by it from the Controller, CCC, of a written notice of such supplement, modification, or revocation, except that such supplement, modification, or revocation shall in no event affect or impair the right of the banking institution to obtain reimbursement to the extent of any payments made or drafts accepted or irrevocable obligations incurred in reliance upon the letter of commitment prior to receipt of such notice, under a letter of credit issued or confirmed by the banking institution, and for which the banking institution has not been repaid by the approved applicant. The banking institution, however, is under no obligation to obtain such repayment. The term "purchase authorization" as used in a letter of commitment shall be deemed to include each such supplement or modification from and after receipt by the banking institution from the Controller, CCC, of written notice thereof, subject always, however, to the foregoing terms and provisions preserving the banking institution's right of reimbursement.

(m) *Compliance with changes in purchase authorizations.* In the event

the Administrator shall revoke a purchase authorization or supplement, or modify the requirements therein with regard to the disposition of any document(s), and the Controller, CCC, shall give the banking institution written notice thereof, the banking institution shall in all respects comply with the instruction of the Controller, CCC, to the extent it may do so without impairing or affecting any irrevocable obligation or liability theretofore incurred by it under any letter of credit issued or confirmed by it. The banking institution shall be reimbursed by CCC for the costs, expenses, and liabilities paid or incurred by it as a result of compliance with such instruction. Such reimbursement shall be made by CCC upon application therefor filed with the ASCS Office named in the letter of commitment and supported by an itemized statement of the costs, expenses, and liabilities certified to by an officer of the banking institution. The banking institution shall have no obligation whatsoever to the approved applicant for anything done or omitted to be done by it pursuant to such instruction of the Controller, CCC.

(n) *Payments in anticipation of letter of commitment.* Payments made or time drafts accepted by a banking institution in anticipation of a letter of commitment, and falling within the scope of payments authorized by such letter of commitment when issued, will be deemed to be payments to be reimbursed thereunder.

(o) *Deposit of foreign currency.* The importing country shall provide, as hereinafter stated, for the deposit of its local currency in an amount equivalent to the dollars disbursed by the banking institutions or by CCC except that local currency shall not be deposited for the amount of ocean freight differential stated on Form CCC 106 for the tonnage involved in the shipment. Deposits shall be at the rate of exchange for U.S. dollars provided in the applicable Agricultural Commodities Agreement. Documentation for each such deposit shall be furnished to the U.S. Disbursing Officer, and shall show the number of the purchase authorization, the date and amount of the related dollar disbursement, the exchange rate applicable to the deposit, and the amount of local currency deposited. The times and circumstances under which deposits shall be effected are as follows:

(1) Where time drafts are accepted under letters of credit, deposits shall be made on the date of maturity of each such draft or on an earlier date on which CCC disburses the amount of the draft to the banking institution.

(2) In the case of all other payments under letters of credit, deposits shall be made immediately after receipt by the approved applicant of documentation showing the amount of dollar disbursement to suppliers by banking institutions under such letters of credit.

(p) *Final date for submission of drafts.* Drafts drawn by banking institutions on CCC shall be supported by documents presented by the supplier to the banking institution to which the letter of commitment has been issued. Such drafts shall be presented not later than 210 days after the expiration of the delivery period specified in the applicable purchase authorization or any extension of such 210-day period granted by the Administrator, except that they may be presented subsequent to that date if accompanied by a statement by the banking institution that the documents have been received within the 210-day period and that payment to the supplier was authorized within such 210-day period.

§ 11.12 Ocean transportation.

(a) *General.* The cost of ocean transportation will be financed by CCC only when specifically provided for in the purchase authorization. Unless the purchase authorization provides otherwise, this section will apply to the financing of ocean transportation. Unless otherwise specifically provided in the applicable purchase authorization or unless otherwise requested by FAS, the pertinent terms of all proposed charters (whether single voyage charters, consecutive voyage charters, or time charters) and all proposed liner bookings must be submitted to the appropriate USDA Office (see paragraph (b) of this section) for review and approval prior to fixture of the vessel. Tentative advance approvals may be obtained by telephone or telegram, provided Form CCC 105, Ocean Shipment Data—PL 480 ("Request for Vessel Approval"), is furnished promptly confirming the information supplied by telephone or telegram. Approvals of charters and liner bookings will be given on Form CCC 106, "Advice of Vessel Approval." If the purchase authorization requires that a part of the tonnage of the commodity be shipped on privately owned U.S.-flag commercial vessels, the offices specified in paragraph (b) of this section shall determine the quantity of the commodity which must be shipped on such U.S.-flag vessels.

(b) *Request for vessel approval.* In order to obtain approval of proposed vessel bookings the following forms shall be submitted in duplicate to the office indicated:

(1) *For cotton.* Form CCC 105 (Cotton), Ocean Shipment Data—PL 480—"Request for Vessel Approval," shall be submitted to the Director, ASCS Commodity Office, U.S. Department of Agriculture, Wirth Building, 120 Marais Street, New Orleans, La., 70112.

(2) *For commodities other than cotton.* Form CCC 105, Ocean Shipment Data—PL 480—"Request for Vessel Approval," shall be submitted to the Director, Program Operations Division, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C., 20250.

(c) *Special charter party provisions required when freight is financed by CCC.* Where CCC finances the ocean freight for commodities booked on charter terms, a copy of the charter party shall be forwarded immediately after its execution to the Director, Program Operations Division, FAS, for review and approval prior to issuance of Form CCC 106. In the event of any conflict between the provisions of this subpart and the charter party or bills of lading issued pursuant thereto, the provisions of this subpart shall prevail. The charter party shall contain or, for the purpose of financing pursuant to this subpart, be deemed to contain the following provisions:

(1) That if there is any failure on the part of the supplier of ocean transportation to perform the charter party after the vessel has tendered at the loading port, the charterer shall be entitled to incur all expenses which in the judgment of the Administrator are required to enable the vessel to undertake and carry out her obligations under the charter party, including but not limited to, expenses for lifting any liens asserted against the vessel.

(2) That, notwithstanding any prior assignments of freight made by the owner or operator, the expenses authorized in subparagraph (1) of this paragraph may be deducted from the freight earned under the charter party.

(3) That the supplier of ocean transportation shall release copies of the ocean bills of lading to the supplier of the commodity promptly upon completion of loading of the vessel.

(4) That ocean freight is earned and that 90 percent thereof is payable by the charterer when the vessel and cargo arrive at the first port of discharge, subject to subparagraph (5) of this paragraph. This provision does not relieve the carrier of the obligation to carry to other points of discharge if this is required by the charter party or bill of lading. The final 10 percent shall be settled, subject to adjustments, if any, after submission of loading and discharging laytime statements and statement(s) of fact.

(5) That if a force majeure situation as described in § 11.13(e)(2) prevents the vessel's arrival at the first port of discharge, not to exceed 90 percent of the freight shall be payable by the charterer at the time the Administrator determines that such force majeure was the cause of nonarrival. Any dispatch earned at loading port will be deducted from this payment. The remaining 10 percent of freight shall not be due or payable.

(6) That laydays are reversible.

(7) That in case of a dispute as to any rights of CCC, including rights as successor or assignee, which cannot be settled by agreement, the decision respecting any such rights shall not be subject to arbitration, but shall be decided if necessary by the U.S. courts.

(d) *Special charter party information required when freight is financed by CCC.* Where CCC finances the ocean freight for commodities booked on charter terms, the charter party shall contain the following information:

(1) The name of each party participating in the ocean freight brokerage commission (if any) and the percentage thereof payable to each party;

(2) The name of the vessel and the name of the substitute vessel, if any.

(e) *Notice of arrival.* Each Form CCC 106–2 will indicate whether or not a notice of arrival is required. A notice of arrival, when required, must be furnished promptly by the importing country, or its designated agent or other source acceptable to CCC (excluding the carrier or his agent), and must include the name of the vessel, the purchase authorization number, the first port of discharge, and the date of arrival.

(f) *Advice of vessel approval.* Advice of vessel approval will be issued as follows:

(1) *For cotton.* Form CCC 106–3 (white) signed for the Director, New Orleans ASCS Commodity Office, will be issued only for the supplier of the cotton on sales made on a c.i.f. or c. & f. basis. When cotton is shipped on an f.a.s. basis, if CCC finances the ocean freight, two signed original copies of this form will be issued; one for the supplier of the cotton and the other for the ocean carrier.

(2) *For commodities other than cotton.* Form CCC 106 signed for the Director, Program Operations Division, FAS, will be issued as follows:

(i) On shipments to be made on an f.o.b. or f.a.s. basis, the original of Form CCC 106–1 (yellow) will be issued for the supplier of the commodity and where CCC finances the cost of ocean freight, the original of Form CCC 106–2 (blue) will be issued for the ocean carrier.

(ii) On shipments to be made on a c.i.f. or c. & f. basis, the original of Form CCC 106–1 (yellow) will be issued for the supplier of the commodity.

(g) *Foreign-flag vessels.* CCC will not finance the cost of ocean transportation on foreign-flag vessel(s), either as a part of the commodity contract price or separate therefrom.

(h) *United States-flag vessels.* Where a commodity is required to be shipped on a privately-owned United States-flag commercial vessel, Form CCC 106 will set forth the amount of the ocean freight differential, if any, which the Director, Program Operations Division, determines to exist between the prevailing foreign-flag vessel rate and the United States-flag vessel rate. CCC will authorize reimbursement of such ocean freight differential to the extent of the full tonnage for which the commodity cost is to be financed by CCC.

(i) *Ocean transportation financed by CCC.* Where ocean transportation will be financed either separately from or as part of the commodity contract price, the following shall apply:

(1) Loading, trimming and other related shipping expenses will not be financed as items separate from the ocean transportation rate;

(2) Discharge costs may be included in the ocean transportation rate only when in accordance with trade customs;

(3) The cost of "dead freight" will not be financed;

(4) The cost of lighterage or lightening will not be financed by CCC unless specifically approved by the Administrator;

(5) Cargo dues and taxes assessed by the importing country will not be financed;

(6) Surcharges assessed by steamship conferences or carriers will not be financed;

(7) General average contributions will not be financed;

(8) Charters and liner booking contracts must reflect the ocean transportation rate from one port loading to one port discharge. A charter or liner booking contract may provide for an increase in rate for additional port(s) of loading or discharge, alternate route(s) or any other option; CCC, however, will finance initially the lowest such rate. Increased amounts (if any) due because of the exercise of such option(s) will be financed only after receipt of evidence that an option was exercised. If an option is exercised conclusively prior to the issuance of ocean bill of lading, CCC will finance the rate applicable to the option so exercised.

(9) In the case of transshipment from a United States-flag vessel to a foreign-flag vessel, CCC will finance the cost of ocean freight only to the point of transshipment, at a rate to be determined by the Administrator, and the cost of ocean freight beyond the point of transshipment will not be financed by CCC unless specifically approved by the Administrator. If the commodity was transported from a U.S. port and was transshipped at another U.S. port, CCC will not finance the cost of the transportation which took place prior to the transshipment.

(10) Ocean freight will be financed only to the extent that the rate charged does not exceed the lowest of the following rates for the category of vessel concerned:

(i) For commodities covered by published tariff rates—the published Conference contract rate;

(ii) For other commodities (bulk commodities and other commodities for which no tariff rates are currently effective, whether carried on liners, dry bulk carriers, or tankers)—the market rate prevailing at the time of request for approval was determined by the Director, Program Operations Division, but in any event not in excess of rates charged other shippers (irrespective of booking dates) for like commodities on the voyage concerned.

(11) Reimbursement will be made for cost of shipment from loading points to discharge points at rates approved by the Director, Program Operations Division, on Form CCC 106 in conformity with subparagraph (10) of this paragraph.

(j) *Initial reimbursement.* (1) Where the Form CCC 106 states that Notice of Arrival is not required and the carrier's invoice includes a certification that the contract does not provide for dispatch earnings, reimbursement will be made for 100 percent of freight upon presentation of required documents.

(2) When the Form CCC 106 indicates that a Notice of Arrival is required, reimbursement for advances made to the supplier of the ocean transportation up to 90 percent of the cost of ocean freight may be obtained prior to arrival at the first port of discharge if the supplier furnishes CCC financial coverage in the form of an acceptable letter of credit from a U.S. bank or Form CCC 124, Freight Refund Bond, executed by an acceptable surety. The amount of coverage may be computed as follows:

(i) 90 percent of the cost of ocean freight based upon the tonnage shown on the related "on-board" bill of lading (copy must be supplied to CCC) times the approved rate per ton shown on the related Form CCC 106, or

(ii) 100 percent of the cost of ocean freight based upon the tonnage stated in the charter party (without tolerance) times the rate per ton shown on the related Form CCC 106. Upon receipt of an acceptable letter of credit or Freight Refund Bond, the Controller, CCC, or his designee, will issue a waiver of the Notice of Arrival. The waiver may be submitted in lieu of a Notice of Arrival when such notice is required under § 11.13(c)(2) for reimbursement of 90 percent of the cost of ocean transportation.

(3) Where the charter party or liner booking contract provides for dispatch earnings, reimbursement of 90 percent of the cost of ocean transportation may be obtained prior to presentation of signed laytime statements and statements of fact upon presentation of the required documents. Where, in such instances the Form CCC 106 indicates that a Notice of Arrival is required, the waiver described in subparagraph (2) of this paragraph may be substituted for the Notice of Arrival as a document required to obtain the 90 percent reimbursement.

(k) *Demurrage.* Demurrage incurred in excess of dispatch earnings will not be financed. Dispatch shall be credited first against demurrage, if any, incurred in connection with the same voyage; any balance of dispatch shall be deducted from the amount of the final request for reimbursement. Stevedore overtime pay at loading port will be financed by CCC only if the Director, Program Operations Division, determines that by incurring such expense net dispatch is earned by the vessel.

(l) *Reimbursement for balance of ocean freight.* In cases where the charter party or liner booking contract provides for dispatch earnings or where Form CCC 106 indicates that a Notice of Arrival is required and subsequent to the initial reimbursement of 90 percent of the dollar cost of ocean transportation, it is established that a part or all of the final 10 percent is eligible for reimbursement, the supplier of transportation is entitled to prompt payment by the charterer of that portion of the final 10 percent which is not in dispute. Upon request of such supplier, the importing country must arrange for the Notice of Arrival and signed loading and discharging laytime statements and statements of fact, to permit the supplier to present documents required by § 11.13(e) covering payment of any portion of the final 10 percent not in dispute. Upon presentation of acceptable documentation, the importing country must promptly make or authorize payment therefor.

(m) *Eligibility of ocean transportation contracts for financing.* Contracts for ocean transportation shall not be

eligible for financing by CCC if the supplier of the ocean transportation is also the supplier of the commodity or is an affiliate of such supplier of the commodity, unless the supplier of ocean transportation (1) is the owner of the vessel named in the Form CCC 106 or (2) is the operator of such vessel by time charter or bareboat charter and the ocean freight rate for which reimbursement is claimed is not in excess of the rate he contracted for with the owner of the vessel.

(n) *Ocean transportation included in the commodity contract price.* (1) If the contract is basis c. & f. or c.i.f. and the price includes the cost of ocean transportation as well as the cost of the commodity, the cost of ocean transportation will be financed only to the extent specifically provided in the applicable purchase authorization.

(2) When the Form CCC 106 provides that the cost of ocean transportation will not be financed by CCC, it will require that the supplier's detailed invoice covering the commodity shipped show a deduction for ocean transportation.

§ 11.13 Documentation.

(a) *General.* Requests for payment submitted to banking institutions by suppliers and requests submitted to CCC for reimbursement of commodity or ocean transportation payments or both shall be supported, except as otherwise provided in the purchase authorization, by the documents required by this section, the purchase authorization, the letter of commitment, and Appendix B unless previously submitted to CCC. Such documents, however, need not be submitted when and to the extent that the Controller, CCC, determines that the intended purpose of a document is served by documents otherwise available to or under the control of CCC or by alternate documents specified in such determination. The documents required herein are in addition to any other documents the supplier may be required to submit to a bank under the applicable letter of credit. The supplier must present documentation required by CCC to the banking institution for immediate payment or acceptance of a time draft.

(b) *Identification.* (1) The following documents must be identified with the appropriate purchase authorization numbers or be readily identifiable therewith:

(i) Documents to be submitted by suppliers to banking institutions with request for payment of commodity price (including ocean transportation and insurance when covered by the commodity price) and such documents when submitted to CCC for reimbursement.

(ii) Documents to be submitted to CCC to obtain reimbursement under a purchase authorization for ocean transportation shall be identified with the number thereof including the "OT" suffix, except that a copy of the ocean bill of lading may bear the related commodity purchase authorization number.

(2) The supplier must put the appropriate purchase authorization number on all documents specified in this Section which are prepared under his control. He should arrange for the appropriate purchase authorization number to be put on all other required documents at the time of their preparation.

(c) *Documents required for financing commodity price (including ocean transportation and insurance when covered by the commodity price).* (1) Signed originals of supplier's certificates, with invoice-and-contract abstract on the reverse side (Form CCC 329) as follows:

(i) When the cost of ocean transportation is financed by CCC, in whole or in part, two Forms 329 are required, that is, one covering the commodity supplier's invoice price expressed in dollars (to be executed by the supplier of the commodity), and one covering the cost of ocean transportation expressed in dollars (to be executed by the ocean carrier).

(ii) When no part of the ocean transportation cost is being financed by CCC, only one Form CCC 329 is required covering the supplier's net invoice price for the commodity expressed in dollars, executed by the supplier of the commodity.

(2) One copy of the ocean bill of lading (on-board or showing on-board endorsement dated and signed or initialled on behalf of the carrier).

(3) One copy of the supplier's detailed invoice showing quantity, description, contracted price, and net total invoice price expressed in dollars and basis of delivery (e.g., f.o.b. vessel, c. & f.) of the commodity. In the case of the reimbursement method of financing the invoice shall also be marked "Paid." In the event the importer procured the commodity through his affiliate, this copy of the invoice shall include an itemization of the amounts specified in § 11.7(c) or the supplier must furnish such information in a separate signed statement attached to the invoice to the ASCS Office named in the purchase authorization. Whenever the Form CCC 106 provides for an ocean freight rate differential on a c. & f. or c.i.f. sale and authorizes financing of ocean transportation costs by CCC, the supplier's detailed invoice shall show a computation of the dollar amount of ocean freight rate differential. In arriving at the net invoice price there shall be deducted:

(i) The cost of ocean transportation, or portion thereof, which is not being financed by CCC when the cost of ocean transportation is included in the contracted price;

(ii) All discounts from the supplier's contracted price through payments, credits, or other allowances made or to be made to the importers, his agent or consignee;

(iii) All purchasing agent's commissions applicable;

(iv) All other amounts not eligible for financing.

(4) Signed original of Form CCC 106–1 or 106–3.

(5) One nonnegotiable copy of the insurance certificate or policy where the cost of insurance is included in the price of the commodity to be financed by CCC.

(6) Signed original of Form CCC 329–3, "Statement of Transmittal of Ocean Bills of Lading", showing that two nonnegotiable copies of ocean bills of lading have been sent to the Administrator, Foreign Agricultural Service, USDA, Washington, D.C., 20250.

(7) Requests for additional payments, submitted in connection with transactions for which all or part of the required documents have been previously submitted to the banking institution, shall be supported by the following documents as applicable:

(i) The supplier's certificate, with the invoice-and-contract abstract on the reverse and the supplier's detailed invoice, covering the additional amount requested. The supplier's invoice must show the date, serial number and the amount of the original invoice and the basis for the additional amount claimed;

(ii) If the payment is stated to be due because of the exercise of a higher-rated option provided in a liner booking contract or charter party, a statement signed by the ship's master or owner (or agent of either of them) showing exercise of the higher-rated option.

(8) Any additional or substitute documentation that may be required by the purchase authorization or the letter of commitment.

(9) Whenever a copy of a weight certificate is required by this subpart or the applicable purchase authorization, the supplier shall submit a weight certificate issued by or on authority of a State or other governmental Weighing Department, Chamber of Commerce, Board of Trade, Grain Exchange, or other independent organization or firm providing public weighing services. Such organization or firm must have (i) qualified, impartial, paid employees who are stationed at the port facility or, if authorized under the applicable purchase authorization, other facility where weights customarily are determined, one of whom performed the weighing covered by the certificate, or (ii) qualified, independent, impartial, supervised weighmasters stationed at the port facility or, if authorized under the applicable purchase authorization, other facility where weights are customarily determined one of whom supervised the employee of such a facility in the performance of the weighing covered by the certificate.

(10) Appendix B or the applicable purchase authorization will specify the particulars of any required inspection certificate. Federal appeal inspection certificates when included in the documents presented for payment shall supersede any other inspection certificate required by this subpart, the applicable purchase authorization, or the letter of commitment.

(d) *Special documentation requirements.* In addition to the general documentation requirements set forth in paragraphs (a) through (c) of this section, special documentation applicable to individual commodities is prescribed in Appendix B attached to this subpart. In addition to the provisions of the particular purchase authorization, each purchase authorization shall be subject to the special documentation provisions of Appendix B, for the specific commodity

named in the purchase authorization, to the same extent as though fully set forth in the purchase authorization unless otherwise specifically provided in such authorization.

(e) *Documents required for reimbursement of ocean transportation financed separately from commodity price.* In order to obtain reimbursement of ocean transportation which is financed separately from the commodity price, the following documentation shall be submitted:

(1) Signed original of supplier's (ocean carrier or agent) certificate, with invoice-and-contract abstract on the reverse side (Form CCC 329) to be executed by the carrier or agent, covering the dollar cost of ocean transportation.

(2) One copy of the ocean bill of lading (on-board or showing on-board endorsement dated and signed or initialed on behalf of the carrier) and, if required by the related Form CCC 106–2, a Notice of Arrival at the first port of discharge of the vessel named in the Form CCC 106–2, except that the Administration will waive the requirement for the Notice of Arrival by written notice to the supplier of ocean transportation, upon the receipt of evidence satisfactory to the Administrator that the vessel is lost or unable to proceed to destination after completion of loading as a result of one or more of the following causes: Damage caused by perils of the sea or other waters; collisions; wrecks; stranding without the fault of the carrier; jettison; fire from any cause; Act of God; public enemies or pirates; arrest or restraint of princes, rulers, or peoples without the fault of the supplier of the ocean transportation; wars; public disorders; captures; or detention by public authority in the interest of public safety.

(3) One copy of carrier's detailed invoice marked, "Paid." Such invoice shall contain the following typed or stamped certification, executed by the supplier:

"The undersigned hereby certifies that the vessel named herein and for which the cost of ocean freight is claimed, qualifies as a privately owned U.S.-flag commercial vessel within the requirements of Public Law 87–266 and is an eligible U.S.-flag vessel for the purposes of Public Law 664, 83d Congress."

(4) Signed original of the 106–2 (or 106–3 in the case of cotton).

(5) One copy of the charter party in the case of shipment by dry bulk cargo vessel or tanker.

(6) Requests for reimbursement of any balance claimed on a shipment after initial reimbursement of 90 percent of the dollar cost of ocean transportation as provided in § 11.12(j), shall be supported by the following documents:

(i) A copy of the carrier's final invoice marked, "Paid". Where the freight contract does not provide for dispatch and the supplier certifies this fact on his final invoice the documents in subdivisions (iii) and (iv) of this subparagraph are not required.

(ii) A Notice of Arrival, if required by the Form CCC 106 and not previously presented to support the 90 percent payment.

(iii) A copy of loading and discharging laytime statement(s) and statement(s) of fact signed by the ship's master or owner and the charterer or consignee. Agent's signature is acceptable.

(iv) If a copy of the charter party was not presented pursuant to subparagraph (5) of this paragraph, a copy of the freight contract showing the terms of dispatch and demurrage.

(v) Supplier's Certificate, Form CCC 329 covering the balance claimed.

(7) Requests for payment of any amounts claimed because of the exercise of a higher-rated option following payment of a lower-rated option pursuant to § 11.12(i)(8) shall be supported by the following documents:

(i) Copy of the carrier's detailed invoice marked, "Paid";

(ii) Supplier's Certificate for the balance claimed;

(iii) A statement signed by the ship's master or owner and signed laytime statements or other written concurrence of charterer showing the exercise of the higher-rated option. Agent's signature is acceptable.

(f) Any additional or substitute documents that may be required by the purchase authorization.

§ 11.14 Documents in support of drafts drawn on CCC by banking institutions.

Drafts drawn on CCC by banking institutions under letters of commitment for reimbursement of amounts disbursed to suppliers shall be supported by the following documents:

(a) *Documents obtained from suppliers.* Documents specified in § 11.13 and such additional or substitute documents as may be required with respect to any particular transaction as specified in the purchase authorization and in Appendix B or in the letter of commitment. A banking institution holding a letter of commitment is not required by CCC to obtain from suppliers any documents other than those required in the preceding sentence.

(b) *Documents originated by banking institutions.* (1) Form CCC 331, "Advice of Payment or Acceptance of Draft," containing an authorized signature for the banking institution.

(2) A copy of the advice of payment for ocean freight differential when required by § 11.15(a)(7).

(c) *Documents originated by ASCS Offices.* (1) Form CCC 339, "Advice of Receipt of Documents," containing authorized signatures for CCC and the banking institution.

§ 11.15 Responsibilities of banking institutions.

(a) *Full responsibilities.* For transactions under letter of commitment, the banking institution shall have full responsibility for the following:

(1) *Delivery of documents.* The banking institution shall deliver to the Federal Reserve Bank named in the letter of commitment, documents required by this subpart, the letter of commitment, and the purchase authorization.

(2) *Advice to approved applicant.* The banking institution shall give advice of the amount of dollar disbursement or the dollar amount and maturity of time drafts accepted to the approved applicant or its designee, which advice shall accompany documents transmitted to the approved applicant. There shall be included in the transmittal a request that the local currency equivalent of dollar disbursements be deposited immediately in the account of the U.S. Disbursing Officer, or that the local currency equivalent of the dollar amount of time drafts being financed by CCC be deposited in the account of the U.S. Disbursing Officer at maturity.

(3) *Examination of documents.* The banking institution shall examine the required documents, except the "invoice-and-contract abstract" (Form CCC 329—reverse), in accordance with good commercial practice.

(4) *Delivery date.* The banking institution shall ascertain that the bills of lading bear a date within the delivery period specified in the purchase authorization, or any extension thereof granted by the Administrator.

(5) *Destination.* The banking institution shall ascertain that the required documents are consistent, under good commercial practice, with shipment to the importing country shown in the purchase authorization.

(6) *Description.* Section 11.11(h)(3) provides that the commodity description in letters of credit shall not be inconsistent with the description in the purchase authorization. In making payment or accepting time drafts under letters of credit, the banking institution shall, on the basis of the description contained in the required documents act in accordance with good commercial practice.

(7) *Verification of computation of ocean freight differential and notification to approved applicant.* Whenever Form CCC 106 provides for an ocean freight rate differential on a c. & f. or c.i.f. sale, and authorizes financing of ocean transportation costs by CCC, and the total transaction is financed by the bank under a letter of credit, the banking institution shall determine that the supplier's detailed invoice shows a computation of the dollar amount of ocean freight differential; shall verify the computation of such amount of differential, using the rate stated in Form CCC 106 and the gross weight shown on the supplier's detailed invoice or the bill of lading, whichever is less; and shall include with the advice of dollar disbursement or time draft accepted under the letter of credit, advice of the net dollar amount for which the equivalent in local currency is to be deposited immediately or at maturity of a time draft as provided in § 11.11(o). This advice shall specify that deposit of local currency is not required for the value of the ocean freight differential. Such advice shall be in substantially the following language:

The amount of $------ paid to the beneficiary includes an ocean freight differential of $------ according to the provisions of the attached copy of Form CCC 106, "Advice

of Vessel Approval." You are requested to deposit only the local currency equivalent to the net amount of $_____.

A copy of such advice, whenever the amount paid includes such differential, shall be sent with the other required documents to the ASCS Office named in the letter of commitment. The commodity supplier will obtain payment of the ocean transportation differential from the ASCS Office when such differential is not financed by the bank under a letter of credit.

(8) *Reimbursement of CCC for losses.* In the event of any loss to CCC as a direct result of failure on the part of the banking institution to carry out its responsibilities as required by this subpart and upon refusal of the banking institution to pay promptly upon demand by CCC, CCC may draw on such bank for the recovery of the dollar amount of the loss plus interest at the rate of 6 percent per annum computed from and including the date of the original payment by or reimbursement by CCC to but not including the date of payment of the draft. Any such draft shall state that it is "Drawn under § 11.15(a)(8) of the Title I, Public Law 480 Regulations."

(9) *Adjustment refunds.* The banking institution shall at the end of each calendar month, report to the Controller, CCC, the total amount of any adjustment refunds received during the month. A copy of each advice sent to approved applicants or agents shall accompany each monthly report. The banking institution has no other responsibility under § 11.9.

(10) *Purchase authorization number.* The banking institution shall examine required documents to determine that they bear the appropriate purchase authorization number or are readily identifiable therewith.

(11) *Additional requirements.* Any additional particulars for which the banking institution is to be responsible will be specified in the purchase authorization or letter of commitment as (i) additional required documents, (ii) additional statements to be contained in the required documents, or (iii) additional actions to be performed.

(b) *Limited responsibilities.* The banking institution shall have limited responsibility for transactions under letters of commitment as follows:

(1) *Contracting.* Section 11.6(a) provides that contracts must meet certain specific requirements in order to be eligible for financing. The banking institution is responsible only to the extent of ascertaining that the required documents show delivery terms as required by the purchase authorization (f.o.b., f.a.s., c. & f., or c.i.f.). The banking institution has no responsibility under other provisions of § 11.6.

(2) *Vessel approval.* The banking institution shall not make payment under the letter of credit unless the name of the vessel shown on Form CCC 106 agrees with the name of the vessel shown on the bill of lading. The banking institution is not required to verify the signature appearing on Form CCC 106 or to make an independent inquiry as to the correctness of the information shown thereon. The banking institution shall not accept as a required document any Form CCC 106 which bears evidence of alteration.

(3) *Discounts, purchasing agent's commissions and consular fees.* The banking institution is not required to make independent inquiry as to whether the net invoice price includes either discounts (whether expressed as such or as "commissions" to the importer, or made or to be made through payments, credits or other allowances to the buyer or consignee) commissions payable to purchasing agents, or consular fees but shall not honor any such items when disclosed by the required documents. (As to Form CCC 329 (Reverse), see paragraphs (a)(3) and (c)(2) of this section.) The provisions of §§ 11.7(d) and 11.8(c) regarding commissions are intended primarily for the instruction of suppliers, and banking institutions are not responsible for compliance therewith except to the extent set forth above.

(4) *Weight certificate.* The banking institution is responsible for ascertaining that a weight certificate is included in the documentation when required by the purchase authorization or appendix B, and that the quantity invoiced does not exceed the weight shown on the certificate. The banking institution is not responsible for ascertaining that the weight certificate meets the requirements of § 11.13(c)(9).

(5) *Insurance.* The banking institution is responsible only for ascertaining that a copy of the policy or certificate of insurance accompanies the required documents whenever the cost of insurance is included in the commodity price under a purchase authorization which specifically authorizes contracting on a c.i.f. basis.

(6) *Deduction for ocean transportation on c. & f. or c.i.f. invoices.* If Form CCC 106 provides that the cost of ocean transportation is not to be financed by CCC, the banking institution shall not make payment or accept time drafts under the letter of credit unless a deduction for the cost of ocean transportation is shown on the CCC copy of the supplier's detailed invoice. The banking institution is not required to verify the correctness of the amount(s) of such deduction(s).

(7) *Price.* The banking institution is responsible for verifying that the unit price stated in the supplier's invoice does not exceed the unit price stated in the document showing price approval by USDA whenever such document is required, but is not responsible for the price provisions set forth in § 11.7.

(8) *Ocean transportation.* The banking institution is responsible for provisions relating to ocean transportation as set forth in § 11.12 only to the extent specified in paragraphs (a) (5) and (7) of this section, and subparagraphs (2) and (6) of this paragraph.

(9) *Information from other sources.* The right of reimbursement for payments made or drafts accepted by a banking institution in accordance with good commercial practice will not be affected, except for those particulars set forth in paragraph (a) of this section and this paragraph, by the fact that the documents received by the banking institution or information or notice received from any other source indicates noncompliance with any provisions of this subpart, or of the purchase authorization or the letter of commitment.

(c) *No responsibility.* For transactions under a letter of commitment, the banking institution has no responsibility for the following:

(1) *Supplier's certification.* The banking institution is not responsible for the truth or accuracy of information contained in the supplier's certificate or in any special certification required by this subpart, the terms of the purchase authorization or the letter of commitment. The banking institution is entitled to rely on such certifications.

(2) *Invoice-and-contract abstract.* The banking institution is not responsible for the truth or accuracy of information contained in the Invoice-and-Contract Abstract, Form CCC 329 (Reverse), for the sufficiency or completeness of such information or for any indication by such information of noncompliance with any provision of this subpart or the purchase authorization.

(3) *Contracting period.* The purchase authorization specifies the period during which contracts may be entered into by suppliers and importers. A banking institution has no responsibility with regard to compliance with this requirement.

(4) *Statements in required documents.* The banking institution is not responsible for the truth or accuracy of the statements, if any, contained in the required documents. A banking institution is not obligated to look beyond these documents or to make independent investigations as to the accuracy of statements made therein. Acceptability of documents is described in § 11.11(j).

(5) *Affiliate.* The banking institution is not responsible for determining whether or not the supplier and the importer are affiliates. Also, the banking institution is not responsible for the furnishing or verification of any information required to be furnished pursuant to § 11.7(c).

(6) *Deposit of local currency.* The banking institution is not responsible for the deposit of local currency.

(d) *Responsibilities under reimbursement method of financing.* No letters of commitment are issued for purchase authorizations which provide for the reimbursement method for financing.

§ 11.16 ASCS Offices.

The addresses of the ASCS Offices are as follows:

ASCS Commodity Office, U.S. Department of Agriculture, 2201 Howard Street, Evanston, Ill., 60202.
ASCS Commodity Office, U.S. Department of Agriculture, 8930 Ward Parkway, Post Office Box 205, Kansas City, Mo., 64161.
ASCS Commodity Office, U.S. Department of Agriculture, 6400 France Avenue South, Minneapolis, Minn., 55424.
ASCS Commodity Office, U.S. Department of Agriculture, Wirth Building, 120 Marais Street, New Orleans, La., 70112.
New York Field Office, Fiscal Division, ASCS, 80 Lafayette Street, New York, N.Y., 10013.
Fiscal Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250.

§ 11.17 Supplier's records.

The supplier shall permit authorized representatives of USDA to have access to his premises during regular hours to inspect, examine, audit and make copies of such books, records and accounts. The supplier shall keep accurate books, records and accounts, with respect to all contracts entered into hereunder. Such records shall be retained until the expiration of three years after final payment under such contracts.

§ 11.18 Effective date.

This revision of this subpart shall become effective upon publication in the FEDERAL REGISTER as to purchase authorizations originally issued on and after the date of such publication. Purchase authorizations originally issued prior to such date of publication shall continue to be subject to the provisions of this subpart which were applicable thereto prior to this revision unless made subject to this revision by amendment or modification of such purchase authorizations.

Done at Washington, D.C., this 10th day of December 1965. Witness my hand and the seal of the Department of Agriculture.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

APPENDIX A—REGULATIONS GOVERNING THE FINANCING OF COMMERCIAL SALES OF SURPLUS AGRICULTURAL COMMODITIES FOR FOREIGN CURRENCIES

In addition to the other provisions of the Regulations and unless otherwise provided in the applicable purchase authorization, the following special provisions apply in the case of specific commodities.

(a) *Wheat in bulk or bags.*

(1) *Payment-in-kind:* Contracts will not be eligible for financing unless the supplier has complied with the requirements of the "Wheat Export Program, Payment-in-Kind (GR-345) Terms and Conditions" as amended or revised, as they pertain to sales pursuant to Title I, Public Law 480.

(2) *Contract approval:* Contracts between suppliers and importers made subject to the applicable purchase authorization shall be deemed to be conditioned on the approval by the Foreign Agricultural Service, U.S. Department of Agriculture, of the supplier, the supplier's agent if any, the contract price(s), and the commission, if any.

(3) *Time of sale:* In order to amplify the definition of "time of sale" in section 11.7 of the Regulations, the "time of sale" shall mean the earliest time on the day of sale that the supplier has knowledge that a firm contract exists with the foreign buyer.

(4) *Quality description:* Contracts shall provide for quality description in terms of the Official Grain Standards of the United States.

(5) *Transshipment:* To the extent that exportation of wheat from Canadian transshipment point(s) is required in U.S.-flag vessels, the Form CCC 106 will require that an equivalent quantity of U.S. wheat was moved from U.S. Great Lakes ports to the Canadian transshipment point(s) via the St. Lawrence Seaway in U.S.-flag vessels.

(6) *Weight and grade (bulk):* In the case of bulk wheat, the weight shall be determined at point of loading to vessel and the grade shall be determined by an inspector holding a license under the U.S. Grain Standards Act or the Agricultural Marketing Act at point of loading to vessel.

(7) *Weight and grade (bags):* In the case of wheat in bags, the grade shall be determined by an inspector holding a license under the U.S. Grain Standards Act or the Agricultural Marketing Act made not more than 15 days prior to loading to vessel while the wheat was at port under the supervision of the Port Authority, and the weight shall be determined by check-loading by the Grain Division, Consumer and Marketing Service, U.S. Department of Agriculture, at the time of loading the wheat for shipment to port for export or at time of loading the wheat to vessel.

(8) *Dockage:* In determining weights, there shall be deducted the amount of any dockage indicated on the inspection certificates.

(b) *Wheat flour.*

(1) Minimum flour specifications eligible for financing will be provided in the applicable purchase authorization.

(2) Contracts shall state the type and weight of bags required by the importer.

(3) Contracts will not be eligible for financing hereunder unless the supplier has complied with the requirements of the "Flour Export Program, Cash Payment (GR-346) Terms and Conditions" (as amended or revised) as they pertain to sales pursuant to Title I, Public Law 480. (The approved price for flour which meets the minimum and maximum quality specifications described above, but which does not meet the quality specifications shown on Form CCC 362 shall be subject to the discounts provided in section (b)(4) of this Appendix A.)

(4) Contracts between suppliers and importers made subject to the applicable purchase authorization shall be deemed to be conditioned on the approval by the Foreign Agricultural Service, U.S. Department of Agriculture, of the supplier, the supplier's agent if any, the contract price(s), and commission if any.

(5) In order to amplify the definition of "time of sale" in section 11.7 of the regulations, the "time of sale" shall mean the earliest time on the date of sale that the supplier has knowledge that a firm contract exists with the foreign buyer.

(6) Ten (10) days prior to sampling the supplier must furnish contract specifications regarding quality, in duplicate, to the Program Operations Division, FAS, USDA, Washington, D.C., 20250, together with a citation to the name and address of the persons, firms, or agency that will perform the sampling and analysis service and the location of the flour and dates available for sampling.

(7) *Sampling, analysis, weighing, bags and markings:*

(i) *Sampling:* The drawing of samples shall be performed by the Inspection Branch, Grain Division, Consumer and Marketing Service, U.S. Department of Agriculture, or by an independent surveyor mutually acceptable to the importer(s) and supplier(s). Supplier(s) shall request inspection of the flour upon arrival at port of loading to vessel. If the inspection certificate is dated more than fifteen (15) days prior to the on-board date shown on the ocean bill of lading the supplier shall obtain additional inspection within fifteen (15) days of the on-board date shown on the ocean bill of lading showing that the flour was free of infestation.

(ii) *Minimum rates for sampling:* The following minimum rate applies to any delivery or portions of delivery for which a separate inspection has been requested. The minimum rate of sampling shall be one composite sample of flour for each 500,000 pounds or part thereof. A composite sample shall consist of all the products from 50 probes. Each of the 50 probes shall be obtained from a different bag of flour selected at random. When it is desired to increase the sampling rate because of nonuniformity of the flour or for other reasons, it shall be done by increasing the number (not size) of composite samples for each 500,000 pound portion. Each composite sample shall be tested separately in a laboratory to determine quality. The results of the analyses of composite samples will be averaged (weighted average) and certified on one certificate when no individual composite sample deviates from the contract specification for any factor by more than the tolerance in the following schedule:

MAXIMUM DEVIATION OF A SAMPLE RESULT FROM THE CONTRACT SPECIFICATION

Minus 0.5 percent protein.
Plus 0.2 percent moisture.
Plus 0.02 percent ash.

If one or more composite samples exceed the tolerances in the above schedule for any factor, each of these shall be certified separately. The remaining composite samples shall be averaged and certified on one certificate.

(iii) *Re-coopering:* Re-coopering of bags shall be the responsibility of the supplier and performed at his expense.

(8) *Analysis:* The quality of the flour exported shall be determined by the Inspection Branch, Grain Division, Consumer and Marketing Service, U.S. Department of Agriculture, or by a commercial laboratory mutually acceptable to buyer and seller.

(9) *Check sampling and analysis:* If the services are performed by independent samplers and commercial laboratories, FAS may at any time request the Inspection Branch, Grain Division, C&MS, USDA, to draw check samples and perform check analysis. The cost of such check sampling and analyses will be for the account of CCC.

(10) *Weighing:* The flour to be exported shall be check-weighed at the mill at the time of loading to sealed cars or trucks for shipment to port of export, or at the port of export while the flour was at port under the control of the Port Authority, by the Inspection Branch, Grain Division, Consumer and Marketing Service, U.S. Department of Agriculture, or by an independent weighmaster or an independent surveyor mutually acceptable to the importer(s) and seller(s) to determine (1) gross weight, (2) net weight, and (3) tare weight.

(11) *Bag specifications:* Compliance with contract specifications and suitability of bags for export shall be determined by an independent surveyor. Each bag shall be marked with the name of the importing country and the purchase authorization number.

(12) *Schedule of Discounts on deficient protein and excess moisture or ash and either excess or deficient maltose:* (protein, ash and maltose will be on the basis of 14 percent moisture). If the flour exported meets the minimum and maximum specifications set forth in section (b)(7)(ii) of the Appendix A but does not meet the quality specifications as shown on the Form CCC 362 (7-11-61), the approved price shall be reduced by the following schedule of discounts:

Excess ash	Excess moisture	Deficient protein
Per each 100 pounds	*Per each 100 pounds*	*Per each 100 pounds*
0.01—2 cents	0.1—2 cents	0.1—2 cents.
0.02—4 cents	0.2—4 cents	0.2—4 cents.
0.03—6 cents	0.3—6 cents	0.3—6 cents.
0.04—8 cents	0.4—8 cents	0.4—8 cents.
0.05—12 cents	0.5—12 cents	0.5—12 cents.
Over 0.05—12 cents plus 12 cents for each 0.01 percent.	Over 0.5—12 cents plus 12 cents for each 0.1 percent.	Over 0.5—12 cents plus 12 cents for each 0.1 percent.

(c) *Feed grains in bulk or bags.*

(1) *Notification of sale by supplier:* The supplier shall, immediately after the date of export sale, furnish a written or telegraphic notification of sale to the Office of the General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C., 20250. Written notification of any contract amendments shall also be furnished to the General Sales Manager immediately after the date of the amendment. If the supplier fails to furnish the notification within 5 days after the date of export sale, or the date of an amendment to the contract, if applicable, CCC shall have the right to refuse to finance the sale under the program. The following information shall be included in the written notification of sale:

Supplier's name and address.
Purchase authorization number.
Name of importer.
Sales contract or order number, if any.
Date and time of sale.
Complete commodity description—(contract specification).

If other than bulk shipment, show complete pack and package material specification. Quantity expressed in contract units and in bushels.

Price per contract unit and per bushel. Delivery terms (f.o.b., f.a.s., etc.) and coastal range of export (specify Pacific, Gulf, Atlantic, Great Lakes, or St. Lawrence River ports and any option to be exercised by the exporter and/or the foreign importer).

Contract delivery schedule.
Name and address of sales agent, if any.
Percentage of sales commission, if any, included in price.

A statement as to whether the supplier is, or is not, an affiliate of the importer.

If the supplier is an affiliate of the importer, the supplier shall furnish the price information required by section 11.7(c) of the Title I, Public Law 480 Regulations.

The supplier will be notified by letter, and by telephone if requested, from the Office of the General Sales Manager, promptly after receipt of the notification of sale or notification of any amendment to the contract as to whether or not price and commission, if any, are approved for financing.

(2) *Contract approval:* Contracts between suppliers and importers made subject to the applicable purchase authorization shall be deemed to be conditioned on the approval by the Foreign Agricultural Service, U.S. Department of Agriculture, of the supplier, the supplier's agent if any, the contract price(s), and the commission, if any.

(3) *Weight and grade (bulk):* In the case of feed grains in bulk, the weight shall be determined at point of loading to vessel and the grade shall be determined by an inspector holding a license under the U.S. Grain Standards Act or the Agricultural Marketing Act at point of loading to vessel.

(4) *Weight and grade (bags):* In the case of feed grains in bags, the grade shall be determined by an inspector holding a license under the U.S. Grain Standards Act or the Agricultural Marketing Act not more than 15 days prior to loading to vessel while the feed grain was at port under the supervision of the Port Authority, and the weight shall be determined by checkloading by the Grain Division, Consumer and Marketing Service, U.S. Department of Agriculture, at the time of loading the feed grain for shipment to port for export or at time of loading the feed grain to vessel.

(5) *Transshipment:* To the extent that exportation of feed grain from a Canadian transshipment point(s) is required in U.S.-flag vessels, the Form CCC 106 will require that an equivalent quantity of U.S. feed grain was moved from U.S. Great Lakes ports to the Canadian transshipment point(s) via the St. Lawrence Seaway in U.S.-flag vessels.

(6) *Quality description:* Contracts shall provide for quality description in terms of the Official Grain Standards of the United States.

(7) *Dockage:* Dockage shown on inspection certificates must be deducted from official weights, except for barley. Dockage must also be deducted for barley unless the supplier's sale is approved and such sale specifically provides for a specified dockage allowance. Such sales for barley will not be approved if dockage allowed exceeds 2 percent.

(d) *Corn meal (edible).*

(1) *Notification of sale:* The supplier, immediately after the date of export sale, furnish a written or telegraphic notification of sale to the Office of the General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C., 20250. Written notification of any contract amendments shall also be furnished to the General Sales Manager immediately after the date of the amendment. If the supplier fails to furnish the notification within 5 days after the date of export sale, or the date of an amendment to the contract, if applicable, CCC shall have the right to refuse to finance the sale under the program. The following information shall be included in the written notification of the sale:

Supplier's name and address.
Purchase authorization number.
Name of importer.
Sales contract or order number, if any.
Date and time of sale.
Complete commodity description—(contract specification).
Complete pack and package material specification.
Quantity expressed in contract units and in 100 pounds net weight.
Price per contract unit and 100 pounds net weight.
Delivery terms (f.o.b., f.a.s., etc.) and coastal range of export (specify Pacific, Gulf, Atlantic, Great Lakes or St. Lawrence River ports and any option to be exercised by the exporter and/or the foreign buyer).
Contract delivery schedule.
Name and address of sales agent, if any.
Percentage of sales commission, if any, included in price.

A statement as to whether the supplier is, or is not, an affiliate of the importer.

If the supplier is an affiliate of the importer, the supplier shall furnish the price information required by section 11.7(c) of the Title I, Public Law 480 Regulations.

The supplier will be notified by letter, and telephone if requested, from the Office of the General Sales Manager promptly after receipt of the notification of sale or notification of any amendment to the contract as to whether or not price and commission, if any, are approved for financing.

(2) *Contract approval:* Contracts between suppliers and importers made subject to the applicable purchase authorization shall be deemed to be conditioned on the approval by the Foreign Agricultural Service, U.S. Department of Agriculture, of the supplier, the supplier's agent if any, the contract price(s), and the commission, if any.

(3) *Specifications:* Corn meal shall be degermed yellow corn meal, Type II, Class B, Granulation 2, Color b. The corn meal shall conform with the requirements of Federal Specifications N–C–521–c (and shall meet all the requirements of sections 1 through 4 of such Federal Specifications).

(4) *Sampling, analysis and weighing:*

(i) *Sampling:* The drawing of samples shall be performed by the Inspection Branch, Grain Division, Consumer and Marketing Service, U.S. Department of Agriculture, at point of loading to vessel not more than fifteen (15) days prior to loading to vessel.

(ii) *Re-coopering* of bags shall be the responsibility of the supplier and performed at his expense.

(iii) *Analysis:* The quality of the corn meal exported shall be determined by the Inspection Branch, Grain Division, Consumer and Marketing Service, U.S. Department of Agriculture.

(iv) *Advice of contract specifications:* Ten (10) days prior to sampling the supplier must furnish contract specifications regarding quality to the Grain Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C., 20250. The U.S. supplier(s) shall submit, with the contract specifications, the names of the port(s) of exportation.

(v) *Weighing:* The corn meal to be exported shall be checkloaded at the mill at the time of loading to sealed cars or trucks for shipment to port of export, or at the port of export while the corn meal is at port under the control of the Port Authority by the Inspection Branch, Grain Division, Consumer and Marketing Service, United States Department of Agriculture, to determine (a) gross weight, (b) net weight, and (c) tare weight.

(vi) *Bag specifications:* Compliance with contract specifications and suitability of bags for export shall be determined by an independent surveyor. Each bag shall be marked with the name of the importing country and the purchase authorization number.

(5) *Quality discount for corn meal—not meeting specifications:* If the quality of the corn meal does not meet the quality specifications required by paragraph (d) (3) of this Appendix A, but falls within the limits listed below, the maximum price financed by CCC will be the contract price, less the applicable discount shown below for each 100 pounds of corn meal. Corn meal will not be financed which deviates from specifications more than the limits indicated below:

DISCOUNTS

Percent ash degermed	Percent fat degermed	Percent moisture
0.60—0 cents	1.50—0 cents	13.5—0 cents.
0.70—1 cent	1.60—2 cents	13.6—2 cents.
0.80—2 cents	1.70—4 cents	13.7—4 cents.
0.90—4 cents	1.80—6 cents	13.8—6 cents.
1.00—6 cents	1.90—10 cents	13.9—8 cents.
1.10—8 cents	2.00—12 cents	14.0—12 cents.

GRANULATION

Not more than 20 percent thru 80 sieve.	
Not more than 30 percent thru 45 sieve.	
Not less than 90 percent thru 25 sieve.	
Not less than 99 percent thru 20 sieve.	
1 percent off	1 cent.
2 percent and 3 percent off	2 cents.
4 percent and 5 percent off	3 cents.
6 percent and 7 percent off	5 cents.
8 percent to 10 percent off	7 cents.

(e) *Cracked corn or corn meal.*

(1) *Notification of sale by supplier:* The supplier shall immediately after the date of export sale, furnish a written or telegraphic notification of sale to the Office of the General Sales Manager, Foreign Agricultural

Service, U.S. Department of Agriculture, Washington, D.C., 20250. Written notification of any contract amendments shall also be furnished to the General Sales Manager immediately after the date of the amendment. If the supplier fails to furnish the notification within 5 days after the date of export sale, or the date of an amendment to the contract, if applicable, CCC shall have the right to refuse to finance the sale under the program. The following information shall be included in the written notification of sale:

Supplier's name and address.
Purchase authorization number.
Name of importer.
Sales contract or order number, if any.
Date and time of sale.
Complete commodity description—(contract specification).

If other than bulk shipment, show complete pack and package material specification.

Quantity expressed in contract units and in pounds.

Price per contract unit and per pound.

Delivery terms (f.o.b., f.a.s., etc.) and coastal range of export (specify Pacific, Gulf, Atlantic, Great Lakes, or St. Lawrence River ports and any option to be exercised by the exporter and/or the foreign importer).

Contract delivery schedule.
Name and address of sales agent, if any.
Percentage of sales commission, if any, included in price.

A statement as to whether the supplier is, or is not, an affiliate of the importer.

If the supplier is an affiliate of the importer, the supplier shall furnish the price information required by section 11.7(c) of the Title I, Public Law 480 Regulations.

The supplier will be notified by letter, and by telephone if requested, from the Office of the General Sales Manager promptly after receipt of the notification of sale or notification of any amendment to the contract as to whether or not price and commission, if any, are approved for financing.

(2) *Contract approval:* Contracts between suppliers and importers made subject to the applicable purchase authorization shall be deemed to be conditioned on the approval by the Foreign Agricultural Service, U.S. Department of Agriculture, of the supplier, the supplier's agent if any, the contract price(s), and the commission if any.

(3) *Inspection and weight:* A determination by an inspector holding a license under the U.S. Grain Standards Act shall show that the yellow corn from which the commodity was processed graded No. 4 or better, and the weight of the processed commodity shall be determined by checkloading by or under the supervision of the Grain Division, Consumer and Marketing Service, U.S. Department of Agriculture, at the time of loading for shipment to port for export or at time of loading to vessel.

(4) *Kind and size of bags:* The contract shall specify the kind and size of bags and whether such bags are new or used.

(f) *Soybean oil or cottonseed oil.*

(1) *Notification of sale:* The supplier shall, immediately after the date of export sale, furnish a written or telegraphic notification of sale to the Office of the General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C., 20250. Written notification of any contract amendments shall also be furnished to the General Sales Manager immediately after the date of the amendment. If the supplier fails to furnish the notification within 5 days after the date of export sale, or the date of an amendment to the contract, if applicable, CCC shall have the right to refuse to finance the sale under the program. The following information shall be included in the written notification of the sale:

Supplier's name and address.
Purchase authorization number.
Name of importer.
Sales contract or order number, if any.
Date of sale.
Complete commodity description—(contract specification).

If other than bulk shipment, show complete pack and package material specification.

Quantity expressed in contract units and in pounds.

Price per contract unit and per pound.

Delivery terms (f.o.b., f.a.s., etc.) and coastal range of export (specify Pacific, Gulf, Atlantic, Great Lakes, or St. Lawrence River ports and any option to be exercised by the exporter and/or the foreign importer).

Contract delivery schedule.
Name and address of sales agent, if any.
Percentage of sales commission, if any, included in price.

A statement as to whether the supplier is, or is not, an affiliate of the importer.

If the supplier is an affiliate of the importer, the supplier shall furnish the price information required by section 11.7(c) of the Title I, Public Law 480 Regulations.

The supplier will be notified by letter, and by telephone if requested, from the Office of the General Sales Manager promptly after receipt of the notification of sale or notification of any amendment to the contract as to whether or not price and commission, if any, are approved for financing.

(2) *Contract approval:* Contracts between suppliers and importers made subject to the applicable purchase authorization shall be deemed to be conditioned on the approval by the Foreign Agricultural Service, U.S. Department of Agriculture, of the supplier, the supplier's agent if any, the contract price(s), and the commission if any.

(3) *Quality and containers:* Contracts for cottonseed and/or soybean oil will not be eligible for financing unless the oil meets quality specifications as provided in the applicable purchase authorization. If the commodity is to be purchased in drums, they must be new or reconditioned drums, if in barrels, they must be new barrels, and if in bags, state the type, size and weight of the bags.

(4) *Advice of contract specifications:* Ten (10) days prior to sampling the supplier must furnish contract specifications regarding quality, in duplicate, to the Program Operations Division, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C., 20250, together with a citation to the name and address of the persons, firms or agency that will perform the sampling and analysis service and the location of the oil and dates when available for sampling.

(5) *Sampling and analysis:* The drawings of samples and laboratory analysis may be performed by the Inspection Branch, Grain Division, Consumer and Marketing Service, U.S. Department of Agriculture, or by independent surveyor(s) and commercial laboratories mutually agreeable to the importer and the supplier. If the services are performed by independent surveyor(s) and commercial laboratories, FAS may at any time request the Inspection Branch, Grain Division, C&MS, USDA, to draw check samples and perform check analysis. The cost of such check sampling and analysis will be for the account of CCC.

(i) *Bulk oil:* In the case of bulk oil, the samples shall be obtained in accordance with American Oil Chemists' Society Method C 1–47.

(ii) *Drums or barrels:* In the case of oil in drums, or barrels, samples shall be drawn not more than 30 days prior to on-board date shown on the ocean bill of lading, while the containers are being filled.

(iii) *Flakes in bags:* In the case of flakes in bags, samples shall be drawn from 10 percent of bags selected at random at the time and point of loading to vessel.

(6) *Weighing:* Determination of weight shall be by an independent weighmaster or independent surveyor.

(i) *Bulk oil:* The weight shall be determined at the time of loading aboard the vessel.

(ii) *Oil in drums, barrels, or bags:* The weight of the oil exported shall be determined at time of filling containers.

(7) *Surveying of containers:*

(i) *Bulk oil:* Each tank into which the oil is to be loaded shall be examined by an independent surveyor prior to loading to determine that the tank(s) are clean and otherwise suitable for receipt of the oil.

(ii) *Oil in drums:* Drums shall be examined, prior to filling, by an independent surveyor. The drums shall be new or reconditioned and shall be rejected if mechanically unsound; contaminated with previous contents; or printed with labels or markings for other commodities. The weight of each drum shall be determined at the time of inspection for the purpose of establishing the tare weight.

(iii) *Oil in barrels:* Barrels must be new and shall be examined prior to filling by an independent surveyor. They shall be rejected if mechanically unsound, or printed with labels or markings for other commodities. The weight of each barrel shall be determined at the time of inspection for the purposes of establishing the tare weight.

(iv) *Flakes in bags:* Suitability of the bags for export and compliance with contract specifications shall be determined by an independent surveyor.

(8) *Markings:* Markings requested by the importer shall be stenciled on the drums, barrels or bags and shall include the name or symbol of the supplier, the purchase authorization number and the name of the importing country.

(g) *Unmanufactured and/or tobacco products.*

(1) *Unmanufactured tobacco;*

(i) *Prices, loading on vessel, and weights:* A determination that the supplier's prices are not in excess of the prices which may be approved pursuant to the regulations shall be made by the Producer Associations Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, following examination at port of loading to vessel. In the case of tobacco examined at the loading pier, a certification by an official of the port authority that the tobacco was loaded on board vessel is required; and in the case of tobacco examined at a public warehouse in the port area, a certification by a warehouse official that the tobacco was consigned to the port authority and a certification by an official of the port authority that such tobacco was received and was loaded aboard vessel are required.

(ii) *Notification of sale by supplier:* As soon as possible after the contract is signed and at least ten days prior to exportation the supplier must notify the Director, Producer Associations Division, ASCS, U.S. Department of Agriculture, Washington, D.C., 20250, of the date and port at which the tobacco or tobacco products will be available for examination together with contract data as follows:

(a) Supplier's name and address.
(b) Purchase authorization number.
(c) Country of destination.
(d) Commodity description including hogshead or shipping numbers, grade, number of cases, type, and selling price per hundred weight.

(e) Name and address of the sales agent, if any.

(f) Percentage of sales commission, if any, included in price.

(g) Such additional information as may be required by the Director, Producer Associations Division.

(iii) *Marking containers:* In addition to other markings required by the importer, there shall be stenciled on each hogshead or case the hogshead or case number (or designated shipping number), gross weight, purchase authorization number and name of importing country.

(iv) *Costs of inspection and other services:* Any costs involved in the examination of the tobacco, and for services of port officials, warehouse officials and weighmasters as required by the purchase authorization will be for the account of the supplier.

(v) *Contents:* The unmanufactured tobacco shall include cigar cuttings, scraps, siftings, stems (except the stem of leaf sold), trimmings, and homogenized leaf.

(2) *Tobacco products, cigarettes, and/or packaged and cut tobacco:*

(i) *CCC financing:* The portion of the contracted price which will be financed by CCC, unless otherwise specified in the purchase authorization, is as follows:

Cigarettes:
Nonfilter standard brands (including all-tobacco tip standard brands); $2.25 per thousand.
Filter and "Economy" Brands: $1.75 per thousand.
Pipe and cut tobacco: 75 percent of the unit price.

(ii) *Contracts:* All contracts between suppliers and importers shall state:

(a) The tobacco product, the quantity, the contract unit price, and the total contract price of such product.

(b) The portion of the contract unit price of the tobacco product to be financed by CCC which represents the unmanufactured U.S. leaf tobacco used in its manufacture. (The portion of total contract price to be financed by CCC computed in accordance with section (g)(2)(i) of this Appendix A will be the basis for the completion of Blocks 18, 19, 20 of Form CCC 329 (Reverse).)

(c) The portion of the unit price of the tobacco product to be financed by the importer.

(d) Commissions to sales agents are not to be reported in Blocks 13, 14, and 15 of Form CCC 329 (Reverse), since CCC financing represents only the value of the unmanufactured leaf content used in the manufacture of the product.

(3) *Tobacco products—cased strips and shredded tobacco:*

(i) *Prices, loading on vessel, and weights:* A determination that the supplier's prices are not in excess of the prices which may be approved pursuant to the Regulations shall be made by the Producer Associations Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, following examination at port of loading to vessel. In the case of tobacco examined at the loading pier, a certification by an official of the port authority that the tobacco was loaded on board vessel is required; and in the case of tobacco examined at a public warehouse in the port area, a certification by a warehouse official that the tobacco was consigned to the port authority and a certification by an official of the port authority that such tobacco was received and was loaded aboard vessel are required.

(ii) *Notification of sale by supplier:* As soon as possible after the contract is signed and at least 10 days prior to exportation the supplier must notify the Director, Producer Associations Division, ASCS, U.S. Department of Agriculture, Washington, D.C., 20250, of the date and port at which the tobacco or tobacco products will be available for examination together with contract data as follows:

(a) Supplier's name and address.
(b) Purchase authorization number.
(c) Country of destination.
(d) The basis of the contract in terms of the f.a.s. vessel value of the untreated tobacco strip or shredded tobacco to be included in the tobacco product as follows:

Grade	No. Hhds. or cases	Net weight	Type	F.A.S. vessel value per cwt.

(e) The supplier must also notify the Director, Producer Associations Division, the time and place at which the tobacco strip or shredded tobacco may be examined immediately prior to processing and the tobacco product sampled immediately after processing.

(f) Name and address of the sales agent, if any.

(g) Percentage of sales commission, if any, included in price.

(h) Such additional information as may be required by the Director, Producer Associations Division.

(iii) *Marking containers:* In addition to other markings required by the importer, there shall be stenciled on each hogshead or case the hogshead or case number (or designated shipping number), gross weight, purchase authorization number and name of importing country.

(iv) *Costs of inspection and other services:* Any cost involved in the examination of the tobacco, and for services of port officials, warehouse officials and weighmasters as required by this authorization will be for the account of the supplier.

(v) *Contents:* The unmanufactured leaf from which the tobacco product is made shall not include cigar cuttings, scrap, siftings, stems (except the stem of leaf sold), trimmings, and homogenized leaf.

(vi) *CCC financing exclusive of any freight and insurance* will be the lesser of (1) the amount determined by CCC to represent the f.a.s. value of the untreated tobacco strip or shredded tobacco contained in the tobacco product, or (2) the contract price less the cost of the flavoring, casing material, and other tobacco added including its application.

(vii) *Contracts:* All contracts between suppliers and importers shall state:

(a) The tobacco product, the quantity, the contract unit price, and the total contract price of such product.

(b) The portion of the contract unit price of the tobacco product to be financed by CCC which represents the unmanufactured U.S. leaf tobacco used in its manufacture.

(c) The portion of the unit price of the tobacco product to be financed by the importer.

(viii) *Supplier's certificate, Form CCC 329:* The Invoice and Contract Abstract part of this form will be prepared on the basis of the tobacco product(s).

(h) *Rice (milled and/or brown) bags and/or bulk.*

(1) *Payment-in-kind:* Contracts will not be eligible for financing unless the supplier has complied with the requirements of the "Rice Export Program, Payment-in-Kind (GR–369) Terms and Conditions" as amended or revised, as they pertain to sales pursuant to Title I, Public Law 480.

(2) *Contract approval:* Contracts between suppliers and importers shall be deemed to be conditioned on the approval by the Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C., 20250, of the supplier, the supplier's agent, if any, the contract price(s), and the commission, if any.

(3) *Weights and grades:*

(i) In the case of rice in bags, weights shall be determined by checkloading by or under the supervision of the Grain Division, C&MS, USDA, at time of loading of the rice for shipment to port for export, or at time of loading rice to ocean vessel but not in excess of the net weight evidenced by the on-board bill of lading.

Grades shall be determined by lot inspection by or under the supervision of the Grain Division, C&MS, USDA, made not more than 15 days prior to loading to ocean vessel while the rice was at port under the supervision of the Port Authority.

(ii) In the case of rice in bulk, weights shall be obtained at point of loading to ocean vessel; or if the supplier has obtained approval from the Director, Program Operations Division, FAS, USDA, to furnish weights to be taken at a point other than at point of loading to ocean vessel, 99.5 percent of the weight shown on a weight certificate (weights to be taken at time of loading to barge less a deduction for the weight of any rice loaded onto the barge which was not unloaded into the ocean vessel, or to be the difference between heavy and light weights of rail car or truck loading direct to ocean vessel). The supplier shall obtain a copy of a Commodity Examination Report (Form GR–116) issued by or under the supervision of the Grain Division, C&MS, USDA, which shows that the rice was transferred from the carrier to ocean vessel in the manner specified in the letter of approval from the Director, Program Operations Division, FAS, USDA, and containing a notification regarding any rice not so transferred.

Grades shall be determined by lot inspection by or under the supervision of the Grain Division, C&MS, USDA, at point of loading to ocean vessel.

(i) *Dry edible beans.*

(1) *Notification of sale by supplier:* The supplier shall, immediately after the date of export sale, furnish a written or telegraphic notification of sale to the Office of the General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C., 20250. Written notification of any contract amendments shall also be furnished to the General Sales Manager immediately after the date of the amendment. If the supplier fails to furnish the notification within 5 days after the date of export sale, or the date of an amendment to the contract, if applicable, CCC shall have the right to refuse to finance the sale under the program. The following information shall be included in the written notification of the sale:

Supplier's name and address.
Purchase authorization number.
Name of importer.
Sales contract or order number, if any.
Date and time of sale.
Complete commodity description—(contract specification).
Complete pack and package material specification.
Quantity expressed in contract units and in 100 pounds net weight.
Price per contract unit and 100 pounds net weight.
Delivery terms (f.o.b., f.a.s., etc.) and coastal range of export (specify Pacific, Gulf, Atlantic, Great Lakes, or St. Lawrence River ports and any option to be exercised by the exporter and/or the foreign importer).
Contract delivery schedule.
Name and address of sales agent, if any.
Percentage of sales commission, if any, included in price.

A statement as to whether the supplier is, or is not, an affiliate of the importer.

If the supplier is an affiliate of the importer, the supplier shall furnish the price information required by section 11.7(c) of the Title I, Public Law 480 Regulations.

The supplier will be notified by letter, and telephone if requested, from the Office of the General Sales Manager promptly after receipt of the notification of sale or notification of any amendments to the contract as to whether or not price and commission, if any, are approved for financing.

(2) *Contract approval:* Contracts between suppliers and importers made subject to this purchase authorization shall be deemed to be conditioned on the approval by the Foreign Agricultural Service, U.S. Department of Agriculture, of the supplier, the supplier's agent if any, the contract price(s), and the commission if any.

(3) *Quality:* Quality description shall be in terms of the United States Standards for beans.

(4) *Weights and grades:* Weights shall be determined by checkloading by the Grain Division, Consumer and Marketing Service, U.S. Department of Agriculture, at time of loading the beans for shipment to port for export, or at time of loading of the beans to vessel; and grade shall be determined by or under the supervision of the Grain Division, Consumer and Marketing Service, not more than 15 days prior to loading to vessel while the beans were at port under the supervision of the Port Authority.

(j) *Dry edible peas.*

(1) *Notification of sale by supplier:* The supplier shall, immediately after the date of export sale, furnish a written or telegraphic notification of sale to the Office of the General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C., 20250. Written notification of any contract amendments shall also be furnished to the General Sales Manager immediately after the date of the amendment. If the supplier fails to furnish the notification within 5 days after the date of export sale, or the date of an amendment to the contract, if applicable, CCC shall have the right to refuse to finance the sale under the program. The following information shall be included in the written notification of the sale:

Supplier's name and address.
Purchase authorization number.
Name of importer.
Sales contract or order number, if any.
Date of sale.
Complete commodity description—(contract specification).

If other than bulk shipment, show complete pack and package material specification.

Quantity expressed in contract units and in pounds.
Price per contract unit and per pound.
Delivery terms (f.o.b., f.a.s., etc.) and coastal range of export (specify Pacific, Gulf, Atlantic, Great Lakes, or St. Lawrence River ports and any option to be exercised by the exporter and/or the foreign importer).
Contract delivery schedule.
Name and address of sales agent, if any.
Percentage of sales commission, if any, included in price.

A statement as to whether the supplier is, or is not, an affiliate of the importer.

If the supplier is an affiliate of the importer, the supplier shall furnish the price information required by section 11.7(c) of the Title I, Public Law 480 Regulations.

The supplier will be notified by letter or telephone if requested, from the Office of the General Sales Manager promptly after receipt of the notification of sale or notification of any amendment to the contract as to whether or not price and commission, if any, are approved for financing.

(2) *Contract approval:* Contracts between suppliers and importers made subject to the applicable purchase authorization shall be deemed to be conditioned on the approval by the Foreign Agricultural Service, U.S. Department of Agriculture, of the supplier, the supplier's agent if any, the contract price(s), and the commission, if any.

(3) *Quality:* Quality description shall be in terms of the United States Standards for dry peas.

(4) *Weights and grades:* Weights shall be determined by checkloading by or under the supervision of the Grain Division, Consumer and Marketing Service, U.S. Department of Agriculture, at time of loading the peas for shipment to port for export or at time of loading of the peas to vessel; and grade shall be determined by or under the supervision of the Grain Division, Consumer and Marketing Service, not more than 15 days prior to loading to vessel while the peas were at port under the supervision of the Port Authority.

(k) *Tallow (inedible).*

(1) *Notification of sale by supplier:* The supplier shall, immediately after the date of export sale, furnish a written telegraphic notification of sale to the Office of the General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C., 20250. Written notification of any contract amendments shall also be furnished to the General Sales Manager immediately after the date of the amendment. If the supplier fails to furnish the notification within 5 days after the date of export sale, or the date of an amendment to the contract, if applicable, CCC shall have the right to refuse to finance the sale under the program. The following information shall be included in the written notification of the sale:

Supplier's name and address.
Purchase authorization number.
Name of importer.
Sales contract or order number, if any.
Date of sale.
Complete commodity description—(contract specification).

If other than bulk shipment, show complete pack and package material specification.

Quantity expressed in contract units and in pounds.
Price per contract unit and per pound.
Delivery terms (f.o.b., f.a.s., etc.) and coastal range of export (specify Pacific, Gulf, Atlantic, Great Lakes, or St. Lawrence River ports and any option to be exercised by the exporter and/or the foreign importer).
Contract delivery schedule.
Name and address of sales agent, if any.
Percentage of sales commission, if any, included in price.

A statement as to whether the supplier is, or is not, an affiliate of the importer.

If the supplier is an affiliate of the importer, the supplier shall furnish the price information required by section 11.7(c) of the Title I, Public Law 480 Regulations.

The supplier will be notified by letter or telephone if requested, from the Office of the General Sales Manager promptly after receipt of the notification of sale or notification of any amendment to the contract as to whether or not price and commission, if any, are approved for financing.

(2) *Contract approval:* Contracts between suppliers and importers made subject to the applicable purchase authorization shall be deemed to be conditioned on the approval by the Foreign Agricultural Service, U.S. Department of Agriculture, of the supplier, the supplier's agent if any, the contract price(s), and the commission, if any.

(3) *Quality:* Description shall be as defined in the "Rules of the New York Produce Exchange for Animal Oils and Fats" (Export Contract for Bulk Tallows and Greases) that are in effect the date the contract is entered into. The minimum quality eligible for financing shall be "Special Grade." In the case of "Special Grade" inedible tallow, no tolerances will be applicable. If the contract provides for "Prime Grade" or better, tolerances and discounts as provided in the NYPE rules will apply.

(4) *Advice of contract specifications:* Ten (10) days prior to sampling the supplier must furnish contract specifications regarding quality, in duplicate to the Program Operations Division, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C., 20250, together with a citation to the name and address of the persons, firms or agency that will perform the sampling and analysis service and the location of the tallow and dates when available for sampling.

(5) *Sampling and analysis:*

(i) The drawing of samples and laboratory analysis may be performed by the Meat Grading Branch, Livestock Division, C&MS, USDA, or by independent surveyors and commercial laboratories mutually agreeable to the importer and the supplier. If the services are performed by independent surveyor(s) and commercial laboratories, FAS may at any time request the Meat Grading Branch, Livestock Division, C&MS, USDA, to draw check samples and perform check analysis. The cost of such check sampling and analysis will be for the account of CCC.

(ii) In the case of bulk tallow, the samples shall be obtained in accordance with the American Oil Chemists' Society Method C 1–47.

(iii) In the case of tallow in drums, samples must be obtained at the time of filling drums. Samples shall be drawn from at least 5 percent of the drums but in all cases the higher of 10 drums or 5 percent of the total drums in the lot shall be sampled. The samples from each 1,000 drum lot or portion thereof shall be composited and a single sample drawn from the composited sample for analysis.

(6) *Weighing:* Determination of weight shall be by an independent weighmaster or independent surveyor or by the Meat Grading Branch, Livestock Division, C&MS, USDA.

(i) *Bulk tallow:* The weight shall be determined at the time of loading aboard vessel.

(ii) *Tallow in drums:* The weight shall be determined at the time of filling drums.

(7) *Kind of drums:* The drums must be new or reconditioned.

(8) *Surveying of containers:*

(i) Suitability of the tanks, holds, or drums for export shall be determined by an independent surveyor or by the Meat Grading Branch, Livestock Division, C&MS, USDA.

(ii) *Bulk tallow:* Each tank or hold into which the tallow is to be loaded shall be examined by an independent surveyor or by the Meat Grading Branch, Livestock Division, C&MS, USDA, prior to loading to determine that the tanks are clean and in such condition as not to contaminate the product and that the tank is otherwise acceptable for receipt of tallow.

(iii) *Tallow in drums:* Drums shall be examined, prior to filling, by an independent surveyor or the Meat Grading Branch, Livestock Division, C&MS, USDA. The drums shall be new or reconditioned and shall be rejected if mechanically unsound, contaminated with previous contents, or printed with labels or markings for other commodities. The weight of each drum shall be determined at the time of inspection for the purpose of establishing the tare weight.

(9) *Markings:* Markings requested by the importer shall be stenciled on the drums, and shall include the name or symbol of the

supplier, purchase authorization number, the

cording to the Meat Inspection Division

of Federal Specifications PP-C-248a

Purchase authorization number.

fails to furnish the notification within 5 days

supplier, purchase authorization number, the name of the importing country, and the word "inedible."

(l) *Lard.*

(1) *Notification of sale by supplier:* The supplier shall, immediately after the date of export sale, furnish a written or telegraphic notification of sale to the Office of the General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C., 20250. Written notification of any contract amendments shall also be furnished to the General Sales Manager immediately after the date of the amendment. If the supplier fails to furnish the notification within 5 days after the date of export sale, or the date of an amendment to the contract, if applicable, CCC shall have the right to refuse to finance the sale under the program. The following information shall be included in the written notification of sale:

Supplier's name and address.
Purchase authorization number.
Name of importer.
Sales contract or order number, if any.
Date of sale.
Complete commodity description—(contract specification).
If other than bulk shipment, show complete pack and package material specification.
Quantity expressed in contract units and in pounds.
Price per contract unit and per pound.
Delivery terms (f.o.b., f.a.s., etc.) and coastal range of export (specify Pacific, Gulf, Atlantic, Great Lakes, or St. Lawrence River ports and any option to be exercised by the exporter and/or the foreign importer).
Contract delivery schedule.
Name and address of sales agent, if any.
Percentage of sales commission, if any, included in price.

A statement as to whether the supplier is, or is not, an affiliate of the importer.

If the supplier is an affiliate of the importer, the supplier shall furnish the price information required by section 11.7(c) of the Title I, Public Law 480 Regulations.

The supplier will be notified by letter, and telephone if requested, from the Office of the General Sales Manager promptly after receipt of the notification of sale or notification of any amendment to the contract as to whether or not price and commission, if any, are approved for financing.

(2) *Contract approval:* Contracts between suppliers and importers made subject to the applicable purchase authorization shall be deemed to be conditioned on the approval by the Foreign Agricultural Service, U.S. Department of Agriculture, of the supplier, the supplier's agent if any, the contract price(s) and the commission if any.

(3) *Quality:* Quality description shall be as defined in Federal Specifications No. EE–S–321–b (Shortening Compound and Lard).

(4) *Advice of contract specifications:* The supplier must furnish contract specifications, regarding quality and packaging to the Meat Inspection Division, C&MS, U.S. Department of Agriculture Office, having supervision of his establishment.

(5) *Wholesomeness, specifications, and weight:* The Meat Inspection Division, C&MS, USDA, shall make determination as to the wholesomeness of the lard. The Meat Grading Branch, Livestock Division, C&MS, USDA, shall make determinations at the point of origin as to compliance with specifications and as to weight and shall also make determination at dockside as to quantity and condition of containers and that the product is the same as that examined at the point of origin.

(6) *Markings:* Labeling and marking of cans and shipping containers shall be according to the Meat Inspection Division Regulations.

(m) *Poultry (frozen chickens and turkeys).*

(1) *Notification of sale by suppliers:* The supplier shall, immediately after the date of export sale, furnish a written or telegraphic notification of sale to the Office of the General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C., 20250. Written notification of any contract amendments shall also be furnished to the General Sales Manager immediately after the date of the amendment. If the supplier fails to furnish the notification within 5 days after the date of export sale, or the date of an amendment to the contract, if applicable, CCC shall have the right to refuse to finance the sale under the program. The following information shall be included in the written notification of sale:

Supplier's name and address.
Purchase authorization number.
Name of importer.
Sales contract or order number.
Date of sale.
Complete commodity description—(give full contract specification including quality factors).
Details of package, label, and shipping container material specifications.
Quantity expressed in contract units.
Price per contract unit.
Delivery terms (f.o.b., f.a.s., etc.) and coastal range of export (specify Pacific, Gulf, Atlantic, Great Lakes, or St. Lawrence River ports and any option to be exercised by the exporter and/or the foreign importer).
Contract delivery schedule.
Name and address of sales agent, if any.
Percentage of sales commission, if any, included in price.

A statement as to whether the supplier is, or is not, an affiliate of the importer.

If the supplier is an affiliate of the importer, the supplier shall furnish the price information required by section 11.7(c) of the Title I, Public Law 480 Regulations.

The supplier will be notified by letter, and telephone if requested, from the Office of the General Sales Manager promptly after receipt of the notification of sale or notification of any amendment to the contract as to whether or not price and commission, if any, are approved for financing.

(2) *Contract approval:* Contracts between suppliers and importers made subject to the applicable purchase authorization shall be deemed to be conditioned on the approval by the Foreign Agricultural Service, U.S. Department of Agriculture, of the supplier, the supplier's agent if any, the contract price(s), and the commission if any.

(3) *Advice of contract specifications:* The supplier shall notify the Grading Branch, Poultry Division, C&MS, USDA, Washington, D.C., 20250, sufficiently in advance to permit USDA inspectors to plan inspection.

(4) *Slaughtering:* Slaughtering shall be performed according to contracts between suppliers and importers.

(5) *Packaging and markings:* Whole birds shall be individually packaged in a bag of shrinkable or wrapped in shrinkable film. If bags are used they shall be vacuumed and sealed with a clip or any other suitable closure which will maintain the seal. If the whole birds are wrapped in sheets of shrinkable film, they shall be heat sealed and shrunk. Parts shall be tray-packed in a shrinkable film or polyethylene wrap which can be heated-sealed. All bags and wraps shall bear the phrase "Product of U.S.A." Brand names may also be included.

(6) *In the case of chickens:* Shipping containers shall comply with the requirements for Level A as set forth in section 5 of Federal Specifications PP–C–248c, as amended August 15, 1961.

(7) *In the case of turkeys:* Shipping containers shall comply with the requirements for Level A as set forth in section 5 of Federal Specifications PPT–701f.

(8) Each shipping container shall be marked with an official inspection and a grade mark issued by the Poultry Division, Consumer and Marketing Service, USDA.

(9) *Grading and weight certificates:* Determination shall be made at shipside in the United States by Poultry Division, Consumer and Marketing Service, U.S. Department of Agriculture, that the lot(s) meets the requirement(s) of the Special Provisions of the applicable purchase authorization, if any with respect to wholesomeness, class, condition, packaging, weight and quality, and wholesomeness, class, condition, packaging, weight and quality shall be determined by the Poultry Division, Consumer and Marketing Service, USDA, at the inland inspection point.

(n) *Canned milk (sweetened condensed and/or evaporated).*

(1) *Notification of sale:* The supplier shall, immediately after the date of export sale, furnish a written or telegraphic notification of sale to the Office of the General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C., 20250. Written notification of any contract amendments shall also be furnished to the General Sales Manager immediately after the date of the amendment. If the supplier fails to furnish the notification within 5 days after the date of export sale, or the date of an amendment to the contract, if applicable, CCC shall have the right to refuse to finance the sale under the program. The following information shall be included in the written notification of sale:

Supplier's name and address.
Purchase authorization number.
Name of importer.
Sales contract or order number.
Date of sale.
Complete commodity description—(give full contract specifications including quality factors).
Details of package, label, and shipping container material specifications.
Quantity expressed in contract units.
Price per contract unit.
Delivery terms, (f.o.b., f.a.s., etc.) and coastal range of export (specify Pacific, Gulf, Atlantic, Great Lakes, or St. Lawrence River ports and any option to be exercised by the exporter and/or the foreign importer).
Contract delivery schedule.
Name and address of sales agent, if any.
Percentage of sales commission, if any, included in price.

A statement as to whether the supplier is, or is not an affiliate of the importer.

If the supplier is an affiliate of the importer, the supplier shall furnish the price information required by section 11.7(c) of the Title I, Public Law 480 regulations.

The supplier will be notified by letter, and telephone if requested, from the Office of the General Sales Manager promptly after receipt of the notification of sale or notification of any amendment to the contract as to whether or not price and commission, if any, are approved for financing.

(2) *Contract approval:* Contracts between suppliers and importers made subject to the applicable purchase authorization shall be deemed to be conditioned on the approval by the Foreign Agricultural Service, U.S. Department of Agriculture, of the supplier, the supplier's agent if any, the contract price(s), and the commission if any.

(3) Quality and packaging shall be as specified in the contract(s) between the supplier(s) and importer(s).

(4) *In the case of sweetened condensed milk:* Quality and composition for sweetened condensed milk shall comply with the following requirements:

(i) The product shall contain not less than 28 percent total milk solids, not less than 8.5 percent milk fat, and not less than 61.5 percent sugar (sucrose) in water ratio.

(ii) The product shall possess a sweet, pleasing, desirable flavor of a milk and sugar mixture with not more than a definite cooked flavor.

(iii) The color of the products shall be white to light cream and free from visible brown specks. The product shall be of uniform consistency and appearance free from fat separation, lumps, and may possess not more than very slight lactose precipitation. The product, at 75° F., shall be sufficiently viscous that upon being poured it piles up above the surface of the previously poured milk but does not retain a definite form.

(iv) Determination shall be made by the Inspection and Grading Branch, Dairy Division, Consumer and Marketing Service, U.S. Department of Agriculture, showing the quality, condition, and weight of the sweetened condensed milk; that the sweetened condensed milk was packaged in accordance with the requirements of the contract(s) between supplier(s) and importer(s); and that the requirements under section (a)(7) of Appendix A were complied with.

(5) *In the case of evaporated milk:*

(i) Quality and composition for the evaporated milk shall comply with Federal Specifications C–M–37b(1), February 13, 1951, sections 3.3 and 3.4.

(ii) Determination shall be made by the Inspection and Grading Branch, Dairy Division, Consumer and Marketing Service, U.S. Department of Agriculture, showing the quality, condition, and weight of the evaporated milk; that the evaporated milk was packaged in accordance with the requirements of the contract(s) between supplier(s) and importer(s); and that the requirements of section 11.8(d) of this subpart were complied with.

(6) *Advise of contract specifications:* The supplier must furnish contract specifications, regarding quality, packaging and the location of the milk and dates available for sampling to the Inspection and Grading Branch, Dairy Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C., 20250.

(7) *Labels:* Canned milk exported with a brand label attached to the unit container shall conform to the following:

(i) The label shall be printed or lithographed and shall contain a statement clearly establishing the commodity as being produced, processed, and packaged in the United States. Stamped or stenciled label information will not be acceptable.

(ii) If the markings on the shipping container include a brand name, such brand name shall be identical with the brand name on the unit container.

(o) *Nonfat dry milk.*

(1) *Notification of sale:* The supplier shall, immediately after the date of export sale, furnish a written or telegraphic notification of sale to the Office of the General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C., 20250. Written notification of any contract amendments shall also be furnished to the General Sales Manager immediately after the date of the amendment. If the supplier fails to furnish the notification within 5 days after the date of export sale, or the date of an amendment to the contract, if applicable, CCC shall have the right to refuse to finance the sale under the program. The following information shall be included in the written notification of the sale:

Supplier's name and address.
Purchase authorization number.
Name of importer.
Sales contract or order number.
Date of sale.
Complete commodity description—(give full contract specifications including quality factors).
Details of package, label, and shipping container material specifications.
Quantity expressed in contract units.
Price per contract unit.
Delivery terms (f.o.b., f.a.s., etc.) and coastal range of export (specify Pacific, Gulf, Atlantic, Great Lakes, or St. Lawrence River ports and any option to be exercised by the exporter and/or the foreign importer).
Contract delivery schedule.
Name and address of sales agent, if any.
Percentage of sales commission, if any, included in price.

A statement as to whether the supplier is, or is not, an affiliate of the importer.

If the supplier is an affiliate of the importer, the supplier shall furnish the price information required by section 11.7(c) of the Title I, Public Law 480 Regulations.

The supplier will be notified by letter, and telephone if requested, from the Office of the General Sales Manager promptly after receipt of the notification of sale or notification of any amendment to the contract as to whether or not price and commission, if any, are approved for financing.

(2) *Contract approval:* Contracts between suppliers and importers made subject to the applicable purchase authorization shall be deemed to be conditioned on the approval by the Foreign Agricultural Service, U.S. Department of Agriculture, of the supplier, the supplier's agent if any, the contract price(s), and the commission if any.

(3) *Quality:* Quality and packaging shall be as specified in the contract(s) between the supplier(s) and importer(s). Quality shall be in accordance with U.S. Standards for Grades of nonfat dry milk effective July 1, 1958, and amendments thereto, issued by the Consumer and Marketing Service, U.S. Department of Agriculture.

(4) *Advice of contract specifications:* The supplier must furnish contract specifications, regarding quality and packaging, the location of the milk and dates available for sampling to the Inspection and Grading Branch, Dairy Division, Consumer and Marketing Services, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md., 20781.

(5) *Grade and weight:* Determination shall be made by the Inspection and Grading Branch, Dairy Division, Consumer and Marketing Service, U.S. Department of Agriculture, showing the grade and weight of the nonfat dry milk; that the milk was packaged in accordance with the requirements of the contract(s) between supplier(s) and importer(s); and that the requirements of section 11.8(d) of this subpart were complied with.

(6) *Labels:* Nonfat dry milk exported with a brand label attached to the unit container shall conform to the following: The label shall be printed or lithographed and shall contain a statement clearly establishing the commodity as being produced, processed, and packaged in the United States. Stamped or stenciled label information will not be acceptable.

(p) *Dry whole milk.*

(1) *Notification of sale:* The supplier shall, immediately after the date of export sale, furnish a written or telegraphic notification of sale to the Office of the General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C., 20250. Written notification of any contract amendments shall also be furnished to the General Sales Manager immediately after the date of the amendment. If the supplier fails to furnish the notification within 5 days after the date of export sale, or the date of an amendment to the contract, if applicable, CCC shall have the right to refuse to finance the sale under the program. The following information shall be included in the written notification of sale:

Supplier's name and address.
Purchase authorization number.
Name of importer.
Sales contract or order number.
Date of sale.
Complete commodity description—(give full contract specifications including quality factors).
Details of package, label, and shipping container material specifications.
Quantity expressed in contract units.
Price per contract unit.
Delivery terms (f.o.b., f.a.s., etc.) and coastal range of export (specify Pacific, Gulf, Atlantic, Great Lakes, or St. Lawrence River ports and any option to be exercised by the exporter and/or the foreign importer).
Contract delivery schedule.
Name and address of sales agent, if any.
Percentage of sales commission, if any, included in price.

A statement as to whether the supplier is, or is not, an affiliate of the importer.

If the supplier is an affiliate of the importer, the supplier shall furnish the price information required by section 11.7(c) of the Title I, Public Law 480 Regulations. The supplier will be notified by letter, and telephone if requested, from the Office of the General Sales Manager promptly after receipt of the notification of sale or notification of any amendment to the contract as to whether or not price and commission, if any, are approved for financing.

(2) *Contract approval:* Contracts between suppliers and importers made subject to the applicable purchase authorization shall be deemed to be conditioned on the approval by the Foreign Agricultural Service, U.S. Department of Agriculture, of the supplier, the supplier's agent if any, the contract price(s), and the commission if any.

(3) *Quality:* Quality and packaging shall be as specified in the contract(s) between the supplier(s) and importer(s). Quality shall be in accordance with U.S. Standards for Grades of Dry Whole Milk effective September 4, 1954, and amendments thereto, issued by the Consumer and Marketing Service, USDA.

(4) *Advice of contract specifications:* The supplier must furnish contract specifications regarding quality and packaging and the location of the milk and dates available for sampling to the Inspection and Grading Branch, Dairy Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C., 20250.

(5) *Grade and weight:* Determination shall be made by the Inspection and Grading Branch, Dairy Division, Consumer and Marketing Service, U.S. Department of Agriculture, showing the grade and weight of the dry whole milk; that the dry whole milk was packaged in accordance with the requirements of the contract(s) between supplier(s) and importer(s); and that the requirements under section (p)(6) of Appendix A were complied with.

(6) *Labels:* Dry whole milk exported with a brand label attached to the unit container shall conform to the following: The label shall be printed or lithographed and shall contain a statement clearly establishing the commodity as being produced, processed, and packaged in the United States. Stamped or stenciled label information will not be acceptable.

(q) *Butter.*

(1) *Notification of sale:* The supplier shall, immediately after the date of export sale,

furnish a written or telegraphic notification of sale to the Office of the General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C., 20250. Written notification of any contract amendment shall also be furnished to the General Sales Manager immediately after the date of the amendment. If the supplier fails to furnish the notification within 5 days after the date of export sale, or the date of an amendment to the contract, if applicable, CCC shall have the right to refuse to finance the sale under the program. The following information shall be included in the written notification of the sale:

Supplier's name and address.
Purchase authorization number.
Name of importer.
Sales contract or order number.
Date of sale.
Complete commodity description—(give full contract specifications including quality factors).
Details of package, label, and shipping container material specifications.
Quantity expressed in contract units.
Price per contract unit.
Delivery terms (f.o.b., f.a.s., etc.) and coastal range of export (specify Pacific, Gulf, Atlantic, Great Lakes, or St. Lawrence River ports and any option to be exercised by the exporter and/or the foreign importer).
Contract delivery schedule.
Name and address of sales agent, if any.
Percentage of sales commission, if any, included in price.
A statement as to whether the supplier is, or is not an affiliate of the importer.
If the supplier is an affiliate of the importer, the supplier shall furnish the price information required by section 11.7(c) of the Title I, Public Law 480 Regulations.

The supplier will be notified by letter, and telephone if requested, from the Office of the General Sales Manager promptly after receipt of the notification of the sale or notification of any amendment to the contract as to whether or not price and commission, if any, are approved for financing.

(2) *Contract approval:* Contracts between suppliers and importers made subject to the applicable purchase authorization shall be deemed to be conditioned on the approval by the Foreign Agricultural Service, U.S. Department of Agriculture, of the supplier, the supplier's agent if any, the contract price(s), and the commission if any.

(3) *Quality:* Quality and packaging shall be as specified in the contract(s) between the supplier(s) and importer(s). Quality shall be in accordance with U.S. Standards for Grade of Butter, effective April 1960 and amendments thereto issued by the Consumer and Marketing Service, USDA. If the butter is unsalted the ph shall be less than 5.0 but not less than 4.6.

(4) *Advice of contract specifications:* The supplier must furnish contract specifications, regarding quality and packaging and the location of the butter and dates available for sampling to the Inspection and Grading Branch, Dairy Division, C&MS, U.S. Department of Agriculture, Washington, D.C., 20250.

(5) *Grade and weight:* Determination shall be made by the Inspection and Grading Branch, Dairy Division, Consumer and Marketing Service, U.S. Department of Agriculture, showing the quality, condition, and weight of the butter; that the butter was packaged in accordance with the requirements of the contract(s) between supplier(s) and importer(s); and that the requirements under section (q)(6) of Appendix A were complied with.

(6) *Labels:* Butter exported with a brand label attached to the unit container shall conform to the following: The label shall be printed or lithographed and shall contain a statement clearly establishing the commodity as being produced, processed, and packaged in the United States. Stamped or stenciled label information will not be acceptable.

(r) *Anhydrous milk fat or anhydrous butter fat or butteroil.*

(1) *Notification of sale:* The supplier shall, immediately after the date of export sale, furnish a written or telegraphic notification of sale to the Office of the General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C., 20250. Written notification of any contract amendments shall also be furnished to the General Sales Manager immediately after the date of the amendment. If the supplier fails to furnish the notification within 5 days after the date of export sale, or the date of an amendment to the contract, if applicable, CCC shall have the right to refuse to finance the sale under the program. The following information shall be included in the written notification of the sale:

Supplier's name and address.
Purchase authorization number.
Name of importer.
Sales contract or order number.
Date of sale.
Complete commodity description—(give full contract specifications including quality factors).
Details of package, label, and shipping container material specifications.
Quantity expressed in contract units.
Price per contract unit.
Delivery terms (f.o.b., f.a.s., etc.) and coastal range of export (specify Pacific, Gulf, Atlantic, Great Lakes, or St. Lawrence River ports and any option to be exercised by the exporter and/or the foreign importer).
Contract delivery schedule.
Name and address of sales agent, if any.
Percentage of sales commission, if any, included in price.
A statement as to whether the supplier is, or is not, an affiliate of the importer.
If the supplier is an affiliate of the importer, the supplier shall furnish the price information required by section 11.7(c) of the Title I, Public Law 480 Regulations.

The supplier will be notified by letter, and telephone if requested, from the Office of the General Sales Manager promptly after receipt of the notification of sale or notification of any amendment to the contract as to whether or not price and commission, if any, are approved for financing.

(2) *Contract approval:* Contracts between suppliers and importers made subject to the applicable purchase authorization shall be deemed to be conditioned on the approval by the Foreign Agricultural Service, U.S. Department of Agriculture, of the supplier, the supplier's agent if any, the contract price(s), and the commission if any.

(3) *Anhydrous milk fat or anhydrous butterfat:*

(i) The anhydrous milk fat must have been manufactured from fresh sweet cream produced in the continental United States from which Grade A or better butter could be manufactured. The anhydrous butterfat must have been manufactured from U.S. Grade A or better unsalted butter not over 30 days old.

(ii) The finished product shall be free from lumps and large crystals such as produced by slow cooling. The color shall be uniform and of a normal yellow butter color. The flavor and odor of the product shall be sweet and clean and free from rancid, tallowy, fishy, cheesy, soapy, scorched, storage or other objectionable flavors and odors.

The product shall meet the following analytical requirement:

Milk fat: Not less than 99.8 percent.
Moisture: Not more than 0.1 percent.
Copper: Not more than 0.10 p.p.m.[1]
Peroxide value: Not more than 0.5 mill equivalent per kilogram of fat.
Free fatty acid: Not more than 0.3 percent.

[1] If all equipment and utensils coming into direct contact with the product during processing do not show exposed copper and are made of non-copper-bearing metals or alloys and testing of product indicated compliance with requirements, subsequent testing for copper shall be on a reduced basis. Testing one lot from each contract or spot testing on a 3-month basis, may be considered adequate provided no exposed surfaces of copper are observed and testing shows compliance, otherwise each production lot shall be tested.

(4) *Butteroil:* The color shall be uniform, normal yellow butter. The flavor and odor shall be bland, and free from rancid, tallowy, fishy, cheesy, soapy, scorched, storage or other objectionable flavors and odors. Butteroil shall meet the following analytical requirements:

Milkfat: Not less than 99.6 percent.
Moisture: Not less than 0.3 percent.
Other butter constituents not more than 0.1 percent of which salt shall be not more than 0.5 percent.
Copper: Not more than 0.1 p.p.m.[1]
Peroxide value: Not more than 0.5 milliequivalent per kilogram of fat.
Free fatty acid: Not more than 0.5 percent.

[1] If all equipment and utensils coming in direct contact with the product during processing do not show exposed copper and are made of non-copper-bearing metals or alloys and testing of product indicated compliance with requirements, subsequent testing for copper shall be on a reduced basis. Testing one lot from each contract may be considered adequate provided no exposed surfaces of copper are observed and testing shows compliance, otherwise each production lot will be tested.

(5) *Processing supervision:* The processing of the anhydrous milk fat, anhydrous butter fat and butteroil shall be under the supervision of the Inspection and Grading Branch, Dairy Division, Consumer and Marketing Service, USDA.

(6) *Advice of contract specifications:* The supplier must furnish contract specifications regarding quality and packaging and the location of the commodities and dates available for sampling to the Inspection and Grading Branch, Dairy Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C., 20250.

(7) *Grade and weight:* Determinations shall be made by the Inspection and Grading Branch, Dairy Division, Consumer and Marketing Service, U.S. Department of Agriculture, showing the quality, condition, and weight of the product, that the product was packaged in accordance with the requirements of the contract(s) between supplier(s) and importer(s); and that the requirements under section (r)(8) of Appendix A were complied with.

(8) *Labels:* Products exported with a brand label attached to the unit container shall conform to the following: The label shall be printed or lithographed and shall contain a statement clearly establishing the commodity as being produced, processed, and packaged in the United States. Stamped or stenciled label information will not be acceptable.

(s) *Cheese (cheddar and/or process).*

(1) *Notification of sale:* The supplier shall immediately after the date of export sale, furnish a written or telegraphic notification of sale to the Office of the General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C., 20250. Written notification of any contract amendments shall also be furnished to the General Sales Manager immediately after the date of the amendment. If the supplier fails to furnish the notification within 5 days after the date of export sale, or the date of an amendment to the contract, if applicable, CCC shall have the right to refuse to finance the sale under the program. The following information shall be included in the written notification of the sale:

Supplier's name and address.
Purchase authorization number.
Name of importer.
Sales contract or order number.
Date of sale.
Complete commodity description—(give full contract specifications including quality factors).
Details of package, label, and shipping container material specifications.
Quantity expressed in contract units.
Price per contract unit.
Delivery terms (f.o.b., f.a.s., etc.) and coastal range of export (specify Pacific, Gulf, Atlantic, Great Lakes, or St. Lawrence River ports and any option to be exercised by the exporter and/or the foreign importer).
Contract delivery schedule.
Name and address of sales agent, if any.
Percentage of sales commission, if any, included in price.
A statement as to whether the supplier is, or is not, an affiliate of the importer.
If the supplier is an affiliate of the importer, the supplier shall furnish the price information required by section 11.7(c) of the Title I, Public Law 480 Regulations.

The supplier will be notified by letter, and telephone if requested, from the Office of the General Sales Manager promptly after receipt of the notification of sale or notification of any amendment to the contract as to whether or not price and commission, if any, are approved for financing.

(2) *Contract approval:* Contract(s) between supplier (s) and importer(s) made subject to the applicable purchase authorization shall be deemed to be conditioned on the approval by the Foreign Agricultural Service, U.S. Department of Agriculture, of the supplier, the supplier's agent if any, the contract price (s), and the commission if any.

(3) *Quality:* Quality and packaging shall be as specified in the contract(s) between the supplier(s) and importer(s).

(i) Quality for cheddar cheese shall be in accordance with U.S. Standards for Grades of Cheddar Cheese effective May 1, 1956, and amendments thereto, issued by the Consumer and Marketing Service, USDA.

(ii) The quality for pasteurized process cheese shall meet the requirements of section 3, Federal Specifications C–C 291a, Cheese, Process Pasteurized dated March 6, 1956, and amendments thereto or subsequent revision thereof, for Type I (Process American) or Type III (Process Cheddar). In addition, for process cheese packaged in cans the ph shall be in the range of 5.5 to 5.7.

(4) *Grade and weight:* Determinations shall be made by the Inspection and Grading Branch, Dairy Division, Consumer and Marketing Service, U.S. Department of Agriculture, showing the quality, condition, and weight of the cheese; that the cheese was packaged in accordance with the requirements of the contract(s) between supplier(s) and importer(s); and that the requirements under section (s)(6) of Appendix A were complied with.

(5) *Advice of contract specifications:* The supplier must furnish contract specifications, regarding quality and packaging, the location of the products, and dates available for sampling, to the Inspection and Grading Branch, Dairy Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C., 20250.

(6) *Labels:* Cheese exported with a brand label attached to the unit container shall conform to the following: The label shall be printed or lithographed and shall contain a statement clearly establishing the commodity as being produced, processed, and packaged in the United States. Stamped or stenciled label information will not be acceptable.

(t) *Ghee.*

(1) *Notification of sale:* The supplier shall, immediately after the date of export sale, furnish a written or telegraphic notification of sale to the Office of the General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C., 20250. Written notification of any contract amendments shall also be furnished to the General Sales Manager immediately after the date of the amendment. If the supplier fails to furnish the notification within 5 days after the date of export sale, or the date of an amendment to the contract, if applicable, CCC shall have the right to refuse to finance the sale under the program. The following information shall be included in the written notification of the sale:

Supplier's name and address.
Purchase authorization number.
Name of importer.
Sales contract or order number.
Date of sale.
Complete commodity description—(give full contract specification including quality factors).
Details of package, label, and shipping container material specifications.
Quantity expressed in contract units.
Price per contract unit.
Delivery terms (f.o.b., f.a.s., etc.) and coastal range of export (specify Pacific, Gulf, Atlantic, Great Lakes, or St. Lawrence River ports and any option to be exercised by the exporter and/or the foreign importer).
Contract delivery schedule.
Name and address of sales agent, if any.
Percentage of sales commission, if any, included in price.
A statement as to whether the supplier is, or is not, an affiliate of the importer.
If the supplier is an affiliate of the importer, the supplier shall furnish the price information required by section 11.7(c) of the Title I, Public Law 480 Regulations.

The supplier will be notified by letter, and telephone if requested, from the Office of the General Sales Manager, promptly after receipt of the notification of sale or notification of any amendment to the contract as to whether or not price and commission, if any, are approved for financing.

(2) *Contract approval:* Contract(s) between supplier(s) and importer(s) made subject to the applicable purchase authorization shall be deemed to be conditioned on the approval by the Foreign Agricultural Service, U.S. Department of Agriculture, of the supplier, the supplier's agent if any, the contract price(s), and the commission if any.

(3) *Quality:* Quality and packaging shall be as specified in the contract(s) between the supplier(s) and importer(s).

(4) *Specifications:* The ghee shall have a pleasant flavor and odor. It may have a slightly cooked or carmelized flavor. The product shall have a uniform, typical grainy texture characteristic of ghee. When melted it shall be transparent, clear and practically free from curd.

The product shall meet the following analytical requirements:

Milk Fat: Not less than 99.6 percent.
Copper: Not more than 0.1 p.p.m.[1]
Peroxide value: Not more than 0.5 mill equivalent per kilogram of fat.
Free fatty acid: Not more than 0.5 percent.

[1] If all equipment and utensils coming in direct contact with the product during processing do not show exposed copper and are made of non-copper-bearing metals or alloys and testing of product indicated compliance with requirements, subsequent testing for copper shall be on a reduced basis. Testing one lot from each contract may be considered adequate provided no exposed surfaces of copper are observed and testing shows compliance, otherwise each production lot will be tested.

The processing of ghee shall be under the supervision of the Inspection and Grading Branch, Dairy Division, Consumer and Marketing Service, USDA.

(5) *Advice of contract specifications:* The supplier must furnish contract specifications, regarding quality and packaging and the location of the ghee and dates available for sampling to the Inspection and Grading Branch, Dairy Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C., 20250.

(6) *Grade and weight:* Determinations shall be made by the Inspection and Grading Branch, Dairy Division, Consumer and Marketing Service, U.S. Department of Agriculture, showing the quality, condition, and weight of the ghee; that the ghee was packaged in accordance with the requirements of the contract(s) between supplier(s) and importer(s); and that the requirements under section (t)(7) of Appendix A were complied with.

(7) *Labels:* Ghee exported hereunder with a brand label attached to the unit container shall conform to the following: The label shall be printed or lithographed and shall contain a statement clearly establishing the commodity as being produced, processed, and packaged in the United States. Stamped or stenciled label information will not be acceptable.

(u) *Stabilized dried whole eggs.*

(1) *Notification of sale:* The supplier shall, immediately after the date of export sale, furnish a written or telegraphic notification of sale to the Office of the General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C., 20250. Written notification of any contract amendments shall also be furnished to the General Sales Manager immediately after the date of the amendment. If the supplier fails to furnish the notification within 5 days after the date of export sale, or the date of an amendment to the contract, if applicable, CCC shall have the right to refuse to finance the sale under the program. The following information shall be included in the written notification of the sale:

Supplier's name and address.
Purchase authorization number.
Name of importer.
Sales contract or order number.
Date of sale.
Complete commodity description—(give full contract specifications including quality factors).
Details of package, label, and shipping container material specifications.
Quantity expressed in contract units.
Price per contract unit.
Delivery terms (f.o.b., f.a.s., etc.) and coastal range of export (specify Pacific, Gulf, Atlantic, Great Lakes, or St. Lawrence River ports and any option to be exercised by the exporter and/or the foreign importer).
Contract delivery schedule.
Name and address of sales agent, if any.
Percentage of sales commission, if any, included in price.
A statement as to whether the supplier is, or is not, an affiliate of the importer.
If the supplier is an affiliate of the importer, the supplier shall furnish the price

information required by section 117(c) of the Title I, Public Law 480 Regulation.

The supplier will be notified by letter, and telephone if requested, from the Office of the General Sales Manager promptly after receipt of the notification of sale or notification of any amendment to the contract as to whether or not price and commission, if any, are approved for financing.

(2) *Contract approval:* Contracts between suppliers and importers made subject to the applicable purchase authorization shall be deemed to be conditioned on the approval by the Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C., 20250, of the supplier's agent if any, the contract price(s), and the commission if any.

(3) *USDA approved processors:* The stabilized dried whole eggs purchased under the applicable purchase authorization must be produced only by processors who are USDA approved establishments under the supervision of the Grading Branch, Poultry Division, Consumer and Marketing Service, U.S. Department of Agriculture, and shall be inspected in accordance with the Regulations contained in Part 55 of Title 7, as amended, of the Code of Federal Regulations, "Grading and Inspection of Egg Products," which govern the inspection of egg products.

(4) *Quality:* Quality and packaging shall be as specified in the contract(s) between the supplier(s) and importer(s). Quality shall be in accordance with Schedule SS Revised (March 1962) USDA, Dried Whole Egg Solids (Stabilized) Specifications and Amendments thereto, issued by the Consumer and Marketing Service, USDA, Washington, D.C., 20250.

(5) *Advice of contract specifications:* The supplier must furnish contract specifications regarding quality and packaging and the locations of the eggs and dates available for sampling to the Grading Branch, Poultry Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C., 20250.

(6) *Grade and Weights:* Determinations shall be made by the Grading Branch, Poultry Division, Consumer and Marketing Service, U.S. Department of Agriculture at the processing plant showing the quality, condition, and weight of the dried eggs; that the eggs were packaged in accordance with the requirements of the contract(s) between supplier(s) and importer(s), and that the requirements of section (u)(8) of Appendix A were complied with. Determinations shall also be made at shipside in the United States by the Grading Branch, Poultry Division, Consumer and Marketing Service, U.S. Department of Agriculture, that the lot(s) meet the requirement(s) of the contract and that the product is the same as that previously examined at the processing plant.

(7) *Markings:* Each shipping container shall be marked with the Official Inspection Mark (shield) as approved by the Poultry Division, Consumer and Marketing Service, USDA.

(8) *Labels:* Stabilized dried whole eggs exported with a brand label attached to the unit container shall comply with section 55.36 of Part 55 "Grading and Inspection of Egg Products". The label shall be printed or lithographed and shall contain a statement clearly establishing the commodity as being produced, processed, and packaged in the United States. Stamped or stenciled label information will not be acceptable.

(v) *Upland cotton.*

(1) *Financing:* The letter(a) of credit opened by the importing country must provide for payment to the supplier of 100 percent of the contracted price where CCC financing is utilized in whole or in part as set forth below. No transaction under a letter or letters of credit which provides for payment of less that 100 percent of the contracted price, where CCC financing is utilized in whole or in part, shall be eligible for CCC financing.

(a) *Contracts basis USDA Form A Certificate:* If USDA Form A Certificates are required under the terms of the contract CCC will finance:

(i) 100 percent of the c.i.f or c. & f. invoice value if registered as a c.i.f. or c. & f. sale and CCC freight financing is authorized on Form CCC–106–3, Advice of Vessel Approval—Cotton.

(ii) 100 percent of the c.i.f. or c. & f. invoice value less freight if registered as a c.i.f. or c. & f. sale and CCC freight financing is not authorized on Form CCC–106–3.

(iii) 100 percent of the invoice value (basis f.a.s.) if registered as a f.a.s. sale (CCC does not finance freight on f.a.s. sales except under a separate Purchase Authorization for the Procurement of Ocean Transportation).

(b) *Contracts basis forcign arbitration:* For all contracts other than those which require USDA Form A Certificates CCC will finance:

(i) 98 percent of the invoice value of cotton and insurance plus 100 percent of freight for c.i.f. sales if registered as c.i.f. and CCC freight financing is authorized on Form CCC–106–3.

(ii) 98 percent of the invoice value of cotton plus 100 percent of freight for c. & f. sales if registered as c. & f. and CCC freight financing is authorized on Form CCC–106–3.

(iii) 98 percent of invoice value less freight for c.i.f. and c. & f. sales if registered as such and CCC freight financing is not authorized on Form CCC–106–3.

(iv) 98 percent of invoice value (basis f.a.s.) for all sales registered as f.a.s.

(c) *Refunds:* The provisions of section 11.9 (a)(1) of the Title I Public Law 480 Regulations that all adjustment refunds shall be remitted by the supplier for the account of the importer through the U.S. bank which financed the original transaction remain in effect. (For transactions where the supplier is billed by CCC for refunds of amounts overfinanced, the supplier shall remit directly to the billing office.) The provision that the importing country shall pay an equal amount of dollars to CCC upon demand shall not apply under a purchase authorization which is subject to this Appendix A. The importing country may retain all dollar exchange received in connection with the adjustment refunds under a purchase authorization which is subject to this Appendix A. In the case of ineligible cotton, the supplier shall remit directly to CCC. CCC will make appropriate local currency refunds to importers for dollar recoveries by CCC direct from suppliers.

(d) *Insurance:* The provision of section 11.9(b) of the Regulations with regard to insurance claims remains in effect except that CCC will not make demand upon the importing country for exchange of dollars for local currency.

(2) *Notification of sale:* The supplier shall, within 5 days from the date of export sale, furnish the Director, ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La., 70112, with a copy of his sales confirmation, and if the supplier fails to do so, CCC shall have the right to refuse to finance the sale under the program.

(3) *Price confirmation:* The ASCS Commodity Office will undertake, on behalf of CCC, to check the sales confirmation as to price and to inform the supplier, within 3 business days from receipt of the sales confirmation, whether such price is in conformance with section 11.7(a) of the Title I, Public Law 480 Regulations.

(i) If the ASCS Commodity Office determines that the sales price is in conformance with section 11.7(a) of the Title I, Public Law 480 Regulations, the supplier will immediately be informed by telegram of the registration number assigned to the sale by CCC.

(ii) Failure by the ASCS Commodity Office to so notify the supplier by telegram within 5 business days after receipt of the copy of the sales confirmation will indicate that the sale price is not acceptable, and the sale will not be financed under the program unless the supplier satisfies CCC that the sale price is in conformance with section 11.7(a) of the Title I, Public Law 480 Regulations.

(4) *U.S. net weight:* Net weight shall be determined in the United States and certified by a U.S. warehouseman, or it shall be determined at the U.S. port of export and certified by other authorized weigher (sales basis landed weight, ex-dock and ex-warehouse are not eligible for financing).

(5) *Quality:* Although seller's offers may be on the basis of private types, in all invitations for bids the quality shall be described in terms of the Official U.S. Cotton Standards. Quality shall be specified in contracts between importers and suppliers. A contract shall cover only one quality. Quality descriptions in contracts shall be in terms of the Official U.S. Cotton Standards, except where sales are made on the basis of private types. In the case of private-type sales, the supplier must make such private types available for classification by C&MS no later than the date the sale confirmation is furnished the New Orleans ASCS Commodity Office.

(6) *Arbitration:* Cotton shall be subject to arbitration for quality unless the contract provides for USDA Form A Certificates and for other terms under rules of an established cotton exchange or association agreed upon by the importer and supplier, such established cotton exchange or association to be identified in the contract. An importer of cotton shall if requested by CCC, obtain foreign quality arbitration under the specified market rules. If the contract provides for USDA Form A Certificate, CCC will not request such arbitration. The arbitration award may be appealed by the supplier or the importer and shall be appealed by the importer upon request by CCC, under the applicable rules specified in the contract. If the costs paid by the importer for an arbitration or appeal requested by CCC are in excess of the award, CCC will reimburse the importer, or other party designated by the importer, in an amount equal to such excess, upon submission to the Director, ASCS Commodity Office, New Orleans, La., of documentation showing the amount of costs incurred by the importer and the amount of the award. These provisions shall not alter the rights of the importer and the supplier to effect adjustments by arbitration or otherwise in accordance with the provisions of the contract or customs of the trade for other than quality deficiencies, or for quality deficiencies if CCC does not request arbitration.

(7) *Certification as to quality and classification:* Block 21 of the signed original Form CCC 329 or a signed attachment thereto shall contain the following certification: "The undersigned hereby represents that he believes the quality and classification of the cotton shipped under this contract are substantially as stated in the contract. The supplier does not guarantee the quality or classification, and agrees to adjust the price for any difference in quality or classification determined by arbitration as provided in the Regulations or purchase authorization."

(8) *Delayed letter of credit:* Interest or carrying charges incurred as a result of delays in establishing letters of credit are not eligible for financing.

(9) *Sampling, Classification, and adjustment of contract price:* (This provision is applicable to all sales hereunder unless the contract provides for Form A Certificates.)

(i) *Tag lists and sampling:* The supplier shall furnish to any permanent Consumer and Marketing Service classing office of the supplier's choice a tag list of the cotton included in a single export shipment showing the supplier's name and address; the CCC registration number; the purchase authorization number; the supplier's sale number, if any; the name, address, and CCC code number of the warehouse in which cotton is stored; and the warehouse bale numbers of the cotton to be exported listed in numerical sequence. A separate tag list must be submitted for the cotton to be shipped from each warehouse. Samples will be required from a minimum of 10 percent of the bales of cotton (larger percentages will be used on small lots). The bales to be sampled will be selected by the chosen C&MS classing office and entered on a Record Sheet. If the supplier desires a larger percentage of samples to be drawn than the minimum required, he should indicate such percentage on the tag list. At the time the copy of the tag list is furnished the warehouseman by the supplier, he shall instruct him to sample the bales of cotton listed on the Record Sheet and to handle such samples in accordance with instructions issued by the New Orleans ASCS Commodity Office. The supplier shall also instruct the warehouseman that the cotton must not be shipped until after it has been sampled in accordance with instructions issued by the New Orleans ASCS Commodity Office. All costs relating to the samples and sampling will be for the supplier.

(ii) *Submitting private-type for classification:* If the sale is made on the basis of private-type and if the particular type has not been classed under the revised standards effective June 15, 1963, the supplier shall submit the private-type for classing directly to the Appeal Board of Review Examiners, Cotton Division, C&MS, U.S. Department of Agriculture, 4841 Summer Avenue, Memphis, Tenn., 38117, along with a complete Request for Classification (Form CN–357). The type shall be identified by the supplier's name and address and private-type name of designation. If the sale is made on the basis of a private-type classed under the revised standards effective June 15, 1963, the supplier shall so advise the New Orleans, ASCS Commodity Office and identify such private-type by furnishing the supplier's name and address, the number of the C&MS classification memorandum, the date of such classification memorandum, and the supplier's private-type or designation.

The private-type submitted for classification hereunder shall be identical in quality with the private-type on which the sale is based and the private-type supplied to the arbitration board in connection with the contract covering the sale.

(iii) *Adjustment of contract price:* In addition to the other requirements for quality arbitration, the following will also apply:

(a) If the allowances awarded whether by an arbitration board or an appeal board for quality differences on a shipment covered by one lot mark average 150 points or more per pound and CCC has determined the maximum export price to be less than 28.00 cents per pound for such shipment based on a C&MS classing memorandum issued for samples drawn and handled pursuant to (i) above, or if no such classing memorandum was received by CCC, such award shall be increased by the larger of the following two amounts: The amount of such allowances awarded, or the sum of any additional penalties for abnormal quality differences imposed under the contract or applicable association rules for such differences.

(b) If the allowances awarded whether by an arbitration board or an appeal board for quality differences on a shipment covered by one lot mark average 300 points or more per pound and CCC has determined the maximum export price to be 28.00 or more cents per pound for such shipment based on a C&MS classing memorandum issued for samples drawn and handled pursuant to (i) above, or if no such classing memorandum was received by CCC, such award shall be increased by the larger of the following two amounts: One-half the amount of such allowances awarded, or the sum of any additional penalties for abnormal quality differences imposed under the contract or applicable association rules for such differences.

(c) If the classification of the cotton is determined by an appeal board in connection with an appeal from an arbitration award, the contract price shall be reduced by the larger of the following two amounts: The award assigned under (a) or (b) above or the amount by which the contract price exceeds the prevailing range of export prices at the time of sale as determined by CCC on the basis of the classification assigned by the appeal board in connection with such appeal. In any case where the classification of the cotton is not determined by an appeal board in connection with an appeal from an arbitration award, the contract price shall be reduced by the award.

(10) *Extra copy of invoice:* Supplier shall forward, immediately after shipment of the cotton, a legible copy of his invoice to the Director, ASCS Commodity Office, New Orleans, Wirth Building, 120 Marais Street, New Orleans, La., 70112, Attention: CO–8–JPD. Such copy is in addition to the copy for CCC to be submitted with other required documents to the banking institution.

(w) *Extra long staple cotton.*

(1) *Financing:* The letter(s) of credit opened by the importing country must provide for payment to the supplier of 100 percent of the contracted price where CCC financing is utilized in whole or in part as set forth below. No transaction under a letter or letters of credit which provide for payment of less than 100 percent of the contracted price, where CCC financing is utilized in whole or in part, shall be eligible for CCC financing.

(a) *Contract basis USDA Form A Certificate:* If USDA Form A Certificates are required under the terms of the contract CCC will finance:

(i) 100 percent of the c.i.f. or c. & f. invoice value if registered as a c.i.f. or c. & f. sale and CCC freight financing is authorized on Form CCC–106–3, Advice of Vessel Approval—Cotton.

(ii) 100 percent of the c.i.f. or c. & f. invoice value less freight if registered as a c.i.f. or c. & f. sale and CCC freight financing is not authorized on Form CCC–106–3.

(iii) 100 percent of the invoice value (basis f.a.s.) if registered as a f.a.s. sale (CCC does not finance freight on f.a.s. sales except under a separate Purchase Authorization for the Procurement of Ocean Transportation.

(b) *Contracts basis foreign arbitration:* For all contracts other than those which require USDA Form A Certificates CCC will finance:

(i) 98 percent of the invoice value of cotton and insurance plus 100 percent of freight for c.i.f. sales if registered as c.i.f. and CCC freight financing is authorized on Form CCC–106–3.

(ii) 98 percent of the invoice value of cotton plus 100 percent of freight for c. & f. sales if registered as c. & f. and CCC freight financing is authorized on Form CCC–106–3.

(iii) 98 percent of invoice value less freight for c.i.f. and c. & f. sales if registered as such and CCC freight financing is not authorized on Form CCC–106–3.

(iv) 98 percent of invoice value (basis f.a.s.) for all sales registered as f.a.s.

(c) *Refunds:* The provisions of section 11.9 (a)(1) of the Title I Public Law 480 Regulations that all adjustment refunds shall be remitted by the supplier for the account of the importer through the U.S. bank which financed the original transaction remain in effect. (For transactions where the supplier is billed by CCC for refund of amounts overfinanced, the supplier shall remit directly to the billing office.) The provision that the importing country shall pay an equal amount of dollars to CCC upon demand shall not apply under a purchase authorization which is subject to this Appendix A. The importing country may retain all dollar exchange received in connection with the adjustment refunds under a purchase authorization which is subject to this Appendix A. In the case of ineligible cotton, the supplier shall remit directly to CCC. CCC will make appropriate local currency refunds to importers for dollar recoveries by CCC direct from suppliers.

(d) *Insurance:* The provision of section 11.9(b) of the Regulations with regard to insurance claims remains in effect except that CCC will not make demand upon the importing country for exchange of dollars for local currency.

(2) *Notification of sale:* The supplier shall, within 5 days from the date of export sale, furnish the Director, ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La., 70112, with a copy of his sales confirmation, and if the supplier fails to do so, CCC shall have the right to refuse to finance the sale under the program.

(3) *Price confirmation:* The ASCS Commodity Office will undertake, on behalf of CCC, to check the sales confirmation as to price and to inform the supplier, within 3 business days from receipt of the sales confirmation, whether such price is in conformance with section 11.7(a) of the Title I, Public Law 480 Regulations.

(i) If the ASCS Commodity Office determines that the sale price is in conformance with section 11.7(a) of the Title I, Public Law 480 Regulations, the supplier will immediately be informed by telegram of the registration number assigned to the sale by CCC.

(ii) Failure by the ASCS Commodity Office to so notify the supplier by telegram within 5 business days after receipt of the copy of the sales confirmation will indicate that the sale price is not acceptable, and the sale will not be financed under the program unless the supplier satisfies CCC that the sale price is in conformance with section 11.7(a) of the Title I, Public Law 480 Regulations.

(4) *U.S. net weight:* Net weight shall be determined in the United States and certified by a U.S. warehouseman, or it shall be determined at the U.S. port of export and certified by other authorized weigher (sales basis landed weight, ex-dock and ex-warehouse are not eligible for financing).

(5) *Quality:* Although sellers' offers may be on the basis of private types, in all invitations for bids the quality shall be described in terms of the Official U.S. Cotton Standards. Quality shall be specified in contracts between importers and suppliers. A contract shall cover only one quality. Quality descriptions in contracts shall be in terms of the Official U.S. Cotton Standards, except where sales are made on the basis of private types. In the case of private-type sales, the supplier must make such private types available for classification by C&MS no later than the date the sales confirmation is furnished the New Orleans ASCS Commodity Office.

(6) *Arbitration:* Cotton shall be subject to arbitration for quality unless the contract provides for USDA Form A Certificates and for other terms under rules of an established cotton exchange or association agreed upon by the importer and supplier, such association or established cotton exchange to be

identified in the contract. An importer of cotton shall, if requested by CCC, obtain foreign quality arbitration under the specified market rules. If the contract provides for USDA Form A Certificate, CCC will not request such arbitration. The arbitration award may be appealed by the supplier or the importer and shall be appealed by the importer upon request by CCC, under the applicable rules specified in the contract. If the costs paid by the importer for an arbitration or appeal requested by CCC are in excess of the award, CCC will reimburse the importer, or other party designated by the importer, in an amount equal to such excess, upon submission to the Director, ASCS Commodity Office, New Orleans, La., of documentation showing the amount of costs incurred by the importer and the amount of the award. These provisions shall not alter the rights of the importer and the supplier to effect adjustments by arbitration or otherwise in accordance with the provisions of the contract or customs of the trade for other than quality deficiencies, or for quality deficiencies if CCC does not request arbitration.

(7) *Certification as to quality and classification:* Block 21 of the signed original Form CCC 329 or a signed attachment thereto shall contain the following certification: "The undersigned hereby represents that he believes the quality and classification of the cotton shipped under this contract are substantially as stated in the contract. The supplier does not guarantee the quality or classification, and agrees to adjust the price for any difference in quality or classification determined by arbitration as provided in the Regulations or purchase authorization."

(8) *Delayed letter of credit:* Interest or carrying charges incurred as a result of delays in establishing letters of credit are not eligible for financing hereunder.

(9) *Sampling, classification and adjustment of contract price:* (This provision is applicable to all sales hereunder unless the contract provides for Form A Certificates.)

(i) *Tag lists and sampling:* The supplier shall furnish to any permanent Consumer and Marketing Service classing office of the supplier's choice a tag list of the cotton included in a single export shipment showing the supplier's name and address; the CCC registration number; the purchase authorization number; the supplier's sale number, if any; the name, address and CCC code number of the warehouse in which the cotton is stored; and the warehouse bale number of the cotton to be exported listed in numerical sequence. A separate tag list must be submitted for the cotton to be shipped from each warehouse. Samples will be required from a minimum of 10 percent of the bales of cotton (larger percentages will be used on small lots). The bales to be sampled will be selected by the chosen C&MS classing office and entered on a Record Sheet. If the supplier desires a larger percentage of samples to be drawn than the minimum required he should indicate such percentage on the tag list. At the time the copy of the tag list is furnished the warehouseman by the supplier, he shall instruct him to sample the bales of cotton listed on the Record Sheet and to handle such samples in accordance with instructions issued by the New Orleans ASCS Commodity Office. The supplier shall also instruct the warehouseman that the cotton must not be shipped until after it has been sampled in accordance with instructions issued by the New Orleans ASCS Commodity Office. All costs relating to the samples and sampling will be for the account of the supplier.

(ii) *Submitting private-type for classification:* If the sale is made on the basis of private-type and if the particular type has not been submitted on or after August 1, 1962, for classification, the supplier shall submit the private-type for classing directly to the Appeal Board for Review Examiners, Cotton Division, C&MS, U.S. Department of Agriculture, 4841 Summer Avenue, Memphis, Tenn., 38117. The type shall be identified by the supplier's name and address and private-type name or designation. The classification of any type submitted prior to August 1, 1962, will not be acceptable. If the sale is made on the basis of a private-type previously submitted on or after August 1, 1962, for classification, the supplier shall so advise the New Orleans ASCS Commodity Office and identify such private-type by furnishing the supplier's name and address, the number of the C&MS classification memorandum, the date of such classification memorandum, and the supplier's private-type name or designation. The private-type submitted for classification hereunder shall be identical in quality with the private-type on which the sale is based and the private-type supplied to the arbitration board in connection with the contract covering the sale.

(iii) *Adjustment of contract price:* In addition to the other requirements for quality arbitration, the following will also apply:

(*a*) If the allowances awarded whether by an arbitration board or an appeal board for quality differences on a shipment covered by one lot mark average 300 points or more per pound, such award shall be increased by the larger of the following two amounts: The amount of such allowances awarded, or the sum of any additional penalties for abnormal quality differences imposed under the contract or applicable association rules for such differences.

(*b*) If the classification of the cotton is determined by an appeal board in connection with an appeal from an arbitration award, the contract price shall be reduced by the larger of the following two amounts: The award assigned under (a) above or the amount by which the contract price exceeds the prevailing range of export prices at the time of sale as determined by CCC on the basis of the classification assigned by the appeal board in connection with such appeal.

(*c*) In any case where the classification of the cotton is not determined by an appeal board in connection with an appeal from an arbitration award, the contract price shall be reduced by the award.

(10) *Extra copy of invoice:* The supplier shall forward, immediately after shipment of the cotton, a legible copy of his invoice to the Director, ASCS Commodity Office, New Orleans, Wirth Building, 120 Marais Street, New Orleans, La., 70112, Attention: CO–8–JPD. Such copy is in addition to the copy for CCC to be submitted with other required documents to the banking institution.

APPENDIX B—REGULATIONS GOVERNING THE FINANCING OF COMMERCIAL SALES OF SURPLUS AGRICULTURAL COMMODITIES FOR FOREIGN CURRENCIES

Special documentation for specific commodities is required to be submitted in addition to the documentation required by section 11.13 of the regulations, the purchase authorization, and the letter of commitment, as follows:

SPECIAL DOCUMENTATION PROVISIONS

(a) *Wheat in bulk or bags.*

(1) *Notice of price approval.* One copy of Form CCC 359, Declaration of Sale, signed by the General Sales Manager, Deputy General Sales Manager, or Assistant General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, shall be submitted to the U.S. bank with the documents covering the first transaction under the contract. The unit price shown on the supplier's invoice must not exceed the approved price shown on Form CCC 359, Declaration of Sale. For subsequent transactions under the same contract, the supplier shall certify on the CCC copy of the detailed invoice as follows:

"I hereby certify that the applicable signed copy of the Declaration of Sale was submitted to ----------
(Name of U.S. bank)
with documents covering Invoice No. ------ dated ---------- for $-------."

(2) *Transshipment.* If the Form CCC 106 requires the wheat to be exported from a Canadian transshipment point(s) in U.S.-flag vessel(s), and if it authorizes financing of ocean transportation by CCC, the following certification is required on the supplier's invoice: "The undersigned hereby certifies that a quantity of the same kind of grain covered by this invoice, at least equal to the quantity covered by this invoice, has been shipped in U.S.-flag vessels from U.S. Great Lakes ports via the St. Lawrence Seaway and received by the undersigned at Canadian transshipment points and such quantity was not previously exported by the undersigned under Title I of Public Law 480 or under any other government program to which the provisions of Public Law 664, 83d Congress, are applicable." "Kind of grain" as used in the above certification is defined as wheat, without regard to grade or class.

(3) *In the case of wheat in bulk.*

(i) *Inspection Certificate.* One copy of a Grain Inspection Certificate issued by an inspector holding a license under the U.S. Grain Standards Act, or a Commodity Inspection Certificate (Form GR–292) for grain issued by an inspector holding a license under the Agricultural Marketing Act, issued at point of loading to vessel.

(ii) *Weight Certificate.* One copy of a weight certificate issued at point of loading to vessel.

(4) *In the case of wheat in bags.*

(i) *Inspection Certificate.* One copy of a Grain Inspection Certificate issued by an inspector holding a license under the U.S. Grain Standards Act, or a Commodity Inspection Certificate (Form GR–292) for grain issued by an inspector holding a license under the Agricultural Marketing Act, covering inspection at port of loading to vessel.

(ii) *Examination report.* One copy of a Commodity Examination Report (Form GR–116) issued by the Consumer and Marketing Service, which shows that the bagged wheat was checkloaded.

(iii) *On-board ocean bill of lading.* The on-board ocean bill of lading shall show the net weight of the wheat loaded aboard the vessel or shall show the number of bags, and the gross weight of the wheat loaded aboard the vessel, provided that the weight of the bags is either shown on the bill of lading or is evidenced by the following certification furnished by the supplier: "The undersigned hereby certifies that the weight of the bags is ------ pounds."

(iv) *Supplier's detailed invoice.* The supplier's detailed invoice shall show the size and type of bags and whether they are new or used.

(b) *Wheat flour.*

(1) One copy of Form CCC 362, Declaration of Sale, signed by the General Sales Manager, Deputy General Sales Manager, or Assistant General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, shall be submitted to the U.S. bank with the documents covering the first transaction under the contract. The unit price shown on the supplier's invoice must not exceed the approved price shown on Form CCC 362, Declaration of Sale. For subsequent transactions under the same contract, the supplier shall certify on the CCC copy of the detailed invoice as follows:

"I hereby certify that the applicable signed copy of the Declaration of Sale was submitted to ---------- with documents covering Invoice No. ------ dated ---------- for $-------."
(Name of U.S. Bank)

(2) One copy of a Commodity Inspection Certificate (Form GR–133) issued by the Grain Division, Consumer and Marketing Service, United States Department of Agriculture, or One copy of a Laboratory Report issued by a commercial laboratory which shall bear the following certification:

"The undersigned hereby certifies that the Laboratory Report was issued as a result of the analysis of samples received from (name and address of independent surveyor) and that the samples were drawn in accordance with the requirements of the purchase authorization."

NOTE: In lieu of the above certification, a certification will be accepted from the laboratory with which will be included a certification by the independent surveyor, as follows:

(From the independent surveyor): "The undersigned hereby certifies that samples furnished to (name and address of laboratory) were drawn in accordance with the provisions of the purchase authorization."

(From the laboratory): "The undersigned hereby certifies that the Laboratory Report was issued as a result of samples received from (name and address of independent surveyor)."

The Commodity Inspection Certificate (Form GR–133) issued by the Grain Division, C&MS, USDA, or the laboratory report issued by a commercial laboratory shall show the exact moisture, protein, and ash contents of the flour delivered under this authorization.

(3) If the commodity Inspection Certificate (GR–133) or the Laboratory Report is dated more than fifteen (15) days prior to the on-board date shown on the ocean bill of lading, the following additional documentation:

(i) One copy of a Commodity Examination Report (GR–116) issued by the Grain Division, C&MS, USDA, dated not more than 15 days prior to the "on-board" date and showing that the flour was free from infestation, or (ii) One copy of an Independent Surveyor's Report dated not more than 15 days prior to the "on-board" date and showing that the flour was free from infestation.

(4) One copy of a Commodity Examination Report (GR–116) issued by the Grain Division, Consumer and Marketing Service, U.S. Department of Agriculture, or one copy of a weight certificate issued by an independent weighmaster or an independent surveyor.

(5) The ocean bill of lading shall show thereon or in a separate listing attached thereto, the identifying lot number(s) which appear on the Commodity Inspection Certificate or laboratory report. The lot number may be the warehouse number, the rail car number, truck license number, or any other number that will accurately identify the lot.

(6) The on-board ocean bill of lading shall show the net weight of the flour loaded aboard the vessel or shall show the number of bags and gross weight of the flour loaded aboard the vessel, provided that the weight of the bags is either shown on the bill of lading or is evidenced by the following certification furnished by the supplier:

"The undersigned hereby certifies that the weight of the bags is ---------- pounds."

(7) The supplier's detailed invoice shall show the gross weight of the flour in bags, the weight of the bags, and the net weight of the flour invoiced. The invoice shall also show the size and type of bags.

(c) *Feed Grains in bulk or bags.*

(1) *Notice of price approval.* A letter signed by the General Sales Manager, Deputy General Sales Manager, or Assistant General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, by which the supplier will have been notified that the price and commission are approved for financing shall be submitted to the U.S. bank with the documents covering the first transaction under the contract. The unit price shown on the supplier's invoice must not exceed the approved price shown on the letter to the supplier from the Office of the General Sales Manager. For subsequent transactions under the same contract, the supplier shall certify on the detailed invoice as follows:

"I hereby certify that the applicable signed copy of the notification of price and commission approval was submitted to ----------
(Name of U.S. Bank)
with documents covering Invoice No.------ dated---------- for $----------."

(2) *Transshipment.* If the Form CCC 106 requires the feed grains to be exported from a Canadian transshipment point(s) in U.S.-flag vessel(s) and if it authorizes financing of ocean transportation by CCC, the following certification is required on the supplier's invoice:

"The undersigned hereby certifies that a quantity of the same kind of grain covered by this invoice, at least equal to the quantity covered by this invoice, has been shipped in U.S.-flag vessels from U.S. Great Lakes ports via the St. Lawrence Seaway and received by the undersigned at Canadian transshipment points and such quantity was not previously exported by the undersigned under Title I of Public Law 480 or under any other government program to which the provisions of Public Law 664, 83d Congress are applicable."

"Kind of grain" as used in the above certification is defined as the same kind of grain covered by the invoice without regard to grade or class.

(3) *In the case of feed grains in bulk.*

(i) *Inspection Certificate.* One copy of a Grain Inspection Certificate issued by an inspector holding a license under the U.S. Grain Standards Act, or a Commodity Inspection Certificate (Form GR–292) for grain issued by an inspector holding a license under the Agricultural Marketing Act, issued at point of loading to vessel.

(ii) *Weight Certificate.* One copy of a weight certificate issued at point of loading to vessel.

(4) *In the case of feed grains in bags.*

(i) *Inspection Certificate.* One copy of a Grain Inspection Certificate issued by an inspector holding a license under the U.S. Grain Standards Act, or a Commodity Inspection Certificate (Form GR–292) for grain issued by an inspector holding a license under the Agricultural Marketing Act covering inspection at port of loading to vessel.

(ii) *Examination Report.* One copy of a Commodity Examination Report (Form GR–116) issued by the Consumer and Marketing Service, which shows that the bagged feed grain was checkloaded.

(iii) *On-board bill of lading.* The on-board ocean bill of lading shall show the net weight of the feed grain loaded aboard the vessel or shall show the number of bags and the gross weight of the feed grain loaded aboard the vessel provided that the weight of the bags is either shown on the bill of lading or is evidenced by the following certification furnished by the supplier:

"The undersigned hereby certifies that the weight of the bags is ----------pounds."

(iv) *Supplier's detailed invoice.* The supplier's detailed invoice shall show the size and type of bags and whether they are new or used.

(d) *Corn Meal (Edible).*

(1) A letter signed by the General Sales Manager, Deputy General Sales Manager, or Assistant General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, by which the supplier will have been notified that the price and commission are approved for financing shall be submitted to the U.S. bank with the documents covering the first transaction under the contract. The unit price shown on the supplier's invoice must not exceed the approved price shown on the letter to the supplier from the Office of the General Sales Manager. For subsequent transactions under the same contract, the supplier shall certify on the detailed invoice as follows:

"I hereby certify that the signed letter of notification of price and commission approval was submitted to ----------
(Name of U.S. bank)
with documents covering Invoice No. ------ dated ---------- for $-------."

(2) *Inspection Certificate.* One copy of a Commodity Inspection Certificate (Form GR–133) issued by the Grain Division, Consumer and Marketing Service, U.S. Department of Agriculture, covering inspection at point of loading to vessel.

(3) *Examination Report.* One copy of a Commodity Examination Report (Form GR–116) issued by the Grain Division, Consumer and Marketing Service, U.S. Department of Agriculture, which shows that the corn meal was checkloaded.

(4) *Independent Surveyor's Report.* One copy of an independent surveyor's report stating that the bags, bag markings, and brand names or labels meet the requirements of section 11.8(d) of this subpart, and that the bags are suitable for the export of corn meal.

(5) *Identifying lot number.* The ocean bill of lading shall show thereon or in a listing attached thereto the identifying lot number(s) which appear on the Commodity Inspection Certificate. The lot number may be the warehouse number, the rail car number, truck license number, or any other number that will accurately identify the lot.

(6) *On-board ocean bill of lading.* The on-board ocean bill of lading shall show the net weight of the corn meal loaded aboard the vessel or shall show the number of bags and the gross weight of the corn meal loaded aboard the vessel, provided that the weight of the bags is either shown on the bill of lading or is evidenced by the following certification furnished by the supplier:

"The undersigned hereby certifies that the weight of the bags is ------ pounds."

(7) *Supplier's detailed invoice.* The supplier's detailed invoice shall show the size and type of bags and whether they are new or used.

(e) *Cracked Corn and/or Corn Meal.*

(1) *Notice of price approval.* A letter signed by the General Sales Manager, Deputy General Sales Manager, or Assistant General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, by which the supplier will have been notified that the price and commission are approved for financing shall be submitted to the U.S. bank with the documents covering the first transaction under the contract. The unit price shown on the supplier's invoice must not exceed the approved price shown on the letter to the supplier from the Office of the General Sales Manager. For subsequent transactions under the same contract, the supplier shall certify on the detailed invoice as follows:

"I hereby certify that the signed letter of notification of price and commission approval was submitted to ----------
(Name of U.S. bank)
with documents covering Invoice No. ------ dated ---------- for $-------."

(2) *Inspection Certificate.* One copy of a Grain Inspection Certificate issued by an inspector holding a license under the United States Grain Standards Act.

(3) *Examination Report.* One copy of a Commodity Examination Report (Form GR–116) issued by the Consumer and Marketing Service, which shows that the processed commodity (cracked corn and/or corn meal) was check loaded.

(4) *On-board ocean bill of lading.* The on-board ocean bill of lading shall show the net weight of the cracked corn and/or corn meal loaded aboard the vessel or shall show the number of bags and the gross weight of the cracked corn and/or corn meal loaded aboard the vessel, provided that the weight of the bags is either shown on the bill of lading or is evidenced by the following certification furnished by the supplier:

"The undersigned hereby certifies that the weight of the bags is ____ pounds."

(5) *Supplier's detailed invoice.* The supplier's detailed invoice shall show the kind and size of bags and whether they are new or used.

(f) *Soybean Oil and/or Cottonseed Oil.*

(1) *Notice of price approval.* A letter signed by the General Sales Manager, Deputy General Sales Manager, or Assistant General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, by which the supplier will have been notified that the price and commission are approved for financing shall be submitted to the U.S. bank with the documents covering the first transaction under the contract. The unit price shown on the supplier's invoice must not exceed the approved price shown on the letter to the supplier from the Office of the General Sales Manager. For subsequent transactions under the same contract, the supplier shall certify on the detailed invoice as follows:

"I hereby certify that the signed copy of notification of price and commission approval was submitted to ---------- with
(Name of U.S. bank)
documents covering Invoice No. ------ dated ---------- for $-------."

(2) *Inspection Certificate.*

(i) One copy of a Commodity Inspection Certificate (Form GR–133) issued by the Inspection Branch of the Grain Division, Consumer and Marketing Service, USDA, or one copy of a chemical analysis certificate issued by a commercial laboratory which shall bear the following certification:

"The undersigned hereby certifies that the chemical analysis certificate was issued as a result of the analysis of samples taken by independent surveyor(s), and that such chemical analysis was performed in accordance with the procedure prescribed in the Trading Rules of the National Soybean Processors Association, or in the Trading Rules of the National Cottonseed Products Association."

(ii) The Commodity Inspection Certificate (GR–133) or the Chemical Analysis Certificate shall state that the oil met the analytical requirements of the specifications as provided in the applicable purchase authorization, and if shipped in containers, the certificate shall state that markings are in conformance with the applicable purchase authorization and shall also show other markings appearing thereon.

NOTE: If the chemical analysis on bulk oil is performed by a commercial laboratory, one copy of a certificate of the sampler or inspector stating that the samples were drawn in accordance with American Oil Chemists Society Official Method C 1–47.

(3) *In the case of oil in bulk.*

(i) One copy of weight certificate or survey report issued by an independent weighmaster or by an independent surveyor.

(ii) The weight certificate or survey report shall state that the ship's tank(s) was examined and found suitable for receipt of the oil.

(4) *In the case of oil exported in drums, barrels, or bags.*

(i) One copy of weight certificate.

(ii) One copy of an independent surveyor's certificate stating that the barrels were new or the drums were new or reconditioned, or the bags were new or used and that the drums, barrels, or bags are suitable for export and that the drums, barrels, or bags comply with contract specifications.

(g) *Unmanufactured Tobacco and/or Tobacco Products.*

(1) *Unmanufactured Tobacco.*

(i) The signed original of Tobacco Examination Report, FAS Form 480–C.

(ii) The signed original of FAS Form 480–D, "Certification by Port Official with Respect to Loading Certain Tobacco", or the signed originals of FAS Form 480–E, "Certification of Warehouse Official with Respect to Consignment of Certain Tobacco" and FAS Form 480–F, "Certification of Port Official with Respect to Receiving and Loading Certain Tobacco".

(iii) The signed original of FAS Form 480–G, "Weight Certificate" or FAS Form 480–G–1, "Packaging Certificate".

(iv) The invoice shall contain the following certification signed by the supplier:

"The undersigned hereby certifies that the unmanufactured tobacco represented on this invoice does not contain cigar cuttings, scrap, siftings, stems (except the stem of the leaf sold), trimmings, or homogenized leaf."

(v) The supplier's invoice shall identify the tobacco by U.S. type and recapitulate the quantity and value of the tobacco by type. This information is required on only one copy of the detailed invoice and such copy shall be included with the documents submitted to CCC. The supplier's detailed invoice shall contain a certification that the tobacco covered by the invoice was produced in the continental United States or Puerto Rico.

(2) *Tobacco Products: Cigarettes and/or Packaged Pipe and Cut Tobacco.* The supplier's invoice shall show the name of the tobacco products, the quantity, the brand name, and in case of cigarettes, whether standard or "economy" brand and whether filter, non-filter or all-tobacco tip. The CCC copy of each invoice must also show the net weight of the unmanufactured U.S. leaf tobacco used in the manufacture of the tobacco products.

(3) *Tobacco Products: Cased strips and shredded tobacco.*

(i) The signed original of Tobacco Examination Report, FAS Form 480–C.

(ii) The signed original of FAS Form 480–D, "Certification by Port Official with Respect to Loading Certain Tobacco," or the signed originals of FAS Form 480–E, "Certification of Warehouse Official with Respect to Consignment of Certain Tobacco" and FAS Form 480–F, "Certification of Port Official with Respect to Receiving and Loading Certain Tobacco."

(iii) The signed original of FAS Form 480–C *"Weight Certificate"* or FAS Form 480–G–1, *"Packaging Certificate"* shall be submitted for the strip or shredded tobacco before flavoring, casing material, or other tobacco is added, and a signed original of *Weight Certificate* (FAS Form 480–G) shall be submitted for the tobacco product containing such material.

(iv) *Invoice.* The invoice shall contain the following certifications signed by the supplier:

"The undersigned hereby certifies that the manufactured tobacco represented on this invoice does not contain cigar cuttings, scrap, siftings, stems (except the stem of the leaf sold), trimmings, or homogenized leaf."

The supplier's detailed invoice shall show the following: The supplier's invoice shall identify the tobacco by U.S. type and recapitulate the quantity of the tobacco by type. This information is required on only one copy of the detailed invoice and such copy shall be included with the documents submitted to CCC. The supplier's detailed invoice shall contain a certification that the tobacco covered by the invoice was produced in the continental United States or Puerto Rico.

ALLOCATION OF NET INVOICE PRICE

Invoice total for ___ pounds tobacco product. $--------
Less amount to be financed by importer:
(1) Cost of casing and flavoring material (including all costs incurred in application) ---------- $--------
(2) Cost of tobacco not covered by FAS Form 480–C ---------- ----------
Amount to be financed by CCC ---------- ----------

The CCC copy of the suppliers invoice shall show *the number of pounds of unmanufactured U.S. leaf tobacco* contained in the tobacco product covered by the invoice.

(h) *Rice (Milled and/or Brown) in bags or bulk.*

(1) *Form CCC 421, Declaration of Sale.* One copy of Form CCC 421, Declaration of Sale, signed by the General Sales Manager, Deputy General Sales Manager, or Assistant General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, shall be submitted to the U.S. bank with the documents covering the first transaction under the contract. The unit price shown on the supplier's invoice must not exceed the approved price shown on Declaration of Sale. For subsequent transactions under the same contract, the supplier shall certify on the CCC copy of the detailed invoice as follows:

"I hereby certify that the signed copy of the applicable Declaration of Sale was submitted to ---------- with
(Name of U.S. bank)
documents covering Invoice No. ------ dated ---------- for $-------."

(i) *In the case of rice in bags.*

(a) *Inspection Certificate.* One copy of a Rice Inspection Certificate (lot inspection) issued by or under the supervision of the Grain Division, Consumer and Marketing Service, USDA, covering inspection at port of loading to vessel.

(b) *Examination Report.* One copy of Commodity Examination Report (Form GR–116) issued by or under the supervision of the Grain Division, Consumer and Marketing Service, USDA, which shows the rice was checkloaded.

(c) *Supplier's invoice.* The supplier's detailed invoice shall show the kind and size of bags and whether they are new or used.

(d) *On-board ocean bill of lading.* The on-board ocean bill of lading shall show the net weight of the rice loaded aboard the vessel, or shall show the number of bags and the gross weight of the rice loaded aboard the vessel, provided that the weight of the bags is either shown on the bill of lading or is evidenced by the following certification furnished by the supplier:

"The undersigned hereby certifies that the weight of the bags is ------ pounds."

(ii) *In the case of rice in bulk.*

(a) One copy of a Rice Inspection Certificate (lot inspection) issued by or under the supervision of the Grain Division, Consumer and Marketing Service, USDA, covering inspection at point of loading to ocean vessel.

(b) One copy of a weight certificate issued at point of loading to ocean vessel, or one copy of a letter signed by the Director, Program Operations Division, FAS, USDA, approving the supplier's request to furnish weights taken at a point other than at point of loading to ocean vessel, and one copy of a weight certificate, and one copy of a Commodity Examination Report (Form GR–116) issued by or under the supervision of the Grain Division, C&MS, USDA, which shows that the rice was transferred from the carrier to ocean vessel in the manner specified in the letter of approval from the Director, Program Operations Division, FAS, USDA, and containing a notification regarding any rice not so transferred, and the supplier's invoice must show the quantity represented by the weight certificate, a reduction identified as 0.5 percent (one-half of 1 percent) and the reduced weight. The invoice shall show that the value was computed by using the reduced weight times contracted price.

(i) *Dry Edible Beans.*

(1) A letter signed by the General Sales Manager, Deputy General Sales Manager, or Assistant General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, by which the supplier will have been notified that the price and commission are approved for financing shall be submitted to the U.S. bank with the documents covering the first transaction under the contract. The unit price shown on the supplier's invoice must not exceed the approved price shown on the letter to the supplier from the Office of the General Sales Manager. For subsequent transactions under the same contract, the supplier shall certify on the detailed invoice as follows:

"I hereby certify that the signed letter of notification of price and commission approval was submitted to ----------
(Name of U.S. bank)
with documents covering Invoice No. ------ dated ---------- for $-------."

(2) *Inspection Certificate.* One copy of a Bean Inspection Certificate (lot inspection) issued by or under the supervision of the Grain Division, Consumer and Marketing Service, USDA, covering inspection at port of loading to vessel.

(3) *Examination Report.* One copy of a Commodity Examination Report (Form GR–116) issued by or under the supervision of the Grain Division, Consumer and Marketing Service, USDA, which shows the beans were checkloaded.

(4) *On-board ocean bill of lading.* The on-board ocean bill of lading shall show the net weight of the beans loaded aboard the vessel, or shall show the number of bags and the gross weight of the beans loaded aboard the vessel, provided, that the weight of the bags is either shown on the bill of lading, or is evidenced by the following certification furnished by the supplier:

"The undersigned hereby certifies that the weight of the bags is -------- pounds."

(5) *Supplier's Invoice.* The supplier's detailed invoice shall show the kind and size of bags and whether they are new or used.

(j) *Dry Edible Peas.* A letter signed by the General Sales Manager, Deputy General Sales Manager, or Assistant General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, by which the supplier will have been notified that the price and commission are approved for financing shall be submitted to the U.S. bank with the documents covering the first transaction under the contract. The unit price shown on the supplier's invoice must not exceed the approved price shown on the letter to the supplier from the Office of the General Sales Manager. For subsequent transactions under the same contract, the supplier shall certify on the detailed invoice as follows:

"I hereby certify that the signed letter of notification of price and commission approval was submitted to ----------
(Name of U.S. bank)
with documents covering Invoice No. ------ dated ---------- for $-------."

(2) *Inspection Certificate.* One copy of a Pea Inspection Certificate (lot inspection) issued by or under the supervision of the Grain Division, Consumer and Marketing Service, USDA, covering inspection at port of loading to vessel.

(3) *Examination Report.* One copy of a Commodity Examination Report (Form GR–116) issued by or under the supervision of the Grain Division, Consumer and Marketing Service, USDA, which shows the peas were checkloaded.

(4) *On-board ocean bill of lading.* The on-board ocean bill of lading shall show the net weight of the peas loaded aboard the vessel, or shall show the number of bags and the gross weight of the peas loaded aboard the vessel, provided, that the weight of the bags is either shown on the bill of lading or is evidenced by the following certification furnished by the supplier:

"The undersigned hereby certifies that the weight of the bags is ------ pounds."

(5) *Supplier's Invoice.* The supplier's detailed invoice shall show the kind and size of bags and whether they are new or used.

(k) *Tallow (Inedible).* (1) A letter signed by the General Sales Manager, Deputy General Sales Manager, or Assistant General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, by which the supplier will have been notified that the price and commission are approved for financing shall be submitted to the U.S. bank with the documents covering the first transaction under the contract. The unit price shown on the supplier's invoice must not exceed the approved price shown on the letter to the supplier from the Office of the General Sales Manager. For subsequent transactions under the same contract, the supplier shall certify on the detailed invoice as follows:

"I hereby certify that the signed letter of notification of price and commission approval was submitted to ----------
(Name of U.S. bank)
with documents covering Invoice No. ------ dated ---------- for $-------."

(2) *Weight Certificate.* One copy of a Weight Certificate or Survey Report, issued by an independent surveyor or an indepedent weighmaster, or Agricultural Products Certificate (Form LS–5) issued by the Meat Grading Branch, Livestock Division, C&MS, USDA.

(3) *Drums inspection or tank inspection.*

(i) *In the case of tallow exported in drums.* One copy of an independent surveyor's certificate or one copy of Agricultural Products Certificate (Form LS–5) issued by the Meat Grading Branch, Livestock Division, C&MS, USDA, stating that the drums were either new or reconditioned and that the drums were in conformance with contract specifications, and the provisions of section (k)(8)(iii) of Appendix A were complied with.

(ii) *In the case of bulk tallow,* the Survey Report issued by an independent surveyor or Agricultural Products Certificate (Form LS–5) issued by the Meat Grading Branch, Livestock Division, C&MS, USDA, shall state that the ship's tank(s) was examined and found suitable for receipt of the tallow.

(4) *Inspection Certificate.* One copy of Agricultural Products Certificate (Form LS–5) issued by the Meat Grading Branch of the Livestock Division, C&MS, USDA, or one copy of a laboratory report issued by a commercial laboratory. The Agricultural Products Certificate or the Laboratory Report, whichever is applicable, shall state that the tallow met contract specifications as approved by USDA, and if shipped in drums, that the markings are in accordance with the contract specifications.

(l) *Lard.*

(1) A letter signed by the General Sales Manager, Deputy General Sales Manager, or Assistant General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, by which the supplier will have been notified that the price and commission are approved for financing shall be submitted to the U.S. bank with the documents covering the first transaction under the contract. The unit price shown on the supplier's invoice must not exceed the approved price shown on the letter to the supplier from the Office of the General Sales Manager. For subsequent transactions under the same contract, the supplier shall certify on the detailed invoice as follows:

"I hereby certify that the signed letter of notification of price and commission approval was submitted to ----------
(Name of U.S. bank)
with documents covering Invoice No. ------ dated ---------- for $-------."

(2) *Grading Certificate.* One copy of Poultry Grading Certificate (Form PY–224), issued by the Poultry Division, C&MS, USDA, at the inland inspection point showing wholesomeness, class, condition, packaging, weight and quality.

(3) *Poultry Products Certificate.* One copy of Poultry Products Grading Certificate (Form PY–225) issued by the Poultry Division, C&MS, USDA, at shipside stating that the lot(s) met the requirement(s) of the contract, and the provisions of section (m) of Appendix A with respect to wholesomeness, class, condition, packaging, weight and quality.

(n) *Canned Milk (Sweetened Condensed or Evaporated).*

(1) *Notification of price approval.* A letter signed by the General Sales Manager, Deputy General Sales Manager or Assistant General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, by which the supplier will have been notified that the price and commission are approved for financing, shall be submitted to the U.S. bank with the documents covering the first transaction under the contract. The unit price shown on the supplier's invoice must not exceed the approved price shown on the letter to the supplier from the Office of the General Sales Manager. For subsequent transactions under the same contract, the supplier shall certify on the detailed invoice as follows:

"I hereby certify that the signed copy of the notification of price and commission approval was submitted to ----------
(Name of U.S. bank)
with documents covering Invoice No. ------ dated ---------- for $-------."

(2) *Inspection Certificate.* A copy of a certificate (MI Form 412–3) issued by the Meat Inspection Division, C&MS, USDA, containing a determination as to wholesomeness. This certificate shall bear a serial number and shall show the export stamp numbers applied on the containers.

(3) *Agricultural Products Certificates.* A copy of Agricultural Products Certificate (Form LS–5) issued by the Meat Grading Branch, Livestock Division, C&MS, USDA, at the point of origin showing the name of the product, the number of containers in the unit shipment, gross tare and net weights, identity and seal numbers of car or truck, and compliance with specifications, and a copy of another Agricultural Products Certificate (Form LS–5) issued by the Meat Grading Branch, Livestock Division at dockside, showing the quantity and condition of containers and that the product is the same as that examined at the point of origin.

(m) *Poultry (Frozen Chickens and Turkeys).*

(1) A copy of the letter signed by the General Sales Manager, Deputy General Sales Manager, or Assistant General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, by which the supplier will have been notified that the price and commission are approved for financing, shall be submitted to the U.S. bank with the documents covering the first transaction under the contract. The unit price shown on the supplier's invoice must not exceed the approved price shown on the letter to the supplier from the Office of the General Sales Manager. For subsequent transactions under the same contract, the supplier shall certify on the detailed invoice as follows:

"I hereby certify that the signed copy of the notification of price and commission approval was submitted to ----------
(Name of U.S. bank)
with documents covering Invoice No. ------ dated ---------- for $-------."

(2) *Inspection Certificate.* A copy of a certificate (MI Form 412–3) issued by the Meat Inspection Division, C&MS, USDA, containing a determination as to wholesomeness. This certificate shall bear a serial number and shall show the export stamp numbers applied on the containers.

(3) *Agricultural Products Certificates.* A copy of Agricultural Products Certificate (Form LS–5) issued by the Meat Grading Branch, Livestock Division, C&MS, USDA, at the point of origin showing the name of the product, the number of containers in the unit shipment, gross tare and net weights, identity and seal numbers of car or truck, and compliance with specifications, and a copy of another Agricultural Products Certificate (Form LS–5) issued by the Meat Grading Branch, Livestock Division at dockside, showing the quantity and condition of containers and that the product is the same as that examined at the point of origin.

(n) *Poultry (Frozen Chickens and Turkeys).*

(1) A copy of the letter signed by the General Sales Manager, Deputy General Sales Manager, or Assistant General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, by which the supplier will have been notified that the price and commission are approved for financing, shall be submitted to the U.S. bank with the documents covering the first transaction under the contract. The unit price shown on the supplier's invoice must not exceed the approved price shown on the letter to the supplier from the Office of the General Sales Manager. For subsequent transactions under the same contract, the supplier shall certify on the detailed invoice as follows:

"I hereby certify that the signed copy of the notification of price and commission approval was submitted to ----------
(Name of U.S. bank)
with documents covering Invoice No. ------ dated ---------- for $-------."

(2) *Inspection Certificate.* A copy of a certificate (MI Form 412–3) issued by the Meat Inspection Division, C&MS, USDA, containing a determination as to wholesomeness. This certificate shall bear a serial number and shall show the export stamp numbers applied on the containers.

(3) *Agricultural Products Certificates.* A copy of Agricultural Products Certificate (Form LS–5) issued by the Meat Grading Branch, Livestock Division, C&MS, USDA, at the point of origin showing the name of the product, the number of containers in the unit shipment, gross tare and net weights, identity and seal numbers of car or truck, and compliance with specifications, and a copy of another Agricultural Products Certificate (Form LS–5) issued by the Meat Grading Branch, Livestock Division at dockside, showing the quantity and condition of containers and that the product is the same as that examined at the point of origin.

(o) *Poultry (Frozen Chickens and Turkeys).*

(1) A copy of the letter signed by the General Sales Manager, Deputy General Sales Manager, or Assistant General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, by which the supplier will have been notified that the price and commission are approved for financing, shall be submitted to the U.S. bank with the documents covering the first transaction under the contract. The unit price shown on the supplier's invoice must not exceed the approved price shown on the letter to the supplier from the Office of the General Sales Manager. For subsequent transactions under the same contract, the supplier shall certify on the detailed invoice as follows:

"I hereby certify that the letter of notification of price and commission approval was submitted to ---------- with
(Name of U.S. bank)
documents covering Invoice No. ---------- dated ---------- for $----------."

(2) *In the case of sweetened condensed milk.*

(i) *Inspection Certificate.* (Quality, Weight, etc.) One copy of Inspection, Grading and Weight Certificate (Form DA-214 or DA-214-A) issued by the Inspection and Grading Branch, Dairy Division, Consumer and Marketing Service, U.S. Department of Agriculture, showing the quality and weight of the sweetened condensed milk and a statement that the product meets the specifications of the contract and section (n)(4) of Appendix A and was packaged in accordance with the requirements of the contract(s) and of section 11.8(d) of this subpart.

(ii) *Inspection Certificate.* (Dockside.) One copy of Inspection, Grading and Weight Certificate (Form DA-214 or DA-214-A) covering inspection of the commodity at dockside showing quantity and condition of containers and verification that the product is same as that reported on the Inspection, Grading and Weight Certificates obtained under paragraph (2)(i) above.

(3) *In the case of evaporated milk,*

(i) *Inspection Certificate.* (Quality, Weight, etc.)

One copy of Evaporated Milk Grading Certificate (Form DA-142 or DA-142-A) issued by the Inspection and Grading Branch, Dairy Division, Consumer and Marketing Service, U.S. Department of Agriculture, showing the quality and weight of the product and a statement that the product meets the specifications of the contract and section (n)(5) of Appendix A and was packaged in accordance with the requirements of the contract(s) and section 11.8(d) of this subpart.

(ii) *Inspection Certificate.* (Dockside.) One copy of Evaporated Milk Grading Certificate (Form DA-142 or DA-142-A) covering inspection of commodity at dockside showing quantity and condition of containers and verification that the product is same as that reported on the Evaporated Milk Grading Certificate obtained under paragraph (3)(i) above.

(o) *Nonfat Dry Milk.*

(1) *Notification of price approval.* A letter signed by the General Sales Manager, Deputy General Sales Manager, or Assistant General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, by which the supplier will have been notified that the price and commission are approved for financing shall be submitted to the U.S. bank with the documents covering the first transaction under the contract. The unit price shown on the supplier's invoice must not exceed the approved price shown on the letter to the supplier from the Office of the General Sales Manager. For subsequent transactions under the same contract, the supplier shall certify on the detailed invoice as follows:

"I hereby certify that the signed letter of notification of price and commission approval was submitted to ----------
(Name of U.S. bank)
with documents covering Invoice No. ------ dated ---------- for $------."

(2) *Grading Certificate.* (Inspection at Processing Plant.) One copy of Dry Milk Grading Certificate (Form DA-136, DA-136-1, or DA-136-A) issued by the Inspection and Grading Branch, Dairy Division, Consumer and Marketing Service, U.S. Department of Agriculture, showing the quality and weight of the product and a statement that the product met the specifications of the contract and section (o)(3) of Appendix A and was packaged in accordance with the requirements of the contract(s) and of section 11.8(d) of this subpart, or in the event the nonfat dry milk was obtained from CCC pursuant to CCC Announcement MP-10, and it is being exported in the same package as received from CCC stocks, the following shall apply: In lieu of the copy of the Dry Milk Grading Certificate (Form DA-136, DA-136-1, or DA-136-A) required above, a copy of the Dry Milk Grading Certificate (Form DA-136, DA-136-1, or DA-136-A) covering the nonfat dry milk at the time of delivery by CCC to the supplier shall be required. The dry Milk Grading Certificate(s) shall be accompanied by the supplier's statement:

"The nonfat dry milk is being exported in the same packages as received from CCC, and such packaging is in accordance with the requirements of the contract."

(3) *Grading Certificate.* (Dockside.) One copy of Dry Milk Grading Certificate (Form DA-136, DA-136-1, or DA-136-A) covering inspection of commodity at dockside showing quantity and condition of containers and verification that the product is same as that reported on the Dry Milk Grading Certificates obtained under paragraph (2) above. In the case of nonfat dry milk exported in the same packages as received from CCC, any labels or brand names applied must be noted on the certificate.

(4) *Supplier's invoice.* The supplier's detailed invoice shall show the following typed or stamped certification executed by the supplier:

"The undersigned hereby certifies that any quantity of the nonfat dry milk covered by this invoice, which is being exported in satisfaction of an export obligation arising out of a purchase of nonfat dry milk from CCC, is of the same grade as, or a better grade than, such nonfat dry milk purchased from CCC."

(p) *Dry Whole Milk.*

(1) *Notification of price approval.* A letter signed by the General Sales Manager, Deputy General Sales Manager, or Assistant General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, by which the supplier will have been notified that the price and commission are approved for financing shall be submitted to the U.S. bank with the documents covering the first transaction under the contract. The unit price shown on the supplier's invoice must not exceed the approved price shown on the letter to the supplier from the Office of the General Sales Manager. For subsequent transactions under the same contract, the supplier shall certify on the detailed invoice as follows:

"I hereby certify that the signed letter of notification of price and commission approval was submitted to ----------
(Name of U.S. bank)
with documents covering Invoice No. ------ dated ---------- for $------."

(2) *Grading Certificate.* (Inspection at Processing Plant.) One copy of Dry Milk Grading Certificate (Form DA-136, DA-136-1, or DA-136-A) issued by the Inspection and Grading Branch, Dairy Division, Consumer and Marketing Service, U.S. Department of Agriculture, showing the quality and weight of the product and a statement that the product met the specifications of the contract and section (p)(3) of Appendix A and was packaged in accordance with the requirements of the contract(s) and of section 11.8(d) of this subpart.

(3) *Grading Certificate.* (Dockside.) One copy of Dry Milk Grading Certificate (Form DA-136, DA-136-1, or DA-136-A) covering inspection of commodity at dockside showing quantity and condition of containers and verification that the product is the same as that reported on the Dry Milk Grading Certificates obtained under paragraph (2) above.

(q) *Butter.*

(1) *Notification of price approval.* A letter signed by the General Sales Manager, Deputy General Sales Manager, or Assistant General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, by which the supplier will have been notified that the price and commission are approved for financing shall be submitted to the U.S. bank with the documents covering the first transaction under the contract. The unit price shown on the supplier's invoice must not exceed the approved price shown on the letter to the supplier from the Office of the General Sales Manager. For subsequent transactions under the same contract, the supplier shall certify on the detailed invoice as follows:

"I hereby certify that the signed letter of notification of price and commission approval was submitted to ----------
(Name of U.S. bank)
with documents covering Invoice No. ------ dated ---------- for $------."

(2) *Grading Certificate.* (Quality, Weight, etc.) One copy of Butter Grading Certificate (Form DA-126 or DA-126-a) issued by the Inspection and Grading Branch, Dairy Division, Consumer and Marketing Service, U.S. Department of Agriculture, showing the quality and weight of the product and a statement that the product met the specifications of the contract and of section (q)(3) of Appendix A and was packaged in accordance with the requirements of the contract(s) and of section 11.8(d) of this subpart, or in the event the butter was obtained from CCC pursuant to CCC Announcement MP-10, and it is being exported in the same packages as received from CCC stocks, the following shall apply:

In lieu of the copy of the Butter Grading Certificates (Form DA-126 or DA-126a) required above, a copy of the Butter Grading Certificate (Form DA-126 or DA-126a) covering the butter at the time of delivery by CCC to the supplier shall be required. The Butter Grading Certificate(s) shall be accompanied by the supplier's statement:

"The butter is being exported in the same packages as received from CCC, and such packaging is in accordance with the requirements of the contract."

(3) *Grading Certificate.* (Dockside.) One copy of Butter Grading Certificate (Form DA-126 or DA-126a) covering inspection of commodity at dockside showing quantity and condition of containers and verification that the product is same as that reported on Butter Grading Certificate obtained under paragraph (2) above. In the case of butter exported in the same packages received from CCC, any labels or brand names applied must be noted on the certificate. (If labels or brand names are used they must comply with the requirements of section 11.8(d) of this subpart.)

(4) *Supplier's invoice.* The supplier's detailed invoice shall show the following typed or stamped certification executed by the supplier:

"The undersigned hereby certifies that any quantity of the butter covered by this invoice, which is being exported in satisfaction of an export obligation arising out of a purchase of butter from CCC, is of the same grade as, or a better grade than, such butter purchased from CCC."

(r) *Anhydrous Milk Fat and/or Anhydrous Butter Fat and/or Butter Oil.*

(1) *Notification of price approval.* A letter signed by the General Sales Manager, Deputy General Sales Manager, or Assistant General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, by which the supplier will have been notified that the price and commission are approved for financing shall be submitted to the U.S.

bank with the documents covering the first transaction under the contract. The unit price shown on the supplier's invoice must not exceed the approved price shown on the letter to the supplier from the Office of the General Sales Manager. For subsequent transactions under the same contract, the supplier shall certify on the detailed invoice as follows:

"I hereby certify that the signed letter of notification of price and commission approval was submitted to ----------
(Name of U.S. bank)
with documents covering Invoice No. ------ dated ---------- for $------."

(2) *Inspection Certificate.* (Quality, Weight, etc.) One copy of Inspection, Grading and Weight Certificate (Form DA-214 or DA-214-A) issued by the Inspection and Grading Branch, Dairy Division, Consumer and Marketing Service, U.S. Department of Agriculture, showing the quality and weight of the product and a statement that the product met the specifications of the contract and of section (r)(3) of appendix A and was packaged in accordance with the requirements of the contract(s) and of section 11.8(d) of this subpart.

(3) *Inspection Certificate.* (Dockside.) One copy of Inspection, Grading and Weight Certificate (Form DA-214 or DA-214-A) covering inspection of commodity at dockside showing quantity and condition of containers and verification that product is same as that reported on the Inspection, Grading and Weight Certificate obtained under paragraph (2) above.

(4) *Supplier's invoice.* The supplier's detailed invoice shall show the following typed or stamped certification executed by the supplier:

"The undersigned hereby certifies that any quantity of the products covered by this invoice, which is being exported in satisfaction of an export obligation arising out of a purchase of the product from CCC, is of the same grade as, or a better grade than, such product purchased from CCC."

(s) *Cheese (Cheddar and/or Process).*

(1) *Notification of price approval.* A letter signed by the General Sales Manager, Deputy General Sales Manager, or Assistant General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, by which the supplier will have been notified that the price and commission are approved for financing shall be submitted to the U.S. bank with the documents covering the first transaction under the contract. The unit price shown on the supplier's invoice must not exceed the approved price shown on the letter to the supplier from the Office of the General Sales Manager. For Subsequent transactions under the same contract, the supplier shall certify on the detailed invoice as follows:

"I hereby certify that the letter of notification of price and commission approval was submitted to ---------- with
(Name of U.S. bank)
documents covering Invoice No. ---------- dated ---------- for $ ---------."

(2) *Grading Certificate.* (Quality, Weight, etc.) One copy of Chcese Grading Certificate (Form DA-131 or DA-131a) issued by the Inspection and Grading Branch, Dairy Division, Consumer and Marketing Service, U.S. Department of Agriculture, showing the quality and weight of the product and a statement that the product met the specifications of the contract and of section (s)(3) of Appendix A was packaged in accordance with the requirements of the contract(s) and of section 11.8(d) of this subpart, or in the event the cheese was obtained from CCC pursuant to CCC Announcement MP-10, and it is being exported in the same packages as received from CCC stocks, the following shall apply:

In lieu of the copy of the Cheese Grading Certificate (Form DA-131 or DA-131a) required above, a copy of the Cheese Grading Certificate (Form DA-131, or DA-131a) covering the cheese at the time of delivery by CCC to the supplier shall be required. The Cheese Grading Certificate shall be accompanied by the supplier's statement:

"The cheese is being exported in the same packages as received from CCC, and such packaging is in accordance with the requirements of the contract."

(3) *Inspection at Dockside.* One copy of Cheese Grading Certificate (Form DA-131 or DA-131a) covering inspection of commodity at dockside showing quantity and condition of containers and verification that product is same as that reported on the Cheese Grading Certificate obtained under paragraph (2) above. In the case of cheese exported in the same packages as received from CCC any labels or brand names applied must be noted on the certificate. (If labels or brand names are used they must comply with the requirements of section 11.8(d) of this subpart.)

(4) *Supplier's invoice.* The supplier's detailed invoice shall show the following typed or stamped certification executed by the supplier:

"The undersigned hereby certifies that any quantity of the cheese covered by this invoice, which is being exported in satisfaction of an export obligation arising out of a purchase of cheese from CCC, is of the same grade as, or a better grade than, such cheese purchased from CCC."

(t) *Ghee.*

(1) *Notification of price approval.* A letter signed by the General Sales Manager, Deputy General Sales Manager, or Assistant General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, by which the supplier will have been notified that the price and commission are approved for financing shall be submitted to the U.S. bank with the documents covering the first transaction under the contract. The unit price shown on the supplier's invoice must not exceed the approved price shown on the letter to the supplier from the Office of the General Sales Manager. For subsequent transactions under the same contract, the supplier shall certify on the detailed invoice as follows:

"I hereby certify that the letter of notification of price and commission approval was submitted to ---------- with
(Name of U.S. bank)
documents covering Invoice No. ---------- dated ---------- for $---------."

(2) *Inspection Certificate.* (Quallty, Weight, etc.)

One copy of Inspection, Grading and Weight Certificate (Form DA-214 or DA-214-A) issued by the Inspection and Grading Branch, Dairy Division, Consumer and Marketing Service, U.S. Department of Agriculture, showing the quality and weight of the product and a statement that the product met the specifications of the contract and of section (t)(4) of Appendix A and was packaged in accordance with the requirements of the contract(s) and of section 11.8(d) of this subpart.

(3) *Inspection.* (Dockside.) One copy of Inspection, Grading and Weight Certificate (Form DA-214 or DA-214-A) covering inspection of ghee at dockside showing quantity and condition of containers and verification that the ghee is same as that reported on the Inspection, Grading and Weight Certificate obtained under paragraph (2) above.

(4) *Supplier's invoice.* The supplier's detailed invoice shall show the following typed or stamped certification executed by the supplier: "The undersigned hereby certifies that any quantity of the ghee covered by this invoice, which is being exported in satisfaction of an export obligation arising out of a purchase of butter from CCC was processed from butter of the same or better grade as such butter purchased from CCC."

(u) *Stabilized Dried Whole Eggs.*

(1) *Notice of price approval.* A letter signed by the General Sales Manager, Deputy General Sales Manager, or Assistant General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, by which the supplier will have been notified that the price and commission are approved for financing shall be submitted to the U.S. bank with the documents covering the first transaction under the contract. The unit price shown on the supplier's invoice must not exceed the approved price shown on the letter to the supplier from the Office of the General Sales Manager. For subsequent transactions under the same contract, the supplier shall certify on the detailed invoice as follows:

"I hereby certify that the signed letter of notification of price and commission approval was submitted to ---------- with
(Name of U.S. bank)
documents covering Invoice No. ------ dated ---------- for $------."

(2) *Inspection Certificate.* (Quality, weight, etc.) One copy of Egg Products Inspection Certificate (Form PY-200) issued by the Grading Branch, Poultry Division, Consumer and Marketing Service, U.S. Department of Agriculture, showing the quality and weight of the product and a statement that the product met the specifications of the contract and of section (u)(4) of Appendix A and was packaged in accordance with the requirements of the contract(s) and of section 11.8(d) of this subpart.

(3) *Inspection Certificate.* (Dockside.) One copy of Poultry Products Grading Certificate (Form PY-225) issued by the Poultry Division, C&MS, USDA, at dockside showing quantity and condition of containers and a certification that the product is the same as that reported on Egg Products Inspection Certificate (Form PY-200).

(v) *Upland Cotton.*

(1) *Weight Certificate.* One copy (or photostat) of the weight and tare sheets certified by a U.S. warehouseman or one copy (or photostat) of a weight certificate and tare sheets issued at U.S. port of export by an authorized weigher. The certification of the U.S. warehouseman or authorized weigher must show markings, supplier's name, CCC Registration Number, Purchase Authorization Number, gross weight, type of bagging, number of ties, and weight of patches, if any, for each bale and the tare. The gross weight minus tare shall constitute net weight. The certification must also state that cotton in the shipment was weighed after the last sampling and not more than 30 days prior to the date of certification.

(2) *Port or Custody Bill of Lading.* In lieu of the bill of lading required in section 11.13 of the Regulations there may be substituted a nonnegotiable copy (or photostat) of a Port or Custody Bill of Lading dated within the delivery period specified in the purchase authorization, with on-board endorsement dated not later than 20 days after the final delivery date specified in the purchase authorization.

(3) *Supplier's invoice.* The supplier's invoice shall show the contract terms of weight settlement, and unless the sale is made against private types, the quality described in terms of the Official Cotton Standards of the United States.

(4) *CCC Registration Number.* All documents shall be identified with the CCC Registration Number.

(5) *Eligibility for financing.* In order to be eligible for CCC financing the provisions of section (v)(1) of Appendix A must be complied with.

(w) *Extra Long Staple Cotton.*

(1) *Weight Certificate.* One copy (or photostat) of the weight and tare sheets certified by a United States warehouseman or one copy (or photostat) of a weight certificate and tare sheets issued at U.S. port of export

by an authorized weigher. The certification of the United States warehouseman or authorized weigher must show markings, supplier's name, CCC Registration Number, Purchase Authorization Number, gross weight, type of bagging, number of ties, and weight of patches, if any, for each bale and the tare. The gross weight minus tare shall constitute net weight. The certification must also state that cotton in the shipment was weighed after the last sampling and not more than 30 days prior to the date of certification.

(2) *Port or Custody Bill of Lading.* In lieu of the bill of lading required in section 11.13 of the Regulations there may be substituted a nonnegotiable copy (or photostat) of a Port or Custody Bill of Lading dated within the delivery period specified in the purchase authorization, with on-board endorsement dated not later than 20 days after the final delivery date specified in the purchase authorization.

(3) *Supplier's invoice.* The supplier's invoice shall show the contract terms of weight settlement, and unless the sale is made against private types, the quality described in the terms of the Official Cotton Standards of the United States.

(4) *CCC Registration Number.* All documents shall be identified with the CCC Registration Number.

(5) *Eligibility for financing.* In order to be eligible for CCC financing the provisions of section (w)(1) of Appendix A must be complied with.

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Civil Service Commission
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Consumer and Marketing Service
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Federal Housing Administration
Federal Maritime Commission
Federal Power Commission
Federal Register Administrative Committee
Federal Trade Commission
Fish and Wildlife Service
Interior Department
Interstate Commerce Commission
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Land Management Bureau
Securities and Exchange Commission
Small Business Administration
Veterans Administration

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1934

Just Released

LIST OF CFR SECTIONS AFFECTED

January–November 1965

(Codification Guide)

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1965, and specifies how they are affected.

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PROPOSED RULES:
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1125 15592

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201 15587

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121 15596

14 CFR

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39 15566
71 15567
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71 (4 documents) 15592, 15593

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15 15584

17 CFR

PROPOSED RULES:
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665 (revoked in part by PLO 3901) 15587
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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show the exception under Schedule C of the position of Confidential Secretary to each of the Assistants to the Secretary of the Department of Health, Education, and Welfare. Effective on publication in the FEDERAL REGISTER, subparagraph (14) of paragraph (a) of § 213.3316 is amended as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

(a) *Office of the Secretary.* • • •

(14) One Confidential Secretary to each of the Assistants to the Secretary authorized under subparagraph (4) of this paragraph.

• • • • • •

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65-13498; Filed, Dec. 16, 1965; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 6545; Amendment 37-4]

PART 37—TECHNICAL STANDARD ORDER

Airborne Low-Range Radio Altimeter Equipment

The purpose of this amendment is to add a new Technical Standard Order (TSO) for Airborne Low-Range Radio Altimeter Equipment to Part 37 of the Federal Aviation Regulations. This TSO contains the minimum performance standards which such equipment must meet in order for the manufacturer to identify it with the applicable TSO marking.

The amendments set forth hereinafter are based on, and reflect the pertinent comments received concerning Notice 65-8, published 30 F.R. 4206, March 31, 1965. Except as modified by the following discussion, the reasons for these amendments are those contained in the notice.

In connection with the foregoing, comments were received pointing out certain problems which would be encountered in demonstrating the accuracy for radio-altimeters in-flight as required under the proposed minimum performance standards. While it was recognized that some limited in-flight measurements must be made, a relaxation of the in-flight accuracy requirement was suggested in recognition of the additional instrumentation errors associated with in-flight measurements. Moreover, because of the difficulties of measurement of some of the parameters it was recommended that the various measurement conditions need not be applied simultaneously but may be combined by analytical methods. Finally, since some of the in-flight testing could introduce hazards to those conducting the tests at very low altitudes, it was suggested that the TSO permit showing of compliance with the accuracy requirements by suitable combination of direct measurement data from laboratory tests, supplemented by appropriate in-flight measurements, calculations and extrapolations where it is not practical to obtain direct measurements. It was intended in the proposal to permit the use of other methods and laboratory test procedures in meeting the standard. The Agency, therefore, agrees that in-flight and laboratory data with calculations and extrapolations are acceptable to substantiate the performance of the equipment under various measurement conditions. Furthermore, the Agency believes that the regulation should permit the data to be obtained under individual measurement conditions and the results combined by analytical methods to determine overall performance under combinations of measurement conditions. However, the Agency considers that if these procedures are followed, the accuracy requirements of the proposal can be met without additional allowance for instrumentation errors. The requirements of paragraph 2.0 of the standard have been clarified in accordance with the foregoing.

A comment was also received to the effect that the requirements of the proposed paragraph 2.1, Accuracy of Pilot's Display, with the changes in vertical velocity specified under paragraph 2.4, Time Constant, may not provide satisfactory operation for aircraft approaches over built-up areas where buildings appear at random within the altimeter beam. It was suggested that there would be a danger of frequent loss of lock in a system just meeting these minimum performance requirements. However, the Agency is aware that on the final approach to landing, where operation of the radio altimeter would become critical, the terrain is generally flat and relatively free of buildings or high objects which could contribute to a frequent loss of lock in a system meeting the minimum standards.

In response to a comment received, a clarifying sentence has been added to the note following Table I in paragraph 2.1, stating that the altitude presented by the radio altimeter may be offset by the vertical distance between the antennas and the terrain at touchdown. This will allow the instrument to be calibrated to read zero with the aircraft in a touchdown attitude which is the way the altimeter is normally used.

According to one commentor, the proposed requirement for accuracy of radio altitude display is too restrictive and would rule out the use of radio altitude displays incorporated as part of the flight director display. It was suggested that a note be added to the standard which would, in effect, permit the use of a flight director display in lieu of the indicator provided for the radio altimeter. The basic radio altimeter indicator, which provides altitude information with the required accuracy, is used to alert the pilot when the minimum decision altitude is reached. Since integrated flight director instruments do not provide the required accuracy for this function, we do not concur that the proposal should be changed as suggested.

Several comments recommended that the performance requirements for the Failure Warning System set forth in paragraph 2.6 of the minimum standards be changed to simplify the conditions under which the system must alarm. The comments also recommended the deletion of the requirement that the radio altimeter be designed so that the indicator pointer would move off scale and be masked upon activation of the warning system. After consideration of these comments and after further study by the Agency, the proposed requirements concerning the failure warning system have been changed as recommended. In this connection, the Agency now believes that the failure warning system need only indicate to the pilot or any system utilizing the altimeter data when there is a loss of power or a loss of signal or altitude sensing capability within the manufacturer's stated operating altitude range. Moreover, the proposed visual alarm indicator characteristic requirements have been changed to delete the requirement concerning the masking of the indicator pointer or the digits, if a digital indicator is used. These changes represent a relaxation of the requirements set forth in Notice 65-8, while at the same time, providing the necessary warning system.

In the proposal, a self-test feature was not required for the radio altimeter. However, the proposal did contain minimum performance standards for such a

feature if it were provided. In response to comments received the Agency has subsequently determined that the proposed requirement that the self-test feature be so designed that it would not cause a response in the autopilot or any other system is not appropriately a design requirement but rather an installation requirement. Moreover, it now appears that the performance standards proposed for the self-test feature are not necessary but that the standard need only require that any probable malfunction of the self-test feature will not degrade the performance of the radio altimeter.

The maximum altitude range for the radio altimeter has been changed to 500 feet in response to comments received. At the time the notice was issued, it was felt that the pilot should have accurate altitude information from 1,200 feet to touchdown for a safe instrument approach under Category II minimums. Experience since then has shown that accurate altitude information from 500 feet to touchdown is sufficient.

A recommendation was made that the vibration requirements of Categories A and F of the FAA Environmental Test Procedures for Airborne Electronic Equipment should be increased since they are less than the vibrations which have been measured in some light helicopters in the low frequency range. The Agency is aware that a vibration environment more severe than that set forth in the Environmental Test Procedures may exist for light helicopters. However, the comment did not contain sufficient data to support the recommended change and the Agency has not had sufficient experience on which to base such a change. Therefore, the recommended change has not been made pending further study by the Agency.

A comment was received listing various features as being desirable for radio altimeters from an operational standpoint and recommending that such features be included in the required minimum standards. While certain of the features listed were provided for in the proposed minimum performance standards, the Agency does not have sufficient justification to warrant establishing the remaining features as minimum requirements. Moreover, a change incorporating such features as minimum standards would be outside the scope of Notice 65–8.

A comment was received recommending that the Technical Standard Order be limited in scope to equipment used in air carrier aircraft. In response to this comment, it should be pointed out that TSO's are directions to manufacturers holding authorizations under the system. As Part 37 indicates, the minimum performance standards set forth in the TSO's are the standards with which a manufacturer must show compliance in order to identify his article with the applicable TSO marking. The Technical Standard Order system merely provides one means by which equipment is approved and unless the operating rules require that equipment be TSO-approved, an operator may use any approved equipment. For this reason, reference to the type of operations in which such equipment might be used was not incorporated into the applicability provision of the TSO on radio altimeters as set forth in Notice 65–8 and the recommended change has not been made to the final rule.

With respect to the provisions of Appendix A of the proposed minimum standards, a comment was made that the simulator described in paragraph 1.6 of the appendix is not practical for simulation of high altitudes due to excessive attenuation in long coaxial cables. It was suggested that if the higher altitude simulations are desired, the paragraph be rewritten to be more general in its instrumentation requirements reflecting the basic necessity to test the altimeter for adequate RF sensitivity and sufficient readout accuracy. Paragraph 1.6 describes an acceptable altitude simulator which simulates the operation of the radio altimeter at low altitudes where precise altitude measurements are required. Therefore, the Agency considers the standard adequate as proposed.

There were a number of comments based on the recommendation that the value selected for the vertical incidence unit scattering radar cross section of the ground, 0^{-}_{o} (0), be changed from 0.006 to 0.08. However, the Agency does not consider such a change to be appropriate. A considerable amount of data accumulated for both pulse and FM/CW radio altimeters in the 4,200–4,400 Mc region involving many flight tests over a wide variety of terrain and practical problems of adjustment, maintenance, and calibration was used in arriving at a value of 0^{-}_{o} (0)=0.006. The recommended value of 0^{-}_{o} (0)=0.08 would result in derogation of the equipment and could result in unsatisfactory operation of the equipment under all operating conditions which may be encountered in service. Therefore, the Agency does not consider this recommended change or any of the changes related to such recommendation appropriate as amendments to the proposal.

In addition to the foregoing, there were several minor changes made in the proposed standard for the purpose of clarifying the requirements or correcting typographical errors in the notice.

This amendment is issued under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1354 and 1421).

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489) Part 37 of the Federal Aviation Regulations (14 CFR Part 37), is amended by adding a new § 37.193 as set forth below effective February 1, 1966.

Issued in Washington, D.C., on December 8, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

§ 37.193 Airborne Low-Range Radio Altimeter TSO–C87.

(a) *Applicability.* This Technical Standard Order prescribes the minimum performance standards which airborne low-range radio altimeter equipment must meet in order to be identified with the applicable TSO marking. New models of the equipment which are to be so identified and which are manufactured on or after the effective date of this section must meet the Minimum Performance Standards for Airborne Low-Range Radio Altimeters set forth at the end of this section.

(b) *Markings.* (1) In addition to the markings required by § 37.7, the equipment must be marked to indicate the environmental extremes over which it has been designed to operate. There are six environmental procedures outlined in the "Environmental Test Procedures for Airborne Electronic Equipment" which have categories established. These must be identified on the nameplate by the words "Env. Cat." followed by six letters which identify the categories designated in the document. Reading from left to right, the category designations must appear on the nameplate in the following order so that they may be readily identified—

(i) Temperature-altitude category;
(ii) Vibration category;
(iii) Audio-frequency magnetic field susceptibility category;
(iv) Radio-frequency susceptibility category;
(v) Emission of spurious radio-frequency energy category; and
(vi) Explosion category.

(2) A typical nameplate identification might be as follows: Env. Cat. DBAAAX.

(3) If a manufacturer desires to substantiate his equipment under two categories, he must mark the nameplate with both categories in the space designated for that category by placing one letter above the other in the following manner:

Env. Cat. ABAAAX
D

(c) *Data requirement.* In accordance with § 37.5, the manufacturer must furnish to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency in the region in which the manufacturer is located, the following technical data:

(1) Manufacturer's operating instructions and equipment limitations.

(2) Installation procedures with applicable schematic drawings, wiring diagrams, and specifications. Any limitations, restrictions, or other conditions pertinent to installation must be indicated.

(3) One copy of the manufacturer's test report.

(d) *Previously approved equipment.* Airborne low-range radio altimeter models approved prior to the effective date of this section may continue to be manufactured under the provisions of their original approval.

MINIMUM PERFORMANCE STANDARDS FOR AIRBORNE LOW-RANGE RADIO ALTIMETERS

1.0 *General Standards.*

1.1 *Rating of Components.* The equipment shall not incorporate any component of such rating that, when the equipment is operated throughout the range of the specified environmental tests, the rating established by the manufacturer of the component is exceeded. For electron tubes and transistors, either the tube or transistor manufacturer's continuous commercial service rating, his established pulse rating, or his approved rating as applied to the particular application, whichever is appropriate, shall apply, except for the heaters and filaments. The voltage applied to the heaters and filaments of electron tubes shall be within 5 percent of the manufacturer's rating, or at a value approved by the tube manufacturer for the particular service, when the equipment is operated under standard operating conditions. When the heaters and filaments are connected in series, the 5 percent tolerance shall apply to the sum of their voltage ratings.

1.2 *Operation of Controls.* The operation of controls intended for use during flight, at all possible position combinations and sequences, shall not result in a condition whose presence or continuation would be detrimental to the continued performance of the equipment.

1.3 *Accessibility of Controls.* Controls which are not normally adjusted in flight shall not be readily accessible to flight personnel.

1.4 *Effects of Tests.* Unless otherwise stated, the application of the specified tests shall produce no subsequently discernible condition which would be detrimental to the continued performance of the equipment.

2.0 *Minimum Performance Standards Under Standard Conditions*

The test procedures applicable to the determination of the performance of airborne low-range radio altimeter equipment under standard conditions are set forth in Appendix A of this standard. Test procedures which provide equivalent information may be used. Compliance with the performance requirements may be shown by an appropriate combination of data obtained from the laboratory and/or flight measurements. Calculations and extrapolations employing the basic test data may be used to make a direct determination of equipment performance by means of these basic test procedures.

2.1 *Accuracy of Pilot's Display.* The altitude information displayed for the pilot's use shall not exhibit errors in excess of those set forth in Column 1 of Table I for 95 percent of all observations conducted under any combination of the measurement conditions listed with the table.

NOTE: The above measurement conditions need not be applied simultaneously but may be combined by analytical methods.

TABLE I.—ACCURACY REQUIREMENTS AND MEASUREMENT CONDITIONS

*Altitude** (ft)	*Vertical velocity* (ft./sec.)	*Column 1—Pilot's display*	*Column 2—Precision equipment output* (ft.)
3 to 100	0 to 15	±5 ft.	±3 ft.
100 to 500	0 to 20	±5%	±3%
500 to that altitude for which the equipment is designed	0 to 20	±7%	±5%

*That "one-way" distance measured from the antenna to the terrain. The altitude may be offset by a distance equal to the vertical distance between the antennas and the terrain at touchdown.

Measurement Conditions:

(1) Lateral velocities from 0 to 50 feet per second.
(2) Longitudinal velocities from 0 to 300 feet per second.
(3) Pitch angle range of 0 to ±15 degrees.
(4) Roll angle range of 0 to ±20 degrees.
(5) Vertical velocity from 0 to 15 feet per second up to 100 feet and 0—20 feet per second above 100 feet.

NOTE: Conditions 1 through 5 above include all associated doppler shift and step errors.

Further, the equipment shall continue to function and provide altitude information which exhibits no errors in excess of ±20 percent of the indicated altitude for 95 percent of all observations at bank angles from 20 to 30 degrees.

2.2 *Accuracy of the Precision Equipment Output.* The equipment need not provide as a condition of compliance with this minimum performance standard a precision equipment output for use in conjunction with autopilots, flight directors, or similar flight control computing devices. However, the altitude data supplied by such outputs, where provided, shall not exhibit errors in excess of those set forth in Column 2 of Table I for 95 percent of all observations conducted under any combination of the measurement conditions listed in 2.1.

2.3 *Precision Equipment Output Noise.* The r.m.s. noise content of the data provided by the precision equipment output shall be less than 0.25 foot at all altitudes up to 100 feet.

2.4 *Time constant.* When the equipment is abruptly subjected to an altitude change of not more than 10 percent of the indicated altitude or 20 feet whichever is smaller the transfer function time constant of the precision equipment output shall not exceed 0.1 second. Further, for transients of 20 feet or less at altitudes of 200 feet or less the system shall not lose lock. If the equipment should lose lock due to loss of signal at altitudes above 200 feet and up to the maximum altitude for which it is designed, it shall recapture the signal in less than one second.

2.5 *Rate Data.* The equipment need not provide a rate data output as a condition of compliance with this minimum performance standard. However, those altimeters which do have rate outputs shall comply with the following requirements regarding range and accuracy for at least 95 percent of all observations for heights from the terrain to the antenna in the range from:

RATE DATA

Altitude (ft.)	*Range* (ft./sec.)	*Accuracy* (ft./sec.)
3–100	0–15	±(1.5 ft.+0.01h+0.1|ṙ|)
100–200	0–20	±(2.0 ft.+0.01h+0.1|ṙ|)

Where:
h=altitude in feet.
|ṙ|=absolute value of rate (feet/sec.).

2.6 *Failure Warning System.*

(a) *Warning conditions.* A failure warning system shall be incorporated in the equipment to indicate to the pilot, and to any systems which may be utilizing the altimeter data, the existence of the following conditions:

(1) Loss of power.
(2) Loss of signal or altitude sensing capability when within the manufacturer's stated operating altitude range.

(b) *Warning indication characteristics.* An indication plainly discernible under all normal flight conditions shall be provided. If a flag is used, it shall be as large as practicable commensurate with the display.

2.7 *Self Test Feature.* If a self test-feature is provided, any probable malfunction of the self-test feature shall not degrade the performance of the radio altimeter.

2.8 *Transmitting Operating Frequency.* The transmitter shall be operated within a frequency band available for the operation of airborne radio altimeters in the Aeronautical Radio Navigation Service and in accordance with applicable Federal Aviation Agency and Federal Communications Commission Rules and Regulations.

2.9 *Maximum Altitude Range.* To satisfactorily perform its intended function, the maximum range shall be at least 500 feet.

3.0 *Minimum Performance Standards Under Environmental Conditions.*

Unless otherwise specified, the test procedures applicable to a determination of performance of radio altimeter equipment under environmental conditions are set forth in the FAA Document for "Environmental Test Procedures for Airborne Electronic Equipment", dated August 31, 1962.

3.1 *Temperature-Altitude.*

(a) Low Temperature—When subjected to this test:

(1) The requirements of paragraphs 2.3 and 2.6 shall be met.

(2) The requirements of paragraphs 2.1 and 2.2 shall be met using the procedure set forth in 2.2 of Appendix A.

(3) All mechanical devices shall perform their intended functions.

(b) High Temperature—

(1) When the equipment is operated at the High Short-Time Operating Temperature:

(a) The requirements of paragraphs 2.1 and 2.2 shall not be degraded by more than a factor of 2 from the values set forth using the procedures set forth in 2.2 and 2.3 respectively, of Appendix A.

(b) The requirements of paragraph 2.6 shall be met.

(c) All mechanical devices shall operate satisfactorily.

(2) When the equipment is operated at the High Operating Temperature:

(a) The requirements of paragraphs 2.3 and 2.6 shall be met.

(b) The requirements of paragraphs 2.1 and 2.2 shall be met using the procedures set forth in 2.2 of Appendix A.

(c) Decompression (Applicable only to Category D equipment of Temperature-Altitude Test)—When the equipment is subject to this test:

(1) The requirements of paragraphs 2.1 and 2.3 shall be met using the procedures set forth in 2.2 and 2.3, respectively, of Appendix A.

(2) All mechanical devices shall perform their intended functions.

(d) Altitude—When the equipment is subjected to this test:

(1) The requirements of paragraphs 2.3 and 2.6 shall be met.

(2) The requirements of paragraphs 2.1 and 2.2 shall be met using the procedures set forth in 2.2 of Appendix A.

3.2 *Humidity.* After subjection to this test and:

(a) Within 15 minutes from the time that primary power is applied:

(1) The requirements of paragraph 2.6 shall be met.

(2) All mechanical devices shall operate satisfactorily.

(b) Within 4 hours from the time that primary power is applied:

(1) The requirements of paragraphs 2.3 and 2.6 shall be met.

(2) The requirements of paragraphs 2.1 and 2.2 shall be met using the procedures set forth in 2.2 of Appendix A.

3.3 *Shock.*

(a) Following the application of the Operational Shocks.

(1) The requirements of paragraphs 2.3 and 2.6 shall be met.

(2) The requirements of paragraphs 2.1 and 2.2 shall be met using the procedures set forth in 2.2 of Appendix A.

(b) Following the application of the Crash Safety Shocks, the equipment shall have remained in its mounting and no part of the equipment or its mounting shall have become detached and free of the shock test table or the equipment under test.[1]

3.4 *Vibration.* When subjected to this test:

(a) The requirements of paragraphs 2.3 and 2.6 shall be met.

[1] The application of this test may result in damage to the equipment under test. Therefore, it may be conducted after the other tests are completed.

(b) The requirements of paragraphs 2.1 and 2.2 shall be met using the procedures set forth in 2.2 of Appendix A.

3.5 *Temperature Variation.* When subjected to this test:

(a) The requirements of paragraphs 2.3 and 2.6 shall be met.

(b) All mechanical devices shall perform their intended functions.

3.6 *Power Input Variation.* When subjected to this test:

(a) The requirements of paragraphs 2.3 and 2.6 shall be met.

(b) All mechanical devices shall perform their intended functions.

3.7 *Low Voltage.*

(a) When the equipment is subjected to the first part of the low voltage test procedure set forth in 9.2a, of Environmental Test Procedures for Airborne Electronic Equipment document.

(1) The equipment shall operate electrically and mechanically.

(2) The requirements of paragraph 2.6 shall be met.

(b) When the equipment is subjected to the second part of the low voltage test procedure set forth in 9.2b(1), of Environmental Test Procedures for Airborne Electronic Equipment document.

(1) The requirements of paragraphs 2.3 and 2.6 shall be met.

(2) The requirements of paragraphs 2.1 and 2.2 shall be met using the procedures set forth in 2.2 of Appendix A.

(c) When the equipment is subjected to the third part of the low voltage test procedure set forth in 9.2b(2), of Environmental Test Procedures for Airborne Electronic Equipment document, there shall be no evidence external to the equipment of the presence of fire or smoke.[1]

3.8 *Conducted Voltage Transient.*

(a) Subsequent to the subjection of the intermittent transient test, the requirements of paragraphs 2.1 and 2.3 shall be met using the procedures set forth in 2.2 of Appendix A.

(b) When being subjected to the repetitive transient test the requirements of paragraphs 2.3 and 2.6 shall be met.

3.9 *Conducted Audio-Frequency Susceptibility.* When subjected to this test:

(a) The requirements of paragraphs 2.3 and 2.6 shall be met.

(b) The requirements of paragraphs 2.1 and 2.2 shall be met using the procedures set forth in 2.2 of Appendix A.

3.10 *Audio-Frequency Magnetic Field Susceptibility.*

When subjected to this test:

(a) The requirements of paragraphs 2.3 and 2.6 shall be met.

(b) The requirements of paragraphs 2.1 and 2.2 shall be met using the procedures set forth in 2.2 of Appendix A.

3.11 *Radio-Frequency Susceptibility (Radiated and Conducted).* When subjected to this test:

(a) The requirements of paragraphs 2.3 and 2.6 shall be met.

(b) The requirements of paragraphs 2.1 and 2.2 shall be met using the procedures set forth in 2.2 of Appendix A.

3.12 *Explosion (When Required).* During the application of this test the equipment shall not cause detonation of the explosive mixture within the test chamber.

3.13 *Emission of Radio-Frequency Energy.* The levels of conducted and radiated spurious radio-frequency energy emitted by the equipment shall not exceed those levels specified in Appendix A to the Federal Aviation Agency document, "Environmental Test Procedures for Airborne Electronic Equipment", dated August 31, 1962, for the aircraft category for which the equipment is designed.

See footnote on previous page.

APPENDIX A

1.0 *Test Conditions.*

The following definitions of terms and conditions of test are applicable to the test procedures specified herein.

1.1 *Power Input Voltage-Direct Current.* Unless otherwise specified, when the equipment is designed for operation from a direct current power source, all measurements shall be conducted with the power input voltage adjusted to 13.75 volts, ±2 percent for 12–14 volt equipment, or to 27.5 volts, ±2 percent for 24–28 volt equipment. The input voltage shall be measured at the receiver power input terminals.

1.2 *Power Input Voltage-Alternating Current.* Unless otherwise specified, when the equipment is designed for operation from an alternating current power source all tests shall be conducted with the power input voltage adjusted to design voltage ±2 percent. In the case of equipment designed for operation from a power source of essentially constant frequency (e.g., 400 c.p.s.), the input frequency shall be adjusted to design frequency ±2 percent. In the case of equipment designed for operation from a power source of variable frequency (e.g., 350 to 1,000 c.p.s.), tests shall be conducted with the input frequency adjusted to within 5 percent of a selected frequency within the range for which the equipment is designed.

1.3 *Adjustment of Equipment.* The circuits of the equipment under test shall be properly aligned and otherwise adjusted in accordance with the manufacturer's recommended practices prior to the application of the specified tests.

1.4 *Ambient Conditions.* Unless otherwise specified, all tests shall be conducted under conditions of ambient room temperature, pressure, and humidity. However, the room temperature shall be not lower than 10° C.

1.5 *Warmup Period.* Unless otherwise specified, all tests shall be conducted after a warmup period of not less than fifteen (15) minutes.

1.6 *Description of Test Equipment.*

(a) Altitude Simulator. The altitude simulator consists of variable and fixed RF attenuators, and coaxial cables or other suitable delays to simulate the various altitudes. The simulator must accept the altimeter energy, attenuate and delay this RF energy and present the delayed signal of the altimeter receiver. The test equipment must also include provisions to simulate the cross-coupling which exists between separate transmitter and receiver antennas. The simulator should be calibrated to provide the desired altitude of an accuracy of better than 1 percent and the appropriate attenuation to within ± 2.5 db. The variable attenuator shall be calibrated in radar cross-section [$\sigma_0(o)$]* between the values of 0.003 and 1.0.

(b) Digital Voltmeter.

(c) AC VTVM.

(d) Demodulator. The Demodulator consists of a synchronous detector excited by an a.c. reference voltage. The bandwidth of the Demodulator should exceed 5 c.p.s. Ripple rejection should exceed 60 db. Means to set the Demodulator gain to unity should be provided. Means to balance the Demodulator output to zero should be provided.

(e) Filter. See Figure 2 or 3.

(f) Alarm Signal Monitor. The Alarm Signal Monitor consists of a simple indicator such as a pilot lamp.

(g) Remodulator. The Remodulator is an electronic or electromechanical switch excited by an a.c. reference voltage. It converts low frequencies to suppressed carrier modulation where the carrier frequency is the a.c. reference voltage. Means to set the Remodulator gain to unity should be provided.

* Defined in Appendix B.

2.0 *Test Procedures.*

The test procedures set forth herein are satisfactory for use in determining the performance of airborne low-range radio altimeters. Test procedures which provide equivalent information may be used.

2.1 *Accuracy (In-Flight).*

(a) Altitude Information. With the equipment installed in an aircraft, operate the equipment in flight over a runway or other smooth surface at altitudes and descent rates in accordance with paragraph 2.1. Determine the true altitude of the aircraft by theodolite or other means and compute the accuracy of the altitude information from the altimeter. Extrapolation of the test data by theoretical means, from the results so obtained, is permissible in order to demonstrate compliance with the standards in paragraphs 2.1 and 2.2.

(b) Altitude Rate Information. With the equipment installed in an aircraft, operate the equipment in flight over a runway or other smooth surface at altitudes and descent rates in accordance with paragraph 2.5. Determine the true descent rate of the aircraft and compute the accuracy of the altitude rate information from the altimeter. Extrapolation of test data by theoretical means, from the results so obtained, is permissible in order to demonstrate compliance with the standards in paragraph 2.5.

2.2 *Altitude Accuracy and Loop Gain.*

(a) Equipment Required: Altitude Simulator, Digital Voltmeter or AC VTVM, Flag Monitor.

The choice of voltmeters depends on the voltage output of the altimeter which could be a.c. or d.c.

(b) Measurement Procedures. Connect the equipment as shown in Figure 1. Set the altitude simulator to a specified altitude and a radar cross section [$\sigma_0(o)$] of 0.1. Monitor the altitude output with the voltmeter and verify altimeter calibration. Monitor pilots indicator and warning signal. Vary radar cross section [$\sigma_0(o)$] over the range of 1.0 to 0.01. Altitude indication should remain within the limits specified. Altimeter can lose track and indicate fail for [$\sigma_0(o)$] below 0.01.

Adjust the altitude simulator to another altitude and repeat the above measurements. Note in Appendix B a different total attenuation is required to permit the radar cross section [$\sigma_0(o)$] dial to remain in calibration.

2.3 *Altitude Noise.*

(a) Equipment Required: Altitude Simulator, Digital Voltmeter, Remodulator, AC VTVM, Filter.

If the altitude output is an a.c. voltage the following additional equipment is required:

Demodulator

(b) Measurement Procedure. Connect the equipment as shown in Figure 2 or 3. Set the altitude simulator to a specified altitude and a scattering radar cross section corresponding to [$\sigma_0(o)$] of 0.01. Read the r.m.s. voltage indicated by the a.c. VTVM. Convert to altitude noise in feet. The measurement should be repeated at one other simulated altitude.

2.4 *Time Constant.*

(a) Equipment Required: Altitude Simulator.

(b) Test Procedure. Couple the radio altimeter to the altitude simulator. Set the altitude simulator to an equivalent altitude of 100 to 200 feet. Insert a change in the delay equivalent to 10 percent of the indicated altitude. The analog output of the altimeter shall be observed and shall reach 63 percent of the ultimate change in 0.1 second or less with less than 5 percent overshoot. Consideration must be given to the time required for switching the delay in and/or out in the above measurement.

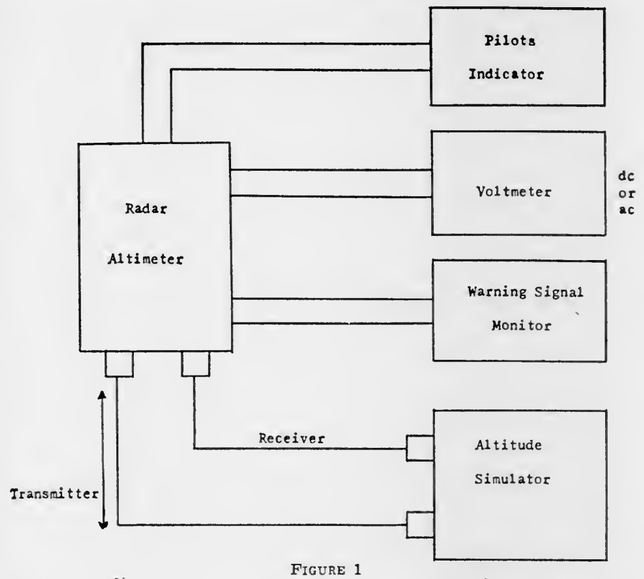


FIGURE 1

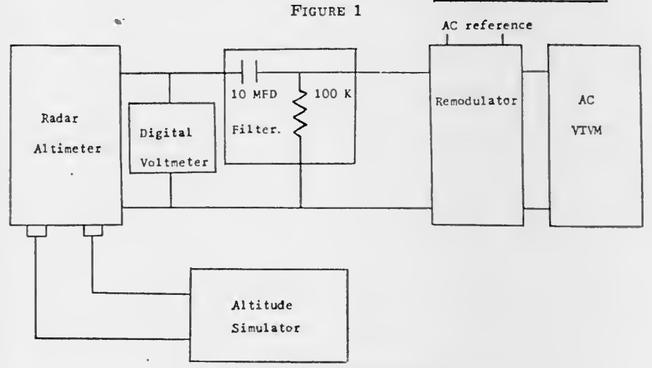


FIGURE 2—DC altitude output.

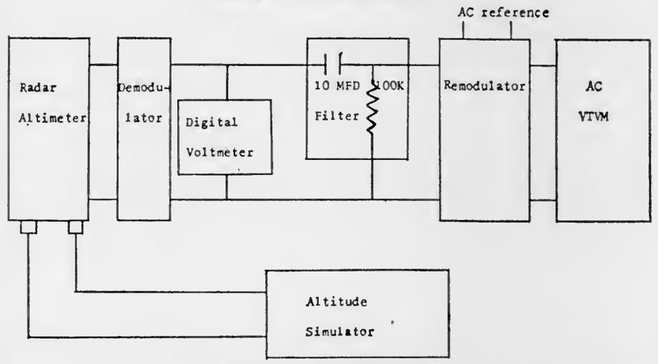


FIGURE 3—AC altitude output.

APPENDIX B

DETERMINATION OF EXTERNAL LOOP LOSS

(DERIVATION)

1.0 *Definition of External Loop Loss.*

In the useful signal path, i.e., transmitting antenna to ground to receiving antenna, the External Loop Loss is defined for average power in c-w syatems and peak power in pulse systems.

The external loop loss is the ratio of the available power entering the receiving antenna aperture to the power leaving the transmitter antenna aperture.

2.0 *Characteristics of External Loop Loss.*

The loss defined above is independent of antenna and transmission line losses, inefficiencies, and mismatches. It deals only with the geometric power gain, (G), the beam patterns of the antennas, and the characteristics of the ground. Further, it is independent of the signal processing characteristics of the altimeter and may be measured, essentially, with an attenuator only.

3.0 *External Loop Loss, Beam Limited Case.*

The basic formulation for external loop loss depicts a beam limited case in which it is assumed that transmitting and receiving apertures are identical. The analytical expressions for this case is:

$$L=\frac{G\lambda^2\sigma_0(O)F}{16\pi^2H^4}=\frac{A\sigma_0(O)F}{4\pi H^4} \qquad 3.1$$

where G is the power gain of either antenna (defined in terms of the actual beam pattern), λ is the wavelength, H is the altitude, $\sigma_0(O)$ is the vertical incidence unit scattering radar cross section of the ground, and F is a normalized function of H. Limitations on roll and pitch under 100 feet of altitude and the effect of finite separation of transmitting and receiving antennas is accounted for by F. A is defined as $\frac{G\lambda^2}{4\pi}$.

4.0 *External Loop Loss, Pulse Limited Case.*

In the pulsed altimeter, the external loop loss is described by Eq. (3.1) below the critical altitude, i.e., that altitude above which the performance is pulse limited.

Defining the critical altitude, H_c, as

$$H_c=\frac{c\tau G}{4} \qquad 4.1$$

where c is the velocity of light and τ is the pulse length. The external loop loss is defined above H_c by extending the loss.

$$\frac{G\lambda^2\sigma_0(O)F}{16\pi^2H_c^2}$$

according to a $1/H^4$ law.

5.0 *Essentials of F or F(H).*

$$F(H)=M(H)\ V^*(H) \qquad 5.1$$

$$5.1\quad M(H)$$

The function M(H) takes care of the fact that pitch and roll maneuvering becomes progressively limited for altitudes below 100 feet. The choice for σ_0 0) includes margin for pitch and roll to the 3 db limits of the beamwidth for altitudes above 100 feet. It is expected that at 3 feet of altitude, however, pitch and roll will be very limited and well within the 3 db beam limits. Accordingly, it is proposed to decrease the required loop loss by 0 db at 100 feet and 6 db at 3 feet; the variation between 3 feet and 100 feet to be linear in db, i.e.,

$$10\log M(H)=-\frac{6}{97}H+6\frac{18}{97} \qquad 5.2$$

$$5.2\ V^*(H)$$

This quantity takes care of the effects of antenna spacing.

$$V^*=\frac{2[\cos^{-1}\alpha-\alpha\sqrt{1-\alpha^2}]}{\pi(1+\alpha^2\tan^2\theta_0)\ 5/2}\ 0\leq\alpha\leq1, \qquad 5.3$$

where,

$$\alpha = \frac{D}{2H \tan \vartheta_0}, \qquad 5.4$$

D is the antenna spacing, and

$2\vartheta_0$ is the beamwidth.

6.0 *Curves of External Loop Loss.*

All that remains is to make a choice for $\sigma_0(0)$ such that the resulting external loop loss calculated is just sufficient to insure reliable operation over all terrain even for pitch and roll maneuvers out to the 3 db beamwidths. A considerable amount of data accumulated for both pulse and FM/CW altimeters in the 4200–4400 mc region involving many flight tests over a wide variety of terrain and practical problems of adjustment, maintenance and calibration of radio altimeters indicates a choice of

$$\sigma_0(0) = 6 \times 10^{-3} \qquad 6.1$$

With respect to making a choice for the 1600–1660 mc range, it cannot be done on the basis of extensive flight data. Accordingly, it will be necessary to extrapolate from the 4200–4400 mc data. The trend of change of $\sigma_0(\vartheta)$ with frequency is slow; $\sigma_0(0)$ tending to decrease with frequency but $\sigma_0(\vartheta)$ tending to vary more slowly with β as the frequency decreases. The first effect definitely increases loop loss; the second effect tends to decrease loop loss. In the absence of data to the contrary, the two effects can be assumed to cancel each other and that one may then choose the same value of σ_0 (0) for both frequency ranges. The curves which follow are based on this assumption.

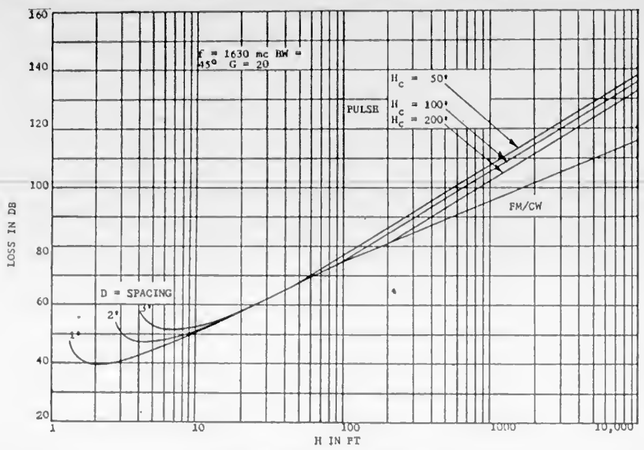


FIGURE 1—External loop loss.

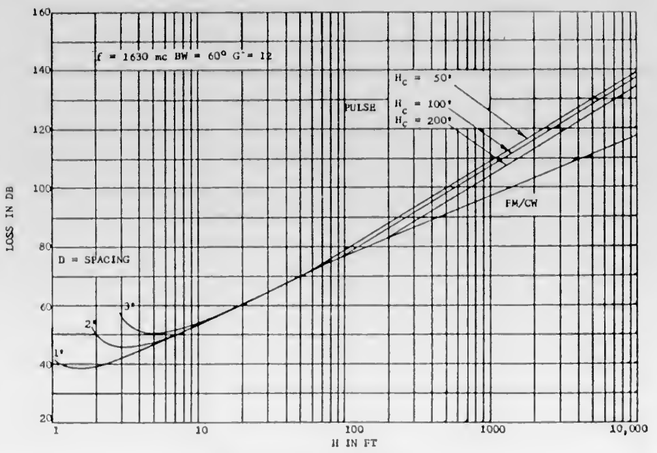


FIGURE 2—External loop loss.

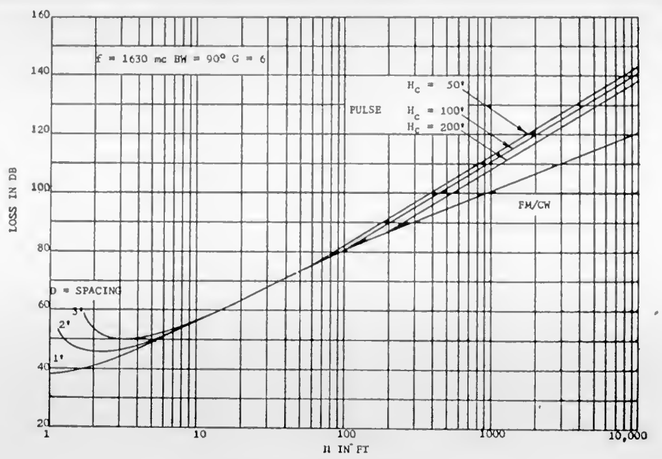


FIGURE 3—External loop loss.

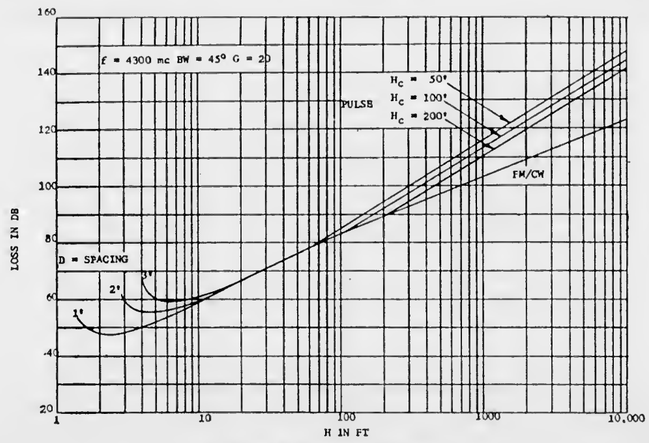


FIGURE 4—External loop loss.

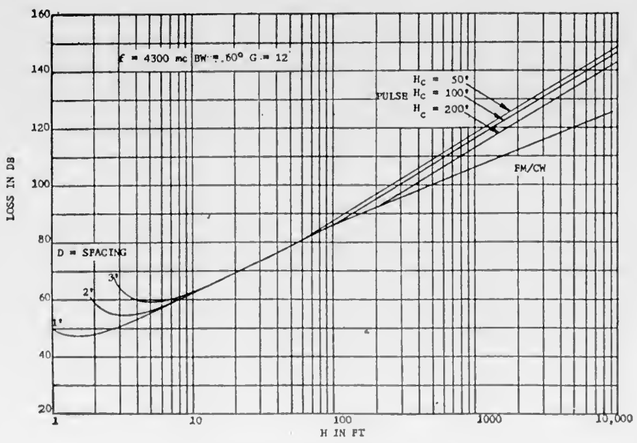


FIGURE 5—External loop loss.

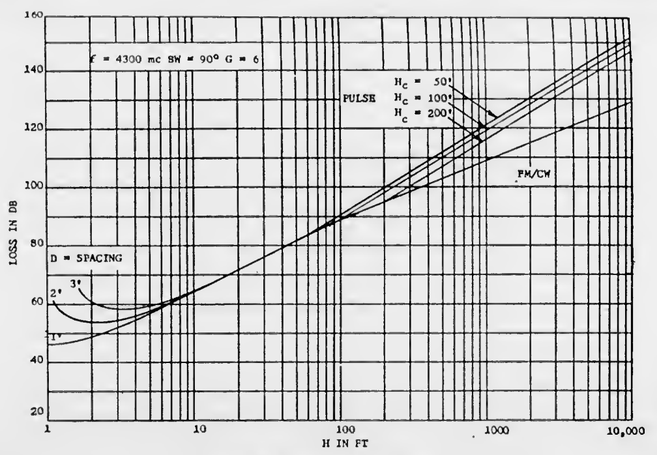


FIGURE 6—External loop loss.

FEDERAL AVIATION AGENCY DOCUMENT FOR ENVIRONMENTAL TEST PROCEDURES FOR AIRBORNE ELECTRONIC EQUIPMENT

1.0 *Purpose.* This report sets forth Environmental Test Procedures applicable to airborne electronic equipment. The purpose of these tests is to provide a laboratory means of determining the performance characteristics of the equipment under conditions representative of those which may be encountered in actual aeronautical operations.

2.0 *Definition of Terms.*

2.1 *Equipment Temperature Stabilization.* Equipment temperature stabilization is that condition wherein (1) the temperature of the largest internal mass is within ±3° C. of the specified value when the equipment is not operating, or (2) the crest temperatures of the largest internal mass do not differ by more than 5° C. when the equipment is operating.

2.2 *Maximum Duty Cycle.* Maximum duty cycle is the relationship between the maximum length of time for which an equipment is designed to deliver its rated output power and the length of time during which "standby" power only may be applied when such "ON-OFF" operation is periodic.

2.3 *Not Operating.* Not operating is that condition wherein no power is applied to the equipment.

2.4 *Controlled Temperature Location.* Controlled temperature location is a space within an aircraft in which the temperature of the air is maintained, either manually or automatically, within the limits specified in the appropriate category of Table 1 of paragraph 4.0, Temperature-Altitude Test.

3.0 *Conditions of Test.*

3.1 *Connection of Equipment.* Connect the equipment mechanically and electrically as recommended by the manufacturer, including any cooling provisions, to the extent necessary to make such tests and measurements as are required to determine compliance with the applicable standards of paragraph 3.0, "Minimum Performance Standards under Environmental Test Conditions," of the appropriate FAA airborne electronic equipment Minimum Performance Standards.

3.2 *Order of Tests.* The tests may be conducted in any desired order, with the exception that the humidity test shall not be conducted prior to the temperature-altitude and the vibration tests. The purpose of this exception is to determine whether materials used to protect circuit elements from moisture have lost their protective function due to deterioration from exposure to either extreme temperatures or to vibration.

3.3 *Measurement of Temperature of Air in Test Chamber.*

a. The temperature of the air in the test chamber shall be measured at such a location within the test chamber that the temperature of the air so measured is representative of that immediately surrounding the equipment. Measurement of chamber wall temperature is not suitable, due to temperature lag and heat transfer through the chamber wall.

b. Means of circulating the air in the test chamber may be employed to approximate a uniform air temperature condition throughout the chamber. When such means are employed, the air blast shall not be directed upon the equipment under test.

3.4 *Ambient Room Temperature.* When tests are conducted under "ambient room temperature," the ambient room air temperature shall be between +10° C. and +40° C.

3.5 *Power Input Voltage.* Unless specified otherwise, all tests shall be conducted with the power input voltage adjusted to design voltage ±2 percent. The input voltage shall be measured at the equipment power input terminals.

3.6 *Power Input Frequency.*

a. In the case of equipment designed for operation from an a.c. power source of essentially constant frequency (e.g., 400 c.p.s.), the input frequency shall be adjusted to design frequency ±2 percent, unless otherwise specified.

b. In the case of equipment designed for operation from an a.c. power source of variable frequency (e.g., 300 to 1,000 c.p.s.), tests shall be conducted with the input frequency adjusted to within 5 percent of a selected frequency and within the input power frequency range for which the equipment is designed, unless otherwise specified.

4.0 *Temperature-Altitude Test.* Several temperature-altitude test procedures are specified,[1] according to the category for which the equipment is designed to be used, as follows:

Category A—Equipment intended for installation in nonpressurized and noncontrolled temperature locations in aircraft which operate at altitudes up to 45,000 feet m.s.l.

Category B—Equipment intended for installation in nonpressurized and noncontrolled temperature locations in aircraft which operate at altitudes up to 30,000 feet m.s.l.

Category C—Equipment intended for installation in nonpressurized and noncontrolled temperature locations in aircraft which operate at altitudes up to 20,000 feet m.s.l.

Category D—Equipment intended for installation in controlled temperature and pressurized locations in aircraft in which the pressures are no lower than that which is equivalent to an altitude of 15,000 feet m.s.l.

Category E—Equipment intended for installation in nonpressurized but controlled temperature locations in aircraft which operate at altitudes up to 20,000 feet m.s.l.

Category F—Equipment intended for installation in nonpressurized but controlled temperature locations in aircraft which operate at altitudes up to 12,000 feet m.s.l.

4.1 *Test Procedure (Low Temperature).* Stabilize the equipment temperature at the appropriate (depending upon category used) Low Not Operating Temperature specified in Table 1 at ambient room atmospheric pressure, with equipment not operating.[2] Maintain this stabilized temperature for 30 minutes; then stabilize the equipment temperature at the appropriate Low Operating Temperature specified in Table 1 at ambient room atmospheric pressure, with the equipment not operating. Then operate the equipment at maximum duty cycle for a period of 15 minutes, beginning with the "ON" cycle in the case of equipment designed for intermittent duty service. Maintain the temperature of the air in the test chamber within 3° C. of the Low Operating Temperature of Table 1. Determine the compliance with the applicable standards of paragraph 3.0 "Minimum Performance Standards under Environmental Test Conditions" of the appropriate FAA airborne electronic equipment Minimum Performance Standards.[3]

4.2 *Test Procedure (High Temperature).*

a. At ambient room pressure, with the equipment not operating, stabilize the equipment temperature to within 3° C. of the appropriate High Not Operating Temperature of Table 1. After 30 minutes, adjust the test chamber air temperature to within 3° C. of the High Short-time Operating Temperature specified in Table 1. Operate the equipment at maximum duty cycle for 30 minutes. Determine compliance with the applicable standards of paragraph 3.0, "Minimum Performance Standards under Environmental Test Conditions," of the appropriate FAA airborne electronic equipment Minimum Performance Standards during this 30-minute period.

NOTE: The purpose of this test is to simulate temperature conditions which may be encountered in aircraft while on the ground in certain geographical areas.

b. With the equipment operating, adjust the test chamber air temperature to within 3° C. of the appropriate High Operating Temperature specified in Table 1 at ambient room pressure. After the equipment temperature has become stabilized, operate the equipment for two (2) hours and determine compliance with the applicable standards of Paragraph 3.0, "Minimum Performance Standards under Environmental Test Conditions," of the appropriate FAA airborne electronic equipment Minimum Performance Standards.

4.3 *Test Procedure (Altitude).*

a. Operate the equipment at maximum duty cycle. Decrease the atmospheric pressure to within 5 percent of the appropriate Test Altitude specified in Table 1. Conduct this test at ambient room temperature. Determine compliance with the applicable standards of Paragraph 3.0, "Minimum Performance Standards under Environmental Test Conditions," of the appropriate FAA airborne electronic equipment Minimum Performance Standards.

b. This test is intended for application only to Category D equipment. With the equipment operating at the Test Altitude specified in Table 1, reduce the atmospheric pressure to that equivalent to the Decompression Test Altitude specified in Table 1. This reduction in pressure shall be effected within a time period not to exceed 15 seconds. Maintain this reduced pressure for at least 10 minutes, then increase the pressure to that equivalent to the Test Altitude specified in Table 1. Conduct this test at ambient room temperature. Determine compliance with the applicable standards of paragraph 3.0, "Minimum Performance Standards under Environmental Test Conditions," of the appropriate FAA airborne electronic equipment Minimum Performance Standards.

TABLE 1.—ALTITUDE-TEMPERATURE CRITERIA

Condition		Cat. A	Cat. B	Cat. C	Cat. D	Cat. E	Cat. F
Maximum operating altitude		45,000′	30,000′	20,000′	*15,000	20,000′	12,000′
Test altitude		55,000′	35,000′	25,000′	*20,000	25,000′	15,000′
Decompression test altitude		--------	--------	--------	40,000′	--------	--------
Not operating temperature.	Low	−62° C.	−50° C.	−50° C.	−50° C.	−40° C.	−40° C.
	High	+71° C.	+71° C.	+71° C.	+71° C.	+71° C.	+71° C.
Short-time operating high temperature.		+71° C.	+71° C.	+71° C.	+60° C.	+50° C.	+45° C.
Operation temperature.	Low	−54° C.	−46° C.	−40° C.	−15° C.	−15° C.	−15° C.
	High	+55° C.	+55° C.	+55° C.	+55° C.	+40° C.	+40° C.

* The maximum operating altitude and test altitude of Cat. D equipment represent atmospheres established by pressurization.

5.0 *Humidity Test.* Subject the equipment to an atmosphere having a relative humidity of between 95 percent and 100 percent and an ambient temperature of 50° C. ±3° C. for a period of 48 hours. During this 48-hour period, no electrical or mechanical power shall be applied to the equipment. At least once each hour, the relative humidity shall be 100 percent with condensation on the equipment. At the end of the 48-hour exposure period, remove the equipment from the test chamber and drain off (do not wipe) any condensed moisture. Within 5 minutes after removal of the equipment from the test chamber, apply standard primary test voltage(s) to the equipment. Allow 15 minutes following the application of primary power for the equipment to warmup. Immediately following the warmup period, determine compliance with the applicable standards of paragraph 3.0. "Minimum Performance Standards under Environmental Test Conditions" of the appropriate FAA airborne electronic equipment Minimum Performance Standards.

6.0 *Shock Test.*

6.1 *Operational Shocks.*

a. Secure the equipment to a shock table by the mounting means intended for use in service installations. Apply to the shock table, with the equipment mounted in each of the following six positions, three shocks each having a peak acceleration of at least 6G and a time duration of at least 10 milliseconds.

(1) Normal upright.

(2) Suspended upside down.

(3) At positions such that the longitudinal axis of the equipment successively forms angles of plus 90° and minus 90° (two positions) with the plane of the table.

(4) At positions such that the lateral axis of the equipment successively forms angles of plus 90° and minus 90° (two positions) with the plane of the table.

b. After application of the shocks, determine compliance with the applicable standards of paragraph 3.0, "Minimum Performance Standards under Environmental Test Conditions" of the appropriate FAA airborne electronic equipment Minimum Performance Standards.

6.2 *Crash Safety Shocks.* Apply, in each of the six equipment positions listed in paragraph 6.1, one shock having a peak acceleration of at least 15G and a time duration of at least 10 milliseconds. After application of the six shocks, determine compliance with the applicable standards of paragraph 3.0, "Minimum Performance Standards under Environmental Test Conditions" of the appropriate FAA airborne electronic equipment Minimum Performance Standards.

NOTE: During this test, an equivalent weight may be substituted for the electrical and mechanical components normally mounted within or on the equipment case. Such equivalent weight shall approximate the weight of the components which it replaces and shall be so located that the center of gravity of the equipment is essentially unchanged. The equivalent weight shall not contribute to the strength of the equipment case or its mounting fastenings to a greater extent than the components it replaces.

7.0 *Vibration Test.*

7.1 *Test Procedure.*

a. So secure the equipment under test to a vibration table that sinusoidal vibratory motion is exerted parallel to the longitudinal[4] axis of the equipment. The equipment shall be affixed to the vibration table by the means specified by the equipment manufacturer for service installations. Connect the equipment for proper operation. Start it operating in its principal mode. (Multipurpose equipments, such as transceivers, shall be tested in all modes.)

b. With the equipment operating, vary the vibration frequency from 10 to 55 to 10 c.p.s. in a time period of from 1 to 3 minutes[5] at an amplitude appropriate to the category of equipment under test. (Refer to Table 2). Continue vibrating the equipment in this manner for a period of at least ninety (90) minutes.

c. Determine compliance with the applicable standards of paragraph 3.0 "Minimum Performance Standards under Environmental Test Conditions" of the appropriate FAA airborne electronic equipment Minimum Performance Standards.

d. Repeat the procedures specified in paragraphs 7.1 *a.*, *b.*, and *c.*, with the vibratory motion applied in a direction parallel to the lateral axis of the equipment.

e. Repeat the procedures specified in paragraphs 7.1 *a.*, *b.*, and *c.*, with the vibratory motion applied in a direction parallel to the vertical axis of the equipment.

f. If the equipment is to be tested under a vibration category which requires vibration tests in the 55 to 500 cycle frequency range, repeat all of the above test procedures, but starting at 55 cycles and running to 500 cycles, and returning to 55 cycles with the excursion so adjusted for each frequency as to produce the constant acceleration figure specified in Table 2.[6]

TABLE 2.—CATEGORIZATION OF AIRCRAFT VIBRATION CHARACTERISTICS BY AIRCRAFT TYPES AND LOCATIONS THEREIN

Aircraft description	Fuselage	Instrument panels (vibration protected or otherwise) and isolated racks	Any location not specified
Rotary wing aircraft	A	F	A
Turbo engine fixed wing aircraft	B	C	A
Piston engine fixed wing aircraft, heavy multi-engine type (over 12,500 lbs.)	E	F	D
Piston engine fixed wing aircraft, light multi-engine type (under 12,500 lbs.)	F	F	E
Piston engine fixed wing aircraft, light single engine type (under 12,500 lbs.)	F	F	F

7.2 *Vibration Characteristics of Categories:*

Category A—Constant total excursion of 0.030" from 10 to 55 c.p.s. with a maximum acceleration of 5G; and Constant acceleration of 5G from 55 to 500 c.p.s.

Category B—Constant total excursion of 0.020" from 10 to 55 c.p.s. with a maximum acceleration of 3G; and Constant acceleration of 1.5G from 55 to 500 c.p.s.

Category C—Constant total excursion of 0.010" from 10 to 55 c.p.s. with a maximum acceleration of 1.5G; and Constant acceleration of 0.25G from 55 to 500 c.p.s.

Category D—Constant total excursion of 0.030" from 10 to 55 c.p.s. with a maximum acceleration of 5G.

Category E—Constant total excursion of 0.020" from 10 to 55 c.p.s. with a maximum acceleration of 3G.

Category F—Constant total excursion of 0.010" from 10 to 55 c.p.s. with a maximum acceleration of 1.5G.

8.0 *Temperature Variation Test.* Stabilize the equipment temperature at the appropriate Operating Low Temperature specified in Table 1, at ambient room atmospheric pressure with the equipment not operating.[7] Operate the equipment at maximum duty cycle for a period of 15 minutes, beginning with "ON" cycle in the case of equipment designed for intermittent duty service, with the voltage and frequency of the primary power source adjusted to standard values. Increase the temperature of the air in the test chamber to the Operating High Temperature specified in Table 1, at a rate[8] not exceeding 1° C. per minute. In the interval between the time that the equipment temperature stabilizes at the appropriate Operating Low Temperature and the time it stabilizes at the appropriate Operating High Temperature, determine compliance with the applicable standards of paragraph 3.0, "Minimum Performance Standards under Environmental Test Conditions" of the appropriate FAA Airborne Electronic Equipment Minimum Performance Standards.

8.1 *Alternate Test Procedure.* It is permissible to combine the temperature variation test and the temperature-altitude test. In this case, proceed as follows:

(1) Conduct that portion of the temperature-altitude test specified in paragraph 4.1.

(2) Increase the temperature of the air in the test Chamber to the High Operating Temperature specified in the applicable category of Table 1 at a rate[9] not exceeding 1° C. per minute. In the interval between the time that the equipment temperature stabilizes at the appropriate Low Operating Temperature and the time it stabilizes at the appropriate High Extended-time Operation Temperature, determine compliance with the applicable standards of paragraph 3.0, "Minimum Performance Standards under Environmental Test Conditions," of the appropriate FAA Airborne Electronic Equipment Minimum Performance Standards.

(3) Conduct those portions of the Temperature-Altitude Test specified in paragraphs 4.2*a.* through 4.3*b.*

9.0 *Power Input Test.*

9.1 *Power Input Variation Test.*

a. Adjust the primary power input as follows:

(1) In the case of equipment designed to operate from a d.c. power source, adjust the primary power voltage to 110 percent of the design voltage.

(2) In the case of equipment designed to operate from a.c. primary power sources of essentially constant frequency, such as 400 c.p.s. adjust the primary power voltage to 110 percent of the design voltage and the frequency to 105 percent of design frequency. The crest factor shall be 1.4, ±10 percent.

(3) In the case of equipment designed to operate from a.c. primary power sources of variable frequency, such as 300 to 1,000 c.p.s., adjust the primary power voltage to 110 percent of design voltage and the frequency to the highest for which the equipment is designed. The crest factor shall be 1.4, ±10 percent.

NOTE: For the purposes of this test, equipment which derives a.c. power from an inverter provided exclusively for the equipment shall be considered as d.c. operated.

b. Operate the equipment at maximum duty cycle for 30 minutes, with the primary power adjusted as specified in paragraph 9.1*a.* Determine compliance with the applicable standards of paragraph 3.0, "Minimum Performance Standards under Environmental Test Conditions," of the appropriate FAA airborne electronic equipment Minimum Performance Standards during this 30-minute period.

c. Adjust the primary power input as follows:

(1) In the case of equipment designed to operate from a d.c. power source, adjust the

[1] The temperature-altitude test and the temperature variation test may be combined, if desired. See paragraph 8.1, Alternate Test Procedure.

[2] This is not intended to be a temperature shock test. The rate at which the temperature of the equipment under test is reduced from ambient to the appropriate Low Not Operating Temperature specified in Table 1 is optional.

[3] Optionally, the tests specified in this paragraph (4.1.) may be commenced with the initial temperature of the equipment at any value between the appropriate Operating and Low Not Operating Temperatures specified in Table 1.

[4] Optionally, vibratory motion may be first applied to any axis of the equipment, i.e., lateral, vertical or longitudinal. Any sequence thereafter is permissible.

[5] Either a linear or logarithmic sweep (scan) may be used.

[6] Optionally, the tests specified in paragraphs 7.1 *a.*, *b.*, *c.*, *d.*, *e.*, and *f.*, may be combined, if desired, with a total sweep time of from 2 to 6 minutes and a total time of 180 minutes.

[7] The purpose of this test is to determine certain performance characteristics of the equipment at various temperatures between the Operating Low Temperature and the Extended-time Operation High Temperature specified in the applicable Category of Table 1.

[8] If desired, this rate may, if necessary, be reduced to zero to permit measurements to be taken.

[9] If desired, this rate may, if necessary, be reduced to zero to permit measurements to be taken.

primary power voltage to 90 percent of the design voltage.

(2) In the case of equipment designed to operate from a.c. primary power sources of essentially constant frequency, such as 400 c.p.s., adjust the primary power voltage to 90 percent of the design voltage and the frequency to no higher than 95 percent of design frequency. The crest factor shall be 1.4 ±10 percent.

(3) In the case of equipment designed to operate from a.c. primary power sources of variable frequency, such as 300 to 1,000 c.p.s., adjust the primary power voltage to 90 percent of design voltage and the frequency to the lowest for which the equipment is designed. The crest factor shall be 1.4 ±10 percent.

NOTE: For the purposes of this test, equipment which derives a.c. power from an inverter provided exclusively for the equipment shall be considered as d.c. operated.

d. Operate the equipment at maximum duty cycle for a period of 30 minutes with the primary power adjusted as specified in paragraph 9.1c. Determine compliance with the applicable standards of paragraph 3.0 "Minimum Performance Standards under Environmental Test Conditions" of the appropriate FAA airborne electronic equipment Minimum Performance Standards during this 30-minute period.

9.2 *Low Voltage Test.*

a. A.C. and D.C. Equipments. Operate the equipment at maximum duty cycle for a period of at least 30 minutes at an input power voltage(s) 80 percent of standard test voltage(s) in the cast of d.c. equipment, or 87½ percent of standard test voltage(s) in the age(s) in the case of d.c. equipment, or 87½ determine compliance with the applicable standards of paragraph 3.0, "Minimum Performance Standards under Environmental Test Conditions," of the appropriate FAA Airborne Electronic Minimum Performance Standards.

b. D.C. Equipments.

(1) With the equipment operating, decrease the input power voltage(s) from 80 percent of standard test voltage(s) to 50 percent of standard test voltage(s) at a rate not greater than 2 percent of the standard test voltage(s) per minute and continue operating the equipment for a period of at least 10 minutes at the 50 percent input power level. With the equipment still operating, adjust the input power voltage(s) to 100 percent of standard test voltage(s) and determine compliance with the applicable standards of paragraph 3.0, "Minimum Performance Standards under Environmental Test Conditions," of the appropriate FAA Airborne Electronic Minimum Performance Standards.[10]

(2) With the equipment operating, reduce the input power voltage(s) from 100 percent to 50 percent of standard test voltage(s) and continue the reduction of the input power voltage(s) from the 50 percent level to zero input voltage(s) at a rate not greater than 2 percent of the standard test voltage(s) per minute. Determine compliance with the applicable standards of paragraph 3.0, "Minimum Performance Standards under Environmental Test Conditions," of the appropriate FAA Airborne Electronic Minimum Performance Standards.[11]

[10] The purpose of this test is to determine those conditions resulting from decreased voltage(s) (such as relay chatter), the presence or continuation of which would contribute to malfunctioning of the equipment at standard test voltage(s).

[11] The purpose of this test is to determine whether the reduction of the input power voltage(s) from standard test voltage(s) to zero input voltage(s) produces evidence, external to the equipment, of smoke or fire.

NOTE: For the purposes of this test, equipment which derives a.c. power from an inverter provided exclusively for the equipment shall be considered as d.c. operated.

10.0 *Conducted Voltage Transient Test.*

10.1 *Intermittent Transients.* With the equipment operating at its normal input voltage(s), apply to each of the d.c. primary input power leads a series of positive and negative voltage transients having the characteristics (amplitude and wave form) appropriate to the applicable normal d.c. input voltages specified in Figure 1, for a period of at least ten (10) seconds and at a rate of not less than two (2) transients per second. Immediately after the 10-second period, determine compliance with the applicable standards of paragraph 3.0, "Minimum Performance Standards under Environmental Test Conditions," of the appropriate FAA Airborne Electronic Equipment Minimum Performance Standards. The positive and negative transients should be developed, applied and monitored in a manner similar to that shown in Figures 2 and 3.

10.2 *Repetitive Transients.* With the equipment operating at its normal input voltage(s), apply to each of the d.c. primary input power leads a series of positive voltage transients having the characteristics (amplitude and wave form) appropriate to the applicable normal d.c. input voltages specified in Figure 1 at a rate of not less than two (2) transients per second and, simultaneously, determine compliance with the applicable standards of paragraph 3.0, "Minimum Performance Standards under Environmental Test Conditions" of the appropriate FAA Airborne Electronic Equipment Minimum Performance Standards. The positive voltage transients should be developed, applied and monitored in a manner similar to that shown in Figure 2.[12]

11.0 *Conducted Audio-Frequency Susceptibility Test.*

11.1 *D.C. Input Power Leads.* Apply a sine wave audio frequency signal in series with each ungrounded d.c. input power lead. While varying the audio frequency of the applied signal between 200 and 20,000 cycles per second, maintain the r.m.s. amplitude of this signal at not less than 5 percent of the nominal d.c. input voltage and determine compliance with the applicable standards of paragraph 3.0, "Minimum Performance Standards Under Environmental Test Conditions" of the appropriate FAA Airborne Electronic Equipment Minimum Performance Standards. When conducting this test, all equipment interconnecting cables and RF transmission lines shall be in accordance with the manufacturer's installation wiring diagram and shall use shielded or twisted wires only where specified. Where no length of interconnecting cables is specified, the cables shall be at least five (5) feet long. Any inputs or outputs from or to other equipment(s) normally associated with the equipment under test shall be adequately simulated.

11.2 *A.C. Input Power Leads.* Apply a sine wave audio frequency signal in series with each ungrounded a.c. input power lead. With the frequency of this signal successively adjusted to the second harmonic of the a.c. power frequency and to each next higher order harmonic up to 9,000 cycles, maintain the r.m.s. amplitude of this signal at not less than 5 percent of the nominal a.c. input voltage and determine compliance with the applicable standards of paragraph 3.0 "Minimum Performance Standards Under Environmental Test Conditions" of the appropriate FAA Airborne Electronic Equipment Minimum Performance Standards. When conducting this test, all equipment interconnecting cables and RF transmission lines shall be in accordance with the manufacturer's installation wiring diagram and shall use shielded or twisted wires only where specified. Where no length of interconnecting cables is specified, the cables shall be at least five (5) feet long. Any inputs or outputs from or to other equipment(s) normally associated with the equipment under test shall be adequately simulated.

12.0 *Audio Frequency Magnetic Field Susceptibility Test.*

12.1 *Categories of Equipment.* For the purpose of this test, equipment is categorized as follows:

Category A—Equipment which is intended for installation in an aircraft which has an a.c. power source having a rating of 250 VA (volt-amperes) or greater.

Category B—Equipment which is intended for installation in an aircraft which has an a.c. power source having a rating of less than 250 VA, or which has no a.c. power source whatever.

12.2 *Test Procedure.*

Category A—Expose the equipment under test to an audio frequency magnetic field which is generated by a 400 c.p.s. current of at least 20 amperes (r.m.s.) flowing in a straight wire radiator, which is within 12 inches of the periphery of the unit of equipment under test, and determine compliance with the applicable standards of paragraph 3.0 "Minimum Performance Standards Under Environmental Test Conditions" of the appropriate FAA Airborne Electronic Equipment Minimum Performance Standards. During this test, the radiator shall be so oriented with respect to each external surface of each unit as to cause maximum interference. The length of the radiator shall be such that it extends a distance of at least 2 feet (laterally) beyond the exposed surface of the unit under test. The leads supplying current to the radiator shall be routed at least 2 feet away from any part of the unit under test and from the radiator itself. All units of the equipment under test shall be individually tested.

Category B—No test of Category B equipment is required.

13.0 *Radio Frequency Susceptibility Test (Radiated and Conducted).* For the purposes of this test,[13] equipment is categorized as follows:

Category A—Equipment which is intended for installation in aircraft having a Maximum Weight of more than 12,500 pounds.

Category B—Equipment which is intended for installation in aircraft having a Maximum Weight of 12,500 pounds, or less.

13.1 *General Requirements.*

(*a*) The equipment under test shall be set up on a ground plane and operated in accordance with the following criteria:

(1) Ground Plane.—A copper or brass ground plane, 0.01 inch thick minimum for copper, 0.025 inch thick minimum for brass, 12-square feet or more in area with a minimum width of 30 inches, shall be used. In all cases where a shielded room is employed, the ground plane shall be bonded to the shielded room at intervals no greater than 3 feet, and at both ends of the ground plane.

[12] This test applies to equipment designed to utilize d.c. primary power which is furnished by the aircraft's electrical system. Equipment designed to operate solely on a.c. primary power need not be subjected to this test.

[13] See "Introduction" of Appendix A for information on the relationship between the emission of spurious radio frequency energy from electrical and electronic equipment installed in an aircraft and the levels of radio frequency susceptibility signals used in this test procedure.

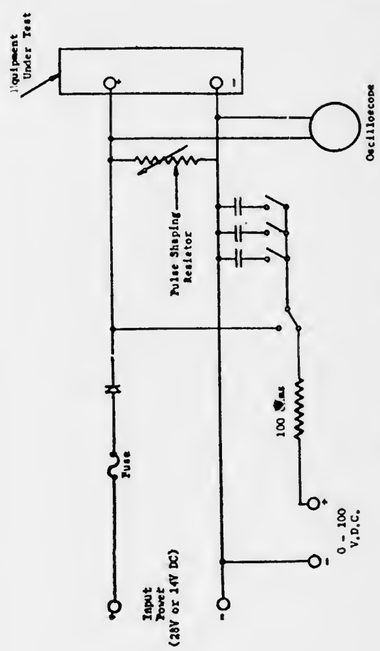


FIGURE 2—Positive pulse generating network.

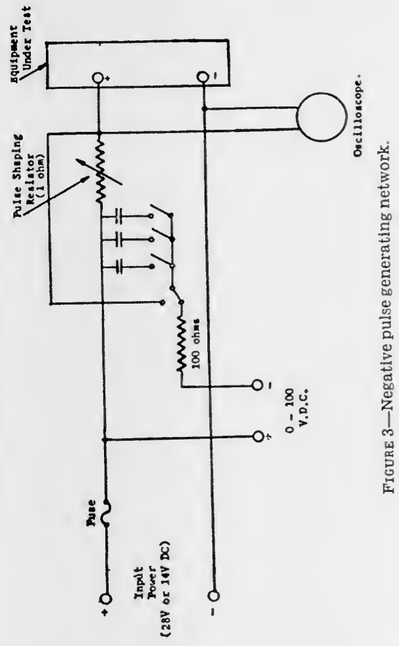
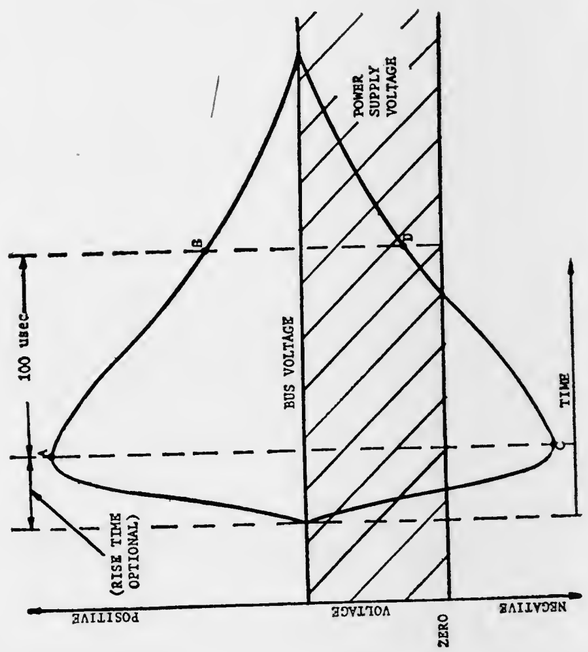


FIGURE 3—Negative pulse generating network.



Normal Bus Voltage	Intermittent Transient Test Voltage		Repetitive Transient Test Voltage	
	Point A	Point B	Point A	Point B
28	+78	+46	+48	+35
14	+39	+23	+24	+17
	Point C	Point D		
28	-22	+10		
14	-11	+5		

FIGURE 1—Transient voltage characteristics.

(2) Shock and Vibration Isolators.—The equipment under test shall be secured to mounting bases incorporating shock or vibration isolators, if such mounting bases are specified by the equipment manufacturer. The bonding straps furnished with the mounting base shall be connected to the ground plane. Where mounting bases do not incorporate bonding straps, bonding straps shall not be used in the test setup.

(3) Bonding.—Only the provisions included in the design of the equipment and specified in the installation instructions shall be used to bond units, such as equipment case and mount, together or to the ground plane. Where bonding straps are required to complete the test setup they shall have a length not greater than 5 times the width, shall have a minimum thickness of 0.025 inch, and shall be copper or brass metal straps, not braid. Connections made with such bond straps shall have clean metal-to-metal contact.

(4) External Ground Terminal.—When an external terminal is available for a ground connection on the equipment under test, this terminal shall be connected to the ground plane if the terminal is normally grounded in the installation. If the installation conditions are unknown, the terminal shall not be grounded.

(5) Interconnecting Cables.—All equipment interconnecting cables and RF transmission lines shall be in accordance with the manufacturer's installation wiring diagram and shall use shielded or twisted wires only where specified. Where no length of interconnecting cables is specified, the cables shall be at least five (5) feet long. Any inputs or outputs from or to other equipment associated with the equipment under test shall be adequately simulated.

(6) Dummy Antennas.—The dummy antenna shall have electrical characteristics which closely simulate those of the normal antenna, and should be shielded. It shall contain electrical components which are used in the normal antenna (such as filters, crystal diodes, synchros, motors, etc.).

b. Test instruments shall be set up and operated in accordance with the following criteria:

(1) Bonding.—Interference meters used for measurement during the "conducted" test shall not be bonded to the ground plane except through the interconnecting coaxial cable. The counterpoise on rod antennas shall be bonded to the ground plane with a strap of such length that the rod antenna can be positioned correctly. The strap shall be as wide as the counterpoise.

(2) Powerline Stabilization Network.—One stabilization network shall be inserted in each ungrounded primary input power lead of the equipment under test. The network enclosure shall be bonded to the ground plane. The network shall be constructed in accordance with Figure 4. The input impedance characteristics of the stabilization network are shown in Figure 5.

(3) Antenna Orientation and Positioning in Shielded Enclosures.—The rod or dipole antenna shall be located as shown in Figures 6 or 7. The rod antenna shall be so placed that the antenna is in a vertical position. The rod antenna shall be located at the point where maximum radiation pickup is obtained when it is moved along a line parallel with the edge of the ground plane. Those measurements which use a resonate dipole antenna shall have the dipole positioned parallel with the edge of the ground plane. The dipole antenna shall be centered 12 inches ±1 inch above the level of the ground plane. The rod or the dipole antenna shall be located at the distance from the equipment under test specified in Figures 6 and 7. When the dimensions of the dipole antenna become smaller than the test layout, the antenna shall be moved parallel to the edge of the ground plane to keep its sensitive elements adjacent to the point of maximum radiation. At frequencies from 25 up to and including 35 megacycles, the measurements shall be taken with the dipole antenna adjusted to resonance at 35 megacycles. The dipole antenna shall be adjusted to resonance at all frequencies above 35 megacycles. In screen room tests, the antennas shall be at least 1 foot away from any wall.

13.2 *Conducted Radio Frequency Susceptibility Test.* With the equipment under test arranged in a manner similar to that shown in Figure 8 apply through the powerline stabilization network an RF signal modulated 30 percent at 1,000 c.p.s. between each ungrounded primary input power lead and ground. Determine compliance with the applicable standards of paragraph 3.0 "Minimum Performance Standards under Environmental Test Conditions" of the appropriate FAA Airborne Electronic Equipment Minimum Performance Standards when the signal level is varied (versus frequency) over the range specified in Figure 9 or Figure 10 for Category A and Category B installations, respectively. The output impedance of the signal generator shall be 50 ohms. The voltages specified shall be those which exist across the 50 ohm signal generator output when no load is connected to the signal generator. All equipment interconnecting cables shall have 4 feet of their length bundled together and supported 2 inches above the ground plane, as shown in Figure 8.

13.3 *Radiated Radio Frequency Susceptibility Test.* Expose the equipment under test to a radio frequency field, the levels of which (versus frequency) are specified in Figures 11 and 12 for Catagory A and Catagory B installations, respectively. The voltages specified in Figures 11 and 12 are those existing across the radiating antenna terminals. The test signal shall be modulated 30 percent at 1,000 c.p.s. The type of radiating antenna to be employed is related to the frequency of the test signal as follows:

Frequency	*Type of antenna*
90 kc. to 25 mc.	41 inch rod antenna.
25 mc. to 35 mc.	Dipole antenna adjusted to resonance at 35 mc.
35 mc. to 1,000 mc.	Dipole antenna adjusted to resonance at test frequency.

Care should be taken to use matching networks when required. The equipment under test, the radiating antenna and the line stabilization networks shall be arranged in accordance with Figure 6, when using the rod antenna, and Figure 7, when using the dipole antenna. During this test, determine compliance with the applicable standards of paragraph 3.0 "Minimum Performance Standards under Environmental Test Conditions" of the appropriate FAA Airborne Electronic Equipment Minimum Performance Standards.

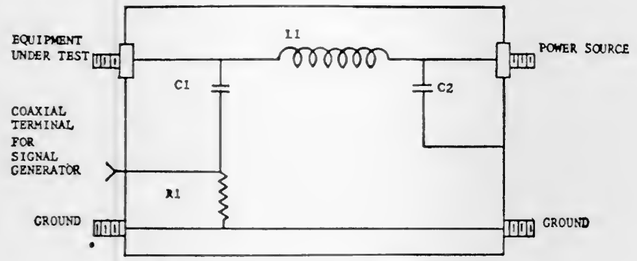


FIGURE 4.—Powerline stabilization network schematic diagram.

ENCLOSURE DATA: 14 GAGE (B & S) ALUMINUM SUGGESTED SIZE 9½ IN. BY 4 BY 4 IN.
FORM DATA: 5¼ IN. LENGTH, 3 IN. DIA (OD), .125 IN. WALL DRILL ⅜ IN. HOLE 7/16 IN. FROM EACH END.
COIL DATA: L1=5 MICROHENRIES, 13 TURNS SINGLE LAYER, 4 IN. WINDING LENGTH.
WIRE DATA: AWG 6, 600 VOLT, .310 IN. DIA (OD). (FOR 50 AMPERE NETWORK)
CAPACITOR: C1 SHALL BE MOUNTED ON 1 IN. INSULATING BLOCK ABOVE GROUND.
CAPACITOR DATA: C1=.1 UF, 600-VOLT DC, BATHTUB.
C2=1 UF, 600-VOLT DC, BATHTUB, SINGLE TERMINAL CASE MOUNTED ON GROUND.
RESISTOR DATA: R1=5,000-OHM, 5-WATT CARBON.

1. The values given for the component parts of the network are nominal. Regardless of the construction or deviation from nominal values, the network must have an impedance within 20 percent of that given in Figure 5.
2. Connecting leads to condensers and resistors should be as nearly as possible to zero length.
3. Networks may also be constructed having a 1-ohm series resistor between the line and capacitor C2. This 1-ohm resistor shall be made up from ten 10-ohm, 1-watt composition resistors.
4. The data given in this figure is suitable for the construction of 50-ampere networks. Other current-carrying networks may be constructed by changing the wire size given for the coil and the size of the over-all enclosure.
5. The 50-ohm transmission line should be extended within the enclosure right up to the location where it connects with capacitor C1.

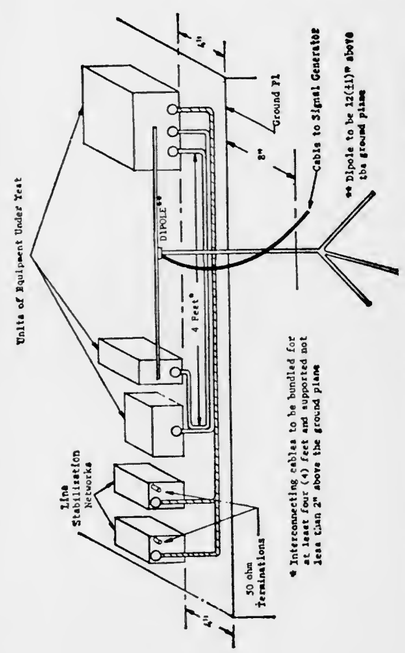


FIGURE 7—Location of dipole antenna and arrangement of equipment.

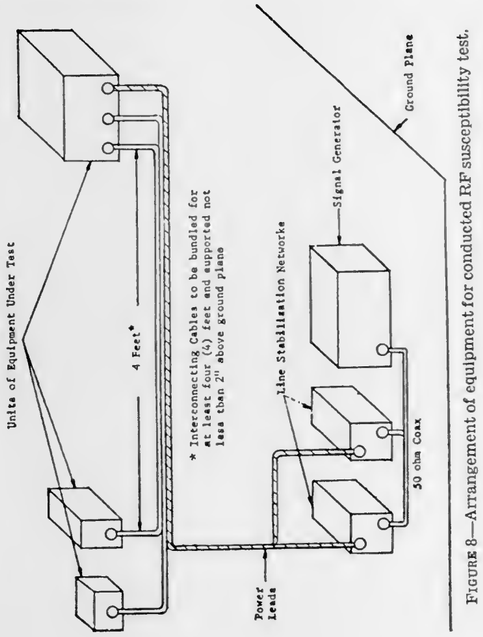
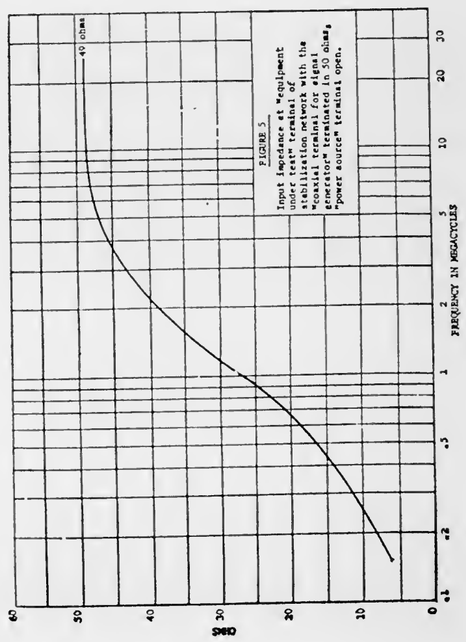


FIGURE 8—Arrangement of equipment for conducted RF susceptibility test.



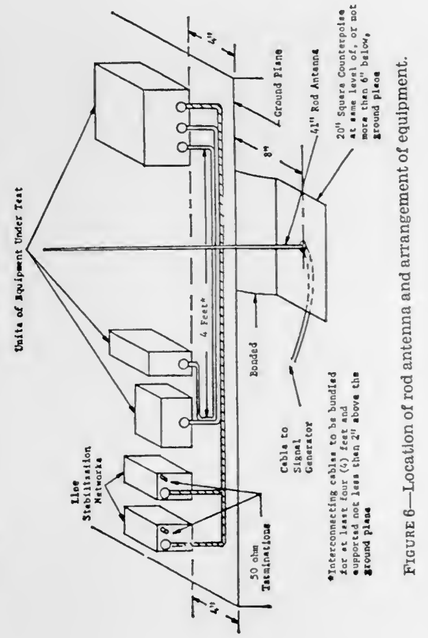
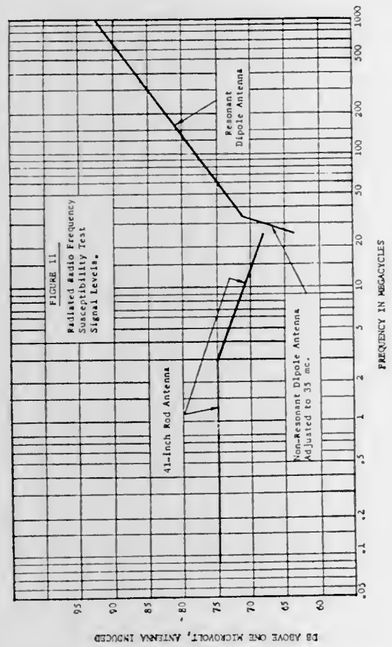
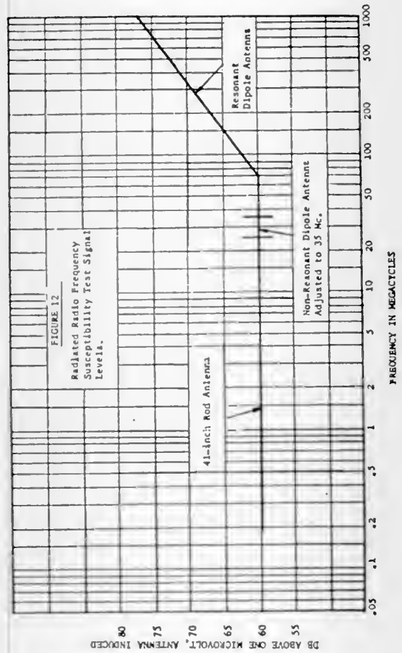
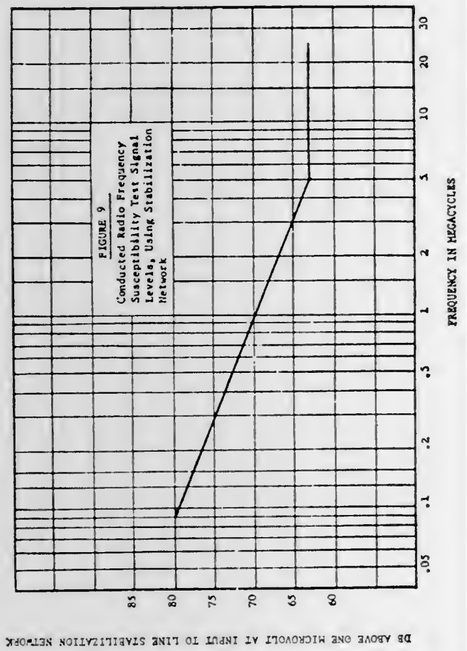
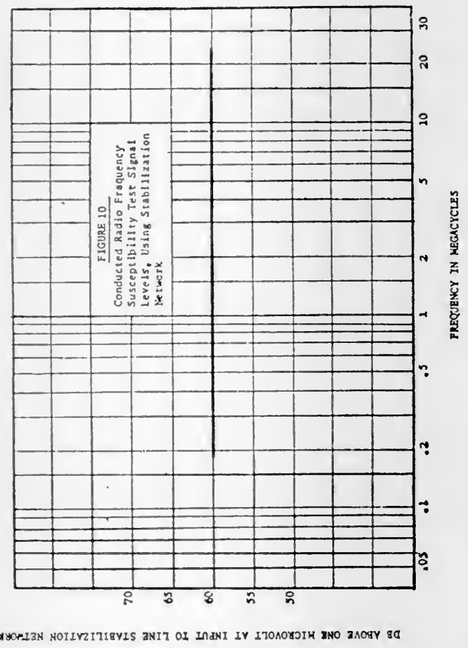


FIGURE 6—Location of rod antenna and arrangement of equipment.









14.0 *Explosion Test.*

14.1 *Application and Conditions of Test.*

a. Application and Categories of Equipment.

(1) It is recognized that installation practices in civil aircraft and in many noncivil transport aircraft normally do not require the installation of equipment in locations where an explosive atmosphere may exist in the course of normal aircraft operations. For such installations, the Explosion Test is not applicable and the equipment is designated as Category "X" equipment.

(2) It is also recognized that, in special applications and in special purpose aircraft, equipment may be installed in locations where an explosive atmosphere may exist in the course of normal aircraft operations. For these installations, the Explosion Test is applicable and the equipment is designated as Category "E" equipment.

b. Apparatus. The test chamber shall be a type capable of providing the test environment. A suitable test chamber is described in Military Specification MIL-C-9435.

c. Fuel. The fuel used shall be 100/130 octane gasoline.

d. Failure Criteria. If the equipment causes explosion at any of the test altitudes, it shall be considered to have failed to pass the test and no further trials need be attempted.

e. Applicability Exceptions. Sealed equipment, connecting wires, and cables shall be considered explosion-proof and require no test.

f. General Conditions.

(1) When necesary, large items of electrical equipment, such as motors, large relays, etc., shall be prepared for explosion-proof testing by drilling and tapping openings in the case for inlet and outlet connections to the fuel vapor air mixture circulating system and for mounting a spark plug. The spark plug is used only for igniting the vapor air mixture in the equipment to insure the presence of an explosive mixture inside the equipment on test. Small items of equipment such as switches, circuit breakers, etc., shall not be drilled and tapped for mounting a spark plug when it is not practicable.

(2) When the explosion-proof test of paragraph 14.2*a*.(2) is being performed, dust or other auxiliary covers not intended to be explosion-proof may be removed or loosened to facilitate penetration of the explosive mixture.

14.2 *Test Procedures.*

a. Procedure I. This procedure is designed to determine the explosion producing characteristics of equipment not provided with cases designed to prevent flame or explosion propagation.[14]

(1) Preparation for Test.

(*a*) The equipment shall be installed in the test chamber in such a manner that normal electrical operation is possible and that mechanical controls may be operated through the pressure seals from the exterior of the chamber. All external covers of the equipment shall be removed or opened to insure adequate circulation of the explosive mixture. Large equipment, comprising multiple units, may be tested one or more units at a time by extending electrical connections through the cable port to units located externally.

(*b*) The equipment shall be operated to determine that it is functioning properly and to observe the location of any sparking or high temperature components which may constitute potential explosion hazards.

(*c*) Mechanical loads on drive assemblies and servomechanical and electrical loads on switches and relays may be simulated when necessary, if proper precaution is given to duplicating the normal load in respect to torque, voltage, current, inductive reactance, etc. In all instances, it is preferable to operate the equipment as it normally functions in the system during service use.

(2) Test Procedure. The test shall be conducted at test altitudes of ground level to 5,000 feet, 20,000 feet, and 40,000 feet, except that the highest test altitude shall not exceed the design requirement of the equipment.

(*a*) The test chamber shall be sealed and the ambient temperature within shall be raised to $+71\pm3°$ C., or to the maximum temperature for which the equipment is designed to operate (if lower than 71° C.). The temperature of the test item and the chamber walls shall be permitted to rise to within 11° C. of that of the chamber ambient air, prior to introduction of the explosive mixture.

(*b*) The internal test chamber pressure shall be reduced sufficiently to simulate an altitude approximately 10,000 feet above the desired test altitude. The quantity of fuel, as determined from Figure 13 shall be introduced into the chamber. A time of 3 ± 1 minutes shall be allowed for the introduction and vaporization of the fuel. Air shall be admitted into the chamber until a simulated altitude of 5,000 feet above the test altitude is attained.

(*c*) Operation of the equipment shall then be commenced, all making and breaking electrical contacts being actuated. If high temperature components are present, a warmup time of 15 minutes shall be permitted. If no explosion results, air shall be admitted into the chamber so as to steadily reduce the altitude below the desired test altitude to an elevation 5,000 feet below that altitude. The operation of the equipment shall be continuous throughout this period of altitude reduction and all making and breaking electrical contacts shall be operated as frequently as possible.

(*d*) If by the time the simulated altitude has been reduced to 5,000 feet below the test altitude, no explosion has occurred as a result of operation of the equipment, the potential explosiveness of the air-vapor mixture shall be verified by attempting to ignite the mixture with the igniter furnished with the chamber. If the air-vapor mixture is not found to be explosive, the test shall be considered void and the entire procedure repeated.

b. Procedure II. This procedure is designed to determine the flame and explosion arresting characteristics of equipment cases which are designed to prevent the propagation of internal case explosions.[15]

(1) Preparation for Test.

(*a*) The case, with the equipment in position within, shall be installed in the explosion chamber. Testing shall be accomplished without consideration of the equipment operating characteristics; accordingly, the equipment need not be operated. Adequate circulation of the explosive mixture throughout the case shall be provided by optional means.

(*b*) If it is necessary to drill the case for insertion of a hose from a blower, adequate precaution shall be taken to prevent ignition of the explosive mixture by backfire or release of pressure through the supply hose. The case volume shall not be altered by more than ±5 percent by any modification to facilitate the introduction of explosive vapor.

(*c*) A positive means of igniting the explosive mixture within the case shall be provided. The case may be drilled and tapped for the spark plug or the spark plug may be mounted internally.

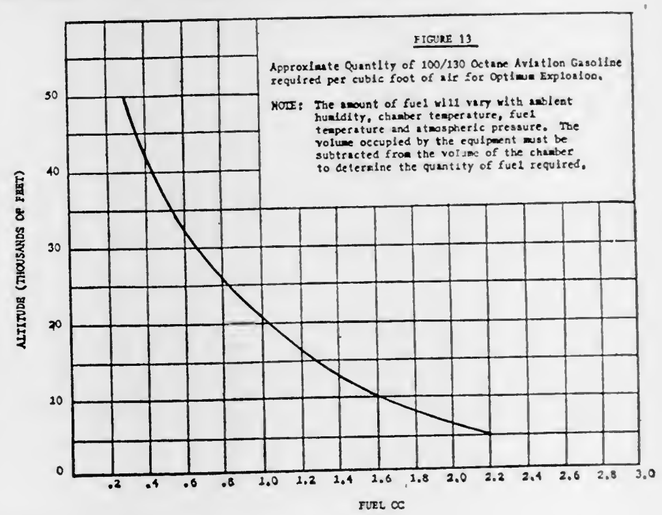
(2) Test Procedure. The test shall be accomplished as follows:

(*a*) The chamber shall be sealed and the internal pressure reduced sufficiently to simulate an altitude between local ground level and 5,000 feet. The ambient chamber temperature shall be at least 25° C. An explosive mixture shall be obtained within the test chamber. (See paragraph 14.2*a*.(2)(*b*).

(*b*) The internal case ignition source shall be energized, in order to cause an explosion within the case. The occurrence of an explosion within the case may be detected by use of a thermocouple inserted in the case and connected to a sensitive galvanometer outside the test chamber. If ignition of the mixture within the case does not occur immediately, the test shall be considered void and shall be repeated with a new explosive charge.

[14] See additional test procedure under paragraph 14.2*b*.

[15] See additional test procedure under paragraph 14.2*a*.



(c) At least five internal case explosions shall be accomplished at the test altitude selected. If the case being tested is small (not in excess of one-fiftieth of the test chamber volume) and if the reaction within the case upon ignition is of an explosive nature without continued burning of the mixture as it circulates into the case, more than one internal case explosion but not more than five may be produced without recharging the entire chamber. Ample time must be allowed between internal case explosions for replacement of burnt gases with a fresh explosive mixture within the case. If the internal case explosions produced did not cause a main chamber explosion, the explosiveness of the fuel-air mixture in the main chamber shall be verified. If the air-vapor mixture in the main chamber is not found to be explosive, the test shall be considered void and the entire procedure repeated, using an explosive mixture.

APPENDIX A

STANDARDS ON EMISSION OF SPURIOUS RADIO FREQUENCY ENERGY (CONDUCTED AND RADIATED INTERFERENCE) AND ASSOCIATED TEST PROCEDURES

The problem of describing the gross radio frequency interference environment (RF Conducted and Radiated Susceptibility Test) in an aircraft is inseparably related to the delineation of the maximum level of spurious radio frequency energy that any one electrical or electronic equipment in that aircraft will emit. It is concluded, therefore, that if the foregoing RF Conducted and Radiated Susceptibility Tests are to achieve their intended purposes, a compatible standard on the maximum permissible level of spurious emission of radio frequency energy from any one electrical or electronic equipment in an aircraft must be applied to that equipment.

Accordingly, one of the following standards (and associated test procedure), as appropriate for the maximum weight of the aircraft in which the electrical/electronic equipment is intended to be installed must be applied to each unit of equipment incorporated in such installation:

1.0 *Standards on Emission of Spurious Radio Frequency Energy.*

a. Categories of Equipment.

Category A—Equipment intended for installation in aircraft having a Maximum Weight of more than 12,500 pounds.

Category B—Equipment intended for installation in aircraft having a Maximum Weight of 12,500 pounds, or less.

b. Conducted RF Interference. Radio interference voltages generated by the equipment within the frequency ranges and in excess of the values shown in Figures 16, 17, 18, and 19 for Categories A and B, respectively, shall not appear on any power line normally connected to an aircraft bus or other equipment.

c. Radiated RF Interference. Radiated interference fields generated by the equipment within the frequency ranges and in excess of the values shown in Figures 20, 21, 22, and 23 for Categories A and B, respectively, shall not be radiated from any unit, cable (including, but not limited to, control, pulse, i-f, video, antenna transmission and power cables) or interconnecting wiring. This requirement includes, but is not limited to, oscillator radiation, other spurious emanations and broadband interference. This does not include radiation emanating from antennas or, in the case of transmitters, any radiation on the selected frequency ±50 percent of the band of frequencies between adjacent channels.

NOTE: The emission of spurious radio-frequency energy from the equipment resulting from manual operation of switches, but not including any electrical or electromechanical operations resulting from manual operation of switches, may exceed the limits stated in paragraphs 1.0*b*. and 1.0*c*. if its duration does not exceed one second.

2.0 *Test Procedure.*

a. Equipment Required.

(1) Interference measuring instrument.—Empire Devices Model NF–105 (including heads and antennas), or equivalent.

(2) Line stabilization networks that meet the requirements of paragraph 2.*b*.(2)(*b*).

b. General Requirements.

(1) The equipment under test shall be set up on a ground plane and operated in accordance with the following criteria:

(*a*) Ground Plane.—A copper or brass ground plane, 0.01 inch thick minimum for copper, 0.025 inch thick minimum for brass, 12-square feet or more in area with a minimum width of 30 inches, shall be used. In all cases where a shielded room is employed, the ground plane shall be bonded to the shielded room at intervals no greater than 3 feet and at both ends of the ground plane.

(*b*) Shock and Vibration Isolators.—The equipment under test shall be secured to mounting bases incorporating shock or vibration isolators, if such mounting bases are specified by the manufacturer. The bonding straps furnished with the mounting base shall be connected to the ground plane. Where mounting bases do not incorporate bonding straps, bonding straps shall not be used in the test setup.

(*c*) *Bonding.*—Only the provisions included in the design of the equipment and specified in the installation instructions shall be used to bond units, such as equipment case and mount, together or to the ground plane. Where bonding straps are required to complete the test setup they shall have a length not greater than 5 times the width, shall have a minimum thickness of 0.025 inch, and shall be copper or brass metal straps, not braid. Connections made with such bond straps shall have clean metal-to-metal contact.

(*d*) External Ground Terminal.—When an external terminal is available for a ground connection on the equipment under test, this terminal shall be connected to the ground plane if the terminal is normally grounded in the installation. If the installation conditions are unknown, the terminal shall not be grounded.

(*e*) Interconnecting Cables.—All equipment interconnecting cables and RF transmission lines shall be in accordance with the manufacturer's installation wiring diagram and shall use shielded or twisted wires only where specified. Where no length of interconnecting cables is specified, the cables shall be at least five (5) feet long. Any inputs or outputs from or to other equipments associated with the equipment under test shall be adequately simulated.

(*f*) Dummy Antennas.—The dummy antenna shall have electrical characteristics which closely simulate those of the normal antenna, and should be shielded. It shall contain electrical components which are used in the normal antenna (such as filters, crystal diodes, synchros, motors, etc.).

(2) Test instruments shall be set up and operated in accordance with the following criteria:

(*a*) Bonding.—Interference meters used for measurement during the "conducted" test shall not be bonded to the ground plane except through the interconnecting coaxial cable. The counterpoise on rod antennas shall be bonded to the ground plane with a strap of such length that the rod antenna can be positioned correctly. The strap shall be as wide as the counterpoise.

(*b*) Powerline Stabilization Network.—One stabilization network shall be inserted in each ungrounded primary input power lead of the equipment under test. The network enclosure shall be bonded to the ground plane. The network shall be made in accordance with Figure 14. The input impedance characteristics of the stabilization network are shown in Figure 15.

(*c*) Antenna Orientation and Positioning in Shielded Enclosures.—The rod or dipole antenna shall be located as shown in Figures 25 or 26. The rod antenna shall be so placed that the antenna is in a vertical position. The rod antenna shall be located at the point where maximum radiation pick-up is obtained when it is moved along a line parallel with the edge of the ground plane. Those measurements which use a resonant dipole antenna shall have the dipole positioned parallel with the edge of the ground plane. The antenna shall be centered 12 inches ±1 inch above the level of the ground plane. The rod or the dipole antenna shall be located at the distance from the equipment under test specified in Figures 25 or 26. When the dimensions of the dipole antenna become smaller than the test layout, the antenna shall be moved parallel to the edge of the ground plane to keep its sensitive elements adjacent to the point of maximum radiation. At frequencies from 25 up to and including 35 megacycles, the measurements shall be taken with the dipole antenna adjusted to resonance at 35 megacycles. The dipole antenna shall be adjusted to resonance at all frequencies above 35 megacycles. In screen room tests, the antennas shall be at least 1 foot away from any wall.

c. Detailed Procedure.

(1) Conducted Interference.

(*a*) Set up equipment in accordance with Figure 24.

(*b*) Search the frequency range specified for the applicable category for each equipment configuration required.

(2) Radiated Interference.

(*a*) Set up the equipment in accordance with Figure 25.

(*b*) Search the frequency range specified in the applicable category for each equipment configuration required.

(*c*) Set up the equipment in accordance with Figure 26.

(*d*) Search the frequency range specified for the applicable category for each equipment configuration required.

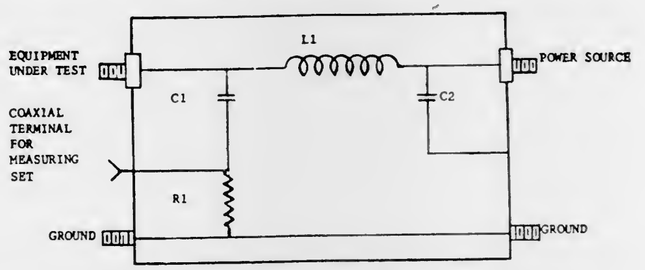


FIGURE 14.—Powerline stabilization network schematic diagram.

ENCLOSURE DATA: 14 GAGE (B & S) ALUMINUM SUGGESTED SIZE 9½ IN. BY 4 BY 4 IN.
FORM DATA: 5¼ IN. LENGTH, 3 IN. DIA (OD), .125 IN. WALL DRILL ⅜ IN. HOLE 1/16 IN. FROM EACH END.
COIL DATA: L1=5 MICROHENRIES, 13 TURNS SINGLE LAYER, 4 IN. WINDING LENGTH.
WIRE DATA: AWG 6, 600 VOLT, .310 IN. DIA (OD). (FOR 50-AMPERE NETWORK.)
CAPACITOR: C1 SHALL BE MOUNTED ON 1 IN. INSULATING BLOCK ABOVE GROUND.
CAPACITOR DATA: C1=.1 UF, 600-VOLT DC, BATHTUB.
C2=1 UF, 600-VOLT DC, BATHTUB, SINGLE TERMINAL CASE MOUNTED ON GROUND.
RESISTOR DATA: R1=5,000-OHM, 5-WATT CARBON.

1. The values given for the component parts of the network are nominal. Regardless of the construction or deviation from nominal values, the network must have an impedance within 20 percent of that given in Figure 15.
2. Connecting leads to condensers and resistors should be as nearly as possible to zero length.
3. Networks may also be constructed having a 1-ohm series resistor between the line and capacitor C2. This 1-ohm resistor shall be made up from ten 10-ohm, 1-watt composition resistors.
4. The data given in this figure is suitable for the construction of 50-ampere networks. Other current-carrying networks may be constructed by changing the wire size given for the coil and the size of the over-all enclosure.
5. The 50-ohm transmission line should be extended within the enclosure right up to the location where it connects with capacitor C1.

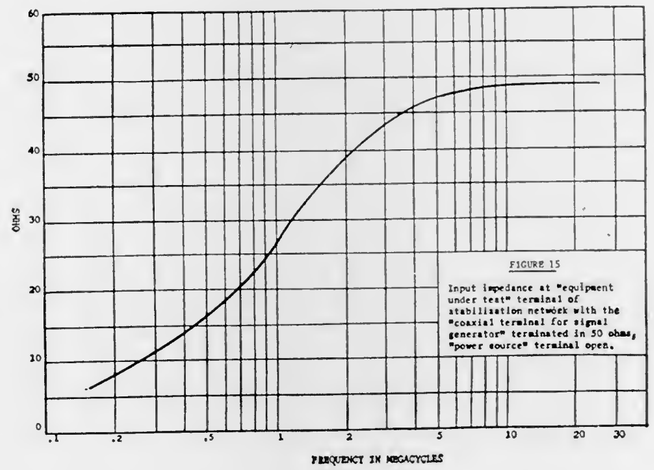
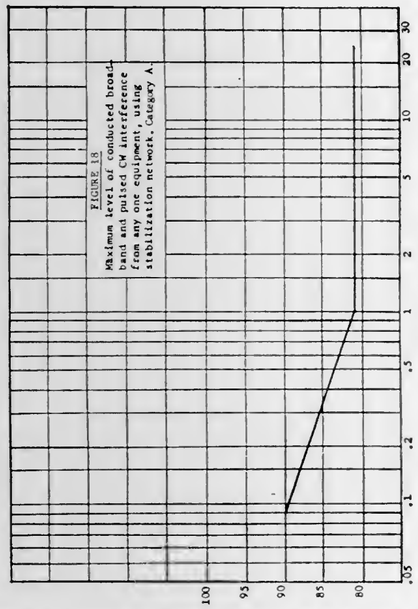
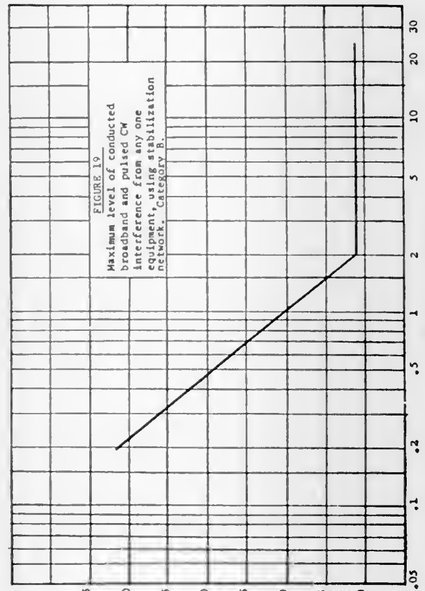
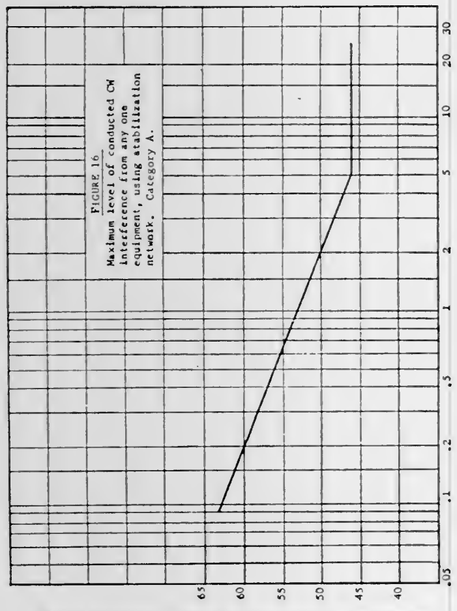


FIGURE 15

Input impedance at "equipment under test" terminal of stabilization network with the "coaxial terminal for signal generator" terminated in 50 ohms, "power source" terminal open.


FIGURE 18
Maximum level of conducted broadband and pulsed CW interference from any one equipment, using stabilization network. Category A.
DB ABOVE ONE MICROVOLT/MC AT INPUT TO LINE STABILIZATION NETWORK
FREQUENCY IN MEGACYCLES


FIGURE 19
Maximum level of conducted broadband and pulsed CW interference from any one equipment, using stabilization network. Category B.
DB ABOVE ONE MICROVOLT/MC AT INPUT TO LINE STABILIZATION NETWORK
FREQUENCY IN MEGACYCLES


FIGURE 16
Maximum level of conducted CW interference from any one equipment, using stabilization network. Category A.
DB ABOVE ONE MICROVOLT AT INPUT TO LINE STABILIZATION NETWORK

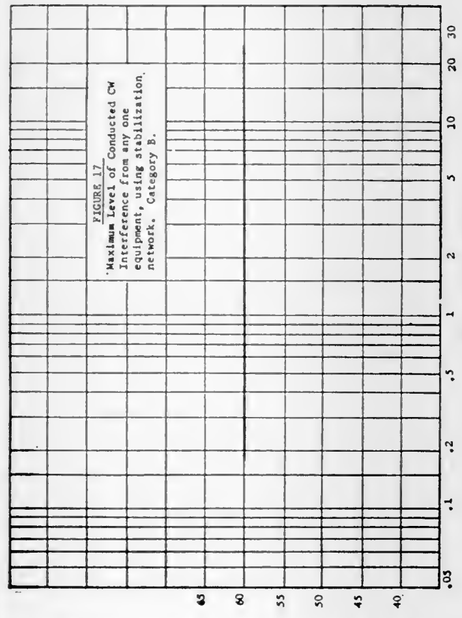
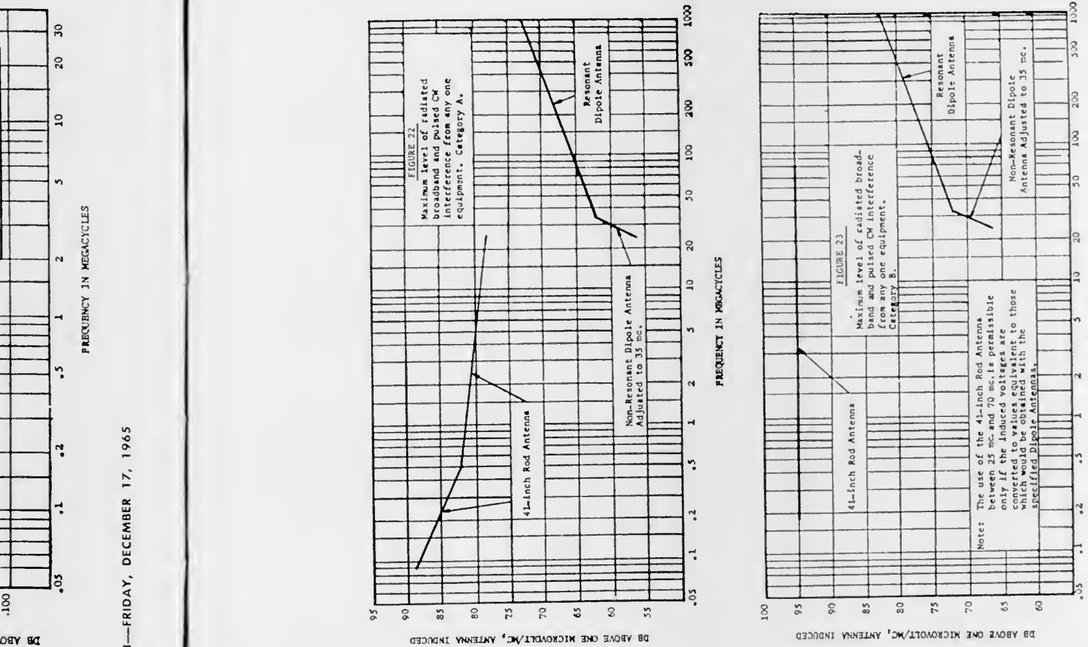
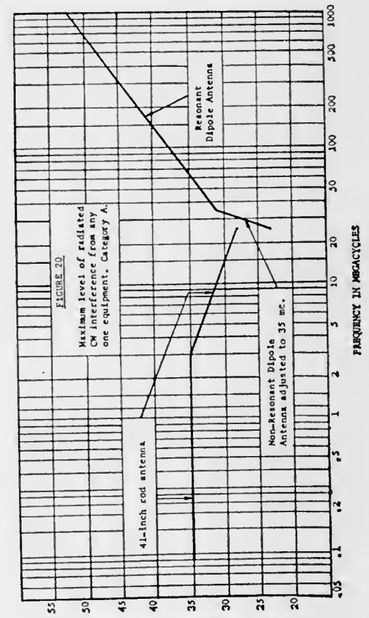
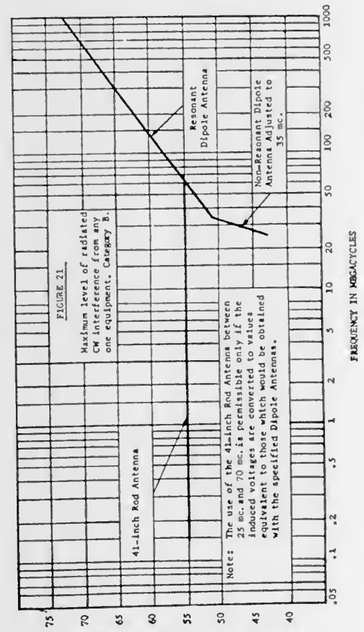

FIGURE 17
Maximum Level of Conducted CW Interference from any one equipment, using stabilization network. Category B.
DB ABOVE ONE MICROVOLT AT INPUT TO LINE STABILIZATION NETWORK
FREQUENCY IN MEGACYCLES

FIGURE 22
Maximum level of radiated broadband and pulsed CW interference from any one equipment. Category A.
41-Inch Rod Antenna
Resonant Dipole Antenna
Non-Resonant Dipole Antenna Adjusted to 35 mc.
DB ABOVE ONE MICROVOLT/MC, ANTENNA INDUCED
FREQUENCY IN MEGACYCLES


FIGURE 23
Maximum level of radiated broadband and pulsed CW interference from any one equipment. Category B.
41-Inch Rod Antenna
Resonant Dipole Antenna
Non-Resonant Dipole Antenna Adjusted to 35 mc.
Note: The use of the 41-inch Rod Antenna between 25 mc. and 70 mc. is permissible only if the induced voltages are converted to values equivalent to those which would be obtained with the specified Dipole Antennas.
DB ABOVE ONE MICROVOLT/MC, ANTENNA INDUCED
FREQUENCY IN MEGACYCLES


FIGURE 20
Maximum level of radiated CW interference from any one equipment. Category A.
41-inch rod antenna
Resonant Dipole Antenna
Non-Resonant Dipole Antenna adjusted to 35 mc.
DB ABOVE ONE MICROVOLT, ANTENNA INDUCED
FREQUENCY IN MEGACYCLES


FIGURE 21
Maximum level of radiated CW interference from any one equipment. Category B.
41-Inch Rod Antenna
Resonant Dipole Antenna
Non-Resonant Dipole Antenna Adjusted to 35 mc.
Note: The use of the 41-inch Rod Antenna between 25 mc. and 70 mc. is permissible only if the induced voltages are converted to values equivalent to those which would be obtained with the specified Dipole Antennas.
DB ABOVE ONE MICROVOLT, ANTENNA INDUCED
FREQUENCY IN MEGACYCLES

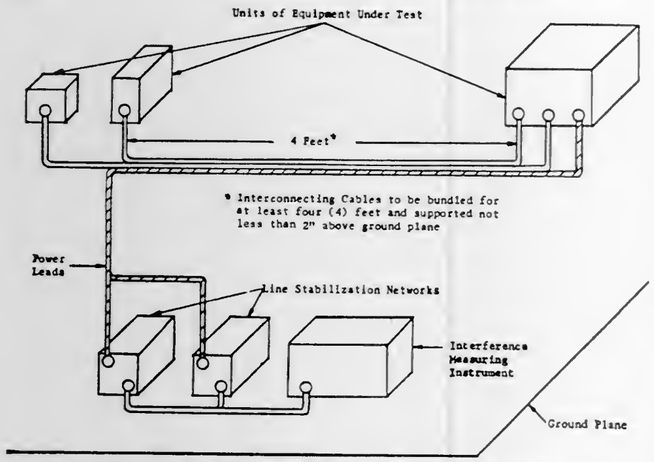


FIGURE 24—Arrangement of equipment for conducted RF interference test.

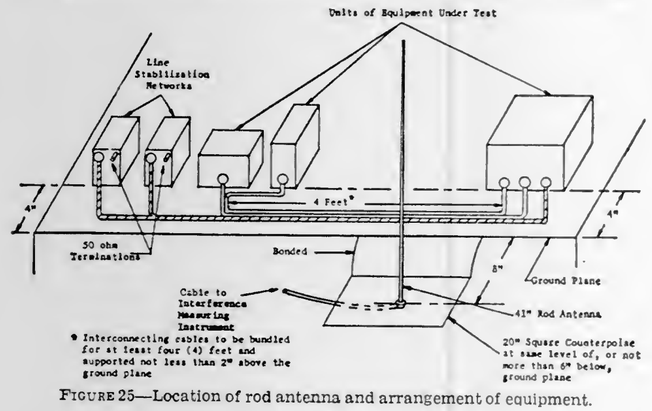


FIGURE 25—Location of rod antenna and arrangement of equipment.

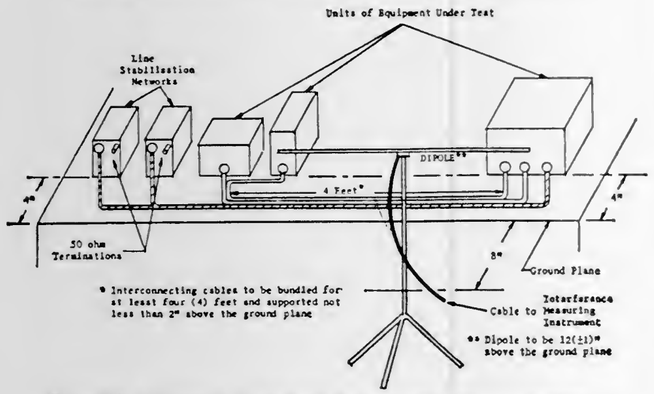


FIGURE 26—Location of dipole antenna and arrangement of equipment.

[F.R. Doc. 65-13291; Filed, Dec. 16, 1965; 8:45 a.m.]

[Docket No. 7032; Amdt. 39-172]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 720 and 720B Series Airplanes

Amendment 39-161 (30 F.R. 14649), AD 65-27-1, as amended by Amendment 39-170 (30 F.R. 15417) requires inspection, and repair where necessary, of the wing upper surface skin on Boeing Model 720 and 720B Series airplanes. Subsequent to the issuance of Amendment 39-170, the Agency has determined that the repetitive inspections required after accomplishment of the interim repairs can be lengthened where concealed cracks do not exceed a certain length. Therefore, the AD is further amended to provide for a longer repetitive inspection interval after accomplishment of the interim repairs when the cracks are concealed and do not exceed 1.25 inches in length.

Since this amendment relieves a restriction, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-161 (30 F.R. 14649), AD 65-27-1, as amended by Amendment 39-170 (30 F.R. 15417) is further amended by changing paragraph (f) to read as follows:

(f) If a crack is detected during the inspections conducted in accordance with paragraph (c), (d), or (e), before further flight, repair the skin crack, in accordance with Paragraph 3, Part II, "Interim Repair Data", or Part III, "Permanent Repair Data", Boeing Service Bulletin No. 2309, or later FAA-approved revision, or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region. Cracks repaired in accordance with Interim Repair Data shall be inspected: at intervals not to exceed 35 hours' time in service until the Part III Permanent Repair is accomplished if the repaired cracks are visible or, if X-ray inspection is required and the cracks are 1.25 inches in length or greater; or, at intervals not to exceed 150 hours' time in service until the Part III Permanent Repair is accomplished if the repaired cracks are concealed, X-ray inspection is required, and the cracks are less than 1.25 inches in length. When the Part III permanent repair has been accomplished, the repetitive inspections required by this AD may be discontinued.

This amendment becomes effective December 17, 1965.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423))

Issued in Washington, D.C., on December 15, 1965.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 65-13561; Filed, Dec. 16, 1965; 8:49 a.m.]

[Airspace Docket No. 65-WA-62]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Low Altitude Reporting Point

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the Sault Ste. Marie, Mich., radio beacon low altitude reporting point.

The segment of Red Federal airway No. 92 between Sault Ste. Marie and the United States/Canadian border has been revoked in Airspace Docket No. 65-WA-43, effective January 6, 1966. This reporting point no longer is required for air traffic control purposes, therefore, its retention as a low altitude reporting point is unnecessary.

Since this amendment is less restrictive in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may become effective without regard to the 30 day statutory period preceding effectiveness.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 6, 1966, as hereinafter set forth.

In § 71.203 (29 F.R. 17711) Sault Ste. Marie, Mich., RBN is revoked.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 10, 1965.

JAMES L. LAMPL,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-13466; Filed, Dec. 16, 1965; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. OR-16]

PART 389—FEES AND CHARGES FOR SPECIAL SERVICES

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of December 1965.

The fees and charges for special Board services are here being adjusted to reflect increased costs and to fix inclusive fees for specific services. Payment of fixed fees shall accompany the requests for services, and the Board will bill for clerical costs only in those instances in which no fixed fee is set.

The fee for processing requests for copies of tariffs and Form 41 schedules is increased from 10 cents to 25 cents per page subject to a minimum fee of $1.00. The fee for certification of documents by the Secretary is $2.00, which includes the clerical fee for checking authenticity of the document. The fee for processing requests for copies of documents contained in the public Board accident investigation files is fixed at $2.00. In those instances where a flat fee is not assessed, clerical costs will be billed at the rate of $6.00 instead of $4.00 per hour, subject to a minimum fee of $1.00.

The free mailing list services are being curtailed. Free subscriptions to recipients engaged in nonprofit activities will be limited to activities in the field of civil aeronautics. In appropriate cases, subscriptions may be obtained at a reduced rate where free subscriptions are not granted. Single copies of Board publications, individually requested, may still be obtained free, except for those publications which are issued at a fixed price. Mailing list service for documents issued in a formal Board docketed proceeding will be available at a cost of $5.00, instead of at no cost.

Part 389, as here amended, is being reisssued so that the current regulation will be available to the public in a single document. The Board's list of publications has been revised to incorporate new charges in some cases for the mail services provided therein, and copies of this list may be obtained free upon request to the Board's Publications Section. A representative list of publications, together with the subscription price for each, for informational purposes is added hereto as an appendix.

Since this regulation is a rule of agency practice and procedure, notice and public procedure hereon are not required. The Board finds that the rule should be made effective January 1, 1966, on less than 30 days' notice in order that subscriptions expiring on December 31, 1965, may be entered at the rate for 1966.

Accordingly, the Board hereby amends and reissues Part 389 of the Organization Regulations (14 CFR Part 389), effective January 1, 1966, to read as follows:

Sec.
389.1 Policy and scope.
389.2 Services available.
389.3 Payment of fees and charges.
389.4 Fees for services.
389.5 Copying records and documents.
389.6 Certification of copies of documents.
389.7 Board publications.
389.8 Transcripts of hearings.

AUTHORITY: The provisions of this Part 389 issued under sec. 204(a), Federal Aviation Act of 1958, 72 Stat. 743; 49 U.S.C. 1324; Title V of Act of Aug. 31, 1951, 65 Stat. 268; 5 U.S.C. 140; sec. 3 of Administrative Procedure Act, 60 Stat. 238; 5 U.S.C. 1002.

§ 389.1 Policy and scope.

Pursuant to policies established by the Congress, the Government's costs for special services furnished to individuals or firms who request such services are to be recovered by the payment of fees. (Title V of Independent Offices Appropriation Act of 1952; 5 U.S.C. 140.) This regulation sets forth the special services made available by the Board and the fees therefor.

§ 389.2 Services available.

Upon request and payment of fees as provided in subsequent sections, there are available, with respect to documents subject to inspection, services as follows:

(a) Copying records and documents.

(b) Certification of copies of documents under seal of the Board.

(c) Subscriptions to publications of the Board.

(d) Transcripts of hearings.

§ 389.3 Payment of fees and charges.

The fees charged for special services may be paid by check, draft, or postal money order, payable to the Civil Aeronautics Board, except for charges for copying documents and reporting services which are performed under competitive bid contracts with non-Government firms. Fees for the latter are payable to the firms providing the services.

§ 389.4 Fees for services.

The basic fees set forth below provide for documents to be mailed with ordinary first class postage prepaid. If copy is to be transmitted by registered, certified, air, or special delivery mail, postal fees therefor will be added to the basic fee. Also, if special handling or packaging is required, costs therefor will be added to the basic fee.

§ 389.5 Copying records and documents.

Copies of public records and documents on file with the Civil Aeronautics Board, as it may be practicable to furnish, will be provided upon request therefor and payment of fees as set forth below:

(a) Copies of documents are made by non-Government contractors, on request to the Board. The contractor will bill directly those who request such copies.

(b) To the extent that time can be made available, services involved in searching the records and files of the Board for documents to be copied and preparing such materials for copying will be charged for as follows:

(1) Tariffs and Form 41 schedules filed with the Board, at the rate of 25 cents per page. With reference to tariffs filed with the Board, this charge applies only to identifying, removing from the files for copying, and returning to files designated pages of tariffs; no substantive research as to contents of tariffs will be undertaken.

(2) Factual accident investigation reports, statements, photographs and other materials contained in the Board's accident investigation files, insofar as such materials are open to public inspection, at the rate of $2.00 for each accident involved. Payment of this fee shall accompany the request.

(3) All other materials, at the rate of $6.00 per hour.

(4) A minimum charge of $1.00 will be made for these services.

§ 389.6 Certification of copies of documents.

The Secretary of the Board will provide, on request, certification or validation (with the Civil Aeronautics Board seal) of documents filed with or issued by the Board. Copies of tariffs filed with the Board will be certified only when such copies have been made under the Board's supervision upon request of the applicant. Charges for this service are as follows:

(a) Certification of the Secretary, $2.00. This fee includes clerical services involved in checking the authenticity of records to be certified, and shall be prepaid with the request. If copying of the documents to be certified is required, the copying charges provided for in § 389.5

(a) will be in addition to the charges specified in this section.

§ 389.7 Board publications.

(a) *Charges for subscriptions.* Charges are established for subscriptions to Board publications for which there are regular mailing lists. Publications available, and charges therefor, are described in the "List of Publications" available on request to the Board's Publications Section, B–22, Washington, D.C., 20428. This list and the charges therein are subject to revision at least annually and without prior notice. Subscriptions to publications are for calendar year terms and all subscriptions expire on December 31 of each year. Subscriptions to weekly or monthly publications for periods of less than a full calendar year will be prorated on a monthly basis. Quarterly publications will be prorated on a quarterly basis. No provision is made for refund upon cancellation of subscription by a purchaser. Payment for subscriptions in the form prescribed in § 389.3 shall accompany the subscription order.

(b) *Free services.* No charge will be made by the Board for notices, decisions, orders, etc., required by law to be served on a party to any proceeding or matter before the Board. No charge will be made for single copies of Board publications individually requested in person or by mail, except where a charge is specifically fixed for a publication at the time of its issuance. In addition, subscriptions to Board publications will be entered without charge when one of the following conditions is present:

(1) The furnishing of the service without charge is an appropriate courtesy to a foreign country or international organization;

(2) The recipient is engaged in a nonprofit activity designed for the public safety, health, and welfare in the field of civil aeronautics;

(3) The recipient is another government agency, Federal, State or local, concerned with aeronautics or having a legitimate interest in the proceedings and activities of the Board;

(4) The recipient is a college or university;

(5) The recipient does not fall into any of the foregoing categories, but free service or service at a reduced rate is determined by the Board to be appropriate in the interest of and contributing to the Board's program.

(c) *Reciprocal services.* Arrangements may be made for furnishing publications to a foreign country on a reciprocal basis.

§ 389.8 Transcripts of hearings.

Transcripts of testimony and oral argument are furnished by a non-Government contractor, and may be purchased directly from the reporting firm.

Adopted: December 14, 1966.

Effective. January 1, 1966.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

SCHEDULE OF SUBSCRIPTION RATES FOR PUBLICATIONS

Publications	Rates in effect calendar year 1965	Rates in effect calendar year 1966
Weekly calendar of prehearing conferences, hearings, and arguments	$5.00	$4.00
Weekly digest of applications filed and/or amendments thereto	13.00	15.00
Economic opinions	24.00	24.00
Weekly summary of orders and regulations	10.00	10.00
All economic orders and opinions	55.00	60.00
Weekly list of agreements filed under sec. 412(a), FA Act	6.00	6.00
Prehearing conference reports	15.00	15.00
Examiners' recommended or initial decisions	25.00	25.00
Letters to mayors (semiannual)	1.40	1.00
Local service air carrier unit costs (semiannual)	1.30	2.00
Route maps (set of seven) (annually)	.50	.50
Air carrier traffic statistics (monthly)	10.00	14.00
Air carrier financial statistics (quarterly)	5.00	5.00
Air carrier analytical charts and summaries (quarterly)	3.00	5.00
Aircraft accident reports	5.00	5.00
Statistical review and resume of air carrier accidents (annually)	1.00	1.00
General aviation accidents, a statistical review (annually)	1.00	1.00
Safety enforcement opinions and orders	10.00	8.00
Summary reports of accidents, U.S. civil aviation (twice monthly)	9.00	11.00
Briefs of accidents, U.S. general aviation (monthly)	10.00	8.00
Notices of proposed rulemaking	8.00	8.00
Issuances in individual economic proceedings		5.00

[F.R. Doc. 65–13499; Filed, Dec. 16, 1965; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

[Amdt. 22]

PART 722—COTTON

Subpart—Acreage Allotment Regulations for 1964 and Succeeding Crops of Upland Cotton

EXCHANGE OF COTTON AND RICE FARM ALLOTMENTS

This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.), as amended by the Food and Agriculture Act of 1965 (Pub. L. 89–321, 79 Stat. 1187, November 3, 1965).

(a) The purpose of this amendment is to establish the procedure for exchange of cotton and rice farm allotments.

(b) In order that farmers may be able to make necessary plans for the 1966 crops, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure, and the 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

The Acreage Allotment Regulations for the 1964 and succeeding crops of upland cotton (28 F.R. 11041, as amended) are amended by adding the following new section after § 722.230:

§ 722.231 Exchange of cotton and rice farm allotments.

(a) *General explanation.* Subsection (h) of section 344a of the act was enacted November 3, 1965 (Pub. L. 89–321, 79 Stat. 1199), by the Food and Agriculture Act of 1965. The statute authorizes the exchange between farms in the same county, or between farms in adjoining counties within a State, of upland cotton farm allotment for rice farm allotment to take effect during any of the years 1966, 1967, 1968, and 1969. Each exchange of allotments shall be on an acre for acre basis subject to any required adjustments for differences in productivity of the farms under paragraph (c) of this section. Producer rice allotments established under section 353 of the act shall not be exchanged under this section.

(b) *Applications for exchange.* The owners and operators of the two farms shall be eligible to file application for exchange. If the owner and operator of a farm are different persons, both such persons shall execute the application. Applications shall be filed with the county committee of the county in which one of the farms is located not later than the closing date applicable for release of cotton allotments under § 722.213(a)(5) for the year in which the exchange is to take effect. Applications shall be limited to exchanges to take effect during the 4-year period 1966–69 but shall be permanent exchanges with effect beyond such 4-year period.

(c) *Productivity adjustment in allotments and history acreage.* The acreage allotment for cotton or rice, as the case may be, received by any farm in an exchange under this section shall be adjusted for differences in farm productivity if the projected yield for the commodity on the receiving farm exceeds the projected yield therefor on the farm from which the transfer is made, by more than 10 percent. The adjustment, if any, shall be made for cotton by comparing the projected cotton yields for the farms involved in the exchange. Similarly the adjustment, if any, shall be made for rice by comparing the projected rice yields for the farms involved in the exchange. The county committee shall determine the amount of allotment for cotton or rice, as the case may be, received by any farm in an exchange under this section where productivity adjustment is required by dividing (1) the product of the projected yield for the commodity for the farm from which the allotment is transferred and the acreage transferred from such farm, by (2) the projected yield for the receiving farm. The projected yields used in the productivity adjustment shall be those for the first crop for which the exchange will be effective. If such projected yields for the farms have not been established at the time the county committee determines the amount of productivity adjustment, the preliminary projected yields for the farms for such crop shall be used as the projected yields, subject to any revision in the productivity adjustment requested by the applicant based on the projected yields as finally established for the farms. History acreage for the farm receiving allotment shall be adjusted by the same percentage as the received allotment is adjusted. As to the farm from which an allotment is transferred, the amount of allotment and related farm history acreage transferred from the farm shall be the full amount, but the amount of allotment and related history acreage received by the farm to which allotment and history are transferred shall be the adjusted amount. In the case of exchanges within a county, the county acreage history shall be adjusted to correspond with the adjusted acreage history received by the farms in the county as a result of such exchange. In the case of exchanges between counties, the county acreage history for the county from which the transfer is made shall be reduced by the full amount of the acreage transferred from farms in the county and the county acreage history for the county to which the transfer is made shall be increased by the amount of the adjusted acreage history received by the farms in the county. In the case of upland cotton but not in the case of rice, the history remaining unassigned to any county as a result of such productivity adjustments shall be tabulated by the State committee and included with the sum of county history acreages for purposes of determining the State history acreage.

(d) *Conditions.*—(1) *Same or adjoining county in a State.* No exchange shall be made between farms which are not in the same county or adjoining counties in the same State.

(2) *Consent of lienholders.* No exchange shall be made if one or both of the farms is subject to a mortgage or other lien unless the exchange is agreed to in writing by the lienholders.

(3) *New farm eligibility.* No farm from which the entire upland cotton or rice farm allotment has been transferred in an exchange shall be eligible for an allotment for the commodity as a new farm within a period of five crop years after the date of exchange.

(e) *County committee action.* The county committee shall approve exchanges of allotments only if it determines that a timely filed application has been received and that the exchange complies with the requirements of this section. If the exchange is made between counties, the approval of both county committees shall be required. No exchange shall be effective until approval as provided under this paragraph is obtained. The county committee shall issue revised notices of farm allotment for cotton and rice for each farm affected by the exchange. If a county committee obtains evidence that the conditions applicable to any exchange of allotment under this section have not been met, a report of the facts shall be made to the State committee. The State committee shall determine whether such conditions have been met and if not met, shall require that the exchange be cancelled. Where cancellation is required, the respective county committees shall issue revised notices of allotment showing the reasons for cancellation of the exchange of allotment.

(Secs. 344a, 375, 79 Stat. 1197, 52 Stat. 66, as amended; 7 U.S.C. 1344(a), 1375)

Effective date. Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on December 13, 1965.

H. D. GODFREY, *Administrator, Agricultural Stabilization and Conservation Service.*

[F.R. Doc. 65–13482; Filed, Dec. 16, 1965; 8:46 a.m.]

[Amdt. 23]

PART 722—COTTON

Subpart—Acreage Allotment Regulations for 1964 and Succeeding Crops of Upland Cotton

EXPORT MARKET ACREAGE FOR 1966

This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.), as amended by the Food and Agriculture Act of 1965 (Pub. Law 89–321, 79 Stat. 1187, November 3, 1965).

(a) The purpose of this amendment is to establish the procedure for apportioning export market acreage for 1966 under section 346(e) of the Act.

(b) In order to permit producers to make necessary plans, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure, and the 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

The Acreage Allotment Regulations for the 1964 and succeeding crops of upland cotton (28 F.R. 11041, as amended) are amended by adding the following new section after § 722.231:

§ 722.232 Export market acreage for 1966.

(a) *National export market acreage reserve.* Section 346(e) of the Act was enacted November 3, 1965 (Pub. L. 89–321, 79 Stat. 1192) by the Food and Agriculture Act of 1965. The statute established for the 1966 crop of upland cotton a national export market acreage reserve of 250,000 acres.

(b) *Applications for export market acreage.*—(1) *Persons eligible to file applications.* The farm operator for 1966 of a farm for which a farm allotment for 1966 is established and which had an upland cotton allotment in 1965 and which he operated in 1965, may apply for export market acreage for the 1966 crop. If such farm operator in 1965 is deceased, his heir who is the farm operator for 1966, may apply for export market acreage for the 1966 crop. No farm shall be eligible for export market acreage for 1966 if a transfer by sale or lease under section 344a of the Act is approved for such farm for 1966.

(2) *Where applications to be filed.* Applications for export market acreage shall be filed with the county committee of the county in which the farm is located.

(3) *Closing date for filing applications.* Applications for export market acreage for the 1966 crop shall be filed on or before January 3, 1966.

(4) *Form of application.* The form of application for export market acreage shall be prescribed by the deputy administrator and shall provide that the applicant elects to forego price support for the 1966 crop of upland cotton on the farm for which application is made and on any other farm in which he has a controlling or substantial interest. No application shall be made for a greater acreage than is available on the farm for the production of upland cotton.

(5) *Withdrawal of applications.* The applicant may withdraw an application at any time (i) prior to apportionment of export market acreage to the farm, (ii) within 15 days after notice of the original apportionment of export market acreage to the farm is mailed to the applicant, or (iii) within 15 days after notice of any supplemental apportionment to the farm is mailed to the applicant by filing a written request for such withdrawal with the county committee. Such timely withdrawal shall also cancel the agreement of applicant to forego price support.

(c) *Procedure for apportioning export market acreage to farms.*—(1) *Initial apportionment.* The county committee shall determine the maximum acreage for which eligible applicants have filed applications by the closing date. Such maximum acreage shall be tabulated for each county in a State and transmitted to the deputy administrator by the State ASCS office. The deputy administrator shall tabulate the total of all applications and if not in excess of the national export market acreage reserve shall notify the respective State ASCS offices that the applications from each county are approved. If the total of all applications is in excess of the national export market acreage reserve, the deputy administrator shall establish a pro rata factor and notify the respective State ASCS offices that the applications from each county are approved subject to the reduction determined by applying the pro rata factor to each application. The county committee shall issue a notice to the applicant showing the export market acreage approved for the farm.

(2) *Supplemental apportionment.* If a supplemental apportionment is re-

quired, the county committee shall tabulate the export market acreage recovered from farms for which applications are timely withdrawn and notify the State ASCS office of the amount. Such recovered acreage shall be tabulated for each county in a State and transmitted to the deputy administrator by the State ASCS office. The deputy administrator shall apportion such recovered export market acreage to the remaining farms for which applications were approved and not withdrawn in amounts determined to be fair and reasonable taking into account the applications filed for such farms but the total export market acreage so apportioned shall not exceed the acreage requested in the application for any farm. The county committee shall issue a notice showing the total export market acreage approved for a farm receiving a supplemental apportionment.

(d) *No acreage history.* Acreage planted to cotton in excess of the farm allotment established under section 344 of the Act shall not be taken into account in establishing future State, county, and farm allotments.

(e) *Requirement of exportation of cotton.* The operator of any farm to which export market acreage is apportioned, or the purchaser of cotton produced on such farm, shall furnish a bond or other undertaking providing for the exportation of all cotton produced on such farm without benefit of any Government cotton export subsidy, and for the payment of liquidated damages upon failure to comply with such bond or other undertaking.

(f) *Bond or other undertaking*—(1) *Bond.* The deputy administrator shall prescribe the form of bond for exportation of cotton. The farm operator shall execute such bond as principal and furnish it to the county committee duly executed by the principal and a corporate surety authorized to do business in the State in which the farm is situated and listed by the Secretary of the Treasury of the United States as an acceptable surety on bonds to the United States. A person who has agreed to purchase all the cotton produced on the farm may execute the bond as principal in lieu of the farm operator.

(2) *Other undertaking.* In lieu of a bond under subparagraph (1) of this paragraph, the county committee may accept an undertaking from the farm operator or the purchaser of all the cotton produced on the farm providing for the exportation of all cotton produced on the farm and for deposit with the county committee of an amount to secure the payment of liquidated damages for failure to fulfill terms and conditions of such undertaking. The amount of such deposit shall be equal to the maximum obligation for the payment of liquidated damages determined under paragraph (g) of this section. Such deposit shall be refundable to the extent that it exceeds such maximum obligation or such undertaking for the exportation of cotton is satisfied. The deputy administrator shall prescribe the form of the undertaking to be furnished.

(g) *Liquidated damages.*—(1) *Determination of amount.* The county committee shall determine the estimated liquidated damages under each bond or other undertaking furnished under this section at the time so furnished. Such estimated liquidated damages shall be the number of dollars and cents obtained by multiplying the acreage permitted to be planted on the farm (farm allotment plus export market acreage) by the projected farm yield, and multiplying the result thereof by 21.0 cents. Such estimated liquidated damages shall be adjusted when the cotton crop has been harvested so that the adjusted liquidated damages shall be the number of dollars and cents obtained by multiplying the actual production of lint cotton on the farm in net weight pounds by the marketing quota penalty rate for the 1966 crop of upland cotton determined under section 346(a) of the Act. In case of exportation of only part of the cotton produced on the farm, the adjusted liquidated damages shall be reduced accordingly.

(2) *Due date.* Liquidated damages shall be due and payable fifteen days after the date of mailing notice of the amount of adjusted liquidated damages to the principal and surety on any bond, or to the person furnishing any other undertaking in lieu of such bond. The county committee shall mail such notice by certified mail upon a determination that all the cotton produced on the farm has not been exported in accordance with the requirements of this section. The principal and surety on any bond of indemnity shall be deemed to waive actual notice of any adjustments in the amount of liquidated damages.

(3) *Liability for liquidated damages.* The principal and surety on any bond of indemnity furnished under this section shall be jointly and severally liable for the payment of liquidated damages to the United States of America in accordance with the terms and conditions of the bond and the provisions of this section. Where an undertaking in lieu of a bond of indemnity is furnished, the person executing such undertaking shall be liable for liquidated damages to the United States of America in accordance with the terms and conditions of the undertaking and the provisions of this section and any such person shall authorize payment of the liquidated damages out of any deposit made with the county committee and shall pay any outstanding balance not covered by such deposit within fifteen days from the date of mailing of notice of such balance by certified mail to the farm operator and to such person. The county committee shall collect such liquidated damages from the deposit so made and give notice of the balance due, if any, upon a determination that all the cotton produced on the farm has not been exported in accordance with the requirements of this section.

(h) *Determination of cotton to be exported.* The county committee shall determine the actual production of lint cotton of the 1966 crop on the farm on the basis of evidence of production furnished by the farm operator. If the evidence of production is not satisfactory or none is furnished, the county committee shall appraise the actual production on the basis of the projected farm yield and such other information as is available. The actual production, or the appraised actual production, as determined under this paragraph of 1966 crop lint cotton on the farm shall be exported and the cotton so required to be exported is referred to as export cotton for the farm.

(i) *Evidence of exportation.* The county committee shall be furnished with evidence of exportation of export cotton for each farm in terms of bales of cotton of the 1966 crop which shall total at least the number of pounds of lint cotton net weight determined as the export cotton for the farm. The county committee shall review the evidence of exportation furnished for each farm which shall be deemed satisfactory if it meets the following requirements:

(1) There shall be submitted a listing showing the name of the farm operator, farm number, gin or compress bale number or mark and gross weight of each bale, bill of lading number and date, total quantity (pounds) of export cotton included on bill of lading, carrier, vessel or car number, destination and date and place of lading, on rail and truck exports the number and date of the lading certificate. Such listing shall be certified by the exporter as true and correct and the farm operator shall also certify that each bale so listed was produced in the United States from the 1966 crop on the farm so designated.

(2) The exporter shall also certify that no cotton export subsidy for the exportation of the cotton so listed has been received from the Government and that no claim for any cotton export subsidy for the exportation of such cotton has been or will be filed by such exporter with the Government and the evidence of exportation of cotton furnished under this section has not and will not be used to satisfy the obligation to export cotton which such exporter or any other person may have under the cotton equalization program under section 348 of the Act, or any other program for the exportation of cotton which may now be or later become effective under the statutes of the United States. However, exportation of export cotton under programs pursuant to Title I—Sales for Foreign Currency and Title IV—Long-Term Supply Contracts of the Agricultural Trade Development and Assistance Act of 1954, as amended (Public Law 480, 83d Cong.; 7 U.S.C. 1701–9, 1731–6) shall not be deemed to involve a Government cotton export subsidy within the meaning of section 346(e) of the Act (7 U.S.C. 1346(e)). Accordingly, evidence of such exportation of export cotton may also be furnished to satisfy the obligation of the exporter under such programs if the applicable purchase authorization under such programs permits the exportation of export cotton.

(3) The exporter shall also furnish promptly any additional evidence of exportation which may be requested by the county committee, State committee, or deputy administrator and make his records available for inspection concerning the records for any farm for which he has provided proof of export.

(j) *Time limit for export and submission of evidence of exportation.* The export cotton for a farm shall be exported on or before July 31, 1967, and evidence of such exportation satisfactory to the county committee shall be furnished within 60 days after the date of exportation. The State committee, upon recommendation by the county committee may extend the date for exportation and the date for furnishing evidence of exportation upon a showing of good cause and the furnishing of an appropriate extension of the bond or other undertaking. Unless evidence of exportation within the time specified under this paragraph is furnished, liability for liquidated damages shall accrue.

(k) *Amounts collected as liquidated damages.* All amounts collected as liquidated damages shall be remitted to the Commodity Credit Corporation.

(l) *Records and reports.* The records and reports provisions of the Marketing Quota Regulations for the 1964 and Succeeding Crops of Upland Cotton (29 F.R. 9767, as amended) shall also be applicable to the export market acreage program.

(m) *Appeals.* The Appeal Regulations in Part 780 of this chapter (29 F.R. 8200) shall be applicable to determinations under this section.

(n) *Failure to furnish a bond or other undertaking.* No application for export market acreage shall be approved unless a bond or other undertaking is furnished in accordance with this section.

(o) *Acreage planted to cotton exceeds farm allotment and export market acreage.* If the acreage planted to cotton on a farm receiving export market acreage exceeds the sum of the farm allotment and the export market acreage for the farm, the acreage planted to cotton in excess of the farm allotment shall be regarded as excess acreage for purposes of determining the farm marketing excess and marketing quota penalty under sections 345 and 346 of the Act. The obligation to export cotton under the bond or other undertaking and the provisions of this section is not reduced or modified by reason of excess acreage plantings established under this paragraph.

(Secs. 346(e), 375, 79 Stat. 1192, 52 Stat. 66, as amended; 7 U.S.C. 1346(c), 1375)

Effective date. Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on December 13, 1965.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65-13483; Filed, Dec. 16, 1965; 8:46 a.m.]

[Amdt. 19]

PART 724—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 & 52), CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54 & 55), AND MARYLAND TOBACCO

Subpart—Tobacco Allotment and Marketing Quota Regulations, 1963–64 and Subsequent Marketing Years

MISCELLANEOUS AMENDMENTS

Basis and purpose. This amendment is issued pursuant to the Agricultural Adjustment Act of 1938 (7 U.S.C. 1281 et seq.), as amended, particularly by Public Law 89–12, approved April 16, 1965 (7 U.S.C. 1314c), and the Food and Agriculture Act of 1965 (Public Law 89–321, approved November 3, 1965).

The amendment: (a) Revises § 724.62(1) to add a new paragraph to provide for a farm which includes land for which no tobacco allotment is established because the owner of the parent farm did not designate a tobacco allotment for such land when a reconstitution was made pursuant to Part 719 of this chapter being ineligible for a new farm allotment for 5 years beginning with the year of reconstitution, and (2) to make changes for Flue-cured tobacco made necessary by the fact that acreage-poundage quotas are in effect for Flue-cured tobacco pursuant to the provision of Public Law 89–12.

(b) Amends, pursuant to authority contained in Public Law 89–321, § 724.67 which provides for lease and transfer of tobacco acreage allotments through the 1965 crop year, to make the section apply to Fire-cured, Dark Air-cured, Virginia Sun-cured, Cigar-binder (types 51 and 52), and Maryland tobacco through the 1969 crop year.

(c) Adds, pursuant to authority contained in Public Law 89–12, a new section designated as § 724.69 to provide for the establishment of acreage-poundage quotas for Flue-cured tobacco for 1966 and subsequent crop years, and for lease and transfer of such marketing quotas on a pound-for-pound basis through 1969 pursuant to Public Law 89–321. When applying and construing the provisions of § 724.69, care should be taken to give effect to the definitions contained in paragraph (b) of such section.

A summary of the provisions of Public Law 89–12 was published in the FEDERAL REGISTER for April 21, 1965 (30 F.R. 5641), and regulations which governed the establishment of farm acreage allotments and farm marketing quotas for Flue-cured tobacco for the 1965 crop year were published in the FEDERAL REGISTER for May 1, 1965 (30 F.R. 6146).

Public notice of intention to issue this amendment was given (30 F.R. 13012, 13231, 13828) in accordance with the Administrative Procedure Act (5 U.S.C. 1001–1011).

Since this amendment is applicable to the 1966 crop and farmers are currently making plans for such crop and must be informed of the marketing quotas for their farms as soon as possible, it is hereby found and determined that compliance with the effective date requirement of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest and these regulations shall be effective upon the date of filing with the Director, Office of the Federal Register.

§ 724.62 [Amended]

1. Paragraph (a) is amended by designating the present text as subparagraph (1) and by adding a new subparagraph designated (2) to read as follows:

(2) The provisions of this subparagraph and not the provisions of subparagraph (1) shall apply to Flue-cured tobacco for the 1966 and subsequent crop years. The acreage allotment, other than an acreage allotment made under paragraph (c) of § 724.69, for a new farm shall be that acreage which the county committee, with the approval of the State committee, determines is fair and reasonable for the farm taking into consideration the past tobacco experience of the farm operator, the land, labor and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided*, That the acreage allotment so determined shall not exceed 50 percent of the average of the acreage allotments established for two or more but not more than five old tobacco farms which are similar with respect to land, labor and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco.

2. Paragraph (b) is amended by adding a new subparagraph (10) at the end thereof to read as follows:

(10) A farm which includes land which has no tobacco acreage allotment because the owner did not designate a tobacco allotment for such land when the parent farm was reconstituted pursuant to Part 719 of this chapter, shall not be eligible for a new farm tobacco allotment for a period of 5 years beginning with the year in which the farm reconstitution becomes effective.

3. Paragraph (c) is amended by redesignating the present text as subparagraph (1) and by adding a new subparagraph designated (2) to read as follows:

(2) The provisions of this subparagraph and not those of subparagraph (1) of this paragraph shall apply to Flue-cured tobacco for the 1966 and subsequent crop years. The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotments to all new farms. Not to exceed one percent of the national acreage allotment minus that part of the national reserve set aside for correction of errors and ad-

justing inequities shall be made available for establishing new farm allotments.

4. Paragraph (d) is amended by revising the phrase "§§ 724.50 through 724.67" to read "§§ 724.50 through 724.69".

5. Paragraphs (a) and (d) of § 724.67 are amended to read as follows:

§ 724.67 Lease and transfer of tobacco acreage allotment.

(a) For the 1966, 1967, 1968, and 1969 crop years, notwithstanding the provisions of §§ 724.50 through 724.66, but subject to the limitations provided in this section, the owner and operator (acting together if different persons) of any farm for which an old farm tobacco acreage allotment for Fire-cured, Dark Air-cured, Virginia Sun-cured, Cigar-binder (types 51 and 52), or Maryland tobacco is established for the current year may lease and transfer all or any part of such allotment to any other owner or operator of a farm in the same county with a current year's allotment (old or new farm) for the same kind of tobacco for use on such farm. Such lease and transfer of allotment acreage shall be recognized and considered valid by the county committee subject to the conditions set forth in this section.

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(d) A Maryland tobacco acreage allotment for the current year shall not be eligible for lease and transfer from a farm unless at least 75 percent of the allotment for the farm was actually planted on such farm during each of the two immediately preceding years.

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6. A new § 724.69 is added to read as follows:

§ 724.69 Establishment of acreage-poundage quotas for Flue-cured tobacco for 1966 and subsequent crop years.

(a) *General.* The provisions of this section shall apply in the establishment of acreage allotments and farm marketing quotas for Flue-cured tobacco for 1966 and subsequent crop years. Sections 724.51, 724.53, and 724.62, insofar as applicable and not in conflict with the provisions of this section, shall also apply to the establishment of such allotments and marketing quotas. The national acreage factor and the national yield factor for each crop year, hereinafter referred to in this section, together with the amount of acreage reserved for the correction of errors in farm acreage allotments and for adjusting inequities in such allotments and the amount of acreage reserved for new farms, will be published in the FEDERAL REGISTER prior to the December 1 immediately preceding such crop year.

(b) *Definitions*—(1) *Effective farm acreage allotment.* The current year farm acreage allotment (i) plus the acreage computed for pounds undermarketed in the preceding marketing year, (ii) plus the acreage computed for pounds leased and transferred to the farm for the current year, (iii) minus the acreage computed for the pounds overmarketed in the preceding marketing year and any additional pounds overmarketed in any prior marketing year for which a reduction in quotas has not been made, (iv) minus the acreage reduced for violation of tobacco marketing quota regulations for a prior year, and (v) minus the acreage computed for pounds leased and transferred from the farm for the current year.

(2) *Effective farm marketing quota.* The current year farm marketing quota (i) plus the pounds undermarketed in the preceding marketing year not to exceed 100 per centum of the preceding marketing year's farm marketing quota plus pounds leased and transferred to the farm in such year, (ii) plus the pounds leased and transferred to the farm for the current year, (iii) minus the pounds overmarketed in any prior marketing year for which a reduction in quota has not been made, (iv) minus the pounds in violation of the tobacco marketing quota regulations for a prior year, and (v) minus the pounds leased and transferred from the farm for the current year.

(3) *Farm acreage allotment.* The acreage determined by multiplying the preliminary farm acreage allotment by the national acreage factor.

(4) *Farm marketing quota.* The pounds determined by multiplying the farm acreage allotment by the farm yield.

(5) *Farm yield*—(i) *Old farm.* The farm yield for an old farm is the yield computed by multiplying the preliminary farm yield by the national yield factor.

(ii) *New farm.* The farm yield for a new farm is the yield determined as provided in paragraph (h) (2) of this section.

(6) *Overmarketings.* The pounds by which the pounds marketed exceeds the effective farm marketing quota.

(7) *Preceding year.* The calendar year immediately preceding the year for which allotments and quotas are established, or the marketing year immediately preceding the marketing year for which allotments and quotas are established.

(8) *Preliminary farm acreage allotment.* The preceding year's farm acreage allotment for a farm which has tobacco history acreage is the base period.

(9) *Undermarketings.* The pounds by which the effective farm marketing quota is more than the pounds marketed.

(c) *Location of farm*—(1) *County.* The location of a farm in a county for administrative purposes shall be as provided in Part 719 of this chapter.

(2) *Community.* (i) A farm that is geographically located entirely within one community shall be assigned to that community.

(ii) A farm that is geographically located in one county and in more than one community shall be assigned to the community (*a*) where the principal dwelling is located, or (*b*) where the largest amount of cropland is located, if there is no such dwelling.

(iii) A farm that is geographically located in more than one county and in more than one community shall be assigned to the community in the county in which the farm is located for administrative purposes under Part 719 of this chapter in which the principal dwelling is located, or if the principal dwelling is not located in such county, or there is no such dwelling, to the community in such county having the largest amount of cropland.

(d) *Extent of determinations, computations, and rule for rounding fractions*—(1) *General.* If rounding is prescribed herein, computations shall be carried to two decimal places beyond the number of decimal places required, and digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last required decimal place shall be increased by 1.

(2) *Allotments.* Farm acreage allotments shall be determined in hundredths and any allotment of less than 0.01 acre shall be increased to 0.01 acre. For example, 2.5536 equals 2.55; 2.5550 equals 2.55; 2.5551 equals 2.56; 2.5582 equals 2.56; and 0.0001 equals 0.01.

(3) *Yields.* Yields shall be determined in whole pounds. For example, 2006.50 equals 2006; and 2006.51 equals 2007.

(4) *Amount of penalty.* The amount of penalty on any lot of tobacco marketed shall be expressed in dollars and cents and calculations thereof rounded to the nearest cent. For example, $10.5536 would be $10.55; $10.5550 would be $10.55; $10.5551 would be $10.56; and $10.5582 would be $10.56.

(e) *Determination of preliminary farm acreage allotments.*—(1) *Farms with history acreage in base period.* A preliminary farm acreage allotment shall be determined for each farm which has tobacco history acreage, as defined and explained in paragraph (u) of this section, in the base period, except that no preliminary farm acreage allotment shall be established for such farm in the current year if the county committee determines that the farm is devoted to commercial or residential development or other nonagricultural purposes, was not and could not have been acquired under the right of eminent domain by the persons or agency that acquired it, and is retired from agricultural production: *Provided*, That this subparagraph shall not preclude the determination of a preliminary farm acreage allotment for (i) an old farm that is returned to agricultural production if the allotment for the retired land was not allocated to other land contained in the farm of which the retired land was a part, or (ii) a farm for which an acreage allotment may be determined under the provisions of paragraph (q) of this section.

(2) *Same as allotment for preceding year.* The preliminary farm acreage allotment for the current year for a farm which qualifies for a preliminary farm acreage allotment under subparagraph (1) of this paragraph shall be the same as the farm acreage allotment (prior to reduction for violation, prior to adjustment for lease and transfer, and prior to adjustment for undermarketings or overmarketings) established for such farm for the immediately preceding year.

(f) *Determination of preliminary farm yields*—(1) *Old farms.* The preliminary farm yield for an old farm shall be the same preliminary farm yield as was in effect for such farm in the immediately preceding year.

(2) *New farms.* The preliminary farm yield for a new farm shall be determined by dividing the farm yield established for such farm in the year in which the new farm allotment is established by the national yield factor for such year.

(g) *Determination of effective farm acreage allotments.* The effective farm acreage allotment for the current year shall be determined by multiplying the preliminary farm acreage allotment for such year by the national acreage factor for the current year, adjusted as follows:

(1) *Upward adjustment.* The farm acreage allotment shall be adjusted upward by adding (i) the acreage obtained by dividing the pounds undermarketed in the preceding marketing year, not to exceed 100 percent of the farm marketing quota established for the preceding marketing year (plus pounds leased and transferred to the farm in such year) by the farm yield for the current year, and (ii) the acreage obtained by dividing the pounds leased and transferred to the farm in the current year by the current year's farm yield for the leasee farm.

(2) *Downward adjustment.* The farm acreage allotment shall be adjusted downward by subtracting (i) the acreage computed by dividing the pounds overmarketed in the preceding marketing year plus additional pounds overmarketed in any prior marketing year for which a reduction in quota has not been made, by the farm yield for the current year, (ii) the acreage reduced for violation of tobacco marketing quota regulations for a prior year, and (iii) the acreage computed by dividing the pounds leased and transferred from the farm in the current year by the current year's farm yield for the lessor farm.

(h) *Determination of farm yields*—(1) *Old farms.* The farm yield for an old farm shall be determined by multiplying the preliminary farm yield for the farm by the national yield factor for the current year.

(2) *New farms.* The farm yield for a new farm shall be that yield, not to exceed the community average yield, which the county committee determines for the farm taking into consideration (i) the soil and other physical factors affecting the production of tobacco on the farm, and (ii) the farm yields determined for other farms on which the soil and other physical factors affecting the production of tobacco are similar.

(i) *Determination of effective farm marketing quotas.* The effective farm marketing quota for a farm for the current year shall be determined by multiplying the farm acreage allotment for the current year by the farm yield established for the current year, adjusted as follows:

(1) *Upward adjustment.* The farm marketing quota shall be adjusted upward by adding (i) the pounds undermarketed in the preceding marketing year, not to exceed 100 per centum of the farm marketing quota for the preceding marketing year plus pounds leased and transferred to the farm in such year, and (ii) the pounds leased and transferred to the farm for the current year.

(2) *Downward adjustment.* The farm marketing quota shall be adjusted downward by subtracting (i) the pounds overmarketed in the preceding marketing year plus additional pounds overmarketed in any prior marketing year for which a reduction in the marketing quota has not been made, (ii) the pounds reduced for violation of the tobacco marketing quota regulations for a prior year, and (iii) the pounds leased and transferred from the farm for the current year.

(j) *Determination of undermarketings and overmarketings for farms with Conservation Reserve contracts or Cropland Conversion Program agreement.* The farm marketing quota established for a farm, all of which is under a Conservation Reserve contract or Cropland Conversion Program agreement, shall be considered as zero for the purpose of determining undermarketings and overmarketings for such farm. For a farm, a part of which is under a Conservation Reserve contract or Cropland Conversion Program agreement with permitted acres less than the tobacco farm acreage allotment, the marketing quota determined by multiplying the allotment equal to the permitted acres by the farm yield shall be considered the farm marketing quota for the farm for purpose of determining undermarketings and overmarketings. Permitted acres as used in this paragraph means the total number of acres which could be devoted to nonconserving or Soil Bank base crops under the terms of the Conservation Reserve contract or Cropland Conversion Program agreement.

(k) *Determination of undermarketings and overmarketings for allotments while in eminent domain pool.* The farm marketing quota established for an allotment which is in the eminent domain pool under Part 719 of this chapter for the current year shall be considered as zero for the purpose of determining undermarketings and overmarketings.

(l) *Determination of allotments and yields for divided farms.* (1) *Allotments.* Farm acreage allotments for reconstituted farms shall be divided pursuant to the provisions of Part 719 of this chapter. History acreages and other basic data for the base period shall be apportioned among the divided tracts as provided in Part 719, except as provided in subparagraphs (2) and (3) of this paragraph.

(2) *Preliminary farm yields.*—(i) *Where contribution method is used.* Where a tract is separated from the parent farm and the tobacco acreage allotment is divided by the contribution method, the preliminary farm yield shall be determined as follows:

(*a*) Where a preliminary farm yield was established for the tract prior to the time the tract became part of the parent farm such yield shall be the preliminary farm yield for the tract.

(*b*) Where the tract is one for which a preliminary farm yield has never been established and one which was not a separate farm in one or more years of the period 1959 through 1963, the preliminary farm yield shall be the same as the preliminary farm yield for the parent farm.

(*c*) Where the tract is (*1*) one for which a preliminary farm yield has never been established, and (*2*) one which was a separate farm in one or more years of the period 1959 through 1963, the preliminary farm yield shall be determined through the use of the same procedure and computations that preliminary farm yields for 1965 were established under amendment 14 to these regulations (30 F.R. 6146), except that the community average yield for the community in which the tract is located under the provisions of this section shall be used. In determining the preliminary farm yield, the yield per acre for the parent farm shall be used for those years of the period 1959 through 1963 the tract was part of the parent farm and the yield per acre for the tract when it was a separate farm shall be used in the remaining years.

(ii) *Where the contribution method is not used.* When a farm is divided and the allotments are divided by any method other than the contribution method, the preliminary farm yield for such tract shall be the same as the preliminary farm yield established for the parent farm.

(3) *Farm yield.* The farm yield for a tract separated from a parent farm by division shall be determined by multiplying the preliminary farm yield by the national yield factor for the current year.

(m) *Determination of allotments and yields for farms combined*—(1) *Allotments.* Farm acreage allotments and history acreages, and other basic data for combined farms shall be computed for the base period in accordance with Part 719 of this chapter, except as provided in subparagraph (2) of this paragraph.

(2) *Yields.* The farm yield for a combined farm shall be the weighted average of the farm yields established for the parent farms. The preliminary farm yield for the combined farm shall be determined by dividing the farm yield for the combined farm by the national yield factor for the current year.

(n) *Determination of undermarketings and overmarketings for reconstituted farms*—(1) *Divisions.* Undermarketings and overmarketings of the parent farms shall be apportioned among the divided tracts in the same relationship as marketing quotas are established for the divided tracts.

(2) *Combinations.* Undermarketings of the parent farms shall be added to the farm marketing quota of the combined farms and overmarketings of the parent farms shall be subtracted from the farm marketing quota of the combined farms.

(o) *Correction of errors and adjusting inequities in acreage allotments for old farms*—(1) *General.* Notwithstanding the limitations contained in any other paragraph of this section, the farm

acreage allotment established for an old farm may be increased to correct an error or adjust an inequity if the county committee determines, with the approval of a representative of the State committee, that the increase is necessary to establish an allotment for such farm which is fair and equitable in relation to the allotments for other old farms in the community in which the farm is located.

(2) *Basis for adjustment.* Acreage increases to adjust inequities in acreage allotments shall be made on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. Not to exceed one percent of the national acreage allotment minus that part of the national reserve set aside for establishing new farm allotments shall be made available for adjusting inequities and correction of errors.

(3) *CR and CCP farms.* The allotment for a farm under a Conservation Reserve contract or a farm under a Cropland Conversion Program agreement shall be given the same consideration under this paragraph as the allotments for other old farms.

(4) *Approved acreage.* Acreage approved for a farm under this paragraph becomes a part of the farm acreage allotment. The farm marketing quota for such farm shall be adjusted by multiplying the adjusted farm acreage allotment by the farm yield.

(p) *Time for making reduction of acreage allotment for violation of the marketing quota regulations.* Any reduction in the farm acreage allotment for a farm for the current year required for any of the reasons provided in § 724.98 of this part, shall be made no later than April 1 of the current year. If the reduction is not made by such date for the current year, the reduction shall be in the farm acreage allotment next established for the farm, but no later than by April 1 in the subsequent year: *Provided*, That no reduction shall be made in the acreage allotment for any farm for a violation if the acreage allotment for such farm for any prior year was reduced on account of the same violation.

(q) *Allotments and yields for farms acquired under right of eminent domain*—(1) *Allotments and marketing quotas.* The determination of acreage allotments for farms acquired by an agency having the right of eminent domain, the transfer of such allotments to a pool, and the reallocation of such allotments from the pool shall be administered as provided in Part 719 of this chapter. Where a part or all of an allotment is pooled a proportionate part of the farm marketing quota shall be pooled.

(2) *Yields for receiving farms.* The farm yield for a farm to which pooled acreage and marketing quota are transferred shall be determined by dividing the farm marketing quota (including the transferred farm marketing quota) by the farm acreage allotment (including the transferred farm acreage allotment). The preliminary farm yield shall be determined by dividing the farm yield by the national yield factor for the current year.

(3) *Undermarketings and overmarketings.* Undermarketings of the farm acquired by eminent domain shall be added to the marketing quota of the receiving farm and overmarketings of the acquired farm shall be subtracted from the marketing quota of the receiving farm.

(4) *Release and reapportionment.* The displaced owner of a farm may, not later than April 1 of the current year, release in writing to the county committee for the current year all or part of the acreage for the farm in a pool under Part 719 of this chapter for reapportionment for the current year by the county committee to other farms in the county having allotments for the same kind of tobacco. The marketing quota for the pooled acreage shall be adjusted downward by the amount determined by multiplying the acreage released by the farm yield for the farm acquired by eminent domain. The county committee may reapportion, not later than May 1 of the current year, the released acreage or any part of it to other farms in the county on the basis of past acreage of the same kind of tobacco, land, labor, and equipment available for the production of such kind of tobacco, crop rotation practices, and soil and other physical facilities affecting the production of such kind of tobacco. The marketing quota for the farm to which released acreage is reapportioned shall be adjusted upward by multiplying the reapportioned acreage by the farm yield for such farm. The allotment acreage reapportioned shall not, for purposes of establishing future farm allotments, be regarded as planted on the farm to which the allotment was reapportioned.

(r) *Approval of allotments and marketing quotas, and notices to farm operators*—(1) *Review by State committees.* All farm acreage allotments, yields, and marketing quotas shall be determined by the county committee of the county in which the farm is located and shall be reviewed by a representative of the State committee. The State committee may revise or require revision of any determination made under these regulations. All acreage allotments, yields, and marketing quotas shall be approved by a representative of the State committee, and no official notice of acreage allotment and marketing quota shall be mailed to a farm operator until such allotment and marketing quota have been so approved, except that revised notices without such prior approval may be mailed in cases (i) resulting from reconstitutions that do not involve the use of additional acreage or marketing quota, or (ii) of allotment reductions due to failure to return marketing cards where a satisfactory report of disposition of tobacco is not otherwise furnished.

(2) *Notice to farm operator.* An official notice of the effective farm acreage allotment and effective farm marketing quota shall be mailed to the operator of each farm shown by the records of the county committee to be entitled to an allotment. The notice to the operator of the farm shall constitute notice to all persons who as operator, landlord, tenant, or sharecropper are interested in the farm for which the allotment is established. All such notices shall bear the actual or facsimile signature of a member of the county committee. The facsimile signature may be affixed by a county committeeman or an employee of the county office. Insofar as practical, all notices shall be mailed in time to be received prior to the date of any tobacco marketing quota referendum. A copy of such notice containing thereon the date of mailing, shall be maintained for not less than 30 days in a conspicuous place in the county office and shall thereafter be kept available for public inspection in the office of the county committee. A copy of such notice certified as true and correct shall be furnished without charge to any person interested in the farm for which the allotment is established.

(3) *Mailing notices.* If the records of the county committee indicate that the acreage allotment and marketing quota established for any farm may be changed because of (i) a violation of the marketing quota regulations for a prior marketing year, (ii) removal of the farm from agricultural production, (iii) division of the farm, or (iv) combination of the farm, the mailing of the notice may be delayed: *Provided*, That the notice of allotment and marketing quota for any farm shall be mailed no later than April 1 of the current year.

(4) *Allotment erroneous notice.* If the official written notice of the acreage allotment and marketing quota isued for any farm erroneously stated an acreage allotment larger than the correct effective farm acreage allotment, the acreage allotment shown on the erroneous notice shall be deemed to be the tobacco acreage allotment for the farm for the current marketing year only, if the county committee determines (with approval of the State executive director) that (i) the error was not so gross as to place the operator on notice thereof, and (ii) that the operator, relying upon such notice and acting in good faith, planted an acreage of tobacco in excess of the correct acreage allotment.

(5) *Marketing quota erroneous notice.* If the official notice of acreage allotment and marketing quota issued for a farm erroneously stated a marketing quota larger than the correct effective marketing quota, the marketing quota shown on the erroneous notice shall be deemed to be the marketing quota for the farm for the current marketing year only, if the county committee determines (with approval of the State executive director) that (i) the error was not so gross as to place the operator on notice thereof and he relied on such notice acting in good faith, and (ii) the farm operator was not notified of the correct effective farm marketing quota prior to harvest. Undermarketings and overmarketings for farms for which the erroneous notice of marketing quota is applied shall be determined based on the correct effective farm marketing quota for the farm.

(s) *Application for review.* Any producer who is dissatisfied with the effective farm acreage allotment and effective farm marketing quota established for his farm, may, within 15 days after mailing of the official notice of the acreage allotment and marketing quota, file application in writing with the ASCS county office to have such allotment and quota reviewed by a review committee. The procedure governing the review of farm acreage allotments and marketing quotas is contained in Part 711 of this chapter, which is available at the ASCS county office.

(t) *Lease and transfer of tobacco marketing quotas*—(1) *Farms eligible.* For the 1966, 1967, 1968, and 1969 crop years, notwithstanding the provisions of paragraphs (a) through (s) of this section, but subject to the limitations provided in this paragraph, the owner and operator (acting together in different persons) of any farm for which an old farm tobacco acreage allotment is established for the current year, may lease and transfer all or any part of the effective farm marketing quota established for such farm to any other owner or operator of a farm in the same county with a current year's allotment (old or new farm) for the same kind of tobacco for use on such farm. Such lease and transfer of marketing quotas shall be recognized and considered valid by the county committee subject to the conditions set forth in this paragraph.

(2) *Annual agreement.* Any lease shall be made on an annual basis and on such terms and conditions, except as otherwise provided in this paragraph, as the parties thereto agree.

(3) *Filing and approval of lease.* The lease and transfer of an effective farm marketing quota or any part thereof shall not be effective unless a copy of the lease, determined by the county committee to be in compliance with the provisions of this paragraph, is filed with the county committee by April 1 of the current year.

(4) *Marketing quota basis for lease and transfer.* Marketing quota, pound for pound, shall be the basis for lease and transfer under the acreage-poundage program. (i) The maximum marketing quota that a lessee farm may lease and transfer to the farm shall be limited to that number of pounds obtained by multiplying five (5.00) acres by the current year's farm yield for the lessee farm: *Provided*, That the total acreage allotted to a lessee farm after lease and transfer (the sum of its own allotment and the upward adjustment in acreage for lease and transfer) shall not exceed 50 per centum of the cropland acreage in the lessee farm.

(ii) The maximum marketing quota that may be leased and transferred from a farm shall be limited to the effective farm marketing quota for the lessor farm.

(5) *Adjustment of acreage allotment.* The acreage allotment for a farm involved in a lease and transfer agreement shall be adjusted as follows:

(i) The acreage allotment for the lessee farm shall be adjusted upward by the number of acres obtained by dividing the pounds leased and transferred to the farm by the current year's farm yield for the lessee farm.

(ii) The acreage allotment for the lessor farm shall be adjusted downward by the number of acres obtained by dividing the pounds leased and transferred from the farm by the current year's farm yield for the lessor farm.

(6) *Allotment acreage considered fully planted.* The tobacco acreage computed for pounds leased and transferred from a lessor farm shall be considered to have been planted on the lessor farm. The tobacco acreage computed for pounds leased to the lessee farm shall not be taken into account in establishing allotments for subsequent years for such lessee farm.

(7) *Marketing quota for new farm.* Marketing quotas established for new farms shall not be leased and transferred.

(8) *CR and CCP farms.* Marketing quotas shall not be leased and transferred to or from any farm under a Conservation Reserve contract or Cropland Conversion Program agreement which would result in acreage allotments in excess of the total number of acres which could be devoted to nonconserving or Soil Bank base crops under the terms of such contract or agreement, less, in the case of a lessee farm, the tobacco allotment acreage for such farm without regard to the lease and transfer. For possible effects of a lease and transfer agreement on such Conservation Reserve contract or Cropland Conversion Program agreement, see the regulations issued with respect to the Conservation Reserve Program and the Cropland Conversion Program (Parts 750 and 751 of this chapter).

(9) *Pooled allotments.* Marketing quotas established for allotments in an eminent domain pool, including allotments which have been released to the county committee and reapportioned to other farms, shall not be eligible for lease and transfer.

(10) *No subleasing.* Any leased marketing quota shall not be subleased to another farm.

(11) *Revised notices.* A revised notice showing the effective acreage allotment and effective marketing quota after lease and transfer shall be issued by the county committee to each of the operators of all farms involved in the lease and transfer agreement.

(12) *Violations.* If a violation is pending which may result in an allotment reduction for a farm for the current year, the county committee shall delay approval of any lease and transfer until the violation is cleared or the allotment reduction is made. However, if the allotment reduction in such a case cannot be made effective for the current crop year before the final date for reducing allotments for violations, the lease may be approved by the county committee. In any case, if, after a lease and transfer of a tobacco marketing quota has been approved by the county committee, it is determined that the allotment for the farm from which or to which the marketing quota is leased and transferred is to be reduced for a violation, the allotment reduction for such farm shall be delayed until the following year.

(13) *Zero allotment and zero marketing quota farms.* If the effective farm acreage allotment and effective farm marketing quota for a farm for the current year are reduced to zero, no marketing quota may be leased to such farm for the current year.

(14) *Approval after review period.* No lease shall be approved by the county committee for any farm involved in a lease and transfer agreement until the time for filing an application for review, as shown on the original notice for the farm, has expired. If an application for review is filed for a farm involved in a lease and transfer agreement, such agreement shall not be approved by the county committee until the allotment for such farm is finally determined pursuant to Part 711 of this chapter.

(15) *Marketing quota after lease and transfer approval.* The acreage allotment and marketing quota finally determined (after lease and transfer) for a farm under the provisions of this paragraph shall be the allotment and marketing quota for such farm for the current year only for the purposes of determining (i) excess acreage, (ii) the amount of penalty to be collected on marketings of excess tobacco, (iii) eligibility for price support, (iv) undermarketings and overmarketings, and (v) the percentage reduction in allotment and quota for violation of the tobacco marketing quota regulations. The percentage reduction determined as applicable when the violation occurred shall be applied to the allotment being reduced prior to any lease and transfer.

(16) *Dissolution of leasing agreement.* An agreement to lease and transfer may be dissolved at the request of all parties to the leasing agreement by so notifying the county committee in writing not later than April 1 of the current year. In such a case, an official notice of the effective farm acreage allotment and effective farm marketing quota, disregarding lease and transfer, shall be issued by the county committee to each of the operators involved in the leasing agreement. If the request to dissolve the lease is made after April 1 of the current year, the acreage allotment and marketing quota resulting from the lease and transfer shall remain in effect.

(17) *Reconstitutions after lease and transfer.* Allotments for reconstituted farms shall be divided or combined in accordance with Part 719 of this chapter. For this purpose, the farm acreage allotment being divided or combined for a farm in the current year shall be the allotment after lease and transfer has been made. For the following year, that part of the acreage allotment represented by the pounds leased shall revert to the

farm from which it was transferred. Notwithstanding the above, in the case of divisions, the county committee may allocate, under Part 719 of this chapter, the leased quota involved to the tracts involved in the division as the farm operators interested in such tracts agree in writing.

(u) *Determining tobacco history acreage.* Tobacco history acreage shall be determined for each farm for which a tobacco farm acreage allotment is established for the current year.

(1) *Farm acreage allotment fully preserved.* The farm acreage allotment shall be fully preserved as tobacco history acreage for the current year if:

(i) (*a*) In the current year or either of the two preceding years the sum of (*1*) the final tobacco acreage as determined under Part 718 of this chapter, (*2*) the acreage leased and transferred from the farm under lease and transfer provisions, and (*3*) the acreage regarded as planted to tobacco under the provisions of the Soil Bank Act, the Cropland Conversion Program established under subsection 16(e) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590p (e)), and other diversion programs, was as much as 75 per centum of the farm acreage allotment (after adjustment for overmarketings and reduction for violation of marketing quota regulations). If the erroneous notice of allotment is applicable, the smaller of the correct allotment or the erroneous allotment shall be used to determine whether the 75 per centum provision was met; or (*b*) in the current year or either of the two preceding years the farm acreage allotment is or was in the eminent domain allotment pool.

(ii) The farm consists of Federally owned land for which a restrictive lease is in effect prohibiting the production of tobacco. (Federally owned land as used in this paragraph means land owned by the Federal Government or any department, bureau, or agency thereof, or by any corporation all of the stock of which is owned by the Federal Government.)

(2) *Computed history acreage.* If the farm acreage allotment is not fully preserved as tobacco history acreage under subparagraph (1) of this paragraph, the tobacco history acreage shall be the sum of the acreage (not to exceed the farm acreage allotment) as follows:

(i) Final tobacco acreage.

(ii) Acreage regarded as planted to tobacco under the provisions of the Soil Bank Act, the Cropland Conversion Program, and other diversion programs.

(iii) Acreage represented by the marketing quota leased and transferred from the farm.

(3) *Adjustment of tobacco history acreage for abnormal weather or disease.* If the county committe determines (with the approval of a representative of the State committee) that for any year the sum of the final acreage, the acreage represented by the marketing quota leased and transferred from the farm under the lease and transfer provisions, and the acreage regarded as planted to tobacco under the Soil Bank Act, the Cropland Conversion Program, and other diversion programs is less than 75 per centum of the farm acreage allotment (after any reduction for violation of the marketing quota regulations and adjustment for overmarketings) because of abnormal weather or disease, the tobacco history acreage for such year shall be adjusted to become the smaller of (i) the farm acreage allotment, or (ii) the sum of the (*a*) final tobacco acreage for the farm, (*b*) the acreage represented by the marketing quota leased and transferred from the farm, (c) the acreage regarded as planted to tobacco under the Soil Bank Act, the Cropland Conversion Program, and other diversion programs, and (*d*) the additional acreage which the county committee determines (with the approval of a representative of the State committee) would have been included in the final acreage except for abnormal weather or disease. Any adjustment in tobacco history acreages because of abnormal weather or disease shall not be considered as acreage devoted to tobacco in determining whether or not 75 per centum of the farm acreage allotment is planted. No adjustment for abnormal weather or disease shall be made unless the farm operator requests such an adjustment in writing to the county committee no later than October 1 of the crop year involved.

(4) *Zero allotment farms.* Any acreage planted to tobacco on a farm for which a farm acreage allotment of zero was established shall not be credited with any tobacco history acreage.

(5) *Allotments in eminent domain pool.* Farm acreage allotments in the eminent domain pool, as provided in Part 719 of this chapter, shall be considered fully planted during the years in the pool, including any year in which the pooled allotment is released by the displaced owner to the county committee for reapportionment to other farms in the county. The tobacco history acreage shall be the same as the pooled allotments.

(6) *All history acreage is restored history acreage.* A farm shall be considered to have no tobacco history acreage during the base period and shall not be considered an old farm, if the only tobacco history acreage computed for the farm during the base period consists of tobacco history acreage restored for reduction of the farm acreage allotment for violation of tobacco marketing quota regulations.

(7) *Tobacco history acreage for new farms.* The tobacco history acreage for a farm for the year it received an allotment as a new farm shall be the same as the new farm allotment if as much as 75 percent of the allotment is planted in such year. If less than 75 percent of the new farm allotment is planted, the tobacco history acreage shall be the same as the planted acreage. No adjustment for abnormal weather or disease shall be made in the tobacco history acreage for a farm for the year that it was a new farm. However, if the allotment was actually planted and the tobacco was destroyed by natural causes, the planted acreage as determined under Part 718 of this chapter may be adjusted to include the acreage destroyed, not to exceed the allotment, if it is approved by the county committee and a representative of the State committee.

(Secs. 316, 317, 375, 52 Stat. 66, as amended, 75 Stat. 469, as amended, 79 Stat. 66, 1187; 7 U.S.C. 1314b, 1314c, 1375, Public Law 89-12, approved April 16, 1965, Public Law 89-321, approved November 3, 1965)

Effective date. Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C. on: December 13, 1965.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65-13484; Filed, Dec. 16, 1965; 8:46 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 814.3, Amdt. 7]

PART 814—ALLOTMENT OF SUGAR QUOTAS, MAINLAND CANE SUGAR AREA

1965

Basis and purpose. This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (61 Stat. 922), and as further amended by Public Law 89-331 enacted November 8, 1965, hereinafter called the "Act," for the purpose of amending Sugar Regulation 814.3 (30 F.R. 4746, 7945, 14261), which established allotments for the Mainland Cane Sugar Area for the calendar year 1965.

Section 205(a) of the Act was amended by Public Law 89-331 to include a new provision as follows: "The Secretary is also authorized in making such allotments of a quota for any calendar year to take into consideration, in lieu of or in addition to the foregoing factors of processing, past marketings, and ability to market, the need for establishing an allotment which will permit such marketing of sugar as is necessary for the reasonably efficient operation of any nonaffiliated single plant processor of sugarbeets or any processor of sugarcane and as may be necessary to avoid unreasonable carryover of sugar in relation to other processors in the area: *Provided*, That the marketing allotment of any such processor of sugarbeets shall not be increased under this provision above an allotment of 25,000 short tons, raw value, and the marketing allotment of a processor of sugarcane shall not be increased under this provision above an allotment equal to the effective inventory of sugar of such processor on January 1 of the calendar year for which such allotment is made, except that the marketing allotment for 1965 of any processor of sugarcane, other than a processor-refiner, may, in the discretion of the Secretary, be increased by an additional

6,200 short tons, of sugar, raw value: *Provided further*, That the total increases in marketing allotments made pursuant to this sentence to processors in the domestic beet sugar area shall be limited to 25,000 short tons of sugar, raw value, for each calendar year and to processors in the mainland cane sugar area shall be limited to 16,000 short tons of sugar, raw value, for each calendar year."

Since this new provision was enacted subsequent to the hearing heretofore held on February 19, 1965, for allotting the 1965 Mainland Cane Sugar Area quota, it was necessary to reopen the record of the hearing in the proceedings pertaining to the allotment of the 1965 quota identified as Hearing Clerk Docket No. SH-237, to permit evidence, limited to the subject and issues pursuant to the new provision, to be introduced into the record.

On November 9, 1965, Sugar Regulation 814.3, Amendment 6 (30 F.R. 14261) became effective, which was based on the record of the February 19, 1965 hearing, and allotted all but sixteen thousand short tons, raw value, of the Mainland Cane Sugar Area quota then in effect. The sixteen thousand tons was withheld so that consideration could be given to the new provision of section 205(a) which was made effective retroactive to January 1, 1965.

Pursuant to section 205(a) of the Act and in accordance with the applicable rules of practice and procedure a notice was published on November 17 1965 (30 F.R. 14379), that Sugar Hearing Docket SH-237 would be reopened and a public hearing would be held in Washington, D.C., Room 2-W, Administration Building, U.S. Department of Agriculture on November 23, 1965, beginning at 10 a.m., e.s.t. for the purpose of receiving evidence limited to the establishment of allotments of the 1965 Mainland Cane Sugar Area quota for any processor of sugarcane as may be necessary to avoid unreasonable carryover of sugar in relation to other processors in the area as provided for by the new provision of section 205 of the Act.

The hearing was held at the time and place specified in the notice of reopened hearing and testimony was received with respect to the subject and issues referred to in the hearing notice. In arriving at the findings, conclusions and any changes in the regulatory provisions of this amended order, all proposed findings and conclusions were carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that findings and conclusions proposed by the interested persons are inconsistent with the findings and conclusions herein, the specific or implied request to make such findings and reach such conclusions are denied on the basis of the facts found and stated and the conclusions reached as set forth herein.

Omission of a recommended decision and effective date. On the basis of the record of the reopened hearing held in this proceeding it is found and determined that a delay in the issuance of this amended order would be a detriment to the orderly marketing during the remainder of the year 1965 of the additional quantity of sugar to be allotted and thus the order should be issued at the earliest possible date. Accordingly, in order to fully effectuate the purposes of section 205(a) of the Act, it is hereby found that due and timely execution of the functions imposed upon the Secretary under the Act imperatively and unavoidable requires the omission of a recommended decision in this proceeding. It is also hereby further found and determined for the reasons given above for the omission of a recommended decision that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impractical and contrary to the public interest, and consequently, this order shall become effective when filed for public inspection in the Office of the Federal Register.

Basis for findings and conclusions. The government witness proposed at the hearing that the unallotted portion of the 1965 Mainland Cane Sugar Area quota amounting to 16,000 short tons, raw value, be allocated to the following nine processors of sugarcane: William T. Burton, Industries, Inc.; Cajun Sugar Coop., Inc.; Reserve Sugar Co.; Atlantic Sugar Association; Glades County Sugar Growers Coop., Association; Osceola Farms Co.; South Florida Sugar Co.; Sugarcane Growers Coop. of Florida; and Talisman Sugar Corp. as set forth in the following findings and conclusions; and that allotments of the 1965 Mainland Cane Sugar Area quota be established as provided in this amended order.

The allotment proposal made by the government witness was endorsed by representatives of two processors. Proposals made by representatives of other processors differed considerably from those of the government witness and are briefly summarized as follows:

The witness representing 41 of the 42 Louisiana processors testified that there was no justification for allotting any portion of the 16,000 tons reserve in 1965 (R-207, 211). This position was also supported by one Florida processor (R-242). However, two processors in Louisiana represented by this witness requested that they be given additional allotments if an allocation was made pursuant to the new provision for 1965 (R-235, 239). The representative of one Florida processor proposed that the 16,000 tons withheld should be allotted pro rata to processors who previously benefited from the 75 percent floor provision used in the present 1965 allotment method on the basis of allotments in effect on June 19, 1965 (R-176). This proposal was endorsed by one Florida processor (R-191). Under this proposal the increases in allotments of all processors except one would be in excess of limitations set forth in the new provision. Another Florida processor proposed that the 16,000 tons be allotted pro rata among processors on the basis of the quantities of 1964 crop sugar not permitted to be marketed in 1965 under present allotments (R-180).

Findings and conclusions. In addition to the findings and conclusions made in Sugar Regulation 814.3, Amendment 4 (30 F.R. 4746) and on the basis of the record of the hearing (including the reopened portion), I hereby further find and conclude:

That on page 15 of the Conference Report (H.R. Report No. 1209) accompanying the Bill H.R. 1135 the Managers on the part of the House stated, "It is the intention of the committee of conference that the national reserve provided for cane should be used first for the purposes outlined in the House Report on the bill (6,200 tons for a Louisiana processor • • •) and that the balance of such reserves should be used to alleviate hardships and inequities in other areas."

That H.R. Report 1046 accompanying the Bill H.R. 11135 from the Committee on Agriculture, at page 14 stated: "Several cases were brought to the attention of the committee during the hearings, such as • • • Cedar Grove Sugar Factory • • • of Louisiana. It is situations such as these which this special reserve provision is designed to help." That the Cedar Grove Factory is operated by Wm. T. Burton Industries, Inc., a processor of sugarcane and an allottee of the 1965 Mainland Cane Sugar Area Quota.

That it was the intention of the Congress, as disclosed by the legislative history of the Sugar Act Amendments of 1965, that the 16,000 ton reserve was for the purpose of alleviating hardships and inequities, that the Louisiana processor Wm. T. Burton Industries, Inc., should first receive an increase of 6,200 tons of sugar in the marketing allotment for 1965 and that the balance of the 16,000 ton reserve for 1965 should be allocated by the Secretary among other processors in the Mainland Cane Sugar Area to alleviate hardships and inequities in accordance with section 205(a) of the Sugar Act of 1948, as amended.

That the following processors had January 1, 1965, effective inventories in excess of their current effective allotments as follows:

Processors who started producing sugar in 1964—

	Tons excess
Cajun Sugar Coop, Inc	1,618
Reserve Sugar Co	377
Atlantic Sugar Association	2,480
Total	4,475

Processors who started producing sugar in 1963—

	Tons excess
South Florida Sugar Co., Inc	983
Talisman Sugar Corp	2,390
Total	3,373

Processors who started producing sugar before 1963—

	Tons excess
Glades County Sugar Growers Coop. Association	3,780
Osceola Farms Co	981
Sugar Cane Growers Coop. of Florida	8,322
Total	13,083

That there is a need for establishing allotments in this order at higher levels for processors who are not permitted to market all their old crop sugar under present allotments as may be necessary to avoid unreasonable carryover of sugar in relation to other processors in the area, and that each of the allotments issued pursuant to these findings and conclusions except for Wm. T. Burton Industries, Inc., is not increased above the effective inventory of each such processor on January 1, 1965.

That by assuming that Wm. T. Burton's 1965 crop processings will be 7,905 tons (the same as its processing from 1964 crop), and such company's 1965 marketings of sugar will be 7,512 tons (its currently effective allotment), such company's January 1, 1966, physical inventory will be 6,079 tons or about 77 percent of its 1965 crop processings: That the January 1, 1965, physical inventory of Wm. T. Burton Industries, Inc., amounted to 5,686 short tons, raw value, or about 72 percent of 1964 crop processings, and that of the processors of sugarcane, other than processor-refiners, who were allottees of the 1964 Mainland Cane Sugar Area quota, no allottee other than Wm. T. Burton Industries, Inc., had a January 1, 1965, physical inventory greater than 56 percent of its 1964 crop processings.

That processors who receive raw sugar from others and qualify as refiners pursuant to Sugar Regulation 810 (7 CFR 810.2) are considered to be processor-refiners as referred to in section 205(a) of the Act, and that the only allottees of 1965 Mainland Cane Sugar Area quota that are such "processor-refiners" are: J. Aron and Co., Inc., the South Coast Corp. and Southdown Inc.

That the unallotted portion of the 1965 Mainland Cane Sugar Area quota pursuant to Sugar Regulation 814.3 (30 F.R. 14261) amounting to 16,000 short tons, raw value, be allocated as follows:

(1) 6,200 tons to Wm. T. Burton Industries, Inc.

(2) 7,848 tons to processors who started producing sugar in 1963 and 1964 to permit each to market in 1965 the entire quantity of January 1, 1965 effective inventory of sugar as follows:

	Tons
Cajun Sugar Coop, Inc	1,618
Reserve Sugar Co	377
Atlantic Sugar Association	2,480
South Florida Sugar Co., Inc	983
Talisman Sugar Corp	2,390

(3) The remainder of the 16,000 ton reserve amounting to 1,952 tons to be allocated pro rata to other processors on the basis of the quantity that their January 1, 1965, effective inventory exceeds their respective currently effective allotments as follows:

	Tons
Glades County Sugar Growers Coop. Association	564
Osceola Farms Co	148
Sugarcane Growers Coop. of Florida	1,242

§ 814.3 Allotment of the 1965 Sugar Quota for the Mainland Cane Sugar Area.

(a) The 1965 sugar quota for the Mainland Cane Sugar Area of 1,100,000 short tons, raw value, is hereby allotted to the following processors in the quantities which appear opposite their respective names:

Processors	*Allotments, short tons, raw value*
Albania Sugar Co	9,605
Alma Plantation, Ltd	9,659
J. Aron & Co., Inc	15,357
Billeaud Sugar Factory	10,162
Breaux Bridge Sugar Coop	8,790
Wm. T. Burton Industries, Inc	13,712
Calre & Graugnard	5,871
Cajun Sugar Cooperative, Inc	17,665
Caldwell Sugars Cooperative, Inc	13,951
Catherine Sugar Co., Inc	5,236
Columbia Sugar Co	7,726
Cora-Texas Mfg. Co., Inc	6,977
Dugas & LeBlanc, Ltd	13,467
Duhe & Bourgeois Sugar Co	10,774
Erath Sugar Co., Ltd	7,265
Evan Hall Sugar Coop., Inc	21,506
Frisco Cane Co., Inc	3,047
Glenwood Coop., Inc	15,067
Helvetia Sugar Coop., Inc	11,301
Iberia Sugar Coop., Inc	18,406
LaFourche Sugar Co	17,653
Harry L. Laws & Co., Inc	12,566
Levert-St. John, Inc	14,541
Louisa Cooperative	11,032
Louisiana State Penitentiary	2,200
Louisiana State University	150
Meeker Sugar Coop., Inc	10,592
Milliken & Farwell, Inc	12,771
M. A. Patout & Son, Ltd	14,992
Poplar Grove Plt'g. & Ref. Co	8,703
Reserve Sugar Co	4,112
Savoie Industries	13,447
St. James Sugar Coop., Inc	17,331
St. Mary Sugar Coop., Inc	13,608
South Coast Corp	72,469
Southdown, Inc	41,092
Sterling Sugars, Inc	24,661
J. Supple's Sons Plt'g. Co., Inc	5,322
Valentine Sugars, Inc	12,535
Vida Sugars, Inc	5,536
A. Wilbert's Sons Lbr. & Sh. Co	9,068
Young's Industries, Inc	7,844
Louisiana subtotal	557,769
Atlantic Sugar Association	27,080
Florida Sugar Corp	12,137
Glades Co., Su. Gr. Coop. Ass'n	38,046
Okeelanta Sugar Refinery, Inc	75,163
Osceola Farms Co	42,503
South Florida Sugar Co., Inc	10,732
Sugarcane Gr. Coop. of Florida	94,959
Talisman Sugar Corp	26,101
United States Sugar Corp	215,510
Florida subtotal	542,231
Total, all mainland cane	1,100,000

* * * * *

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; interprets or applies secs. 205, 209; 61 Stat. 926, as amended, 928; 7 U.S.C. 1115, 1119 and as further amended by Public Law 89-331 enacted Nov. 8, 1965)

Effective date. When filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., this 15th day of December 1965.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 65-13529; Filed, Dec. 15, 1965; 10:56 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Area No. 1]

PART 948—IRISH POTATOES GROWN IN COLORADO

Expenses and Rate of Assessment

Notice of rule making regarding proposed expenses and rate of assessment for Area No. 1 to be effective under Marketing Agreement No. 97 and Order No. 948 (7 CFR Part 948), both as amended, was published in the November 27, 1965, issue of the FEDERAL REGISTER (30 F.R. 14733). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The notice afforded interested persons an opportunity to submit data, views, or arguments pertaining thereto not later than the 10th day following publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice which were recommended by the Area Committee for Area No. 1, established pursuant to the said marketing agreement and order, it is hereby found and determined that:

§ 948.250 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 1 to enable such committee to perform its functions, pursuant to the provisions of Marketing Agreement No. 97, as amended, and this part, during the fiscal period ending May 31, 1966, will amount to $500.00.

(b) The rate of assessment to be paid by each handler pursuant to Marketing Agreement No. 97, as amended, and this part, shall be one-half cent ($0.005) per hundredweight of potatoes grown in Area No. 1 handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that: (1) The relevant provisions of said marketing agreement and this part require that rates of assessment fixed for a particular fiscal period shall be applicable to all assessable potatoes from the beginning of such period and (2) the current fiscal period began June 1, 1965, and the rate of assessment herein will automatically apply to all assessable potatoes beginning with such date.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: December 13, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-13485; Filed Dec. 16, 1965; 8:46 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 8]

PART 1008—MILK IN GREATER WHEELING, W. VA., MARKETING AREA

Order Amending Order

§ 1008.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Greater Wheeling, W. Va., marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means, pursuant to the declared policy of the Act, of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Greater Wheeling, W. Va., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

1. Section 1008.9 is revised to read as follows:

§ 1008.9 Supply plant.

"Supply plant" means an approved plant from which, during the month, fluid milk products equal to not less than 55 percent of its receipts from dairy farmers who meet the inspection requirements pursuant to § 1008.6 and from a cooperative association as a handler pursuant to § 1008.12(c) are shipped to distributing plants or plants described in § 1008.10(c) which during the month dispose of as Class I milk on routes described in § 1008.8(a), a volume not less than 55 percent of the sum of: (a) Milk received by the plant from producers pursuant to § 1008.14 (a) and (b); (b) milk caused to be delivered to the plant pursuant to § 1008.63; and (c) any other fluid milk product received by the plant and eligible for distribution in the marketing area under a Grade A label: *Provided*, That if a plant qualifies as a supply plant pursuant to this section in each of the months of September, October, November, December, and January, such plant shall be a pool plant until the end of the following August, unless the operator requests in writing that such plant not be a pool plant beginning in the month following the date of such request.

2. Section 1008.15 is revised to read as follows:

§ 1008.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, yogurt, cream or any mixture in fluid form of milk, skim milk and cream (except sterilized products packaged in hermetically sealed containers, eggnog, ice cream mix, aerated cream and sour cream mixtures to which cheese or any food substance other than a milk product has been added and which is not disposed of under a Grade A label).

3. In § 1008.41(b), subparagraphs (5) and (6) are revised to read as follows:

§ 1008.41 Classes of utilization.

* * * * *

(b) *Class II milk.* * * *

(5) Disposed of for livestock feed or dumped subject to prior notification to and inspection (at his discretion) by the market administrator;

(6) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1008.42(b)(1), but not to exceed two percent of the total receipts of skim milk or butterfat in the following:

(i) Producer milk except that diverted pursuant to § 1008.6 or caused to be delivered to another handler's plant pursuant to § 1008.63;

(ii) Milk received from a handler pursuant to § 1008.12(c);

(iii) Milk physically received at a pool plant that was caused to be delivered to such plant by another handler pursuant to § 1008.63;

(iv) Receipts of fluid milk products in bulk from an other order plant, exclusive of the quantity for which Class II utilization was requested by the operator of such plant and the handler; and

(v) Receipts of fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; and

* * * * *

4. Section 1008.51 is revised to read as follows:

§ 1008.51 Class prices.

Subject to the provision of §§ 1008.52 and 1008.53, the minimum class prices per hundredweight of milk containing 3.5 percent butterfat to be paid by each handler for milk received at his pool plant from producers during the month shall be determined as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.73, subject to the adjustment provided in subparagraph (1) of this paragraph:

(1) Add if the utilization percentage calculated pursuant to subparagraph (2) of this paragraph is less than or subtract if it is more than, the standard utilization range, an amount determined by multiplying the net utilization percentage calculated pursuant to subparagraph (3) of this paragraph by 2 cents: *Provided*, That the result of the computation pursuant to this subparagraph shall be adjusted to an amount which does not differ by more than 15 cents from the "supply-demand adjustment" for the preceding month pursuant to Part 1036 (Northeastern Ohio) of this chapter;

(2) Calculate a utilization percentage for each month by dividing the net hun-

dredweight of Class I milk disposed of during the first and second preceding months from pool plants at which less than 50 percent of total receipts is milk from a plant(s) fully regulated pursuant to another order issued pursuant to the Act into the total hundredweight of producer milk received at such pool plants during the same months, multiplying by 100, and rounding the resultant figure to the nearest whole number;

(3) Calculate a net utilization percentage by determining the amount by which the utilization percentage calculated pursuant to subparagraph (2) of this paragraph exceeds the higher figure or is less than the lower figure of the standard utilization range in the following table:

Month for which price applies	Months for which average utilization is computed	Standard utilization percentages	
		Minimum	Maximum
January	November-December	117	120
February	December-January	117	120
March	January-February	115	118
April	February-March	115	118
May	March-April	117	120
June	April-May	129	132
July	May-June	136	139
August	June-July	126	129
September	July-August	117	120
October	August-September	113	116
November	September-October	113	116
December	October-November	117	120

(b) *Class II milk price.* The Class II milk price shall be the basic formula price for the month: *Provided,* That such Class II price shall not be more than the sum of subparagraphs (1) and (2) of this paragraph plus 10 cents, rounded to the nearest cent:

(1) From the Chicago butter price for the month, subtract three cents, add 20 percent of the resulting amount and multiply by 3.5; and

(2) From the weighted average of the carlot prices per pound of spray process nonfat dry milk solids for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.965.

§ 1008.61 [Amended]

5. In § 1008.61(a), the language "if exempted pursuant to this paragraph" is revised to read "is exempted pursuant to this paragraph".

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. February 1, 1966.

Signed at Washington, D.C., on: December 14, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 65–13509; Filed, Dec. 16, 1965; 8:48 a.m.]

[Milk Order 9]

PART 1009—MILK IN CLARKSBURG, W. VA., MARKETING AREA

Order Amending Order

§ 1009.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Clarksburg, W. Va., marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c(9) of the Act) of more than 50 percent of the milk which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means, pursuant to the declared policy of the Act, of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Clarksburg, W. Va., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

1. Section 1009.9 is revised to read as follows:

§ 1009.9 Supply plant.

"Supply plant" means an approved plant from which, during the month, fluid milk products equal to not less than 55 percent of its receipts from dairy farmers who meet the inspection requirements pursuant to § 1009.6 and from a cooperative association as a handler pursuant to § 1009.12(c) are shipped to distributing plants or plants described in § 1009.10(c) which during the month dispose of as Class I milk on routes described in § 1009.8(a), a volume not less than 55 percent of the sum of: (a) Milk received by the plant from producers pursuant to § 1009.14 (a) and (b); (b) milk caused to be delivered to the plant pursuant to § 1009.63; and (c) any other fluid milk product received by the plant and eligible for distribution in the marketing area under a Grade A label: *Provided,* That if a plant qualifies as a supply plant pursuant to this section in each of the months of September, October, November, December, and January, such plant shall be a pool plant until the end of the following August, unless the operator requests in writing that such plant not be a pool plant beginning in the month following the date of such request.

2. Section 1009.15 is revised to read as follows:

§ 1009.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, yogurt, cream or any mixture in fluid form of milk, skim milk and cream (except sterilized products packaged in hermetically sealed containers, eggnog, ice cream mix, aerated cream and sour cream mixtures to which cheese or any food substance other than a milk product has been added and which is not disposed of under a Grade A label).

3. In § 1009.41(b), subparagraphs (5) and (6) are revised to read as follows:

§ 1009.41 Classes of utilization.

• • • • • •

(b) *Class II milk.* • • •

(5) Disposed of for livestock feed or dumped subject to prior notification to and inspection (at his discretion) by the market administrator;

(6) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1009.42(b)(1), but not to exceed two percent of the total receipts of skim milk or butterfat in the following:

(i) Producer milk except that diverted pursuant to § 1009.6 or caused to be delivered to another handler's plant pursuant to § 1009.63;

(ii) Milk received from a handler pursuant to § 1009.12(c);

(iii) Milk physically received at a pool plant that was caused to be delivered to such plant by another handler pursuant to § 1009.63;

(iv) Receipts of fluid milk products in bulk from an other order plant, exclusive of the quantity for which Class II utilization was requested by the operator of such plant and the handler; and

(v) Receipts of fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; and

• • • • • •

4. Section 1009.51 is revised to read as follows:

§ 1009.51 Class prices.

Subject to the provisions of §§ 1009.52 and 1009.53, the minimum class prices per hundredweight of milk containing 3.5 percent butterfat to be paid by each handler for milk received at his pool plant from producers during the month shall be determined as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.98, subject to the adjustment provided in subparagraph (1) of this paragraph: *Provided,* That the Class I price shall not be more than 35 cents in excess of, nor less than 15 cents in excess of, the average of the Class I prices for the same month pursuant to Part 1008 (Greater Wheeling) of this chapter and at Athens district plants pursuant to Part 1005 (Tri-State) of this chapter:

(1) Add if the utilization percentage calculated pursuant to subparagraph (2) of this paragraph is less than or subtract if it is more than, the standard utilization range, an amount determined by multiplying the net utilization percentage calculated pursuant to subparagraph (3) of this paragraph by 2 cents;

(2) Calculate a utilization percentage for each month by dividing the net hundredweight of Class I milk disposed of during the first and second preceding months from pool plants at which less than 50 percent of total receipts is milk from a plant(s) fully regulated pursuant to another order issued pursuant to the Act into the total hundredweight of producer milk received at such pool plants during the same months, multiplying by 100, and rounding the resultant figure to the nearest whole number;

(3) Calculate a net utilization percentage by determining the amount by which the utilization percentage calculated pursuant to subparagraph (2) of this paragraph exceeds the higher figure or is less than the lower figure of the standard utilization range in the following table:

Month for which price applies	Months for which average utilization is computed	Standard utilization percentages	
		Minimum	Maximum
January	November-December	117	120
February	December-January	117	120
March	January-February	115	118
April	February-March	115	118
May	March-April	117	120
June	April-May	129	132
July	May-June	136	139
August	June-July	126	129
September	July-August	117	120
October	August-September	113	116
November	September-October	113	116
December	October-November	117	120

(b) *Class II milk price.* The Class II milk price shall be the basic formula price for the month: *Provided,* That such Class II price shall not be more than the sum of subparagraphs (1) and (2) of this paragraph plus 10 cents, rounded to the nearest cent:

(1) From the Chicago butter price for the month, subtract three cents, add 20 percent of the resulting amount and multiply by 3.5; and

(2) From the weighted average of the carlot prices per pound of spray process nonfat dry milk solids for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.965.

§ 1009.61 [Amended]

5. In § 1009.61(a), the language "if exempted pursuant to this paragraph" is revised to read "is exempted pursuant to this paragraph".

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. February 1, 1966.

Signed at Washington, D.C., on: December 14, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 65–13510; Filed, Dec. 16, 1965; 8:49 a.m.]

[Milk Order 48]

PART 1048—MILK IN GREATER YOUNGSTOWN-WARREN MARKETING AREA

Order Amending Order

§ 1048.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Greater Youngstown-Warren marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c(9) of the Act) of more than 50 percent of the milk which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means, pursuant to the declared policy of the Act, of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Greater Youngstown-Warren marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

1. Section 1048.12(a)(1) is revised to read as follows:

§ 1048.12 Pool plant.

• • • • • •

(a) • • •

(1) From which during the month not less than 50 percent of total receipts of approved milk from dairy farmers, supply plants, and handlers pursuant to § 1048.8(c) is distributed as Class I milk on routes and from which not less than

10 percent of such Class I distribution is in the marketing area on routes: *Provided*, That during the months of April, May, June and July the receipts of approved milk from supply plants shall not be included in the total receipts of approved milk at a distributing plant for the purpose of this subparagraph; or

• • • • •

2. Section 1048.50 is revised to read as follows:

§ 1048.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential (rounded to the nearest one-tenth cent) at the rate of the Chicago butter price times 0.12 and rounded to the nearest cent.

3. Section 1048.51(b) is revised to read as follows:

§ 1048.51 Class prices.

• • • • •

(b) *Class II milk price.* The Class II milk price shall be the basic formula price for the month: *Provided*, That such Class II price shall not be more than the sum of subparagraphs (1) and (2) of this paragraph plus 10 cents, rounded to the nearest cent:

(1) From the Chicago butter price for the month, subtract three cents, add 20 percent of the resulting amount and multiply by 3.5; and

(2) From the weighted average of the carlot prices per pound of spray process nonfat dry milk solids for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department deduct 5.5 cents, multiply by 8.5 and then multiply by 0.965.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. February 1, 1966.

Signed at Washington, D.C., on: December 14, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 65-13511; Filed, Dec. 16, 1965; 8:49 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. No. 6]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—Provisions for Participation of Commercial Banks in Pools of CCC Price Support Loans on Certain Commodities

INCREASE IN RATE OF INTEREST

The regulations issued by the Commodity Credit Corporation published in 29 F.R. 3614, as amended, containing the terms and conditions for participation in pools of CCC price support loans on certain commodities, are hereby further amended to change from 4.25 to 4.50 percent per annum, effective December 18, 1965, the rate of interest on certificates evidencing participation in financing price support loans.

Section 1421.3825(a) is amended to read as follows:

§ 1421.3825 Rate of interest and basis of computation of interest earned.

(a) *Rate of interest.* Certificates shall earn interest at the rate of 4.1 percent per annum through and including November 15, 1965, 4.25 percent per annum from November 16, 1965, through and including December 17, 1965, and 4.50 percent per annum thereafter.

• • • • •

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; 15 U.S.C. 714)

Signed at Washington, D.C., on December 15, 1965.

RAY FITZGERALD,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 65-13550; Filed, Dec. 16, 1965; 8:49 a.m.]

[Amdt. No. 2]

PART 1427—COTTON

Subpart—Participation of Financial Institutions in Cotton Loan Pools

INCREASE IN RATE OF INTEREST

The regulations issued by the Commodity Credit Corporation published in 30 F.R. 7814, as amended, containing the terms and conditions under which financial institutions may participate in pools of CCC price support loans on cotton are hereby further amended to increase from 4.25 to 4.50 percent per annum, effective December 18, 1965, the rate of interest on certificates evidencing participation in financing cotton price support loans.

Section 1427.2239(a) is amended to read as follows:

§ 1427.2239 Rate of interest and basis of computation of interest earned.

(a) *Rate of interest.* Certificates shall earn interest at the rate of 4.1 percent per annum through and including November 15, 1965, 4.25 percent per annum from November 16, 1965, through and including December 17, 1965, and 4.50 percent per annum thereafter.

• • • • •

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; 15 U.S.C. 714c.)

Signed at Washington, D.C., on December 15, 1965.

RAY FITZGERALD,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 65-13551; Filed, Dec. 16, 1965; 8:49 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-997]

PART 13—PROHIBITED TRADE PRACTICES

Ray Selig, Inc., and Raymond J. Selig

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053–90 Wool Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–40 Federal Trade Commission Act. Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–90 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Ray Selig, Inc., et al., New York, N.Y., Docket C-997, Sept. 21, 1965]

Consent order requiring New York City importers, manufacturers, and jobbers of mill waste, to cease misbranding garnetted fibers and other wool products by failing to label with information required by the Wool Products Labeling Act and its rules; furnishing false guaranties that such wool products were not misbranded; and misrepresenting the fiber content of said products on invoices and shipping memoranda in violation of the Federal Trade Commission Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Ray Selig, Inc., a corporation, and its officers, and Raymond J. Selig, individually and as an officer of said corporation, and respondents' representatives, agents, commission garnetters, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, distribution or delivery for shipment in commerce, of garnetted fibers or other wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by failing to securely affix to, or place on, each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That Ray Selig, Inc., a corporation, and its officers, and Raymond J. Selig, individually and as an officer of said corporation, and respondents' representatives, agents, commission garnetters and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, distribution or delivery for shipment in commerce, of garnetted fibers or other wool products as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from furnishing a false guaranty that any wool product is not misbranded, when the respondents have reason to believe that such wool product may be introduced, sold, transported or distributed in commerce.

It is further ordered, That respondents Ray Selig, Inc., a corporation, and its officers, and Raymond J. Selig, individually and as an officer of said corporation, and respondents' representatives, agents, commission garnetters and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of garnetted fibers or any other textile products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the character or amount of constituent fibers contained in fibrous or part fibrous stock or any other textile products on invoices or shipping memoranda applicable thereto or in any other manner.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 21, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 65-13468; Filed, Dec. 16, 1965; 8:45 a.m.]

[Docket No. C-998]

PART 13—PROHIBITED TRADE PRACTICES

Midway Hat Co., Inc., and Sol Feinberg

Subpart—Concealing, obliterating or removing law required and informative marking: § 13.510 *Foreign source.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Midway Hat Co., Inc., et al., Yonkers, N.Y., Docket C-998, Sept. 23, 1965]

Consent order requiring Yonkers, N.Y., manufacturer and distributor of women's hats—purchasing hat bodies from importers and removing the country of origin before converting said bodies into finished hats—to cease selling hats containing imported hat bodies unless the country of origin of such imported bodies has been clearly disclosed.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Midway Hat Co., Inc., a corporation, and its officers, and Sol Feinberg, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of hats or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale or selling hats containing bodies which have been made in a foreign country unless the country of origin of such bodies is revealed by a marking or stamping on an exposed surface of the hats which is of such conspicuousness as to be clearly visible to prospective purchasers of the hats and so placed as not to be readily hidden or obliterated, and of such a degree of permanency as to remain on the hats until sold to the consumer;

2. Furnishing the means and instrumentalities to others by and through which they may mislead the public as to the country of origin of such hats.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 23, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 65-13469; Filed, Dec. 16, 1965; 8:45 a.m.]

[Docket No. C-999]

PART 13—PROHIBITED TRADE PRACTICES

H. Berman, Inc., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, H. Berman, Inc., et al., Chicago, Ill., Docket C-999, Sept. 28, 1965]

In the Matter of H. Berman, Inc., a Corporation, and Sara Berman and Marvin Berman Individually and as Officers of Said Corporation

Consent order requiring Chicago, Ill., custom manufacturer-retailer of fur products to cease misbranding and falsely invoicing fur products in violation of the Fur Products Labeling Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents H. Berman, Inc., a corporation, and its officers, and Sara Berman, and Marvin Berman, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding of such products by:

1. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Failing to set forth the term "Broadtail Lamb" on labels in the manner required where an election is made to use that term instead of the word "Lamb".

3. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting on labels affixed to fur products.

4. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on labels in the sequence required by Rule 30 of the aforesaid rules and regulations.

5. Failing to set forth on labels the item number or mark assigned to a fur product.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Failing to set forth the term "Broadtail Lamb" in the manner required where an election is made to use that term instead of the word "Lamb".

3. Failing to set forth the term "Natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

4. Failing to set forth on invoices the item number or mark assigned to fur products.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the

manner and form in which they have complied with this order.

Issued: September 28, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65-13470; Filed, Dec. 16, 1965; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Foreign Origin Disclosure

§ 15.11 Foreign origin disclosure.

(a) The Commission was requested to advise whether or not it would be permissible to label finished truss plates made from imported galvanized steel coils as a domestic product manufactured in the U.S.A. without any reference to the origin of the steel. The plates are cut and stamped to size in this country and further stamped to form tooth-like fastening devices as part of the finished plate.

(b) The Commission advised that it would not be proper to label these plates as made in the U.S.A. since that would constitute an affirmative representation that they were entirely made in this country, which is not the fact unless, of course, the label also discloses in a clear and conspicuous manner the fact that the steel in said plates is imported.

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: December 16, 1965.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65-13487; Filed, Dec. 16, 1965; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Bombay Hook National Wildlife Refuge, Del.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Sport fishing on the Bombay Hook National Wildlife Refuge, Smyrna, Del., is permitted in tidal waters from January 1 to December 31, 1966, inclusive. These open areas, comprising 2,500 acres, are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office and Courthouse, Boston, Mass., 02109. Sport fishing shall be in accordance with all applicable State regulations subject to the following special condition:

(1) Fishing from boats only is permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas, generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1966.

RICHARD E. GRIFFITH, *Regional Director, Bureau of Sport Fisheries and Wildlife.*

DECEMBER 10, 1965.

[F.R. Doc. 65-13474; Filed, Dec. 16, 1965; 8:45 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart B—Contract Rights and Obligations

SUBCHAPTER D—RENTAL HOUSING INSURANCE

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart B—Contract Rights and Obligations

SUBCHAPTER F—URBAN RENEWAL HOUSING INSURANCE AND INSURED IMPROVEMENT LOANS

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart D—Contract Rights and Obligations—Projects

DEBENTURE INTEREST RATES

The following amendments have been made to this chapter:

1. Section 203.405 is amended to read as follows:

§ 203.405 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the mortgage was endorsed for insurance, which ever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
4	Jan. 1,1962	July 1,1962
3⅞	July 1,1962	July 1,1963
4	July 1,1963	Jan. 1,1964
4⅛	Jan. 1,1964	Jan. 1,1966
4⅜	Jan. 1,1966	

2. Section 203.479 is amended to read as follows:

§ 203.479 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the loan was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
4	Jan. 1,1962	July 1,1962
3⅞	July 1,1962	July 1,1963
4	July 1,1963	Jan. 1,1964
4⅛	Jan. 1,1964	Jan. 1,1966
4⅜	Jan. 1,1966	

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

3. In § 207.259 paragraph (e)(6) is amended to read as follows:

§ 207.259 Insurance benefits.

* * * * * *

(e) *Issuance of debentures.* * * *

(6) Bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date of initial insurance endorsement of the mortgage, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
4	Jan. 1,1962	July 1,1962
3⅞	July 1,1962	July 1,1963
4	July 1,1963	Jan. 1,1964
4⅛	Jan. 1,1964	Jan. 1,1966
4⅜	Jan. 1,1966	

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

4. Section 220.830 is amended to read as follows:

§ 220.830 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the loan was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
4	Jan. 1,1962	July 1,1962
3⅞	July 1,1962	July 1,1963
4	July 1,1963	Jan. 1,1964
4⅛	Jan. 1,1964	Jan. 1,1966
4⅜	Jan. 1,1966	

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

Issued at Washington, D.C., December 13, 1965.

PHILIP N. BROWNSTEIN, *Federal Housing Commissioner.*

[F.R. Doc. 65-13489; Filed, Dec. 16, 1965; 8:47 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 4—LABOR STANDARDS FOR FEDERAL SERVICE CONTRACTS

Pursuant to R.S. 161 (5 U.S.C. 22), sections 2 and 4 of the Service Contract Act of 1965 (79 Stat. 1035), and Secretary's Order No. 36-65, published in the FEDERAL REGISTER December 10, 1965, Title 29 of the Code of Federal Regulations is hereby amended by adding thereto a new part, designated Part 4, providing rules relating to the administration of the Service Contract Act of 1965.

The provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) requiring notice of proposed rulemaking and opportunity for public participation are not applicable to the promulgation of these rules because they relate only to public contracts. The procurement agencies' need for time to conform procurement policies, practices, and regulations to the requirements of this part prior to the January 20, 1966, effective date of the Act precludes the delay which such procedures would require. It is anticipated that more comprehensive rules which will require a more extended delay in effective date will replace the rules here set out. Opportunity for public participation in the formulation of those rules will be provided.

The new 29 CFR Part 4 reads as follows:

Sec.
4.1 Purpose and scope.
4.2 Payment of minimum wage specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 under all service contracts.
4.3 Register of wage determinations and fringe benefits.
4.4 Notice of intention to make a service contract.
4.5 Contract minimum wage determinations and fringe benefit specifications.
4.6 Labor standards clauses for Federal service contracts exceeding $2,500.
4.7 Labor standards, clause for Federal service contracts not exceeding $2,500.
4.8 Notice of award.
4.9 Effective date.

AUTHORITY: The provisions of this Part 4 issued under sec. 2(a) and 4, 79 Stat. 1035; R.S. 161, 5 U.S.C. 22, Secretary's Order 36-65 (30 F.R. 15305).

§ 4.1 Purpose and scope.

This part contains the Department of Labor's rules relating to the administration of the Service Contract Act of 1965.

§ 4.2 Payment of minimum wage specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 under all service contracts.

Section 2(b)(1) of the Service Contract Act of 1965 provides in effect that, regardless of contract amount, no contractor or subcontractor performing work under any Federal contract the principal purpose of which is to furnish services through the use of service employees shall pay any of his employees engaged in such work less than the minimum wage specified in section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended ($1.25 per hour as of January 20, 1966).

§ 4.3 Register of wage determinations and fringe benefits.

The Administrator of the Wage and Hour and Public Contracts Divisions will determine the minimum monetary wages and specify the fringe benefits to be furnished the various classes of service employees for the several localities in which they are to be employed under contracts subject to such determinations under the Act. These determinations and specifications will be communicated to the several procurement agencies in an orderly series designed to permit contracting officers to keep a current register of such minimum wages and fringe benefits. Such a register will be available for public inspection during business hours at the national and regional offices of the Wage and Hour and Public Contracts Divisions of the United States Department of Labor.

§ 4.4 Notice of intention to make a service contract.

Not less than 30 days prior to any invitation for bids or the commencement of negotiations for any contract exceeding $2,500 which may be subject to the Act, or as soon as practicable where exceptional circumstances prevent such notice within 30 days, the contracting agency will file with the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor its notice of intention to make a service contract specifying:

(a) A description of the service to be performed;

(b) The place of performance, if known, and the fact that the place of performance is unknown if that is the case;

(c) The date bids will be invited or negotiations commenced;

(d) Each class of service employee likely to be employed in the performance of the contract;

(e) The minimum wages and specification of fringe benefits to be included in the contract taken from the currently effective determinations included in the register of determinations provided in § 4.3;

(f) The numbers of persons to be employed and the minimum rates and specifications of fringe benefits to be paid for each class of service employees listed under paragraph (d) of this section but for whom no minimum wages have been found pursuant to paragraph (e) of this section as best the procurement agency is able to discover or estimate such data from the current contract providing such service or otherwise.

§ 4.5 Contract minimum wage determinations and fringe benefit specifications.

The invitation for bids actually issued and the negotiations actually commenced, as well as any contract agreed upon, in excess of $2,500, shall contain the minimum wages and fringe benefits specified in § 4.4(e) as supplemented or revised by:

(a) Any responsive communication from the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor; or

(b) Any revision of the register of minimum wages and fringe benefits pursuant to § 4.3 received by the contracting agency prior to the issuance of the invitation for bids or commencement of negotiations. To avoid serious impairment of the conduct of Government business, it is hereby found necessary and proper to provide exemption (1) from the determined wage and fringe benefits section of the Act (2(a) (1) and (2)), but not the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended (2(b) of this Act), of all contracts for which no such wage has been determined for any class of service employees to be employed thereunder and (2) from the fringe benefits section (2(a)(2)) of all contracts and of all classes of service employeees employed thereunder for which such benefits have not been determined. Accordingly, such exemptions are hereby provided. These exemptions do not extend to undetermined wages in contracts for which one or more, but not all, classes of service employees are the subject of an applicable determination. See § 4.6(b)(1).

§ 4.6 Labor standards clauses for Federal service contracts exceeding $2,500.

(a) The clauses set forth in paragraph (b) of this section shall be included in

every contract (and any bid specification therefor) entered into by the United States or the District of Columbia in excess of $2,500 the principal purpose of which is to furnish services through the use of service employees, except those identified in paragraph (c) of this section.

(b) Service Contract Act of 1965: This contract, to the extent that it is of the character to which the Service Contract Act of 1965 (P.L. 89–286) applies, is subject to the following provisions and to all other applicable provisions of the Act and the regulations of the Secretary of Labor thereunder (this part 4).

(1) Each service employee employed in the performance of this contract by the contractor or any subcontractor shall be paid the minimum monetary wage and shall be furnished fringe benefits in accordance with the wages and fringe benefits determined by the Secretary of Labor or his authorized representative, as specified in any attachment to this contract. If there is such an attachment, any class of service employee which is not listed therein but which is to be employed under this contract, shall be classified or reclassified and paid wages conformably to the Secretary's determination as specified in such attachment, by agreement between the interested parties, and the contracting officer shall report the action to the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor. If the interested parties do not agree on a classification or reclassification which is, in fact, conformable, the contracting officer shall submit the question, together with his recommendation, to the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor or his authorized representative for final determination. In addition, nonservice employees shall be paid not less than the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended ($1.25 per hour as of January 20, 1966).

(2) The contractor or subcontractor may discharge the obligation to furnish fringe benefits specified in the attachment by furnishing any equivalent combinations of fringe benefits, or by making equivalent or differential payments in cash, pursuant to applicable rules of the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor.

(3) In the absence of a minimum wage attachment for this contract, neither the contractor nor any subcontractor under this contract shall pay any of his employees performing work under the contract (regardless of whether they are service employees) less than the minimum wage specified by section 6(a)(1) of the Fair Labor Standards Act of 1938 ($1.25 per hour as of January 20, 1966). Nothing in this provision shall relieve the contractor or any subcontractor of any other obligation under law or contract for the payment of a higher wage to any employee.

(4) The contractor shall notify each service employee commencing work on this contract of the minimum monetary wage and any fringe benefits required to be paid pursuant to this contract, or shall post a notice of such wages and benefits in a prominent and accessible place at the worksite, using such poster as may be provided by the Department of Labor.

(5) The contractor shall not permit any part of the services called for by this contract to be performed in buildings or surroundings or under working conditions provided by or under the control or supervision of the contractor which are unsanitary or hazardous or dangerous to the health or safety of service employees engaged to furnish these services.

(6) Each contractor or subcontractor performing work subject to the Act shall make and maintain for 3 years from the completion of the work the records identified below for each service employee performing work under the contract, and shall make them available for inspection and transcription by authorized representatives of the Administrator of the Wage and Hour and Public Contracts Divisions of the United States Department of Labor.

(i) His name and address.

(ii) His work classification or classifications, rate or rates of monetary wages and fringe benefits provided, rate or rates of fringe benefit payments in lieu thereof, and total daily and weekly compensation.

(iii) His daily and weekly hours so worked.

(iv) Any deductions, rebates, or refunds from his total daily or weekly compensation.

(7) The contracting officer may withhold or cause to be withheld from the Government Prime Contractor under this or any other Government contract such sums as are necessary to pay underpaid employees. Additionally, any failure to comply with the requirements of these clauses relating to the Service Contract Act of 1965 may be grounds for termination of his right to proceed with the contract work. In such event, the Government may enter into other contracts or arrangements for completion of the work, charging the contractor with any additional cost.

(8) The contractor agrees to insert these clauses relating to the Service Contract Act of 1965 in all subcontracts. The term "contractor" as used in these clauses in any subcontract, shall be deemed to refer to the subcontractor, except in the term "Government Prime Contractor."

(9) As used in these clauses relating to the Service Contract Act of 1965, the term "service employee" means guards, watchmen, and any person engaged in a recognized trade or craft, or other skilled mechanical craft, or in unskilled, semiskilled, or skilled manual labor occupations; and any other employee including a foreman or supervisor in a position having trade, craft, or laboring experience as the paramount requirement; and shall include all such persons regardless of any contractual relationship that may be alleged to exist between a contractor or subcontractor and such persons.

(c) These clauses relating to the Service Contract Act of 1965 shall not apply to the following:

(1) Any contract of the United States or District of Columbia for construction, alteration and/or repair, including painting and decorating of public buildings or public works;

(2) Any work required to be done in accordance with the provisions of the Walsh-Healey Public Contracts Act (49 Stat. 2036);

(3) Any contract for the carriage of freight or personnel by vessel, airplane, bus, truck, express, railway line or oil or gas pipeline where published tariff rates are in effect;

(4) Any contract for the furnishing of services by radio, telephone, telegraph, or cable companies, subject to the Communications Act of 1934;

(5) Any contract for public utility services, including electric light and power, water, steam and gas;

(6) Any employment contract providing for direct services to a Federal agency by an individual or individuals; and

(7) Any contract with the Post Office Department, the principal purpose of which is the operation of postal contract stations.

(8) Any services to be furnished outside the United States. For geographic purposes, the "United States" is defined in section 8(d) of the Service Contract Act to include any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Outer Continental Shelf Lands as defined in the Outer Continental Shelf Lands Act, American Samoa, Guam, Wake Island, Eniwetok Atoll, Kwajalein Atoll, Johnston Island. It does not include any other territory under the jurisdiction of the United States or any United States base or possession within a foreign country.

(9) Any contract exempted by the Secretary of Labor under section 4(b) of the Service Contract Act of 1965.

§ 4.7 Labor standards clause for Federal service contracts not exceeding $2,500.

Every contract with the Federal Government which is not in excess of $2,500 but has as its principal purpose the furnishing of services through the use of service employees, except those identified in § 4.6(c), shall contain the following clause:

Service Contract Act of 1965. The contractor and any subcontractor hereunder shall pay all of their employees engaged in performing work on the contract not less than the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended ($1.25 per hour as of January 20, 1966) and are subject to the regulations of the Secretary of Labor thereunder (29 CFR Part 4).

§ 4.8 Notice of award.

Whenever an agency of the United States or the District of Columbia shall award a contract in excess of $2,500 subject to the Act, it shall furnish the Administrator of the Wage and Hour and Public Contracts Divisions, on the form used pursuant to 41 CFR 50–201.1201, the information required by such form.

§ 4.9 Effective date.

(a) Except as provided in paragraph (b) of this section, the provisions of this part shall be effective on December 15, 1965.

(b) Sections 4.2, 4.5, 4.6, 4.7, and 4.8 shall be effective as to contracts entered into pursuant to negotiations concluded or invitations for bids issued on or after January 20, 1966.

Signed at Washington, D.C., this 14th day of December 1965.

CLARENCE T. LUNDQUIST,
Administrator, Wage and Hour and Public Contracts Divisions, Department of Labor.

[F.R. Doc. 65–13506; Filed, Dec. 16, 1965; 8:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—Consumer and Marketing Service (Packers and Stockyards Division), Department of Agriculture

PART 201—REGULATIONS UNDER PACKERS AND STOCKYARDS ACT

Custodial Accounts and Used Shippers' Proceeds

On June 12, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 7662) regarding the amendment of §§ 201.40 and 201.42 of the regulations (9 CFR 201.40, 201.42) under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.). Interested persons were given an opportunity to submit written data, views, and comments with respect to the proposed amendments. After consideration of all relevant matter submitted by interested persons, § 201.40, Part 201, Chapter II, Title 9 of the Code of Federal Regulations is hereby amended to read as follows, and § 201.42, Part 201, Chapter II, Title 9 of the Code of Federal Regulations is hereby amended by adding new paragraphs (c) and (d) reading as follows:

§ 201.40 Market agencies or licensees not to use shippers' proceeds or funds received for purchases on commission for own purposes through "bank float" or otherwise.

No market agency or licensee engaged in selling or buying livestock or live poultry on a commission or agency basis shall use shippers' proceeds or funds received for the purchase of livestock or live poultry on order for purposes of its own either through recourse to the so-called "float" in the bank account in which the proceeds or funds are deposited or in any other manner, except as provided in § 201.42.

§ 201.42 Custodial accounts.

• • • • •

(c) The separate bank accounts referred to in paragraphs (a) and (b) of this section shall be established and maintained in banks whose deposits are insured by the Federal Deposit Insurance Corporation.

(d) Any market agency or licensee which has established and maintains a separate bank account in accordance with paragraphs (a) and (c) of this section may invest, in certificates of deposit issued by the bank in which such account is kept, such portion of the custodial funds constituting the "float" as will not impair the market agency's or licensee's ability to meet its obligations to its consignors. Any such certificates of deposit shall be made payable to the market agency or licensee in its fiduciary capacity as trustee of the custodial funds.

The purposes of the amendments are to require that custodial accounts be maintained in banks whose accounts are insured by the Federal Deposit Insurance Corporation and to permit the investment of a reasonable portion of the funds constituting the "float" in certificates of deposit. The majority of the custodial accounts maintained by livestock market agencies and licensees are retained in banks insured by the Federal Deposit Insurance Corporation. When accounts are properly maintained in banks whose deposits are insured by the Federal Deposit Insurance Corporation, the interest of each consignor whose funds are deposited in the account is insured to the maximum amount of $10,000. This important insurance protection should be provided each consignor whose livestock or live poultry are sold by a market agency or licensee.

The amendments to §§ 201.40 and 201.42 permit a market agency or licensee to invest in certain certificates of deposit such portion of the "float" as will not impair the market agency's or licensee's ability to meet its obligations to its consignors. A specified amount cannot be established by regulation. The amount of investment, if any, must be judiciously determined by the market agency owner or licensee. The market agency or licensee is responsible for prompt payment to its consignors. The funds in certificates of deposit may not be readily available to the market agency or licensee and the fact that funds adequate to pay consignors are represented by certificates of deposit does not relieve the market agency or licensee from its responsibility for prompt payment. The failure to pay consignors promptly under such circumstances would be considered by the Packers and Stockyards Division as a violation of the Packers and Stockyards Act warranting the taking of appropriate action against the market agency or licensee.

The language of the amendments differs in certain respects from the language set forth in the notice of proposed rule making. The changes are for the purpose of clarification and are not substantive in nature. It is, therefore, found that further rule making procedure on the amendments is unnecessary.

These amendments shall become effective on January 20, 1966.

(Sec. 407(a), 42 Stat. 169, 72 Stat. 1750; 7 U.S.C. 228(c); interprets or applies secs. 307, 312, 42 Stat. 161 et seq., as amended; 7 U.S.C. 208, 213)

Done at Washington, D.C., this 13th day of December 1965.

CLARENCE H. GIRARD,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 65–13508; Filed, Dec. 16, 1965; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3900]

[Oregon 016528]

OREGON

Withdrawal for National Forest Administrative Site and Campgrounds

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the United States mining laws (Title 30, U.S.C., Ch. 2), in aid of programs of the Department of Agriculture:

UMATILLA NATIONAL FOREST

WILLAMETTE MERIDIAN

Jubilee Lake Campground Addition

T. 4 N., R. 39 E.,
Sec. 8, NE¼SW¼, E½SW¼SW¼, NW¼SE¼, and SE¼SE¼;
Sec. 17, W½NE¼NE¼, N½SW¼NE¼, E½NW¼NW¼, and N½SE¼NW¼.

Timothy Spring Campground Addition

T. 5 N., R. 39 E.,
Sec. 36, N½NW¼SW¼.

Timothy Guard Station

T. 5 N., R. 39 E.,
Sec. 38, SE¼SW¼SW¼ and W½SE¼SW¼.

Trough Creek Campground

T. 6 S., R. 32 E.,
Sec. 27, S½NW¼SW¼ and SW¼NE¼SW¼.

The areas described aggregate 300 acres in Union, Wallowa, and Umatilla Counties.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

DECEMBER 13, 1965.

[F.R. Doc. 65–13475; Filed, Dec. 16, 1965; 8:45 a.m.]

[Public Land Order 3901]

[Arizona 035285]

ARIZONA

Revocation of Withdrawals for Military and Reclamation Purposes

By virtue of the authority vested in the President and pursuant to Executive

Order No. 10355 of May 26, 1952 (17 F.R. 4831), and by virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

Public Land Order No. 665 of August 28, 1950, withdrawing lands for use by the Department of the Air Force in connection with Auxiliary Field No. 4, Luke Field, Ariz., and the departmental order of July 25, 1941, withdrawing lands for reclamation purposes are hereby revoked so far as they affect the following described lands:

GILA AND SALT RIVER MERIDIAN

T. 5 N., R. 4 W.,
Sec. 25, W½ and W½E½;
Sec. 26, E½E½.

The areas described aggregate 640 acres of nonpublic lands in Maricopa County.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

DECEMBER 13, 1965.

[F.R. Doc. 65-13476; Filed, Dec. 16, 1965; 8:46 a.m.]

[Public Land Order 3902]

[Montana 071821 (S. Dak.)]

SOUTH DAKOTA

Restoration of Lands to Tribal Ownership

Whereas, pursuant to the authority contained in the act of May 29, 1908 (35 Stat. 460–463), the townsite of Timber Lake was established within the Cheyenne River Indian Reservation, S. Dak., and

Whereas, there are certain undisposed of lands within the townsite, and

Whereas, the Tribal Council and the Commissioner of Indian Affairs have recommended restoration of the townsite lands involved to tribal ownership,

Now, therefore, by virtue of the authority contained in sections 3 and 7 of the act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 463a), I hereby find that the restoration to tribal ownership of the lands described below will be in the public interest, and the said lands are hereby restored to tribal ownership of the Cheyenne River Sioux Tribe of the Cheyenne River Indian Reservation, S. Dak., subject to any valid existing rights:

TOWNSITE OF TIMBER LAKE

Block	Lots
1	1 to 9, incl.
2	1 to 13, incl.
3	1 to 8, incl.
3	13 to 16, incl.
4	4
11	1 to 3, incl.
11	9, 14, 15, and 17
12	1 to 7, incl.
13	1 to 7, incl., 9 and 10
14	2 to 10, incl.
15	1 to 5, incl., 9, 11 and 12
18	9
19	8 to 10, incl.
24	3, 4 and 6
25	9, 10, 11 and 13
27	1 to 5, incl.
29	12
49	1 to 12, incl.
54	1 to 6, incl., 8 to 12, incl.
55	1 to 10, incl
56	1 to 10, incl.
57	7 to 12, incl.
59	4 to 12, incl.
60	1 to 12, incl.
61	1 to 12, incl.
62	1 to 12, incl.
63	1 to 12, incl.
64	1 to 12, incl.
65	2 to 12, incl.
66	1 to 12, incl.
67	1 to 12, incl.
68	1 to 12, incl.
69	1 to 9, incl.

The areas described aggregate 252.25 acres.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

DECEMBER 13, 1965.

[F.R. Doc. 65-13477; Filed, Dec. 16, 1965; 8:46 a.m.]

[Public Land Order 3903]

[BLM 080980 (Louisiana)]

LOUISIANA

Withdrawal for Flood Control

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), and reserved under the jurisdiction of the Corps of Engineers, Department of the Army, for Civil works:

LOUISIANA MERIDIAN

T. 22 S., R. 32 E.,
Sec. 16, lot 16.
T. 24 S., R. 31 E.,
Sec. 23, all fractional.
T. 23 S., R. 31 E.,
Sec. 16.
T. 14 S., R. 16 E.,
Sec. 13, SE¼NW¼.
T. 9 S., R. 9 E.,
Sec. 29, lot 15.
T. 10 S., R. 9 E.,
Sec. 36, lot 13.
T. 14 S., R. 11 E.,
Sec 22, lot 1;
Sec. 26, lots 1 to 7, incl.
T. 14 S., R. 10 E.,
Sec. 24, lot 1.

The areas described aggregate 347.75 acres in St. Mary, St. Bernard, St. Martin, and Plaquemines Parishes.

2. The withdrawal made by this order does not alter the applicability of the land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

DECEMBER 13, 1965.

[F.R. Doc. 65-13478; Filed, Dec. 16, 1965; 8:46 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 2—DELEGATIONS OF AUTHORITY

Chief Benefits Director et al.

In Part 2, new §§ 2.78, 2.79, 2.80, 2.81, and 2.82 are added to read as follows:

§ 2.78 Except as otherwise provided, Chief Benefits Director and supervisory or adjudicative personnel within jurisdiction of Compensation, Pension and Education Service designated by him delegated authority to make findings and decisions under 38 U.S.C. Ch. 35 and applicable regulations, precedents and instructions, as to programs of education or special restorative training.

This delegation of authority is identical to § 21.3001(a) of this chapter.

§ 2.79 Chief Benefits Director delegated authority to enter into agreements for reimbursement of State approving agencies under § 21.3153 of this chapter.

This delegation of authority is identical to § 21.3001(b) of this chapter.

§ 2.80 Director, Compensation, Pension and Education Service delegated authority to waive penalties for conflicting interests under § 21.3005 of this chapter.

This delegation of authority is identical to § 21.3001(c)(1) of this chapter.

§ 2.81 Director, Compensation, Pension and Education Service delegated authority to exercise the functions otherwise required of State approving agencies, under § 21.3150(c) of this chapter.

This delegation of authority is identical to § 21.3001(c)(2) of this chapter.

§ 2.82 Director, Compensation, Pension and Education Service delegated authority to approve courses under § 21.3250(c) of this chapter.

This delegation of authority is identical to § 21.3001(c)(3) of this chapter.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 65-13492; Filed, Dec. 16, 1965; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 777]

PROCESSOR WHEAT MARKETING CERTIFICATES

Notice of Proposed Rule Making

Notice is hereby given pursuant to section 4a Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 1003) that the Agricultural Stabilization and Conservation Service proposes to issue Amendment 7 to the Processor Wheat Marketing Certificate Regulations (29 F.R. 6271 and 7983) as amended (29 F.R. 11642, 13471, 17086; 30 F.R. 5358, 8385 and 9299).

Consideration will be given to all written comments or suggestions in connection with the proposed amendment filed, in duplicate, with the Director, Procurement and Sales Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250, during the 10-day period beginning with the date this notice is published in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection in the Office of the Director at the above address during regular business hours (7 CFR 1.27(b)).

The following amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (see Sec. 379a to 379j, 52 Stat. 31, as amended by 76 Stat. 626, 78 Stat. 178 and 79 Stat. 1202, 7 U.S.C. 1379a to 1379j), to provide miscellaneous changes in the Processor Wheat Marketing Certificate Regulations.

The proposed amendment implements a provision included in the Food and Agriculture Act of 1965 which amended the statute governing the Processor Wheat Certificate Program to provide an exemption from certificate requirements for wheat processed into flour second clears not used for human consumption as determined by the Secretary. The statute provides in part as follows:

> The Secretary may at his election administer the exemption for wheat processed into flour second clears through refunds either to processors of such wheat or to the users of such clears. For the purpose of such refunds, the wheat equivalent of flour second clears may be determined on the basis of conversion factors authorized by section 379f of the Agricultural Adjustment Act of 1938, even though certificates had been surrendered on the basis of the weight of the wheat.

The proposed Amendment provides for administration of the exemption through refunds to users of clears in accordance with this authority.

The proposed amendment would read as follows:

Section 777.3(b)(1)(i) is amended to read as follows:

(b) "Food Product" means:

(1) * * *

(i) Flour, as defined herein (see §§ 777.18 and 777.19 for special provisions on flour second clears which are not used for human consumption.)

Section 777.3(g) is changed to read as follows by adding subparagraph (4).

(4) Any such unit in which flour second clears are used in the manufacture of products which are not used for human consumption shall be considered a separate plant.

Section 777.3 is amended by adding subparagraphs (u), (v), and (w) to read as follows:

(u) "Flour second clears," means a coproduct of patent flours (including Durum patent flour) which is produced in a 72 percent extraction rate type of milling operation in the United States from wheat produced in the United States and which meets the requirements of this paragraph. Flour second clears produced from Soft Red Winter wheat or White wheat (except the subclass Hard White wheat) or from a mixture which includes at least 80 percent Soft Red Winter or White wheat (except Hard White wheat) shall have an ash content of 75 percent or more. Flour second clears produced from Durum wheat, or from a mixture which includes more than 20 percent Durum wheat, shall have an ash content of 1.25 percent or more. Flour second clears produced from any other class or other mixtures shall have an ash content of 1.0 percent or more. The ash content shall be calculated to 14 percent moisture basis. Flour second clears shall be a product of the initial milling process and shall not be a product reconstituted by the mixing or blending of the normal byproducts of a 72 percent extraction type flour milling operation such as mill run, bran, shorts, middlings or red dog.

(v) Industrial user means any person who uses flour second clears in the United States in the production of any products not used for human consumption.

(w) "Nonqualifying clears" means clears which do not comply with the requirements of paragraph (a) of this section.

Section 777.16 is amended by the addition of the following: "CCC shall also make a refund to an industrial user (see § 777.3(u)) to the extent of the value of certificates acquired and surrendered on wheat used in producing flour second clears which the industrial user establishes to the satisfaction of the Administrator were destroyed or rendered unfit for human consumption as a result of a fire, casualty, or act of God, after acquisition of the flour second clears by the user."

Section 777.18, 777.19, and 777.20 are added to read as follows:

§ 777.18 Food processors manufacturing flour second clears.

(a) The food processor is required to purchase and surrender certificates for the wheat used in processing flour second clears in accordance with the other provisions of these regulations. Refunds of the cost of such certificates shall be made to industrial users of flour second clears as provided in § 777.19. The processor shall upon request from the buyer or transferee of flour second clears execute and furnish to him Form CCC–165, Processor Certification, Flour Second Clears, which establishes that the clears produced by him and sold to the buyer meet the requirements of the definition of flour second clears. A separate invoice and a separate Form CCC–165 is required for each railroad car or truck shipment of flour second clears. The processor shall not issue more than one original Form CCC–165 to cover the same lot of flour second clears.

(b) The processor shall retain a copy of all Forms CCC–165 together with supporting laboratory reports, and mill records which identify production runs in which the flour second clears were processed (including, among other things, date of processing, lot number, and type of wheat processed), and which can be identified to the flour second clears covered by any specific certification. The forms and records required of processors of flour second clears shall be retained and be subject to examination as provided in § 777.15.

§ 777.19 Industrial users of flour second clears.

(a) *General.* Refunds of the cost of certificates acquired and surrendered by processors on the wheat used in processing flour second clears shall be paid to industrial users who use the flour second clears in producing any product not used for human consumption as provided in this section. The refund shall be based on the number of pounds of flour second clears used to produce a product not for human consumption, as determined under paragraph (h), multiplied by the refund rate determined under paragraph (e).

(b) *Registration of industrial users of flour second clears—(1) Requirement.* Refunds will be paid only to industrial users registered with the Director.

(2) *Method of registration.* Any industrial user who wishes to register shall submit to the Director, Form CCC–149, Industrial User Registration Form, in an original and two copies. Each plant

must be registered separately. Forms may be obtained from either the Director or the Kansas City Commodity Office.

(3) *Notification of registration by the Director.* The Director will assign an industrial user number and return one copy of the Form CCC–149 to notify the industrial user that he is registered and of the number(s) assigned to his plant(s).

(c) *Reports and claims for refund.* The industrial user shall submit claims for refund to the commodity office on Form CCC–161, Industrial User Production Report and Claim for Refund. This form shall be used by the industrial user to report all production in a plant in a reporting period. Production reports on Form CCC–161 must be submitted to the commodity office for each reporting period after the period covered by the first claim for refund even though the period may not involve a claim for refund. The commodity office will not pay any claim until it has received from the industrial user Forms CCC–161 covering all prior reporting periods for which the user must file a report.

(d) *Reporting periods.* (1) The period of processing operations which Form(s) CCC–161 shall cover shall be one of the following:

(i) Each calendar or fiscal month.

(ii) Each 4 or 5 week periods in combination, or

(iii) Each 4 weeks.

(2) The first report shall cover the first processing report period beginning on and after 12:01 a.m., January 1, 1966, for which the industrial user wishes to file a claim for refund. If an industrial user elects to use a reporting period other than the calendar month, the first reporting period shall end at such time short of 5 weeks as will make the second report coincide with the established 4 or 5 week reporting period.

(3) The industrial user of flour second clears shall report to the Kansas City Commodity Office the reporting periods which he proposes using, by listing specific reporting period ending dates for the entire marketing year. If such list is not submitted, the industrial user shall claim on a calendar month basis.

(4) Once a reporting period has been established, it shall not be changed except with the approval of the Administrator in writing for good cause shown.

(e) *Refund rate.* The refund rate shall be determined on the basis of the conversion factor for flour (72 percent extraction operation) shown in § 777.14 (c) multiplied by the applicable certificate cost rounded to the nearest cent.

(f) *Basis for claiming refund.* Refund of certificate costs may be claimed on flour second clears which comply with the requirements of this section and which were received into the industrial user's plant on and after the effective date of this amendment, provided such clears were sold by the processor or shipped from the processor's plant on or after November 3, 1965. The industrial user may claim the refund only after the flour second clears are used in or manufactured into products which can only be used for other than human consumption or at such time as the nonfood use of the products manufactured has been established by labeling, by identification on the invoice of a product sold or removed from the plant in bulk, or by use. If a product produced from flour second clears for which an industrial user has received a refund is diverted to food use, the industrial user shall reimburse CCC in the amount of the refund involved and file a corrected Form CCC–161.

(g) *Invoicing requirement.* Industrial user's invoices covering product(s) produced from flour second clears on which a refund is requested and which can be utilized as either food or nonfood must include the statement: "This product is not for human consumption."

(h) *Determination of quantity of flour second clears not used for human consumption.* The quantity of flour clears eligible for a refund shall be determined as provided in this paragraph, unless otherwise specified in these regulations.

(1) If in processing operations during a report period an industrial user produces only products not used for human consumption and uses flour second clears either alone or in combination with nonqualifying clears or other ingredients in such production, the quantity of flour second clears eligible for a refund shall be the total number of pounds of flour second clears so used.

(2) If in processing operations during a report period an industrial user produces both products not used for human consumption and products used for human consumption and uses flour second clears either alone or in combination with nonqualifying clears or other ingredients in such production, the quantity of flour second clears eligible for a refund shall be determined by pro rating the flour second clears among all the products produced therefrom.

(3) If any processing involving flour second clears, nonqualifying clears, or other ingredients, either alone or in combination with one another is separately accomplished from any other processing, and such separate processing is supported (in a manner satisfactory to the Administrator) by production records which identify the products to the materials used in such separate processing operation, the industrial user may report the production from such processing operation separately on Form CCC–161. Any period in which a separate processing operation is accomplished as provided in this paragraph is referred to as a "production period" in Form CCC–161. If separate processing is claimed for any period in which there was not in fact a physical separation in the production line, from the preceding and succeeding periods, of materials used and products produced, the entire claim is invalid and the industrial user submitting such claim may be subject to penalties under the Federal civil and criminal statutes.

(i) *Records.* In submitting Form CCC–161 for a refund, the industrial user agrees:

(1) That he shall maintain accurate records and documents which support the information shown on Form CCC–161 and establish that he is eligible for a refund as claimed. Documents necessary shall include, among other things, Forms CCC–165 received from the processor who produced the flour second clears or Forms CCC–165–1 received from the distributor of the flour second clears which establish that the flour second clears on which a refund is requested meet the requirements of the definition as provided in § 777.3(u), production records which show the quantity and kind of flour second clears utilized and products produced therefrom and records which establish that the products obtained from the flour second clears for which a refund is claimed were not used for human consumption or were disposed of other than for human consumption;

(2) That representatives of the USDA may examine such records and documents at any time during normal business or working hours;

(3) That all refunds made by CCC are subject to verification of the certification that the clears or products made therefrom were not used for human consumption; and

(4) That all such records and documents shall be retained for a period of 3 years.

(j) *Corrected claims for refund.* If it is found that an incorrect Form CCC–161 has been submitted to the commodity office, the industrial user shall promptly prepare and submit a corrected Form CCC–161. Such report shall be identified by the original report number and transmitted with a letter of explanation. If the industrial user is entitled to additional refund, payment will be made by the commodity office. If an amount is due CCC, the industrial user shall include payment with the corrected claim.

(k) *Performance security.* If requested by the Administrator, the industrial user shall furnish a bond or letter of credit in such form and amount as may be specified by the Administrator to protect the Department from any damages resulting from action by the industrial user.

§ 777.20 Sales of flour second clears by distributors.

(a) *General.* If flour second clears are sold to an industrial user by a distributor, broker, or agent (hereinafter referred to as a distributor) and the distributor elects not to furnish the industrial user with the Form CCC–165, the industrial user may qualify for a refund on such clears only if the industrial user has obtained in lieu thereof a Form CCC–165–1 properly executed by a distributor who is registered with the Director.

(b) *Time of registration.* A distributor must be registered prior to issuing to an industrial user any Form CCC–165–1 which is used to support a claim for refund.

(c) *Method of registration.* A distributor who wishes to be registered must submit an application to the Director in writing that he wishes approval to issue to buyers of flour second clears properly executed Forms CCC–165–1 which may be used in lieu of Form CCC–165 as a basis for a claim for refund.

(d) *Conditions for registration.* The distributor shall agree in his application for registration:

(1) That he will properly execute Forms CCC–165–1 and shall maintain accurate records and documents (including a copy of each Form CCC–165–1 identified to the corresponding Form CCC–165, which are necessary to permit verification that the flour second clears shipped to an industrial user for which a Form CCC–165–1 was issued are flour second clears which he had received from a processor supported by a Form CCC–165.

(2) That any directly pertinent records and documents will be retained for a period of 3 years and that representatives of USDA may examine them any time during normal business or working hours; and

(3) That he will, if requested by the Administrator, furnish a bond or letter of credit in such form and amount as may be specified by the Administrator to protect the Department from any damages that may result from action by the distributor.

(e) *Notification of registration by the Director.* The Director will assign a distributor registration number and notify the distributor in writing that he is registered and give the number assigned to him unless it is determined that to permit such distributor to be registered is not in the best interest of the United States.

A proposed Appendix IV is added to read as follows:

APPENDIX IV—PROCESSOR WHEAT MARKETING CERTIFICATE REGULATIONS

INSTRUCTIONS TO INDUSTRIAL USERS FOR PREPARATION OF INDUSTRIAL USERS PRODUCTION REPORT AND CLAIM FOR REFUND FORMS

Industrial Users wishing to claim refund of the cost of domestic certificates purchased by processors to cover wheat used in processing flour second clears used in a product not for human consumption shall submit such claims on Form CCC–161, Industrial Users Production Report and Claim for Refund, to the Kansas City Commodity Office at the times indicated according to section 777.19. A copy of each Form CCC–161 is to be retained by the industrial user. Instructions for the completion of Form CCC–161 are as follows (the numbers and letters listed below correspond with the numbers and letters on the form):

(1) *Heading.*

(A) Enter the name and mailing address of the user.

(B) Enter the industrial user number assigned on registration Form CCC–149.

(C) Enter the reporting period number. Assign number consecutively for each reporting period beginning with number 1. (See section 777.19 for method of determining reporting periods.) Start a new series of reporting period number for each marketing year.

(D) Enter the marketing year. Prepare separate Forms CCC–161 for each marketing year. July 1 begins the marketing year. The marketing year shown on Form CCC–165 and/or CCC–165–1 shall determine the marketing year in which the clears are to be reported.

(E) Enter the reporting period.

(2) *Inventory of Flour Second Clears.* Enter in hundredweight.

(A) Enter the weight on hand at the end of the preceding reporting period. Bring forward from Item 2F of the preceding Form CCC–161.

(B) Enter the quantity received at the plant during the reporting period covered by the report. Such quantity must not be in excess of the quantity shown on Forms CCC–165 and/or CCC–165–1 which Forms must be retained by the industrial user. If during one reporting period there are involved clears identifiable to 2 marketing years, separate Forms CCC–161 for each marketing year should be prepared.

(C) Enter the total of Items A and B.

(D) Enter the quantity, if any, of shipments of qualifying clears from the processing plant which do not enter production.

(E) Enter the weight used in the production shown in Item 4E for all no-refund production periods below.

(F) Enter the quantity of flour second clears which did not enter production and which is a casualty loss (see § 777.16).

(G) Enter the quantity of qualifying flour second clears on hand at the end of the reporting period.

(H) Enter the total of Items D, E, and F.

(I) Enter the difference between Items C and G.

(3) *Kind of Clears Used.* Enter in hundredweight the kind of clears used during the reporting period. If more than one Form CCC–161 is submitted because of the use (during the same reporting period) of clears identified to more than 1 marketing year, prorate the quantity of each kind of clears used between the marketing years according to the percentage relationship between the quantities shown in Item 2I of each separate marketing year report. Enter the prorated quantities.

(A) Enter the weight of flour second clears from (1) hard wheat, (2) soft wheat, (3) durum, and (4) the total thereof on the basis of information as to type of wheat shown on the forms CCC–165 and/or CCC–165–1. The total must agree with the sum of Items 2E and 2I.

(B) Enter the total of all nonqualifying clears on the basis of (1) imported clears and (2) other clears.

(4) *Production Periods.* Check box indicating whether refund or nonrefund period. See § 777.19(h)(3). If more than one production period is reported, also use reverse side of form and show the beginning and ending dates of production for each period. If clears used during the reporting period had been processed from wheat in more than one marketing year, prorate the hundredweight of product produced from the clears between the Form CCC–161 prepared for the different marketing years using the same percentage as used to distribute the quantities required to be entered in section 3 of each Form CCC–161.

(A) Enter the different kinds of food products produced. The weight to be entered shall be the gross weight of any product adjusted to the same weight basis as for other products. For example, if the moisture content of one product is different from another product, all product weights must be adjusted to the same moisture content basis.

(B) Enter the total of the weights entered under Item A.

(C) Enter the different kinds of product not for human consumption. The weight of each product shall be adjusted to the same weight basis as used for food products. (See example in Item A.)

(D) Enter the total of the weights entered under Item C.

(E) Enter the total of Items B and D.

(F) Indicate quantity of flour second clears used for this production period. Total for all refund production periods should equal the total of 2H.

(G) Enter the percentage relationship of products not for human consumption to all products produced during the refund period. Item 4D divided by Item 4E.

(H) Enter the quantity of flour second clears for which refund is being applied. For refund production periods B through E, if applicable, bring the total forward to applicable period in Item 4H on face of form.

(I) Enter the quantity shown in Item 2F.

(J) Enter total of Items 4H and 4I.

(5) *Amount of Refund Claimed.* Determine by multiplying Item 4J by the refund rate. The refund rate for the marketing year beginning July 1, 1965, is $1.71 per hundredweight.

(6) *Certification.* The certificate shall be dated and executed by an authorized official of the industrial user.

Effective date. It is proposed that this amendment be effective as of January 1, 1966, with respect to flour second clears received into the industrial user's plant on and after such date provided such clears were shipped from the processor's plant on and after November 3, 1965.

Signed at Washington, D.C., on December 14, 1965.

JOHN A. SCHNITTKER,
Under Secretary.

[F.R. Doc. 65–13505; Filed, Dec. 14, 1965; 4:31 p.m.]

Consumer and Marketing Service

[7 CFR Part 1102]

[Docket No. AO–237–A12]

MILK IN FORT SMITH, ARK., MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Ward Hotel, 523 Garrison Avenue, Fort Smith, Ark., beginning at 10 a.m., local time, on December 21, 1965, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Fort Smith, Ark., marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof,

to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Central Arkansas Milk Producers Association:

Proposal No. 1. Consider emergency amendment of § 1102.51 Fort Smith, Ark., Federal Order No. 102, to compute the Class I price including supply-demand adjustment on basis comparable to that established for Memphis, Tenn., and Central Arkansas Federal orders.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Charles S. McDonald, Post Office Box 12266, Binghampton Station, Memphis, Tenn.. 38112, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C., 20250 or may be there inspected.

Signed at Washington, D.C., on December 14, 1965.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 65-13507; Filed, Dec. 16, 1965; 8:48 a.m.]

[7 CFR Part 1125]

[Docket No. AO-226-A11]

MILK IN PUGET SOUND, WASH., MARKETING AREA

Notice of Extension of Time for Filing Exceptions to Recommended Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Puget Sound, Washington, marketing area, which was issued December 2, 1965 (30 F.R. 15152), is hereby extended to January 31, 1966.

Signed at Washington, D.C., on December 13, 1965.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 65-13486; Filed, Dec. 16, 1965; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 65-CE-112]

VOR FEDERAL AIRWAYS AND LOW ALTITUDE REPORTING POINTS

Proposed Realignment, Revocation, and Designation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would accomplish the following:

1. Realign V-11 east alternate from Indianapolis, Ind., via the INT of Indianapolis 060° True (059° Magnetic) radial and the 006° True (005° Magnetic) radial of Shelbyville, Ind., and the INT of Shelbyville 006° True (005° Magnetic) radial and Fort Wayne, Ind., 218° True (218° Magnetic) radial, to Fort Wayne.

2. Realign V-14 from Indianapolis, Ind., direct Muncie, direct to Findlay, Ohio.

3. Realign V-50 from Indianapolis direct to Dayton, Ohio, including a north alternate from Indianapolis to Dayton via Muncie, Ind.

4. Realign V-210 from Indianapolis direct Muncie direct Rosewood, Ohio.

5. Realign V-55 east alternate from Dayton, Ohio, to Fort Wayne, Ind., via the INT of Dayton 347° True (348° Magnetic) radial and the Fort Wayne 128° True (128° Magnetic) radial.

6. The Coldwater, Ind., INT would be revoked as a low altitude reporting point.

7. The Muncie, Ind., VOR would be designated as a low altitude reporting point.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

The above proposed airspace actions are associated with the installation of the VOR in the vicinity of Muncie, Ind., at latitude 40°14'14" N., longitude 85°23'38" W., early in 1966. The inclusion of the Muncie VOR in the low altitude airway system and the realignment of these airways will assist air traffic control in providing separation of aircraft operating along these airways.

The official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket will also be available for examination at the Office of the Regional Air Traffic Division Chief.

These amendments are proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on December 10, 1965.

JAMES L. LAMPL,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-13452; Filed, Dec. 16, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-CE-138]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations which would alter controlled airspace in the Michigan City, Ind., terminal area.

Controlled airspace in the Michigan City terminal area is presently designated with a floor of 1,200 feet as the South Bend, Ind., transition area.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Michigan City, Ind., terminal area, proposes the following airspace actions: Designate the Michigan City, Ind., transition area as that airspace extending upward from 700 feet above the surface within a 6-mile radius of the Michigan City, Ind., Airport (latitude 41°42'10" N. longitude 86°49'23" W), and within 2 miles each side of the South Bend, Ind., VORTAC 261° T (260° M) radial extending from the 6-mile radius area to 13 miles west of the VORTAC.

It is planned to establish a public instrument approach procedure to serve the Michigan City, Ind., Airport. These procedures will be published concurrently with the designation of the transition area.

The proposed transition area will provide controlled airspace for departing aircraft during climb from 700 to 1,200 feet above the surface. It will also provide controlled airspace protection for aircraft executing the prescribed instrument approach procedure during descent from 1,500 to 700 feet above the surface. The holding pattern, transition routes, and procedure turn areas are within the presently designated South Bend, Ind., transition area.

The floors of the airways that would traverse the transition areas proposed herein would automatically coincide with the floors of the transition area.

Since a new approach procedure is to be established, no procedural changes would be effected in conjunction with the actions proposed herein.

Specific details of the changes to procedures that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo. 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Agency, 4325 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on December 7, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65-13453; Filed, Dec. 16, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-WE-59]

VOR FEDERAL AIRWAYS

Proposed Realignment and Extension

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would realign Victor 6 south alternate from Reno, Nev., via the INT of Reno 067° and Lovelock, Nev., 228° True radials, to Lovelock and establish the floor of this airway segment at 1,200 feet above the surface. Concurrently with this action, the Agency is considering the extension of V-200 from Reno, via Hazen, Nev., to Lovelock and establishment of a floor of 1,200 feet above the surface for this segment.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the Office of the Regional Air Traffic Division Chief.

A recent flight inspection of Victor 6 between Reno and Lovelock resulted in raising the minimum en route altitude for this airway segment from 10,000 feet MSL to 11,000 feet MSL and raising the VOR-1 approach procedure and transition altitude from Wadsworth INT to the Reno VOR from 9,500 feet MSL to 11,000 feet MSL. The designation of Victor 6 south alternate as proposed would permit reestablishment of acceptable airway and minimum en route transition altitudes for aircraft arriving Reno from the east. Retention of Victor 6 would provide the shortest route between Lovelock and Reno for over-flights. The extension of Victor 200 to Lovelock via the present alignment of Victor 6 south alternate would merely assign a new number to this airway segment. The 1,200 feet AGL floors would be compatible with the overall floor of controlled airspace in this area.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on December 10, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-13454; Filed, Dec. 16, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-WE-115]

FEDERAL AIRWAYS AND TRANSITION AREA

Proposed Alterations and Designation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the Burbank transition area, realign VOR Federal airways Nos. 186 and 518 and designate a new airway to serve the Burbank, Van Nuys, Calif., terminal area.

During the early part of 1966 the FAA will commission the Van Nuys VOR approximately one half mile NW of the Van Nuys Airport at latitude 34°13'25" N., longitude 118°29'27" W. To provide controlled airspace for instrument flight operations utilizing the new VOR facility the FAA proposes the following airspace actions:

1. Alter the Burbank, Calif. transition area, in part, by deleting "That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 34°14'00" N., longitude 118°-47'00" W.; to latitude 34°14'00" N., longitude 118°15'00" W.; and substitute the following "That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 34°15'30" N., longitude 118°47'00" W.; to latitude 34°15'30" N., longitude 118°-33'00" W.; to latitude 34°14'00" N., longitude 118°33'00" W.; to latitude 34°-14'00" N., longitude 118°15'00" W., etc."

2. Realign Federal Airways V-186 and V-518 as follows:

V-186—From Fillmore, Calif., VORTAC 1,200 feet AGL direct to Van Nuys, Calif., VOR; 1,200 feet AGL direct to Ontario, Calif., VOR.

V-518—From Fillmore, Calif., VORTAC 1,200 feet AGL via INT of Fillmore 102° and Ventura, Calif., VORTAC, 061° radials; 1,200 feet AGL via INT of Ventura 061° and Palmdale, Calif., VORTAC 233° radials; 1,200 feet AGL via Palmdale 233° radial to Palmdale, Calif., VORTAC.

3. Designate a new airway from Fillmore, Calif., VORTAC 1,200 feet AGL via INT of Fillmore 163° and Van Nuys, Calif., VOR 270° radials; 1,200 feet AGL via Van Nuys 270° radial to Van Nuys, Calif., VOR.

The additional 700-foot transition area is required to provide protection for aircraft executing prescribed instrument procedures to Van Nuys Airport. The final approach radial for Van Nuys Airport will be 255° M (270° T).

The proposed realignment of V-186, V-518 and the new airway will provide airway routing to the Burbank/Van Nuys terminal area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Agency, 5651 West Manchester Avenue, Los Angeles, Calif., 90045.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on December 8, 1965.

JOSEPH H. TIPPETS,
Director, Western Region.

[F.R. Doc. 65-13455; Filed, Dec. 16, 1965; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 239]

[Release No. 33-4810]

REGISTRATION FORM FOR VOTING TRUST CERTIFICATES

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposed revision of Form F-1 (17 CFR 239.9) under the Securities Act of 1933, which is prescribed for the registration of voting trust certificates. The revised form would be redesignated Form S-13 (17 CFR 239.25).

The format of the revised form would, in general, follow that of the Commission's more recently adopted registration forms. The disclosure requirements of the revised form would be substantially the same as those contained in the recently adopted revision of Form 16 (17 CFR 249.216) which is prescribed for registration of voting trust certificates pursuant to section 12 of the Securities Exchange Act of 1934. The principal new disclosure requirements contained in the proposed revision of Form F-1 are referred to below.

Items 2 and 3 of the revised form would call for information with respect to the distribution of the voting trust certificates and the compensation to be paid for soliciting the deposit of securities. Item 5 would call for a statement of the reasons for the establishment of the voting trust and the identity of the persons primarily responsible for its establishment.

Item 19 of the revised form would call for a description of the interests of the voting trustees and certain other persons in certain transactions with the issuer or its subsidiaries. This item is substantially the same as the "transaction" items in other registration and report forms of the Commission.

Item 20 of the revised form would provide that if the securities to be deposited under the voting trust agreement are not required to be registered under the Act, the prospectus shall include the information, including financial statements, which would be required to be contained in a prospectus relating to such securities if they were to be currently so registered. Provision is made, however, for the omission of this additional information if the issuer of such securities is required to file reports with the Commission pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934, or if neither the voting trustees nor the promoters of the voting trust are in control of the issuer of such securities, or if the voting trust agreement is required by law to permit the deposit of securities by all holders of securities of the class and no public solicitation of the deposit of such securities is to be made.

A copy of the proposed revision is attached hereto.

All interested persons are invited to submit their views and comments on the proposed revision of the form, in writing, to the Securities and Exchange Commission, Washington, D.C., 20549, on or before January 15, 1966. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission, December 9, 1965.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

§ 239.25 Form S-13, for voting trust certificates.

(a) *General instructions—A. Rule as to use of Form S-13.* This form shall be used for the registration of voting trust certificates under the Securities Act of 1933.

B. *Application of general rules and regulations.* Attention is directed to the general rules and regulations under the Act, particularly those comprising Regulation C. That regulation contains general requirements regarding the preparation and filing of the registration statement. The definitions contained in (17 CFR 230.405) should be especially noted.

C. *Documents comprising registration statement.* The registration statement shall consist of the facing sheet of the form, the prospectus, the required signatures, consents of experts, financial statements and exhibits and any other prospectus, information, undertaking or documents which are required or which the registrant may file as a part of the registration statement.

D. *Form and content of prospectus.* (a) The prospectus shall contain the information called for by all items of the form, except that no reference need be made to inapplicable items, and negative answers to any item may be omitted. The information shall be presented in clear, concise, understandable fashion. Avoid unnecessary and irrelevant details, repetition or the use of unnecessary technical language.

(b) Unless clearly indicated otherwise, information set forth in any part of the prospectus need not be duplicated elsewhere in the prospectus. Where it is deemed necessary or desirable to call attention to such information in more than one part of the prospectus, this may be accomplished by appropriate cross reference. In lieu of restating information in the form of notes to the financial statements, references should be made to other parts of the prospectus where such information is set forth.

E. *Definition of "issuer."* The term "issuer" means the issuer of the securities deposited or to be deposited under the voting trust agreement.

(b) *Facing page.*

SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, D.C., 20549

FORM S-13

REGISTRATION STATEMENT UNDER THE SECURITIES ACT OF 1933

For registration of voting trust certificates representing:

(Title of securities to be deposited under voting trust agreement)

Issued by:

(Exact name of issuer as specified in its charter)

State or other jurisdiction in which such issuer was incorporated or organized:

IRS Employer Identification No.:

Address of such issuer's principal executive offices:

Name and address of voting trustees' agent for service:

Approximate date of the proposed commencement of the sale of the voting trust certificates to the public ----------

CALCULATION OF REGISTRATION FEE

Amount of voting trust certificates to be registered	Proposed maximum offering price per unit	Proposed maximum aggregate offering price	Amount of registration fee

(c) *Information required in the prospectus.*

Item (1). *Issuer and securities to be deposited.* State the name and address of the issuer, the State or other jurisdiction in which it was incorporated or organized and the title of the class of securities to be deposited under the voting trust agreement.

Item (2). *Plan of distribution of the voting trust certificates.* Outline briefly the plan of distribution of the voting trust certificates to be registered. Give the names and addresses of the principal underwriters, if any, state the amount of the participation of each such underwriter, and describe the underwriting arrangements. Indicate each such underwriter having a material relationship other than that of underwriter, with the company or any of the voting trustees and state the nature of such relationship.

Item (3). *Compensation for soliciting the deposit of securities.* If any compensation is to be paid for soliciting the deposit of securities under the voting trust agreement, state the total amount and the rate per unit of such compensation, by whom and to whom it is to be paid, and the nature of any material relationship between any such person and the issuer or any of the voting trustees.

Item (4). *General information as to the voting trust agreement.* (a) Give the name of the State or other jurisdiction under the laws of which the voting trust was created and state the approximate date as of which the voting trust agreement became effective and the date on which it will expire.

(b) If the voting trust agreement may be extended, or terminated at an earlier date than that indicated above, outline briefly the circumstances under which and conditions upon which the agreement may be so extended or terminated.

(c) If the voting trust agreement may be amended by the voting trustees, state the nature of the amendments which may be made and the circumstances under which and conditions upon which the agreement may be so amended.

Item (5). *Reasons for establishment of voting trust.* State the reasons for the establishment of the voting trust, name the person or persons primarily responsible for its establishment and state the nature of any material relationship between such persons and the issuer or any of its affiliates, any voting trustee or any director or officer of the issuer.

Item (6). *Deposit and withdrawal of securities.* (a) Outline briefly the principal provisions of the voting trust agreement with respect to the depositing of securities thereunder. If such deposits may be limited or restricted, state the terms and conditions upon which they may be so limited or restricted.

(b) State the percentage of all outstanding securities of the class which have been deposited under the voting trust agreement and describe any agreement pursuant to which any additional securities now outstanding or which may be issued in the future are to be deposited.

(c) State whether the securities deposited under the voting trust agreement may be withdrawn from deposit by the beneficial owners thereof prior to the expiration or termination of the voting trust agreement and, if so, the terms and conditions upon which they may be so withdrawn.

Item (7). *Voting rights of voting trustees.* (a) State each of the following matters with respect to which the voting trustees are empowered to vote the deposited securities: (1) The election of directors of the issuer of the deposited securities; (2) any change in the issuer's capital structure; (3) the amendment of the issuer's charter; (4) the purchase of assets by the issuer or the sale, lease, pledge or mortgage of assets of the issuer; (5) the merger or consolidation of the issuer with any other person, and (6) the dissolution of the issuer. State the nature of any other matters upon which the voting trustees are empowered to vote the deposited securities.

(b) State whether the voting trust agreement requires action by the voting trustees to be taken by a concurrence of the majority. If not, outline briefly the requirements in this respect.

Item (8). *Powers of trustees to deal with deposited securities.* Describe briefly the powers of the voting trustees under the voting trust agreement to deal with the deposited securities or with funds or other property held subject to the voting trust agreement. Make specific reference to the powers of the voting trustees to do any of the following:

(a) Deliver the deposited securities to any person or persons in connection with any reorganization, readjustment or succession involving the issuer.

(b) Exchange the deposited securities for other securities.

(c) Exchange the deposited securities for cash or property.

(d) Hold or distribute any cash, securities or other property received by the voting trustees as dividends upon the deposited securities, or upon the merger, consolidation or dissolution of the issuer.

Item (9). *Ownership of voting trust certificates and other securities.* Furnish the information called for by the following table as to (i) voting trust certificates, (ii) all securities of the issuer not deposited under the voting trust agreement, whether or not of the same class as those deposited, and (iii) all securities of the issuer's parents and subsidiaries, owned of record or beneficially by the following persons:

(a) Each voting trustee, naming each such trustee.

(b) Each person who owns of record, or is known by the voting trustees to own beneficially, more than 10 percent of the voting trust certificates, naming each such person.

Name and address (1)	Name of issuer and title of class (2)	Type of ownership (3)	Amount owned (4)	Percent of class owned (5)

Instructions. 1. The information shall be furnished as of a specified date within 90 days prior to the date of filing the registration statement.

2. Indicate in Column (3) whether the securities are owned both of record and beneficially, of record only, or beneficially only, and show separately in Columns (4) and (5) the respective amounts and percentages owned in each such manner.

3. The percentages are to be calculated on the basis of the total amount outstanding.

Item (10). *Designation of voting trustees.* Outline briefly the principal provisions of the voting trust agreement with respect to the following:

(a) The initial designation of the voting trustees and the designation of additional and successor voting trustees.

(b) The removal or resignation of the voting trustees.

Item (11). *Voting trustees and their business experience.* State the name and business address of each voting trustee and describe briefly his business experience for the last 5 years.

Item (12). *Business and other connections of voting trustees.* Furnish the following information in regard to each of the voting trustees.

(a) Describe any business or professional connection within the past 3 years with the issuer or any of its affiliates or predecessors or with any principal underwriter of the voting trust certificates or of any securities of the issuer sold within the past 3 years.

(b) Give the information required by the following table as to any other business, profession, vocation or employment of a substantial nature in which such voting trustee is engaged for his own account or in the capacity of director, officer, employee, partner or trustee.

Name of voting trustee	Nature of business, profession, vocation or employment	Name and principal business of company or firm, if any

Item (13). *Representation of other persons by voting trustees.* If any voting trustee represents in regard to the affairs of the issuer any person owning of record or beneficially any voting trust certificates or any securities of the issuer or its affiliates, furnish the following information:

(a) Name of voting trustee.

(b) Name and address of the person or persons represented.

(c) Nature of the representation.

(d) Amount, and percent of the class, of (i) voting trust certificates, (ii) all securities of the issuer not deposited under the voting trust agreement, whether or not of the same class as those deposited, and (iii) all securities of the issuer's parents and subsidiaries, owned of record or beneficially by the person or persons represented, as of a specified date within 90 days prior to the date of filing the registration statement.

Instruction. This item does not relate to the representation of all certificate holders by the voting trustees. However, if any voting trustee represents a class or group of persons, identify the class or group instead of giving the names and addresses of the persons comprising it.

Item (14). *Remuneration of voting trustees.* Outline briefly the provisions of the voting trust agreement with respect to the compensation of the voting trustees and give in tabular form the information required by the following table as to the aggregate remuneration received by each voting trustee for services during the last fiscal year.

(a) For acting as voting trustee, naming the person or persons by whom such remuneration is paid, and

(b) For services to the issuer and its subsidiaries, in all capacities.

Name of voting trustee	Capacities in which remuneration received	Aggregate amount of remuneration

Item (15). *Limitation of liability, indemnification and bond of voting trustees.* (a) Outline briefly the principal provisions of the voting trust agreement, limiting the liability of the voting trustees or indemnifying them against liability.

(b) State whether or not any bond has been or is to be posted by the voting trustees with respect to their performance of the voting trust agreement and if so, give the amount of such bond.

Item (16). *The depositary.* (a) State whether or not the deposited securities are held for the trustees by a depositary and, if so, give the name and address of such depositary and describe briefly the deposit arrangements.

(b) State the annual amount of compensation of the depositary for its services and by whom it is paid. Indicate whether or not the depositary has any lien or claim upon the deposited securities for its compensation.

Instruction. If not a fixed amount, state the basis upon which such compensation is computed and the amount paid for the last year.

(c) Briefly describe any limitations upon the liability of the depositary in connection with its functions under the deposit agreement.

Item (17). *Miscellaneous.* (a) Outline briefly the rights of the certificate holders to inspect the transfer books and list of certificate holders.

(b) State the nature and frequency of the reports made to certificate holders with respect to the voting trust or the business and financial condition of the issuer.

(c) State the name of the person or persons to whom, and the complete mailing address to which, communications from certificate holders to the voting trustees may be sent.

Item (18). *Limitations upon certain dealings by voting trustees.* Outline briefly any provisions of the voting trust agreement limiting the power of the voting trustees to deal or trade in voting trust certificates or securities of the issuer or to enter into contracts with the issuer. If there are no such limitations, so state.

Item (19). *Interest of voting trustees and others in certain transactions.* Describe briefly, and where practicable state the approximate amount of, any material interest, direct or indirect, of any of the following persons in any material transactions during the last three years, or in any material proposed transactions, to which the issuer or any of its subsidiaries was or is to be a party:

(a) Each voting trustee;

(b) Each person represented in regard to the affairs of the issuer by any voting trustee;

(c) Each person who owns of record, or is known by the voting trustees to own beneficially, more than 10 percent of the voting trust certificates, and

(d) Each associate of any of the foregoing persons.

Instructions. 1. This item applies to any person who held any of the specified positions or relationships at any time during the period. However, information need not be given for any portion of the period during which such person did not hold any of such positions or relationships.

2. Include the name of each person whose interest in any transaction is described and the nature of the relationship by reason of which such interest is required to be de-

scribed. Where it is not practicable to state the approximate amount of the interest, the approximate amount involved in the transaction shall be indicated.

3. As to any transaction involving the purchase or sale of assets by or to the issuer or any subsidiary, otherwise than in the ordinary course of business, state the cost of the assets to the purchaser and the cost thereof to the seller if acquired by the seller within 2 years prior to the transaction.

4. This item does not apply to any interest arising from the ownership of securities of the issuer where the security holder receives no extra or special benefit not shared on a pro rata basis by all other holders of the same class.

5. No information need be given in answer to this item with respect to remuneration or other benefits received by any specified person in connection with his employment as a director, officer or employee of the issuer or any of its subsidiaries.

6. Information should be included as to any material underwriting discounts and commissions upon the sale of securities by the issuer where any of the specified persons was or is to be a principal underwriter or is a controlling person or member of a firm which was or is to be a principal underwriter. Information need not be given concerning ordinary management fees paid by underwriters to a managing underwriter pursuant to an agreement among underwriters the parties to which do not include the issuer or its subsidiaries.

7. No information need be given in answer to this item as to any transaction or any interest therein where:

(i) the rates or charges involved in the transaction are fixed by law or determined by competitive bids;

(ii) the interest of the specified persons in the transactions is solely that of a director of another corporation which is a party to the transaction;

(iii) the transaction involves services as a bank depository of funds, transfer agent, registrar, trustee under a trust indenture, or other similar services;

(iv) the interest of the specified persons, including all periodic installments in the case of any lease or other agreement providing for periodic payments or installments, does not exceed $30,000;

(v) the transaction does not involve remuneration for services, directly or indirectly, and (A) the interest of the specified persons arises from the ownership individually and in the aggregate of less than 10 percent of any class of equity securities of another corporation which is a party to the transaction, (B) the transaction is in the ordinary course of business of the issuer or its subsidiaries, and (C) the amount of such transaction or series of transactions is less than 10 percent of the total sales or purchases, as the case may be, of the issuer and its subsidiaries.

8. Information shall be furnished in answer to this item with respect to transactions not excluded above which involve remuneration, directly or indirectly, to any of the specified persons for services in any capacity unless the interest of such persons arises solely from the ownership individually and in the aggregate of less than 10 percent of any class of equity securities of another corporation furnishing the services to the issuer or its subsidiaries.

9. This item does not require the disclosure of any interest in any transaction unless such interest and transaction are material.

10. No information need be given in answer to this item with respect to any transaction as to which substantially the same information has been set forth in a registration statement or report filed by the issuer with the Commission and with each exchange, if any, on which the voting trust certificates are to be registered.

Item (20). *Information regarding the securities to be deposited.* If the securities to be deposited under the voting trust agreement are not required to be registered under the Act, furnish the information, including financial statements, which would be required to be contained in a prospectus relating to such securities if they were to be currently so registered.

Instruction. This item need not be answered if any of the following conditions are met:

(a) The issuer of such securities is required to file reports pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934.

(b) Neither the voting trustees nor the person or persons primarily responsible for the establishment of the voting trust, individually or as a group, control the company, or

(c) The voting trust agreement is required by law to permit the deposit of securities by all holders of securities of the class to be deposited, and no public solicitation of the deposit of such securities is to be made.

(d) *Signatures.*

Pursuant to the requirements of the Securities Act of 1933, this registration statement has been signed below by the following person, as voting trustees, on the dates indicated.

Date	*Signature*
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Instructions. 1. The registration statement shall be signed by all of the voting trustees or by such lesser number as will legally bind all of them. If all of the voting trustees do not sign the registration statement, it shall include an opinion of counsel as to the authority of the persons signing to bind all of the voting trustees. If the voting trustees are foreign persons, the registration statement shall also be signed by their authorized representative in the United States.

2. The name of each person who signs the registration statement shall be typed or printed beneath his signature.

3. If Item 20 applies, the registration statement shall also be signed by all persons who would be required to sign by the form which would be appropriate for registration of the securities to be deposited. Such signatures shall be in the form prescribed by such appropriate form.

(e) *Instructions as to exhibits.*

Subject to the rules regarding incorporation by reference, the following exhibits shall be filed as a part of the registration statement. Such exhibits shall be appropriately lettered or numbered for convenient reference. A list of all exhibits filed shall be furnished. Exhibits incorporated by reference may be referred to by the designation given in the previous filing. The statement incorporating exhibits by reference shall be made in the list of exhibits referred to above.

1. Copies of the voting trust agreement.

2. Specimens or, if specimens are not available, copies of the voting trust certificates.

3. An opinion of counsel as to the legality of the voting trust agreement and the voting trust certificates to be registered hereunder.

4. Copies of all underwriting contracts with principal underwriters named in answer to Item 2.

5. Copies of all of the following contracts which are to be performed in whole or in part at or after the filing of the registration statement or which were made not more than two years prior to the date of such filing:

(a) Material contracts between the issuer and any voting trustee, or any person represented in regard to the affairs of the issuer by any voting trustee, relating to the voting trust, the deposit or withdrawal of securities thereunder or the voting of the deposited securities.

(b) Material contracts or arrangements between any of the voting trustees, or between any voting trustee and any person represented in regard to the affairs of the issuer by any voting trustee, relating to the voting trust, the deposit or withdrawal of securities thereunder or the voting of the deposited securities.

(c) Material contracts between the voting trustees, the certificate holders, the depositary and the issuer or any of them concerning (a) action by the certificate holders; (b) the rights of certificate holders to inspect the transfer books and list of certificate holders; (c) reports to certificate holders with respect to the voting trust or the business and financial condition of the issuer.

6. Copies of any other material contracts described in answer to any item of the form.

7. If Item 20 applies, there shall also be filed as a part of the registration statement all information, including financial statements, exhibits, consents and other papers and documents which would be required by the form appropriate for registration of the underlying shares under the Act, other than that included in the prospectus pursuant to Item 20.

(Secs. 6, 7 and 19; 48 Stat. 78 and 85, as amended; 15 U.S.C. 77f, 77g, and 77s)

[F.R. Doc. 65-13424; Filed, Dec. 16, 1965; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

DEFINITION OF RETAIL GROCERY CONCERN

Notice of Hearing for Purpose of Financial Assistance

Notice is hereby given that the Small Business Administration proposes to hold a hearing on the definition of a small retail grocery concern for the purpose of obtaining financial assistance.

The hearing will take place on January 12, 1966, e.s.t., in Room 1143, 811 Vermont Avenue NW., Washington, D.C. Interested persons may file with the Office of Economic Analysis, on or before January 7, 1966, written statements of facts, opinions or arguments concerning the appropriate definition of a small retail concern primarily engaged in the sale of groceries and fresh meat for the purpose of financial assistance. Those persons who wish to make oral statements should notify the Office of Economic Analysis in writing, setting forth the name and title (if any) of the persons who will appear and whom they will represent.

All correspondence should be addressed to:

Office of Economic Analysis, Small Business Administration, 811 Vermont Avenue NW., Washington, D.C. 20416.

The Small Business Size Standards Regulation (Revision 5), as amended, presently defines a small retail grocery concern, for the purpose of financial assistance, as small if it is independently owned and operated, not dominant in its field of operation and, together with its affiliates, has annual receipts of $2 million or less.

It has been brought to the attention of the Small Business Administration that the present size standard may be too low because of the following reasons: (1) The trend in the retail grocery industry is toward fewer and larger stores (supermarkets) with greater sales volume; (2) cost-price increases and an increase in the sale of nonfood items have caused greater sales volume per establishment; and (3) effective competition against industry giants is no longer furnished by the "mom and pop"-type of operators but by single unit establishment supermarkets which are retail-cooperative store members, wholesaler-sponsored voluntary retail groups, and small local multiunit chains. It has been suggested that the present size standard precludes SBA from giving financial assistance to the smaller local multiunit chains which are among the most important competitors of the large industry giants. It has been stated also that while the market share of the larger chains has increased over the past few years the market share of small multiunit chains which are not members of a group-type operation as set forth above has declined.

SBA is interested in receiving comments and recommendations from industry and other interested persons as to whether the present size standard for retail grocery concerns for the purpose of financial assistance is appropriate or should be amended, and, if so, what the appropriate size standard should be.

Dated: November 17, 1965.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 65-13481; Filed, Dec. 16, 1965; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

DISTRICT MANAGERS, CALIF.

Redelegation of Authority

OCTOBER 1, 1965.

1. Pursuant to sections 1.1(a) and 3.9(g), Bureau Order No. 701 of July 23, 1964, as amended, each California District Manager, within his area of jurisdiction in the State of California, may take all actions on sales of materials or free use permits for other than forest products under 43 CFR 3610, 3611, and 3612.2.

2. The authority delegated in paragraph 1 may not be redelegated and shall become effective immediately upon publication in the FEDERAL REGISTER.

NEAL D. NELSON,
State Director.

[F.R. Doc. 65-13479; Filed, Dec. 16, 1965; 8:46 a.m.]

Fish and Wildlife Service

[Docket No. G-356]

MERLIN, INC.

Notice of Loan Application

Merlin, Inc., Post Office Box 1193, Port Isabel, Tex., 78578, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 64.5-foot registered length steel shrimp trawler to engage in the fishery for shrimp in the Gulf of Mexico.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965), that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C., 20240. Any person desiring to submit evidence that the contemplated operations of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic injury or hardship.

RALPH C. BAKER,
Acting Director,
Bureau of Commercial Fisheries.

DECEMBER 14, 1965.

[F.R. Doc. 65-13494; Filed, Dec. 16, 1965; 8:47 a.m.]

Office of the Secretary

BUREAU OF OUTDOOR RECREATION

Delegation of Authority

The delegation of authority published in the FEDERAL REGISTER of March 31, 1965 (30 F.R. 4210), is hereby amended by the revision of 248 DM 1.1D and the addition of 248 DM 1.1.G, which are as set forth below. The following material is a portion of the Departmental Manual and the numbering system is that of the Manual.

PART 248—BUREAU OF OUTDOOR RECREATION

CHAPTER 1—FEDERAL REGISTER DOCUMENTS

248.1.1D. By cooperating with the Secretary, Department of Housing and Urban Development in making Federal grants for the acquisition of open-space land (Title VII, sec. 702(e) of the Housing Act of 1961, as amended and supplemented by the Housing and Urban Development Act of 1965.

G. By performing those responsibilities and carrying out the recreation planning and coordinating authorities of the Secretary which are contained in the Act of July 9, 1965 (79 Stat. 213-218).

STEWART L. UDALL,
Secretary of the Interior.

DECEMBER 10, 1965.

[F.R. Doc. 65-13480; Filed, Dec. 16, 1965; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

CAMAS PRAIRIE RAILROAD STOCKYARDS ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Name, location of stockyard, and date of posting
Camas Prairie Railroad Stockyards, Lewiston, Idaho, Apr. 16, 1941.
Corning Auction Company, Corning, Iowa, May 16, 1959.
Farmers Stockyards Company, Inc., Mt. Sterling, Ky., Mar. 4, 1931.
Oakdale Livestock Auction, Inc., Oakdale, La., Dec. 27, 1962.
South Louisiana Livestock Cooperative, Inc., Thibodaux, La., Mar. 3, 1959.
Seward Sale Barn, Seward, Nebr., May 4, 1959.
Farmers & Ranchers Livestock Commission Company, Tyler, Tex., Feb. 21, 1961.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not depositing promptly a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 13th day of December 1965.

K. A. POTTER,
Acting Chief, Rates and Registrations Branch, Packers and Stockyards Division, Consumer and Marketing Service.

[F.R. Doc. 65-13512; Filed, Dec. 16, 1965; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16712]

OLYMPIC AIRWAYS, S.A.

Notice of Prehearing Conference

Application to conduct scheduled air transportation of mail, passengers and property over a route between a point or points in Greece and New York, N.Y., via an intermediate point or points in Paris, France; Rome, Italy. Also seek authority to engage in off-route charter operations pursuant to the Board's decision in Docket 7173 and Part 212 of the Board's Economic Regulations.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on January 6, 1966, at 10 a.m., e.s.t., in Room 701, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., December 13, 1965.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 65-13500; Filed, Dec. 16, 1965; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 65-45]

TRADE BETWEEN U.S. NORTH ATLANTIC PORTS AND PORTS IN UNITED KINGDOM AND EIRE

Ocean Rate Structures; Order of Investigation and Hearing

Investigation of ocean rate structures in the trade between U.S. North Atlantic ports and ports in the United Kingdom and Eire—North Atlantic United Kingdom Freight Conference, Agreement 7100, and North Atlantic Westbound Freight Association, Agreement 5850.

Information before the Federal Maritime Commission indicates that the outbound rate structure in the trade from U.S. North Atlantic ports to ports in the United Kingdom and Eire, as contained in tariffs filed by the North Atlantic United Kingdom Freight Conference during the calendar year 1963, and from that time to the present, has been and is higher than the inbound rate structure in the same trade, as contained in tariffs filed by the North Atlantic Westbound Freight Association during the calendar year 1963. The same is true with respect to certain individual commodity rates in this same trade. This is set forth in detail in attached Appendixes A, B, C, D, and E.[1]

Based upon material furnished by the above-named conferences and statistical data from the Maritime Administration and the Bureau of Census, and as more completely set forth in the attached appendixes, the following propositions are supportable:

1. There is some overlap of membership between these reciprocal conferences. Of the 12 members of the outbound conference and 11 members of the inbound conference, 7 are common to both.

2. Conference vessels carry nearly all the liner cargo carried in both directions; 98 percent outbound and 94 percent inbound during 1963.

3. Average revenue per revenue ton of general cargo carried by conference liners is substantially higher outbound than inbound; 53 percent higher during 1963.

4. Conference general cargo carryings during 1963 were substantially greater inbound than outbound; 87 percent higher in revenue tons, 28 percent higher in weight tons, 23 percent higher in total revenue, and 17 percent higher in cargo value.

5. The average revenue per revenue ton of general cargo is substantially higher outbound than inbound on the 10 major-moving commodities; 33 percent higher during 1963.

6. Average revenue per weight ton of general cargo is higher outbound than inbound; 4 percent higher during 1963.

7. Average value per revenue ton of general cargo is higher outbound than inbound; 60 percent higher in 1963.

8. Average value per weight ton of general cargo is higher outbound than inbound; 9 percent higher in 1963.

9. The ratio of weight tons of general cargo to revenue tons of general cargo is higher inbound than outbound; 47 percent higher in 1963.

In addition to the foregoing propositions, examination of all rates included in tariffs filed with the Commission by these conferences during February of 1965 shows that the outbound rate structure appears to be higher than the inbound rate structure. The outbound tariff has a heavier concentration of rates in the higher rate levels, and the inbound tariff has a heavier concentration of inbound rates at the lower rate levels. A comparison of inbound and outbound rate profiles is contained in Appendix A.

A similar analysis of all rates filed by both conferences, effective on November 1, 1965, shows the same pattern of a substantially higher rate structure outbound than inbound.

No transportation factors developed in the Commission's study or thereafter furnished to it appear to have satisfactorily explained or justified these rate disparities. The Commission has not been apprised of any operational changes in this trade or adjustments in tariff rates which would change this apparent disparate relationship between the inbound and outbound rate structures.

In view of the foregoing, and to carry out its continuing responsibilities under the Shipping Act, 1916, the Commission must undertake an investigation to determine whether the outbound tariff rate structure or any individual outbound commodity rates maintained by the North Atlantic United Kingdom Freight Conference pursuant to approved Agreement 7100 in this trade, may be effectively higher than the inbound tariff rate structure or any individual reciprocal inbound commodity rates maintained by the North Atlantic Westbound Freight Association pursuant to approved Agreement 5850 inbound, and if such outbound rate structure is higher, whether the disparate rate structures, or individual commodity rate disparities, may be detrimental to the commerce of the United States, contrary to the public interest or otherwise in violation of the Shipping Act, 1916, and whether Agreement 7100 and Agreement 5850, which authorizes the member lines of these conferences to jointly establish and maintain the tariff rates in this trade, should be modified or disapproved under section 15 of the Act.

Examination of individual commodity rates contained in the tariffs of these conferences in effect on November 1, 1965, indicates that in certain instances the outbound rate is substantially higher than the inbound rate on the same or a similar commodity. Appendix F[2] contains a partial listing of these commodities. The Commission must also undertake an investigation to determine whether any such outbound individual commodity rates may be so unreasonably high as to be detrimental to the commerce of the United States within the meaning of section 18(b)(5) of the Shipping Act, 1916; and if so, whether the Commission should disapprove any such rates.

The investigation should further determine whether any specific rates may be detrimental to the commerce of the United States, contrary to the public interest or otherwise in violation of the Shipping Act, 1916.

In accordance with the recent pronouncement of this Commission in Docket No. 1114, Iron and Steel Rates, Export-Import, served December 6, 1965, if the record in this proceeding shows the existence of a higher outbound rate than the reciprocal inbound rate on a similar commodity, and the movement of goods outbound under the higher rate has been impaired, the carriers quoting the rates must demonstrate that the disparate rates are reasonable.

Under section 212(e), of the Merchant Marine Act of 1936, this Commission is authorized and directed to investigate under its regulatory powers, "• • • any and all discriminatory rates, charges, classifications, and practices whereby exporters and shippers of cargo originating in the United States are required by any common carrier by water in the foreign trade of the United States to pay a higher rate from any United States port to a foreign port than the rate charged by such carrier on similar cargo from such foreign port to such United States port, and recommend to Congress measures by which such discrimination may be corrected."

Pursuant to this mandate from Congress, the investigation herein ordered should also develop a record adequate for the Commission to determine whether recommendations should be made to Congress to correct discriminations caused by such rate disparities.

At such investigation and hearing, the Commission desires the parties to present evidence and testimony, and advance arguments with respect to the following issues:

1. Is the outbound rate structure maintained by the North Atlantic United Kingdom Freight Conference pursuant to Agreement 7100 effectively higher than the inbound rate structure maintained by the North Atlantic Westbound Freight Association.

2. Does the apparent disparate rate structures in the trade between United States North Atlantic and United Kingdom ports have any adverse impact upon the export commerce of the United States, or is it otherwise detrimental to the commerce of the United States, contrary to the public interest, or in violation of the Shipping Act, 1916.

3. Are there any transportation factors which would explain or justify the existence of a higher outbound rate structure than inbound rate structure in these trades.

4. Are there any individual outbound commodity rates maintained by the

[1] Appendixes A through E filed as part of original document.

[2] Appendix F filed as part of original document.

North Atlantic United Kingdom Freight Conference which are higher than the reciprocal inbound rates on similar commodities maintained by the North Atlantic Westbound Freight Association.

5. In situations where there are higher outbound rates on similar commodities, has the export movement of the commodities moving under the higher outbound rate been impaired, or has such a specific commodity rate disparity otherwise been detrimental to the commerce of the United States, contrary to the public interest, or in violation of the Shipping Act, 1916.

6. Are there any transportation factors which would explain or justify the existence of higher outbound rates on particular commodities than the reciprocal inbound rates on similar commodities.

7. Should any individual commodity rates be disapproved as authorized by section 18(b)(5) of the Act.

8. Should any recommendations be made to Congress to correct discriminations caused by rate disparities in this trade.

9. Should Agreement 7100 and/or Agreement 5850 be modified or disapproved pursuant to the provisions of section 15 of the Shipping Act, 1916.

Now therefore, by authority vested in the Commission;

It is ordered, That, pursuant to sections 15, 18(b)(5), and 22 of the Shipping Act, 1916, and section 212(e) of the Merchant Marine Act, 1936, the Commission institute an investigation and hearing to determine:

1. Whether the outbound tariff rate structure maintained by the North Atlantic United Kingdom Freight Conference and its member lines in the United States North Atlantic to United Kingdom and Eire trade pursuant to approved Agreement 7100 is effectively higher than the inbound rate structure maintained by the North Atlantic Westbound Freight Association and its member lines in the reciprocal trade pursuant to approved Agreement 5850; and if such outbound rate structure is higher, whether it is detrimental to the commerce of the United States, contrary to the public interest, or otherwise in violation of the Shipping Act, 1916, requiring modification or disapproval of Agreement 7100 and/or Agreement 5850.

2. Whether any outbound individual commodity rates maintained by the North Atlantic United Kingdom Freight Conference and its member lines pursuant to Agreement 7100 may be higher than the reciprocal inbound rate on a similar commodity maintained by the North Atlantic Westbound Freight Association and its member lines pursuant to Agreement 5850; if any such individual commodity rate disparities exist, whether the higher individual commodity rates may be so unreasonably high as to be detrimental to the commerce of the United States within the meaning of section 18(b)(5)[3] of the Shipping Act, 1916; whether the Commission should order any such rates disapproved as authorized by said section 18(b)(5); and whether any such individual commodity rates may be detrimental to the commerce of the United States, contrary to the public interest or otherwise in violation of the Shipping Act, 1916, requiring disapproval or modification of Agreement 7100 and/or Agreement 5850.[3]

3. Whether the Commission should make any recommendations to Congress pursuant to section 212(e) of the Merchant Marine Act, 1936, to correct any discriminatory rates, charges, classifications, and practices whereby exporters and shippers of cargo originating in the United States are required by the common carrier members of the North Atlantic United Kingdom Freight Conference to pay a higher rate than the rate charged by such common carrier members of the North Atlantic Westbound Freight Association on similar cargoes moving from the United Kingdom and Eire.

It is further ordered, That the parties listed in Appendix G attached hereto be made respondents in this proceeding.

It is further ordered, That this matter be assigned for hearing before an examiner of the Commission's Office of Hearing Examiners at a date and place to be hereafter determined and announced by the presiding examiner.

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon respondents.

It is further ordered, That any persons, other than respondents, who desire to become parties to this proceeding and to participate therein, shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before January 15, 1966, with copies to respondents.

It is further ordered, That all future notices issued on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

Commissioner Hearn disagrees with the decision to institute this investigation at this time and will state his views at a later time.

[SEAL] THOMAS LISI,
Secretary.

APPENDIX G

MEMBERS OF NORTH ATLANTIC UNITED KINGDOM FREIGHT CONFERENCE (AGREEMENT 7100) AND NORTH ATLANTIC WESTBOUND FREIGHT ASSOCIATION (AGREEMENT 5850)

North Atlantic United Kingdom Freight Conference, R. J. Gage, Chairman, 17 Battery Place, New York, N.Y., 10004.

North Atlantic Westbound Freight Association, Atlantic Freight Secretaries, Ltd., Cunard Building, Liverpool 3, England.

MEMBERS OF BOTH CONFERENCES

Anchor Line, Limited (Anchor Line), c/o The Cunard Steam-Ship Co., Limited, 25 Broadway, New York, N.Y., 10004.

Bristol City Line of Steamships, Ltd. (The), Charles Hill & Sons, Inc., Agents, 1 Broadway, New York 4, N.Y.

Cunard Steam-Ship Co., Limited (The), 25 Broadway, New York, N.Y., 10004.

Irish Shipping, Ltd., c/o Hansen & Tidemann, Inc., 67 Broad Street, New York, N.Y., 10004.

Manchester Lines, Ltd., c/o Furness, Withy & Co., Ltd., 34 Whitehall Street, New York, N.Y., 10004.

Ulster Steamship Co., Ltd. (Head Line and Lord Line), 10 Victoria Street, Belfast, Ireland.

United States Lines Co., 1 Broadway, New York, N.Y. 10004.

MEMBERS OF NORTH ATLANTIC UNITED KINGDOM FREIGHT CONFERENCE ONLY

American Export Isbrandtsen Lines, Inc., 26 Broadway, New York, N.Y. 10004.

Compagnie Generale Transatlantique (French Line), 17 Battery Place, New York, N.Y. 10004.

Johnston Warren Lines, Ltd. (Furness Warren Lines), c/o Furness, Withy & Co., Ltd., 34 Whitehall Street, New York, N.Y. 10004.

Lamport & Holt Line, Ltd., c/o Booth American Shipping Corp., 17 Battery Place, New York, N.Y. 10004.

N.V. Nederlandsch-Amerikaansche Stoomvaart-Maatschappij (Holland-Amerika Lijn), Pier 40, North River, New York, N.Y. 10014.

MEMBERS OF NORTH ATLANTIC WESTBOUND FREIGHT ASSOCIATION ONLY

Armement Deppe, S.A., c/o Hansen & Tidemann, Inc., 67 Broad Street, New York, N.Y. 10004.

Furness, Withy & Co., Ltd., 34 Whitehall Street, New York, N.Y. 10004.

Hamburg-Amerika Linie, c/o United States Navigation Co., Inc., 17 Battery Place, New York, N.Y. 10004.

Norddeutscher Lloyd, c/o United States Navigation Co., Inc., 17 Battery Place, New York, N.Y. 10004.

[F.R. Doc. 65-13473; Filed, Dec. 16, 1965; 8:45 a.m.]

[3] This investigation of individual commodity rate disparities includes but is not limited to those commodities shown in the partial listing in Appendix F.

DELTA STEAMSHIP LINES, INC., ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Thos. E. Stakem, Senior Vice President, Delta Steamship Lines, Inc., 1625 K Street NW., Washington, D.C.

Agreement 9182-2, between Delta Steamship Lines, Inc. (Delta) and, Compagnie Maritime Belge, S.A., and Compagnie Maritime Congolaise, S.C.R.L. (as one party only) and Armement Deepe, S.A. (The Belgian Line), amends article 1 and 2 of an approved sailing and cooperative working arrangement by specifying a more precise spacing of vessel sailings between the parties and by removing a limitation on the service of "The Belgian Line" as set forth in the agreement.

Dated: December 13, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-13471; Filed, Dec. 16, 1965; 8:45 a.m.]

INDIA, PAKISTAN, CEYLON AND BURMA OUTWARD FREIGHT CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. J. C. Pendleton, Secretary, The India, Pakistan, Ceylon & Burma Outward Frieght Conference, 11 Broadway, New York, N.Y., 10004.

Agreement 7690-9, between the member lines of the India, Pakistan, Ceylon & Burma Outward Freight Conference, modifies the basic agreement to provide for the means by which a meeting of principals may be requested by any conference member and the reasons for convening such meeting.

Dated: December 13, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-13472; Filed, Dec. 16, 1965; 8:45 a.m.]

CARGILL INC. AND CONSOLIDATED STEVEDORING CO.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Cargill, Inc., Cargill Building, Minneapolis, Minn.

Agreement No. T-1540 between Cargill, Inc. (Cargill), and Consolidated Stevedoring Co. (Consolidated) is a cooperative working arrangement for a term of 5 years regarding the unloading of copra at Pier 84 in San Francisco, Calif. Cargill agrees to provide certain equipment to Consolidated on a nonexclusive basis and Consolidated agrees to rent certain additional equipment from Cargill at a fixed charge per ton of copra unloaded. Consolidated also agrees to apportion certain net profits from its stevedoring operation with Cargill in accordance with a schedule contained in the agreement. Cargill shall maintain and furnish all power necessary to operate the equipment rented by Consolidated.

Dated: December 14, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-13501; Filed, Dec. 16, 1965; 8:48 a.m.]

JOHN S. CONNOR, INC., ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following freight forwarder cooperative working agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement or request for a hearing should also be forwarded to each of the parties to the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Unless otherwise indicated, these agreements are nonexclusive, cooperative working arrangements under which the parties may perform freight forwarding services for each other. Forwarding and service fees are to be agreed upon on each transaction. Ocean freight compensation is to be divided as agreed between the parties.

John S. Connor, Inc., Baltimore, Md., and Trans-World Shipping Service, Inc., Toledo, Ohio	FF-2772
Luigi Serra, Inc., New York, N.Y., and Frank P. Dow Co., Inc., San Francisco, Calif	FF-2773
Cobal International, Inc., New York, N.Y., and Del Mar Shipping Corp., Los Angeles, Calif	FF-2774
A & M Custom Brokers Co., Boston, Mass., and Universal Transport Corp., New York, N.Y	FF-2775
Darrell J. Sekin & Co., Dallas, Tex., and International Express Co., New Orleans, La	FF-2778
John S. James, Savannah, Ga., and Davies, Turner & Co., Chicago, Ill	FF-2779
Frank P. Dow Co., Inc., Seattle, Wash. (Branches), and Inter-Maritime Forwarding Co., Inc., New York, N.Y	FF-2780
Jay International, Inc., Philadelphia, Pa., and H. E. Schurig & Co. of Louisiana, New Orleans, La	FF-2782
Heemsoth Kerner Corp., New York, N.Y., and John A. Merritt & Co., Pensacola, Fla	FF-2783
Magnolia Forwarding Co., New Orleans, La., and Foreign Forwarding of Milwaukee, Milwaukee, Wis	FF-2785
Almac Shipping Co., Inc., New York, N.Y., and Del Mar Shipping Corp., Los Angeles, Calif	FF-2786
John S. James, Savannah, Ga., and International Sea & Air Shipping Corp., New York, N.Y	FF-2787
John S. Connor, Inc., Baltimore, Md., and Lockwood Shipping Service, Inc., New York, N.Y	FF-2789
Chas. Kurz Co., Philadelphia, Pa., and Madison Shipping Co., Inc., New York, N.Y	FF-2790
Seaport Shipping Co. (Seattle), Seattle, Wash., and Alba Forwarding Co., Inc., New York, N.Y	FF-2791
H. Stone & Co., New York, N.Y., and Baltimore Grain Forwarders, Inc., Baltimore, Md	FF-2792
J. T. Steeb & Co., Inc., Portland, Oreg., and M. J. Corbett & Co., Inc., New York, N.Y	FF-2793
World Wide Services, New York, N.Y., and Del Mar Shipping Corp., Los Angeles, Calif	FF-2794
Samuel Shapiro & Co., Inc., Baltimore, Md., and Encargos International, New York, N.Y	FF-2795
J. S. Lipinski Co., Toledo, Ohio, and York Forwarding Corp., New York, N.Y	FF-2796
H. E. Schurig & Co., Inc., Houston, Tex., and Karl Schroff & Associates, Chicago, Ill	FF-2797

Agreement No. FF-2776 between Gaynor Shipping Corp., Baltimore, Md., and Ray C. Fischer Co., Inc., Minneapolis, Minn., is a cooperative working arrangement whereunder forwarding and service fees are $5.00 for clearance of export declarations and ocean freight compensation is to be retained by the originating forwarder.

Agreement No. FF-2777 between Karl Schroff & Associates, Inc., Chicago, Ill., and General Freight Services, Inc., Portland, Oreg., is a cooperative working arrangement whereunder forwarding and service fees are $5.00. Special services remain subject to negotiation and agreement on each transaction. Ocean freight compensation is to be retained by the originating forwarder.

Agreement No. FF-2781 between H. L. Ziegler, Inc., Houston, Tex., and McLendon Forwarding Co., Houston, Tex., is a cooperative working arrangement whereunder forwarding and service fees are subject to negotiations and agreement on each transaction depending upon the services to be performed. Ocean freight brokerage is to be divided equally (50–50) between the parties. This division of brokerage will be restricted to those shipments handled on behalf of each other.

Agreement No. FF-2784 between C. S. Greene & Co., Inc., Chicago, Ill., and Mittelstaedt, Galaviz & Mylan, San Francisco, Calif., is a cooperative working arrangement whereunder forwarding and service fees are $3.50 for passing of shipper's export declaration only; additional services as agreed. Special services remain subject to negotiation and agreement on each transaction. Ocean freight compensation is to be retained by the originating forwarder.

Agreement No. FF-2788 between Penson Forwarding Corp. (Branches), New York, N.Y., and Wm. R. Rowe Co., San Francisco, Calif., is a cooperative working arrangement whereunder forwarding and service fees are subject to negotiation and agreement on each transaction depending upon the services to be performed. Ocean freight brokerage will be retained by the originating forwarder.

Dated: December 14, 1965.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-13502; Filed, Dec. 16, 1965; 8:48 a.m.]

TRANS-ATLANTIC PASSENGER STEAMSHIP CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. D. I. Knowles, Chairman and Secretary, Trans-Atlantic Passenger Steamship Conference, 17 Battery Place, New York, N.Y. 10004.

Agreement 120–81, between the member lines of the Trans-Atlantic Passenger Steamship Conference, modifies (1) paragraph 7 of article 5 of annex 2 to the basic agreement, entitled "Regulations Governing Sub-Agencies", to extend the period of time within which subagencies located in Metropolitan List Territories are eligible for retroactive commissions, and (2) article 12B to provide (a) more informative detail to applicants and subagencies relating to ownership and location, and (b) more clearly set forth the standards for retention of subagency eligibility.

Certain changes are also proposed in Regulation 18 entitled "Standards for Sub-Agency Eligibility in Metropolitan Eligible List Territories" which clarify and liberalize the "production" standard and more precisely define business which an applicant operating on either a retail and/or wholesale basis may credit, and their application to successive owners of appointed subagencies.

Amendment of Administrative Rule D–9 to provide for an extension of the time in which retroactive commissions may be paid by a member line, and further clarification of its language. The changes made in the Administrative Rules and in Regulation 18 are filed for information purposes only.

Dated: December 14, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-13503; Filed, Dec. 16, 1965; 8:48 a.m.]

AMERICAN GREAT LAKES-MEDITERRANEAN EASTBOUND FREIGHT CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Burton H. White, Burlingham, Underwood, Barron, Wright & White, 25 Broadway, New York, N.Y. 10004.

Agreement 9000 is a new agreement between the member lines of the American Great Lakes-Mediterranean Eastbound Conference which, if approved, will supersede and cancel the conference's present Agreement 8250, as amended. It revises Agreement 8250, as amended, to conform to the general orders promulgated by the Commission, and to provide for the expansion of the geographic scope of the conference trade to include St. Lawrence River ports, maintenance of conference headquarters in Marseilles, France, appointment of a deputy secretary and maintenance of a conference office in the United States and of a rate committee which shall meet in Chicago, Ill., to deal with and act upon all shippers' requests and complaints except those involving broad questions of policy.

Dated: December 14, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-13504; Filed, Dec. 16, 1965; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP66-175]

UNION GAS SYSTEM, INC., AND CITIES SERVICE GAS CO.

Notice of Application

DECEMBER 9, 1965.

Take notice that on December 2, 1965, Union Gas System, Inc. (Applicant), Post Office Box 347, Independence, Kans., 67301, filed in Docket No. CP66-175 an application pursuant to section 7(a) of the Natural Gas Act for an order directing Cities Service Gas Co. (Respondent) to make a physical connection of its transmission facilities with Applicant's proposed lateral pipeline and to sell and deliver up to 462 Mcf of natural gas per day, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests that Respondent be directed to make an interconnection between the proposed lateral and Respondent's existing 16-inch transmission pipeline to serve the Four Seasons Development Area in Douglas County, Kans. The Four Seasons Development Area is a new residential section consisting of 200 acres lying south and west of the city of Lawrence, Kans. Applicant states that the developers of this section estimate that 30 new residences will be occupied during the first year of proposed operations and that 110 residences and 210 residences will be occupied as of the end of the second and third years, respectively. They further estimate that the development project will ultimately consist of a total of 600 residences.

The estimated peak day and annual natural gas requirements for this project during the first three years of proposed operations are as follows:

	First year	Second year	Third year
Peak day (Mcf)	66	242	462
Annual (Mcf)	5,010	18,370	35,070

Applicant's estimated cost of the lateral and distribution facilities to be constructed is $22,527, which amount is proposed to be financed from treasury cash.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 30, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-13467; Filed, Dec. 16, 1965; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-1871]

PILGRIM FINANCIAL AND GROWTH FUND, INC.

Notice of Application for Order Exempting Sale by Open-End Company of Shares at Other Than Public Offering Price

DECEMBER 13, 1965.

Notice is hereby given that Pilgrim Financial and Growth Fund, Inc. ("Pilgrim"), 46 West Clinton Avenue, Tenafly, N.J., a Maryland corporation which is registered under the Investment Company Act of 1940 ("Act") as an open-end diversified investment company, has filed an application pursuant to section 6(c) of the Act. Pilgrim requests an order of the Commission exempting from the provisions of section 22(d) of the Act the proposed issuance of its shares at net asset value for substantially all of the cash and securities of Cambridge Growth Fund, Inc. ("Cambridge"), a Delaware corporation which also is registered under the Act as an open-end diversified investment company. Since the sale of Pilgrim's stock will be other than at the public offering price, which normally includes sales charges, an exemption is deemed necessary. All interested persons are referred to the application as filed with the Commission for a statement of the representations therein which are summarized below.

As of November 12, 1965, the net assets of Pilgrim amounted to $493,623.90, and the net assets of Cambridge amounted to $154,895.71. Pursuant to an agreement between Pilgrim and Cambridge, substantially all of the assets of Cambridge will be transferred to Pilgrim in exchange for stock of Pilgrim which will be distributed to shareholders of Cambridge upon liquidation.

The application states (1) that the amount of stock of Pilgrim to be delivered to Cambridge will be determined on the basis of the values at 3:30 p.m., on December 31, 1965, or on such other date as may be mutually agreed upon by dividing the net asset value per share of applicant into the value of the assets of Cambridge and (2) that provision is made for an adjustment for potential federal income taxes payable upon the realization of appreciation of the securities of Cambridge to the extent that the appreciation of the securities of Cambridge proportionately exceed the appreciation of the securities of Pilgrim at the time of closing. If the valuation had taken place on November 12, 1965, the adjustment to the value of the assets of Cambridge would have amounted to approximately $3,980.97. Pilgrim presently intends to sell subsequent to acquisition approximately 4 percent of the assets of Cambridge to be acquired.

Notice is further given that any interested person may, not later than December 29, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-13490; Filed, Dec. 16, 1965; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 101]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 13, 1965.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 41098 (Sub-No. 18 TA), filed December 9, 1965. Applicant: GLOBAL VAN LINES, INC., No. 1 Global Way, Anaheim, Calif., 92803. Applicant's representative: Floyd L. Farano (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Body building gym equipment*, from points in Alameda County, Calif., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Martin's Gymnasium Equipment Co., 2927 Market Street, Oakland, Calif. Send protests to: W. J. Huetig, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif., 90012.

No. MC 103654 (Sub-No. 103 TA), filed December 9, 1965. Applicant: SCHIRMER TRANSPORTATION COMPANY, INCORPORATED, 1145 Homer Street, St. Paul, Minn., 55116. Applicant's representative: C. E. Swanson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid caustic soda and phosphoric acid*, from St. Paul, Minn., to points in Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin, and *rejected or refused shipments*, on return, for 180 days. Supporting shipper: Land O'Lakes Creameries, Inc., 2215 Northeast Kennedy Street, Minneapolis, Minn., 55413. Send protests to: A. E. Rathert,

District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., 55401.

No. MC 106194 (Sub-No. 16 TA), filed December 9, 1965. Applicant: HORN TRANSPORTATION, INC., 1119 West 24th Street, Kansas City, Mo. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard*, from Kansas City, Mo., and Pittsburg, Kans., to points in Wyoming, New Mexico, and Colorado west of U.S. Highways 85 and 87, for 180 days. Supporting shipper: Wallace Manufacturing Co., Post Office Box 707, Kansas City, Mo., 64141, Mando, division of Boise Cascade Corp., Northstar Center, Minneapolis, Minn., 55402. Send protests to: B. J. Schreier, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo., 64106.

No. MC 107403 (Sub-No. 661 TA), filed December 9, 1965. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa., 19050. Applicant's representative: C. W. Zook (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resins*, dry, in bulk, in tank or hopper type vehicles, from the plantsite of the Pantasote Co. at or near Point Pleasant (Mason County), W. Va., to points in Alabama, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois (except points in Bond, Clinton, Jersey, Madison, Monroe, Perry, Randolph, St. Clair, and Washington Counties), Indiana, Iowa (except points on and west of U.S. Highway 65), Kentucky, Louisiana (except points on and west of U.S. Highway 67), Maine (except points in Aroostook and Penobscot Counties), Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, for 150 days. Supporting shipper: The Pantasote Co., 28 Jefferson Street, Passaic, N.J., 07056. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 900 U.S. Customhouse, Philadelphia, Pa., 19106.

No. MC 107515 (Sub-No. 532 TA), filed December 9, 1965. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road SE., Atlanta, Ga., 30310. Mail: Post Office Box 10799, Station A. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared dough*, from East Point, Ga., to Little Rock and Texarkana, Ark., Abilene, Amarillo, Austin, Beaumont, Corpus Christi, Fort Worth, Galveston, Harlingen, Houston, Longview, Lubbock, Marshall, Midland, San Antonio, Texarkana, and Waco, Tex., for 150 days. Supporting shipper: Borden Foods Co., division of the Borden Co., 350 Madison Avenue, New York, N.Y., 10017. Send protest to: William L. Scroggs, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 680 West Peachtree Street, NW., Room 300, Atlanta, Ga., 30308.

No. MC 116073 (Sub-No. 54 TA), filed December 8, 1965. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1852 Main Avenue, Moorhead, Minn., 56560. Applicant's representative: Donald E. Cross, 1329 E Street NW., Washington, D.C., 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobile, in initial movements, in truckaway service, from Abingdon, Va., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and District of Columbia, for 180 days. Supporting shipper: Castle Enterprises, Inc., Stryker, Ohio, 43557. Send protests to: Joseph H. Ambs, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1621 South University Drive, Room 213, Fargo, N. Dak., 58101.

No. MC 117031 (Sub-No. 5 TA), filed December 9, 1965. Applicant: BROWN YANCEY, New Bloomfield, Mo., 65063. Applicant's representative: Joseph R. Nacy, 117 West High Street, Post Office Box 352, Jefferson City, Mo., 65102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, from Cedar Rapids and Sioux City, Iowa, and their commercial zones, to New Bloomfield, Mo., for 180 days. Supporting shipper: The Quaker Oats Co., Merchandise Mart Plaza, Chicago, Ill., 60654. Send protests to: B. J. Schreier, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo., 64106.

No. MC 117497 (Sub-No. 5 TA), filed December 9, 1965. Applicant: LUDWIG-McINTOSH BULK HAULERS, INC., 11369 Robson, Detroit, Mich., 48227. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich., 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coke*, in bulk, in dump vehicles, from Detroit, Mich., to points in Grant, Delaware, Madison, Huntington, Wabash, Henry, Hamilton, Wells, Lake, Posey, Howard and Miami Counties, Ind., and Shelby, Ohio, for 180 days. Supporting shipper: Allied Chemical Corp., 40 Rector Street, New York, N.Y., 10006. Send protests to: Gerald J. Davis, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1110 Broderick Tower, 10 Witherell, Detroit, Mich., 48226.

No. MC 118039 (Sub-No. 8 TA), filed December 8, 1965. Applicant: MUSTANG TRANSPORTATION, INC., 856 Warner Street SW., Atlanta 10, Ga. Applicant's representative: Virgil H. Smith, Suite 431, Title Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Jacksonville, Fla., to Atlanta, Ga., for 150 days. Supporting shipper: Big Apple Super Markets, 933 Lee Street SW., Atlanta 10, Ga. Send protests to: William L. Scorggs, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 680 West Peachtree Street NW., Room 300, Atlanta, Ga., 30308.

No. MC 119917 (Sub-No. 16 TA), filed December 8, 1965. Applicant: DUDLEY TRUCKING COMPANY, INC., 717 Memorial Drive SE., Atlanta, Ga., 30316. Applicant's representative: F. K. Dudley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potato chips, potato sticks, corn chips and popped corn*, from Atlanta, Ga., to points in Lincoln County, Tenn., for 180 days. Supporting shipper: The Great Atlantic & Pacific Tea Co., Inc., Southern Division, 1200 White Street SW., Atlanta, Ga., 30310. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 680 West Peachtree Street NW., Room 300, Atlanta, Ga., 30308.

No. MC 123883 (Sub-No. 6 TA), filed December 8, 1965. Applicant: CONTINENTAL DISPATCH, INC., Post Office Box 4107, 425 Bolton Avenue, Alexandria, La., 71303. Applicant's representative: Clarence Evans, Third National Bank Building, Nashville, Tenn., 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Data processing cards and records*, between Nashville, Tenn., on the one hand, and, on the other, Florence, Tuscumbia, Sheffield, and Decatur, Ala., for 180 days. Supporting shipper: Data Service Corp., 1907 Division, Nashville, Tenn., 37203. Send protests to: W. R. Atkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, T-4009 Federal Office Building, 701 Loyola Avenue, New Orleans, La., 70113.

No. MC 124259 (Sub-No. 7 TA), filed December 8, 1965. Applicant: CAIN BROS., INC., 3413 Crystle Road, Terre Haute, Ind. Applicant's representative: Robert C. Smith, 512 Illinois Building, Indianapolis, Ind., 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Evansville, Ind., to New Orleans, La.; Detroit, Mich.; Cincinnati, Toledo, Elyria, Cleveland, Columbus, Newark, Akron, Zanesville, Youngstown, Steubenville, Tiffin, Mansfield, and Dayton, Ohio, for 180 days. Supporting shipper: Sterling Brewers, Inc., of Evansville, Ind. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with Sterling Brewers, Inc., of Evansville, Ind. Send protests to: R. M. Hagarty, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind., 46204.

No. MC 125844 (Sub-No. 6 TA), filed December 9, 1965. Applicant: BIO-MED-HU, INC., 8603 Preston Highway, Louisville, Ky., 40219. Applicant's representative: Ollie L. Merchant, Suite 202, 140 South Fifth Street, Louisville, Ky., 40202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Human placentas*, from points in California to Zionsville, Ind., for 150 days. Supporting shipper: Mr. L. E. Davis, manager of purchases, Pitman-Moore, division of the Dow Chemical Co., Post Office Box 1656, Indianapolis, Ind., 46206. Send protests to: Wayne L. Merilatt, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky., 40202.

No. MC 126104 (Sub-No. 2 TA), filed December 9, 1965. Applicant: WEBER TRUCKING CORPORATION, Box 117, Route 3, Ogden, Utah, 84404. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, Utah, 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Farm and industrial conveyors and equipment, farm implements and products*, of Clearfield Manufacturing Co., from Ogden, Utah, and Denver, Colo., to points in the United States, for 180 days. Supporting shipper: Clearfield Manufacturing, Inc., 352 South Main Street, Clearfield, Utah, 84015. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2224 Federal Building, Salt Lake City, Utah, 84111.

No. MC 127215 (Sub-No. 17 TA), filed December 9, 1965. Applicant: KENDRICK CARTAGE CO., Post Office Box 63, Salem, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude petroleum treating compounds*, in bulk, from Kilgore and Odessa, Tex., to points in Kentucky, Illinois, and Indiana, for 180 days. Supporting shipper: Magna Corp., Odessa, Tex. Send protests to: Harold Jolliff, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 476, 325 West Adams Street, Springfield, Ill., 62704.

No. MC 127762 TA, filed December 8, 1965. Applicant: CONTRACT CARRIERS, INC., Post Office Box 444, Ellensburg, Wash. Applicant's representative: Glenn W. Toomey, 15th Floor Hoge Building, Seattle, Wash., 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pazzolan* (in bulk in pneumatic equipment) from Buxton, Oreg., to The Mossyrock Dam Site in Washington, (1) from Buxton, over U.S. Highway 26 to Portland, Oreg.; thence over U.S. Highway 99 to Mary's Corner, Wash.; thence East on Washington Highway 5 approximately 28 miles to Mossyrock Dam Site, and (2) from Buxton, over Oregon Highway 47 to Clatskanie, Oreg.; thence over U.S. Highway 30 to Ranier, Oreg., and Longview, Wash.; thence over U.S. Highway 99 to Mary's Corner, Wash.; thence East on Washington Highway 5 approximately 28 miles to Mossyrock Dam Site, serving no intermediate points, on (1) and (2) above, for 180 days. Supporting shipper: Lone Star Cement Corp., 3801 East Marginal Way, South, Seattle, Wash. Send protests to: S. F. Martin, District Supervisor, Interstate Commerce Commission, 450 Multnomah Building, 120 Southwest 4th Avenue, Portland, Oreg., 97204.

No. MC 127764 TA, filed December 9, 1965. Applicant: J & R WAREHOUSE & SERVICE CO., INC., 440 Jensen Street, Oakland, Calif. Applicant's representative: G. M. Dunn, 16101 East 14th Street, San Leandro, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Candy, confections, cookies, and related confectionary products*, from New York, N.Y., Philadelphia and Pittsburgh, Pa., and Chicago, Ill. (including points in the commercial zones of each), to points in the San Francisco Bay area and Los Angeles, Calif., over U.S. Highways 30, 80, 81, and 90 to San Francisco; and over U.S. Highway 99 to Los Angeles, for 180 days. (NOTE: Applicant presently transports exempt produce in the reverse direction.) Supporting shippers: Tell Chocolate Novelties Corp., Brooklyn, N.Y.; Cocoline Chocolate Co., Inc., Brooklyn, N.Y.; the Chunky Corp., Brooklyn, N.Y.; Deer Park Baking Co., Hammonton, N.J.; Banner Candy Manufacturing Corp., Brooklyn, N.Y.; Blumenthal Bros. Chocolate Co., Philadelphia, Pa.; Swizzels, Inc., Hoboken, N.J. Send protests to: Howard O. Gaston, District Supervisor, Interstate Commerce Commission, Bureau of Operations Compliance, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif., 94102.

No. MC 127766 TA, filed December 9, 1965. Applicant: CARL S. WELTON, doing business as WELTON TRANSPORTATION CO., Box 605, Moorefield, W. Va. Applicant's representative: Eston H. Alt, Post Office Box 81, Winchester, Va., 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except petro acids and chemicals, and asphalt and asphalt products), in bulk, in tank vehicles, from East Freedon, Pa., to Keyser, W. Va., for 150 days. Supporting shipper: Marshall Oil Co., Inc., Keyser, W. Va., 26726. Send protests to: District Supervisor, Joseph A. Niggemyer, Interstate Commerce Commission, Bureau of Operations and Compliance, 531 Hawley Building, Wheeling, W. Va., 26003.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-13443; Filed, Dec. 16, 1965; 8:45 a.m.]

[Notice 102]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 14, 1965.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 19227 (Sub-No. 101 TA), filed December 10, 1965. Applicant: LEONARD BROS. TRANSFER, INC., 2595 Northwest 20th Street, Miami, Fla., 33142. Applicant's representative: Carl Atherton (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Towers, water cooling with blowers and machine, cooling or freezing, and accessories, atachments or fittings therefor* when moving in connection with the commodities named, from the plant site of the Marley Co., Louisville, Ky., to points in Alabama, Connecticut, Delaware, Washington, D.C., Florida, Georgia, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shipper: The Marley Co., 222 West Gregory Street, Kansas City, Mo. Send protests to: Joseph B. Teichert, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 1621, 51 Southwest First Avenue, Miami, Fla., 33130.

No. MC 48958 (Sub-No. 84 TA), filed December 10, 1965. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC.,

510 East 51st Avenue, Denver, Colo., 80216. Applicant's representative: Robert W. Wright, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except livestock, household goods as defined by the Commission, commodities injurious or contaminating to other lading and commodities in bulk), between Willard, N. Mex., and El Paso, Tex., from Willard over New Mexico Highway 42 to Corona, thence over U.S. Highway 54 to El Paso, and return over the same route, serving the intermediate points of Corona and Carrizozo, N. Mex., for 180 days. Supporting shippers: Marvin H. Roberts, Lincoln County Motors, Inc., Carrizozo, N. Mex.; Austin Wooten, Chapel of Roses, Carrizozo, N. Mex.; Mrs. Vincent Reil, City Garage, Carrizozo, N. Mex.; Robert B. Means, Means Motor Supply, Carrizozo, N. Mex.; Paul W. Payton, Lincoln County News, Carrizozo, N. Mex.; Manuel V. Jones, Carrizozo Mercantile, Carrizozo, N. Mex.; J. Vernon Petty, Mayor, c/o Pettys General Merchandise Co., Carrizozo, N. Mex.; Bill Gallacher, Gallacher Ranches, Inc., 20 miles northwest of Carrizozo, N. Mex.; Crittenden E. Burns, Paden's Drug Store, Carrizozo, N. Mex.; and, Fred H. English, Carrizozo Hardware Co., Carrizozo, N. Mex. Send protests to: Luther H. Oldham, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1961 Stout Street, 2022 Federal Building, Denver, Colo., 80202.

No. MC 66562 (Sub-No. 2132 TA) (Correction), filed December 3, 1965, published FEDERAL REGISTER issue of December 10, 1965, and republished as corrected this issue. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y., 10017. Applicant's representative: William H. Marx (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including classes A and B explosives*, moving in express service, between Philadelphia, Pa., and Wilmington, Del.; from Philadelphia over city streets and Industrial Highway to Chester, Pa., thence over Pennsylvania Highway 291 to junction U.S. Highway 13, thence south over U.S. Highway 13 to Claymont, Del., thence over alternate U.S. Highway 13 (Governor Printz Boulevard) to Wilmington, Del., and return over the same route, serving no intermediate points, for 180 days. Supporting shipper: No supporting shipper's statement is attached to application. Statement of facts is attached to application. Send protests to: Stephen P. Tomany, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y., 10013. NOTE: The purpose of this republication is to show that applicant does not propose to serve any intermediate points. Previous publication noted applicant proposed to serve all intermediate points, in error.

No. MC 107913 (Sub-No. 12 TA), filed December 10, 1965. Applicant: F & W EXPRESS, INC., 575 South Front Street, Memphis 2, Tenn. Applicant's representative: C. N. Finleyson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of household goods* 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), (1) between Clarksdale, Miss., and Redwood, Miss., over U.S. Highway 49 from Clarksdale to Tutwiler, Miss., thence over U.S. Highway 49W from Tutwiler to Yazoo City, Miss., thence over Mississippi Highway 3 to Redwood, serving no intermediate points between Clarksdale and Indianola, including Indianola, but service to all other points on this route, and return over the same route; (2) between Rolling Fork, Miss., and Redwood, Miss., over U.S. Highway 61 serving all intermediate points, and return over the same route; (3) between Leland, Miss., and Indianola, Miss., over U.S. Highway 82 serving no intermediate points with no service at Indianola; (4) between Hollandale, Miss., and Belzoni, Miss., over Mississippi Highway 12 serving all intermediate points; (5) between Amguilla, Miss., and Louise, Miss., over Mississippi Highway 14 serving all intermediate points (for operating convenience only), (6) between Rolling Fork, Miss., and junction of Mississippi Highway 16 with U.S. Highway 49W over Mississippi Highway 16 serving all intermediate points; and, (7) between Cleveland, Miss., and Ruleville, Miss., over Mississippi Highway 8 serving no intermediate points, (for operating convenience only). Applicant intends to tack the authority here applied for to the authority contained in MC 107913 and subs, for 180 days. Supporting shippers: The Belzoni Oil Works, Inc., Belzoni, Miss.; Planters Supply, Belzoni, Miss.; Case Power & Equipment, Belzoni, Miss.; Belzoni Tractor Co., Belzoni, Miss.; Y–D Lumber Co., Inc., Belzoni, Miss.; McBride Tractor Co., Belzoni, Miss.; Superior Parts, Inc., Belzoni, Miss.; City of Belzoni, Belzoni, Miss.; Implement Sales, Belzoni, Miss.; Mississippi Chemical Corp, Yazoo City, Miss.; Yazoo Tractor Co., Inc., Yazoo City, Miss.; Yazoo Motor Co., Yazoo City, Miss.; Delta Implement Co., Yazoo City, Miss.; S. Moses Co., Yazoo City, Miss.; Yazoo Parts Co., Yazoo City, Miss.; Coleman-Stuart Dodge Co., Inc., Yazoo City, Miss.; Jacobs Furniture Store, Yazoo City, Miss.; and, Day's Drug Store, Inverness, Miss. Send protests to: William W. Garland, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 390 Federal Office Building, 167 North Main, Memphis, Tenn., 38103.

No. MC 108461 (Sub-No. 101 TA), filed December 10, 1965. Applicant: WHITFIELD TRANSPORTATION, INC., Post Office Box 9897, 316 North Clark Road, El Paso, Tex., 79946. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except livestock, commodities of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), serving the intermediate point of Carrizozo, N. Mex., in connection with applicant's presently-authorized route between El Paso, Tex., and San Antonio, N. Mex., for 180 days. Supporting shippers: Paden's Drug Store, Box 548, Carrizozo, N. Mex.; Posey Lumber Co., Box 97, Carrizozo, N. Mex.; T. B. Smoot, City Garage, Box 564, Carrizozo, N. Mex.; Means Motor Supply, Box 787, Carrizozo, N. Mex.; Clifton B. Zumwalt, Phillips Petroleum Co., Box 66, Carrizozo, N. Mex.; Petty General Merchandise Co., Box 367, Carrizozo, N. Mex.; Wayman Gray, President, Chamber of Commerce, Box 428, Carrizozo, N. Mex.; Albert T. Roberts, Box 14, Carrizozo, N. Mex., 88301. Send protests to: Jerry R. Murphy, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 109 U.S. Courthouse, Albuquerque, N. Mex., 87101.

No. MC 111309 (Sub-No. 5 TA), filed December 10, 1965. Applicant: RELAY TRANSPORT, INC., Steamboat Road, Great Neck, N.Y. Applicant's representative: Edward F. Bowes, 1060 Broad Street, Newark, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar, invert sugar, corn syrup, and blends thereof*, in bulk, in tank vehicles, from Yonkers, N.Y., to Bordentown, Camden, Carlstadt, Clifton, Cologne, Englewood, Egg Harbor City, Farmingdale, Folsom, Hammonton, Hightstown, Hillside, Paterson, Swedesboro, Trenton, Tuckahoe, Vineland, Whippany, Woodbridge and Wyckoff, N.J.; New Haven, New London, Southbury, Suffield, and Windsor, Conn.; and Philadelphia, Pa. Restriction: Transportation is restricted to that performed under contract with the Pepsi-Cola Co., for 150 days. Supporting shipper: Pepsi-Cola Co., 46–00 Fifth Street, Long Island City, N.Y., 11101. Send protests to: E. N. Carignan, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y., 10013.

No. MC 115331 (Sub-No. 167 TA), filed December 10, 1965. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo., 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid carbon dioxide*, in bulk, in tank vehicles, from Fort Madison, Iowa, to Chicago, Ill., Indianapolis, Ind.; Kansas City, and St. Louis, Mo., for 180 days. Supporting shipper: Liquid Carbonic, Division of General Dynamics (J. C. Saele, Reg. Product Services Mgr.), 527 South Jefferson Street, Chicago, Ill., 60607. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 3248–B, 1520 Market Street, St. Louis, Mo., 63103.

No. MC 111729 (Sub-No. 124 TA), filed December 10, 1965. Applicant: ARMORED CARRIER CORPORATION, 222–17 Northern Boulevard, De Bevoise Building, Bayside, N.Y. Applicant's representative: J. K. Murphy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies consisting of labels, envelopes and packing materials, and advertising literature moving therewith* (excluding motion picture film used primarily for commercial theatre and television exhibition), between Alexandria, Va., and Wilmington, Del., for 150 days. Supporting shipper: Dynacolor Corp., 800 North Pitt Street, Alexandria, Va., 22314. Send protests to: E. N. Carignan, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y., 10013.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65–13495; Filed, Dec. 16, 1965; 8:47 a.m.]

[Notice 1273]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 14, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–68329. By order of December 13, 1965, the Transfer Board approved the transfer to Teal's Express, Inc., Lyons Falls, N.Y., of the operating rights in the certificate in No. MC–6252, and those evidenced by a certificate of registration in No. MC–6252 (Sub-No. 2), issued July 21, 1943, and April 9, 1964, respectively, to John P. Teal or the estate of John P. Teal, doing business as Teal's Express, Lyons Falls, N.Y., authorizing transportation under the said certificate of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, over regular routes, between Lyons Falls, N.Y., and Utica and Constableville, N.Y., serving intermediate points and specified off-route points; and transportation under the certificate of registration, of such commodities as are authorized in the certificate of public convenience and necessity No. 1101, dated January 16, 1951, and amended February 5, 1951, by the New York Public Service Commission. Albert V. Moore, 327 Post Street, Boonville, N.Y., 13309, attorney for applicants.

No. MC–FC–68341. By order of December 13, 1965, the Transfer Board approved the transfer to Leffler Transportation Co., a corporation, Richland, Pa., of the portion of the operating rights in Certificate No. MC–79443, issued September 2, 1949, to Ernest R. Nelson, Palmyra, Pa., authorizing the transportation of fertilizer, from Baltimore, Md., to points in Lebanon County, Pa. Christian V. Graf, 407 North Front Street, Harrisburg, Pa., attorney for transferor. James W. Hagar, Commerce Building, Post Office Box 432, Harrisburg, Pa., attorney for transferee.

No. MC–FC–68347. By order of December 9, 1965, the Transfer Board approved the transfer to Waverly Transfer Company, Inc., Nashville, Tenn., of the operating rights in Certificate of Registration No. MC–120693 (Sub-No. 1), issued July 21, 1964, to Waverly Transfer, Inc., Nashville, Tenn., corresponding to the grant of intrastate authority to transferor in Certificate Nos. 219 and 219–A, dated September 14, 1960, No. 219–B, dated May 16, 1962, and No. 219–C, dated August 30, 1962, issued by the Tennessee Public Service Commission. A. O. Buck, 434 Stahlman Building, Nashville, Tenn., 37201, attorney for applicants.

No. MC–FC–68350. By order of December 13, 1965, the Transfer Board approved the transfer to Ray Dillon, doing business as Lopez Auto Freight, Lopez, Wash., of the operating rights issued by the Commission February 3, 1954, under Certificate No. MC–113596, to Wm. T. McCauley and Albert McCauley, a partnership, doing business as Lopez Auto Freight, Ferndale, Wash., authorizing the transportation, over irregular routes, of general commodities, except household goods, and other specified commodities, between points in Whatcom, Skagit, Island, and Snohomish Counties, Wash., on the one hand, and, on the other, points in Lopez Island, Wash.

No. MC–FC–68351. By order of December 10, 1965, the Transfer Board approved the transfer to Flying Carpet, Inc., Warsaw, Ind., of Certificate No. MC–94636 issued February 3, 1961, to Marion E. Floor, doing business as Floor Transfer & Storage, Warsaw, Ind., authorizing the transportation of household goods as defined by the Commission, over irregular routes, between Warsaw, Ind., and points within 25 miles of Warsaw, on the one hand, and, on the other, points in Illinois, Michigan, and Ohio. Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis, Ind., representative for applicants.

No. MC–FC–68353. By order of December 13, 1965, the Transfer Board approved the transfer to Gerald S. Hagey, doing business as Hagey's Bus Line, Franconia, Pa., of the operating rights in Certificate Nos. MC–107506 and MC–107506 (Sub-No. 1) issued January 16, 1948 and June 19, 1950, to Durrell B. Delp, Hatfield, Pa., authorizing the transportation of: Passengers and their baggage in special operations, consisting of round trip sightseeing and pleasure tours, and in charter operations, over irregular routes, beginning and ending at points and places in the Borough of Lansdale, Montgomery County, Pa., and within 5 miles thereof, and extending to points and places in New York, New Jersey, Delaware, Maryland, Virginia, and the District of Columbia. John W. Frame, 2207 Old Gettysburg Road, Post Office Box 626, Camp Hill, Pa., representative for applicants.

No. MC–FC–68355. By order of December 13, 1965, the Transfer Board approved the transfer to Gochenour Bus Service Incorporated, Woodstock, Va., of Certificates Nos. MC–119889 and MC–119889 (Sub-No. 1), issued January 19, 1961, and April 28, 1965, respectively, to Moritz O. Gochenour, doing business as Gochenour Bus Service, Woodstock, Va., authorizing the transportation of passengers and their baggage in the same vehicle with passengers, in round trip charter operations over irregular routes, beginning and ending at points in Shenandoah County, Va., and extending to points in Kentucky, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, West Virginia, and the District of Columbia; and passengers and their baggage, and express and newspapers in the same vehicle with passengers, over regular routes, between Winchester, Va., and Charles Town, W. Va., serving all intermediate points except points on U.S. Highway 11; and between Charles Town over U.S. Highway 340 to junction private road owned by the Charles Town Turf Club (formerly the Charles Town Jockey Club, Inc.), and return over the same route. Philip M. Grabill, Post Office Box 177, Woodstock, Va., attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65–13496; Filed, Dec. 16, 1965; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 14, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA 40183—*Class and commodity rates from and to Van Dyke, Ala.* Filed by O. W. South, Jr., agent (No. A4812), for interested carriers parties to Uniform Classification Committee, agent, tariff I.C.C. 1. Rates on property moving on class and commodity rates, in carloads and less-than-carloads, from or to Van Dyke, Ala., on the one hand, to or from points in the United States and Canada, on the other.

Grounds for relief—New station and grouping.

FSA 40184—*Coal from Leeds, Ala.* Filed by O. W. South, Jr., agent (No. A4810), for interested carriers. Rates on coal, in carloads, from Leeds, Ala., to specified points in Georgia, also Gantt, Ala., and South Chattanooga, Tenn.

Grounds for relief—Rate relationship.

Tariff—Supplement 99 to Southern Freight Association, agent, tariff I.C.C. S–39.

FSA 40185—*Iron or steel reinforcing bars to Beaumont and Houston, Tex.* Filed by Southwestern Freight Bureau, agent (No. B–8793), for interested carriers. Rates on iron or steel reinforcing bars, in carloads, from points in Alabama, Illinois, and Missouri, also Minnequa, Colo., and Sand Springs, Okla., to Beaumont and Houston, Tex.

Grounds for relief—Market competition.

Tariff—Supplement 161 to Southwestern Freight Bureau, agent, tariff I.C.C. 4503.

AGGREGATE-OF-INTERMEDIATES

FSA 40186—*Iron or steel reinforcing bars to Beaumont and Houston, Tex.* Filed by Southwestern Freight Bureau, agent (No. B–8794), for interested carriers. Rates on iron or steel reinforcing bars, in carloads, from specified points in Alabama, Illinois, and Missouri, also Minnequa, Colo., and Sand Springs, Okla., to Beaumont and Houston, Tex.

Grounds for relief—Maintenance of depressed rates published to meet market competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 161 to Southwestern Freight Bureau, agent, tariff I.C.C. 4503.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65–13497; Filed, Dec. 16, 1965; 8:47 a.m.]

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PART II

Administrative Committee
of the Federal Register



Guide to Federal Register Finding Aids

No. 243—Pt. II——1

Title 1—GENERAL PROVISIONS

Chapter I—Administrative Committee of the Federal Register

APPENDIX C—GUIDE TO FEDERAL REGISTER FINDING AIDS

The purpose of this guide is to give users of the Federal Register publications a better understanding of the indexes and other finding aids to Federal statutes, Proclamations, Executive orders, and other Presidential materials, and agency rules and other legal instruments published by the Office of the Federal Register pursuant to law and Parts 1–40 of this chapter.

These materials are published in the daily *Federal Register*, the *Code of Federal Regulations*, the *slip laws*, and the *United States Statutes at Large* from the original acts of Congress and the Executive rules and notices filed with the Office. From related source material, the Office publishes the *U.S. Government Organization Manual*, the *Public Papers of the Presidents of the United States*, and the *Weekly Compilation of Presidential Documents*.

Each of the publications named above includes appropriate subject indexes and numerical findings aids designed to facilitate its use and reduce research time. This guide describes the indexes and finding aids and indicates where they may be found. It also includes a table of special information lists that are useful to researchers generally.

This guide is arranged as follows:

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Table 2—Researching Presidential Materials.
Table 3—Researching Statutory Materials.
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TABLE 1—RESEARCHING AGENCY MATERIALS

This table describes the principal finding aids used to locate agency materials published in the daily *Federal Register*, the *Code of Federal Regulations* (CFR), and the *United States Government Organization Manual*. The finding aids are listed under the name of the publication containing the source materials to which they lead.

Federal Register

1. Contents table.
2. Subject index.
3. Codification guide (lists of CFR parts or sections affected).
4. Parallel Table of Statutory Authorities and Rules.
5. Table of Presidential documents affected by Federal Register documents.
6. International Commerce Bureau (Commerce Department), Table of Denial and Probation Orders.
7. Land Management Bureau (Interior Department), Table of Public Land Orders.
8. Panama Canal Zone, Tabulation of Canal Zone Orders.
9. Securities and Exchange Commission, Tables of Interpretative Releases.

Code of Federal Regulations

10. General Index.
11. Table of CFR Titles and Chapters.
12. Alphabetical List of CFR Subtitles and Chapters.
13. List of Sections Affected.
14. Redesignation tables.
15. Parallel Tables of Presidential Documents and Agency Rules.
16. Parallel Table of Statutory Authorities and Rules.
17. Guide to Record Retention Requirements.
18. Tabulation of Abolished Agencies or Transfers of Functions Relating to National Defense.

U.S. Government Organization Manual

19. Subject index.
20. List of Names.

Federal Register

The following finding aids lead to agency source materials published in the daily *Federal Register*.

Finding Aid	Location
1. Contents table. Identifies by subject, agency documents published in the Federal Register.	Federal Register, each issue, third page.
2. Subject index. Analyzes contents of the Federal Register for the period covered.	Federal Register, separately issued as follows: *Monthly* for Jan., Feb., Apr., May, July, Aug., Oct., Nov., and Dec.; *Quarterly* for Jan.–Mar., Apr.–June, July–Sept.; *Annually*.
3. Codification guide. Identifies by CFR number, agency regulations and rule-making proposals (and Presidential documents) currently published in the Federal Register.	
A. *List of CFR Parts Affected (Daily).* Lists CFR parts affected by documents appearing in each day's issue.	Federal Register, each issue, following table of Contents.
B. *Cumulative List of CFR Parts Affected.* Lists CFR parts affected by documents published during a particular month.	Federal Register, end of each issue, beginning with the second issue of each month.
C. *List of CFR Sections Affected.* i. *Current.* Lists CFR sections amended or otherwise affected by documents published in the Federal Register beginning January 1 of a particular year. Entries indicate nature of changes effected.	Federal Register, separately published each month until entire year has been cumulated. (Portions of the list are also published in pertinent units of the CFR.)
ii. *Prior years.* Lists CFR sections affected by Federal Register documents published from 1949 through 1963. Enables users to determine text in effect on any given date during the period covered.	Issued as separate CFR units.
4. Parallel Table of Statutory Authorities and Rules. Leads from sections of the United States Code to agency rules published in the Federal Register which contain new citations implementing statutory authority.	Included with List of CFR Sections Affected, at end (see Finding aid 3 C i).

Finding Aid	*Location*
5. Table of Presidential Documents Affected by Federal Register Documents. Leads to documents published in the Federal Register each year since 1945, which have amended or otherwise affected Presidential documents.	3 CFR: 5-year compilations, Table 4 (before 1948, Table 7) and Annual Supplements, Table 4.
6. International Commerce Bureau (Commerce Department), Table of Denial and Probation Orders. Lists persons or firms denied export privileges and/or placed on probation, with citations to currently effective orders published in the Federal Register.	15 CFR 382.51(b).
7. Land Management Bureau (Interior Department), Table of Public Land Orders.	
A. *1948–present.* Lists orders and includes dates, subjects, and citations to publication in the Federal Register.	43 CFR Ch. II, Appendix.
B. *1943–1947.* Separate table for each year.	3 CFR, 1943–1948 Comp., Table 5.
8. Panama Canal Zone, Tabulation of Canal Zone Orders. Lists orders issued by the Secretary of the Army since July 1, 1946, relating to special areas of internal management of the Canal Zone government; includes subjects and citations to publication in the Federal Register.	35 CFR, Appendix A.
9. Securities and Exchange Commission, Tables of Interpretative Releases. List by number, interpretative releases directed to individuals, partnerships, and corporations with respect to laws and regulations affecting their business conduct, including citations to publication in the Federal Register.	
A. Accounting matters.	17 CFR Part 211.
B. Securities Act of 1933.	17 CFR Part 231.
C. Securities and Exchange Act of 1934.	17 CFR Part 241.
D. Public Utility Holding Act of 1935.	17 CFR Part 251.
E. Trust Indenture Act of 1939.	17 CFR Part 261.

Code of Federal Regulations

The following finding aids lead to agency source materials published in the *Code of Federal Regulations* (CFR).

Finding Aid	*Location*
10. General Index. Leads to regulatory areas of the CFR.	Issued as a separate unit of the CFR; revised annually.
11. Table of CFR Titles and Chapters. Lists titles of the CFR (broad subject areas) and chapters within each title (generally the name of the issuing agency).	Each CFR unit, at end; CFR General Index, at beginning.
12. Alphabetical List of CFR Subtitles and Chapters. Lists agencies prescribing regulations published in the CFR, showing location.	Each CFR unit, at end; CFR General Index, at beginning; and Government Organization Manual, Appendix C.
13. List of Sections Affected. Lists CFR sections affected by Federal Register documents.	See Finding aid 3 C.
14. Redesignation tables. Key new CFR section numbers to former section numbers for major recodifications of regulations.	CFR units, at end, as appropriate.

Finding Aid	*Location*
15. Parallel Tables of Presidential Documents and Agency Rules. Lead to currently effective rules in the CFR which include or cite Presidential documents, specifying whether the Presidential document is codified, cited as authority, quoted, or cited in the text.	
A. Proclamations.	3 CFR Ch. I.
B. Executive orders.	3 CFR Ch. II.
C. Other Presidential documents.	3 CFR Ch. III.
16. Parallel Table of Statutory Authorities and Rules. Leads from sections of the United States Code to CFR provisions which cite the statutory provisions as rule-making authority or as being interpreted or applied by the administering agency.	2 CFR Ch. I, revised annually as of Jan. 1. (Current additions to this table are carried cumulatively with the monthly List of CFR Sections Affected (Finding aid 3 C i).)
17. Guide to Record Retention Requirements. Digests provisions of the United States Code and the CFR with respect to the keeping of records; includes an index to categories of persons, groups, and products covered.	1 CFR, Appendix A. Also published in Federal Register annually, and available in pamphlet form on separate order.
18. Tabulation of Abolished Agencies or Transfers of Functions Relating to National Defense. Lists agencies within 32A CFR (National Defense, Appendix) which have been abolished or whose emergency planning functions have been transferred since October 10, 1953, citing the order effecting the change.	32A CFR Ch. I.

U.S. Government Organization Manual

The following finding aids lead to agency source materials published in the *United States Government Organization Manual.*

Finding Aid	*Location*
19. Subject Index. Analyzes contents of the official organization handbook of the Federal Government.	Government Organization Manual, at end.
20. List of Names. Lists key officials with page references to titles of their positions.	Government Organization Manual, at end.

TABLE 2—RESEARCHING PRESIDENTIAL MATERIALS

This table describes the principal finding aids used to locate Presidential materials published in the daily *Federal Register*, the *Code of Federal Regulations* (CFR), the *Public Papers of the Presidents of the United States*, the *Weekly Compilation of Presidential Documents*, and the *United States Statutes at Large*. The finding aids are listed under the name of the publication containing the materials to which they lead.

Federal Register

21. Contents table.
22. Subject index.
23. Codification guide.
24. Presidential Documents Published in the Federal Register.
25. Table of Presidential documents affected by Federal Register documents.
26. Tabulation of Executive orders related to 32A CFR.
27. Table of Amendments to the Tariff Schedules of the United States.
28. Alphabetical list of customs collection districts.

Code of Federal Regulations

29. Index.
30. Tables of Presidential documents.
31. Parallel Tables of Presidential Documents and Agency Rules.
32. Statutes Cited As Authority for Presidential Documents.
33. Tabulation of Executive orders related to 32A CFR.

Public Papers of the Presidents

34. List of items.
35. Index.

Weekly Compilation of Presidential Documents

36. Indexes.

Statutes At Large

37. List of Proclamations.
38. Tables of Laws Affected (Presidential documents).

Federal Register

The following finding aids lead to Presidential source materials published in the daily *Federal Register*.

Finding Aid	*Location*
21. Contents table. Identifies by subject, Proclamations, Executive orders, and other Presidential documents published in the Federal Register.	Federal Register, beginning on third page.
22. Subject index. Analyzes contents of the Federal Register, including the documents issued by or relating to the President.	Federal Register, separately issued as follows: *Monthly* for Jan., Feb., Apr., May, July, Aug., Oct., Nov., and Dec.; *Quarterly* for Jan.–Mar., Apr.–June, and July–Sept.; *Annually*.
23. Codification guide. Lists by number, Proclamations, Executive orders, and other Presidential documents published in the Federal Register; includes earlier Presidential documents affected during the period covered.	
A. *List of CFR Parts Affected (Daily).* Lists documents published and affected in each day's issue.	Federal Register, following contents table, under "3 CFR."
B. *Cumulative List of CFR Parts Affected.* Lists documents published and affected during the month.	Federal Register, at end, beginning with second issue of each month; under "3 CFR."
C. *List of CFR Sections Affected.* Lists documents published and affected beginning Jan. 1 of each year.	Federal Register, published separately as monthly supplements; under "3 CFR."
24. Presidential Documents Published in the Federal Register. Lists Proclamations, Executive orders, and other Presidential documents published in the Federal Register during the period covered.	Public Papers of the Presidents, each volume, Appendix B.
25. Table of Presidential documents affected by Federal Register documents. Lists Proclamations, Executive orders, and other Presidential documents affected by documents published in the Federal Register each year since 1945.	3 CFR, annual supplements, Table 4 (before 1948, Table 7), and 5-year compilations, Table 4.

Finding Aid	*Location*
26. Tabulation of Executive orders related to 32A CFR. Lists Executive orders directly related to regulations in 32A CFR (National Defense, Appendix), including Federal Register citations.	32A CFR, at beginning.
27. Table of Amendments to the Tariff Schedules of the United States. Leads to Proclamations and public laws which directly amend the Tariff Schedules of the United States; describes nature of changes and includes Federal Register citations.	19 CFR, Appendix A.
28. Alphabetical list of customs collection districts. Leads to Executive orders issued since March 3, 1913, which make organization changes in customs collection districts; includes Federal Register citations for orders issued after March 1936.	19 CFR 1.1.

Code of Federal Regulations

The following finding aids lead to Presidential source materials published in the *Code of Federal Regulations* (CFR).

Finding Aid	*Location*
29. Index. Leads to Proclamations, Executive orders, and other Presidential documents published in the CFR.	
A. Annual.	3 CFR, annual supplements, at end.
B. Five-year compilations.	3 CFR, 5-year compilations, at end.
30. Tables of Presidential documents. List by number, Presidential documents published in the CFR.	
A. Proclamations.	3 CFR, annual supplements and 5-year compilations, Table 1.
B. Executive orders.	3 CFR, annual supplements and 5-year compilations, Table 2.
C. Other Presidential documents.	3 CFR, annual supplements and 5-year compilations, Table 3.
31. Parallel Tables of Presidential Documents and Agency Rules. List by number, Presidential documents included or cited in currently effective rules in the CFR, specifying whether the Presidential document is codified, cited as authority, quoted, or cited in the text.	
A. Proclamations.	3 CFR Ch. I.
B. Executive orders.	3 CFR Ch. II.
C. Other Presidential documents.	3 CFR Ch. III.
32. Statutes Cited as Authority For Presidential Documents. Leads to Presidential documents which cite statutes as issuing authority; lists revised statutes and U.S.C. citations numerically, and lists Statutes at Large provisions chronologically.	3 CFR, annual supplements, Table 5, and 5-year compilations, Table 5.
33. Tabulation of Executive orders related to 32A CFR. Lists Executive orders directly related to regulations in Title 32A (National Defense, Appendix), including CFR position.	32A CFR, at beginning.

Public Papers of the Presidents

The following finding aids lead to Presidential source materials published in the *Public Papers of the Presidents of the United States*.

Finding Aid	*Location*
34. List of items. Lists by number and subject, items included in volumes of the Public Papers of the Presidents.	Public Papers of the Presidents, each volume, at beginning.

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35. Index. Leads to items included in volumes of the Public Papers of the Presidents.	Public Papers of the Presidents, each volume, at end.

Weekly Compilation of Presidential Documents

The following finding aids lead to Presidential source materials published in the *Weekly Compilation of Presidential Documents.*

Finding Aid	*Location*
36. Indexes:	
A. Index of contents of current issues.	Weekly Compilation, each issue, at beginning.
B. Index to prior issues cumulated for a 3-month period.	Weekly Compilation, each issue, at end.
C. Annual: Subject index to documents published during the year.	Weekly Compilation, separately published.

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The following finding aids lead to Presidential materials published in the *United States Statutes at Large.*

Finding Aid	*Location*
37. List of Proclamations. Lists by number, Proclamations issued during each session of Congress, including title, date of issuance, and page number of the Statutes volume where text is published.	Statutes at Large, each volume, at beginning.
38. Tables of Laws Affected (Presidential documents). List by number, Presidential documents (since 1956) which are amended, repealed, or otherwise expressly affected, or referred to or otherwise cited by provisions of public laws: Expressly affected: Table 6—Reorganization Plans. Table 8—Executive Orders and Proclamations. Referred to or cited: Table 16—Reorganization Plans. Table 18—Executive Orders and Proclamations.	Statutes at Large: Separate pamphlet for Vol. 70; at end of each volume beginning with Vol. 71; 1956–1960 cumulation in separate volume.

TABLE 3—RESEARCHING STATUTORY MATERIALS

This table describes the principal finding aids published by the Office of the Federal Register which pertain to statutory materials published in the *United States Statutes at Large*, the *Revised Statutes*, the *United States Code*, and related legislative source materials.

39. Subject Index (Statutes at Large).
40. Individual Index (Statutes at Large).
41. List of Bills Enacted into Public Law.
42. List of Bills Enacted into Private Law.
43. List of Public Laws.
44. List of Private Laws.
45. List of Concurrent Resolutions.
46. Guide to Legislative History of Bills Enacted into Public Law.
47. Tables of Laws Affected.
48. Parallel Tables of Statutory Authorities and Rules.
49. Statutes Cited as Authority for Presidential documents.
50. Table of Amendments to Tariff Schedules of the United States..
51. Guide to Record Retention Requirements.
52. "How to Find U.S. Statutes and U.S. Code Citations."

Finding Aid	*Location*
39. Subject Index (Statutes at Large). Leads to laws and concurrent resolutions enacted during each session of Congress, reorganization plans, proposed and ratified amendments to the Constitution, and Presidential Proclamations published with the Statutes.	Statutes at Large, each volume, at end.
40. Individual Index (Statutes at Large). Lists persons and private entities mentioned in the text of public and private laws enacted during a given session of Congress.	Statutes at Large, each volume, at end.
41. List of Bills Enacted into Public Law. Lists by number, Senate bills, House bills, and joint resolutions enacted into law during a given session of Congress (since 1963), including corresponding public law number.	Statutes at Large, each volume, at beginning.
42. List of Bills Enacted into Private Law. Lists by number, Senate bills, House bills, and joint resolutions enacted into law during a given session of Congress (since 1963), including corresponding private law number.	Statutes at Large, each volume, at beginning.
43. List of Public Laws. Lists by number, public laws enacted during a given session of Congress, including subject, date of enactment, and Statutes page numbers.	Statutes at Large, each volume, at beginning.
44. List of Private Laws. Lists by number, private laws enacted during a given session of Congress, including subject, date of enactment, and Statutes page numbers.	Statutes at Large, each volume, at beginning.
45. List of Concurrent Resolutions. Lists in chronological order, concurrent resolutions passed during a given session of Congress, including subject, date of passage, and the Statutes page numbers.	Statutes at Large, each volume, at beginning.
46. Guide to Legislative History of Bills Enacted Into Public Law. Lists by number, public laws enacted during a given session of Congress giving background sources, including approval dates, Statutes volume and page numbers, bill numbers, committee names and report numbers, dates of consideration and passage, and pertinent Congressional Record references.	Statutes at Large, each volume (since 1963), at end. *Note:* Separate history for each public law is carried on each slip law print.
47. Tables of Laws Affected. Lists (since 1956) laws and other Federal instruments amended, repealed, or otherwise expressly affected, or referred to or otherwise cited by provisions of public laws: Expressly affected: Table 1—General Legislation. Table 2—Revised Statutes. Table 3—Internal Revenue Code of 1939.	Statutes at Large: Separate pamphlet for Vol. 70; at end of each volume beginning with Vol. 71; 1956–1961 cumulation in separate volume.

Finding Aid	*Location*
47. Tables of Laws Affected—Continued Lists (since 1956) laws and other Federal instruments amended, repealed, or otherwise expressly affected, or referred to or otherwise cited by provisions of public laws (continued): Expressly affected (continued): Table 4—Internal Revenue Code of 1954. Table 5—Positive Law Titles. (a) United States Code. (b) District of Columbia Code. (c) Panama Canal Code. Table 6—Reorganization Plans. Table 7—Veterans' Regulations. Table 8—Executive Orders and Proclamations. Table 9—Treaties and International Agreements. Public laws expressing relationships in general terms (such as, "notwithstanding any other provision of law", "all laws in conflict with this law are hereby repealed", etc.): Table 10—Provisions Respecting General Repeals, Conflicts, Etc. Referred to or cited: Table 11—General Legislation. Table 12—Revised Statutes. Table 13—Internal Revenue Code of 1939. Table 14—Internal Revenue Code of 1954. Table 15—Positive Law Titles. (a) United States Code. (b) District of Columbia Code. (c) Panama Canal Code. Table 16—Reorganization Plans. Table 17—Veterans' Regulations. Table 18—Executive Orders and Proclamations. Table 19—Treaties and International Agreements.	
48. Parallel Tables of Statutory Authorities and Rules. A. *Table of United States Code Citations.* Lists sections of the United States Code which are (a) cited as rule-making authority or (b) noted as being interpreted or applied by currently effective rules codified in the CFR.	2 CFR Ch. I, revised annually.
B. *Additions to 2 CFR.* Lists sections of the United States Code added to 2 CFR because of new or amended citations of authority in documents currently published in the Federal Register.	Included with List of CFR Sections Affected, at end (see Finding aid 3 C 1).
49. Statutes Cited as Authority for Presidential Documents. Lists statutes cited as issuance authority by Presidential documents published during a given year.	3 CFR: 5-year compilations, Table 5, and in annual supplements, Table 5.
50. Table of Amendments to the Tariff Schedules of the United States. Leads to public laws and Presidential Proclamations which directly amend the Tariff Schedules of the United States; describes nature of changes and includes public law numbers and Proclamation numbers.	19 CFR, Appendix A.
51. Guide to Record Retention Requirements. Digests provisions of the United States Code and the CFR with respect to the keeping of records; includes an index to categories of persons, groups, and products covered.	1 CFR, Appendix A. Also published in Federal Register annually and available in pamphlet form on separate order.
52. "How To Find U.S. Statutes and U.S. Code Citations." Presents typical reference situations and illustrated procedures for finding accurate up-to-date citations to U.S. Statutes at Large and the U.S. Code.	Separate pamphlet published by the House Committee on the Judiciary, sold by Superintendent of Documents, Government Printing Office; revised December 1965.

TABLE 4—SPECIAL INFORMATION LISTS

The following special lists, published by the Office of the Federal Register, are not direct finding aids to agency, Presidential, or legislative materials, but contain information useful to legal researchers and others interested in such materials.

53. Acts Approved by the President.
54. CFR Checklist.
55. Executive agencies abolished, transferred, or terminated.
56. Lists of current and superseded CFR volumes.
57. Nominations Submitted to the Senate.
58. Presidential Reports to Congress.
59. White House Releases.
60. List of Acts Requiring Publication in the Federal Register.

List	*Location*
53. Acts Approved by the President. Lists Acts approved by the President during a given week, including legislative and law numbers, and titles.	Weekly Compilation of Presidential Documents, at end.
54. CFR Checklist. Shows the issuance date and price of current bound volumes and supplements of the Code of Federal Regulations.	Federal Register, first issue of each month, under 1 CFR.
55. Executive agencies abolished, transferred, or terminated. Lists Federal departments, commissions, boards, committees, functions, and similar authorities that have been abolished, transferred, or terminated since March 4, 1933.	Government Organization Manual, Appendix A.
56. Lists of current and superseded CFR volumes. List by title, volumes of the CFR which are currently effective and those which have been superseded since January 1, 1945.	CFR, most volumes and supplements, at end.
57. Nominations Submitted to the Senate. Lists Presidential nominations to various positions, indicating the individual, legal residence, and position for which nominated.	Weekly Compilation of Presidential Documents each issue, at end.
58. Presidential Reports to Congress. Lists the reports, including subject, House document number if so published, date sent to Congress, and White House release date, if so issued.	Public Papers, each volume, Appendix C.
59. White House Releases. Lists press releases and other White House announcements of concern to the President.	Public Papers, each volume, Appendix A.
60. List of Acts Requiring Publication in the Federal Register. Cites in chronological order, provisions of U.S. Statutes at Large and U.S. Code requiring or authorizing publication of documents in the Federal Register.	1 CFR, Appendix B.

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DEC 27 1965
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Agricultural Stabilization and Conservation Service
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Army Department
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Civil Aeronautics Board
Consumer and Marketing Service
Defense Department
Federal Aviation Agency
Federal Communications Commission
Federal Maritime Commission
Federal Power Commission
Federal Trade Commission
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THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

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Announcing a New Information Service

Beginning August 2, 1965, the General Services Administration inaugurated a new information service, the "Weekly Compilation of Presidential Documents." The service makes available transcripts of the President's news conferences, messages to Congress, public speeches and statements, and other Presidential materials released by the White House up to 5 p.m. of each Friday.

The *Weekly Compilation* was developed in response to many requests received by the White House and the Bureau of the Budget for a better means of distributing Presidential materials. Studies revealed that the existing method of circularization by means of mimeographed releases was failing to give timely notice to those Government officials who needed them most.

The General Services Administration believes that a systematic, centralized publication of Presidential items on a weekly basis will provide users with up-to-date information on Presidential policies and pronouncements. The service is being carried out by the Office of the Federal Register, which now publishes similar material in annual volumes entitled "Public Papers of the Presidents."

The *Weekly Compilation* carries a Monday dateline. It includes an Index of Contents on the first page and a Cumulative Index at the end. Other finding aids include lists of laws approved by the President and of nominations submitted to the Senate, and a checklist of White House releases.

The official distribution for the *Weekly Compilation of Presidential Documents* is governed by regulations published in the FEDERAL REGISTER dated July 31, 1965 (30 F.R. 9573; 1 CFR 32.40). Members of Congress and officials of the legislative, judicial, and executive branches who wish to receive this publication for official use should write to the Director of the Federal Register, stating the number of copies needed and giving the address for mailing.

Distribution to the public is made only by the Superintendent of Documents, Government Printing Office, Washington, D.C., 20402. The *Weekly Compilation of Presidential Documents* will be furnished by mail to subscribers for $6.00 per year, payable to the Superintendent of Documents, Government Printing Office, Washington, D.C., 20402. The price of individual copies varies.

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There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

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AUTHORITY: The provisions of this Subpart C issued under 72 Stat. 1114, 1193, as amended; 38 U.S.C. 210, Ch. 35.

Subpart C—War Orphans' Educational Assistance Under 38 U.S.C. Ch. 35

ADMINISTRATIVE

§ 21.3001 Delegations of authority.

(a) Except as otherwise provided, authority is delegated to the Chief Benefits Director and to supervisory or adjudicative personnel within the jurisdiction of the Compensation, Pension, and Education Service designated by him to make findings and decisions under 38 U.S.C. chapter 35 and the applicable regulations, precedents and instructions, as to programs of education or special restorative training.

(b) Authority is delegated to the Chief Benefits Director to enter into agreements for reimbursement of State approving agencies under § 21.3153.

(c) Authority is delegated to the Director, Compensation, Pension, and Education Service to exercise the functions required of the Administrator for:

(1) Waiver of penalties for conflicting interests under § 21.3005;

(2) Actions otherwise required of State approving agencies, under § 21.3150(c);

(3) Approval of courses under § 21.3250(c).

§ 21.3002 Finality of decisions.

(a) The decision of a duly constituted agency of original jurisdiction on which an action was predicated will be final and binding upon all field offices of the Veterans Administration as to conclusions based on evidence on file at that time and will not be subject to revision on the same factual basis except by duly constituted appellate authorities or except as provided in § 21.3003. (See §§ 19.153 and 19.154 of this chapter.)

(b) Current determinations of line of duty, character of discharge, relationship, and other pertinent elements of eligibility for a program of education or special restorative training, made by either an adjudicative activity or an insurance activity by application of the same criteria and based on the same facts are binding one upon the other in the absence of clear and unmistakable error.

§ 21.3003 Revision of decisions.

The revision of a decision on which an action was predicated will be subject to the following sections:

(a) Clear and unmistakable error, § 3.105(a) of this chapter;

(b) Difference of opinion, § 3.105(b) of this chapter;

(c) Character of discharge, § 3.105(c) of this chapter;

(d) Severance of service connection, § 3.105(d) of this chapter;

(e) Veteran no longer totally and permanently disabled, § 21.3135(k).

§ 21.3004 Audit of payments.

Payments under 38 U.S.C. ch. 35 shall be subject to audit and review by the General Accounting Office as provided by the Budget and Accounting Act of 1921 and the Budget and Accounting Procedures Act of 1950 (38 U.S.C. 1761(a)).

§ 21.3005 Conflicting interests.

(a) *General.* (1) Every officer or employee of the Veterans Administration who has, while such an officer or employee, owned any interest in, or received any wages, salary, dividends, profits, gratuities, or services from, any educational institution operated for profit in which an eligible person was pursuing a course of education under 38 U.S.C. ch. 35 will be immediately dismissed from his office or employment.

(2) The Administrator may, after reasonable notice, and public hearings if requested, waive in writing the application of this paragraph in the case of any officer or employee of the Veterans Administration, if he finds that no detriment will result to the United States or to eligible persons by reason of such interest or connection of such officer or employee (38 U.S.C. 1764).

(b) *Waiver.* Where a request is made for waiver of application of paragraph (a)(1) of this section, it will be considered that no detriment will result to the United States or to eligible persons by reason of such interest or connection of such officer or employee, if the officer or employee:

(1) Acquired his interest in the school by operation of law, or before the statute became applicable to the officer or employee, and his interest has been disposed of and his connection discontinued, or

(2) Meets all of the following conditions:

(i) His position involves no policy determinations, at any administrative level, having to do with matters pertaining to payment of educational assistance.

(ii) His position has no relationship with the processing of any eligible person's application for educational assistance.

(iii) His position precludes him from taking any adjudicative action on individual applications for educational assistance.

(iv) His position does not require him to perform duties involved in the investigation of irregular actions on the part of schools or eligible persons in connection with 38 U.S.C. ch. 35.

(v) His position is not connected with the processing of claims by, or payments to, schools, or students enrolled therein under the provisions of 38 U.S.C. ch. 35.

(vi) His work is not connected in any way with the inspection, approval, or supervision of schools desiring to train eligible persons.

(c) *Authority.* (1) Authority is delegated to the Director, Compensation, Pension and Education Service, and to the field station head in cases of Veterans Administration employees under his jurisdiction, to waive the application of paragraph (a)(1) of this section in the case of any Veterans Administration employee who meets the criteria of paragraph (b) of this section and to deny requests for waiver which do not meet such criteria. If the circumstances warrant, the request may be submitted to the Administrator for decision.

(2) Authority is reserved to the Administrator to waive the requirement of paragraph (a) of this section in the case of an officer of the Veterans Administration, and in the case of any employee who does not meet all of the criteria of paragraph (b) of this section.

(d) *Disapproval of courses.* Where it is found that an officer or employee of the Veterans Administration has any interest in, or receives any wages, salary, dividends, profits, gratuities or services from any such school, and waiver has not been granted, the State approving agency and the school will be notified immediately that the courses offered by the school have been disapproved, the reason for disapproval, and the conditions under which the disapproval may be lifted.

(e) *Notice of eligible persons.* The eligible person will be notified in writing sent to his latest address of record when:

(1) The course or courses are disapproved, or

(2) The State approving agency fails to disapprove the course or courses within 15 days after the date of written notice to the agency, and no waiver has been requested, or

(3) Waiver has been denied.

The eligible person will be informed that he may apply for enrollment in an approved course in another school, but that in the absence of such transfer, educational assistance payments will be discontinued effective the date of discontinuance of the course, or the 30th day following the date of such letter whichever is earlier.

§ 21.3006 False or misleading statements.

(a) Payments may not be authorized based on a claim where it is found that the school or any person has willfully submitted a false or misleading claim, or that the eligible person with the complicity of the school or other person has submitted such a claim. A complete report of the facts will be made to the State approving agency, and if in order to the Attorney General of the United States (38 U.S.C. 1768).

(1) Where it is determined prior to payment that a certification or claim is false or misleading, payment will be authorized for only that portion of the claim to which entitlement is established on the basis of other evidence of record.

(2) Where the falsity of a certification or claim is discovered after payment has been released an overpayment will be set up for only that portion of the claim to which the claimant was not entitled.

(b) A determination that false or misleading statements have been made will not constitute a bar to payments based on further training, if the requirements of § 21.3008(b) as to waiver or recovery of any overpayment have been satisfied.

(c) The provisions of this section are not for application where forfeiture of all rights has been or may be declared under the provisions of § 21.3007.

§ 21.3007 Forfeiture.

The rights of an eligible person to receive educational assistance are subject to forfeiture under the provisions of §§ 3.901, 3.902, and 3.903 of this chapter (38 U.S.C. 3503, 3504, and 3505).

§ 21.3008 Overpayments; eligible persons.

(a) *Denial of further benefits.* Where an overpayment of educational assistance or special restorative training allowance or other gratuitous benefit has been made to or on behalf of an eligible person, no further educational assistance allowance will be paid until the overpayment has been collected or arrangements have been made for repayment, unless recovery has been waived.

(b) *Benefits following recovery or waiver.* Where an eligible person has been denied entrance or reentrance under this section and subsequently liquidates or makes arrangements to liquidate the outstanding overpayment, or the overpayment has been waived, the effective date of entrance or reentrance will be determined under § 21.3131 or § 21.3331.

(c) *Prevention of overpayments.* Where there is a question on whether approval of a course should be withdrawn, and it appears that overpayments may exist or be created, further payments to eligible persons enrolled in the school may be withheld pending resolution of the question. See § 21.3134.

§ 21.3009 Overpayments; waiver or recovery.

(a) *General.* Under 38 U.S.C. 1766, the amount of an overpayment of educational assistance allowance on behalf of an eligible person constitutes a liability of the school if it is determined that the overpayment was made as the result of (1) willful or negligent failure of the school to report, as required by 38 U.S.C. ch. 35 and Veterans Administration Regulations, excessive absences from a course, or discontinuance or interruption of a course by the eligible person, or (2) false certification by the school. The amount of the overpayment may be recovered from the school in the same manner as any other debt due the United States. Any amounts so collected from the school may be reimbursed if the overpayment is recovered from the eligible person. This provision does not preclude the imposition of any civil or criminal liability under this or any other law.

(b) *False certification.* Liability resulting from a false certification is not contingent upon willfulness or negligence, but simply upon a finding that the overpayment to the eligible person resulted from a certification which was contrary to fact at the time it was made and therefore false.

(c) *Evidence.* A determination will be made whether there is prima facie evidence that an overpayment is the result of a false certification. When the decision is in the affirmative the school will be notified in writing of the Veterans Administration's intent to apply the liability provisions of 38 U.S.C. 1766. The notice will also state that unless a written request for hearing is filed within 30 days of the receipt of such notice, a determination of liability will be made on the evidence of record. The case will then be referred to the Committee

on Waivers for the field station having jurisdiction where the school is located.

(d) *Committees on waivers.* If the overpayment amounts to less than $2,500, and jurisdiction is not assumed by Central Office, Chairmen and Section Chairmen, Committees on Waivers in the field stations having jurisdiction over the school are authorized to find:

(1) Whether recovery may be waived as to the eligible person.

(2) Liability of the school.

(3) Liability of both the eligible person and the school.

(e) *Extent of liability.* Waiver of collection of an overpayment as to an eligible person will not relieve the school of liability for the overpayment. Recovery in whole or in part from the eligible person will limit such liability accordingly. If an overpayment has been recovered from the school and the eligible person subsequently repays the amount in whole or in part, the amount recovered from the eligible person will be reimbursed to the school.

(f) *Notice to school.* If the school is found liable for an overpayment, the school will be notified of the decision and the right to request an administrative review of the decision within 60 days from the date notice of the decision is mailed to the school. The 60-day time limit may be extended to 90 days at the discretion of the Liability Review Section, Compensation, Pension and Education Service. The request must be in writing, setting forth fully all of the contentions and errors assigned.

(g) *Liability Review Section.* Administrative reviews will be conducted by the Liability Review Section, whose decisions will serve as authority for instituting collection proceedings, if appropriate, or to discontinue collection proceedings instituted on the basis of the original decision of the regional Committee on Waivers in any case where the Review Section reverses a finding made by the regional Committee that the school is liable.

(h) *Review and modification.* The Liability Review Section may review and modify its decision upon submission of new and material evidence. The regional Committee will forward such evidence with its recommendation.

CROSS REFERENCE: *Waiver of overpayments.* See § 3.1908 of this chapter.

GENERAL

§ 21.3020 Educational assistance.

(a) *General.* A program of education or special restorative training may be authorized for a child whose education would otherwise be impeded or interrupted by reason of the disability or death of a parent from a disease or injury incurred or aggravated in the Armed Forces after the beginning of the Spanish-American War and prior to the end of the induction period. (38 U.S.C. 1701(d).) The requirements of basic eligibility of a child are set forth in § 3.807 of this chapter.

(b) *36-month limitation.* Educational assistance may not exceed a period of 36 months, or the equivalent in part-time training, unless it is determined that a longer period is required for special restorative training under the circumstances outlined in § 21.3300(c). (38 U.S.C. 1711(a), 1741(b).)

(c) *Training in a foreign country.* A course to be pursued at a school not located in a State or in the Philippines may not be approved except under the circumstances outlined in § 21.3252(e).

§ 21.3021 Definitions.

(a) "Eligible person" means a child of a veteran who died of a service-connected disability or has a total disability permanent in nature arising from a service-connected disability or who died while a disability so evaluated was in existence, arising out of active military, naval or air service after April 20, 1898 and prior to the end of the induction period. See §§ 3.6 and 3.807 of this chapter. (38 U.S.C. 1701(a).)

(b) "Parent or guardian" means a natural or adoptive parent, a fiduciary legally appointed by a court of competent jurisdiction or any person who is determined to be otherwise legally vested with the care of the eligible person (38 U.S.C. 1701(a)(4)) or it may be the eligible person himself.

(1) The term includes the eligible person if he has attained his majority under laws applicable in his State of residence as shown on his application and is under no known legal disability (38 U.S.C. 1701(b)). Also the eligible person himself may be designated as the person by whom required actions may be taken even though he has not attained his majority, or having attained his majority, is under a legal disability, when it is determined that to do otherwise would not be in his best interest, would result in undue delay or would not be administratively feasible.

(2) Where necessary to protect his interest and there is reason why the eligible person should not act for himself, some other individual may be designated as the person by whom required actions should be taken (38 U.S.C. 1701(c)).

(c) "Armed Forces," as to service by the eligible person, means the U.S. Army, Navy, Marine Corps, Air Force, and Coast Guard including the Reserve components of each, the National Guard of the United States and the Air National Guard of the United States. (38 U.S.C. 1712 (a) and (b).)

(d) "Duty with the Armed Forces," as to service by the eligible person, means active duty, active duty for training for a period of 6 or more consecutive months, or an initial period of active duty for training of not less than 3 months or more than 6 months in the Ready Reserve. (38 U.S.C. 1701(a)(3); 1712 (a) and (b)). See §§ 21.3041 and 21.3042.

(e) "State" means each of the several States, Territories, and possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico, and the Canal Zone. (38 U.S.C. 101(20) and 1701(a)(8).) (Although the Republic of the Philippines is not included in the definition of a State, eligible persons may pursue courses of training in that country.)

CROSS REFERENCES: *Duty periods.* See § 3.6 of this chapter.
Persons included. See § 3.7 of this chapter.
Philippine and insular forces. See § 3.8 of this chapter.

§ 21.3022 Nonduplication; vocational rehabilitation.

A person who is eligible for educational assistance under 38 U.S.C. ch. 35 and is also eligible for vocational rehabilitation training under 38 U.S.C. ch. 31 must elect whether he will receive educational assistance or vocational rehabilitation. See § 21.21.

§ 21.3023 Nonduplication; pension, compensation and dependency and indemnity compensation.

(a) *Age 18.* A person who is eligible for educational assistance and who is also eligible for pension, compensation or dependency and indemnity compensation based on school attendance must elect whether he will receive educational assistance or pension, compensation or dependency and indemnity compensation.

(1) An election of educational assistance either before or after the age of 18 years is a bar to subsequent payment or increased rates or additional amounts of pension, compensation or dependency and indemnity compensation on account of the child based on school attendance on or after the age of 18 years. The bar is equally applicable where the child has eligibility from more than one parent.

(2) Payment of pension, compensation, or dependency and indemnity compensation to or on account of an eligible person after his 18th birthday does not bar subsequent payments of educational assistance.

(3) An election of educational assistance will not preclude the allowance of pension, compensation, or dependency and indemnity compensation based on school attendance for periods, including vacation periods, prior to the commencement of educational assistance.

(b) *Under 18 or helpless.* Educational assistance allowance or special restorative training allowance may generally be paid concurrently with pension, compensation or dependency and indemnity compensation for a child under the age of 18 years or for a helpless child based on the service of one or more parents. Where, however, entitlement is based on the service of more than one parent in the same parental line, concurrent payments may not be authorized if the death of one such parent occurred on or after June 9, 1960. In the latter cases, an election of educational assistance is a bar to subsequent payments of pension, compensation or dependency and indemnity compensation on account of the child in that case, but does not preclude subsequent payment of such benefits based on the service of another parent in the same parental line.

(c) *Election.* The Commencement of a program of education constitutes an election.

§ 21.3024 Nonduplication; Federal service life insurance.

(a) *Age 18.* A person who is eligible for educational assistance and who is also eligible for Federal service life insurance must elect whether he will receive educational assistance or Federal service life insurance.

(1) An election of educational assistance either before or after the age of 18 years is a bar to subsequent payment of Federal service life insurance on account of the child based on school attendance on or after the age of 18 years. The bar is equally applicable where the child has eligibility from more than one parent.

(2) Payment of Federal service life insurance to or on account of an eligible person after his 18th birthday does not bar subsequent payments of educational assistance.

(3) An election of educational assistance will not preclude the allowance of Federal service life insurance for periods, including vacation periods, prior to the commencement of educational assistance.

(b) *Under 18 or helpless.* Educational assistance allowance or special restorative training allowance may generally be paid concurrently with Federal service life insurance for a child under the age of 18 years or for a helpless child based on the service of one or more parents. Where, however, entitlement is based on the service of more than one parent in the same parental line, concurrent payments may not be authorized if the death of one such parent occurred on or after June 9, 1960. In the latter cases, an election of educational assistance is a bar to subsequent payments of Federal service life insurance on account of the child in that case, but does not preclude subsequent payment of such benefits based on the service of another parent in the same parental line.

(c) *Election.* The Commencement of a program of education constitutes an election.

§ 21.3025 Nonduplication; United States Government life insurance.

(a) *Age 18.* A person who is eligible for educational assistance and who is also eligible for United States Government life insurance must elect whether he will receive educational assistance or United States Government life insurance.

(1) An election of educational assistance either before or after the age of 18 years is a bar to subsequent payment of United States Government life insurance on account of the child based on school attendance on or after the age of 18 years. The bar is equally applicable where the child has eligibility from more than one parent.

(2) Payment of United States Government life insurance to or on account of an eligible person after his 18th birthday does not bar subsequent payments of educational assistance.

(3) An election of educational assistance will not preclude the allowance of United States Government life insurance for periods, including vacation periods, prior to the commencement of educational assistance.

(b) *Under 18 or helpless.* Educational assistance allowance or special restorative training allowance may generally be paid concurrently with United States Government life insurance for a child under the age of 18 years or for a helpless child based on the service of one or more parents. Where, however, entitlement is based on the service of more than one parent in the same parental line, concurrent payments may not be authorized if the death of one such parent occurred on or after June 9, 1960. In the latter cases, an election of educational assistance is a bar to subsequent payments of United States Government life insurance on account of the child in that case, but does not preclude subsequent payment of such benefits based on the service of another parent in the same parental line.

(c) *Election.* The Commencement of a program of education constitutes an election.

(1) Except as provided in subparagraph (2) of this paragraph, an election is final when one payment has been made to or for an eligible person or as an administrative allowance. Payment is considered to have been made for an administrative allowance when the school has submitted a certification of the eligible person's enrollment or a monthly certification of training, thereby obligating the Veterans Administration for payment of such allowance.

(2) An election based on erroneous information furnished by an authorized representative of the Veterans Administration is not considered final.

(3) A child other than a helpless child, whose eligibility was based on a finding that the veteran had a permanent total service-connected disability and who commenced a program of educational assistance may not thereafter qualify as a dependent for disability compensation purposes if the veteran is later found to be less than permanently and totally disabled, or for pension, compensation or dependency and indemnity compensation after the veteran's death.

CROSS REFERENCE: *War orphans' educational assistance; discontinuance.* See § 3.503(h) of this chapter.

War orphans' educational assistance; concurrent payments. See § 3.707 of this chapter.

War orphans' educational assistance; certification. See § 3.807 of this chapter.

§ 21.3024 Nonduplication; Bureau of Employees' Compensation.

The provisions of this section are applicable to cases where there is eligibility for benefits from the Bureau of Employees' Compensation based on the disability or death of the veteran from whom eligibility for educational assistance is derived.

(a) *Child.* A person who is eligible for educational assistance and is also eligible for Bureau of Employees' Compensation benefits in his own right must elect which benefit he will receive.

(b) *Veteran and child; widow and child.* An eligible person may receive educational assistance concurrently with payment of Bureau of Employees' Compensation benefits to a veteran or widow.

(c) *Election.* An election of Bureau of Employees' Compensation benefits filed on or after September 13, 1960 is a bar to subsequent payments of educational assistance (5 U.S.C. 757).

CROSS REFERENCE: *Bureau of Employees' Compensation.* See § 3.708 of this chapter.

§ 21.3025 Nonduplication; Federal programs.

Educational assistance is subject to the restrictions contained in § 21.22 with respect to an eligible person who is pursuing a course of education or training under a Federal program. (38 U.S.C. 1762(b).)

CLAIMS

§ 21.3030 Claims.

A specific claim in the form prescribed by the Administrator must be filed by the parent or guardian in order for educational assistance allowance or special restorative training allowance to be paid. (38 U.S.C. 1713.)

§ 21.3031 Informal claims.

(a) Any communication from a parent or guardian, an authorized representative or a Member of Congress indicating an intent to apply for educational assistance for an eligible person may be considered an informal claim. Upon receipt of an informal claim, if a formal claim has not been filed, an application form will be forwarded to the parent or guardian for execution. If received within 1 year after the date it was sent to the parent or guardian, it will be considered filed as of the date of receipt of the informal claim.

(b) The act of enrolling in an approved school does not, in itself, constitute an informal application.

§ 21.3032 Time limits.

(a) *Completion of claim—(1) Processing time.* If, after filing application, the eligible person, for other than a reason determined by the Veterans Administration to have been beyond his control, fails to report for a scheduled counseling appointment or fails to submit an educational plan within 60 days after the date on which a counseling certificate is executed, the application will be considered abandoned for the purpose of computing processing time. If the eligible person reports after the 60-day period but within 1 year of filing application, the date of reporting for counseling will be considered the appropriate date from which to compute processing time.

(2) *Claim or request for change.* When counseling is delayed by an eligible person for 12 or more months, for other than a reason beyond his control, the application or request for change of program will be considered abandoned.

(3) *Reopening.* Where an application has been considered abandoned under subparagraph (2) of this paragraph, any subsequent communication from the parent, guardian or eligible person requesting a program of education will be considered a new application. The date of receipt of such later communication will be considered the date of application.

(b) *Failure to furnish claim or notice of time limit.* Failure to furnish any form or information concerning the right to file claim or to furnish notice of the time limit for the filing of claim or for the completion of any action required will not extend the periods allowed for these actions. As to appeals, see § 19.110 of this chapter.

CROSS REFERENCES: *Notice to claimants.* See § 3.103 of this chapter.

Computation of time limit. See § 3.110 of this chapter.

ELIGIBILITY AND ENTITLEMENT

§ 21.3040 Eligibility.

(a) *Commencement.* A program of education or special restorative training may not be afforded prior to the eligible person's 18th birthday or the completion of secondary schooling, whichever is earlier, unless it is determined through counseling that the best interests of the eligible person will be served by entering training at an earlier date and the eligible person has passed:

(1) Compulsory school attendance age under State law; or

(2) His 14th birthday and due to physical or mental handicap may benefit by special restorative or specialized vocational training.

(b) *Secondary schooling.* "Completion of secondary schooling" means completion of a curriculum offered by a public or private school which satisfies the requirements for a high school diploma or its equivalent—usually completion of the 12th grade in the public school system.

(c) *Age limitation for commencement.* No person is eligible for educational assistance who reached his 23d birthday on or before the effective date of a finding of permanent total service-connected disability, or on or before the date the veteran's death occurred, whichever is applicable.

(d) *Termination of eligibility.* No person is eligible for educational assistance beyond his 31st birthday, except as provided under § 21.3041 (d) and (e). In no event may educational assistance be provided after the period of entitlement has been exhausted. In an exceptional case special restorative training may be provided in excess of 36 months. See § 21.3300.

§ 21.3041 Periods of eligibility.

(a) *Basic beginning date.* The eligible person's 18th birthday or successful completion of secondary schooling, whichever first occurs. See paragraph (b) of this section and § 21.3040 (a) and (b).

(b) *Exceptions to basic beginning date.* (1) Person has passed compulsory school attendance under applicable State law, or

(2) Person has passed 14th birthday and has physical or mental handicap. See § 21.3040(a).

(c) *Basic ending date.* The eligible person's 23d birthday.

(d) *Modified ending date.* When one of the following occurs between ages 18 and 23, the ending date will be 5 years from the applicable ending date specified in this paragraph. Where the ending date is subject to modification under more than one of subparagraphs (3), (4), or (5) of this paragraph, the more favorable date will apply.

(1) Effective date of permanent total rating of veteran-parent. (Even in case of veteran's death the effective date of permanent total rating applies.)

(2) Death of veteran-parent.

(3) Date of first unconditional discharge or release from "duty with the Armed Forces" served between ages 18 and 23 as an eligible person. See § 21.3042.

(4) Enactment of Public Law 88-361 on July 7, 1964, providing eligibility based on permanent total disability; that is, July 6, 1969. See § 3.807 of this chapter.

(5) Enactment of Public Law 89-349 on November 8, 1965, providing eligibility based on peacetime service after the Spanish-American War and prior to September 16, 1940; or during World War I or World War II solely by reason of the provisions of 38 U.S.C. 301; that is November 7, 1970. See § 3.807 of this chapter.

(e) *Extensions to ending dates.* (1) Suspension of program due to conditions determined by the Veterans Administration to have been beyond the person's control (see § 21.3043): Extended for length of period of suspension, but not beyond age 31. See § 21.3040(d).

(2) Processing time:[1] Extended by length of processing time, but not beyond age 31. See § 21.3040(d).

(3) Period of eligibility ends during last half of quarter or semester, or during last half of course not operating on quarter or semester system: Extended to end of quarter or semester for schools operating on quarter or semester system, or end of course or for 9 weeks, whichever is earlier, for schools not operating on quarter or semester system. Extension may be authorized beyond age 31, but may not exceed maximum entitlement.[2] See § 21.3044(a).

§ 21.3042 Service with Armed Forces.

(a) No educational assistance may be provided an otherwise eligible person during any period he is on duty with the Armed Forces. See § 21.3021 (c) and (d). This does not apply to brief periods of active duty for training. See § 21.3135(j).

(b) If the eligible person served with the Armed Forces, his discharge or release from each period of service must have been under conditions other than dishonorable (38 U.S.C. 1712(b)).

(c) The term "unconditional discharge", as used in § 21.3041 means unconditional discharge or release from duty with the Armed Forces. See § 3.13 of this chapter.

(d) For the eligible person called to active duty after July 30, 1961, and before August 1, 1962, by (1) an order issued to him as a Reserve or (2) an extension of an enlistment, appointment or period of duty pursuant to section 2 of Public Law 87-117, 75 Stat. 242 ("Berlin Crisis") the extended period under § 21.3041 will be further extended by the number of months and days served during such period.

§ 21.3043 Suspension of program.

For an eligible person who suspends his program due to conditions determined by the Veterans Administration to have been beyond his control the period of eligibility may, upon his request, be suspended by the number of months and days intervening the date the suspension began and the date the reason for suspension ceased to exist. The burden of proof is on the eligible person to establish that suspension of a program was due to conditions beyond his control. The period of suspension shall be considered to have ended as of the date of the person's first available opportunity to resume training after the condtion which caused it ceased to exist. The following circumstances may be considered as beyond the eligible person's control:

(a) While in active pursuit of a program of education he is appointed by the responsible governing body of an established church, officially charged with the selection and designation of missionary representatives, in keeping with its traditional practice, to serve the church in an official missionary capacity and is thereby prevented from pursuit of his program of studies.

(b) Immediate family or financial obligations beyond his control require him to take employment, or otherwise preclude pursuit of his program.

(c) Unavoidable conditions arising in connection with his employment which preclude pursuit of his program.

(d) Pursuit of his program is precluded because of his own illness or illness or death in his immediate family.

(e) Active duty, including active duty for training in the Armed Forces.

§ 21.3044 Entitlement.

(a) Each eligible person is entitled to educational assistance for a period not in excess of 36 months, or the equivalent thereof in part-time training. The period of entitlement will be reduced by the full-time equivalent of any period of vocational rehabilitation received by him under 38 U.S.C. chapter 31. The period of entitlement will not be reduced by any period during which subsistence allowance was paid after determination of employability following such vocational rehabilitation (38 U.S.C. 1711(b)).

(b) The 36-month period of entitlement is any 36 months within the period of eligibility. The eligible person is not required to pursue his program in the period of 36 consecutive months.

CROSS REFERENCE: *Special restorative training.* See § 21.3300.

§ 21.3045 Entitlement charges.

Charges against entitlement of an eligible person pursuing a program of education will be made in terms of months and days for periods during which the person is carried in training status. Where a program of education or training is pursued on a full-time basis the total elapsed time will be charged against the eligible person's entitlement. Where a program of education or training is pursued on a three-fourths or one-half time basis, a proportionate rate of the elapsed time will be charged against the eligible person's entitlement. A fraction of more than one-half day in the final result will be counted as 1 day. A fraction of one-half day or less will be disregarded.

COUNSELING

§ 21.3100 Counseling.

(a) Counseling is required for each eligible person before an application for educational assistance may be approved. The purpose of counseling will be to assist in selecting an objective, in developing a suitable program of education, and in resolving any personal problems which are likely to interfere with selection or successful pursuit of a program of education. The counselor will assist in preparing an educational plan, if requested by the eligible person, his parent or guardian.

(b) When an eligible person fails to report for required counseling or fails to cooperate in the counseling process, further action on the application will not be taken.

(c) Travel at Government expense to and from the place of counseling may be authorized for an eligible person whenever counseling is required but not when provided on the basis of a voluntary request alone.

CROSS REFERENCE: *Veterans Administration guidance centers.* See § 21.735.

§ 21.3101 Special training.

(a) Counseling will be provided a handicapped person before a case is referred to the Vocational Rehabilitation Board for consideration of need for a course of specialized vocational training or for special restorative training.

(b) When an eligible person completes or discontinues a course of special restorative training without having selected an objective and program of education, additional counseling will be provided to assist in selecting a program of education.

CROSS REFERENCE: *Vocational Rehabilitation Board.* See §§ 21.256 and 21.715.

§ 21.3102 Counseling for change or reentrance.

(a) Additional counseling will be required before taking action upon a request for a change of program unless, on review of the counseling record by a counselor, it is found that the change requested is from a program that was not considered suitable in the initial counseling to a program which is supported by the counseling data and there is no other evidence of need for additional counseling.

(b) Additional counseling will be required before taking action upon a request for reentrance after discontinuance because of unsatisfactory conduct or progress in a program of education.

(c) The counselor will recommend approval of requests for change of program or reentrance into training when it is determined that there is reasonable expectation that pursuit of a program of education which is suitable for the eligible person will be successful. When a program has been discontinued because of misconduct, reentrance will be recommended when the counselor finds a reasonable basis for assurance that misconduct will not recur. Otherwise, the case will be referred to the Vocational Rehabilitation Board for determination.

[1] "Processing time" means the period of time which elapses between the eligible person's 18th birthday or the date of receipt of the application, whichever is later, and the date on which the Certificate for a Program of Education is signed by an authorized official.

[2] Such extension applies, without regard to whether the midpoint of the quarter, semester, or course has been reached, when a son or daughter who, while enrolled, ceases to be an eligible person because the parent from whom eligibility is derived is found to no longer have a "total disability permanent in nature." (§ 21.3135(k).)

§ 21.3103 Counseling on request.

Additional counseling not required by Veterans Administration Regulations may be provided upon request so long as the counselor determines that it will aid the eligible person in obtaining maximum benefit from the pursuit of a program of education.

PAYMENTS; EDUCATIONAL ASSISTANCE ALLOWANCE

§ 21.3130 Educational assistance allowance; authorization.

The parent or guardian will be paid educational assistance allowance at the rate specified in § 21.3136 while the eligible person is in training. Educational assistance allowance will not be paid based on a course not leading to a standard college degree, for any day of absence in excess of a rate of 30 days in a 12-month period, as determined under § 21.3205(b).

(a) The commencing date of authorization will be the date of entrance or reentrance into a course as determined under § 21.3131.

(b) The closing date will be the earliest of the following dates:

(1) The ending date of the course or period of enrollment as certified by the school.

(2) The ending date of eligibility as determined under § 21.3041.

CROSS REFERENCE: *Authorization.* See § 21.3203(c).

§ 21.3131 Commencing dates.

The commencing date of an award of educational assistance allowance will be determined under this section.

(a) *Entrance or reentrance including change of program or school* (*§21.3234*). (1) The date certified by school as provided in paragraph (b) or (c) of this section, or date of approval of course, whichever is later, if application for entrance or reentrance or request for change is received not later than 15 days after date certified by school and notice of State approving agency's approval is received not later than 60 days after date of approval.

(2) If time limits specified in subparagraph (1) of this paragraph are not met, the date of receipt of application or request for change, or 60 days prior to receipt of notice of approval by State approving agency.

(3) The time limits specified in subparagraphs (1) and (2) of this paragraph may be waived under § 21.3132.

(b) *Certification by school; course leads to standard college degree.* The date of registration, or the date of reporting where the student is required by published standards of the school to report in advance of registration, but not later than the date the person first reports for classes.

(c) *Certification by school; course does not lead to standard college degree.* First date of class attendance.

(d) *Reopened application after abandonment* (*§ 21.3032*). The date the eligible person reports for counseling if pursuing an approved course.

(e) *Liberalizing laws and Veterans Administration issues.* In accordance with facts found, but not earlier than the effective date of the act or administrative issue.

§ 21.3132 Waiver of time limits.

The time limits specified in § 21.3131 (a) may be waived under the following circumstances:

(a) *Eligible person.* If the facts, equities and demonstrated good faith on the part of the parent, guardian, or eligible person warrant such waiver.

(b) *State approving agency.* If the facts, equities and demonstrated good faith on the part of the parent, guardian, or eligible person and the State approving agency warrant such waiver, and

(1) Approval action was not denied or withheld for cause during the retroactive period, and

(2) Credit is granted toward completion of the course from the date of approval.

§ 21.3133 Change of rate.

An increase or reduction in the monthly rate of educational assistance allowance because of a change in the extent of the course being pursued, e.g., change from full-time to part-time pursuit of a course, will be effective the date the change occurred.

§ 21.3134 Withholding and discontinuance.

Notwithstanding the approval of a course by a State approving agency, educational assistance of any eligible person may be discontinued if it is determined that the course of education in which the individual is enrolled fails to meet, or the school has violated, any of the requirements for approval. Where preliminary evidence indicates that it would be to the best interests of the Government, the station head may withhold further payments to eligible persons enrolled in the school until a determination has been made as to whether approval should be withdrawn and whether overpayments exist. Payments for eligible person will be promptly released whenever the facts developed justify such action.

§ 21.3135 Discontinuance dates.

The effective date of discontinuance of educational assistance allowance will be as follows. If more than one type of discontinuance is involved, the earliest date will control.

(a) *Death of eligible person.* Last date of attendance.

(b) *Discontinued.* Last date of attendance or, if training certified for ordinary school year and eligible person has completed one or more terms, but does not return for the next term, discontinuance will be effective the end of the term completed.

(c) *Unsatisfactory progress* (*§ 21.3277*). The date the eligible person is dropped by the school or the date of administrative determination by the Veterans Administration, whichever is earlier.

(d) *Monthly certifications not received after certification of enrollment* (*§ 21.3203*). (1) The end of the first reporting period if no certifications are received for first two reporting periods.

(2) The end of the month for which the last payment was properly made, if payments have been made for one or more periods and certifications are not received for two consecutive reporting periods.

(e) *False or misleading statements.* See § 21.3006.

(f) *Disapproval by State approving agency* (*§ 21.3257(a)*). Effective date of disapproval or date of receipt of notice of disapproval, whichever is later.

(g) *Disapproval by Veterans Administration* (*§§ 21.3207 and 21.3257(c)*). Date of disapproval.

(h) *Conflict of interest (not waived)* (*§ 21.3005(e)*). 30 days after date of letter notifying eligible person, unless terminated earlier for other reason.

(i) *School listed by Attorney General* (*§ 21.3201*). Day before date of listing.

(j) *Active duty* (*§ 21.3042*). Day before entrance on active duty. (Does not apply to brief periods of active duty for training if school permits such absence without interruption of training; however where course does not lead to standard college degree, the absence must be reported as required by § 21.3205.)

(k) *Veteran no longer rated permanent total disabled* (*§ 21.3041*). (1) End of quarter or semester if school is operated on quarter or semester system.

(2) End of course or 9 weeks whichever is earlier, if school is not operated on quarter or semester system.

(l) *Error; payee's or administrative.* (1) Effective date of award or day preceding act, whichever is later, but not prior to the date entitlement ceased, on an erroneous award based on an act of commission or omission by a payee or with his knowledge.

(2) Date of last payment on an erroneous award based solely on administrative error or error in judgment.

(m) *Fraud; forfeiture resulting* (*§ 21.3007*). Beginning date of award or day preceding date of fraudulent act, whichever is later.

(n) *Treasonable acts or subversive activities; forfeiture* (*§ 21.3007*). Beginning date of award or date preceding date of commission of treasonable act or subversive activities for which convicted, whichever is later.

§ 21.3136 Rates.

Type of course	Monthly rate of educational assistance allowance		
	Full time	¾ time	½ time
Institutional [1]	$130.00	$95.00	$60.00
Cooperative [2]	105.00	None	None

[1] No educational assistance allowance will be paid for less than ½ time.

[2] No educational assistance allowance will be paid for less than full time in a cooperative course.

§ 21.3137 Certifications.

Educational assistance will be paid to or on behalf of an eligible person for any

period only after the Veterans Administration has received a report from the school which shows that the eligible person has been pursuing his course. The report must be certified by the eligible person and the school on a form provided by the Veterans Administration for that purpose. On certifications of enrollment, periodic certifications and absences, see §§ 21.3203, 21.3204, and 21.3205 respectively.

§ 21.3138 Payee; guardian or eligible person.

(a) The educational assistance allowance will be paid to the parent or guardian of the eligible person; to a person recognized as legal custodian; to the eligible person himself if he has attained his majority and has no known legal disability; or to the person designated under paragraph (b) of this section. The minority of a person who has been discharged from the Armed Forces will not preclude direct payment of educational assistance allowance to him.

(b) When it is found that it would be to the best interest of the eligible person, such eligible person will be designated as the one to whom payment will be made unless there is some known reason why he should not be so designated. In this event, a suitable person will be designated.

§ 21.3139 Apportionment.

Educational assistance allowance is not subject to apportionment.

§ 21.3140 Offsets; pension, compensation, and dependency and indemnity compensation.

Payment of educational assistance allowance will be subject to offset of amounts of pension, compensation, or dependency and indemnity compensation paid over the same period on behalf of a child based on school attendance.

CROSS REFERENCE: *Discontinuance of pension, compensation, or dependency or indemnity compensation.* See § 3.503(h) of this chapter.

STATE APPROVING AGENCIES

§ 21.3150 Designation.

(a) The Chief Executive of each State is requested to create or designate a State department or agency as the "State approving agency" for his State, for the purpose of assuming the responsibilities delegated to the State under 38 U.S.C. ch. 35, subch. VII, or if the law of the State provides otherwise, to indicate the agency provided by such law. (38 U.S.C. 1771(a).)

(b) The Chief Executive of each State will notify the Veterans Administration of any change in the designation of a State approving agency.

(c) If any State does not have and fails or declines to create or designate a State approving agency, the provisions of 38 U.S.C. ch. 35 which refer to the State approving agency will, with respect to such State, be deemed to refer to the Administrator (38 U.S.C. 1771(b)). See § 21.3001(c).

(d) Any function, power or duty otherwise required to be exercised by a State, or by an officer or agency of a State, will, with respect to the Republic of Philippines, be exercised by the station head.

CROSS REFERENCE: *Approval of courses.* See § 21.3250.

§ 21.3151 Cooperation.

(a) The Veterans Administration and the State approving agencies will take cognizance of the fact that definite duties, functions and responsibilities are conferred upon each of them. To assure that programs of education are administered effectively and efficiently, the cooperation of the Veterans Administration and the State approving agencies is essential. (38 U.S.C. 1773(a).)

(b) State approving agencies are responsible for inspecting and supervising schools within the borders of their respective States and for determining those courses which may be approved for the enrollment of eligible persons. They are also responsible for ascertaining whether a school at all times complies with its established standards relating to the course or courses that have been approved.

(c) The Veterans Administration will furnish State approving agencies with copies of such Veterans Administration informational and instructional material as may aid them in carrying out the provisions of 38 U.S.C. ch. 35. (38 U.S.C. 1773(b).)

§ 21.3152 Control by agencies of the United States.

(a) No department, agency, or officer of the United States will exercise any supervision or control over any State approving agency or State educational agency, or any educational institution. (38 U.S.C. 1763.)

(b) The provisions of paragraph (a) of this section do not restrict the authority conferred on the Veterans Administration:

(1) To define full-time training in certain courses.

(2) To determine whether overcharges were made by a school and to disapprove the school for enrollment of eligible persons not previously enrolled. See § 21.3202.

(3) To determine whether the State approving agencies under the terms of contract or reimbursement agreements are complying with the standards and provisions of the law.

(4) To examine the records and accounts of schools which are required to be made available for examination by duly authorized representatives of the Federal Government.

(5) To disapprove schools or courses for reasons stated in the law and to approve schools or courses notwithstanding lack of State approval.

§ 21.3153 Reimbursement of expenses.

(a) *General.* If a State or local agency requests to be paid for service contemplated by the law, and submits information prescribed in paragraph (e) of this section, contracts or agreements will be negotiated with such State agencies to pay for the reasonable and necessary expenses of salary and travel incurred by its employees in:

(1) Determining the qualifications of educational institutions for furnishing courses of training to eligible persons and in the supervision of such educational institutions. Supervision for which reimbursement may be made will consist of services required in determining that the courses are furnished in accordance with the criteria set forth in the law or prescribed by the State approving agencies pursuant to the law and upon which the original approval was granted, and of those services required in disapproving any courses which fall below the established criteria.

(2) Furnishing any other services in connection with the law as may be requested by the Veterans Administration.

(b) *Reimbursement.* The Chief Benefits Director is authorized to enter into agreements for reimbursement to the extent necessary to fulfill the purpose of paragraph (a) of this section.

(c) *Reimbursable expenses.* Reimbursement may be made from the funds provided in the existing contract with the State approving agency under the provisions of this section. No reimbursement may be authorized for expenses incurred by any individual who is not an employee of the State approving agency.

(1) *Salaries.* Salaries for which reimbursement may be authorized under contract will not be in excess of the established rate of pay for other employees of the State having comparable or equivalent duties and responsibilities and will further be limited to the actual salary expense incurred by the State.

(2) *Travel.* Travel expenses for which reimbursement may be authorized under contract will be determined on the basis of expenses allowable under applicable State laws or travel regulations of the State or agency and will be for travel actually performed by employees specified under the terms of the contract. Reimbursement for travel will be provided only to cover actual expenses for transportation, meals, lodging, and local telephone calls, or the regular per diem allowance in lieu thereof. In claiming reimbursement for travel authorized under the terms of a contract, all claims must be supported by factual vouchers and all transportation allowances must be supported by detailed claims which can be checked against work assignments in the office of the State approving agency. Reimbursement will be made for expenses of attending out-of-State meetings and conferences only where the travel is performed upon prior approval and at the request of the Director, Compensation, Pension and Education Service.

(3) *Committee assignments.* Reimbursement may also be authorized for the salary and travel of the employee of the State approving agency serving as a designated member of the field station Committee on Educational Allowances.

(d) *Nonreimbursable expenses.* Reimbursement will not be provided under reimbursement contracts for:

(1) Expenditures other than salaries and travel of personnel required to perform the services specified in the contract and Veterans Administration regulations.

(2) Supplies, equipment, printing, postage, telephone services, rentals, and other miscellaneous items or a service furnished directly or indirectly.

(3) Except as provided in paragraph (c)(2) of this section, the salaries and travel of personnel while attending training sessions, or when they are engaged in activities other than: Those in connection with the inspection, approval, or supervision of educational institutions; or services rendered as members of a field station Committee on Educational Allowances.

(4) The supervision of educational institutions which do not have eligible persons enrolled.

(5) Expenses incurred in the administration of an educational program which are costs properly chargeable as tuition costs, such as the development of course material or individual educational programs, teacher training or teacher improvement activities, expenses of coordinators, or administrative costs, such as those involving selection and employment of teachers. (This does not preclude reimbursement for expenses of the State agency incurred in the development of standards and criteria for the approval of courses under the law.)

(6) Expenses of a State approving agency for inspecting, approving, or supervising courses where such agency is responsible for establishing, conducting, and supervising the courses approved.

(7) Any expense for supervision or other services to be covered by contract which are already being reimbursed or paid from tuition funds under this law.

(e) *Agency operating plan.* A request by a State approving agency for reimbursement under the law will be accompanied by the proposed plan of operation and the specific duties and responsibilities of all personnel for which reimbursement of salaries and travel expense is required.

(1) Personnel requirements for which reimbursement is to be provided will be determined on the basis of estimated workloads as agreed upon between the Veterans Administration and the State agency. Such agreements will be subject to constant review and any necessary adjustment.

(2) Workloads will be determined upon three factors: (i) Inspection and approval visits, (ii) supervisory visits, and (iii) special visits at request of the Veterans Administration.

(f) *Contract compliance.* Reimbursement under each contract or agreement will be conditioned upon compliance with the standards and provisions of the contract and the law. If it is determined that the State has failed to comply with the standards and provisions of the law and with the terms of the reimbursement contract, the station head will withhold reimbursement for claimed expenses under the contract. In any instance in which the State takes exception to the field station action, the matter will be referred to the Director, Compensation, Pension and Education Service, for review.

SCHOOLS

§ 21.3200 Definition.

(a) *School.* The term "educational institution" or "school" means any public or private secondary school, vocational school, business school, junior college, teachers' college, college, normal school, professional school, university, or scientific or technical institution, or any other institution if it furnishes education at the secondary school level or above. (38 U.S.C. 1701(a)(6).) The term also includes institutions which provide specialized vocational courses for the mentally handicapped generally recognized as on the secondary school level or above.

(b) *Quarter; semester.* The terms mean:

(1) "Quarter", a division of the ordinary school year, usually a period from 10 to 13 weeks long.

(2) "Semester", a division of the ordinary school year, usually a period from 15 to 19 weeks long.

(3) "Summer quarter" (term or session), the whole of the summer period of instruction specified for the course in which the eligible person is enrolled, without regard to any divisions of such a period which may be made by the institution for administrative or other purposes.

§ 21.3201 Institutions listed by Attorney General.

Enrollment may not be approved for a course in a school while it is listed by the Attorney General under section 3, part III, Executive Order 9835, as amended. (38 U.S.C. 1726.)

§ 21.3202 Overcharges.

(a) When it is found that a school has charged or received from any eligible person any amount in excess of the established charges for tuition and fees which the school requires from similarly circumstanced noneligible persons enrolled in the same course, the school may be disapproved for enrollment of any person not already enrolled in the school. (38 U.S.C. 1734(a).) See § 21.3207.

(b) A school will be disapproved for further enrollments or reenrollments, and educational allowances to eligible persons already enrolled will be discontinued when one or more of the following conditions has been found to exist:

(1) The school has willfully and knowingly submitted a false report or certification concerning an eligible person or his course of training which has or could result in an improper payment of allowances.

(2) The school has willfully and knowingly failed to report to the Veterans Administration excessive absences, discontinuance, or interruption of training, which has resulted or could result in improper payment of allowances.

(3) The institution or establishment through gross negligence has submitted improper or incorrect reports which have resulted or could result in improper payment of allowances to an eligible person. This condition will not be found to exist where:

(i) The improper report occurs only in an isolated instance or instances; or

(ii) It is the first occurrence and the institution or establishment has not been previously notified in writing; or

(iii) The improper report or reports represent a very small proportion of the reports submitted by the institution or establishment and may be attributed to clerical errors and are shown not to be the result of failure upon the part of the institution or establishment to provide and maintain a recording and reporting procedure which under normal circumstances would result in proper reports to the Veterans Administration.

(4) The institution or establishment has, after being notified in writing of a violation of a provision of law or of failure of a course to meet the specific requirements of law other than approval criteria, failed to correct the situation within 30 days of date of such notice or has knowingly and willfully repeated the violation.

(5) The institution, after having been disapproved for the enrollment of any veteran or eligible person not already enrolled therein, has willfully and knowingly repeated the violation.

(6) The institution or establishment fails or refuses to make available for examination to duly authorized representatives of the Government records and accounts pertaining to the training of eligible persons enrolled therein under chapter 35.

(7) The requirements of 38 U.S.C. 1772, 1775, or 1776 are not being met in respect to a substantial number of eligible persons, written notice having been given to the State approving agency as to specific violations and such violations have not been eliminated within 30 days following such notice or 60 days following such notice when the station head determines that conditions warrant allowing the additional time to take corrective action.

§ 21.3203 Reports by schools; requirements.

(a) *General.* Educational institutions are required to report promptly the entrance, reentrance, interruption and termination of attendance of each eligible person who is enrolled. Educational assistance allowance is payable only after the Veterans Administration has received the required certification that the eligible person has been pursuing his course.

(b) *Entrance or reentrance.* The certification must clearly specify the program objective. Upon receipt of a certification of enrollment, an official authorization will be issued showing the beginning and ending dates of each period for which an allowance may be paid. Notice will be sent to the eligible person and the school. The authorization will include the period of enrollment or the extent of the eligible person's entitlement, whichever is the lesser.

(1) Schools organized on a term, quarter or semester basis may report enrollment for the term, quarter or semester, or for the ordinary school year. Enrollment certifications for the ordinary school year are encouraged. A summer session may not be included as part of the ordinary school year but must be reported separately.

(2) Schools organized on a year-round basis will report enrollment for the length of the course. The certification will include a report of the dates during which the school closes for summer vacation, the dates of any intervals between periods of instruction which occur in the summer and any intervals designated in the school's approval data as breaks between school year. No allowances are payable for these intervals.

(c) *Monthly certification.* A certification must be submitted monthly for each eligible person enrolled in and pursuing a course. See § 21.3204.

(d) *Adequacy of certification.* The report must consist of a certification containing the information required for release of payment signed by the eligible person and the school on or after the final date of the reporting period. The date on which each person signed must be clearly shown. The only exception to the requirement of two signatures is a certification of interruption of training when the eligible person is not available for signature. The date of interruption or termination of training must be reported on the certification for the month in which the event occurred.

§ 21.3204 Monthly certifications.

(a) *Reports.* The monthly certification required by § 21.3203 will include a report on:

(1) Continued enrollment in and pursuit of the course.

(2) Absences, if required. See § 21.3205.

(3) Conduct and progress. See § 21.3277.

(4) Date of interruption or termination of training.

(5) Changes in number of semester or clock-hours of attendance.

(6) Any other changes or modifications in the course as certified at enrollment.

(b) *Term, quarter or semester.* If a school organized on a term, quarter or semester basis has reported enrollment:

(1) For the ordinary school year, in a course leading to a standard college degree, the monthly certification will show that the eligible person was enrolled in and pursuing his course for the intervals between terms, quarters, or semesters. This does not apply to intervals between the ordinary school year and a summer session. In a course which does not lead to a standard college degree, the days of the intervals will be reported as absences.

(2) By terms, quarter or semester, the monthly certification will not cover the intervals between terms, quarters or semesters.

(c) *Year-round courses.* Where appropriate the monthly certification will show the dates on which the school closed for summer vacation, the date of any intervals between periods of instruction which occurred in the summer, and the dates of any intervals which are designated in the approval data as breaks between school years.

§ 21.3205 Absences.

Absences must be reported on the monthly certification of pursuit of a course which does not lead to a standard college degree.

(a) *General.* Absence will be charged for a full day when the eligible person did not attend any scheduled class on that day. Tardiness will be charged when the eligible person was late for the start of the schoolday. A partial day of absence will be charged for any period of absence during or at the end of a day.

(b) *Maximum allowable absences.* Maximum allowable absences will be determined as provided in this paragraph.

(1) For a 12-month course requiring attendance for 5 or more days a week, 30 days.

(2) For a 12-month course requiring attendance for less than 5 days a week, the pro rata part of 30 days which the number of days per week of scheduled attendance bears to 5.

(3) If the length of the course is not 12 months or a multiple of 12, allowable absences shall be figured separately for each 12-month period and for any period which is less than 12 months.

(4) In computing pro rata allowances a fraction of one-half day or less will be disregarded. A fraction greater than one-half day will be counted as 1 day.

(5) Unused allowable absences may not be carried over from one 12-month period to another, or from one school year to another.

(c) *Reporting.* (1) Eligible persons must report each full day of absence from scheduled training as well as days when the school was closed for Federal, State or local holidays and school holidays and intervals between terms, quarters or semesters. When the school is closed for the weekend, those days will not be reported. However, if classes are normally scheduled for Saturday and Sunday, absences must be reported.

(2) The school will verify the full days of absence reported and endorse the report. In addition, the school will convert partial days of absence to full days in accordance with the following formula and report the accumulated total.

(i) Compute the average hours of daily attendance. (Divide the hours of required attendance per week by the days of required attendance per week.)

(ii) Total the absences of less than a full day which occurred during the month. (See subparagraph (3) of this paragraph.)

(iii) Divide the total hours of absence for the month (subdivision (ii) of this subparagraph) by the average hours of daily attendance (subdivision (i) of this subparagraph) to determine the full days of absence to be reported.

(3) An occasional tardiness (not more than two per week) of one-half hour or less will not be counted if it is excused by the school. Tardiness which is not excused and tardiness of more than one-half hour, whether excused or not, will be counted as one or more hours of absence. Absences during any portion of the day will be counted, whether more or less than an hour. All early departures will be counted, even though excused. Except for tardiness, any absence of less than an hour will be counted as a full hour of absence.

§ 21.3206 Administrative allowance for certification.

The Veterans Administration will pay to each school which is required to submit certifications an allowance at the rate of $1 per month for each eligible person enrolled in and attending the school. Not more than one allowance will be paid for any one month for each eligible person. Allowances will be paid in the manner and at such time as the Veterans Administration may prescribe. If a school fails to submit the required certification, no monthly allowance will be paid for the month or months in which no certifications were received.

(a) Where an eligible person is enrolled or reenrolled on or after the 20th of the month, a separate monthly certification for that month is not required. An administrative allowance for that month may be paid if a certification of enrollment or reenrollment is received not later than the 10th of the following month. Where a school submits a monthly certification which combines a partial month of 10 days or less at the end of a term with the immediately preceding month, an administrative allowance may be paid for each month covered by the certification.

(b) An administrative allowance may not be authorized based on an incomplete or incorrect certification. For the purpose of payment of an administrative allowance, supplemental information or a corrected report will be considered to be for the same month as the original certification.

(c) Payment will be made only upon presentation by the school of a properly prepared voucher accompanied by the certification of training. Payment may, however, be authorized when the voucher is received subsequent to receipt of the training certificate where the failure to submit the voucher and certificate simultaneously was due to either a clerical error or a previous understanding between the station head and the school that isolated certificates need not be accompanied by vouchers. (38 U.S.C. 1765).

CROSS REFERENCE: *Special restorative training.* See § 21.3302.

§ 21.3207 Failure to meet approval requirements.

When the Veterans Administration discovers facts which appear to warrant a finding that the school is in violation of specific criteria of 38 U.S.C. ch. 35, including failure to meet requirements for approval of a course offered to an eligible person, the facts will be referred to the field station Committee on Educational Allowances.

(a) The Committee on Educational Allowances in the field station is authorized to make recommendations on action to be taken for the purposes of this section, subject to approval by the station head. The Committee will include one member designated by the State approving agency, or in the absence of such designation, a staff employee designated

by the station head. The recommendation of the Committee, when approved by the station head, becomes the final administrative decision of the Veterans Administration unless an application for review is filed as provided in paragraph (d) of this section.

(b) A hearing may be held at the request of the school. No expenses incurred for counsel or witnesses will be paid by the Veterans Administration.

(c) If the station head does not approve the recommendation of the Committee on Educational Allowances, the decision will be made by Central Office.

(d) The school may file an application for review by Central Office of any decision rendered under paragraph (a) of this section. The application must be received in Central Office within 30 days after the date of notice of the decision. See § 21.3208.

(e) The decision of the station head will be effective as of the date of the decision. A decision rendered under § 21.3208 affirming disapproval of the course will be effective the date of receipt of the decision in the field station. A decision which reverses the field station's disapproval of the course will be effective as of the date of the original decision.

§ 21.3208 Central Office Education and Training Review Panel.

(a) *Purpose.* The panel will receive evidence and hear the testimony of witnesses and the arguments of interested parties regarding matters considered by the field station Committee on Educational Allowances and to make recommendations to the Director, Compensation, Pension, and Education Service, in connection with such matters which are before him for final administrative determination under § 21.3202 or § 21.3207.

(b) *Composition of panel.* The panel will consist of one staff employee from the office of the Director of Compensation, Pension, and Education Service, and two persons who are not employees of the Veterans Administration chosen from a group of consultants selected for that purpose.

(c) *Disposition of matters reviewed by the panel.* The concurrence of the Director with the recommendation of the panel will constitute the final administrative decision of the Veterans Administration. If the Director does not concur with the recommendation of the panel, the final decision will be made by the Chief Benefits Director.

§ 21.3209 Examination of records.

(a) The records and accounts of educational institutions pertaining to eligible persons enrolled in programs of education or special restorative training under 38 U.S.C. ch. 35 will be available for examination by duly authorized representatives of the Government.

(b) Each school will upon request of duly authorized representatives of the Government make available for examination all appropriate records and accounts, including but not limited to:

(1) Records and accounts which are evidence of tuition and fees charged to and received from or on behalf of all eligible persons and from other students similarly circumstanced.

(2) Records of previous education or training of eligible persons at the time of admission as students and records of advance credit, if any, granted by the school at the time of admission, and

(3) Records of the eligible person's grades and progress.

(c) The school having eligible persons enrolled in a course or courses which do not lead to a standard college degree will make available, in addition to the records and accounts required in paragraph (b) of this section, the records of leave, absences, class cuts, makeup work, and tardiness.

(d) The school having eligible persons enrolled in nonaccredited courses will make available, in addition to the records and accounts required in paragraphs (b) and (c) of this section, the following:

(1) Records of interruptions for unsatisfactory conduct or attendance.

(2) Records of refunds of tuition, fees and other charges made to an eligible person who fails to enter the course or withdraws or is discontinued prior to completion of the course.

(e) Failure to make such records available as provided in this section will be grounds for discontinuing the payment of educational assistance or special training allowances under the law.

(f) The records and accounts, as described in this section, pertaining to each period of enrollment of an eligible person, shall be kept intact and in good condition at the school for at least 3 years following the termination of such enrollment period. Longer retention will not be required unless a written request is received from the General Accounting Office or the Veterans Administration not later than 30 days prior to the end of the 3-year period.

PROGRAMS OF EDUCATION

§ 21.3230 Requirements.

When an application for educational assistance is approved provisionally, the eligible person and, if a minor, the parent or guardian also will be informed of the need to develop a program of education. This program will consist of a combination of subjects or unit courses generally acceptable to meet requirements for a predetermined educational, professional or vocational objective.

(a) An educational objective will be one that leads to the awarding of a diploma, degree, or certificate which indicates educational attainment.

(b) A professional or vocational objective will be one that leads to an occupation. It may include educational objectives essential to prepare for the chosen occupation. When a program consists of a series of courses not leading to an educational objective, such courses must be directed toward attainment of a designated professional or vocational objective.

§ 21.3231 Educational plan.

(a) During or subsequent to counseling the eligible person (with concurrence of the parent or guardian, if a minor, and with the assistance of the counselor, if desired), will prepare an educational plan on a prescribed form which will be signed and treated as an integral part of the application. The educational plan shall show the objective and program selected, the institution(s) where the program will be pursued and the estimated cost for tuition and fees.

(b) Final approval of the educational plan will be given when it is determined that;

(1) The eligible person is not already qualified for the objective for which the plan is prepared.

(2) The educational plan is consistent with Veterans Administration regulations on providing a program of education and does not include any courses which are precluded under 38 U.S.C. ch. 35.

§ 21.3232 Specialized vocational training.

(a) A program consisting of a specialized course of vocational training may be provided to an eligible person who has passed his 14th birthday, who is not in need of special restorative training and who requires such a program because of a mental or physical handicap. The Vocational Rehabilitation Board will determine whether such a course is in the best interest of the eligible person. If the determination is in the affirmative the Board will assist in developing the program and a suitable educational plan. If it is determined that such a program is not in the best interest of the eligible person the application for the program will be denied.

(b) The objective of a program of specialized vocational training will be designated as a vocational objective.

(c) When needed, special assistance will be provided under § 21.3276.

§ 21.3233 Combination.

An approved program may consist of a combination of courses with instruction offered by a school alternating with instruction in a business or industrial establishment (a cooperative course); courses offered by two schools concurrently; or courses offered through class attendance and by television concurrently.

(a) *Cooperative courses.* A full-time program of education consisting of phases of school instruction alternated with training in a business or industrial establishment with such training being strictly supplemental to the school instruction may be approved. For purposes of approval the school offering the course must submit to the State approving agency with its application statements of fact showing at least the following:

(1) That the alternate in-school periods of the course are at least as long as the alternate periods in the business or industrial establishment;

(2) That the course is set up as a cooperative course in the school catalog or other literature of the school;

(3) That the school itself arranges with the employer's establishment for providing the alternate on-job periods of training on such basis that the on-job portion of the course will be training in a real and substantial sense and will supplement the in-school portion of the course;

(4) That the school arranges directly with the employer's establishment for placing the individual student in that establishment and exercises supervision and control over the student's activities at the establishment to an extent that assures training in a true sense to the student; and

(5) That the school grants credit for the on-job portion of the course for completion of a part of the work required for granting a degree or diploma (38 U.S.C. 1732(b)).

(b) *Concurrent enrollment.* Where an eligible person cannot successfully schedule his complete program at one school, a program of concurrent enrollment may be approved. When requesting such a program, the eligible person must show that his complete program of education or training is not available at the school in which he will pursue the major portion of his program (the primary institution), or that it cannot be scheduled successfully within the period in which he plans to complete his program.

(1) Where the standards for measurement of the courses pursued concurrently in the two institutions are different, the extent of the course will be determined by converting the measurement of training in the second institution to its equivalent in value to the measurement required for full-time training in the primary institution; e.g., institutional training on a clock-hour basis converted to its equivalent in value to semester-hours of credit will be 0.56 semester credits (14÷25) or 0.46 semester credits (14÷30), as applicable, for each clock-hour of attendance.

(2) Periodic certifications of training will be required from the veteran and each of the institutions where concurrent enrollment is approved.

(c) *Television*—(1) *Open circuit telecast.* An undergraduate program may be pursued in part by open circuit telecast when—

(i) The eligible person is enrolled as a resident student in a program leading to a standard college degree.

(ii) The subjects taken by television are integral parts of his degree program.

(iii) A major portion of the credit hours for which the eligible person is enrolled during any semester or quarter is offered through conventional classroom and/or laboratory sessions. In no instance may an eligible person include in his program during any one semester or quarter more than 6 credit hours of open circuit telecast instruction for the purpose of computing the rate of educational allowance. Under these circumstances, an eligible person may pursue 8 or more credit hours during any one term through regular classroom and/or laboratory instruction and 6 credit hours by open circuit telecast for a full-time resident training load.

(2) *Closed circuit telecast.* Instruction offered through closed circuit telecast which requires regular classroom attendance is to be recognized to the same extent as regular classroom and/or laboratory instruction.

§ 21.3234 Change of program.

A request for a change of program will be made by an eligible person with concurrence of his parent or guardian, on a prescribed form. Not more than two changes of program may be approved.

(a) A change of program consists of a change in the educational, professional or vocational objective for which the eligible person entered training and a like change in the type of courses required to attain a new objective.

(b) One change of program will be approved, and a second change may be approved, if it is found that:

(1) The program of education which the eligible person proposes to pursue is suitable to his aptitudes, interests, and abilities; and

(2) In any instance where the eligible person has interrupted, or failed to progress in, his program due to his own misconduct, his own neglect, or his own lack of application, there exists a reasonable likelihood with respect to the program which the eligible person proposes to pursue that there will not be a recurrence of such an interruption or failure to progress.

(c) A change in courses or places of training will not be considered a change of objective in the following instances:

(1) The pursuit of the first program is a prerequisite for entrance into and pursuit of a second program.

(2) A transfer from one school to another when

(i) The program at the second school leads to the same educational, professional or vocational objective, and

(ii) Does not involve a material loss of credit, or increase training time.

(3) Revision of a program which does not involve a change of objective or material loss of credit nor loss of time originally planned for completion of the eligible person's program. For example, an eligible person enrolled for a Bachelor of Science degree may show a professional objective such as chemist, teacher or engineer. His objective for purposes of this paragraph shall be considered to be "bachelor degree" and any change of courses will be considered only an adjustment in the program, not a change, so long as the subjects he pursues lead to the bachelor degree and there is no extension of time in the attaining of that degree.

(d) When as a result of further counseling a change of program is recommended such change will be approved if the educational plan submitted meets the criteria applicable to final approval of an original application. (See §§ 21.3230 and 21.3231.)

COURSES

§ 21.3250 Approval of courses.

(a) *General.* A course of education offered by a school must be approved by the State approving agency for the State in which the school is located, or, where appropriate, by the Veterans Administration. (38 U.S.C. 1772(a).)

(b) *State approving agencies.* Approval by State approving agencies will be in accordance with the provisions of 38 U.S.C. ch. 35 and such regulations and policies as the agency may adopt not in conflict therewith.

(1) *Notice of approval.* Each State approving agency will furnish to the Veterans Administration a current list of schools specifying courses which it has approved, and will furnish such other information as it and the Veterans Administration may determine to be necessary. See § 21.3256.

(2) *Notice of disapproval.* Each State approving agency will notify the Veterans Administration of the disapproval of any course previously approved and will set forth the reasons for such disapproval. See § 21.3257. (38 U.S.C. 1772(a).)

(3) *Failure to act.* If notice has been furnished that the State approving agency does not intend to act on the application of a school, the school may request approval by the Veterans Administration.

(c) *Veterans Administration approval.* The Director, Compensation, Pension and Education Service may approve:

(1) Special restorative training in excess of 9 months, to overcome or lessen the effects of a physical or mental disability so as to enable an eligible person to pursue a program of education;

(2) A course of education offered by any agency of the Federal Government authorized under other laws to offer such course;

(3) A course of education offered by a school located in the Panama Canal Zone, Guam and Samoa; and

(4) Any course in any other school in accordance with the provisions of 38 U.S.C. ch. 35. (38 U.S.C. 1772(b).)

§ 21.3251 Period of operation of course.

(a) *General.* A course offered by a school will be appropriate for the enrollment of an eligible person only if it has been in operation for 2 years or more immediately prior to the date of enrollment of such person, except that this provision does not apply to:

(1) Any course to be pursued in a public or other tax-supported educational institution;

(2) Any course which is similar in character to instruction previously offered by the school for more than 2 years;

(3) Any course which has been offered by a school for a period of more than 2 years, notwithstanding that the school has moved to another location within the same general locality; or

(4) Any course which is offered by a nonprofit school of college level and which is recognized for credit toward a standard college degree. (38 U.S.C. 1725.)

(b) *Operation for 2 years.* A course is considered to have been in operation for 2 years when it has been given continuously for 24 calendar months inclusive of reasonable vacation and holiday periods. Where courses are only offered on an ordinary school-year basis (approximately 9 months), 2 ordinary school years in the 24 calendar months will constitute a 2-year period. Where short courses of less than an ordinary school year are offered on a regular cycle each calendar year, two cycles of such operation will constitute the 2-year period.

(c) *Course similar in character.* A course will be considered similar in character if it provides training for the same general objective, and involves the same or related instructional processes, tools, and materials as a course previously furnished by the school for a period of at least 2 years. When the State approving agency approves a new course which has not been in operation for a period of at least 2 years, as similar in character to a course which has been in operation for at least 2 years, the State will furnish the Veterans Administration with a copy of the approval and the basis for its view as to the similarity in character.

(d) *Move to new location.* A school will be considered to have moved to another location in the same general locality when the new location is within normal commuting distance of the original location. The school will not be subject to the 2-year limitation if it remains essentially the same as to faculty and student body and offers the same courses.

(e) *Change of ownership or management.* Where a school changes ownership or management, and remains essentially the same as to faculty, student body and courses offered, the school will not be subject to the 2-year limitation.

(f) *Subsidiary branch or extension.* The 2-year period of operation requirement will apply to courses offered by a subsidiary branch or extension of a school. Additional facilities acquired by a school in the same general locality because of space limitations will not be considered to be a subsidiary branch or extension and will not be subject to the 2-year limitation if all of the following conditions are met:

(1) The school has been in operation for a period of 2 years or more;

(2) The school has reached the limit of its enrollment capacity in its present facilities;

(3) The courses to be offered at the additional facilities are the same as those given in the present facilities; and

(4) The additional facilities are within normal commuting distance of the present facilities.

§ 21.3252 Courses precluded.

(a) *Bartending, dancing and personality development.* Enrollment will not be approved in any bartending, dancing, or personality development course, except, where dancing is included in a physical education course in an institution of higher learning.

(b) *Avocational and recreational.* Enrollment will not be approved in any course which is avocational or recreational in character. The courses identified in subparagraphs (1), (2), and (3) of this paragraph, are under the statutory presumption of being avocational or recreational in character and require justification for their pursuit.

(1) Any photography course or entertainment course, or

(2) Any music course, instrumental or vocal, public speaking course, or course in sports or athletics, such as horseback riding, swimming, fishing, skiing, golf, baseball, tennis, bowling, sports officiating, or other sport or athletic courses, except courses of applied music, physical education, or public speaking which are offered by institutions of higher learning for credit as an integral part of a program leading to an educational objective, or

(3) Any other type of course which the Veterans Administration determines to be avocational or recreational. (38 U.S.C. 1723(a).)

(4) To overcome the presumption that a course is avocational or recreational in character, the eligible person will be required to establish that the course will be of bona fide use in the pursuit of his present or contemplated business or occupation.

(c) *Flight training.* No course of flight training will be approved except one given by an institution of higher learning for credit toward the standard collegiate degree for which the eligible person is enrolled. (38 U.S.C. 1723(b).)

(d) *Apprenticeship, or other training on the job, on-farm, correspondence courses and courses by radio.* Such courses will not be approved.

(e) *Courses in foreign countries.* Enrollment may not be approved in a course at a school not located in a State or in the Republic of the Philippines, unless all of the following conditions are met:

(1) The subjects to be taken at the foreign school are an integral part of and fully creditable toward the satisfactory completion of an approved course in which the eligible person is enrolled in an institution of higher learning (hereafter in this sentence referred to as his principal institution) which is located in a State or in the Republic of the Philippines,

(2) The tuition and fees for attendance at such foreign school are paid for by the principal institution, and

(3) The principal institution agrees to assume the responsibility for submitting to the Veterans Administration required enrollment certificates and monthly certifications of training as to attendance, conduct, and progress. An application for a program of education or for a change of program which includes training in a foreign school will not be given final approval until the applicant has been provided educational and vocational counseling by a Veterans Administration counseling service in a State or the Republic of the Philippines. (38 U.S.C. 1723(c).)

(f) *Courses on secondary level.* (1) A curriculum offered by a public or private school at the secondary level leading to the completion of the eligible person's regular secondary school education, that is, leading to a high school diploma or its equivalent, may not be pursued as a program of education or as a part of a course of education.

(2) Where the eligible person has ended his secondary school education, by completion or otherwise, after having passed the age of compulsory school attendance, he may pursue a specialized vocational program of education in a school at the secondary level if such program leads to a bona fide vocational objective. Such a program may be pursued if it is deemed adequate to prepare graduates to enter directly into employment in the occupation or vocation which the eligible person expects to enter.

(3) Enrollment in a specialized vocational program will not be approved where the program, although containing essential elements of vocational instruction, includes a heavy weighting of subjects of secondary level thereby requiring for completion a total number of instructional hours approximately equal to that required for high school graduation. (38 U.S.C. 1723(d).)

§ 21.3253 Accredited courses.

(a) *General.* A course may be approved as an accredited course if it meets one of the following requirements:

(1) The course is above secondary level and has been accredited and approved by a nationally recognized accrediting agency or association.

(2) The course is conducted under 20 U.S.C. 11–23 (vocational education) and is not pursued as a part of a regular secondary school.

(3) The course is accepted by the State department of education for credit for a teacher's certificate or teacher's degree. (38 U.S.C. 1775.)

(b) *Course objective.* Any curriculum offered by a college or university which is a member of one of the nationally recognized accrediting agencies or associations and which leads to a degree, diploma, or certificate will be accepted as an accredited course when approved as such by the State approving agency. Approval of the individual subjects, required or elective, which are designated as a part of the curriculum will not be necessary. Such approval may include noncredit subjects that are prescribed as a required part of the curriculum.

(c) *Accrediting agencies.* A nationally recognized accrediting agency or association is one that appears on the list published by the Commissioner of Education as required by 38 U.S.C. 1775(a). The State approving agencies may utilize the accreditation of such accrediting agencies or associations for approval of the courses specifically accredited and approved by such agency or association.

(d) *School qualification.* A school desiring to enroll eligible persons in accredited courses will make application for approval of such courses to the State approving agency and will submit copies of its catalog or bulletin, together with such other information as will make it possible for the State approving agency to determine whether:

(1) Adequate records are kept by the school to show the progress of each eligible person; and

(2) The school maintains a written record of the previous education and training of the eligible person and clearly indicates that appropriate credit has been given by the school for previous education and training, with the training period shortened proportionately, and the person and the Veterans Administration so notified. (38 U.S.C. 1775(b).)

(e) *College level.* Under the provisions of paragraph (a)(1) of this section, any course at college level approved by the State approving agency as an accredited course will be accepted by the Veterans Administration as an accredited course when all of the following conditions are met:

(1) The college or university is accredited by a nationally recognized accrediting agency listed by the Commissioner of Education; and

(2) The course has entrance requirements of not less than the requirements applicable to the college level program of the school; and

(3) Credit for the course is awarded in terms of standard semester or quarter hours.

(f) *Business schools.* Any 1- or 2-year business course in a business school approved by the State approving agency will be accepted as an accredited course when all of the following conditions are met:

(1) The school offering such business course is accredited by the appropriate accrediting agency; and

(2) The course offers training in the field of business as distinguished from other fields (this excludes courses such as radio and television service or repair, medical laboratory or X-ray, etc.); and

(3) The course leads to a vocational objective in the field of business; and

(4) The course is offered in residence at the school.

§ 21.3254 Nonaccredited courses.

(a) *General.* Nonaccredited courses are course which are not approved as accredited courses and which are offered by a public or private, profit or nonprofit, educational institution. These include nonaccredited courses offered by extension centers or divisions, or vocational or adult education departments of institutions of higher learning.

(b) *Application.* Any school desiring to enroll eligible persons in nonaccredited courses will submit a written application to the appropriate State approving agency for approval of such courses (38 U.S.C. 1776(a)). Such application will be accompanied by not less than two copies of the current catalog or bulletin which is certified as true and correct in content and policy by an authorized owner or official of the school and will include the following:

(1) Identifying data, such as volume number, and date of publication;

(2) Names of the school and its governing body, officials, and faculty;

(3) A calendar of the school showing legal holidays, beginning and ending date of each quarter, term, or semester, and other important dates;

(4) School policy and regulations on enrollment with respect to enrollment dates and specific entrance requirements for each course;

(5) School policy and regulations relative to leave, absences, class cuts, makeup work, tardiness, and interruptions for unsatisfactory attendance;

(6) School policy and regulations relative to standards of progress required of the student. This policy will define the grading system of the school, the minimum grades considered satisfactory conditions for interruption for unsatisfactory grades or progress, and a description of the probationary period, if any, allowed by the school, and conditions of reentrance for those students dismissed for unsatisfactory progress. A statement will be made regarding progress records kept by the school and furnished the student;

(7) School policy and regulations relating to student conduct and conditions for dismissal for unsatisfactory conduct;

(8) Detailed schedule of fees, charges for tuition, books, supplies, tools, students activities, laboratory fees, service charges, rentals, deposits, and all other charges;

(9) Policy and regulations relative to the refund of the unused portion of tuition, fees, and other charges in the event the student does not enter the course, or withdraws, or is discontinued therefrom;

(10) A description of the available space, facilities and equipment;

(11) A course outline for each course for which approval is requested, showing subjects or units in the course, type of work or skill to be learned, and approximate time and clock-hours to be spent on each subject or unit; and

(12) Policy and regulations relative to granting credit for previous education and training. (38 U.S.C. 1776(b).)

(c) *Approval criteria.* The appropriate State approving agency may approve the application of such school when the school and its nonaccredited courses are found upon investigation to have met the following criteria:

(1) The courses, curriculum, and instruction are consistent in quality, content, and length with similar recognized accepted standards;

(2) There is in the school adequate space, equipment, instructional material, and instructor personnel to provide training of good quality;

(3) Educational and experience qualifications of directors, administrators, and instructors are adequate;

(4) The school maintains a written record of the previous education and training of the eligible person and clearly indicates that appropriate credit has been given for previous education and training, with the training period shortened proportionately, and the eligible person and the Veterans Administration so notified;

(5) A copy of the course outline, schedule of tuition, fees, and other charges, regulations pertaining to absences, grading policy, and rules of operation and conduct will be furnished the eligible person upon enrollment;

(6) Upon completion of training, the eligible person is given a certificate by the school indicating the approved course and indicating that training was satisfactorily completed;

(7) Adequate records as prescribed by the State approving agency are kept to show attendance and progress or grades, and satisfactory standards relating to attendance, progress, and conduct are enforced;

(8) The school complies with all local, city, county, municipal, State, and Federal regulations, such as fire codes, building and sanitation codes. The State approving agency may require such evidence of compliance as is deemed necessary;

(9) The school is financially sound and capable of fulfilling its commitments for training;

(10) The school does not utilize advertising of any type which is erroneous or misleading, either by actual statement, omission, or intimation. The school will not be deemed to have met this requirement until the State approving agency:

(i) Has ascertained from the Federal Trade Commission whether the Commission has issued an order to the school to cease and desist from any act or practice, and

(ii) Has, if such an order has been issued, given due weight to that fact.

(11) The school does not exceed its enrollment limitations as established by the State approving agency;

(12) The school's administrators, directors, owners, and instructors are of good reputation and character;

(13) The school has and maintains a policy for the refund of the unused portion of tuition, fees, and other charges in the event the eligible person fails to enter the course or withdraws or is discontinued therefrom at any time prior to completion. Such policy must provide that the amount charged to the eligible person for tuition, fees, and other charges for a portion of the course shall not exceed the approximate pro rata portion of the total charges for tuition, fees, and other charges that the length of the completed portion of the course bears to its total length; See § 21.3255.

(14) Such additional criteria as may be deemed necessary by the State approving agency. (38 U.S.C. 1776(c).)

§ 21.3255 Refund policy; nonaccredited courses.

A refund policy will meet the requirements of § 21.3254(c)(13), if it provides that the amount charged for tuition, fees, and other charges for a portion of the course does not exceed the approximate pro rata portion of the total charges for tuition, fees, and other charges that the length of the completed portion of the course bears to the total length when the school makes provision for refund within the following limitations:

(a) *Registration fee.* An established registration fee in an amount not to exceed $10 need not be subject to proration. Where the established regis-

tration fee is more than $10, the amount in excess of $10 will be subject to proration.

(b) *Breakage fee.* Where the school has a breakage fee, it may provide for the retention of only the exact amount of the breakage, with the remaining part, if any, to be refunded.

(c) *Consumable instructional supplies.* Where the school makes a separate charge for consumable instructional supplies, as distinguished from laboratory fees, the exact amount of the charges for supplies consumed may be retained but any remaining part must be refunded.

(d) *Books, supplies and equipment.* Where the eligible person purchases his books, supplies, and equipment from a bookstore or other source, and the cost of such items is separate and independent from the charge made by the school for tuition and fees, he may retain or dispose of such items at his own discretion. Where the school furnishes the books, supplies, and equipment, with the cost thereof included in the total charge payable to the school for the course, and the eligible person withdraws or is discontinued prior to the completion of the course, refund will be made in full for the amount of the charge for the unissued books, supplies, and equipment. Issued items may be disposed of at the discretion of the eligible person.

(e) *Tuition and other charges.* Where the school either has or adopts an established policy for the refund of the unused portion of tuition, fees, and other charges subject to proration, which is more favorable to the eligible person than the approximate pro rata basis as provided in this section, such established policy will be applicable. Otherwise, the school will refund a sum which does not vary more than 10 percent from the exact pro rata portion of such tuition, fees, and other charges that the length of the completed portion of the course bears to its total length. The exact proration will be determined on the ratio of the number of days of instruction completed by the eligible person to the total number of instructional days in the course.

§ 21.3256 Notice of approval.

(a) The State approving agency, upon determining that a school has complied with all the requirements for approval will notify the school by letter setting forth the courses which have been approved, and will furnish to the Veterans Adminstration an official copy of the letter and attachments and any subsequent amendments. The letter of approval for each school shall be accompanied by a copy of the catalog or bulletin of the school, as approved by the State approving agency, and will contain the following information:

(1) Date of letter and effective date of approval of courses;

(2) Proper address and name of each school;

(3) Authority for approval and conditions of approval, referring specifically to the approved catalog or bulletin published by the school;

(4) Name of each course approved;

(5) Where applicable, enrollment limitations, such as maximum number of students authorized and student-teacher ratio;

(6) Signature of responsible official of State approving agency; and

(7) Such other fair and reasonable provisions as are considered necessary by the appropriate State approving agency. (38 U.S.C. 1777.)

§ 21.3257 Disapproval.

(a) Any course which, after being approved, fails to meet any of the requirements for approval will be immediately disapproved by the appropriate State approving agency. Upon disapproval, the State approving agency will notify the school by certified or registered letter with a return receipt secured (38 U.S.C. 1778(a)). It is incumbent upon the State approving agency to determine the conduct of courses and to take immediate appropriate action in each case in which it is found that the conduct of a course in any manner fails to comply with the requirements for approval.

(b) Each State approving agency will immediately notify the Veterans Administration of each course which it has disapproved.

(c) The Veterans Administration will disapprove courses under conditions specified in paragraph (a) of this section where it functions for the State approving agency. See § 21.3150(c).

(d) The Veterans Administration will immediately notify the State approving agency in each case of Veterans Administration disapproval of any school under 38 U.S.C. ch. 31. (38 U.S.C. 1778(b).)

ASSESSMENT AND PURSUIT OF COURSE

§ 21.3270 Measurement of courses.

Clock hours mentioned in this table mean clock hours per week.

Courses		Full time	¾ time	½ time
Kind of school	Kind of course			
(a) Trade or technical (includes college courses not leading to a standard degree).	Shop practice an integral part of course.	30 clock hours attendance with not more than 2½ hours rest period allowance.	22 to 30 clock hours attendance with not more than 2 hours rest period allowance.	15 to 22 clock hours attendance with not more than 1¼ hours rest period allowance.
	Theory and class instruction predominates.	25 clock hours net instruction.	18 to 25 clock hours net instruction.	12 to 18 clock hours net instruction.
(b) College undergraduate.	Standard collegiate courses including cooperative. [1]	14 semester hours or equivalent.	10 to 14 semester hours or equivalent.	7 to 10 semester hours or equivalent.
(c) Collegiate graduate.	Standard collegiate graduate courses including law.	As in paragraph (b) of this section or certified by responsible official of school.	As in paragraph (b) of this section or certified by responsible official of school.	As in paragraph (b) of this section or as certified by responsible official of school.
(d) Professional (nonaccredited).	Law only [2]	12 class sessions per week.	9 to 12 class sessions per week.	6 to 9 class sessions per week.
(e) Professional (accredited and equivalent).	Internships and residencies: Medical Dental Osteopathic	As established by accrediting association (full time only).		
	Nursing, X-ray medical technology, medical records librarian, physical therapy.	25 clock hours or 14 semester hours, as appropriate.	18 to 25 clock hours or 10 to 14 semester hours, as appropriate.	12 to 18 clock hours or 7 to 10 semester hours, as appropriate.

[1] Cooperative course may be pursued on full-time basis only.
[2] Twelve class sessions per week will consist of at least 600 minutes; 9 class sessions will consist of at least 450 minutes; and 6 class sessions will consist of at least 300 minutes. These required minutes pertain to net instruction, independent of supervised study, class breaks, or rest periods.

§ 21.3271 Trade or technical.

(a) *Shop practice predominates.* Trade or technical courses, which include shop practice as an integral part of the course, will be measured on a basis of clock-hours per week. This includes such courses under the supervision of a college or university where credit is not given towards a standard college degree.

(b) *Theoretical or classroom instruction predominates.* A technical course in which theoretical or classroom instruction constitutes more than 50 percent of the required hours per week, will be measured on a clock-hour basis. This includes such courses given by a college or university for which credit is not granted towards a standard college degree.

§ 21.3272 Collegiate undergraduate; credit-hour basis.

An undergraduate course in a collegiate institution will be measured on a credit-hour basis provided all the conditions under paragraph (a), (b), or (c) of this section are met:

(a) The course is offered by a college or university which is a member of a nationally recognized accrediting association, and

(1) The course is offered on a semester- or quarter-hour basis, and

(2) The course leads to an associate, baccalaureate, or higher degree which is granted by the school offering the course.

(b) The course is offered by a college or university which is not a member of a nationally recognized accrediting association, and

(1) The course is offered on a semester- or quarter-hour basis, and,

(2) The course leads to an associate, baccalaureate, or higher degree, which is granted by the school offering the degree, and

(3) The president of the college or university will certify that three institutions identified by him as members of a nationally recognized accrediting association will recognize credit received on transfer at full value; i.e., credit hour for credit hour, and that at least 40 percent of the subjects within each curriculum, desired to be measured on a credit-hour basis, are acceptable in partial fulfillment of the requirements for a baccalaureate or higher degree. In lieu of such certification the school may furnish letters from three schools that are members of nationally recognized accrediting associations certifying that credits are received on transfer at full value, and that at least 40 percent of the subjects within each curriculum, desired to be measured on a credit-hour basis, are acceptable in partial fulfillment of the requirements for a baccalaureate or higher degree.

(c) The course is offered by either a member or nonmember of a nationally recognized accrediting association, and

(1) The course is offered on a semester- or quarter-hour basis, and

(2) The course does not lead to a degree, and

(3) The course requires not less than high school graduation or equivalent for admission, and

(4) A minimum of 2 full-time academic years is required for completion of the course, and

(5) If the institution, which offers the course, is a member of a nationally recognized accrediting association, certifies that credit for at least 40 percent of the subjects within the curriculum, desired to be measured on a credit-hour basis, is granted upon transfer to the element of the institution which offers a baccalaureate or higher degree, and credit is awarded at full value; i.e., credit hour for credit hour toward partial fulfillment of the requirements for a baccalaureate or higher degree, or

(6) If the institution offering the course is not a member of a nationally recognized accrediting association, it furnishes proper certification as provided in paragraph (b) of this section.

(d) Where the course is of less than a regular semester, term, or quarter duration, it will be measured as full, three-fourths, or one-half time according to the certification of the institution. In making such certification, the institution will state the number of credit hours for which the eligible person is registered including, the credit hour equivalent of noncredit courses, if any, required by the institution and will be required to observe the following criteria:

(1) Full time: The number of credit-hours for which the eligible person must be registered in order to be considered pursuing full-time training is that number which requires at least 14 standard class sessions of attendance per week or the equivalent in laboratory or fieldwork, research, or other types of prescribed activity. For example, an eligible person pursuing a short, summer session requiring attendance at 14 standard class sessions per week will be considered to be in full-time training, although because of the very short duration of the course he may be registered for only 3 credit-hours.

(2) Three-fourths time: Less than 14 class sessions of attendance per week or equivalent but not less than 10.

(3) One-half time: Less than 10 class sessions of attendance per week or equivalent but not less than 7.

(e) Where the course is acceptable for credit but credit may not be awarded to the eligible person because he has not met college entrance requirements or for some other valid reason, the course will be measured the same as if it were pursued for credit provided the eligible person performs all of the work prescribed for other students who are enrolled for credit.

(f) Where the institution requires the eligible person to pursue noncredit deficiency courses in order to meet certain scholastic or entrance requirements, the institution will certify the credit-hour equivalent of such noncredit deficiency courses in addition to the credit hours for which the eligible person is enrolled. The measurement criteria of § 21.3270 will be applied, with the following modifications:

(1) Full time: 12 hours credit plus the noncredit deficiency courses.

(2) Three-fourths time: Less than 12 hours credit but not less than 9 hours credit, plus the noncredit deficiency courses.

(3) One-half time: Less than 9 hours credit but not less than 6 hours credit in addition to the noncredit deficiency courses.

(g) Courses for which credit is not given toward a standard college degree will be evaluated on a clock-hour basis. See § 21.3271(b).

§ 21.3273 Collegiate graduate.

(a) *In residence.* An accredited graduate or advanced professional course pursued in residence at a collegiate institution will be assessed in accordance with § 21.3272 unless it is the established policy of the school to consider less than 14 semester hours or the equivalent as full-time enrollment, or the course includes research, thesis preparation, or a comparable prescribed activity beyond that normally required for the preparation of ordinary classroom assignments. In either case a responsible official of the school will certify that the eligible persons is pursuing the course full, three-fourths, or one-half time.

(b) *In absentia.* A responsible official of the school will certify a program of research pursued by an eligible person in absentia as full, three-fourths, or one-half time, and the activity will be assessed by the Veterans Administration accordingly when

(1) The research activity is defined and organized so as to enable the certifying official to evaluate the time required for its successful pursuit, and

(2) The time certified for the research activity is independent of the time devoted to any employment situation in which the eligible person might be engaged.

(c) *Undergraduate or combination.* Undergraduate courses required by the school will be assessed in terms of credit hours, even though the eligible person is enrolled as a graduate student. If the eligible person is taking both graduate and undergraduate courses, the school will give the credit-hour equivalent of the graduate work so that this equivalent may be combined with the undergraduate credits to determine the extent of training.

(d) *Law.* A law course pursued in an accredited law school for the LL.B. degree where, as is usual, the units of credit are of greater value than the standard units of credit for courses leading to undergraduate degrees in other schools will be assessed as in paragraph (a) of this section, except that an accredited 4-year night law course unless approved as a full-time course pursuant to the standards established by the American Bar Association will be considered part time and will be measured as not more than three-fourths time.

§ 21.3274 Professional; nonaccredited.

(a) A law course pursued in a nonaccredited school will be assessed on a clock-hour basis, except that if the school requires for admission to the law course completion of college work consisting of not less than 90 standard semester units of credit or the equivalent in quarter units of credit, and requires for the awarding of the law degree that its students pursue a daytime course of not less than 3 years duration if they devote substantially all of their working time to their course of studies, or if pursued in the evening the school requires not less than 4 school years of attendance, the course will be assessed on the basis of sessions of attendance per week.

(b) In no case will a nonaccredited night law course be measured at more than three-fourths time.

§ 21.3275 Professional; accredited.

Medical, osteopathic, and dental internships and residencies will be recognized as full-time institutional courses when accredited and approved by the appropriate accrediting agency as leading to certification for a recognized professional objective.

(a) Medical internship courses will be accredited and approved by the Council on Medical Education and Hospitals of the American Medical Association and for such length as the council has approved for the particular internship course at the particular hospital.

(b) Osteopathic internship courses will be accredited and approved by the American Osteopathic Association and for such length as the association has approved for each particular internship at the particular hospital.

(c) Dental internship courses will be accredited and approved by the Council on Dental Education of the American Dental Association as an integral part of an approved course leading to certification by a Dental Specialty Board recognized by the American Dental Association.

(d) No other medical, dental, or osteopathic internship courses will be recognized, since they are not recognized by the profession as qualifying a person for the practice of the profession.

(e) Medical residency courses will be recognized when accredited and approved by the Council on Medical Education and Hospitals of the American Medical Association as standard residencies leading to a certification by a Specialty Board. For those residencies where there is no Specialty Board, there must be certification by a hospital approved by the Council on Medical Education and Hospitals of the American Medical Association. The length of a residency course is not to exceed the number of months prescribed for the residency training by the appropriate Specialty Board or by the Council on Medical Education and Hospitals of the American Medical Association.

(f) Osteopathic residency courses will be accredited and approved by the American Osteopathic Association for such length as the appropriate Specialty Board of the Association has approved for each particular residency course.

(g) Dental residency courses will be recognized when they are accredited and approved by the Council on Dental Education of the American Dental Association as standard residencies leading to certification by a Dental Specialty Board, and the length of the course is not in excess of the number of months prescribed for the residency training by the appropriate Specialty Board or the Council on Dental Education of the American Dental Association.

(h) No course of residency training will be approved to include a period of practice, following completion of a required residency, even though such practice is required or accepted by a Specialty Board to fulfill board requirements. Further, where an eligible person after completing an internship prerequisite to residency training has pursued any additional training, whether through internship, fellowship, or other graduate or postgraduate study that is creditable toward residency requirements, the residency course must be proportionately shortened.

(i) No other medical, dental, or osteopathic residency course will be recognized since they are not recognized by the accrediting agency.

(j) Registered nursing and registered professional nursing courses (accredited or accepted as equivalent).

(1) Courses for the objective of registered nurse or registered professional nurse will be assessed as institutional training when they are provided in autonomous schools of nursing, hospital schools of nursing, or schools of nursing established in other schools or departments of colleges and universities, if they are accredited courses pursued in a school accredited by a nationally recognized accrediting agency. A nonaccredited course will be considered appropriate if it meets the requirements of the licensing body of the State in which the school is located.

(2) The hospital or fieldwork phase of a course leading to a degree of Bachelor of Science in nursing, or a comparable degree, will be assessed as an institutional course when the hospital or fieldwork phase is an integral part of the course, the completion thereof is a prerequisite to the granting of the degree, the student remains enrolled in the school during the entire period, and the training is under the direction and supervision of the school. Where measurement of the hospital training segment on a credit-hour basis would not reflect the full-time status of the student, enrollment certifications submitted by the school should include appropriate entries to show clock hours in lieu of credit hours during the hospital training periods.

(3) An eligible person may not enroll in any other course for the objective of registered or registered professional nurse.

(k) Practical nursing courses (accredited or accepted as equivalent).

(1) Courses offered by schools which lead to the objective of practical nurse, practical trained nurse, or licensed practical nurse will be assessed as institutional training including both the academic subjects and the clinical training if the clinical training is offered in an affiliated or cooperating hospital and the student is enrolled in and supervised by the school during the period of such clinical training. For the academic portion of the course, measurement will be semester-hours of credit or clock-hours of required attendance per week, whichever is appropriate. The clinical training will be measured in clock-hours of required attendance per week.

(2) Enrollment in courses for the objective of nurse's aide will not be authorized.

(l) X-ray technician, medical technician, medical records librarian, and physical therapist courses will be assessed as follows:

(1) Where such courses are offered in hospitals and the courses are accredited and approved by the Council on Medical Education and Hospitals of the American Medical Association, they will be considered full-time institutional training.

(2) Where such courses are offered in hospitals, clinics, or laboratories and are not accredited and approved by the Council on Medical Education and Hospitals of the American Medical Association, they will be considered on-job training and not permitted under chapter 35.

(3) Where such courses are offered by a school they will be measured in semester-hours of credit or clock-hours of required attendance per week, whichever is appropriate.

§ 21.3276 Special assistance.

(a) The assistance of a vocational rehabilitation specialist or of a counselor with assigned vocational rehabilitation specialist duties will be provided in connection with a program of education when it is determined by the Vocational Rehabilitation Board that, although the eligible person is not in need of special restorative training, he will require assistance in order to pursue a program of education successfully because of the handicapping effects of a physical or mental condition, or because of personal adjustment problems.

(b) The determination as to need for such assistance will be made by the Vocational Rehabilitation Board upon the basis of information developed in the counseling process, including data and opinions obtained from medical and other specialists as appropriate in the case.

(1) A determination that an eligible person needs such assistance will be made when one or more of the following conditions is found to exist:

(i) The handicapping effects of a physical or mental condition are such that assistance will be required in order for the eligible person to enter and successfully pursue a program of education;

(ii) The eligible person has a history of a behavioral pattern which if continued would interfere with or impede his entrance into and pursuit of a program of education;

(2) The Vocational Rehabilitation Board will prepare a report as to the need for assistance and the factors taken into account in arriving at the determination. Where an affirmative determination of need is found, the board will include suggestions and recommendations relative to the nature of the assistance contemplated.

(c) When it is determined by the Vocational Rehabilitation Board that an eligible person needs assistance, the parent or guardian will be informed of the finding and of the underlying reasons. If the parent or guardian concurs in the finding, the assistance will be provided as is indicated until the progress and adjustment of the eligible person in his program of education are such that the assistance is no longer needed.

(d) Assistance by the vocational rehabilitation specialist will include:

(1) Assisting the eligible person and the school in the implementation of the planned program of education;

(2) Determining the progress of the eligible person through visits at the school as well as through review of records and, when indicated, taking action designed to solve problems which may interfere with satisfactory pursuit of the program of education;

(3) Making referral when indicated and coordinating action with responsible individuals and agencies in order to alleviate or prevent conditions arising which may negatively affect progress;

(4) Referring the case of an eligible person who is receiving assistance to the Vocational Rehabilitation Board when one of the following conditions exists:

(i) Need for special restorative training appears to be for consideration;

(ii) The advice and assistance of the board is needed to resolve difficulties;

(5) Assisting the parent or guardian in locating and arranging for the services of suitable instructors and equipment when the eligible person is homebound.

§ 21.3277 Discontinuance; unsatisfactory progress.

(a) *Satisfactory pursuit of training.* Entitlement to a program of education is subject to the requirement that the eligible person, having commenced the pursuit of such program, continues to maintain satisfactory progress and conduct in accordance with the regularly prescribed standards and practices of the institution in which he is enrolled.

(b) *Maintenance of satisfactory conduct and progress.* A program of education will be discontinued where it is established that by reason of the eligible person's unsatisfactory conduct or progress he will no longer be retained as a student or would not be readmitted as a student by the school in which he is or was enrolled, unless it is found through further development that the action of the school is of a retaliatory nature. (38 U.S.C. 1724.)

§ 21.3278 Reentrance after discontinuance.

(a) An eligible person may be reentered into training following discontinuance because of unsatisfactory conduct or progress only when the following conditions exist:

(1) The cause of the unsatisfactory conduct or progress has been removed, and

(2) It is determined through further counseling that the program which the eligible person now proposes to pursue is suitable to his aptitudes, interests and abilities.

(b) Reentrance may be for the same program, for a revised program or for an entirely different program depending on the cause of the discontinuance, the removal of that cause, and the determinations arrived at through further counseling. (38 U.S.C. 1724.)

Special Restorative Training

§ 21.3300 Special restorative training.

(a) Special restorative training may be prescribed where needed to overcome or lessen the effects of a physical or mental disability for the purpose of enabling an eligible person to pursue a program of education. Medical care and treatment or psychiatric treatment are not included.

(b) The Vocational Rehabilitation Board may prescribe for special restorative training purposes such courses as speech and voice correction or retention, language retraining, speech (lip) reading, auditory training, Braille reading and writing, training in ambulation, one-hand typewriting, nondominant handwriting, personal, social and work adjustment training, remedial reading, and such other training deemed necessary.

(c) Special restorative training may be provided in excess of 36 months where an additional period of time is needed to complete such training. Entitlement, including any authorized in excess of 36 months, may be expended through an accelerated program requiring a rate of payment in excess of $41 per calendar month. See §§ 21.3303 and 21.3333(b). (38 U.S.C. 1741(b) and note.)

(d) Special restorative training will not be provided in Veterans Administration facilities.

§ 21.3301 Need.

(a) When the case of a handicapped person is referred to the Vocational Rehabilitation Board, because of a request by a parent or guardian or upon recommendation of a counselor, the board will determine whether:

(1) There exists a handicap which will interfere with pursuit of a program of education;

(2) It is in the best interests of an eligible person to begin special restorative training after having reached his 14th birthday;

(3) Upon completion of special restorative training the eligible person should be able to pursue a program of education;

(4) The special restorative training may be pursued concurrently with a program of education; and

(5) Training is medically feasible.

(b) Where the board decides that special restorative training is needed, the Vocational Counseling, Training and Adjustment Section will develop and implement a training course suited to the needs and capacities of the eligible person.

(c) Where a parent or guardian has requested special restorative training on behalf of an eligible person and the board finds that such training is not needed or is not medically feasible, the parent or guardian will be informed of the action taken.

(d) When the case of an eligible person is referred for consideration of reentrance into special restorative training following an interruption, the board will recommend approval if it is found that training is medically feasible and there is reasonable expectation that the purpose of special restorative training may be accomplished. See § 21.3306.

§ 21.3302 Agreements.

(a) Agreements may be made with public or private educational institutions or others to provide special restorative training for an eligible person as may be suitable and necessary.

(b) Where a customary tuition charge is not applicable the agreement will include the fair and reasonable amounts which may be charged the parent or guardian for the training provided an eligible person.

(c) Each agreement will contain the same type of information as required for special restorative training for disabled veterans under 38 U.S.C. ch. 31, including the requirement that educational institutions, or others with whom arrangements have been made, report to the Veterans Administration promptly the enrollment, interruption or termination of the eligible person's course of special restorative training.

(d) An educational institution will be paid $1, upon claim by the institution, for any month in which it submits one or more of the above reports required by the Veterans Administration under the terms of the agreement.

§ 21.3303 Extent of training.

Ordinarily special restorative training may not exceed 9 months. However, where it is determined that more than 9 months is necessary the program will be referred to Central Office for prior approval. Where the plan for a program of special restorative training of itself (not in combination with the program of education) will require more than 36 months (or its equivalent in accelerated payments), the plan will be included in the recommendation to Central Office for approval. The limitation at age 31 may not be exceeded. A course of special restorative training will be prescribed on a full-time basis as determined in each individual case in accordance with one of the following requirements:

(a) The course will require devotion of that amount of time per week which is commonly devoted to a full-time course at an educational institution in each case where, based on medical findings, it is determined that the physical or mental condition of the eligible person will permit the devotion of that amount of time to his training.

(b) The course will require devotion of the maximum amount of time per week which is determined by medical findings to be commensurate with the limitations imposed by the eligible person's disability in each case where medical authority determined that, due to such limitations, the time he should devote to his course is less than the amount of time indicated in paragraph (a) of this section.

(c) If the hours that can reasonably be devoted to the elements of needed restorative training per week will not of themselves equal the amount of time required by paragraph (a) or (b) of this section, the course will be supplemented with subject matter which will contribute toward the ultimate objective of a program of education.

§ 21.3304 Assistance during training.

(a) In all cases of special restorative training, there will be close supervision to assure satisfactory progress, and, when needed, proper and timely adjustments. In the process of supervision two factors in particular must be kept in mind:

(1) Unless the course is properly provided both in kind and amount the eligible person's chances for ultimate successful completion of a program of education are jeopardized.

(2) Because all time spent in a course of special restorative training is subtracted from the time the law allows for a program of education, there must not be any waste of time or prolonging of the course of special restorative training beyond that necessary to accomplish the purpose of such training.

(b) Supervision will as a minimum consist of the following:

(1) Knowledge as to the progress of the eligible person at all times.

(2) The assisting of the eligible person and his instructor in all matters affecting training.

(3) A continuing alertness to discover any new developments which may affect progress and the exertion of every effort to forestall or remove any disadvantageous factors.

(4) The maintaining of adequate records of the progress of the eligible person. This will include records of the eligible person's attendance, personal conduct, and application to the course.

(c) When in the process of supervision it is determined that adjustments are needed in the course or in the training situation immediate action will be taken to bring about such adjustments in accordance with the following:

(1) When the eligible person or his instructor indicates dissatisfaction with elements of the program, through personal discussion with the eligible person and/or his instructor, there will be effected if possible a correction of the difficulty through such means as making minor adjustments in the course or by persuading the eligible person to give more attention to performance.

(2) When it develops that there are difficulties of major significance which cannot be corrected a report of all pertinent facts together with recommendations will be prepared and submitted to the Vocational Rehabilitation Board for proper action.

(3) When in process of supervision it is determined that the eligible person is making progress much faster than was anticipated and it is clear that his course may be terminated with satisfactory results short of the time originally planned, action will be taken to terminate the course at the proper time so that the eligible person's entitlement to an educational program may be conserved.

(d) As long as the eligible person is making satisfactory progress toward the established objective of overcoming the effect of his handicap, the eligible person will be continued in his course of training without accounting for days of nonattendance within his authorized enrollment. However, in any instance where the eligible person's progress toward his objective is unsatisfactory or because of his negligence, lack of application or misconduct, his progress is being materially retarded his course of instruction will be interrupted.

§ 21.3305 Status "interrupted".

(a) An eligible person once entered into special restorative training should pursue his course to completion without interruption. Wherever possible, continuous training shall be provided for each such eligible person, including training during the summer, except where, because of his physical condition or other good reason, it would not be to his best interest to pursue training during the summer.

(b) Special restorative training will be interrupted as necessary under the following conditions:

(1) During summer vacations or periods when no instruction is given before and after summer sessions.

(2) During a prolonged period of illness or medical infeasibility.

(3) When the eligible person voluntarily abandons special restorative training.

(4) When the eligible person fails to make satisfactory progress in the special restorative training course.

(5) When the eligible person is found to be no longer acceptable to the institution because of failure to maintain satisfactory conduct or progress in accordance with the rules of the institution.

§ 21.3306 Reentrance after interruption.

When a course of special restorative training has been interrupted and the eligible person presents himself for reentrance, action will be taken as follows:

(a) Where special restorative training was interrupted for a scheduled vacation period, for a short period of illness or for other reason which does not prevent reentrance in the same course of special restorative training without corrective action, reentrance will be approved.

(b) Where special restorative training was interrupted by reason of failure to maintain satisfactory conduct or progress or for any other reason which requires corrective action, such as change of place of training, change of course, personal adjustment, etc., the case will be referred to the Vocational Rehabilitation Board for action.

(1) If it is determined that the conditions for which interruption action was taken can be overcome, the board will recommend the means by which adjustment in the case is to be made.

(2) If all efforts by the board to bring about proper adjustment in the case meet with failure and the board determines that adjustment cannot be made, the board will notify the Vocational Counseling, Training and Adjustment Section that reentrance is denied and that discontinuance action is to be taken. Such discontinuance will preclude any further pursuit of special restorative training under 38 U.S.C. ch. 35; therefore, action to discontinue should be taken only as a last resort and after all facts lead to the conclusion that there is no warrant to continue special restorative training. In any case of discontinuance the guardian or legal custodian will be notified in writing of the action taken. He will also be informed of potential rights to a program of education.

PAYMENTS; SPECIAL RESTORATIVE TRAINING

§ 21.3330 Payments.

(a) Payments will be made to the person designated to receive the payments under the provisions of § 21.3138.

(b) The special training allowance will be paid only for the period of the eligible person's approved enrollment as certified by the vocational rehabilitation specialist. In no event, however, will such allowance be paid for any period during which:

(1) The eligible person is not pursuing the prescribed course of special restorative training that has been determined to be full-time training with respect to his capacities.

(2) An educational assistance allowance is made.

(c) The following sections governing the payment of educational assistance allowance apply to the payment of special restorative training allowance:

(1) Section 21.3139, *Apportionment;*

(2) Section 21.3140, *Offsets; pension, compensation, and dependency and indemnity compensation.*

§ 21.3331 Commencing dates.

The commencing date of an authorization of a special training allowance will be the date of entrance or reentrance into the prescribed course of special restorative training, or the date the Vocational Rehabilitation Board approved such course for the eligible person, whichever is later. See also § 21.3131.

§ 21.3332 Discontinuance dates.

Special training allowance will be discontinued as provided in this section on:

(a) The ending date of the course, the ending date of the period of enrollment as certified by the vocational rehabilitation specialist, the ending date of the period of eligibility, or the expiration of the eligible person's entitlement, whichever occurs first.

(b) Date of interruption of course as determined by the vocational rehabilitation specialist under § 21.3305.

(c) Date of discontinuance under the applicable provisions of § 21.3135.

§ 21.3333 Rates.

(a) While the eligible person is enrolled in and pursuing a course of special restorative training the special training allowance will be computed at the basic rate of $130 per month. This amount may be increased under the conditions provided by paragraph (b) of this section.

(b) If the cost for tuition and fees applicable to any such training averages in excess of $41 per calendar month during a period of enrollment the basic monthly allowance may be increased by the amount that such average costs exceed $41 a month, provided the guardian or legal custodian elects to have the eligible person's period of entitlement reduced by 1 day for each $4.25 that the special training allowance paid exceeds the basic monthly rate of $130. Fractions of more than one-half day will be charged as 1 day; fractions of one-half or less will be disregarded. Such charges will be recorded at the time the authorization action entering the eligible person into training is effected and will be revised subsequently if circumstances require such action.

These VA Regulations are effective September 30, 1965, except §§ 21.3136 and 21.3333 which are effective November 1, 1965, and §§ 21.3020 and 21.3021 which are effective November 8, 1965.

By direction of the Administrator.

Approved: December 2, 1965.

[SEAL] CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 65-13493; Filed, Dec. 17, 1965; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

Subpart—1966 Crop of Upland Cotton: Acreage Allotments and Marketing Quotas

REFERENDA RESULTS; SALE OR LEASE TRANSFERS

(a) Section 722.277 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1282 et seq.). Section 722.277 announces the result for each county of the county referenda held under subsection (b)(ii) of section 344a of the act as to transfers of allotment by sale or lease across county lines within a State.

(b) Since the only purpose of § 722.277 is to announce the referenda results, it is hereby found and determined that compliance with the notice, public procedure and 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 1003) is unnecessary. Accordingly, § 722.277 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 722.277 Result of the county referenda on transfer of allotments by sale or lease across county lines within a State.

(a) *Date of referenda.* The county referenda regarding transfer of allotments by sale or lease across county lines within a State during 1966, 1967, and 1968 were held on November 23, 1965, in accordance with the referenda regulations in Part 717 of this chapter and § 722.271 (30 F.R. 14307).

(b) *Results of referenda.* The following data concerning the referenda held in each county on November 23, 1965, are available for public inspection in the Office of the Director, Policy and Program Appraisal Division, Washington, D.C., and for each State in the State office: For each county (1) the number of farmers engaged in the production of the 1965 crop of upland cotton who voted, (2) the number of such farmers who voted in favor of transfer of allotments by sale or lease out of the county to other counties within the State during 1966, 1967, and 1968, (3) the percentage of farmers who voted in favor of such transfers, and (4) the result determined by the Secretary on the basis of the vote for the county either to permit or not permit transfers by sale or lease out of the county to other counties in the State during 1966, 1967, and 1968. A referendum resulting in a determination to permit such transfers across county lines means that another referendum will not be required until the fall of 1968 with respect to such transfers during 1969. A referendum resulting in a determination not to permit such transfers across county lines means that another referendum will be required in the fall of 1966 with respect to such transfers during 1967, 1968, and 1969. In other words, a favorable result in a county referendum applies for the 3 succeeding years (1966, 1967, and 1968) and an unfavorable result in a county referendum applies for the next succeeding year (1966). The following table lists the counties from which transfers by sale or lease to other counties within the same State to take effect during 1966, 1967, and 1968 may be approved:

ALABAMA

Clay.
Cleburne.
Coffee.
Coosa.
Crenshaw.
Madison.
Randolph.
St. Clair.

ARIZONA

Gila.
Mohave.
Santa Cruz.
Yavapai.
Yuma.

ARKANSAS

Baxter.
Benton.
Cleburne.
Cleveland.
Grant.
Hempstead.
Izard.
Lawrence.
Marion.
Nevada.
Pike.
Polk.
Saline.
Searcy.
Sebastian.
Sevier.
Sharp.
Stone.
Union.
Van Buren.

CALIFORNIA

San Bernardino.
San Diego.
Stanislaus.

FLORIDA

Alachua.
Baker.
Bay.
Calhoun.
Clay.
Columbia.
Dixie.
Gadsden.
Hamilton.
Lafayette.
Liberty.
Nassau.
Okaloosa.
Suwannee.
Taylor.
Washington.

GEORGIA

Atkinson.
Bacon.
Baker.
Banks.
Ben Hill.
Bibb.
Bleckley.
Butts.
Carroll.
Catoosa.
Charlton.
Chatham.
Chattahoochee.
Cherokee.
Clarke.
Clayton.
Cobb.
Coffee.
Columbia.
Coweta.
Dade.
Dawson.
Decatur.
De Kalb.
Dooly.
Dougherty.
Douglas.
Fayette.
Forsyth.
Fulton.
Greene.
Habersham.
Hall.
Haralson.
Heard.
Henry.
Jackson.
Jasper.
Jones.
Lamar.
Liberty.
Lincoln.
Long.
Lumpkin.
McDuffie.
McIntosh.
Miller.
Monroe.
Montgomery.
Murray.
Muscogee.
Newton.
Paulding.
Peach.
Pickens.
Pike.
Pulaski.
Putnam.
Quitman.
Rockdale.
Schley.
Stephens.
Taliaferro.
Tattnall.
Telfair.
Terrell.
Thomas.
Tift.
Upson.
Walker.
Ware.
Wayne.
White.
Whitfield.
Wilkes.

ILLINOIS

Pulaski.

KANSAS

None.

KENTUCKY

Ballard.
Calloway.
Carlisle.
Fulton.
Graves.
McCracken.
Marshall.

LOUISIANA

Ascension.
Blenville.
Calcasieu.
Claiborne.
East Baton Rouge.
East Carroll.
East Feliciana.
Iberville.
Jackson.
Jefferson Davis.
Lincoln.
Livingston.
Sabine.
St. Tammany.
Tangipahoa.
Vernon.
Webster.
West Feliciana.

MISSISSIPPI

Adams.
Bolivar.
Coahoma.
Forrest.
Franklin.
George.
Jackson.
Lamar.
Leflore.
Lincoln.
Pearl River.
Pike.
Sharkey.
Stone.
Wilkinson.

MISSOURI

Carter.
Howell.
Oregon.
Wayne.

NEW MEXICO

Luna.
Valencia.

NEVADA

None.

NORTH CAROLINA

Alamance.
Alexander.
Beaufort.
Bladen.
Brunswick.
Burke.
Cabarrus.
Caldwell.
Camden.
Catawba.
Chatham.
Columbus.
Craven.
Cumberland.
Davidson.
Duplin.
Durham.
Edgecombe.
Forsyth.
Franklin.
Gaston.
Greene.
Halifax.
Harnett.
Hertford.
Hyde.
Iredell.
Jones.
Lee.
Lenoir.
Mecklenburg.
Montgomery.
New Hanover.
Northampton.
Onslow.
Orange.
Pamlico.
Pasquotank.
Person.
Pitt.
Randolph.
Richmond.
Robeson.
Rowan.
Sampson.
Scotland.
Stanly.
Tyrrell.
Vance.
Wake.
Washington.
Wayne.
Wilkes.
Wilson.
Yadkin.

OKLAHOMA

Adair.
Cherokee.
Choctaw.
Cimarron.
Creek.
Ellis.
Haskell.
Kingfisher.
Latimer.
Le Flore.
Lincoln.
McIntosh.
Murray.
Nowata.
Payne.
Pittsburg.
Pottawatomie.
Pushmataha.
Rogers.
Sequoyah.
Tulsa.
Woodward.

South Carolina	
Beaufort.	Fairfield.
Clarendon.	Horry.
Colleton.	Orangeburg.
Dillon.	Pickens.
Tennessee	
Bedford.	McMinn.
Bradley.	Marion.
Chester.	Maury.
Crockett.	Meigs.
Davidson.	Monroe.
De Kalb.	Rhea.
Grundy.	Robertson.
Hamilton.	Van Buren.
Hickman.	Warren.
Humphreys.	White.
Lake.	Williamson.
Lewis.	Wilson.
Texas	
Anderson.	Madison.
Andrews.	Marion.
Angelina.	Montgomery.
Blanco.	Moore.
Brewster.	Morris.
Brown.	Nacogdoches.
Camp.	Newton.
Cass.	Oldham.
Cherokee.	Panola.
Comanche.	Sabine.
Culberson.	San Augustine.
Duval.	San Jacinto.
Freestone.	San Saba.
Gaines.	Shelby.
Goliad.	Smith.
Gonzales.	Stephens.
Gregg.	Sterling.
Hansford.	Sutton.
Harrison.	Titus.
Hartley.	Trinity.
Henderson.	Tyler.
Hood.	Upshur.
Hopkins.	Upton.
Jasper.	Uvalde.
Jefferson.	Walker.
Jim Hogg.	Ward.
Kinney.	Wilson.
Lampasas.	Wise.
Limestone.	Wood.
Llano.	Zapata.
Loving.	
Virginia	
Charlotte.	Nansemond.
Cumberland.	Prince Edward.
Dinwiddie.	Prince George.
Greensville.	Surry.
Lunenburg.	

(Sec. 344a, 79 Stat. 1197, 7 U.S.C. 1344a)

Effective date. Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on December 14, 1965.

H. D. Godfrey,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65-13572; Filed, Dec. 17, 1965; 8:50 a.m.]

[Amdt. 21]

PART 722—COTTON

Subpart—Acreage Allotment Regulations for the 1964 and Succeeding Crops of Upland Cotton

Farm Domestic Allotments for 1966

This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.), as amended by the Food and Agriculture Act of 1965 (Pub. Law 89-321, 79 Stat. 1187, November 3, 1965).

(a) The purpose of this amendment is to establish the procedure for determining farm domestic acreage allotments for 1966.

(b) In order to permit farmers to make necessary plans for the 1966 crop, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure, and the 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

The Acreage Allotment Regulations for the 1964 and Succeeding Crops of Upland Cotton (28 F.R. 11041, as amended) are amended by adding the following new section after § 722.229:

§ 722.230 Farm domestic allotments for 1966.

Section 350 of the Act provides for the establishment of farm domestic acreage allotments for upland cotton of the 1966 crop. The farm domestic acreage allotment percentage of 65 percent was established for 1966 under § 722.272 (30 F.R. 14308). The county committee shall establish a farm domestic acreage allotment for each farm for 1966 by multiplying the farm allotment established under section 344 of the Act, including revisions due to transfers approved under section 344a of the Act, by 65 percent.

(Secs. 350, 375, 79 Stat. 1193, 52 Stat. 66, as amended; 7 U.S.C. 1350, 1375)

Effective date. Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C. on December 14, 1965.

H. D. Godfrey,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65-13571; Filed Dec. 17, 1965; 8:49 a.m.]

PART 730—RICE

Subpart—1966-67 Marketing Year

Proclamation of Results of Marketing Quota Referendum

Section 730.1709 is issued to announce the results of the rice marketing quota referendum for the marketing year August 1, 1966, through July 31, 1967, under the provisions of the Agricultural Adjustment Act of 1938, as amended. The Secretary proclaimed a marketing quota for rice for the 1966-67 marketing year and announced a referendum would be held November 23, 1965 (30 F.R. 14112), to determine whether rice producers were in favor of or opposed to marketing quotas for the marketing year August 1, 1966, through July 31, 1967. Since the only purpose of this proclamation is to announce results of the referendum, it is found and determined that with respect to this proclamation, application of the notice and procedure provisions of the Administrative Procedure Act is unnecessary.

§ 730.1709 Proclamation of the results of the rice marketing quota referendum for the marketing year 1966-67.

In a referendum of farmers engaged in the production of rice for the 1966 crop held on November 23, 1965, 6,496 voted. Of those voting, 5,971 or 91.9 percent favored quotas for the marketing year beginning August 1, 1966. Therefore, rice marketing quotas will be in effect for the 1966-67 marketing year.

(Sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375)

Signed at Washington, D.C., on December 14, 1965.

H. D. Godfrey,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65-13573; Filed, Dec. 17, 1965; 8:50 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[855.10, Rev. 1, Amdt. 6]

PART 855—MAINLAND CANE SUGAR AREA

Proportionate Shares for Farms; 1965 Crop

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended, § 855.10 (29 F.R. 13595, 14102, 17029; 30 F.R. 7988, 9673) is further amended by adding in paragraph (f) of § 855.10 a new subparagraph (4) to read as follows:

§ 855.10 Proportionate shares for sugarcane farms in the Mainland Cane Sugar Area for the 1965 crop.

* * * * * * *

(f) *Adjustments in shares.* * * *

(4) A maximum of 1,192 acres is established for Louisiana and a maximum of 4,860 acres is established for Florida for the purpose of adjusting the 1965-crop shares of farms, the operators of which were new producers in any of the crop years 1962 through 1965. Notwithstanding the definition of "new producer" in paragraph (a)(4) of this section, a new producer for purposes of this subparagraph (4) shall mean a person who was the operator of the farm on which sugarcane was planted for the production of sugar or seed for the first time for any of the crops 1962 through 1965. This acreage shall be used by the State committee to increase the shares for such farms as follows:

(i) The share for any farm operated by a new producer for the 1965-crop on which the measured acreage of sugarcane for 1965-crop harvest, as determined by the county committee, exceeds the 1965-crop share, shall be increased to such measured acreage.

(ii) The share for any farm operated by a new producer for the 1963 crop or 1964 crop shall be increased to the larger of (*a*) the level of the measured acreage of sugarcane for 1965-crop harvest, as determined by the county committee; or (*b*) the 1964-crop accredited acreage record for such farm: *Provided, however,* That the share for the farm operated by Louisiana Citrus Lands, Inc., shall be increased by 1,000 acres.

(iii) The share for any farm operated by a new producer for the 1962 crop on which the 1964-crop accredited acreage record exceeds the 1965-crop share established pursuant to paragraph (d), as adjusted by paragraphs (f)(1), (f)(2), and (f)(3), shall be increased by an amount equal to 18.91 percent of the acreage representing the difference between the 1964-crop accredited acreage record and the 1965-crop share established as aforestated.

* * * * * *

Statement of bases and considerations. Section 302(b) of the Sugar Act, as recently amended, authorizes the Secretary of Agriculture to reserve from the acreage which would otherwise be allocated to mainland sugarcane producers for the 1965 and 1966 crops, a total acreage of sugarcane estimated to yield not more than sixteen thousand tons of sugar, raw value, for each such crop to relieve hardship on the part of new producers.

Specific guidance for the administration of this provision was provided for the Secretary in the Conference Report on the bill when the Managers on the Part of the House stated "It is the intention of the committee of conference that the national reserve provided for cane should be used first for the purposes outlined in the House Report on the bill (* * * the acreage to produce 2,000 tons for a Louisiana producer) and that the balance of such reserve should be used to alleviate hardships and inequities in other areas."

The House Report on the bill noted with respect to the establishment of national reserves "This section * * * also establishes a national reserve of 25,000 tons from * * * the mainline cane quotas to be used by the Secretary for the alleviation of hardships and inequities. Several cases were brought to the attention of the committee during the hearings, such as * * * Louisiana Citrus Lands, Inc., of Louisiana. It is situations such as these which this special reserve provision is designed to help."

The House bill provided that the acreage required to produce 25,000 tons of sugar be used to relieve hardships and inequities on the part of producers who planted sugarcane for the first time for harvest in the crop years 1964 and 1965. In the bill, as agreed upon in conference and subsequently enacted, the reserve was reduced to the acreage required to produce 16,000 tons of sugar and the phrase "new producers" was substituted for "producers who planted sugarcane for the first time for harvest in the crop years 1964 and 1965."

On November 16, 1965, an informal public hearing was held in Washington, D.C., to obtain the views and recommendations of interested persons on the reservation and allocation of the acreage made available by the amendment to the Sugar Act.

About 50 persons attended the public hearing.

A representative of Louisiana Citrus Lands, Inc., stated that it was the clear intent of the Congress to aid and assist cases such as the farm he represented.

The spokesmen for the Atlantic Sugar Association, a cooperative marketing association with a membership of 85 producers, most of whom planted sugarcane for the first time in the 1964-crop year, stated that the term "new producer" was made abundantly clear by the House to include producers who planted sugarcane for the first time for harvest in 1964 or 1965. He further stated that the meaning of the word "hardship" as intended by the Committee of Conference for use in allocating the reserve is pointed out in their Report and that all members of the association fall within the hardship category so mentioned.

Many independent producers in Florida who were new in 1962, 1963, and 1964 either appeared or submitted briefs requesting increases in their 1965-crop shares to "cover in" their excess acreage.

The spokesman for the American Sugar Cane League which is composed of growers who produce more than 95 percent of the sugarcane grown in Louisiana for the extraction of sugar made several contentions, including the following: (1) The pertinent language of the bill is completely clear, free from ambiguity, and there is no need to resort to its legislative history; (2) no unavoidable hardship exists on any farm in either State since any excess sugarcane acreage that exists today is the result of a producer deliberately increasing his acreage substantially while other producers were reducing their acreage 14 percent for the 1965 crop; (3) the term "new producer" has always been construed by the Secretary to mean producers who planted sugarcane for the first time in the current determination crop year and no change should be made in the historical concept of this definition; and (4) it has been recognized that no general rule can be established to equitably determine under any or all conditions what is a hardship. A spokesman representing a majority of the longer established producers and processors in Florida concurred with that position.

A spokesman for a cooperative in Florida recommended that the definition of a new producer should include any individual farm which grew sugarcane under a marketing agreement with a cooperative which first produced sugar during the period 1960 to 1965.

For purposes of distributing the acreage from the reserve, "new producer" as used in section 9 of the 1965 amendments to the Sugar Act, is deemed to be those persons who planted sugarcane for the production of sugar or seed for the first time for the crops 1962 through 1965. "Hardship" as used in this section is deemed to mean the financial loss incurred by producers because of the imposition of restrictions and the resulting diversion of cane for uses other than for sugar production.

This amendment, based on reports of acreage received from the Louisiana and Florida State ASCS offices, establishes the acreages needed to increase the 1965-crop shares for farms operated by persons who were new producers in the crop years 1962 through 1965. A yield of sugar per acre experienced in each State in the most recent crop years (2.0 tons in Louisiana in 1963-1964 and 2.7 tons in Florida in 1962 to 1964) has been used in the computation of the acreage allocated by this action.

An acreage equivalent estimated to produce 500 tons of sugar is being retained, and if necessary, will be reallocated later in cases of errors or omission of data by the State offices.

The share for any farm operated by a new producer for the 1965-crop has been increased to the level of the 1965-crop measured acreage on the farm. It is reported that only two-tenths of an acreage on one farm in Florida is involved.

In view of the stated intent of the Committee of Conference on the Sugar Act Amendments of 1965 as reported by the Managers on the Part of the House, the share for the farm operated by the Louisiana Citrus Lands, Inc., has been increased by 1,000 acres. This farm has no record of actual sugarcane production on which to determine the acreage needed to produce 2,000 tons of sugar. Therefore, the average State yield has been used to develop an allocation of 1,000 acres to this farm to permit the production of 2,000 tons of sugar, as specified in the guideline provided by the Committee on Conference.

Shares for farms operated by new producers in 1963 and 1964 are increased to the larger of the (1) measured acreage of sugarcane for 1965-crop harvest, or (2) the 1964-crop acreage record on the farm. Thus, these producers may harvest for sugar all acreage of sugarcane now standing. Based on the acreage data reported, about 1,906 acres of the acreage made available by this action will be used for these farms.

Within the balance of the acreage remaining to produce 15,500 tons of sugar, it is possible to increase the shares of farms operated by new producers in 1962 by an amount equal to 18.91 percent of the acreage needed by each to reach its 1964-acreage record. The total of the 1965-crop shares for all of these farms were 16,631 acres less than their combined 1964 acreage record and 3,145 acres are allocated to these farms by this action.

Based on the yields of sugar per acre experienced in recent years in both States it is expected that the production from the acreage made available by this

action will not exceed 16,000 tons of sugar, raw value.

The provisions of this amendment recognize the intention of the Congress.

Accordingly, I hereby find and conclude that the foregoing amendment will effectuate the applicable provisions of the Act.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Effective date. Date of publication.

Signed at Washington, D.C., on December 14, 1965.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 65-13541; Filed, Dec. 17, 1965; 8:47 a.m.]

PART 855—MAINLAND CANE SUGAR AREA

Proportionate Shares for Farms; 1966 Crop

Sec.
855.11 Definitions.
855.12 General provisions.
855.13 State acreage allocations.
855.14 Establishment of proportionate shares for old-producer farms.
855.15 Eminent domain.
855.16 Shares for reconstituted farms.
855.17 Redetermination of farm shares because of use of incorrect accredited acreage.
855.18 Adjustments in shares.
855.19 Establishment of shares for new-producer farms.
855.20 Eligibility for payment under the Act.
855.21 Disposition of excess acreage.
855.22 Failure to file timely or accurate report of acreage in certification counties.

AUTHORITY: §§ 855.11 to 855.22 issued pursuant to sec. 302 of the Sugar Act of 1048, as amended. (Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, Secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132.)

§ 855.11 Definitions.

For the purpose of this part, the terms:

(a) "Secretary," "Deputy Administrator," "State Committee," "County Committee," "Producer," and "Operator" shall have the meaning set forth in Part 892 of this chapter.

(b) "Farm" shall have the meaning set forth in Part 822 of this chapter.

(c) "Share" or "Farm Share" means a farm proportionate share.

(d) "Old-Producer" farm means a farm for which a share was established pursuant to the provisions of § 855.10 and also means a farm that was separated after harvest of the 1961 crop of sugarcane from a farm that had an accredited acreage record for any of the crop years 1962 through 1965.

(e) "New-Producer" farm means any farm that is not an old-producer farm.

(f) "Sugar" means sugar processed from sugarcane marketed within a farm share, including liquid sugar.

(g) "Livestock Sugar" means that sugar for livestock feed or for the production of livestock feed processed from sugarcane marketed for such purposes in excess of the farm share.

(h) "Accredited Acres" or "Accredited Acreage" shall have the meaning set forth in Part 892 of this chapter: *Provided,* That for the purpose of establishing 1966-crop shares for farms receiving adjustments in shares pursuant to paragraph (f) (4) of § 855.10, it shall mean such final adjusted share.

§ 855.12 General provisions.

General provisions pertaining to conditional payments, including instructions for filing applications for payment, are set forth in Part 892 of this chapter. Provisions governing requests for reconsideration and review of determinations by county and State committees or the Deputy Administrator are set forth in Part 780 of this title. Provisions pertaining to farm operator certification of acreage and land use in lieu of farm inspection and measurement are set forth in Part 718 of this title.

§ 855.13 State acreage allocations.

The State acreage allocation for each State shall be the sum of:

(a) The 1965-crop accredited acreage record within the proportionate shares initially established for old- and new-producer farms in the State pursuant to paragraphs (d) and (g) of § 855.10, including adjustments made in such shares from the acreage made available to the State pursuant to paragraphs (f) (1), (2), and (3) of § 855.10.

(b) Any acreage needed to establish or increase shares pursuant to § 855.15.

(c) 200 acres for Florida and 300 acres for Louisiana for adjusting shares pursuant to § 855.18.

(d) 1,910 acres for Florida for increasing shares for old-producer farms pursuant to § 855.14.

(e) 500 acres for Florida, and 800 acres for Louisiana for the establishment of new-producer shares as provided in § 855.19.

(f) Acreage made available pursuant to paragraph (f) (4) of § 855.10.

§ 855.14 Establishment of proportionate shares for old-producer farms.

County committees shall establish a 1966-crop share for each old-producer farm, as constituted for the 1965 crop at the time the 1966-crop share is established, at a level equal to the 1965-crop accredited acreage of such farm. However, the share for each farm in Florida shall be increased by an amount representing the farm's pro rata share of the acreage made available under paragraph (d) of § 855.13, determined on the basis of the relationship that such share is to the total acreage of the share established for all farms.

§ 855.15 Eminent domain.

The share established or which would have been established pursuant to paragraph (d) of § 855.10 for any land removed from sugarcane production because of its acquisition after the 1962 crop year by a Federal, State, or other agency or entity entitled to exercise the right of eminent domain, shall upon application to the appropriate ASCS State office be added to the 1966-crop share, if any, established pursuant to § 855.14 for other land within the State owned by the owner of the land so removed. If the removed land did not have a sugarcane production record in either of the crop years 1963 or 1964 because of the acquisition, the State committee shall consider that the accredited acreage of such land would have been the same in each of such years the land was not in sugarcane production as in the prior year sugarcane was produced on the land during the period 1962–64 and shall determine the share which could have been established pursuant to paragraph (d) of § 855.10 for the removed land on such basis.

§ 855.16 Shares for reconstituted farms.

If the county committee determines, after a 1966-crop share is established, that the farm was not properly constituted for the 1966 crop pursuant to the definition of a farm, the farm or farms involved shall be reconstituted in accordance with such definition. A farm share shall be determined as follows for the reconstituted farm:

(a) The share for the subdivision of any farm which is subdivided after the 1965-crop harvest shall be the 1965-crop accredited acreage determined for each subdivision in accordance with the provisions of paragraph (d) of § 892.1 of this chapter.

(b) The share to be determined for any farm consisting of any combinations of old-producer farms, subdivisions of such farms or combination of such farms and subdivision of such farms and which was reconstituted after the 1965-crop harvest shall be the sum of the 1965-crop accredited acreage determined for such farms and subdivisions of farms in accordance with the provisions of paragraph (d) of § 892.1.

(c) Shares established for reconstituted farms shall be subject to adjustments as provided in § 855.18.

(d) The share for a new-producer farm which is subdivided shall be divided among the subdivisions on the same percentile basis as the percentage that the acreage of sugarcane growing on each subdivision is of the total acreage of sugarcane. If a new-producer farm or a subdivision thereof is combined with an old-producer farm or subdivision thereof, the new-producer farm share or portion determined for the subdivision shall be cancelled and a farm share shall be established for the reconstituted farm as provided in § 855.14.

§ 855.17 Redetermination of farm shares because of use of incorrect accredited acreage.

Where incorrect or estimated acreage which differs from the 1965-crop accredited acreage, as finally determined, was used in establishing a farm share, a redetermination shall be made in accordance with § 855.14 using the correct finally determined accredited acreages.

§ 855.18 Adjustments in shares.

(a) *Eligibility.* The operator of any farm for which a share was established in accordance with the provisions of § 855.14 may request an adjustment in such share.

(b) *Filing requests for adjustments.* Requests shall be filed at the ASCS County Office in the county in which the farm headquarters is located, not later than 10 days after the notice of 1966-crop farm proportionate share is mailed to the farm operator. Late filed requests may be accepted if the State committee determines that the persons filing such requests were delayed for reasons beyond their control or acreage adjustments already made under this section pursuant to timely filed requests have not exhausted the acreage available for adjustments. The county committee shall modify each such request, if necessary, considering the ability of the farm operator to use additional acreage in light of the availability and suitability of land, adequacy of drainage, availability of production and marketing facilities, establishment of proper sugarcane rotation practices, the maintenance of a proper relationship between total sugarcane acreage and suitable cropland and the need for minimum acreages in his mill area. The county committee shall forward the requests, as modified, to the State committee. The State committee shall make adjustments in shares as provided in paragraph (d) of this section.

(c) *Source of acreage to be used for adjustments.* The acreage provided in paragraph (c) of § 855.13 and any acreage by which the sum of the shares established pursuant to §§ 855.14 and 855.19 within a State is less than the acreage allocated to such State under § 855.13, and any unused proportionate share acreage within the State may be used for adjusting shares within such State.

(d) *Priority of adjustments.* (1) The State committee shall first adjust the share for each farm on which the 1965-crop share established for such farm was underplanted because of illness, flood, drought, disease, or other similar reasons beyond the control of the operator. Such share shall be adjusted by the amount requested, as modified under paragraph (b) of this section, but not in excess of the 1965-crop share established for the farm. If the acreage available is not sufficient to permit adjustments in the total amount needed to increase individual 1966-crop shares by the smaller of the requested acreage as modified, or to the level of their 1965-crop shares, such acreage shall be prorated to farms on the basis of the smaller of the requested acreage as modified, or the portion of the acreage requested which is needed to increase the 1966-crop share to the level of the 1965-crop share.

(2) Any acreage remaining shall then be used to adjust 1966-crop shares of less than 150 acres, determined pursuant to § 855.14 and for which no adjustments were made pursuant to the foregoing provisions of this paragraph. Such share shall be adjusted by the amount requested, as modified under paragraph (b) of this section, but not increased above 150 acres or by more than 20 percent of the share. If the acreage available is not sufficient to permit adjustments in the total amount needed to increase individual 1966-crop shares by the smaller of the requested acreage or to 150 acres or by 20 percent, such acreage shall be prorated on the basis of the smaller of the requested acreage as modified under paragraph (b) of this section, the portion of the acreage requested which is needed to increase the 1966 shares to 150 acres or by 20 percent of the share.

(3) Any acreage provided under paragraph (c) of this section not utilized in a State under the provisions of subparagraphs (1) and (2) of this paragraph shall then be prorated on the basis of the initial shares established pursuant to § 855.14 to farms, within the State, for which requests were made, provided that no share shall be increased in excess of the request, as modified under paragraph (b) of this section.

§ 855.19 Establishment of shares for new-producer farms.

(a) *Eligibility.* Any person desiring a share for a new-producer farm shall file a request with the county committee on or before January 31, 1966, at the local county office.

(b) *Rating of applicants.* County committees receiving such requests shall rate the applicants as qualified or not qualified to utilize a farm proportionate share taking into consideration (1) the availability and suitability of land, (2) adequacy of drainage, and (3) the availability of production and marketing facilities. The State committee shall review the ratings and make such changes as are appropriate to reflect consideration of the foregoing factors.

(c) *Size of share.* Each share shall be 50 acres, or a lesser acreage if requested or if the available cropland will not support a share of 50 acres.

(d) *Establishing shares.* The State committee shall establish a share for the farm of each new producer rated "qualified," if sufficient acreage is available to establish such shares. If the available acreage in a State for new producers, as provided in § 855.13, is insufficient to establish shares for all farms whose operators are rated as "qualified," selection shall be made by lot. Each drawing shall be supervised by a representative of the State Committee. Persons included in the drawing shall be given an advance notice of the drawing and an opportunity to attend. The names (or corresponding farm numbers) shall be placed in a container and shall be indistinguishable to the person making the "draws". The person in charge shall announce the method of selection before the drawing.

(e) *Use of set-aside.* All acreage set aside for new producers shall be allotted to qualified new producers, if requested.

§ 855.20 Eligibility for payment under the Act.

In addition to fulfilling the conditions of payment set forth in Part 892 of this chapter, a producer must also comply with the provisions of this section to be eligible for payment under the act.

(a) The total acreage of 1966-crop sugarcane on the farm harvested for seed, and harvested and marketed (or processed) for the production of sugar shall not exceed the final share determined in accordance with this regulation, except that any sugarcane grown on acreage in excess of such share may be marketed (or processed) for livestock sugar if the operator of the farm furnishes weight tickets to the county committee evidencing that such sugarcane was sold by him, or was processed by or for him for livestock sugar and if so sold, was purchased by the processor for such purpose. Notwithstanding the foregoing provisions of this paragraph, the producer shall be deemed to have met the requirements for payment with respect to marketings (or processings) within the share where sugarcane was marketed (or processed) for sugar from an acreage on the farm exceeding the share: *Provided,* That (1) such excess acreage is not more than the larger of two-tenths acre or 1 percent of the share but not in excess of 3 acres, (2) the county committee finds that the operator did not intentionally market (or process) sugarcane from an acreage in excess of the share for the farm and the State committee concurs in such findings, and (3) within 1 year from the date of the processing of such excess sugarcane the operator has arranged for the raw value equivalent of sugar produced from sugarcane in the Mainland Cane Sugar Area, which had not been marketed to fill a quota for such area as provided in Part 816 of this chapter, to be made subject to a bond given pursuant to the provisions of Part 816 of this chapter which provides that a condition of such bond shall be that the sugar shall be used for likestock feed. The Sugar Act payment in any such case shall be limited to the amount of sugar commercially recoverable from the sugarcane marketed (or processed) from the acreage within such share.

(b) The number of share tenants or sharecroppers engaged in the production of sugarcane of the 1966 crop on the farm shall not be reduced below the number so engaged with respect to the previous crop, unless the reduction is approved by the county committee. In considering such approval, the county committee shall be guided by whether the reduction was the result of a voluntary action of the share tenants or sharecroppers, or was otherwise beyond the control of the producer.

(c) The producer shall not have entered into any leasing or cropping agreement to divert any payments to which share tenants or sharecroppers could be entitled if their leasing or cropping agreements for the previous crop were in effect.

§ 855.21 Disposition of excess acreage.

The provisions of this section apply if the county committee determines there is acreage of sugarcane on a farm in excess of the farm proportionate share.

(a) Excess acreage which the operator elects to plow-out, abandon or harvest for purposes other than for sugar or

seed may be disposed of at any time. Appropriate notification must be given by the operator when and how disposition is to be made to permit verification, by a county committee representative, of the action taken. Any excess acreage of sugarcane which is disposed of concurrently with acreage being harvested for sugar or seed within the share must be clearly identified by a representative of the county committee. The designated excess acreage must be so located that it may be disposed of without interfering with the harvest of the proportionate share acreage. The identity of such excess acreage must be maintained separately after harvest to assure that proper disposition has been made: *Provided*, That, if sugarcane is harvested from excess acreage for the manufacture of sirup concurrently with the harvest of sugarcane for seed or the production of sugar other than for livestock feed, and such acreage is not clearly identified as provided above, the producer shall not market a quantity of sugarcane for the production of sugar or seed greater than the total of the tonnages of sugarcane marketed for sugar, seed and sirup multiplied by the percentage that the acreage harvested for sugar and seed on the farm is of the total acreage of all sugarcane marketed.

(b) An estimate of the average tons of sugarcane per acre growing on excess acreage which has been staked out or otherwise identified and which has been designated for harvest for sirup or livestock feed must be made before harvest by a representative of the county committee and the farm operator. The estimate must be in writing, signed by the operator and filed at the county office.

(c) Any operator who markets sugarcane for sirup from excess acreage must furnish weight tickets to the county committee evidencing that such sugarcane was sold by him or processed by or for him for such purpose. In the case where excess acreage is identified by a representative of the county committee and an estimate is made, as provided in subparagraph (b) of this paragraph, if the average tonnage of sugarcane per acre grown on such excess acreage, as computed by dividing the total tonnage of sugarcane marketed for sirup by the excess acreage, is less than 80 percent of the estimate made pursuant to subparagraph (b) of this paragraph, no payment shall be made until the operator furnishes acceptable proof to the county committee that the sugarcane from all excess acreage on the farm was marketed or disposed of other than for seed or the production of sugar except sugar for livestock feed.

(d) The operator must maintain a record of the excess acreage in each field or parts of fields and the method and purpose of disposal of sugarcane grown on excess acreage in each such case, until receipt of the Sugar Act payment for the 1966 crop of sugarcane.

§ 855.22 Failure to file timely or accurate report of acreage in certification counties.

If the operator of any farm, which is located in a county designated in Part 718, Chapter VII of this Title 7, as a county in which farm operators' certification of the acreage and land use may be accepted with respect to sugarcane in lieu of a farm inspection and measurement, fails to file a report in compliance with subparagraph (b)(6) of section 718.8 of such part, or files a timely report showing that the acreage of sugarcane is within the proportionate share for the farm and it is later determined by the county or State committee that such acreage is in excess of the proportionate share and was knowingly reported incorrectly by the farm operator, no payment shall be made with respect to such farm.

STATEMENT OF BASES AND CONSIDERATIONS

Sugar Act Requirements. As a condition for payment to producers, section 301(b) of the Act as modified by section 302(b)(6), provides that there shall not have been harvested for seed or marketed (or processed), except for livestock sugar, an amount of sugarcane grown on the farm for the production of sugar or liquid sugar in excess of the proportionate share for the farm, if farm proportionate shares are determined by the Secretary pursuant to section 302 of the Act.

Section 302(a) provides that the amount of sugar with respect to which payment may be made shall be the amount of sugar commercially recoverable from the sugarcane grown on the farm and marketed (or processed by the producer) for sugar or liquid sugar not in excess of the proportionate share for the farm, if farm proportionate shares are determined by the Secretary.

Subsections (1) and (6) of section 302 (b) provide that in determining the proportionate share for a farm, the Secretary may take into consideration the past production on the farm of sugarcane marketed (or processed) for the extraction of sugar or liquid sugar or used for seed (within proportionate shares when in effect), and the ability to produce such sugarcane.

Section 302(b)(5) provides that the Secretary shall, insofar as practicable, protect the interests of new producers and small producers, and the interests of producers who are cash tenants, share tenants, or sharecroppers and of producers in any local producing area whose past production has been adversely, seriously and generally affected by drought, flood, storm, freeze, disease, insects, or other similar abnormal and uncontrollable conditions.

Section 302(b)(9) authorizes the Secretary to reserve from the acreage which would otherwise be allocated to producers, a total acreage of sugarcane estimated to yield not more than 16,000 tons of sugar to relieve hardships on the part of new producers.

General. Pursuant to the foregoing provisions of the act, shares are required in any area for a given crop when the indicated production will be greater than the quantity needed to enable the area to meet the quota (and provide a normal carryover inventory) as estimated by the Secretary for such area for the calendar year during which the larger part of the sugar from such crop normally would be marketed.

Proportionate shares (farm acreage allotments) were not required in the Mainland Cane Sugar Area for the crops of 1960 through 1962. Shares were initially established for the 1963 crop but were removed because of increased marketing opportunities of the area, low world sugar stocks and drastic price increases of sugar. Acreage restrictions were not imposed on the 1964 crop. Because of acreage expansion during the years when production was not controlled, representatives of sugarcane producers in Florida and Louisiana recommended to the Department that 1965 production be controlled to minimize the further accumulation of excess sugar stocks.

The 1965 crop was restricted to an acreage level resulting in an overall cutback of about 13 percent from the 1964-crop level. Sugar production from the 1965 crop is presently estimated at about 1,050,000 tons. With this production and with the increased marketing opportunities for the area, the effective inventory of sugar would be slightly lower on January 1, 1966, than a year earlier. Anticipated supplies in 1966 will be adequate to meet the area's quota and carryover requirements. To avoid a supply of sugar in excess of quota and carryover requirements, it is necessary that 1966-crop acreages be restricted.

Informal public hearings. On June 4, 1965, an informal public hearing was held in New Orleans, La., to obtain the views and recommendations of interested persons on all matters relating to the establishment of 1966-crop proportionate shares. Because of the uncertainty as to the area's marketing opportunities for the current and subsequent years, recommendations were requested regarding the total acreage to be allotted at different quota levels to bring sugar supplies into line with quota needs and inventory requirements. Views were requested on the method to be used in establishing 1966-crop shares, the acreages to be set aside for adjustments in such shares and for establishing shares for new producers and the level at which such shares should be established. Views were also requested concerning a method to be used to assure that each State would use the total of the proportionate share acreage and on other pertinent provisions of the program.

About 100 persons attended the public hearing.

The spokesman for the American Sugar Cane League, which is composed of sugarcane producers who produce more than 95 percent of the sugarcane grown in Louisiana and 40 of the 42 processors of sugarcane for sugar in that State, made several recommendations, including the following: (1) that a farm base be established for each farm at a level equal to the 1965-crop share for the farm less any acreage received from the 10,000 acre reserve for Louisiana which was not planted and less any new-producer acreage not planted; (2) that a share be established for each farm for which a base is computed, at a level of 100 percent of such farm base; (3) that no

acreage be set aside for adjusting shares, but that if the Department deems such acreage necessary it should not exceed 150 acres for Louisiana and 100 acres for Florida; (4) that not more than one-tenth of 1 percent of the total proportionate share acreage be set aside to establish new-producer shares not to exceed 10 acres each; (5) that the acreage reserve provision for Louisiana be continued and that separate State acreage allocations be established, and (6) that a provision be included to protect the interest of owners who lost sugarcane acreage through the transfer of acreage to an agency having the right of eminent domain.

The spokesman for the majority of the Florida sugarcane producers and processors recommended that a farm base be established for each farm at the level of the 1965-crop acreage harvested for sugar and seed plus acreage classified as bona fide abandoned acreage within the farm share. Shares would be established at 100 percent of the farm base. The spokesman recommended that an acreage equivalent of one-tenth of 1 percent of the estimated total of proportionate shares for farms in the Mainland Cane Area be set aside for making adjustments in shares and that a like amount be set aside for establishing shares for new producers, such shares not to exceed 10 acres. He recommended that the "reserve" acreage provision for Louisiana not be continued.

Spokesmen for the industry agreed that the industry would be willing to carry any surplus stocks of sugar which might result from the establishment of 1966-crop shares at the same level as the 1965-crop shares.

On November 16, 1965, the hearing was reopened in Washington, D.C., to obtain the views and recommendations of interested persons on the recent amendment to the Sugar Act which authorizes the Secretary to reserve from the acreage which would otherwise be made available to cane producers for the 1965 and 1966 crops, an acreage estimated to yield not more than 16,000 tons of sugar to relieve hardship on the part of new producers.

About 50 persons attended this public hearing.

The spokesman for a cooperative in Florida which began operations in 1964 recommended that the acreage necessary to yield 7,800 tons of sugar be allotted to Florida producers. He further recommended that the reduction in shares imposed by the 1965-crop regulation be restored to all new producers who otherwise qualify as hardship producers under the 1965 amendment to section 302(b) of the Act.

The spokesmen for the American Sugar Cane League urged that no preferential treatment be given any producer in 1966 in consideration of the amendment to the Sugar Act. He reiterated his position, stated in the prior hearing, that the 1966 shares of farms which received acreage in 1965 from the 10,000-acre reserve set aside in Louisiana be reduced in the amount by which the total measured acreage exceeds the total acreage of shares excluding the reserve for unused acres.

A spokesman for the older producers in Florida recommended that if the Secretary utilizes the acreage made available by the amendment to the Sugar Act, no one be forced to take a reduction from the 1965 acreage level.

The President of a corporation which acquired a processing facility and farm in 1963 when it was in receivership stated that his farm must have a share of 25,000 acres to be a reasonably efficient operation and requested that 2,340 additional acres be allotted his farm in 1966 from the acreage made available by the amendment to the Act.

Several new growers submitted briefs in which they requested relief pursuant to such amendment.

Regulation. This regulation provides for the establishment of separate State allocations for Florida and Louisiana within which shares may be established. For each State, the allocation will represent the sum of (1) the 1965-crop acreage harvested for sugar and seed and that abandoned for bona fide causes within the proportionate shares initially established for old-grower and new-grower farms under the 1965-crop program, including adjustments made in 1965 shares from the 850 acres and 550 acres made available for that purpose to Louisiana and Florida, respectively, plus the acreage used from the 10,000-acre reserve in Louisiana, and the unused acreage on farms in Florida which was reallotted to other farms in the State, (2) the acreage made available to relieve hardships of new producers pursuant to the recent amendment to the Sugar Act, (3) the acreages made available to each State for adjustments in 1966-crop shares and for establishing new-producer shares, and (4) such acreages as are required to establish or increase the shares for farms owned by persons who have lost sugarcane acreage as the result of the exercise of the right of eminent domain.

If the entire 1965-crop acreage within shares determined by the State ASCS offices, is harvested for sugar and seed or qualifies as bona fide abandonment, the 1966 State allocations will approximate 315,000 acres and 197,500 acres for Louisiana and Florida, respectively.

For the purpose of establishing 1966-crop shares, the term "accredited acres" shall be the 1965 acreage (within the final share established for that program) harvested for sugar and seed and which was abandoned for bona fide cause, or the final 1965-crop share in the case of farms for which an adjustment was made pursuant to the amendment to the Act to relieve hardships of new producers. A share will be established for each farm, as constituted for the 1965 crop at the level of the farm's accredited acreage. Thus, the share for each farm not receiving an increase pursuant to the hardship relief amendment will reflect any 1965 acreages which were utilized, including adjustments to bring about reasonable comparability in shares for similar farms. In addition, the shares for such farms will reflect increases from the 1965 reserve in Louisiana, and from reallocations of unused acreages in Florida.

The 1965-crop shares for a majority of the farms which were new in the crop years 1962 through 1965 were increased pursuant to the recent amendment to section 302(b). Increases in shares covered all excess 1965-crop acreages for farms which were new in 1963, 1964, and 1965, and for farms that were new in 1962, increases were limited by the acreage available to 18.91 percent of the acreage needed by each of such farms to reach their 1964-crop acreage record. The shares for other farms which were new in this period and which were not increased pursuant to this amendment were previously adjusted upward to the level of the growing acreage for 1965-crop harvest through other adjustment procedures or the reallocation of unused acres. Since the 1966-crop shares for farms which received additional acreage in 1965 pursuant to this provision will be the final 1965-crop adjusted share, relief is provided for these farms as contemplated by the statute.

There are 2,584 acres included in the 1966 shares of farms in Louisiana which were a portion of the increases made in 1965 shares from the 10,000 acre reserve set-aside made available to that State. Under the original regulation for the 1965 crop, this acreage would have been destroyed or diverted to uses other than for sugar, since it represents the amount by which the total measured acreage in Louisiana for 1965-crop harvest exceeds the total of the original shares established. The requirement to dispose of the 2,584 acres was waived in a subsequent amendment to the 1965 regulation immediately after Hurricane Betsy. This acreage has been or soon will be harvested or has qualified for bona fide abandonment, and therefore, is considered as accredited acres to be used in computing 1966-crop shares. To balance this additional acreage for Louisiana, 1,910 acres has been included in the allocation for Florida, and will be used to increase the share for each old-producer farm on a pro-rata basis.

Since 1966-crop shares include the acreages utilized within the 10,000 acre reserve made available to Louisiana in 1965 to offset underplantings by other growers and since the shares for the growers who did not fully utilize their 1965 shares are established at the level of the utilized acreages, the need for a 1966-crop reserve is reduced. However, full use of the total of the shares in each State is made possible in other ways. The regulation provides that any acreage by which the sum of the initially established shares within a State is less than the State allocation and any unused proportionate share acreage may be reallocated to farms whereon additional acreage might be used. Such acreages will be prorated first to farms on which the 1965-crop share was underplanted for reasons beyond the control of the operator and for which increased 1966-crop acreages are requested. Any acreage remaining will be prorated to other farms for which shares of less than 150 acres are determined and for which additional

acreages are requested. Acreage so allotted to a farm will be limited to the lesser of 20 percent of the 1966-crop share for the farm or to the amount needed to bring the total share up to 150 acres. If any acreage remains after this proration it will be allotted to those farms whereon additional acreages are desired and can be used.

The 500 acres being made available to Florida and the 800 acres being made available to Louisiana for the establishment of new-producer shares in 1966, represent approximately one-fourth of 1 percent of the sum of the proportionate shares established for such States under the 1965 program Shares for new producers will be established at a level of 50 acres or a lesser acreage, if requested. In view of the economic factors involved in beginning a new sugarcane operation, including the purchase of specialized farm equipment, it is believed that a proportionate share at a 50 acre level is more appropriate than the 10 acres recommended by representatives of the Florida and Louisiana groups.

Small acreages are provided for adjustments in shares of old producers.

The regulation provides for the protection of the interests of operators who have lost sugarcane acreage after the 1962 crop through the transfer of such acreage to an agency or entity having the right of eminent domain.

The other provisions of this regulation are generally similar to those which were in effect for the 1965 program.

The 1966-crop sugarcane acreages resulting from this regulation should provide a quantity of sugarcane which will enable the area to meet its quota under the Act and provide a normal carryover inventory.

The provisions of this regulation provide an equitable basis for establishing shares for farms in the area for the 1966 crop of sugarcane.

Accordingly, I hereby find and conclude that the foregoing regulation will effectuate the applicable provisions of the Act.

Effective date. Date of publication.

Signed at Washington, D.C., on December 14, 1965.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 65-13542; Filed, Dec. 17, 1965; 8:47 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 92]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.392 Navel Orange Regulation 92.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 16, 1965.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., December 19, 1965, and ending at 12:01 a.m., P.s.t., December 26, 1965, are hereby fixed as follows:

(i) District 1: 600,000 cartons;
(ii) District 2: 56,442 cartons;
(iii) District 3: 100,000 cartons;
(iv) District 4: 25,000 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 17, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-13642; Filed, Dec. 17, 1965; 11:29 a.m.]

[Lemon Reg. 193]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.493 Lemon Regulation 193.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 14, 1965.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., December 19, 1965, and ending at 12:01 a.m., P.s.t., December 26, 1965, are hereby fixed as follows:

(i) District 1: 46,500 cartons;
(ii) District 2: 93,000 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 16, 1965.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-13587; Filed, Dec. 17, 1965; 8:50 a.m.]

[971.308 Amdt. 1]

PART 971—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 144 and Order No. 971 (7 CFR Part 971), regulating the handling of lettuce grown in the Lower Rio Grande Valley in South Texas (Cameron, Hidalgo, Starr, and Willacy Counties), effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs 1–19, 48 Stat. 31 as amended; 7 U.S.C. 601 et seq.), and upon the basis of the recommendation and information submitted by the South Texas Lettuce Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) compliance with this amendment will not require any special preparation on the part of handlers, (3) information regarding the committee's recommendation has been made available to producers and handlers in the production area, and (4) this amendment relieves restrictions on the handling of lettuce grown in the production area.

Order, as amended. In § 971.308 (30 F.R. 13935), delete paragraph (b) "*Sizing and pack,*" and (c) "*Containers,*" and insert in lieu thereof the following:

§ 971.308 Limitation of shipments.

* * * * * *

(b) *Sizing and pack.* (1) Lettuce heads, packed in container Nos. 7303, 7306, or 7313, if wrapped, may be packed only 18, 20, 22, 24, or 30 heads per container; if not wrapped, only 18, 24, or 30 heads per container.

(2) Lettuce heads in container No. 85–40 may be packed only 24 heads per container.

(c) *Containers.* Containers may be only—

(1) Cartons with inside dimensions of 10 inches x 14¼ inches x 5⅛ inches (designated as carrier container No. 7303), or

(2) Cartons with inside dimensions of 9¾ inches x 14 inches x 21 inches (designated as carrier container Nos. 7306 and 7313), or

(3) Cartons with inside dimensions of 21½ inches x 16⅛ inches x 10¾ inches (designated as carrier container No. 85–40—flat pack).

* * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. Dated: December 15, 1965, to become effective December 20, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division.

[F.R. Doc. 65-13543; Filed, Dec. 17, 1965; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 6959; Amdt. No. 121-14]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Closing and Locking Flight Crew Compartment Door

The purpose of this amendment is to permit air carriers and commercial operators to keep the cockpit door open during takeoffs and landings where it is a means of access to any floor level exit.

Section 121.587 requires the flight crewmember compartment door to be closed and locked except where it must be opened by a crewmember in the performance of his duties and, except during takeoff or landing where it is the means of access to a required passenger emergency exit. As originally proposed, this rule (Draft Release No. 62–54) would have permitted the cockpit door to be open during all takeoffs and landings. Some of the comments on that draft release questioned the broadness of this exception since it could present an opportunity for interference with the flight crew during the most critical part of a flight in situations where there was no reason for keeping the door open. In response to these comments the Agency limited the exception to those cockpit doors that are a means of access to a required passenger emergency exit since such doors are required to be open during takeoff and landings (See § 25.1557(d)).

Several situations have now been called to the Agency's attention that indicate that the rule, as adopted, is too restrictive. In several airplane types the cockpit door is the means of access to a floor level exit that, although not designated as a required emergency exit, could serve as an added passenger exit in an emergency if it was openable and readily accessible to the passengers. The Agency has now determined that it is in the interest of safety to permit air carriers and commercial operators operating airplanes with such configurations to leave the cockpit door open during takeoff and landing.

Since this amendment is minor in nature and imposes no additional burden on any persons, compliance with the notice and public procedures provisions of the Administrative Procedure Act is unnecessary, and good cause exists for making it effective on less than 30 days' notice.

In consideration of the foregoing, § 121.587(b)(1) of the Federal Aviation Regulations is amended effective December 18, 1965, by inserting the words "or a floor level exit" immediately after the words "passenger emergency exit."

(Secs. 313(a), 601, and 604, Federal Aviation Act of 1958; 72 Stat. 752, 775, 778; 49 U.S.C. 1354, 1421, 1424)

Issued in Washington, D.C., on December 14, 1965.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 65-13519; Filed, Dec. 17, 1965; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-1000]

PART 13—PROHIBITED TRADE PRACTICES

State Credit Control Bureau, Inc., et al.

Subpart—Enforcing dealings or payments wrongfully: § 13.1045 *Enforcing dealings or payments wrongfully.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misrepresenting

oneself and goods—Business status, advantages or connections: § 13.1425 *Government connection.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46; interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, State Credit Control Bureau, Inc., et al., St. Louis, Mo., Docket C–1000, Oct. 8, 1965]

In the Matter of State Credit Control Bureau, Inc., a Corporation, and Stephen W. Conger, Thomas W. Collins, and Gertrude R. Conger, Individually and as Officers of Said Corporation

Consent order requiring a St. Louis, Mo., dealer of debt collection forms to cease misrepresenting itself as government-connected by the use of such words as "State Credit Control Bureau," "State Collection Officer," or "County Collection Officer," and furnishing to others forms which state or imply that an alleged delinquent debtor is about to be subjected to legal action.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents State Credit Control Bureau, Inc., a corporation, and its officers, and Stephen W. Conger, Thomas W. Collins, and Gertrude R. Conger, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the collection of, or the attempt to collect, accounts, or with the solicitation of information concerning debts or debtors, or with the offering for sale, sale or distribution of forms, or other materials, for use in the collection of, or the attempt to collect, accounts, or in the solicitation of information concerning debts or debtors, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the words "State Credit Control Bureau," "State Collection Officer," "County Collection Officer," or any other words of similar import or meaning to refer to respondents' business or any person connected therewith.

2. Representing, or placing in the hands of others the means and instrumentalities by and through which they may represent, directly or by implication, that:

a. Any communication with respect to an allegedly delinquent account is being made by, through, or in connection with an agency of government, whether State, Federal, or local;

b. Any communication with respect to an allegedly delinquent account originates with any party other than the true originator thereof;

c. An allegedly delinquent account has been, or is about to be, or may be referred to any party for any purpose; provided, however, that it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that at the time the representation was made (1) a bona fide referral had been effected, or was about to be effected, or was being seriously considered, as represented, and (2) the true nature of the referral was clearly and completely disclosed;

d. Legal action with respect to an allegedly delinquent account has been, or is about to be, or may be initiated; provided, however, that it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that at the time the representation was made (1) legal action had been initiated, or was about to be initiated, or was being seriously considered, as represented, and (2) the true nature of the legal action was clearly and completely disclosed.

It is further ordered, That the respondents herein shall, with sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 8, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65–13525; Filed, Dec. 17, 1965; 8:46 a.m.]

[Docket C–1001]

PART 13—PROHIBITED TRADE PRACTICES

Allied Stores Corp.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets:* 13.5–20 Federal Trade Commission Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies Sec. 5, 38 Stat. 719, as amended; Sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18) [Order of divestiture, Allied Stores Corp., New York, N.Y., Docket C–1001, Oct. 8, 1965]

Consent order requiring the fifth largest department store chain in the United States with its principal office located in New York City, having annual sales of approximately $830 million, to divest itself absolutely, within 1 year, of a suburban department store located in San Antonio, Tex., which it acquired in January 1965 through its acquisition of Wolff & Marx, Inc., in violation of section 7 of the Clayton Act; such divestiture must be made to a responsible purchaser approved by the Commission, who will preserve the store as an effective competitor in the lines of commerce in which it was engaged prior to the acquisition; and requiring corporation to cease and desist from making any horizontal acquisitions without prior approval of the Federal Trade Commission for the next 10 years, and to comply with other related provisions of the divestiture order as set forth below.

The order of divestiture, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered* That respondent, Allied Stores Corporation, hereinafter referred to as "Allied," absolutely and in good faith, divest the retail store situated at the North Star Mall Shopping Center in San Antonio, Tex., acquired by Allied as the result of its acquisition of Wolff & Marx, Inc. Such divestiture shall include all leases, warehousing facilities, inventories, the trade name "Wolff & Marx," trademarks, and goodwill, together with all additions thereto and replacements thereof. Such divestiture shall be to a responsible purchaser approved by the Federal Trade Commission, who shall preserve said store as a going concern and fully effective competitor in the lines of commerce in which it was engaged prior to the acquisition, and said divestiture shall take duly into account the interest of North Star Mall, Inc., and of the other merchants in the North Star Mall Shopping Center in the maintenance of the drawing power of the store and the effective operation of the shopping center as an integrated merchandising unit.

II. *It is further ordered* That Allied begin to make good faith efforts to divest the above said assets promptly after the effective date of this order. It shall continue such efforts to the end that the divestiture thereof be effected within one (1) year. If divestiture of said store to a satisfactory purchaser shall not have been accomplished within the specified one (1) year period, or any extensions thereof, the Commission will give respondent notice and an opportunity to be heard before the Commission issues any further order or orders which the Commission may deem appropriate.

III. *It is further ordered* That, in the aforesaid divestiture, Allied not sell or transfer, directly or indirectly, any of said assets to anyone who is at the time of divestiture an officer, director, employee, or agent of, or under the control or direction of, Allied or any of its subsidiaries or affiliates, or to any person who owns or controls more than one (1) percent of the outstanding shares of common stock of Allied or any of its subsidiaries or affiliates.

IV. *It is further ordered* That, pending divestiture, Allied not make any changes in, nor fail to take appropriate steps to preserve, any of the aforesaid assets if such action or inaction would impair their capacity for the retail sale or distribution of apparel, household linens and dry goods, or other merchandise, or their market value.

V. *It is further ordered,* That for ten (10) years from the effective date of this order, Allied cease and desist from acquiring, directly or indirectly, without the prior approval of the Federal Trade Commission, any part of the stock or assets of any firm engaged in the department store business or GMAF store business in any SMSA in the United States in which Allied then operates a department store or GMAF store.

VI. *It is further ordered,* That, within sixty (60) days after the effective date of this order, within every sixty (60) days thereafter until it has fully complied with the provisions of Paragraphs I through IV of this order, and within every year thereafter until it has fully complied with the provisions of Paragraph V of this order, Allied submit in writing to the Federal Trade Commission a report setting forth in detail the manner and form in which it intends to comply, is complying, and/or has complied with this order. All compliance reports shall include, among other things that will be from time to time required, a summary of all contacts and negotiations with potential purchasers of the assets to be divested under this order, the identity of all such potential purchasers, copies of all written communications to and from such potential purchasers, and a statement as will disclose the identity of all department store or GMAF store businesses, any part of the stock or assets of which Allied has acquired, contracted to acquire, or offered to acquire since the preparation of the prior compliance report, together with the location of each such store.

Issued: October 8, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65–13526; Filed, Dec. 17, 1965; 8:45 a.m.]

[Docket C–1002]

PART 13—PROHIBITED TRADE PRACTICES

Morris B. Sachs, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30–30 Fur Products Labeling Act; § 13.155 *Prices:* 13.155–15 Comparative. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1175 *Comparative data or merits;* § 13.1355 *Value.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1590 *Composition:* 13.1590–30 Fur Products Labeling Act; Misrepresenting oneself and goods—Prices: § 13.1785 *Comparative.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; Sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Morris B. Sachs, Inc., et al., Chicago, Ill., Docket C–1002, Oct. 14, 1965]

In the Matter of Morris B. Sachs, Inc., a Corporation; and Morris B. Sachs, Jr., and Benjamin Schwab, Individually and as Officers of Said Corporation

Consent order requiring Chicago, Ill., retailers of fur products, to cease misbranding, falsely invoicing, and deceptively advertising their fur products in violation of the Fur Products Labeling Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Morris B. Sachs, Inc., a corporation, and its officers, and Morris B. Sachs, Jr., and Benjamin Schwab, individually and as officers of said corporation and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, into commerce, or in the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation and distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Using the word "Reg," or words of similar import, to refer to any amount which is in excess of the price at which such merchandise has been sold or offered for sale in good faith by the respondents in the recent regular course of their business, or otherwise misrepresenting the price at which such merchandise has been sold or offered for sale by respondents.

2. Misrepresenting in any manner on labels or other means of identification the savings available to purchasers of respondents' fur products.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and rules and regulations promulgated thereunder in abbreviated form.

3. Failing to set forth the term "natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist directly or indirectly in the sale, or offering for sale of any fur product, and which:

1. Falsely or deceptively identifies any such product as to the name or designation of the animal or animals that produced the fur contained in the fur product.

2. Uses the word "Reg," or words of similar import, to refer to any amount which is in excess of the price at which such merchandise has been sold or offered for sale in good faith by the respondents in the recent regular course of their business, or otherwise misrepresenting the price at which such merchandise has been sold or offered for sale by respondents.

3. Misrepresents in any manner the savings available to purchasers of respondents' fur products.

4. Fails to set forth the term "natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

5. Fails to set forth all parts of the information required under section 5(a) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in type of equal size and conspicuousness and in close proximity with each other.

D. Making claims and representations of the types covered by subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 14, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65–13527; Filed, Dec. 17, 1965; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Sodium Methicillin

Pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90), Parts 141a and 146a of the antibiotic drug regulations are changed to provide for the certification of methicillin sodium when it contains specified amounts of ethylenediaminetetraacetic acid trisodium salt, and are further amended by changing the name "methicillin sodium" to read "sodium methicillin."

1. Section 141a.103 is amended by changing the section heading and paragraph (d) to read as follows:

§ 141a.103 Sodium methicillin.

* * * * *

(d) *Toxicity.* Proceed as directed in § 141a.4, except use sterilized U.S.P. saline T.S. as the diluent and inject 0.5 milliliter of a solution containing 100 milligrams of methicillin per milliliter, or, if the drug contains ethylenediaminetetraacetic acid trisodium salt, inject 0.5 milliliter of a solution containing 40 milligrams of methicillin per milliliter.

• • • • • •

2. Section 146a.15 is amended by changing the section heading, by changing the introduction to paragraph (a) and by adding two sentences to the end of paragraph (a), by changing paragraphs (b), (c)(1)(ii), and (e)(1) to read as hereinafter set forth, and by adding to paragraph (d)(3) a new subdivision (iii). Accordingly, the affected portions read as follows:

§ 146a.15 Sodium methicillin.

(a) *Standards of identity, strength, quality, and purity.* Sodium methicillin is the crystalline monohydrated sodium salt of 2,6-dimethoxyphenyl penicillin. It is so purified and dried that:

• • • • • •

If it is packaged for dispensing it may contain ethylenediaminetetraacetic acid trisodium salt in a quantity not less than 4.25 percent and not more than 5.25 percent by weight of its total solids. If it contains ethylenediaminetetraacetic acid trisodium salt its pH, immediately after reconstitution as directed in the labeling is not less than 7.0 and not more than 8.5.

(b) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U.S.P., and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. In case it is packaged for dispensing, it shall be in immediate containers of colorless transparent glass. Each such container shall contain the equivalent of 0.9 gram or 3.6 grams of methicillin free acid.

(c) *Labeling*—(1) • • •

(ii) On the circular or other labeling within or attached to the package, a statement that solutions prepared from the drug should be stored under refrigeration and used within 24 hours, except that, if the drug contains ethylenediaminetetraacetic acid trisodium salt as specified in paragraph (a) of this section, a statement that reconstituted solutions may be stored at room temperature for not more than 2 days.

• • • • • •

(d) *Request for certification, check tests and assays; samples.* • • •

(3) • • •

(iii) In case of an initial request for certification, each other substance used in making the batch: One package of each, containing approximately 5 grams.

• • • • • •

(e) *Fees.* • • •

(1) $5.00 for each immediate container in the samples submitted in accordance with paragraph (d)(2)(i) and (3)(i) of this section; $4.00 for each package in the sample submitted in accordance with paragraph (d)(3)(ii) of this section; $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for any repeat sterility test, if necessary, in accordance with § 141.2(f) of this chapter.

• • • • • •

Notice and public procedure and delayed effective date are unnecessary prerequisites to the promulgation of this order, and I so find, since the amendments provide for a change in the formulation of sodium methicillin when packaged for dispensing, which change has been determined to improve stability of the drug after reconstitution without affecting its safety or efficacy.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: December 13, 1965.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 65-13562; Filed, Dec. 17, 1965; 8:49 a.m.]

Title 22—FOREIGN RELATIONS

Chapter II—Agency for International Development, Department of State

PART 210—LOYALTY AND SECURITY INVESTIGATIONS FOR PERSONS SERVING UNDER CONTRACTS FINANCED FROM UNITED STATES FOREIGN ASSISTANCE FUNDS

Sec.
210.1 Purpose.
210.2 Definition.
210.3 Access to classified information or material.
210.4 Other requirements.

AUTHORITY: The provisions of this Part 210 issued under sec. 111, Foreign Assistance and Related Agencies Appropriation Act, 1966 (79 Stat. 1005); delegations of authority from the President (E.O. 10973, 24 F.R. 10469) and the Secretary of State (Delegation of Authority No. 104, 26 F.R. 10608).

§ 210.1 Purpose.

This part prescribes the regulations that are required by section 111 of the Foreign Assistance and Related Agencies appropriation Act, 1966, which provides:

None of the funds appropriated or made available by this or any predecessor Act for the years subsequent to fiscal year 1962 for carrying out the Foreign Assistance Act of 1961, as amended, may be used on or after 60 days from the date of enactment of this Act to make payments with respect to any contract for the performance of services outside the United States by United States citizens unless the President shall have promulgated regulations that provide for the investigation of such citizens for loyalty and security to the extent necessary to protect the security and other interests of the United States: *Provided*, That such regulations shall require that any such U.S. citizen who will have access, in connection with the performance of such services, to information or material classified for security reasons shall be subject to such investigation as may otherwise be provided by law and executive order.

§ 210.2 Definition.

The following definition applies to this part:

"Act" means Title I of the Foreign Assistance and Related Agencies Appropriation Act, 1966; any subsequently enacted law which appropriates or makes funds available for carrying out the Foreign Assistance Act of 1961, as amended, and to which a restriction applies that is identical with or substantially similar to the restriction contained in section 111 of the Foreign Assistance and Related Agencies Appropriation Act, 1966; any previously enacted Act which appropriates or makes funds available for the years subsequent to fiscal year 1962 for carrying out the Foreign Assistance Act of 1961, as amended.

§ 210.3 Access to classified information or material.

No United States citizen will have access, in connection with the performance of services subject to the Act, to information or material classified for security reasons unless such citizen has been investigated as may otherwise be provided by law and executive order.

§ 210.4 Other requirements.

This part shall not limit or restrict the authority of the appropriate officers of the Government to impose additional qualifications and requirements for approval with respect to personnel who perform services in connection with contracts.

WILLIAM O. HALL,
Assistant Administrator for Administration.

DECEMBER 15, 1965.

[F.R. Doc. 65-13609; Filed, Dec. 17, 1965; 8:50 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

PART 49—FACILITIES AND SERVICES EXCISE TAXES

Exemption From Tax on Air Transportation

Exemption from tax on transportation of persons by air of amounts paid by the Department of Defense to Military Air Transport Service contract and charter carriers.

By virtue of the authority vested in me by section 4293 of the Internal Revenue Code of 1954 (68 Stat. 511; 26 U.S.C. 4293), exemption is hereby authorized from the tax imposed by section 4261 of such Code with respect to amounts paid by the Department of Defense for transportation of persons by air when such payment is made pursuant to MATS Form 8, Civil Aircraft Certificate.

[SEAL] HENRY H. FOWLER,
Secretary of the Treasury.

DECEMBER 10, 1965.

[F.R. Doc. 65-13547; Filed, Dec. 17, 1965; 8:48 a.m.]

Title 29—LABOR

Chapter IV—Office of Labor-Management and Welfare-Pension Reports, Department of Labor

SUBCHAPTER B—WELFARE-PENSION REPORTS

PART 460—FILING OF DESCRIPTION OF EMPLOYEE WELFARE OR PENSION BENEFIT PLANS—ANNUAL REPORTS

Annual Report Form, Time for Filing

On June 2, 1965, notice was published in the FEDERAL REGISTER of a proposal to amend Form D–2 "Employee Welfare or Pension Benefit Plan Annual Report Form" issued under section 7 of the Welfare and Pension Plans Disclosure Act (sec. 7, 72 Stat. 1000, 76 Stat. 36, 37; 29 U.S.C. 306). The proposed amendment had as its purpose more comprehensive and meaningful disclosure and accommodation of the form to 1962 amendments to the Act. Interested persons were afforded 45 days from the date of publication to offer comment concerning the proposal. After consideration of all relevant matter presented pursuant to such notice, the proposed Form D–2 is herein adopted, with certain modifications.

The adoption of an amended Form D–2 also necessitates certain procedural adaptations in 29 C.F.R. Part 460. Accordingly under the authority of sections 5 and 7 of the Welfare and Pension Plans Disclosure Act (72 Stat. 999, 1000; 76 Stat. 36, 37; 29 U.S.C. 304, 306), and Secretary's Order No. 24–63 (28 F.R. 9172), 29 C.F.R. Part 460 is hereby amended as follows:

1. Section 460.4 is hereby amended to read as follows:

§ 460.4 Annual report form.

The required publication and filing of each annual report shall be made on the U.S. Department of Labor Form D–2, entitled "Employee Welfare or Pension Benefit Plan Annual Report Form" in accordance with instructions accompanying the Form and this Part 460. Copies of U.S. Department of Labor Form D–2 will be furnished to administrators of plans upon receipt by the Office of Labor-Management and Welfare-Pension Reports of information which is submitted for initial filing as a description of the plan. After the initial annual report for each plan has been submitted for filing, and within a sufficient period of time prior to the date each succeeding annual report is required to be filed, administrators of plans will receive from the Office of Labor-Management and Welfare-Pension Reports, copies of U.S. Department of Labor Form D–2. Additional copies of U.S. Department of Labor Form D–2 or any parts thereof will be furnished to administrators of plans upon request directed to the Office of Labor-Management and Welfare-Pension Reports, U.S. Department of Labor, Washington, D.C., 20210, or to any area office of the Office of Labor-Management and Welfare-Pension Reports.

2. Section 460.6 is hereby amended to read as follows:

§ 460.6 Time for filing annual report.

Copies of each annual report with respect to each such plan, shall be filed with and received by the Office of Labor-Management and Welfare-Pension Reports, U.S. Department of Labor, Washington, D.C., 20210, within 150 days after the end of the calendar year, or if the records of the plan are kept on a policy or other fiscal year basis, within 150 days after the end of such policy or fiscal year. Reports for calendar, policy or other fiscal years ending on or after December 31, 1966, shall be filed on Form D–2 as amended (effective January 1, 1966). Reports for calendar, policy or other fiscal years ending on or before December 30, 1966, may be made on the current Form D–2 or on the Form D–2, as amended.

The amendment shall take effect on January 1, 1966.

Signed at Washington, D.C., this 13th day of December 1965.

JAMES J. REYNOLDS,
Labor-Management Services Administrator.

[F.R. Doc. 65-13536; Filed, Dec. 17, 1965; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER G—CIVIL DEFENSE

PART 221—EMPLOYMENT OF MILITARY RESOURCES IN NATURAL DISASTER EMERGENCIES WITHIN THE UNITED STATES, ITS TERRITORIES AND POSSESSIONS

The Deputy Secretary of Defense approved the following on November 18, 1965:

Sec.
221.1 Purpose and applicability.
221.2 Definitions.
221.3 Authorities.
221.4 National policies.
221.5 DOD policies and responsibilities.
221.6 Control of and accounting for DOD resources provided.
221.7 Contingency plans.
221.8 Reporting.
221.9 Instructions for reporting military participating in natural disasters.

AUTHORITY: The provisions of this Part 221 issued under Federal Disaster Act of 1950 (64 Stat. 1109–111), 42 U.S.C. 1855–1855g, authorizing Federal assistance to State and local governments in major disasters to alleviate suffering and damage.

§ 221.1 Purpose and applicability.

(a) This part establishes Department of Defense policies, assigns responsibilities, and furnishes general guidance to the Military Departments, Joint Chiefs of Staff, and other DOD Components (hereinafter referred to collectively as "DOD Components") governing the provision of DOD support to civil authorities under natural disaster conditions within the United States, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(b) Its provisions do not apply to foreign disasters, which are covered in DOD Directive 5100.46 "Responsibilities for Foreign Disaster Relief Operations," October 15, 1964.

§ 221.2 Definitions.

(a) Natural disaster includes all domestic emergencies except those created as a result of enemy attack or civil disturbance. The term "civil disturbance" applies to all types of serious civil disorders and emergencies that occur as the result of unlawful violence by civilians.

(b) Major disaster means any flood, drought, fire, hurricane, earthquake, storm, or other catastrophe in any part of the U.S. which, in the determination of the President, is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government under Public Law 875, 81st Congress (42 U.S.C. 1855–1855g) as amended, to supplement the efforts and available resources of State and local governments in alleviating the damage, hardship, or suffering caused thereby. As used in the aforesaid Act, "United States" includes the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands. The term "major disaster" as used herein, includes natural disasters but does not include emergencies created as a result of loss of control of radioactive or other hazardous materials, including gases and exotic fuels, and as a result of enemy attack or civil disturbances, including work stoppages which are treated in other DOD issuances. The term "Military Equipment and Supplies" shall include Army, Navy, Air Force, Marine Corps and Defense Supply Agency equipment and supplies.

§ 221.3 Authorities.

(a) Public Law 875, 81st Congress, as amended, 42 U.S.C. 1855–1855g (hereinafter called the Federal Disaster Act of 1950), authorizes Federal assistance to State and local governments in major disasters to alleviate suffering and damage. The President may direct any Federal agency to utilize its available re-

sources in accordance with the authority given him in the Act.

(b) Executive Order 10427, dated January 16, 1953, as amended, delegates to the Director, Office of Emergency Planning, the authority of the President to direct and coordinate other Federal agencies in rendering assistance to State and local governments during major disasters declared by the President under the provisions of the Federal Disaster Act of 1950.

(c) Executive Order 10737, dated October 29, 1957, supplements procedures covering the administration of Federal disaster relief. It also amends Executive Order 10427 to include authority for the reimbursement of any Federal agency, subject to the concurrence of the Director of the Bureau of the Budget for authorized expenditures from funds allocated by the President for use in assistance to a specific State.

(d) Executive Order 11051, dated, September 27, 1962, prescribes the responsibilities of the Director, Office of Emergency Planning, for disaster relief under authority of, and in accordance with, the provisions of Executive Orders 10427 and 10737.

§ 221.4 National policies.

(a) The Congress has stated its intent "to provide an orderly and continuing means of assistance by the Federal Government to State and local governments in carrying out their responsibilities to alleviate suffering and damage resulting from major disasters, to repair essential public facilities in major disasters, and to foster the development of such State and local organizations and plans to cope with major disasters as may be necessary."

(b) The President in Executive Order 10427, as amended, recognized the need for Federal action "in the event of any disaster which will not permit delay in the commencement of Federal assistance or other Federal assistance or other Federal actions, and pending the determination of the President whether the disaster is a major disaster." DOD policy regarding military support in disasters which have not yet been declared a major disaster as discussed above is provided by § 221.5.

(c) To obtain Federal assistance, the Governor of a State affected by a disaster must request a declaration by the President, through the Director, OEP, that a major disaster exists. It is sent to the appropriate OEP Regional Office Director, who in turn transmits the request to the Director, OEP, with additional information, as appropriate, and his recommendation for or against the declaration. The Director, OEP, recommends appropriate action to the President.

(d) The Presidential declaration authorizes the Director, OEP, within the scope of the President's determination, to direct Federal agencies to provide assistance in conformity with the Federal Disaster Act of 1950, as amended. The Director, OEP, has delegated this authority to each of his Regional Directors.

§ 221.5 DOD policies and responsibilities.

(a) Although responsibility for alleviating disaster conditions rests primarily with individuals; families; private industry; local and State governments (through State and local civil defense organizations); the American National Red Cross; various Federal agencies having special statutory responsibilities; and other Federal agencies having resources that can be used, DOD Components are frequently called upon in the initial stages of disasters to provide humanitarian relief which could not otherwise be given in such timely fashion.

(1) Upon receipt of notification from the Director, OEP, that the President has determined that a major disaster exists, the Secretary of the Army will advise other interested DOD Components of the Presidential Declaration.

(2) Upon direction by an OEP Regional Director, such personnel, equipment, or other resources as are authorized by the appropriate military authority through military command channels will be made available.

(3) In instances where disasters are of such imminent seriousness as to preclude the receipt of timely instructions from higher authority, a commander of an installation will take such action as is necessary and as the circumstances of the case require to save human life, prevent immediate human suffering, or mitigate great destruction or damage to property. Such action without prior authorization, of necessity must be prompt and vigorous—for its purpose is the protection of life and property until such time as instructions from higher authority have been received, rather than the assumption of functions normally performed by civil authorities. The commander shall report at once the actions taken and request guidance in accordance with the provisions of this part.

(4) Responsibility for providing assistance initially to civil authorities in disasters is that of the military commander having available resources nearest to the affected area. In doing so, the commander is subject to no authority other than that of his superiors in the military chain of command.

(5) As a guiding principle, military participation in disaster relief will be furnished on a minimum-essential basis and terminated at the earliest practicable time.

(6) The military forces will cooperate and work closely with the American National Red Cross in disaster relief operations. Because of its nationwide organization and experience in providing assistance to distressed individuals and families, Red Cross workers are uniquely qualified to provide advice and assistance to military commanders in coping with effects of disaster in local communities or surrounding areas.

(7) The military forces will cooperate and work closely with the civil authorities at the State and local level of government in disaster relief operations.

(8) Civil Defense Regional Offices will assist, as requested, in the support of State and local civil authorities.

(b) The Assistant Secretary of Defense (Administration) will:

(1) Provide guidance and assistance to Department of Defense Components on policy and program aspects of natural disaster relief operations.

(2) Coordinate within the Department of Defense the policy and program aspects of military relationships in natural disaster situations.

(c) The Assistant Secretary of Defense (Installations and Logistics) will provide guidance and assistance to assure efficient and expeditious transfer or loan of military property and the provision of other logistics support through the DOD Components, pursuant to requirements specified by the Director, Office of Emergency Planning, as described in this section.

(d) The Assistant Secretary of Defense (Public Affairs) will issue necessary instructions to the DOD Components governing the activities of public information service operations in disasters. Such instructions will include guidance concerning DOD assistance to news media representatives present at the scene of the disaster.

(e) All other DOD Components, whose functional responsibilities are not otherwise stated, will coordinate and provide for the flow throughout the Department of Defense of necessary instructions and information as may derive from actions taken under paragraph (g) of this section.

(f) The Joint Chiefs of Staff will:

(1) Provide recommendations to the Secretary of Defense with respect to the planning for and use of military resources for disaster relief operations.

(2) Issue instructions to commanders of unified commands having within their geographical area of responsibility Alaska, Hawaii, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands regarding the planning for and the use of military resources for disaster relief operations within such States, Territories and possessions of the United States.

(g) The Secretary of the Army or his designee has primary responsibility for military support in disasters within the continental United States. The Department of the Army will:

(1) Insure effective utilization of resources made available by the Department of the Navy and the Department of the Air Force and other DOD Components, as appropriate, establish joint measures for, coordinate, and control, through established Service command channels, the employment of military forces and resources made available by all Military Services in providing assistance in disasters.

(h) The Department of the Navy will coordinate with the Department of the Army in planning and furnishing support to civil authorities in disaster relief operations as jointly deemed necessary.

(i) The Department of the Air Force will:

(1) Coordinate with the Department of the Army in planning and supporting civil authorities in disaster relief operations as jointly deemed necessary.

(2) Coordinate the activities of the Civil Air Patrol in disaster relief operations.

(j) Other DOD Components will coordinate with the Department of the Army in planning and furnishing support to civil authorities in disaster relief operations as jointly deemed necessary.

§ 221.6 Control of and accounting for DOD resources provided.

DOD assistance to civil authorities in disasters will be limited to the employment of those resources not immediately required in the execution of the primary military mission. Normally, military resources will be committed only when civilian resources are inadequate to cope with the disaster and then only in the minimum quantities required by the situation.

(a) Reimbursement of costs for repair, rehabilitation or modification of military real property and related personalty and equipment (and restoration to original state if required) furnished pursuant to receipt of order from OEP will be effected from appropriations made available to OEP. Requests for reimbursement from OEP will be submitted to that office as provided for under Part 1709 of this title of the Code of Federal Regulations.

(b) Reimbursements for the issue (sale) of materiel from stock funds will be in accordance with DOD Directive 7420.1, "Regulations Governing Stock Fund Operations," August 20, 1965. Reimbursements for the sales of appropriation-financed materiel will be at the current standard prices in accordance with the policy governing. "Accounting and Pricing for Material Financed by Procurement Appropriations for Military Functions." In addition, billings will include accessorial charges incident to issues, sales, and transfers of materiel in accordance with DOD Instruction 7510.4, "Uniform Policy for Charging Accessorial Costs Incident to Issues, Sales, and Transfers of Materials, Supplies, and Equipment," August 31, 1965.

(c) Equipment and supplies which have been declared surplus in accordance with existing law and regulations may be donated to State and local governments, in accordance with existing regulations.

(d) Whenever the Secretary of a military department or the head of another DOD Component, or their designated representatives determine that DOD controlled nonsurplus stocks needed for major disaster relief purposes will not be immediately required for the execution of essential military missions, they may authorize such property to be made available to OEP on a loan basis to be returned immediately following the end of the disaster period. Reimbursement will be requested as provided for under Part 1709 of this title, for nonconsumable property lost, destroyed or damaged. In case of damaged property, reimbursement will be for the cost of repair as well as for the reduced utility value of the item. Reduced utility value will be determined by the lending department.

(e) On a title transfer basis, reimbursement for transfers from working capital funds will be requested in accordance with DOD Directive 7420.1, "Regulations Governing Stock Fund Operations," August 20, 1965, or applicable fund regulations. Requests for reimbursement of nonworking capital funds property will be in accordance with current standard or cost prices and in addition, any accessorial charges in accordance with DOD Instruction 7510.4, "Uniform Policy for Charging Accessorial Costs Incident to Issues, Sales, and Transfers of Materials, Supplies, and Equipment," August 31, 1965.

(f) Interservice agreements shall be established in accordance with DOD Directive 4000.19, "Basic Policies and Principles for Interservice Support," March 26, 1960, to provide that all charges incident to supplies and services furnished at the request of the American National Red Cross will be processed for collection through the Department of the Army to the American National Red Cross Headquarters.

(g) When the Department of the Army coordinates military disaster relief operations during a major disaster, or requests the Department of the Navy and/or Air Force and/or other DOD Components to provide resources and services in connection therewith, the Army will process for collection the total military expenses incurred and submit consolidated billings to the OEP for reimbursement from appropriations available to that office for these purposes.

(h) Requests for military property received by local military commanders from State and local civil authorities will be referred to the appropriate OEP Regional Office Director.

(i) Requests for military property from the OEP Regional Office Director will be referred to the appropriate military commander and, for DSA materiel, to the DSA. Where the approval of the Secretary of a military department, of the heads of a DOD Component, or their designees is required, such approval should be obtained by the most expeditious means.

(j) When any services or supplies, including property furnished from Defense Stock Fund inventories, are provided by the Defense Supply Agency to a military department to support military disaster relief operations, reimbursement to the Defense Supply Agency will be made by the military department in accordance with normal procedures. The amounts will be included in the expenses billed recipient by the military departments.

(k) In the case of disasters described in § 221.4(b), which were not declared major disasters by the President, each military department shall bill the recipient of assistance. Requests for reimbursement from local agencies will be handled at local levels.

(l) Military assistance in overseas States, possessions and Territories of the United States is the responsibility of the unified commander in whose area such assistance is required. When military assistance required exceeds that available to the responsible unified commander, requests for assistance should be submitted to the Joint Chiefs of Staff for appropriate action.

(m) Services as stated herein include airlift and other transportation resources. Provisions of paragraph (g) of this section, as to reimbursement will apply. When such transportation services are provided by an industrially funded agency, reimbursement will be made to the appropriate industrial fund, in accordance with DOD Directive 7410.4, "Regulations Governing Industrial Fund Operations," April 3, 1963.

(n) In the United States, its Territories or possessions, military resources and personnel available to the Secretary of the Army and those military resources and personnel made available during natural disasters, such as hurricanes and floods, may be employed in shore protection, flood fighting and rescue operations in support of the Chief of Engineers' statutory obligations (sec. 5, Act of August 18, 1941, as amended; 33 U.S.C. 701n).

§ 221.7 Contingency plans.

DOD Components will, as appropriate, develop contingency plans for major disaster operations. Military commanders shall be responsible for assuring that such contingency plans are coordinated with appropriate civil authorities at State and local levels.

§ 221.8 Reporting.

(a) Military participation in disasters will be reported in accordance with instructions in § 221.9.

(b) DOD Components assigned responsibilities herein are authorized to maintain operational liaison with the OEP and other governmental agencies. Any significant development from such liaison activity affecting the implementation of assigned responsibilities will be reported to the Secretary of the Army.

(c) Military assistance in disasters within the continental United States will be reported by the Department of the Army.

(d) Military assistance in disasters in Alaska, Hawaii, the Virgin Islands, Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands will be reported by the commanders of the unified commands concerned.

§ 221.9 Instructions for reporting military participating in natural disasters.

(a) Immediately upon implementation of any employment of military resources to assist civil authorities in disaster relief operations, the responsible reporting authority (CONUS Army Commander, Commander of Unified Command in States, Territories and possessions outside of CONUS) will submit a report (Reports Control Symbol CSGPO-121) through military channels to the Department of the Army containing the following information:

(1) Nature of emergency, location, extent of damage, and estimated duration.

(2) Number of military (Army, Navy, Marine Corps, Air Force and National Guard) and civilian personnel committed and nature of actions in which they are employed.

(3) Amounts and types of DOD military (including DSA, Army, Navy, Marine Corps, Air Force and National Guard) equipment and supplies committed.

(4) Degree to which civil agencies have committed their resources.

(5) Source of request for assistance.

(6) Casualties and fatalities of both military and civilian personnel.

(7) Acreage and location of real property committed.

(b) The Departments of the Navy and Air Force and other DOD Components with report to the CONUS Army Commander concerning information required in paragraph (a) of this section regarding the extent of Navy, Marine Corps and Air Force participation in disasters, in order that the CONUS Army Commander can discharge his reporting responsibilities.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 65-13549; Filed, Dec. 17, 1965; 8:48 a.m.]

Chapter VII—Department of the Air Force

SUBCHAPTER B—SALES AND SERVICES

PART 811—SALE OF DOCUMENTARY STILL PHOTOGRAPHS

SUBCHAPTER M—ANIMALS

PART 930a—SENTRY/SCOUT DOGS

1. In F.R. Document 65-13146 appearing in the issue for Thursday, December 9, 1965, at page 15212, the heading for Part 811 is now incorrect. This heading has been revised to read as set forth above.

2. A new Part 930a is added as follows:

Sec.
930a.1 Purpose.
930a.2 Procurement.
930a.3 General specifications.
930a.4 Person offering dogs for sale or donation.
930a.5 Inspection—Department of the Air Force.
930a.6 Specifications and general requirements for dogs offered for donation or sale to the U.S. Government (sentry dogs).

AUTHORITY: The provisions of this Part 930a issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

SOURCE: AFR 70-12, September 3, 1965.

§ 930a.1 Purpose.

This part tells how sentry/scout dogs are procured.

§ 930a.2 Procurement.

For the Department of Defense, sentry/scout dogs are procured by a contracting officer, Lackland Air Force Base. He will procure only those dogs recommended by the Sentry/Scout Dog Acceptance Board appointed by the Commander, Lackland Air Force Base.

§ 930a.3 General specifications.

Detailed specifications and general requirements are set forth in § 930a.6. In time of emergency when large numbers of dogs are required, specifications may be modified when directed by the Department of the Air Force. (Section 930a.6 may be locally reproduced.)

§ 930a.4 Person offering dogs for sale or donation.

(a) The contracting officer will provide copies of the following documents to an individual offering a dog for sale or donation to the Air Force:

(1) Sentry Dog Owner Proposal.

(2) Specifications and General Requirements for Dogs Offered for Donation or Sale to the U.S. Government (Sentry Dogs) (§ 930a.6).

(3) Report of Veterinary Examination of Prospective Sentry Dog (AF Form 1271).

(b) The owner will complete the Sentry Dog Owner Proposal and have the medical examination made by a licensed veterinarian. He then will send the proposal to the contracting officer. The veterinarian will send his report to the Base Procurement Division, Lackland AFB, Tex., 78236. The owner is also responsible for holding and feeding the dog pending shipment and providing any assistance required for shipment of the dog to Lackland AFB.

§ 930a.5 Inspection—Department of the Air Force.

Before acceptance each dog will be individually examined and approved by members of the Sentry/Scout Dog Acceptance Board to determine the dog's fitness, physically and temperamentally, for military training.

(a) The scope of the veterinary examination will be sufficient to determine that the dog meets the required specifications as outlined in this part. This examination will include, but not necessarily be limited to:

(1) A complete physical examination.

(2) Examination of a blood sample for evidence of heartworm infection. One of the concentration techniques (e.g., the Knott's test) will be used for this purpose.

(3) A pelvic radiograph to determine whether the dog has a disqualifying degree of hip dysplasia.

(b) When the owner specifies in the proposal that he does not desire the return of the dog and thereby grants permission to the Air Force to select the disposition method, the following procedure will apply:

(1) Dog will be given as a gratuitous gift to a local citizen. List of applicants will be maintained by the Director, Department of the Air Police Training, 3275th Technical School, Lackland AFB.

(2) The Director, Department of the Air Police Training, 3275th Technical School, will direct euthanasia when procedure in subparagraph (1) of this paragraph cannot be accomplished.

§ 930a.6 Specifications and general requirements for dogs offered for donation or sale to the U.S. Government (sentry dogs).

(a) *General appearance and characteristics.* (1) Breed: The animal must meet generally acceptable standards for the German Shepherd breed. Minor defects which do not interfere with the animal's ability to perform sentry duty may be allowed. Coarse or domed heads, hanging ears, tail defects, etc., may not necessarily be considered disqualifying.

(2) Conditions: Dogs must be sound, or a sturdy, compact, working type, revealing evidence of power, endurance and energy. The condition should be that of an athlete in good health, with good muscle tone, clear eyes, and alert attitude. The coat should be healthy and in a good state of grooming. The outercoat should be as dense as possible, the under-coat varying with the season of the year and the geographical origin of the animal.

(c) Weight: The minimum acceptable weight for dogs of either sex is sixty (60) pounds. The animal must weigh at least sixty (60) pounds at the time of the preshipment veterinary physical examination.

(4) Height: The minimum acceptable height for dogs of either sex is twenty-three (23) inches at the shoulder. This height is established by a perpendicular line from the top of the shoulder blade to the ground with the coat parted or so pushed down that this measurement will show only the actual height of the frame or structure of the dog. The animal must have achieved this minimum acceptable height at the time of the pre-shipment veterinary physical examination.

(5) Age: The age of the animal may vary between twelve (12) and thirty-six (36) months at the time of the pre-shipment veterinary physical examination.

(6) Sex: Either sex is acceptable. Applications for females must be accompanied by a veterinary certificate indicating that a complete spaying operation (ovario-hysterectomy) was performed at least ninety (90) days prior to the pre-shipment veterinary physical examination. Castrated males or males with one or both testicles undescended are acceptable.

(7) Color: The only restriction relative to the color of the animal is that no white sentry/scout dogs will be purchased.

(8) Gait: The gait of acceptable animals must be generally within breed standards, although minor defects are not disqualifying. Any gait defect which may interfere with the animal's ability to perform strenuous duty is disqualifying.

(b) *Temperament.* (1) General: The animal must show evidence of typical German Shepherd character as defined by the breed standard. Alertness, aggressiveness, steadiness, vigor, and responsiveness are necessary qualities. Timid, shrinking, or cowardly animals are not acceptable.

(2) Aggressiveness: An aggressive animal is one which shows signs of irritation when teased, i.e., advances and shows outward signs of boldness. Actions indicating that he would attack an agitator, including snarling, barking, and raising of his hackles are considered aggressive.

(3) Gun-shyness: "Gun-shy" animals are not acceptable. A "gun-shy" animal is one which shows signs of fear (attempts to run or hide, cowers, trembles, refuses to advance) at the sound of a gun shot or similar noise. Such animals can be distinguished from "gun-green" animals, which may be acceptable. "Gun-green" animals are those which have not been exposed to gunfire, and appear cautious or uncertain around it (as they might to any number of new experiences).

(c) *Health and physical condition.* (1) General: A preshipment physical examination must be performed by a licensed veterinarian on all dogs offered for donation or sale to the U.S. Government. At this time the examining veterinarian will complete the attached "Report of Veterinary Examination of Prospective Sentry Dog." Acceptable animals must be in good health, and in good physical condition at the time of this preshipment veterinary physical examination, and at the time of arrival at the Lackland Sentry Dog Facility. Minor and temporary conditions arising during the shipment of animals to Lackland are not disqualifying.

(2) Disease: Animals showing evidence of a contagious disease or of any disease condition that will render them unsuitable for immediate utilization in a training status are not acceptable. It is of particular importance that animals with a systemic infectious disease (e.g., canine distemper, infectious canine hepatitis, leptospirosis), or with a recent history of such disease, not be shipped to the Lackland Sentry Dog Facility. Animals with demodectic or sarcoptic mange are not acceptable.

(3) Teeth and jaws: The teeth must be strong with no evidence of severe enamel erosion. No more than four teeth may be missing, none of which may be a canine tooth. Animals with overshot or undershot jaws are not acceptable.

(4) Limbs: The legs of acceptable animals must have good bone, and be well proportioned. Pasterns must be strong and springy, and toes well arched. Evidence of bone or joint disease will be considered disqualifying if severe enough to interfere with acceptable performance. Healed fractures of the limbs which do not cause interference with locomotion and performance are not necessarily disqualifying.

(5) Hip dysplasia: Unless there is evidence to indicate that a dog has hip dysplasia, a routine pelvic radiograph for this condition is not required as a part of the pre-shipment veterinary physical examination. If such evidence does exist, all radiographs should be forwarded to Lackland with the "Report of Veterinary Examination of Prospective Sentry Dog." The final determination of the acceptability of a dog with hip dysplasia for the military sentry dog program will be made by veterinary personnel at Lackland.

(6) Elbow dysplasia: Clinical or radiological evidence of elbow dysplasia is disqualifying.

(7) Filariasis: The existence of heartworm infection as determined by microscopic examination of a blood sample is disqualifying. An animal with a known history of heartworm infection, even though negative for microfilaria at the time of this examination, is also disqualified.

(8) Intestinal parasites: The existence of an infection with an intestinal parasite is not a disqualifying condition provided that treatment is administered by a veterinarian prior to shipment of the animal to the Lackland Sentry Dog Facility.

(9) External parasites: The existence of an infestation with fleas, ticks, lice, or ear mites is not a disqualifying condition provided that appropriate treatment has been administered by a veterinarian prior to shipment of the animal to the Lackland Sentry Dog Facility.

(10) Basic senses: Clinical evidence of any defect in hearing, vision, or the sense of smell in disqualifying.

(11) Immunizations: Application forms must be accompanied by certificates of vaccination (issued by a graduate veterinarian) against the following diseases: Canine distemper, infectious canine hepatitis, leptospirosis, and rabies. Vaccination against canine distemper, infectious canine hepatitis, and leptospirosis must have been within 1 year of the date of the preshipment veterinary physical examination. In accordance with Texas state law, vaccination against rabies must have been within 6 months of shipment into the state of Texas.

(d) *General remarks.* The final decision as to acceptability of the animal will be made by the Sentry Dog Acceptance Board.

By order of the Secretary of the Air Force.

FREDERICK A. RYKER,
Lt. Col., U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 65-13517; Filed, Dec. 17, 1965; 8:45 a.m.]

Chapter XVIII—Office of Civil Defense, Office of the Secretary of the Army

PART 1802—DONATION OF FEDERAL SURPLUS PERSONAL PROPERTY FOR CIVIL DEFENSE PURPOSES

Miscellaneous Amendments

1. The heading of Part 1802 is revised to read as set forth above.

2. As indicated by the "Redesignation of Civil Defense Regulations," published at 29 F.R. 6384, May 15, 1964, paragraph (g) of § 1802.2 is revised to read as follows:

§ 1802.2 Definitions.

• • • • •

(g) *OCD.* Office of Civil Defense, Office of the Secretary of the Army. Where action is to be taken this term denotes the Director of Civil Defense or other duly authorized official(s) acting under authority delegated to the Secretary of Defense by Executive Order 10952, 26 F.R. 6577.

• • • • •

3. Paragraph (c) of § 1802.5 is amended by revision of the penultimate sentence. This paragraph now reads as follows:

§ 1802.5 Acquisition of donable property.

• • • • •

(c) *Title.* Donation of property shall be effective and title shall pass from the United States of America to the donee, upon the taking of possession of the property by the donee and the execution by an authorized representative of the donee of either a Form HEW 135 or a warehouse issue sheet or other State agency document containing the same certifications, terms, and conditions as are applicable and set forth on Form HEW 135. Title to an aircraft or title to a vessel measuring 50 feet or more in length shall pass from the United States of America to the donee upon execution by DHEW and delivery to the donee of an aircraft conditional transfer document or a vessel conditional transfer document, as the case may be. Consistent with Federal requirements, title shall be vested in the donee in the form and manner required by applicable law of the State and political subdivision.

• • • • •

4. Section 1802.6 is revised to read as follows:

§ 1802.6 Additional conditions.

(a) *Applicability.* The additional conditions set forth in this section are applicable to donated property having a single item acquisition cost to the Federal Government of $2,500 or more. Aircraft and vessels measuring 50 feet or more in length are specific exceptions to all of this section but the provision of paragraph (c) of this section. The terms and conditions applicable to aircraft and to vessels measuring 50 feet or more in length are those specified in the appropriate conditional transfer document in accordance with regulations of DHEW.

(b) *Distribution, maintenance, and utilization.* The donee shall locate, protect, maintain, and utilize the property only in such manner as will not jeopardize the readiness or usability of the property to meet the civil defense need for which it was donated and the exigencies of a civil defense emergency. Although ownership and control must remain in an eligible civil defense organization, consistent with procedures of the State and, where applicable, political subdivision, actual possession for civil defense use may be transferred in accordance with specific provisions therefor set forth in OCD surplus property program guidance material. Use by in-

dividuals or private entities, for other than civil defense purposes, is prohibited.

(c) *Utilization in disaster.* In view of the close relationship and parallel nature of activities required for enemy-caused and other-than-enemy-caused disaster, any item of donated property, without regard to acquisition cost may be used in preparation for (including without limitation training activities and test exercises) and during other-than-enemy-caused disaster, including without limitation natural disaster of a local nature and "major disaster" as defined in Public Law 875, 81st Congress.

(d) *Period of restriction.* Unless and until expressly released in writing by an authorized official of OCD on a case basis, the restrictions imposed under this section shall continue for a period of 4 years, except that the period of restriction on motor vehicles (Federal Supply Classification Group No. 23) shall continue for 2 years, all from the date each item of property is donated for civil defense purposes.

(e) *Disposal.* During the period of its restriction, property shall not be sold, traded, encumbered or otherwise disposed of without the specific, prior, written approval of the Assistant Director of Civil Defense (Plans and Operations) or as to items having an original single item acquisition cost of less than $50,000, the appropriate Regional Director, OCD. Any loan or other transfer of possession of the property for civil defense purposes shall be in accordance with specific provisions therefor set forth in OCD surplus property program guidance material. If not used or put in stockpile within 1 year from date of donation or if during its period of restriction, property is no longer suitable, usable, or needed for the civil defense purposes of the donee, the donee shall promptly notify OCD through the State Civil Defense Director. The donee shall take such action as directed by OCD, including, without limitation, public sale of the property or retransfer of the property to such other donee or to such department or agency of the United States of America as OCD may in writing designate. Any sale or rent of the property shall be for the benefit and account of the United States of America and the gross proceeds thereof shall be received and held in trust for the United States of America and shall be promptly remitted to OCD.

(f) *Remedies.* In the event any of the terms and conditions set forth in this section are breached, all right, title, and interest in the property involved shall, at the option of OCD revert to the United States of America. In addition, where there has been an unauthorized disposal or improper use, the donee, at the option of OCD shall be liable to the United States of America for all damages. Where the property is not returned to possession and ownership of the United States of America or where property has been improperly used, the donee shall be liable to the United States of America and all proceeds shall be deemed to have been received and held in trust for the United States of America and the donee shall promptly remit the same to OCD. When the fair market value or rental value of the property at the time of such disposal or improper use is greater than the proceeds derived from such action, the donee shall, at the option of OCD, also be liable for and promptly remit the difference between such proceeds and such value, as determined by OCD. The remedies provided in this paragraph (f) of this section are in addition to administrative compliance measures, and all civil remedies and criminal penalties provided by law.

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER.

(64 Stat. 1255, 50 U.S.C. App. 2253; 70 Stat. 493, 40 U.S.C. 484(j)(k); Reorg. Plan No. 1 of 1958, as amended, 72 Stat. 1799–1801, 23 F.R. 4991; E.O. 10952, as amended, 26 F.R. 6577; Delegation of Authority Regarding Civil Defense Functions and Establishment of the Office of Civil Defense, published April 10, 1964, 29 F.R. 5017).

Dated: December 8, 1965.

WILLIAM P. DURKEE,
Director of Civil Defense.

[F.R. Doc. 65-13518; Filed, Dec. 17, 1965; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Necedah National Wildlife Refuge, Wis.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 **Special regulations; sport fishing; for individual wildlife refuge areas.**

WISCONSIN

NECEDAH NATIONAL WILDLIFE REFUGE

Sport fishing on the Necedah National Wildlife Refuge, Wis., an area comprising approximately 10 percent of the total water area of this refuge is permitted only on the areas designated by signs as open to fishing. The open area is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

(1) Open season: Daylight hours December 15, 1965, through March 15, 1966.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through March 15, 1966.

EDWARD J. COLLINS,
Refuge Manager, Necedah National Wildlife Refuge, Necedah, Wis.

DECEMBER 8, 1965.

[F.R. Doc. 65-13528; Filed, Dec. 17, 1965; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3904]

[Arizona 035052]

ARIZONA

Modification of Stock Driveway Withdrawal

By virtue of the authority contained in the act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

The departmental order of March 18, 1918, withdrawing lands in Arizona for stock driveway purposes, is hereby modified to the extent necessary to permit the granting of a right-of-way under section 2477, U.S. Revised Statutes (43 U.S.C. 932), to Navajo County, over the following described lands, as delineated on maps on file with the Bureau of Land Management in Arizona 035052, for construction of a public highway:

GILA AND SALT RIVER MERIDIAN

T. 13 N., R. 22 E.,
Sec. 18, E½NE¼.

Containing approximately 3 acres.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

DECEMBER 13, 1965.

[F.R. Doc. 65-13532; Filed, Dec. 17, 1965; 8:46 a.m.]

[Public Land Order 3905]

[Arizona 035150]

ARIZONA

Modification of Public Land Order No. 317 To Permit Grant of Right-of-Way

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Public Land Order No. 317 of April 15, 1946, as amended by Public Land Order No. 922 of October 20, 1953, reserving lands for development under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), is hereby modified to the extent necessary to permit the grant of a right-of-way under section 2477, U.S. Revised Statutes (43 U.S.C. 932), to Pima County, Ariz., over the following described lands, as delineated on a map on file with the Bureau of Land Management in Arizona 035150, for construction of a public road:

GILA AND SALT RIVER MERIDIAN

T. 14 S., R. 12 E.,
Sec. 25, SW¼SW¼, E½NE¼SW¼, SE¼SE¼NW¼SW¼ and NW¼NW¼SE¼SW¼.

Containing approximately 9/25 acre, in Pima County.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

DECEMBER 14, 1965.

[F.R. Doc. 65-13533; Filed, Dec. 17, 1965; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[7 CFR Part 319]

FOREIGN QUARANTINE NOTICES
Dutch Elm Disease

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that the Administrator of the Agricultural Research Service, pursuant to sections 5 and 7 of the Plant Quarantine Act of 1912 (7 U.S.C. 159, 160), is considering revoking Notice of Quarantine No. 70, Revised, and supplemental regulations (7 CFR 319.70, 319.70–1 through 319.70–6), prohibiting the movement, from the Continent of Europe and the Dominion of Canada and other foreign areas north of the United States, including Newfoundland, Labrador, St. Pierre, Miquelon, and islands adjacent thereto, of (a) seeds, leaves, plants, cuttings, and scions of elm and related plants; (b) logs of elm and related plants; (c) lumber, timber, and veneer of such plants if bark is present on them; and (d) crates, boxes, barrels, packing cases, and other containers, and other articles manufactured in whole or in part of the wood of elm or related plants, if such wood is not free from bark, except as provided in the regulations supplemental to the notice of quarantine.

(Secs. 5, 7, 37 Stat. 316, 317, 7 U.S.C. 159, 160; 29 F.R. 16210, as amended, 30 F.R. 5801; 7 CFR 319.70, 319.70–1 through 319.70–6)

When first promulgated in 1933 this quarantine was designed to protect the elm trees of the United States from infection by the fungus (Ceratocystis ulmi) causing the Dutch elm disease. From 1933 to 1947 a cooperative Federal-State campaign was conducted to contain and eradicate the Dutch elm disease in Connecticut, New Jersey, and New York. By 1947 the disease was so widespread that the domestic plant quarantine, regulating the interstate movement of host material from areas where the disease occurred, was revoked. This was on the basis that continuation of the Federal quarantine did not provide practicable means for preventing the spread of the disease and that commodities that contribute to the spread of the disease could be regulated by action of individual States.

Were this quarantine to be revoked, the entry into the United States of elms and related plants or parts thereof would automatically fall within the provisions of Nursery Stock, Plants, and Seeds Quarantine No. 37 (7 CFR 319.37), which it is believed would afford adequate protection against the further entry of the Dutch elm disease. For example, under § 319.37–24 it would be possible for any State that has promulgated a State quarantine prohibiting the entry from other States of hosts of the Dutch elm disease, and that otherwise qualifies, to be protected against the entry of similar material from foreign countries infected with the disease. Also, any such material offered for importation into the United States under permit would have to be proven disease-free before its entry would be authorized.

There appears to be, therefore, little justification for maintaining Quarantine 70 and supplementary regulations as a separate entity.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Director of the Plant Quarantine Division, Agricultural Research Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md., 20781, within 60 days after the date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 14th day of December 1965.

[SEAL] R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 65–13574; Filed, Dec. 17, 1965; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

LABELING AND DESIGNATION OF INGREDIENTS

Proposal To Exempt Declaration of Presence of Propylene Glycol and Glycerin Used as Carriers To Disperse Food-Grade Stabilizers in Fabricated Foods

American Food Laboratories, Inc., 1000 Stanley Avenue, Brooklyn, N.Y., 11208, a manufacturer of food stabilizers has submitted a petition proposing the issuance of an amendment to § 1.10 to provide that propylene glycol and glycerin used as carriers to disperse food-grade stabilizers in quiescently frozen confections be exempted from the requirement that the presence of such carriers in the fabricated food be declared as an ingredient on the label of the fabricated food. The exemption sought would be applicable to quiescently frozen confections subject to the requirements of section 403(i) of the Federal Food, Drug, and Cosmetic Act.

The petitioner points out that there is a class of products in the frozen-dessert industry for which definitions and standards of identity have not been established. These products are called "quiescently frozen confections" and are produced by freezing without agitation. The liquid stabilizers and emulsifiers that are used in ice cream and other frozen desserts for which definitions and standards of identity have been established are likewise useful in the quiescently frozen confections. Petitioner states that there is a reluctance by manufacturers of the unstandardized frozen desserts to use liquid stabilizers and emulsifiers because the liquid carriers, such as propylene glycol and glycerin, must be declared as ingredients on the label of the unstandardized frozen desserts. There is no requirement that frozen desserts subject to definitions and standards of identity must declare such permitted carriers as ingredients on the label of those products. Petitioner further states that the carriers propylene glycol and glycerin are generally recognized by qualified experts as safe.

The petitioner further states that the advantages of using stabilizers and emulsifiers in liquid-state carriers are lost to manufacturers who would forego the use of such carriers rather than declare the presence of the carriers as ingredients of the fabricated food. It is the contention of the petitioner that such declaration of the carriers as ingredients serves no purpose, and that it would be an unusual customer of the fabricated food who would be aware of the function of the liquid-state carrier in the minute amount present in the fabricated unstandardized frozen dessert. To make a customer aware of the function of the carrier would require a reasonably long label declaration which would be, in the opinion of the petitioner, impracticable. The petitioner raises the question of possible consumer deception if a consumer were to assume by the label declaration of the carrier that there is a functional contribution of the carrier to the fabricated food. The petitioner states that the function of the carrier relates only to the stabilizer and emulsifier and thus has no effect relative to the fabricated food. The petitioner also contends that it is unfair to require a label declaration of the carrier when used in the unstandardized frozen desserts while not requiring the declaration in the instance of a standardized frozen dessert.

The proposal of the petitioner is as follows:

It is proposed to amend 21 CFR 1.10 by adding thereto a new paragraph (g), as follows:

§ 1.10 Food; labeling; designation of ingredients.

• • • • •

(g) Propylene glycol or glycerin shall be exempt from the requirements of clause (2) of section 403(i) of the act (requiring a declaration on the label of the common or usual name of each ingredient when the food is fabricated from two or more ingredients) if used as a carrier for food-grade stabilizers in quiescently frozen confections.

The petition in its entirety as presented by American Food Laboratories, Inc., is on file for public review at the Hearing Clerk's office of the Department.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 403(i), 701(a), 52 Stat. 1048, 1055; 21 U.S.C. 343(i), 371(a)), and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90), all interested persons are invited to submit written comments regarding this proposal within 30 days from the date of publication of this notice in the FEDERAL REGISTER. Such views and comments should be submitted, preferably in quintuplicate, to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, and may be accompanied by a memorandum or brief in support thereof.

Dated: December 10, 1965.

J. R. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 65–13563; Filed, Dec. 17, 1965; 8:49 a.m.]

[21 CFR Part 166]

DEPRESSANT AND STIMULANT DRUGS

Proposed Definitions, Procedural and Interpretative Regulations

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act as amended by the Drug Abuse Control Amendments of 1965 (Public Law 89–74, 79 Stat. 226 et seq.; secs. 201(v), 511, 701, 52 Stat. 1055, as amended, 79 Stat. 227 et seq.; 21 U.S.C. 321(v), 360a, 371), and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90), it is proposed that Part 166 be amended by adding thereto the following sections setting forth definitions and procedural and interpretative regulations for implementation of the provisions of the Drug Abuse Control Amendments of 1965:

§ 166.1 Definitions and interpretations.

(a) The term "act" means the Federal Food, Drug, and Cosmetic Act approved June 25, 1938 (52 Stat. 1040 et seq., as amended; 21 U.S.C. 301–392).

(b) "Department" means the Department of Health, Education, and Welfare.

(c) "Secretary" means the Secretary of Health, Education, and Welfare.

(d) "Commissioner" means the Commissioner of Food and Drugs.

(e) "Person" includes individuals, partnerships, corporations, and associations.

(f) The Bureau of Drug Abuse Control is the organizational unit established within the Food and Drug Administration charged with the administration of the Drug Abuse Control Amendments of 1965 (Public Law 89–74, 79 Stat. 226 et seq.).

(g) The term "depressant or stimulant drug" means any drug which contains any quantity of:

(1) Barbituric acid or any of the salts of barbituric acid.

(2) Any derivative of barbituric acid which has been designated by the Commissioner under section 502(d) of the act as habit forming.

(3) Amphetamine or any of its optical isomers.

(4) Any salt of amphetamine or any salt of an optical isomer of amphetamine.

(5) Any substance which the Commissioner, after investigation, has found to be, and by regulation designated as, habit forming because of its stimulant effect on the central nervous system.

(6) Any substance which the Commissioner, after investigation, has found to have, and by regulation designates as having, a potential for abuse because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect.

(h) The terms "manufacture, compounding, or processing of a drug," "manufacturing, compounding, or processing of a depressant or stimulant drug," and "manufacture, compound, or process any depressant or stimulant drug" as used in sections 301(q)(1), 304(a)(2)(D), and 511(a) of the act mean the manufacture, preparation, propagation, compounding, or processing of a drug by chemical, physical, biological, or by any other means, including manipulation, sampling, testing, or control procedures applied to the final product or to any part of the process. The terms include labeling, relabeling, repackaging, or otherwise changing the container, wrapper, or labeling of any drug package in furtherance of the distribution of the drug from the original place of manufacture to the person who makes final delivery or sale to the ultimate consumer.

(i) The term "wholesaling, jobbing, or distributing of depressant, stimulant, or hallucinogenic drugs" covers any system of selling or distributing of any depressant, stimulant, or hallucinogenic drug to any person who is not the ultimate user or consumer of the drug. Wholesalers include jobbers and medical supply houses who may not be required to obtain licenses as drug wholesalers under some state laws.

(j) The term "controlled substance" means those drugs or substances designated under section 201(v) of the act and the regulations thereunder as subject to the Drug Abuse Control Amendments of 1965 (Public Law 89–74, 79 Stat. 226 et seq.), and includes such substances in bulk, in finished form, semi-processed form, in finished packages, and preparations containing any amounts of such substances.

§ 166.2 Criteria applicable to terms used or defined in § 166.1.

(a) In determining whether a drug has a stimulant effect on the central nervous system, the Commissioner will consider, among other relevant factors, whether there is substantial evidence that the drug may produce any of the following:

(1) Extended wakefulness.

(2) Elation, exhilaration, or euphoria (exaggerated sense of well being).

(3) Alleviation of fatigue.

(4) Insomnia, irritability, or agitation.

(5) Apprehension or anxiety.

(6) Flight of ideas, loquacity, hypomania, or transient deliria.

(b) In determining whether a drug has a "depressant effect" on the central nervous system, the Commissioner will consider, among other relevant factors, whether there is substantial evidence that the drug may produce any of the following:

(1) Calming effect or relief of emotional tension or anxiety.

(2) Drowsiness, sedation, sleep, stupor, coma, or general anesthesia.

(3) Increase of pain threshold.

(4) Mood depression or apathy.

(5) Disorientation, confusion, or loss of mental acuity.

(c) In determining whether a drug is "habit forming," the Commissioner will consider, among other relevant factors, whether there is substantial evidence that the drug may produce any of the following:

(1) A psychological or physical dependence on the drug (compulsive use).

(2) Euphoria (exaggerated sense of well-being).

(3) Personality changes.

(4) Transient psychoses, delirla, twilight state, or hallucinoses.

(5) Chronic brain syndrome.

(6) Increased tolerance or a need or desire to increase the drug dosage.

(7) Physical dependence or a psychic dependence evidenced by a desire to continue taking the drug for the sense of improved well-being that it engenders.

(8) Pharmacological activity similar or identical to that of drugs previously designated as habit forming.

(d) In determining whether a drug has a hallucinogenic effect, the Commissioner will consider, among other relevant factors, whether there is substantial evidence that it may produce hallucinations, illusions, delusions, or alteration of any of the following:

(1) Orientation with respect to time or place.

(2) Consciousness, as evidenced by confused states, dreamlike revivals of past traumatic events, or childhood memories.

(3) Sensory perception, as evidenced by visual illusions, synesthesia, distortion of space and perspective.

(4) Motor coordination.
(5) Mood and affectivity, as evidenced by anxiety, euphoria, hypomania, ecstasy, autistic withdrawal.
(6) Ideation, as evidenced by flight of ideas, ideas of reference, impairment of concentration and intelligence.
(7) Personality, as evidenced by depersonalization and derealization, impairment of conscience and of acquired social and cultural customs.

(c) The Commissioner may determine that a stimulant or depressant drug has a potential for abuse if:

(1) There is evidence that individuals are taking the drug in amounts sufficient to create a hazard to their health or to the safety of other individuals or of the community; or

(2) There is significant diversion of the drug from legitimate drug channels; or

(3) Individuals are taking the drug on their own initiative rather than on the basis of medical advice from a practitioner licensed by law to administer such drugs in the course of his professional practice; or

(4) The drug is a new drug so related in its action to drugs already available to make it likely that the drug will have the same potentiality for abuse as such drugs, thus making it reasonable to assume that there may be significant diversions from legitimate channels, significant use contrary to or without medical advice, or that it has a substantial capability of creating hazards to the health of the user or to the safety of the community.

§ 166.3 Listing of drugs defined in section 201(v) of the act.

(a) The Commissioner designates all drugs, unless exempted by regulations in this part, containing any amount of the following substances as depressant or stimulant drugs:

(1) Barbituric acid or any salt of barbituric acid.

(2) Derivatives of barbituric acid which have been designated in § 165.1 as habit forming pursuant to section 502(d) of the act.

(3) Dextroamphetamine, levoamphetamine, or amphetamine (racemic) or any salt of dextroamphetamine, levoamphetamine, or amphetamine (racemic). Amphetamine is known chemically as *d*-, *l*-, or *dl*-α-methylphenethylamine. It has been declared by such designations as *d*-amphetamine, *l*-amphetamine, or *dl*-amphetamine followed by the name of the salt. The following is a partial list of amphetamine products:

Established name	*Some trade or other names*
Amphetamine phosphate	Actemin, Aktedron, Amphate, Monophos, Profetamine Phosphate, Racephen, Raphetamine Phosphate.
Amphetamine salts or optical isomers of amphetamine salts.	
Amphetamine sulfate	Alentol, Ampholds-S, Benzedrine Sulfate, Linampheta, Psychoton, Simpamina Amphedrine Sulfate.
Dextroamphetamine carboxymethylcellulose salt.	
Dextroamphetamine hydrochloride	
Dextroamphetamine phosphate	Dextro-Profetamine.
Dextroamphetamine sulfate	Adrizine, Am-Dex, D-Amfetasul, Amitrene, Amphedrine, Ampheres, Amphex, Amsustain, D-Ate Ph. 747, Betafedrina, d-Betaphedrine, Cendex Cenules, D-Citramine, Cradex, Dadex, D.A.S., Dexalone, Dexamphetamine, Dexedrine, Dex-OB, Dex-Sule, Dexten, Dextrosule, Diocurb, Domafate, Evrodex, Hetamine, Lowedex, Maxiton, Medex, Nilox, Obesedrin, Obesonil, Pellcaps, Pomadex, Simpamina-D, Sympamin, Tydex, Zamitan Plateau.
Dextroamphetamine tannate	Tanphetamin, Synatan.
Dibasic amphetamine phosphate	Bar-Dex.
Dibasic dextroamphetamine phosphate	
Levoamphetamine	Ad-Nil, Amphedrine-M, Levabo, Levamphetamine, Levonor.
Levoamphetamine succinate	Cydril.

§ 166.4 Procedure for the issuance, amendment, or repeal of regulations defining substances as habit forming or as having a potential for abuse.

(a) Under the provisions of section 201(v)(2) and (3) of the act, the Commissioner, under authority delegated to him by the Secretary (§ 2.90 of this chapter), is authorized to conduct investigations and promulgate regulations for the purpose of:

(1) Designating any drug containing any quantity of any substance as habit forming because of its stimulant effect on the central nervous system; or

(2) Designating any drug containing any quantity of any substance as having a potential for abuse because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect.

(b) Proceedings for the issuance, amendment, or repeal of regulations issued pursuant to section 201(v) of the act are subject to the public procedures provided in section 701(e) of the act and the provisions for judicial review set forth in sections 701 (f) and (g).

(c) The procedures to be followed for filing petitions requesting the issuance, amendment, or repeal of any regulation provided for in section 201(v)(2) and (3) of the act, publication of proposals in the FEDERAL REGISTER, comments thereon, publication of orders, filing objections, requests for a public hearing, procedures governing public hearings, proposed orders, exceptions, final orders, and judicial review are set forth in Part 2 of this chapter.

§ 166.5 Substances exempt from the definition of depressant or stimulant drug or a drug having hallucinogenic effect.

Any substance now included or which may be hereafter included within the classification stated in section 4731 of the Internal Revenue Code of 1954 (26 U.S.C. 4731) and marihuana as defined in section 4761 of the Internal Revenue Code of 1954 (26 U.S.C. 4761) is not a depressant or stimulant drug or a drug having hallucinogenic effect under sections 201(v)(2)(C) and (3) of the act.

§ 166.6 Registration of producers and certain wholesalers of depressant or stimulant drugs

Section 510 of the act requires every person who owns or operates any establishment in any State engaged in the manufacture, preparation, propagation, compounding, processing, wholesaling, jobbing, selling, or distributing of any depressant or stimulant drug to register with the Commissioner his name, place of business, and all such establishments. The procedure for registration is prescribed in Part 132 of this chapter.

§ 166.7 Procedures for exempting depressant or stimulant drugs from the provisions of section 511 of the act.

(a) Section 511(f)(1) of the act authorizes the Commissioner, under authority delegated to him by the Secretary (§ 2.90 of this chapter), to exempt by regulation any depressant or stimulant drug from all or part of section 511 of the act upon a finding that regulation of the manufacture, compounding, processing, possession or distribution of such drug is not necessary for the protection of the public health.

(b) A proposal to exempt any depressant or stimulant drug from the application of all or part of section 511 of the act may be initiated by the Commissioner or by any interested person. Any interested person may file a petition seeking such exemption, stating reasonable grounds therefor. Upon receipt of such a petition, or on his own initiative at any time, the Commissioner will publish a notice of proposed rulemaking and invite written comments. After consideration of all available data, including any comments submitted, the Commissioner may issue a regulation granting or refusing the exemption, effective on a date specified therein. Whenever the Commissioner concludes, either at the time of publication of the notice of proposed rulemaking or after considering the written comments submitted, that granting or refusing the exemption requires a more thorough development of

the facts than is possible in a written presentation, he may call a public hearing for that purpose. When such a public hearing is called, the procedural regulations for public hearings contained in Part 2 of this chapter shall apply. If the Commissioner for good cause finds, and incorporates the finding and a brief statement of the reasons therefor in an order, that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest, he may issue the final regulation forthwith.

§§ 166.8–166.15 [Reserved]

§ 166.16 Records required to be established and maintained under section 511(d) of the act.

(a) *Types of records*—(1) *Initial inventory.* Section 511(d)(1) of the act requires every person engaged in manufacturing, compounding, processing, selling, delivering, or otherwise disposing of any depressant or stimulant drug, as defined in section 201(v) of the act, to prepare, on February 1, 1966, a complete and accurate record of all stocks of each such drug on hand and to keep such records for 3 years.

(2) *Continuing records.* Section 511(d)(1) of the act also requires that on and after February 1, 1966, every person manufacturing, compounding, or processing any depressant or stimulant drug, as defined in section 201(v) of the act, shall prepare and keep for not less than 3 years a complete and accurate record of the kind and quantity of each such drug manufactured, compounded, or processed and the date of such manufacture, compounding, or processing; and that every person selling, delivering, or otherwise disposing of any such drug shall prepare or obtain and keep for not less than 3 years a complete and accurate record of the kind and quantity of each such drug received, sold, delivered, or otherwise disposed of, the name and address of the person, and the registration number, if any, assigned to such person pursuant to section 510(e) of the act, from whom such drug was received, and to whom it was sold, delivered, or otherwise disposed of, including the date of such transaction.

(b) *Contents of records.* The records required under section 511(d)(1) of the act, and by regulations in this part, shall be considered incomplete and inadequate unless such records contain sufficient information to clearly show the kind and quantity of all stocks of each drug subject to these record-keeping requirements including, but not limited to, the following information:

(1) *Information required in initial inventory record.* (i) The established name (chemical name if there is no established name) and quantity, to the nearest unit weight consistent with the unit size, of all bulk depressant or stimulant drugs used in or capable of use in the production of drugs as defined in section 201(v) of the act, on hand as of February 1, 1966.

(ii) The identity and quantity of drugs in production on February 1, 1966, identified by batch number or other appropriate identifying number including the physical form which such in-process drugs are intended to take upon completion of the manufacturing process; for example, granulations, tablets, capsules, solutions, etc.

(iii) The identity and quantity of all such drugs in finished form on hand on February 1, 1966, including returned merchandise, transfers from other locations, orders prepared for shipment or delivery, and drugs in transit or otherwise within the control of the registrant; for example, drugs in possession of carriers, of any controlled warehouse, or drugs in possession of employees and intended for distribution as professional samples. These records shall describe the finished form (for example, 10-milligram tablets or 10-milligram concentration per fluid ounce, if liquid), the number of units or volume in each package or container (for example, 100-tablet bottle or 3 fluid ounces), the date of production, and the location of stocks.

(2) *Information required in continuing receipt or manufacture, compounding, or processing of controlled drugs.* (i) The established name (chemical name if there is no established name) and quantity, expressed in the nearest unit weight consistent with the unit size, of all bulk depressant or stimulant drugs in or capable of use in the production of drugs, as defined in section 201(v) of the act, on hand and in production, including the name and address of the person or firm from whom the drugs or substance is received and the date and quantity of material received. If any of this material is disposed of in any manner, or in any form, the details of disposition, including the name and address of the person to whom delivered, the date, quantity, and form in which disposed.

(ii) The established name (chemical name if there is no established name) and quantity of any depressant or stimulant drug as defined in section 201(v) of the act, in tablet, capsule, aqueous, or any other finished form produced that is on hand, in production, or received. These records shall describe the form (tablet, capsule, etc.), the strength or potency per unit (for example, 10-milligram tablets), and the number of units in each package or container (for example, 100-tablet bottle), and the date of production, receipt, repackaging, or relabeling. These records shall include the name and address of the person from whom any such controlled substance was received and the date, quantity and identification of the material received.

(iii) Batch production records shall show date of manufacture, compounding, or processing, theoretical and actual yield, the quantity of loss during manufacture, if any, the quantity used for quality control, the identify by batch number or other appropriate identification and quantity of any batch reworked for any reason and such other information as is necessary to show the disposition or accountability for all controlled substances used in the manufacturing process.

(3) *Information required in records of wholesaling, jobbing, distributing, or other disposition.* The records required by section 511(d) of the act to be kept by each person selling, delivering, or otherwise disposing of any depressant or stimulant drug shall include, but not be limited to, the following information:

(i) The identity and quantity of each such drug received including imports, the name and address of the person from whom the drug is received, and the registration number, if any, assigned to any such person pursuant to section 510(e) of the act, and the date any such drug was received.

(ii) The identity and quantity of each such drug sold, delivered, or otherwise disposed of, including the name and address of the person to whom such drug was sold, delivered, or otherwise disposed of, the identity of any common carrier or transportation firm used in effecting such delivery, and the registration number, if any, assigned to any such person pursuant to section 510(e) of the act, and the date any such sale, delivery, or other disposition took place, including drugs exported to other countries.

(iii)(*a*) The term "identity" as used in this section means the established and trade name for drugs which contain a single active ingredient, and for those drugs (for which there is no established name) containing more than one active component, the established and trade name for each active component.

(*b*) The word "quantity" as used in this section means the number of individual packages or containers of the controlled substance (for example, 100 bottles, 5 dozen bottles), a description of the quantity of contents of each individual package or container (for example, 100-tablet bottle, 50-pound drum), and a statement of the potency of a single unit within the individual package or container (for example, 10-milligram tablet), resulting in the following type of quantity designation (50 100-tablet bottles of 10-milligram tablets; 2 50-pound drums of 10-milligram tablets; 3 dozen 25-tablet bottles of 10-milligram tablets). If the semiprocessed controlled substance is a granulation, a meaningful quantitative statement of the amount of such substance present is required.

(iv) In order to facilitate the administration of the provisions of section 511(d)(2) of the act, the records required under section 511(d) shall be considered inadequate and incomplete unless these records are maintained in such a manner as to be readily available and accessible within a reasonably short time. Automatic data processing systems will be considered adequate, providing the system is capable of separating and identifying all records containing, or the data processing system itself produces, the specific information required by section 511(d) of the act and the regulations contained in this part, in a reasonable time.

The records required to be maintained by section 511(d) of the act will be considered inadequate and incomplete if such records are so intermingled with the records of products not covered by the Drug Abuse Control Amendments of 1965 that inspection of these records is

impossible, impracticable, or requires an unreasonable length of time.

§ 166.17 Persons required to establish, prepare, and maintain records specified in section 511(d)(1) of the act.

Pursuant to the provisions of section 511 (a) and (d)(1) of the act, persons regularly engaged, and otherwise qualified in conformance with State and local laws, in one or more or any combination of the following activities in relation to depressant or stimulant drugs, as defined in section 201(v) of the act and regulations thereunder, are required to establish and maintain the initial inventory records and/or the continuing or perpetual inventory and distribution records described in this part:

(a) Persons engaged in manufacturing, preparation, propagation, compounding, or processing of such drugs in bulk, tablet, capsule, aqueous, or other finished form.

(b) Persons, other than those exempted under section 511(d)(3) of the act, engaged in selling, transporting, delivering, wholesaling, jobbing, warehousing, distributing, or otherwise disposing of such drugs to any person who is not the ultimate user or consumer of the drug.

(c) Persons, other than those exempted under section 511(d)(3) of the act, engaged in manipulation, sampling, testing, repackaging, or otherwise changing the container, wrapper, or labeling of such drugs in furtherance of the distribution of such drugs from the original place of manufacture to the person who makes final delivery or sale to the ultimate consumer.

(d) Pharmacies, hospitals, clinics, and public health agencies who have on hand or maintain a stock of such drugs for dispensing by registered pharmacists upon prescriptions, or for use by or under the supervision of practitioners licensed by law to administer such drugs in the course of their professional practice.

(e) Laboratories or research or educational institutions who use such drugs in research, teaching, or chemical analysis.

(f) Practitioners licensed by law to prescribe or administer such drugs, while acting in the course of their professional practice, who regularly engage in dispensing any such drug or drugs to their patients for which the patients are charged, either separately or together with charges for other professional services. The maintaining of small supplies of these drugs for dispensing or administering in the course of professional practice in emergency or special situations will not be considered as regularly engaged in dispensing for a fee.

All interested persons are invited to submit their views in writing regarding the proposal published herein. In particular, comments concerning any additional trade names that may be properly listed under proposed § 166.3 are desired. Such views and comments should be submitted, preferably in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, within 30 days following the date of publication of this notice in the FEDERAL REGISTER.

Dated: December 15, 1965.

WINTON B. RANKIN,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 65-13530; Filed, Dec. 17, 1965; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 71-90]

[Docket No. 3666; Notice 70]

EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Transportation

At a session of the Interstate Commerce Commission, Explosives and Other Dangerous Articles Board, held in Washington, D.C., on the 10th day of December 1965.

Upon consideration of the record in the above entitled proceeding and request of the Association of American Railroads, and the Dow Chemical Co. for an extension of time within which to file statements in response to the notice of proposed rule making dated November 18, 1965; and good cause appearing therefor:

It is ordered, That the time within which such statements may be filed be, and is hereby, extended to February 15, 1966.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission for public inspection, and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Explosives and Other Dangerous Articles Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 65-13552; Filed, Dec. 17, 1965; 8:48 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Charitable, etc., Contributions and Gifts

The proposed amendment to the regulations under sections 170, 381, 545, and 556 of the Code, relating to charitable, etc., contributions, and gifts, was published in the FEDERAL REGISTER for November 10, 1965 (30 F.R. 14158).

A public hearing on the provisions of this proposed amendment, exclusive of the portion of the amendment which would revise paragraph (b)(1) of § 1.170-2 to classify contributions of deferred interests in property, for purposes of the additional 10-percent limitation, as contributions "for the use of" rather than "to" the recipient organization, will be held on Thursday, January 13, 1966, at 10 a.m., e.s.t., in Room 2326, Internal Revenue Building, 12th and Constitution Avenue NW., Washington, D.C.

The portion of the proposed amendment relating to the classification of contributions of deferred interests in property as being "for the use of" the charitable organization will be given further study and will not be on the agenda for discussion at the hearing on January 13, 1966. Any decision to adopt such portion of the amendment will be preceded by a public hearing. If such portion of the proposed amendment is subsequently adopted, it will be made effective only for contributions made after the date on which adoption of the amendment is published in the FEDERAL REGISTER, rather than for contributions made after November 10, 1965, as originally proposed.

Persons who plan to attend the hearing on January 13, 1966, are requested to notify the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C., 20224, by January 10, 1966. Telephone (Washington, D.C.) 964-3970.

[SEAL] Mitchell Rogovin,
Chief Counsel.

BY: PAUL F. SCHMID,
Acting Director, Legislation and Regulations Division.

[F.R. Doc. 65-13620; Filed, Dec. 17, 1965; 10:23 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 25]

[Docket No. 7068; Notice No. 65-40]

SONIC FATIGUE EVALUATION OF TURBOJET POWERED TRANSPORT CATEGORY AIRPLANES

Notice of Proposed Rule Making

The Federal Aviation Agency is considering amending Part 25 to require that turbojet powered transport category airplanes be evaluated during type certification to show that either (1) sonic fatigue cracks in the flight structure are not probable, or (2) catastrophic failure caused by sonic fatigue cracks is not probable. This proposal would let these characteristics be shown on the basis of the service history of airplanes with structural designs and sonic environments similar to those of the type for which certification is requested.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before March 21, 1966, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Experience has revealed a significant source of structural fatigue potentially affecting turbojet powered airplanes. This source is the severe, high frequency exhaust noise of turbojet engines, which in turn induces severe, high frequency pressure loads in the flight structure. This phenomenon is known as "sonic excitation" and has been shown to be capable of causing numerous, concurrent failures in the component elements of structural panels. Several such failures have occurred during the type certification and operation of turbojet powered transport category airplanes.

This hazard has not appeared in the case of turbopropeller or reciprocating engine powered airplanes or turbine powered helicopters. The type certification of turbojet powered nontransport category airplanes is being separately studied by the Agency. For these reasons, this proposal would be limited to turbojet-powered transport category airplanes.

The only regulation now covering fatigue evaluation of the flight structures of these airplanes is § 25.571. Experience has shown that fatigue evaluations conducted under the present terms of that section are invalid, in three respects, with regard to sonic fatigue.

First, § 25.571(b) now allows evaluation by analysis without tests. Experience has shown that the possible rates and patterns of fatigue crack propagation caused by sonic excitation may not be predicted accurately enough by analysis alone. This proposal, therefore, would require either tests or analysis and supporting tests (where relevant service history is unavailable).

Second, § 25.571(c) now allows substantiation by showing the failsafe characteristics of single principal structural elements. As mentioned above, sonic excitation may damage many structural elements concurrently. This proposal, therefore, would not allow substantiation by the use of the failsafe provisions of present § 25.571(c).

Finally, § 25.571 now only provides adequate substantiation for low frequency pressure loads, such as the repetitive loads caused by gusts, ground-air-ground cycles, and flight maneuvers. As mentioned above, sonic excitation involves high frequency loads. This deficiency would be cured by requiring proof of safe crack propagation characteristics.

In consideration of the foregoing, it is proposed to amend Part 25 by adding a new paragraph (d) to § 25.571 reading as follows:

§ 25.571 Fatigue evaluation of flight structure.

* * * * *

(d) *Sonic fatigue strength.* For turbojet powered airplanes, it must be shown by tests, analysis and supporting tests, or by the service history of airplanes of similar structural design and sonic environment, that—

(1) Sonic fatigue cracks are not probable in any part of the flight structure subject to sonic excitation; or

(2) Catastrophic failure caused by sonic fatigue cracks is not probable.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423).

Issued in Washington, D.C., on December 13, 1965.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 65-13520; Filed, Dec. 17, 1965; 8:45 a.m.]

Done at Washington, D.C., this 14th

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Antidumping—AA 643.3–r]

FERROCHROMIUM FROM NORWAY

Determination of Sales at Not Less Than Fair Value

DECEMBER 13, 1965.

On October 26, 1965, there was published in the FEDERAL REGISTER a "Notice of Tentative Determination" that ferrochromium, not containing over 3 percent by weight of carbon, imported from Norway, is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

The statement of reasons for the tentative determination was published in the above-mentioned notice, and interested parties were afforded until November 25, 1965, to make written submissions or to request in writing an opportunity to present views in connection with the tentative determination.

No written submissions or requests having been received, I hereby determine that for the reasons stated in the tentative determination ferrochromium, not containing over 3 percent by weight of carbon, imported from Norway is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act 1921, as amended (19 U.S.C. 160(a)).

This determination is published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] JAMES POMEROY HENDRICK,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 65–13548 Filed, Dec. 17, 1965; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEVADA

Notice of Filing of Plat of Survey and Order Providing for Opening of Lands

DECEMBER 13, 1965.

1. The Plats of Survey of lands described below will be officially filed at the Nevada Land Office, Reno, Nev., effective 10 a.m., on January 17, 1966.

MOUNT DIABLO MERIDIAN

T. 17 N., R. 32 E. (Group 424)

2. The area described above aggregates 6,422.93 acres. The plats were accepted August 11, 1965. Available data indicates the land surveyed ranges from about 4,000 to 5,300 feet above sea level, and is nearly level to mountainous. The soil is sandy, silt and rocky.

3. Subject to any existing valid rights and the requirements of applicable law, the above-described lands are hereby opened to filing applications, selections, and location, except for applications under the Small Tract and Desert Land Laws, in accordance with the following:

Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of the order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs: Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph. All valid applications and selections under the nonmineral public land laws presented prior to 10 a.m., January 17, 1966, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing

4. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications, which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Post Office Box 1551, Reno, Nev.

A. JOHN HILLSAMER,
Acting Manager, Nevada Land Office.

[F.R. Doc. 65–13534; Filed, Dec. 17, 1965; 8:46 a.m.]

National Park Service

[Order 32]

REGIONAL DIRECTOR, NATIONAL CAPITAL REGION

Redelegation of Authority Regarding Trial Boards, U.S. Park Police

1. *Redelegation.* The Regional Director, National Capital Region, is authorized to exercise the authority delegated to the Director (30 F.R. 4771) with respect to the making and enforcement of rules and regulations for the government, conduct, and discipline of the U.S. Park Police provided under the Act of October 11, 1962 (Public Law 87–797, 76 Stat. 907).

2. *Limitations.* A. The authority in this delegation may not be redelegated.

B. Regulations developed under this delegation must provide to the accused an avenue of appeal to the Assistant Secretary for Administration, Department of the Interior, from decisions of Trial Boards.

Dated: December 13, 1965.

GEORGE B. HARTZOG, Jr.,
Director.

[F.R. Doc. 65–13537; Filed, Dec. 17, 1965; 8:47 a.m.]

Office of the Secretary

E. CLYDE McGRAW

Report of Appointment and Statement of Financial Interests

DECEMBER 14, 1965.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: E. Clyde McGraw.
Name of employing agency: Emergency Petroleum & Gas Administration.
The title of the appointee's position: Assistant Administrator, Gas Operations.
The name of the appointee's private employer or employers: Transcontinental Gas Pipe Line.

The statement of "financial interests" for the above appointee is enclosed.

STEWART L. UDALL,
Secretary of the Interior.

APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on December 9, 1965, as Assistant Administrator, Gas Operations, Emergency Petroleum and Gas Administration, an officer or director:

Transcontinental Building Corp.
Transcontinental Gas Pipe Line Corp.
Transcontinental Production Co.
Trans-Gulf Transmission Corp.
Trans-Southern Pipeline Corp.
Bank of the Southwest National Association
Texas Compressor Corp.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Alabama-Tennessee Natural Gas Co.
Bank of the Southwest National Association
Community Public Service Co.
Continental Oil Co.
Farmers Cooperative Grain Co.
Houston Engineers Club
Kaiser Cement & Gypsum Corp.
Kaneb Pipe Line Co.
Muscle Shoals Natural Gas Co.
Newport Electric Corp.
Standard Oil Co. of New Jersey.
Stone & Webster, Inc.
Texas Compressor Corp.
Texstar Corp.
Transcontinental Gas Pipe Line Corp.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

E. CLYDE MCGRAW.

DECEMBER 9, 1965.

[F.R. Doc. 65–13535; Filed, Dec. 17, 1965; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

CALIFORNIA

Extension of Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of California natural disasters have caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

California	*Present designation*
Contra Costa	30 F.R. 451.
Del Norte	30 F.R. 65.
El Dorado	30 F.R. 451.
Humboldt	30 F.R. 65.
Lake	30 F.R. 451.
Marin	Do.
Mendocino	30 F.R. 165.
Napa	30 F.R. 451.
Placer	Do.
San Joaquin	Do.
Sonoma	Do.
Stanislaus	Do.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1966, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 14th day of December 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65–13544; Filed, Dec. 17, 1965; 8:47 a.m.]

NORTH DAKOTA

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named county in the State of North Dakota a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

NORTH DAKOTA

Pembina.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1966, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 14th day of December 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65–13545; Filed, Dec. 17, 1965; 8:48 a.m.]

OHIO

Designation and Extension of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Ohio natural disasters have caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

OHIO

Auglaize.	Stark.
Logan.	Wyandot.

It has also been determined that in the hereinafter-named counties in the State of Ohio the above-mentioned natural disasters have caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Ohio	*Present designation*
Hancock	30 F.R. 5911.
Lorain	Do.
Lucas	Do.
Mercer	Do.
Seneca	Do.
Shelby	Do.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1966, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 14th day of December 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65–13546; Filed, Dec. 17, 1965; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket S–186]

MOORE-McCORMACK LINES, INC.

Notice of Application

Notice is hereby given that Moore-McCormack Lines, Inc., has filed application dated December 10, 1965, for written permission under section 805(a) of the Merchant Marine Act, 1936, as amended, to permit its owned vessel, the "SS Robin Kirk," which is under time charter to States Marine Lines, Inc., for a period of about 3 to 5 months from July 23, 1965, as extended 50 days from December 23, 1965, to load lumber and/or lumber products for carriage on one eastbound intercoastal voyage from U.S. North Pacific ports commencing on or about December 31, 1965, for discharge at U.S. Atlantic ports.

Interested parties may inspect this application in the Office of Government Aid, Maritime Administration, Room 4077, GAO Building, 441 G Street NW., Washington, D.C.

Any person, firm or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) or submit a written statement with reference to the application must, before the close of business on December 27, 1965, make such submission or notify the Secretary, Maritime Subsidy Board/Maritime Administration in writing, in triplicate, and file petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding anything in § 201.78 of the rules of practice and procedure, Maritime Subsidy Board/Maritime Administration (46 CFR 201.78) petitions for leave to intervene received after the close of business December 27, 1965, will not be granted in this proceeding.

If no petitions for leave to intervene are received within the specified time, or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board/Maritime Administration will take such action as may be deemed appropriate.

In the event petitions are received from parties with standing to be heard on the application, a hearing will be held December 28, 1965, at 10 a.m., in Room 4519, General Accounting Office Building, 411 G Street NW., Washington, D.C. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operat-

ing exclusively in the coastwise or intercoastal service or (b) would be prejudicial to the objects and policy of the Act.

Dated: December 16, 1965.

By order of the Maritime Subsidy Board/Maritime Administration.

JAMES S. DAWSON, JR.,
Secretary.

[F.R. Doc. 65-13619; Filed, Dec. 17, 1965; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

DRUGS EXEMPTED FROM DRUG ABUSE CONTROL AMENDMENTS OF 1965

Invitation for Submission of Information and Suggestions

Subsection (f)(1) of section 511 (21 U.S.C. 360a), added to the Federal Food, Drug, and Cosmetic Act by the Drug Abuse Control Amendments of 1965 (sec. 3, Public Law 89-74; 79 Stat. 228), authorizes the Commissioner of Food and Drugs, under authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 2.90), to exempt by regulation any depressant or stimulant drug from the application of all or part of section 511 when he finds that regulation of its manufacture, compounding, processing, possession, and disposition is not necessary for the protection of the public health.

Section 511(f)(2) requires the Commissioner to exempt by regulation any depressant or stimulant drug from the application of section 511 if:

(A) Such drug may, under the provisions of this Act, be sold over-the-counter without a prescription; or

(B) Such drug includes one or more substances not having a depressant or stimulant effect on the central nervous system or a hallucinogenic effect and such substance or substances are present therein in such combination, quantity, proportion, or concentration as to prevent the substance or substances therein which do have such an effect from being ingested or absorbed in sufficient amounts or concentrations as, within the meaning of section 201(v), to—

(i) Be habit forming because of their stimulant effect on the central nervous system, or

(ii) Have a potential for abuse because of their depressant or stimulant effect on the central nervous system or their hallucinogenic effect.

The Commissioner of Food and Drugs invites interested persons to present their views in writing on specific drugs or classes of drugs that should be exempted. The Commissioner also invites comments on whether a distinctive product-identification symbol on the label of any controlled drug should be required by regulations.

Comments should be submitted to the Commissioner of Food and Drugs, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C., 20204, as soon as possible and not later than January 15, 1966.

Dated: December 15, 1965.

WINTON B. RANKIN,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 65-13531; Filed, Dec. 17, 1965; 8:46 a.m.]

AMERICAN CYANAMID CO.

Notice of Filing of Petition Regarding Pesticide Chemical Dimethoate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 3F0385) has been filed by American Cyanamid Co., Post Office Box 400, Princeton, N.J., 08540, proposing the establishment of tolerances for residues of the insecticide dimethoate (*O,O*-dimethyl *S*-(*N*-methylcarbamoylmethyl) phosphorodithioate) in or on the named raw agricultural commodities, as follows:

4 parts per million in or on apples, broccoli, cabbage, cauliflower, chard, collards, endive (escarole), kale, lettuce, mustard greens, pears, spinach, turnips (greens, roots).
2 parts per million in or on beans (dry, green, lima, snap), peas, peppers, tomatoes.

The analytical methods proposed in the petition for determining residues of the insecticide dimethoate are a colorimetric method based on hydrolysis and subsequent formation of a complex with 1-chloro-2,4-dinitrobenzene with measurement of absorbance at 520 millimicrons and the method of Steller et al. (Journal of Association of Official Analytical Chemists, vol. 47, 1964, page 645).

Dated: December 13, 1965.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 65-13564; Filed, Dec. 17, 1965; 8:49 a.m.]

FRITZSCHE BROTHERS, INC.

Notice of Filing of Petition for Food Additive Glycerol Ester of Wood Rosin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 6A1863) has been filed by Fritzsche Brothers, Inc., 76 Ninth Avenue, New York, N.Y., 10011, proposing an amendment to § 121.1084 *Glycerol ester of wood rosin* to provide for the safe use of glycerol ester of wood rosin (glyceryl abietate) as an adjuvant for flavor compounds.

Dated: December 13, 1965.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 65-13565; Filed, Dec. 17, 1965; 8:49 a.m.]

INTERNATIONAL VERMOUTH INSTITUTE, INC., ET AL.

Notice of Filing of Petition for Food Additives Natural Flavoring Substances

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 6A1903) has been filed jointly by: International Vermouth Institute, Inc., 10 East 40th Street, New York, N.Y., 10016; Federazione Italiana Industrie, Vini E Liquori, % Buckman & Buckman, 10 East 40th Street, New York, N.Y., 10016; and Wine Institute, National Press Building, Washington, D.C., 20004, proposing an amendment to § 121.1163 *Natural flavoring substances and natural substances used in conjunction with flavors* of the food additive regulations to provide for the safe use of St.-Johnswort (*Hypericum perforatum* L.) as a flavoring agent in alcoholic beverages.

Dated: December 13, 1965.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 65-13566; Filed, Dec. 17, 1965; 8:49 a.m.]

INTERNATIONAL VERMOUTH INSTITUTE, INC., ET AL.

Notice of Filing of Petition for Food Additives Natural Flavoring Substances

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 6A1904) has been filed jointly by: International Vermouth Institute, Inc., 10 East 40th Street, New York, N.Y., 10016; Federazione Italiana Industrie, Vini E Liquori, % Buckman & Buckman, 10 East 40th Street, New York, N.Y., 10016; and Wine Institute, National Press Building, Washington, D.C., 20004, proposing an amendment to § 121.1163 *Natural flavoring substances and natural substances used in conjunction with flavors* to provide for the safe use of white agaric (*Polyporus officinalis* Fries) as a flavoring agent in alcoholic beverages.

Dated: December 13, 1965.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 65-13567; Filed, Dec. 17, 1965; 8:49 a.m.]

MOORMAN MANUFACTURING CO.

Notice of Filing of Petition for Food Additive Nitrodan

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 4D1464) has been filed by Moorman Manufacturing Co., Quincy, Ill., 62302, proposing the issuance of a regulation to provide for the safe use of nitrodan (3-methyl-5-[(*p*-nitrophenyl) azol-rhodanine) administered in dog food at a level of 5 milligrams per pound of body weight as an aid in the control of dog hookworms (*Ancylostoma caninum* and *Uncinaria stenocephla*) and the common dog ascarid (*Toxocara canis*).

Dated: December 13, 1965.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 65-13568; Filed, Dec. 17, 1965; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-151]

BOARD OF TRUSTEES OF UNIVERSITY OF ILLINOIS

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 6, set forth below, to Facility License No. R-69. The license authorized The Board of Trustees of The University of Illinois to operate its TRIGA Mark II nuclear reactor, located in Urbana, Ill. The amendment authorizes the licensee to operate the reactor to drive an enriched uranium sub-critical assembly in both steady-state and pulsed operation, as described in the licensee's application for license amendment dated June 25, 1965, as supplemented by letter dated September 21, 1965, and telegram dated November 5, 1965.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's regulation (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated June 25, 1965, as supplemented by letter dated September 21, 1965, and telegram dated November 5, 1965, and (2) a related Safety Evaluation prepared by the Test and Power Reactor Safety Branch of the Division of Reactor Licensing, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 10th day of December 1965.

For the Atomic Energy Commission.

R. L. DOAN,
Director,
Division of Reactor Licensing.

[License R-69; Amdt. 6]

The Commission has found that:

(1) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

(2) Operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

(3) Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazard considerations different from those previously evaluated.

Accordingly, License No. R-69, as amended, issued to The Board of Trustees of The University of Illinois, is hereby amended in the following respects:

1. In addition to the activities previously authorized by the Commission in License No. R-69, as amended, The Board of Trustees of The University of Illinois is authorized to operate the TRIGA Mark II nuclear reactor to drive an enriched sub-critical assembly in both steady-state and pulsed operation, as described in the application for license amendment dated June 25, 1965, as supplemented by letter dated September 21, 1965, and telegram dated November 5, 1965. Operation of the reactor shall be performed in accordance with the procedures and subject to the limitations contained in License No. R-69, as amended, and in the application for this license amendment.

2. Paragraph 3 B. is amended to read as follows:

"B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material", to receive, possess and use up to 3.004 kilograms of contained uranium-235 in connection with operation of the reactor, and 2.610 kilograms of contained uranium-235 in TRIGA type fuel elements in connection with operation of a subcritical assembly in the reactor facility; and"

This amendment is effective as of the date of issuance.

Date of issuance: December 10, 1965.

For the Atomic Energy Commission.

Director,
Division of Reactor Licensing.

[F.R. Doc. 65-13515; Filed, Dec. 17, 1965; 8:45 a.m.]

[Docket No. 50-201]

NUCLEAR FUEL SERVICES, INC., AND NEW YORK STATE ATOMIC AND SPACE DEVELOPMENT AUTHORITY

Notice of Extension of Completion Date

Please take notice that the Atomic Energy Commission has issued an order extending to March 31, 1966, the latest completion date specified in Construction Permit No. CPCFS-2 which authorizes Nuclear Fuel Services, Inc., to construct an irradiated nuclear fuel processing plant at the Western New York Nuclear Service Center in Cattaraugus County, N.Y.

Copies of the Commission's order and the application requesting an extension of the completion date filed by Nuclear Fuel Services, Inc., are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 10th day of December 1965.

For the Atomic Energy Commission.

J. A. MCBRIDE,
Director,
Division of Materials Licensing.

[F.R. Doc. 65-13516; Filed, Dec. 17, 1965; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16401; Order E-22998]

NORTHEAST AIRLINES, INC., ET AL.

Order Approving Control and Interlocking Relationships and Granting Exemption

Application of Northeast Airlines, Inc., Storer Broadcasting Co., George B. Storer, George B. Storer, Jr., Bill Michaels, Francis W. Sullivan, Stuart W. Patton, and Arno W. Mueller, Docket 16401; for approval of control and/or interlocking relationships pursuant to sections 408 and 409 of the Federal Aviation Act of 1958, as amended.

By Order E-22890, adopted November 16, 1965, the Board tentatively approved pursuant to section 408 of the Federal Aviation Act of 1958, as amended (the Act) control relationships arising from the activation by Storer Broadcasting Co. (Storer), which recently acquired control of Northeast Airlines, Inc. (Northeast), of a subsidiary company known as Storer Leasing Corp. (Leasing). Such order also tentatively granted Northeast an exemption pursuant to section 416 of the Act from the provisions of section 408 thereof to the extent necessary to permit Northeast to lease from Leasing 12 Boeing 727 and 10 Douglas DC-9 aircraft and spare parts for a term of 13 years, subject to various conditions including voluntary termination. In addition, the order tentatively approved interlocking relationships between Northeast and Storer as follows: [1]

Individual	Company and position	
	Northeast	Storer
George B. Storer	Director	Chairman of board, director.
George B. Storer, Jr.	Chairman of board, [1a] director.	Vice chairman of board, director.
Bill Michaels	Director	Director, vice president.
Francis W. Sullivan	Director	Director.
Stuart W. Patton	Director, vice president.	Special counsel.
Arno W. Mueller	Vice president	Vice president.

[1a] Chief executive officer, pursuant to Northeast's bylaws.

[1] The tentative action also contemplated approval of the joint applicants' request that the same individuals be authorized to hold generally directorships or offices within the same system of affiliated and subsidiary companies.

Finally, the Board tentatively found that National Airlines, Inc. (National), which had requested that the matter be set for hearing, or alternatively, that certain conditions be attached to any approval of the transaction, had not disclosed a "substantial interest" within the meaning of section 408(b) of the Act which would entitle it to request a hearing in the matter of Storer's acquisition of Leasing. The Board indicated its intent, therefore, to approve the acquisition of Leasing by Storer without a hearing.

Before finalizing the above tentative conclusions, the Board permitted interested persons to file comments or to request a hearing with respect to the matters treated in the Board's order.

Comments responding to the Board's tentative action have been filed by Northeast and Storer and by National. The Board has carefully considered such statements and has decided to adopt finally the tentative findings in Order E-22890.

National opposes the Board's proposed action, and repeats its request that the application be set down for hearing, or that the application be approved subject to a condition that Northeast may, without further obligation, terminate any and all leases with Leasing on 6 months' notice. National submits, inter alia, that it does have a "substantial interest" in the transaction within the meaning of section 408(b) largely on the grounds that the subsidiary company is being created for the express purpose of leasing at least 22 jet aircraft to National's competitor. Aside from economic impact which might result, National believes that it has an interest to inquire through a hearing into such matters, inter alia, as the cancellation provisions of Leasing's contracts with Boeing and Douglas and their effect on Northeast's potential liability; what additional protection, if any, would Leasing as an investor require were the proposed 6-month termination condition imposed; and whether subsidy funds would be used for lease payments.[2]

Upon consideration of National's contentions, the Board has concluded that National has not shown that it has a substantial interest in the organization by Storer of Leasing. It has not shown in what way the setting up of a subsidiary by Storer will adversely affect National. Nor is there any reason to believe that were we to disapprove Storer's acquisition of control of Leasing, that action in itself would benefit National. We recognize that the organization of Leasing will be a convenient vehicle for the financing of Northeast's equipment, and may result in lower financing costs. However, in our judgment, the statute does not give a carrier the right to intervene and demand a hearing in every proceeding which may involve some benefit to its competitor. In short, we find that whatever interest National has in this aspect of the application is too remote and insubstantial to justify intervention and the holding of a public hearing.[3] Nor has National presented any information which would justify assignment of this matter to a hearing on our own motion.

Northeast and Storer interpose no objection to the Board's tentative findings but request clarification of or deletion from the Board's final order of the following statement appearing in Order E-22890: "Storer has assured the Board that similar transactions, as a practical matter, will not be undertaken in the future." The parties believe that this statement may reflect a misunderstanding of a previous representation that Storer had no intention of acting indefinitely "in the position of a leasing operation." In this respect they state that it was never Storer's intention to represent that no future leasing arrangements similar to those dealt with in the Board's order would ever be submitted for Board approval as such representation would have been inconsistent with the known fact that Northeast hoped promptly to be able to re-equip its New England service fleet, and hoped to contract for such new equipment well in advance of the time that it could be assured of financing the same on the basis of its own credit standing.

Suffice it to say, that the Board will examine carefully any future transactions of this nature on their merits.

Accordingly, it is ordered:

1. That the control of Leasing by Storer be and it hereby is approved pursuant to section 408 of the Act;

2. That Northeast be and it hereby is exempted pursuant to section 416 of the Act from the provisions of section 408 thereof to the extent necessary to permit it to lease from Leasing 12 Boeing 727 and 10 Douglas DC-9 aircraft and spare parts;

3. That the above-described interlocking relationships be and they hereby are approved pursuant to section 409 of the Act, and approval be and it hereby is granted for the individual applicants to hold generally directorships or offices within the same system of affiliated companies, subject to the provisions of Part 251 of the Board's Economic Regulations as now in effect or hereafter amended;

4. That the approvals granted by paragraphs 1 and 2 hereof shall be subject to the following conditions:

(a) That approval of the transactions herein shall not be deemed a determination for rate-making purposes of the reasonableness of the transactions;

(b) That there shall be no other transactions between Storer and Northeast or between Leasing and Northeast, which in either instance aggregate more than $100,000 in any calendar year, unless prior approval is obtained from the Board;

(c) That three (3) conformed copies of the lease agreements and any other agreements relating thereto be filed in Docket 16401 within ten (10) days after execution; and

5. That jurisdiction in this proceeding be and it hereby is retained for the purpose of imposing, from time to time, such further terms and conditions on the approvals and exemption granted herein as the Board may find to be just and reasonable.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 65-13570; Filed, Dec. 17, 1965; 8:49 a.m.]

[2] National also indicates that the third proviso of section 408(b) was not intended to apply to transactions of the "magnitude" of the instant transaction. We have a contrary view. In any event, the contention is inconsistent with National's request that the application be approved (without hearing) subject to the above-described condition on termination.

[3] National has suggested that in the hearing it desires held the Board should inquire, among other things, into the nature of the relationships between the applicants and Nemir Industries, a subsidiary of Storer which makes plastic cups, plates and trays "which are used mainly by the airline industry." This matter has no bearing on the instant application. To the extent that such relationship may involve a violation of the Act in relation to Storer's acquisition of control of Northeast, we are referring the matter to our Bureau of Enforcement for investigation.

FEDERAL COMMUNICATIONS COMMISSION

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Notice is hereby given, pursuant to the Commission's action of May 19, 1965, that the following applications will be ready and available for processing on January 26, 1966.

BML-1365 KOWH, Omaha, Nebr.
National Review, Inc.
Has: 660 kc, 500 w, Day.
Req: 660 kc, 1 kw, Day.

BP-3966 KSKY, Dallas, Tex.
Sky Broadcasting Service.
Has: 660 kc, 1 kw, Day.
Req: 660 kc, 10 kw, Day.

BMP-9208 WESC, Greenville, S.C.
Broadcasting Co. of the Carolinas.
Has: 660 kc, 10 kw, DA, Day.
Req: 660 kc, 10 kw, Day (DA-CH).

BP-10035 WKAR, East Lansing, Mich.
Board of Trustees of Michigan State University.
Has: 870 kc, 5 kw, Day.
Req: 870 kc, 10 kw, DA, Day.

BP-12545 WLBB, Carrollton, Ga.
Faulkner Radio, Inc.
Has: 1100 kc, 250 w, Day.
Req: 1100 kc, 1 kw, Day.

BP-13529 WPEO, Peoria, Ill.
Wister Broadcasting Co., Inc.
Has: 1020 kc, 1 kw, Day.
Req: 1020 kc, 10 kw, DA, Day.

The attention of any party in interest desiring to file a pleading directed against these proposals pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission rules for provisions governing the time of filing and other requirements related to such pleadings.

Released: December 15, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 65-13575; Filed, Dec. 17, 1965; 8:50 a.m.]

STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

DECEMBER 14, 1965.

Notice is hereby given that on January 25, 1966, the following application will be considered as ready and available for processing.

BP-16952 WDSK, Cleveland, Miss.
Lowry Tims Co., Inc.
Has: 1410 kc, 1 kw, DA-D, Class III.
Req: 1410 kc, 1 kw, Day, Class III.

Pursuant to §§ 1.227(b)(1) and 1.591 (b) of the Commission's rules, an application in order to be considered with this application or with any other application on file by the close of business on January 24, 1966, which involves a conflict necessitating a hearing with this application, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on January 24, 1966; (b) the earlier effective cut-off date which this application or any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: December 13, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 65-13576; Filed, Dec. 17, 1965; 8:50 a.m.]

[Docket Nos. 16342-16344; FCC 65M-1602]

SEVEN (7) LEAGUE PRODUCTIONS, INC. (WIII), ET AL.

Order Scheduling Hearing

In re applications of Seven (7) League Productions, Inc. (WIII), Homestead, Fla., Docket No. 16342, File No. BR-3580, for renewal of license; and South Dade Broadcasting Co., Inc., Homestead, Fla., Docket No. 16343, File No. BP-16371, and Redlands Broadcasting Co., Inc., Homestead, Fla., Docket No. 16344, File No. BP-16476, for construction permits:

It is ordered, This 15th day of December 1965, that Chester F. Naumowicz, Jr., shall serve as Presiding Officer in the above-entitled proceeding; that the hearings shall be convened on February 16, 1966, at 10 a.m.; and that a prehearing conference shall be held on January 7, 1966, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: December 15, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 65-13577; Filed, Dec. 17, 1965; 8:50 a.m.]

[Docket No. 14760; FCC 65R-435]

TRIPLE C BROADCASTING CORP. (WLOR)

Order Amending Issues

In re application of Triple C Broadcasting Corp. (WLOR), Thomasville, Ga., Docket No. 14760, File No. BP-15988; for construction permit.

The Review Board having before it an order (FCC 65M-1320), released October 11, 1965, and pleadings filed in response thereto;

It appearing, that in the cited order the Hearing Examiner certified to the Review Board a series of questions looking to a determination of which of the Commission's allocation rules should be applied in determining whether the grant of the above-captioned application would be in the public interest;

It further appearing, that engineering showings have been made by both the applicant and respondent under the various rules cited by the Examiner; and

It further appearing, that, in view of the complexity of the questions presented, the ultimate disposition of this proceeding would be expedited: (a) By the filing by each of the parties herein of proposed findings and conclusions under alternatives 1 through 3 appearing in the Examiner's certification request; (b) by the preparation by the Examiner of findings under each of these alternatives; and (c) a determination by the Examiner in his conclusions of the disposition to be made with respect to the various showings; and

It further appearing, that, a question has been raised as to the applicability of § 1.569 of the Commission's rules, and that a resolution of this question would be expedited by the addition of the issue specified below:

Accordingly, it is ordered, This 10th day of December 1965, that the hearing proceed in accordance with this order; and

It is further ordered, That the issues in this proceeding are enlarged by the addition of the following issue: To determine, assuming that § 1.569 of the rules is applicable to this proceeding, whether the provisions of said section preclude the power increase involved in this proceeding.

Released: December 13, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 65-13578; Filed, Dec. 17, 1965; 8:50 a.m.]

[Docket Nos. 16223-16229; FCC 65M-1597]

TRI-STATE TELEVISION TRANSLATORS, INC.

Order Continuing Hearing

In re applications of Tri-State Television Translators, Inc., Cumberland, Md., Docket No. 16223, File No. BPTTV-2354; Docket No. 16224, File No. BPTTV-2355; Docket No. 16225, File No. BPTTV-2356; Docket No. 16226, File No. BPTTV-2357; Docket No. 16227, File No. BPTTV-2358; Docket No. 16228, File No. BPTTV-2359; Docket No. 16229, File No. BPTTV-2360; for construction permits for new VHF television broadcast translator stations.

The Hearing Examiner having under consideration a pleading filed December 10, 1965, on behalf of the Chief, Broadcast Bureau requesting that the hearing in the above-entitled proceeding be postponed from December 13, 1965, to January 17, 1966; and

It appearing that the reason for the requested postponement arises from the fact that although certain field strength measurements have been made in and around Cumberland to ascertain the television reception in the area, the results of these measurements have not been tabulated and such tabulation cannot be completed in time for presentation at the hearing should the hearing begin as scheduled on December 13, 1965; and

It further appearing that counsel for all other parties to the proceeding have consented to the requested postponement, and good cause for granting the same having been shown:

It is ordered, This the 10th day of December 1965, that the pleading of the Broadcast Bureau for postponement of hearing is granted, and the evidentiary hearing in the above-entitled proceeding is continued from December 13, 1965 to January 17, 1966, in Cumberland, Md.

Released: December 13, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 65-13579; Filed, Dec. 17, 1965; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License 549]

SAM FORWAND CO.

Revocation of License

Whereas, Sam Forwand, doing business as Sam Forwand Co., 95 Broad Street, New York, N.Y., has ceased to operate as an independent ocean freight forwarder; and

Whereas, by letter dated November 30, 1965, Sam Forwand, doing business as Sam Forwand Co. has returned his independent ocean freight forwarder License No. 549 to the Commission for cancellation.

Now, therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order 201.1 (amended) Supplement 4, section 6.03;

It is ordered, That the independent ocean freight forwarder License No. 549 of Sam Forwand, doing business as Sam Forwand Co. be and is hereby revoked effective December 13, 1965.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on the licensee.

EDWARD SCHMELTZER,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 65-13555; Filed, Dec. 17, 1965; 8:48 a.m.]

[Docket No. 65-47; Independent Ocean Freight Forwarder License Application 531]

JOHN H. HUNTER & SON, INC.

Proceeding Ordered on Application for License

On January 18, 1962, pursuant to section 44(b), Shipping Act, 1916 (46 U.S.C. 1245), John H. Hunter & Son, Inc., 44 Whitehall Street, New York, N.Y., filed application for a license as an independent ocean freight forwarder. After consideration of the application, John H. Hunter & Son, Inc., was notified by letter dated November 3, 1965, of the Commission's intent to deny the application. The ground for denial is that John H. Hunter & Son, Inc., is not fit, willing, or able properly to carry on the business of ocean freight forwarding because it utilizes the office and personnel of another licensed independent ocean freight forwarder thereby demonstrating that it does not have the necessary resources or technical knowledge to qualify for a license. The applicant has now requested the opportunity to show at a hearing that denial of the application would not be warranted.

Therefore, it is ordered, Pursuant to sections 22 and 44 of the Shipping Act, 1916 (46 U.S.C. 1245) that a proceeding is hereby instituted to determine whether the applicant is fit, willing, and able properly to carry on the business of forwarding as required by section 44(b), Shipping Act, 1916.

It is further ordered, That John H. Hunter & Son, Inc., be made respondent in this proceeding and that the matter be assigned for hearing before an Examiner of the Commission's Office of Hearing Examiners at a date and place to be announced by the Chief Examiner.

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and a copy thereof and notice of hearing be served upon respondent, John H. Hunter & Son, Inc.

It is further ordered, That any persons, other than respondent, who desire to become a party to this proceeding and to participate therein, shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C., 20573, with a copy to respondent, on or before December 27, 1965, and;

It is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 65-13556; Filed, Dec. 17, 1965; 8:48 a.m.]

[No. 65-45]

OCEAN RATE STRUCTURE

Notice of Prehearing Conference

DECEMBER 14, 1965.

In the matter of investigation of ocean rate structures in the trade between United States North Atlantic ports and ports in the United Kingdom and Eire—North Atlantic United Kingdom Freight Conference, Agreement 7100, and North Atlantic Westbound Freight Association, Agreement 5850.

A prehearing conference in this proceeding will be held before the undersigned on January 25, 1966, commencing at 10 a.m., in Room 114, 1321 H Street NW., Washington, D.C. Consideration will be given to the following:

1. The formulation and simplification of the issues.
2. The necessity or desirability of amendments to the pleadings.
3. The possibility of obtaining admission of fact and of documents which will avoid unnecessary proof.
4. Requests for the production of documents and data.
5. Limitation on the number of witnesses.
6. The procedure at the hearing.
7. The distribution to the parties, prior to the hearing, of written testimony and exhibits.
8. Consolidation of the examination of witnesses by counsel.
9. The time and place of hearing.
10. Such other matters as may aid in the disposition of the proceeding.

Requests for the production of documents and data or for the admission of facts or the genuineness of documents shall be in writing and shall be served on all parties to this proceeding and the presiding examiner on or before January 11, 1966.

E. ROBERT SEAVER,
Presiding Examiner.

[F.R. Doc. 65-13557; Filed, Dec. 17, 1965; 8:49 a.m.]

[Docket No. 65-46]

TRUCK LOADING AND UNLOADING RATES AT NEW YORK HARBOR

Order of Investigation and Hearing

The New York Terminal Conference, operating under approved Federal Maritime Commission Agreement No. 8005, as amended, has issued Supplement No. 2 to its Truck Loading and Unloading tariff containing a 12 percent increase in rates effective October 1, 1965. This increase is in addition to a 5 percent increase published by the Conference which became effective November 21, 1964.

The October 1, 1965, 12 percent increase in rates was protested by several interested parties on the grounds that:

(1) The increased rates are unreasonably high and grossly out of line with those of other North Atlantic ports,

(2) The increased rates represent a substantial increase in transportation costs and adversely affect the competitive position of United States imports and exports, and

(3) The increased rates will cause a significant diversion of cargo from New York with an adverse economic impact upon the entire New York port area.

The New York Terminal Conference has submitted a letter, including certain statistical information, alleging that the 17 percent increase is justified solely on the basis of increased labor costs commencing November 1964.

The Commission has reviewed the protests and the justification submitted by the New York Terminal Conference and it appears that the increased rates will produce significantly more revenue than required to offset the increased labor costs and may result in an unreasonably high level of rates, constituting an unjust or unreasonable practice or regulation in violation of section 17, Shipping Act, 1916.

Moreover, protestants have raised legitimate questions regarding the reasonableness of the increased rates in relation to terminal rates at competitive ports. The rate increases of New York terminals are substantially higher than the rate increases for similar services at competitive ports, may result in diversion of cargo to other ports, and, therefore, may subject the Port of New York to an undue or unreasonable prejudice or disadvantage in violation of section 16, First.

It also appears that the New York Terminal Conference in increasing its rates may be taking undue advantage of competitive immunities granted to it under its approved section 15 agreement and that the rate fixing activities of the New York Terminal Conference may be unjustly discriminatory or unfair as between shippers, exporters, importers or ports, or operate to the detriment of the commerce of the United States, or are contrary to the public interest.

Therefore, it is ordered, That pursuant to sections 15, 16, 17, and 22 of the Shipping Act, 1916, the Commission upon its own motion enter into an investigation of hearing to determine whether:

(1) The present rates of the New York Terminal Conference contained in Truck Loading and Unloading Tariff No. 6, F.M.C.—T-No. 7 are unreasonably high and constitute unjust and unreasonable regulations and practices in violation of section 17, Shipping Act, 1916; and

(2) The present rates of the New York Terminal Conference contained in Truck Loading and Unloading Tariff No. 6, F.M.C.—T-No. 7, subject the Port of New York to undue or unreasonable prejudice or disadvantage in violation of section 16, First, Shipping Act, 1916; and

(3) The practices and the rate-making activities of the New York Terminal Conference pursuant to approved F.M.C. Agreement No. 8005, as amended, are in violation of section 15, Shipping Act, 1916, as being unjustly discriminatory or unfair as between shippers, exporters, importers or ports, or operate to the detriment of the commerce of the United States or are contrary to the public interest or are in violation of the Shipping Act, 1916; and

(4) Federal Maritime Commission Agreement No. 8005, as amended, should be disapproved, cancelled or modified pursuant to section 15, Shipping Act, 1916.

It is further ordered, That the parties named in the Appendix attached hereto are hereby made respondents in this proceeding.

It is further ordered, That notice of this order be published in the FEDERAL REGISTER, and that a copy thereof and notice of hearing be served upon respondents in this proceeding.

It is further ordered, That any persons, other than respondents, who desire to become a party to this proceeding and to participate therein, shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before December 30, 1965, with copy to respondents.

It is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

It is further ordered, That this matter be assigned for hearing before an Examiner of the Commission's Office of Hearing Examiners at a date and place to be announced.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

APPENDIX A

American Export Isbrandtsen Lines, Inc., 26 Broadway, New York, N.Y., 10004.
American Stevedores, Inc., 67 Broad Street, New York, N.Y., 10004.
Bay Ridge Operating Co., Inc., 34 Whitehall Street, New York, N.Y.
John T. Clark & Son, 26 Broadway, New York, N.Y., 10004.
Compania Sud-Americana De Vapores (Chilean Line), 26 Broadway, New York, N.Y., 10006.
Grace Line, Inc., 3 Hanover Square, New York, N.Y., 10004.
International Terminal Operating Co., 2 Broadway, New York, N.Y., 10004.
Maher Stevedoring Co., Inc., 80 Broad Street, New York, N.Y., 10004.
Marra Bros., Inc., 725 Court Street, Brooklyn, N.Y.
Maude/James, Inc., 185 Montague, Brooklyn, N.Y.
John W. McGrath Corp., 39 Broadway, New York, N.Y.
Morace Stevedoring Corp., 17 State Street, New York, N.Y.
Nacirema Operating Co., Inc., 21 West Street, New York, N.Y., 10006.
Northeast Marine Terminal Co., Inc., 17 Battery Place, New York, N.Y., 10004.
Norwegian America Line, 24 State Street, New York, N.Y., 10004.
Pioneer Terminal Corp., 17 Battery Place, New York, N.Y., 10004.
Pittston Stevedoring Corp., 17 Battery Place, New York, N.Y., 10004.
Reliable Marine Service, Inc., 11 Atlantic Basin, Brooklyn, N.Y.
The United Port Service Co., 26 Beaver Street, New York, N.Y.
Universal Terminal and Stevedoring Corp., 24 State Street, New York, N.Y.
New York Terminal Conference, 17 Battery Place, New York, N.Y., 10004.

[F.R. Doc. 65-13558; Filed, Dec. 17, 1965; 8:49 a.m.]

FEDERAL POWER COMMISSION

COLUMBIAN FUEL CORP. ET AL.

Order Approving Rate Settlement Proposal, Severing and Terminating Proceedings and Prescribing Refunds

DECEMBER 8, 1965.

In the matter of Columbian Fuel Corp., Docket Nos. G-14101, et al.,[1] Cities Service Oil Co., Docket Nos. G-20302, et al.[1]

There is before us for consideration a Motion for Approval of Settlement Proposal, Termination of Rate Proceedings, and for Shortened Procedure Certification filed on October 4, 1965, by supplemented on November 2, 1965, by Columbian Fuel Corp. and Cities Service Oil Co. (Respondents) in accordance with § 1.18(e) of the Commission's rules of practice and procedure. The joint proposal involves seventy currently effective rate schedules in eight of the areas set forth in the Commission's statement of General Policy No. 61-1, as amended, 18 CFR 2.56, and the States of Kentucky, Maryland, and Pennsylvania. There are 31 pending proposed rate increases relating to these rate schedules. In summary the settlement proposal filed by Respondents provides:

(1) Settlement rates, including tax reimbursement, to an affiliate, Cities Service Gas Co., based upon cost of service studies utilized by parties to these proceedings, and settlement rates, including tax reimbursement, equal to or less than the applicable increased or initial price ceilings to nonaffiliated purchasers, except for two exceptions hereinafter discussed.

(2) Respondents waive the right to file for contractually authorized increased rates until April 1, 1968, for all of the rate schedules invovled in the settlement. However, Respondents reserve the right to file for any contractually authorized increased rates at an earlier date if the period of suspension is legislatively extended beyond the present five month period.

[1] The additional dockets involved herein are set forth in the appendices below.

(3) Respondents propose to refund all amounts, collected subject to refund, in excess of the proposed settlement rates, with applicable interest.

(4) Respondents reserve the right to file during the moratorium period any contractually authorized increased rate up to the applicable area ceiling, or to any revised ceiling, and to file for any contractually authorized tax reimbursement to which they may become entitled as a result of any change in applicable tax laws.

Settlement rates which are exceptions to the applicable area ceilings are proposed by Columbian Fuel Corp. (Columbian) for two sales of natural gas in the Kansas Hugoton Field. One is a sale to Panhandle Eastern Pipe Line Co. (Panhandle) and the other is a sale to Colorado Interstate Gas Co. (CIG). The sale to Panhandle is made under Columbian's FPC Gas Rate Schedule No. 33, at a presently effective rate of 12 cents per Mcf, being collected subject to refund, which was renegotiated by the parties in February 1959, at which time Columbian dedicated approximately 44,000 acres of deeper reserves to the sale, to be developed and sold at a rate of 14 cents per Mcf for the intermediate horizons, and 16 cents per Mcf for the deepest productive horizons. Subsequently, Columbian developed the intermediate horizons, and gas is presently being sold and delivered to Panhandle at the initial rate of 14 cents per Mcf under Columbian's FPC Gas Rate Schedule No. 36. The dedicated horizons underlying the intermediate horizons have not as yet been developed. As a part of its settlement proposal, Columbian proposes that the rate for all of the gas to be produced and sold from all dedicated horizons be 12 cents per Mcf. This is similar to circumstances which we considered in Cities Service Production Co., et al., Docket Nos. G-9510, et al., 28 FPC 1114, and Socony Mobil Oil Co., Inc., Docket No. G-12193, et al., 31 FPC 1101 where we granted exceptions to the applicable area ceiling, and we, therefore, approve the proposed settlement rate of 12 cents per Mcf of natural gas.

The sale to CIG in the Kansas Hugoton Field being made under Columbian's FPC Gas Rate Schedule No. 34 was renegotiated by the parties in November 1959, at which time Columbian dedicated approximately 10,000 acres of deeper reserves to this sale at a rate which would be currently 16 cents per Mcf of natural gas. The presently effective rate for gas being produced from the now productive shallow horizons is 13.5 cents per Mcf being charged and collected subject to refund. The circumstances surrounding this sale are the same as those noted above regarding the sale to Panhandle, and, therefore, we approve the proposed settlement rate of 12 cents per Mcf of natural gas produced and sold from all dedicated horizons.

With respect to refunds, the parties to the settlement conferences utilized cost of service studies and revenues based on each of Respondents' revenue-cost rela-

tionship. These studies indicate that we should require, as Respondents propose, that all monies collected subject to refund above the settlement rates be refunded. However, for all of the reasons set forth in our order in Humble Oil and Refining Co., Docket Nos. G-9287, et al., 32 FPC 49, we shall require each Respondent to retain certain monies due and owing its respective purchasers except such as are payable to Panhandle & Northern Natural Gas Co. until further order of the Commission directing the nature of their disposition. The refunds will approximate $1,163,000 exclusive of applicable interest, and the estimated annual reduction of revenues to Respondents will be $295,000 under the settlement proposal.

The settlement proposal includes one sale for which issuance of a certificate of public convenience and necessity is pending in Docket No. CI65-820. This is a sale made by Columbian to United Fuel Gas Co. under its FPC Gas Rate Schedule No 79 in the Scott Smith "O" Field, Kentucky. We shall set the related application for abridged hearing in accordance with section 7 of the Natural Gas Act, providing that the settlement rate shall be the initial rate.

We believe that the principles underlying the present settlement proposal are consistent with the public interest and the provisions of the Natural Gas Act, and consequently shall approve the same.

Our action herein should not be construed as constituting approval of any future rate increases, if any, that may be filed under the subject rate schedules, and is without prejudice to any findings or order of the Commission in future proceedings, including area rate or similar proceedings, involving Respondents' rates and rate schedules, their successors or assignees

The Commission finds: The proposed settlement of the subject proceedings on the basis described herein, as more fully set forth in the Settlement Proposal filed by Respondents on October 4, 1965, as supplemented on November 2, 1965, is in the public interest and it is appropriate in carrying out the provisions of the Natural Gas Act that it be approved and made effective as hereinafter ordered, and good cause exists for approving the settlement rates, for serving and terminating certain proceedings and for providing for refunds.

The Commission orders:

(A) The joint offer of settlement filed with the Commission by Respondents on October 4, 1965, as supplemented on November 2, 1965, is approved in accordance with provisions of this order.

(B) Respondents shall file, within 90 days from the date of issuance of this order, notices of change in rates under their FPC Gas Rate Schedules to reflect the settlement rates and executed contract amendments in accordance with the terms of this settlement proposal as approved herein including amendments to those rate schedules for sales to CIG to provide for the measurement of the B.t.u. content of the gas consistent with the standard required in Opinion No. 464, Texaco Inc., et al., Docket Nos. G-8087, et al. The notices of change and the contractual amendments shall be submitted in accordance with Part 154 of the Commission's Regulations under the Natural Gas Act.

(C) Respondents shall compute the difference between the rates collected subject to refund and the settlement rates for the sales for which it proposes to make refunds with applicable interest to the date of this order, and shall within 45 days from the date of issuance of this order submit a report to the Commission, with a copy to its jurisdictional pipeline purchasers, setting out the amount of refunds (showing separately the principal and applicable interest) the bases used for such determination, the period covered, and 10 days thereafter shall submit to the Commission a copy of a letter from its jurisdictional pipeline purchasers agreeing to the correctness of such amounts.

(D) Respondents shall retain those amounts of monies shown in the report required under Ordering Paragraph (C) above, subject to further order of the Commission, except that the amounts due and owing, with applicable interest to the date of this order, for the periods set forth under the heading "Period of Refunds to be Released" on Appendix C, attached hereto, shall be refunded within 10 days after receiving the letters from their jurisdictional pipeline customers required by Ordering Paragraph (C) above.

(E) Respondents may deposit the retained refunds in a special escrow account, and shall tender for filing within 60 days of the date of issuance of this order an executed Escrow Agreement, conditioned as set out below, accompanied by a certificate showing service of a copy thereof upon its jurisdictional pipeline customers. Unless notified to the contrary by the Secretary within 30 days from the date of filing thereof, the Escrow Agreement shall be deemed to be satisfactory and to have been accepted for filing. The Escrow Agreement shall be entered into between Respondents and any bank or truck company used as a depositor for funds of the U.S. Government and the agreement shall be conditioned as follows:

(1) Respondents, the bank or trust company, and the successors and assigns of each, shall be held and formally bound unto the Federal Power Commission for the use and benefit of those entitled thereto, with respect to all amounts and the interest thereon deposited in the special escrow account, subject to such agreement, and such bank or trust company shall be bound to pay over to such person or persons as may be identified and designated by final order of the Commission and in such manner as may be therein specified, all or any portion of such deposits and the interest thereon.

(2) The bank or trust company may invest and reinvest such deposits in any short-term indebtedness of the United States or any agency thereof or in any form of obligation guaranteed by the United States which is, respectively, payable within 120 days as the said bank or trust company in the exercise of its sound discretion may select.

(3) Such bank or trust company shall be liable for such interest as the invested funds described in Paragraph (2) above will earn and no other interest may be collected from it.

(4) Such bank or trust company shall be entitled to such compensation as is fair, reasonable and customary for its services as such, which compensation shall be paid out of the escrow account to such bank or trust company. Said bank or trust company will likewise be entitled to reimbursement for its reasonable expenses necessarily incurred in the administration of this escrow account, which reimbursement shall be made out of the escrow account.

(5) Such bank or trust company shall report to the Secretary quarterly, certifying the amount deposited in the bank or trust company for the quarterly period.

(F) If either of Respondents elects to commingle the retained refunds with its general assets and use them for business purposes, it shall notify the Secretary of the Commission of its intention to do so within 60 days of the issuance of this order, and shall pay interest on such monies at the rate of 4.5 percent per annum from the date of issuance of this order to the date on which they are paid over to the person or persons ultimately determined to be entitled thereto by final order or orders of the Commission.

(G) Upon notification by the Secretary of the Commission that each of Respondents has complied with the terms and conditions of this order, the section 4(e) proceedings in Appendix A below shall terminate, and the proceedings in Appendix (B) below shall be severed from their respective consolidated proceedings.

(H) The acceptance by the Commission of Respondents offer of settlement is without prejudice to any findings or determinations that may be made in any proceeding now pending, or hereafter instituted by or against Respondents and is without prejudice to claims or contentions which may be made by Respondents, the Commission staff, or any affected party hereto, in any proceeding.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX A—COLUMBIAN FUEL CORP.

PERMANENTLY CERTIFICATED SALES

Rate schedule No.	Field (area)	Purchaser	Docket No.		Cents Mcf at area pressure base (subject to B.t.u. adjustment where applicable)		
			Certificate	Section 4(e) rate increase	Not subject to refund	Rate in effect Oct. 1, 1965	Settlement rate***
	Kansas—14.65 p.s.i.a.						
2	Hugoton and others	Panhandle Eastern	G-4308	RI60-67 RI65-557	*15.0	**[1] 15.0 **[1] 16.0	**15.0
7	Hugoton	Cities Service Gas	G-7007	RI61-316 RI61-518	[2] 11.5	13.5	12.0
19	do	Northern Natural	G-7015		*11.0	11.0	11.0
20	do	do	G-7015		*11.0	11.0	11.0
21	do	Colorado Interstate	G-7016	RI64-512	*11.5	**13.5	**11.5
22	do	Northern Natural	G-7017		*11.0	11.0	11.0
26	do	do	G-9504	RI61-541	*12.0	17.0	12.0
27	Adams Ranch	Colorado Interstate	G-10802	RI62-429	*15.0	**17.0	**15.0
30	Belpre Pool	Northern Natural	G-12508	RI62-33	*13.5	14.5	13.5
31	Hugoton	Panhandle Eastern	G-14139		*12.0	12.0	12.0
32	Edstaff Pool	Northern Natural	G-14211	RI62-33	*13.5	14.5	13.5
33	Hugoton	Panhandle Eastern	G-7003	RI64-747	[1] 11.0	12.0	12.0
34	do	Colorado Interstate	G-7010	RI63-248 RI64-401	[1] 11.0	13.5	12.0
35	Greenwood	do	CI60-169	RI60-171 RI64-401	*15.0	**17.0	**15.0
36	Hugoton Deep	Panhandle Eastern	CI61-671		*14.0	14.0	12.0
37	Hugoton	Cities Service Gas	G-7013	RI62-49	11.0	12.0	12.0
40	do	Panhandle Eastern	G-7019		11.0	11.0	11.0
76	West Liberal Block (Kansas Deep)	Northern Natural	CI64-425		*16.0	16.0	16.0
	Kentucky—15.525 p.s.i.a.						
8	Big Sandy	Kentucky-West Virginia Gas	G-7008		* [1] 14.0	14.0	14.0
10	do	United Fuel Gas	G-7009		* [1] 18.0	18.0	18.0
29	do	do	G-12487		[1] 27.5	27.5	27.5
					[1] 27.5	27.5	27.5
	Louisiana-South—15.025 p.s.i.a.						
63	West Gueydan	do	G-12618	G-14101 G-17157 G-19942 RI61-238 RI62-79 RI63-188 RI64-268 RI65-161	*18.3	21.5	18.3
71	North Scott	Texas Gas Trans	CI62-1068		*[10] 20.625	20.625	20.625
74	Midland	do	CI63-1317		*19.5	19.5	19.5
	Maryland—15.525 p.s.i.a.						
55	Deer Park-Mount Lake Park	Cumberland & Allegheny Gas Co.	G-7085		*20.0	20.0	20.0
	Oklahoma-Panhandle—14.65 p.s.i.a.						
1	Keyes	Panhandle Eastern	G-4310	RI60-67 RI65-657	*15.0	**[14] 16.0	**15.0
15	Hugoton	MAPCO Production [11]	G-7011		[12] [13] 14.6334	14.6334	14.6334
16	do	Kansas-Nebraska	G-7012		11.0	11.0	11.0
18	do	Northern Natural	G-7014		*15.0	15.0	15.0
23	do	MAPCO Production [11]	G-7018		[12] [13] 14.6334	14.6334	14.6334
25	Keyes	Colorado Interstate	G-8994	G-17605 RI64-370 RI66-106	*15.0	**17.0	**15.0
38	Hugoton	Cities Service Gas	CI61-1074		*11.0	[14] 11.0	12.0
39	North Carthage	Panhandle Eastern	CI61-1489		*16.0	16.0	16.0
72	Texas County	do	CI63-1226		*16.0	16.0	16.0
75	Murdock	do	CI63-1454		*17.0	17.0	17.0
	Pennsylvania—15.525 p.s.i.a.						
60	Reed-Deemer	New York State NGC	G-11120		*27.5	27.5	27.5
64	do	do	G-11121		*27.5	27.5	27.5
	Texas-RRC Dist. —No. 3—14.65 p.s.i.a.						
28	Milton	Natural Gas Pipe Line	G-11126	RI62-305	*15.0	16.5	15.0
	Texas-RRC Dist. —No. 6—14.65 p.s.i.a.						
3	Carthage Southeast	Texas Gas Transmission	G-4560		11.6190	11.6190	11.6190
	West Virginia—15.525 p.s.i.a.						
41	Sissonville	Consolidated Gas	G-7074		* [14] 23.5	23.5	23.5
42	Peytona-Emmons	do	G-7075		* [14] 23.01	23.01	23.01
43	Weston-Jane Lew	do	G-7076		*20.0	20.0	20.0
45	Smithton	do	G-7077		*[17] 28.92	28.92	28.92
46	Chapmanville	United Fuel Gas	G-7078		*[16] 28.0	28.0	28.0
47	Lorentz	Cumberland & Allegheny Gas Co.	G-7079		21.0	21.0	21.0
49	Weston-Jane Lew	do	G-7079		*20.0	20.0	20.0
50	Cameron	Manufacturers Light & Heat Co.	G-7080		*20.0	20.0	20.0
51	do	do	G-7080		*20.0	20.0	20.0
52	Mingo County	United Fuel Gas	G-7081		*22.5	22.5	22.5
53	Nicholas & Fayette Counties	Equitable Gas	G-7083		[14] [15] 27.5	27.5	27.5
54	Raleigh County	United Fuel Gas	G-7084		*[16] 24.0	24.0	24.0
55	Deer Park-Mountain Lake Park	Cumberland & Allegheny Gas Co.	G-7085		*[21] 21.0 *20.0	21.0 20.0	21.0 20.0

See footnotes at end of table.

APPENDIX A—COLUMBIAN FUEL CORP.—Continued

PERMANENTLY CERTIFICATED SALES

Rate schedule No.	Field (area)	Purchaser	Docket No.		Cents Mcf at area pressure base (subject to B.t.u. adjustment where applicable)		
			Certificate	Section 4(c) rate increase	Not subject to refund	Rate in effect Oct. 1, 1965	Settlement rate***
	West Virginia—15.325 p.s.i.a—Con.						
57	Peytona-Emmons	Penzoil Co	G-7087		*14.0	14.0	14.0
62	Lewis	Consolidated Gas	G-11647		*[13] 20.0	20.0	20.0
65	Pifer Mountain	do	G-14386		*26.0	26.0	26.0
66	Mingo	United Fuel Gas	G-11648		23.0	23.0	23.0
67	North Extension Grady	Consolidated Gas	C160-07		*[2] 26.91	26.91	26.91
68	Pifer Mountain	do	C160-139		*26.0	26.0	26.0
69	Wyoming & McDowell Cos	United Fuel Gas	C162-458		*28.0	28.0	28.0
70	McDowell Co	Consolidated Gas	C162-493		*25.0	25.0	25.0
73	Clay Co	Equitable Gas	C163-1312		*25.0	25.0	25.0
77	March Fork District	United Fuel Gas	C164-1492		*25.0	25.0	25.0
78	Union District	do	C164-1493		*25.0	25.0	25.0

APPENDIX A—COLUMBIAN FUEL CORP.

TEMPORARILY AUTHORIZED SALES

	Kentucky—15.325 p.s.i.a.						
79	Scott Smith "O"	United Fuel Gas	C165-820 [9]		* [9] 26.0	26.0	26.0

APPENDIX A—CITIES SERVICE OIL CO.

PERMANENTLY CERTIFICATED SALES TO CITIES SERVICE GAS CO.

	Kansas—14.65 p.s.i.a.						
86	Hugoton	Cities Service Gas	G-4579		*11.0	11.0	11.0
149	do	do	C161-1490		*12.0	12.0	12.0
200	Southwest Medicine Lodge	do	G-9792	G-20302 [24], R165-451	*12.0	[22] 13.0	12.0
	Oklahoma-Other—14.65 p.s.i.a.						
67	West Edmond Hunton Lime	do	G-4579		*6.7	6.7	6.7
93	Bodine Gasoline Plant	do	G-10193		11.0	11.0	11.0
102	Southeast Eureka	do	G-13304		*12.0	12.0	12.0
	Texas-RRC Dist. No. 10—14.65 p.s.i.a.						
161	West Panhandle	do	C163-365		*12.0	12.0	12.0

*Initial rate.
**Rate subject to upward B.t.u. adjustment.
***The settlement rates set out herein, unless otherwise noted, are total rates, subject to reductions in the manner and in the amounts set out in the respective rate schedules, where applicable under conditions of sale and/or delivery.
[1] Current effective rate is 15.0 cents per Mcf for that acreage acquired from William L. Graham Co. only. The 16.0 cents per Mcf rate, subject to refund under Docket No. R160-67 applys to all other acreage under rate schedule No. 2. 17.0 cents per Mcf rate now suspended in Docket No. R165-557.
[2] Supplemental agreement dated Nov. 30, 1960, provided for a change in measurement pressure base from 16.4 p.s.i.a. to 14.65 p.s.i.a. and a change in rate from 11.5 cents per Mcf at 16.4 p.s.i.a. (10.27 cents per Mcf at 14.65 p.s.i.a.) to 12.5 cents per Mcf at 14.65 p.s.i.a.
[3] Rate applicable to depths above the base of the Chase Group only. Contract further provides for a 14.0 cents per Mcf initial rate for gas produced from depths below the base of the Chase Group down to the top of the Morrowan Series, and a 16.0 cents per Mcf initial rate for gas produced from depths below the top of the Morrowan Series.
[4] Rates applicable to depths above the base of the Chase Group only. Contract further provides for a 15.0 cents per Mcf initial rate with a upward B.t.u. provision for gas produced from depths below the base of the Chase Series. No filings have been made for gas produced from this deeper interval and price has escalated to 16.0 cents per Mcf.
[5] For gas from wells completed prior to Jan. 1, 1951.
[6] For gas from wells completed or deepened after Jan. 1, 1951.
[7] Increased rate allowed by Commission order dated June 19, 1961.
[8] Increased rate allowed by Commission order dated Aug. 29, 1961.
[9] Initial rate as conditioned by temporary certificate issued Mar. 19, 1965.
[10] Rate established by order dated Dec. 23, 1963, issuing Permanent certificate.
[11] Successor to Hugoton Plains Natural Gas Co.
[12] There is a 1.0 cent per Mcf charge deducted from this rate for compression.
[13] Rate is 1.1166 cents per Mcf less than the buyers resale rate. The Commission approved predecessors offer of settlement at 15.75 cents per Mcf.
[14] Rate filing to 12.0 cents per Mcf filed Sept. 24, 1965, suspended in Docket No. R166-106.
[15] Rate at contract pressure base of 15.025 p.s.i.a.
[16] Rate at contract pressure base of 15.2 p.s.i.a.
[17] Rate at contract pressure base of 14.9 p.s.i.a. for all gas under contract except gas purchased from Rudder Oil & Gas Co.
[18] Rate at pressure base of 15.325 p.s.i.a. for gas purchased from Rudder Oil & Gas Co.
[19] Rate increase allowed by Commission order dated Mar. 1, 1961.
[20] For gas purchased from Nov. 1 through Apr. 30.
[21] For gas purchased from May 1 through Oct. 31.
[22] Rate at contract pressure base of 14.73 p.s.i.a.
[23] 14.0 cents per Mcf rate suspended in Docket No. R165-451.
[24] 17.0 cents per Mcf rate suspended in Docket No. R165-557.
[25] Docket No. G-20302 is to be terminated only insofar as Cities Service's interest is concerned.

APPENDIX B—SUSPENSIONS

COLUMBIAN FUEL CORP.

Rate schedule No.	Supp. No.	Docket No.	Consolidated docket	Area
1	6	R160-67	AR64-1	Oklahoma Panhandle.
1	8	R165-557		Do.
2	11	R160-67	AR64-1	Kansas.
2	14	R165-557		Do.
7	8, 9	R161-316	G-2737	Do.
7	10	R161-518	G-2737	Do.
21	3	R164-512	AR64-1	Do.
25	2, 3, 4	G-17605	AR64-1	Oklahoma Panhandle.
25	5	R164-370	AR64-1	Do.
26	4	R161-541	AR64-1	Kansas.
27	4	R162-429	AR64-1	Do.
28	1	R162-305	AR64-2	Texas RRC District No. 3.
30	4	R162-33	AR64-1	Kansas.
32	2	R162-33	AR64-1	Do.
33	3	R164-747	AR64-1	Do.
34	2	R163-248	AR64-1	Do.
34	3	R164-401	AR64-1	Do.
35	2	R160-171	AR64-1	Do.
35	3	R164-401	AR64-1	Do.
37	2	R162-49	G-2737	Do.
38	2	R160-106		Oklahoma Panhandle.
63	1	G-14101	AR61-2	South Louisiana.
63	3	G-17157	AR61-2	Do.
63	5	G-19942	AR61-2	Do.
63	6	R161-238	AR61-2	Do.
63	7	R162-79	AR61-2	Do.
63	8	R163-188	AR61-2	Do.
63	9	R164-268		Do.
63	10	R165-161		Do.

CITIES SERVICE OIL CO.

200	1	G-20302	AR64-1	Kansas.
200	3	R165-451		Do.

APPENDIX C—FLOW THROUGH OF REFUNDS

Purchaser	Docket No.	Period of refunds to be retained		Period of refunds to be released	
		From	To and including	From	To and including
Cities Service Gas Co.	G-20302			Apr. 1, 1965	Date settlement rates become effective.
	R161-316	Mar. 3, 1961	July 22, 1961	July 23, 1961	Do.
	R161-518			Nov. 17, 1961	Do.
	R163-49	Feb. 27, 1962	Apr. 22, 1964	Apr. 23, 1964	
Colorado Interstate Gas Co.	G-17605	July 1, 1959	Date settlement rates become effective.		
	R160-171	Aug. 15, 1960	do		
	R162-429	Nov. 1, 1962	do		
	R163-248	June 7, 1963	do		
	R164-370	June 1, 1964	do		
	R164-401	June 1, 1964	do		
	R164-512	June 12, 1964	do		
Natural Gas Pipeline Co. of America.	R162-305	July 5, 1962	do		
Northern Natural Gas Co.	R161-541			Dec. 6, 1961	Do.
	R162-33			Apr. 6, 1962	Do.
Panhandle Eastern Pipe Line Co.	R160-67			July 1, 1960	Do.
United Fuel Gas Co.	G-14101			Aug. 15, 1958	Do.
	G-17157			June 8, 1959	Do.
	G-19942			Apr. 5, 1960	Do.
	R161-238			Apr. 20, 1961	Do.
	R162-79	Apr. 6, 1962	Date settlement rates become effective.		
	R163-188	Apr. 23, 1963	do		
	R164-268	Apr. 9, 1964	do		
	R165-161	Apr. 1, 1965	do		

[F.R. Doc. 65-13419; Filed, Dec. 17, 1965; 8:45 a.m.]

[Docket No. RP66-19]

OKLAHOMA NATURAL GAS GATHERING CORP.

Notice of Proposed Change in Rate

DECEMBER 10, 1965.

On December 1, 1965, Oklahoma Natural Gas Gathering Corp. (Oklahoma Gathering) tendered for filing Supplement No. 1 to its FPC Gas Rate Schedule No. 1. By this filing, Oklahoma Gathering proposed to increase the rate at which it sells gas to Cities Service Gas Company, produced in the Ringwood Field, Major County, Okla., from 17.5 cents to 18.5 cents per Mcf. Based upon sales for the year ended December 31, 1964, the annual increase would amount to approximately $142,000.

In support of the proposed increase, Oklahoma Gathering, a wholly owned subsidiary of Oklahoma Natural Gas Co., states that it is designed to compensate for increased purchase costs of gas in the field, and that the contractual basis for the increase is provided in Article 2 of Oklahoma's contract with Cities, dated February 28, 1961.

Copies of the proposed rate change have been served by Oklahoma Gathering upon its jurisdictional customer and interested State Commissions. Comments or protests with respect to the proposed changes may be filed with the Commission on or before December 27, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-13521; Filed, Dec. 17, 1965; 8:45 a.m.]

[Docket No. RI66-192]

STANDARD OIL COMPANY OF TEXAS

Order Providing for Hearing on and Suspension of Proposed Change in Rate, Effective Subject to Refund

DECEMBER 10, 1965.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations there-

under, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 25, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
R166-.....	Standard Oil Co. of Texas, a division of Chevron Oil Co., Post Office Box 1249, Houston, Tex., 77001.	[1] 13	1	El Paso Natural Gas Co. (Puckett Field, Pecos County, Tex.) (R.R. District No. 8) (Permian Basin Area).	$197,463	11-12-65	[2] 12-13-65	[3] 12-14-65	[4] 11.0	[4] [5] 12.0	

[1] Formerly Standard Oil Co. of Texas, a division of California FPC Gas Rate Schedule No. 30.
[2] The stated effective date is the effective date requested by Respondent.
[3] The suspension period is limited to 1 day.
[4] Periodic rate increase.
[5] Pressure base is 14.65 p.s.i.a.
[6] Initial rate.

Standard Oil Co. of Texas, a division of Chevron Oil Co. (Standard) a producer-respondent in the Permian Basin Opinion No. 468, proposes a periodic rate increase from 11.0 cents to 12.0 cents per Mcf, amounting to $197,463 annually, for a sale of "old" gas-well gas to El Paso Natural Gas Company (El Paso) in the Permian Basin area of Texas. The proposed increased rate does not exceed the applicable area base rate of 14.5 cents per Mcf prescribed in Commission Opinion No. 468.

The contract provides for delivery at the wellhead of natural gas from dry gas wells and gas distillate wells. Quality wise, the contract provides for the delivery of gas containing a maximum diluent content (nitrogen, hydrogen sulphide, organic sulphur, and carbon dioxide) of 30 percent by volume for gas from the Ellenburger formation and a maximum diluent content of 5 percent by volume for gas from the Devonian formation. If the diluent content exceeds the stated percentages, the contract prices will be reduced approximately 0.25 cents per Mcf for every 1 percent increase in diluent content. In the event the diluent content of the gas being delivered from any well should be determined to be in excess of 40 percent by volume, buyer shall have the right to discontinue taking gas from that well so long as such condition prevails. As for delivery pressure, the contract provides for the delivery at the natural well flowing pressure, with the buyer having the right to operate its gathering system at pressures not to exceed 1,000 p.s.i.g. The buyer may refuse to accept delivery of gas from any well producing at a natural wellhead flowing pressure of less than 250 p.s.i.g. Opinion No. 468–A prescribes a minimum delivery pressure of 500 p.s.i.g. The contract contains no B.t.u. adjustment provisions. In the subject rate increase filing the producer indicates that the B.t.u. content of the gas is not available. Since it is not clear that the gas sold under the rate schedule involved is of pipeline quality in accordance with the standards prescribed in the Commission's Opinion Nos. 468 and 468–A, issued August 5, 1965, and October 4, 1965, respectively, we shall suspend the proposed rate involved here for one day from December 13, 1965, the proposed effective date.

Standard shall file with the Commission as a condition of this order within 60 days of the date of issuance of this order a statement setting forth either that the gas sold under the subject rate schedule accords with all pipeline quality standards established in Opinion Nos. 468 and 468–A, or in which respects the gas deviates from such standards; the agreed cost to the purchaser of processing the gas to bring it to the pipeline quality standards established there with respect to each quality deviation; any upward or downward B.t.u. adjustment; and the resulting applicable area rate for the gas. Such statement shall be signed by both the seller and the purchaser. If the seller and the purchaser are unable to agree upon any or all of the particulars entering into the computation of the applicable area rate, the seller shall file the statement herein required which shall indicate the absence of agreement and supply the information required to compute the applicable area rate as well as the contentions of the parties with respect to the quality and amount of the adjustment for any item in dispute. The purchaser may file a separate statement setting forth its views within the period herein provided.

[F.R. Doc. 65–13522; Filed, Dec. 17, 1965; 8:45 a.m.]

[Docket No. CP66–180]

TENNESSEE GAS TRANSMISSION CO.

Notice of Application

DECEMBER 13, 1965.

Take notice that on December 3, 1965, Tennessee Gas Transmission Co. (Applicant), Post Office Box 2511, Houston, Tex., 77001, filed in Docket No. CP66–180 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval to abandon, remove and relocate certain natural gas facilities and for authorization to sell additional natural gas and to construct and operate certain facilities necessary to render the service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to render the following additional service commencing with the 1966–1967 winter heating season:

Type of service	Additional maximum contract quantity—Mcf at 14.73 p.s.i.a.
General Service Customers	54,813
Contracted Demand Customers	72,520
Storage Service Customers	6,510
Total	133,843

To render the proposed service, Applicant proposes to construct and operate 401.3 miles of 26- through 42-inch loop lines, 24,000 additional compressor horsepower at existing compressor stations, and 6.64 miles of 6- and 8-inch pipeline replacement.

Applicant states that of the proposed increased annual average day capacity of 176,000 Mcf, it will utilize 111,891 Mcf for increased deliveries to contract demand, general service, and storage service customers. The increase in annual average day system capacity will be from 3,027,000 Mcf to 3,203,000 Mcf. Unallocated capacity equal to 64,109 Mcf will increase Applicant's unallocated capacity to a total equal to 81,177 Mcf per day, which includes 17,068 Mcf per day capacity remaining from the unallocated capacity authorized in Docket No. CP65–120.

The total estimated cost of the proposed construction is $82,456,000, which will be financed from funds generated through operations and from the sale of bonds, debentures and second preferred stock.

Applicant also requests permission and approval to abandon, remove and relocate certain facilities at its Scofield Bay, La., Compressor Station No. 526A. Applicant proposes to utilize two compressors at its West Clifford Compressor Station No. 321 and three compressors will be placed in warehouse stock for future use. Applicant states that the operation of these compressors in the salt-laden atmosphere at the present location has proved unsatisfactory.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before January 3, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65–13523; Filed, Dec. 17, 1965; 8:45 a.m.]

[Docket No. CP66–77]

TEXAS EASTERN TRANSMISSION CORP.

Order Permitting Intervention and Setting Date for Prehearing Conference

DECEMBER 13, 1965.

A petition for leave to intervene in Docket No. CP66–77 was filed by the Manufacturers Light & Heat Co. on October 20, 1965, and by the United Gas Improvement Co. on October 29, 1965.

The Commission finds:

(1) The participation of the Manufacturers Light & Heat Co. and the United Gas Improvement Co. in this proceeding is in the public interest.

(2) This proceeding will be expedited by providing for service of testimony by the applicant and intervenors prior to the holding of a prehearing conference.

The Commission orders:

(A) The Manufacturers Light & Heat Co., the intervenor in opposition, and the United Gas Improvement Co., the intervenor in support, are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission. *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in such intervenors' petitions to intervene: *And provided, further,* That the intervention of such intervenors shall not be construed as recognition by the Commission that such intervenors might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(B) Texas Eastern Transmission Corporation shall file with the Commission its direct testimony and exhibits on or before February 21, 1966.

(C) United Gas Improvement Co. shall file with the Commission its presentation in support of Texas Eastern Transmission Corp.'s application on or before February 21, 1966.

(D) Manufacturers Light & Heat Co. shall file with the Commission its presentation in answer to the direct testimony and exhibits of Texas Eastern Transmission Corp. on or before March 21, 1966.

(E) Pursuant to § 1.18 of the Commission's rules of practice and procedure, a prehearing conference shall be held before a hearing examiner of the Commission designated by the chief examiner, at which prehearing conference further procedures, including the date for commencement of cross-examination, shall be established. Such prehearing conference shall be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., at 10:00 a.m. e.s.t. on April 19, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65–13524; Filed, Dec. 17, 1965; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[811–716]

CONTINENTAL AMERICAN FUND, INC.

Notice of Application for Order Declaring That Company Has Ceased To Be Investment Company

DECEMBER 14, 1965.

Notice is hereby given that Continental American Fund, Inc. ("Applicant"), 20 Exchange Place, New York, N.Y., a Maryland corporation and a management open-end diversified investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant represents that it has been duly dissolved pursuant to Articles of Dissolution dated July 28, 1965, which were approved by its shareholders on June 29, 1965. In conjunction therewith, Applicant has sold substantially all of its assets to Pine Street Fund, Inc. ("Pine Street"), a registered open-end management investment company, in return for shares of Pine Street. The Applicant further represents that all of the holders of its capital stock have surrendered their shares and have received certificates for shares of Pine Street.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than December 30, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65–13538; Filed, Dec. 17, 1965; 8:47 a.m.]

[File No. 70–4334]

MIDDLE SOUTH UTILITIES, INC.

Notice of Proposed Stock Split and Related Transactions

DECEMBER 14, 1965.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), 280 Park Avenue, New York, N.Y., 10017, a registered holding company, has filed a declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, and 12(e) of the Act and Rule 62 thereunder as applicable to the transactions therein proposed. All interested persons are referred to said declaration, on file in the office of the Commission, for a description of the proposed transactions which are summarized below.

Middle South proposes to amend its certificate of incorporation so as to increase and reclassify the amount of its authorized common stock from 25,000,000 shares, par value $10 per share, to 50,000,000 shares, par value $5 per share; and, in connection therewith, to issue and distribute to its common stockholders one additional share of $5 par value common stock for each share of $10 par value common stock presently held. All presently outstanding shares of $10 par value common stock will thereafter, without notation or exchange, represent the same number of shares

of $5 par value common stock. Such proposed two-for-one stock split will require the issue of 16,879,200 shares of common stock, increasing Middle South's shares of common stock outstanding to 33,758,400, with a par value of $5 per share.

The proposed charter amendment will require the favorable vote of the holders of two-thirds of Middle South's presently issued and outstanding shares of common stock, and Middle South proposes to solicit proxies with respect thereto at a special meeting of common stockholders scheduled to be held on February 14, 1966. The solicitation material and the form of proxy in connection therewith have been submitted to the Commission for appropriate authorization.

It is stated that the proposed stock split, through consequent reduction in the market price per share, will attract wider ownership and thus broaden the market for Middle South's common stock; and that such improved and expanded market should be in the best interests of the company and its stockholders.

It is represented that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred in connection with the proposed transactions are estimated at $176,510, including $70,000 transfer agent's fees and expenses, $44,500 listing fees, $15,000 registrar's fees and expenses, and $10,000 counsel fees.

Notice is further given that any interested person may, not later than December 29, 1965, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-13539; Filed, Dec. 17, 1965; 8:47 a.m.]

[812-1866]

NEA MUTUAL FUND, INC.

Notice of Filing of Application for Order Temporarily Exempting Applicant

DECEMBER 14, 1965.

Notice is hereby given that NEA Mutual Fund, Inc. ("Applicant"), 1101 17th Street NW., Washington, D.C., 20036, which is registered under the Investment Company Act of 1940 ("Act") as an open-end diversified investment company, has filed an application pursuant to section 6(c) of the Act for an order temporarily exempting Applicant from the provisions of section 15(a) of the Act insofar as such provisions may prevent the surviving corporation of a proposed merger involving Applicant's present investment adviser from serving as Applicant's investment adviser during the period of time between January 1, 1966 (the date of the proposed merger), and June 27, 1966 (the date of Applicant's annual meeting of shareholders). Upon consummation of the proposed merger, Applicant's existing investment advisory contract shall be deemed terminated and the surviving corporation after the merger will be serving without a written contract approved in accordance with section 15(a) of the Act. Section 15(a) of the Act provides, in pertinent part, that no person may serve as investment adviser of a registered investment company except pursuant to a written contract that has been approved by the vote of a majority of the outstanding voting securities of such company. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Applicant's investment adviser, Standard & Poor's Corp. ("Old S&P"), intends to enter into an Agreement of Merger with McGraw-Hill, Inc. ("McGraw-Hill"), following which the surviving corporation, McGraw-Hill, will transfer the business and assets of old S&P to a newly formed, wholly owned subsidiary of McGraw-Hill, which subsidiary will also bear the name Standard & Poor's Corp. ("New S&P") and which will continue with the present management, personnel, policies and business of old S&P. Applicant states that the proposed merger is intended to become effective as of January 1, 1966.

The assignment of the existing investment advisory agreement between Applicant and old S&P, which will be caused by the proposed merger, will terminate the agreement. It is proposed that Applicant and new S&P enter into a new investment advisory agreement substantially similar to the existing agreement to take effect at the time the merger is consummated and to submit such new agreement to Applicant's shareholders for approval at their annual meeting to be held on or about June 27, 1966.

Applicant submits that it is not in the interest of its stockholders nor in the public interest to require the calling of a special meeting of shareholders prior to the annual meeting to be held on or about June 27, 1966, solely for the purpose of approving an investment advisory agreement with the new S&P which is practically the same entity as that which is now furnishing applicant with investment advisory services.

Notice is further given that any interested person may, not later than December 30, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-13540; Filed, Dec. 17, 1965; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 103]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 15, 1965.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 130 (Sub-No. 3 TA), filed December 13, 1965. Applicant: DALLAS L. CORBET, doing business as CORBET TRUCK LINE, R.F.D. No. 2, Robinson, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, in bags and bulk, from Cedar Rapids and Sioux City, Iowa, to points in Kansas and Nebraska, for 180 days. Supporting shipper: The Quaker Oats Co., 345 Merchandise Mart, Chicago, Ill., 60654. Send protests to: I. C. Peterson, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 309 Federal Building, Topeka, Kans., 66603.

No. MC 107002 (Sub-No. 279 TA), filed December 13, 1965. Applicant: HEARIN-MILLER TRANSPORTERS, INC., Post Office Box 1123, U.S. Highway 80 West, Jackson, Miss., 39205. Applicant's representative: D. D. Kennedy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plasticizers*, synthetic plastic, in bulk, in tank vehicles, from points in Monroe County, Miss., to Houston, Tex., for 180 days. Supporting shipper: Enjay Chemical Co., a Division of Humble Oil & Refining Co., 60 West 49th Street, New York, N.Y., 10020. Send protests to: Floyd A. Johnson, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 320 U.S. Post Office Building, Jackson, Miss., 39201.

No. MC 114699 (Sub-No. 30 TA), filed December 13, 1965. Applicant: TANK LINES, INCORPORATED, Post Office Box 6415, North Dabney Road, Richmond, Va., 23230. Applicant's representative: J. C. Kirkmyer, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adhesives*, in bulk, in tank vehicles, from Richmond, Va., to Falling Waters, W. Va., and Baltimore, Md., for 180 days. Supporting shipper: Southern Adhesives Corp., Post Office Box 3498, Richmond, Va., 23234. Send protests to: Robert W. Waldron, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 10-502 Federal Building, Richmond, Va., 23240.

No. MC 117427 (Sub-No. 50 TA), filed December 13, 1965. Applicant: G. G. PARSONS TRUCKING CO., Post Office Box 1085, North Wilkesboro, N.C., 28659. Applicant's representative: Francis J. Ortman, National Press Building, Washington, D.C., 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pine plywood in sheets*, from Emporia, Va., to points in North Carolina, South Carolina, Pennsylvania, the District of Columbia, Delaware, Maryland, New Jersey, New York, Michigan, Ohio, Illinois, and Indiana, for 180 days. Supporting shipper: Georgia-Pacific Corp., Southern Finance Building, Augusta, Ga. (attention: M. B. Jones, traffic manager, Southern Division). Send protests to: Jack K. Huff, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 206-327 North Tryon Street, Charlotte, N.C. 28202.

No. MC 119422 (Sub-No. 35 TA), filed December 13, 1965. Applicant: EE-JAY MOTOR TRANSPORTS, INC., Post Office Box 1037, 15th and Lincoln Streets, East St. Louis, Ill. Applicant's representative: Mack Stephenson, 42 Fox Mill, Springfield, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn flour*, in bags, from Mount Vernon, Ind., to Millstadt, Ill., for 120 days. Supporting shipper: Mount Vernon Milling Co., Mount Vernon, Ind., 47620. Send protests to: Harold Joliff, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 476, 325 West Adams Street, Springfield, Ill., 62704.

No. MC 119493 (Sub-No. 22 TA), filed December 14, 1965. Applicant: MONKEM COMPANY, INC., Post Office Box 1196, Office: West 20th Street Road, Joplin, Mo., 64802. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal cans*, from Joplin, Mo., to Houma and Luling, La., and *empty cartons* used in transportation of commodity listed above, on return, for 180 days. Supporting shipper: Re-Lo Manufacturing Co., 1300 West 10th Street, Joplin, Mo. Send protests to: John V. Barry, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo., 64106.

No. MC 124987 (Sub-No. 4 TA), filed December 13, 1965. Applicant: EARL L. BONSACK, 1129 Vine Street, La Crosse, Wis., 54601. Applicant's representative: Robert E. Joanis, 609-611 Exchange Building, La Crosse, Wis., 54601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dimensional lumber, siding, plywood, windows and sills, insulation, millwork, floor tile, hardware and roofing*, from Owatona, Minn., to La Crosse, Wis., and points in Wisconsin within 20 miles of La Crosse, in the shipper's trailer only, for 180 days. Supporting shipper: Gibbons Construction, Inc., Harley Gibbons, 2055 South 31st Street, La Crosse, Wis., 54601. Send protests to: Charles W. Buckner, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 214 North Hamilton Street, Madison, Wis., 53703.

No. MC 127345 (Sub-No. 1 TA), filed December 13, 1965. Applicant: LOWAL LEON HAND, doing business as LOWAL HAND TRUCKING COMPANY, Post Office Box 287, Buffalo, Okla. Applicant's representative: Grady L. Fox, 222 Amarillo Building, Amarillo, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alfalfa pellets, beet pulp*, and *premix*, for cattle feed, from Ulysses, Kans., Lubbock, and Hereford, Tex., to Buffalo, Okla., for 150 days. Supporting shipper: Pitts & Son Feed Lots, Buffalo, Okla. Send protests to: Harold M. Gregory, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 918 Tyler Street, Amarillo, Tex., 79101.

No. MC 127746 (Sub-No. 1 TA) (Correction), filed December 1, 1965, published FEDERAL REGISTER, issue of December 9, 1965, and republished as corrected this issue. Applicant: LOUIS VENEZIA, Bear More Trailer Park, Belmar, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y., 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pellets* in containers, *plastic scrap, additives* for plastic in containers, *packaging materials* for plastic pellets, from New Castle, Del., Hazlehurst, Ga., New York, Garden City, and Mount Vernon, N.Y., Akron, Ohio, Darby, Pottsville, Kobuta, and Washington, Pa., and Nasonville, R.I., to Asbury Park, N.J., and *plastic pellets* in containers, from Asbury Park, N.J., to the above-named origin points, for 180 days. Supporting Shipper: Monmouth Plastics Division, New York & New Jersey Dyeing Co., Inc., 814 Asbury Avenue, Asbury Park, N.J. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 410 Post Office Building, Trenton, N.J., 08608. NOTE: The purpose of this republication is to indicate where protests are to be sent. This information was inadvertently omitted from previous publication.

No. MC 127771 TA, filed December 13, 1965. Applicant: ACE TRAILER TOWING, INC., 224 Dexter Avenue North, Seattle, Wash., 98109. Applicant's representative: Lee R. McNair (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes and buildings in sections*, not including oilfield or industrial building mounted on wheeled undercarriages with hitch ball connector, in initial movements, from Boise and Nampa, Idaho, Hemmett, El Monte and City of Industry, Calif.; Bend and Portland, Oreg., to the points in Washington, by the towaway method; *mobile homes and buildings in sections*, not including oilfield or industrial building mounted on wheeled undercarriages with hitch ball connection in secondary movements from points in the State of Washington to points in Oregon, Idaho, California, and Nevada, in towaway method; *travel trailers with wheels and camper pickup* coaches without wheels, between points in Oregon and Washington, by the haulaway method, for 180 days. Supporting shippers: Totum Trailer Sales, 3506 Main Street, Union Gap, Wash., 98903, Hal Jennings Industries, 6400 Northeast

Bothell Way, Seattle, Wash., 98155, Mobile Home Mart, 270th Pacific Highway South, Seattle, Wash., 98188, Roger N. Hanson, Crest Trailer Park, 14115 Aurora Avenue North, Seattle, Wash., 98133, Aurora Trailer Center, Inc., 13510 Aurora Avenue North, Seattle, Wash., 98133, Globe Mobil Homes, Box 7326, Bitter Lake Station, Seattle, Wash., 98133, Lt. Comdr. James G. Grunwell, USESSA, US C&GS Ship BOWIE, 1801 Fairview Avenue East, Seattle, Wash., 98102. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash., 98101.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-13553; Filed, Dec. 17, 1965; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 15, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA 40187—*Sugar beet or cane to Robinson, Ill.*—Filed by Western Trunk Line Committee, agent (No. A-2434), for interested carriers. Rates on sugar, beet or cane, dry, in bulk in covered hopper cars, in carloads, from points in Montana, transcontinental and western trunkline territories, to Robinson, Ill.

Grounds for relief—Market competition and rate relationship.

Tariffs—Supplement 34 to Western Trunk Line Committee, agent, tariff ICC A-4481 and supplements 61 and 71 to Trans-Continental Freight Bureau, agent, tariffs ICC 1723 and 1701, respectively.

FSA 40188—*Commodities between points in Texas.*—Filed by Texas-Louisiana Freight Bureau, agent (No. 553), for interested carriers. Rates on automobile parts or accessories, and other commodities named in the application, in carloads, from, to, and between points in Texas, over interstate routes through adjoining states.

Grounds for relief—Intrastate rates and maintenance of rates from and to points in other States not subject to the same competition.

Tariff—Supplement 43 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

FSA 40190—*Scoria or slag volcanic ash to points in southwestern territory*—Filed by Southwestern Freight Bureau, agent (No. B-8791), for interested carriers. Rates on ash, scoria or slag, volcanic, crude or crushed, not ground, in carloads, from Antonito, Crate, Dotsero, Howard, McClintock, and Salida, Colo., to points in southwestern territory.

Grounds for relief—Market competition.

Tariff—Supplement 81 to Southwestern Freight Bureau, agent, tariff ICC 4526.

FSA 40191—*Class and commodity rates from and to Gasco and Stratford, Ga.*—Filed by O. W. South, Jr., agent (No. A4813), for interested carriers. Rates on property moving on class and commodity rates, in carloads and less-than-carloads, from or to Gasco and Stratford, Ga., on the one hand, to or from points in the United States and Canada, on the other.

Grounds for relief—New station and grouping.

FSA 40192—*Class and commodity rates from and to Duda, Fla.*—Filed by O. W. South, Jr., agent (No. A4815), for interested carriers. Rates on property moving on class and commodity rates, in carloads and less-than-carloads, from or to Duda, Fla., on the one hand, to or from points in the United States and Canada, on the other.

Grounds for relief—New station and grouping.

FSA 40193—*Soda ash to Nixon, Ga.*—Filed by Southwestern Freight Bureau, agent (No. B-8795), for interested carriers. Rates on soda ash, in bulk, in covered hopper cars, in carloads, from specified points in Louisiana and Texas, also Baldwin, Ark., to Nixon, Ga.

Grounds for relief—Market competition.

Tariffs—Supplements 98, 215, and 103 to Southwestern Freight Bureau, agent, tariffs ICC 4529, 4450, and 4534, respectively.

FSA 40194—*Soda ash to points in southern territory.*—Filed by Southwestern Freight Bureau, agent (No. B-8796), for interested carriers. Rates on soda ash, in bulk, in covered hopper cars, in carloads, from Lake Charles, La., Corpus Christi, Freeport, and Houston, Tex., to specified points in Florida, Georgia, and South Carolina, also Boylston, Ala., East Moss Point, Miss., and Nashville, Tenn.

Grounds for relief—Market competition.

Tariffs—Supplements 215 and 103 to Southwestern Freight Bureau, agent, tariffs ICC 4450 and 4534, respectively.

FSA 40195—*Chlorine to Jay, La.*—Filed by Southwestern Freight Bureau, agent (No. B-8797), for interested carriers. Rates on chlorine, in tank carloads, from Le Moyne and Redstone Arsenal, Ala., to Jay, La.

Grounds for relief—Market competition.

Tariff—Supplement 106 to Southwestern Freight Bureau, agent, tariff ICC 4469.

AGGREGATE-OF-INTERMEDIATES

FSA 40189—*Commodities between points in Texas.*—Filed by Texas-Louisiana Freight Bureau, agent (No. 554), for carriers parties to Uniform Classification Committee, agent, tariff ICC 1. Rates on automobile parts or accessories, and other commodities named in the application, in carloads, from, to, and between points in Texas, over interstate routes through adjoining states.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 43 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-13554; Filed, Dec. 17, 1965; 8:48 a.m.]

[Notice 855]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

DECEMBER 10, 1965.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 730 (Sub-No. 241) (Republication), filed January 7, 1965, published FEDERAL REGISTER issue of February 3, 1965, and republished, this issue. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. Applicant's representative: W. S. Piling (same address as applicant). By application filed January 7, 1965, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle of the commodities and between the points substantially as indicated in the findings below. An Order of the Commission, dated November 23, 1965, and served December 2, 1965, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle of *general commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment.

(1) Between Bakersfield, Calif., and Barstow, Calif., over U.S. Highway 466, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's otherwise authorized regular-route operations, with service at Bakersfield, restricted to shipments transported by carrier to or from points outside of California, (2) between Barstow, Calif., and Walsenburg, Colo., from Barstow over U.S. Highway 66 to Flagstaff, Ariz., thence over U.S. Highway 89 to junction Arizona Highway 64, thence over Arizona Highway 64 to Teec Nos Pos., Ariz., thence over Arizona Highway 364 to the Arizona-New Mexico State line, thence over New Mexico Highway 40 to the New Mexico-Colorado State line, thence over Colorado Highway 40 to junction U.S. Highway 666, thence over U.S. Highway 666 to Cortez, Colo., thence over U.S. Highway 160 to Walsenburg, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's otherwise authorized regular-route operations, serving Walsenburg for the purpose of joinder only, and restricted to the transportation of traffic moving between points in California, on the one hand, and, on the other, Denver, Colo., Kansas City, Kans.-Mo., or St. Louis, Mo., (3) between Walsenburg, Colo., and Pueblo, Colo., over U.S. Highway 85, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's otherwise authorized regular-route operations, serving Walsenburg for the purpose of joinder only, and restricted to the transportation of traffic moving between points in California, on the one hand, and, on the other, Denver, Colo., Kansas City, Kans.-Mo., or St. Louis, Mo., and (4) between Walsenburg, Colo., and La Junta, Colo., over Colorado Highway 10, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's otherwise authorized regular-route operations, serving Walsenburg for the purpose of joinder only, and restricted to the transportation of traffic moving between points in California, on the one hand, and, on the other, Denver, Colo., Kansas City, Kans.-Mo., or St. Louis, Mo., that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER, and any proper party in interest may file an appropriate pleading within a period of 30 days from the date of publication.

No. MC 83539 (Sub-No. 144) (Republication), filed April 26, 1965, published FEDERAL REGISTER issue of May 13, 1965, and republished, this issue. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Post Office Box 5976, Dallas, Tex., 75222. Applicant's representative: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. By application filed April 26, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle over irregular routes of conduit, pipe, or tubing, plastic, or fiber (bituminized or indurated), with or without fittings, from Sherman, Tex., to points in Alabama, Arkansas, Georgia, Missouri, New York, and Oklahoma. An order of the Commission, division 1, dated November 22, 1965, and served December 2, 1965, orders, among other things, that the application be amended by deleting the territorial description presently shown, and substituting in lieu thereof the following: From the plantsite of Line Material Industries, a division of McGraw-Edison Co., near Sherman, Tex., to points in Alabama (except Mobile, Ala.), Georgia, Missouri, New York, and Oklahoma. If there is no opposition indicated to the application, as amended, by parties other than those already participants in this proceeding within the time provided in the FEDERAL REGISTER publication (30 days) the proceeding will be decided on the record as made at the hearing held on September 20, 1965, at Dallas, Tex.

No. MC 112893 (Sub-No. 25) (Republication), filed October 15, 1964, published FEDERAL REGISTER issue of November 4, 1964, and republished, this issue. Applicant: BULK TRANSPORT COMPANY, a corporation, Post Office Box 339, Burlington, Wis. Applicant's representative: Fred H. Figge (same address as applicant). By application filed October 15, 1964, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as as common carrier by motor vehicle, over irregular routes, of asphalt products, in bulk, in tank vehicles, from Dubuque, Iowa, to points in Illinois, Minnesota, and Wisconsin. A Report of the Commission, Operating Rights Review Board No. 3, decided November 22, 1965, and served December 3, 1965, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *asphalt and asphalt products*, in bulk, in tank vehicles, from Dubuque, Iowa, to points in Illinois and Wisconsin, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act, and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER. Issuance of a certificate herein will be withheld for a period of 30 days from the date of such publication, during which time any proper party in interest may file an appropriate protest or other pleading.

No. MC 126195 (Sub-No. 2) (Republication), filed October 19, 1964, published FEDERAL REGISTER issue of November 4, 1964, and republished, this issue. Applicant: MERCHANT'S PICKUP & DELIVERY SERVICE, INC., 715 South Church Street, Burlington, N.C. Applicant's representative: W. Clary Holt, North Carolina National Bank Building, Burlington, N.C., 27216. In the above-numbered proceeding, by order entered February 25, 1965, the Commission, Operating Rights Board No. 1, authorized the issuance to applicant of a permit to transport "electronic equipment, having an immediately prior or an immediately subsequent movement by air, between Burlington, N.C., and the Greensboro, N.C., Airport under a continuing contract with Western Electric Co., Inc., of Burlington, N.C.," and that pursuant to such order, a permit, dated April 28, 1965, has been issued to applicant. The application as filed October 19, 1964, sought authority also to transport electronic equipment between Burlington, N.C., and Greensboro, N.C., restricted to the transportation of traffic having a prior or subsequent movement by air. A supplemental order of the Commission, Operating Rights Board No. 1, dated November 18, 1965, and served December 2, 1965, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of *electronic equipment*, between the plantsite of the Western Electric Co., Inc., at Burlington, N.C., and Greensboro, N.C., under a continuing contract with the Western Electric Co., Inc., of Burlington, N.C., will be consistent with the public interest and the national transportation policy, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder and that an appropriate amended permit should be issued to include this authority in addition to that already set forth therein.

The purpose of this republication is to show that the permit issued in MC 126195 Sub 2 on April 28, 1965, should be amended as to authorize a service needed in addition to that already authorized. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER, and any proper party in interest may file an appropriate pleading within a period of 30 days from the date of publication.

No. MC 126195 (Sub-No. 4) (Republication), filed June 16, 1965, published FEDERAL REGISTER issue of July 15, 1965, and republished this issue. Applicant: MERCHANTS PICKUP AND DELIVERY SERVICE, INC., 715 South Church Street, Burlington, N.C. Applicant's representative: W. Clary Holt, North Carolina National Bank Building, Burlington, N.C. By application filed June 16, 1965, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of such commodities as are dealt in by retail

mail-order houses, described as toilet preparations, compounds, waxes, polishes, brushes and premiums of general merchandise such as irons, blankets, and similar items which are shipper's gifts to its dealers, for the account of Stanley Home Products, Inc., between Burlington, N.C., and points in Alamance, Chatham, Davidson, Davie, Forsyth, Guilford, Montgomery, Moore, Orange, Randolph, Rockingham, Stokes, Surry, and Yadkin Counties, N.C., on traffic originating at Richmond, Va.

An Order of the Commission, Operating Rights Board No. 1, dated November 29, 1965, and served December 7, 1965, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier*, by motor vehicle, over irregular routes, of *such commodities*, as are dealt in by retail mail-order houses, from Burlington, N.C., to points in Alamance, Chatham, Davidson, Davie, Forsyth, Guilford, Montgomery, Moore, Orange, Randolph, Rockingham, Stokes, Surry, and Yadkin Counties, N.C., under a continuing contract with Stanley Home Products, Inc., of Westfield, Mass., will be consistent with the public interest and the national transportation policy, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

NOTICE OF FILING OF PETITIONS

No. MC 3255 (Petition for elimination of restriction), filed November 30, 1965. Petitioner: PEP TRUCKING CO., INC., New York, N.Y. Petitioners representative: George A. Olsen, 69 Tonele Avenue, Jersey City, N.J., 07306. Petitioner holds authority in No. MC 3255 to transport: *General commodities*, except paper, paper products, and papermakers' chemicals, over regular routes, between New York, N.Y., and Phillipsburg, N.J.: From New York over U.S. Highway 1 to Elizabeth, N.J., thence over New Jersey Highway 28 to junction unnumbered highway, thence over unnumbered highway to junction New Jersey Highway 12 to Frenchtown, N.J., and thence over unnumbered highway via Milford and Warren Paper Mills, N.J., to Phillipsburg; and return over these routes to New York. Service is authorized to and from all intermediate points, and the off-route points of Kearny, North Bergen, Bayonne, Guttenberg, Hasbrouck Heights, Holland, Secaucus, Union City, Weehawken, West New York, Mount Pleasant, Pittstown, Avondale, Everittstown, Passaic, Paterson, Clifton, Harrison, Delawanna, Mount Joy, Riegelsville, Finesville, Hughesville, Manville, New Brunswick, Noshanic, Raritan, South Branch, Watchung, Lindon, Mountainside, North Arlington, Rahway, Arlington, Springfield, Lodi, Lyndhurst, Rutherford, Ridgefield, Ridgefield Park, Carlstadt, Cliffside Park, East Paterson, East Rutherford, Edgewater, Englewood, Garfield, Hackensack, Hoboken, Westwood, and Wallington, N.J. By the instant petition, petitioner requests that the Commission eliminate the restriction *paper, paper products, and papermakers' chemicals* from its present operating authority. Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading, consisting of an original and six copies each.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 127042 (Sub-No. 10), filed November 26, 1965. Applicant: HAGEN, INC., 4120 Floyd Street, Sioux City, Iowa. Applicant's representative: Donald E. Leonard, Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular/irregular routes, transporting: *Regular routes:* (A) *Meats, packinghouse products, butter, eggs,* and *dressed poultry*, (1) between Sioux City, Iowa, and Luverne, Minn.: From Sioux City over U.S. Highway 77 to Sioux Falls, S. Dak., thence over U.S. Highway 16 to Luverne, return from Luverne over U.S. Highway 75 to Rock Rapids, Iowa, thence over Iowa Highway 9 to junction Iowa Highway 26, thence over Iowa Highway 26 to Inwood, Iowa, thence over U.S. Highway 18 to Rock Valley, Iowa, thence over Iowa Highway 231 to Craig, Iowa, thence over unnumbered highway to junction U.S. Highway 75, and thence over U.S. Highway 75 to Sioux City, serving the intermediate points of Sioux Falls and Valley Springs, S. Dak., Beaver Creek, Minn., Rock Rapids, Lester, Inwood, Rock Valley, and Ireton, Iowa, and the off-route points of Hills, Minn., Doon, Larchwood, and Alvord, Iowa; (2) between Sioux City, Iowa, and Altamont, S. Dak.: From Sioux City over U.S. Highway 77 to Brookings, S. Dak., thence over U.S. Highway 14 to Volga, S. Dak., thence over unnumbered highway via Bruce and Estelline, S. Dak., to junction South Dakota Highway 28, thence over South Dakota Highway 28 to junction unnumbered highway, thence over unnumbered highways via Demster and Castlewood, S. Dak., to junction South Dakota Highway 22, thence over South Dakota Highway 22 to junction unnumbered highway, thence over unnumbered highways via Bemis, S. Dak., to Altamont, return from Altamont over U.S. Highway 77 to junction unnumbered highway.

Thence over unnumbered highway via Toronto, Bushnell and Aurora, S. Dak., to junction South Dakota Highway 13, thence over South Dakota Highway 13 to junction South Dakota Highway 34, thence over South Dakota Highway 34 to junction U.S. Highway 77, and thence over U.S. Highway 77 to Sioux City, serving the intermediate points of Dell Rapids, Brookings, Volga, Bruce, Estelline, Dempster, Castlewood, Bemis, Clear Lake Toronto, Astoria, White, Bushnell, Aurora, Flandreau, and Egan, S. Dak.; and the off-route points of Renner, Baltic, Brandt, and Elkton, S. Dak., and Pipestone, Minn., (3) between Sioux City, Iowa, and Watertown, S. Dak.: From Sioux City over U.S. Highway 77 to junction South Dakota Highway 34, thence over South Dakota Highway 34 to junction U.S. Highway 81, and thence over U.S. Highway 81 to Watertown, return from Watertown over U.S. Highway 81 to junction unnumbered highway, thence over unnumbered highway to Hayti, S. Dak., thence over South Dakota Highway 21 to junction South Dakota Highway 28, thence over South Dakota Highway 28 to junction South Dakota Highway 25, thence over South Dakota Highway 25 to De Smet, S. Dak., thence over U.S. Highway 14 to Huron, S. Dak., thence return over U.S. Highway 14 via De Smet to Hetland, S. Dak., thence over unnumbered highway to junction U.S. Highway 81 near Junius, S. Dak., thence over U.S. Highway 81 to junction South Dakota Highway 34, thence over South Dakota Highway 34 to junction unnumbered highway, thence over unnumbered highway via Chester and Lyons, S. Dak., to junction U.S. Highway 16, thence over U.S. Highway 16 to Mitchell, S. Dak., thence over South Dakota Highway 37 to junction South Dakota Highway 50, thence over South Dakota Highway 50 to junction U.S. Highway 77, and thence over U.S. Highway 77 to Sioux City, serving the intermediate points of Colman, Wentworth, Arlington, Hayti, Lake Norden, De Smet, Huron, Lake Preston, Hetland, Chester, Huntimer, Colton, Lyons, Crooks, Mitchell, Ethan, and Dimock, S. Dak., and the off-route points of Nunda, Sinai, Badger, Bryant, Erwin, and Oldham, S. Dak., and (4) between Sioux City, Iowa, and Mountain Lake, Minn.:

From Sioux City over U.S. Highway 75 to Luverne, Minn., thence over U.S. Highway 16 to Worthington, Minn., thence over Minnesota Highway 60 to Heron Lake, Minn., thence over unnumbered highway via Okabena, Minn., to Lakefield, Minn., thence over Minnesota Highway 86 to junction U.S. Highway 16, thence over U.S. Highway 16 to Jackson, Minn., thence over U.S. Highway 71 to Windom, Minn., and thence over Minnesota Highway 60 to Mountain Lake, return from Mountain Lake over Minnesota Highway 60 to Windom, thence over U.S. Highway 71 to junction Minnesota Highway 47, thence over Minnesota Highway 47 to junction U.S. Highway 59, thence over U.S. Highway 59 to junction unnumbered highway near Fulda, Minn., thence over unnumbered highway via Wirock and Wilmont, Minn., to junction Minnesota Highway 91, thence over Minnesota Highway 91 to Minnesota-Iowa State line, thence over unnumbered highway to junction Iowa Highway 9, thence over Iowa Highway 9 to Rock Rapids, Iowa, and thence over U.S. Highway 75 to Sioux City, serving the intermediate and off-route points of Luverne, Magnolia, Adrian, Worthington, Org, Brewster, Heron Lake, Okabena, Lakefield, Jackson, Windom, Bingham Lake, Delft, Jeffers, Storden, Westbrook, Dovray, Currie, Slayton, Avoca, Fulda, Wirock, Iona, Wilmont, Ellsworth, Bigelow, Round Lake, Kinbrae, Dundee, Reading, Lismore, Kenneth, and Rushmore, Minn. *Irregular routes:* (B) *Meats*, from Sioux City, Iowa, to Austin, Minn.; (C) *grain and flour mill products*, from Leeds and Sioux City, Iowa, to points in Iowa, Minnesota, South Dakota, and Nebraska; (D) *packinghouse products, supplies, materials*, and *equipment*, between Sioux City, Iowa, on the one hand, and, on the other, points in that part of South Dakota on and south of U.S. Highway 14; (E) the commodities classified as (a) meats, meat products and meat byproducts, (b) dairy products, and (c) articles distributed by meat packinghouses, in the appendix to our report in *Modification of Permits—Packinghouse Products*, 46 M.C.C. 23.

(1) Between Sioux City, Iowa, on the one hand, and, on the other, Belle Fourche, Fruitdale, Misland, Newell, St. Onge, Vale, and Whitewood, S. Dak., (2) from Sioux City, Iowa, to points in Nebraska north of a line extending from a point on the Missouri River (due east of Tekamah, Nebr.), west to Tekamah, Nebr., thence along U.S. Highway 73W to junction Nebraska Highway 9, thence along Nebraska Highway 9 to junction U.S. Highway 275, thence along U.S. Highway 275 to junction U.S. Highway 20, and thence along U.S. Highway 20 to the Nebraska-Wyoming State line, including points on the highway specified; and (3) from Sioux City, Iowa, to points in South Dakota in the area bounded on the east by U.S. Highway 81; on the south by U.S. Highway 212; on the west by the Missouri River from Whitlock Crossing, S. Dak., to the South Dakota-North Dakota State line; and on the north by the South Dakota-North Dakota State line; from the Missouri River to U.S. Highway 81, including all points on the indicated portions of the highways specified; (F) *meats, meat products and meat byproducts, dairy products*, and *articles distributed by meat packinghouses*, from Sioux City, Iowa, to Springfield, Minn., and points in Minnesota in the area bounded on the east by U.S. Highway 71; on the north by U.S. Highway 212; on the west by the Minnesota-South Dakota State line; and on the south by the Minnesota-Iowa State line, including all points on the indicated portions of the highways specified; (G) *meats meat products, and meat byproducts*, and *articles distributed by meat packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Sioux City, Iowa, to Baker, Mont., points in that part of South Dakota bounded by a line beginning at the junction of South Dakota-North Dakota-Montana State lines and extending along the South Dakota-North Dakota State line to the Missouri River.

Thence south along the Missouri River to junction U.S. Highway 14, thence west along U.S. Highway 14 to the South Dakota-Wyoming State line, and thence north along the South Dakota-Wyoming and South Dakota-Montana State lines to point of beginning, and points in that part of North Dakota bounded by a line beginning at the junction of North Dakota-Montana-South Dakota State lines and extending north along the North Dakota-Montana State line to junction U.S. Highway 10, thence east along U.S. Highway 10 to junction North Dakota Highway 3, thence south along North Dakota Highway 3 to North Dakota-South Dakota State line, and thence west along the North Dakota-South Dakota State line to point of beginning, including points on the indicated portions of the highways specified; (H) *meats, meat products and meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Watertown, S. Dak., to points in North Dakota; and (I) *returned shipments* of the above-specified commodities, and *empty containers* used in transporting the above-specified commodities, from points in North Dakota, to Watertown, S. Dak., (J) *meats, meat products, and meat byproducts, dairy products*, and *articles distributed by meat packinghouses*, as described in sections A, B and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Sioux City, Iowa, to Onida, S. Dak., (K) *meats, meat products, and meat byproducts, dairy products*, and *articles distributed by meat packinghouses* (except animal fat, tallow, and grease), as described in sections A, B and C of appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from Sioux City, Iowa, and Watertown, S. Dak., to points in that part of Minnesota bounded by a line beginning at the Minnesota-North Dakota State line at U.S. Highway 10, and extending along U.S. Highway 10 to junction U.S. Highway 210, thence along U.S. Highway 210 to junction U.S. Highway 371.

Thence south along U.S. Highway 371 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Minnesota Highway 15, thence along Minnesota Highway 15 to junction U.S. Highway 14, thence along U.S. Highway 14 to the Minnesota-Wisconsin State line, and thence along the Minnesota-Wisconsin, Minnesota-Iowa, Minnesota-South Dakota, and Minnesota-North Dakota State lines to point of beginning, including all points in Minnesota on said highway boundaries; and (2) from Sioux City, Iowa, to points in North Dakota; and (L) *returned shipments* of the above-described commodities, (1) from points in the above-described portion of Minnesota, to Sioux City, Iowa, and Watertown, S. Dak., and (2) from points in North Dakota, to Sioux City, Iowa, (M) *meats, meat products and meat byproducts, dairy products*, and *articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Sioux City, Iowa, to Scottsbluff and Alliance, Nebr., points in that part of Montana on, south, and east of a line beginning at the Montana-North Dakota State line near Beach, N. Dak., and extending along U.S. Highway 10 to junction Montana Highway 20S, thence along Montana Highway 20S to junction Montana Highway 20, thence along Montana Highway 20 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction Montana Highway 19, thence along Montana Highway 19 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 89, and thence along U.S. Highway 89 to the Montana-Wyoming State line, including points on the indicated portions of the highways specified, and points in that part of Wyoming on and east of a line beginning at the Montana-Wyoming State line at U.S. Highway 89, and extending along U.S. Highway 89 to junction U.S. Highway 26.

Thence along U.S. Highway 26 to its eastern junction with U.S. Highway 287 near Morton, Wyo., thence along U.S. Highway 287 to junction Wyoming Highway 28, thence along Wyoming Highway 28 to junction U.S. Highway 187, thence along U.S. Highway 187 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Wyoming Highway 530, and thence along Wyoming Highway 530 to the Wyoming-Utah State line, including points on the indicated portions of the highways specified; (N) *meat* and *packinghouse products*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Omaha, Nebr., to points in Wyoming and Montana; (O) *meat and packinghouse products*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Sioux City, Iowa, to Agar, S. Dak., and points in that part of South Dakota east of U.S. Highway 81 and north of U.S. Highway 212; (P) *meats, meat products, meat byproducts, dairy products*, and *articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Sioux City, Iowa to points in that part of Wyoming west of a line beginning at the Montana-Wyoming State line and extending along U.S. Highway 89 to junction U.S. Highway 26, located northeast of Elk, Wyo., thence along U.S. Highway 26 to junction U.S. Highway 287, located approximately 9 miles west of Morton, Wyo., thence along U.S. Highway 287 to junction Wyoming Highway 28, located approximately 7 miles south of Lander, Wyo., thence along Wyoming Highway 28 to junction U.S. Highway 187, located at Farson, Wyo., thence along U.S. Highway 187 to junction U.S. Highway 30, located at Rock Springs, Wyo.

Thence along U.S. Highway 30 to junction Wyoming Highway 530 located at Green River, Wyo., and thence along Wyoming Highway 530 to the Wyoming-Utah State line; (Q) *meats, meat products, and meat byproducts, dairy products,* and *articles distributed by meat packinghouses* as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from Sioux City, Iowa, to points in Nebraska, except Scottsbluff and Alliance, Nebr., and except points in Nebraska north of a line extending from a point on the Missouri River (due east of Tekamah, Nebr.), west to Tekamah, Nebr., thence along Nebraska Highway 32 (formerly U.S. Highway 73W) to junction Nebraska Highway 9, thence along Nebraska Highway 9 to junction U.S. Highway 275, thence along U.S. Highway 275 to junction U.S. Highway 20, and thence along U.S. Highway 20 to the Nebraska-Wyoming State line, including points on the highways specified; (R) *such commodities* as are used by meatpackers in the conduct of their business when destined to and for use by meatpackers, as described in section D of appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from Sioux City, Iowa, to points in Nebraska; and (S) *meats, meat products and meat byproducts, dairy products,* and *articles distributed by meat packinghouses,* as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from Omaha, Nebr., to points in Idaho, and points in Malheur and Baker Counties, Oreg. NOTE: Applicant states that the purpose of this application is to convert these operating permits held in MC 109749 to common contemporaneously with acquisition of this authority, pursuant to the section 5 application and conversion of its operating permits to common in the MC 127042 Sub 8 conversion proceeding. This is a matter directly related to MC-F 9275, published in FEDERAL REGISTER issue of December 8, 1965.

APPLICATIONS UNDER SECTIONS 5 AND 210A(B)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-9287. Authority sought for purchase by PCP TRANSPORTATION COMPANY, 9500 Norwalk Boulevard, Santa Fe Springs, Calif., of the operating rights and certain property of GUS A. MELHAFF, doing business as MELHAFF TRUCKING CO., Post Office Box 792, Galt, Calif., and for acquisition by PACIFIC CLAY PRODUCTS, 1255 West 4th Street, Los Angeles, Calif., of control of such rights and property through the purchase. Applicants' attorney: Warren N. Grossman, 740 Roosevelt Building, 727 West Seventh Street, Los Angeles, Calif., 90017. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-120803 (Sub-No. 1), covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of California. Vendee is authorized to operate as a *contract carrier* in California, Arizona, and Nevada. Application has not been filed for temporary authority under section 210a(b). NOTE: Docket No. MC-127756 is a matter directly related.

No. MC-F-9288. Authority sought for purchase by CENTROPOLIS TRANSFER CO., INC., 6700 Wilson Avenue, Kansas City, Mo., 64125, of a portion of the operating rights and certain property of BULK MOTOR TRANSPORT, INC., 440 Board of Trade Building, Kansas City, Mo., 64105, and for acquisition by DONALD R. SUDDARTH, 8 West 115th Street, Kansas City, Mo., of control of such rights and property through the purchase. Applicants' attorney and representative: Donald L. Shughart, 914 Commerce Trust Building, Kansas City, Mo., and Donald R. Suddarth, 6700 Wilson Avenue, Kansas City, Mo. Operating rights sought to be transferred: *Commodities in bulk* (except flour and liquids), restricted to shipments having an immediately prior movement by rail, as a *common carrier* over irregular routes, beteen points in Arkansas, Illinois, Iowa, Kansas, Missouri, and Oklahoma. Vendee is authorized to operate as a *common carrier in* Missouri, Kansas, and Nebraska. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9289. Authority sought for purchase by MAYFIELD TRANSFER & STORAGE CO., INC., 3200 West Lake Street, Melrose Park, Ill., of the operating rights of FROHLING'S A C TRANSPORT SERVICE, INC. (INTERNAL REVENUE SERVICE, SUCCESSOR IN INTEREST), 919 Jericho Road, Aurora, Ill., and for acquisition by RAYMOND J. EMERICK, SR., also of Melrose Park, Ill., of control of such rights through the purchase. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago, Ill., 60603. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-97868 Sub-1, covering the transportation of commodities general within a 50-mile radius of 1342 Front Street, Aurora, Ill., and to transport such property to or from any point outside of such authorized area of operation for a shipper or shippers within such area, as a common carrier, in intrastate commerce, within the State of Illinois. Vendee is authorized to operate as a *common carrier* in Indiana and Illinois. Application has been filed for temporary authority under section 210a(b). NOTE: MC-99888 Sub-2 is a matter directly related.

No. MC-F-9290. Authority sought for continuance in control by X. O. BUNCH, JR., Post Office Box 851, 2038 Meeting Street Road, Charleston, S.C., 29402, of (A) HUGHES TRANSPORTATION, INC., 2038 Meeting Street Road, Post Office Box 851, Charleston, S.C., 29402, and (B) SANTEE PORTLAND CEMENT CARRIERS, INC., Post Office Box 597, Holly Hill, S.C., upon issuance to (B) SANTEE PORTLAND CEMENT CARRIERS, INC., of a certificate of public convenience and necessity, applied for in pending docket No. MC-127625. Applicants' attorney: Frank B. Hand, Jr., 921 17th Street NW., Washington, 6, D.C. Operating rights sought to be controlled: (A) (HUGHES TRANSPORTATION, INC.) *Ammunition and explosives,* as a *common carrier,* over irregular routes, from Charleston, S.C., to points in North Carolina, South Carolina, and Georgia, except Savannah, Ga., from Savannah, Ga., to Charlotte, N.C., from Augusta, Ga., and Charlotte, and Wilmington, N.C., and points within 15 miles of Charleston, S.C., to Charleston, S.C., from Charleston Ordnance Depot, Charleston, S.C., to military camps, forts, depots, reservations, and airports located in South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Tennessee, North Carolina, Kentucky, Virginia, Maryland, Pennsylvania, New Jersey, Delaware, and the District of Columbia; from Charlotte, N.C., to points in Georgia, South Carolina, and Florida.

Restriction: The authority granted immediately above to the extent it authorizes the transportation of classes A and B explosives, shall be limited, in point of time, to a period expiring 5 years after September 14, 1964; *dangerous explosives, component parts (not including ingredients) thereof, ammunition* not classified as a dangerous or less dangerous explosive, and *empty ammunition containers,* between the site of the Blue Grass Ordnance Depot near Richmond, Ky., on the one hand, and, on the other, the site of Camp Atterbury, Ind., points in that part of Louisiana east of the Mississippi River, and points in Delaware, Florida, Georgia, Kentucky, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia; *classes A and B explosives, component parts thereof* (not including ingredients), *ammunition not classified as classes A and B explosives,* and *empty ammunition containers,* serving points within 3 miles of the Blue Grass Ordnance Depot, near Richmond, Ky., for purpose of interchange only; *classes A, B, and C explosives,* as classified in the Commission's rules and regulations governing the transportation of explosives and other dangerous articles, and *containers therefor,* between Memphis, Tenn., and West Memphis, Ark., restricted to traffic originating at or destined to points beyond West Memphis, Ark.; *classes A, B, and C explosives,* and *containers therefor,* between Fort Gordon, Ga., and points within 5 miles thereof, on the one hand, and, on the other, the Savannah River Project, at or near Dunbarton, S.C., and points within 10 miles of Dunbarton, S.C.

RESTRICTION: The authority granted herein, to the extent it authorizes the transportation of classes A and B explosives shall be limited, in point of time, to a period expiring October 25, 1967; *classes A, B, and C explosives,* as defined by the Commission, *ammunition* (not included in classes A, B, and C explosives), and *component parts therefor,* from points in Duval and Clay Counties, Fla., to points in Berkeley and Charleston Counties, S.C.; *ammunition* and *explosives,* and *component parts* of ammunition and explosives when moving in the same vehicle therewith, except such commodities which because of size or weight require the use of special equipment or special handling, between Charlotte, N.C., on the one hand, and, on the other, certain specified points in North Carolina, with exceptions, from certain specified points in South Carolina, with exceptions to Charlotte, N.C., from points in that part of Georgia on and east of U.S. Highway 1, to Charlotte, N.C., and Charleston, S.C., from Orangeburg, S.C., to Charleston, S.C., from Charleston, S.C., and certain specified points in South Carolina, to points in South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Tennessee, North Carolina (except Charlotte), Kentucky, Virginia, Maryland, Pennsylvania, New Jersey, Delaware, the District of Columbia, and West Memphis, Ark.; and (B) (SANTEE PORTLAND CEMENT CARRIERS, INC.). Authority applied for in pending Docket No. MC-127625, covering the transportation of cement, as a common carrier, over irregular routes, (1) from the plantsite of the Santee Portland Cement Co., Holly Hill, S.C., to points in Georgia, North Carolina, and those in Tennessee on and east of U.S. Highway 127, (2) from railroad sidings in the destination territory named in (1) above to points in Georgia, North Carolina, and those in Tennessee on and east of U.S. Highway 127, restricted to traffic originating at the named plantsite and having a prior movement by rail. X. O. BUNCH, JR., holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-13590; Filed, Dec. 17, 1965; 8:50 a.m.]

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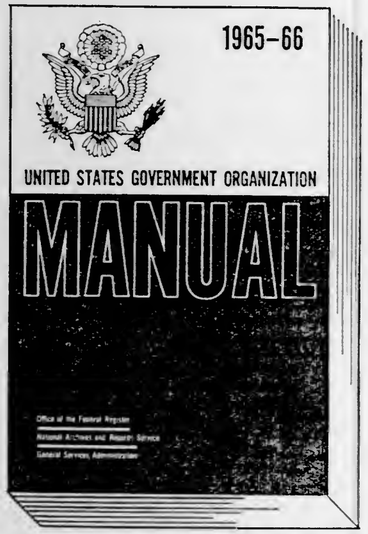
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Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Table of Frequency Allocations

Section 2.106 is revised to read as follows:

§ 2.106 Table of Frequency Allocations.

Worldwide		Region 2		United States		Federal Communications Commission				
Band (kc/s)	Service	Band (kc/s)	Service	Band (kc/s)	Allocation	Band (kc/s)	Service	Class of station	Frequency (kc/s)	Nature of services / of stations
1	2	3	4	5	6	7	8	9	10	11
Below 10 (157)	(Not allocated)			Below 10	(Not allocated.)	Below 10	(Not allocated.)			
10–14	RADIONAVIGATION. Radiolocation.					10–14	RADIONAVIGATION.	Radionavigation land. Radionavigation mobile.		RADIONAVIGATION.
14–19.95 (159)	FIXED. MARITIME MOBILE. (158)					14–19.95	FIXED.	Fixed.		INTERNATIONAL FIXED PUBLIC.
19.95–20.05 (159)	STANDARD FREQUENCY. (160)					19.95–20.05	STANDARD FREQUENCY.	Standard frequency.	20	Standard frequency.
20.05–70 (159) (161)	FIXED. MARITIME MOBILE. (158)					20.05–59	FIXED.	Fixed.		INTERNATIONAL FIXED PUBLIC.
						59–61	STANDARD FREQUENCY.	Standard frequency.	60	Standard frequency.
						61–70	FIXED.	Fixed.		INTERNATIONAL FIXED PUBLIC.
70–90		70–90 (164)	FIXED. MARITIME MOBILE. (158) MARITIME RADIONAVIGATION. (162) Radiolocation.			70–90	FIXED. Radiolocation.	Fixed. Radiolocation land. Radiolocation mobile.		INTERNATIONAL FIXED PUBLIC. RADIOLOCATION.
90–110		90–110 (166) (167)	RADIONAVIGATION. FIXED. Maritime mobile. (158)			90–110 (166) (167)	RADIONAVIGATION.	Radionavigation land. Radionavigation mobile.		RADIONAVIGATION.

Worldwide		Region 2		United States		Federal Communications Commission				
Band (kc/s)	Service	Band (kc/s)	Service	Band (kc/s)	Allocation	Band (kc/s)	Service	Class of station	Frequency (kc/s)	Nature of services
1	2	3	4	5	6	7	8	9	10	11
110–130		110–130 (164) (167) (168)	FIXED. MARITIME MOBILE. MARITIME RADIONAVIGATION. (162) Radiolocation.			110–130 (167)	FIXED. MARITIME MOBILE. Radiolocation.	Coast. Fixed. Radiolocation land. Radiolocation mobile. Ship.		FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC. MARITIME MOBILE. RADIOLOCATION.
130–160		130–160 (167)	FIXED. MARITIME MOBILE. (171)			130–160 (167)	FIXED. MARITIME MOBILE. (171)	Coast. Fixed. Ship.		FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC. MARITIME MOBILE.
160–200		160–200	FIXED. (179)			160–200	FIXED.	Fixed.		FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC.
200–285		200–285	AERONAUTICAL RADIONAVIGATION Aeronautical mobile.			200–285	AERONAUTICAL RADIONAVIGATION. (US18) Aeronautical mobile.	Aeronautical. Aircraft. Radionavigation land.		AERONAUTICAL MOBILE. AERONAUTICAL RADIONAVIGATION.
285–315	MARITIME RADIONAVIGATION (radiobeacons). Aeronautical radionavigation.					285–325 (US16)	MARITIME RADIONAVIGATION. (US18)	Radionavigation land.		MARITIME RADIONAVIGATION.
315–325		315–325	MARITIME RADIONAVIGATION (radiobeacons). Aeronautical radionavigation.							
325–405	AERONAUTICAL RADIONAVIGATION. Aeronautical mobile. (181)					325–405	AERONAUTICAL RADIONAVIGATION. (US18) Aeronautical mobile.	Aeronautical. Aircraft. Radionavigation land.		AERONAUTICAL MOBILE. AERONAUTICAL RADIONAVIGATION.
405–415 (182)		405–415	MARITIME RADIONAVIGATION (radio direction-finding). *Aeronautical radionavigation.* Aeronautical mobile.			405–415 (US18)	MARITIME RADIONAVIGATION (radio direction-finding). Aeronautical radionavigation. Aeronautical mobile. (US19)	Aeronautical. Aircraft. Radionavigation land. Radionavigation mobile.	410	Radio direction-finding.
415–490	MARITIME MOBILE. (185) (186)					415–490	MARITIME MOBILE.	Coast. Ship.		MARITIME MOBILE. (telegraphy).
490–510 (187)	MOBILE (distress and calling).					490–510	MOBILE.	Coast. Mobile.	500	Distress and calling.
510–525		510–525	MOBILE. *Aeronautical radionavigation.* (188)			510–535 (US14)				
525–535		525–535	MOBILE. *Broadcasting.* (191) *Aeronautical radionavigation.* (188)							
535–1605	BROADCASTING.					535–1605 (US15) (NG16)	BROADCASTING.			Standard broadcasting.

Worldwide		Region 2		United States		Federal Communications Commission				
Band (kc/s)	Service	Band (kc/s)	Service	Band (kc/s)	Allocation	Band (kc/s)	Service	Class of station	Frequency (kc/s)	Nature of services
1	2	3	4	5	6	7	8	9	10	11
1605–1800		1605–1800	FIXED. MOBILE. AERONAUTICAL RADIONAVIGATION. Radiolocation.			1605–1715 (US97)	AERONAUTICAL RADIONAVIGATION. FIXED. LAND MOBILE. MARITIME MOBILE. RADIOLOCATION.	Base. Mobile. Fixed. Land mobile. Radionavigation land.	1638 1708	AERONAUTICAL FIXED. AERONAUTICAL RADIONAVIGATION. FIXED (in Alaska). INDUSTRIAL. INTERNATIONAL FIXED PUBLIC. MARITIME MOBILE. PUBLIC SAFETY. RADIOLOCATION. Remote pickup broadcast base. Remote pickup broadcast mobile. Radionavigation land. Do
						1715–1750	FIXED. LAND MOBILE. MARITIME MOBILE. RADIOLOCATION.	Base. Mobile. Fixed. Land mobile. Ship.		AERONAUTICAL FIXED. FIXED (in Alaska). INDUSTRIAL. INTERNATIONAL FIXED PUBLIC. MARITIME MOBILE. PUBLIC SAFETY. RADIOLOCATION.
						1750–1800 (NG14)	FIXED. MOBILE. RADIOLOCATION.	Fixed. Land. Mobile.		DISASTER. RADIOLOCATION.
1800–2000		1800–2000 (198)	AMATEUR. FIXED. MOBILE except aeronautical mobile. RADIONAVIGATION.			1800–2000 (198) (US18)	RADIONAVIGATION. Amateur. (NG15)	Amateur. Loran.		AMATEUR. Loran.
2000–2065		2000–2065	FIXED. MOBILE.			2000–2035	MARITIME MOBILE. (NG19)	Coast. Ship.		MARITIME MOBILE.
						2035–2065	MARITIME MOBILE.	Coast.		Coast (telegraphy).
2065–2107		2065–2107	MARITIME MOBILE. (200)			2065–2107	MARITIME MOBILE.	Ship.		Ship (telegraphy).
2107–2170		2107–2170	FIXED. MOBILE.			2107–2170	FIXED. LAND MOBILE. MARITIME MOBILE. (NG19)	Base. Coast. Fixed. Land mobile. Ship.		AERONAUTICAL FIXED. FIXED (in Alaska). INDUSTRIAL. INTERNATIONAL FIXED PUBLIC. MARITIME MOBILE. PUBLIC SAFETY.
2170–2194	MOBILE (distress and calling). (201)					2170–2194 (201)	MOBILE.	Aircraft. Coast. Ship. Survival craft.	2182	AERONAUTICAL MOBILE (telephony). MARITIME MOBILE (telephony). (NG22) Distress and calling frequency.

Worldwide		Region 2		United States		Federal Communications Commission				
Band (kc/s)	Service	Band (kc/s)	Service	Band (kc/s)	Allocation	Band (kc/s)	Service	Class of station	Frequency (kc/s)	Nature of services
1	2	3	4	5	6	7	8	9	10	11
2194–2300		2194–2300	FIXED. MOBILE.			2194–2495	FIXED. LAND MOBILE. MARITIME MOBILE. (NO19)	Base. Coast. Fixed. Land mobile. Ship.		AERONAUTICAL FIXED. FIXED (in Alaska). INDUSTRIAL. INTERNATIONAL FIXED PUBLIC. MARITIME MOBILE. PUBLIC SAFETY.
2300–2495		2300–2495	FIXED. MOBILE. BROADCASTING. (202)							
2495–2505		2495–2505 (203) (204)	STANDARD FREQUENCY.			2495–2505 (US68)	STANDARD FREQUENCY. Radio astronomy. (US74)	Radio astronomy. Standard frequency.	2500	RADIO ASTRONOMY. Standard frequency.
2505–2625		2505–2625	FIXED. MOBILE.			2505–2850 (NO20)	FIXED. LAND MOBILE. MARITIME MOBILE.	Base. Coast. Fixed. Land mobile. Ship.		AERONAUTICAL FIXED. FIXED (in Alaska). INDUSTRIAL. INTERNATIONAL FIXED PUBLIC. MARITIME MOBILE.
2625–2850		2625–2850	FIXED. MOBILE.						2638 2738 2804 2808 2812	Intership (telephony). (NG44) Do PUBLIC SAFETY. Zone and interzone police. Do. Do.
2850–3025	AERONAUTICAL MOBILE. (R)					2850–3025	AERONAUTICAL MOBILE. (R)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
3025–3155	AERONAUTICAL MOBILE. (OR)					3025–3155	AERONAUTICAL MOBILE. (OR)	Aeronautical. Aircraft		AERONAUTICAL MOBILE
3155–3200	FIXED. MOBILE except aeronautical mobile. (R)					3155–3200	FIXED. LAND MOBILE. MARITIME MOBILE.	Base. Coast. Fixed. Land mobile. Ship.		AERONAUTICAL FIXED. FIXED (in Alaska and Puerto Rico). INDUSTRIAL. INTERNATIONAL FIXED PUBLIC. MARITIME MOBILE. PUBLIC SAFETY.
3200–3230	FIXED. MOBILE except aeronautical mobile. (R) BROADCASTING. (202)					3200–3230 (NO20)	FIXED. LAND MOBILE. MARITIME MOBILE.	Base. Coast. Fixed. Land mobile. Ship.		AERONAUTICAL FIXED. FIXED (in Alaska). INDUSTRIAL. INTERNATIONAL FIXED PUBLIC. MARITIME MOBILE. PUBLIC SAFETY.
3230–3400	FIXED. MOBILE except aeronautical mobile. BROADCASTING. (202)					3230–3240	FIXED. LAND MOBILE. MARITIME MOBILE.	Base. Coast. Fixed. Land mobile. Ship.		AERONAUTICAL FIXED. FIXED (in Alaska). INDUSTRIAL. INTERNATIONAL FIXED PUBLIC. MARITIME MOBILE. PUBLIC SAFETY.
						3240–3400	FIXED. LAND MOBILE. MARITIME MOBILE. MOBILE.	Base. Coast. Fixed. Land. Land mobile. Mobile. Ship.		AVIATION (flight test and aeronautical fixed only). FIXED (in Alaska). INDUSTRIAL. INTERNATIONAL FIXED PUBLIC. MARITIME MOBILE. PUBLIC SAFETY.

Worldwide		Region 2		United States		Federal Communications Commission				
Band (kc/s)	Service	Band (kc/s)	Service	Band (kc/s)	Allocation	Band (kc/s)	Service	Class of station	Frequency (kc/s)	Nature of services
1	2	3	4	5	6	7	8	9	10	11
3400–3500	AERONAUTICAL MOBILE. (R)					3400–3500	AERONAUTICAL MOBILE. (R)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
3500–4000		3500–4000	AMATEUR. FIXED. MOBILE except aeronautical mobile. (R)			3500–4000	AMATEUR.	Amateur.		AMATEUR.
4000–4063	FIXED.					4000–4063	FIXED.	Fixed.		AERONAUTICAL FIXED. FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC.
4063–4438	MARITIME MOBILE. (208) (209)					4063–4133	MARITIME MOBILE	Ship.		Ship (telephony). (NO29)
						4133–4140 (US82)	MARITIME MOBILE.	Ship.		Ship (SSB telephony).
						4140–4160	MARITIME MOBILE.	Ship.		Ship (wideband telegraphy, facsimile and special).
						4160–4177	MARITIME MOBILE.	Ship.		Ship (telegraphy).
						4177–4187	MARITIME MOBILE.	Ship.		Ship calling (telegraphy).
						4187–4238	MARITIME MOBILE	Ship.		Ship (telegraphy).
						4238–4368	MARITIME MOBILE.	Coast.		Coast (telegraphy and facsimile).
						4368–4438	MARITIME MOBILE.	Coast.		Coast (telephony). (NO29)
4438–4650		4438–4650	FIXED. MOBILE except aeronautical mobile. (R)			4438–4650	FIXED. MOBILE.	Base. Fixed. Mobile.		AERONAUTICAL FIXED. FIXED (in Alaska). INDUSTRIAL. INTERNATIONAL FIXED PUBLIC.
4650–4700	AERONAUTICAL MOBILE. (R)					4650–4700	AERONAUTICAL MOBILE (R)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
4700–4750	AERONAUTICAL MOBILE. (OR)					4700–4750	AERONAUTICAL MOBILE. (OR)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
4750–4850		4750–4850	FIXED. BROADCASTING. (202)			4750–4850	FIXED.	Fixed.		AERONAUTICAL FIXED. FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC.
4850–4995	FIXED. LAND MOBILE. BROADCASTING. (202)					4850–4995	FIXED.	Fixed.		AERONAUTICAL FIXED. FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC.
4995–5005	STANDARD FREQUENCY. (204) (210)					4995–5005 (US68)	STANDARD FREQUENCY Radio astronomy. (US74)	Radio astronomy. Standard frequency.	5000	RADIO ASTRONOMY. Standard frequency.
5005–5060	FIXED. BROADCASTING. (202)					5005–5450	FIXED.	Fixed.		AERONAUTICAL FIXED. FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC. Zone and interzone police.
5060–5250	FIXED.									
5250–5450		5250–5450	FIXED. LAND MOBILE.							

Worldwide		Region 2		United States		Federal Communications Commission				
Band (kc/s)	Service	Band (kc/s)	Service	Band (kc/s)	Allocation	Band (kc/s)	Service	Class of station	Frequency (kc/s)	Nature {OF SERVICES / of stations
1	2	3	4	5	6	7	8	9	10	11
5450-5480		5450-5480	AERONAUTICAL MOBILE. (R)			5450-5680	AERONAUTICAL MOBILE. (R)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
5480-5680	AERONAUTICAL MOBILE. (R)									
5680-5730	AERONAUTICAL MOBILE. (OR)					5680-5730	AERONAUTICAL MOBILE. (OR)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
5730-5950	FIXED.					5730-5950	FIXED.	Fixed.		AERONAUTICAL FIXED. FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC.
5950-6200	BROADCASTING.					5950-6200	BROADCASTING.	International broadcasting.		International broadcasting.
6200-6525 (211)	MARITIME MOBILE.					6200-6211 (US82)	MARITIME MOBILE.	Ship.		Ship (SSB telephony).
						6211-6240	MARITIME MOBILE.	Ship.		Ship (wideband telegraphy, facsimile and special). (NG25)
						6240-6265.5	MARITIME MOBILE.	Ship.		Ship (telegraphy). (NG25)
						6265.5-6280.5	MARITIME MOBILE.	Ship.		Ship calling (telegraphy).
						6280.5-6357	MARITIME MOBILE.	Ship.		Ship (telegraphy).
						6357-6525	MARITIME MOBILE.	Coast.		Coast (telegraphy and facsimile). (NG27)
6525-6685	AERONAUTICAL MOBILE. (R)					6525-6685	AERONAUTICAL MOBILE. (R)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
6685-6765	AERONAUTICAL MOBILE. (OR)					6685-6765	AERONAUTICAL MOBILE. (OR)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
6765-7000	FIXED.					6765-7000	FIXED.	Fixed.		AERONAUTICAL FIXED. FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC.
7000-7100	AMATEUR.					7000-7300	AMATEUR.	Amateur.		AMATEUR.
7100-7300		7100-7300	AMATEUR.							
7300-8195	FIXED.					7300-8195	FIXED.	Fixed.		AERONAUTICAL FIXED. FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC. Zone and interzone police.
8195-8815	MARITIME MOBILE. (213)					8195-8265	MARITIME MOBILE.	Ship.		Ship (telephony) (NG29)
						8265-8273	MARITIME MOBILE.	Ship.		Ship calling (DSB telephony).
						8273-8280 (US82)	MARITIME MOBILE.	Ship.		Ship (SSB telephony).
						8280-8320	MARITIME MOBILE.	Ship.		Ship (wideband telegraphy, facsimile and special.
						8323-8354	MARITIME MOBILE.	Ship		Ship (telegraphy).
						8354-8374	MARITIME MOBILE	Ship.		Ship calling (telegraphy)
						8374-8476	MARITIME MOBILE	Ship		Ship (telegraphy).
						8476-8745	MARITIME MOBILE	Coast.		Coast (telegraphy and facsimile).
						8745-8815	MARITIME MOBILE.	Coast.		Coast (telephony).

Worldwide		Region 2		United States		Federal Communications Commission				
Band (kc/s)	Service	Band (kc/s)	Service	Band (kc/s)	Allocation	Band (kc/s)	Service	Class of station	Frequency (kc/s)	Nature {OF SERVICES / of stations
1	2	3	4	5	6	7	8	9	10	11
8815-8965	AERONAUTICAL MOBILE. (R)					8815-8965	AERONAUTICAL MOBILE. (R)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
8965-9040	AERONAUTICAL MOBILE. (OR)					8965-9040	AERONAUTICAL MOBILE. (OR)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
9040-9500	FIXED.					9040-9500	FIXED.	Fixed.		AERONAUTICAL FIXED FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC.
9500-9775	BROADCASTING.					9500-9775	BROADCASTING.	International broadcasting.		International broadcasting.
9775-9995	FIXED.					9775-9995	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
9995-10005	STANDARD FREQUENCY. (204) (214) (215)					9995-10005 (215) (US83)	STANDARD FREQUENCY. Radio astronomy. (US74)	Radio astronomy. Standard frequency.	10000	RADIO ASTRONOMY. Standard frequency.
10005-10100	AERONAUTICAL MOBILE. (R)					10005-10100	AERONAUTICAL MOBILE. (R)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
10100-11175	FIXED.					10100-11175	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
11175-11275	AERONAUTICAL MOBILE (OR)					11175-11275	AERONAUTICAL MOBILE. (OR)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
11275-11400	AERONAUTICAL MOBILE. (R)					11275-11400	AERONAUTICAL MOBILE. (R)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
11400-11700	FIXED. (216)					11400-11700	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
11700-11975	BROADCASTING.					11700-11975	BROADCASTING.	International broadcasting.		International broadcasting.
11975-12330	FIXED.					11975-12330	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
12330-13200	MARITIME MOBILE. (213)					12330-12400	MARITIME MOBILE.	Ship.		Ship (telephony).
						12400-12407	MARITIME MOBILE.	Ship.		Ship calling (DSB telephony)
						12407-12421 (US82)	MARITIME MOBILE.	Ship.		Ship (SSB telephony).
						12421-12471	MARITIME MOBILE	Ship.		Ship (wideband telegraphy, facsimile and special).
						12471-12531	MARITIME MOBILE.	Ship.		Ship (telegraphy).
						12531-12561	MARITIME MOBILE.	Ship.		Ship calling (telegraphy).
						12561-12714	MARITIME MOBILE.	Ship.		Ship (telegraphy).
						12714-13130	MARITIME MOBILE.	Coast.		Coast (telegraphy and facsimile)
						13130-13200	MARITIME MOBILE.	Coast.		Coast (telephony).

Worldwide		Region 2		United States		Federal Communications Commission				
Band (kc/s)	Service	Band (kc/s)	Service	Band (kc/s)	Allocation	Band (kc/s)	Service	Class of station	Frequency (kc/s)	Nature of services of stations
1	2	3	4	5	6	7	8	9	10	11
13200-13260	AERONAUTICAL MOBILE (OR)					13200-13260	AERONAUTICAL MOBILE. (OR)	Aeronautical. Aircraft		AERONAUTICAL MOBILE.
13260 13360	AERONAUTICAL MOBILE. (R)					13260-13360	AERONAUTICAL MOBILE. (R)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
13360-14000 (217)	FIXED.					13360-14000	FIXED.	Fixed.	13560	AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC. Industrial, scientific and medical equipment.
14000 14350	AMATEUR. (218)					14000 14350	AMATEUR.	Amateur.		AMATEUR.
14350-14990	FIXED.					14350-14990	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
14990-15010	STANDARD FREQUENCY. (204) (219)					14993-15010 (US68)	STANDARD FREQUENCY. Radio astronomy (US74).	Radioastronomy Standard frequency.	15000	RADIO ASTRONOMY. Standard frequency.
15010-15100	AERONAUTICAL MOBILE. (OR)					15010-15100	AERONAUTICAL MOBILE. (OR)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
15100-15450	BROADCASTING.					15100-15450	BROADCASTING.	International broadcasting.		International broadcasting.
15450-15762	FIXED.					15450-16460	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
15762-15768	FIXED. Space Research. (215A)				(US100)					
15768-16460	FIXED.									
16460-17360	MARITIME MOBILE. (213)					16460-16530	MARITIME MOBILE.	Ship.		Ship (telephony).
						16530-16537	MARITIME MOBILE.	Ship.		Ship calling (DSB telephony).
						16537 16562 (US82)	MARITIME MOBILE.	Ship.		Ship (SSB telephony).
						16562-16622	MARITIME MOBILE.	Ship.		Ship (wideband telegraphy, facsimile and special).
						16622-16708	MARITIME MOBILE.	Ship.		Ship (telegraphy)
						16708 16748	MARITIME MOBILE.	Ship		Ship calling (telegraphy).
						16748-16952	MARITIME MOBILE.	Ship.		Ship (telegraphy)
						16952-17290	MARITIME MOBILE.	Coast.		Coast (telegraphy and facsimile)
						17290-17360	MARITIME MOBILE.	Coast.		Coast (telephony)
17360-17700	FIXED.					17360-17700	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
17700-17900	BROADCASTING.					17700-17900	BROADCASTING.	International broadcasting.		International broadcasting.
17900-17970	AERONAUTICAL MOBILE. (R)					17900 17970	AERONAUTICAL MOBILE. (R)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
17970-18030	AERONAUTICAL MOBILE. (OR)					17970-18030	AERONAUTICAL MOBILE. (OR)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.

Worldwide		Region 2		United States		Federal Communications Commission				
Band (kc/s)	Service	Band (kc/s)	Service	Band (kc/s)	Allocation	Band (kc/s)	Service	Class of station	Frequency (kc/s)	Nature of services of stations
1	2	3	4	5	6	7	8	9	10	11
18030-18036	FIXED. Space Research. (215A)				(US100)	18030-19990	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
18036-19990	FIXED.									
19990-20010	STANDARD FREQUENCY. (204)(220) (221)(221A)					19990-20000 (US68)	STANDARD FREQUENCY. Radio astronomy. (US74)	Radio astronomy. Standard frequency.	20000	Standard frequency.
						20000-20010 (US84)	STANDARD FREQUENCY. Space research.	Earth. Space. Standard frequency.		
20010-21000	FIXED.					20010 21000	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
21000-21450	AMATEUR.					21000-21470	AMATEUR.	Amateur.		AMATEUR.
21450-21750	BROADCASTING					21450-21750	BROADCASTING	International broadcasting.		International broadcasting.
21750-21850	FIXED.					21750-21850	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
21850-22000	AERONAUTICAL FIXED. AERONAUTICAL MOBILE (R)					21850-22000	AERONAUTICAL FIXED. AERONAUTICAL MOBILE. (R)	Aeronautical. Aeronautical fixed. Aircraft.		AERONAUTICAL FIXED. AERONAUTICAL MOBILE.
22000-22720	MARITIME MOBILE.					22000-22070	MARITIME MOBILE	Ship.		Ship (telephony).
						22070-22078	MARITIME MOBILE	Ship.		Ship calling (DSB telephony).
						22078 22100 (US82)	MARITIME MOBILE	Ship.		Ship (SSB telephony).
						22100-22148	MARITIME MOBILE	Ship.		Ship (wideband telegraphy, facsimile and special).
						22148-22220	MARITIME MOBILE	Ship.		Ship (telegraphy)
						22220 22270	MARITIME MOBILE	Ship.		Ship calling (telegraphy).
						22270-22400	MARITIME MOBILE.	Ship.		Ship (telegraphy).
						22400-22650	MARITIME MOBILE	Coast.		Coast (telegraphy and facsimile).
						22650-22720	MARITIME MOBILE.	Coast.		Coast (telephony)
22720-23200	FIXED.					22720-23200	FIXED.	Fixed		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC
23200 23350	AERONAUTICAL FIXED. AERONAUTICAL MOBILE. (OR)					23200-23350	AERONAUTICAL FIXED AERONAUTICAL MOBILE. (OR)	Aeronautical. Aeronautical fixed. Aircraft.		AERONAUTICAL FIXED AERONAUTICAL MOBILE.
23350-24990 (222)	FIXED. LAND MOBILE.					23350-24990	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.

Worldwide		Region 2		United States		Federal Communications Commission				
Band (Mc/s)	Service	Band (Mc/s)	Service	Band (Mc/s)	Allocation	Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature of services
1	2	3	4	5	6	7	8	9	10	11
24.99–25.01	STANDARD FREQUENCY. (204) (223)			24.99–25.01	G, NG. (US68)	24.99–25.01	STANDARD FREQUENCY. Radio astronomy. (US74)	Radio astronomy. Standard frequency.	25.0	RADIO ASTRONOMY. Standard frequency.
25.01–25.07	FIXED. MOBILE except aeronautical mobile.			25.01–25.33	NG.	25.01–25.33	LAND MOBILE. (NG50)	Base. Land mobile.	25.02–25.32 (NG32)	INDUSTRIAL.
25.07–25.11	MARITIME MOBILE. (224)									
25.11–25.6	FIXED. MOBILE except aeronautical mobile.			25.33–25.6	G.					
25.6–26.1	BROADCASTING.			25.6–26.1	G, NG.	25.6–26.1 (US25)	BROADCASTING.	International broadcasting.		International broadcasting.
26.1–27.5 (225) (226)	FIXED. MOBILE except aeronautical mobile.			26.1–26.48	NG.	26.1–26.48	LAND MOBILE.	Base. Land mobile.	26.11–26.47 (NG32)	Remote pickup broadcast base; remote pickup broadcast mobile.
				26.48–26.95 (US10)	G.				26.62	Civil air patrol land; civil air patrol mobile.
				26.95–27.54	NG.	26.95–26.96	FIXED.	Fixed.	26.955	INTERNATIONAL FIXED PUBLIC.
						26.96–27.23 (225)	CITIZENS. (US1)	Fixed. Land. Mobile.	27.12	Industrial, scientific and medical equipment.
						27.23–27.28 (225)	FIXED. MOBILE.	Fixed. Land. Mobile.		
						27.28–27.54	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
27.5–28		27.5–28	METEOROLOGICAL AIDS. FIXED. MOBILE.	27.54–28	G.					
28–29.7	AMATEUR.			28–29.7	AMATEUR. (US1)	28–29.7	AMATEUR.	Amateur.		AMATEUR.

Worldwide		Region 2		United States		Federal Communications Commission				
Band (Mc/s)	Service	Band (Mc/s)	Service	Band (Mc/s)	Allocation	Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature of services
I	2	3	4	5	6	7	8	9	10	11
29.7–30.005	FIXED. (228) (229) (231) (232) MOBILE.			29.7–29.89	NG.	29.7–29.8	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
						29.8–29.89	FIXED. (232)	Fixed.	29.81–29.88 (NG31)	AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
				29.89–29.91 (232)	G.					
				29.91–30	NG.	29.91–30	FIXED. (232)	Fixed.	29.92–29.99 (NG31)	AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
30.005–30.01	FIXED. (228) (229) (231) MOBILE. SPACE RESEARCH. SPACE (Satellite identification).			30–30.56	G. (US94)					
30.01–37.75	FIXED. (228) (229) (230) (231) MOBILE.			30.56–32	NG.	30.56–32	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL. LAND TRANSPORTATION. PUBLIC SAFETY.
				32–33 (231)	G.					
				33–34	NG.	33–33.01	LAND MOBILE.	Base. Land mobile.		LAND TRANSPORTATION.
						33.01–33.11	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
						33.11–33.4	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
						33.4–34	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
				34–35 (231)	G.					
				35–36	NG.	35–35.2	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
						35.2–35.68	LAND MOBILE.	Base. Land mobile.		DOMESTIC PUBLIC.
						35.68–36	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
				36–37 (231)	G.					
				37–38	NG.	37–37.01	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
						37.01–37.42	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
						37.42–37.88	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
						37.88–38	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
37.75–38.25	FIXED. (228) (229) (231) MOBILE. Radio astronomy.									
				38–39	G. (US81)					
38.25–41 (235) (236)	FIXED. (228) (229) (230) (231) MOBILE.									

Worldwide		Region 2		United States		Federal Communications Commission				
Band (Mc/s)	Service	Band (Mc/s)	Service	Band (Mc/s)	Allocation	Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature {OF SERVICES / of stations
1	2	3	4	5	6	7	8	9	10	11
				39–40	NG. (US94)	39–40	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
				40–42 (236)	G. (US94)				40.68	Industrial, scientific and medical equipment.
41–50		41–50	FIXED. (228) (230) (237) MOBILE.	42–46.6	NG.	42–42.95	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
						42.95–43.2	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
						43.2–43.68	LAND MOBILE.	Base. Land mobile.		DOMESTIC PUBLIC.
						43.68–44.61	LAND MOBILE.	Base. Land mobile.		LAND TRANSPORTATION.
						44.61–46.6	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
				46.6–47	G.					
				47–49.6	NG.	47–47.43	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
						47.43–47.69	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY. INDUSTRIAL.
						47.69–49.6	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
				49.6–50	G.					
50–54		50–54	AMATEUR.	50–54	AMATEUR. (US1)	50–54	AMATEUR.	Amateur.		AMATEUR.
54–68		54–68	FIXED. (228) (237) MOBILE. BROADCASTING.	54–72 (US24) (US95)	NG.	54–72	BROADCASTING.	Television broadcasting.	55.25 Video 59.75 Sound } Channel 2. 61.25 Video 65.75 Sound } Channel 3. 67.25 Video 71.75 Sound } Channel 4.	
68–73.0		68–73.0	FIXED. MOBILE. BROADCASTING.	72–73 (US20)	NG.	72–73	FIXED. (NG1) (NG3) (NG49)	Operational fixed.	72.02–72.98 (NG33)	Operational fixed.
73–74.6		73–74.6	RADIO ASTRONOMY. (253A) (253B)	73–74.6	G, NG. (US21) (US100)	73–74.6	RADIO ASTRONOMY. (US74)	Radio astronomy.		RADIO ASTRONOMY.
74.6–75.4		74.6–75.4 (259)	AERONAUTICAL RADIONAVIGATION.	74.6–75.4	G, NG.	74.6–75.4	AERONAUTICAL RADIONAVIGATION	Aeronautical radionavigation.	75	Marker beacon.
75.4–88		75.4–88	FIXED. MOBILE. BROADCASTING.	75.4–76 (US20)	NG.	75.4–76	FIXED. (NG1) (NG3) (NG49)	Operational fixed.	75.42–75.98 (NG33)	Operational fixed.
				76–88 (US23)	NG.	76–88 (NG21)	BROADCASTING.	Television broadcasting.	77.25 Video 81.75 Sound } Channel 5. 83.25 Video 87.75 Sound } Channel 6.	
88–100		88–100	BROADCASTING.	88–108 (US23) (US93)	NG.	88–108 (NG21)	BROADCASTING.	FM broadcasting. (NG2).	88.1–107.9 (NG36)	FM Channel 201–FM Channel 300.
100–108		100–108	BROADCASTING.							

Worldwide		Region 2		United States		Federal Communications Commission				
Band (Mc/s)	Service	Band (Mc/s)	Service	Band (Mc/s)	Allocation	Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature {OF SERVICES / of stations
1	2	3	4	5	6	7	8	9	10	11
108–117.975	AERONAUTICAL RADIONAVIGATION.			108–117.975 (US93)	G, NG.	108–117.975	AERONAUTICAL RADIONAVIGATION.	Radionavigation land.	108.1 Localizer. 108.2 Omni-directional range. 108.3 Localizer. 108.4 Omni-directional range. 108.5 Localizer. 108.6 Omni-directional range. 108.7 Localizer. 108.8 Omni-directional range. 108.9 Localizer. 109.0 Omni-directional range. 109.1 Localizer. 109.2 Omni-directional range. 109.3 Localizer. 109.4 Omni-directional range. 109.5 Localizer. 109.6 Omni-directional range. 109.7 Localizer. 109.8 Omni-directional range. 109.9 Localizer. 110.0 Omni-directional range. 110.1 Localizer. 110.2 Omni-directional range. 110.3 Localizer. 110.4 Omni-directional range. 110.5 Localizer. 110.6 Omni-directional range. 110.7 Localizer. 110.8 Omni-directional range. 110.9 Localizer. 111.0 Omni-directional range. 111.1 Localizer. 111.2 Omni-directional range. 111.3 Localizer. 111.4 Omni-directional range. 111.5 Localizer. 111.6 Omni-directional range. 111.7 Localizer. 111.8 Omni-directional range. 111.9 Localizer.	
									112.0–117.9 (NG35)	Omni-directional range.
117.975–132	AERONAUTICAL MOBILE (R). (273) (273A)			117.975–121.975 (273) (US26) (US27) (US28) (US85)	G, NG.	117.975–121.975	AERONAUTICAL MOBILE (R).	Aeronautical. Aircraft.	118–121.4 (NG34)	Airdrome control.
									121.5	AERONAUTICAL MOBILE.
									121.6	Aeronautical search and rescue mobile; aeronautical utility land; aeronautical utility mobile.
									121.65–121.95 (NG34)	Aeronautical utility land; aeronautical utility mobile.
				121.975–123.075 (US29) (US30) (US31) (US80) (US85)	NG.	121.975–123.075	AERONAUTICAL MOBILE.	Aeronautical. Aircraft.	122.0–123.05 (NG34)	Private aircraft.

Worldwide		Region 2		United States		Federal Communications Commission				
Band (Mc/s)	Service	Band (Mc/s)	Service	Band (Mc/s)	Allocation	Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature of stations
1	2	3	4	5	6	7	8	9	10	11
				123.075–123.575 (US32) (US33)	G, NG.	123.075–123.575	AERONAUTICAL MOBILE.	Aeronautical. Aircraft.	123.1 123.15 123.2 123.25 123.3 123.35 123.4 123.45 123.5 123.55	Flight test; aviation instructional. Flight test. Do. Do. Flight test; aviation instructional. Flight test. Do. Do. Flight test; aviation instructional. Flight test.
				123.575–128.825 (US26) (US85)	G, NG.	123.575–128.825	AERONAUTICAL MOBILE (R).	Aeronautical. Aircraft.	123.6–128.8 (NG34)	AERONAUTICAL MOBILE.
				128.825–132 (US2) (US85)	NG.	128.825–132	AERONAUTICAL MOBILE (R).	Aeronautical. Aircraft.	128.85–132 (NG34)	AERONAUTICAL MOBILE.
132–136		132–136	FIXED. MOBILE. (273A) (276)	132–136 (US2) (US26) (US85)	G, NG. (US3)	132–136	AERONAUTICAL MOBILE (R).	Aeronautical. Aircraft.	132.05–135.95 (NG34)	AERONAUTICAL MOBILE.
136–137		136–137 (281A) (281B)	SPACE RESEARCH (Telemetering and tracking).	136–137	G, NG. (US100)	136–137	SPACE RESEARCH.	Space.		Telemetering; tracking.
137–138 (281E)	METEOROLOGICAL-SATELLITE. SPACE RESEARCH (Telemetering and tracking). (281F) SPACE (Telemetering and tracking).			137–138	G, NG. (US100)	137–138	METEOROLOGICAL-SATELLITE. SPACE (Telemetering and tracking).	Space.		METEOROLOGICAL-SATELLITE. SPACE.
138–143.6		138–143.6	FIXED. MOBILE. *Radiolocation.*	138–144 (US10)	G.					
143.6–143.65		143.6–143.65	FIXED. MOBILE. SPACE RESEARCH (Telemetering and tracking). *Radiolocation.*							
143.65–144		143.65–144	FIXED. MOBILE. *Radiolocation.*						143.90	Civil air patrol land; civil air patrol mobile.
144–146	AMATEUR. (284A)			144–148	AMATEUR. (284A) (US1)	144–148	AMATEUR.	Amateur.		AMATEUR.
146–148		146–148	AMATEUR.							
148–149.9 (285A)		148–149.9 (285A)	FIXED. MOBILE.	148–149.9 (US10) (US86)	G.				148.15 148.25	Civil air patrol land; civil air patrol mobile. Earth (telecommand).
149.9–150.05 (285B)	RADIONAVIGATION-SATELLITE.			149.9–150.05	G, NG. (US100)	149.9–150.05	RADIONAVIGATION-SATELLITE.	Space.		RADIONAVIGATION-SATELLITE.

Worldwide		Region 2		United States		Federal Communications Commission				
Band (Mc/s)	Service	Band (Mc/s)	Service	Band (Mc/s)	Allocation	Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature of stations
1	2	3	4	5	6	7	8	9	10	11
150.05–174		150.05–174	FIXED. MOBILE.	150.05–150.8	G.					
				150.8–162	NG.	150.8–150.98	LAND MOBILE.	Base. Land mobile.		LAND TRANSPORTATION. (NG51)
						150.98–151.49	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY. (NG51)
						151.49–152	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
						152–152.24	LAND MOBILE.	Base. Land mobile.		DOMESTIC PUBLIC.
						152.24–152.48	LAND MOBILE.	Base. Land mobile.		LAND TRANSPORTATION. (NG38)
						152.48–152.84	LAND MOBILE.	Base. Land mobile.		DOMESTIC PUBLIC.
						152.84–153.7325	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL. (NG4)
(285A)		(285A)		(US86)		153.7325–154.46	LAND MOBILE.	Base. Land mobile.	154.2	PUBLIC SAFETY. (NG26) Earth (telecommand).
						154.46–154.6275	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
						154.6275–156.25	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
						156.25–157.45 (287) (US9) (US77)	MARITIME MOBILE. (NG5)	Const. Ship.	156.3 156.35 156.4 156.45 156.5 156.55 156.6 156.65 156.7 156.8 156.9 156.95 157.0	MARITIME MOBILE. MARITIME MOBILE. (NG24) MARITIME MOBILE. MARITIME MOBILE. (NG24) MARITIME MOBILE. MARITIME MOBILE. (NG24) MARITIME MOBILE. Do. Do. MARITIME MOBILE (calling & safety). MARITIME MOBILE. Do. Do.
(287)									157.05 157.1 157.15	GOVERNMENT. Do. Do.
									157.2–157.4 (NG34)	MARITIME MOBILE.
						157.45–157.74	LAND MOBILE.	Base. Land mobile.		LAND TRANSPORTATION. (NG15) (NG38)

Worldwide		Region 2		United States		Federal Communications Commission				
Band (Mc/s)	Service	Band (Mc/s)	Service	Band (Mc/s)	Allocation	Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature of services / of stations
1	2	3	4	5	6	7	8	9	10	11
						157.74-158.1	LAND MOBILE.	Base. Land mobile.		DOMESTIC PUBLIC.
						158.1-158.46	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
						158.46-158.7	LAND MOBILE.	Base. Land mobile.		DOMESTIC PUBLIC.
						158.7-159.48	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
						159.48-161.575	LAND MOBILE.	Base. Land mobile.		LAND TRANSPORTATION. (NG6) (NG26) (NG28)
						161.575-161.625 (US77)	MARITIME MOBILE.	Coast.	161.6	MARITIME MOBILE. (NG6) (NG17) (NG26)
						161.625-161.775	LAND MOBILE.	Base. Land mobile.		Remote pickup broadcast base; remote pickup broadcast mobile. (NG6) (NG26)
						161.775-162.0	MARITIME MOBILE. (NG5)	Coast.	161.8 161.85	Coast. (NG26) Do.
					(US12)				161.9 161.95 162.0	Coast Do. Do.
				162-174	G. (US8) (US11) (US12) (US13)				166.25 170.15	PUBLIC SAFETY; Remote pickup. Do.
									170.425 170.475 170.575 171.425 171.475 171.575 172.225 172.275 172.375	PUBLIC SAFETY. Do. Do. Do. Do. Do. Do. Do. Do.
					(US9)	173.2-173.4	FIXED. LAND MOBILE.	Base. Fixed. Land mobile.		INDUSTRIAL.
174-216		174-216 (294)	FIXED. MOBILE. BROADCASTING.	174-216	NG.	174-216	BROADCASTING.	Television broadcasting.	175.25 179.75 181.25 185.75 187.25 191.75 193.25 197.75 199.25 203.75 205.25 209.75 211.25 215.75	Video / Sound / Channel 7. Video / Sound / Channel 8. Video / Sound / Channel 9. Video / Sound / Channel 10. Video / Sound / Channel 11. Video / Sound / Channel 12. Video / Sound / Channel 13.

Worldwide		Region 2		United States		Federal Communications Commission				
Band (Mc/s)	Service	Band (Mc/s)	Service	Band (Mc/s)	Allocation	Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature of services / of stations
1	2	3	4	5	6	7	8	9	10	11
216-220		216-220	FIXED. MOBILE. RADIOLOCATION.	216-220	G. (US5)				217.425 217.475 217.525 217.750 217.575 217.625 217.675 219.325 219.375 219.425 219.450 219.475 219.525 219.575	Telemetering land; telemetering mobile. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do.
220-225		220-225	AMATEUR. RADIOLOCATION.	220-225	G, NG. (US34)	220-225	Amateur. (NG13)	Amateur.		AMATEUR.
225-235		225-235	FIXED. MOBILE.	225-328.6 (310) (US17) (US98)	G.					
235-267 (309)	FIXED. MOBILE.								243	Survival craft and equipment.
267-272	FIXED. MOBILE. Space (telemetering). (309A) (309B)									
272-273	FIXED. MOBILE. SPACE (Telemetering). (309A)									
273-328.6 (310)	FIXED. MOBILE.									
328.6-335.4 (310)	AERONAUTICAL RADIONAVIGATION. (311)			328.6-335.4 (310)	G, NG.	328.6-335.4	AERONAUTICAL RADIONAVIGATION. (311)	Radionavigation land.		Glide path.
335.4-399.9	FIXED. MOBILE.			335.4-399.9	G.					
399.9-400.05	RADIONAVIGATION-SATELLITE (311A)			399.9-400.05	G, NG. (US100)	399.9-400.05	RADIONAVIGATION-SATELLITE.	Space.		RADIONAVIGATION-SATELLITE.
400.05-401	METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE. (Maintenance telemetering). SPACE RESEARCH (Telemetering and tracking).			400.05-401	G, NG.	400.05-401	METEOROLOGICAL AIDS. (US70) SPACE RESEARCH (Telemetering and tracking).	Radiosonde.		Radiosonde. Space.
401-402	METEOROLOGICAL AIDS. SPACE (Telemetering). (315A) Fixed. Mobile except aeronautical mobile.			401-402	G, NG.	401-402	METEOROLOGICAL AIDS. (US70) SPACE (Telemetering). (315A)	Radiosonde. Space.		Radiosonde. Space.

Worldwide		Region 2		United States		Federal Communications Commission				
Band (Mc/s)	Service	Band (Mc/s)	Service	Band (Mc/s)	Allocation	Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature of services / of stations
1	2	3	4	5	6	7	8	9	10	11
402–406 (317)	METEOROLOGICAL AIDS. Fixed. Mobile except aeronautical mobile.			402–404	G, NG.	402–404	METEOROLOGICAL AIDS. (US70)	Radiosonde.		Radiosonde.
				404–406	G, NG.	404–406	METEOROLOGICAL AIDS. (US70) Radio astronomy. (US74)	Radio astronomy. Radiosonde.		RADIO ASTRONOMY. Radiosonde.
406–420 (317)	FIXED. MOBILE except aeronautical mobile.			406–420	G. (US13)					
420–450		420–450 (318) (319A)	RADIOLOCATION. Amateur.	420–450 (US6) (US35) (US87)	G, NG.	420–450	Amateur. (US7)	Amateur.		AMATEUR.
450–460 (318) (319A)	FIXED. MOBILE.			450–470 (US6) (US87)	NG.	450–451	LAND MOBILE.	Base. Land mobile.		Remota pickup broadcast base; remote pickup broadcast mobile.
						451–452	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
						452–453	LAND MOBILE.	Base. Land mobile.		LAND TRANSPORTATION.
						453–454	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
						454–455	LAND MOBILE.	Base. Land mobile.		DOMESTIC PUBLIC. (NG12)
						455–456	LAND MOBILE.	Base. Land mobile.		Remote pickup broadcast base; remote pickup broadcast mobile.
						456–457	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
						457–458	LAND MOBILE.	Base. Land mobile.		LAND TRANSPORTATION.
						458–459	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
						459–460	LAND MOBILE.	Base. Land mobile		DOMESTIC PUBLIC. (NG12)
460–470	FIXED. MOBILE. Meteorological-Satellite. (318A)				(US100)	460–462.525	LAND MOBILE.	Base Land mobile.		INDUSTRIAL.
						462.525–463.225	FIXED. MOBILE.	Fixed. Land. Mobile.		CITIZENS.
						463.225–464.725	LAND MOBILE.	Base. Land mobile		INDUSTRIAL. CITIZENS.
						464.725–466.475	FIXED. MOBILE.	Fixed. Land. Mobile.		CITIZENS.
						466.475–470	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL. CITIZENS. (NG39)
470–890		470–890	BROADCASTING.	470–890 (NG30) (NG43) (US88)	NG. (US100)	470–890	BROADCASTING.	Television broadcasting.		

Worldwide		Region 2		United States		Federal Communications Commission				
Band (Mc/s)	Service	Band (Mc/s)	Service	Band (Mc/s)	Allocation	Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature of services / of stations
1	2	3	4	5	6	7	8	9	10	11
890–942		890–942 (339A) (340)	FIXED. RADIOLOCATION.	890–942 (340)	G. (US36)				915	Industrial, scientific, and medical equipment.
942–960		942–960 (339A)	FIXED.	942–960	NG.	942–952 (NG8) (NG9)	FIXED. (NG40)	Aural broadcast STL. International aeronautical fixed (Alaska, Hawaii, and U.S. possessions only) International fixed public (Alaska, Hawaii, and U.S. possessions only).		
						952–960 (NG10)	FIXED.	International fixed public (Puerto Rico and Virgin Islands only). International control. Operational fixed.		
960–1215	AERONAUTICAL RADIONAVIGATION. (341)			960–1215	G, NG.	960–1215	AERONAUTICAL RADIONAVIGATION. (341)			
1215–1300	RADIOLOCATION. Amateur			1215–1300	G, NG. (US37)	1215–1300	Amateur.	Amateur.		AMATEUR.
1300–1350	AERONAUTICAL RADIONAVIGATION. (346) Radiolocation.			1300–1350	G, NG. (US38)	1300–1350	AERONAUTICAL RADIONAVIGATION. (346)			
1350–1400		1350–1400	RADIOLOCATION.	1350–1400	G.					
1400–1427	RADIO ASTRONOMY.			1400–1427	G, NG.	1400–1427	RADIO ASTRONOMY. (US74)			
1427–1429	FIXED. MOBILE except aeronautical mobile. SPACE (Telecommand).			1427–1429	G, NG. (US60)	1427–1429	SPACE.	Earth.		Earth (telecommand).
1429–1435		1429–1435	FIXED. MOBILE.	1429–1435	G.					
1435–1525		1435–1525	MOBILE. Fixed.	1435–1525	G, NG. (US78)	1435–1525	MOBILE.	Aeronautical telemetering.		AVIATION.
1525–1535		1525–1535	SPACE. (Telemetering.) (350A) Fixed. Mobile. (350D)	1525–1535	G, NG. (350A) (US89) (US100)	1525–1535	MOBILE. SPACE.	Aeronautical telemetering. Space.		AVIATION. Space (telemetering).
1535–1540	SPACE. (Telemetering). (350A)			1535–1540 (350A)	G, NG.	1535–1540	SPACE. (Telemetering).	Space.		Space (telemetering).
1540–1660	AERONAUTICAL RADIONAVIGATION. (352A) (352B)			1540–1660	G, NG. (352A) (352B) (US39)	1540–1660	AERONAUTICAL RADIONAVIGATION.			

Worldwide		Region 2		United States		Federal Communications Commission				
Band (Mc/s)	Service	Band (Mc/s)	Service	Band (Mc/s)	Allocation	Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature of services (of stations)
1	2	3	4	5	6	7	8	9	10	11
1660–1664.4 (354A)	METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE. (324A)			1660–1670	G, NG. (324A) (US74) (US99) (US100) (US101)	1660–1670	METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE. RADIO ASTRONOMY.	Radio astronomy. Radiosonde. Space.		
1664.4–1668.4 (353A) (354A)	METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE. (324A) Radio astronomy.									
1668.4–1670 (354A)	METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE. (324A)									
1670–1690	METEOROLOGICAL AIDS. FIXED. MOBILE except aeronautical mobile.			1670–1690	G, NG. (US99)	1670–1690	METEOROLOGICAL AIDS.	Radiosonde.		
1690–1700 (354A)		1690–1700	METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE. (324A)	1690–1700	G, NG. (324A) (US99) (US100)	1690–1700	METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE.	Radiosonde. Space.		
1700–1710		1700–1710 (355A)	SPACE RESEARCH (Telemetering and tracking).	1700–1710	G, NG. (US100)	1700–1710	SPACE RESEARCH (Telemetering and tracking).	Space.		Space (telemetering and tracking).
1710–1770		1710–1770	FIXED. MOBILE.	1710–1850	G. (US100)					
1770–1790		1770–1790	FIXED. MOBILE. Meteorological-Satellite. (356AA)							
1790–2290		1790–2290 (356A)	FIXED. MOBILE.	1850–2200	NG. (US99)	1850–1990 (NG8)	FIXED.	International control. Operational fixed.		
						1990–2110 (NG11)	FIXED. MOBILE.	Television pickup. Television STL.		
						2110–2130 (NG10) (NG23) (US90)	FIXED.	Domestic fixed public.		
						2130–2150 (NG10) (NG23)	FIXED.	Operational fixed. International control.		
						2150–2160 (NG23) (NG45)	FIXED.			
						2160–2180 (NG10) (NG23)	FIXED.	Domestic fixed public.		

Worldwide		Region 2		United States		Federal Communications Commission				
Band (Mc/s)	Service	Band (Mc/s)	Service	Band (Mc/s)	Allocation	Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature of services (of stations)
1	2	3	4	5	6	7	8	9	10	11
						2180–2200 (NG10) (NG23)	FIXED.	Operational fixed. International control.		
				2200–2290	G.					
2290–2300		2290–2300 (356B)	SPACE RESEARCH (Telemetering and tracking in deep space).	2290–2300	G, NG. (US100)	2290–2300	SPACE RESEARCH (Telemetering and tracking in deep space).	Space.		Space (telemetering and tracking in deep space).
2300–2450 (357)		2300–2450	RADIOLOCATION. Amateur. Fixed. Mobile.	2300–2450	G, NG (US40)	2360–2450 (357)	Amateur.	Amateur.	2450	Industrial, scientific and medical equipment.
2450–2550 (357)		2450–2550	FIXED. MOBILE. RADIOLOCATION.	2450–2500	NG. (US41)	2450–2500 (357)	FIXED. MOBILE. Radiolocation.			
2550–2690 (365)	FIXED. MOBILE.			2500–2690	NG.	2500–2690 (NG8) (NG47)	FIXED.	International control. Operational fixed. Instructional television fixed.		
2690–2700 (364A) (365)	RADIO ASTRONOMY.			2690–2700	G, NG. (US74) (US100)	2690–2700	RADIO ASTRONOMY.	Radio astronomy.		
2700–2900 (366)	AERONAUTICAL RADIONAVIGATION. (346). Radiolocation.			2700–2900	G. (346) (366) (US42) (US43)					
2900–3100	RADIONAVIGATION. (367). Radiolocation.			2900–3100	G, NG.	2900–3100	MARITIME RADIONAVIGATION. Radiolocation. (US44)			
3100–3300 (369)	RADIOLOCATION.			3100–3300	G. (369) (US45) (US46)					
3300–3400		3300–3400	RADIOLOCATION. Amateur.	3300–3500	G, NG. (US61)	3300–3500	Amateur.	Amateur.		AMATEUR.
3400–3500		3400–3500	RADIOLOCATION. COMMUNICATION-SATELLITE (satellite to earth). (374A) Amateur.							
3500–3700		3500–3700	FIXED. MOBILE. RADIOLOCATION. COMMUNICATION-SATELLITE (satellite to earth). (374A)	3500–3700	G.					

Worldwide		Region 2		United States		Federal Communications Commission				
Band (Mc/s)	Service	Band (Mc/s)	Service	Band (Mc/s)	Allocation	Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature of stations
1	2	3	4	5	6	7	8	9	10	11
3700–4200		3700–4200	FIXED. MOBILE. COMMUNICATION-SATELLITE (satellite to earth). (374A)	3700–4200		3700–4200	COMMUNICATION-SATELLITE. (374A) (US91) FIXED. (NG)	Common carrier fixed. Space.		COMMUNICATION-SATELLITE. DOMESTIC PUBLIC. (NG41)
4200–4400 (352A)	AERONAUTICAL RADIONAVIGATION.			4200–4400	G, NG. (352A) (US47)	4200–4400	AERONAUTICAL RADIONAVIGATION.	Altimeter.		
4400–4700	FIXED. MOBILE. COMMUNICATION-SATELLITE (earth to satellite). (392A)			4400–4990	G.					
4700–4990 (365)	FIXED. MOBILE.									
4990–5000		4990–5000 (383A)	RADIO ASTRONOMY.	4990–5000	G, NG. (US74) (US100)	4990–5000	RADIO ASTRONOMY.	Radio astronomy.		
5000–5250 (352A) (352B)	AERONAUTICAL RADIONAVIGATION.			5000–5250	G, NG. (352A) (352B)	5000–5250	AERONAUTICAL RADIONAVIGATION.			
5250–5255	RADIOLOCATION. Space research.			5250–5350	G.					
5255–5350	RADIOLOCATION.									
5350–5460	AERONAUTICAL RADIONAVIGATION. (385) Radiolocation.			5350–5460	G, NG.	5350–5460	AERONAUTICAL RADIONAVIGATION. (385) RADIOLOCATION. (US48)			
5460–5470	RADIONAVIGATION. (385) Radiolocation.			5460–5470	G, NG.	5460–5470	RADIONAVIGATION. (385) (US65) Radiolocation. (US49)			
5470–5650 (387)	MARITIME RADIONAVIGATION. Radiolocation.			5470–5600	G, NG.	5470–5600	MARITIME RADIONAVIGATION. (US65) Radiolocation. (US50)			
				5600–5650	G, NG.	5600–5650	MARITIME RADIONAVIGATION. (US65) METEOROLOGICAL AIDS. (387) Radiolocation. (US51)			

Worldwide		Region 2		United States		Federal Communications Commission				
Band (Mc/s)	Service	Band (Mc/s)	Service	Band (Mc/s)	Allocation	Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature of stations
1	2	3	4	5	6	7	8	9	10	11
5650–5670	RADIOLOCATION. Amateur.			5650–5925 (391)	G, NG (US52) (US100)	5650–5925	Amateur.	Amateur.	5800	Industrial scientific & medical equipment.
5670–5725 (389A)	RADIOLOCATION. Amateur. Space research (deep space).									
5725–5925		5725–5925 (391)	RADIOLOCATION. Amateur.							
5925–6425	FIXED. MOBILE. COMMUNICATION-SATELLITE (earth to satellite). (392A)			5925–6425	(392A)	5925–6425	COMMUNICATION-SATELLITE. (US91) FIXED. (NG)	Common carrier fixed. Fixed earth.		COMMUNICATION-SATELLITE. DOMESTIC PUBLIC. (NG41)
6425–7250 (392F) (393A)	FIXED. MOBILE.			6425–7125	NG.	6425–6525 (NG46)	MOBILE.	Common carrier land. Common carrier mobile.		
						6525–6575 (NG46)	MOBILE.	Operational land. Operational mobile.		
						6575–6875 (NG8)	FIXED.	International control. Operational fixed.		
						6875–7125 (NG11)	FIXED. MOBILE.	Television pickup. Television STL.		
				7125–7250	G.					
7250–7300 (374A) (392C) (392D) (392G)	COMMUNICATION-SATELLITE (satellite to earth).			7250–7300	(374A) (392D) (US100)	7250–7300	COMMUNICATION-SATELLITE (US91).	Space.		COMMUNICATION-SATELLITE.
7300–7750 (392F)	FIXED. MOBILE. COMMUNICATION-SATELLITE (satellite to earth). (374A) (392D)			7300–7750	(374A) (392D)	7300–7750	COMMUNICATION-SATELLITE (US91). METEOROLOGICAL-SATELLITE (G/NG). (US92) [FIXED (G). MOBILE (G)].	Space.		COMMUNICATION-SATELLITE. METEOROLOGICAL-SATELLITE.
7750–7900	FIXED. MOBILE.			7750–7900	G.					
7900–7975	FIXED. MOBILE. COMMUNICATION-SATELLITE (earth to satellite). (392A)			7900–7975	(392A)	7900–7975	COMMUNICATION-SATELLITE. (US91). [FIXED (G). MOBILE (G)].	Earth.		COMMUNICATION-SATELLITE.
7975–8025 (392A) (392C) (392H)	COMMUNICATION-SATELLITE (earth to satellite).			7975–8025	(392A) (US100)	7975–8025	COMMUNICATION-SATELLITE. (US91)	Earth.		COMMUNICATION-SATELLITE.

Worldwide		Region 2		United States		Federal Communications Commission				
Band (Mc/s)	Service	Band (Mc/s)	Service	Band (Mc/s)	Allocation	Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature of stations / OF SERVICES
1	2	3	4	5	6	7	8	9	10	11
8025-8400	FIXED. MOBILE. COMMUNICATION-SATELLITE (earth to satellite). (392A)			8025-8400	(392A)	8025-8400	COMMUNICATION-SATELLITE. (US91) (FIXED (G). MOBILE (G)).	Earth.		COMMUNICATION-SATELLITE.
8400-8500		8400-8500	SPACE RESEARCH. (394C)	8400-8500	G, NG. (US62) (US100)	8400-8500	SPACE RESEARCH. Fixed. Mobile.	Fixed. Mobile. Space.		
8500-8750	RADIOLOCATION			8500-9000	G. (US53)					
8750-8850	RADIOLOCATION. AERONAUTICAL RADIONAVIGATION. (396)								8800	Airborne doppler radar.
8850-9000	RADIOLOCATION.									
9000-9200	AERONAUTICAL RADIONAVIGATION. (346) Radiolocation.			9000-9200	G, NG.	9000-9200	AERONAUTICAL RADIONAVIGATION. (346) (US54) Radiolocation. (US55)			
9200-9300	RADIOLOCATION.			9200-9300	G. (US45)					
9300-9500 (399)	RADIONAVIGATION. Radiolocation.			9300-9500	G, NG.	9300-9500	RADIONAVIGATION. (US66) (US71) Meteorological aids. (US67) Radiolocation. (US56)			
9500-9800	RADIOLOCATION.			9500-10000	G. (401A)					
9800-10000 (401A)	RADIOLOCATION. Fixed.									
10000-10500 (401A)	RADIOLOCATION. Amateur.			10000-10500	G, NG. (401A) (US58)	10000-10500	Amateur. Radiolocation. (NG42)	Amateur. Radiolocation land. Radiolocation mobile.		AMATEUR. RADIOLOCATION.

Worldwide		Region 2		United States		Federal Communications Commission				
Band (Gc/s)	Service	Band (Gc/s)	Service	Band (Gc/s)	Allocation	Band (Gc/s)	Service	Class of station	Frequency (Gc/s)	Nature of stations / OF SERVICES
1	2	3	4	5	6	7	8	9	10	11
10.5-10.55		10.5-10.55	RADIOLOCATION. (404)	10.5-10.55	G, NG. (US59)	10.5-10.55	RADIOLOCATION.	Radiolocation land. Radiolocation mobile.		RADIOLOCATION.
10.55-10.68	FIXED. MOBILE. Radiolocation.			10.55-10.68	NG.	10.55-10.68 (NG46)	MOBILE.	Operational land. Operational mobile.		
10.68-10.7 (405B)	RADIO ASTRONOMY.			10.68-10.7	G, NG. (US74) (US100)	10.68-10.7	RADIO ASTRONOMY.			
10.7-11.7	FIXED. MOBILE.			10.7-11.7	NG.	10.7-11.7	FIXED.	Common carrier fixed.		DOMESTIC PUBLIC. (NG41)
11.7-12.7	FIXED. MOBILE except aeronautical mobile. BROADCASTING.			11.7-13.25	NG.	11.7-12.2	MOBILE.	Common carrier land. Common carrier mobile (except aeronautical mobile).		
						12.2-12.7 (NG8) (NG52)	FIXED.	International control. Operational fixed.		
12.7-13.25 (NG11)	FIXED. MOBILE.					12.7-12.95	FIXED. MOBILE.	Community Antenna Relay. Television Intercity Relay. Television pickup. (NG53) Television STL.		
						12.95-13.2 (NG11)	FIXED. MOBILE.	Television pickup. Television STL.		
						13.2-13.25	FIXED. MOBILE.			
13.25-13.4	AERONAUTICAL RADIONAVIGATION. (406)			13.25-13.4	G, NG.	13.25-13.4	AERONAUTICAL RADIONAVIGATION. (406)			Airborne doppler radar.
13.4-14.0	RADIOLOCATION.			13.4-14.0	G.					
14.0-14.3	RADIONAVIGATION.			14.0-14.3	G, NG.	14.0-14.3	RADIONAVIGATION.			
14.3-14.4	RADIONAVIGATION-SATELLITE.			14.3-14.4	G, NG.	14.3-14.4	RADIONAVIGATION-SATELLITE.	Earth. Space.		RADIONAVIGATION-SATELLITE.
14.4-15.25	FIXED. MOBILE.			14.4-15.25	G.					
15.25-15.35 (409A)	SPACE RESEARCH.			15.25-15.35	G, NG. (US100).	15.25-15.35	SPACE RESEARCH.	Space.		
15.35-15.4 (409C)	RADIO ASTRONOMY.			15.35-15.4	G, NG. (US74) (US100).	15.35-15.4	RADIO ASTRONOMY.			
15.4-15.7	AERONAUTICAL RADIONAVIGATION (352A) (352B)			15.4-15.7	G, NG. (352A) (352B)	15.4-15.7	AERONAUTICAL RADIONAVIGATION.			
15.7-17.7	RADIOLOCATION.			15.7-17.7	G.					
17.7-19.3	FIXED. MOBILE.			17.7-19.3	NG.	17.7-19.3	FIXED. MOBILE.			

Worldwide		Region 2		United States		Federal Communications Commission		
Band (Gc/s)	Service	Band (Gc/s)	Service	Band (Gc/s)	Allocation	Band (Gc/s)	Service	Class of station	Frequency (Gc/s)	Nature of services
1	2	3	4	5	6	7	8	9	10	11
10.3-10.4 (409D)	RADIO ASTRONOMY.			10.3-10.4	G NG. (US74) (US100)	19.3-10.4	RADIO ASTRONOMY.			
10.4-21.0	FIXED. MOBILE.			10.4-10.7	NG.	19.4-10.7	FIXED. MOBILE.			
				10.7-21.0	G					
21.0-22.0	AMATEUR.			21.0-22.0	AMATEUR.	21.0-22.0	AMATEUR.	Amateur.	22.125	AMATEUR. Industrial, scientific and medical equipment.
22.0-23.0 (410)	FIXED. MOBILE.			22.0-23.0	G (410)					
23.0-24.25	RADIOLOCATION.			23.0-24.25	G.					
24.25-25.25	RADIONAVIGATION (411)			24.25-25.25	G, NG. (US72)	24.25-28.25	RADIONAVIGATION. (411)			
25.25-31.0	FIXED. MOBILE.			25.25-27.825	G.	27.625-31.3	FIXED. MOBILE.			
31.0-31.3 (412H)	FIXED. MOBILE. Space research.			27.825-31.3	NG. (US100)					
31.3-31.5 (412A)	RADIO ASTRONOMY.			31.3-31.5	G, NG. (US74) (US100)	31.3-31.5	RADIO ASTRONOMY.			
31.5-31.8		31.5-31.8 (405C)	SPACE RESEARCH.	31.5-31.8	G, NG. (US100)	31.5-31.8	SPACE RESEARCH.			
31.8-32.3 (412B)	RADIONAVIGATION. Space research.			31.8-33.4	G, NG. (US100)	31.8-33.4	RADIONAVIGATION. (US69)			
32.3-33.0	RADIONAVIGATION.									
33.0-33.4		33.0-33.4	RADIONAVIGATION. (412F)							
33.4-34.2 (412G)	RADIOLOCATION.			33.4-36.6	G (US100)					
34.2-35.2 (412C) (412D)	RADIOLOCATION. Space research.									
35.2-36.0	RADIOLOCATION.									
36.0-40.0 (412E)	FIXED. MOBILE.			38.6-40.0	NG.	38.6-40.0	FIXED. MOBILE.			
Above 40.0	Not allocated.			40.0-88.0	G, NG.	40.0-88.0		Amateur. Experimental.		
				88.0-90.0	G, NG. (US74)	88.0-90.0	RADIO ASTRONOMY.			
				Above 90.0	G, NO.			Amateur. Experimental.		

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FOOTNOTES

GENEVA FOOTNOTES

(157) Administrations authorizing the use of frequencies below 10 kc/s for special national purposes shall ensure that no harmful interference is caused thereby to the services to which the bands above 10 kc/s are allocated (see also Article 14, No. 699).

(158) Limited to coast telegraph stations (A1 and F1 only).

(159) The stations of services to which the bands between 14 and 70 kc/s are allocated may transmit standard frequency and time signals. Such stations shall be afforded protection from harmful interference. In Albania, Bulgaria, Hungary, Poland, Roumania, Czechoslovakia, and the U.S.S.R., the frequencies 25 kc/s and 50 kc/s will be used for this purpose under the same conditions.

(160) The standard frequency is 20 kc/s.

(161) In the U.S.S.R., frequencies in the band 60–80 kc/s may be used for industrial, scientific and medical purposes subject to the condition that interference is not caused to stations of services to which this band is allocated.

(162) Limited to continuous wave systems.

(164) The establishment and operation of maritime radionavigation stations shall be subject to agreements between administrations whose services, operating in accordance with the Table, may be affected. However, the fixed, maritime mobile and radiolocation services shall not cause harmful interference to maritime radionavigation stations established under such agreements.

(166) The development and operation of long distance radionavigation systems are authorized in this band, which will become exclusively allocated, wholly or in part, to the radionavigation service for the use of any one such system as soon as it is internationally adopted. Other considerations being equal, preference should be given to the system requiring the minimum bandwidth for world-wide service and causing the least harmful interference to other services. If a pulse radionavigation system is employed, the pulse emissions shall nevertheless be confined within the band 90–110 kc/s and shall not cause harmful interference outside the band to stations operating in accordance with the Regulations. In Regions 1 and 3, during the period prior to the international adoption of any long distance radionavigation system, the operation of specific radionavigation stations shall be subject to agreements between administrations whose services, operating in accordance with the Table, may be affected. Once established under such agreements, radionavigation stations shall be protected from harmful interference.

(167) Only classes A1 or F1, A4 or F4 emissions are authorized in the band 90–160 kc/s for stations of the fixed and maritime mobile services.

(168) Aeronautical stations may use frequencies in the bands 110–112 kc/s, 115–126 kc/s and 129–130 kc/s on a permitted basis for high-speed communications to aircraft.

(171) The frequency 143 kc/s is the calling frequency for stations in the maritime mobile service using the band 90–160 kc/s. The conditions for its use are prescribed in Article 32.

(179) In northern areas which are subject to auroral disturbances the aeronautical fixed service is the primary service.

(181) Norwegian fixed stations situated in northern areas subject to auroral disturbances are allowed to continue operation on two frequencies in the band 385–395 kc/s for transmissions chiefly composed of weather messages.

(182) The frequency 410 kc/s is designated for the maritime radionavigation service (radio direction-finding). Other allocated services in the band 405–415 kc/s shall not cause harmful interference to radio direction-finding. In the band 405–415 kc/s no frequency shall be assigned to coast stations.

(185) In the European Maritime Area, subject to the conditions specified in the Final Acts of the European Maritime Conference (Copenhagen 1948), and any subsequent revision of that agreement, the administrations concerned may keep in the bands 415–485 kc/s and 515–525 kc/s such of the following broadcasting stations as will not cause harmful interference to the maritime mobile service: Hamar, Innsbruck, Oestersund, Oulu.

(186) Limited to radiotelegraphy.

(187) The frequency 500 kc/s is the international distress and calling frequency for radiotelegraphy. The conditions for its use are prescribed in Article 32.

(188) In operating stations of the aeronautical radionavigation service, the administrations concerned shall take all the technical steps necessary to avoid harmful interference to the maritime mobile service.

(191) The carrier power of broadcasting stations in this band shall not exceed 250 watts.

(198) In Region 2 the Loran system has priority. Other services to which the band is allocated may use any frequency in this band provided that they do not cause harmful interference to the Loran system.

In Region 3 the Loran system in any particular area operates either on 1850 or 1950 kc/s, the bands occupied being 1825–1875 kc/s and 1925–1975 kc/s respectively. Other services to which the band 1800–2000 kc/s is allocated may use any frequency therein on condition that no harmful interference is caused to the Loran system operating on 1850 or 1950 kc/s.

(200) In Region 2, limited to ship stations using radiotelegraphy.

(201) The frequency 2182 kc/s is the international distress and calling frequency for radiotelephony. The conditions for the use of this frequency are prescribed in Article 35.

(202) For the conditions of use of this band by the broadcasting service see Nos. 135, 136, and 423 to 428.

(203) Standard frequency is 2500 kc/s.

(204) The standard frequency guardbands at 2.5 Mc/s, 5 Mc/s, 10 Mc/s, 15 Mc/s, 20 Mc/s, and 25 Mc/s may be used by the radio astronomy service. The radio astronomy service shall be protected from harmful interference from services operating in other bands in accordance with the provisions of these Regulations, only to the extent that these services are protected from each other.

(208) In the U.S.S.R., in the bands 4063–4133 kc/s and 4408–4438 kc/s, fixed stations of limited power may operate provided that, in order to minimize the possibility of causing harmful interference to the maritime mobile service, they are situated at least 600 km from the coast. A limited power station is one whose power and antenna characteristics are so adjusted that the field strength established at any point in any direction does not exceed that obtainable with a nondirective antenna and a peak envelope power of 1 kw.

(209) On condition that harmful interference is not caused to the maritime mobile service, the frequencies between 4063 and 4438 kc/s may be used exceptionally by fixed stations communicating only within the boundary of the country in which they are located, with a mean power not exceeding 50 watts; however, in Regions 2 and 3, between 4239 and 4368 kc/s, a mean power not exceeding 500 watts may be used by such fixed stations.

(210) The standard frequency is 5000 kc/s.

(211) On condition that harmful interference is not caused to the maritime mobile service, the frequencies between 6200 and 6525 kc/s may be used exceptionally by fixed stations, communicating only within the boundary of the country in which they are located, with a mean power not exceeding 50 watts. At the time of notification of these frequencies, the attention of the International Frequency Registration Board will be drawn to the above conditions.

(213) Between 8615 and 8815 kc/s, 12,925 and 13,200 kc/s, and between 17,160 and 17,360 kc/s, the U.S.S.R. will meet their special requirements for the fixed service with due regard to technical provisions (power, location, antenna, etc.) with a view to minimizing the possibility of harmful interference to the maritime mobile service. Coast stations in the maritime mobile service will also have due regard to technical provisions (power, location, antenna, etc.) with a view to minimizing the possibility of harmful interference to the fixed service in the U.S.S.R. The International Frequency Registration Board will be consulted regarding this subject.

(214) The standard frequency is 10,000 kc/s.

(215) The band 10003–10005 kc/s is also allocated, on a secondary basis, to the space research service.

(215A) In Bulgaria, Cuba, Hungary, Poland, Roumania, Czechoslovakia and the U.S.S.R., the space research service is a primary service in the bands 15762–15768 kc/s and 18030–18036 kc/s.

(216) In the U.S.S.R., the band 11,400–11,450 kc/s is also allocated to the aeronautical mobile (OR) service.

(217) The frequency 13,560 kc/s is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±0.05 percent of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

(218) In the U.S.S.R., the band 14,250–14,350 kc/s is also allocated to the fixed service.

(219) The standard frequency is 15,000 kc/s.

(220) The standard frequency is 20,000 kc/s.

(221) The band 19990–20010 kc/s is also allocated, on a secondary basis, to the space research service.

(221A) The frequency 20007 kc/s may also be used, in emergency, in the search for, and rescue of, astronauts and space vehicles. Emissions must be confined in a band of ± 3 kc/s about this frequency.

(222) Intership radiotelegraphy may be used in the maritime mobile service between the frequencies 23,350 and 24,000 kc/s.

(223) The standard frequency is 25,000 kc/s.

(224) Limited to ship stations employing A1 or F1 emissions.

(225) The frequency 27,120 kc/s is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±0.6 percent of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

(226) In Region 2, Australia and New Zealand, the amateur service may operate between the frequencies 26,960 and 27,230 kc/s.

(228) Stations designed to use ionospheric scatter may operate only subject to agreements between administrations concerned and those whose services, operating in accordance with the Table, may be affected.

(229) Systems designed to use ionospheric scatter or other fixed service systems de-

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signed to operate over distances exceeding 800 km shall confine their emissions to the following bands:

Region 1	Region 2	Region 3
32.6–33	32.6–33	32.6–33
36.2–36.6	34.6–35	34.6–35
39 –39.4	36.4–36.8	36.4–63.8

and shall have priority in Region 2 in the bands shown above for such use in that Region.

(230) In the case of the bands referred to in No. 229, which are limited to a particular Region the provisions of No. 117 shall apply and administrations shall avoid beaming such transmissions towards another Region unless specifically coordinated otherwise.

(231) Ionospheric scatter stations, existing on 1 January 1960, and not causing harmful interference to the other services to which the band is allocated, may continue to operate on frequencies now assigned until reaccommodated.

(232) Conventional (F2) long distance fixed service use of the band 29.7–30 Mc/s is not excluded in Region 2 provided that such use is coordinated between the administrations concerned.

(235) The band 39.986–40.002 Mc/s is also allocated, on a secondary basis, to the space research service.

(236) The frequency 40.68 Mc/s is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±0.05 percent of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

(237) Systems designed to use ionospheric scatter which may cause harmful interference to the broadcasting service are prohibited.

(253A) In Region 2, fixed, mobile and broadcasting service operations previously authorized in the band 73–74.6 Mc/s may continue to operate on a non-interference basis to the radio astronomy service.

(253B) In Cuba, the band 73–74.6 Mc/s is also allocated to the fixed, mobile and broadcasting services.

(259) The frequency 75 Mc/s is assigned to aeronautical marker beacons. Administrations shall refrain from assigning frequencies close to the limits of the guard-band to stations of other services which, because of their power or geographical position, might cause harmful interference to marker beacons.

(273) The frequency 121.5 Mc/s is the aeronautical emergency frequency in this band; mobile stations of the maritime mobile service may communicate on this frequency for safety purposes with stations of the aeronautical mobile service.

(273A) In the band 117.975–132 Mc/s and in the band 132–136 Mc/s where the aeronautical mobile (R) service is authorized, the use and development, for this service, of systems using space communication techniques may be authorized but limited initially to satellite relay stations of the aeronautical mobile (R) service. Such use and development shall be subject to co-ordination between administrations concerned and those having services operating in accordance with the Table, which may be affected.

(276) In Region 2 in the band 132–135 Mc/s, the aeronautical mobile (R) service shall operate on a primary basis subject to coordination between administrations concerned and those having services operating in accordance with the Table, which may be affected.

(281A) For the use of the band 136–137 Mc/s, see Recommendation No. 7A.

(281B) In Region 2, the band 136–137 Mc/s is also allocated to the fixed and mobile services until 1 January 1969. Thereafter, in Cuba, the band will continue to be allocated also to the fixed and mobile services.

(281E) In Regions 2 and 3, the band 137–138 Mc/s is also allocated to the fixed and mobile services until 1 January 1969. Thereafter, in Cuba, Malaysia, Pakistan and the Philippines, the band 137–138 Mc/s will continue to be allocated also to the fixed and mobile services.

(281F) The band 137–138 Mc/s will be used mainly for research concerning the establishment, technical improvement, and maintenance of operational space systems.

(284A) In the band 144–146 Mc/s, artificial satellites may be used by the amateur service.

(285A) The frequencies 148.25±15 kc/s and 154.2±15 kc/s may be used for space telecommand, subject to agreement among the administrations concerned and those having services operating in accordance with the Table, which may be affected.

(285B) Stations operating in the fixed and mobile services may continue to use this band until 1 January 1969. This cessation date shall not apply in Austria, Bulgaria, Cuba, Hungary, Iran, Kuwait, Morocco, Pakistan, the Netherlands, Poland, the United Arab Republic, Yugoslavia and Roumania where the fixed and mobile services will continue to have equal primary status with the radionavigation-satellite service. (See Recommendation No. 6A.)

(287) The frequency 156.8 Mc/s is the international safety and calling frequency for the maritime mobile VHF radiotelephone service. Administrations shall ensure that a guard-band of 75 kc/s on each side of the frequency 156.8 Mc/s is provided. The conditions for the use of this frequency are contained in Article 35.

In the bands 156.025–157.425 Mc/s, 160.625–160.975 Mc/s and 161.475–162.025 Mc/s, each administration shall give priority to the maritime mobile service on only such frequencies as are assigned to stations of the maritime mobile service by that administration.

Any use of frequencies in these bands by stations of other services to which they are allocated should be avoided in areas where such use might cause harmful interference to the maritime mobile VHF radiotelephone service.

(294) The band 183.1–184.1 Mc/s is also allocated, on a secondary basis, to the space research service.

(309A) Space stations employing frequencies in the band 267–273 Mc/s for telemetering purposes may also transmit tracking signals in the band.

(309B) In the band 267–272 Mc/s individual administrations may use space telemetering in their countries on a primary basis, subject to the agreement of the administrations concerned and those having services operating in accordance with the Table, which may be affected.

(310) Radio astronomy observations on the Deuterium line (322–329 Mc/s) are carried out in a number of countries under national arrangements. Administrations should bear in mind the needs of the radio astronomy service in their future planning of this band.

(311) Limited to Instrument Landing Systems (glide path).

(311A) Stations operating in the fixed and mobile services may continue to use this band until 1 January 1969. This cessation date shall not apply in Bulgaria, Cuba, Greece, Hungary, Iran, Kuwait, Lebanon, Morocco, the United Arab Republic and Yugoslavia where the fixed and mobile services will continue to have equal status with the radionavigation-satellite service. (See Recommendation No. 6A.)

(315A) Space stations employing frequencies between 401–402 Mc/s for telemetering purposes may also transmit tracking signals in this band.

(317) The band 404–410 Mc/s in Region 2 and the band 406–410 Mc/s in Regions 1 and 3 are also allocated to the radio astronomy service. An appropriate continuous band within these limits shall be designated on a national or area basis. In making assignments to stations of other services to which these bands are allocated, administrations are urged to take all practicable steps to protect radio astronomy observations from harmful interference.

(318) Radio altimeters may also be used, temporarily, in the band 420–460 Mc/s until they are able to operate in a band allocated to the aeronautical radionavigation service or until they are no longer required.

(316A) In Bulgaria, Cuba, Hungary, Poland, Roumania, Czechoslovakia and the U.S.S.R., the band 460–470 Mc/s may be used, on a primary basis, by the meteorological-satellite service subject to agreement among administrations concerned and those having services, or intending to introduce services, operating in accordance with the Table, which may be affected.

(319A) The band 449.75–450.25 Mc/s may be used for space telecommand, subject to agreement among the administrations concerned and those having services operating in accordance with the Table, which may be affected.

(324A) It is intended that meteorological-satellite space stations operating in this band shall transmit to selected earth stations. The location of such earth stations is subject to agreement among administrations concerned and those having services operating in accordance with the Table, which may be affected.

(332) In Region 1, except the African Broadcasting Area, the band 606–614 Mc/s, and in Region 3, the band 610–614 Mc/s may be used by the radio astronomy service. Administrations shall avoid using the band concerned for the broadcasting service as long as possible, and thereafter, as far as practicable, shall avoid the use of such effective radiated powers as will cause harmful interference to radio astronomy observations.

In Region 2, the band 608–614 Mc/s is reserved exclusively for the radio astronomy service until the first Administrative Radio Conference after 1 January 1974 which is competent to review this provision; however, this provision does not apply to Cuba.

(339A) Specific portions of the frequency band 900–960 Mc/s may also be used, on a secondary basis, for experimental purposes in connection with space research.

(340) In Region 2, the frequency 915 Mc/s is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±25 Mc/s of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

(341) The band 960–1215 Mc/s is reserved on a world-wide basis for the use and development of airborne electronic aids to air navigation and any directly associated ground-based facilities.

(346) The use of the bands 1300–1350 Mc/s, 2700–2900 Mc/s and 9000–9200 Mc/s by the aeronautical radionavigation service is restricted to ground-based radars and, in the future, to associated airborne transponders which transmit only on frequencies in these bands and only when actuated by radars operating in the same band.

(350A) Space stations employing frequencies in the band 1525–1540 Mc/s for telemetering purposes may also transmit tracking signals in the band.

(350D) In Cuba, the band 1525–1535 Mc/s is also allocated, on a primary basis, to the mobile service.

(352A) The bands 1540–1660 Mc/s, 4200–4400 Mc/s, 5000–5250 Mc/s and 15.4–15.7 Gc/s are reserved, on a world-wide basis, for the use and development of airborne electronic aids to air navigation and any directly associated ground-based or satellite-borne facilities.

(352B) The bands 1540–1660 Mc/s, 5000–5250 Mc/s and 15.4–15.7 Gc/s are also allocated to the aeronautical mobile (R) service for the use and development of systems using space communication techniques. Such use and development is subject to agreement and co-ordination between administrations concerned and those having services operating in accordance with the Table, which may be affected.

(353A) In view of the successful detection of two spectral lines in the region of 1665 Mc/s and 1667 Mc/s by astronomers, administrations are urged to give all practicable protection in the band 1664.4–1668.4 Mc/s for future research in radio astronomy.

(354A) In Algeria, Bulgaria, Cuba, Hungary, Kuwait, Lebanon, Morocco, Pakistan, Poland, the United Arab Republic, Yugoslavia, Roumania, Czechoslovakia and the U.S.S.R., the bands 1660–1670 Mc/s and 1690–1700 Mc/s are also allocated to the fixed service and the mobile, except aeronautical mobile, service.

(355A) In Cuba, the band 1700–1710 Mc/s is also allocated to the fixed and mobile services.

(356AA) In Bulgaria, Cuba, Hungary, Poland, Roumania, Czechoslovakia, and the U.S.S.R., the meteorological-satellite service, in the band 1770–1790 Mc/s, shall be on a primary basis, subject to co-ordination with the administrations concerned and those having services operating in accordance with the Table, which may be affected by the siting of earth stations.

(356A) The band 2110–2120 Mc/s may be used for telecommand in conjunction with spacecraft engaged in deep space research, subject to agreement between the administrations concerned and those having services operating in accordance with the Table, which may be affected.

(356B) In Cuba, the band 2290–2300 Mc/s is also allocated to the fixed and mobile services.

(357) The frequency 2450 Mc/s is designated for industrial, scientific and medical purposes except in Albania, Bulgaria, Hungary, Poland, Rumania, Czechoslovkia, and the U.S.S.R., where the frequency 2375 Mc/s is used. Emissions must be confined within ±50 Mc/s of the frequencies designated. Radiocommunication services operating within these limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

(364A) In Algeria, Bulgaria, Cuba, Hungary, India, Israel, Kuwait, Lebanon, Morocco, Pakistan, the Philippines, Poland, the United Arab Republic, Yugoslavia, Roumania, Czechoslovakia and the U.S.S.R., the band 2690–2700 Mc/s is also allocated to the fixed and mobile services.

(365) In making assignments to stations in the fixed and mobile services, administrations are urged to take all practicable steps to protect radio astronomy observations from harmful interference.

(366) In the band 2700–2900 Mc/s ground-based radars used for meteorological purposes are authorized to operate on the basis of equality with stations of the aeronautical radionavigation service.

(367) The use of the band 2900–3100 Mc/s by the aeronautical radionavigation service is limited to ground-based radars.

(369) In the band 3100–3300 Mc/s, existing racons and shipborne radars in merchant ships may operate within the band 3100–3266 Mc/s.

(374A) This band may also be used for the transmission of tracking and telemetering signals associated with communication-satellite space stations operating in the same band.

(383A) In Cuba, the band 4990–5000 Mc/s is also allocated to the fixed and mobile services, and the provisions of No. 365 apply.

(385) The use of the band 5350–5470 Mc by the aeronautical radionavigation service is limited to airborne radars and associated airborne beacons.

(387) Between 5600 and 5650 Mc/s, ground-based radars used for meteorological purposes are authorized to operate on the basis of equality with stations of the maritime radionavigation service.

(389A) In Bulgaria, Cuba, Hungary, Poland, Roumania, Czechoslovakia and the U.S.S.R., the space research service is a primary service in the band 5670–5725 Mc/s.

(391) The frequency 5800 Mc/s is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±75 Mc/s of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific, and medical equipment.

(392A) This band may also be used for the transmission of telecommand signals associated with communication-satellite earth stations operating in the same band.

(392C) Stations of the fixed and mobile services, previously authorized in the bands 7250–7300 Mc/s and 7975–8025 Mc/s, may continue to operate until 1 January 1969. This provision does not apply to the countries listed in Nos. 392G and 392H.

(392D) As an exception, passive communication-satellite systems also may be accommodated in the band 7250–7750 Mc/s, subject to:

(a) Agreement between administrations concerned and those whose services, operating in accordance with the Table, may be affected;

(b) The co-ordination procedure laid down in Articles 9 and 9A.

Such systems shall not cause any more interference at active earth station receivers than would be caused by fixed or mobile services. Power-flux density limitations at the earth's surface after reflection from the passive communication-satellites shall not exceed those prescribed in these Regulations for active communication-satellite systems.

The maximum effective power radiated in any direction in the horizontal plane by earth stations of passive satellite systems shall not exceed +55 dbW, not taking the site shielding factor into account. If the distance between a transmitting station of a passive system and the territory of another administration exceeds 400 km, this limitation may be increased in that direction by 2 db for each 100 km in excess of 400 km up to a maximum of 65 dbW.

(392F) In the bands 7200–7250 Mc/s and 7300–7750 Mc/s, the meteorological-satellite service may use a band up to 100 Mc/s in width on a primary basis. These bands may also be used for the transmission of tracking and telemetering signals associated with meteorological-satellite space stations operating in the same band.

(392G) In Algeria, Austria, Bulgaria, Cyprus, Cuba, Ethiopia, Finland, Hungary, Japan, Kuwait, Lebanon, Liberia, Malaysia, Morocco, the Philippines, Poland, the United Arab Republic, Yugoslavia, Roumania, Sweden, Switzerland, Czechoslovakia, and the U.S.S.R., the band 7250–7300 Mc/s is also allocated to the fixed and mobile services.

(392H) In Algeria, Bulgaria, Cuba, Ethiopia, Finland, Hungary, Japan, Kuwait, Lebanon, Morocco, Poland, the United Arab Republic, Yugoslavia, Roumania, Sweden, Switzerland, Czechoslovakia, and the U.S.S.R., the band 7975–8025 Mc/s is also allocated to the fixed and mobile services.

(393A) The band 7120–7130 Mc/s may be used for telecommand in association with space services, subject to agreement between the administrations concerned and those having services operating in accordance with the Table, which may be affected.

(394C) In Cuba, the band 8400–8500 Mc/s is also allocated to the fixed and mobile services.

(396) The use of the band 8750–8850 Mc/s by the aeronautical radionavigation service is limited to airborne Doppler navigation aids on a centre frequency of 8800 Mc/s.

(399) The use of the band 9300–9500 Mc/s by the aeronautical radionavigation service is limited to airborne weather radars, and ground-based radars. In this band ground-based radars used for meteorological purposes have priority over other radiolocation devices.

(401A) The band 9975–10025 Mc/s may be used by weather radar on meteorological-satellites.

(404) Limited to continuous wave systems.

(405B) In Algeria, Bulgaria, Cuba, Hungary, Japan, Kuwait, Lebanon, Pakistan, Poland, the United Arab Republic, Yugoslavia, Roumania, Czechoslovakia, and the U.S.S.R., the band 10.68–10.7 Gc/s is also allocated to the fixed and mobile services.

(406) Limited to Doppler navigation aids.

(409A) In Algeria, Bulgaria, Cuba, Hungary, Kuwait, Lebanon, Morocco, Pakistan, Poland, the United Arab Republic, Yugoslavia, Roumania, Czechoslovakia, and the U.S.S.R., the band 15.25–15.35 Gc/s is also allocated to the fixed and mobile services.

(409C) In Algeria, Bulgaria, Cuba, Hungary, Kuwait, Lebanon, Morocco, Pakistan, Poland, the United Arab Republic, Yugoslavia, Roumania, Czechoslovakia, and the U.S.S.R., the band 15.35–15.4 Gc/s is also allocated to the fixed and mobile services.

(409D) In Bulgaria, Cuba, Hungary, Kuwait, Lebanon, Poland, the United Arab Republic, Roumania, Czechoslovakia, and the U.S.S.R., the band 19.3–19.4 Gc/s is also allocated to the fixed and mobile services.

(410) The frequency 22.125 Gc/s is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±125 Mc/s of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific, and medical equipment.

(411) In the band 24.25–25.25 Gc/s, ground-based radionavigation aids are not permitted except where they operate in cooperation with airborne or shipborne radionavigation devices.

(412A) In Bulgaria, Cuba, Hungary, Poland, the United Arab Republic, Roumania, Czechoslovakia, and the U.S.S.R., the band 31.3–31.5 Gc/s is also allocated to the fixed and mobile services.

(412B) In Bulgaria, Cuba, Hungary, Poland, Yugoslavia, Roumania, Czechoslovakia, and the U.S.S.R., the space research service is a primary service in the band 31.8–32.3 Gc/s.

(412C) In Bulgaria, Cuba, Hungary, Poland, Roumania, Czechoslovakia, and the U.S.S.R., the space research service is a primary service in the band 34.2–35.2 Gc/s.

(412D) The band 34.4–34.5 Gc/s may be used by weather radar devices on meteorological satellites for the detection of cloud.

(412E) In Bulgaria, Cuba, Hungary, Poland, Yugoslavia, Roumania, Czechoslo-

vakia, and the U.S.S.R., the band 36.5–37.5 Gc/s is also allocated to the radio astronomy service.

(412F) In Cuba and India, the band 33–33.4 Gc/s is also allocated to the radio astronomy service.

(412G) In Bulgaria, Cuba, Hungary, Poland, Yugoslavia, Roumania, Czechoslovakia and the U.S.S.R., the band 33.4–34 Gc/s is also allocated to the radio astronomy service.

(412H) In Bulgaria, Cuba, Hungary, Poland, Roumania, Czechoslovakia, and the U.S.S.R., the space research service is a primary service in the band 31–31.3 Gc/s.

NG FOOTNOTES

NG1 Operational fixed stations may be authorized to use frequencies in this band in accordance with columns 10 and 11 of the Table of Frequency Allocations, on the condition that harmful interference will not be caused to the reception of television stations on Channels 4 or 5. In any area in the continental United States (excluding Alaska), the aviation service and marine service may each be authorized to use four of the frequencies in the bands 72–73 and 75.4–76 Mc/s listed in column 10 for operational fixed stations in these services.

NG2 Facsimile broadcasting stations may be authorized in the band 88–108 Mc/s.

NG3 Fixed stations in the domestic fixed public service and control stations in the domestic public radio services may be authorized to use any of the frequencies in the band 72–73 and 75.4–76 Mc/s indicated in column 10 on the conditions that (a) harmful interference will not be caused to the reception of television stations on channels 4 or 5 and (b) that harmful interference will not be caused to operational fixed stations.

NG4 The use of the frequencies in the band 152.84–153.38 Mc/s may be authorized, in any area, to remote pickup broadcast base and mobile stations on the condition that harmful interference will not be caused to the industrial radio services.

NG5 Licensees in the public safety radio services holding a valid authorization on June 30, 1958, to operate in the frequency band 156.27–157.47 Mc/s or on the frequencies 161.85, 161.91 or 161.97 Mc/s may, upon proper application, continue to be authorized for such operation, including expansion of existing systems, until such time as harmful interference is caused to the operation of any authorized station other than those licensed in the public safety radio service.

NG6 Stations in the public safety radio services authorized as of June 30, 1958, to use frequencies in the band 159.51–161.79 Mc/s in areas other than Puerto Rico and the Virgin Islands may continue such operation, including expansion of existing systems, on the condition that harmful interference will not be caused to stations in the services to which these bands are allocated. In Puerto Rico and the Virgin Islands this authority is limited to frequencies in the band 160.05–161.37 Mc/s. No new public radio service system will be authorized to operate on these frequencies.

NG8 Frequencies in this band will be selected for assignment in such a manner that, on an engineering basis, the lowest frequency in the band is assigned which will not cause harmful interference to stations in that area already assigned frequencies in accordance with the Table of Frequency Allocations.

NG9 Aural broadcast intercity relay stations may be authorized to use the band 942–952 Mc/s on the condition that harmful interference will not be caused to other classes of stations operating in accordance with the Table of Frequency Allocations.

NG10 Frequencies in this band will be selected for assignment in such a manner that, on an engineering basis, the highest frequency in the band is assigned which will not cause harmful interference to stations in that area already assigned frequencies in accordance with the Table of Frequency Allocations.

NG11 Television inter-city relay stations may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to stations operating in accordance with the Table of Frequency Allocations.

NG12 Frequencies in the bands 454.40–455 Mc/s and 459.40–460 Mc/s may be assigned to domestic public land and mobile stations to provide a two-way air-ground public radiotelephone service.

NG13 In those portions of the States of Texas and New Mexico in the area bounded on the south by parallel 31°53′ N., on the east by longitude 105°40′ W., on the north by parallel 33°24′ W., and on the west by longitude 106°40′ W., the frequency band 220–225 Mc/s is not available for use by amateur stations engaged in normal amateur operation between the hours of 0500 and 1800 local time Monday through Friday, inclusive, of each week. However, the entire frequency band 220–225 Mc/s shall be available in all areas to those amateur stations authorized to operate in an organized civil defense network during all periods when civil defense emergencies exist and, in addition, special arrangements for civil defense drills between the hours and within the area set forth above may be made upon mutual agreement between the Federal Communications Commission Engineer in Charge at Dallas, Texas, and the Area Frequency Coordinator at White Sands, New Mexico, if it appears necessary to conduct such drills. Such arrangements shall specify dates and times, and will depend upon the degree of use of the frequency band at White Sands at any particular time.

NG14 Stations in the radiolocation service shall not cause harmful interference to stations in the disaster communications service between sunset and sunrise or at any time during an actual or imminent disaster. Conversely, stations in the disaster communications service shall not cause harmful interference to stations in the radiolocation service between sunrise and sunset except during an actual or imminent disaster.

NG15 (a) The amateur service may use, in any area, whichever bands, 1800–1825, 1875–1900 or 1900–1925, 1975–2000 kc/s, are not required for LORAN–A in that area, in accordance with the following conditions:

(1) The use of these frequencies by the amateur service shall not be a bar to the expansion of the radionavigation (LORAN-A) service;

(2) The amateur service shall not cause harmful interference to the radionavigation (LORAN–A) service;

(3) Only types A1 and amplitude modulated double and single sideband telephony emission shall be employed;

(4) Amateur operation shall be limited to:

Area	Maximum DC plate input power in watts							
	1800–1825 kc/s		1875–1900 kc/s		1900–1925 kc/s		1975–2000 kc/s	
	Day	Night	Day	Night	Day	Night	Day	Night
Alabama	200	50	No operation		No operation		100	25
Alaska	200	50	200	50	No operation		No operation	
Arizona	100	25	100	25	100	25	500	100
Arkansas	200	50	No operation		No operation		200	50
California	No operation		No operation		200	50	500	200
Colorado	200	50	100	25	100	25	500	100
Connecticut	200	50	100	25	No operation		No operation	
Delaware	200	50	100	25	No operation		No operation	
District of Columbia	200	50	100	25	No operation		No operation	
Florida	100	25	No operation		No operation		No operation	
Georgia	100	25	No operation		No operation		No operation	
Hawaii	No operation		No operation		100	25	100	25
Idaho	100	25	200	50	200	50	500	100
Illinois	200	50	100	25	100	25	200	50
Indiana	200	50	100	25	100	25	100	25
Iowa	500	100	100	25	100	25	200	50
Kansas	500	100	100	25	100	25	200	50
Kentucky	200	50	100	25	100	25	100	25
Louisiana	200	50	No operation		No operation		100	50
Maine	500	100	100	25	No operation		No operation	
Maryland	200	50	100	25	No operation		No operation	
Massachusetts	500	100	100	25	No operation		No operation	
Michigan:								
(Upper Peninsula)	500	100	100	25	100	25	200	50
(Lower Peninsula)	500	100	100	25	100	25	100	25
Minnesota	500	100	100	25	100	25	200	50
Mississippi	200	50	No operation		No operation		100	25
Missouri	200	50	100	25	100	25	200	50
Montana:								
(West of 111° W.)	100	25	200	50	200	50	500	100
(East of 111° W.)	200	50	200	50	200	50	500	100
Nebraska	500	100	100	25	100	25	500	100
Nevada	100	25	200	50	200	50	500	200
New Hampshire	500	100	100	25	No operation		No operation	
New Jersey	200	50	100	25	No operation		No operation	
New Mexico	200	50	100	25	100	25	500	100
New York:								
(North of 42° N.)	500	100	100	25	No operation		No operation	
(South of 42° N.)	200	50	100	25	No operation		No operation	
North Carolina	200	50	No operation		No operation		No operation	
North Dakota	500	100	200	50	200	50	500	100
Ohio	200	50	100	25	100	25	100	25
Oklahoma	500	100	No operation		No operation		200	50
Oregon	No operation		No operation		200	50	500	100
Pennsylvania	200	50	100	25	No operation		No operation	
Rhode Island	200	50	100	25	No operation		No operation	
South Carolina	100	25	No operation		No operation		No operation	
South Dakota	500	100	100	25	100	25	500	100
Tennessee	200	50	No operation		No operation		100	25
Texas:								
(East of 103° W.)	500	100	No operation		No operation		200	50
(West of 103° W.)	200	50	100	25	100	25	500	100
Utah	100	25	100	25	100	25	500	100
Vermont	500	100	100	25	No operation		No operation	
Virginia	200	50	100	25	No operation		No operation	

Area	Maximum DC plate input power in watts							
	1800–1825 kc/s		1875–1900 kc/s		1900–1925 kc/s		1975–2000 kc/s	
	Day	Night	Day	Night	Day	Night	Day	Night
Washington	No operation		No operation		200	50	500	100
West Virginia	200	50	100	25	No operation		No operation	
Wisconsin	500	100	100	25	100	25	200	50
Wyoming	200	50	100	25	100	25	500	100
Puerto Rico	No operation		No operation		100	25	100	25
Virgin Islands	No operation		No operation		100	25	100	25
Swan Island	500	100	No operation		No operation		100	25
Serrana Bank	500	100	No operation		No operation		100	25
Roncador Key	500	100	No operation		No operation		100	25
Navassa Island	No operation		No operation		No operation		100	25
Baker, Canton, Enderberry, Guam, Howland, Jarvis, Johnston, Midway and Palmyra Islands	No operation		No operation		500	100	500	100
American Samoa	500	200	500	200	500	200	500	200
Wake Island	500	100	500	100	No operation		No operation	

(b) This footnote shall be considered as temporary in the sense that it shall remain subject to cancellation or to revisions, in whole or in part, by order of the Commission without hearing whenever the Commission shall deem such cancellation or revision to be necessary or desirable in the light of the priority within this band of the Loran–A system of radionavigation.

NG16 For conditions which apply to the use of this band, refer to the North American Regional Broadcasting Agreement.

NG17 Stations in the Land Transportation Radio Services authorized as of May 15, 1958 to operate on the frequency 161.61 Mc/s may, upon proper application, continue to be authorized for such operation, including expansion of existing systems, on the condition that harmful interference will not be caused to the operation of any authorized station in the maritime mobile service. No new Land Transportation Radio Service system will be authorized to operate on 161.61 Mc/s.

NG19 Fixed stations associated with the maritime mobile service may be authorized, for purposes of communication with coast stations, to use frequencies assignable to ship stations in this band on the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations.

NG20 Fixed stations in the public safety radio service may be authorized the use of frequencies in this band which are authorized to base and mobile stations of this service on the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations.

NG21 In Hawaii, the frequency bands 76–88 Mc/s and 98–108 Mc/s are allocated exclusively to the fixed service for use by common carrier fixed stations for inter-island communications only. Spacing between assignable frequencies is not specified.

NG22 The frequency 2182 kc/s may be authorized to fixed stations associated with the maritime mobile service for the sole purpose of transmitting distress calls and distress traffic, and urgency and safety signals and messages.

NG23 Frequencies in the band 2110–2200 Mc/s may also be assigned to stations in the international fixed public radio service located south of 25°30′ north latitude in the State of Florida and in U.S. Possessions in the Caribbean area.

NG24 On condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations, land stations authorized and used primarily as coast stations (not open to public correspondence) and associated land mobile stations may be authorized to use, on a secondary basis, the frequencies 156.35, 156.45 and 156.55 Mc/s: *Provided*, That, in each case, the frequency assignment will be common to the maritime mobile and land mobile services and that the maritime mobile service shall be protected from harmful interference from the land mobile service.

NG25 The frequency 6240 kc/s may be authorized to ship telephone stations and coast telephone stations operating in the Mississippi River maritime mobile service system on the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations.

NG26 In Puerto Rico and the Virgin Islands only, the bands 154.04–154.46 Mc/s and 161.385–161.875 Mc/s are allocated exclusively to (a) aeronautical fixed service, (b) domestic fixed public service, and (c) international fixed public service, and are not available to the mobile services.

NG27 The frequency 6455 kc/s may be authorized to ship telephone stations and coast telephone stations operating in the Mississippi River maritime mobile service system on the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations.

NG28 The frequency band 160.86–161.40 Mc/s is available for assignment to remote pickup base and remote pickup mobile stations in Puerto Rico and the Virgin Islands only, on a shared basis with the land transportation radio service.

NG29 Ship or coast radiotelephone stations operating in the Mississippi River system may be authorized to use the frequencies 4072.4, 4377.4 and 8210.8 kc/s. These frequencies are replacements for 4067, 4372.4 and 8205.5 kc/s, respectively, which shall not be used for such operations after June 30, 1962.

NG30 Stations in the international fixed public radiocommunication service in Florida, south of 25°30′ north latitude, may be authorized to use frequencies in the band 716–890 Mc/s on the condition that harmful interference will not be caused to the broadcasting service of any country. This is an interim allocation the termination of which will later be specified by the Commission when it is determined that equipments are generally available for use in bands allocated internationally to the fixed service.

NG31 The spacing between frequency assignments in this band shall be 10 kc/s. The first and last assignable frequencies are those indicated in column 10.

NG32 The spacing between frequency assignments in this band shall be 20 kc/s. The first and last assignable frequencies are those indicated in column 10.

NG33 The spacing between frequency assignments in this band shall be 20 kc/s. The first and last assignable frequencies are those indicated in column 10.

NG34 The spacing between frequency assignments in this band shall be 50 kc/s. The first and last assignable frequencies are those indicated in column 10.

NG35 The spacing between frequency assignments in this band shall be 100 kc/s. The first and last assignable frequencies are those indicated in column 10.

NG36 The spacing between frequency assignments in this band shall be 200 kc/s. The first and last assignable frequencies are those indicated in column 10.

NG38 The frequencies 152.3, 152.36, 152.42, 157.56, 157.62, and 157.68 Mc/s may be assigned exclusively to stations in the industrial radio service outside standard metropolitan areas of 50,000 or more population.

NG39 Citizens radio service operations may be authorized only in the 466.475–467.475 Mc/s portion of this band.

NG40 Non-Government fixed stations which were authorized on April 16, 1958, to use frequencies in the band 890–942 Mc/s may, upon the showing that interference is being caused by or to their assignments, be authorized to use frequencies in the band 942–952 Mc/s provided the bandwidth of emission does not exceed 1100 kc/s and provided that an engineering study by the Commission indicates that the proposed frequency assignment for such stations in the band 942–952 Mc/s is likely to result in the elimination of the interference occurring in the band 890–942 Mc/s, and will not cause interference to existing operations in the band 942–952 Mc/s.

NG41 Frequencies in the bands 3700–4200 Mc/s, 5925–6426 Mc/s, and 10.7–11.7 Gc/s may also be assigned to stations in the international fixed public and international control services located in U.S. Possessions in the Caribbean area.

NG42 Non-Government stations in the radiolocation service shall not cause harmful interference to the amateur service.

NG43 Fixed stations in the domestic public radio services in Alaska, south of 56° north latitude and east of 134° west longitude, may be authorized to use frequencies in the band 800–830 Mc/s, on the condition that harmful interference will not be caused to the broadcasting service of any country.

NG44 Under exceptional circumstances, the frequencies 2638 and 2738 kc/s may be authorized to coast stations.

NG45 Authorizations in this frequency band will be granted for omnidirectional point-to-point operations only, excluding broadcast and auxiliary broadcast operations.

NG46 Licensees holding a valid authorization on July 15, 1963, to operate in the frequency bands 6425–6525 Mc/s, 6525–6575 Mc/s, 7050–7125 Mc/s, and 10550–10680 Mc/s may continue to be authorized for such operation until July 15, 1968, on the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations.

NG47 Pending determination of final action concerning allocation of the 2500–2690 Mc/s band to the instructional television service and further order of the Commission, frequencies in this band are not available for operation of new radio systems comprised of operational fixed or international control stations except for those stations which comply with the technical standards established for the instructional television service. [Reference, Report and Order FCC 63–722, in Docket No. 14744.]

NG49 The frequencies 72.02, 72.04, 72.06, 72.08, 72.10, 72.12, 72.14, 72.16, 72.18, 72.20, 72.22, 72.24, 72.26, 72.28, 72.30, 72.32, 72.34, 72.36, 72.38, 72.40, 72.44, 72.48, 72.52, 72.56,

72.60, 75.44, 75.48, 75.52, 75.56, and 75.60 Mc/s may be authorized for low powered (1 watt input) mobile operations in the manufacturers radio service subject to the condition that no interference is caused to the reception of television stations operating on channels 4 and 5.

NG50 In the band 25.07–25.11 Mc/s, stations in the Industrial Radio Services shall not cause harmful interference to, and must accept interference from, stations in the Maritime Mobile Service operating in accordance with the International table of frequency allocations.

NG51 In Puerto Rico and the Virgin Islands only, the bands 150.8–150.98 Mc/s and 150.98–151.49 Mc/s are allocated exclusively to the Business Radio Service. Stations in the Land Transportation and Public Safety Radio Services in those territories which have been authorized as of January 1, 1965, to use frequencies in the bands 150.8–150.98 Mc/s and 150.98–151.49 Mc/s, respectively, may continue to operate on these frequencies until January 1, 1970.

NG52 Stations used to relay television signals to community antenna television systems, which are authorized to operate in the band 12.2–12.7 Gc/s on November 22, 1965, may continue to be authorized to so operate until February 1, 1971, under the conditions specified in that license.

NG53 In the band 12.7–12.95 Gc/s, television pickup stations shall not cause harmful interference to community antenna relay, television intercity relay and television STL stations.

U.S. FOOTNOTES

US1 Pulsed emissions prohibited.

US2 The frequency 132.0 Mc/s may be authorized to non-Government stations only.

US3 The Government fixed, mobile except aeronautical mobile (R), and radiolocation services may be authorized in the band 132.0–136.0 Mc/s on condition that harmful interference is not caused to the aeronautical mobile (R) service.

US5 Until January 1, 1970, the frequencies 217.425 through 217.675 Mc/s and 219.325 through 219.575 Mc/s, inclusive, may be authorized for use by non-Government telemetering mobile stations aboard aircraft and telemetering land stations, for telemetering to and from aircraft in flight, when an engineering study indicates that harmful interference will not be caused to stations operating in accordance with the Table of Frequency Allocations.

US6 Radio altimeters will not be permitted to use the band 420–460 Mc/s after February 15, 1968.

US7 In the band 420–450 Mc/s and within the following areas, the DC plate power input to the final stage of a transmitter employed in the amateur service shall not exceed 50 watts, unless expressly authorized by the Commission after mutual agreement, on a case-by-case basis, between the Federal Communications Commission Engineer in Charge at the applicable District Office and the Military Area Frequency Coordinator at the applicable military base:

(a) Those portions of Texas and New Mexico bounded on the south by latitude 31°53' North, on the east by longitude 105°-40' West, on the north by latitude 33°24' North, and on the west by longitude 106°40' West;

(b) The entire State of Florida, including the Key West area and the areas enclosed within a 200-mile radius of Patrick Air Force Base, Florida (latitude 28°21' North, longitude 80°43' West), and within a 200-mile radius of Eglin Air Force Base, Florida (latitude 30°30' North, longitude 86°30' West);

(c) The entire State of Arizona;

(d) Those portions of California and Nevada south of latitude 37°10' North, and the areas enclosed within a 200-mile radius of the U.S. Naval Missile Center, Point Mugu, California (latitude 34°09' North, longitude 119°11' West).

US8 The use of the frequencies 170.475, 171.425, 171.575, and 172.275 Mc/s east of the Mississippi River, and 170.425, 170.575, 171.475, 172.225, and 172.375 Mc/s west of the Mississippi River may be authorized to fixed, land and mobile stations operated by non-Federal forest fire-fighting agencies. In addition, land stations and mobile stations operated by non-Federal conservation agencies, for mobile relay operation only, may be authorized to use the frequency 172.275 Mc/s east of the Mississippi River and the frequency 171.475 Mc/s west of the Mississippi River. The use of any of the foregoing nine frequencies shall be on the condition that no harmful interference will be caused to Government stations.

US9 The frequency band 173.2–173.4 Mc/s is allocated exclusively in all areas to non-Government stations in the fixed and land mobile services. In order to provide for intercommunication for safety purposes between Government and non-Government stations in the maritime mobile service, the frequency band 157.025–157.175 Mc/s is allocated exclusively in all areas to Government stations in the fixed and mobile services.

US10 The use of the frequencies 26.62 Mc/s (in all areas), 143.90 Mc/s (in the continental United States excluding Alaska), and 148.15 Mc/s (in all areas) may be authorized to Civil Air Patrol land stations and Civil Air Patrol mobile stations on the condition that harmful interference will not be caused to Government stations.

US11 The use of the frequencies 166.250 and 170.15 Mc/s may be authorized to non-Government remote pickup broadcast base and land mobile stations and to non-Government base, fixed and land mobile stations in the public safety radio services (the sum of the bandwidth of emission and tolerance not to exceed 60 kc/s) in the continental United States (excluding Alaska) only, except within the area bounded on the west by the Mississippi River, on the north by the parallel of latitude 37°30' N., and on the east and south by that arc of the circle with center at Springfield, Ill., and radius equal to the airline distance between Springfield, Ill., and Montgomery, Ala., subtended between the foregoing west and north boundaries, on the condition that harmful interference will not be caused to Government stations present or future in the Government band 162–174 Mc/s. The use of these frequencies by remote pickup broadcast stations will not be authorized for locations within 150 miles of New York City; and the use of these frequencies by the public safety radio services will not be authorized except for locations within 150 miles of New York City.

US12 The use of the frequency 162.0 Mc/s may be authorized to non-Government coast stations only.

US13 For the specific purpose of transmitting hydrological and meteorological data in cooperation with agencies of the Federal Government, the following frequencies may be authorized to non-Government fixed stations on the condition that harmful interference will not be caused to Government stations:

Mc/s	*Mc/s*	*Mc/s*	*Mc/s*
169.425	170.275	171.125	408.075
169.450	170.300	171.825	406.125
169.475	170.325	171.850	408.175
169.500	171.025	171.875	412.625
169.525	171.050	171.900	412.675
170.225	171.075	171.925	412.725
170.250	171.100	408.025	412.775

Licensees holding a valid authorization on June 11, 1962, to operate on the frequencies 160.575, 170.375, 171.175, 171.975, or 406.050 Mc/s may continue to be authorized for such operation on the condition that harmful interference will not be caused to Government stations.

US14 This frequency band is not available to non-Government stations, except that, in Regions 1 and 3 only, the frequency 512 kc/s may be authorized for use by non-Government ship telegraph stations as a working frequency and, when 500 kc/s is being used for distress purposes, as a supplementary calling frequency.

US15 The use of the frequency 540 kc/s is subject to the conditions that no harmful interference is caused to the services operating on 500 kc/s, and in the band 510–535 kc/s.

US16 Airdrome control stations may continue to be authorized to use frequencies in the band 290–325 kc/s on the condition that harmful interference will not be caused to stations of services operating in accordance with the Table of Frequency Allocations.

US17 For the radiolocation activities of the petroleum industry only, radiolocation land stations and radiolocation mobile stations making use of SHORAN equipment may be authorized the use of the frequencies 230 Mc/s, 250 Mc/s and 310 Mc/s at locations within 150 miles of the respective shorelines of California, Alaska, Oregon, Washington (including the area in and about Puget Sound), and the Gulf of Mexico provided that no harmful interference is caused to services operating in accordance with the Table of Frequency Allocations and provided that SHORAN operations are coordinated locally in advance with Federal Government authorities making use of frequencies in this band in the same area.

US18 Navigation aids in the U.S. and possessions between 90 and 110 kc/s, 200 and 415 kc/s, and 1800 and 2000 kc/s, are normally operated by the U.S. Government. However, authorizations may be made by the Commission for non-Government operation in these bands subject to the conclusion of appropriate arrangements between the Commission and the Government agencies concerned and upon special showing of need for service which the Government is not yet prepared to render.

US19 In the band 405–415 kc/s, stations in the aeronautical mobile service shall not cause harmful interference to stations in the radionavigation service.

US20 In Alaska, Government stations in the fixed service may be authorized to use frequencies in the band 72–73 and 75.4–76 Mc/s on the condition that harmful interference will not be caused to the reception of TV channel 4.

US21 Existing Government operations and non-Government stations authorized in this band as of December 1, 1961, may continue and shall not be required to afford protection to radio astronomy observatories within the United States and its possessions. However, by international agreement, such stations must afford protection to the observatories of other countries.

US23 In Alaska, the frequency bands 76–83 Mc/s and 88–100 Mc/s are allocated to Government radio services and the non-Government fixed service.

US24 Government fixed stations in the Midway Islands use frequencies in the band 54.0–54.4 Mc/s: U.S. stations in the broadcasting service will not be authorized to use frequencies in the band 54–60 Mc/s at any island in the Pacific Ocean west of the Island of Oahu, Hawaii, except within American Samoa; non-Government experimental stations, other than contract developmental stations, will not be authorized to use frequencies in the band 54.0–54.4 Mc/s at any island in the Pacific Ocean west of the Island of Oahu, Hawaii. This note does not apply to Alaska.

US25 The use of frequencies in the band 25.85–26.1 Mc/s may be authorized in any area to non-Government remote pickup broadcast base and mobile stations on the condition that harmful interference is not caused to stations in the broadcasting service.

US26 The bands 117.975–121.425 Mc/s, 123.575–128.825 Mc/s and 132.025–136 Mc/s are for air traffic control communications.

US27 The frequency 121.6 Mc/s is for search and rescue communications. Aeronautical utility land and mobile stations may use this frequency on the condition that no harmful interference is caused to search and rescue communications during any period of search and rescue operations in the locale involved.

US28 The band 121.65–121.975 Mc/s is for use by aeronautical utility land and mobile stations, and for air traffic control communications.

US29 The current use of the band 121.975–123.075 Mc/s by military aircraft is temporary and may continue until they are moved to an appropriate band.

US30 The band 121.975–123.075 Mc/s is available to FAA aircraft for communications pursuant to flight inspection functions in accordance with the Federal Aviation Act of 1958.

US31 The band 121.975–123.075 Mc/s is for use by private aircraft stations. In addition, the frequencies 122.8 and 123.0 Mc/s may be used by aeronautical advisory stations and the frequency 122.9 Mc/s may be used by aeronautical multicom stations.

US32 The band 123.075–123.575 Mc/s is for (a) non-Government operations in accordance with the Commission's Rules and (b) for FAA communications incident to flight test activities pertinent to aircraft certification.

US33 The band 123.075–123.575 Mc/s is for use by flight test and aviation instructional stations.

US34 The only non-Government service permitted in the band 220–225 Mc/s is the amateur service. The amateur service shall not cause harmful interference to the radiolocation service.

US35 Except as provided by footnotes US6 and US87, the only non-Government service permitted in the band 420–450 Mc/s is the amateur service. The amateur service shall not cause harmful interference to the radiolocation service.

US36 Each non-Government station in the fixed service, authorized to operate in the band 890–942 Mc/s and holding a valid authorization to so operate as of April 16, 1958, may continue to operate in that band for the duration of the term of its authorization in effect as of that date, and shall be protected from harmful interference from the radiolocation service during such term. Renewals of such authorizations, however, shall be contingent upon the condition that each such fixed station (1) accept any harmful interference that may be experienced from the operation of ISM equipments on 915 Mc/s (2) accept any harmful interference that may be experienced from the radiolocation service and (3) shall not cause harmful interference to the radiolocation service.

US37 The only non-Government service permitted in the band 1215–1300 Mc/s is the amateur service. The amateur service shall not cause harmful interference to the radiolocation service.

US38 The non-Government use of the band 1300–1350 Mc/s is limited to the aeronautical radionavigation service.

US39 Radio altimeters are permitted in the band 1600–1660 Mc/s until such time as international standardization of other aeronautical radionavigation systems or devices requires the discontinuance of radio altimeters in this band.

US40 The only non-Government service permitted in the band 2300–2450 Mc/s is the amateur service. The amateur service shall not cause harmful interference to the radiolocation service.

US41 The Government radiolocation service is permitted in the band 2450–2500 Mc/s on the condition that harmful interference is not caused to non-Government services.

US42 Temporarily, and until certain operations of the radiolocation service in the band 2700–2900 Mc/s can be transferred to other appropriate frequency bands, the aeronautical radionavigation and meteorological aids services may, in certain geographical areas, be subject to receiving some degree of interference from the radiolocation service.

US43 Non-Government land based radars in the aeronautical radionavigation service may be authorized in the band 2700–2900 Mc/s, subject to the conclusion of appropriate arrangements between the Commission and the Government agencies concerned, and upon special showing of need for service which the Government is not yet prepared to render.

US44 The non-Government radiolocation service may be authorized in the band 2900–3100 Mc/s on the condition that no harmful interference is caused to Government services.

US45 Each non-Government radiolocation land or radiolocation mobile station authorized to operate in the band 3100–3246 Mc/s, 3266–3300 Mc/s, or 9200–9300 Mc/s and holding a valid authorization to so operate as of April 16, 1958, may continue to operate in that band for the duration of the term of its authorization in effect as of that date. Renewals of such authorizations, however, shall be contingent upon the condition that each such station shall not cause harmful interference to Government services.

US46 Each non-Government radionavigation station authorized to operate a shipborne radar in the band 3100–3246 Mc/s, and holding a valid authorization to so operate as of April 16, 1958, may continue to operate in that band for the duration of the term of its authorization in effect as of that date. Renewals of such authorizations, however, shall be contingent upon the condition that each such station must accept any harmful interference that might be experienced from Government services in that band.

US47 The band 4200–4400 Mc/s is reserved exclusively for radio altimeters until such time as international standardization of other aeronautical radionavigation systems or devices requires the discontinuance of radio altimeters in this band.

US48 The non-Government radiolocation service may be authorized in the band 5350–5460 Mc/s on the condition that it does not cause harmful interference to the aeronautical radionavigation service or to the Government radiolocation service.

US49 The non-Government radiolocation service may be authorized in the band 5460–5470 Mc/s on the condition that it does not cause harmful interference to the aeronautical or maritime radionavigation services or to the Government radiolocation service.

US50 The non-Government radiolocation service may be authorized in the band 5470–5600 Mc/s on the condition that it does not cause harmful interference to the maritime radionavigation service or to the Government radiolocation service.

US51 In the band 5600–5650 Mc/s, the non-Government radiolocation service shall not cause harmful interference to the Government radiolocation service.

US52 The only non-Government service permitted in the band 5650–5925 Mc/s is the amateur service. The amateur service shall not cause harmful interference to the radiolocation service.

US53 In view of the fact that the band 13.25–13.4 Gc/s is allocated exclusively to doppler navigation aids, Government and non-Government airborne doppler radars in the aeronautical radio-navigation service are permitted in the band 8750–8850 Mc/s only on the condition that they must accept any interference which may be experienced from stations in the radiolocation service in the band 8500–10000 Mc/s.

US54 Temporarily, and until certain operations of the radiolocation service in the band 9000–9200 Mc/s can be transferred to other appropriate frequency bands, the aeronautical radionavigation service may, in certain geographical areas, be subject to receiving some degree of interference from the radiolocation service.

US55 The non-Government radiolocation service may be authorized in the band 9000–9200 Mc/s on the condition that harmful interference is not caused to the aeronautical radionavigation service or the Government radiolocation service.

US56 The non-Government radiolocation service may be authorized in the band 9300–9500 Mc/s on the condition that harmful interference is not caused to the Government radiolocation service.

US58 In the band 10,000–10,500 Mc/s, pulsed emissions are prohibited, except for weather radars on board meteorological satellites in the band 10,000–10,025 Mc/s. The amateur service and the non-Government radiolocation service, which shall not cause harmful interference to the Government radiolocation service, are the only non-Government services permitted in this band. The non-Government radiolocation service is limited to survey operations using transmitters with a power not to exceed one watt into the antenna.

US59 The band 10,500–10,550 Mc/s is restricted to systems using type AO emission with a power not to exceed 40 watts into the antenna.

US60 The use of this band by non-Government services is limited to the space (telecommand) service.

US61 The use of this band by non-Government services is limited to the amateur service.

US62 The use of this band by Government services is limited to the space research service.

US65 The use of the band 5460–5650 Mc/s by the maritime radionavigation service is limited to shipborne radars.

US66 The use of the band 9300–9500 Mc/s by the aeronautical radionavigation service is limited to airborne radars and associated airborne beacons.

US67 The use of the band 9300–9500 Mc/s by the meteorological aids service is limited to ground-based radars. Radiolocation installations will be coordinated with the meteorological aids service and, insofar as practicable, will be adjusted to meet the requirements of the meteorological aids service.

US68 The non-Government use of this band is limited to the radio astronomy service.

US69 In the band 31.8–33.4 Gc/s, ground-based radionavigation aids are not permitted except where they operate in co-operation with airborne or shipborne radionavigation devices.

US70 The meteorological aids service allocation in the band 400.05–406 Mc/s does not preclude the operation therein of associated ground transmitters.

US71 In the band 9300–9320 Mc/s, low-powered maritime radionavigation stations shall be protected from harmful interference caused by the operation of land-based equipment.

US72 In the band 24.25–25.25 Gc/s, Government radiolocation devices (ASDE) are permitted between 24.25–24.47 Gc/s on a shared basis.

US74 The radio astronomy service shall be protected from extra-band radiation only to the extent that such radiation exceeds the level which would be present if the offending station were operating in compliance with the technical standards or criteria applicable to the service in which it operates.

US77 The frequencies 156.6 and 156.7 Mc/s for use on a simplex basis and the frequency pair 157.0/161.6 Mc/s for ship and coast stations, respectively, for use on a duplex basis, may also be authorized to Government stations in the maritime mobile service for port operations only.

US78 In the band 1435–1525 Mc/s, the frequencies between 1435 and 1485 Mc/s will be assigned primarily for the flight testing of manned aircraft, or major components thereof; the frequencies between 1485 and 1525 Mc/s will be assigned primarily for the flight testing of unmanned aircraft and missiles or major components thereof. Included as permissible usage for aeronautical telemetering stations in the band 1435–1525 Mc/s is telemetry associated with launching and re-entry into the earth's atmosphere, as well as any incidental orbiting prior to re-entry, of manned or unmanned objects undergoing flight tests.

US80 Government stations may use the frequency 122.9 Mc/s subject to the following conditions:

(a) All operation by Government stations shall be restricted to the purpose for which the frequency is authorized to non-Government stations, and shall be in accordance with the appropriate provisions of the Commission's rules and regulations, Part 9, Aviation Services;

(b) Use of the frequency is required for coordination of activities with Commission licensees operating on this frequency; and

(c) Government stations will not be authorized for operation at fixed locations.

US81 The band 38–38.16 Mc/s may be used by both Government and non-Government radio astronomy observatories. No new assignments are to be made and Government stations in the band 38–38.16 Mc/s will be moved to other bands on a case-by-case basis, as required, to protect radio astronomy observations from harmful interference. As an exception, however, low-powered military transportable and mobile stations used for tactical and training purposes will continue to use the band. To the extent practicable, the latter operations will be adjusted to relieve such interference as may be caused to radio astronomy observations. In the event of harmful interference from such local operations, radio astronomy observatories may contact local military commands directly, with a view to effecting relief. A list of military commands, areas of coordination, and points of contact for purposes of relieving interference may be obtained upon request from the Office of Chief Engineer, Federal Communications Commission, Washington, D.C., 20554.

US82 The assignable frequencies in this band may be authorized on a shared non-priority basis to Government and non-Government ship and coast stations (SSB telephony, with peak envelope power not to exceed 1 kw) on the condition that harmful interference shall not be caused by the coast stations to service rendered by ship stations of other administrations operating in this band in accordance with Appendix 15 to the Radio Regulations.

US83 Non-Government use of this band is limited to the following: 9995–10003 kc/s, radio astronomy service; 10003–10005 kc/s, radio astronomy and space research services.

US84 The non-Government use of this band is limited to the space research service.

US85 In the bands 117.975–123.075 and 123.575–136 Mc/s, the use and development, for the aeronautical mobile (R) service, of systems using space communication techniques may be authorized but limited initially to satellite relay stations of the aeronautical mobile (R) service.

US86 The frequencies 148.25 Mc/s ±15 kc/s and 154.2±15 kc/s may be used by Government and non-Government stations for space telecommand at specific locations, subject to such conditions as may be imposed on a case-by-case basis. With respect to 154.2 Mc/s, the commands are to be limited to short duration of the order of three seconds ("address and execute" commands). Further, on a case-by-case basis and solely to avoid harmful interference to non-Government stations in the land mobile service, a comparable replacement frequency assignment will be made available below 150.8 Mc/s, if required.

US87 The frequency 450 Mc/s, with maximum emission bandwidth of 500 kc/s, may be used by Government and non-Government stations for space telecommand at specific locations, subject to such conditions as may be applied on a case-by-case basis.

US88 Stations in the broadcasting service will not be authorized in the band 608–614 Mc/s prior to January 1, 1974. In the interim the band is available for use by the radio astronomy service. The radio astronomy service shall be protected from extra-band radiation only to the extent that such radiation exceeds the level which would be present if the offending station were operating in compliance with the technical standards or criteria applicable to the service in which it operates.

US89 The aeronautical telemetering frequencies in the band 1525–1535 Mc/s will be assigned primarily for the flight testing of unmanned aircraft and missiles or major components thereof. Included as permissible usage for aeronautical telemetering stations in the band 1525–1535 Mc/s is telemetry associated with launching and re-entry into the earth's atmosphere, as well as any incidental orbiting prior to re-entry, of manned or unmanned objects undergoing flight tests.

US90 The band 2110–2120 Mc/s may be used by Government and non-Government stations for space telecommand at specific locations in conjunction with spacecraft engaged in deep space research, subject to such conditions as may be applied on a case-by-case basis.

US91 The ultimate disposition of this band in the communication-satellite service, as between Government and non-Government, is deferred. In the meanwhile the non-Government may exploit the 4 and 6 Gc/s bands and the Government may exploit the 7 and 8 Gc/s bands for communication-satellite service systems intended to become operational. Any modification of this policy will be discussed and agreed in the FCC/DTM(IRAC) mechanism prior to the filing of applications with the IRAC for frequency assignments which are not in accordance with the foregoing.

US92 In the band 7300–7750 Mc/s, the meteorological-satellite service may use a band up to 100 Mc/s in width. This 100 Mc/s band may also be used for the transmission of tracking and telemetering signals associated with meteorological-satellite space stations operating in the same band.

US93 In the conterminous United States, the frequency 108.0 Mc/s may be authorized for use by VOR test facilities, the operation of which is not essential for the safety of life or property, subject to the condition that no interference is caused to the reception of FM broadcasting stations operating in the band 88–108 Mc/s. In the event that such interference does occur, the licensee or other agency authorized to operate the facility shall discontinue operation on 108 Mc/s and shall not resume operation until the interference has been eliminated or the complaint otherwise satisfied. VOR test facilities operating on 108 Mc/s will not be protected against interference caused by FM broadcasting stations operating in the band 88–108 Mc/s nor shall the authorization of a VOR test facility on 108 Mc/s preclude the Commission from authorizing additional FM broadcasting stations.

US94 The bands 30.005–30.015 Mc/s and 39.986–40.02 Mc/s are also allocated, on a secondary basis, to the space research service for space station-to-earth station transmissions only.

US95 The band 66–72 Mc/s is not available for television broadcasting at Guam, Mariana Islands. Subject to agreement by the Commission, frequencies within this band may be authorized until July 1, 1970, for use by Government stations in the maritime mobile service in the Mariana Islands and vicinity.

US96 In the band 1990–2110 Mc/s, the frequencies 2106.4 Mc/s and 2101.8 Mc/s may be authorized for Government earth station transmissions in connection with Project Apollo, until December 31, 1970, at the following sites only:

Goldstone, Calif. (35°23'20" N., 116°50'53" W.)
Guam, Mariana Islands (13°18'34" N., 144°-44'10" E.)
Cape Kennedy, Fla. (28°28'54" N., 80°34'35" W.)
Kauai, Hawaii (22°07'31" N., 159°40'16" W.)
Corpus Christi, Tex. (27°39'19" N., 97°22'49" W.)

Full power operation shall occur only when spacecraft launched as a part of Project Apollo are in actual flight. During such operation, the carrier shall be fully modulated at all times to ensure dispersal of the transmitted power, and transmissions shall not occur using antenna elevation angles of less than 3° above the horizontal plane. Operation at all other times shall be confined to laboratory tests or subdued radiation spacecraft tests, subject to the condition that no harmful interference is caused to TV broadcast auxiliary stations.

US97 The use of the band 1605–1715 kc/s by non-Government stations in the aeronautical radionavigation service is limited to the frequencies 1638 and 1708 kc/s. Stations in the radiolocation service shall not cause harmful interference to stations in the aeronautical radionavigation service operating on 1638 or 1708 kc/s.

US98 The frequency 243 Mc/s is the frequency in this band for use by Government and non-Government survival craft stations and equipment used for survival purposes.

US99 In the band 1660–1700 Mc/s, the meteorological aids service (radiosonde) will to the maximum extent practicable confine its operations above the frequency 1670 Mc/s. Whenever it is necessary to operate radiosondes in the band 1660–1670 Mc/s within the United States, the radio astronomers will be notified in a timely manner.

US100 In the Additional Protocol to the Final Acts of the Space EARC, Geneva, 1963, a declaration on behalf of the USA states that the USA cannot accept any obligation to observe the exceptions claimed by Cuba in those footnotes to the Table of Frequency Allocations which were adopted by the EARC and which specifically name Cuba.

US101 In the band 1660–1670 Mc/s, the radio astronomy service must accept such interference as may be received from the meteorological-satellite service.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65–13625; Filed, Dec. 20, 1965; 8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 224—DISCOUNT RATES

Changes in Rates

Pursuant to section 14(d) of the Federal Reserve Act (12 U.S.C. 357), and for the purpose of adjusting discount rates with a view to accommodating commerce and business in accordance with other related rates and the general credit situation of the country, Part 224 is amended as set forth below:

1. Section 224.2 is amended to read as follows:

§ 224.2 Advances and discounts for member banks under sections 13 and 13a.

The rates for all advances and discounts under sections 13 and 13a of the Federal Reserve Act (except advances under the last paragraph of such section 13 to individuals, partnerships, or corporations other than member banks) are:

Federal Reserve Bank of	Rate	Effective
Boston	4½	Dec. 8, 1965
New York	4½	Dec. 6, 1965
Philadelphia	4½	Dec. 10, 1965
Cleveland	4½	Do.
Richmond	4½	Do.
Atlanta	4½	Dec. 8, 1965
Chicago	4½	Dec. 6, 1965
St. Louis	4½	Dec. 10, 1965
Minneapolis	4½	Do.
Kansas City	4½	Dec. 13, 1965
Dallas	4½	Dec. 10, 1965
San Francisco	4½	Do.

2. Section 224.3 is amended to read as follows:

§ 224.3 Advances to member banks under section 10(b).

The rates for advances to member banks under section 10(b) of the Federal Reserve Act are:

Federal Reserve Bank of	Rate	Effective
Boston	5	Dec. 8, 1965
New York	5	Dec. 6, 1965
Philadelphia	5	Dec. 10, 1965
Cleveland	5	Do.
Richmond	5	Do.
Atlanta	5	Dec. 8, 1965
Chicago	5	Dec. 6, 1965
St. Louis	5	Dec. 10, 1965
Minneapolis	5	Do.
Kansas City	5	Dec. 13, 1965
Dallas	5	Dec. 10, 1965
San Francisco	5	Do.

3. Section 224.4 is amended to read as follows:

§ 224.4 Advances to persons other than member banks.

The rates for advances to individuals, partnerships, or corporations other than member banks secured by direct obligations of the United States under the last paragraph of section 13 of the Federal Reserve Act are:

Federal Reserve Bank of	Rate	Effective
Boston	5½	Nov. 24, 1964
New York	5½	Dec. 6, 1965
Philadelphia	5½	Dec. 10, 1965
Cleveland	6	Do.
Richmond	5½	Do.
Atlanta	6½	Dec. 8, 1965
Chicago	5½	Dec. 6, 1965
St. Louis	5½	Dec. 10, 1965
Minneapolis	5½	Do.
Kansas City	5½	Dec. 13, 1965
Dallas	5½	Dec. 10, 1965
San Francisco	5½	Do.

For the reasons and good cause found as stated in § 224.7, there is no notice, public participation, or deferred effective date in connection with this action.

(12 U.S.C. 248(i); interprets or applies 12 U.S.C. 357)

Dated at Washington, D.C., this 13th day of December 1965.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 65–13585; Filed, Dec. 20, 1965; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

[Amdt. 24]

PART 722—COTTON

Subpart—Acreage Allotment Regulations for the 1964 and Succeeding Crops of Upland Cotton

TRANSFER OF ALLOTMENT BY OWNER

This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.).

(a) The purpose of this amendment is to establish a further condition as to the conserving base requirement for farms involved in a transfer of allotment by owner.

(b) Since the period for filing applications for transfers of allotments to take effect with the 1966 crop of upland cotton ends on January 3, 1966, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure, and 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing this document with the Director, Office of the Federal Register.

Section 722.238 of the Acreage Allotment Regulations for the 1964 and Succeeding Crops of Upland Cotton (30 F.R. 14729) is amended by adding the following new paragraph (k) at the end thereof:

§ 722.238 Additional conditions and limitations.

* * * * *

(k) *Conserving base requirement on the farm from which a transfer of allotment by owner is made.* The transfer of an allotment by an owner shall be conditioned on the farm from which such transfer is made being in compliance with the conserving base established for such farm for (1) the period of time that compliance with the conserving base is required as a condition of eligibility for participating in a price support or diversion program for feed grains, or (2) if shorter, the period of time that the transfer of allotment for a term of years remains in effect.

(Secs. 344a, 375, 79 Stat. 1197, 52 Stat. 66, as amended; 7 U.S.C. 1344a, 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on December 17, 1965.

ROLAND F. BALLOU,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65–13674; Filed, Dec. 17, 1965; 4:58 p.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 192, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this

amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.* The provisions in paragraph (b)(1)(ii) of § 910.492 (Lemon Regulation 192, 30 F.R. 15319) are hereby amended to read as follows:

§ 910.492 Lemon Regulation 192.

• • • • •

(b) *Order.* (1) • • •

(ii) District 2: 125,550 cartons.

• • • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 16, 1965.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–13586; Filed, Dec. 20, 1965; 8:45 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1446—PEANUTS

Subpart—1965 Crop Peanut Warehouse Storage Loan and Sheller Purchase Regulations

Correction

In F.R. Doc. 65–6868, appearing at page 8401 of the issue for Thursday, July 1, 1965, the reference in the last sentence of the undesignated text following § 1446.1610(c)(3) should read "in paragraph (d) or (e) of this section" instead of "in paragraph (c) or (d) of this section".

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Entire Executive Civil Service

Section 213.3102(w) of Schedule A is amended to increase from 15 to 16 the number of hours an employee appointed thereunder may work in a calendar week. Effective on publication in the FEDERAL REGISTER, paragraph (w) of § 213.3102 is amended as set out below.

§ 213.3102 Entire executive civil service.

• • • • • •

(w) Part-time or intermittent positions the duties of which involve laboring or other work of a routine nature when filled by students appointed in furtherance of the President's Youth Opportunity Back-to-School Drive and when the following conditions are met:

(1) Appointees are enrolled in or accepted for enrollment in a resident secondary school or institution of higher learning, accredited by a recognized accrediting body;

(2) Employment does not exceed 16 hours in any calendar week;

(3) While employed, appointees continue to maintain an acceptable school standing;

(4) Appointees need the earnings from the employment to continue in school; and

(5) Salaries are fixed by the agency head at a level commensurate with the duties assigned and the expected level of performance.

Appointments under this authority may not extend beyond 1 year: *Provided*, That such appointments may be extended for additional periods of not to exceed 1 year each if the conditions for initial appointment are still met. An agency head may not appoint under this authority the son or daughter of a civilian employee of that agency or the son or daughter of a member of its uniformed service. A person may not be appointed under this authority unless he has reached his 16th but not his 22d birthday.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director, Bureau of Management Services.

[F.R. Doc. 65–13603; Filed, Dec. 20, 1965; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 64–WE–66]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area, and Designation of Transition Area

On July 14, 1965 a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 8856) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the Denver, Colo., terminal area. Subsequent to the publication of the notice it was determined that additional airspace would be required and a supplemental notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 12416) on September 29, 1965.

Interested persons were afforded an opportunity to participate in the proposed rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., March 3, 1966, as hereinafter set forth:

1. In § 71.171 (30 F.R. 7183), the Denver, Colo., control zone is amended to read:

DENVER, COLO.

Within a 9-mile radius of Stapleton Municipal Airport (latitude 39°46'30" N., longitude 104°52'40" W.), and within a 9-mile radius of Buckley ANG Airport (latitude 39°42'05" N., longitude 104°45'10" W.), excluding the portion within a 1-mile radius of Skyline Airport (latitude 39°46'37" N., longitude 104°36'57" W.).

2. In § 71.181 (29 F.R. 17643) the following transition area is added:

DENVER, COLO.

That airspace extending upward from 700 feet above the surface within a 22-mile radius of Stapleton Municipal Airport (latitude 39°46'30" N., longitude 104°52'40" W.); that airspace extending upward from 1,200 feet above the surface bounded on the S by latitude 39°05'00" N., on the W by longitude 105°20'00" W., on the N by latitude 40°30'00" N., on the E by longitude 104°00'00" W.; that airspace E of Denver extending upward from 7,500 feet MSL bounded on the S by latitude 39°05'00" N., on the W by longitude 104°00'00" W., on the N by latitude 40°30'00" N. and V–132, on the E by V–169, excluding the airspace within Federal airways; that airspace NW of Denver extending upward from 11,500 feet MSL bounded on the S by V–220, on the NW by a line extending from latitude 40°11'00" N., longitude 105°30'00" W. to latitude 40°30'00" N., longitude 105°20'00" W., and on the E by longitude 105°20'00" W.; and that airspace W and SW of Denver extending upward from 12,700 feet MSL bounded on the E by longitude 105°20'00" W., on the SW by a line extending from latitude 39°05'00" N., longitude 105°20'00" W. to latitude 39°30'00" N., longitude 105°30'00" W., on the W by longitude 105°30'00" W., and on the N by V–220, excluding the airspace within the Akron and Thurman, Colo., transition areas.

3. In § 71.181 (29 F.R. 17701), the Thurman, Colo. transition area is amended to read:

THURMAN, COLO.

That airspace extending upward from 6,200 feet MSL within 10 miles N and 7 miles S of the Thurman VOR 100° and 280° radials, extending from 20 miles E to 9 miles W of the VOR.

(Sec. 307(a), Federal Aviation Act of 1958, as amended; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on December 13, 1965.

JOSEPH H. TIPPETS,
Director, Western Region.

[F.R. Doc. 65–13605; Filed, Dec. 20, 1965; 8:47 a.m.]

[Airspace Docket No. 65–CE–120]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Control Area Extension, Alteration of Control Zone and Designation of Transition Area

On September 28, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 12359) stating that the Federal Aviation Agency proposed to alter controlled airspace in the vicinity of Fargo, N. Dak.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The two comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., March 3, 1966, as hereinafter set forth.

(1) In § 71.165 (29 F.R. 17557) the Fargo, N. Dak., control area extension is revoked in its entirety.

(2) In § 71.171 (29 F.R. 17581) the Fargo, N. Dak., control zone is amended to read:

FARGO N. DAK.

Within a 5-mile radius of Hector Field (latitude 46°55'04" N., longitude 96°48'58" W.), within 2 miles each side of the Fargo ILS localizer N and S courses, extending from the RBN to LOM, and within 2 miles on each side of the Fargo VORTAC 009° radial, extending from the 5-mile radius zone to the VORTAC.

(3) In § 71.181 (29 F.R. 17643) the following transition area is added:

FARGO, N. DAK.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Hector Field, Fargo, N. Dak. (latitude 46°55'04" N., longitude 96°48'58" W.), within 2 miles each side of the Fargo ILS localizer N course extending from the 7-mile radius area to 8 miles N of the RBN, within 2 miles each side of the Fargo VORTAC 007° radial, extending from the 7-mile radius area to 24 miles N of the VORTAC, and within 5 miles W and 8 miles E of the Fargo ILS localizer S course, extending from 5 miles N to 12 miles S of the LOM; and that airspace extending upward from 1,200 feet above the surface, within a 36-mile radius of the Fargo VORTAC, extending from 9 miles W and parallel to the Fargo VORTAC 353° radial, clockwise to 5 miles E and parallel to the Fargo VORTAC 034° radial, within a 30-mile radius of the Fargo VORTAC, extending from 5 miles E and parallel to the S course of the Fargo ILS localizer, clockwise to 5 miles N and parallel to the Fargo VORTAC 275° radial, within 8 miles E and 5 miles W of the Fargo VORTAC 125° radial extending from the VORTAC to 29 miles SE of the VORTAC, and within 10 miles E and 7 miles W of the Fargo VORTAC 187° radial, extending from 26 miles to 56 miles S of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on December 9, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65–13580; Filed, Dec. 20, 1965; 8:45 a.m.]

[Airspace Docket No. 65–EA–09]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND REPORTING POINTS

Revocation of Control Area Extensions

The Federal Aviation Agency proposes to amend § 71.165 of Part 71 of the Federal Aviation Regulations which would revoke the Rome, N.Y., control area extension (29 F.R. 17575). Because of the designation of the airspace within the Rome, N.Y., CAE as transition areas, the CAE is no longer necessary.

Since this amendment is relaxatory in nature, notice and public procedure hereon are unnecessary.

In view of the foregoing, the proposed regulation is adopted effective 0001 e.s.t., February 3, 1966, as follows:

1. Amend § 71.165 of Part 71 of the Federal Aviation Regulations so as to delete the Rome, N.Y., control area extension.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on December 7, 1965.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

[F.R. Doc. 65–13581; Filed, Dec. 20, 1965; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

Demethylchlortetracycline Hydrochloride Tablets

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357), and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.90), the antibiotic drug regulations are amended to provide for the certification of tablets containing 75 milligrams of demethylchlortetracycline hydrochloride.

Accordingly, § 146c.266 *Demethylchlortetracycline hydrochloride tablets* is amended by changing in the first sentence the words "150 milligrams or 300 milligrams" to read "75 milligrams, 150 milligrams, or 300 milligrams".

This order provides for the certification of an additional potency of the subject antibiotic tablets and is consistent with the requirements of section 507 of the act that the article be safe and efficacious. Since it is in the public interest not to delay in providing for the certification of this article, and I so find, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: December 14, 1965.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 65–13607; Filed, Dec. 20, 1965; 8:47 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 6868]

PART 145—TEMPORARY REGULATIONS IN CONNECTION WITH THE EXCISE TAX REDUCTION ACT OF 1965

Policies Issued by Foreign Insurers

In order to prescribe temporary regulations, which shall remain in force and effect until superseded by permanent regulations, to reflect the amendments made to sections 4371 and 4374 of the Internal Revenue Code of 1954 (relating to tax on policies issued by foreign insurers) by section 804 of the Excise Tax Reduction Act of 1965 (79 Stat. 160), the following regulations are hereby prescribed:

§ 145.5–1 Imposition and payment of tax on policies issued by foreign insurers.

(a) *In general.* Section 804 of the Excise Tax Reduction Act of 1965 (79 Stat. 160) amends section 4374 of the Internal Revenue Code of 1954 to provide that the Secretary or his delegate may prescribe by regulations that the tax imposed by section 4371, relating to the tax on policies issued by foreign insurers, shall be paid by return in lieu of by the affixing of documentary tax stamps. In addition, section 804 of such Act amends section 4371 of the Code to provide that if the tax imposed by section 4371 is paid by return under regulations prescribed under section 4374, the tax shall be computed on the premium paid in lieu of the premium charged. This section prescribes regulations under sections 4371 and 4374 with respect to premiums paid on or after January 1, 1966.

(b) *Payment of tax*—(1) *Duty to remit tax.* With respect to premiums paid on or after January 1, 1966, the tax imposed by section 4371 shall be remitted by the person who makes the payment of the premium to a foreign insurer or reinsurer or to any nonresident agent, solicitor, or broker. For purposes of this subparagraph, the person who makes payment means that resident person who actually transfers the money, check, or its equivalent to the foreign insurer or reinsurer (including transfers to any bank, trust fund, or similar recipient, designated by the foreign insurer or reinsurer), or to any nonresident agent, solicitor, or broker. (See section 4372(a) for definition of foreign insurer or reinsurer.) For persons liable for the tax imposed by section 4371, see section 4384 and the regulations thereunder.

(2) *Filing of returns.* Every person required to remit under this section the tax imposed by section 4371 shall make a return on such tax on Form 720.

(3) *When liability for tax attaches.* The liability for the tax imposed by section 4371 with respect to premiums paid on or after January 1, 1966 shall attach

at the time the premium payment is transferred to the foreign insurer or reinsurer (including transfers to any bank, trust fund or similar recipient, designated by the foreign insurer or reinsurer), or to any nonresident agent, solicitor, or broker. A person required to remit tax under this section may remit such tax before the time the tax attaches if he keeps records consistent with such practice.

(4) *Tax paid on the basis of premium charged.* With respect to a premium paid on or after January 1, 1966, to the extent that tax imposed by section 4371 was paid on the basis of the premium charged before January 1, 1966, in accordance with the provisions of § 47.4371-2 (Documentary Stamp Tax), no further tax is due under this section.

(c) *Rate and computation of tax*—(1) *In general.* (i) With respect to premiums paid on or after January 1, 1966, the tax under section 4371(1) is imposed at the rate of 4 cents on each dollar, or fractional part thereof, of the premium payment. For example, upon a premium payment of $10.10 the tax amounts to 44 cents.

(ii) With respect to premiums paid on or after January 1, 1966, the tax under section 4371 (2) and (3) is imposed at the rate of 1 cent on each dollar, or fractional part thereof, of the premium payment. For example, upon a premium payment of $10.10 the tax amounts to 11 cents.

(2) *Meaning of premium.* For purposes of this section, the term "premium" means the agreed price or consideration for assuming and carrying the risk or obligation, and includes any additional assessment or charge which may be assessed or charged under the contract, whether payable in one sum or installments.

(d) *Administrative provisions applicable.* All the provisions of §§ 46.6011 (a)-1 through 46.6404(a)-1 (except § 46.6011(a)-3) (Miscellaneous Excise Taxes Payable by Return) of this chapter shall, insofar as not inconsistent with this section, apply in respect of the tax imposed by section 4371 with respect to premiums paid after December 31, 1965, as though such tax were imposed by section 4501(a). For purposes of applying such provisions, the person who pursuant to paragraph (b) of this section is required to remit the tax imposed by section 4371 shall be treated as the person liable for such tax.

(e) *Records required with respect to foreign insurance policies.* (1) Each person required under the provisions of paragraph (b) of this section to remit the tax imposed by section 4371 shall keep or cause to be kept accurate records of all policies or other instruments subject to such tax upon which premiums have been paid. Such records must identify each such policy or other instrument in such manner so as to clearly establish: (i) The gross premium paid; (ii) whether such policy or other instrument is (*a*) a policy of casualty insurance or an indemnity bond subject to tax under section 4371(1), (*b*) a policy of life, sickness, or accident insurance or an annuity contract subject to tax under section 4371(2), or (*c*) a policy of reinsurance subject to tax under section 4371(3); (iii) the identity of the insured (as defined in section 4372(d)); (iv) the identity of the foreign insurer or reinsurer (as defined in section 4372(a)); and (v) the total premium charged and, if the premium is to be paid in installments, the amount and anniversary date of each such installment.

(2) The records required under the provisions of this paragraph must be kept on file at the place of business or at some other convenient location, for a period of at least 3 years from the date any part of the tax became due or the date any part of the tax is paid, whichever is later, in such manner as to be readily accessible to authorized internal revenue officers or employees.

(3) The person having control or possession of a policy or other instrument subject to tax under section 4371 shall retain such policy or other instrument for at least 3 years from the date any part of the tax with respect to such policy was paid.

(f) *Use of documentary stamps.* Except as provided in paragraph (b)(4) of this section, documentary stamps shall not be used in payment of the tax imposed by section 4371 with respect to premiums paid on or after January 1, 1966.

(g) *Penalty for failure to file return.* Any person who on or after January 1, 1966, fails to comply with the requirements of paragraph (b) of this section with intent to evade the tax shall, in addition to other penalties provided therefor, pay a fine of double the amount of tax. (See section 7270.)

Because of the need for prompt guidance with respect to the procedures authorized by this Treasury decision, it is found impracticable to issue it with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitations of section 4(c) of that Act.

(Sec. 7805, Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

Approved: December 17, 1965.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 65-13660; Filed, Dec. 20, 1965; 8:50 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

PART 251—LAND USES

Boundary Waters Canoe Area, Superior National Forest

Section 251.85 *Special provisions governing the Boundary Waters Canoe Area, Superior National Forest,* is added as follows:

§ 251.85 Special provisions governing the Boundary Waters Canoe Area, Superior National Forest.

Subject to existing private rights, the lands now owned or hereafter acquired by the United States within the Boundary Waters Canoe Area of the Superior National Forest, Minn., as formerly designated under Reg. U-3 (§ 251.22) and incorporated into the National Wilderness Preservation System under the Wilderness Act of September 3, 1964, shall be administered in accordance with this regulation for the general purpose of maintaining, without unnecessary restrictions on other uses, including that of timber, the primitive character of the Area, particularly in the vicinity of lakes, streams, and portages.

(a) In the management of the timber resources of the Boundary Waters Canoe Area, two zones are established:

(1) An Interior Zone, in which there will be no commercial harvesting of timber. The boundaries of this zone are defined on an official map dated the same date as that on which this regulation is promulgated, which map shows the specific boundaries established January 12, 1965, and the boundaries of the additional area which is to be progressively added by the Chief of the Forest Service between January 12, 1965, and December 31, 1975.

(2) A Portal Zone which will include all the Boundary Waters Canoe Area not designated as Interior Zone. Timber harvesting is permitted in the Portal Zone under conditions designed to protect and maintain primitive recreational values. Timber within 400 feet of the shorelines of lakes and streams suitable for boat or canoe travel or any portage connecting such waters will be specifically excluded from harvesting, and timber harvesting operations will be designed to avoid unnecessary crossings of portages. Timber sale plans will incorporate suitable provisions for prompt and appropriate cover restoration.

(b) Except as provided in the Wilderness Act, in this section and in §§ 251.27, 251.28, and 251.30, and subject to existing private rights, there shall be no commercial enterprises and no permanent roads within the Boundary Waters Canoe Area and there shall be no temporary roads, no use of motor vehicles, motorized equipment, or motorboats, no landing of aircraft, and no other form of mechanical transport.

(1) All uses that require the erection of permanent structures and all permanent structures except as herein provided, are prohibited in the Boundary Waters Canoe Area. The Chief, Forest Service, may permit temporary structures and commercial services within the Boundary Waters Canroe Area to the extent necessary for realizing the recreational or other wilderness purposes, which may include the public services generally offered by outfitters and guides.

(2) In the Portal Zone temporary roads and the use of motorized equipment and mechanical transport for the authorized travel and removal of forest products will be permitted in accordance with special conditions established by the Chief, Forest Service; but such use of the roads for other purposes is prohibited.

(3) The overland transportation of any watercraft by mechanical means, including the use of wheels, rollers, or other devices, is prohibited except that mechanical transport and necessary attendant facilities may be permitted, in accordance with special conditions established by the Chief, Forest Service, over portages along the International Boundary, including the Loon River Portage, when acquired; Beatty Portage and Prairie Portage; the other major portages into Basswood Lake; namely, Four Mile and Fall-Newton-Pipestone Bay Portages; and the Vermilion-Trout Lake Portage. Mechanical transport over Four Mile and Fall-Newton-Pipestone Bay Portages may be suspended, modified, or revoked upon acquisition by the United States of all lands on Basswood Lake, and the expiration of rights reserved in connection with the acquisition of such lands.

(4) No motor or other mechanical device capable of propelling a watercraft through water shall be transported by any means across National Forest land except over routes designated by the Chief, Forest Service, who shall cause a list and a map of all routes so designated, and any special conditions governing their use, to be maintained for public reference in the offices of the Regional Forester, the Forest Supervisor, and the Forest Rangers having jurisdiction.

(5) Except for holders of reserved rights, no watercraft, motor, mechanical device, or equipment not used in connection with a current visit may be stored on or moored to National Forest land and left unattended.

(6) No amphibious craft of any type and no watercraft designed for or used as floating living quarters shall be moored to, used on, or transported over National Forest land.

(7) The Chief, Forest Service, may permit the use of motor-driven ice and snow craft on routes over which motors may be transported, as authorized in subparagraph (4) of this paragraph; and over the Crane Lake-Little Vermilion Lake Winter Portage; and over the Saganaga Lake Winter Portage, in sections 18-19, T. 66 N., R. 4 W. The Chief shall cause a list and a map of routes over which use of ice and snow craft is permitted, and any special conditions governing their use, to be maintained for public reference in the offices of the Regional Forester, the Forest Supervisor, and the Forest Rangers having jurisdiction.

(c) No permanent or semipermanent camp may be erected or used on National Forest land except as authorized in connection with a reserved right, or in the Portal Zone in connection with the harvest and removal of timber and other forest products.

(d) Public use of certain existing improvements within and adjacent to the boundaries of the Boundary Waters Canoe Area, to wit:

Road—sections 8, 9, 10, and 11, T. 61 N., R. 9 W.

Road and railroad—section 3, T. 61 N., R. 8 W.

Road and powerline—section 22, T. 64 N., R. 1 W.

is recognized and may continue, subject to general authority of the Chief, Forest Service, with respect to roads and public utility improvements, in accordance with the general purpose of maintaining without unnecessary restrictions on other uses, the primitive character of the Area.

(e) To the extent not limited by the Wilderness Act, the Chief, Forest Service, may prescribe measures necessary to control fire, insects, and disease; measures necessary to protect and administer the Area; measures which may be used in emergencies involving the health and safety of persons, or damage to property; and may require permits for, or otherwise limit or regulate, any use of National Forest land, including camping and campfires. The Chief may authorize occupancy and use of National Forest land by officers or agencies of the Federal Government, the State of Minnesota, and the Counties of St. Louis, Lake, and Cook, and will prescribe conditions under which motorized equipment, mechanical transport, or structures may be used, transported, or installed by the Forest Service and its agents and by other Federal, State, or County agencies, to meet the minimum requirements for protection and administration of the Area and its resources.

(f) Nothing in this regulation shall be construed as affecting the jurisdiction or responsibility of the State of Minnesota with respect to wildlife and fish in the National Forest.

(g) The State of Minnesota, other persons, and their successors in interest owning land completely surrounded by National Forest land shall be given such rights as may be necessary to assure adequate access to that land. Such rights may be recognized in stipulations entered into between the Forest Service and the private owner or State. Such stipulations may prescribe the means and the routes of travel to and from the privately owned or State land which constitute adequate access and any other conditions reasonably necessary for the preservation of the primitive conditions within the Boundary Waters Canoe Area.

(78 Stat. 890, 16 U.S.C. 1131-1136; 30 Stat. 35, as amended 16 U.S.C. 551; 74 Stat. 215, 16 U.S.C. 528-531; 46 Stat. 1020, 16 U.S.C. 577-577c)

Done at Washington, D.C., this 15th day of December 1965.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 65-13617; Filed, Dec. 20, 1965; 8:48 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 201—PROCEDURES OF THE POST OFFICE DEPARTMENT

Subpart G—Rules of Procedure Governing Approval of Mail Chutes and Receiving Boxes

An amendment to § 43.6(f)(5) of this chapter was published in the FEDERAL REGISTER of September 14, 1965, at page 11720 regarding the Department's responsibility where leased mail chutes are involved. As the same provisions are contained in § 201.75(f)(5) of this chapter, it is necessary to bring this section into conformity with § 43.6(f)(5). As so amended § 201.75(f)(5) reads as follows:

§ 201.75 Mail chutes and receiving boxes.

• • • • • •

(f) *Custody and control of chutes and receiving boxes.* • • •

(5) When mail chutes and receiving boxes are installed under lease, the postmaster is authorized to sign an agreement, endorsed on the back of the contract, between the owner or lessee of the building and the person or company installing the chutes and boxes, providing that if the lessors shall request return of the equipment, the postmaster will, after due notice to the owner or lessee, discontinue collections, remove the lock from the receiving box, and permit the removal of the equipment by the lessors. This arrangement is limited to situations in which the building owner or lessee has (i) personally entered into the lease, or (ii) explicitly agreed to be bound by the terms of the lease, where he is not the original owner or lessee. It is not applicable whenever there is a transfer of ownership or lease of property involving leased mail chute equipment, and the new owner or lessee does not expressly agree in writing to be bound by the lease. Unless a subsequent owner or lessee explicitly agrees to be bound by the lease terms applicable to mail chutes and receiving boxes, the lease will be considered as having been terminated upon transfer of ownership or lease of the building. Postmasters will not endorse contracts and sign agreements between building owners or lessees and firms installing

mail chute equipment except under either one of the two conditions.

• • • • • •

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505, 6003)

HARVEY H. HANNAH,
Acting General Counsel.

[F.R. Doc. 65-13588; Filed, Dec. 20, 1965; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Wheeler National Wildlife Refuge, Ala.; Correction

In F.R. Doc. 65-11252, appearing at pages 13377 and 13378 of the issue for October 20, 1965, subparagraphs 1 and 13 of the Wheeler National Wildlife Refuge, Ala., regulations, should read as follows:

(1) Open season: Geese—November 6, 1965, through January 14, 1966; ducks and coots—December 1, 1965, through January 9, 1966. A kill quota of 2,000 geese is established. If this quota is reached during the above open season, the refuge hunt for all waterfowl species will be terminated. Hunting will be permitted only on Mondays, Tuesdays, Wednesdays, Fridays, and Saturdays, sunrise to 12 noon. All holidays except Christmas Day, December 25, 1965, falling on above days in the above period will be hunted.

(13) Reservation procedures previously published remain valid through January 1, 1966. Subsequent to this period, permits will be awarded upon the basis of a drawing held at the refuge permit office at 5 a.m., each hunt morning. Blinds will be assigned on an impartial basis at that time.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 65-13584; Filed, Dec. 20, 1965; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 959]

ONIONS GROWN IN SOUTH TEXAS

Limitation of Shipments

Consideration is being given to the issuance of the limitation of shipments regulation, hereinafter set forth, which was recommended by the South Texas Onion Committee, established pursuant to Marketing Agreement No. 143 and Order No. 959, both as amended (7 CFR Part 959), regulating the handling of onions grown in designated counties in South Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit data, views, or arguments in connection with this proposal may file the same in quadruplicate with the Hearing Clerk, Room 112, U.S. Department of Agriculture, Washington, D.C., 20250, not later than 14 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposed regulation is as follows:

§ 959.306 **Limitation of shipments.**

During the period beginning March 1, 1966, through June 15, 1966, no handler may (1) package or load onions on Sundays, or (2) handle any lot of onions grown in the production area, except red onions, unless such onions meet the grade requirements of paragraph (a) of this section, one of the applicable size requirements of paragraph (b) of this section, the container requirements of paragraph (c) of this section, and the inspection requirements of paragraph (f) of this section, or unless such onions are handled in accordance with the provisions of paragraphs (d) or (e) of this section.

(a) *Minimum grade.* Not to exceed 20 percent defects of U.S. No. 1 grade. In percentage grade lots, tolerances for serious damage shall not exceed 10 percent including not more than 2 percent decay. Double the lot tolerance shall be permitted in individual packages in percentage grade lots. Application of tolerances in U.S. Grade Standards shall apply to in-grade lots.

(b) *Size requirements.* (1) "Small"—1 to 2¼ inches in diameter, and limited to whites only;

(2) "Repacker"—1¾ to 3 inches in diameter, with 60 percent or more 2 inches in diameter or larger;

(3) 2 to 3½ inches in diameter; or

(4) "Jumbo"—3 inches or larger in diameter.

(c) *Container requirements.* (1) 25 pound bags, with not to exceed in any lot an average net weight of 27½ pounds per bag, and with outside dimensions not larger than 29 inches by 31 inches; or

(2) 50 pound bags, with not to exceed in any lot an average net weight of 55 pounds per bag, and with outside dimensions not larger than 33 inches by 38½ inches.

(3) These container requirements shall not be applicable to onions sold to Federal Agencies.

(d) *Minimum quantity exemption.* Any handler may handle, only as individual shipments and other than for resale, not more than 100 pounds of onions per day, in the aggregate, without regard to the requirements of this section or to the inspection and assessment requirements of this part.

(e) *Special purpose shipments and culls.* Onions failing to meet the grade, size, or container requirements of paragraphs (a), (b), or (c), and not exempted under paragraph (d), of this section, may be handled only pursuant to § 959.126 (7 CFR 959.126). Culls may be handled pursuant to § 959.126(a)(1). Shipments for relief or charity, or for experimental purposes, may be handled pursuant to § 959.126(b). Any such onions may be handled without regard to inspection and assessment requirements.

(f) *Inspection.* (1) During the effective period hereof, no handler may handle any onions, except pursuant to paragraphs (d) or (e) of this section, unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment.

(2) No handler may transport or cause the transportation of any shipment of onions by motor vehicle for which an inspection certificate is required unless each such shipment is accompanied by a copy of the inspection certificate applicable thereto or by documentary evidence on forms furnished by the committee identifying truck lots to which a valid inspection certificate is applicable and a copy of such inspection certificate or committee document, upon request, is surrendered to authorities designated by the committee.

(3) For purpose of operation under this part each inspection certificate or committee form required as evidence of inspection is hereby determined to be valid for a period not to exceed 72 hours following completition of inspection as shown on the certificate.

(g) *Definitions.* The term "U.S. No. 1" shall have the same meaning as set forth in the U.S. Standards for Bermuda-Granex-Grano Type Onions (§§ 51.3195–51.3209 of this title), or in the U.S. Standards for Grades of Onions (§§ 51.2830–51.2850 of this title), whichever is applicable to the particular variety. All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 143, as amended, and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 16, 1965.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-13814; Filed, Dec. 20, 1965; 8:47 a.m.]

[7 CFR Part 1013]

MILK IN SOUTHEASTERN FLORIDA MARKETING AREA

Notice of Proposed Suspension of Certain Provision of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provision of the order regulating the handling of milk in the Southeastern Florida marketing area is being considered.

The provision proposed to be suspended in § 1013.7, is "Provided, that after December 31, 1960, the definition 'producer' shall not mean any person who during the month produces milk on, in, or by the use of the same milking barns or premises from which milk is delivered to a nonpool plant except milk diverted to such nonpool plant by a handler pursuant to § 1013.13" and relates to the conditions for qualifying as a producer.

The proposed suspension would enable a dairy farmer to deliver milk to a nonpool plant during the month without losing his producer status. Any such delivery to a nonpool plant (except by diversion) now causes a dairy farmer to lose his producer status for the month.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C., 20250, not later than three days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on De-

1 Class I prices under Memphis and

The order modification herein pro- agreement upon which a hearing has

Signed at Washington, D.C., on December 16, 1965.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 65-13615; Filed, Dec. 20, 1965; 8:48 a.m.]

[7 CFR Parts 1102, 1108]

[Docket Nos. AO-237-A11, AO-243-A13]

MILK IN CENTRAL ARKANSAS AND FORT SMITH, ARK., MARKETING AREAS

Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Memphis, Tenn., on May 20-21 and in Little Rock, Ark., on May 24-25, 1965, pursuant to notice thereof issued on May 7, 1965 (30 F.R. 6534).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on November 23, 1965 (30 F.R. 14733; F.R. Doc. 65-12735), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision on certain proposed amendments to the Memphis, Tenn., Central Arkansas and Fort Smith, Ark., orders, such recommended decision containing notice of the opportunity to file written exceptions thereto.

The final decision of the Assistant Secretary containing the provisions amending the Memphis order was issued on December 8, 1965 (30 F.R. 15327). On December 8, notice was also given providing additional time to January 3, 1966, for filing exceptions to the recommended decision of November 23, 1965, insofar as it related to the Class I prices under the Central Arkansas and Fort Smith Ark., orders. Subsequent to such notice Central Arkansas Milk Producers, representing nearly all of the producers in the Central Arkansas and Fort Smith markets and most handlers regulated by the Central Arkansas and Fort Smith orders requested that time for filing of exceptions be waived and urged immediate issuance of a final decision on the issue of Class I price in the Central Arkansas and Fort Smith markets.

By notice issued December 10, 1965, the time for filing exceptions to the November 23, 1965, recommended decision was modified so that exceptions were due to be filed on or before December 14, 1965.

The material issues on the record of the hearing relate to:

A. Issues relating to Memphis, Tenn., and Central Arkansas orders:

1. Class I prices under Memphis and Central Arkansas orders.

B. Issues relating to only Memphis, Tenn., order:

2. Qualifications for regulated plants.
3. Definition of "handler," "producer," "approved plant," "route disposition," "fluid milk product," and "other source milk."
4. Plants subject to other Federal orders.
5. Handler location differentials.
6. Method of pooling.
7. Base rules and computation of uniform base and excess prices.

C. Miscellaneous and conforming changes, all three orders.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Class I price in Central Arkansas market.* The supply-demand adjustment in the Central Arkansas order should be plus 25 cents, each month through June 30, 1966.

This decision covers that part of Issue No. A 1 dealing with Class I prices under the Central Arkansas order. The notice of hearing included no proposal to consider the Class I pricing provisions of the Fort Smith, Ark., order. Consequently, Class I pricing under the Fort Smith, Ark., order is excluded from consideration on the basis of this record. The other issues on the record with respect to the Fort Smith order have been deferred for a further decision.

The issue with respect to Class I prices under the Central Arkansas order concerned the comparative level in relation to Class I prices under other orders. Producers and handlers in the market stressed the need for a close relationship to the Memphis Class I price.

The supply arrangements and the distribution systems of the handlers in the Central Arkansas and Memphis markets involve movement of milk between the markets with respect to both supplies and sales. Dairy farmers in Arkansas who are members of the Central Arkansas Milk Producers Association furnish 11 percent of the total Memphis supply. In the Central Arkansas and Fort Smith markets, nearly the entire supply of producer milk is from Arkansas dairy farmers who are members of such association. Two Memphis handlers have extensive distribution of fluid milk products on routes in parts of the Central Arkansas marketing area and surrounding unregulated areas in Arkansas. Handlers regulated under the Central Arkansas order do not distribute milk in the Memphis marketing area except in the townships of Mississippi and Proctor of Crittenden County in Arkansas.

Class I price levels under the Memphis and Central Arkansas markets have been very close in recent years. During the years 1960 through 1964 the annual average price levels in the two markets for milk testing 3.5 percent butterfat were as follows:

	Central Arkansas	Memphis
1960	$4.99	$4.99
1961	5.14	5.135
1962	4.88	4.88
1963	4.94	4.98
1964	5.21	5.195

Effective December 15, 1965, the Memphis order was amended, based on this record, to provide a limitation of 25 cents per hundredweight (plus or minus) for the supply-demand adjustment each month. Following issuance of the decision on the Memphis order December 8, 1965, exceptions of producers under the Central Arkansas order requested that the Central Arkansas order be amended as soon as possible so that the Class I price during the period through June 1966 be fixed at the same level as the maximum amount provided in the Memphis order as amended. Effectuation of this request would be achieved through fixing the supply-demand adjustment at plus 25 cents for the period through June 1966,

Such a Class I price provision could result in a higher price under the Central Arkansas order than under the Memphis order if the Memphis supply-demand adjustment were less than 25 cents in any one of the months through June 1966. After June 1966, a Central Arkansas Class I price higher than the Memphis Class I price could be produced only if the supply-demand adjustment under the Central Arkansas order exceeded 25 cents.

The relation of producer milk supply to handlers' Class I disposition in the Central Arkansas market has been lower than the corresponding relationship in the Memphis market. Since 1962 the Central Arkansas market has become increasingly dependent on other source milk as a part of the supply while the supply-sales relationship in the Memphis market has remained relatively stable. In 1962 the average ratio for the Memphis market was 107 percent (producer milk as a percent of Class I) and in 1964 was 109 percent. In the Central Arkansas market the ratio changed from 112 percent in 1962 to 90 percent in 1964. In October 1965, producer milk under the Central Arkansas order was 85.5 percent of Class I disposition of handlers, while the corresponding figure under the Memphis order was 109.5 percent.

If there is continuation of similar relationship of supply conditions in the two markets, price differences which might result from different effective supply-demand adjustments would tend to reflect the shorter supply situation in the Central Arkansas market than exists in the Memphis market. Some price differences of this nature are appropriate in view of the different conditions in the two markets and the approximate 139-mile distance between Little Rock and Memphis which represent principal handler locations. Memphis handlers with route disposition in Arkansas in the locality of Little Rock incur transportation cost related to the distance of such movement. For disposition in eastern points in Arkansas, where lesser costs of transportation from Memphis plants may be incurred, the Central Arkansas order allows location credits at plants of regulated handlers so located. There is only one plant in eastern Arkansas regulated under the Central Arkansas order. At such plant the order allows a 24-cent location credit.

Handlers under the Central Arkansas order dispose of Class I milk on routes in areas also served by handlers under the St. Louis, Ozarks, and Paducah orders. Official notice is taken of the notice of a public hearing held in Chicago, Ill., beginning November 4, 1965 (30 F.R. 13789), on proposed amendments to 12 Federal milk orders including the St. Louis Order No. 62 and Ozarks Order No. 67. In a decision on the record of that hearing it is concluded that the Class I price under the St. Louis order should be maintained at the November 1965 level through December 1965 and January and February 1966; and should be 20 cents less in the months of March, April, May, and June 1966.

It is concluded that the proposed supply-demand adjustment of plus 25 cents for the months through June 1966 would help to stabilize intermarket price relationships with Memphis and markets to the north, and should be adopted. Termination at the end of six months is appropriate in view of the same termination date of the amendment action referred to for the St. Louis and Ozarks orders.

Handler proposals on the record would have resulted in greater price reductions than might result from the order modifications adopted herein. Such proposals are denied. They could result in price levels which would not recognize the supply situation in the market. The requests by handlers for suspension of the supply-demand adjustment are likewise denied. Such elimination of the supply-demand adjustment by suspension was opposed by the producer association which supplies nearly all of the milk for the market. In view of the data as to the relationship of producer milk supplies to handlers' Class I disposition the requested suspension is not justified.

The appropriateness of the data on producer milk supplies employed in the supply-demand adjustment computation have been discussed in the findings and conclusions of the decision issued December 8, 1965, on the Memphis order. Such considerations in the December 8 decision included the material facts with respect to producer milk supplies under the Central Arkansas and Fort Smith orders as well as under the Memphis order. The findings and conclusions of that decision also considered handlers' proposals to eliminate from the supply-demand computation any Class I milk assigned to other source milk receipts. Such proposals with respect to the supply-demand adjustment are not adopted for reasons cited in the Memphis decision which are similarly applicable in this market.

The order modification herein proposed should be made effective at the earliest possible date. In view of the probability that the effective date will not be the first day of a month, thus resulting in different Class I prices for the two portions of the month, handlers may elect a separate accounting period for each such portion of the month, or may elect to pay for Class I milk received during the entire month at an average price calculated by prorating the two Class I prices according to the number of days of the month each price applies. There would probably be little difference in returns to producers under either option. A handler should indicate the option he selects at the time he files his report for the month.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision. The rulings contained in the final decision on the Memphis order issued December 8, 1965, relating to the offer of proof with respect to certain testimony and an exhibit are hereby adopted as if set forth in full herein.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Central Arkansas Marketing Area," and "Order Amending the Order Regulating the Handling of Milk in the Central Arkansas Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be publishd in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of October 1965 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Central Arkansas marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on December 16, 1965.

JOHN A. SCHNITTKER,
Acting Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Central Arkansas Marketing Area

§ 1103.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the pro-

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

visions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Central Arkansas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Central Arkansas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

In § 1108.51(a), subparagraph (3) is revised to read as follows:

§ 1108.51 Class prices.

• • • • •

(a) • • •

(3) For a "minus deviation percentage" the Class I price shall be increased and for a "plus deviation percentage" the Class I price shall be decreased as follows: *Provided*, That the adjustment shall be plus 25 cents for each month from the effective date of this order through June 30, 1966.

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[F.R. Doc. 65-13618; Filed, Dec. 20, 1965; 8:48 a.m.]

[7 CFR Part 1130]

[Docket No. AO-259-A12]

MILK IN CORPUS CHRISTI, TEX., MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Corpus Christi, Tex., marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C., 20250, by the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Edinburg, Tex., on September 2, 1965, pursuant to notice thereof which was issued August 12, 1965 (30 F.R. 10247).

The material issues on the record of the hearing relate to:

1. Pricing of milk used in cottage cheese;
2. Allowable milk receipts at a market equalization plant;
3. Classification of milk disposed of to a food manufacturer;
4. Reporting requirements for a multiple-plant handler; and
5. Application of location adjustments for a multiple-plant handler.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Pricing of milk used in cottage cheese.* The order should provide for an additional charge to handlers of 25 cents per hundredweight on skim milk used to produce cottage cheese. Under the present order provisions, milk used to produce cottage cheese is classified as Class II and is priced at the order Class II price.

The cooperative association representing the majority of the producers on the Corpus Christi market proposed that the price for skim milk used for cottage cheese be fixed at 25 cents per hundredweight over the present Class II price. It contended that an increase in the price of producer skim milk used in cottage cheese is justified principally because of the relatively higher cost to handlers of alternative supplies of cottage cheese ingredients. Certain handlers opposed any increase from the present Class II price level for skim milk used in cottage cheese.

In 1964, cottage cheese production represented 14 percent of the total market Class II utilization of milk and milk products. Nearly 4.45 million pounds of skim milk contained in milk, skim milk, cream and other products (such as butter, buttermilk, and culture) were used in making cottage cheese. In addition, 3.79 million pounds of skim milk equivalent of nonfat dry milk were used. Also, handlers purchased 319,000 pounds of dry cottage cheese curd, which is the equivalent of approximately 2.40 million pounds of fluid skim milk, for use in making cottage cheese.

Health ordinances applicable in the Corpus Christi market do not require that cottage cheese be made from Grade A milk. However, ungraded milk usually is not available locally and there was no indication that such milk was being imported for cottage cheese production. Handlers generally use producer milk or nonfat dry milk when manufacturing cottage cheese, or import cottage cheese curd. Handlers using producer milk often rely upon the local cooperative association to supply them with such milk for this purpose.

Producer milk disposed of in manufacturing uses should be priced under the order at a level which will result in the orderly marketing of such milk. Within this concept, however, the price level should be that which will provide the highest possible returns to producers. If producer skim milk is priced to handlers at less than the cost of alternative supplies of cottage cheese or dairy products used for making cottage cheese, producers do not receive the full market value for their milk. On the other hand, if producer skim milk used in cottage cheese is priced higher than the alternative product cost, handlers might be discouraged from using producer milk in cottage cheese.

The present order provisions have resulted in an average Class II skim milk value of 79.5 cents per hundredweight for the 12-month period of October 1964 through September 1965. This represents the cost to handlers of producer skim milk which they use in making cottage cheese. An increase of 25 cents per hundredweight for producer skim milk used in cottage cheese production, as proposed herein, would have raised the skim milk value to handlers during this period to $1.045. (For purposes of price comparisons made herein, official notice is taken of the market administrators' official price announcements for the months of October 1964 through September 1965 for the Corpus Christi, San Antonio, Austin-Waco, North Texas, and Ozarks Federal milk orders.)

Handlers manufacturing cottage cheese from milk supplies other than producer milk were reported to be using imported dry cottage cheese curd or nonfat dry milk. The principal source of cottage cheese curd for Corpus Christi handlers is a handler located at Springfield, Mo., who is regulated under the Ozarks order. The price quoted for dry curd f.o.b. Springfield was 13 cents per pound. Dry curd delivered from Springfield to Corpus Christi was quoted at 14.75 cents per pound. Dry curd yields per hundredweight of skim milk, as reported by two witnesses, varied from 13.3 pounds to 14.5 pounds. Using the lower yield and a skim milk value of $1.045, the ingredient cost per pound of dry curd under the proposed pricing scheme would have been about 8 cents. This is well under the quoted price for dry curd f.o.b. Corpus Christi. When manufacturing costs, which were reported in one case to be about 3 cents per pound of dry curd, are taken into consideration, the cost of dry curd made from producer skim milk is still less than the cost of obtaining it from Springfield.

Nonfat dry milk may be purchased by handlers and reconstituted into skim milk for use in making cottage cheese. A handler indicated that his ingredient cost per pound of dry curd when using nonfat dry milk at a delivered price of 16.25 cents per pound was about 10 cents. In this case, the ingredient cost per pound of curd is 2 cents higher than when using producer skim milk valued at the proposed increased level.

Certain handlers opposed any price increase on skim milk used in cottage cheese on the basis that they would be competitively disadvantaged relative to handlers in other markets who would have lower costs for skim milk. They claimed that they were competing for cottage cheese sales with handlers regulated under the San Antonio, Austin-Waco, North Texas, and Ozarks orders and with unregulated handlers in the Houston market.

Based on recent prices, handlers regulated under the Ozarks order would not have had this advantage. Had the present pricing provisions of the Ozarks order been in effect for the entire period of October 1964 to September 1965 (the order was amended effective February 1, 1965), the Ozarks Class II skim milk value per hundredweight would have averaged about 87 cents. Based on a yield of 13.3 pounds of dry curd per hundredweight of skim milk and a transportation cost of 1.75 cents per pound of dry curd, the cost to Ozarks handlers of skim milk in the form of cottage cheese curd moved to Corpus Christi would have been approximately $1.10 per hundredweight. This compares with the proposed cost to Corpus Christi order handlers of about $1.04 in using local producer milk.

The comparable values for skim milk under the North Texas, Austin-Waco, and San Antonio orders would have been somewhat lower than the skim milk value which would have resulted under the proposed cottage cheese charge for the Corpus Christi order. Class II values per hundredweight of skim milk during the October 1964–September 1965 period were 71 cents, 80 cents, and 79 cents, respectively, for the three markets. However, it is not expected that considerable volumes of cottage cheese made from producer skim milk in their own markets would be distributed in the Corpus Christi market by San Antonio and Austin-Waco handlers. Producer supplies are relatively short in these two markets and are usually needed for Class I purposes. Most of the cottage cheese manufactured by Austin-Waco handlers was reported to be made from nonfat dry milk. As indicated, the use of powder results in a substantially higher ingredient cost for cottage cheese. Because of the considerable distance involved, the apparent cost advantage for North Texas handlers selling cottage cheese in the Corpus Christi market would be reduced by the transportation costs involved.

A valid comparison of the competitive situation regarding Houston handlers cannot be made. The absence of order regulation in the Houston market makes reliable price comparisons questionable.

It is not expected that the imposition of a cottage cheese charge on Corpus Christi handlers would adversely affect their competitive position in the local market. This action, of course, could possibly affect a handler's position in other markets concerning cottage cheese sales in such areas. However, milk should not be priced under the Corpus Christi order at a level which induces local handlers to seek substantial cottage cheese outlets in other markets. Milk supplies are relatively short in this market in relation to the Class I requirements of local handlers and should be directed to Class I uses to the greatest extent possible.

The quantity of skim milk to which the 25-cent charge may apply should not exceed the quantity of fluid skim milk assigned to his Class II utilization which is received by a handler at his fluid milk plants from producers and cooperative associations. Within this limit, the charge should apply regardless of whether the handler uses nonfat dry milk or fluid skim milk in making cottage cheese. This is consistent with the regulatory scheme of the order whereby producer milk has priority assignment to highest priced uses over other source milk in a form interchangeable with it for the uses involved. The charge should not apply in the case of cottage cheese curd which a handler has imported for use in making cottage cheese. This cottage cheese curd is not interchangeable with producer skim milk for the manufacture of other Class II products. Thus, its assignment to other Class II uses in order that producer skim milk could be assigned to cottage cheese production would not be appropriate. The 25-cent charge should be applicable to both the skim milk used by the handler in making cottage cheese curd and the skim milk contained in cream which he may subsequently add to the curd in making creamed cottage cheese. The order now provides that each handler who sells milk to a market equalization plant shall receive a pro rata share of the utilization of all producer milk transferred or diverted to such a plant. Similarly, if any of such milk is assigned to the production of cottage cheese, such utilization also should be passed back to handlers on a pro rata basis and the handler would be obligated for the value of such milk at the price applicable to milk made into cottage cheese.

2. *Allowable milk receipts at a market equalization plant.*

(a) The order should provide that a cooperative association may receive at its market equalization plant, without the plant losing such status, milk from dairy farmers who are not producers under the order if the milk is transferred to a nonfluid milk plant. Such receipts should not exceed 50 percent of the total receipts of milk at the association's plant during the month.

Under the present order provisions, receipts of milk at a market equalization plant are limited principally to fluid milk products which are diverted or transferred from fluid milk plants. During the months of August through January up to 5,000 pounds of milk may be received daily at such a plant from any nonfluid milk plant. No milk may be received directly from dairy farms (excluding diversions). Violation of any of these restrictions results in the plant losing its status as a market equalization plant.

These limitations are related to the functions which a market equalization plant is intended to perform. Such a plant is to serve as a facility at which producer milk not needed by fluid milk plants may be assembled, either by transfer or diversion, for movement to nonfluid milk plants for processing. It further is to serve as a market balancing plant at which producer milk not needed by certain handlers may be collected, or at which other source milk may be assembled, and, in either case, made readily available to handlers for Class I use. Presently, there is only one market equalization plant in the Corpus Christi market. Located at Falfurrias, it is operated by the principal cooperative association in the market.

The association proposed this change on allowable receipts at its market equalization plant so that it might receive milk of members who are not producers under the Corpus Christi order. In anticipating in advance handlers' needs for milk supplies, the association occasionally finds it necessary to market milk of members not yet associated with the market. Until such time as the farmers become producers under the order, the association considers it desirable to receive such milk at its Falfurrias plant for shipment to nonfluid milk plants.

The change in the definition of a market equalization plant proposed herein would assist the association both in supplying the milk requirements of handlers in the market and in performing its function of marketing efficiently the milk of its members. The association's plant, when designated as a market equalization plant, performs a specific function in the market. There is no need for the status of the plant, and thus its function, to be nullified by the occasional receipt of milk from nonproducers. So that the principal function of the association's plant is not affected, such nonproducer milk should be required to be transferred to nonfluid milk plants. Movement of the milk to fluid milk plants could cause the plant to qualify as a supply plant under the order. This would interfere with the basic functions of the association's plant.

Returns to producers in the market would not be affected by this change. Milk that is to be a part of the regular market supply and subject to the pooling and pricing provisions of the order must be received at fluid milk plants. Requiring that the nonproducer milk received

at the market equalization plant be transferred to a nonfluid milk plant would leave such milk outside the scope of the pricing provisions.

Limiting receipts of milk at a market equalization plant from such dairy farmers to 50 percent of the plant's total receipts would provide a reasonable basis for distinguishing whether or not the plant is primarily associated with the Corpus Christi market. The volume of milk handled at the association's plant at times is relatively small. Thus, it is unlikely that such a percentage of the plant's total receipts would represent on the average a very substantial amount of milk.

(b) A proprietary handler's proposal which would require that a cooperative association receive at its market equalization plant milk of nonmember dairy farmers should not be adopted.

Proponent claimed that the cooperative association which operates the market equalization plant at Falfurrias has refused to receive from him milk which was produced by dairy farmers who are not members of the association. The handler argued that the association's plant thus is not being operated truly in the principal capacity contemplated by the order, namely, as a facility at which milk not needed at fluid milk plants may be assembled for movement to other outlets.

The association in question, in assuming the function of balancing the fluid milk needs of the market, uses its plant at Falfurrias as a point at which producer milk not needed by handlers in the market is assembled for disposal to some other outlet. Most of such milk is eventually used in Class II products. Because of individual-handler pooling in this market, it is not feasible for the association to take this excess milk into its plant as a direct receipt from producers. To do so would result in the producers involved assuming the burden of much of the surplus mlik in the market.

In recognition of this circumstance, the order prescribes that the receipts of such milk at a market equalization plant must be as a transfer or diversion from a fluid milk plant. In this way the milk retains its identity with the handler to whom the producers normally deliver their milk. Each handler disposing of milk to a market equalization plant receives a pro rata share of the ultimate utilization of all such milk received at the plant. Unless there are offsetting purchases of equal value (at class prices) from the cooperative association, the payment by the association for milk received from the handler is outside the scope of the order. The rate of payment is established by negotiation between the handler and the association.

The order does not require, and should not require in the future, the association to receive milk from handlers. It is foreseeable that such a provision could not be properly administered. The association, in disposing of surplus milk from its plant, usually must accept the prevailing pay price for milk used in manufacturing and incurs the cost of moving the milk to other outlets. Therefore, it is interested in acquiring such milk under conditions which would not cause it to take a loss on the handling of the milk. This would be particularly so with respect to milk produced by nonmembers. Otherwise, nonmembers would be sharing in the benefits of membership without sharing in the cost of services rendered to them. A handler, on the other hand, would be expected to seek as high a return as possible for the milk which he sells to the association.

With these factors affecting each party's decisions in their negotiations, it is reasonable to expect that an agreement satisfactory to both parties would not be reached at all times. It is also reasonable to expect in this circumstance that the transaction would not always be made. Each party could claim that the milk in question was not received at the market equalization plant because of the action of the other party. Administratively, the reason the transaction did not occur would be indeterminable. Therefore, enforcement of a requirement that a cooperative association receive milk at a market equalization plant from any handler would be difficult, if not impossible.

It must be recognized, too, that a cooperative association, by the very nature of its existence, has the prerogative of deciding whether or not it will handle any products of nonmembers. An association, if it is to maintain its status as such, is required by the Capper-Volstead Act to not handle products of nonmembers which have a greater total value than have products of members. Adoption of the proposal conceivably could jeopardize the organizational status of a cooperative association which operates a market equalization plant.

3. *Classification of milk disposed of to a food manufacturer.* The order should provide that fluid milk products disposed of in bulk to a commercial food processing establishment for use in food products processed for consumption off the premises be classified as Class II milk. Presently, these products are Class I milk when disposed of to a food manufacturer. A handler proposed this change so that he could compete more favorably for the sale of milk to a particular food processing firm.

A Class II classification of such fluid milk products would result in the milk being competitively priced with alternative milk supplies, such as nonfat dry milk or condensed milk, which are available for the manufacture of food products. Adoption of this classification change thus would make food manufacturers an alternative outlet for producer milk not needed for Class I uses. Some milk usually is not needed for fluid purposes and necessarily must be used in Class II products. To minimize the cost to handlers and producers in disposing of milk to distant manufacturing outlets, it is desirable that the order accommodate any opportunity for such milk to be manufactured locally. To assure under this modification that the classification of milk is commensurate with its actual use, it is not intended for the purpose of this classification change that a food processing establishment include any facility, such as various types of catering kitchens and kitchens of restaurant chains, at which the principal function is the preparation of food or meals for use within a limited period of time.

4. *Reporting requirements for a multiple-plant handler.* No change should be made in the present requirement that a handler submit to the market administrator separate monthly reports of receipts and utilization for each of his fluid milk plants. A multiple-plant handler proposed that he be allowed to submit such information on a single report. He expressed concern about the expense and the duplication of effort involved in completing separate reports for his two fluid milk plants.

The order stipulates that the allocation of milk receipts to utilization and the computation of the obligation to producers and to a cooperative association be done on a handler basis. To this extent, a single report on the handler's total operation would be sufficient. Other order provisions, however, necessitate the reporting of data pertaining to each of the handler's plants. These relate to performance standards for determining a plant's regulated status and computation of location adjustments to handlers and to producers. The amount of information which must be supplied the market administrator for these purposes is such that submission of a separate report for each plant appears to be the only practical means for obtaining the necessary data. In view of this, the present reporting requirements as set forth in the order should be continued.

The reporting provisions specify that handlers shall submit reports in the detail and on forms prescribed by the market administrator. The market administrator thus is in a position to take into consideration any reporting problems which may arise and institute revised reporting procedures which he considers appropriate.

5. *Application of location adjustments for a multiple-plant handler.* Certain minor changes should be made in the provisions for location differentials to handlers.

In seeking to simplify the reporting procedures, the multiple-plant handler previously mentioned also proposed a modification of the order provisions relating to the computation of location adjustments to handlers. Specifically, his proposal would remove the present limit on transfers of milk from his Kingsville plant to his Harlingen plant to which a location adjustment applies, and would substitute therefor a determination of the market administrator that the location adjustment is not applied to transfers subsequently used for Class II purposes. The handler believed that removal of the present provision would make reporting to the market administrator less complicated.

The order presently permits location adjustments on milk transferred between fluid milk plants of different handlers to the extent that the handlers agree upon Class I classification for the milk. Since

under the handler-pool provisions of the Corpus Christi order any such agreement with respect to milk not needed for Class I use will reduce the blend price the transferee handler has available to pay the producers who supply him without reducing his costs, there is no incentive for him to agree to Class I classification of such transfers unless the milk is needed.

With respect to transfers between two plants of the same handler, however, the situation is different. The operations of all fluid milk plants of such a handler are combined, when allocating receipts to utilization, to determine the total producer milk to be priced in each class to the handler. The order provides no rule for classification of milk on the basis of its movement between such plants. Where such plants are in different Class I price zones, it is, however, necessary to determine how much of the total Class I milk shall be priced at each plant. Insofar as the quantity of Class I disposition from each plant on routes or to plants outside the handler's system is concerned, this is readily ascertained from the reports filed for each plant. Some rule is necessary, however, for assigning location adjustments on transfers within the system. Whenever a multiple-plant handler transfers milk from his zone location plant to his plant with no location adjustment, he should be allowed a location adjustment credit on the milk only when it is actually needed for Class I purposes at the transferee plant. If a credit is allowed on all transfers regardless of need, the handler could transfer milk for Class II use at the transferee plant and require producers to bear unnecessary costs of transportation.

With respect to interplant movements within a handler's system, the order presently provides that such transfers may be Class I to the extent that Class I disposition at the transferee plant exceeds 95 percent of receipts from producers and cooperative associations. This 5 percent "set aside" recognizes that producer milk is not adways available on a daily basis for bottling, and permits location adjustments to apply to some transfers obtained for immediate use at the transferee plant, even though on a monthly basis producer receipts were adequate for Class I use.

There are certain operations of the proponent handler, who is the only handler in the Corpus Christi market with more than one regulated distributing plant, which complicate this procedure. Milk at the handler's Kingsville plant is packaged only in glass bottles while only paper cartons are used at his Harlingen plant. He transfers milk packaged in each type of container to the other plant so that he may distribute from each plant milk in both types of containers.

The application of the present limitation to these transfers in packaged form does not appear necessary in order to avoid application of location adjustments on milk transferred for Class II use. It is appropriate that milk packaged at the Harlingen plant and transferred to Kingsville be priced at the Harlingen price. Similarly, milk packaged at the Kingsville plant which is transferred to Harlingen should be subject to the Kingsville location adjustment. The present limitation should apply with respect to bulk transfers. The Class I disposition at the transferee plant (Harlingen in this case) used to compute this limit must exclude that for which location adjustment has been allowed on the basis of packaged movements or by agreement with other handlers. Otherwise, there could be a duplication of location adjustments on the basis of the same Class I disposition.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Corpus Christi, Tex., marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Section 1130.14 is revised to read as follows:

§ 1130.14 **Market equalization plant.**

"Market equalization plant" means a plant, other than a distributing plant, operated by a cooperative association performing marketing services pursuant to § 1130.84(b) which plant is approved by a duly constituted health authority for the receipt and disposition of Grade A milk and at which all fluid milk products received are as diversions pursuant to § 1130.16 or as transfers from fluid milk plants, except as follows:

(a) During any month of August through January such plant may also receive other source fluid milk products from any nonfluid milk plant in an amount not in excess of an average of 5,000 pounds per day, computed on a milk equivalent basis of 3.5 percent butterfat content; and

(b) Such plant may receive milk from dairy farmers who are not producers for transfer to a nonfluid milk plant in an amount which does not exceed 50 percent of the total receipts of milk at such plant during the month.

2. In § 1130.41, paragraph (a)(1) is revised, subparagraphs (6) and (7) in paragraph (b) are redesignated as subparagraphs (7) and (8), respectively, and a new paragraph (b)(6) is added as follows:

§ 1130.41 **Classes of utilization.**

• • • • • •

(a) • • •

(1) Disposed of in the form of fluid milk products, except as provided in paragraphs (b) (2), (5), and (6) of this section; and

• • • • • •

(b) • • •

(6) In fluid milk products disposed of in bulk to a commercial food processing establishment for use in food products processed for consumption off the premises;

• • • • • •

3. In § 1130.44, the reference "§ 1130.46(a)(8)" in paragraph (a)(1) is revised to read "§ 1130.46(a)(7)", the reference "§ 1130.46(a) (7) or (8)" in paragraph (a)(3) is revised to read "§ 1130.46(a)(7)", and paragraph (e) is revised to read as follows:

§ 1130.44 **Transfers.**

• • • • • •

(e) Pro rata to each class (and within Class II pro rata to cottage cheese use and to other uses) in accordance with the total utilization of milk received at the market equalization plant, exclusive of the utilization of milk received pursuant to § 1130.14(b), when transferred or diverted in the form of milk, skim milk or cream to such plant from a fluid milk plant or by a cooperative association in

its capacity as a handler pursuant to § 1130.8(c); and

• • • • •

4. In § 1130.51(a) the colon preceding the proviso is deleted and a semicolon is substituted therefor, the text of the proviso is revoked, and a new paragraph (b) is added as follows:

§ 1130.51 Location differential to handlers.

• • • • •

(b) For purposes of calculating such adjustment in the case of a handler operating two or more fluid milk plants, transfers from one such plant to another such plant shall be assigned at the transferor plant to Class I milk if in packaged form but if in bulk form shall be assigned to Class I milk only to the extent that Class I disposition at the transferee plant (less transfers at Class I from fluid milk plants of other handlers and transfers in packaged form from other fluid milk plants of the same handler) exceeds 95 percent of receipts at such transferee plant from producers and a cooperative association in its capacity as a handler. Such assignment to transferor plants shall be made first to transferor plants at which no adjustment credit applies and then in sequence at which the lowest location adjustment credit would apply.

5. Section 1130.54 is deleted and a new § 1130.54 is added as follows:

§ 1130.54 Charge on skim milk used to produce cottage cheese.

(a) Skim milk in any form, other than as cottage cheese curd, which is used to produce cottage cheese at a fluid milk plant, or which is transferred or diverted from a fluid milk plant, or transferred from a market equalization plant (exclusive of transfers of milk received at such plant pursuant to § 1130.14(b)), to a nonfluid milk plant and there used to produce cottage cheese shall be subject to an additional charge of 25 cents per hundredweight to the extent indicated in paragraph (c) of this section.

(b) For purposes of computing a cottage cheese charge, such skim milk transferred or diverted to a nonfluid milk plant shall be considered as having been utilized for cottage cheese only to the extent to which Class II utilization of such skim milk, as assigned pursuant to § 1130.44(d), exceeds other Class II utilization in such plant.

(c) Any charge on skim milk used to produce cottage cheese for which a handler operating a fluid milk plant is obligated shall be assigned to the handler's obligation for producer milk to the extent of the quantity of producer skim milk which was assigned to the handler's Class II utilization, and any remainder of such charge shall be assigned to the handler's obligation to a cooperative association pursuant to § 1130.73 to the extent of the quantity of skim milk received from the cooperative association which was assigned to the handler's Class II utilization.

6. Section 1130.70(d) is revised to read as follows:

§ 1130.70 Obligation of a handler for producer milk.

• • • • •

(d) Add the amount of any charge on producer skim milk computed for such handler pursuant to § 1130.54(c); and

• • • • •

7. Section 1130.73(d) is revised to read as follows:

§ 1130.73 Obligation of a handler for milk received from a cooperative association.

• • • • •

(d) Add the amount of any charge on skim milk computed for such handler pursuant to § 1130.54(c) with respect to skim milk received from a cooperative association;

• • • • •

Signed at Washington, D.C., on December 16, 1965.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 65-13616; Filed, Dec. 20, 1965; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Parts 30, 70]

LICENSING OF BYPRODUCT AND SPECIAL NUCLEAR MATERIAL

Notice of Proposed Rule Making

Concurrently with publication of this notice the Commission is publishing a notice of proposed rule making to amend Title 10, Code of Federal Regulations, Part 71 "Regulations To Protect Against Accidental Conditions of Criticality in the Shipment of Special Nuclear Material." That proposed revision of Part 71 provides that the transport of fissile material and the transport of a large quantity of licensed material in a single package may be conducted only as authorized by a general license or specific license issued by the Commission.

The purpose of the proposed amendment is to make it clear that the general authority to transfer byproduct and special nuclear material, under the Commission's 10 CFR Parts 30 and 70, may be exercised only on the condition that the material is transported in accordance with the provisions of 10 CFR Part 71.

Notice is hereby given that the following amendments to 10 CFR Parts 30 and 70 are contemplated. All interested persons who desire to submit written comments and suggestions for consideration in connection with the proposed rules should send them in triplicate to the Secretary, U.S. Atomic Energy Commission, Washington, D.C., 20545, within 60 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

1. Title 10 CFR Part 30 is amended to revise § 30.34(c) to read as follows:

§ 30.34 Terms and conditions of licenses.

• • • • •

(c) Each person licensed by the Commission pursuant to the regulations in this part and Parts 31–36 shall confine his possession and use of the byproduct material to the locations and purposes authorized in the license. Except as otherwise provided in the license, a license issued pursuant to the regulations in this part and Parts 31–36 shall carry with it the right to receive, acquire, own, possess, and import byproduct material, and to deliver or transfer such material to other licensees within the United States authorized to receive such material. Its transport shall be in accordance with the provisions of Part 71 of this chapter.

2. Title 10 CFR Part 70 is amended by adding the following paragraph (c) to § 70.42:

§ 70.42 Transfer of special nuclear material.

• • • • •

(c) The transport of special nuclear material shall be in accordance with the provisions of Part 71 of this chapter.

(Sec. 53, 81, and 161; 68 Stat. 930, 935, and 948 as amended; 42 U.S.C. 2073, 2111, and 2201)

Dated at Washington, D.C., this 26th day of November 1965.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 65-13513; Filed, Dec. 20, 1965; 8:45 a.m.]

[10 CFR Parts 40, 71, 72]

TRANSPORT OF LICENSED MATERIAL

Notice of Proposed Rule Making

The regulations of the Atomic Energy Commission, Parts 30, 40, and 70 of Title 10, Code of Federal Regulations (10 CFR), require that before the Commission approves an application for license to receive, possess, use, or transfer byproduct, source, or special nuclear material, it must determine that the applicant's proposed program is adequate to protect health and minimize danger to life and property.

In 1958, the Commission adopted 10 CFR Part 71, "Regulations To Protect Against Accidental Conditions of Criticality in the Shipment of Special Nuclear Material." This regulation established procedures for approval of transport of special nuclear material, but set only limited standards. Certain small shipments under specified conditions were made exempt from the licensing requirement.

In 1960 and again in 1961, the Atomic Energy Commission published for public comment its proposed 10 CFR Part 72, "Protection Against Radiation in the Shipment of Irradiated Fuel Elements," to regulate the increasing number of

shipments of irradiated solid nuclear fuel. That proposed regulation has never been adopted by the Commission as an effective regulation, although its provisions have been used as licensing criteria since their publication.

On March 5, 1963, the Commission published a proposed revision of Part 71 (28 F.R. 2134), incorporating standards developed as the result of licensing experience as well as from the Commission's experience as a shipper of special nuclear material. In that proposed revision, the concept of different classes of packages of special nuclear material was introduced. This concept, which has been developed by the International Atomic Energy Agency at that time, is intended to distinguish among classes of packages according to the degree of control which must be exercised in transport in order to avoid criticality.

Public response to the proposed revision of Part 71 to a large extent suggested that (1) the regulation should emphasize performance standards, insofar as possible, rather than detailed design specifications for shipping containers and shipping procedures, and (2) the method of shipment to satisfy those performance standards should be left to the ingenuity of the shippers. It was suggested that the detailed standards proposed might impair the growth of the industry and development of improved safety concepts and that the standards were already outdated and were in some cases inapplicable, inadequate, or overly restrictive. The comments indicated that licensing requirements based on performance standards would allow needed flexibility to develop improved shipping methods. It was also suggested that the regulatory relationship between the Atomic Energy Commission and the Interstate Commerce Commission be made clear.

As a result of the numerous public comments and further study, the notice of proposed rule making issued on March 5, 1963, is withdrawn, and is superseded by this notice. The revision of 10 CFR Part 71 here proposed has deleted the detailed design standards of that proposal, and emphasizes performance standards to determine the adequacy of proposed shipping methods. The performance standards of this proposed revision are compatible with those developed by the International Atomic Energy Agency during the past few years.

In response to public comments received on the proposed Part 72 dealing with the transport of irradiated fuel elements, and to provide flexibility of approach in that rapidly growing field, a revision was also undertaken of Part 72. As in Part 71, the requirements have, as far as possible, been modified into performance standards. Since the nuclear safety requirements of Part 71 are applicable to the shipment of irradiated as well as unirradiated special nuclear material, the two Atomic Energy Commission transport regulations, Parts 71 and 72 have been combined into a single document in the interest of clarity and to avoid duplication. The notice of proposed rule making issued on September 23, 1961, 10 CFR 72 (26 F.R. 8982), and a minor amendment issued March 5, 1963 (28 F.R. 2142), are withdrawn and superseded by this notice.

A proposed amendment dated March 5, 1963, to 10 CFR Part 40, "Licensing of Source Material," would have provided transport control over certain large masses of source material which, when shipped in combination with materials having unusual moderating properties, might present a possibility of accidental criticality (28 F.R. 2111). Public comments on this proposed amendment questioned the level at which control would be imposed, and questioned the practical need for any control at all. Upon further consideration, the Commission determined that there is no practical need for the proposed control at this time. Accordingly, the notice of proposed rule making issued on March 5, 1963, to 10 CFR Part 40 (28 F.R. 2111) is withdrawn.

Since 1948 shipments of radioactive material in interstate and foreign commerce have been regulated by the Interstate Commerce Commission under the Transportation of Explosives and other Dangerous Articles Act (18 U.S.C. 831–835). The Atomic Energy Commission has provided a safety evaluation of the same shipments in some cases, both as part of its regulation of the activities of its licensees and its control of its own shipments. To coordinate these efforts under a proposed agreement between the two agencies, the Atomic Energy Commission would adopt standards for the transport of large quantities of licensed radioactive material, as specified in the regulation, as well as the transport of all fissile material because of the additional potential hazard of criticality. The Commission would issue regulations applicable to its licensees, and would apply the same standards in rendering technical advice to the Interstate Commerce Commission for shipments requiring their approval. In regulating the transport of radioactive materials, the Interstate Commerce Commission would take into account the authority to ship granted by the Commission to its licensees and contractors, and the technical advice rendered to the Interstate Commerce Commission by the Commission.

In summary, the revised Part 71 contains: (1) The substance of the earlier Part 71 which covered the shipment of unirradiated fissile materials, as revised to emphasize performance standards, (2) standards and requirements for the shipment of irradiated fissile materials, and (3) standards and procedures for the shipment of "large quantities" of licensed material.

Persons specifically licensed to receive, possess, use, or transfer source material have been included in the scope of this regulation because it is intended that any source material be considered in the evaluation of a package or shipment which also contains byproduct and special nuclear material in sufficient quantities that the standards of Part 71 apply. It is recognized that the exemption provisions of the proposed § 71.5 would probably apply to most, if not all, packages or shipments of source material per se.

A "large quantity" of licensed material is defined in the regulation in terms of the "transport group" of the radionuclide in question (which is based on relative potential hazard in transport), and in terms of "special form" of the licensed material. A "special form" is a nondispersible form, so that there is no need for further consideration of the hazard of ingestion of the material by a human being. The criteria used to determine whether the material is in "special form" are given in the definition of "special form" in § 71.4(s), and depend upon the inherent properties of the material and the properties of a capsule in which it may be transported. It is anticipated that, under proposed regulations now being developed, responsibility for determining "special form" by virtue of the inherent properties of the material will remain with the shipper. When "special form" is based on encapsulation, it is anticipated that approval of the capsule design and properties will be required by the Interstate Commerce Commission.

The proposed § 71.6(c) includes a general license for the transport of fissile material and large quantities of licensed material in "specification packages" as they are and will be authorized in the regulations of the Interstate Commerce Commission for that purpose. At present, the Interstate Commerce Commission regulations (49 CFR Part 78) contain a number of "specification containers" but these are authorized only for small quantities of nonfissile radioactive material (§ 73.393 of 49 CFR Part 73). It is anticipated that the Interstate Commerce Commission will soon publish some specifications for packages for use in the transport of fissile materials and large quantities of radioactive materials, at which time such "specification packages" may be used, in accordance with § 71.6 (c), without further approval by the Atomic Energy Commission. The Atomic Energy Commission will review and approve "specification containers" before they are listed by the Interstate Commerce Commission.

The proposed new Part 71 is divided into four subparts:

Subpart A, "General Provisions," imposes the requirement of a license for certain shipments of licensed material (including fissile material). It specifies the quantities and methods of transport which are exempt and those which are under a general license. Exemption and general license provisions are applicable to shipments which are not dependent for safety on an individual packaging evaluation other than that provided under the regulations of the Interstate Commerce Commission.

Subpart B, "License Applications," specifies the information which must be submitted to the Commission for specific licensing of any method of shipment not authorized under Subpart A.

Subpart C, "Package Standards," specifies the standards which a package must meet for the shipment of fissile material

or a large quantity of licensed material, and certain special requirements for the transport of Fissile Class II and Fissile Class III shipments.

Subpart D, "Operating Procedures," specifies the general package determinations and shipping precautions required in order to assure the effectiveness of approved shipping methods.

In order to provide reasonable assurance of adequate radiation shielding, containment of the radioactive material, and absence of nuclear criticality during transport, the performance of the package and the control exercised over it during transport must be evaluated for normal transport conditions and for potential accident conditions. To avoid inconsistencies involved in guarding against every conceivable condition which could be encountered in transport, Part 71 specifies the transport conditions against which a shipping system must be evaluated. It specifies a set of "normal conditions of transport" intended to represent conditions which may normally occur during transport. Packages must be designed to withstand these normal conditions. The regulation further specifies a set of "hypothetical accident conditions" consisting of a 30-foot drop onto a flat surface, followed by a 40-inch drop onto a 6-inch diameter steel bar, followed by exposure to an environment at a temperature of 1475° F for 30 minutes, followed by immersion in water. The hypothetical accident conditions prescribed in the regulation are not intended to represent any one accident, but are so chosen that satisfactory performance of a package exposed to them may be considered to give reasonable assurance of satisfactory performance in accidents likely to occur in transportation.

A package is not expected to withstand without damage the hypothetical accident conditions specified. The extent of allowable damage to a package depends on the effect of that damage on the containment, shielding, and nuclear safety characteristics of the package. It is expected that, in accordance with the Interstate Commerce Commission, Coast Guard, or Federal Aviation Agency regulations, any package which is damaged in transport would not be carried further in normal transport until any necessary repairs were made.

The "Package Standards" in Subpart C, in prescribing the performance standards for a single package and for a permissible array of packages, require that a "sample package" be subjected, by test or other assessment, to the specified transport tests and conditions. The "sample package" must fairly represent the actual package to be introduced into transport. In some cases of Fissile Class III shipments, where the entire shipment is to be controlled during transport, the "sample package" may be considered to be the entire shipment together with the transporting vehicle. It is the intent of these regulations that any analytical treatment which has a reasonable degree of certainty may be employed to predict the performance of a package under the specified test conditions. The results of subjecting a package to the test conditions might be determined by engineering analysis, by physical testing of prototype packages or of scale model packages, by testing of package components, or by any other method as long as a reasonable degree of certainty is established for the results. A great deal of effort has gone into the establishment of the test conditions to make it possible to use calculative methods of solution. It is hoped that good calculative methods will be developed so as to avoid, at least to some extent, the performance of physical tests which otherwise would be necessary.

Basically, two aspects must be controlled to provide reasonable assurance of safe transport. First, an individual package of radioactive material must be so designed and its contents so limited so as not to cause criticality or intolerable losses in radiation shielding or in containment of radioactive material. Second, where a number of packages of fissile material are likely to accumulate, the effect of that accumulation must not be sufficient to cause criticality. This problem is unique to fissile material. Even though adequate measures are taken to assure nuclear safety of individual packages or shipments, a criticality incident may be caused by an unsafe accumulation of packages unless a system is established to control the numbers and types of packages which may accumulate in a single vehicle or storage area. The performance standards for an array of packages of fissile material in Part 71 are directed to the avoidance of such an unsafe accumulation.

Part 71 establishes three transport classes, consistent with the "Fissile Classes" developed by the International Atomic Energy Agency, based upon the packaging requirements and controls to be exercised during transport. For Fissile Class I and Fissile Class II, shipment methods do not depend for safety on control by the shipper during transport, either for individual packages or collections of packages. Fissile Class I packages are so designed that administrative control during shipment is not required for nuclear safety. Fissile Class II packages are so designed and labeled that the only control necessary during transport is accomplished by the personnel of the carrier, through application of the "40 unit rule" of the Interstate Commerce Commission, Federal Aviation Agency, and the Coast Guard.

If a proposed method of shipment of fissile material is not within Fissile Class I or II, it may be approved only as a Fissile Class III shipment. The nuclear safety of a Fissile Class III shipment depends on control by the shipper to assure that other fissile material is not brought within an unsafe distance of the shipment and that the conditions under which the shipment is authorized are maintained. A Fissile Class III shipment must be transported with a courier accompanying it, by exclusive use of the vehicle, or with the use of some other transport control method specifically approved by the Commission.

In most cases, safety in the transport of radioactive material is dependent on packaging to provide containment and shielding. In the case of fissile material, safety may depend on moderation and absorption of neutrons, control of shape of the fissile material, and prevention of accidental entry of water. In view of the importance of packaging, it must be evaluated to determine that it will withstand both normal and hypothetical accident conditions likely to occur in transport.

The allowable fissile content of any single package is so limited by Subpart C that the package, as it may be damaged after subjection to the hypothetical accident conditions, would be subcritical. The regulation requires the assumption of close water reflection since considerable reflection may occur due to immersion in water, burial in soil, placement in the corner of a room with concrete walls and floor, etc. In addition, the regulation requires the assumption of leakage of water into any single package containment vessel. This assumption is intended to protect against the possibility that the package might become critical in itself because of a packing error, such as the omission of a gasket or complete tightening of the lid, which would allow water to enter the containment vessel.

There is no limitation on the number of Fissile Class I packages since the package design is required to be such that an unlimited number of such undamaged packages would be subcritical in any arrangement when mixed with any number of other Fissile Class I packages. The possibility that other Fissile Class I packages might be mixed with the particular package requires that consideration be given to moderator present in the other packages interspersed between packages of the design under consideration. Therefore the design of a Fissile Class I package must assume that, in addition to the moderation already contained in the particular package, interspersed hydrogenous moderation is present if it would contribute to the reactivity of the array. The package must in addition be sufficiently sturdy that even after subjection to the accident test conditions, 250 such packages would be subcritical under conditions of close water reflection and the addition of interspersed hydrogenous moderation if it would add to the reactivity. Under such stringent standards, no control is necessary over the number of Fissile Class I packages which may be transported together. Furthermore, because of the design of the Fissile Class I packages and the control of Fissile Class II packages, intermixing of any number of Fissile Class I packages with the allowable number of Fissile Class II packages is safe.

The number of Fissile Class II packages which may be collected and transported together is to be controlled during transport by carrier personnel through application of the "40 unit rule" limitation already in use under the Interstate Commerce Commission, Coast Guard, and Federal Aviation Agency regulations. Packages are required by their standards and procedures to bear labels on which the correctly determined

number of "units" is designated so that the number of units would total no more than 40 on the labels of the packages which can be safely transported together. Carrier personnel, by counting "units" and limiting packages so that no more than 40 "units" are located in one place, would provide effective control over fissile packages. By the use of the "unit" system for controlling numbers of fissile packages, different types of fissile packages may be intermixed at one location. If the number of units on each package is correctly determined and the number of packages, regardless of their types, origins, and destinations, is limited so that no more than 40 "units" are located in one place, criticality will be avoided. The number of units assigned to each package is determined in the following manner. The number of Fissile Class II packages which may be transported together is so determined that (1) at least five times that number, in any arrangement and undamaged, would not be critical assuming close reflection by water on all sides; and (2) twice that number, following such damage as would result from the hypothetical accident conditions, would not be critical assuming close reflection, optimum interspersed moderation, and any package arrangement. This assures that they will remain subcritical during transport with a sufficient margin of safety to protect against any inadvertent accumulation likely to occur. The number of "units" assigned to each package is equal to the number 40 divided by the number of packages so determined.

For Fissile Class III shipments, the number of packages that may be transported together depends on the analysis and evaluation of each shipment or type of shipment. Fissile Class III shipments are shipper-controlled so that any necessary limitations in terms of numbers of packages, type and amount of material, dimensions of packages and containment vessels, or other limitation will be specified in the license. In approving such shipments, special controls over the shipment such as tiedown, bracing, control of vehicle speeds, and handling techniques may be taken into account when adequately justified.

In addition to the standards which determine if a package performs adequately when subjected to the normal and accident conditions of transport, there are certain design requirements directed to structural integrity, temperature, radiation shielding, and other general design features of a package. The design requirements directed toward package lifting and tiedown systems are intended to assure that such devices are not torn from the package during use, and that stresses delivered to the package through the lifting or tiedown systems would not damage the package.

The proposed § 71.13, "Limited exemption for transport of special nuclear material" would require that every licensee now authorized to transport fissile material file a consolidated application for a superseding license. Information and procedures developed by applicants in past years, and embodied in license applications which have in turn been incorporated by reference in existing licenses, will in most cases require reevaluation. Moreover, many licenses have been the subject of numerous amendments which have incorporated by reference material in previous applications. It is the view of the Commission that issuance of new licenses based on consolidated applications, submitted in accordance with the technical standards of the proposed Part 71, will contribute significantly to the effective administration of these licenses, and ultimately to nuclear safety. The Commission has determined from its review that the continued use of certain existing packages (casks) now used for the transport of irradiated nuclear fuel does not constitute an undue risk to the health and safety of the public. The proposed § 71.42 therefore exempts from the package standards existing packages which have been approved since 1961 under the criteria of proposed Part 72.

The proposed § 71.14, "Limited exemption for transport of large quantities of licensed material" would provide a period of time for licensees to obtain approval of shipping procedures before the requirements of Part 71 come into effect. The Commission proposes to evaluate, on an individual basis, licensed material packages which have been constructed prior to the effective date of the regulation using the package standards of Part 71. Loss of shielding resulting from the puncture test followed by the thermal test will not be considered, in itself, ground for disapproval of such a package which meets all the other standards of Part 71.

Notice is hereby given that adoption of the following rules is contemplated. All interested persons who desire to submit written comments and suggestions for consideration in connection with the proposed rules should send them in triplicate to the Secretary, U.S. Atomic Energy Commission, Washington, D.C., 20545, within 60 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments filed within the period specified:

1. Title 10 CFR Part 71 is revised to read as follows:

PART 71—TRANSPORT OF LICENSED MATERIAL

Subpart A—General Provisions

Sec.
71.1 Purpose.
71.2 Scope.
71.3 Requirement for license.
71.4 Definitions.
71.5 Exemptions.
71.6 General licenses to transport licensed material.
71.7 Specific licenses to transport licensed material.
71.8 Communications.
71.9 Interpretations.
71.10 Additional requirements.
71.11 Regulations of other agencies.
71.12 Specific exemptions.
71.13 Limited exemption for transport of special nuclear material.
71.14 Limited exemption for transport of large quantities of licensed material.

Subpart B—License Applications

71.21 Contents of application.
71.22 Package description.
71.23 Package evaluation.
71.24 Procedural controls.
71.25 Additional information.

Subpart C—Package Standards

71.31 General standards for all packaging.
71.32 Structural standards for large quantity packaging.
71.33 Temperature standards for large quantity packages.
71.34 Radiation shielding standards for all packages.
71.35 Evaluation of a single package.
71.36 Standards for normal conditions of transport for a single package.
71.37 Standards for hypothetical accident conditions for a single package.
71.38 Evaluation of an array of packages of fissile material.
71.39 Specific standards for a Fissile Class I package.
71.40 Specific standards for a Fissile Class II package.
71.41 Specific standards for a Fissile Class III shipment.
71.42 Previously constructed packages for irradiated solid nuclear fuel.

Subpart D—Operating Procedures

71.51 Establishment and maintenance of procedures.
71.52 Assumptions as to unknown properties.
71.53 Preliminary determinations.
71.54 Routine determinations.
71.61 Reports.
71.62 Records.
71.63 Inspection and tests.
71.64 Violations.

APPENDICES

Appendix A—Normal conditions of transport.
Appendix B—Hypothetical accident conditions.
Appendix C—Transport grouping of radionuclides.
Appendix D—Special form-capsule tests.
Appendix E—Neutron flux equivalent.

Subpart A—General Provisions

§ 71.1 Purpose.

This part establishes procedures and standards for approval by the Atomic Energy Commission of packaging and transport procedures for fissile material (uranium 233, uranium 235, and plutonium) and for large quantities of licensed materials, as defined in § 71.4(h), and prescribes requirements governing such transport. It provides safeguards against radiation hazards in the transport of these materials. Their transport is also subject to other parts of this chapter and to the regulations of other agencies having jurisdiction over means of transport. The requirements of this part are in addition to, and not in substitution for, other requirements.

§ 71.2 Scope.

The regulations in this part apply to all persons authorized by specific license issued by the Commission to receive, possess, use, or transfer licensed materials, if they transport such mater-

ials, or if they deliver such materials to a carrier for transport, outside of an authorized location.

§ 71.3 Requirement for license.

No licensee subject to the regulations in this part shall transport or deliver to a carrier for transport outside of an authorized location any licensed materials except as authorized in a general license or specific license issued by the Commission, or as exempted in this part.

§ 71.4 Definitions.

As used in this part:

(a) "Carrier" means a private, common or contract carrier, a warehouseman, or the U.S. Post Office;

(b) "Close reflection by water" means immediate contact by water of sufficient depth to reflect a maximum number of neutrons;

(c) "Containment vessel" means the receptacle on which principal reliance is placed to retain the radioactive material during transport;

(d) "Decay heat" means heat caused by radioactive disintegration;

(e) "Degree of moderation" means the ratio of the number of atoms of a moderator to the number of atoms of fissile material;

(f) "Fissile classification" means classification of a package or shipment of fissile materials according to the degree of control which must be exercised during transport to avoid criticality. The 3 fissile classes are:

(1) Fissile Class I: Packages which may be transported in unlimited numbers and in any arrangement, and which require no control during transport to avoid criticality.

(2) Fissile Class II: Packages which may be transported together as a shipment in numbers which do not exceed an aggregate of 40 transport units, in any arrangement, and which require no control by the shipper during transport to avoid criticality.

(3) Fissile Class III: Shipments which require control by the shipper during transport to avoid criticality.

(g) "Fissile materials" means uranium 233, uranium 235, and plutonium;

(h) "Large quantity" means a quantity of licensed material the aggregate radioactivity of which exceeds that specified in the following table for a transport group as defined in § 71.4(t):

Radionuclide identification	Transport group						Special form
	I	II	III	IV	V	VI	
Radioactivity.....(curies).....	20	20	200	200	5,000	50,000	5,000

(i) "Low specific activity material" means material in which the radioactivity is uniformly distributed and in which the concentration per gram does not exceed:

(1) 0.0001 millicurie for Group I radionuclides;

(2) 0.005 millicurie for Group II radionuclides; or

(3) 0.3 millicurie for Group III and Group IV radionuclides.

(j) "Milliroentgens per hour or equivalent", the unit used to express radiation dose rates, means the total of:

(1) For gamma or X-radiation or both, the number of milliroentgens per hours;

(2) For beta radiation, the number of millirads per hour in air; and

(3) For neutrons, the number of milliroentgens per hour equivalent derived from Appendix E, or the number of millirems per hour.

(k) "Moderator" means a substance which significantly slows neutrons;

(l) "Nuclear safety" means the avoidance of criticality;

(m) "Optimum interspersed hydrogenous moderation" means the occurrence of hydrogenous material between containment vessels to such an extent that the maximum reactivity results;

(n) "Package" means packaging and its radioactive contents;

(o) "Packaging" means one or more receptacles and wrappers and their contents excluding fissile material and other radioactive material, but including absorbent material, spacing structures, thermal insulation, radiation shielding, devices for cooling and for absorbing mechanical shock, external fittings, and other supplementary equipment;

(p) "Poison" means a substance which effectively absorbs thermal neutrons and is not fissile;

(q) "Primary coolant" means a gas, liquid or solid, or combination of them, in contact with the radioactive material or, if the material is in special form, in contact with its capsule, and used to remove decay heat;

(r) "Sample package" means a package which is fabricated, packed and closed to fairly represent the proposed package as it would be presented for transport, simulating as closely as possible the material to be transported, as to weight and physical and chemical form;

(s) "Special form" means any of the following physical forms of licensed material of any transport group:

(1) The material is in solid form having no dimension less than 0.5 millimeter or at least one dimension greater than 5 millimeters; does not melt, sublime or ignite in air at a temperature of 1,000° F.; will not shatter or crumble if subjected to the percussion test described in Appendix D of this part; and is not dissolved or converted into dispersible form to the extent of more than 0.005 percent by weight by immersion for 1 week in water at 68° F. or in air at 86° F.; or

(2) The material is securely contained in a capsule which has at least the minimum dimensions specified in subparagraph (1) and which will retain the contents if subjected to the tests prescribed in subparagraph (1), and the free drop, heating, and immersion tests described in Appendix D of this Part, and does not melt, sublime or ignite in air at 1,475° F.

(t) "Transport group" means a group of radionuclides having comparable potential hazard in transport, as specified in Appendix C of this part. Any radionuclide not specifically listed in one of the groups in Appendix C shall be considered to be grouped according to the following table:

Atomic number of radionuclide	Radioactive half-life		
	0 to 1000 days	1000 days to 10^8 years	Over 10^8 years
Atomic No. 1-81.	Group III.	Group II.	Group III.
Atomic No. 82 and above.	Group I.	Group I.	Group III.

(u) "Transport units," as designated on the label of a package, means:

(1) The number of milliroentgens per hour or equivalent of radiation measured at a distance of 1 meter from the center of the package or at the surface of the package if it is farther than 1 meter from the center; or

(2) For Fissile Class II packages, the number defined in subparagraph (1) of this paragraph or the number obtained by dividing the number 40 by the number of such packages which may be transported together as determined under § 71.40(a), whichever is larger.

Terms defined in Parts 20, 30 to 36 inclusive and 70 of this chapter have the same meaning when used in this part.

§ 71.5 Exemptions.

A licensee is exempt from the requirements of this part to the extent that he transports, or delivers to a carrier for transport, a package containing less than a large quantity of licensed material, as defined in § 71.4(h) which may include:

(a) Not more than 15 grams of fissile material;

(b) Thorium or uranium when the total amount of uranium 233 and plutonium present does not exceed 1 percent by weight of the uranium 235 content and the total amount of uranium 235 present does not exceed 0.72 percent by weight of the uranium content;

(c) A homogeneous substance when the total amount of uranium 233 and plutonium present does not exceed 1 percent by weight of the uranium 235 content, and the uranium 235 content does not exceed 1 percent by weight of the uranium content; or

(d) A homogeneous substance in which:

(1) 500 grams or less of fissile material is present, and the degree of hydrogenous moderation of that material is greater than 7,600;

(2) The total amount of uranium 233 and plutonium present does not exceed 1 percent by weight of the uranium 235 content, no more than 800 grams of uranium 235 is present, and the degree of hydrogenous moderation of the uranium 235 is greater than 5,200; or

(3) The total amount of uranium 235 and plutonium present does not exceed 1 percent by weight of the uranium 233 content, there is not more than 500 grams of uranium 233 present, and the degree of hydrogenous moderation of the uranium 233 is greater than 5,200.

§ 71.6 General licenses to transport licensed material.

(a) A general license is hereby issued, to persons holding specific licenses issued pursuant to this chapter, to transport licensed material and to deliver it to a carrier for transport, without complying with the package standards of Subpart C of this part, when:

(1) The material is shipped as a Fissile Class III shipment in accordance with the Fissile Class III transport procedures specified in § 71.41 (b)(1) and (b)(2);

(2) No single package contains a large quantity of licensed material, as defined in § 71.4(h); and

(3) The shipment contains not more than:

(i) 500 grams of uranium 235;

(ii) 300 grams of uranium 233 or plutonium;

(iii) Any combination of uranium 233, uranium 235, and plutonium in such quantities that the sum of the ratios of the quantity of each of them to the quantity specified in items (i) and (ii) of this subparagraph does not exceed unity; or

(iv) 2,500 grams of plutonium encapsulated as plutonium-beryllium neutron sources, with no one package containing in excess of 400 grams of plutonium.

(b) A general license is hereby issued, to persons holding a specific license issued pursuant to this chapter, to transport licensed material and to deliver it to a carrier for transport, without complying with the package standards of Subpart C of this part, when:

(1) The material is shipped as a Fissile Class II package; and

(2) No single package contains a large quantity of licensed material, as defined in § 71.4(h), or more than

(i) 40 grams of uranium 235, labeled with at least 10 transport units;

(ii) 30 grams of uranium 233, labeled with at least 10 transport units;

(iii) 25 grams of plutonium, labeled with at least 10 transport units;

(iv) Any combination of uranium 233, uranium 235, and plutonium in such quantities that the sum of the ratios of the quantity of each of them to the quantity specified in items (i), (ii), and (iii) of this subparagraph does not exceed unity, labeled with at least 10 transport units; or

(v) 400 grams of plutonium encapsulated as plutonium-beryllium neutron sources, labeled with at least one transport unit for each 40 grams of plutonium.

(c) A general license is hereby issued, to persons holding a specific license issued pursuant to this chapter, to transport and to deliver to a carrier for transport, licensed material in specification packages for the transport of fissile material and of large quantities of radioactive material, complying with the regulations of the Interstate Commerce Commission, Title 49, Code of Federal Regulations, Part 73.

§ 71.7 Specific licenses to transport licensed material.

(a) A person licensed pursuant to this part to transport Fissile Class I packages may transport and deliver to a carrier for transport any number of such packages in any arrangement.

(b) A person licensed pursuant to this part to transport Fissile Class II packages may transport and deliver to a carrier for transport a number of such packages limited in accordance with § 17.40 of this part.

(c) A person licensed pursuant to this part to transport Fissile Class III shipments or packages containing large quantities of licensed materials, as defined in § 71.4(h), may do so only in accordance with the conditions specified in the license and in this part.

§ 71.8 Communications.

All communications concerning the regulations in this part should be addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Materials Licensing, or may be delivered in person at the Commission's offices at 1717 H Street NW., Washington, D.C., its offices at Germantown, Md., or its offices at 4915 St. Elmo Street, Bethesda, Md.

§ 71.9 Interpretations.

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by an officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized to be binding on the Commission.

§ 71.10 Additional requirements.

The Commission may by rule, regulation, or order impose upon any licensee such requirements, in addition to those established in this part, as it deems necessary or appropriate to protect health or to minimize danger to life or property.

§ 71.11 Regulations of other agencies.

A licensee subject to the provisions of this part shall comply with all pertinent regulations of the Interstate Commerce Commission, Federal Aviation Agency, Coast Guard and Post Office Department.

§ 71.12 Specific exemptions.

On application of any interested person or on its own initiative, the Commission may grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest.

§ 71.13 Limited exemption for transport of special nuclear material.

(a) A licensee who on the effective date of this section is the holder of a specific license authorizing the transport or delivery to a carrier for transport, of special nuclear material may continue to do so under the conditions specified in the license during its term, except as provided in this section.

(b) Such a licensee shall within 3 months after the effective date of this section file a consolidated application for a superseding license in accordance with this part as amended. If the licensee fails to do so, the authority granted by the license to transport special nuclear material shall thereupon expire. The Commission may issue a new license superseding the existing license, may confirm the existing license with or without modification, or may deny the application in whole or in part and terminate the existing license in whole or in part.

§ 71.14 Limited exemption for transport of large quantities of licensed material.

A person transporting or delivering to a carrier for transport outside of an authorized location of a large quantity of licensed material, as defined in § 71.4 (h), is exempted from the requirements of this part until three (3) months after its effective date. The exemption granted by this section shall thereupon terminate except as to activities described in an application which he has prior to that time filed with the Commission for a license authorizing them. If he has filed such an application, the exemption granted by this section shall continue until the application has been finally determined by the Commission.

Subpart B—License Applications

§ 71.21 Contents of application.

An application for a specific license under this part may be submitted as an application for a license or license amendment under this chapter and shall include, for each proposed packaging design and method of transport, the following information in addition to any otherwise required:

(a) A package description as required by § 71.22;

(b) A package evaluation as required by § 71.23;

(c) A description of proposed procedural controls as required by § 71.24;

(d) In the case of fissile material, an identification of the proposed fissile class.

§ 71.22 Package description.

The application shall include a description of the design of the proposed package with engineering drawings in sufficient detail to identify the package accurately and to provide a sufficient basis for evaluation of the packaging. The description shall include:

(a) With respect to the packaging:

(1) Gross weight;

(2) Model number;

(3) Specific materials of construction, weights, dimensions, and fabrication methods of:

(i) All receptacles, identifying the one which is considered to be the containment vessel;

(ii) Any poisons or moderators;

(iii) Any internal and external structures supporting or protecting receptacles;

(iv) Any valves, sampling ports, lifting devices and tiedown devices;

(v) Any structural and mechanical means for the transfer and dissipation of heat; and

(4) Identification and volumes of any coolants and of receptacles containing coolant.

(b) With respect to the contents of the package:

(1) Identification and maximum radioactivity of radioactive constituents;

(2) Identification and quantities of fissile constituents;

(3) Chemical and physical form;

(4) Degree of moderation, reflection and poisoning of fissile constituents;

(5) Maximum weight; and

(6) Maximum amount of decay heat.

§ 71.23 Package evaluation.

The applicant shall:

(a) Demonstrate that the package satisfies the standards specified in Subpart C;

(b) For a Fissile Class II package, ascertain and specify the number of similar packages which may be transported together in accordance with § 71.40; and

(c) For a Fissile Class III shipment, describe the proposed mode of transport and any proposed special controls and precautions to be exercised during transport, loading, unloading and handling, and in the event of accident or delay.

§ 71.24 Procedural controls.

The applicant shall describe the regular and periodic inspection procedures proposed to comply with § 71.51(a)(3).

§ 71.25 Additional information.

The Commission may at any time require further information in order to enable it to determine whether a license should be granted, denied, modified, suspended, or revoked.

Subpart C—Package Standards

§ 71.31 General standards for all packaging.

(a) Packaging shall be of such materials and construction that there will be no significant chemical, galvanic, or other reaction among the packaging components, or between the packaging components and the package contents.

(b) In the construction of packaging no material or method of fabrication shall be employed which would result in construction subject to loss of structural integrity if exposed to temperatures of −40° F. to +160° F. Temperature extremes different from those specified in this paragraph may be approved by the Commission if the controls proposed to be exercised by the shipper are demonstrated to be adequate to assure the safety of the shipment.

(c) Packaging shall be equipped with a postive fastening closure device which will prevent inadvertent opening.

(d) Packaging shall be conspicuously and durably marked with its model number. Reusable packaging shall be conspicuously and durably marked with its serial number or other individual identification.

(e) Packaging shall be so designed and constructed that primary coolant does not circulate outside of the shielding during transport.

(f) *Lifting devices:*

(1) If there is a system of lifting devices which is attached to the package during transport, the system shall be capable of supporting three times the weight of the loaded package without generating stress in any material of the packaging in excess of its yield strength.

(2) If there is a system of lifting devices which is attached only to the lid, the system shall be capable of supporting three times the weight of the lid and any attachments without generating stress in any material of the lid in excess of its yield strength.

(3) If there is a system of attachments which could be employed to lift the package and which does not comply with subparagraph (1) of this paragraph, the system shall be securely covered or locked during transport in such a manner as to prevent its use for that purpose.

(4) Each lifting device shall be so designed that failure of the device under excessive load would not impair the ability of the package to meet other requirements of this subpart.

(g) Tiedown devices:

(1) If there is a system of tiedown devices which is attached to the package during transport, the system shall be capable of withstanding, without generating stress in any material of the package in excess of its yield strength, a static force applied to the center of gravity of the package having a vertical component of 2 times the weight of the package with its contents, a horizontal component along the direction in which the vehicle travels of 10 times the weight of the package with its contents, and a horizontal component in the transverse direction of 5 times the weight of the package with its contents.

(2) If there is a system of attachments which could be employed to tie the package down and which does not comply with subparagraph (1) of this paragraph, the system shall be securely covered or locked during transport in such a manner as to prevent its use for that purpose.

(3) Each tiedown device shall be so designed that failure of the device under excessive load would not impair the ability of the package to meet other requirements of this subpart.

§ 71.32 Structural standards for large quantity packaging.

Packaging used for the transport of a large quantity of licensed material, as defined in § 71.4(h), shall be designed and constructed in compliance with the structural standards of this section. Standards different from those specified in this section may be approved by the Commission if the controls proposed to be exercised by the shipper are demonstrated to be adequate to assure the safety of the shipment.

(a) *Load resistance.* Regarded as a simple beam supported at its ends along any major axis, packaging shall be capable of withstanding a static load, normal to and uniformly distributed along its length, equal to five times its fully loaded weight, without generating stress in any material of the packaging in excess of its yield strength.

(b) *Internal pressure.* Packaging shall be capable of withstanding an internal pressure within the containment vessel of 20 pounds per square inch gauge or twice the operating gauge pressure, whichever is greater, without generating stress in any material of the packaging in excess of its yield strength.

(c) *External pressure.* Packaging shall be adequate to assure that the containment vessel will suffer no loss of contents if subjected to an external pressure equivalent to the pressure at a depth of 50 feet of water.

(d) *Pressure relief device.* Packaging shall be equipped with a means of relieving internal pressure at a gauge pressure at least 20 percent higher than operating pressure and not higher than 75 percent of design pressure.

§ 71.33 Temperature standards for large quantity packages.

(a) A package used for the transport of a large quantity of licensed material, as defined in § 71.4(h), shall be so designed and constructed and its contents so limited that with the package exposed to direct sunlight and an ambient temperature of 100° F. in still air, and assuming loss of liquid or gaseous coolant in the package except air at atmospheric pressure, and assuming loss of operative mechanical cooling devices, the temperature of the radioactive material will not be higher than the minimum temperature which would result in release of radioactive material from its containment vessel.

(b) Assumed conditions different from those specified in this section may be approved by the Commission if the controls proposed to be exercised by the shipper are demonstrated to be adequate to assure the safety of the shipment.

§ 71.34 Radiation shielding standards for all packages.

(a) A package shall be so designed and constructed and its contents so limited that, except as provided in paragraph (b) of this section, the radiation dose rate originating from the package does not exceed at any time during transport either of the following limits:

(1) 200 milliroentgens per hour or equivalent at any point on the external surface of the package; or

(2) 10 milliroentgens per hour or equivalent at a distance of 1 meter from the center of the package or at the surface of the package if it is farther than 1 meter from the center.

(b) When a package is transported on a vehicle assigned for the sole use of the licensee, the radiation dose rate originating from the package may exceed the limits specified in paragraph (a) of this section if it does not exceed at any time during transport any of the following limits:

(1) 1,000 milliroentgens per hour or equivalent at 1 meter from any external surface of the package;

(2) 200 milliroentgens per hour or equivalent at any point on the external surface of the transporting vehicle;

(3) 10 milliroentgens per hour or equivalent at 2 meters from any external surface of the transporting vehicle; and

(4) 2 milliroentgens per hour or equivalent in any area in the vehicle occupied by the driver or any other person.

§ 71.35 Evaluation of a single package.

(a) The effect of the transport environment on the safety of any single package of radioactive material shall be evaluated as follows:

(1) The ability of a package to withstand conditions likely to occur in normal transport shall be assessed by subjecting a sample package or scale model, by test or other assessment, to the normal conditions of transport as specified in § 71.36; and

(2) The effect on a package of conditions likely to occur in an accident shall be assessed by subjecting a sample package or scale model, by test or other assessment, to the hypothetical accident conditions as specified in § 71.37.

(b) Taking into account controls to be exercised by the shipper, the Commission may permit the shipment to be evaluated together with or without the transporting vehicle, for the purpose of one or more tests.

(c) Normal conditions of transport and hypothetical accident conditions different from those specified in § 71.36 and § 71.37 may be approved by the Commission if the controls proposed to be exercised by the shipper are demonstrated to be adequate to assure the safety of the shipment.

§ 71.36 Standards for normal conditions of transport for a single package.

(a) A package used for the transport of fissile material or a large quantity of licensed material, as defined in § 71.4(h), shall be so designated and constructed and its contents so limited that under the normal conditions of transport specified in Appendix A of this part;

(1) There will be no release of radioactive material from the containment vessel;

(2) The effectiveness of the packaging will not be substantially reduced;

(3) There will be no mixture of gases or vapors in the package which could, through an increase of pressure or an explosion, significantly reduce the effectiveness of the package;

(4) Radioactive contamination of the liquid or gaseous primary coolant will not exceed 10^{-7} curies of activity of Group I radionuclides per milliliter, 5×10^{-6} curies of activity of Group II radionuclides per milliliter, 3×10^{-4} curies of activity of Group III and Group IV radionuclides per milliliter; and

(5) The internal pressure of the package will not exceed 50 percent of the design gauge pressure.

(b) A package used for transport of fissile material shall be so designed and constructed and its contents so limited that under the normal conditions of transport specified in Appendix A of this part:

(1) The package will be subcritical;

(2) The geometric and physical form of the package contents would not be substantially altered;

(3) There will be no leakage of water into the containment vessel. This requirement need not be met if, in the evaluation of undamaged packages under § 71.39(a), § 71.40(a)(1), or § 71.41(a)(1), it has been assumed that moderation is present to such an extent as to cause maximum reactivity consistent with the chemical and physical form of the material; and

(4) There will be no substantial reduction in the effectiveness of the packaging, including:

(i) Reduction by more than 5 percent in the total effective volume of the packaging on which nuclear safety is assessed;

(ii) Reduction by more than 5 percent in the effective spacing on which nuclear safety is assessed, between the center of the containment vessel and the outer surface of the packaging; or

(iii) Occurrence of any aperture in the outer surface of the packaging large enough to permit the entry of a 4-inch cube.

(c) A package used for the transport of a large quantity of licensed material, as defined in § 71.4(h), shall be so designed and constructed and its contents so limited that under the normal conditions of transport specified in Appendix A of this part, the containment vessel would not be vented directly to the atmosphere.

§ 71.37 Standards for hypothetical accident conditions for a single package.

(a) A package used for the transport of a large quantity of licensed material, as defined in § 71.4(h), or for the transport of fissile material when the package will contain more than 0.001 curie of Group I radionuclides, 0.05 curie of Group II radionuclides, 3 curies of Group III radionuclides, 20 curies of Group IV and Group V radionuclides, and radionuclides in special form, or 1,000 curies of Group VI radionuclides shall be so designed and constructed and its contents so limited that if subjected to the hypothetical accident conditions specified in Appendix B of this part as the Free Drop, Puncture, Thermal, and Water Immersion conditions, in the sequence listed in Appendix B, it will meet the following conditions:

(1) The package would suffer no reduction of shielding sufficient to increase any external radiation dose rate more than 100 times.

(2) No radioactive material would be released from the package except for gases and contaminated coolant, containing total radioactivity exceeding neither:

(i) 0.1 percent of the total radioactivity of the package contents; nor

(ii) 0.01 curie of Group I radionuclides, 0.5 curie of Group II radionuclides, and 10 curies of Group III and Group IV radionuclides, except that for inert gases, the limit is 1,000 curies.

A package need not satisfy the requirements of this paragraph if it contains only low specific activity material and is transported on a vehicle assigned for the sole use of the licensee.

(b) A package used for the transport of fissile material shall be so designed and constructed and its contents so limited that if subjected to the hypothetical accident conditions specified in Appendix B of this part as the Free Drop, Puncture, Thermal, and Water Immersion conditions, in the sequence listed in Appendix B, the package would be subcritical with close reflection by water on all sides. In determining whether this standard is satisfied, it shall be assumed that:

(1) The fissile material is in the most reactive credible configuration consistent with the damaged condition of the package and the chemical and physical form of the contents;

(2) Water moderation occurs to the most reactive credible extent consistent with the damaged condition of the package and the chemical and physical form of the contents; and

(3) Liquids leak into and out of the containment vessel. Such leakage need not be assumed when the Commission finds that the fissile material is doubly contained in receptacles neither of which would lose its leaktightness if the package were subjected to the specified test sequence, and administrative control would assure proper closure before shipment.

§ 71.38 Evaluation of an array of packages of fissile material.

(a) The effect of the transport environment on the nuclear safety of an array of packages of fissile material shall be evaluated by subjecting a sample package or a scale model, by test or other assessment, to the hypothetical accident conditions specified in § 71.39, § 71.40, or § 71.41 for the proposed fissile class, and by assuming that each package in the array is damaged to the same extent as the sample package or scale model. In the case of a Fissile Class III shipment, the Commission may, taking into account controls to be exercised by the shipper, permit the shipment to be evaluated as a whole rather than as individual packages, and either with or without the transporting vehicle, for the purpose of one or more tests.

(b) In determining whether the standards of § 71.39(b), § 71.40(a)(2), and § 71.41(a)(2) are satisfied, it shall be assumed that:

(1) The fissile material is in the most reactive credible configuration consistent with the damaged condition of the package, the chemical and physical form of the contents, and the controls exercised over the number of packages to be transported together; and

(2) Water moderation occurs to the most reactive credible extent consistent with the damaged condition of the package and the chemical and physical form of the contents.

§ 71.39 Specific standards for a Fissile Class I package.

A Fissile Class I package shall be so designed and constructed and its contents so limited that:

(a) Any number of such undamaged packages would be subcritical when intermixed with any number of other Fissile Class I packages in any arrangement, and with optimum interspersed hydrogenous moderation unless there is a greater amount of interspersed moderation in the packaging, in which case that greater amount may be considered; and

(b) Two hundred fifty such packages would be subcritical in any arrangement, if each package were subjected to the hypothetical accident conditions specified in Appendix "B" of this part as the Free Drop, Thermal, and Water Immersion conditions, in the sequence listed in Appendix B, with close reflection by water on all sides of the array and with optimum interspersed hydrogenous moderation unless there is a greater amount of interspersed moderation in the packaging, in which case that greater amount may be considered. The condition of the package shall be assumed to be as described in § 71.38.

§ 71.40 Specific standards for a Fissile Class II package.

(a) A Fissile Class II package shall be so designed and constructed and its contents so limited, and the number of such packages which may be transported together so limited, that:

(1) Five times that number of such undamaged packages would be subcritical in any arrangement if closely reflected by water; and

(2) Twice that number of such packages would be subcritical in any arrangement if each package were subjected to the hypothetical accident conditions specified in Appendix "B" of this part as the Free Drop, Thermal, and Water Immersion conditions, in the sequence listed in Appendix B, with close reflection by water on all sides of the array and with optimum interspersed hydrogenous moderation unless there is a greater amount of interspersed moderation in the packaging, in which case that greater amount may be considered. The condition of the package shall be assumed to be as described in § 71.38.

(b) A Fissile Class II package shall bear a label as described in § 73.414 (a) or (c) of the Interstate Commerce Commission regulations, Title 49, Code of Federal Regulations, Part 73. The number of transport units specified on the label shall be the larger of the following:

(1) The number of milliroentgens per hour or equivalent measured at 1 meter from the center of the package or at the surface of the package if it is farther than 1 meter from the center;

(2) The number obtained by dividing the number 40 by the number of such Fissile Class II packages which may be transported together as determined under the limitations of paragraph (a) of this section.

(c) A licensee shall not transport in one vehicle or deliver to any person at one time and place, Fissile Class II packages with an aggregate number of more than 40 transport units.

(d) A licensee shall not transport or deliver to a carrier for transport as a Fissile Class II package any package for which the calculated number of transport units is greater than 10.

§ 71.41 Specific standards for a Fissile Class III shipment.

(a) A package for Fissile Class III shipment shall be so designed and constructed and its contents so limited, and the number of packages in a Fissile Class III shipment shall be so limited that:

(1) The undamaged shipment would be subcritical with an identical shipment in contact with it and with the two shipments closely reflected on all sides by water; and

(2) The shipment would be subcritical if each package were subjected to the hypothetical accident conditions specified in Appendix "B" of this part as the Free Drop, Thermal, and Water Immersion conditions, in the sequence listed in Appendix B, with close reflection by water on all sides of the array and with the packages in the most reactive arrangement and with the most reactive degree of interspersed hydrogenous moderation which would be credible considering the controls to be exercised over the shipment. The condition of the package shall be assumed to be as described in § 71.38. Hypothetical accident conditions different from those specified in this subparagraph may be approved by the Commission if the controls proposed to be exercised by the shipper are demonstrated to be adequate to assure the safety of the shipment.

(b) Each Fissile Class III shipment shall be transported in accordance with procedures which will protect against commingling of that shipment with other fissile material. The following procedures may be used without further specific approval of the Commission:

(1) Transport in a motor vehicle, railroad car, aircraft, inland water craft, or hold or deck of a seagoing vessel, assigned for the sole use of the licensee; or

(2) Transport under escort by a courier who has adequate knowledge, authority, and instructions to assure compliance with the provisions of this section. The courier shall assure that the shipment is not placed in the same motor vehicle, railroad car, aircraft, inland watercraft, or hold or deck of a seagoing vessel with other fissile material. He shall also assure that during loading, transshipment, or delivery, the shipment is not allowed to come within 20 feet of other fissile material, except that fissile material in other vehicles need not be considered.

Any other procedure must be specifically approved by the Commission.

§ 71.42 Previously constructed packages for irradiated solid nuclear fuel.

Notwithstanding any other provisions of this Subpart, a package, the use of which has been authorized by the Commission for the transport of irradiated solid nuclear fuel on or after September 23, 1961, and which has been completely constructed prior to January 1, 1966, shall be deemed to comply with the package standards of this Subpart for that purpose.

Subpart D—Operating Procedures

§ 71.51 Establishment and maintenance of procedures.

(a) The licensee shall establish and maintain:

(1) Quality control procedures adequate to assure that packaging is fabricated in accordance with the design approved by the Commission;

(2) Operating procedures adequate to assure that the determinations and controls required by this chapter are accomplished; and

(3) Regular and periodic inspection procedures adequate to assure that the licensee follows the procedures required by subparagraphs (1) and (2) of this paragraph.

(b) Operating procedures required by subparagraph (a) (2) of this section shall include instructions governing each of the following operations to the extent pertinent:

(1) Preparation of the licensed material for packing;

(2) Preparation of the packaging;

(3) Packing of the licensed material;

(4) Preparation of the package for transport;

(5) Conduct of the determinations prescribed by § 71.53 and § 71.54;

(6) Notification of the consignee, and Federal, State or local authorities as required;

(7) Issuance of instructions to the carrier regarding special controls and precautions to be exercised during transport and in the event of accident or delay; and

(8) Any special requirements for loading, delivering and unloading the package, and for unpacking its contents.

§ 71.52 Assumptions as to unknown properties.

When the enrichment, mass, concentration, degree of irradiation, degree of moderation, or other pertinent property of fissile material in any package is not known, the licensee shall package and transport the fissile material as if the unknown properties have such credible values as will cause the maximum nuclear reactivity.

§ 71.53 Preliminary determinations.

(a) Prior to the first use of any packaging for the transport of licensed materials, the licensee shall ascertain that there are no cracks, pinholes, uncontrolled voids or other defects which could significantly reduce the effectiveness of the packaging.

(b) Prior to the first use of any packaging for the transport of licensed materials which produce significant amounts of decay heat, the licensee shall ascertain, by actual test of the package or by other reliable means, that the heat transfer characteristics are within the limitations specified by § 71.33 and § 71.36 of this part, and by the terms of the license.

§ 71.54 Routine determinations.

(a) Prior to each use of a package for transport of licensed material the licensee shall ascertain that the package with its contents satisfies the applicable requirements of Subpart C of this part and of the license, including determinations that:

(1) The packaging has not been significantly damaged;

(2) Any moderators and poisons are present and are as authorized by the Commission;

(3) The closure of the package and any sealing gaskets are present and are free from defects;

(4) Temperatures which could occur during the anticipated period of transport will be within the limits specified by § 71.33 and § 71.36 of this part;

(5) Any valve through which primary coolant can flow is protected against tampering;

(6) The internal gauge pressure of the package will not exceed, during the anticipated period of transport, 50 percent of the design gauge pressure;

(7) The containment vessel does not leak at an internal pressure 50 percent higher than the maximum anticipated internal gauge pressure;

(8) Contamination of the primary coolant will not exceed, during the anticipated period of transport, the limits specified in § 71.36(a) (4);

(9) Nonfixed surface contamination exceeds neither 10^{-8} curies of beta- or gamma-emitting radioactive material per 100 square centimeters nor 10^{-9} curies of alpha-emitting radioactive material per 100 square centimeters;

(10) Radiation levels do not exceed those specified in § 71.34; and

(11) In the case of a Fissile Class III shipment, adequate arrangements have been made for transport, and those arrangements are in accordance with § 71.41(b).

The provisions of this paragraph (a) shall not be applicable for packages transported under the authority of the general licenses granted by § 71.6(a) and § 71.6(b) of this part. In such cases the licensee shall ascertain that the contents of the package are as authorized in the general license.

(b) Prior to the transport of a large quantity of licensed material, as defined in § 71.4(h), in a single package, the licensee shall determine that:

(1) The containment vessel will not leak at an internal pressure of 5 pounds per square inch gauge; and

(2) Any pressure relief device is set at a pressure at least 20 percent higher than operating gauge pressure and not higher than 75 percent of the design gauge pressure.

§ 71.61 Reports.

The licensee shall report to the Division of Materials Licensing, U.S. Atomic Energy Commission, Washington, D.C., 20545, within 30 days any instance in which there is substantial reduction in the effectiveness of any authorized packaging during use.

§ 71.62 Records.

(a) The licensee shall maintain a record of each shipment of fissile material and of a large quantity of licensed material, as defined in § 71.4(h), in a single package, showing, where applicable:

(1) Identification of the packaging by model number and, if reusable, by serial number or other individual identification;

(2) Details of any significant defects in the packaging, with the means employed to repair the defects and prevent their recurrence;

(3) Volume and identification of coolant;

(4) Type and quantity of licensed material in each package, and the total quantity in each shipment;

(5) For each item of irradiated fissile material:

(i) Identification by model number, and by serial number or other individual identification;

(ii) Irradiation and decay history to the extent appropriate to demonstrate that its nuclear and thermal characteristics comply with license conditions;

(iii) Any abnormal or unusual condition relevant to radiation safety.

(6) Date of the shipment;

(7) For Fissile Class III, the transport procedures used;

(8) Name and address of the transferee;

(9) Address to which the shipment was made; and

(10) Results of the determinations required by § 71.53 and § 71.54.

(b) The licensee shall make available to the Commission for inspection, upon reasonable notice, all records required by this part.

§ 71.63 Inspection and tests.

(a) The licensee shall permit the Commission at all reasonable times to inspect the licensed material, packaging, and premises and facilities in which the licensed material or packaging are used, produced, tested, stored, or transported.

(b) The licensee shall perform, and permit the Commission to perform, such tests as the Commission deems necessary or appropriate for the administration of the regulations in this chapter.

§ 71.64 Violations.

An injunction or other court order may be obtained prohibiting any violation of any provision of the Act or any regulation or order issued thereunder. Any person who wilfully violates any provision of the Act or any regulation or order issued thereunder may be guilty of a crime and upon conviction may be punished by fine or imprisonment, or both, as provided by law.

APPENDIX A—NORMAL CONDITIONS OF TRANSPORT

1. *Heat*—Direct sunlight at an ambient temperature of 100° F. in still air.

2. *Cold*—An ambient temperature of −40° F. in still air and shade.

3. *Pressure*—Atmospheric pressure of 0.5 times standard atmospheric pressure.

4. *Vibration*—Vibration normally incident to transport.

5. *Water Spray*—A water spray sufficiently heavy to keep the entire exposed surface of the package except the bottom continuously wet during a period of 30 minutes.

6. *Free Drop*—Within 2½ hours after conclusion of the water spray, a free drop through the distance specified below onto a flat essentially unyielding horizontal surface, striking the surface in such a position as to suffer maximum damage.

FREE FALL DISTANCE

Package weight	*Distance (feet)*
Less than 10,000 pounds	4
10,000 to 20,000 pounds	3
20,000 to 30,000 pounds	2
More than 30,000 pounds	1

7. *Corner Drop*—For wood and fibreboard packages not exceeding 10,000 pounds in weight, a free drop onto each corner of the package in succession or in the case of a cylindrical package, onto each quarter of each rim, from a height of 1 foot.

8. *Penetration*—Impact of the flat circular end of a vertical steel cylinder 1¼ inches in diameter and weighing 13 pounds, dropped from a height of 4 feet normally onto the exposed surface of the package which is most vulnerable to puncture.

9. *Compression*—A compressive load equal to either five times the weight of the package or 2 pounds per square inch multiplied by the maximum horizontal cross section of the package, whichever is greater. The load shall be applied during a period of 24 hours, uniformly against the top and bottom of the package in the position in which the package would normally be transported.

APPENDIX B—HYPOTHETICAL ACCIDENT CONDITIONS

1. *Free Drop*—A free drop through a distance of 30 feet onto a flat essentially unyielding horizontal surface, striking the surface in such a position as to suffer maximum damage.

2. *Puncture*—A free drop through a distance of 40 inches striking, in such a position as to suffer maximum damage, the top end of a vertical cylindrical mild steel bar mounted on an essentially unyielding horizontal surface. The bar shall be 6 inches in diameter, with the top horizontal and its edge rounded to a radius of not more than one-quarter inch, and of such a length as to cause maximum damage to the package, but not less than 8 inches long. The long axis of the bar shall be normal to the package surface.

3. *Thermal*—Exposure for 30 minutes within a source of radiant heat having a temperature of 1,475° F. and an emissivity coefficient of 0.9, or equivalent. For calculational purposes, it shall be assumed that the package has an absorption coefficient of 0.8. The package shall not be cooled artificially until after the 30 minute test period has expired and the temperature at the center of the package has begun to fall.

4. *Water Immersion*—Immersion in water for 24 hours to a depth of at least 3 feet.

APPENDIX C—TRANSPORT GROUPING OF RADIONUCLIDES

Element*	Radionuclide***	Group
Actinium (89)	Ac 227	I
	Ac 228	I
Americium (95)	Am 241	I
	Am 243	I
Antimony (51)	Sb 122	IV
	Sb 124	III
	Sb 125	III
Argon (18)	A 37	VI
	A 41	II
	A 41 (uncompressed).**	V
Arsenic (33)	As 73	IV
	As 74	IV
	As 76	IV
	As 77	IV
Astatine (85)	At 211	III
Barium (56)	Ba 131	IV
	Ba 140	III

See footnotes at end of table.

Element*	Radionuclide***	Group
Berkellum (97)	Bk 249	I
Beryllium (4)	Be 7	IV
Bismuth (83)	Bi 206	IV
	Bi 207	III
	Bi 210	II
	Bi 212	III
Bromine (35)	Br 82	IV
Cadmium (48)	Cd 109	III
	Cd 115 m	III
	Cd 115	IV
Ceslum (55)	Cs 131	III
	Cs 134 m	IV
	Cs 134	III
	Cs 135	IV
	Cs 136	IV
	Cs 137	IV
Calcium (20)	Ca 45	IV
	Ca 47	IV
Californium (98)	Cf 249	I
	Cf 250	I
	Cf 252	I
Carbon (6)	C 14	IV
Cerium (58)	Ce 141	IV
	Ce 143	IV
	Ce 144	III
Chlorine (17)	Cl 36	III
	Cl 38	IV
Chromium (24)	Cr 51	IV
Cobalt (27)	Co 56	III
	Co 57	IV
	Co 58 m	IV
	Co 58	IV
	Co 60	III
Copper (29)	Cu 64	IV
Curium (96)	Cm 242	I
	Cm 243	I
	Cm 244	I
	Cm 245	I
	Cm 246	I
Dysprosium (66)	Dy 154	III
	Dy 165	IV
	Dy 166	IV
Erbium (68)	Er 169	IV
	Er 171	IV
Europium (63)	Eu 150	III
	Eu 152 m	IV
	Eu 152	III
	Eu 154	II
	Eu 155	IV
Fluorine (9)	F 18	IV
Gadolinium (64)	Gd 153	IV
	Gd 159	IV
Gallium (31)	Ga 67	III
	Ga 72	IV
Germanium (32)	Ge 71	IV
Gold (79)	Au 193	III
	Au 194	III
	Au 195	III
	Au 196	IV
	Au 198	IV
	Au 199	IV
Hafnium (72)	Hf 181	IV
Holmium (67)	Ho 166	IV
Hydrogen (1)	H 3 (see tritium)	
Indium (49)	In 113 m	IV
	In 114 m	III
	In 115 m	IV
	In 115	IV
Iodine (53)	I 124	III
	I 125	III
	I 126	III
	I 129	III
	I 131	IV
	I 132	IV
	I 133	III
	I 134	IV
	I 135	IV
Iridium (77)	Ir 190	IV
	Ir 192	III
	Ir 194	IV
Iron (26)	Fe 55	IV
	Fe 59	IV
Krypton (36)	Kr 85 m	III
	Kr 85 m (uncompressed).**	V
	Kr 85	III
	Kr 85 (uncompressed).**	VI
	Kr 87	II
	Kr 87 (uncompressed).**	V
Lanthanum (57)	La 140	IV
Lead (82)	Pb 203	IV
	Pb 210	II
	Pb 212	II
Lutecium (71)	Lu 172	IV
	Lu 177	IV
Magnesium (12)	Mg 28	III
Manganese (25)	Mn 52	IV
	Mn 54	IV
	Mn 56	IV
Mercury (80)	Hg 197 m	IV
	Hg 197	IV
	Hg 203	IV
Mixed fission products MFP.		II

See footnotes at end of table.

Element*	Radionuclide***	Group
Molybdenum (42)	Mo 99	IV
Neodymium (60)	Nd 147	IV
	Nd 149	IV
Neptunium (93)	Np 237	I
	Np 239	I
Nickel (28)	Ni 56	III
	Ni 59	IV
	Ni 63	IV
	Ni 65	IV
Niobium (41)	Nb 93 m	IV
	Nb 95	IV
	Nb 97	IV
Osmium (76)	Os 185	IV
	Os 191 m	IV
	Os 191	IV
	Os 193	IV
Palladium (46)	Pd 103	IV
	Pd 109	IV
Phosphorus (15)	P 32	IV
Platinum (78)	Pt 191	IV
	Pt 193	IV
	Pt 193 m	IV
	Pt 197 m	IV
	Pt 197	IV
Plutonium (94)	Pu 238 (F)	I
	Pu 239 (F)	I
	Pu 240 (F)	I
	Pu 241 (F)	I
	Pu 242 (F)	I
Poloniun (84)	Po 210	I
Potassium (19)	K 42	IV
	K 43	III
Praseodymium (59)	Pr 142	IV
	Pr 143	IV
Promethium (61)	Pm 147	IV
	Pm 149	IV
Protactinium (91)	Pa 230	I
	Pa 231	I
	Pa 233	II
Radium (88)	Ra 223	II
	Ra 224	II
	Ra 226	I
	Ra 228	I
Radon (86)	Rn 220	IV
	Rn 222	II
Rhenium (75)	Re 183	IV
	Re 186	IV
	Re 187	IV
	Re 188	IV
	Re Natural	IV
Rhodium (45)	Rh 103 m	IV
	Rh 105	IV
Rubidium (37)	Rb 86	IV
	Rb 87	IV
	Rb Natural	IV
Ruthenium (44)	Ru 97	IV
	Ru 103	IV
	Ru 105	IV
	Ru 106	III
Samarium (62)	Sm 145	III
	Sm 147	III
	Sm 151	IV
	Sm 153	IV
Scandium (21)	Sc 46	III
	Sc 47	IV
	Sc 48	IV
Selenium (34)	Se 75	IV
Silicon (14)	Si 31	IV
Silver (47)	Ag 105	IV
	Ag 110 m	III
	Ag 111	IV
Sodium (11)	Na 22	III
	Na 24	IV
Strontium (38)	Sr 85 m	IV
	Sr 85	IV
	Sr 89	III
	Sr 90	II
	Sr 91	III
	Sr 92	IV
Sulphur (16)	S 35	IV
Tantalum (73)	Ta 182	III
Technetium (43)	Te 96 m	IV
	Te 96	IV
	Te 97 m	IV
	Te 97	IV
	Te 99 m	IV
	Te 99	IV
Tellurium (52)	Te 125 m	IV
	Te 127 m	IV
	Te 127	IV
	Te 129 m	III
	Te 129	IV
	Te 131 m	III
	Te 132	IV
Terbium (65)	Tb 160	III
Thallium (81)	Tl 200	IV
	Tl 201	IV
	Tl 202	IV
	Tl 204	III
Thorium (90)	Th 227	II
	Th 228	I
	Th 230	I
	Th 231	I
	Th 232	III
	Th 234	II
	Th Natural	III

Element*	Radionuclide***	Group
Thullum (69)	Tm 168	III
	Tm 170	III
	Tm 171	IV
Tin (50)	Sn 113	IV
	Sn 117	III
	Sn 121	III
	Sn 125	IV
Tritium (1)	H 3	IV
	H 3 (as gas or luminous paint).	VI
Tungsten (74)	W 181	IV
	W 185	IV
	W 187	IV
Uranium (92)	U 230	II
	U 232	I
	U 233 (F)	II
	U 234	II
	U 235 (F)	III
	U 236	II
	U 238	III
	U Natural	III
	U Enriched (F)	III
	U Depleted	III
Vanadium (23)	V 48	IV
	V 49	III
Xenon (54)	Xe 125	III
	Xe 131 m	III
	Xe 131 m (uncompressed).**	V
	Xe 133	III
	Xe 133 (uncompressed).**	VI
	Xe 135	II
	Xe 135 (uncompressed).**	V
Ytterbium (70)	Yb 175	IV
Yttrium (39)	Y 88	III
	Y 90	IV
	Y 91 m	III
	Y 91	III
	Y 92	IV
	Y 93	IV
Zinc (30)	Zn 65	IV
	Zn 69 m	IV
	Zn 69	IV
Zirconium (40)	Zr 93	IV
	Zr 95	III
	Zr 97	IV

*Atomic number shown in parentheses.
** Uncompressed means at a pressure not exceeding one atmosphere.
*** Atomic weight shown after the radionuclide symbol.
m—Metastable state.
(F) Fissile material.

APPENDIX D—TESTS FOR DESIGN OF CAPSULES AS SPECIAL FORM LICENSED MATERIAL

1. *Free Drop*—A free drop through a distance of 30 feet onto a flat essentially unyielding horizontal surface, striking the surface in such a position as to suffer maximum damage.

2. *Percussion*—Impact of the flat circular end of a 1-inch diameter steel rod weighing 3 pounds, dropped through a distance of 40 inches. The capsule shall be placed on a sheet of lead, of hardness number 3.5 to 4.5 on the Vickers scale, and not more than 1 inch thick, supported by a smooth essentially unyielding surface.

3. *Heating*—Heating in air to a temperature of 1,475° F. and remaining at that temperature for a period of 10 minutes.

4. *Immersion*—Immersion for 24 hours in water at room temperature.

APPENDIX E—NEUTRON FLUX EQUIVALENT TO A RADIATION DOSE RATE OF ONE MILLIROENTGEN PER HOUR

Neutron energy	Flux equivalent to 1 mr/hr (n/cm²/sec)
Thermal	268
5 Kev	228
20 Kev	112
100 Kev	32
500 Kev	12
1 Mev	7.2
5 Mev	7.2
10 Mev	6.8

NOTE: Flux equivalents for energies between those listed above are obtained by linear interpolation.

(Sec. 53, 61, 81, and 161; 68 Stat. 930, 932, 935, and 948 as amended; 42 U.S.C. 2073, 2091, 2111, and 2201)

Dated at Washington, D.C., this 26th day of November 1965.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 65-13514; Filed, Dec. 20, 1965; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 65-CE-130]

VOR FEDERAL AIRWAYS

Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would raise the floors on segments of Federal airways in the Kansas City Air Route Traffic Control Center area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the Office of the Regional Air Traffic Division Chief.

The Federal Aviation Agency proposes to redesignate floors on the pertinent airway segments as hereinafter set forth:

1. V-4 from Goodland, Kans., 1,200 feet above the surface (AGL) via Hill City, Kans.; 1,200 feet AGL Russell, Kans.; 1,200 feet AGL Salina, Kans.; 1,200 feet AGL Topeka, Kans., including a 1,200 feet AGL S alternate via INT Salina 095° and Topeka 236° True radials; 1,200 feet AGL Kansas City, Mo., including a 1,200 feet AGL N alternate and also a 1,200 feet AGL S alternate via INT Topeka 099° and Kansas City 231° True radials; 1,200 feet AGL Marshall, Mo.; 1,200 feet AGL Hallsville, Mo.; 1,200 feet AGL St. Louis, Mo., including a 1,200 feet AGL N alternate; 1,200 feet AGL Troy, Ill.; 1,200 feet AGL Centralia, Ill.; 1,200 feet AGL Evansville, Ind., including a 1,200 feet AGL S alternate.

2. V-9 from Malden, Mo., 1,200 feet AGL via Farmington, Mo., 1,200 feet AGL St. Louis, Mo., including a 1,200 feet AGL W alternate; 1,200 feet AGL Capital, Ill., including a 1,200 feet AGL W alternate.

3. V-10 from Lamar, Colo., 1,200 feet AGL via Garden City, Kans.; 1,200 feet AGL Dodge City, Kans.; 1,200 feet AGL Hutchinson, Kans., including a 1,200 feet AGL N alternate via INT Dodge City 060° and Hutchinson 296° True radials excluding the airspace between the main and alternate airway; 1,200 feet AGL Emporia, Kans.; 1,200 feet AGL Kansas City, Mo., including a 1,200 feet AGL N alternate from Emporia to Kansas City via Topeka, Kans.; 1,200 feet AGL Kirksville, Mo.; 1,200 feet AGL Burlington, Iowa.

4. V-12 from Wichita, Kans., 1,200 feet AGL; Emporia, Kans., including a 1,200 feet AGL N alternate via INT Wichita 037° and Emporia 259° True radials; 1,200 feet AGL INT Emporia 050° and Topeka, Kans., 099° True radials; 1,200 feet AGL INT Topeka 099° and Blue Springs, Mo., 268° True radials; 1,200 feet AGL Blue Springs; 1,200 feet AGL Blackwater, Mo.; 1,200 feet AGL Readsville, Mo.; 1,200 feet AGL Maryland Heights, Mo., including a 1,200 feet AGL S alternate; 1,200 feet AGL Troy, Ill.; 1,200 feet AGL Bible Grove, Ill.; 1,200 feet AGL Lewis, Ind.; 1,200 feet AGL Shelbyville, Ind.

5. V-13 from Butler, Mo., 1,200 feet AGL via Kansas City, Mo., including a 1,200 feet AGL E alternate via INT Butler 013° and Kansas City 157° True radials; 1,200 feet AGL Lamoni, Iowa.

6. V-15 from Kansas City, Mo., 1,200 feet AGL St. Joseph, Mo.

7. V-17 from Gage, Okla., 1,200 feet AGL via Garden City, Kans., including a 1,200 feet AGL W alternate from Gage to Garden City via Liberal, Kans.; 1,200 feet AGL Goodland, Kans.

8. V-44 from Maryland Heights, Mo., 1,200 feet AGL via Centralia, Ill., 1,200 feet AGL to Samsville, Ill.

9. V-50 from Pawnee City, Nebr., 1,200 feet AGL via St. Joseph, Mo.; 1,200 feet AGL Kirksville, Mo.; 1,200 feet AGL Quincy, Ill.; 1,200 feet AGL Capital, Ill.; 1,200 feet AGL Decatur, Ill.; 1,200 feet AGL Terre Haute, Ind.; 1,200 feet AGL Indianapolis, Ind.; 1,200 feet AGL Dayton, Ohio, including a 1,200 feet AGL N alternate from Indianapolis to Dayton via Muncie, Ind.

10. V-52 from Ottumwa, Iowa, 1,200 feet AGL via Quincy, Ill.; 1,200 feet AGL St. Louis, Mo., including a 1,200 feet AGL N alternate; 1,200 feet AGL Troy, Ill.; 1,200 feet AGL INT Troy 099° and Evansville, Ind., 309° True radials; 1,200 feet AGL to Evansville.

11. V-63 from Springfield, Mo., 1,200 feet AGL via Hallsville, Mo.; 1,200 feet AGL Quincy, Ill.; 1,200 feet AGL Burlington, Iowa.

12. V-65 from INT Kansas City, Mo., 231° and St. Joseph, Mo., 178° True radials; 1,200 feet AGL via St. Joseph; 1,200 feet AGL Lamoni, Iowa.

13. V-69 from Walnut Ridge, Ark., 1,200 feet AGL via Farmington, Mo.; 1,200 feet AGL INT Farmington 351° and Troy, Ill., 234° True radials; 1,200 feet AGL Troy; 1,200 feet AGL Capital, Ill.

14. V-71 from Springfield, Mo., 1,200 feet AGL via Butler, Mo.; 1,200 feet AGL Kansas City, Mo.; 1,200 feet AGL INT Kansas City 310° and Pawnee City, Nebr., 122° True radials; 1,200 feet AGL Pawnee City; 1,200 feet AGL INT Pawnee City 334° and Raymond, Nebr., 146° True radials; 1,200 feet AGL Raymond.

15. V-72 from Maples, Mo., 1,200 feet AGL via Richwoods, Mo.; 1,200 feet AGL Troy, Ill.

16. V-73 from Wichita, Kans., 1,200 feet AGL via Hutchinson, Kans.; 1,200 feet AGL INT Hutchinson 025° and Salina, Kans., 184° True radials; 1,200 feet AGL Salina.

17. V-74 from Garden City, Kans., 1,200 feet AGL via Dodge City, Kans.; 1,200 feet AGL Anthony, Kans.

18. V-77 from Wichita, Kans., 1,200 feet AGL via INT Wichita 037° and Topeka, Kans., 236° True radials; 1,200 feet AGL Topeka; 1,200 feet AGL St. Joseph, Mo.; 1,200 feet AGL Lamoni, Iowa.

19. V-108 from Goodland, Kans., 1,200 feet AGL Hill City, Kans.

20. V-116 from Kansas City, Mo., 1,200 feet AGL via Macon, Mo.; 1,200 feet AGL Quincy, Ill.

21. V-131 from Chanute, Kans., 1,200 feet AGL to Topeka, Kans.

22. V-132 from Goodland, Kans., 50 miles, 1,200 feet AGL, 97 miles, 9,200 feet MSL, 1,200 feet AGL Hutchinson, Kans.; 1,200 feet AGL INT Hutchinson 078° and Chanute, Kans., 294° True radials; 1,200 feet AGL Chanute; 1,200 feet AGL INT Chanute 100° and Springfield, Mo., 276° True radials; 1,200 feet AGL Springfield.

23. V-161 from Oswego, Kans., 1,200 feet AGL via Butler, Mo.; 1,200 feet AGL Blue Springs, Mo.; 1,200 feet AGL INT Blue Springs 016° and Lamoni, Iowa, 174° True radials; 1,200 feet AGL Lamoni.

24. V-175 from Vichy, Mo., 1,200 feet AGL via INT Vichy 321° and Hallsville, Mo., 209° True radials; 1,200 feet AGL Hallsville.

25. V-179 from Paducah, Ky., 1,200 feet AGL via Marion, Ill.; 1,200 feet AGL Centralia, Ill.

26. V-190 from Springfield, Mo., 1,200 feet AGL via Maples, Mo.; 1,200 feet AGL Farmington, Mo.; 1,200 feet AGL Marion, Ill.; 1,200 feet AGL Evansville, Ind.

27. V-191 from Walnut Ridge, Ark., 1,200 feet AGL to Farmington, Mo.

28. V-205 from Springfield, Mo., 1,200 feet AGL via Blue Springs, Mo.; 1,200 feet AGL Kansas City, Mo.; 1,200 feet AGL St. Joseph, Mo.

29. V-206 INT Blue Springs, Mo., 1,200 feet AGL via INT Blue Springs 056° and Kirksville, Mo., 225° True radials; 1,200 feet AGL Kirksville.

30. V-234 from Liberal, Kans., 32 miles, 1,200 feet AGL; 74 miles, 7,500 feet MSL, 1,200 feet AGL Hutchinson, Kans.

31. V-244 from Lamar, Colo., 20 miles, 1,200 feet AGL, 57 miles, 6,500 feet MSL, 61 miles, 9,500 feet MSL, 24 miles, 5,000 feet MSL, 1,200 feet AGL Russell, Kans.

32. V-280 from Hutchinson, Kans., 1,200 feet AGL via INT Hutchinson 062° and Topeka, Kans., 236° True radials; 1,200 feet AGL Topeka; 1,200 feet AGL INT Topeka 064° and Kansas City, Mo., 274° True radials; 1,200 feet AGL Kansas City.

33. V-424 from Blue Springs, Mo., 1,200 feet AGL via Marshall, Mo.; 1,200 feet AGL Macon, Mo.

34. V-446 from Troy, Ill., 1,200 feet AGL via INT Troy 099° and Centralia, Ill., 056° True radials; 1,200 feet AGL Samsville, Ill.

35. V-516 from Liberal, Kans., 1,200 feet AGL Anthony, Kans.

36. V-11 from Indianapolis, Ind., 1,200 feet AGL Fort Wayne, Ind., including a 1,200 feet AGL E alternate via the INT of Indianapolis 060° and Shelbyville, Ind., 006° True radials and the INT of Shelbyville 006° and Fort Wayne 218° True radials.

37. V-14 from Indianapolis, Ind., 1,200 feet AGL via Muncie, Ind.; 1,200 feet AGL Findlay, Ohio.

38. V-178 from Farmington, Mo., 1,200 feet AGL Paducah, Ky., including a 1,200 feet AGL S alternate.

39. V-210 from Indianapolis, Ind., 1,200 feet AGL via Muncie, Ind.; 1,200 feet AGL Rosewood, Ohio.

40. V-275 from Dayton, Ohio, 1,200 feet AGL via INT Dayton 020° and Findlay, Ohio, 212° True radials; 1,200 feet AGL Findlay.

41. V-313 from Malden, Mo., 1,200 feet AGL via Cape Girardeau, Mo.; 1,200 feet AGL Centralia, Ill.; including a 1,200 feet AGL E alternate from Cape Girardeau to Centralia via Marion, Ill.; 1,200 feet AGL Decatur, Ill.; 1,200 feet AGL Pontiac, Ill.

42. V-335 from Maryland Heights, Mo., 1,200 feet AGL to Marion, Ill.

In those instances where a floor of 1,200 feet above the surface has been proposed, the floor is necessary for aircraft to climb from an airport to minimum en route altitude, for en route alti-

tude change, for compatibility with crossing airways or for aeronautical chart legibility. Alteration of segments of VOR Federal airways Nos. 88 and 426 are not considered herein as floors for these airway segments have been processed in Airspace Docket No. 65–CE–35. The realignment of VOR Federal airways Nos. 11, 14, 50, 55, and 210 is under consideration in Airspace Docket No. 65–CE–112. The realignment of VOR Federal airways Nos. 44, 179, and 190 is under consideration in Airspace Docket No. 65–CE–73, together with the designation of VOR Federal airways Nos. 313 and 335. The establishment of floors on these airway segments is considered herein via the alignments proposed in the above dockets.

These amendments are proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on December 15, 1965.

JAMES L. LAMPL,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65–13606; Filed, Dec. 20, 1965; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65–EA–51]

FEDERAL AIRWAYS

Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would designate floors on segments of Federal airways in the Eastern Region.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y., 11430. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Federal Aviation Agency proposes to designate floors on the pertinent airway segments as hereinafter set forth.

1. V–2 from the United States/Canadian border 1,200 feet above the surface (AGL) via Buffalo, N.Y., 259° True radial to Buffalo; 1,200 feet AGL Rochester, N.Y.; 1,200 feet AGL Syracuse, N.Y., including a 1,200 feet AGL N alternate via INT Rochester 064° and Syracuse 283° True radials; 1,200 feet AGL Utica, N.Y.

2. V–6 from Philipsburg, Pa., 1,200 feet AGL via Selinsgrove, Pa.; 1,200 feet AGL INT Selinsgrove 087° and Allentown, Pa., 283° True radials; 1,200 feet AGL Allentown.

3. V–12 from Johnstown, Pa., 1,200 feet AGL Harrisburg, Pa., including a 1,200 feet AGL S alternate via St. Thomas, Pa.

4. V–14 from Erie, Pa., 1,200 feet AGL via Dunkirk, N.Y.; 1,200 feet AGL Buffalo, N.Y., including a 1,200 feet AGL N alternate from Erie to Buffalo via INT Erie 043° and Buffalo 242° True radials; 1,200 feet AGL Geneseo, N.Y.; 1,200 feet AGL Georgetown, N.Y.; 1,200 feet AGL INT Georgetown 093° and Albany, N.Y., 270° True radials.

5. V–29 from West Chester, Pa., 1,200 feet AGL via Pottstown, Pa.; 1,200 feet AGL Allentown, Pa.; 1,200 feet AGL Wilkes-Barre, Pa.; 1,200 feet AGL Binghamton, N.Y.; 1,200 feet AGL Syracuse, N.Y.; 1,200 feet AGL Watertown, N.Y.

6. V–30 from Philipsburg, Pa., 1,200 feet AGL Selinsgrove, Pa.; 1,200 feet AGL East Texas, Pa.

7. V–31 from Harrisburg, Pa., 1,200 feet AGL via Selinsgrove, Pa.; 1,200 feet AGL Williamsport, Pa.; 1,200 feet AGL Elmira, N.Y.; 1,200 feet AGL INT Elmira 357° and Rochester, N.Y., 125° True radials; 1,200 feet AGL Rochester.

8. V–33 from Harrisburg, Pa., 1,200 feet AGL via Philipsburg, Pa.; 1,200 feet AGL INT Philipsburg 339° and Bradford, Pa., 148° True radials; 1,200 feet AGL Bradford; 1,200 feet AGL Buffalo, N.Y.

9. V–34 from the United States/Canadian border 1,200 feet AGL via Rochester, N.Y., 309° True radial to Rochester; 1,200 feet AGL Ithaca, N.Y.; 1,200 feet AGL Hancock, N.Y.

10. V–35 from Johnstown, Pa., 1,200 feet AGL via Tyrone, Pa.; 1,200 feet AGL Philipsburg, Pa.; 1,200 feet AGL Stonyfork, Pa.; 1,200 feet AGL Elmira, N.Y.; 1,200 feet AGL Syracuse, N.Y.

11. V–36 from the United States/Canadian border 1,200 feet AGL via Buffalo, N.Y., 312° True radial to Buffalo, including a 1,200 feet AGL S alternate from the United States/Canadian border via Buffalo 294° True radial to Buffalo; 1,200 feet AGL Elmira, N.Y.; 1,200 feet AGL Wilkes-Barre, Pa.; 1,200 feet AGL Sparta, N.J.

12. V–37 from Erie, Pa., 1,200 feet AGL to the United States/Canadian border.

13. V–39 from Lancaster, Pa., 1,200 feet AGL via East Texas, Pa.; 1,200 feet AGL Allentown, Pa.; 1,200 feet AGL Huguenot, N.Y.

14. V–58 from Carrolltown, Pa., 1,200 feet AGL via Tyrone, Pa.; 1,200 feet AGL Philipsburg, Pa.; 1,200 feet AGL Williamsport, Pa.; 1,200 feet AGL INT Williamsport 079° and Wilkes-Barre, Pa., 265° True radials; 1,200 feet AGL Wilkes-Barre.

15. V–72 from Tidioute, Pa., 1,200 feet AGL via Bradford, Pa.; 1,200 feet AGL INT Bradford 078° and Elmira, N.Y., 252° True radials; 1,200 feet AGL Elmira; 1,200 feet AGL Binghamton, N.Y.; 1,200 feet AGL Rockdale, N.Y.

16. V–84 from the United States/Canadian border 1,200 feet AGL via Buffalo, N.Y.; 1,200 feet AGL Geneseo, N.Y.; 1,200 feet AGL INT Geneseo 091° and Syracuse, N.Y., 242° True radials; 1,200 feet AGL Syracuse.

17. V–90 from the United States/Canadian border 1,200 feet AGL via Dunkirk, N.Y., 266° True radial to Dunkirk, including a 1,200 feet AGL N alternate from the United States/Canadian border via the Dunkirk 281° True radial to Dunkirk.

18. V–93 from Lancaster, Pa., 1,200 feet AGL via East Texas, Pa.; 1,200 feet AGL Allentown, Pa.

19. V–106 from Johnstown, Pa., 1,200 feet AGL via INT Johnstown 068° and Selinsgrove, Pa., 259° True radials 1,200 feet AGL Selinsgrove; 1,200 feet AGL INT Selinsgrove 067° and Thornhurst, Pa., 237° True radials; 1,200 feet AGL Thornhurst; 1,200 feet AGL Wilkes-Barre, Pa.

20. V–115 from Tidioute, Pa., 1,200 feet AGL via Jamestown, N.Y.; 1,200 feet AGL Buffalo, N.Y.

21. V–116 from the United States/Canadian border 1,200 feet AGL via Erie, Pa., 275° True radial to Erie; 1,200 feet AGL Bradford, Pa.; 1,200 feet AGL Stonyfork, Pa.; 1,200 feet AGL Wilkes-Barre, Pa.; 1,200 feet AGL Sparta, N.J.

22. V–119 from Bradford, Pa., 1,200 feet AGL via Wellsville, N.Y.; 1,200 feet AGL Geneseo, N.Y.; 1,200 feet AGL Rochester, N.Y.

23. V–126 from Bradford, Pa., 1,200 feet AGL via Stonyfork, Pa.; 1,200 feet AGL Wilkes-Barre, Pa.; 1,200 feet AGL Huguenot, N.Y.

24. V–142 from Buffalo, N.Y., 1,200 feet AGL via INT Buffalo 034° and Rochester, N.Y., 289° True radials; 1,200 feet AGL Rochester.

25. V–145 from Utica, N.Y., 1,200 feet AGL via INT Utica 303° and Watertown, N.Y., 171° True radials; 1,200 feet AGL Watertown; 1,200 feet AGL via Watertown 358° True radial to the United States/Canadian border.

26. V–147 from the Philadelphia International Airport ILS localizer 1,200 feet AGL via Pottstown, Pa., 1,200 feet AGL Allentown, Pa.; 1,200 feet AGL Thornhurst, Pa.; 1,200 feet AGL Elmira, N.Y.; 1,200 feet AGL Geneseo, N.Y.; 1,200 feet AGL Rochester, N.Y.

27. V–149 from INT Allentown, Pa., 151° and Yardley, Pa., 284° True radials; 1,200 feet AGL via Allentown; 1,200 feet AGL Thornhurst, Pa.; 1,200 feet AGL Binghamton, N.Y.; 1,200 feet AGL Georgetown, N.Y.; 1,200 feet AGL INT Georgetown 036° and Utica, N.Y., 280° True radials; 1,200 feet AGL Utica.

28. V–153 from INT Sparta, N.J., 194° and Stillwater, N.J., 110° True radials; 1,200 feet AGL via Stillwater; 1,200 feet AGL Wilkes-Barre, Pa.; 1,200 feet AGL Georgetown, N.Y.; 1,200 feet AGL Syracuse, N.Y.

29. V–162 from Harrisburg, Pa., 1,200 feet AGL via East Texas, Pa., including a 1,200-foot AGL S alternate via INT Harrisburg 087° and East Texas 225° True radials; 1,200 feet AGL Allentown, Pa.

30. V–164 from Buffalo, N.Y., 1,200 feet AGL via Wellsville, N.Y.; 1,200 feet AGL Stonyfork, Pa.; 1,200 feet AGL Williamsport, Pa.; 1,200 feet AGL INT Williamsport 129° and East Texas, Pa., 315° True radials; 1,200 feet AGL East Texas.

31. V–170 from Erie, Pa., 1,200 feet AGL via Bradford, Pa.; 1,200 feet AGL Slate Run, Pa.; 1,200 feet AGL Selinsgrove, Pa.; 1,200 feet AGL Ravine, Pa.; 1,200 feet AGL INT Ravine 125° and West Chester, Pa., 318° True radials; 1,200 feet AGL West Chester.

32. V–188 from Tidioute, Pa., 1,200 feet AGL via Slate Run, Pa.; 1,200 feet AGL Williamsport, Pa.; 1,200 feet AGL Thornhurst, Pa.; 1,200 feet AGL Tannersville, Pa.

33. V–210 from Carrolltown, Pa., 1,200 feet AGL via INT Carrolltown 114° and Harrisburg, Pa., 274° True radials; 1,200 feet AGL Harrisburg; 1,200 feet AGL Lancaster, Pa.; 1,200 feet AGL to INT Lancaster 095° and Pottstown, Pa., 143° True radials.

34. V–226 from Keating, Pa., 1,200 feet AGL via Williamsport, Pa.; 1,200 feet AGL Thornhurst, Pa.; 1,200 feet AGL Stillwater, N.J.

35. V–232 from Keating, Pa., 1,200 feet AGL via Milton, Pa.; 1,200 feet AGL Tannersville, Pa.

36. V–238 from Philipsburg, Pa., 1,200 feet AGL Harrisburg, Pa.

37. V–249 from Sparta, N.J., 1,200 feet AGL via Huguenot, N.Y.; 1,200 feet AGL De Lancey, N.Y.; 1,200 feet AGL Utica, N.Y.

38. V–251 from Lancaster, Pa., 1,200 feet AGL Pottstown, Pa.

39. V–252 from Buffalo, N.Y., 1,200 feet AGL via Geneseo, N.Y.; 1,200 feet AGL Binghamton, N.Y.; 1,200 feet AGL Huguenot, N.Y.; 1,200 feet AGL Sparta, N.J.; 1,200 feet AGL INT Sparta 144° and Solberg, N.J., 051° True radials.

40. V–254 from INT Pottstown, Pa., 278° and East Texas, Pa., 225° True radials; 1,200 feet AGL Pottstown; 1,200 feet AGL INT Pottstown 104° and Robbinsville, N.J., 239° True radials.

41. V–256 from INT Pottstown, Pa., 278° and East Texas, Pa., 225° True radials; 1,200 feet AGL via Pottstown; 1,200 feet AGL Yardley, Pa.

42. V–265 from Harrisburg, Pa., 1,200 feet AGL via Philipsburg, Pa.; 1,200 feet AGL INT Philipsburg 339° and Bradford, Pa., 148° True radials; 1,200 feet AGL Bradford; 1,200 feet AGL Jamestown, N.Y.; 1,200 feet AGL Dunkirk, N.Y.

43. V–270 from Erie, Pa., 1,200 feet AGL via Jamestown, N.Y.; 1,200 feet AGL Wellsville, N.Y.; 1,200 feet AGL Elmira, N.Y.; 1,200 feet AGL Binghamton, N.Y.; 1,200 feet AGL De Lancey, N.Y.

44. V–273 from INT Sparta, N.J., 194° and Stillwater, N.J., 110° True radials; 1,200 feet AGL Stillwater; 1,200 feet AGL Hancock, N.Y.; 1,200 feet AGL Georgetown, N.Y.; 1,200 feet AGL Syracuse, N.Y.

45. V–276 from Tyrone, Pa., 1,200 feet AGL via INT Tyrone 096° and Ravine, Pa., 279° True radials; 1,200 feet AGL Ravine; 1,200 feet AGL Yardley, Pa.

46. V–423 from Williamsport, Pa., 1,200 feet AGL via Binghamton, N.Y.; 1,200 feet AGL Ithaca, N.Y.; 1,200 feet AGL INT Ithaca 357° and Syracuse, N.Y., 210° True radials; 1,200 feet AGL Syracuse.

47. V–428 from Elmira, N.Y., 1,200 feet AGL via Ithaca, N.Y.; 1,200 feet AGL Georgetown, N.Y.; 1,200 feet AGL Utica, N.Y.

48. V–449 from De Lancey, N.Y., 1,200 feet AGL via Rockdale, N.Y.; 1,200 feet AGL INT Rockdale 348° and Utica, N.Y., 280° True radials.

49. V–464 from Dunkirk, N.Y., 1,200 feet AGL to Geneseo, N.Y.

50. V–483 from Sparta, N.J., 1,200 feet AGL via Huguenot, N.Y.; 1,200 feet AGL De Lancey, N.Y.; 1,200 feet AGL Rockdale, N.Y.; 1,200 feet AGL INT Rockdale 325° and Syracuse, N.Y., 100° True radials; 1,200 feet AGL Syracuse.

51. V–501 from St. Thomas, Pa., 1,200 feet AGL via Philipsburg, Pa. From Wellsville, N.Y., 1,200 feet AGL to INT Elmira, N.Y., 357° and Geneseo, N.Y., 091° True radials.

A floor of 1,200 feet above the surface for those airways described herein is proposed since the preponderance of these airways will fall within transition areas which have floors of 1,200 feet above the surface. One segment of V–188 from 45 nautical miles west of Slate Run to Tidioute could have a floor of 3,500 feet MSL. Since this would provide only 200 feet of additional airspace over a floor of 1,200 feet above the surface, it is proposed to designate the floor of this segment at 1,200 feet AGL for aeronautical chart legibility.

These amendments are proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on December 14, 1965.

JAMES L. LAMPL,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65–13582; Filed, Dec. 20, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65–SO–50]

VOR FEDERAL AIRWAYS AND LOW ALTITUDE REPORTING POINTS

Proposed Realignment, Deletion and Designation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would accomplish the following:

1. Realign V–7 segment from Dothan, Ala., to Montgomery, Ala., via the intersection of the Dothan 333° T (331° M) and the Montgomery 129° T (126° M) radials.

2. Realign V–20 segment from Mobile, Ala., to Monroeville, Ala., via the intersection of the Mobile 048° T (043° M) and the Monroeville 231° T (227° M) radials; thence direct to Montgomery, Ala., including a north alternate between Mobile and Monroeville via the intersection of the Mobile 033° T (028° M) and Monroeville 250° T (246° M) radials; and a south alternate 6 nautical miles wide between Mobile and Monroeville via the intersection of the Mobile 063° T (059° M) and the Monroeville 216° T (212° M) radials.

3. Realign V–70 segment from Green County, Miss., direct Monroeville; intersection of the Monroeville 074° T (070° M) and the Eufaula, Ala., 258° T (256° M) radials; to Eufaula.

4. Realign V–222 segment from Hattiesburg, Miss., direct to Monroeville, Ala.

5. Realign V–425 from Brookley, Ala., to the intersection of Brookley 357° T (353° M) and the Mobile 048° T (043° M) radials.

6. Realign V–454 segment from Monroeville to Columbus, Ga., via the intersection of the Monroeville 074° T (070° M) and Eufaula 258° T (256° M) radials; intersection of the Eufaula 258° T (256° M) and Columbus 219° T (218° M) radials.

7. Delete the Evergreen, Ala., domestic low altitude reporting point.

8. Designate the Monroeville, Ala., domestic low altitude reporting point.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the Office of the Regional Air Traffic Division Chief.

These proposed airspace actions are associated with the planned relocation in April 1966 of the Evergreen, Ala., VOR to a site on the Monroeville, Ala., Airport. The facility name will also be changed to Monroeville at that time.

These amendments are proposed under sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on December 14, 1965.

JAMES L. LAMPL,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65–13583; Filed, Dec. 20, 1965; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 1, 17, 73]

[Docket No. 16030]

ESTABLISHMENT AND USE OF ANTENNA FARM AREAS

Order Extending Time for Filing Reply Comments

1. Midwest Radio-Television, Inc., licensee of television Station WCCO–TV, Minneapolis, Minn., and Twin City Area Educational Corp., licensee of educational television Stations KTCA–TV and KTCI–TV, St. Paul, Minn., have filed a petition for a further extension of time—from December 14, 1965, to December 21, 1965—for filing reply comments in the above-captioned proceeding.

2. Petitioners state that because of the length and complexity of the comments filed in the proceeding the requested brief extension is necessary for the preparation and filing of their reply comments.

3. The Commission is of the view that the requested extension of time should be granted and accordingly: *It is ordered*, This 15th day of December 1965, that the time for filing comments is extended from December 14, 1965, to December 21, 1965.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Released: December 16, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65–13612; Filed, Dec. 20, 1965; 8:47 a.m.]

[47 CFR Parts 2, 21, 87]

[Docket No. 16073]

PUBLIC AIR-GROUND RADIOTELEPHONE SERVICE

Order Extending Time for Filing Reply Comments

1. On July 1, 1965 the Commission issued a notice of proposed rule making (FCC 65–559) inviting comments in the above-entitled matter by December 1, 1965, and reply comments by December 15, 1965. Comments have been filed in this proceeding by several parties including users, common carriers and equipment manufacturers. Among the parties filing comments is Collins Radio Co. who now petitions for a fifteen day extension of time for filing reply comments. Collins states that although it placed a timely order for "rush service" to obtain copies of all filings in the matter, it has received copies of comments of only two of the above-mentioned parties. Collins indicates, further, that it is not in a position to prepare reply comments until it has received copies of all comments.

2. We are of the view that an extension of time as requested by the petitioner is not unreasonable and would serve the public interest. *Accordingly, it is ordered*, This 15th day of December 1965, that the time for filing comments in reply to the original comments is extended from December 15, 1965, to December 31, 1965.

3. This action is taken pursuant to authority found in section 5(d) of the Communications Act of 1934, as amended, and § 0.251(b) of the Commission's rules.

Released: December 16, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65–13611; Filed, Dec. 20, 1965; 8:47 a.m.]

Notices

SECURITIES AND EXCHANGE COMMISSION

[812–1873]

BRISTOL-MYERS INTERNATIONAL FINANCE CO.

Notice of Filing of Application for Order Exempting Company

DECEMBER 15, 1965.

Notice is hereby given that Bristol-Myers International Finance Co. ("applicant"), 630 Fifth Avenue, New York, N.Y., 10020, a Delaware corporation, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting it from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

The applicant was organized by Bristol-Myers Co. ("Bristol-Myers") under the laws of the State of Delaware in November 1965. All of the authorized stock of applicant, consisting of 1,000 share of common stock, par value $100 a share, will be purchased for $3,000,000, and held by Bristol-Myers. Bristol-Myers will also acquire any additional securities, other than debt securities, which applicant may issue in the future and will not dispose of any of the securities of applicant held by Bristol-Myers except to the applicant or to a wholly owned subsidiary of Bristol-Myers.

Bristol-Myers is engaged directly and through majority-owned subsidiaries in the manufacture and sale of toiletries, cosmetics, proprietary medicines, prescription medicines (primarily antibiotics), specialty products in the household cleaning field and certain plastic devices, products and compounds.

Applicant has been organized in order to finance the expansion and development of Bristol-Myers' foreign operations in a manner which is designed to assist in improving the balance of payments position of the United States, in compliance with the voluntary cooperation program instituted by the President in February 1965. Applicant intends to issue and sell an aggregate of $15,000,000 principal amount of Guaranteed Debentures Due 1980 ("Debentures"). Bristol-Myers will guarantee the principal and interest payments on the Debentures, and the Debentures will be convertible on and after June 30, 1966, into common stock of Bristol-Myers. Any additional debt securities of applicant which may be issued to or held by the public will be guaranteed by Bristol-Myers in the same manner as the Debentures.

It is intended that the assets of applicant will be invested in or loaned to foreign subsidiaries and affiliates of Bristol-Myers and invested in obligations of foreign governments or foreign financial institutions, payable either in United States dollars or other currencies and maturing in 3 years or less; and that at least 70 percent of such assets will be invested in or loaned to foreign companies at least 50 percent of whose outstanding voting securities are owned, directly or indirectly, by Bristol-Myers, and which are primarily engaged in businesses other than that of investing, reinvesting, owning, holding or trading in securities. Applicant will proceed as expeditiously as possible with the investment of its assets in such manner. Pending the completion of such investment program applicant may invest its assets in obligations of foreign governments or foreign financial institutions, payable either in United States dollars or other currencies and maturing in 3 years or less in a proportion greater than that permitted above. Applicant will not acquire the securities representing such loans or investments for the purpose of sale and will not trade in such securities.

Counsel has advised the applicant that United States persons will be required to report and pay an interest equalization tax with respect to acquisitions of the Debentures, except where a specific statutory exemption is available. By financing its foreign operations through the applicant rather than through the sale of its own debt obligations, Bristol-Myers will utilize an instrumentality the acquisition of whose debt obligations by United States persons would, generally, subject such persons to the interest equalization tax, thereby discouraging them from purchasing such debt obligations.

The Debentures are to be sold to underwriters for offering outside the United States and will be delivered to the underwriters against receipt of payment therefor outside the United States. The agreements among underwriters will contain covenants by each underwriter to the effect that he will not offer, sell or deliver Debentures in the United States or to citizens of or persons normally resident therein and that any dealer to whom he sells Debentures will agree that he is purchasing the same as principal and not for reoffering, resale or delivery in the United States or to such citizens or residents. The agreements with dealers are to contain corresponding agreements by them.

Applicant intends to apply for listing of the Debentures on the New York Stock Exchange.

Applicant asserts that it is not necessary or appropriate in the public interest or consistent with the protection of investors to regulate applicant under the Act, for the following reasons: (1) A significant purpose of applicant is to assist in improving the balance of payments program of the United States by serving as a vehicle through which Bristol-Myers may obtain funds in foreign countries for its foreign operations; (2) the public policy underlying the Act is not applicable to applicant and the security holders of applicant do not require the protection of the Act, because the payment of the Debentures, which is guaranteed by Bristol-Myers, and the value of the right to convert the Debentures into shares of Bristol Myers' common stock do not depend on the operations or investment policy of applicant, for the Debenture holders may ultimately look to the business enterprise of Bristol-Myers and its subsidiaries and affiliated companies rather than solely to that of applicant; (3) none of the securities of the applicant (other than debt securities) will be held by any person other than Bristol-Myers or a wholly-owned subsidiary of Bristol-Myers; (4) applicant will not deal or trade in securities; (5) when the Debentures are listed on the New York Stock Exchange, the applicant's security holders will have the benefit of the disclosures and reporting provisions of the Securities Exchange Act of 1934 and of the New York Stock Exchange; and (6) the Debentures will be offered and sold abroad to foreign nationals under circumstances designed to prevent any reoffering or resale in the United States or to any U.S. citizen or resident.

Notice is further given that any interested person may, not later than December 29, 1965, at 12:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65–13595; Filed, Dec. 20, 1965; 8:46 a.m.]

[812-1872]

FEDERATED DEPARTMENT STORES INTERNATIONAL CO.

Notice of Filing of Application for Order Exempting Company

DECEMBER 15, 1965.

Notice is hereby given that Federated Department Stores International Co. ("applicant"), 222 West Seventh Street, Cincinnati, Ohio, a Delaware corporation, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting it from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

The applicant was organized by Federated Department Stores, Inc. ("Federated"), under the laws of the State of Delaware on November 24, 1965. All of the issued and outstanding stock of applicant will be purchased and held by Federated. Federated will pay in $1,000 for such stock and will, not later than January 15, 1966, make a capital contribution to applicant consisting primarily of Federated's holdings of 10 percent of the outstanding voting stock of Galerias Preciados S.A., a department store organization in Spain. The present market value of the stock to be contributed is approximately $3,500,000. Federated will acquire any additional securities, other than debt securities, which applicant may issue in the future and will not dispose of any of the securities of applicant held by Federated except to the applicant or to a wholly owned subsidiary of Federated.

Federated, a Delaware corporation, is engaged in the operation of department and specialty stores.

Applicant has been organized in order to finance development of Federated's foreign operations in a manner which is designed to assist in improving the balance of payments position of the United States, in compliance with the voluntary cooperation program instituted by the President in February 1965. Applicant intends to issue and sell an aggregate of $20,000,000 principal amount of Guaranteed Sinking Fund Debentures Due 1985 ("Debentures"). Federated will guarantee the payment of the principal, premium, if any, interest and sinking fund fund payments on the Debentures. Any additional debt securities of applicant which may be issued to or held by the public will be guaranteed by Federated in the same manner as the Debentures. The Debentures will be convertible on or after July 15, 1966, into common stock of Federated.

Substantially all of the applicant's assets will be invested in or loaned to foreign retailers and other foreign companies in related or other fields. These may include U.S. companies all or substantially all of whose business is carried on abroad. Applicant will limit investments to companies in which an equity interest of 10 percent or more is or will be owned, and which are engaged in businesses other than investing, investing, owning, holding, or trading in securities. Applicant will not acquire such securities for the purpose of resale and will not trade in such securities. Applicant will proceed as expeditiously as possible with the investment of its assets in such manner. Pending the development of final investment plans, the assets of applicant may be invested in short-term dollar investments outside the United States.

Counsel has advised the applicant and Federated that U.S. persons will be required to report and pay an interest equalization tax with respect to acquisition of the Debentures, except where a specific statutory exemption is available. The Debentures will bear a legend stating that U.S. persons will be liable for such tax. By financing its foreign operations through the applicant rather than through the sale of its own debt obligations, Federated will utilize an instrumentality the acquisition of whose debt obligations by U.S. persons would, generally, subject such persons to the interest equalization tax, thereby discouraging them from purchasing such debt obligations.

The Debentures are to be sold to underwriters for offering outside the United States. The agreements among the underwriters will contain the covenants by each underwriter that he will not offer, sell or deliver Debentures in the United States or to citizens of or persons normally resident therein and that any dealer to whom he sells Debentures will agree that he is purchasing the same as principal and not for reoffering, resale or delivery in the United States or to such citizens or residents. The agreements with dealers are to contain corresponding agreements by them.

Applicant will use its best efforts to list the Debentures on the New York Stock Exchange and to register them under the Securities Exchange Act of 1934.

Applicant asserts that it is not necessary or appropriate in the public interest or consistent with the protection of investors to regulate applicant under the Act, for the following reasons: (1) A significant purpose of applicant is to assist in improving the balance of payments program of the United States by serving as a vehicle through which Federated may obtain funds in foreign countries for its foreign operations; (2) the public policy underlying the Act is not applicable to applicant and the security holders of applicant do not require the protection of the Act, because the payment of the Debentures, which is guaranteed by Federated and the value of the right to convert the Debentures into shares of Federated's common stock do not depend on the operations or investment policy of applicant, for the Debenture holders may ultimately look to the business enterprise of Federated rather than solely to that of applicant; (3) none of the securities of applicant, other than debt securities, will be held by any person other than Federated or a wholly owned subsidiary of Federated; (4) when the Debentures are listed on the New York Stock Exchange, the applicant's security holders will have the benefits of the disclosure and reporting provisions of the Securities Exchange Act of 1934 and of the New York Stock Exchange; (5) the Debentures will be offered and sold abroad to foreign nationals under circumstances designed to prevent any reoffering or resale in the United States or to any U.S. citizen or resident; and (6) applicant will not require such securities for the purpose of sale or trade.

Notice is further given that any interested person may, not later than December 29, 1965, at 12:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-13596; Filed, Dec. 20, 1965; 8:46 a.m.]

[24NY-6038]

MECHANICS FINANCE CO.

Order Postponing Hearing

DECEMBER 14, 1965.

The Commission, by order dated November 12, 1965, having ordered a hearing on the temporary suspension of the above company's Regulation A exemption, pursuant to Rule 261 promulgated under section 3(b) of the Securities Act of 1933, as amended, and said hearing being now scheduled to commence on December 20, 1965, at 11 a.m., at the New York Regional Office, 23d Floor, 225 Broadway, New York, N.Y., and,

Counsel for issuer having requested that the hearing be postponed to commence on January 26, 1966, and the Division of Corporation Finance interposing no objection to such postponement,

It is ordered, That the hearing scheduled to commence on December 20, 1965, be, and it hereby is, postponed to commence on January 26, 1966, at 11 a.m., at the office and address shown above before Sidney Feiler, Hearing Examiner, and to continue thereafter at such time and place as the hearing officer may determine.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-13597; Filed, Dec. 20, 1965; 8:46 a.m.]

[812-1869]

VIKING GROWTH FUND, INC., AND PIONEER FINANCIAL SERVICES, INC.

Notice of Filing of Application for Temporary Exemption

DECEMBER 15, 1965.

Notice is hereby given that Viking Growth Fund, Inc. ("Viking"), 1415 Foshay Tower, Minneapolis, Minn., 55402, a Minnesota corporation registered under the Investment Company Act of 1940 ("Act") as an open-end nondiversified management investment company, and its investment adviser, Pioneer Financial Services, Inc. ("Pioneer"), 1415 Foshay Tower, Minneapolis, Minn., 55402, a Minnesota corporation, have filed an application pursuant to section 6(c) of the Act for an order of exemption from the provisions of section 15(a) of the Act. All interested persons are referred to the application on file with this Commission for a statement of the representations contained therein, which are summarized below.

Pioneer acts as investment adviser to Viking pursuant to an agreement which was approved by Viking's shareholders on September 22, 1964. It is proposed to change this agreement (i) to reduce the advisory fee from ¼ of 1 percent to 3/16 of 1 percent of the value of Viking's net assets on a quarterly basis, and (ii) to provide that Pioneer reimburse Viking quarterly for all of Viking's administrative costs which exceed 1/16 of 1 percent of Viking's net assets rather than those which exceed ⅛ of 1 percent of Viking's net assets in each quarter.

The reduced advisory fee and increased reimbursement of Viking's costs were included in a new advisory contract, which was approved by Viking's shareholders and which was to become effective on November 15, 1965, when it was contemplated that the present agreement would terminate according to its terms by its assignment by Pioneer. The contemplated termination having failed to take place, the present proposal was adopted to give Viking the reductions as early as possible, and without the expense attending a special meeting of shareholders for the purpose of approving these changed terms of the existing contract. The changed contract will be submitted to shareholders at their next annual meeting scheduled to be held in September 1966.

Section 15(a) of the Act provides in pertinent part, that it shall be unlawful for any person to act as an investment adviser of a registered investment company except pursuant to a written contract which has been approved by the vote of a majority of the outstanding voting securities of such registered investment company.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than December 29, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-13598; Filed, Dec. 20, 1965; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[2d Rev. S.O. No. 947; Pfahler's Car Dist. Dir. 8]

BALTIMORE AND OHIO RAILROAD CO. ET AL.

Freight Car Distribution

Pursuant to section I (15) and (17) of the Interstate Commerce Act and authority vested in me by Paragraph (a) (5) (ii) of the Interstate Commerce Commission Second Revised Service Order No. 947 (28 F.R. 12127; 29 F.R. 6014, 9670, 18506; 30 F.R. 6220, and 7522).

It appearing, that there continues to exist a shortage of boxcars in sections of the country served by the Northern Pacific Railway Co. because of inequitable distribution, and it appearing that the present carrier rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of cars to the railroads owning such cars are ineffective; this Agent is of the opinion that an emergency exists requiring immediate action, and that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this direction effective upon less than thirty days' notice.

It is ordered, That:

(1) The Baltimore & Ohio Railroad Co., Chicago, Burlington & Quincy Railroad Co., and the Northern Pacific Railway Co. shall observe, enforce, and obey the following directions, rules, regulations, and practices with respect to freight car distribution:

(a) The Baltimore and Ohio Railroad Co. shall deliver to the Chicago, Burlington & Quincy Railroad Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships.

(b) Cars received by the Chicago, Burlington & Quincy Railroad Co. under this order shall be delivered to the Northern Pacific Co.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be carded to the Northern Pacific Railway Co. and each car shall be identified by the Baltimore and Ohio Railroad Co., and Chicago, Burlington & Quincy Railroad Co. on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(2) No common carrier by railroad subject to the Interstate Commerce Act shall intercept, appropriate, or divert any empty cars moving under the provisions of this direction.

(a) The Baltimore & Ohio Railroad Co. must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m., to the Chicago, Burlington & Quincy Railroad Co.

(b) The Chicago, Burlington & Quincy Railroad Co. must advise Agent R. D. Pfahler each Wednesday as to the number of cars received and delivered, as requested by this order, during the preceding week.

(c) The Northern Pacific Railway Co. must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, received during the preceding week, ending each Sunday at 11:59 p.m.

(3) *Application.* The provisions of this direction shall apply to intrastate, interstate, and foreign commerce.

(4) *Regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(5) *Effective date.* This direction shall become effective at 12:01 a.m., December 17, 1965.

(6) *Expiration date.* This direction shall expire at 11:59 p.m., December 31, 1965, unless otherwise modified, changed or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 15, 1965.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 65-13591; Filed, Dec. 20, 1965; 8:45 a.m.]

[2d Rev. S.O. No. 947; Pfahler's Car Dist. Dir. 9]

READING CO. ET AL.

Freight Car Distribution

Pursuant to section I (15) and (17) of the Interstate Commerce Act and authority vested in me by Paragraph (a) (5) (ii) of the Interstate Commerce Commission Second Revised Service Order No. 947 (28 F.R. 12127; 29 F.R. 6014, 9670, 18506; 30 F.R. 6220, and 7522).

It appearing, that there exists a shortage of boxcars in sections of the country served by the Northern Pacific Railway Co. because of inequitable distribution, and it appearing that the present carrier rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of cars to the railroads owning such cars are ineffective; this agent is of the opinion that an emergency exists requiring immediate action, and that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this direction effective upon less than thirty days' notice.

It is ordered, That:

(1) The Reading Co., Erie-Lackawanna Railroad Co., Chicago Great Western Railway, and the Northern Pacific Railway Co. shall observe, enforce, and obey the following directions, rules, regulations, and practices with respect to freight car distribution:

(a) The Reading Co. shall deliver to the Erie-Lackawanna Railroad Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships.

(b) Cars received by the Erie-Lackawanna Railroad Co. under this order shall be delivered to the Chicago Great Western Railway Co.

(c) Cars received by the Chicago Great Western Railway Co. under this order shall be delivered to the Northern Pacific Railway Co.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be carded to the Northern Pacific Railway Co. and each car shall be identified by the Reading Co., Erie-Lackawanna Railroad Co., and Chicago Great Western Railway Co. on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(2) No common carrier by railroad subject to the Interstate Commerce Act shall intercept, appropriate, or divert any empty cars moving under the provisions of this direction.

(a) The Reading Co. must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m., to the Erie-Lackawanna Railroad Co.

(b) The Erie-Lackawanna Railroad Co. and the Chicago Great Western Railway Co. must advise Agent R. D. Pfahler each Wednesday as to the number of cars received and delivered, as requested by this order, during the preceding week.

(c) The Northern Pacific Railway Co. must advise Agent R. D. Pfahler each Wednesday as to the number of cars covered by this direction, received during the preceding week, ending each Sunday at 11:59 p.m.

(3) *Application.* The provisions of this direction shall apply to intrastate, interstate, and foreign commerce.

(4) *Regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(5) *Effective date.* This direction shall become effective at 12:01 a.m., December 17, 1965.

(6) *Expiration date.* This direction shall expire at 11:59 p.m., December 31, 1965, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 15, 1965.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 65-13593; Filed, Dec. 20, 1965; 8:45 a.m.]

[2d Rev. S.O. No. 947; Pfahler's Car Dist. Dir. 10]

NORFOLK & WESTERN RAILWAY CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Freight Car Distribution

Pursuant to section I (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (a) (5) (ii) of the Interstate Commerce Commission Second Revised Service Order No. 947 (28 F.R. 12127; 29 F.R. 6014, 9670, 18506; 30 F.R. 6220 and 7522).

It appearing, That there exists a shortage of boxcars in sections of the country served by the Chicago, Burlington & Quincy Railroad Co. because of the inequitable distribution, and it appearing that the present carrier rules, regulations, and practices with respect to the use, supply control, movement, distribution, exchange, interchange, and return of cars to the railroads owning such cars are ineffective; this agent is of the opinion that an emergency exists requiring immediate action, and that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this direction effective upon less than thirty days' notice.

It is ordered, That:

(1) The Norfolk & Western Railway Co. and the Chicago, Burlington & Quincy Railroad Co. shall observe, enforce, and obey the following directions, rules, regulations, and practices with respect to freight car distribution:

(a) The Norfolk & Western Railway Co. shall deliver to the Chicago, Burlington & Quincy Railroad Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships.

(b) The rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

(c) Cars applied under this direction shall be carded to the Chicago, Burlington & Quincy Railroad Co. and each car shall be identified by the Norfolk & Western Railway Co. on its empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(2) No common carrier by railroad subject to the Interstate Commerce Act shall intercept, appropriate, or divert any empty cars moving under the provisions of this direction.

(a) The Norfolk & Western Railway Co. must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m., to the Chicago, Burlington & Quincy Railroad Co.

(b) The Chicago, Burlington & Quincy Railroad Co. must advise Agent R. D. Pfahler each Wednesday as to the number of cars covered by this direction, received from the Norfolk & Western Railway Co. during the preceding week, ending each Sunday at 11:59 p.m.

(3) *Application.* The provisions of this direction shall apply to intrastate, interstate, and foreign commerce.

(4) *Regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(5) *Effective date.* This direction shall become effective at 12:01 a.m., December 17, 1965.

(6) *Expiration date.* This direction shall expire at 11:59 p.m., December 31, 1965, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 15, 1965.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent

[F.R. Doc. 65-13592; Filed, Dec. 20, 1965; 8:45 a.m.]

[2d Rev. S.O. 947; Pfahler's Car Dist. Dir. 11]

READING CO. ET AL.

Freight Car Distribution

Pursuant to section I (15) and (17) of the Interstate Commerce Act and authority vested in me by Paragraph (a) (5) (ii) of the Interstate Commerce Commission Second Revised Service Order No. 947 (28 F.R. 12127; 29 F.R. 6014, 9670, 18506; 30 F.R. 6220 and 7522).

It appearing, that there exists a shortage of boxcars in sections of the country served by the Great Northern Railway Co. because of inequitable distribution, and it appearing that the present carrier rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of cars to the railroads owning such cars are ineffective; this agent is of the opinion that an emergency exists requiring immediate action, and that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this direction effective upon less than 30 days' notice.

It is ordered, That:

(1) The Reading Co., Western Maryland Railway Co., Norfolk & Western Railway Co., Chicago, Rock Island & Pacific Railroad Co., and the Great Northern Railway Co., shall observe, enforce, and obey the following directions, rules, regulations, and practices with respect to freight car distribution:

(a) The Reading Co. shall deliver to the Western Maryland Railway Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships.

(b) Cars received by the Western Maryland Railway Co. under this order shall be delivered to the Norfolk & Western Railway Co.

(c) Cars received by the Norfolk & Western Railway Co. under this order shall be delivered to the Chicago, Rock Island & Pacific Railroad Co.

(d) Cars received by the Chicago, Rock Island & Pacific Railroad Co. under this order shall be delivered to the Great Northern Railway Co.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be carded to the Great Northern Railway Co. and each car shall be identified by the Reading Co., Western Maryland Railway Co., Norfolk & Western Railway Co., and Chicago, Rock Island & Pacific Railroad Co. on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(2) No common carrier by railroad subject to the Interstate Commerce Act shall intercept, appropriate, or divert any empty cars moving under the provisions of this direction.

(a) The Reading Co. must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m., to the Western Maryland Railway Co.

(b) The Western Maryland Railway Co., the Norfolk & Western Railway Co., and the Chicago, Rock Island & Pacific Railroad Co. must advise Agent R. D. Pfahler each Wednesday as to the number of cars received and delivered, as requested by this order, during the preceding week.

(c) The Great Northern Railway Co. must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, received during the preceding week, ending each Sunday at 11:59 p.m.

(3) *Application.* The provisions of this direction shall apply to intrastate, interstate, and foreign commerce.

(4) *Regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(5) *Effective date.* This direction shall become effective at 12:01 a.m., December 17, 1965.

(6) *Expiration date.* This direction shall expire at 11:59 p.m., December 31, 1965, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, That a copy of this direction, shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 15, 1965.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 65-13594; Filed, Dec. 20, 1965; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. Idaho 016388]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands; Addition

DECEMBER 13, 1965.

In Federal Register Document 65-7082, page 8592 of the issue for July 7, 1965, as amended by Federal Register Document 65-8765, page 10229 of the issue for August 19, 1965, and Federal Register Document 65-9237, page 11261 of the issue for September 1, 1965, the land description is further supplemented for the Dworshak dam and reservoir project to include the following:

BOISE MERIDIAN, IDAHO

T. 40 N., R. 4 E.,
Sec. 2, lot 8.

The land added aggregates 40 acres.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 65-13608; Filed, Dec. 20, 1965; 8:47 a.m.]

ARIZONA

Consolidation of Grazing Districts 2 and 3

Notice is hereby given that Arizona Grazing Districts Number 2 and Number 3, administered by the Bureau of Land Management district office at Phoenix, Ariz., are being consolidated.

By virtue of the authority vested in the Secretary of the Interior by the Act of June 28, 1934, 48 Stat. 1269, 43 U.S.C. 315 et seq., as amended, and delegated to the Director, Bureau of Land Management, the lands in Arizona District Number 3 are added to the lands in Arizona District Number 2, and Arizona Grazing District Number 3 is abolished.

The district office at Phoenix is designated as the headquarters for the consolidated district.

A Resource Area Headquarters of the Phoenix District is hereby established at Kingman, Ariz. This office is located on Radar Hill.

As a result of the consolidation of these districts and in accordance with the provisions of 43 CFR Subpart 4114, the District Advisory Boards of Arizona Grazing District Number 2 and Arizona

Grazing District Number 3, have been reorganized and consolidated.

This action shall become effective upon publication in the FEDERAL REGISTER.

CHARLES H. STODDARD,
Director.

DECEMBER 17, 1965.

[F.R. Doc. 65-13661; Filed, Dec. 20, 1965; 8:50 a.m.]

Fish and Wildlife Service

[Docket No. Sub-B-35]

AMAGANSETT, INC.

Notice of Hearing

Amagansett, Inc., Drawer 248, Amagansett, Long Island, N.Y., 11930, has applied for a fishing vessel construction differential subsidy to aid in the construction of a 152-foot overall steel seiner-trawler to engage in the fishery for menhaden, herring and herring-like fishes, red hake and miscellaneous species for industrial uses.

Notice is hereby given pursuant to the provisions of the United States Fishing Fleet Improvement Act (P.L. 88-498) and Notice and Hearing on Subsidies (50 CFR Part 257) that a hearing in the above-entitled proceedings will be held on February 10, 1966, at 10 a.m., e.s.t., in Room 3356, Interior Building, 18th and C Streets NW., Washington, D.C. Any person desiring to intervene must file a petition of intervention with the Director, Bureau of Commercial Fisheries, as prescribed in 50 CFR Part 257, at least 10 days prior to the date set for the hearing. If such petition of intervention is granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the event of such a change along with the new location.

RALPH C. BAKER,
Acting Director,
Bureau of Commercial Fisheries.

DECEMBER 16, 1965.

[F.R. Doc. 65-13599; Filed, Dec. 20, 1965; 8:46 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

FEDERAL HOUSING COMMISSIONER

Delegation of Authority With Respect to Rent Supplements for Disadvantaged Persons

1. The Federal Housing Commissioner is hereby authorized to execute the powers and functions vested in the Housing and Home Finance Administrator under section 101 of the Housing and Urban Development Act of 1965 (Pub. Law 89-117, 12 U.S.C. 1701s) with respect to the program of rent supplements for disadvantaged persons, except the authority to determine the maximum amount of income which may be established in an area for occupancy in public housing dwellings, under section 101(c) of the Act. The Commissioner shall execute the powers and functions herein delegated in accordance with regulations published under Part 5 of Subtitle A of Title 24 of the Code of Federal Regulations.

2. The Federal Housing Commissioner is further authorized to redelegate to one or more employees under his jurisdiction any of the authority herein delegated and to authorize successive redelegations thereof.

(Sec. 502(a) of Housing Act of 1948, as amended, 12 U.S.C. 1701c)

Effective as of the 21st day of December 1965.

ROBERT C. WEAVER,
Housing and Home Finance Administrator.

[F.R. Doc. 65-13589; Filed, Dec. 20, 1965; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16288, 16289; FCC 65M-1605]

ROWLAND BROADCASTING CO., INC. (WQIK) AND WILLIAMSBURG COUNTY BROADCASTING CO.

Order Continuing Hearing

In re applications of Rowland Broadcasting Co., Inc. (WQIK) Jacksonville, Fla., Docket No. 16288, File No. BP-16644; M. H. Jacobs, H. Y. Hodges, and Dale W. Gallimore, doing business as Williamsburg County Broadcasting Co., Kingstree, S.C., Docket No. 16289, File No. BP-16580; for construction permits.

A prehearing conference having been held on December 15, 1965, whereat the applicants advised the Hearing Examiner that they have reached an agreement contemplating amendment of one of the applications to remove the conflict which occasioned the designation of this proceeding for hearing; that a copy of this agreement has been filed with the Commission; and that petitions for approval of the agreement and for leave to amend will be filed immediately;

It appearing, That the public interest would not be served by requiring the parties to proceed with hearing when the disposition by the Review Board of the said petitions may obviate the necessity for hearing;

It is ordered, This 15th day of December 1965, that further proceedings herein are held in abeyance, pending further order.

Released: December 15, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-13613; Filed, Dec. 20, 1965; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

RELIEF FROM EXCESS PROFITS TAX BECAUSE OF AN INADEQUATE EXCESS PROFITS CREDIT

Allowances During Fiscal Year Ended June 30, 1965

As required by section 6105 of the 1954 Internal Revenue Code the following list, containing the cases in which relief under section 722 of the 1939 Code has been allowed, shows the name and address of each corporation to which relief has been allowed, business engaged in, taxable years involved, excess profits credit before allowance of relief, increase in excess profits credit claimed, decrease in excess profits credit allowed, decrease in excess profits tax, and increase in income tax. Allowances pursuant to decisions entered by the Tax Court of the United States have been made in the four docketed cases shown in the list with appropriate notations, and there is included as a supplemental to this list one case in which relief was allowed by the Tax Court during the fiscal year ended June 30, 1963. This case was not included in the list of allowances made during the fiscal year 1963 previously published.

For taxable years beginning after December 31, 1940, a portion of the amount by which the excess profits tax is reduced by reason of the application of section 722 is offset by an increase in income tax. This offset arises from the provisions which permit the deduction of the income subject to excess profits tax (or excess profits tax in certain taxable years) in arriving at income subject to income tax.

Lists containing the cases in which relief has been allowed for prior fiscal years have been published in the various issues of the FEDERAL REGISTER as follows:

Fiscal year ended	Volume	No.	Date
June 30, 1942	9	194	Sept. 28, 1944
June 30, 1943	9	194	Sept. 28, 1944
June 30, 1944	9	219	Nov. 2, 1944
June 30, 1945	10	224	Nov. 15, 1945
June 30, 1946	11	196	Oct. 8, 1946
June 30, 1947	12	197	Oct. 8, 1947
June 30, 1948	13	206	Oct. 21, 1948
June 30, 1949	14	201	Oct. 18, 1949
June 30, 1950	15	205	Oct. 21, 1950
June 30, 1951	16	211	Oct. 30, 1951
June 30, 1952	17	175	Sept. 6, 1952
June 30, 1953	18	164	Aug. 21, 1953
June 30, 1954	19	185	Sept. 23, 1954
June 30, 1955	20	219	Nov. 9, 1955
June 30, 1956	21	183	Sept. 20, 1956
June 30, 1957	22	173	Sept. 6, 1957
June 30, 1958	23	168	Aug. 27, 1958
June 30, 1959	24	175	Sept. 5, 1959
June 30, 1960	25	181	Sept. 16, 1960
June 30, 1961	26	165	Aug. 26, 1961
June 30, 1962	27	187	Sept. 26, 1962
June 30, 1963	28	195	Oct. 5, 1963
June 30, 1964	29	230	Nov. 25, 1964

EXCESS PROFITS TAX RELIEF GRANTED UNDER SECTION 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE

FISCAL YEAR ENDED JUNE 30, 1965

Name and address of taxpayer (arranged by Internal Revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (Subchapter E) tax resulting from the operation of section 722	Gross increase in the income (Chapter 1) tax resulting from the operation of section 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Hartford							
The Connecticut Light & Power Co., Berlin, Conn.	Public utility	[1] 12-31-41	$4,623,640.25	$942,843.63	$338,761.59	$49,044.14	$15,203.67
		[1] 12-31-42	4,281,726.06	1,052,160.99	387,131.77	662,403.45	294,401.54
		[1] 12-31-43	4,277,558.87	1,037,327.62	456,731.29	411,058.16	182,692.52
		[1] 12-31-44	4,228,376.63	1,019,707.80	472,575.42	108,018.18	45,481.34
		[1] 12-31-45	4,154,540.77	1,072,293.79	489,817.73	465,326.84	195,927.11
Manhattan							
Schenley Industries, Inc., successor to Park & Tilford Import Corp., 1290 Avenue of the Americas, New York, N.Y.	Wholesale wines and liquors	[1] 12-31-40	305,139.75	140,639.95	13,110.30	5,244.08	None
		[1] 12-31-41	378,417.60	702,158.32	178,282.40	97,573.68	30,247.87
		[1] 12-31-42	407,337.36	673,238.56	140,362.64	134,426.38	59,745.06
Newark							
Mundet Cork Corp., 7101 Tonnelle Ave., North Bergen, N.J.	Manufacturer of cork products	[1] 12-31-41	278,631.42	1,241,368.58	14,918.58	13,399.43	4,153.82
Pittsburgh							
National Steel Corp., 3800 Grant Bldg., Pittsburgh, Pa.	Steel	[1] 12-31-41	11,407,368.73	3,426,335.31	142,925.20	85,755.12	26,584.09
		[1] 12-31-42	9,274,347.73	3,462,348.29	142,925.20	257,265.36	114,340.10
		[1] 12-31-43	9,237,765.80	3,488,388.53	142,925.20	128,632.68	57,170.08
		[1] 12-31-45	9,236,002.82	3,469,224.99	142,925.20	135,778.94	57,170.08
SUPPLEMENTAL LIST FOR FISCAL YEAR ENDED JUNE 30, 1963							
Cleveland							
Sohio Pipe Line Co., Midland Bldg., Cleveland, Ohio.	Pipeline—petroleum products	[1] 12-31-40	$119,324.36	$2,598,224.26	$1,068,175.64	$534,087.82	None
		[1] 12-31-41	342,591.26	3,960,492.61	1,861,408.74	1,159,965.96	$359,589.46
		[1] 12-31-42	477,756.55	3,825,327.32	1,726,243.45	1,368,242.36	690,497.38
		[1] 12-31-43	477,756.55	3,825,327.32	1,726,243.45	1,425,544.19	690,497.38
		[1] 12-31-44	477,756.55	3,558,240.39	1,726,243.45	1,457,455.21	690,497.38

[1] Allowance in accordance with a decision of the Tax Court of the United States based on agreed settlement of parties. No previous allowance by Commissioner.

[2] Allowance in accordance with a decision of the Tax Court of the United States after hearing on the merits. No previous allowance by the Commissioner.

[3] Allowance made during fiscal year ended June 30, 1965, represents an addition by the Tax Court of the United States after hearing on the merits to relief previously allowed by the Commissioner published Sept. 23, 1954.

[SEAL]

SHELDON S. COHEN,
Commissioner of Internal Revenue.

[F.R. Doc. 65-13569; Filed, Dec. 20, 1965; 8:45 a.m.]

Office of the Secretary

[Treasury Department Order No. 190; Rev. 4]

ORGANIZATION

Supervision of Bureaus and Performance of Functions in the Treasury Department

1. The following bureaus, offices, and staff assistants shall be under the direct supervision of the Secretary and the Under Secretary:

Internal Revenue Service.
Office of the Comptroller of the Currency.
Assistant to the Secretary (Congressional Relations).
Assistant to the Secretary (National Security Affairs).
Assistant to the Secretary (Public Affairs).
Special Assistants to the Secretary.
Director, Executive Secretariat.

2. The following bureaus, offices, and other organizational units shall be under the general supervision of the Secretary and the Under Secretary and under the direct supervision of the officials indicated:

A. Under Secretary for Monetary Affairs:

Deputy Under Secretary for Monetary Affairs:
Office of Financial Analysis.
Office of Domestic Gold and Silver Operations.
Office of Debt Analysis.
The Assistant Secretary (International Affairs) and the Fiscal Assistant Secretary, to the extent of their responsibilities for international and domestic monetary and fiscal policies.
Assistant to the Secretary (Debt Management).
U.S. Savings Bonds Division.

B. General Counsel:

Legal Division.
Office of Director of Practice.

C. Assistant Secretary:

Bureau of Customs.
U.S. Coast Guard.
Bureau of Engraving and Printing.

D. Assistant Secretary (International Affairs):

Office of International Affairs.
Office of Foreign Assets Control (Through Assistant to the Secretary for National Security Affairs).

E. Assistant Secretary (Tax Policy, including international tax affairs):

Office of Tax Legislative Counsel.
Office of Tax Analysis.

F. Assistant Secretary:

Bureau of the Mint.
Office of Employment Policy Program.

G. Special Assistant to the Secretary (for Enforcement):

United States Secret Service.
Bureau of Narcotics.
Office of Law Enforcement Coordination.

H. Fiscal Assistant Secretary:

Bureau of Accounts.
Bureau of the Public Debt.
Office of the Treasurer of the United States.

I. Assistant Secretary for Administration:

Office of Administrative Services.
Office of Budget and Finance.
Office of Management and Organization.
Office of Personnel.
Office of Planning and Program Evaluation.
Office of Security.

3. The Under Secretary, the Under Secretary for Monetary Affairs, the Gen-

eral Counsel, the Assistant Secretaries, and the Special Assistant for Enforcement, are authorized to perform any functions the Secretary is authorized to perform. Each of these officials shall perform functions under this authority in his own capacity and under his own title, and shall be responsible for referring to the Secretary any matter on which action should appropriately be taken by the Secretary. Each of these officials will ordinarily perform under this authority only functions which arise out of, relate to, or concern the activities or functions of or the laws administered by or relating to the bureaus, offices, or other organizational units over which he has supervision. Any action heretofore taken by any of these officials in his own capacity and under his own title is hereby affirmed and ratified as the action of the Secretary.

4. The following officers shall, in the order of succession indicated, act as Secretary of the Treasury in case of the death, resignation, absence, or sickness of the Secretary and other officers succeeding him, until a successor is appointed or until the absence or sickness shall cease:

A. Under Secretary.
B. Under Secretary for Monetary Affairs.
C. General Counsel.
D. Presidentially appointed Assistant Secretaries in the order in which they took the oath of office as Assistant Secretary.

5. Treasury Department Order No. 190 (Revision 3) is rescinded.

Dated: December 15, 1965.

[SEAL] JOSEPH W. BARR,
Acting Secretary of the Treasury.

[F.R. Doc. 65-13602; Filed, Dec. 20, 1965; 8:47 a.m.]

[T.D. 56548]

VESSELS OF AND CERTAIN IMPORTS FROM MONACO

Foreign Discriminating Duties of Tonnage and Impost

DECEMBER 13, 1965.

On advice from the Department of State on May 3, 1965, that satisfactory proof had been obtained that no discriminating duties of tonnage or imposts are imposed or levied in ports of Monaco on vessels wholly belonging to citizens of the United States, Treasury Decision 56421 (30 F.R. 7598) suspending and discontinuing the imposition of such taxes and imposts on vessels of Monaco as of May 3, 1965, was issued.

The Secretary of State has further advised the Secretary of the Treasury that on September 13, 1963, the Department of State was notified of a Convention, effective September 1, 1963, between France and Monaco providing for the applicability in Monaco of French customs laws and regulations under which no discriminatory tonnage duties are imposed upon vessels of the United States.

Accordingly, as there were no discriminatory tonnage duties imposed upon U.S. vessels in Monaco on September 1, 1963, the effective date of the Convention, and the Department of State was notified of the Convention on September 13, 1963, I declare, by virtue of the authority vested in the President by section 4228 of the Revised Statutes, as amended (46 U.S.C. 141), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951, as amended by Executive Order No. 10882, July 18, 1960 (3 CFR, Ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 3, October 25, 1965, that the suspension and discontinuance of foreign discriminating duties of tonnage and impost within the United States so far as respects the vessels of Monaco, and the produce, manufactures, or merchandise imported into the United States in such vessels from Monaco or from any other foreign country shall take effect from September 13, 1963, and shall continue for so long as the reciprocal exemption of vessels wholly belonging to citizens of the United States and their cargoes shall be continued and no longer.

[SEAL] JAMES POMEROY HENDRICK,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 65-13601; Filed, Dec. 20, 1965; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 266]

E. A. JASPER, INC.

Order To Show Cause

On November 12, 1965, the Aetna Insurance Co. notified the Commission that the surety bond filed pursuant to section 44(c), Shipping Act, 1916 (46 U.S.C. 1245), by E. A. Jasper, Inc., 44 Whitehall Street, New York, N.Y., would be cancelled effective 12:01 a.m., January 8, 1966.

Section 44(c) of the Shipping Act, 1916 (46 U.S.C. 1245), and § 510.5(f) of General Order 4 (46 CFR 510.5(f)) provide that no license shall remain in force unless such forwarder shall have furnished a bond.

Section 44(d) of the Shipping Act, 1916 (46 U.S.C. 1245), provides that licenses may, after notice and hearing, be suspended or revoked for willful failure to comply with any provision of the Act, or with any lawful rule of the Commission promulgated thereunder.

Therefore, it is ordered, That E. A. Jasper, Inc., on or before December 27, 1965, either (1) submit a valid bond effective on or before, January 7, 1966, or (2) show cause in writing or request a hearing to be held at 10 a.m., on January 3, 1966, in room 505, Federal Maritime Commission, 1321 H Street NW., Washington, D.C., 20573, to show cause why its license should not be suspended or revoked pursuant to section 44(d), Shipping Act, 1916.

It is further ordered, That the Director, Bureau of Domestic Regulation, forthwith revoke License No. 266, if the licensee fails to comply with this order.

It is further ordered, That a copy of this order to show cause and all subsequent orders in this matter be served upon the licensee and be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 65-13610; Filed, Dec. 20, 1965; 8:47 a.m.]

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FURTHER AMENDING EXECUTIVE ORDER NO. 10713, PROVIDING FOR ADMINISTRATION OF THE RYUKYU ISLANDS

By virtue of the authority vested in me by the Constitution, and as President of the United States and Commander in Chief of the armed forces of the United States, subsection (b) of Section 8 of Executive Order No. 10713 [1] of June 5, 1957, as amended by Executive Order No. 11010 of March 19, 1962, is further amended to read as follows:

"(b) (1) The Chief Executive shall be elected by a majority of the entire membership of the legislative body and shall serve until the end of the term of the legislative body that shall have elected him.

"(2) In the event the legislative body does not, within a reasonable time as determined by the High Commissioner, elect a Chief Executive to succeed an incumbent or to fill a vacancy, the High Commissioner may appoint a Chief Executive who shall serve until a successor is elected by the legislative body.

"(3) The incumbent Chief Executive at the end of the term of a legislative body shall continue in office until a successor takes office pursuant to either of the foregoing paragraphs."

LYNDON B. JOHNSON

THE WHITE HOUSE,
December 20, 1965.

[F.R. Doc. 65-13720; Filed, Dec. 20, 1965; 4:57 p.m.]

[1] 3 CFR, 1954–1958 Comp., p. 368; 22 F.R. 4007.

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Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER A—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 511—ASSISTANCE TO RELATIVES AND OTHERS IN CONNECTION WITH DECEASED PERSONNEL

Personal Effects

Sections 511.4 and 511.5 are revised to read as follows:

§ 511.4 Disposition of personal effects outside combat areas.

(a) *Scope.* (1) This section:

(i) Prescribes policy and establishes procedure for the disposition of effects of certain persons who are deceased or missing outside combat areas when such effects are under the control of Army authorities.

(ii) Applies to Army personnel and civilians accredited to the Army who are officially reported dead or missing under the provisions of AR 600–65.

(2) This section does not authorize transportation (as distinguished from disposition) of personal property and effects; such transportation will be in accordance with Chapter 12, Section I, AR 55–71.

(b) *Definitions.* The following definitions apply to terms used in this section:

(1) *Effects.* (i) Personal effects and property or estate, except real property, that is temporary, movable, and subject to personal use or ownership.

(ii) Household goods and household effects.

(iii) A privately owned motor vehicle. Vehicle which is primarily for personal use as a passenger-carrying vehicle. However, only certain types of motor vehicles may be shipped at Government expense, i.e., wheeled motor vehicle located outside continental United States which is primarily for personal use as a passenger-carrying vehicle, such as automobiles, station wagons, jeeps, motorcycles (with or without sidecars), motor scooters, and motor bikes; pickup or panel trucks (not to exceed ¾-ton capacity); and small autobuses (not to exceed nine-passenger capacity).

(2) *Missing person.* One reported as missing under the provisions of the Missing Persons Act, as amended (50 U.S.C. App. 1001–1016). (If a question arises as to whether a person is subject to the act, request assistance from a Staff Judge Advocate in making the determination.)

(3) *Continental United States.* The 48 adjoining States and the District of Columbia.

(4) *Legal representative.* An "administrator" or "executor" of a decedent's estate who has been duly appointed or approved by an appropriate court, or an individual authorized by power of attorney to act in behalf of the person eligible to receive effects.

(c) *Persons eligible to receive effects.* (1) The following persons, listed in the order of precedence, will be designated as recipients of effects of deceased and missing personnel:

(i) Surviving spouse or legal representative.

(ii) Son.

(iii) Daughter.

(iv) Father, if he has not abandoned the support of his family.

(v) Mother.

(vi) Brother.

(vii) Sister.

(viii) Next of kin.

(ix) Beneficiary named in the will of the deceased.

(2) When the person eligible to receive the effects (other than the surviving spouse) is a minor and/or a question arises over who is eligible to receive effects, request legal assistance from the Staff Judge Advocate in making the determination.

(d) *Responsibility.* (1) The Chief of Support Services is responsible for the development, formulation, and promulgation of policies, standards, and procedures and for exercising staff and technical supervision relating to the handling and disposition of effects of deceased and missing Army personnel. This includes direct communication with commanders and summary courts.

(2) Installation commanders designated in paragraph (h) of this section are responsible for the collection, inventory, and appropriate disposition of effects in accordance with procedures prescribed in this section.

(e) *Care of effects.* Extreme care will be taken to safeguard the effects of deceased and missing personnel. Every effort must be made to eliminate pilferage, damage, or loss of the effects.

(f) *Safeguarding military information and evidence*—(1) *Military information.* All documents and any sealed material in the effects will be reviewed to insure proper safeguarding of military information. Classified material or material warranting classification will be withdrawn and submitted to the intelligence officer for review. Material suitable for release will be returned by the intelligence officer for disposition.

(2) *Evidence.* Such effects that are required as evidence or aids to an investigation may be held by military police, criminal investigators, or other competent authority until need for retention ceases to exist. Upon completion of the requirement for retention of effects they will then be released to the designated recipient or disposed of under provisions of paragraph (i) or (n) of this section. Such effects will be held as set forth in paragraph 8 of AR 190–22, and in accordance with the procedures as outlined in Chapter 14, FM 19–20.

(g) *Withdrawal of clothing and equipment*—(1) *Government property.* All organizational clothing and equipment and all other Government property to which the individual is not entitled will be withdrawn from the effects and turned in to the appropriate supply officer. Credit entries for the items withdrawn will be made on the records of the individual.

(2) *Personal clothing.* Personal clothing to which title vests in the individual under AR 700–8400–1 will not be withdrawn from effects except in the case of a deceased individual to the extent necessary to provide clothing for burial. See §§ 536.50–536.57 of this chapter.

(h) *Collection and processing of effects.* (1) Upon the death of any person subject to the provisions of AR 600–65, the commanding officer of the installation at which effects are located, or his designated representative will take the following actions:

(i) Collect, safeguard, and process effects as indicated in paragraphs (e) through (g) of this section.

(ii) Prepare an inventory of the effects on DA Form 54 (Record of Personal Effects—Outside Combat Areas).

(iii) Withdraw effects as indicated in paragraph (i) of this section.

(iv) If the legal representative or surviving spouse is present at the installation where effects are located, deliver effects to the proper recipient in accordance with paragraph (k) of this section; or, if requested by such person, arrange for packing and shipment of effects at Government expense as authorized.

(v) If the legal representative or surviving spouse is not present, appoint a summary court to secure and dispose of the effects in accordance with paragraph (l) of this section.

(2) If the effects are located at two or more widely separated locations, the commander of each installation at which effects are located and the commanding officer of the installation nearest the place of death will, each as applicable, appoint a summary court for the purpose of disposing of the effects. The commanding officer of the unit to which the decedent was assigned will be responsible for liaison and coordination of all actions in the disposition of the effects of the deceased.

(3) If death occurs aboard a transport and the surviving spouse or legal representative is not aboard, the commander of troops or the aircraft commander, as applicable, will appoint a summary court to collect, inventory and safeguard effects of the deceased. If surviving spouse or legal representative is present, follow procedures indicated in paragraph (k) of this section.

(i) *Destruction of effects.* (1) Items which are obnoxious in nature or which might cause embarrassment if forwarded to the recipient of such effects will be removed and destroyed.

(2) Blood stained clothing will be cleaned and mutilated items will be thoroughly cleaned and made presentable; items which cannot be cleaned or otherwise made presentable will be destroyed.

(3) A separate listing will be made of items destroyed.

(j) *Record of personal effects.* (1) DA Form 54 (Record of Personal Effects—Outside Combat Areas) will be used to record all items of effects belonging to the deceased. DA Form 54 may be requisitioned through normal publications supply channels.

(2) In completing data on DA Form 54 pertaining to funds belonging to the deceased person, the summary court or other responsible officer will in all instances record the following information in item 9:

(i) Separate entries will be recorded to show the total amount and description of each fund, such as—

$25 U.S. currency,
1,000 French francs,
$50 Military Payment Certificates,
$25 U.S. Treasury check (including date and number of check and disbursing officer's symbol number).

Proper notation must be recorded opposite each entry to show the disposition that was made of the particular fund as indicated in subdivisions (ii) and (iii) of this subparagraph.

(ii) When currency found among the effects is exchanged or converted to a Government check, proper notation must be recorded to indicate the disposition made of the particular fund, such as—Exchanged for U.S. Treasury check (including date and number of check, name of payee, disbursing officer's symbol number, and name of person to whom check was transmitted).

(iii) When Government checks or other funds found among the effects are deposited with a disbursing officer, proper notation must be recorded to show disposition of the check or fund, such as—"Deposited" including information indicating the name and symbol number of the receiving accountable disbursing officer and a description of the trust account to which funds were deposited. The disbursing officer will receipt in item 9, opposite each fund for deposit.

(iv) Funds belonging to the Government will not be listed in item 9. Proper procedure for handling Government funds is indicated in paragraph (m)(2)(iii) of this section.

(v) Funds transmitted with the effects to the next of kin or legal representative will be recorded separately in item 9a.

(3) The method used to transmit effects will be indicated in item 11, DA Form 54 showing bills of lading numbers, registry numbers, etc.: to insure all packages and letters can be traced.

(k) *Delivery of effects to surviving spouse or legal representative.* If the surviving spouse or legal representative is present, the commanding officer of the installation where effects are located or his representative will deliver the effects in person and obtain a receipt for the effects on the original copy of DA Form 54; or, if requested by such person, he will arrange for packing and shipment of effects at Government expense as authorized. The receipted copy will be forwarded to the Chief of Support Services, Attention: Disposition Branch, Memorial Division, Department of the Army, Washington, D.C., 20315, immediately upon delivery of effects to the surviving spouse or legal representative.

(l) *Summary court.* (1) If the effects of the deceased person cannot be delivered to the surviving spouse or legal representative, the commanding officer of the installation at which effects are located will appoint a summary court to secure and dispose of effects in accordance with 10 U.S.C. 4712.

(2) If death occurs aboard a transport and the surviving spouse or legal representative is not aboard, the commander of troops or aircraft commander, as applicable, will appoint a summary court to secure and inventory the effects, collect any debts due from debtors, and accept claims of creditors.

(i) The effects, a copy of the inventory, and a copy of the report of the summary court (including necessary information from the 201 file of the decedent on which to base a finding concerning the proper recipient of the effects) will be delivered to the ship's transportation agent for safekeeping and delivery to the port transportation officer at the first United States port of call or other appropriate port where United States Army authorities are assigned.

(ii) If all effects cannot be immediately secured for reason, such as when effects are stored in the hold, the commander of troops will cause the additional effects to be secured as soon as practicable after arrival of the transport at the port of debarkation, and the additional effects and inventory will be turned over to the port transportation officer for disposition in the same manner as those which were immediately inventoried. The port transportation officer will request the appointment of a summary court to dispose of the effects in accordance with 10 U.S.C. 4712. The original inventory and summary court report will be forwarded to the Chief of Support Services, Attention: Disposition Branch, Memorial Division, upon review and approval by the appointing authority.

(m) *Disposing of currency, commercial papers, stocks, bonds, etc.* (1) If surviving spouse or legal representative is present, all currencies, commercial papers, stock, bonds, checks, etc. (except funds belonging to the Government, Government checks payable to the deceased which are drawn on the Treasurer of the United States or on foreign depositories, and military payment orders payable to the deceased) will be delivered with other effects to the surviving spouse or legal representative.

(i) Government funds will be handled as indicated in subparagraph (2)(iii) of this paragraph.

(ii) Government checks will be transmitted to the issuing finance and accounting officer for action as indicated in subparagraph (2)(vi) of this paragraph.

(iii) Military payment orders will be turned over to the nearest finance and accounting officer for action as indicated in subparagraph (2)(vii) of this paragraph.

(2) If the surviving spouse or legal representative is not present, the summary court will take the following action in disposing of currencies, commercial papers, stocks, bonds, checks, etc., found among the effects:

(i) *U.S. Currency.* All U.S. currency (if total exceeds $5) will be turned in to the nearest disbursing officer for issuance of a U.S. Treasury check or foreign currency check, as appropriate. Check will be forwarded to the person designated to receive the effects or to a consular representative acting as agent for such person (para. (o) of this section). Transaction will be recorded in item 9 of DA Form 54 and will include the date and number of the check and the disbursing officer's symbol number. If U.S. currency found is less than $5, such money may be included with other effects transmitted.

(ii) *Foreign currency.* Foreign currencies found in the effects will be disposed of as follows:

(*a*) Foreign currencies having monetary value in amounts not in excess of 1 month's basic pay and allowances will be turned in to the nearest disbursing officer for issuance of a U.S. Treasury check for the dollar equivalent of the foreign currency, computed at the current rate of exchange.

(*b*) Foreign currencies having monetary value in amounts in excess of 1 month's basic pay and allowances will be forwarded to the Commanding General, Finance Center, U.S. Army, Indianapolis, Ind., 46249, for decision regarding the conversion of such currency.

(*c*) Foreign currency having no monetary value will be considered souvenir money and will be transmitted with the effects to the designated consignee.

(*d*) Disposition of all foreign currency will be recorded in item 9, DA Form 54.

(iii) *Government funds.* Government funds entrusted to personnel as agents of finance officers are not effects. Funds found on, or with, the deceased which appear to be Government funds will be turned over to the disbursing officer on appropriate finance forms to be held in special deposits until determination can be made as to the amounts belonging to the Government and to the individual.

(iv) *Military payment certificates.* (*a*) Valid military payment certificates will be converted to a U.S. Treasury check or foreign currency check, as appropriate, and forwarded to the next of kin or legal representative.

(*b*) Invalidated series of military payment certificates in amounts not in excess of $500 will be converted into a Treasury check provided the date of death of the deceased was prior to the date the series of military payment certificates were withdrawn from circulation. Amounts in excess of $500 will be forwarded by the summary court officer to the Commanding General, Finance Center, U.S. Army, for decision regarding exchange of such certificates.

(*c*) Disposition of all military payment certificates will be recorded in item 9, DA Form 54.

(v) *Bank books, stocks, bonds, or negotiable instruments.* Bank deposit books, stocks, bonds, or negotiable instruments which include traveler's checks, money orders, except checks drawn on the Treasurer of the United States or on foreign depositories and military payment orders, will be transmitted to the next of kin or legal representative by registered mail. Negotiable instruments made payable to the deceased, in settlement of a debt due by a local debtor, may be indorsed by the summary court for collection and the proceeds disposed of in the same manner as currency.

(vi) *Government checks.* Government check(s) (payable to the deceased) drawn on the Treasurer of the United States or on foreign depositories will be transmitted to the issuing disbursing officer or his successor in office for appropriate action in accordance with AR 37-103. Document DA Form 54 concerning these checks and advise the next of kin or legal representative of their deposit so that claim may be made for the proceeds.

(vii) *Military payment orders.* Military payment orders (payable to the deceased) will be turned over to the nearest finance and accounting officer for appropriate action in accordance with AR 37-103. Enter proper notation in item 9, DA Form 54, and advise the next of kin or legal representative so that claim may be made for the proceeds of such military payment orders.

(viii) *Negotiable instruments.* Negotiable instruments found among the effects which, for valid reasons, cannot be transmitted to the next of kin or legal representative will be forwarded to the Chief of Support Services, Attention: Disposition Branch, Memorial Division, Department of the Army, Washington, D.C., 20315.

(n) *Sale of effects.* (1) If the legal representative or surviving spouse is not present, the commanding officer may authorize the sale of certain effects by the summary court when—

(i) The sale of effects would be to the interest of both the person designated to receive the effects and the Government, and prior to the sale the summary court has advised the person designated to receive the effects of the proposed sale and has obtained from such person a power of attorney to sell the effects concerned either by public or private sale; or

(ii) The sale of motor vehicles and other bulky items of household and personal effects of the person would be in the interests of the Government, an emergency exists, and, if practicable, a reasonable effort has been made to determine the desires of the person eligible to receive custody of the effects.

(2) When the next of kin or legal representative is not known or cannot be located and/or contacted, sale of effects will be accomplished in accordance with procedures contained in paragraph (p) of this section.

(3) Items which may be considered for sale under conditions stated in subparagraph (1)(i) of this paragraph are those which—

(i) May not be shipped under existing regulations or policies established by the (oversea) commander.

(ii) Because of their bulk, nature, or weight cannot be included with other effects to be shipped.

(iii) Are obviously of no sentimental value, are not of a value commensurate to the cost of shipment, and may be sold in the oversea command for as much or more than in the United States (such as vehicles, heavy furniture).

(iv) If sold in the oversea command, would serve the best interest of the eventual owner concerned (such as items of electrical equipment which would not be of any value in the United States because of odd voltage).

(4) A complete record of all sales (including advertising, authority for sale, bills of sale) will be attached to the report of the summary court. Cash accruing from sales will be accounted for in item 9 of DA Form 54.

(5) Proceeds received from sales and certified copies of each bill of sale will be transmitted to the person designated by the summary court to receive custody of the effects.

(o) *Movement of effects.*—(1) *Delivery or shipment of effects.* Effects will be delivered to the spouse or legal representative if present; or shipped to the person eligible to receive the effects in the order of precedence indicated in paragraph (c) of this section.

(2) *Notification to addressee.* Upon delivery or shipment of effects, a communication will be delivered or mailed to the person eligible to receive the effects, conveying information that delivery or shipment does not in any way vest title in the recipient, but that the property is delivered or forwarded for retention or disposition as custodian in accordance with the laws of the State (or territory, possession, or country) of the decedent's legal residence. In case of shipment, the communication will also state the date and method of shipment and the anticipated date of arrival.

(3) *Transmission of effects.* The summary court will transmit the effects, funds, commercial papers belonging to the deceased (para. (m) of this section), certified copies of bills of sale, receipt for cash transactions and a copy of DA Form 54 to the person eligible to receive the effects. Shipment(s) of effects will be made on Government bill of lading or by registered or insured mail. DA Form 54 will be fully annotated relative to the method of shipment (Government bill of lading number, air movement designator, RORO, registered or insured number) in order to facilitate tracing effects in delays or nonreceipt of shipment(s). Shipment(s) will be accomplished as soon as possible after the death of the decedent. In the event a complete shipment of effects cannot be made due to delay caused by the sale of motor vehicle or for other reasons, partial shipment will be accomplished and the recipient advised of actions pending and furnished an approximate completion date.

(4) *Packing effects for shipment.* Effects will be packaged, boxed or crated securely for shipment. Each package, box or crate will be marked plainly "Effects of Deceased Person" and will bear the full name, grade, service number, and organization of the person to whom the effects belonged. The contents of the package(s) will be verified against the record of effects by the commanding officer or summary court, and the package(s) sealed by the person verifying the contents. A copy of the inventory, to include the number of packages comprising the shipment, will be placed inside the container. A certificate pertinent to the verification and sealing will be included in the package (or package No. 1).

(5) *Shipment of motor vehicle.* One privately owned motor vehicle as described in paragraph (b)(1)(iii) of this section is authorized shipment at Government expense under Volume I, Chapter 8, Part G, Joint Travel Regulations, to the approved destination provided:

(i) It can be legally established that the vehicle was the property of the sponsor involved, without regard to pay grade, or his lawful dependent prior to the date of the official report of casualty.

(ii) The vehicle is located outside the continental limits of the United States (par. (b)(3) of this section).

(iii) The vehicle is in a usable condition or of sufficient value to warrant the expenditure of Government transportation funds.

(iv) The motor vehicle was moved or en route to the oversea location, or lawfully procured there by the sponsor involved or his lawful dependent prior to the date the individual died or became missing.

(6) *Designation of an agent for receipt of effects.* If death occurs in a territory or possession of the United States, or in another country, and the person eligible to receive the effects is a resident of that territory, possession, or country, and if personal delivery or direct transmission is not practicable, the commanding officer or summary court may request the person eligible to receive the effects to designate a consular representative or other such person to receive the effects. Designation must be made in writing and the consular representative or other person who acts as agent for acceptance of effects will be required to receipt for the effects. The authorization and the receipt will be attached to the original DA Form 54.

(7) *Customs clearance.* Customs clearance of effects will be required in case of shipment across an international boundary.

(p) *Legal representative or next of kin not known or cannot be contacted.* (1) When there are no persons in the categories listed as eligible to receive the effects as indicated in paragraph (c) of this section, the addresses of such persons are not known or readily ascertainable, or if known, persons cannot be con-

tacted due to political barriers, action will be taken by the summary court, not earlier than 30 days after the death of the owner, to dispose of the effects in accordance with the following procedures:

(i) Prepare an inventory of the effects of the individual on DA Form 54.

(ii) Sell by public or private sale all effects except those articles defined valuable chiefly as keepsakes in 10 U.S.C. 4712. A complete record of all sales will be included in the report of the summary court, and certified copies of bills of sale will be attached to the report.

(iii) Prior to sale of effects, a formal finding in writing concerning action taken to discover the existence or address of any person eligible to receive the effects will be prepared by the summary court and forwarded with the original DA Form 54.

(iv) All effects obviously of no sentimental value and having no salable value will be destroyed by the summary court and a certificate of destruction will be made a part of its report.

(v) Currencies, checks, and all moneys found among the effects, including currency or checks received from sale of effects and/or collected from debtors, will be accounted for separately in item 9, DA Form 54 and transmitted with the inventory to the local disbursing officer. The disbursing officer will receipt for the funds on the inventory, will return the original and one copy to the summary court, and will deposit funds to the applicable deposit fund account as prescribed in AR 37–102.

(2) After review and approval by the appointing authority, the original and two copies of the summary court report (with supporting papers) and the original and two copies of DA Form 54 will be forwarded to the Chief of Support Services, Attention: Disposition Branch, Memorial Division, Department of the Army, Washington, D.C., 20315. All purely commercial papers such as stocks, bonds, evidence of bank accounts, and articles valuable chiefly as keepsakes, including sabers, insignia, decorations, medals, watches, trinkets, and manuscripts, will be forwarded to the Chief of Support Services, Attention: Disposition Branch, Memorial Division, for transmission to the U.S. Soldiers' Home under the provisions of 10 U.S.C. 4713.

(3) Upon receipt of information concerning the location of the next of kin or other interested person(s), subsequent to the disposition of effects by the summary court, such person(s) will be advised of disposition of effects and/or net proceeds received from sale of effects and that they may file claims for the net proceeds, if any, with the General Accounting Office.

(q) *Claims for lost effects.* Inquiries concerning lost effects, together with a complete report of all actions taken in an effort to locate such effects, may be referred to the U.S. Army Claims Service, Office of The Judge Advocate General, Fort Holabird, Baltimore, Md., 20219.

(r) *Effects of missing persons—(1) Inventory of effects.* When any person subject to the Missing Person's Act is officially reported missing under the provisions of AR 600–65, the commanding officer having control of the missing person's effects will secure them in accordance with procedures described in paragraphs (e), (f) and (g) of this section, and will prepare an inventory of the effects on DA Form 54. A copy of DA Form 54 will be forwarded to the Chief of Support Services, Attention: Memorial Division, Department of the Army, Washington, D.C., 20315.

(2) *Person eligible to receive custody of effects.* Effects of Army personnel in active service who are officially reported missing for 30 days or more will be delivered and/or shipped to the spouse or legal representative; or to other persons indicated in paragraph (c) of this section, in the order named.

(3) *Shipment of effects—(i) Household and personal effects.* The household and personal effects of personnel who are officially reported missing for 30 days or more may, upon application of the person or persons eligible thereto, be moved by Government or commercial transportation to the missing person's official residence of record or to such location as may be determined by the responsible commander or such person as he may designate.

(ii) *Motor vehicle.* Shipment of effects may include one privately owned motor vehicle as described in paragraph (b)(1)(iii) of this section provided the vehicle meets the requirements of paragraph (o)(5) of this section.

(4) *Notification to person receiving effects.* Upon delivery or shipment of effects, a communication will be delivered or mailed to the person receiving effects, conveying information that delivery or shipment of the property does not in any way vest title in the recipient, but that the property is delivered or forwarded for retention or disposition as custodian in accordance with the laws of the State (or territory, possession, or country) of the missing person's legal domicile. In the case of shipment, the communication will also state the date and method of shipment and the anticipated date of arrival.

(5) *Sale of effects.* If the spouse or other person entitled to receive the effects is not present, the commanding officer may authorize the sale of certain effects by summary court under the provisions of paragraph (n) of this section.

(6) *Disposition of cash from sale of effects.*

(i) Cash accruing from sale of effects will be accounted for in item 9 of DA Form 54. Proceeds received from a sale of effects and a complete record of all sales (including advertising, authority for sale, certified copy of bill of sale) will be forwarded to the next of kin or other interested person(s).

(ii) If next of kin or other interested person(s) cannot be located or their addresses are unknown, the proceeds from such sale should be deposited with an accountable disbursing officer. A complete record of all sales will be included in the report of the summary court and certified copies of the bills of sale will be attached to the report. Within 1 year from the date of sale, the net proceeds may be covered into the Treasury as miscellaneous receipts.

(iii) Upon receipt of information concerning the location of the next of kin or other interested person(s), subsequent to the disposition of effects by the summary court, such person(s) will be advised of disposition of effects and/or net proceeds received from sale of effects. Claim for the net proceeds, if any, received from the sale of effects may be filed by interested person(s) with the General Accounting Office.

(7) *Currency, commercial papers, stocks, and bonds.* All currencies, commercial papers, stocks, bonds, and checks found among the effects of personnel in a missing status will be disposed of in accordance with procedures set forth in paragraph (m) of this section.

§ 511.5 Effects of deceased civilians, foreign nationals, and retired personnel.

(a) *Deceased civilians.* (1) The provisions of § 511.4 do not apply to the disposition of effects of deceased civilians who are not subject to military law. This section and § 511.4 are not applicable to effects of civilian dependents of Armed Forces personnel who die in Army hospitals.

(2) In cases of civilian employees of the Government who are not subject to military law, the Army commander under whom the decedent was serving, or such representative of the service (in which the decedent was employed) as said officer may designate, will secure the effects and deliver them to the legal representative or next of kin.

(3) If the deceased was not an employee of the Army, the Army commander of the installation where death occurred, or an officer designated by him, will secure the decedent's effects and deliver them to the legal representative or next of kin.

(4) If the effects cannot be delivered or are not claimed within a reasonable period of time, the responsible officer will deliver the effects, with all available information concerning the decedent, to the person designated by the judicial officer of the local civil government having jurisdiction over the estates of deceased persons.

(5) Inventories and receipts will be retained at the installation at which death occurred in order that any inquiries received within a reasonable time may be answered by the installation concerned; however, no copies of inventories or receipts will be forwarded to the Chief of Support Services.

(b) *Deceased foreign nationals.* (1) The provisions of § 511.4 do not apply to effects of deceased foreign nationals.

(2) Effects (under U.S. Army control) of deceased foreign nationals will be inventoried and disposed of as follows:

(i) *Foreign nationals training in the United States.* The commander of the installation under which the decedent was serving will collect the effects and deliver them, unless otherwise directed, to the appropriate Military Attaché, Washington, D.C., through the Office of the Assistant Chief of Staff for Intelligence, Foreign Liaison Office.

(ii) *Foreign civilian employees.* The commander under whom the decedent was assigned will deliver effects to the legal representative or next of kin. If effects cannot be delivered or are not claimed within a reasonable period of time, effects will be delivered together with all available information concerning the decedent, to the person designated by the judicial officer of the local civil government having jurisdiction over the estates of deceased persons.

(3) Recipients will be furnished DA Form 54, in duplicate, and requested to sign the original. Inventories and receipts will be retained at the installation at which death occurred in order that any inquiries received within a reasonable period of time may be answered by the installation concerned; however, no copies of inventories or receipts will be forwarded to the Office of the Chief of Support Services.

(c) *Deceased retired personnel.* (1) The provisions of § 511.4 are not applicable to effects of deceased Armed Forces retired personnel.

(2) In cases of death of retired personnel in Army medical treatment facilities, the commanding officer of the installation or his designated representative will secure the decedent's effects and deliver them to the legal representative or next of kin.

(3) If the effects cannot be delivered or are not claimed within a reasonable period of time, the responsible officer will deliver the effects, with all available information concerning the decedent, to the person designated by the judicial officer of the local civil government having jurisdiction over the estates of deceased persons.

(4) Inventories and receipts will be retained at the installation at which death occurred in order that any inquiries received within a reasonable time may be answered by the installation concerned; however, no copies of inventories or receipts will be forwarded to the Office of the Chief of Support Services.

[AR 643–50, Oct. 13, 1965] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 4712 and 4713, 70A Stat. 264–265, Act of Mar. 7, 1943 (56 Stat. 143) as amended; 10 U.S.C. 4712, 4713 and 50 U.S.C. 1001, et seq.)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 65–13624; Filed, Dec. 21, 1965; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 7070; Amdt. 39–171]

PART 39—AIRWORTHINESS DIRECTIVES

Morrisey Models 2150 and 2150A Airplanes

There have been failures of the weldments of the strut assemblies at the scissors attach fittings on the right and left oleos of the main landing gear on Morrisey Models 2150 and 2150A airplanes. Such cracking can result in complete failure of the main landing gear. Since this condition is likely to exist or develop in other products of the same type design, an airworthiness directive is being issued to require inspection, and reinforcement where necessary, of the upper and lower scissors attachment fittings on the main landing gear.

As a situation exists which demands immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

MORRISEY. Applies to Models 2150 and 2150A airplanes.

Compliance required as indicated, unless already accomplished.

To detect cracking in the weldments of strut assemblies, P/Ns MO–11000 and MO–11002, for both the right and left oleos of the main landing gear where the scissor assemblies are attached, accomplish the following:

(a) Within 25 hours' time in service after the effective date of this AD and at intervals not to exceed 25 hours' time in service from the last inspection, visually inspect for cracks the upper and lower scissors attachment fittings of the main landing gear until accomplishment of paragraph (c).

(b) If cracks are found, reinforce in accordance with paragraph (c) before further flight.

(c) Reinforce upper and lower scissors attachment fittings by the addition of 4130 steel plates at 3 locations described in Figure 1 or accomplish an equivalent repair approved by the Chief, Aircraft Engineering Division, FAA Western Region.

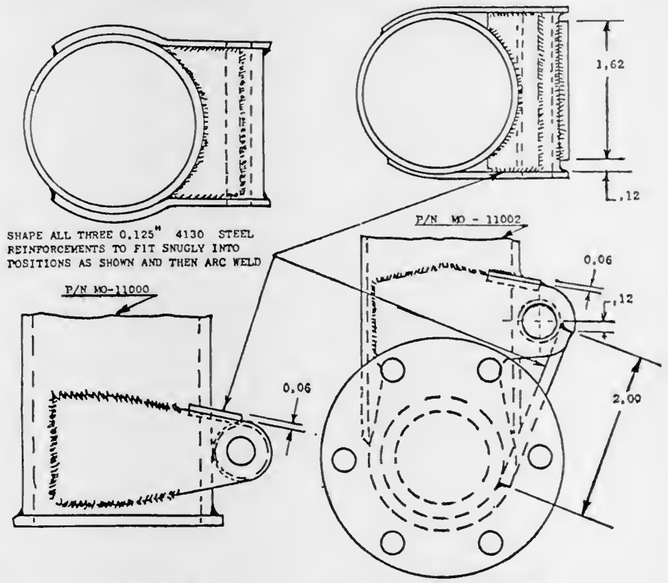


FIGURE 1

This amendment becomes effective December 21, 1965.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 4121, and 1423)

Issued in Washington, D.C., on December 14, 1965.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 65–13604; Filed, Dec. 21, 1965; 8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 7022; Amdt. 456]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
SVM VOR	DW LOM	Direct	2700	T-dn	300-1	300-1	200-½
YIP VOR	DW LOM	Direct	2700	C-dn	500-1	500-1	500-1½
CRL VOR	DW LOM	Direct	2700	S-dn-21R and L#	500-1	500-1	500-1
GG VOR	DW LOM	Direct	2700				
Royal Int	DW LOM (final)	Direct	2400	A-dn	800-2	800-2	800-2

Radar available.
Procedure turn N side of crs, 032° Outbnd, 212° Inbnd, 2700′ within 10 miles.
Minimum altitude over facility on final approach crs, 2400′.
Crs and distance, facility to Runway 21R, 212°—5.2 miles; to Runway 21L, 205°—5.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.2 miles after passing DW LOM, make right-climbing turn to 2400′ and proceed direct to Y1 LOM or, when directed by ATC, (1) climb to 2200′, proceed direct to DT LOM, (2) climb to 2300′, make left turn, proceed to Rockwood, Int via SVM, R 143°.
#Reduction below ¼ mile not authorized.
MSA within 25 miles of facility: 000°-090°—2800′; 090°-180°—2400′; 180°-270°—2300′; 270°-360°—2600′.

City, Detroit (Romulus); State, Mich.; Airport name, Detroit Metropolitan Wayne County; Elev., 639′; Fac. Class., LOM; Ident., DW; Procedure No. 2, Amdt. 4; Eff. date 18 Dec. 65; Sup. Amdt. No. 3; Dated, 14 Aug. 65

Erie VOR	ERI RBn	Direct	2800	T-dn	300-1	300-1	200-½
Harborcreek Int	ERI RBn	Direct	2800	C-dn	500-1	500-1	500-1½
Hammett Int	ERI RBn	Direct	2900	S-dn-24	500-1	500-1	500-1
Wattsburg Int	ERI RBn	Direct	3300	A-dn	800-2	800-2	800-2
Lawrence Int	ERI RBn	Direct	3400				

Procedure turn N side of crs, 060° Outbnd, 240° Inbnd, 2800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 240°—3.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing ERI RBn, climb to 3000′, proceed direct to ERI VOR. Hold SW, 1-minute right turns, 060° Inbnd, or when directed by ATC, make immediate right-climbing turn to 3000′ return to ERI RBn. Hold NE, 1-minute right turns, 240° Inbnd.
AIR CARRIER NOTE. 300-1 required for takeoff on all Runways except 6-24. Sliding scale authorized Runways 6-24.
MSA within 25 miles of facility: 060°-150°—2900′; 150°-240°—3100′; 240°-330°—2000′; 330°-060°—1600′.

City, Erie; State, Pa.; Airport name, Port Erie; Elev., 732′; Fac. Class., MIIW; Ident., ERI; Procedure No. 1, Amdt. 6; Eff. date, 18 Dec. 65; Sup. Amdt. No. 5; Dated, 22 May 65

Erie VOR	ER LOM (final)	Direct	2000	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-6	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 240° Outbnd, 060° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 060°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing ER LOM, make right-climbing turn to 3000′, intercept R 064° of Erie VOR, proceed to Hammett Int. Hold NE, 1-minute right turns, 244° Inbnd, or when directed by ATC, make immediate left-climbing turn to 2300′, return to ER LOM. Hold SW, 1-minute right turns, 060° Inbnd.
AIR CARRIER NOTE: 300-1 required for takeoff on all Runways except 6-24. Sliding scale authorized Runways 6-24.
MSA within 25 miles of facility: 050°-140°—3100′; 140°-230°—2900′; 230°-320°—2000′; 320°-050°—1600′.

City, Erie; State, Pa.; Airport name, Port Erie; Elev., 732′; Fac. Class., LOM; Ident., ER; Procedure No. 2, Amdt. 2; Eff. date, 18 Dec. 65; Sup. Amdt. No. 1; Dated, 22 May 65

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Ada Int	LOM (final)	Direct	2500	T-dn	300-1	300-1	200-½
Walker Int	LOM	Direct	2500	C-dn	400-1	500-1	500-1½
Orangeville Int	LOM	Direct	2900	S-dn-26	400-1	400-1	400-1
GRR VOR	LOM	Direct	2500	A-dn	800-2	800-2	800-2
Sun Int	LOM	Direct	2500				

Procedure turn N side of crs, 082° Outbnd, 262° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport, 262°—6.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.1 miles after passing GR LOM, make right-climbing turn to 2500′ and proceed to Walker Int via GRR VOR, R 350° or, when directed by ATC, make right-climbing turn and return to the LOM at 2500′.
MSA within 25 miles of facility: 000°-090°—2300′; 090°-180°—2300′; 180°-270°—2900′; 270°-360°—2100′.

City, Grand Rapids; State, Mich.; Airport name, Kent County; Elev., 793′; Fac. C'ass., LOM, Ident., GR; Procedure No. 1, Amdt. 3; Eff. date, 18 Dec. 65; Sup. Amdt. No. 2; Dated, 29 Apr. 65

IND VOR	LOM	Direct	2400	T-dn	300-1	300-1	200-½
Shelbyville VOR	LOM	Direct	2400	C-dn	400-1	500-1	500-1½
IND RBn	LOM	Direct	2000	S-dn-4	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn S side of crs, 224° Outbnd, 044° Inbnd, 2000′ within 10 miles of LOM.
Minimum altitude over facility on fina. approach crs, 1900′.
Crs and distance, facility to airport, 044°—3.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing LOM, make left-climbing turn to 2400′ and proceed direct to IND RBn or, when directed by ATC, make right-climbing turn to 3000′ and proceed to SHB VOR via SHB, R 293°.

City, Indianapolis; State, Ind.; Airport name, Indianapolis Municipal (Weir Cook); Elev., 970′; Fac. Class., LOM; Ident., IN; Procedure No. 1, Amdt. 8; Eff. date, 18 Dec. 65; Sup. Amdt. No. 7; Dated, 21 Sept. 65

MGM VORTAC	LOM	Direct	1800	T-dn	300-1	300-1	200-1½
Benton Int	LOM (final)	Direct	1700	C-dn	400-1	500-1	500-1½
Calhoun Int	LOM	Direct	1800	S-dn-9	400-1	400-1	400-1
Swift Creek Int	LOM	Direct	1800	A-dn	800-2	800-2	*800-2
Sellers Int	LOM	Direct	2500				

Radar available.
Procedure turn S side crs, 273° Outbnd, 093° Inbnd, 1700′ within 10 miles.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 093°—5.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 miles after passing MGM LOM, climb to 2000′ on R 127°, MGM VORTAC within 20 mile cr, when directed by ATC, climb to 2000′ on crs of 093° from MGM LOM within 15 miles.
CAUTION: Tower, 987′—8 miles E, and tower, 999′—6 miles N.
Caution Note: Night operation Runways 15-33 not authorized due lack of obstruction and runway lights.
MSA within 25 miles of facility: 000°-090°—2200′; 090°-180°—2500′; 180°-270°—1900′; 270°-360°—2200′.

City, Montgomery; State, Ala.; Airport name, Dannelly Field; Elev., 221′; Fac. Class., LOM; Ident., MG; Procedure No. 1, Amdt. 7; Eff. date, 18 Dec. 65; Sup. Amdt. No. 6; Dated, 19 June 65

COL VOR	Narrows Int	Direct	2000	T-dn	300-1	300-1	200-½
Narrows VHF Int	JF OM/RBn (fina.)	Direct	1000	C-dn	500-1	500-1	500-1½
				S-dn-4R, 4L	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn S side of crs, 222° Outbnd, 042° Inbnd, 1200′ within 10 miles of OM/RBn.
Minimum altitude over facility on final approach crs 700′.
Crs and distance, facility to Runway 4R, 042°—2.7 miles; to Runway 4L, 029°—2.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.7 miles after passing OM/RBn, make right-climbing turn to 3000′ on JFK VOR, R 077° to DPK VOR. Hold E, 1-minute left turns, Inbnd crs, 257° or, when directed by ATC, climb on crs, 042° to 1900′ to Kennedy (IW) LOM, hold NE, 1-minute left turns, Inbnd crs, 222°.
CAUTION: Circling and straight-in landing minimums do not provide standard clearance over stack 277′, 1.1 miles SSE of Runway 4R.
MSA within 25 miles of facility: 000°-270°—1600′; 270°-360°—2600′.

City, New York; State, N.Y.; Airport name, John F. Kennedy International; Elev., 12′; Fac. Class., MIIW/LOM; Ident., JF; Procedure No. 1, Amdt. 25; Eff. date, 18 Dec. 65; Sup. Amdt. No. 24; Dated, 9 Oct. 65

Kennedy VOR	LOM	Direct	1900	T-dn	300-1	300-1	200-½
Deer Park VOR	Roslyn Int	Via LGA VOR, R 100°.	2000	C-dn	500-1	500-1	500-1½
				S-dn-22L	500-1	500-1	500-1
Roslyn Int	LOM (final)	Direct	1700	A-dn	800-2	800-2	800-2

Radar available.
Procedure turn E side NE crs, 042° Outbnd, 222° Inbnd, 1900′ within 10 miles of IW/LOM.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 222°—5.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing IW/LOM, make left-climbing turn to 2000′ on JFK VOR, R 189° to Channel Int, hold S, 1-minute right turns, Inbnd crs, 009° or, when directed by ATC, climb on crs, 222° to 1500′ to JFK (JF) OM/RBn. Hold SW, 1-minute right turns, Inbnd crs, 042°.
CAUTION: Circling minimums do not provide clearance over 277′ stack, 1.1 miles SSE of Runway 4R.
MSA within 25 miles of facility: 000°-270°—1700′; 270°-360°—2600′.

City, New York; State, N.Y.; Airport name, John F. Kennedy International; Elev., 12′; Fac. Class., LOM; Ident., IW; Procedure No. 2, Amdt. 6; Eff. date, 18 Dec. 65; Sup. Amdt. No. 5; Dated, 14 Aug. 65

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Deer Park VOR	Carol Int	Direct	2000	T–dn	300–1	300–1	200–½
Deer Park VOR	Carol Int	JFK, R 077° to 11.5 miles clockwise arc.	2000	C–dn	500–1	500–1	500–1½
				S–dn–31R	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2
Channel Int	Carol Int	Direct	2000				
Channel Int (19-mile DME Fix JFK, R 189°)	Carol Int	JFK, R 189° to 11.5 miles counterclockwise arc.	2000				
Carol Int	LOM (final)	Direct	1600				
Kennedy VOR	LOM	Direct	1600				

Radar available.
Procedure turn S side of crs, 131° Outbnd, 311° Inbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 311°—5.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing LOM, make left-climbing turn to 2000′ on JFK, R 189° to Channel Int, hold S, 1-minute right turns, Inbnd crs, 009° or, when directed by ATC, make right-climbing turn to 1900′ to Kennedy (IW) LOM, hold NE, 1-minute left turns, Inbnd crs, 223°.
CAUTION: Straight-in and circling minimums do not provide clearance over 277′ stack, 1.1 miles SSE of Runway 4R.
MSA within 25 miles of facility: 000°–270°—1600′; 270°–360°—2000′.

City, New York; State, N.Y.; Airport name, John F. Kennedy International; Elev., 12′; Fac. Class., LOM; Ident., RT; Procedure No. 3, Amdt. 3; Eff. date, 18 Dec. 65; Sup. Amdt. No. 2; Dated, 14 Aug. 65

ORL VOR	LOM	Direct	1700	T–dn	300–1	300–1	200–½
				C–dn	500–1	500–1	500–1½
				S–dn–7#	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2

Radar available.
Procedure turn S side of crs, 247° Outbnd, 067° Inbnd, 1700′ within 10 miles.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 067°—5.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing LOM, turn left, climb to 2000′ on R 014° within 20 miles of ORL VOR or, when directed by ATC, turn right, climb to 2000′ on R 071° within 20 miles of ORL VOR.
#Reduction below ¾ mile not authorized.
MSA within 25 miles of facility: 000°–090°—2100′; 090°–180°—1400′; 180°–270°—1400′; 270°–360°—2000′.

City, Orlando; State, Fla.; Airport name, Herndon; Elev., 113′; Fac. Class., LOM; Ident., OR; Procedure No. 1, Amdt. 2; Eff. date, 18 Dec. 65; Sup. Amdt. No. 1; Dated, 9 Jan. 65

2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T–dn	300–1	300–1	200–½
				C–dn	1000–3	1000–3	1000–3
				S–dn–27	1000–3	1000–3	1000–3
				A–dn#	NA	NA	NA
				The following minimums apply to aircraft equipped with dual VOR receivers and when Zang Int identified:			
				C–dn	400–1	500–1	500–1½
				S–dn–27	400–1	400–1	400–1

Procedure turn N side of crs, 086° Outbnd, 266° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 2300′; over Zang Int, 1600′.
Crs and distance, facility to airport, 266°—13.3 miles; Zang Int to airport, 266°—3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 13.3 miles after passing the ELX VOR or 3 miles after passing Zang Int, climb to 2300′ on ELX VOR, R 266° then proceed direct to ELX VOR and contact SBN approach control for further instructions.
#1000–3 alternate minimums authorized only during hours of control zone operations or for air carrier with approved weather reporting service.
MSA within 25 miles of facility: 000°–090°—2300′; 090°–180°—2400′; 180°–270°—2100′; 270°–360°—2000′.

City, Benton Harbor; State, Mich.; Airport name, Ross Field; Elev., 642′; Fac. Class., BVOR; Ident., ELX; Procedure No. 1, Amdt. 4; Eff. date, 18 Dec. 65; Sup. Amdt. No. 3; Dated, 14 Nov. 64

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T–dn	300–1	300–1	200–½
				C–dn	500–1	500–1	500–1½
				S–dn–6	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2

Procedure turn S side crs, 240° Outbnd, 060° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 060°—6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles after passing ERI VOR, make right-climbing turn to 3000′, intercept R 064° of Erie VOR, proceed to Hammett Int. Hold NE, 1-minute right turns, 244° Inbnd, or when directed by ATC, make immediate left-climbing turn to 3000′, return to Erie VOR. Hold SW, 1-minute right turns, 060° Inbnd.
AIR CARRIER NOTE: 300–1 required for takeoff on all runways except 6–24. Sliding scale authorized Runways 6–24.
MSA within 25 miles of the facility: 050°–140°—3100′; 140°–230°—2900′; 230°–320°—2300′; 320°–050°—1600′.

City, Erie; State, Pa.; Airport name, Port Erie; Elev., 732′; Fac. Class., BVORTAC; Ident., ERI; Procedure No. 1, Amdt. 6; Eff. date, 18 Dec. 65; Sup. Amdt. No. 5; Dated, 22 May 65

				T–dn	400–1	400–1	NA
				C–d	700–1	700–1	NA
				C–n	700–2	700–2	NA
				S–d–23	700–1	700–1	NA
				S–n–23	700–2	700–2	NA
				A–dn	NA	NA	NA

Procedure turn N side of crs, 044° Outbnd, 224° Inbnd, 2800′ within 10 miles.
Minimum altitude over facility on final approach crs, 2700′.
Crs and distance, facility to airport, 224°—9.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.2 miles after passing MFD VOR, make left-climbing turn to 2800′, return to Mansfield VOR. Hold NE, Mansfield VOR right turns, 1 minute, 224° Inbnd.
CAUTION: 1423′ tower, 1.5 miles SW of airport.
MSA within 25 miles of facility: 000°–090°—2500′; 090°–270°—2800′; 270°–360°—2300′.

City, Gallon; State, Ohio; Airport name, Gallon Municipal; Elev., 1225′; Fac. Class., BVORTAC; Ident., MFD; Procedure No. 1, Amdt. 4; Eff. date, 18 Dec. 65; Sup. Amdt. No. 3; Dated, 12 Oct. 63

Ada Int	GRR VOR	Direct	2900	T–dn	300–1	300–1	200–½
Comstock Int	GRR VOR	Direct	2900	C–dn	400–1	500–1	500–1½
Orangeville Int	GRR VOR	Direct	2900	S–dn–36	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn E side of crs, 171° Outbnd, 351° Inbnd, 2900′ within 10 miles.
Minimum altitude over facility on final approach crs, 2600′.
Crs and distance, facility to airport, 351°—5.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing GRR VOR, climb to 2500′ and proceed to Walker Int via GRR, R 350° or, when directed by ATC, make left-climbing turn and return to the VOR at 2900′.

City, Grand Rapids; State, Mich.; Airport name, Kent County; Elev., 793′; Fac. Class., L–BVOR; Ident., GRR; Procedure No. 1, Amdt. 2; Eff. date, 18 Dec. 65; Sup. Amdt. No. 1; Dated, 2 May 64

				T–dn	300–1	300–1	200–½
				C–dn	400–1	500–1	500–1½
				S–d–33	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Radar available.
Procedure turn E side crs, 138° Outbnd, 318° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 318°—5.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing MGM VORTAC, climb to 2000′ on R 315° MGM VORTAC within 20 miles or, when directed by ATC, turn left, climb to 2000′ on W crs, MGM ILS within 20 miles.
NOTES: (1) Night operation Runways 15–33 not authorized due lack of obstruction and runway lights. (2) When authorized by ATC, DME may be used from R 025° clockwise to R 150° within 15 miles at 2000′ and from R 150° to R 240° within 15 miles at 2500′ to position aircraft for straight-in approach with the elimination of procedure turn.
MSA within 25 miles of facility: 000°–090°—2000′; 090°–180°—2500′; 180°–270°—2500′; 270°–360°—2000′.

City, Montgomery; State, Ala.; Airport name, Dannelly Field; Elev., 221′; Fac. Class., BVORTAC; Ident., MGM; Procedure No. 1, Amdt. 13; Eff. date, 18 Dec. 65; Sup. Amdt. No. 12; Dated, 19 June 65

				T–d	300–1	300–1	NA
				C–d	800–1	800–1	NA
				S	NA	NA	NA
				A	NA	NA	NA

Procedure turn northwest side of crs, 342° Outbnd, 162° Inbnd, 1900′ within 10 miles.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 162°—6.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 miles after passing COL VOR, make right-climbing turn to 1900′, proceed direct to COL VOR. Hold S, COL VOR, R 190°, 1-minute right turns.
MSA within 25 miles of facility: 000°–090°—2000′; 090°–360°—1600′.

City, Neptune; State, N.J.; Airport name, Asbury Park-Neptune; Elev., 100′; Fac. Class., L–VORTAC; Ident., COL; Procedure No. 1, Amdt. Orig.; Eff. date, 18 Dec. 65

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
COL VOR	Arlene Int	Via COL, R 046°..	2000	T-dn	300–1	300–1	200–½
Arlene Int	CRI VOR (final)	Via R 221°	**1000	LDIN-dn-13L%.	800–3	800–3	800–2
				LDIN-dn-13R%.	1000–3	1000–3	1000–3
				C-dn	NA	NA	NA
				A-dn	1000–3	1000–3	1000–3

Radar available.
Procedure turn not authorized.
Minimum altitude over facility on final approach crs, 1000'.**
Crs and distance, facility to lead-in lights, 041°—1.7 miles. Arc distance via lead-in lights to Runways 13L, 4.8 miles; 13R, 3.7 miles.
If visual contact not established upon descent to authorized landing minimums within 2.5 miles after passing CRI VOR, at the Int of the 295° radial of JFK VOR, or if landing not accomplished proceed direct to JFK VOR thence via JFK R 077° to DPK VOR climbing to 3000'. Hold E, 1-minute left turns, Inbnd crs, 257°.
%LDIN (Lead-in light system) must be operational to execute this procedure. When visual reference established at 2.5 miles beyond CRI VOR, follow lead-in lights to Runways 13L or 13R. Do not descend below 500' until runway threshold in sight.
**When directed by ATC cross CRI VOR or JFK VOR, R 080° between 1100' and 2000'.
MSA within 25 miles of facility: 000°–090°—1900'; 090°–180°—1400'; 180°–270°—1600'; 270°–360°—2600'.

City, New York; State, N.Y.; Airport name, John F. Kennedy International; Elev., 12'; Fac. Class., T-VORW; Ident., CRI; Procedure No. VOR-13L/13R, Amdt. 3; Eff. date, 18 Dec. 65; Sup. Amdt. No. 2; Dated, 4 Sept. 65

				T-dn	300–1	300–1	200–½
				C-dn	700–1	700–1	700–1½
				S-dn-19#	700–1	700–1	700–1
				A-dn**	1000–2	1000–2	1000–2
				DME minimums:			
				C-dn	600–1	600–1	600–1½
				S-dn-19#	600–1	600–1	600–1

Radar available.
Procedure turn W side of crs, 359° Outbnd, 179° Inbnd, 2300' within 10 miles.
Minimum altitude over facility on final approach crs, 2000'; at 2.5-miles DME Fix, 1234'.
Crs and distance, facility to breakoff point, 179°—4.2 miles; break off point to runway, 187°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles after passing PQI VOR, make right-climbing turn to 2300' direct to PQI VOR. Hold N of PQI VOR, 1-minute right turns, 179° Inbnd.
*500–1 and **800–2 are authorized for those who have an approved arrangement for altimeter setting and weather service at the airport.
#Reduction not authorized.
MSA within 25 miles of facility: 000°–090°—3000'; 090°–180°—3100'; 180°–270°—3000'; 270°–360°—3000'.

City, Presque Isle; State, Maine; Airport name, Presque Isle Municipal; Elev., 534'; Fac. Class., H-BVORTAC; Ident., PQI; Procedure No. 1, Amdt. 1; Eff. date, 18 Dec. 65; Sup. Amdt. No. Orig.; Dated, 27 Aug. 60

3. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Conrse and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Channel Int	JFK VOR	Direct	1900	T-dn	300–1	300–1	200–½
				C-dn	600–1	600–1	600–1½
				S-dn-4L/R	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2

Radar available.
Procedure turn E side of crs, 222° Outbnd, 042° Inbnd, 1300' within 10 miles.
Minimum altitude over facility on final approach crs, 600'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of JFK VOR, make right-climbing turn to 3000' on JFK VOR, R 077° to DPK VOR. Hold E, 1-minute left turns, Inbnd crs, 257°.
CAUTION: Straight-in landing minimums do not provide standard clearance over 277' stack, 1.1 miles SSE of Runway 4R.
Other change: Deletes transition from Deer Park VOR.
MSA within 25 miles of facility: 000°–090°—1900'; 090°–180°—1400'; 180°–270°—1600'; 270°–360°—2600'.

City, New York; State, N.Y.; Airport name, John F. Kennedy International; Elev., 12'; Fac. Class., H-VORTAC; Ident., JFK; Procedure No. TerVOR-4L/R, Amdt. 9; Eff. date, 18 Dec. 65; Sup. Amdt. No. 8; Dated, 2 Apr. 64

Channel Int	JFK VOR	Direct	1900	T-dn	300–1	300–1	200–½
				C-dn	600–1	600–1	600–1½
				S-dn-22R/L	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2

Radar available.
Procedure turn E side of crs, 042° Outbnd, 222° Inbnd, 1900' within 10 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of JFK VOR make left-climbing turn to 2000' on JFK VOR, R 189° to Channel Int. Hold S of Channel Int, right turns, 1 minute, Inbnd crs, 009°.
Other change: Deletes transition from Deer Park VOR.
MSA within 25 miles of facility: 000°–090°—1900'; 090°–180°—1400'; 180°–270°—1600'; 270°–360°—2600'.

City, New York; State, N.Y.; Airport name, John F. Kennedy International; Elev., 12'; Fac. Class., H-VORTAC; Ident., JFK; Procedure No. TerVOR-22R/L, Amdt. 10; Eff. date, 18 Dec. 65; Sup. Amdt. No. 9; Dated, 2 Apr. 64

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Deer Park VOR	JFK VOR, R 116°*	23.4 miles clockwise arc.	3000	T-dn	300–1	300–1	200–½
Channel VHF Int	JFK VOR, R 116°*	19 miles counterclockwise arc.	2000	C-dn	1000–3	1000–3	1000–3
JFK VOR, R 116°*	Helen Int, 7-mile DME Fix (final)	Direct	1500	A-dn	1000–3	1000–3	1000–3

Radar available.
Procedure turn not authorized. Radar vectors or DME transitions to final approach are required.
Minimum altitude over facility on final approach crs, 1000'.
Crs and distance, breakoff point to approach end of Runway 31R, 311°—2.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 miles of JFK VOR, make a left-climbing turn to 2000' on R 189°, JFK VOR to Channel VHF Int. Hold S, 1-minute right turns, Inbnd crs, 009°.
*Final approach, R 116°.
MSA within 25 miles of facility: 000°–090°—1900'; 090°–180°—1400'; 180°–270°—1600'; 270°–360°—2600'.

City, New York; State, N.Y.; Airport name, John F. Kennedy International; Elev., 12'; Fac. Class., H-VORTAC; Ident., JFK; Procedure No. TerVOR-31R, Amdt. 4; Eff. date, 18 Dec. 65; Sup. Amdt. No. 3; Dated, 2 Apr. 64

Deer Park VOR	JFK VOR, R 064°*	23.4 miles counterclockwise arc.	3000	T-dn	300–1	300–1	200–½
				C-dn	1000–3	1000–3	1000–3
JFK VOR, R 064°	Baldwin Int, 7-mile DME Fix (final)	Direct	1900	A-dn	1000–3	1000–3	1000–3

Radar available.
Procedure turn not authorized. Radar vectors or DME transition to final approach are required.
Minimum altitude over facility on final approach crs, 1000'.
Crs and distance, breakoff point to approach end of Runway 25, 251°—3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of JFK VOR, make a left-climbing turn to 2000' on R 189°, JFK VOR to Channel VHF Int, hold S, 1-minute right turns, Inbnd crs, 009°.
*Final approach, R 064°.
MSA within 25 miles of facility: 000°–090°—1900'; 090°–180°—1400'; 180°–270°—1600'; 270°–360°—2600'.

City, New York; State, N.Y.; Airport name, John F. Kennedy International; Elev., 12'; Fac. Class., H-BVORTAC; Ident., JFK; Procedure No. TerVOR-R-064, Amdt. 5; Eff. date, 18 Dec. 65; Sup. Amdt. No. TerVOR-25, 4; Dated, 2 Apr. 64

PROCEDURE CANCELED, EFFECTIVE 18 DEC. 1965.

City, New York; State, N.Y.; Airport name, John F. Kennedy International; Elev., 12'; Fac. Class., BVORTAC; Ident., JFK; Procedure No. TerVOR(R-105), Amdt. 4; Eff. date, 2 Apr. 64; Sup. Amdt. No. 3; Dated, 9 Nov. 63

Bonnie VHF Int	JFK VOR (final)	Via R 140°	700	T-dn	300–1	300–1	200–½
				C-dn	700–1	700–1	700–1½
				A-dn	800–2	800–2	800–2

Radar required.
Procedure turn not authorized. Final approach, R 140°.
Minimum altitude over facility on final approach crs, 700'.
Crs and distance, breakoff point to approach end of 31L, 311°—1 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of JFK VOR, make left-climbing turn to 2000' on 189° radial of JFK VOR to Channel Int. Hold S of Channel Int, right turns, 1 minute, 009° Inbnd.
Other change: Deletes transition from Deer Park VOR and Sandy Hook VHF Int, also air carrier note.
MSA within 25 miles of facility: 000°–090°—1900'; 090°–180°—1400'; 180°–270°—1600'; 270°–360°—2600'.

City, New York; State, N.Y.; Airport name, John F. Kennedy International; Elev., 12'; Fac. Class., H-VORTAC; Ident., JFK; Procedure No. TerVOR(R-140), Amdt. 6; Eff. date, 18 Dec. 65; Sup. Amdt. No. 5; Dated, 2 Apr. 64

4. By amending the following very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots

PROCEDURE CANCELED, EFFECTIVE 18 DEC. 1965.

City, Douglas; State, Ariz.; Airport name, Bisbee-Douglas International; Elev., 4153'; Fac. Class., L-BVORTAC; Ident., DUG; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. date, 11 Nov. 65

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Deer Park VOR	JFK, R 140°	Via 23.4-mile orbit (clockwise).	3000	T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
Channel VHF Int	JFK, R 140°	Via 19-mile orbit (counter clockwise).	2000	A-dn	800-2	800-2	800-2

Radar available.
Procedure turn not authorized. Radar vectors or DME transitions to final approach required.
Minimum altitude on approach radial, 19-mile DME Fix to 4-mile DME Fix, R 140°, 1500'; 4-mile DME Fix to 3-mile DME Fix, R 140°, 1200'; 3-mile DME Fix to 2-mile DME Fix, R 140°, 900'; 2-mile DME Fix to 1-mile DME Fix, R 140°, 600'.
Crs and distance, breakoff point to approach end of Runway 31L, 311°—1 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of JFK VOR, make left-climbing turn to 2000' on R 189°, JFK VOR and proceed to Channel VHF Int, hold at Channel Int, right turns, 1 minute, 009° Inbnd.
Other change: Deletes air carrier note.
MSA within 25 miles of facility: 000°–090°—1900'; 090°–180°—1400'; 180°–270°—1600'; 270°–360°—2600'.

City, New York; State, N.Y.; Airport name, John F. Kennedy International; Elev., 12'; Fac. Class., H-VORTAC; Ident., JFK; Procedure No. VOR/DME No. 1, Amdt. 4; Eff. date, 18 Dec. 65; Sup. Amdt. No. 3; Dated, 2 Apr. 64

PROCEDURE CANCELED, EFFECTIVE 18 DEC. 1965.

City, New York; State, N.Y.; Airport name, John F. Kennedy International; Elev., 12'; Fac. Class., BVORTAC; Ident., JFK; Procedure No. VOR/DME No. 2, Amdt. 3; Eff. date, 2 Apr. 64; Sup. Amdt. No. 2; Dated, 9 Nov. 63

ORL VOR	Fairview Int	Direct	1700	T-dn	300-1	300-1	200-½
ORL LOM	Fairview Int	Direct	1700	C-dn	500-1	500-1	500-1½
				S-dn-13#	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn W side of crs, 317° Outbnd, 137° Inbnd, 1700' within 10 miles of Fairview Int.
Minimum altitude over Fairview Int, on final approach crs, 1700'.
Crs and distance, Fairview Int to airport, 137°–5.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing Fairview Int, turn left and climb to 2000' on R 049° within 20 miles of ORL VOR or, when directed by ATC, climb to 2000' on R 123° within 20 miles of ORL VOR.
NOTE: When authorized by ATC, Orlando DME may be used for a 9-mile orbit from R 230° clockwise thru R 045° at 1700' to position aircraft for a straight-in approach with the elimination of the procedure turn.
#Reduction below ¾ mile not authorized.
MSA within 25 miles of facility: 000°–090°—2100'; 090°–180°—1400'; 180°–270°—1800'; 270°–360°—2000'.

City, Orlando; State, Fla.; Airport name, Herndon; Elev., 113'; Fac. Class., H-BVORTAC; Ident., ORL; Procedure No. VOR/DME No. 2, Amdt. 2; Eff. date, 18 Dec. 65; Sup. Amdt. No. 1; Dated, 30 Jan. 65

PROCEDURE CANCELED, EFFECTIVE 18 DEC. 1965.

City, Presque Isle; State, Maine; Airport name, Presque Isle Municipal; Elev., 534'; Fac. Class., H-BVORTAC; Ident., PQI; Procedure No. VOR/DME-1, Amdt. Orig.; Eff. date, 10 Apr. 65

Millinocket VOR	Saddleback DME	Direct	3400	T-dn	300-1	300-1	200-½
Houlton VOR	Saddleback DME	Direct	3400	C-dn	600-1	600-1	600-1½
Saddleback DME	12-mile DME Fix, R 181°	Direct	2500	S-dn-1*#	600-1	600-1	600-1
12-mile DME Fix, R 181°	10-mile DME Fix, R 181°	Direct	1700	A-dn**	1000-2	1000-2	1000-2
10-mile DME Fix, R 181°	9-mile DME Fix, R 181°	Direct	1400				
9-mile DME Fix, R 181°	8-mile DME Fix, R 181° (final)	Direct	1100				

Radar available.
Procedure turn not authorized.
Minimum altitude over 12-mile DME Fix, R 181° on final approach crs, 2500'; over 10-mile DME Fix, 1700'; over 9-mile DME Fix, 1400'; over 8-mile DME Fix, 1100'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 6 DME miles from PQI VOR, climb straight ahead to 2300' direct to PQI VOR. Hold N of PQI VOR, 1-minute right turns, 179° Inbnd.
*500-1 and **800-2 are authorized for those who have an approved arrangement for altimeter setting and weather service at the airport.
#Reduction not authorized.
MSA within 25 miles of facility: 000°–090°—3000'; 090°–180°—3100'; 180°–270°—3000'; 270°–360°—3000'.

City, Presque Isle; State, Maine; Airport name, Presque Isle Municipal; Elev., 534'; Fac. Class., H-BVORTAC; Ident., PQI; Procedure No. VOR/DME-2, Amdt. 1; Eff. date, 18 Dec. 65; Sup. Amdt. No. Orig.; Dated, 10 Apr. 65

5. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
SVM VOR	DW LOM	Direct	2700	T-dn*	300-1	300-1	200-½
YIP VOR	DW LOM	Direct	2700	C-dn	400-1	500-1	500-1½
CRL VOR	DW LOM	Direct	2700	S-dn-21R**#	200-½	200-½	200-½
QG VOR	DW LOM	Direct	2700	A-dn	600-2	600-2	600-2
Royal Int	DW LOM (final)	Direct	2300				

Radar available.
Procedure turn N side of NE crs, 032° Outbnd, 212° Inbnd, 2700' within 10 miles. Final approach from holding pattern at LOM not authorized. Procedure turn required.
Minimum altitude at glide slope interception Inbnd, 2300'.
Altitude of glide slope and distance to approach end of runway at OM, 2289'—5.2 miles; at MM, 869'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make right-climbing turn to 2400' and proceed to YI LOM, or as directed by ATC, climb to 2200', proceed direct to DT LOM.
*RVR 2400' authorized Runway 21R. **RVR 2400'. Descent below 839' not authorized unless approach lights are visible.
#400-¾, visibility reduction below ¾ not authorized, when glide slope inoperative.

City, Detroit (Romulus); State, Mich.; Airport name, Detroit Metropolitan Wayne County; Elev., 639'; Fac. Class., ILS; Ident., I-DWC; Procedure No. ILS-21R, Amdt. 4; Eff. date, 18 Dec. 65; Sup. Amdt. No. 3; Dated, 14 Aug. 65

Erie VOR	LOM (final)	Direct	2000	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-6*	300-½	300-½	300-½
				A-dn	600-2	600-2	600-2

Procedure turn S side of crs, 240° Outbnd, 060° Inbnd, 2300' within 10 miles.
Minimum altitude at glide slope int Inbnd, 2060'.
Altitude of glide slope and distance to approach end of runway at OM, 1950'—3.9 miles; at MM, 1032'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make right-climbing turn to 3000', intercept R 064° of Erie VOR, proceed to Hammett Int. Hold NE, 1-minute right turns, 244° Inbnd or, when directed by ATC, make immediate left-climbing turn to 2300', return to ER LOM. Hold SW, 1-minute right turns, 060° Inbnd.
AIR CARRIER NOTE: 300-1 required for takeoff on all runways except 6-24. Sliding scale authorized Runways 6-24.
*400-1 required when glide slope not utilized; 400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights; 400-½ authorized, except for 4-engine turbojet aircraft, with operative ALS.

City, Erie; State, Pa.; Airport name, Port Erie; Elev., 732'; Fac. Class., ILS; Ident., I-ERI; Procedure No. ILS-6, Amdt. 5; Eff. date, 18 Dec. 65; Sup. Amdt. No. 4; Dated, 22 May 65

FNT VOR	LOM	Direct	2100	T-dn	300-1	300-1	200-½
Russell Int	LOM	Direct	2700	C-dn	400-1	500-1	500-1½
Fosters Int	LOM	Direct	2500	S-dn-9#	200-½	200-½	200-½
St. Johns Int	Vernon Int	Via FNT, R-272	2500	A-dn	600-2	600-2	600-2
Vernon Int	LOM (final)	Direct	2000				

Procedure turn S side of crs, 271° Outbnd, 091° Inbnd, 2100' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2000'.
Altitude of glide slope and distance to approach end of runway at OM, 1988'—3.9 miles; at MM, 986'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make left-climbing turn and proceed to Davis Int via FNT, R 072° at 2400' or, when directed by ATC, make climbing right turn, and proceed direct to FN LOM at 2100'.
NOTE: When authorized by ATC, DME may be used to position aircraft on final crs at 2600' via 11-mile DME Arc, 172° clockwise to 340° with the elimination of procedure turn.
#With glide slope inoperative, 400-½ authorized with operative ALS except for 4-engine turbojets. 400-¾ authorized with operative high-intensity runway lights, except 4-engine turbojets.

City, Flint; State, Mich.; Airport name, Bishop; Elev., 781'; Fac. Class., ILS; Ident., I-FNT; Procedure No. ILS-9, Amdt. 8; Eff. date, 18 Dec. 65; Sup. Amdt. No. 7; Dated, 8 Aug. 64

GRR VOR	Wilson Int	Direct	2400	T-dn	300-1	300-1	200-½
James Int	Wilson Int (final)	Direct	2100	C-dn	400-1	500-1	500-1½
MKG VOR	James Int	Direct	2400	S-dn-8#	400-1	400-1	400-1
GRR LOM	Wilson Int	Direct	2400	A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 262° Outbnd, 082° Inbnd, 2500' within 10 miles of Wilson Int.
Minimum altitude over Wilson Int on final approach crs, 2100'.
Crs and distance, Wilson Int to airport, 082°—4.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing Wilson Int, make climbing left turn to 2500', and proceed to Walker Int via GRR VOR, R 350° or, when directed by ATC, make right-climbing turn to 2900' and proceed direct to GRR VOR or make climbing left turn and return to Wilson Int via W crs, ILS.
NOTES: (1) No approach lights. (2) No glide slope. (3) Procedure authorized only for aircraft equipped to receive ILS and VOR simultaneously.
#400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.

City, Grand Rapids; State, Mich.; Airport name, Kent County; Elev., 793'; Fac. Class., ILS; Ident., I-ORR; Procedure No. ILS-8 (back crs), Amdt. 3; Eff. date, 18 Dec. 65; Sup. Amdt. No. 2; Dated, 29 Apr. 65

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
GRR VOR	LOM	Direct	2500	T-dn#	300–1	300–1	200–½
Lyons Int	Ada Int	Direct	2500	C-dn	400–1	500–1	500–1½
Ada Int	LOM (final)	Direct	2500	S-dn-26%*	200–½	200–½	200–½
Walker Int	LOM	Direct	2500	A-dn	600–2	600–2	600–2
Orangeville Int	LOM	Direct	2900				
James Int	LOM	Direct	2500				
Sun Int	LOM	Direct	2500				

Procedure turn N side of crs, 082° Outbnd, 262° Inbnd, 2500′ within 10 miles.
Minimum altitude at glide slope intercption Inbnd, 2500′.
Altitude of glide slope and distance to approach end of runway at OM, 2422′—6.1 miles; at MM, 970′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make right-climbing turn to 2500′ and proceed to Walker Int via GRR VOR, R 350° or, when directed by ATC, make climbing right turn to 2500′ and proceed direct to GRR LOM.
CAUTION: Glide slope not usable Inbnd from middle marker; satisfactory for authorized minimums.
*400–¾ required with glide slope inoperative. 400–½ authorized, except for 4-engine turbojet aircraft, with operative ALS.
%RVR 2400′. Descent below 993′ not authorized unless approach lights are visible.
#RVR 2400′ authorized Runway 26.

City, Grand Rapids; State, Mich.; Airport name, Kent County; Elev., 793′; Fac. Class., ILS; Ident., I-GRR; Procedure No. ILS–26, Amdt. 3; Eff. date, 18 Dec. 65; Sup. Amdt. No. 2; Dated, 29 Apr. 65

IND VOR	LOM	Direct	2400	T-dn	300–1	300–1	200–½
IND RBn	LOM	Direct	2000	C-dn	400–1	500–1	500–1½
Shelbyville VOR	LOM	Via SHB VOR, R 276°.	2400	S-dn-4°	300–¾	300–¾	300–¾
				A-dn	600–2	600–2	600–2
Quincy Int	LOM (Final)	Direct	2000				

Radar available.
Procedure turn S side SW crs, 224° Outbnd, 044° Inbnd, 2000′ within 10 miles of LOM.
Minimum altitude at glide slope intercption Inbnd, 1900′.
Altitude of glide slope and distance to approach end of runway at OM, 1900′—3.6 miles; at MM, 980′—0.2 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing LOM, climb to 3000′ and proceed via the NE crs, ILS to R 293°, SHB VOR, then via R 293° to SHB VOR or, when directed by ATC, (1) climb to 3000′ on NE crs, ILS and proceed to Castleton Int; (2) make left turn, climb to 2500′ and proceed direct to IND VOR.
NOTE: Glide slope touchdown point 3100′ past Runway 4 threshold. No approach lights.
*400–¾ required if glide slope inoperative.

City, Indianapolis; State, Ind.; Airport name, Indianapolis Municipal (Weir Cook); Elev., 797′; Fac. Class., ILS; Ident., I-IND; Procedure No. ILS–4, Amdt. 10; Eff. date, 18 Dec. 65; Sup. Amdt. No. 9; Dated, 14 Mar. 64

MGM VORTAC	LOM	Direct	1800	T-dn†	300–1	300–1	200–½
Benton Int	LOM (final)	Direct	1700	C-dn	400–1	500–1	500–1½
Calhoun Int	LOM	Direct	1800	S-dn-9°#	200–½	200–½	200–½
Swift Creek Int	LOM	Direct	1800	A-dn	600–2	600–2	600–2
Sellers Int	LOM	Direct	2500				

Radar available.
Procedure turn S side crs, 273° Outbnd, 093° Inbnd, 1700′ within 10 miles.
Minimum altitude at glide slope Interception Inbnd, 1700′.
Altitude of glide slope and distance to approach end of runway at OM, 1700′—5.1 miles; at MM, 435′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn right, climb to 2000′ on R 127°, MGM VORTAC within 20 miles or, when directed by ATC, climb to 2000′ on crs of 093° from MGM LOM within 15 miles.
CAUTION: Tower, 987′—8 miles E and tower, 999′—6 miles NE.
CAUTION NOTE: Night operations Runways 15–33 not authorized.
†RVR 2400′ authorized Runway 9.
#RVR 2400′. Descent below 421′ not authorized unless approach lights are visible.
*400–¾ (RVR 4000′) required when glide slope not utilized. 400–½ (RVR 2400′) authorized with operative ALS except for 4-engine turbojets.

City, Montgomery; State, Ala.; Airport name, Dannelly Field; Elev., 221′; Fac. Class., ILS; Ident., I-MGM; Procedure No. ILS–9, Amdt. 12; Eff. date, 18 Dec. 65; Sup. Amdt. No. 11; Dated, 19 June 65

				T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-27°	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar required.
No procedure turn. Radar control will not descend aircraft below 2000′ until 6 miles from end of runway on final.
Minimum altitude over 6-mile Radar Fix on final approach crs, 2000′.
Crs and distance, 6-mile Radar Fix to airport, 273°—6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles after passing 6-mile Radar Fix, climb to 2000′ on W crs of MGM ILS within 20 miles.
*400–¾ authorized with operative high-intensity runway lights, except for 4-engine turbojets.

City, Montgomery; State, Ala.; Airport name, Dannelly Field; Elev., 221′; Fac. Class., ILS; Ident., I-MGM; Procedure No. ILS–27 (back crs), Amdt. 1; Eff. date, 18 Dec. 65; Sup. Amdt. No. Orig.; Dated, 19 June 65

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Channel VHF Int	LOM	Direct	1200	T-dn*	300–1	300–1	200–½
Channel VHF Int	Narrows VHF Int	Via JFK VOR, 189 MR and SBJ VOR, 114 MR.	1500 #1000	C-dn	500–1	500–1	500–1½
				S-dn-4R**	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2
Narrows VHF Int	LOM (final)	Direct					

Radar available.
Procedure turn S side of crs, 222° Outbnd, 042° Inbnd, 1200′ within 10 miles of LOM.
Minimum altitude at glide slope interception Inbnd, 1000′.
Altitude of glide slope and distance to approach end of runway at OM, 756′—2.7 miles; at MM, 211′—.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.7 miles after passing LOM, climb straight ahead. to 500′ then make a climbing right turn to 3000′ on JFK, R 077° to Deer Park VOR. Hold E, 1-minute left turns Inbnd crs, 257°.
CAUTION: (1) Circling landing minimums do not provide standard clearance over stack, 277′—1.1 miles SSE of airport. (2) DME Indication at 1000′ altitude/glide slope intercption, 3.8 miles; at OM, 2.8 miles; at MM, 0.75 mile. DME should not be used to determine aircraft position over MM, runway threshold or runway touchdown point.
#After intercption of localizer crs Inbnd, descend on glide slope to cross outer marker at 756′.
*RVR 2000′ authorized Runways 4R, 22L, 31L. RVR 2400′ authorized Runway 31R.
**RVR 2000′. Descent below 212′ not authorized unless approach lights are visible.

City, New York; State, N.Y.; Airport name, John F. Kennedy International; Elev., 12′; Fac. Class., ILS; Ident., I-JFK; Procedure No. ILS–4R, Amdt. 10; Eff. date, 18 Dec. 65; Sup. Amdt. No. 9; Dated, 14 Aug. 65

Deer Park VOR	Roslyn VHF Int	LGA, R 103°	2000	T-dn*	300–1	300–1	200–½
Roslyn VHF Int	OM (final)	Direct	1700	C-dn	500–1	500–1	500–1½
Kennedy VOR	OM	Direct	1900	S-dn-22L%**	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2

Radar available.
Procedure turn E side of NE crs, 042° Outbnd, 222° Inbnd, 1900′ within 10 miles of OM.
Minimum altitude at glide slope interception Inbnd, 1700′.
Altitude of glide slope and distance to approach end of runway at OM, 1692′—5.6 miles; at MM, 218′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing OM, climb to 500′ straight ahead, make climbing left turn to 2000′ on JFK, R 189° to Channel VHF Int, hold S., 1-minute right turns, Inbnd crs, 009°.
CAUTION. Circling minimums do not provide standard clearance over the following obstructions: 277′, stack—1.1 miles SSE of Runway 4R.
%400–¾ required when glide slope not utilized. 400–½ authorized, except for 4-engine turbojet aircraft, with operative ALS.
*RVR 2000′ authorized Runways 4R, 22L, 31L. RVR 2400′ authorized Runway 31R.
**RVR 2000′. Descent below 212′ not authorized unless approach lights are visible.
RVV available on Runway 22R for takeoff and landing.

City, New York; State, N.Y.; Airport name, John F. Kennedy International; Elev., 12′; Fac. Class., ILS; Ident., I-IWY; Procedure No. ILS–22L, Amdt. 12; Eff. date, 18 Dec. 65; Sup. Amdt. No. 11; Dated, 14 Aug. 65

Deer Park VOR	Carol Int	Direct	2000	T-dn*	300–1	300–1	200–½
Deer Park VOR	Carol Int	JFK, R 077° to 11.5 miles clockwise arc.	2000	C-dn	500–1	500–1	500–1½
				S-dn-31R**%	300–¾	300–¾	300–¾
				A-dn	600–2	600–2	600–2
Channel Int	Carol Int	Direct	2000				
Channel Int	Carol Int	JFK, R 189° to 11.5 miles counterclockwise arc.	2000				
Carol Int	LOM (final)	Direct	1600				
Kennedy VOR	LOM	Direct	1600				

Radar available.
Procedure turn S side of SE crs, 131° Outbnd, 311° Inbnd, 1600′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 1600′.
Altitude of glide slope and distance to approach end of runway at OM, 1557′—5.6 miles; at MM, 193′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing LOM, climb straight ahead to 500′, make climbing left turn to 2000′ on JFK, R 189° to Channel Int. Hold S., 1-minute right turns, Inbnd crs, 009°.
CAUTION: Circling minimums do not provide standard clearance over stack, 277′—1.1 miles SSE of Runway 4R.
**Runway visual range, 4000′ also authorized for landing on Runway 31R in lieu of ¾ mile visibility provided that all components of the ILS and all related airborne equipment are in satisfactory operating condition.
%400–1 required when glide slope not utilized. 400–¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
*RVR 2400′ authorized Runway 31R. RVR 2000′ authorized Runways 4R, 22L, 31L.

City, New York; State, N.Y.; Airport name, John F. Kennedy International; Elev., 12′; Fac. Class., ILS; Ident., I-RTH; Procedure No. ILS–31R, Amdt. 3; Eff. date, 18 Dec. 65; Sup. Amdt. No. 2; Dated, 14 Aug. 65

ORL VOR	LOM	Direct	1900	T-dn	300–1	300–1	200–½
				C-dn	#400–1	500–1	500–1½
				S-dn-7*	300–¾	300–¾	300–¾
				A-dn	600–2	600–2	600–2

Radar available.
Procedure turn S side of crs, 247° Outbnd, 067° Inbnd, 1900′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 1900′.
Altitude of glide slope and distance to approach end of runway at OM, 1825′—5.4 miles; at MM, 326′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn left, climb to 2000′ on R 014° within 20 miles of ORL VOR or, when directed by ATC, turn right, climb to 2000′ on R 071° within 20 miles of ORL VOR.
*500–¾ required with glide slope inoperative. Reduction below ¾ mile not authorized.
#500–1 required with glide slope inoperative.

City, Orlando; State, Fla.; Airport name, Herndon; Elev., 113′; Fac. Class., ILS; Ident., I-ORL; Procedure No. ILS–7, Amdt. 5; Eff. date, 18 Dec. 65; Sup. Amdt. No. C; Dated, 27 Mar. 65

6. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
		Within:		Precision approach			
All directions	Radar site	25 miles	2500				
All directions#	Radar site	20 miles	1500	C-dn	500–1	500–1	500–1¼
169°	229°	4–15 miles	1000	S-dn-4R**	200–½	200–½	200–½
				A-dn-4R	600–2	600–2	600–2
				Surveillance approach			
				T-dn*	300–1	300–1	200–½
				C-dn	600–1	600–1	600–1½
				S-dn-4L	600–1	600–1	600–1
				S-dn-22R, 25L	500–1	500–1	500–1
				S-dn-7R, 31R%-	400–1	400–1	400–1
				A-dn-All	800–2	800–2	800–2

All bearings are from the radar site with azimuth progressing clockwise.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runways 4R, 4L, 7R: Make right-climbing turn to 3000' on JFK VOR, R 077° to DPK VOR. Hold E, 1-minute left turns, Inbnd crs, 257°. Runways 22R, 25L, 31R: Make left-climbing turn to 2000' on JFK VOR, R 189° to Channel Int. Hold S, 1-minute right turns, Inbnd crs, 009°.

CAUTION: Circling minimums do not provide standard clearance over 277' stack, 1.1 miles SSE of airport.

#Except W of LGA VOR, radials 045°–219°, 2500' minimum altitude required.

*RVR 2000' authorized Runways 4R, 22L, 31L. RVR 2400' authorized 31R.

**RVR 2000'. Descent below 212' not authorized unless approach lights are visible.

%400–¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.

City, New York; State, N.Y.; Airport name, John F. Kennedy International; Elev., 12'; Fac. Class. and Ident., Kennedy Radar; Procedure No. 1, Amdt. 9; Eff. date, 18 Dec. 65; Sup. Amdt. No. 8; Dated, 14 Aug. 65

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348 (c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on November 15, 1965.

G. H. WEITZ,
Acting Director, Flight Standards Service.

[F.R. Doc. 65–12464; Filed, Dec. 21, 1965; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 91; Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1) (i), (ii), (iii), and (iv) of § 907.391 (Navel Orange Regulation 91; 30 F.R. 15317) are hereby amended to read as follows:

§ 907.391 Navel Orange Regulation 91.

• • • • • •

(b) *Order.* (1) • • •

(i) District 1: Unlimited movement;

(ii) District 2: Unlimited movement;

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

• • • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 17, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–13643; Filed, Dec. 21, 1965; 8:47 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

[Cotton Loan Program Reg., Amdt. 1]

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1427—COTTON

Subpart—Cotton Loan Program Regulations

MISCELLANEOUS AMENDMENTS

The regulations issued by the Commodity Credit Corporation, published in 30 F.R. 8096, as Cotton Loan Program Regulations, and containing terms and conditions with respect to the Cotton Loan Program, are hereby amended as follows:

1. Section 1427.1356 is hereby amended by adding a paragraph (p) as follows:

§ 1427.1356 Eligible cotton.

• • • • • •

(p) If the person tendering such cotton is a landlord or landowner, the cotton must not have been acquired by such landlord or landowner directly or indirectly from a share tenant or sharecropper and must not have been received in payment of fixed or standing rent; and if the person tendering such cotton produced it in the capacity of landlord, it must be his separate share of the crop, unless he is tendering cotton in which both he and one or more share tenants or sharecroppers have an interest.

2. Paragraph (b) of § 1427.1359 is hereby amended to read as follows:

§ 1427.1359 Weight, loan rate, and amount.

• • • • • •

(b) *Loan rate.* (1) The base loan rate for Middling 1-inch upland cotton (except for the special condition upland cotton provided for in this section) of each crop at each approved warehouse will be stated in the schedule of base loan rates for upland cotton by warehouse locations contained in the supplement to this subpart for such crop. This schedule will be available at county offices.

(2) The premium or discount applicable to each other eligible grade and staple of length of upland cotton of each crop and the premium or discount, if any, for each micronaire reading will also be contained in the supplement to this subpart for such crop.

(3) The loan rate for upland cotton for which the classification memorandum shows a reduction in grade because of the presence of extraneous matter (such as grass, bark, oil, sand, notes, etc.) or because of spindle twist shall be one-half cent a pound less than the loan rate for the quality (grade and staple length) to which the cotton is reduced.

(4) The loan rate for upland cotton which is "wasty" shall be 3 cents per pound less than the loan rate for the quality (grade and staple length) shown on the classification memorandum, except that for loans disbursed after October 31, 1965, if a classification memorandum shows a micronaire reading of 2.7 or higher and also is stamped "wasty," the loan rate shall reflect the discount for micronaire reading and the "wasty" designation shall be disregarded. This discount shall be in addition to the discount for extraneous matter or spindle twist.

(5) Loan rates for extra long staple cotton of each crop will be contained in the supplement to these regulations for such crop.

• • • • • •

3. Section 1427.1364 is hereby amended to read as follows:

§ 1427.1364 Liens.

Cotton tendered for loan must be free and clear of all liens except the warehouseman's lien for those charges which are authorized in the storage agreement with CCC. The signatures of the holders of all such existing liens on cotton tendered as security for a loan, such as landlords, laborers, or mortgagees, must be obtained on the Lienholder's Waiver on each Form A, except that in lieu of signing the Lienholder's Waiver on each Form A, the lienholder may waive his lien on all cotton of that crop produced on a farm or pledged on one Form A by use of Form 679, or by use of another form approved by CCC. A fraudulent representation as to prior liens or otherwise will render the producer personally liable and subject him, and any other person who causes the fraudulent representation to be made, to criminal prosecution under the provisions of the Commodity Credit Corporation Charter Act. A joint disbursement of loan proceeds to the producer and the lienholder does not satisfy the requirement that lienholders must executive the Lienholder's Waiver.

4. Paragraphs (a), (b), (c), and (d) of § 1427.1378 are hereby amended to read as follows:

§ 1427.1378 Special procedure where full loan value advanced.

(a) *Purpose.* This special procedure is provided to assist persons or firms which in the course of their regular business of handling cotton for producers have made advances to eligible producers on eligible cotton to be placed under price support loans and desire to obtain credit at a financial institution for the amounts advanced. A financial institution which is eligible to participate under the regulations covering Participation of Financial Institutions in Cotton Loan Pools and has made advances to eligible producers on eligible cotton may also obtain reimbursement for the amounts advanced under this procedure.

(b) *Eligible documents.* This special procedure shall apply only to loan documents covering cotton on which a person or firm has advanced to the producers (including payments to prior lienholders and other creditors) the full loan value of the cotton as shown on the Form A, except for authorized loan clerk fees, and shall apply only if such person or firm is entitled to reimbursement from the proceeds of the loans for the amounts advanced, and has been authorized by the producers to deliver the loan documents to the county office for disbursement.

(c) *Preparation of notes.* The Forms A shall be prepared by an approved loan clerk who is the person who made the loan advances or is an employee of the person or firm which made the loan advances and shall show the entire proceeds of the loans for disbursement to (1) the financial institution which is to allow credit to the person or firm which made the loan advances or to such financial institution and such person or firm as joint payees, or (2) the financial institution which made the loan advances to the producers.

(d) *Delivery of notes to county office.* The Forms A and related documents as required by § 1427.1357 shall be mailed or delivered to the county office which keeps the farm records for the farms on which the cotton was produced. The document shall be accompanied by a transmittal schedule in triplicate showing:

(1) The name and address of the county office.

(2) The name and address of the person or firm which made the loan advances.

(3) The name and address of the financial institution if the transmittal schedule covers loans for which the institution allowed credit to the person or firm which made the advances to the producers.

(4) The producer's name, number of bales and loan amount for each note.

(5) The total number of bales and total amount of notes.

(6) A certification signed by the person or firm which made the loan advances as follows: I (we) certify with respect to the loan documents covered by this schedule that I (we) have made loan advances to the producers for the full

loan value of the cotton as shown on the Form A notes.

(7) A certification by the financial institution as follows if the transmittal schedule covers loans for which the institution allowed credit to the person or firm which made the advances to the producers: We certify that we have allowed credit to the account of the person or firm identified above for the total amount of this schedule subject to adjustment for the amount of any notes not acceptable for disbursement.

Upon receipt of the loan documents and transmittal schedule, the county office will stamp one copy of the transmittal schedule to indicate receipt of the documents and return the copy to the financial institution.

* * * * *

(Secs. 4, 5, 62 Stat. 1070, as amended; secs. 101, 103, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C., 1441, 1444, 1421)

Effective date. This amendment shall become effective upon filing with Office of the Federal Register for publication.

Signed at Washington, D.C., on December 16, 1965.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 65-13673; Filed, Dec. 21, 1965; 8:49 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

PART 265—NOTICES OF ADDRESS

PART 299—IMMIGRATION FORMS

Miscellaneous Amendments

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

1. Subparagraphs (2) and (3) of paragraph (b) *Section 212(g) (tuberculosis and certain mental conditions)* of § 212.7 *Waiver of certain grounds of excludability* are amended to read as follows:

§ 212.7 Waiver of certain grounds of excludability.

* * * * *

(b) *Section 212(g) (tuberculosis and certain mental conditions).* * * *

(2) *Section 212(a) (1) and (3) (certain mental conditions)—(i) Arrangements for submission of medical report.* If the alien is excludable under section 212(a) (1) or (3) (because of mental retardation or because of a past history of mental illness) he or his sponsoring family member shall submit an executed Form I-601 to the consular or Service office with a statement that arrangements have been made for the submission to that office of a medical report. The medical report shall contain a complete medical history of the alien, including details of any hospitalization or institutional care or treatment for any physical or mental condition; findings as to the current physical condition of the alien, including reports of chest X-ray examination if the alien is 11 years of age or over, of serologic test for syphilis if the alien is 15 years of age or over, and other pertinent diagnostic tests; and findings as to the current mental condition of the alien, with information as to prognosis and life expectancy and with a report of a psychiatric examination conducted by a psychiatrist who shall, in case of mental retardation, also provide an evaluation of the alien's intelligence. For an alien with a past history of mental illness, the medical report shall also contain available information on which the United States Public Health Service can base a finding as to whether the alien has been free of such mental illness for a period of time sufficient in the light of such history to demonstrate recovery. Upon receipt of the medical report, the consular or Service office shall refer it to the U.S. Public Health Service for review.

(ii) *Submission of statement.* Upon being notified that the medical report has been reviewed by the U.S. Public Health Service and determined to be acceptable, the alien or his sponsoring family member shall submit to the consular or Service office a statement, from a clinic, hospital, institution, school, other specialized facility, or specialist in the United States acceptable to the U.S. Public Health Service. The statement shall specify the name and address of the clinic, hospital, institution, school, other specialized facility, or specialist, and shall affirm (*a*) that the specified facility or specialist has agreed to accept the alien for all necessary diagnostic studies and medical supervision for a period of 5 years and during such period to be responsible either for providing, or for ensuring that the alien is provided, such additional care, training, or schooling as the diagnostic studies indicate to be necessary; (*b*) that the alien, his sponsoring family member, or other responsible person has made complete financial arrangements for payment of any charges that will be made during the 5-year period for all necessary diagnostic studies, care, and specialized training or schooling of the alien, including services to be received from the specified facility or specialist or from other sources; (c) that the specified facility or specialist will furnish the U.S. Quarantine Station Rosebank, Staten Island, N.Y., 10305, an initial report giving a current evaluation of the mental status of the alien within 30 days after his arrival; semiannual reports of his mental status for a period of 5 years, even if he has been discharged from care, training, or schooling, unless approval has been granted by the U.S. Public Health Service to transfer responsibility for the medical supervision of the alien to another facility or specialist; prompt notification of the death of the alien, of his departure without approval of the facility or specialist, or of his failure to report to the facility or specialist as may be required in connection with semiannual reports, or of his failure to report to the facility or specialist within 30 days after the facility or specialist receives notice from the U.S. Public Health Service that he has arrived in the United States; and (*d*) that the alien will be in an outpatient, inpatient, study, or other status, as determined by the responsible local physician or specialist, during the initial evaluation and during any subsequent care or observation deemed necessary.

(3) *Assurances: bonds.* In all cases under this paragraph (b) the alien or his sponsoring family member shall also submit an assurance that the alien will comply with any special travel requirements as may be specified by the U.S. Public Health Service and that, upon the admission of the alien into the United States, he will proceed directly to the facility or specialist specified for the initial evaluation, and will submit to such further examinations, treatment, schooling, training, and medical regimen as may be required, whether in an outpatient, inpatient, study, or other status, and that, before responsibility for the medical supervision of the alien is transferred to another facility or specialist, the alien or the sponsoring family member will obtain approval from the U.S. Quarantine Station, Rosebank, Staten Island, N.Y., 10305. The alien, his sponsoring family member, or other responsible person shall provide such assurances or bond as may be required to assure that the necessary expenses of the alien will be met and that he will not become a public charge.

* * * * *

§ 265.1 [Amended]

2. Section 265.1 *Forms* is amended by deleting the last sentence thereof.

§ 299.1 [Amended]

3. The titles and descriptions of Form I-590 and Form I-591 of § 299.1 *Prescribed forms* are amended to read as follows:

Form No.	*Title and description*
I-590	Registration for Classification as Conditional Entrant.
I-591	Assurance by a U.S. Sponsor in Behalf of an Applicant for Conditional Entry.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order relate to agency procedure.

Dated: December 16, 1965.

RAYMOND F. FARRELL,
Commissioner of
Immigration and Naturalization.

[F.R. Doc. 65-13641; Filed, Dec. 21, 1965; 8:46 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER G—EMERGENCY OPERATIONS

[General Order 82, 13th Rev.]

PART 309—VALUES FOR WAR RISK INSURANCE

Part 309 is hereby revised by changing the existing text to read as follows:

FINDINGS AND SCOPE

Sec.
309.1 Findings.
309.2 Scope.

BASIC VALUES

309.3 Vessels built during or after 1939.
309.4 Vessels built prior to 1939.

GENERAL PROVISIONS

309.5 Adjustments for condition, equipment and other considerations.
309.6 Definitions.
309.7 Modifications.
309.8 Vessel data forms.

VALUES FOR INDIVIDUAL VESSELS

309.101 Determination of values.

AUTHORITY: The provisions of this Part 309 under sec. 204, 49 Stat. 1987, as amended, sec. 1209, 64 Stat. 775, as amended, 70 Stat. 984; 46 U.S.C. 1114, 1289.

FINDINGS AND SCOPE

§ 309.1 Findings.

The Ship Valuation Committee, Maritime Administration, has found that the values provided in this part constitute just compensation for the vessels to which they apply, computed in accordance with subsection 902(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1242), pursuant to section 1209 (a), Merchant Marine Act, 1936, as amended (46 U.S.C. 1289(a)), Public Law 958, 84th Congress, and the authority delegated to the Maritime Administrator by the Secretary of Commerce in section 3 of Department Order No. 117 (Revised) (27 F.R. 3637, April 17, 1962) and redelegated to the Ship Valuation Committee (28 F.R. 12330, November 21, 1963).

§ 309.2 Scope.

(a) *Vessels included.* This part establishes values for self-propelled oceangoing iron and steel vessels (other than vessels excluded pursuant to paragraph (b) of this section) for which war risk insurance is provided by the Maritime Administration pursuant to Title XII, Merchant Marine Act, 1936, as amended (46 U.S.C. 1281-1294), Public Law 763, 81st Congress, Public Law 209, 84th Congress, Public Law 958, 84th Congress. The values established by this part represent the maximum amounts for which the Maritime Administration will provide war risk hull insurance for damage to or actual or constructive total loss of the vessel and for which claims for damage to or actual or constructive total loss of such insured vessels may be adjusted, compromised, settled, adjudged or paid by the Maritime Administration with respect to insurance attaching on or after July 1, 1965, under the standard forms of war risk hull insurance interim binder or policy prescribed by §§ 308.106 and 308.107 of this chapter (General Order 75, 2d Rev., as amended). Revised values will be prescribed in subsequent revisions of this part, which are expected to be issued at least every 6 months. The latest published values will remain in effect until new ones are published.

(b) *Vessels excluded.* The values established pursuant to §§ 309.3 through 309.5 do not apply to construction subsidized vessels, passenger vessels, lumber schooners, car ferries, sea trains, cable ships, bulk cement and ore carriers, vessels operated on the Great Lakes and inland waterways, fully refrigerated vessels, vessels of less than 1,500 gross tons, or any other vessels or class of vessels to which the Maritime Administration finds that the provisions of said sections would not be appropriate. Values for vessels excluded by this paragraph (b) shall be specifically determined by the Maritime Administration and set forth in § 309.101.

(c) *Fuel, stores, and supplies.* Values for fuel, stores, and supplies shall be determined in accordance with §§ 309.201 through 309.204 (General Order 100, 29 F.R. 2944, March 4, 1964.)

BASIC VALUES

§ 309.3 Vessels built during or after 1939.

(a) *Basic values.* The values of vessels built during or after 1939 shall be determined in accordance with this section, subject to the applicable adjustments provided in § 309.5.

(b) *War-built vessels.* (1) The values of the standard types of war-built vessels under United States flag listed in this subparagraph (1) which have the lawful right to engage in the coastwise trade of the United States (which are the current domestic market values of such vessels as determined by the Ship Valuation Committee) are as follows:

Standard-type vessel	*Value*
EC2-S-C1	$275,000
EC2-S-AW1	260,000
VC2-S-AP2	485,000
C1-M-AV1	260,000
C1-A and B (Steam)	270,000
C1-A and B (Diesel)	270,000
C2-S-B1	505,000
C3-S-A2	910,000
C4-S-B5	1,005,000
T1-M-BT	275,000
T2-SE-A1	490,000
T3-S-A1	475,000
T3-S-BZ1	885,000

(2) The values of the standard types of war-build vessels under United States flag listed in this subparagraph (2) which do not have the lawful right to engage in the coastwise trade of the United States (which are the current domestic market values of such vessels as determined by the Ship Valuation Committee) are as follows:

Standard-type vessel	*Value*
EC2-S-C1	$255,000
VC2-S-AP2	435,000
C2-S-B1	455,000
T1-M-BT2	120,000
T2-SE-A1	255,000
T3-S-A1	215,000

(3) The values of the standard types of war-built vessels under foreign flag listed in this subparagraph (3) (which are the lower of (i) the restricted world market values, or (ii) the domestic market values of comparable U.S.-flag vessels which do not have the lawful right to engage in the coastwise trade of the United States, as determined by the Ship Valuation Committee) are as follows:

Standard-type vessel	*Value*
T1-M-BT2	$120,000
T2-SE-A1	255,000
T3-S-A1	215,000

(4) The values of the standard subtypes of war-built vessels listed in this subparagraph (4) shall be determined as follows:

(i) If the subtype vessel is under U.S. flag and has the lawful right to engage in the coastwise trade of the United States, by multiplying the basic value of the standard-type vessel listed in subparagraph (1) of this paragraph by the factor shown opposite the subtype in the table set forth in this subparagraph (4), or

(ii) If the subtype vessel is under United States flag but does not have the lawful right to engage in the coastwise trade of the United States, by multiplying the basic value of the standard-type vessel listed in subparagraph (2) of this paragraph by the factor shown opposite the subtype in the table set forth in the subparagraph (4), or

(iii) If the subtype vessel is under foreign flag, by multiplying the basic value of the standard-type vessel listed in subparagraph (3) of this paragraph by the factor shown opposite the subtype in the table set forth in this subparagraph (4).

Subtype	*Factor*
VC2-S-AP3	109 percent—VC2-S-AP2.
C2-S-A1	85 percent—C2-S-B1.
C2-S-AJ1	100 percent—C2-S-B1.
C2-S-AJ2	105 percent—C2-S-B1.
C2-S-AJ3	100 percent—C2-S-B1.
C2-S-AJ5	103 percent—C2-S-B1.
C2-S-E1	102 percent—C2-S-B1.
C2-S	100 percent—C2-S-B1.
C3-S-A1	100 percent—C3-S-A2.
C3-S-A3	76 percent—C3-S-A2.
C3-S-A4	106 percent—C3-S-A2.
C3-S-A5	106 percent—C3-S-A2.
C3-E	70 percent—C3-S-A2.
C3-S-BH1	100 percent—C3-S-A2.
C3-S-BH2	104 percent—C3-S-A2.
C4-S-A4	100 percent—C4-S-B5.
T1-M-BT1	100 percent—T1-M-BT.
T1-M-BT2	100 percent—T1-M-BT.
T3-M-AZ1	105 percent—T3-S-A1.
T3-S-BF1	130 percent—T3-S-A1.

(c) *Other vessels.* The value of a vessel built during or after 1939 which is not included in paragraph (b) of this section shall be the current domestic market value as determined by the Maritime Administration.

§ 309.4 Vessels built prior to 1939.

The values of vessels built prior to 1939 shall be specifically determined by the Maritime Administration and set forth in § 309.101.

GENERAL PROVISIONS

§ 309.5 Adjustments for condition, equipment and other considerations.

The basic values provided in § 309.3 shall be adjusted for individual vessels to the extent provided in paragraphs (a) to (c) of this section.

(a) *Adjustment for a vessel of substandard condition.* If the Maritime Administration determines that a vessel is not in class or is in substandard condition for a vessel of her type or subtype and age, there will be subtracted from the basic value of such vessel, as determined pursuant to § 309.3, the amount estimated by the Maritime Administration as the cost of putting the vessel in class or the amount estimated by the Maritime Administration as the difference in value of the substandard vessel and a vessel in standard condition.

(b) *Special equipment.* For any special equipment of material utility in the handling of cargo or utilization of the vessel, not otherwise included in determining the basic value pursuant to § 309.3, if the depreciated reproduction cost less construction subsidy, if any, of all such special equipment is in excess of $50,000.00, an allowance in such amount as the Maritime Administration shall determine to be the fair and reasonable value of such equipment less construction-differential subsidy thereon, shall be added to the basic value.

(c) *Government installations.* The values provided by this part shall not include any allowance for any special installations or equipment to the extent that their cost was borne by the United States.

§ 309.6 Definitions.

(a) *Date vessel is built.* The date a vessel is built is the date upon which the vessel is delivered by the shipbuilder.

(b) *Deadweight tonnage.* The deadweight tonnage of a vessel means her deadweight capacity established in accordance with normal Summer Freeboard as assigned pursuant to the International Load Line Convention, 1930, and shall be her capacity (in tons of 2,240 pounds) for cargo, fuel, fresh water, spare parts and stores, but exclusive of permanent ballast.

(c) *Speed of vessel.* The speed of a vessel means the speed determined in accordance with the formulae provided in Part 246 of this chapter (General Order 43, 3d Revision).

(d) *Passenger vessel.* A passenger vessel is a ship which carries more than 12 passengers.

(e) *Construction subsidized vessel.* A construction subsidized vessel is a vessel built, reconstructed, or reconditioned with the aid of a construction-differential subsidy under Title V of the Merchant Marine Act, 1936, as amended, or a vessel sold by the United States which is subject by operation of law or contract to the provisions of section 802 of the Merchant Marine Act, 1936, as amended.

(f) *Vessel.* The stated valuation of a vessel in this order applies to a vessel in Class A–1 American Bureau of Shipping or equivalent, with all required certificates, including but not limited to marine inspection certificates of the Coast Guard, Treasury Department, with all outstanding requirements and recommendations necessary for retention of class accomplished, without regard to any grace period; and so far as due diligence can make her so, tight, staunch, strong and well and sufficiently tackled, appareled, furnished and equipped, and in every respect seaworthy and in good running condition and repair, with clean swept holds and in all respects fit for service. A vessel in substandard condition is subject to section 309.5(a). The stated valuation of a vessel provided in this order does not include vessel stores and supplies, which consist of (1) consumable stores, (2) subsistence stores, (3) slop chest, (4) bar stock, and (5) fuel, as defined in Maritime Administration Inventory Manual, Vessel Inventories, Part I, and Maritime Administration Inventory Books, Forms MA–4736, A through K, which will be valued separately.

§ 309.7 Modifications.

The Maritime Administration reserves the right to exempt specific vessels from the scope of this part, or to amend, modify, or terminate the provisions hereof.

§ 309.8 Vessel data forms.

(a) *To accompany application for insurance.* Each application for war risk hull insurance submitted in accordance with § 308.101 of this chapter (General Order 75, 2d Revision, as amended) shall be accompanied by information relating to the vessel for use by the Maritime Administration in determining the value pursuant to this part. The information shall be submitted in duplicate on the applicable form prescribed in this section, copies of which may be obtained from the American War Risk Agency, 99 John Street, New York, N.Y., 10038, or the Chief, Division of Insurance, Maritime Administration, Washington, D.C., 20235.

(b) *Vessels of 1500 gross tons or more.* Vessel data for all vessels of 1500 gross tons or more shall be submitted on form MA–510.

(c) *Vessels under 1500 gross tons.* Vessel data for all vessels under 1500 gross tons shall be submitted on form MA–511.

(d) *Modification to vessels.* Revised vessel data shall be submitted on the appropriate form prescribed above whenever a vessel undergoes a physical change which increases or decreases its value by 5 percent or more.

VALUES FOR INDIVIDUAL VESSELS

§ 309.101 Determination of values.

(a) *Vessels covered by §§ 309.3 through 309.5.* (1) Whereas, the Maritime Administration has found that the values established pursuant to §§ 309.3 through 309.5 constitute just compensation for the vessels to which they apply, computed in accordance with section 902(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1242); and section 1209(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1289), Public Law 958, 84th Congress (70 Stat. 934); and pursuant thereto has determined the values of vessels covered by interim binders for war risk hull insurance, form MA–184, prescribed by Part 308 of this chapter (General Order 75, 2d Rev., as amended).

(2) Therefore, it is ordered that the interim binders listed below shall be deemed to have been amended as of July 1, 1965, by inserting in the space provided therefor or in substitution for any value now appearing in such space the stated valuation of the vessels set forth below for the binders and vessels as designated. Nevertheless, the Assured shall have the right within 60 days after date of publication of this order or within 60 days after the attachment of the insurance under said binder, whichever is later, to reject such valuation and proceed as authorized by section 1209(a)(2) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1289).

Binder No.	Name of vessel	Official No.	Stated valuation (in thousands)
870	Achilles	281702	$8,400
722	African Glade	245035	505
723	African Glen	247294	505
724	African Grove	244877	505
605	Alamar	245810	500
1269	Alaska Bear	246004	529
1748	Alcoa Marketer	245539	505
1620	Alcoa Mariner	247572	505
1711	Alcoa Master	253572	505
1463	Alcoa Ranger	253116	511
1461	Alcoa Roamer	252567	511
1460	Alcoa Runner	245375	511
1749	Alcoa Voyager	253289	505
1850	Aldina	239754	425
1061	Aldine	841	255
659	Alice Brown	249027	505
352	Aloha State	243297	910
529	American Builder	247201	505
1972	American Condor	252347	910
831	American Eagle	278327	6,550
1769	American Falcon	252524	910
534	American Forester	248074	505
1791	American Hawk	243069	910
1665	American Hunter	252579	505
541	American Leader	249517	505
940	American Mail	247321	910
542	American Manufacturer	247643	505
545	American Miller	243873	505
1688	American Oriole	252304	910
546	American Packer	243982	505
549	American Press	247590	505
550	American Producer	254616	505
1679	American Robin	242941	910
554	American Scientist	254653	505
1902	American Trader	244855	930
561	American Veteran	247296	505
163	American Sun	240147	435
272	Ames Victory	247292	529
1485	Amoco Connecticut	242851	1,600
1488	Amoco Delaware	245058	1,550
1768	Amoco Louisiana	244329	1,725
1482	Amoco Maryland	242509	615
1484	Amoco New York	244801	673
1486	Amoco Virginia	243518	1,725
641	Amtank	247968	885
1914	Anchorage	246736	3,425
2008	Andrew Jackson	247303	515
10	Angelo Petri	243882	3,650
1040	A. N. Kemp	149	850
1615	Anne Quinn	243521	275
2009	Antinous	245979	515
1444	Arizona Standard	248736	490
1039	Atholl McBean	141	835
232	Atlantic Communicator	268196	3,500
233	Atlantic Endeavor	277623	5,875
234	Atlantic Engineer	261167	3,250
1004	Atlantic Enterprise	276911	5,800
1006	Atlantic Navigator	261423	3,300
238	Atlantic Seaman	260954	3,225
239	Atlantic Trader	248807	1,950
871	Atlas	277291	6,750
418	Attleboro Victory	247475	435
789	Andrey J. Luckenbach	248884	1,005
1435	Austin	247455	2,250
210	Avila	267181	1,235

Binder No.	Name of vessel	Official No.	Stated valuation (in thousands)
259	Azalea City	243436	$2,150
707	Badger State	245136	505
1864	Bangor	252036	510
980	Barbara	248079	2,175
347	Barbara Jane	278103	6,525
1616	Bat	244714	275
708	Bayou State	254012	505
940	Bay State	254130	505
1657	Bearcat	246427	255
1915	Beauregard	251508	2,150
709	Beaver State	245583	529
1755	Beliot Victory	245863	529
947	Bengal Mail	248844	910
594	Bennington	242406	490
607	Bethflor	250034	2,500
608	Bethtex	255539	2,500
419	Biddeford Victory	248433	435
261	Bienville	243438	2,150
710	Blue Grass State	253866	505
1986	Bowling Green	244750	505
1816	Bradford Island	247640	490
1490	Brazos	247583	850
837	Bridgehampton	248133	2,850
1593	Brighton	4445–59	2,035
1473	Brooklyn Heights	247872	485
353	Buckeye State	244577	910
1337	Burgan	1538	785
226	Byron D. Benson	246173	490
941	California Mail	252476	910
297	Californian	249239	2,950
963	California Standard	262403	385
1949	Calmar	294756	4,500
1575	Caltex Bangkok	2244–48	255
1576	Caltex Capetown	2246–48	255
1577	Caltex Copenhagen	2245–48	255
1578	Caltex Durban	2243–48	255
1579	Caltex Genoa	2248–48	255
1580	Caltex Gothenburg	2249–48	255
1581	Caltex Manila	2247–48	255
1585	Caltex Stockholm	2070–47	255
426	Canada Bear	247385	529
1424	Canterbury Leader	247868	260
1370	Cantigny	247452	2,225
07	Carbide Seadrift	241851	1,975
08	Carbide Texas City	242532	1,975
1931	Chancellorsville	244460	2,025
1213	Chatham	252493	505
333	Chemical Transporter	244942	1,235
243	Chena	242704	297
597	Cherry Valley	242531	490
964	Chevron	250641	275
1041	Chevron Transporter	132	825
610	Chilore	253219	2,350
1996	Choctaw Victory	247420	529
2010	Choctaw	242785	505
1813	Cities Service Baltimore	271866	5,625
1814	Cities Service Miami	272077	5,650
1815	Cities Service Norfolk	272839	5,775
1050	Cities Service Valley Forge	401	1,535
2011	City of Alma	247592	515
101	Claiborne	242378	505
1967	Cleveland	243450	490
244	Coastal Monarch	248099	260
245	Coastal Nomad	248382	260
246	Coastal Rambler	248648	260
266	Coeur D'Alene Victory	247113	529
273	Coe Victory	247804	529
188	Colina	242775	490
1163	Colorado	252492	505
1669	Columbia	247519	2,650
1978	Columbia Victory	247765	485
711	Constitution State	245985	529
1588	Continental II	1650	1,020
1589	Continental III	1695	1,030
712	Copper State	244137	910
713	Cotton State	248440	485
704	Cottonwood Creek	246864	1,650
1305	Counell Grove	247890	2,150
1051	Cradle of Liberty	467	1,560
1538	C. R. Musser	240754	570
668	Crown Trader	241602	435
583	Custis Woods	245009	490
1355	Cyclone	254751	550
137	Cynthia Olson	253441	115
1343	David D. Irwin	242354	2,300
212	David E. Day	248880	1,875
1979	Del Aires	252445	505
1872	Delaware	245451	515
165	Delaware Sun	264853	3,500
319	Del Campo	241923	303
323	Del Monte	246628	292
2012	De Soto	245398	515
377	Dolly Turman	249747	505
1782	Dorothy Boylan	245805	275
1681	Duval	245641	550
700	Eagle Courier	277561	6,000
699	Eagle Transporter	277710	6,000
697	Eagle Traveler	278442	6,600
698	Eagle Voyager	278624	6,600
167	Eastern Sun	270025	3,975
1994	East Hills	245914	505
187	Eclipse	267144	3,150
786	Edgar F. Luckenbach	248852	1,005
1917	Elizabethport	297001	$4,600
1623	Elwell	245837	505
705	Empire State	248212	505
830	Erna Elizabeth	280193	6,825
983	Esso Baltimore	282272	9,125
987	Esso Bangor	264791	3,300
1312	Esso Bogota		775
984	Esso Boston	283784	9,300
1310	Esso Brooklyn		216
980	Esso Chester	264445	3,100
1378	Esso Colon		765
988	Esso Dallas	259248	2,650
990	Esso Florence	266855	3,300
1007	Esso Gettysburg	273362	6,675
991	Esso Gloucester	265336	3,200
993	Esso Huntington	266329	3,300
994	Esso Jamestown	275519	6,900
995	Esso Lexington	276270	7,100
996	Esso Lima	259142	2,625
992	Esso Miami	259357	2,625
1313	Esso Montevideo		735
997	Esso Newark	264231	3,075
998	Esso New York	259610	2,700
1314	Esso Norfolk		255
1315	Esso Santos		780
1014	Esso Scranton	245830	490
348	Esso Seattle	277935	6,475
1009	Esso Washington	273896	6,775
354	Evergreen State	257827	910
855	Exilona	252303	692
858	Expeditor	251971	692
865	Express	252376	692
2027	Express Buffalo	247262	529
1938	Express Virginia	249290	505
1330	Fallaika	284	925
262	Fairland	242073	2,150
2013	Fairport	249072	515
2037	Fairwind	247042	275
1858	Fanwood	252355	505
1536	F. E. Weyerhaeuser	245564	505
153	Floridian	282733	1,175
1810	Flower Hill	252446	505
218	Flying A—California	268216	1,170
221	Flying A—Delaware	267997	3,400
220	Flying A—New York	267108	3,350
219	Flying A—Washington	268783	1,190
1469	Flying Clipper	252991	505
1480	Flying Clond	247000	505
1468	Flying Eagle	251664	505
1479	Flying Enterprise II	245734	505
1472	Flying Gull	240462	505
1471	Flying Hawk	240632	505
1477	Flying Independent	245131	270
1478	Flying Spray	246217	270
1481	Flying Trader	248750	485
584	Fort Fetterman	244935	1,650
1211	Fort Hoskins	248735	2,175
247	Fortuna	245880	275
498	Four Lakes	244971	1,725
380	Frank Lykes	245540	505
177	Fruitvale Hills	248716	490
962	F. S. Bryant	250827	470
1035	Gage Lund	217	905
585	Gaines Mill	244464	1,625
248	Galena	248122	260
1839	Garden City	252444	505
948	Garden State	248057	529
263	Gateway City	251506	2,150
1539	George S. Long	245913	670
384	Gibbes Lykes	245182	505
1298	Globe Carrier	243503	2,500
1209	Globe Progress	244888	2,500
1874	Globe Traveler	285436	2,850
1885	Glory of the Seas	245169	505
714	Golden State	246544	485
355	Gopher State	244979	910
884	Green Bay	244287	455
885	Green Cove	247268	505
1129	Green Dale	251748	505
886	Green Harbour	247760	925
887	Green Island	247079	925
950	Green Mountain State	247158	485
888	Green Point	248050	505
1950	Green Port	252346	910
1901	Green Ridge	247322	946
889	Green Valley	247050	925
890	Green Wave	252351	505
1249	Guam Bear	252570	505
790	Gulfbear	247309	1,625
791	Gulfbeaver	243037	1,550
792	Gulfcrest	279334	6,050
793	Gulfdeer	245727	1,800
794	Gulfjaguar	246972	1,875
795	Gulfking	275193	6,075
796	Gulfknight	277183	6,350
797	Gulflion	246990	1,975
808	Gulflube	254406	500
798	Gulfoil	283424	6,250
799	Gulfpanther	246543	1,800
810	Gulfpass	248080	490
800	Gulfpride	279769	6,350
801	Gulfprince	276034	6,225
802	Gulfqueen	275883	6,125
805	Gulfseal	247557	1,900
811	Gulfservice	264224	1,220
803	Gulfsolar	280223	$6,175
806	Gulfspray	282848	6,850
807	Gulfstar	251066	1,750
1358	Gulfsupreme	287186	7,000
804	Gulftiger	247767	1,975
1659	Halcyon Panther	245922	529
646	Hampton Roads	248748	885
1891	Hanover	245654	265
824	Hans Isbrandtsen	277703	6,425
2014	Hastings	246617	515
298	Hawaiian	249353	2,950
300	Hawaiian Builder	247386	958
985	Hawaiian Citizen	252149	3,750
301	Hawaiian Craftsman	247826	920
303	Hawaiian Farmer	245860	957
304	Hawaiian Merchant	248845	958
305	Hawaiian Packer	243929	958
307	Hawaiian Planter	248741	920
308	Hawaiian Rancher	246204	957
309	Hawaiian Refiner	245594	957
310	Hawaiian Retailer	252477	910
1445	Hawaii Standard	248802	490
965	H. D. Collier	248737	490
873	Helen H	245029	2,500
385	Helen Lykes	245245	505
1667	Hercules Victory	249657	485
634	Hess Bunker	243804	2,025
633	Hess Diesel	248127	2,050
638	Hess Petrol	244735	2,025
1373	Hess Refiner	248244	2,050
639	Hess Trader	246104	2,000
961	Hillyer Brown	266233	1,200
706	Hoosier State	247762	1,005
1540	Horace Irvine	246933	570
787	Horace Luckenbach	245644	910
176	Houston	242636	2,250
1252	Hudson	244463	1,650
2015	Hurricane	246798	505
2016	Iberville	248489	515
570	Idaho	252271	910
968	Idaho Standard	245461	490
249	Iliamna	246848	299
432	India Bear	252568	505
1613	Isaac Mann	242477	275
1842	Janet Quinn	242949	275
645	Java Mail	252478	910
1285	J. E. Dyer	274440	5,975
274	Jefferson City Victory	247345	529
970	J. H. MacGaregill	248896	490
973	J. H. Tuttle	242935	515
967	J. L. Hanna	248531	490
2017	John D. Waterman	249234	515
829	John C.	242701	505
1017	John F. Shea	247095	925
1535	John Weyerhaeuser	245356	570
586	Julesburg	243523	1,750
612	Kenmar	246062	500
598	Keystoner	266730	1,230
356	Keystone State	247763	1,005
599	Keytanker	265644	1,205
600	Keytrader	267905	1,255
1905	Kings Point	239905	910
2018	Kyska	248654	515
1293	La Cruz	246	930
13	Leland I. Doan	284217	8,750
788	Lena Luckenbach	244049	910
391	Letitia Lykes	248897	505
1052	Liberty Bell	519	1,575
293	Lompoc	248653	550
267	Longview Victory	247077	529
1918	Los Angeles	241153	4,600
613	Losmar	245111	500
367	Louisiana Sulphur	243964	1,400
658	Lucile Bloomfield	249291	505
2019	Madaket	246992	515
716	Magnolia State	247144	485
2004	Maiden Creek	248998	515
394	Mallory Lykes	244881	505
1356	Manhattan	287253	17,000
275	Mankato Victory	248739	529
660	Margarett Brown	249174	505
1561	Marine Coaster	247706	260
15	Marine Dow-Chem	267278	4,000
1510	Marine Electric	245675	3,000
1570	Marine Merchant	247867	260
946	Marine Shipper	247596	260
91	Marine Trader	247274	260
92	Marine Transport	247991	260
168	Maryland Sun	246101	490
664	Maryland Trader	247178	1,650
1940	Marymar	284730	4,500
01	Mayflower	284049	9,400
1512	Meadowbrook	289879	2,275
969	M. E. Lombardi	240228	245
1286	Meteor	247331	550
681	Michigan	240590	910
1425	Midland	246355	490
587	Mill Spring	244468	1,700
1271	M. L. Gosney	266338	3,025
188	Mobil Aero	278471	6,150
189	Mobil Fuel	274588	5,250
190	Mobilgas	271449	4,900
191	Mobil Lube	275651	5,400
192	Mobiloil	279064	6,225
193	Mobil Power	274966	5,300
420	Molino Victory	247346	485

Binder No.	Name of vessel	Official No.	Stated valuation (in thousands)
601	Monmouth	242426	$490
2005	Monarch of the Seas	244794	513
1265	Monticello Victory	286819	9,600
1447	Montpelier Victory	289745	9,670
34	Mormacfir	248650	529
50	Mormacrio	248745	910
2066	Morning Light	245625	513
281	Mount Vernon Victory	284178	9,400
250	Nadina	245864	590
588	Naeco	244063	1,500
648	Nashbulk	247307	885
1948	Natalie	245322	505
1758	National Defender	279938	11,550
2034	Neches	244235	490
251	Nenana	247015	275
1441	Nevada Standard	247758	490
661	Neva West	249583	505
421	Newberry Victory	248460	485
169	New Jersey Sun	265748	3,575
180	New Market	247276	490
683	New York	248742	910
1608	Norberto Capay	241133	505
1658	Norina	247468	2,850
592	Northfield	243253	2,025
1093	North Hills	245040	505
268	Northwestern Victory	247402	529
1466	Norwalk	245848	550
936	Oakey L. Alexander	247479	470
1827	Ocean Anna	266619	3,550
929	Ocean Dinny	244215	505
931	Ocean Evelyn	242217	1,005
932	Ocean Ulla	280004	7,300
1297	Oceanic	246006	535
1988	Oceanic Cloud	251970	505
1895	Oceanic Spray	245532	505
1896	Oceanic Tide	244612	544
1894	Oceanic Wave	248065	435
1747	Oduna	247159	275
684	Ohio	246388	910
170	Ohio Sun	244089	490
1992	Old Westbury	245338	505
1386	Olga	247316	529
971	Oregon Standard	246773	490
1093	Oswego Leader	12.58	255
1417	Oswego Voyager	1499	255
1825	Our Lady of Peace	247571	505
933	Overseas Eva	244878	505
934	Overseas Joyce	243008	505
785	Overseas Rose	24.50.3	910
717	Palmetto State	247.5.3	485
1217	Panoceanic Faith	245134	505
1037	Paul Pigott	163	855
1272	P. C. Spencer	264903	2,925
718	Pelican State	245334	529
1592	Penn Carrier	245098	490
339	Penn Challenger	280318	6,875
1342	Penn Exporter	247099	1,650
1954	Pennmar	295108	4,500
1860	Penn Sailor	275391	1,625
171	Pennsylvania Sun	280202	9,550
1068	Penn Transporter	244837	1,650
341	Penn Vanguard	247780	550
581	Perryville	246644	1,075
1884	Pilot Rock	244729	275
562	Pioneer Cove	240748	505
565	Pioneer Isle	250787	530
577	Pioneer Surf	254842	530
578	Pioneer Tide	240080	505
1987	Plymouth Victory	245625	529
938	Pocahontas Fuel	248655	650
1754	Point Loma	246982	490
1953	Point Sur	243263	510
16	Ponca City	244335	490
1999	Portmar	294731	4,500
1505	Potomac	248800	2,500
1300	Prairie Grove	246665	2,250
1897	President Harding	252443	505
919	Producer	245888	2,500
228	Providence Getty	250389	275
132	Pure Oil	248837	597
1273	P. W. Thirtle	270179	3,400
1301	Rainbow	247026	550
1869	Ranger	241598	505
264	Raphael Semmes	242071	2,150
072	R. C. Stoner	241028	513
1475	Remsen Heights	247865	485
09	R. E. Wilson	244090	750
1162	Richmond	241389	485
1859	Ridgefield Victory	247454	529
1370	Rio Grande	252479	505
1038	Robert Watt Miller	172	855
155	Robin Goodfellow	247254	910
156	Robin Gray	252626	910
157	Robin Hood	247255	910
158	Robin Kirk	251272	910
160	Robin Mowbray	253316	910
162	Robin Trent	254841	910
1614	Russel L.	247511	275
1489	Sabine	246672	850
172	Sabine Sun	241558	465
1879	Sacramento	245497	2,625
422	San Angelo Victory	248842	485
1919	San Francisco	241220	4,600
181	San Jacinto	248894	1,025
1920	San Juan	242-653	$4,600
891	Santa Adela	242243	505
1811	Santa Emilia	247570	505
900	Santa Flavia	242762	505
903	Santa Juana	242111	505
906	Santa Malta	245459	505
619	Santore	254624	2,350
1827	Sasstown	1876	965
26	Sealady	244457	550
1970	Seamar	294729	4,500
65	Seatrain Georgia	262558	1,025
66	Seatrain Louisiana	262835	1,025
67	Seatrain New Jersey	230688	540
68	Seatrain New York	231005	310
69	Seatrain Savannah	231916	310
70	Seatrain Texas	230549	540
1921	Seattle	247275	3,425
1977	Serena	1427	910
336	Sierra	247831	947
1476	Sir John Franklin	244734	270
1266	Sister Katingo	277936	6,475
1423	Smith Caper	247194	529
1422	Smith Defender	248013	485
1395	Smith Explorer	248565	529
1436	Smith Pilot	245016	505
1410	Smith Victory	245754	529
202	Socony Vacuum	268801	3,375
337	Sonoma	252413	957
470	Sooner State	247130	505
1893	Southport II	245183	516
1049	Statue of Liberty	420	1,545
1016	Steel Admiral	252403	910
439	Steel Advocate	245731	910
440	Steel Age	244161	910
441	Steel Apprentice	252408	910
442	Steel Architect	247168	910
433	Steel Artisan	247833	910
444	Steel Chemist	252037	910
445	Steel Designer	247382	910
446	Steel Director	244978	910
447	Steel Executive	248843	910
448	Steel Fabricator	251781	910
449	Steel Flyer	244831	910
450	Steel King	252499	910
451	Steel Maker	247221	910
452	Steel Navigator	248846	910
453	Steel Recorder	251847	910
454	Steel Rover	252500	910
455	Steel Scientist	245730	910
456	Steel Seafarer	248738	910
457	Steel Surveyor	244968	910
458	Steel Traveler	247198	910
459	Steel Vendor	246464	910
460	Steel Voyager	252501	910
461	Steel Worker	247834	910
252	Susitna	248389	260
516	Suzanne	253226	516
494	Sylvia Lykes	247841	505
203	Syosset	247458	475
253	Talkeetna	245733	275
1415	Tampico	246344	2,250
254	Tanana	247310	260
255	Tatalina	247995	260
1430	Texaco Bristol	3481-GE	815
463	Texaco California	266910	1,610
464	Texaco Colorado	241758	420
465	Texaco Connecticut	266501	1,540
1073	Texaco Cristobal	2905-53	120
466	Texaco Florida	271820	1,775
1867	Texaco Georgia	293819	6,550
469	Texaco Illinois	246993	2,000
471	Texaco Kansas	244230	1,900
1077	Texaco Kentucky	2439-50	790
1218	Texaco London	1166	820
473	Texaco Louisiana	245053	490
1596	Texaco Maine	4500-59	2,070
1823	Texaco Maryland	292735	6,425
1824	Texaco Massachusetts	290306	6,200
475	Texaco Minnesota	243202	2,325
476	Texaco Mississippi	245082	2,325
2028	Texaco Montana	286918	6,975
478	Texaco Nebraska	242845	1,950
479	Texaco Nevada	245175	1,800
480	Texaco New Jersey	245831	1,775
481	Texaco New York	265981	1,580
483	Texaco North Dakota	265016	1,555
1081	Texaco Ohio	2447-50	790
1873	Texaco Oklahoma	275882	6,175
1083	Texaco Pennsylvania	2438-50	780
1899	Texaco Rhode Island	296380	6,750
1085	Texaco Texas	2439-50	785
1270	Texaco Wisconsin	277805	6,450
489	Texaco Wyoming	243048	2,025
209	Texan	249352	1,550
174	Texas Sun	283897	10,050
497	The Cabins	246143	1,775
925	Thetis	279627	8,125
1357	Thunderbird	247093	485
1622	Thunderhead	240038	505
602	Ticonderoga	242241	745
182	Tillamook	245104	490
1797	Timbo	1778	900
256	Tonsina	252547	275
2020	Topa Topa	247906	515
1453	Transbay	247574	490
881	Transboriquen	246540	$270
1722	Transcaribbean	248749	485
231	Transeastern	279438	8,750
1454	Transerie	245959	490
1450	Transhatteras	242942	490
1455	Transorleans	243223	490
1598	Trinidad	4336-58	1,965
1492	Trinity	246900	930
22	Trojan	247177	2,125
2026	Trustco	244131	490
590	Tullahoma	246662	1,975
1409	U.S. Conqueror	245519	275
1437	U.S. Tourist	248171	530
966	Utah Standard	251140	470
338	Ventura	252633	957
666	Virginia Trader	244789	490
719	Volunteer State	247792	485
1946	Volusia	245415	550
604	Wabash	240203	910
1805	Warm Springs	247264	275
974	Washington Standard	246203	490
667	Washington Trader	245566	490
1713	Wellesley Victory	247564	529
1779	Western Clipper	268288	3,675
1780	Western Comet	266365	3,525
1302	Western Hunter	287156	12,400
1781	Western Planet	268078	3,650
175	Western Sun	268798	3,875
1900	Whitehall	254964	505
1537	W. H. Peabody	246065	570
1389	Wilderness	247348	550
2021	Wild Ranger	249518	513
224	William F. Humphrey	245557	490
620	Wilmar	246507	500
1609	Windsor Victory	247843	529
1511	Wingless Victory	247243	485
358	Wolverine State	248740	1,005
2022	Yaka	245335	515
2030	Yorkmar	299261	4,500
2007	Young America	243034	505

(b) *Vessels of less than 1,500 gross tons.* (1) Whereas, the Maritime Administration has determined for certain vessels of less than 1,500 gross tons the values which constitute just compensation for the vessels to which they apply, computed in accordance with section 902(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1242); and section 1209(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1289), Public Law 958, 84th Congress (70 Stat. 984); and pursuant thereto has determined the values of vessels covered by interim binders for war risk hull insurance, form MA–184, prescribed by Part 308 of this chapter (General Order 75, 2d Rev., as amended).

(2) Therefore, it is ordered that the interim binders listed below shall be deemed to have been amended as of July 1, 1965, by inserting in the space provided therefor or in substitution for any value now appearing in such space the stated valuation of the vessels set forth below for the binders and vessels as designated. Nevertheless, the Assured shall have the right within 60 days after date of publication of this order or 60 days after the attachment of the insurance under said binder, whichever is later, to reject such valuation and proceed as authorized by section 1209(a)(2) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1289).

Binder No.	Name of vessel	Official No.	Stated valuation (in thousands)
752	A. H. Dumont	239224	$95
1906	Ahi		175
1186	Barge 114		10
1187	Barge 116		13
1188	Barge 118		10

Binder No.	Name of vessel	Official No.	Stated valuation (in thousands)
1197	Barge 129		$10
1198	Barge 133		28
1199	Barge 134		11
1153	Britton	119	22
1562	Challenger	283882	360
673	Curlew	243213	57
1138	Cyrus Field	147699	180
1165	Dammam 7		16
1166	Dammam 8	255059	17
1167	Dammam 9		48
1168	Dammam 10		48
1169	Dammam 11		48
1170	Dammam 12		64
1171	Dammam 13		53
1172	Dammam 14		64
1564	Everglades	279577	355
1563	Fort Lauderdale	250507	110
24	George S	282206	112
764	George Wittock II	241390	108
674	Golden Eagle	241402	40
1150	Habib	112	18
1942	H. J. Sheridan	235802	61
1565	Hollywood		107
1151	Horne	115	19
1908	Isleways No. 1	251436	57
1909	Isleways No. 2	251519	57
1910	Isleways No. 3	251682	57
1911	Isleways No. 4	251773	57
1912	Isleways No. 5	251859	57
750	J. A. Cummings	240304	60
753	J. F. Gaffney	247436	68
672	Kingfisher	252862	80
1554	Lewis No. 8	244276	78
1702	Mohawk	254469	164
741	Ocean King	248921	110
742	Ocean Prince	276461	380
1907	Ono	252117	175
759	Phillip Lemler	251390	55
1719	Ponce De Leon	244296	78
744	Port Jefferson	274512	370
745	Providence	238312	68
1176	Qatif 7		74
1177	Qatif 8		74
761	R. J. Perry	247205	68
1228	Roger Thomas E	276190	380
1229	Rosalie E	271744	355
1148	Sandy	114	19
1278	Saratoga	251128	91
1263	Spartan	273515	420
746	Stamford	240942	72
1152	Swigart	118	20
18	Virginia Phillips	230971	65
763	W. A. Weber	251392	73
1230	Walter E	273085	370

NOTE: The record-keeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Dated: December 10, 1965.

L. C. HOFFMANN,
Chairman,
Ship Valuation Committee.

[F.R. Doc. 65–13559; Filed, Dec. 21, 1965; 8:45 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

Radioactivity Concentrations in Air and Water

On August 10, 1965, the Commission published in the FEDERAL REGISTER (30 F.R. 9953), a proposed amendment of its regulation, "Standards for Protection Against Radiation," 10 CFR Part 20, which would (1) provide values for certain individual radionuclides not presently listed in Appendix B, (2) provide values generally applicable to radionuclides not individually listed, (3) revise existing values for occupational exposure to soluble strontium-90, and (4) modify the footnotes and the note following Appendix B to make them consistent with other changes in the Appendix.

All interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendment within 60 days after publication of the notice in the FEDERAL REGISTER.

Upon consideration of the comment received, and other factors involved, the Commission has concluded that the proposed amendment, with two minor changes, should be published as an effective rule. Except for these changes, namely the addition of concentration values for xenon-133m, and the deletion of the last line of note 3.c., the text of the amendment set out below is identical with the text of the proposed amendment published August 10, 1965.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, the following amendment of Title 10, Chapter I, Part 20, Code of Federal Regulations, is published as a document subject to codification, to be effective thirty (30) days after publication in the FEDERAL REGISTER.

1. 10 CFR Part 20, Appendix B, "Concentrations in Air and Water Above Natural Background," is amended to include the following radionuclides:

CONCENTRATIONS IN AIR AND WATER ABOVE NATURAL BACKGROUND

[See notes at end of appendix]

Element (atomic number)	Isotope [1]		Table I, Column 1 Air (μc/ml)	Table I, Column 2 Water (μc/ml)	Table II, Column 1 Air (μc/ml)	Table II, Column 2 Water (μc/ml)
Hydrogen (1)	H 3	I	5×10^{-6}	1×10^{-1}	2×10^{-7}	3×10^{-3}
Iodine (53)	I 125	S	5×10^{-9}	4×10^{-8}	8×10^{-11}	2×10^{-7}
		I	2×10^{-7}	6×10^{-8}	6×10^{-9}	2×10^{-6}
Krypton (36)	Kr 88	Sub	1×10^{-6}	----------	2×10^{-9}	----------
Xenon (54)	Xe 133m	Sub	1×10^{-6}	----------	3×10^{-7}	----------
		Sub	1×10^{-6}	----------	3×10^{-6}	----------
Any single radionuclide not listed above with decay mode other than alpha emission or spontaneous fission and with radioactive half-life less than 2 hours.						
• • •	• • •		• • •	• • •	• • •	• • •
Americium (95)	Am 242m	S	6×10^{-12}	1×10^{-4}	2×10^{-13}	4×10^{-6}
		I	3×10^{-10}	3×10^{-3}	9×10^{-13}	9×10^{-5}
	Am 242	S	4×10^{-8}	4×10^{-3}	1×10^{-9}	1×10^{-4}
		I	5×10^{-8}	4×10^{-3}	2×10^{-9}	1×10^{-4}
	Am 244	S	4×10^{-8}	1×10^{-1}	1×10^{-7}	5×10^{-3}
		I	2×10^{-5}	1×10^{-1}	8×10^{-7}	5×10^{-3}
Berkelium (97)	Bk 250	S	1×10^{-7}	6×10^{-3}	5×10^{-9}	2×10^{-4}
		I	1×10^{-6}	6×10^{-3}	4×10^{-8}	2×10^{-4}
Californium (98)	Cf 251	S	2×10^{-12}	1×10^{-4}	6×10^{-14}	4×10^{-6}
		I	1×10^{-10}	8×10^{-4}	3×10^{-12}	3×10^{-5}
	Cf 253	S	8×10^{-10}	4×10^{-3}	3×10^{-11}	1×10^{-4}
		I	8×10^{-10}	4×10^{-3}	3×10^{-11}	1×10^{-4}
	Cf 254	S	5×10^{-12}	4×10^{-6}	2×10^{-13}	1×10^{-7}
		I	5×10^{-12}	4×10^{-6}	2×10^{-13}	1×10^{-7}
Curium (96)	Cm 247	S	5×10^{-12}	1×10^{-4}	2×10^{-13}	4×10^{-6}
		I	1×10^{-10}	6×10^{-4}	4×10^{-12}	2×10^{-5}
	Cm 248	S	6×10^{-13}	1×10^{-5}	2×10^{-14}	4×10^{-7}
		I	1×10^{-11}	4×10^{-3}	4×10^{-13}	1×10^{-6}
	Cm 249	S	1×10^{-6}	6×10^{-2}	4×10^{-7}	2×10^{-3}
		I	1×10^{-6}	6×10^{-3}	4×10^{-7}	2×10^{-3}
Einsteinium (99)	Es 253	S	8×10^{-10}	7×10^{-4}	3×10^{-11}	2×10^{-5}
		I	6×10^{-10}	7×10^{-4}	2×10^{-11}	2×10^{-5}
	Es 254m	S	5×10^{-9}	5×10^{-4}	2×10^{-10}	2×10^{-5}
		I	6×10^{-9}	5×10^{-4}	2×10^{-10}	2×10^{-5}
	Es 254	S	2×10^{-11}	4×10^{-4}	6×10^{-13}	1×10^{-5}
		I	1×10^{-10}	4×10^{-4}	4×10^{-12}	1×10^{-5}
	Es 255	S	5×10^{-10}	8×10^{-4}	2×10^{-11}	3×10^{-5}
		I	4×10^{-10}	8×10^{-4}	1×10^{-11}	3×10^{-5}
Fermium (100)	Fm 254	S	6×10^{-9}	4×10^{-3}	2×10^{-9}	1×10^{-4}
		I	7×10^{-8}	4×10^{-3}	2×10^{-9}	1×10^{-4}
	Fm 255	S	2×10^{-9}	1×10^{-3}	6×10^{-10}	3×10^{-5}
		I	1×10^{-8}	1×10^{-3}	4×10^{-10}	3×10^{-5}
	Fm 256	S	3×10^{-8}	3×10^{-3}	1×10^{-10}	9×10^{-5}
		I	2×10^{-9}	3×10^{-3}	6×10^{-11}	9×10^{-5}
Plutonium (94)	Pu 243	S	2×10^{-8}	1×10^{-3}	6×10^{-10}	3×10^{-4}
		I	2×10^{-8}	1×10^{-3}	8×10^{-10}	3×10^{-4}
	Pu 244	S	2×10^{-12}	1×10^{-4}	6×10^{-14}	4×10^{-6}
		I	2×10^{-11}	3×10^{-4}	1×10^{-12}	1×10^{-5}
Uranium (92)	U 240	S	2×10^{-7}	1×10^{-2}	8×10^{-9}	3×10^{-3}
		I	2×10^{-7}	1×10^{-2}	6×10^{-9}	3×10^{-3}
Any single radionuclide not listed above with decay mode other than alpha emission or spontaneous fission and with radioactive half-life greater than 2 hours.			3×10^{-6}	9×10^{-3}	1×10^{-10}	3×10^{-3}
Any single radionuclide not listed above, which decays by alpha emission or spontaneous fission.			6×10^{-13}	4×10^{-7}	2×10^{-14}	3×10^{-9}
•	•	•	•	•	•	•

2. 10 CFR Part 20, Appendix B, "Concentrations in Air and Water Above Natural Background," is amended by deleting the existing concentration values, and substituting therefor the indicated values for the following nuclide:

APPENDIX B—CONCENTRATIONS IN AIR AND WATER ABOVE NATURAL BACKGROUND

[See notes at end of appendix]

Element (atomic number)	Isotope [1] [2]		Table I		Table II	
			Column 1 Air (μc/ml)	Column 2 Water (μc/ml)	Column 1 Air (μc/ml)	Column 2 Water (μc/ml)
• • •	• • •		• • •	• • •	• • •	• • •
Strontium (38)	Sr 90	S	1×10^{-9}	1×10^{-5}	No change	No change

3. The footnotes and the note following 10 CFR Part 20, Appendix B, "Concentrations in Air and Water Above Natural Background", are amended to read as follows:

[1] Soluble (S); Insoluble (I).

[2] "Sub" means that values given are for submersion in a semispherical infinite cloud of airborne material.

NOTE: • • •

2. If either the identity or the concentration of any radionuclide in the mixture is not known, the limiting values for purposes of Appendix B shall be:

a. For purposes of Table I, Col. 1—6×10^{-12}
b. For purposes of Table I, Col. 2—4×10^{-7}
c. For purposes of Table II, Col. 1—2×10^{-14}
d. For purposes of Table II, Col. 2—3×10^{-8}
3. • • •

c. Element (atomic number) and isotope	Table I		Table II	
	Column 1 Air (μc/ml)	Column 2 Water (μc/ml)	Column 1 Air (μc/ml)	Column 2 Water (μc/ml)
If it is known that Sr 90, I 125, I 126, I 129, I 131, (I 133, table II only), Pb 210, Po 210, At 211, Ra 223, Ra 224, Ra 226, Ac 227, Ra 228, Th 230, Pa 231, Th 232, Th-nat, Cm 248, Cf 254, and Fm 256 are not present		9×10^{-4}		3×10^{-5}
If it is known that Sr 90, I 125, I 126, I 129, (I 131, I 133, table II only), Pb 210, Po 210, Ra 223, Ra 226, Ra 228, Pa 231, Th-nat, Cm 248, Cf 254, and Fm 256 are not present		6×10^{-4}		2×10^{-6}
If it is known that Sr 90, I 129, (I 125, I 126, I 131, table II only), Pb 210, Ra 226, Ra 228, Cm 248, and Cf 254 are not present		2×10^{-4}		6×10^{-7}
If it is known that (I 129, table II only), Ra 226, and Ra 228 are not present		3×10^{-4}		1×10^{-7}
If it is known that alpha-emitters and Sr 90, I 129, Pb 210, Ac 227, Ra 228, Pa 230, Pu 240, and Bk 249 are not present	3×10^{-8}		1×10^{-10}	
If it is known that alpha-emitters and Pb 210, Ac 227, Ra 228, and Pu 241 are not present	3×10^{-12}		1×10^{-11}	
If it is known that alpha-emitters and Ac 227 are not present	3×10^{-11}		1×10^{-13}	
If it is known that Ac 227, Th 230, Pa 231, Pu 238, Pu 239, Pu 240, Pu 242, Pu 244, Cm 248, Cf 249 and Cf 251 are not present	3×10^{-13}		1×10^{-12}	

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 8th day of December 1965.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 65-13621; Filed, Dec. 21, 1965; 8:45 a.m.]

PART 40—LICENSING OF SOURCE MATERIAL

Exemption of Thorium Contained in Electric Lamps To Be Used for Illuminating Purposes

On August 17, 1965, the Commission published in the FEDERAL REGISTER (30 F.R. 10203) a proposed amendment of its regulation "Licensing of Source Material," 10 CFR Part 40. The amendment would exempt the receipt, possession, use, transfer and import into the United States of thorium contained in two categories of electric lamps to be used for illuminating purposes.

All interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendment within 60 days after publication of the notice in the FEDERAL REGISTER. No adverse comments or comments suggesting changes were received. The text of the amendment set out below is identical with the text of the proposed amendment published August 17, 1965.

The Commission has determined that electric lamps to be used for illuminating purposes are products intended for use by the general public. Accordingly, the transfer of possession or control by the manufacturer of such lamps would not be subject to the licensing and regulatory authority of an agreement State even if manufactured pursuant to an agreement State[1] license.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, the following amendment of Title 10, Chapter I, Code of Federal Regulations, Part 40, is published as a document subject to codification, to be effective 30 days after publication in the FEDERAL REGISTER.

Section 40.13, paragraph (c), subparagraph (1) is amended to read as follows:

§ 40.13 Unimportant quantities of source material.

• • • • •

(c) Any person is exempt from the regulation in this part and from the requirements for a license set forth in section 62 of the Act to the extent that such person receives, possesses, uses, transfers, or imports into the United States:

(1) Any quantities of thorium contained in (i) incandescent gas mantles, (ii) vacuum tubes, (iii) welding rods, (iv) electric lamps for illuminating purposes provided that each lamp does not contain more than 50 milligrams of thorium, (v) germicidal lamps, sunlamps, and lamps for outdoor or industrial lighting provided that each lamp does not contain more than 2 grams of thorium, or (vi) rare earth metals and compounds, mixtures, and products containing not more than 0.25 percent by weight thorium, uranium, or any combination of these.

• • • • •

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 8th day of December 1965.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 65-13622; Filed, Dec. 21, 1965; 8:45 a.m.]

[1] A State to which the Commission has transferred certain regulatory authority over radioactive material by formal agreement, pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 19,556]

PART 545—OPERATIONS

Distribution of Earnings at Variable Rates

DECEMBER 17, 1965.

Resolved that, notice and public procedure having been duly afforded (30 F.R. 14861) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration and of determination by it of the advisability of amendment of Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) to provide for the distribution of earnings by Federal savings and loan associations at variable rates, and for the purpose of effecting such amendment, hereby amends said Part 545 as hereinafter set forth, effective December 31, 1965.

Part 545 is hereby amended by the addition of a new section, § 545.3–1, to read as follows:

§ 545.3–1 Distribution of earnings at variable rates.

(a) *General.* Subject to the provisions of this section, the board of directors of a Federal association which has a charter in the form of Charter N or Charter K (rev.), after having determined the rate at which earnings will be distributed on its savings accounts, hereinafter referred to as the regular rate, may provide for the distribution of earnings at (1) a rate or rates lower than the regular rate on accounts which do not meet minimum requirements fixed by the board of directors in its discretion, and/or (2) a higher rate or rates on savings accounts which meet eligibility requirements fixed by the board of directors pursuant to paragraph (b) of this section and such additional requirements as the board of directors may impose.

(b) *Eligibility requirements.* The board of directors may, by resolution, provide for the distribution of earnings at a rate or rates higher than the regular rate only on savings accounts which meet the minimum requirements fixed by the board of directors pursuant to subparagraphs (1) and (2) of this paragraph and such additional requirements as the board of directors may impose.

(1) *Accounts evidenced by account books.* A savings account which is evidenced by an account book and is maintained at not less than $1,000 for a continuous period of not less than 12 months, commencing on or after the date of such resolution, may receive earnings at a rate higher than the regular rate but not in excess of 4½ percent per annum.

(2) *Accounts evidenced by separate certificates.* A savings account which is evidenced by a separate certificate as provided in paragraph (c) of this section, issued and dated on or after the date of such resolution, and which is maintained at not less than $1,000 for a continuous period of not less than 12 months, commencing on the date of such certificate, may receive earnings at a rate higher than the regular rate, but not in excess of 4¾ percent per annum, on the amount of such certificate. No such certificate shall be issued for a lesser amount than $1,000 or for any amount which is not an integral multiple of $1,000. If such savings account is evidenced by more than one separate certificate, the provisions of this subparagraph (2) shall be as fully applicable to each such certificate as if each such certificate evidenced a separate savings account.

(c) *Use of certificate.* Each separate certificate evidencing a savings account on which earnings are distributable at a rate higher than the regular rate pursuant to this section shall be in the form prescribed pursuant to paragraph (b) of § 545.2 and shall bear on its face the words: "Earnings are distributable on the amount of this certificate as provided in, and subject to, § 545.3–1 of the Rules and Regulations for the Federal Savings and Loan System".

(d) *Time and manner of distributing earnings.* At each date as of which a Federal association regularly distributes earnings on its savings accounts, earnings at the regular rate shall be distributed on each savings account which is maintained for the purpose of receiving a higher rate pursuant to this section. The board of directors shall provide that:

(1) When such a savings account has met the applicable eligibility requirements fixed pursuant to paragraph (b) of this section, any earnings on the account that then remain undistributed may thereupon be credited to such account or paid to the owner thereof; and

(2) While such a savings account continues to be eligible to receive, and the association continues to distribute, earnings at a higher rate pursuant to this section, earnings at such applicable higher rate as is from time to time determined by the board of directors within the limitations of this section will be credited to such account or paid to the owner thereof at each date as of which the association regularly distributes earnings on its savings accounts.

(e) *Exchange of accounts.* Such part of any savings account as is not less than the minimum amount fixed pursuant to subparagraph (2) of paragraph (b) of this section may, upon request by the holder of such account, be exchanged for one or more separate certificates issued pursuant to and in accordance with paragraphs (b) and (c) of this section; and the association may, either at the time of such exchange or at the next date as of which it regularly distributes earnings, distribute any undistributed earnings and any applicable bonus on the savings account, or part thereof, so exchanged.

(f) *Exclusion.* This section shall not be applicable to distribution of earnings on any savings account on which such association is paying or is obligated to pay a bonus under any provision of this part.

(g) *Exception.* No Federal association may make or provide for any distribution of earnings pursuant to this section at any time when its regular rate exceeds 4½ percent per annum or the per annum rate at which such association distributed earnings as of June 30, 1965, whichever is higher.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that, inasmuch as the foregoing amendment relieves restriction, the Board hereby finds that postponement of the effective date under the provisions of § 508.14 of the general regulations of the Federal Home Loan Bank Board and section 4(c) of the Administrative Procedure Act is not required and the Board hereby provides that the said amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 65-13657; Filed, Dec. 21, 1965; 8:48 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER B—STANDARD REFERENCE MATERIALS

PART 230—STANDARD REFERENCE MATERIALS

Subpart C—Standards of Certified Chemical Composition

MISCELLANEOUS AMENDMENTS

Under the provisions of 15 U.S.C. 275a and 277, the following amendments relating to standard reference materials issued by the National Bureau of Standards are effective upon publication in the FEDERAL REGISTER. The amendments add certain standard reference materials, some of which are renewals of out of stock standards.

The following amends 15 CFR Part 230 which appeared in the FEDERAL REGISTER of April 17, 1965 (Volume 30, Number 74, Part II).

1. Section 230.7–1 *Steels (chip form)* is amended to revise standard 13f to read as follows:

Sample No.	Kind	Price
13g	Basic open-hearth steel, 0.6C	$12.00

2. Section 230.7–4 *White Cast Iron (solid form)* is amended to add standards 1174, 1174a, 1175, and 1175a to read as follows:

Sample No.	Kind	Price
1174	White cast iron (special 1)	$35.00
1174a	White cast iron (special 1a)	35.00
1175	White cast iron (special 2)	35.00
1175a	White cast iron (special 2a)	35.00

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

A. V. ASTIN,
Director.

[F.R. Doc. 65-13645; Filed, Dec. 21, 1965; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Subpart E—Listing of Color Additives for Drug Use Subject to Certification

D&C RED NO. 39; LISTING AND CERTIFICATION FOR DRUG USE

Correction

In F.R. Doc. 65-13178 appearing at page 15211 in the issue for Thursday, December 9, 1965, the second line of § 8.4132(a)(1) is corrected to read as follows: "D&C Red No. 39 is o-[p(β, β'-dihydroxy-".

Title 22—FOREIGN RELATIONS

Chapter V—United States Information Agency

PART 501—INFORMATIONAL MEDIA GUARANTIES UNDER THE U.S. INFORMATION AND EDUCATIONAL EXCHANGE ACT OF 1948, AS AMENDED

Fees for Guaranties

§ 501.4 Fees for guaranties.

The recipient of a guaranty shall pay in advance to the U.S. Information Agency (by check, draft or money order payable to the Treasurer of the United States) a fee of 1½ percent per annum on the amount of such guaranty, provided that the minimum fee for any guaranty or extension or amendment thereto shall be $15, except that no fee shall be charged for any amendment initiated by or for the convenience of the U.S. Information Agency. This fee is effective January 1, 1966.

Issued: December 16, 1965.

LEONARD H. MARKS,
Director.

[F.R. Doc. 65-13640; Filed, Dec. 21, 1965; 8:46 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER A—GENERAL

[CGFR 65-63]

PART 3—COAST GUARD DISTRICTS, MARINE INSPECTION ZONES, AND CAPTAIN OF THE PORT AREAS

Subpart 3.15—Third Coast Guard District

NEW YORK AND NEW LONDON MARINE INSPECTION OFFICES

The New London Marine Inspection Office, New London, Conn., was disestablished as a manned district unit and reestablished as a subunit of the New York Marine Inspection Office, New York, N.Y. All the Marine Inspection activities previously assigned to the Officer in Charge, Marine Inspection, at New London will be under the cognizance of the Officer in Charge, Marine Inspection, New York, N.Y. The Officer in Charge, Marine Inspection, New York, will perform the assigned functions and will utilize a subunit known as "Marine Inspection Office, U.S. Coast Guard" located at New London, Conn. The correspondence and reports formerly submitted to the Officer in Charge, Marine Inspection, New London, Conn., should be forwarded to the Officer in Charge, Marine Inspection, U.S. Coast Guard, 720 Customhouse, New York, N.Y., 10004.

The amendment to 33 CFR 3.15-10 adds to the area of the New York Marine Inspection Zone the area formerly assigned to the Officer in Charge, Marine Inspection, in the New London Marine Inspection Zone. The cancellation of 33 CFR 3.15-20 regarding the New London Marine Inspection Zone was made to reflect the transfer of functions to the Officer in Charge, Marine Inspection in New York, N.Y. The purpose of these changes is to bring these descriptions up to date.

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by section 632 in Title 14, U.S. Code and Treasury Department Orders 120 dated July 31, 1950 (15 F.R. 6521), and 167-17 dated June 29, 1955 (20 F.R. 4976), as well as the statutes cited with the regulation below, the following amendment and cancellation are prescribed and shall be in effect on and after the date of publication in the FEDERAL REGISTER.

1. Section 3.15-10 is amended to read as follows:

§ 3.15-10 New York Marine Inspection Zone.

(a) The New York Marine Inspection Office is in New York, N.Y., with a suboffice in New London, Conn.

(b) The New York Marine Inspection Zone boundary starts at the southern bank of the Manasquan River, N.J.; thence along the southern boundary of Monmouth and Mercer Counties to the Delaware River; thence north along the east bank of the Delaware River to Tusten, N.Y.; thence due east to the New York-Connecticut State line; thence north, east, including the waters of the Congamond Lakes, and south, excluding the waters of Beach Pond, along the Connecticut State line to Westerly, R.I.; thence in a southerly direction along the east shore of the Pawcatuck River to Watch Hill Light; thence due south to the Montauk Point Light. All of the islands along the Connecticut, New York, and New Jersey shoreline between the southern bank of the Manasquan River, N.J.; and the Connecticut-Rhode Island State line, including Long Island and other islands to and including Fishers Island, are under the jurisdiction of the New York Marine Inspection Office.

§ 3.15-20 [Canceled]

2. Section 3.15-20 *New London Marine Inspection Zone* is canceled. (Jurisdiction over this area was transferred to the Officer in Charge, Marine Inspection, at New York, N.Y., and the revised description is in § 3.15-10.)

(Sec. 3, 60 Stat. 238; and Sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633. Treasury Dept. Orders 120, July 31, 1950, 15 F.R. 6521; 167-17, June 29, 1955, 20 F.R. 4976)

Dated: December 16, 1965.

[SEAL] E. J. ROLAND,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 65-13662; Filed, Dec. 21, 1965; 8:48 a.m.]

SUBCHAPTER M—COAST GUARD VESSELS

[CGFR 65-45]

PART 135—LIGHTS FOR COAST GUARD VESSELS OF SPECIAL CONSTRUCTION

PART 136—SHAPES (DAY SIGNALS) FOR COAST GUARD VESSELS OF SPECIAL CONSTRUCTION

Miscellaneous Amendments

The provisions of section 2 and Rule 13(b) in section 4 of the Act of September 24, 1963 (77 Stat. 194, 203; 33 U.S.C. 1052, 1073(b)), section 1 of the Act of December 3, 1945, as amended (59 Stat. 590; 33 U.S.C. 360), and section 5 of the Act of May 21, 1948 (62 Stat. 250; 33 U.S.C. 356), provided, in essence, that Coast Guard vessels of special construction may be exempted from certain requirements of the various applicable laws with respect to the number, position, range of visibility or arc of visibility of the lights or shapes (day signals) required to be displayed by vessels when navigating on the high seas or on navigable waters of the United States, its territories or possessions. Section 2 of the Act of September 24, 1963, section 1 of the Act of December 3, 1945, and section 5 of the Act of May 21, 1948, also provide that if any exempt vessel or class of vessels, by reason of special construction, cannot comply with the applicable requirements, the lights prescribed shall conform as closely to the requirements of the applicable laws as it is found or certified to be feasible. These laws also require that notice of such findings or certifications, together with the requirements describing the character and position of the lights to be displayed on such exempt vessels, shall be published in the FEDERAL REGISTER and in the Notice to Mariners.

The 210-foot class WPC, medium endurance, Coast Guard patrol cutters have a lookout station installed on the top of the pilothouse. This station interferes with the continuous beam of the lower towing light. To correct this situation it is necessary to raise the after range light, the upper and lower towing lights, and at the same time, relocate these lights 2 feet forward of their former position. These changes reduce the horizontal distance between the masthead light and the after range light from 20 feet to not less than 18 feet for both the WPC-615 and WPC-620 classes of medium endurance, patrol cutters. Rule 2(a)(iii), International Rules, requires in part that the minimum horizontal separation between the forward masthead light and the after range light shall be at least 45 feet (33 U.S.C. 1062(a)(iii)). It is hereby found that these WPC-615 and WPC-620 classes, medium endurance, patrol cutters are of special construction, as described further in 33 CFR 135.25, and cannot comply with the requirements in Rule 2(a)(iii), International Rules, and are therefore exempt. It is hereby found and certified that the requirements for these medium endurance, patrol cutters, as described in 33 CFR 135.25(h) in this document, regarding the horizontal separation of range lights, conform as closely as feasible to the applicable statutory requirements and the horizontal distance between the masthead light and after range light shall be not less than 18 feet.

The limitation on the height of the Signal Yard to 9 feet prevents the proper display of shapes (day signals) required by Rules 4 and 11, International Rules (33 U.S.C. 1064, 1071), when such vessels are engaged in certain occupations or may be aground. It is hereby found that those Coast Guard vessels of the 82-foot and 95-foot WPB classes are of special construction, as described further in 33 CFR Part 136 in this document, and cannot comply with the requirements in Rules 4 and 11, International Rules, and are therefore exempt. It is hereby found and certified that these Coast Guard vessels of the 82-foot and 95-foot WPB classes, as described further in 33 CFR Part 136, regarding the display of shapes (day signals) conform as closely as feasible to the applicable statutory requirements in Rules 4 and 11, International Rules.

Except as otherwise provided, the Coast Guard vessels described in this document are in full compliance with the other provisions of the applicable International Rules or Inland Rules governing the areas where such vessels shall be operated.

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by section 632 of Title 14, U.S. Code, and Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167-6 dated November 17, 1953 (18 F.R. 7571), and 167-64 dated December 7, 1964 (29 F.R. 17123), to promulgate regulations in accordance with the statutes cited with the regulations below, the following additions and amendments are prescribed and shall become effective on the date of publication of this document in the FEDERAL REGISTER:

1. Section 135.35(h) is amended to read as follows:

§ 135.25 International Rules; horizontal separation of range lights.

* * * * * *

(h) All patrol cutters, medium endurance, 210-foot class, shall carry the forward masthead light and the after range light with a horizontal separation of not less than 18 feet.

(Sec. 5, 62 Stat. 250, sec. 4, Rule 13(h), 77 Stat. 203; 33 U.S.C. 356, 1073)

2. Subchapter M of Chapter I, 33 CFR, is amended by adding after Part 135 a new Part 136 reading as follows:

Sec.
136.01 Purpose of regulations.
136.05 Authority for regulations.
136.10 Definition of terms used in this part.
136.15 General findings and certification.
136.20 Extent of compliance.
136.25 International Rules; vessels not under command or engaged in certain operations and displaying two black balls.
136.30 International Rules; vessels engaged in certain occupations and displaying three shapes.

AUTHORITY: The provisions of this Part 136 issued under secs. 3, 12, 60 Stat. 238, 244, sec. 5, 62 Stat. 250, sec. 633, 63 Stat. 545, sec. 4, Rule 13(b), 77 Stat. 203; 5 U.S.C. 1002, 1011, 33 U.S.C. 356, 1073. Treasury Dept. Orders 120, July 31, 1950, 15 F.R. 6521; 167-17, June 29, 1955, 20 F.R. 4976; 167-64, Dec. 7, 1964, 29 F.R. 17123.

§ 136.01 Purpose of regulations.

(a) The regulations in this part set forth findings, certifications, and exemptions from certain statutory requirements, and those requirements found or certified to be feasible for Coast Guard vessels, by reason of special construction, with respect to the number, position, range of visibility or arc of visibility of shapes (day signals) required to be displayed during the daytime by vessels when navigating on the high seas or navigable waters of the United States, its territories or its possessions.

§ 136.05 Authority for regulations.

(a) The authority to prescribe regulations generally is set forth in section 633 of Title 14, U.S. Code. The Secretary of the Treasury delegated the authority to prescribe regulations to the Commandant, U.S. Coast Guard, in Treasury Department Order 167-17, dated June 29, 1955 (20 F.R. 4976).

(b) The authority to prescribe regulations in this part for Coast Guard vessels of special construction is set forth in section 5 of the Act of May 21, 1948, as amended (sec. 5, 62 Stat. 250; 33 U.S.C. 356). Rule 13(b), International Rules (77 Stat. 203; 33 U.S.C. 1073(b)), authorizes the Government to make certain special rules which will apply on the high seas so far as its naval or other military vessels of special construction are concerned with respect to the number, position, range or arc of visibility of shapes. The Secretary of the Treasury by Treasury Department Order 120, dated July 31, 1950 (15 F.R. 6521), delegated to the Commandant those functions pertaining to Coast Guard vessels of special construction.

§ 136.10 Definition of terms used in this part.

(a) *International Rules.* The term "International Rules" means the "Regulations for Preventing Collisions at Sea, 1960," as set forth in section 4 of the Act of September 24, 1963 (77 Stat. 195-210; 33 U.S.C. 1061-1094).

(b) *Inland Rules.* The term "Inland Rules" means the rules for the navigation of rivers, harbors, and other inland waters of the United States, except (1) the Great Lakes and their connecting and tributary waters as far east as Montreal, (2) the waters of the Mississippi River between its source and the Huey P. Long Bridge and all of its tributaries emptying thereinto and their tributaries, (3) that part of the Atchafalaya River above its junction with the Plaquemine-Morgan City alternate waterway, and (4) the Red River of the North; as set forth in the act of June 7, 1897, as amended (30 Stat. 96-103, as amended, 33 U.S.C. 154-232).

§ 136.15 General findings and certification.

(a) It is hereby found that the Coast Guard vessels of special construction described in this part cannot comply with certain applicable statutory requirements, enumerated in various sections of this part, relating to the shapes (day signals) required to be displayed by vessels when navigating on the high seas or navigable waters of the United States, its territories or possessions, without seriously affecting the military characteristics and functions of the vessels concerned.

(b) It is hereby found and certified that the requirements regarding shapes (day signals), as stated in the various sections of this part, which will be carried by the Coast Guard vessels described, conform as closely as feasible to the applicable statutory requirements.

§ 136.20 Extent of compliance.

(a) Except as provided otherwise in this subchapter, the Coast Guard vessels described in this part are in full compliance with the other provisions regarding shapes (day signals) of the applicable International Rules or Inland Rules governing the areas where the vessels are being operated.

§ 136.25 International Rules; vessels not under command or engaged in certain operations and displaying two black balls.

(a) Rule 4(a), International Rules, requires in part that a vessel which is not under command shall by day carry "in a vertical line one over the other not less than 6 feet apart, where they can best be seen, two black balls or shapes each not less than 2 feet in diameter" (33 U.S.C. 1064). Because of special construction, the Coast Guard vessels of the 82-foot and 95-foot WPB classes cannot comply with such requirements and are therefore exempt.

(b) All Coast Guard vessels of the 82-foot and 95-foot WPB classes shall carry and when necessary display the required two black balls or shapes with a vertical separation of not less than 4 feet between them.

§ 136.30 International Rules; vessels engaged in certain occupations and displaying three shapes.

(a) Rule 4(c) and Rule 11(d), International Rules, require in part that a vessel "engaged in laying or picking up a submarine cable or navigation mark, or a vessel engaged in surveying or underwater operations," including "when at anchor," shall carry and display 3 shapes, each 2 feet in diameter, in a vertical line one over the other so the upper and lower shapes shall be the same distance from, and not less than 6 feet above or below, the middle shape (33 U.S.C. 1064(c), 1071(d)). Because of special construction, the Coast Guard vessels of the 82-foot and 95-foot WPB classes cannot comply with these requirements and are therefore exempt.

(b) Rule 11(e), International Rules, requires in part that a vessel aground by day "shall carry, where they can best be seen, 3 black balls, each not less than 2 feet in diameter, placed in a vertical line one over the other, not less than 6 feet apart" (33 U.S.C. 1071(e)). Because of special construction, the Coast Guard vessels of the 82-foot and 95-foot WPB classes cannot comply with this requirement and are therefore exempt.

(c) All Coast Guard vessels of the 82-foot and 95-foot WPB classes shall carry and when necessary shall display where they can best be seen, three black balls or shapes required by Rule 4(c) and Rule 11 (d) or (e), International Rules, in a vertical line with a vertical separation of not less than 1 foot between them.

Dated: December 17, 1965.

[SEAL] W. D. SHIELDS,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 65-13663; Filed, Dec. 21, 1965; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3906]

[ES-0383 (La.)]

LOUISIANA

Revocation of Petroleum Reserve No. 48, Louisiana No. 2

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The Executive Order of May 22, 1916, withdrawing the following described lands as Petroleum Reserve No. 48, Louisiana No. 2, is hereby revoked:

LOUISIANA MERIDIAN

T. 11 N., R. 6 W.,
Sec. 18, lot 1;
Sec. 23, SW¼ of NE¼;
Sec. 28, lots 5 and 10;
All unsurveyed areas as shown by plat of September 21, 1837.
T. 11 N., R. 7 W.,
Sec. 1, NE¼ of SW¼.
T. 12 N., R. 7 W.,
Sec. 20, SW¼ of NW¼;
Sec. 33, SW¼ of NE¼;
All unsurveyed areas as shown by plat of November 30, 1830.
T. 11 N., R. 10 W.,
Sec. 6, W½;
All unsurveyed areas as shown by plats of October 12, 1833, January 10, 1860, and August 7, 1897.
T. 12 N., R. 10 W.,
Sec. 4, NW¼ of NW¼;
All unsurveyed areas as shown by plats of December 30, 1828, and October 12, 1833.
T. 13 N., R. 10 W.,
All unsurveyed areas as shown by plats of May 9, 1835, and December 8, 1842.
T. 14 N., R. 10 W.,
Sec. 14, S½ of NE¼;
Sec. 34, S½ of NW¼;
All unsurveyed areas as shown by plats of December 8, 1842, and February 4, 1861.
T. 15 N., R. 10 W.,
Sec. 5, lots 4, 11, 12, 13, 15, and 17;
Sec. 8, lots 6, 10, 11, and 12;
Sec. 18, NW¼;
Sec. 20, lots 3 and 4;
Sec. 22, W½ of NE¼;
Sec. 28, SE¼ of SE¼;
Sec. 30, lot 5;
Sec. 32, lot 10;
Sec. 17, lots 3, 6, 14, 15, and 16.
T. 16 N., R. 10 W.,
Sec. 18, S½ of SW¼;
Sec. 22, NW¼ of SE¼;
All unsurveyed areas as shown by plat of December 8, 1842.
T. 10 N., R. 11 W.,
Sec. 4, SE¼ of NE¼;
Sec. 24, NE¼ of NW¼;
Sec. 26, SW¼ of NE¼;
Sec. 36, SE¼ of SE¼.
T. 11 N., R. 11 W.,
Sec. 2, lots 4 and 6; SW¼ of SE¼;
Sec. 22, N½ of SW¼;
Sec. 23, lot 2, N½ of lot 3;
All unsurveyed areas as shown by plats of March 23, 1832, September 6, 1859, March 4, 1882, and June 15, 1910.
T. 12 N., R. 11 W.,
Sec. 5, lots 2 and 3;
Sec. 10, W½ of SW¼;
Sec. 33, N½ of NE¼;
All unsurveyed areas as shown by plats of October 12, 1833, April 16, 1857, February 16, 1858, and March 4, 1882.
T. 13 N., R. 11 W.,
All unsurveyed areas as shown by plats of April 14, 1835, and December 8, 1842.
T. 14 N., R. 11 W.,
Sec. 13, lots 4, 5, and 11;
All unsurveyed areas as shown by plats of May 9, 1835, and December 8, 1842.
T. 15 N., R. 11 W.,
Sec. 2, lots 6 and 8, NW¼ of NE¼;
All unsurveyed areas as shown by plats of May 9, 1835, December 14, 1839, and February 4, 1861.
T. 16 N., R. 11 W.,
Sec. 6, NW¼ of NW¼;
Sec. 14, NW¼ of NW¼; S½ of NW¼, N½ of SW¼, SE¼ of SW¼;
All unsurveyed areas as shown by plat of December 18, 1840.
T. 9 N., R. 12 W.,
Sec. 12, lot 1.
T. 12 N., R. 12 W.,
Sec. 4, W½ of NW¼.
T. 13 N., R. 12 W.,
Sec. 19, W½ of SW¼, NW¼ of SE¼, S½ of SE¼;
All unsurveyed areas as shown by plat of March 23, 1832.
T. 14 N., R. 12 W.,
All unsurveyed areas as shown by plats of October 12, 1833, May 9, 1835, September 30, 1856, and July 27, 1892.
T. 15 N., R. 12 W.,
All unsurveyed areas as shown by plat of May 9, 1835, December 14, 1839, and September 30, 1856.
T. 16 N., R. 12 W.,
Sec. 36, lots 6, 7, and 8;
All unsurveyed areas as shown by plats of December 14, 1839, and September 30, 1856.
T. 11 N., R. 13 W.,
Sec. 2, SE¼ of SW¼, SW¼ of SE¼;
Sec. 8, SE¼ of SW¼.
T. 15 N., R. 13 W.,
Sec. 11, NE¼ of SW¼;
Sec. 18, SW¼ of NE¼;
All unsurveyed areas as shown by plats of October 12, 1833, and September 30, 1856.
T. 16 N., R. 13 W.,
Sec. 8, SW¼ of SE¼;
Sec. 22, lot 1.
T. 17 N., R. 13 W.,
Sec. 9, lot 9;
Sec. 19, lots 1 to 4, incl., NW¼ of NE¼;
Sec. 21, fractional N½ of S½;
All unsurveyed areas as shown by plats of February 17, 1840, and May 16, 1857.
T. 16 N., R. 14 W.,
Sec. 24, NW¼ of NW¼;
Sec. 30, NE¼ of SE¼;
All unsurveyed areas as shown by plat of December 27, 1846.
T. 17 N., R. 14 W.,
Sec. 10, SE¼;
All unsurveyed areas as shown by plat of February 13, 1839.
T. 17 N., R. 15 W.,
All unsurveyed areas as shown by plat of February 13, 1839.

The areas described aggregate about 52,310 acres.

2. The lands are classified as valuable for oil and gas. Any disposals of the lands, therefore, shall be subject to the reservation required by the act of July 17, 1914 (38 Stat. 509; 30 U.S.C. 121). They have been open to applications and offers under the mineral leasing laws and to locations for metalliferous minerals, subject to provisions of the act of August 13, 1954 (68 Stat. 708; 30 U.S.C. 521, et seq.). They will be open to location for nonmetalliferous minerals under the U.S. mining laws, including the said act of August 13, 1954, subject to valid existing rights and the provisions of existing withdrawals, at 10 a.m. on January 20, 1966.

Inquiries concerning the lands should be addressed to the Manager, Eastern States Land Office, Bureau of Land Management, Washington, D.C.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

DECEMBER 15, 1965.

[F.R. Doc. 65-13636; Filed, Dec. 21, 1965; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 15796; FCC 65-1120]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Atmore and Evergreen, Ala.; Colorado Springs, Colo.; Bethany and Chickasha, Okla.: Broomfield, Fort Collins, and Littleton, Colo.; Anchorage, Alaska; Oneonta, N.Y.; Ellsworth, Maine; Little Rock, Ark.; Hays, Kans.; Cheboygan and Mackinaw City, Mich.; Neillsville and Rhinelander, Wis.; Oelwein and Spencer, Iowa; New Ulm, Minn.; Watertown, S. Dak.; Manchester, Conn.; Knoxville, Tenn.; Anoka and Cambridge, Minn.); Docket No. 15796; RM-665, RM-673, RM-679, RM-682, RM-684, RM-686, RM-691, RM-699, RM-712.

1. The Commission has before it for consideration its second report and order and further notice of proposed rule making, FCC 65-876, issued in this proceeding on October 1, 1965, and published in the FEDERAL REGISTER on October 7, 1965 (30 F.R. 12781), inviting comments on a proposal to assign FM Channel 234 to Boulder, Colo., rather than to Broomfield, Colo., as proposed by Broomfield Broadcasting Co., in RM-682. The necessary changes in other assignments (substitution of Channel 300 for 234 at Fort Collins and 298 for 299 at Littleton) were made in the above-mentioned Second Report and Order. Comments were filed by Mr. Louis D. Breyfogle III, Mr. Russell Shaffer, and Broomfield Broadcasting Co. Mr. Breyfogle is a resident of Boulder, Mr. Shaffer is the president and a stockholder of the licensee of Station KBOL (AM), Boulder, and Broomfield is a prospective applicant for a new FM station in Broomfield, Colo.

2. Broomfield has a population (1960 U.S. Census) of 4,535 persons, and is located roughly midway between Denver and Boulder or about 12 miles from each. It is in Boulder County. Boulder has a population of 37,718 persons and is the largest city in Boulder County (population 74,254). Broomfield has no AM or FM assignments and Boulder has two AM stations, one of which is a daytime-only operation, and a Class C FM assignment.

3. The parties supporting the assignment of Channel 234 to Boulder urge that this large and growing city warrants and needs a second FM assignment. They state that Boulder is emerging as an important scientific and research center since it contains the newly formed Environmental Sciences and Services Administration, National Center for Atmospheric Research, National Bureau of Standards, Atomic Energy Commission plant run by Dow Chemical Co. and other such organizations. They point out that the FM station on Class C Channel 247, presently assigned to Boulder operates with less than Class A facilities. Finally, Mr. Shaffer states that he is prepared to file an application for Channel 234 in the event it is assigned to Boulder.

4. Broomfield argues that Channel 234 should be assigned to Broomfield rather than Boulder for a number of reasons. It points out that this community does not have an AM or FM station, that it intends to serve a number of small communities within 8 miles as well as the needs of a large number of Spanish speaking people in the area, and that Boulder has three stations. It urges that the signals from the Boulder stations are not adequate to serve Broomfield, and that the estimated population for the year 2000 for the area it intends to serve will be greater than that around Boulder. With respect to the potential of interference to TV reception of Channel 9 at Denver, Broomfield contends that the location of Channel 234 at Broomfield will offer a lesser danger than would its location at Boulder. Finally, Broomfield concedes that a second Class C is desirable at Boulder but suggests that this may be possible by making a series of changes in the Table of Assignments. The suggested changes include seven communities[1] (a necessary change for Channel 261A at Kimball, Nebr., was omitted), requires two existing stations to change frequencies, reduces Pueblo to 3 Class C assignments and mixes Class C and A assignments in that community.

5. In reply to Broomfield, Mr. Shaffer states that while Broomfield discusses the inferiority of aural service from Boulder, it ignores the fact that Broomfield is only 13 miles from Denver, which offers multiple-aural services. He adds that the fact that the Boulder FM station operates with very low power and antenna height points up the need of Boulder for a second FM channel. As regards the contention concerning the possibility of second harmonic interference to TV reception, he states that the argument made by Broomfield is "tenuous conjecture" since Boulder is only 24 miles from Denver.

[1] The suggested changes are as follows:

City	Channel No.	
	Present	Proposed
Boulder, Colo.	247	246, 250.
Denver, Colo.	238, 253, 258, 262, 266, 278, 286, 290, 294.	238, 254, 258, 262, 266, 278, 286, 290, 294.
Pueblo, Colo.	250, 255, 260, 264.	228A, 256, 260, 264, 296A.
Aspen, Colo.	249A	276A.
Laramie, Wyo.	241, 255	241, 256.
Torrington, Wyo.	257A	252A.
Cheyenne, Wyo.	250, 292A	260, 276A, 292A.
Kimball, Nebr.	*261A	

*Not included in Broomfield proposal but necessary.

As far as the Pueblo assignments are concerned, Channel 228A cannot be assigned there and meet separation requirements. Channel 296A could be added there without going through the other changes.

6. Careful consideration of all the comments and data submitted in this proceeding indicates that a choice between a second FM assignment in Boulder and a first in Broomfield is a close one. Boulder is much the larger of the two. On the other hand it does have two AM stations, one of which is an unlimited time operation, and one FM station. Broomfield not only is the smaller of the two but is not far from both Boulder and the metropolitan area of Denver. Being so small and so situated with respect to larger cities, Broomfield would normally be the type of community which would warrant a Class A assignment, whereas the proposed assignment is a wide coverage Class C assignment. However, Broomfield has no local outlet since it does not have any AM stations either. We are therefore of the view that the best solution to the conflict is the assignment of Channel 234 to Boulder. Since Broomfield is within 25 miles of that city, parties interested in a Broomfield FM station could apply for the assignment under our "25 mile rule." In the event competing applications are filed a choice could be made based upon the specific proposals made in the applications. As far as the counterproposal advanced by Broomfield is concerned, we must reject this since it would require two existing stations to change channels, would reduce one community in Class C assignments and would result in mixing Class A and C assignments in it, and since a similar group of changes could result in the assignment of a Class A channel to Broomfield.

7. Authority for the adoption of the amendment contained herein is contained in sections 4 (i) and (j), 303(r) and 307(b) of the Communications Act of 1934, as amended.

8. In view of the foregoing: *It is ordered,* That effective January 24, 1966, § 73.202 of the Commission's rules and regulations, the FM Table of Assignments, is amended, insofar as the community named is concerned, to read as follows:

City	*Channel No.*
Boulder, Colo	234, 247

9. *It is further ordered,* That this proceeding is terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: December 15, 1965.

Released: December 17, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-13664; Filed, Dec. 21, 1965; 8:48 a.m.]

[Docket No. 15791; FCC 65-1108]

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Certain Frequency Available for Intership Communications in Pacific Area

1. A notice of proposed rule making in the above-captioned matter was released on January 21, 1965, and was published in the FEDERAL REGISTER on January 26, 1965 (30 F.R. 806). The dates for filing comments and replies thereto have passed.

2. The notice of proposed rule making in this matter was issued in response to a petition (RM-589) submitted by the Southern California Marine Radio Council, San Pedro, Calif., requesting that Part 83 of the Commission's rules be amended so as to designate one or more additional radiotelephone frequencies for intership communication in the 2 to 3 Mc/s frequency band along the west coast of the United States.

3. The Commission proposed to amend Part 83 to make the frequency 2142 kc/s available for intership radiotelephone communications on a daytime only basis in the Pacific coast area south of 42 degrees north latitude.

4. A timely comment was filed by Mr. Kenneth D. Cox, of 9511 Monroe Street, Silver Spring, Md., licensee of ship radio station WN-2225. No reply comments were filed. After the close of the reply comment period, comments were received from the North Pacific Marine Radio Council, Seattle, Wash.; Long Beach Marine Radio, Long Beach, Calif.; Marine Radio Service, San Pedro, Calif.; and at least 18 individuals in the California area, some of whom are ship station licensees, or members of such organizations as tow boat service companies, Charter Boat Owners Association, Inc., and the U.S. Coast Guard Auxiliary. These comments are considered to contain relevant information and have been taken into account in this rule making.

5. Mr. Kenneth D. Cox supported the petition submitted by the Southern California Marine Radio Council and the granting of relief on the basis proposed by the Commission. Mr. Cox described the growth over the years in the number of ship stations and pointed out that no attendant increase in the number of available 2 Mc/s intership frequencies had occurred. He indicated the need for additional intership frequencies on both the east and west coast of the United States. For the purpose of relieving congestion on 2 Mc/s frequencies on a long term basis, Mr. Cox suggested that a ten year date be established for a move to VHF by ship stations for intership purposes. He expressed the belief that expanded use of the 2 Mc/s system is desirable and necessary and suggested that the proposed rule making be adopted with the provision that, upon a future date to be established by the Commission, intership communications be limited to VHF, except where it can be shown that communications cannot be carried out on VHF because of propagation conditions.

6. The North Pacific Marine Radio Council, Inc., while indicating that additional intership frequencies in the 2 Mc/s band would be of benefit, feared that 2142 kc/s would be used by ship stations in the Puget Sound area regardless of rule restriction and would interfere with the Vancouver, British Columbia, duplex radiotelephone operation on 2142 kc/s (ship)/2558 ks/s (shore). The remaining parties favored the use of 2142 kc/s as proposed by the Commission citing a recent loss of six lives on the west coast of the United States apparently due to installation of Citizens Band radio equipment on a vessel in lieu of 2 Mc/s marine radio because of the busy condition on 2 Mc/s marine intership frequencies.

7. Amendment of Part 83 of the rules to require the use of VHF in lieu of 2 Mc/s frequencies for intership communications, or other arrangements to require the installation of VHF equipment on board ship is beyond the scope of this rule making.

8. The Commission believes that the possibility of vessels improperly using 2142 kc/s in the Puget Sound area and interfering with Canadian operations is insufficient reason to not make available the needed additional frequency for intership communications. The northern area of use has a specific limit which has been selected for the purpose of providing adequate protection to the Canadian operations.

9. No further study and fact gathering to assign additional intership frequencies in the 2 Mc/s band, as requested by the Southern California Marine Radio Council in its petition is contemplated at this time. The problems in obtaining frequencies for the purpose are well established.

10. Ship station licensees and others concerned are advised that authority to operate on 2142 kc/s upon the effective date of this order is included in each ship station license which authorizes use of radiotelephony in the 2 to 4 Mc/s band in accordance with Part 83 of the Commission's rules. The frequency is available as an authorized carrier frequency for either single or double sideband radiotelephone emissions.

11. Authority for the amendments adopted herein is contained in sections 303 (c), (d), (f), (g), and (r) of the Communications Act of 1934, as amended.

12. In view of the foregoing: *It is ordered*, effective January 24, 1966, that Parts 81 and 83 are amended as set forth below.

13. *It is further ordered*, That this proceeding is terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: December 15, 1965.

Released: December 17, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

A. Part 81, Stations on Land in the Maritime Services is amended as follows:

§ 81.306 [Amended]

1. The portion of the table in § 81.306 (b) for San Francisco-Eureka, Calif., is amended by deleting the entry for 2538 kc/s.

B. Part 83, Stations on Shipboard in the Maritime Services is amended as follows:

1. Section 83.351, a new paragraph (b) (8) is added to read:

§ 83.351 Frequencies available.

* * * * *

(b) * * *

(8) The frequency 2142 kc/s is authorized for intership communication on a day only basis in the Pacific coast area south of 42 degrees north latitude upon the express condition that harmful interference shall not be caused to the service of any station which, in the discretion of the Commission, has priority on the frequency or frequencies used for the service to which interference is caused.

* * * * *

§ 83.354 [Amended]

2. The portion of the table in § 83.354 (a) (1) for San Francisco-Eureka, Calif., is amended by deleting the entry for 2142 kc/s.

3. Section 83.358, paragraph (a) is amended to read:

§ 83.358 Frequencies below 3000 kc/s for safety purposes.

(a) The following carrier frequencies are authorized for intership safety communications in the respective geographic areas. In addition, on a noninterference basis to safety communications, the frequencies may be used for operational communications and, in the case of commercial transport vessels and vessels of municipal or state governments, for business communications. Use of these carrier frequencies is prohibited when the use of a licensed frequency above 27.5 Mc/s in lieu thereof would provide effective communication.

Frequency (kc/s)	*Geographic area*
2003	Great Lakes only.
2142	Pacific coast area south of latitude 42 degrees north, on a day only basis.
2638	All areas.
2738	All areas except the Great Lakes and the Gulf of Mexico.
2830	Gulf of Mexico only.

* * * * *

[1] Commissioner Cox dissenting for reasons stated in his dissenting statement to the notice of proposed rule making.

4. Section 83.366, paragraphs (b) (1), (d), (e), and (g) are amended to read:

§ 83.366 General radiotelephone operating procedure.

* * * * *

(b) *Calling ship stations.* (1) Except when other operating procedure is used to expedite safety communication, ship stations, before transmitting on the intership working frequencies 2003, 2142, 2638, 2738, or 2830 kc/s, shall first establish communication with other ship stations by call and reply on 2182 kc/s: *Provided*, That calls may be initiated on an intership working frequency when it is known that the called vessel maintains a simultaneous watch on such working frequency and on 2182 kc/s.

* * * * *

(d) *Authorized use of 2003, 2142, 2638, 2738, and 2830 kc/s.* The intership working frequencies 2003, 2142, 2638, 2738, and 2830 kc/s shall be used for transmissions by ship stations in accordance with the provisions of §§ 83.176, 83.177, and 83.358.

(e) *Simplex operation only.* All transmission on 2003, 2142, 2638, 2738, and 2830 kc/s by two or more stations, engaged in any one exchange of signals or communications, shall take place on only one of these frequencies, i.e., the stations involved shall transmit and receive on the same frequency: *Provided*, That this requirements is waived in the event of emergency when by reason of interference or limitation of equipment single frequency operation cannot be used.

* * * * *

(g) *Limitation on duration of working.* Any one exchange of communications between any two ship stations on 2003, 2142, 2638, 2738, or 2830 kc/s, or between a ship station and a limited coast station on 2738 or 2830 kc/s, shall not exceed 3 minutes in duration after the two stations have established contact by calling and answering. Subsequent to such exchange of communications, the same two stations shall not again use 2003, 2142, 2638, 2738, or 2830 kc/s for communication with each other until 10 minutes have elapsed: *Provided*, That this provision shall in no way limit or delay the transmission of communications concerning the safety of life or property.

* * * * *

5. Section 83.369, paragraph (a) (2) (ii) is amended to read:

§ 83.369 Operation under interim ship station license.

(a) * * *

(2) * * *

(ii) For ship-to-ship communication: 156.3 Mc/s, 156.4 Mc/s, and the frequencies set forth in § 83.358.

* * * * *

[F.R. Doc. 65-13665; Filed, Dec. 21, 1965; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Salt Plains National Wildlife Refuge, Okla.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

OKLAHOMA

SALT PLAINS NATIONAL WILDLIFE REFUGE

Sport fishing on the Salt Plains National Wildlife Refuge, Okla., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 7,800 acres, are delineated on maps available at refuge headquarters, Jet, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex., 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The sport fishing season on the refuge extends from April 15 through October 15, 1966, inclusive, in Great Salt Plains Lake as posted; and from February 1 through October 15, 1966, inclusive, in Sand Creek, the three main channels of Salt Fork River, and the right-of-way of Oklahoma State Highway 11 as posted.

(2) It is illegal to take game fish by any means other than hook and line. Trotlines must be removed from waters at the close of the fishing season.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33 and are effective through December 31, 1966.

LYLE A. STEMMERMAN,
Refuge Manager, Salt Plains National Wildlife Refuge, Jet, Okla.

DECEMBER 8, 1965.

[F.R. Doc. 65-13634; Filed, Dec. 21, 1965; 8:46 a.m.]

PART 33—SPORT FISHING

Muleshoe National Wildlife Refuge, Tex.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge area.

TEXAS

MULESHOE NATIONAL WILDLIFE REFUGE

Sport fishing on the Muleshoe National Wildlife Refuge, Muleshoe, Tex., is suspended for the 1966 season. A prolonged drought has resulted in a shortage of water on the public fishing area.

MELVIN R. EVANS,
Refuge Manager, Muleshoe National Wildlife Refuge, Muleshoe, Texas, 79347.

DECEMBER 7, 1965.

[F.R. Doc. 65-13635; Filed, Dec. 21, 1965; 8:46 a.m.]

Proposed Rule Making

POST OFFICE DEPARTMENT

[39 CFR Parts 112, 114, 168]

INTERNATIONAL MAIL

Proposed Discontinuance of Eight-Ounce Merchandise Packages to Certain Countries

Notice is hereby given of proposed rule making consisting of proposed amendments to Parts 112, 114, and 168 of Title 39, Code of Federal Regulations. The proposed rule would discontinue the eight-ounce merchandise package classification which has been available to Chile, Cuba, Guatemala, Haiti, Paraguay, and Peru. If the proposed rule is adopted, articles sent to these countries would be mailed as an other postal union mail or as parcel post. To Canada only packages weighing eight ounces or less would continue to be accepted as postal union mail. However, if the proposed rule is adopted, packages sent to Canada weighing over eight ounces and up to 25 pounds would be accepted as parcel post. The proposed rule is as follows:

I. In Part 112, Rates and Conditions for Specific Classes, §§ 112.8 and 112.9 are revised to read as follows:

§ 112.8 Combination packages.

(a) *Definition.* Combination packages are packages made up of two parts, firmly attached together, both addressed for delivery to the same addressee, and consisting of (1) a sealed envelope containing a written or printed communication; and (2) an unsealed container, with samples of merchandise or printed matter enclosed.

(b) *Rates.* Each part of a combination package must be fully prepaid at the appropriate rate of postage.

(c) *Countries for which accepted.* The following countries accept combination packages as ordinary (unregistered) mail only, except as noted:

Australia.
Austria.
Bolivia.
Brazil.
British Guiana.
British Honduras.
Bulgaria.
Canada.
Colombia.
Denmark.
Dominican Republic (ordinary or registered).
Faroe Islands.
Greenland.
Haiti.
Republic of Honduras (registered only).
Iceland.
Jamaica.
Mexico.
Nicaragua.
Norway.
Panama.
Philippines.
Poland.
Rumania.
El Salvador.
Sweden.
Turks Islands.

§ 112.9 Articles grouped together.

(a) *Grouping permitted.* A single envelope or package may contain commercial papers, samples of merchandise, and/or printed matter subject to the following conditions:

(1) Each article taken singly must not exceed the limits of weight applicable to it.

(2) The total weight must not exceed 4 pounds 6 ounces per package if it consists solely of commercial papers and samples.

(3) The weight limit is raised to 6 pounds 9 ounces if the package also contains prints, but in such case the total weight of the commercial papers and samples must not exceed 4 pounds 6 ounces.

(4) The dimensions of the package must not exceed those of letters.

(b) *Rates.* Postage will be charged at the highest surface rate (including minimum charge) applicable to any of the categories of mail involved. For air service, the rates for "Other Articles" applies. See individual country items in the Directory of International Mail.

(c) *Preparation and marking.* Envelopes or packages mailed as grouped articles must not be sealed. Senders must mark the address side of the envelope or package "Grouped Article."

NOTE: The corresponding Postal Manual sections are 222.8 and 222.9.

II. In Part 114, Treatment of Incoming Postal Union Mail, paragraph (f)(1) in § 114.1 is revised to read as follows:

§ 114.1 Charges.

* * * * *

(f) *Returned mail.* Post offices will collect charges on returned mail as follows:

(1) On returned surface merchandise packages weighing 8 ounces or less mailed to Canada, 10 cents for 5 ounces or less, 12 cents for 6 ounces, 14 cents for 7 ounces, and 16 cents for 8 ounces.

* * * * *

NOTE: The corresponding Postal Manual section is 224.16a.

III. In Part 168, Directory of International Mail, make the following changes:

A. In § 168.1 *Postal Union mail,* the following material is deleted from the chart under paragraph (a).

Classification (surface and air)	Surface rates	Weight limits (surface and air)
		Ounces
8 ounce merchandise packages (see § 112.8 of this chapter):		8
To Canada	4 cents first 2 ounces; 2 cents each additional ounce; minimum charge 10 cents.	
To Chile, Cuba, Guatemala, Haiti, Paraguay, and Peru.	25 cents each (flat rate).	

B. In § 168.5 *Individual country regulations,* make the following changes:

1. In "Canada (Including Newfoundland and Labrador)" make the following changes:

a. Under Postal Union Mail, the material under the item *Surface rates, classifications, weight limits, and dimensions* is revised to read:

Postal Union Mail

Surface rates, classifications, weight limits, and dimensions. See § 168.1 of this chapter. For packages of merchandise weighing up to 8 ounces the surface rates are 10 cents for 5 ounces or less, 12 cents for 6 ounces, 14 cents for 7 ounces, and 16 cents for 8 ounces. These packages are treated as other articles (AO Mail), must be unsealed, and must bear a completed customs label, Form 2976 (see § 111.4 of this chapter). An invoice or a completed paper customs declaration, Form 2976–A, must be enclosed in commercial packages.

See "Observations" concerning mail for Canadian armed forces.

* * * * *

b. Under Postal Union Mail, the item *Eight ounce merchandise packages* and its accompanying material is deleted.

c. Under Parcel Post, the item *Surface parcel rates* is amended to read as follows:

Parcel Post

Surface parcel rates. Parcels over 8 ounces but not over 2 pounds, 80 cents; each additional pound or fraction, 30 cents.

NOTE: Any package weighing 8 ounces or less must be prepared and mailed as postal union mail.

* * * * *

2. In "Cuba (Including Isle of Pines, West Indies)" make the following changes under Postal Union Mail:

a. The material immediately preceding the item *Surface rates, classification, weight limits, and dimensions* is revised to read:

(Letter packages are limited to those containing medicines.)

b. The item *Eight-ounce merchandise packages* and its accompanying material is deleted.

c. The material under the item *Observations* is amended to read:

Observations. Senders must affix a green customs label (Form 2976), showing the contents and value, to all letter packages.

3. In the countries "Chile", "Guatemala", "Haiti", "Paraguay", and "Peru", under Postal Union Mail, the item *Eight-ounce merchandise packages* and its accompanying material is deleted.

Although the procedures in 39 CFR Parts 112, 114, and 168 relate to a proprietary function of the Government, it is the desire of the Postmaster General voluntarily to observe the rule-making requirements of the Administrative Procedure Act (5 U.S.C. 1003) in order that patrons of the postal service may have an opportunity to present written views concerning the proposed rule. Accordingly, such written views may be submitted to the Director, International Services Division, Bureau of Transportation and International Services, Post Office Department, Washington, D.C., 20260, at any time prior to the 13th day following the date of publication of this notice in the FEDERAL REGISTER.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

HARVEY H. HANNAH,
Acting General Counsel.

[F.R. Doc. 65–13637; Filed, Dec. 21, 1965; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1101]

MILK IN KNOXVILLE, TENN., MARKETING AREA

Notice of Proposed Suspension of Certain Provision of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provision of the order regulating the handling of milk in the Knoxville, Tenn., marketing area is being considered.

The provision proposed to be suspended is: In § 1101.12 (a) and (b) the language, "(a) any day during the months of March through August, or (b) on not more than 10 days during the month in any other months of the year," relating to the 10-day limit on diverting the milk of any producer in each of the months of September through February.

The proposed suspension would enable handlers to divert unlimited excess milk supplies to manufacturing outlets during all months of the year without causing any producer to lose his status as a producer under the order or to lose credit in the computation of his base on his milk deliveries during the months of September through February.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C., 20250, not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on December 16, 1965.

CLARENCE H. GIRARD,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 65–13644; Filed, Dec. 21, 1965; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 87]

[Docket No. 16365; FCC 65–1110]

AIR CARRIERS IN ALASKA

Use of Certain Frequency

1. Notice of proposed rule making in the above-entitled matter is hereby given.

2. Due to terrain features in Alaska and the fact that a large number of aircraft are operated VFR (Visual Flight Rules) at low altitudes, VHF operating ranges are quite limited. There are extensive air carrier operations of the "bush type" nature using small aircraft. In order to provide adequate coverage on VHF for these aircraft, the Federal Aviation Agency (FAA) is installing a number of single channel outlets at various isolated locations in Alaska and will control them remotely from so called "hard core" stations. The service to be provided is the same that is now available at regular Flight Service Stations (FSS) which are equipped with several channels.

3. In order that the largest number of users possible will have access to this service, the frequency 122.1 Mc/s is proposed. This frequency should be within the tuning range of the most limited aeronautical radio equipment. The frequency and its use has been supported by the Aircraft Owners and Pilots Association.

4. This proposed amendment is issued pursuant to authority contained in sections 303 (b), (c), and (r) of the Communications Act of 1934, as amended.

5. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before January 24, 1966, and reply comments on or before February 7, 1966. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. The Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

6. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: December 15, 1965.

Released: December 17, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

Part 2 is amended as follows:

1. In § 2.106, the Table of Frequency Allocations is amended by the addition of a new footnote designation (US—) in column 5 for the frequency band 121.975–123.075 Mc/s; and a new footnote US— is added in appropriate numerical sequence to read as follows:

US.. In Alaska only, the frequency 122.1 Mc/s may also be used for air carrier air traffic control purposes.

Part 87 is amended as follows:

1. A new paragraph (d) is added to § 87.195 to read as follows:

§ 87.195 Frequencies available.

* * * * *

(d) The frequency 122.1 Mc/s is available in Alaska for air traffic control operations.

[F.R. Doc. 65–13666; Filed, Dec. 21, 1965; 8:48 a.m.]

[47 CFR Part 73]

[Docket No. 16370; FCC 65–1130]

RADIO BROADCAST SERVICES

Minimum Power Authorized for Class IV Stations

1. The Commission has under consideration the various sections of its rules in Part 73 concerning the minimum permissible power for Class IV standard broadcast stations. At the present time these rules permit the filing of applications for such stations with as low as 100 watts power. However, because 100 watt authorizations have been regarded as inefficient uses of the radio spectrum, we have discouraged such proposals. As we stated in In re Applications of WFPG, Inc., et al., 33 FCC 673, 675, 24 R.R. 419, 423 (1962).

* * * although the rules permit the filing of 100 w proposals, the Commission is not anxious to perpetuate the detriments that flow from such low-power grants absent unique overriding public interest benefits.

2. We have become increasingly convinced that the use of 100 watts by a Class IV station is inefficient. We therefore propose to delete all references to 100 watts as the minimum power to be authorized for Class IV standard broadcast stations wherever they appear in our rules and to require all future applications for Class IV stations to specify a minimum of 250 watts, day and night. For example, § 73.21(c)(1) would be amended to provide that the minimum power for a Class IV station is 250 watts. In the event the proposal is adopted we would urge existing 100 watt stations, which can do so in conformance with the rules, to apply for increased power day and night.

3. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303(f), and 303 (r) and 307(b) of the Communications, Act of 1934, as amended.

4. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before January 17, 1966, and

reply comments on or before January 31, 1966. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

5. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished to the Commission.

Adopted: December 15, 1965.

Released: December 17, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-13667; Filed, Dec. 21, 1965; 8:49 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

IMPORTATION OF CASHMERE NOILS

Available Certification by Government of the United Kingdom

Notice is hereby given that certificates of origin issued by the Customs and Excise of the Government of the United Kingdom under procedures agreed upon between that Government and the Office of Foreign Assets Control in connection with the Foreign Assests Control Regulations are now available with respect to the importation of cashmere noils into the United States directly, or on a through bill of lading, from the United Kingdom.

[SEAL] MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 65-13600; Filed, Dec. 21, 1965; 8:45 a.m.]

Office of the Secretary

[Treasury Dept. Order 206]

OFFICE OF PLANNING AND PROGRAM EVALUATION

Establishment of Office, Functions and Responsibilities

By virtue of the authority vested in me as Secretary of the Treasury, including the authority in Reorganization Plan No. 26 of 1950, there is hereby established an Office of Planning and Program Evaluation within the office of the Assistant Secretary for Administration.

The Director of this office shall be under the policy direction of the Secretary and Under Secretary, and the general supervision of the Assistant Secretary for Administration, to assure maximum effectiveness in the establishment, operation and coordination of an integrated planning-programming-budgeting system in the Treasury Department. Activities of the new office shall be coordinated fully with related activities of existing management and budgetary offices to provide the full range and utilization of systematic analytical, planning, programming and budgetary capability.

The functions of this office shall include, but shall not be limited to, the following:

Institute a comprehensive system of multi-year planning that provides specific practical guidelines for use by Office of the Secretary and bureau officials in systematically planning or modifying programs and activities.

Review and evaluate the program structure for the Treasury Department with a view to achieving optimal integration and coordination of missions, operations and activities.

Review and evaluate Treasury programs and activities in terms of costs and benefits, including the identification, development and analysis of economic alternatives and/or cost-benefit relationships of existing and proposed programs and activities.

Formulate proposals for the most effective and economical execution of program and financial plans, including proposals for modification, curtailment, elimination or expansion of programs and activities.

Prepare multi-year program and financial plans, for use by the Secretary and other top officials in the decision-making process, and provide for the necessary translation of these plans into the annual budget process.

This order shall become effective immediately.

Dated: December 16, 1965.

[SEAL] JOSEPH W. BARR,
Acting Secretary.

[F.R. Doc. 65-13655; Filed, Dec. 21, 1965; 8:48 a.m.]

[Treasury Dept. Order 167-70]

COMMANDANT, COAST GUARD

Delegation of Functions

By virtue of the authority vested in the Secretary of the Treasury by Reorganization Plan No. 26 of 1950 and 14 U.S.C. 631, and pursuant to the authority delegated to me by Treasury Department Order No. 190 (Revision 3), there are hereby transferred to the Commandant, U.S. Coast Guard, the functions vested in the Secretary of the Treasury by subsection (g) of 37 U.S.C. 308 (added by Public Law 89-132), concerning the payment of reenlistment bonuses to military members possessing critically needed skills.

This delegation of authority supplements Treasury Department Order No. 167-12, which previously delegated other Secretarial functions of 37 U.S.C. 308 to the Commandant.

Dated: December 15, 1965.

[SEAL] TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 65-13656; Filed, Dec. 21, 1965; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

POSITION SCHEDULE SURETY BOND

Invitation To Bid

Notice is hereby given to all companies holding certificates of authority from the Secretary of the Treasury as acceptable sureties on Federal bonds, that the Office of the Secretary, Department of Commerce, will receive sealed bids for a position schedule bond covering approximately 899 positions, which are to be bonded in penalty amounts ranging from $1,000 to $100,000. The effective date of the bond will be January 1, 1966, and the term will be 2 years.

Copies of the invitation to bid and the schedule of positions to be bonded may be obtained by phoning WO 7-4575 or writing to the Office of Administrative Services, Procurement Division, Room 6527 Commerce Building, Washington, D.C., 20230, at which address bids will be opened at 2 p.m., e.s.t., on December 23, 1965.

Dated: December 9, 1965.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[F.R. Doc. 65-13623; Filed, Dec. 21, 1965; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16769; Order E-23010]

AMERICAN AIR TAXI, INC., AND SOUTHEAST AIRLINES, INC.

Order To Show Cause Regarding Establishment of Service Mail Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of December 1965.

By Order E-22901, adopted November 18, 1965, the Board granted a temporary exemption to Southeast Airlines, Inc. (Southeast) and American Air Taxi, Inc. (Air Taxi) to engage in the air transportation of mail between Miami and Key West, Fla., under a service mail rate to be paid entirely by the Postmaster General. Those portions of the Southeast and Air Taxi applications requesting authority to carry mail between Key West and Miami on the one hand, and Marathon, Fla., on the other, were dismissed as moot since Regulation ER-445, permitting air taxi operators to carry mail between points which a route carrier is not authorized to serve, became effective November 4, 1965.

Southeast and Air Taxi are air taxi operators engaged in air transportation pursuant to Part 298 of the Board's Economic Regulations. The Post Office Department filed an answer in support of Southeast's exemption application, stating that National Airlines Inc.'s Miami-Key West service did not meet the needs of the postal service, and that consideration should be given to the advantages of Southeast's proposal to serve Marathon.

It is now necessary to fix and determine the fair and reasonable rates of compensation to be paid to these two carriers by the Postmaster General for the air transportation of mail, since no mail rates are presently in effect for these carriers. Upon consideration of Air Taxi's exemption application in Docket 16471, the similar application of Southeast and the Postmaster General's answer thereto in Docket 16352, and matters officially noticed, the Board proposes to issue an order to include the following findings and conclusions:

1. The Board has established a service mail rate which has been and continues to be applicable to the certificated domestic trunkline and local service carriers as the fair and reasonable final rate of compensation paid them for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith over their respective systems.[1]

2. A final service mail rate at the same level as that established for the certificated domestic trunkline and local service carriers is fair and reasonable for American Air Taxi, Inc. and Southeast Airlines, Inc.

3. The fair and reasonable final service mail rates to be paid to American Air Taxi, Inc. and Southeast Airlines, Inc. pursuant to section 406 of the Act, effective on the dates these two carriers commence operations under their exemptions, for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Miami and Key West, Fla. via Marathon, Fla., are the multi-element rates established by the Board in Order E–22512, August 6, 1965, ordering paragraph (9), mimeo pp. 4–9.

4. The aforesaid rates of compensation shall be service mail rates payable in their entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and pursuant to regulations promulgated in 14 CFR Part 302: *It is ordered*, That:

1. All interested persons, and particularly American Air Taxi, Inc., Southeast Airlines, Inc., and the Postmaster General, are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rates specified above as the fair and reasonable rates of compensation to be paid such air carriers for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above.

2. Further procedures herein shall be in accordance with 14 CFR Part 302; and, if there is any objection to the rates or to the other findings and conclusions proposed herein, notice thereof shall be filed within 3 days, and if notice is filed, written answer and supporting documents shall be filed within 5 days, after the date of service of this order.

3. If notice of objection is not filed within 3 days, or if notice is filed and answer is not filed within 5 days, after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fixing and determining the final rate specified herein;

4. If answer is filed, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the Answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order be served upon American Air Taxi, Inc., Southeast Airlines, Inc., National Airlines, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65–13658; Filed, Dec. 21, 1965; 8:48 a.m.]

[Docket No. 15353; Order E–22997]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Carrier Liability

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of December 1965.

Agreement adopted by Traffic Conferences 1, 2, and 3 of the International Air Transport Association relating to carrier liability; Docket 15353, Agreement C.A.B. 18602.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conferences 1, 2, and 3 of the International Air Transport Association (IATA), and adopted by mail vote. The Agreement has been assigned the above designated C.A.B. Agreement number.

The agreement embodies resolutions 275(h) and 275(i) which relate to increases in the limits of carriers' liability for personal injury and death under the Hague Protocol amending the Warsaw Convention.[1] Each resolution applies only with respect to carriage between any point in the United States and any point outside thereof which is governed by the Warsaw Convention as amended by the Hague Protocol. Resolution 275 (h) is permissive in nature and would enable any member carrier of IATA to increase the limit of its liability to $50,000[2] for carriage subject to the Hague Protocol. Under Resolution 275 (i) member carriers operating to and from the United States would be required to increase the limits of their liability for such carriage to $50,000. The resolutions are set forth in an attachment hereto.[2a]

This agreement was adopted subsequent to a time when the U.S. Government had indicated that it was considering denunciation of the Warsaw Convention because of the low limits of liability for personal injury or death contained therein. Prior to the adoption of the agreement by mail vote, concluded October 29, 1965, the U.S. Government had announced that notice of denunciation[2b] would be given on November 15, 1965, unless satisfactory provisional arrangements for the protection of international air passengers had been worked out among the principal international air carriers. In carrying out the decision to give notice of denunciation, the United States considered that the proposal of only $50,000, applied only to transportation to and from the United States governed by the Hague Protocol would not justify continued adherence by the United States to the Warsaw Convention. The Government announced, however, that it would be prepared to withdraw the notice of denunciation if prior to the effective date of denunciation, May 15, 1966, there is a reasonable prospect for international agreement on limits of liability for international transportation in the area of $100,000 per passenger or on uniform rules but without any limit of liability, and, if pending such international agreement, there is a provisional arrangement among the principal international air carriers waiving the limits of liability up to $75,000 per passenger. The notice of this action emphasizes that the United States was denouncing Warsaw solely because of the Convention's low limits of liability for injury or death to passengers and in no way represents departure from the long standing commitment of the United States to the tradition of international cooperation in matters relating to civil aviation. In sum, the U.S. Government has considered that the carriers' proposal for increased liability limits for personal injury and death is inadequate as to amount; further, it is of minimal effect to U.S.

[1] Domestic Service Mail Rate Case, Order E–22512, August 6, 1965.

[1] The official title of the Warsaw Convention is the Convention for the Unification of Certain Rules Relating to International Transportation by Air, signed at Warsaw on Oct. 12, 1929 (49 Stat. 3000; TS 876). The Warsaw Convention was entered into force for the United States in 1934. The Convention was amended by the Protocol signed at Hague in 1955 which has never been ratified by the United States. The Warsaw Convention (subject to certain provisions), limits carriers' liability in international transportation to 125,000 gold francs or approximately $8,300. The Hague Protocol, subject to certain provisions, provides for liability limitations of approximately $16,600.

[2] Both the Warsaw Convention, Article 22(1), and the Hague Protocol contain a provision that by special contract the carrier and the passenger may agree to a higher limit of liability than provided therein.

[2a] Attachment filed as part of original document.

[2b] The Warsaw Convention contains a proviso that any country may denounce the Convention upon 6 months' notice (Article 39).

citizens because of the limitation in the resolutions to carriage to and from the United States which is subject to the Hague Protocol. The resolutions do not provide an increase in liability for carriage subject to the Warsaw Convention or permit any increase in liability above the $50,000 by individual or collective carrier action. In these circumstances it appears to the Board that the proposed resolutions do not permit adequate assumption of liability, that they are of minimal effect to U.S. citizens, that they preclude individual carriers from assuming additional liability and that they may be adverse to the public interest. Accordingly action will be deferred thereon, pending comments, with a view toward eventual disapproval.

The resolutions bring into focus the public interest aspects of outstanding IATA resolutions which would limit the freedom of individual carriers from offering a special contract for increased liability pursuant to the provisions of Article 22(1) of Warsaw[4] or similar provisions of the Hague Protocol. The Board would be prepared to accept, as an interim measure, a collective agreement among the IATA carriers to increase their limits of liability by special contract for Warsaw carriage to amounts consistent with U.S. policy as indicated above. However, we cannot conclude that it is in the public interest for the IATA carriers to agree among themselves that none may assume liability in excess of the amounts stated in the Warsaw Convention or the Hague Protocol. It cannot be known, at this time, whether freedom for individual action by carriers in this area will result in special contracts for increased liability or not; on the other hand, increased liability by collective action will by its nature tend to be limited to an amount acceptable to the carrier with the lowest individual standards of liability, since IATA resolutions can be adopted only by unanimous carrier action. In view of these circumstances, the Board hereby states its present intention to modify its approval of the currently effective IATA resolutions so as to preclude any provisions from prohibiting carriers from individually assuming higher liability than is now provided by the Warsaw, the Hague Protocol, or other applicable laws. The order will provide a period of thirty (30) days for receipt of comments with respect to the Board action herein.

In taking the action herein, the Board desires to make it clear that it does not consider as inconsistent with the public interest or public policy for carriers to further discuss or by mail vote circulation to consider collective action relating to increased liability limits. At the same time, the Board would consider that individual carrier action in increasing liability in this area would be in the public interest.[5] While the action herein may render ineffective the carriers' agreement to increased liability limits with respect to carriage to and from the United States subject to the Protocol, it will not preclude individual action by any carrier who desires to increase its liability regardless of amount or of the extent of carriage to be covered thereby. Our disapproval of the resolutions is directed not against a partial increase in liability but rather is directed to the fact that the carriers by such resolutions would effectively restrict the freedom of individual carriers to provide more favorable conditions of carriage.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, makes the following findings:

1. That Agreement C.A.B. 18602 which incorporates the following resolutions may be adverse to the public interest and that action should be deferred with a view toward eventual disapproval:

100 (Mail 425) 275h and 275i
200 (Mail 599) 275h and 275i
300 (Mail 200) 275h and 275i

2. That our outstanding approval of IATA provisions should be modified so as to remove any restriction against action by individual carriers to assume liability for personal injury or death in excess of that stated in the Warsaw Convention or the Hague Protocol, or applicable laws. We believe public interest will best be served by deferring action in this regard for a period of thirty days to receive comments.

Accordingly, it is ordered, That:

1. Action on Agreement C.A.B. 18602 set forth in finding paragraph 1 be deferred with a view toward disapproval.

2. Action modifying the Board's outstanding approval of existing IATA provisions as discussed in finding paragraph 2 be deferred with the view of adoption.

Any air carrier party to the agreement, or any interested person, may, within 30 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's proposed actions. An original and nineteen copies of the statements should be filed with the Board's Docket Section.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65–13659; Filed, Dec. 21, 1965; 8:48 a.m.]

[4] IATA Resolution 275(b) relating to Passenger Ticket—Conditions of Contract provides in pertinent parts that "Resolved, (1) that the Conditions of Contract on the inside cover of the Passenger Ticket and Baggage Check used for interline international carriage read as follows: • • •

"(2)(a) Carriage hereunder is subject to the rules and limitations relating to liability established by the Convention unless such carriage is not 'international carriage' as defined by the Covention • • •

"(2)(c) Unless expressly so provided nothing herein contained shall waive any limitation of liability of carrier existing under the Convention or applicable laws • • •". (There is nothing therein contained relating to waiver of limitation of liability of carrier existing under the Convention or applicable laws.)

(As used in this contract, "Convention" means the Warsaw Convention, or the Warsaw Convention as amended by the Hague Protocol.)

[5] Increases in liability limits by individual carrier action would be in the public interest, whether or not the amounts of the increases of the number of carriers proposing increases are sufficient to warrant withdrawal of the denunciation.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16366; FCC 65–1112]

ITT WORLD COMMUNICATIONS, INC.

Order Regarding TIMETRAN Service

In the matter of ITT World Communications, Inc., Docket No. 16366; proposed revisions to its Tariff FCC No. 7 establishing rates and regulations for TIMETRAN service.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 15th day of December 1965;

The Commission having before it: (a) Revisions on 286th Revised Page 1, 112th Revised Page 1A, 13th Revised Page 3, 6th Revised Page 7, 6th Revised Page 11D, 10th Revised Page 17, 7th Revised Page 18, 7th Revised Page 25, 8th Revised Page 50, 6th Revised Page 69B, 6th Revised Page 73, 6th Revised Page 74, 7th Revised Page 77, 8th Revised Page 80, 7th Revised Page 82, 15th Revised Page 86, 13th Revised Page 88, 5th Revised Page 89, 4th Revised Page 94B, and 4th Revised Page 94C to ITT World Communications Inc. (ITT), Tariff FCC No. 7, filed under Transmittal No. 1029 on November 15, 1965, to establish, effective December 16, 1965, rates and regulations for a service called TIMETRAN, to be offered between United States points and from such points to certain foreign points; (b) petitions to suspend and investigate such tariff revisions filed by RCA Communications, Inc., Western Union International, Inc., and Tropical Radio Telegraph Co., and a request to carefully examine such revisions filed by the Western Union Telegraph Co.; (c) an answer by ITT in further support of its tariff revisions and in answer to the protests; and (d) further comments and replies filed by the protesting carriers in support of their positions;

It appearing, that said tariff revisions would allow ITT telex subscribers or ITT public telex equipment users, to file with ITT, when a normal telex call cannot be established or completed, communications destined to telex subscribers, at certain overseas points at which ITT or an affiliate operate, which ITT will, at its convenience (but not later than the morning after the date of deposit), transmit over telex circuits either directly to the overseas telex subscriber or to the overseas central telegraph office for transmission to the overseas telex subscriber;

It further appearing, that TIMETRAN is available only to ITT telex subscribers

and to those who have access to ITT public telex equipment, in those gateway cities in which it maintains operating offices;

It further appearing, that TIMETRAN service may be a like and contemporaneous service when compared to message telegraph service;

It further appearing, that the rates proposed by ITT for this service are the same as those charged by it for normal telex service, and are substantially lower than those for message telegraph service;

It further appearing, that additional handling must be performed by ITT in servicing a TIMETRAN communication than is required for a normal telex call;

It further appearing, that an unreasonable preference may thereby exist in favor of ITT telex subscribers and to those who have access to ITT public telex equipment in those gateway cities in which it maintains operating offices;

It further appearing, that no justification has been submitted to support the reasonableness or justness of these conditions;

It further appearing, that the Commission is unable at this time to determine that the charges, classifications, regulations and practices contained in the above-mentioned tariff revisions are or will be just and reasonable or otherwise lawful under the provisions of sections 201(b) and 202(a) of the Communications Act of 1934, as amended;

It further appearing, that if the above-mentioned tariff revisions are permitted to become effective on the date specified thereon, substantial injury to the public may result:

It is ordered, That pursuant to the provisions of sections 4(i), 201, 202, 204, 205, and 403 of the Communications Act of 1934, as amended, an investigation is hereby instituted into the lawfulness of the above-mentioned tariff revisions;

It is further ordered, That pursuant to the provisions of section 204 of the Act, the above listed revisions to ITT World Communications, Inc., Joint Tariff FCC No. 7, are hereby suspended until March 16, 1966, and that during that period ITT World Communications, Inc., shall make no changes in said tariff revisions except as authorized or directed by the Commission;

It is further ordered, That without in any way limiting the scope of the proceeding, it shall include inquiry into the following:

1. Whether such tariff revisions violate any of the provisions of Part 61 of the Commission's rules and regulations relating to the filing of tariffs and, if so, whether the tariff revisions should be declared unlawful on that ground;

2. Whether any of the charges, classifications, regulations and practices contained in such tariff revisions are or will be unjust or unreasonable within the meaning of section 201(b) of the Communications Act of 1934, as amended;

3. Whether such tariff revisions will make an unjust or unreasonable discrimination or will subject any person or class of persons to undue or unreasonable prejudice or disadvantage, or will give any undue or unreasonable preference or advantage to any person or class of persons, within the meaning of section 202(a) of the Communications Act of 1934, as amended;

4. Whether the Commission should prescribe just and reasonable charges, classifications, regulations and practices or the maximum or minimum or maximum and minimum charges to be hereafter followed with respect to the service governed by the above-mentioned tariff revisions and, if so, what charges, classifications, regulations and practices should be prescribed;

It is further ordered, That a hearing be held in this proceeding at the Commission's offices in Washington, D.C., at a time to be specified in a subsequent order and that the hearing examiner designated to preside at the hearing shall certify the record to the Commission for decision without preparing either an initial decision or a recommended decision, and that the Chief, Common Carrier Bureau, shall prepare and issue a recommended decision, which shall be subject to the submittal of exceptions and requests for oral argument as provided in §§ 1.276 and 1.277 of the Commission's rules and regulations, after which the Commission shall issue its decision as provided in § 1.282 of the Commission's rules and regulations;

It is further ordered, That RCA Communications, Inc., Western Union International, Inc., and Tropical Radio Telegraph Co. are hereby made parties respondent to this proceeding; that the Western Union Telegraph Co. is hereby granted leave to intervene herein provided that within 20 days from the release date of this order it shall file a notice of intention to intervene; and that copies of this order shall be served on RCA Communications, Inc., Western Union International, Inc., Tropical Radio Telegraph Co., and the Western Union Telegraph Co.

Released: December 16, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-13668; Filed, Dec. 21, 1965; 8:49 a.m.]

[Docket No. 14760; FCC 65M-1612]

TRIPLE C BROADCASTING CORP. (WLOR)

Order Scheduling Hearing

In re application of Triple C Broadcasting Corp. (WLOR), Thomasville, Ga., Docket No. 14760, File No. BP-14988; for construction permit.

The Review Board having acted upon a certification of question and, in so doing, added an issue to the above-entitled matter (FCC 65R-435; 77326, released December 13, 1965), and

It appearing that it is now necessary to reopen the hearing record:

It is ordered, This 16th day of December 1965, that the record in this matter is reopened and further hearing is scheduled to commence at 10 a.m., January 12, 1966, in the Commission's offices in Washington, D.C., and

It is further ordered, That the parties may, if they so elect, defer filing findings and conclusions to a date to be set at the conclusion of the final hearing session.

Released: December 17, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-13669; Filed, Dec. 21, 1965; 8:49 a.m.]

[Docket Nos. 16223-16229; FCC 65M-1610]

TRI-STATE TELEVISION TRANSLATORS, INC.

Order Scheduling Prehearing Conference

In re applications of Tri-State Television Translators, Inc., Cumberland, Md., Docket No. 16223, File No. BPTTV-2354; Docket No. 16224, File No. BPTTV-2355; Docket No. 16225, File No. BPTTV-2356; Docket No. 16226, File No. BPTTV-2357; Docket No. 16227, File No. BPTTV-2358; Docket No. 16228, File No. BPTTV-2359; Docket No. 16229, File No. BPTTV-2360; for construction permits for new VHF television broadcast translator stations.

The Hearing Examiner has under consideration a pleading captioned "Comments of Potomac Valley TV Co., Inc.," filed December 13, 1965, by Potomac Valley TV Co., Inc., which, in substance, requests that the evidentiary hearing in the above-entitled proceeding be continued to a date on or after January 31, 1966.

The evidentiary hearing on the above applications was originally scheduled to begin in Cumberland, Md., on November 15, 1965, but at the prehearing conferences held on October 28 and November 10, 1965, was continued to December 13, 1965, in order to permit the consulting engineer of Potomac Valley TV Co., Inc., to take field measurements and make studies which would furnish technical evidence concerning the availability of television signals in the Cumberland, Md., area. The evidentiary hearing was continued past December 13, 1965, at the request of counsel for the Chief, Broadcast Bureau.

In order to expedite the hearing in this proceeding, a further prehearing conference will be held on Monday, January 3, 1966, beginning at 10 a.m. in the offices of the Commission, Washington, D.C., at which time:

(1) Potomac Valley TV Co., Inc., will exchange with all parties (a) copies of all engineering exhibits which this party intends to offer in evidence in support of its affirmative showing on the several issues with respect to which it has the burden of proceeding with the introduction of evidence and the burden of proof, together with (b) such field notes and other data as will reflect the field intensity measurements and studies which have been made by the consulting engineer of this party to determine the availability of television signals in the Cumberland, Md., area; and

(2) Other parties to the proceeding, including the Chief, Broadcast Bureau, Federal Communications Commission, will exchange copies of such engineering exhibit or exhibits as said party or parties intend to offer in evidence.

After the exchange of the engineering exhibits as aforesaid, a time schedule for the introduction of the exhibits and the cross-examination of engineering witnesses as well as the calling of lay witnesses will be specified.

Ruling on the "Comments of Potomac Valley TV Co., Inc.," is reserved pending the outcome of the further prehearing conference to be held on January 3, 1966, at 10 a.m. in the offices of the Commission, Washington, D.C.

It is so ordered, This the 15th day of December 1965.

Released: December 17, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-13670; Filed, Dec. 21, 1965; 8:49 a.m.]

[Docket Nos. 16306-16309; FCC 65M-1608]

K-6 TELEVISION, INC. (KVER), AND SOUTHWESTERN OPERATING CO. (KGNS-TV)

Order Continuing Prehearing Conference

In re applications of K-6 Television, Inc. (KVER), Laredo, Tex., Docket No. 16306, File No. BPCT-3304, for construction permit for new television broadcast station, and Docket No. 16307, File No. BMPCT-6153, for modification of construction permit; Southwestern Operating Co. (KGNS-TV), Laredo, Tex., Docket No. 16308, File No. BRCT-503, for renewal of license, and Docket No. 16309, File No. BPCT-3472, for construction permit to make changes.

The Hearing Examiner having under consideration a Motion for Change of Procedural Date, filed on December 13, 1965, by Southwestern Operating Co., requesting that a prehearing conference in the above-captioned proceeding be rescheduled from December 29, 1965, to January 10, 1966, at 10 a.m.;

It appearing, that owing to prior commitments, counsel for Southwestern Operating Co. will be out of the city on the date presently scheduled for the prehearing conference; and

It further appearing, that counsel for K-6 Television, Inc., and for the Broadcast Bureau, the only other parties to the proceeding, have stated that no objection will be interposed to the requested rescheduling of the prehearing conference:

It is therefore ordered, This 15th day of December 1965, that the instant motion is granted, and the prehearing conference in this proceeding is rescheduled for January 10, 1966, at 10 a.m.

Released: December 17, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-13671; Filed, Dec. 21, 1965; 8:49 a.m.]

[Docket No. 16088, etc.; FCC 65M-1609]

THEODORE GRANIK ET AL.

Order Regarding Procedural Dates

In re applications of Theodore Granik, Washington, D.C., Docket No. 16088, File No. BPCT-3453; All American Television Features, Inc., Washington, D.C., Docket No. 16089, File No. BPCT-3459; T.C.A. Broadcasting, Inc., Washington, D.C., Docket No. 16091, File No. BPCT-3498; Colonial Television Corp., Washington, D.C., Docket No. 16092, File No. BPCT-3549; for construction permit for new television broadcast station (Channel 50).

Due to an unavoidable conflict in the schedule of the Hearing Examiner, the procedural dates during the month of January 1966, previously specified for this proceeding, are revised as follows:

January 11, 1966: Start of the evidentiary hearing at which time the parties will offer in evidence the written exhibits which have been exchanged. No witnesses need be present at such hearing.

January 17, 1966: Commencement of the direct examination and cross-examination of witnesses for Theodore Granik (Docket 16088).

January 24, 1966: Commencement of the direct examination and cross-examination of witnesses for All American Television Features, Inc. (Docket 16089).

January 31, 1966: Commencement of the direct examination and cross-examination of witnesses for T.C.A. Broadcasting, Inc. (Docket 16091).

February 7, 1966: Commencement of the direct examination and cross-examination of witnesses for Colonial Television Corp. (Docket 16092).

It is so ordered, This the 15th day of December 1965.

Released: December 17, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-13672; Filed, Dec. 21, 1965; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-8851, etc.]

TENNECO OIL CO. ET AL.

Findings and Order After Statutory Hearing

DECEMBER 13, 1965.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC Gas Rate Schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are either equal to or below the ceiling prices established by the Commission's statement of General Policy 61-1, as amended, or involve sales for which permanent certificates have been previously issued.

Tenneco Oil Co., Applicant in Docket No. G-10670, proposes to continue the sale of natural gas heretofore authorized in said docket and made pursuant to Wilcox Oil Co., FPC Gas Rate Schedule No. 2. Said rate schedule will be redesignated as that of Tenneco. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI65-453. An increased rate under said rate schedule was collected by Wilcox for a locked-in period subject to refund in Docket No. G-20507.[1] Tenneco has filed a motion to be substituted in lieu of Wilcox as respondent in each rate proceeding together with an agreement and undertaking to assure the refund of any amount collected in excess of the amounts determined to be just and reasonable in said proceedings. Accordingly, Tenneco will be substituted as respondent, the proceedings will be redesignated and the agreement and undertaking will be accepted for filing.

R. W. Lange, Applicant in Docket No. CI66-344, proposes to continue the sale of natural gas heretofore authorized in Docket No. G-10411[2] and made pursuant to James Donoghue (Operator), et al., FPC Gas Rate Schedule No. 1. Said rate schedule will be redesignated as that of Lange. On July 28, 1961, Donoghue filed with the Commission a notice of change in rate under his FPC Gas Rate Schedule No. 1. By order issued August 23, 1961, in Docket No. RI62-20[1] the Commission suspended the proposed change until January 28, 1962, and thereafter until made effective. The change was designated as Suplement No. 2 to Donoghue's rate schedule. On August 12, 1965, Lange filed motions to be substituted in lieu of Donoghue as respondent in Docket No. RI62-20 and to make the change in rate effective. Accordingly, Lange will be substituted in lieu of Donoghue as respondent in the proceeding pending in Docket No. RI62-20, the proceeding will be redesignated, the change in rate will be made effective subject to refund as of August 12, 1965,

[1] Consolidated with Docket No. AR64-1, et al.

[2] The application filed in Docket No. CI66-344 is being processed as a petition to amend the certificate issued in Docket No. G-10411. Docket No CI66-344 will be cancelled.

and Lange will be required to file an agreement and undertaking [3] to assure the refund of any amounts collected by him in excess of the amount determined to be just and reasonable in said proceeding.

After due notice, no petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on December 9, 1965, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record.

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Docket Nos. CI66–344 and CI66–345 should be cancelled and that the applications filed therein should be processed as petitions to amend the certificates heretofore issued in Docket Nos. G–10411 and CI65–617, respectively, by permitting the successors in interest to continue the services heretofore authorized.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G–8851, G–10411, G–10670, G–13836, G–16352, G–16865, G–17949, G–18176, G–18435, G–18620, CI60–339, CI61–521, CI61–717, CI62–660, CI63–1415, CI63–1435, CI63–1504, CI63–1553, CI64–648, CI64–836, CI64–838, CI64–893, CI64–1494, and CI66–175 should be amended as hereinafter ordered.

(7) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the tabulation herein and in the respective applications, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of public convenience and necessity heretofore issued to the respective Applicants herein relating to the abandonments hereinafter permitted and approved should be terminated.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Tenneco Oil Co. should be substituted in lieu of Wilcox Oil Co. as respondent in the proceedings pending in Docket Nos. G–20607 and RI65–453, that said proceedings should be redesignated accordingly and that the agreement and undertaking submitted by Tenneco in said proceedings should be accepted for filing.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that R. W. Lange should be substituted in lieu of James Donoghue (Operator), et al., as respondent in the proceeding pending in Docket No. RI62–20, that said proceeding should be redesignated accordingly, that the proposed change in rate suspended in said proceeding should be made effective subject to refund, and that Lange should be required to file an agreement and undertaking.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the respective related rate schedules and supplements as designated or redesignated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements, and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of Section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after April 15, 1965, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d) of the Commission's Statement of General Policy 61–1, as amended, shall be filed prior to the applicable dates, as indicated by footnotes 9 and 16 in the attached tabulation.

(E) The certificates heretofore issued in Docket Nos. G–10411, G–18435, CI64–648, CI–64–836, CI64–1494, and CI66–175 are amended by adding thereto or deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(F) The certificate heretofore issued in Docket No. CI64–838 is amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicant in Docket No. CI66–300.

(G) Docket Nos. CI66–344 and CI66–345 are cancelled.

(H) The certificates heretofore issued in Docket Nos. G–8851, G–10411, G–10670, G–13836, G–16352, G–16865, G–17949, G–18176, G–18620, CI60–339, CI61–521, CI61–717, CI62–660, CI63–1415, CI63–1435, CI63–1504, CI63–1553, and CI65–617 are amended by changing the certificate holders to the respective successors in interest as indicated in the tabulation herein.

(I) The authorization granted in paragraph (H) above in Docket No. G–13836 authorizing the sale of gas by Excelsior Oil Corp., to its parent, Kansas-Nebraska Natural Gas Co., Inc., determines the rate which legally may be paid by the buyer to the seller, but is without prejudice to any action which the Commission may take in any future rate proceeding involving either company.

(J) The certificate heretofore issued in Docket No. CI64–893 is amended to reflect the designation of "(Operator), et al." and the related rate schedule is redesignated the same.

(K) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described and as more fully described in the respective applications herein are granted.

(L) In view of the abandonment permitted and approved herein in Docket No. CI66–341, the certificate heretofore issued in Docket No. G–3245 is terminated only insofar as it pertains to the acreage covered by FPC Gas Rate Schedule No. 7.

(M) The certificates heretofore issued in Docket Nos. G–2690, G–18370, CI62–141, CI63–1048, CI63–1181, and CI65–567 are terminated.

(N) Tenneco Oil Co. is substituted in lieu of Wilcox Oil Co. as respondent in the proceedings pending in Docket Nos. G–20607 and RI65–453, said proceedings are redesignated accordingly [4] and the agreement and undertaking submitted by Tenneco in said proceedings is accepted for filing.

(O) Tenneco Oil Co. shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by Tenneco in Docket Nos. G–20607 and RI65–453 shall remain in full force and effect until discharged by the Commission.

(P) R. W. Lange is substituted in lieu of James Donoghue (Operator), et al., as respondent in the proceeding pending in Docket No. RI62–20 and said proceeding is redesignated accordingly.[5] The rates, charges and classifications set forth in Supplement No. 2 to R. W. Lange FPC Gas Rate Schedule No. 4 [6] shall be effective, subject to refund, as of August 12, 1965. Said effective rate shall be charged and collected as of the effective date subject to any future orders of the Commission in Docket No. RI62–20.

(Q) Within 30 days from the issuance of this order R. W. Lange shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI62–20 to assure the refund of any amount, together with interest at the rate of 7 percent per annum, collected in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(R) R. W. Lange shall comply with the refunding and reporting procedure required by the Natural Gas Act and Section 154.102 of the regulations thereunder, and the agreement and undertaking filed by him in Docket No. RI62–20 shall remain in full force and effect until discharged by the Commission.

(S) The respective related rate schedules and supplements as indicated in the tabulation herein are accepted for filing; further, the rate schedules relating to the successions herein are redesignated and accepted, subject to the applicable Commission Regulations under the Natural Gas Act to be effective on the dates as indicated in the tabulation herein.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G–8851 E 9–23–65	Tenneco Oil Co., (successor to Wilcox Oil Co.).	Cities Service Gas Co., Reust Unit, Guymon-Hugoton Field, Texas County, Okla.	Wilcox Oil Co., FPC GRS No. 9.	188	
			Notice of succession 9–24–65.		
			Certificate of merger 9–7–65.[1]	188	1
			Effective date: 9–7–65.		
G–10411 D 10–7–65	James Donoghue (Operator), et al.	Panhandle Eastern Pipe Line Co., acreage in Meade County, Kans.	Amendatory agreement 6–30–65.[3 4]	1	3
G–10670 E 9–23–65	Tenneco Oil Co., (successor to Wilcox Oil Co.).	Cities Service Gas Co., Eureka Field, Grant and Alfalfa Counties, Okla.	Wilcox Oil Co., FPC GRS No. 2.	181	
			Supplement Nos. 1–2	181	1–2
			Notice of succession 9–24–65.		
			Certificate of merger 9–7–65.[1]	181	3
			Effective date: 9–7–65.		
G–13836 E 10–20–65	Excelsior Oil Corp. (successor to Pan American Petroleum Corp.).	Kansas-Nebraska Natural Gas Co., Inc., Atwood East Field, Logan County, Colo.	Pan American Petroleum Corp., FPC GRS No. 207.	7	
			Supplement No. 1	7	1
			Notice of succession 9–30–65.		
			Assignment 7–20–60.[1]	7	2
			Effective date: 7–1–60.		
G–16352 E 9–30–65	Harley R. Qualls & Associates (Operator), et al. (successor to W. H. Sharp (Operator), et al.).	Kansas-Nebraska Natural Gas Co., Inc., Kirk-Linch and Kirk "A" Leases, Logan County, Colo.	W. H. Sharp (Operator), et al., FPC GRS No. 2.	1	
			Notice of succession 9–27–65.		
			Assignment 11–13–63.[4]	1	1
			Effective date: 7–1–63.		
G–16865 E 10–25–65	Edwin G. Bradley, et al. (successor to Norman V. Kinsey, et al.).	Panhandle Eastern Pipe Line Co., Lorado Field, Reno County, Kans.	Norman V. Kinsey, et al., FPC GRS No. 7.	9	
			Notice of succession 10–21–65.		
			Letter agreement 5–7–64.[7]	9	1
			Amendment 5–20–64.[7 8]	9	2
			Assignment 8–25–65.	9	3
			Effective date: 9–1–65.		
G–17949 E 9–23–65	Tenneco Oil Co. (successor to Wilcox Oil Co.).	Cities Service Gas Co., Forsyth Unit, Medicine Lodge North, Barber County, Kans.	Wilcox Oil Co., FPC GRS No. 3.	182	
			Notice of succession 9–24–65.		
			Certificate of merger 9–7–65.[1]	182	1
			Effective date: 9–7–65.		
G–18176 E 9–23–65	do	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	Wilcox Oil Co., FPC GRS No. 4.	183	
			Supplement Nos. 1–2	183	1–2
			Notice of succession 9–24–65.		
			Certificate of merger 9–7–65.[1]	183	3
			Effective date: 9–7–65.		
G–18435 C 10–25–65 [9]	Pan American Petroleum Corp. (Operator), et al.	do	Amendment agreement 9–14–65.[10]	273	20
G–18620 E 9–23–65	Tenneco Oil Co. (successor to Wilcox Oil Co.).	Natural Gas Pipeline Co. of America, Frantz Unit, Southeast Hoyd Area, Beaver County, Okla.	Wilcox Oil Co., FPC GRS No. 5.	184	
			Notice of succession 9–24–65.		
			Certificate of merger 9–7–65.[1]	184	1
			Effective date: 9–7–65.		
CI60–339 E 9–23–65	do	Panhandle Eastern Pipe Line Co., Blucher Unit, Southwest Greenough Field, Beaver County, Okla.	Wilcox Oil Co., FPC GRS No. 6.	185	
			Notice of succession 9–24–65.		
			Certificate of merger, 9–7–65.[1]	185	1
			Effective date: 9–7–65.		

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[3] Concurrently with his motions to be substituted as respondent and to make the change in rate effective Lange tendered for filing a surety bond to assure refunds. However, he will be permitted to file an agreement and undertaking in lieu of the bond.

[4] Tenneco Oil Co.

[5] R. W. Lange.

[6] Formerly Supplement No. 2 to James Donoghue (Operator), et al., FPC Gas Rate Schedule No. 1.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI66-147 A 9-19-65 [19]	Southeastern Gas Co.	Equitable Gas Co., Henry, Union, Buffalo Districts, Clay County, W. Va.	Contract 10-10-44 [17] Letter agreement 9-20-65. Supplemental Nos. 1-9. Assignment 7-1-50 [18] Assignment 3-28-55 [20] Assignment 9-6-55 [21] Effective date: 9-6-55.	52 52	1
		Pennzoil Co., Duval and Jefferson Districts, Lincoln County, W. Va.	Contract 1-1-31 [22] Supplemental agreement Assignment 9-1-44 [24] Assignment 3-28-55 [21] Assignment 9-6-55 [20] Effective date: 9-6-55. Notice of cancellation	52 53 53 53 53 1	1 2 3 4 1
CI66-155 (CI61-141) 11 9-16-65	Woodman & Iannitti Oil Co. (Operator), et al.	Cities Service Gas Co., Hardy Field, Harbor District, Lincoln County, W. Va.	Supplemental agreement 8-12-65.[4]	14	1
CI66-175 C 10-25-65 [9]	Au-Son Corp.	Northern Natural Gas Co., Moreno-Laverne Field, Beaver County, Okla.	Supplemental agreement 9-22-65.[10]	14	1
CI66-257 (60-38570) 11 9-23-65	Arthur M. Guida	Kansas-Nebraska Natural Gas Co., Hugoton Field, Morgan County, Colo.	Notice of cancellation 4-26-65.[12]	1	1
A CI66-300 (CI64-858) F 10-11-65	Suntex Oil and Gas Co. (successor to Paul M. Haywood (Operator), et al.)	Northern Natural Gas Co., Tonkawa Field, Lipscomb County, Tex.	Contract 11-15-63 Assignment 5-19-65 [10 a]	1 1	1
CI66-304 A 10-13-65 [9]	GMC Oil & Gas Corp.	Panhandle Eastern Pipe Line Co., Richmond Pool, Woodward County, Okla.	Contract 9-14-65 [19]	3	
CI66-314 A 10-15-65 [9]	Texas Oil & Gas Corp.	Cities Service Gas Co., Hilton Area, Roger Mills County, Okla.	Contract 10-1-65	46	
CI66-320 A 10-19-65 [14]	Clark Oil & Refining Corp.	Kansas-Nebraska Natural Gas Co., Inc., acreage in Washington County, Colo.	Contract 8-23-65 [19]	1	
CI66-328 A 10-25-65 [16]	Carlon Oil Co	United Gas Pipe Line Co., Carthage Field, Northwest Glendale Area, Trinity County, Tex.	Contract 9-27-65 Amendment 10-18-65 [15 16]	1 1	1
CI66-329 (CI65-567) 11 10-25-65	Neal Rudder, et al.	Equitable Gas Co., Cornish District, Doddridge County, W. Va.	Notice of cancellation, 10-6-65.[4 23]	10	1
CI66-330 (CI63-1048) 11 10-20-65	Gulf Sands Oil Co. and Alvin Candela. [3]	Bonanza Gas Co., a division of Crestmont Consolidated Corp., Gaines Field, San Patricio County, Tex.	Notice of cancellation, 10-12-65.[4]	1	1
CI66-331 (CI63-1181) 11 10-11-65	Herbert E. Wollard [20]	Tennessee Gas Transmission Co., Agua Dulce Field, Starr County, Tex.	Notice of cancellation, 10-6-65.[4]	1	5
CI66-334 (d-2060) 11 10-21-65	Armstrong & Horn Drilling Co.	United Gas Pipe Line Co., Blanconin Field, Hse County, Tex.	Notice of cancellation, 10-18-65.[4]	1	5
CI66-335 A 10-25-65 [9]	Continental Oil Co.	Arkansas Louisiana Gas Co., Red Oak Field, Latimer and Le Flore Counties, Okla.	Contract 5-26-65 [21] Contract 8-31-65 [21] Contract 3-15-62 [24] Amendment 3-6-63 [20 25] Contract 9-28-65 [19]	306 306 306 306 16	1 2 3
CI66-337 A 10-22-65 [9]	Foster Petroleum Corp.	Oklahoma Natural Gas Gathering Corp., Ringwood Field, Major County, Okla.			
CI66-338 A 10-25-65 [9]	John H. Hill, et al.	Cities Service Gas Co., Bishop Area, Roger Mills County, Okla.	Contract 10-1-65 [19]	4	
CI66-341 (G-10411) 11 10-25-65	Cumberland Gas Co.	Pennzoil Co., Carroll District, Wirt County, W. Va.	Notice of cancellation 10-22-65.[4]	7	2

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI61-521 E 9-23-65	do	Colorado Interstate Gas Co., Laverne Field, Texhoma Formation, Harper County, Okla.	Wilcox Oil Co., FPC GRS No. 7. Supplement Nos. 1-9. Notice of succession, 9-24-65. Certificate of merger, 9-7-65.1 Effective date: 9-7-65. Effective: Sherrill, et al., FPC GRS No. 1. Supplements Nos. 1-5. Notice of succession, 9-30-65. Effective date: 6-1-65. Wilcox Oil Co., FPC GRS No. 10. Notice of succession, 9-24-65. Certificate of merger, 9-7-65.1 Effective date: 9-7-65. Wilcox Oil Co., FPC GRS No. 12. Supplement No. 1. Notice of succession, 9-24-65. Certificate of merger, 9-7-65.1 Effective date: 9-7-65. Wilcox Oil Co., FPC GRS No. 13. Supplement No. 1. Notice of succession, 9-24-65. Certificate of merger, 9-7-65.1 Effective date: 9-7-65. Wilcox Oil Co., FPC GRS No. 14. Supplement Nos. 1-2. Notice of succession, 9-24-65. Certificate of merger, 9-7-65.1 Effective date: 9-7-65. Amendment agreement, 9-1-65.[26] Cancellation agreement 8-11-65.[4 11] Ratified 1-3-64 [13] Contract 5-29-63 [12] Contract 3-3-64 Supplement 5-21-64 Amendment agreement 9-20-65.[4 13] Supplement agreement 5-28-65. Amendment 6-4-65 [10 27]	186 186 186 187 187 187 187 189 191 191 191 191 190 190 190 165 111 4 4 271 271 271 92 92	1-9 1 2 10 1 1-5 1 2 2 1 3 2 3 1 2 4 5
	do	Michigan Wisconsin Pipe Line Co., Woodward Area, Woodward, Woods, Dewey, Major, and Alfalfa Counties, Okla.			
CI62-660 E 10-4-65	Mrs. James C. Sherrill, et al. (successor to James C. Sherrill, et al.).	Colorado Interstate Gas Co., West Panhandle Field, Potter County, Tex.			
CI63-1115 E 9-23-65	Tenneco Oil Co. (successor to Wilcox Oil Co.).	Northern Natural Gas Co., Mutassy Unit, Booker East Area, Lipscomb County, Tex.			
CI63-1435 E 9-23-65	do	Arkansas Louisiana Gas Co., Boyd Unit, North Carter Field, Beckham County, Okla.			
CI63-1504 E 9-23-65	do	Arkansas Louisiana Gas Co., Burgtorf Unit, Southeast Custer County, Okla.			
CI63-1553 E 9-23-65	do	Panhandle Eastern Pipe Line Co., Mureau Southwest Area, Ward Field, Woods County, Okla.			
CI64-648 C 10-11-65 [4]	Sun Oil Co. (Mid-Continent Division).	Arkansas Louisiana Gas Co., Arkoma Area, Haskell County, Okla.			
CI64-836 D 10-19-65	The Superior Oil Co.	Kansas-Nebraska Natural Gas Co., Inc., Bradshaw Field, Hamilton County, Kans.			
I64-803 9-20-65 [1]	Bodcaw Co. (Operator), et al.	Tennessee Gas Transmission Corp., Cotton Valley Field, Webster Parish, La.			
CI64-1224 A 4-29-64	Gulf Oil Corp.	Michigan Wisconsin Pipe Line Co., Lovedale Area, Harper County, Okla.			
CI64-1494 C 10-6-65 [4]	Union Oil Co. of Calif.	Arkansas Louisiana Gas Co., Southwest Lacy Field, Kingfisher County, Okla.			

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI66-343 A 10-26-65 [10]	Union Drilling, Inc.	Equitable Gas Co., Court House and Hackers Creek Districts, Lewis County, W. Va.	Contract 5-6-65 [10]	35	
CI66-341 (G-10411) A 8-12-65 [13]	R. W. Lange (successor to James Donoghue (Operator), et al.).	Panhandle Eastern Pipe Line Co., acreage in Meade County, Kans.	James Donoghue (Operator), et al., FPC GRS No. 1. Supplement Nos. 1-3. Notice of succession 8-9-65. Assignment 7-1-65 [26] Assignment 7-1-65 [26] Assignment 7-1-65 [26] Effective date: 7-1-65.	4 4 4 4 4	1-3 4 5 6 7
CI66-345 (CI65-617) A 10-21-65 [27]	MeWood Corp. (Operator), et al. (successor to Lawrence Drilling Co.).	Texas Eastern Transmission Corp., Spider Field, DeSoto, and Sabine Parishes, La.	Lawrence Drilling Co., FPC GRS No. 1. Supplement No. 1. Notice of succession 10-20-65. Assignment 9-30-65 [28] Assignment 9-30-65 [29] Effective date: 6-1-65.	6 6 6 6	1 2 3

[1] Certificate whereby Wilcox is merged with Tenneco.
[2] Omitted.
[3] Source of gas depleted.
[4] Effective date: date of this order.
[5] Pan American Petroleum Corp. assigns all interest to Excelsior Oil Corp.
[6] Transfer of acreage from W. H. Sharp (Operator), et al., to Harvey R. Qualls & Associates (Operator), et al.
[7] Supplement executed by predecessor but not previously filed.
[8] Amends ratable take formula for gas produced from formations other than Mississippian Chat Formation.
[9] July 1, 1967, moratorium date pursuant to Commission's Statement of General Policy 61-1, as amended.
[10] Effective date: date of initial delivery.
[11] Deletes nonproductive acreage on which lease has terminated.
[12] Application to amend the certificate filed to reflect (Operator), et al.
[13] Rate schedule and Supp. No. 1 previously accepted for filing by order issued Apr. 1, 1964, in Docket Nos. G-4445, et al. No rate filing made with subject request.
[14] Provides for proportional downward B.t.u. adjustment from a base of 1000 B.t.u.; submitted on Oct. 29, 1965.
[15] Effective date: Date of this order; applies only to Supp. No. 2, the remainder of the rate schedule has been previously accepted.
[16] January 1, 1968, moratorium date pursuant to Commission's Statement of General Policy 61-1, as amended.
[17] Basic contract between Thompson Gas Co. and Pittsburgh and West Virginia Gas Co. (now Equitable Gas Co.).
[18] Increase in price from 12.0 cents per Mcf to 16.0 cents per Mcf prior to June 7, 1954.
[19] Transfer of interest from Thompson Gas Co. to Hamilton Gas Corp. (a West Virginia corporation); Hamilton Gas Corp., the owner of the subject properties on June 7, 1954, did not file a certificate application or a rate schedule.
[20] Transfer of interest from Hamilton Gas Corp. (a West Virginia corportation) to Hamilton Gas Corp. (a Delaware corporation).
[21] Transfer of interest from Hamilton Gas Corp. to Southeastern Gas Co.
[22] Basic contract between Fairbanks Gas Co., seller and Clayco Gas Co., buyer (now Pennzoil Co.).
[23] Increase from 12.0 cents per Mcf to 14.0 cents per Mcf prior to June 7, 1954.
[24] Transfer of interest from Cambridge Gas Co. to Hamilton Gas Corp. (a West Virginia corporation); Hamilton Gas Corp., the owner of the subject properties on June 7, 1954, did not file a certificate application or a rate schedule.
[25] Transfer of interest from Hamilton Gas Corp. (a West Virginia corporation) to Hamilton Gas Corp. (a Delaware corporation).
[26] Transfer of interest from Hamilton Gas Corp. to Southeastern Gas Co.
[27] Production of gas no longer economically feasible.
[28] Conveys to Applicant a part of the properties previously covered by Paul M. Haywood (Operator), et al., FPC GRS No. 2.
[29] Adds acreage in addition to original acreage dedicated to the contract.
[30] Filing made by successor, Elmer C. Bentsen.
[31] Adopts basic contract dated March 15, 1962, between Sinclair and Arkansas Louisiana.
[32] Basic contract between Sinclair and Arkansas Louisiana.
[33] Amends basic contract altering pricing provisions and deliverability factors.
[34] Docket No. G-3245 will be terminated only insofar as it pertains to acreage covered by Applicant's FPC GRS No. 7.
[35] Applicant's application for total succession was erroneously assigned Docket No. CI66-344; therefore, the application in Docket No. CI66-344 will be treated as a petition to amend the certificate issued in Docket No. G-10411 and Docket No. CI66-344 will be cancelled.
[36] Assignment of acreage from James Donoghue and Arcol Oil Co., to R. W. Lange.
[37] Applicant's application for total succession was erroneously assigned Docket No. CI66-345; therefore, the application in Docket No. CI66-345 will be treated as a petition to amend the certificate issued in Docket No. CI65-617 and Docket No. CI66-345 will be cancelled.
[38] Conveys producing properties to Applicant.
[39] Conveys one-half interest in undeveloped properties to Applicant. Applicant acquired the rights as operator to the undeveloped properties.

[F.R. Doc. 65-13560; Filed, Dec. 21, 1965; 8:45 a.m.]

[Docket No. CP66-184]

COLUMBIA GULF TRANSMISSION CO.

Notice of Application

DECEMBER 14, 1965.

Take notice that on December 6, 1965, Columbia Gulf Transmission Co. (Applicant), Post Office Box 683, Houston, Tex., 77001, filed in Docket No. CP66-184 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the Regulations under said Act for a certificate of public convenience and necessity authorizing the construction during the calendar year 1966 and operation of gas-purchase facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate gas supply facilities necessary to take into its certificated main line system natural gas purchased by United Fuel Gas Co. (United Fuel) from producers in the general area of Applicant's existing transmission system. Applicant's jurisdictional operations consist of the transportation of natural gas purchased by United Fuel in southern Louisiana to delivery points near the Kentucky-West Virginia border.

Applicant requests authorization to construct facilities at a total estimated cost of $500,000, with no single project to exceed a cost of $125,000. Applicant states that no new financing will be required.

The purpose of the proposal is to augment Applicant's ability to act with reasonable dispatch in making relatively minor alterations and additions to its existing gas supply facilities in order to attach and utilize additional supplies of natural gas from new or existing sources.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before January 3, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-13626; Filed, Dec. 21, 1965; 8:45 a.m.]

[Docket No. RP66-14]

MONTANA-DAKOTA UTILITIES CO.

Order Providing for Hearing and Suspending Proposed Revised Tariff Sheets

DECEMBER 14, 1965.

On October 28, 1965, Montana-Dakota Utilities Co. (Montana-Dakota) tendered for filing certain changes to its FPC Gas Tariff, Original Volume No. 4,[1] to become effective as of December 15, 1965. The proposed changes include increases in rate levels in Rate Schedules G-1 and RP-1 (from 22 cents per Mcf to 41.5 cents per Mcf), and the establishment of a new Rate Schedule I-1, with a rate level of 32.5 cents per Mcf. The tendered filing results in an increase in jurisdictional revenues of $230,312, based on

[1] Original Sheets Nos. 5C, 5D, 5E, 17B, and 20B; First Revised Sheets Nos. 5, 5A, 5B, 6, 17, 17A, 18, 20, and 20A; and Second Revised Sheets Nos. 1 and 4.

sales made during the 12-month period ended June 30, 1965. Among the other changes proposed by the tender are (1) the elimination of specific contractual form of rate schedules for entire requirement and partial requirement firm service customers and the substitution therefor of general service form of rate schedules for such service, and (2) the initiation of an interruptible form of service under the new Rate Schedule I–1.

In support of its proposed increase in rates, the company states that the added revenues are necessary to provide a fair and reasonable return on its sale of gas for resale in interstate commerce, subject to the jurisdiction of the Federal Power Commission, and in support of the rate level set out in Rate Schedule I–1 the company alleges that it is necessary to design rates to recognize competitive factors. Concurrent with the tender, the company filed its case-in-chief in this matter as required by section 154 of the Commission's regulations, and has served copies on its jurisdictional customers and interested State Commissions. Among other things, the proposed filing presents issues relating to cost allocation, rate of return, Federal income tax allowance, and rate design. Protests have been filed by Byron Gas Co., Wyoming Gas Co., and Magnet Cove Barium Corp., a large industrial customer of Wyoming Gas.

The proposed rates and charges have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Montana-Dakota's FPC Gas Tariff, Original Volume No. 4, as proposed to be amended by the tender of October 28, 1965, and that the proposed tariff sheets and the rates therein contained be suspended, and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held on a date to be fixed by notice from the Presiding Examiner concerning the lawfulness of the rates, charges, classifications, and services contained in Montana-Dakota's FPC Gas Tariff, Original Volume No. 4, as proposed to be amended by Original Sheets Nos. 5C, 5D, 5E, 17B, and 20B; First Revised Sheets Nos. 5, 5A, 5B, 6, 17, 17A, 18, 20, and 20A; and Second Revised Sheets Nos. 1 and 4.

(B) Pending such hearing and decisions thereon, the tariff sheets listed in paragraph (A) above are suspended and the use thereof deferred until May 15, 1966, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Montana-Dakota, having already served its case-in-chief, the Commission Staff and interveners shall serve their direct testimony and exhibits in this proceeding upon the Presiding Examiner and all other parties as follows: Staff, on or before April 15, 1966, and interveners on or before April 29, 1966.

(D) Pursuant to Section 1.18 of the Commission's rules of practice and procedure, a prehearing conference before the Presiding Examiner shall commence at 10 a.m. e.s.t. on May 10, 1966, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., for the purpose of reaching such agreements as will expedite the determination herein, including, but not limited to, stipulation of facts, narrowing and defining of issues, and establishment of dates for service of rebuttal testimony and for cross-examination of all testimony.

(E) Presiding Examiner Ewing G. Simpson, or any other officer designated by the Chief Examiner for that purpose (see Delegation of Authority, 18 CFR 3.5 (d)), shall prescribe other relevant procedural matters not herein provided; preside at the prehearing conferences and at the hearing in this matter, and control the proceeding until the completed record is certified to the Commission, pursuant to the Commission's rules of practice and procedure, and as further provided by this order.

(F) The cross-examination, when commenced, shall be continuous as to all witnesses to be presented, unless the Presiding Examiner finds that extraordinary circumstances preclude such procedure.

(G) Notices of intervention and petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the Commission's rules of practice and procedure, §§ 1.8 and 1.37(f) (18 CFR 1.8 and 1.37 (f)), on or before January 17, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65–13627; Filed, Dec. 21, 1965; 8:45 a.m.]

[Docket No. RI66–155]

PENROSE PRODUCTION CO. ET AL.

Order Amending Order Conditionally Accepting Filing and Providing for Hearing on and Suspension of Proposed Change in Rate

DECEMBER 14, 1965.

On November 19, 1965, Penrose Production Co. et al (Penrose), tendered for filing a notice of change in rate reflecting a tax reimbursement reduction in a previously filed rate increase suspended in Docket No. RI66–155. The decreased rate filing was submitted to correct the tax portion of the presently suspended rate increase and is set forth in appendix "A" hereof.

The proceeding in Docket No. RI66–155 involves a favored-nation rate increase filed by Penrose on October 6, 1965, proposing to increase its rate from 11.7199 cents to 17.0992 cents per Mcf at 14.65 p.s.i.a. for sales of natural gas to El Paso Natural Gas Co. (El Paso) from the Eumont Field, Lea County, N. Mex. (Permian Basin Area). The proposed rate increase, designated as Supplement No. 7 to Penrose's FPC Gas Rate Schedule No. 6, was suspended by the Commission's order issued November 5, 1965, until April 6, 1966.

The amended notice of change in rate, designated as Supplement No. 1 to Supplement No. 7 to Penrose's FPC Gas Rate Schedule No. 6, and submitted in substitution for a prior suspended rate in Docket No. RI66–155, reflects a decrease in rate of 16.8793 cents per Mcf over the previously suspended rate of 17.0992 cents per Mcf, amounting to an annual decrease of $110 from the previously proposed rate. The proposed substituted rate exceeds the area ceiling for increased rates in the Permian Basin Area, as did the previously suspended rate in said docket. Since Penrose's substitute filing reflects a decreased rate, we believe that it would be in the public interest to accept such filing and to amend our order issued November 5, 1965, to make such rate filing subject to the suspension proceeding in Docket No. RI66–155, with the suspension period of such substitute filing to terminate concurrently with the suspension period (April 6, 1966) ordered in said docket. Our acceptance for filing of this rate change is subject to the same conditions imposed in the November 5 order with respect to its earlier filing.

Supplement No. 1 to Supplement No. 7 to Penrose's FPC Gas Rate Schedule No. 6 reflects partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax which was increased from 2.0 percent to 2.55 percent on April 1, 1963. The buyer, El Paso, in accordance with its policy of protesting all tax filings proposing reimbursement for the New Mexico Emergency School Tax in excess of 0.55 percent, is expected to file a protest to this rate increase. El Paso questions the right of Penrose under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico tax legislation effected a higher rate of at least 0.55 percent, it claims there is controversy as to whether or not the new legislation effected an increased tax rate in excess of 0.55 percent. In view of the contractual problem presented, we shall provide that the hearing herein shall concern itself with the contractual basis for the rate filing as well as the statutory lawfulness of Penrose's proposed increased rate and charge.

The Commission finds: Good cause exists for amending the Commission's order issued on November 5, 1965, in Docket No. RI66–155, to the extent hereinafter provided.

The Commission orders:

(A) Penrose's substituted rate filing, designated as Supplement No. 1 to Supplement No. 7 to Penrose's FPC Gas Rate Schedule No. 6, is accepted for filing subject to the suspension proceeding in Docket No. RI66–155. The suspension period for such substitute rate filing shall terminate concurrently with the suspension period (April 6, 1966) presently in effect in said Docket.

(B) The public hearing provided for in Docket No. RI66–155 shall concern itself with the contractual basis for Penrose's rate filing, as well as the statutory lawfulness of the increased rate and charge proposed by Penrose.

(C) In all other respects, the order issued by the Commission on November 5, 1965, in Docket No. RI66–155, shall remain unchanged and in full force and effect.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual decrease	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed decreased rate	Rate in effect subject to refund in docket Nos.
RI66–155...	Penrose Production Co., et al., 1805 Commerce Bldg., Fort Worth, Tex., 76102, Attn.: Mr. Glenn C. Neill.	6	1–7	El Paso Natural Gas Co (Eumont Field, Lea County, N. Mex.) (Permian Basin Area).	$110	11–19–65	[1] 12–20–65	----------	[4] [5] 17.0992	[2] [3] [4] [5] 16.8793	RI66–155

[1] The stated effective date is the 1st day after expiration of the required statutory notice.
[2] Tax reimbursement decrease.
[3] Pressure base is 14.65 p.s.i.a.
[4] Subject to reduction of 0.4467 cent per Mcf for compression of low pressure gas (below 600 p.s.i.g.).
[5] Includes partial reimbursement for full 2.55 percent New Mexico Emergency School Tax.

[F.R. Doc. 65–13628; Filed, Dec. 21, 1965; 8:45 a.m.]

[Docket No. RI66–195]

PENROSE PRODUCTION CO. ET AL.

Order Conditionally Accepting Rate Filing, Providing for Hearing on and Suspension of Proposed Change in Rate

DECEMBER 14, 1965.

On November 15, 1965,[1] Penrose Production Co. (Operator), et al. (Penrose),[2] tendered for filing a proposed change in their presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 12, 1965.
Purchaser and producing area: El Paso Natural Gas Co. (Eumont Field, Lea County, N. Mex.) (Permian Basin Area).
Rate schedule designation: Supplement No. 4 to Penrose's FPC Gas Rate Schedule No. 4.
Effective date: December 16, 1965.[3]
Amount of annual increase: $6,965.
Pressure base: 14.65 p.s.i.a.
Effective rate: 11.7199 cents per Mcf.[4] [5] [6]
Proposed rate: 16.8793 cents per Mcf.[5] [6] [7]

Penrose proposes a favored-nation rate increase from 11.7199 cents to 16.8793 cents per Mcf, amounting to $6,965 annually, for a sale of "old" gas well gas to El Paso Natural Gas Co. (El Paso) in the Permian Basin Area of New Mexico. The proposed rate exceeds the just and reasonable ceiling of 13.5 cents per Mcf, plus applicable State and local production taxes, prescribed in Opinion No. 468. The properties involved herein were acquired by assignment from Makin Drilling Co. Since Makin was a respondent in AR61–1, Penrose as successor in interest is deemed to be a producer-respondent in the Permian Basin Opinion No. 468 insofar as the subject sale is concerned.

The basis for Penrose's proposed rate increase is a periodic increased rate of 16.8793 cents per Mcf filed by Continental Oil Co. on June 29, 1964. Said rate is presently effective subject to refund in Docket No. RI65–83, which docket is consolidated in the "Order to Show Cause" issued concurrently with the Permian Basin Opinion. Penrose's present effective rate is 11.7199 cents per Mcf, effective subject to refund in Docket No. RI65–356. Said docket is not consolidated in the aforementioned show cause order.

The just and reasonable rate prescribed by the Permian Basin Opinion No. 468 and the moratorium applicable to all sales covered by Opinion No. 468 is therefore deemed to cover the subject sale. The proposed rate is thus subject to rejection. The Tenth Circuit on October 20, 1965, in Skelly Oil Co. v. FPC (C.A. 10 No. 8385, et al.) stayed through January 20, 1966, the effectiveness of Opinion Nos. 468 and 468–A as to Skelly Oil Co., Phillips Petroleum Co. and Warren Production Corp. By our order issued November 12, 1965, we stayed, inter alia, until January 20, 1965, the effectiveness of paragraph (H) relating to the moratorium on rate increases as to all producers covered by these opinions which have not filed a petition for court review. Accordingly, instead of rejecting the Penrose filing at this time, we shall conditionally accept it for filing, and simultaneously suspend the rate increase for a period of 5 months from December 16, 1965, the requested effective date. Our acceptance of the instant rate increase is expressly conditioned to provide that the rate increase will be rejected, ab initio, in the event the court stay referred to above is dissolved or Opinion Nos. 468 and 468–A are upheld upon judicial review insofar as ordering paragraph (H) is concerned.

Supplement No. 4 to Penrose's FPC Gas Rate Schedule No. 4 reflects partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax. The buyer, El Paso, in accordance with its policy of protesting all filings proposing reimbursement for the New Mexico School Tax in excess of 0.55 percent, is expected to file a protest to this rate increase. El Paso questions the right of the producer under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico tax legislation effected a higher rate of at least 0.55 percent, it claims there is controversy as to whether or not the new legislation effected an increased tax rate in excess of 0.55 percent. Under the circumstances, we shall provide that the hearing herein provided shall concern itself with the contractual basis as well as the statutory lawfulness of Penrose's proposed increased rate and charge.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the contractual basis for Penrose's rate filing which El Paso has or will protest, as well as the statutory law-

[1] Filing completed Nov. 19, 1965 (corrects base rate, tax reimbursement and total rate).
[2] Address is 1805 Commerce Building, Fort Worth, Tex., 76102, Attention: Mr. Glenn C. Neill.
[3] The stated effective date is the effective date requested by Respondent.
[4] Present rate is in effect subject to refund in Docket No. RI65–356.
[5] Subject to reduction of 0.4467 cent per Mcf. for compression of low pressure gas (below 600 p.s.i.g.).
[6] Includes partial reimbursement for full 2.55 percent New Mexico Emergency School Tax.
[7] Favored-nation rate increase.

fulness of the proposed increased rate and charge, and that Supplement No. 4 to Penrose's FPC Gas Rate Schedule No. 4 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's Rules of Practice and Procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the contractual basis as well as the statutory lawfulness of the increased rate and charge contained in Supplement No. 4 to Penrose's FPC Gas Rate Schedule No. 4.

(B) Pending such hearing and decision thereon, Supplement No. 4 to Penrose's FPC Gas Rate Schedule No. 4 is conditionally accepted for filing as noted above, and is hereby suspended and the use thereof deferred until May 16, 1966, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 2, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-13629; Filed, Dec. 21, 1965; 8:45 a.m.]

[Docket No. RI66-193, etc.]

TENNECO OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

DECEMBER 14, 1965.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 26, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI66-193...	Tenneco Oil Co., Post Office Box 18, Houston, Tex., 77001.	166	2	South Texas Natural Gas Gathering Co. (McAllen Ranch Area, San Ramon Field, Hidalgo County, Tex.) (R.R. District No. 4).	$24,407	11-15-65	[2] 12-16-65	5-16-66	[4] 16.0	[3] [4] 17.0	
	....do.....	188	2	Cities Service Gas Co. (Guymon-Hugoton Field, Texas County, Okla.) (Panhandle Area).	195	11-15-65	[2] 12-16-65	5-16-66	[6] 11.0	[3] [5] 12.0	
RI66-194...	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex., 77001.	325	5	Trunkline Gas Co. (Quicksand Creek Field, Newton County, Tex.) (R.R. District No. 3).	759	11-19-65	[7] 1-1-66	6-1-66	[8] [9] 17.0	[3] [4] [5] 18.0	
	....do.....	341	3	Tennessee Gas Transmission Co. (Northeast Kohler, et al., Fields, Duval County, Tex.) (R.R. District No. 4).	61,249	11-19-65	[7] 12-20-65	5-20-66	[12] 16.0	[3] [4] [10] [11] 18.0	

[1] The stated effective date is the 1st day after expiration of the required statutory notice.
[2] Periodic rate increase.
[3] Pressure base is 14.65 p.s.i.a.
[4] Contractually provided for initial price permanently certificated in Opinion No. 478. (Texas District No. 4 "In-Line" proceeding.)
[5] Subject to a downward B.t.u. adjustment.
[6] The stated effective date is the effective date requested by Respondent.
[7] Includes 0.25 cents per Mcf dehydration charge.
[8] Contractually provided for initial price permanently certificated in Opinion No. 475. (Texas District No. 3 "In-Line" proceeding.)
[9] "Fractured" rate increase so as not to exceed the moratorium level provided by Opinion No 478.
[10] "Fractured" rate increase. Seller contractually entitled to a rate of 18.24347 cents per Mcf under the contract involved.
[11] Conditioned initial rate permanently certificated in Opinion No. 478. (Texas District No. 4 "In-Line" proceeding.)

Humble Oil & Refining Co. (Humble) requests that should the Commission suspend its rate filings that the suspension periods with respect thereto be shortened to 1 day, or in the alternative, the earliest date allowed by the Commission. Good cause has not been shown for granting Humble's request for limiting to one day the suspension periods with respect to its rate filings and such request is denied.

Tenneco Oil Co. and Humble's proposed increased rates and charges exceed the applicable area price level for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended [18 CFR, Chapter I, Part 2, § 2.56].

[F.R. Doc. 65-13631; Filed, Dec. 21, 1965; 8:45 a.m.]

[Docket No. CP66-181]

TENNESSEE GAS TRANSMISSION CO.

Notice of Application

DECEMBER 14, 1965.

Take notice that on December 3, 1965, Tennessee Gas Transmission Co. (Applicant), Post Office Box 2511, Houston, Tex., filed in Docket No. CP66-181 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate 4,000 feet of 12-inch pipeline extending from its Bastian Bay delivery point to a point on its existing 26-inch pipeline which extends from South Pass Block 27 to Applicant's Main Line Valve 527.

The application states that the action of currents in a barge canal and wave action during Hurricane Betsy have exposed a portion of Applicant's 20-inch Muskrat Line between Main Line Valve 526 and Valve 526-102, creating a hazard to canal traffic as well as endangering the line itself. The application further states that the proposed facilities are required to ensure continuity of service while this portion of the Muskrat Line is out of service and at the same time will provide greater operating flexibility as well as protection during future emergencies.

The total estimated cost of the proposed facilities is $213,000, which will be financed through funds generated from Applicant's operations.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before January 3, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-13630; Filed, Dec. 21, 1965; 8:45 a.m.]

[1] Does not consolidate for hearing or dispose of the several matters herein.

FEDERAL RESERVE SYSTEM

UNITED VIRGINIA BANKSHARES INC.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of United Virginia Bankshares, Inc., Richmond, Va., for approval of the acquisition of voting shares of Williamsburg State Bank, Williamsburg, Va.

There has come before the Board of Governors, pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(2)) and § 222.4(a)(2) of Federal Reserve Regulation Y (12 CFR 222.4(a)(2)), an application by United Virginia Bankshares Inc., Richmond, Va., a registered bank holding company, for the Board's prior approval of the acquisition by Applicant of at least 90 percent of the voting shares of Williamsburg State Bank, Williamsburg, Va., a proposed new bank into which would be merged Peninsula Bank and Trust Co. and James-York Bank, both of Williamsburg, Va.

In accordance with section 3(b) of the Act, the Board notified the Commissioner of Banking for the Commonwealth of Virginia of receipt of the application and requested his views and recommendation thereon. The Commissioner expressed no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on July 2, 1965 (30 F.R. 8500), providing an opportunity for interested persons to submit comments and views with respect to the proposed acquisition. The time for filing such comments and views has expired, and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's Statement [1] of this date, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) within 7 calendar days after the date of this Order or (b) later than 3 months after said date, and that the Williamsburg Bank shall be opened for business not later than 3 months after said date.

Dated at Washington, D.C., this 15th day of December 1965.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 65-13632; Filed, Dec. 21, 1965; 8:45 a.m.]

WILLIAMSBURG STATE BANK

Order Approving Merger of Banks

In the matter of the application of Williamsburg State Bank for approval of merger with Peninsula Bank & Trust Co. and James-York Bank.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by Williamsburg State Bank, Williamsburg, Va., a proposed new bank, for the Board's prior approval of the merger of that bank and Peninsula Bank & Trust Co., Williamsburg, Va., a State member bank of the Federal Reserve System, and James-York Bank, James City County (post office address Williamsburg), Va., under the charter and title of the Peninsula Bank & Trust Co. As an incident to the merger, the two offices of Peninsula Bank & Trust Co. and the sole office of James-York Bank would become the offices of the resulting bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger,

It is hereby ordered, For reasons included in the Board's Statement [1] accompanying its order of this date concerning the acquisition of Williamsburg State Bank by United Virginia Bankshares, Inc., Richmond, Va., that said application be and hereby is approved, provided that said merger shall not be consummated (a) within 7 calendar days after the date of this order or (b) later than 3 months after said date.

Dated at Washington, D.C., this 15th day of December 1965.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 65-13633; Filed, Dec. 21, 1965; 8:46 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C., 20551, or to the Federal Reserve Bank of Richmond. Dissenting Statement of Governor Robertson also filed as part of the original document and available upon request.

[2] Voting for this action: Chairman Martin, and Governors Balderston, Shepardson, Mitchell, and Daane. Voting against this action: Governor Robertson. Present but not voting: Governor Maisel.

SECURITIES AND EXCHANGE COMMISSION

[812-1839]

E. I. DU PONT DE NEMOURS & CO.

Notice of Filing of Application for Order Exempting Proposed Transaction

DECEMBER 16, 1965.

Notice is hereby given that E. I. du Pont de Nemours & Co. ("applicant"), Wilmington, Del., a Delaware corporation, 29 percent of the common stock of which is owned by Christiana Securities Co. ("Christiana"), a registered closed-end investment company, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting from the provisions of section 17(a) of the Act the proposed conversion by applicant of a $430,000 non-negotiable note of Block Engineering, Inc. ("Block"), into 200,000 shares of Block common stock to be issued by Block. Applicant now owns 36 percent of the outstanding shares of Block. As a result of said stockholdings, Block is an affiliate of applicant and applicant is an affiliate of Christiana under section 2(a)(3) of the Act.

[1] Filed as part of F.R. Doc. 65-13632. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C., 20551, or to the Federal Reserve Bank of Richmond. Dissenting Statement of Governor Robertson also filed as part of the original document and available upon request.

[2] Voting for this action: Chairman Martin, and Governors Balderston, Shepardson, Mitchell, Daane, and Maisel. Voting against this action: Governor Robertson.

Section 17 of the Act as here pertinent makes it unlawful for any affiliated person of a registered investment company or any affiliated person of such a person to sell to or purchase from any company controlled by such registered company, any security unless the Commission upon application grants an exemption from such prohibition, after finding that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of the registered investment company and with the general purposes of the Act.

All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

The $430,000 note of Block which applicant proposes to convert was issued to applicant in August 1965 in acknowledgment of a loan by applicant to Block in like amount. The note bears 4½ percent interest and is due June 30, 1973. No other loans have been made to Block by applicant. Applicant now owns 340,000 shares of Block which it acquired from Block in 1962 at a price of $1 per share. Following conversion of the note, applicant will own approximately 47 percent of the outstanding shares of Block. At present, Block Associates, Inc. ("Associates"), a Massachusetts corporation, owns approximately 51 percent of Block's outstanding stock. After conversion of the note by applicant, Associates will own approximately 42 percent of the outstanding stock. The balance of the Block stock is held by 22 individuals. No director, officer, or any person directly or indirectly owning, controlling, or holding with power to vote, 5 percent or more of the outstanding voting securities of either applicant or Christiana has any interest in Block.

Block was formed June 1, 1962, as a manufacturing and sales organization to capitalize on the research of Associates, a small group of research scientists in Cambridge, Mass. Block's activities are now almost entirely U.S. Government contract work in the areas of physics, optics and electromechanical devices. Its sales have increased yearly from $982,000 for its fiscal year ended May 31, 1963, to $3,621,000 for its 1965 fiscal year. Block had net income of $24,000 in fiscal 1963 and $42,000 in fiscal 1964. In its fiscal year 1965 it experienced a net loss of $23,000. In fiscal 1965 Block expended $150,000 for development of a new commercial instrument line involving new products whose marketability has yet to be established. Applicant considers the price of $2.15 per share, which in effect it will pay for the 200,000 shares which it will acquire in exchange for the $430,000 note, to be reasonable and fair to all parties concerned.

Notice is further given that any interested person may, not later than January 6, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the matter may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65–13638; Filed, Dec. 21, 1965; 8:46 a.m.]

[812–1846]

SCIENCE & TECHNOLOGY EXCHANGE FUND, INC.

Notice of Application for Order of Exemption

DECEMBER 16, 1965.

Notice is hereby given that The Science & Technology Exchange Fund, Inc. ("Applicant"), 75 East 55th Street, New York, N.Y., an open-end, diversified, management, registered investment company, has filed an application for an order of the Commission exempting Applicant from compliance with the provisions of section 14(a) of the Act. In substance, section 14(a) of the Act provides that no registered investment company shall make a public offering of securities of which it is the issuer unless it has a net worth of at least $100,000. All interested persons are referred to the application on file with the Commission for a full statement of the representations therein which are summarized below.

Applicant has filed a registration statement under the Securities Act of 1933 for 250,000 shares of its $1 par value common stock to be offered to investors in exchange for securities of the character of those included in a list set forth in the prospectus. Applicant is intended as an investment vehicle for investors who wish to exchange securities they presently hold for shares of the Applicant in a simultaneous exchange on a tax-free basis. The minimum deposit to be accepted from any investor is to be securities having a market value of $10,000 and the exchange will not be consumated unless the aggregate market value of the deposited securities as at the effective date of the planned exchange is at least $5,000,000. In the event that such value is not then realized, the deposited securities will be returned to investors without charge to them.

Notice is further given that any interested person may, not later than January 4, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65–13639; Filed, Dec. 21, 1965; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 104]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 17, 1965.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 127757 TA (Republication), filed December 3, 1965, published FEDERAL REGISTER, issue of December 11, 1965, and republished as corrected this issue. Applicant: P. ROSS GUARINO, INC., 3815 40th Street, Tampa 10, Fla. Applicant's representative: Donald Murchison, Suite 211, Allen Paris Building, 211 South Beverly Drive, Beverly Hills, Calif., 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cloth or fabrics*, in bales, bundles or packages, from points in North Carolina, South Carolina, and Georgia, to El Paso, Tex., and Los Angeles, Calif., under a continuing contract or contracts with Brooks-Weisberg Co., Inc., *clothing or wearing apparel*, folded flat in bales or cartons, and *component parts used in the manufacture thereof*, as described in appendix X, Ex Parte No. MC–45, from points in Georgia and El Paso, Tex., to Los Angeles, Calif., under a continuing contract or contracts with Brooks-Weisberg Co., Inc., for 180 days. Supporting shipper: Brooks-Weisburg Co., 526 South Los Angeles Street, Los Angeles, Calif., 90013. Send protests to: Joseph B. Teichert, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 51 Southwest First Avenue, Room 1621, Miami, Fla., 33130. NOTE: The purpose of this republication is to show that protests should be sent to the address listed above. Such information was inadvertently omitted from previous publication.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65–13654; Filed, Dec. 21, 1965; 8:47 a.m.]

[Notice 858]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

DECEMBER 17, 1965.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phrascology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PASSENGERS

No. MC 67340 (Sub-No. 4), filed November 30, 1965. Applicant: RESORT BUS LINES, INC., 31 Edgecomb Place, Yonkers, N.Y. Applicant's representative: S. S. Eisen, 140 Cedar Street, New York, N.Y., 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between New York, N.Y., and Pittsfield, Mass.; from Port Authority Bus Terminals at 40th Street and Eighth Avenue and at 178th Street and Broadway, New York, N.Y., over city streets and the Major Deegan Expressway, to Central Avenue exit, thence north on Central Avenue to New York State Throughway Entrance No. 5 (Midland Avenue), thence north on New York State Throughway to Exit No. 9 (New York Highway 119).

Thence over access roads to junction U.S. Highway 9, thence north over U.S. Highway 9 to Fishkill, N.Y., thence over New York Highway 82 to junction U.S. Highway 44 at Millbrook, N.Y., thence over U.S. Highway 44 to junction New York Highway 22 at Millerton, N.Y., thence over New York Highway 22 to junction New York Highway 23 at Hillsdale, N.Y., thence over New York Highway 23 to the New York-Massachusetts State line, thence over Massachusetts Highway 23 to junction U.S. Highway 7, and thence over U.S. Highway 7 to Pittsfield, and return over the same routes, serving the intermediate points of Yonkers, Tarrytown, Ossining, Harmon, Groton, Peekskill, Graymore, Fishkill, Millbrook, Amenia, Millerton, Copake Falls, and Hillsdale, N.Y., and South Egremont, Great Barrington, Stockbridge, and Lenox, Mass. NOTE: Applicant states it holds the identical authority it is here requesting in No. MC 67340 (Sub-No. 1), except, that said certificate restricts operations in New York City to the Port Authority Bus Terminal at 178th Street and Broadway, and prohibits the operations between New York, N.Y., on the one hand, and, on the other, Lenox and Pittsfield, Mass. There is presently assigned for hearing on January 3, 1966, at Pittsfield, Mass., a petition wherein applicant seeks elimination of the restriction with regard to Pittsfield and Lenox. The instant application seeks only to enable applicant to serve the 40th Street and Eighth Avenue bus terminal of the Port of New York Authority in addition to the 178th Street and Broadway bus terminal of the Port of New York Authority.

HEARING: January 4, 1966, at the Federal Building, Pittsfield, Mass., before Examiner Henry C. Winters.

No. MC 124372 (Sub-No. 10), filed November 12, 1965. Applicant: BROWN'S CONNECTICUT AIRPORT SERVICE, INC., Eastbound Railroad Station, Stamford, Conn. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and pets*, in the same vehicle with passengers, (1) between East Haven, Conn., and La Guardia Airport, New York, N.Y., and Kennedy International Airport, New York, N.Y.; from East Haven over Interstate Highway 95 to New York, N.Y., thence over city streets, highways and other passageways to La Guardia Airport and Kennedy International Airport and return over the same route, serving the intermediate points of New Haven, Milford, Stratford, Bridgeport, Fairfield, Westport, Norwalk, Darien, Stamford, and Greenwich, Conn., and the junction of Hutchinson River Parkway and Bruckner Boulevard Interchange at New York, N.Y., for interline or connecting line service to and from Newark Airport, Newark, N.J.; and (2) between New Canaan, Conn., and junction Connecticut Highway 29 and Interstate Highway 95; from New Canaan over city streets and highways to Connecticut Highway 29, thence over Connecticut Highway 29 to junction Interstate Highway 95 and return over the same route, serving no intermediate points, for tacking with (1) above.

HEARING: January 4, 1966, at the Federal Building, Bridgeport, Conn., before Examiner Bernard Feuer.

MOTOR CARRIERS OF PROPERTY

No. MC 2974 (Sub-No. 27) (Republication), filed August 17, 1965, published FEDERAL REGISTER issue of September 1, 1965, and republished, this issue. Applicant: O.I.M. TRANSIT CORPORATION, Commerce Drive, Fort Wayne, Ind. Applicant's representative: Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis, Ind. By application filed August 17, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of furniture, iron or steel or with iron or steel frames, from the plant site of Lee L. Woodard Sons, Inc., at Owosso, Mich., to Lansing, Mich.; from the plant site of Lee L. Woodard Sons, Inc., at Owosso over Michigan Highway 47 to junction Michigan Highway 78, thence over Michigan Highway 78 to Lansing, serving no intermediate points. An order of the Commission, Operating Rights Board No. 1, dated November 26, 1965, and served December 6, 1965, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle over irregular routes, of *new furniture*, from the plant site of Lee L. Woodard Sons, Inc., at Owosso, Mich., to Lansing, Mich.; that applicant is fit, willing, and able properly to perform such service and to conform to the re-

quirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 6078 (Sub-No. 47) (republication), filed April 8, 1965, published FEDERAL REGISTER issues of April 28, 1965, and May 13, 1965, respectively, and republished, this issue. Applicant: D. F. BAST, INC., 1425 North Maxwell Street, Allentown, Pa. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. By application filed April 8, 1965, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) fabricated and structural steel, cast iron pipe and contractors' equipment, in truckloads, between points in Delaware, Maryland, the District of Columbia, on the one hand, and, on the other, points in Connecticut, Massachusetts, New Hampshire, and Rhode Island; and (2) iron and steel articles (except fabricated and structural steel, cast iron pipe and contractors' equipment), in truckloads, from points in Delaware, Maryland, the District of Columbia, to points in Connecticut, Massachusetts, New Hampshire, and Rhode Island. An Order of the Commission, Operating Rights Board No. 1, dated November 30, 1965, and served December 8, 1965, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of (1) *fabricated and structural steel, cast iron pipe*, and *contractors' equipment*, between points in Delaware, Maryland, and the District of Columbia, on the one hand, and, on the other, points in Connecticut, Massachusetts, New Hampshire, and Rhode Island, and (2) *iron and steel articles* (except fabricated and structural steel, cast iron pipe and contractors' equipment), from points in Delaware, Maryland, and the District of Columbia, to points in Connecticut, Massachusetts, New Hampshire, and Rhode Island; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. A notice of the authority actually granted herein will be published in the FEDERAL REGISTER and the issuance of the certificate herein will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest, who may have relied upon the notice of the application as originally published and would be prejudiced by the lack of proper notice of the authority actually granted herein, may file an appropriate pleading.

No. MC 21077 (Sub-No. 4) (Republication), filed June 25, 1965, published FEDERAL REGISTER issue of July 21, 1965, and republished, this issue. Applicant: A. E. F. TRANSPORTATION, INC., Industrial Highway, Eddystone, Pa. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. By application filed June 25, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of (1) containers, fibreboard, paperboard, or pulpboard, or fibreboard, paperboard, or pulpboard with metal or wood combined, and (2) materials, supplies, and equipment used in the manufacture of containers and covers, serving Spotswood, N.J., as an off-route point in connection with applicant's regular route operations between Philadelphia, Pa., and New York, N.Y. An Order of the Commission, Operating Rights Board No. 1, dated November 30, 1965, and served December 8, 1965, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, of *containers* and *materials, supplies*, and *equipment* used in the manufacture of containers serving the plant site of Grief Bros. Company Corp., at Spotswood, N.J., as an off-route point in connection with its authorized regular-route operations; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 98404 (Sub-No. 8) (Republication), filed April 7, 1965, published FEDERAL REGISTER issue of April 28, 1965, and republished, this issue. Applicant: JAMES C. COPE, doing business as COPE TRUCKING COMPANY, 35 Garfield Street, Asheville, N.C. Applicant's representative: Walter Harwood, Nashville Bank & Trust Building, Nashville 3, Tenn. By application filed April 7, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of the commodities described in the findings below: (1) Between Boone, N.C., and Linville, N.C., over U.S. Highway 221; (2) between Linville, N.C., and junction U.S. Highway 221, over North Carolina Highway 105; (3) between Banner Elk, N.C., and junction North Carolina Highway 105, over North Carolina Highway 184; (4) between Marion, N.C., and junction Interstate Highway 40, over U.S. Highway 221; (5) between Morganton, N.C., and junction Interstate Highway 40, over U.S. Highway 64; (6) from Morganton, N.C., over U.S. Highway 64 to junction Interstate Highway 40, and thence over Interstate Highway 40 to Knoxville, Tenn., and return over the same route; (7) between North Carolina-Tennessee State line and junction U.S. Highway 19W south of Erwin, Tenn., over U.S. Highway 23; (8) between Morganton and Asheville, N.C., over U.S. Highway 70; (9) between North Carolina-Tennessee State line, west of Hot Springs, N.C., and Knoxville, Tenn., over U.S. Highway 70; serving no intermediate points as alternate routes for operating convenience only in connection with applicant's regular route operations.

A Supplemental Order of the Commission, Operating Rights Board No. 1, dated November 29, 1965, and served December 8, 1965, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between North Carolina-Tennessee State line and junction U.S. Highways 19W and 23, from North Carolina-Tennessee State line over U.S. Highway 23 to junction U.S. Highway 19W south of Erwin, Tenn., serving no intermediate points; (2) between North Carolina-Tennessee State line, west of Hot Springs, N.C., and Knoxville, Tenn., over U.S. Highway 70, serving no immediate points and restricted against tacking such authority with carrier's irregular-route authority issued in Certificate No. MC-98404 (Sub-No. 3) for the performance of a through service; (3) (a) between Boone, N.C., and Linville, N.C., over U.S. Highway 221, serving no intermediate points, (b) between Linville, N.C., and junction U.S. Highway 221, over North Carolina Highway 105, serving no intermediate points, and serving the junction North Carolina Highway 105 and U.S. Highway 221 for purposes of joinder only, and (c) between Banner Elk, N.C., and junction North Carolina Highway 105, over North Carolina Highway 184, serving no intermediate points, and serving junction North Carolina Highways 184 and 105 for purposes of joinder only; as alternate routes for operating convenience only, in connection with applicant's authorized regular-route operations; and (4) between Morganton, N.C., and Asheville, N.C., over U.S. Highway 70, serving the intermediate point of Marion, N.C., that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 111729 (Sub-No. 110) (Republication), filed July 22, 1965, published FEDERAL REGISTER of August 11, 1965, and republished this issue. Applicant: ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. Applicant's representative: Russell S. Bernhard, Commonwealth Building, 1625 K Street NW., Washington 6, D.C. By application filed July 22, 1965, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of the commodities between the points indicated in the findings herein, except that applicant requests that the proposed service be limited to shippers other than banks and banking institutions. An Order of the Commission, Operating Rights Board No. 1, dated November 29, 1965, and served December 6, 1965, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *business papers, commercial papers, records*, and *audit and accounting media*, except cash letters, (1) between New York, N.Y., on the one hand, and, on the other, Bridgeport, Conn.; (2) between points in Hampden County, Mass., on the one hand, and, on the other, points in Hartford County, Conn.; (3) between Metuchen, N.J., on the one hand, and, on the other, Easton, Pa.; and (4) between Boston, Mass., on the one hand, and, on the other, Eatontown, Keyport, and Laurelton, N.J. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER, and any proper party in interest may file an appropriate pleading within a period of 30 days from the date of such publication.

No. MC 111729 (Sub-No. 111) (Republication), filed July 22, 1965, published FEDERAL REGISTER issue of August 11, 1965, and republished this issue. Applicant: ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C., 20006. By application filed July 22, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature moved therewith (excluding motion picture film used primarily for commercial theater and television exhibition), between Alexandria, Va., and Baltimore, Md., restricted against service to banks or banking institutions. An Order of the Commission, Operating Rights Board No. 1, dated November 29, 1965, and served December 7, 1965, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of (1) *exposed film and prints* (except motion picture film used primarily for commercial theater and television exhibition) from Baltimore, Md., to Alexandria, Va.; (2) *processed film and prints, complimentary replacement film, labels, envelopes, packaging materials*, and *advertising literature* moving therewith (except motion picture film used primarily for commercial theater and television exhibition) from Alexandria, Va., to Baltimore, Md. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER, and any proper party in interest may file an appropriate pleading within a period of 30 days from the date of publication.

No. MC 123327 (Sub-No. 5) (Republication), filed April 9, 1965, published FEDERAL REGISTER issues of April 28, 1965, and December 1, 1965, respectively, and republished, this issue. Applicant: RALPH M. BARTHOLOMEW, doing business as IRELAND TRANSFER & STORAGE CO., 102 Front Street, Ketchikan, Alaska. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. By application filed April 9, 1965, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of the commodity between the points substantially as indicated in the findings below. A Corrected Order of the Commission, Operating Rights Board No. 1, dated November 17, 1965, and served December 13, 1965, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *household goods*, as defined by the Commission, between points in Alaska south, and east of the international boundary line between the United States and Canada north of Haines, Alaska, on the one hand, and, on the other, Tok Junction, Alaska, and Blaine and Sumas, Wash., restricted to the transportation of traffic which has been received from or delivered to connecting carriers; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. This order corrects the restriction in the findings paragraph which was misstated in the order served in this proceeding on November 23, 1965. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

NOTICE OF FILING OF PETITIONS

No. MC 30837 and (Sub-Nos. 20, 33, 45, 46, 48, 51, 122, 224, 236, and 263) (Petition for modification of existing certificates by deletion of restrictions in accordance with decision in *Matson, Inc., Extension Self-Unloading Material Bodies*, 96 M.C.C. 648), filed December 3, 1965. Petitioner: KENOSHA AUTO TRANSPORT CORPORATION, Kenosha, Wis. Petitioner's representative: Paul F. Sullivan, 1815 H Street NW., Washington, D.C., 20006. Petitioner states it holds various certificates in the above-noted dockets, authorizing the transportation of "bodies," "cabs," "parts," "equipment," etc. Specifically, referring to the lead certificate, part (A) it holds various authorities to transport "bodies," "parts," and "equipment," which are subject to restrictions. Under part (C) authority is set forth to transport "new bodies" and "new cabs," which are subject to inapplicable restrictions—not being "motor vehicles," as defined in the Interstate Commerce Act. In addition, the following authorities of petitioner contain similar restrictions in connection with the transportation of "cabs," "bodies," "parts," etc., which should be modified: (1) Part (C) of the base certificate; (2) part (D) of the base certificate, the first four grants of authority therein relating to cabs and the last grant therein relating to "parts;" (3) the Sub-20 certificate relating to "cabs" as well as "equipment" and "parts;" (4) the Sub-33 certificate involving "bodies" and "automobile show equipment and paraphernalia;" (5) the Sub-45 certificate involving the movement of "bodies" as well as "show equipment and paraphernalia" etc.

(6) The Sub Nos. 46, 48, and 51 certificates relating to "parts and equipment;" (7) the Sub-122 certificate involving the transportation of "bodies" and "cabs," in both of the two grants of authority contained in this certificate; (8) the Sub-224 certificate, the third grant of authority contained therein, involving the transportation of "bodies" and "cabs" as well as "auto parts and

accessories;" (8) the Sub-236 certificate concerned with the transportation of "truck bodies, and dollies with and without bodies" from the site of a specified plant in Toledo, Ohio; and (9) the Sub-263 certificate relating to "parts" and "accessories." By the instant petition it is respectfully prayed that the Commission modify the certificates here involved, by incorporating an appropriate provision in each, indicating the nonapplicability of the restrictions "in initial movements," "in secondary movements," "in driveaway service," and/or "truckaway service," in connection with the transportation of "bodies," "cabs," "parts," "equipment," "accessories," "automobile show equipment and paraphernalia," "show equipment and advertising matter used in connection with the distribution and sale of motor vehicles," show equipment and paraphernalia. Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading, consisting of an original and six copies each.

No. MC 61592 (Petition to reopen "grandfather" proceedings to correct commodity description), filed November 29, 1965. Petitioner: JENKINS TRUCK LINE, INC., Bettendorf, Iowa. Petitioners' representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. Petitioner holds authority in MC 61592 to transport machinery and parts, between Moline, Ill., and points within 10 miles of Moline, Ill., and points within 10 miles of Moline, on the one hand, and, on the other, St. Louis, Mo., Omaha, Nebr., and points in Iowa, points in a defined portion of Wisconsin, and points in a defined portion of Illinois. By the instant petition, petitioner prays that the original "Grandfather" proceedings in No. MC 61592 be reopened, and that the commodity description "machinery and parts, including tractors and parts" be substituted for the present commodity description, "machinery and parts". Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading, consisting of an original and six copies each.

No. MC 107541 (Sub-No. 3), (Petition to remove restriction), filed December 1, 1965. Petitioner: MAGEE TRUCK SERVICE, INC., Post Office Box 67, Klickitat, Wash., 98628. Petitioner holds authority in No. MC 107541 (Sub-No. 3) to transport, over irregular routes, lumber and box shooks, from Klickitat, Wash., to Sacramento, Fresno, and Los Angeles, Calif., with no transportation for compensation on return except as otherwise authorized, *subject to the restriction that the authority shall not be joined with any authority now held by carrier for the purpose of conducting through operations.* By the instant petition, petitioner requests that the above-referred-to restriction be removed. Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading, consisting of an orignal and six copies each.

No. MC 108057 (Sub-No. 3) (Petition to amend permit to substitute new contracting shipper), dated November 1, 1965. Petitioner: McDONNELL BROS., INC., Lyndhurst, N.J. Petitioner is authorized in Permit No. MC 108057 (Sub-No. 3) to transport nonferrous scrap metal, between Newark, N.J., on the one hand, and, on the other, Baltimore, Md., and New York, N.Y., and points in Connecticut, Ohio, Pennsylvania, and Rhode Island, limited to a transportation service to be performed, under a continuing contract or contracts, with the following shippers: Calumet Sales Co., Newark, N.J., J. Sepenuk & Sons, Newark, N.J., Thomas Coleman, Newark, N.J., Emil Schroth, Inc., Newark, N.J., and Maxnor Metal Co., Newark, N.J. The same permit also contains authority to perform operations for another shipper in other territory, but that portion of said permit is not involved in this petition. By the instant petition, petitioner prays that the Commission will permit the substitution of Ben Hirsch of Newark, N.J., for the present contract party, J. Sepenuk & Sons. Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading, consisting of an original and six copies each.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 60203 (Sub-No. 6), filed November 29, 1965. Applicant: MONAHAN TRANSPORTATION CO., INC., 12 Walter Street, Cranston, R.I. Applicant's representative: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (a) between Providence, R.I., and New London, Conn., (1) from Providence over Rhode Island Highway 2 to junction Interstate Highway 95, thence over Interstate Highway 95 to Rhode Island-Connecticut State line, thence over Connecticut Highway 95 to New London and return over the same route, serving all intermediate points (except that no traffic shall be transported between any two intermediate points on said routes, other than those in Providence County, R.I, (2) from Providence over U.S. Highway 6 to junction Connecticut Highway 12, thence over Connecticut Highway 12 to junction U.S. Highway 1, thence over U.S. Highway 1 to New London; (also over Connecticut Highway 12 to junction Connecticut Highway 32, thence over Connecticut Highway 32 to New London, also over U.S. Highway 6 to junction Connecticut Turnpike, thence over Connecticut Turnpike to New London), and return over the same routes, serving all intermediate points, except that no traffic shall be transported between any two intermediate points on said routes, other than those in Providence County, R.I., (b) between Putnam and Killingly, Conn., over Connecticut Highway 12, serving all intermediate points, except that no traffic shall be transported between any two intermediate points on said routes, other than those in Providence County, R.I. NOTE: Applicant states it seeks conversion of irregular route to regular route, no duplicating authority is sought. This is a matter directly related to MC-F-9172 published in FEDERAL REGISTER, issue of August 4, 1965.

No. MC 99888 (Sub-No. 2), filed December 8, 1965. Applicant: MAYFIELD TRANSFER & STORAGE CO., INC., 3200 West Lake Street, Melrose Park, Ill. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in Illinois within a 50-mile radius of 1342 Fron Street, Aurora, Ill. NOTE: This is a matter directly related to MC-F 9289, published in FEDERAL REGISTER, issue of December 16, 1965.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIERS OF PROPERTY

No. MC-F-9291. Authority sought for purchase by FOX & GINN, INC., 12 Howard Lane, Bangor, Maine, of the operating rights and property of COREY'S EXPRESS, INC., 23 Lincoln Street, Lewiston, Maine, and for acquisition by C. L. FOX, 302 Ohio Street, Bangor, Maine, C. L. FOX, JR., 84 Fifth Street, Bangor, Maine, D. W. FOX, 73 Washington Street, Brewer, Maine, M. W. GINN and S. E. GINN, both of 14 Montgomery St., Bangor, Maine, H. E. GINN, 19 Rocky Hill Road, Cape Elizabeth, Maine, R. E. GINN, 224 Perkins Row, Topsfield, Mass., and M. E. GINN, 20 Montgomery Street, Bangor, Maine, of control of such rights and property through the purchase. Applicants' representative: David W. Fox, 12 Howard Lane, Bangor, Maine. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over a regular route, between Lewiston, Maine, and Rumford, Maine, serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Massachusetts, Maine, and New Hampshire. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9292. Authority sought for purchase by ESTES EXPRESS LINES, 1405 Gordon Avenue, Richmond, Va., of the operating rights and property of COASTAL FREIGHT LINES, INC., Mill Street, Elizabeth City, N.C., and for acquisition by WEBB W. ESTES, 585 Boyd Street, Chase City, Va., of control of such rights and property through the purchase. Applicants' attorney: Francis W. McInerny, 1000 16th Street NW., Suite 502, Washington, D.C., 20036. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Manteo, N.C., and Stumpy Point, N.C., serving all intermediate points and the off-route point of East Lake, N.C.; and *general commodities*, except those of unusual value, and except bulk liquids in tank trucks, and household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between Norfolk, Va., and Manteo, N.C., serving all intermediate points, and off-route points on Roanoke Island, N.C., between Elizabeth City, N.C., and Sligo, N.C., serving all intermediate points. Vandee is authorized to operate under a certificate of registration, as a common carrier in intrastate commerce within the State of Virginia. Application has been filed for temporary authority under section 210a (b) NOTE: Docket No. MC-97275 (Sub-No. 19) is a matter directly related.

No. MC-F-9293. Authority sought for control and merger by T. E. MERCER TRUCKING CO., 920 North Main Street, Fort Worth, Tex., of the operating rights and property of J. O. (RED) WILLETT PIPE LINE STRINGING CORPORATION, Post Office Box 2836, Louisville Station, Monroe, La., and for acquisition by TOMMY G. MERCER, MRS. T. E. MERCER, MRS. GEO. E. MERCER, and MRS. W. O. COMPTON, all, also of Fort Worth, Tex., of control of such rights and property through the transaction. Applicants' attorney: Reagan Sayers, Third Floor, Century Life Building, Fort Worth, Tex., 76102. Operating rights sought to be controlled and merged: *Iron and steel pipe, pipefittings, paint, and tar, pipeline machinery and equipment*, incidental to and used in the construction of natural gas, oil, and gasoline pipelines, as a *common carrier*, over irregular routes, between points in Arkansas, Louisiana, Texas, Oklahoma, Kansas, Missouri, Iowa, Nebraska, and Wyoming; *pipe, pipeline material, machinery, and equipment*, incidental to and used in connection with the construction, repairing, or dismantling of gas, gasoline, and oil pipelines, between points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, Wisconsin, West Virginia, and the District of Columbia, between points in Arizona, Idaho, Nevada, Washington, Oregon, New Mexico, Montana, Utah, and Colorado, between points in the one hand, and, on the other, points in the remaining 39 States of the United States, and the District of Columbia, except California, with restriction.

Machinery, materials, supplies, and equipment, incidental to or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum; *machinery, materials, supplies, and equipment*, incidental to, or used in the construction, operation, repair, servicing, dismantling, and maintenance of natural gas and petroleum, recycling, repressuring, blending or storage plants and facilities; and *pipe, pipe line materials, machinery, and equipment*, incidental to and used in connection with the construction, repairing, maintenance, and dismantling of pipe lines, including the stringing of pipe, between points in Arkansas, Louisiana, Oklahoma, and Texas; *pipe*, and *such machinery, materials and supplies* as are incidental to or used in connection with the construction, operation, maintenance, and dismantling of gas, gasoline, and oil pipe lines; and *machinery, materials, supplies, and equipment*, incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between points in Mississippi, and Alabama, between points in Mississippi, and Alabama, on the one hand, and, on the other, points in Arkansas, and Louisiana; *machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts; and *machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, between points in Ohio, Michigan, and West Virginia, between points in Missouri, Indiana, Kentucky, and Tennessee.

Machinery, equipment, materials, and supplies used in or in connection with the construction, operation, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, other than pipelines used for the transmission of water or sewage, between points in Alaska; and *machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products, and byproducts, water, or sewage, restricted to the transportation of shipments moving to or from pipeline rights-of-way, between points in Arkansas, Louisiana, Texas, Oklahoma, Kansas, Missouri, Iowa, Nebraska, and Wyoming, between points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia. T. E. MERCER TRUCKING CO., is authorized to operate as a *common carrier* in Arkansas, Kansas, Louisiana, Mississippi, New Mexico, Oklahoma, Texas, Tennessee, Georgia, Alabama, Florida, Colorado, Wyoming, Montana, Utah, and Idaho. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9294. Authority sought for control and merger by REFINERS TRANSPORT & TERMINAL CORPORATION, 930 New York Road, Hinsdale, Ill., of the operating rights and property of PENNLAND TANKERS, INC., Post Office Box 273, Oil City, Pa., and for acquisition by LEASEWAY TRANSPORTATION CORP., and, in turn by H. M. O'NEILL, F. J. O'NEILL, and W. J. O'NEILL, all of 21111 Chagrin Boulevard, Cleveland, Ohio, 44122, of control of such rights and property through the transaction. Applicants' attorneys: Ewald E. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio, 44115, and Roland Rice, 618 Perpetual Building, Washington, D.C., 20004. Operating rights sought to be controlled and merged: *Petroleum and petroleum products* (except liquefied petroleum gases), in bulk, in tank vehicles, as a *common carrier*, over irregular routes, between certain specified points in Pennsylvania, with exception, on the one hand, and, on the other, certain specified points in Ohio, between points in McKean County, Pa., on the one hand, and, on the other certain specified points in New York, between St. Marys, W. Va., and Farmers Valley, Pa., from certain specified points in Pennsylvania to certain other specified points in Pennsylvania, from Vanport, Pa., to Petrolia, Pa., from certain specified points in Pennsylvania to certain specified points in Ohio, from certain specified points in Pennsylvania, to points in that part of West Virginia on and north of U.S. Highway 50 and those in that part of New York on and west of U.S. Highway 15, from Olean, N.Y., to

points in Warren County, Pa., from St. Marys, W. Va., to certain specified points in Pennsylvania, from certain specified points in Pennsylvania to certain specified points in New York, from certain specified points in Pennsylvania to certain specified points in Ohio, with restriction.

Petroleum and petroleum products (except liquefied petroleum gases), in bulk, in insulated tank trailers, from certain specified points in Pennsylvania to certain specified points in New York, *petroleum products* (except petroleum chemicals), as described in appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 in bulk, in tank vehicles, between Franklin, Pa., and Nutley, N.J., from Petrolia, Pa., to certain specified points in New Jersey and Brooklyn, N.Y., from Karns City, Pa., to certain specified points in New Jersey, from Emlenton, Pa., to certain specified points in New Jersey, from certain specified points in Pennsylvania, to certain specified points in Michigan, from certain specified points in Pennsylvania to Baltimore, Md.; *petroleum products* (except liquefied gases and petroleum chemicals), as described in appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from certain specified points in Pennsylvania to Wilmington, Del.; *petroleum products* (except petroleum chemicals), as described in appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in insulated tank vehicles, from certain specified points in Pennsylvania to Manistee, Mich.; *petroleum products* (except petroleum chemicals as described in appendix XV to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209), in bulk, in insulated tank vehicles, as described in appendix XIII to said report, from certain specified points in Pennsylvania, to points in Hamilton County, Ohio; *petroleum products*, as described in appendix XIII to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Vanport, Pa., to Farmers Valley, Pa.

Petroleum and petroleum products, as described in appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Rouseville, Pa., to Huntington, Ind., from Emlenton, Pa., to Dayton, Ohio; *petroleum and petroleum products* (except petroleum chemicals as defined in appendix XV to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209), as described in appendix XIII to the said report, in bulk, in tank vehicles, from certain specified points in Pennsylvania, with exception, to points in Maryland, North Carolina, South Carolina, and Virginia, from certain specified points in Pennsylvania, to points in Cook County, Ill., from certain specified points in Pennsylvania, to Richmond, Va., from certain specified points in Pennsylvania to certain other specified points in Pennsylvania, to points in Cook County, Ill., Pennsylvania, to points in Delaware, New Jersey, and New York, from Franklin, Pa., to Carrollton, Ky.; *petroleum white mineral oil*, in bulk, in tank vehicles, from Petrolia, Pa., to Suffern, N.Y.; *white mineral oil*, in bulk, in tank vehicles, from Karans City, Pa., to Holland, Mich.; *petroleum wax*, in bulk, in tank vehicles, from Emlenton, Pa., to Hazelwood, Mo.; *petroleum dairy wax*, in bulk, in insulated tank vehicles, from Emlenton, Pa., to Fort Wayne, Ind.; and *petroleum lubricating grease*, in bulk, in tank vehicles, from Woodhaven Village (Trenton), Mich., to certain specified points in Ohio, and Pittsburgh, Pa. Refiners Transport & Terminal Corp. is authorized to operate as a *common carrier* in all States in the United States (except Alaska and Hawaii), and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9295. Authority sought for purchase by AMERICAN RED BALL TRANSIT COMPANY, INC., 200 Illinois Building, Indianapolis, Ind., 46209, of a portion of the operating rights of MID-WEST MOTOR EXPRESS, INC., 1205 Front Street, Bismarck, N. Dak., and for acquisition by ROBERT L. HINER, also of Indianapolis, Ind., of control of such rights through the purchase. Applicants' attorneys: Homer S. Carpenter, 618 Perpetual Building, Washington, D.C., 20004, and E. J. Roswick, 1205 Front Street, Bismarck, N. Dak. Operating rights sought to be transferred: *Emigrant movables* and *household goods*, as defined by the Commission, as a *common carrier*, over irregular routes, between Bismarck, N. Dak., and points in North Dakota, South Dakota, Montana, and Minnesota within 200 miles of Bismarck, on the one hand, and, on the other, points in Minnesota, South Dakota, and Montana; *household goods* as defined by the Commission, between points in North Dakota, on the one hand, and, on the other, points in South Dakota, and Minnesota; and *emigrant movables*, and *household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in North Dakota, South Dakota, Minnesota, and Montana. Vendee is authorized to operate as a *common carrier* in all States in the United States (except Montana, North Dakota, Nevada, Utah, Idaho, Alaska, and Hawaii), and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9296. Authority sought for purchase by E' PORT WAREHOUSE & TRANSFER CO., 821 East Linden Avenue, Linden, N.J., of a portion of the operating rights and property of A. B. DISTRIBUTORS, INC., 218 Washington Avenue, Carlstadt, N.J., and for acquisition by GERALD S. GOLD, Eight Marle Road, Livingston, N.J., and RICHARD M. GOLD, 193 Chipmunk Hill, Mountainside, N.J., of control of such rights and property through the purchase. Applicants' representative: Bert Collins, 140 Cedar Street, New York, N.Y. Operating rights sought to be transferred: *Bakery goods*, as a *contract carrier*, over irregular routes, from Phoenixville, Pa., to points in New Jersey, except Mercer, Burlington, Camden, Gloucester, Salem, Cumberland, Cape May, and Atlantic Counties, N.J., points in New York within 80 miles of Newark, N.J., points in Albany, Rensselaer, and Schenectady Counties, N.Y., and points in Fairfield, Middlesex, New Haven, and New London Counties, Conn. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract or contracts, with Food Fair Stores, Inc., Linden, N.J.; *potato chips, pretzels, salted nuts*, and *bakery goods*, from the site of the Food Fair Stores' baking plant and warehouse in Philadelphia, Pa., to points in New Jersey, except Mercer, Burlington, Camden, Gloucester, Salem, Cumberland, Warren, Cape May, and Atlantic Counties, N.J., those in New York within 80 miles of Newark, N.J., and those in Fairfield County, Conn.; from the site of the baking plant and warehouse of Food Fair Stores, Inc., in Philadelphia, Pa., to points in Middlesex, New Haven, and New London Counties, Conn., from Philadelphia, Pa., to points in Albany, Rensselaer, and Schenectady Counties, N.Y.; and a portion of the operating rights sought in pending Docket No. MC–119488 (Sub-No. 5), covering the transportation of potato chips, pretzels, salted nuts and bakery goods, from Pennsville, N.J., to points in New York and Connecticut. Vendee is authorized to operate as a *contract carrier*, in New Jersey, New York, and Connecticut. Application has been filed for temporary authority under section 210a(b).

No. MC–F–9297. Authority sought for purchase by BAIR TRANSPORT, INC., Post Office Box 216, Riverside, N.J., 08075, of the operating rights and property of INTERSTATE FILM DESPATCH, INC., 55 Elm Street, Somerville, Mass., 02144, and for acquisition by WILLIAM R. BAIR, 2605 Barton Drive, Cinnaminson, N.J., of control of such rights and property through the purchase. Applicants' attorney: Wilmer A. Hill, 529 Transportation Building, Washington, D.C., 20006. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Boston, Mass., and Westbrook, Maine, between Portland, Maine, and Bangor, Maine, between Biddeford, Maine, and Sanford, Maine, between Westbrook, Maine, and Portsmouth, N.H., serving all intermediate points in Maine and New Hampshire and the off-route points of Somerville and Cambridge, Mass., Newmarket, Durham, and Somersworth, N.H., Springvale, South Portland, Orono, Kennebunk Port, York Village, York Harbor, and Old Orchard Beach, Maine. Restriction: Service to and from all points in New Hampshire is restricted to the transportation of motion picture films and theater supplies only, and no service is authorized herein for the transportation of motion picture films and accessories, including advertising matter, between Portland and Bangor, Maine, and intermediate points thereto on U.S. Highway 1 nor between Bangor and Waterville, Maine, and intermediate points thereto on U.S. Highway 2 and Maine Highway 11, nor to and from the off-route point of Orono, Maine. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, New Jersey, Rhode Island, Connecticut, Delaware, Maryland, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Massachusetts, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–9298. Authority sought for purchase by LASKAS MOTOR LINES, INC., Post Office Box 1072, 337 Huntingdon Avenue, Waterbury, Conn., 06720, of a portion of the operating rights and certain property of CARLSON'S EXPRESS, INC., 95 Hilliard Street, Manchester, Conn., and for acquisition by E. H. HAMMILL, also of Waterbury, Conn., of control of such rights and property through the purchase. Applicants' attorneys: Thomas W. Murrett, 410 Asylum Street, Hartford, Conn., and Jerome I. Walsh, 753 Main Street, Manchester, Conn. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Hartford, Conn., and Boston, Mass., between Manchester, Conn., and Boston, Mass., between Springfield, Mass., and Meriden, Conn., serving all intermediate and certain off-route points, between Northampton, Mass., and East Hartford, Conn., serving all intermediate and certain off-route points; *general commodities*, with exceptions as noted next above, over irregular routes, from Hartford, Conn., to points in Massachusetts not authorized as intermediate or off-route points in connection with regular-route operations over the first three routes above. Vendee is authorized to operate as a *common carrier* in Connecticut, New Jersey, and New York. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65–13653; Filed, Dec. 21, 1965; 8:47 a.m.]

[No. MC–C–4955]

PETITION FOR INTERPRETATION OF AUTHORITY

DECEMBER 17, 1965.

Petitioner: MURAL TRANSPORT, INC., Long Island City, N.Y. Petitioner's representative: S. S. Eisen, 140 Cedar Street, New York, N.Y., 10006. Petitioner is authorized in No. MC 16682 to transport: "*Store fixtures*, uncrated, between points in Connecticut, Massachusetts, New Jersey, New York, and Pennsylvania, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); *store fixtures* and *store equipment*, uncrated, between points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia; between St. Louis, Mo., and points in Illinois (except Chicago, Ill.), Indiana, Michigan, Ohio, and Wisconsin, on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia; between points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois (except Chicago, Ill.), Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming; between points in Illinois (except Chicago and points within 20 miles thereof), Indiana (except points within 20 miles of Chicago, Ill.), Michigan, Ohio, Wisconsin, and St. Louis, Mo.

Hotel equipment and *kitchen equipment*, uncrated, between points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; between points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming; between points in Connecticut, Massachusetts, New Jersey, New York, and Pennsylvania, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); *table shuffleboard games, parts* of table shuffleboards, and *accessories* therefor, uncrated, between Chicago, Ill., and East Orange, N.J., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); *table or table top shuffleboards*, uncrated, *parts* of table shuffleboards, and *accessories* therefor, from Orange, Union City, and Union, N.J., to points in the United States (except Alaska and Hawaii), with no transportation for compensation on return except as otherwise authorized; *new furniture*, between New York, N.Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, New Jersey, Pennsylvania, and New York; between Syracuse, Fayetteville and Oneida, N.Y., on the one hand, and, on the other, Washington, D.C., and points in Illinois, Maryland, Massachusetts, Michigan, New Jersey, Ohio, and Pennsylvania.

New furniture, uncrated between New York and Long Island City, N.Y., on the one hand, and, on the other, points in Connecticut, Delaware, Florida, Illinois, Maryland, Massachusetts, Michigan, New Jersey, New Hampshire, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and the District of Columbia (except no service is authorized from points in Michigan, to New York and Long Island City, N.Y.); between New York, N.Y., and points in Georgia, Indiana, Maine, and Wisconsin; between Chicago, Ill., and points in Florida, Georgia, Maine, New Hampshire, North Carolina, South Carolina, Vermont, and Virginia; from Fayetteville and Syracuse, N.Y., to Houston, Tex., Oklahoma City, Okla., Memphis and Nashville, Tenn., New Haven, Conn., St. Louis, Mo., Milwaukee, Wis., and points in California and Florida, with no transportation for compensation on return except as otherwise authorized; from Fayetteville, N.Y., to points in Virginia and Georgia with no transportation for compensation on return except as otherwise authorized; *such new furniture* and *new household furnishings*, uncrated, as are dealt in by retail furniture and department stores and dealers, when transported on the delivery instructions of such stores or dealers, between New York, N.Y., on the one hand, and, on the other, points in Alabama, Kentucky, Mississippi, Tennessee, and West Virginia.

New and used furniture (uncrated), other than store fixtures, and hotel and kitchen equipment, between New York, N.Y., on the one hand, and, on the other, points in Florida; *new store, office, and hospital fixtures and equipment*, between Chicago, Ill., and points within 20 miles of Chicago, Ill., on the one hand, and, on the other, St. Louis, Mo., and points in Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio, and Wisconsin; *household goods* as defined by the Commission, between points in the New York, N.Y., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New

Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, West Virginia, and the District of Columbia; between New York, N.Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, New Jersey, Pennsylvania, and New York; *ranges* and *stoves*, and *range and stove parts*, crated, between New York, N.Y., on the one hand, and, on the other, points in Florida, Georgia, Illinois, Indiana, Maine, Michigan, New Hampshire, North Carolina, Ohio, South Carolina, West Virginia, Vermont, Alabama, Kentucky, Mississippi, Missouri, Tennessee, Texas, Wisconsin, and Louisiana.

Store fixtures as described in Appendix III to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from St. Louis, Mo., to points in Arkansas and Iowa; and from Beatrice, Nebr., to points in Arkansas, Idaho, Iowa, Montana, North Dakota, Oklahoma, Oregon, South Dakota, Washington, and Wyoming; and *damaged or defective shipments of store fixtures*, which carrier has previously delivered, from the two next above-specified destination points, to their respective origin points; *new furniture* and *new store and office fixtures and equipment*, uncrated (except new office and business machines), from points in Texas, to points in the United States (except Alaska and Hawaii), with no transportation for compensation on return except as otherwise authorized; *new furniture*, uncrated, and store and office fixtures and equipment (except office and business machines), uncrated, from points in Arkansas, to points in the United States (except Alaska and Hawaii), with no transportation for compensation on return except as otherwise authorized, from points in Colorado, to points in Minnesota, Iowa, Missouri, Arkansas, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Arizona, Nevada, Washington, Oregon, California, and that part of Louisiana west of the Mississippi River, with no transportation for compensation on return except as otherwise authorized; from Oklahoma City, Okla., to points in California, Arizona, New Mexico, Texas, Kansas, Missouri, Arkansas, Louisiana, Alabama, Mississippi, Florida, and Tennessee, with no transportation for compensation on return except as otherwise authorized.

Store and office fixtures and *kitchen equipment*, restricted so as not to include the transportation of gas ranges except when such gas ranges are a part of a shipment of store or office fixtures or kitchen equipment, between New York, N.Y., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia; *store and office fixtures* and *kitchen equipment*, uncrated, between New York, N.Y., on the one hand, and, on the other, points in Virginia, West Virginia, Georgia, North Carolina, South Carolina, Florida, and Ohio. Any repetition in the statement of the authority granted herein shall not be construed as conferring more than one operating right." By the instant petition, petitioner requests that the Commission find that "store and office fixtures" authority authorizes the transportation of the commodities herein involved moving to "commercial establishments." The petition also requests the Commission to find that "commercial establishments" (as distinguished from homes or households) are establishments that either sell and distribute wares to the public or which derive the major portion of all of their receipts from the performance of service to the public, irrespective of whether privately owned or owned and/or operated by the government or a political subdivision thereof. Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading, consisting of an original and six copies each.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-13652; Filed, Dec. 21, 1965; 8:47 a.m.]

[Notice 378]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

DECEMBER 17, 1965.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 41192 (Deviation No. 2), GRAND RAPIDS MOTOR EXPRESS, INC., 1520 Steele Avenue SW., Grand Rapids 2, Mich., filed December 6, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Chicago, Ill., over Interstate Highway 90 to junction Interstate Highway 80 (Indiana Toll Road), thence over Interstate Highway 80 (Indiana Toll Road) to junction Indiana Highway 39, thence over Indiana Highway 39 to the Indiana-Michigan State line, thence over Michigan Highway 239 to New Buffalo, Mich.; (2) from Chicago, Ill., over Interstate Highway 94 to Gary, Ind.; (3) from New Buffalo, Mich., over Interstate Highway 94 to junction U.S. Highway 131 near Kalamazoo, Mich., thence over U.S. Highway 131 to Grand Rapids, Mich.; and (4) from junction Interstate Highways 94 and 196 near Benton Harbor, Mich., over Interstate Highway 196 to Grand Rapids, Mich., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Chicago, Ill., over U.S. Highway 12 to New Buffalo, Mich.; (2) from Chicago, Ill., over U.S. Highway 20 to Gary, Ind.; (3) from New Buffalo, Mich., over unnumbered highway (formerly U.S. Highway 12) to Kalamazoo, Mich., thence over unnumbered highway (formerly U.S. Highway 131) to Grand Rapids, Mich.; and (4) from Benton Harbor, Mich., over U.S. Highway 33 (formerly U.S. Highway 31) to Holland, Mich., thence over Michigan Highway 21 to Grand Rapids, Mich., and return over the same routes.

No. MC 42487 (Deviation No. 55), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif., 94025, filed December 6, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from the junction of Interstate Highway 15 and Interstate Highway 40 at or near Barstow, Calif., over Interstate Highway 40 to Kingman, Ariz., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Los Angeles, Calif., over U.S. Highway 66 to junction unnumbered highway (formerly U.S. Highway 66) near Victorville, Calif., thence over unnumbered highway via Oro Grande, Helendale, Hodge, and Lenwood, Calif., to Barstow, Calif., thence over U.S. Highway 66 to Kingman, Ariz., and return over the same route.

No. MC 43654 (Deviation No. 18), DIXIE OHIO EXPRESS, INC., Post Office Box 750, Akron, Ohio, 44309, filed December 9, 1965. Applicant's representative: Frank B. Broseman, Post Office Box 750, Akron, Ohio, 44309. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Cincinnati, Ohio, over Interstate Highway 75 to junction Interstate Highway 64 east of Lexington, Ky., thence west over Interstate Highway 64 to junction bypass U.S. Highway 60, thence over bypass U.S. Highway 60 to junction U.S. Highway 60, west of Lexington, Ky., thence over U.S. Highway 60 to junction Kentucky Blue Grass Parkway, approximately two (2) miles east of Versailles, Ky., thence along Blue Grass Parkway and/or Kentucky Turnpike to Elizabethtown, Ky., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Cincinnati, Ohio, over U.S. Highway 42 to Louisville, Ky., thence over U.S. Highway 31W to Elizabethtown, Ky.; (2) from Cincinnati, Ohio, over U.S. Highway 25 to junction U.S. Highway 60 at Lexington, Ky., thence west over U.S. Highway 60 to junction U.S. Highway 62 at Versailles, Ky., thence over U.S. Highway 62 to junction U.S. Highway 31E at Bardstown, Ky., thence over U.S. Highway 31E to junction U.S. Highway 31W at Louisville, Ky., thence over U.S. Highway 31W to Elizabethtown, Ky.; and (3) from Cincinnati, Ohio, over U.S. Highway 27 to junction U.S. Highway 60 at Lexington, Ky., thence as specified in (2) above to Elizabethtown, Ky., and return over the same routes.

No. MC 104004 (Deviation No. 32), ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York, N.Y., 10017, filed December 9, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follow: (1) From Cincinnati, Ohio, over Interstate Highway 75 to Dayton, Ohio, and (2) from Cincinnati, Ohio, over U.S. Highway 52 to junction Interstate Highway 74, thence over Interstate Highway 74 to Indianapolis, Ind., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cincinnati, Ohio, over U.S. Highway 42 to Xenia, Ohio, thence over U.S. Highway 35 to Dayton, Ohio, thence over Ohio Highway 49 to junction U.S. Highway 40, thence over U.S. Highway 40 to Indianapolis, Ind., and return over the same route.

No. MC 1515 (Deviation No. 282) (Cancels Deviation No. 250), GREYHOUND LINES, INC. (Western Division), Market and Fremont Streets, San Francisco, Calif., 94106, filed December 6, 1965. Applicant's representative: W. T. Meinhold, 371 Market Street, San Francisco, Calif., 94105. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers, and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From junction unnumbered highway and Interstate Highway 5 (North Mount Shasta Interchange, Calif.), over Interstate Highway 5 to junction unnumbered highway (Castle Lake Junction, Calif.); (2) from junction unnumbered highway and Interstate Highway 5 (Dunsmuir, Calif.), over Interstate Highway 5 to junction unnumbered highway (Castle Crags Junction, Calif.); (3) from junction unnumbered highway and Interstate Highway 5 (North Cottonwood Junction, Calif.), over Interstate Highway 5 to junction unnumbered highway (South Cottonwood Junction, Calif.); and (4) from junction unnumbered highway and Interstate Highway 5 (North Red Bluff Interchange, Calif.), over Interstate Highway 5 to junction unnumbered highway (Corning Road Interchange, Calif.), and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From the point where U.S. Highway 99 intersects the Oregon-California State line over U.S. Highway 99 to junction unnumbered highway (North Mount Shasta Interchange), thence over unnumbered highway to junction Interstate Highway 5 (Castle Lake Junction), thence over Interstate Highway 5 to junction U.S. Highway 99 (Mott Junction), thence over U.S. Highway 99 to junction unnumbered highway (Dunsmuir), thence over unnumbered highway to junction Interstate Highway 5 (Castle Crags Junction), thence over Interstate Highway 5 to junction U.S. Highway 99 (North Shotgun Creek), thence over U.S. Highway 99 to junction Interstate Highway 5 (Anderson), thence over Interstate Highway 5 to junction unnumbered highway (North Cottonwood Junction), thence over unnumbered highway to junction Interstate Highway 5 (South Cottonwood Junction), thence over Interstate Highway 5 to junction U.S. Highway 99 (North Red Bluff Interchange), thence over U.S. Highway 99 to Red Bluff, thence over U.S. Highway 99W to junction U.S. Highway 40 (South Woodland Junction) (connects with Oregon route 14), and return over the same route.

No. MC 1515 (Deviation No. 283) GREYHOUND LINES, INC. (Western Division), Market and Fremont Streets, San Francisco, Calif., 94106, filed December 6, 1965. Applicant's representative: W. T. Meinhold, 371 Market Street, San Francisco, Calif., 94105. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers, and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: From junction unnumbered highway and Interstate Highway 90 (Thorpe Road Junction, Wash.), over Interstate Highway 90 to Spokane, Wash., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From junction U.S. Highway 10 and Washington Highway 7 (Murphy's Corner, Wash.), over U.S. Highway 10 to junction U.S. Highway 10 and U.S. Highway 395, thence over combined U.S. Highways 10 and 395 to Spokane, Wash., and return over the same route.

No. MC 1515 (Deviation No. 284) (Cancels Deviation No. 176 and Deviation No. 221, GREYHOUND LINES, INC. (Western Division), Market and Fremont Streets, San Francisco, Calif., 94106, filed December 6, 1965. Applicant's representative: W. T. Meinhold, 371 Market Street, San Francisco, Calif., 94105. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers, and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From junction Interstate Highway 5 and unnumbered highway (Blaine, Wash.), over Interstate Highway 5 to junction unnumbered highway (Ferndale Road, Wash.), and (2) from junction Interstate Highway 5 and unnumbered highway (Everett, Wash.), over Interstate Highway 5 to Seattle, Wash., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From the International Boundary over U.S. Highway 99 to junction unnumbered highway (Dakota Creek, Wash.), thence over unnumbered highway to junction U.S. Highway 99 (Ferndale Road), thence over U.S. Highway 99 to junction unnumbered highway (Everett, Wash.), thence over unnumbered highway to Seattle, Wash., and return over the same route.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-13651; Filed, Dec. 21, 1965; 8:47 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

DECEMBER 17, 1965.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State docket number assigned T-681, Sub 22, filed December 10, 1965. Applicant: HELMS MOTOR EXPRESS, INC., North Second Street, Post Office Box 951, Albemarle, N.C. Applicant's representative: Bailey, Dixon & Wooten, 1012 Insurance Building, Post Office Box 2246, Raleigh, N.C. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of: *General commodities*, from Fayetteville, N.C., over North Carolina Highway 24 to its intersection with North Carolina Highway 53, thence over North Carolina Highway 53 to Cedar Creek, N.C., and points and places within five (5) miles thereof and return, serving all intermediate points.

HEARING: January 25, 1966, at 10 a.m. at the North Carolina Utilities Com-

mission, State Library Building, Raleigh, N.C. Requests for procedural information including the time for filing protests concerning this application should be addressed to the North Carolina Utilities Commission, Post Office Box 991, Raleigh, N.C., 27602, and should not be directed to the Interstate Commerce Commission.

State docket number assigned T-681, Sub 23, filed December 10, 1965. Applicant: HELMS MOTOR EXPRESS, INC., North Second Street, Post Office Box 951, Albemarle, N.C. Applicant's representatives: Bailey, Dixon & Wooten, 1012 Insurance Building, Post Office Box 2246, Raleigh, N.C. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of: *General commoditics*, between Winston-Salem, N.C., and North Wilkesboro, N.C., over U.S. Highway 421, for operating convenience only and with no service at any intermediate points thereon.

HEARING: February 9, 1966, at 2 p.m. at the North Carolina Utilities Commission, State Library Building, Raleigh, N.C. Requests for procedural information including the time for filing protests concerning this application should be addressed to the North Carolina Utilities Commission, Post Office Box 991, Raleigh, N.C., 27602, and should not be directed to the Interstate Commerce Commission.

State docket number assigned T-1348, filed November 11, 1965. Applicant: DANNY LORAN HILL, R.F.D. No. 3, Smithfield, N.C. Applicant's representative: Walter Thomas Adams, 1724 Nottingham Road, Raleigh, N.C. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of: *Salt*, in bulk and in packages or bags, from Pine Level, N.C., to points within 100 miles of Pine Level, N.C.

HEARING: January 5, 1966, at 2 p.m. in the Commission Hearing Room, State Library Building, Raleigh, N.C. Requests for procedural information including the time for filing protests, concerning this application should be addressed to the North Carolina Utilities Commission, Post Office Box 991, Raleigh, N.C., 27602, and should *not* be directed to the Interstate Commerce Commission.

State docket number assigned No. 47932, filed September 30, 1965. Applicant: EVANS TANK LINES, INC., 5701 Maywood Avenue, Maywood, Calif. Applicant's representative: Donald Murchison, 211 South Beverly Drive, Beverly Hills, Calif. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of: *General commodities*, (1) between Los Angeles and points within a radius of 30 miles from First and Main Streets, on the one hand, and points on California Highway 127 between Baker and the California-Nevada State line north of Death Valley Junction, inclusive, on the other hand, serving as intermediate points those lying between Los Angeles (including said 30 mile radius) and Yermo on the one hand, and between Baker and the California-Nevada State line, on the other hand. Applicant may also serve off-route points situated within a zone extending 15 miles laterally on each side of California Highway 127 between Baker and the California-Nevada State line; (2) between Death Valley Junction, on the one hand, and Stove Pipe Wells, on the other, via California State Highway 190, serving all intermediate points and the off-route point of Death Valley Monument headquarters located near Furnace Creek; (3) subject to the following limitations and conditions: (a) That no express traffic handled by applicant as an underlying carrier for any express corporations authorized to serve said points or any of them, may be transported between Yermo, on the one hand, and points on California Highway 127 between Baker and the California-Nevada State line, inclusive, on the other hand, where said shipments may have received or would receive a prior or a subsequent movement by rail to or from Yermo; (b) that no shipment of milk in bottles or in bulk, nor empty milk containers returning, may be transported between Barstow and any points on California Highway 127 between Baker and the California-Nevada State line, inclusive; (c) subject to the authority of this Commission to change or modify them at any time by further order, applicant shall conduct said highway common carrier service over and along the following routes: via U.S. Highway 66 from Los Angeles to Barstow; via U.S. Highway 466 from Barstow to Baker; and via California State Highway 127 from Baker to California-Nevada State line north of Death Valley Junction; using connecting highways and county roads to serve off-route points, where authorized to do so.

(1) Between points and places presently authorized and as more particularly herinabove set forth in paragraphs 1, 2, and 3 supra; (2) between Baker and Nipton, and all points and places on and within 15 miles laterally of the following highways: (a) U.S. Highway 15 (formerly U.S. 91 and U.S. 466) between Baker and its junction with San Bernardino County, Nipton Road, inclusive, (b) San Bernardino County Nipton Road between its junction with U.S. 15 and Nipton, inclusive, (3) applicant requests an in lieu certificate, including the extension hereinabove noted in subparagraph 2, and all authority as now set forth in Decisions Nos. 56310 and 57860, as the same relate to applicant's general commodity operating authority and as more particularly described hereinabove in Paragraph entitled "Present Operations".

HEARING: Date, time, and place of hearing, to be hereafter fixed. Requests for procedural information including the time for filing protests concerning those applications should be addressed to the California Public Utilities Commission, California State Building, San Francisco, Calif., 94102, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-13650; Filed, Dec. 21, 1965; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 17, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA 40196—*Liquid caustic soda to Naheola, Ala.* Filed by O. W. South, Jr., agent (No. A4814), for interested carriers. Rates on liquid caustic soda, in tank carloads, subject to minimum shipment of 5 tank carloads, from Brunswick, Ga., to Naheola, Ala.

Grounds for relief—Market competition.

Tariff—Supplement 223 to Southern Freight Association, agent, tariff ICC S-194.

FSA 40197—*Liquefied petroleum gas from Purcell, Okla.* Filed by Southwestern Freight Bureau, agent (No. B-8798), for interested carriers. Rates on liquefied petroleum gas, in tank carloads, from Purceli, Okla., to points in southern territory, also official-southern territory border points.

Grounds for relief—Market competition.

Tariff—Supplement 110 to Southwestern Freight Bureau, agent, tariff ICC 4486.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-13649; Filed, Dec. 21, 1965; 8:47 a.m.]

[Notice 1274]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 16, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-68187. By order of December 13, 1965, the Transfer Board approved the transfer to Fred J. Elander, Jr., doing business as Elander & Sons, Bridgeport, Conn., of the operating rights of Arthur Christian Elander, doing business as Elander & Sons, Bridgeport, Conn., in Certificate No. MC-15100, issued September 10, 1940, authorizing the transportation, over irregular routes, of household goods, between Bridgeport, Conn., on the one hand, and, on the other, points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania. Stanley B. Garrell, 285 Congress Street, Bridgeport, Conn., attorney for applicants.

No. MC-FC-68331. By order of December 16, 1965, the Transfer Board approved the transfer to Perkins Freight Lines, Inc., Atlanta, Ga., of the operating rights in Certificate No. MC-66098 issued July 2, 1953, to Clinton L. Sanders, doing business as Perkins Freight Lines, Atlanta, Ga., authorizing the transportation of: General commodities, except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, over regular routes, between Atlanta, Ga., and Thomaston, Ga., with service to and from all intermediate points, from Atlanta over U.S. Highway 41 to Barnesville, Ga., thence over Georgia Highway 36 to Thomaston, and return over the same route. Between Griffin, Ga., and Thomaston, Ga., with service to and from all intermediate points: from Griffin over U.S. Highway 19 to Thomaston, and return over the same route. Robert E. Hicks, 310 Fulton Federal Building, Atlanta, Ga., 30303, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-13647; Filed, Dec. 21, 1965; 8:47 a.m.]

[Third Rev. S.O. 562; Pfahler's ICC order 196, Amdt. 1]

ANN ARBOR RAILROAD CO.

Diverting or Rerouting of Traffic

Upon further consideration of Pfahler's ICC Order No. 196 and good cause appearing therefor:

It is ordered, That: Pfahler's ICC Order No. 196 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date. This order shall expire at 11:59 p.m., January 15, 1966, unless otherwise modified, changed or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 17, 1965, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 16, 1965.

INTERSTATE COMMERCE COMMISSION, [SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 65-13648; Filed, Dec. 21, 1965; 8:47 a.m.]

DEPARTMENT OF JUSTICE

Office of the Attorney General

CARROLL COUNTY, MISS.

Certifications of the Attorney General Pursuant to Section 6 of the Voting Rights Act of 1965 (Public Law 89-110)

In accordance with section 6 of the Voting Rights Act of 1965, I hereby certify that in my judgment the appointment of examiners is necessary to enforce the guarantees of the 15th Amendment to the Constitution of the United States in Carroll County, Miss. This county is included within the scope of the determinations of the Attorney General and the Director of the Census made on August 6, 1965, under section 4(b) of the Voting Rights Act of 1965 and published in the FEDERAL REGISTER on August 7, 1965 (30 F.R. 9897).

DECEMBER 20, 1965.

NICHOLAS DEB. KATZENBACH, *Attorney General of the United States.*

[F.R. Doc. 65-13767; Filed, Dec. 21, 1965; 11:59 a.m.]

NEWTON COUNTY, MISS.

Certifications of the Attorney General Pursuant to Section 6 of the Voting Rights Act of 1965 (Public Law 89-110)

In accordance with section 6 of the Voting Rights Act of 1965, I hereby certify that in my judgment the appointment of examiners is necessary to enforce the guarantees of the 15th Amendment to the Constitution of the United States in Newton County, Miss. This county is included within the scope of the determinations of the Attorney General and the Director of the Census made on August 6, 1965, under section 4(b) of the Voting Rights Act of 1965 and published in the FEDERAL REGISTER on August 7, 1965 (30 F.R. 9897).

NICHOLAS DEB. KATZENBACH, *Attorney General of the United States.*

DECEMBER 20, 1965.

[F.R. Doc. 65-13768; Filed, Dec. 21, 1965; 11:59 a.m.]

WARREN COUNTY, MISS.

Certifications of the Attorney General Pursuant to Section 6 of the Voting Rights Act of 1965 (Public Law 89-110)

In accordance with section 6 of the Voting Rights Act of 1965, I hereby certify that in my judgment the appointment of examiners is necessary to enforce the guarantees of the 15th Amendment to the Constitution of the United States in Warren County, Miss. This county is included within the scope of the determinations of the Attorney General and the Director of the Census made on August 6, 1965, under section 4(b) of the Voting Rights Act of 1965 and published in the FEDERAL REGISTER on August 7, 1965 (30 F.R. 9897).

NICHOLAS DEB. KATZENBACH, *Attorney General of the United States.*

DECEMBER 20, 1965.

[F.R. Doc. 65-13769; Filed, Dec. 21, 1965; 11:59 a.m.]

SIMPSON COUNTY, MISS.

Certifications of the Attorney General Pursuant to Section 6 of the Voting Rights Act of 1965 (Public Law 89-110)

In accordance with section 6 of the Voting Rights Act of 1965, I hereby certify that in my judgment the appointment of examiners is necessary to enforce the guarantees of the 15th Amendment to the Constitution of the United States in Simpson County, Miss. This county is included within the scope of the determinations of the Attorney General and the Director of the Census made on August 6, 1965, under section 4(b) of the Voting Rights Act of 1965 and published in the FEDERAL REGISTER on August 7, 1965 (30 F.R. 9897).

NICHOLAS DEB. KATZENBACH, *Attorney General of the United States.*

DECEMBER 20, 1965.

[F.R. Doc. 65-13770; Filed, Dec. 21, 1965; 11:59 a.m.]

FEDERAL REGISTER, VOL. 30, NO. 246—WEDNESDAY, DECEMBER 22, 1965

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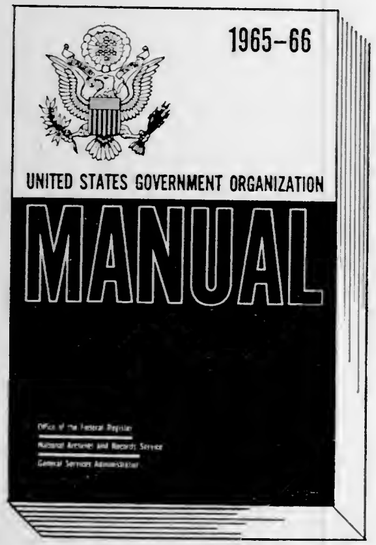
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SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Republication of Part

Effective on the date of publication in the FEDERAL REGISTER, Part 121 is republished in its entirety, for the purpose of incorporating amendments thereto effected since January 1, 1965,[1] and making editorial changes and nonsubstantive amendments for the purpose of clarification or effecting consistency throughout this part. This order revokes all prior publications.

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121.1044 Methyl alcohol.
121.1045 Hexane.
121.1046 Oxytetracycline.
121.1047 Calcium stearyl-2-lactylate.
121.1048 Lactylic esters of fatty acids.
121.1049 Tylosin.
121.1050 Coumarone-indene resin.
121.1051 Dihydrostreptomycin.
121.1052 Metaldehyde.
121.1053 Sorbitol.
121.1054 Promazine hydrochloride.
121.1055 Nystatin.
121.1056 Disodium EDTA.
121.1057 Polyethylene glycol 6000.
121.1058 Silicon dioxide.
121.1059 Chewing gum base.
121.1060 Combustion product gas.
121.1061 Captan.
121.1062 Methyl formate.
121.1063 Sodium nitrate.
121.1064 Sodium nitrite.
121.1065 Octafluorocyclobutane.
121.1066 Carrageenan.
121.1067 Salts of carrageenan.
121.1068 Furcelleran.
121.1069 Salts of furcelleran.
121.1070 Fatty acids.
121.1071 Salts of fatty acids.
121.1072 Hydrogen cyanide.
121.1073 Potassium iodide.
121.1074 Piperonyl butoxide.
121.1075 Pyrethrins.
121.1076 Propylene oxide.
121.1077 Terpene resin.
121.1078 Ronnel
121.1079 Paraformaldehyde.
121.1080 Stearyl monoglyceridyl citrate.
121.1081 Quinine.
121.1082 Modified hop extract.
121.1083 Methyl chloride.
121.1084 Glycerol ester of wood rosin.
121.1085 Azodicarbonamide.
121.1086 Sugar beet extract flavor base.
121.1087 Ethyl cellulose.
121.1088 Boiler water additives.
121.1089 Dehydroacetic acid.
121.1090 Disodium inosinate.
121.1091 Chemicals used in washing fruits and vegetables.
121.1092 Acrylamide-acrylic acid resin.
121.1093 DDT.
121.1094 Furaltadone.
121.1095 Nicotinamide-ascorbic acid complex.
121.1096 Ethyl formate.
121.1097 Safrole-free extract of sassafras.
121.1098 Rice bran wax.
121.1099 Defoaming agents.
121.1100 Iron-choline citrate complex.
121.1101 Sperm oil, hydrogenated.
121.1102 Calcium lignosulfonate.
121.1103 Nihydrazone.
121.1104 Neomycin.
121.1105 Morpholine.
121.1106 Ethopabate.
121.1107 Bithionol.
121.1108 Methiotriazamine.
121.1109 Disodium guanylate.
121.1110 Polyvinylpolypyrrolidone.
121.1111 Synthetic glycerin produced by the hydrogenolysis of carbohydrates.
121.1112 Methyl ethyl cellulose.
121.1113 Propylene glycol mono- and diesters of fats and fatty acids.
121.1114 Xylitol.
121.1115 Mannitol.
121.1116 THBP.
121.1117 Diethyl pyrocarbonate.
121.1118 Diethylstilbestrol.
121.1119 Polyacrylamide.
121.1120 Polyglycerol esters of fatty acids.
121.1121 Polyethylene glycol minimum molecular weight 1,300.
121.1122 Nickel sulfate.
121.1123 D-Pantothenamide.
121.1124 Sulfamethazine.
121.1125 Dried yeasts.
121.1126 Ethion.
121.1127 Progesterone.
121.1128 Estradiol benzoate.
121.1129 Testosterone propionate.
121.1130 Fumaric acid and salts of fumaric acid.
121.1131 Chlorobutanol.
121.1132 Potassium nitrate.
121.1133 Fumigants for grain-mill machinery.
121.1134 Pteroylglutamic acid.
121.1135 Calcium silicate.
121.1136 Methacrylic acid-divinyl-benzene copolymer.
121.1137 Dioctyl sodium sulfosuccinate.
121.1138 Arsenic.
121.1139 Polyvinylpyrrolidone.
121.1140 Salicylic acid.
121.1141 Aluminum nicotinate.
121.1142 Cobaltous salts.
121.1143 Erythromycin.
121.1144 [Reserved]
121.1145 Furazolidone.
121.1146 White mineral oil.
121.1147 Prednisolone.
121.1148 Ion-exchange resins.
121.1149 Kelp.
121.1150 Estradiol monopalmitate.
121.1151 Methyl glucoside-coconut oil ester.
121.1152 Fumigants for processed grains used in production of fermented malt beverages.
121.1153 Thiabendazole.
121.1154 Synthetic isoparaffinic petroleum hydrocarbons.
121.1155 Chemicals used for the control of micro-organisms in cane-sugar mills.
121.1156 Petroleum wax.
121.1157 Prednisone.
121.1158 Methylparaben.
121.1159 Propylparaben.
121.1160 Hydroxypropyl cellulose.
121.1161 Ethylene oxide polymer.
121.1162 Calcium lactobionate.
121.1163 Natural flavoring substances and natural substances used in conjunction with flavors.
121.1164 Synthetic flavoring substances and adjuvants.
121.1165 Rhizopus oryzae.
121.1166 Petrolatum.
121.1167 Dimetridazole.
121.1168 3,5-Dinitrobenzamide.
121.1169 Acetyl(*p* - nitrophenyl)sulfanilamide.
121.1170 Bacterial catalase.
121.1171 Sodium methyl sulfate.
121.1172 Malathion.
121.1173 Dienestrol diacetate.
121.1174 Arabinogalactan.
121.1175 Chlorhexidine.
121.1178 1,3-Butylene glycol.
121.1177 2-Chloro-4-nitrobenzamide.
121.1179 Coatings on fresh citrus fruit.
121.1180 Ion-exchange membranes.
121.1181 Chloropentafluoroethane.
121.1182 Odorless light petroleum hydrocarbons.
121.1183 Sodium stearyl fumarate.
121.1184 Ethylenediamine.
121.1185 Polyethylene glycol 400.
121.1186 *n*-Heptyl *p*-hydroxybenzoate.

Subpart E—Substances for Which Prior Sanctions Have Been Granted

121.2001 Substances employed in the manufacture of food-packaging materials.

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

121.2500 General provisions applicable to Subpart F.
121.2501 Polypropylene.
121.2502 Nylon resins.
121.2503 Polyterpene resins.
121.2504 Malathion.
121.2505 Slimicides.
121.2506 Industrial starch-modified.
121.2507 Cellophane.
121.2508 Ethylene-alkene-1 copolymers.
121.2509 Release agents.
121.2510 Polyethylene.
121.2511 Plasticizers in polymeric substances.
121.2512 Acrylamide-acrylic acid resins.
121.2513 Polysorbate 80 as an antifogging agent in food packaging.
121.2514 Resinous and polymeric coatings.
121.2515 Chelating agents used in the manufacture of paper and paperboard.
121.2516 Sodium nitrate-urea complex.
121.2517 [Reserved]
121.2518 Chromium (Cr III) complex of *N*-ethyl-*N*-heptadecylfluoro-octane sulfonyl glycine.
121.2519 Defoaming agents used in the manufacture of paper and paperboard.
121.2520 Adhesives.
121.2521 [Reserved]
121.2522 Polyurethane resins.
121.2523 Fluorocarbon resins.
121.2524 Polyethylene terephthalate film.
121.2525 Acrylate ester copolymer coating.
121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.
121.2527 Antistatic agents in plastics.
121.2528 Ethylene-methyl acrylate copolymer resins.
121.2529 3,5-Dimethyl-1,3,5, 2*H*-tetrahydrothiadiazine-2-thione.
121.2530 Reinforced wax.
121.2531 Surface lubricants used in the manufacture of metallic articles.
121.2532 [Reserved]
121.2533 Copolymer of 1,4-cyclohexylene dimethylene terephthalate and 1,4-cyclohexylene dimethylene isophthalate.
121.2534 Animal glue.
121.2535 Textiles and textile fibers.
121.2536 Filters, resin-bonded.
121.2537 Anti-offset substances.
121.2538 Alkyl ketene dimers.
121.2539 Tamarind seed kernel powder.
121.2540 Copolymer of vinyl acetate and crotonic acid.
121.2541 Emulsifiers and/or surface-active agents.
121.2542 Polyamide-epichlorohydrin resin.
121.2543 Packaging materials for use in radiation preservation of prepackaged foods.
121.2544 Tetrahydrofuran.
121.2545 Textryls.
121.2546 Pulp from reclaimed fiber.
121.2547 Sanitizing solutions.
121.2548 Zinc-silicon dioxide matrix coatings.
121.2549 Melamine-formaldehyde resins in molded articles.

Sec.
121.2550 Closures with sealing gaskets for food containers.
121.2551 Corrosion inhibitors used for steel or tinplate.
121.2552 Synthetic glycerin.
121.2553 Lubricants with incidental food contact.
121.2554 Ethylene-ethyl acrylate copolymers.
121.2555 Perfluorocarbon resins.
121.2556 Preservatives for wood.
121.2557 Defoaming agents used in coatings.
121.2558 Isoparaffinic petroleum hydrocarbons, synthetic.
121.2559 Xylene–formaldehyde resins condensed with 4,4'-isopropylidene–diphenol–epichlorohydrin epoxy resins.
121.2560 Poly-1, 4, 7, 10, 13-pentaaza-15-hydroxyhexadecane.
121.2561 Esters of stearic and palmitic acids.
121.2562 Rubber articles intended for repeated use.
121.2563 Ultramarine blue.
121.2564 [Reserved]
121.2565 Chromic chloride complexes.
121.2566 Antioxidants and/or stabilizers for polymers.
121.2567 Water-insoluble hydroxyethyl cellulose film.
121.2568 Guar gum, modified.
121.2569 Resinous and polymeric coatings for polyolefin films.
121.2570 Ethylene-vinyl acetate copolymers.
121.2571 Components of paper and paperboard in contact with dry food.
121.2572 Polysulfide polymer-polyepoxy resins.
121.2573 [Reserved]
121.2574 Polycarbonate resins.
121.2575 Paraffin, synthetic.
121.2576 Cross-linked polyester resins.
121.2577 Pressure-sensitive adhesives.
121.2578 Hot-melt strippable food coatings.
121.2579 4,4' - Isopropylidenediphenol epichlorohydrin resins minimum molecular weight 10,000.
121.2580 Polyethylene resins, carboxyl modified.
121.2581 Chlorinated polyether resins.
121.2582 Ethylene-methacrylic acid copolymers and their partial salts.
121.2583 Adjuvant substances used in the manufacture of foamed polystyrene.
121.2584 Styrene-divinylbenzene cross-linked copolymer resins.
121.2585 4,4' - Isopropylidenediphenol epichlorohydrin thermosetting epoxy resins.
121.2586 Petroleum wax.
121.2588 Petrolatum.
121.2589 Mineral oil.
121.2590 Isobutylene polymers.
121.2591 Semirigid and rigid acrylic and modified acrylic plastics.
121.2592 Rosins and rosin derivatives.
121.2593 Polyvinylidene fluoride resins.
121.2594 Odorless light petroleum hydrocarbons.
121.2595 Urea-formaldehyde resins in molded articles.
121.2596 Sodium pentachlorophenate.
121.2597 Acrylic polymer modifiers in semirigid and rigid polyvinyl chloride plastics.

Subpart G—Radiation and Radiation Sources Intended for Use in the Production, Processing, and Handling of Food

121.3001 Sources of radiation used for inspection of food, for inspection of packaged food, and for controlling food processing.
121.3002 Gamma radiation for the processing and treatment of food.
121.3003 Gamma radiation for the treatment of wheat and potatoes.
121.3004 Electron beam radiation for the processing of food.
121.3005 X-radiation for the processing of food.
121.3006 Ultraviolet radiation for the processing and treatment of food.

Subpart A—Definitions and Procedural and Interpretative Regulations

AUTHORITY: The provisions of this Subpart A issued under secs. 409, 701, 52 Stat. 1055, as amended, 72 Stat. 1785; 21 U.S.C. 348, 371, except as otherwise noted.

§ 121.1 Definitions and interpretations.

(a) "Secretary" means the Secretary of Health, Education, and Welfare.

(b) "Department" means the Department of Health, Education, and Welfare.

(c) "Commissioner" means the Commissioner of Food and Drugs.

(d) As used in this part, the term "act" means the Federal Food, Drug, and Cosmetic Act approved June 25, 1938 (52 Stat. 1040 et seq., as amended; 21 U.S.C. 301–392).

(e) "Food additives" includes all substances not exempted by section 201(s) of the act, the intended use of which results or may reasonably be expected to result, directly or indirectly, either in their becoming a component of food or otherwise affecting the characteristics of food. A material used in the production of containers and packages is subject to the definition if it may reasonably be expected to become a component, or to affect the characteristics, directly or indirectly, of food packed in the container. "Affecting the characteristics of food" does not include such physical effects, as protecting contents of packages, preserving shape, and preventing moisture loss. If there is no migration of a packaging component from the package to the food, it does not become a component of the food and thus is not a food additive. A substance that does not become a component of food, but that is used, for example, in preparing an ingredient of the food to give a different flavor, texture, or other characteristic in the food, may be a food additive.

(f) "Common use in food" refers to consumption of a substance by consumers, regardless of the number of manufacturers who may produce it.

(g) The word "substance" in the definition of the term "food additive" includes a food or food component consisting of one or more ingredients.

(h) "Scientific procedures" include not only original animal, analytical, and other scientific studies, but also an unprejudiced compilation of reliable information, both favorable and unfavorable, drawn from the scientific literature.

(i) "Safe" means that there is convincing evidence which establishes with reasonable certainty that no harm will result from the intended use of the food additive.

§ 121.2 Pesticide chemicals in processed foods.

When pesticide chemical residues occur in processed foods due to the use of raw agricultural commodities that bore or contained a pesticide chemical in conformity with an exemption granted or a tolerance prescribed under section 408 of the act, the processed food will not be regarded as adulterated so long as good manufacturing practice has been followed in removing any residue from the raw agricultural commodity in the processing (such as by peeling or washing) and so long as the concentration of the residue in the processed food when ready to eat is not greater than the tolerance prescribed for the raw agricultural commodity. But when the concentration of residue in the processed food when ready to eat is higher than the tolerance prescribed for the raw agricultural commodity, the processed food is adulterated unless the higher concentration is permitted by a tolerance obtained under section 409 of the act. For example, if fruit bearing a residue of 7 parts per million of DDT permitted on the raw agricultural commodity is dried and a residue in excess of 7 parts per million of DDT results on the dried fruit, the dehydrated fruit is adulterated unless the higher tolerance for DDT is authorized by the regulations in this part. Food that is itself ready to eat, and which contains a higher residue than allowed for the raw agricultural commodity, may not be legalized by blending or mixing with other foods to reduce the residue in the mixed food below the tolerance prescribed for the raw agricultural commodity.

§ 121.3 Substances added to food which are not generally recognized as safe and substances that are generally recognized as safe.

(a) In general, any substance added to food which has no history of common use as a food ingredient should be regarded as a substance that is not generally recognized as safe for its intended food use, for the purpose of sections 201(s) and 402(a)(2)(C) of the act, unless it has been scientifically tested and shown to be safe.

(b) Section 121.101 contains a partial list of substances that are generally recognized among experts qualified by scientific training and experience to evaluate the safety of such substances as ingredients in food as safe for such use under the conditions set forth in that section. No substance will be removed from this list, nor will the permitted conditions of use be modified, without prior notice and a statement of the reasons for the action.

(c) Substances other than those listed in § 121.101 for which prior sanction or approval under the Federal Food, Drug, and Cosmetic Act has been given, are not listed. Upon written request, setting forth the specific product and a specific usage, the Commissioner will advise interested persons whether such use of such product has been sanctioned or approved. Food additives sanctioned for use in foods for which standards of identity have

been prescribed are listed in the standards. Except in the case of an imminent hazard to public health, no prior sanction or approval will be withdrawn or modified without prior notice and a statement of the reasons for the action. Such notice and statement will be sent to the person to whom the sanction or approval was granted and to any other person who has been advised concerning such sanction or approval, if practicable. Otherwise, the notice and statement will be published in the FEDERAL REGISTER.

(d) The Commissioner, upon written request, specifying the intended conditions of use and other pertinent information about a substance, will advise an interested person whether in his opinion the substance is a food additive.

(e) The training and experience necessary to qualify experts to evaluate the safety of food additives, for the purposes of section 201(s) of the act, are sufficient training and experience in biology, medicine, pharmacology, physiology, toxicology, veterinary medicine, or other appropriate science to recognize and evaluate the behavior and effects of chemical substances in the diet of man and of animals.

§ 121.4 Tolerances for related food additives.

(a) Food additives that cause similar or related pharmacological effects will be regarded as a class, and in the absence of evidence to the contrary, as having additive toxic effects and will be considered as related food additives.

(b) Tolerances established for such related food additives may limit the amount of a common component that may be present, or may limit the amount of biological activity (such as cholinesterase inhibition) that may be present, or may limit the total amount of related food additives that may be present.

(c) Where food additives from two or more chemicals in the same class are present in or on a food, the tolerance for the total of such additives shall be the same as that for the additive having the lowest numerical tolerance in this class, unless there are available methods that permit quantitative determination of the amount of each food additive present or unless it is shown that a higher tolerance is reasonably required for the combined additives to accomplish the physical or technical effect for which such combined additives are intended and that the higher tolerance will be safe.

(d) Where residues from two or more additives in the same class are present in or on a food and there are available methods that permit quantitative determination of each residue, the quantity of combined residues that are within the tolerance may be determined as follows:

(1) Determine the quantity of each residue present.

(2) Divide the quantity of each residue by the tolerance that would apply if it occurred alone, and multiply by 100 to determine the percentage of the permitted amount of residue present.

(3) Add the percentages so obtained for all residues present.

(4) The sum of the percentages shall not exceed 100 percent.

§ 121.5 Safety factors to be considered.

In accordance with section 409(c)(5)(C) of the act, the following safety factors will be applied in determining whether the proposed use of a food additive will be safe: Except where evidence is submitted which justifies use of a different safety factor, a safety factor in applying animal experimentation data to man of 100 to 1, will be used; that is, a food additive for use by man will not be granted a tolerance that will exceed 1/100th of the maximum amount demonstrated to be without harm to experimental animals.

§ 121.6 General principles for evaluating the safety of food additives.

(a) In reaching a decision on any petition filed under section 409 of the act, the Commissioner will give full consideration to the specific biological properties of the compound and the adequacy of the methods employed to demonstrate safety for the proposed use, and the Commissioner will be guided by the principles and procedures for establishing the safety of food additives stated in current publications of the National Academy of Sciences-National Research Council. A petition will not be denied, however, by reason of the petitioner's having followed procedures other than those outlined in the publications of the National Academy of Sciences-National Research Council if, from available evidence, the Commissioner finds that the procedures used give results as reliable as, or more reliable than, those reasonably to be expected from the use of the outlined procedures. In reaching a decision, the Commissioner will give due weight to the anticipated levels and patterns of consumption of the additive specified or reasonably inferable. For the purposes of this section, the principles for evaluating safety of additives set forth in the above-mentioned publications will apply to any substance that may properly be classified as a food additive as defined in section 201(s) of the act.

(b) Upon written request describing the proposed use of an additive and the proposed experiments to determine its safety, the Commissioner will advise a person who wishes to establish the safety of a food additive whether he believes the experiments planned will yield data adequate for an evaluation of the safety of the additive.

§ 121.7 Food additives or pesticide chemicals for which new-drug applications are required.

(a) A substance that is a new drug within the meaning of section 201(p) of the act may also be a food additive within the meaning of section 201(s) by reason of the fact that its intended use results or may reasonably be expected to result, directly or indirectly, in its or its ingredients' conversion products becoming a component or otherwise affecting the characteristics of a food. When an application for a new drug that is intended for administration to a food-producing animal is submitted, it will also be evaluated under section 408 or 409 of the act (giving due consideration to data previously filed by the applicant) when there is a reasonable possibility that a residue of the drug may be present or otherwise affect the characteristics of the edible products of such animals, and a regulation issued where necessary. Where a substance is both a new drug and a food additive, the submission of a new-drug application in accordance with the regulations appearing in Part 130 of this chapter will also be construed as a petition for the establishment of a regulation for the use of the substance as a food additive. A new-drug application will not be approved for a use that results in the substance becoming a food additive until a regulation is established under section 408 or 409 of the act. A food-additive regulation under section 409 of the act will not be established when the additive results from the use of a new drug for which a new-drug application cannot be approved. The new-drug application and the establishment of a regulation respecting the food additive or pesticide chemical use will be acted upon simultaneously.

(b) With respect to those uses of a new drug that result in its becoming a food additive, the provisions of these regulations shall apply concerning the procedure to be followed in establishing a food-additive regulation. Upon determination that a new-drug application contains a petition for the establishment of a food-additive regulation, the Division of New Drugs of the Food and Drug Administration shall so notify the applicant prior to the date of approval of the application, and shall inform him that his application with respect to the uses of the new drug which result in its becoming a food additive will be processed under the regulations in this part. Upon the issuance of the food-additive regulation, the Division of New Drugs will notify the applicant that his application is approved to the extent allowed by the regulation. In the event the proceeding for the food-additive regulation results in the denial of a regulation allowing the use of the new drug as a food additive, the applicant shall be notified that the refusal to approve his new-drug application is final with respect to the use of the new drug for uses resulting in its becoming a food additive.

§ 121.8 Food additives in standardized foods.

(a) The inclusion of food ingredients in Part 121 does not imply that these ingredients may be used in standardized foods unless they are recognized as optional ingredients in applicable food standards. Where a petition is received for the issuance or amendment of a regulation establishing a definition and standard of identity for a food under section 401 of the act, which proposes the inclusion of a food additive in such definition and standard of identity, the provisions of the regulations in this part shall apply with respect to the information that must be submitted with respect to the food additive. Since section 409(b)(5) of the act requires that the Secretary publish notice of a petition for the establishment of a food-additive regulation within 30 days after filing, notice of a petition relating to a definition and standard of identity shall also be published within that time limitation if it includes a request, so designated, for the establishment of a regulation pertaining to a food additive.

(b) If a petition for a definition and standard of identity contains a proposal for a food-additive regulation, and the petitioner fails to designate it as such, the Commissioner, upon determining that the petition includes a proposal for a food-additive regulation, shall so notify the petitioner and shall thereafter proceed in accordance with the regulations in this part.

(c) A regulation will not be issued allowing the use of a food additive in a food for which a definition and standard of identity is established, unless its issuance is in conformity with section 401 of the act or with the terms of a temporary permit issued under § 10.5 of this chapter. When the contemplated use of such additive complies with the terms of a temporary permit, the food additive regulation will be conditioned on such compliance and will expire with the expiration of the temporary permit.

§ 121.9 Food additives for which certification is required.

(a) An antibiotic drug that is subject to the certification requirements of sections 502(l) and 507 of the act may also be a food additive within the meaning of section 201(s), by reason of the fact that its intended use results or may reasonably be expected to result, directly or indirectly, in it, its ingredients, or conversion products becoming components of or otherwise affecting the characteristics of a food. Any such drug that is intended for administration to a food-producing animal will also be evaluated under section 408 or section 409 (giving due consideration to data previously filed by the applicant) when there is a reasonable possibility that a residue of the drug may be present or otherwise affect the characteristics of the edible products of such animals and a regulation issued where necessary. Where a substance is both a certifiable drug and a food additive, the submission of the information required by the regulations appearing in Parts 146, 146a, 146b, 146c, 146d, and 146e of this chapter will also be construed as a petition for the establishment of a regulation for the use of the substance as a food additive. An antibiotic application will not be permitted to become effective for a use that results in the substance becoming a food additive until a regulation is established under section 408 or section 409 of the act. The antibiotic application and the establishment of a regulation respecting the food additive use will be acted upon simultaneously.

(b) With respect to those uses of an antibiotic drug that result in its becoming a food additive, the provisions of the regulations in this part shall apply concerning the procedure to be followed in establishing a food-additive regulation. Upon determination that an antibiotic application contains a petition for the establishment of a food-additive regulation, the Division of Antibiotics of the Food and Drug Administration shall so notify the applicant prior to the effective date of the application and shall inform him that his application with respect to the uses of the antibiotic which result in its becoming a food additive will be processed under the regulations in this part. Upon the issuance of a food-additive regulation, the Division of Antibiotics will notify the applicant that his application is effective to the extent allowed by the regulation. In the event the proceeding for the food-additive regulation results in the denial of a regulation allowing the use of the antibiotic drug as a food additive, the applicant shall be notified that the denial of his antibiotic application is final with respect to the use of such drug for use resulting in its becoming a food additive.

§ 121.10 Fluorine-containing compounds; statement of policy.

The Commissioner of Food and Drugs has concluded that it is in the interest of the public health to limit the addition of fluorine compounds to foods (a) to that resulting from the fluoridation of public water supplies as stated in § 3.27 of this chapter and (b) to that authorized by regulations under section 408 of the Federal Food, Drug, and Cosmetic Act (21 CFR Part 120). It is further concluded that with the exception of certain dentifrices which have been excluded from prescription-dispensing requirements, preparations containing added fluorine compounds should be limited to sale on the prescription of practitioners licensed by law to administer drugs and in accordance with sections 503 and 505 of the Federal Food, Drug, and Cosmetic Act.

§ 121.51 Petitions proposing regulations for food additives.

(a) Petitions to be filed with the Commissioner under the provisions of section 409(b) of the act shall be submitted in triplicate. If any part of the material submitted is in a foreign language, it shall be accompanied by an accurate and complete English translation. The petition shall state petitioner's post-office address to which published notices or orders issued or objections filed pursuant to section 409 of the act may be sent.

(b) Pertinent information may be incorporated in, and will be considered as part of, a petition on the basis of specific reference to such information submitted to and retained in the files of the Food and Drug Administration. However, any reference to unpublished information furnished by a person other than the applicant will not be considered unless use of such information is authorized in a written statement signed by the person who submitted it. Any reference to published information offered in support of a food-additive petition should be accompanied by reprints or photostatic copies of such references.

(c) Petitions shall include the following data and be submitted in the following form:

_____
(Date)

Name of petitioner _____
Post-office address _____
Date _____
Name of food additive and proposed use ____
_____
_____

Petitions Control Branch
Food and Drug Administration
Department of Health, Education, and Welfare
Washington, D.C. 20204.

DEAR SIRS:

The undersigned, _____ submits this petition pursuant to section 409(b)(1) of the Federal Food, Drug, and Cosmetic Act with respect to _____
_____
(Name of the food additive and proposed use)

Attached hereto, in triplicate, and constituting a part of this petition, are the following:

A. The name and all pertinent information concerning the food additive, including chemical identity and composition of the food additive, its physical, chemical, and biological properties, and specifications prescribing the minimum content of the desired component(s) and identifying and limiting the reaction byproducts and other impurities. Where such information is not available, a statement as to the reasons why it is not should be submitted.

When the chemical identity and composition of the food additive is not known, the petition shall contain information in sufficient detail to permit evaluation regarding the method of manufacture and the analytical controls used during the various stages of manufacturing, processing, or packing of the food additive which are relied upon to establish that it is a substance of reproducible composition. Alternative methods and controls and variations in methods and controls within reasonable limits that do not affect the characteristics of the substance or the reliability of the controls may be specified.

If the food additive is a mixture of chemicals, the petition shall supply a list of all substances used in the synthesis, extraction, or other method of preparation, regardless of whether they undergo chemical change in the process. Each substance should be identified by its common English name and complete chemical name, using structural formulas when necessary for specific identification. If any proprietary preparation is used as a component, the proprietary name should be followed by a complete quantitative statement of composition. Reasonable alternatives for any listed substance may be specified.

If the petitioner does not himself perform all the manufacturing, processing, and packing operations for a food additive, the petition shall identify each person who will perform a part of such operations and designate the part.

The petition shall include stability data, and, if the data indicate that it is needed to insure the identity, strength, quality, or purity of the additive, the expiration date that will be employed.

B. The amount of the food additive proposed for use and the purposes for which it is proposed, together with all directions, recommendations, and suggestions regarding the proposed use, as well as specimens of the labeling proposed for the food additive and any labeling that will be required by applicable provisions of the Federal Food, Drug,

and Cosmetic Act on the finished food by reason of the use of the food additive. If the additive results or may reasonably be expected to result from the use of packaging material, the petitioner shall show how this may occur and what residues may reasonably be anticipated.

(Typewritten or other draft-labeling copy will be accepted for consideration of the petition, provided a statement is made that final printed labeling identical in content to the draft copy will be submitted as soon as available and prior to the marketing of the food additive.)

If the food additive is one for which a tolerance limitation is required to assure its safety, the level of use proposed should be no higher than the amount reasonably required to accomplish the intended physical or other technical effect, even though the safety data may support a higher tolerance.)

C. Data establishing that the food additive will have the intended physical or other technical effect or that it may reasonably be expected to become a component, or to affect the characteristics, directly or indirectly, of food and the amount necessary to accomplish this. These data should include information in sufficient detail to permit evaluation with control data.

D. A description of practicable methods to determine the amount of the food additive in the raw, processed, and/or finished food and of any substance formed in or on such food because of its use. The test proposed shall be one that can be used for food-control purposes and that can be applied with consistent results by any properly equipped and trained laboratory personnel.

E. Full reports of investigations made with respect to the safety of the food additive.

(A petition may be regarded as incomplete unless it includes full reports of adequate tests reasonably applicable to show whether or not the food additive will be safe for its intended use. The reports ordinarily should include detailed data derived from appropriate animal and other biological experiments in which the methods used and the results obtained are clearly set forth. The petition shall not omit without explanation any reports of investigations that would bias an evaluation of the safety of the food additive.)

F. Proposed tolerances for the food additive, if tolerances are required in order to insure its safety. A petitioner may include a proposed regulation.

G. If submitting petition to modify an existing regulation issued pursuant to section 409(c)(1)(A) of the act, full information on each proposed change that is to be made in the original regulation must be submitted. The petition may omit statements made in the original petition concerning which no change is proposed. A supplemental petition must be submitted for any change beyond the variations provided for in the original petition and the regulation issued on the basis of the original petition.

Yours very truly,

Petitioner ----------

By ----------

(Indicate authority)

(d) The petitioner will be notified of the date on which his petition is filed; and an incomplete petition, or one that has not been submitted in triplicate, will usually be retained but not filed as a petition under section 409 of the act. The petitioner will be notified in what respects his petition is incomplete.

(e) The petition must be signed by the petitioner or by his attorney or agent, or (if a corporation) by an authorized official.

(f) The data specified under the several lettered headings should be submitted on separate sheets or sets of sheets, suitably identified. If such data have already been submitted with an earlier application, the present petition may incorporate it by specific reference to the earlier. If part of the data have been submitted by the manufacturer of the food additive as a master file, the petitioner may refer to the master file if and to the extent he obtains the manufacturer's written permission to do so. The manufacturer may authorize specific reference to the data without disclosure to the petitioner. Nothing herein shall prevent reference to published data.

(g) A petition shall be retained but shall not be filed if any of the data prescribed by section 409(b) of the act are lacking or are not set forth so as to be readily understood.

(h) Data in a petition regarding any method or process entitled to protection as a trade secret will be held confidential and not revealed unless it is necessary to do so in the record of an administrative hearing preliminary to judicial proceedings under section 409 of the act. Other data in the petition will not be revealed to persons other than the petitioner and persons engaged in the enforcement of the act beyond that which is necessary to comply with section 409(b)(5) (notice of the regulation proposed) and 409(c)(1) (order acting on the petition).

(i)(1) Except where the petition involves a new drug, within 15 days after receipt, the Commissioner will notify the petitioner of acceptance or nonacceptance of a petition, and if not accepted the reasons therefor. If accepted, the date of the notification letter sent to petitioner becomes the date of filing for the purposes of section 409(b)(5) of the act. If the petitioner desires, he may supplement a deficient petition after being notified regarding deficiencies. If the supplementary material or explanation of the petition is deemed acceptable, petitioner shall be notified. The date of such notification becomes the date of filing. If the petitioner does not wish to supplement or explain the petition and requests in writing that it be filed as submitted, the petition shall be filed and the petitioner so notified. The date of such notification becomes the date of filing. Where the petition involves a new drug, notification to the petitioner will be made within 30 days.

(2) The Commissioner will publish in the FEDERAL REGISTER within 30 days from the date of filing of such petition, a notice of the filing, the name of the petitioner, and a brief description of the proposal in general terms. In the case of a food additive which becomes a component of food by migration from packaging material, the notice shall include the name of the migratory substance, and where it is different from that of one of the original components, the name of the parent component, the maximum quantity of the migratory substance that is proposed for use in food, and the physical or other technical effect which the migratory substance or its parent component is intended to have in the packaging material. A copy of the notice will be mailed to the petitioner when the original is forwarded to the FEDERAL REGISTER for publication.

(j) The Commissioner may request a full description of the methods used in, and the facilities and controls used for, the production of the food additive, or a sample of the food additive, articles used as components thereof, or of the food in which the additive is proposed to be used, at any time while a petition is under consideration. The Commissioner shall specify in the request for a sample of the food additive, or articles used as components thereof, or of the food in or on which the additive is proposed to be used, a quantity deemed adequate to permit tests of analytical methods to determine quantities of the food additive present in foods for which it is intended to be used or adequate for any study or investigation reasonably required with respect to the safety of the food additive or the physical or technical effect it produces. The data used for computing the 90-day limit for the purposes of section 409(c)(2) of the act shall be moved forward 1 day for each day after the mailing date of the request taken by the petitioner to submit the sample. If the information or sample is requested a reasonable time in advance of the 180 days, but is not submitted within such 180 days after filing of the petition, the petition will be considered withdrawn without prejudice.

(k) The Commissioner will forward for publication in the FEDERAL REGISTER, within 90 days after filing of the petition (or within 180 days if the time is extended as provided for in section 409(c)(2) of the act), a regulation prescribing the conditions under which the food additive may be safely used (including, but not limited to, specifications as to the particular food or classes of food in or on which such additive may be used, the maximum quantity that may be used or permitted to remain in or on such food, the manner in which such additive may be added to or used in or on such food, and any directions or other labeling or packaging requirements for such additive deemed necessary by him to assure the safety of such use), and prior to the forwarding of the order to the FEDERAL REGISTER for publication shall notify the petitioner of such order and the reasons for such action; or by order deny the petition, and shall notify the petitioner of such order and of the reasons for such action.

(l) If the Commissioner determines that additional time is needed to study and investigate the petition, he shall by by written notice to the petitioner extend the 90-day period for not more than 180 days after the filing of the petition.

§ 121.52 Withdrawal of petitions without prejudice.

(a) In some cases the Commissioner will notify the petitioner that the petition, while technically complete, is inadequate to justify the establishment of a regulation or the regulation requested by petitioner. This may be due to the fact that the data are not sufficiently

clear or complete. In such cases, the petitioner may withdraw the petition pending its clarification or the obtaining of additional data. This withdrawal will be without prejudice to a future filing. Upon refiling, the time limitation will begin to run anew from the date of refiling.

(b) At any time before the order provided for in § 121.51(k) has been forwarded to the FEDERAL REGISTER for publication, the petitioner may withdraw the petition without prejudice to a future filing. Upon refiling, the time limitation will begin to run anew.

§ 121.53 Substantive amendments to petitions.

After a petition has been filed, the petitioner may submit additional information or data in support thereof. In such cases, if the Commissioner determines that the additional information or data amounts to a substantive amendment, the petition as amended will be given a new filing date, and the time limitation will begin to run anew.

§ 121.54 Effective date.

A regulation published in accordance with § 121.51(k) shall become effective upon publication in the FEDERAL REGISTER.

§ 121.55 Objections to regulations and requests for hearings.

(a) Objections to an order promulgated pursuant to section 409(f)(1) of the act shall be submitted in quintuplicate to the Hearing Clerk of the Department at the address specified in such order. Each objection to a provision of the regulation shall be separately numbered.

(b) A statement of objections shall not be accepted for filing if:

(1) It is received for filing more than 30 days after the date of publication of the order in the FEDERAL REGISTER.

(2) It fails to establish that the objector will be adversely affected by the regulation.

(3) It does not specify with particularity the provisions of the regulation to which objection is taken.

(4) It does not state reasonable grounds for each objection raised. Grounds that it is reasonable to conclude are capable of being established by reliable evidence at the hearing, and which if proved would call for changing the provisions specified in the objections, will be deemed reasonable grounds.

(c) If the statement of objections may not be filed, the Commissioner shall inform the objector of the reasons.

(d) If objections to a regulation issued pursuant to the filing of a petition are filed by a person other than the petitioner, the Food and Drug Administration shall send a copy of the objections by certified mail to the petitioner at the address given in the petition. Petitioner shall have 2 weeks from the date of receipt by him of the objections to make written reply.

§ 121.56 Public hearing; notice.

If the objections and statements filed by any person, when they are considered with the record in the proceeding (including any reply to the objections that the petitioner may have filed), show that the person filing the objections is adversely affected and that the grounds stated in support of the objections are reasonable, and a public hearing on the objections is requested, the Commissioner shall cause to be published in the FEDERAL REGISTER a notice reciting the objections and announcing a public hearing to receive evidence on them. The notice shall designate the place where the hearing will be held, specify the time within which appearances must be filed, and specify the time (not earlier than 30 days after the date of publication of the notice in the FEDERAL REGISTER) when the hearing will commence. The hearing will convene at the place and time announced in the notice, but thereafter it may be moved to a different place and may be continued from day to day or recessed to a later day without other notice than announcement thereof by the presiding officer at the hearing. Included in such notice shall be a statement indicating whether the regulation to which objection was taken shall be stayed pending the outcome of the hearing.

§ 121.57 Presiding officer.

The hearing shall be conducted by a presiding officer, who shall be a hearing examiner appointed as provided in the Administrative Procedure Act (sec. 11, 60 Stat. 244, as amended; 5 U.S.C. 1010 et seq.) and designated by the Commissioner for conducting the hearing. Any such designation may be made or revoked by the Commissioner at any time. Hearings shall be conducted in an informal but orderly manner in accordance with the regulations in this part and the requirements of the Administrative Procedure Act. The presiding officer shall have the power to administer oaths and affirmations, to rule upon offers of proof and admissibility of evidence, to receive relevant evidence, to examine witnesses, to regulate the course of the hearing, to hold conferences for the simplification of the issues, and to dispose of procedural requests, but he shall not have power to decide any motion that involves final determination of the merits of the proceeding.

§ 121.58 Parties; burden of proof; appearances.

At the hearing, the person whose objections raised the issues to be determined shall be, within the meaning of section 7(c) of the Administrative Procedure Act, the proponent of the order sought, and accordingly shall have the burden of proof. Any interested person shall be given an opportunity to appear at the hearing, either in person or by his authorized representative, and to be heard with respect to matters relevant to the issues raised by the objections. Any interested person who desires to be heard at the hearing in person or through a representative shall, within the time specified in the notice of hearing, file with the presiding officer a written notice of appearance setting forth his name, address, and employment. If such person desires to be heard through a representative, such person or such representative shall file with the presiding officer a written appearance setting forth the name, address, and employment of such person. Any person or representative shall state with particularity in the notice of appearance his interest in the proceeding and shall set forth the specific provisions of the regulation concerning which objections have been made on which such person desires to be heard. The notice of appearance shall also set forth with particularity the position to be taken concerning the objections on which he wishes to be heard. No person shall be heard if he failed to file notice of his appearance within the time prescribed, in the absence of a clear showing of good cause why the notice of appearance was not filed. All present at the hearing shall conform to all reasonable standards of orderly and ethical conduct.

§ 121.59 Request for stay of effectiveness of regulation pending a hearing.

When a hearing is requested under § 121.55, the request may also include a request for a stay of effectiveness of the order, in whole or in part, which request shall include the reasons for the stay together with a showing that the stay involves no hazard to the public health.

§ 121.60 Prehearing and other conferences.

(a) The presiding officer, on his own motion or on the motion of any party or his representative, may direct all parties or their representatives to appear at a specific time and place for a prehearing conference to consider:

(1) The simplification of the issues.

(2) The possibility of obtaining stipulations, admissions of facts, and documents.

(3) The possibility of the limitation of the number of witnesses.

(4) The scheduling of witnesses to be called.

(5) The advance submission of all documentary evidence.

(6) Such other matters as may aid in the disposition of the proceeding.

The presiding officer shall make an order reciting the action taken at the conference, the agreements made by the parties or their representatives, and the scheduling of witnesses, and limiting the issues for hearing to those not disposed of by admissions or agreements. Such order shall control the subsequent course of the proceeding unless modified for good cause by subsequent order.

(b) The presiding officer may also direct all parties and their representatives to appear at conferences at any time during the hearing with a view to simplification, clarification, or shortening of the hearing.

§ 121.61 Submission of documents in advance of hearing.

(a) All documents to be offered at the hearing shall be submitted to the presiding officer and to the interested parties sufficiently in advance of the offer of such

documents for introduction into the record to permit study and preparation of cross-examination and rebuttal evidence.

(b) The presiding officer, after consultation with the parties at a conference called in accordance with § 121.60, shall make an order specifying the time at which documents shall be submitted. He shall also specify in his order the time within which objection to the authenticity of such documents must be made to comply with paragraph (d) of this section.

(c) Documents not submitted in advance in accordance with the requirements of paragraphs (a) and (b) of this section shall not be received in evidence in the absence of a clear showing that the offering party had good cause for his failure to produce the documents sooner.

(d) The authenticity of all documents submitted in advance shall be deemed admitted unless written objection thereto is filed with the presiding officer upon notice to the other parties within the time specified by the presiding officer in accordance with paragraph (b) of this section, except that a party will be permitted to challenge such authenticity at a later time upon a clear showing of good cause for failure to have filed such written objection.

§ 121.62 Excerpts from documents.

When portions only of a document are to be relied upon, the offering party shall prepare the pertinent excerpts, adequately identified, and shall supply copies of such excerpts, together with a statement indicating the purpose for which such materials will be offered, to the presiding officer and to the other parties. Only the excerpts, so prepared and submitted, shall be received in the record. However, the whole of the original document should be made available for examination and for use by opposing counsel for purposes of cross-examination.

§ 121.63 Submission and receipt of evidence.

(a) Each witness shall, before proceeding to testify, be sworn or make affirmation.

(b) When necessary to prevent undue prolongation of the hearing, the presiding officer may limit the number of times any witness may testify, the repetitious examination and cross-examination of witnesses, or the amount of corroborative or cumulative evidence.

(c) The presiding officer shall admit only evidence which is relevant, material, and not unduly repetitious.

(d) Opinion evidence shall be admitted when the presiding officer is satisfied that the witness is properly qualified.

(e) The presiding officer shall file as an exhibit a copy of the FEDERAL REGISTER promulgating the regulation to which objections were taken and the objections that form the basis for the hearing. All documents constituting the record bearing on the point in controversy, and not entitled to protection under section 301(j) of the act, accumulated up to the start of the hearing shall be open for inspection by interested persons during office hours in the office of the Hearing Clerk of the Department, Room 5440, 330 Independence Avenue SW., Washington 25, D.C.

(f) If any person objects to the admission or rejection of any evidence or to other limitation of the scope of any examination or cross-examination, he shall state briefly the grounds for such objection, and the transcript shall not include extended argument or debate thereon except as ordered by the presiding officer. A ruling of the presiding officer on any such objection shall be a part of the transcript, together with such offer of proof as has been made.

§ 121.64 Transcript of the testimony.

Testimony given at a public hearing shall be reported verbatim. All written statements, charts, tabulations, and similar data offered in evidence at the hearing shall be marked for identification and, upon a showing satisfactory to the presiding officer of their authenticity, relevancy, and materiality, shall be received in evidence subject to the Administrative Procedure Act (sec. 7(c), 60 Stat. 238; 5 U.S.C. 1008(c)). Exhibits shall if practicable, be submitted in quintuplicate. In case the required number of copies are not made available, the presiding officer shall exercise his discretion in determining whether said exhibit shall be read in evidence or whether additional copies shall be required to be submitted within a time to be specified by the presiding officer. Where the testimony of a witness refers to a statute, or to a report or document, the presiding officer shall, after inquiry relating to the identification of such statute, report, or document, determine whether the same shall be produced at the hearing and physically be made a part of the evidence by reference. Where relevant and material matter offered in evidence is embraced in a report or document containing immaterial and irrelevant matter, such immaterial and irrelevant matter shall be excluded and shall be segregated insofar as practicable, subject to the direction of the presiding officer.

§ 121.65 Oral and written arguments.

(a) Unless the presiding officer issues an announcement at the hearing authorizing oral argument before him, it shall not be permitted.

(b) The presiding officer shall announce at the hearing a reasonable period within which interested persons may file written arguments based solely upon the evidence received at the hearing, citing the pages of the transcript of the testimony or properly identified exhibits where such evidence occurs.

§ 121.66 Indexing of record.

(a) Whenever it appears to the presiding officer that the record of hearing will be of such length that an index to the record will permit a more orderly analysis of the evidence and reduce delay, the presiding officer shall require counsel for the parties to prepare a daily topical index, which will be available to the presiding officer and all parties. Preparation of such an index shall be apportioned among all counsel present in such manner as appears just and proper in the circumstances.

(b) The index shall include each topic of testimony upon which evidence is taken, the name of each witness testifying upon the topic, the page of the record at which each portion of his testimony appeared, and the number of each exhibit relating to the topic. The index shall also contain the name of each witness, followed by the topics upon which he testified and the page of the record at which such testimony appears.

§ 121.67 Certification of record.

At the close of the hearing, the presiding officer shall afford witnesses and their counsel a short time (not longer than 30 days, except in unusual cases) in which to point out errors that may have been made in transcribing the testimony. The presiding officer shall promptly thereafter order such corrections made as in his judgment are required to make the transcript conform to the testimony, and he shall certify the transcript of testimony and the exhibits to the Commissioner.

§ 121.68 Filing the record of the hearing.

As soon as practicable after the close of the hearing, the complete record of the hearing shall be filed in the office of the Hearing Clerk. The record shall include the transcript of the testimony, all exhibits, and any written arguments that may have been filed.

§ 121.69 Copies of the record of the hearing.

The Department will make provision for a stenographic record of the testimony and for such copies of the transcript thereof as it requires for its own purposes. Any person desiring a copy of the record of the hearing or of any part thereof shall be entitled to the same upon payment of the costs thereof.

§ 121.70 Proposed order after public hearing.

As soon as practicable after the time for filing written arguments has ended, the Commissioner shall prepare and cause to be published in the FEDERAL REGISTER a proposed order which shall set forth in detail the findings of fact and conclusions, and recommend decision on the objections that were the subject of the hearing and tentative regulations. The proposed order shall specify a reasonable time, ordinarily not to exceed 60 days, within which any interested person may file exceptions. The exceptions shall point out with particularity the alleged errors in said proposed order and shall contain a specific reference to the pages of the transcript of the testimony or to the exhibits on which each exception is based. Such exceptions may be accompanied by a memorandum or brief.

§ 121.71 Final order after public hearing.

As soon as practicable after the time for filing exceptions has passed, the record and the exceptions shall be presented to the Secretary and he shall cause to be published in the FEDERAL REGISTER his final order promulgating the regulation, which shall specify the date on which the order shall take effect.

§ 121.72 Adoption of regulation on initiative of Commissioner.

(a) The Commissioner upon his own initiative may propose the issuance of a regulation prescribing, with respect to any particular use of a food additive, the conditions under which such additive may be safely used. Notice of such proposal shall be published in the FEDERAL REGISTER and shall state the reasons for the proposal.

(b) Action upon a proposal made by the Commissioner shall, after publication of the notice, proceed as provided in § 121.51 and section 409 of the act.

§ 121.73 Judicial review.

The Secretary of Health, Education, and Welfare hereby designates the Assistant General Counsel for Food and Drugs of the Department of Health, Education, and Welfare as the officer upon whom copy of petition for judicial review shall be served. Such officer shall be responsible for filing in the court a transcript of proceedings and the record on which the order of the Secretary of Health, Education, and Welfare is based. The transcript and record shall be certified by the Secretary.

§ 121.74 Procedure for amending and repealing tolerances or exemptions from tolerances.

(a) The Commissioner or any interested person may propose the issuance of a regulation amending or repealing a regulation pertaining to a food additive or granting or repealing an exemption for such additive. Such a proposal by an interested person shall be in writing. If such proposal by an interested person furnishes reasonable grounds therefor, the Commissioner will publish a notice announcing the proposal. Proposals initiated by the Commissioner will likewise be published. Following such publication, the proceedings shall be the same as prescribed by section 409 of the act and the regulations in this part for the promulgation of a regulation.

(b) "Reasonable grounds" shall include an explanation showing wherein the person has a substantial interest in such regulation and an assertion of facts (supported by data if available) showing that new information exists with respect to the food additive or that new uses have been developed or old uses abandoned, that new data are available as to toxicity of the chemical, or that experience with the existing regulation or exemption may justify its amendment or repeal. New data should be furnished in the form specified in § 121.51 for submitting petitions.

§ 121.75 Exemption for investigational use.

A food additive, or a food containing such an additive intended for investigational use by qualified experts, shall be exempt from the requirements of section 409 of the act: *Provided*, That the food additive or the food containing the additive bears a label which states prominently "Caution—Contains new food additive—For investigational use only. Not to be used for human food or food for other than laboratory animals."

§ 121.84 Further extension of effective date of statute for certain specified food additives.

(a) All extensions of the effective date of section 409 of the act (as amended by Public Law 88-625) are limited to those additives listed in § 121.90 for direct additives and § 121.91 for indirect additives. Public Law 88-625 provides that a food additive previously granted an extension to June 30, 1964, may be further extended but not beyond December 31, 1965, provided that the applicable findings required by the statute can be made. Extensions may be made beyond June 30, 1964, on food additives meeting the requirements of this section, provided that the following data are submitted:

(1) The specific name (not trade name) or chemical designation of the substance involved, the specific use or uses for which an extension is desired, and the amount and purpose of the substance involved in each such usage.

(2) A statement detailing actions taken and dates thereof to determine the applicability of the food additives amendment to such use or uses or to develop the scientific data necessary for action, together with the results of such actions to date.

(3) A statement outlining additional work in progress, detailing its nature, when started, by whom it is being conducted, and the results to date.

(4) A statement of the amount of time for which further extension is needed. (Include only the time expected to be needed to determine that the substance is not a food additive or to submit a petition for an appropriate regulation to the Food and Drug Administration. Do not include any estimated time for processing a petition by the Food and Drug Administration.)

(b) Requests for extension may be submitted by any interested person who has the necessary facts, whether or not he obtained or requested the extension previously.

(c) Current extensions will be limited to a time period not exceeding June 30, 1965, but these may be reextended to December 31, 1965, upon request made prior to June 30, 1965, if a progress report as of June 30, 1965, accompanies the request, and if all relevant facts justify such reextension.

(d) If any of the information described in this section is included in petitions for food additive regulations or applications for extensions already submitted to the Commissioner, this information may be incorporated by reference.

(e) Decisions on requests for further extensions, including the amount of time for which each extension is granted, will be published in the FEDERAL REGISTER. All requests for extensions should be addressed to the Petitions Control Branch, Food and Drug Administration, Washington, D.C., 20204.

§ 121.89 Substances refused extension of time for compliance.

On the basis of data before him, the Commissioner cannot find that there is no undue risk to the public health in extending the effective date of the Food Additives Amendment of 1958 as it applies to safrole, oil of sassafras, dihydrosafrole, and iso-safrole. The requests for extensions are denied, and any prior sanction or approval of the use of these articles in food is hereby canceled.

§ 121.90 Further extensions of effective date of statute for certain food additives as direct additives to food.

On the basis of data supplied following enactment of Public Law 88-625 (78 Stat. 1002; 21 U.S.C. 342, note), and consistent with the provisions of that statute and the policy prescribed in § 121.84, and findings that no undue risk to the public health is involved in the interim use of the following food additives, the food additives listed may be used in foods, in accordance with good manufacturing practice, under the specified use conditions until December 31, 1965, or until regulations shall have been issued establishing or denying tolerances or exemptions from the requirements of tolerances, in accordance with section 409 of the act, whichever occurs first:

Product	Specified uses or restrictions
MISCELLANEOUS	
Alkyl (C_8–C_{15}) phenolethylene oxide (4 to 15) and (30 to 50) condensation products.	Spray adjuvant on fresh fruits and vegetables; limit 1 p.p.m. in food.
1,1-*Bis*(*p*-chlorophenyl)-2,2,2-trichloroethanol	From use on fresh mint leaves for control of mites; limit 100 p.p.m. as residue in mint oil
Bromide, inorganic	Resulting from fumigation with methyl bromide and or ethylene dibromide, to control pest infestations; limit 50 p.p.m. in processed food.
Petroleum hydrocarbon resin, aliphatic (mol. wt. approx. 1100).	Component of chewing gum base.
Polyglyceryl phthalate ester of edible coconut oil fatty acids diluted with ethylene dichloride.	Spray adjuvant on fruits and vegetables; limit 1 p.p.m. of ester.
Polyoxyethylated dodecyl-, nonyl-, and octylphenol (mol. wt. 426–1184).	Surface active agent in commercial detergents for raw products; use of detergent followed by water rinse.

MISCELLANEOUS

Product	Specified uses or restrictions
Sodium 2-ethyl-1-hexylsulfate	In solutions for peeling fruits and vegetables; use followed by water rinse.

FLAVORING SUBSTANCES AND NATURAL SUBSTANCES USED IN CONJUNCTION WITH FLAVORS

Aloe and aloe extract; *Aloe perryi* Baker, *A. barbadensis* Mill., *A. ferox* Mill., and hybrids of this species with *A. africana* Mill., and *A. spicata* Baker.	In alcoholic beverages only.
Aloe, cape; *Aloe ferox* Mill., and its hybrids with *A. africana* Mill., and *A. spicata* Baker.	Do.
Aloin; *Aloe perryi* Baker, *A. barbadensis* Mill., *A. ferox* Mill., and hybrids of this species with *A. africana* Mill., and *A. spicata* Baker.	Do.
Angola weed; *Roccella fuciformis* Ach	Do.
Boldus (boldo leaves); *Peumus boldus* Mol	Do.
Bryonia (bryony); *Bryonia alba* L	Do.
Calamus (sweetflag) and calamus oil; *Acorus calamus* L	Do.
Cassia fistula (goldenshower senna); *Cassia fistula* L	Do.
Chestnut leaves, leaves extract, and leaves extract, solid; *Castanea dentata* (Marsh.) Borkh.	
Cocillana bark; *Guarea rusbyi* (Britt.) Rusby	Do.
Damiana leaves; *Turnera diffusa* Willd	
Forgetmenot; *Myosotis* spp	Do.
Hart's-tongue; *Phyllitis scolopendrium* (L.) Newm	Do.
Lungmoss (lungwort); *Sticta pulmonaria* Ach	Do.
Meadowsweet, European (*Spirea ulmaria*); *Filipendula ulmaria* (L.) Maxim.	Do.
Melilot herb (yellow melilot); *Melilotus officinalis* (L.) Lam.	Do.
Opopanax (bisabol-myrrh) gum and oil; *Opopanax chironium* Koch (true opopanax), or *Commiphora erythraea* Eng., var. *glabrescens*.	
Passion flower herb extract; *Passiflora incarnata* L	
Quillaia extract (soapbark extract, China bark extract). *Quillaja saponaria* Molina.	Do.
Red saunders (red sandalwood); *Pterocarpus santalinus*, L. f.	Do.
Stargrass (starwort); *Aletris farinosa* L	Do.
Tansy flowers and oil; *Tanacetum vulgare* L	Thujone free. In alcoholic beverages only.
Tansy flowers extract and extract, solid; *Tanacetum vulgare* L.	Do.
Walnut hull, extract; walnut leaves, extract; walnut husks; and walnuts, green; *Juglans* spp.	In alcoholic beverages only.

SYNTHETIC FLAVORING SUBSTANCES AND ADJUVANTS

Acetophenone (phenyl methyl ketone)	
Allyl butyrate	
Allyl caproate (2-propenyl hexanoate, allyl hexanoate).	
Allyl heptylate (allyl heptoate, allyl oenanthate, allyl heptanoate).	
Beechwood creosote, *Fagus* spp	
Benzyl disulfide	
Benzyl isoeugenol (isoeugenol benzyl ether, 1-benzyloxy-2-methoxy-4-propenyl benzene).	
Cade oil (juniper tar, empyreumatic wood oil); *Juniperus oxycedrus* L.	
Caryophyllene acetate	
Caryophyllene alcohol	

SYNTHETIC FLAVORING SUBSTANCES AND ADJUVANTS

Product	Specified uses or restrictions
Cedarwood oil terpenes	
Cedarwood oil alcohols	
Cinnamyl benzoate	
Dihydrocoumarin (benzodihydropyrone)	
Ethyl brassylate	
Ethyl crotonate	
Ethyl undecylate	
Eugenyl acetate (acetyl eugenol)	
Furfural	
Furfuryl mercaptan	
Guaiacyl acetate	
Guaiene	
Guaiyl acetate	
Heptylidene acetone	
Isojasmone	
Linalyl cinnamate	
Methoxy styryl isopropyl ketone	
6-Methyl coumarin	
6-Methyl furfural	
Methyl furoate	
3-Methyl-5-propyl-cyclohex-2-enone	
β-Naphthyl ethyl ether (neroiin, ethyl-2-naphthyl ether).	
β-Naphthyl methyl ether (yara-yara)	
Propylidene phthalide	
Styrene	
Thiophenol	
Undecylenic alcohol	

§ 121.91 Further extensions of effective date of statute for certain food additives as indirect additives to food.

On the basis of data supplied following enactment of Public Law 88-625 (78 Stat. 1002; 21 U.S.C. 342, note), and consistent with the provisions of that statute and the policy prescribed in § 121.84, and findings that no undue risk to the public health is involved in the interim use of the following food additives, the food additives listed may be used in connection with the production, packaging, and storage of food products, in accordance with good manufacturing practice, under the specified use conditions until December 31, 1965, or until regulations shall have been issued establishing or denying tolerances or exemptions from the requirements of tolerances, in accordance with section 409 of the act, whichever occurs first:

Product	Specified uses or restrictions
Alkyl (C_8-C_{13}) phenolethylene oxide (4 to 15) and (30 to 50) condensation product, phosphate ester.	Component of food-packaging materials.
Alkyl (C_8-C_{13}) phenolethylene oxide condensation products (4 to 15) and (30 to 50).	Do.
Allethrin	Component of insecticide for control of infestation in food-storage and food-processing areas; limit 2 p.p.m. on food.
Anhydroformaldehyde aniline resin	Component of phenolic molding compound for use in processing, holding, packaging, or transporting food.
Asbestos fiber	Do.
Barium hydroxide	Do.

Product	Specified uses or restrictions
Glyoxal	As an insolubilizing agent for starch or protein in coatings for paper and paperboard in food packaging; limit 10% of the weight of starch or protein fraction of the binder system.
Hexamethylenetetramine	Component of phenolic molding compound for use in processing, holding, packaging, or transporting food.
Mineral oil consisting of virgin petroleum distillates refined to meet the following ultraviolet absorbance limits as determined by analytical methods available on request from the Commissioner of Food and Drugs:	For uses wherever mineral oil is permitted for use as a component of nonfood articles complying with §§ 121.2519, 121.2520, 121.2531 (for use only in rolling of metallic foil and sheet stock), 121.2535, 121.2536, 121.2557, and 121.2562.

Wavelength	Maximum absorbance per cm. optical pathlength
280–299 mμ	1.0
300–359 mμ	.8
360–400 mμ	.1

Mineral oil meeting the following specifications: Virgin distillate from petroleum; no cracked products present; distillation endpoint at 760 mm. not to exceed 700° F. with residue not to exceed 2% as determined by ASTM Method D-86-IP-123.	Component of burlap bags for packaging dry food.
N-Octylbicycloheptene dicarboximide	Component of insecticide for control of infestation in food-storage and food-processing areas; limit 20 p.p.m. in food.
Oxalic acid	Component of phenolic molding compound for use in processing, holding, packaging, or transporting food.
Petroleum hydrocarbons, aliphatic: Initial boiling point 315° F. minimum; final boiling point 650° F. maximum; ultraviolet absorptivity 0.04 liter per gram centimeter maximum at 290 millimicrons.	Adjuvant for insecticides in food-processing plants; limit 1 p.p.m. residue on foods.
Petroleum polymerization resins obtained from the polymerization of dienes and olefins from low-boiling petroleum stocks.	Component of coating of paper and paperboard for food packaging.
p-Phenylethyl phenol	Component of phenolic molding compound for use in processing, holding, packaging, or transporting food.
Pigment blue 15 (phthalocyanine blue), Color Index No. 74160.	Colorant in food containers and equipment.
Pigment green 7 (phthalocyanine green), Color Index No. 74260.	Do.
Pigment green 17 (chromium oxide green), Color Index No. 77288.	Do.
Pigment orange 13 (benzidine orange), Color Index No. 21110.	Do.
Pigment red 48 (red 2B, rubine red), Color Index No. 15865.	Do.
Pigment violet 19 (quinacridone red), Color Index No. 46500.	Colorant for polyethylene in food packaging.
Pigment white 21 (barium sulfate), Color Index No. 77120.	Colorant in food containers and equipment.
Pigment yellow 12 (benzidine yellow), Color Index No. 21090.	Do.
Pigment yellow 14 (benzidine yellow OT), Color Index No. 21095.	Coloring in polyethylene for food packaging.
Pigment yellow 17 (benzidine yellow), Color Index No. 21105.	Colorant in food containers and equipment.
Piperonyl butoxide	Component of insecticide for control of infestation in food-storage and food-processing areas; limit 20 p.p.m. in food.
Polyoxyethylene (4) lauryl alcohol ether	Component of food-packaging materials.
Polyoxypropylene-polyoxyethylene block polymers (molecular weight 3200 to 3620).	As a plasticizer in coatings to be applied to paper and paperboard for food packaging.
Pyrethrins	Component of insecticide for control of infestation in food-storage and food-processing areas; limit 3 p.p.m. in food.
Resinous and polymeric substances prepared from optional substances as identified in § 121.2514.	Continuous film on the food-contact surface of a nonmetallic article used in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food.
Rosin partially dimerized by zinc chloride catalyst to a drop-softening point of 105° C.–120° C., and a color of N or paler.	As a component of coatings for food packaging.
Sodium nonylphenoxypolyethoxy (4 moles) sulfate	Emulsifier in coatings of paper and paperboard for food packaging.
Terpene resin produced by polymerization of α- and β-pinene and related terpenes.	Component of sizing agents, coatings, and adhesives used in food packaging.

Subpart B—Exemption of Certain Food Additives From the Requirement of Tolerances

§ 121.101 Substances that are generally recognized as safe.

(a) It is impracticable to list all substances that are generally recognized as safe for their intended use. However, by way of illustration, the Commissioner regards such common food ingredients as salt, pepper, sugar, vinegar, baking powder, and monosodium glutamate as safe for their intended use. The lists in paragraph (d) of this section include additional substances that, when used for the purposes indicated, in accordance with good manufacturing practice, are regarded by the Commissioner as generally recognized as safe for such uses.

(b) For the purposes of this section, good manufacturing practice shall be defined to include the following restrictions:

(1) The quantity of a substance added to food does not exceed the amount reasonably required to accomplish its intended physical, nutritional, or other technical effect in food; and

(2) The quantity of a substance that becomes a component of food as a result of its use in the manufacturing, processing, or packaging of food, and which is not intended to accomplish any physical or other technical effect in the food itself, shall be reduced to the extent reasonably possible.

(3) The substance is of appropriate food grade and is prepared and handled as a food ingredient. Upon request the Commissioner will offer an opinion, based on specifications and intended use, as to whether or not a particular grade or lot of the substance is of suitable purity for use in food and would generally be regarded as safe for the purpose intended, by experts qualified to evaluate its safety.

(c) The inclusion of substances in the list of nutrients does not constitute a finding on the part of the Department that the substance is useful as a supplement to the diet for humans.

(d) Substances that are generally recognized as safe for their intended use within the meaning of section 409 of the act are as follows:

Product	Tolerance	Limitations or restrictions
(1) ANTICAKING AGENTS		
Aluminum calcium silicate	2 percent	In table salt.
Calcium silicate	5 percent	In baking powder.
Calcium silicate	2 percent	In table salt.
Magnesium silicate	do	Do.
*Sodium aluminosilicate (sodium silicoaluminate).	do	
*Sodium calcium aluminosilicate, hydrated (sodium calcium silicoaluminate).	do	
Tricalcium silicate	do	Do.
(2) CHEMICAL PRESERVATIVES		
Ascorbic acid		
Ascorbyl palmitate		
Benzoic acid	0.1 percent.	
Butylated hydroxyanisole	Total content of antioxidants not over 0.02 percent of fat or oil content, including essential (volatile) oil content of food.	
Butylated hydroxytoluene	do	
Calcium ascorbate		
Calcium propionate		
*Calcium sorbate		
Caprylic acid		In cheese wraps.
Dilauryl thiodipropionate	Total content of antioxidants not over 0.02 percent of fat or oil content, including essential (volatile) oil content of the food.	
Erythorbic acid		
Gum guaiac	0.1 percent (equivalent antioxidant activity 0.01 percent).	In edible fats or oils.
*Methylparaben (methyl-p-hydroxybenzoate).	0.1 percent	
Nordihydroguaiaretic acid	Total content of antioxidants not over 0.02 percent of fat or oil content including essential (volatile) oil content of the food.	
Potassium bisulfite		Not in meats or in food recognized as source of vitamin B_1.
Potassium metabisulfite		Do.
Potassium sorbate		
Propionic acid		
Propyl gallate	Total content of antioxidants not over 0.02 percent of fat or oil content, including essential (volatile) oil content of the food.	
*Propylparaben (propyl p-hydroxybenzoate).	0.1 percent	
Sodium ascorbate		
Sodium benzoate	0.1 percent	
Sodium bisulfite		Do.
Sodium metabisulfite		Do.
Sodium propionate		
Sodium sorbate		
Sodium sulfite		Do.
Sorbic acid		
*Stannous chloride	0.0015 percent calculated as tin	
Sulfur dioxide		Do.
Thiodipropionic acid	Total content of antioxidants not over 0.02 percent of fat or oil content, including essential (volatile) oil content of the food.	
Tocopherols		
(3) EMULSIFYING AGENTS		
Cholic acid	0.1 percent	Dried egg whites.
Desoxycholic acid	do	Do.
Diacetyl tartaric acid esters of mono- and diglycerides of edible fats or oils, or edible fat-forming fatty acids.		
Glycocholic acid	0.1 percent	Do.
Mono- and diglycerides of edible fats or oils, or edible fat-forming acids.		
Monosodium phosphate derivatives of mono and diglycerides of edible fats or oils, or edible fat-forming fatty acids.		
Propylene glycol		
Ox bile extract	0.1 percent	Do.
Taurocholic acid (or its sodium salt)	do	Do.
(4) NONNUTRITIVE SWEETENERS		
*Ammonium saccharin		
Calcium cyclamate (calcium cyclohexyl sulfamate).		
Calcium saccharin		
*Magnesium cyclamate (magnesium cyclohexyl sulfamate).		
*Potassium cyclamate (potassium cyclohexyl sulfamate).		
Saccharin		
Sodium cyclamate (sodium cyclohexyl sulfamate).		
Sodium saccharin		
(5) NUTRIENTS AND/OR DIETARY SUPPLEMENTS [1]		
*Alanine (L- and DL-forms)		
*Arginine (L- and DL-forms)		
Ascorbic acid		
*Aspartic acid (L- and DL-forms)		
*Biotin		
Calcium carbonate		
*Calcium citrate		
*Calcium glycerophosphate		
Calcium oxide		
Calcium pantothenate		
Calcium phosphate (mono-, di-, tribasic).		
*Calcium pyrophosphate		
Calcium sulfate		
Carotene		
*Choline bitartrate		
*Choline chloride		
Copper gluconate	0.005 percent	
Cuprous iodide	0.01 percent	In table salt as a source of dietary iodine.
*Cysteine (L- form)		
*Cystine (L- and DL- forms)		
Ferric phosphate		
Ferric pyrophosphate		
Ferric sodium pyrophosphate		
*Ferrous gluconate		
*Ferrous lactate		
Ferrous sulfate		
*Glycine (aminoacetic acid)		In animal feeds.
*Histidine (L- and DL- forms)		
*Inositol		
Iron, reduced		
*Isoleucine (L- and DL-forms)		
*Leucine (L- and DL-forms)		
*Linoleic acid (prepared from edible fats and oils and free from chick-edema factor).		
Lysine (L- and DL-forms)		
*Magnesium oxide		
*Magnesium phosphate (di-, tribasic)		
*Magnesium sulfate		
*Manganese chloride		
*Manganese citrate		
*Manganese gluconate		
*Manganese glycerophosphate		
*Manganese hypophosphite		
*Manganese sulfate		
*Manganous oxide		
*Mannitol	5 percent	In special dietary foods.

*Substances added from February 2 and August 4, 1960, proposed lists.

[1] Amino acids listed may be free, hydrochloride salt, hydrated, or anhydrous form, where applicable.

Product	Tolerance	Limitations or restrictions
(5) NUTRIENTS AND/OR DIETARY SUPPLEMENTS [1]—con.		
*Methionine		Animal feeds.
*Methionine hydroxy analog and its calcium salts.		Do.
Niacin		
Niacinamide		
D-Pantothenyl alcohol		
*Phenylalanine (L- and DL-forms)		
Potassium chloride		
*Potassium glycerophosphate		
Potassium iodide	0.01 percent	In table salt as a source of dietary iodine.
*Proline (L- and DL-forms)		
Pyridoxine hydrochloride		
Riboflavin		
Riboflavin-5-phosphate		
*Serine (L- and DL-forms)		
Sodium pantothenate		
Sodium phosphate (mono-, di-, tribasic).		
Sorbitol	7 percent	In foods for special dietary use.
Thiamine hydrochloride		
Thiamine mononitrate		
*Threonine (L- and DL-forms)		
Tocopherols		
a-Tocopherol acetate		
*Tryptophane (L- and DL-forms)		
*Tyrosine (L- and DL- forms)		
*Valine (L- and DL-forms)		
Vitamin A		
Vitamin A acetate		
Vitamin A palmitate		
Vitamin B_{12}		
Vitamin D_2		
Vitamin D_3		
*Zinc sulfate		
*Zinc gluconate		
*Zinc chloride		
*Zinc oxide		
*Zinc stearate (prepared from stearic acid free from chickedema factor).		
(6) SEQUESTRANTS [2]		
Calcium acetate		
Calcium chloride		
Calcium citrate		
Calcium diacetate		
Calcium gluconate		
Calcium hexametaphosphate		
Calcium phosphate, monobasic		
Calcium phytate		
Citric acid		
Dipotassium phosphate		
Disodium phosphate		
Isopropyl citrate	0.02 percent	
Monoisopropyl citrate		
Potassium citrate		
Sodium acid phosphate		
Sodium citrate		
Sodium diacetate		
Sodium gluconate		
Sodium hexametaphosphate		
Sodium metaphosphate		
Sodium phosphate (mono-, di-, tribasic).		
Sodium potassium tartrate		
Sodium pyrophosphate		
Sodium pyrophosphate, tetra		
Sodium tartrate		
Sodium thiosulfate	0.1 percent	In salt.
Sodium tripolyphosphate		
Stearyl citrate	0.15 percent	
Tartaric acid		
(7) STABILIZERS		
*Acacia (gum arabic)		
Agar-agar		
*Ammonium alginate		
*Calcium alginate		
Carob bean gum (locust bean gum)		
Chondrus extract (carrageenin)		
*Ghatti gum		
Guar gum		
*Potassium alginate		
*Sodium alginate		
*Sterculia gum (karaya gum)		
*Tragacanth (gum tragacanth)		
(8) MISCELLANEOUS AND/OR GENERAL PURPOSE FOOD ADDITIVES		
Acetic acid		
*Adipic acid		Buffer and neutralizing agent.
Aluminum ammonium sulfate		
Aluminum potassium sulfate		
Aluminum sodium sulfate		
Aluminum sulfate		
Ammonium bicarbonate		
Ammonium carbonate		
Ammonium hydroxide		
Ammonium phosphate (mono- and dibasic).		
*Ammonium sulfate		
*Beeswax (yellow wax)		
*Beeswax, bleached (white wax)		
*Bentonite		
Butane		
Caffeine	0.02 percent	In cola-type beverages.
Calcium carbonate		
Calcium chloride		
Calcium citrate		
Calcium gluconate		
Calcium hydroxide		
Calcium lactate		
Calcium oxide		
Calcium phosphate (mono-, di-, tribasic).		
Caramel		
Carbon dioxide		
Carnauba wax		
Citric acid		
*Dextrans (of average molecular weight below 100,000).		
Ethyl formate	0.0015 percent	As fumigant for cashew nuts.
*Glutamic acid		Salt substitute.
*Glutamic acid hydrochloride		Do.
Glycerin		
Glyceryl monostearate		
Helium		
*Hydrochloric acid		Buffer and neutralizing agent.
*Hydrogen peroxide		Bleaching agent.
Lactic acid		
*Lecithin		
Magnesium carbonate		
Magnesium hydroxide		
Magnesium oxide		
Magnesium stearate		As migratory substance from packaging materials when used as a stabilizer.
*Malic acid		
*Methylcellulose (U.S.P. methylcellulose, except that the methoxy content shall not be less than 27.5 percent and not more than 31.5 percent on a dry-weight basis).		
Monoammonium glutamate		
*Monopotassium glutamate		
Nitrogen		Propellant for certain dairy and vegetable-fat toppings in pressurized containers.
*Nitrous oxide		
Papain		

*Substances added from February 2 and August 4, 1960, proposed lists.

[2] For the purpose of this list, no attempt has been made to designate those sequestrants that may also function as chemical preservatives.

Product	Tolerance	Limitations or restrictions
(8) MISCELLANEOUS AND/OR GENERAL PURPOSE FOOD ADDITIVES—con.		
Phosphoric acid		
Potassium acid tartrate		
Potassium bicarbonate		
Potassium carbonate		
Potassium citrate		
Potassium hydroxide		
*Potassium sulfate		
Propane		
Propylene glycol		
*Rennet (rennin)		
*Silica aerogel (finely powdered microcellular silica foam having a minimum silica content of 89.5 percent).		Component of anti-foaming agent.
Sodium acetate		
Sodium acid pyrophosphate		
Sodium aluminum phosphate		
Sodium bicarbonate		
Sodium carbonate		
Sodium citrate		
*Sodium carboxymethylcellulose (the sodium salt of carboxymethylcellulose not less than 99.5 percent on a dry-weight basis, with maximum substitution of 0.95 carboxymethyl groups per anhydroglucose unit, and with a minimum viscosity of 25 centipoises for 25 percent by weight aqueous solution at 25° C.).		
*Sodium caseinate		
Sodium citrate		
Sodium hydroxide		
*Sodium pectinate		
Sodium phosphate (mono-, di-, tribasic).		
Sodium potassium tartrate		
Sodium sesquicarbonate		
Sodium tripolyphosphate		
*Succinic acid		
Sulfuric acid		
Tartaric acid		
Triacetin (glyceryl triacetate)		
Triethyl citrate	0.25 percent	Dried egg whites.

*Substances added from February 2 and August 4, 1960, proposed lists.

(e) Spices, seasonings, essential oils, oleoresins, and natural extractives that are generally recognized as safe for their intended use, within the meaning of section 409 of the act, are as follows:

(1) SPICES AND OTHER NATURAL SEASONINGS AND FLAVORINGS (LEAVES, ROOTS, BARKS, BERRIES, ETC.)

Common name	*Botanical name of plant source*
Alfalfa herb and seed	Medicago sativa L.
Allspice	Pimenta officinalis Lindl.
Ambrette seed	Hibiscus abelmoschus L.
Angelica	Angelica archangelica L. or other spp. of Angelica.
Angelica root	Do.
Angelica seed	Do.
Angostura (cusparia bark)	Galipea officinalis Hancock.
Anise	Pimpinella anisum L.
Anise, star	Illicium verum Hook. f.
Balm (lemon balm)	Melissa officinalis L.
Basil, bush	Ocimum minimum L.
Basil, sweet	Ocimum basilicum L.
Bay	Laurus nobilis L.
Calendula	Calendula officinalis L.
Camomile (chamomile), English or Roman.	Anthemis nobilis L.
Camomile (chamomile), German or Hungarian.	Matricaria chamomilla L.
Capers	Capparis spinosa L.
Capsicum	Capsicum frutescens L. or Capsicum annuum L.
Caraway	Carum carvi L.
Caraway, black (black cumin)	Nigella sativa L.
Cardamom (cardamon)	Elettaria cardamomum Maton.
Cassia, Chinese	Cinnamomum cassia Blume.
Cassia, Padang or Batavia	Cinnamomum burmanni Blume.
Cassia, Saigon	Cinnamomum loureirii Nees.
Cayenne pepper	Capsicum frutescens L. or Capsicum annuum L.
Celery seed	Apium graveolens L.
Chervil	Anthriscus cerefolium (L.) Hoffm.
Chives	Allium schoenoprasum L.
Cinnamon, Ceylon	Cinnamomum zeylanicum Nees.
Cinnamon, Chinese	Cinnamomum cassia Blume.
Cinnamon, Saigon	Cinnamomum loureirii Nees.
Clary (clary sage)	Salvia sclarea L.
Clover	Trifolium spp.
Cloves	Eugenia caryophyllata Thunb.
Coriander	Coriandrum sativum L.
Cumin (cummin)	Cuminum cyminum L.
Cumin, black (black caraway)	Nigella sativa L.
Dill	Anethum graveolens L.
Elder flowers	Sambucus canadensis L.
Fennel, common	Foeniculum vulgare Mill.
Fennel, sweet (finocchio, Florence fennel).	Foeniculum vulgare Mill. var. dulce (DC.) Alef.
Fenugreek	Trigonella foenum-graecum L.
Galanga (galangal)	Alpinia officinarum Hance.
Garlic	Allium sativum L.
Geranium	Pelargonium spp.
Ginger	Zingiber officinale Rosc.
Glycyrrhiza	Glycyrrhiza glabra L. and other spp. of Glycyrrhiza.
Grains of paradise	Amomum melegueta Rosc.
Horehound (hoarhound)	Marrubium vulgare L.
Horseradish	Armoracia lapathifolia Gilib.
Hyssop	Hyssopus officinalis L.
Lavender	Lavandula officinalis Chaix.
Licorice	Glycyrrhiza glabra L. and other spp. of Glycyrrhiza.
Linden flowers	Tilia spp.
Mace	Myristica fragrans Houtt.
Marigold, pot	Calendula officinalis L.
Marjoram, pot	Majorana onites (L.) Benth.
Marjoram, sweet	Majorana hortensis Moench.
Mustard, black or brown	Brassica nigra (L.) Koch.
Mustard, brown	Brassica juncea (L.) Coss.
Mustard, white or yellow	Brassica hirta Moench.
Nutmeg	Myristica fragrans Houtt.
Oregano (oreganum, Mexican oregano, Mexican sage, origan).	Lippia spp.
Paprika	Capsicum annuum L.
Parsley	Petroselinum crispum (Mill.) Mansf.
Pepper, black	Piper nigrum L.
Pepper, cayenne	Capsicum frutescens L. or Capsicum annuum L.
Pepper, red	Do.
Pepper, white	Piper nigrum L.

(1) SPICES AND OTHER NATURAL SEASONINGS AND FLAVORINGS (LEAVES, ROOTS, BARKS, BERRIES, ETC.)—Continued

Common name	*Botanical name of plant source*
Peppermint	Mentha piperita L.
Poppy seed	Papaver somniferum L.
Pot marigold	Calendula officinalis L.
Pot marjoram	Majorana onites (L.) Benth.
Rosemary	Rosmarinus officinalis L.
Rue	Ruta graveolens L.
Saffron	Crocus sativus L.
Sage	Salvia officinalis L.
Sage, Greek	Salvia triloba L.
Savory, summer	Saturcia hortensis L. (Satureja).
Savory, winter	Satureia montana L. (Satureja).
Sesame	Sesamum indicum L.
Spearmint	Mentha spicata L.
Star anise	Illicium verum Hook. f.
Tarragon	Artemisia dracunculus L.
Thyme	Thymus vulgaris L.
Thyme, wild or creeping	Thymus serpyllum L.
Turmeric	Curcuma longa L.
Vanilla	Vanilla planifolia Andr. or Vanilla tahitensis J. W. Moore
Zedoary	Curcuma zedoaria Rosc.

(2) ESSENTIAL OILS, OLEORESINS (SOLVENT-FREE), AND NATURAL EXTRACTIVES (INCLUDING DISTILLATES)

Common name	*Botanical name of plant source*
Alfalfa	Medicago sativa L.
Allspice	Pimenta officinalis Lindl.
Almond, bitter (free from prussic acid)	Prunus amygdalus Batsch, Prunus armeniaca L., or Prunus persica (L.) Batsch.
Ambrette (seed)	Hibiscus moschatus Moench.
Angelica root	Angelica archangelica L.
Angelica seed	Do.
Angelica stem	Do.
Angostura (cusparia bark)	Galipea officinalis Hancock.
Anise	Pimpinella anisum L.
Asafetida	Ferula assa-foetida L. and related spp. of Ferula.
Balm (lemon balm)	Melissa officinalis L.
Balsam of Peru	Myroxylon pereirae Klotzsch.
Basil	Ocimum basilicum L.
Bay leaves	Laurus nobilis L.
Bay (myrcia oil)	Pimenta racemosa (Mill.) J. W. Moore.
Bergamot (bergamot orange)	Citrus aurantium L. subsp. bergamia Wright et Arn.
Bitter almond (free from prussic acid)	Prunus amygdalus Batsch, Prunus armeniaca L., or Prunus persica (L.) Batsch.
Bois de rose	Aniba rosaeodora Ducke.
Cacao	Theobroma cacao L.
Camomile (chamomile) flowers, Hungarian.	Matricaria chamomilla L.
Camomile (chamomile) flowers, Roman or English.	Anthemis nobilis L.
Cananga	Cananga odorata Hook. f. and Thoms.
Capsicum	Capsicum frutescens L. and Capsicum annuum L.
Caraway	Carum carvi L.
Cardamom seed (cardamon)	Elettaria cardamomum Maton.
Carob bean	Ceratonia siliqua L.
Carrot	Daucus carota L.
Cascarilla bark	Croton eluteria Benn.
Cassia bark, Chinese	Cinnamomum cassia Blume.

(2) ESSENTIAL OILS, OLEORESINS (SOLVENT-FREE), AND NATURAL EXTRACTIVES (INCLUDING DISTILLATES)—Continued

Common name	*Botanical name of plant source*
Cassia bark, Padang or Batavia	Cinnamomum burmanni Blume.
Cassia bark, Saigon	Cinnamomum loureirii Nees.
Celery seed	Apium graveolens L.
Cherry, wild, bark	Prunus serotina Ehrh.
Chervil	Anthriscus cerefolium (L.) Hoffm.
Chicory	Cichorium intybus L.
Cinnamon bark, Ceylon	Cinnamomum zeylanicum Nees.
Cinnamon bark, Chinese	Cinnamomum cassia Blume.
Cinnamon bark, Saigon	Cinnamomum loureirii Nees.
Cinnamon leaf, Ceylon	Cinnamomum zeylanicum Nees.
Cinnamon leaf, Chinese	Cinnamomum cassia Blume.
Cinnamon leaf, Saigon	Cinnamomum loureirii Nees.
Citronella	Cymbopogon nardus Rendle.
Citrus peels	Citrus spp.
Clary (clary sage)	Salvia sclarea L.
Clove bud	Eugenia caryophyllata Thunb.
Clove leaf	Do.
Clove stem	Do.
Clover	Trifolium spp.
Coca (decocainized)	Erythroxylum coca Lam. and other spp. of Erythroxylum.
Coffee	Coffea spp.
Cola nut	Cola acuminata Schott and Endl., and other spp. of Cola.
Coriander	Coriandrum sativum L.
Corn silk	Zea mays L.
Cumin (cummin)	Cuminum cyminum L.
Curacao orange peel (orange, bitter peel).	Citrus aurantium L.
Cusparia bark	Galipea officinalis Hancock.
Dandelion	Taraxacum officinale Weber and T. laevigatum DC.
Dandelion root	Do.
Dill	Anethum graveolens L.
Dog grass (quackgrass, triticum)	Agropyron repens (L.) Beauv.
Elder flowers	Sambucus canadensis L. and S. nigra L.
Estragole (esdragol, esdragon, tarragon).	Artemisia dracunculus L.
Estragon (tarragon)	Do.
Fennel, sweet	Foeniculum vulgare Mill.
Fenugreek	Trigonella foenum-graecum L.
Galanga (galangal)	Alpinia officinarum Hance.
Garlic	Allium sativum L.
Geranium	Pelargonium spp.
Geranium, East Indian	Cymbopogon martini Stapf.
Geranium, rose	Pelargonium graveolens L'Her.
Ginger	Zingiber officinale Rosc.
Glycyrrhiza	Glycyrrhiza glabra L. and other spp. of Glycyrrhiza.
Glycyrrhizin, ammoniated	Do.
Grapefruit	Citrus paradisi Macf.
Guava	Psidium spp.
Hickory bark	Carya spp.
Horehound (hoarhound)	Marrubium vulgare L.
Hops	Humulus lupulus L.
Horsemint	Monarda punctata L.
Hyssop	Hyssopus officinalis L.
Immortelle	Helichrysum augustifolium DC.
Jasmine	Jasminum officinale L. and other spp. of Jasminum.
Juniper (berries)	Juniperus communis L.

(2) Essential Oils, Oleoresins (Solvent-Free), and Natural Extractives (Including Distillates)—Continued

Common name	Botanical name of plant source
Kola nut	Cola acuminata Schott and Endl., and other spp. of Cola.
Laurel berries	Laurus nobilis L.
Laurel leaves	Do.
Lavender	Lavandula officinalis Chalx.
Lavender, spike	Lavandula latifolia Vill.
Lavandin	Hybrids between Lavandula officinalis Chalx and Lavandula latifolia Vill.
Lemon	Citrus limon (L.) Burm. f.
Lemon balm (see balm).	
Lemon grass	Cymbopogon citratus DC. and Cymbopogon flexuosus Stapf.
Lemon peel	Citrus limon (L.) Burm. f.
Licorice	Glycyrrhiza glabra L. and other spp. of Glycyrrhiza.
Lime	Citrus aurantifolia Swingle.
Linden flowers	Tilia spp.
Locust bean	Ceratonia siliqua L.
Lupulin	Humulus lupulus L.
Mace	Myristica fragrans Houtt.
Malt (extract)	Hordeum vulgare L. or other grains.
Mandarin	Citrus reticulata Blanco.
Marjoram, sweet	Majorana hortensis Moench.
Maté	Ilex paraguariensis St. Hil.
Melissa (see balm).	
Menthol	Mentha spp.
Methyl acetate	Do.
Molasses (extract)	Saccharum officinarum L.
Mustard	Brassica spp.
Naringin	Citrus paradisi Macf.
Neroli, bigarade	Citrus aurantium L.
Nutmeg	Myristica fragrans Houtt.
Onion	Allium cepa L.
Orange, bitter, flowers	Citrus aurantium L.
Orange, bitter, peel	Do.
Orange leaf	Citrus sinensis (L.) Osbeck.
Orange, sweet	Do.
Orange, sweet, flowers	Do.
Orange, sweet, peel	Do.
Origanum	Origanum spp.
Palmarosa	Cymbopogon martini Stapf.
Paprika	Capsicum annuum L.
Parsley	Petroselinum crispum (Mill.) Mansf.
Pepper, black	Piper nigrum L.
Pepper, white	Do.
Peppermint	Mentha piperita L.
Peruvian balsam	Myroxylon peretrae Klotzsch.
Petitgrain	Citrus aurantium L.
Petitgrain lemon	Citrus limon (L.) Burm. f.
Petitgrain mandarin or tangerine	Citrus reticulata Blanco.
Pimenta	Pimenta officinalis Lindl.
Pimenta leaf	Pimenta officinalis Lindl.
Pipalsewa leaves	Chimaphila umbellata Nutt.
Pomegranate	Punica granatum L.
Prickly ash bark	Xanthoxylum (or Zanthoxylum) Americanum Mill. or Xanthoxylum clava-herculis L.
Rose absolute	Rosa alba L., Rosa centifolia L., Rosa damascena Mill., Rosa gallica L., and vars. of these spp.
Rose (otto of roses, attar of roses)	Do.
Rose buds	Rosa spp.
Rose flowers	Do.
Rose fruit (hips)	Do.
Rose geranium	Pelargonium graveolens L'Her.
Rose leaves	Rosa spp.
Rosemary	Rosmarinus officinalis L.
Rue	Ruta graveolens L.
Saffron	Crocus sativus L.
Sage	Salvia officinalis L.
Sage, Greek	Salvia triloba L.
Sage, Spanish	Salvia lavandulaefolia Vahl.
St. John's bread	Ceratonia siliqua L.
Savory, summer	Satureia hortensis L.
Savory, winter	Satureia montana L.
Schinus molle	Schinus molle L.
Sloe berries (blackthorn berries)	Prunus spinosa L.
Spearmint	Mentha spicata L.
Spike lavender	Lavandula latifolia Vill.
Tamarind	Tamarindus indica L.
Tangerine	Citrus reticulata Blanco.
Tannic acid	Nutgalls of Quercus infectoria Oliver and related spp. of Quercus. Also in many other plants.
Tarragon	Artemisia dracunculus L.
Tea	Thea sinensis L.
Thyme	Thymus vulgaris L. and Thymus zygis var. gracilis Boiss.
Thyme, white	Do.
Thyme, wild or creeping	Thymus serpyllum L.
Triticum (see dog grass).	
Tuberose	Polianthes tuberosa L.
Turmeric	Curcuma longa L.
Vanilla	Vanilla planifolia Andr. or Vanilla tahitensis J. W. Moore.
Violet flowers	Viola odorata L.
Violet leaves	Do.
Violet leaves absolute	Do.
Wild cherry bark	Prunus serotina Ehrh.
Ylang-ylang	Cananga odorata Hook. f. and Thoms.
Zedoary bark	Curcuma zedoaria Rosc.

(3) Natural Substances Used in Conjunction With Spices and Other Natural Seasonings and Flavorings

Common name	Botanical name of plant source
Algae, brown (kelp)	Laminaria spp. and Nereocystis spp.
Algae, red	Porphyra spp. and Rhodymenia palmata (L.) Grev.
Dulse	Rhodymenia palmata (L.)

(4) Natural Extractives (Solvent-Free) Used in Conjunction With Spices, Seasonings, and Flavorings

Common name	Botanical name of plant source
Algae, brown	Laminaria spp. and Nereocystis spp.
Algae, red	Porphyra spp. and Rhodymenia palmata (L.) Grev.
Apricot kernel (persic oil)	Prunus armeniaca L.
Dulse	Rhodymenia palmata (L.) Grev.
Kelp (see algae, brown).	
Peach kernel (persic oil)	Prunus persica Sieb. et Zucc.
Peanut stearine	Arachis hypogaea L.
Persic oil (see apricot kernel and peach kernel).	
Quince seed	Cydonia oblonga Miller.

(5) Miscellaneous

Common name	Derivation
Ambergris	Physeter macrocephalus L.
Castoreum	Castor fiber L. and C. canadensis Kuhl.
Civet (zibeth, zibet, zibetum)	Civet cats, Viverra civetta Schreber and Viverra zibetha Schreber.
Cognac oil, white and green	Ethyl oenanthate, so-called.
Musk (Tonquin musk)	Musk deer, Moschus moschiferus L.

(f) *Trace minerals added to animal feeds.*[1] These substances added to animal feeds as nutritional dietary supplements are generally recognized as safe when added at levels consistent with good feeding practice.

Element	Source compounds
Cobalt	Cobalt acetate.
	Cobalt carbonate.
	Cobalt chloride.
	Cobalt oxide.
	Cobalt sulfate.
Copper	Copper carbonate.
	Copper chloride.
	Copper gluconate.
	Copper hydroxide.
	Copper orthophosphate.
	Copper oxide.
	Copper pyrophosphate.
	Copper sulfate.
Iodine	Calcium iodate.
	Calcium iodobehenate.
	Cuprous iodide.
	3,5-Diiodosalicylic acid.
	Ethylenediamine dihydroiodide.
	Potassium iodate.
	Potassium iodide.
	Sodium iodate.
	Sodium iodide.
	Thymol iodide.
Iron	Iron ammonium citrate.
	Iron carbonate.
	Iron chloride.
	Iron gluconate.
	Iron oxide.
	Iron phosphate.
	Iron pyrophosphate.
	Iron sulfate.
	Reduced iron.
Manganese	Manganese acetate.
	Manganese carbonate.
	Manganese citrate (soluble).
	Manganese chloride.
	Manganese gluconate.
	Manganese orthophosphate.
	Manganese phosphate (dibasic).
	Manganese sulfate.
	Manganous oxide.
Zinc	Zinc acetate.
	Zinc carbonate.
	Zinc chloride.
	Zinc oxide.
	Zinc sulfate.

(g) Synthetic flavoring substances and adjuvants that are generally recognized as safe for their intended use, within the meaning of section 409 of the act, are as follows:

Acetaldehyde (ethanal).
Acetoin (acetyl methylcarbinol).
Aconitic acid (equisetic acid, citridic acid, achilleic acid).
Anethole (parapropenyl anisole).
Benzaldehyde (benzoic aldehyde).
Brominated vegetable oils.
N-Butyric acid (butanoic acid).
d- or *l*-Carvone (carvol).
Cinnamaldehyde (cinnamic aldehyde).
Citral (2,6-dimethyloctadien-2,6-*al*-8, geranial, neral).
Decanal (*N*-decylaldehyde, capraldehyde, capric aldehyde, caprinaldehyde, aldehyde C-10).
Diacetyl (2,3-butandelone).
Ethyl acetate.
Ethyl butyrate.
3-Methyl-3-phenyl glycidic acid ethyl ester (ethyl-methyl-phenyl-glycidate, so-called strawberry aldehyde, C-16 aldehyde).
Ethyl vanillin.
Eugenol.
Geraniol (3,7-dimethyl-2,6 and 3,6-octadien-1-ol).
Geranyl acetate (geraniol acetate).
Glycerol (glyceryl) tributyrate (tributyrin, butyrin).
Limonene (*d*-, *l*-, *and dl*-).
Linalool (linalol, 3,7-dimethyl-1,6-octadien-3-ol).
Linalyl acetate (bergamol).
1-Malic acid.
Methyl anthranilate (methyl-2-aminobenzoate).
Piperonal (3,4-methylenedioxy-benzaldehyde, heliotropin).
Vanillin.

(h) Substances migrating to food from paper and paperboard products used in food packaging that are generally recognized as safe for their intended use, within the meaning of section 409 of the act, are as follows:

Acetic acid.
Alum (double sulfate of aluminum and ammonium potassium, or sodium).
Aluminum hydroxide.
Aluminum oleate.
Aluminum palmitate.
Ammonium chloride.
Ammonium hydroxide.
Calcium chloride.
Calcium hydroxide (lime).
Calcium sulfate.
Casein.
Cellulose acetate.
Clay (kaolin).
Copper sulfate.
Cornstarch.
Corn sugar (sirup).
Dextrin.
Diatomaceous earth filler.
Ethyl cellulose.
Ethyl vanillin.
Ferric sulfate.
Ferrous sulfate.
Formic acid or sodium salt.
Glycerin.
Guar gum.
Invert sugar.
Iron, reduced.
Locust bean gum (carob bean gum).
Magnesium carbonate.
Magnesium chloride.
Magnesium hydroxide.
Magnesium sulfate.
Methyl and ethyl acrylate.
Mono- and diglycerides from glycerolysis of edible fats and oils.
Oleic acid.
Oxides of iron.
Potassium sorbate.
Propionic acid.
Propylene glycol.
Silicon dioxides.
Pulps from wood, straw, bagasse, or other natural sources.
Soap (sodium oleate, sodium palmitate).
Sodium aluminate.
Sodium carbonate.
Sodium chloride.
Sodium hexametaphosphate.
Sodium hydrosulfite.
Sodium hydroxide.
Sodium phosphoaluminate.
Sodium silicate.
Sodium sorbate.
Sodium sulfate.
Sodium thiosulfate (additive in salt).
Sodium tripolyphosphate.
Sorbitol.
Soy protein, isolated.
Sulfamic acid.
Sulfuric acid.
Starch, acid modified.
Starch, pregelatinized.
Starch, unmodified.
Sucrose.
Talc.
Urea.
Vanillin.
Zinc hydrosulfite.
Zinc sulfate.

(i) Substances migrating to food from cotton and cotton fabrics used in dry food packaging that are generally recognized as safe for their intended use, within the meaning of section 409 of the act, are as follows:

Acacia (gum arabic).
Acetic acid.
Beef tallow.
Calcium chloride.
Carboxymethylcellulose.
Coconut oil, refined.
Corn dextrin.
Cornstarch.
Fish oil (hydrogenated).
Gelatin.
Guar gum.
Hydrogen peroxide.
Japan wax.
Lard.
Lard oil.
Lecithin (vegetable).
Locust bean gum (carob bean gum).
Oleic acid.
Peanut oil.
Potato starch.
Sodium acetate.
Sodium bicarbonate.
Sodium carbonate.
Sodium chloride.
Sodium hydroxide.
Sodium sulfate.
Sodium silicate.
Sodium tripolyphosphate.
Sorbose.
Soybean oil (hydrogenated).
Stearic acid.
Talc.
Tall oil.
Tallow (hydrogenated).
Tallow flakes.
Tapioca starch.
Tartaric acid.
Tetrasodium pyrophosphate.
Urea.
Wheat starch.
Zinc chloride.

(Sec. 701, 52 Stat. 1055, as amended, sec. 409, 72 Stat. 1785; 21 U.S.C. 371, 348)

§ 121.102 Adjuvants for pesticide chemicals.

Adjuvants, identified and used in accordance with § 120.1001 (c) and (d) of this chapter, which are added to pesticide use dilutions by a grower or applicator prior to application to the raw agricultural commodity, are exempt from the requirement of tolerances under section 409 of the act.

(Sec. 409, 72 Stat. 1785; 21 U.S.C. 348)

[1] All substances listed may be in anhydrous or hydrated form.

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

AUTHORITY: The provisions of this Subpart C issued under sec. 409, 72 Stat. 1785; 21 U.S.C. 348.

§ 121.200 Definitions and interpretations applicable to Subpart C.

(a) Regulations prescribing conditions under which additives may be safely used in animal feed, animal feed supplements, concentrates, or premixes or in animals intended for food use shall not be construed to relieve such additives from the provisions of sections 505 and 507 of the act, where applicable, and § 121.7 and § 121.9 of the food additive regulations.

(b) For the purposes of this Subpart C:

(1) A "complete feed" is an article intended to be administered as the sole ration to an animal.

(2) A "feed additive supplement" is an article for the diet of an animal which contains one or more food additives, and is intended to be:

(i) Further diluted and mixed to produce a complete feed; or

(ii) Fed undiluted as a supplement to other rations; or

(iii) Offered free choice with other parts of the ration separately available.

A "feed additive supplement" is safe for the animal and will not produce unsafe residues in the edible products from food-producing animals if fed according to directions.

(3) A "feed additive concentrate" is an article intended to be further diluted to produce a complete feed or a feed additive supplement and is not suitable for offering as a supplement or for offering free choice without dilution. It contains, among other things, one or more additives in amounts, in a suitable feed base, such that from 100 to 1,000 pounds of concentrate must be diluted to produce 1 ton of a complete feed. A "feed additive concentrate" is unsafe if fed free choice or as a supplement, because of danger to the health of the animal or because of the production of residues in the edible products from food-producing animals in excess of the safe levels established in this Part 121.

(4) A "feed additive premix" is an article that must be diluted for safe use in a feed additive concentrate, a feed additive supplement, or a complete feed. It contains, among other things, one or more additives in high concentration in a suitable feed base such that up to 100 pounds must be diluted to produce 1 ton of a complete feed. A "feed additive premix" contains additives at levels for which safety to the animal has not been demonstrated and/or which may result, when fed undiluted, in residues in the edible products from food-producing animals in excess of the safe levels established in this Part 121.

(5) In feeding chickens:

(i) "Broiler chickens" are chickens raised for meat purposes only.

(ii) "Replacement chickens" are chickens being raised for the purpose of egg production.

(iii) "Laying chickens" are chickens producing eggs for food.

(iv) "Breeding chickens" are chickens producing eggs used for hatching.

(6) In feeding swine:

(i) "Prestarter ration" is a feed administered from the time the baby pigs begin to eat until they weigh approximately 12 pounds.

(ii) "Starter ration" is a complete feed administered to the animals as they grow in weight from approximately 10 pounds to 50 pounds.

(iii) "Grower ration" is a complete feed administered to the animals as they grow in weight from approximately 30 pounds to 125 pounds.

(iv) "Finisher ration" is a complete feed administered to the animals as they grow in weight from approximately 100 pounds to market weight.

(c) The statements listed in this paragraph may be used on labels, if desired, in addition to the "indications for use" required by the applicable section entries:

(1) Prevention and treatment of bacterial swine enteritis by use of chlortetracycline may bear one or more of the additional parenthetical disease entities such as: "(Salmonellosis or necrotic enteritis caused by *Salmonella cholerasuis* and vibrionic dysentery)" immediately after the required words "bacterial swine enteritis".

(2) [Reserved]

§ 121.201 Ethoxyquin in certain dehydrated forage crops.

Ethoxyquin (1,2-dihydro-6-ethoxy-2,2,4-trimethylquinoline) may be safely used in the dehydrated forage crops listed in paragraph (a) of this section, when incorporated therein in accordance with the conditions prescribed in this section:

(a) It may be added to dehydrated forage prepared from:

Alfalfa	Medicago sativa.
Barley	Hordeum vulgare.
Clovers:	
Alsike clover	Trifolium hybridum.
Crimson clover	Trifolium incarnatum.
Red clover	Trifolium pratense.
White clover (including Ladino).	Trifolium repens.
White sweetclover	Melilotus alba.
Yellow sweetclover	Melilotus officinalis.
Coastal Bermudagrass.	Cynodon dactylon.
Corn	Zea mays.
Fescue	Festuca sp.
Oats	Avena sativa.
Orchardgrass	Dactylis glomerata.
Reed canarygrass	Phalaris arundinacea.
Ryegrass (annual and perennial).	Elymus sp. and Lolium perenne.
Sorghums	Sorghum vulgare, vars, feterita, shallu, kaoliang, broomcorn.
Sudan grass	Sorghum vulgare sudanense.
Wheat	Triticum aestivum.

or any mixture of such forage crops, for use only as an animal feed.

(b) Such additive is used only as a chemical preservative for the purpose of retarding oxidative destruction of naturally occurring carotenes and vitamin E in the forage crops.

(c) It is added to the dehydrated forage crops in an oil mixture containing only suitable animal or suitable vegetable oil, prior to grinding and mixing.

(d) The maximum quantity of the additive permitted to be used and to remain in or on the dehydrated forage crop shall not exceed 150 parts per million.

(e) To assure the safe use of the additive, the label of the market package shall contain, in addition to other information required by the act:

(1) The name of the additive as specified in this section.

(2) Directions for the incorporation of the additive in the forage crops, as specified in paragraph (c) of this section, with the directive that only suitable animal or suitable vegetable oils are to be used in the oil mix.

(f) The label of any dehydrated forage crops treated with the additive or the label of an animal-feed supplement containing such treated forage crops, shall, in addition to other information required by the act, bear the following statements:

(1) "Ethoxyquin, a preservative," or "Ethoxyquin added to retard the oxidative destruction of carotene and vitamin E."

(2) The statement "For use in animal feed only."

§ 121.202 Ethoxyquin in animal feeds.

Ethoxyquin (1,2-dihydro-6-ethoxy-2,2,4-trimethylquinoline) may be safely used in animal feeds, when incorporated therein in accordance with the following prescribed conditions:

(a) It is intended for use only: (1) As a chemical preservative for retarding oxidation of carotene, xanthophylls, and vitamins A and E in animal feed and fish food and, (2) as an aid in preventing the development of organic peroxides in canned pet food.

(b) The maximum quantity of the additive permitted to be used and to remain in or on the treated article shall not exceed 150 parts per million.

(c) To assure safe use of the additive, the label and labeling of the food additive container and that of any intermediate premixes prepared therefrom shall contain, in addition to other information required by the act:

(1) The name of the additive, ethoxyquin.

(2) A statement of the concentration or strength contained therein.

(3) Adequate use directions to provide for a finished article with the proper concentration of the additive as provided in paragraph (b) of this section, whether or not intermediate premixes are to be used.

(d) The label of any animal feed containing the additive shall, in addition to the other information required by the act, bear the statement "Ethoxyquin, a preservative" or "Ethoxyquin added to retard the oxidative destruction of carotene, xanthophylls, and vitamins A and E."

§ 121.203 Polyoxyethylene glycol (400) mono- and dioleates.

The food additive polyoxyethylene glycol (400) mono- and dioleates may be safely used as an emulsifier in calf-milk replacer formulations.

§ 121.204 Dioxathion.

A tolerance of 18 parts per million is established for residues of dioxathion (2,3-*p*-dioxanedithiol-*S*,*S*-bis (*O*,*O*-diethylphosphorodithioate)) in dehydrated citrus pulp for cattle feed when present therein as a result of the application of the pesticide to the growing agricultural crop.

§ 121.205 Reserpine.

The food additive reserpine (3,4,5-trimethoxybenzoyl methyl reserpate) may be safely used in animal feed in accordance with the following prescribed conditions:

(a) When used in this section:

(1) The term "reserpine" refers to reserpine or feed grade reserpine.

(2) The quantities of the additive prescribed refer to the weight of reserpine as the base, assaying not less than 94 percent $C_{33}H_{40}N_2O_9$.

(3) The antibiotic activities authorized are expressed in terms of the weight of the appropriate antibiotic standard.

(b) Permitted uses of reserpine alone and with certain other additives in medicated feeds are described in tabular form in this section, and the tables are to be read as follows:

(1) Where the principal ingredient is the sole medicament, the required limitations and indications for use are found on the same line entry.

(2) Where the principal ingredient is combined with a secondary ingredient, the required limitations and indications for use for the secondary ingredient are found on the same line entry. The required limitations and indications for use of the principal ingredient at the designated concentration are found on the line entry for the principal ingredient alone, and both sets of applicable limitations and indications for use shall apply. If duplicate limitations occur, they may be appropriately combined.

(3) Permitted combinations of principal ingredient and secondary ingredient are individually listed. Unless specifically provided by the regulations, the principal ingredient may not be mixed with two or more secondary ingredients.

(4) Where cross-references specify a particular table and item number of another section, use of only the principal ingredient of the numbered item is authorized thereby.

(5) The term "principal ingredient" as used in this section refers to the additive named in the title of this section and is not intended to imply that the ingredient is of greater value than the other additives named in this section.

(c) It is used or intended for use as follows:

TABLE 1—RESERPINE WITH OR WITHOUT ANTIBIOTICS IN COMPLETE CHICKEN FEED

Principal ingredient	Gm. per ton	Combined with—	Gm. per ton	Limitations	Indications for use
1. Reserpine	0.908 (0.0001%)			For broilers	Improve performance under stressful environmental conditions.
(a) Reserpine	.908	Bacitracin	4–50	For broilers; as bacitracin or zinc bacitracin.	Growth promotion and feed efficiency.
(b) Reserpine	.908	Chlortetracycline	10–50	For broilers; as chlortetracycline hydrochloride.	Do.
(c) Reserpine	.908	do	50–200	For broilers; §121.208(d), table 1, items 1, 2, 6, 11; as chlortetracycline hydrochloride.	§ 121.208(d), table 1, items 1, 2, 6, 11.
(d) Reserpine	.908	Bacitracin	50–200	As prescribed in § 121.232 (d), items 2.1, 5.1, and 6.1; or in § 121.233(d), items 2.1, 5.1, and 6.1; as bacitracin or zinc bacitracin.	§ 121.232(d), items 2.1, 5.1, and 6.1; § 121.233(d), items 2.1, 5.1, and 6.1.
2. Reserpine	1.82 (0.0002%)			Laying hens	Improve productive performance under stressful environmental conditions.
(a) Reserpine	1.82	Bacitracin	10–200	As prescribed in § 121.232 (d), items 1.1, 2.1, 4.1, 5.1, and 6.1; or in § 121.233(d), items 1.1, 2.1, 4.1, 5.1, and 6.1; as bacitracin or zinc bacitracin.	§ 121.232(d), items 1.1, 2.1, 4.1, 5.1, and 6.1; § 121.233(d), items 1.1; 2.1, 4.1, 5.1, and 6.1.

TABLE 2—RESERPINE WITH OR WITHOUT ANTIBIOTICS IN COMPLETE TURKEY FEED

Principal ingredient	Gm. per ton	Combined with—	Gm. per ton	Limitations	Indications for use
1. Reserpine	0.182 (0.00002%)			For turkeys over 4 weeks of age.	Prevention of aortic rupture.
(a) Reserpine	.182	Penicillin	2.4–50	For turkeys over 4 weeks of age; as procaine penicillin.	Growth promotion and feed efficiency.
(b) Reserpine	.182	Bacitracin	4–50	For turkeys over 4 weeks of age; as bacitracin or zinc bacitracin.	Do.
(c) Reserpine	.182	Chlortetracycline	10–50	For turkeys over 4 weeks of age; as chlortetracycline hydrochloride.	Do.
(d) Reserpine	.182	do	50–200	For turkeys; over 4 weeks of age; § 121.208 (d), table 1, items 1, 3, 7, 12; as chlortetracycline hydrochloride.	§ 121.208(d), table 1, items 1, 3, 7, 12.
2. Reserpine	.908 (0.0001%)			For turkeys over 4 weeks of age; feed not to exceed 5 days.	Treatment of aortic rupture.
(a) Reserpine	.908	Penicillin	2.4–50	For turkeys over 4 weeks of age; feed not to exceed 5 days; as procaine penicillin.	Growth promotion and feed efficiency.
(b) Reserpine	.908	Bacitracin	4–50	For turkeys over 4 weeks of age; feed not to exceed 5 days; as bacitracin or zinc bacitracin.	Do.
(c) Reserpine	.908	Chlortetracycline	10–50	For turkeys over 4 weeks of age; feed not to exceed 5 days; as chlortetracycline hydrochloride.	Do.
(d) Reserpine	.908	do	50–200	For turkeys; over 4 weeks of age; feed not to exceed 5 days; as prescribed in § 121.208 (d), table 1, items 1, 3, 7, 12; as chlortetracycline hydrochloride.	§ 121.208(d), table 1, items 1, 3, 7, 12.

(d) To assure safe use, the label and labeling of the additive, any combination of additives, and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity or quantities contained therein, except that the label of the complete feed need not bear the quantities of the antibiotic drugs added solely for growth promotion.

NOTE: § 121.205(d)(2) was amended to read "A statement of the quantity or quantities contained therein" by an order published in the FEDERAL REGISTER on March 20, 1965, 30 F.R. 3707, effective January 1, 1966. The effective date of this amendment was stayed by an order published in the FEDERAL REGISTER on September 28, 1965, 30 F.R. 12353, pending resolution of issues at a public hearing.

(3) Adequate directions and warnings for use.

§ 121.206 Condensed, extracted glutamic acid fermentation product.

The additive condensed, extracted glutamic acid fermentation product may

be safely used in poultry feed under the following conditions:

(a) The additive is a concentrated mixture of the liquor remaining from the extraction of glutamic acid, combined with the cells of *Corynebacterium lilium* used to produce the glutamic acid.

(b) It is used or intended for use as a protein supplement for poultry at not more than 5 percent of the total ration.

(c) In order to assure safe use, the label and labeling of the additive shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive.

(2) A statement of the concentration or strength of the additive contained in any mixture.

(3) Adequate directions for use.

§ 121.207 Zoalene.

The food additive zoalene (3,5-dinitro-o-toluamide) may be safely used in accordance with the following prescribed conditions:

(a) The antibiotic activities authorized are expressed in this section in terms of the weight of the appropriate antibiotic standard.

(b) Permitted uses of zoalene alone and with certain other additives in medicated feeds are described in tabular form in this section. These tables are to be read as follows:

(1) The numbered line items establish the required limitations and indications for use for the principal ingredients as the medicament alone or with additional ingredients added.

(2) The lettered line items establish the required limitations and indications for use of secondary ingredients that may be added to the indicated principal ingredient. Where principal and secondary ingredients have been mixed, the applicable limitations and indications for use from both the numbered items and lettered items apply. If duplicate limitations occur, these may be appropriately combined.

(3) Permitted combinations of principal ingredient and secondary ingredient are individually listed. Unless specifically provided by the regulations, the principal ingredient may not be mixed with two or more secondary ingredients.

(4) Where cross-references specify a particular table and numbered line item of another section, use of only the principal ingredient of the numbered item is authorized thereby.

(5) The term "principal ingredient" as used in this section refers to the additive named in the title of this section and is not intended to imply that the ingredient is of a greater value than any other additives named in this section.

(c) The additive is used or intended for use as follows:

ZOALENE IN COMPLETE FEEDS FOR CHICKENS AND TURKEYS

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1. Zoalene	113.5–170.3 (0.0125%–0.01875%)			For turkeys grown for meat purposes only.	Prevention and control of coccidiosis.
a. Zoalene	113.5–170.3	Penicillin	2.4–50	For turkeys grown for meat purposes only; as procaine penicillin.	Growth promotion and feed efficiency.
b. Zoalene	113.5–170.3	Bacitracin	4–50	For turkeys grown for meat purposes only; as bacitracin, bacitracin methylene disalicylate, manganese bacitracin, or zinc bacitracin.	Do.
c. Zoalene	113.5–170.3	Oxytetracycline	50–200	§ 121.251(d), table 1, items 1, 3, 4, 5, 7, 11.	§ 121.251(d), table 1, items 1, 3, 4, 5, 7, 11.
d. Zoalene	113.5–170.3	Arsanilic acid	90 (0.01%)	For turkeys grown for meat purposes only; withdraw 5 days before slaughter.	Growth promotion and feed efficiency; improving pigmentation.
e. Zoalene	113.5–170.3	Sodium arsanilate	90 (0.01%)	----do----	Do.
f. Zoalene	113.5–170.3	3-Nitro-4-hydroxyphenylarsonic acid.	22.7–45.4	§ 121.262, table 1, item 2.1.	§ 121.262, table 1, item 2.1.

ZOALENE IN COMPLETE FEEDS FOR CHICKENS AND TURKEYS—Continued

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
2.1 Zoalene	113.5 (0.0125%)			For broiler chickens	Prevention and control of coccidiosis.
2.2 Zoalene	113.5 (0.0125%)	Arsanilic acid	90 (0.01%)	For broiler chickens; withdraw 5 days before slaughter.	Prevention and control of coccidiosis; growth promotion and feed efficiency; improving pigmentation.
2.3 Zoalene	113.5 (0.0125%)	Sodium arsanilate	90 (0.01%)	----do----	Do.
2.4 Zoalene	113.5 (0.0125%)	3-Nitro-4-hydroxyphenylarsonic acid.	22.7–45.4 (0.0025%–0.005%)	For broiler chickens; withdraw 5 days before slaughter.	Prevention and control of coccidiosis; growth promotion and feed efficiency; improving pigmentation.
a. 2.1, 2.2, or 2.4.	113.5	Penicillin	2.4–50	For broiler chickens; as procaine penicillin.	Growth promotion and feed efficiency.
b. 2.1, 2.2, or 2.4.	113.5	Penicillin plus bacitracin.	3.6–50	For broiler chickens; not less than 0.6 gm. of penicillin, nor less than 3 gm. of bacitracin, nor more than 50 gm. in combination; as procaine penicillin plus bacitracin, bacitracin methylene disalicylate, manganese bacitracin, or zinc bacitracin.	Do.
c. 2.1, 2.2, or 2.4.	113.5	Bacitracin	4–50	For broiler chickens; as bacitracin, bacitracin methylene disalicylate, manganese bacitracin, or zinc bacitracin.	Growth promotion and feed efficiency.
d. 2.1	113.5	Oleandomycin	1–2	For broiler chickens	Do.
e. 2.1	113.5	Chlortetracycline	50–200	For broiler chickens; as prescribed in § 121.208 (d), table 1, items 1, 2, 5, 6, 11; as chlortetracycline hydrochloride.	As prescribed in § 121.208(d), table 1, items 1, 2, 5, 6, 11.
f. 2.1	113.5	Bacitracin	50–200	For broiler chickens; as prescribed in § 121.232 (d), table 1, item 2.1 or 6.1; § 121.233(d), table 1, item 2.1 or 6.1; as bacitracin or zinc bacitracin.	As prescribed in § 121.232 (d), table 1, item 2.1 or 6.1; § 121.233(d), table 1, item 2.1 or 6.1.
g. 2.1	113.5	Oxytetracycline	50–200	§ 121.251(d), table 1, items 1, 2, 4, 6, 8, 9, 10, 12.	§ 121.251(d), table 1, items 1, 2, 4, 6, 8, 9, 10, 12.
h. 2.1	113.5	Tylosin	4–50	For broiler chickens; as tylosin phosphate.	Growth promotion and feed efficiency.
i. 2.1	113.5	Hygromycin B	8–12	For broiler chickens	§ 121.213(d), table 1, item 1.
j. 2.1	113.5	Erythromycin	4.6–18.5	For broiler chickens; as erythromycin thiocyanate.	Growth promotion and feed efficiency.
k. 2.1	113.5	Hygromycin B plus Tylosin plus penicillin.	8–12 plus 3.2–50	For broiler chickens; 3.2–50 gm. of combination containing a ratio of 1.2 parts of penicillin to 2 parts of tylosin; as procaine penicillin plus tylosin phosphate.	§ 121.213(d), table 1, item 1 and growth promotion and feed efficiency.
l. [Reserved]					
m. 2.1	113.5	Tylosin + Hygromycin B	4–50 + 8–12	For broiler chickens; as tylosin phosphate.	§ 121.213(d), table 1, item 1, and growth promotion and feed efficiency.
n. 2.1	113.5	Tylosin + penicillin.	3.2–50	For broiler chickens; in combination ratio of 1.2 parts of penicillin to 2 parts of tylosin; as tylosin phosphate plus procaine penicillin.	Growth promotion and feed efficiency.

ZOALENE IN COMPLETE FEEDS FOR CHICKENS AND TURKEYS—Continued

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
3.1 Zoalene	36.3–113.5 (0.004%–0.0125%)			For replacement chickens; in complete feed only; (grower ration not to be fed to birds under 5½ weeks of age nor over 14 weeks of age), as follows:	Development of active immunity to coccidiosis.

Growing conditions	Amount of zoalene in feed for birds by age group	
	Starter ration	Grower ration
	Grams per ton	*Grams per ton*
Severe exposure	113.5 (0.0125%)	75.4–113.5 (0.0083%–0.0125%)
Light to moderate exposure.	75.4–113.5 (0.0083%–0.0125%)	36.3–75.4 (0.004%–0.0085%)

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
3.2 Zoalene	36.3–113.5 (0.004%–0.0125%)	Arsanilic acid	90/0.01%)	For replacement chickens; in complete feed only; grower ration not to be fed to birds under 5½ weeks of age nor over 14 weeks of age; withdraw 5 days before slaughter; as follows:	Development of active immunity to coccidiosis; growth promotion and feed efficiency; improving pigmentation.

Growing conditions	Starter ration	Grower ration
	Grams per ton	*Grams per ton*
Severe exposure	113.5 (0.0125%)	75.4–113.5 (0.0083%–0.0125%)
Light to moderate exposure	75.4–113.5 (0.0083%–0.0125%)	36.3–75.4 (0.004%–0.0085%)

3.3 Zoalene	36.3–113.5 (0.004%–0.0125%)	Sodium arsanilate	90 (0.01%)	----do----	Do.
3.4 Zoalene	36.3–113.5 (0.004%–0.0125%)	3-Nitro-4-hydroxyphenylarsonic acid.	22.7–45.4 (0.0025%–0.005%)	----do----	Do.
a. 3.1, 3.2 or 3.4.	----do----	Penicillin	2.4–50	Replacement chickens; as procaine penicillin.	Growth promotion and feed efficiency.
b. 3.1, 3.2 or 3.4.	36.3–113.5 (0.004%–0.0125%)	Penicillin plus bacitracin.	3.6–50	Replacement chickens; not less than 0.6 gm. of penicillin nor less than 3 gm. of bacitracin, nor more than 50 gm. of combination; as procaine penicillin plus bacitracin, bacitracin methylene disalicylate, manganese bacitracin, or zinc bacitracin.	Do.

ZOALENE IN COMPLETE FEEDS FOR CHICKENS AND TURKEYS—Continued

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
3.4 Zoalene—Con.					
c. 3.1, 3.2 or 3.4.	36.3–113.5 (0.004%–0.0125%)	Bacitracin	4–50	Replacement chickens; as bacitracin, bacitracin methylene disalicylate, manganese bacitracin, or zinc bacitracin.	Growth promotion and feed efficiency.
d. 3.1	----do----	Oleandomycin	1–2	Replacement chickens	Do.
e. 3.1	----do----	Chlortetracycline	50–200	Replacement chickens; as prescribed in § 121.208(d), table 1, items 1, 2, 5, 6, 11; as chlortetracycline hydrochloride.	As prescribed in § 121.208(d), table 1, items 1, 2, 5, 6, 11.
f. 3.1	36.3–113.5	Bacitracin	50–200	For replacement chickens; as prescribed in § 121.232(d), table 1, item 2.1 or 6.1; § 121.233(d), table 1, item 2.1 or 6.1; as bacitracin or zinc bacitracin.	As prescribed in § 121.232(d), table 1, item 2.1 or 6.1; § 121.233(d), table 1, item 2.1 or 6.1.
g. 3.1	36.3–113.5	Oxytetracycline	50–200	§ 121.251(d), table 1, items 1, 2, 4, 6, 8, 9, 10, 12.	§ 121.251(d), table 1, items 1, 2, 4, 6, 8, 9, 10, 12.
h. 3.1	36.3–113.5	Tylosin	4–50	For replacement chickens; as tylosin phosphate.	Growth promotion and feed efficiency.
i. 3.1	36.3–113.5	Hygromycin B	8–12	For replacement chickens.	§ 121.213(d), table 1, item 1.
j. 3.1	36.3–113.5	Erythromycin	4.6–18.5	For replacement chickens; as erythromycin thiocyanate.	Growth promotion and feed efficiency.
k. 3.1	36.3–113.5	Hygromycin B plus Tylosin plus penicillin.	8–12 plus 3.2–50	For replacement chickens; 3.2–50 gm. of combination containing a ratio of 1.2 parts of penicillin to 2 parts of tylosin; as procaine penicillin plus tylosin phosphate.	§ 121.213(d), table 1, item 1 and growth promotion and feed efficiency.
l. [Reserved]					
m. 3.1	36.3–113.5	Tylosin + Hygromycin B	4–50 + 8–12	For replacement chickens; as tylosin phosphate.	§ 121.213(d), table 1, item 1, and growth promotion and feed efficiency.
n. 3.1	36.3–113.5	Tylosin + penicillin.	3.2–50	For replacement chickens; in combination ratio of 1.2 parts of penicillin to 2 parts of tylosin; as tylosin phosphate plus procaine penicillin.	Growth promotion and feed efficiency.

(d) To assure safe use, the label and labeling of the additive, any combination of additives, and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity or quantities contained therein, except that the label of the complete feed need not bear the quantities of the antibiotic drugs added solely for growth promotion.

NOTE: § 121.207(d)(2) was amended to read "A statement of the quantity or quantities contained therein" by an order published in the FEDERAL REGISTER on March 20, 1965, 30 F.R. 3707, effective January 1, 1966. The effective date of this amendment was stayed by an order published in the FEDERAL REGISTER on September 28, 1965, 30 F.R. 12353, pending resolution of issues at a public hearing.

(3) Adequate directions and warnings for use, including a statement that such feeds may not be fed to laying birds.

§ 121.208 Chlortetracycline.

The food additive chlortetracycline may be safely used in accordance with the following prescribed conditions:

(a) Chlortetracycline is the antibiotic substance produced by growth of Streptomyces aureofaciens or the same antibiotic substance produced by any other means and, for the purpose of this section, refers to chlortetracycline or feed grade chlortetracycline as the specified salt.

(b) The antibiotic activities authorized are expressed in this section in terms of the weight of the appropriate antibiotic standard.

(c) Permitted uses of chlortetracycline alone and with certain other additives in medicated feeds are described in tabular form in this section, and the tables are to be read as follows:

(1) Where the principal ingredient is the sole medicament, the required limitations and indications for use are found on the same line entry.

(2) Where the principal ingredient is combined with a secondary ingredient, the required limitations and indications for use for the secondary ingredient are found on the same line entry. The required limitations and indications for use of the principal ingredient at the designated concentration are found on the line entry for the principal ingredient alone, and both sets of applicable limitations and indications for use shall apply. If duplicate limitations occur, they may be appropriately combined.

(3) Permitted combinations of principal ingredient and secondary ingredients are individually listed. Unless specifically provided by the regulations, the principal ingredient may not be mixed with two or more secondary ingredients.

(4) Where cross-references specify a particular table and item number of another section, use of only the principal ingredient of the numbered item is authorized thereby.

(5) The term "principal ingredient" as used in this section refers to the additive named in the title of this section and is not intended to imply that the ingredient is of greater value than any other additives named in this section.

(d) It is used or intended for use as follows:

Table 1—Chlortetracycline in Complete Chicken and Turkey Feeds

Principal ingredient	Gm. per ton	Combined with—	Gm. per ton	Limitations	Indications for use
1. Chlortetracycline	50–100			For chickens and turkeys; as chlortetracycline hydrochloride.	During times of stress, for prevention of diseases named in this section caused by organisms susceptible to the indicated levels of the chlortetracycline salt.
2. Chlortetracycline	50–100			For chickens; as chlortetracycline hydrochloride.	Prevention of chronic respiratory disease (air-sac infection).
a. Chlortetracycline	50–100	Amprolium	36.3–227 (0.004%–0.025%).	For chickens; not for laying chickens; as prescribed in § 121.210(c), table 1, items 2.1, 2.2, or 3.1.	§ 121.210(c), table 1, item 2.1, 2.2, or 3.1.
b. Chlortetracycline	50–100	Hygromycin B	8–12	For chickens	Control of infestation of large roundworms (*Ascaris galli*), cecal worms (*Heterakis gallinae*), and capillary worms (*Capillaria obsignata*).
c. Chlortetracycline	50–100	Zoalene	36.3–113.5 (0.004%–0.0125%)	For chickens; not to be fed to laying chickens; as prescribed in § 121.207(c), table 1, item 2.1 or 3.1.	As prescribed in § 121.207(c), table 1, item 2.1 or 3.1.
d. Chlortetracycline	50–100	Reserpine	.908 (0.0001%)	For chickens; as prescribed in § 121.205(c), table 1, item 1.	§ 121.205(c), table 1, item 1.
e. Chlortetracycline	50–100	3-Nitro-4-hydroxyphenylarsonic acid.	22.7–45.4	For chickens; as prescribed in § 121.262(c), table 1, item 1.1.	§ 121.262(c), table 1, item 1.1.
3. Chlortetracycline	50–100			For turkeys; as chlortetracycline hydrochloride.	Prevention of infectious sinusitis, hexamitiasis.
a. Chlortetracycline	50–100	Reserpine	0.182–0.908 (0.0002%–0.0001%)	For turkeys over 4 weeks of age; as prescribed in § 121.205(c), table 2, items 1, 2.	§ 121.205(c), table 2, items 1, 2.
b. Chlortetracycline	50–100	3-Nitro-4-hydroxyphenylarsonic acid.	22.7–45.4	For turkeys; as prescribed in § 121.262(c), table 1, item 2.1.	§ 121.262(c), table 1, item 2.1.
4. Chlortetracycline	50–100			For laying chickens; as chlortetracycline hydrochloride.	Maintaining or increasing egg production or hatchability of eggs.
a. Chlortetracycline	50–100	Hygromycin B	8–12	For laying chickens	Control of infestation of large roundworms (*Ascaris galli*), cecal worms (*Heterakis gallinae*), and capillary worms (*Capillaria obsignata*).
5. Chlortetracycline	50–100			For chicks; as chlortetracycline hydrochloride.	Prevention of early mortality due to organisms susceptible to chlortetracycline.
a. Chlortetracycline	50–100	Amprolium	36.3–227 (0.004%–0.025%)	For chicks; as prescribed in § 121.210(c), table 1, items 2.1, 2.2, or 3.1.	§ 121.210(c), table 1, item 2.1, 2.2, or 3.1.
b. Chlortetracycline	50–100	Hygromycin B	8–12	For chicks	Control of infestation of large roundworms (*Ascaris galli*), cecal worms (*Heterakis gallinae*), and capillary worms (*Capillaria obsignata*).
c. Chlortetracycline	50–100	Zoalene	36.3–113.5 (0.004%–0.0125%)	For chicks; as prescribed in § 121.207(c), table 1, item 2.1 or 3.1.	As prescribed in § 121.207(c), table 1, item 2.1 or 3.1.
6. Chlortetracycline	100–200			For chickens; not to be fed to laying chickens; as chlortetracycline hydrochloride.	Treatment of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis); prevention of synovitis.
a. Chlortetracycline	100–200	Amprolium	36.3–227 (0.004%–0.025%)	For chickens; not for laying chickens; as prescribed in § 121.210(c), table 1, items 2.1, 2.2, or 3.1.	§ 121.210(c), table 1, item 2.1, 2.2, or 3.1.
b. Chlortetracycline	100–200	Hygromycin B	8–12	For chickens	Control of infestation of large roundworms (*Ascaris galli*), cecal worms (*Heterakis gallinae*), and capillary worms (*Capillaria obsignata*).
c. Chlortetracycline	100–200	Reserpine	0.908 (0.0001%)	For broilers	Improve productive performance under stressful environmental conditions.
d. Chlortetracycline	100–200	Zoalene	36.3–113.5 (0.004%–0.0125%)	For chickens; as prescribed in § 121.207(c), table 1, item 2.1 or 3.1.	As prescribed in § 121.207(c), table 1, item 2.1 or 3.1.
e. Chlortetracycline	100–200	3-Nitro-4-hydroxyphenylarsonic acid.	22.7–45.4	For chickens; as prescribed in § 121.262(c), table 1, item 1.1.	§ 121.262(c), table 1, item 1.1.
7. Chlortetracycline	100–200			For turkeys; as chlortetracycline hydrochloride.	Treatment of blue comb (nonspecific infectious enteritis, mud fever), infectious sinusitis, hexamitiasis; prevention of synovitis.

Table 1—Chlortetracycline in Complete Chicken and Turkey Feeds—Continued

Principal ingredient	Gm. per ton	Combined with—	Gm. per ton	Limitations	Indications for use
7. Chlortetracycline—Continued					
a. Chlortetracycline	100–200	Reserpine	0.182–0.908 (0.0002%–0.0001%)	For turkeys over 4 weeks of age; as prescribed in § 121.205(c), table 2, items 1, 2.	§ 121.205(c), table 2, items 1, 2.
b. Chlortetracycline	100–200	3-Nitro-4-hydroxyphenylarsonic acid.	22.7–45.4	For turkeys; as prescribed in § 121.262(c), table 1, item 2.1.	§ 121.262(c), table 1, item 2.1.
8. Chlortetracycline	100–200			For chickens; not to be fed to laying chickens; as chlortetracycline hydrochloride, as follows: In low-calcium feed containing 0.8 percent dietary calcium, not to be fed continuously for more than 8 weeks; in low-calcium feed containing 0.40 percent to 0.55 percent dietary calcium, not to be fed continuously for more than 5 days; in low-calcium feed containing 0.8 percent dietary calcium and 1 percent to 1.5 percent sodium sulfate, to be fed continuously for not more than the first 3 weeks of life.	Treatment of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis); prevention of synovitis.
9. Chlortetracycline	200			For chickens; not to be fed to laying chickens; as chlortetracycline hydrochloride, as follows: In low-calcium feed containing 0.8 percent dietary calcium, not to be fed continuously for more than 8 weeks; in low-calcium feed containing 0.8 percent dietary calcium and 1.0 percent to 1.5 percent sodium sulfate, to be fed continuously for not more than the first 3 weeks of life.	Prevention and control of coccidiosis caused by *E. necatrix* and *E. tenella*.
10. Chlortetracycline	200			For chickens; not to be fed to laying chickens; as chlortetracycline hydrochloride; in low-calcium feed containing 0.4% to 0.55% dietary calcium, not to be fed continuously for more than 5 days.	Treatment of coccidiosis caused by *E. necatrix* and *E. tenella*.
11. Chlortetracycline	200			For chickens; not to be fed to laying chickens; as chlortetracycline hydrochloride.	Control of synovitis.
a. Chlortetracycline	200	Hygromycin B	8–12	For chickens; not to be fed to laying chickens.	Control of infestation of large roundworms (*Ascaris galli*), cecal worms (*Heterakis gallinae*), and capillary worms (*Capillaria obsignata*).
b. Chlortetracycline	200	Reserpine	0.908 (0.0001%)	For broiler chickens	Improve performance under stressful environmental conditions
c. Chlortetracycline	200	Zoalene	36.3–113.5 (0.004%–0.0125%)	For chickens; as prescribed in § 121.207(c), table 1, item 2.1 or 3.1.	As prescribed in § 121.207(c), table 1, item 2.1 or 3.1.

Table 1—Chlortetracycline in Complete Chicken and Turkey Feeds—Continued

Principal ingredient	Gm. per ton	Combined with—	Gm. per ton	Limitations	Indications for use
12. Chlortetracycline	200			For turkeys; as chlortetracycline hydrochloride.	Control of synovitis.
a. Chlortetracycline	200	Reserpine	0.182–0.908 (0.0002%–0.0001%)	For turkeys over 4 weeks of age; as prescribed in § 121.205(c), table 2, items 1, 2.	§ 121.205(c), table 2, items 1, 2.
13. Chlortetracycline	400			For turkey poults not over 4 weeks of age; in low calcium feed containing 1 percent total calcium with not less than 0.45 percent calcium from calcium sulfate; as chlortetracycline hydrochloride.	Aid in reducing mortality due to paratyphoid caused by *Salmonella typhimurium*.

Table 2—Chlortetracycline in Complete Swine Feed

Principal ingredient	Quantity	Combined with—	Quantity	Limitations	Indications for use
	Grams per ton		*Grams per ton*		
1. Chlortetracycline [1]	50–100			As chlortetracycline hydrochloride.	Maintenance of weight gain in the presence of atrophic rhinitis; reduction of the incidence of cervical abscesses; prevention of bacterial swine enteritis; prevention of bacterial swine enteritis during times of stress.
a. Chlortetracycline	50–100	Hygromycin B	12	Withdraw 48 hours prior to slaughter.	Control of infestation of large roundworms (*Ascaris suis*), nodular worms (*Oesophagostemum dentatum*), and whipworms (*Trichuris suis*).
2. Chlortetracycline [1]	100	Penicillin, sulfamethazine.	50 100	For swine not over 75 pounds in body weight; withdraw 5 days prior to slaughter; as procaine penicillin and chlortetracycline hydrochloride.	Reduction of the incidence of cervical abscesses; treatment of bacterial swine enteritis; prevention of these diseases during times of stress; growth promotion and feed efficiency, and maintenance of weight gain in the presence of atrophic rhinitis.
3. Chlortetracycline [1]	100–200			As chlortetracycline hydrochloride.	Treatment of bacterial swine enteritis.
a. Chlortetracycline	100–200	Hygromycin B	12	Withdraw 48 hours prior to slaughter.	Control of infestation of large roundworms (*Ascaris suis*), nodular worms (*Oesophagostemum dentatum*), and whipworms (*Trichuris suis*).
4. Chlortetracycline	200			Sole medication; as chlortetracycline hydrochloride.	As an aid in reducing spread of leptospirosis.
5. Chlortetracycline	400			To be fed for 14 days as sole medication; as chlortetracycline hydrochloride.	As an aid in reducing shedding of leptospirae; as an aid in reducing the abortion rate of swine and the mortality rate of newborn pigs when leptospirosis is present.

[1] See also § 121.200(c)(1).

TABLE 3—CHLORTETRACYCLINE IN FEED FOR OTHER ANIMALS

Principal ingredient	Quantity	Limitation	Indications for use
1. Chlortetracycline	10 mg. per gm. of mash.	As chlortetracycline hydrochloride; for parrots, macaws, cockatoos.	Treatment of psittacine birds suspected or known to be infected with psittacosis.

TABLE 4—CHLORTETRACYCLINE IN DRINKING WATER FOR CHICKENS AND TURKEYS

Principal ingredient	Quantity	Limitation	Indications for use
1. Chlortetracycline	100 mg. per gal	For chickens; as chlortetracycline hydrochloride or chlortetracycline bisulfate; not to be used for more than 14 consecutive days; as sole source of chlortetracycline.	Prevention of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis).
2. Chlortetracycline	do	For turkeys; as chlortetracycline hydrochloride or chlortetracycline bisulfate; not to be used for more than 14 consecutive days; as sole source of chlortetracycline.	Prevention of blue comb (nonspecific infectious enteritis, mud fever); infectious sinusitis, hexamitiasis.
3. Chlortetracycline	200 mg. per gal	For chickens; as chlortetracycline hydrochloride or chlortetracycline bisulfate; not to be used for more than 14 consecutive days; as sole source of chlortetracycline.	Treatment of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis); prevention of synovitis.
4. Chlortetracycline	do	For turkeys; as chlortetracycline hydrochloride or chlortetracycline bisulfate; not to be used for more than 14 consecutive days; as sole source of chlortetracycline.	Treatment of blue comb (nonspecific infectious enteritis, mud fever), infectious sinusitis, hexamitiasis; prevention of synovitis.
5. Chlortetracycline	400 mg. per gal	For chickens and turkeys as chlortetracycline hydrochloride or chlortetracycline bisulfate; not for laying chickens; not to be used for more than 14 consecutive days; as sole source of chlortetracycline.	Control of synovitis.
6. Chlortetracycline	1000 mg. per gal	For growing chickens; as chlortetracycline hydrochloride or chlortetracycline bisulfate; not for laying chickens; not to be used for more than 14 consecutive days; withdraw 24 hours prior to slaughter; as sole source of chlortetracycline.	Aid in the control of mortality due to fowl cholera.

TABLE 5—MISCELLANEOUS

Principal ingredient	Amount	Combined with—	Amount	Limitations	Indications for use
1. Chlortetracycline	250 mg. per tablet.			In tablets for oral ingestion by calves; as sole source of chlortetracycline; 250 mg. per 100 lb. of animal weight per day for 3 days; do not administer within 24 hr. of slaughter; as chlortetracycline hydrochloride.	Treatment of bacterial scours in calves.
2. Chlortetracycline	250 mg. per tablet.			In tablets for oral ingestion by calves; as sole source of chlortetracycline; 250 mg. per animal per day for not more than 3 days; as chlortetracycline hydrochloride; do not administer within 24 hr. of slaughter.	Prevention of bacterial scours in new-born calves.
3. Chlortetracycline	125 mg. per tablet.	Neomycin	125 mg. per tablet.	In tablets for oral ingestion by calves; as sole source of chlortetracycline and neomycin; 125 mg. of chlortetracycline with 125 mg. of neomycin per 100 lb. of animal weight per day for 3 days; do not administer within 24 hr. of slaughter; as chlortetracycline hydrochloride and neomycin sulfate.	Treatment of bacterial scours in calves.
4. Chlortetracycline	125 mg. per tablet.	Sulfamethazine	2.5 gm. per tablet.	In tablets for oral ingestion by calves; as sole source of chlortetracycline and sulfamethazine; 125 mg. of chlortetracycline with 2.5 gm. of sulfamethazine per 100 lb. of animal weight per day for 3 days; do not administer within 5 days of slaughter for food; as chlortetracycline hydrochloride.	Treatment of bacterial scours in calves.

TABLE 6—CHLORTETRACYCLINE IN CATTLE FEED

Principal ingredient	Amount	Combined with—	Amount	Limitations	Indications for use
	Mg. per head per day		*Mg. per head per day*		
1. Chlortetracycline	70			For feed-lot beef cattle	Aid in prevention of liver abscesses.
a. Chlortetracycline	70	Diethylstilbestrol	10	§ 121.241(b), item 1	Fattening of beef cattle.
2. Chlortetracycline	70			For beef cattle up to 700 pounds in weight.	Aid in reduction of bacterial diarrhea; aid in prevention of foot rot.
a. Chlortetracycline	70	Diethylstilbestrol	10	§ 121.241(b), item 1	Fattening of beef cattle.
3. Chlortetracycline	100			For beef cattle over 700 pounds in weight.	Aid in reduction of bacterial diarrhea; aid in prevention of foot rot.
a. Chlortetracycline	100	Diethylstilbestrol	10	§ 121.241(b), item 1	Fattening of beef cattle.
4. Chlortetracycline	350			For beef cattle; not to be administered within 48 hours of slaughter.	Aid in prevention of bacterial pneumonia and shipping fever (hemorrhagic septicemia); aid in reduction of losses due to respiratory infection (infectious rhinotracheitis-shipping fever complex).
a. Chlortetracycline	350	Diethylstilbestrol	10	§ 121.241(b), item 1	Fattening of beef cattle.
5. Chlortetracycline	350			For beef cattle up to 700 pounds in weight; not to be administered within 48 hours of slaughter.	Aid in prevention of anaplasmosis.
a. Chlortetracycline	350	Diethylstilbestrol	10	§ 121.241(b), item 1	Fattening of beef cattle.
6. Chlortetracycline	500			For beef cattle 700-1,000 pounds in weight. Not to be administered within 48 hours of slaughter.	Aid in prevention of anaplasmosis.
a. Chlortetracycline	500	Diethylstilbestrol	10	§ 121.241(b), item 1	Fattening of beef cattle.
7. Chlortetracycline	750			For beef cattle 1,000-1,500 pounds in weight. Not to be administered within 48 hours of slaughter.	Aid in prevention of anaplasmosis.
a. Chlortetracycline	750	Diethylstilbestrol	10	§ 121.241(b), item 1	Fattening of beef cattle.
8. Chlortetracycline	0.5 (mg. per pound of body weight per day).			For beef cattle over 1,500 pounds in weight. Not to be administered within 48 hours of slaughter.	Aid in prevention of anaplasmosis.
a. Chlortetracycline	0.5 (mg. per pound of body weight per day).	Diethylstilbestrol	10	§ 121.241(b), item 1	Fattening of beef cattle.

TABLE 6—CHLORTETRACYCLINE IN CATTLE FEED—Continued

Principal ingredient	Amount	Combined with—	Amount	Limitations	Indications for use
	Mg. per head per day		*Mg. per head per day*		
9. Chlortetracycline	5.0 (milligrams per pound of body weight per day).			For beef cattle and nonlactating dairy cows; feed for 60 days; for use in the carrier state only; not to be fed within 10 days of slaughter; from a concentrate containing not less than 2.0 grams of chlortetracycline per pound. Labeling shall include a statement that a positive complement-fixation test at conclusion of a 60-day feeding period does not necessarily establish that anaplasmosis carrier state is still active. To positively establish that the carrier state has been eliminated, inject blood from a suspected carrier into a splenectomized (susceptible) calf.	Aid in the elimination of the carrier state of anaplasmosis.

(c) To assure safe use, the label and labeling of the additive, any combination of the additives, and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity or quantities contained therein, except that the label of the complete feed need not bear the quantities of the antibiotic drugs added solely for growth promotion.

NOTE: § 121.208(e)(2) was amended to read "A statement of the quantity or quantities contained therein" by an order published in the FEDERAL REGISTER on March 20, 1965, 30 F.R. 3707, effective January 1, 1966. The effective date of this amendment was stayed by an order published in the FEDERAL REGISTER on September 28, 1965, 30 F.R. 12353, pending resolution of issues at a public hearing.

(3) Adequate directions and warnings for use.

§ 121.209 Ronnel.

The food additive ronnel (*O,O*-dimethyl *O*-(2,4,5-trichlorophenyl) phosphorothioate) may be safely used in animal feed in accordance with the following prescribed conditions:

(a) In the feed of beef cattle and dairy heifers as follows:

	Quantity	Limitations	Indications for use
1. In feed concentrate:	*Percent in feed concentrate*		
a.	0.36	For beef cattle and dairy heifers: Feed concentrate 0.3 lb. per 100 lb. of animal weight per day for 14 days; withdraw from dairy heifers 28 days before calving; withdraw 28 days prior to slaughter; not to be fed to dairy cows.	Control of grubs.
b.	0.6	For beef cattle and dairy heifers: Feed concentrate 0.3 lb. per 100 lb. of animal weight per day for 7 days; withdraw from dairy heifers 60 days before calving; withdraw 60 days prior to slaughter; not to be fed to dairy cows.	Control of grubs; aid in the control of cattle lice, when the drug is used for cattle grub control.
	Percent in block or granular concentrate		
2. In mineral concentrate	5.5	For beef cattle and dairy heifers: Feed block or granular concentrate 0.25 lb. per 100 lb. of animal weight per month for not less than 75 days; withdraw from dairy heifers 21 days before calving; withdraw 21 days prior to slaughter; not to be fed to dairy cows.	Control of grubs and horn flies.

(b) To assure safe use, the label and labeling of the additive, any combination of additives, and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity or quantities of each contained therein.

(3) Adequate directions and warnings for use, which shall also include the following:

(i) A statement that the ronnel-medicated feed concentrate shall be thoroughly mixed with the daily feed ration.

(ii) A statement that ronnel-medicated feed or block concentrate is to be used as the sole source of ronnel medication.

§ 121.210 Amprolium.

The food additive amprolium (1-(4-amino-2-*n*-propyl-5-pyrimidinylmethyl) -2-picolinium chloride hydrochloride) may be safely used in accordance with the following prescribed conditions:

(a) The antibiotic activities authorized are expressed in terms of the weight of the appropriate antibiotic standard.

(b) Permitted uses of amprolium alone and with certain other additives are described in tabular form in this section, and these tables are to be read as follows:

(1) The numbered line items establish the required limitations and indications for use of the principal ingredient as the medicament, alone, or with an additional ingredient added.

(2) The lettered line items establish the required limitations and indications for use of secondary ingredients that may be added to the indicated principal ingredients. Where principal and secondary ingredients have been mixed, the applicable limitations and indications for use from both the numbered items and lettered items apply. If duplicate limitations occur, these may be appropriately combined.

(3) Permitted combinations of principal ingredients and secondary ingredients are individually listed. Unless specifically provided by the regulations, the principal ingredients may not be mixed with two or more secondary ingredients.

(4) Where cross-references specify a particular table and item number of another section, use of only the principal ingredient of the numbered item is authorized thereby.

(5) The term "principal ingredient" as used in this section refers to the additive named in the title of this section and is not intended to imply that the ingredient is of a greater value than any other additives named in this section.

(c) It is used or intended for use in drinking water and in feeds which do not contain bentonite, as follows:

TABLE 1—AMPROLIUM IN COMPLETE CHICKEN AND TURKEY FEED

Principal Ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1.1 Amprolium	113.5-227 (0.0125%-0.025%).			For turkeys	Prevention of coccidiosis.
a. 1.1	113.5-227	Penicillin	2.4-50	For turkeys; as procaine penicillin.	Growth promotion and feed efficiency.
b. 1.1	113.5-227	Penicillin plus baeitracin.	3.6-50	For turkeys; not less than 0.6 gm. of penicillin nor less than 3 gm. of baeitracin; as procaine penicillin plus baeitracin, baeitracin methylene disalicylate, manganese baeitracin, or zinc baeitracin.	Do.
c. 1.1	113.5-227	Penicillin plus streptomycin.	14.4-50	For turkeys; not less than 2.4 gm. of penicillin nor less than 12 gm. of streptomycin; as procaine penicillin plus streptomycin sulfate.	Do.
d. 1.1	113.5-227	Streptomycin	30-50	For turkeys; as streptomycin sulfate.	Growth promotion and feed efficiency.
e. 1.1	113.5-227	Baeitracin	4-50	For turkeys; as baeitracin, baeitracin methylene disalicylate, manganese baeitracin, or zinc baeitracin	Do.
f. 1.1	113.5-227	Chlortetracycline	10-50	For turkeys; as chlortetracycline hydrochloride.	Do.
g. 1.1	113.5-227	Penicillin plus streptomycin.	90-180	For turkeys; § 121.256(d) table 1, item 7.1.	§ 121.256(d), table 1, item 7.1.
h. 1.1	113.5-227	Oxytetracycline	50-200	§ 121.251(d), table 1, items 1, 3, 4, 5, 7, 11.	§ 121.251(d), table 1, items 1, 3, 4, 5, 7, 11.
i. 1.1	113.5-227	Arsanilic acid	90 (0.01%)	For turkeys; withdraw 5 days before slaughter.	Growth promotion and feed efficiency; improving pigmentation.
j. 1.1	113.5-227	Sodium arsanilate	90 (0.01%)	do	Do.
k. 1.1	113.5-227	3-Nitro-4-hydroxyphenylarsonic acid.	22.7-45.4	§ 121.262, table 1, item 1.3.	§ 121.262, table 1, item 1.3.
2.1 Amprolium	113.5-227 (0.0125%-0.025%).			For broiler chickens; not for laying chickens.	Prevention of coccidiosis.
2.2 Amprolium	113.5-227 (0.0125%-0.025%).	Ethopabate	3.6	do	Do.
2.3 Amprolium	113.5-227 (0.0125%-0.025%)	Arsanilic acid	90 (0.01%)	For broiler chickens; not for laying chickens; withdraw 5 days before slaughter.	Prevention of coccidiosis; growth promotion and feed efficiency; improving pigmentation.
2.4 Amprolium	113.5-227 (0.0125%-0.025%)	Ethopabate	3.6 (0.0004%)	do	Do.
		+			
		Arsanilic acid	90 (0.01%)		
a. 2.1, 2.2, 2.3, or 2.4.	113.5-227	Penicillin	2.4-50	For broiler chickens; as procaine penicillin.	Growth promotion and feed efficiency

TABLE 1—AMPROLIUM IN COMPLETE CHICKEN AND TURKEY FEED—Continued

Principal Ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
2.4 Amprolium—Continued					
b. 2.1 or 2.2	113.5-227	Penicillin plus baeitracin.	3.6-50	For broiler chickens; not for laying chickens; not less than 0.6 gm. of penicillin nor less than 3 gm. of baeitracin; as procaine penicillin plus baeitracin, baeitracin methylene disalicylate, manganese baeitracin, or zinc baeitracin.	Growth promotion and feed efficiency.
c. 2.1, 2.2, 2.3, or 2.4.	113.5-227	Penicillin+streptomycin.	14.4-50	For broiler chickens; as procaine penicillin plus streptomycin sulfate; 14.4-50 gm. of combination containing 16.7% of penicillin.	Do
d. 2.1 or 2.2	113.5-227	Streptomycin	30-50	For broiler chickens; not for laying chickens; as streptomycin sulfate.	Do.
e. 2.1 or 2.2	113.5-227	Baeitracin	4-50	For broiler chickens; not for laying chickens; as baeitracin, baeitracin methylene disalicylate, manganese baeitracin, or zinc baeitracin.	Do.
f. 2.1 or 2.2	113.5-227	Chlortetracycline.	10-50	For broiler chickens; not for laying chickens; as chlortetracycline hydrochloride.	Do.
g. 2.1 or 2.2	113.5-227	Baeitracin	50-100	For broiler chickens; not for laying chickens; as baeitracin, baeitracin methylene disalicylate, or zinc baeitracin.	Prevention of chronic respiratory disease (air-sac infection) and blue comb (nonspecific infectious enteritis).
h. 2.1 or 2.2	113.5-227	do	100-200	do	Treatment of chronic respiratory disease (air-sac infection) and blue comb (nonspecific infectious enteritis).
i. 2.1 or 2.2	113.5-227	Chlortetracycline.	50-200	For broiler chickens; not for laying chickens; as prescribed in § 121.208(d), table 1, items 1, 2, 5, 6.	§ 121.208(d), table 1, items 1, 2, 5, 6.
j. 2.1 or 2.2	113.5-227	Penicillin plus streptomycin.	90-180	For broiler chickens; not for laying chickens; § 121.256(d), table 1, item 5.1.	§ 121.256(d), table 1, item 5.1.
k. 2.1 or 2.2	113.5-227	Penicillin plus streptomycin.	90-180	For chicks; § 121.256(d), table 1, item 8.1	§ 121.256(d), table 1, item 8.1.
l. 2.1	113.5-227	Oxytetracycline	50-200	§ 121.251(d), table 1, items 1, 2, 4, 6, 8, 9, 10, 12.	§ 121.251(d), table 1, items 1, 2, 4, 6, 8, 9, 10, 12.
m. 2.1	113.5-227	Tylosin	4-50	As tylosin phosphate	Growth promotion and feed efficiency.
n. 2.1	113.5-227	Sodium arsanilate	90 (0.01%)	do	Growth promotion and feed efficiency; improving pigmentation.
o. 2.1	113.5-227	Oleandomycin	2	For broiler chickens; not for laying chickens; regulation limited to holders of approved new-drug applications.	Growth promotion and feed efficiency.

TABLE 1—AMPROLIUM IN COMPLETE CHICKEN AND TURKEY FEED—Continued

Principal Ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
2.4 Amprolium—Continued					
p. 2.1	113.5-227	Tylosin+penicillin.	3.2-50	For broiler chickens; 3.2-50 gm. of combination containing a ratio of 1.2 parts of penicillin to 2 parts of tylosin; as procaine penicillin +tylosin phosphate.	Growth promotion and feed efficiency.
q. 2.1	113.5-227	3-Nitro-4-hydroxyphenylarsonic acid.	22.7-45.4	§ 121.262, table 1, item 1.1.	§ 121.262, table 1, item 1.1.
r. 2.1	113.5-227	Hygromycin B	8-12		§ 121.213(d), table 1 item 1.
3.1 Amprolium	36.3-113.5 (.004%-.0125%).			For replacement chickens; not for laying chickens, as follows:	Development of active immunity to coccidiosis.

Growing conditions	Amount of amprolium in feed for birds, by age groups		
	Up to 5 weeks of age	From 5 to 8 weeks of age	From 8 to 14 weeks of age
	Grams per ton	*Grams per ton*	*Grams per ton*
Severe exposure to coccidiosis.	113.5 (0.0125%)	72.6-113.5 (0.008%-0.0125%)	36.3-113.5 (0.004%-0.0125%)
Moderate exposure to coccidiosis.	72.6-113.5 (0.008%-0.0125%)	54.5-113.5 (0.006%-0.0125%)	36.3-113.5 (0.004%-0.0125%)
Slight exposure to coccidiosis.	36.3-113.5 (0.004%-0.0125%)	36.3-113.5 (0.004%-0.0125%)	36.3-113.5 (0.004%-0.0125%)

3.2 Amprolium	36.3-113.5 (0.004%-0.0125%)	Arsanilic acid	90 (0.01%)	For replacement chickens; as specified in item 3.1 of this table; not for laying chickens; withdraw 5 days before slaughter.	Development of active immunity to coccidiosis; growth promotion and feed efficiency; improving pigmentation.
3.3 Amprolium	36.3-113.5 (0.004%-0.0125%)	Sodium arsanilate	90 (0.01%)	For replacement chickens; as specified in item 3.1 of this table; not for laying chickens; withdraw 5 days before slaughter.	Do.
a. 3.1 or 3.2	36.3-113.5	Penicillin	2.4-50	For replacement chickens; not for laying chickens; as procaine penicillin.	Growth promotion and feed efficiency.
b. 3.1	36.3-113.5	Penicillin plus baeitracin.	3.6-50	For replacement chickens; not for laying chickens; not less than 0.6 gm. of penicillin nor less than 3 gm. of baeitracin; as procaine penicillin plus baeitracin, baeitracin methylene disalicylate, manganese baeitracin, or zinc baeitracin.	Do.

TABLE 1—AMPROLIUM IN COMPLETE CHICKEN AND TURKEY FEED—Continued

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
3.3 Amprolium—Continued					
c. 3.1 or 3.2	36.3–113.5	Penicillin plus streptomycin.	14.4–50	As procaine penicillin plus streptomycin sulfate; 14.4–50 gm. of combinations containing 16.7 percent of penicillin.	Growth promotion and feed efficiency.
d. 3.1	36.3–113.5	Streptomycin	30–50	For replacement chickens; not for laying chickens; as streptomycin sulfate.	Do.
e. 3.1	36.3–113.5	Bacitracin	4–50	For replacement chickens; not for laying chickens; as bacitracin, bacitracin methylene disalicylate, manganese bacitracin, or zinc bacitracin.	Do.
f. 3.1	36.3–113.5	Chlortetracycline	10–50	For replacement chickens; not for laying chickens; as chlortetracycline hydrochloride.	Do.
g. 3.1	36.3–113.5	Bacitracin	50–100	For replacement chickens; not for laying chickens; as bacitracin, bacitracin methylene disalicylate, or zinc bacitracin.	Prevention of chronic respiratory disease (airsac infection) and blue comb (nonspecific infectious enteritis).
h. 3.1	36.3–113.5	do	100–200	do	Treatment of chronic respiratory disease (airsac infection) and blue comb (nonspecific infectious enteritis).
i. 3.1	36.3–113.5	Chlortetracycline	50–200	For replacement chickens; not for laying chickens; as prescribed in § 121.208(d), table 1, items 1, 2, 5, 6.	§ 121.208(d), table 1, items 1, 2, 5, 6.
j. 3.1	36.3–113.5	Penicillin plus streptomycin.	90–180	For replacement chickens; not for laying chickens; § 121.256(d), table 1, item 5.1.	§ 121.256(d), table 1, item 5.1.
k. 3.1	36.3–113.5	Penicillin plus streptomycin.	90–180	For chicks; § 121.256(d), table 1, item 8.1.	§ 121.256(d), table 1 item 8.1.
l. 3.1	36.3–113.5	Oxytetracycline	50–200	§ 121.251(d), table 1, items 1, 2, 4, 6, 8, 9, 10, 12.	§ 121.251(d), table 1, items 1, 2, 4, 6, 8, 9, 10, 12.
m. [Reserved]					
n. [Reserved]					
o. 3.1	36.3–113.5	Oleandomycin	2	For replacement chickens; not for laying chickens; regulation limited to holders of approved new-drug applications.	Growth promotion and feed efficiency.
p. 3.1	36.3–113.5	Tylosin+penicillin.	3.2–50	For replacement chickens; not for laying chickens; 3.2–50 gm. of combination containing a ratio of 1.2 parts of penicillin to 2 parts of tylosin; as procaine penicillin +tylosin phosphate.	Do.
q. 3.1	36.3–113.5	3-Nitro-4-hydroxyphenylarsonic acid.	22.7–45.4	§ 121.262, table 1, item 1.1.	§ 121.262, table 1 item 1.1
r. 3.1	36.3–113.5	Tylosin	4–50	As tylosin phosphate.	Growth promotion and feed efficiency.
s. 3.1	36.3–113.5	Hygromycin B	8–12		§ 121.213(d), table 1, item 1.

TABLE 2—AMPROLIUM IN DRINKING WATER FOR CHICKENS

Principal ingredient	Quantity	Limitation	Indications for use
Amprolium	0.006%–0.024%	In chicken drinking water; as sole source of amprolium; not for laying chickens.	Treatment of coccidiosis.

(d) To assure safe use, the label and labeling of the additive, any combination of additives, and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity or quantities contained therein, except that the label of the complete feed need not bear the quantities of the antibiotic drugs added solely for growth promotion.

NOTE: § 121.210(d)(2) was amended to read "A statement of the quantity or quantities contained therein" by an order published in the FEDERAL REGISTER on March 20, 1965, 30 F.R. 3707, effective January 1, 1966. The effective date of this amendment was stayed by an order published in the FEDERAL REGISTER on September 28, 1965, 30 F.R. 12353, pending resolution of issues at a public hearing.

(3) Adequate directions and warnings for use, including a statement that such feeds may not be fed to laying birds.

(e) Section 121.1022 establishes the limitation for residues of the additive in food for human consumption.

§ 121.211 Ethion (*O,O,O',O'*-tetraethyl *S,S'*-methylene bisphosphorodithioate).

A tolerance of 10 parts per million is established for residues of the insecticide ethion in dehydrated citrus pulp for cattle feed when present therein as a result of the application of the pesticide to the growing agricultural crop.

§ 121.212 Novobiocin.

The food additive novobiocin may be safely used in accordance with the following prescribed conditions:

(a) Novobiocin is the antibiotic substance produced by growth of *Streptomyces niveus* or the same antibiotic substance produced by any other means.

(b) The antibiotic activity authorized is expressed in this section in terms of the weight of the appropriate antibiotic standard.

(c) It is used or intended for use as follows:

NOVOBIOCIN IN CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Limitations	Indications for use
1. Novobiocin	200	For chickens; not for laying chickens; feed 5 to 7 days; withdraw 4 days prior to slaughter.	Aid in the treatment of breast blisters associated with staphylococcic infections.
2. Novobiocin	200	For turkeys; feed 5 to 7 days; withdraw 4 days prior to slaughter.	Do.
3. Novobiocin	350	For chickens; not for laying chickens; feed 5 to 7 days; withdraw 4 days prior to slaughter.	Treatment of staphylococcic infections and staphylococcic synovitis (infectious arthritis).
4. Novobiocin	350	For turkeys; feed 5 to 7 days; withdraw 4 days prior to slaughter.	Do.

(d) To assure safe use, the label and labeling of the additive, and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive.

(2) A statement of the quantity contained therein.

(3) Adequate directions and warnings for use.

§ 121.213 Hygromycin B.

The food additive hygromycin B may be safely used in animal feed in accordance with the following prescribed conditions:

(a) Hygromycin B is the antibiotic substance produced by growth of *Streptomyces hygroscopicus* or the same antibiotic substance produced by any other means.

(b) The antibiotic activities authorized are expressed in this section in terms of the weight of the appropriate antibiotic standard.

(c) Permitted uses of hygromycin B alone and with certain other additives in medicated feeds are described in tabular form in this section. These tables are to be read as follows:

(1) The numbered line items establish the required limitations and indications for use of the principal ingredient as the medicament alone, or with another ingredient added.

(2) The lettered line items establish the required limitations and indications for use of secondary ingredients that may be added to the principal ingredient. Where principal and secondary ingredients have been mixed, the applicable "limitations" and "indications for use" from both the numbered items and lettered items apply. If duplicate limitations occur, these may be appropriately combined.

(3) Permitted combinations of principal ingredient and secondary ingredients are individually listed. Unless specifically provided by the regulations, the principal ingredient may not be mixed with one or more secondary ingredients.

(4) Where cross-references specify a particular table and item number of another section, use of only the principal ingredient or principal ingredient combination indicated by the cross-reference is authorized thereby.

(5) The term "principal ingredient" as used in this section refers to the additive named in the title of this section but may include other ingredients listed as numbered line items. Such term is not intended to imply that the ingredient or combination is of greater value than any other additives named in this section.

(d) The additive is used or intended for use as follows:

TABLE 1—HYGROMYCIN B IN COMPLETE CHICKEN FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1. Hygromycin B	8–12				Control of infestation of large roundworms (*Ascaris galli*), cecal worms (*Heterakis gallinae*) and capillary worms (*Capillaria obsignata*).
a. Hygromycin B	8–12	Penicillin	2.4–50	As procaine penicillin	Growth promotion and feed efficiency.
b. Hygromycin B	8–12	Penicillin plus bacitracin.	3.6–50	Not less than 0.6 gm. of penicillin nor less than 3 gm. of bacitracin nor more than 50 gm. in combination; as procaine penicillin plus bacitracin, bacitracin methylene disalicylate, manganese bacitracin, or zinc bacitracin.	Do.

TABLE 1—HYGROMYCIN B IN COMPLETE CHICKEN FEED—Continued

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1. Hygromycin B—Continued					
c. Hygromycin B	8–12	Penicillin plus streptomycin.	14.4–50	Not less than 2.4 gm. of penicillin nor less than 12 gm. of streptomycin nor more than 50 gm. in combination; as procaine penicillin plus streptomycin sulfate.	Growth promotion and feed efficiency.
d. Hygromycin B	8–12	Penicillin + tylosin.	3.2–50	3.2–50 gm. of combination containing a ratio of 1.2 parts of penicillin to 2 parts of tylosin; as procaine penicillin plus tylosin phosphate.	Do.
e. Hygromycin B	8–12	Bacitracin	4–50	As bacitracin, bacitracin methylene disalicylate, manganese bacitracin, or zinc bacitracin.	Do.
f. Hygromycin B	8–12	Streptomycin	30–50	As streptomycin sulfate	Do.
g. Hygromycin B	8–12	Chlortetracycline	10–50	As chlortetracycline hydrochloride.	Do.
h. Hygromycin B	8–12	Penicillin	50–100	§ 121.256(d), table 1, items 3.1, 9.1.	§ 121.256(d), table 1, items 3.1, 9.1.
i. Hygromycin B	8–12	Penicillin + bacitracin.	10–200	§ 121.256(d), table 1, items 1.1, 3.2, 10.1, 11.1, 13.1, 16.1.	§ 121.256(d), table 1, items 1.1, 3.2, 10.1, 11.1, 13.1, 16.1.
j. Hygromycin B	8–12	Penicillin + streptomycin	22.5–180	§ 121.256(d), table 1, items 2.1, 5.1, 6.1, 8.1.	§ 121.256(d), table 1 items 2.1, 5.1, 6.1, 8.1.
k. Hygromycin B	8–12	Bacitracin	10–100	§ 121.232(d), items 1.1, 2.1, 4.1; § 121.233(d), items 1.1, 2.1, 4.1; § 121.252(d), items 1.1, 2.1, 4.1.	§ 121.232(d), items 1.1, 2.1, 4.1; § 121.233(d), items 1.1, 2.1, 4.1; § 121.252(d), items 1.1, 2.1, 4.1.
l. Hygromycin B	8–12	Bacitracin	100	As bacitracin, bacitracin methylene disalicylate, or zinc bacitracin.	Treatment of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis).
m. Hygromycin B	8–12	Bacitracin	100	For chicks, in starter ration; as bacitracin, bacitracin methylene disalicylate, or zinc bacitracin.	Prevention of early mortality of chicks due to organisms susceptible to the named bacitracin compound.
n. Hygromycin B	8–12	Chlortetracycline	50–200	§ 121.208(d), table 1, items 1, 2, 4, 5, 6, 11.	§ 121.208(d), table1, items 1, 2, 4, 5, 6, 11.
o. Hygromycin B	8–12	Amprolium	36.3–227	Not for laying chickens; as prescribed in § 121.210(e), table 1, item 2.1 or 3.1.	§ 121.210(e), table 1, item 2.1 or 3.1.
p. Hygromycin B	8–12	Zoalene	36.3–113.5	Not for laying chickens; as prescribed in § 121.207(e), item 2.1 or 3.1.	§ 121.207(e), item 2.1 or 3.1.
q. Hygromycin B	8–12	Tylosin	4–50	As tylosin phosphate	Growth promotion and feed efficiency.
r. Hygromycin B	8–12	Zoalene + tylosin + penicillin.	36.3–113.5 3.2–50	Not for laying chickens; in combination ratio of 1.2 parts of penicillin to 2 parts of tylosin; as tylosin phosphate plus procaine penicillin; § 121.207(e), item 2.1 or 3.1.	§ 121.207(e), item 2.1 or 3.1 and growth promotion and feed efficiency.
s. Hygromycin B	8–12	Zoalene + tylosin	36.3–113.5 4–50	Not for laying chickens; as tylosin phosphate; § 121.207(e), item 2.1 or 3.1.	§ 121.207(e), item 2.1 or 3.1, and growth promotion and feed efficiency.

TABLE 2—HYGROMYCIN B IN COMPLETE SWINE FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations		Indications for use
1. Hygromycin B	12			For swine; withdraw 48 hours prior to slaughter.		Control of infestation of large roundworms (*Ascaris suis*), nodular worms (*Oesophagostomum dentatum*), and whipworms (*Trichuris suis*). Growth promotion and feed efficiency.
a. Hygromycin B	12	Tylosin	10–100	For swine; as tylosin phosphate; continuous, as follows:		
				Animal weight	Amount of tylosin in feed	
				Pounds	*Grams per ton*	
				101 to market weight.	10–20	
				41–100	20–40	
				Up to 40	20–100	
b. Hygromycin B	12	Chlortetracycline	50–100	Withdraw 48 hours prior to slaughter. For swine; as chlortetracycline hydrochloride; withdraw 48 hours prior to slaughter.		Maintenance of weight gain in presence of atrophic rhinitis reduction of incidence of cervical abscesses; prevention of bacterial swine enteritis.
c. Hygromycin B	12	Chlortetracycline	100–200	For swine; as chlortetracycline hydrochloride; withdraw 48 hours prior to slaughter.		Treatment of bacterial swine enteritis.

(e) To assure safe use, the label and labeling of the additive, any combination of the additives, and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity or quantities contained therein, except that the label of the complete feed need not bear the quantities of the antibiotic drugs added solely for growth promotion.

NOTE: § 121.213(e)(2) was amended to read "A statement of the quantity or quantities contained therein" by an order published in the FEDERAL REGISTER on March 20, 1965, 30 F.R. 3707, effective January 1, 1966. The effective date of this amendment was stayed by an order published in the FEDERAL REGISTER on September 28, 1965, 30 F.R. 12353, pending resolution of issues at a public hearing.

(3) Adequate directions and warnings for use.

§ 121.214 Diethylcarbamazine.

Diethylcarbamazine may be safely used in animal food when incorporated therein in accordance with the following conditions:

(a) It is used or intended for use as an aid in the control of large roundworms (ascarids) in dogs.

(b) The quantity of the additive permitted to be used or to remain in or on the finished medicated food shall be 66 parts per million, or 30 milligrams per pound.

(c) To assure safe use of the additive, the label and labeling of the additive and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive.

(2) A statement of the quantity of the additive contained therein.

(3) The word "medicated" prominently and conspicuously, on any feed preparation containing the additive, and in juxtaposition with the name of the feed preparation.

(4) Adequate directions and warnings for use, including a prominent statement that such medicated dog food is to be used only when infestation by large roundworms (ascarids) is suspected or known to be present.

§ 121.215 *O,O*-Diethyl *S*-2-(ethylthio) ethyl phosphorodithioate.

Tolerances for residues of *O,O*-diethyl *S*-2-(ethylthio)ethyl phosphorodithioate, calculated as demeton, in ingredients for livestock feed are established as follows:

(a) 5 parts per million in dehydrated sugar beet pulp when present therein as a result of the application of the pesticide to the growing agricultural crop, provided that, if residues of demeton are also present, the total of both residues shall not exceed 5 parts per million.

(b) 5 parts per million in pineapple bran when present therein as a result of the application of the insecticide in the production of pineapples.

§ 121.216 Sodium 2,2-dichloropropionate.

A tolerance of 20 parts per million is established for residues of sodium 2,2-dichloropropionate (calculated as 2,2-dichloropropionic acid) in dehydrated citrus pulp for cattle feed, when present therein as a result of the application of the pesticide during the growing of grapefruit, limes, oranges, and tangerines.

§ 121.217 Tylosin.

The food additive tylosin may be safely used in accordance with the following prescribed conditions:

(a) Tylosin is the antibiotic substance produced by growth of *Streptomyces fradiae* or the same antibiotic substance produced by any other means, and for the purposes of this section refers to tylosin as the specified salt.

(b) The quantities of tylosin or salts of tylosin referred to in this section refer to activities of tylosin base.

(c) Permitted uses of tylosin alone and with certain other additives are described in tabular form in this section, and the tables are to be read as follows:

(1) The numbered line items establish the required limitations and indications for use of the principal ingredient as the medicament alone or with additional ingredients added for increased effectiveness.

(2) The lettered line items establish the required limitations and indications for use of secondary ingredients that may be added to the indicated principal ingredient. Where principal and secondary ingredients have been mixed, the applicable limitations and indications for use from both the numbered items and lettered items apply. If duplicate limitations occur, these may be appropriately combined.

(3) Permitted combinations of principal ingredient and secondary ingredients are individually listed. Unless specifically provided by the regulations, the principal ingredient may not be mixed with two or more secondary ingredients.

(4) Where cross-references specify a particular table and item number of another section, use of only the principal ingredient of the numbered item is authorized thereby.

(5) The term "principal ingredient" as used in this section refers to the additive named in the title of this section and is not intended to imply that the ingredient is of a greater value than any other additives named in this section.

(d) It is used or intended for use as follows:

TABLE 1—TYLOSIN FOR INJECTION

Principal ingredient	Quantity	Combined with—	Quantity	Limitations	Indications for use
1. Tylosin	6.25 mg.–12.5 mg. per sinus.			For turkeys; not for laying turkeys; inject 6.25 mg. or 12.5 mg. per sinus, depending on severity of infection; do not inject within 5 days of slaughter; as tylosin tartrate.	Treatment of infectious sinusitis.
a. Tylosin	6.25 mg.–12.5 mg. per sinus.	Tylosin (in drinking water).	2 gm. per gallon.	For turkeys; administer not more than 5 days in drinking water; do not administer within 5 days of slaughter; as tylosin tartrate.	Maintaining weight gains and feed efficiency in the presence of infectious sinusitis.
2. Tylosin	1 mg.–4 mg. per pound of body weight.			For swine; administer intramuscularly not more than 3 days; do not administer within 4 days of slaughter; as tylosin base.	Treatment of erysipelas, pneumonia, dysentery (vibrionic), arthritis due to pleuropneumonia-like organisms.

TABLE 2—TYLOSIN IN DRINKING WATER

Principal ingredient	Grams per gallon	Combined with—	Quantity	Limitations	Indications for use
1. Tylosin	2–5			For chickens; not for laying chickens; administer not more than 5 days; do not administer within 24 hours of slaughter; as tylosin tartrate.	Prevention or treatment of chronic respiratory disease (airsac infection).
2. Tylosin	2			For turkeys; administer not more than 5 days in drinking water; do not administer within 5 days of slaughter; as tylosin tartrate.	Maintaining weight gains and feed efficiency in the presence of infectious sinusitis.
3. Tylosin	0.25–1			For swine; administer not more than 10 days; withdraw 48 hours prior to slaughter; as tylosin base.	Prevention or treatment of swine dysentery (vibrionic).

TABLE 3—TYLOSIN IN ANIMAL FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1. Tylosin	10–100			For swine; as tylosin phosphate; continuous use as follows:	Growth promotion and feed efficiency.
				Grams per ton	
				10–20	101 lb. to market weight.
				20–40	41–100 lb. animal weight.
				20–100	Up to 40 lb. animal weight.
a. Tylosin	10–100	Hygromycin B	12.0	For swine; withdraw 48 hours prior to slaughter.	§ 121.213(e), Table 2, Item 1.
2. Tylosin	40–100			For swine; 100 gm. per ton for at least 3 weeks followed by 40 gm. per ton until market weight; as tylosin phosphate.	Prevention of swine dysentery (vibrionic).
3. Tylosin + streptomycin	10–100			For swine; in a combination containing tylosin and streptomycin in a 1 to 1 ratio; as tylosin phosphate plus streptomycin sulfate as follows:	Growth promotion and feed efficiency.
				Grams per ton	
				40–100	Up to 40 lb. animal weight.
				20–40	41–100 lb. animal weight.
				10–20	101 lb. to market weight.
4. Tylosin	40–100			For swine; administer in feed as tylosin phosphate after treatment with tylosin in drinking water as tylosin base; 0.25 gm. per gallon in drinking water for 3–10 days, 40–100 gm. per ton in feed for 2–6 weeks.	Treatment and control of swine dysentery (vibrionic).

(e) To assure safe use, the label and labeling of the additive, any combination of additives, and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity or quantities of each contained therein.

(3) Adequate directions and warnings for use.

§ 121.218 Diuron.

A tolerance of 4 parts per million is established for residues of diuron (3-(3,4-dichlorophenyl)-1,1-dimethylurea) in dried citrus pulp for livestock feed when present therein as a result of the application of the pesticide in the production of citrus fruits.

§ 121.219 Promazine hydrochloride.

Promazine hydrochloride may be safely used in or on animal feed when incorporated therein in accordance with the following prescribed conditions:

(a) It is used or intended for use as a tranquilizer for cattle (except lactating dairy animals) and horses.

(b) It is used in an amount not less than 0.75 milligram nor more than 1.25 milligrams of the additive per pound of body weight.

(c) To assure safe use of the additive, the label and labeling of the additive and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive.

(2) A statement of the concentration or strength of the additive contained therein.

(3) Adequate directions and warnings for use.

(4) A prominent statement that the preparation is for use in cattle, except lactating dairy animals, and horses.

(5) A statement that the medication is to be withdrawn 72 hours prior to slaughter.

(6) The word "medicated," prominently and conspicuously, on any feed preparation containing the additive, and in juxtaposition with the name of the feed preparation.

§ 121.220 Nystatin.

The food additive nystatin may be safely used in animal feed in accordance with the following prescribed conditions:

(a) Nystatin is the antibiotic substance produced by growth of Streptomyces noursei (Fam. Actinomycetaceae) or the same antibiotic substance produced by any other means, and for the purpose of this section refers to nystatin or feed-grade nystatin.

(b) The antibiotic activities authorized are expressed in this section in terms of the weight of the appropriate antibiotic standard, except that 1 gram of nystatin is equivalent to 2,800,000 units of activity.

(c) Permitted uses of nystatin alone and with certain other additives in medicated feeds are described in tabular form in this section. These tables are to be read as follows:

(1) The numbered line items establish the required limitations and indications for use of the principal ingredient as the medicament alone, or with another ingredient added.

(2) The lettered line items establish the required limitations and indications for use of secondary ingredients that may be added to the principal ingredient. Where principal and secondary ingredients have been mixed, the applicable "limitations" and "indications for use" from both the numbered items and lettered items apply. If duplicated limi-

tations occur, these may be appropriately combined.

(3) Permitted combinations of principal ingredient and secondary ingredients are individually listed. Unless specifically provided by the regulations, the principal ingredient may not be mixed with one or more secondary ingredients.

(4) Where cross-references specify a particular table and item number of another section, use of only the principal ingredient or principal ingredient combination indicated by the cross-reference is authorized thereby.

(5) The term "principal ingredient" as used in this section refers to the additive named in the title of this section but may include other ingredients listed as numbered line items. Such term is not intended to imply that the ingredient or combination is of greater value than any other additives named in the section.

(d) It is used or intended for use as follows:

TABLE 1—NYSTATIN IN CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Limitations	Grams per ton	Indications for use
1. Nystatin	50		For growing chickens		Prevention of crop mycosis and mycotic diarrhea.
a. Nystatin	50	Penicillin	As procaine penicillin G	2.4-50	Growth promotion and feed efficiency.
b. Nystatin	50	Bacitracin	As bacitracin, bacitracin methylene disalicylate, manganese bacitracin, or zinc bacitracin.	4-50	Do.
c. Nystatin	50	Chlortetracycline	As chlortetracycline hydrochloride.	10-50	Do.
d. Nystatin	50	Streptomycin	As streptomycin sulfate	30-50	Do.
e. Nystatin	50	Penicillin + bacitracin.	Not less than 0.6 gm. of penicillin nor less than 3 gm. of bacitracin; as procaine penicillin G + bacitracin, bacitracin methylene disalicylate, manganese bacitracin, or zinc bacitracin.	3.0-50	Do.
f. Nystatin	50	Penicillin + streptomycin.	Not less than 2.4 gm. of penicillin nor less than 12 gm. of streptomycin; as procaine penicillin G + streptomycin sulfate.	14.4-50	Do.
2. Nystatin	50		For laying chickens		Prevention of crop mycosis and mycotic diarrhea.
3. Nystatin	50		For growing turkeys		Do.
a. Nystatin	50	Penicillin	As procaine penicillin G	2.4-50	Growth promotion and feed efficiency.
b. Nystatin	50	Bacitracin	As bacitracin, bacitracin methylene disalicylate, manganese bacitracin, or zinc bacitracin.	4-50	Do.
c. Nystatin	50	Chlortetracycline	As chlortetracycline hydrochloride.	10-50	Do.
d. Nystatin	50	Streptomycin	As streptomycin sulfate	30-50	Do.
e. Nystatin	50	Penicillin + bacitracin.	Not less than 0.6 gm. of penicillin nor less than 3 gm. of bacitracin; as procaine penicillin G + bacitracin, bacitracin methylene disalicylate, manganese bacitracin, or zinc bacitracin.	3.0-50	Do.
f. Nystatin	50	Penicillin + streptomycin.	Not less than 2.4 gm. of penicillin nor less than 12 gm. of streptomycin; as procaine penicillin G + streptomycin sulfate.	14.4-50	Do.

TABLE 2—NYSTATIN IN SWINE FEEDS

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1. Nystatin	20			For swine	Growth promotion and feed efficiency.

(e) To assure safe use, the label and labeling of the additive, any combination of additives, and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity or quantities contained therein, except that the label of the complete feed need not bear the quantities of antibiotic drugs added solely for growth promotion.

(3) Adequate directions and warnings for use.

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§ 121.221 Demeton.

A tolerance of 5 parts per million is established for residues of demeton (a mixture of *O,O*-diethyl *O*(and *S*)-2-(ethylthio)ethyl phosphorothioates) in dehydrated sugar beet pulp for livestock feed when present therein as a result of the application of the pesticide in the production of sugar beets, provided that if residues of *O,O*-diethyl *S*-2-(ethylthio) ethyl phosphorodithioate are also present, the total of both residues shall not exceed 5 parts per million.

§ 121.222 Verxite.

The food additive verxite (exfoliated hydrobiotite) may be safely used in animal feed in accordance with the following prescribed conditions:

(a) The food additive is a thermally expanded magnesium-aluminum-iron silicate containing a minimum of 98 percent of hydrobiotite having a bulk density of from 5 to 7 pounds per cubic foot.

(b) It is used or intended for use:

(1) In poultry feed at a level not to exceed 5 percent of the weight of the finished feed as a nonnutritive bulking agent for restricting calorie intake in pullet replacement feeds.

(2) As an anticaking or blending agent, pelleting aid, or nonnutritive carrier for the incorporation of nutrients in poultry, swine, dog, or ruminant feeds, in an amount not to exceed that necessary to accomplish its intended effect and in no case to exceed 1.5 percent of the dog feed or 5 percent of the final feed for other animals.

(c) To assure safe use of the additive, the label of any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom shall bear, in addition to the other information required by the act, the name of the additive, and when the additive is present in excess of 1 percent, a statement of the quantity of the additive contained therein and the term "nonnutritive" in juxtaposition therewith.

§ 121.223 Sodium nitrite.

Sodium nitrite may be safely used in canned pet food containing meat and fish in accordance with the following prescribed conditions:

(a) It is used or intended for use alone as a preservative and color fixative in canned pet food containing fish, meat, and fish and meat byproducts so that the level of sodium nitrite does not exceed 20 parts per million.

(b) To assure safe use of the additive, in addition to the other information required by the act:

(1) The label of the additive shall bear:

(i) The name of the additive.

(ii) A statement of the concentration of the additive in any mixture.

(2) The label or labeling shall bear adequate directions to provide a final product that complies with the limitations prescribed in paragraph (a) of this section.

§ 121.224 Methyl esters of higher fatty acids.

The food additive methyl esters of higher fatty acids may be safely used in animal feeds in accordance with the following prescribed conditions:

(a) The food additive is manufactured by reaction of methyl alcohol with feed-grade fats or oils and consists of not less than 70 percent methyl esters of the following straight-chain monocarboxylic acids: Docosahexanoic acid, eicosapentanoic acid, linoleic acid, myristic acid, oleic acid, palmitic acid, palmitoleic acid, and stearic acid, and lesser amounts of the associated acid esters.

(b) The food additive meets the following specifications:

(1) Free methyl alcohol not to exceed 150 parts per million.

(2) Unsaponifiable matter not to exceed 2 percent.

(3) It is free of chick-edema factor or other factors toxic to chicks, as evidenced during the bioassay method for determining the chick-edema factor as prescribed in subparagraph (4)(ii) of this paragraph.

(4) For the purposes of this section:

(i) Unsaponifiable matter shall be determined by the method described in section 26.049, Official Methods of Analysis of the Association of Official Agricultural Chemists, Ninth Edition (1960).

(ii) The chick-edema factor bioassay method described in the Journal of the Association of Official Agricultural Chemists, Volume 44, page 146 (1961), shall be employed. The presence of chick-edema factor shall be determined by a comparison between the mean log of the pericardial fluid volumes of a test group and of a concurrent negative control group. The significance of the difference in pericardial fluid volumes between the test group and the negative control group is determined by calculating a "*t*" value according to the formula:

$$t=\frac{\bar{x}_t-\bar{x}_c}{\sqrt{\frac{s_t^2}{n_t}+\frac{s_c^2}{n_c}}}$$

where:

$\bar{x}_t$ and $\bar{x}_c$ are the means of the logs of the pericardial fluid volumes of the test and control groups, respectively;

n_t and n_c are the number of chicks in the respective groups;

s_t^2 and s_c^2 are the variances of the test and control groups, respectively.

The variances are calculated as follows:

$$s^2=\frac{n(\Sigma x^2)-(\Sigma x)^2}{n(n-1)}$$

where:

Σx is the sum of the logs of the pericardial fluid volumes;

Σx^2 is the sum of the squares of the logs of the pericardial fluid volumes for either the test *t* or control *c* group data.

The test sample is judged to contain chick-edema factor if the calculated "*t*" exceeds +1.3 and the mean log of the pericardial fluid volume obtained from the negative control group multiplied by 100 is less than 1.1461.

(iii) "Other factors toxic to chicks" referred to in paragraph (b)(3) of this section shall be determined during the course of the bioassay test described in subdivision (ii) of this subparagraph, on the basis of chick deaths or other abnormalities not attributable to chick-edema factor or to the experimental conditions of the test.

(c) It is used or intended for use as a supplementary source of fat for animal feed.

(d) To assure safe use of the additive, in addition to the other information required by the act:

(1) The label and labeling of the additive, and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom shall bear:

(i) The name of the additive.

(ii) The designation "feed grade" in juxtaposition with the name and equally as prominent.

(2) The label or labeling of the additive and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom shall bear adequate directions for use.

§ 121.225 Antibiotics for growth promotion and feed efficiency.

The antibiotics listed in this section may be safely used in animal feeds as an aid in stimulating growth and improving feed efficiency, in accordance with the following prescribed conditions:

(a) *Procaine penicillin.* Procaine penicillin as follows:

(1) Procaine penicillin is the procaine salt of the antibiotic substance produced by the growth of Penicillium notatum or Penicillium chrysogenum or the same antibiotic substance produced by any other means.

(2) The quantities of the antibiotics referred to in this paragraph refer to activities equivalent to those of the appropriate antibiotic master standards.

(3) It is used or intended for use:

(i) In the feed of chickens, turkeys, and pheasants in an amount not less than 2.4 grams nor more than 50 grams per ton of finished feed.

(ii) In the feed of quail not over 5 weeks of age, in an amount not less than 5 grams nor more than 20 grams per ton of finished feed.

(iii) With bacitracin, bacitracin methylene disalicylate, manganese bacitracin, or zinc bacitracin in the feed of chickens and turkeys, in an amount not less than 0.6 gram of penicillin and not less than 3 grams of the bacitracin nor more than 50 grams of the combination per ton of finished feed.

(iv) With streptomycin, in the feed of chickens and turkeys in an amount not less than 2.4 grams of penicillin and not less than 12 grams of streptomycin nor more than 50 grams of the combination.

(v) With tylosin phosphate in the feed of chickens, in an amount not less than 3.2 grams nor more than 50 grams

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of the combination per ton of complete feed. It is combined in a ratio of 1.2 parts of penicillin to 2 parts of tylosin.

(vi) With bacitracin, bacitracin methylene disalicylate, manganese bacitracin, or zinc bacitracin in the feed of swine, in an amount not less than 2.5 grams of penicillin and not less than 7.5 grams of bacitracin nor more than 50 grams of the combination per ton of finished feed.

(vii) With streptomycin in the feed of swine, in an amount not less than 1.5 grams of penicillin and not less than 7.5 grams of streptomycin nor more than 50 grams of the combination per ton of finished feed.

(viii) In the feed of swine in an amount not less than 10 grams of penicillin nor more than 50 grams of penicillin per ton of finished feed.

(b) *Bacitracin.* Bacitracin as follows:

(1) Bacitracin is the antibiotic substance produced by the growth of Bacillus subtilis var. Tracy or the same antibiotic substance produced by any other means, and for the purposes of this paragraph refers to bacitracin or feed grade bacitracin.

(2) The quantities of the antibiotics referred to in this paragraph refer to activities equivalent to those of the appropriate antibiotic master standards.

(3) It is used or intended for use:

(i) In the feed of chickens, turkeys, and pheasants in an amount not less than 4 grams nor more than 50 grams per ton of finished feed.

(ii) In the feed of quail not over 5 weeks of age, in an amount not less than 5 grams nor more than 20 grams per ton of finished feed.

(iii) With procaine penicillin as provided in paragraph (a)(3)(iii) of this section.

(iv) In the feed of swine, in an amount not less than 10 grams nor more than 50 grams per ton of finished feed.

(v) With procaine penicillin as provided in paragraph (a)(3)(vi) of this section.

(c) *Zinc bacitracin.* Zinc bacitracin as follows:

(1) Zinc bacitracin is the zinc salt of the antibiotic substance produced by growth of Bacillus subtilis var. Tracy or the same antibiotic substance produced by any other means, and for the purposes of this paragraph refers to zinc bacitracin or feed grade zinc bacitracin.

(2) The quantities of the antibiotics referred to in this paragraph refer to activities equivalent to those of the appropriate antibiotic master standards.

(3) It is used or intended for use:

(i) In the feed of chickens, turkeys, and pheasants in an amount not less than 4 grams nor more than 50 grams per ton of finished feed.

(ii) With procaine penicillin as provided in paragraph (a)(3)(iii) of this section.

(iii) In feed for growing cattle, in an amount providing not less than 35 milligrams nor more than 70 milligrams per animal per day.

(iv) In the feed of quail not over 5 weeks of age, in an amount not less than 5 grams nor more than 20 grams per ton of finished feed.

(v) In the feed of swine, in an amount not less than 10 grams nor more than 50 grams per ton of finished feed.

(vi) With procaine penicillin as provided in paragraph (a)(3)(vi) of this section.

(d) *Bacitracin methylene disalicylate.* Bacitracin methylene disalicylate as follows:

(1) Bacitracin methylene disalicylate is the methylene disalicylate salt of the antibiotic substance produced by growth of *Bacillus substilis var.* Tracy or the same antibiotic substance produced by any other means, and for the purpose of this paragraph refers to bacitracin methylene disalicylate or feed grade bacitracin methylene disalicylate.

(2) The quantities of the antibiotics referred to in this paragraph refer to activities equivalent to those of the appropriate antibiotic master standards.

(3) It is used or intended for use:

(i) In the feed of chickens, turkeys, and pheasants in an amount not less than 4 grams nor more than 50 grams per ton of finished feed.

(ii) With procaine penicillin as provided in paragraph (a)(3)(iii) of this section.

(iii) In the feed of quail not over 5 weeks of age, in an amount not less than 5 grams nor more than 20 grams per ton of finished feed.

(iv) In the feed of swine, in an amount not less than 10 grams nor more than 50 grams per ton of finished feed.

(v) With procaine penicillin as provided in paragraph (a)(3)(vi) of this section.

(e) *Streptomycin.* Streptomycin as follows:

(1) Streptomycin is the antibiotic substance produced by the growth of *Streptomyces griseus* or the same antibiotic substance produced by any other means, and for the purposes of this paragraph refers to streptomycin or feed grade streptomycin.

(2) The quantities of the antibiotics referred to in this paragraph refer to activities equivalent to those of the appropriate antibiotic master standards.

(3) It is used or intended for use:

(i) In the feed of chickens and turkeys in an amount not less than 30 grams nor more than 50 grams per ton of finished feed.

(ii) With procaine penicillin as provided in paragraph (a)(3)(iv) of this section.

(iii) With procaine penicillin as provided in paragraph (a)(3)(vii) of this section.

(f) *Chlortetracycline.* Chlortetracycline as follows:

(1) Chlortetracycline is the antibiotic substance produced by growth of *Streptomyces aureofaciens* or the same antibiotic substance produced by any other means, and for the purposes of this paragraph refers to chlortetracycline or feed grade chlortetracycline.

(2) The quantities of the antibiotic referred to in this paragraph refer to activity equivalent to that of the appropriate antibiotic master standard.

(3) It is used or intended for use:

(i) In the feed of chickens and turkeys, in an amount not less than 10 grams nor more than 50 grams per ton of finished feed, and also as an aid in increasing pelt size.

(ii) In the feed of mink, in an amount not less than 20 grams nor more than 50 grams per ton of finished feed, and also as an aid in increasing pelt size.

(iii) In the feed of horses up to 1 year of age in the amount of 85 milligrams per head per day, where such horses are not to be slaughtered for food purposes.

(iv) In the feed of swine, in an amount not less than 10 grams nor more than 50 grams per ton of finished feed.

(v) In the feed of lambs and growing sheep, in an amount not less than 20 grams nor more than 50 grams per ton of finished feed.

(vi) In the feed of calves, in an amount not less than 25 milligrams per head per day nor more than 70 milligrams per head per day in finished feed.

(vii) In the feed of growing cattle, in an amount equal to 70 milligrams per head per day in finished feed.

(g) *Manganese bacitracin.* Manganese bacitracin as follows:

(1) Manganese bacitracin is the manganese salt of the antibiotic substance produced by the growth of *Bacillus subtilis* var. Tracy or the same antibiotic substance produced by any other means, and for the purposes of this paragraph refers to manganese bacitracin or feed grade manganese bacitracin.

(2) The quantities of the antibiotics referred to in this paragraph refer to activities equivalent to those of the appropriate antibiotic master standards.

(3) It is used or intended for use:

(i) In the feed of chickens or turkeys in an amount not less than 4 grams nor more than 50 grams per ton of finished feed.

(ii) In the feed of swine in an amount not less than 10 grams nor more than 50 grams per ton of finished feed.

(iii) With procaine penicillin as provided in paragraph (a)(3)(vi) of this section.

(h) *Tylosin.* Tylosin, as follows:

(1) Tylosin is the antibiotic substance produced by the growth of Streptomyces fradiae, or the same antibiotic substance produced by any other means, and for the purpose of this paragraph refers to tylosin or feed grade tylosin.

(2) The quantities of the antibiotic referred to in this paragraph refer to the activities equivalent to those of the appropriate standard.

(3) It is used or intended for use in the feed of chickens, as the phosphate salt, in an amount not less than 4 grams nor more than 50 grams per ton of finished feed.

(i) *Oleandomycin.* Oleandomycin as follows:

(1) Oleandomycin is the antibiotic substance produced by the growth of *Streptomyces antibioticus* or the same antibiotic substance produced by any other means, and for the purposes of this paragraph refers to oleandomycin or feedgrade oleandomycin.

(2) The quantities of the antibiotics referred to in this paragraph refer to activities equivalent to those of the appropriate antibiotic master standard and may be adsorbed upon a suitable carrier vehicle that is not a food additive or which is provided for by regulation in this chapter.

(3) It is used or intended for use:

(i) In the feed of chickens and turkeys, in an amount not less than 1 gram nor more than 2 grams per ton of finished feed.

(ii) With the monoalkyl (C_8-C_{18}) trimethylammonium salt of oxytetracycline in the feed of swine, containing 2 grams of oleandomycin and 8 grams of oxytetracycline activity, calculated as the hydrochloride, per ton of finished feed.

(j) *Erythromycin.* Erythromycin, as follows:

(1) Erythromycin is the antibiotic substance produced by the growth of *Streptomyces erythreus,* or the same antibiotic substance produced by any other means.

(2) The quantities of the antibiotic in this paragraph refer to the activities equivalent to those of the appropriate standard.

(3) It is used or intended for use in the feed of chickens, as the thiocyanate salt, in an amount not less than 4.6 grams nor more than 18.5 grams per ton of finished feed.

(k) through (v) [Reserved]

(w) *Labeling requirements.* (1) To assure safe use, the label and labeling of the additive, any combination of additives, and any feed additive supplement, feed additive concentrate, or feed additive premix prepared therefrom, shall bear, in addition to the other information required by the act, the following:

(i) The name of the additive or additives.

(ii) A statement of the quantity of each contained in any mixtures.

(iii) A statement of the conditions for which the feed is to be used.

(iv) Adequate mixing directions to provide a complete feed with the proper concentration of the additive or additives, whether or not intermediate feed additive supplements, feed additive concentrates, or feed additive premixes are also used.

NOTE: §121.225(w) was amended as follows by an order published in the FEDERAL REGISTER on March 20, 1965, 30 F.R. 3708, effective January 1, 1966:

(w) *Labeling requirements.* To assure safe use:

(1) The label and labeling of the additive, any combination of additives, and any feed additive supplement, feed additive concentrate, or feed additive premix prepared therefrom, shall bear, in addition to the other information required by the act, the following:

(i) The name of the additive or additives.

(ii) A statement of the quantity of each contained therein.

(iii) A statement of the conditions for which the feed is to be used.

(iv) Adequate mixing directions to provide a complete feed with the intended concentration of the additives, whether or not premixes are also used.

(v) Adequate use directions to provide a complete feed labeled as provided in subparagraph (2) of this paragraph.

(2) The label and labeling of the complete feed shall bear, in addition to the other information required by the act, the following:

(i) The name of the additive or additives.

(ii) A statement of the quantity contained therein.

(iii) Adequate directions for use.

The effective date of this amendment was stayed by an order published in the FEDERAL REGISTER on September 28, 1965, 30 F.R. 12353, pending resolution of issues at a public hearing.

§ 121.226 DDT.

The following tolerance is established for residues of DDT resulting from use of DDT as a pesticide on the growing agricultural crop: 100 parts per million in or on dried tomato pomace to be used in dog and cat food at levels up to 5 percent by weight of the prepared food. If residues of other chlorinated pesticides are present, the total of all such chlorinated compounds shall not exceed the levels established in this section.

§ 121.227 TDE (DDD).

The following tolerances are established for residues of TDE (DDD) resulting from use of TDE (DDD) as a pesticide on the growing agricultural crop: 100 parts per million in or on dried tomato pomace to be used in dog and cat food at levels up to 5 percent by weight of the prepared food. If residues of other chlorinated pesticides are present, the total of all chlorinated compounds shall not exceed the levels established in this section.

§ 121.228 Malathion.

Malathion (*O,O*-dimethyl dithiophosphate of diethyl mercaptosuccinate) may be safely used in feed in accordance with the following conditions.

(a) A tolerance of 50 parts per million is established for residues of malathion in dehydrated citrus pulp for cattle feed, when present as the result of the application of the pesticide to bagged citrus pulp during storage. Whether or not tolerances for residues of malathion on the fresh fruit have been established under section 408 of the act, the total residue of malathion in the dried citrus pulp shall not exceed 50 parts per million.

(b) A tolerance of 10 parts per million is established for malathion in nonmedicated cattle feed concentrate blocks resulting from its application as a pesticide to paper used in packaging the nonmedicated cattle feed concentrate blocks.

§ 121.229 Silicon dioxide.

The food additive silicon dioxide may be safely used in specified feed and feed components in accordance with the following conditions:

(a) The food additive is manufactured by vapor phase hydrolysis or by other means whereby the particle size is such as to accomplish the intended effect.

(b) It is used or intended for use in feed and feed components as an anticaking agent, and/or grinding aid, as follows:

Feed component:	*Limitations (percent)*
BHT (butylated hydroxytoluene)	2
Methionine hydroxy analog and its calcium salts	1
Piperazine, piperazine salts	0.8
Sodium propionate	1
Urea	1
Vitamins	3

§ 121.230 Ethyl cellulose.

The food additive ethyl cellulose may be safely used in animal feed in accordance with the following prescribed conditions:

(a) The food additive is a cellulose ether containing ethoxy (OC_2H_5) groups attached by an ether linkage and containing on an anhydrous basis not more than 2.6 ethoxy groups per anhydroglucose unit.

(b) It is used or intended for use as a binder or filler in dry vitamin preparations to be incorporated into animal feed.

§ 121.231 Choline xanthate.

Choline xanthate may be safely used as a component of animal feed as an added source of choline to supplement the diets of poultry, ruminants, and swine in accordance with good feeding practice.

§ 121.232 Bacitracin.

The food additive bacitracin may be safely used in animal feed in accordance with the following prescribed conditions:

(a) Bacitracin is the antibiotic substance produced by growth of Bacillus subtilis var. Tracy or the same antibiotic substance produced by any other means, and for the purposes of this section refers to bacitracin or feed grade bacitracin.

(b) The antibiotic activities authorized are expressed in this section in terms of the weight of the appropriate antibiotic standard.

(c) Permitted uses of bacitracin alone and with certain other additives in medicated feeds are described in tabular form in this section. These tables are to be read as follows:

(1) The numbered line items establish the required limitations and indications for use of the principal ingredient as the medicament alone, or with another ingredient added.

(2) The lettered line items establish the required limitations and indications for use of secondary ingredients that may be added to the principal ingredient. Where principal and secondary ingredi-

ents have been mixed, the applicable "limitations" and "indications for use" from both the numbered items and lettered items apply. If duplicate limitations occur, these may be appropriately combined.

(3) Permitted combinations of principal ingredient and secondary ingredients are individually listed. Unless specifically provided by the regulations, the principal ingredient may not be mixed with one or more secondary ingredients.

(4) Where cross-references specify a particular table and item number of another section, use of only the principal ingredient or principal ingredient combination indicated by the cross-reference is authorized thereby.

(5) The term "principal ingredient" as used in this section refers to the additive named in the title of this section but may include other ingredients listed as numbered line items. Such term is not intended to imply that the ingredient or combination is of greater value than any other additives named in this section.

(d) The additive is used or intended for use as follows:

TABLE 1—BACITRACIN IN COMPLETE CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1.1 Bacitracin	10–50			For chickens; 50 gm. per ton first 4–6 weeks of egg production; 10–50 gm. per ton for remainder of egg-laying period; as bacitracin.	Maintaining or increasing egg production.
1.2 Bacitracin + penicillin.	10–50			For chickens; 12.5 gm. of penicillin plus 37.5 gm. of bacitracin first 4 to 6 weeks of egg production; not less than 2.5 gm. nor more than 12.5 gm. of penicillin plus not less than 7.5 gm. nor more than 37.5 gm. of bacitracin for remainder of laying period; as procaine penicillin plus bacitracin.	Do.
a. 1.1 or 1.2	10–50	Hygromycin B	8–12	For chickens	§ 121.213(d), table 1, item 1.
b. 1.1	10–50	Reserpine	1.82	For laying chickens; as prescribed in § 121.205 (c), table 1, item 2.	§ 121.205(d), table 1, item 2.
2.1 Bacitracin	50–100			For chickens; as bacitracin.	Prevention of chronic respiratory disease (air-sac infection); blue comb (nonspecific infectious enteritis). Do.
2.2 Bacitracin + penicillin.	50–100			For chickens; 50–100 gm. of combination; not less than 12.5 gm. of penicillin nor less than 25 gm. of bacitracin; as procaine penicillin plus bacitracin.	
a. 2.1	50–100	Amprolium	36.3–227	For replacement chickens; as prescribed in § 121.210(c), table 1, item 3.1; for broiler chickens as prescribed in § 121.210(c), table 1, item 2.1; not for laying chickens.	§ 121.210(c), table 1, items 2.1 and 3.1.
b. 2.1	50–100	Amprolium + ethopabate.	113.5–227 3.6	For broiler chickens; not for laying chickens; as prescribed in § 121.210 (c), table 1, item 2.2.	§ 121.210(c), table 1, item 2.2.
c. 2.1 or 2.2	50–100	Hygromycin B	8–12	For chickens	§ 121.213(d), table 1, item 1
d. 2.1	50–100	Zoalene	30.3–113.5	For chickens; not for laying chickens; as prescribed in § 121.207 (c), table, items 2.1 and 3.1.	§ 121.207(c), table, items 2.1 and 3.1.
e. 2.1	50–100	Reserpine	0.908 or 1.82	For chickens; as prescribed in § 121.205(c), table 1, item 1 or 2.	§ 121.205(c), table 1, item 1 or 2.
f. 2.1	50–100	3-Nitro-4-hydroxyphenylarsonic acid.	22.7–45.4	For chickens; as prescribed in § 121.262 (c), table 1, item 1.1.	§ 121.262(c), table 1, item 1.1.
3.1 Bacitracin	50–100			For turkeys; as bacitracin.	Prevention of infectious sinusitis, blue comb (mud fever). Do.
3.2 Bacitracin + penicillin.	50–100			For turkeys; 50–100 gm. of combination; not less than 12.5 gm. of penicillin nor less than 25 gm. of bacitracin; as procaine penicillin plus bacitracin.	
a. 3.1	50–100	3-Nitro-4-hydroxyphenylarsonic acid.	22.7–45.4	For turkeys; as prescribed in § 121.262 (c), table 1, item 2.1.	§ 121.262(c), table 1, item 2.1.
4.1 Bacitracin	100			For chickens; as bacitracin.	Maintaining or increasing hatchability of eggs. Do.
4.2 Bacitracin + penicillin.	100			For chickens; 100 gm. of combination; 75 gm. of bacitracin plus 25 gm. of penicillin; as procaine penicillin plus bacitracin.	
a. 4.1 or 4.2	100	Hygromycin B	8–12	For chickens	§ 121.213(d), table 1, item 1.
b. 4.1	100	Reserpine	1.82	For laying chickens; as prescribed in § 121.205 (c), table 1, item 2.	§ 121.205(c), table 1, item 2.
5.1 Bacitracin	100			For chickens; as bacitracin.	During times of stress, prevention of diseases named in this section caused by organisms susceptible to bacitracin.
5.2 Bacitracin + penicillin.	100			For chickens; 100 gm. of combination; 75 gm. of bacitracin plus 25 gm. of penicillin; as procaine penicillin plus bacitracin.	During times of stress, prevention of diseases named in this section caused by organisms susceptible to penicillin plus bacitracin.
a. 5.1	100	Reserpine	0.908 or 1.82	For chickens; as prescribed in § 121.205(c), table 1, item 1 or 2.	§ 121.205(c), table 1, item 1 or 2.
b. 5.1	100	3-Nitro-4-hydroxyphenylarsonic acid.	22.7–45.4	For chickens; as prescribed in § 121.262 (c), table 1, item 1.1.	§ 121.262(c), table 1, item 1.1.
6.1 Bacitracin	100–500			For chickens; as bacitracin.	Treatment of chronic respiratory disease (air-sac infection); blue comb (nonspecific infectious enteritis).

TABLE 1—BACITRACIN IN COMPLETE CHICKEN AND TURKEY FEED—Continued

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
6.2 Bacitracin + penicillin.	100–500			For chickens; 100–500 gm. of combination, containing not less than 50 percent nor more than 75 percent of bacitracin except that it contains not more than 125 gm. of penicillin; as procaine penicillin+bacitracin.	Treatment of chronic respiratory disease (air-sac infection); blue comb (nonspecific infectious enteritis).
a. 6.1	100–200	Amprolium	36.3–227	For replacement chickens; as prescribed in § 121.210(c), table 1, item 3.1; for broiler chickens as prescribed in § 121.210(c), table 1, item 2.1; not for laying chickens.	§ 121.210(c), table 1, items 2.1 and 3.1.
b. 6.1	100–200	Amprolium + ethopabate.	113.5–227 3.6	For broiler chickens; not for laying chickens; as prescribed in § 121.210(c), table 1, item 2.2.	§ 121.210(c), table 1, item 2.2.
c. 6.1	100	Hygromycin B	8–12	For chickens.	§ 121.213(d), table 1, item 1. Do.
d. 6.2	100	Hygromycin B	8–12	For chickens; 100 gm. of combination; not less than 25 gm. of penicillin nor less than 50 gm. of bacitracin.	
e. 6.1	100–200	Zoalene	30.3–113.5	For chickens; not for laying chickens; as prescribed in § 121.207 (c), table, items 2.1 and 3.1.	§ 121.207(c), table, items 2.1 and 3.1.
f. 6.1	100–200	Reserpine	0.908 or 1.82	For chickens; as prescribed in § 121.205(c), table 1, item 1 or 2.	§ 121.205(c), table 1, item 1 or 2.
7.1 Bacitracin	100–500			For chicks; in starter ration; as bacitracin.	Prevention of early mortality of chicks due to organisms susceptible to bacitracin.
7.2 Bacitracin + penicillin.	100–500			For chicks; in starter ration; 100–500 gm. of combination, containing not less than 50 percent nor more than 75 percent of bacitracin except that it contains not more than 125 gm. of penicillin; as procaine penicillin + bacitracin.	Prevention of early mortality of chicks due to organisms susceptible to bacitracin and penicillin.
a. 7.1	100	Hygromycin B	8–12	For chicks; in starter ration.	§ 121.213(d), table 1, item 1. Do.
b. 7.2	100	Hygromycin B	8–12	For chicks; in starter ration; 100 gm. of combination, 75 gm. of bacitracin plus 25 gm. of penicillin.	
8.1 Bacitracin	100–500			For turkeys; as bacitracin.	Treatment of infectious sinusitis, blue comb (mud fever). Do.
8.2 Bacitracin + penicillin.	100–500			For turkeys; 100–500 gm. of combination, containing not less than 50 percent nor more than 75 percent of bacitracin except that it contains not more than 125 gm. of penicillin; as procaine penicillin+bacitracin.	

TABLE 2—BACITRACIN IN COMPLETE SWINE FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1.1 Bacitracin	50–100			For swine; as bacitracin	Aid in the prevention of bacterial swine enteritis. Do.
1.2 Bacitracin + penicillin.	50–100			For swine; 50–100 gm. of combination, containing not less than 50 percent nor more than 75 percent of bacitracin; as bacitracin + procaine penicillin.	
2.1 Bacitracin	100			For swine; as bacitracin	Treatment of bacterial swine enteritis. Do.
2.2 Bacitracin + penicillin.	100			For swine; 100 gm. of combination, containing not less than 50 percent nor more than 75 percent of bacitracin; as bacitracin + procaine penicillin.	

(e) To assure safe use, the label and labeling of the additive, any combination of additives, and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom, shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity or quantities contained therein.

(3) Adequate directions and warnings for use.

§ 121.233 Zinc bacitracin.

The food additive zinc bacitracin may be safely used in animal feed in accordance with the following prescribed conditions:

(a) Zinc bacitracin is the zinc salt of the antibiotic substance produced by growth of Bacillus subtilis var. Tracy or the same antibiotic substance produced by any other means, and for the purposes of this section refers to zinc bacitracin or feed grade zinc bacitracin.

(b) The antibiotic activities authorized are expressed in this section in terms of the weight of the appropriate antibiotic standard.

(c) Permitted uses of zinc bacitracin alone and with certain other additives in medicated feeds are described in tabular form in this section. These tables are to be read as follows:

(1) The numbered line items establish the required limitations and indications for use of the principal ingredient as the medicament alone, or with another ingredient added.

(2) The lettered line items establish the required limitations and indications for use of secondary ingredients that may be added to the principal ingredient. Where principal and secondary ingredients have been mixed, the applicable "limitations" and "indications for use" from both the numbered items and lettered items apply. If duplicate limitations occur, these may be appropriately combined.

(3) Permitted combinations of principal ingredient and secondary ingredients are individually listed. Unless specifically provided by the regulations, the principal ingredient may not be mixed with one or more secondary ingredients.

(4) Where cross-references specify a particular table and item number of another section, use of only the principal ingredient or principal ingredient combination indicated by the cross-reference is authorized thereby.

(5) The term "principal ingredient" as used in this section refers to the additive named in the title of this section but may include other ingredients listed as numbered line items. Such term is not intended to imply that the ingredient or combination is of greater value than any other additives named in this section.

(d) The additive is used or intended for use as follows:

TABLE 1—ZINC BACITRACIN IN COMPLETE CHICKEN AND TURKEY FEED—Continued

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
4.1 Bacitracin	100			For chickens; as zinc bacitracin.	Maintaining or increasing hatchability of eggs.
4.2 Bacitracin + penicillin.	100			For chickens; 100 gm. of combination; 75 gm. of bacitracin plus 25 gm. of penicillin; as procaine penicillin plus zinc bacitracin.	Do.
a. 4.1 or 4.2	100	Hygromycin H.	8-12	For chickens	§ 121.213(d), table 1, item 1.
b. 4.1	100	Reserpine	1.82	For laying chickens; as prescribed in § 121.205(e), table 1, item 2.	§ 121.205(e), table 1, item 2.
5.1 Bacitracin	100			For chickens; as zinc bacitracin.	During times of stress, prevention of diseases named in this section caused by organisms susceptible to bacitracin.
5.2 Bacitracin + penicillin.	100			For chickens; 100 gm. of combination; 75 gm. of bacitracin plus 25 gm. of penicillin; as procaine penicillin plus zinc bacitracin.	During times of stress, prevention of diseases named in this section caused by organisms susceptible to penicillin plus bacitracin.
a. 5.1	100	Reserpine	0.908 or 1.82	For chickens; as prescribed in § 121.205(e), table 1, item 1 or 2.	§ 121.205(e), table 1, item 1 or 2.
b. 5.1	100	3-Nitro-4-hydroxyphenylarsonic acid.	22.7-45.4	For chickens as prescribed in § 121.262(c), table 1, item 1.1.	§ 121.262(c), table 1, item 1.1.
6.1 Bacitracin	100-500			For chickens; as zinc bacitracin.	Treatment of chronic respiratory disease (air-sac infection); blue comb (nonspecific infectious enteritis).
6.2 Bacitracin + penicillin.	100-500			For chickens; 100-500 gm. of combination, containing not less than 50 percent nor more than 75 percent of bacitracin except that 1 kg. contains not more than 125 gm. of penicillin; as procaine penicillin + zinc bacitracin.	Do.
a. 6.1	100-200	Amprolium	36.3-227	For replacement chickens as prescribed in § 121.210(c), table 1, item 3.1; for broiler chickens as prescribed in § 121.210(c), table 1, item 2.1; not for laying chickens.	§ 121.210(c), table 1, items 2.1 and 3.1.
b. 6.1	100-200	Amprolium + ethopabate.	113.5-227 3.6	For broiler chickens; not for laying chickens; as prescribed in § 121.210 (c), table 1, item 2.2	§ 121.210(c), table 1, item 2.2.
c. 6.1	100	Hygromycin B	8-12	For chickens	§ 121.213(d), table 1, item 1.
d. 6.2	100	do	8-12	For chickens; 100 gm. of combination; not less than 25 gm. of penicillin nor less than 50 gm. of bacitracin.	Do.
e. 6.1	100-200	Zoalene	36.3-113.5	For chickens; not for laying chickens; as prescribed in § 121.207 (c), table, items 2.1 and 3.1.	§ 121.207(c), table, items 2.1 and 3.1.

TABLE 1—ZINC BACITRACIN IN COMPLETE CHICKEN AND TURKEY FEED—Continued

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1.1 Bacitracin	10-50			For chickens; 50 gm. per ton first 4 to 6 weeks egg production; 10-50 gm. per ton for remainder of egg-laying period; as zinc bacitracin.	Maintaining or increasing egg production.
1.2 Bacitracin + penicillin.	10-50			For chickens; 12.5 gm. of penicillin plus 37.5 gm. of bacitracin first 4 to 6 weeks of egg production; not less than 2.5 gm. of penicillin nor more than 12.5 gm. nor more than 37.5 gm. nor more than 7.5 gm. of bacitracin for remainder of laying period; as procaine penicillin plus zinc bacitracin.	Do.
a. 1.1 or 1.2	10-50	Hygromycin B	8-12	For chickens	§ 121.213(d), table 1, item 1.
b. 1.1	10-50	Reserpine	1.82	For laying chickens; as prescribed in § 121.205 (e), table 1, item 2.	§ 121.205(e), table 1, item 2.
2.1 Bacitracin	20-100			For chickens; as zinc bacitracin.	Prevention of chronic respiratory disease (air-sac infection); blue comb (nonspecific infectious enteritis).
2.2 Bacitracin + penicillin.	50-100			For chickens; 50-100 gm. of combination; not less than 12.5 gm. of penicillin nor less than 25 gm. of bacitracin; as procaine penicillin plus zinc bacitracin.	Do.
a. 2.1	50-100	Amprolium	36.3-227	For replacement chickens; as prescribed in § 121.210(c), table 1, item 3.1; for broiler chickens as prescribed in § 121.210(c), table 1, item 2.1; not for laying chickens.	§ 121.210(c), table 1, items 2.1 and 3.1.
b. 2.1	50-100	Amprolium + ethopabate.	113.5-227 3.6	For broiler chickens; not for laying chickens; as prescribed in § 121.210 (c), table 1, item 2.2.	§ 121.210(c), table 1, item 2.2.
c. 2.1 or 2.2	50-100	Hygromycin B	8-12	For chickens	§ 121.213(d), table 1, item 1.
d. 2.1	50-100	Zoalene	36.3-113.5	For chickens; not for laying chickens; as prescribed in § 121.207 (c), table, items 2.1 and 3.1.	§ 121.207(c), table, items 2.1 and 3.1.
e. 2.1	50-100	Reserpine	0.908 or 1.82	For chickens; as prescribed in § 121.205(c), table 1, item 1 or 2.	§ 121.205(c), table 1, item 1 or 2.
f. 2.1	50-100	3-Nitro-4-hydroxyphenylarsonic acid.	22.7-45.4	For chickens as prescribed in § 121.262(c), table 1, item 1.1.	§ 121.262(c), table 1, item 1.1.
3.1 Bacitracin	50-100			For turkeys; as zinc bacitracin.	Prevention of infectious sinusitis, blue comb (mud fever).
3.2 Bacitracin + penicillin.	50-100			For turkeys; 50-100 gm. of combination; not less than 12.5 gm. of penicillin nor less than 25 gm. of bacitracin; as procaine penicillin plus zinc bacitracin.	Do.
a. 3.1	50-100	3-Nitro-4-hydroxyphenylarsonic acid.	22.7-45.4	For turkeys; as prescribed in § 121.262(c), table 1, item 2.1.	§ 121.262(c), table 1, item 2.1.

TABLE 1—ZINC BACITRACIN IN COMPLETE CHICKEN AND TURKEY FEED—Continued

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
6.2 Bacitracin + penicillin—Continued					
f. 6.1	100-200	Reserpine	0.908 or 1.82	For chickens; as prescribed in § 121.205(c), table 1, item 1 or 2.	§ 121.205(c), table 1, item 1 or 2.
7.1 Bacitracin	100-500			For chicks; in starter ration; as zinc bacitracin.	Prevention of early mortality of chicks due to organisms susceptible to zinc bacitracin.
7.2 Bacitracin + penicillin.	100-500			For chicks; in starter ration; 100-500 gm. of combination, containing not less than 50 percent nor more than 75 percent of bacitracin except that it contains not more than 125 gm. of penicillin; as procaine penicillin + zinc bacitracin.	Prevention of early mortality of chicks due to organisms susceptible to zinc bacitracin and penicillin.
a. 7.1	100	Hygromycin B	8-12	For chicks; in starter ration.	§ 121.213(d), table 1, item 1.
b. 7.2	100	do	8-12	For chicks; in starter ration; 100 gm. of combination; 75 gm. of zinc bacitracin plus 25 gm. of penicillin.	Do.
8.1 Bacitracin	100-500			For turkeys; as zinc bacitracin.	Treatment of infectious sinusitis, blue comb (mud fever).
8.2 Bacitracin + penicillin.	100-500			For turkeys; 100-500 gm. of combination, containing not less than 50 percent nor more than 75 percent of bacitracin except that it contains not more than 125 gm. of penicillin; as procaine penicillin + zinc bacitracin.	Do.

TABLE 2—ZINC BACITRACIN IN COMPLETE SWINE FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1.1 Bacitracin	50-100			For swine; as zinc bacitracin.	Aid in the prevention of bacterial swine enteritis.
1.2 Bacitracin + penicillin.	50-100			For swine; 50-100 gm. of combination, containing not less than 50 percent nor more than 75 percent of bacitracin; as zinc bacitracin + procaine penicillin.	Do.
2.1 Bacitracin	100			For swine; as zinc bacitracin.	Treatment of bacterial swine enteritis.
2.2 Bacitracin + penicillin.	100			For swine; 100 gm. of combination, containing not less than 50 percent nor more than 75 percent of bacitracin; as zinc bacitracin + procaine penicillin.	Do.

(e) To assure safe use, the label and labeling of the additive, any combination of additives, and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity or quantities contained therein.

(3) Adequate directions and warnings for use.

§ 121.234 Lignin sulfonates.

Lignin sulfonate may be safely used in animal feed in accordance with the following prescribed conditions:

(a) The food additive is either one, or a combination, of the ammonium, calcium, magnesium, or sodium salts of the extract of spent sulfite liquor derived from the sulfite digestion of wood.

(b) It is used in animal feed as the sole pelleting aid, in an amount not to exceed 4 percent of the finished pellets.

§ 121.235 Polysorbate 80.

The food additive polysorbate 80 may be safely used as an emulsifier in milk-replacer formulations for calves.

§ 121.236 Polysorbate 60 (polyoxyethylene (20) sorbitan monostearate).

The food additive polysorbate 60 (polyoxyethylene (20) sorbitan monostearate) may be safely used in animal feeds in accordance with the following prescribed conditions:

(a) It is used alone or in combination with sorbitan monostearate as an emulsifier in mineral premixes and dietary supplements for animal feeds.

(b) It is used as an emulsifier in milk-replacer formulations for calves.

§ 121.237 Nihydrazone.

Nihydrazone may be safely used in animal feed when incorporated therein in accordance with the following prescribed conditions:

(a) The additive is the chemical 5-nitro-2-furaldehyde acetylhydrazone.

(b) The antibiotic activities authorized are expressed in terms of the weight of the appropriate antibiotic standard.

(c) Permitted uses of nihydrazone alone and with certain other additives are described in tabular form in this section, and these tables are to be read as follows:

(1) The numbered line items establish the required limitations and indications for use of the principal ingredient.

(2) The lettered line items establish the required limitations and indications for use of secondary ingredients that may be added to the indicated principal ingredients. Where principal and secondary ingredients have been mixed, the applicable limitations and indications for use from both the numbered items and lettered items apply. If duplicate limitations occur, these may be appropriately combined.

(3) Permitted combinations of principal ingredients and secondary ingredients are individually listed. Unless specifically provided by the regulations, the principal ingredients may not be mixed with two or more secondary ingredients.

(4) Where cross-references specify a particular table and item number of another section, use of only the principal ingredient of the numbered item is authorized thereby.

(5) The term "principal ingredient" as used in this section refers to the additive named in the title of this section and is not intended to imply that the ingredient is of a greater value than any other additives named in this section.

(d) It is used or intended for use as follows:

BITHIONOL IN CHICKEN FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
Bithionol.....	454 (0.05%)	Methiotriazamine...	90.8 (0.01%)	For chickens; not to be fed to laying chickens; do not feed within 5 days of slaughter.	Prevention of coccidiosis; as an adjunct in reducing the tapeworm and large roundworm burden.

(d) To assure safe use, the label and labeling of the additive, any combination of additives, and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom, shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity or quantities of the additives contained therein.

(3) Adequate directions and warnings for use.

§ 121.239 Methiotriazamine.

The food additive methiotriazamine may be safely used in chicken feed in accordance with the following prescribed conditions:

(a) When used in this section:

(1) Methiotriazamine is the chemical 4,6-diamino-1-(4-methyl-mercaptophenyl)-1,2-dihydro-2,2-dimethyl-1,3,5-triazine hydrochloride.

(2) The quantities of the additive prescribed refer to the weight of the additive as the chemical $C_{12}H_{19}N_5S \cdot HCl$.

(b) The permitted use of methiotriazamine with bithionol in chicken feed is described in the following table. The term "principal ingredient" as used in this table refers to the additive named in the title of this section and is not intended to imply that the ingredient is of greater value than other additives named in this section.

(c) It is used or intended for use as follows:

METHIOTRIAZAMINE IN CHICKEN FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
Methiotriazamine.....	90.8 (0.01%)	Bithionol.....	454 (0.05%)	For chickens; not to be fed to laying chickens; do not feed within 5 days of slaughter.	Prevention of coccidiosis; as an adjunct in reducing the tapeworm and large roundworm burden.

(d) To assure safe use, the label and labeling of the additive, any combination of additives, and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom, shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity or quantities of the additives contained therein.

(3) Adequate directions and warnings for use.

§ 121.240 *O,O*-Dimethyl *S*-4-oxo-1,2,3-benzotriazin-3(4H)-ylmethyl phosphorodithioate.

A tolerance of 5 parts per million is established for residues of the insecticide *O,O*-dimethyl *S*-4-oxo-1,2,3-benzotriazin-3(4H)-ylmethyl phosphorodithioate in dried citrus pulp for the feed of cattle, goats, and sheep. Such residue may be present therein only as a result of the application of the insecticide to the growing agricultural crop.

NITROZONE IN COMPLETE CHICKEN FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1. Nihydrazone.	100	.....	.....	For broilers; for replacement chicken pullets over 14 weeks of age; not for laying chickens.	Prevention of chronic respiratory disease (air-sac infection) in the presence of chronic respiratory disease (air-sac infection) to reduce mortality and severity of infection and assist in maintaining weight gains and feed efficiency.
a. Nihydrazone.	100	Penicillin.....	2.4–50	As procaine penicillin.....	Prevention of pullorum disease; fowl typhoid; paratyphoid (salmonellosis) by *S. typhimurium*, *S. heidelberg*, *S. enteritidis*, *S. newport*, *S. montevideo*, *S. senftenberg*, *S. kentucky*, *S. arizonae*, *S. derby*, *S. agona*, *S. oranienburg*, *S. anatum*, *S. meleagridis*, and *S. hadar*; air-sac infection caused by *E. coli*; and infectious sinusitis caused by *H. gallinarum*.
b. Nihydrazone.	100	Penicillin+bacitracin.	3.6–50	Not less than 0.6 gm. of penicillin and not less than 3 gm. of bacitracin; as procaine penicillin+bacitracin methylene disalicylate, bacitracin methylene disalicylate, or bacitracin; as zinc bacitracin.	Growth promotion and feed efficiency.
c. Nihydrazone.	100	Bacitracin.....	4–50	As bacitracin, bacitracin methylene disalicylate, or zinc bacitracin.	Do.
d. Nihydrazone.	100	Chlortetracycline.	10–50	As chlortetracycline hydrochloride.	Do.

(e) To assure safe use, the label and labeling of the additive, any combination of additives, and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity or quantities of additive(s) contained therein.

(3) Adequate directions and warnings for use, including a statement to the effect that poultry that have survived salmonella outbreaks should not be kept for laying-house replacement or breeders unless tests show that they are not carriers.

§ 121.238 Bithionol.

Bithionol may be safely used in chicken feed in accordance with the following prescribed conditions:

(a) When used in this section:

(1) Bithionol is the chemical substance 2,2'-thiobis(4,6-dichlorophenol).

(2) The quantities of the additive prescribed refer to the weight of the bithionol as $C_{12}H_6Cl_4O_2S$.

(b) The permitted use of bithionol with methiotriazamine is described in tabular form in this section. The term "principal ingredient" used in this table refers to the additive named in the title of this section and is not intended to imply that the ingredient is of greater value than other additives named in this section.

(c) It is used or intended for use as follows:

(b) It is used or intended for use in feed as follows:

DIETHYLSTILBESTROL IN FEED

Principal ingredient	Amount	Combined with—	Amount	Limitations	Indications for use
	Mg. per head per day				
1. Diethylstilbestrol.	10	.....	.....	For beef cattle; feed 10 mg. per head in not less than 1 pound of feed; withdraw 48 hours before slaughter; do not feed to breeding or dairy animals.	Fattening of beef cattle.
a. 1.....	10	Chlortetracycline.	70–750 mg. per head per day; 0.5 mg. per pound of body weight for animals over 1,500 pounds.	§ 121.208(d), table 6, items 1–8.	§ 121.208(d), table 6, items 1–8.
b. 1.....	10	Oxytetracycline.	75–80 mg. per head per day.	§ 121.251(d), table 2, item 1.	§ 121.251(d), table 2, item 1.
c. 1.....	10	Bacitracin.....	35–70 mg. per head..	As zinc bacitracin.....	Growth promotion and feed efficiency.
2. Diethylstilbestrol.	2	.....	.....	For sheep; withdraw 48 hours before slaughter; do not feed to breeding animals.	Fattening of sheep.

(c) To assure safe use, the label and labeling of the additive, any combination of additives, and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom shall contain, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the concentration or strength of the additive or additives contained therein.

(3) Adequate directions to provide a daily diethylstilbestrol intake of:

(i) 10 milligrams for each beef animal.

(ii) 2 milligrams for each sheep.

(4) A statement that the feed must be discontinued at least 48 hours before slaughter.

(5) A statement that feeds containing diethylstilbestrol are not to be fed to breeding or dairy animals.

(d) No residue of the additive shall be present in any edible portion of such animal after slaughter or in any food yielded by or derived from the living animal as determined by methods of examination prescribed in this section.

(e) The method of examination prescribed for the quantitative determination of estrogenic activity is the method of E. J. Umberger, G. H. Gass, and J. M. Curtis published in Endocrinology, volume 63, page 806 (1958).

(f) The method of examination prescribed for the qualitative identification of estrogenic activity as diethylstilbestrol is as follows:

(1) (i) Extract the diethylstilbestrol with alkali from a suitably prepared sample of fat dissolved in isooctane; or

(ii) Extract the diethylstilbestrol with ethyl alcohol from lean meat or liver, followed by hydrolysis of the alcohol extractive with dilute hydrochloric acid.

(2) Either of the solutions of diethylstilbestrol described in subparagraph (1) of this paragraph is next extracted with chloroform, and the chloroform extract is washed with 10 percent sodium carbonate to remove strongly acidic substances.

(3) The chloroform extractive of diethylstilbestrol is then extracted with 1 percent sodium hydroxide, and the resulting solution is acidified.

(4) The hormone is reextracted from the acidified solution with chloroform. If the solution is colored, the extraction procedures may be repeated.

(5) The chloroform is evaporated and the remaining residue is dissolved in a suitable volume of methyl alcohol for identification of the diethylstilbestrol, as follows:

(i) Impregnate Whatman No. 1 filter paper with a solution of 40 percent formamide in methyl alcohol, blot it lightly, and dry for 5 minutes.

(ii) Spot an aliquot of the methyl alcohol solution on the paper.

(iii) Similarly, spot an aliquot of a methyl alcohol solution of Reference Standard diethylstilbestrol for identification comparison.

(iv) Place the paper in a chromatographic tank and develop, using the continuous ascending technique, either with the solvent system heptane:toluene:: 1:4 for 2.5 hours, or the solvent system cyclohexene:cyclohexanol:: 98:2 for 45 minutes.

(v) Remove the paper from the tank and, while still wet, irradiate it with ultraviolet light from a 15-watt germicidal lamp for 1 minute.

(vi) Observe fluorescence through a black-light viewing apparatus.

§ 121.242 Nickel sulfate.

A tolerance of 175 parts per million is established for residues of nickel sulfate (calculated as Ni) in the bran of wheat and oats to be ingested as animal feed or to be converted to animal feed. Such residues may be present therein only as a result of the application of a fungicide containing 19 percent anhydrous nickel sulfate and 53 percent maneb to the growing grain crops treated under an experimental permit issued by the U.S. Department of Agriculture, which expires February 15, 1966, and on which crops temporary pesticide tolerances for nickel sulfate and maneb expiring the same date have been established. No food additive tolerance is necessary for residues of maneb in bran, since the level of residues in the bran is less than the tolerance level for the grain.

§ 121.243 Progesterone.

Progesterone may be safely used in animals when incorporated therein in accordance with the following prescribed conditions:

(a) The additive is the chemical Δ 4-pregnene-3,20-dione ($C_{21}H_{30}O_2$).

(b) It is used or intended for use as prescribed in the following table. The term "principal ingredient" as used in this section refers to the additive named in the heading of this section, and is not intended to imply that the ingredient is of greater value than other additives named.

Principal ingredient	Amount	Combined with—	Amount	Limitations	Indications for use
Estradiol benzoate.	2.5 mg. per dose.	Progesterone.	25 mg. per dose.	For lambs weighing between 60 lb. and 85 lb.; for subcutaneous ear implantation, one dose per animal; not to be used within 60 days of slaughter	Growth promotion and feed efficiency.
Estradiol benzoate.	20 mg. per dose.	Progesterone.	200 mg. per dose.	For steers weighing between 400 lb. and 1,000 lb.; for subcutaneous ear implantation, one dose per animal; not to be used within 60 days of slaughter.	Do.
Estradiol benzoate.	20 mg. per dose.	Testosterone propionate.	200 mg. per dose.	For heifers weighing between 400 lb. and 800 lb.; for subcutaneous ear implantation, one dose per animal; not to be used within 60 days of slaughter; not for dairy heifers.	Do.

(c) To assure safe use, the label and labeling of the additive or additives shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity of the additive or additives contained therein.

(3) Adequate directions and warnings for use.

§ 121.246 Mineral oil.

Mineral oil may be safely used in animal feed, subject to the provisions of this section.

(a) Mineral oil, for the purpose of this section, is that complying with the definition and specifications contained in § 121.1146 (a) and (b) or in § 121.2589(b) (1) (i) and (ii).

(b) It is used in animal feeds for the following purposes:

(1) To reduce dustiness of feeds or mineral supplements.

(2) To serve as a lubricant in the preparation of pellets, cubes, or blocks and to improve resistance to moisture of such pellets, cubes, or blocks.

(3) To prevent the segregation of trace minerals in mineralized salt.

(c) The quantity of mineral oil used in animal feed shall not exceed 3.0 percent in mineral supplements, nor shall it exceed 0.06 percent of the total ration when present in feed or feed concentrates.

§ 121.247 Iron-choline citrate complex.

Iron-choline citrate complex made by reacting approximately equimolecular quantities of ferric hydroxide, choline, and citric acid may be safely used as a source of iron in animal feed.

§ 121.248 Nitrofurazone.

Nitrofurazone may be safely used in animal feed when incorporated therein in accordance with the following conditions:

(a) The additive is the chemical 5-nitro-2-furaldehyde semicarbazone ($C_6H_6N_4O_4$).

(b) It is used or intended for use as prescribed in the following table:

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1. Nitrofurazone	100-200 (0.011%-0.022%)			For mink; 100 gm. per ton for 3 days, then 200 gm. per ton for 21 days; do not repeat (amount of active ingredient calculated on feed before water added). Discard unused mixed feed every 24 hours.	Treatment of gray diarrhea.
2. Nitrofurazone	100 (0.011%)			For mink; feed continuously during susceptible period not to exceed 90 days (amount of active ingredient calculated on feed before water added). Discard unused mixed feed every 24 hours.	Control of gray diarrhea.

(c) To assure safe use, the label and labeling of the additive, and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom, shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive.

(2) A statement of the quantity of the additive contained therein.

(3) Adequate directions and warnings for use.

§ 121.249 Food additives for use in milk-producing animals.

Formulations containing food additives may be safely used in the treatment of milk-producing animals in accordance with the following prescribed conditions:

(a) The formulation is used or intended for use in the treatment of bovine mastitis by udder instillation, as follows:

(1) (i) It contains the following in each 10 milliliters of suspension:

Hydrocortisone acetate—20 mg.
Hydrocortisone sodium succinate—12.5 mg.
Procaine penicillin G—50,000–100,000 units.
Novobiocin (from sodium novobiocin)—100 mg.–150 mg.
Polymyxin B sulfate—50,000 units.
Dihydrostreptomycin base (sulfate salt)—50 mg.–100 mg.
Chlorobutanol, anhydrous (chloral derivative)—50 mg.
Peanut oil—2 percent aluminum monostearate vehicle, q.s.

(ii) Treat lactating cows with 10 milliliters of suspension in each infected quarter immediately after milking. Treatment may be repeated at intervals of not less than 12 hours.

(iii) Milk that has been drawn from animals within 72 hours of such treatment may not be used for food.

(2) (i) It contains the following in each 15 milliliters of suspension:

Furaltadone (5-(morpholino methyl)-3-[(5-nitrofurfurylidene) amino] - 2-oxazolidinone) 500 mg.
Peanut oil-2 percent (weight per unit volume) aluminum monostearate vehicle, q.s.

(ii) Treat lactating cows with the contents of 15 milliliters in each infected quarter immediately after milking and allow to remain in the quarter until the next milking. Repeat after each milking for a total of three instillations.

(iii) Milk that has been taken from animals during treatment and for 36 hours (3 milkings) after the latest treatment must not be used for food.

(3) (i) It contains the following in each 10 milliliters of suspension:

Prednisolone—10 mg.
Novobiocin (from sodium novobiocin)—100 mg.
Neomycin (from neomycin sulfate)—105 mg.
Procaine penicillin G—100,000 units.
Dihydrostreptomycin (from dihydrostreptomycin sulfate)—100 mg.
Chlorobutanol, anhydrous (chloral derivative)—50 mg.
Peanut oil—2 percent aluminum monostearate vehicle, q.s.

(ii) Treat lactating cows with 10 milliliters of suspension in each infected quarter immediately after milking and allow to remain in the quarter until the next milking. Repeat at 12- and 24-hour intervals if necessary.

(iii) Milk that has been taken from animals during treatment and for 72 hours (6 milkings) after the latest treatment must not be used for food.

(4) (i) It contains the following in each 8 grams of suspension:

Ingredients:	Quantity
Prednisone acetate	4 mg.
Procaine penicillin G	100,000 units.
Dihydrostreptomycin (sulfate).	300 mg.
Methylparaben	0.1%.
Propylparaben	0.025%.
Vehicle:	*Inert propellant*
Peanut oil containing 2% aluminum monostearate; 6.3% polyoxyethylene sorbitan tristearate.	Dichlorodifluoromethane; dichlorotetrafluoroethane; nitrogen.

Treat cows with dosage consisting of 8 grams of suspension, expressed as a metered dose, from pressurized containers in each infected quarter immediately after milking, and allow to remain in the quarter until the next milking. Repeat at 12-hour intervals if necessary.

(ii) Milk that has been taken from animals during treatment and for 72 hours (6 milkings) after the latest treatment must not be used for food.

(5) (i) It is sterile. It contains the following in each 15 milliliters of suspension:

Furaltadone (5-(morpholinomethyl)-3-[(5-nitrofurfurylidene)amino] - 2 - oxazolidinone)—500 milligrams.
Procaine penicillin G—100,000 units.
Vehicle: Peanut oil containing 2 percent aluminum monostearate.

(ii) Treat lactating cows with 15 milliliters of suspension in each infected quarter immediately after milking and allow to remain in the quarter until the next milking. Repeat at 12- and 24-hour intervals if necessary.

(iii) Milk taken from animals during treatment and for 96 hours (8 milkings) after the latest treatment must not be used for food.

(6) (i) It contains the following ingredients in each 25 milliliters of suspension:

Neomycin (from neomycin sulfate)	140 mg.
Polymyxin B sulfate	50,000 units
Potassium sorbate	28.75 mg.
Methylcellulose	187.5 mg.
Vehicle: Water (deionized)	q.s.

(ii) Treat lactating cows with 25-milliliter dose in each infected quarter immediately after milking, and allow to remain in the quarter until the next milking. Repeat at 12-hour intervals if necessary.

(iii) Milk that has been taken from animals during treatment and for 72 hours (6 milkings) after the latest treatment must not be used for food.

(7) (i) It contains the following in each 6 milliliters of suspension:

Ingredients:	Quantity
Chlortetracycline (as the calcium salt)	200 mg.
Neomycin (as the sulfate)	100 mg.
Calcium chloride (anhydrous)	100 mg.
Sodium sulfite (complying with the specifications appearing in N.F. X)	9 mg.
Ethylenediamine	57 mg.
Distilled monoglycerides	60 mg.
Distilled water	600 mg.
Polyethylene gylcol 400 (U.S.P.)	q.s.

(ii) For use in the treatment of mastitis due to *Streptococcus agalactiae* and *Staphylococcus aureus*. Infuse 6 milliliters into teat canal of each infected quarter. Repeat in 24 hours if necessary.

(iii) Milk taken from animals during treatment and for 84 hours (7 milkings) after the latest treatment must not be used for food.

(b) It is used or intended for use for the removal of scar tissue in the teat canal of milk-producing cows.

(1) (i) It contains in each dose 0.55 gram of salicylic acid (in gum arabic and dextrin vehicle).

(ii) Each dose is incorporated upon a device (teat dilator) suitable for insertion into and subsequent removal from the teat canal.

(iii) It bears labeling which directs the user to:

(*a*) Treat lactating cows initially by inserting dosage and removal of the device;

(*b*) Insert second dose and permit device to remain in canal until the next milking; and

(*c*) Insert one dose following each milking for not more than 2 days.

(iv) Milk that has been drawn from animals within 48 hours of such treatment may not be used for food.

(c) through (v) [Reserved]

(w) To assure safe use, the label and labeling of the formulation shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives contained therein.

(2) A statement of the quantity or quantities of additives contained therein.

(3) Adequate directions and warnings for use, including the warning statement to the effect that: "Milk that has been taken from animals during treatment and for ____ hours (____ milkings) after the latest treatment must not be used for food," the blanks being filled in with the figures specified in the applicable subparagraph of any paragraph in this section.

§ 121.250 Calcium silicate.

Calcium silicate, including synthetic calcium silicate, may be safely used as an anticaking agent in animal feed, provided that the amount of calcium silicate does not exceed 2 percent.

§ 121.251 Oxytetracycline.

The food additive oxytetracycline may be safely used in accordance with the following prescribed conditions:

(a) Oxytetracycline is the antibiotic substance produced by growth of Streptomyces rimosus or the same antibiotic substance produced by any other means, and for the purposes of this section refers to oxytetracycline as the specified salt.

(b) The antibiotic activities authorized are expressed in this section in terms of the weight of oxytetracycline hydrochloride.

(c) Permitted uses of oxytetracycline alone and with certain other additives in medicated feeds are described in tabular form in this section, and the tables are to be read as follows:

(1) The numbered line items establish the required limitations and indications for use of the principal ingredient as the medicament alone or with additional ingredients added.

(2) The lettered line items establish the required limitations and indications for use of secondary ingredients that may be added to the indicated principal ingredient. Where principal and secondary ingredients have been mixed, the applicable limitations and indications for use from both the numbered items and lettered items apply. If duplicate limitations occur, these may be appropriately combined.

(3) Permitted combinations of principal ingredient and secondary ingredients are individually listed. Unless specifically provided by the regulations, the principal ingredient may not be mixed with two or more secondary ingredients.

(4) Where cross-references specify a particular table and item number of another section, use of only the principal ingredient of the numbered item is authorized thereby.

(5) The term "principal ingredient" as used in this section refers to the additive named in the title of this section and is not intended to imply that the ingredient is of a greater value than any other additives named in this section.

(d) It is used or intended for use in feeds as follows:

TABLE 1—OXYTETRACYCLINE IN COMPLETE CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1. Oxytetracycline	50			For chickens and turkeys; as the mono-alkyl (C_7-C_{19}) trimethylammonium salt of oxytetracycline.	During times of stress, for prevention of diseases named in this section caused by organisms susceptible to the named levels of the oxytetracycline salt.
a. 1	50	Amprolium	36.3–227	§ 121.210(c), table 1, items 1.1, 2.1 3.1.	§ 121.210(c), table 1, items 1.1, 2.1, 3.1.
b. 1	50	Zoalene	36.3–170.3	§ 121.207(c), table 1, items 1, 2.1, 3.1.	§ 121.207(c), table 1, items 1, 2.1, 3.1.
2. Oxytetracycline	50–100			For chickens; as the mono-alkyl (C_7-C_{19}) trimethyl ammonium salt of oxytetracycline.	Prevention of blue comb (nonspecific infectious enteritis).
a. 2	50–100	Amprolium	36.3–227	§ 121.210(c), table 1, items 2.1, 3.1.	§ 121.210(c), table 1, items 2.1, 3.1.
b. 2	50–100	Zoalene	36.3–170.3	§ 121.207(c), table 1, items 2.1, 3.1.	§ 121.207(c), table 1, items 2.1, 3.1.
3. Oxytetracycline	50–100			For turkeys; as the mono-alkyl (C_7-C_{19}) trimethyl ammonium salt of oxytetracycline.	Prevention of hexamitiasis.
a. 3	50–100	Amprolium	113.5–227	§ 121.210(c), table 1, item 1.1.	§ 121.210(c), table 1, item 1.1.
b. 3	50–100	Zoalene	113.5–170.3	§ 121.207(c), table 1, item 1.	§ 121.207(c), table 1, item 1.
c. 3	50–100	3-Nitro-4-hydroxy-phenyl-arsonic acid.	22.7–45.4	§ 121.262, table 1, item 2.1.	§ 121.262, table 1, item 2.1.
4. Oxytetracycline	50–100			For chicks (first two weeks of life); for poults (first four weeks of life); as the mono-alkyl (C_7-C_{19}) trimethyl ammonium salt of oxytetracycline.	Prevention of early mortality of chicks and poults due to organisms susceptible to the oxytetracycline salt.
a. 4	50–100	Amprolium	36.3–227	§ 121.210(c), table 1, items 1.1, 2.1, 3.1.	§ 121.210(c), table 1, items 1.1, 2.1, 3.1.
b. 4	50–100	Zoalene	36.3–170.3	§ 121.207(c), table 1, items 1, 2.1, 3.1.	§ 121.207(c), table 1, items 1, 2.1, 3.1.
5. Oxytetracycline	100–200			For turkeys; as the mono-alkyl (C_7-C_{19}) trimethyl ammonium salt of oxytetracycline.	Control of infectious sinusitis; prevention of infectious synovitis.
a. 5	100–200	Amprolium	113.5–227	§ 121.210(c), table 1, item 1.1.	§ 121.210(c), table 1, item 1.1.
b. 5	100–200	Zoalene	113.5–170.3	§ 121.207(c), table 1, item1.	§ 121.207(c), table 1, item1.
6. Oxytetracycline	100–200			For chickens; as the mono-alkyl (C_7-C_{19}) trimethyl ammonium salt of oxytetracycline.	Prevention of complicated chronic respiratory disease (air-sac infection) and control of complicated chronic respiratory disease by lowering mortality and severity during outbreaks; prevention of fowl cholera.
a. 6	100–200	Amprolium	36.3–227	§ 121.210(c), table 1, items 2.1, 3.1.	§ 121.210(c), table 1, items 2.1, 3.1.
b. 6	100–200	Zoalene	36.3–113.5	§ 121.207(c), table 1, items 2.1, 3.1.	§ 121.207(c), table 1, items 2.1, 3.1.
c. 6	100–200	3-Nitro-4-hydroxy-phenylarsonic acid.	22.7–45.4	§ 121.262, table 1, item 1.1.	§ 121.262, table 1, item 1.1.
7. Oxytetracycline	100–200			For turkeys; as the monoalkyl (C_8-C_{18}) trimethyl ammonium salt of oxytetracycline.	Control of blue comb (nonspecific infectious enteritis, mud fever); treatment of hexamitiasis.
a. 7	100–200	Amprolium	113.5–227	§ 121.210(c), table 1, item 1.1.	§ 121.210(c), table 1, item 1.1.
b. 7	100–200	Zoalene	113.5–170.3	§ 121.207(c), table 1, item 1.	§ 121.207(c), table 1, item 1.
8. Oxytetracycline	100–200			For chickens; as the monoalkyl (C_8-C_{18}) trimethyl ammonium salt of oxytetracycline in low-calcium feed containing 0.18 to 0.55% dietary calcium; not to be fed continuously for more than 5 days; low calcium feeds may be fed for a total of three 5-day periods through the first 10 weeks of life with an interim period of 5 days between each low-calcium feeding. Not to be fed to laying chickens.	Treatment of blue comb (nonspecific infectious enteritis); prevention of infectious synovitis; control of complicated chronic respiratory disease (air-sac infection) by lowering mortality and severity of disease during outbreaks; reduction of lesions and mortality due to organisms susceptible to oxytetracycline in the presence of complicated chronic respiratory disease (air-sac infection).
a. 8	100–200	Amprolium	36.3–227	§ 121.210(c), table 1, items 2.1, 3.1.	§ 121.210(c), table 1, items 2.1, 3.1.
b. 8	100–200	Zoalene	36.3–227	§ 121.207(c), table 1, items 2.1, 3.1.	§ 121.207(c), table 1, items 2.1, 3.1.

TABLE 2—OXYTETRACYCLINE IN CATTLE FEED

Principal ingredient	Mg. per head per day	Combined with—	Mg. per head per day	Limitations	Indications for use
1. Oxytetracycline	75–80			For beef cattle weighing over 400 lb; as the mono-alkyl (C_7-C_{19}) trimethyl ammonium salt of oxytetracycline.	Reduction of the incidence and severity of liver abscesses.
a. Oxytetracycline	75–80	Diethylstilbestrol	10	§ 121.241(b), item 1.	Fattening of beef cattle.

(e) To assure safe use, the label and labeling of the additive, any combination of additives, and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity or quantities contained therein.

(3) Adequate directions and warnings for use.

§ 121.252 Bacitracin methylene disalicylate.

The food additive bacitracin methylene disalicylate may be safely used in animal feed in accordance with the following prescribed conditions:

(a) Bacitracin methylene disalicylate is the methylene disalicylate salt of the antibiotic substance produced by growth of Bacillus subtilis var. Tracy or the same antibiotic substance produced by any other means, and for the purposes of this section refers to bacitracin methylene disalicylate or feed grade bacitracin methylene disalicylate.

(b) The antibiotic activities authorized are expressed in this section in terms of the weight of the appropriate antibiotic standard.

(c) Permitted uses of bacitracin methylene disalicylate alone and with certain other additives in medicated feeds are described in tabular form in this section. These tables are to be read as follows:

(1) The numbered line items establish the required limitations and indications for use of the principal ingredient as the medicament alone, or with another ingredient added.

(2) The lettered line items establish the required limitations and indications for use of secondary ingredients that may be added to the principal ingredient. Where principal and secondary ingredients have been mixed, the applicable "limitations" and "indications for use" from both the numbered items and lettered items apply. If duplicate limitations occur, these may be appropriately combined.

(3) Permitted combinations of principal ingredient and secondary ingredients are individually listed. Unless specifically provided by the the regulations, the principal ingredient may not be mixed with one or more secondary ingredients.

(4) Where cross-references specify a particular table and item number of another section, use of only the principal

TABLE 1—OXYTETRACYCLINE IN COMPLETE CHICKEN AND TURKEY FEED—Continued

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
9. Oxytetracycline	200			For chickens; as the monoalkyl (C_8-C_{18}) trimethyl ammonium salt of oxytetracycline in low-calcium feed containing 0.18–0.55% dietary calcium; not to be fed continuously for more than 5 days; low-calcium feeds may be fed for a total of three 5-day periods through the first 10 weeks of life with an interim period of 5 days between each low-calcium feeding. Not to be fed to laying chickens.	Prevention of avian infectious hepatitis; prevention and control of *E. tenella*, cause of cecal coccidiosis.
a. 9	200	Amprolium	36.3–227	§ 121.210(c), table 1, items 2.1, 3.1.	§ 121.210(c), table 1, items 2.1, 3.1.
b. 9	200	Zoalene	36.3–113.5	§ 121.207(c), table 1, items 2.1, 3.1.	§ 121.207(c), table 1, items 2.1, 3.1.
10. Oxytetracycline	200			For chickens; as the monoalkyl (C_8-C_{18}) trimethyl ammonium salt of oxytetracycline.	Control of infectious synovitis.
a. 10	200	Amprolium	36.3–227	§ 121.210(c), table 1, items 2.1, 3.1.	§ 121.210(c), table 1, items 2.1, 3.1.
b. 10	200	Zoalene	36.3–113.5	§ 121.207(c), table 1, items 2.1, 3.1.	§ 121.207(c), table 1, items 2.1, 3.1.
11. Oxytetracycline	200			For turkeys; as the monoalkyl (C_7-C_{19}) trimethyl ammonium salt of oxytetracycline.	Control of infectious synovitis.
a. 11	200	Amprolium	113.5–227	§ 121.210(c), table 1, item 1.1.	§ 121.210(c), table 1, item 1.1.
b. 11	200	Zoalene	113.5–170.3	§ 121.207(c), table 1, item 1.	§ 121.207(c), table 1, item 1.
12. Oxytetracycline	200			For chickens; as the monoalkyl (C_7-C_{19}) trimethyl ammonium salt of oxytetracycline in low-calcium feed containing 0.18 to 0.55% dietary calcium; for 2 weeks from outbreak of disease; 5 days of low calcium and the remaining period on normal calcium; not to be fed to laying chickens.	Prevention and control of outbreaks of fowl cholera.
a. 12	200	Amprolium	36.3–227	§ 121.210(c), table 1, items 2.1, 3.1.	§ 121.210(c), table 1, items 2.1, 3.1.
b. 12	200	Zoalene	36.3–113.5	§ 121.207(c), table 1, items 2.1, 3.1.	§ 121.207(c), table 1, items 2.1, 3.1.

ingredient or principal ingredient combination indicated by the cross-reference is authorized thereby.

(5) The term "principal ingredient" as used in this section refers to the additive named in the title of this section but may include other ingredients listed as numbered line items. Such term is not intended to imply that the ingredient or combination is of greater value than any other additives named in this section.

(d) The additive is used or intended for use as follows:

TABLE 1—BACITRACIN METHYLENE DISALICYLATE IN COMPLETE CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1.1. Bacitracin	10–50			For chickens; 50 gm. per ton first 4 to 6 weeks of egg production; 10–50 gm. per ton for remainder of egg-laying period; as bacitracin methylene disalicylate.	Maintaining or increasing egg production.
1.2. Bacitracin plus penicillin.	10–50			For chickens; 12.5 gm. of penicillin plus 37.5 gm. of bacitracin first 4 to 6 weeks of egg production; not less than 2.5 gm. nor more than 12.5 gm. of penicillin plus not less than 7.5 gm. nor more than 37.5 gm. of bacitracin for remainder of laying period; as procaine penicillin plus bacitracin methylene disalicylate.	Do
a. 1.1 or 1.2	10–50	Hygromycin B	8–12	For chickens	§ 121.213(d), table 1, item 1.
2.1. Bacitracin	50–100			For chickens; as bacitracin methylene disalicylate.	Prevention of chronic respiratory disease (air-sac infection); blue comb (nonspecific infectious enteritis).
2.2. Bacitracin plus penicillin.	50–100			For chickens; 50–100 gm. of combination; not less than 12.5 gm. of penicillin nor less than 25 gm. of bacitracin; as procaine penicillin plus bacitracin methylene disalicylate.	Do.
a. 2.1	50–100	Amprolium	36.3–227	For chickens; not for laying chickens; as prescribed in § 121.210(c), table 1, items 2.1 and 3.1.	§ 121.210(c), table 1, items 2.1 and 3.1.
b. 2.1	50–100	Amprolium plus ethopabate.	113.5–227 3.6	For broiler chickens; not for laying chickens; as prescribed § 121.210(c) table 1, item 2.2.	§ 121.210(c), table 1, item 2.2.
c. 2.1 or 2.2	50–100	Hygromycin B	8–12	For chickens	§ 121.213(d), table 1, item 1.
d. 2.1	50–100	3-Nitro-4-hydroxyphenylarsonic acid.	22.7–45.4	For chickens; as prescribed in §121.262(e), table 1, item 1.1.	§121.262(e), table 1, item 1.1.
3.1. Bacitracin	50–100			For turkeys; as bacitracin methylene disalicylate.	Prevention of infectious sinusitis, blue comb (mud fever).
3.2. Bacitracin plus penicillin.	50–100			For turkeys; 50–100 gm. of combination; not less than 12.5 gm. of penicillin nor less than 25 gm. of bacitracin; as procaine penicillin plus bacitracin methylene disalicylate.	Do.
a. 3.1	50–100	3-Nitro-4-hydroxyphenylarsonic acid.	22.7–45.4	For turkeys; as prescribed in §121.262(e), table 1, item 2.1.	§121.262(e), table 1, item 2.1.
4.1. Bacitracin	100			For chickens; as bacitracin methylene disalicylate.	Maintaining or increasing hatchability of eggs.
4.2. Bacitracin plus penicillin.	100			For chickens; 100 gm. of combination; 75 gm. of bacitracin plus 25 gm. of penicillin; as procaine penicillin plus bacitracin methylene disalicylate.	Maintaining or increasing hatchability of eggs.
a. 4.1 or 4.2	100	Hygromycin B	8–12	For chickens	§ 121.213(d), table 1, item 1.
5.1. Bacitracin	100			For chickens; as bacitracin methylene disalicylate.	During times of stress, prevention of diseases named in this section caused by organisms susceptible to bacitracin.
5.2. Bacitracin plus penicillin.	100			For chickens; 100 gm. of combination; 75 gm. of bacitracin plus 25 gm. of penicillin; as procaine penicillin plus bacitracin methylene disalicylate.	During times of stress, prevention of diseases named in this section caused by organisms susceptible to penicillin plus bacitracin.
a. 5.1	100	3-Nitro-4-hydroxyphenylarsonic acid.	22.7–45.4	For chickens; as prescribed in § 121.262(e), table 1, item 1.1.	§ 121.262(e), table 1, item 1.1.
6.1. Bacitracin	100			For chicks; in starter ration; as bacitracin methylene disalicylate.	Prevention of early mortality of chicks due to organisms susceptible to the bacitracin methylene disalicylate salt.
6.2. Bacitracin plus penicillin.	100			For chicks; in starter ration; 100 gm. of combination; 75 gm. of bacitracin plus 25 gm. of penicillin; as bacitracin methylene disalicylate plus procaine penicillin.	Prevention of early mortality of chicks due to organisms susceptible to bacitracin methylene disalicylate and penicillin.
a. 6.1 or 6.2	100	Hygromycin B	8–12	For chicks; in starter ration.	§ 121.213(d), table 1, item 1.
7.1. Bacitracin	100–200			For chickens; as bacitracin methylene disalicylate.	Treatment of chronic respiratory disease (air-sac infection); blue comb (nonspecific infectious enteritis).
7.2. Bacitracin plus penicillin.	100–200			For chickens; 100–200 gm. of combination; not less than 25 gm. of penicillin nor less than 50 gm. of bacitracin; as procaine penicillin plus bacitracin methylene disalicylate.	Do.
a. 7.1	100–200	Amprolium	36.3–227	For chickens; not for laying chickens; as prescribed in § 121.210(c), table 1, items 2.1 and 3.1.	§ 121.210(c), table 1, items 2.1 and 3.1.
b. 7.1	100–200	Amprolium plus ethopabate.	113.5–227 3.6	For broiler chickens; not for laying chickens; as prescribed in § 121.210 (c), table 1, item 2.2.	§ 121.210(c), table 1, item 2.2.
c. 7.1 or 7.2	100	Hygromycin B	8–12	For chickens	§121.213(d), table 1, item 1.
8.1. Bacitracin	100–200			For turkeys; as bacitracin methylene disalicylate.	Treatment of infectious sinusitis, blue comb (mud fever).
8.2. Bacitracin plus penicillin.	100–200			For turkeys; 100–200 gm. of combination; not less than 25 gm. of penicillin nor less than 50 gm. of bacitracin; as procaine penicillin plus bacitracin methylene disalicylate.	Do.

TABLE 2—BACITRACIN METHYLENE DISALICYLATE IN COMPLETE SWINE FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1.1 Bacitracin	50–100			For swine; as bacitracin methylene disalicylate.	Aid in the prevention of bacterial swine enteritis.
1.2 Bacitracin + penicillin.	50–100			For swine; 50–100 gm. of combination, containing not less than 50 percent nor more than 75 percent of bacitracin; as bacitracin methylene disalicylate + procaine penicillin.	Do.
2.1 Bacitracin	100			For swine; as bacitracin methylene disalicylate.	Treatment of bacterial swine enteritis.
2.2 Bacitracin + penicillin.	100			For swine; 100 gm. of combination, containing not less than 50 percent nor more than 75 percent of bacitracin; as bacitracin methylene disalicylate + procaine penicillin.	Do.

(e) To assure safe use, the label and labeling of the additive, any combination of additives, and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity or quantities contained therein.

(3) Adequate directions and warnings for use.

§ 121.253 Arsanilic acid.

Arsanilic acid may be safely used in animal feed when incorporated therein in accordance with the following conditions:

(a) The additive is the chemical *p*-aminobenzenearsonic acid ($C_6H_8AsNO_3$) conforming to the following specifications (on the dry basis):

(1) The additive contains not less than 34 percent and not more than 34.8 percent of arsenic (As), equivalent to not less than 98.5 percent and not more than 100.8 percent $C_6H_8AsNO_3$.

(2) The additive contains not more than 0.025 percent arsenic as inorganic arsenite, calculated as As_2O_3 and not more than 0.05 percent arsenic as inorganic arsenate, calculated as AsO_4≡.

(b) Permitted uses of arsanilic acid alone and with certain other additives are described in tabular form in this section, and these tables are to be read as follows:

(1) The numbered line items establish the required limitations and indications for use of the principal ingredient as the medicament alone or with an additional ingredient added for increased effectiveness.

(2) The lettered line items establish the required limitations and indications for use of secondary ingredients that may be added to the indicated principal ingredient. Where principal and secondary ingredients have been mixed, the applicable limitations and indications for use from both the numbered items and lettered items apply. If duplicate limitations occur, these may be appropriately combined.

(3) Permitted combinations of principal ingredient and secondary ingredients are individually listed. Unless specifically provided by the regulations, the principal ingredient may not be mixed with two or more secondary ingredients.

(4) Where cross-references specify a particular table and item number of another section, use of only the principal ingredient of the numbered item is authorized thereby.

(5) The term "principal ingredient" as used in this section refers to the additive named in the heading of this section and is not intended to imply that the ingredient is of a greater value than any other additives named in this section.

(c) It is used or intended for use in feeds, as follows:

ARSANILIC ACID IN COMPLETE CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1.1 Arsanilic acid	90 (0.01%)			For chickens and turkeys; withdraw 5 days before slaughter.	Growth promotion and feed efficiency; improving pigmentation.
1.2 Arsanilic acid	90 (0.01%)	Penicillin	2.4–50	For broiler chickens; as procaine penicillin; withdraw 5 days before slaughter.	Do.
1.3 Arsanilic acid	90 (0.01%)	Penicillin + streptomycin.	14.4–50	For broiler chickens; as procaine penicillin + streptomycin sulfate; 14.4–50 gm. of combination containing 16.7% of penicillin; withdraw 5 days before slaughter.	Do.
a. 1.1, 1.2, or 1.3	90	Amprolium	36.3–227 (0.004%–0.025%)	§ 121.210, table 1, items 1.1, 2.1, 3.1.	§ 121.210, table 1, items 1.1, 2.1, 3.1.
b. 1.1, 1.2, or 1.3	90	do	113.5–227 (0.0125%–0.025%)	§ 121.210, table 1, item 2.1.	§ 121.210, table 1, item 2.1.
c. 1.1, 1.2, or 1.3	90	do + Ethopabate	113.5–227 (0.0125%–0.025%) 3.6 (0.0004%)	§ 121.210, table 1, item 2.2.	§ 121.210, table 1, item 2.2.
d. 1.1	90	Zoalene, with or without:	36.3–170.3 (0.004%–0.01875%)	For chickens and turkeys; as prescribed in § 121.207, table, items 1, 2.1, 3.1.	§ 121.207 table, items 1, 2.1, 3.1.
		i. Penicillin	2.4–50	For chickens; as prescribed in § 121.207, table, items 2.1, 3.1; as procaine penicillin.	§ 121.207, table, items 2.1, 3.1.
		ii. Penicillin plus bacitracin.	3.6–50	For chickens; as prescribed in § 121.207, table, items 2.1, 3.1; not less than 0.0 gm. of penicillin nor less than 3 gm. of bacitracin; as procaine penicillin plus bacitracin, baeitracin methylene disalicylate, manganeso bacitracin, or zinc bacitracin.	Do.
		iii. Bacitracin	4–50	For chickens; as prescribed in § 121.207, table, items 2.1, 3.1; as bacitracin, bacitracin methylene, disalicylate, manganese bacitracin, or zinc bacitracin.	Do.

(d) To assure safe use, the label and labeling of the additive, any combination of additives, and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity or quantities contained therein.

(3) Adequate directions and warnings for use.

(e) Section 121.1138 establishes the limitation for residues of the additive in food for human consumption.

§ 121.254 Sodium arsanilate.

Sodium arsanilate may be safely used in animal feed when incorporated therein in accordance with the following conditions.

(a) The additive is the chemical sodium *p*-aminobenzenearsonate ($C_6H_7AsNNaO_3$) conforming to the following specifications (on the dry basis):

(1) The additive contains not less than 30.87 percent and not more than 31.65 percent of arsenic (As), equivalent to not less than 98.5 percent and not more than 101 percent of $C_6H_7AsNNaO_3$.

(2) The additive contains not more than 0.025 percent arsenic as inorganic arsenite, calculated as As_2O_3 and not more than 0.05 percent arsenic as inorganic arsenate, calculated as AsO_4.

(b) Permitted use of sodium arsanilate alone and with certain other additives is described in tabular form in this section and this table is to be read as follows:

(1) The numbered line items establish the required limitations and indications for use of the principal ingredient as the medicament alone or with an additional ingredient added for increased effectiveness.

(2) The lettered line items establish the required limitations and indications for use of secondary ingredients that may be added to the indicated principal ingredient. Where principal and secondary ingredients have been mixed, the applicable limitations and indications for use from both the numbered items and lettered items apply. If duplicate limitations occur, these may be appropriately combined.

(3) Permitted combinations of principal ingredient and secondary ingredients are individually listed. Unless specifically provided by the regulations, the principal ingredient may not be mixed with two or more secondary ingredients.

(4) Where cross-references specify a particular table and item number of another section, use of only the principal ingredient of the numbered item is authorized thereby.

(5) The term "principal ingredient" as used in this section refers to the additive named in the heading of this section and is not intended to imply that the ingredient is of a greater value than any other additives named in this section.

(c) It is used or intended for use in feeds, as follows:

SODIUM ARSANILATE IN COMPLETE CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
Sodium arsanilate.	90 (0.01%)			For chickens and turkeys; withdraw 5 days before slaughter.	Growth promotion and feed efficiency; improving pigmentation.
a. Sodium arsanilate.	90	Amprolium	36.3-227 (0.004%-0.025%).	For chickens and turkeys; as prescribed in § 121.210, table 1, items 1.1, 2.1, 3.1.	§ 121.210, table 1, items 1.1, 2.1, 3.1.
b. Sodium arsanilate.	90	Zoalene	36.3-170.3 (0.004%-0.01875%).	For chickens and turkeys; as prescribed in § 121.207, table, items 1, 2, 3.	§ 121.207, table, items 1, 2, 3.

(d) To assure safe use, the label and labeling of the additive, any combination of additives, and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity or quantities contained therein.

(3) Adequate directions and warnings for use.

§ 121.255 Furazolidone.

Furazolidone may be safely used in animal feed when incorporated therein in accordance with the following conditions:

(a) The additive is the chemical 3-(5-nitrofurfurylideneamino) - 2 - oxazolidinone, $C_8H_7N_3O_5$.

(b) Permitted uses of furazolidone alone and with certain other additives are described in tabular form in this section, and these tables are to be read as follows:

(1) The numbered line items establish the required limitations and indications for use of the principal ingredient as the medicament alone or with an additional ingredient added for increased effectiveness.

(2) The lettered line items establish the required limitations and indications for use of secondary ingredients that may be added to the indicated principal ingredient. Where principal and secondary ingredients have been mixed, the applicable limitations and indications for use from both the numbered items and lettered items apply. If duplicate limitations occur, these may be appropriately combined.

(3) Permitted combinations of principal ingredient and secondary ingredients are individually listed. Unless specifically provided for by the regulations, the principal ingredient may not be mixed with two or more secondary ingredients.

(4) Where cross-references specify a particular table and item number of another section, use of only the principal ingredient of the numbered item is authorized thereby.

(5) The term "principal ingredient" as used in this section refers to the additive named in the title of this section, and is not intended to imply that the ingredient is of greater value than any other additive named in this section.

(c) It is used or intended for use in feed, as follows:

FURAZOLIDONE IN ANIMAL FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1. Furazolidone	150 (0.0165%).			For sows; feed 1 week before farrowing and 2 weeks after farrowing.	Prevention of bacterial scours in baby pigs; growth promotion while on medication.
2. Furazolidone	100-200 (0.011%-0.022%).			For swine, as follows: 100 gm. per ton for 5 weeks or 150 gm. per ton for 3 weeks; or 200 gm. per ton for 2 weeks.	Prevention of bacterial enteritis (necrotic enteritis, necro) and vibrionic (bloody) dysentery; growth promotion while on medication.
3. Furazolidone	300 (0.033%).			For swine; feed 10-14 days.	Treatment of bacterial enteritis (necrotic enteritis, necro) and vibrionic (bloody) dysentery, while on medication; growth promotion while on medication.

(d) To assure safe use, the label and labeling of the additive and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity or quantities contained therein.

(3) Adequate directions and warnings for use.

§ 121.256 Procaine penicillin.

The food additive procaine penicillin may be safely used in accordance with the following prescribed conditions:

(a) Procaine penicillin is the procaine salt of the antibiotic substance produced by the growth of *Penicillium notatum* or *Penicillium chrysogenum* or the same antibiotic substance produced by any other means, and for the purposes of this Part 121 refers to procaine penicillin or feed-grade procaine penicillin.

(b) The antibiotic activities authorized are expressed in this section in terms of the weight of the appropriate antibiotic standard.

(c) Permitted uses of procaine penicillin alone and with certain other additives in medicated feeds are described in tabular form in this section and the tables are to be read as follows:

(1) The numbered line items establish the required limitations and indications for use of the principal ingredient as the medicament alone, or with another ingredient added.

(2) The lettered line items establish the required limitations and indications for use of secondary ingredients that may be added to the principal ingredients indicated by the numbered entry in the "principal ingredient" column. Where principal and secondary ingredients have been mixed, the applicable "limitations" and "indications for use" from both the numbered items and lettered items apply. If duplicate limitations occur, these may be appropriately combined.

(3) Permitted combinations of principal ingredients and secondary ingredients are individually listed. Unless specifically provided by the regulations, the principal ingredients may not be mixed with secondary ingredients.

(4) Where cross-references specify a particular table and numbered line item of another section, use of only the principal ingredient or principal ingredient combination indicated by the cross-reference is authorized thereby.

(5) The term "principal ingredient" as used in this section refers to the additive named in the title of this section but may include other ingredients listed as numbered line items. Such term is not intended to imply that the ingredient or combination is of greater value than any other additives named in this section.

(d) The additive is used or intended for use as follows:

TABLE 1—PROCAINE PENICILLIN IN COMPLETE CHICKEN AND TURKEY FEEDS

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1.1 Penicillin + bacitracin.	10-50			For chickens; 12.5 gm. of penicillin + 37.5 gm. of bacitracin first 4 to 6 weeks of egg production; not less than 2.5 gm. nor more than 12.5 gm. of penicillin + not less than 7.5 gm. nor more than 37.5 gm. of bacitracin for remainder of laying period; as procaine penicillin + bacitracin, bacitracin methylene disalicylate, or zinc bacitracin.	Maintaining or increasing egg production.
a. 1.1	10-50	Hygromycin B	8-12	For chickens	§ 121.213(d), table 1, item 1.
2.1 Penicillin + streptomycin.	22.5-50			For chickens; 22.5-50 gm. of combination, containing 16.7 percent of penicillin; as procaine penicillin + streptomycin sulfate.	Maintaining or increasing egg production.
a. 2.1	22.5-50	Hygromycin B	8-12	For chickens	§ 121.213(d), table 1, item 1.
3.1 Penicillin	50-100			For chickens; as procaine penicillin.	Prevention of chronic respiratory disease (air-sac infection); blue comb (nonspecific infectious enteritis).
3.2 Penicillin + bacitracin.	50-100			For chickens; 50-100 gm. of combination; not less than 12.5 gm. of penicillin nor less than 25 gm. of bacitracin; as procaine penicillin + bacitracin, bacitracin methylene disalicylate, or zinc bacitracin.	Do.
a. 3.1 or 3.2	50-100	Hygromycin B	8-12	For chickens	§ 121.213(d), table 1, item 1.
b. 3.1	50-100	3-Nitro-4-hydroxyphenylarsonic acid.	22.7-45.4	For chickens; as provided in § 121.262(c), table 1, item 1.1.	§ 121.262(c), table 1, item 1.1.
4.1 Penicillin	50-100			For turkeys; as procaine penicillin.	Prevention of infectious sinusitis, blue comb (mud fever).
4.2 Penicillin + bacitracin.	50-100			For turkeys; 50-100 gm. of combination; not less than 12.5 gm. of penicillin nor less than 25 gm. of bacitracin; as procaine penicillin + bacitracin, bacitracin methylene disalicylate, or zinc bacitracin.	Do.

TABLE 1—PROCAINE PENICILLIN IN COMPLETE CHICKEN AND TURKEY FEEDS—Continued

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
4.2 Penicillin + bacitracin—Continued					
a. 4.1	50-100	3-Nitro-4-hydroxyphenylarsonic acid.	22.7-45.4	For turkeys; as prescribed in § 121.262(c), table 1, item 2.1.	§ 121.262(c), table 1, item 2.1.
5.1 Penicillin + streptomycin.	90-180			For chickens; 90-180 gm. of combination, containing 16.7 percent of penicillin; as procaine penicillin+streptomycin sulfate.	Treatment of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis).
a. 5.1	90-180	Amprolium	36.3-227	Not for laying chickens; as prescribed in § 121.210(c), table 1, items 2.1 and 3.1.	§ 121.210(c), table 1, items 2.1 and 3.1.
b. 5.1	90-180	Amprolium + ethopabate.	113.5-227 3.6	Not for laying chickens; as prescribed in § 121.210(c), table 1, item 2.2.	§ 121.210(c), table 1, item 2.2.
c. 5.1	90-180	Hygromycin B	8-12	For chickens	§ 121.213(d), table 1, item 1.
6.1 Penicillin + streptomycin.	90			For chickens; 90 gm. of combination, containing 16.7 percent of penicillin; as procaine penicillin+streptomycin sulfate.	Maintaining or increasing batchability of eggs.
a. 6.1	90	Hygromycin B	8-12	For chickens	§ 121.213(d), table 1, item 1.
7.1 Penicillin + streptomycin.	90-180			For turkeys; 90-180 gm. of combination containing 16.7 percent of penicillin; as procaine penicillin+streptomycin sulfate.	Treatment of infectious sinusitis, blue comb (mud fever), bexamitiasis.
a. 7.1	90-180	Amprolium	113.5-227	As prescribed in § 121.210(c), table 1, item 1.1.	§ 121.210(c), table 1, item 1.1.
8.1 Penicillin+ streptomycin.	90			For chicks; in starter ration; 90 gm. of combination containing 16.7% of penicillin; as procaine penicillin+streptomycin sulfate.	Prevention of early mortality caused by organisms susceptible to penicillin+streptomycin.
a. 8.1	90	Amprolium	36.3-227	As prescribed in § 121.210(c), table 1, items 2.1 and 3.1.	§ 121.210(c), table 1 items 2.1 and 3.1.
b. 8.1	90	Amprolium+ethopabate.	113.5-227 3.6	As prescribed in § 121.210(c), table 1, item 2.2.	§ 121.210(c), table 1, item 2.2.
c. 8.1	90	Hygromycin B	8-12	For chicks	§ 121.213(d), table 1, item 1.
9.1 Penicillin	100			For chickens; as procaine penicillin.	Treatment of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis).
a. 9.1	100	Hygromycin B	8-12	For chickens	§ 121.213(d), table 1, item 1.
10.1 Penicillin+ bacitracin.	100			For chickens; 100 gm. of combination; 25 gm. of penicillin +75 gm. of bacitracin; as procaine penicillin+bacitracin, bacitracin methylene disalicylate, or zinc bacitracin.	Maintaining or increasing batchability of eggs.
a. 10.1	100	Hygromycin B	8-12	For chickens	§ 121.213(d), table 1, item 1.
11.1 Penicillin + bacitracin.	100-200			For chickens; 100-200 gm. of combination; not less than 25 percent of penicillin + not less than 50 percent of bacitracin; as procaine penicillin +bacitracin methylene disalicylate.	Treatment of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis).
a. 11.1	100-200	Hygromycin B	8-12	For chickens	§ 121.213(d), table 1, item 1.
12.1 Penicillin + bacitracin.	100			For chickens; 100 gm. of combination; 25 gm. of penicillin +75 gm. of bacitracin; as procaine penicillin + bacitracin, bacitracin methylene disalicylate, or zinc bacitracin.	During times of stress; prevention of diseases caused by organisms susceptible to a combination of penicillin and bacitracin.

TABLE 1—PROCAINE PENICILLIN IN COMPLETE CHICKEN AND TURKEY FEEDS—Continued

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
13.1 Penicillin + bacitracin.	100			For chicks; in starter ration; 100 gm. of combination; 25 gm. of penicillin+75 gm. of bacitracin; as procaine penicillin + bacitracin methylene disalicylate.	Prevention of early mortality of chicks due to organisms susceptible to a combination of penicillin and bacitracin.
a. 13.1	100	Hygromycin B	8-12	For chicks; in starter ration	§ 121.213(d), table 1, item 1.
14.1 Penicillin	100			For turkeys; as procaine penicillin.	Treatment of infectious sinusitis, blue comb (mud fever).
14.2 Penicillin + bacitracin.	100–200			For turkeys; 100–200 gm. of combination; not less than 25 percent of penicillin + not less than 50 percent of bacitracin; as procaine penicillin + bacitracin methylene disalicylate.	Do.
15.1 Penicillin + bacitracin.	100–500			For chicks; in starter ration; 100–500 gm. of combination, containing not less than 50 percent nor more than 75 percent of bacitracin, except that it contains not more than 125 gm. of penicillin; as procaine penicillin + bacitracin or zinc bacitracin.	Prevention of early mortality of chicks due to organisms susceptible to combinations of penicillin and bacitracin.
16.1 Penicillin + bacitracin.	100–500			For chickens; combination containing not less than 50 percent nor more than 75 percent of bacitracin, except that it contains not more than 125 gm. of penicillin; as procaine penicillin+bacitracin or zinc bacitracin.	Treatment of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis).
a. Penicillin+ bacitracin.	100–200	Hygromycin B	8-12	For chickens	§ 121.213(d), table 1, item 1.
17.1 Penicillin + bacitracin.	100–500			For turkeys; 100–500 gm. of combination, containing not less than 50 percent nor more than 75 percent of bacitracin, except that it contains not more than 125 gm. of penicillin; as procaine penicillin+bacitracin or zinc bacitracin.	Treatment of infectious sinusitis, blue comb (mud fever).

TABLE 2—PROCAINE PENICILLIN IN COMPLETE SWINE FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1. Penicillin + bacitracin.	50–100			For swine; 50–100 gm. of combination, containing not less than 25 percent and not more than 50 percent of penicillin; as procaine penicillin + bacitracin, bacitracin methylene disalicylate, or zinc bacitracin.	Aid in the prevention of bacterial swine enteritis.
2. Penicillin + streptomycin.	45–90			For swine; 45–90 gm. of combination, containing 16.7 percent of penicillin; as procaine penicillin + streptomycin sulfate.	Do.
3. Penicillin + bacitracin.	100			For swine; 100 gm. of combination, containing not less than 25 percent and not more than 50 percent of penicillin; as procaine penicillin + bacitracin, bacitracin methylene disalicylate, or zinc bacitracin.	Treatment of bacterial swine enteritis.
4. Penicillin + streptomycin.	90			For swine; 90 gm. of combination, containing 16.7 percent of penicillin; as procaine penicillin + streptomycin sulfate.	Do.
5. Penicillin + streptomycin.	90–270			For swine; 90–270 gm. of combination containing 16.7 percent of penicillin; feed not more than 14 days; as procaine penicillin+streptomycin sulfate.	Do.

(c) To assure safe use, the label and labeling of the additive, any combination of additives, and any feed additive premix, feed additive concentrate, feed additive supplement, or complete feed prepared therefrom shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity or quantities contained therein.

(3) Adequate directions and warnings for use.

§ 121.257 Estradiol monopalmitate.

Estradiol monopalmitate may be safely used in animals in accordance with the following prescribed conditions:

(a) The additive is the chemical 1,3,5 (10)-estratriene-3, 17β-diol 17-palmitate ($C_{34}H_{54}O_2$), conforming to the specifications prescribed in this paragraph:

(1) The melting point range of estradiol monopalmitate is 81° C.–85° C. (method U.S.P. XVI, Procedure for Class Ia).

(2) After saponification of the additive as described in subparagraph (3) of this paragraph, the melting point of the isolated estradiol ranges from 173° C. to 179° C. and the melting point of the isolated palmitic acid is 63° C.

(3) Saponification of the additive is accomplished by refluxing about 0.2 gram of the additive with 3 milliliters of half-normal alcoholic potassium hydroxide solution on a water bath for 2 hours. Phenolphthalein solution is added and the excess potassium hydroxide is titrated with 0.1*N* hydrochloric acid. One milliliter of 5-normal sodium hydroxide solution is added to the titrated solution and the alcohol removed by warming on the steam bath. After addition of 10 milliliters of water, the solution is cooled to room temperature. The precipitate is filtered through a sintered glass filter and washed with 3 milliliters of water. Carbon dioxide is passed through the filtrate for about 5 minutes. The precipitated crystals are filtered through a sintered glass filter, washed neutral with water, and dried at 105° C. The isolated estradiol shall meet the melting point range specified in subparagraph (2) of this paragraph. The precipitate from the filtrate is transferred into a glass beaker and warmed with 15 milliliters of 12½ percent hydrochloric acid. The precipitated palmitic acid is filtered off, washed with water, and dried. The melting point of the isolated palmitic acid corresponds to the figure specified in subparagraph (2) of this paragraph.

(b) The additive is used or intended for use as prescribed in the following table. The term "principal ingredient" as used in this table refers to the additive named in the heading of this section.

ESTRADIOL PALMITATE IN CHICKENS

Principal ingredient	Amount	Combined with—	Amount	Limitations	Indications for use
Estradiol monopalmitate.	10 mg. per dose.	Vehicle of polyethylene glycol 200+polyethylene glycol 4,000.		For roasting chickens; one dose per bird by injection under skin at base of skull at not less than 5 weeks of age; not to be used within 6 weeks of slaughter; the polyethylene glycols used conform to § 121.259.	Produce more uniform fat distribution; improve finish.

(c) To assure safe use the label and the labeling of the additive or additives shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity of the additive or additives contained therein.

(3) Adequate directions and warnings for use.

§ 121.258 Dimetridazole.

Dimetridazole may be safely used in accordance with the following conditions:

(a) The additive is the chemical 1,2-dimethyl - 5 - nitroimidazole, $C_5H_7O_2N_3$, conforming to the following specifications:

(1) Melting point 137° C. to 141° C.

(2) Assay (dry basis) 98 to 101 percent (by titration with perchloric acid in acetic acid).

(b) Permitted uses of dimetridazole alone are described in tabular form in this section.

(c) It is used or intended for use as follows:

TABLE 1—DIMETRIDAZOLE IN DRINKING WATER

Principal ingredient	Amount	Combined with—	Amount	Limitations	Indications for use
	Percent				
1. Dimetridazole	0.01			For turkeys; as sole source of drinking water; not for laying birds; withdraw 3 days before slaughter; as sole source of dimetridazole.	Prevention of blackhead.
2. Dimetridazole	0.02			do	Treatment of blackhead.
3. Dimetridazole	0.04			For turkeys; as sole source of drinking water; treat for 5 days only; not for laying birds; withdraw 5 days before slaughter; as sole source of dimetridazole.	Treatment of severe outbreaks of blackhead.

TABLE 2—DIMETRIDAZOLE IN COMPLETE TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1. Dimetridazole	136–182 (0.015–0.02%)			For turkeys; withdraw 5 days before slaughter; as sole source of dimetridazole; eggs not to be used for food purposes.	Prevention of blackhead (histomoniasis, infectious enterohepatitis).
2. Dimetridazole	544–725 (0.06–0.08%)			For turkeys; feed for not more than 7 days; withdraw 5 days before slaughter; as sole source of dimetridazole; eggs not to be used for food purposes.	As an aid in the control of blackhead (histomoniasis, infectious enterohepatitis).

(d) To assure safe use, the label and labeling of the additive, any combination of additives, any final dosage form, and any feed additive premix, feed additive concentrate, feed additive supplement, or complete feed prepared therefrom, shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity or quantities of each additive contained therein.

(3) Adequate directions and warnings for use.

(e) Section 121.1167 establishes the limitations for residues of the additive in food for human consumption.

§ 121.259 Polyethylene glycols.

The following polyethylene glycols may be safely used in animals in accordance with the following prescribed conditions:

(a) *Polyethylene glycol 200.* Polyethylene glycol 200 is a condensation product of ethylene oxide and water, conforming to the following specifications:

(1) Average molecular weight 190–210.

(2) Total ethylene and diethylene glycol content not to exceed 10 percent by weight.

(b) *Polyethylene glycol 4000.* Polyethylene glycol 4000 is a condensation product of ethylene oxide and water conforming to the following specifications:

(1) U.S.P. XVII specifications.

(2) Total ethylene and diethylene glycol content not to exceed 0.15 percent by weight.

(c) through (l) [Reserved]

(m) The additive is used or intended for use as a vehicle in accordance with the provisions of other regulations in this Subpart C.

§ 121.260 Thiabendazole.

Thiabendazole may be safely used in the treatment of food-producing animals in accordance with the following conditions:

(a) The additive is the chemical 2-[4'-thiazolyl]-benzimidazole, $C_{10}H_7N_3S$, conforming to the following specifications:

(1) Ultraviolet assay (*A* 1 percent 0.1*n* HCl, 1 cm., 302 mμ= 95–103 percent.

(2) Ultraviolet identity ratio (A_{243}/A_{302})=0.485–0.520.

(3) Melting range 296° to 303° C.

(4) Heavy metals (as lead) maximum 0.005 percent.

(b) Permitted uses of thiabendazole are described in tabular form in this section.

(c) The additive is used or intended for use as follows:

TABLE 1—MISCELLANEOUS

Principal ingredient	Amount	Combined with—	Amount	Limitations	Indications for use
1. Thiabendazole	3 gm. per 100 lb. body weight.			For cattle; as a single oral dose; as a drench or tablet; may repeat once in 2 to 3 weeks; do not treat animals within 30 days of slaughter; milk taken from treated animals within 96 hours (8 milkings) after the latest treatment must not be used for food.	Treating infestations of gastrointestinal roundworms (genera *Trichostrongylus spp., Haemonchus spp., Osterlagia spp.*).
2. Thiabendazole	5 gm. per 100 lb. body weight.			do	Treating severe infestations of gastrointestinal roundworms (genera *Trichostrongylus spp., Haemonchus spp., Osterlagia spp.*); treatment of infestations of *Cooperia* species.

TABLE 2—THIABENDAZOLE IN FEED

Principal ingredient	Amount	Combined with—	Amount	Limitations	Indications for use
1. Thiabendazole	3 gm. per 100 lb. body weight.			For cattle: 3 gm. per 100 lb. body weight at a single dose; may repeat once in 2 to 3 weeks; do not treat animals within 30 days of slaughter; milk taken from treated animals within 96 hours (8 milkings) after the latest treatment must not be used for food.	Treatment of infestations of gastrointestinal roundworms (genera *Trichostrongylus spp., Haemonchus spp., Ostertagia spp.*).
2. Thiabendazole	5 gm. per 100 lb. body weight.			For cattle: 5 gm. per 100 lb. body weight at a single dose or divided into 3 equal doses, administered 1 dose each day, on succeeding days; may repeat once in 2 to 3 weeks; do not treat animals within 30 days of slaughter; milk taken from treated animals within 96 hours (8 milkings) after the latest treatment must not be used for food.	Treatment of severa infestations of gastrointestinal roundworms (genera *Trichostrongylus spp., Haemonchus spp., Ostertagia spp.*); treatment of infestations of *Cooperia* species.

(d) To assure safe use, the label and labeling of the additive, any combination of additives, and final dosage form, and any feed additive premix, feed additive concentrate, feed additive supplement, or complete feed prepared therefrom, shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity or quantities of each contained therein.

(3) Adequate directions and warnings for use.

§ 121.261 Petrolatum.

Petrolatum may be safely used in or on animal feed, subject to the following prescribed conditions:

(a) Petrolatum complies with the specifications set forth in the U.S. Pharmacopeia XVI for white petrolatum or in The National Formulary XII for yellow petrolatum.

(b) Petrolatum meets the following ultraviolet absorbance limits when subjected to the analytical procedure described in § 121.1156(b).

Ultraviolet absorbance per centimeter path length:

Millimicrons:	*Maximum*
280–289	0.25
290–299	.20
300–359	.14
360–400	.04

(c) It is used in animal feed for the following purposes:

(1) To reduce dustiness of feeds or mineral supplements.

(2) To serve as a lubricant in the preparation of pellets, cubes, or blocks, and to improve resistance to moisture of such pellets, cubes, or blocks.

(d) The quantity of petrolatum present in animal feeds from the uses specified in paragraph (c) of this section shall not exceed 3 percent in mineral supplements nor shall it exceed 0.06 percent of the total ration when present in feed or feed concentrates.

(e) When used in combination with technical white mineral oil for the uses described in paragraph (c) of this section, the total quantity of combined petrolatum and technical white mineral oil shall not exceed the limits prescribed in paragraph (d) of this section.

(f) Petrolatum may contain any antioxidant permitted in food by regulations issued in accordance with section 409 of the act, in an amount not greater than that required to produce its intended effect.

§ 121.262 3-Nitro-4-hydroxyphenylarsonic acid.

3-Nitro-4-hydroxyphenylarsonic acid may be safely used in animal feed when incorporated therein in accordance with the following conditions:

(a) The additive is the chemical 4-hydroxy-3-nitrobenzene arsonic acid, $C_6H_6AsNO_6$, conforming to the following specifications, on a dry basis:

(1) The additive contains not less than 28 percent and not more than 28.7 percent arsenic, equivalent to not less than 98.3 percent and not more than 100.8 percent of $C_6H_6AsNO_6$.

(2) The additive contains not more than 0.025 percent arsenic as inorganic arsenite, calculated as As_2O_3, and not more than 0.05 percent arsenic as inorganic arsenate, calculated as $AsO_4^{\equiv}$.

(b) Permitted uses of 3-nitro-4-hydroxyphenylarsonic acid alone and with certain other additives are described in tabular form in this section, and these tables are to be read as follows:

(1) The numbered line items establish the required limitations and indications for use of the principal ingredient as the medicament alone, or with an additional ingredient added.

(2) The lettered line items establish the required limitations and indications for use of secondary ingredients that may be added to the indicated principal ingredient. Where principal and secondary ingredients have been mixed, the applicable limitations and indications for use for both the numbered items and lettered items apply. If duplicate limitations occur, these may be appropriately combined.

(3) Permitted combinations of principal ingredients and secondary ingredients are individually listed. Unless specifically provided for by the regulation, principal ingredients may not be mixed with two or more secondary ingredients.

(4) Where cross-references specify a particular table and item number of another section, use of only the principal ingredient or ingredients of the numbered item is authorized thereby.

(5) The term "principal ingredient" as used in this section refers to the additive named in the title of this section, and is not intended to imply that the ingredient is of greater value than any other additives named in this section.

(c) It is used or intended for use in feed as follows:

TABLE 1—3-NITRO-4-HYDROXYPHENYLARSONIC ACID IN COMPLETE CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1.1 3-Nitro-4-hydroxyphenylarsonic acid.	22.7–45.4 (0.0025%–0.005%)			For chickens; withdraw 5 days before slaughter; as sole source of organic arsenic.	Growth promotion and feed efficiency; improving pigmentation.
1.2 3-Nitro-4-hydroxyphenylarsonic acid.	45.4 (0.005%)	3,5-Dinitrobenzamide. + Acetyl-(*p*-nitrophenyl)-sulfanilamide.	227 (0.025%) 272 (0.03%)	For chickens; not to be fed to laying chickens; withdraw 5 days before slaughter; from feed additive premixes containing not more than 25 percent 3,5-dinitrobenzamide, 30 percent acetyl-(*p*-nitrophenyl)-sulfanilamide, and 5 percent 3-nitro-4-hydroxyphenylarsonic acid; as sole source of organic arsenic.	Prevention of coccidiosis caused by *E. tenella, E. necatrix,* and *E. acervulina*; growth promotion and feed efficiency; improving pigmentation.
1.3 3-Nitro-4-hydroxyphenylarsonic acid.	22.7–45.4 (0.0025%–0.005%)	Zoalene	113.5 (0.0125%)	For broiler chickens; withdraw 5 days before slaughter; as sole source of organic arsenic.	Prevention and control of coccidiosis; growth promotion and feed efficiency; improving pigmentation.
1.4 3-Nitro-4-hydroxyphenylarsonic acid.	22.7–45.4 (0.0025%–0.005%)	do	36.3–113.5 (0.004%–0.0125%)	For replacement chickens; not to be fed to birds under 5½ weeks of age nor over 14 weeks of age; withdraw 5 days before slaughter; as sole source of organic arsenic; as follows:	Development of active immunity to coccidiosis; growth promotion and feed efficiency; improving pigmentation.
				Growing Conditions: Severe exposure	Starter ration: *Grams per ton* 113.5 (0.0125%)
				Light to moderate exposure	75.4–113.5 (0.0083%–0.0125%)
					Grower ration: *Grams per ton* 75.4–113.5 (0.0083%–0.0125%) 38.3–75.4 (0.004%–0.0083%)
a. 1.1, 1.3, 1.4	22.7–45.4	Penicillin	2.4–50	As procaine penicillin.	Growth promotion and feed efficiency.
b. 1.1	22.7–45.4	do	50–100	§ 121.256, table 1, item 3.1.	§ 121.256, table 1, item 3.1.
c. 1.1	22.7–45.4	Penicillin+ streptomycin.	14.4–50	As procaine penicillin and streptomycin sulfate.	Growth promotion and feed efficiency.
d. 1.1	22.7–45.4	Chlortetracycline.	10–50	As chlortetracycline hydrochloride.	Do.
e. 1.1	22.7–45.4	do	50–200	§ 121.208, table 1, items 2, 6.	§ 121.208, table 1, items 2, 6.
f. 1.1, 1.3, 1.4	22.7–45.4	Penicillin+ bacitracin.	3.6–50	As procaine penicillin plus bacitracin, bacitracin methylene disalicylate, manganeso bacitracin, or zinc bacitracin.	Growth promotion and feed efficiency.
g. 1.1	22.7–45.4	do	50–100	§ 121.232, table 1, items 2.2, 5.2; § 121.233, table 1, items 2.2, 5.2; § 121.252, table 1, items 2.2, 5.2.	§ 121.232, table 1, items 2.2, 5.2; § 121.233, table 1, items 2.2, 5.2; § 121.252, table 1, items 2.2, 5.2.

TABLE 1—3-NITRO-4-HYDROXYPHENYLARSONIC ACID IN COMPLETE CHICKEN AND TURKEY FEED—Continued

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1.4 3-Nitro-4-hydroxyphenylarsonic acid—Continued					
h. 1.1	22.7–45.4	Bacitracin	50–100	§ 121.232, table 1, items 2.1, 5.1; § 121.233, table 1, items 2.1, 5.1; § 121.252, table 1, items 2.1, 5.1.	§ 121.232, table 1, items 2.1, 5.1; § 121.233, table 1, items 2.1, 5.1; § 121.252, table 1, items 2.1, 5.1.
i. 1.1, 1.3, 1.4	22.7–45.4	do	4–50	As bacitracin, bacitracin methylene disalicylate, zinc bacitracin, or manganeso bacitracin.	Growth promotion and feed efficiency.
j. 1.1	22.7–45.4	Oxytetracycline	50–200	§ 121.251, table 1, item 6.	§ 121.251, table 1, item 6.
k. 1.1	22.7–45.4	Amprolium	36.3–227	§ 121.210, table 1, items 2.1, 3.1.	§ 121.210, table 1, items 2.1, 3.1
2.1 3-Nitro-4-hydroxyphenylarsonic acid.	22.7–45.4 (0.0025%–0.005%)			For turkeys; withdraw 5 days before slaughter; as sole source of organic arsenic.	Growth promotion and feed efficiency; improving pigmentation.
2.2 3-Nitro-4-hydroxyphenylarsonic acid.	22.7–45.4 (0.0025%–0.005%)	Zoalene	113.5–170.3 (0.0125%–0.018%)	For turkeys grown for meat purposes only; withdraw 5 days before slaughter; as sole source of organic arsenic.	Growth promotion and feed efficiency; aid in the prevention and control of coccidiosis.
a. 2.1	22.7–45.4	Penicillin	2.4–50	As procaine penicillin.	Growth promotion and feed efficiency.
b. 2.1	22.7–45.4	do	50–100	§ 121.256, table 1, item 4.1.	§ 121.256, table 1, item 4.1.
c. 2.1	22.7–45.4	Penicillin+ streptomycin.	14.4–50	As procaine penicillin and streptomycin sulfate.	Growth promotion and feed efficiency.
d. 2.1	22.7–45.4	Chlortetracycline	10–50	As chlortetracycline hydrochloride.	Do.
e. 2.1	22.7–45.4	do	50–200	§ 121.208, table 1, items 3, 7.	§ 121.208, table 1, items 3, 7.
f. 2.1	22.7–45.4	Penicillin+ bacitracin.	3.6–50	Not less than 0.6 gm. of penicillin nor less than 3.0 gm. of bacitracin per ton; as procaine penicillin plus bacitracin, bacitracin methylene disalicylate, manganese bacitracin, or zinc bacitracin.	Growth promotion and feed efficiency.
g. 2.1	22.7–45.4	do	50–100	§ 121.256, table 1, item 4.2.	§ 121.256, table 1, item 4.2.
h. 2.1	22.7–45.4	Bacitracin	4–50	As bacitracin, bacitracin methylene disalicylate, manganeso bacitracin, or zinc bacitracin.	Growth promotion and feed efficiency.
i. 2.1	22.7–45.4	do	50–100	§ 121.232, table 1, item 3.1; § 121.233, table 1, item 3.1; § 121.252, table 1, item 3.1.	§ 121.232, table 1, item 3.1; § 121.233, table 1, item 3.1; § 121.252, table 1, item 3.1.
j. 2.1	22.7–45.4	Oxytetracycline	50–100	§ 121.251, table 1, item 3.	§ 121.251, table 1, item 3.
k. 2.1	22.7–45.4	Amprolium	113.5–227	§ 121.210, table 1, item 1.1.	§ 121.210, table 1, item 1.1.

(d) To assure safe use, the label and labeling of the additives, any combination of additives, and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity or quantities contained therein.

(3) Adequate directions and warnings for use.

§ 121.263 3,5-Dinitrobenzamide.

3,5-Dinitrobenzamide may be safely used in the treatment of chickens in accordance with the following prescribed conditions:

(a) The additive is the chemical 3,5-dinitrobenzamide ($C_7H_5N_3O_5$) conforming to the specifications prescribed in this paragraph:

(1) Melting-point range: 180° C. to 184° C.

(2) Assay (by total nitrogen determination): 95 to 100 percent.

(3) Glycol-mono-3,5-dinitrobenzoate: 0 to 5 percent.

(4) Molecular weight: 211.13.

(5) Moisture content: 0–2 percent.

(6) An intense purple color is developed when 25 milligrams of the compound is dissolved in a solution of 5 milliliters of dimethyl sulfoxide plus 1 milliliter of diethylamine.

(b) The additive is used or intended for use as prescribed in the following table (the term "principal ingredient" as used in this table refers to the additive named in the heading of this section):

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1.1 [Reserved]					
2.1 3,5-Dinitrobenzamide.	227 (0.025%)	Acetyl (*p*-nitrophenyl)sulfanilamide.	272 (0.03%)	For chickens, not to be fed to laying chickens; withdraw 5 days before slaughter; from feed additive premixes containing not more than 25% 3,5-dinitrobenzamide and 30% acetyl(*p*-nitrophenyl) sulfanilamide.	As an aid in the prevention of coccidiosis caused by *E. tenella*, *E. necatrix* and *E. acervulina*.
2.2 3,5-Dinitrobenzamide.	227 (0.025%)	Acetyl(*p*-nitrophenyl) sulfanilamide. + 3-Nitro-4-hydroxyphenylarsonic acid.	272 (0.03%) 45.4 (0.005%)	For chickens; not to be fed to laying chickens; withdraw 5 days before slaughter; from feed additive premixes containing not more than 25% 3,5-dinitrobenzamide, 30% acetyl(*p*-nitrophenyl)-sulfanilamide, and 5% 3-nitro-4-hydroxyphenylarsonic acid; as sole source of organic arsenic.	Prevention of coccidiosis caused by *E. tenella*, *E. necatrix*, and *E. acervulina*; growth promotion and feed efficiency; improving pigmentation.

(c) To assure safe use, the label and labeling of the additive or additives, any combination of additives, and any feed additive premix, feed additive concentrate, feed additive supplement, or complete feed prepared therefrom, shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity of the additive or additives contained therein.

(3) Adequate directions and warnings for use.

§ 121.264 Acetyl(*p* - nitrophenyl)sulfanilamide.

Acetyl(*p* - nitrophenyl(sulfanilamide may be safely used in the treatment of chickens in accordance with the following prescribed conditions:

(a) The additive is the chemical acetyl-(*p*-nitrophenyl) sulfanilamide ($C_{14}H_{13}N_3O_5S$) conforming to the specifications prescribed in this paragraph:

(1) Melting-point range: 260° C. to 261° C.

(2) Assay (by sodium nitrite titration): 97 to 100.5 percent.

(3) Moisture (method No. 5.96, "Official Methods of Analysis of the Association of Official Agricultural Chemists," 8th edition, 1955, page 64): 0 to 2 percent.

(4) Molecular weight: 335.34.

(5) Soluble in 0.1*N* sodium hydroxide, reprecipitating unchanged on acidification.

(b) The additive is used or intended for use as prescribed in the following table (the term "principal ingredient" as used in this table refers to the additive named in the heading of this section):

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1.1 (Reserved)					
1.2 Acetyl(*p*-nitrophenyl)sulfanilamide.	272 (0.03%)	3,5-Dinitrobenzamide.	227 (0.025%)	For chickens; not to be fed to laying chickens; withdraw 5 days before slaughter; from feed additive premixes containing not more than 25% 3,5-dinitrobenzamide and 30% acetyl(*p*-nitrophenyl)sulfanilamide.	As an aid in the prevention of coccidiosis caused by *E. tenella*, *E. necatrix*, and *E. acervulina*.
1.3 Acetyl(*p*-nitrophenyl)sulfanilamide.	181.6 (0.02%)	2-Chloro-4-nitrobenzamide.	227 (0.025%)	For chickens; not to be fed to laying chickens; withdraw 4 days before slaughter; from feed additive premixes containing not more than 20 percent acetyl(*p*-nitrophenyl)sulfanilamide and 25 percent 2-chloro-4-nitrobenzamide.	As an aid in the prevention of coccidiosis caused by *E. tenella*, *E. necatrix*, and *E. acervulina*.
1.4 Acetyl(*p*-nitrophenyl)sulfanilamide.	272 (0.03%)	3,5-Dinitrobenzamide. + 3-Nitro-4-hydroxyphenylarsonic acid.	227 (0.025%) 45.4 (0.005%)	For chickens; not to be fed to laying chickens; withdraw 5 days before slaughter; from feed additive premixes containing not more than 25% 3,5-dinitrobenzamide, 30% acetyl(*p*-nitrophenyl)-sulfanilamide and 5% 3-nitro-4-hydroxyphenylarsonic acid; as sole source of organic arsenic.	Prevention of coccidiosis caused by *E. tenella*, *E. necatrix*, and *E. acervulina*; growth promotion and feed efficiency; improving pigmentation.

(c) To assure safe use, the label and the labeling of the additive or additives, any combination of additives, and any feed additive premix, feed additive concentrate, feed additive supplement, or complete feed prepared therefrom shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity of the additive or additives contained therein.

(3) Adequate directions and warnings for use.

§ 121.265 Diammonium phosphate.

The food additive diammonium phosphate may be safely used in ruminant feed in accordance with the following prescribed conditions:

(a) The food additive is the product resulting from the neutralization of feeding-phosphoric-acid or defluorinated wet-process phosphoric acid with anhydrous ammonia. It contains not less than 106.25 percent equivalent crude protein (nitrogen X 6.25) and 20 percent phosphorus. It contains not more than the following:

1 part fluorine to 100 parts phosphorus.
75 parts per million of arsenic (as As).
30 parts per million of heavy metals, as lead (Pb).

(b) It is used in ruminant feeds as a source of phosphorus and nitrogen in an amount that supplies not more than 2 percent of equivalent crude protein in the total daily ration.

(c) To assure safe use of the additive, the label and labeling of the additive and that of any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom shall contain, in addition to other information required by the act, the following:

(1) The name of the additive.

(2) The maximum percentage of equivalent crude protein from the nonprotein nitrogen.

(3) If the feed additive premix, feed additive concentrate, or feed additive supplement contains more than 2 percent equivalent crude protein from diammonium phosphate, adequate directions for use and a prominent statement, "Warning—This feed should be used only in accordance with directions furnished on the label."

§ 121.266 Dienestrol diacetate.

Dienestrol diacetate may be safely used in animals in accordance with the following prescribed conditions:

(a) The additive is the chemical 3,4-bis(*p*-acetoxyphenyl)2,4-hexadiene having a melting point range of 118°–122° C.

(b) Permitted uses of dienestrol diacetate alone and with certain other additives are described in tabular form in this section, and these tables are to be read as follows:

(1) The numbered line items establish the required limitations and indications for use of the principal ingredient as the medicament alone or with an additional ingredient added.

(2) The lettered line items establish the required limitations and indications for use of secondary ingredients that may be added to the indicated principal ingredient. Where principal and secondary ingredients have been mixed, the applicable limitations and indications for use from both the numbered items and lettered items apply. If duplicate limitations occur, these may be appropriately combined.

(3) Permitted combinations of principal ingredient and secondary ingredients are individually listed. Unless specifically provided by the regulations, the principal ingredient may not be mixed with two or more secondary ingredients.

(4) Where cross-references specify a particular table and item number of another section, use of only the principal ingredient of the numbered item is authorized thereby.

(5) The term "principal ingredient" as used in this section refers to the additive named in the heading of this section and is not intended to imply that the ingredient is of a greater value than any other additives named in this section.

(c) It is used or intended for use in feeds, as follows:

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1. Dienestrol diacetate.	20.9 (0.0023%)			For broiler chickens; withdraw 48 hours before slaughter; start treatment at 5 or 6 weeks of age; treat 4 to 6 weeks.	Promote the distribution of fat for tenderness and bloom.
2. Dienestrol diacetate.	20.9 (0.0023%)			For roaster chickens; withdraw 48 hours before slaughter; start treatment 5 or 6 weeks of age; treat 6 to 10 weeks.	Do.
3. Dienestrol diacetate.	31.8 (0.0035%)			For roaster chickens; withdraw 48 hours before slaughter; start treatment at 8 or 9 weeks of age; treat 5 to 7 weeks.	Do.
4. Dienestrol diacetate.	63.6 (0.007%)			For broiler chickens; withdraw 48 hours before slaughter; start treatment at 3 weeks of age; treat for 3 weeks.	Do.
5. Dienestrol diacetate.	63.6 (0.007%)			For turkey broilers; withdraw 48 hours before slaughter; start treatment at 8 to 10 weeks of age; treat for 3 weeks.	Do.

(d) To assure safe use, the label and labeling of the additive, any combination of additives, and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity or quantities contained therein.

(3) Adequate directions and warnings for use.

(e) Tolerance limitations on residues of dienestrol diacetate in edible products from treated animals are established under § 121.1173.

§ 121.267 Griseofulvin.

The food additive griseofulvin may be safely used in animal feed when incorporated therein in accordance with the following prescribed conditions:

(a) Griseofulvin is the antibiotic substance produced by growth of *Penicillium patulum* or *Pencillium griseofulvum* or the same substance produced by any other means.

(b) The quantity of antibiotic authorized in this section is expressed in terms of the activity of the master standard.

(c) It is used or intended for use in complete chinchilla feed at a level of 160 milligrams per pound (0.0353 percent) for the prevention, treatment, and control of fungal infections caused by *Trichophyton* and as an aid in the prevention of fur chewing associated with these fungal infections.

(d) To assure safe use, the label and labeling of the additive and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom, shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive.

(2) A statement of the quantity of the additive contained therein.

(3) Adequate directions and warnings for use, including the statement that such feeds are to be administered as sole ration.

§ 121.268 Dihydrostreptomycin sulfate.

Dihydrostreptomycin sulfate may be safely used in accordance with the following prescribed conditions:

(a) Dihydrostreptomycin sulfate is the sulfate salt of the antibiotic substance obtained by hydrogenation of the antibiotic substance produced by the growth of *Streptomyces griseus* or the same antibiotic substance produced by any other means.

(b) The antibiotic activity authorized by this section is expressed in terms of the weight of the appropriate standard.

(c) The term "principal ingredient" as used in this section refers to the additive named in the title of this section and is not intended to imply that the ingredient is of a greater value than any other additives named in this section.

(d) The additive is used or intended for use as follows:

Principal ingredient	Amount	Combined with—	Amount	Limitations	Indications for use
Dihydrostreptomycin.	150 mg.	Chlorhexidine dihydrochloride.	1,500 mg.	In tablets or suspension for oral administration to calves; total daily dose per 100 lbs. body weight for 5 days; withdraw 3 days before slaughter; as dihydrostreptomycin sulfate.	Treatment of bacterial scours in calves.

(e) To assure safe use, the label and labeling of the additive or additives and any finished dosage form shall bear in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity of the additive or additives contained therein.

(3) Adequate directions and warnings for use.

§ 121.269 2-Chloro-4-nitrobenzamide.

2-Chloro-4-nitrobenzamide may be safely used in the treatment of animals in accordance with the following prescribed conditions:

(a) The additive is the chemical 2-chloro-4-nitrobenzamide ($C_7H_5O_3N_2Cl$):

(1) Minimum melting point 170° C.

(2) Moisture content not to exceed 1.0 percent.

(3) Purity not less than 98 percent on an anhydrous basis.

(b) The additive is used or intended for use as prescribed in the following table (the term "principal ingredient" as used in the table refers to the additive named in the heading of this section):

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
2-Chloro-4-nitrobenzamide.	227 (0.025%)	Acetyl(*p*-nitrophenyl)sulfanilamide.	181.6 (0.02%)	For chickens; not to be fed to laying chickens; withdraw 4 days before slaughter; from feed additive premixes containing not more than 25 percent 2-chloro-4-nitrobenzamide and 20 percent acetyl(*p*-nitrophenyl)-sulfanilamide.	As an aid in the prevention of coccidiosis caused by *E. tenella*, *E. necatrix* or *E. acervulina*.

(c) To assure safe use, the label and labeling of the additive or additives, any combination of additives, and any feed additive premix, feed additive concentrate, feed additive supplement or complete feed prepared therefrom, shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity of the additive or additives contained therein.

(3) Adequate directions and warnings for use.

§ 121.270 Inorganic bromides.

A tolerance of 90 parts per million is established for residues of inorganic bromide (calculated as Br) in or on dehydrated citrus pulp for cattle feed resulting from carryover and concentration of residues in this feed item, when present therein as a result of soil treatment with the nematocide 1,2-dibromo-3-chloropropane in the production of citrus fruits.

§ 121.271 Disodium EDTA.

The food additive disodium EDTA (disodium ethylenediaminetetraacetate) may be safely used in ruminant feeds, in accordance with the following prescribed conditions:

(a) The food additive contains a minimum of 99 percent disodium ethylenediaminetetraacetate dihydrate ($C_{10}H_{14}O_8N_2Na_2 \cdot 2H_2O$).

(b) It is used to solubilize trace minerals in aqueous solutions, which are then added to ruminant feeds.

(c) It is used or intended for use in an amount not to exceed 240 parts per million of the additive in finished feed.

(d) To assure safe use of the additive the label and labeling shall bear:

(1) The name of the additive; and

(2) Adequate mixing directions to insure that the chelated trace-mineral mix is uniformly blended throughout the feed.

§ 121.272 Sorbitan monostearate.

The food additive sorbitan monostearate may be safely used alone or in combination with polysorbate 60 (polyoxyethylene (20) sorbitan monostearate) as an emulsifier in mineral premixes and dietary supplements for animal feeds.

§ 121.273 Pyrophyllite.

Pyrophyllite (aluminum silicate monohydrate) may be safely used as the sole anticaking aid, blending agent, pelleting aid, or carrier in animal feed when incorporated therein in an amount not to exceed 2 percent in complete animal feed.

§ 121.274 Carbophenothion.

A tolerance of 10 parts per million is established for residues of the insecticide carbophenothion (*S*-(*p*-chlorophenylthiomethyl) *O,O*-diethyl phosphorodithioate) in or on dehydrated citrus pulp and citrus meal for cattle feed when present therein as a result of the application of this insecticide in the production of grapefruit, lemons, limes, oranges, tangelos, and tangerines.

§ 121.275 Hemicellulose extract.

Hemicellulose extract may be safely used in animal feed when incorporated therein in accordance with the following conditions:

(a) The additive is produced from the aqueous extract obtained by the treatment of wood with water at elevated temperatures (420°–535° F.) and pressure (300–900 pounds per square inch) and contains primarily pentose and hexose sugars.

(b) The additive may be used either wet or dry, with the wet product having a degrees Brix of not less than 65.

(c) The additive is used as a source of metabolizable energy in animal feed in accordance with good manufacturing and feeding practices at levels not to exceed 10 percent of the total diet.

(d) To assure safe use, the label and labeling of the additive shall bear:

(1) The name of the additive.

(2) Adequate directions for use, including suggested feeding levels for various species.

Subpart D—Food Additives Permitted in Food for Human Consumption

AUTHORITY: The provisions of this Subpart D issued under sec. 409, 72 Stat. 1785; 21 U.S.C. 348.

§ 121.1000 General provisions applicable to this subpart.

(a) Regulations prescribing conditions under which food additive substances may be safely used predicate usage under conditions of good manufacturing practice. For the purposes of this subpart, good manufacturing practice shall be defined to include the following restrictions.

(1) The quantity of the substance added to food does not exceed the amount reasonably required to accomplish its intended physical, nutritive, or other technical effect in food.

(2) Any substance intended for use in or on food is of appropriate food grade and is prepared and handled as a food ingredient.

(b) The existence of a regulation prescribing safe conditions of use for a food additive shall not be construed to relieve the use of the substance from compliance with any other provision of the act.

(c) The existence of any regulation prescribing safe conditions of use for a nutrient substance does not constitute a finding that the substance is useful or required as a supplement to the diet of humans.

§ 121.1001 Ethoxyquin.

(a) Ethoxyquin (1,2-dihydro-6-ethoxy-2,2,4-trimethylquinoline) may be safely used as an antioxidant for preservation of color in the production of chili powder, paprika, and ground chili at levels not in excess of 100 parts per million.

(b) In order to provide for the safe use of the additive in feed prepared in accordance with §§ 121.201 and 121.202, tolerances are established for residues of ethoxyquin in or on edible products of animals as follows:

5 parts per million in or on the uncooked fat of meat from animals except poultry.

3 parts per million in or on the uncooked liver and fat of poultry.

0.5 part per million in or on the uncooked muscle meat of animals.

0.5 part per million in poultry eggs.

Zero in milk.

§ 121.1002 [Reserved]

§ 121.1003 Neomycin, polymyxin, hydrocortisone acetate, hydrocortisone sodium succinate in milk from dairy cows.

A tolerance of zero is established for neomycin, polymyxin, and added hydrocortisone acetate and hydrocortisone sodium succinate in milk from dairy cows or in any processed food because of the use therein of such milk.

§ 121.1004 Glyceryl-lacto esters of fatty acids.

Glyceryl-lacto esters of fatty acids (the lactic acid esters of mono- and diglycerides) may be safely used in food in accordance with the following prescribed conditions:

(a) They are manufactured from glycerin, lactic acid, and fatty acids conforming with § 121.1070 and/or edible fats and oils.

(b) They are used in amounts not in excess of those reasonably required to accomplish their intended physical or technical effect as emulsifiers and plasticizers in food.

§ 121.1005 Bacitracin, zinc bacitracin, manganese bacitracin, bacitracin methylene disalicylate.

A tolerance of zero is established for residues of the food additives bacitracin, bacitracin methylene disalicylate, manganese bacitracin, and zinc bacitracin in eggs of poultry, in milk, and in the uncooked edible tissues and byproducts of cattle, swine, pheasants, quail, and poultry.

§ 121.1006 Maleic hydrazide.

A food additive known as maleic hydrazide (1,2-dihydro-3,6-pyridazinedione) may be present in potato chips when used in accordance with the following conditions:

(a) The food additive is present as a result of the application of a pesticide formulation containing maleic hydrazide to the growing potato plant in accordance with directions registered by the United States Department of Agriculture.

(b) The label of the pesticide formulation containing the food additive conforms to labeling registered by the United States Department of Agriculture.

(c) The food additive is present in an amount not to exceed 160 parts per million by weight of the finished food.

§ 121.1007 Reserpine.

A tolerance of zero is established for residues of the food additive reserpine and its metabolites in or on the uncooked meat, meat products, and eggs of chickens and turkeys.

§ 121.1008 Polyoxyethylene (20) sorbitan tristearate.

The food additive polyoxyethylene (20) sorbitan tristearate, which is a mixture of polyoxyethylene ethers of mixed stearic acid esters of sorbitol anhydrides and related compounds, may be safely used in food in accordance with the following prescribed conditions:

(a) The food additive is manufactured by reacting stearic acid (usually containing associated fatty acids, chiefly palmitic) with sorbitol to yield a product with a maximum acid number of 15 and a maximum water content of 0.2 percent, which is then reacted with ethylene oxide.

(b) The food additive meets the following specifications:

Saponification number 88–98.
Acid number 0–2.
Hydroxyl number 44–60.
Oxyethylene content 46 percent–50 percent.

(c) The additive is used, or intended for use, as follows:

(1) As an emulsifier in ice cream, frozen custard, ice milk, fruit sherbet, and nonstandardized frozen desserts, when used alone or in combination with polysorbate 80, whereby the maximum amount of the additives, alone or in combination, does not exceed 0.1 percent of the finished frozen dessert.

(2) As an emulsifier in cakes and cake mixes, with or without one or a combination of the following:

(i) Sorbitan monostearate.

(ii) Polysorbate 60 (polyoxyethylene (20) sorbitan monostearate).

When used alone, the maximum amount of polyoxyethylene (20) sorbitan tristearate shall not exceed 0.32 percent of the cake or cake mix, on a dry-weight basis. When used with sorbitan monostearate and/or polysorbate 60 (polyoxyethylene (20) sorbitan monostearate), it shall not exceed 0.32 percent, nor shall the sorbitan monostearate exceed 0.61 percent or the polysorbate 60 (polyoxyethylene (20) sorbitan monostearate) exceed 0.46 percent, and no combination of these emulsifiers shall exceed 0.66 percent of the cake or cake mix, all calculated on a dry-weight basis.

(3) As an emulsifier in whipped vegetable oil topping with or without one or a combination of the following:

(i) Sorbitan monostearate;

(ii) Polysorbate 60 (polyoxyethylene (20) sorbitan monostearate);

whereby the maximum amount of the additive or additives used does not exceed 0.4 percent of the weight of the finished whipped vegetable oil topping.

(4) As an emulsifier in solid-state, edible vegetable fat-water emulsions intended for use as substitutes for milk or cream in beverage coffee, with or without one or a combination of the following:

(i) Sorbitan monostearate.

(ii) Polysorbate 60 (polyoxyethylene (20) sorbitan monostearate).

The maximum amount of the additive or additives shall not exceed 0.4 percent by weight of the finished edible vegetable fat-water emulsion.

(5) As an emulsifier in cake icings and cake fillings, with or without one or a combination of the following:

(i) Sorbitan monostearate.

(ii) Polysorbate 60 (polyoxyethylene (20) sorbitan monostearate).

When used alone, the maximum amount of polyoxyethylene (20) sorbitan tristearate shall not exceed 0.32 percent of the weight of the cake icing or cake filling. When used with sorbitan monostearate and/or polysorbate 60 (polyoxyethylene (20) sorbitan monostearate), it shall not exceed 0.32 percent, nor shall the sorbitan monostearate exceed 0.7 percent, the polysorbate 60 (polyoxyethylene (20) sorbitan monostearate) exceed 0.46 percent, and no combination of these emulsifiers shall exceed 1 percent of the weight of the cake icing or cake filling.

(d) To assure safe use of the additive, in addition to the other information required by the act:

(1) The label of the additive and any intermediate premixes shall bear:

(i) The name of the additive.

(ii) A statement of the concentration or strength of the additive in any intermediate premixes.

(2) The label or labeling shall bear adequate directions to provide a final product that complies with the limitations prescribed in paragraph (c) of this section.

§ 121.1009 Polysorbate 80.

The food additive polysorbate 80 (polyoxyethylene (20) sorbitan monooleate), which is a mixture of polyoxyethylene ethers of mixed partial oleic acid esters of sorbitol anhydrides and related compounds, may be safely used in food in accordance with the following prescribed conditions:

(a) The food additive is manufactured by reacting oleic acid (usually containing associated fatty acids) with sorbitol to yield a product with a maximum acid number of 7.5 and a maximum water content of 0.5 percent, which is then reacted with ethylene oxide.

(b) The food additive meets the following specifications:

Saponification number 45–55.
Acid number 0–2.
Hydroxyl number 65–80.
Oxyethylene content 65 percent–69.5 percent.

(c) The additive is used or intended for use as follows:

(1) An emulsifier in ice cream, frozen custard, ice milk, fruit sherbet, and nonstandardized frozen desserts, when used alone or in combination with polyoxyethylene (20) sorbitan tristearate, whereby the maximum amount of the additives, alone or in combination, does not exceed 0.1 percent of the finished frozen dessert.

(2) In yeast-defoamer formulations, whereby the maximum amount of the additive does not exceed 4 percent of the finished yeast defoamer and the maximum amount of the additive in the yeast from such use does not exceed 4 parts per million.

(3) As a solubilizing and dispersing agent in pickles and pickle products, whereby the maximum amount of the additive does not exceed 500 parts per million.

(4) As a solubilizing and dispersing agent for fat-soluble vitamins in vitamin and vitamin-mineral preparations, whereby the maximum intake of additive from the recommended daily dose of vitamins does not exceed 300 milligrams; except that in vitamin A preparations containing more than 30,000 units per dose, the maximum intake of the additive shall not exceed 500 milligrams per day.

(5) As a surfactant in the production of coarse crystal sodium chloride whereby the maximum amount of the additive in the finished sodium chloride does not exceed 10 parts per million.

(6) In special dietary foods, as an emulsifier for edible fats and oils, with directions for use which provide for the ingestion of not more than 360 milligrams of polysorbate 80 per day.

(7) As a solubilizing and dispersing agent for dill oil in canned spiced green beans, not to exceed 30 parts per million.

(8) As an emulsifier, alone or in combination with polysorbate 60, in shortenings and edible oils intended for use in nonstandardized baked goods, baking mixes, icings, fillings, and toppings and in the frying of foods, as follows:

(i) It is used alone in an amount not to exceed 1 percent of the weight of the finished shortening or oil.

(ii) It is used with polysorbate 60 in any combination providing no more than 1 percent of polysorbate 80 and no more than 1 percent of polysorbate 60, provided that the total combination does not exceed 1 percent of the finished shortening or oil.

(d) To assure safe use of the additive, in addition to the other information required by the act:

(1) The label of the additive and any intermediate premixes shall bear:

(i) The name of the additive.

(ii) A statement of the concentration or strength of the additive in any intermediate premixes.

(2) The label or labeling shall bear adequate directions to provide a final product that complies with the limitations prescribed in paragraph (c) of this section.

§ 121.1010 Gibberellic acid and its potassium salt.

The food additives gibberellic acid and its potassium salt may be used in the malting of barley in accordance with the following prescribed conditions:

(a) The additives meet the following specifications:

(1) The gibberellic acid is produced by deep-culture fermentation of a suitable nutrient medium by a strain of Fusarium moniliforme or a selection of this culture.

(2) The gibberellic acid produced is of 80 percent purity or better.

(3) The empirical formula of gibberellic acid is represented by $C_{19}H_{22}O_6$.

(4) Potassium gibberellate is the potassium salt of the specified gibberellic acid.

(5) The potassium gibberellate is of 80 percent purity or better.

(6) The gibberellic acid or potassium gibberellate may be diluted with substances generally recognized as safe in foods or with salts of fatty acids conforming to § 121.1071.

(b) They are used or intended for use in the malting of barley under conditions whereby the amount of either or both additives present in the malt is not in excess of 2 parts per million expressed as gibberellic acid, and the treated malt is to be used in the production of fermented malt beverages or distilled spirits only, whereby the finished distilled spirits contain none and the finished malt beverage contains not more than 0.5 part per million of gibberellic acid.

(c) To insure the safe use of the food additives the label of the package shall bear, in addition to the other information required by the act:

(1) The name of the additive, "gibberellic acid" or "potassium gibberellate," whichever is appropriate.

(2) An accurate statement of the concentration of the additive contained in the package.

(3) Adequate use directions to provide not more than 2 parts per million of gibberellic acid in the finished malt.

(4) Adequate labeling directions to provide that the final malt is properly labeled as described in paragraph (d) of this section.

(d) To insure the safe use of the additive the label of the treated malt shall bear, in addition to the other information required by the act, the statements:

(1) "Contains not more than 2 parts per million _____," the blank being filled in with the words "gibberellic acid" or "potassium gibberellate," whichever is appropriate; and

(2) "Brewer's malt—To be used in the production of fermented malt beverages only" or "Distiller's malt—To be used in the production of distilled spirits only," whichever is appropriate.

§ 121.1011 Oleandomycin.

A tolerance of zero is established for residues of the food additive oleandomycin in or on the uncooked edible tissues or byproducts of chickens, turkeys, and swine that have consumed the antibiotic in feed.

§ 121.1012 Sodium lauryl sulfate.

The food additive sodium lauryl sulfate may be safely used in food in accordance with the following conditions:

(a) The additive meets the following specifications:

(1) It is a mixture of sodium alkyl sulfates consisting chiefly of sodium lauryl sulfate [$CH_3(CH_2)_{11}CH_2OSO_3Na$].

(2) It has a minimum content of 90 percent sodium alkyl sulfates.

(b) It is used or intended for use:

(1) As an emulsifier in or with egg whites whereby the additive does not exceed the following limits:

Egg white solids, 1,000 parts per million.
Frozen egg whites, 125 parts per million.
Liquid egg whites, 125 parts per million.

(2) As a whipping agent at a level not to exceed 0.5 percent by weight of gelatine used in the preparation of marshmallows.

(c) To insure the safe use of the additive, the label of the food additive container shall bear, in addition to the other information required by the act:

(1) The name of the additive, sodium lauryl sulfate.

(2) Adequate use directions to provide a final product that complies with the limitations prescribed in paragraph (b) of this section.

§ 121.1013 Zoalene.

Tolerances are established for residues of zoalene (3,5-dinitro-o-toluamide) and its metabolite 3-amino-5-nitro-o-toluamide in food, as follows:

(a) In edible tissues of chickens:

(1) Six parts per million in uncooked liver and kidneys.

(2) Three parts per million in uncooked muscle meat.

(3) Two parts per million in uncooked fat.

(b) In edible tissues of turkeys: 3 parts per million in uncooked muscle meat and liver.

§ 121.1014 Chlortetracycline.

Tolerances are established for residues of chlortetracycline in food as follows:

(a) In edible tissues of chickens and turkeys fed on chlortetracycline-medicated feeds, as follows:

(1) 4 parts per million in uncooked kidneys.

(2) 1 part per million in uncooked muscle, liver, fat, and skin.

Residues established in subparagraphs (1) and (2) of this paragraph may be in addition to residues of chlortetracycline in chicken tissues provided for in § 120.117 of this chapter.

(3) Zero in eggs.

(b) In edible tissues of swine as follows:

(1) 4 parts per million in uncooked kidneys.

(2) 2 parts per million in uncooked liver.

(3) 1 part per million in uncooked muscle.

(4) 0.2 part per million in uncooked fat.

(c) In edible tissues from calves treated in accordance with § 121.208(d), table 5.

(1) 4 parts per million in uncooked liver and kidney.

(2) 1 part per million in uncooked muscle and fat.

(d) In edible tissues from beef cattle and nonlactating dairy cows treated in accordance with § 121.208(d), table 6, and § 121.241(b), table 1.

(1) 0.1 part per million in uncooked kidney, liver, and muscle.

(2) Zero in uncooked fat.

(e) Zero in milk.

§ 121.1015 Propylene glycol alginate.

The food additive propylene glycol alginate may be used as an emulsifier, stabilizer, or thickener in foods in accordance with the following prescribed conditions:

(a) The additive is the ester of alginic acid and propylene glycol, containing up to 85 percent of the carboxylic acid groups esterified with the remaining groups either free or neutralized.

(b) It is used or intended for use as a stabilizer in ice cream, frozen custard, ice milk, fruit sherbet, and water ices at not to exceed 0.5 percent of the weight of the finished product, and is used or intended for use, in accordance with good manufacturing practice, as an emulsifier, stabilizer, or thickener in foods, except for those standardized foods that do not provide for such use.

(c) To insure safe use of the additive, the label of the food additive container shall bear, in addition to the other information required by the act:

(1) The name of the additive, "propylene glycol alginate" or "propylene glycol ester of alginic acid."

(2) Adequate directions for use.

§ 121.1016 Oxystearin.

The food additive oxystearin may be safely used in foods, when such use is not precluded by standards of identity, in accordance with the following conditions.

(a) The additive is a mixture of the glycerides of partially oxidized stearic and other fatty acids obtained by heating hydrogenated cottonseed or soybean oil under controlled conditions, in the presence of air and a suitable catalyst which is not a food additive as so defined. The resultant product meets the following specifications:

Acid number	Maximum 15.
Iodine number	Maximum 15.
Saponification number	225–240.
Hydroxyl number	30–45.
Unsaponifiable material	Maximum 0.8 percent.
Refractive index (butyro)	60±1 at 48° C.

(b) It is used or intended for use as a crystallization inhibitor in vegetable oils and as a release agent in vegetable oils and vegetable shortenings, whereby the additive does not exceed 0.125 percent of the combined weight of the oil or shortening.

(c) To insure safe use of the additive, the label and labeling of the additive container shall bear, in addition to the other information required by the act:

(1) The name of the additive.

(2) Adequate directions to provide an oil or shortening that complies with the limitations prescribed in paragraph (b) of this section.

§ 121.1017 Calcium disodium EDTA.

The food additive calcium disodium EDTA (calcium disodium ethylenediaminetetraacetate) may be safely used in designated foods for the purposes and in accordance with the conditions prescribed, as follows:

(a) The additive contains a minimum of 99 percent by weight of either the dihydrate $C_{10}H_{12}O_8N_2CaNa_2 \cdot 2H_2O$ or the trihydrate $C_{10}H_{12}O_8N_2CaNa_2 \cdot 3H_2O$, or any mixture of the two.

(b) It is used or intended for use as follows:

(1) Alone, in the following foods at not to exceed the levels prescribed, calculated as the anhydrous compound:

Food	Limitation (parts per million)	Use
Canned carbonated soft drinks.	33	Promote flavor retention.
Canned white potatoes	110	Promote color retention.
Clams (cooked canned).	340	Promote color retention.
Crabmeat (cooked canned).	275	Retard struvite formation; promote color retention.
Dressings, nonstandardized.	75	Preservative.
Dried lima beans (cooked canned).	310	Promote color retention.
Fermented malt beverages.	25	Antigushing agent.
French dressing	75	Preservative.
Mayonnaise	75	Do.
Oleomargarine	75	Do.
Pecan pie filling	100	Promote color retention.
Potato salad	100	Preservative.
Processed dry pinto beans.	800	Promote color retention.
Salad dressing	75	Preservative.
Sandwich spread	100	Do.
Sauces	75	Do.
Shrimp (cooked canned).	250	Retard struvite formation; promote color retention.
Spice extractives in soluble carriers.	60	Promote color and flavor retention.

(2) With disodium EDTA (disodium ethylenediaminetetraacetate) in the following foods at not to exceed, in combination, the levels prescribed, calculated as anhydrous $C_{10}H_{12}O_8N_2CaNa_2$:

Food	Limitation (parts per million)	Use
Dressings, nonstandardized.	75	Preservative.
French dressing	75	Do.
Mayonnaise	75	Do.
Salad dressing	100	Do.
Sandwich spread	75	Do.
Sauces		

(c) To assure safe use of the additive:

(1) The label and labeling of the additive container shall bear, in addition to the other information required by the act, the name of the additive.

(2) The label or labeling of the additive container shall bear adequate use directions to provide a final food product that complies with the limitations provided in paragraph (b) of this section.

(d) In the standardized foods listed in paragraph (b) of this section, the additives are used only in compliance with the applicable standards of identity for such foods.

§ 121.1018 Acetylated monoglycerides.

The food additive acetylated monoglycerides may be safely used in or on food in accordance with the following prescribed conditions:

(a) The additive is manufactured by:

(1) The interesterification of edible fats with triacetin and in the presence of catalytic agents that are not food additives or are authorized by regulation, followed by a molecular distillation; or

(2) The direct acetylation of edible monoglycerides with acetic anhydride without the use of catalyst or molecular distillation, and with the removal by vacuum distillation, if necessary, of the acetic acid, acetic anhydride, and triacetin.

(b) The food additive has a Reichert-Meissl value of 75–150 and an acid value of less than 6.

(c) The food additive is used at a level not in excess of the amount reasonably required to produce its intended effect in food, or in food-processing, food-packing, or food-storage equipment.

§ 121.1019 Partially defatted, cooked cottonseed flour or similar products derived from cottonseed intended for human consumption.

The food additive partially defatted, cooked cottonseed flour may be used in or on food in accordance with the following prescribed conditions:

(a) The additive is derived from decorticated, partially defatted, cooked, ground cottonseed kernels prepared so as to meet the following specifications:

(1) Free gossypol content not to exceed 450 parts per million.

(2) It contains no added arsenic compound and therefore may not exceed a maximum natural background level of 0.2 part per million total arsenic, calculated as As.

(b) To insure safe use of the additive, the label of the food additive container shall bear, in addition to other information required by the act, the name of the additive, "partially defatted, cooked cottonseed flour."

§ 121.1020 Inorganic bromide.

The food additive inorganic bromide may be present as a residue in certain processed foods in accordance with the following conditions:

(a) When the food additive is present either as a result of the use of methyl bromide as a fumigant or the use of 1,2-dibromo-3-chloropropane as a nematocide in the soil in which the growing crop was produced, or both, the residues of inorganic bromide (calculated as Br) shall not exceed the following levels:

(1) 250 parts per million in or on concentrated tomato products and dried figs.

(2) 100 parts per million in or on dried dates and raisins.

(3) 50 parts per million in or on dried peaches.

(4) 30 parts per million in or on dried apples, dried apricots, and dried pears.

(5) 20 parts per million in or on dried prunes.

(b) When the food additive is present as the result of the use of a mixture of methyl bromide and ethylene dibromide as a fumigant, the residues of inorganic bromide (calculated as Br) shall not exceed the following levels:

(1) 400 parts per million in or on dried eggs and processed herbs and spices.

(2) 200 parts per million in or on oat flour.

(c) Where tolerances are established under sections 408 and 409 of the act, on both the raw agricultural commodities and processed foods made therefrom, the total residues of inorganic bromide in or on the processed food shall not be greater than those designated in paragraphs (a) and (b) of this section.

§ 121.1021 Hydroxypropyl methylcellulose.

The food additive hydroxypropyl methylcellulose may be safely used in food, except confectionery and except in standardized foods which do not provide for such use if:

(a) The additive complies with the definition and specifications prescribed in the National Formulary, 12th edition.

(b) It is used or intended for use as an emulsifier, film former, protective colloid, stabilizer, suspending agent, or thickener, in accordance with good manufacturing practice.

(c) To insure safe use of the additive, the container of the additive, in addition to being labeled as required by the general provisions of the act, shall be accompanied by labeling which contains adequate directions for use to provide a final product that complies with the limitations prescribed in paragraph (b) of this section.

§ 121.1022 Amprolium.

Tolerances are established as follows for residues of amprolium (1-(4-amino-2-*n*-propyl-5-pyrimidinylmethyl)-2-picolinium chloride hydrochloride) in the edible tissues and in eggs of chickens and turkeys:

(a) 1 part per million in uncooked liver and kidney.

(b) 0.5 part per million in uncooked muscle meat.

(c) Zero in eggs.

§ 121.1023 Acetone peroxides.

The food additive acetone peroxides may be safely used in flour, and in bread and rolls where standards of identity do not preclude its use, in accordance with the following prescribed conditions:

(a) The additive is a mixture of monomeric and linear dimeric acetone peroxide, with minor proportions of higher polymers, manufactured by reaction of hydrogen peroxide and acetone.

(b) The additive may be mixed with an edible carrier to give a concentration of: (1) 3 grams to 10 grams of hydrogen peroxide equivalent per 100 grams of the additive, plus carrier, for use in flour maturing and bleaching; or (2) approximately 0.75 gram of hydrogen peroxide equivalent per 100 grams of the additive, plus carrier, for use in dough conditioning.

(c) It is used or intended for use: (1) In maturing and bleaching of flour in a quantity not more than sufficient for such effect; and (2) as a dough-conditioning agent in bread and roll production at not to exceed the quantity of hydrogen peroxide equivalent necessary for the artificial maturing effect.

(d) To insure safe use of the additive, the label of the food additive container and any intermediate premix thereof shall bear, in addition to the other information required by the act:

(1) The name of the additive, "acetone peroxides."

(2) The concentration of the additive expressed in hydrogen peroxide equivalents per 100 grams.

(3) Adequate use directions to provide a final product that complies with the limitations prescribed in paragraph (c) of this section.

§ 121.1024 Hygromycin B.

A tolerance of zero is established for residues of the food additive hygromycin B in or on eggs of poultry and the uncooked edible tissues and byproducts of swine and poultry.

§ 121.1025 Streptomycin.

A tolerance of zero is established for residues of streptomycin in the edible tissues of chickens, turkeys, and swine, and in eggs.

§ 121.1026 Penicillin.

A tolerance of zero is established for residues of penicillin and the salts of penicillin in the edible tissues of chickens, turkeys, pheasants, quail, and swine, in eggs, and in milk or in any processed food because of use therein of such milk.

§ 121.1027 Hydroxylated lecithin.

The food additive hydroxylated lecithin may be safely used as an emulsifier in foods in accordance with the following conditions:

(a) The additive is obtained by the treatment of lecithin in one of the following ways, under controlled conditions whereby the separated fatty acid fraction of the resultant product has an acetyl value of 30 to 38:

(1) With hydrogen peroxide, benzoyl peroxide, lactic acid, and sodium hydroxide.

(2) With hydrogen peroxide, acetic acid, and sodium hydroxide.

(b) It is used or intended for use, in accordance with good manufacturing practice, as an emulsifier in foods, except for those standardized foods that do not provide for such use.

(c) To assure safe use of the additive, the label of the food additive container shall bear, in addition to the other information required by the act:

(1) The name of the additive, "hydroxylated lecithin."

(2) Adequate directions for its use.

§ 121.1028 Castor oil.

The food additive castor oil may be safely used in accordance with the following conditions:

(a) The additive meets the specifications of the United States Pharmacopeia XVII.

(b) The additive is used or intended for use as follows:

Use and Limitations
Hard candy production—As a release agent and antisticking agent, not to exceed 500 parts per million in hard candy.
Vitamin and mineral tablets—As a component of protective coatings.

§ 121.1029 Sorbitan monostearate.

The food additive sorbitan monostearate, which is a mixture of partial stearic and palmitic acid esters of sorbitol anhydrides, may be safely used in or on food in accordance with the following prescribed conditions:

(a) The food additive is manufactured by reacting stearic acid (usually containing associated fatty acids, chiefly palmitic) with sorbitol to yield essentially a mixture of esters.

(b) The food additive meets the following specifications:

Saponification number	147–157
Acid number	5–10
Hydroxyl number	235–260

(c) It is used or intended for use, alone or in combination with polyoxyethylene (20) sorbitan monostearate, as follows:

(1) As an emulsifier in whipped vegetable oil topping, with or without one or a combination of the following:

(i) Polysorbate 60 (polyoxyethylene (20) sorbitan monostearate);

(ii) Polyoxyethylene (20) sorbitan tristearate;

whereby the maximum amount of the additive or additives used does not exceed 0.4 percent of the weight of the finished whipped vegetable oil topping.

(2) As an emulsifier in cakes and cake mixes, with or without one or a combination of the following:

(i) Polyoxyethylene (20) sorbitan tristearate.

(ii) Polysorbate 60 (polyoxyethylene (20) sorbitan monostearate).

When used alone, the maximum amount of sorbitan monostearate shall not exceed 0.61 percent of the cake or cake mix, on a dry-weight basis. When used with polyoxyethylene (20) sorbitan tristearate and/or polysorbate 60 (polyoxyethylene (20) sorbitan monostearate), it shall not exceed 0.61 percent, nor shall the polyoxyethylene (20) sorbitan tristearate exceed 0.32 percent or the polysorbate 60 (polyoxyethylene (20) sorbitan monostearate) exceed 0.46 percent, and no combination of the emulsifiers shall exceed 0.66 percent of the weight of the cake or cake mix, calculated on a dry-weight basis.

(3) As an emulsifier in nonstandardized confectionery coatings, alone or in combination with polyoxyethylene (20) sorbitan monostearate as follows:

(i) It is used alone in an amount not to exceed 1 percent of the weight of the finished nonstandardized confectionery coating.

(ii) It is used with polyoxyethylene (20) sorbitan monostearate in any combination of up to 1 percent sorbitan monostearate and up to 0.5 percent polyoxyethylene (20) sorbitan monostearate, and provided that the total combination does not exceed 1 percent of the weight of the finished nonstandardized confectionery coating.

(4) As an emulsifier in cake icings and cake fillings, with or without one or a combination of the following:

(i) Polyoxyethylene (20) sorbitan tristearate.

(ii) Polysorbate 60 (polyoxyethylene (20) sorbitan monostearate).

When used alone, the maximum amount of sorbitan monostearate shall not exceed 0.7 percent of the weight of the cake icing or cake filling. When used with polyoxyethylene (20) sorbitan tristearate and/or polysorbate 60 (polyoxyethylene (20) sorbitan monostearate), it shall not exceed 0.7 percent, nor shall the polyoxyethylene (20) sorbitan tristearate exceed 0.32 percent or the polysorbate 60 (polyoxyethylene (20) sorbitan monostearate) exceed 0.46 percent, and no combination of these emulsifiers shall exceed 1 percent of the weight of the cake icing or cake filling.

(5) As an emulsifier in solid-state, edible vegetable fat-water emulsions intended for use as substitutes for milk or cream in beverage coffee, with or without one or a combination of the following:

(i) Polysorbate 60 (polyoxyethylene (20) sorbitan monostearate).

(ii) Polyoxyethylene (20) sorbitan tristearate.

The maximum amount of the additive or additives shall not exceed 0.4 percent by weight of the finished edible vegetable fat-water emulsion.

(d) To assure safe use of the additive, in addition to the other information required by the act:

(1) The label of the additive and any intermediate premixes shall bear:

(i) The name of the additive.

(ii) A statement of the concentration or strength of the additive in any intermediate premixes.

(2) The label or labeling shall bear adequate directions to provide a final product that complies with the limitations prescribed in paragraph (c) of this section.

§ 121.1030 Polysorbate 60 (polyoxyethylene (20) sorbitan monostearate).

The food additive polysorbate 60 (polyoxyethylene (20) sorbitan monostearate) which is a mixture of polyoxyethylene ethers of mixed partial stearic and palmitic acid esters of sorbitol anhydrides and related compounds, may be safely used in food in accordance with the following prescribed conditions:

(a) The food additive is manufactured by reacting stearic acid (usually containing associated fatty acids, chiefly palmitic) with sorbitol to yield a product with a maximum acid number of 10 and a maximum water content of 0.2 percent, which is then reacted with ethylene oxide.

(b) The food additive meets the following specifications:

Saponification number 45–55.
Acid number 0–2.
Hydroxyl number 81–96.
Oxyethylene content 65 percent–69.5 percent.

(c) It is used or intended for use as follows:

(1) As an emulsifier in whipped vegetable oil topping with or without one or a combination of the following:

(i) Sorbitan monostearate;

(ii) Polyoxyethylene (20) sorbitan tristearate;

whereby the maximum amount of the additive or additives used does not exceed 0.4 percent of the weight of the finished whipped vegetable oil topping.

(2) As an emulsifier in cakes and cake mixes, with or without one or a combination of the following:

(i) Polyoxyethylene (20) sorbitan tristearate.

(ii) Sorbitan monostearate.

When used alone, the maximum amount of polysorbate 60 (polyoxyethylene (20) sorbitan monostearate) shall not exceed 0.46 percent of the cake or cake mix, on a dry-weight basis. When used with polyoxyethylene (20) sorbitan tristearate and/or sorbitan monostearate, it shall not exceed 0.46 percent, nor shall the polyoxyethylene (20) sorbitan tristearate exceed 0.32 percent or the sorbitan monostearate exceed 0.61 percent, and no combination of these emulsifiers shall exceed 0.66 percent of the cake or cake mix, all calculated on a dry-weight basis.

(3) As an emulsifier in nonstandardized confectionery coatings, alone or in combination with sorbitan monostearate, as follows:

(i) It is used alone in an amount not to exceed 0.5 percent of the weight of the finished nonstandardized confectionery coatings.

(ii) It is used with sorbitan monostearate in any combination of up to 0.5 percent of polyoxyethylene (20) sorbitan monostearate and up to 1 percent of sorbitan monostearate, provided that the total combination does not exceed 1 percent of the weight of the finished nonstandardized confectionery coatings.

(4) [Reserved]

(5) As an emulsifier in cake icings and cake fillings, with or without one or a combination of the following:

(i) Polyoxyethylene (20) sorbitan tristearate.

(ii) Sorbitan monostearate.

When used alone, the maximum amount of polysorbate 60 (polyoxyethylene (20) sorbitan monostearate) shall not exceed 0.46 percent of the weight of the cake icings and cake fillings. When used with polyoxyethylene (20) sorbitan tristearate and/or sorbitan monostearate, it shall not exceed 0.46 percent, nor shall the polyoxyethylene (20) sorbitan tristearate exceed 0.32 percent or the sorbitan monostearate exceed 0.7 percent, and no combination of these emulsifiers shall exceed 1 percent of the weight of the cake icing or cake filling.

(6) To impart greater opacity to sugar-type confection coatings whereby the maximum amount of the additive does not exceed 0.2 percent of the weight of the finished sugar coating.

(7) As an emulsifier in nonstandardized dressings made without egg yolk, whereby the maximum amount of the additive does not exceed 0.3 percent of the weight of the finished dressings.

(8) As an emulsifier, alone or in combination with polysorbate 80, in shortenings and edible oils intended for use in nonstandardized baked goods, baking mixes, icings, fillings, and toppings, and in the frying of foods, as follows:

(i) It is used alone in an amount not to exceed 1 percent of the weight of the finished shortening or oil.

(ii) It is used with polysorbate 80 in any combination providing no more than 1 percent of polysorbate 60 and no more than 1 percent of polysorbate 80, provided that the total combination does not exceed 1 percent of the finished shortening or oil.

(9) As an emulsifier in solid-state, edible vegetable fat-water emulsions intended for use as substitutes for milk or cream in beverage coffee, with or without one or a combination of the following:

(i) Polyoxyethylene (20) sorbitan tristearate.

(ii) Sorbitan monostearate.

The maximum amount of the additive or additives shall not exceed 0.4 percent by weight of the finished edible vegetable fat-water emulsion.

(10) As a foaming agent in nonalcoholic mixes, to be added to alcoholic beverages in the preparation of mixed alcoholic drinks, at a level not to exceed 4.5 percent by weight of the nonalcoholic mix.

(d) To assure safe use of the additive, in addition to the other information required by the act:

(1) The label of the additive and any intermediate premixes shall bear:

(i) The name of the additive.

(ii) A statement of the concentration or strength of the additive in any intermediate premixes.

(2) The label or labeling shall bear adequate directions to provide a final product that complies with the limitations prescribed in paragraph (c) of this section.

§ 121.1031 Food starch-modified.

Food starch-modified as described in this section may be safely used in food. The quantity of any substance employed to effect such modification shall not exceed the amount reasonably required to accomplish the intended physical or technical effect, nor exceed any limitation prescribed. To insure safe use of the food starch-modified, the label of the food additive container shall bear the name of the additive "food starch-modified" in addition to other information required by the act. Food starch may be modified by treatment prescribed as follows:

(a) Food starch may be acid-modified by treatment with hydrochloric acid or sulfuric acid or both.

(b) Food starch may be bleached by treatment with one or more of the following:

	Limitation
Active oxygen obtained from hydrogen peroxide and/or peracetic acid, not to exceed 0.45 percent of active oxygen.	
Ammonium persulfate, not to exceed 0.075 percent and sulfur dioxide, not to exceed 0.05 percent.	
Chlorine, as sodium hypochlorite, not to exceed 0.0082 pound of chlorine per pound of dry starch.	
Potassium permanganate, not to exceed 0.2 percent.	Residual manganese (calculated as Mn), not to exceed 50 parts per million in food starch-modified.
Sodium chlorite, not to exceed 0.5 percent.	

(c) Food starch may be oxidized by treatment with chlorine, as sodium hypochlorite, not to exceed 0.055 pound of chlorine per pound of dry starch.

(d) Food starch may be esterified by treatment with one of the following:

	Limitation
Acetic anhydride, not to exceed 5 percent.	
Adipic anhydride, not to exceed 0.12 percent, and acetic anhydride, not to exceed 5 percent.	
1-Octenyl succinic anhydride, not to exceed 3 percent.	
1-Octenyl succinic anhydride, not to exceed 2 percent, and aluminum sulfate, not to exceed 2 percent.	
Phosphorus oxychloride, not to exceed 0.1 percent.	
Sodium trimetaphosphate.	Residual phosphate in food starch-modified not to exceed 0.04 percent, calculated as phosphorus.
Sodium tripolyphosphate and sodium trimetaphosphate.	Residual phosphate in food starch-modified not to exceed 0.4 percent calculated as phosphorus.
Succinic anhydride, not to exceed 4 percent.	
Vinyl acetate	Acetyl groups in food starch-modified not to exceed 2.5 percent.

(e) Food starch may be etherified by treatment with one of the following:

Acrolein, not to exceed 0.6 percent.
Epichlorohydrin, not to exceed 0.3 percent.
Propylene oxide, not to exceed 25 percent.

(f) Food starch may be esterified and etherified by treatment with one of the following:

	Limitation
Acrolein, not to exceed 0.6 percent and vinyl acetate, not to exceed 7.5 percent.	Acetyl groups in food starch-modified not to exceed 2.5 percent.
Epichlorohydrin, not to exceed 0.3 percent, and acetic anhydride, not to exceed 5 percent.	
Epichlorohydrin, not to exceed 0.3 percent, and succinic anhydride, not to exceed 4 percent.	
Phosphorus oxychloride, not to exceed 0.1 percent, and propylene oxide, not to exceed 10 percent.	

(g) Food starch may be modified by treatment with one of the following:

Chlorine, as sodium hypochlorite, not to exceed 0.055 pound of chlorine per pound of dry starch; 0.45 percent of active oxygen obtained from hydrogen peroxide; and propylene oxide, not to exceed 25 percent.
Sodium hydroxide, not to exceed 1 percent.

(h) Food starch may be modified by a combination of the treatments prescribed by paragraphs (a) and/or (b) of this section and any one of the treatments prescribed by paragraph (c), (d), (e), (f), or (g) of this section, subject to any limitations prescribed by the paragraphs named.

Uses	*Limitations*
As an anticaking agent in salt	5 parts per million calculated as anhydrous sodium ferrocyanide.
As an adjuvant in the production of dendritic crystals of salt.	13 parts per million calculated as anhydrous sodium ferrocyanide.

(b) The additive contains a minimum of 99 percent by weight of sodium ferrocyanide decahydrate.

§ 121.1033 Novobiocin.

A tolerance of zero is established for residues of novobiocin in milk from dairy animals, in eggs and in the uncooked edible tissues of chickens and turkeys.

§ 121.1034 BHT.

The food additive BHT (butylated hydroxytoluene), alone or in combination with other antioxidants permitted in this Subpart D may be safely used in or on specified foods, as follows:

(a) The BHT meets the following specification: Assay (total BHT) 99 percent minimum.

(b) The BHT is used alone or in combination with BHA, as an antioxidant in foods, as follows:

Food	*Limitations (total BHA and BHT) parts per million*
Dry breakfast cereals	50
Emulsion stabilizers for shortenings	200
Potato flakes	50
Potato granules	10
Sweetpotato flakes	50

(c) To assure safe use of the additive:

(1) The label of any market package of the additive shall bear, in addition to the other information required by the act, the name of the additive.

(2) When the additive is marketed in a suitable carrier, in addition to meeting the requirement of subparagraph (1) of this paragraph, the label shall declare the percentage of the additive in the mixture.

§ 121.1035 BHA.

The food additive BHA (butylated hydroxyanisole) alone or in combination with other antioxidants permitted in food for human consumption in this subpart D may be safely used in or on specified foods, as follows:

(a) The BHA meets the following specification:

Assay (total BHA), 98.5 percent minimum.
Melting point 48° C. minimum.

(b) The BHA is used alone or in combination with BHT, as an antioxidant in foods, as follows:

Food	*Limitations (total BHA and BHT) parts per million*
Active dry yeast	[1] 1,000
Beverages and desserts prepared from dry mixes	[1] 2
Dry breakfast cereals	50
Dry diced glaced fruit	[1] 32
Dry mixes for beverages and desserts	[1] 90
Emulsion stabilizers for shortenings	200
Potato flakes	50
Potato granules	10
Sweetpotato flakes	50

[1] BHA only.

(c) To assure safe use of the additive:

(1) The label of any market package of the additive shall bear, in addition to the other information required by the act, the name of the additive.

(2) When the additive is marketed in a suitable carrier, in addition to meeting the requirement of subparagraph (1) of this paragraph, the label shall declare the percentage of the additive in the mixture.

(3) The label or labeling of dry mixes for beverages and desserts shall bear adequate directions for use to provide that beverages and desserts prepared from the dry mixes contain no more than 2 parts per million BHA.

§ 121.1036 Monoglyceride citrate.

A food additive that is a mixture of glyceryl monooleate and its citric acid monoester manufactured by the reaction of glyceryl monooleate with citric acid under controlled conditions may be safely used as a synergist and solubilizer for antioxidants in oils and fats, when used in accordance with the conditions prescribed in this section.

(a) The food additive meets the following specifications:

Acid number, 70–100.
Total citric acid (free and combined), 14 percent–17 percent.

(b) It is used, or intended for use, in antioxidant formulations for addition to oils and fats whereby the additive does not exceed 200 parts per million of the combined weight of the oil or fat and the additive.

(c) To assure safe use of the additive:

(1) The container label shall bear, in addition to the other information required by the act, the name of the additive.

(2) The label or accompanying labeling shall bear adequate directions for the use of the additive which, if followed, will result in a food that complies with the requirements of this section.

§ 121.1037 Calcium pantothenate, calcium chloride double salt.

The food additive calcium chloride double salt of calcium pantothenate may be safely used in foods for special dietary uses in accordance with good manufacturing practice and under the following prescribed conditions:

(a) The food additive is of the *d* (dextrorotatory) or the *dl* (racemic) form.

(b) To assure safe use of the additive, the label and labeling of the food additive container, or that of any intermediate premixes prepared therefrom, shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive "calcium chloride double salt of *d*-calcium pantothenate" or "calcium chloride double salt of *dl*-calcium pantothenate", whichever is appropriate.

(2) A statement of the appropriate concentration of the additive, expressed as pantothenic acid.

§ 121.1038 Tetradifon.

Tolerances are established for residues of tetradifon (2,4,5,4'-tetrachlorodiphenyl sulfone) when present as a result of its application as a pesticide chemical to growing agricultural crops, as follows:

120 parts per million in or on dried hops.

10 parts per million in or on dried figs.

8 parts per million in or on dried tea.

§ 121.1039 Methylene chloride.

Methylene chloride may be present in food under the following conditions:

(a) In spice oleoresins as a residue from the extraction of spice, at a level not to exceed 30 parts per million: *Provided*, That, if residues of other chlorinated solvents are also present, the total of all residues of such solvents shall not exceed 30 parts per million.

(b) In hops extract as a residue from the extraction of hops, at a level not to exceed 2.2 percent, *Provided*, That:

(1) The hops extract is added to the wort before or during cooking in the manufacture of beer.

(2) The label of the hops extract identifies the presence of the methylene chloride and provides for the use of the hops extract only as prescribed by subparagraph (1) of this paragraph.

§ 121.1040 Ethylene dichloride.

A tolerance of 30 parts per million is established for ethylene dichloride in spice oleoresins when present therein as a residue from the extraction of spice; *Provided, however*, That if residues of other chlorinated solvents are also present the total of all residues of such solvents shall not exceed 30 parts per million.

§ 121.1041 Trichloroethylene.

Tolerances are established for residues of trichloroethylene resulting from its use as a solvent in the manufacture of foods as follows:

Decaffeinated ground coffee.	25 parts per million.
Decaffeinated soluble (instant) coffee extract.	10 parts per million.
Spice oleoresins	30 parts per million (provided that if residues of other chlorinated solvents are also present, the total of all residues of such solvents in spice oleoresins shall not exceed 30 parts per million).

§ 121.1042 Acetone.

A tolerance of 30 parts per million is established for acetone in spice oleoresins when present therein as a residue from the extraction of spice.

§ 121.1043 Isopropyl alcohol.

Tolerances are established for residues of isopropyl alcohol resulting from its use as a solvent in the manufacture of foods as follows:

Spice oleoresins	50 parts per million.
Lemon oil	6 parts per million.

§ 121.1044 Methyl alcohol.

A tolerance of 50 parts per million is established for methyl alcohol in spice oleoresins when present therein as a residue from the extraction of spice.

§ 121.1045 Hexane residues.

A tolerance of 25 parts per million is established for hexane in spice oleoresins when present therein as a residue from the extraction of spice.

§ 121.1046 Oxytetracycline.

Tolerances are established for residues of oxytetracycline in food as follows:

(a) In edible tissues of chickens and turkeys fed on oxytetracycline-medicated feed as follows:

(1) 3 parts per million in uncooked kidneys.

(2) 1 part per million in uncooked muscle, liver, fat, and skin.

Residues of oxytetracycline in chicken and turkey tissues shall not exceed the 7 parts per million established in § 120.148 of this chapter, where the birds have been fed on oxytetracycline-containing feed and the carcass dipped in oxytetracycline solution.

(b) Zero in uncooked edible tissues of swine.

(c) Zero in uncooked edible tissues and byproducts of beef cattle.

§ 121.1047 Calcium stearyl-2-lactylate.

The food additive calcium stearyl-2-lactylate may be safely used in or on food in accordance with the following prescribed conditions:

(a) The additive is a mixture of calcium salts of stearyl lactylates and minor proportions of other salts of related acids, manufactured by reaction of stearic acid, lactic acid, and calcium carbonate.

(b) The additive meets the following specifications:

Acid number	82–103
Calcium content	4.2%–4.4%
Lactic acid content	32%–35%
Ester number	140–188

(c) It is used or intended for use as follows:

(1) As a dough conditioner in yeast-leavened bakery products and prepared mixes for yeast-leavened bakery products in an amount not to exceed 0.5 part for each 100 parts by weight of flour used.

(2) As a whipping agent in:

(i) Liquid and frozen egg white at a level not to exceed 0.05 percent.

(ii) Dried egg white at a level not to exceed 0.5 percent.

(d) To assure safe use of the additive:

(1) The label and labeling of the food additive and any intermediate premix prepared therefrom shall bear, in addition to the other information required by the act, the following:

(i) The name of the additive.

(ii) A statement of the concentration or strength of the additive in any intermediate premixes.

(2) The label or labeling of the food additive shall also bear adequate directions of use to provide a finished food that complies with the limitations prescribed in paragraph (c) of this section.

§ 121.1048 Lactylic esters of fatty acids.

Lactylic esters of fatty acids may be safely used in food in accordance with the following prescribed conditions:

(a) They are prepared from lactic acid and fatty acids meeting the requirements of § 121.1070(b).

(b) They are used as emulsifiers, plasticizers, or surface-active agents in the following foods, when standards of identity do not preclude their use:

Foods	*Limitations*
Bakery mixes	
Baked products	
Cake icings, fillings, and toppings.	
Dehydrated fruits and vegetables.	
Dehydrated fruit and vegetable juices.	
Frozen desserts	
Liquid shortening	For household use.
Pancake mixes	
Precooked instant rice	
Pudding mixes	
Solid-state edible vegetable fat-water emulsions.	As substitutes for milk or cream in beverage coffee.

(c) They are used in an amount not greater than required to produce the intended physical or technical effect, and they may be used with shortening and edible fats and oils when such are required in the foods identified in paragraph (b) of this section.

§ 121.1049 Tylosin.

A tolerance of zero is established for residues of the food additive tylosin in eggs of chickens and turkeys and in the uncooked, edible tissues and byproducts of swine, turkeys, and chickens.

§ 121.1050 Coumarone-indene resin.

The food additive coumarone-indene resin may be safely used on grapefruit, lemons, limes, oranges, tangelos, and tangerines in accordance with the following prescribed conditions:

(a) The food additive is manufactured by the polymerization of a crude, heavy coal-tar solvent naphtha meeting the following specifications:

(1) It is a mixture of indene, indan (hydrindene), substituted benzenes, and related compounds.

(2) It contains no more than 0.25 percent tar bases.

(3) 95 percent distills in the range 167° C.–184° C.

(b) The food additive meets the following specifications:

(1) Soft point, ring and ball: 126° C. minimum as determined by the American Society for Testing Materials Method No. E–28–51T.

(2) Refractive index $\left(\frac{n^{25}}{D}\right)$ 1.63–1.64.

(c) It is used or intended for use as a protective coating for grapefruit, lemons, limes, oranges, tangelos, and tangerines whereby the maximum amount of the resin remaining on the fruit does not exceed 200 parts per million on a fresh-weight basis.

(d) To assure safe use of the additive:

(1) The label of the market package or any intermediate premix of the additive shall bear, in addition to the other information required by the act:

(i) The name of the additive, coumarone-indene resin.

(ii) A statement of the concentration of the additive therein.

(2) The label or accompanying labeling shall bear adequate directions that, if followed, will result in a finished food not in conflict with the requirements of this section.

§ 121.1051 Dihydrostreptomycin.

A tolerance of zero is established for residues of dihydrostreptomycin in edible tissues of calves, in milk from dairy animals, and in any food in which such milk has been used.

§ 121.1052 Metaldehyde.

The food additive metaldehyde may be safely used as a preharvest spray or dust on strawberries to control slugs and snails, in accordance with the following prescribed conditions:

(a) The food additive is applied as a preharvest spray or dust on growing strawberries at a rate of not more than 1 pound per acre, calculated as metaldehyde, and applied not later than 14 days before first picking.

(b) A tolerance of zero is established for residues of metaldehyde on strawberries.

(c) To insure safe usage of the additive:

(1) The label of any market package of the additive shall bear, in addition to other information required by the act, the name of the additive.

(2) The label of any prepared mix or concentrate shall indicate the percentage by weight of the additive.

(3) The label shall bear adequate directions for use, in conformance with paragraph (a) of this section and may indicate that in the event the metaldehyde is removed by rain an additional application may be made provided such application is made not less than 14 days before first picking.

§ 121.1053 Sorbitol.

The food additive sorbitol may be safely used in food provided the amount used does not exceed that reasonably required to accomplish the intended physical or technical effect.

§ 121.1054 Promazine hydrochloride.

A tolerance of zero is established for residues of promazine hydrochloride in or on the uncooked edible tissues of animals that have consumed the additive in feed.

§ 121.1055 Nystatin.

A tolerance of zero is established for residues of the food additive nystatin in or on eggs of poultry and the uncooked edible tissues and byproducts of swine and poultry.

§ 121.1056 Disodium EDTA.

The food additive disodium EDTA (disodium ethylenediaminetetraacetate) may be safely used in designated foods for the purposes and in accordance with the following prescribed conditions:

(a) The additive contains a minimum of 99 percent disodium ethylenediaminetetraacetate dihydrate ($C_{10}H_{14}O_8N_2Na_2 \cdot 2H_2O$).

(b) It is used or intended for use as follows:

(1) Alone, in the following foods at not to exceed the levels prescribed, calculated as anhydrous calcium disodium EDTA:

Food	Limitation (parts per million)	Use
Aqueous multivitamin preparations.	150	With iron salts as a stabilizer for vitamin B_{12} in liquid multivitamin preparations.
Canned black-eyed peas.	145	Promote color retention.
Canned cooked chickpeas.	165	Do.
Canned kidney beans.	165	Preservative.
Canned strawberry pie filling.	500	Promote color retention.
Dressings, nonstandardized.	75	Preservative.
French dressing.	75	Do.
Mayonnaise.	75	Preservative.
Ready-to-eat cereal products containing dried bananas.	315 in dried banana component of cereal product.	Promote color retention.
Salad dressing.	75	Preservative.
Sandwich spread.	100	Do.
Sauces.	75	Do.

(2) With calcium disodium EDTA (calcium disodium ethylenediaminetetraacetate; calcium disodium (ethylenedinitrilo) tetraacetate), in the following foods at not to exceed, in combination, the levels prescribed, calculated as anhydrous $C_{10}H_{12}O_8N_2CaNa_2$:

Food	Limitation (parts per million)	Use
Dressings, nonstandardized.	75	Preservative.
French dressing.	75	Do.
Mayonnaise.	75	Do.
Salad dressing.	75	Do.
Sandwich spread.	100	Do.
Sauces.	75	Do.

(c) To assure the safe use of the additive:

(1) The label and labeling of the additive container shall bear, in addition to the other information required by the act, the name of the additive.

(2) The label or labeling of the additive container shall bear adequate use directions to provide a final food product that complies with the limitations provided in paragraph (b) of this section.

(d) In the standardized foods listed in paragraph (b) (1) and (2) of this section the additives are used only in compliance with the applicable standards of identity for such foods.

§ 121.1057 Polyethylene glycol 6000.

The food additive polyethylene glycol 6000 may be safely used in accordance with the following prescribed conditions:

(a) Polyethylene glycol 6000 is the condensation polymer of ethylene oxide and water with an average molecular weight ranging from 6000 to 7500.

(b) To assure safe use of the additive, in addition to the other information required by the act:

(1) The label of the additive and any intermediate premixes shall bear:

(i) The name of the additive.

(ii) A statement of the concentration of the additive in any intermediate premixes.

(2) The label or labeling shall bear adequate directions to provide a final product that complies with the limitation prescribed in paragraph (c) of this section.

(c) It is used or intended for use in food at a level not greater than that required to accomplish the intended physical or technical effect:

(1) As a binder and plasticizing agent in tablets used for food.

(2) As an adjuvant in tablet coatings to improve resistance to moisture and oxidation.

(3) As an adjuvant to improve flavor and as a bodying agent, with those nonnutritive sweeteners identified in § 121.101(d)(4).

§ 121.1058 Silicon dioxide.

The food additive silicon dioxide may be safely used in specified foods in accordance with the following conditions:

(a) The food additive is manufactured by vapor phase hydrolysis or by other means whereby the particle size is such as to accomplish the intended effect.

(b) It is used or intended for use in food as an anticaking agent as follows:

Food:	Limitations (percent)
Salt and seasoned salt	1
Sodium bicarbonate	1
Vitamin products	0.5
Special dietary products	0.75
Dehydrated honey	2
Dehydrated molasses	2
Dehydrated nondiastatic malt	2
Spices	2
Meat curing compounds	2
Flavoring powders	2

(c) It is used or intended for use as a stabilizer in the production of beer, and is removed from the beer by filtration prior to final processing.

(d) It is used or intended for use as an adsorbent for *dl-α*-tocopheryl acetate and pantothenyl alcohol in tableted foods for special dietary use, in an amount not greater than that required to accomplish the intended physical or technical effect.

§ 121.1059 Chewing gum base.

The food additive chewing gum base may be safely used in the manufacture of chewing gum in accordance with the following prescribed conditions:

(a) The food additive consists of one or more of the following substances that meet the specifications and limitations prescribed in this paragraph, used in amounts not to exceed those required to produce the intended physical or other technical effect.

MASTICATORY SUBSTANCES

NATURAL (COAGULATED OR CONCENTRATED LATICES) OF VEGETABLE ORIGIN

Family	*Genus and species*
Sapotaceae:	
Chicle	Manilkara zapotilla Gilly and Manilkara chicle Gilly.
Chiquibul	Manilkara zapotilla Gilly.
Crown gum	Manilkara zapotilla Gilly and Manilkara chicle Gilly.
Gutta hang kang	Palaquium leiocarpum Boerl. and Palaquium oblongifolium Burck.
Massaranduba balata (and the solvent-free resin extract of Massaranduba balata).	Manilkara huberi (Ducke) Chevalier.
Massaranduba chocolate	Manilkara sollmoesensis Gilly.
Nispero	Manilkara zapotilla Gilly and Manilkara chicle Gilly.
Rosidinha (rosadinha)	Micropholis (also known as Sideroxylon) spp.
Venezuelan chicle	Manilkara williamsii Standley and related spp.

MASTICATORY SUBSTANCES—Continued

NATURAL (COAGULATED OR CONCENTRATED LATICES) OF VEGETABLE ORIGIN—continued

Family	*Genus and species*
Apocynaceae:	
Jelutong	Dyera costulata Hook. F. and Dyera lowii Hook. F.
Leche caspi (sorva)	Couma macrocarpa Barb. Rodr.
Pendare	Couma macrocarpa Barb. Rodr. and Couma utilis (Mart.) Muell. Arg.
Perillo	Couma macrocarpa Barb. Rodr. and Couma utilis (Mart.) Muell. Arg.
Moraceae:	
Leche de vaca	Brosimum utile (H.B.K.) Pittier and Poulsenia spp.; also Laemellea standleyi (Woodson), Monachino (Apocynaceae).
Niger gutta	Ficus platyphylla Del.
Tunu (tuno)	Castilla fallax Cook.
Euphorbiaceae:	
Chilte	Cnidoscolus (also known as Jatropha) elasticus Lundell and Cnidoscolus tepiquensis (Cost. and Gall.) McVaugh.
Natural rubber (smoked sheet and latex solids).	Hevea brasiliensis.

Synthetic	*Specifications*
Butadiene-styrene rubber	Basic polymer.
Isobutylene-isoprene copolymer (butyl rubber).	Do.
Paraffin	Synthesized by Fischer-Tropsch process from carbon monoxide and hydrogen, which are catalytically converted to a mixture of paraffin hydrocarbons. Lower molecular weight fractions are removed by distillation. The residue is hydrogenated and further treated by percolation through activated charcoal. The product has a congealing point of 200° F.–210° F. as determined by A.S.T.M. D–938–49 method; a maximum oil content of 0.5 percent as determined by A.S.T.M. D–721–56T method; and an absorptivity of less than 0.01 at 290 millimicrons in decahydronaphthalene at 100° F. as determined by A.S.T.M. 131 method.
Petroleum wax	Complying with § 121.1156.
Polyethylene	Molecular weight 2,000–21,000.
Polyisobutylene	Minimum molecular weight 37,000 (Flory).
Polyvinyl acetate	Molecular weight, minimum 2,000.

PLASTICIZING MATERIALS (SOFTENERS)

Glycerol ester of partially dimerized rosin.	Having an acid number of 3–8, a drop-softening point of 109° C.–119° C., and a color of M or paler.
Glycerol ester of partially hydrogenated gum or wood rosin.	Having an acid number of 3–10, a drop-softening point of 79° C.–88° C., and a color of N or paler.
Glycerol ester of polymerized rosin	Having an acid number of 3–12, a melting-point range of 80° C.–126° C., and a color of M or paler.
Glycerol ester of gum or wood rosin	Having an acid number of 5–9, a drop-softening point of 88° C.–96° C., and a color of N or paler. The ester is purified by steam stripping.
Lanolin	
Methyl ester of rosin, partially hydrogenated.	Having an acid number of 4–8, a refractive index of 1.5170–1.5205 at 20° C., and a viscosity of 23–66 poises at 25° C. The ester is purified by steam stripping.
Pentaerythritol ester of partially hydrogenated gum or wood resin.	Having an acid number of 7–18, a drop-softening point of 102° C.–110° C., and a color of K or paler.
Pentaerythritol ester of gum or wood rosin.	Having an acid number of 6–16, a drop-softening point of 109° C.–116° C., and a color of M or paler.
Rice bran wax	Complying with § 121.1098.
Stearic acid	Complying with § 121.1070.
Sodium and potassium stearates	Complying with § 121.1071.

TERPENE RESINS

Snythetic resin	Consisting of polymers of β-pinene.
Natural resin	Consisting of polymers of α-pinene; softening point minimum 155° C., determined by U.S.P. closed-capillary method.

ANTIOXIDANTS

Butylated hydroxyanisole Butylated hydroxytoluene Propyl gallate	Not to exceed antioxidant content of 0.1% when used alone or in any combination.

MISCELLANEOUS

Sodium sulfate	
Sodium sulfide	Reaction-control agent in synthetic polymer production.

(b) In addition to the substances listed in paragraph (a) of this section, chewing gum base may also include substances generally recognized as safe in food.

(c) To assure safe use of the additive, in addition to the other information required by the act, the label and labeling of the food additive shall bear the name of the additive, "chewing gum base." As used in this paragraph, the term "chewing gum base" means the manufactured or partially manufactured nonnutritive masticatory substance comprised of one or more of the ingredients named and so defined in paragraph (a) of this section.

§ 121.1060 Combustion product gas.

The food additive combustion product gas may be safely used in the processing and packaging of the foods designated in paragraph (c) of this section for the purpose of removing and displacing oxygen in accordance with the following prescribed conditions:

(a) The food additive is manufactured by the controlled combustion in air of butane, propane, or natural gas. The combustion equipment shall be provided with an absorption-type filter capable of removing possible toxic impurities, through which all gas used in the treatment of food shall pass; and with suitable controls to insure that any combustion products failing to meet the specifications provided in this section will be prevented from reaching the food being treated.

(b) The food additive meets the following specifications:

(1) Carbon monoxide content not to exceed 4.5 percent by volume.

(2) The ultraviolet absorbance in isooctane solution in the range 255 millimicrons to 310 millimicrons not to exceed one-third of the standard reference absorbance when tested as described in paragraph (e) of this section.

(c) It is used or intended for use to displace or remove oxygen in the processing, storage, or packaging of beverage products and other food, except fresh meats.

(d) To assure safe use of the additive, in addition to the other information required by the act, the label or labeling of the combustion device shall bear adequate directions for use to provide a combustion product gas that complies with the limitations prescribed in paragraph (b) of this section, including instructions to assure proper filtration.

(e) The food additive is tested for compliance with paragraph (b)(2) by the following empirical method:

Spectrophotometric measurements. All measurements are made in an ultraviolet spectrophotometer in optical cells of 5 centimeters in length, and in the range of 255 millimicrons to 310 millimicrons, under the same instrumental conditions. The standard reference absorbance is the absorbance at 275 millimicrons of a standard reference solution of naphthalene (National Bureau of Standards Material No. 577 or equivalent in purity) containing a concentration of 1.4 milligrams per liter in purified isooctane, measured against isooctane of the same spec-

tral purity in 5-centimeter cells. (This absorbance will be approximately 0.30.)

Solvent. The solvent used is pure grade isooctane having an ultraviolet absorbance not to exceed 0.05 measured against distilled water as a reference. Upon passage of purified inert gas through some isooctane under the identical conditions of the test, a lowering of the absorbance value has been observed. The absorbance of isooctane to be used in this procedure shall not be more than 0.02 lower in the range 255 millimicrons to 310 millimicrons, inclusive, than that of the untreated solvent as measured in a 5-centimeter cell. If necessary to obtain the prescribed purities, the isooctane may be passed through activated silica gel.

Apparatus. To assure reproducible results, the additive is passed into the isooctane solution through a gas-absorption train consisting of the following components and necessary connections:

1. A gas flow meter with a range up to 30 liters per hour provided with a constant differential relay or other device to maintain a constant flow rate independent of the input pressure.

2. An absorption apparatus consisting of an inlet gas dispersion tube inserted to the bottom of a covered cylindrical vessel with a suitable outlet on the vessel for effluent gas. The dimensions and arrangement of tube and vessel are such that the inlet tube introduces the gas at a point not above 5¼ inches below the surface of the solvent through a sintered glass outlet. The dimensions of the vessel are such, and both inlet and vessel are so designed, that the gas can be bubbled through 60 milliliters of isooctane solvent at a rate up to 30 liters per hour without mechanical loss of solvent. The level corresponding to 60 milliliters should be marked on the vessel.

3. A cooling bath containing crushed ice and water to permit immersion of the absorption vessel at least to the solvent level mark.

Caution. The various parts of the absorption train must be connected by gastight tubing and joints composed of materials which will neither remove components from nor add components to the gas stream. The gas source is connected in series to the flow-rate device, the flow meter, and the absorption apparatus in that order. Ventilation should be provided for the effluent gases which may contain carbon monoxide.

Sampling procedure. Immerse the gas-absorption appartus containing 60 milliliters of isooctane in the coolant bath so that the solvent is completely immersed. Cool for at least 15 minutes and then pass 120 liters of the test gas through the absorption train at a rate of 30 liters per hour or less. Maintain the coolant bath at 0° C. throughout. Remove the absorption vessel from the bath, disconnect, and warm to room temperature. Add isooctane to bring the contents of the absorption vessel to 60 milliliters, and mix. Determine the absorbance of the solution in the 5-centimeter cell in the range 255 millimicrons to 310 millimicrons, inclusive, compared to isooctane. The absorbance of the solution of combustion product gas shall not exceed that of the isooctane solvent at any wavelength in the specified range by more than one-third of the standard reference absorbance.

§ 121.1061 Captan.

A tolerance of 100 parts per million is established for residues of captan (*N*-trichloromethyl mercapto-4-cyclohexene-1,2-dicarboximide) in or on washed raisins when present as a result of fungicidal treatment by preharvest application to grapes and postharvest application during the drying process.

§ 121.1062 Methyl formate.

The food additive methyl formate may be safely used in or on specified dried fruits in accordance with the following prescribed conditions:

(a) It is used or intended for use in or on raisins and dried Zante currants as a bulk and package fumigant.

(b) It is used in accordance with directions registered with the United States Department of Agriculture, and so used that the total formic acid present, free and combined in the finished product shall not exceed 250 parts per million.

(c) To assure safe use of the additive, its label and labeling shall conform to that registered with the United States Department of Agriculture.

§ 121.1063 Sodium nitrate.

The food additive sodium nitrate may be safely used in or on specified foods in accordance with the following prescribed conditions:

(a) It is used or intended for use as follows:

(1) As a preservative and color fixative, with or without sodium nitrite, in smoked, cured sablefish, smoked, cured salmon, and smoked, cured shad, so that the level of sodium nitrate does not exceed 500 parts per million and the level of sodium nitrite does not exceed 200 parts per million in the finished product.

(2) As a preservative and color fixative, with or without sodium nitrite in meat-curing preparations for the home curing of meat and meat products (including poultry and wild game), with directions for use which limit the amount of sodium nitrate to not more than 500 parts per million in the finished meat product and the amount of sodium nitrite to not more than 200 parts per million in the finished meat product.

(b) To assure safe use of the additive, in addition to the other information required by the act:

(1) The label of the additive or of a mixture containing the additive shall bear:

(i) The name of the additive.

(ii) A statement of the concentration of the additive in any mixture.

(2) If in a retail package intended for household use, the label and labeling of the additive, or of a mixture containing the additive, shall bear adequate directions for use to provide a final food product which complies with the limitations prescribed in paragraph (a) of this section.

(3) If in a retail package intended for household use, the label of the additive, or of a mixture containing the additive, shall bear the statement "Keep out of the reach of children".

§ 121.1065 Octafluorocyclobutane.

The food additive octafluorocyclobutane may be safely used as a propellant and aerating agent in foamed or sprayed food products in accordance with the following conditions:

(a) The food additive meets the following specifications:

99.99 percent octafluorocyclobutane.
Less than 0.1 part per million fluoroolefins, calculated as perfluoroisobutylene.

(b) The additive is used or intended for use alone or with one or more of the following substances: Carbon dioxide, nitrous oxide, and propane, as a propellant and aerating agent for foamed or sprayed food products, except for those standardized foods that do not provide for such use.

(c) To assure safe use of the additive:

(1) The label of the food additive container shall bear, in addition to the other information required by the act, the following:

(i) The name of the additive, octafluorocyclobutane.

(ii) The percentage of the additive present in the case of a mixture.

(iii) The designation "food grade."

(2) The label or labeling of the food additive container shall bear adequate directions for use.

§ 121.1064 Sodium nitrite.

The food additive sodium nitrite may be safely used in or on specified foods in accordance with the following prescribed conditions:

(a) It is used or intended for use as follows:

(1) As a preservative and color fixative in smoked cured tuna fish products so that the level of sodium nitrite does not exceed 10 parts per million in the finished product.

(2) As a preservative and color fixative, with or without sodium nitrate, in smoked, cured sablefish, smoked, cured salmon, and smoked, cured shad so that the level of sodium nitrite does not exceed 200 parts per million and the level of sodium nitrate does not exceed 500 parts per million in the finished product.

(3) As a preservative and color fixative, with sodium nitrate, in meat-curing preparations for the home curing of meat and meat products (including poultry and wild game), with directions for use which limit the amount of sodium nitrite to not more than 200 parts per million in the finished meat product, and the amount of sodium nitrate to not more than 500 parts per million in the finished meat product.

(b) To assure safe use of the additive, in addition to the other information required by the act:

(1) The label of the additive or of a mixture containing the additive shall bear:

(i) The name of the additive.

(ii) A statement of the concentration of the additive in any mixture.

(2) If in a retail package intended for household use, the label and labeling of the additive, or of a mixture containing the additive, shall bear adequate directions for use to provide a final food product which complies with the limitations prescribed in paragraph (a) of this section.

(3) If in a retail package intended for household use, the label of the additive, or of a mixture containing the additive, shall bear the statement "Keep out of the reach of children".

§ 121.1066 Carrageenan.

The food additive carrageenan may be safely used in food in accordance with the following prescribed conditions:

(a) The food additive is the refined hydrocolloid prepared by aqueous extraction from the following members of the families Gigartinaceae and Solieriaceae of the class Rodophyceae (red seaweed):

Chondrus crispus.
Chondrus ocellatus.
Eucheuma cottonii.
Eucheuma spinosum.
Gigartina acicularis.
Gigartina pistillata.
Gigartina radula.
Gigartina stellata.

(b) The food additive conforms to the following conditions:

(1) It is a sulfated polysaccharide the dominant hexose units of which are galactose and anhydrogalactose.

(2) Range of sulfate content: 20 percent to 40 percent on a dry-weight basis.

(c) The food additive is used or intended for use in the amount necessary for an emulsifier, stabilizer, or thickener in foods, except for those standardized foods that do not provide for such use.

(d) To assure safe use of the additive, the label and labeling of the additive shall bear the name of the additive, carrageenan.

§ 121.1067 Salts of carrageenan.

The food additive salts of carrageenan may be safely used in food in accordance with the following prescribed conditions:

(a) The food additive consists of carrageenan, meeting the provisions of § 121.1066, modified by increasing the concentration of one of the naturally occurring salts (ammonium, calcium, potassium, or sodium) of carrageenan to the level that it is the dominant salt in the additive.

(b) The food additive is used or intended for use in the amount necessary for an emulsifier, stabilizer, or thickener in foods, except for those standardized foods that do not provide for such use.

(c) To assure safe use of the additive, the label and labeling of the additive shall bear the name of the salt of carrageenan that dominates the mixture by reason of the modification, e.g. "sodium carrageenan," "potassium carrageenan," etc.

§ 121.1068 Furcelleran.

The food additive furcelleran may be safely used in food in accordance with the following prescribed conditions:

(a) The food additive is the refined hydrocolloid prepared by aqueous extraction of furcellaria fastigiata of the class Rodophyceae (red seaweed).

(b) The food additive conforms to the following:

(1) It is a sulfated polysaccharide the dominant hexose units of which are galactose and anhydrogalactose.

(2) Range of sulfate content: 8 percent to 19 percent, on a dry-weight basis.

(c) The food additive is used or intended for use in the amount necessary for an emulsifier, stabilizer, or thickener in foods, except for those standardized foods that do not provide for such use.

(d) To assure safe use of the additive, the label and labeling of the additive shall bear the name of the additive, furcelleran.

§ 121.1069 Salts of furcelleran.

The food additive salts of furcelleran may be safely used in food in accordance with the following prescribed conditions:

(a) The food additive consists of furcelleran, meeting the provisions of § 121.1068, modified by increasing the concentration of one of the naturally occurring salts (ammonium, calcium, potassium, or sodium) of furcelleran to the level that it is the dominant salt in the additive.

(b) The food additive is used or intended for use in the amount necessary for an emulsifier, stabilizer, or thickener in foods, except for those standardized foods that do not provide for such use.

(c) To assure safe use of the additive, the label and labeling of the additive shall bear the name of the salt of furcelleran that dominates the mixture by reason of the modification, e.g. "sodium furcelleran," "potassium furcelleran," etc.

§ 121.1070 Fatty acids.

The food additive fatty acids may be safely used in food and in the manufacture of food components in accordance with the following prescribed conditions:

(a) The food additive consists of one or any mixture of the following straight-chain monobasic carboxylic acids and their associated fatty acids manufactured from fats and oils derived from edible sources: Capric acid, caprylic acid, lauric acid, myristic acid, oleic acid, palmitic acid, and stearic acid.

(b) The food additive meets the following specifications:

(1) Unsaponifiable matter does not exceed 2 percent.

(2) It is free of chick-edema factor or other factors toxic to chicks, as evidenced during the bioassay method for determining the chick-edema factor as prescribed in paragraph (c)(2) of this section.

(c) For the purposes of this section:

(1) Unsaponifiable matter shall be determined by the method described in the most recent edition of "Official Methods of Analysis of the Association of Official Agricultural Chemists."

(2) Chick-edema factor shall be determined by the bioassay method described in the Journal of the Association of Official Agricultural Chemists, Volume 44, page 146 (1961), as modified by the methods described in Volume 45, page 210 (1962), and Volume 46, page 162 (1963).

(3) "Other factors toxic to chicks" referred to in paragraph (b)(2) of this section shall be determined during the course of the bioassay test described in subparagraph (2) of this paragraph, on the basis of chick deaths or other abnormalities not attributable to chick-edema factor or to the experimental conditions of the test.

(d) It is used or intended for use as follows:

(1) In foods as a lubricant, binder, and as a defoaming agent in accordance with good manufacturing practice.

(2) As a component in the manufacture of other food-grade additives.

(e) To assure safe use of the additive, the label and labeling of the additive and any premix thereof shall bear, in addition to the other information required by the act, the following:

(1) The common or usual name of the acid or acids contained therein.

(2) The words "food grade," in juxtaposition with and equally as prominent as the name of the acid.

§ 121.1071 Salts of fatty acids.

The food additive salts of fatty acids may be safely used in food and in the manufacture of food components in accordance with the following prescribed conditions:

(a) The additive consists of one or any mixture of two or more of the aluminum, calcium, magnesium, potassium, and sodium salts of the fatty acids conforming to § 121.1070.

(b) The food additive is used or intended for use as a binder, emulsifier, and anticaking agent in food in accordance with good manufacturing practice.

(c) To assure safe use of the additive, the label and labeling of the additive and any premix thereof shall bear, in addition to the other information required by the act, the following:

(1) The common or usual name of the fatty acid salt or salts contained therein.

(2) The words "food grade," in juxtaposition with and equally as prominent as the name of the salt.

§ 121.1072 Hydrogen cyanide.

The food additive hydrogen cyanide may be present as a residue in certain processed foods in accordance with the following prescribed conditions:

(a) The food additive is present as a result of its use as a fumigant.

(b) The residues of hydrogen cyanide shall not exceed the following levels:

(1) 125 parts per million in cereal flours.

(2) 90 parts per million in cereals that are cooked before being eaten.

(3) 50 parts per million in uncooked ham, bacon, and sausage.

(4) 200 parts per million in cocoa.

(c) Where tolerances are established under both sections 408 and 409 of the act on the raw agricultural commodity and on the processed food, respectively, the total residues of hydrogen cyanide in or on the processed food shall not be greater than that designated in paragraph (b) of this section.

(d) To assure safe use of the additive, the label and labeling of the pesticide formulation containing the food additive shall conform to the label and labeling registered by the United States Department of Agriculture.

§ 121.1073 Potassium iodide.

The food additive potassium iodide may be safely used in accordance with the following prescribed conditions:

(a) The food additive is used as a source of iodine in foods for special dietary use, when the food is marketed under labeling which provides that the maximum daily intake of the additive does not exceed 0.15 milligram of iodine.

(b) To assure safe use of the additive, in addition to the other information required by the act, the label of the additive shall bear:

(1) The name of the additive.

(2) A statement of the concentration of the additive in any mixture.

§ 121.1074 Piperonyl butoxide.

The food additive piperonyl butoxide may be safely used in accordance with the following prescribed conditions:

(a) It is used or intended for use in combination with pyrethrins for control of insects in cereal grain mills and in milled cereal grain products storage areas.

(b) It is used in combination with pyrethrins, whereby the amount of piperonyl butoxide is equal to 10 times the amount of pyrethrins in the formulation.

(c) A tolerance of 10 parts per million is established for residues of piperonyl butoxide in or on milling fractions derived from cereal grains, when present as a result of its use in cereal grain mills and milled grain products storage areas.

(d) To assure safe use of the additive, its label and labeling shall conform to that registered with the United States Department of Agriculture.

§ 121.1075 Pyrethrins.

The food additive pyrethrins may be safely used in accordance with the following prescribed conditions:

(a) It is used or intended for use in combination with piperonyl butoxide for the control of insects in cereal grain mills and milled cereal grain products storage areas.

(b) It is used in combination with piperonyl butoxide, whereby the amount of pyrethrins is equal to 10 percent of the amount of piperonyl butoxide in the formulation.

(c) A tolerance of 1 part per million is established for residues of pyrethrins in or on milling fractions derived from cereal grains, when present as a result of its use in cereal grain mills and milled cereal grain products storage areas.

(d) To assure safe use of the additive, its label and labeling shall conform to that registered with the United States Department of Agriculture.

§ 121.1076 Propylene oxide.

The food additive propylene oxide may be safely used in or on foods in accordance with the following prescribed conditions:

(a) It is intended as a package fumigant in or on dried prunes and glace fruit. It is also intended as a fumigant in or on bulk quantities of cocoa, gums, processed spices, starch, and processed nutmeats (except peanuts) when such bulk foods are to be further processed into a final food form.

(b) Except in the fumigation of packaged dried prunes and glacé fruit, it is applied in retorts not more than one time and not in excess of 4 hours' duration at a temperature not in excess of 125° F.

(c) When used as described in paragraphs (a) and (b) of this section, residues shall not exceed the following limitations:

Food	Limitations
	(Expressed as parts per million of propylene oxide except where noted)
Cocoa	300.
Glacé fruit	700 (as propylene glycol).
Gums	300.
Processed nutmeats (except peanuts).	300.
Prunes, dried	700 (as propylene glycol).
Spices, processed	300.
Starch	300.

(d) Propylene oxide for use as prescribed in this section will bear labeling meeting the requirements of the Federal Insecticide, Fungicide, and Rodenticide Act.

§ 121.1077 Terpene resin.

The food additive terpene resin may be safely used in accordance with the following prescribed conditions:

(a) The food additive is the beta-pinene polymer obtained by polymerizing terpene hydrocarbons derived from wood. It has a softening point of 112° C.–118° C., as determined by ASTM method E–28–51T.

(b) It is used or intended for use as follows:

(1) As a moisture barrier on soft gelatin capsules in an amount not to exceed 0.07 percent of the weight of the capsule.

(2) As a moisture barrier on powders of ascorbic acid or its salts in an amount not to exceed 7 percent of the weight of the powder.

§ 121.1078 Ronnel.

A tolerance of zero is established for residues of ronnel (*O,O*-dimethyl *O*-(2,4,5-trichlorophenyl) phosphorothioate) in milk from cows.

§ 121.1079 Paraformaldehyde.

The food additive paraformaldehyde may be safely used in accordance with the following prescribed conditions.

(a) It is used to control microbial or fungal growth in maple tree tapholes.

(b) It is so used that the maple sirup produced from the sap of treated maple trees does not contain in excess of 2 parts per million of formaldehyde.

§ 121.1080 Stearyl monoglyceridyl citrate.

The food additive stearyl monoglyceridyl citrate may be safely used in food in accordance with the following provisions:

(a) The additive is prepared by controlled chemical reaction of the following:

Reactant	*Limitation*
Citric acid	
Monoglycerides of fatty acids.	Prepared by the glycerolysis of edible fats and oils or derived from fatty acids conforming with § 121.1070.
Stearyl alcohol	Derived from fatty acids conforming with § 121.1070.

(b). The additive stearyl monoglyceridyl citrate, produced as described under paragraph (a) of this section, meets the following specifications:

Acid number	40 to 52.
Total citric acid	15 to 18 percent.
Saponification number	215–255.

(c) The additive is used or intended for use as an emulsion stabilizer in or with shortenings containing emulsifiers.

§ 121.1081 Quinine.

Quinine, as the hydrochloride salt or sulfate salt, may be safely used in food in accordance with the following conditions:

Uses	*Limitations*
In carbonated beverages as a flavor.	Not to exceed 83 parts per million, as quinine. Label shall bear a prominent declaration of the presence of quinine either by the use of the word "quinine" in the name of the article or through a separate declaration.

§ 121.1082 Modified hop extract.

The food additive modified hop extract may be safely used in beer in accordance with the following prescribed conditions:

(a) The food additive is used or intended for use as a flavoring agent in the brewing of beer.

(b) The food additive is manufactured from a hexane extract of hops by simultaneous isomerization and selective reduction in an alkaline aqueous medium with sodium borohydride, whereby the additive meets the following specifications:

(1) A solution of the food additive solids is made up in approximately 0.012 *n* alkaline methyl alcohol (6 milliliters of 1 *n* sodium hydroxide diluted to 500 milliliters with methyl alcohol) to show an absorbance at 253 millimicrons of 0.6 to 0.9 per centimeter. (This absorbance is obtained by approximately 0.03 milligram solids per milliliter.) The ultraviolet absorption spectrum of this solution exhibits the following characteristics:

(i) An absorption peak at 253 millimicrons.

(ii) No absorption peak at 325 to 330 millimicrons.

(iii) The absorbance at 268 millimicrons does not exceed the absorbance at 272 millimicrons.

(2) The boron content of the food additive does not exceed 310 parts per million, calculated as boron.

§ 121.1083 Methyl chloride.

The food additive methyl chloride may be safely used in accordance with the following prescribed conditions:

(a) It is used or intended for use as a propellant in pesticide formulations in an amount not to exceed 30 percent of the finished formulation.

(b) It is used or intended for use in food storage and processing areas whereby spray applications do not contact fatty foods.

(c) To assure safe use of the additive, the label and labeling of the pesticide formulation containing the food additive shall conform to the label and labeling registered by the United States Department of Agriculture.

§ 121.1084 Glycerol ester of wood rosin.

Glycerol ester of wood rosin may be safely used in food in accordance with the following prescribed conditions:

(a) It has an acid number of 5 to 9, a drop-softening point of 88° C. to 96° C.; a color of N or paler as determined in accordance with Official Naval Stores Standards of the United States; and is purified by countercurrent steam distillation.

(b) It is used to adjust the density of citrus oils used in the preparation of beverages.

§ 121.1085 Azodicarbonamide.

The food additive azodicarbonamide may be safely used in food in accordance with the following prescribed conditions:

(a) It is used or intended for use as an aging and bleaching ingredient in cereal flour.

(b) It is used in an amount not to exceed 2.04 grams per hundred pounds of flour (45 parts per million).

(c) To assure safe use of the additive:

(1) The label and labeling of the additive and any intermediate premix prepared therefrom shall bear, in addition to the other information required by the act, the following:

(i) The name of the additive.

(ii) A statement of the concentration or the strength of the additive in any intermediate premixes.

(2) The label or labeling of the food additive shall also bear adequate directions for use.

§ 121.1086 Sugar beet extract flavor base.

Sugar beet extract flavor base may be safely used in food in accordance with the provisions of this section.

(a) Sugar beet extract flavor base is the concentrated residue of soluble sugar beet extractives from which sugar and glutamic acid have been recovered, and which has been subjected to ion exchange to minimize the concentration of naturally occurring trace minerals.

(b) It is used as a flavor in food.

§ 121.1087 Ethyl cellulose.

The food additive ethyl cellulose may be safely used in food in accordance with the following prescribed conditions:

(a) The food additive is a cellulose ether containing ethoxy (OC_2H_5) groups attached by an ether linkage and containing on an anhydrous basis not more than 2.6 ethoxy groups per anhydroglucose unit.

(b) It is used or intended for use as follows:

(1) As a binder and filler in dry vitamin preparations.

(2) As a component of protective coatings for vitamin and mineral tablets.

(3) As a fixative in flavoring compounds.

§ 121.1088 Boiler water additives.

Boiler water additives may be safely used in the preparation of steam that will contact food, under the following conditions:

(a) The amount of additive is not in excess of that required for its functional purpose, and the amount of steam in contact with food does not exceed that required to produce the intended effect in or on the food.

(b) The compounds are prepared from substances identified in paragraphs (c) and (d) of this section, and are subject to the limitations, if any, prescribed:

(c) List of substances:

	Limitations
Ammonium alginate	
Cobalt sulfate (as catalyst)	
Lignosulfonic acid	
Monobutyl ether of polyoxyethylene glycol.	Minimum mol. wt. 1,500.
Monobutyl ether of polyoxypropylene glycol.	Do.
Polyoxyethylene glycol	Minimum mol. wt. 1,000.
Polyoxypropylene glycol	Do.
Potassium carbonate	
Sodium acetate	
Sodium alginate	
Sodium aluminate	
Sodium carbonate	
Sodium hexametaphosphate	
Sodium humate	
Sodium hydroxide	
Sodium lignosulfonate	
Sodium metasilicate	
Sodium nitrate	
Sodium phosphate (mono-, di-, tri-).	
Sodium polyacrylate	
Sodium silicate	
Sodium sulfate	
Sodium sulfite (neutral or alkaline).	
Sodium tripolyphosphate	
Tannin (including quebracho extract).	
Tetrasodium EDTA	
Tetrasodium pyrophosphate	

(d) Substances used alone or in combination with substances in paragraph (c) of this section:

	Limitations
Cyclohexylamine	Not to exceed 10 parts per million in steam, and excluding use of such steam in contact with milk and milk products.
Hydrazine	Zero in steam.
Morpholine	Not to exceed 10 parts per million in steam, and excluding use of such steam in contact with milk and milk products.
Octadecylamine	Not to exceed 3 parts per million in steam, and excluding use of such steam in contact with milk and milk products.

§ 121.1089 Dehydroacetic acid.

The food additive dehydroacetic acid and/or its sodium salt may be safely used in accordance with the following prescribed conditions:

(a) The food additive meets the following specifications:

Dehydroacetic acid: Melting point, 109° C.–111° C.; assay, minimum 98 percent (dry basis).

Sodium salt of dehydroacetic acid: Assay, minimum 98 percent (dry basis).

(b) It is used or intended for use as a preservative for cut or peeled squash, and is so used that no more than 65 parts per million expressed as dehydroacetic acid remains in or on the prepared squash.

(c) The label or labeling of any package of the additive intended for use in food shall bear adequate directions for use to insure compliance with this section.

§ 121.1090 Disodium inosinate.

The food additive disodium inosinate may be safely used in food in accordance with the following prescribed conditions:

(a) The food additive is the disodium salt of inosinic acid, manufactured and purified so as to contain no more than 150 parts per million of soluble barium in the compound disodium inosinate with seven and one-half molecules of water of crystallization.

(b) The food additive is used as a flavoring adjuvant in food.

§ 121.1091 Chemicals used in washing fruits and vegetables.

Chemicals may be safely used to wash fruits and vegetables in accordance with the following conditions:

(a) The chemicals consist of one or more of the following:

(1) Substances generally recognized as safe in food or covered by prior sanctions for use in washing fruits and vegetables.

(2) Substances identified in this subparagraph and subject to such limitations as are provided:

Substances	Limitations
Polyacrylamide	Not to exceed 10 p.p.m. in wash water. Contains not more than 0.2 percent acrylamide monomer.
Potassium bromide	
Sodium dodecylbenzenesulfonate (alkyl group predominantly C_{12} and not less than 95% C_{10} to C_{16}).	Not to exceed 0.2% in wash water. May be used in the washing or to assist in the lye peeling of fruits and vegetables.
Sodium hypochlorite	

(b) The chemicals are used in amounts not in excess of the minimum required to accomplish their intended effect.

(c) The use of the chemicals is followed by rinsing with potable water to remove, to the extent possible, residues of the chemicals.

(d) To assure safe use of the additive:

(1) The label and labeling of the additive container shall bear, in addition to the other information required by the act, the name of the additive or a statement of its composition.

(2) The label or labeling of the additive container shall bear adequate use

directions to assure use in compliance with all provisions of this section.

§ 121.1092 Acrylamide-acrylic acid resin.

Acrylamide-acrylic acid resin (hydrolyzed polyacrylamide) may be safely used in accordance with the following prescribed conditions.

(a) Acrylamide-acrylic acid resin is produced by the polymerization of acrylamide with partial hydrolysis, or by copolymerization of acrylamide and acrylic acid, with the greater part of the polymer being composed of acrylamide units.

(b) The acrylamide-acrylic acid resin contains not more than 0.05 percent of residual acrylamide.

(c) The acrylamide-acrylic acid resin is used as a flocculent in the clarification of beet sugar juice or cane sugar juice in an amount not to exceed 5 parts per million by weight of the juice.

§ 121.1093 DDT.

Tolerances of 100 parts per million are established for residues of DDT (a mixture of 1,1,1-trichloro-2,2-bis(*p*-chlorophenyl) ethane and 1,1,1-trichloro-2-(*o*-chlorophenyl)- 2 -(*p*-chlorophenyl) ethane) in or on peppermint oil and spearmint oil, when present therein as a result of the application of this insecticide to the growing peppermint and spearmint crops.

§ 121.1094 Furaltadone.

A tolerance of zero is established for residues of furaltadone in milk of dairy cows resulting from use of the additive as an intramammary infusion not less than 48 hours before milk is taken for consumption.

§ 121.1095 Nicotinamide-ascorbic acid complex.

Nicotinamide-ascorbic acid complex may be safely used in accordance with the following prescribed conditions:

(a) The additive is the product of the controlled reaction between ascorbic acid and nicotinamide, melting in the range 141° C. to 145° C.

(b) It is used as a source of ascorbic acid and nicotinamide in multivitamin preparations.

§ 121.1096 Ethyl formate.

The food additive ethyl formate may be safely used in or on specified dried fruits in accordance with the following prescribed conditions:

(a) It is used or intended for use in or on raisins and dried Zante currants as a bulk and package fumigant.

(b) It is used in accordance with directions registered with the United States Department of Agriculture, and so used that the total formic acid present, free and combined, in the finished product shall not exceed 250 parts per million.

(c) To assure safe use of the additive, its label and labeling shall conform to that registered with the United States Department of Agriculture.

§ 121.1097 Safrole-free extract of sassafras.

The food additive safrole-free extract of sassafras may be safely used in accordance with the following prescribed conditions:

(a) The additive is the aqueous extract obtained from the root bark of the plant *Sassafras albidum* (Nuttall) Nees (Fam. *Lauraceae*).

(b) It is obtained by extracting the bark with dilute alcohol, first concentrating the alcoholic solution by vacuum distillation, then diluting the concentrate with water and discarding the oily fraction.

(c) The purified aqueous extract is safrole-free.

(d) It is used as a flavoring in food.

§ 121.1098 Rice bran wax.

Rice bran wax may be safely used in food in accordance with the following conditions:

(a) It is the refined wax obtained from rice bran and meets the following specifications:

Melting point 75° C. to 80° C.
Free fatty acids, maximum 10 percent.
Iodine number, maximum 20.
Saponification number 75 to 120.

(b) It is used or intended for use as follows:

Food	Limitation in food	Use
Candy	50 parts per million.	Coating.
Fresh fruits and fresh vegetables.	do	Do.
Chewing gum	2½ percent	Plasticizing material.

§ 121.1099 Defoaming agents.

Defoaming agents may be safely used in processing foods, in accordance with the following conditions:

(a) They consist of one or more of the following:

(1) Substances generally recognized by qualified experts as safe in food or covered by prior sanctions for the use prescribed by this section.

(2) Substances listed in this subparagraph, subject to any limitations imposed:

Substances	Limitations
Dimethylpolysiloxane (substantially free from hydrolyzable chloride and alkoxy groups, no more than 18 percent loss in weight after heating 4 hr. at 200° C.; viscosity 300 centistokes, 600 centistokes at 25° C., refractive index 1.400–1.404 at 25° C.).	10 p.p.m. in food; except zero in milk and zero in food for infants and invalids.
Formaldehyde	As a preservative in defoaming agents containing dimethylpolysiloxane, in an amount not exceeding 1.0 percent of the dimethylpolysiloxane content.
Polyoxyethylene 40 monostearate	As defined in U.S.P. XVI.
Polyoxyethylene (20) sorbitan monostearate.	As defined in § 121.1030.
Polyoxyethylene (20) sorbitan tristearate.	As defined in § 121.1008.
Propylene glycol alginate	As defined in § 121.1015.
Silicon dioxide	As defined in § 121.1058.
Sorbitan monostearate	As defined in § 121.1029.

(3) Substances listed in this subparagraph, provided they are components of defoaming agents limited to use in processing beet sugar and yeast, and subject to any limitations imposed:

Substances	Limitations
Aluminum stearate	As defined in § 121.1071.
Butyl stearate	
BHA	As an antioxidant, not to exceed 0.1 percent by weight of defoamer.
BHT	As an antioxidant, not to exceed 0.1 percent by weight of defoamer.
Calcium stearate	As defined in § 121.1071.
Fatty acids	As defined in § 121.1070.
Formaldehyde	As a preservative.
Hydroxylated lecithin	As defined in § 121.1027.
Isopropyl alcohol	
Magnesium stearate	As defined in § 121.1071.
Mineral oil: Conforming with § 121.1146.	Not more than 150 p.p.m. in yeast, measured as hydrocarbons.
Odorless light petroleum hydrocarbons: Conforming with § 121.1152.	
Petrolatum: Conforming with § 121.1166.	
Petroleum wax: Conforming with § 121.1156.	
Synthetic isoparaffinic petroleum hydrocarbons: Conforming with § 121.1154.	
Oxystearin	As defined in § 121.1016.
Polyethylene glycol	Molecular weight range, 400–2,000.
Polyoxyethylene (600) dioleate	
Polyoxyethylene (600) monoricinoleate	
Polypropylene glycol	Molecular weight range, 1,200–2,500.
Polysorbate 80	As defined in § 121.1009.
Potassium stearate	As defined in § 121.1071.
Propylene glycol mono- and diesters of fats and fatty acids.	As defined in § 121.1113.
Soybean oil fatty acids, hydroxylated.	
Tallow, hydrogenated, oxidized or sulfated.	
Tallow alcohol, hydrogenated	

(b) They are added in an amount not in excess of that reasonably required to inhibit foaming.

§ 121.1100 Iron-choline citrate complex.

Iron-choline citrate complex made by reacting approximately equimolecular quantities of ferric hydroxide, choline, and citric acid may be safely used as a source of iron in foods for special dietary use.

§ 121.1101 Sperm oil, hydrogenated.

The food additive hydrogenated sperm oil may be safely used in accordance with the following prescribed conditions:

(a) The sperm oil is derived from rendering the fatty tissue of the sperm whale or is prepared by synthesis of fatty acids and fatty alcohols derived from the sperm whale. The sperm oil obtained by rendering is refined. The oil is hydrogenated.

(b) It is used alone or as a component of a release agent or lubricant in bakery pans.

(c) The amount used does not exceed that reasonably required to accomplish the intended lubricating effect.

§ 121.1102 Calcium lignosulfonate.

Calcium lignosulfonate may be safely used in or on food, subject to the provisions of this section.

(a) Calcium lignosulfonate consists of sulfonated lignin, primarily as calcium and sodium salts.

(b) It is used in an amount not to exceed that reasonably required to accomplish the intended physical or technical effect when added as a dispersing agent and stabilizer in pesticides for preharvest or postharvest application to bananas.

§ 121.1103 Nihydrazone.

A tolerance of zero is established for residues of the food additive nihydrazone (5-nitro-2-furaldehyde acetylhydrazone) in the uncooked, edible tissues, byproducts, and eggs of chickens.

§ 121.1104 Neomycin.

A tolerance of zero is established for residues of neomycin in the uncooked edible tissues of calves.

§ 121.1105 Morpholine.

Morpholine may be safely used as a component of food, subject to the following restrictions.

(a) It is used as the salt(s) of one or more of the fatty acids meeting the requirements of § 121.1070, as a component of protective coatings applied to fresh fruits and vegetables.

(b) It is used at a level not in excess of that reasonably required to produce its intended effect.

§ 121.1106 Ethopabate.

A tolerance of zero is established for residues of ethopabate (methyl-4-acetamido-2-ethoxy benzoate) in edible tissues of chickens.

§ 121.1107 Bithionol.

A tolerance of zero is established for residues of the food additive bithionol (2,2'-thiobis(4,6-dichlorothenol)) in the uncooked edible tissues and byproducts of chickens.

§ 121.1108 Methiotriazamine.

A tolerance of zero is established for residues of the food additive methiotriazamine (4,6-diamino-1-(4-methylmercaptophenyl)-1,2-dihydro-2,2-dimethyl-1,3,5-triazine hydrochloride) in the uncooked edible tissues and byproducts of chickens.

§ 121.1109 Disodium guanylate.

Disodium guanylate may be safely used as a flavor enhancer in foods, at a level not in excess of that reasonably required to produce the intended effect.

§ 121.1110 Polyvinylpolypyrrolidone.

The food additive polyvinylpolypyrrolidone may be safely used in accordance with the following prescribed conditions:

(a) The additive is a homopolymer of purified vinylpyrrolidone catalytically produced under conditions producing polymerization and cross-linking such that an insoluble polymer is produced.

(b) The food additive is so processed that when the finished polymer is refluxed for 3 hours with water, 5 percent acetic acid, and 50 percent alcohol, no more than 50 parts per million of extractables is obtained with each solvent.

(c) It is used or intended for use as a clarifying agent in beverages and vinegar, followed by removal with filtration.

§ 121.1111 Synthetic glycerin produced by the hydrogenolysis of carbohydrates.

Synthetic glycerin produced by the hydrogenolysis of carbohydrates may be safely used in food, subject to the provisions of this section:

(a) It shall contain not in excess of 0.2 percent by weight of a mixture of butanetriols.

(b) It is used or intended for use in an amount not to exceed that reasonably required to produce its intended effect.

§ 121.1112 Methyl ethyl cellulose.

The food additive methyl ethyl cellulose may be safely used in food in accordance with the following prescribed conditions.

(a) The additive is a cellulose ether having the general formula $[C_6H_{(10-x-y)}O_5(CH_3)_x(C_2H_5)_y]_n$, where x is the number of methyl groups and y is the number of ethyl groups. The average value of x is 0.3 and the average value of y is 0.7.

(b) The additive meets the following specifications:

(1) The methoxy content shall be not less than 3.5 percent and not more than 6.5 percent, calculated as OCH_3, and the ethoxy content shall be not less than 14.5 percent and not more than 19 percent, calculated as OC_2H_5, both measured on the dry sample.

(2) The viscosity of an aqueous solution, 2.5 grams of the material in 100 milliliters of water, at 20° C., is 20 to 60 centipoises.

(3) The ash content on a dry basis has a maximum of 0.6 percent.

(c) The food additive is used as an aerating, emulsifying, and foaming agent, in an amount not in excess of that reasonably required to produce its intended effect.

§ 121.1113 Propylene glycol mono- and diesters of fats and fatty acids.

Propylene glycol mono- and diesters of fats and fatty acids may be safely used in food, subject to the following prescribed conditions:

(a) They are produced from edible fats and/or fatty acids in compliance with § 121.1070.

(b) They are used in food in amounts not in excess of that reasonably required to produce their intended effect.

§ 121.1114 Xylitol.

Xylitol may be safely used in foods for special dietary uses, provided the amount used is not greater than that required to produce its intended effect.

§ 121.1115 Mannitol.

The food additive mannitol may be safely used in food, provided that the amount used does not exceed that reasonably required to accomplish the intended physical or technical effect.

§ 121.1116 THBP.

The food additive THBP (2,4,5-trihydroxybutyrophenone) may be safely used in food in accordance with the following prescribed conditions:

(a) The food additive has a melting point of 149° C.—153° C.

(b) It is used as an antioxidant alone or in combination with other permitted antioxidants.

(c) The total antioxidant content of a food containing the additive will not exceed 0.02 percent of the oil or fat content of the food, including the essential (volatile) oil content of the food.

§ 121.1117 Diethyl pyrocarbonate.

The food additive diethyl pyrocarbonate may be safely used in food in accordance with the following prescribed conditions:

(a) The food additive is manufactured to a purity of at least 98 percent by one of the methods described in this paragraph.

(1) By the controlled reaction of sodium ethylate with carbon dioxide to obtain sodium ethyl carbonate which is subsequently reacted with ethyl chloroformate.

(2) By the reaction of sodium hydroxide and ethyl chloroformate in the presence of a catalyst produced by the reaction of *N*-methyl-*n*-stearylamine with propylene oxide. The amount of the catalyst remaining in the diethyl pyrocarbonate does not exceed 425 parts per million as determined by Kjeldahl nitrogen assay.

(b) It is used or intended for use as a fermentation inhibitor in still wines to be added before or during bottling at a level not exceeding 200 parts per million.

(c) The treated wine shall contain no diethyl pyrocarbonate when tested after 5 days following the date of bottling.

§ 121.1118 Diethylstilbestrol.

A tolerance of zero is established for residues of diethylstilbestrol in the edible portions of beef cattle and sheep after slaughter as determined by the methods of examination prescribed in § 121.241.

§ 121.1119 Polyacrylamide.

Polyacrylamide containing not more than 0.2 percent of acrylamide monomer may be safely used as a film former in the imprinting of soft-shell gelatin capsules when the amount used is not in excess of the minimum required to produce the intended effect.

§ 121.1120 Polyglycerol esters of fatty acids.

Polyglycerol esters of fatty acids, up to and including the decaglycerol esters, may be safely used in food in accordance with the following prescribed conditions:

(a) They are prepared from the following edible fats and oils, and the fatty acids derived therefrom (hydrogenated and nonhydrogenated, meeting the requirements of § 121.1070(b)): Corn oil, cottonseed oil, lard, palm oil from fruit,

peanut oil, safflower oil, sesame oil, soybean oil, and tallow.

(b) They are used as emulsifiers in food, in amounts not greater than that required to produce the intended physical or technical effect.

(c) Polyglycerol esters of a mixture of stearic, oleic, and coconut fatty acids are used as a cloud inhibitor in vegetable and salad oils when use is not precluded by standards of identity. The fatty acids used in the production of the polyglycerol esters meet the requirements of § 121.1070(b), and the polyglycerol esters is used at a level not in excess of the amount required to perform its cloud-inhibiting effect.

§ 121.1121 Polyethylene glycol minimum molecular weight 1,300.

Polyethylene glycol having a minimum molecular weight of 1,300 may be safely used in food in accordance with the following conditions:

(a) It is used as a coating on sodium nitrite to inhibit the hygroscopic property of sodium nitrite.

(b) It is used in an amount not in excess of that required to produce its intended effect.

§ 121.1122 Nickel sulfate.

A tolerance of 175 parts per million is established for residues of nickel sulfate (calculated as Ni) in the bran of wheat and oats to be ingested as food or to be converted to food. Such residues may be present therein only as a result of the application of a fungicide containing 19 percent anhydrous nickel sulfate and 53 percent maneb to the growing crops treated under an experimental permit issued by the U.S. Department of Agriculture, which expires February 15, 1966, and on which crops temporary pesticide tolerances for nickel sulfate and maneb expiring the same date have been established. No food additive tolerance is necessary for residues of maneb in bran, since the level of residues in the bran is less than the tolerance level for the grain.

§ 121.1123 D-Pantothenamide.

The food additive D-pantothenamide as a source of pantothenic acid activity, may be safely used in foods for special dietary use in an amount not in excess of that reasonably required to produce its intended effect.

§ 121.1124 Sulfamethazine.

The tolerance of zero is established for residues of the food additive sulfamethazine in the uncooked edible tissues of calves and swine.

§ 121.1125 Dried yeasts.

Dried yeast (*Saccharomyces cerevisiae* and *Saccharomyces fragilis*) and dried torula yeast (*Candida utilis*) may be safely used in food provided the total folic acid content of the yeast does not exceed 0.04 milligram per gram of yeast (approximately 0.008 milligram of pteroylglutamic acid per gram of yeast).

§ 121.1126 Ethion.

A tolerance of 4 parts per million is established for residues of the insecticide ethion (*O,O,O',O'*-tetraethyl *S,S'*-methylene bisphosphorodithioate) in raisins when present therein as a result of its application to the growing agricultural crop grapes.

§ 121.1127 Progesterone.

(a) A tolerance of zero is established for residues of progesterone in the uncooked edible tissues and byproducts of lambs and steers.

(b) The method of examination prescribed for the quantitative determination of progesterone is as follows: Prepare an extractive of the tissues as described in this paragraph, and bioassay the extractive in a vegetable oil vehicle by the method of Hooker and Forbes, published in Endocrinology, volume 41, page 158 (1947).

(1) Extraction procedure for liver, lean meat, and kidney tissue:

(i) Extract 1 kilogram of finely minced tissue with 20 volumes of a mixture of chloroform:methyl alcohol::2:1 in a tissue homogenizer.

(ii) Separate the insoluble material by filtration with suction and reextract with two volumes of the chloroform-methyl alcohol mixture.

(iii) Again separate the insoluble material, and extract it with one-fifth volume of water. Separate the water from the insoluble material and extract the water two times with two volumes of chloroform.

(iv) Combine the chloroform-methyl alcohol and the chloroform extractives from subdivisions (i), (ii), and (iii) of this subparagraph and evaporate to dryness in vacuum under a stream of nitrogen. Redissolve the residue in chloroform-methyl alcohol mixture separate any insoluble protein, and again evaporate to dryness in vacuum under a stream of nitrogen.

(v) Dissolve the residue from subdivision (iv) of this subparagraph in three volumes of petroleum ether, and extract four times with equal volumes of fresh portions of 70 percent methyl alcohol in water. Combine the 70 percent methyl alcohol extractives, and wash the methyl alcohol solution with one-fourth volume of petroleum ether. Discard the petroleum ether.

(vi) Concentrate the aqueous methyl alcohol solution from subdivision (v) of this subparagraph under vacuum to remove the methyl alcohol, and extract the aqueous solution four times with equal volumes of ethyl ether.

(vii) Combine the ethyl ether extractives, and evaporate to dryness. The residue is dissolved in a suitable amount of solvent for bioassay.

(2) Extraction procedure for fatty tissue:

(i) Extract 1 kilogram of finely minced tissue two times with five volumes of a mixture of hexane:benzene::1:1 and one time with one volume of the same solvent.

(ii) Combine hexane-benzene extractives and evaporate to dryness.

(iii) Dissolve the residue from subdivision (ii) of this subparagraph in 12 liters of petroleum ether and extract five times with ½-liter of 70 percent ethyl alcohol in water. Combine the 70 percent ethyl alcohol extractive, and concentrate by evaporation to remove most of the ethyl alcohol. Discard the petroleum ether.

(iv) Extract the aqueous solution from subdivision (iii) of this subparagraph four times with one-half volume of ethyl ether.

(v) Combine the ethyl ether extracts and evaporate to dryness. The residue is dissolved in a suitable amount of solvent for bioassay.

§ 121.1128 Estradiol benzoate.

(a) A tolerance of zero is established for residues of estradiol benzoate in the uncooked edible tissues and byproducts of heifers, lambs, and steers.

(b) The method of examination prescribed for the quantitative determination of estradiol benzoate is as follows: Incorporate the finely ground tissues in the diet of immature mice, and assay by the mouse uterine weight method of E. J. Umberger, G. H. Gass, and J. M. Curtis, published in Endocrinology, volume 63, page 806 (1958).

§ 121.1129 Testosterone propionate.

(a) A tolerance of zero is established for residues of testosterone propionate in the uncooked edible tissues and byproducts of heifers.

(b) The method of examination prescribed for the quantitative determination of testosterone propionate is as follows: Prepare an extract of the tissues as described in § 121.1127(b) (1) and (2), and bioassay the extractive in an ethyl alcohol vehicle by inunction on the day-old chick's comb by the method published in Methods in Hormone Research, New York, Academic Press, volume II, page 286 (1962).

§ 121.1130 Fumaric acid and salts of fumaric acid.

Fumaric acid and its calcium, ferrous, magnesium, potassium, and sodium salts may be safely used in food in accordance with the following prescribed conditions:

(a) The additives meet the following specifications:

(1) Fumaric acid contains a minimum of 99.5 percent by weight of fumaric acid, calculated on the anhydrous basis.

(2) The calcium, magnesium, potassium, and sodium salts contain a minimum of 99 percent by weight of the respective salt, calculated on the anhydrous basis. Ferrous fumarate contains a minimum of 31.3 percent total iron and not more than 2 percent ferric iron.

(b) With the exception of ferrous fumarate, fumaric acid and the named salts are used singly or in combination in food at a level not in excess of the amount reasonably required to accomplish the intended effect.

(c) Ferrous fumarate is used as a source of iron in foods for special dietary use, when the use is consistent with good nutrition practice.

§ 121.1131 Chlorobutanol.

A tolerance of zero is established for residues of chlorobutanol in milk from dairy animals.

§ 121.1132 Potassium nitrate.

The food additive potassium nitrate may be safely used as a curing agent in the processing of cod roe, in an amount not to exceed 200 parts per million of the finished roe.

§ 121.1133 Fumigants for grain-mill machinery.

Fumigants may be safely used in or on grain-mill machinery in accordance with the following prescribed conditions:

(a) The fumigants consist of one or more of the following: Carbon disulfide, carbon tetrachloride, ethylene dibromide, ethylene dichloride, methyl bromide.

(b) To assure safe use of the fumigant, its label and labeling shall conform to the label and labeling registered by the United States Department of Agriculture.

(c) Residues of inorganic bromide (calculated as Br) from all fumigation sources shall not exceed 50 parts per million in the milled fractions derived from cereal grain.

§ 121.1134 Pteroylglutamic acid.

Pteroylglutamic acid, a form of folic acid, may be safely used for its vitamin property in foods for special dietary use, provided the directions for use are such that, when followed, daily ingestion will not exceed 0.1 milligram of the additive.

§ 121.1135 Calcium silicate.

Calcium silicate, including synthetic calcium silicate, may be safely used in food in accordance with the following prescribed conditions:

(a) It is used as an anticaking agent in food in an amount not in excess of that reasonably required to produce its intended effect, and subject to the following limitations:

(1) It is not to be used in infant foods and foods for special dietary use, except when present as an anticaking agent at a level not to exceed 2 percent in salt and salt substitutes used as components of these foods.

(2) It will not exceed 2 percent by weight of the food, except that it may be present up to 5 percent by weight of baking powder.

§ 121.1136 Methacrylic acid-divinylbenzene copolymer.

Methacrylic acid-divinylbenzene copolymer may be safely used in food in accordance with the following prescribed conditions:

(a) The additive is produced by the polymerization of methacrylic acid and divinylbenzene. The divinylbenzene functions as a cross-linking agent and constitutes a minimum of 5 percent of the polymer.

(b) Aqueous extractives from the additive do not exceed 0.2 percent (dry basis) after 24 hours at 25° C.

(c) The additive is used as a carrier of vitamin B_{12} in foods for special dietary use.

§ 121.1137 Dioctyl sodium sulfosuccinate.

Dioctyl sodium sulfosuccinate which meets the specifications of The National Formulary may be safely used:

(a) As a wetting agent in fumaric acid-acidulated dry beverage base and in fumaric acid-acidulated fruit juice drinks, when standards of identity do not preclude such use, and when the labeling of the dry beverage base bears adequate directions for use and the additive is used in such an amount that the finished beverage or fruit juice drink will contain not in excess of 10 parts per million of the additive.

(b) As a processing aid in the manufacture of unrefined sugar from sugar juices, sirups, and massecuite derived from sugarcane and sugar beets when used in an amount not in excess of 0.5 part per million of the additive per percentage point of sucrose in the juice, sirup, or massecuite being processed.

(c) As a solubilizing agent on gums and hydrophilic colloids to be used in food as stabilizing and thickening agents, when standards of identity do not preclude such use. The additive is used in an amount not to exceed 0.5 percent by weight of the gums or hydrophilic colloids.

§ 121.1138 Arsenic.

Tolerances for total residues of combined arsenic (calculated as As) in chicken and turkey tissues and byproducts are established as follows:

0.5 part per million in muscle meat.
1 part per million in edible byproducts.
0.5 part per million in eggs.

§ 121.1139 Polyvinylpyrrolidone.

The food additive polyvinylpyrrolidone may be safely used in accordance with the following prescribed conditions:

(a) The additive is a polymer of purified vinylpyrrolidone catalytically produced, having an average molecular weight of 40,000 and a maximum unsaturation of 1 percent, calculated as the monomer, except that the polyvinylpyrrolidone used in beer is that having an average molecular weight of 360,000 and a maximum unsaturation of 1 percent, calculated as the monomer.

(b) The additive is used or intended for use in foods as follows:

Food	*Limitations*
Beer	As a clarifying agent, at a residual level not to exceed 10 parts per million.
Flavor concentrates in tablet form	As a tableting adjuvant in an amount not to exceed good manufacturing practice.
Nonnutritive sweeteners in concentrated liquid form.	As a stabilizer, bodying agent, and dispersant, in an amount not to exceed good manufacturing practice.
Nonnutritive sweeteners in tablet form.	As a tableting adjuvant in an amount not to exceed good manufacturing practice.
Vitamin and mineral concentrates in liquid form.	As a stabilizer, bodying agent, and dispersant, in an amount not to exceed good manufacturing practice.
Vitamin and mineral concentrates in tablet form.	As a tableting adjuvant in an amount not to exceed good manufacturing practice.
Vinegar	As a clarifying agent, at a residual level not to exceed 40 parts per million.

§ 121.1140 Salicylic acid.

A tolerance of zero is established for residues of salicylic acid in milk from dairy animals.

§ 121.1141 Aluminum nicotinate.

Aluminum nicotinate may be safely used as a source of niacin in foods for special dietary use. A statement of the concentration of the additive, expressed as niacin, shall appear on the label of the food additive container or on that of any intermediate premix prepared therefrom.

§ 121.1142 Cobaltous salts.

Cobaltous salts may be safely used in food in accordance with the following prescribed conditions:

(a) The food additive shall consist of one of the following: Cobaltous sulfate, cobaltous chloride, or cobaltous acetate.

(b) The salt is used to provide cobalt in an amount not to exceed 1.5 parts per million (calculated as cobalt) in fermented malt beverages.

(c) The food additive is used or intended for use in fermented malt beverages to improve foam stability and to prevent gushing.

(d) To assure safe use of the additive, in addition to the other information required by the act:

(1) The label of the additive and any intermediate mix shall bear:

(i) The name of the additive.

(ii) A statement of the concentration of the additive in any intermediate mix.

(2) The label or labeling of the additive shall bear adequate directions, to provide a final food that complies with the limitations prescribed in paragraph (b) of this section.

§ 121.1143 Erythromycin.

A tolerance of zero is established for residues of erythromycin in the uncooked edible tissues and byproducts of chickens.

§ 121.1144 [Reserved]

§ 121.1145 Furazolidone.

A tolerance of zero is established for residues of furazolidone in the edible portions of swine after slaughter.

§ 121.1146 White mineral oil.

White mineral oil may be safely used in food in accordance with the following conditions:

(a) White mineral oil is a mixture of liquid hydrocarbons, essentially paraffinic and naphthenic in nature obtained from petroleum. It is refined to meet the following specifications:

(1) It meets the test requirements of U.S.P. XVII for readily carbonizable substances (page 518).

(2) It meets the test requirements of U.S.P. XVII for sulfur compounds (page 518).

(3) It meets the specifications prescribed in the Journal of the Association of Official Agricultural Chemists, Volume 45, page 66 (1962) after correction of the ultraviolet absorbance for any absorbance due to added antioxidants.

(b) White mineral oil may contain any antioxidant permitted in food by regulations issued in accordance with section 409 of the act, in an amount not greater that that required to produce its intended effect.

(c) White mineral oil is used or intended for use as follows:

Use	Limitation (inclusive of all petroleum hydrocarbons that may be used in combination with white mineral oil)
1. As a release agent, binder, and lubricant in or on capsules and tablets containing concentrates of flavoring, spices, condiments, and nutrients intended for addition to food, excluding confectionery.	Not to exceed 0.6% of the capsule or tablet.
2. As a release agent, binder, and lubricant in or on capsules and tablets containing foods for special dietary use.	Do.
3. As a float on fermentation fluids in the manufacture of vinegar and wine to prevent or retard access of air, evaporation, and wild yeast contamination during fermentation.	In an amount not to exceed good manufacturing practice.
4. As a defoamer in food	In accordance with § 121.1099.
5. In bakery products, as a release agent and lubricant	Not to exceed 0.15% of bakery products.
6. In dehydrated fruits and vegetables, as a release agent.	Not to exceed 0.02% of dehydrated fruits and vegetables.
7. In egg white solids, as a release agent	Not to exceed 0.1% of egg white solids.
8. On raw fruits and vegetables, as a protective coating	In an amount not to exceed good manufacturing practice.
9. In frozen meat, as a component of a hot-melt coating	Not to exceed 0.035% of meat.
10. As a protective float on brine used in the curing of pickles	In an amount not to exceed good manufacturing practice.

§ 121.1147 Prednisolone.

A tolerance of zero is established for residues of prednisolone in milk from dairy animals.

§ 121.1148 Ion-exchange resins.

Ion-exchange resins may be safely used in the treatment of food under the following prescribed conditions:

(a) The ion-exchange resins are prepared in appropriate physical form, and consist of one or more of the following:

(1) Sulfonated copolymer of styrene and divinylbenzene.

(2) Sulfonated anthracite coal meeting the requirements of ASTM-D388-38, Class I, Group 2.

(3) Sulfite-modified cross-linked phenol-formaldehyde, with modification resulting in sulfonic acid groups on side chains.

(4) Methacrylic acid-divinylbenzene copolymer.

(5) Cross-linked polystyrene, first chloromethylated then aminated with trimethylamine, dimethylamine, diethylenetriamine, or dimethylethanolamine.

(6) Diethylenetriamine, triethylenetetramine, or tetraethylenepentamine cross-linked with epichlorohydrin.

(7) Cross-linked phenol-formaldehyde activated with one or both of the following: Triethylene tetramine and tetraethylenepentamine.

(8) Reaction resin of formaldehyde, acetone, and tetraethylenepentamine.

(9) Completely hydrolyzed copolymers of methyl acrylate and divinylbenzene.

(10) Completely hydrolyzed terpolymers of methyl acrylate, divinylbenzene, and acrylonitrile.

(11) Sulfonated terpolymers of styrene, divinylbenzene, and acrylonitrile or methyl acrylate.

(12) Methyl acrylate-divinylbenzene copolymer containing not less than 2 percent by weight of divinylbenzene, aminolyzed with dimethylaminopropylamine.

(b) Ion-exchange resins are used in the purification of foods, including potable water, to remove undesirable ions or to replace less desirable ions with one or more of the following: Bicarbonate, calcium, carbonate, chloride, hydrogen, hydroxyl, magnesium, potassium, sodium, and sulfate, except that the ion-exchange resin identified in paragraph (a)(12) of this section is used only to treat water for use in the manufacture of distilled alcoholic beverages, subject to the following conditions:

(1) The water is subjected to treatment through a mixed bed consisting of the resin identified in paragraph (a)(12) of this section and one of the strongly acidic cation-exchange resins in the hydrogen form identified in paragraph (a)(1), (2), and (11) of this section; or

(2) The water is first subjected to the resin identified in paragraph (a)(12) of this section and is subsequently subjected to treatment through a bed of activated carbon or one of the strongly acidic cation-exchange resins in the hydrogen form identified in paragraph (a)(1), (2), and (11) of this section.

(3) The temperature of the water passing through the resin beds identified in subparagraphs (1) and (2) of this paragraph is maintained at 30° C. or less, and the flow rate of the water passing through the beds is not less than 2 gallons per cubic foot per minute.

(4) The ion-exchange resin identified in paragraph (a)(12) of this section is exempted from the requirements of paragraph (c)(4) of this section, but the strongly acidic cation-exchange resins referred to in subparagraphs (1) and (2) of this paragraph, used in the process meet the requirements of paragraph (c)(4) of this section, except for the exemption described in paragraph (d) of this section.

(c) To insure safe use of ion-exchange resins, each ion-exchange resin will be:

(1) Subjected to pre-use treatment by the manufacturer to guarantee a food-grade purity of ion-exchange resins, in accordance with good manufacturing practice.

(2) Accompanied by label or labeling to include directions for use consistent with the intended functional purpose of the resin.

(3) Used in compliance with the label or labeling required by subparagraph (2) of this paragraph.

(4) Found to result in no more than 1 part per million of organic extractives obtained with each of the named solvents, distilled water, 15 percent alcohol, and 5 percent acetic acid when, having been washed and otherwise treated in accordance with the manufacturer's directions for preparing them for use with food, the ion-exchange resin is subjected to the following test: Using a separate ion-exchange column for each solvent, prepare columns using 50 milliliters of the ready to use ion-exchange resin that is to be tested. While maintaining the highest temperature that will be encountered in use pass through these beds at the rate of 350–450 milliliters per hour the three test solvents distilled water, 15 percent (by volume) ethyl alcohol, and 5 percent (by weight) acetic acid. The first liter of effluent from each solvent is discarded, then the next 2 liters are used to determine organic extractives. The 2-liter sample is carefully evaporated to constant weight at 105° C.; this is total extractives. This residue is fired in a muffle furnace at 850° C. to constant weight; this is ash. Total extractives minus ash equals the organic extractives. If the organic extractives are greater than 1 part per million of the solvent used, a blank should be run on the solvent and a correction should be made by subtracting the total extractives obtained with the blank from the total extractives obtained in the resin test. The solvents used are to be made as follows:

Distilled water (de-ionized water is distilled).
15 percent ethyl alcohol made by mixing 15 volumes of absolute ethyl alcohol A.C.S. reagent grade, with 85 volumes of distilled de-ionized water.
5 percent acetic acid made by mixing 5 parts by weight of A.C.S. reagent grade glacial acetic acid with 95 parts by weight of distilled de-ionized water.

(d) The ion-exchange resins identified in paragraph (a)(1), (2), and (11) of this section are exempted from the acetic-acid extraction requirement of paragraph (c)(4) of this section.

§ 121.1149 Kelp.

Kelp may be safely used as a source of iodine in a food for special dietary use when the total amount of iodine provided for daily intake of the article does not exceed 0.15 milligram. The food additive kelp is the dehydrated, ground product prepared from *Macrocystis pyrifera, Laminaria digitata, Laminaria saccharina,* and *Laminaria cloustoni.*

§ 121.1150 Estradiol monopalmitate.

(a) A tolerance of zero is established for residues of estradiol monopalmitate in the uncooked edible tissues and by-products of chickens.

(b) The method of examination prescribed for the quantitative determination of estradiol monopalmitate is as follows: Incorporate finely ground tissues of the treated chickens in the diet of immature mice and assay by the mouse uterine-weight method of E. J. Umberger, J. H. Gass, and J. M. Curtis published in Endocrinology, volume 63, page 806 (1958).

§ 121.1151 Methyl glucoside-coconut oil ester.

Methyl glucoside-coconut oil ester may be safely used in food in accordance with the following conditions:

(a) It is the methyl glucoside-coconut oil ester having the following specifications:

Acid number	10–20.
Hydroxyl number	200–300.
pH (5% aqueous)	4.8–5.0.
Saponification number	178–190.

(b) It is used as an aid in crystallization of sucrose and dextrose at a level not to exceed the minimum quantity required to produce its intended effect.

§ 121.1152 Fumigants for processed grains used in production of fermented malt beverages.

Fumigants for processed grain may be safely used, in accordance with the following conditions.

(a) They consist of carbon tetrachloride with either carbon disulfide or ethylene dichloride, with or without pentane.

(b) They are used to fumigate corn grits and cracked rice used in the production of fermented malt beverages.

(c) To assure safe use of the fumigant, its label and labeling shall conform to the label and labeling registered by the United States Department of Agriculture, and the usage employed should conform with such label or labeling.

§ 121.1153 Thiabendazole.

A tolerance of zero is established for residues of thiabendazole in milk and in the uncooked edible tissues and by-products of cattle.

§ 121.1154 Synthetic isoparaffinic petroleum hydrocarbons.

Synthetic isoparaffinic petroleum hydrocarbons may be safely used in food, in accordance with the following conditions;

(a) They are produced by synthesis from petroleum gases and consist of a mixture of liquid hydrocarbons meeting the following specifications:

Boiling point 200°–500° F., as determined by A.S.T.M. Method D–86.
Ultraviolet absorbance:
260–319 millimicrons—1.5 maximum.
320–329 millimicrons—0.08 maximum.
330–350 millimicrons—0.05 maximum.
Nonvolatile residue: 0.002 gram per 100 milliliters maximum.

Synthetic isoparaffinic petroleum hydrocarbons containing antioxidants shall meet the specified ultraviolet absorbance limits after correction for any absorbance due to the antioxidants. The ultraviolet absorbance shall be determined by the procedure described for application to mineral oil under "Specifications" on page 66 of the Journal of the Association of Official Agricultural Chemists, Vol. 45 (February 1962), disregarding the last sentence of that procedure. For hydrocarbons boiling below 250° F., the nonvolatile residue shall be determined by A.S.T.M. procedure D–1353; for those boiling above 250° F., A.S.T.M. procedure D–381 shall be used.

(b) Isoparaffinic petroleum hydrocarbons may contain antioxidants authorized for use in food in an amount not to exceed that reasonably required to accomplish the intended technical effect nor to exceed any prescribed limitations.

(c) Synthetic isoparaffinic petroleum hydrocarbons are used or intended for use as follows:

Uses	Limitations
1. In the froth-flotation cleaning of vegetables.	In an amount not to exceed good manufacturing practice.
2. As a component of insecticide formulations for use on processed foods.	Do.
3. As a component of coatings on fruits and vegetables.	Do.
4. As a coating on shell eggs.	Do.
5. As a float on fermentation fluids in the manufacture of vinegar and wine and on brine used in curing pickles, to prevent or retard access of air, evaporation, and contamination with wild organisms during fermentation.	Do.

§ 121.1155 Chemicals used for the control of micro-organisms in cane-sugar mills.

The food additives disodium cyanodithioimidocarbonate, ethylenediamine, and potassium *N*-methyldithiocarbamate may be safely used in combination in accordance with the following conditions:

(a) They are used in the control of micro-organisms in cane-sugar mills.

(b) They are applied, in combination, to the cane-sugar mill grinding system in quantities expressed in terms of weight of cane, as follows:

Disodium cyanodithioimidocarbonate	2.5 parts per million.
Ethylenediamine	1.0 part per million.
Potassium *N*-methyldithiocarbamate	3.5 parts per million.

(c) To assure safe use of the additives, their label and labeling shall conform to that registered with the United States Department of Agriculture.

§ 121.1156 Petroleum wax.

Petroleum wax may be safely used in or on food, in accordance with the following conditions:

(a) Petroleum wax is a mixture of solid hydrocarbons, paraffinic in nature, derived from petroleum, and refined to meet the specifications prescribed by this section.

(b) Petroleum wax meets the following ultraviolet absorbance limits when subjected to the analytical procedure described in this paragraph.

Ultraviolet absorbance per centimeter path length	
280–289 millimicrons	0.15 maximum
290–299 millimicrons	0.12 maximum
300–359 millimicrons	0.08 maximum
360–400 millimicrons	0.02 maximum

ANALYTICAL SPECIFICATION FOR PETROLEUM WAX

General Instructions

Because of the sensitivity of the test, the possibility of errors arising from contamination is great. It is of the greatest importance that all glassware be scrupulously cleaned to remove all organic matter such as oil, grease, detergent residues, etc. Examine all glassware, including stoppers and stopcocks, under ultraviolet light to detect any residual fluorescent contamination. As a precautionary measure it is recommended practice to rinse all glassware with purified isooctane immediately before use. No grease is to be used on stopcocks or joints. Great care to avoid contamination of wax samples in handling and to assure absence of any extraneous material arising from inadequate packaging is essential. Because some of the polynuclear hydrocarbons sought in this test are very susceptible to photo-oxidation, the entire procedure is to be carried out under subdued light.

Apparatus

Separatory funnels. 250-milliliter, 500-milliliter, 1,000-milliliter, and preferably 2,000-milliliter capacity, equipped with tetrafluoroethylene polymer stopcocks.

Reservoir. 500-milliliter capacity, equipped with a 24/40 standard taper male fitting at the bottom and a suitable ball-joint at the top for connecting to the nitrogen supply. The male fitting should be equipped with glass hooks.

Chromatographic tube. 180 millimeters in length, inside diameter to be 15.7 millimeters ±0.1 millimeter, equipped with a coarse, fritted-glass disc, a tetrafluoroethylene polymer stopcock, and a female 24/40 standard tapered fitting at the opposite end. (Over-all length of the column with the female joint is 235 millimeters.) The female fitting should be equipped with glass hooks.

Disc. Tetrafluorethylene polymer 2-inch diameter disc approximately 3/16-inch thick with a hole bored in the center to closely fit the stem of the chromatographic tube.

Heating jacket. Conical, for 500-milliliter separatory funnel. (Used with variable transformer heat control.)

Suction flask. 250-milliliter or 500-milliliter filter flask.

Condenser. 24/40 joints, fitted with a drying tube, length optional.

Evaporation flask (optional). 250-milliliter or 500-milliliter capacity all-glass flask

equipped with standard taper stopper having inlet and outlet tubes to permit passage of nitrogen across the surface of contained liquid to be evaporated.

Vacuum distillation assembly. All glass (for purification of dimethyl sulfoxide): 2-liter distillation flask with heating mantle; Vigreaux vacuum-jacketed condenser (or equivalent) about 45 centimeters in length and distilling head with separable cold finger condenser. Use of tetrafluoroethylene polymer sleeves on the glass joints will prevent freezing. Do not use grease on stopcocks or joints.

Spectrophotometric cells. Fused quartz cells, optical path length in the range of 5.000 centimeters ±0.005 centimeter; also for checking spectrophotometer performance only, optical path length in the range 1.000 centimeter ±0.005 centimeter. With distilled water in the cells, determine any absorbance differences.

Spectrophotometer. Spectral range 250 millimicrons–400 millimicrons with spectral slit width of 2 millimicrons or less; under instrument operating conditions for these absorbance measurements, the spectrophotometer shall also meet the following performance requirements:

Absorbance repeatability, ±0.01 at 0.4 absorbance.

Absorbance accuracy,[1] ±0.05 at 0.4 absorbance.

Wavelength repeatability, ±0.2 millimicron.

Wavelength accuracy, ±1.0 millimicron.

Nitrogen cylinder. Water-pumped or equivalent purity nitrogen in cylinder equipped with regulator and valve to control flow at 5 p.s.i.g.

Reagents and Materials

Organic solvents. All solvents used throughout the procedure shall meet the specifications and tests described in this specification. The isooctane, benzene, acetone, and methyl alcohol designated in the list following this paragraph shall pass the following test:

To the specified quantity of solvent in a 250-milliliter Erlenmeyer flask, add 1 milliliter of purified *n*-hexadecane and evaporate on the steam bath under a stream of nitrogen (a loose aluminum foil jacket around the flask will speed evaporation). Discontinue evaporation when not over 1 milliliter of residue remains. (To the residue from benzene add a 10-milliliter portion of purified isooctane, reevaporate, and repeat once to insure complete removal of benzene.)

Alternatively, the evaporation time can be reduced by using the optional evaporation flask. In this case the solvent and *n*-hexadecane are placed in the flask on the steam bath, the tube assembly is inserted, and a stream of nitrogen is fed through the inlet tube while the outlet tube is connected to a solvent trap and vacuum line in such a way as to prevent any flow-back of condensate into the flask.

Dissolve the 1 milliliter of hexadecane residue in isooctane and make to 25 milliliters volume. Determine the absorbance in the 5-centimeter path length cells compared to isooctane as reference. The absorbance of the solution of the solvent residue (except for methyl alcohol) shall not exceed 0.01 per centimeter path length between 280 and 400 mμ. For methyl alcohol this absorbance value shall be 0.00.

[1] As determined by procedure using potassium chromate for reference standard and described in National Bureau of Standards Circular 484, Spectrophotometry, U.S. Department of Commerce, 1949. The accuracy is to be determined by comparison with the standard values at 290, 345, and 400 millimicrons.

Isooctane (2,2,4-trimethylpentane). Use 180 milliliters for the test described in the preceding paragraph. Purify, if necessary, by passage through a column of activated silica gel (Grade 12, Davison Chemical Company, Baltimore, Maryland, or equivalent) about 90 centimeters in length and 5 centimeters to 8 centimeters in diameter.

Benzene, A.C.S. reagent grade. Use 150 milliliters for the test. Purify, if necessary, by distillation or otherwise.

Acetone, A.C.S. reagent grade. Use 200 milliliters for the test. Purify, if necessary, by distillation.

Eluting mixtures:

1. *10 percent benzene in isooctane.* Pipet 50 milliliters of benzene into a 500-milliliter glass-stoppered volumetric flask and adjust to volume with isooctane, with mixing.

2. *20 percent benzene in isooctane.* Pipet 50 milliliters of benzene into a 250-milliliter glass-stoppered volumetric flask, and adjust to volume with isooctane, with mixing.

3. *Acetone-benzene-water mixture.* Add 20 milliliters of water to 380 milliliters of acetone and 200 milliliters of benzene, and mix.

n-Hexadecane, 99 percent olefin-free. Dilute 1.0 milliliter of *n*-hexadecane to 25 milliliters with isooctane and determine the absorbance in a 5-centimeter cell compared to isooctane as reference point between 280 mμ–400 mμ. The absorbance per centimeter path length shall not exceed 0.00 in this range. Purify, if necessary, by percolation through activated silica gel or by distillation.

Methyl alcohol, A.C.S. reagent grade. Use 10.0 milliliters of methyl alcohol. Purify, if necessary, by distillation.

Dimethyl sulfoxide. Pure grade, clear, water-white, m.p. 18° minimum. Dilute 120 milliliters of dimethyl sulfoxide with 240 milliliters of distilled water in a 500-milliliter separatory funnel, mix and allow to cool for 5–10 minutes. Add 40 milliliters of isooctane to the solution and extract by shaking the funnel vigorously for 2 minutes. Draw off the lower aqueous layer into a second 500-milliliter separatory funnel and repeat the extraction with 40 milliliters of isooctane. Draw off and discard the aqueous layer. Wash each of the 40-milliliter extractives three times with 50-milliliter portions of distilled water. Shaking time for each wash is 1 minute. Discard the aqueous layers. Filter the first extractive through anhydrous sodium sulfate prewashed with isooctane (see *Sodium sulfate* under "Reagents and materials" for preparation of filter), into a 250-milliliter Erlenmeyer flask, or optionally into the evaporating flask. Wash the first separatory funnel with the second 40-milliliter isooctane extractive, and pass through the sodium sulfate into the flask. Then wash the second and first separatory funnels successively with a 10-milliliter portion of isooctane, and pass the solvent through the sodium sulfate into the flask. Add 1 milliliter of *n*-hexadecane and evaporate the isooctane on the steam bath under nitrogen. Discontinue evaporation when not over 1 milliliter of residue remains. To the residue, add a 10-milliliter portion of isooctane and reevaporate to 1 milliliter of hexadecane. Again, add 10 milliliters of isooctane to the residue and evaporate to 1 milliliter of hexadecane to insure complete removal of all volatile materials. Dissolve the 1 milliliter of hexadecane in isooctane and make to 25-milliliter volume. Determine the absorbance in 5-centimeter path length cells compared to isooctane as reference. The absorbance of the solution should not exceed 0.02 per centimeter path length in the 280 mμ–400 mμ range. (Note: Difficulty in meeting this absorbance specification may be due to organic impurities in the distilled water. Repetition of the test omitting the dimethyl sulfoxide will disclose their presence. If necessary to meet the specification, purify the water by redistillation, passage through an ion-exchange resin, or otherwise.)

Purify, if necessary, by the following procedure: To 1,500 milliliters of dimethyl sulfoxide in a 2-liter glass-stoppered flask, add 6.0 milliliters of phosphoric acid and 50 grams of Norit A (decolorizing carbon, alkaline) or equivalent. Stopper the flask, and with the use of a magnetic stirrer (tetrafluoroethylene polymer coated bar) stir the solvent for 15 minutes. Filter the dimethyl sulfoxide through four thicknesses of fluted paper (18.5 centimeters, Schleicher & Schuell, No. 597, or equivalent). If the initial filtrate contains carbon fines, refilter through the same filter until a clear filtrate is obtained. Protect the sulfoxide from air and moisture during this operation by covering the solvent in the funnel and collection flask with a layer of isooctane. Transfer the filtrate to a 2-liter separatory funnel and draw off the dimethyl sulfoxide into the 2-liter distillation flask of the vacuum distillation assembly and distill at approximately 3-millimeter Hg pressure or less. Discard the first 200-milliliter fraction of the distillate and replace the distillate collection flask with a clean one. Continue the distillation until approximately 1 liter of the sulfoxide has been collected.

At completion of the distillation, the reagent should be stored in glass-stoppered bottles since it is very hygroscopic and will react with some metal containers in the presence of air.

Phosphoric acid. 85 percent A.C.S. reagent grade.

Sodium borohydride. 98 percent.

Magnesium oxide (Sea Sorb 43, Food Machinery Company, Westvaco Division, distributed by chemical supply firms, or equivalent). Place 100 grams of the magnesium oxide in a large beaker, add 700 milliliters of distilled water to make a thin slurry, and heat on a steam bath for 30 minutes with intermittent stirring. Stir well initially to insure that all the adsorbent is completely wetted. Using a Buchner funnel and a filter paper (Schleicher & Schuell No. 597, or equivalent) of suitable diameter, filter with suction. Continue suction until water no longer drips from the funnel. Transfer the adsorbent to a glass trough lined with aluminum foil (free from rolling oil). Break up the magnesia with a clean spatula and spread out the adsorbent on the aluminum foil in a layer about 1 centimeter to 2 centimeters thick. Dry for 24 hours at 160° C. ±1° C. Pulverize the magnesia with mortar and pestle. Sieve the pulverized adsorbent between 60–180 mesh. Use the magnesia retained on the 180-mesh sieve.

Celite 545. Johns-Manville Company, diatomaceous earth, or equivalent.

Magnesium oxide-Celite 545 mixture (2+1) by weight. Place the magnesium oxide (60–180 mesh) and the Celite 545 in 2 to 1 proportions, respectively, by weight in a glass-stoppered flask large enough for adequate mixing. Shake vigorously for 10 minutes. Transfer the mixture to a glass trough lined with aluminum foil (free from rolling oil) and spread it out on a layer about 1 centimeter to 2 centimeters thick. Reheat the mixture at 160° C. ±1° C. for 2 hours, and store in a tightly closed flask.

Sodium sulfate, anhydrous, A.C.S. reagent grade, preferably in granular form. For each bottle of sodium sulfate reagent used, establish as follows the necessary sodium sulfate prewash to provide such filters required in the method: Place approximately 35 grams of anhydrous sodium sulfate in a 30-milliliter coarse, fritted-glass funnel or in a 65-millimeter filter funnel with glass wool plug; wash with successive 15-milliliter portions of the indicated solvent until a 15-milliliter portion of the wash shows 0.00 absorbance per centimeter path length between 280 mμ and 400 mμ when tested as prescribed under "Organic solvents." Usually three portions of wash solvent are sufficient.

Before proceeding with analysis of a sample, determine the absorbance in a 5-centimeter path cell between 250 mμ and 400 mμ for the reagent blank by carrying out the procedure, without a wax sample, at room temperature, recording the spectra after the extraction stage and after the complete procedure as prescribed. The absorbance per centimeter path length following the extraction stage should not exceed 0.040 in the wavelength range from 280 mμ to 400 mμ; the absorbance per centimeter path length follow the complete procedure should not exceed 0.070 in the wavelength range from 280 mμ to 299 mμ, inclusive, nor 0.045 in the wavelengtb range from 300 mμ to 400 mμ. If in either spectrum the characteristic benzene peaks in the 250 mμ–260 mμ region are present, remove the benzene by the procedure under "Organic solvents" and record absorbance again.

Place 300 milliliters of dimethyl sulfoxide in a 1-liter separatory funnel and add 75 milliliters of phosphoric acid. Mix the contents of the funnel and allow to stand for 10 minutes. (The reaction between the sulfoxide and the acid is exothermic. Release pressure after mixing, then keep funnel stoppered.) Add 150 milliliters of isooctane and shake to preequilibrate the solvents. Draw off the individual layers and store in glass-stoppered flasks.

Place a representative 1-kilogram sample of wax, or if this amount is not available, the entire sample, in a beaker of a capacity about three times the volume of the sample and heat with occasional stirring on a steam bath until the wax is completely melted and homogeneous. Weigh four 25-gram ±0.2 gram portions of the melted wax in separate 100-milliliter beakers. Reserve three of the portions for later replicate analyses as necessary. Pour one weighed portion immediately after remelting (on the steam bath) into a 500-milliliter separatory funnel containing 100 milliliters of the preequilibrated sulfoxide-phosphoric acid mixture that has been heated in the heating jacket at a temperature just high enough to keep the wax melted. (Note: In preheating the sulfoxide-acid mixture, remove the stopper of the separatory funnel at intervals to release the pressure.)

Promptly complete the transfer of the sample to the funnel in the jacket with portions of the preequilibrated isooctane, warming the beaker, if necessary, and using a total volume of just 50 milliliters of the solvent. If the wax comes out of solution during these operations, let the stoppered funnel remain in the jacket until the wax redissolves. (Remove stopper from the funnel at intervals to release pressure.) When the wax is in solution, remove the funnel from the jacket and shake it vigorously for 2 minutes. Set up three 250-milliliter separatory funnels with each containing 30 milliliters of preequilibrated isooctane. After separation of the liquid phases, allow to cool until the main portion of the wax-isooctane solution begins to show a precipitate. Gently swirl the funnel when precipitation first occurs on the inside surface of the funnel to accelerate this process. Carefully draw off the lower layer, filter it slowly through a thin layer of glass wool fitted loosely in a filter funnel into the first 250-milliliters separatory funnel, and wash in tandem with the 30-milliliter portions of isooctane contained in the 250-milliliter separatory funnels. Shaking time for each wash is 1 minute. Repeat the extraction operation with two additional portions of the sulfoxide-acid mixture, replacing the funnel in the jacket after each extraction to keep the wax in solution and washing each extractive in tandem through the same three portions of isooctane.

Collect the successive extractives (300 milliliters total) in a separatory funnel (preferably 2-liter), containing 480 milliliters of distilled water, mix, and allow to cool for a few minutes after the last extractive has been added. Add 80 milliliters of isooctane to the solution and extract by shaking the funnel vigorously for 2 minutes. Draw off the lower aqueous layer into a second separatory funnel (preferably 2-liter) and repeat the extraction with 80 milliliters of isooctane. Draw off and discard the aqueous layer. Wash each of the 80-milliliter extractives three times with 100-milliliter portions of distilled water. Shaking time for each wash is 1 minute. Discard the aqueous layers. Filter the first extractive through anhydrous sodium sulfate prewashed with isooctane (see *Sodium Sulfate* under "Reagents and Materials" for preparation of filter) into a 250-milliliter Erlenmeyer flask (or optionally into the evaporation flask). Wash the first separatory funnel with the second 80-milliliter isooctane extractive and pass through the sodium sulfate. Then wash the second and first separatory funnels successively with a 20-milliliter portion of isooctane and pass the solvent through the sodium sulfate into the flask. Add 1 milliliter of *n*-hexadecane and evaporate the isooctane on the steam bath under nitrogen. Discontinue evaporation when not over 1 milliliter of residue remains. To the residue, add a 10-milliliter portion of isooctane, reevaporate to 1 milliliter of hexadecane, and repeat this operation once.

Quantitatively transfer the residue with isooctane to a 25-milliliter volumetric flask, make to volume, and mix. Determine the absorbance of the solution in the 5-centimeter path length cells compared to isooctane as reference between 280 mμ–400 mμ (take care to lose none of the solution in filling the sample cell). Correct the absorbance values for any absorbance derived from reagents as determined by carrying out the procedure without a wax sample. If the corrected absorbance does not exceed the limits prescribed in this paragraph (b), the wax meets the ultraviolet absorbance specifications. If the corrected absorbance per centimeter path length exceeds the limits prescribed in this paragraph (b), proceed as follows:

Quantitatively transfer the isooctane solution to a 125-milliliter flask equipped with 24/40 joint and evaporate the isooctane on the steam bath under a stream of nitrogen to a volume of 1 milliliter of hexadecane. Add 10 milliliter of methyl alcohol and approximately 0.3 gram of sodium borohydride. (Minimize exposure of the borohydride to the atmosphere. A measuring dipper may be used.) Immediately fit a water-cooled condenser equipped with a 24/40 joint and with a drying tube into the flask, mix until the borohydride is dissolved, and allow to stand for 30 minutes at room temperature, with intermittent swirling. At the end of this period, disconnect the flask and evaporate the methyl alcohol on the steam bath under nitrogen until the sodium borohydride begins to come out of the solution. Then add 10 milliliters of isooctane and evaporate to a volume of about 2–3 milliliters. Again, add 10 milliliters of isooctane and concentrate to a volume of approximately 5 milliliters. Swirl the flask repeatedly to assure adequate washing of the sodium borohydride residues.

Fit the tetrafluoroethylene polymer disc on the upper part of the stem of the chromatographic tube, then place the tube with the disc on the suction flask and apply the vacuum (approximately 135 millimeters Hg pressure). Weight out 14 grams of the 2:1 magnesium oxide-Celite 545 mixture and pour the adsorbent mixture into the chromatographic tube in approximately 3-centimeter layers. After the addition of each layer, level off the top of the adsorbent with a flat glass rod or metal plunger by pressing down firmly until the adsorbent is well packed. Loosen the topmost few millimeters of each adsorbent layer with the end of a metal rod before the addition of the next layer. Continue packing in this manner until all the 14 grams of the adsorbent is added to the tube. Level off the top of the adsorbent by pressing down firmly with a flat glass rod or metal plunger to make the depth of the adsorbent bed approximately 12.5 centimeters in depth. Turn off the vacuum and remove the suction flask. Fit the 500-milliliter reservoir onto the top of the chromatographic column and prewet the column by passing 100 milliliters of isooctane through the column. Adjust the nitrogen pressure so that the rate of descent of the isooctane coming off of the column is between 2–3 milliliters per minute. Discontinue pressure just before the last of the isooctane reaches the level of the adsorbent. (Caution: Do not allow the liquid level to recede below the adsorbent level at any time.) Remove the reservoir and decant the 5-milliliter isooctane concentrate solution onto the column and with slight pressure again allow the liquid level to recede to barely above the adsorbent level. Rapidly complete the transfer similarly with two 5-milliliter portions of isooctane, swirling the flask repeatedly each time to assure adequate washing of the residue. Just before the final 5-milliliter wash reaches the top of the adsorbent, add 100 milliliters of isooctane to the reservoir and continue the percolation at the 2–3 milliliter per minute rate. Just before the last of the isooctane reaches the adsorbent level, add 100 milliliters of 10 percent benzene in isooctane to the reservoir and continue the percolation at the aforementioned rate. Just before the solvent mixture reaches adsorbent level, add 25 milliliters of 20 percent benzene in isooctane to the reservoir and continue the percolation at 2–3 milliliters per minute until all this solvent mixture has been removed from the column. Discard all the elution solvents collected up to this point. Add 300 milliliters of the acetone-benzene-water mixture to the reservoir and percolate through the column to elute the polynuclear compounds. Collect the eluate in a clean 1-liter separatory funnel. Allow the column to drain until most of the solvent mixture is removed. Wash the eluate three times with 300-milliliter portions of distilled water, shaking well for each wash. (The addition of small amounts of sodium chloride facilitates separation.) Discard the aqueous layer after each wash. After the final separation, filter the residual benzene through anhydrous sodium sulfate prewashed with benzene (see *Sodium sulfate* under "Reagents and Materials" for preparation of filter) into a 250-milliliter Erlenmeyer flask (or optionally into the evaporation flask). Wash the separatory funnel with two additional 20-milliliter portions of benzene which are also filtered through the sodium sulfate. Add 1 milliliter of *n*-hexadecane and completely remove the benzene by evaporation under nitrogen, using the special procedure to eliminate benzene as previously described under "Organic Solvents." Quantitatively transfer the residue with isooctane to a 25-milliliter volumetric flask and adjust to volume. Determine the absorbance of the solution in the 5-centimeter path length cells compared to isooctane as reference between 250 mμ–400 mμ. Correct for any absorbance derived from the reagents as determined by carrying out the procedure without a wax sample. If either spectrum shows the characteristic benzene peaks in the 250 mμ–260 mμ region, evaporate the solution to remove benzene by the procedure under "Organic Solvents." Dissolve the residue, transfer quantitatively, and adjust to volume in isooctane in a 25-milli-

liter volumetric flask. Record the absorbance again. If the corrected absorbance does not exceed the limits prescribed in this paragraph (b), the wax meets the ultraviolet absorbance specifications.

(c) Petroleum wax may contain any antioxidant permitted in food by regulations issued in accordance with section 409 of the act, in an amount not greater than that required to produce its intended effect.

(d) Petroleum wax is used or intended for use as follows:

Use	Limitations
In chewing gum base, as a masticatory substance.	In an amount not to exceed good manufacturing practice.
On cheese and raw fruits and vegetables as a protective coating.	Do.
As a defoamer in food.	In accordance with § 121.1099.

§ 121.1157 Prednisone.

A tolerance of zero is established for residues of prednisone in milk from dairy animals.

§ 121.1158 Methylparaben.

A tolerance of zero is established for residues of methylparaben in milk from dairy animals.

§ 121.1159 Propylparaben.

A tolerance of zero is established for residues of propylparaben in milk from dairy animals.

§ 121.1160 Hydroxypropyl cellulose.

The food additive hydroxypropyl cellulose may be safely used in food, except standardized foods that do not provide for such use, in accordance with the following prescribed conditions:

(a) The additive is a cellulose ether containing propylene glycol groups attached by an ether linkage and contains, on an anhydrous basis, not more than 4.6 hydroxypropyl groups per anhydroglucose unit. The additive has a minimum viscosity of 75 centipoises for 5 percent by weight aqueous solution at 25° C.

(b) The additive is used or intended for use as an emulsifier, film former, protective colloid, stabilizer, suspending agent, or thickener, in accordance with good manufacturing practice.

§ 121.1161 Ethylene oxide polymer.

The polymer of ethylene oxide may be safely used as a foam stabilizer in fermented malt beverages in accordance with the following conditions.

(a) It is the polymer of ethylene oxide having a minimum viscosity of 1,500 centipoises in a 1 percent aqueous solution at 25° C.

(b) It is used at a level not to exceed 300 parts per million by weight of the fermented malt beverage.

(c) The label of the additive bears directions for use to insure compliance with paragraph (b) of this section.

§ 121.1162 Calcium lactobionate.

The food additive calcium lactobionate may be safely used in food in accordance with the following prescribed conditions:

(a) The food additive is the calcium salt of lactobionic acid (4-(β, D-galactosido)-D-gluconic acid) produced by the oxidation of lactose.

(b) It is used or intended for use as a firming agent in dry pudding mixes at a level not greater than that required to accomplish the intended effect.

§ 121.1163 Natural flavoring substances and natural substances used in conjunction with flavors.

Natural flavoring substances and natural adjuvants may be safely used in food in accordance with the following conditions.

(a) They are used in the minimum quantity required to produce their intended physical or technical effect, and in accordance with all the principles of good manufacturing practice.

(b) In the appropriate forms (plant parts, fluid and solid extracts, concretes, absolutes, oils, gums, balsams, resins, oleoresins, waxes, and distillates) they consist of one or more of the following, used alone or in combination with flavoring substances and adjuvants generally recognized as safe in food, previously sanctioned for such use, or regulated in any section of this Subpart D.

Common name	Scientific name	Limitations
Althea root and flowers	*Althea officinalis* L.	
Amyris (West Indian sandalwood).	*Amyris balsamifera* L.	
Arnica flowers	*Arnica montana* L., *A. fulgens* Pursh, *A. sororia* Greene, or *A. cordifolia* Hooker.	In alcoholic beverages only.
Artemisia (wormwood)	*Artemisia* spp.	In alcoholic beverages only; not more than 10 p.p.m. thujone in the finished beverage.
Artichoke leaves	*Cynara scolymus* L.	In alcoholic beverages only.
Beeswax, white (Cire d'abeille).	*Apis mellifera* L.	
Benzoin resin	*Styrax benzoin* Dryander, *S. paralleloneurus* Perkins, *S. tonkinensis* (Pierre) Craib ex Hartwich, or other spp. of the Section *Anthostyrax* of the genus *Styrax*.	
Blackberry bark	*Rubus*, Section *Eubatus*.	
Boronia flowers	*Boronia megastigma* Nees.	
Buchu leaves	*Barosma betulina* Bartl. et Wendl., *B. crenulata* (L.) Hook., or *B. serratifolia* Willd.	
Buckbean leaves	*Menyanthes trifoliata* L.	In alcoholic beverages only.
Cajeput	*Melaleuca leucadendron* L. and other *Melaleuca* spp.	
Calumba root	*Jateorhiza palmata* (Lam.) Miers.	In alcoholic beverages only.
Camphor tree	*Cinnamomum camphora* (L.) Nees et Eberm.	Safrole free.
Cascara sagrada	*Rhamnus purshiana* DC.	
Cassie flowers	*Acacia farnesiana* (L.) Willd.	
Catechu, black	*Acacia catechu* Willd.	
Cedar, white (arbor-vitæ), leaves and twigs.	*Thuja occidentalis* L.	Not more than 10 p.p.m. thujone in the finished food.
Centaury	*Centaurium umbellatum* Gilib.	In alcoholic beverages only.
Cherry pits	*Prunus avium* L. or *P. cerasus* L.	Not to exceed 25 p.p.m. prussic acid.
Cherry-laurel leaves	*Prunus laurocerasus* L.	Not to exceed 25 p.p.m. prussic acid.
Chirata	*Swertia chirata* Buch.-Ham.	In alcoholic beverages only.
Cinchona, red, bark	*Cinchona succirubra* Pav. or its hybrids.	In beverages only; not more than 83 p.p.m. total cinchona alkaloids in finished beverage.
Cinchona, yellow, bark	*Cinchona ledgeriana* Moens, *C. calisaya* Wedd., or hybrids of these with other spp. of *Cinchona*.	In beverages only; not more than 83 p.p.m. total cinchona alkaloids in finished beverage.
Copaiba	South American spp. of *Copaifera* L.	
Costmary	*Chrysanthemum balsamita* L.	In alcoholic beverages only.
Costus root	*Saussurea lappa* Clarke.	
Cubeb	*Piper cubeba* L. f.	
Currant, black, buds and leaves.	*Ribes nigrum* L.	
Davana	*Artemisia pallens* Wall.	
Dill, Indian	*Anethum sowa* Roxb. (*Peucedanum graveolens* Benth. et Hook., *Anethum graveolens* L.).	
Dittany (fraxinella) roots	*Dictamnus albus* L.	In alcoholic beverages only.
Dittany of Crete	*Origanum dictamnus* L.	
Elder tree leaves	*Sambucus nigra* L.	In alcoholic beverages only; not to exceed 25 p.p.m. prussic acid
Elecampane rhizome and roots.	*Inula helenium* L.	In alcoholic beverages only.
Elemi	*Canarium commune* L. or *C. luzonicum* Miq.	
Erigeron	*Erigeron canadensis* L.	
Eucalyptus globulus leaves	*Eucalyptus globulus* Labill.	
Fir ("pine") needles and twigs.	*Abies sibirica* Ledeb., *A. alba* Mill., *A. sachalinensis* Masters or *A. mayriana* Miyabe et Kudo.	
Fir, balsam, needles and twigs.	*Abies balsamea* (L.) Mill.	
Galanga, greater	*Alpinia galanga* Willd.	In alcoholic beverages only.
Galbanum	*Ferula galbaniflua* Boiss. et Buhse and other *Ferula* spp.	
Gambir (catechu, pale)	*Uncaria gambir* Roxb.	
Genet flowers	*Spartium junceum* L.	
Gentian rhizome and roots	*Gentiana lutea* L.	
Gentian, stemless	*Gentiana acaulis* L.	In alcoholic beverages only.
Germander, chamaedrys	*Teucrium chamaedrys* L.	Do.
Germander, golden	*Teucrium polium* L.	Do.
Gualac	*Guaiacum officinale* L., *G. santum* L., *Bulnesia sarmienti* Lor.	
Guarana	*Paullinia cupana* HBK.	
Haw, black, bark	*Viburnum prunifolium* L.	
Hemlock needles and twigs	*Tsuga canadensis* (L.) Carr. or *T. heterophylla* (Raf.) Sarg.	
Hyacinth flowers	*Hyacinthus orientalis* L.	
Iceland moss	*Cetraria islandica* Ach.	In alcoholic beverages only.
Imperatoria	*Peucedanum ostruthium* (L.) Koch (*Imperatoria ostruthium* L.).	Do.
Iva	*Achillea moschata* Jacq.	Do.
Labdanum	*Cistus* spp.	
Lemon-verbena	*Lippia citriodora* HBK.	In alcoholic beverages only.

Common name	Scientific name	Limitations
Linaloe wood	*Bursera delpechiana* Poiss. and other *Bursera* spp.	
Linden leaves	*Tilia* spp.	In alcoholic beverages only.
Lovage	*Levisticum officinale* Koch.	
Maidenhair fern	*Adiantum capillus-veneris* L.	In alcoholic beverages only.
Maple, mountain	*Acer spicatum* Lam.	
Mimosa (black wattle) flowers	*Acacia decurrens* Willd. var. *dealbata*.	
Mullein flowers	*Verbascum phlomoides* L. or *V. thapsiforme* Schrad.	In alcoholic beverages only.
Myrrh	*Commiphora molmol* Engl., *C. abyssinica* (Lore) Engl., or other *Commiphora* spp.	
Myrtle leaves	*Myrtus communis* L.	In alcoholic beverages only.
Oak, English, wood	*Quercus robur* L.	In alcoholic beverages only.
Oak, white, chips	*Quercus alba* L.	
Oak moss	*Evernia prunastri* (L.) Ach., *E. furfuracea* (L.) Mann, and other lichens.	Not more than 10 p.p.m. thujone in the finished food.
Olibanum	*Boswellia carteri* Birdw. and other *Boswellia* spp.	
Orris root	*Iris germanica* L. (including its variety *florentina* Dykes) and *I. pallida* Lam.	
Tansy	*Viola tricolor* L.	In alcoholic beverages only.
Patchouly	*Pogostemon cablin* Benth. and *P. heyneanus* Benth.	
Peach leaves	*Prunus persica* (L.) Batsch.	In alcoholic beverages only; not to exceed 25 p.p.m. prussic acid.
Pennyroyal, American	*Hedeoma pulegioides* (L.) Pers.	
Pennyroyal, European	*Mentha pulegium* L.	In alcoholic beverages only.
Pine, dwarf, needles and twigs	*Pinus mugo* Turra var. *pumilio* (Haenke) Zenari.	
Pine, Scotch, needles and twigs	*Pinus sylvestris* L.	
Pine, white, bark	*Pinus strobus* L.	In alcoholic beverages only.
Poplar buds	*Populus balsamifera* L. (*P. tacamahacca* Mill.), *P. candicans* Ait., or *P. nigra* L.	Do.
Quassia	*Picraena excelsa* (Sw.) Planch. or *Quassia amara* L.	
Quebracho bark	*Aspidosperma quebracho-blanco* Schlecht. or *Quebrachia lorentzii* Griseb.	*Schinopsis lorentzii* (Griseb.) Engl.
Rhatany root	*Krameria triandra* Ruiz et Pav. or *K. argentea* Mart.	
Rhubarb, garden root	*Rheum rhaponticum* L.	In alcoholic beverages only.
Rhubarb root	*Rheum officinale* Baill., *R. palmatum* L., or other spp. (except the *R. rhaponticum* L.) or hybrids of *Rheum* grown in China.	
Roselle	*Hibiscus sabdariffa* L.	Do.
Sandalwood, white (yellow, or East Indian).	*Santalum album* L.	
Sarsaparilla	*Smilax aristolochiaefolia* Mill., (Mexican sarsaparilla), *S. regelii* Killip et Morton (Honduras sarsaparilla), *S. febrifuga* Kunth (Ecuadorean sarsaparilla), or undetermined *Smilax* spp. (Ecuadorean or Central American sarsaparilla).	
Sassafras leaves	*Sassafras albidum* (Nutt.) Nees.	Safrole free.
Senna, Alexandria	*Cassia acutifolia* Delile.	In alcoholic beverages only.
Serpentaria (Virginia snakeroot).	*Aristolochia serpentaria* L.	
Simaruba bark	*Simaruba amara* Aubl.	In alcoholic beverages only.
Snakeroot, Canadian (wild ginger).	*Asarum canadense* L.	
Spruce needles and twigs	*Picea glauca* (Moench) Voss or *P. mariana* (Mill.) BSP.	
Storax (styrax)	*Liquidambar orientalis* Mill. or *L. styraciflua* L.	
Tagetes (marigold)	*Tagetes patula* L., *T. erecta* L., or *T. minuta* L. (*T. glandulifera* Schrank).	As oil only.
Thistle, blessed (holy thistle).	*Cnicus benedictus* L.	In alcoholic beverages only.
Thyme, capitate (Spanish "origanum").	*Thymus capitatus* Hoffmg. et Link.	
Tolu	*Myroxylon balsamum* (L.) Harms.	
Turpentine	*Pinus palustris* Mill. and other *Pinus* spp. which yield terpene oils exclusively.	
Valerian rhizome and roots	*Valeriana officinalis* L.	In alcoholic beverages only.
Veronica	*Veronica officinalis* L.	Do.
Vervain, European	*Verbena officinalis* L.	
Vetiver	*Vetiveria zizanioides* Stapf.	In alcoholic beverages only.
Violet, Swiss	*Viola odorata* L.	Do.
Woodruff, sweet	*Asperula odorata* L.	In beverages only; not more than 10 p.p.m. thujone in the finished beverage.
Yarrow	*Achillea millefolium* L.	
Yucca, Joshua-tree	*Yucca brevifolia* Engelm.	
Yucca, Mohave	*Yucca schidigera* Roezl ex Ortgies (*Y. mohavensis* Sarg.).	

§ 121.1164 Synthetic flavoring substances and adjuvants.

Synthetic flavoring substances and adjuvants may be safely used in food in accordance with the following conditions.

(a) They are used in the minimum quantity required to produce their intended effect, and otherwise in accordance with all the principles of good manufacturing practice.

(b) They consist of one or more of the following, used alone or in combination with flavoring substances and adjuvants generally recognized as safe in food, prior-sanctioned for such use, or regulated by an appropriate section in Subpart D of the food additive regulations.

Acetal; acetaldehyde diethyl acetal.
Acetaldehyde phenethyl propyl acetal.
Acetanisole; 4'-methoxyacetophenone.
Adipic acid; 1,4-butanedicarboxylic acid.
Allyl anthranilate.
Allyl cinnamate.
Allyl cyclohexaneacetate.
Allyl cyclohexanebutyrate.
Allyl cyclohexanehexanoate.
Allyl cyclohexanepropionate.
Allyl cyclohexanevalerate.
Allyl disulfide.
Allyl 2-ethylbutyrate.
Allyl α-ionone; 1-(2,6,6-trimethyl-2-cyclohexen-1-yl)-1,6-heptadiene-3-one.
Allyl isothiocyanate; mustard oil.
Allyl isovalerate.
Allyl mercaptan; 2-propene-1-thiol.
Allyl nonanoate.
Allyl octanoate.
Allyl phenoxyacetate.
Allyl phenylacetate.
Allyl propionate.
Allyl sorbate; allyl 2,4-hexadienoate.
Allyl sulfide.
Allyl tiglate; allyl *trans*-2-methyl-2-butenoate.
Allyl 10-undecenoate.
Ammonium isovalerate.
Ammonium sulfide.
Amyl alcohol; pentyl alcohol.
Amyl butyrate.
α-Amylcinnamaldehyde.
α-Amylcinnamaldehyde dimethyl acetal.
α-Amylcinnamyl acetate.
α-Amylcinnamyl alcohol.
α-Amylcinnamyl formate.
α-Amylcinnamyl isovalerate.
Amyl formate.
Amyl heptanoate.
Amyl hexanoate.
Amyl octanoate.
Anisole; methoxybenzene.
Anisyl acetate.
Anisyl alcohol; *p*-methoxybenzyl alcohol.
Anisyl butyrate.
Anisyl formate.
Anisyl phenylacetate.
Anisyl propionate.
Benzaldehyde dimethyl acetal.
Benzaldehyde glyceryl acetal; 2-phenyl-*m*-dioxan-5-ol.
Benzaldehyde propylene glycol acetal; 4-methyl-2-phenyl-*m*-dioxolane.
Benzoin; 2-hydroxy-2-phenylacetophenone.
Benzophenone; diphenylketone.
Benzyl acetate.
Benzyl acetoacetate.
Benzyl alcohol.
Benzyl benzoate.
Benzyl butyrate.
Benzyl cinnamate.
Benzyl 2,3-dimethylcrotonate; benzyl methyl tiglate.
Benzyl formate.
3-Benzyl-4-heptanone; benzyl dipropyl ketone.
Benzyl isobutyrate.
Benzyl isovalerate.
Benzyl mercaptan; α-toluenethiol.
Benzyl methoxyethyl acetal; acetaldehyde benzyl β-methoxyethyl acetal.
Benzyl phenylacetate.
Benzyl propionate.
Benzyl salicylate.
Birch tar oil.
Borneol; *d*-camphanol.
Bornyl acetate.
Bornyl formate.
Bornyl isovalerate.
Bornyl valerate.
2-Butanone; methyl ethyl ketone.
Butter acids.
Butter esters.
Butter starter distillate.
Butyl acetate.
Butyl acetoacetate.
Butyl alcohol; 1-butanol.
Butyl anthranilate.
Butyl butyrate.
Butyl butyryllactate; lactic acid, butyl ester, butyrate.
α-Butylcinnamaldehyde.
Butyl cinnamate.
Butyl 2-decenoate.
Butyl formate.
Butyl heptanoate.
Butyl hexanoate.
Butyl *p*-hydroxybenzoate.
Butyl isobutyrate.
Butyl isovalerate.
Butyl lactate.
Butyl laurate.
Butyl levulinate.

Butyl phenylacetate.
Butyl propionate.
Butyl stearate.
Butyl sulfide.
Butyl 10-undecenoate.
Butyl valerate.
Butyraldehyde.
Cadinene.
Camphene; 2,2-dimethyl-3-methylenenorbornane.
d-Camphor.
Carvacrol; 2-*p*-cymenol.
Carveol; *p*-mentha-6,8-dien-2-ol.
Carvacryl ethyl ether; 2-ethoxy-*p*-cymene.
4-Carvomenthenol; 1-*p*-menthen-4-ol; 4-terpinenol.
Carvyl acetate.
Carvyl propionate.
β-Caryophyllene.
1,4-Cineole.
Cinnamaldehyde ethylene glycol acetal.
Cinnamic acid.
Cinnamyl acetate.
Cinnamyl alcohol; 3-phenyl-2-propen-1-ol.
Cinnamyl anthranilate.
Cinnamyl butyrate.
Cinnamyl cinnamate.
Cinnamyl formate.
Cinnamyl isobutyrate.
Cinnamyl isovalerate.
Cinnamyl phenylacetate.
Cinnamyl propionate.
Citral diethyl acetal; 3,7-dimethyl-2,6-octadienal diethyl acetal.
Citral dimethyl acetal; 3,7-dimethyl-2,6-octadienal dimethyl acetal.
Citronellal; 3,7-dimethyl-6-octenal; rhodinal.
Citronellol; 3,7-dimethyl-6-octen-1-ol; *d*-citronellol.
Citronelloxyacetaldehyde.
Citronellyl acetate.
Citronellyl butyrate.
Citronellyl formate.
Citronellyl isobutyrate.
Citronellyl phenylacetate.
Citronellyl propionate.
Citronellyl valerate.
p-Cresol.
Cuminaldehyde; cuminal; *p*-isopropyl benzaldehyde.
Cyclohexaneacetic acid.
Cyclohexaneethyl acetate.
Cyclohexyl acetate.
Cyclohexyl anthranilate.
Cyclohexyl butyrate.
Cyclohexyl cinnamate.
Cyclohexyl formate.
Cyclohexyl isovalerate.
Cyclohexyl propionate.
p-Cymene.
γ-Decalactone; 4-hydroxy-decanoic acid, *γ*-lactone.
δ-Decalactone; 5-hydroxy-decanoic acid, *δ*-lactone.
Decanal dimethyl acetal.
1-Decanol; decylic alcohol.
2-Decenal.
Decyl actate.
Decyl butyrate.
Decyl propionate.
Dibenzyl ether.
4,4-Dibutyl-*γ*-butyrolactone; 4,4-dibutyl-4-hydroxy-butyric acid, *γ*-lactone.
Dibutyl sebacate.
Diethyl malate.
Diethyl sebacate.
Diethyl succinate.
Diethyl tartrate.
2,5-Diethyltetrahydrofuran.
Dihydrocarveol; 8-*p*-menthen-2-ol; 6-methyl-3-isopropenylcyclohexanol.
Dihydrocarvone.
Dihydrocarvyl acetate.
m-Dimethoxybenzene.
p-Dimethoxybenzene; dimethyl hydroquinone.
2,4-Dimethylacetophenone.
α,α-Dimethylbenzyl isobutyrate; phenyldimethylcarbinyl isobutyrate.
2,6-Dimethyl-5-heptenal.
2,6-Dimethyl octanal; isodecylaldehyde.
3,7-Dimethyl-1-octanol; tetrahydrogeraniol.
α,α-Dimethylphenethyl acetate; benzylpropyl acetate; benzyldimethylcarbinyl acetate.
α,α-Dimethylphenethyl alcohol; dimethylbenzyl carbinol.
α,α-Dimethylphenethyl butyrate; benzyldimethylcarbinyl butyrate.
α,α-Dimethylphenethyl formate; benzyldimethylcarbinyl formate.
Dimethyl succinate.
1,3-Diphenyl-2-propanone; dibenzyl ketone.
delta-Dodecalactone; 5-hydroxydodecanoic acid, deltalactone.
γ-Dodecalactone; 4-hydroxydodecanoic acid, *γ*-lactone.
2-Dodecenal.
Estragole.
p-Ethoxybenzaldehyde.
Ethyl acetoacetate.
Ethyl 2-acetyl-3-phenylpropionate; ethylbenzyl acetoacetate.
Ethyl aconitate, mixed esters.
Ethyl acrylate.
Ethyl *p*-anisate.
Ethyl anthranilate.
Ethyl benzoate.
Ethyl benzoylacetate.
α-Ethylbenzyl butyrate; *α*-phenylpropyl butyrate.
2-Ethylbutyl actate.
2-Ethylbutyraldehyde.
2-Ethylbutyric acid.
Ethyl cinnamate.
Ethyl cyclohexanepropionate.
Ethyl decanoate.
Ethyl formate.
2-Ethylfuran.
Ethyl 2-furanpropionate.
4-Ethylguaiacol; 4-ethyl-2-methoxyphenol.
Ethyl heptanoate.
2-Ethyl-2-heptenal; 2-ethyl-3-butylacrolein.
Ethyl hexanoate.
Ethyl isobutyrate.
Ethyl isovalerate.
Ethyl laurate.
Ethyl lactate.
Ethyl levulinate.
Ethyl 2-methylbutyrate.
Ethyl myristate.
Ethyl nitrite.
Ethyl nonanoate.
Ethyl 2-nonynoate; ethyl octyne carbonate.
Ethyl octanoate.
Ethyl oleate.
Ethyl phenylacetate.
Ethyl 4-phenylbutyrate.
Ethyl 3-phenylglycidate.
Ethyl 3-phenylpropionate; ethyl hydrocinnamate.
Ethyl propionate.
Ethyl pyruvate.
Ethyl salicylate.
Ethyl sorbate; ethyl 2,4-hexadienoate.
Ethyl tiglate; ethyl *trans*-2-methyl-2-butenoate.
Ethyl 10-undecenoate.
Ethyl valerate.
Eucalyptol; 1,8-epoxy-*p*-menthane; cineole.
Eugenyl benzoate.
Eugenyl formate.
Eugenyl methyl ether; 4-allylveratrole; methyl eugenol.
Farnesol; 3,7,11-trimethyl-2,6,10-dodecatrien-1-ol.
d-Fenchone; *d*-1,3,3-trimethyl-2-norbornanone.
Fenchyl alcohol; 1,3,3-trimethyl-2-norbornanol.
Formic acid.
(2-Furyl)-2-propanone; furyl acetone.
1-Furyl-2-propanone; furyl acetone.
Fusel oil, refined (mixed amyl alcohols).
Geranyl acetoacetate; *trans*-3,7-dimethyl-2,6-octadien-1-yl acetoacetate.
Geranyl benzoate.
Geranyl butyrate.
Geranyl formate.
Geranyl hexanoate.
Geranyl isobutyrate.
Geranyl isovalerate.
Geranyl phenylacetate.
Geranyl propionate.
Glucose pentaacetate.
Glyceryl monooleate.
Guaiacol; *o*-methoxyphenol.
Guaiacyl phenylacetate.
γ-Heptalactone; 4-hydroxyheptanoic acid, *γ*-lactone.
Heptanal; enanthaldehyde.
Heptanal dimethyl acetal.
Heptanal 1,2-glyceryl acetal.
2,3-Heptanedione; acetyl valeryl.
3-Heptanol.
2-Heptanone; methyl amyl ketone.
3-Heptanone; ethyl butyl ketone.
4-Heptanone; dipropyl ketone.
Heptyl acetate.
Heptyl alcohol; enanthic alcohol.
Heptyl butyrate.
Heptyl cinnamate.
Heptyl formate.
Heptyl isobutyrate.
Heptyl octanoate.
1-Hexadecanol; cetyl alcohol.
ω-6-Hexadecenlactone; 16-hydroxy-6-hexadecenoic acid, *ω*-lactone; ambrettolide.
γ-Hexalactone; 4-hydroxyhexanoic acid, *γ*-lactone; tonkalide.
Hexanal; caproic aldehyde.
2,3-Hexanedione; acetyl butyryl.
Hexanoic acid; caproic acid.
2-Hexenal.
2-Hexen-1-ol.
3-Hexen-1-ol; leaf alcohol.
2-Hexen-1-yl acetate.
3-Hexenyl isovalerate.
3-Hexenyl 2-methylbutyrate.
Hexyl acetate.
2-Hexyl-4-acetoxytetrahydrofuran.
Hexyl alcohol.
Hexyl butyrate.
α-Hexylcinnamaldehyde.
Hexyl formate.
Hexyl hexanoate.
Hexyl isovalerate.
Hexyl 2-methylbutyrate.
Hexyl octanoate.
Hexyl proplonate.
Hydroxycitronellal; 3,7-dimethyl-7-hydroxyoctanal.
Hydroxycitronellal diethyl acetal.
Hydroxycitronellal dimethyl acetal.
Hydroxycitronellol; 3,7-dimethyl-1,7-octanediol.
N-(4-Hydroxy-3-methoxybenzyl)-nonanamide; pelargonyl vanillylamide.
5-Hydroxy-4-octanone; butyroin.
4-(*p*-Hydroxyphenyl-2-butanone; *p*-hydroxybenzyl acetone.
Indole.
α-Ionone; 4-(2,6,6-trimethyl-2-cyclohexen-1-yl)-3-buten-2-one.
β-Ionone; 4-(2,6,6-trimethyl-1-cyclohexen-1-yl)-3-buten-2-one.
α-Irone; 4-(2,5,6,6-tetramethyl-2-cyclohexene-1-yl)-3-buten-2-one; 6-methylionone.
Isoamyl acetate.
Isoamyl acetoacetate.
Isoamyl alcohol; isopentyl alcohol; 3-methyl-1-butanol.
Isoamyl benzoate.
Isoamyl butyrate.
Isoamyl cinnamate.
Isoamyl formate.
Isoamyl 2-furanbutyrate; *α*-isoamyl furfuryl-propionate.
Isoamyl 2-furanpropionate; *α*-isoamyl furfurylacetate.
Isoamyl hexanoate.
Isoamyl isobutyrate.
Isoamyl isovalerate.
Isoamyl laurate.
Isoamyl nonanoate.
Isoamyl octanoate.
Isoamyl phenylacetate.
Isoamyl propionate.

Isoamyl pyruvate.
Isoamyl salicylate.
Isoborneol.
Isobornyl acetate.
Isobornyl formate.
Isobornyl isovalerate.
Isobornyl propionate.
Isobutyl acetate.
Isobutyl acetoacetate.
Isobutyl alcohol.
Isobutyl angelate; isobutyl *cis*-2-methyl-2-butenoate.
Isobutyl anthranilate.
Isobutyl benzoate.
Isobutyl butyrate.
Isobutyl cinnamate.
Isobutyl formate.
Isobutyl 2-furanpropionate.
Isobutyl heptanoate.
Isobutyl hexanoate.
Isobutyl isobutyrate.
α-Isobutylphenethyl alcohol; isobutyl benzyl carbinol; 4-methyl-1-phenyl-2-pentanol.
Isobutyl phenylacetate.
Isobutyl propionate.
Isobutyl salicylate.
Isobutyraldehyde.
Isobutyric acid.
Isoeugenol; 2-methoxy-4-propenylphenol.
Isoeugenyl acetate.
Isoeugenyl ethyl ether; 2-ethoxy-5-propenylanisole; ethyl isoeugenol.
Isoeugenyl formate.
Isoeugenyl methyl ether; 4-propenylveratrole; methyl isoeugenol.
Isoeugenyl phenylacetate.
α-Isomethylionone; 4-(2,6,6-trimethyl-2-cyclohexen-1-yl)-3-methyl-3-buten-2-one; methyl *γ*-ionone.
Isopropyl acetate.
p-Isopropylacetophenone.
Isopropyl benzoate.
p-Isopropylbenzyl alcohol; cuminic alcohol; *p*-cymen-7-ol.
Isopropyl butyrate.
Isopropyl cinnamate.
Isopropyl formate.
Isopropyl hexanoate.
Isopropyl isobutyrate.
Isopropyl isovalerate.
p-Isopropylphenylacetaldehyde; *p*-cymen-7-carboxaldehyde.
Isopropyl phenylacetate.
3-(*p* - Isopropylphenyl)-propionaldehyde; *p*-isopropylhydrocinnamaldehyde; cuminyl acetaldehyde.
Isopropyl propionate.
Isopulegol; *p*-menth-6-en-3-ol.
Isopulegone; *p*-menth-6-en-3-one.
Isopulegyl acetate.
Isoquinoline.
Isovaleric acid.
Lauric aldehyde; dodecanal.
Lauryl acetate.
Lauryl alcohol; 1-dodecanol.
Levulinic acid.
Linalyl anthranilate; 3,7-dimethyl-1, 6-octadien-3-yl anthranilate.
Linalyl benzoate.
Linalyl butyrate.
Linalyl formate.
Linalyl hexanoate.
Linalyl isobutyrate.
Linalyl isovalerate.
Linalyl octanoate.
Linalyl propionate.
Maltol, 3-hydroxy-2-methyl-4H-pyran-4-one.
p-Mentha-1,8-dien-7-ol; perillyl alcohol.
p-Menth-3-en-1-ol.
Menthol; 2-isopropyl-5-methylcyclohexanol.
Menthone; *p*-menthan-3-one.
Menthyl acetate; *p*-menth-3-yl acetate.
Menthyl isovalerate; *p*-menth-3-yl isovalerate.
o-Methoxybenzaldehyde.
p-Methoxybenzaldehyde; p-anisaldehyde.
o-Methoxycinnamaldehyde.
2-Methoxy-4-methylphenol; 4-methylguaiacol; 2-methoxy-*p*-cresol.
4-(*p*-Methoxyphenyl)-2-butanone; anisyl acetone.
1-(*p*-Methoxyphenyl)-1-penten-3-one; *α*-methylanisylidene acetone; ethone.
1-(*p*-Methoxyphenyl)-2-propanone; anisyl methyl ketone; anisic ketone.
2-Methoxy-4-vinylphenol; *p*-vinylguaiacol.
Methyl acetate.
4'-Methylacetophenone; *p*-methylacetophenone; methyl *p*-tolyl ketone.
2-Methylallyl butyrate; 2-methyl-2-propen-1-yl butyrate.
Methyl anisate.
o-Methylanisole; *o*-cresyl methyl ether.
p-Methylanisole; *p*-cresyl methyl ether; *p*-methoxytoluene.
Methyl benzoate.
α-Methylbenzyl acetate; styralyl acetate.
α-Methylbenzyl alcohol; styralyl alcohol.
α-Methylbenzyl butyrate; styralyl butyrate.
α-Methylbenzyl isobutyrate; styralyl isobutyrate.
α-Methylbenzyl formate; styralyl formate.
α-Methylbenzyl propionate; styralyl propionate.
2-Methylbutyl isovalerate.
Methyl *p-tert*-butylphenylacetate.
2-Methylbutyraldehyde; methyl ethyl acetaldehyde.
3-Methylbutyraldehyde; Isovaleraldehyde.
Methyl butyrate.
2-Methylbutyric acid.
α-Methylcinnamaldehyde.
Methyl cinnamate.
2-Methyl-1,3-cyclohexadiene.
Methylcyclopentenolone; 3-methylcyclopentane-1,2-dione.
Methyl heptanoate.
2-Methylheptanoic acid.
6-Methyl-5-hepten-2-one.
Methyl hexanoate.
Methyl 2-hexenoate.
Methyl *p*-hydroxybenzoate; methylparaben.
Methyl *α*-ionone; 5-(2,6,6-trimethyl-2-cyclohexen-1-yl)-4-penten-3-one.
Methyl *β*-ionone; 5-(2,6,6-trimethyl-1-cyclohexen-1-yl)-4-penten-3-one.
Methyl *δ*-ionone; 5-(2,6,6-trimethyl-3-cyclohexen-1-yl)-4-penten-3-one.
Methyl isobutyrate.
2-Methyl-3-(*p*-isopropylphenyl)-propionaldehyde; *α*-methyl-*p*-isopropylhydrocinnamaldehyde; cyclamen aldehyde.
Methyl isovalerate.
Methyl laurate.
Methyl mercaptan; methanethiol.
Methyl *o*-methoxybenzoate.
Methyl *N*-methylanthranilate; dimethyl anthranilate.
Methyl 2-methylbutyrate.
Methyl 2-methylthiopropionate.
Methyl 4-methylvalerate.
Methyl myristate.
Methyl *β*-naphthyl ketone; 2'-acetonaphthone.
Methyl nonanoate.
Methyl 2-nonenoate.
Methyl 2-nonynoate; methyloctyne carbonate.
2-Methyloctanal; methyl hexyl acetaldehyde.
Methyl octanoate.
Methyl 2-octynoate; methyl heptine carbonate.
4-Methyl-2,3-pentanedione; acetyl isobutyryl.
4-Methyl-2-pentanone; methyl isobutyl ketone.
β-Methylphenethyl alcohol; hydratropyl alcohol.
Methyl phenylacetate.
3-Methyl-4-phenyl-3-butene-2-one.
2-Methyl-4-phenyl-2-butyl acetate; dimethylphenylethyl carbinyl acetate.
2-Methyl-4-phenyl-2-butyl isobutyrate; dimethylphenyl-ethylcarbinyl isobutyrate.
3-Methyl-2-phenylbutyraldehyde; *α*-isopropyl phenylacetaldehyde.
Methyl 4-phenylbutyrate.
4-Methyl-1-phenyl-2-pentanone; benzyl isobutyl ketone.
Methyl 3-phenylpropionate; methyl hydrocinnamate.
Methyl propionate.
Methyl sulfide.
3-Methylthiopropionaldehyde; methional.
2-Methyl-3-tolylpropionaldehyde, mixed *o-*, *m-*, *p-*.
2-Methylundecanal; methyl nonyl acetaldehyde.
Methyl 9-undecenoate.
Methyl 2-undecynoate; methyl decyne carbonate.
Methyl valerate.
2-Methylvaleric acid.
Myrcene; 7-methyl-3-methylene-1,6-octadiene.
Myristaldehyde; tetradecanal.
d-Neomenthol; 2-isobutyl-5-methylcyclohexanol.
Nerol; *cis*-3,7-dimethyl-2,6-octadien-1-ol.
Nerolidol; 3,7,11-trimethyl-1,6,10-dodecatrien-3-ol.
Neryl acetate.
Neryl butyrate.
Neryl formate.
Neryl isobutyrate.
Neryl isovalerate.
Neryl propionate.
2,6-Nonadien-1-ol.
γ-Nonalactone; 4-hydroxynonanoic acid, *γ*-lactone; aldehyde C-18.
Nonanal; pelargonic aldehyde.
1,3-Nonanediol acetate, mixed esters.
Nonanoic acid; pelargonic acid.
2-Nonanone; methylheptyl ketone.
3-Nonanon-1-yl acetate; 1-hydroxy-3-nonanone acetate.
Nonyl acetate.
Nonyl alcohol; 1-nonanol.
Nonyl octanoate.
Nonyl isovalerate.
γ-Octalactone; 4-hydroxyoctanoic acid, *γ*-lactone.
Octanal; caprylaldehyde.
Octanal dimethyl acetal.
Octanoic acid; caprylic acid.
1-Octanol; octyl alcohol.
2-Octanol.
3-Octanol.
2-Octanone; methyl hexyl ketone.
3-Octanone; ethyl amyl ketone.
3-Octanon-1-ol.
1-Octen-3-ol; amyl vinyl carbinol.
1-Octen-3-yl acetate.
Octyl acetate.
3-Octyl acetate.
Octyl butyrate.
Octyl formate.
Octyl heptanoate.
Octyl isobutyrate.
Octyl isovalerate.
Octyl octanoate.
Octyl phenylacetate.
Octyl proplonate.
ω-Pentadecalactone; 15-hydroxypentadecanoic acid, *ω*-lactone; pentadecanolide; angelica lactone.
2,3-Pentanedione; acetyl propionyl.
2-Pentanone; methyl propyl ketone.
4-Pentenoic acid.
1-Penten-3-ol.
α-Phellandrene; *p*-mentha-1,5-diene.
Phenethyl acetate.
Phenethyl alcohol; *β*-phenylethyl alcohol.
Phenethyl anthranilate.
Phenethyl benzoate.
Phenethyl butyrate.
Phenethyl cinnamate.
Phenethyl formate.
Phenethyl isobutyrate.
Phenethyl isovalerate.
Phenethyl 2-methylbutyrate.
Phenethyl phenylacetate.
Phenethyl propionate.
Phenethyl salicylate.
Phenethyl senecioate; phenethyl 3,3-dimethylacrylate.

Phenethyl tiglate.
Phenoxyacetic acid.
2-Phenoxyethyl isobutyrate.
Phenylacetaldehyde; α-toluic aldehyde.
Phenylacetaldehyde 2,3-butylene glycol acetal.
Phenylacetaldehyde dimethyl acetal.
Phenylacetaldehyde glyceryl acetal.
Phenylacetic acid; α-toluic acid.
4-Phenyl-2-butanol; phenylethyl methyl carbinol.
4-Phenyl-3-buten-2-ol; methyl styryl carbinol.
4-Phenyl-3-buten-2-one.
4-Phenyl-2-butyl acetate; phenylethyl methyl carbinyl acetate.
1-Phenyl-3-methyl-3-pentanol; phenylethyl methyl ethyl carbinol.
1-Phenyl-1-propanol; phenylethyl carbinol.
3-Phenyl-1-propanol; hydrocinnamyl alcohol.
2-Phenylpropionaldehyde; hydratropaldehyde.
3-Phenylpropionaldehyde; hydrocinnamaldehyde.
2-Phenylpropionaldehyde dimethyl acetal; hydratropic aldehyde dimethyl acetal.
3-Phenylpropionic acid; hydrocinnamic acid.
3-Phenylpropyl acetate.
2-Phenylpropyl butyrate.
3-Phenylpropyl cinnamate.
3-Phenylpropyl formate.
3-Phenylpropyl hexanoate.
2-Phenylpropyl isobutyrate.
3-Phenylpropyl isobutyrate.
3-Phenylpropyl isovalerate.
3-Phenylpropyl propionate.
2-(3-Phenylpropyl)-tetrahydrofuran.
α-Pinene; 2-pinene.
β-Pinene; 2(10)-pinene.
Pine tar oil.
Piperidine.
Piperine.
d-Piperitone; p-menth-1-en-3-one.
Piperonyl acetate; heliotropyl acetate.
Piperonyl isobutyrate.
Polylimonene.
Polysorbate 20; polyoxyethylene (20) sorbitan monolaurate.
Polysorbate 60; polyoxyethylene (20) sorbitan monostearate.
Polysorbate 80.
Potassium acetate.
Propenylguaethol; 6-ethoxy-*m*-anol.
Proplonaldehyde.
Propyl acetate.
Propyl alcohol; 1-propanol.
p-Propyl anisole; dihydroanethole.
Propyl benzoate.
Propyl butyrate.
Propyl cinnamate.
Propyl disulfide.
Propyl formate.
Propyl 2-furanacrylate.
Propyl heptanoate.
Propyl hexanoate.
Propyl p-hydroxybenzoate; propylparaben.
Propyl isobutyrate.
Propyl isovalerate.
Propyl mercaptan.
α-Propylphenethyl alcohol.
Propyl phenylacetate.
Propyl propionate.
Pulegone; p-menth-4(8)-en-3-one.
Pyridine.
Pyroligneous acid extract.
Pyruvaldehyde.
Pyruvic acid.
Rhodinol; 3,7-dimethyl-7-octen-1-ol; *l*-citronellol.
Rhodinyl acetate.
Rhodinyl butyrate.
Rhodinyl formate.
Rhodinyl isobutyrate.
Rhodinyl isovalerate.
Rhodinyl phenylacetate.
Rhodinyl propionate.
Rum ether; ethyl oxyhydrate.
Salicylaldehyde.
Santalol, α and β.
Santalyl acetate.
Santalyl phenylacetate.
Skatole.
Sorbitan monostearate.
Sucrose octaacetate.
α-Terpinene.
γ-Terpinene.
α-Terpineol; p-menth-1-en-8-ol.
β-Terpineol.
Terpinolene; p-menth-1,4(8)-diene.
Terpinyl acetate.
Terpinyl anthranilate.
Terpinyl butyrate.
Terpinyl cinnamate.
Terpinyl formate.
Terpinyl isobutyrate.
Terpinyl isovalerate.
Terpinyl propionate.
Tetrahydrofurfuryl acetate.
Tetrahydrofurfuryl alcohol.
Tetrahydrofurfuryl butyrate.
Tetrahydrofurfuryl propionate.
Tetrahydro-pseudo-ionone; 6,10-dimethyl-9-undecen-2-one.
Tetrahydrolinalool; 3,7-dimethyloctan-3-ol.
2-Thienyl mercaptan; 2-thienylthiol.
Thymol.
Tolualdehyde glyceryl acetal, mixed *o*, *m*, *p*.
Tolualdehydes, mixed *o*, *m*, *p*.
p-Tolylacetaldehyde.
o-Tolyl acetate; *o*-cresyl acetate.
p-Tolyl acetate; *p*-cresyl acetate.
4-(*p*-Tolyl)-2-butanone; *p*-methylbenzylacetone.
p-Tolyl isobutyrate.
p-Tolyl laurate.
p-Tolyl phenylacetate.
2-(*p*-Tolyl)-propionaldehyde; *p*-methylhydratropic aldehyde.
Tributyl acetylcitrate.
2-Tridecenal.
2,3-Undecadione; acetyl nonyryl.
γ-Undecalactone; 4-hydroxyundecanoic acid γ-lactone; peach aldehyde; aldehyde C-14.
Undecenal.
2-Undecanone; methyl nonyl ketone.
9-Undecenal; undecenoic aldehyde.
10-Undecenal.
10-Undecen-1-yl acetate.
Undecyl alcohol.
Valeraldehyde; pentanal.
Valeric acid; pentanoic acid.
Vanillin acetate; acetyl vanillin.
Veratraldehyde.
Zingerone; 4-(4-hydroxy-3-methoxyphenyl)-2-butanone.

(c) δ-Decalactone and δ-dodecalactone when used separately or in combination in oleomargarine are used at levels not to exceed 10 parts per million and 20 parts per million, respectively, in accordance with § 45.1 of this chapter.

§ 121.1165 Rhizopus oryzae.

Carbohydrase from *Rhizopus oryzae* may be safely used in the production of dextrose from starch in accordance with the following prescribed conditions:

(a) *Rhizopus oryzae* is classified as follows: Class, *Phycomycetes;* order, *Mucorales;* family, *Mucoraceae;* genus, *Rhizopus;* species, *Rhizopus oryzae.*

(b) The strain of *Rhizopus oryzae* is nonpathogenic and nontoxic.

(c) The carbohydrase is produced under controlled conditions to maintain nonpathogenicity and nontoxicity, including the absence of aflatoxin.

(d) The carbohydrase is produced by a process which completely removes the organism *Rhizopus oryzae* from the carbohydrase product.

(e) The carbohydrase is maintained under refrigeration from production to use and is labeled to include the necessity of refrigerated storage.

§ 121.1166 Petrolatum.

Petrolatum may be safely used in food, subject to the provisions of this section.

(a) Petrolatum complies with the specifications set forth in the U.S. Pharmacopeia XVI for white petrolatum or in The National Formulary XII for yellow petrolatum.

(b) Petrolatum meets the following ultraviolet absorbance limits when subjected to the analytical procedure described in § 121.1156(b):

Ultraviolet absorbance per centimeter path length:

Millimicrons:	*Maximum*
280–289	0.25
290–299	.20
300–359	.14
360–400	.04

(c) Petrolatum is used or intended for use as follows:

Use	*Limitation (inclusive of all petroleum hydrocarbons that may be used in combination with petrolatum)*
In bakery products; as release agent and lubricant.	With white mineral oil, not to exceed 0.15 percent of bakery product.
In dehydrated fruits and vegetables; as release agent.	Not to exceed 0.02 percent of dehydrated fruits and vegetables.
In egg white solids; as release agent	Not to exceed 0.1 percent of egg white solids.
On raw fruits and vegetables; as protective coating.	In an amount not to exceed good manufacturing practice.
In beet sugar and yeast; as defoaming agent.	As prescribed in § 121.1099.

(d) Petrolatum may contain any antioxidant permitted in food by regulations issued in accordance with section 409 of the act, in an amount not greater than that required to produce its intended effect.

§ 121.1167 Dimetridazole.

A tolerance of zero is established for residues of dimetridazole in the uncooked edible tissues, byproducts, and eggs of turkeys.

§ 121.1168 3,5-Dinitrobenzamide.

A tolerance of zero is established for residues of 3,5-dinitrobenzamide and its metabolites in the edible tissues and byproducts of chickens.

§ 121.1169 Acetyl(*p*-nitrophenyl)sulfanilamide.

A tolerance of zero is established for residues of acetyl(*p*-nitrophenyl)sulfanilamide and its metabolites in the edible tissues and byproducts of chickens.

§ 121.1170 Bacterial catalase.

Bacterial catalase derived from *Micrococcus lysodeikticus* by a pure culture fermentation process may be safely used in destroying and removing hydrogen peroxide used in the manufacture of cheese, in accordance with the following conditions.

(a) The organism *Micrococcus lysodeikticus* from which the bacterial catalase is to be derived is demonstrated to be nontoxic and nonpathogenic.

(b) The organism *Micrococcus lysodeikticus* is removed from the bacterial catalase prior to use of the bacterial catalase.

(c) The bacterial catalase is used in an amount not in excess of the minimum required to produce its intended effect.

§ 121.1171 Sodium methyl sulfate.

Sodium methyl sulfate may be present in pectin in accordance with the following conditions.

(a) It is present as the result of methylation of pectin by sulfuric acid and methyl alcohol and subsequent treatment with sodium bicarbonate.

(b) It does not exceed 0.1 percent by weight of the pectin.

§ 121.1172 Malathion.

The food additive malathion may be safely used for the control of insects in accordance with the following prescribed conditions:

(a) It is incorporated into paper trays in amounts not exceeding 200 milligrams per square foot.

(b) Treated paper trays are intended for use only in the drying of grapes (raisins).

(c) Total residues of malathion on processed, ready-to-eat raisins from drying on treated trays and from application to grapes before harvest shall not exceed 8 parts per million.

§ 121.1173 Dienestrol diacetate.

(a) A tolerance of zero is established for residues of dienestrol diacetate in the uncooked edible tissues and byproducts of chickens and turkeys.

(b) The method of examination prescribed for the quantitative determination of dienestrol diacetate is as follows: Incorporate the finely ground tissues in the diet of immature mice, and assay by the mouse uterine weight method of E. J. Umberger, G. H. Gass, and J. M. Curtis, published in Endocrinology, volume 63, page 806 (1958).

§ 121.1174 Arabinogalactan.

Arabinogalactan may be safely used in food in accordance with the following conditions:

(a) Arabinogalactan is a polysaccharide extracted by water from Western larch wood, having galactose units and arabinose units in the approximate ratio of six to one.

(b) It is used in the following foods in the minimum quantity required to produce its intended effect as an emulsifier, stabilizer, binder, or bodying agent: Essential oils, nonnutritive sweeteners, flavor bases, nonstandardized dressings, and pudding mixes.

§ 121.1175 Chlorhexidine.

A tolerance of zero is established for residues of chlorhexidine in edible tissues of calves.

§ 121.1176 1,3-Butylene glycol.

1,3-Butylene glycol (1,3-butanediol) may be safely used in food in accordance with the following prescribed conditions:

(a) The substance meets the following specifications:

(1) 1,3-Butylene glycol content: Not less than 99 percent.

(2) Specific gravity at 20/20° C.: 1.004 to 1.006.

(3) Distillation range: 200°–215° C.

(b) It is used in the minimum amount required to perform its intended effect.

(c) It is used as a solvent for natural and synthetic flavoring substances except where standards of identity issued under section 401 of the act preclude such use.

§ 121.1177 2-Chloro-4-nitrobenzamide.

A tolerance of zero is established for residues of 2-chloro-4-nitrobenzamide and its metabolites in the edible tissues and byproducts of chickens.

§ 121.1179 Coatings on fresh citrus fruit.

Coatings may be applied to fresh citrus fruit for protection of the fruit in accordance with the following conditions:

(a) The coating is applied in the minimum amount required to accomplish the intended effect.

(b) The coating may be formulated from the following components, each used in the minimum quantity required to accomplish the intended effect:

(1) Substances generally recognized as safe for the purpose or previously sanctioned for the purpose.

(2) One or more of the following:

Component	*Limitations*
Fatty acids	Complying with § 121.1070.
Partially hydrogenated rosin	Catalytically hydrogenated to a maximum refractive index of 1.5012 at 100° C. Color of WG or paler.
Pentaerythritol ester of maleic anhydride-modified wood rosin.	Acid number of 134–145; drop-softening point of 127° C–137° C. saponification number of less than 280; and a color of M or paler.
Sodium lauryl sulfate	Complying with § 121.1012. As a film former.
Wood rosin	Color of K or paler.

§ 121.1180 Ion-exchange membranes.

Ion-exchange membranes may be safely used in the processing of food under the following prescribed conditions:

(a) The ion-exchange membrane is prepared by subjecting a polyethylene base conforming to § 121.2510 to polymerization with styrene until the polystyrene phase of the base is not less than 16 percent nor more than 30 percent by weight. The base is then modified by reaction with chloromethyl methyl ether, and by subsequent amination with trimethylamine, dimethylamine, diethylenetriamine, or dimethylethanolamine.

(b) The ion-exchange membrane is manufactured so as to comply with the following extraction limitations when subjected to the described procedure: Separate square-foot samples of membrane weighing approximately 14 grams each are cut into small pieces and refluxed for 4 hours in 150 cubic centimeters of the following solvents: Distilled water, 5 percent acetic acid, and 50 percent alcohol. Extraction from each sample will not exceed 0.4 percent by weight of sample.

(c) The ion-exchange membrane will be used in the production of grapefruit juice to adjust the ratio of citric acid to total solids of the grapefruit juice produced.

§ 121.1181 Chloropentafluoroethane.

The food additive chloropentafluoroethane may be safely used in food in accordance with the following prescribed conditions:

(a) The food additive has a purity of not less than 99.97 percent, and contains not more than 200 parts per million saturated fluoro compounds and 10 parts per million unsaturated fluoro compounds as impurities.

(b) The additive is used or intended for use alone or with one or more of the following substances: Carbon dioxide nitrous oxide, propane, and octafluorocyclobutane complying with § 121.1065, as a propellant and aerating agent for foamed or sprayed food products except for those standardized foods that do not provide for such use.

(c) To assure safe use of the additive:

(1) The label of the food additive container shall bear, in addition to the other information required by the act, the following:

(i) The name of the additive, chloropentafluoroethane, with or without the parenthetical name "Food Propellant 115."

(ii) The percentage of the additive present in the case of a mixture.

(iii) The designation "food grade."

(2) The label or labeling of the food additive container shall bear adequate directions for use.

§ 121.1182 Odorless light petroleum hydrocarbons.

Odorless light petroleum hydrocarbons may be safely used in food, in accordance with the following prescribed conditions:

(a) The additive is a mixture of liquid hydrocarbons derived from petroleum or synthesized from petroleum gases. The additive is chiefly paraffinic, isoparaffinic, or naphthenic in nature.

(b) The additive meets the following specifications:

(1) Odor is faint and not kerosenic.

(2) Initial boiling point is 300° F. minimum.

(3) Final boiling point is 650° F. maximum.

(4) Ultraviolet absorbance limits determined by method specified in § 121.2589(b)(1)(ii), as follows:

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Wavelength	Maximum absorbance per centimeter optical pathlength
mμ	
280–289	4.0
290–299	3.3
300–329	2.3
330–360	0.8

(c) The additive is used as follows:

Use	Limitations
As a defoamer in processing beet sugar and yeast.	Complying with § 121.1099.
As a float on fermentation fluids in the manufacture of vinegar and wine to prevent or retard access of air, evaporation, and wild yeast contamination during fermentation.	In an amount not to exceed good manufacturing practice.
In the froth-flotation cleaning of vegetables.	Do.

§ 121.1183 Sodium stearyl fumarate.

Sodium stearyl fumarate may be safely used in food in accordance with the following conditions:

(a) It contains not less than 99 percent sodium stearyl fumarate calculated on the anhydrous basis, and not more than 0.25 percent sodium stearyl maleate.

(b) It is used as a dough conditioner in yeast-leavened bakery products in an amount not to exceed 0.5 percent by weight of the flour used.

§ 121.1184 Ethylenediamine.

A tolerance of zero is established for residues of ethylenediamine in milk.

§ 121.1185 Polyethylene glycol 400.

A tolerance of zero is established for residues of polyethylene glycol 400 in milk.

§ 121.1186 *n*-Heptyl *p*-hydroxybenzoate.

n-Heptyl *p*-hydroxybenzoate may be safely used in fermented malt beverages to inhibit microbiological spoilage, in amounts not to exceed 12 parts per million.

Subpart E—Substances for Which Prior Sanctions Have Been Granted

§ 121.2001 Substances employed in the manufacture of food-packaging materials.

Prior to the enactment of the food additives amendment to the Federal Food, Drug, and Cosmetic Act, sanctions were granted for the usage of the following substances in the manufacture of packaging materials. So used, these substances are not considered "food additives" within the meaning of section 201(s) of the act, provided that they are of good commercial grade, are suitable for association with food, and are used in accordance with good manufacturing practice. For the purpose of this section, good manufacturing practice for food-packaging materials includes the restriction that the quantity of any of these substances which becomes a component of food as a result of use in food-packaging materials shall not be intended to accomplish any physical or technical effect in the food itself, shall be reduced to the least amount reasonably possible, and shall not exceed any limit specified in this section:

(a) *Antioxidants (limit of addition to food, 0.005 percent).*
- Butylated hydroxyanisole.
- Butylated hydroxytoluene.
- Dilauryl thiodipropionate.
- Distearyl thiodipropionate.
- Gum guaiac.
- Nordihydroguaiaretic acid.
- Propyl gallate.
- Thiodipropionic acid.
- 2,4,5-Trihydroxy butyrophenone.

(b) *Antimycotics.*
- Calcium propionate.
- Methylparaben (methyl *p*-hydroxybenzoate).
- Propylparaben (propyl *p*-hydroxybenzoate).
- Sodium benzoate.
- Sodium propionate.
- Sorbic acid.

(c) *Driers.*
- Cobalt caprylate.
- Cobalt linoleate.
- Cobalt naphthenate.
- Cobalt tallate.
- Iron caprylate.
- Iron linoleate.
- Iron naphthenate.
- Iron tallate.
- Manganese caprylate.
- Manganese linoleate.
- Manganese naphthenate.
- Manganese tallate.

(d) *Drying oils (as components of finished resins).*
- Chinawood oil (tung oil).
- Dehydrated castor oil.
- Linseed oil.
- Tall oil.

(e) *Plasticizers.*
- Acetyl tributyl citrate.
- Acetyl triethyl citrate.
- *p-tert*-Butylphenyl salicylate.
- Butyl stearate.
- Butylphthalyl butyl glycolate.
- Dibutyl sebacate.
- DI-(2-ethylhexyl) phthalate (for foods of high water content only).
- Diethyl phthalate.
- Diisobutyl adipate.
- Diisooctyl phthalate (for foods of high water content only).
- Diphenyl-2-ethylhexyl phosphate.
- Epoxidized soybean oil (iodine number maximum 6; and oxirane oxygen, minimum, 6.0 percent).
- Ethylphthalyl ethyl glycolate.
- Glycerol monooleate.
- Monoisopropyl citrate.
- Mono, di-, and tristearyl citrate.
- Triacetin (glycerol triacetate).
- Triethyl citrate.
- 3-(2-Xenoyl)-1,2-epoxypropane.

(f) *Release agents.*
- Dimethylpolysiloxane (substantially free from hydrolyzable chloride and alkoxy groups, no more than 18 percent loss in weight after heating 4 hours at 200° C.; viscosity 300 centistokes, 600 centistokes at 25° C., specific gravity 0.96 to 0.97 at 25° C., refractive index 1.400 to 1.404 at 25° C.)
- Linoleamide (linoleic acid amide).
- Oleamide (oleic acid amide).
- Palmitamide (palmitic acid amide).
- Polyethylene glycol 400.
- Polyethylene glycol 1500.
- Polyethylene glycol 4000.
- Stearamide (stearic acid amide).

(g) *Stabilizers.*
- Aluminum mono-, di-, and tristearate.
- Ammonium citrate.
- Ammonium potassium hydrogen phosphate.
- Calcium acetate.
- Calcium carbonate.
- Calcium glycerophospate.
- Calcium phosphate.
- Calcium hydrogen phosphate.
- Calcium oleate.
- Calcium ricinoleate.
- Calcium stearate.
- Disodium hydrogen phosphate.
- Magnesium glycerophosphate.
- Magnesium stearate.
- Magnesium phosphate.
- Magnesium hydrogen phosphate.
- Mono-, di-, and trisodium citrate.
- Mono-, di-, and tripotassium citrate.
- Potassium oleate.
- Potassium stearate.
- Sodium pyrophosphate.
- Sodium stearate.
- Sodium tetrapyrophosphate.

Tin stearate (not to exceed 50 parts per million tin as a migrant in finished food).

Zinc orthophosphate (not to exceed 50 parts per million zinc as a migrant in finished food).

Zinc resinate (not to exceed 50 parts per million zinc as a migrant in finished food).

(h) *Substances used in the manufacture of paper and paperboard products used in food packaging.*

Aliphatic polyoxyethylene ethers.*

1-Alkyl (C_6-C_{18})-amino-3-aminopropane monoacetate.*

Borax or boric acid for use in adhesives, sizes, and coatings.*

Butadiene-styrene copolymer.

Chromium complex of perfluoro-octane sulfonyl glycine for use on paper and paperboard which is waxed.*

Disodium cyanodithioimidocarbamate with ethylene diamine and potassium *N*-methyl dithiocarbamate and/or sodium 2-mercaptobenzothiazole (slimicides).*

Ethyl acrylate and methyl methacrylate copolymers of itaconic acid or methacrylic acid for use only on paper and paperboard which is waxed.*

Hexamethylene tetramine as a setting agent for protein, including casein.*

1-(2-Hydroxyethyl)-1-(4-chlorobutyl)-2-alkyl (C_6-C_{17}) imidazolinium chloride.*

Itaconic acid (polymerized).

Melamine formaldehyde polymer.

Methyl acrylate (polymerized).

Methyl ethers or mono-, di-, and tripropylene glycol.*

Myristo chromic chloride complex.

Nitrocellulose.

Polyethylene glycol 400.

Polyvinyl acetate.

Potassium pentachlorophenate as a slime control agent.*

Potassium trichlorophenate as a slime control agent.*

Pyrethrins in combination with piperonyl butoxide in outside plies of multiwall bags.*

Resins from high and low viscosity polyvinyl alcohol for fatty foods only.

Rubber hydrochloride.

Sodium pentachlorophenate as a slime control agent.*

Sodium trichlorophenate as a slime control agent.*

Stearato-chromic chloride complex.

Titanium dioxide.*

Urea formaldehyde polymer.

Vinylidine chlorides (polymerized).

(Sec. 409, 72 Stat. 1786; 21 U.S.C. 348)

*Under the conditions of normal use, these substances would not reasonably be expected to migrate to food, based on available scientific information and data.

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

AUTHORITY: The provisions of this Subpart F issued under sec. 409, 72 Stat. 1785; 21 U.S.C. 348.

§ 121.2500 General provisions applicable to Subpart F.

(a) Regulations prescribing conditions under which food additive substances may be safely used predicate usage under conditions of good manufacturing practice. For the purpose of this Subpart F, good manufacturing practice shall be defined to include the following restrictions:

(1) The quantity of any food additive substance that may be added to food as a result of use in articles that contact food shall not exceed, where no limits are specified, that which results from use of the substance in an amount not more than reasonably required to accomplish the intended physical or technical effect in the food-contact article; shall not exceed any prescribed limitations; and shall not be intended to accomplish any physical or technical effect in the food itself, except as such may be permitted by regulations in this Part 121.

(2) Any substance used as a component of articles that contact food shall be of a purity suitable for its intended use.

(b) The existence in this Subpart F of a regulation prescribing safe conditions for the use of a substance as an article or component of articles that contact food shall not be construed to relieve such use of the substance or article from compliance with any other provision of the Federal Food, Drug, and Cosmetic Act. For example, if a regulated food-packaging material were found on appropriate test to impart odor or taste to a specific food product such as to render it unfit within the meaning of section 402(a)(3) of the act, the regulation would not be construed to relieve such use from compliance with section 402(a)(3).

(c) The existence in this Subpart F of a regulation prescribing safe conditions for the use of a substance as an article or component of articles that contact food shall not be construed as implying that such substance may be safely used as a direct additive in food.

(d) Substances that under conditions of good manufacturing practice may be safely used as components of articles that contact food include the following, subject to any prescribed limitations:

(1) Substances generally recognized as safe in or on food.

(2) Substances generally recognized as safe for their intended use in food packaging.

(3) Substances used in accordance with a prior sanction or approval.

(4) Substances permitted for use by regulations in this Subpart F.

§ 121.2501 Polypropylene.

The food additive polypropylene may be present in food when its presence therein is in accordance with the following prescribed conditions:

(a) It is present as a result of contact with polypropylene used in container or equipment material.

(b) The polypropylene has been manufactured by the catalytic polymerization of propylene and specially prepared as a food-packaging grade to meet the following specifications when tested by the analytical methods described in paragraph (c) of this section:

(1) The polypropylene is completely soluble in decahydronaphthalene at 160° C., with a maximum soluble fraction of 13.4 percent after cooling to 25° C.

(2) The polypropylene is completely soluble in xylene at 120° C., with a maximum soluble fraction of 9.8 percent after cooling to 25° C.

(3) The polypropylene has a maximum extractable fraction of 3.6 percent when extracted with ethyl acetate at reflux temperature.

(4) The polypropylene has a maximum extractable fraction of 6.4 percent when extracted with *n*-hexane at reflux temperature.

(5) The polypropylene contains no other components that are food additives as so defined, unless authorized by specific regulations in this Part 121.

(c) The analytical methods for determining that polypropylene conforms to the specifications prescribed in this section are as follows and are applicable to the basic polypropylene polymer in the form of flake or powder:

(1) *Qualitative tests*—(i) *Infrared identification.* Polypropylene can be determined by its characteristic infrared spectrum.

(ii) *Melting point.* Its melting point is 160° C.–180° C. on a hot stage apparatus. (The use of crossed nicol prisms with a microscope hot stage and reading of the thermometer when the birefringence disappears increases the accuracy.)

(iii) *Density.* Its density is 0.880–0.913 at 23° C., determined by weighing first in air and then in methyl alcohol a 1.0–1.5-inch square film or slab prepared from the flake or powder.

(2) *Quantitative tests*—(i) *Method I—Decahydronaphthalene or xylene soluble fraction.*

A. Solution Preparation:

A sample is dissolved completely in decahydronaphthalene or xylene by heating and stirring in a closed system under nitrogen atmosphere to prevent degradation. The solution is allowed to cool, whereupon the insoluble portion of the sample precipitates, is filtered off, and the total-solids content of the filtrate determined as a measure of the decahydronaphthalene or xylene-soluble fraction.

Apparatus. 1. Polymerization tubes, 7-inch vials, with neck tooled for crown cap.

2. Crown bottle caps (standard metal beverage cap, without liner). Perforate with two ⅛-inch holes.

3. Rubber liner for crown bottle caps. Extract with benzene in Soxhlet extractor until extract is colorless (several days).

4. Ball bearings, steel, ⅜-inch.

5. Magnet, 4,000–5,000 gauss permanent magnet.

6. Heating block, aluminum, with wells of sufficient size to immerse polymerization tubes to a depth of 3 or 4 inches, and maintained at 120° ± 5° C. or 160° ± 5° C.

7. Funnel, Buchner type with coarse-porosity fritted disc, 30 millimeters to 60 millimeters diameter.

8. Bottle capper (any household bottle capper with wooden block to hold the polymerization tubes).

Reagents. 1. Decahydronaphthalene containing 20 milligrams of antioxidant per liter—Dissolve 0.020 gram of phenyl-β-naphthylamine in 1 liter of technical grade decahydronaphthalene.

2. Xylene containing 20 milligrams of antioxidant per liter—Dissolve 0.020 gram of *N*-phenyl-β-naphthylamine in 1 liter of industrial grade xylene, specific gravity $\frac{20° C.}{20° C.}$ 0.856–0.867, boiling range 123° C.–160° C.

Procedure. Weigh a 0.4 gram-0.5 gram sample, to the nearest 0.001 gram, into a 7-inch polymerization tube. Add a ⅜-inch steel ball bearing and, with a pipet, 20 milliliters of decahydronaphthalene or xylene containing antioxidant.

Close the tube with a crown cap with rubber liner, connect to a vacuum line by means of a hypodermic needle, evacuate, and refill with nitrogen at atmospheric pressure. Stir the solution by moving the tube up and down between the poles of the permanent magnet, thus raising and lowering the ball bearing in the solution.

Place the tubes in the wells of the heating block (maintained at 120° C. for xylene and at 160° C. for decahydronaphthalene) removing them at about 10-minute intervals and stirring for about 1 minute by means of the magnet and ball bearing. Alternate heating and stirring until the solution is complete with no gel particles. Observe the solution carefully since the gel particles are almost invisible; hold the tube almost horizontally and rotate but avoid undue contact of the solution with the rubber liner. Then allow the tube to stand in the air for a minimum of 1 hour and a maximum of 2 hours to cool and permit precipitation of the insoluble portion.

Uncap the polymerization tube and pour the contents into a coarse-porosity fritted-glass funnel. Apply suction with a water aspirator and draw at least 12 milliliters to 13 milliliters of filtrate through. Some samples filter rather slowly, and sometimes less than 10 milliliters is obtained. If the filtration is slow, it should be discontinued after 5 to 10 minutes, and a portion less than 10 milliliters used for the total solids determination. (Slow filtration may be due to failure to thoroughly clean the funnel from a previous determination.)

Determine the total solids on a 10-milliliter portion or less as described in section B.

B. Total solids determination:

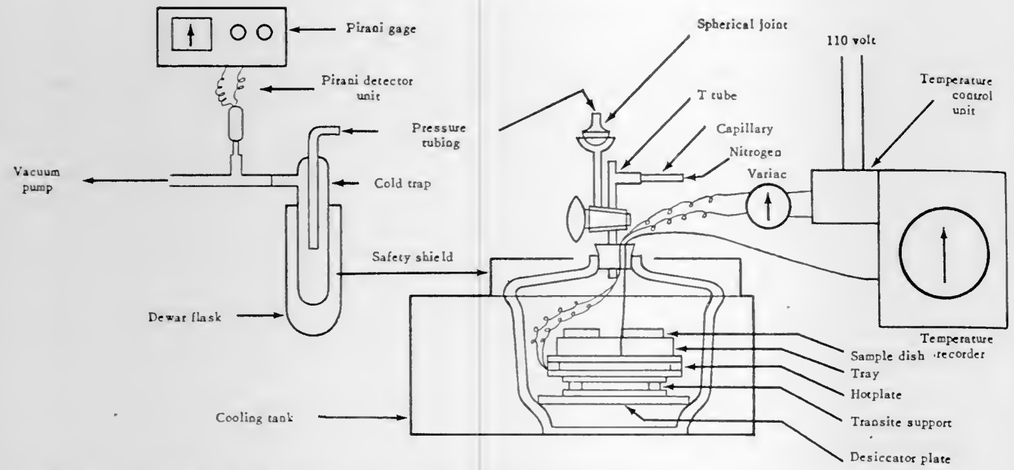
A sample is weighed into a tared aluminum weighing dish containing glass wool, the dish placed on the surface of an electric hotplate inside a vacuum desiccator whose side walls are cooled with ice water, and the solvent evaporated under vacuum. The solvent condenses on the walls of the desiccator while the glass wool in the dish reduces bumping. The residue in the dish is finally weighed.

Apparatus. 1. Solvent evaporator—This consists of a special electric hotplate mounted in a Pyrex vacuum desiccator. The latter is placed in a cooling bath and evacuated by a mechanical pump.

The component parts are listed below:

a. Desiccator and cover, Pyrex glass, large size, 250-millimeter inside diameter flange, provided with cover with opening for No. 8 rubber stopper. Insert the single arm of a 3-millimeter bore, three-way stopcock through a No. 8 rubber stopper and cut off the tubing just below the bottom of the stopper. Connect an 18/9 spherical joint to one of the two upper arms just above the stopcock barrel. Cut off the third arm about

ASSEMBLY OF DESICCATOR–HOTPLATE TOTAL SOLIDS APPARATUS



1 inch above the stopcock barrel. Attach a glass tee to this arm with the vertical outlet ground to a flat surface. Insert two electrical wires through the rubber stopper by means of glass tubing with tungsten seals and connect to the hotplate leads with porcelain wire nuts. Connect the external leads to a 110-volt line controlled with a 7.5-ampere Variac. Insert the sharpened sheath of the thermocouple assembly (iron-constantan, silver-soldered in the tip of a 12-inch piece of 14-gage hypodermic tubing) through the stopper. Bend the lower end to form a foot that will press against the hotplate. Insert the rubber stopper tightly in the opening in the desiccator cover and wire in place.

b. Porcelain desiccator plate, 230-millimeter diameter, without feet.

c. Insulating support, transite. Space the two 6-inch squares of 3/16-inch thick transite with four small 3/8-inch blocks of transite.

d. Hotplate, electric—For the heating surface, use an 8¼-inch circle of 3/8-inch aluminum plate. Back with a 8 x 7 inch piece of 3/8-inch aluminum plate space by about 1-inch strips of ¼-inch aluminum at each end. Round off any extending corners to the same diameter as the top plate.

Wind a 6-foot length of 275-watt, ½-inch heating tape around the bottom 6 x 7-inch plate. Connect the two ends of the tape-leads to the power inlet.

e. Cooling bath—Use a covered sheet-metal pan with two openings in the top, one a circular hole just large enough to admit the desiccator, and the other with hinged cover for inserting the cooling medium. The depth of the bath should be equal to the height of the desiccator to the flange of the bottom section.

f. Vacuum pump.

g. Pirani gage (a McLeod gage is satisfactory).

h. Temperature recorder, 0 to 200° C., 24-hour chart—Equip with an on-and-off control across the 110-volt power supply so as to control the temperature of the hotplate at the desired setting.

i. Dry ice trap with wide-mouth Dewar flask.

j. Safety shield for desiccator.

2. Aluminum tray, 5½ x 8 x 1 inch deep—Commercial frozen-food trays of this size are satisfactory.

3. Shield, drip or spatter—Unfold the corners of an aluminum tray, puncture hole for thermocouple lead, and place loosely over the sample dishes.

4. Drying dishes, aluminum, 50-millimeter diameter, with covers.

5. Oven, drying, maintained at 110° C. ±2° C.

6. Glass wool, Pyrex.

Procedure. Assemble the apparatus as shown in the diagram.

Take sufficient glass wool to fill the weighing dish about three-fourths full when loosely packed. Roll the glass wool into a loose spiral and place in a clean, dry dish. Pass a flame from a Bunsen burner over the surface of the dish so as to melt off any stray wisps of the glass wool. Wipe off any glass fibers on the outside surface of the dish. Heat the uncovered dishes in a 110° C. oven for 30 minutes, remove, cover, cool in air, and weigh to the nearest 0.0001 gram.

Pipet about 10-milliliter aliquots of the sample solution into the dish, wetting the entire glass wool pad.

Place the uncovered dishes in an aluminum tray, maximum of eight dishes per tray. With the hotplate at room temperature and the power off, place the tray of dishes on its top surface. Place the drip or spatter shield loosely over the tray. Place the desiccator lid and guard in position. Make sure the thermocouple is pressing against the bottom of the tray. Fill the cooling bath with ice plus a small amount of water.

Add crushed dry ice to the cooling trap Dewar flask and turn the vacuum pump on. Apply heat at such a rate that the temperature reaches 130° C.–140° C. in 40 to 60 minutes, usually about 80-volt setting of the Variac. Control the temperature at 140° C. for another hour. The pressure should be 800 microns to 1,000 microns at the start, and near the end of the test should drop to 300 microns to 500 microns.

Finally close off the lead to the vacuum pump, turn off the hotplate, and fill the desiccator slowly with nitrogen (about 5 pounds per square inch) admitted through a capillary. Attach the nitrogen feedline from the capillary to the horizontal arm of the glass tee. While holding a soft-rubber stopper on the flat surface of the vertical arm, slowly open the stopcock to the desiccator. Release the stopper; the vacuum will hold it in place until atmospheric pressure is reached, when it will pop off. This prevents blowing the lid off by pressure build-up. Open the desiccator, remove the shield, and then lift out the tray with the drying dishes.

Cover the dishes, allow to cool in air, and weigh.

If the apparatus is to be used again, cool the hotplate by placing a pan of ice on its top surface.

C. Calculation:

$$\frac{\text{Grams of residue} \times \frac{20}{A} \times 100}{\text{Grams of sample}} = \text{Percent} _____ \text{soluble,}$$

Where:

Milliliters of solution taken for total solids determination,

20 = Total volume of solvent used in dissolving the sample.

Specify the solvent used along with the percent soluble result.

(ii) *Method II—Ethyl acetate or hexane extractive.*

A sample is refluxed in the solvent for 2 hours and filtered at the boiling point. The filtrate is evaporated and the total residue weighed as a measure of the solvent extractable fraction.

Apparatus. 1. Erlenmeyer flasks, 250-milliliter, with ground joint.

2. Condensers, Allihn, 400-millimeter jacket, with ground joint.

3. Funnels, ribbed, 75-millimeter diameter, stem cut to 40 millimeters.

4. Funnels, Buchner type, with fritted disc, 60-milliliter, porosity coarse.

5. Bell jar for vacuum filtration into beaker.

Reagents. 1. Ethyl acetate, 99 percent specific gravity $\frac{20°\ C.}{20°\ C.}$ 0.899–0.902.

2. *n*-Hexane, commercial grade, specific gravity $\frac{20°\ C.}{20°\ C.}$ 0.663–0.667; boiling range 66° C.–69° C., or equivalent.

Procedure. Weigh 1 gram of sample accurately and place in a 250-milliliter Erlenmeyer flask containing two or three boiling stones. Add 100 milliliters of solvent, attach the flask to the condenser (use no grease) and reflux the mixture for two hours.[1]

Remove the flask from the heat, disconnect the condenser, and filter rapidly while still hot through a small wad of glass wool packed in a short stem funnel[2] into a tared 150-milliliter beaker. Rinse the flask and filter with two 10-milliliter portions of the hot solvent, and add the rinsings to the filtrate. Evaporate the filtrate on a steam bath with the aid of a stream of nitrogen. Dry the residue in a vacuum oven at 110° C. for two hours, cool in a desiccator and weigh to 0.0001 gram.

Determine the blank on 100 milliliters of solvent evaporated in a tared 150-milliliter beaker. Correct the sample residue for this blank if significant.

Calculation:

$$\frac{\text{Grams of residue}}{\text{Grams of sample}} \times 100 = \text{percent extractable with} _____$$

Specify the solvent used along with the percent extractive result.

§ 121.2502 Nylon resins.

The nylon resins listed in paragraph (a) of this section may be safely used to produce articles intended for use in processing, handling, and packaging food, subject to the provisions of this section:

(a) The nylon resins are manufactured as described in this paragraph so as to meet the specifications prescribed in paragraph (b) of this section when tested by the methods described in paragraph (c) of this section.

(1) Nylon 66 resins are manufactured by the condensation of hexamethylenediamine and adipic acid.

(2) Nylon 610 resins are manufactured by the condensation of hexamethylenediamine and sebacic acid.

(3) Nylon 66/610 resins are manufactured by the condensation of equal-weight mixtures of nylon 66 salts and nylon 610 salts.

(4) Nylon 6/66 resins are manufactured by the condensation and polymerization of mixtures of nylon 66 salts and *epsilon*-caprolactam under such conditions that the *epsilon*-caprolactam monomer content does not exceed 0.7 percent by weight of the finished nylon 6/66 resins.

(5) Nylon 11 resins are manufactured by the condensation of 11-aminoundecanoic acid.

(6) Nylon 6 resins are manufactured by the polymerization of *epsilon*-caprolactam.

(b) Specifications.

Nylon resins	Specific gravity	Melting point	Solubility in boiling 4.2*N* HCl	Maximum extractable fraction in selected solvents (expressed as percent by weight of resin)			
				Water	95 percent ethyl alcohol	Ethyl acetate	Benzene
		Degrees F.		*Percent*	*Percent*	*Percent*	*Percent*
1 Nylon 66 resins	1.14±0.015	475–495	Dissolves in 1 hr.	1.5	1.5	0.2	0.2
2 Nylon 610 resins	1.09±0.015	405–425	Insoluble after 1 hr.	1.0	2.0	1.0	1.0
3 Nylon 66/610 resins	1.10±0.015	375–395	Dissolves in 1 hr.	1.5	2.0	1.0	1.0
4 Nylon 6/66 resins	1.13±0.015	440–460	do	2.0	2.0	1.5	1.5
5.1 Nylon 11 resins for use in articles intended for one-time use or repeated use in contact with food.	1.04±0.015	355–375	Insoluble after 1 hr.	0.05	0.05	0.02	0.02
5.2 Nylon 11 resins for use only: a. In articles intended for repeated use in contact with food. b. In side-seam cements for articles intended for one-time use in contact with food and which are in compliance with § 121.2514.	1.04±0.015	355–375	do	0.10	1.00	0.15	0.15
6.1 Nylon 6 resins	1.15±0.015	392–446	Dissolves in 1 hour.	1.0	2.0	1.0	1.0
6.2 Nylon 6 resins for use only in food-contact films having an average thickness not to exceed 0.001 inch.	1.15±0.015	392–446	do	1.5	2.0	1.0	1.0

(c) *Analytical methods.* (1) *Specific gravity.* Specific gravity shall be determined by weighing a 1-gram to 5-gram sample first in air and then in freshly boiled distilled water at 23° C. ±2° C.

(2) *Melting point.* The melting point shall be determined as follows: Use a hot-stage apparatus. The use of crossed nicol prisms with a microscope hot stage and reading of the thermometer when the birefringence disappears increases the accuracy. If the crossed nicol apparatus is not available, use the lowest temperature at which the sample becomes transparent or the sharp edges or corners of the sample become rounded as the melting point. In case of doubt as to the onset of melting, the sample is prodded with a sharp instrument. If it sticks to the heating block, it is considered to have melted. If the melting point is low, dry the sample in an oven at 85° C. for 24 hours in a nitrogen atmosphere, then repeat the test.

(3) *Solubility in boiling 4.2N HCl.* The test shall be run on a sample approximately the size of a ⅛-inch cube in at least 25 milliliters of 4.2 normal hydrochloric acid.

(4) *Maximum extractable fraction in selected solvents.* The procedure for determining the maximum extractable fraction of the nylon resins in selected solvents is as follows:

(i) Film should be cut with ordinary scissors into pieces of a convenient size such as ¼-inch squares, for the extraction tests described in this section. The granules of nylon molding powders are in the proper form for the extraction tests. Samples of fabricated articles such as pipe, fittings, and other similar articles must be cut to approximately the size of the molding powder. This can be done conveniently by using a small-scale commercial plastics granulator and cutting the sample through a screen having ¼-inch mesh. Fine particles should be separated from the cut resin by screening through a 20-mesh screen. The material retained on the screen is suitable for the extraction tests.

(ii) The organic solvents must be of American Chemical Society analytical reagent grade; distilled water is used. Approximately 30 grams of the prepared sample is weighed to the nearest milligram. The weighed resin is transferred to a 500-milliliter round-bottom flask equipped with a reflux condenser. Approximately 300-milliliters of solvent is added to the flask and the contents refluxed gently for 8 hours with a heating mantle. The solvent is then filtered off immediately while still hot, using a Buchner funnel approximately 5 inches in diameter, a suction flask, and a hardened filter paper (Whatman No. 50 or equivalent). The paper is wet with the solvent and a slight suction applied just before starting the filtration. The resin is washed twice with approximately 100-milliliter portions of solvent and the combined filtrate and washings are reduced to approximately 25 milliliters by evaporation at reduced pressure (50 millimeters to 100 millimeters of mercury, absolute), heating as necessary. The contents of the flask are transferred to an evaporation dish (which has been held in a vacuum desiccator over anhydrous calcium sulfate until constant weight has been attained) and carefully evaporated to dryness. The weight of the solid residue is determined by difference after holding in a vacuum desiccator over anhydrous calcium sulfate until constant weight has been attained. The percent of solids extracted is calculated by dividing the weight of the solid residue by the weight of the sample and multiplying by 100.

§ 121.2503 Polyterpene resins.

Polyterpene resins identified in this section may be safely used as components of polypropylene film intended for use in contact with food, in accordance with the following prescribed conditions:

(a) The polyterpene resins are the hydrogenated polymers of terpene hydrocarbons obtainable from sulfate turpentine.

(b) The polyterpene resins have a drop-softening point of 118° C.–138° C. and an iodine value of less than 20.

[1] *n*-Hexane is refluxed on a steam bath.

[2] A glass-sintered funnel under slight vacuum is used for flake or ground material. Preheat the funnel with about 25 milliliters of hot solvent.

§ 121.2504 Malathion.

Malathion may be safely used for the control of insects during the drying of grapes (raisins) in compliance with § 121.1172 by incorporation into paper trays in amounts not exceeding 200 milligrams per square foot.

§ 121.2505 Slimicides.

(a) Slimicides may be safely used in the manufacture of paper and paperboard that contact food, in accordance with the following prescribed conditions:

(1) Slimicides are used as antimicrobial agents to control slime in the manufacture of paper and paperboard.

(2) Subject to any prescribed limitations, slimicides are prepared from one or more of the slime-control substances named in paragraph (c) of this section, to which may be added optional adjuvant substances as provided for under paragraph (d) of this section.

(3) Slimicides are added to the process water used in the production of paper or paperboard, and the quantity added shall not exceed the amount necessary to accomplish the intended technical effect.

(b) To insure safe usage, the label or labeling of slimicides shall bear adequate directions for use.

(c) Slime-control substances permitted for use in the preparation of slimicides include substances subject to prior sanction or approval for such use and the following:

List of substances	Limitations
Acrolein	
Alkenyl (C_{16}-C_{18}) dimethylethylammonium bromide.	
n-Alkyl (C_{12}-C_{16}) dimethyl benzyl ammonium chloride.	
Bis(1,4-bromoacetoxy)-2-butene	
5,5-Bis(bromoacetoxymethyl) *m*-dioxane.	
2,6-Bis(dimethylaminomethyl) cyclohexanone.	
Bis(trichloromethyl) sulfone	
4-Bromoacetoxymethyl-*m*-dioxolane.	
2-Bromo - 4' - hydroxyacetophenone.	
Cupric nitrate	
n-Dialkyl (C_{12}-C_{18}) benzylmethylammonium chloride.	
3,5 - Dimethyl - 1,3,5,2*H*-tetrahydrothiadiazine-2-thione.	
Dipotassium and disodium ethylenebis(dithiocarbamate).	
Disodium cyanodithioimidocarbonate.	
2-Mercaptobenzothiazole	
Potassium 2 - mercaptobenzothiazole.	
Potassium *N*-methyldithiocarbamate.	
Potassium pentachlorophenate	
Potassium trichlorophenate	
Silver fluoride	Limit of addition to process water not to exceed 0.024 pound, calculated as silver fluoride, per ton of paper produced.
Silver nitrate	
Sodium dimethyldithiocarbamate	
Sodium 2-mercaptobenzothiazole	
Sodium pentachlorophenate	
Sodium trichlorophenate	
1,3,6,8-Tetraazotricyclo[6.2.1.1 ^{3,6}] dodecane.	

(d) Adjuvant substances permitted to be used in the preparation of slimicides include substances generally recognized as safe for use in food, substances generally recognized as safe for use in paper and paperboard, substances permitted to be used in paper and paperboard by other regulations in this chapter, and the following:

Acetone.
Butylene oxide.
N,N-Dimethylformamide.
Ethanolamine.
Ethylenediamine.
Monomethyl ethers of mono-, di-, and tripropylene glycol.

§ 121.2506 Industrial starch-modified.

Industrial starch-modified may be safely used as a component of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, subject to the provisions of this section.

(a) Industrial starch-modified is a food starch-modified or starch or any combination thereof that has been modified by treatment with one of the reactants hereinafter specified, in an amount reasonably required to achieve the desired functional effect but in no event in excess of any limitation prescribed, with or without subsequent treatment as authorized in § 121.1031.

List of reactants:	Limitations
Chlorine, 0.055 pound, as sodium hypochlorite, per pound of dry starch and epichlorohydrin, not to exceed 0.3 percent.	
(4-Chlorobutene-2) trimethylammonium chloride, not to exceed 5 percent.	Industrial starch modified by this treatment shall be used only as internal sizing for paper and paperboard intended for food packaging.
β-Diethylaminoethyl chloride hydrochloride, not to exceed 4 percent.	
Dimethylaminoethyl methacrylate, not to exceed 3 percent.	
Dimethylol ethylene urea, not to exceed 0.375 percent.	Industrial starch modified by this treatment shall be used only as internal sizing for paper and paperboard intended for food packaging.
2,3-Epoxypropyltrimethylammonium chloride, not to exceed 5 percent.	
Ethylene oxide, not to exceed 3 percent of reacted ethylene oxide in finished product.	

(b) The following adjuvants may be used as surface-active agents in the processing of industrial starch-modified:

Polyethylene glycol (400) dilaurate.
Polyethylene glycol (400) monolaurate.
Polyoxyethylene (4) lauryl ether.
Polyoxyethylene (20) sorbitan trioleate.
Sorbitan monolaurate.

(c) To insure safe use of the industrial starch-modified, the label of the food additive container shall bear the name of the additive "industrial starch-modified," and in the instance of an industrial starch-modified which is limited with respect to conditions of use, the label of the food additive container shall contain a statement of such limited use.

§ 121.2507 Cellophane.

Cellophane may be safely used for packaging food in accordance with the following prescribed conditions:

(a) Cellophane consists of a base sheet made from regenerated cellulose to which have been added certain optional substances of a grade of purity suitable for use in food packaging as constituents of the base sheet or as coatings applied to impart desired technological properties.

(b) Subject to any limitations prescribed in this part, the optional substances used in the base sheet and coating may include:

(1) Substances generally recognized as safe in food.

(2) Substances for which prior approval or sanctions permit their use in cellophane, under conditions specified in such sanctions and substances listed in Subpart E, § 121.2001.

(3) Substances that by any regulation promulgated under section 409 of the act may be safely used as components of cellophane.

(4) Substances named in this section and further identified as required.

(c) List of substances:

	Limitations (residue and limits of addition expressed as percent by weight of finished packaging cellophane)
Acrylonitrile-butadiene copolymer resins	As the basic polymer.
Acrylonitrile-butadiene-styrene copolymer resins	Do.
Acrylonitrile-styrene copolymer resins	Do.
Acrylonitrile-vinyl chloride copolymer resins	Do.
Alkyl ketene dimers identified in § 121.2538	
Aluminum hydroxide	
Aluminum silicate	
Ammonium persulfate	
Ammonium sulfate	
Behenamide	
Butadiene-styrene copolymer	As the basic polymer.
1,3-Butanediol	

	Limitations (residue and limits of addition expressed as percent by weight of finished packaging cellophane)—Continued
Ethyl acetate	
Ethylene-alkene-1 copolymers complying with § 121.2508.	
Ethylene-vinyl acetate copolymers complying with § 121.2570.	0.1 percent for use only as lubricant.
2-Ethylhexyl alcohol	
Fatty acids derived from animal and vegetable fats and oils, and the following salts of such acids, single or mixed: Aluminum, ammonium, calcium, magnesium, potassium, sodium.	As the basic polymer, and used as a resin to anchor coatings to substrate.
Ferrous ammonium sulfate	
Fumaric acid	
Glycerin-maleic anhydride	As the basic polymer.
Glycerol diacetate	
Glycerol monoacetate	
Hydroxyethyl cellulose, water-insoluble	
Hydroxypropyl cellulose identified in § 121.1160	Residue limit 0.1 percent.
Isopropyl acetate	Do.
Isopropyl alcohol	
Itaconic acid	
Lanolin	
Lauryl alcohol	
Lauryl sulfate salts: ammonium, magnesium, potassium, sodium.	0.1 percent.
Maleic acid	
Maleic acid adduct of butadienestyrene copolymer	As the basic polymer.
Melamine formaldehyde	As the basic polymer, and used as a resin to anchor coatings to substrate.
Melamine-formaldehyde modified with one or more of the following: Butyl alcohol, diaminopropane, diethylenetriamine, ethyl alcohol, guanidine, imino-bis-butylamine, imino-bis-ethylamine, imino-bis-propylamine, methyl alcohol, polyamines made by reacting ethylenediamine or trimethylenediamine with dichloroethane or dichloropropane, sulfanilic acid, tetraethylenepentamine, triethanolamine, triethylenetetramine.	
Methyl ethyl ketone	Residue limit 0.1 percent.
Methyl hydrogen siloxane	0.1 percent as the basic polymer.
Mineral oil, white	
Naphthalenesulfonic acid-formaldehyde condensate, sodium salt.	0.1 percent, for use only as an emulsifier.
Nitrocellulose, 10.9 percent–12.2 percent nitrogen	
Nylon resins complying with § 121.2502	
Oleic acid reacted with *N*-alkyl trimethylenediamine (alkyl C_{14} to C_{18}).	
Oleic acid, sulfonated, sodium salt	
Oleyl palmitamide	
N,N'-Oleoyl-stearylethylenediamine (*N*-(2-stearoylaminoethyl) oleamide).	
Paraffin, synthetic, complying with § 121.2575	
Pentaerythritol tetrastearate	0.1 percent.
Polyamide resins derived from dimerized vegetable oil acids (containing not more than 20 percent of monomer acids) and ethylenediamine as the basic resin.	For use only in cellophane coatings that contact food at temperatures not to exceed room temperature.
Polycarbonate resins complying with § 121.2574	
n-Butyl acetate	
n-Butyl alcohol	
Calcium ethyl acetoacetate	
Carboxymethyl hydroxyethylcellulose polymer	
Castor oil, hydrogenated	
Castor oil phthalate with adipic acid and fumaric acid-diethylene glycol polyester,	As the basic polymer.
Castor oil phthalate, hydrogenated	Alone or in combination with other phthalates where total phthalates do not exceed 5 percent.
Castor oil, sulfonated, sodium salt	
Cellulose acetate butyrate	
Cellulose acetate propionate	
Cetyl alcohol	
Clay, natural	
Coconut oil fatty acid (C_{12}-C_{18}) diethanolamide, coconut oil fatty acid (C_{12}-C_{18}) diethanolamine soap, and diethanolamine mixture having total alkali (calculated as potassium hydroxide) of 16–18% and having an acid number of 25–35.	For use only as an adjuvant employed during the processing of cellulose pulp used in the manufacture of cellophane base sheet.
Copal resin, heat processed	As basic resin.
Damar resin	
Dibutylphthalate	Alone or in combination with other phthalates where total phthalates do not exceed 5 percent.
	Do.
Dicyclohexyl phthalate	Alone or in combination with other phthalates where total phthalates do not exceed 5 percent.
Diethylene glycol ester of the adduct of terpene and maleic anhydride.	
Di(2-ethylhexyl) adipate	
Di(2-ethylhexyl) phthalate	Alone or in combination with other phthalates where total phthalates do not exceed 5 percent.
	Do.
Dimethylcyclohexyl phthalate	0.005 percent for use only as a flocculant for slip agents.
Dimethyldialkyl (C_8-C_{18}) ammonium chloride	
Di-*n*-octyltin bis(2-ethylhexyl maleate)	For use only as a stabilizer at a level not to exceed 0.55 percent by weight of the coating solids in vinylidene chloride copolymer waterproof coatings prepared from vinylidene chloride copolymers identified in this paragraph, provided that such vinylidene chloride copolymers contain not less than 90 percent by weight of polymer units derived from vinylidene chloride.
N,N'-Dioleoyl ethylenediamine (*N,N'*-ethylenebisoleamide).	
Disodium EDTA	
Distearic acid ester of di(hydroxyethyl) diethylenetriamine monoacetate.	0.00 percent.
N,N'-Distearylethylenediamine (*N,N'*-ethylenebisstearamide).	
Epoxidized polybutadiene	For use only as a primer subcoat to anchor surface coatings to the base sheet.
Erucamide	

	Limitations (residue and limits of addition expressed as percent by weight of finished packaging cellophane)—Continued
Sorbitan monostearate conforming to the identity prescribed in § 121.1029.	
Sorbitan trioleate	
Sorbitan tristearate	
Spermaceti wax	
Stearyl alcohol	
Styrene-maleic anhydride resins	As the basic polymer.
Terpene resins identified in § 121.1059	
Tetrahydrofuran	Residue limit of 0.1 percent.
Titanium dioxide	
Toluene	Residue limit of 0.1 percent.
Toluene sulfonamide formaldehyde	0.6 percent as the basic polymer.
Triethylene glycol	
Triethylene glycol diacetate, prepared from triethylene glycol containing not more than 0.1 percent of diethylene glycol.	
Urea (carbamide)	
Urea formaldehyde	As the basic polymer.
Urea formaldehyde modified with methanol, ethanol, butanol diethylenetriamine, triethylenetetramine, tetraethylenepentamine, guanidine, sodium sulfite, sulfamic acid, imino-bis-ethylamine, imino-bis-propylamine, imino-bis-butylamine, diaminopropane, diaminobutane, aminomethylsulfonic acid, polyamines made by reacting ethylenediamine or trimethylenediamine with dichloroethane or dichloropropane.	As the basic polymer, and used as a resin to anchor coatings to the substrate.
Vinyl acetate-vinyl chloride copolymer resins	As the basic polymer.
Vinyl acetate-vinyl chloride-maleic acid copolymer resins.	Do.
Vinylidene chloride copolymerized with one or more of the following: Acrylic acid, acrylonitrile, butyl acrylate, butyl methacrylate, ethyl acrylate, 2-ethylhexyl acrylate, ethyl methacrylate, itaconic acid, methacrylic acid, methyl acrylate, methyl methacrylate, propyl acrylate, propyl methacrylate, vinyl chloride.	Do.
Vinylidene chloride-methacrylate decyloctyl copolymer.	Do.
Wax, petroleum, complying with § 121.2580	
Waxes, microcrystalline	
Zinc stearate	

(d) Any optional component listed in this section covered by a specific food additive regulation must meet any specifications in that regulation. Any component not itself covered by a regulation shall meet specifications, if any, set forth in an order that has been issued extending the effective date of the statute for that article.

§ 121.2508 Ethylene-alkene-1 copolymers.

Ethylene-alkene-1 copolymers may be safely used to produce packaging materials, containers, and equipment intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, in accordance with the following prescribed conditions:

(a) Ethylene - alkene - 1 copolymers consist of basic resins produced by the catalytic copolymerization of ethylene and one or more of the 1-alkenes having three to eight carbon atoms, to which may have been added certain optional substances to impart desired technological properties to the resin. Subject to any limitations prescribed in this section, the optional substances may include:

(1) Substances generally recognized as safe in food and food packaging.

(2) Substances the use of which is permitted under applicable regulations in this part, prior sanctions, or approvals.

(b) Ethylene - alkene - 1 copolymers shall conform to the specifications prescribed in subparagraph (1) of this paragraph and shall meet the extractability limits prescribed in subparagraph (2) of this paragraph, when tested by the methods prescribed in § 121.2510.

(1) *Specifications*—(i) *Infrared identification.* Ethylene - alkene - 1 copolymers can be identified by their characteristic infrared spectra.

(ii) *Specific gravity.* Ethylene-alkene-1 copolymers have a specific gravity of not less than 0.85 nor more than 1.00 as determined by A.S.T.M. Method D–1505.

(2) *Limitations.* (i) Ethylene-alkene-1 copolymers may be used in contact with food except as a component of articles used for packaging or holding food during cooking, provided they meet the following extractability limits:

(a) Maximum soluble fraction of 30 percent in xylene after refluxing and subsequent cooling to 25° C.

(b) Maximum extractable fraction of 3.1 percent when extracted with ethyl acetate at 50° C.

(c) Maximum extractable fraction of 5.5 percent when extracted with *n*-hexane at 50° C.

(ii) Ethylene-alkene-1 copolymers having chemical and physical properties to attain the desired technical effect may be used as a component of an adhesive.

(iii) Ethylene-alkene-1 copolymers may be used in contact with food to include use as a component of articles for packaging or holding food during cooking, provided they meet the following extractability limits:

(a) Maximum soluble fraction of 30 percent in xylene after refluxing and subsequent cooling to 25° C.

(b) Maximum extractable fraction of 3.1 percent when extracted with ethyl acetate at 50° C.

(c) Maximum extractable fraction of 2.6 percent when extracted with *n*-hexane at 50° C.

(c) Ethylene-alkene-1 copolymers, alone or in combination with polyethylene complying with § 121.2510, may be subjected to irradiation by electron bombardment from a source not to exceed 2.3 million volts intensity to impart desired properties: *Provided*, That the finished resin complies with the limitations prescribed by § 121.2510(d).

§ 121.2509 Release agents.

Substances listed in paragraph (b) of this section may be safely used as release agents in petroleum wax complying with § 121.2586 and in polymeric resins that contact food, subject to the provisions of this section.

(a) The quantity used shall not exceed the amount reasonably required to accomplish the intended technical effect or any limitations prescribed in this section.

(b) Release agents:

List of substances:	*Limitations*
Erucamide (erucylamide).	----------
Oleyl palmitamide.	----------
Saturated fatty acid amides manufactured from fatty acids derived from animal, marine, or vegetable fats and oils.	----------
Stearyl erucamide	----------

§ 121.2510 Polyethylene.

Polyethylene may be safely used to produce packaging materials, containers, and equipment intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, in accordance with the following prescribed conditions:

(a) Polyethylene consists of a basic resin produced by the catalytic polymerization of ethylene to which may have been added certain optional substances of a grade of purity suitable for use in contact with food to impart desired technological properties. Subject to any limitation prescribed in this section, the optional substances may include:

(1) Substances generally recognized as safe in food and food packaging.

(2) Substances the use of which is permitted under regulations in this part, prior sanctions, or approvals.

(b) Polyethylene shall conform to the specifications prescribed in paragraph (c) of this section, and shall meet the extractability limits prescribed in paragraph (d) of this section when tested by the methods provided in paragraph (e) of this section.

(c) Specifications: (1) *Infrared identification.* Polyethylene can be identified by its characteristic infrared spectrum.

(2) *Specific gravity.* Polyethylene has a specific gravity of not less than 0.85 nor more than 1.00, as determined by ASTM Method D–1505.

(d) Extractability limitations: (1) Polyethylene may be used in contact with food, except for articles used for packing or holding food during cooking, provided it meets the following extractability limits:

(i) Maximum soluble fraction of 11.3 percent in xylene after refluxing and subsequent cooling to 25° C.

(ii) Maximum extractable fraction of 3.1 percent when extracted with ethyl acetate at 50° C.

(iii) Maximum extractable fraction of 5.5 percent when extracted with *n*-hexane at 50° C.

(2) Polyethylene having chemical and physical properties to attain the desired technical effect may be used as a component of adhesives.

(3) Polyethylene may be used as a component of articles for packing or holding food during cooking, provided it meets the following extractability limitations:

(i) Maximum soluble fraction of 11.3 percent in xylene after refluxing and subsequent cooling to 25° C.

(ii) Maximum extractable fraction of 3.1 percent when extracted with ethyl acetate at 50° C.

(iii) Maximum extractable fraction of 2.6 percent when extracted with *n*-hexane at 50° C.

(4) Polyethylene complying with the extractability limitations of subparagraph (1) of this paragraph may be used as a component of food-contact coatings. In addition, polyethylene that complies with the following extractability limitations may be used at levels up to and including 50 percent by weight of any mixture employed as a food-contact coating:

(i) Maximum soluble fraction of 75 percent in xylene after refluxing and subsequent cooling to 25° C.

(ii) Maximum extractable fraction of 8 percent when extracted with ethyl acetate at 50° C.

(iii) Maximum extractable fraction of 53 percent when extracted with *n*-hexane at 50° C.

(e) *Extractability methods:* (1) *Hexane extractables in polyethylene (applicable to polyethylene in film form not exceeding 5 mils thickness)*—(i) *Special apparatus*—(a) *Extraction apparatus.* Two-liter, straight-walled, Pyrex glass resin kettles, fitted with three-hole ground covers, are most convenient for this purpose. The cover is fitted with a thermometer, a gas-tight stirrer driven by an air motor or explosion-proof electric motor, and a reflux condenser. The kettle is fitted with an electric heating mantle of appropriate size and shape which is controlled by a variable-voltage transformer.

(b) *Evaporating apparatus.* Rapid evaporation of large volumes of solvent requires special precautions to prevent contamination by dust. This is facilitated by a special "gas" cover which consists of an inverted, flat Pyrex crystallizing dish of an appropriate size (190 millimeters by 100 millimeters) to fit a 1-liter beaker. Through the center of the dish are sealed an inlet tube for preheated, oxygen-free nitrogen, and an outlet tube located 1 inch off center. Nitrogen is fed from the supply source through a coil of ¼-inch stainless steel tubing immersed in the same steam bath used to supply heat for solvent evaporation. All connections are made with flexible tetrafluoroethylene tubing.

(ii) *Reagents*—(a) *n-Hexane.* Spectro-grade *n*-hexane.

(b) *Nitrogen.* High purity, dry nitrogen containing less than 10 parts per million of oxygen.

(iii) *Procedure.* (a) The film sample is cut into approximately 1-inch squares by any convenient method that avoids contamination by dust, dirt, or grease (do not touch with bare fingers). Transfer 2.5 grams (accurately weighed to nearest 0.001 gram) of the cut film to the resin kettle with the aid of forceps. Add 1 liter of solvent and clamp top in position. Start water flowing through jacket of the reflux condenser and apply air pressure to the stirring motor to produce vigorous agitation. Turn on heating jacket with transformer set at a predetermined voltage to bring the temperature of the contents to 50.0° C.

within 20–25 minutes for hexane. As the thermometer reading approaches 45° C.–47° C. for hexane, reduce the voltage to the predetermined setting which will just maintain the temperature at 50° C. Do not overshoot the prescribed temperature. Should this occur, discard the test and start afresh.

(*b*) Exactly 2 hours after the hexane temperature has reached 50° C. disconnect the heater and remove the resin kettle from the heating jacket. When extracting with hexane, decant the solvent, while still at 50° C., through a coarse filter paper placed on top of a fritted glass funnel, collecting the filtrate in a tared, glass-stoppered Erlenmeyer flask of 1-liter capacity.

(*c*) Determine to the nearest gram the weight of the filtrate recovered. Recovery should be at least 90 percent of the original solvent. Losses due to evaporation during heating and filtering have been found not to exceed 10 percent.

(*d*) Transfer about half of the solvent filtrate to a 1-liter beaker placed on an opening in the steam bath and immediately cover with the special "gas" cover the inlet tube of which has been attached with flexible tetrafluoroethylene tubing to a source of high purity nitrogen in series with a stainless steel heating coil immersed directly in the body of the steam bath. Maintain a positive flow of warm nitrogen gas throughout the evaporation of the solvent, adding the remainder of the filtrate from the Erlenmeyer flask as the evaporation proceeds. When the volume of the solvent has been reduced to about 50 milliliters, transfer the concentrated liquid to a previously tared weighing dish of suitable size. Wash the beaker twice with 20–30-milliliter portions of warm solvent, adding the washings to the weighing dish while continuing to evaporate the remainder of the solvent under the gas cover with its flow of warm nitrogen directed toward the center of the dish.

(*e*) In the event that an insoluble residue that cannot be removed with warm solvent remains in the beaker, it may be necessary to heat with a small amount of a higher boiling solvent such as benzene or toluene, transferring these washings to the weighing dish before final evaporation to dryness.

(*f*) Transfer the weighing dish with its residue to a vacuum desiccator, and allow it to remain overnight (at least 12 hours), after which the net weight of the dry residue is determined to the nearest 0.0001 gram. Correct the result for any solvent blank equivalent to the nonvolatile matter determined to be contained in the amount of solvents used in the test.

(iv) *Note.* The procedure described in this subparagraph is suitable for the extraction of polymer powders (80-mesh or finer) that have been prepared by grinding molding pellets or molded or extruded articles through a laboratory mill under conditions that prevent excessive heating of the samples (below 35° C.)

(2) *Limit test for ethyl acetate extractables (applicable to polymer in film form not exceeding 5 mils thickness)*—(i) *Special apparatus*—(*a*) *Extraction apparatus.* Two-liter, straight-walled, Pyrex glass resin kettles, fitted with three-hole ground covers, are most convenient for this purpose. The cover is fitted with a thermometer, a gas-tight stirrer driven by an air motor or explosion-proof electric motor, and a reflux condenser. The kettle is fitted with an electric heating mantle of appropriate size and shape which is controlled by a variable-voltage transformer.

(*b*) *Evaporating apparatus.* Rapid evaporation of large volumes of solvent requires special precautions to prevent contamination by dust. This is facilitated by a special "gas" cover which consists of an inverted flat Pyrex crystallizing dish of an appropriate size (190 millimeters x 100 millimeters) to fit a 1-liter beaker. Through the center of the dish are sealed an inlet tube for preheated, oxygen-free nitrogen and an outlet tube located about 1 inch off center. Nitrogen is fed from the supply source through a coil of ¼-inch stainless steel tubing immersed in the same steam bath used to supply heat for solvent evaporation. All connections are made with flexible tetrafluoroethylene tubing.

(ii) *Reagents*—(*a*) *Ethyl acetate.* American Chemical Society reagent grade.

(*b*) *Nitrogen.* High purity, dry nitrogen containing less than 10 parts per million of oxygen.

(iii) *Procedure.* (*a*) The film sample is cut into approximately 1-inch squares by any convenient method that avoids contamination by dust, dirt, or grease (do not touch with bare fingers). Transfer 3.5 grams (accurately weighed to nearest 0.001 gram) of the cut film to the resin kettle with the aid of forceps. Add 1 liter of ethyl acetate and clamp top in position. Start water flowing through jacket of the reflux condenser and apply air pressure to the stirring motor to produce vigorous agitation. Turn on heating jacket with transformer set at a predetermined voltage to bring the temperature of the contents to 50.0° C. within 20–25 minutes. As the thermometer reading approaches 45° C.–47° C., reduce the voltage to the predetermined setting which will just maintain the temperature at 50° C. Do not overshoot the prescribed temperature. Should this occur, discard the test and start afresh.

(*b*) Exactly 2 hours after the solvent temperature has reached 50° C., disconnect the heater, remove the resin kettle from the heating jacket, and decant the ethyl acetate while still warm through a coarse filter paper placed on top of a fritted glass funnel, collecting the filtrate in a tared, glass-stoppered Erlenmeyer flask of 1-liter capacity. Determine the weight of the filtrate recovered to the nearest gram. Recovery should be at least 90 percent of the original ethyl acetate. Losses due to evaporation during heating and filtering have been found not to exceed 10 percent.

(*c*) Transfer about half of the filtrate to a 1-liter beaker placed on an opening in the steam bath and immediately cover with the special "gas" cover, the inlet tube of which has been attached with flexible tetrafluoroethylene tubing to a source of high-purity nitrogen in series with a stainless steel heating coil immersed directly in the body of the steam bath. Maintain a positive flow of warm nitrogen gas throughout the evaporation of the solvent, adding the remainder of the filtrate from the Erlenmeyer flask as the evaporation proceeds. When the volume of ethyl acetate has been reduced to about 50 milliliters, transfer the concentrated liquid to a previously tared weighing dish of suitable size. Wash the beaker twice with 20–30-milliliter portions of warm ethyl acetate, adding the washings to the weighing dish, while continuing to evaporate the remainder of the solvent under the gas cover with its flow of warm nitrogen directed toward the center of the dish.

(*d*) In the event that an insoluble residue remains in the beaker that cannot be removed with warm ethyl acetate, it may be necessary to heat with a small amount of a higher boiling solvent such as heptane, benzene, or toluene, transferring these washings to the weighing dish before final evaporation to dryness.

(*e*) Transfer the weighing dish with its residue to a vacuum desiccator and allow it to remain overnight (at least 12 hours), after which the net weight of the dry residue is determined to the nearest 0.0001 gram. Correct the result for any solvent blank equivalent to the nonvolatile matter determined to be contained in the amount of solvents used in the test.

(iv) *Note.* The procedure described in this subparagraph is also suitable for the extraction of polymer powders (80-mesh or finer) that have been prepared by grinding molding pellets or molded or extruded articles through a laboratory mill under conditions that prevent excessive heating of the sample (below 35° C.).

(3) *Xylene solubility (applicable to all types of polymers, including films and molded articles)*—(i) *Special apparatus*—(*a*) *Extraction apparatus.* Two-liter, straight-walled Pyrex glass resin kettles, fitted with ground covers, are most convenient for this purpose. The cover is equipped with a thermometer and an efficient reflux condenser. The kettle is fitted with an electric heating mantle of appropriate size and shape which is controlled by a variable-voltage transformer.

(*b*) *Constant temperature water bath.* Must be large enough to permit immersion of the extraction kettle and set to maintain 25±0.1° C.

(*c*) *Evaporating apparatus.* Gas cover consisting of a flat Pyrex crystallizing dish (190 millimeters x 100 millimeters) inverted to fit over a 1-liter beaker with 8-millimeter gas inlet tube sealed through center and an outlet tube 1 inch off center. The beaker with gas cover is inserted in an electric heating mantle equipped with a variable-voltage transformer. The outlet tube is attached to an efficient condenser mounted on a receiving flask for solvent recovery and having an outlet for connection to an aspirator pump. The heating mantle (with the beaker) is mounted on a magnetic stirring device. An infrared heat lamp is mounted, vertically 3–4 inches above the gas cover to prevent condensation of the solvent inside the cover. Make all connections with flexible tetrafluoroethylene tubing.

(ii) *Reagents*—(*a*) *Xylene.* American Chemical Society reagent grade which has been redistilled through a fractionating column to reduce the nonvolatile residue.

(*b*) *Nitrogen.* High purity, dry nitrogen containing less than 10 parts per million oxygen.

(iii) *Procedure.* (*a*) Cut the polyethylene sample into convenient small pieces, avoiding contact with bare fingers or other sources of contamination by grease, dirt, or dust. With the aid of forceps, transfer 5,000 grams ±0.001 gram of sample to the resin kettle, add 1,000 milliliters (840 grams) of xylene and clamp top in position after inserting a piece of glass rod to prevent bumping during reflux. Start water flowing through the jacket of the reflux condenser and apply full voltage (115 volts) to the heating mantle. When the xylene starts to boil, reduce the voltage to a level just sufficient to maintain reflux. After refluxing for at least 2 hours, disconnect the power source to the mantle, remove the kettle, and allow to cool in air until the temperature of the contents drops to 50° C., after which the kettle may be rapidly cooled to 25° C.–30° C. by immersion in a cold water bath. Transfer the kettle to a constant temperature bath set to maintain 25° C. ±0.1° C., and allow to equilibrate for at least 1 hour (may be left overnight if convenient).

(*b*) Break up any precipitated polyethylene that may have formed, and decant the xylene solution successively through a fast filter paper and then through a fritted glass filter into a tared, 1-liter Erlenmeyer flask, collecting only the first 450 milliliters–500 milliliters of filtrate (any attempt to collect more of the xylene solution usually results in clogging the filter and risking losses). Reweigh the Erlenmeyer flask and calculate the weight of the filtrate obtained to 0.1 gram.

(*c*) Transfer the filtrate, quantitatively, from the Erlenmeyer flask to the 1-liter beaker, insert the beaker in its heating mantle, add a glass-coated magnetic stirring bar and mount the gas cover in place, connecting the inlet tube to the nitrogen source and the outlet to the condenser of the receiving flask. Start a flow of nitrogen (2 to 3 liters per minute) into the gas cover and connect an aspirator to the receiver, using a free-flow rate equivalent to 6–7 liters of air per minute. With the infrared lamp on, adjust the voltage to the heating mantle to give a distillation rate of 12–13 milliliters per minute when the magnetic stirrer is revolving just fast enough to promote good boiling.

(*d*) When the volume of solvent in the beaker has been reduced to 30–50 milliliters, transfer the concentrated extractive to a suitable weighing dish that has been previously tared (dry). Rinse the beaker twice with 10–20-milliliter portions of fresh xylene, adding the rinsings to the weighing dish. Evaporate the remainder of the xylene on an electric hot plate set at low heat under the gas cover with a stream of nitrogen directed toward the center of the dish. Avoid any charring of the residue. Transfer the weighing dish to a vacuum desiccator at room temperature and allow to remain under reduced pressure for at least 12 hours (overnight), after which determine the net weight of the residue to the nearest 0.0001 gram. Correct the result for nonvolatile solvent blank obtained by evaporating the equivalent amount of xylene under identical conditions. Calculate the weight of residue originally present in the total weight of solvent (840 grams), using the appropriate factor based on the weight of filtrate evaporated.

(*f*) Polyethylene, alone or in combination with ethylene-alkene-1 copolymers complying with § 121.2508, may be subjected to irradiation by electron bombardment from a source not to exceed 2.3 million volts intensity to impart desired properties: *Provided*, That the finished resin complies with the limitations prescribed by paragraph (d) of this section.

§ 121.2511 Plasticizers in polymeric substances.

Subject to the provisions of this regulation, the substances listed in paragraph (b) of this section may be safely used as plasticizers in polymeric substances used in the manufacture of articles or components of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food.

(a) The quantity used shall not exceed the amount reasonably required to accomplish the intended technical effect.

(b) List of substances:

	Limitations
Butyl benzyl phthalate.	For use only: 1. As provided in §§ 121.2520 and 121.2571. 2. In polymeric substances used in food-contact articles complying with §§ 121.2514, 121.2526, or 121.2569: *Provided*, That the butyl benzyl phthalate contains not more than 1 percent by weight of dibenzyl phthalate. 3. In polymeric substances used in other permitted food-contact articles: *Provided*, That the butyl benzyl phthalate contains not more than 1 percent by weight of dibenzyl phthalate; and *Provided further*, That the finished food-contact article, when extracted with the solvent or solvents characterizing the type of food and under the conditions of time and temperature characterizing the conditions of its intended use as determined from tables 1 and 2 of § 121.2514(d), shall yield net chloroform-soluble extractives not to exceed 0.5 mg. per square inch, as determined by the methods prescribed in § 121.2514(e).
Dicyclohexyl phthalate.	For use only: 1. As provided in §§ 121.2507, 121.2520, 121.2526, and 121.2571. 2. Alone or in combination with other phthalates, in polyvinyl chloride and polyvinyl acetate film and sheet that contact food at temperatures not to exceed room temperature provided that total phthalates, calculated as phthalic acid, do not exceed 10 percent by weight of the finished film or sheet.
Di(2-ethylhexyl) adipate.	
Di-*n*-hexyl azelate.	Not to exceed 15 percent by weight of finished article.
Dihexyl phthalate.	For use only: 1. As provided in § 121.2520. 2. In articles that contact food only of the types identified in § 121.2526 (c), table 1, under categories I, II, IV–B, VI–B, and VIII.
Diphenyl phthalate.	For use only: 1. As provided in § 121.2520. 2. Alone or in combination with other phthalates, in polyvinyl chloride and polyvinyl acetate film and sheet that contact food at temperatures not to exceed room temperature, provided that total phthalates, calculated as phthalic acid, do not exceed 10 percent by weight of the finished film or sheet.
Epoxidized butyl esters of linseed oil fatty acids.	Iodine number, maximum 5; oxirane oxygen, minimum 7.8 percent.
Epoxidized linseed oil.	Iodine number, maximum 5; oxirane oxygen, minimum 9 percent.
Mineral oil, white.	
Polyisobutylene (mol. wt. 300–5,000).	For use in polyethylene complying with § 121.2510, provided that the polyisobutylene is added in an amount not exceeding 0.5 percent by weight of the polyethylene, and further provided that such plasticized polyethylene shall not be used as a component of articles intended for packing or holding food during cooking.
Polyisobutylene complying with § 121.2590.	
Polypropylene, noncrystalline (density 0.80–0.88 as determined by A.S.T.M. method D–1505).	For use in polyethylene complying with § 121.2510.
Triethylene glycol.	Diethylene glycol content not to exceed 0.1 percent.

(c) The use of the plasticizers in any polymeric substance or article subject to any regulation in this Subpart F must comply with any specifications and limitations prescribed by such regulation for the finished form of the substance or article.

§ 121.2512 Acrylamide-acrylic acid resins.

Acrylamide-acrylic acid resins may be safely used as components of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, subject to the provisions of this section.

(a) Acrylamide-acrylic acid resins are produced by the polymerization of acrylamide with partial hydrolysis or by the copolymerization of acrylamide and acrylic acid.

(b) The acrylamide-acrylic acid resins contain less than 0.2 percent residual monomer.

(c) The resins are used as adjuvants in the manufacture of paper and paper-

board in amounts not to exceed that necessary to accomplish the technical effect and not to exceed 2 percent by weight of the paper or paperboard.

§ 121.2513 Polysorbate 80 as an antifogging agent in food packaging.

Polysorbate 80 may be safely used in food-packaging films in accordance with the following prescribed conditions:

(a) The polysorbate 80 meets the specifications prescribed in § 121.1009.

(b) It is used or intended for use as an antifogging agent as follows:

(1) As a component of polyvinyl chloride film used for packaging meat and fresh fruits and vegetables whereby the maximum amount does not exceed 1.2 percent of the weight of the film.

(2) As a component of rubber hydrochloride film used for packaging meat whereby the maximum amount does not exceed 1.5 percent of the weight of the film.

§ 121.2514 Resinous and polymeric coatings.

Resinous and polymeric coatings may be safely used as the food-contact surface of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, in accordance with the following prescribed conditions:

(a) The coating is applied as a continuous film or enamel over a metal substrate, or the coating is intended for repeated food-contact use and is applied to any suitable substrate as a continuous film or enamel that serves as a functional barrier between the food and the substrate. The coating is characterized by one or more of the following descriptions:

(1) Coatings cured by oxidation.

(2) Coatings cured by polymerization, condensation, and/or cross-linking without oxidation.

(3) Coatings prepared from prepolymerized substances.

(b) The coatings are formulated from optional substances that may include:

(1) Substances generally recognized as safe in food.

(2) Substances the use of which is permitted by regulations in this part or which are permitted by prior sanction or approval and employed under the specific conditions, if any, of the prior sanction or approval.

(3) Any substance employed in the production of resinous and polymeric coatings that is the subject of a regulation in this subpart F conforms with any specification in such regulation, and any substance that is not the subject of a regulation in this subpart F conforms with the specification, if any, provided in an order extending the effective date of the statute for such substance as an indirect additive to food. Substances named in this subparagraph and further identified as required:

(i) Drying oils, including the triglycerides or fatty acids derived therefrom.

Beechnut.
Candlenut.
Castor (including dehydrated).
Chinawood (tung).
Coconut.
Corn.
Cottonseed.
Fish (refined).
Hempseed.
Linseed.
Oiticia.
Perilla.
Poppyseed.
Pumpkinseed.
Safflower.
Sesame.
Soybean.
Sunflower.
Tall oil.
Walnut.

The oils may be raw, heat-bodied, or blown. They may be refined by filtration, degumming, acid or alkali washing, bleaching, distillation, partial dehydration, partial polymerization, or solvent extraction, or modified by combination with maleic anhydride.

(ii) Reconstituted oils from triglycerides or fatty acids derived from the oils listed in subdivision (i) of this subparagraph to form esters with:

Butylene glycol.
Ethylene glycol.
Pentaerythritol.
Polyethylene glycol.
Polypropylene glycol.
Propylene glycol.
Sorbitol.
Trimethylol ethane.
Trimethylol propane.

(iii) Synthetic drying oils, as the basic polymer:

Butadiene and methylstyrene copolymer.
Butadiene and styrene copolymer, blown or unblown.
Maleic anhydride adduct of butadiene styrene.
Polybutadiene.

(iv) Natural fossil resins, as the basic resin:

Copal.
Damar.
Elemi.
Gilsonite.
Glycerol ester of damar, copal, elemi, and sandarac.
Sandarac.
Shellac.
Utah coal resin.

(v) Rosins and rosin derivatives, with or without modification by polymerization, isomerization, incidental decarboxylation, and/or hydrogenation, as follows:

(*a*) Rosins, refined to color grade of K or paler:

Gum rosin.
Tall oil rosin.
Wood rosin.

(*b*) Rosin esters formed by reacting rosin ((v)(*a*) of this subparagraph) with:

4,4'-*sec*-Butylidenediphenol-epichlorohydrin (epoxy).
Diethylene glycol.
Ethylene glycol.
Glycerol.
4,4'-Isopropylidenediphenol-epichlorohydrin (epoxy).
Methyl alcohol.
Pentaerythritol.

(*c*) Rosin esters ((v)(*b*) of this subparagraph) modified by reaction with:

Maleic anhydride.
o-, *m*-, and *p*-substituted phenol-formaldehydes listed in subdivision (vi) of this subparagraph.
Phenol-formaldehyde.

(*d*) Rosin salts:

Calcium resinate (limed rosin).
Zinc resinate.

(vi) Phenolic resins as the basic polymer formed by reaction of phenols with formaldehyde:

(*a*) Phenolic resins formed by reaction of formaldehyde with:

Alkylated (methyl, ethyl, propyl, isopropyl, butyl) phenols.
p-*tert*-Amylphenol.
4,4'-*sec*-Butylidenediphenol.
p-*tert*-Butylphenol.
o-, *m*-, and *p*-Cresol.
p-Cyclohexylphenol.
4,4'-Isopropylidenediphenol.
p-Nonylphenol.
p-Octylphenol.
3-Pentadecyl phenol mixture obtained from cashew nut shell liquid.
Phenol.
Phenyl o-cresol.
p-Phenylphenol.
Xylenol.

(*b*) Adjunct for phenolic resins:

Aluminum butylate.

(vii) Polyester resins (including alkyd-type), as the basic polymers, formed as esters of acids listed in (*a*) and (*b*) of this subdivision by reaction with alcohols in (*c*) and (*d*) of this subdivision.

(*a*) Polybasic acids:

Adipic.
Dimerized fatty acids derived from oils listed in subdivision (i) of this subparagraph.
Diphenolic acid.
Fumaric.
Isophthalic.
Maleic.
Orthophthalic.
Sebacic.
Terephthalic.
Terpene-maleic acid adduct.
Trimellitic.

(*b*) Monobasic acids:

Benzoic acid.
tert-Butyl benzoic acid.
Fatty acids derived from oils listed in subdivision (i) of this subparagraph.
Rosins listed in subdivision (v)(*a*) of this subparagraph, for use only as reactants in oil-based or fatty acid-based alkyd resins.

(*c*) Polyhydric alcohols:

Butylene glycol.
Diethylene glycol.
Ethylene glycol.
Glycerol.
Mannitol.
α-Methyl glucoside.
Pentaerythritol.
Propylene glycol.
Sorbitol.
Trimethylol ethane.
Trimethylol propane.

(*d*) Monohydric alcohols:

Cetyl alcohol.
Decyl alcohol.
Lauryl alcohol.
Myristyl alcohol.
Octyl alcohol.
Stearyl alcohol.

(viii) Epoxy resins, catalysts, and adjuncts:

(*a*) Epoxy resins, as the basic polymer:

4,4'-*sec*-Butylidenediphenol-epichlorohydrin.
4,4'-*sec*-Butylidenediphenol-epichlorohydrin reacted with one or more of the drying oils or fatty acids listed in subdivision (i) of this subparagraph.

4,4'-*sec*-Butylidenediphenol-epichlorohydrin chemically treated with one or more of the following substances:
Allyl ether of mono-, di-, or trimethylol phenol.
4,4'-*sec*-Butylidenediphenol-formaldehyde.
4,4'-Isopropylidenediphenol-formaldehyde.
Melamine-formaldehyde.
Phenol-formaldehyde.
Urea-formaldehyde.
Epoxidized polybutadiene.
Glycidyl ethers formed by reacting phenol-novolak resins with epichlorohydrin.
4,4'-Isopropylidenediphenol-epichlorohydrin.
4,4'-Isopropylidenediphenol-epichlorohydrin reacted with one or more of the drying oils or fatty acids listed in subdivision (i) of this subparagraph.
4,4'-Isopropylidenediphenol-epichlorohydrin chemically treated with one or more of the following substances:
Allyl ether of mono-, di-, or trimethylol phenol.
4,4'-*sec*-Butylidenediphenol-formaldehyde.
4,4'-Isopropylidenediphenol-formaldehyde.
Melamine-formaldehyde.
Phenol-formaldehyde.
Urea-formaldehyde.

(*b*) Catalysts and cross-linking agents for epoxy resins:

Cyanoguanidine.
Diphenylamine.
Diethylenetriamine.
Ethylenediamine.
Isophthalyl dihydrazide for use only in coatings subject to the provisions of paragraph (c) (3) or (4) of this section.
N-Oleyl-1,3-propanediamine with not more than 10 percent by weight of diethylaminoethanol.
Polyamine produced when 1 mole of the chlorohydrin diether of polyethylene glycol 400 is made to react under dehydrohalogenating conditions with 2 moles of *N*-octadecyltrimethylenediamine, for use only in coatings that are subject to the provisions of paragraph (c) (3) or (4) of this section and that contact food at temperatures not to exceed room temperature.
Tetraethylenepentamine.
Tetraethylenepentamine reacted with equimolar quantities of fatty acids.
Tri(dimethylaminomethyl) phenol and its salts prepared from the fatty acid moieties of the salts listed in subdivision (xxii)(*b*) of this subparagraph (3), for use only in coatings subject to the provisions of paragraph (c) (3) or (4) of this section.
Triethylenetetramine.

(*c*) Adjuncts for epoxy resins:

Aluminum butylate.
Polyamides from dimerized vegetable oils and the amine catalysts listed in (*b*) of this subdivision, as the basic polymer.

(ix) Coumarone-indene resin, as the basic polymer.

(x) Petroleum hydrocarbon resin (cyclopentadiene type), as the basic polymer.

(xi) Terpene resins, as the basic polymer, from one or more of the following:

Dipentene.
α-Pinene.
β-Pinene.

(xii) Urea-formaldehyde, as the basic polymer:

Urea-formaldehyde.
Urea-formaldehyde chemically modified with methyl, ethyl, butyl, propyl, isopropyl, or isobutyl alcohol.
Urea-formaldehyde chemically modified with one or more of the amine catalysts listed in subdivision (viii)(*b*) of this subparagraph.

(xiii) Triazine-formaldehyde resins, as the basic polymer:

Benzoguanamine-formaldehyde.
Melamine-formaldehyde.
Melamine-formaldehyde chemically modified with one or more of the following amine catalysts:
Amine catalysts listed in subdivision (viii)(*b*) of this subparagraph.
Dimethylamine-2-methyl-1-propanol.
Methylpropanolamine.
Triethanolamine.
Melamine-formaldehyde chemically modified with methyl, ethyl, propyl, isopropyl, butyl, or isobutyl alcohol.

(xiv) Modifiers (for oils and alkyds, including polyesters), as the basic polymer:

Butyl methacrylate.
Cyclopentadiene.
Methyl, ethyl, butyl, or octyl esters of acrylic acid.
Methyl methacrylate.
Styrene.
Vinyl toluene.

(xv) Vinyl resinous substance, as the basic polymers:

Polyvinyl acetate.
Polyvinyl alcohol.
Polyvinyl butyral.
Polyvinyl chloride.
Polyvinyl formal.
Polyvinylidene chloride.
Polyvinyl pyrrolidone.
Polyvinyl stearate.
Vinyl chloride-acetate, hydroxyl-modified copolymer.
Vinyl chloride-acetate, hydroxyl-modified copolymer, reacted with trimellitic anhydride.
Vinyl chloride copolymerized with one or more of the following substances:
Acrylonitrile.
Fumaric acid and/or its methyl, ethyl, propyl, butyl, amyl, hexyl, heptyl, or octyl esters.
Maleic acid and/or its methyl, ethyl, propyl, butyl, amyl, hexyl, heptyl, or octyl esters.
Vinyl acetate.
Vinylidene chloride.

(xvi) Cellulosics, as the basic polymers:

Carboxymethylcellulose.
Cellulose acetate.
Cellulose acetate-butyrate.
Cellulose acetate-propionate.
Ethylcellulose.
Ethyl hydroxyethylcellulose.
Hydroxyethylcellulose.
Hydroxypropyl methylcellulose.
Methylcellulose.
Nitrocellulose.

(xvii) Styrene polymers, as the basic polymer:

Polystyrene.
α-Methyl styrene polymer.
Styrene copolymerized with one or more of the following:
Acrylonitrile.
α-Methyl-styrene.

(xviii) Polyethylene and its copolymers as the basic polymer:

Ethylene-acrylic acid copolymer containing not more than 8 percent by weight of acrylic acid.
Ethylene-ethyl acrylate copolymer.
Ethylene-vinyl acetate copolymer.
Polyethylene.

(xix) Polypropylene.

(xx) Acrylics and their copolymers, as the basic polymer:

Acrylamide with ethylacrylate and/or styrene and/or methacrylic acid, subsequently reacted with formaldehyde and butanol.
Acrylic acid and the following esters thereof:
Ethyl.
Methyl.
Methacrylic acid and the following esters thereof:
Butyl.
Ethyl.
Methyl.
Methacrylic acid or its ethyl and methyl esters copolymerized with one or more of the following:
Acrylic acid.
Ethyl acrylate.
Methyl acrylate.

(xxi) Elastomers, as the basic polymer:

Butadiene-acrylonitrile copolymer.
Butadiene-acrylonitrile-styrene copolymer.
Butadiene-styrene copolymer.
Butyl rubber.
Chlorinated rubber.
2-Chloro-1,3-butadiene (neoprene).
Natural rubber (natural latex or natural latex solids, smoked or unsmoked).
Polyisobutylene.
Rubber hydrochloride.
Styrene-isobutylene copolymer.

(xxii) Driers made by reaction of a metal from (*a*) of this subdivision with acid, to form the salt listed in (*b*) of this subdivision:

(*a*) Metals:

Aluminum.
Calcium.
Cerium.
Cobalt.
Iron.
Lithium.
Magnesium.
Manganese.
Zinc.
Zirconium.

(*b*) Salts:

Caprate.
Caprylate.
Isodecanoate.
Linoleate.
Naphthenate.
Neodecanoate.
Octoate (2-ethylhexoate).
Oleate.
Palmitate.
Resinate.
Ricinoleate.
Soyate.
Stearate.
Tallate.

(xxiii) Waxes:

Paraffin, Type I.
Paraffin, Type II.
Polyethylene.
Sperm oil.
Spermaceti.

(xxiv) Plasticizers:

Acetyl tributyl citrate.
Acetyl triethyl citrate.
Butyl phthalyl butyl glycolate.
Butyl stearate.
p-*tert*-Butyl phenyl salicylate.
Dibutyl sebacate.
Diethyl phthalate.
Diisobutyl adipate.

Diisooctyl phthalate.
Epoxidized soybean oil (iodine number maximum 14; oxirane oxygen content 6% minimum), as the basic polymer.
Ethyl phthalyl ethyl glycolate.
2-Ethylhexyl diphenyl phosphate.
di-2-Ethylhexyl phthalate.
Glycerol.
Glyceryl monooleate.
Glyceryl triacetate.
Monoisopropyl citrate.
Propylene glycol.
Sorbitol.
Mono-, di-, and tristearyl citrate.
Triethyl citrate.
Triethylene glycol.
3(2-Xenoxyl)-1,2-epoxypropane.

(xxv) Release agents, as the basic polymer, when applicable:

N,N'-Distearoyl ethylenediamine.
Linoleic acid amide.
Oleic acid amide.
Palmitic acid amide.
Petrolatum.
Polyethylene glycol (mol. wt. greater than 300).
Polyethylene wax.
Polyoxyethylene glycol monooleate (mol. wt. of the polyoxyethylene glycol molety greater than 300).
Polytetrafluoroethylene.
Silicones (not less than 300 centistokes viscosity: Polysiloxanes containing dimethyl- and/or methyl-phenyl groups on the silicon atom.

(xxvi) Pigments and colorants:

Aluminum.
Aluminum hydrate.
Aluminum and potassium silicate (mica).
Aluminum mono-, di-, tristearate.
Aluminum silicate (china clay).
Barium sulfate.
Bentonite.
Bentonite, modified with dimethyl dioctadecyl ammonium ion.
Burnt umber.
Calcium carbonate.
Calcium silicate.
Calcium sulfate.
Carbon black (channel process).
Cobalt oxide-aluminum oxide.
Copper phthalocyanine.
Diatomaceous earth.
Iron oxides.
Magnesium oxide.
Magnesium silicate (talc).
Raw sienna.
Silica.
Tartrazine lake (certified FDC Yellow No. 5 only).
Titanium dioxide.
Titanium dioxide-barium sulfate.
Titanium dioxide-magnesium silicate.
Zinc oxide.

(xxvii) Surface lubricants:

Cottonseed oil and other edible oils.
Dibutyl sebacate.
Dioctyl sebacate.
Glyceryl monostearate.
Lanolin.
Mineral oil, white.
Palm oil.
Paraffin, Type I.
Paraffin, Type II.
Petrolatum.
Stearic acid.

(xxviii) Silicones, as the basic polymers, and their curing catalysts:

(*a*) Silicones:

Methyl hydrogen polysiloxane.
Dimethyl polysiloxane.
Methylphenyl polysiloxane.

(*b*) Catalysts (the maximum amount of tin catalyst used shall be that required to effect optimum cure but shall not exceed one part of tin per 100 parts of silicone polymer solids):

Dibutyltin dilaurate.
Tetrabutyl titanate.
Tin oleate.

(xxix) Surface active agents:

Sodium dioctyl sulfosuccinate.
Sodium dodecyl benzenesulfonate.
Sodium lauryl sulfate.

(xxx) Antioxidants:

Butylated hydroxyanisole.
Butylated hydroxytoluene.
Gum guaiac.
Dilauryl thiodipropionate.
Nordihydroguaiaretic acid.
Propyl gallate.
Distearyl thiodipropionate.
Thiodipropionic acid.
2,4,5-Trihydroxybutyrophenone.

(xxxi) *Can end cements (sealing compounds used for sealing can ends only).* In addition to the substances listed in subdivisions (i) to (xxx), inclusive, of this subparagraph, the following may be used:

Butadiene-styrene-fumaric acid copolymer.
4,4'-Butylidenebis(6-*tert*-butyl-*m*-cresol).
Dibenzamido phenyl disulfide.
Di-β-naphthyl phenylenediamine.
Dipentamethylene thiuram tetrasulfide.
Sodium decylbenzene sulfonate.
Sodium phenylphenate.
Tetrasodium EDTA (tetrasodium ethylenediaminetetraacetate).
Tri (mixed mono- and dinonylphenyl) phosphite.
Zinc dibutyldithiocarbamate.

(xxxii) *Side seam cements.* In addition to the substances listed in subdivisions (i) to (xxx), inclusive, of this subparagraph, the following may be used:

p-tert-Butyl perbenzoate as a catalyst for epoxy resin.
Ethyl toluene sulfonamide.
Polyamides derived from the following acids and amines:
Acids:
Sebacic.
Vegetable oil acids (with or without dimerization).
Amines:
Diethylenetriamine.
Diphenylamine.
Ethylenediamine.
Tetraethylenepentamine.
Triethylenetetramine.
Toluene sulfonamide formaldehyde resin (basic polymer).
Triethylene glycol methacrylate for use only as polymerization-cross-linking agent in side seam cements for containers intended for use in contact with food only of the types identified in paragraph (d) of this section, table 1, under categories I, II, and VI.

(xxxiii) Miscellaneous materials:

Ammonium citrate.
Ammonium potassium phosphate.
Calcium acetate.
Calcium ethyl acetoacetate.
Calcium glycerophosphate.
Calcium, sodium, and potassium oleates.
Calcium, sodium, and potassium ricinoleates.
Calcium, sodium, and potassium stearates.
Castor oil, hydrogenated.
Cetyl alcohol.
Decyl alcohol.
Dicumyl peroxide for use only as polymerization catalyst.
Diisodecyl phthalate for use only as plasticizer in side seam cements for containers intended for use in contact with food only of the types identified in paragraph (d) of this section, table 1, under categories I, II, and VI.
Disodium hydrogen phosphate.
Ethyl acetoacetate.
Lauryl alcohol.
Lecithin.
Magnesium, sodium, and potassium citrate.
Magnesium glycerophosphate.
Magnesium stearate.
Mono-, di-, and tricalcium phosphate.
Monodibutylamine pyrophosphate as sequestrant for iron.
Mono-, di-, and trimagnesium phosphate.
Myristyl alcohol.
Octyl alcohol.
Phosphoric acid.
Poly(ethylene oxide).
Sodium pyrophosphate.
Stearyl alcohol.
Tetrasodium pyrophosphate.
Tin chloride.
Tin stearate.
Tin sulfate.

(xxxiv) Polyamide resins derived from dimerized vegetable oil acids (containing not more than 20 percent of monomer acids) and ethylenediamine, as the basic resin, for use only in coatings that contact food at temperatures not to exceed room temperature.

(c) The coating in the finished form in which it is to contact food, when extracted with the solvent or solvents characterizing the type of food, and under conditions of time and temperature characterizing the conditions of its intended use as determined from Tables 1 and 2 of paragraph (d) of this section, shall yield chloroform-soluble extractives, corrected for zinc extractives as zinc oleate, not to exceed the following:

(1) From a coating intended for or employed as a component of a container not to exceed 1 gallon and intended for one-time use, not to exceed 0.5 milligram per square inch nor to exceed that amount as milligrams per square inch that would equal 0.005 percent of the water capacity of the container, in milligrams, divided by the area of the food-contact surface of the container in square inches. From a fabricated container conforming with the description in this subparagraph, the extractives shall not exceed 0.5 milligram per square inch of food-contact surface nor exceed 50 parts per million of the water capacity of the container as determined by the methods provided in paragraph (e) of this section.

(2) From a coating intended for or employed as a component of a container having a capacity in excess of 1 gallon and intended for one-time use, not to exceed 1.8 milligrams per square inch nor to exceed that amount as milligrams per square inch that would equal 0.005 percent of the water capacity of the container in milligrams, divided by the area of the food-contact surface of the container in square inches.

(3) From a coating intended for or employed as a component of a container for repeated use, not to exceed 18 milligrams per square inch nor to exceed that amount as milligrams per square inch that would equal 0.005 percent of the water capacity of the container in milligrams, divided by the area of the food-contact surface of the container in square inches.

(4) From coating intended for repeated use, and employed other than as a component of a container, not to exceed 18 milligrams per square inch of coated surface.

(d) Tables:

TABLE 1.—*Types of food*

I. Nonacid (pH above 5.0), aqueous products; may contain salt or sugar or both, and including oil-in-water emulsions of low- or high-fat content.
II. Acidic (pH 5.0 or below), aqueous products; may contain salt or sugar or both, and including oil-in-water emulsions of low- or high-fat content.
III. Aqueous, acid or nonacid products containing free oil or fat; may contain salt, and including water-in-oil emulsions of low or high fat content.
IV. Dairy products and modifications:
A. Water-in-oil emulsion, high or low fat.
B. Oil-in-water emulsion, high or low fat.
V. Low moisture fats and oils.
VI. Beverages:
A. Containing alcohol.
B. Nonalcoholic.
VII. Bakery products.
VIII. Dry solids (no end test required).

TABLE 2.—*Test procedures for determining the amount of extractives from resinous or polymeric coatings, using solvents simulating types of foods and beverages*

Condition of use	Types of food (see table 1)	Extractant		
		Water	Heptane[1] [2]	8% alcohol
		Time and temperature	*Time and temperature*	*Time and temperature*
A. High temperature heat-sterilized (e.g., over 212° F.).	I, IV-B	250° F., 2 hr.		
	III, IV-A, VII	250° F., 2 hr.	150° F., 2 hr.	
	II	212° F., 30 min.		
B. Boiling water sterilized	III, VII	212° F., 30 min.	120° F., 30 min.	
C. Hot filled or pasteurized above 150° F.	II, IV-B	Fill boiling, cool to 100° F.		
	III, IV-A	Fill boiling, cool to 100° F.	120° F., 15 min.	
	V		120° F., 15 min.	
D. Hot filled or pasteurized below 150° F.	II, IV-B, VI-B	150° F., 2 hr.		
	III, IV-A	150° F., 2 hr.	100° F., 30 min.	
	V		100° F., 30 min.	
	VI-A			150° F., 2 hr.
E. Room temperature filled and stored (no thermal treatment in the container).	I, II, IV-B, VI-B	120° F., 24 hr.		
	III, IV-A	120° F., 24 hr.	70° F., 30 min.	
	V, VII		70° F., 30 min.	
	VI-A			120° F., 24 hr.
F. Refrigerated storage (no thermal treatment in the container).	I, II, III, IV-A, IV-B, VI-B, VII.	70° F., 48 hr.		
	VI-A			70° F., 48 hr.
G. Frozen storage (no thermal treatment in the container).	I, II, III, IV-B, VII.	70° F., 24 hr.		
H. Frozen storage: Ready-prepared foods intended to be reheated in container at time of use:				
1. Aqueous or oil in water emulsion of high or low fat.	I, II, IV-B	212° F., 30 min.		
2. Aqueous, high or low free oil or fat.	III, IV-A, VII	212° F., 30 min.	120° F., 30 min.	

[1] Heptane extractant not to be used on wax-lined containers.
[2] Heptane extractivity results must be divided by a factor of five in arriving at the extractivity for a food product.

(e) *Analytical methods*—(1) *Selection of extractability conditions.* First ascertain the type of food product (Table 1, paragraph (d) of this section) that is being packed commercially in the test container and the normal conditions of thermal treatment used in packaging the type of food involved. Using Table 2 (paragraph (d) of this section), select the food-simulating solvent or solvents (demineralized distilled water, heptane, and/or 8 percent ethyl alcohol) and the time-temperature exaggerations of the container-use conditions. Aqueous products (types I, II, IV–B, and VI–B) require only a water-extractability test at the temperature and time conditions shown for the most severe "conditions of use." Aqueous products with free oil or fat and water-oil emulsions (types III, IV–A, and VII) will require determinations of both water extractability and heptane extractability. Low-moisture fats and oils (type V with no free water) require only the heptane extractability. Alcoholic beverages (type VI–A) require only the 8 percent alcohol extractant. Having selected the appropriate extractant or extractants simulating various types of foods and beverages and the time-temperature exaggerations over normal use, follow the applicable extraction procedure. Adapt the procedure, when necessary, for containers having a capacity of over 1 gallon.

(2) *Selection of coated-container samples.* For consumer-sized containers up to 1 gallon, quadruplicate samples of representative containers (using for each replicate sample the number of containers nearest to an area of 180 square inches) should be selected from the lot to be examined.

(3) *Cleaning procedure preliminary to determining the amount of extractables from coated containers.* Quadruplicate samples of representative containers should be selected from the lot to be examined and must be carefully rinsed to remove extraneous material prior to the actual extraction procedure. Soda fountain pressure-type hot water rinsing equipment, consisting in its simplest form of a ⅛-inch—¼-inch internal diameter metal tube attached to a hot water line and bent so as to direct a stream of water upward, may be used. Be sure hot water has reached a temperature of 190° F.–200° F. before starting to rinse the container. Invert the container over the top of the fountain and direct a strong stream of hot water against the bottom and all sides for 1 minute, drain, and allow to dry.

(4) *Exposure conditions*—(i) *Water (250° F. for 2 hours), simulating high-temperature heat sterilization.* Fill the container within ¼-inch of the top with a measured volume of demineralized distilled water. Cover the container with clean aluminum foil and place the container on a rack in a pressure cooker. Add a small amount of demineralized distilled water to the pressure cooker, but do not allow the water to touch the bottom of the container. Close the cooker securely and start to heat over a suitable burner. When a steady stream of steam emerges from the vent, close the vent and allow the pressure to rise to 15 pounds per square inch (250° F.) and continue to maintain this pressure for 2 hours. Slowly release the pressure, open the pressure cooker when the pressure reads zero, and composite the water of each replicate immediately in a clean Pyrex flask or beaker. Proceed with the determination of the amount of extractives by the method described in subparagraph (5) of this paragraph.

(ii) *Water (212° F. for 30 minutes), simulating boiling water sterilization.* Fill the container within ¼-inch of the top with a measured volume of boiling, demineralized distilled water. Cover the container with clean aluminum foil and place the container on a rack in a pressure cooker in which a small amount of demineralized distilled water is boiling. Do not close the pressure vent, but operate at atmospheric pressure so that there is a continuous escape of a small amount of steam. Continue to heat for 30 minutes, then remove the test container and composite the contents of each replicate immediately in a clean Pyrex flask or beaker. Proceed with the determination of the amount of extractives by the method described in subparagraph (5) of this paragraph.

(iii) *Water (from boiling to 100° F.), simulating hot fill or pasteurization above 150° F.* Fill the container within ¼-inch of the top with a measured volume of boiling, demineralized distilled water. Insert a thermometer in the water and allow the uncovered container to stand in a room at 70° F.–85° F. When the temperature reads 100° F., composite the water from each replicate immediately in a clean Pyrex flask or beaker. Proceed with the determination of the amount of extractives by the method described in subparagraph (5) of this paragraph.

(iv) *Water (150° F. for 2 hours), simulating hot fill or pasteurization below 150° F.* Preheat demineralized distilled water to 150° F. in a clean Pyrex flask. Fill the container within ¼-inch of the top with a measured volume of the 150° F. water and cover with clean

aluminum foil. Place the test container in an oven maintained at 150° F. After 2 hours, remove the test container from the oven and immediately composite the water of each replicate in a clean Pyrex flask or beaker. Proceed with the determination of the amount of extractives by the method described in subparagraph (5) of this paragraph.

(v) *Water (120° F. for 24 hours), simulating room temperature filling and storage.* Preheat demineralized distilled water to 120° F. in a clean Pyrex flask. Fill the container within ¼-inch of the top with a measured volume of the 120° F. water and cover with clean aluminum foil. Place the test container in an incubator or oven maintained at 120° F. After 24 hours, remove the test container from the incubator and immediately composite the water of each replicate in a clean Pyrex flask or beaker. Proceed with the determination of the amount of extractives by the method described in subparagraph (5) of this paragraph.

(vi) *Water (70° F. for 48 hours), simulating refrigerated storage.* Bring demineralized distilled water to 70° F. in a clean Pyrex flask. Fill the container within ¼-inch of the top with a measured volume of the 70° F. water, and cover with clean aluminum foil. Place the test container in a suitable room maintained at 70° F. After 48 hours, immediately composite the water of each replicate in a clean Pyrex flask or beaker. Proceed with the determination of the amount of extractives by the method described in subparagraph (5) of this paragraph.

(vii) *Water (70° F. for 24 hours), simulating frozen storage.* Bring demineralized distilled water to 70° F. in a clean Pyrex flask. Fill the container within ¼-inch of the top with a measured volume of the 70° F. water and cover with clean aluminum foil. Place the container in a suitable room maintained at 70° F. After 24 hours, immediately composite the water of each replicate in a clean Pyrex flask or beaker. Proceed with the determination of the amount of extractives by the method described in subparagraph (5) of this paragraph.

(viii) *Water (212° F. for 30 minutes), simulating frozen foods reheated in the container.* Fill the container to within ¼-inch of the top with a measured volume of boiling demineralized distilled water. Cover the container with clean aluminum foil and place the container on a rack in a pressure cooker in which a small amount of demineralized distilled water is boiling. Do not close the pressure vent, but operate at atmospheric pressure so that there is a continuous escape of a small amount of steam. Continue to heat for 30 minutes, then remove the test container and composite the contents of each replicate immediately in a clean Pyrex flask or beaker. Proceed with the determination of the amount of extractives by the method described in subparagraph (5) of this paragraph.

(ix) *Heptane (150° F. for 2 hours), simulating high-temperature heat sterilization for fatty foods only.* Preheat redistilled reagent-grade heptane (boiling point 208° F.) carefully in a clean Pyrex flask on a water bath or nonsparking hot plate in a well-ventilated hood to 150° F. At the same time, preheat a pressure cooker or equivalent to 150° F. in an incubator. This pressure cooker is to serve only as a container for the heptane-containing test package inside the incubator in order to minimize the danger of explosion. Fill the test container within ¼-inch of the top with a measured volume of the 150° F. heptane and cover with clean aluminum foil. Place the test container in the preheated pressure cooker and then put the assembly into a 150° F. incubator. After 2 hours, remove the pressure cooker from the incubator, open the assembly, and immediately composite the heptane of each replicate in a clean Pyrex flask or beaker. Proceed with the determination of the amount of extractives by the method described in subparagraph (5) of this paragraph.

(x) *Heptane (120° F. for 30 minutes), simulating boiling water sterilization of fatty foods only.* Preheat redistilled reagent-grade heptane (boiling point 208° F.) carefully in a clean Pyrex flask on a water bath or nonsparking hot plate in a well-ventilated hood to 120° F. At the same time, preheat a pressure cooker or equivalent to 120° F. in an incubator. This pressure cooker is to serve only as a vented container for the heptane-containing test package inside the incubator in order to minimize the danger of explosion. Fill the test container within ¼-inch of the top with a measured volume of the 120° F. heptane and cover with clean aluminum foil. Place the test container in the preheated pressure cooker and then put the assembly into a 120° F. incubator. After 30 minutes, remove the pressure cooker from the incubator, open the assembly, and immediately composite the heptane of each replicate in a clean Pyrex flask or beaker. Proceed with the determination of the amount of extractives by the method described in subparagraph (5) of this paragraph.

(xi) *Heptane (120° F. for 15 minutes), simulating hot fill or pasteurization above 150° F. for fatty foods only.* Preheat redistilled reagent-grade heptane (boiling point 208° F.) carefully in a clean Pyrex flask on a water bath or nonsparking hot plate in a well-ventilated hood to 120° F. At the same time, preheat a pressure cooker or equivalent to 120° F. in an incubator. This pressure cooker is to serve only as a container for the heptane-containing test package inside the incubator in order to minimize the danger of explosion. Fill the test container within ¼-inch of the top with a measured volume of the 120° F. heptane and cover with clean aluminum foil. Place the test container in the preheated pressure cooker and then put the assembly into a 120° F. incubator. After 15 minutes, remove the pressure cooker from the incubator, open the assembly, and immediately composite the heptane of each replicate in a clean Pyrex flask or beaker. Proceed with the determination of the amount of extractives by the method described in subparagraph (5) of this paragraph.

(xii) *Heptane (100° F. for 30 minutes), simulating hot fill or pasteurization below 150° F. for fatty foods only.* Preheat redistilled reagent-grade heptane (boiling point 208° F.) carefully in a clean Pyrex flask on a water bath or nonsparking hot plate in a well-ventilated hood to 100° F. At the same time, preheat a pressure cooker or equivalent to 100° F. in an incubator. This pressure cooker is to serve only as a container for the heptane-containing test package inside the incubator in order to minimize the danger of explosion. Fill the test container within ¼-inch of the top with a measured volume of the 100° F. heptane and cover with clean aluminum foil. Place the test container in the preheated pressure cooker and then put the assembly into a 100° F. incubator. After 30 minutes, remove the pressure cooker from the incubator, open the assembly and immediately composite the heptane of each replicate in a clean Pyrex flask or beaker. Proceed with the determination of the amount of extractives by the method described in subparagraph (5) of this paragraph.

(xiii) *Heptane (70° F. for 30 minutes), simulating room temperature filling and storage of fatty foods only.* Fill the test container within ¼-inch of the top with a measured volume of the 70° F. heptane and cover with clean aluminum foil. Place the test container in a suitable room maintained at 70° F. After 30 minutes, composite the heptane of each replicate in a clean Pyrex flask or beaker. Proceed with the determination of the amount of extractives by the method described in subparagraph (5) of this paragraph.

(xiv) *Heptane (120° F. for 30 minutes), simulating frozen fatty foods reheated in the container.* Preheat redistilled reagent-grade heptane (boiling point 208° F.) carefully in a clean Pyrex flask on a water bath or hot plate in a well-ventilated hood to 120° F. At the same time, preheat a pressure cooker to 120° F. in an incubator. This pressure cooker is to serve only as a container for the heptane-containing test package inside the incubator in order to minimize the danger of explosion. Fill the test container within ¼-inch of the top with a measured volume of the 120° F. heptane and cover with clean aluminum foil. Place the test container in the preheated pressure cooker and then put the assembly into a 120° F. incubator. After 30 minutes, remove the pressure cooker from the incubator, open the assembly and immediately composite the heptane from each replicate into a clean Pyrex flask. Proceed with the determination of the amount of extractives by the method described in subparagraph (5) of this paragraph.

(xv) *Alcohol—8 percent (150° F. for 2 hours), simulating alcoholic beverages hot filled or pasteurized below 150° F.* Preheat 8 percent (by volume) ethyl alcohol in demineralized distilled water to 150° F. in a clean Pyrex flask. Fill the test container with within ¼-inch of the top with a measured volume of the 8 percent alcohol. Cover the container with clean aluminum foil and place in an oven maintained at 150° F. After 2 hours, remove the container from the oven and immediately composite the alcohol from each replicate in a clean Pyrex flask. Proceed with the determination of the amount of extractives by the method described in subparagraph (5) of this paragraph.

(xvi) *Alcohol—8 percent (120° F. for 24 hours), simulating alcoholic beverages room-temperature filled and stored.* Preheat 8 percent (by volume) ethyl alcohol in demineralized distilled water to 120° F. in a clean Pyrex flask. Fill the test container within ¼-inch of the top with a measured volume of the 8 percent alcohol, cover the container with clean aluminum foil and place in an oven or incubator maintained at 120° F. After 24 hours, remove the container from the oven or incubator and immediately composite the alcohol from each replicate into a clean Pyrex flask. Proceed with the determination of the amount of extractives by the method described in subparagraph (5) of this paragraph.

(xvii) *Alcohol—8 percent (70° F. for 48 hours), simulating alcoholic beverages in refrigerated storage.* Bring 8 percent (by volume) ethyl alcohol in demineralized distilled water to 70° F. in a clean Pyrex flask. Fill the test container within ¼-inch of the top with a measured volume of the 8 percent alcohol. Cover the container with clean aluminum foil. Place the test container in a suitable room maintained at 70° F. After 48 hours, immediately composite the alcohol from each replicate into a clean Pyrex flask. Proceed with the determination of the amount of extractives by the method described in subparagraph (5) of this paragraph.

NOTE: The tests specified in subparagraph (4)(i) through (xvii) of paragraph (e) are applicable to flexible packages consisting of coated metal contacting food, in which case the closure end is double-folded and clamped with metal spring clips by which the package can be suspended.

(5) *Determination of amount of extractives*—(i) *Total residues.* Evaporate the food-simulating solvents from subparagraph (4)(i) to (xvii), inclusive, of this paragraph to about 100 milliliters in the Pyrex flask and transfer to a clean, tared platinum dish, washing the flask three times with the solvent used in the extraction procedure, and evaporate to a few milliliters on a nonsparking low-temperature hotplate. The last few milliliters should be evaporated in an oven maintained at a temperature of 212° F. Cool the platinum dish in a desiccator for 30 minutes and weigh the residue to the nearest 0.1 milligram (*e*). Calculate the extractives in milligrams per square inch and in parts per million for the particular size of container being tested and for the specific food-simulating solvent used.

(*a*) *Water and 8-percent alcohol.*

Milligrams extractives per square inch =

$$\frac{e}{s}$$

Extractives residue = Ex =

$$\frac{(e)(a)(1000)}{(c)(s)}.$$

(*b*) *Heptane.*

Milligrams extractives per square inch =

$$\frac{e}{(s)(F)}.$$

Extractives residue = Ex =

$$\frac{(e)(a)(1000)}{(c)(s)(F)}$$

Where:

c = Extractives residue in parts per million for any container size.
Ex = Milligrams extractives per sample tested.
a = Total coated area, including closure, in square inches.
c = Water capacity of container, in grams.
s = Surface of coated area tested, in square inches.
F = Five, the ratio of the amount of extractives removed from a coated container by heptane under exaggerated time-temperature test conditions compared to the amount extracted by a fat or oil from a container tested under exaggerated conditions of thermal sterilization and use.
e' = Chloroform-soluble extractives residue.
ee' = Zinc corrected chloroform-soluble extractive residuce.

e' or ee' is substituted for e in the above equations when necessary.

If when calculated by the equations in (*a*) and (*b*) of this subdivision, the concentration of extractives residue (Ex) exceeds 50 parts per million or the extractives in milligrams per square inch exceed the limitations prescribed in paragraph (c) of this section for the particular container size, proceed to subdivision (ii) of this subparagraph (method for determining the amount of chloroform-soluble extractives residue).

(ii) *Chloroform-soluble extractives residue.* Add 50 milliliters of chloroform (freshly distilled reagent grade or a grade having an established consistently low blank) to the dried and weighed residue, (*e*), in the platinum dish, obtained in subdivision (i) of this subparagraph. Warm carefully, and filter through Whatman No. 41 filter paper in a Pyrex funnel, collecting the filtrate in a clean, tared platinum dish. Repeat the chloroform extraction, washing the filter paper with this second portion of chloroform. Add this filtrate to the original filtrate and evaporate the total down to a few milliliters on a low-temperature hotplate. The last few milliliters should be evaporated in an oven maintained at 212° F. Cool the platinum dish in a desiccator for 30 minutes and weigh to the nearest 0.1 milligram to get the chloroform-soluble extractives residue (*e'*). This *e'* is substituted for *e* in the equations in (*a*) and (*b*) of subdivision (i) of this subparagraph. If the concentration of extractives (Ex) still exceeds 50 parts per million or the extractives in milligrams per square inch exceed the limitations prescribed in paragraph (c) of this section for the particular container size, proceed as follows to correct for zinc extractives ("C" enamels only): Ash the residue in the platinum dish by heating gently over a Meeker-type burner to destroy organic matter and hold at red heat for about 1 minute. Cool in the air for 3 minutes, and place the platinum dish in the desiccator for 30 minutes and weigh to the nearest 0.1 milligram. Analyze this ash for zinc by standard Association of Official Agricultural Chemists methods or equivalent. Calculate the zinc in the ash as zinc oleate, and subtract from the weight of chloroform-soluble extractives residue (*e'*) to obtain the zinc-corrected chloroform-soluble extractives residue (*ee'*). This *ee'* is substituted for *e* in the formulas in (*a*) and (*b*) of subdivision (i) of this subparagraph. To comply with the limitations in paragraph (c) of this section, the chloroform-soluble extractives residue (but after correction for zinc extractives in case of "C" enamels) must not exceed 50 parts per million and must not exceed in milligrams per square inch the limitations for the particular article as prescribed in paragraph (c) of this section.

(f) *Equipment and reagent requirements*—(1) *Equipment.*

Rinsing equipment, soda fountain pressure-type hot water, consisting in simplest form of a ⅛-inch–¼-inch inside diameter metal tube attached to a hot water line delivering 190° F.–200° F. water and bent so as to direct a stream of water upward.

Pressure cooker, 21-quart capacity with pressure gage, safety release, and removable rack, 12.5 inches inside diameter x 11 inches inside height, 20 pounds per square inch safe operating pressure.

Oven, mechanical convection, range to include 120° F.–212° F. explosion-proof, inside dimensions (miuimum), 19" x 19" x 19", constant temperature to ±2° F. (water bath may be substituted).

Incubator, inside dimensions (minimum) 19" x 19" x 19" for use at 100° F.±2° F. explosion proof (water bath may be substituted).

Constant-temperature room or chamber 70° F.±2° F., minimum inside dimensions 19" x 19" x 19".

Hot plate, nonsparking (explosion proof), top 12" x 20", 2,500 watts, with temperature control.

Platinum dish, 100-milliliter capacity minimum.

All glass, Pyrex or equivalent.

(2) Reagents:

Water, all water used in extraction procedure should be freshly demineralized (deionized) distilled water.

Heptane, reagent grade, freshly redistilled before use, using only material boiling at 208° F.

Alcohol, 8 percent (by volume), prepared from undenatured 95 percent ethyl alcohol diluted with demineralized or distilled water.

Chloroform, reagent grade, freshly redistilled before use, or a grade having an established, consistently low blank.

Filter paper, Whatman No. 41 or equivalent.

(g) In accordance with good manufacturing practice, finished coatings intended for repeated food-contact use shall be thoroughly cleansed prior to their first use in contact with food.

§ 121.2515 Chelating agents used in the manufacture of paper and paperboard.

The substances named in paragraph (a) of this section may be safely used in the manufacture of paper and paperboard, in accordance with the conditions prescribed in paragraphs (b) and (c) of this section:

(a) Chelating agents:

List of substances:	Limitations
Ammonium fructoheptonate	
Ammonium glucoheptonate	
Disodium ethylenediamine tetraacetate	
Pentasodium salt of diethylenetriamine pentaacetate	
Sodium fructoheptonate	
Sodium glucoheptonate	
Tetrasodium ethylenediamine tetraacetate	
Trisodium *N*-hydroxyethyl ethylenediamine triacetate	

(b) Any one or any combination of the substances named is used or intended for use as chelating agents.

(c) The substances are added in an amount not greater than that required to accomplish the intended technical effect nor greater than any specific limitation, where such is provided.

§ 121.2516 Sodium nitrate-urea complex.

Sodium nitrate-urea complex may be safely used as a component of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, subject to the provisions of this section.

(a) Sodium nitrate-urea complex is a clathrate of approximately two parts urea and one part sodium nitrate.

(b) Sodium nitrate-urea complex conforming to the limitations prescribed in subparagraph (1) of this paragraph is used as provided in subparagraph (2) of this paragraph.

(1) *Limitations.* (i) It is used as a plasticizer in glassine and greaseproof paper.

(ii) The amount used does not exceed that required to accomplish its intended technical effect or exceed 15 percent by weight of the finished paper.

(2) *Conditions of use.* The glassine and greaseproof papers are used for packaging dry food or as the food-contact surface for dry food.

§ 121.2517 [Reserved]

§ 121.2518 Chromium (Cr III) complex of *N*-ethyl-*N*-heptadecylfluoro-octane sulfonyl glycine.

The chromium (Cr III) complex of *N*-ethyl-*N*-heptadecylfluoro-octane sulfonyl glycine containing up to 20 percent by weight of the chromium (Cr III) complex of heptadecylfluoro-octane sulfonic acid may be safely used as a component of paper for packaging dry food when used in accordance with the following prescribed conditions:

(a) The food additive is used as a component of paper in an amount not to exceed 0.5 percent by weight of the paper.

(b) (1) The food-contact surface of the paper is overcoated with a polymeric or resinous coating at least ½-mil in thickness, that meets the provision of § 121.2526; or

(2) The treated paper forms one or more plies of a paper in a multiwall bag and is separated from the food by at least one ply of packaging films or grease-resistant papers which serves as a functional barrier between the food additive and the food. Such packaging films or grease-resistant papers conform with appropriate food additive regulations.

(c) The labeling of the food additive shall contain adequate directions for its use to insure compliance with the requirements of paragraphs (a) and (b) of this section.

§ 121.2519 Defoaming agents used in the manufacture of paper and paperboard.

Defoaming agents may be safely used in the manufacture of paper and paperboard intended for use in packaging, transporting, or holding food in accordance with the following prescribed conditions:

(a) The defoaming agents are prepared from one or more of the subtances named in paragraph (d) of this section, subject to any prescribed limitations.

(b) The defoaming agents are used to prevent or control the formation of foam during the manufacture of paper and paperboard prior to and during the sheet-forming process.

(c) The quantity of defoaming agent or agents added during the manufacturing process shall not exceed the amount necessary to accomplish the intended technical effect.

(d) Substances permitted to be used in the formulation of defoaming agents include substances subject to prior sanctions or approval for such use and employed subject to the conditions of such sanctions or approvals, substances generally recognized as safe for use in food, substances generally recognized as safe for use in paper and paperboard, and substances listed in this paragraph, subject to the limitations, if any, prescribed.

(1) Fatty triglycerides, and the fatty acids, alcohols, and dimers derived therefrom:

Beef tallow.
Castor oil.
Coconut oil.
Corn oil.
Cottonseed oil.
Fish oil.
Lard oil.
Linseed oil.
Mustardseed oil.
Palm oil.
Peanut oil.
Rapeseed oil.
Ricebran oil.
Soybean oil.
Sperm oil.
Tall oil.

(2) Fatty triglycerides, and marine oils, and the fatty acids and alcohols derived therefrom (subparagraph (1) of this paragraph) reacted with one or more of the following, with or without dehydration, to form chemicals of the category indicated in parentheses:

Aluminum hydroxide (soaps).
Ammonia (amides).
Butanol (esters).
Butoxy-polyoxypropylene, molecular weight 1,000–2,500 (esters).
Butylene glycol (esters).
Calcium hydroxide (soaps).
Diethanolamine (amides).
Diethylene glycol (esters).
Ethylene glycol (esters).
Ethylene oxide (esters and ethers).
Glycerin (mono- and diglycerides).
Hydrogen (hydrogenated compounds).
Hydrogen (amines).
Isobutanol (esters).
Isopropanol (esters).
Magnesium hydroxide (soaps).
Methanol (esters).
Morpholine (soaps).
Oxygen (air-blown oils).
Pentaerythritol (esters).
Polyoxyethylene, molecular weights 200, 300, 400, 600, 700, 1,000, 1,540, 1,580, 1,760, 4,000 (esters).
Polyoxypropylene, molecular weight 200–2,000 (esters).
Potassium hydroxide (soaps).
Propanol (esters).
Propylene glycol (esters).
Propylene oxide (esters).
Sodium hydroxide (soaps).
Sorbitol (esters).
Sulfuric acid (sulfated and sulfonated compounds).
Triethanolamine (amides and soaps).
Triisopropanolamine (amides and soaps).
Trimethylolethane (esters).
Zinc hydroxide (soaps).

(3) Miscellaneous:

Alcohols and ketone alcohols mixture (still-bottom product from C_{13}–C_{18} alcohol manufacturing process).
Amyl alcohol.
Butoxy polyethylene polypropylene glycol molecular weight 900–4,200.
Butoxy-polyoxypropylene molecular weight 1,000–2,500.
Butylated hydroxyanisole.
Butylated hydroxytoluene.
Calcium lignin sulfonate.
Caprylic alcohol.
p-Chlorometacresol.
Cyclohexanol.
Diacetyltartaric acid ester of tallow monoglyceride.
Diethanolamine.
Diethylene triamine.
Di-(2-ethylhexyl) phthalate.
2,6-Dimethyl heptanol-4 (nonyl alcohol).
Dimethylpolysiloxane.
Di-*tert*-butyl hydroquinone.
Dodecylbenzene sulfonic acids.
Ethanol.
2-Ethylhexanol.
Ethylenediamine tetraacetic acid tetrasodium salt.
Formaldehyde.
Heavy oxo-fraction (a still-bottom product of iso-octyl alcohol manufacture, of approximate composition: Octyl alcohol 5 percent nonyl alcohol 10 percent, decyl and higher alcohols 35 percent, esters 45 percent, and soaps 5 percent).
2-Heptadecenyl-4-methyl-4-hydroxymethyl-2-oxazoline.
Hexylene glycol (2-methyl-2,4-pentanediol).
12-Hydroxystearic acid.
Isobutanol.
Isopropanol.
Isopropylamine salt of dodecylbenzene sulfonic acid.
Kerosine.
Lanolin.
Methanol.
Methyl 12-hydroxystearate.
Methyl taurine-oleic acid condensate, molecular weight 486.
Mineral oil.
Mono-, di-, and triisopropanolamine.
Mono- and diisopropanolamine stearate.
Monobutyl ether of ethylene glycol.
Monoethanolamine.
Morpholine.
Myristyl alcohol.
Naphtha.
β-Naphthol.
Nonylphenol.
Odorless light petroleum hydrocarbons.
Oleyl alcohol.
Petrolatum.
o-Phenylphenol.
Pine oil.
Polyethylene.
Polyethylene, oxidized (air-blown).
Polyoxyethylene (1.5–15 mols) alkyl (C_8, C_9, or C_{12}) phenol.
Polyoxyethylene (4 mols) decyl phosphate.
Polyoxyethylene (4 mols) di(2-ethyl hexanoate).
Polyoxyethylene (15 mols) ester of rosin.
Polyoxyethylene (3–15 mols) tridecyl alcohol.
Polyoxypropylene, molecular weight 200–2,000.
Polyoxypropylene-polyoxyethylene condensate, molecular weight 950–2,750.
Polyoxypropylene-ethylene oxide condensate of ethylene diamine, molecular weight 1,700–3,800.
Polyvinyl pyrrolidone, molecular weight 40,000.
Potassium distearyl phosphate.
Potassium pentachlorophenate.
Potassium trichlorophenate.
Rosins and rosin derivatives identified in § 121.2520(c)(5).
Silica.
Sodium alkyl (C_9–C_{15}) benzene-sulfonate.
Sodium dioctyl sulfosuccinate.
Sodium distearyl phosphate.
Sodium lauryl sulfate.
Sodium lignin sulfonate.
Sodium 2-mercaptobenzothiazole.
Sodium naphthalenesulfonic acid (3 mols) condensed with formaldehyde (2 mols).
Sodium orthophenylphenate.
Sodium pentachlorophenate.
Sodium petroleum sulfonate, molecular weight 440–450.
Sodium trichlorophenate.
Stearyl alcohol.
Tributyl phosphate.
Tridecyl alcohol.
Triethanolamine.
Triethylene glycol di(2-ethyl hexanoate).
Tri- (2-ethylhexyl) phosphate.
Tristearyl phosphate.
Wax, petroleum, Type I and Type II.
Wax, petroleum (oxidized).
Wax (montan).

§ 121.2520 Adhesives.

(a) Adhesives may be safely used as components of articles intended for use in packaging, transporting, or holding food in accordance with the following prescribed conditions:

(1) The adhesive is prepared from one or more of the optional substances named in paragraph (c) of this section, subject to any prescribed limitations.

(2) The adhesive is either separated from the food by a functional barrier or used subject to the following additional limitations:

(i) *In dry foods.* The quantity of adhesive that contacts packaged dry food shall not exceed the limits of good manufacturing practice.

(ii) *In fatty and aqueous foods.* (*a*) The quantity of adhesive that contacts packaged fatty and aqueous foods shall not exceed the trace amount at seams and at the edge exposure between packaging laminates that may occur within the limits of good manufacturing practice.

(*b*) Under normal conditions of use the packaging seams or laminates will remain firmly bonded without visible separation.

(b) To assure safe usage of adhesives, the label of the finished adhesive container shall bear the statement "food-packaging adhesive."

(c) Subject to any limitations prescribed in this section and in any other regulation promulgated under section 409 of the act which prescribes safe conditions of use for substances that may be employed as constituents of adhesives, the optional substances used in the formulation of adhesives may include the following:

(1) Substances generally recognized as safe for use in food or food packaging.

(2) Substances permitted for use in adhesives by prior sanction or approval and employed under the specific conditions of use prescribed by such sanction or approval.

(3) Flavoring substances permitted for use in food by regulations in this part, provided that such flavoring substances are volatilized from the adhesives during the packaging fabrication process.

(4) Color additives approved for use in food.

(5) Substances permitted for use in adhesives by other regulations in this subpart and substances named in this subparagraph: *Provided however,* That any substance named in this subparagraph and covered by a specific regulation in this subpart, must meet any specifications in such regulation. Any substance not covered by a specific regulation in this subpart shall meet the specifications, if any, set forth in an order that has been issued extending the effective date of the statute for use of the substance as a component of articles that contact food.

Components of Adhesives

Substances	Limitations
Abietic acid	
Acetone	
Acetone-urea - formaldehyde resin.	
N-Acetyl ethanolamine	
Acetyl tributyl citrate	
Acetyl triethyl citrate	
Albumin, blood	
1-Alkyl (C_8–C_{18}) amino-3 - amino - propane monoacetate.	
Alkylated (C_1 and/or C_2) phenols.	
Alkyl (C_7–C_{12}) benzene	
Alkyl (C_{10}–C_{20}) dimethylbenzyl ammonium chloride.	
Alkyl ketene dimers as described in § 121.2538	
Alkyl (C_1–C_{12}) naphthalene.	
Aluminum	
Aluminum acetate	
Aluminum di(2 - ethylhexoate).	
Aluminum potassium silicate.	
Aminomethylpropanol	
Ammonium benzoate	For use as preservative only.
Ammonium bifluoride	For use only as bonding agent for aluminum foil, stabilizer, or preservative. Total fluoride from all sources not to exceed 1 percent by weight of the finished adhesive.
Ammonium borate	
Ammonium citrate	
Ammonium persulfate	
Ammonium polyacrylate	
Ammonium potassium hydrogen phosphate.	
Ammonium silico-fluoride.	For use only as bonding agent for aluminum foil, stabilizer, or preservative. Total fluoride from all sources not to exceed 1 percent by weight of the finished adhesive.
Ammonium sulfamate	
Ammonium thiocyanate	
Ammonium thiosulfate	
Amyl acetate	
Anhydroenneaheptitol	
Animal glue as described in § 121.2534.	
Antimony oxide	
Asbestos	
Asphalt, paraffinic and naphthenic.	
Azo-*bis*-isobutyronitrile	
Balata rubber	
Barium acetate	
Barium peroxide	
Barium sulfate	
Bentonite	
Benzene (benzol)	
Benzothiazyldisulfide	
p-Benzoxyphenol	For use as preservative only.
Benzoyl peroxide	
Benzyl alcohol	
p-Benzyloxyphenol	For use as preservative only.
BHA (butylated hydroxyanisole).	
BHT (butylated hydroxytoluene).	
Bicyclo[2.2.1]hept - 2 - ene-6-methyl acrylate.	
2-Biphenyl diphenyl phosphate.	
1,3-Bis(2-benzothiazolylmercaptomethyl) urea.	
2,6 - Bis (1 - methylheptadecyl) - *p*-cresol.	
Bis(tri-*n*-butyltin) oxide	For use as preservative only.
Borax	
Boric acid	
1,3-Butanediol	
1,4 Butanediol	
1,4-Butanediol modified with adipic acid.	
Butoxy polyethylene polypropylene glycol (molecular weight 900–4,200).	
Butyl acetate	
Butyl acetyl ricinoleate	
Butyl alcohol	
Butylated, styrenated cresols.	
Butyl benzyl phthalate	
4,4'-thiobis-6-*tert*-Butyl-*m*-cresol.	
Butyldecyl phthalate	
1,3-Butylene glycol-diglycollic acid copolymer.	
tert-Butyl hydroperoxide	
4,4'-Butylidenebis(6-*tert*-butyl-*m*-cresol).	
Butyl lactate	
Butyloctyl phthalate	
p-*tert*-Butylphenyl salicylate.	
Butyl phthalate butyl glycolate.	

COMPONENTS OF ADHESIVES—Continued

Substances	Limitations
Butyl ricinoleate	
Butyl rubber polymer	
Butyl stearate	
Butyl titanate, polymerized.	
Butyraldehyde	
Calcium ethyl acetoacetate.	
Calcium nitrate	
Calcium metasilicate	
Camphor	
Camphor fatty acid esters.	
Candelilla wax	
Carbon black, channel process.	
Carbon disulfide-1,1'-methylenedipiperidine reaction product.	
Carbon tetrachloride	
Carboxymethylcellulose	
Castor oil, polyoxyethylated (4–84 mols ethylene oxide).	
Cellulose acetate butyrate.	
Cellulose acetate propionate.	
Ceresin wax (ozocerite)	
Cetyl alcohol	
Chloracetamide	
Chloral hydrate	
Chlorinated rubber polymer (natural rubber polymer containing approximately 67 percent chlorine).	
1-(3-Chloroallyl)-3,5,7-triaza-1-azoniaadamantane chloride.	For use as preservative only.
Chlorobenzene	
4-Chloro-3,5-dimethylphenol (*p*-chloro-*m*-xylenol).	For use as preservative only.
4-Chloro-3-methylphenol.	Do.
Chloroform	
Chloroprene	
Chromium caseinate	
Chromium nitrate	
Chromium potassium sulfate.	
Cobaltous acetate	For use as preservative only.
Coconut fatty acid amine salt of tetrachlorophenol.	
Copal	
Copper 8-quinolinolate	For use as preservative only.
Coumarone-indene resin.	
Cresyl diphenyl phosphate.	
Cumene hydroperoxide	
Cyclohexane	
Cyclohexanol	
Cyclohexanone resin	
Cyclohexanone-formaldehyde condensate.	
N-Cyclohexyl *p*-toluene sulfonamide.	
Damar	
Defoaming agents as described in § 121.2519.	
Dehydroacetic acid	
Diacetone alcohol	
Diacetyl peroxide	
N,N'-Dialkoyl-4,4'-diaminodiphenylmethane mixtures where the alkoyl groups are derived from marine fatty acids (C_{12}-C_{24}).	
2,5-Di-*tert*-amylhydroquinone.	

COMPONENTS OF ADHESIVES—Continued

Substances	Limitations
Diaryl-*p*-phenylenediamine, where the aryl group may be phenyl, tolyl, or xylyl.	
Di(butoxyethyl) phthalate.	
2,5-Di-*tert*-butylhydroquinone.	
Dibutyl maleate	
2,6-Di-*tert*-butyl-4-methylphenol.	For use as preservative only.
Dibutyl phthalate	
Dibutyl sebacate	
Dibutyltin dilaurate for use only as a catalyst for polyurethane resins.	
Dicumyl peroxide	
Dicyandiamide	
Dicyclohexyl phthalate	
Diethanolamine	
Diethanolamine condensed with animal or vegetable fatty acids.	
Diethylene glycol	
Diethylene glyco-adipic acid copolymer.	
Diethylene glycol dibenzoate.	
Diethylene glycol hydrogenated tallowate, monoester.	
Diethylene glycol laurate	
Diethylene glycol monobutyl ether.	
Diethylene glycol monobutyl ether acetate.	
Diethylene glycol monoethyl ether acetate.	
Diethylene glycol monomethyl ether.	
Diethylene glycol monooleate.	
Diethylene glycol monophenyl ether.	
Diethylene glycol copolymer of adipic acid and phthalic anhydride.	
Di(2-ethylhexyl) adipate	
Di(2-ethylhexyl) hexahydrophthalate.	
Di(2-ethylhexyl) phthalate.	
Diethyl oxalate	
Diethyl phthalate	
Dihexyl phthalate	
Dihydroabietyl phthalate.	
1,2-Dihydro-2,2,4-trimethylquinoline, polymerized.	
Di(2-hydroxy-5-*tert*-butylphenyl) sulfide.	
2,2'-Dihydroxy-5,5'-dichlorodiphenylmethane (dichlorophene).	
Diisobutyl adipate	
Diisobutyl ketone	
Diisobutylphenoxyethoxyethyl dimethyl benzyl ammonium chloride.	
Diisobutyl phthalate	
Diisodecyl adipate	
Diisodecyl phthalate	
Diisooctyl phthalate	
Diisopropylbenzene hydroperoxide.	
N,N-Dimethylcyclohexylamine dibutyldithiocarbamate.	
Dimethyl formamide	
Dimethyl hexynol	
Dimethyl octynediol	
Dimethyl phthalate	
3,5-Dimethyl-1,3,5,2*H*-tetrahydrothiadiazine-2-thione.[1]	For use as preservative only.

COMPONENTS OF ADHESIVES—Continued

Substances	Limitations
Di-β-naphthyl-*p*-phenylenediamine.	
4,6-Dinonyl-o-cresol	
Dinonylphenol	
Di-*n*-octyldecyl adipate	
Dioctyldiphenylamine	
Dioctylphthalate	
Dioctylsebacate	
Dioxane	
Dipentamethylene-thiuram-tetrasulfide.	
Dipentene	
Dipentene resins	
Diphenyl-2-ethylhexyl phosphate.	
Diphenyl, hydrogenated	
N,N'-Diphenyl-*p*-phenylenediamine.	
Diphenyl phthalate	
1,3-Diphenyl-2-thiourea	
Dipropylene gylcol	
Dipropylene glycol dibenzoate.	
Dipropylene glycol monomethyl ether.	
Dipropylene glycol copolymer of adipic acid and phthalic anhydride.	
Disodium cyanodithioimidocarbonate.	
Distearyl thiodipropionate.	
4,4'-Dithiodimorpholine	
n-Dodecylmercaptan	
tert-Dodecylmercaptan	
Dodecylphenoxybenzenedisulfonic acid and/or its calcium, magnesium, and sodium salts.	
Elemi gum	
Epichlorohydrin-4,4'-isopropylidenediphenol resin.	
Epichlorohydrin-4,4'-*sec*-butylidenediphenol resin.	
Epichlorohydrin-4,4'-isopropylidene-di-o-cresol resin.	
Epichlorohydrin-phenol-formaldehyde resin.	
Erucamide (erucylamide).	
Ethanolamine	
Ethoxypropanol butyl ether.	
Ethyl alcohol (ethanol)	
Ethylenediamine	
Ethylenediaminetetraacetic acid, calcium, ferric, potassium, or sodium salts, single or mixed.	
Ethylene dichloride	
Ethylene Glycol	
Ethylene glycol monobutyl ether.	
Ethylene glycol monobutyl ether acetate.	
Ethylene glycol monoethyl ether.	
Ethylene glycol monoethyl ether acetate.	
Ethylene glycol monoethyl ether ricinoleate.	
Ethylene glycol monomethyl ether.	
Ethylene glycol monophenyl ether.	
Ethylene-maleic anhydride copolymer, ammonium or potassium salt.	

COMPONENTS OF ADHESIVES—Continued

Substances	Limitations
Ethylene-methacrylic acid copolymer partial salts: Ammonium, calcium, magnesium, sodium, and/or zinc.	
Ethylene-propylene-dicyclopentadiene copolymer rubber.	
Ethyl-*p*-hydroxybenzoate.	For use as preservative only.
Ethyl hydroxyethylcellulose.	
Ethyl lactate	
Ethyl phthalyl ethyl glycolate.	
Ethyl-*p*-toluene sulfonamide.	
Fats and oils derived from animal or vegetable sources, and the hydrogenated, sulfated, or sulfonated forms of such fats and oils.	
Fatty acids derived from animal or vegetable fats and oils; and salts of such acids, single or mixed, as follows:	
Aluminum	
Ammonium	
Calcium	
Magnesium	
Potassium	
Sodium	
Zinc	
Ferric chloride	
Fluosilicic acid (hydrofluosilicic acid).	For use only as bonding agent for aluminum foil, stabilizer, or preservative. Total fluoride from all sources not to exceed 1 percent by weight of the finished adhesive.
Formaldehyde	
Formaldehyde o- and *p*-toluene sulfonamide.	
Formamide	
Furfural	
Furfuryl alcohol	
Fumaric acid	
Glutaraldehyde	
Glycerides, di- and monoesters.	
Glyceryl borate (glycol boriborate resin).	
Glyceryl ester of damar, copal, elemi, and sandarac.	
Glyceryl monobutyl ricinoleate.	
Glyceryl monohydroxy stearate.	
Glyceryl monohydroxy tallowate	
Glycol diacetate	
Gyloxal	
Heptane	
Hexamethylenetetramine.	
Hexane	
Hexanetriols	
Hexylene glycol	
Hydroabietyl alcohol	

COMPONENTS OF ADHESIVES—Continued

Substances	Limitations
Hydrofluoric acid	For use only as bonding agent for aluminum foil stabilizer, or preservative. Total fluoride from all sources not to exceed 1 percent by weight of the finished adhesive.
Hydrogen peroxide	
Hydroquinone	
Hydroquinone monobenzyl ether.	
Hydroquinone monoethyl ether.	
Hydroxyacetic acid	
7-Hydroxycoumarin	
Hydroxyethylcellulose	
1-(2-Hydroxyethyl)-1-(4-chlorobutyl)-2 alkyl (C_7-C_{17}) imidazolinium chloride.	
β-Hydroxyethyl pyridinium 2-mercaptobenzothiazol.	
Hydroxyethyl starch	
Hydroxyethylurea	
Hydroxylamine sulfate	
Hydroxpropyl methylcellulose.	
Isoascorbic acid	
Isobutyl alcohol (isobutanol).	
Isobutylene-isoprene copolymer.	
Isophorone	
Isopropanolamine (mono-, di-, tri-).	
Isopropyl acetate	
Isopropyl alcohol (isopropanol).	
Isopropyl-*m*- and *p*-cresol (thymol derived).	
4,4'-Isopropylidenediphenol, polybutylated mixture.	For use as preservative only.
Isopropyl peroxydicarbonate.	
p-Isopropoxy diphenylamine.	
4,4'-Isopropylidene-bis(*p*-phenyleneoxy)-di-2-propanol.	
Itaconic acid	
Japan wax	
Kerosene	
Lauroyl peroxide	
Lauroyl sulfate salts:	
Ammonium	
Magnesium	
Potassium	
Sodium	
Lauryl alcohol	
Lauryl pyridinium 5-chloro-2-mercaptobenzothiazole.	
Lignin calcium sulfonate	
Lignin sodium sulfonate	
Linoleamide (linoleic acid amide).	
Magnesium fluoride	For use only as bonding agent for aluminum foil, stabilizer, or preservative. Total fluoride from all sources not to exceed 1 percent by weight of the finished adhesives.
Magnesium glycerophosphate.	
Maleic acid	

COMPONENTS OF ADHESIVES—Continued

Substances	Limitations
Maleic anhydride-diisobutylene copolymer, ammonium or sodium salt.	
Manganese acetate	
Marine oil fatty acid soaps, hydrogenated.	
Melamine	
Melamine-formaldehyde copolymer.	
2-Mercaptobenzothiazole	
2-Mercaptobenzothiazole and dimethyl dithiocarbamic acid mixture, sodium salt.	For use as preservative only.
2-Mercaptobenzothiazole, sodium or zinc salt.	For use as preservative only.
Methacrylate-chromic chloride complex, ethyl or methyl ester.	
p-Menthane hydroperoxide.	
Methyl acetate	
Methyl acetyl ricinoleate	
Methyl alcohol (methanol).	
Methylcellulose	
Methylene chloride	
4,4'-Methylenebis(2,6-di-*tert*-butylphenol).	
2,2-Methylenebis(4-ethyl-6-*tert*-butylphenol).	
2,2-Methylenebis(4-methyl-6-nonylphenol).	
2,2-Methylenebis(4-methyl-6-*tert*-butylphenol).	
Methyl ethyl ketone	
Methyl ethyl ketone-formaldehyde condensate.	
2-Methylhexane	
1-Methyl-2-hydroxy-4-isopropyl benzene.	
Methyl isobutyl ketone	
Methyl oleate	
Methyl olcate-palmitate mixture.	
Methyl phthalyl ethyl glycolate.	
Methyl ricinoleate	
Methyl salicylate	
α-Methylstyrene-vinyl toluene copolymer.	
Methyl tallowate	
Mineral oil	
Monochloracetic acid	
Monooctyldiphenylamine	
Montan wax	
Morpholine	
Myristic acid-chromic chloride complex.	
Myristyl alcohol	
Naphtha	
Naphthalene, monosulfonated.	
Naphthalene sulfonic acid-formaldehyde condensate, sodium salt.	
α-Naphthylamine	
Nitric acid	
o-Nitrobiphenyl	
Nitrocellulose	
2-Nitropropane	
endo-cis-5-Norbornene-2,3-dicarboxylic anhydride.	
Octyl alcohol	
Octyldecyl phthalate	
Octylphenol	
Octylphenoxyethanols	
Octylphenoxypolyethoxy-polypropoxyethanol (13 mols of ethylene oxide and propylene oxide).	

COMPONENTS OF ADHESIVES—Continued

Substances	Limitations
Odorless light petroleum hydrocarbons.	
Oleamide (oleic acid amide).	
Oleic acid, sulfated	
Oxazoline	
n-Oxydiethylene-benzothiazole.	
Palmitamide (palmitic acid amide).	
Paraffin (C_{12}–C_{20}) sulfonate.	
Paraformaldehyde	
Pentachlorophenol	For use as preservative only.
Pentaerythritol ester of maleic anhydride.	
Pentaerythritol monostearate.	
Pentaerythritol tetrastearate.	
2,4-Pentanedione	
Perchloroethylene	
Petrolatum	
Petroleum hydrocarbon resin (cyclopentadiene type), hydrogenated.	
Petroleum hydrocarbon resins (produced by the homo- and copolymerization of dienes and olefins of the aliphatic, alicyclic, and monobenzenoid arylalkene types from distillates of cracked petroleum stocks).	
Phenol	For use as preservative only.
Phenol-coumarone-indene resin.	
Phenolic resins as described in § 121.2514 (b)(3)(vi).	
Phenyl-β-naphthylamine (free of β-naphthylamine).	
o-Phenylphenol	For use as preservative only.
o-Phthalic acid	
Pimaric acid	
Pine oil	
Piperazine	
Piperidinium pentamethylenedithiocarbamate.	
Polyamides derived from dimerized vegetable oil acids and the following amines:	
Diethylenetriamine	
Diphenylamine	
Ethylenediamine	
Tetraethylenepentamine.	
Triethylenetetramine	
Polybutylene glycol (molecular weight 1,000).	
Polyester of diglycolic acid and propylene glycol containing ethylene glycol monobutyl ether as a chain stopper.	
Polyester resins as described under § 121.2514(b)(3)(vii), with the addition of 2,2-dimethyl-1,3-propanediol to the permitted polyhydric alcohols and tetrahydrophthalic acid to the permitted polybasic acids.	

COMPONENTS OF ADHESIVES—Continued

Substances	Limitations
Polyethylene glycol (molecular weight 200–6,000).	
Polyethylene, oxidized	
Polyethylene resins, carboxyl modified, identified in § 121.2580.	
Polyethylenimine	
Polyisoprene	
Polymeric esters of polyhydric alcohols and polycarboxylic acids prepared from glycerin and phthalic anhydride and modified with benzoic acid, castor oil, coconut oil, linseed oil, rosin, soybean oil, styrene, and vinyl toluene.	
Polymers: Homopolymers and copolymers of the following monomers:	
Acrylamide	
Acrylic acid	
Acrylonitrile	
Butadiene	
Butene	
N-*tert*-Butylacrylamide	
Butyl acrylate	
Butyl methacrylate	
Crotonic acid	
Decyl acrylate	
Diallyl fumarate	
Diallyl maleate	
Diallyl phthalate	
Dibutyl fumarate	
Dibutyl itaconate	
Dibutyl maleate	
Di(2-ethylhexyl) maleate.	
Dioctyl fumarate	
Dioctyl maleate	
Divinylbenzene	
Ethyl acrylate	
Ethylene	
Ethylene cyanohydrin	
2-Ethylhexyl acrylate	
Ethyl methacrylate	
Fumaric acid and/or its methyl, ethyl, propyl, butyl, amyl, hexyl, heptyl and octyl esters.	
Glycidyl methacrylate	
Isobutyl acrylate	
Isobutylene	
Itaconic acid	
Maleic anhydride	
Methacrylic acid	
Methyl acrylate	
N,N'-Methylenebisacrylamide	
Methyl methacrylate	
N-Methylolacrylamide	
Methyl styrene	
Monoethyl maleate	
Monomethyl maleate	
Mono (2-ethylhexyl) maleate.	
Propyl acrylate	
Propylene	
Styrene	
Triallyl cyanurate	
Vinyl acetate	
Vinyl butyrate	
Vinyl chloride	
Vinyl crotonate	
Vinyl ethyl ether	
Vinyl hexoate	
Vinylidene chloride	
Vinyl methyl ether	
Vinyl pelargonate	
Vinyl propionate	
Vinyl pyrrolidone	
Vinyl stearate	

COMPONENTS OF ADHESIVES—Continued

Substances	Limitations
Polyoxyalkylated-phenolic resin (phenolic resin obtained from formaldehyde plus butyl- and/or amylphenols, oxyalkylated with ethylene oxide and/or propylene oxide).	
Polyoxyethylated (40 mols) tallow alcohol sulfate, sodium salt.	
Polyoxyethylene (molecular weight 200) dibenzoate.	
Polyoxyethylene (molecular weight 1900) di-*sec*-butylphenylate.	
Polyoxyethylene (molecular weight 200–600) esters of fatty acids derived from animal or vegetable fats and oils (including tall oil).	
Polyoxyethylene (15 mols) ester of rosin.	
Polyoxyethylene (4–5 mols) ether of phenol.	
Polyoxyethylene (25 mols)—glycerol adduct.	
Polyoxyethylene (1–40 mols) nonylphenol.	
Polyoxyethylene (6–7 mols) nonylphenoxy phosphate.	
Polyoxyethylene (1–40 mols) octylphenol.	
Polyoxyethylene (20 mols) oleyl alcohol.	
Polyoxyethylene (20 mols) sorbitan monolaurate.	
Polyoxyethylene (20 mols) sorbitan monooleate.	
Polyoxyethylene (20 mols) sorbitan monopalmitate.	
Polyoxyethylene (20 mols) sorbitan monostearate.	
Polyoxyethylene (40 mols) stearate.	
Polyoxyethylene (5–15 mols) tridecyl alcohol.	
Polyoxypropylene (3 mols) tridecyl alcohol sulfate.	
Polyoxypropylene (20 mols) butyl ether.	
Polyoxypropylene (40 mols) butyl ether.	
Polyoxypropylene (20 mols) oleate butyl ether.	
Polyoxypropylene-polyoxyethylene condensate (molecular weight 1,900–9,000).	
Polypropylene glycol (molecular weight 150–3,000).	
Polypropylene, noncrystalline.	
Polysiloxanes:	
Diethyl polysiloxane	
Dihydrogen polysiloxane.	
Dimethyl polysiloxane	
Diphenyl polysiloxane	
Ethyl hydrogen polysiloxane.	
Ethyl phenyl polysiloxane.	
Methyl ethyl polysiloxane.	
Methyl hydrogen polysiloxane.	

COMPONENTS OF ADHESIVES—Continued

Substances	Limitations
Polysiloxanes—Continued	
Methyl phenyl polysiloxane.	
Phenyl hydrogen polysiloxane.	
Polytetrafluoroethylene	
Polyurethane resins produced by reacting diisocyanates with one or more of the polyols or polyesters named in this subparagraph or produced by reacting the chloroformate derivatives of one or more of the polyols or polyesters named in this subparagraph with one or more of the polyamines named in this subparagraph.	
Polyvinyl alcohol	
Polyvinyl butyral	
Polyvinyl formal	
Potassium *N*-methyldithiocarbamate.	
Potassium pentachlorophenate.	For use as preservative only.
Potassium permanganate	
Potassium persulfate	
Potassium phosphates (mono-, di-, tribasic).	
Potassium tripolyphosphate.	
β-Propiolactone	
Propyl alcohol (propanol).	
Propylene carbonate	
Propylene glycol and *p*-*p'*-isopropylidenediphenol diether.	
Propylene glycol esters of coconut fatty acids.	
Propylene glycol monolaurate.	
Propylene glycol monomethyl ether.	
Propylene glycol monostearate.	
Quaternary ammonium chloride (hexadecyl, octadecyl derivative).	For use as preservative only.
Rosin (wood, gum, and tall oil rosin), rosin dimers, decarboxylated rosin (including rosin oil, disproportionated rosin, and these substances as modified by one or more of the following reactants:	
Alkyl (C_1–C_9) phenol-formaldehyde.	
Ammonia	
Ammonium caseinate	
p-Cyclohexylphenol-formaldehyde.	
Diethylene glycol	
Dipentaerythritol	
Ethylene glycol	
Formaldehyde	
Fumaric acid	
Glycerin	
Hydrogen	
Isophthalic acid	
4,4'-Isopropylidenediphenol-epichlorohydrin (epoxy).	
4,4'-Isopropylidenediphenol-formaldehyde.	
Maleic anhyride	
Methyl alcohol	
Pentaerythritol	
Phthalic anhydride	
Polyethylene glycol	
Phenol-formaldehyde	
Phenyl o-cresol-formaldehyde.	

COMPONENTS OF ADHESIVES—Continued

Substances	Limitations
Rosin, etc.—Continued	
p-Phenylphenol-formaldehyde.	
Sulfuric acid	
Triethylene glycol	
Xylenol-formaldehyde	
Rosin salts (salts of wood, gum, and tall oil rosin, and the dimers thereof, decarboxylated rosin, disproportionated rosin, hydrogenated rosin):	
Aluminum	
Ammonium	
Calcium	
Magnesium	
Potassium	
Sodium	
Zinc	
Rosin, gasoline-insoluble fraction.	
Rubber hydrochloride polymer.	
Rubber latex, natural	
Salicylic acid	For use as preservative only.
Sandarac	
Sebacic acid	
Shellac	
Sodium alkyl (C_2–$C_{13.5}$ aliphatic) benzenesulfonate.	
Sodium aluminum pyrophosphate.	
Sodium aluminum sulfate.	
Sodium bisulfate	
Sodium calcium silicate	
Sodium capryl polyphosphate.	
Sodium carboxymethylcellulose.	
Sodium chlorate	
Sodium chlorite	
Sodium chromate	
Sodium decylsulfate	
Sodium dehydroacetate	For use as preservative only.
Sodium di-(2-ethylhexoate).	
Sodium di(2-ethylhexyl) pyrophosphate.	
Sodium dihexylsulfosuccinate.	
Sodium diisobutylphenoxydiethoxyethyl sulfonate.	
Sodium diisobutylphenoxymonoethoxyethyl sulfonate.	
Sodium diisopropyl- and triisopropylnaphthalenesulfonate.	
Sodium dimethyldithiocarbamate.	
Sodium dioctylsulfosuccinate.	
Sodium *n*-dodecylpolyethoxy (50 moles) sulfate.	
Sodium ethylene ether of nonylphenol sulfate.	
Sodium 2-ethylhexyl sulfate.	
Sodium fluoride	For use only as bonding agent for aluminum foil, stabilizer, or preservative. Total fluoride for all sources not to exceed 1 percent by weight of the finished adhesive.

COMPONENTS OF ADHESIVES—Continued

Substances	Limitations
Sodium formaldehyde sulfoxylate.	
Sodium formate	
Sodium heptadecylsulfate.	
Sodium hypochlorite	
Sodium isododecylphenoxypolyethoxy (40 moles) sulfate.	
Sodium metaborate	
Sodium α-naphthalene sulfonate.	
Sodium nitrate	
Sodium nitrite	
Sodium oleoyl isopropanolamide sulfosuccinate.	
Sodium pentachlorophenate.	For use as preservative only.
Sodium perborate	
Sodium persulfate	
Sodium o-phenylphenate	For use as preservative only.
Sodium polyacrylate	
Sodium polymethacrylate	
Sodium polystyrene sulfonate.	
Sodium salicylate	For use as preservative only.
Sodium tetradecylsulfate	
Sodium thiocyanate	
Sodium bis-tridecylsulfosuccinate.	
Sodium xylene sulfonate	
Sorbitan monooleate	
Sorbitan monopalmitate	
Sorbitan monostearate	
Sorbitan trioleate	
Sorbitan tristearate	
Soybean oil, epoxidized	
Spermaceti wax	
Sperm oil wax	
Starch hydrolysates	
Starch or starch modified by one or more of the treatments described in §§ 121.1031 and 121.2506.	
Starch, reacted with formaldehyde.	
Stearamide (stearic acid amide).	
Stearic acid	
Stearic acid-chromic chloride complex.	
Stearyl-cetyl alcohol, technical grade, approximately 65 percent–80 percent stearyl and 20 percent–35 percent cetyl.	
Strontium salicylate	
Styrenated phenol	
Styrene-maleic anhydride copolymer, ammonium or potassium salt.	
Styrene-maleic anhydride copolymer (partially methylated) sodium salt.	
Styrene-methacrylic acid copolymer, potassium salt.	
Sucrose acetate isobutyrate.	
Sucrose benzoate	
Sucrose octaacetate	
Sulfur	
Tall oil	
Tall oil fatty acids, linoleic and oleic.	
Tall oil fatty acid methyl ester.	
Tall oil, methyl ester	
Tall oil pitch	
Tall oil soaps	
Tallow alcohol (hydrogenated).	

COMPONENTS OF ADHESIVES—Continued

Substances	Limitations
Tallow amine, secondary (hexadecyl, octadecyl), of hard tallow.	
Tallow, blown (oxidized)	
Tallow, propylene glycol ester.	
Terpene resins (α- and β-pinene) homopolymers, copolymers, and condensates with phenol, formaldehyde, coumarone, and/or indene.	
Terphenyl	
Terphenyl, hydrogenated	
Terpineol	
Tetraethylene pentamine	
Tetraethylthiuram disulfide.	
Tetrahydrofuran	
Tetrahydrofurfuryl alcohol.	
Tetra-isopropyl titanate	
Tetramethyl decanediol	
Tetramethyl decynediol	
Tetramethyl decynediol plus 1–30 mols of ethylene oxide.	
Tetramethylthiuram monosulfide.	
Tetrasodium *N*-(1,2-dicarboxyethyl)-*N*-octadecylsulfosuccinamate.	
Thiram	
Thymol	For use as preservative only.
Tin oleate for use only as a catalyst for polyurethane resins.	
Tin stearate	
Titanium dioxide	
Titanium dioxide-barium sulfate.	
Titanium dioxide-calcium sulfate.	
Titanium dioxide-magnesium silicate.	
Toluene	
Toluene-2,4-diisocyanate	
Toluene-2,6-diisocyanate	
o-and *p*-Toluene ethyl sulfonamide.	
o-and *p*-Toluene sulfonamide.	
p-Toluene sulfonic acid	
p-(*p'*-Toluene-sulfonylamide)-diphenylamide	
Triazine-formaldehyde resins as described in § 121.2514(b)(3)(xiii).	
Tributyl citrate	
Tri-*tert*-butyl-*p*-phenyl phenol.	For use as preservative only.
Tributyl phosphate	
Tri-*n*-butyltin acetate	For use as preservative only.
Tri-*n*-butyltin neodecanoate.	Do.
1,1,1-Trichloroethane	
1,1,2-Trichloroethane	
Trichloroethylene	
Tri-β-chloroethyl phosphate.	
Triethanolamine	
Triethylene glycol	
Triethylene glycol dibenzoate.	
Triethylene glycol di(2-ethylhexoate).	
Thriethylene glycol polyester of benzoic acid and phthalic acid.	
Triethylhexyl phosphate	
Triethylphosphate	
2,4,5-Trihydroxy butyrophenone.	
Triisopropanolamine	
Trimethyl dihydroquinoline, polymerized.	

COMPONENTS OF ADHESIVES—Continued

Substances	Limitations
Trimethylol propane	
2,2,4-Trimethylpentane-diol-1,3-diisobutyrate.	
Trimeric aromatic amine resin from diphenylamine and acetone of molecular weight approximately 500.	
Triphenylphosphate	
Tripropylene glycol monomethyl ether.	
Turpentine	
Urea-formaldehyde resins as described in § 121.2514(b)(3)(xii).	
Vegetable oil, sulfonated or sulfated, potassium salt.	
Vinyl acetate-maleic anhydride copolymer, sodium salt.	
Waxes, petroleum	
Wax, petroleum, chlorinated (40% to 70% chlorine).	
3-(2-Xenolyl)-1,2-epoxypropane.	
Xylene	
Xylene (or toluene) alkylated with dicyclopentadiene.	
Zein	
Zinc acetate	
Zinc ammonium chloride	
Zinc dibenzyl dithiocarbamate.	
Zinc dibutyldithiocarbamate.	
Zinc diethyldithiocarbamate.	
Zinc di(2-ethylhexoate)	
Zinc formaldehyde sulfoxylate.	
Zinc naphthenate and dehydroabietylamine mixture.	
Zinc nitrate	
Zinc orthophosphate	
Zinc resinate	
Zinc sulfide	
Zineb (zinc ethylenebisdithiocarbamate).	
Ziram (zinc dimethyldithiocarbamate).	

§ 121.2521 [Reserved]

§ 121.2522 Polyurethane resins.

The polyurethane resins as defined in this section may be safely used as the food-contact surface of articles intended for packaging, transporting, or holding food subject to the following provisions:

(a) Polyurethane resin is prepared from resin-forming materials described in subparagraph (4) of this paragraph, and from optional substances which may include:

(1) Substances generally recognized as safe in food.

(2) Substances permitted for use in these resins by prior sanction or approval and employed under the specific conditions of such sanction or approval.

(3) Substances that by any regulation promulgated pursuant to section 409 of the act may be safely used as components of resinous and polymeric coatings used as food-contact surfaces.

(4) Substances named in this section and further identified as required.

List of Substances	Limitations
4,4'-Methylenebis (2-chloroaniline).	As a curing agent.
Polyurethane, derived by reaction of toluene diisocyanate and/or diphenylmethane diisocyanate with one or more of the following substances, with or without the catalysts *N,N*-dimethyldodecylamine and *N*-dodecylmorpholine: Adipic acid. 1,4-Butanediol. Ethylene glycol. Polypropylene glycol. Propylene glycol. Trimethylol propane.	
Polyvinyl isobutyl ether	
Polyvinyl methyl ether	
Soya alkyd resin	Conforming in composition with § 121.2514 and containing litharge not to exceed that residual from its use as the reaction catalyst and cresole not to exceed that required as an antioxidant.
N,N,N',N'-Tetrakis(2-hydroxypropyl)-ethylenediamine.	As a curing agent.
Triethanolamine	Do.
Copper phthalocyanine	As a pigment.
Ultramarine blue	Do.

(b) The resin is used as the food-contact surface for dry bulk foods.

(c) An appropriate sample of the finished resin in the form in which it contacts food, when subjected to Method 6191 in Federal Test Method Standard No. 141, using No. 50 Emery abrasive in lieu of Ottawa sand, shall exhibit an abrasion coefficient of not less than 20 liters per mil of film thickness.

§ 121.2523 Fluorocarbon resins.

Fluorocarbon resins may be safely used as articles or components of articles intended for use in contact with food, in accordance with the following prescribed conditions:

(a) For the purpose of this section, fluorocarbon resins consist of basic resins produced as follows:

(1) Chlorotrifluoroethylene resins produced by the homopolymerization of chlorotrifluoroethylene.

(2) Chlorotrifluoroethylene-1,1-difluoroethylene copolymer resins produced by copolymerization of chlorotrifluoroethylene and 1,1-difluoroethylene.

(3) Chlorotrifluoroethylene-1,1-difluoroethylene-tetrafluoroethylene copolymer resins produced by copolymerization of chlorotrifluoroethylene, 1,1-difluoroethylene, and tetrafluoroethylene.

(b) Fluorocarbon resins that are identified in paragraph (a) of this section and that comply with the extractives limitations prescribed in paragraph (c) of this section may be used as articles or components of articles intended for use in contact with food. Fluorocarbon resins that are identified in paragraph (a) of this section and that comply only with the extractives limitations prescribed in paragraph (c) (1) and (2) of this section may be used when such use is limited to articles or components of articles that are intended for repeated use in contact with food or that are intended for one-time use in contact with food only of the types identified in § 121.2526(c), table 1, under types I, II, VI, VII–B, and VIII. In accordance with

good manufacturing practice, those food-contact articles intended for repeated use shall be thoroughly cleansed prior to their first use in contact with food.

(c) Extractives limitations are applicable to the basic resins in the form of pellets that have been ground or cut into small particles that will pass through a U.S. Standard Sieve No. 6 and that will be held on a U.S. Standard Sieve No. 10.

(1) A 100-gram sample of the resin pellets, when extracted with 100 milliliters of distilled water at reflux temperature for 8 hours, shall yield total extractives not to exceed 0.003 percent by weight of the resins.

(2) A 100-gram sample of the resin pellets, when extracted with 100 milliliters of 50 percent (by volume) ethyl alcohol in distilled water at reflux temperature for 8 hours, shall yield total extractives not to exceed 0.003 percent by weight of the resins.

(3) A 100-gram sample of the resin pellets, when extracted with 100 milliliters of *n*-heptane at reflux temperature for 8 hours, shall yield total extractives not to exceed 0.01 percent by weight of the resins.

§ 121.2524 Polyethylene terephthalate film.

Polyethylene terephthalate film may be safely used as an article or component of articles used in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food subject to the provisions of this section.

(a) Polyethylene terephthalate film consists of a base sheet of ethylene terephthalate polymer, to which have been added optional substances, either as constituents of the base sheet or as constituents of coatings applied to the base sheet.

(b) The quantity of any optional substance employed in the production of polyethylene terephthalate film does not exceed the amount reasonably required to accomplish the intended physical or technical effect or any limitation further provided.

(c) Any substance employed in the production of polyethylene terephthalate film that is the subject of a regulation in Subpart F of this part conforms with any specification in such regulation, and any substance which is not the subject of a regulation in Subpart F conforms with the specifications, if any, prescribed by an order extending the effective date of the statute for such substance as an indirect additive to food.

(d) Substances employed in the production of polyethylene terephthalate film include:

(1) Substances generally recognized as safe in food.

(2) Substances subject to prior sanction or approval for use in polyethylene terephthalate film and used in accordance with such sanction or approval.

(3) Substances which by regulation in this Subpart F may be safely used as components of resinous or polymeric coatings and film used as food-contact surfaces subject to the provisions of such regulation.

(4) Substances identified in this subparagraph and subject to such limitations as are provided:

List of substances and limitations

(i) Base sheet:
- Ethylene terephthalate copolymers: Prepared by the copolymerization of dimethyl terephthalate or terephthalic acid with ethylene glycol, modified with one or more of the following: Azelaic acid, dimethyl azelate, dimethyl sebacate, sebacic acid.
- Ethylene terephthalate polymer: Prepared by the condensation of dimethyl terephthalate and ethylene glycol.
- Ethylene terephthalate polymer: Prepared by the copolymerization of terephthalic acid and ethylene glycol.

(ii) Coatings:
- 2-Ethylhexyl acrylate copolymerized with one or more of the following:
  - Acrylonitrile.
  - Methacrylonitrile.
  - Methyl acrylate.
  - Methyl methacrylate.
  - Itaconic acid.
- Vinylidene chloride copolymerized with one or more of the following:
  - Methacrylic acid and its methyl, ethyl, propyl, butyl, or octyl esters.
  - Acrylic acid and its methyl, ethyl, propyl, butyl, or octyl esters.
  - Acrylonitrile.
  - Methacrylonitrile.
  - Vinyl chloride.
  - Itaconic acid.

(iii) Emulsifiers:
- Sodium dodecylbenzenesulfonate: As an adjuvant in the application of coatings to the base sheet.
- Sodium lauryl sulfate: As an adjuvant in the application of coatings to the base sheet.

(e) Polyethylene terephthalate film conforming with the specifications prescribed in subparagraph (1) of this paragraph is used as provided in subparagraph (2) of this paragraph:

(1) *Specifications.* (i) The film, when exposed to distilled water at 250° F. for 2 hours, yields chloroform-soluble extractives not to exceed 0.5 milligram per square inch of film surface exposed to the solvent; and

(ii) The film, when exposed to *n*-heptane at 150° F. for 2 hours, yields chloroform-soluble extractives not to exceed 0.5 milligram per square inch of film surface exposed to the solvent.

(2) *Conditions of use.* The film is used for packaging, transporting, or holding food, excluding alcoholic beverages, at temperatures not to exceed 250° F.

(f) Polyethylene terephthalate film conforming with the specifications prescribed in subparagraph (1) of this paragraph is used as provided in subparagraph (2).

(1) *Specifications.* (i) The film meets the specifications in paragraph (e)(1) of this section; and

(ii) The film, when exposed to 50 percent ethyl alcohol at 120° F. for 24 hours, yields chloroform-soluble extractives not to exceed 0.5 milligram per square inch of film surface exposed to the solvent.

(2) *Conditions of use.* The film is used for packaging, transporting, or holding alcoholic beverages that do not exceed 50 percent alcohol by volume.

(g) Uncoated polyethylene terephthalate film consisting of a base sheet prepared from substances identified in paragraph (d)(4)(i) of this section and conforming with the specifications prescribed in subparagraph (1) of this paragraph is used as provided in subparagraph (2) of this paragraph:

(1) *Specifications.* (i) The film, when exposed to distilled water at 250° F. for 2 hours, yields chloroform-soluble extractives not to exceed 0.02 milligram per square inch of film surface exposed to the solvent; and

(ii) The film, when exposed to *n*-heptane at 150° F. for 2 hours, yields chloroform-soluble extractives not to exceed 0.02 milligram per square inch of film surface exposed to the solvent.

(2) *Conditions of use.* The film is used to contain foods during oven baking or oven cooking at temperatures above 250° F.

§ 121.2525 Acrylate ester copolymer coating.

Acrylate ester copolymer coating may safely be used as a food-contact surface of articles intended for packaging and holding food, including heating of prepared food, subject to the provisions of this section:

(a) The acrylate ester copolymer is a fully polymerized copolymer of ethyl acrylate, methyl methacrylate, and methacrylic acid applied in emulsion form to molded virgin fiber and heat-cured to an insoluble resin.

(b) Optional substances used in the preparation of the polymer and in the preparation and application of the emulsion may include substances named in this paragraph, in an amount not to exceed that required to accomplish the desired technical effect and subject to any limitation prescribed: *Provided, however*, That any substance named in this paragraph and covered by a specific regulation in Subpart F of this chapter must meet any specifications in such regulation. Any substance not covered by a specific regulation in Subpart F shall meet any specifications set forth in an order that has been issued extending the effective date of the statute for the use of the substance as a component of articles that contact food.

List of substances	Limitations
Aluminum stearate	Not to exceed the amount required as a preservative in emulsion defoamer.
Ammonium lauryl sulfate	
Borax	
Disodium hydrogen phosphate.	Do.
Formaldehyde	
Glyceryl monostearate	
Methyl cellulose	
Mineral oil	
Paraffin wax	
Potassium hydroxide	
Potassium persulfate	
Sorbitan monolaurate	
Tallow	
Tetrasodium pyrophosphate.	
Titanium dioxide	

(c) The coating in the form in which it contacts food meets the following tests:

(1) An appropriate sample when exposed to distilled water at 212° F. for 30 minutes shall yield total chloroform-soluble extractables not to exceed 0.5 milligram per square inch.

(2) An appropriate sample when exposed to *n*-heptane at 120° F. for 30 minutes shall yield total chloroform-soluble extractables not to exceed 0.5 milligram per square inch.

§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.

Substances identified in this section may be safely used as components of the uncoated or coated food-contact surface of paper and paperboard intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding aqueous and fatty foods, subject to the provisions of this section. Components of paper and paperboard in contact with dry food of the type identified under type VIII of table 1 in paragraph (c) of this section are subject to the provisions of § 121.2571.

(a) Substances identified in subparagraphs (1) through (5) of this paragraph may be used as components of the food-contact surface of paper and paperboard. Paper and paperboard products shall be exempted from compliance with the extractives limitations prescribed in paragraph (c) of this section: *Provided*, That the components of the food-contact surface consist entirely of one or more of the substances identified in this paragraph: *And provided further*, That if the paper or paperboard when extracted under the conditions prescribed in paragraph (c) of this section exceeds the limitations on extractives contained in paragraph (c) of this section, information shall be available from manufacturing records from which it is possible to determine that only substances identified in this paragraph (a) are present in the food-contact surface of such paper or paperboard.

(1) Substances generally recognized as safe in food.

(2) Substances generally recognized as safe for their intended use in paper and paperboard products used in food packaging.

(3) Substances used in accordance with a prior sanction or approval.

(4) Substances that by regulation in this Part 121 may be safely used without extractives limitations as components of the uncoated or coated food-contact surface of paper and paperboard in contact with aqueous or fatty food, subject to the provisions of such regulation.

(5) Substances identified in this subparagraph, as follows:

List of substances	Limitations
Acetyl peroxide	For use only as polymerization catalyst.
Acrylamide-β-methacrylyloxyethyl-trimethylammonium methyl sulfate copolymer resins containing not more than 5 molar percent of β-methacrylyloxyethyltrimethylammonium methyl sulfate and containing less than 0.2% of residual acrylamide monomer.	For use only as a retention aid and flocculant employed prior to the sheet-forming operation in the manufacture of paper and paperboard.
Aluminum acetate	
Aluminum persulfate	
Ammonium persulfate	
Ammonium thiosulfate	
Azo-bis-isobutyronitrile	For use only as polymerization catalyst.
Benzoyl peroxide	Do.
N,N-Bis(2-hydroxyethyl)alkyl (C_{12}–C_{18})amide.	For use only as an adjuvant to control pulp absorbency and pitch content in the manufacture of paper and paperboard prior to the sheet-forming operation.
tert-Butyl hydroperoxide	For use only as polymerization catalyst.
tert-Butyl peroxide	Do.
Carrageenan and salts of carrageenan as described in §§ 121.1066 and 121.1067.	
Castor oil, hydrogenated	
Castor oil, sulfated, ammonium, potassium, or sodium salt.	
Cellulose, regenerated	
Chloracetamide	For use only as polymerization-control agent.
Cobaltous acetate	For use only as polymerization catalyst.
Cumene hydroperoxide	Do.
Cyanoguanidine	For use only: 1. As a modifier for amino resins. 2. As a fluidizing agent in starch and protein coatings for paper paper and paperboard.
Dialdehyde guar gum	For use only as a wet-strength agent employed prior to the sheet-forming operation in the manufacture of paper and paperboard and used at a level not to exceed 1% by weight of the finished dry paper and paperboard fibers.
Dialdehyde locust bean gum	Do.
2,5-Di-*tert*-butyl hydroquinone	For use only as an antioxidant for fatty based coating adjuvants provided it is used at a level not to exceed 0.005% by weight of coating solids.
Diethanolamine	For use only as an adjuvant to control pulp absorbency and pitch content in the manufacture of paper and paperboard prior to the sheet-forming operation.
Diethylenetriamine	For use only as a modifier for amino resins.
1,2-Dihydro-2,2,4-trimethylquinoline, polymerized.	For use only as an antioxidant for natural rubber latex coatings provided it is used at a level not to exceed 0.1% by weight of the coating solids.
N,N-Dilsopropanolamide of tallow fatty acids.	For use only as an adjuvant to control pulp absorbency and pitch content in the manufacture of paper and paperboard prior to the sheet-forming operation.
N,N'-Dioleoylethylenediamine	
Diphenylamine	For use only as an antioxidant for fatty based coating adjuvants provided it is used at a level not to exceed 0.005% by weight of coating solids.
Dipropylene glycol	
N,N'-Distearoylethylenediamine.	
Fatty acids derived from animal and vegetable fats and oils and salts of such acids, single or mixed, as follows: Aluminum. Ammonium. Calcium. Magnesium. Potassium. Sodium. Zinc.	
Ferric chloride	
Ferrous ammonium sulfate	
Fish oil, hydrogenated	
Fish oil, hydrogenated, potassium salt.	
Furcelleran and salts of furcelleran as described in §§ 121.1068 and 121.1069.	
Glyceryl lactostearate	
Glyceryl mono-12-hydroxystearate.	
Glyceryl monoricinoleate	
Hexamethylenetetramine	For use only as polymerization cross-linking agent for protein, including casein.
Hydroquinone and the monomethyl or monoethyl ethers of hydroquinone.	For use only as an inhibitor for monomers.
Isopropyl *m*- and *p*-cresols (thymol derived).	For use only as an antioxidant for fatty based coating adjuvants provided it is used at a level not to exceed 0.005% by weight of coating solids.
Isopropyl peroxydicarbonate	For use only as polymerization catalyst.
Japan wax	
Lanolin	
Lauryl peroxide	For use only as polymerization catalyst.
Lauryl sulfate salts: Ammonium. Magnesium. Potassium. Sodium.	
Lecithin, hydroxylated	
Lignin sulfonate and its calcium, potassium, and sodium salts.	
Methyl naphthalene sulfonic acid-formaldehyde condensate, sodium salt.	For use only as an adjuvant to control pulp absorbency and pitch content in the manufacture of paper and paperboard prior to the sheet-forming operation.
Mineral oil, white	
Monoglyceride citrate	
Mustardseed oil, sulfated, ammonium, potassium, or sodium salt.	
Naphthalene sulfonic acid-formaldehyde condensate, sodium salt.	For use only as an adjuvant to control pulp absorbency and pitch content in the manufacture of paper and paperboard prior to the sheet-forming operation.
Nitrocellulose, 10.9–12.2% nitrogen.	
Oleic acid, sulfated, ammonium, potassium, or sodium salt.	
N-Oleoyl-*N'*-stearoylethylenediamine.	
Oxystearin	
Paraformaldehyde	For use only as setting agent for protein.
Petrolatum	Complying with § 121.2588.
Petroleum asphalt, steam and vacuum refined to meet the following specifications: Softening point 190° F.—200° F., as determined by ASTM Method D-36; penetration at 77° F. not to exceed 0.3 mm., as determined by ASTM Method D-5; and maximum weight loss not to exceed 3% when distilled to 700° F., nor to exceed an additional 1.1% when further distilled between 700° F. and thermal decomposition.	For use only as a component of internal sizing of paper and paperboard intended for use in contact only with raw fruits, raw vegetables, and dry food of the type identified under type VIII of table 1 in paragraph (c) of this section, and provided that the asphalt is used at a level not to exceed 5% by weight of the finished dry paper and paperboard fibers.
Phenothiazine	For use only as antioxidant in dry rosin size.
Phenyl acid phosphate	For use only as polymerization catalyst in melamine-formaldehyde modified alkyd coatings and limited to use at a level not to exceed 2% by weight of the coating solids.
Phenyl-β-naphthylamine	For use only as antioxidant in dry rosin size and limited to use at a level not to exceed 0.4% by weight of the dry rosin size.
Polyethylene, air oxidized (minimum molecular weight 1200).	For use only as component of coatings that contact food only of the type identified under types VII–B and VIII of table 1 in paragraph (c) of this section, and limited to use at a level not to exceed 50% by weight of the coating solids.
Polyethylene glycol (molecular weight greater than 300).	
Polyethylene glycol (200) dilaurate.	For use only as an adjuvant employed in the manufacture of paper and paperboard prior to the sheet-forming operation.
Polyethylene glycol (400) dioleate.	
Polyethylene glycol (400) esters of coconut oil fatty acids.	
Polyethylene glycol (600) esters of tall oil fatty acids.	
Polyethylene glycol (400) monolaurate.	
Polyethylene glycol (600) monolaurate.	
Polyethylene glycol (400) monooleate.	
Polyethylene glycol (600) monooleate.	
Polyethylene glycol (400) monostearate.	
Polyethylene glycol (600) monostearate.	
Polyethylene glycol (3,000) monostearate.	
Polyethyleimine, produced by the polymerization of ethylenimine.	For use only as an adjuvant employed prior to sheet formation in paper-making systems operated at a pH of 4.5 or higher, and limited to use at a level not to exceed 5% by weight of finished dry paper or paperboard fibers.
Polyoxyethylene (20) sorbitan monolaurate.	
Polyoxyethylene (20) sorbitan tristearate.	
Polypropylene glycol (minimum molecular weight 1,000).	
Polysorbate 60 (polyoxyethylene (20) sorbitan monostearate).	Conforming to the identity prescribed in § 121.1030.
Polysorbate 80	Conforming to the identity prescribed in § 121.1009.
Potassium persulfate	
Propylene glycol alginate	
Protein hydrolysate from animal hides or soybean protein condensed with oleic and/or stearic acid.	
Rapeseed oil, sulfated ammonium, potassium, or sodium salt.	
Ricebran oil, sulfated ammonium, potassium, or sodium salt.	
Rosin and rosin derivatives	As provided in § 121.2562.
Sodium dioctyl sulfosuccinate	For use only as polymerization catalyst.
Sodium formaldehyde sulfoxylate.	
Sodium hypochlorite	For use only as an adjuvant to control pulp absorbency and pitch content in the manufacture of paper and paperboard prior to the sheet-forming operation.
Sodium *N*-methyl-*N*-oleyltaurate.	
Sodium nitrite	For use only: 1. At levels not to exceed 0.2% by weight of lubricants or release agents applied at levels not to exceed 1 lb. per ton of finished paper or paperboard. 2. As an anticorrosion agent at levels not to exceed 0.2% by weight of wax emulsions used as internal sizing in the manufacture of paper and paperboard prior to the sheet-forming operation.
Sodium persulfate	For use as a thickening agent for natural rubber latex coatings, provided it is used at a level not to exceed 2% by weight of coating solids.
Sodium polyacrylate	
Sorbitan monostearate	For use only: 1. As a coating thickening agent at a level not to exceed 1% by weight of coating solids. 2. As surface size at a level not to exceed 1% by weight of paper or paperboard substrate.
Sorbitan trioleate	
Sperm oil, sulfated, ammonium, potassium, or sodium salt.	
Stearyl-2-lactylic acid and its calcium salt.	
Styrene-maleic anhydride copolymer, sodium salt (minimum molecular weight 30,000).	
Styrene-methacrylic acid copolymer, potassium salt (minimum molecular weight 30,000).	For use only as a coating thickening agent at a level not to exceed 1% by weight of coating solids.
Tallow	
Tallow alcohol	
Tallow alcohol, hydrogenated	
Tallow fatty acid, hydrogenated	
Tallow hydrogenated	
Tallow sulfated, ammonium, potassium, or sodium salt.	
Tetraethylenepentamine	For use only as a modifier for amino resins.
Tin oleate	For use only to adjust pH during the manufacture of amino resins permitted for use as components of paper and paperboard.
Triethanolamine	
Triethylene glycol adipic acid monoester produced by reacting equimolar quantities of triethylene glycol and adipic acid.	For use only as a curl-control agent at a level not to exceed 2% by weight of coated or uncoated paper and paperboard.
Triethylenetetramine	For use only as a modifier for amino resins.
Viscose rayon fibers	Complying with § 121.2586.
Wax, petroleum	
Xylene sulfonic acid-formaldehyde condensate, sodium salt.	For use only as an adjuvant to control pulp absorbency and pitch content in the manufacture of paper and paperboard prior to the sheet-forming operation.
Zinc formaldehyde sulfoxylate	For use only as polymerization catalyst.
Zinc octoate	
Zirconium oxide	For use only as a component of waterproof coatings where the zirconium oxide is present at a level not to exceed 1 percent by weight of the dry paper or paperboard fiber and where the zirconium oxide is produced by hydrolysis of zirconium acetate.

(b) Substances identified in subparagraphs (1) and (2) of this paragraph may be used as components of the food-contact surface of paper and paperboard, provided that the food-contact surface of the paper or paperboard complies with the extractives limitations prescribed in paragraph (c) of this section.

(1) Substances identified in § 121.2514 (b) (3) with the exception of those identified in paragraph (b) (3) (v), (xv), (xx), (xxxi), and (xxxii) of that section and paragraph (a) of this section.

(2) Substances identified in this subparagraph follows:

List of substances	Limitations
Acrylamide copolymerized with ethyl acrylate and/or stryene and/or methacrylic acid, subsequently reacted with formaldehyde and butyl alcohol.	

List of substances	Limitations
Acrylic copolymers produced by copolymerizing 2 or more of the acrylate monomers butyl acrylate, ethyl acrylate, ethyl methacrylate, methyl acrylate, methyl methacrylate, and *n*-propyl methacrylate, or produced by copolymerizing one or more of such acrylate monomers together with one or more of the monomers acrylic acid, acrylonitrile, butadiene, 2-ethyl-hexyl acrylate, fumaric acid, glycidyl methacrylate, *n*-hexyl-methacrylate, itaconic acid, methacrylic acid, styrene, vinyl acetate, vinyl chloride, and vinylidene chloride. The finished copolymers shall contain at least 50 weight percent of polymer units derived from one or more of the monomers butyl acrylate, ethyl acrylate, ethyl methacrylate, methyl acrylate, methyl methacrylate, and *n*-propyl methacrylate; and shall contain no more than 5 weight percent of total polymer units derived from acrylic acid, fumaric acid, glycidyl methacrylate, *n*-hexyl methacrylate, itaconic acid, and methacrylic acid. The provision limiting the finished acrylic copolymers to not more than 5 weight percent of total polymer units derived from acrylic acid, fumaric acid, glycidyl methacrylate, *n*-hexyl methacrylate, itaconic acid, and methacrylic acid is not applicable to finished acrylic copolymers used as coating adjuvants at a level not exceeding 2 weight percent of total coating solids.	
Butyl benzyl phthalate	Complying with § 121.2511.
Butyl oleate, sulfated, ammonium, potassium, or sodium salt.	
Butyraldehyde	
Captan (N-trichloromethylmercapto-4-cyclohexene-1, 2-dicarboximide).	For use only as a mold- and mildew-proofing agent in coatings intended for use in contact with food only of the types identified in paragraph (c) of this section, table 1, under type I, II, VI-B, and VIII.
Copper 8-quinolinolate	For use only as preservative for coating formulations.
Cyclized rubber produced when natural pale crepe rubber dissolved in phenol is catalytically cyclized so that the finished cyclized rubber has a melting point of 293° F.–311° F. as determined by ASTM Method E-28-58T and contains no more than 400 p.p.m. of residual-free phenol.	For use only in coatings for paper and paperboard intended for use in contact with food only of the types identified in paragraph (c) of this section, table 1, under types VIII and IX.
Dibutyl phthalate	
Dibutyl sebacate	
Dieylohexyl phthalate	
Diethylene glycol ester of the adduct of terpene and maleic anhydride.	
Dihydroxy dichlorodiphenyl methane.	For use only as preservative for coating formulations.
Dimethylpolysiloxane, 100 centistokes viscosity.	
Dimethylpolysiloxane-beta-phenylethyl methyl polysiloxane copolymer (2:1), 200 to 400 centistokes viscosity.	
EDTA (ethylenediaminetetraacetic acid) and its sodium and/or calcium salts.	
Formaldehyde	For use only as preservative for coating formulations.
Glyceryl monobutyl ricinoleate	
Isobutyl oleate, sulfated, ammonium, potassium, or sodium salt.	
Maleic anhydride adduct of butadiene-styrene copolymer.	
α-Methylstyrene-vinyltoluene copolymer resins.	
Naphthalene sulfonic acid-formaldehyde condensate, sodium salt.	
Oleyl alcohol	
Pentaerythritol tetrastearate	
Polyester resin formed by the reaction of the methyl ester of rosin, phthalic anhydride, maleic anhydride and ethylene glycol, such that the polyester resin has an acid number of 4 to 11, a drop-softening point of 70° C.–92° C., and a color of K or paler.	
Polyester resin produced by reacting the acid groups in montan wax with ethylene glycol.	
Polyoxyethylated (40 moles) tallow alcohol sulfate, sodium salt.	Not to exceed 300 p.p.m. in finished coated paper or paperboard.
Polyoxypropylene-polyoxyethylene block polymers (minimum molecular weight 6,800).	
Polyvinyl acetate	
Polyvinyl alcohol (minimum viscosity of 4% aqueous solution at 20° C. of 4 centipoises).	
Polyvinyl butyral	
Polyvinyl formal	
Polyvinylidene chloride	
Polyvinyl pyrrolidone	
Polyvinyl stearate	
Propylene glycol mono- and di-esters of fats and fatty acids.	
Sodium decylbenzenesulfonate	
Sodium dihexyl sulfosuccinate	
Sodium 2-ethylhexyl sulfate	
Sodium oleyl isopropanolamide sulfosuccinate.	
Sodium pentachlorophenate	For use only as preservative for coating formulations.
Sodium o-phenylphenate	Do.
Sodium vinyl sulfonate, polymerized.	For use only as a coating or component of coatings and limited to use at a level not to exceed 1% by weight of paper or paperboard substrate.
Styrene copolymers produced by copolymerizing styrene with maleic anhydride and its methyl and *sec*-butyl esters. Such copolymers may contain β-nitrostyrene as a polymerization chain terminator.	
Styrene-butadiene copolymers containing not more than 10 weight percent of polymer units derived by copolymerization with one or more of the following monomers: Acrylic acid. Fumaric acid. 2-Hydroxyethyl acrylate. Itaconic acid. Methacrylic acid.	For use in coatings intended for use in contact with food only of the types identified in paragraph (c) of this section, table 1, under types VII, VIII, and IX.
Styrene-maleic anhydride copolymers.	For use only as a coating or component of coatings and limited for use at a level not to exceed 2 percent by weight of paper or paperboard substrate.
Styrene-methacrylic acid copolymers containing no more than 5 weight percent of polymer units derived from methacrylic acid.	
Toluenesulfonamide-formaldehyde resins.	
Vinyl acetate copolymers produced by copolymerizing vinyl acetate with one or more of the monomers acrylamide, acrylic acid, acrylonitrile, bicyclo-[2.2.1]-hept-2-ene-6-methylacrylate, butyl acrylate, crotonic acid, decyl acrylate, diallyl fumarate, diallyl maleate, diallyl phthalate, dibutyl fumarate, dibutyl itaconate, dibutyl maleate, di(2-ethylhexyl) maleate, divinyl benzene, ethyl acrylate, 2-ethylhexyl acrylate, fumaric acid, itaconic acid, maleic acid, methacrylic acid, methyl acrylate, methyl methacrylate, mono(2-ethylhexyl) maleate, monoethyl maleate, styrene, vinyl butyrate, vinyl crotonate, vinyl hexoate, vinylidene chloride, vinyl pelargonate, vinyl propionate, vinyl pyrrolidone, vinyl stearate, and vinyl sulfonic acid. The finished copolymers shall contain at least 50 weight percent of polymer units derived from vinyl acetate and shall contain no more than 5 weight percent of total polymer units derived from acrylamide, acrylic acid, crotonic acid, decyl acrylate, dibutyl itaconate, di(2-ethylhexyl) maleate, fumaric acid, itaconic acid, maleic acid, methacrylic acid, mono(2-ethylhexyl) maleate, monoethyl maleate, vinyl butyrate, vinyl hexoate, vinyl pelargonate, vinyl propionate, vinyl stearate, and vinyl sulfonic acid.	
Vinyl chloride copolymers produced by copolymerizing vinyl chloride with one or more of the monomers acrylonitrile; fumaric acid and its methyl, ethyl, propyl, butyl, amyl, hexyl, heptyl, or octyl esters; maleic acid and its methyl, ethyl, propyl, butyl, amyl, hexyl, heptyl, or octyl esters; maleic anhydride; vinyl acetate; and vinylidene chloride. The finished copolymers shall contain at least 50 weight percent of polymer units derived from vinyl chloride and shall contain no more than 5 weight percent of total polymer units derived from fumaric and/or maleic acid and/or their methyl, ethyl, propyl, butyl, amyl, heptyl, or octyl monoesters or from maleic anhydride.	
Vinyl chloride-vinyl acetate hydroxyl-modified copolymers.	
Vinyl chloride-vinyl acetate hydroxyl-modified copolymers reacted with trimellitic anhydride.	
Vinylidene chloride copolymers produced by copolymerizing vinylidene chloride with one or more of the monomers acrylamide, acrylic acid, acrylonitrile, butyl acrylate, butyl methacrylate, ethyl acrylate, ethyl methacrylate, fumaric acid, itaconic acid, methacrylic acid, methyl acrylate, methyl methacrylate, octadecyl methacrylate, propyl acrylate, propyl methacrylate, vinyl chloride, and vinyl sulfonic acid. The finished copolymers shall contain at least 50 weight percent of polymer units derived from vinylidene chloride; and shall contain no more than 5 weight percent of total polymer units derived from acrylamide, acrylic acid, fumaric acid, itaconic acid, methacrylic acid, octadecyl methacrylate, and vinyl sulfonic acid.	

(c) The food-contact surface of the paper and paperboard in the finished form in which it is to contact food, when extracted with the solvent or solvents characterizing the type of food, and under conditions of time and temperature characterizing the conditions of its intended use as determined from tables 1 and 2 of this paragraph, shall yield net chloroform-soluble extractives (corrected for wax, petrolatum, mineral oil, and zinc extractives as zinc oleate) not to exceed 0.5 milligram per square inch of food-contact surface as determined by the methods described in paragraph (d) of this section.

TABLE 1—TYPES OF RAW AND PROCESSED FOODS

I. Nonacid, aqueous products; may contain salt or sugar or both (pH above 5.0).

TABLE 1—TYPES OF RAW AND PROCESSED FOODS—Continued

II. Acid, aqueous products; may contain salt or sugar or both, and including oil-in-water emulsions of low- or high-fat content.
III. Aqueous, acid or nonacid products containing free oil or fat; may contain salt, and including water-in-oil emulsions of low- or high-fat content.
IV. Dairy products and modifications:
A. Water-in-oil emulsions, high- or low-fat.
B. Oil-in-water emulsions, high- or low-fat.
V. Low-moisture fats and oils.
VI. Beverages:
A. Containing up to 8 percent of alcohol.
B. Nonalcoholic.
C. Containing more than 8 percent of alcohol.
VII. Bakery products other than those included under types VIII or IX of this table:
A. Moist bakery products with surface containing free fat or oil.
B. Moist bakery products with surface containing no free fat or oil.
VIII. Dry solids with the surface containing no free fat or oil (no end test required).
IX. Dry solids with the surface containing free fat or oil.

TABLE 2—TEST PROCEDURES WITH TIME TEMPERATURE CONDITIONS FOR DETERMINING AMOUNT OF EXTRACTIVES FROM THE FOOD-CONTACT SURFACE OF UNCOATED OR COATED PAPER AND PAPERBOARD, USING SOLVENTS SIMULATING TYPES OF FOODS AND BEVERAGES

Condition of use	Types of food (see table 1)	Food-simulating solvents			
		Water	Heptane [1]	8 percent alcohol	50 percent alcohol
		Time and temperature	*Time and temperature*	*Time and temperature*	*Time and temperature*
A. High temperature heat-sterilized (e.g., over 212° F.).	I, IV–B, VII–B	250° F., 2 hr.	250° F., 2 hr.	150° F., 2 hr.	
	III, IV–A, VII–A	250° F., 2 hr.	250° F., 2 hr.	150° F., 2 hr.	
B. Boiling water sterilized	II, VII–B	212° F., 30 min.	212° F., 30 min.	120° F., 30 min.	
	III, VII–A	212° F., 30 min.	212° F., 30 min.	120° F., 30 min.	
C. Hot filled or pasteurized above 150° F.	II, IV–B	Fill boiling, cool to 190° F.			
	III, IV–A	Fill boiling, cool to 100° F.	120° F., 15 min.		
	V		120° F., 15 min.		
D. Hot filled or pasteurized below 150° F.	I, IV–B, VI–B	150° F., 2 hr.	150° F., 2 hr.	100° F., 30 min.	
	III, IV–A	150° F., 2 hr.	150° F., 2 hr.	100° F., 30 min.	
	V			100° F., 30 min.	
	VI–A			150° F., 2 hr.	
	VI–C				150° F., 2 hr.
E. Room temperature filled and stored (no thermal treatment in the container).	I, II, IV–B, VI–B, VII–B.	120° F., 24 hr.	120° F., 24 hr.		
	III, IV–A, VII–A	120° F., 24 hr.	120° F., 24 hr.	70° F., 30 min.	
	V, IX			70° F., 30 min.	
	VI–A			120° F., 24 hr.	
	VI–C				120° F., 24 hr.
F. Refrigerated storage (no thermal treatment in the container).	III, IV–A, VII–A	70° F., 48 hr.	70° F., 30 min.		
	I, II, IV–B, VI–B, VII–B.	70° F., 48 hr.			
	VI–A			70° F., 48 hr.	
	VI–C				70° F., 48 hr.
G. Frozen storage (no thermal treatment in the container).	I, II, IV–B, VII–B.	70° F., 24 hr.			
	III, VII–A	70° F., 24 hr.	70° F., 30 min.		
H. Frozen or refrigerated storage: Ready-prepared foods intended to be reheated in container at time of use:					
1. Aqueous or oil-in-water emulsion of high- or low-fat.	I, II, IV–B, VII–B	212° F., 30 min.			
2. Aqueous, high- or low-free oil or fat.	III, IV–A, VII–A	212° F., 30 min.	120° F., 30 min.		

[1] Heptane extractability results must be divided by a factor of 5 in arriving at the extractability for a food product having water-in-oil emulsions or free oil or fat.

(d) *Analytical methods*—(1) *Selection of extractability conditions.* First ascertain the type of food product (table 1, paragraph (c) of this section) that is being packed commercially in the paper or paperboard and the normal conditions of thermal treatment used in packaging the type of food involved. Using table 2, paragraph (c) of this section, select the food-simulating solvent or solvents and the time-temperature exaggerations of the paper or paperboard use conditions. Having selected the appropriate food-simulating solvent or solvents and the time-temperature exaggeration over normal use, follow the applicable extraction procedure.

(2) *Reagents*—(i) *Water.* All water used in extraction procedures should be freshly demineralized (deionized) distilled water.

(ii) *n-Heptane.* Reagent grade, freshly redistilled before use, using only material boiling at 208° F.

(iii) *Alcohol.* 8 or 50 percent (by volume), prepared from undenatured 95 percent ethyl alcohol diluted with demineralized (deionized) distilled water.

(iv) *Chloroform.* Reagent grade, freshly redistilled before use, or a grade having an established consistently low blank.

(3) *Selection of test method.* Paper or paperboard ready for use in packaging shall be tested by use of the extraction cell described in the Journal of the Association of Official Agricultural Chemists, Volume 47, No. 1, pages 177–179 (February 1964), also described in ASTM Method F 34–63T, except that formed paper and paperboard products may be tested in the container by adapting the in-container methods described in § 121.2514(e). Formed paper and paperboard products, such as containers and lids, that cannot be tested satisfactorily by any of the above methods may be tested in specially designed extraction equipment, usually consisting of clamping devices that fit the closure or container so that the food-contact surface can be tested, or, if flat samples can be cut from the formed paper or paperboard products without destroying the integrity of the food-contact surface, they may be tested by adapting the following "sandwich" method:

(i) *Apparatus.* (*a*) Thermostated (±1.0° F.) water bath, variable between 70° F. and 120° F. Water bath cover capable of holding at least one 800-milliliter beaker partially submersed in bath.

(*b*) Analytical balance sensitive to 0.1 milligram with an approximate capacity of 100 grams.

(*c*) Tongs.

(*d*) Hood and hot-plate facilities.

(*e*) Forced draft oven.

For each extraction, the following additional apparatus is necessary:

(*f*) One No. 2 paper clip.

(*g*) One 800-milliliter beaker with watch-glass cover.

(*h*) One 250-milliliter beaker.

(*i*) Five 2½-inch-square aluminum screens (standard aluminum window screening is acceptable).

(*j*) One wire capable of supporting sample stack.

(ii) *Procedure.* (*a*) For each extraction, accurately cut eight 2½-inch-square samples from the formed paper or paperboard product to be tested.

(*b*) Carefully stack the eight 2½-inch-square samples and the five 2½-inch-square aluminum screens in sandwich form such that the food-contact side of each sample is always next to an aluminum screen, as follows: Screen, sample, screen, sample, screen, sample, sample screen, etc. Clip the sandwich together carefully with a No. 2 paper clip, leaving just enough space at the top to slip a wire through.

(*c*) Place an 800-milliliter beaker containing 100 milliliters of the appropriate food-simulating solvent into the constant temperature bath, cover with a watch glass and condition at the desired temperature.

(*d*) After conditioning, carefully lower the sample sandwich with tongs into the beaker.

(*e*) At the end of the extraction period, using the tongs, carefully lift out the sample sandwich and hang it over the beaker with the wire.

(*f*) After draining, pour the food-simulating solvent solution into a tared 250-milliliter beaker. Rinse the 800-milliliter beaker three times, using a total of not more than 50 milliliters of the required solvent.

(*g*) Determine total nonvolatile extractives in accordance with paragraph (d) (5) of this section.

(4) *Selection of samples.* Quadruplicate samples should be tested, using for each replicate sample the number of cups, containers, or preformed or converted products nearest to an area of 100 square inches.

(5) *Determination of amount of extractives*—(i) *Total residues.* At the end of the exposure period, remove the test container or test cell from the oven and combine the solvent for each replicate in a clean Pyrex (or equivalent) flask or beaker being sure to rinse the test container or cell with a small quantity of clean solvent. Evaporate the food-simulating solvents to about 100 milliliters in the flask or beaker, and transfer to a clean, tared evaporating dish (platinum or Pyrex), washing the flask three times with small portions of solvent used in the extraction procedure, and evaporate to a few milliliters on a nonsparking, low-temperature hotplate. The last few milliliters should be evaporated in an oven maintained at a temperature of approximately 221° F. Cool the evaporating dish in a desiccator for 30 minutes and weigh the residue to the nearest 0.1 milligram, (*e*). Calculate the extractives in milligrams per square inch of the container or sheeted paper or paperboard surface.

(*a*) *Water and 8- and 50-percent alcohol.* Milligrams extractives per square inch=$\frac{e}{s}$.

(*b*) *Heptane.* Milligrams extractives per square inch=$\frac{e}{(s)(F)}$.

Where:

e=Milligrams extractives per sample tested.

s=Surface area tested, in square inches.

F=Five, the ratio of the amount of extractives removed by heptane under exaggerated time-temperature test conditions compared to the amount extracted by a fat or oil under exaggerated conditions of thermal sterilization and use.

e'=Chloroform-soluble extractives residue.

ee'=Corrected chloroform-soluble extractives residue.

e' or *ee'* is substituted for *e* in the above equations when necessary.

If when calculated by the equations in (*a*) and (*b*) of this subdivision, the extractives in milligrams per square inch exceed the limitations prescribed in paragraph (c) of this section, proceed to subdivision (ii) of this subparagraph (method for determining the amount of chloroform-soluble extractives residue).

(ii) *Chloroform-soluble extractives residue.* Add 50 milliliters of chloroform (freshly distilled reagent grade or a grade having an established consistently low blank) to the dried and weighed residue, (*e*), in the evaporating dish obtained in subdivision (i) of this subparagraph. Warm carefully, and filter through Whatman No. 41 filter paper (or equivalent) in a Pyrex (or equivalent) funnel, collecting the filtrate in a clean, tared evaporating dish (platinum or Pyrex). Repeat the chloroform extraction, washing the filter paper with this second portion of chloroform. Add this filtrate to the original filtrate and evaporate the total down to a few milliliters on a low-temperature hotplate. The last few milliliters should be evaporated in an oven maintained at approximately 221° F. Cool the evaporating dish in a desiccator for 30 minutes and weigh to the nearest 0.1 milligram to get the chloroform-soluble extractives residue (*e'*). This *e'* is substituted for *e* in the equations in (*a*) and (*b*) of subdivision (i) of this subparagraph. If the chloroform-soluble extractives in milligrams per square inch still exceeds the limitation prescribed in paragraph (c) of this section, proceed to subdivision (iii) of this subparagraph (method for determining corrected chloroform-soluble extractives residue).

(iii) *Corrected chloroform-soluble extractives residue*—(*a*) *Correction for zinc extractives.* Ash the residue in the evaporating dish by heating gently over a Meker-type burner to destroy organic matter and hold at red heat for about 1 minute. Cool in the air for 3 minutes, and place the evaporating dish in the desiccator for 30 minutes and weigh to the nearest 0.1 milligram. Analyze this ash for zinc by standard Association of Official Agricultural Chemists methods or equivalent. Calculate the zinc in the ash as zinc oleate, and subtract from the weight of chloroform-soluble extractives residue (*e'*) to obtain the zinc-corrected chloroform-soluble extractives residue (*ee'*). This *ee'* is substituted for *e* in the equations in (*a*) and (*b*) of subdivision (i) of this subparagraph.

(*b*) *Correction for wax, petrolatum, and mineral oil*—(*1*) *Apparatus.* Standard 10 millimeter inside diameter x 60 centimeter chromatographic column (or standard 50-milliliter buret with an inside diameter of 10–11 millimeters) with a stopcock of glass, perfluorocarbon resin, or equivalent material. The column (or buret) may be optionally equipped with an integral coarse, fritted glass disc and the top of the column (or buret) may be optionally fitted with a 100-milliliter solvent reservoir.

(*2*) *Preparation of column.* Place a snug pledget of fine glass wool in the bottom of the column (or buret) if the column (or buret) is not equipped with integral coarse, fritted glass disc. Overlay the glass wool pledget (or fritted glass disc) with a 15–20 millimeter deep layer of fine sand. Measure in a graduated cylinder 15 milliliters of chromatographic grade aluminum oxide (80–200 mesh) that has been tightly settled by tapping the cylinder. Transfer the aluminum oxide to the chromatographic tube, tapping the tube during and after the transfer so as to tightly settle the aluminum oxide. Overlay the layer of aluminum oxide with a 1.0–1.5 centimeter deep layer of anhydrous sodium sulfate and on top of this place an 8–10 millimeter thick plug of fine glass wool. Next carefully add about 25 milliliters of heptane to the column with stopcock open, and allow the heptane to pass through the column until the top level of the liquid just passes into the top glass wool plug in the column, and close stopcock.

(*3*) *Chromatographing of sample extract*—(*i*) *For chloroform residues weighing 0.5 gram or less.* To the dried and weighed chloroform-soluble extract residue in the evaporating dish, obtained in subdivision (ii) of this subparagraph, add 20 milliliters of heptane and stir. If necessary, heat carefully to dissolve the residue. Additional heptane not to exceed a total volume of 50 milliliters may be used if necessary to complete dissolving. Cool to room temperature. (If solution becomes cloudy use the procedure in (iii) (*b*) (*3*) (*ii*) of this subparagraph to obtain an aliquot of heptane solution calculated to contain 0.1–0.5 gram of chloroform-soluble extract residue.) Transfer the clear liquid solution to the column (or buret). Rinse the dish with 10 milliliters of additional heptane and add to column. Allow the liquid to pass through the column into a clean, tared evaporating dish (platinum or Pyrex) at a dropwise rate of about 2 milliliters per minute until the liquid surface reaches the top glass wool plug; then close the stopcock temporarily. Rinse the Pyrex flask which contained the filtrate with an additional 10–15 milliliters of heptane and add to the column. Wash (elute) the column with more heptane collecting about 100 milliliters of total eluate including that already collected in the evaporating dish. Evaporate the combined eluate in the evaporating dish to dryness on a steam bath. Dry the residue for 15 minutes in an oven maintained at a temperature of approximately 221° F. Cool the evaporating dish in a desiccator for 30 minutes and weigh the residue to the nearest 0.1 milligram. Subtract the weight of the residue from the weight of chloroform-soluble extractives residue (*e'*) to obtain the wax-, petrolatum-, and mineral oil-corrected chloroform-soluble extractives residue (*ee'*). This *ee'* is substituted for *e* in the equations in (*a*) and (*b*) of subdivision (i) of this subparagraph.

(*ii*) *For chloroform residues weighing more than 0.5 gram.* Redissolve the dried and weighed chloroform-soluble extract residue as described in (iii) (*b*) (*3*) (*i*) of this subparagraph using proportionately larger quantities of heptane. Transfer the heptane solution to an appropriate-sized volumetric flask (i.e., a 250-milliliter flask for about 2.5 grams of residue) and adjust to volume with additional heptane. Pipette out an aliquot (about 50 milliliters) calculated to contain 0.1–0.5 gram of the chloroform-soluble extract residue and analyze chromatographically as described in (iii) (*b*) (*3*) (*i*) of this subparagraph. In this case the weight of the dried residue from the heptane eluate must be multiplied by the dilution factor to obtain the weight of wax, petrolatum, and mineral oil residue to be subtracted from the weight of chloroform-soluble extractives residue (*e'*) to obtain the wax-, petrolatum-, and mineral oil-corrected chloroform-soluble extractives residue (*ee'*). This *ee'* is substituted for *e* in the equations in (*a*) and (*b*) of subdivision (i) of this subparagraph. (Note: In the case of chloroform-soluble extracts which contain high melting waxes (melting point greater than 170° F.), it may be necessary to dilute the heptane solution further so that a 50-milliliter aliquot will contain only 0.1–0.2 gram of the chloroform-soluble extract residue.)

§ 121.2527 Antistatic agents in plastics.

The substances listed in paragraph (b) of this section may be safely used as antistatic agents in plastics used in the manufacture of articles or components of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, subject to the provisions of this section:

(a) The quantity used shall not exceed the amount reasonably required to accomplish the intended technical effect nor any limitations further provided.

(b) List of substances:

	Limitations
N,N-Bis(2-hydroxyethyl) alkyl(C_{12}–C_{18}) amine.	For use only at levels not to exceed 0.1 percent by weight of polyolefin food-contact films.

§ 121.2528 Ethylene-methyl acrylate copolymer resins.

Ethylene-methyl acrylate copolymer resins may be safely used as articles or components of articles intended for use in contact with food, in accordance with the following prescribed conditions:

(a) For the purpose of this section, the ethylene-methyl acrylate copolymer resins consist of basic copolymers produced by the copolymerization of ethylene and methyl acrylate such that the copolymers contain no more than 25 weight percent of polymer units derived from methyl acrylate.

(b) The finished food-contact article, when extracted with the solvent or solvents characterizing the type of food and under the conditions of time and temperature characterizing the conditions of its intended use as determined from tables 1 and 2 of § 121.2526(c), yields net chloroform-soluble extractives (corrected for zinc extractives as zinc oleate) in each extracting solvent not to exceed 0.5 milligram per square inch of food-contact surface when tested by the methods described in § 121.2526(d). If the finished food-contact article is itself the subject of a regulation in this Subpart F, it shall also comply with any specifications and limitations prescribed for it by that regulation.

NOTE: In testing the finished food-contact article, use a separate test sample for each required extracting solvent.

(c) The provisions of this section are not applicable to ethylene-methyl acrylate copolymer resins used in food-packaging adhesives complying with § 121.2520.

§ 121.2529 3,5-Dimethyl-1,3,5,2*H*-tetrahydrothiadiazine-2-thione.

3,5 - Dimethyl - 1,3,5,2*H* - tetrahydrothiadiazine-2-thione may safely be used as a preservative in the manufacture and coating of paper and paperboard intended for use in contact with food in accordance with the following prescribed conditions:

(a) It is used as follows:

(1) In the manufacture of paper and paperboard as a preservative for substances added to the pulp suspension prior to the sheet-forming operation, provided that the preservative is volatilized by heat in the drying and finishing of the paper and paperboard.

(2) As a preservative for coatings for paper and paperboard, provided that the preservative is volatilized by heat in the drying and finishing of the coated paper or paperboard.

(b) The quantity used shall not exceed the least amount reasonably required to accomplish the intended technical effect and shall not be intended to nor, in fact, accomplish any physical or technical effect in the food itself.

(c) The use of a preservative in any substance or article subject to any regulation in Subpart F of this part must comply with any specifications and limitations prescribed by such regulation for the substance or article.

§ 121.2530 Reinforced wax.

Reinforced wax may be safely used as an article or component of articles intended for use in producing, manufacturing, packing, processing, transporting, or holding food subject to the provisions of this section.

(a) Reinforced wax consists of petroleum wax to which have been added certain optional substances required in its production, or added to impart desired physical or technical properties.

(b) The quantity of any optional adjuvant substance employed in the production of or added to reinforced wax does not exceed the amount reasonably required to accomplish the intended physical or technical effect or any limitation provided in this section.

(c) Any substance employed in the production of reinforced wax, including any optional substance, that is the subject of a regulation in Subpart F of this part, conforms with any specifications in such regulation, and any substance that is not the subject of a regulation in Subpart F conforms with the specifications, if any, prescribed by a current order extending the effective date of the statute for such substance as an indirect additive to food.

(d) The substances and optional adjuvant substances employed in the production of or added to reinforced wax include:

(1) Substances generally recognized as safe in food.

(2) Substances subject to prior sanction for use in reinforced wax and used in accordance with such sanction or approval.

(3) Substances identified in this subparagraph and subject to any limitations provided therein:

List of substances	*Limitations*
Copolymer of isobutylene modified with isoprene	----
Petroleum wax, Type I and Type II	----
Polyethylene	----
Rosins and rosin derivatives as provided in § 121.2592	----

(e) Reinforced wax conforming with the specifications in this paragraph is used as provided in subparagraph (2) of this paragraph.

(1) The chloroform-soluble portion of the water extract obtained by exposing reinforced wax to demineralized water at 70° F. for 48 hours shall not exceed 0.5 milligram per square inch of food-contact surface.

(2) It is used as a packaging material or component of packaging materials for cheese and cheese products.

§ 121.2531 Surface lubricants used in the manufacture of metallic articles.

Surface lubricants may be safely used in the manufacture of metallic articles that contact food, in accordance with the following prescribed conditions:

(a) The surface lubricants are used to facilitate the rolling, drawing, stamping, and forming of metallic articles.

(b) The quantity used shall not exceed the least amount reasonably required to accomplish the intended technical effect and shall not be intended to nor, in fact, accomplish any effect in the food itself; and

(1) The total residual lubricant remaining on the metallic article in the form in which it contacts food shall not exceed 2 milligrams per square foot of metallic food-contact surface.

(2) The use of the lubricants in the manufacture of any article which is the subject of a regulation in Subpart F of this part must comply with any specifications and limitations prescribed by such regulation for the finished form of the article.

(c) Subject to any prescribed limitations, substances permitted to be used in surface lubricants in the manufacture of metallic articles include substances subject to prior sanction or approval for such use and employed under the conditions of use prescribed by such sanction or approval, substances generally recognized as safe for use in food, and the following substances:

Tert-Butyl alcohol.
Butyl stearate.
Castor oil.
Cetyl alcohol.
Cottonseed oil monoglyceride.
Dipropylene glycol.
Ethylenediaminetetraacetic acid, sodium salts.
Isopropyl alcohol.
Lanolin.
Methyl esters of fatty acids (C_{16}–C_{18}) derived from animal and vegetable fats and oils.
Mineral oil.
Myristic acid.
Oleic acid.
Paraffin, refined.
Polyethylene glycol (400) monostearate.
Polyisobutylene (minimum molecular weight 300).
Polyoxyethylene (20) sorbitan monolaurate.
Polyvinyl alcohol.
Potassium oleate.

Sorbitan monolaurate.
Stearic acid.
Stearyl alcohol.
Tallow, sulfonated.
Triethanolamine.

(d) Any substance employed in the production of surface lubricants used in the manufacture of metallic articles which is the subject of a regulation in Subpart F of this part conforms with any specifications in such subpart; and any substance which is not the subject of a regulation in such subpart conforms with the specification, if any, prescribed by an order extending the effective date of the statute for such substance as an indirect additive to food.

§ 121.2532 [Reserved]

§ 121.2533 Copolymer of 1,4-cyclohexylene dimethylene terephthalate and 1,4-cyclohexylene dimethylene isophthalate.

Copolymer of 1,4-cyclohexylene dimethylene terephthalate and 1,4-cyclohexylene dimethylene isophthalate may be safely used as a.. article or component of articles used in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, subject to the provisions of this section:

(a) The copolymer is a basic polyester produced by the catalytic condensation of dimethyl terephthalate and dimethyl isophthalate with cyclohexanedimethanol-1,4, to which may have been added certain optional substances required in its production or added to impart desired physical and technical properties.

(b) The quantity of any optional substance employed in the production of the copolymer does not exceed the amount reasonably required to accomplish the intended physical or technical effect or any limitation further provided.

(c) Any substance employed in the production of the copolymer that is the subject of a regulation in this Subpart F conforms with any specification in such regulation, and any substance which is not the subject of a regulation in Subpart F conforms with the specifications, if any, prescribed by an order extending the effective date of the statute for such substance as an indirect additive to food.

(d) Substances employed in the production of the copolymer include:

(1) Substances generally recognized as safe in food.

(2) Substances subject to prior sanction or approval for use in the copolymer and used in accordance with such sanction or approval.

(3) Substances which by regulation in Subpart F may be safely used as components of resinous or polymeric coatings and film used as food-contact surfaces, subject to the provisions of such regulation.

(e) The copolymer conforms with the following specifications:

(1) The copolymer, when extracted with distilled water at reflux temperature for 2 hours, yields total extractives not to exceed 0.05 percent.

(2) The copolymer, when extracted with ethyl acetate at reflux temperature for 2 hours, yields total extractives not to exceed 0.7 percent.

(3) The copolymer, when extracted with *n*-hexane at reflux temperature for 2 hours, yields total extractives not to exceed 0.05 percent.

§ 121.2534 Animal glue.

Animal glue may be safely used as a component of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, subject to the provisions of this section.

(a) Animal glue consists of the proteinaceous extractives obtained from hides, bones, and other collagen-rich substances of animal origin (excluding diseased or rotted animals), to which may be added other optional adjuvant substances required in its production or added to impart desired properties.

(b) The quantity of any substance employed in the production of animal glue does not exceed the amount reasonably required to accomplish the intended physical or technical effect nor any limitation further provided.

(c) Any substance employed in the production of animal glue and which is the subject of a regulation in this subpart conforms with any specifications in such regulation; and any substance that is not the subject of a regulation in this subpart conforms with the specifications, if any, prescribed by an order extending the effective date of the statute for such substance as an indirect additive to food.

(d) Optional adjuvant substances employed in the production of animal glue include:

(1) Substances generally recognized as safe in food.

(2) Substances subject to prior sanction or approval for use in animal glue and used in accordance with such sanction or approval.

(3) Substances identified in this subparagraph and subject to such limitations as are provided:

List of substances	Limitations
Alum (double sulfate of aluminum and ammonium, potassium, or sodium).	
4-Chloro-3-methylphenol (*p*-chloro-metacresol).	For use as preservative only.
Chromium potassium sulfate (chrome alum).	For use only in glue used as a colloidal flocculant added to the pulp suspension prior to the sheet-forming operation in the manufacture of paper and paperboard.
3,5-Dimethyl-1,3,5,2*H*-tetrahydrothiadiazine-2-thione.	For use as preservative only.
Disodium cyanodithioimidocarbonate.	Do.
Defoaming agents	As provided in § 121.2519.
Ethanolamine	
Ethylenediamine	
Formaldehyde	For use as a preservative only.
Potassium *N*-methyldithiocarbamate.	Do.
Potassium pentachlorophenate	Do.
Rosins and rosin derivatives	As provided in § 121.2592.
Sodium chlorate	
Sodium dodecylbenzenesulfonate	
Sodium 2-mercaptobenzothiazole	For use as preservative only.
Sodium pentachlorophenate	Do.
Sodium *o*-phenylphenate	Do.
Zinc dimethyldithiocarbamate	Do.
Zinc 2-mercaptobenzothiazole	Do.

(e) The conditions of use are as follows:

(1) The use of animal glue in any substance or article that is the subject of a regulation in this subpart conforms with any specifications or limitations prescribed by such regulation for the finished form of the substance or article.

(2) It is used as an adhesive or component of an adhesive in accordance with the provisions of § 121.2520 of this subpart.

(3) It is used as a colloidal flocculant added to the pulp suspension prior to the sheet-forming operation in the manufacture of paper and paperboard.

(4) It is used as a protective colloid in resinous and polymeric emulsion coatings.

§ 121.2535 Textiles and textile fibers.

Textiles and textile fibers may safely be used as articles or components of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, subject to the provisions of this section.

(a) The textiles and textile fibers are prepared from one or more of the fibers identified in paragraph (d) of this section and from certain other adjuvant substances required in the production of the textiles or textile fibers or added to impart desired properties.

(b) The quantity of any adjuvant substance employed in the production of textiles or textile fibers does not exceed the amount reasonably required to accomplish the intended physical or technical effect or any limitation further provided.

(c) Any substance employed in the production of textiles or textiles fibers that is the subject of a regulation in this Subpart F of this part conforms with any specification in such regulation, and any substance that is not the subject of a regulation in this Subpart F conforms with the specifications, if any, prescribed by an order extending the effective date of the statute for such substance as an indirect additive to food.

(d) Substances employed in the production of or added to textiles and textile fibers may include:

(1) Substances generally recognized as safe in food.

(2) Substances subject to prior sanction or approval for use in textiles and textile fibers and used in accordance with such sanction or approval.

(3) Substances generally recognized as safe for use in cotton and cotton fabrics used in dry-food packaging.

(4) Substances that by regulation in this part may safely be used in the production of or as a component of textiles or textile fibers and subject to provisions of such regulation.

(5) Substances identified in this subparagraph, subject to such limitations as are provided:

List of substances	Limitation
(i) Fibers:	
Cotton	
Rayon	
(ii) Adjuvant substances:	
Aluminum stearate	
4,4'-Bis(4-anilino-6-diethanolamine-*s*-triazin-2-ylamino)-2,2'-stilbene-disulfonic acid disodium salt.	For use as colorant only.
4,4'-Bis(4-anilino-6-methylethanolamine-*s*-triazin-2-ylamino)-2,2'-stilbene-disulfonic acid, disodium salt.	Do.
Borax	For use as preservative only.
Butyl-acetyl ricinoleate	
Di-*tert*-butylhydroquinone	
Dimethylpolysiloxane	
Ethylenediaminetetraacetic acid, sodium salt.	
Eugenol	
Fats, oils, fatty acids, and fatty alcohols derived from castor, coconut, cottonseed, fish, mustard seed, palm, peanut, rapeseed, ricebran, soybean, sperm, and tall oils and tallow.	
Fats, oils, fatty acids, and fatty alcohols described in the preceding item reacted with one or more of the following substances:	
n-Butyl and isobutyl alcohol	
Diethylene glycol	
Diethanolamine	
Glycerol	
Hexylene glycol (2-methyl-2,4-pentanediol).	
Hydrogen	
Isopropyl alcohol	
Methyl alcohol	
Oxygen	
Polyethylene glycol (molecular weight 400—3,000).	
Potassium hydroxide	
Propylene glycol	
Sodium hydroxide	
Sulfuric acid	
Formaldehyde	For use as preservative only.
Glyceryl mono-12-hydroxystearate	
2-(9-Heptadecenyl)-1-[2-(10-octadecenamido) ethyl]-2-imidazolinium ethyl sulfate.	
Hexylene glycol (2-methyl-2,4-pentanediol).	
Isobutyl alcohol	
Isopropyl alcohol	
Kerosine	
Methyl ester of sulfated ricebran oil	
Mineral oil	For use only at a level not to exceed 0.15 percent by weight of finished fibers.
Mono- and dilsopropylated *m*- and *p*-cresols (isothymol derivative).	
N-Oleyl, *N*'-acetyl, *N*'-β-hydroxy-ethyl ethylenediamine.	
Petrolatum	
Petroleum sulfonate	
Pine oil	
Polyethylene, oxidized (air blown)	
Polyoxyethylene (20) sorbitan monolaurate.	
Polyoxyethylene (20) sorbitan monostearate.	
Polyvinyl acetate	
Polyvinyl nclohol	
Potassium soap of a saponified sulfated castor oil.	
Sodium bis(2,6-dimethylheptyl-4) sulfosuccinate.	
Sodium dioctyl sulfosuccinate	
Sodium dodecyl benzenesulfonate	
Sodium fluoride	For use as preservative only.
Sodium hydrosulfite	
Sodium hypochlorite	
Sodium lauryl sulfate	
Sodium 2-mercaptobenzothiazole	For use as preservative only.
Sodium pentachlorophenate	Do.
Styrene-butadiene copolymer	
Sulfated butyl, isobutyl and propyl oleate.	
Tallow	
Tallow, sulfonated	
Titanium dioxide	
Triethanolamine	
Ultramarine blue	
Waxes, petroleum	
Zinc hydrosulfite	

(e) Textile and textile fibers are used as articles or components of articles that contact dry food only.

§ 121.2536 Filters, resin-bonded.

Resin-bonded filters may be safely used in producing, manufacturing, processing, and preparing food, subject to the provisions of this section.

(a) Resin-bonded filters are prepared from natural or synthetic fibers to which have been added substances required in their preparation and finishing, and which are bonded with resins prepared by condensation or polymerization of resin-forming materials, together with adjuvant substances required in their preparation, application, and curing.

(b) The quantity of any substance employed in the production of the resin-bonded filter does not exceed the amount reasonably required to accomplish the intended physical or technical effect or any limitation further provided.

(c) Any substance employed in the production of resin-bonded filters that is the subject of a regulation in this Subpart F of this part conforms with any specification in such regulation, and any substance that is not the subject of a regulation in such subpart conforms with the specification, if any, provided by an order extending the effective date of the statute for such substance as an indirect additive to food.

(d) Substances employed in the production of resin-bonded filters include the following, subject to any limitations provided:

List of Substances and Limitations

(1) *Fibers:*
Cellulose pulp.
Cotton.
Nylon. (From nylon resins complying with the provisions of applicable regulations in Subpart F.)
Rayon (viscose).

(2) *Substances employed in fiber finishing:*
BHT.
Butyl (or isobutyl) palmitate or stearate.
2,5-Di-*tert*-butyl hydroquinone for use only in lubricant formulations for rayon fiber finishing and at a usage level not to exceed 0.1 percent by weight of the lubricant formulations.
Dimethylpolysiloxane.
Fatty acid (C_{10}–C_{18}) diethanolamide condensates.
Fatty acids derived from animal or vegetable fats and oils, and salts of such acids, single or mixed, as follows:
Aluminum.
Ammonium.
Calcium.
Magnesium.
Potassium.
Sodium.
Triethanolamine.
Fatty acid (C_{10}–C_{18}) mono- and diesters of polyoxyethylene glycol (molecular weight 400–3,000).
Methyl esters of fatty acids (C_{10}–C_{18}).
Mineral oil.
Polyoxyethylene (9–10 mols) ether of octyl- or nonylphenol.
Polyoxyethylene (4 mols) ethylenediamine monolauramide for use only in lubricant formulations for rayon fiber finishing and at a usage level not to exceed 10 percent by weight of the lubricant formulations.
Ricebran oil.
Titanium dioxide.

(3) *Resins:*
Melamine-formaldehyde chemically modified with one or more of the amine catalysts identified in § 121.2514(b)(3)(xiii).
Phenol-formaldehyde resins.
Polyvinyl alcohol.
Polyvinyl alcohol with the copolymer of acrylic acid-allyl sucrose.
Polyvinyl alcohol with melamine formaldehyde.
Polyvinyl acetate with melamine formaldehyde.
p-Toluenesulfonamide-formaldehyde chemically modified with one or more of the amine catalysts identified in § 121.2514(b)(3)(xiii).

(4) *Adjuvant substances:*
Dimethyl polysiloxane with methylcellulose and sorbic acid. (As an antifoaming agent.)
Phosphoric acid.
Polysorbate 80.

(e) Resin-bonded filters conforming with the specifications of subparagraph (1) of this paragraph are used as provided in subparagraph (2) of this paragraph:

(1) *Total extractives.* The finished filter, when exposed to distilled water at 100° F. for 2 hours, yields total extractives not to exceed 2.8 percent by weight of the filter.

(2) *Conditions of use.* It is used to filter milk or potable water at operating temperatures not to exceed 100° F.

(f) Resin-bonded filters conforming with the specifications of subparagraph (1) of this paragraph are used as provided in subparagraph (2) of this paragraph:

(1) *Total extractives.* The finished filter, when exposed to distilled water at 145° F. for 2 hours, yields total extractives not to exceed 4 percent by weight of the filter.

(2) *Conditions of use.* It is used to filter milk or potable water at operating temperatures not to exceed 145° F.

(g) Resin-bonded filters conforming with the specifications of subparagraph (1) of this paragraph are used as provided in subparagraph (2) of this paragraph.

(1) *Total extractives.* The finished filter, when exposed to *n*-hexane at reflux temperature for 2 hours, yields total extractives not to exceed 0.5 percent by weight of the filter.

(2) *Conditions of use.* It is used to filter edible oils.

(h) Resin-bonded filters conforming with the specifications of subparagraph (1) of this paragraph are used as provided in subparagraph (2) of this paragraph.

(1) *Total extractives.* The finished filter, when exposed to distilled water at 212° F. for 2 hours, yields total extractives not to exceed 4 percent by weight of the filter.

(2) *Conditions of use.* It is used to filter milk, coffee, tea, and potable water at temperatures not to exceed 212° F.

(i) Resin-bonded filters conforming with the specifications of subparagraph (1) of this paragraph are used as provided in subparagraph (2) of this paragraph:

(1) *Total extractives.* The finished filter, when exposed to distilled water for 2 hours at a temperature equivalent to, or higher than, the filtration temperature of the aqueous food, yields total extractives not to exceed 4 percent, by weight, of the filter.

(2) *Conditions of use.* It is used in commercial filtration of bulk quantities of nonalcoholic, aqueous foods having a pH above 5.0.

(j) Resin-bonded filters conforming with the specifications of subparagraph (1) of this paragraph are used as provided in subparagraph (2) of this paragraph:

(1) *Total extractives.* The finished filter, when exposed to 5 percent (by weight) acetic acid for 2 hours at a temperature equivalent to, or higher than, the filtration temperature of the aqueous food, yields total extractives not to exceed 4 percent, by weight, of the filter.

(2) *Conditions of use.* It is used in commercial filtration of bulk quantities of nonalcoholic, aqueous foods having a pH of 5.0 or below.

(k) Resin-bonded filters conforming with the specifications of subparagraph (1) of this paragraph are used as provided in subparagraph (2) of this paragraph:

(1) *Total extractives.* The finished filter, when exposed to 8 percent (by volume) ethyl alcohol in distilled water for 2 hours at a temperature equivalent to, or higher than, the filtration temperature of the alcoholic beverage, yields total extractives not to exceed 4 percent, by weight, of the filter.

(2) *Conditions of use.* It is used in commercial filtration of bulk quantities of alcoholic beverages containing not more than 8 percent alcohol.

(l) Resin-bonded filters conforming with the specifications of subparagraph (1) of this paragraph are used as provided in subparagraph (2) of this paragraph:

(1) *Total extractives.* The finished filter, when exposed to 50 percent (by volume) ethyl alcohol in distilled water for 2 hours at a temperature equivalent to, or higher than, the filtration temperature of the alcoholic beverage, yields total extractives not to exceed 4 percent, by weight, of the filter.

(2) *Conditions of use.* It is used in commercial filtration of bulk quantities of alcoholic beverages containing more than 8 percent alcohol.

§ 121.2537 Anti-offset substances.

Substances named in paragraphs (b) and (c) of this section may be safely used to prevent the transfer of inks employed in printing and decorating paper and paperboard used for food packaging in accordance with the provisions of this section:

(a) The substances are applied to the nonfood contact, printed side of the paper or paperboard in an amount not greater than that required to accomplish the technical effect nor greater than any specific limitations, where such are provided.

(b) Anti-offset powders are prepared from substances that are generally recognized as safe in food, substances for which prior sanctions or approvals were granted and which are used in accordance with the specific provisions of such sanction or approval, and substances named in paragraph (c) of this section.

(c) The substances permitted are as follows:

Substances	*Limitations*
Carbon tetrachloride	
Methyl hydrogen polysiloxanes	
Industrial starch—modified	Complying with § 121.2506.
Tin oleate	
Zinc-2-ethyl hexoate	

§ 121.2538 Alkyl ketene dimers.

Alkyl ketene dimers may be safely used as a component of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, subject to the provisions of this section.

(a) The alkyl ketene dimers are manufactured by the dehydrohalogenation of the acyl halides derived from the fatty acids of animal or vegetable fats and oils.

(b) The alkyl ketene dimers are used as an adjuvant in the manufacture of paper and paperboard under such conditions that the alkyl ketene dimers and their hydrolysis products dialkyl ketones do not exceed 0.4 percent by weight of the paper or paperboard.

(c) The alkyl ketene dimers may be used in the form of an aqueous emulsion which may contain sodium lignosulfonate as a dispersant.

§ 121.2539 Tamarind seed kernel powder.

Tamarind seed kernel powder may be safely used as a component of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, subject to the provisions of this section.

(a) Tamarind seed kernel powder is the ground kernel of tamarind seed (Tamarindus indica L.) after removal of the seed coat.

(b) It is used in the manufacture of paper and paperboard.

§ 121.2540 Copolymer of vinyl acetate and crotonic acid.

A copolymer of vinyl acetate and crotonic acid may be safely used as a coating or as a component of a coating which is the food-contact surface of polyolefin films intended for packaging food, subject to the provisions of this section.

(a) The copolymer may contain added optional substances to impart desired properties.

(b) The quantity of any optional substance does not exceed the amount reasonably required to accomplish the intended physical or technical effect nor any limitations further provided.

(c) Any optional substance that is the subject of a regulation in this Subpart F conforms with any specifications in such regulation, and any substance that is not the subject of a regulation in Subpart F conforms with the specifications, if any, prescribed by an order extending the effective date of the statute for such substance as an indirect additive to food.

(d) Optional substances as provided in paragraph (a) of this section include:

(1) Substances generally recognized as safe in food.

(2) Substances subject to prior sanction or approval for uses with a copolymer of vinyl acetate and crotonic acid and used in accordance with such sanction or approval.

(3) Substances identified in this subparagraph and subject to such limitations as are provided:

List of substances	*Limitations*
Silica	
Japan wax	

(e) Copolymer of vinyl acetate and crotonic acid used as a coating or as a component of a coating conforming with the specifications of subparagraph (1) of this paragraph are used as provided in subparagraph (2) of this paragraph.

(1) *Specifications.* (i) The chloroform-soluble portion of the water extractives of the coated film obtained with distilled water at 120° F. for 24 hours does not exceed 0.5 milligram per square inch of coated surface.

(ii) The chloroform-soluble portion of the *n*-heptane extractives of the coated film obtained with *n*-heptane at 70° F. for 30 minutes does not exceed 0.5 milligram per square inch of coated surface.

(2) *Conditions of use.* The copolymer of vinyl acetate and crotonic acid is used as a coating or as a component of a coating for polyolefin films for packaging bakery products and confectionery.

§ 121.2541 Emulsifiers and/or surface-active agents.

The substances listed in paragraph (c) of this section may be safely used as emulsifiers and/or surface-active agents in the manufacture of articles or components of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, subject to the provisions of this section.

(a) The quantity used shall not exceed the amount reasonably required to accomplish the intended technical effect; and the quantity that may become a component of food as a result of such use shall not be intended to, nor in fact, accomplish any physical or technical effect in the food itself.

(b) The use as an emulsifier and/or surface-active agent in any substance or article that is the subject of a regulation in this Subpart F conforms with any specifications and limitations prescribed by such regulation for the finished form of the substance or article.

(c) List of substances:

p-tert-Octylphenoxypolyethoxyethanol (40 moles) with a hydroxyl number not to exceed 37; if a blend of products is used, hydroxyl number not to exceed 37 for any product that is a component of the blend.
Sodium dioctyl sulfosuccinate.
Sodium lauryl sulfate.
Sodium monododecylphenoxybenzenedisulfonate and sodium didodecylphenoxybenzenedisulfonate mixtures that contain not less than 70 percent of the monoalkylated product.
Tetrasodium *N*-(1,2-dicarboxyethyl)-*N*-octadecylsulfosuccinamate, for use only as a polymerization emulsifier for resins applied to tea-bag material.

§ 121.2542 Polyamide-epichlorohydrin resin.

Polyamide-epichlorohydrin resin may be safely used as a component of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, subject to the provisions of this section.

(a) Polyamide-epichlorohydrin resin is prepared by reacting adipic acid with diethylenetriamine to form a basic polyamide and further reaction of the polyamide with epichlorohydrin to form a water-soluble thermo-setting resin.

(b) The resin is used in the manufacture of paper and paperboard under conditions such that the polyamide-epichlorohydrin resin does not exceed 1.5 percent by weight of the paper or paperboard.

§ 121.2543 Packaging materials for use in radiation preservation of prepackaged foods.

The packaging materials identified in this section may be safely subjected to irradiation incidental to the radiation preservation of prepackaged foods, subject to the provisions of this section.

(a) The radiation preservation of the food itself shall comply with regulations in Subpart G of this Part 121.

(b) The following packaging materials may be subjected to a dose of irradiation, not to exceed 1 megarad, incidental to the use of gamma radiation in the radiation preservation of prepackaged foods:

(1) Nitrocellulose-coated or vinylidene chloride copolymer-coated cellophane complying with § 121.2507.

(2) Glassine paper complying with § 121.2526.

(3) Wax-coated paperboard complying with § 121.2526.

(4) Polypropylene film prepared from polypropylene basic polymer complying with § 121.2501. The finished film may contain adjuvant substances used in compliance with §§ 121.2001 and 121.2511.

(5) Ethylene-alkene-1 copolymer film complying with § 121.2508.

(6) Polyethylene film complying with § 121.2510.

(7) Polystyrene film prepared from styrene basic polymer. The finished film may contain adjuvant substances used in compliance with §§ 121.2001 and 121.2511.

(8) Rubber hydrochloride film prepared from rubber hydrochloride basic polymer having a chlorine content of 30–32 weight percent and having a maximum extractable fraction of 2 weight percent when extracted with *n*-hexane at reflux temperature for 2 hours. The finished film may contain adjuvant substances used in compliance with §§ 121.2001 and 121.2511.

(9) Vinylidene chloride-vinyl chloride copolymer film prepared from vinylidene chloride-vinyl chloride basic copolymers containing not less than 70 weight percent of vinylidene chloride and having a viscosity of 0.50–1.50 centipoises as determined by ASTM method D 729–57. The finished film may contain adjuvant substances used in compliance with §§ 121.2001 and 121.2511.

(c) The following packaging materials may be subjected to a dose of radiation, not to exceed 6 megarads incidental to the use of gamma or X-radiation in the radiation processing of prepackaged foods:

(1) Vegetable parchments, consisting of a cellulose material made from waterleaf paper (unsized) treated with concentrated sulfuric acid, neutralized, and thoroughly washed with distilled water.

(2) [Reserved]

§ 121.2544 Tetrahydrofuran.

Tetrahydrofuran may be safely used in the fabrication of articles intended for packaging, transporting, or storing foods, subject to the provisions of this section.

(a) It is used as a solvent in the casting of film from a solution of polymeric resins of vinyl chloride, vinyl acetate, or vinylidene chloride that have been polymerized singly or copolymerized with one another in any combination.

(b) The residual amount of tetrahydrofuran in the film does not exceed 1.5 percent by weight of film.

§ 121.2545 Textryls.

Textryls identified in this section may be safely used as articles or components of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting or holding food, subject to the provisions of this section.

(a) Textryls are nonwoven sheets prepared from natural or synthetic fibers, bonded with fibryl (Fibryl consists of a polymeric resin in fibrous form commingled with fiber to facilitate sheet formation and subsequently heat cured to fuse the fibryl and effect bonding).

(b) Textryls are prepared from the fibers, fibryls, and adjuvants identified in paragraph (c) of this section, and subject to limitations prescribed in that paragraph; *Provided, however,* That any substance that is the subject of a regulation in this Subpart F conforms with any specifications in such regulation for that substance as a component of polymeric resins used as food contact surfaces, and any substance that is not the subject of a regulation in this Subpart F conforms with the specifications, if any, prescribed by an order extending the effective date of the statute for such substance as an indirect additive to food.

(c) The fibers, fibryls, and adjuvants permitted are as follows:

Substances	*Limitations*
(1) Fibers prepared from polyethylene terephthalate resins.	Conforming with § 121.2524.
(2) Fibryls prepared from vinyl chloride-vinyl acetate copolymer.	As the basic polymer.
(3) Adjuvant substance, dimethylformamide	As a solvent in the preparation of fibryl.

(d) Textryls meeting the conditions of test prescribed in subparagraph (1) of this paragraph are used as prescribed in subparagraph (2) of this paragraph.

(1) *Conditions of test.* Textryls, when extracted with distilled water at reflux temperature for 1 hour, yield total extractives not to exceed 1 percent.

(2) *Uses.* Textryls are used for packaging or holding food at ordinary temperatures and in the brewing of hot beverages.

§ 121.2546 Pulp from reclaimed fiber.

(a) Pulp from reclaimed fiber may be safely used as a component of articles used in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, subject to the provisions of paragraph (b) of this section.

(b) Pulp from reclaimed fiber is prepared from the paper and paperboard products described in subparagraphs (1) and (2) of this paragraph, by repulping with water to recover the fiber with the least possible amount of nonfibrous substances.

(1) Industrial waste from the manufacture of paper and paperboard products.

(2) Salvage from used paper and paperboard excluding that which bears or contains, or has been used for shipping or handling any poisonous or deleterious substance which may have contaminated the paper or paperboard and which may reasonably be expected to be retained in the recovered pulp.

§ 121.2547 Sanitizing solutions.

Sanitizing solutions may be safely used on food-processing equipment and utensils in accordance with the following prescribed conditions:

(a) Such sanitizing solutions are used, followed by adequate draining, before contact with food.

(b) The solutions consist of one of the following:

(1) An aqueous solution containing potassium, sodium, or calcium hypochlorite, with or without the bromides of potassium, sodium, or calcium.

(2) An aqueous solution containing dichloroisocyanuric acid, trichloroisocyanuric acid, or the sodium or potassium salts of these acids, with or without the bromides of potassium, sodium, or calcium.

(3) An aqueous solution containing potassium iodide, sodium *p*-toluenesul-

fonchloramide, and sodium lauryl sulfate in addition to components generally recognized as safe for the purpose.

(4) An aqueous solution containing iodine, butoxy monoether of mixed (ethylene-propylene) polyalkylene glycol having a cloud-point of 90° C.–100° C. in 0.5 percent aqueous solution and an average molecular weight of 3300, ethylene glycol monobutyl ether, and diethylene glycol monoethyl ether, together with components generally recognized as safe.

(c) The solutions identified in paragraph (b) will not exceed the following concentrations:

(1) Solutions identified in paragraph (b) (1) will provide not more than 200 parts per million of available halogen determined as available chlorine.

(2) Solutions identified in paragraph (b) (2) will provide not more than 100 parts per million of available halogen determined as available chlorine.

(3) Solutions identified in paragraph (b) (3) will contain potassium iodide and sodium *p*-toluenesulfonchloramide at a level not in excess of the minimum required to provide not more than 25 parts per million of titratable iodine. The solutions will contain sodium lauryl sulfate at a level not in excess of the minimum required to produce its intended functional effect.

(4) Solutions identified in paragraph (b) (4) will contain iodine not in excess of the minimum required to provide not more than 25 parts per million of titratable iodine. The adjuvants used with the iodine will not be in excess of the minimum amounts required to accomplish the intended technical effect.

(d) Sanitizing agents for use in accordance with this section will bear labeling meeting the requirements of the Federal Insecticide, Fungicide, and Rodenticide Act.

§ 121.2548 Zinc-silicon dioxide matrix coatings.

Zinc-silicon dioxide matrix coatings may be safely used as the food-contact surface of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, subject to the provisions of this section:

(a) The coating is applied to a metal surface, cured, and washed with water to remove soluble substances.

(b) The coatings are formulated from optional substances which include:

(1) Substances generally recognized as safe.

(2) Substances for which safe conditions of use have been prescribed in § 121.2514.

(3) Substances identified in paragraph (c) of this section, subject to the limitations prescribed.

(c) The optional substances permitted are as follows:

List of substances	*Limitations*
Ethylene glycol	As a solvent removed by water washing.
Iron oxide	
Lithium hydroxide	Removed by water washing.
Methyl orange	As an acid-base indicator.
Potassium dichromate	Removed by water washing.
Silica gel	
Sodium silicate	
Zinc, as particulate metal	

(d) The coating in the finished form in which it is to contact food, when extracted with the solvent or solvents characterizing the type of food, and under the conditions of its intended use as shown in Tables 1 and 2 of § 121.2514 (d) (using 20 percent alcohol as the solvent when the type of food contains approximately 20 percent alcohol) shall yield total extractives not to exceed those prescribed in § 121.2514(c) (3); lithium extractives not to exceed 0.025 milligram per square inch of surface; and chromium extractives not to exceed 0.05 microgram per square inch of surface.

(e) The coatings are used as food-contact surfaces for bulk reusable containers intended for storing, handling, and transporting food.

§ 121.2549 Melamine-formaldehyde resins in molded articles.

Melamine-formaldehyde resins may be safely used as the food-contact surface of molded articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food in accordance with the following prescribed conditions:

(a) For the purpose of this section, melamine-formaldehyde resins are those produced when 1 mole of melamine is made to react with not more than 3 moles of formaldehyde in water solution.

(b) The resins may be mixed with refined woodpulp and the mixture may contain other optional adjuvant substances which may include the following:

List of substances	*Limitations*
Dioctyl phthalate	For use as lubricant.
Hexamethylenetetramine.	For use only as polymerization reaction control agent.
Phthalic acid anhydride.	Do.
Pigments and colorants identified in § 121.2514(b) (3) (xxvi).	
Zinc stearate	For use as lubricant.

(c) The molded melamine-formaldehyde articles in the finished form in which they are to contact food, when extracted with the solvent or solvents characterizing the type of food and under the conditions of time and temperature as determined from tables 1 and 2 of § 121.2514(d), shall yield net chloroform-soluble extractives not to exceed 0.5 milligram per square inch of food-contact surface.

§ 121.2550 Closures with sealing gaskets for food containers.

Closures with sealing gaskets may be safely used on containers intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food in accordance with the following prescribed conditions:

(a) Closures for food containers are manufactured from substances generally recognized as safe for contact with food; substances that are subject to the provisions of prior sanctions; substances authorized by regulations in this Subpart F; and closure-sealing gaskets, as further prescribed in this section.

(b) Closure-sealing gaskets and overall discs are formulated from substances identified in § 121.2514(b), with the exception of subparagraph (3) (v), (xxxi), and (xxxii) of that paragraph, and from other optional substances, including the following:

(1) Substances generally recognized as safe in food.

(2) Substances used in accordance with the provisions of a prior sanction or approval within the meaning of section 201(s) of the act.

(3) Substances that are the subject of regulations in this Subpart F and used in accordance with the conditions prescribed.

(4) Substances identified in subparagraph (5) of this paragraph, used in amounts not to exceed those required to accomplish the intended physical or technical effect and in conformance with any limitation provided; and further provided that any substance employed in the production of closure-sealing gasket compositions that is the subject of a regulation in this Subpart F or of an extension of the effective date relating to substances used in such food-packaging material conforms with the identity or specifications prescribed.

(5) Substances that may be employed in the manufacture of closure-sealing gaskets include:

TABLE 1

List of substances	Limitations (expressed as percent by weight of closure-sealing gasket composition)
Balata rubber	
Chlorinated isobutylene-isoprene copolymers complying with § 121.2590.	
Cork (cleaned, granulated)	
Dextrin	
Di-2-ethylhexyl adipate	
Eicosane (technical grade) (waxy white mixture of predominantly straight-chain paraffin hydrocarbons averaging 20 carbon atoms per molecule).	
Epoxidized linseed oil	
Epoxidized linseed oil modified with trimellitic anhydride.	
Epoxidized safflower oil.	
Epoxidized safflower oil modified with trimellitic anhydride.	
Epoxidized soybean oil modified with trimellitic anhydride.	
Ethylene-propylene copolymer	
Ethylene-vinyl acetate copolymer	
Gutta-percha	
Isobutylene-isoprene copolymers complying with § 121.2590.	

TABLE 1—Continued

List of substances	Limitations (expressed as percent by weight of closure-sealing gasket composition)
Natural rubber (crepe, latex, mechanical dispersions).	
Polybutadiene	
Polyisobutylene complying with § 121.2590.	
Rosins and rosin derivatives	As defined in § 121.2514(b)(3)(v) for use only in resinous and polymeric coatings on metal substrates; for all other uses as defined in § 121.2592.
Vinyl chloride-vinyl stearate copolymer.	
Arachidyl-behenyl amide (C_{20}–C_{22} fatty acid amides).	Less than 5% in closure-sealing gasket composition.
Disodium phosphate	Do.
Erucyl amide	Do.
Maleic anhydride-polyethylene copolymer.	Less than 5% in closure-sealing gasket composition.
Maleic anhydride-styrene copolymer.	Do.
Stearic acid amide	Do.
Azodicarbonamide	Less than 2% in closure-sealing gasket composition.
Calcium tin stearate	Do.
Calcium zinc stearate	Do.
Coco amide (coconut oil fatty acids amides).	Do.
Di-2-ethylhexyl sebacate	Do.
Ethoxylated octyl phenol containing 8–10 mols ethylene oxide (polyoxyethylated octyl phenol (8–10 mols ethylene oxide)).	Do.
Glyceryl mono-12-hydroxy stearate (hydrogenated glyceryl ricinoleate).	Do.
Hydrogenated castor oil	Do.
Polysorbate 80 (polyoxyethylene (20) sorbitan monooleate).	Do.
Potassium propionate	Do.
Tin-zinc stearate	Do.
Activated carbon	Less than 1% in closure-sealing gasket composition.
Benzyl alcohol	Do.
Dibetanaphthyl *p*-phenylenediamine.	Do.
Dihexyl ester of sodium sulfosuccinate.	Do.
Edible monofatty acid ester of polyethylene glycol 400.	Do.
Hexamethylenetetramine	Do.
Hervlene glycol	0.5%.
2,2'-Methylenebis[6-(1-methylcyclohexyl)-*p*-cresol].	Less than 1% in closure-sealing gasket composition.
Oleyl alcohol	Less than 1% in closure - sealing gasket composition.
4,4'-Oxybis (benzene sulfonyl hydrazide).	0.5%
Paraformaldehyde	Less than 1% in closure - sealing gasket composition.
Polyethylene glycol (mol. wt. over 300).	Do.
Polyoxypropylene - polyoxyethylene condensate, average mol. wt. 2750–3000.	0.05%.
Polyoxyethylene (20) sorbitan monolaurate.	Less than 1% in closure - sealing gasket composition.
Potassium benzoate	Do.
Potassium perchlorate	Do.
Potassium and sodium persulfate	Do.
Sodium cetyl sulfate	Do.
Sodium decyl benzenesulfonate	Do.
Sodium decyl sulfate	Do.
Sodium formaldehyde sulfoxylate	0.05%.
Sodium lauryl sulfate	Less than 1% in closure - sealing gasket composition.
Sodium lignin sulfonate	0.2%.
Sodium myristyl sulfate (sodium tetradecyl sulfate).	0.6%.
Sodium and potassium pentachlorophenate.	0.05%.
Sodium o-phenylphenate	0.05%.
Sodium salt of naphthalenesulfonic acid condensed with formaldehyde.	0.2%.
Sodium salt of triisopropyl naphthalenesulfonic acid.	0.2%.
Sodium tridecylsulfate	0.6%.
Sorbitan monostearate	Less than 1% in closure-sealing gasket composition.
Sulfated tallow	Do.
Tri(mixed mono- and dinonylphenyl) phosphite.	Do.
	For use only in vulcanized natural or synthetic rubber gasket compositions.
Dibenzamide phenyl disulfide	Limit 1% in closure-sealing gasket composition.
Dipentamethylene thiuramtetrasulfide.	Limit 0.4% in closure-sealing gasket composition.
Mercaptoimidazoline	Limit 1% in closure-sealing gasket composition.
Poly-*p*-dinitroso benzene (activator for butyl rubber).	Less than 1% in closure-sealing gasket composition.
Zinc dibutyldithiocarbamate	Limit 0.8% in closure-sealing gasket composition.

(c) The closure assembly to include the sealing gasket or sealing compound, together with any polymeric or resinous coating, film, foil, natural cork, or glass that forms a part of the food-contact surface of the assembly, when extracted on a suitable glass container with a solvent or solvents characterizing the type of foods, and under conditions of time and temperature characterizing the conditions of its use as determined from Tables 3 and 4 shall yield net chloroform-soluble extractives (corrected for zinc as zinc oleate) not to exceed the tolerances specified in Table 2, calculated on the basis of the water capacity of the container on which the closure is to be used. Employ the analytical method described in § 121.2514, adapting the procedural details to make the method applicable to closures; such as, for example, placing the closed glass container on its side to assure contact of the closure's food-contacting surface with the solvent.

TABLE 2—MAXIMUM EXTRACTIVES TOLERANCES

Type of closure-sealing gasket composition	Chloroform fraction of water extractives	Chloroform fraction of heptane extractives	Chloroform fraction of alcohol extractives
	Parts per million	*Parts per million*	*Parts per million*
1. Plasticized polymers, including unvulcanized or vulcanized or otherwise cured natural and synthetic rubber formed in place as over-all discs or annular rings from a hot melt, solution, plastisol, organisol, mechanical dispersion, or latex	50	500	50
2. Preformed over-all discs or annular rings of plasticized polymers, including unvulcanized natural or synthetic rubber	50	250	50
3. Preformed over-all discs or annular rings of vulcanized plasticized polymers, including natural or synthetic rubber	50	50	50
4. Preformed over-all discs or annular rings of polymeric or resinous-coated paper, paperboard, plastic, or metal foil substrates	50	250	50
5. Closures with sealing gaskets or sealing compositions as described in 1, 2, 3, and 4, and including paper, paperboard, and glassine used for dry foods only	(1)	(1)	(1)

[1] Extractability tests not applicable.

TABLE 3—TYPES OF FOOD

I. Nonacid (pH above 5.0), aqueous products; may contain salt or sugar or both, and including oil-in-water emulsions of low- or high-fat content.
II. Acidic (pH 5.0 or below), aqueous products; may contain salt or sugar or both, and including oil-in-water emulsions of low- or high-fat content.
III. Aqueous, acid or nonacid products containing free oil or fat; may contain salt, and including water-in-oil emulsions of low- or high-fat content.
IV. Dairy products and modifications:
  A. Water-in-oil emulsions, high- or low-fat.
  B. Oil-in-water emulsions, high- or low-fat.
V. Low-moisture fats and oils.
VI. Beverages:
  A. Containing alcohol.
  B. Nonalcoholic.
VII. Bakery products.
VIII. Dry solids (no end-test required).

TABLE 4—TEST PROCEDURES WITH TIME-TEMPERATURE CONDITIONS FOR DETERMINING AMOUNT OF EXTRACTIVES FROM CLOSURE-SEALING GASKETS, USING SOLVENTS SIMULATING TYPES OF FOODS AND BEVERAGES

Conditions of use	Types of food (see Table 3)	Extractant		
		Water (time and temperature)	Heptane[1] (time and temperature)	8% alcohol (time and temperature)
A. High temperature heat-sterilized (e.g., over 212° F.).	I, IV-B	250° F., 2 hr.		
	III, IV-A, VII	250° F., 2 hr.	150° F., 2 hr.	
B. Boiling water-sterilized	II	212° F., 30 min.		
	III, VII	212° F., 30 min.	120° F., 30 min.	
C. Hot filled or pasteurized above 150° F.	II, IV-B	Fill boiling, cool to 100° F.		
	III, IV-A	Fill boiling, cool to 100° F.	120° F., 15 min.	
	V		120° F., 15 min.	
D. Hot filled or pasteurized below 150° F.	II, IV-B, VI-B	150° F., 2 hr.		
	III, IV-A	150° F., 2 hr.	100° F., 30 min.	
	V		100° F., 30 min.	
	VI-A			150° F., 2 hr.
E. Room temperature filled and stored (no thermal treatment in the container).	II, IV-B, VI-B	120° F., 24 hr.		
	III, IV-A	120° F., 24 hr.	70° F., 30 min.	
	V		70° F., 30 min.	
	VI-A			120° F., 24 hr.
F. Refrigerated storage (no thermal treatment in the container).	I, II, III, IV-A, IV-B, VI-B, VII	70° F., 48 hr.	70° F., 30 min.	
	VI-A			70° F., 48 hr.
G. Frozen storage (no thermal treatment in the container).	I, II, III, IV-B, VII	70° F., 24 hr.		

[1] Heptane extractant not applicable to closure-sealing gaskets overcoated with wax.

§ 121.2551 Corrosion inhibitors used for steel or tinplate.

Corrosion inhibitors may be safely used for steel or tinplate intended for use in, or to be fabricated as, food containers or food-processing or handling equipment, subject to the provisions of this section.

(a) The corrosion inhibitors are prepared from substances identified in this section and used subject to the limitations prescribed.

(b) The following corrosion inhibitors or adjuvants are used in amounts not to exceed those reasonably required to accomplish the intended physical or technical effect:

(1) Corrosion inhibitors (active ingredients) used in packaging materials for the packaging of steel or tinplate or articles fabricated therefrom:

List of substances	*Limitations*
Dicyclohexylamine and its salts of fatty acids derived from animal or vegetable oil.	--------
Dicyclohexylamine nitrite	--------
Morpholine and its salts of fatty acids derived from animal or vegetable oils.	--------

(2) Adjuvants employed in the application and use of corrosion inhibitors:

List of substances	*Limitations*
Polyethylene glycol	--------
Propylene glycol	--------

§ 121.2552 Synthetic glycerin.

Synthetic glycerin may be safely used as a component of articles intended for use in packaging materials for food, subject to the provisions of this section:

(a) It is produced by the hydrogenolysis of carbohydrates, and shall contain not in excess of 0.2 percent by weight of a mixture of butanetriols.

(b) It is used in a quantity not to exceed that amount reasonably required to produce its intended physical or technical effect, and in accordance with any limitations prescribed by applicable regulations in this Subpart F. It shall not be intended to, nor in fact accomplish, any direct physical or technical effect in the food itself.

§ 121.2553 Lubricants with incidental food contact.

Lubricants with incidental food contact may be safely used on machinery used for producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, subject to the provisions of this section:

(a) The lubricants are prepared from one or more of the following substances:

(1) Substances generally recognized as safe for use in food.

(2) Substances used in accordance with the provisions of a prior sanction or approval.

(3) Substances identified in this subparagraph.

Substances	*Limitations*
Aluminum stearoyl benzoyl hydroxide	For use only as a thickening agent in mineral oil lubricants at a level not to exceed 10 percent by weight of the mineral oil.
BHA	----------
BHT	----------
Castor oil	Addition to food not to exceed 10 parts per million.
Castor oil, dehydrated	Do.
Castor oil, partially dehydrated.	Do.
Dialkyldimethylammonium aluminum silicate where the alkyl groups are derived from hydrogenated tallow fatty acids (C_{14}–C_{18}) and where the aluminum silicate is derived from bentonite.	For use only as a gelling agent in mineral oil lubricants at a level not to exceed 7 percent by weight of the mineral oil.
Dimethylpolysiloxane (viscosity greater than 300 centistokes).	Addition to food not to exceed 1 part per million.
Fatty acids derived from animal or vegetable sources, and the hydrogenated forms of such fatty acids.	----------
12-Hydroxystearic acid	----------
Mineral oil	Addition to food not to exceed 10 parts per million.
Petrolatum	Complying with § 121.2588. Addition to food not to exceed 10 parts per million.
Phenyl-α-and/or phenyl-β-naphthylamine.	For use only, singly or in combination, as antioxidant in mineral oil lubricants at a level not to exceed a total of 1 percent by weight of the mineral oil.
Polybutene (minimum average molecular weight 80,000).	Addition to food not to exceed 10 parts per million.
Polyethylene	Do.
Polysorbate 60	Complying with § 121.1030. As a thickening and stabilizing agent, at a level not to exceed 2 percent by weight of lubricant.
Sodium nitrite	For use only as a rust preventive in mineral oil lubricants at a level not to exceed 3 percent by weight of the mineral oil.

(b) The lubricants are used on food-processing equipment as a protective antirust film, as a release agent on gaskets or seals of tank closures, and as a lubricant for machine parts and equipment in locations in which there is exposure of the lubricated part to food. The amount used is the minimum required to accomplish the desired technical effect on the equipment, and the addition to food of any constituent identified in this section does not exceed the limitations prescribed.

(c) Any substance employed in the production of the lubricants described in this section that is the subject of a regulation in this Subpart F conforms with any specifications in such regulation; and any substance that is not the subject of a regulation in this Subpart F conforms with the specifications, if any, prescribed by an order extending the effective date of the statute for such substance as an indirect additive to food.

§ 121.2554 Ethylene-ethyl acrylate copolymers

Ethylene-ethyl acrylate copolymers may be safely used to produce packaging materials, containers, and equipment intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, in accordance with the following prescribed conditions:

(a) Ethylene-ethyl acrylate copolymers consist of basic resins produced by the catalytic copolymerization of ethylene and ethyl acrylate, to which may have been added certain optional substances to impart desired technological properties to the resin. Subject to any limitations prescribed in this section, the optional substances may include:

(1) Substances generally recognized as safe in food and food packaging.

(2) Substances the use of which is permitted under applicable regulations in this Part 121, prior sanction, or approvals.

(b) The ethyl acrylate content of the copolymer does not exceed 8 percent by weight unless it is blended with polyethylene complying with § 121.2510 or with one or more ethylene-alkene-1 copolymers complying with § 121.2508 or with a mixture of polyethylene and one or more ethylene-alkene-1 copolymers, in such proportions that the ethyl acrylate content of the blend does not exceed 8 percent by weight, or unless it is used in a coating complying with § 121.2514 or § 121.2526, in such proportions that the ethyl acrylate content does not exceed 8 percent by weight of the finished coating.

(c) Ethylene-ethyl acrylate copolymers or the blend shall conform to the specifications prescribed in subparagraph (1) of this paragraph and shall meet the ethyl acrylate content limits prescribed in paragraph (b) of this section, and the extractability limits prescribed in subparagraph (2) of this paragraph, when tested by the methods prescribed in § 121.2510.

(1) *Specifications*—(i) *Infrared identification.* Ethylene-ethyl acrylate copolymers can be identified by their characteristic infrared spectra.

(ii) *Quantitative determination of ethyl acrylate content.* The ethyl acrylate can be determined by the infrared spectra. Prepare a scan from 10.5 microns to 12.5 microns. Obtain a baseline absorbance at 11.6 microns and divide by the plaque thickness to obtain absorbance per mil. From a previously prepared calibration curve, obtain the amount of ethyl acrylate present.

(iii) *Specific gravity.* Ethylene-ethyl acrylate copolymers have a specific gravity of not less than 0.920 nor more than 0.935, as determined by A.S.T.M. Method D–1505.

(2) *Limitations.* (i) Ethylene-ethyl acrylate copolymers or the blend may be used in contact with food except as a component of articles used for packaging or holding food during cooking, provided they meet the following extractability limits:

(a) Maximum soluble fraction of 11.3 percent in xylene after refluxing and subsequent cooling to 25° C.

(b) Maximum extractable fraction of 3.1 percent when extracted with ethyl acetate at 50° C.

(c) Maximum extractable fraction of 5.5 percent when extracted with *n*-hexane at 50° C.

(d) The provisions of paragraphs (b) and (c) (2) of this section are not applicable to ethylene-ethyl acrylate copolymers used in the formulation of adhesives complying with § 121.2520.

§ 121.2555 Perfluorocarbon resins.

Perfluorocarbon resins may be safely used as articles or components of articles used in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, in accordance with the following prescribed conditions:

(a) Perfluorocarbon resins are produced by the homopolymerization and/or copolymerization of hexafluoropropylene and tetrafluoroethylene, to which may have been added certain optional substances to impart desired technological properties to the resins. Subject to any limitations prescribed in this section, the optional substances may include:

(1) Substances generally recognized as safe in food and food packaging.

(2) Substances the use of which is permitted under applicable regulations in this part, prior sanctions, or approvals.

(b) Perfluorocarbon resins shall conform to the specifications prescribed in subparagraph (1) of this paragraph and shall meet the extractability limits prescribed in subparagraph (2) of this paragraph.

(1) *Specifications*—(i) *Infrared identification.* Perfluorocarbon resins can be identified by their characteristic infrared spectra.

(ii) *Melt viscosity.* Perfluorocarbon resins have a melt viscosity of not less than 10^4 poises at 380° C. as determined by American Society for Testing Materials Method D–1238–57T. Melt viscosity of the copolymers shall not vary more than 50 percent within ½-hour at 380° C.

(iii) *Thermal instability index.* The thermal instability index of the tetrafluoroethylene hemopolymer shall not exceed 50 as determined by American Society for Testing Materials Method D–1457–56T.

(2) *Limitations.* Perfluorocarbon resins when extracted at reflux temperatures for 2 hours separately with distilled water, 50 percent ethanol in water, *n*-heptane, and ethyl acetate shall meet the following extractability limits:

(i) Total extractives not to exceed 0.2 milligram per square inch.

(ii) Fluoride extractives calculated as fluorine not to exceed 0.03 milligram per square inch.

§ 121.2556 Preservatives for wood.

Preservatives may be safely used on wooden articles that are used or intended for use in packaging, transporting, or holding raw agricultural products subject to the provisions of this section:

(a) The preservatives are prepared from substances identified in paragraph (b) of this section and applied in amounts not to exceed those necessary to accomplish the technical effect of protecting the wood from decay, mildew, and water absorption.

(b) The substances permitted are as follows:

List of substances	*Limitations*
Copper-8-quinolinolate	----------
Mineral spirits	----------
Paraffin wax	Not to exceed 50 p.p.m. in the treated wood, calculated as pentachlorophenol.
Petroleum hydrocarbon resin, produced by the homo- and copolymerization of dienes and olefins of the aliphatic, alicyclic, and monobenzenoid arylalkene type from distillates of cracked petroleum stocks.	Used singly or in combination so as to constitute not less than 50% of the solids.
Pentachlorophenol and its sodium salt	----------
Rosins and rosin derivatives	As provided in § 121.2592.
Zinc salt of sulfonated petroleum	----------

§ 121.2557 Defoaming agents used in coatings.

The defoaming agents described in this section may be safely used as components of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, subject to the provisions of this section.

(a) The defoaming agents are prepared as mixtures of substances described in paragraph (d) of this section.

(b) The quantity of any substance employed in the formulation of defoaming agents does not exceed the amount reasonably required to accomplish the intended physical or technical effect in the defoaming agents or any limitation further provided.

(c) Any substance employed in the production of defoaming agents and which is the subject of a regulation in this Subpart F conforms with any specifications in such regulation; and any substance that is not the subject of a regulation in this Subpart F conforms with the specifications, if any, prescribed by an order extending the effective date of the statute for such substance as an indirect additive to food.

(d) Substances employed in the formulation of defoaming agents include:

(1) Substances generally recognized as safe in food.

(2) Substances subject to prior sanction or approval for use in defoaming agents and used in accordance with such sanction or approval.

(3) Substances identified in this subparagraph and subject to such limitations as are provided:

List of substances	Limitations
n-Butyl alcohol	
tert-Butyl alcohol	
Butyl stearate	
Castor oil, sulfated, ammonium, potassium, or sodium salt.	
Cetyl alcohol	
Cyclohexane	
Cyclohexanol	
Diethylene glycol monolaurate	
Diethylene glycol monostearate	
Diners and trimers of unsaturated C_{18} fatty acids derived from:	For use only at levels not to exceed 0.1% by weight of total coating solids.
Animal and vegetable fats and oils.	
Tall oil.	
Dimethylpolysiloxane	
Dipropylene glycol	
Ethyl alcohol	
Fats and oils derived from animal or vegetable sources.	
Fatty acids derived from animal or vegetable fats and oils, and salts of such acids, single or mixed, as follows:	
Aluminum.	
Ammonium.	
Calcium.	
Magnesium.	
Potassium.	
Sodium.	
Zinc.	
Formaldehyde	For use as preservative of defoamer only.
Glyceryl mono-12-hydroxystearate.	
Glyceryl monostearate	
Hexane	
Hexylene glycol (2-methyl-2,4-pentanediol).	
Isobutyl alcohol	
Isopropyl alcohol	
Kerosene	
Lecithin hydroxylated	
Methyl alcohol	
Methylcellulose	
Methyl esters of fatty acids derived from animal or vegetable fats and oils.	
Methyl oleate	
Methyl palmitate	
Mineral oil.	
Mustard seed oil, sulfated, ammonium, potassium, or sodium salt.	
Myristyl alcohol	
Naphtha	
β-Naphthol	For use as preservative of defoamer only.
Nonyl phenol	
Odorless light petroleum hydrocarbons.	As defined in § 121.2594.
Oleic acid, sulfated, ammonium, potassium, or sodium salt.	
Parachlorometacresol	For use as preservative of defoamer only.
Peanut oil, sulfated, ammonium, potassium, or sodium salt.	
Petrolatum	
Pine oil	
Polyethylene	
Polyethylene, oxidized	
Polyethylene glycol (200) dilaurate.	
Polyethylene glycol (400) dioleate.	
Polyethylene glycol (600) dioleate.	
Polyethylene glycol (400) esters of coconut oil fatty acids.	
Polyethylene glycol (400) monooleate.	
Polyethylene glycol (600) monooleate.	
Polyethylene glycol (600) monoricinoleate.	
Polyethylene glycol (400) monostearate.	
Polyoxybutylene-polyoxypropylene-polyoxyethylene glycol (min. mol. wt. 3700).	
Polyoxyethylated (min. 3 mols) cetyl alcohol.	
Polyoxyethylated (min. 5 mols) oleyl alcohol.	
Polyoxyethylated (min. 1.5 mols) tridecyl alcohol.	
Polyoxyethylene (min. 15 mols) ester of rosin.	
Polyoxyethylene (min. 8 mols) monooleate.	
Polyoxyethylene (20) sorbitan monolaurate.	
Polyoxyethylene (20) sorbitan tristearate.	
Polyoxyethylene (40) stearate	
Polyoxypropylated (min. 20 mols) butyl alcohol.	
Polyoxypropylene glycol (min. mol. wt. 200).	
Polyoxypropylene (min. 20 mols) oleate butyl ether.	
Polyoxypropylene-polyoxyethylene glycol (min. mol. wt. 1,900).	
Polyoxypropylene (min. 40 mols) stearate butyl ether.	
Polysorbate 60 conforming to the identity prescribed in § 121.1030.	
Polysorbate 80	
Potassium pentachlorophenate	For use as preservative of defoamer only.
Potassium trichlorophenate	For use as preservative of defoamer only.
Propylene glycol monoester of soybean oil fatty acids.	
Propylene glycol monoester of tallow fatty acids.	
Ricebran oil, sulfated, ammonium, potassium, or sodium salt.	
Rosins and rosin derivatives	As provided in § 121.2592.
Silica	
Sodium 2-mercaptobenzothiazole	For use as preservative of defoamer only.
Sodium pentachlorophenate	For use as preservative of defoamer only.
Sodium trichlorophenate	For use as preservative of defoamer only.
Sorbitan monostearate	
Sorbitan tristearate	
Sperm oil, sulfated, ammonium, potassium, or sodium salt.	
Stearyl alcohol	
Tall oil fatty acids	
Tallow fatty acids, hydrogenated or sulfated.	
Tallow, sulfated, ammonium, potassium, or sodium salt.	
Triethanolamine	
Trilsopropanolamine	
Waxes, petroleum	

(e) The defoaming agents are used as follows:

(1) The quantity of defoaming agent or agents used shall not exceed the amount reasonably required to accomplish the intended effect, which is to prevent or control the formation of foam.

(2) The defoaming agents are used in the preparation and application of coatings for paper and paperboard.

§ 121.2558 Isoparaffinic petroleum hydrocarbons, synthetic.

Isoparaffinic petroleum hydrocarbons, synthetic, may be safely used in the production of nonfood articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, subject to the provisions of this section.

(a) The isoparaffinic petroleum hydrocarbons, produced by synthesis from petroleum gases, consist of a mixture of liquid hydrocarbons meeting the following specifications:

Boiling point 145°–500° F., as determined by A.S.T.M. Method D–86.

Ultraviolet absorbance:

260–319 millimicrons—1.5 maximum.
320–329 millimicrons—0.08 maximum.
330–350 millimicrons—0.05 maximum.

Nonvolatile residue 0.002 gram per 100 milliliters maximum.

Synthetic isoparaffinic petroleum hydrocarbons containing antioxidants shall meet the specified ultraviolet absorbance limits after correction for any absorbance due to the antioxidants. The ultraviolet absorbance shall be determined by the procedure described for application to mineral oil under "Specifications" on page 66 of the Journal of the Association of Official Agricultural Chemists, Vol. 45 (February 1962), disregarding the last sentence of that procedure. For hydrocarbons boiling below 250° F., the nonvolatile residue shall be determined by A.S.T.M. procedure D–1353; for those boiling above 250° F., A.S.T.M. procedure D–381 shall be used.

(b) Isoparaffinic petroleum hydrocarbons may contain antioxidants authorized for use in food in an amount not to exceed that reasonably required to accomplish the intended technical effect.

(c) Isoparaffinic petroleum hydrocarbons are used in the production of nonfood articles. The quantity used shall not exceed the amount reasonably required to acomplish the intended technical effect, and the residual remaining in the finished article shall be the minimum amount reasonably attainable.

§ 121.2559 Xylene-formaldehyde resins condensed with 4,4′-isopropylidenediphenol-epichlorohydrin epoxy resins.

The resins identified in paragraph (a) of this section may be safely used as a food-contact coating for articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food only of the types identified in § 121.2526(c), table 1, under categories I, II, VI, and VIII, and only at temperatures not to exceed room temperature, in accordance with the following prescribed conditions.

(a) The resins are produced by the condensation of xylene-formaldehyde resins and 4,4′-isopropylidenediphenol-epichlorohydrin epoxy resins, to which may have been added certain optional adjuvant substances required in the production of the resins or added to impart desired physical and technical properties. The optional adjuvant substances may include substances identified in § 121.2514(b)(3), with the exception of paragraph (b)(3) (xxxi) and (xxxii) of that section.

(b) The coating in the finished form in which it is to contact food shall meet the following extractives limitations when tested by the methods provided in § 121.2514(e):

(1) The coating when extracted with distilled water at 180° F. for 24 hours shall yield total extractives not to exceed 0.05 milligram per square inch of food-contact surface.

(2) The coating when extracted with 50 percent (by volume) ethyl alcohol in distilled water at 180° F. for 24 hours shall yield total extractives not to exceed 0.05 milligram per square inch of food-contact surface.

§ 121.2560 Poly-1,4,7,10,13-pentaaza-15-hydroxyhexadecane.

Poly-1,4,7,10,13-pentaaza-15-hydroxyhexadecane may be safely used as a retention aid employed prior to the sheet-forming operation in the manufacture of paper and paperboard intended for use in contact with food in an amount not to exceed that necessary to accomplish the intended physical or technical effect and not to exceed 6 pounds per ton of finished paper or paperboard.

§ 121.2561 Esters of stearic and palmitic acids.

The ester stearyl palmitate or palmityl stearate or mixtures thereof may be safely used as adjuvants in food-packaging materials when used in accordance with the following prescribed conditions:

(a) They are used or intended for use as plasticizers or lubricants in polystyrene intended for use in contact with food.

(b) They are added to the formulated polymer prior to extrusion.

(c) The quantity used shall not exceed that required to accomplish the intended technical effect.

§ 121.2562 Rubber articles intended for repeated use.

Rubber articles intended for repeated use may be safely used in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, subject to the provisions of this section.

(a) The rubber articles are prepared from natural and/or synthetic polymers and adjuvant substances as described in paragraph (c) of this section.

(b) The quantity of any substance employed in the production of rubber articles intended for repeated use shall not exceed the amount reasonably required to accomplish the intended effect in the rubber article and shall not be intended to accomplish any effect in food.

(c) Substances employed in the preparation of rubber articles include the following, subject to any limitations prescribed:

(1) Substances generally recognized as safe for use in food or food packaging.

(2) Substances used in accordance with the provisions of a prior sanction or approval.

(3) Substances that by regulation in this Part 121 may be safely used in rubber articles, subject to the provisions of such regulation.

(4) Substances identified in this subparagraph: *Provided, however*, That any substance that is the subject of a regulation in this Subpart F conforms with any specifications in such regulation; any substance that is not the subject of a regulation in this Subpart F conforms with the specifications, if any, prescribed by an order extending the effective date of the statute for such substance as an indirect additive to food.

(i) *Elastomers.*

Acrylonitrile-butadiene copolymer.
Butadiene-acrylonitrile-ethylene glycol dimethacrylate copolymers containing not more than 5 weight percent of polymer units derived from ethylene glycol dimethacrylate.
Butadiene-acrylonitrile-methacrylic acid copolymer.
Butadiene-styrene-methacrylic acid copolymer.
Chloroprene polymers.
Chlorotrifluoroethylene-vinylidene fluoride copolymer.
Ethylene-propylene-dicyclopentadiene copolymer.
Isobutylene-isoprene copolymer.
Polybutadiene.
Polyisoprene.
Rubber, natural.
Silicone basic polymers as described in ASTM D–1418–61T:
- Silicone (Si) elastomers containing methyl groups.
- Silicone (Psi) elastomers containing methyl and phenyl groups.
- Silicone (Vsi) elastomers containing methyl and vinyl groups.
- Silicone (Fsi) elastomers containing methyl and fluorine groups.
- Silicone (PVsi) elastomers containing phenyl, methyl, and vinyl groups.

Styrene-butadiene copolymer.

(ii) *Vulcanization materials—(a) Vulcanizing agent.* Sulfur, ground.

(b) *Accelerators (total not to exceed 1.5 percent by weight of rubber product).*

2-Benzothiazyl - *N,N*-diethylthiocarbamyl-sulfide.
Benzoyl peroxide.
1,3-Bis(2-benzothiazolylmercaptomethyl) urea.
N-tert-Butyl-2-benzothiazole sulfenamide.
Butyraldehyde-aniline resin (iodine number 670–705).
Carbon disulfide-1,1′-methylenedipiperidine reaction product.
Copper dimethyldithiocarbamate.
N-Cyclohexyl-2-benzothiazole sulfenamide.
Dibenzoyl-*p*-quinone dioxime.
Dibenzylamine.
Di-*tert*-butyl peroxide.
Dibutyl xanthogen disulfide.
2,4-Dichlorobenzoyl peroxide.
Dicumyl peroxide.
N,N-Dimethylcyclohexylamine salt of dibutyldithiocarbamic acid.
2,6-Dimethylmorpholine thiobenzothiazole.
Dipentamethylenethiuram tetrasulfide.
Diphenylguanidine.
Diphenylguanidine phthalate.
1,3-Diphenyl-2-thiourea.
2,2′-Dithiobis[benzothiazole].
4,4′-Dithiodimorpholine.
N,N′-Di-o-tolylguanidine.
Di-o-tolylguanidine salt of pyrocatechol borate.
Ethylenediamine carbamate.
Heptaldehyde-aniline resin (iodine number 430–445).
Hexamethylenetetramine.
2-Mercaptobenzothiazole.
2-Mercaptoimidazoline.
2-Mercaptothiazoline.
N-Oxydiethylene - benzothiazole-2-sulfenamide.
Piperidinium pentamethylenedithiocarbamate.
Potassium pentamethylenedithiocarbamate.
p-Quinone dioxime.
Sodium dibutyldithiocarbamate.
Sodium dimethyldithiocarbamate.
Tetrabutylthiuram monosulfide.
Tetraethylthiuram disulfide.
Tetramethylthiuram monosulfide.
Thiram (tetramethylthiuram disulfide).
Triethylenetetramine.
1,3,5-Triethyl-hexahydro-*s*-triazine (triethyltrimethylenetriamine).
Triphenylguanidine.
Zinc butyl xanathate.
Zinc dibenzyl dithiocarbamate.
Zinc dibutyldithiocarbamate.
Zinc diethyldithiocarbamate.
Zinc 2-mercaptobenzothiazole.
Ziram (zinc dimethyldithiocarbamate).

(c) *Retarders (total not to exceed 10 percent by weight of rubber product).*

Cyanoguanidine.
Phthalic anhydride.
Salicylic acid.

(d) *Activators (total not to exceed 5 percent by weight of rubber product).*

Diethylamine.
Fatty acid amines, mixed.
Fatty acids.
Magnesium carbonate.
Magnesium oxide, light and heavy.
Oleic acid, dibutylamine salt (dibutylammonium oleate).
Stannous chloride.
Tall oil fatty acids.
Tetrachloro-*p*-benzoquinone.
Triethanolamine.
Zinc salts of fatty acids.

(iii) *Antioxidants and antiozonants (total not to exceed 5 percent by weight of rubber product).*

Aldol-α-naphthylamine.
Alkylated (C_4 and/or C_8) phenols.
N - Alkyl(C_{14}–C_{18}) - 1,3 - propanediamine-*N,N′,N′*-triacetic acid.
BHT (butylated hydroxytoluene).
Butylated, styrenated cresols.
4,4′-Butylidinebis(6-*tert*-butyl-*m*-cresol).
N-Cyclohexyl-*N′*-phenylphenylenediamine.
p,p′-Diaminodiphenylmethane.
2,5-Di-*tert*-amylhydroquinone.
Diaryl-*p*-phenylenediamine, where the aryl group may be phenyl, tolyl, or xylyl.
2,2′-Di-*tert*-butyl-4,4′-isopropylidenediphenol bis(*p*-nonylphenyl) phosphite.
2,6-Di-*tert*-butyl-*p*-phenylphenol.
1,2-Dihydro-2,2,4 - trimethyl - 6 - dodecylquinoline.
1,2-Dihydro-2,2,4 - trimethyl - 6 - ethoxyquinoline.
1,2-Dihydro - 2,2,4 - trimethylquinoline, polymerized.
1,2-Dihydro-2,2,4-trimethyl - 6 - phenylquinoline.
4,4′-Dimethoxydiphenylamine.
4,6-Dinonyl-o-cresol.
N,N′-Dioctyl-*p*-phenylenediamine.
Diphenylamine-acetone resin.
Diphenylamine - acetone - formaldehyde resin.
N,N′-Diphenylethylenediamine.
N,N′-Disalicylalpropylenediamine.
N,N′-Di-o-tolylethylenediamine.
Hydroquinone monobenzyl ether.
Isopropoxydiphenylamine.
N - Isopropyl-*N′*-phenyl-*p*-phenylenediamine.
2,2′ - Methylenebis(6 - *tert* - butyl-4-ethylphenol).
2,2′ - Methylenebis(4 - methyl - 6 - *tert* - butylphenol).
2,2′-Methylenebis(4-methyl - 6 - nonylphenol).
Monooctyl- and dioctyldiphenylamine.
N,N′-Di-β-naphthyl-*p*-phenylenediamine.
Phenyl-α-naphthylamine.
Phenyl-β-naphthylamine.
Phenyl-β-naphthylamine-acetone aromatic amine resin (average molecular weight 600; nitrogen content 5.3 percent).
o- and *p*-Phenylphenol.
Polybutylated (mixture) 4,4′-isopropylidenediphenol.
Sodium pentachlorophenate.
Styrenated phenol.
4,4′-Thiobis (6-*tert*-butyl-*m*-cresol).
Toluene-2,4-diamine.
N-o-Tolyl-*N′*-phenyl-*p*-phenylenediamine.
p(*p*-Tolylsulfanilamide)diphenylamine.
Tri(mixed mono- and dinonylphenyl) phosphite.

(iv) *Plasticizers (total not to exceed 30 percent by weight of rubber product).*

n-Amyl *n*-decyl phthalate.
Butylacetyl ricinoleate.
Butyl laurate.
Butyl oleate.
Butyl stearate.
Calcium stearate.
Castor oil.
Coumarone-indene resins.
Dibenzyl adipate.
Dibutoxyethoxyethyl adipate.
Dibutyl phthalate.
Dibutyl sebacate.
Didecyl adipate.
Didecyl phthalate.
Diisodecyl adipate.
Diisodecyl phthalate.
Diisooctyl adipate.
Diisooctyl sebacate.
Dioctyl adipate.
Dioctyl phthalate.
Dioctyl sebacate.
Dipentene resin.
Diphenyl ketone.
Fatty acids.
Fatty acids, hydrogenated.
Lanolin.
α-Methylstyrene-vinyl toluene copolymer.
Mineral oil.
Montan wax.
n-Octyl *n*-decyl adipate.
n-Octyl *n*-decyl phthalate.
Petrolatum.
Petroleum hydrocarbon resin (cyclopentadiene type), hydrogenated.
Petroleum hydrocarbon resin (produced by the homo- and copolymerization of dienes and olefins of the aliphatic, alicyclic, and monobenzenoid arylalkene types from distillates of cracked petroleum stocks).
Petroleum oil, sulfonated.
Phenol-formaldehyde resin.
Pine tar.
Polybutene.
Polystyrene.
Propylene glycol.
Rapeseed oil vulcanized with rubber maker's sulfur.
Rosins and rosin derivatives identified in § 121.2520(c)(5).
Soybean oil vulcanized with rubber makers' sulfur.
Styrene-acrylonitrile copolymer.
Terpene resins.
Triethylene glycol dicaprate.
Triethylene glycol dicaprylate.
Waxes, petroleum.
Xylene (or toluene) alkylated with dicyclopentadiene.

(v) *Fillers.*

Aluminum hydroxide.
Aluminum silicate.
Asbestos fiber, chrysotile or crocidolite.
Barium sulfate.
Carbon black (channel process or furnace combustion process; total carbon black not to exceed 50 percent by weight of rubber product; furnace combustion black content not to exceed 10 percent by weight of rubber products intended for use in contact with milk or edible oils).
Cork.
Cotton (floc, fibers, fabric).
Mica.
Nylon (floc, fibers, fabric).
Silica.
Titanium dioxide.
Zinc carbonate.
Zinc sulfide.

(vi) *Colors (total not to exceed 10 percent by weight of rubber product).*

Chrome oxide (Cr_2O_3).
Copper phthalocyanine.
Iron oxide.
Phthalocyanine.
Pigment red 38, Color Index No. 21120 (1956).
Titanium dioxide.
Ultramarine blue.
Zinc chromate.

(vii) *Lubricants (total not to exceed 2 percent by weight of rubber product).*

Polyethylene.
Sodium stearate.

(viii) *Emulsifiers.*

Fatty acid salts, sodium or potassium.
Naphthalene sulfonic acid-formaldehyde condensate, sodium salt.
Rosins and rosin derivatives identified in § 121.2520(c)(5).
Sodium decylbenzenesulfonate.
Sodium dodecylbenzenesulfonate.
Sodium lauryl sulfate.
Tall oil mixed soap (calcium, potassium, and sodium).

(ix) *Miscellaneous (total not to exceed 5 percent by weight of rubber product).*

Animal glue as described in § 121.2534.
Azodicarbonamide as chemical blowing agent.
2-Anthraquinone sulfonic acid sodium salt for use only as polymerization inhibitor in chloroprene polymers and not to exceed 0.03 percent by weight of the chloroprene polymers.
n-Butyllithium for use only as polymerization catalyst for polybutadiene.
4-*tert*-Butyl-o-thiocresol as peptizing agent.
tert-Butyl peracetate.
p-*tert*-Butylpyrocatechol.
Dialkyl (C_8–C_{18}) dimethylammonium chloride for use only as a flocculating agent in the manufacture of silica.
Di- and triethanolamine.
Dodecyl mercaptan isomers, single or mixed.
2-Ethoxyethanol.
Iodoform.
Polyethylene glycol (molecular weight 6,000).
p-Menthane hydroperoxide.
4,4'-Oxybis(benzenesulfonhydrazide) as chemical blowing agent.
Phenothiazine.
Potassium persulfate.
Sodium formaldehyde sulfoxylate.
Sodium polysulfide.
Sodium nitrite.
Sodium salt of ethylenediamine tetraacetic acid and glycine.
Sodium sulfide.
Styrene monomer.
Tall oil.
Thioxylenols as peptizing agents.
Zinc 4-*tert*-butylthiophenate as peptizing agent.

(d) Rubber articles intended for use with dry food are so formulated and cured under conditions of good manufacturing practice as to be suitable for repeated use.

(e) Rubber articles intended for repeated use in contact with aqueous food shall meet the following specifications: The food-contact surface of the rubber article in the finished form in which it is to contact food, when extracted with distilled water at reflux temperature, shall yield total extractives not to exceed 20 milligrams per square inch during the first 7 hours of extraction, nor to exceed 1 milligram per square inch during the succeeding 2 hours of extraction.

(f) Rubber articles intended for repeated use in contact with fatty foods shall meet the following specifications: The food-contact surface of the rubber article in the finished form in which it is to contact food, when extracted with *n*-hexane at reflux temperature, shall yield total extractives not to exceed 175 milligrams per square inch during the first 7 hours of extraction, nor to exceed 4 milligrams per square inch during the succeeding 2 hours of extraction.

§ 121.2563 Ultramarine blue.

Ultramarine blue may be safely used as a component of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food in accordance with the following prescribed conditions:

(a) It is used as a colorant in the manufacture of the following articles:

(1) Flexible, semirigid, and rigid plastic materials.

(2) Textiles and textile fibers as provided in § 121.2535.

(b) The quantity used shall not exceed the amount reasonably required to accomplish the intended effect.

§ 121.2564 [Reserved]

§ 121.2565 Chromic chloride complexes.

Myristo chromic chloride complex and stearato chromic chloride complex may be safely used as release agents in the closure area of packaging containers intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, subject to the provisions of this section:

(a) The quantity used shall not exceed that reasonably required to accomplish the intended technical effect nor exceed 7 micrograms of chromium per square inch of closure area.

(b) The packaging container which has its closure area treated with the release agent shall have a capacity of not less than 120 grams of food per square inch of such treated closure area.

§ 121.2566 Antioxidants and/or stabilizers for polymers.

The substances listed in paragraph (b) of this section may be safely used as antioxidants and/or stabilizers in polymers used in the manufacture of articles or components of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, subject to the provisions of this section:

(a) The quantity used shall not exceed the amount reasonably required to accomplish the intended technical effect.

(b) List of substances:

	Limitations
2,6-Bis(1-methylheptadecyl)-*p*-cresol.	For use only at levels not to exceed 0.3 percent by weight of polymers complying with §§ 121.2501, 121.2508, and 121.2510: *Provided*, That the finished polymers contact food only of the types identified in § 121.2526(c), table 1 under categories I, II, IV–B, VI, and VIII.
4,4'-Butylidenebis(6-*tert*-butyl-*m*-cresol).	For use only: 1. As provided in §§ 121.2520 and 121.2562. 2. At levels not to exceed 0.5% by weight of polypropylene complying with § 121.2501 and for use at levels not to exceed 0.3% by weight of polyethylene complying with § 121.2510, provided that the finished polypropylene and polyethylene contact food only of the types identified in § 121.2526(c), table 1, under categories I, II, VI–B, and VIII.
Calcium benzoate.	
Calcium stearate.	
4,4'-Cyclohexylidenebis(2-cyclohexylphenol).	For use only at levels not to exceed 0.1 percent by weight of olefin polymers complying with §§ 121.2501, 121.2508, and 121.2510; *Provided*, That the finished polymers contact food only of the types identified in § 121.2526(c), table 1, under categories I, II, IV–B, VI, VII–B, and VIII.
N,N'-Diphenylthiourea.	For use only: At levels not to exceed 0.5 percent by weight of polyvinyl chloride; or At levels not to exceed 0.5 percent by weight of vinyl chloride-vinyl acetate copolymers containing not more than 20 molar percent of vinyl acetate.
Magnesium salicylate.	For use only in rigid polyvinyl chloride provided that total salicylates (calculated as the acid) do not exceed 0.3 percent by weight of the polymer.
4,4'-Methylenebis(2,6-di-*tert*-butylphenol).	For use only: 1. As provided in § 121.2520. 2. At levels not to exceed 0.25 percent by weight of petroleum hydrocarbon resins used in compliance with regulations in this Subpart F. 3. At levels not to exceed 0.25 percent by weight of terpene resins used in compliance with regulations in this Subpart F. 4. At levels not to exceed 0.5 percent by weight of polyethylene complying with § 121.2510, provided that the polyethylene end product contacts foods only of the types identified in categories I, II, IV–B, VI, VII–B, and VIII in table 1, § 121.2526(c). 5. At levels not to exceed 0.5 percent by weight of polybutadiene used in rubber articles complying with § 121.2562, provided that the rubber end product contacts foods only of the types identified in categories I, II, IV–B, VI, VII–B, and VIII in table 1, § 121.2526(c).
2,2'-Methylenebis[6-(1-methylcyclohexyl)-*p*-cresol].	For use only: 1. As provided in § 121.2550. 2. At levels not to exceed 0.2% by weight of polyethylene complying with § 121.2510, provided that the finished polyethylene contacts foods only of the type identified in § 121.2526(c), table 1, under categories I, II, VI–B, and VIII.
2,2'—Continued	For use only—Continued 3. In polyethylene complying with § 121.2510, provided that the finished polyethylene contacts foods only of the types identified in § 121.2526(c), table 1, under categories III, IV, V, VI–A, VII, and IX, and only at temperatures not to exceed room temperature and further provided that percentage concentration of the antioxidant in the polyethylene, when multiplied by the thickness in inches of the finished polyethylene, shall not be greater than 0.60.
Pentaerythritol and its stearate ester.	For use only in rigid polyvinyl chloride provided that the total amount of pentaerythritol and/or pentaerythritol stearate (calculated as free pentaerythritol) does not exceed 0.4 percent by weight of the polymer.
Sorbitan monostearate.	Conforming to the identity prescribed in § 121.1029.
4,4'-Thiobis(6-*tert*-butyl-*m*-cresol).	For use only: 1. As provided in §§ 121.2520 and 121.2562. 2. At levels not to exceed 0.25% by weight of polyethylene complying with § 121.2510, provided that the specific gravity of the polyethylene is not less than 0.926 and further provided that the finished polyethylene contacts food only of the types identified in § 121.2526(c), table 1 under categories I, II, VI–B, and VIII.
Thiodipropionic acid.	
1,3,5-Trimethyl-2,4,6-tris (3,5-di-*tert*-butyl-4-hydroxybenzyl) benzene.	For use only: 1. At levels not to exceed 0.5 percent by weight of polymers except nylon resins identified in § 121.2502. 2. At levels not to exceed 1 percent by weight of nylon resins identified in § 121.2502.
Tri(mixed mono- and dinonylphenyl) phosphite (which may contain not more than 1% by weight of trisopropanolamine).	
Tris 2-methyl-4-hydroxy-5-*tert*-butylphenyl) butane.	For use only: 1. At levels not to exceed 0.25 percent by weight of polymers used as provided in § 121.2571. 2. At levels not to exceed 0.25 percent by weight of olefin and/or vinyl chloride polymers used in articles that contact food of the types identified in § 121.2526(c), table 1, under types I, II, IV–B, VI–B, VII–B, and VIII. 3. At levels not to exceed 0.1 percent by weight of olefin and/or vinyl chloride polymers used in articles that contact food of the types identified in § 121.2526(c), table 1, under types III, IV–A, V, VI–A, VI–C, VII–A, and IX: *Provided*, That such articles are not used for packing or holding food during cooking.
Zinc salicylate.	For use only in rigid polyvinyl chloride provided that total salicylates (calculated as the acid) do not exceed 0.3 percent by weight of the polymer.
Zinc stearate.	

§ 121.2567 Water-insoluble hydroxyethyl cellulose film.

Water-insoluble hydroxyethyl cellulose film may be safely used for packaging food in accordance with the following prescribed conditions:

(a) Water-insoluble hydroxyethyl cellulose film consists of a base sheet manufactured by the ethoxylation of cellulose under controlled conditions, to which may be added certain optional substances of a grade of purity suitable for use in food packaging as constituents of the base sheet or as coatings applied to impart desired technological properties.

(b) Subject to any limitations prescribed in this Part 121, the optional substances used in the base sheet and coating may include:

(1) Substances generally recognized as safe in food.

(2) Substances permitted to be used in water-insoluble hydroxyethyl cellulose film by prior sanction or approval and under conditions specified in such sanctions or approval, and substances listed in § 121.2001.

(3) Substances that by any regulation promulgated under section 409 of the act may be safely used as components of water-insoluble hydroxyethyl cellulose film.

(4) Substances identified in and used in compliance with § 121.2507(c).

(c) Any substance employed in the production of the water-insoluble hydroxyethyl cellulose film described in this section that is the subject of a regulation in this subpart F conforms with any specifications in such regulation; and any substance that is not the subject of a regulation in this subpart F conforms with the specifications, if any, prescribed by an order extending the effective date of the statute for such substance as an indirect additive to food.

§ 121.2568 Guar gum, modified.

Guar gum that has been modified by treatment with β-diethylaminoethyl chloride hydrochloride may be safely used as a retention aid and/or drainage aid employed prior to the sheet-forming operation in the manufacture of paper and paperboard intended for use in contact with food.

§ 121.2569 Resinous and polymeric coatings for polyolefin films.

Resinous and polymeric coatings may be safely used as the food-contact surface of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, in accordance with the following prescribed conditions:

(a) The coating is applied as a continuous film over one or both sides of a base film produced from polypropylene as defined in § 121.2501, polyethylene as defined in § 121.2510, or ethylene-alkene-1 copolymers as defined in § 121.2508.

(b) The coatings are formulated from optional substances which are:

(1) Substances generally recognized as safe for use in or on food.

(2) Substances the use of which is permitted under applicable regulations in this part, by prior sanctions, or approvals.

(3) Substances identified in this subparagraph and subject to such limitations as are provided:

List of substances	Limitations
(1) Resins and polymers:	
Acrylic acid polymer and its ethyl or methyl esters.	
Acrylamide copolymerized with ethyl acrylate and/or styrene and/or methacrylic acid, and the copolymer subsequently reacted with formaldehyde and butanol.	
Butadiene-acrylonitrile copolymer.	
Butadiene-acrylonitrile-styrene terpolymer.	
Butyl rubber	
2-Ethylhexyl acrylate copolymerized with one or more of the following:	
Acrylonitrile	
Itaconic acid	
Methacrylonitrile	
Methyl acrylate	
Methyl methacrylate	
Melamine-formaldehyde as the basic polymer or chemically modified with methyl alcohol.	
Methacrylic acid and its ethyl or methyl esters copolymerized with one or more of the following:	
Acrylic acid	
Ethyl acrylate	
Methyl acrylate	
α-Methyl styrene polymer.	
Polyamide resins, derived from dimerized vegetable oil acids (containing not more than 20% of monomer acids) and ethylenediamine, as the basic resin.	For use only in coatings for polyolefin films that contact food at temperatures not to exceed room temperature.
Polyester resins formed by reaction of one or more of the following polybasic acids and monobasic acids with one or more of the following polyhydric alcohols:	
Polybasic acids:	
Adipic	
Dimerized fatty acids derived from:	
Animal, marine, or vegetable fats and oils.	
Tall oil	
Fumaric	
Isophthalic	
Maleic	
o-Phthalic	
Sebacic	
Terephthalic	
Trimellitic	
Monobasic acids:	
Fatty acids derived from:	
Animal, marine, or vegetable fats and oils.	
Tall oil	
Polyhydric alcohols:	
1,3-Butylene glycol.	
Diethylene glycol	
Dipropylene glycol	
Ethylene glycol	
Glycerol	
Mannitol	
α-Methyl glucoside.	
Pentaerythritol	
Propylene glycol	
Sorbitol	
Trimethylol ethane.	
Trimethylol propane.	
Polystyrene	
Polyvinyl acetate	
Polyvinyl chloride	
Styrene copolymerized with one or more of the following:	
Acrylonitrile.	
α-Methyl styrene.	
Styrene-isobutylene copolymer.	
Vinyl chloride-acetate, hydroxyl-modified copolymer or maleic acid-modified copolymer.	
Vinyl chloride copolymerized with one or more of the following:	
Acrylonitrile.	
Vinyl acetate.	
Vinylidene chloride.	
Vinylidene chloride copolymerized with one or more of the following:	
Acrylic acid and its methyl, ethyl, propyl, butyl, or octyl esters.	
Acrylonitrile.	
Itaconic acid.	
Methacrylic acid and its methyl, ethyl, propyl, butyl, or octyl esters.	
Methacrylonitrile.	
Vinyl chloride.	
(ii) Plasticizers:	
Acetyl tributyl citrate	
Acetyl triethyl citrate	
Butyl phthalyl butyl glycolate	
Butyl stearate	
Dibutyl sebacate	
Diethyl phthalate	
2-Ethylhexyl diphenyl phosphate	
Ethyl phthalyl ethyl glycolate	
Glycerol monooleate	
Glycerol triacetate	
Triethyl citrate	
(iii) Adjuvants (release agents, waxes, and dispersants):	
Acetone	
Amides (unsubstituted) of fatty acids from vegetable or animal oils.	
n-Butyl acetate	
n-Butyl alcohol	
Candelilla wax	
Carnauba wax	
Ethyl acetate	
Fatty acids from vegetable or animal oils and their aluminum, ammonium, calcium, magnesium, and sodium salts.	
Hexane	
Methyl ethyl ketone	
Petroleum waxes conforming to specifications included in a regulation in Subpart F in this part or in an order extending the effective date of the food additives amendment for use of petroleum waxes as an indirect additive to food.	
Sodium dioctyl sulfosuccinate.	
Sodium dodecylbenzenesulfonate.	
Sodium lauryl sulfate	
Sorbitan and sorbitol esters of fatty acids from vegetable or animal oils.	
Spermaceti wax	
Tetrahydrofuran	
Toluene	

(c) The coating in the finished form in which it is to contact food, when extracted with the solvent or solvents characterizing the type of food, and under conditions of time and temperature characterizing the conditions of its intended use as determined from tables 1 and 2 of § 121.2526(c), shall yield net chloroform-soluble extractives not to exceed 0.5 milligram per square inch of coated surface.

§ 121.2570 Ethylene-vinyl acetate copolymers.

Ethylene-vinyl acetate copolymers may be safely used as articles or components of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food in accordance with the following prescribed conditions:

(a) Ethylene-vinyl acetate copolymers consist of basic resins produced by the catalytic copolymerization of ethylene and vinyl acetate to which may have been added certain optional substances to impart desired technological or physical properties to the resin. Subject to any limitations prescribed in this section, the optional substances may include:

(1) Substances generally recognized as safe in food and food packaging.

(2) Substances the use of which is permitted under applicable regulations in this Part 121, prior sanction, or approvals.

(3) Substances identified in § 121.2514 (b)(3) (xxv), (xxvi), (xxvii), (xxx), and (xxxiii).

(4) Erucamide as identified in § 121.2509.

(b) Ethylene-vinyl acetate copolymers, with or without the optional substances described in paragraph (a) of this section, when extracted with the solvent or solvents characterizing the type of food, and under conditions of time and temperature characterizing the conditions of their intended use as determined from Tables 1 and 2 of § 121.2526(c) of this Subpart F, shall yield net chloroform-soluble extractives corrected for zinc as zinc oleate not to exceed 0.5 milligram per square inch of an appropriate sample.

§ 121.2571 Components of paper and paperboard in contact with dry food.

The substances listed in this section may be safely used as components of the uncoated or coated food-contact surface of paper and paperboard intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding dry food of the type identified in § 121.2526(c), table 1, under type VIII, subject to the provisions of this section.

(a) The substances are used in amounts not to exceed that required to accomplish their intended physical or technical effect, and are so used as to accomplish no effect in food other than that ordinarily accomplished by packaging.

(b) The substances permitted to be used include the following:

(1) Substances that by § 121.2526 and other applicable regulations in this Part 121 may be safely used as components of the uncoated or coated food-contact surface of paper and paperboard, subject to the provisions of such regulation.

(2) Substances identified in the following list:

List of substances	Limitations
Aluminum and calcium salts of FD & C dyes on a substrate of alumina.	Colorant.
Ammonium nitrate.	
Amylose	
Barium metaborate	For use as preservative in coatings and sizings.
N,N'-Bis(hydroxyethyl)lauramide.	
Borax	For use as preservative in coatings. Do.
Boric acid	
sec-Butyl alcohol	
Butyl benzyl phthalate	
Candelilla wax	
Carbon tetrachloride	
Chloral hydrate	Polymerization reaction-control agent.
N-Cyclohexyl-*p*-toluene sulfonamide.	
2,5-Di-*tert*-butyl hydroquinone	
Diethanolamine	
Diethylene glycol monobutyl ether.	
Diethylene glycol monoethyl ether.	
Diethylenetriamine	
1,2-Dihydro-2,2,4-trimethyl quinoline, polymerized.	Antioxidant in coatings only.
N,N'-Diisopropanolamide of tallow fatty acids.	
Diphenylamine	
tert-Dodecyl thioether of polyethylene glycol.	
Erucamide (erucylamide)	
Ethylene oxide	Fumigant in sizing.
Ethylene oxide adduct of mono-(2-ethylhexyl) o-phosphate.	
Fatty acid (C_{17}-C_{18}) diethanolamide.	
Fish oil fatty acids, hydrogenated, potassium salt.	
Formaldehyde	
Glyceryl monocaprate	
Glyoxal	
Hexamethylenetetramine	Polymerization crosslinking agent for protein, including casein. As neutralizing agent with myristochromic chloride complex and stearato-chromic chloride complex.
Hexylene glycol (2-methyl-2,4-pentanediol).	
Hydroabietyl alcohol	
Isopropanolamine hydrochloride.	
Isopropyl *m*- and *p*-cresol (thymol derived).	
Itaconic acid	
Maleic anhydride-diisobutylene copolymer, ammonium or sodium salt.	
Melamine-formaldehyde modified with:	Basic polymer.
Alcohols (ethyl, butyl, isobutyl, propyl, or isopropyl).	
Diethylenetriamine.	
Imino-bis-butylamine.	
Imino-bis-ethylenelmine.	
Imino-bis-propylamine.	
Polyamines made by reacting ethylenediamine or trimethylenediamine with dichloroethane or dichloropropane.	
Sulfanilic acid.	
Tetraethylenepentamine.	
Triethylenetetramine.	
Methyl alcohol	
Methyl esters of mono-, di-, and tripropylene glycol.	
Methyl naphthalene sulfonic acid-formaldehyde condensate, sodium salt.	
Monoglyceride citrate	
Myristo chromic chloride complex.	
Naphthalene sulfonic acid-formaldehyde condensate, sodium salt.	
Nickel	
β-Nitrostyrene	Basic polymer.
Oleic acid reacted with *N*-alkyl-(C_{16}-C_{18})trimethylenediamine.	
Petroleum hydrocarbons, light and odorless.	
Petroleum sulfonates	
Pine oil	
Polyethylene, air oxidized (minimum molecular weight 1,200).	
Polyethylene glycol 200	
Polyethylene glycol (200) dilaurate.	
Polymers: Homopolymers and copolymers of the following monomers:	Basic polymer.
Acrylamide.	
Acrylic acid and its methyl, ethyl, butyl, propyl, or octyl esters.	
Acrylonitrile.	
Butadiene.	
Crotonic acid.	
Cyclol acrylate.	
Decyl acrylate.	
Diallyl fumarate.	
Diallyl maleate.	
Diallyl phthalate.	
Dibutyl fumarate.	
Dibutyl itaconate.	
Dibutyl maleate.	
Di(2-ethylhexyl) maleate.	
Dioctyl fumarate.	
Dioctyl maleate.	
Divinylbenzene.	
Ethylene.	
2-Ethylhexyl acrylate.	
Fumaric acid.	
Glycidyl methacrylate.	
2-Hydroxyethyl acrylate.	
Isobutyl acrylate.	
Isobutylene.	
Isoprene.	
Itaconic acid.	
Maleic anhydride and its methyl or butyl esters.	
Methacrylic acid and its methyl, ethyl, butyl, or propyl esters.	
Methylstyrene.	
Mono(2-ethylhexyl) maleate.	
Monoethyl maleate.	
Styrene.	
Vinyl acetate.	
Vinyl butyrate.	
Vinyl chloride.	
Vinyl crotonate.	
Vinyl hexoate.	
Vinylidene chloride.	
Vinyl pelargonate.	
Vinyl propionate.	
Vinyl pyrrolidone.	
Vinyl stearate.	
Vinyl sulfonic acid.	
Polyoxyethylated (minimum 20 mols) oleyl alcohol.	
Polyoxyethylene (minimum 12 mols) ester of tall oil (30%—40% rosin acids).	
Polyoxyethylene ethers of octyl- or nonylphenol.	
Polyoxypropylene-polyoxyethylene glycol (minimum molecular weight 1,900).	
Polyvinyl alcohol	
Pyrethrins in combination with piperonyl butoxide.	In outside plies of multiwall bags.
Sodium diisobutylphenoxy diethoxyethyl sulfonate.	
Sodium diisobutylphenoxy monoethoxy ethylsulfonate.	
Sodium *n*-dodecylpolyethoxy (50 moles) sulfate.	
Sodium isododecylphenoxypolyethoxy (40 moles) sulfate.	
Sodium *N*-methyl-*N*-oleyl taurate.	
Sodium methyl siliconate	
Sodium nitrite	
Sodium polyacrylate	
Sodium bis-tridecylsulfosuccinate	
Sodium xylene sulfonate	
Sorbose	
Stearato chromic chloride complex.	
Styrene-methacrylic acid copolymer, potassium salt.	
Tetraethylenepentamine	Polymerization cross-linking agent.
Tetrasodium *N*-(1,2-dicarboxyethyl)-*N*-octadecyl sulfosuccinamate.	
Toluene	
Triethanolamine	
Triethylenetetramine	Polymerization cross-linking agent.
Urea-formaldehyde chemically modified with:	
Alcohol (methyl, ethyl, butyl, isobutyl, propyl, or isopropyl).	
Aminomethylsulfonic acid.	
Diaminobutane.	
Diaminopropane.	
Diethylenetriamine.	
N,N'-Dioleoylethylenediamine.	
Diphenylamine.	
N,N'-Distearoylethylenediamine.	
Ethylenediamine.	
Guanidine.	
Imino-bis-butylamine.	
Imino-bis-ethylamine.	
Imino-bis-propylamine.	
N-Oleoyl-*N'*-stearoylethylenediamine.	
Polyamines made by reacting ethylenediamine or trichlorethylenediamine with dichloroethane or dichloropropane.	
Tetraethylenepentamine.	
Triethylenetetramine.	
Xylene	
Xylene sulfonic acid-formaldehyde condensate, sodium salt.	
Zinc stearate	

§ 121.2572 Polysulfide polymer-polyepoxy resins.

Polysulfide polymer-polyepoxy resins may be safely used as the food-contact surface of articles intended for packaging, transporting, holding, or otherwise contacting dry food, in accordance with the following prescribed conditions:

(a) Polysulfide polymer-polyepoxy resins are the reaction products of liquid polysulfide polymers and polyfunctional epoxide resins, cured with the aid of tri(dimethylaminomethyl) phenol, to which have been added certain optional substances to impart desired technological properties to the resins. Subject to any limitations prescribed in this section, the optional substances may include:

(1) Substances generally recognized as safe in food and food packaging.

(2) Substances the use of which is permitted under applicable regulations in this part, prior sanctions, or approvals.

(3) Substances named in this subparagraph and further identified as required:

List of substances	Limitations
Bis(2-chloroethyl) formal.	----------
Bis(dichloropropyl) formal.	Cross-linking agent.
Butyl alcohol	Solvent.
Carbon black (channel process).	----------
Chlorinated paraffins.	Cross-linking agent.
Epoxidized linseed oil.	----------
Epoxidized soybean oil.	----------
Epoxy resins (as listed in § 121.2514 (b) (3) (viii) (a)).	----------
Ethylene glycol monobutyl ether.	Solvent.
Magnesium chloride	----------
Methyl isobutyl ketone.	Solvent.
Naphthalene sulfonic acid-formaldehyde condensate, sodium salt.	----------
Sodium dibutyl naphthalene sulfonate.	Wetting agent.
Sodium hydrosulfide	----------
Sodium polysulfide	----------
$\beta,\beta',\gamma,\gamma'$-Tetrachloro normal propyl ether.	Cross-linking agent.
Titanium dioxide	----------
Toluene	Solvent.
Trichloroethane	Cross-linking agent.
1,2,3-Trichloropropane.	Do.
Urea-formaldehyde resins.	----------
Xylene	Solvent.

(b) The resins are used as the food-contact surface for dry food.

(c) An appropriate sample of the finished resin in the form in which it contacts food, when subjected to Method 6191 in Federal Test Method Standard No. 141, published in "Varnish, Lacquer, and Related Materials—Methods of Inspection and Sampling" (General Services Administration, Washington 25, D.C.), using No. 50 Emery abrasive in lieu of Ottawa sand, shall exhibit an abrasion coefficient of not less than 20 liters per mil of film thickness.

§ 121.2573 [Reserved]

§ 121.2574 Polycarbonate resins.

Polycarbonate resins may be safely used as articles or components of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, in accordance with the following prescribed conditions:

(a) Polycarbonate resins are polyesters produced by the condensation of 4,4'-isopropylidenediphenol and carbonyl chloride, under controlled conditions, to which may have been added certain optional adjuvant substances required in the production of the resins.

(b) The optional adjuvant substances required in the production of the resins may include substances generally recognized as safe in food, substances used in accordance with a prior sanction or approval, and the following:

List of substances:	Limitations
p-tert-Butylphenol	----------
Chloroform	----------
Ethylene dichloride	----------
Heptane	----------
Methylene chloride	----------
Pyridine	----------
Triethylamine	----------

(c) Polycarbonate resins shall conform to the specification prescribed in subparagraph (1) of this paragraph and shall meet the extractives limitations prescribed in subparagraph (2) of this paragraph.

(1) *Specification.* Polycarbonate resins can be identified by their characteristic infrared spectrum.

(2) *Extractives limitations.* The polycarbonate resins to be tested shall be ground or cut into small particles that will pass through a U.S. standard sieve No. 6 and that will be held on a U.S. standard sieve No. 10.

(i) Polycarbonate resins, when extracted with distilled water at reflux temperature for 6 hours, shall yield total extractives not to exceed 0.15 percent by weight of the resins.

(ii) Polycarbonate resins, when extracted with 50 percent (by volume) ethyl alcohol in distilled water at reflux temperature for 6 hours, shall yield total extractives not to exceed 0.15 percent by weight of the resins.

(iii) Polycarbonate resins, when extracted with *n*-heptane at reflux temperature for 6 hours, shall yield total extractives not to exceed 0.15 percent by weight of the resins.

§ 121.2575 Paraffin, synthetic.

Synthetic paraffin may be safely used as an impregnant in, coating on, or component of coatings on articles used in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food in accordance with the following prescribed conditions:

(a) The additive is synthesized by the Fischer-Tropsch process from carbon monoxide and hydrogen, which are catalytically converted to a mixture of paraffin hydrocarbons. Lower molecular-weight fractions are removed by distillation. The residue is hydrogenated and further treated by percolation through activated charcoal.

(b) Synthetic paraffin shall conform to the following specifications:

(1) *Congealing point.* The substance has a congealing point of not less than 200° F. nor more than 210° F. as determined by A.S.T.M. D-938-49.

(2) *Oil content.* The substance has an oil content not exceeding 0.5 percent as determined by A.S.T.M. D-721-56T.

(3) *Absorptivity.* The substance has an absorptivity at 290 millimicrons in decahydronaphthalene at 190° F. not exceeding 0.01 as determined by A.S.T.M. 131.

§ 121.2576 Cross-linked polyester resins.

Cross-linked polyester resins may be safely used as articles or components of articles intended for repeated use in contact with food, in accordance with the following prescribed conditions:

(a) The cross-linked polyester resins are produced by the condensation of one or more of the acids listed in subparagraph (1) of this paragraph with one or more of the alcohols listed in subparagraph (2) of this paragraph, followed by copolymerization with one or more of the cross-linking agents listed in subparagraph (3) of this paragraph:

(1) Polybasic acids:

Adipic.
Fatty acids, and dimers thereof, from natural sources.
Fumaric.
Isophthalic.
Maleic.
Orthophthalic.
Sebacic.
Terephthalic.
Trimellitic.

(2) Polyhydric alcohols:

Butylene glycol.
Diethylene glycol.
2,2-Dimethyl-1,3-propanediol.
Dipropylene glycol.
Ethylene glycol.
Glycerol.
Mannitol.
α-Methyl glucoside.
Pentaerythritol.
Polyoxypropylene ethers of 4,4'-isopropylidenediphenol (containing an average of 2-7.5 moles of propylene oxide).
Propylene glycol.
Sorbitol.
Trimethylol ethane.
Trimethylol propane.
2,2,4-Trimethyl-1,3-pentanediol.

(3) Cross-linking agents:

Butyl acrylate.
Butyl methacrylate.
Ethyl acrylate.
Ethylhexyl acrylate.
Methyl acrylate.
Methyl methacrylate.
Styrene.
Vinyl toluene.

(b) Optional adjuvant substances employed to facilitate the production of the resins or added thereto to impart desired technical or physical properties include the following, provided that the quantity used does not exceed that reasonably required to accomplish the intended physical or technical effect and does not exceed any limitations prescribed in this section:

List of substances	Limitations (limits of addition expressed as percent by weight of finished resin)
1. Inhibitors:	Total not to exceed 0.08 percent.
Benzoquinone	0.01 percent.
tert-Butyl catechol	
tert-Butyl hydroquinone	
Di-*tert*-butyl hydroquinone	
Hydroquinone	
2. Accelerators:	Total not to exceed 1.5 percent.
Benzyl trimethyl ammonium chloride.	0.05 percent.
Calcium naphthenate	
Cobalt naphthenate	
Copper naphthenate	
N, N-Diethylaniline	0.4 percent.
N, N-Dimethylaniline	0.4 percent.
Ethylene guanidine hydrochloride.	0.05 percent.

List of substances	Limitations (limits of addition expressed as percent by weight of finished resin)
3. Catalysts:	Total not to exceed 1.5 percent.
Azo-bis-isobutyronitrile	
Benzoyl peroxide	
tert-Butyl perbenzoate	
Chlorbenzoyl peroxide	
Cumene hydroperoxide	
Dicumyl peroxide	
Lauroyl peroxide	
p-Menthane hydroperoxide	
Methyl ethyl ketone peroxide.	
4. Solvents for inhibitors, accelerators, and catalysts:	
Butyl benzyl phthalate (containing not more than 1.0 percent by weight of dibenzyl phthalate).	As a solvent for benzyl trimethyl ammonium chloride or ethylene guanidine hydrochloride only.
Dibutyl phthalate	
Diethylene glycol	
Dimethyl phthalate	
Methyl alcohol	
Styrene	
Triphenyl phosphate	
5. Reinforcements:	
Asbestos	
Glass fiber	
Polyester fiber produced by the condensation of one or more of the acids listed in paragraph (a)(1) of this section with one or more of the alcohols listed in paragraph (a)(2) of this section.	
6. Miscellaneous materials:	
Castor oil, hydrogenated	
α-Methylstyrene	
Polyethylene glycol 6000	
Silicon dioxide	
Wax, petroleum	Complying with § 121.2586.

(c) The cross-linked polyester resins, with or without the optional substances described in paragraph (b) of this section, and in the finished form in which they are to contact food, when extracted with the solvent or solvents characterizing the type of food and under the conditions of time and temperature characterizing the conditions of their intended use, as determined from tables 1 and 2 of § 121.2526(c), shall meet the following extractives limitations:

(1) Net chloroform-soluble extractives not to exceed 0.1 milligram per square inch of food-contact surface tested when the prescribed food-simulating solvent is water or 8 or 50 percent alcohol.

(2) Total nonvolatile extractives not to exceed 0.1 milligram per square inch of food-contact surface tested when the prescribed food-simulating solvent is heptane.

(d) In accordance with good manufacturing practice, finished articles containing the cross-linked polyester resins shall be thoroughly cleansed prior to their first use in contact with food.

§ 121.2577 Pressure-sensitive adhesives.

Pressure-sensitive adhesives may be safely used as the food-contact surface of labels and/or tapes applied to food, in accordance with the following prescribed conditions:

(a) Pressure-sensitive adhesives prepared from one or a mixture of two or more of the substances listed in this paragraph may be used as the food-contact surface of labels and/or tapes applied to poultry, dry food, and processed, frozen, dried, or partially dehydrated fruits or vegetables.

(1) Substances generally recognized as safe in food.

(2) Substances used in accordance with a prior sanction or approval.

(3) Color additives listed for use in or on food in Part 8 of this chapter.

(4) Substances identified in § 121.1059 other than substances used in accordance with paragraph (a)(2) of this section.

(b) Pressure-sensitive adhesives prepared from one or a mixture of two or more of the substances listed in this paragraph may be used as the food-contact surface of labels and/or tapes applied to raw fruit and raw vegetables.

(1) Substances listed in paragraph (a) (1), (2), and (3) of this section and those substances listed in paragraph (a) (4) of this section not identified in subparagraph (2) of this paragraph.

(2) Substances identified in this subparagraph and subject to the limitations provided:

BHA.
BHT.
Butadiene-acrylonitrile copolymer.
Butadiene-acrylonitrile-styrene copolymer.
Butadiene-styrene copolymer.
Butyl rubber.
Chlorinated natural rubber.
Isobutylene-styrene copolymer.
Petrolatum.
Polybutene-1.
Polyisobutylene.
cis-1,4-Polyisoprene.
Polystyrene.
Propyl gallate.
Rapeseed oil, vulcanized.
Rosins and rosin derivatives as provided in § 121.2592.
Rubber hydrochloride.
Rubber (natural latex solids or crepe, smoked or unsmoked).
Terpene resins (α- and β-pinene), homopolymers, copolymers, and condensates with phenol, formaldehyde, coumarone, and/or indene.
Tetrasodium ethylenediaminetetraacetate.

§ 121.2578 Hot-melt strippable food coatings.

Hot-melt strippable food coatings may be safely applied to food, subject to the provisions of this section.

(a) The coatings are applied to and used as removable coatings for food.

(b) The coatings may be prepared, as mixtures, from the following substances:

(1) Substances generally recognized as safe in food.

(2) Substances identified in this subparagraph.

List of substances	*Limitations*
Acetylated monoglycerides	Complying with § 121.1018.
Cellulose acetate butyrate	----------
Cellulose acetate propionate	----------
Mineral oil, white	For use only as a component of hot-melt strippable food coatings applied to frozen meats and complying with § 121.1146.

§ 121.2579 4,4'-Isopropylidenediphenol-epichlorohydrin resins minimum molecular weight 10,000.

4,4'-Isopropylidenediphenol-epichlorohydrin resins having a minimum molecular weight of 10,000 may be safely used as articles or components of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food in accordance with the following prescribed conditions:

(a) 4,4' - Isopropylidenediphenol-epichlorohydrin resins consist of basic resins produced by the condensation of equimolar amounts of 4,4'-isopropylidenediphenol and epichlorohydrin terminated with phenol, to which may have been added certain optional adjuvant substances required in the production of the resins.

(b) The optional adjuvant substances required in the production of the resins may include substances generally recognized as safe in food, substances used in accordance with a prior sanction or approval, and the following:

List of substances	Limitations
Butyl alcohol	Not to exceed 300 p.p.m. as residual solvent in finished resin.
Ethyl alcohol	----------
Toluene	Not to exceed 1,000 p.p.m. as residual solvent in finished resin.

(c) 4,4'-Isopropylidenediphenol - epichlorohydrin resins shall meet the following nonvolatile extractives limitations:

(1) Maximum extractable nonvolatile fraction of 2 parts per million when extracted with distilled water at 70° C. for 2 hours, using a volume-to-surface ratio of 2 milliliters per square inch.

(2) Maximum extractable nonvolatile fraction of 3 parts per million when extracted with *n*-heptane at 70° C for 2 hours, using a volume-to-surface ratio of 2 milliliters per square inch.

(3) Maximum extractable nonvolatile fraction of 6 parts per million when extracted with 10 percent (by volume) ethyl alcohol in distilled water at 70° C for 2 hours, using a volume-to-surface ratio of 2 milliliters per square inch.

(d) The provisions of this section are not applicable to 4,4'-isopropylidenediphenol-epichlorohydrin resins listed in other sections of this Subpart F.

§ 121.2580 Polyethylene resins, carboxyl modified.

Carboxyl-modified polyethylene resins may be safely used as the food-contact surface of articles intended for use in contact with food in accordance with the following prescribed conditions:

(a) For the purpose of this section, carboxyl-modified polyethylene resins consist of basic polymers produced when ethylene-methyl acrylate basic copolymers, containing no more than 25 weight percent of polymer units derived from methyl acrylate, are made to react in an aqueous medium with one or more of the following substances:

Ammonium hydroxide.
Calcium carbonate.
Potassium hydroxide.
Sodium hydroxide.

(b) The finished food-contact article, when extracted with the solvent or solvents characterizing the type of food and under the conditions of time and temperature characterizing the conditions of its intended use as determined from tables 1 and 2 of § 121.2526(c), yields total extractives in each extracting solvent not to exceed 0.5 milligram per square inch of food-contact surface as determined by the methods described in § 121.2526(d); and if the finished food-contact article is itself the subject of a regulation in this Subpart F, it shall also comply with any specifications and limitations prescribed for it by that regulation. In testing the finished food-contact articles, a separate test sample is to be used for each required extracting solvent.

(c) The provisions of paragraph (b) of this section are not applicable to carboxyl-modified polyethylene resins used in food-packaging adhesives complying with § 121.2520.

§ 121.2581 Chlorinated polyether resins.

Chlorinated polyether resins may be safely used as articles or components of articles intended for repeated use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, in accordance with the following prescribed conditions:

(a) The chlorinated polyether resins are produced by the catalytic polymerization of 3,3-bis(chloromethyl) oxetane, and shall contain not more than 2 percent residual monomer.

(b) In accordance with good manufacturing practice, finished articles containing the chlorinated polyether resins shall be thoroughly cleansed prior to their first use in contact with food.

§ 121.2582 Ethylene-methacrylic acid copolymers and their partial salts.

Ethylene-methacrylic acid copolymers and/or their ammonium, calcium, magnesium, sodium, and/or zinc partial salts may be safely used as articles, or components of articles, intended for use in contact with food, in accordance with the following prescribed conditions:

(a) For the purpose of this section, the ethylene-methacrylic acid copolymers consist of basic copolymers produced by the copolymerization of ethylene and methacrylic acid such that the copolymers contain no more than 20 weight percent of polymer units derived from methacrylic acid.

(b) The finished food-contact article, when extracted with the solvent or solvents characterizing the type of food and under the conditions of time and temperature characterizing the conditions of its intended use as determined from tables 1 and 2 of § 121.2526(c), yields net acidified chloroform-soluble extractives in each extracting solvent not to exceed 0.5 milligram per square inch of food-contact surface when tested by the methods described in paragraph (c) of this section; and if the finished food-contact article is itself the subject of a regulation in this Subpart F, it shall also comply with any specifications and limitations prescribed for it by that regulation. (NOTE: In testing the finished food-contact article, use a separate test sample for each required extracting solvent.)

(c) *Analytical methods*—(1) *Selection of extractability conditions.* First ascertain the type of food (table 1 of § 121.2526(c)) that is being packed or used in contact with the finished food-contact article described in paragraph (b) of this section, and also ascertain the normal conditions of thermal treatment used in packaging or contacting the type of food involved. Using table 2 of § 121.2526(c), select the food-simulating solvent or solvents and the time-temperature test conditions that correspond to the intended use of the finished food-contact article. Having selected the appropriate food-simulating solvent or solvents and time-temperature exaggeration over normal use, follow the applicable extraction procedure.

(2) *Reagents*—(i) *Water.* All water used in extraction procedures should be freshly demineralized (deionized), distilled water.

(ii) *n-Heptane.* Reagent grade, freshly redistilled before use, using only material boiling at 208° F.

(iii) *Alcohol.* 8 or 50 percent (by volume), prepared from undenatured 95 percent ethyl alcohol diluted with demineralized (deionized), distilled water.

(iv) *Chloroform.* Reagent grade, freshly redistilled before use, or a grade having an established, consistently low blank.

(3) *Selection of test method.* The finished food-contact articles shall be tested either by the extraction cell described in the Journal of the Association of Official Agricultural Chemists, Volume 47, No. 1, pages 177–179 (February 1964), also described in ASTM Method F 34–63T, or by adapting the in-container methods described in § 121.2514(e).

(4) *Selection of samples.* Quadruplicate samples should be tested, using for each replicate sample the number of finished articles with a food-contact surface nearest to 100 square inches.

(5) *Determination of amount of extractives*—(i) *Total residues.* At the end of the exposure period, remove the test container or test cell from the oven, if any, and combine the solvent for each replicate in a clean Pyrex (or equivalent) flask or beaker, being sure to rinse the test container or cell with a small quantity of clean solvent. Evaporate the food-simulating solvents to about 100 milliliters in the flask, and transfer to a clean, tared evaporating dish (platinum or Pyrex), washing the flash three times with small portions of solvent used in the extraction procedure, and evaporate to a few milliliters on a nonsparking, low-temperature hotplate. The last few milliliters should be evaporated in an oven maintained at a temperature of 221° F. Cool the evaporating dish in a desiccator for 30 minutes and weigh the residues to the nearest 0.1 milligram, e. Calculate the extractives in milligrams per square inch of the container or material surface.

(a) *Water and 8- and 50-percent alcohol.*

$$\text{Milligrams extractives per square inch} = \frac{e}{s}.$$

(b) *Heptane.* Milligrams extractives per square inch $= \frac{e}{(s)(F)}$.

where:

e = Milligrams extractives per sample tested.
s = Surface area tested, in square inches.
F = Five, the ratio of the amount of extractives removed by heptane under exaggerated time-temperature test conditions compared to the amount extracted by a fat or oil under exaggerated conditions of thermal sterilization and use.
Acidified chloroform-soluble extractives residue.

e' is substituted for e in the above equations when necessary.

If when calculated by the equations in (*a*) and (*b*) of this subdivision, the extractives in milligrams per square inch exceed the limitations prescribed in paragraph (b) of this section, proceed to subdivision (ii) of this subparagraph (method for determining the amount of acidified chloroform-soluble extractives residue).

(ii) *Acidified chloroform-soluble extractives residue.* Add 3 milliliters of 37 percent ACS reagent grade hydrochloric acid and 3 milliliters of distilled water to the evaporating dish containing the dried and weighed residue, e, obtained in subdivision (i) of this subparagraph. Mix well so every portion of the residue is wetted with the hydrochloric acid solution. Then add 50 milliliters of chloroform. Warm carefully, and filter through Whatman No. 41 filter paper (or equivalent) in a Pyrex (or equivalent) funnel, collecting the filtrate in a clean separatory funnel, shake for 1 minute, then draw off the chloroform layer into a clean tared evaporating dish (platinum or Pyrex). Repeat the chloroform extraction, washing the dish, the filter paper, and the separatory funnel with this second portion of chloroform. Add this filtrate to the original filtrate and evaporate the total down to a few milliliters on a low-temperature hotplate. The last few milliliters should be evaporated in an oven maintained at 221° F. Cool the evaporating dish in a desiccator for 30 minutes and weigh to the nearest 0.1 milligram to get the acidified chloroform-soluble extractives residue, e'. This e' is substituted for e in the equations in (*a*) and (*b*) of subdivision (i) of this subparagraph.

(d) The provisions of paragraph (b) of this section are not applicable to the ethylene-methacrylic acid copolymers and/or their ammonium, calcium, magnesium, sodium, and/or zinc partial salts used in food-packaging adhesives complying with § 121.2520.

§ 121.2583 Adjuvant substances used in the manufacture of foamed polystyrene.

The following substances may be safely used as adjuvants in the manufacture of foamed polystyrene intended for use in contact with food, subject to any prescribed limitations:

List of substances:	Limitations
Isopentane	For use as blowing agent.
n-Pentane	Do.
1,1,2,2-Tetrachloroethylene.	For use only as a blowing agent adjuvant at a level not to exceed 0.3% by weight of finished foamed polystyrene intended for use in contact with food only of the types identified in § 121.2526(c), table 1, under categories I, II, VI, and VIII.
Toluene	For use only as a blowing agent adjuvant at a level not to exceed 0.35% by weight of finished foamed polystyrene.

§ 121.2584 Styrene-divinylbenzene cross-linked copolymer resins.

Styrene-divinylbenzene cross-linked copolymer resins may be safely used as articles or components of articles intended for repeated use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, in accordance with the following prescribed conditions:

(a) The resins are produced by the copolymerization of styrene with divinylbenzene.

(b) The resins meet the extractives limitations prescribed in this paragraph:

(1) The resins to be tested are ground or cut into small particles that will pass through a U.S. standard sieve No. 3 and that will be held on a U.S. standard sieve No. 20.

(2) A 100-gram sample of the resins, when extracted with 100 milliliters of ethyl acetate at reflux temperature for 1 hour, yields total extractives not to exceed 1 percent by weight of the resins.

(c) In accordance with good manufacturing practice, finished articles containing the resins shall be thoroughly cleansed prior to their first use in contact with food.

§ 121.2585 4,4'-Isopropylidenediphenol-epichlorohydrin thermosetting epoxy resins.

4,4'-Isopropylidenediphenol-epichlorohydrin thermosetting epoxy resins may be safely used as articles or components of articles intended for repeated use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, in accordance with the following prescribed conditions:

(a) The basic thermosetting epoxy resin is made by reacting 4,4'-isopropylidenediphenol with epichlorohydrin.

(b) The resin may contain one or more of the following curing system additives provided that the quantity used does not exceed that reasonably required to accomplish the intended effect:

Allyl glycidyl ether.
1,2-Epoxy-3-phenoxypropane.
Glyoxal.
4,4'-Isopropylidenediphenol.
4,4'-Methylenedianiline.
m-Phenylenediamine.

(c) In accordance with good manufacturing practice, finished articles containing the resins shall be thoroughly cleansed prior to their first use in contact with food.

(d) The provisions of this section are not applicable to 4,4'-isopropylidenediphenol-epichlorohydrin resins listed in other sections of this Subpart F.

§ 121.2586 Petroleum wax.

Petroleum wax may be safely used as a component of nonfood articles in contact with food, in accordance with the following conditions:

(a) Petroleum wax is a mixture of solid hydrocarbons, paraffinic in nature, derived from petroleum, and refined to meet the specifications prescribed in this section.

(b) The petroleum wax meets the following ultraviolet absorbance limits when subjected to the analytical procedure described in § 121.1156(b).

Ultraviolet absorbance per centimeter path length:

280–289 millimicrons	0.15 maximum
290–299 millimicrons	0.12 maximum
300–359 millimicrons	0.08 maximum
360–400 millimicrons	0.02 maximum

(c) Petroleum wax may contain any antioxidant permitted in food by regulations issued in accordance with section 409 of the act, in an amount not greater than that required to produce its intended effect.

§ 121.2588 Petrolatum.

Petrolatum may be safely used as a component of nonfood articles in contact with food, in accordance with the following conditions:

(a) Petrolatum complies with the specifications set forth in the U.S. Pharmacopeia XVI for white petrolatum or in The National Formulary XI for yellow petrolatum.

(b) Petrolatum meets the following ultraviolet absorbance limits when subjected to the analytical procedure described in § 121.1156(b):

Ultraviolet absorbance per centimeter path length:

Millimicrons:	*Maximum*
280–289	0.25
290–299	.20
300–359	.14
360–400	.04

(c) It is used or intended for use as a protective coating of the surfaces of metal or wood tanks used in fermentation process, in an amount not in excess of that required to produce its intended effect.

(d) Petrolatum as defined by this section may be used for the functions described and within the limitations prescribed by specific regulations in Subpart F which prescribe uses of petrolatum. For the purpose of cross-reference, such specific regulations include: §§ 121.2514, 121.2519, 121.2520, 121.2526, 121.2535, 121.2553, 121.2557, 121.2562, and 121.2577.

(e) Petrolatum may contain any antioxidant permitted in food by regulations issued pursuant to section 409 of the act, in an amount not greater than that required to produce its intended effect.

§ 121.2589 Mineral oil.

Mineral oil may be safely used as a component of nonfood articles intended for use in contact with food, subject to the provisions of this section:

(a) White mineral oil meeting the specifications prescribed in § 121.1146 may be used as a component of nonfood articles provided such use complies with any applicable limitations in this Part 121. The use of white mineral oil in or on food itself, including the use of white mineral oil as a protective coating or release agent for food, is subject to the provisions of § 121.1146.

(b) Technical white mineral oil identified in subparagraph (1) of this paragraph may be used as provided in subparagraph (2) of this paragraph.

(1) Technical white mineral oil consists of specially refined distillates of virgin petroleum or of specially refined distillates that are produced synthetically from petroleum gases. Technical white mineral oil meets the following specifications:

(i) Saybolt color 20 minimum as determined by ASTM Method D–156.

(ii) Ultraviolet absorbance limits as follows:

Wavelength	Maximum absorbance per centimeter optical pathlength
mμ	
280–289	4.0
290–299	3.3
300–329	2.3
330–350	0.8

Technical white mineral oil containing antioxidants shall meet the specified ultraviolet absorbance limits after correction for any absorbance due to the antioxidants. The ultraviolet absorbance shall be determined by the procedure described for application to mineral oil under "Specification" on page 66 of the Journal of the Association of Official Agricultural Chemists, Volume 45 (February 1962), disregarding the last two sentences of that procedure and substituting therefor the following: Determine the absorbance of the mineral oil extract in a 10-millimeter cell in the range from 260–350 mμ, inclusive, compared to the solvent control. If the absorbance so measured exceeds 2.0 at any point in range 280–350 mμ, inclusive, dilute the extract and the solvent control, respectively, to twice their volume with dimethyl sulfoxide and remeasure the absorbance. Multiply the remeasured absorbance values by 2 to determine the absorbance of the mineral oil extract per centimeter optical pathlength.

(2) Technical white mineral oil may be used wherever mineral oil is permitted for use as a component of nonfood articles complying with §§ 121.2519, 121.2520, 121.2531, 121.2535, 121.2536, 121.2553, 121.2557, and 121.2562.

(3) Technical white mineral oil may contain any antioxidant permitted in food by regulations issued in accordance with section 409 of the act, in an amount

not greater than that required to produce its intended effect.

§ 121.2590 Isobutylene polymers.

Isobutylene polymers may be safely used as components of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, in accordance with the following prescribed conditions:

(a) For the purpose of this section, isobutylene polymers are those produced as follows:

(1) Polyisobutylene produced by the homopolymerization of isobutylene such that the finished polymers have a molecular weight of 750,000 (Flory) or higher.

(2) Isobutylene-isoprene copolymers produced by the copolymerization of isobutylene with not more than 3 molar percent of isoprene such that the finished polymers have a molecular weight of 300,000 (Flory) or higher.

(3) Chlorinated isobutylene-isoprene copolymers produced when isobutylene-isoprene copolymers (molecular weight 300,000 (Flory) or higher) are modified by chlorination with not more than 1.3 weight-percent of chlorine.

(b) The polymers identified in paragraph (a) of this section may contain optional adjuvant substances required in the production of the polymers. The optional adjuvant substances required in the production of the polymers may include substances generally recognized as safe in food, substances used in accordance with a prior sanction or approval, and the following:

List of substances	Limitations
Aluminum chloride	
Polysorbate 80	

§ 121.2591 Semirigid and rigid acrylic and modified acrylic plastics.

Semirigid and rigid acrylic and modified acrylic plastics may be safely used as articles intended for use in contact with food, in accordance with the following prescribed conditions:

(a) The optional substances used in the formulation of the semirigid and rigid acrylic and modified acrylic plastics include substances generally recognized as safe in food, substance used in accordance with a prior sanction or approval, substances permitted for use in such plastics by regulations in this Part 121, and substances identified in this paragraph. At least 50 weight-percent of the polymer content of the finished plastics shall consist of polymer units derived from one or more of the acrylic or methacrylic monomers listed in subparagraph (1) of this paragraph.

(1) Homopolymers and copolymers of the following monomers:

n-Butyl acrylate.
n-Butyl methacrylate.
Ethyl acrylate.
2-Ethylhexyl acrylate.
Ethyl methacrylate.
Methyl acrylate.
Methyl methacrylate.

(2) Copolymers produced by copolymerizing one or more of the monomers listed in subparagraph (1) of this paragraph with one or more of the following monomers:

Acrylonitrile.
Methacrylonitrile.
α-Methylstyrene.
Styrene.
Vinyl chloride.
Vinylidene chloride.

(3) Polymers identified in subparagraphs (1) and (2) of this paragraph containing no more than 5 weight-percent of total polymer units derived by copolymerization with one or more of the monomers listed in subdivisions (i) and (ii) of this subparagraph. Monomers listed in subdivision (ii) of this subparagraph are limited to use only in plastic articles intended for repeated use in contact with food.

(i) List of minor monomers:

Acrylamide.
Acrylic acid.
1,3-Butylene glycol dimethacrylate.
1,4-Butylene glycol dimethacrylate.
Diethylene glycol dimethacrylate.
Dipropylene glycol dimethacrylate.
Divinylbenzene.
Ethylene glycol dimethacrylate.
Itaconic acid.
Methacrylic acid.
N-Methylolacrylamide.
N-Methylolmethacrylamide.
4-Methyl-1,4-pentanediol dimethacrylate.
Propylene glycol dimethacrylate.
Trivinylbenzene.

(ii) List of minor monomers limited to use only in plastic articles intended for repeated use in contact with food:

tert-Butyl acrylate.
tert-Butylaminoethyl methacrylate.
sec-Butyl methacrylate.
tert-Butyl methacrylate.
Cyclohexyl methacrylate.
Dimethylaminoethyl methacrylate.
2-Ethylhexyl methacrylate.
Hydroxyethyl methacrylate.
Hydroxyethyl vinyl sulfide.
Hydroxypropyl methacrylate.
Isobornyl methacrylate.
Isobutyl methacrylate.
Isopropyl acrylate.
Isopropyl methacrylate.
Methacrylamide.
Methacrylamidoethylene urea.
Methacryloxyacetamidoethylethylene urea.
Methacryloxyacetic acid.
n-Propyl methacrylate.
3,5,5-Trimethylcyclohexyl methacrylate.

(4) Polymers identified in subparagraphs (1), (2), and (3) of this paragraph mixed together and/or with the following polymers, provided that no chemical reactions, other than addition reactions, occur when they are mixed:

Butadiene-acrylonitrile copolymers.
Butadiene-acrylonitrile-styrene copolymers.
Butadiene - acrylonitrile - styrene - methyl methacrylate copolymers.
Butadiene-styrene copolymers.
Butyl rubber.
Natural rubber.
Polybutadiene.
Poly(3-chloro-1,3-butadiene).
Polyesters identified in § 121.2514(b)(3)(vii).
Polyvinyl chloride.
Vinyl chloride-vinyl acetate copolymers.

(5) Antioxidants and stabilizers identified in § 121.2514(b)(3)(xxx) and the following:

Di-*tert*-butyl-*p*-cresol.
2-Hydroxy-4-methoxybenzophenone.
2 - Hydroxy - 4 - methoxy - 2 - carboxybenzophenone.
2(2′ - Hydroxy - 5′ - methylphenyl) benzotriazole.
3-Hydroxyphenyl benzoate.
p-Methoxyphenol.
Methyl salicylate.
Phenyl salicylate.

(6) Release agents: Fatty acids derived from animal and vegetable fats and oils, and fatty alcohols derived from such acids.

(7) Surface active agent: Sodium dodecylbenzenesulfonate.

(8) Miscellaneous materials:

Dimethyl phthalate.
Oxalic acid, for use only as a polymerization catalyst aid.
Tetraethylenepentamine, for use only as a catalyst activator at a level not to exceed 0.5 weight-percent based on the monomers.
Toluene.
Xylene.

(b) The semirigid and rigid acrylic and modified acrylic plastics, in the finished form in which they are to contact food, when extracted with the solvent or solvents characterizing the type of food and under the conditions of time and temperature as determined from tables 1 and 2 of § 121.2526(c), shall yield extractives not to exceed the following, when tested by the methods prescribed in paragraph (c) of this paragraph:

(1) Total nonvolatile extractives not to exceed 0.3 milligram per square inch of surface tested.

(2) Potassium permanganate oxidizable distilled water and 8 and 50 percent alcohol extractives not to exceed an absorbance of 0.15.

(3) Ultraviolet-absorbing distilled water and 8 and 50 percent alcohol extractives not to exceed an absorbance of 0.30.

(4) Ultraviolet-absorbing *n*-heptane extractives not to exceed an absorbance of 0.10.

(c) *Analytical methods*—(1) *Selection of extractability conditions.* These are to be chosen as provided in § 121.2526(c).

(2) *Preparation of samples.* Sufficient samples to allow duplicates of all applicable tests shall be cut from the articles or formed from the plastic composition under tests, as strips about 2.5 inches by about 0.85-inch wide by about 0.125-inch thick. The total exposed surface should be 5 square inches ±0.5-square inch. The samples, after preparation, shall be washed with a clean brush under hot tapwater, rinsed under running hot tapwater (140° F. minimum), rinsed with distilled water, and air-dried in a dust-free area or in a desiccator.

(3) *Preparation of solvents.* The water used shall be double-distilled water, prepared in a still using a block tin condenser. The 8 and 50 percent (by volume) alcohol solvents shall be prepared from ethyl alcohol meeting the specifications of U.S.P. XVII and diluted with double-distilled water that has been prepared in a still using a tin block condenser. The *n*-heptane shall be spectrophotometric grade. Adequate precautions must be taken to keep all solvents dust-free.

(4) *Blank values on solvents.* (i) Duplicate determinations of residual solids shall be run on samples of each solvent that have been exposed to the temperature-time conditions of the extraction test without the plastic sample. Sixty milliliters of exposed solvent is pipetted into a clean, weighed platinum dish, evaporated to 2–5 milliliters on a nonsparking, low-temperature hot plate and dried in 212° F. oven for 30 minutes. The residue for each solvent shall be determined by weight and the average residue weight used as the blank value in the total solids determination set out in subparagraph (6) of this paragraph. The residue for an acceptable solvent sample shall not exceed 0.5 milligram per 60 milliliters.

(ii) For acceptability in the ultraviolet absorbers test, a sample of each solvent shall be scanned in an ultraviolet spectrophotometer in 5-centimeter silica spectrophotometric absorption cells. The absorbance of the distilled water when measured versus air in the reference cell shall not exceed 0.03 at any point in the wavelength region of 245 to 310 mμ. The absorbance of the 8 percent alcohol when measured versus distilled water in the reference cell shall not exceed 0.01 at any point in the wavelength region of 245 to 310 mμ. The absorbance of the 50 percent alcohol when measured versus distilled water in the reference cell shall not exceed 0.05 at any point in the wavelength region of 245 to 310 mμ. The absorbance of the heptane when measured versus distilled water in the reference cell shall not exceed 0.15 at 245, 0.09 at 260, 0.04 at 270, and 0.02 at any point in the wavelength region of 280 to 310 mμ.

(iii) Duplicate ultraviolet blank determinations shall be run on samples of each solvent that have been exposed to the temperature-time conditions of the extraction test without the plastic sample. An aliquot of the exposed solvent shall be measured versus the unexposed solvent in the reference cell. The average difference in the absorbances at any wavelength in the region of 245 to 310 mμ shall be used as a blank correction for the ultraviolet absorbers measured at the same wavelength according to subparagraph (8)(ii) of this paragraph.

(iv) The acceptability of the solvents for use in the permanganate test shall be determined by preparing duplicate permanganate test blanks according to subparagraph (7)(iv) of this paragraph. For this test, the directions referring to the sample extract shall be disregarded. The blanks shall be scanned in 5-centimeter silica spectrophotometric cells in the spectrophotometer versus the appropriate solvent as reference. The absorbance in distilled water in the wavelength region of 544 to 552 mμ should be 1.16 but must not be less than 1.05 nor more than 1.25. The absorbance in the 8 and 50 percent alcohol must not be less than 0.85 nor more than 1.15.

(v) Duplicate permanganate test determinations shall be run on samples of distilled water and 8 and 50 percent alcohol solvents that have been exposed to the temperature-time conditions of the extraction test without the plastic sample. The procedure shall be as described in subparagraph (7)(iv) of this paragraph, except that the appropriate exposed solvent shall be substituted where the directions call for sample extract. The average difference in the absorbances in the region of 544 to 552 mμ shall be used as a blank correction for the determination of permanganate oxidizable extractives according to subparagraph (7)(iv) of this paragraph.

(5) *Extraction procedure.* For each extraction, place a plastic sample in a clean 25 millimeters x 200 millimeters hard-glass test tube and add solvent equal to 10 milliliters of solvent per square inch of plastic surface. This amount will be between 45 milliliters and 55 milliliters. The solvent must be preequilibrated to the temperature of the extraction test. Close the test tube with a ground-glass stopper and expose to the specified temperature for the specified time. Cool the tube and contents to room temperature if necessary.

(6) *Determination of total nonvolatile extractives.* Remove the plastic strip from the solvent with a pair of clean forceps and wash the strip with 5 milliliters of the appropriate solvent, adding the washings to the contents of the test tube. Pour the contents of the test tube into a clean, weighed platinum dish. Wash the tube with 5 milliliters of the appropriate solvent and add the solvent to the platinum dish. Evaporate the solvent to 2–5 milliliters on a nonsparking, low-temperature hotplate. Complete the evaporation in a 212° F. oven for 30 minutes. Cool the dish in a desiccator for 30 minutes and weigh to the nearest 0.1 milligram. Calculate the total nonvolatile extractives as follows:

$$\text{Milligrams extractives per square inch} = \frac{e-b}{s};$$

$$\text{Extractives in parts per million} = \left(\frac{e-b}{s}\right)(100),$$

where:

e = Total increase in weight of the dish, in milligrams.
b = Blank value of the solvent in milligrams, as determined in subparagraph (4)(i) of this paragraph.
s = Total surface of the plastic sample in square inches.

(7) *Determination of potassium permanganate oxidizable extractives.* (i) Pipette 25 milliliters of distilled water into a clean 125-milliliter Erlenmeyer flask that has been rinsed several times with aliquots of distilled water. This is the blank. Prepare a distilled water solution containing 1.0 part per million of *p*-methoxyphenol (melting point 54–56° C., Eastman grade or equivalent). Pipette 25 milliliters of this *p*-methoxyphenol solution into a rinsed Erlenmeyer flask. Pipette exactly 3.0 milliliters of 154 parts per million aqueous potassium permanganate solution into the *p*-methoxyphenol and exactly 3.0 milliliters into the blank, in that order. Swirl both flasks to mix the contents and then transfer aliquots from each flask into matched 5-centimeter spectrophotometric absorption cells. The cells are placed in the spectrophotometer cell compartment with the *p*-methoxyphenol solution in the reference beam. Spectrophotometric measurement is conducted as in subdivision (iv) of this subparagraph. The absorbance reading in the region 544–552 mμ should be 0.24 but must be not less than 0.12 nor more than 0.36. This test shall be run in duplicate. For the purpose of ascertaining compliance with the limitations in paragraph (b)(2) of this section, the absorbance measurements obtained on the distilled water extracts according to subdivision (iv) of this subparagraph shall be multiplied by a correction factor, calculated as follows:

$$\frac{0.24}{\text{Average of duplicate } p\text{-methoxyphenol absorbance determinations according to this subdivision (i) of this subparagraph.}} = \text{Correction factor for water extracts.}$$

(ii) The procedure in subdivision (i) of this subparagraph is repeated except that, in this instance, the solvent shall be 8 percent alcohol. The absorbance in the region 544–552 mμ should be 0.26 but must be not less than 0.13 nor more than 0.39. This test shall be run in duplicate. For the purpose of ascertaining compliance with the limitations prescribed in paragraph (b)(2) of this section, the absorbance measurements obtained on the 8 percent alcohol extracts according to subdivision (iv) of this subparagraph shall be multiplied by a correction factor, calculated as follows:

$$\frac{0.26}{\text{Average of duplicate } p\text{-methoxyphenol absorbance determination according to this subdivision (ii) of this subparagraph.}} = \text{Correction factor for aqueous 8 percent alcohol extracts.}$$

(iii) The procedure in subdivision (i) of this subparagraph is repeated except that, in this instance, the solvent shall be 50 percent alcohol. The absorbance in the region 544–552 mμ should be 0.25 but must be not less than 0.12 nor more than 0.38. This test shall be run in duplicate. For the purpose of ascertaining compliance with the limitations prescribed in paragraph (b)(2) of this section, the absorbance measurements obtained on the 50 percent alcohol extracts according to subdivision (iv) of this subparagraph shall be multiplied by a correction factor, calculated as follows:

$$\frac{0.25}{\text{Average of duplicate } p\text{-methoxyphenol absorbance determinations according to subdivision (ii) of this subparagraph.}} = \text{Correction factor for 50 percent aqueous alcohol extracts.}$$

(iv) *Water and 8 and 50 percent alcohol extracts.* Pipette 25 milliliters of the appropriate solvent into a clean, 125-milliliter Erlenmeyer flask that has been rinsed several times with aliquots of the same solvent. This is the blank. Into another similarly rinsed flask, pipette 25 milliliters of the sample extract that has been exposed under the conditions specified in subparagraph (5) of this paragraph. Pipette exactly 3.0 milliliters of 154 parts per million aqueous potassium permanganate solution into the sample and exactly 3.0 milliliters into the blank, in that order. Before use, the potassium permanganate solution shall be checked as in subdivision (i) of this subparagraph. Both flasks are swirled to mix the contents, and then aliquots from each flask are transferred to matched 5-centimeter spectrophotometric absorption cells. Both cells are placed in the spectrophotometer cell compartment with the sample solution in the reference beam. The spectrophotometer is adjusted for 0 and 100 percent transmittance at 700 mμ. The spectrum is scanned on the absorbance scale from 700 mμ to 500 mμ in such a way that the region 544 mμ to 552 mμ is scanned within 5 minutes to 10 minutes of the time that permanganate was added to the solutions. The height of the absorbance peak shall be measured, corrected for the blank as determined in subparagraph (4)(v) of this paragraph, and multiplied by the appropriate correction factor determined according to subdivisions (i), (ii), and (iii) of this subparagraph. This test shall be run in duplicate and the two results averaged.

(8) *Determination of ultraviolet-absorbing extractives.* (i) A distilled water solution containing 1.0 part per million of *p*-methoxyphenol (melting point 54° C.–56° C. Eastman grade or equivalent) shall be scanned in the region 360 to 220 mμ in 5-centimeter silica spectrophotometric absorption cells versus a distilled water reference. The absorbance at the wavelength of maximum absorbance (should be about 285 mμ) is about 0.11 but must be not less than 0.08 nor more than 0.14. This test shall be run in duplicate. For the purpose of ascertaining compliance with the limitations prescribed in paragraph (b) (3) and (4) of this section, the absorbance obtained on the extracts according to subdivision (ii) of this subparagraph shall be multiplied by a correction factor, calculated as follows:

$$\frac{0.11}{\text{Average of duplicate } p\text{-methoxyphenol absorbance determinations according to this subdivision (i) of this subparagraph.}} = \text{Correction factor for ultraviolet absorbers test.}$$

(ii) An aliquot of the extract that has been exposed under the conditions specified in subparagraph (5) of this paragraph is scanned in the wavelength region 360 to 220 mμ versus the appropriate solvent reference in matched 5-centimeter silica spectrophotometric absorption cells. The height of any absorption peak shall be measured, corrected for the blank as determined in subparagraph (4)(iii) of this paragraph, and multiplied by the correction factor determined according to subdivision (i) of this subparagraph.

(d) In accordance with good manufacturing practice, finished semirigid and rigid acrylic and modified acrylic plastics intended for repeated use in contact with food shall be thoroughly cleansed prior to their first use in contact with food.

§ 121.2592 Rosins and rosin derivatives.

The rosins and rosin derivatives identified in paragraph (a) of this section may safely be used in the manufacture of articles or components of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, subject to the provisions of this section.

(a) The rosins and rosin derivatives are identified as follows:

(1) Rosins:

(i) Gum rosin, refined to color grade of K or paler.

(ii) Wood rosin, refined to color grade of K or paler.

(iii) Tall oil rosin, refined to color grade of K or paler.

(iv) Dark tall oil rosin, a fraction resulting from the refining of tall oil rosin produced by multicolumnar distillation of crude tall oil to effect removal of fatty acids and pitch components and having a saponification number of from 110–135 and 32 percent–44 percent rosin acids.

(v) Dark wood rosin, all or part of the residue after the volatile terpene oils are distilled from the oleoresin extracted from pine wood.

(2) Modified rosins manufactured from rosins identified in subparagraph (1) of this paragraph:

(i) Partially hydrogenated rosin, catalytically hydrogenated to a maximum refractive index of 1.5012 at 100° C., and a color of WG or paler.

(ii) Fully hydrogenated rosin, catalytically hydrogenated to a maximum dehydroabietic acid content of 2 percent, a minimum drop-softening point of 79° C., and a color of X or paler.

(iii) Partially dimerized rosin, dimerized by sulfuric acid catalyst to a drop-softening point of 95° C.–105° C., and a color of WG or paler.

(iv) Fully dimerized rosin, dimerized by sulfuric acid catalyst, and from which sufficient nondimerized rosin has been removed by distillation to achieve a minimum drop-softening point of 143° C., and a color of H or paler.

(v) Disproportionated rosin, catalytically disproportionated to a minimum dehydroabietic acid content of 45 percent, a maximum abietic acid content of 1 percent, a maximum content of substituted phenanthrenes (as retene) of 0.25 percent, and a color of WG or paler.

(3) Rosin esters manufactured from rosins and modified rosins identified in subparagraphs (1) and (2) of this paragraph:

(i) Glycerol ester of wood rosin purified by steam stripping to have an acid number of 5 to 9, a drop-softening point of 88° C.–96° C., and a color of N or paler.

(ii) Glycerol ester of partially hydrogenated wood rosin, having an acid number of 3 to 10, a drop-softening point of 79° C.–88° C., and a color of N or paler.

(iii) Glycerol ester of partially dimerized rosin, having an acid number of 3 to 8, a drop-softening point of 109° C.–119° C., and a color of M or paler.

(iv) Glycerol ester of fully dimerized rosin, having an acid number of 5 to 16, a drop-softening point of 165° C.–175° C., and a color of H or paler.

(v) Glycerol ester of maleic anhydride-modified wood rosin, having an acid number of 30 to 40, a drop-softening point of 138° C.–146° C., a color of M or paler, and a saponification number less than 280.

(vi) Methyl ester of rosin, partially hydrogenated, purified by steam stripping to have an acid number of 4 to 8, a refractive index of 1.5170 to 1.5205 at 20° C., and a viscosity of 23 to 66 poises at 25° C.

(vii) Pentaerythritol ester of wood rosin, having an acid number of 6 to 16, a drop-softening point of 109° C.–116° C., and a color of M or paler.

(viii) Pentaerythritol ester of partially hydrogenated wood rosin, having an acid number of 7 to 18, a drop-softening point of 102° C.–110° C., and a color of K or paler.

(ix) Pentaerythritol ester of maleic anhydride-modified wood rosin, having an acid number of 8 to 16, a drop-softening point of 154° C.–162° C., a color of M or paler, and having a saponification number less than 280.

(x) Pentaerythritol ester of maleic anhydride-modified wood rosin, having an acid number of 9 to 16, a drop-softening point of 130° C.–140° C., a color of N or paler, and having a saponification number less than 280.

(xi) Pentaerythritol ester of maleic anhydride-modified wood rosin, having an acid number of 134 to 145, a drop-softening point of 127° C.–137° C., a color of M or paler, and having a saponification number less than 280.

(xii) Pentaerythritol ester of maleic anhydride-modified wood rosin, having an acid number of 30 to 40, a drop-softening point of 131° C.–137° C., a color of N or paler, and having a saponification number less than 280.

(xiii) Pentaerythritol ester of maleic anhydride-modified wood rosin, further modified by reaction with 4,4′-isopropylidenediphenol-formaldehyde condensate, having an acid number of 10 to 22, a drop-softening point of 162° C.–172° C., a color of K or paler, a saponification number less than 280, and a maximum ultraviolet absorbance of 0.14 at 296 mμ (using a 1-centimeter cell and 200 milligrams of the rosin ester per liter of solvent consisting of ethyl alcohol made alkaline by addition of 0.1 percent of potassium hydroxide).

(xiv) Mixed methyl and pentaerythritol ester of maleic anhydride-modified wood rosin, having an acid number of 73 to 83, a drop-softening point of 113° C.–123° C., a color of M or paler, and a saponification number less than 280.

(xv) Triethylene glycol ester of partially hydrogenated wood rosin, having an acid number of 2 to 10, a color of K or paler, and a viscosity of 350 to 425 seconds Saybolt at 100° C.

(xvi) Glycerol ester of maleic anhydride-modified wood rosin, having an acid number of 17 to 23, a drop-softening point of 136° C.–140° C., a color of M or paler, and a saponification number less than 280. For use only in cellophane complying with § 121.2507.

(4) Rosin salts and sizes—Ammonium, calcium, potassium, sodium, or zinc salts of rosin manufactured by the partial or complete saponification of gum rosin, wood rosin, tall oil rosin, dark tall oil rosin, dark wood rosin, partially hydrogenated rosin, fully hydrogenated rosin, or disproportionated rosin as identified in subparagraphs (1) and (2) (i), (ii), and (v) of this paragraph, or blends thereof, and with or without modification by reaction with one or more of the following:

(i) Formaldehyde.

(ii) Fumaric acid.

(iii) Maleic anhydride.

(iv) Saligenin.

(b) The quantity used shall not exceed the amount reasonably required to accomplish the intended technical effect.

(c) The use in any substance or article that is the subject of a regulation in this Subpart F shall conform with any specifications and limitations prescribed by such regulation for the finished form of the substance or article.

(d) The provisions of this section are not applicable to rosins and rosin derivatives identified in § 121.2514(b)(3)(v) and used in resinous and polymeric coatings complying with § 121.2514.

(e) The provisions of this section are not applicable to rosins and rosin derivatives identified in § 121.2520(c)(5) and used in defoaming agents complying with § 121.2519, food-packaging adhesives complying with § 121.2520, and rubber articles complying with § 121.2562.

§ 121.2593 Polyvinylidene fluoride resins.

Polyvinylidene fluoride resins may be safely used as articles or components of articles intended for repeated use in contact with food, in accordance with the following prescribed conditions:

(a) For the purpose of this section, the polyvinylidene fluoride resins consist of basic resins produced by the polymerization of vinylidene fluoride.

(b) The finished food-contact article, when extracted at reflux temperatures for 2 hours with the solvents distilled water, 50 percent (by volume) ethyl alcohol in distilled water, and *n*-heptane, yields total extractives in each extracting solvent not to exceed 0.01 milligram per square inch of food-contact surface tested; and if the finished food-contact article is itself the subject of a regulation in this Subpart F it shall also comply with any specifications and limitations prescribed for it by that regulation. (Note: In testing the finished food-contact article, use a separate test sample for each required extracting solvent.)

(c) In accordance with good manufacturing practice, finished food-contact articles containing the polyvinylidene fluoride resins shall be thoroughly cleansed prior to their first use in contact with food.

§ 121.2594 Odorless light petroleum hydrocarbons.

Odorless light petroleum hydrocarbons may be safely used, as a component of nonfood articles intended for use in contact with food, in accordance with the following prescribed conditions:

(a) The additive is a mixture of liquid hydrocarbons derived from petroleum or synthesized from petroleum gases. The additive is chiefly paraffinic, isoparaffinic, or naphthenic in nature.

(b) The additive meets the following specifications:

(1) Odor is faint and not kerosenic.

(2) Initial boiling point is 300° F. minimum.

(3) Final boiling point is 650° F. maximum.

(4) Ultraviolet absorbance limits determined by method specified in § 121.2589(b)(1)(ii), as follows:

Wavelength	Maximum absorbance per centimeter optical pathlength
mμ	
280–289	4.0
290–299	3.3
300–329	2.3
330–360	0.8

(c) The additive is used as follows:

Use	Limitations
As a plasticizer and absorber oil in the manufacture of polyolefin articles authorized for food contact use.	In an amount not to exceed that required to produce intended effect, consistent with good manufacturing practice.
As a lubricant of fibers of textiles authorized for food contact use.	At a use level not to exceed 0.15 percent by weight of finished fibers.
As a component of adhesives.	Complying with § 121.2520.
As a defoamer in the manufacture of paper and paperboard.	Complying with § 121.2519.
As a defoamer in coatings.	Complying with § 121.2557.

§ 121.2595 Urea-formaldehyde resins in molded articles.

Urea-formaldehyde resins may be safely used as the food-contact surface of molded articles intended for use in contact with food, in accordance with the following prescribed conditions:

(a) For the purpose of this section, urea-formaldehyde resins are those produced when 1 mole of urea is made to react with not more than 2 moles of formaldehyde in water solution.

(b) The resins may be mixed with refined wood pulp and the mixture may contain other optional adjuvant substances which may include the following:

List of substances	*Limitations*
Hexamethylenetetramine	For use only as polymerization-control agent.
Tetrachlorophthalic acid anhydride.	Do.
Zinc stearate	For use as lubricant.

(c) The finished food-contact article, when extracted with the solvent or solvents characterizing the type of food and under the conditions of time and temperature characterizing the conditions of its intended use as determined from tables 1 and 2 of § 121.2514(d), yields total extractives in each extracting solvent not to exceed 0.5 milligram per square inch of food-contact surface as determined by the methods described in § 121.2514(e).

Note: In testing the finished food-contact article, use a separate test sample for each required extracting solvent.

§ 121.2596 Sodium pentachlorophenate.

Sodium pentachlorophenate may be safely used as a preservative for ammonium alginate employed as a processing aid in the manufacture of polyvinyl chloride emulsion polymers intended for

use as articles or components of articles that contact food at temperatures not to exceed room temperature. The quantity of sodium pentachlorophenate used shall not exceed 0.5 percent by weight of ammonium alginate solids.

§ 121.2597 Acrylic polymer modifiers in semirigid and rigid polyvinyl chloride plastics.

The acrylic polymers identified in paragraph (a) of this section may be safely admixed, alone or in mixture with other permitted polymers, as modifiers in semirigid and rigid polyvinyl chloride plastic articles intended for use in contact with food, in accordance with the following prescribed conditions:

(a) For the purpose of this section, the acrylic polymer modifiers are those identified in subparagraphs (1), (2), (3), and (4) of this paragraph: *Provided*, That such polymers contain at least 50 weight-percent of polymer units derived from one or more of the monomers listed in subparagraph (1) of this paragraph.

(1) Homopolymers and copolymers of the following monomers:

n-Butyl acrylate.
n-Butyl methacrylate.
Ethyl acrylate.
Methyl methacrylate.

(2) Copolymers produced by copolymerizing one or more of the monomers listed in subparagraph (1) of this paragraph with one or more of the following monomers:

Acrylonitrile.
Butadiene.
Styrene.
Vinylidene chloride.

(3) Polymers identified in subparagraphs (1) and (2) of this paragraph containing no more than 5 weight-percent of total polymer units derived by copolymerization with one or more of the following monomers:

Acrylic acid.
1,3-Butylene glycol dimethacrylate.
Divinylbenzene.
Methacrylic acid.

(4) Mixtures of polymers identified in subparagraphs (1), (2), and (3) of this paragraph: *Provided*, That no chemical reactions, other than addition reactions, occur when they are mixed.

(b) The polymer content of the finished plastic food-contact article consists of not less than 80 weight-percent of polymer units derived from vinyl chloride and not more than 5 weight-percent of polymer units derived from the acrylic polymers identified in paragraph (a) of this section.

(c) No chemical reactions, other than addition reactions, occur among the acrylic polymers identified in paragraph (a) of this section, the polyvinyl chloride, and any other permitted modifying polymers present in the polymer mixture used in the manufacture of the finished plastic food-contact article.

(d) The finished plastic food-contact article, when extracted with the solvent or solvents characterizing the type of food and under the conditions of time and temperature characterizing the conditions of its intended use as determined from tables 1 and 2 of § 121.2526(c), yields extractives not to exceed the limits prescribed in § 121.2591(b) (1), (2), (3), and (4) when tested by the methods prescribed in § 121.2591(c).

Subpart G—Radiation and Radiation Sources Intended for Use in the Production, Processing, and Handling of Food

AUTHORITY: The provisions of this Subpart G issued under sec. 409, 72 Stat. 1785; 21 U.S.C. 348.

§ 121.3001 Sources of radiation used for inspection of food, for inspection of packaged food, and for controlling food processing.

Sources of radiation for the purposes of inspection of foods, for inspection of packaged food, and for controlling food processing may be safely used under the following conditions:

(a) The radiation source is one of the following:

(1) X-ray tubes producing X-radiation from operation of the tube source at energy levels of 300 kilovolt peak or lower.

(2) Sealed units producing radiations at energy levels of not more than 2.2 million electron volts from one of the following isotopes: Cesium 137, cobalt 60, krypton 85, radium 226, and strontium 90.

(b) To assure safe use of these radiation sources:

(1) The label of the sources shall bear, in addition to the other information required by the Act:

(i) Appropriate and accurate information identifying the source of radiation.

(ii) The maximum energy of radiation emitted by X-ray tube sources.

(2) The label or accompanying labeling shall bear:

(i) Adequate directions for installation and use.

(ii) A statement that no food shall be exposed to a radiation source so as to receive an absorbed dose in excess of 1000 rads.

§ 121.3002 Gamma radiation for the processing and treatment of food.

Gamma radiation for the processing and treatment of food may be safely used under the following conditions:

(a) The radiation source consists of sealed units containing one of the following isotopes: Cesium 137, cobalt 60.

(b) The gamma radiation is used or intended for use as follows:

Irradiated food	Limitations	Use
Canned bacon...	Irradiated in cans coated with polymeric and resinous coatings meeting the specifications in § 121.2514, after packing (with or without a vegetable parchment inner wrap) under vacuum or in an inert atmosphere; absorbed dose: 4.5 to 5.6 megarads.	Radiation preservation.

(c) In the case of radiation used for the preservation of food, a record of the total dose absorbed shall be obtained by the use of phantoms having the same geometry as the containers of food and containing dosimeters suitable for the maintenance of a permanent record of exposure. Measurement of total dose shall be made by use of one phantom per 24-hour period of operation, or by use of one phantom for each 1,000 packages exposed, whichever occurs first, with exposure records being retained for Food and Drug Administration inspection for a period of 1 year.

§ 121.3003 Gamma radiation for the treatment of wheat and potatoes.

Gamma radiation for the treatment of certain foods may be safely used under the following conditions:

(a) The radiation source consists of sealed units containing the isotope cobalt 60 or cesium 137.

(b) The gamma radiation is used or intended for use as follows:

Food for irradiation	Limitation	Use
Wheat and wheat products.	Absorbed dose: 20,000 to 50,000 rads.	Control of insect infestation.
White potatoes....	Absorbed dose: 5,000 to 15,000 rads.	Inhibit sprout development.

§ 121.3004 Electron beam radiation for the processing of food.

Electron beam radiation for the processing of food may be safely used under the following conditions:

(a) The radiation source consists of an electron accelerator producing a beam of electrons at energy levels not to exceed 10.0 million electron volts.

(b) The electron beam radiation is used or intended for use as follows:

Irradiated food	Limitations	Use
Canned bacon.	Irradiated in cans coated with polymeric and resinous coatings meeting the specifications in § 121.2514, after packing under vacuum or in an inert atmosphere; absorbed dose: 4.5–5.6 megarads. Maximum thickness of food under irradiation: 3.2 cm. with single beam irradiation or 7.0 cm. with cross-firing beams.	Irradiation preservation.

(c) In the case of radiation used for the preservation of food, a record of the total dose absorbed shall be obtained by the use of phantoms having the same geometry as the containers of food and containing dosimeters suitable for the maintenance of a permanent record of exposure. Measurement of total dose shall be made by use of one phantom per 24-hour period of operation or by use of one phantom for each 1,000 packages exposed, whichever occurs first, with exposure records being retained for Food and Drug Administration inspection for a period of 1 year.

(d) In the case of electron beam radiation for the processing of food, a permanent record of the radiation intensity used in the processing shall be made with a recorder coupled to the electron accelerator, and the records shall be retained for Food and Drug Administration inspection for a period of 1 year. Such records shall provide information to identify the cans that have been subjected to the radiation recorded thereon.

§ 121.3005 X-radiation for the processing of food.

X-radiation for the processing of food may be safely used under the following conditions:

(a) The radiation is a beam of X-rays produced by an electron beam from a particle accelerator striking a target, where the electrons do not exceed an energy level of 5 million electron volts.

(b) The X-radiation is used or intended for use as follows:

Irradiated food	Limitation	Use
Canned bacon...	Irradiated in cans coated with polymeric and resinous coatings meeting the specifications in §121.2514, after packing (with or without a vegetable parchment inner wrap) under vacuum or in an inert atmosphere; absorbed dose: 4.5 to 5.6 megarads.	Radiation preservation.

(c) In the case of X-radiation used for the preservation of food, the following permanent records shall be obtained:

Such records shall be identified with the particular lot or batch number involved, and shall be retained for Food and Drug Administration inspection for a period of 1 year.

(1) A record of total dose absorbed, by the use of phantoms having the same geometry as the containers of food, and containing dosimeters suitable for the maintenance of a permanent record of exposure.

(2) A record of the operating intensity of the beam by use of a permanent pen trace of the beam current used.

§ 121.3006 Ultraviolet radiation for the processing and treatment of food.

Ultraviolet radiation for the processing and treatment of food may be safely used under the following conditions:

(a) The radiation sources consist of ultraviolet emission tubes designed to emit wavelengths within the range of 2200–3000 Angstrom units with 90 percent of the emission being the wavelength 2537 Angstrom units.

(b) The ultraviolet radiation is used or intended for use as follows:

Irradiated food	Limitations	Use
Food and food products.	Irradiated with 2,200–3,000 A. emissions, without ozone production; high fat-content food irradiated in vacuum or in an inert atmosphere; intensity of radiation, 1 watt (of 2537 A. radiation) per 5–10 sq. ft.	Surface microorganism control.
Potable water.	Irradiated with 2,200–3,000 A. emissions, without ozone production; coefficient of absorption, 0.19 per cm. or less; flow rate, 100 gal. per hr. per watt of 2,537 A. radiation; water depth, 1 cm. or less; lamp-operating temperature, 36°–46° C.	Sterilization of water used in food production.

(Sec. 409, 72 Stat. 1785; 21 U.S.C. 348)

Dated: December 20, 1965.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 65-13706; Filed, Dec. 22, 1965; 8:45 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FHA Instruction 444.1]

PART 322—RURAL HOUSING LOANS AND GRANTS

Subpart A—Section 502 Rural Housing Loan Policies, Procedures, and Delegations of Authority

Subpart A, Part 322, Subchapter B, Chapter III, Title 6, Code of Federal Regulations (29 F.R. 7795, 8159) is revised to include provisions for the insurance of section 502 Rural Housing loans, a change in interest rates on certain classes of direct section 502 Rural Housing loans, broadening the purposes for which section 502 Rural Housing loans may be made to certain classes of borrowers, and other changes implementing amendments to Title V of the Housing Act of 1949 effected by Title X of the Housing and Urban Development Act of 1965, so that Subpart A of Part 322 will read as follows:

Sec.
322.1 Scope.
322.2 Objectives.
322.3 Definitions.
322.4 Eligibility requirements.
322.5 Veterans' preference.
322.6 Loan purposes.
322.7 Special requirements.
322.8 Source of funds and rates and terms.
322.9 Technical services.
322.10 Security.
322.11 Processing applications and County Committee certification.
322.12 Preparation of loan docket.
322.13 Loan approval.
322.14 Actions subsequent to loan approval.
322.15 Loan closing actions.
322.16 Rural Housing disaster loans.
322.17 Subsequent section 502 RH loans.

AUTHORITY: The provisions of this Subpart A issued under sections 501, 502, 510, 517, 63 Stat. 432 as amended, 433 as amended, 437, 79 Stat. 498; 42 U.S.C. 1471, 1472, 1480, 1487; Orders of Sec. of Agr., 29 F.R. 16210, 16840, 30 F.R. 14049. Additional authority is cited in parentheses following the sections affected.

§ 322.1 Scope.

This subpart sets forth the policies and procedures, and delegates authority for making insured and direct section 502 Rural Housing (RH) loans under Title V of the Housing Act of 1949.

§ 322.2 Objectives.

The basic objectives of the Farmers Home Administration in making section 502 RH loans are to assist farmowners, owners of other land in rural areas, and senior citizens and other rural residents who will be owners of land in rural areas to obtain decent, safe, and sanitary dwellings and related facilities, and to assist farmowners and owners of other land in rural areas who are engaged in farming to obtain essential farm service buildings and related facilities. The purpose of these loans is to give families who do not have sufficient resources to provide such dwellings, buildings, and facilities on their own account and cannot obtain the necessary credit from other sources on terms and conditions they reasonably can be expected to fulfill, an opportunity to have adequate homes and farm service buildings.

§ 322.3 Definitions.

For purposes of this subpart, the following definitions will apply:

(a) *Farm.* A "farm" includes the total acreage of one or more tracts of land which is owned by the applicant, is operated as a single unit, is in agricultural production, and annually will produce agricultural commodities for sale and home use with a gross value of at least $400 based on 1944 prices.

(b) *Nonfarm tract.* A "nonfarm tract" is a parcel of land that is not a farm or part of a farm and is located in a rural area.

(c) *Rural area.* A "rural area" is either open country, or an incorporated or unincorporated town, village, or other place which has a population not over 5,500 according to the latest figures, is not a part of or associated with an urban area, and is rural in character. A nonfarm tract in a place having a population not over 5,500, is considered located in a rural area if the tract is not situated in any of the following:

(1) A densely settled area near or associated with a place with a population of more than 5,500. In determining whether a densely settled area is near or associated with such a place, the following will be disregarded: minor open spaces due to physical barriers, commercial and industrial developments, parks, and areas reserved for convenience or appearance.

(2) A subdivision of substantial size being developed by commercial interests, unless a large proportion of the residents will obtain most of their income from employment in the surrounding rural area.

(3) A resort area whose seasonal population plus permanent residents numbers over 5,500.

(d) *Owner.* An "owner" includes the following in addition to the owner of full marketable title in fee:

(1) A lessee of a farm where (i) the unexpired term of the lease runs beyond the payment period of the loan and the applicant's equity in the farm leasehold is at least equal to the amount of the loan, (ii) there is a reasonable probability of accomplishing the objectives for which the loan is made, (iii) the applicant can give upon the farm leasehold a recorded mortgage constituting a valid and enforceable lien, (iv) the applicant can comply with loan security requirements specified in this subpart, and (v) the unexpired term of the lease runs for at least 10 years. A lessee of a nonfarm tract is not an "owner."

(2) The owner of an undivided interest in land who is otherwise eligible.

(3) The purchaser under a purchase contract which obligates him to pay the purchase price, gives him the rights of present possession, control, and beneficial use of the property, and entitles him to a deed upon paying all or a specified part of the purchase price.

(4) The holder of a life estate having the usual rights of present possession, control, and beneficial use of the property. A remainderman is not an owner, but will be required to join in executing the mortgage where a mortgage on the farm is required as security and may be required to sign the note if necessary for a sound loan.

(5) Indians owning land in a trust or restricted status as provided in Part 341 of this chapter.

(e) *Mortgage.* A "mortgage" includes any form of security interest in or lien upon any rights or interest in property of any kind.

(f) *Security.* "Security" includes any rights or interests in property subject to a mortgage.

(g) *Real estate.* "Real estate" includes the rights and interests of an owner in a farm or nonfarm tract.

(h) *Rural resident.* A "rural resident" is a person whose permanent residence is or was until recently in a rural area and who after the loan is closed will be the owner-occupant of a nonfarm tract.

(i) *Previously occupied dwelling or building.* A "previously occupied dwelling or building" is a building which (1) has been previously occupied for at least 5 years, or (2) has been occupied for less than 5 years where in the opinion of the State Director it is clear that the building was not built or occupied for the purpose of qualifying it for purchase with an RH loan.

(j) *Minimum adequate site.* A "minimum adequate site" is the smallest area sufficient for (1) the dwelling or farm service buildings and related facilities to be built or purchased, (2) a yard, and (3) production of food for home use only.

(k) *Senior citizen.* A "senior citizen" is a rural resident who is a citizen of the United States and is 62 years of age or over.

(l) *Senior citizen loan.* A "senior citizen loan" is a section 502 Rural Housing direct loan to a senior citizen.

(m) *Cosigner.* A "cosigner" is a comaker of a promissory note who is jointly and severally liable with the borrower.

(n) *Private lender.* A "private lender" is a lender other than the Farmers Home Administration who furnishes the funds with which an insured RH loan is made.

(o) *County Supervisor.* The "County Supervisor" is the County Supervisor or other authorized official in the county office of the Farmers Home Administration for the county in which the farm or nonfarm tract to be improved or purchased with the RH loan lies.

(p) *State Director.* The "State Director" is the State Director or other authorized official in the State Office of the Farmers Home Administration for the State in which the farm or nonfarm tract to be improved or purchased with the RH loan lies.

§ 322.4 Eligibility requirements.

(a) *Applicant.* To be eligible for a section 502 RH loan, the applicant must meet all the following requirements:

(1) Be the owner of a farm or nonfarm tract or a rural resident.

(i) If he applies as the owner of a farm, he must be without decent, safe, and sanitary housing for his own use or for the farm manager, tenants, sharecroppers, or farm laborers, or without farm service buildings essential to a successful farming operation.

(ii) If he applies as the owner of a nonfarm tract, or as a rural resident, he must be without decent, safe, and sanitary housing for his own use, or if the loan is to finance farm service buildings, he must be engaged in farming and be without farm service buildings essential to the success of his farming operations.

(iii) If he applies as a senior citizen, he must be a rural resident who is without an adequate dwelling or related facilities for his own use.

(iv) If the loan is to include funds for land purchase, he must be without a minimum adequate site for necessary adequate buildings.

(2) Be without sufficient resources to provide on his own account the necessary housing, buildings, or related facilities, and be unable to secure the necessary credit from other sources upon terms and conditions which he reasonably could be expected to fulfill. If the applicant has only an undivided interest in the land to be improved, the applicant and his coowners, other than those whose execution of the mortgage is not required in accordance with § 322.7(j) or § 322.10(b), must, individually and jointly, be unable to provide the improvements with their own resources or obtain the necessary credit elsewhere.

(3) Be a citizen of the United States.

(4) Have assured income sufficient to meet his operating and family living expenses, necessary capital replacements, and payments on debts, including the proposed loan, except that if he is a senior citizen whose income is not sufficient for repayment of the loan, he may qualify for a loan if a person with income which, when added to the applicant's income, will be sufficient to pay the loan will become a cosigner.

(5) Possess the character, ability, and experience to carry out the undertakings and obligations required of him in connection with the loan.

(6) Have training or farming experience necessary to give reasonable assurance of success in any case where the soundness of the loan depends on his farming operations.

(7) Possess legal capacity to incur the obligations of the loan.

§ 322.5 Veterans' preference.

The applications on hand from veterans, and from spouses and children of deceased servicemen, as defined in § 301.5 of this chapter, will be given preference.

(Sec. 507, 63 Stat. 436, as amended; 42 U.S.C. 1477)

§ 322.6 Loan purposes.

(a) A loan may be made to any eligible applicant to—

(1) Construct, improve, or relocate a dwelling to be used as his permanent residence and related facilities on his farm, or on a nonfarm tract he owns or will own after the loan is closed.

(2) Purchase and move to such farm or nonfarm tract a previously occupied dwelling and related facilities, to be used as his permanent residence.

(3) Purchase or install essential equipment which upon installation becomes part of the real estate.

(4) Provide fallout shelters, storm cellars, and similar protective structures.

(5) Provide necessary and adequate sewage disposal facilities for the applicant and his family.

(6) Provide a necessary, adequate, and safe water supply for the applicant and his family.

(7) Provide foundation plantings, seeding or sodding of lawns, and other facilities related to buildings, such as walks, yard fences, and drive ways to building sites located adjacent to a road or street, and, if the applicant is a farmer, paved feed lots.

(8) Pay expenses incident to obtaining plans and making the loan, such as fees for legal, architectural, and other technical services, and reasonable connection fees for water, sewerage, electricity, or gas, which are required to be paid by the borrower and which he cannot pay from other funds. Loan funds also may be used to pay the borrower's share of Social Security taxes for labor hired by the borrower in connection with making the planned building improvements. Loan funds may not be used to pay fees, charges, or commissions, such as "finders' fees" or "placements fees," for the referral of prospective applicants.

(b) A loan may be made to a farmowner for the purposes specified in paragraph (a) of this section and to—

(1) Construct, improve, or relocate a dwelling or farm service building and related facilities on his farm, purchase and move to his farm a previously occupied building, or buy previously occupied buildings and a necessary minimum adequate site, for use by the farmowner or his resident manager, tenant, sharecropper, or farm laborers.

(2) Provide portable-type farm service buildings that do not become a part of the real estate but are necessary to the operation of the farm.

(3) Provide a farmstead water supply and sewage disposal, including such facilities as a well, pump, and farmstead distribution system, which are essential to the health and safety of the occupants of the farm and/or the successful operation of a livestock enterprise conducted on the farm.

(c) A loan may be made to a nonfarm tract owner or a rural resident for the purposes specified in paragraph (a) of this section and to—

(1) Buy for his own use a previously occupied dwelling on a minimum adequate site.

(2) If he is engaged in farming, buy previously occupied farm service buildings and related facilities essential to his farming operations, with or without a minimum adequate site.

(3) Buy a minimum adequate site on which to place a dwelling for his own use and, if he is engaged in farming, a minimum adequate site to accommodate farm service buildings and related facilities which are essential to his farming operations and cannot feasibly be located on land he now owns.

(d) Improvements financed with loan funds must be on land which, after the loan is closed, is part of a farm or nonfarm tract owned by the borrower or on an easement appurtenant to such farm or nonfarm tract.

§ 322.7 Special requirements.

(a) *Supervisory assistance.* Supervision will be provided borrowers to the extent necessary to achieve the objective of the loan and to protect the interests of the Government in accordance with Part 302.

(b) *Supplementary payment agreement.* Form FHA 440-9, "Supplementary Payment Agreement," should be used for each applicant who regularly receives substantial off-farm income. It also should be used for other applicants when needed to facilitate servicing the account.

(c) *Building limitations.* (1) A dwelling financed for an applicant with a low or moderate family income must be modest in size, design, and cost. Adequate housing ordinarily can be provided for such families within less than 1,400 square feet of living area. Living area does not include space such as a patio, carport, garage, porch not suitable for year-round use, unfinished basement, and, if the dwelling does not have a basement, space for utilities such as furnace and hot water heater; however, such space must be kept within reasonable limits and not expanded to circumvent the limitations of this paragraph. When such an applicant has an unusually large family, a somewhat larger house may be justified to provide adequate sleeping space. Furthermore, particular design features or items should not be included in homes of families with low or moderate incomes if such features or items are customarily not included in other adequate but modest homes being built in the area by families with moderate incomes.

(2) A dwelling financed for a family with an income above moderate may be somewhat larger and contain features—such as two complete baths, a family room, or double garage—not usually associated with modest homes. Homes for such families, however, must not be significantly larger or more costly than other adequate homes in the area.

(3) Farm service buildings will not be financed which (i) are excessive in size or design, (ii) have not proved to be suitable for the area, or (iii) are in excess of those economically essential to the farming operations.

(4) Any buildings purchased with RH loan funds must be structurally sound and either be in good repair or placed in that condition with loan funds. Good judgment must be exercised in applying the policies stated in this subsection to previously occupied buildings.

(d) *Refinancing of RH loan.* If, at any time, it appears that the borrower may be able to obtain a refinancing loan from a cooperative or private credit source at reasonable rates and terms for loans for similar purposes and periods of time prevailing in the area, the borrower will, upon request, apply for and accept such refinancing.

(e) *Loan limitations.* No loan will be made if the amount of the loan and the unpaid principal balance plus past-due interest of any other liens against the security as determined by the loan approval official will exceed the normal value of the security or in a note-only case, assets described in § 322.10(d)(3), or if the amount of the loan would exceed the amount certified by the County Committee. See paragraph (j) of this section and § 322.10(b) for requirements applicable to special cases.

(f) *Liens junior to the FHA lien.* A loan will not be made if a lien junior to the RH mortgage likely will be taken simultaneously with or immediately subsequent to closing of the RH loan to secure any debts the borrower may have at the time of loan closing, or any debts he may incur in connection with the RH loan purposes, such as debt for a portion of the purchase price of the land or for money borrowed from others for payments on debts against the property or for part of the construction cost, unless such a lien plus the RH loan and any prior lien will be within the normal value of the security and will not interfere with the purposes of the loan or repayment thereof.

(g) *Restrictions on loans.* Loans will not be made to—

(1) A corporation or cooperative association.

(2) A homestead entryman or desert entryman to improve the entry prior to receipt of a patent.

(3) Pay debts incurred prior to the closing of a loan except fees for legal, architectural, and other technical services. The County Supervisor, not later than the time of planning improvements, will advise each applicant that construction work must not be started, materials must not be ordered nor delivered, and debts for such work or materials must not be incurred before the loan is closed. If, nevertheless, the applicant incurs debts for materials or construction before the loan is closed, the County Supervisor may authorize the use of RH funds to pay such debts only when, after documenting the facts, he finds that all of the following conditions exist:

(i) The debts were incurred after the applicant filed a written application for a loan, except that in the case of a subsequent loan to complete improvements previously planned, the debts were incurred after the initial loan was closed.

(ii) The applicant is unable to pay such debts from his own resources or to obtain credit from other sources and failure to authorize the use of RH funds to pay such debts would impair the applicant's financial position.

(iii) The debts were incurred for authorized section 502 RH loan purposes.

(iv) The construction or repair work conforms to that shown on Form FHA 424-1, "Development Plan," and the total development costs can be paid from funds available.

(4) Refinance indebtedness of an applicant, including any purchase price of real estate for which he is obligated, or any indebtedness against real estate of which the applicant is the owner.

(5) Buy income-producing land or buildings in case of a loan to a rural resident not engaged in farming or to a senior citizen.

(6) An applicant whose debts have been settled pursuant to Part 364 of this chapter, or by release from personal liability under Part 372 of this chapter, as reflected by the County Office records, or where such settlement is contemplated, unless (i) the applicant's failure to pay his loan indebtedness was the result of circumstances beyond his control, (ii) the conditions which necessitated the debt settlement or release, other than weather hazards, disasters, or price fluctuations, have been or will be removed by making the loan, and (iii) the applicant's operations will be sound and afford him a reasonable prospect for repaying the proposed loan and meeting his other obligations.

(7) Purchase land upon which to construct a building, when the applicant already owns land suitable for the purpose.

(h) *Loans on leasehold interests in farms.* A loan secured by a mortgage upon a farm leasehold, if otherwise proper, may be made where the lessor owns the fee simple title marketable in fact and neither the leasehold nor the fee simple title is subject to a prior lien. If in any case involving a prior lien the State Director concludes that a sound loan can be made upon a leasehold, he will submit complete information to the National Office for review and special authorization prior to approval of the loan. Loans may not be made to lessees of nonfarm tracts. With respect to achieving the purpose of the loan, obtaining adequate security, and being able to service the loan and enforce the security, the Government as holder of a mortgage upon a leasehold interest

should be in a position substantially as good as if it held a second mortgage on a fee simple title. This includes, besides lessor's consent to the RH mortgage, such matters as—

(1) Reasonable security of tenure. The borrower's interest will not be subject to summary forfeiture or cancellation.

(2) The right to foreclose the RH mortgage and sell without restrictions that would adversely affect the salability of the security. Any effect on market value should be shown in the appraisal.

(3) Right of the Government to bid at foreclosure sale or to accept voluntary conveyance of the security in lieu of foreclosure.

(4) The right of the Government, after acquiring the leasehold through foreclosure or voluntary conveyance in lieu of foreclosure, or in event of abandonment by the borrower, to occupy the property or sublet it, and to sell for cash or credit. In case of a credit sale, a vendor's mortgage may be taken with rights similar to those under the original RH mortgage.

(5) The right of the borrower, in the event of default or inability to continue with the lease and the RH loan, to transfer the leasehold, subject to the RH mortgage, to an eligible transferee with assumption of the RH debt.

(6) Advance notice to the Government of lessor's intention to cancel, terminate, or foreclose upon the lease. Such advance notice will be long enough to permit ascertaining the amount of delinquencies, the total amount of the lessor's and any other prior interest, and the market value of the leasehold interest and, if litigation is involved, referring the case with a report of the facts to the United States Attorney and permitting him to take appropriate action.

(7) Express provisions covering the question of liability of the Government for unpaid rentals or other charges accrued at the time it acquires possession of the property or title to the leasehold, and those which become due during the Government's occupancy or ownership, pending further servicing or liquidation.

(8) Any necessary provisions to assure fair compensation for any part of the premises taken by condemnation.

(9) Any other provisions necessary to meet the foregoing requirements.

(i) *Group service loans.* A section 502 RH loan may be made to a farmowner to enable him to furnish his part of the cost of constructing, remodeling, or repairing a farm service building, such as a dairy barn or storage facility, that will be jointly owned and used by not more than 10 farmers. The following conditions must be met for such a loan to be made:

(1) The group of farmers must act as individuals and not as a legal entity such as a partnership, corporation, or association.

(2) The building will be located in a rural area and provide an essential farm service facility to be used only in connection with the farming operations which the owners of the building conduct on other land.

(3) The applicant will give the Farmers Home Administration a mortgage on his farm including his undivided interest in the tract to be improved with the loan. The interest of other co-owners of the jointly owned building who are not applicants may be excluded from the mortgage upon prior approval by the National Office, as provided in § 322.10(b)(4)(ii).

(4) The owners have written agreements as to the construction and use of the service building.

(5) The service building will not (i) cost more than $50,000 if it is to be constructed new or, (ii) have a depreciated replacement value as improved of more than $50,000 if it is an existing building to be enlarged or improved.

(6) All funds to be used to finance construction of the joint facility will be deposited in the supervised bank account.

(j) *Section 502 RH loans to farm ownership (FO) or soil and water (SW) borrowers.* (1) When an FO or SW borrower's total subsequent credit needs cannot be met with a subsequent FO or SW loan, but can be met with a section 502 RH loan, such a loan may be made if—

(i) The borrower meets the eligibility requirements for a section 502 RH loan and an FO loan or SW loan. However, in an exceptional case an RH loan may be made to an FO borrower who, because of age, physical disability, or death of the spouse, is unable to operate the farm or carry on farming operations, provided a decision has been made to continue with the FO loan.

(ii) The loan, when added to the unpaid principal balance plus past-due interest of any FO, SW, RH, or LH loan plus other debts against the farm or any other security given for a Farmers Home Administration real estate loan or to be given for the section 502 loan, will not exceed $60,000, or the normal value of the security for the loan, whichever is less.

(2) A loan may be made to an FO or SW borrower on the basis of real estate security, nonreal estate security, or a note only.

(3) If a mortgage on the farm will be taken as security, a new appraisal will be prepared when the circumstances outlined in § 322.17(a) exist.

(Sec. 506, 63 Stat. 435, as amended; 42 U.S.C. 1476)

§ 322.8 Source of funds and rates and terms.

(a) *Source of funds.* Direct loan funds will be used for loans to senior citizens, low-income participants in organized self-help housing projects, and families receiving a disaster type of loan. Insured loan funds will be used for all other section 502 RH loans. An insured loan may be made by a private lender or, if one is not available, with funds from the Rural Housing Insurance Fund.

(b) *Interest rate per annum on unpaid principal.* (1) Insured loans to applicants whose family income is above moderate will bear interest at 5¾ percent.

(2) Insured loans to applicants whose family income is low or moderate will bear interest at 5 percent.

(3) Direct loans to senior citizens and to low-income applicants participating in an organized self-help project will bear interest at 4 percent.

(4) Direct loans under the provisions of paragraph XVI to any qualified applicant to replace or repair a building destroyed or damaged because of a natural disaster will bear interest at 3 percent.

(c) *Amortization period.* Each section 502 RH loan will be scheduled for repayment over a period not to exceed 33 years (10 years if not secured by real estate mortgage) from the date of the note or such shorter period as may be necessary to assure that the loan will be adequately secured, taking into account the probable depreciation of the security.

§ 322.9 Technical services.

(a) *Planning and performing development.* The development work will be planned and completed in accordance with Part 304 of this chapter.

(b) *Appraisal.* (1) For a loan exceeding $2,500, the farm or nonfarm tract to be mortgaged as security will be appraised by a Farmers Home Administration employee authorized to make real estate appraisals. If a mortgage will be taken on other real estate as additional security, it will be appraised when it represents a substantial portion of the security for the loan or when requested by the other loan approval official.

(2) For a loan not exceeding $2,500, an appraisal of real estate to be given as security will not be made unless the County Supervisor or loan approval official is uncertain as to the adequacy of the security. If, in such a case, an appraisal is not made by an employee authorized to make real estate appraisals, the County Supervisor will indicate on a separate sheet his estimate of the normal value of the real estate to be given as security.

(3) For security other than real estate, the County Supervisor will list on Form FHA 440–21, "Appraisal of Chattel Property," or State form, if one has been developed, the items to be given as security and his estimate of the normal value of the security. In determining the value of chattel security (except a chattel mortgage on a leasehold), the County Supervisor will take into consideration the length of time the chattels will serve as security and the useful life of such security. In the case of other security, the County Supervisor will include in the appraisal form a supporting statement of his estimated value. Usually this will include a narrative description of the security, its current cash value, the relative stability of the value of the security, and how the security is to be mortgaged or otherwise taken as security for the loan.

(4) In case of a loan to a farm lessee not secured by a mortgage on the leasehold, the County Supervisor will indicate on a separate sheet his estimate of the normal value of the applicant's equity in his leasehold interest.

(c) *Title clearance and legal services.* (1) When real estate will be taken as security (including a mortgage on a farm leasehold), title clearance and legal services for making and closing the loan will be provided in accordance with Part 307 of this chapter. Except for real property to be purchased, the applicant will be requested to furnish title evidence at any time during the loan processing period after the County Supervisor determines that the loan probably will be made. If the County Supervisor is doubtful as to whether the loan will be approved, he will not require the applicant to furnish title evidence until after loan approval. For real property to be acquired, title clearance and legal services will not be requested until the loan is approved.

(2) When a real estate mortgage is not to be taken, the applicant will be required to submit the original or a certified or photostatic copy of his deed, purchase contract, or other instrument evidencing ownership. If the County Supervisor is uncertain as to whether or not the applicant is a qualified owner, he will require the applicant to furnish additional information or obtain the opinion of the Office of the General Counsel as to the evidence of ownership submitted by the applicant and its advice as to any further information or action that may be needed.

(3) When chattels will be taken as security, a lien search will be obtained in accordance with Subpart B of Part 331 of this chapter.

(Sec. 506, 63 Stat. 435, as amended; 42 U.S.C. 1476)

§ 322.10 Security.

(a) *General.* Loans other than those made under paragraph (d) of this section will be adequately secured to protect the interest of the Farmers Home Administration during the scheduled repayment periods.

(1) Any loan of more than $2,500 and any loan scheduled for repayment in more than 10 years from the date of the note will be secured by a real estate mortgage as provided in paragraph (b) of this section.

(2) A loan of not more than $2,500 scheduled for repayment in not more than 10 years from the date of the note may be secured by—

(i) Real estate or chattels; or

(ii) Other security that cannot be converted to cash without jeopardizing the borrower's farming operations or means of livelihood. Examples of such other security are the cash value of life insurance policies, cooperative memberships, income producing leases, and transferable water stocks of security value.

(3) When both real estate and chattel security are taken for a loan with a longer payment period than the maximum period for which the chattel lien will be valid under State law, the loan approval official will determine that the real estate security will be adequate to secure the scheduled unpaid balance of the loan when the chattel lien expires.

(b) *Real estate.* When a real estate mortgage is required, a mortgage will be obtained on all interests in the entire farm or nonfarm tract to be improved, except as provided in this subsection and subject to exceptions and reservations waived under Part 307 of this chapter. Usually such loans will be secured only by real estate. When necessary to supplement the applicant's equity in the farm or nonfarm tract to be mortgaged, or to facilitate servicing the loan, a mortgage also may be taken on other real estate or on chattels or other property owned by the applicant. However, nonreal estate security may not be relied upon for more than $2,500 of the loan.

(1) If the applicant's title to any part of the farm or nonfarm tract is defective (in the sense that it is not good title marketable in fact or that the State law will not recognize a recordable mortgage upon it) and the defect cannot be cured at reasonable cost, the loan may be made subject to the following conditions:

(i) No security value will be accorded to the parcel of real property to which title is defective.

(ii) No improvements to be constructed or repaired with loan funds will be located on the parcel to which title is defective, except that with the prior approval of the National Office, up to $2,500 in loan funds may be used for improvements on such parcel if it is owned by the applicant and if the location of such improvements on such parcel is essential.

(iii) A real estate parcel to which title is defective will be included in the mortgage unless the loan approval official, with the advice of the Office of the General Counsel determines that the applicant's interest cannot be subjected to a recordable mortgage recognized by the State law, or that to include the parcel would unduly complicate loan servicing or liquidation.

(2) A junior mortgage may be taken as security for a loan provided—

(i) The prior mortgage as affected by the State law does not contain such provisions for future advances, payment schedules, forfeiture or cancellation, foreclosure without adequate notice to junior lienholders, or other matters as may jeopardize Farmers Home Administration's security position or the borrower's ability to pay the loan; or

(ii) Such provisions are satisfactorily limited, modified, waived, or subordinated.

(3) When a mortgage is required by paragraph (a)(1) of this section to secure a loan to an applicant as lessee of a farm, a valid and enforceable mortgage on his leasehold interest in the farm will be required. The unexpired term of the lease must be at least 10 years and must extend beyond the repayment period of the loan for a sufficient period to provide a reasonable likelihood that the objectives of the loan will be achieved. The unexpired term of the lease must be at least 50 percent longer than the repayment period of the loan unless, to compensate for a shorter period of the lease beyond the repayment period of the loan, the borrower gives other security of sufficient value, including, for example, a lien upon the borrower's right to receive from his lessor compensation at the expiration of the lease for the unexhausted value of the improvements made with the loan. The mortgage on a leasehold may be supplemented by additional security. Special provisions necessary to protect the Government, such as the items enumerated in § 322.7(h), will be included in the lease, a consent to mortgage, a subordination, or other appropriate instrument executed by the lessor and the borrower.

(4) For a loan to improve a farm or nonfarm tract, or a part thereof, in which the applicant owns only an undivided interest, the interests of all the co-owners will be included in the mortgage, with the following exceptions:

(i) When not required under § 322.7(i)(3).

(ii) When one or more of the co-owners are not legally competent or cannot be located or the ownership rights are divided among such a large number of co-owners that it is not practical for all their interests to be mortgaged, the mortgaging of interests not exceeding 50 percent may be excluded from the security requirements upon prior approval by the National Office of the State Director's recommendation accompanied by a full statement of ownership and conditions which justify the exclusion. In such a case the loan may not exceed the normal value of the equity represented by the interests of the owners who sign the mortgage. In determining such value, consideration will be given to any adverse effect which might result from sale of the mortgaged interests separately from the nonmortgaged interests and from rights of partition accruing to the owners of the nonmortgaged interests. All legally competent co-owners using or occupying the property will be required to sign the mortgage.

(iii) When the applicant for a section 502 RH loan owns the entire interest in a part of the farm and plans to build or improve a residence and related facilities on that part, and owns not less than 50 percent interest in the rest of the farm, a mortgage on the interest of the co-owners may be excluded from the security requirements upon prior approval by the National Office of the State Director's recommendation accompanied by a full statement of ownership and conditions which justify the exclusion, provided the loan will be adequately secured by the normal value of the tract in which the applicant owns the entire interest, the normal value of the jointly owned tract is at least equal to the debts against it and such debts are not liens on the part of the farm in which the applicant owns the entire interest, the joint ownership of a part of the farm and operation of this land by the applicant has been a successful arrangement and is likely to continue to be successful, and no RH funds will be used to construct or improve farm service buildings to be used primarily in connection with the operation of the jointly owned land, and the liens on the jointly owned lands do not include land in which the applicant owns no interest nor secure debts for which the applicant is not liable.

(5) When the applicant is the owner of a life estate qualified under § 322.3,

the remainderman will be required to join in executing the mortgage with the following exception: When one or more of the remaindermen are not legally competent or cannot be located or the remainder rights are divided among such a large number of remaindermen that it is not practicable to obtain the signatures of all the remaindermen, the mortgaging of remainder interests not exceeding 50 percent of the total remainder interest may be excluded from the security requirements upon prior approval by the National Office of the State Director's recommendation accompanied by a memorandum stating complete ownership information and circumstances which justify the exclusion. In such a case the loan may not exceed the normal value of the equity represented by the interests of those who sign the mortgage, determined with due regard to all special adverse factors involved. Remaindermen will be required to sign the note when necessary to a sound loan or to obtain the required security.

(c) *Chattel.* When authorized by paragraph (a) of this section, a mortgage may be taken on selected items of chattel or other nonreal estate security if such a mortgage will not interfere with the applicant's obtaining needed operating credit. When only a chattel mortgage is taken as security for the loan, it ordinarily will be a first lien. In an exceptional case, a mortgage subject only to a first mortgage held by another creditor or the Farmers Home Administration may be taken on chattel property provided the applicant clearly has sufficient mortgageable equity in the chattels to secure the loan.

(d) *Promissory note.* A loan of not more than $1,500 may be made on the basis of the borrower's promissory note without taking other security when—

(1) The applicant has a good reputation for paying his debts promptly;

(2) He is in a strong financial position and will have sufficient income to meet all his obligations; and

(3) The loan approval official determines that, on the basis of normal value, the applicant has equity at least equal to the amount of the proposed loan in assets that would be acceptable as security for the loan.

§ 322.11 Processing applications and County Committee certification.

(a) *Applications.* Applications for section 502 RH loans will be taken on Form FHA 410–1, "Application for FHA Services," and processed in accordance with Part 301 of this chapter. A person who is not a rural resident is not eligible for a loan unless he is the owner of a farm or nonfarm tract.

(1) In every case in which the applicant's family income is above moderate, and in any other case in which there may be any likelihood that the applicant could obtain the credit he needs to supplement his available resources to acquire an adequate dwelling or farm service buildings, the County Supervisor will require the applicant to make a diligent effort to obtain credit from other sources.

(i) Applicants will be expected to apply for credit from lenders engaged in extending long-time housing credit in the area.

(ii) Applicants should be advised to request lenders to indicate the amount and terms of housing credit they might be willing to extend to the applicant.

(iii) When appropriate, the County Supervisor should check on evidence presented by an applicant that he cannot obtain adequate credit elsewhere.

(iv) Letters from the lenders and any other evidence indicating that the applicant is unable to obtain credit elsewhere will be included in the loan docket.

(v) In no case will a loan be made to an applicant who is able to obtain the credit he needs to supplement his available assets at terms he can reasonably be expected to pay to provide a necessary adequate dwelling or necessary adequate farm service buildings.

(2) In any case in which a County Supervisor determines that there is no possibility of the applicant's obtaining adequate housing credit elsewhere and, therefore, does not require the applicant to provide evidence that he has made an effort to obtain such credit, the County Supervisor will record his conclusion and the basis for it in the loan docket.

(b) *Determination of income level of the applicant family.* (1) The County Committee will recommend in each case as to whether the applicant's family income should be considered as being in the "low or moderate" income group or in the "above-moderate" group. This determination will be made after the County Supervisor has had an opportunity to verify the income and financial information submitted by the applicant.

(2) Families in the "low or moderate" income group are those whose income is not significantly greater than the amount needed, considering the size and composition of the family, to enable them to have a reasonable level of living and meet necessary obligations and expenses, including payments on an RH loan to finance a modest home or essential farm service buildings and related facilities.

(3) Families in the "above-moderate" income group are those whose income is above the level needed to meet the requirements specified in subparagraph (2) of this paragraph. As a general rule, these will be families who could, if they were located in an urban area, obtain housing credit from another source.

(4) For an insured RH loan the following will be added as item 7 of Form FHA 440–2, "County Committee Certification."

7. For an RH insured loan, we recommend this applicant be considered as being in the (check one) ☐ "low or moderate" or ☐ "above-moderate" income group.

(c) *Certification by County Committee.* Before a loan is approved, the County Committee will make the necessary certifications on Form FHA 440–2. Before executing Form FHA 440–2, the County Committee will consider basic documents such as Form FHA 410–1, Form FHA 431–3, or Form FHA 431–2, and, if applicable, Form FHA 431–1, "Long-Time Farm and Home Plan," Form FHA 424–1, together with the plans and cost estimates for the proposed improvements, the appraisal report, or, when applicable, an estimate of the value of other property to be given as security. If the applicant is a senior citizen and the note is to be cosigned, information required from the cosigner and a statement by the County Supervisor regarding the cosigner also will be considered by the County Committee in making its certification. Members of the Committee may want to interview the applicant and want to see the farm or nonfarm tract on which the loan is to be made.

(1) If the Committee determines that it can make the necessary certification on Form FHA 440–2, the amount of the loan to be shown in the form is that for which the docket has been developed or a lesser amount if the Committee determines that the applicant cannot reasonably be expected to succeed with the loan as proposed.

(2) Ordinarily, the amount of the loan plus any other liens against the security will not be in excess of the recommended normal value of the security as shown on the appraisal report. A loan docket will not be developed when a loan plus any other liens against the security would be significantly in excess of the recommended normal value of the security. In an unusual case when the amount of a loan needed for success plus any other liens that will be against the security is slightly above the recommended normal value of the security and the County Committee and the County Supervisor believe that the loan should be made, Form FHA 440–2 may be completed. In such a case, the completed loan docket will be submitted to the State Office for a determination as to whether it is justifiable to establish the normal value of the security above the appraiser's recommended normal value. If the loan approval official determines that the normal value is in excess of the appraiser's recommended normal value, he will record his determination of the normal value of the security on Form FHA 440–3.

(d) *Optioning of real estate.* If the loan includes funds to purchase real estate, the applicable provisions of FHA Instruction 443.1 regarding options will be followed. In any case in which there is a likelihood of termite infestation or damage to a building being purchased, the following will be inserted in the option form:

The seller agrees to furnish, at seller's expense, to the buyer a certificate from a reliable firm certifying that the following described building(s) covered by this option (1) is now free of termite infestation, and (2) either is now free of unrepaired termite damage or has suffered unrepaired termite damage which is specifically described in the certificate:

(Describe building(s)).

(Sec. 508, 63 Stat. 436, as amended; 42 U.S.C. 1478)

§ 322.12 Preparation of loan docket.

(a) *Farm and home plans or family budget form.* Form FHA 431–2 will be developed for loans to farmers who depend on farm income for a livelihood. Form FHA 431–1 also will be prepared whenever appropriate. When a loan is to be made to a nonoperator farmowner, the columns in tables B, "Corps, Pasture, Etc.—Production and Sales," and C, "Livestock and Products—Production and Sales," of Form FHA 431–2 pertaining to the operator's share will be changed to owner's share. If an application is being considered early in the crop year for a borrower who has a current Form FHA 431–2, such form will be revised to show changes in the financial statement and significant changes in the planned operations; however, if the crop year is well advanced or completed, a farm and home plan will be developed for the ensuing year. If the applicant does not depend on farm income for a livelihood, Form FHA 431–3 will be used.

(b) *Agreements from prior lienholders.* When the loan is to be secured by a junior real estate mortgage, agreements will be obtained from prior lienholders to any extent necessary to comply with § 322.10(b).

(c) *Information concerning prior mortgage.* The applicant for a loan to be secured by a junior real estate or chattel mortgage will be required to furnish the County Supervisor, before the docket is assembled, a copy of each mortgage held by a prior lienholder and, if available, a copy of each secured note or other obligation. In addition, the County Supervisor will be furnished a current statement signed by the mortgagee showing (1) the amount of unpaid principal secured by the mortgage, (2) the amount of any accrued interest, (3) whether the account is current or the amount of any delinquency, with interest and principal shown separately, and (4) if a copy of the note is not furnished, its maturity date, payment schedule, interest rate, and a summary of any other provisions of the note. All these documents will be included in the docket for the information of the loan approval official. Any cost incident to obtaining them will be paid by the applicant.

(d) *Information about cosigner for a senior citizen loan.* When the note of a senior citizen borrower will be cosigned, information obtained from the cosigner will include a current financial statement, a statement of income and expenses, the nature of his employment, and a brief statement as to his employment history. The information required from the cosigner will be supplemented by a statement by the County Supervisor as to the cosigner's financial condition and reputation for paying his debts and any other information that would be of assistance to the loan approval official in determining the soundness of the loan. This information will be included in the docket.

§ 322.13 Loan approval.

(a) *Delegation of authority.* The State Director is authorized to approve or disapprove loans in accordance with this Subpart A. However, no initial RH or subsequent RH loan may be approved by the State Director without the consent of the National Office if (1) the amount of the loan plus the unpaid principal balance and any past-due interest on liens against the security for the loan and against any other real property of the applicant would exceed $50,000, or (2) the proposed loan, together with the principal balance owed on other Farmers Home Administration loans, would cause the total indebtedness to Farmers Home Administration to exceed $50,000. The loan docket and the State Director's recommendation should be submitted with any request for authority to approve a loan in excess of these limitations. The State Director may redelegate, restrict, or revoke loan approval authority to: State Office employees other than Area Supervisors and to County Supervisors and GS–7 Assistant County Supervisors in accordance with Part 321 of this chapter, except that he may not redelegate below the State Office level authority to approve loans pursuant to § 322.16.

(b) *Approval or disapproval of a loan.* When a loan is approved, the loan approval official will:

(1) Indicate on all copies of Form FHA 440–3 any condition that must be met before the loan is closed and specify the security requirement that the applicant will need to meet, such as a first real estate lien, or a junior lien subject to certain prior liens, and so forth. If title evidence is required in accordance with Part 307 of this chapter or in accordance with any special requirements for the loan but is not included in the docket, the loan may be approved subject to the applicant's furnishing the required title evidence. When the applicant furnishes satisfactory title evidence, the County Supervisor will proceed with processing the loan, except that in those cases in which the title evidence does not comply with the conditions specified by the approval official, the docket will be reconsidered by the loan approval official.

(2) Sign the approval certification on the original and two copies of Form FHA 440–3 and insert his title in the space provided.

(3) For a direct loan or an insured loan from the insurance fund, sign Form FHA 440–1 and insert his title in the space provided.

(4) If a loan is not approved after the docket has been developed, the reasons for such action will be shown on the original Form FHA 440–3, it will be initialed and dated, and the County Supervisor will notify the applicant of the disapproval and the reasons. If the notice was not in writing, the County Supervisor will record in the running record a brief summary of the discussions with the applicant and should advise the County Committee of the action taken on the loan.

§ 322.14 Actions subsequent to loan approval.

(a) *Requesting check.* When the loan has been approved, approval conditions can be met, any necessary curative actions have been taken to provide a satisfactory title to any real estate security, and a date has been set for loan closing, the County Supervisor will order the loan check. However, the check may be requested at the time of loan approval if real estate will not be taken as security or, if real estate is taken as security and satisfactory title evidence is obtained prior to loan approval.

(1) For a direct loan or an insured loan from the insurance fund, if the check is to be ordered at the time of loan approval, the County Supervisor will mark the block in Form FHA 440–3 for issuance of the check and sign and date the portion of the form to request the check. If the check is not ordered at the time of loan approval, a copy of Form FHA 440–3 will be completed after loan approval to request the check in sufficient time to obtain the check prior to the loan closing date. In the latter case if the Form FHA 440–3 sent the Finance Office when the loan was approved showed that the loan was being made from the insurance fund but it is determined that a private lender will furnish the funds for the loan, the copy of Form FHA 440–3 to be sent to the Finance Office to request the check will show that a private lender is available and the insurance fund obligation is to be canceled.

(2) For an insured loan by a private lender, the County Supervisor will request the check by preparing Form FHA 440–7, "Request for Check," in an original and one copy and submit the original to the State Director. If the name of the lender is known, the County Supervisor will enter it on Form FHA 440–7. If the lender does not require attestation of the County Supervisor's signature, the original Form FHA 440–7 may be delivered to the lender and the copy sent to the State Office. In a case where the seller of property being purchased by the borrower is also the insured lender, the amount of check requested will be only for the amount of cash, if any, he will advance. If the bank handling the supervised bank account will require the lender's personal check to clear before disbursing funds, the lender will be requested to furnish a certified or cashier's check. When suitable arrangements can be made with the lender, a bank draft may be used to obtain the loan funds. The lender or his representative may present the check at the time the loan is closed, or, if desired, the check may be mailed to the County Supervisor in sufficient time for closing.

(3) The State Office will take the following action when Form FHA 440–7 is received from the County Office unless the County Supervisor has delivered the original completed Form FHA 440–7 to the lender:

(i) Check or insert the name and address of the lender and see that these entries are correct.

(ii) Attest the signature of the County Supervisor on the original of Form FHA 440–7.

(iii) Forward the original Form FHA 440–7 to the lender.

(b) *Handling loan checks.* (1) For a direct or insured loan, if the loan check

is to be deposited in a supervised bank account, this will be done on the date of loan closing in accordance with Part 303 of this chapter after it has been determined that the loan can be closed.

(2) When a private lender issues a loan check payable jointly to the borrower and the Farmers Home Administration, the County Supervisor is authorized to endorse the check on behalf of the Farmers Home Administration at the time of loan closing as follows:

Endorsed without recourse:
FARMERS HOME ADMINISTRATION
By ----------
Title ----------

The State Director also is authorized to endorse such a check in the same manner. Authority to endorse such checks in no way relates to or modifies the regulations contained in Part 362 of this chapter regarding collection items or the endorsement of such items.

(3) If a loan check other than a check from a private lender is received and the loan cannot be closed within 21 days from the date of the check, the County Supervisor will take appropriate action in accordance with Part 303 of this chapter.

(4) Where the loan check is received from a private lender, and the loan can be closed but not on the date previously indicated to the lender, the lender will be notified immediately of the reasons for the delay. If it is determined that such a loan cannot be closed, the check will be returned immediately to the lender with a request for cancellation. In no case may a lender's check be retained more than 21 days from the date of the check. When a loan check is lost, mutilated, or destroyed, the County Supervisor will immediately notify the lender and, if the borrower still desires to close the loan, the lender will be requested to issue a new check. When a check is returned to the lender and the loan will be closed at a subsequent date, another check will be requested in the usual manner.

(c) *Cancellation of loan.* Loans may be canceled before loan closing by the use of Form FHA 440–10, "Request for Cancellation of Loan."

(1) For a direct loan or an insured loan from the insurance fund, if a check is received in the County Office, the County Supervisor will return it to the U.S. Treasury, Regional Disbursing Office, Kansas City, Mo., with a copy of Form FHA 440–10.

(2) Any check advanced by a private lender will be returned promptly to the lender with an explanatory letter.

(3) Interested parties will be notified of the cancellation as provided in Part 307 of this chapter.

(d) *Property insurance.* (1) Buildings on the property which is to be taken as security for the loan will be insured in accordance with Part 306 of this chapter.

(2) When a loan is secured by a mortgage on chattels, and the loss of such chattels would jeopardize the interests of the Government, the County Supervisor may require the borrower to insure the chattels against hazards customarily covered by insurance in the area.

§ 322.15 **Loan closing actions.**

(a) *Review of financial statement.* Just before loan closing, the County Supervisor will review with the applicant the financial statement which was prepared at the time the docket was developed. If there have been significant changes in his financial conditions, the financial statement will be revised and initialed by the borrower and the County Supervisor. When an applicant's financial condition has changed to the extent that it appears that the loan would be unsound or improper, the loan will not be closed. If possible, a revised loan docket will be processed; otherwise, the loan will be canceled.

(b) *Preparation of note and mortgage and loan closing procedure.* Any changes made in the printed or typewritten text of any instrument will be initialed in the margin by all persons signing the instrument.

(1) A loan secured by a real estate mortgage (including a mortgage on a leasehold) will be closed in accordance with Part 307 of this chapter. Real estate mortgage Form FHA 427–2, "Real Estate Mortgage for ---------- (Direct Loan)," will be used for a direct loan, and Form FHA 427–1, "Real Estate Mortgage for ---------- (Insured Loan)," will be used for an insured loan.

(i) For an insured loan on a nonfarm tract, a senior citizen loan on a farm, or a senior citizen loan to purchase a dwelling, an additional covenant will be inserted in the mortgage as follows:

Borrower will personally occupy and use any buildings on said property which are constructed, improved, or purchased with the loan secured hereby and not rent or lease said buildings unless the Government consents in writing to other occupancy or use or to a rental or lease.

(ii) Any special forms required in connection with a loan on a leasehold will be prepared or approved by the Office of the General Counsel or the State Director.

(iii) For a loan secured by a mortgage upon a leasehold the following language, or similar language which in the opinion of the Office of the General Counsel is legally adequate, will be inserted in the mortgage just before the legal description of the real estate:

All Borrower's right, title, and interest in and to the leasehold estate for a term of------years beginning on ----------, 19--, created and established by certain Lease dated----------, 19--, executed by---------- as lessor(s), recorded on ----------, 19--, in Book ------, page ------ of the Records of said County and State, and any renewals and extensions thereof, and all Borrower's right, title, and interest in and to said Lease, covering the following real estate:

(iv) For a loan secured by a mortgage upon a leasehold an additional covenant will be inserted in the mortgage to read as follows:

Borrower will pay when due all rents and any and all other charges required by said Lease, will comply with all other requirements of said Lease, and will not surrender or relinquish, without the Government's written consent, any of Borrower's right, title, or interest in or to said leasehold estate or under said Lease while this instrument remains in effect.

(2) Form FHA 440–16, "Promissory Note (Insured Loan)," will be used for insured loans and Form FHA 440–17, "Promissory Note (Direct Loan)," will be used for direct loans.

(i) The note will be signed in accordance with Part 307 of this chapter.

(ii) The amount of the first installment will be determined by the County Supervisor after considering the immediate debt-paying ability of the borrower. The amount of the first installment may be less, but not more, than a regular annual installment.

(iii) For a direct loan to a borrower participating in an authorized mutual self-help housing project, the initial payment may be scheduled for the second January 1 after the loan is closed if the borrower will be unable to occupy the house by the first January 1. If he will not have sufficient income to pay a full installment by the second January 1, the payment due on the second January 1 may be less than a full installment.

(iv) For an insured loan, the amount of the first installment may not be less than the amount equal to interest on the loan from the date of loan closing to February 1 of the calendar year following the calendar year in which the loan is closed.

(v) In any case in which a real estate mortgage will not be taken, the following provision will be inserted in the note:

No property constructed, improved, or purchased in whole or in part with the loan may be assigned, sold, transferred, or encumbered, voluntarily or otherwise, without the written consent of the Government.

(vi) When a real estate mortgage will not be taken in the case of a direct loan on a nonfarm tract or a senior citizen loan on a farm, the following provision will be inserted in the note:

Property constructed, improved, or purchased with the loan will be personally occupied and used by Borrower and not rented or leased, unless the Government gives written consent otherwise.

If the note form already contains a similar printed provision limited to property constructed or improved with an RH loan, the printed provision will be stricken.

(vii) When a senior citizen note is being cosigned, the following sentence will be inserted in the space above the signature and the name of the cosigner will be written in the blank space at the end of the sentence:

The provisions of this note that the undersigned (a) personally occupy and use the dwelling and (b) refinance from other credit sources shall not apply to ----------.

(3) (i) A loan on security other than real estate will be closed in accordance with § 331.34 except paragraph (a) thereof.

(ii) Nonreal estate security instruments, and related instruments, as appropriate, will be prepared in accordance with Operating Loan Instructions regarding security instruments and related instruments except that all provisions for creating a crop lien or security interest will be deleted and for insured loans the Form FHA 440–15, "Security Agreement (Insured Loans to Individuals) (State)," series will be used.

(4) For an insured loan made with a private lender's funds, the promissory note will be assigned to the lender simultaneously with loan closing. This will be done by endorsing the note over to the lender, using the form of endorsement on the reverse of the note. Form FHA 440–5, "Insurance Endorsement (Insured Loans)," will also be executed simultaneously with loan closing for delivery to the lender with the note. If the insurance endorsement is not to provide for purchase by the Government at the holder's option, paragraph 7 will be deleted.

(i) Each County Supervisor and each State Director is authorized to sign the endorsement on the reverse of the note and to execute Form FHA 440–5. The insurance endorsement constitutes the Government's contract of insurance of the loan.

(5) For loans from the insurance fund, the note will not be endorsed and the insurance endorsement will not be prepared until the loan is assigned from the insurance fund to a lender. In such case, the endorsement on the reverse of the note and the insurance endorsement will be executed in accordance with Part 373 of this chapter.

(6) When the first installment on a loan closed during December will be due next January 1, the installment will be collected at the time of loan closing.

(7) Immediately after loan closing, there will be sent to the Finance Office the original note for a direct loan, the original and a copy of the note for an insured loan made from the insurance fund, and a copy of the note and the executed Form FHA 440–5 for an insured loan made by a private lender.

(8) When the real estate mortgage is returned by the filing official, the original will be retained in the borrower's case folder unless it is retained by the filing official for the county records. If the original is retained by the filing official in his official records, a copy conformed to show the recording date including the date and place of recording and the book and page number will be filed in the borrower's case folder. A copy of the mortgage will be delivered to the borrower.

(c) *Other actions.* (1) For assignment of income from real estate security, Form FHA 443–16, "Assignment of Income from Real Estate Security," will be used. If the form is legally inadequate it may be adapted with the approval of the Office of the General Counsel. The County Supervisor, upon the advice of the designated attorney, title insurance company, or Office of the General Counsel, as appropriate, may require the acknowledgment and recordation of the assignment. Any cost incident thereto will be borne by the borrower.

(2) If an owner's policy of title insurance is obtained, it will be delivered to the borrower as soon as it is received from the title insurance company.

(3) A loan secured by a real estate or chattel mortgage is closed when the mortgage is filed for record. In other cases a loan is closed when the loan funds are deposited in the supervised bank account or otherwise made available to the borrower after he executes and delivers the note and any other required instruments.

§ 322.16 **Rural Housing disaster loans.**

(a) *Eligibility.* When a natural disaster including earthquake, flood, forest fire, severe windstorm, or lightning damages or destroys farm and rural dwellings, farm service buildings, and related facilities, section 502 RH direct loans will be made under this section to eligible RH applicants for the repair or replacement of such buildings on the same or a different site.

(b) *Interest rate.* Loans made under this section will bear interest at 3 percent per year.

(c) *Repair or replacement of buildings.* Repair or replacement of any damaged or destroyed building must be consistent with basic section 502 RH loan policies. Changes may be made in the building, but in any case the repaired or replaced building should not be significantly larger or more costly than the original building except as necessary to provide a building which is adequate but modest. No new building constructed under this paragraph will exceed the limits established by subparagraphs (1) and (3) of § 322.7(c).

(d) *Approval authorization.* The authority to approve rural housing disaster loans will not be redelegated by the State Director below the State Office level. The State Director will approve any disaster loan only after he determines that (1) the loss or damage was due to a natural disaster, (2) the application was filed within 12 months from the date the loss or damage occurred, (3) the applicant is using his available assets, including insurance loss payments, to repair or replace any damaged or destroyed building, (4) the loan will supplement other assistance, such as State or local, Small Business Administration, and Red Cross assistance, to the extent available, and (5) if the applicant is a nonowner occupant, the building he occupied was so badly damaged by the disaster that it is no longer habitable and the owner does not intend to repair or replace the building. Adequate information will be included in the docket to enable the State Director to make the determination required by this subsection.

(e) *Nature of loss.* Each case will be identified by "NATURAL DISASTER" on Form FHA 440–3, in the block, "Source of Funds," and on Form FHA 444–2, beneath the heading. In part D, item III, of Form FHA 444–2, beneath "Use of Funds," "Description of Loss" will be entered and the circumstances surrounding the loss will be fully documented. The cause, nature, and extent of the physical damage, the amount of any insurance loss payments, and the cost of repair or replacement should be recorded.

(f) *Deferred payments.* On loans made under this section, payments of interest and principal may be scheduled so as not to begin for a period up to 5 years from the date of the loan, subject to compliance with all the following conditions:

(1) The applicant, as a result of the loss suffered from the disaster, has had a substantial loss of income or his essential debts, including the proposed RH loan, have increased substantially as a result of the disaster. An applicant who has not experienced an income loss as a result of the natural disaster may not qualify for a deferment if the only additional debts he had to incur was for the repair or replacement of his dwelling.

(2) The income loss or increase in essential debts must be sufficiently great so that the applicant will not likely be able to pay a full annual installment during the proposed deferment period and also meet his other essential obligations.

(3) The applicant's other indebtedness has been adjusted by reduction, reamortization, extension, or other means, to the extent possible by negotiations with the other creditors.

(4) There is adequate evidence that the applicant's income in relation to his total obligations will be sufficient after the deferment period to enable him to meet the payments on the RH loan and all his other obligations.

§ 322.17 **Subsequent section 502 RH loans.**

(a) Definition: A subsequent section 502 RH loan is a section 502 RH loan made to a borrower who has an existing section 502 RH loan. Subsequent loans may be made for the same purposes and under the same conditions and limitations as initial loans.

(b) Processing subsequent loans: A subsequent loan will be processed in the same manner as initial loans, except that a new appraisal report will be required only when real estate will be taken as security and at least one of the following exists:

(1) The property was not appraised in connection with the initial loan.

(2) The latest appraisal report of the real estate is over 2 years old.

(3) The latest appraisal report is less than 2 years old but the appraiser recommended the normal market value rather than normal value.

(4) The physical characteristics of the property have changed significantly.

(5) The County Supervisor or loan approval official requests a new appraisal report.

(c) Nonreal estate security: A subsequent RH loan may be secured wholly by nonreal estate, provided the amount of the subsequent loan plus the unpaid principal balance of any prior RH loan or loans secuerd by noneral estate does not exceed $2,500.

(d) Note-only: A subsequent RH loan may be made on a note-only basis, provided the amount of the subsequent loan

plus the unpaid principal balance of any prior RH loan or loans secured by a note only does not exceed $1,500.

(e) Designation of note in real estate mortgage: When real estate mortgage is required in connection with a subsequent RH loan, any outstanding RH notes will be described in the mortgage.

(f) The subsequent loan will bear interest at a rate determined in accordance with this subpart, which may not be the same rate as borne by the initial loan.

Dated: December 20, 1965.

HOWARD BERTSCH,
Administrator,
Farmers Home Administration.

[F.R. Doc. 65-13714; Filed, Dec. 22, 1965; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Expenses and Rate of Assessment

On December 7, 1965, notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 15104) regarding proposed expenses and related rate of assessment for the period beginning November 1, 1965, and ending October 31, 1966, pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. This regulatory program is effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Navel Orange Administrative Committee (established pursuant to the amended marketing agreement and order), it is hereby found and determined that:

§ 907.204 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Navel Orange Administrative Committee, during the period November 1, 1965, through October 31, 1966, will amount to $290,000.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 907.41, is fixed at $0.01 per carton of navel oranges.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) The relevant provisions of said amended marketing agreement and this part require that the rate of assessment fixed for a particular fiscal year shall be applicable to all assessable navel oranges from the beginning of such year; and (2) the current fiscal year began on November 1, 1965, and the rate of assessment herein fixed will automatically apply to all assessable navel oranges beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 20, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-13686; Filed, Dec. 22, 1965; 8:45 a.m.]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

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917.0 Findings and determinations.

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AUTHORITY: The provisions of this Part 917 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 917.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary, and in addition, to the findings and determinations which were made in connection with the issuance of the order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such previous findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held in Fresno, Calif., on April 5–6, 1965, upon a proposed further amendment of the marketing agreement and order (7 CFR Part 917) regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in California. On the basis of the evidence adduced at the hearing, and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of pears, plums, and peaches grown in the State of California in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in the marketing agreement upon which hearings have been held;

(3) The said order, as amended and as hereby further amended, is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of such regional production area would not effectively carry out the declared policy of the act;

(4) The said order, as amended and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in production and marketing of the fruit covered thereby; and

(5) All handling of plums grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is hereby found, on the basis hereinafter indicated, that good cause exists for making the provisions of this amended order effective upon publication in the FEDERAL REGISTER, and that it would be contrary to the public interest to postpone such effective time until 30 days after such publication (5 U.S.C. 1001–1011). The provisions of this order effect changes in the number of positions on the Plum Commodity Committee and in the qualifications of persons to fill such positions and positions on the Peach Commodity Committee. Provisions of the order require that nomination meetings shall be held not later than February 15 to designate nominees for positions on such commodity committees. Therefore, the amended order should be made effective as soon as practicable so that such meetings may be planned and nominations made in accordance with such provisions. The provisions of this order are well known to producers and handlers. The hearing was held at Fresno, California, on April 5–6, 1965, and the recommended decision and final decision were published in the FEDERAL REGISTER on October 14, 1965 (30 F.R. 13063), and November 16, 1965 (30 F.R. 14321), respectively. Copies of the text of the amended order have been made available to all known producers and handlers; the provisions of this order do not impose any restrictions on handlers until regulations in accordance therewith are issued; and compliance with such provisions will not require advance preparation on the part of persons subject thereto which cannot be completed prior to the effective time of such regulations.

(c) *Determinations.* It is hereby determined that:

(1) The "Marketing Agreement, as Amended, Regulating the Handling of Fresh Pears, Plums, and Peaches Grown in California," upon which the aforesaid public hearing was held, has been executed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the fruit covered by this order) who, during the period March 1, 1964, through February 28, 1965, handled not less than 50 percent of the volume of pears, not less than 50 percent of the volume of plums, and not less than 50 percent of the volume of peaches covered by the said amended order;

(2) The aforesaid Marketing Agreement, as Amended, Regulating the Handling of Fresh Pears, Plums, and Peaches Grown in California has been executed by handlers of the fruit involved in the amendment who were signatory to the Marketing Agreement, as Amended, Regulating the Handling of Bartlett Pears, Plums, and Elberta Peaches Grown in California, and who during the 1964–65 marketing season handled not less than 67 percent of the fruit involved in the amendment which was shipped by all such signatory handlers during such season; and

(3) The issuance of this amended order is favored or approved by at least two-thirds of the respective producers who participated in a referendum on the question of its approval and who, during the determined representative period (March 1, 1965, through October 31, 1965), were engaged, within the production area specified in the aforesaid amended order, in the production for market of fresh pears, plums, and peaches; such producers having also produced for market at least two-thirds of the volume of each fruit represented in such referendum.

It is, therefore, ordered, That, on and after the effective time hereof, all handling of fresh pears, plums, and peaches grown in California shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

DEFINITIONS

§ 917.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 917.2 Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601–674).

§ 917.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 917.4 Fruit.

"Fruit" means the edible product of the following three kinds of trees (a) all varieties of plums, (b) the varieties of pears, and (c) the varieties of peaches set forth below together with all mutations thereof which are grown in the production area and shipped in fresh form:

Pears. Bartlett, Dr. Jules Guyot (Guyot, Early Bartlett), Clapps Favorite (Hill Bartlett), Max-Red (Max-Red Bartlett, Red Bartlett), Rosired (Rosired Bartlett), Winter Bartlett, Gorham (Late Bartlett).

Peaches. Elberta (Regular Elberta), Early Elberta (Gleason, Early Fay, Golden Elberta), Fay Elberta (Gold Medal, Golden Elberta), Burbank July Elberta (Early Elberta, Burbank Elberta, Burbank, Jewel, Kim Elberta, July Elberta, Socala).

§ 917.5 Grower.

"Grower" is synonymous with producer and means (a) with respect to plums any person who produces plums for market in fresh form, and who has a proprietary interest therein, and (b) with respect to pears and peaches, any person who produces such for market in fresh form in the current of interstate or foreign commerce, and who has a proprietary interest therein.

§ 917.6 Handle.

"Handle" and ship are synonymous and mean: (a) With respect to pears and peaches, to sell, consign, deliver, or transport such fruit, or cause such fruit to be sold, consigned, delivered, or transported, between the production area and any point outside thereof; and (b) with respect to plums, to sell, consign, deliver, or transport plums, or cause plums to be sold, consigned, delivered, or transported, between the production area and any point outside thereof, or within the production area: *Provided,* That the term handle shall not include the sale of fruit on the tree, the transportation within the production area of fruit from the orchard where grown to a packing facility located within such area for preparation for market, or the delivery of such fruit to such packing facility for such preparation.

§ 917.7 Handler.

"Handler" is synonymous with shipper and means any person (except a common or contract carrier transporting fruit owned by another person) who handles fruit.

§ 917.8 Commercial plum handler.

"Commercial plum handler" means any person who produces less than 50% of the plums which he handles.

§ 917.9 Fiscal period.

"Fiscal period" is synonymous with fiscal year and means the 12-month period ending on the last day of February of each year, or such other period that may be approved by the Secretary pursuant to recommendations by the committee.

§ 917.11 Production area.

"Production area" means the State of California.

§ 917.12 Container.

"Container" means a box, bag, crate, lug, basket, carton, package, or any other type of receptacle used in the packaging or handling of fruit.

§ 917.13 Pack.

"Pack" means the specific arrangement, size, weight, count, or grade of a quantity of fruit in a particular type and size of container or any combination thereof.

§ 917.14 District.

"District" means any of the following subdivisions of the State of California:

(a) "North Sacramento Valley District" includes and consists of Glenn County, Shasta County, Tehama County, Modoc County, Siskiyou County, Lassen County, Plumas County, and Colusa County.

(b) "Central Sacramento Valley District" includes and consists of Sutter County, Butte County, Yuba County, and Sierra County.

(c) "Sacramento River District" includes and consists of Sacramento County, that portion of Yolo County east of a straight line from the northwest corner of Sacramento County to the Northeast corner of Solano County, and that portion of Solano County east of a straight line from the northeast corner of Solano County to the town of Rio Vista.

(d) "El Dorado District" includes and consists of El Dorado County.

(e) "Placer-Colfax District" includes and consists of Nevada and Placer Counties.

(f) "Solano District" includes and consists of that portion of Yolo County not included in the Sacramento River District, and that portion of Solano County not included in the Sacramento River District.

(g) "Contra Costa District" includes and consists of Contra Costa County.

(h) "Santa Clara District" includes and consists of Alameda County, Monterey County, Santa Clara County, San Mateo County, Santa Cruz County, and San Benito County.

(i) "Lake District" includes and consists of Lake County.

(j) "Mendocino District" includes and consists of Mendocino County, Humboldt County, Trinity County, and Del Norte County.

(k) "South Coast District" includes and consists of San Luis Obispo County, Santa Barbara County, Ventura County, and that portion of Los Angeles County south of the Tehachapi Mountains and west of a straight line running from the town of Saugus to Point Fermin.

(l) "Stockton District" includes and consists of San Joaquin County, Amador County, Calaveras County, and Alpine County.

(m) "Stanislaus District" includes and consists of Merced County, Stanislaus County, Tuolumne County, and Mariposa County.

(n) "Fresno District" includes and consists of Madera County, Fresno County, Mono County, Kings County, and that portion of Tulare County north of the 4th Standard Parallel south of the Mount Diablo Base Line of the General Land Office.

(o) "Tulare District" includes and consists of that portion of Tulare County not included in Fresno District.

(p) "Kern District" includes and consists of that portion of Kern County west of the Tehachapi Mountains.

(q) "Tehachapi District" includes and consists of that portion of Los Angeles County north of the San Gabriel Mountains and north of that portion of Kern County not included in Kern District, and Inyo County.

(r) "Southern California District" includes and consists of San Bernardino County, Orange County, San Diego County, Imperial County, Riverside County, and that portion of Los Angeles County not included in the South Coast District and the Tehachapi District.

(s) "North Bay District" includes and consists of Sonoma County, Napa County, and Marin County.

§ 917.15 Representation area.

"Representation area" means any one of the districts or groups of districts which are designated for nominating members and alternate members to the commodity committees under §§ 917.21 through 917.23 or as changed pursuant to § 917.34(i).

ADMINISTRATIVE BODIES

§ 917.16 Designation of Control Committee.

A Control Committee is hereby established consisting of 12 shipper members and 13 grower members, and the members shall be selected in accordance with the provisions of § 917.17 through § 917.19. The members shall be selected annually for a term ending on the last day of February, and said members shall serve until their respective successors are selected and qualified.

§ 917.17 Nomination of shipper members of the Control Committee.

Nominations for the 12 members of the Control Committee to represent shippers shall be made in the following manner:

(a) Elective bodies may be formed consisting of any shipper or group of shippers who shipped at least one-third of the total tonnage of fruit shipped by all shippers during the preceding season. Each elective body shall be entitled to nominate four persons for members. In the event an elective body is composed of more than one shipper, each such shipper shall cast his vote on the basis of fruit shipped by such shipper during the previous season. Voting shall be cumulative. Shippers who have sufficient tonnage to form one or more elective bodies shall not be entitled to use their additional fractional tonnage, if any, toward the formation of an additional elective body.

(b) In the event all nominations for the shipper membership of the Control Committee are not made by elective bodies, as provided in paragraph (a) of this section, by February 1 of each year, the then existing Control Committee shall promptly announce a time and place for a meeting of all shippers of fruit who have not individually or collectively formed an elective body nor in any manner participated therein, and such Control Committee shall conduct the election of nominees at such meeting. At said election meeting, such shippers shall select a nominee for each of the aforesaid positions of the Control Committee for which nominees have not been selected pursuant to the provisions of paragraph (a) of this section. In such election, each such shipper shall cast only one vote. No shipper who formed an elective body, or participated therein with another shipper or shippers, shall participate in or vote at such election held pursuant to the provisions of this paragraph.

(c) No shipper shall be entitled to participate in the nomination of members of the Control Committee, or be eligible for membership on such committee, if such shipper has failed to pay the assessments, due to be paid by him pursuant to the provisions of § 917.37.

§ 917.18 Nomination of grower members of the Control Committee.

Nominations for the 13 members of the Control Committee to represent growers shall be made by the commodity committees in the following manner:

(a) A nomination for one member shall be made by each commodity committee selected pursuant to § 917.25. Nominations for the remaining members to represent growers shall be made by the respective commodity committees as provided in this section. The number of remaining members which each respective commodity committee shall be entitled to nominate shall be based upon the proportion that the previous three fiscal periods' shipments of the respective fruit is of the total shipments of all fruit to which this part is applicable during such periods. In the event provisions of this part are terminated as to any one fruit, nominations of members to the Control Committee shall be composed of representatives of the remaining two fruits. The apportionment shall be determined as aforesaid. In the event provisions of this part are terminated as to any two fruits, the members of the commodity committee of the remaining fruit shall have all of the powers, duties, and functions given to the Control Committee under this part and sections of this part pertaining to the designation of the Control Committee shall be terminated.

(b) A person nominated by any commodity committee for membership on the Control Committee shall be an individual person who produced fruit during the previous season: *Provided, however,* That a person nominated by any commodity committee for membership on the Control Committee shall have the qualifications specified in § 917.24(c). Each member of each commodity committee shall have only one vote in the selection of nominees for membership on the Control Committee.

§ 917.19 Selection of members of the Control Committee.

From the nominations made pursuant to § 917.17, or from other persons, the Secretary shall select the shipper members of the Control Committee. From the nominations made pursuant to § 917.18, or from other persons, the Secretary shall select the grower members of the Control Committee. Any person selected as a member of the Control Committee shall qualify by filing with the Secretary a written acceptance of the appointment.

§ 917.20 Designation of members of commodity committees.

There are hereby established a Pear Commodity Committee and a Plum Commodity Committee each consisting of 12 members, and a Peach Commodity Committee consisting of 7 members. The members of each commodity committee shall be selected annually for a term ending on the last day of February, and such members shall serve until their respective successors are selected and

have qualified. The members of each commodity committee shall be selected in accordance with the provisions of § 917.25.

§ 917.21 Nomination of Pear Commodity Committee members.

Nominations for membership on the Pear Commodity Committee shall be made by the growers of pears in the respective representation areas as follows:

(a) North Sacramento Valley District and the Central Sacramento Valley District one nominee.

(b) Sacramento River District, Stockton District, Contra Costa District, Santa Clara District, and Solano District three nominees.

(c) Placer-Colfax District one nominee.

(d) Lake District four nominees.

(e) Mendocino District and the North Bay District one nominee.

(f) El Dorado District and all of the area not included in the North Sacramento Valley District, Central Sacramento Valley District, Placer-Colfax District, Sacramento River District, Stockton District, Solano District, Contra Costa District, Santa Clara District, Lake District, Mendocino District, and North Bay District two nominees.

§ 917.22 Nomination of Peach Commodity Committee members.

Nominations for membership on the Peach Commodity Committee shall be made by the growers of peaches in the respective representation areas, as follows:

(a) Fresno District four nominees.

(b) Tulare District and Kern District one nominee.

(c) Stanislaus District one nominee.

(d) All of the production area not included in the Fresno District, Tulare District, Kern District, and Stanislaus District one nominee.

§ 917.23 Nomination of Plum Commodity Committee members.

Nominations for membership on the Plum Commodity Committee shall be made by the growers of plums in the respective representation areas, as follows:

(a) Kern District and the Southern California District one nominee.

(b) Tulare District two nominees.

(c) Fresno District five nominees.

(d) Placer-Colfax District two nominees.

(e) North Sacramento Valley District and Central Sacramento Valley District one nominee.

(f) All of the production area not included in the Kern District, Southern California District, Tulare District, Fresno District, Placer-Colfax District, North Sacramento Valley District, and Central Sacramento Valley District one nominee.

§ 917.24 Procedure for nominating members of various commodity committees.

(a) The Control Committee shall hold or cause to be held not later than February 15 of each year a meeting or meetings of the growers of the fruits in each representation area set forth in §§ 917.21, 917.22, and 917.23 for the purpose of designating nominees of the commodity committees. These meetings shall be supervised by the Control Committee, which shall prescribe such procedure as shall be reasonable and fair to all persons concerned.

(b) With respect to each commodity committee only growers of the particular fruit who are present at such nomination meetings or represented at such meetings by duly authorized employees may participate in the nomination and election of nominees for commodity committee members. Each such grower, including employees of such grower, shall be entitled to cast but one vote for each position to be filled for the representation area in which he produces such fruit.

(c) A particular grower, including employees of such growers, shall be eligible for membership as principal or alternate to fill only one position on a commodity committee. A grower nominated for membership on the Pear Commodity Committee must have produced at least 51 percent of the pears shipped by him during the previous fiscal period, or he must represent an organization which produced at least 51 percent of the pears shipped by it during such period. A grower nominated for membership on the Plum Commodity Committee may be a producer who has a proprietary interest in or is an employee of a commercial plum handler: *Provided,* That at least one such nominee from each representation area shall be a producer who does not have a proprietary interest in or is not an employee of a commercial plum handler.

§ 917.25 Selection of members of various commodity committees.

The Secretary shall select the members of each commodity committee from nominations made by growers, as provided in §§ 917.21 through 917.24, or from among other eligible persons. Any person selected as a member of a commodity committee shall qualify by filing with the Secretary a written acceptance of the appointment.

§ 917.26 Failure to nominate.

If nominations are not made within the time and in the manner prescribed in §§ 917.21 through 917.24, the Secretary may, without regard to nominations, select the members and alternate members of the commodity committees on the basis of the representation provided in §§ 917.21 through 917.23. In the event nominations are not made for membership on the Control Committee, pursuant to the provisions of §§ 917.17 and 917.18, by May 1 of each year, the Secretary may select such members without waiting for nominees to be designated.

§ 917.27 Alternates.

There shall be an alternate for each member of the Control Committee, and an alternate for each member of each commodity committee. Each such alternate shall possess the same qualifications, shall be nominated and selected in the same manner and shall hold office for the same term, as the member for whom he is alternate. An alternate shall, in the event of such member's absence at a meeting of the committee, act in the place and stead of such member; and, in the event of such member's removal, resignation, disqualification, or death, the alternate for such member shall, until a successor for the unexpired term of said member has been selected, act in the place and stead of said member. In the event both a member and his alternate are unable to attend a meeting the member or the committee members present may designate any other alternate to serve in such member's place and stead provided such action is necessary to secure a quorum.

§ 917.28 Procedure for filling vacancies on committees.

To fill any vacancy on the Control Committee or on any of the commodity committees occasioned by the failure of any person selected as a member or as an alternate member to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member, a successor for the unexpired term of such member or alternate shall be nominated and selected in the manner specified in §§ 917.17 through 917.19, and §§ 917.21 through 917.25. If the names of nominees to fill any such vacancy are not made available to the Secretary within a reasonable time after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations on the basis of representation provided for in §§ 917.16 and 917.21 through 917.23.

§ 917.29 Organization of committees.

(a) A majority of all of the members of the Control Committee shall constitute a quorum, and any action of the Control Committee shall require the concurrence of the majority of all members present at the meeting.

(b) A quorum of the Pear Commodity Committee and of the Plum Commodity Committee shall each consist of eight members; and a quorum of the Peach Commodity Committee shall consist of five members.

(c) The Control Committee and each commodity committee shall give to the Secretary the same notice of each meeting that is given to the members of the respective committee.

(d) The Control Committee or any commodity committee may, upon due notice to all of the members of the respective committee, vote by letter, telegraph, or telephone: *Provided,* That any member voting by telephone shall promptly thereafter confirm in writing his vote so cast.

§ 917.30 Removal and disapproval.

The members of the Control Committee, including their respective successors and alternates, and the members of each commodity committee, including their respective successors and alternates, and any agent or employee appointed or employed by the Control Committee and the members of any other committee established pursuant to the

provisions of this subpart shall be subject to removal or suspension at any time by the Secretary. Each regulation, decision, determination, or other act of the Control Committee, or any commodity committee, or any other committee established pursuant to the provisions of this subpart, shall be subject to the continuing right of the Secretary to disapprove of the same at any time; and, upon such disapproval, each such regulation, decision, determination, or other act, shall be deemed null and void except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 917.31 Compensation and expenses.

All committee members shall serve without compensation, but said members, and their respective alternates, shall be reimbursed for expenses necessarily incurred in the performance of their duties. At its discretion any committee may request the attendance of one or more alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members, and may pay expenses as aforesaid.

§ 917.32 Funds and other property.

(a) All funds received by the Control Committee, pursuant to the provisions of this part, shall be used solely for the purpose specified in this part; and the Secretary may require the Control Committee and its members to account for all receipts and disbursements.

(b) Upon the resignation, removal, or expiration of the term of any member or employee of the Control Committee, or of any member of any commodity committee, all books, records, funds, and other property in his possession belonging to the Control Committee or any commodity committee shall be delivered to the Control Committee or to his successor in office; and such assignments and other instruments shall be executed as may be necessary to vest in the Control Committee full title to all the books, records, funds, and other property in the possession or under the control of such member or employee, pursuant to the provisions of this part.

(c) The Control Committee may, with the approval of the Secretary, maintain in its own name, or in the name of its members, a suit against any shipper for the collection of such shipper's pro rata share of expenses, pursuant to the provisions of this part.

§ 917.33 Powers of Control Committee.

The Control Committee shall have the following powers:

(a) To administer, as specifically provided in this part, the terms and provisions of this part.

(b) To make administrative rules and regulations in accordance with and to effectuate the terms and provisions of this part.

(c) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part.

(d) To recommend to the Secretary amendments to this part.

§ 917.34 Duties of Control Committee.

The Control Committee shall have the following duties:

(a) To act as intermediary between the Secretary and any grower or shippers.

(b) To keep minute books and records which will clearly reflect all of the acts and transactions of said Control Committee; and such minute books and records shall be subject at any time to examination by the Secretary or by such person as may be designated by the Secretary.

(c) To investigate, from time to time, and assemble data on the growing, shipping, and marketing conditions respecting fruit, as defined in § 917.4; to engage in such research and service activities in connection with the handling of such fruit as may be approved, from time to time, by the Secretary; and to furnish to the Secretary such available information as may be requested.

(d) To appoint such employees, agents, and representatives as it may deem necessary, and to determine the compensation and define the duties of each.

(e) To submit as soon as practicable after the beginning of each fiscal period to the Secretary, for his approval, a budget of its expenses for such fiscal period, including a report in explanation of the items therein, and a recommendation as to the rate of assessment for each fruit.

(f) To confer with representatives of shippers and growers of fruit produced in other states and areas with respect to the formulation or operation of marketing agreements providing for the regulation of shipments among the several states and areas in the United States in which such fruit is grown.

(g) To establish a Sales Managers' Committee of seven members for each of the fruits regulated under this part to assist the respective commodity committees in arriving at recommendation for regulation. The members of the Sales Managers' Committees shall be selected by the shipper members of the Control Committee.

(h) To establish and define the duties of additional committees or subcommittees to assist in the performance of any of the duties and functions of the Control Committee.

(i) With the approval of the Secretary, to redefine the districts into which the State of California has been divided under § 917.14 or change the representation of any representation area on any commodity committee: *Provided, however*, That, if any such changes are made, representation on any such committee from the various representation areas shall be based, so far as practicable, upon the proportionate quantity of the respective fruit shipped from the respective representation area during the preceding three fiscal periods: *Provided further*, That the Control Committee shall follow the principle, so far as practicable, of assigning a member position on the Pear and Plum Commodity Committees to any representation area from which 5 percent of regulated shipments have originated during such periods.

(j) To defend all legal proceedings against any committee members (individually or as members) or any officers or employees of such committees arising out of any act or omission made in good faith pursuant to the provisions of this part.

(k) To cause the books of the Control Committee to be audited by a competent accountant at least once each fiscal period and at such other time or times as the Control Committee may deem necessary or as the Secretary may request. Such audit shall indicate whether the funds have been received and expended in accordance with the provisions of this part.

(l) To appoint nomination committees if it deems proper for any or each nomination meeting held pursuant to §§ 917.21 through 917.23. Such nomination committees would canvas prospective members and alternate members to the commodity committees to determine their eligibility and willingness to serve and present a slate of nominees to the meeting or meetings. The presentation of nominees by the nominating committee at these meetings shall not exclude the right of any grower to nominate any eligible person at such meeting.

§ 917.35 Powers and duties of each commodity committee.

Each commodity committee shall have the following powers and duties:

(a) With regard to the respective fruit for which it was established, to recommend to the Secretary regulation of shipments pursuant to the provisions of this part, and to possess such other powers and exercise such other duties as will properly effectuate the purposes of this part: *Provided, however*, That the Pear and Plum Commodity Committees shall each make said recommendation pursuant to §§ 917.40 through 917.43 only upon the affirmative vote of not less than eight members of each said committee: *Provided further*, That the Peach Commodity Committee shall make said recommendation pursuant to such sections only upon the affirmative vote of not less than five members of said committee.

(b) To make such rules and regulations with respect to fruit for which it was established as may be necessary to effectuate the terms and provisions of this part.

(c) To forward to the Control Committee and to the Secretary a record of the minutes of each meeting of the commodity committee.

(d) To establish such other committees to aid the commodity committee in the performance of its duties under this part as may be deemed advisable.

(e) Each season prior to any recommendation to the Secretary for a regulation of shipments pursuant to §§ 917.40 through 917.43 to determine the marketing policy to be followed for the respective commodity during the ensuing fiscal period and to submit such policy to the Secretary, said policy report to contain, among other provisions, information relative to the estimated total production and shipments of the fruit by districts, information as to the expected general

quality and size of fruit, possible or expected demand conditions of different market outlets, supplies of competitive commodities, such analysis of the foregoing factors and conditions as the committee deems appropriate, and the type of regulations of shipments expected to be recommended for the respective fruit.

EXPENSES AND ASSESSMENTS

§ 917.36 Expenses.

The Control Committee is authorized to incur such expenses as the Secretary may find are reasonable and are likely to be incurred by the Control Committee during each fiscal period for maintenance and functioning of such committee and the respective commodity committees and for such research and service activities relating to the handling of fruit as the Secretary may determine to be appropriate. The funds to cover such expenses shall be acquired by the levying of assessments as provided in § 917.37.

§ 917.37 Assessments.

(a) As his pro rata share of the expenses which the Secretary finds are reasonable and are likely to be incurred by the Control Committee during a fiscal period, each handler shall pay to the committee, upon demand, assessments on all fruit handled by him. The payment of assessments for the maintenance and functioning of the committees may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the respective rate of assessment which handlers shall pay with respect to each fruit during each fiscal period in an amount designed to secure sufficient funds to cover the respective expenses which may be incurred during such period. At any time during or after the fiscal period, the Secretary may increase the rates of assessment in order to secure funds to cover any later findings by the Secretary relative to such expenses, and such increase shall apply to all fruit shipped during the fiscal period.

(c) In order to provide funds to carry out the functions of the Control Committee and commodity committees prior to the commencement of shipments in any season, shippers may make advance payments of assessments, which advance payments shall be credited to such shippers and the assessments of such shippers shall be adjusted so that such assessments are based upon the quantity of fruit shipped by such shippers during such season. Any shipper who ships fruit for the account of a grower may deduct, from the account of sale covering such shipment or shipments, the amount of assessment levied on said fruit shipped for the account of such grower.

§ 917.38 Accounting.

If, at the end of a fiscal period the assessments collected are in excess of expenses incurred, the Control Committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: *Provided*, That funds already in the reserve do not exceed approximately one fiscal period's expenses. Such reserve funds may be used (1) to cover any expenses authorized by this part and (2) to cover necessary expenses of liquidation in the event of termination of this part. If any such excess is not retained in a reserve, each handler entitled to a proportionate refund shall be credited with such refund against the operations of the following fiscal period or be paid such refund. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That, to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

RESEARCH

§ 917.39 Market research and development.

The committees, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of fruit. The expense of such projects shall be paid from funds collected pursuant to § 917.37.

REGULATIONS

§ 917.40 Recommendations for regulations.

(a) Whenever a commodity committee deems it advisable to regulate the handling of any variety or varieties of fruit in the manner provided in § 917.41, it shall so recommend to the Secretary.

(b) In arriving at its recommendations for regulation pursuant to paragraph (a) of this section, the commodity committee shall give consideration to current information with respect to the factors affecting the supply and demand for such fruit during the period or periods when it is proposed that such regulation should be made effective. With each such recommendation for regulation, the commodity committee shall submit to the Secretary the data and information on which such recommendation is predicated and such other available information as the Secretary may request.

§ 917.41 Issuance of regulations.

(a) The Secretary shall regulate, in the manner specified in this section, the handling of any variety or varieties of fruit whenever he finds, from the recommendations and information submitted by the commodity committee, or from other available information, that such regulations will tend to effectuate the declared policy of the act. Such regulations may:

(1) Limit, during any period or periods, the total quantity of any grade, size, quality, maturity, or pack, or any combination thereof, of any variety or varieties of fruit;

(2) Limit the shipment of any variety or varieties of fruit by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity during any period when season average prices are expected to exceed the parity level;

(3) Fix the size, capacity, weight, dimensions, markings, or pack of the container, or containers, which may be used in the packaging or handling of any fruit;

(b) The commodity committee shall be informed immediately of any such regulation issued by the Secretary, and the commodity committee shall promptly give notice thereof to handlers.

§ 917.42 Modification, suspension, or termination of regulations.

(a) In the event the commodity committee at any time finds that, by reason of changed conditions, any regulations issued pursuant to § 917.41 should be modified, suspended, or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds, from the recommendations and information submitted by the commodity committee or from other available information, that a regulation should be modified, suspended, or terminated with respect to any or all shipments of fruit in order to effectuate the declared policy of the act, he shall modify, suspend, or terminate such regulation. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation. On the same basis and in like manner the Secretary may terminate any such modification or suspension.

§ 917.43 Special purpose shipments.

(a) Except as otherwise provided in this section, any person may, without regard to the provisions of §§ 917.37, 917.41, 917.42, and 917.44, and the regulations issued thereunder, handle fruit (1) for consumption by charitable institutions; (2) for distribution by relief agencies; or (3) for commercial processing into products.

(b) Upon the basis of recommendations and information submitted by the commodity committee, or from other available information, the Secretary may relieve from any or all requirements, under or established pursuant to §§ 917.41, 917.42, 917.45, or 917.37, the handling of fruit; (1) To designated market areas outside the continental United States; (2) for such specified purposes (including shipments to facilitate the conduct of marketing research and development projects established pursuant to § 917.39); or (3) in such minimum quantities or types of shipments, as may be prescribed.

(c) The commodity committee shall, with the approval of the Secretary, prescribe such rules, regulations, and safeguards as it may deem necessary to prevent fruit handled under the provisions of this section from entering the channels of trade for other than the specified purposes authorized by this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications and receive approval from the commodity committee for authorization to handle fruit pursuant to this section, and that such ap-

plications be accompanied by a certification by the intended purchaser or receiver that the fruit will not be used for any purpose not authorized by this section.

§ 917.44 Exemptions.

(a) Each commodity committee established pursuant to this part for a particular fruit, shall, subject to the approval of the Secretary, adopt the procedural rules to govern the issuance of exemption certificates.

(b) In the event the Secretary issues a regulation for a particular fruit pursuant to the provisions of §§ 917.40 and 917.41, the commodity committee, or its agents, established pursuant to this part for such fruit shall determine what the percentage of such fruit permitted to be shipped from each district is of the total quantity of such fruit which would be shipped from such district in the absence of such regulation. An exemption certificate shall thereafter be issued by such committee to any grower who furnishes proof, satisfactory to such committee, that by reason of conditions beyond his control he will be prevented, because of the regulation issued, from shipping, or having shipped, a percentage of his crop of such fruit equal to the percentage, determined as aforesaid, of all such fruit permitted to be shipped from his district. The certificate shall permit such grower to ship, or have shipped, a percentage of his crop of such fruit equal to the percentage determined as aforesaid. Each such commodity committee shall maintain a record of all applications submitted for exemption certificates pursuant to the provisions of this section, and shall maintain a record of all certificates issued, including the information used in determining in each instance the quantity of fruit thus to be exempted, and a record of all shipments of exempted fruit. Such additional information as the Secretary may require shall be recorded in the records of such committee. Each commodity committee shall, from time to time, submit to the Secretary reports stating in detail the number of exemption certificates issued, the quantity of fruit thus exempted, and such additional information as may be requested by the Secretary.

(c) In the event the commodity committee, established pursuant to this part for a particular fruit, determines that by reason of general crop failure or any other unusual conditions within a particular district or districts, it is not feasible or would not be equitable to issue exemption certificates to growers within such district or districts on the basis set forth in paragraph (b) of this section, it may issue exemption certificates on the basis of the average of the percentages, as determined under paragraph (b) of this section, of the crops of such fruit permitted to be shipped from all districts. An exemption certificate shall thereafter be issued by such committee to any grower who furnishes proof satisfactory to such committee to the effect that such grower will be prevented, because of the aforesaid regulation, from shipping, or having shipped, as large a percentage of his crop of such fruit as the average of the percentages, as determined under paragraph (b) of this section, of the crops of such fruit permitted to be shipped from all districts. The certificate shall permit such grower to ship, or have shipped, a percentage of his crop of such fruit equal to the average of the percentages determined as aforesaid.

(d) If any grower is dissatisfied with the action of a commodity committee taken with respect to his application for an exemption certificate, such grower may appeal to the Secretary: *Provided*, That such appeal shall be made promptly. The Secretary may, upon an appeal made as aforesaid, modify or reverse the action of the committee from which such appeal was taken. The authority of the Secretary to supervise and control the issuance of exemption certificates is unlimited and plenary; and any determination by the Secretary with respect to an exemption certificate shall be final and conclusive.

§ 917.45 Inspection and certification.

(a) Whenever the handling of any variety of a particular fruit is regulated pursuant to §§ 917.41 or 917.42, each handler who handles such fruit shall, prior thereto, cause such fruit to be inspected by the Federal or Federal-State Inspection Service: *Provided*, That inspection and certification shall not be required if such fruit has previously been so inspected and certified. Promptly after inspection and certification, each such handler shall submit, or cause to be submitted, to the commodity committee a copy of the certificate of inspection issued with respect to such fruit. The commodity committees may, with the approval of the Secretary, prescribe rules and regulations waiving the inspection requirements of this section where it is determined that inspection is not available: *Provided*, That all shipments made under such waiver shall comply with all regulations in effect.

(b) The Control Committee may enter into an agreement with the Federal and Federal-State Inspection Services with respect to the costs of the inspection required by paragraph (a) of this section, for any or all fruits, and may collect from handlers their respective pro rata shares of such costs.

REPORTS

§ 917.50 Reports.

(a) Each handler shall furnish to the Manager of the Control Committee, at such times and for such periods as the Control Committee or the Commodity Committees may designate, certified reports covering, to the extent necessary for the committees to perform their functions, each shipment of fruits as follows:

(1) The name of the shipper and the shipping point;

(2) The car or truck license number (or name of the trucker), and identification of the carrier;

(3) The date and time of departure;

(4) The number and type of containers in the shipment;

(5) The quantities shipped, showing separately the variety, grade, and size of the fruit;

(6) The destination;

(7) Identification of the inspection certificate or waiver pursuant to which the fruit was handled;

(8) The price per package at which sold, including specific and detailed information relative to all discounts, allowances, rebates, or other adjustments thereof.

(b) Upon request of any committee, made with the approval of the Secretary, each handler shall furnish to the Manager of the Control Committee, in such manner and at such times as it may prescribe, such other information as may be necessary to enable the committee to perform its duties under this part.

(c) Each handler shall maintain for at least two succeeding fiscal years, such records of the fruits received and disposed of by him as may be necessary to verify the reports he submits to the committee pursuant to this section.

(d) All reports and records submitted by handlers pursuant to the provisions of this section shall be received by, and at all times be in custody of, one or more designated employees of the Control Committee. No such employee shall disclose to any person, other than the Secretary upon request therefor, data or information obtained or extracted from such reports and records which might affect the trade position, financial condition, or business operation of the particular handler from whom received: *Provided*, That such data and information may be combined, and made available to any person, in the form of general reports in which the identities of the individual handlers furnishing the information are not disclosed and may be revealed to any extent necessary to effect compliance with the provisions of this part and the regulations issued thereunder.

MISCELLANEOUS PROVISIONS

§ 917.60 Effective time.

The provisions of this part and of any amendment thereto, shall become effective at such time as the Secretary may declare above his signature and shall continue in force until terminated in one of the ways specified in § 917.61.

§ 917.61 Termination.

(a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner in which he may determine.

(b) The Secretary shall terminate or suspend the operation of any and all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part or the applicability of the provisions of this part as to a particular fruit whenever he finds by referendum or otherwise that such termination is favored by a majority of the growers of the fruit: *Provided*, That such majority has during the current fiscal period produced more than 50 percent of the volume of the fruit which was produced within the production area for shipment in fresh form. Such termination shall become effective on the first day of March subsequent to the announcement thereof by the Secretary.

(d) The Control Committee shall consider all petitions from growers submitted to it for termination of this part provided such petitions are received by the Control Committee prior to October 1 of the then current fiscal period. Upon recommendation of the Control Committee, received not later than December 1 of the then current fiscal period, the Secretary shall conduct a referendum among the growers of the particular kind of fruit prior to February 15 of such fiscal period to ascertain whether continuance of this part is favored by producers.

(e) The Secretary shall conduct a referendum within the period beginning December 1, 1968, and ending February 15, 1969, to ascertain whether continuance of this part as to any fruit included in this part is favored by the growers. The Secretary shall conduct such a referendum within the same period of every fourth fiscal period thereafter.

(f) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 917.62 Proceedings after termination.

(a) Upon the termination of the provisions of this part pertaining to any fruit or fruits, the Control Committee then functioning shall for the purpose of liquidating the affairs of the Control Committee with respect to such fruit continue as trustee of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and (3) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person, full title and right to all funds, property, and claims vested in the Control Committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the Control Committee and upon the trustees.

§ 917.63 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulation issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 917.64 Compliance.

Each shipper shall comply with all regulations. No shipper shall ship fruit in violation of the provisions of this part or in violation of any regulation issued by the Secretary pursuant to the provisions of this part.

§ 917.65 Duration of immunities.

The benefits, privileges, and immunities conferred by virtue of the provisions of this subpart shall cease upon its termination except with respect to acts done under and during the time the provisions of this part are in force and effect.

§ 917.66 Agents.

The Secretary may by a designation in writing name any person, including any officer or employee of the Government or any agency or Division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 917.67 Derogation.

Nothing contained in this part is or shall be construed to be in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, and in accordance with such powers to act in the premises whenever such action is deemed advisable.

§ 917.68 Liability of committee members.

No member of the Control Committee, any commodity committee, or other committee, or any subcommittee, or any employee of the Control Committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any shipper or any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member or employee, except for acts of dishonesty.

§ 917.69 Separability.

If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, thing, or any particular kind of fruit is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, thing, or kind of fruit shall not be affected thereby.

Dated, December 20, 1965, to become effective upon publication in the FEDERAL REGISTER.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 65-13709; Filed, Dec. 22, 1965; 8:47 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 68]

PART 1068—MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

Order Amending Order

§ 1068.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Minneapolis-St. Paul, Minn., marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act:

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective January 1, 1966. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs was issued November 26, 1965, and the decision of the Assistant Secretary containing all amendment provisions of this order, was

issued December 10, 1965. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective January 1, 1966, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Minneapolis-St. Paul, Minn., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

1. In § 1068.52 paragraph (b) is revised to read as follows:

§ 1068.52 Supply and demand ratio.

* * * * *

(b) Determine the total pounds of milk and milk products disposed of from pool plants as Class I (excluding shrinkage and unaccounted for milk) during the same 2 months; and

* * * * *

2. Section 1068.53 is revised to read as follows:

§ 1068.53 Class I price.

Subject to the differentials provided in in §§ 1068.55 and 1068.56(a), the price per hundredweight for Class I milk each month shall be the basic formula price for the preceding month computed pursuant to § 1068.51 plus an amount as follows: $1.00 for July, August, September, October, and November; $0.76 for other months: *Provided*, That prior to July 1, 1966, $0.86 shall be added to the basic formula price in lieu of the above amounts: *And provided further*, That whenever the current supply-demand ratio varies from that set forth in the table below, the Class I price shall be increased or decreased 1.5 cents for each full percentage point that the current supply-demand ratio is above or below that set forth in the table, but such price shall not be increased or decreased more than 24 cents for any month because of the current supply-demand ratio:

Months to which applicable	Standard percentages	Months used in computing current supply-demand ratio
January	77	October-November.
February	72	November-December.
March	68	December-January.
April	68	January-February.
May	67	February-March.
June	66	March-April.
July	60	April-May.
August	57	May-June.
September	57	June-July.
October	66	July-August.
November	75	August-September.
December	77	September-October.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. January 1, 1966.

Signed at Washington, D.C., on December 20, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 65-13710; Filed, Dec. 22, 1965; 8:47 a.m.]

[Milk Order 1108]

PART 1108—MILK IN CENTRAL ARKANSAS MARKETING AREA

Order Amending Order

§ 1108.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Central Arkansas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than December 17, 1965. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued November 23, 1965, and the decision of the Acting Secretary containing all amendment provisions of this order was issued December 16, 1965. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective December 17, 1965, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Central Arkansas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as amended, and as hereby further amended, as follows:

In § 1108.51(a), the introductory text of subparagraph (3) is revised to read as follows:

§ 1108.51 Class prices.

* * * * *

(a) *Class I milk price.* * * *

(3) For a "minus deviation percentage" the Class I price shall be increased and for a "plus deviation percentage" the Class I price shall be decreased as follows: *Provided*, That such adjustments shall be plus 25 cents each month from the effective date of this order through June 30, 1966.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. December 17, 1965.

Signed at Washington, D.C., on December 17, 1965.

JOHN A. SCHNITTKER,
Under Secretary.

[F.R. Doc. 65-13685; Filed, Dec. 22, 1965; 8:45 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Interstate Movement

Pursuant to the provisions of sections 4 through 7 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 1 through 4 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), §§ 74.2 and 74.3 of Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, as amended (30 F.R. 8566, 11944), are hereby further amended in the following respects:

1. Subparagraph (1) of § 74.2(a) is revised and (a)(2) deleted.

§ 74.2 Designation of free and infected areas.

(a) * * *

(1) Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusets, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Virgin Islands of the United States, Washington, West Virginia, Wisconsin, and Wyoming.

(2) [Deleted]

* * * * *

§ 74.3 [Amended]

2. Subparagraph (2) of § 74.3(a) is hereby deleted.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126; 29 F.R. 16210, as amended, 30 F.R. 5801)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment adds the County of Uvalde in Texas to the list of three areas and deletes such county from the list of infected and eradication areas as sheep scabies is no longer known to exist therein. The entire State of Texas is now designated as a free area. Hereafter, the restrictions pertaining to the interstate movement of sheep from or into infected and eradication areas, as contained in 9 CFR Part 74, as amended, will not apply to Texas. However, the restrictions in said Part 74 pertaining to the interstate movement of sheep from or into free areas will apply to such State.

The amendment relieves certain restrictions presently imposed and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 17th day of December 1965.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 65-13707; Filed, Dec. 22, 1965; 8:46 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 19,596]

PART 545—OPERATIONS

Mobile Facilities

DECEMBER 17, 1965.

Resolved that, notice and public procedure having been duly afforded (30 F.R. 894) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration and of determination by it of the advisability of amendment of Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) by the addition of a new section as hereinafter set forth, and for the purpose of effecting such amendment, hereby amends Part 545 of the rules and regulations for the Federal Savings and Loan System to read as follows, effective January 23, 1966:

Amend Part 545 by adding, immediately after § 545.14–3, a new section, § 545.14–4, as follows:

§ 545.14–4 Mobile facility.

(a) *General provisions.* In order to provide savings and loan services in areas which are not otherwise provided with such services locally, a Federal association may establish and operate a mobile facility at 2 or more locations, each of which shall be more than 10 miles from the location of any home or branch office or agency of any other savings and loan association insured by the Federal Savings and Loan Insurance Corporation, subject to the following requirements and limitations:

(1) Prior to the establishment and operation of any such facility, the association shall obtain approval by the Board of an application by the association for permission to do so;

(2) Such facility shall be operated only at locations approved by the Board, each of which shall at all times be appropriately identified at the site, and shall be within the State in which the association's home office is located and within the association's regular lending area;

(3) Such facility shall be open for business at the same location on the same day or days (not to exceed 2 days) of each week, during such hours, aggregating a total of not less than 4 hours a day, as the association's board of directors may from time to time determine;

(4) Any business of the association, as authorized by its board of directors, may be transacted at such facility, except that loans, other than loans to borrowers on the security of their savings accounts in the association, shall not be approved at any such facility, and a detailed record of the transactions of each such facility shall be maintained as provided by § 545.20;

(5) The mobile equipment used in the establishment and operation of such facility shall not remain at any location while such facility is not open for business, except that such equipment may remain overnight at any location at which such facility is open for business on 2 successive days; and

(6) Without prior approval by the Board, operation of such facility shall not be continued at any location after the expiration of such period of time as the Board may prescribe with respect to operation of the facility at such location.

(b) *Application for permission to establish and operate a mobile facility.* Each application to the Board by a Federal association for permission to establish and operate a mobile facility shall:

(1) State each location at which it is proposed to operate such facility;

(2) Show that there is a need for such facility at each such location and that it is not feasible to establish a full-time office at any such location;

(3) State the functions to be performed at each location and the personnel to be provided;

(4) Include an estimate of the annual volume of business to be transacted at each location, and an estimate of the aggregate amount of annual income and expense of such facility;

(5) Describe fully the equipment to be provided for the operation of such facility and the procedures for incorporating the business transacted by such facility at each location into the complete record of all business transacted by the association; and

(6) Be supported by a map on which the applicant association's regular lending area is delineated and which identifies (i) each location at which it is proposed to establish and operate such facility; (ii) the location of such association's home office and each of its branch offices; (iii) the location of any competitive savings and loan and bank offices; and (iv) the distance between each proposed location of such facility and the location of each of the foregoing offices.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 65-13771; Filed, Dec. 22, 1965; 8:48 a.m.]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. FSLIC-2,364]

PART 561—DEFINITIONS

Slow Loans

DECEMBER 17, 1965.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amendment of § 561.16 of the rules and regulations for Insurance of Accounts (12 CFR 561.16) as hereinafter set forth, to eliminate from the definition of slow loans certain loans which are modified while delinquent solely for the purpose of advancing funds to protect an institution's lien or to pay for hazard insurance covering the security property when the funds impounded for such purpose are insufficient, and for the purpose of effecting such amendment hereby amends said § 561.16, as follows, effective December 23, 1965:

Paragraph (e) of § 561.16 of the rules and regulations for Insurance of Accounts is hereby amended to read as follows:

§ 561.16 Slow loans.

* * * * *

(e) Any loan or land contract that has been modified or refinanced within the preceding 12 months while contractually delinquent, except a mortgage loan or land contract (1) more than 2 years old and less than 30 days (1 month) contractually delinquent at the time of the modification or refinancing and not previously modified or refinanced subsequent to January 1, 1964, or (2) contractually delinquent for less than 30 days (1 month) and modified or refinanced while so contractually delinquent solely by reason of advances made for the purpose of payment of real estate taxes, other governmental assessments, hazard insurance premiums, or water or sewer rents or like charges, required because of deficiencies in amounts prepaid under the terms of such loan or contract caused by revisions of such taxes, assessments, premiums, rents or charges.

* * * * *

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1947 Supp.)

Resolved further that, inasmuch as it is necessary for the foregoing amendment to be effective before December 31, 1965, in order that the report of slow loans on institutions' semiannual reports will be computed without reference to the modifications sought to be eliminated hereby, the Board hereby finds that notice and public procedure on the said amendment are impracticable under the provisions of § 508.12 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.12) and section 4(a) of the administrative Procedure Act.

Resolved further that, inasmuch as the foregoing amendment relieves restriction, the Board hereby finds that postponement of the effective date under the provisions of § 508.14 of the general regulations of the Federal Home Loan Bank Board and section 4(c) of the Administrative Procedure Act is not required and the Board hereby provides that the above said amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 65-13772; Filed, Dec. 22, 1965; 8:48 a.m.]

[No. FSLIC-2,363]

PART 563—OPERATIONS

Examinations, Audits and Appraisals

DECEMBER 17, 1965.

Resolved that, notice and public procedure having been duly afforded (30 F.R. 11975) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration and of determination by it of the advisability of amendment of § 563.17-1 of the rules and regulations for Insurance of Accounts (12 CFR 563.17-1) as hereinafter set forth, and for the purpose of effecting such amendment, hereby amends said § 563.17-1 as follows, effective April 1, 1966:

Paragraphs (a) and (b) of § 563.17-1 are hereby revised to read as follows:

§ 563.17-1 Examinations and audits; appraisals; establishment and maintenance of records.

(a) *Examinations and audits.* (1) Each insured institution shall be examined periodically, and may be examined at any time, by the Corporation, with appraisals when deemed advisable, in accordance with general policies from time to time established by the Board. The cost, as computed by the Corporation, of any examination made by it, including office analysis thereof, overhead, per diem, travel expense, and other supervision by the Board, shall be paid by the institution examined.

(2) Each insured institution shall be audited at least once in each calendar year by auditors and in a manner satisfactory to the Corporation in accordance with general policies from time to time established by the Board. The Corporation may at any time make, or cause to be made, an audit of an insured institution with appraisals when deemed advisable. An insured institution shall promptly file with the Corporation, through the Board's Chief Examiner of the Federal Home Loan Bank District in which the home office of such institution is located, a copy of the report of each audit, other than audits made by the Corporation, made pursuant to this subparagraph (2). The cost of any audit made pursuant to this subparagraph (2) shall be paid by the insured institution audited.

(b) *Appraisals.* (1) Unless otherwise ordered by the Board, appraisal of real estate by the Corporation in connection with any examination or audit of an insured institution shall be made by an appraiser, or by appraisers, selected by the Board's Chief Examiner of the Federal Home Loan Bank District in which such institution is located. The cost of such appraisal shall promptly be paid by such insured institution direct to such appraiser or appraisers upon receipt by the institution of a statement of such cost as approved by such Chief Examiner. A copy of the report of each appraisal made by the Corporation pursuant to any of the foregoing provisions of this section shall be furnished to the insured institution within a reasonable time, not to exceed 90 days, following the completion of such appraisals and the filing of a report thereof by the appraiser, or appraisers, with such Chief Examiner.

(2) The Corporation may obtain at any time, at its expense, such appraisals of any of the assets, including the security therefor, of an insured institution as the Corporation deems appropriate.

* * * * *

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 65-13773; Filed, Dec. 22, 1965; 8:48 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER B—STANDARD REFERENCE MATERIALS

PART 230—STANDARD REFERENCE MATERIALS

Subpart C—Standards of Certified Chemical Composition

Subpart D—Standards of Certified Properties and Purity

MISCELLANEOUS AMENDMENTS

Under the provisions of 15 U.S.C. 275a and 277, the following amendments relating to standard reference materials issued by the National Bureau of Standards are effective upon publication in the FEDERAL REGISTER. The amendments renew certain standard reference materials.

The following amends Title 15 CFR Part 230:

1. Section 230.7-3 Cast iron (chip form) is amended to revise standard 82a to read as follows:

Sample No.	Kind	Price
82b	Nickel-chromium cast iron	$15.00
82c	Nickel-chromium cast iron	$15.00

2. Section 230.8-6 Standard rubbers and rubber compounding materials is amended to revise standard 386e as follows:

Sample No.	Kind	Price
386f	Styrene-butadiene, type 1500	$45.00

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277; interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

A. V. ASTIN, *Director.*

[F.R. Doc. 65-13675; Filed, Dec. 22, 1965; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Change of Section Headings

The heading of § 15.9 entitled "Foreign origin disclosure" is changed to:

§ 15.9 Labeling of containers for imported knives.

The heading of § 15.11 entitled "Foreign origin disclosure" is changed to:

§ 15.11 Labeling of truss plates manufactured from imported steel.

Issued: December 22, 1965.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65-13691; Filed, Dec. 22, 1965; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER K—MILITARY TRAINING AND SCHOOLS

PART 901—APPOINTMENT TO THE USAF ACADEMY

Miscellaneous Amendments

Part 901 is set forth, in part, to show those changes made by the current directive, as follows:

1. The source citation in Part 901 is amended to read as follows:

SOURCE: AFR 53-10, November 1, 1965.

2. In § 901.6, paragraphs (a), (b), (c), (e)(1) and the introductory portion of paragraph (f) are revised to read as follows:

§ 901.6 Nomination requirements and procedures.

* * * * *

(a) *Congressional, District of Columbia, and U.S. Possessions.* A U.S. citizen domiciled in 1 of the 50 States may apply directly to the U.S. Senators of his State and the Representative of his Congressional District. Persons domiciled in the District of Columbia apply to the District Commissioners. Persons domiciled in Puerto Rico apply to the Resident Commissioner. Such persons who are natives of Puerto Rico also may apply to the Governor. Sons of civilians residing in the Panama Canal Zone, or sons of civilian employees of the U.S. Government and the Panama Canal Company residing in the Republic of Panama, apply to the Governor of the Panama Canal Zone. Residents of American Samoa, Guam, and the Virgin Islands apply to their respective Governors. Congressional nominations are submitted by the nominating authorities between June 1st and January 31st for the class entering the following June. Send applications to the nominating authority before or early in the nominating period. See § 901.9(a) for sample letter format. Address all inquiries concerning status of applications to the nominating authority.

(b) *Presidential (competitive).* The son of a member of a Regular component of the Armed Forces of the United States is eligible for nomination. The Regular component member must be on active duty, retired or deceased, but not discharged before retirement or death. An adopted son is eligible if adoption proceedings were initiated before his 15th birthday. An eligible individual may apply to the Director of Admissions, USAF Academy, Colo., 80840, requesting nomination in accordance with § 901.9 (b). The nominating period opens on June 1 and closes on November 30th.

(c) *Vice Presidential.* Any individual who meets the basic eligibility requirements may apply for nomination to the Vice President, U.S. Senate, Washington, D.C., 20510. The Vice President may submit nominations to the Academy between June 1 and January 31, for the class entering the following June. It is important to submit a request for nomination before or early in the nominating period. See § 901.9(c) for sample letter format. Address all inquiries concerning status of application to the nominating authority.

* * * * *

(e) *Honor military and honor naval schools and Air Force Reserve Officer Training Corps (competitive)*—(1) *Honor military and honor naval schools.* Three honor graduates or prospective honor graduates from each designated honor military and honor naval school may be nominated to fill the vacancies allocated to such schools. Vacancies are filled in the order of merit, regardless of the schools from which the nominations are made. Appropriate school authorities must certify that each nominee is an honor graduate and meets the basic eligibility requirements listed in § 901.5. Use forms provided by the Academy to submit nominations to the Director of Admissions, USAF Academy, Colo., 80840. Make nominations between June 1 and January 31, for the class entering the following June. Nominations are not limited to honor graduates of the current year. An individual eligible for nomination in this category will apply to the administrative authority of his school.

* * * * *

(f) *Sons of Congressional Medal of Honor winners.* The son of any Congressional Medal of Honor winner who served in any branch of the Armed Forces may apply for nomination. If an applicant meets the eligibility criteria and qualifies on the entrance examinations, he will be admitted to the Academy. An applicant must write to the Director of Admissions, USAF Academy, Colo., 80840, requesting a nomination in this category. The nominating period opens on June 1 and closes on January 31. The letter must include:

* * * * *

3. Section 901.7 is revised to read as follows:

§ 901.7 Where applicant will report.

(a) An applicant nominated in one or more of the categories in § 901.6 (except § 901.6(g)) will be notified by the Director of Admissions, USAF Academy, to report to an Air Force Academy and Aircrew Examining Center for qualification testing. These centers are listed in AFR 23-11 (Air Force Academy and Aircrew

Examining Centers) and the current Air Force Academy catalog. The nominee also will be instructed concerning the College Entrance Examination Board tests. All requirements are listed in the letter of instructions and the Instructions to Candidates Booklet. No nominee will be considered for appointment until scores on all tests are received.

(b) A Congressional applicant (see § 901.6(a)) may be authorized by the nominating authority to undergo a medical examination at any designated Air Force, Army, or Navy medical examining facility. These facilities are listed in AFR 23–11 and the current Air Force Academy catalog (Air Force only) and on AF Form 1197 (Air Force, Army, and Navy). AF Form 1197, "Authorization For Medical Examination For The United States Air Force Academy," may be provided applicants only by Members of Congress.

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012)

By order of the Secretary of the Air Force.

FREDERICK A. RYKER,
Lt. Col., U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 65–13676, Filed, Dec. 22, 1965; 8:45 a.m.]

SUBCHAPTER W—AIR FORCE PROCUREMENT INSTRUCTION

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

PART 1001—GENERAL PROVISIONS

Subpart A—Introduction

§ 1001.305–4 [Amended]

1. At the very end of § 1001.305–4, the reference in parentheses is deleted.

§ 1001.305–52 [Amended]

2. In § 1001.305–52(c)(1), subdivision (i) is deleted.

Subpart D—Procurement Responsibility and Authority

1. In § 1001.451(c), the third reference has been deleted. The last sentence of paragraph (c) now reads as follows:

§ 1001.451 Representatives of contracting officers.

* * * * * * *

(c) * * * The functions assigned will not violate policies (e.g., base procurement centralization policy prescribed in §§ 1001.402 and 1001.452) which reserve certain actions or authorities to contracting officers or which require approval prior to placing the authority or procedure in effect.

* * * * * * *

2. In § 1001.453(j), subparagraph (2) is set forth for minor editorial changes, and in paragraph (m)(7), the second reference is amended. These portions now read as follows:

§ 1001.453 Delegations of authority.

* * * * * * *

(j) * * *

(2) Purchases involving more than $2,500 made by persons to whom requisite authority has not been delegated may be ratified only by the Director of Procurement and Production, Hq AFLC, or the Deputy Chief of Staff, Procurement and Production, Hq AFSC. Commanders will cause to be prepared the material and information required by subparagraph (1) of this paragraph and forwarded to AFLC (MCPKA), and/or AFSC (SCKP), as appropriate. All such transactions must be reviewed by the Staff Judge Advocate, Hq AFLC or Hq AFSC, as appropriate. The Director of Procurement and Production, Hq AFLC, and the Director of Procurement, Hq AFSC, will inform the Director of Procurement Policy, Hq USAF, of each transaction submitted for review under this subparagraph indicating whether or not the transaction was ratified.

* * * * * * *

(m) * * *

(7) Blanket Purchase Agreements as set forth in § 3.605 of this title and § 1003.605–3 of this subchapter.

* * * * * * *

§ 1001.457 [Amended]

3. In § 1001.457(a), the reference "§ 1001.459" is deleted.

4. In § 1001.458(b), the reference has been deleted in the introduction. Paragraph (b) now reads as follows:

§ 1001.458 Manual approval of contracts for services of experts and consultants.

* * * * * * *

(b) Contracts described in this section may be approved by the following persons pursuant to designations by the Commander, AMC:

* * * * * * *

§ 1001.465 [Amended]

5. In § 1001.465(a), the parenthetical phrase is amended to read: "(except as provided in § 18.108–1(c) and (d) of this title)."

Subpart E—Contingent or Other Fees

§ 1001.508–1 [Amended]

In § 1001.508–1, the reference "§ 1.507–1" in the introduction is amended to read: "§ 1.507–2."

Subpart F—Debarred, Ineligible and Suspended Bidders

§ 1001.605–4 [Amended]

1. In § 1001.605–4, the reference has been amended to read: "§ 1.605–3."

§ 1001.610 [Amended]

2. In § 1001.610(a)(3), the reference is amended to read "§ 1.609–3."

PART 1002—PROCUREMENT BY FORMAL ADVERTISING

Subpart B—Solicitation of Bids

In § 1002.201(a)(17), subdivision (ix) is deleted and reserved; in subdivision (xi), the title of the AFR has been amended, and in subdivision (xiii), the reference has been deleted; in paragraph (b)(2), subdivisions (vi) and (viii) are reserved. These portions are set forth as follows:

§ 1002.201 Preparation of invitations for bids.

* * * * * * *

(a) * * *

(17) * * *

(ix) [Reserved]

* * * * * * *

(xi) *Classified information.* Classified information in invitations for bids will be handled according to AFR 205–4 (Industrial Security).

* * * * * * *

(xiii) *Percentage of subcontracting.* When a Facility Capability Report is contemplated the IFB will contain the following provision:

* * * * * * *

(b) * * *

(21) * * *

(vii) [Reserved]

(viii) [Reserved]

* * * * * * *

PART 1003—PROCUREMENT BY NEGOTIATION

Subpart B—Circumstances Permitting Negotiation

1. In § 1003.208–2(a), the AFRs have been superseded. This paragraph now reads as follows:

§ 1003.208–2 Application.

(a) In addition to meeting the requirements set forth in § 3.208–2 of this title, the proposed procurement must concern supplies which are authorized for base procurement by AFM 145–1 (Commissary and Subsistence Depot Operating Manual), or brand-name items selected by the Superintendent of the USAF Academy for resale in the Cadet Store.

* * * * * * *

§ 1003.214–50 [Amended]

2. In § 1003.214–50(a), paragraphs (a) and (b) following "2." in the format are deleted.

§ 1003.217–2 [Amended]

3. In § 1003.217–2(d), the reference is amended to read "§ 5.504–1."

Subpart D—Types of Contracts

In § 1003.408, the introductory portion of paragraph (b) is deleted and subparagraph (1) is deleted and reserved; and in paragraph (c)(3), subdivision (x)(e) is deleted and reserved, as follows:

§ 1003.408 Letter contract.

* * * * * * *

(b) *Content.* (1) [Reserved]

* * * * * * *

(c) * * *

(3) * * *

(x) * * *

(e) [Reserved]

* * * * * * *

Subpart E—Solicitations of Proposals and Quotations

§ 1003.501 [Amended]

In § 1003.501(b)(43), the reference is amended to read "§ 1002.201 (b)(21)(ix)."

Subpart H—Price Negotiation Policies and Techniques

§ 1003.807–3 [Amended]

In § 1003.807–3(b), the reference "§ 3.807–3(b) (1), (2), and (3)" is amended to read: "§ 3.807–3(a) (1), (2), and (3)."

PART 1004—SPECIAL TYPES AND METHODS OF PROCUREMENTS

Subpart A—Procurement of Construction

§ 1004.101–53 [Amended]

1. In § 1004.101–53(a), the phrase "(see § 1007.4307–2 of this subchapter)" is deleted.

2. In § 1004.150–5(a)(2), subdivision (ii) is set forth to amend the references, as follows:

§ 1004.150–5 Procedures.

(a) * * *

(2) * * *

(ii) Technical proposals submitting data marked according to § 3.507–1 of this title will be accepted and handled according to § 3.507–1 of this title.

* * * * * * *

Subpart W—Food Services Contracts

In § 1004.2302, paragraph (a) is set forth to amend the AFR reference, as follows:

§ 1004.2302 Use and administration of food services contracts.

(a) *General.* (1) Base utilization of contractual feeding is subject to Hq USAF approval. No procurement will be initiated until approval according to AFM 146–1 (Food Service Management), has been attained. Section 1007.5005 of this subchapter and subparagraph (2) of this paragraph are not mandatory outside the United States. However, if a requirement type contract is used, the use of Schedules clause in § 1007.5005 of this subchapter is mandatory.

* * * * * * *

Subpart XX—Nonappropriated Fund Contracts

1. In § 1004.5002–3, paragraph (f) is amended to delete the second reference; in paragraph (g), subparagraph (3) is amended by the deletion of the reference, and subdivision (vi) is deleted and reserved, as follows:

§ 1004.5002–3 Construction or architect engineer contracts funded completely with nonappropriated funds.

* * * * * * *

(f) *Clauses for construction contracts.* All required clauses and special provisions contained or referred to in Subpart F, Part 7 of this title, will be used except as follows:

* * * * * * *

(g) * * *

(3) Use all required clauses, applicable clauses, required schedule provision, and applicable schedule provisions contained or referred to in Subpart F, Part 7 of this title, except as follows:

* * * * * * *

(vi) [Reserved]

* * * * * * *

PART 1005—INTERDEPARTMENTAL AND COORDINATED PROCUREMENT

Subpart L—Commodity Assignment

In § 1005.1201–50(a), subparagraph (1) is set forth to delete the reference, as follows:

§ 1005.1201–50 Procurement of lumber and allied products—FSG 55.

(a) * * *

(1) The total requirement for any single purchase action is less than one rail carload lot (36,000 pounds) for standard commercial items or one truckload lot (18,000 pounds or less) for all other items.

* * * * * * *

PART 1006—FOREIGN PURCHASES

Subpart U—Procurement Services for the Federal Republic of Germany

In § 1006.2103, paragraphs (a) and (f) are set forth to amend the AFRs, as follows:

§ 1006.2103 Policies.

* * * * * * *

(a) Procurements will be limited to domestic source and products. Procurement services should be expedited as much as possible using procedures established in AFM 400–3 (Military Assistance Sales).

* * * * * * *

(f) In addition to charges made under AFM 400–3, an additional charge of 5 percent of the purchase price of the articles or services procured should be made to reimburse general expenses incurred for normal contract administration including testing, inspection, and quality control. Specific services requested by the FRG, such as special inspection or testing services over and above those normally performed, will be charged and reimbursed at cost. The FRG may request a reduction in the percentage charged for a single procurement exceeding $10,000,000 in value. Questions relating to fee reductions will be referred to Hq USAF (AFSMS–CD–MS) for clarification and appropriate action.

* * * * * * *

PART 1007—CONTRACT CLAUSES

Subpart B—Clauses for Cost-Reimbursement Type Supply Contracts

1. Sections 1007.204 and 1007.204–12 are set forth to amend the references, as follows:

§ 1007.204 Clauses to be used when applicable.

Clauses included in DD Form 748 which are inapplicable to a contract may be deleted according to § 7.105–1 of this title.

§ 1007.204–12 Military security requirements.

See § 7.104–12 of this title.

§ 1007.205 [Amended]

2. Section 1007.205 is amended by the deletion of the text.

Subpart C—Clauses for Fixed-Price Research and Development Contracts

§§ 1007.302–25; 1007.303–12; 1007.303–15 [Deleted]

Sections 1007.302–25, 1007.303–12, and 1007.303–15 are deleted.

Subpart D—Clauses for Cost-Reimbursement Type Research and Development Contracts

§ 1007.402–24 [Deleted]

1. Section 1007.402–24 is deleted.

2. Section 1007.403–15 is set forth to amend the reference, as follows:

§ 1007.403–15 Quality control system.

See § 7.104–28 of this title, except that the clause prescribed therein need not be included in contracts with nonprofit institutions or organizations receiving no fee.

Subpart U—Clauses for Fixed-Price Nonpersonal Service Contracts

§§ 1007.2103–5; 1007.2104–3; 1007.2104–6 [Deleted]

1. Sections 1007.2103–5, 1007.2104–3, and 1007.2104–6 are deleted.

2. Section 1007.2104–4 is amended as follows:

§ 1007.2104–4 Government-furnished property.

According to the requirements of § 13.702 of this title and § 1013.502 of this subchapter, insert the clause in § 13.702 of this title.

Subpart V. Clauses for Technical Services Contracts, is deleted.

Subpart X—Clauses, Schedule Provisions, and Exhibits for Instruction of Military Personnel at Civilian Schools, Colleges, and Universities

Section 1007.2401 and the introductory portion of § 1007.2408 is set forth to amend the AFR reference, as follows:

§ 1007.2401 Limitation on use.

Contracts for instruction of military personnel as their full time duty assignment at civilian colleges and universities will be issued only by (a) the USAF Institute of Technology, Wright-Patterson Air Force Base, and (b) Air Training Command for foreign language training. Contracts for instruction of military personnel at schools, colleges, and universities issued under the provisions of AFM 213–1 (Operation and Administration of the Air Force Education Services Program) may be issued by any authorized

contracting office and if over $500 will contain the clauses set forth in §§ 1007.2403 through 1007.2407–2 as changed by § 1007.2408.

§ 1007.2408 Changes to be made for contracts issued under Air Force Manual 213–1.

The following changes will be made in clauses set forth in §§ 1007.2403 through 1007.2407–2 in contracts which are issued pursuant to AFM 213–1.

* * * * *

Subpart II—Clauses for Packing and Crating Contracts

Section 1007.3505–4 is revised to read as follows:

§ 1007.3505–4 Alterations in contract.

Insert the clause in § 7.105–1 of this title.

Subpart JJ—Contracts for Care of Remains

1. Section 1007.3604–5 is revised to read as follows:

§ 1007.3604–5 Assignment of claims.

Insert the clause in § 7.103–8 of this title.

§ 1007.3604–18 [Deleted]

2. Section 1007.3604–18 is deleted.

3. Section 1007.3605–2 is set forth to amend the last reference, as follows:

§ 1007.3605–2 Government-furnished property.

If an Air Force Aerial Port of Entry is to be a using activity, insert the clause in § 13.702 of this title.

Subpart LL—Basic Agreement Provisions

In § 1007.3803–5, Provision No. 4 is revised to read as follows:

§ 1007.3803–5 Section C—letter contract provisions.

* * * * *

4. Termination (See § 7.802–1 of this title).

Subpart PP—Clauses for Contracts Issued by Foreign Procurement Activities

1. In § 1007.4205–9, paragraph (c) is set forth to delete one of the references, as follows:

§ 1007.4205–9 Patent and data clauses.

* * * * *

(c) *Patent indemnification of Government by contractor.* The clauses of § 9.103 of this title will be used only under the conditions of paragraph (b) of this section, in which case the instructions of § 9.103–3 of this title are applicable.

* * * * *

2. Sections 1007.4207–13 and 1007.4208–5 are revised to read as follows:

§ 1007.4207–13 Termination for convenience of the United States Government.

Insert the clause set forth in Subpart F, Part 18 of this title.

§ 1007.4208–5 Government-furnished property.

See § 13.702 of this title.

3. Section 1007.4210(a) is set forth to amend the reference, as follows:

§ 1007.4210 Construction contracts; special provisions.

(a) Insert the special provisions as set forth in § 7.602 of this title, except that the following special provisions will be omitted: 1–07, Standard Test, Quality and Guarantees; 1–08, Preservation of Existing Vegetation; 1–17, Shop Drawings; 1–20, Domestic Articles; 1–18, Rates of Wages. The words "U.S. Standard Form 23 attached hereto" and "Standard Form 23 attached hereto" will be omitted from SP 1–01(a) and SP 1–01(c) and will be replaced by "the Statement of Work on the cover sheet" and "on the cover sheet as the amount of contract," respectively. Contracting officers may omit any of the other special provisions in § 7.602 of this title that cannot be complied with because of local conditions. In all of these special provisions the words "United States" will be inserted before the word "Government" whenever the latter word appears.

* * * * *

Subpart SS—Clauses for Fixed-Price Type Maintenance, Overhaul, and Modification Contracts

1. Sections 1007.4503–5, 1007.4504, and 1007.4504–1 are revised to read as follows:

§ 1007.4503–5 Government-furnished property.

Insert the clause in § 13.702 of this title. If the contract provides for the reimbursement for parts and direct materials on a cost basis, follow § 13.708 of this title, but limit applicability to cost reimbursement items.

§ 1007.4504 Clauses to be used when applicable.

The clauses appearing in §§ 7.104 through 7.104–54 of this title will be used according to the instructions pertaining thereto unless otherwise provided herein.

§ 1007.4504–1 Special clauses.

Insert applicable clauses of Subpart NN of this part according to the instructions therein. (e.g., §§ 14.104–3 of this title and 1007.4065 of this part.)

Subpart TT—Clauses for Cost-Reimbursement Type Maintenance Overhaul and Modification Contracts

Sections 1007.4603–2 and 1007.4604–50 are revised to read as follows:

§ 1007.4603–2 Government property.

Insert the clause in § 13.703 of this title.

§ 1007.4604–50 Special clauses.

Insert applicable clauses of Subpart NN of this part, according to instructions therein.

Subpart VV—Clauses and Schedule Provisions for Flight Instruction of AFROTC Personnel at Civilian Colleges and Universities

§ 1007.4803–12 [Deleted]

Section 1007.4803–12 is deleted.

Subpart WW—Clauses for Basic Agreements for Communication Services

Section 1007.4902–16 is revised to read as follows:

§ 1007.4902–16 Patent indemnity.

Insert the clause set forth in § 9.103–1 (a) of this title, substituting the following for "If the amount of this contract is in excess of $5,000":

As to all orders placed under the contract for communications services and facilities for which rates, charges, and tariffs are not established by a governmental regulatory body,

Subpart XX—Clauses for Food Service Contracts

1. Section 1007.5003–13 is revised to read as follows:

§ 1007.5003–13 Assignment of claims.

Insert the clause set forth in § 7.103–8 of this title.

§ 1007.5003–24 [Deleted]

2. Section 1007.5003–24 is deleted.

PART 1008—TERMINATION OF CONTRACTS

Subpart G—Clauses

Section 1008.753 is revised to read as follows:

§ 1008.753 Termination clause for facilities contracts.

See Subpart G, Part 7 of this title.

PART 1009—PATENTS, DATA, AND COPYRIGHTS

Subpart A—Patents

In § 1009.103–3, the parenthetical phrase is amended. This section now reads as follows:

§ 1009.103–3 Patent indemnification in negotiated contracts.

No patent indemnity clause is required in contracts with educational institutions, including such contracts which call for the furnishing of facilities as an incident to the performance of research or development work. (See §§ 1013.402–50 of this subchapter and Subpart G, Part 7 of this title, for facilities contracts.)

Subpart J—Processing of Purchase Requests and Military Interdepartmental Purchase Requests

§ 1009.1001 [Amended]

In § 1009.1001(a), the last sentence is deleted.

PART 1010—BONDS AND INSURANCE

Subpart C—Insurance; General

§ 1010.303 [Amended]

In § 1010.303, the text is deleted.

Subpart E—Insurance Under Cost-Reimbursement Type Contracts

In § 1010.501–4, the reference in paragraph (d) is amended to read: "Subpart G, Part 13 of this title."

PART 1011—FEDERAL, STATE, AND LOCAL TAXES

Section 1011.054 is set forth to amend the reference to Subchapter C, as follows:

§ 1011.054 Disputed tax matters.

Report all matters reaching a point of dispute with taxing authorities regarding the validity of, or refunds for taxes imposed upon or assessed against contractors under cost type contracts or under fixed-price type contracts containing a tax escalation clause or any tax dispute involving the Air Force, directly to The Judge Advocate General, Hq USAF, according to Part 844, Subchapter D of this chapter, with a detailed factual statement thereon. Enter into negotiations with Federal, State, or local tax officials as authorized by Hq USAF. Forward any matter or question regarding Federal, State, or local taxes to be submitted to or cleared with the Secretary of the Air Force, his special representative, or other agencies of the Government (Federal, State, or local), through the staff judge advocate of the major air command to Hq USAF (AFJALF), Washington, D.C., 20330. If the exigencies of the situation require, report by teletype or telegraph.

PART 1012—LABOR

Subpart D—Labor Standards in Construction Contracts

In § 1012.401–50, paragraph (d) is amended by the deletion of one of the references. As amended, paragraph (d) now reads as follows:

§ 1012.401–50 Definitions.

* * * * *

(d) A construction contract for purposes of § 12.403–1 of this title is in excess of $2,000 if the contract is in an actual amount (not merely an estimated amount) in excess of $2,000. A contract initially $2,000 or less which is later increased over that amount by supplemental agreement or change order is in excess of $2,000 from the effective date of such a change in the contract amount, and the requirements of the Davis-Bacon Act, if otherwise applicable, are applicable to that part of the contract which has not been performed on such date.

Subpart F—Walsh-Healey Public Contracts Act

§ 1012.604 [Amended]

In § 1012.604(b) (1) and (c) the words "from Air Force Publications Distribution Center, Washington, D.C." are deleted.

Subpart G—Fair Labor Standards Act of 1938

In § 1012.702 the reference to Subchapter C is amended. This section now reads as follows:

§ 1012.702 Suits against Government contractors.

Contractors' requests for approval of private counsel for the defense of Fair Labor Standards Act suits under Cost or Cost-Plus-a-Fixed-Fee contracts will be processed for approval action according to Part 844, Subchapter D of this chapter.

PART 1013—GOVERNMENT PROPERTY

Subpart A—General

In § 1013.102–3(b), the first reference is deleted; in paragraph (c) the introductory portion is amended to delete the reference and subparagraph (2) is deleted. These portions now read as follows:

§ 1013.102–3 Facilities.

* * * * *

(b) Each procurement contract, facilities contract, lease or other agreement which provides Government-owned facilities, will contain clauses or provisions stating whether the facilities may be used on a charge or no-charge basis (see §§ 1007.2905–5 and 1007.4052 of this subchapter, and §§ 1013.402 and 1013.407 of this part). A facilities contract, lease, or agreement under which facilities are held by a contractor will require the periodic payment of a use-charge unless such use-charge is not required according to terms of prime procurement contracts and subcontracts. Where facilities are used without charge, the contract file of the facilities contract, lease, or agreement under which facilities are provided will be documented, by the administering office, to indicate the procurement contracts, subcontracts, or other basis that authorize no-charge use of Government facilities.

(c) Project approval shall be made as follows:

* * * * *

(2) [Deleted]

* * * * *

Subpart D—Industrial Facilities

1. In § 1013.401(b), the reference "§ 13.402" is amended to read: "§ 13.303"; and in paragraph (d)(4) the last sentence is amended to delete a reference, as follows:

§ 1013.401 Award of procurement contracts.

* * * * *

(d) * * *

(4) * * * Requests for approvals will be supported by full justification for the proposed action (see § 1013.407).

* * * * *

2. In § 1013.402, the reference "§ 13.402" is amended to read "§ 13.303 (b) (1) through (4)" in the introductory portion, and paragraph (b) is revised to read as follows:

§ 1013.402 Separate facilities contract.

* * * * * *

(b) Construction work: See § 1013.402–50.

* * * * * *

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012)

By order of the Secretary of the Air Force.

FREDERICK A. RYKER,
Lt. Col., U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 65–13677; Filed, Dec. 22, 1965; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 948; Amdt. 4]

PART 95—CAR SERVICE

Chicago, Rock Island and Pacific Railroad Co. Authorized To Operate Over Trackage of Union Pacific Railroad

At a session of the Interstate Commerce Commission, Railroad Safety and Service Board, held in Washington, D.C., on the 15th day of December A.D. 1965.

Upon further consideration of Service Order No. 948 (29 F.R. 564, 5757, 18426, 30 F.R. 8269) and good cause appearing therefor:

It is ordered, That § 95.948 *The Chicago, Rock Island and Pacific Railroad Co. authorized to operate over trackage of Union Pacific Railroad*, of Service Order No. 948, be, and it is hereby amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) Expiration date: This order shall expire at 11:59 p.m., June 30, 1966, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1965.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, interprets or applies Sec. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4))

It is further ordered, That copies of this order and direction shall be served upon the State Corporation Commission of Kansas and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Safety and Service Board.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-13696; Filed, Dec. 22, 1965; 8:46 a.m.]

[S.O. 949; Amdt. 4]

PART 95—CAR SERVICE

Atchison, Topeka and Santa Fe Railway Co. Authorized To Operate Over Trackage of Union Pacific Railroad

At a Session of the Interstate Commerce Commission, Railroad Safety and Service Board, held in Washington, D.C. on the 15th day of December A.D. 1965.

Upon further consideration of Service Order No. 949 (29 F.R. 564, 5757, 18427, 30 F.R. 8269) and good cause appearing therefor:

It is ordered, That § 95.949 *The Atchison, Topeka and Santa Fe Railway Co. authorized to operate over trackage of Union Pacific Railroad* of Service Order No. 949, be, and it is hereby amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) Expiration date: This order shall expire at 11:59 p.m., June 30, 1966, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1965.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies Sec. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4))

It is further ordered, That copies of this order and direction shall be served upon the State Corporation Commission of Kansas and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Safety and Service Board.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-13697; Filed, Dec. 22, 1965; 8:46 a.m.]

[S.O. 950; Amdt. 4]

PART 95—CAR SERVICE

Chicago, Burlington & Quincy Railroad Co. Authorized To Operate Over Trackage of Union Pacific Railroad

At a Session of the Interstate Commerce Commission, Railroad Safety and Service Board, held in Washington, D.C., on the 15th day of December, A.D., 1965.

Upon further consideration of Service Order No. 950 (29 F.R. 565, 5757, 18427, 30 F.R. 8163) and good cause appearing therefor:

It is ordered, That § 95.950 *The Chicago, Burlington & Quincy Railroad authorized to operate over trackage of Union Pacific Railroad* of Service Order No. 950, be, and it is hereby amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) Expiration date. This order shall expire at 11:59 p.m., December 31, 1966, unless otherwise modified, changed, or suspended by the order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1965.

(Secs. 1, 12, 15, 24, Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies Sec. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4))

It is further ordered, That copies of this order and direction shall be served upon the State Corporation Commission of Kansas and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Safety and Service Board.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-13698; Filed, Dec. 22, 1965; 8:46 a.m.]

[S.O. 953; Amdt. 2]

PART 95—CAR SERVICE

Free Time on Unloading Box Cars at Ports

At a Session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 15th day of December, A.D., 1965.

Upon further consideration of Service Order No. 953 (29 F.R. 1570, 18506) and:

It appearing, that a critical shortage of box cars continues to exist, that such cars are being delayed unduly in unloading at ports and that free time published in tariffs for unloading such cars aggravates the shortage, impeding the use, control, supply, movement, distribution, exchange, interchange, and return of such cars; it is the opinion of the Commission that the continuance of the emergency requires the order of January 24, 1964, to remain in effect for an additional period of time to promote car service in the interest of the public and the commerce of the people.

It is ordered, That § 95.953 *Free Time on unloading box cars at ports,* of Service Order No. 953, be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1966, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1965.

(Secs. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies Secs. 1(10–17), 15(4), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-13699; Filed, Dec. 22, 1965; 8:46 a.m.]

[Third Rev. S.O. 562; Amdt. 1]

PART 97—ROUTING OF TRAFFIC

Rerouting of Traffic; Appointment of Agents

At a Session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 15th day of December, A.D. 1965.

Upon further consideration of Third Revised Service Order No. 562 (30 F.R. 13375) and good cause appearing therefor:

It is ordered, That § 97.562 *Rerouting of traffic—appointment of agents* of Third Revised Service Order No. 562, be, and it is hereby amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) Expiration date: This order shall expire at 11:59 p.m., December 31, 1966, unless otherwise modified, changed, or suspended by the order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1965.

(Secs. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies Secs. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4))

It is further ordered, That a copy of this order and direction shall be served upon each State railroad regulatory body, the Association of American Railroads, Car Service Division, and upon the American Short Line Railroad Association as agents of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and that notice of this order

be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-13700; Filed, Dec. 22, 1965; 8:46 a.m].

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 28—PUBLIC ACCESS, USE AND RECREATION

Kenai National Moose Range, Alaska

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 28.28 Special regulations, public access, use and recreation; for individual wildlife refuge areas.

ALASKA

KENAI NATIONAL MOOSE RANGE

The use of lightweight, motorized vehicles commonly identified by the general term "snow-traveler" is permitted on areas of the Kenai National Moose Range that are closed to travel by conventional vehicles, subject to the following special conditions:

1. The use of "snow-travelers" will be permitted only during the period January 1–March 31, 1966.

2. Only "snow-travelers" with an overall width of 46" or less will be permitted.

3. The use of "snow-travelers" as an aid in big-game hunting or for transporting big game is prohibited.

"Snow-travelers" are excepted from the above special regulations when used on roads within the Range open to conventional vehicle travel. When used on such roads "snow-travelers" are subject to regulations applicable to conventional vehicles. The provisions of this special regulation supplement the regulations which govern public access, use and recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1966.

PAUL T. QUICK, *Regional Director, Portland, Oreg.*

DECEMBER 13, 1965.

[F.R. Doc. 65-13680; Filed, Dec. 22, 1965; 8:45 a.m.]

PART 33—SPORT FISHING

Lake Ilo National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH DAKOTA

LAKE ILO NATIONAL WILDLIFE REFUGE

Sport fishing on the Lake Ilo National Wildlife Refuge, Dunn Center, N. Dak., is permitted only on the area designated by signs as open to fishing. This open area comprising 1,300 acres is delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Sport fishing shall be in accordance with applicable state regulations subject to the following special conditions:

(1) The open season for Sport Fishing on the refuge extends from December 18, 1965, through March 27, 1966, daylight hours only. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally are set forth in Title 50, Part 33, and are effective through March 27, 1966.

R. W. BURWELL, *Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408.*

[F.R. Doc. 65-13679; Filed, Dec. 22, 1965; 8:45 a.m.]

PART 33—SPORT FISHING

Moosehorn National Wildlife Refuge, Maine

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations: sport fishing, for individual wildlife refuge areas.

MAINE

MOOSEHORN NATIONAL WILDLIFE REFUGE

Sport fishing on the Moosehorn National Wildlife Refuge, Calais, Maine, is permitted from January 1, 1966, through October 31, 1966, on the areas designated by signs as open to fishing. These open areas, comprising 500 acres, are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass., 02109. Sport fishing shall be in accordance with all applicable State regulations subject to the following special condition:

(1) The use of boats with motors is not permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through October 31, 1966.

RICHARD E. GRIFFITH, *Regional Director, Bureau of Sport Fisheries and Wildlife.*

DECEMBER 14, 1965.

[F.R. Doc. 65-13705; Filed, Dec. 22, 1965; 8:46 a.m.]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

[General Order 16]

PART 502—RULES OF PRACTICE AND PROCEDURE

Satisfaction of Complaint

The Federal Maritime Commission published in the FEDERAL REGISTER on October 26, 1965 (30 F.R. 13604) final rules of practice and procedure before the Commission, to become effective December 1, 1965.

Inadvertently, there was omitted from § 502.93 *Satisfaction of complaint* a phrase which reflects an agency practice of long standing, requiring that when a settlement is made in a proceeding, the statement filed with the Commission shall set forth certain specified information.

In order to correct the obvious oversight and to include in the final rules of practice and procedure before the Commission its standard practice of long standing, the second sentence of § 502.93 of said rules of practice and procedure as published October 26, 1965 is corrected to read as follows: "Such a statement, which may be by letter, shall show the amount of reparation agreed upon; shall contain the data called for by Appendix I(4), insofar as said form is applicable; and shall state that a like adjustment has been or will be made by respondent with other persons similarly situated."

Dated: December 20, 1965.

By the Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 65-13721; Filed, Dec. 22, 1965; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1073, 1074]

[Docket Nos. AO–173–A17, AO–249–A7]

MILK IN WICHITA, KANS., AND SOUTHWEST KANSAS MARKETING AREAS

Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Wichita, Kans., on November 16 and 17, 1965, pursuant to notice thereof issued on October 5, 1965 (30 F.R. 12847).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on December 8, 1965 (30 F.R. 15326; F.R. Doc. 65–13263), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (30 F.R. 15326; F.R. Doc. 65–13263) are hereby approved and adopted and are set forth in full herein:

The material issues on the record of the hearing relate to:

1. Merger of the Wichita, Kans. and Southwest Kansas orders with inclusion of additional territory in the marketing area.
2. Milk to be priced and pooled.
3. Classification and allocation.
4. Class prices.
5. Location adjustments to the Class I and producer prices.
6. Take out- pay back plan of distributing returns to producers.
7. Miscellaneous administrative and conforming changes.

This decision concerns itself only with the classification and pricing of skim milk and butterfat used to produce cottage cheese, as it applies to the present Wichita order. Decision on this matter as it affects the proposed merged and expanded marketing area, as well as all other issues, is deferred.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

Wichita Class II milk price. The present Wichita, Kans. order Class II milk price should be 15 cents above the Class III price and the Class II classification provisions modified until such time as action may be taken on all issues of this hearing.

A proposal made by the cooperative associations representing 94 percent of the producers in the Wichita order and supported by handlers would decrease the Class II milk price (skim milk and butterfat used to produce cottage cheese) from 80 cents to 15 cents above the present Class III price for a temporary period pending action on the entire record of this hearing.

The present Wichita order classifies as Class II milk all skim milk and butterfat used to produce cottage cheese in plants approved for sale of cottage cheese in jurisdictions within the marketing area which require that cottage cheese be made from Grade A milk, and prices Class II milk at 80 cents over the Class III price.

The city of Wichita requires that cottage cheese be made from Grade A milk. Since it is the predominant population center of the present marketing area all pool plants presently producing cottage cheese are approved for sales in Wichita and the Class II milk price applies to all cottage cheese produced in these plants.

The present Class II classification and price were first effective in 1958. The price level was established on the basis of the requirement of the city of Wichita that cottage cheese be made from Grade A milk.

Since 1958 important changes have occurred that affect the competitive situation with respect to the sale of cottage cheese. Due to improved highways and methods of reclassification, distribution of handlers for cottage cheese and fluid milk products has changed extensively in recent years. Although the Wichita City ordinance still requires handlers who sell cottage cheese in the city to make it from Grade A milk, large amounts of cottage cheese made from Grade A milk in other markets, such as Kansas City, are sold in the city and in the Wichita marketing area. During the past year and a half, one substantial Wichita outlet for cottage cheese has changed its source of supply to a lower cost market from a local handler making cottage cheese from producer milk under this order.

Wichita handlers also compete extensively outside the Wichita area in other parts of the State of Kansas with handlers from these other markets. They have expanded their sales area extensively into western Kansas.

These changes have been gradual during the past seven years. They have now reached the point, however, where handlers are looking elsewhere for cheaper sources of supplies of milk or cottage cheese itself.

Handlers contended that the present Class II milk price for cottage cheese increased the cost, as compared to surrounding markets, 6 cents per pound of cottage cheese or 20 percent.

The cost of skim milk to handlers in other nearby marketing areas for cottage cheese is generally less than the cost to regulated handlers in this market. This is the price situation causing Wichita handlers to look elsewhere for either supplies of skim milk or bulk cottage cheese.

There was unanimity of both producers and handlers in the request for immediate action in lowering the present Wichita Class II price. This is an indication that the situation in the market today with respect to sales of cottage cheese has reached a point where there is real danger of further loss of sales of cottage cheese.

In view of the period of time required for consideration of the other issues of this hearing, separate prompt action should be taken to decrease the Class II price for the Wichita order. The classification provisions should also be changed to apply this price to all skim milk and butterfat used to produce cottage cheese, eliminating the present limitation with respect to plant approval for sale of cottage cheese in jurisdictions requiring Grade A approval.

Among the other issues open for consideration of the hearing is the pricing of Class II milk. Until such time as consideration can be given to the entire record with respect to pricing of both Class II and Class III milk, definite decision cannot be made concerning the precise level of the Class II milk price to be applicable for an indefinite period, or for pricing any milk other than that priced under the present Wichita order. However, for the interim period pending full consideration of all issues of the hearing, the proposal of cooperative associations and handlers appears to provide a reasonably appropriate basis for pricing Class II milk under the present Wichita order. It should be adopted for this purpose.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto: and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. No exceptions were filed.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Wichita, Kans., Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Wichita, Kans., Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of November is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Wichita, Kans., marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on December 20, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Wichita, Kans., Marketing Area

§ 1073.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Wichita, Kans., marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act:

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Wichita, Kans., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on December 8, 1965, and published in the FEDERAL REGISTER on December 11, 1965 (30 F.R. 15326; F.R. Doc. 65–13263), shall be and are the terms and provisions of this order and are set forth in full herein.

1. Section 1073.41(b) is amended to read as follows:

§ 1073.41 Classes of utilization.

* * * * * *

(b) Class II milk shall be all skim milk and butterfat used to produce cottage cheese;

* * * * * *

2. Section 1073.51(b) is amended to read as follows:

§ 1073.51 Class prices.

* * * * * *

(b) *Class II milk.* The price per hundredweight shall be the Class III price for the month, plus 15 cents.

* * * * * *

[F.R. Doc. 65–13711; Filed, Dec. 22, 1965; 8:47 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

[7 CFR Part 1106]

[Docket No. AO–210–A18]

MILK IN OKLAHOMA METROPOLITAN MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Oklahoma Metropolitan Marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C., 20250, by the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Oklahoma City, on August 30, 1965, purusant to notice thereof which was issued August 17, 1965 (30 F.R. 10859).

The material issues on the record of the hearing relate to:

1. Revision of producer definition and transfer provisions with respect to milk diverted from or to other order plants.
2. Adoption of a base-excess plan.
3. Location adjustments to handlers and producers.
4. Payments by handlers resulting from reclassification (on audit) of milk received from a cooperative association in its capacity as a handler for bulk tank milk of its members.
5. The classification of sour cream and of packaged fluid milk products in inventory.
6. Pricing of milk used to produce evaporated milk.
7. Regulation of plants doing business in more than one Federal order area.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The producer definition should exclude dairy farmers whose milk is diverted from a plant regulated by another order to a pool plant under this order. The transfer provision should provide classification for diversions, as well as transfers, to plants regulated by other orders.

Presently, the order excludes from the producer definition any person who has producer status under the Red River Valley order and whose milk is diverted directly from the farm to a pool plant under the Oklahoma Metropolitan order. Under the proposal considered at the hearing, the exclusion from the producer definition of such producers would not be limited to those associated with the Red River Valley order but would be extended to any dairy farmer whose milk was diverted directly from the farm to a pool plant under this order, if the dairy farmer retained producer status under any other milk order.

Cooperative associations in this market are called upon to use their manufacturing facilities as an outlet for milk of producers associated with several surrounding markets. The most economical and efficient method of handling excess supplies in surrounding markets, in many instances, is to move the milk directly from the farm to plants operated by these cooperative associations. Producer milk supplies under other orders that might be diverted to manufacturing facilities regulated under this order are so located, in many instances, that it is more economical to send such supplies to plants regulated under the Oklahoma Metropolitan order than to manufacturing facilities in their own market. In other instances a lack of local market manufacturing facilities is the reason milk is shipped to this market.

The proposed amendment would facilitate the efficient handling of milk which is surplus in other Federal orders without being detrimental to the Oklahoma Metropolitan pool. Under the present provisions of this order, milk diverted directly from the farms of dairy farmers that are producers under other orders to manufacturing plants regulated by this order is producer milk under the Oklahoma Metropolitan order and thus receipts of such milk decrease the order's blend and Class I prices. Milk so diverted from other orders is not a supply furnished to meet the Oklahoma Metropolitan demand for Class I milk. However, any Grade A milk received directly from a farm is now producer milk under the terms of this order and must be pooled accordingly. In the interest of providing a means to handle efficiently excess supplies of milk from other orders this order should be amended to exclude from the producer definition any person who has producer status under another order.

The exclusion should be limited, however, to the milk of any such person which is designated for Class II use by both the handler diverting such milk under the other order and the operator of the Oklahoma Metropolitan pool plant to which it is diverted. The provisions for assignment of other order milk not so designated were designed to apply to plant-to-plant shipments rather than farm to plant movements. When milk moved from the farm to a pool plant under this order is to share in the Class I sales of this market it should be priced and pooled under the order as producer milk.

There are occasions when it is more economical and efficient to divert milk from pool plants regulated by this order to plants regulated by another order. The transfer provisions should be amended to provide classification for diversion to an other order plant on the same basis as transfers. This will permit efficient and orderly movement of milk that may be located closer to manufacturing facilities in other markets than to manufacturing plants located in this market. Such diversions are possible, of course, only when the other order does not require such receipts to be pooled under its provisions.

2. A base and excess plan should be used in distributing among producers the payments for milk produced during the base-operating period of April through June. This plan would become effective beginning with the base-forming period of September through December in the fall of 1966.

The plan considered at this hearing is such as was authorized by the Agricultural Marketing Agreement Act prior to the enactment of the Agricultural Act of 1965, which added additional authority with respect to base-excess provisions while retaining all of the authority then contained in the Act with respect to such provisions. It has for its purpose distribution of payments to producers in accordance only with their seasonal patterns of production.

A base-excess plan of this nature was provided in this order from 1951 through the base-operating period in 1960. Proponents of the base-excess plan noted that their proposal for reinstatement of such a plan varies only in minor respects from the base-excess plan now operating in the nearby Red River Valley order. At the present time, two cooperative associations in the market are operating their own base-excess plan.

Since the base-excess plan was discontinued, production of milk during the fall months in relation to the annual average has decreased while at the same time production during the spring months has increased. For these reasons producers and handlers actively supported the reinstatement of a base-excess plan for the purpose of encouraging producers to level their production of milk seasonally to more nearly coincide with the market's demand for Class I milk. Producers requested that such a plan become effective with the base-forming period beginning September 1, 1966. Handlers would have the program start in the fall of 1965.

September through December are normally the months in which the production of milk for this market is lowest and the base-forming period would be limited to these months. The base-forming months of September through December also coincide with the base-forming period provided at the present time in the Red River Valley order. One of the cooperative associations in this market represents a majority of the producers in the Red River Valley order.

The base-excess plan that was formerly a part of this order was terminated subsequent to the base-operating period in the spring of 1960. To measure the change in the production pattern of producers a comparison of production per day per producer during the 5-year period 1955–1959 is made with the production pattern in the succeeding 5-year period. Such a comparison gives sufficient evidence of the need for reinstating the base-excess plan and for the specific months of the base-forming and base-operating months.

The 1955–1959 average of the September–December daily production per producer was 9 pounds greater than the annual average for these years; during the past 5 years, however, fall production was 5 pounds less than the annual average. Thus, it is noted that producers have had a tendency in the past 5 years to reduce fall production in relation to the annual average.

A similar comparison of production per producer for the April through June period shows that producers have increased production in the spring months over the past 5 years as compared with the annual average. During the past 5 years the April–June average daily production per producer exceeded the annual average by 86 pounds. During the previous 5 years the flush production exceeded the fall production by only 23 pounds.

A comparison of the annual daily production per producer during the September–December period with the following months of April through June shows that during the 5 years 1955–1959 the flush production exceeded the fall production by approximately 12 percent. A similar comparison for the past 5 years shows that the flush production was 23 percent greater than the fall production.

Perhaps the most significant change in the pattern of deliveries by producers is represented by comparing the last year of the base-excess plan with the delivery pattern of the year following. The production per day per producer was only 10 percent greater in the spring of 1960 as compared to the fall deliveries of September–December 1959. The following year, however, the April–June 1961 daily delivery rate exceeded the previous fall production by 22 percent.

It is concluded on the basis of these facts that there is a need for incentive for producers to reverse the present tendency to decrease their production in the fall months and increase deliveries in the spring months. The establishment of a base-excess plan as proposed herein, with a 4-month base-forming and 3-month base-operating period, should create an effective means of influencing producers to increase their fall production and decrease deliveries during the April–June period.

The 3 months of April through June are clearly and consistently the period when producers deliver the greatest quantity of milk. Proposals to include the months of March and July in the base-operating period are not justified. During each of the past 3 years March and July production have each been less than for any month of the April–June period. For the 3-year period, deliveries per producer have averaged 11 percent less in March, and 6 percent less in July, than the average of April–June deliveries.

Testimony was offered in favor of including January in the base-forming months. January deliveries per producer are usually slightly higher than the average of the preceding September–December period. For the past 10 years this increase has averaged about 5 pounds daily. There was little difference in the relationship of January deliveries to those of the preceding months between the period when the base plan was operating and the more recent years. It is evident that production in the September–December period has a substantial influence on that of January. It is therefore not necessary that January be included in the base-forming period.

The daily base of each producer would be calculated by the market administrator by dividing the total pounds of producer milk received at all pool plants from such producer during the base-forming months by the number of days' production delivered by such producer during such period, or by 90, whichever is more. Provision is made for a person who becomes a producer and who has delivered milk to a pool plant under another Federal order or who has made deliveries to a plant that did not qualify as a pool plant during each or any month of the base-forming period but which qualifies as a pool plant during any month of the base-operating period. A base would be calculated for such a person as if such receipts at such a plant or plants were received at a pool plant during the base-forming period.

For each of the months of April through June, separate uniform prices for base milk and excess milk would be computed so that Class I utilization would first be allotted to base milk. Base milk would be milk received at a pool plant from a producer during any of the months of April through June which is not in excess of an amount equal to the daily base of such producer multiplied by the number of days' production delivered in such month. Class II disposition in the market would first be assigned to excess milk. If Class I milk disposition is more than the base milk received from producers in any month, such additional Class I milk would be allocated to excess milk and the excess blend price increased accordingly.

To provide practical administration of this base-excess plan certain rules in connection with the establishment and transfer of bases are provided. These rules do not need to be unduly restrictive since the purpose of the plan is to simply encourage producers to deliver milk on a more even seasonal pattern throughout the year. The plan merely encourages individual producers to make changes in production plans to provide a supply of Grade A milk during the months of short supply and discourages production during the months when supplies of milk are already excessive. New producers may enter the market during any of 9 months of each year and receive the uniform price. A new producer can establish a base at his average daily delivery of milk by entering the market in July, August, or September without need of acquiring a base by transfer. In addition, new producers will be assigned a base on the basis of their deliveries to an other order plant or to a plant that becomes qualified as a pool plant after the base-forming period. A producer's base is effective for only a single 3-month period and each year each producer has the opportunity to make a new base. Thus, by the very nature of the provisions of this base-excess plan little or no monetary value ever accrues to the producer by the mere holding of an established base.

Under the provisions of this plan there is no need to limit the conditions under which a base may be transferred from one producer to another. To avoid unnecessary administrative detail, it is provided that an entire base may be transferred to any other person if proper application is made for such transfer.

If a base is held jointly, the entire base should be transferable to any other person if the joint holders agree. Also, if a base is transferred to a producer already holding a base, a new base for the producer should be computed in the same manner as provided for the original computation of a base. However, for the purpose of this computation, the producer milk delivered on the respective number of days' production during the base-forming period by each of the persons in whose names such bases were earned shall be considered to have been delivered on the same respective days by the producer for whom the new base is being computed. This procedure provides adequate safeguard to assure that when bases are combined as a result of transferring a base to a producer with a base, the resulting base will be the same as would be earned during the base-forming period by the combined milk production involved.

Proposals to make the base-excess plan effective immediately were opposed by producers. It was their contention that it would not be practical to do so and, moreover, commitments had been made that producers would be afforded adequate time to make necessary adjustment in their production patterns before the effective date of such a plan. Since the hearing was held at about the time the base-forming period would start, it is concluded that the first feasible effective date of the plan should be at the beginning of the base-forming period of 1966.

3. Location adjustments to handlers and producers should be revised. Present rates of adjustments should continue for all plants located 50 miles or more from the city hall in Oklahoma City and north of the northern boundaries of Beckham, Washita, Caddo, Canadian, Oklahoma, Pottawatomie, and Seminole Counties and east of the eastern boundaries of Seminole, Pontotoc, Johnston, or Marshall Counties, all in the State of Oklahoma. No location adjustment should apply at pool plants located in the State of Texas or in that portion of the State of Oklahoma, south and west of the above stated boundaries. Location adjustments to producers should also be likewise modified and apply only to base milk during the base-operating months of April through June.

Present provisions of the order provide for minus location adjustments, in any direction, at pool plants located 50 miles or more from the city hall in Oklahoma City.

Under the Federal order system markets located to the south and west of the concentrated midwestern milk production area have required higher prices to attract sufficient milk to supply their fluid needs. The midwestern area is the principal alternative source of supply for many such markets. This pattern of pricing prevails in the relationship between Oklahoma Metropolitan prices and those of the nearby Red River Valley, North Texas, and Texas Panhandle markets located to the south and west.

The Red River Valley Class I prices are in a constant relationship with the Oklahoma Metropolitan prices and vary from 7 cents higher at Ardmore, Okla., to 22 cents higher at Wichita Falls, Tex. The North Texas and Texas Panhandle Class I prices averaged 32 and 33 cents, respectively, above the Oklahoma Metropolitan prices during the 3-year period of 1962–64.

These markets to the south and west are not normally sources of supply for milk when this market needs additional supplies for Class I purposes. Occasionally, however, a handler operating under such orders develops sales in the Oklahoma Metropolitan marketing area to the extent that he becomes regulated under this order. The location adjustments presently provided under this order are evidently not required for such a handler to meet competitive conditions in the Oklahoma Metropolitan area or

his sales would not have increased while he was paying the higher price of the other order. Their application to producer prices may seriously interfere with maintaining a supply of milk at his plant location.

A plant located at Ardmore, Okla., and usually regulated by the Red River Valley order, was a pool plant under this order from June 1964 through February 1965. As a pool plant under this order during this period of time the location adjustment was a minus 10 cents per hundredweight from the announced Class I and blend prices, whereas its price under the Red River Valley order had previously been 10 cents higher than the announced price. Since that time, the Red River Valley order has been amended and the Class I milk price to handlers at Wichita Falls, Tex., is 22 cents higher, at Lawton, Okla., 10 cents higher and at Ardmore, Okla., 7 cents higher than the Oklahoma Metropolitan Class I milk price.

A handler, now regulated by the Texas Panhandle order, located at Elk City, Okla., has increased sales in the Oklahoma Metropolitan marketing area to the extent that it is possible that in the near future this plant will be regulated under this order. Should this happen the present location adjustment under the Oklahoma Metropolitan order for such a plant would be a minus 10 cents. The actual Class I price in the Texas Panhandle order, as noted previously, has averaged 33 cents above the Oklahoma Metropolitan Class I prices during the past 3 years. The location adjustment under the Texas Panhandle order for the plant at Elk City, Okla., is a minus 21 cents, so that the Texas Panhandle price to this handler is about 12 cents higher than the Oklahoma Metropolitan price without location adjustment.

The above examples illustrate the need of modifying the application of minus location differentials as now provided in the order. If orderly marketing is to be maintained in this general area, no minus location adjustments should apply at plants located to the south and west of the Oklahoma Metropolitan marketing area. The order should provide that no such adjustment apply in the State of Texas, nor in the southwest portion of Oklahoma.

The proposed changes in the location adjustments to handlers along with the proposed changes in the regulation of plants subject to other Federal orders will maintain stability of marketing conditions to both handlers and producers in this and surrounding Federal milk order markets.

Class I price location adjustments will also be applicable to uniform prices paid producers. Modification of location differentials to handlers should likewise be reflected in a similar manner and for the same reasons in the applicable uniform prices paid producers. Since under the base-excess plan recommended herein base prices will reflect the value of Class I milk for which location adjustments apply, location differentials to producers will apply only on their base milk.

4. No change should be made on the basis of this record in the provisions relating to the classification, payments or audit adjustments of milk received by a handler from a cooperative association acting as a handler for milk of its members delivered in bulk tanks.

The order presently provides that such milk shall be classified by agreement (subject to a number of limitations), with the cooperative association paid class prices for such milk. The cooperative association in turn pays to or draws from the producer-settlement fund the difference between the value of such milk at class prices and its value at the uniform producer price. Under these provisions, when an audit of the handler's records results in a change of classification the market administrator must adjust the difference in value with the cooperative association which in turn must adjust with the handler.

To avoid this rather cumbersome procedure, many orders provide a more complete and uniform method whereby such milk is classified as producer milk of the handler, and payment for such milk is made to the cooperative association at the uniform producer price. When handlers are required to pay a cooperative association as a handler of bulk tank milk at the uniform price, the handler equalizes with the producer-settlement fund and is responsible for any change in classification found on audit.

Producer associations proposed that the present provisions be modified only to the extent that audit adjustments be made directly between the handler and the market administrator. While this proposal might ameliorate certain administrative problems presently encountered, it would not deal with other problems of essentially the same nature that are involved in the present system.

This record does not provide the basis for incorporating provisions which would provide for uniform treatment of the responsibility of handlers to the producer-settlement fund on both reported and audited utilization. It is concluded that action on this matter should be deferred until there is full opportunity to consider all of the provisions involved. Accordingly, it is concluded that no action should be taken to change the provisions with respect to audit adjustments on bulk tank milk.

5. No change should be made in the classification of sour cream; packaged fluid milk products in inventory should be classified as Class I milk.

Sour cream produced at both pool and nonpool plants is distributed in the marketing area. The regulations of health departments in the marketing area require that sour cream be made from Grade A milk.

The proponent of the proposal to classify sour cream as Class II milk contended that sour cream products produced at unregulated plants are distributed in the marketing area. He also pointed out that handlers have some competition in the sale of sour cream from handlers regulated by the Red River Valley order, which classifies this product as Class II milk.

The proponent does not process sour cream dips or other similar sour cream products in his pool plant but indicated that some other pool handlers do.

The record evidence is not adequate to make a change in the classification in sour cream. The proponent failed to indicate whether there was sour cream made from products other than Grade A milk being distributed in the market; whether sour cream was required to be labeled Grade A; or whether health departments provide different standards for sour cream than for sour cream products.

Sales of sour cream made from producer milk and distributed in the marketing area are not large. However, such sales during the past 3 years have increased both moderately and steadily.

Since sour cream is required to be produced from Grade A milk and the record evidence is inadequate to support a change in classification, producers should continue to receive the Class I price for skim milk and butterfat used to make sour cream. To classify sour cream as Class II milk under these circumstances would be inconsistent with the established practice of uniform pricing of products which must be made from Grade A milk.

Fluid milk products on hand in packaged form at the end of the month should be classified as Class I milk. Fluid milk products on hand at the end of the month in bulk form should continue to be classified as Class II.

Classification of packaged inventories of fluid milk products as Class I milk, rather than as Class II milk, will diminish the monetary importance of their exact location in the distribution system of the handler as of the end of the accounting period. Presently, administrative feasibility has generally required that inventories be restricted to those physically located in the plant where processed. Handlers have been paying the Class I milk price in 1 month for products disposed of from the processing plant, but held elsewhere in their distribution systems, and in the following month for inventories held in their processing plants. Under the system herein recommended, the extent of this difference will be substantially reduced or eliminated.

The adoption of the plan of classifying all fluid milk products on hand in packaged form at the end of the month as Class I milk will, in the long run, neither affect handlers' costs nor producers' returns. In the first month in which it is effective, it will increase handlers' costs by the difference between the Class I and Class II prices on the volume of packaged milk classified as inventory. This difference will be recovered, however, since there will be no reclassification charge on inventory of packaged fluid milk products allocated to Class I in subsequent months.

To insure that all handlers pay the current month's Class I price for fluid milk disposed of during the month, it is provided that if the Class I price increases over the previous month, the handler will be charged the difference between the Class I price for the current month and

the Class I price for the preceding month on the quantity of ending inventory assigned to Class I milk in the preceding month. Likewise, if the Class I price decreases, the handler will receive a corresponding credit.

To accommodate this change in the classification of fluid milk products in packaged form in inventory, the allocation section of the order should provide that inventory of such packaged fluid milk products on hand at the beginning of the month be subtracted from Class I utilization immediately after the allocation of shrinkage and packaged fluid milk products from other orders and before making the other assignments therein provided. Inventory of fluid milk products in bulk form would continue to be handled as under the present provisions of the order.

It was proposed that a special definition of inventory be added to the order provisions. Since packaged fluid milk on hand within the plant, on loaded trucks or in distribution points will be classified uniformly as Class I milk, as provided herein, any special definition of inventory would not affect the monthly obligation of the operator of a pool plant and thus would serve no good purpose. As stated previously, the adoption of the plan to classify packaged fluid milk products as Class I milk will neither affect handlers' costs nor producers' returns. Its effect will merely price such fluid milk products in the month in which they are packaged and available for distribution in the following month. Such classification will eliminate the necessity of constantly reclassifying such fluid milk products in subsequent months.

6. There should be no change in the pricing of milk, skim milk, or cream used to produce evaporated milk.

It was proposed that milk, skim milk, or cream used to produce evaporated milk be priced seasonally, March through August, at 10 cents per hundredweight less than the Class II price. This would price these fluid milk products used to produce evaporated milk in the same manner as presently provided in the order for such products used to produce American cheese, butter, and nonfat dry milk. The proponent of this proposal purchases some fluid milk from a cooperative association under this order for manufacture into evaporated milk at his plant located at Coffeyville, Kans., and regulated by the Neosho Valley milk order. The proponent of this proposal also buys Grade A milk from handlers regulated by other nearby Federal orders. All evaporated milk produced at the proponent's Coffeyville, Kans. plant is made from Grade A milk.

Plants that receive most of the excess milk supplies of the Oklahoma Metropolitan market process such milk into American type cheese, butter or nonfat dry milk. Cooperative associations located at Oklahoma City and Tulsa operate such manufacturing plants. No pool plants or local manufacturing plants have facilities for the processing of evaporated milk. The manufacturing facilities of plants in the marketing area are sufficient to take care of the excess supplies of the market. In fact, a plant at Oklahoma City receives excess supplies from several other markets. Such shipments as are made to manufacturing plants outside the marketing area are made for reasons other than a need of finding a home for distressed milk. A representative of the cooperative association shipping milk to the proponent's plant in Kansas testified that such milk was not distressed milk but was sold for reasons advantageous to the cooperative association as compared to processing such milk in their own plant.

On the basis of this record, there is insufficient evidence to change the present method of arriving at the value of milk, skim milk or cream used to produce evaporated milk.

7. The present order provisions relating to a plant which simultaneously meets the pooling requirements of the Oklahoma Metropolitan and another Federal milk order should be modified to provide that a distributing plant which is a pool plant retains such status until the third month in which it has greater route distribution in the other marketing area, if the other order has complementary provisions.

The order now provides that if a handler disposes from a distributing plant a greater portion of Class I milk in an other order marketing area than in the Oklahoma Metropolitan marketing area and his plant is pooled in the other market, the handler shall be exempt from all but the reporting provisions of this order. If such a plant is not pooled under the other order, however, it would be fully regulated by the Oklahoma Metropolitan order. The order presently does not distinguish between distributing plants and supply plants in this respect.

The proponent handler stated that a so-called "lock-in" pooling provision would minimize month-to-month shifting of a distributing plant from one order to another. The proponent's plant located at Ardmore, Okla., was a pool plant under this order from June 1964 through February 1965 and a pool plant under the Red River Valley order at all other times. It was contended that more orderly marketing would result if the pooling of distributing plants having sales in two or more markets would not shift between orders immediately upon a change in the amount of sales from the plant into one or the other of the markets involved. It was suggested that a lag of 3 months in such a shift would give handlers an opportunity to make changes in their areas of operation which they might believe desirable in view of such impending month-to-month shifts.

The order should provide for such a "lock-in" provision. Under the circumstances described, a distributing plant should continue to be pooled under the Oklahoma Metropolitan order until the third consecutive month in which greater Class I milk distribution is made from the plant in an other marketing area than is made in the Oklahoma Metropolitan marking area. If the other order does not have a complementary pooling provision but requires that the plant be pooled under such other order, the plant should be exempt from all but the reporting provisions of the Oklahoma Metropolitan order.

The order also should exempt from full regulation a distributing plant doing a greater proportion of its total Class I milk business in the Oklahoma Metropolitan marketing area than in another order marketing area but which is subject, nevertheless, to full regulation under the other order. This latter provision will complement other Federal orders which have similar "lock-in" provisions.

The order should exempt also a supply plant which meets the pooling requirements under both this and another order if greater qualifying shipments from such plant are made during the month to plants regulated under another order than are made to plants regulated under the Oklahoma Metropolitan order. Such exemption should not apply during the months of January through August, however, if the operator of such plant chooses to retain automatic pooling status under the Oklahoma Metropolitan order during these months.

The proposed changes will be complementary to the pooling provisions effective in five markets to the South and West—North Texas, Central West Texas, Lubbock-Plainview, Red River Valley and the Texas Panhandle orders.

A cooperative association with producer-members in the other five orders mentioned above proposed that it be further provided that a distributing plant with Class I milk route disposition, exclusive of such distribution to military installations, which is greater in the Texas Panhandle marketing area than in the Oklahoma Metropolitan order should continue to be regulated by the Texas Panhandle order for a period of 18 months from the effective date of any such amendment. It was contended that such a provision would provide more orderly marketing in both orders.

At the present time, the operator of the distributing plant at Elk City, Okla., as a result of a number of military base contracts, has Class I milk disposition on routes in several marketing areas. He furnishes milk under contract to a military base in the Texas Panhandle marketing area, at which operations are to be discontinued, and to another in the Oklahoma Metropolitan marketing area, at which operations are to continue. It is possible that this may result in a larger proportion of this handler's sales being within the Oklahoma marketing area than in the Texas Panhandle area. It was contended that such a shift would lower the prices to the remaining producers in the Texas Panhandle order as much as 15 cents per hundredweight and thus possibly jeopardize an adequate supply of milk to the Texas Panhandle order. While it might be possible to avoid regulating this plant under the Oklahoma Metropolitan order by the establishment of a supply plant regulated under the Texas Panhandle order, this would be both inefficient and uneconomical.

The situation presented by the effect of sales made under limited term con-

tracts to governmental bases or institutions in determining the Federal order under which a plant is regulated occasionally arises. While the general rule that a plant should be subject to the order in which it disposes of the most milk should continue, it is appropriate that provision may be made to exclude such contract sales under particular circumstances. In view of the possibility that plants other than the Texas Panhandle plant might be affected and the uncertainty as to the periods within which contract sales of this plant might be the determining factor of its regulation, it is concluded that provision should be made for consideration of such situations as and when they may occur.

Upon written application of a handler, the Secretary should be authorized to exclude for specified periods of time Class I dispositions to governmental institutions and bases under limited term contracts from consideration in determining the marketing area in which the greater proportion of Class I disposition is made. Written application for such a determination should be made by the handler at least 15 days before the first day of any month for which it is to be effective, so that there will be opportunity for proper review of the circumstances involved in arriving at a decision. This will also permit any such determination that is made to be known by all interested parties.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Oklahoma Metropolitan marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

General amendments. 1. Section 1106.12 is revised to read as follows:

§ 1106.12 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who under a dairy farm permit, authorization, or rating for the production of milk to be disposed of as Grade A milk issued by a duly constituted State or municipal health authority or by an agency of the Federal Government located in the marketing area, produces milk which is received at a pool plant directly from the farm of such person. This definition shall include any person meeting the above requirements whose milk is caused by a handler to be diverted from a pool plant to a nonpool plant for the account of such handler, and milk so diverted shall be deemed to have been received at the pool plant from which it is diverted for the purpose of determining location differentials pursuant to § 1106.81. This definition shall not include any person with respect to milk produced by him which is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and the handler diverting such milk under the other order and the operator of the pool plant have each requested Class II classification in the reports of receipts and utilization filed with their respective market administrators. Neither shall it include any person with respect to milk produced by him which is diverted to an other order plant if such person is designated as a producer with respect to such milk under the other order.

2. Section 1106.30(f) is revised to read as follows:

§ 1106.30 Reports of receipts and utilization.

* * * * *

(f) The quantities of skim milk and butterfat contained in opening and closing inventories of fluid milk products separately in bulk and in packaged form; and

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3. In § 1106.41, paragraphs (a) and (b)(7) are revised to read as follows:

§ 1106.41 Classes of utilization.

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat:

(1) Disposed of in the form of fluid milk products except:

(i) Fluid milk products classified as Class II pursuant to paragraph (b) (2), (3), (4), and (8) of this section; and

(ii) Fluid milk products which are fortified with nonfat milk solids shall be Class I in an amount equal only to the weight of an equal volume of an unfortified product of the same butterfat content;

(2) In inventory of fluid milk products in packaged form on hand at the end of the accounting period; and

(3) Not specifically accounted for as Class II utilization; and

(b) * * *

(7) In inventory of fluid milk products in bulk form on hand at the end of the accounting period; and

* * * * *

4. In § 1106.44(e), the introductory text and subparagraph (3) are revised to read as follows:

§ 1106.44 Transfers.

* * * * *

(e) As follows, if transferred, or diverted pursuant to subparagraph (3) of this paragraph, to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

* * * * *

(3) If both the transferor handler and the operator of the transferee plant so request in the reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

* * * * *

5. In § 1106.46(a), a new subparagraph (2–a) is added immediately following subparagraph (2) and subparagraph (5) is revised, all of which now read as follows:

§ 1106.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2–a) Except for the first month this provision is effective, subtract from the remaining pounds of skim milk in Class I milk, the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the accounting period;

* * * * *

(5) Subtract from the pounds of skim milk remaining in each class, in series

beginning with Class II, the pounds of skim milk in inventory of bulk fluid milk products (and, for the first month subparagraph (2–a) of this paragraph is effective, the pounds of fluid milk products in packaged form) on hand at the beginning of the accounting period;

* * * * *

6. Section 1106.53(a) is revised to read as follows:

§ 1106.53 Location adjustment to handlers.

(a) For milk received from producers at a pool plant located outside the State of Texas and that portion of the State of Oklahoma that is south of the northern boundaries of Beckham, Washita, Caddo, Canadian, Oklahoma, Pottawatomie, and Seminole Counties and west of the eastern boundaries of Seminole, Pontotoc, Johnston, and Marshall Counties, and 50 or more miles from the City Hall in Oklahoma City, by the shortest hard-surfaced highway distance as determined by the market administrator, and classified as Class I milk or assigned location adjustment credit pursuant to paragraph (b) of this section, and for other source milk to which a location adjustment is applicable, the prices specified in § 1106.51(a) shall be subject to a location adjustment credit computed as follows:

Distance from the City Hall in Oklahoma City (miles)	*Cents per hundredweight*
50 to 150	10
150.1 to 165	12
165.1 to 180	14
180.1 to 195	16
195.1 to 210	18
210.1 to 225	20
225.1 to 240	22

Plus 1 cent for each additional 15 miles or fraction thereof in excess of 240 miles; and

* * * * *

7. Section 1106.61 is revised to read as follows:

§ 1106.61 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a), (b), or (c) of this section except that the operator shall, with respect to total receipts of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator:

(a) A distributing plant meeting the requirements of § 1106.9 which also meets the pooling requirements of another Federal order and from which a greater quantity of Class I milk was disposed of during the month on routes in such other Federal order marketing area than was so disposed of in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order. On the basis of a written application made by the plant operator at least 15 days prior to the date for which a determination of the Secretary is to be effective, the Secretary may determine that the Class I dispositions in the respective marketing areas to be used for purposes of this paragraph shall exclude (for a specified period of time) Class I disposition made under limited term contracts to governmental bases and institutions.

(b) A distributing plant meeting the requirements of § 1106.9 which also meets the pooling requirements of another Federal order and from which a greater quantity of Class I milk was disposed of during the month on routes in this marketing area than was so disposed of in such other Federal order marketing area but which plant is nevertheless, fully regulated under such other Federal order;

(c) A supply plant meeting the requirements of § 1106.9 which also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part, except during the months of January through August if such plant retains automatic pooling status under this part; and

8. Section 1106.70(c) is revised to read as follows:

§ 1106.70 Computation of the net pool obligation of each pool handler.

* * * * *

(c) Add the amounts computed under subparagraphs (1) and (2) of this paragraph:

(1) Multiply the difference between the appropriate Class II milk price for the preceding month and the appropriate Class I milk price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1106.46(a)(5) and the corresponding step of § 1106.46(b) for the current month; and

(2) Multiply the difference between the appropriate Class I milk price for the preceding month and the appropriate Class I milk price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1106.46(a)(2-a) and the corresponding step of § 1106.46(b). If the Class I milk price for the current month is less than the Class I milk price for the preceding month, the result shall be a minus amount;

* * * * *

Amendments with respect to the adoption of a "base-excess" plan. 9. A new § 1106.19 is added to read as follows:

§ 1106.19 Base milk and excess milk.

(a) "Base milk" means milk received at a pool plant(s) from a producer during any of the months of the base-operating period which is not in excess of such producer's daily base computed pursuant to § 1106.67 multiplied by the number of days' production of such producer delivered in such month.

(b) "Excess milk" means milk received at a pool plant(s) from a producer during any of the months of the base-operating period which is in excess of the base milk of such producer for such months, and shall include all milk received during such months from a producer for whom no daily base can be computed pursuant to § 1106.67.

10. Section 1106.30(a) is revised to read as follows:

§ 1106.30 Reports of receipts and utilization.

* * * * *

(a) The quantities of skim milk and butterfat contained in milk received from producers, and for each month of the base-operating period the aggregate quantities of base milk and excess milk;

* * * * *

11. Section 1106.31(a) is revised to read as follows:

§ 1106.31 Reports of payments to producers.

* * * (a) The total pounds of milk received from each producer and cooperative association, the total pounds of butterfat contained in such milk, the number of days' production which was received from each producer and, for each month of the base-operating period, such producer's deliveries of base milk and excess milk; * * *

12. A new subhead and five new sections are added as follows:

DETERMINATION OF BASES

§ 1106.65 Base-operating period.

The base-operating period shall be the months of April through June of each year beginning with 1967.

§ 1106.66 Base-forming period.

The base-forming period shall be the months of September through December immediately preceding the base-operating period.

§ 1106.67 Determination of daily base.

Subject to the rules set forth in § 1106.68, the daily base of each producer shall be calculated by the market administrator as follows:

(a) Divide the total pounds of milk received by all handlers at pool plants from such producer during the base-forming period by the number of days' production delivered by such producer during such period or by 90, whichever is more; and

(b) In the case of a producer for whose account milk is received at a plant(s) pursuant to § 1106.68(a) (2) or (3) or any combination of such receipts at plants pursuant to § 1106.68(a) (1), (2), or (3), a daily base shall be calculated as if all such receipts had been received at a pool plant during the base-forming period and in the same manner as provided in paragraph (a) of this section.

§ 1106.68 Base rules.

The following rules shall apply in connection with the establishment of bases:

(a) A base shall be assigned to the producer for whose account milk is received during the base-forming period at:

(1) A pool plant;

(2) A plant that did not qualify as a pool plant during each or any month of the base-forming period but which quali-

fies as a pool plant during any of the months of the base-operating period; and

(3) Another order plant, if such person subsequently becomes a producer under this part; and

(b) Subject to subparagraphs (1) and (2) of this paragraph, an entire base may be transferred from a person holding such base to any other person. The transfer shall be effective for use the first day of the next succeeding base-operating month following the receipt by the market administrator of an application for such transfer. The application shall be on a form approved by the market administrator and shall be signed by the base-holder or his heirs and by the person to whom such base is to be transferred:

(1) If a base is held jointly, the entire base shall be transferable only upon receipt of such application signed by all joint holders or their heirs; and

(2) If a base is transferred to a producer already holding a base which was either earned by him or transferred to him, a new base shall be computed in the manner described in § 1106.67 except that for the purpose of this computation the producer milk delivered on the respective number of days' production during the base-forming period by each of the persons in whose name such bases were earned shall be considered to have been delivered on the same respective days by the producer for whom the new base is being computed.

§ 1106.69 Announcement of established bases.

On or before March 25 of each year, the market administrator shall notify each producer and the handler receiving milk from such producer of the daily base established by the producer.

13. Section 1106.72 is revised to read as follows:

§ 1106.72 Computation of weighted average and uniform prices.

For each month, the market administrator shall make the following computations:

(a) Divide the aggregate value computed pursuant to § 1106.71 by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1106.70(e); and

(b) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be known as the "weighted average price" and also shall be the uniform price per hundredweight for milk of 3.5 percent butterfat content received from producers for all months except those of the base-operating period.

14. A new § 1106.73 is added to read as follows:

§ 1106.73 Computation of uniform base and excess prices.

For each of the months in the base-operating period, the market administrator shall compute uniform prices per hundredweight for base milk and for excess milk, each of 3.5 percent butterfat content as follows:

(a) Compute the total value of excess milk for all handlers who submit reports pursuant to § 1106.30 and who have made the payments pursuant to §§ 1106.80 and 1106.84 for the preceding month as follows:

(1) Multiply the hundredweight of such milk not in excess of the total quantity of producer milk assigned to Class II milk in the pool plants of such handlers by the Class II price;

(2) Multiply any additional hundredweight of excess milk not included in subparagraph (1) of this paragraph by the Class I milk price; and

(3) Add together the resulting amounts;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 3.5 percent butterfat received from producers;

(c) Subtract from the amount resulting from the computation pursuant to § 1106.71 an amount computed by multiplying the hundredweight of milk specified in § 1106.72(a)(2) by the weighted average price, then subtract the total value of excess milk obtained in paragraph (a) of this section and adjust by any amount involved in rounding the uniform price for excess milk to the nearest cent;

(d) Divide the amount obtained in paragraph (c) of this section by the total hundredweight of base milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk of 3.5 percent butterfat received from producers.

15. Section 1106.81 is revised to read as follows:

§ 1106.81 Location differentials to producers and on nonpool milk.

(a) The applicable uniform and uniform base prices for each month for producer milk received at a pool plant shall be reduced according to the location of the pool plant, at the rates set forth in § 1106.53; and

(b) For purposes of computations pursuant to §§ 1106.84 and 1106.85 the weighted average price shall be adjusted at the rates set forth in § 1106.53, applicable at the location of the nonpool plant from which the milk was received.

16. Section 1106.84(b)(2) is revised to read as follows:

§ 1106.84 Payments to the producer-settlement fund.

* * * * *

(b) * * *

(2) The value at the weighted average price(s) applicable at the location of the plant(s) from which received (not to be less than the value at the Class II price applicable to milk used in the manufacture of American cheese, butter, and nonfat dry milk) with respect to other source milk for which a value is computed pursuant to § 1106.70(e).

Signed at Washington, D.C., on December 20, 1965.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 65-13712; Filed, Dec. 22, 1965; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 107]

SMALL BUSINESS INVESTMENT COMPANIES

Notice of Proposed Rule Making

Notice is hereby given that pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85-699, 72 Stat. 694, as amended, it is proposed to amend, as set forth below, Part 107 of Subchapter B, Chapter I, of Title 13 of the Code of Federal Regulations, as revised in 29 F.R. 16946-16961, and amended in 30 F.R. 534, 1187, 2652, 2653, 2654, 3635, 3856, 7597, 7651, 8775, 8900, 11960, 13005, 14095, and 14850, by amending § 107.802. Prior to final adoption of such amendment, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in triplicate, to the Investment Division, Small Business Administration, Washington, D.C., 20416, within a period of thirty (30) days of the date of this notice in the FEDERAL REGISTER.

Information. Existing provisions of § 107.802 require, among other things, the submission of financial reports of Licensees to SBA at regular intervals, and the submission of such other reports at such times and in such form as SBA shall require.

SBA has now determined that it is necessary to obtain information on small business concerns financed by Licensees. This will assist it in evaluating the progress of the SBIC industry in accomplishing the objectives of the Act. As set forth below, it is proposed that Licensees shall submit the required data, annually, on SBA Form 684, Program Evaluation Report. The Report and accompanying Instructions for its preparation are published herewith along with the proposed amendment of § 107.802.

1. It is proposed to amend the Regulations Governing Small Business Investment Companies by adding a new paragraph (h-1) to § 107.802, which would read as follows:

§ 107.802 Records and reports.

* * * * *

(h-1) *Program Evaluation Reports.* The Program Evaluation Report, SBA Form 684, shall be prepared by each Licensee as of the last day of every calendar year, to reflect all transactions involving such Licensee's debt or equity financing of small business concerns, which were outstanding at any time during such calendar year: *Provided, however,* That the initial report as of December 31, 1965, shall reflect only financings of small business concerns which are outstanding as of December 31, 1965. The report shall be prepared in accordance with the accompanying Instructions thereto, and shall be filed with SBA on or before March 31 of the ensuing year.

2. SBA Form 684, Program Evaluation Report, together with accompanying Instructions for the preparation of such Report, are also published herewith.

SBA Form 684 (12-65)

SMALL BUSINESS ADMINISTRATION
WASHINGTON, D.C. 20416
PROGRAM EVALUATION REPORT

Approved by Bureau of Budget No. _____
Pages _____ of Pages _____

License No. | Employer Identification No.

Name of licensee | City | County | State | ZIP Code

	SBC	This column for SBA use only	SBC	This column for SBA use only	SBC	This column for SBA use only	SBC	This column for SBA use only
1. Employer Identification No.								
2. Name of small business concern								
3. Address:								
City								
County								
State								
4. Date business established								
5. Form of business								
6. Type (SIC 4-digit code)								
INVESTMENT INFORMATION								
7. Type of investment and financing No.								
8. Put-call features (yes or no)								
9. Interest rate								
10. Initial disbursement date								
11. Maturity (months)								
12. Total funds disbursed								
13. Unpaid balance at Dec. 31, 1965								
14. Use of proceeds (code)								
15. Secured (yes or no)								
16. Status of financing (code)								
PREFINANCING INFORMATION								
17. Fiscal year ended immediately prior to financing (date)								
18. Number of employees								
19. Gross revenue for the year								
20. Profit or (loss) for the year								
21. Assets:								
Current								
Total								
22. Liabilities:								
Current								
Total								
23. Net worth (deficit)								
24. Inventories								
25. Receivables								
26. Borrowings:								
Short-term								
Long-term								
CURRENT INFORMATION								
27. Fiscal year ended in 1965 (date)								
28. Number of employees								
29. Gross revenue for the year								
30. Profit or (loss) for the year								
31. Assets:								
Current								
Total								
32. Liabilities:								
Current								
Total								
33. Net worth (deficit)								
34. Inventories								
35. Receivables								
36. Borrowings:								
Short-term								
Long-term								
37. SBC discontinuances (code)								

VERIFICATION

The information contained above is certified to be complete and correct to the best of my knowledge and belief.

Date _____ Signature _____

Title _____

INSTRUCTIONS FOR PREPARATION OF THE PROGRAM EVALUATION REPORT, SBA FORM 684

Section 107.802(1) of the Regulations governing small business investment companies includes a provision requiring each Licensee to submit a Program Evaluation Report, SBA Form 684, as of December 31 of each year. The report is required to be submitted to the Small Business Administration on or before March 31 of the following year.

Each such report as of December 31, 1965, will reflect all licensee financings of small business concerns which are outstanding at December 31, 1965.

Separate entries on lines 1 through 16 are required for each financing. For example, two or more loans to the same small business concern should be entered in separate columns. Multiple disbursements to a small business concern under a single financing instrument are to be treated as a single financing, and only one entry should be made to include all such disbursements to the small business concern.

If the licensee reports more than one financing of the same small business concern, it should complete lines 3 through 6, and 17 through 37 for the first such financing only, and leave these lines blank in the columns used to report other financings of the same small business concern.

It is expected that future reports will require entries comparable to those on lines 3 through 12 and lines 14 through 26 for financings previously reported only when there has been a change in the financing or in the small business concern which requires a revision of previous entries.

Instructions covering each line of the report are as follows:

A. Entries to be made on each page of the report:

1. Page number, and total number of pages in the report. (Examples: page 1 of 4 pages or page 3 of 6 pages.)

2. SBIC license number.

3. Employer identification number. Enter the number assigned to the licensee by the U.S. Treasury Department. If the licensee does not have an employer identification number, it should obtain one by submitting an Application for Employer Identification Number, Form SS-4, to the U.S. Director of Internal Revenue with whom the licensee's Federal tax and employee withholding returns are filed.

4. Name of licensee.

5. City, county, and State, in which Licensee's principal office is located, and ZIP code for licensee's principal office.

B. Entries to be made for each financing outstanding at December 31, 1965. (NOTE: Multiple disbursements on a single financing instrument should be combined and treated as a single financing on this report.)

Item No.

1. *Employer identification number* of the small business concern financed. The small business concern should have an employer identification number or should obtain one by filing Form SS-4 with the U.S. Director of Internal Revenue with whom its Federal tax and employee withholding returns are filed.
2. *Name of small business concern* financed.
3. *Address.* Enter the address of small business concern financed, including city, county, and state in which the concern's principal business office is located.
4. *Date business established.* Enter the month and year that the small business concern commenced business in its present form.
5. *Form of business.* Show whether the financed concern is a corporation, partnership, proprietorship, etc.

6. *Type (SIC 4-Digit Code).* Enter the 4-digit Standard Industrial Classification Code of the principal industry in which the small business concern is engaged. Determine the proper code by reference to the Standard Industrial Classification Manual, issued by the Executive Office of the President, Bureau of the Budget.
7. *Type of investment and financing number.* Types of investment include loans, debt security, capital stock, and stock rights (including warrants or options). If the licensee has had more than one financing of the same type outstanding with the same small business concern, Items 1 through 16 should be completed for each of these financings in separate columns of the form. Each such similar financing should be assigned a financing number for purposes of identification, and this financing number should be shown on future reports relating to the same financing. Typical entries on this line would be: Loan-1, loan-2, debt security, etc. (If there has been only one financing of a given type for the small business concern, no financing number need be assigned.)
8. Put and call features (yes or no). Indicate whether or not the financing agreement includes put and call features as described in section 107.504 of the regulations by entering "yes" or "no," as applicable.
9. *Interest rate.* Enter the stated interest rate for each loan or debt security investment, as shown on the financing instrument. Enter "N/A" (not applicable) for investments in capital stock and stock rights.
10. Enter the date of the first disbursement applicable to the specific financing made to the small business concern.
11. *Maturity (months).* Enter the number of months from the initial disbursement date to maturity for each loan or debt security financing. Enter "N/A" for investments in capital stock and stock rights.
12. *Total funds disbursed.* Show the total funds disbursed to the small business concern applicable to each specific financing. If multiple disbursements have been made under a single financing agreement, show the total amount of such disbursements as a single amount.
13. *Unpaid balance at December 31, 1965.* Enter the principal amount of the unpaid balance of the loan or debt security financing or the cost of the capital stock or stock rights investment, as of December 31, 1965.
14. *Use of proceeds (code).* Enter the code number indicating which of the following was the primary purpose of the small busines concern in obtaining the financing (enter only one code number for each financing):
    (a) Operating capital (Code No. 1).
    (b) Plant modernization (Code No. 2).
    (c) Acquisition of all or part of an existing business (Code No. 3).
    (d) Consolidation of obligations, debt refunding, etc. (Code No. 4).
    (e) New building or plant construction (Code No. 5).
    (f) Acquisition of machinery and equipment (Code No. 6).
    (g) Land acquisition (Code No. 7).
    (h) Other (Code No. 8).

If the proceeds were used primarily to improve the financed concern's marketing activities, enter the appropriate code number, followed by the letter "M." If proceeds were used primarily for research and development activities, enter the appropriate code number followed by the letter "R." If neither marketing nor research and development was the primary overall purpose, enter only the appropriate code number, with no following letter.

15. *Secured (yes or no).* Indicate by the word "yes" or "no" whether the financing is fully secured by collateral or guaranty.
16. *Status of financing (code).* Enter the appropriate code number to indicate the current status of the financing:
    (a) Good—repayment or other investment recovery of the full amount of principal and interest or cost of other investment appears to be reasonably assured (Code No. 1).
    (b) Fair—repayment or other investment recovery of the full amount of principal and interest or cost of other investment is possible, but not assured pending improvement in the performance of the small business concern financed (Code No. 2).
    (c) Poor—repayment or other investment recovery is in jeopardy and some loss is probable (Code No. 3).
    (d) The financing has been paid off in full by the financed small business concern or has been disposed of otherwise at cost or at a profit to the licensee (Code No. 4).
    (e) Financing has been liquidated through sale, partial repayment and writeoff, or foreclosure and Licensee has either absorbed a loss on the financing or may absorb a loss in the future when collateral is liquidated (Code No. 5).
    (f) The financing instrument was exchanged for another financing instrument of the same small business concern, prior to the reporting date (Code No. 6). NOTE: The new financing instrument should be reflected in entries in another column of the same report.
    (g) The financing instrument was exchanged through merger, etc., for a financing instrument of a different business concern, prior to the report date (Code No. 7). NOTE: The new financing instrument, if considered to be financing of an eligible small business concern, should be reflected in entries in another column of the same report.

C. Entries to be made for each small business concern financed: NOTE: Complete Items 17 through 37 only once for each small business concern financed; leave these items blank in the columns used to describe other financings of the same small business concern.

Item No.

17 and 27. *Fiscal year ended immediately prior to financing (date) and fiscal year ended in 1965 (date).* Enter the date of the close of the financed concern's latest fiscal year which ended prior to the initial date of disbursement of funds related to the financing (Item 17) and the date of the close of the financed concern's fiscal year which ended in 1965 (Item 27).

18 and 28. *Number of employees.* Enter the financed small business concern's number of employees at the close of the fiscal years ended on the dates shown in Items 17 and 27, respectively.

19 and 29. *Gross revenue for the year.* Enter the amount of total sales or other gross revenues of the financed small business concern for the fiscal years ended on the dates shown in Items 17 and 27, respectively.

20 and 30. *Profit or (loss) for the year.* Enter the amounts of net profit or (loss), before taxes, of the financed small business concern for the fiscal years ended on the dates shown in Items 17 27, and respectively. In determining profit or (loss) for the year, exclude any tax loss carryovers from previous years.

21 and 31. *Assets: Current.* Enter the total amounts of all assets held by the financed small business concern on the dates shown in Items 17 and 27, respectively, which could be expected under normal circumstances to be realized in cash or its equivalent within a period of 1 year from such dates.

21 and 31. *Assets: Total.* Enter the total amounts of all assets including current assets, but net of valuation reserves, held by the financed small business concern as of the dates shown in Items 17 and 27, respectively.

22 and 32. *Liabilities: Current.* Enter the total amounts of all liabilities of the financed small business concern as of the date shown in Items 17 and 27, respectively, which were due and payable within 1 year of such dates.

22 and 32. *Liabilities: Total.* Enter the total amounts of all liabilities, including current liabilities, of the financed small business concern as of the dates shown in Items 17 and 27, respectively.

23 and 33. *Net worth (deficit).* Enter the amount of the net worth or (deficit) of the financed small business concern as of the dates shown in Items 17 and 27, respectively.

24 and 34. *Inventories.* Enter the total amount of the inventories of the financed small business concern as of the dates shown in Items 17 and 27, respectively. This entry should include raw materials and supplies, goods in process of manufacture, finished products and merchandise on hand, and other tangible goods that are sold in the normal course of operations.

25 and 35. *Receivables.* Enter the total amount of the receivables of the financed small business concern as of the dates shown in Items 17 and 27, respectively. These receivables should include all trade receivables such as trade acceptances, notes receivable, and accounts receivable arising from the sale of goods or services.

26 and 36. *Borrowings: Short-term.* Enter the amount of the portion of the financed small business concern's outstanding borrowings which were due within 1 year from the dates shown in Items 17 and 27, respectively. This entry should cover fund borrowings of all types, such as bank loans, mortgages, and amounts borrowed from SBIC's., etc.

26 and 36. *Borrowings: Long-term.* Enter the amount of the portion of the financed small business concern's outstanding borrowings which were due after 1 year from the dates shown in Items 17 and 27, respectively. This entry should cover fund borrowings of all types, such as bank loans, mortgages, and amounts borrowed from SBIC's., etc.

37. *SBC discontinuances (code).* If the financed small business concern has discontinued business during the period covered by the report, enter the code number designating the reason for its discontinuance. If the concern has not discontinued business, enter "N/A" (not applicable). Enter only one code, or "N/A," for each financing. Discontinuance codes are:
    (a) Insolvency and/or bankruptcy (Code No. 1).
    (b) Merger with, or sale to, another business concern (code No. 2).
    (c) Voluntary liquidation, for reasons such as retirement of the concern's principal (Code No. 3).
    (d) Involuntary liquidation, for reasons other than insolvency, such as fire, death of a principal, condemnation of business location (Code No. 4).
    (e) Other causes (Code No. 5).

D. Verification.

1. The chief financial officer of the Licensee should sign the verification section on the last page of the report. The date on which the report is signed and the title of the signer should be entered in the spaces provided.

Dated: December 20, 1965.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 13726; Filed, Dec. 22, 1965; 8:48 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Filing of Protraction Diagram; Correction

DECEMBER 14, 1965.

F.R. Doc. 65–12894, appearing at page 14936 of the issue of Thursday, December 2, 1965, should read as follows:

Notice is hereby given that effective January 25, 1966, the following protraction diagram, approved June 18, 1965, is officially filed of record in the Sacramento, Calif., Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. of the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM

HUMBOLDT MERIDIAN

T. 3 S., R. 1 W.
Sec. 21, excluding NW¼;
Secs. 22 and 23;
Sec. 24, excluding NE¼;
Secs. 25, 26 and 27;
Sec. 28, excluding SW¼;
Sec. 33, excluding NW¼;
Secs. 34, 35 and 36.

JOHN E. CLUTE,
Chief,
Branch of Title and Records.

[F.R. Doc. 65–13681; Filed, Dec. 22, 1965; 8:45 a.m.]

[Oregon 016850 (Wash.)]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Land

DECEMBER 9, 1965.

The Corps of Engineers, U.S. Department of the Army, has filed an application, Serial Number Oregon 016850 (Wash.), for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws (Chap. 2, 30 U.S.C.) and mineral leasing laws.

The applicant desires to use the land for project planning and the construction of a dam to provide power, flood control, and navigation facilities on the Snake River and for other purposes in connection with the Little Goose Lock and Dam Project.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 710 Northeast Holladay, Portland, Oreg., 97232.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Corps of Engineers.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

WASHINGTON

WILLAMETTE MERIDIAN

T. 13 N., R. 38 E.,
Sec. 24, lots 1, 2, and S½S½N½SW¼ containing 83.15 acres;
Unsurveyed island (Little Goose Island) lying opposite secs. 25 and 26 containing 12.90 acres.
T. 13 N., R. 39 E.,
Unsurveyed island (Goose Island) lying opposite secs. 27 and 28 containing 30.30 acres;
Unsurveyed island lying opposite sec. 27 containing 5.80 acres;
Sec. 28, NE¼NE¼ containing 0.31 of an acre.
T. 13 N., R. 40 E.,
Unsurveyed island lying opposite sec. 7 containing 3.85 acres.
T. 14 N., R. 40 E.,
Unsurveyed island (Willow Island) lying opposite secs. 23 and 24 containing 14.12 acres.
T. 14 N., R. 41 E.,
Unsurveyed island lying opposite sec. 17 containing 17.45 acres;
Sec. 26, lot 2 containing 22.50 acres.
T. 14 N., R. 42 E.,
Unsurveyed island lying opposite sec. 22 containing 5.05 acres;
Unsurveyed island (Pine Tree Island) lying opposite secs. 22 and 23 containing 32.80 acres;
Unsurveyed islands lying opposite sec. 23 containing 0.75 and 8.26 acres;
Unsurveyed island (Atwoods Island) lying opposite sec. 30 containing 2.30 acres;
Unsurveyed island lying opposite sec. 13 containing 20.10 acres.
T. 14 N., R. 43 E.,
Unsurveyed island lying opposite secs. 18 and 19 containing 12.63 acres;
Sec. 32, lots 3, containing 39.95 acres, and 5, containing 7.20 acres;
Unsurveyed island lying opposite sec. 32 containing 6.94 acres;
Unsurveyed island lying opposite secs. 32 and 33, containing 18.88 acres;
Unsurveyed island lying opposite sec. 33 containing 8.72 acres.

The areas described aggregate 353.96 acres.

D. B. LEIGHTNER,
Acting Land Office Manager.

[F.R. Doc. 65–13682; Filed, Dec. 22, 1965; 8:45 a.m.]

[Utah 0147522]

UTAH

Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 29, 1965.

The Forest Service, U.S. Department of Agriculture has filed application for the withdrawal of the lands described below from all forms of appropriation and entry under the public land laws including the mining laws but not the mineral leasing laws, subject to existing valid rights.

The applicant desires the land as an addition to the Wasatch Fire Control Center in Salt Lake City, Utah.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 11505, Salt Lake City, Utah, 84111.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The tract involved in the application is 300 feet long by 230 feet wide and is described by metes and bounds as follows:

Beginning at a point which bears south 42°15'30" east, 9160.378 feet, and south 89°59'50" west, 3974.283 feet from the northwest corner of Section 4, T. 1 S., R. 1 E., SLM; said point of beginning being also north 89°59'50", east 700 feet from a U.S. Military Monument No. 3, a conical monument with a 2½-inch brass disc set in the top as shown on a map entitled "Survey of Western Boundary of U.S. Military Reservation, Fort Douglas, Utah," and which is on file in the Post Engineer's Office, Fort Douglas, Utah; thence running from said point north 00°02'01" west, 1100 feet and then north 89°59'50" east, 400 feet to the true point of beginning.

Thence north 89°59'50" east, 230 feet; thence south 00°2'01" east, 300 feet; thence south 89°59'50" west, 230 feet; thence north 00°02'01" west, 300 feet to the point of beginning, containing 1.584 acres.

R. D. NIELSON,
State Director.

[F.R. Doc. 65–13689; Filed, Dec. 22, 1965; 8:45 a.m.]

[Sacramento 080021]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands, and Partial Termination Thereof

DECEMBER 15, 1965.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial Number Sacramento 080021, for the withdrawal of the lands described below, from prospecting, location, entry and purchase under the general mining laws, subject to existing valid claims.

The applicant desires the lands for roadside scenic area zone purposes.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room 4201, U.S. Courthouse and Federal Building, Sacramento, Calif., 95814.

The Department's regulations (43 CFR 2311.1–3(c)), provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

SIERRA NATIONAL FOREST

Roadside Zone along the Yosemite Highway, California State Highway 41

A strip of land 200 feet on each side of the centerline of the Yosemite Highway through the following legal subdivisions:

T. 5 S., R. 21 E.
Sec. 13, Lots 6, and 7;
Sec. 35, SW¼SW¼.
T. 6 S., R. 21 E.
Sec. 2, Lot 4, and SE¼NW¼;
Sec. 3, Lot 1;
Sec. 13, S½SW¼;
Sec. 23, E½SE¼.

Roadside Zone along the Forest Highway No. 74

A strip of land 200 feet on each side of the centerline of the Forest Highway 74 through the following legal subdivisions:

T. 7 S., R. 22 E.
Sec. 5, Lot 9;
Sec. 8, NW¼NE¼;
Sec. 9, S½SE¼NW¼, NE¼SW¼, NW¼SE¼, E½SW¼SE¼, W½SE¼SE¼, and SE¼SE¼SE¼;
Sec. 10, SW¼SW¼SW¼;
Sec. 14, W½W½, S½SE¼SW¼, and SW¼SW¼SE¼;
Sec. 15, S½NE¼NE¼, SE¼NE¼, W½NW¼, and SE¼NW¼;
Sec. 16, NE¼NE¼;
Sec. 23, S½NE¼ and E½SE¼;
Sec. 24, SW¼NW¼SW¼ and W½SW¼SW¼;
Sec. 25, NW¼NW¼ and E½SW¼;
Sec. 36, W½E½ and NE¼NE¼NW¼.
T. 8 S., R. 22 E.
Sec. 1, Lot 2, and E½SW¼NE¼.
T. 8 S., R. 23 E.
Sec. 6, S½ of Lot 6, and Lot 7;
Sec. 7, Lot 8;
Sec. 18, Lot 2, NE¼SW¼ and W½SE¼SW¼.

Roadside Zone along the Mammoth Road

A strip of land 200 feet on each side of the centerline of the Mammoth Road through the following legal subdivisions:

T. 8 S., R. 23 E.
Sec. 25, S½NW¼NE¼;
Sec. 33, E½NW¼SE¼;
Sec. 36, W½SW¼NW¼ and NW¼SW¼.
T. 9 S., R. 23 E.
Sec. 2, Lot 4;
Sec. 3, SE¼NE¼.
T. 6 S., R. 24 E.
Sec. 1, Lot 11, and N½NE¼SE¼;
Sec. 3, SE¼SE¼;
Sec. 9, SE¼NE¼;
Sec. 10, S½NE¼, SW¼NW¼, N½SW¼, and NW¼SE¼;
Sec. 11, N½N½;
Sec. 16, SE¼SE¼;
Sec. 29, SW¼NW¼;
Sec. 30, NE¼NE¼ and W½W½SE¼;
Sec. 31, W½NE¼, W½NE¼SE¼, NW¼SE¼, and SE¼SE¼.
T. 7 S., R. 24 E.
Sec. 5, SW¼NW¼SW¼ and SE¼SW¼;
Sec. 8, W½NE¼NE¼, NW¼NE¼, and W½E½SE¼;
Sec. 16, SE¼NW¼;
Sec. 17, NE¼NE¼;
Sec. 20, SE¼;
Sec. 21, N½NE¼, SW¼NE¼, NW¼SW¼, and NE¼SE¼ partly unsurveyed;
Sec. 33, W½NE¼ and NE¼SW¼.
T. 8 S., R. 24 E.
Sec. 4, Lot 4 and SE¼SW¼;
Sec. 9, SW¼NW¼;
Sec. 17, NE¼SE¼;
Sec. 19, Lot 4, and SE¼SW¼;
Sec. 20, SW¼SW¼;
Sec. 21, SE¼NW¼ and NE¼SE¼.
T. 5 S., R. 25 E.
Sec. 19, E½SE¼ and SW¼SE¼;
Sec. 30, NE¼NE¼, W½NE¼, SE¼NW¼, and E½SW¼.

The areas described above aggregate approximately 1800 acres.

The applicant agency has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR 2311.1–2(b) such lands will be at 10:00 a.m., on January 19, 1966, relieved of the segregative effect of the above-mentioned application.

The lands terminated are:

MOUNT DIABLO MERIDIAN

SIERRA NATIONAL FOREST

Roadside Zone along the Mammoth Road

A strip of land 200 feet on each side of the centerline of the Mammoth Road through the following legal subdivisions:

T. 6 S., R. 24 E.
Sec. 30, NW¼NE¼.
T. 7 S., R. 24 E.
Sec. 29, N½NE¼ and SE¼NE¼.

Roadside Zone along the Forest Highway No. 74

A strip of land 200 feet on each side of the centerline of the Forest Highway 74 through the following legal subdivisions:

T. 7 S., R. 22 E.
Sec. 9, NE¼SE¼ and NE¼SE¼SE¼.
T. 8 S., R. 23 E.
Sec. 18, E½SE¼SW¼.

Roadside Zone along the Yosemite Highway, California State Highway 41

A strip of land 200 feet on each side of the centerline of the Yosemite Highway through the following legal subdivisions:

T. 5 S., R. 21 E.
Sec. 24, NW¼SW¼.

The area described above aggregates approximately 116 acres.

R. J. LITTEN,
Chief, Lands Adjudication Section, Sacramento Land Office.

[F.R. Doc. 65–13690; Filed, Dec. 22, 1965; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[P.P.C. 641]

BLACK STEM RUST

Notice of Specifically Approved Establishments Eligible To Ship Rust-Resistant Berberis, Mahoberberis, and Mahonia Interstate

Pursuant to § 301.38–6(a) (2) and (3) of the regulations supplemental to the black stem rust quarantine (Notice of quarantine No. 38, 7 CFR 301.38), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), notice is hereby given that the following nurseries and dealers have fulfilled the requirements of the said § 301.38–6(a) (2) and (3) and are specifically authorized to ship the rust-resistant plants designated in § 301.38–5a in accordance with the regulations in 7 CFR Part 301, Subpart—Black Stem Rust:

ESTABLISHMENT OR DEALER, ADDRESS

ALABAMA

Abbot's Nursery, Route 4, Box 550, Mobile.
Athens Nursery Company, Box 107, Athens.

James A. Bateman (Exotica Nursery), Box 163, Theodore.
Bradford's Blue Spring Nursery, Route 2, Box 548, Huntsville.
Byers Nursery Company, Huntsville.
Chase Nursery Company, Chase.
Cottage Hill Nursery, 4000 Japonica Lane, Mobile.
Crossville Nurseries, Box 127, Crossville.
Tom Dodd Nurseries, Inc., Semmes.
Eva Nurseries, Post Office Box 65, Eva.
Flowerwood Nursery, Inc., Route 1, Box 130, Mobile.
Fraser Nurseries, Inc., 630 Montevallo Road SW., Birmingham.
Grimes Nursery, Semmes.
Guthrie-Barton Nursery, Inc., Route 2, Box 42–A, Tuscaloosa.
Huntsville Wholesale Nursery, Inc., Box 888, Huntsville.
Joppa Nursery Company, Joppa.
King's Nursery, Auburn.
Loop Nursery, 2406 Grant, Mobile.
Monroe Nurseries, Inc., Crossville.
Naugher Nursery, Inc., Chase.
Overlook Nurseries, Inc., 4125 Overlook Grove, Mobile.
Harry A. Partridge Nursery, 1955 Springhill Avenue, Mobile.
Semmes Nurseries, Inc., Semmes.
Silver Bay Nurseries, Route 1, Daphne.
Strain and Son Nursery, Highway 31 South, Athens.
Tallapoosa County Nursery, R.F.D. 1, Dadeville.
Webb Nursery and Landscape Co., 4501 Blue Springs Highway N.W., Huntsville.

ARKANSAS

Piggott Nursery Company, Piggott.

CALIFORNIA

Armstrong Nurseries, Inc., 1265 South Palmetto Street, Ontario.
Bee Line Nursery, 1160 North Amelia, San Dimas.
Bordier's Nursery, Inc., 5659 North Bonnie Cove, Glendora.
Bordier's Nursery, Inc., 7231 Irvine Boulevard, Post Office Box 21, Irvine.
Carpinteria Nursery, 3798 North Via Real, Carpinteria.
Christensen Nursery Company, 935 Old County Road, Belmont.
J. Clarke Nursery Company, Post Office Box 343, San Jose 3.
Coast Wholesale Nursery, 5006 North Bartlett Avenue, San Gabriel.
Leonard Coates Nurseries, Inc., Post Office Box 231, San Jose 3.
Delgaard Nurseries, Inc., Post Office Box 582, Monrovia.
Descanso Nurseries, 12492 Pipeline Avenue, Chino.
Descanso Nurseries, Benson Lane, Fort Bragg.
Edenvale Nursery, Inc., 40160 Mission Boulevard, Fremont.
Hemet Wholesale, Post Office Box 37, Hemet.
Hines Nurseries, 301 North San Gabriel Boulevard, San Gabriel.
Hines Wholesale Nurseries, 12621 Jeffrey Road, Santa Ana.
Hubbard Wholesale Growers, Inc., Post Office Box 116, Duarte.
J & J Nursery, 13521 South Crenshaw, Hawthorne.
K. M. Nursery, Inc., 14029 South Normandie Avenue, Gardena.
K. M. Nursery, Inc., 5154 Foothill Road, Carpinteria.
Mayflower Nurseries, Inc., 16908 South Normandie Avenue, Gardena.
L. B. Merrick Nurseries, 9531 East Whittier Boulevard, Pico Rivera.
Monrovia Nursery Co., 18331 Foothill Boulevard, Azusa.
Nelson Nursery, 32151 Alvarado Boulevard, Union City.
F. L. Norman's Nursery, 3343 Del Mar Boulevard, Pasadena.
Frank H. Ogawa, Inc. (dealer), 2221 73d Avenue, Oakland.
Oki Nursery, Inc., Post Office Box 7118, Perkins Br., Sacramento.
Olle Olsson Nursery, Inc., 2154 Peck Road, Monrovia.
Pomona Wholesale Nursery, 1480 East Fifth Street, Pomona.
Ponto Nursery, Inc., 2545 Ramona Drive, Vista.
San Gabriel Nursery & Florist, Inc., 632 South San Gabriel Boulevard, San Gabriel.
Select Nurseries, Inc., 12831 East Central Avenue, Brea.
Skylark Nursery, 6735 Sonoma Highway, Santa Rosa.
Stribling's Nurseries, Inc., Post Office Box 793, Merced.
Sunnyside Nursery, 1650 West El Segundo Boulevard, Gardena.
Ben Taketomo Nursery, 14417 South Budlong Avenue, Gardena.
Tom's Nursery, Inc., 13021 Doty Avenue, Hawthorne.
Twin Pines Nursery, 2707 West Olive Avenue, Fresno.
Wesco Tropicals, Route 4, Box 409N, Escondido.
The White Flower Nursery Co., Inc., 1535 West 120th Street, Los Angeles 47.

COLORADO

Alameda Nursery, 3160 South Zuni Street, Englewood.
Fort Morgan Nursery, West Platte Avenue, Fort Morgan.
Iliff Garden Nursery, 4750 East Iliff, Denver.
Virgil Johnson Wholesale Nursery (dealer), 4400 Wynkoop, Denver.
Kroh Bros. Nurseries, Box 536, Loveland.
Marshall Nurseries, 5825 West 16th Avenue, Denver 15.
Northern Nursery, 6364 North Washington, Denver.
Nuzum Nurseries, 96 Arapahoe, Boulder.
Shapard's Gardens, 5350 East Arapahoe, Boulder.
Tower Nursery & Greenhouse, Inc., 17050 Smith Road, Aurora.
Western Evergreens, Inc., 14201 West 44th Avenue, Golden.
W. W. Wilmore Nurseries, Inc., 7615 West 38th Avenue, Wheat Ridge.

CONNECTICUT

Barnes Bros. Nursery Co., Box 357, Wallingford.
Brimfield Gardens Nursery, 245 Brimfield Road, Wethersfield.
Brouwer's Nurseries, Box 25, New London.
Brouwer's Nurseries, Jack, 55 Lester Street, New London.
Brouwer's Nurseries, Peter, 24 Lester Street, New London.
Burr, C. R. & Co., Inc. (dealer), 276 North Main Street, Manchester.
Imperial Nurseries, Post Office Box 1000, East Hartford.
Reynold's Farms Nurseries, Box 30, South Norwalk.
Summer Hill Nursery, Summer Hill Road, Madison.
Verkade's Nurseries, 98 Gardner Avenue, New London.
White Flower Farm (dealer), Route 63, Litchfield.

DELAWARE

Beaver Valley Nursery, Inc., 5601 Concord Pike, Wilmington, 19800.
Buntings Nurseries, Inc., Selbyville, 19975.
Danegger's Hi-Way Nursery, Inc., Post Office Box 336, Milford, 19963.
Del-Mar-Va Nurseries, DuPont Boulevard, Lincoln, 19960.
Diamond State Nurseries, Rehoboth Road, Milford, 19963.
Evergreen Acres, Inc., R.F.D. 2, Middletown, 19709.
Huber Nurseries, Boxwood Road & Dodson Avenue, Wilmington, 19800.
Millcreek Nursery, Inc., Route 3, Pleasant Hill Road, Newark, 19711.
Peninsula Nurseries (grower), Hooiser Avenue, Selbyville, 19975.
Phillips Nurseries, Inc., 5014 Concord Pike, Wilmington, 19800.
J. R. Warrington & Son, Inc., Greenwood, 19950.

DISTRICT OF COLUMBIA

Bolgiano, F. W. & Co. (dealer), 411 New York Avenue NE., Washington.
Heckt Company, Arcadian Gardens (Goldfarb) (dealer), 4143 Branch Avenue SE., Washington.

FLORIDA

Blair's Nurseries, Post Office Box 306, MacClenny.
Imperial Nursery, Quincy.
Monticello Nursery Company, Monticello.

GEORGIA

Alcova Nurseries, 614 Emory Street, Covington.
Bedford Nursery, 1023 Oleander Drive, Augusta.
Cato's Nursery, Hall Street, Post Office Box 573, Bainbridge.
E. R. Cato's Nursery, Route 15, Box 498, Albany.
Dudley Nurseries, Inc., Box 609, Athens.
Evergreen Landscape Service, 430 Milledge Terrace, Athens.
Flowerwood Nursery, Post Office Box 296, Cairo.
Fruitland Nurseries, Box 3506, Augusta.
Green Thumb Gardens, 2841 Central Avenue, Augusta.
Calvin Harman Nursery, Stovall.
McCorkle Nurseries, Fort Gordon Highway, Augusta.
Miller Nursery, Post Office Box 5203, Augusta.
Monroe's Landscape Nursery Company, 1898 Monroe Drive, Atlanta.
Mountville Nurseries, Mountville.
Bob Nix Nursery, Route 3, Box 420, Albany.
Northeast Georgia Nursery, Jefferson Road, Athens.
Patch Nursery & Landscaping Company, Route 2, Leesburg.
Powell's Nurseries, Thomasville.
P. L. Smith Nursery, Box 276, 906 South Drive, Albany.
Wight Nurseries, Inc., Box 390, Cairo.

ILLINOIS

Anna Nursery, Anna.
Beloit Nurseries, South Beloit.
Bergman Nurseries, Inc., 3607 North 12th Street, Quincy.
Bork Nursery, 500 North Oak, Onarga, 60955.
Egyptian Nursery & Landscape Co., Farina, 62838.
Walter Elsner Landscape Co., 10214 South Bell Avenue, Chicago, 60643.
Chas. Fiore Nurseries, Inc., Post Office Box 67, Prairie View, 60069.
Frese Bros. Nursery, Route 6, Quincy.
Hanley's Nursery (dealer), Carbondale, 62902.
H. B. Hartline Farm, Route 1, Makanda, 62958.
Henry Nurseries, 1022 College, Henry, 61537.
D. Hill Nursery Co., Dundee.
Home Nursery Greenhouses, Inc., Box 181, Edwardsville, 62025.
Ireland's Nursery, Onarga, 60955.
Kankakee Nursery Co., Box 288, Kankakee.
Lafayette Home Nursery, Lafayette.
Leesley Nurseries, Inc., Route 1, Box 289, Libertyville.
Maywood Nursery Co., Box 322, Maywood.
Montgomery Ward & Co., Inc. (dealer), Main office: 619 West Chicago Avenue, Chicago (all outlets in United States).

Jim Moorhead's North Park Gardens, Inc., Route 1, Poplar Grove, 61065.
Onarga Nursery Co., Onarga.
Sapp's Nursery, Post Office Box 703, Mount Vernon, 62864.
Sears, Roebuck & Co. (Dealer), 925 South Homan Avenue, Chicago main office; (all outlets in United States).
R. H. Shumway Seedsman (dealer), 628 Cedar Street, Rockford.
Eugene A. de St. Aubin & Bros. Inc., Box 1, Addison.
Sunnyside Nursery, Route 1, Troy; and Edwardsville.
Ralph Synnestvedt & Assoc. Inc., 3602 Glenview Road, Glenview.
Vienna Nursery, Vienna.
Wandell's Twin City Nursery, Route 3, Urbana, 61801.
Waukegan Nursery, 220 North Green Bay Road, Waukegan.
Westman Evergreen Nurseries, 13700 South Street, Woodstock.
Wheeling Nurseries & Sky-View, Wholesale Nursery Sales Co., Inc., 642 South Milwaukee Avenue, Wheeling.

INDIANA

Bebee Nursery, Route 3, Box 452, Alexandria, 46001.
Billings Nursery, Rural Route 4, Muncie, 47301.
Chesterton Nursery, R.F.D. 1, Box 314, Chesterton.
Crousore Nursery, Route 5, Kokomo.
Gar Creek Nursery, Rural Route 2, New Haven.
Hillside Nursery, Box 185, Dublin, 47335.
C. M. Hobbs & Sons, Inc., 9300 West Washington Street, Indianapolis (Bridgeport), 46231.
The Krider Nurseries, Inc., Middlebury, 46540.
Littleford Nurseries, Route 1, Vincennes.
Mathews Nursery & Landscape Service, 3100 West Ridge Road, Gary, 46408.
Whiteman's Gardens, Plymouth, 46563.

IOWA

Earl Ferris Nursery, 811 Fourth Street NE., Hampton.
Henry Field Seed & Nursery Co., Shenandoah.
Inter-State Nurseries, Inc., Hamburg, 51640.
Linn County Nurseries, Center Point.
May Seed & Nursery Co. (dealer), Shenandoah.
Mount Arbor Nurseries, Shenandoah, 51601.
Shenandoah Nurseries, 301 Wabash Avenue, Shenandoah.
Sherman Nursery Co., 1300 Grove Street, Charles City.
Smith Nursery Co., Post Office Box 511, Charles City, 50616.

KANSAS

N. E. Bird Nursery, 8910 West 80th Street, Overland Park.
Blueville Nursery, Route 1, Manhattan.
Borst Nursery & Garden Center, 5118 South Broadway, Wichita.
Gabler's Nursery, 8131 Metcalf, Overland Park.
The Garden Shop, Inc., 6315 West 75th Street, Overland Park.
Goodland Greenhouse & Garden Center, 508 East 12th Street, Goodland.
Grutzmacher Nursery, 405 Webster Street, Clay Center.
Hillside Nursery, 2200 South Hillside, Wichita.
Holsinger Nursery Co., 2405 Merriam Lane, Kansas City.
Kansas Landscape & Nursery Co., 1416 East Iron, Salina.
Leavenworth Nurseries, 12th and Vilas, Leavenworth.
M. Meyer's Nursery, 5439 South Hydraulic, Wichita.
Ralph's Nursery & Garden Shop, 7929 Leavenworth Road, Bethel.
Rieke Nursery, 7036 Nieman Road, Shawnee.
Schnitzler Nursery Co., 2011 South Hillside, Wichita, 67211.
J. H. Skinner & Co., Route 6, Topeka.
Smith Floral Nursery, East 23d Street, Box 308, Lawrence.
Sunnyside Nursery, Inc., 6750 South Broadway, Wichita.
Twin Cedar Nursery, 120th Street and I–35 Highway, Olathe.
Williams & Harvey Village Nursery, 7223 Mission Road, Prairie Village.
Willis Nursery Co., Fifth and Cherry, Ottawa.

KENTUCKY

Arrow-Wood Nurseries, East River Road, Warsaw, 41095.
Boone-Gardiner Nurseries, 9409 Shelbyville Road, Louisville, 40222.
Elkhorn Nursery, Route 4, Lexington.
Hill's Nursery, Warsaw.
Hillenmeyer Nurseries, Lexington.
Theodore Klein Nurseries, Crestwood.
Leichhardt Hillview Nursery, Nashville Road, Bowling Green, 42101.
Lillard Nursery, Jeffersontown.
J. L. Morrill Nursery, R.F.D. 1, Cunningham.
Nick's Nursery, Route 2, Anchorage.
Sanders Bros. Nursery, Rural Route 4, Benton Road, Paducah.
Lawrence Sanders Nursery, 721 Kentucky Avenue, Paducah.
Schneidman Nursery, R.F.D. 8, Paducah.
Willadean Nurseries, Inc., Sparta, 41086.

LOUISIANA

Bailey's Nursery, Route 1, Box 84B, Forest Hill.
Casadaban's Nurseries, Abita Springs.
Clegg's Nursery, 4411 Florida Boulevard, Baton Rouge.
Grandview Nursery, R.F.D. Box 54, Youngsville.
Hillside Nursery, Folsom.
Jenkins Nursery, Route 2, Box 140–A, Amite.
Kraak Nursery, 1019 Central, Metairie.
Magnolia State Nursery, 8820 Greenville Springs Road, Baton Rouge.
McKee's Nursery, Post Office Box 749, Covington.
Mizzell's Nursery, Folsom.
Poole Brothers' Nursery, Lecompte.
Purkey's Nursery, Route 1, Forest Hill.
Richard's Nursery, Forest Hill.
Roach Nursery, Highway 80 West, West Monroe.
Straughan's Nursery, Loranger.
Tammia Nursery, Post Office Box 157, Slidell.
Williams' Nursery, Route 1, Forest Hill.
Windmill Hill Nursery, Route 4, Box 180, Franklinton.

MARYLAND

Andover Nurseries, Massey, 21650.
Angelica Nurseries, R.F.D. 1, Kennedyville, 21645.
Bountiful Ridge Nursery (dealer), Princess Anne, 21853.
Carroll Gardens (dealer), Box 310, Westminster, 21157.
Chesapeake Nursery, Inc., Salisbury, 21801.
Dolan's Evergreen Gardens, 1701 Bedford Street, Cumberland, 21501.
Eastern Shore Nurseries, Box 743, Easton, 21601.
C. T. Fooks Nursery, Route 4, Johnson Road, Salisbury, 21801.
Glencoe Gardens, York and Ensor Mill Road, Baltimore, 21200.
Greenwood Nursery, 316 Talbot Avenue, Laurel, 20810.
Gude, A. Sons Co., Route 355, Box 1010, Rockville, 20854.
Holloway Nursery, South Second Street, Delmar, 19940.
Holly Gardens Nursery, 83 Frost Avenue, Frostburg, 21532.
Kelly's Nursery, Massey, 21650.
Kimburthill, Inc. (Kalmia Farms Nursery), Post Office Box 96, Clarksville, 21029.
Kingsville Nurseries, Inc., Kingsville, 21087.
Longwood Nursery, Inc. (dealer), Route 1, Waldorf.
Meekins Evergreen Nursery, Post Office Box 254, Cambridge, 21613.
Pine Arbor Nursery, Dickerson Church Road, Dickerson, 20753.
Quaint Acres Nurseries, 11800 New Hampshire, Silver Spring, 20900.
Sehman's Nursery, Route 13A, Delmar, 19940.
Small, J. H. & Sons, 15910 Georgia Avenue, Rockville, 20850.
Smith's Garden Center (dealer), 1120 Shades Lane, Cumberland, 21501.
Stock Bros., Inc., 10500 Boswell Lane, Rockville, 20854.
Sudlersville Nursery, Sudlersville, 21668.
Ten Oaks Nursery, Ten Oaks Road, Clarksville, 21029.
Tingle Nursery Co., Pittsville, 21850.
Towson Nurseries, Inc., Paper Mill Road, Cockeysville, 21030.
Westminster Nurseries, Inc., Post Office Box 227, Westminster, 21157.
Wye Nursery, Route 50, Queenstown, 21658.

MASSACHUSETTS

Adams Nursery, Inc., Springfield Road, Westfield.
Atwater Nursery, 368 South Street, Agawam.
Day State Nursery, Box 155, Halifax.
Cherry Hill Nurseries, Cherry Hill Street, West Newbury.
Corliss Bros., Inc., Essex Road, Ipswich.
Littlefield-Wyman Nursery, Inc., 227 Centre Avenue, Abington.
Stobbart's Nurseries, 444 East Central Street, Franklin.
Veg-Acre Farm, Forestdale.
Weston Nurseries, Inc., 93 East Main Street, Hopkinton.
Winslow Nurseries, Inc., Pilgrim Road, Needham 92.

MICHIGAN

Ackerman Nurseries, 1013 Lake Street, Bridgman.
Berg Nursery, Star Route, Box 85A, Kingsford.
Carleton Nursery Co., 11529 Jones Road, Carleton.
Chiles Nursery, 24355 Telegraph Road, Flat Rock.
The Cottage Gardens, 2707 West St. Joseph Street, Lansing.
Dutch Mt. Nursery, Route 1, Box 167, Augusta, 49012.
Emlong Nurseries, Inc., Stevensville, 49127.
Farmington Gardens Nursery (dealer), 35620 Grand River, Farmington.
Larry Ganun Nursery, 3307 North Adrian Highway, Adrian.
Grootendorst Nursery, Box 123, Lakeside, 49116.
Housels Nursery & Garden Center, 8519 Lewis Avenue, Temperance.
M. J. Hunziker & Sons Nursery, Box 313, Niles.
Inland Orchards & Nurseries, Post Office Box 288, Marshall.
Lakeside Nursery, Sawyer.
Ed LaVigne & Son Nursery, 1555 Toben Road, Carleton.
The Monroe Nursery Co., and Ilgenfritz Nurseries, Inc., Post Office Box 665, Monroe.
Newport Nursery Co., 8226 North Stony Creek Road, Newport.
Pine Mountain Nursery, Star Route 2, Iron Mountain.
Ray & Fischer Nurseries, Rothbury.
Scherff's Nursery, 1605 North Monroe, Monroe.
South Michigan Nursery, New Buffalo.
Spielman's (dealer), 2170 North Main, Adrian.
Zilke Bros. Nursery, Baroda.

MINNESOTA

Abrahamson's Nursery, Scandia.
Anderson's Nursery, 6555 Arrowhead Road, Duluth.
Andrews Nursery Co., Box 446, Faribault.
Bachman's Inc. (dealer), 6010 Lyndale Avenue, South, Minneapolis.
J. V. Bailey Nurseries, St. Paul; also Newport.
Bergeson Nursery, Fertile.
Cross Nursery, Box 193, Lakeville.
Donaldson's Flower Shop and Garden Lot (dealer), 601 Nicollet, Minneapolis; also Southdale, Minneapolis.
Donaldson's Garden Lot and Flower Shop (dealer), Miracle Mile, Rochester.
Duluth Glass Block Store (dealer), 128 West Superior Street, Duluth.
Elmore Nursery Co., Elmore.
Farmer Seed & Nursery Co. (dealer), Faribault (and all retail outlets in Minnesota).
Ferndale Nursery, Askov.
Fillmore County Nursery, Canton, 55922.
Flowerland Farms and Nursery, Shafer.
Fritz' Farm and Garden Center (dealer), Newport.
Garden and Lawn Center (dealer), Box 295, Wheaton.
Golden Rule Flower Shop and Garden Lot (dealer), Eighth and Robert, St. Paul.
Goldfine's Inc. (dealer), 700 Garfield, Duluth.
Grussendorf Nursery, 4022 Midway Road, Duluth.
Home Landscape Supply (dealer), R.F.D. 1, Ortonville, 56278.
Jewell Nurseries, Inc., Box 457, Lake City.
H. L. Johnson Garden Store and Nursery (dealer), 3625 West Lake Street, Minneapolis.
Judson Valley Nursery, Lake Crystal.
Killmer Northern Nurseries, 1700 West Larpenteur Avenue, St. Paul.
Lake Agassiz Nursery (dealer), Moorhead; also Retail Sales Yard at Fargo, N. Dak.
Lake City Nurseries, Inc., North Sixth Street, Lake City.
Law's Valley View Nurseries, Inc., Box 271, Hastings.
Lindstrom Nursery, Post Office Box 266, Lindstrom.
Meehan Bros. Nursery, 1215 Oakbury Road, Lake Elmo.
North Central Nursery Sales (dealer), Owatonna.
Owatonna Nursery Co., Inc., Rural Route 3, East Rose Street, Owatonna.
The Park Nurseries, 1200 St. Clair Avenue, St. Paul.
Peters Evergreen Nursery, Box 337, Sherburn.
Joe Priley's Nursery, 203 Eighth Avenue East, Duluth.
Rose Hill Nursery, 2380 West Larpenteur, St. Paul; also Box 495, Minneapolis.
Sargents Red Wing Nursery, Red Wing.
Scheidler F-M Nursery (dealer), 825 North Highway 75, Moorhead 56560.
Seeferts Hudson Road Nursery (dealer), Highway 12 and White Bear Avenue, St. Paul.
Shoppers' City Garden Center (dealer), c/o Donald Fritz, Glen Road, Newport; also outlets in Minneapolis and St. Paul.
Shoreacres Gardens (dealer), 640 Shoreacres Drive, Fairmont.
Springvale Nursery, 2627 Springvale Road, Duluth.
Summit Nurseries, Inc., Route 4, Stillwater.
Swedberg Nursery, Battle Lake.
Town and Country Flowers (dealer), 1301 South Second Street, Moorhead.
Trapper Hunt's Nursery, Bagley.
Wedge Nursery, Route 2, Albert Lea.
The Willmar Nursery (Irv Hanson) (dealer), Route 2, Box 31, Willmar.
Wright Nursery & Landscape Service, 2602 London Road, Duluth; also Larsmont.
Wy's Gardens (dealer), East Grand Forks.

MISSISSIPPI

Big River Nursery, Lula.
Gilmer Brothers Nursery, Route 2, Caledonia.
A. P. Miller & Sons Nursery, 1506 Main Street, Columbus.
T. G. Owen & Son, Inc., Box 946, Columbus.
C. W. Stuart & Co. (dealer), Bell Avenue and South 19th Street, Columbus.

MISSOURI

Bruening Nursery, Higginsville.
Houlihan Nursery Co., Mosley Road, Creve Coeur, 63141.
Forrest Keeling Nursery, Elsberry.
Logan's Nursery & Landscape Service, 1631 Independence Street, Cape Girardeau.
McCoy Nursery, Box 257, R.F.D. 3, Joplin.
Neosho Nurseries Co., Neosho.
Roller Nursery, Seligman.
Sarcoxie Nurseries (Wild Bros. Nursery Co.) (also seed grower), Sarcoxie.
Stark Bros. Nursery and Orchards Company, Louisiana.

MONTANA

Billings Nursery, Route 1, Box 47, Billings.
Garrett Nursery Co., 2226 Central Avenue West, Great Falls.
Holland Nursery, Route 4, Kalispell.
E. C. Moran (seed grower), Stanford.
Pierce's Nursery, 352 Highway 2 East, Kalispell.
Frank H. Rose Native Evergreens (seed dealer), 1020 Poplar Street, Missoula.

NEBRASKA

A B C Nursery, Route 1, Box 113, Scotts Bluff.
Marshall Nurseries, Arlington.
Plumfield Nurseries, Inc., 2105 Nye Avenue, Fremont.

NEW JERSEY

Akerboom, Klaas, Route 1, Bridgeton.
Arcadian Gardens (Goldfarb) (dealer), Menlo Park Shopping Center, Route 1 and Parsonage Road, Menlo Park.
Arcadian Gardens (Goldfarb) (dealer), Garden State Plaza, Paramus.
Behren, E. H., Rural Delivery 1, Newfield.
Bobbink Nurseries, Inc., Box 124, Freehold.
Bongarzone Nursery, Wayside Road, Eatontown.
Bulk's Nurseries, Inc., Rural Delivery No. 3, Smithburg-Manalapin Road, Freehold.
Conifer Nursery, Rural Delivery, Mays Landing.
Cumberland Nurseries, Rural Delivery 1, Millville.
Cy's Nursery, Box 301, R.F.D. 4, Sewell.
D & D Rose Garden, 42 Monmouth Road, Eatontown.
Deerfield Nurseries, Box 32, Deerfield.
DeWilde's Rhodo, Lake Nursery, Rural Delivery 1, Bridgeton.
F & F Nurseries (grower), Box 126, Holmdel.
Hess Nurseries, Box 128, Wayne.
Hogbin Nursery, Frank, R.F.D., Williamstown.
Holly Ravine Nursery, R.F.D., Monroeville.
Howe Nurseries, 322 Burd Street, Pennington.
Jones Nursery, Harvey, Black Horse Pike, Williamstown.
Jones Nursery, Maurice, Black Horse Pike, Williamstown.
Jones Nursery, Wes, Black Horse Pike, Willamstown.
Kelsey Nursery Service (dealer), 104 Portland Road, Highlands.
Kluis Nurseries, 15 Woodland Court, Pompton Plains.
Lovetts Nursery, Inc., Phalanx Road, Lincroft.
McCarty Gardens, R.F.D., Mays Landing.
Moorestown Gardens, Inc., 55 East Oak Avenue, Moorestown.
Oakview Nursery, Inc., Sewell County House Road, Sewell.
Obert's Nursery, J., 169 Chestnut Street, Somerville.
Osterman Nursery, 525 Bound Brook Road, Middlesex.
Pearce Seed Co., Bridgeboro Road, Moorestown.
Jackson & Perkins Corp., Perkins-deWilde Division, Shiloh.
Piney-Hollow Nursery, Brewster and Dutch Mill Road, Newfield.
Pricketts Nursery, Mantua Blvd., Sewell.
Princeton Nurseries, Post Office Box 191, Princeton, 08540.
South Jersey Colonial Nurseries, Inc., Rural Delivery 1, Salem.
Split Rock Nursery, 218 Farview Avenue, Paramus.
Straub's Nursery, Lambs Road, Sewell.
Sunnybrook Nursery, Inc., Rural Delivery 1, Route 45, Swedesboro, 08085.
Vermeulen, John & Son, Inc., Neshanic Station.
Wells Nursery Inc., James S., Red Bank.
Whip-Poor-Will Nursery, Buck Hill and River Road, Woodbine.
Wilton, Michael F. & Sons, Sugarman Avenue, Rural Delivery 1, Millville.
Arcadian Gardens (Goldfarb) (dealer), South Highland Avenue, Ossining.
Arcadia Rose Co., (Dealer), 1000 South Main Street, Newark.
Babcock, Charles E., North Clinton Street, Dansville.
Bagatelle Nursery, Half Hollow Hills, Huntington Station (Box 196).
Buck & Son, William, Rural Delivery 3, Dansville.
Bulk's Nurseries, Inc., 610 West Montauk Highway, Babylon, Long Island.
City of Glass (Goldfarb) (dealer), Melville Road, Farmingdale, Long Island.
Congdon & Weller Wholesale Nursery, Mileblock Road, North Collins.
Congdon's Wholesale Nursery, Mileblock Road, North Collins.
Finnerty Nursery, 50 New York Avenue, Rensselaer.
Garden World, Inc. (Dealer), Francis Lewis Boulevard and 46th Avenue, Flushing.
Hathaway, Harry M. (Dealer), Rural Delivery 5, Amsterdam.
Jackson & Perkins Co., 1000 South Main Street, Newark.
Kelly Bros. Nursery, Inc., Box 430, 23 Maple Street, Dansville.
Lehde Nurseries, Edward, 86 French Road, Buffalo 24.
Maney's Nurseries, Pre-Emption Road, Geneva.
Maxwell, Bowden & Rice, Inc., Pre-Emption Road, Geneva.
McNair Nurseries, C. W., Rural Delivery 3, Dansville.
My Florist, Inc. (Goldfarb) (dealer), 160 East 57th Street, New York City.
Rosedale in Dutchess, Route 44, Millbrook.
Rosedale Nurseries, Inc., Sawmill River Road, Hawthorne.
Shemin, Emanuel, 3990 Boston Road, Bronx 69.
Shepard Nurseries, Rural Delivery 1, Skaneateles.
Smith, W. T. Corp. (dealer), 572 Castle Street, Geneva.
Stern's Nurseries, Inc., 404 William Street, Geneva.
Stuart, C. W. & Co., 165 East Union Street, Newark.
Westbrook Assoc., Inc., 33 Stony Hollow Road, Greenlawn.
Westbury Rose Co., Inc., Jericho Turnpike and Rose Avenue, Box 277, Westbury, Long Island.
Wheelock & Turnbull, Inc., Versailles Road, North Collins.
Woodlea Nursery, 615 Higbie Lane, West Islip.
Woodlea Nursery, Moriches.

NORTH CAROLINA

Gilmore Plant & Bulb Co., Inc., Julian.
Lindley Nurseries, Inc., Greensboro.
Knox Porter Nursery, Post Office Box 1242, Rocky Mount.
Robbins Nursery, Inc., Willard.
Tinga Nursery, Route 1, Box 255, Castle Hayne.

NORTH DAKOTA

Christianson Landscape Service (dealer), Box 244, Fargo.
Northwest Nursery Co., Valley City.
Talbott Drive-In Nursery (dealer), Route 2, Minot, 58701.

OHIO

Bentley's Hardy Plants, 4640 Lane Road, Perry.
The Berryhill Nursery Co., Route 6, Box 696, Springfield.
Bo-Jo Acres Nursery, 4197 Middle Ridge, Perry.
John Bos Nursery, 603 West Maple Street, Clyde.
Bosley Nurseries Inc., 9579 Mentor Avenue, Mentor.
L. P. Brick Nurseries, 483 Park Road, Painesville.
Champion's Lakeview Nursery Co. (dealer), Post Office Box 772, Painesville
Champion Nurseries, 3689 Main Street, Perry.
Louis Colavecchio (also Seed Grower), 1487 North Ridge Road, Painesville.
The Cole Nursery Co., 2000 West Jackson Street, Painesville and Circleville.
Donewell Nurseries, 2168 Mentor Avenue, Painesville
Dugan Nurseries, Center Street, Perry.
Fairview Floral Nursery, 27819 Center Ridge, Westlake.
The French Nursery Co., Race Street, Clyde.
Girard Bros. Nursery Co., Route 20, Geneva.
Gwenn-Gary Nursery, Route 2, Columbiana.
Hazel's Nursery, Luckey.
Hollandia Gardens, Inc., South Vienna.
Holly Gardens (Wm. A. Karolyi), Route 2, Perry.
Horton Nurseries, Inc., Route 20, Madison.
Edw. Y. James & Son Nursery, 25346 Butternut Ridge, North Olmsted.
The Kallay Brothers Co., Painesville.
Joseph J. Kern Rose Nursery, Jackson at Hensley, Mentor.
Kingwood Nurseries (also seed grower), South Center Street, Mentor.
Gerard K. Klyn, Inc., Box 200, Mentor.
Lakewood Nursery, 18105 Detroit Avenue, Lakewood, 44107.
McGuff Nursery, Route 3, New Carlisle.
Mellinger's Inc., Route 1, North Lima, 44452.
Mentor Heights Nursery, Chillicothe Road, Mentor.
Mentor Nurseries, Inc., Chillicothe Road, Mentor.
Mentor Rose Growers, Inc., 7711 Little Mt. Road, Mentor.
Moretti Nursery, 10 Fairport Nursery Road, Painesville.
The William A. Natorp Co., 4400 Reading Road, Cincinnati, 45229.
Neumeister Nursery, 9957 Cincinnati-Columbus Road, Cincinnati.
Ralph T. Norman Nurseries, Post Office Box 104, Painesville.
Paul F. Otto Nursery, Lane Road, Perry.
Ramsey's Nurseries, 7927 Madison Road, Thompson.
Rocknoll Nursery, Morrow.
Joe Sabo & Son Nursery, 365 Bowhall Road, Painesville.
Scarff's Nursery, Inc., New Carlisle.
The Siebenthaler Co., 3001 Catalpa Drive, Dayton, 45405.
Spring Hill Nurseries Co., Elm Street, Tipp City.
Paul J. Square Nursery, 120 Fairport Nursery Road, Painesville.
State Line Nursery, 6205 Lewis Avenue, West Toledo, 43612.
J. G. Stropkey & Sons Nursery, 485 Bowhall Road, Painesville.
Frank Toreki & Sons Nursery, 274 Bowhall Road, Painesville.
Wade & Gatton Nursery, Route 3, Bellville.
Warner Nursery, Route 4, Willoughby, 44094.
The Wayside Gardens Co., Mentor Avenue, Mentor.
Wilms Nursery, Depot Road, Salem.
York Nurseries, 895 Elm Street, Painesville.
Felix Zampini & Sons Nursery, Box 122, Route 84, Perry.

OKLAHOMA

Emil R. Bresser, Florist and Nurseryman, 1718 Locust, Box 973, Muskogee.
Capitol Garden Farms, 4200 North May Avenue, Oklahoma City.
Durant Nursery Company, Box 24, Durant.
Greenleaf Nursery Company, Route 1, Box 98, Park Hill.
Kenyon's Nursery, Dover.
Luke Nursery, Pauls Valley.
Ozark Nursery Co. (Ozanco Nurseries), c/o J. E. Davis, Post Office Box 381, Talhequah.
Sneed Nursery Company, Box 798, Oklahoma City.
Stark Nursery Company, Post Office Box 345, Porum.

OREGON

Arneson Nursery, Route 1, Box 111, Canby.
Aurora Nurseries, Route 2, Box 141, Aurora.
E. P. Baltz Nursery, Route 1, Box 748, Gresham.
Beaver Creek Nursery, Route 1, Box 1118, Gresham.
Benedict Nursery Co., 735 Northeast 87th Avenue, Portland.
Bixby Nursery, 6424 Monroe Road, Milwaukie 22.
E. J. Burnacci Nursery, Route 2, Box 840, Troutdale.
George Caldwell Wholesale Nursery (dealer), 4229 Southeast Division, Portland.
Calorwash Nursery, Route 1, Box 291A, Aurora.
Canby Evergreen Nursery, Route 1, Box 152, Canby.
Carlton Nursery Co. (dealer), Post Office Box 8, Forest Grove.
Clinton Nursery, 2630 Southeast 75th Avenue, Portland 6.
F. A. Doerfler & Sons Nursery, 250 Lancaster Drive NE., Salem.
Doty & Doerner, Inc., 6691 Southwest Capitol Highway, Portland 1.
Drew's Nursery, 13765 Tualatin Valley Highway, Beaverton.
Carl Elkstrom Nursery, Route 2, Box 840, Gresham.
Femrite's Nursery, Route 2, Box 355, Troutdale.
Ferris Quality Nursery, 448 Northeast Loomis Street, Newport.
Field Nursery, Route 2, Box 1107, Troutdale.
Four-Mile Nursery, Route 3, Box 121, Canby.
Garden Center Nursery (dealer), 4631 South Pacific Highway, Medford.
Gasser's Nursery, Route 2, Box 128, Oregon City.
Eddie Handy Nursery, 16440 Southeast Main Street, Portland.
Handy Nursery Co., 17216 Northeast Sandy Boulevard, Portland 30.
Hazel Dell Gardens, Route 1, Box 465, Canby.
Hood View Acres, Route 5, Box 498, Oregon City.
Kelso Nursery, Route 1, Box 205, Boring.
Jack Leslie, 382 Northeast Third Street, Post Office Box 404, Cornelius.
Lindstrom's Nursery, Post Office Box 92, Seaside.
Mason's Nursery, 13890 Southeast Ambler Road, Clackamas.
Milton Nursery Co., Box 7, Milton-Freewater.
Mitsch Nursery, Route 2, Box 34, Aurora.
Motz & Son Nursery, Route 2, Box 54, Portland.
Harry Park Nursery, Route 2, Box 829, Gresham.
H. L. Pearcy Nursery Co., Route 2, Box 97, Salem.
Portland Wholesale Nursery Co. (dealer), 5050 Southeast Stark Street, Portland.
Powell Valley Nursery, Route 2, Box 257, Gresham.
The Rhododendron Nursery, 2332 Southeast 42d Avenue, Portland.
Rich Northwest Nurseries, Inc., Route 1, Box 330, Hillsboro.
Rich & Sons Nursery, Route 1, Hillsboro.
W. B. Sanders Nursery, 11165 Southwest Naeve Street, Tigard 23.
Schmidt Bros. Nursery, Route 2, Box 390, Troutdale.
Sharp's Nursery, 7430 Southeast Powell Boulevard, Portland 6.
Sherwood Nursery Co., Corbett.
Staab's Nursery, Route 1, Box 27, Boring.
Floyd Stafford's Nursery, Route 2, Box 1075, Troutdale.
Paul Stenzel, 14110 Northeast Glisan, Portland.
Surface Nursery, Route 1, Box 832, Gresham.
Alfred Teufel Nursery (dealer), 12345 Northwest Cornell Road, Portland.
Villa Nursery, Box 5137, Portland.
Glenn Walters Nursery, Route 4, Box 142, Hillsboro.
Vern W. Wasson, Route 2, Box 1035. Troutdale.
West Oregon Nursery, 3550 Northwest Saltzman Road, Portland.
Mel Wills Nursery, Route 2, Box 113, Troutdale.
Wil-Chris Acres, Route 2, Box 105, Sherwood.

PENNSYLVANIA

Angelica Nurseries, Inc., Rural Delivery 1, Mohnton, 19540.
Appalachian Nurseries, Box 87, Waynesboro, 17268.
Barrcrest Nursery (dealer), 1725 Marietta Avenue, Lancaster, 17603.
Bausher & Teman Company (dealer), 458 Linden Street, Allentown.
Bercaw's Nursery, Route 4, Waynesboro 17268.
Bloodgood Nurseries, Rural Delivery 1, Route 313, Doylestown.
Blooming Valley Nurseries, Route 1, Meadville.
Braine & Foreman, Rural Delivery 2, Sharon.
Percy Brown Nursery, Inc., Gibralter.
Cacoosing Nurseries, Rural Delivery 1, Sinking Springs, 19608.
The Conard-Pyle Co., West Grove, 19390.
Darlington Nursery, Inc. (dealer), 1400 Beechwood Boulevard, Pittsburgh 15217.
Dauber's Nurseries, 1705 North George Street, York, 17404.
DeKalb Nurseries, Inc., 2700 DeKalb Street, Post Office Box 67, Norristown.
Fairview Evergreen Nurseries (seed grower), 131 East Water Street, Fairview.
Farr Nursery, Womelsdorf 19567.
Fetherolf's Nurseries, Rural Delivery 4, West Chester, 19380.
Gimbel Bros. (dealer), Eighth and Market Streets, Philadelphia.
W. S. Hamilton & Son (dealer), 278 Bridgewater Road, Chester, 19015.
Hansen Brothers Nurseries, Inc., 472 South Gulph Road, King of Prussia.
Hansen's Ground Covers, 1268 Montgomery Avenue, Narberth.
Harborcreek Nursery, Route 20, Harborcreek.
King Nursery, Rural Delivery 5, Greensburg.
Kraynak Nursery, 2525 East State Street, Sharon.
LaBars' Rhodendron Nursery, West Bryant Street, Stroudsburg.
Lincoln Way Nursery, Rural Delivery 2, West Lincoln Highway, Coatesville.
Mayfair Nurseries, Rural Delivery 2, Nichols, New York (Bradford County, Pa.).
Musser Forests, Inc. (seed grower), Box 640, Route 110, Indiana.
Paint Creek Nursery, Shippensville.
Pallach Bros. Nurseries, Inc., Route 1, Harmony, 16037.
Pendale Nurseries (dealer), 450 Washington Road, Mount Lebanon, 15228.
Pikes Peak Nurseries (Division of Clearfield Bituminous Coal Corp.), Eighth and Water Streets, Indiana.
Pitzonka Nurseries, Inc., Bristol-Oxford Valley Road, Bristol.
Richard Schwoebel, 20 North Haverford Avenue, Ardmore.
Slater Supply Co., Inc. (dealer), 5081 Brightwood Road, Bethel Park.

J. Franklin Styer Nurseries, Inc., Concordville, 19331.
John F. Styer Landscape Nurseries, Box 37, Route 1, Concordville.
Styer's Garden Center (dealer), Concordville, 19331.
Upper Bank Nurseries, Inc., South Orange Street, Media, 19063.
Woodland Nursery, Rural Delivery 1, Perkiomenville.

RHODE ISLAND

Bald Hill Nurseries, Inc., Bald Hill Road, Pontiac.
Boulevard Nurseries, 389 West Main Road, Newport.
Forest Hills Nurseries, Inc., 1073 Reservoir Avenue, Cranston 10.
Hoogendoorn, C., 408 Turner Road, Newport.
Rhode Island Nurseries, Inc., East Main Road, Newport.
Sowams Nursery, 82 Sowams Road, Barrington.

SOUTH CAROLINA

Carolina Floral Nursery, Mount Holly.
Greer Nursery, West Polnsett (Old Highway 29), Greer.
Magnolia Gardens & Nurseries, Route 2, Johns Island.
Owens Nursery, Wiskey Road, Aiken.

SOUTH DAKOTA

Brookings Nursery (dealer) (Also known as Modern Landscaping Service), Box 359, Brookings.
Arthur Christensen (dealer), 4010 Jackson Boulevard, Rapid City.
Gurney Seed & Nursery Co., Second and Capitol Streets, Yankton.
Jake's Landscaping (dealer), Colton.
Landscape Improvement (dealer), 524 11th Avenue, Brookings.
Purington Nursery (dealer), 503 Lacrosse, Rapid City.
Wilson Nursery & Landscaping (dealer), R.F.D. 1, Brookings.

TENNESSEE

Adcock Nursery, Route 3, McMinnville.
Barker Brothers (dealer), Route 2, McMinnville.
Vernon Barnes Nursery (dealer), Post Office Box 250, McMinnville.
Boyd Nursery Co., Inc., Box 71, McMinnville.
John D. Boyd, Bone Cave.
Cartwright Nurseries, 10650 Poplar Street, Collierville.
Arnold C. Clark Nursery, Route 2, McMinnville.
Commercial Nursery, Dechard.
Crimson Dale Nursery, Winchester.
Easterly-Varnell Nurseries, Route 6, Box 543, Cleveland.
Evergreen Nurseries, 7433 Poplar Pike, Germantown.
Fairview Nursery (dealer), Route 2, McMinnville.
Faulkner Springs Nursery, Post Office Box 242, McMinnville.
Flower City Nurseries, Route 3, McMinnville.
Forest Nursery Co., Inc., Box 311, McMinnville.
Globe Wholesale Nursery, Post Office Box 249, McMinnville.
Groves Nursery, Winchester.
H. G. Hallum Nursery (dealer), Route 3, McMinnville.
Hawkersmith & Sons Nursery, Route 2, Tullahoma.
Haynesfield Nurseries, Route 4, Bristol.
High Hill Nursery, Route 2, McMinnville.
Howell Nurseries, Inc., 2407 Brooks Road, Knoxville.
C. A. Jones Nursery (dealer), Route 2, McMinnville.
Morning Star Nursery, Highway 45 West, Rives.
Morse Brothers Nursery, Route 8, Chattanooga.
Mountain Wholesale, Bone Cave.
Murphy Nursery Company, Smithville.
Phytotaktor, H. M. Templeton, Jr., Winchester.
The H. R. Potter Nursery, Route 1, Joelton.
John Richardson Nursery (dealer), Route 2, McMinnville.
Sanders Nursery, Winchester.
Savage Farm Nursery (dealer), Box 125, McMinnville.
Scott Bros. Nursery Co. (dealer), Route 2, McMinnville.
Osban Scott Nursery (dealer), Box 123, McMinnville.
Scruggs Nursery, Route 2, McMinnville.
Smith Brothers Nursery, Box 221, McMinnville.
Southern Nursery & Landscape Company, Winchester.
Stewart's Nursery Company, Route 4, McMinnville.
J. P. & Claude Stubblefield, Route 6, McMinnville.
Tate Dykes Nursery (dealer), Route 2, McMinnville.
Tate Nursery, Route 2, McMinnville.
Tennessee Valley Nursery, Winchester.
The Triangle Nursery (dealer), Route 2, McMinnville.
Warren County Nursery, Route 6, McMinnville.
Robert Yates Nursery, Bone Cave.

TEXAS

Wise Adkisson & Sons, 1605 Walnut Street, Greenville.
Aldridge Nursery, Von Ormy.
Baker Brothers Company, Box 828, Fort Worth.
Groce Nursery (dealer), Route 2, Box 58, Willis.
Lambert Landscape Company (dealer), Valleyview Road, Dallas.
Magnolia Plant Farm (dealer), Route 3, Box 449, Conroe.
Pope Nursery, 4020 Race Street, Fort Worth.
Twitty Nursery, Box 777, Texarkana.
Verhalen Nursery Company, Scottsville.
Wolfe Nursery, Inc., Box 811, Stephenville.

UTAH

Glover's Nursery & Floral, 7195 South State Street, Midvale.
Pehrson Floral & Nursery, 1180 Canyon Road, Logan.
Pineae Greenhouses, Inc., 675 North Main, Centerville.
Porter-Walton Co., 522 South Third West, Centerville. Mail address—Box 1619, Salt Lake City.
Wuthrick Nursery, 1115 North Main, Logan.

VIRGINIA

Blue Ridge Gardens, Inc., 1830 Apperson Drive, Salem, 24153.
Blue Ridge Nursery, Elliston, 24087.
Capper's Nursery, McLean, 22101.
Cole Nurseries, Inc., Post Office Box 443, Bluefield, W. Va., 24651 (nursery in Tazewell County, Va.).
Cole Nurseries, Inc., Route 1, Box 332, Bristol, 24201.
Cox's Nursery, R.F.D. 2, Box 386–A, Christiansburg, 24073.
Davis Bros. Nursery, R.F.D. 2, Rose Hill 24281.
Eastern Shore Nursery of Virginia, Post Office Box 48, Keller, 23401.
Enterprise Nursery, Hiltons, 24258.
Gladsgay Gardens Nursery, 6311 Three Chopt Road, Richmond, 23220.
Greenbrier Farms, Inc., 2145 Thrasher Road, Chesapeake, 23519.
Gresham's Nursery, Inc., 6801 Midlothian Pike, Richmond, 23200.
Gulf Stream Nursery, Wachapreague, 23480.
Hecht Co. Arcadian Gardens (Goldfarb) (dealer), 620 North Randolph Street, Arlington.
Holly Creek Nursery, Route 1, Melfa, 23410.
Ingleside Plantation Nurseries, Oak Grove, 22443.
Laird's Nurseries, 8900 Broad Street Road, Richmond, 23229.
J. Lewis & Sons Nursery, Cascade, 24069.
Phillipswood Garden Center, 1845 Abingdon Highway, Bristol, 24201.
South Side Nurseries, Inc., Route 15, Box 471, Richmond, 23234.
Tankard Nurseries, Exmore, 23350.
Watkins Nurseries, Inc., R.F.D. 2, Midlothian, 23113.
Waynesboro Nurseries, Inc., Waynesboro, 22980.
William & Harvey Nursery, 3608 West Cary Street, Post Office Box 7037, Richmond, 23221.
Winn Nursery, Inc., 6926 Granby Street, Norfolk, 23505.
Wood-Howel Nurseries, Inc., 4461 Lee Highway, Bristol, 24201.
Yeatts Nursery Inc., Martinsville, 24112.

WASHINGTON

Norman Anderson Nursery, Route 1, Box 272, Orchards.
Briggs Nursery, 4407 Gleason Road, Olympia.
Chenoweth's Mount Vernon Nursery, Second and Taylor, Mount Vernon.
Clarke Nursery, Long Beach.
Columbia & Okanogan Nursery, Second and Mission, Wenatchee.
Gothmann Nursery, 2000 Inland Empire Way, Spokane.
Dan Hallowell Pioneer Nursery, Route 1, Box 665, Ridgefield.
A. H. Hembree Nursery, East 7809 Indiana, Spokane.
Inland Empire Nursery, East 17213 Sprague, Greenacres.
Kent Nursery, 8812 South 218th Street, Kent.
Krause Nursery, Inc., East 3900 Sprague Avenue, Spokane 31.
May Nursery Co., 212 North Third Avenue, Yakima.
Mayhan Nursery, East 15723 Sprague Avenue, Veradale.
Mayhan Nursery (seed grower), East 15723 Sprague Avenue, Veradale.
South Side Nursery, Box 66, Kelso.
Stanek's Nursery, East 2929 29th Avenue, Spokane.
Viberts Nursery, 15025 124th Avenue NE., Woodinville.
Viewcrest Nurseries, 9617 Northeast Burton Road, Vancouver.
Walter's Nursery, 7405 Stewart Avenue, Puyallup.
Wells Nursery, 424 East Section Street, Mount Vernon.

WEST VIRGINIA

Conner and Amos Garden Center, 129 Old Dutch Road, Charleston, 25300.
Conner and Amos Nursery Co., Route 2, Elizabeth, 26143.
Gold Chestnut Nursery, Cowen, 26664.
Home Nursery Co., Box 126, Fort Gay, 25514.
Kenova Gardens, 1601 Sycamore Street, Kenova, 25530.
Lavalette Landscape Nursery, Fifth Street Hill, Lavalette, 25535.
Myer's Nursery, Route 2, Huntington, 25700.
Pike Vue Nursery, 1691 Washington Pike, Wellsburg, 26070.
White Sulphur Springs Nursery, Box D–540, White Sulphur Springs, 24986.

WISCONSIN

Dunne's Nursery, Stateline Road, Beloit.
Dunne's Nursery & Greenhouse (dealer), Highway 15 West, Delavan.
Evergreen Nursery Co., Route 3, Sturgeon Bay.
Fancher's Nursery, Sturtevant.
J. W. Jung Seed Co., Randolph.
McKay Nursery Co., Waterloo, 55594.
L. L. Olds Seed Co. (dealer), Madison, 53701 (also new garden center at Beltline & Fish Hatchery Road).
Pippert Nurseries, Inc., Cleveland.
Suthers Moundview Nursery, Platteville.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161; 29 F.R. 16210, as amended, 30 F.R. 5801; 7 CFR 301.38)

This notice shall become effective December 23, 1965.

This notice lists those establishments determined by the Director of the Plant Pest Control Division to be growing only rust resistant Berberis, Mahoberberis, and Mahonia plants listed in § 301.38–5a and that therefore may ship Berberis, Mahoberberis, and Mahonia plants without certification. It relieves certain restrictions of the Black Stem Rust Quarantine and should be made effective promptly to be of maximum benefit to persons subject to the restrictions which are being relieved. Accordingly, it is found upon good cause under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), that notice and other public procedure with regard to this action are impracticable and unnecessary, and good cause is found for making the notice effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 17th day of December 1965.

E. D. BURGESS,
Director,
Plant Pest Control Division.

[F.R. Doc. 65–13708; Filed, Dec. 22, 1965; 8:47 a.m.]

Consumer and Marketing Service

[Marketing Agreement 146]

PEANUTS

Outgoing Quality Regulation, and Terms and Conditions of Indemnification Applicable to 1965 Crop

Pursuant to the provisions of sections 32, 34, and 36 of the marketing agreement regulating the quality of domestically produced peanuts theretofore entered into between the Secretary of Agriculture and various handlers of peanuts (30 F.R. 9402) and upon recommendation of the Peanut Administrative Committee established pursuant to such agreement and other information it is hereby found that the respective amendments hereinafter set forth to the Outgoing Quality Regulation (30 F.R. 9407, 11648) and the Terms and Conditions of Indemnification Applicable to 1965 Crop Peanuts (30 F.R. 9407, 11648) will tend to effectuate the objectives of the Agricultural Marketing Agreement Act of 1937, as amended, and of such agreement.

Amendment of the Outgoing Quality Regulation will give handlers the option of having peanuts, other than pickouts, destined for crushing, tested for aflatoxin prior to their being crushed. Previously, only the meal, resulting from crushing of such peanuts, could be tested for aflatoxin to determine its suitability for feed use. Thus, the handler will be able to sell such peanuts with less difficulty and possibly at a better price.

Therefore, the last sentence of paragraph (g) of the Outgoing Quality Regulation (30 F.R. 9407, 11648) is deleted and replaced by the following:

However, peanuts other than pickouts and meal from peanuts other than pickouts in specifically identified lots of not more than 50 tons each, may be sampled by Federal or Federal-State inspectors, or by the area association if authorized by the Committee, and tested for aflatoxin by laboratories approved or operated by Consumer and Marketing Service, at handler's or crusher's expense, and if such meet Committee standards, the meal may be disposed of for feed use.

Amendment of the Terms and Conditions of Indemnification Applicable to 1965 Crop Peanuts is necessary to correct the screen size openings used for determining indemnification rates on the portion of whole kernels in lots of Virginia, Runner and Spanish type peanuts "with splits" so that such screen size openings agree with those set forth in the Outgoing Quality Regulation for such peanuts. Such specifications were originally meant to be identical.

Therefore, subparagraph (c) of the last paragraph of the Terms and Conditions of Indemnification Applicable to 1965 Crop Peanuts (30 F.R. 9407, 11648) is revised to read as follows:

(c) Whole kernels (which will not pass through screens of the following size openings: Virginia $^{15}/_{64}$ x 1" slot, Runner $^{15}/_{64}$ x $^{3}/_{4}$" slot, Spanish $^{15}/_{64}$ x $^{3}/_{4}$" slot), 17.12 cents per lb.

The Peanut Administrative Committee has recommended that these amendments be issued as soon as possible so as to implement and effectuate the provisions of the marketing agreement dealing with outgoing quality regulations and terms and conditions of indemnification. Marketing of the 1965 peanut crop is underway and such outgoing quality regulations and terms and conditions for indemnification for actual operation under the agreement should therefore be modified and made effective as soon as possible, i.e., on the effective date specified herein. Handlers of peanuts who will be affected by such amendments have signed the marketing agreement authorizing the issuance of such regulations and terms and conditions of indemnification, they are represented on the Committee which recommended such amendments, and time does not permit notice to such handlers of the amendments.

The foregoing amendments of the Outgoing Quality Regulation and Terms and Conditions of Indemnification Applicable to 1965 Crop Peanuts are hereby approved and issued this 17th day of December 1965, to become effective December 17, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–13687; Filed, Dec. 22, 1965; 8:45 a.m.]

Office of the Secretary

ARKANSAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Arkansas natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ARKANSAS

Boone.	Independence.
Bradley.	Little River.
Calhoun.	Ouachita.
Clark.	Union.
Columbia.	White.
Faulkner.	Yell.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1966, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 17th day of December 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65–13683; Filed, Dec. 22, 1965; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16773; Order E–23012]

BRANIFF AIRWAYS, INC.

Order Regarding Proposed Jet and Propeller Fares Between Houston and San Antonio

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of December 1965.

By tariff revisions,[1] filed November 22, 1965, and marked to become effective December 22, 1965, Braniff Airways, Inc. (Braniff), proposes to add new jet and propeller fares between Houston and San Antonio. The proposal covers both first class and coach services. No complaints have been filed.

In support of its proposal, Braniff states that the propeller fares would be at the same level as those published by another carrier and that the jet fares would be at the same level as the proposed propeller fares.

Upon consideration of all relevant matters, the Board finds that the proposed tariff revisions may be unjust or unreasonable, or unduly discriminatory, or unduly preferential, or unduly preju-

[1] Airline Tariff Publishers, Inc., agent, CAB No. 44. The proposed jet and propeller fares are $16.50 for one-way first-class service and $15.90 for coach.

dicial, or otherwise unlawful, and should be investigated. Although the new propeller fares would be equal to those in effect for Eastern Air Lines, Inc. (Eastern), they would be significantly (approximately $1.80) above those in effect for American Airlines, Inc., Continental Air Lines, Inc., and Trans-Texas Airways. The Board permitted Eastern's higher fares to become effective in part because of its need for increased earnings (Order E–21637, dated January 4, 1965). No such need currently exists for Braniff, whose earnings trend has been favorable. Eastern's fare level cannot, therefore, become a basis for the fares of Braniff. The Board concludes that Braniff's proposed propeller fares are unwarranted and it will, therefore, suspend them pending investigation. Such action is consistent with recent orders by the Board suspending other proposed fare increases. (Orders E–22483 and E–22878, dated July 27, 1965, and November 12, 1965, respectively.)

The proposed jet fares would be at the level of Eastern's current propeller fares. However, they would be from 11 to 13 percent above the propeller fares in effect for other competing carriers in this market, which we consider as the maximum acceptable level for new fares. As the Board stated in Order E–22587, August 27, 1965, "There are no longer valid economic justifications for permitting the pricing of new jet service in trunkline markets at a level above propeller service." We will, therefore, suspend the jet proposals as well.

Accordingly, pursuant to the Federal Aviation Act of 1958, particularly sections 204(a), 403, 404, and 1002 thereof: *It is ordered*, That:

1. An investigation is instituted to determine whether the one-way fares between Houston and San Antonio on 31st Revised Page 57 of Airline Tariff Publishers, Inc., agent, CAB No. 44 and rules, regulations, or practices affecting such rates are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares, and rules, regulations, and practices affecting such fares;

2. Pending hearing and decision by the Board, the one-way fares between Houston and San Antonio on 31st Revised Page 57 of Airline Tariff Publishers, Inc., agent, CAB No. 44 are suspended and their use deferred to and including March 21, 1966, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This investigation be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated; and

4. A copy of this order will be filed with the aforesaid tariff and be served on Braniff Airways, Inc., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[2]

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65–13702; Filed, Dec. 22, 1965; 8:46 a.m.]

[Docket No. 16325]

CORDOVA AIRLINES, INC.

Temporary Points Service Investigation; Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding will be held before the undersigned Examiner on February 1, 1966, at 10 a.m. (local time), in Room 8D–1, Hill Building, 632 Sixth Avenue, Anchorage, Alaska.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on August 12, 1965, and other documents which are in the docket of this proceeding on file with the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., December 20, 1965.

[SEAL] RICHARD A. WALSH,
Hearing Examiner.

[F.R. Doc. 65–13703; Filed, Dec. 22, 1965; 8:46 a.m.]

[Docket No. 16312]

SERVICE TO LAKE TAHOE, CALIF. INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on January 18, 1966, at 10 a.m., P.s.t., at the Tahoe Sands Motel located in Bijou, Calif., before the undersigned Hearing Examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to Board Orders E–22387, dated June 30, 1965, and E–22930, dated November 24, 1965, the prehearing conference report served October 11, 1965, the supplemental prehearing conference report served November 30, 1965, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., December 17, 1965.

[SEAL] ROBERT L. PARK,
Hearing Examiner.

[F.R. Doc. 65–13704; Filed, Dec. 22, 1965; 8:46 a.m.]

[2] Dissenting statement of member Gilliland filed as part of original document.

FEDERAL AVIATION AGENCY

GENERAL AVIATION DISTRICT OFFICE AT TULSA, OKLA.

Notice of Reopening

Notice is hereby given that on or about January 1, 1966, the General Aviation District Office at Tulsa, Okla., will be reopened. Services presently provided to the general aviation public by the General Aviation District Office at Oklahoma City, Okla., in the Eastern Oklahoma Counties of Osage, Washington, Nowata, Craig, Ottawa, Pawnee, Rogers, Mayes, Delaware, Creek, Tulsa, Wagoner, Cherokee, Adair, Okfuskee, Okmulgee, Muskogee, Sequoyah, McIntosh, Hughes, Pittsburg, Haskell, Latimer, Le Flore, Coal, Johnston, Atoka, Pushmataha, Marshall, Bryan, Choctaw and McCurtain, will be rendered by the Tulsa General Aviation District Office.

(Sec. 313(a), Federal Aviation Act of 1958; 49 U.S.C. 1354)

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 65–13678; Filed, Dec. 22, 1965; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16368, 16369; FCC 65–1123]

CENTRAL BROADCASTING CORP. AND SECOND THURSDAY CORP.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Central Broadcasting Corp., Madison, Tenn., Docket No. 16368, File No. BPH–3773; requests: 92.9 mc, No. 225; 25 kw; 171 feet. Second Thursday Corporation, Nashville, Tennessee, Docket No. 16369, File No. BPH–3778; requests: 92.9 mc, No. 225; 100 kw; 338 feet; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 15th day of December 1965;

The Commission having under consideration the above-captioned and described applications;

It appearing, that except as indicated by the issues specified below, each of the applicants is legally, technically, financially, and otherwise qualified (except that Second Thursday may not be financially qualified) to construct and operate as proposed; and

It further appearing, that the Second Thursday proposal specifies Nashville, Tenn., and the Central Broadcasting proposal (pursuant to the "25 mile" rule) specifies Madison, Tenn.; and

It further appearing, that Nashville and surrounding Davidson county (in which Madison is located) have joined to form a new metropolitan government, but information available to the Commission indicates that Madison nevertheless continues to retain its identity as a separate community; and

It further appearing, that it is necessary to determine, pursuant to section 307(b) of the Communications Act, of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service; and

It further appearing, that the areas and populations to be served by the applicants are markedly different in size and that for the purpose of comparison, the areas and populations within the respective 1 mv/m contours together with the availability of other FM services (at least 1 mv/m) in such areas will be considered for the purpose of determining whether a comparative preference should accrue to either of the applicants; and

It further appearing, that Second Thursday has filed a bank letter indicating a willingness to lend $50,000 upon acceptable credit, but has failed to show the nature of the collateral or the bank's acceptance of it for the purpose of making the loan; and

It further appearing, that Second Thursday has failed to provide up-to-date financial information showing current assets sufficient to construct and operate the station without revenue for a period of 1 year or to show that available or commited funds will be supplemented by sufficient advertising or other revenue to enable it to discharge its financial obligations during the first year; and

It further appearing, that the Post Office Department is unable to provide the exact coordinates for the Fayette, Ala., Post Office, and as a consequence, it is not possible to determine whether the Second Thursday proposal has the requisite 180-mile separation from the unused channel assignment in that city; and

It further appearing, that, in view of the foregoing, the Commission is unable to make this statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the distance from the site specified in the Second Thursday Corp. proposal to the main post office in Fayette, Ala., is 180 miles as required by § 73.207 of the Commission's rules, and if not, whether circumstances exist which would justify a waiver of this requirement.

2. To determine whether Second Thursday Corp. has available to it a valid loan commitment or other source of funds adequate to finance construction and operation of the proposed station for a period of 1 year.

3. To determine the areas and populations within each of the proposed 1 mv/m contours and the availability of other FM services (at least 1 mv/m) to such areas and populations.

4. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

5. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b) which of the proposals would better serve the public interest.

6. To determine, in the light of the evidence pursuant to the foregoing issues, which, if either, of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: December 20, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65–13715; Filed, Dec. 22, 1965; 8:47 a.m.]

[Docket No. 16366; FCC 65M–1628]

ITT WORLD COMMUNICATIONS INC.

Order Scheduling Hearing

In the matter of ITT World Communications Inc., Docket No. 16366; proposed revisions to its Tariff FCC No. 7 establishing rates and regulations for TIME-TRAN service.

It is ordered, This 20th day of December 1965, that Charles J. Frederick shall serve as presiding officer in the above-entitled proceeding; that the hearings shall be convened on February 15, 1966, at 10 a.m.; and that a prehearing conference shall be held on January 11, 1966, commencing at 10 a.m.; and, *It is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: December 20, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65–13716; Filed, Dec. 22, 1965; 8:47 a.m.]

[Docket No. 16299; FCC 65M–1623]

RADIO MARSHALL, INC.

Order After Prehearing Conference

In re application of: Radio Marshall, Inc., Marshall, Tex., Docket No. 16299, File No. BPH–4603; for construction permit.

The Hearing Examiner having under consideration the proceedings during prehearing conference held today in the above-entitled matter;

It is ordered, This 17th day of December 1965, that the hearing in the above-entitled proceeding is hereby rescheduled from January 13 until January 19, 1966, and will be convened at 10 a.m., Wednesday, January 19, at the Commission's offices, Washington, D.C.;

It is ordered further, That the applicant make two copies of its exhibits available to the Bureau counsel and one copy to the Hearing Examiner not later than January 12, 1966, and that the understandings, requests and directives established during today's prehearing conference are approved and the transcript of the conference proceedings is incorporated by reference herein with the same force and effect as if it were set out verbatim.

Released: December 17, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65–13717; Filed, Dec. 22, 1965; 8:47 a.m.]

[Docket No. 16250; FCC 65M–1619]

SERVICE ELECTRIC CABLE TV, INC.

Order After Prehearing Conference

In the matter of cease and desist order to be directed to Service Electric Cable TV, Inc., 206–208 East Third Street, Bethlehem, Pa.; Docket No. 16250.

The Hearing Examiner having under consideration:

(1) The "Motion to Postpone" filed by the respondent (Service Electric Cable TV, Inc.), on December 9, 1965, requesting that the hearing be postponed until February 21, 1966 (from December 20, 1965);

(2) The "Reply to Motion to Postpone," filed by the Commission's Field Engineering Bureau on December 13, 1965, in which the Bureau, the only other party to this proceeding, recites that it has no objection to the relief requested "since it appears that cases of interference heretofore reported to the Commission have been corrected to the satisfaction of the complainants," provided that the hearing will be rescheduled to an earlier date if it subsequently should appear that interference complaints are not being corrected promptly on notification thereof to the respondent;

(3) The Memorandum Opinion and Order of the Hearing Examiner released December 10, 1965 (FCC 65M–1594), scheduling a further prehearing conference to consider item (1), above; and

(4) The proceedings during the further prehearing conference held in Washington, D.C., on December 16, 1965;

It appearing, that disclosures in the pleadings which have been filed and on the record of the December 16 prehearing conference (item 4) make it unequivocably clear that all complaints of interference from the public to and including December 16, 1965, have been, and are being, remedied promptly, to the satisfaction of the complainants, by the respondent; that respondent has instituted procedures for remedying any such complaints in the future on a prompt basis; that the respondent needs the additional time requested by it in order for it to conduct and complete a study of a radiation problem that does not seem to it to involve interference to the public but which nevertheless is necessary for the appropriate application of the pertinent Commission rules; and that the respondent consequently has made a satisfactory showing of "good cause" for granting the relief requested;

It is ordered, This 17th day of December 1965, that item (1), above, is hereby granted, and that the hearing is rescheduled to convene on Thursday, February 24, 1966,[1] at Bethlehem, Pa., at a place to be announced subsequently; and

It is ordered further, That upon proper motion, and upon a showing therein either that respondent is not meeting its commitment to remedy promptly any future interference complaints that may be made, or that a significant number of such complaints have been received which may be attributable to some fault of the respondent, and which are inconveniencing the public, irrespective of whether they are being remedied promptly, the hearing may be rescheduled to an earlier date than February 24, 1966.

Released: December 17, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-13718; Filed, Dec. 22, 1965; 8:47 a.m.]

[Docket Nos. 16290, 16291; FCC 65M-1629]

WMGS, INC. (WMGS) AND OHIO RADIO, INC.

Order Continuing Prehearing Conference

In re applications of WMGS, INC. (WMGS), Bowling Green, Ohio, Docket No. 16290, File No. BR-3097; for renewal of license; Ohio Radio, Inc., Bowling Green, Ohio, Docket No. 16291, File No. BP-16423, for construction permit.

It is ordered, This 20th day of December 1965, due to the illness of the presiding Hearing Examiner, that the prehearing conference in the above-entitled proceeding, which was scheduled for December 20, 1965, is hereby continued to January 5, 1966, and will be held in the Offices of the Commission, Washington, D.C., commencing at 9 a.m.

Released: December 20, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-13719; Filed, Dec. 22, 1965; 8:47 a.m.]

[1] The Feb. 24 date has been established, both parties concurring, because Washington's Birthday, a legal holiday, falls on the 22d.

FEDERAL MARITIME COMMISSION

TRANS-PACIFIC FREIGHT CONFERENCE AND NEW YORK FREIGHT BUREAU

Notice of Filing of Requests To Terminate Agreements

Notice is hereby given that the parties to the following inactive agreements, which now stand approved by the Commission under section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814), have requested that the same be withdrawn and terminated.

Agreement No. 85. Trans-Pacific Freight Conference of North China (Shanghai).

Termination requested by Mr. W. C. Galloway, Chairman, Pacific Coast Committee of Inward Trans-Pacific Steamship Lines, 635 Sacramento Street, San Francisco, Calif., 94111.

Agreement No. 5800. New York Freight Bureau (Shanghai).

Termination requested by Mr. J. A. Dennean, Chairman, New York Committee of Inward Far East Lines, 11 Broadway, New York, N.Y., 10004.

Agreement No. 4292. Joint Agreement between the above-named conferences.

Termination requested jointly by Mr. Dennean and Mr. Galloway.

These agreements provide for the establishment and maintenance of agreed rates and charges on cargo moving in the inbound trade from China to U.S. ports, and the same are currently being carried in suspense on the records of the Federal Maritime Commission.

Interested parties may inspect and obtain copies of the agreements at the Washington Office of the Federal Maritime Commission, Room 609; or may inspect the agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to these terminations including requests for hearings, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the parties filing the requests (as hereinbefore indicated) and the comments should indicate that this has been done.

Dated: December 20, 1965.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-13722; Filed, Dec. 22, 1965; 8:47 a.m.]

[Docket No. 65-49]

INTER-CONFERENCE AGREEMENTS; U.S./MEDITERRANEAN TRADES

Order of Investigation and Hearing

The member lines of the North Atlantic Mediterranean Freight Conference (7980) and the member lines of the Gulf/Mediterranean Ports Conference (134) have filed a "memorandum of understanding" for Commission approval which has been assigned Federal Maritime Commission Number 9413. Additionally, the member lines of the North Atlantic Conference and the member lines of the American Great Lakes-Mediterranean Eastbound Freight Conference (8250) have filed a substantially identical memorandum which has been assigned Federal Maritime Commission Agreement Number 9499.

Agreements 9413 and 9499 provide, inter alia, that the respective conferences may "confer, consider, recommend, and discuss from time to time matters of rates, charges, classifications and related tariff matters." Each conference retains the right of independent action.

Agreements 9413 and 9499 raise issues of fact and law, both with regard to provisions included and provisions omitted. The Commission is insufficiently advised by the proponents of said agreements as to the economic and competitive circumstances which have prompted them as well as the purposes for which they are intended. Moreover, the Commission is unable to determine from the face of the agreements the procedures and arrangements by which they are intended to be carried out.

Whereas, Agreements 9413 and 9499 comprehend anti-competitive activities by common carriers by water in the foreign commerce of the United States within the scope of section 15 of the Shipping Act, 1916; and

Whereas said agreements may adversely effect export commerce from Great Lakes, Atlantic seaboard and Gulf Coast ports of the United States to the Mediterranean area, the Commission finds that investigation and hearing is required in order to develop a record upon which agency action may be based;

Now therefore, it is ordered, That pursuant to sections 15 and 22 of the Shipping Act, 1916, an investigation and hearing is hereby instituted to determine (1) whether Agreements 9413 and/or 9499, as filed, are true copies, or, if oral, true and complete memoranda of the agreements of the parties; (2) whether Agreements 9413 and/or 9499 have been seasonably filed for approval; (3) whether Agreements 9413 and/or 9499 have been carried out in whole or in part, directly or indirectly, prior to approval; (4) whether Agreements 9413 and/or 9499 set out in adequate detail the procedures and arrangements under which the concerted activity authorized therein is to take place; (5) whether Agreements 9413 and/or 9499 should be required to provide for the filing of minutes and reports and, if so, to what extent and to what degree; (6) whether Agreements 9413 and/or 9499 are unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors or would operate to the detriment of the commerce of the United States, or be contrary to the public interest, or be in violation of the Shipping Act, 1916, and (7) whether Agreements 9413 and/or 9499 should be approved, disapproved or modified.

It is further ordered, That hearings with regard to Agreements 9413 and 9499 be consolidated;

It is further ordered, That the Conferences and the member lines thereof, listed in the Appendix attached hereto, be made respondents in this proceeding;

It is further ordered, That this matter be assigned for hearing and decision to an Examiner of the Commission's Office of Hearing Examiners, at a date and place to be hereafter determined and announced by the Presiding Examiner;

It is further ordered, That any persons, other than respondents, having any interest in this matter and desiring to participate in this proceeding, shall file a petition for leave to intervene with the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before January 5, 1966, and upon respondents;

It is further ordered, That this order and notice of hearing be published in the FEDERAL REGISTER, that a copy of such order be served upon respondents, and that all future notices, orders, and decisions issued in this proceeding, including notices of time and place of prehearing conference, if any, be mailed directly to each party of record.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

APPENDIX

American Export Isbrandtsen Lines, Inc., 26 Broadway, New York, N.Y., 10004.
Blue Sea Line, Funch, Edye & Co., Inc., General Agents, 25 Broadway, New York, N.Y., 10004.
Central Gulf Steamship Corp., One Whitehall Street, New York, N.Y., 10004.
Compagnie Fabre Societe Generale De Transports Maritime (Fabre Line), Commander Shipping Co., Inc., General Agents, 17 State Street, New York, N.Y., 10004.
Compania Maritima del Nervion (Nervion Line), Kerr Steamship Co., Inc., General Agents, 51 Broad Street, New York, N.Y., 10004.
Concordia Line, Concordia Line—Great Lakes Service, Boise-Griffin Steamship Co., Inc., General Agents, 90 Broad Street, New York, N.Y., 10004.
Constellation Line, Van Nievelt, Goudriaan & Co.'s Stoomvaart Maatschappij, N.V., Constellation Navigation Inc., General Agents, 85 Broad Street, New York, N.Y., 10004.
Dampskibsselskabet Torm A/S (Torm Lines), Peralta Shipping Corp., General Agents, 85 Broad Street, New York, N.Y., 10004.
Det Forenede Dampskibs-Selskab A/S (Nordana Line), Barber Steamship Lines, Inc., General Agents, 17 Battery Place, New York, N.Y., 10004.
D.D.G. Hansa (Hansa Line), F. W. Hartmann & Co., Inc., General Agents, 120 Wall Street, New York, N.Y., 10004.
Fresco Line, F. W. Hartmann & Co., Inc., General Agents, 120 Wall Street, New York, N.Y., 10004.
Compagnie Generale Transatlantique (French Line), 17 Battery Place, New York, N.Y., 10004.
Hellenic Lines, Ltd., 39 Broadway, New York, N.Y., 10006.
Hoegh Lines, Kerr Steamship Co., Inc., General Agents, 29 Broadway, New York, N.Y., 10006.
Isthmian Lines, Inc., States Marine-Isthmian Agency, Inc., General Agents, 90 Broad Street, New York, N.Y., 10004.
"Italia," Societa per Azioni di Navigazione (Italian Line), 1 Whitehall Street, New York, N.Y., 10004.
Lykes Bros. Steamship Co., Inc., 821 Gravier Street, New Orleans, La., 70150.
Montship, Capo Great Lakes Service, Sagus Marine Corp., General Agents, 26 Broadway, New York, N.Y., 10004.
National Hellenic American Line, S.A., Cosmopolitan Shipping Co., Inc., General Agents, 42 Broadway, New York, N.Y., 10004.
Navigazione Alta Italia (Creole Line), Texas Transport & Terminal Co., Inc., General Agents, 1310 Whitney Building, New Orleans, La., 70130.
Niagara Line, Great Lakes Overseas, Inc., General Agents, 3400 Prudential Building, Chicago 1, Ill.
N. V. Nedlloyd Lijnen (Nedlloyd Line), Nedlloyd Lines, Inc., General Agents, 25 Broadway, New York, N.Y., 10004.
Orient Mid-East Lines, Orient Mid-East Great Lakes Service, Eagle Ocean Transport, Inc., General Agents, 29 Broadway, New York, N.Y., 10004.
P. N. Djakarta Lloyd, Texas Transport & Terminal Co., Inc., General Agents, 52 Broadway, New York, N.Y., 10004.
Prudential Lines, Inc., One Whitehall Street, New York, N.Y., 10004.
States Marine Lines, States Marine-Isthmian Agency, Inc., General Agents, 90 Broad Street, New York, N.Y., 10004.
United Arab Maritime Co. (Canada Orient Line), Keel Shipping Ltd., General Agents, 637 Craig Street, Montreal 3, P.Q., Canada.
Waterman Steamship Corp., 19 Rector Street, New York, N.Y., 10006.
Zim Israel Navigation Co., Ltd., American-Israeli Shipping Co., Inc., General Agents, 42 Broadway, New York, N.Y., 10004.

CONFERENCES

John T. Crook, Chairman, Gulf Mediterranean Ports Conference, Suite 927, Whitney Building, New Orleans, La., 70130.
D. M. MacNeil, Chairman, North Atlantic Mediterranean Freight Conference, 17 Battery Place, New York, N.Y., 10004.
Eric G. Brown, Secretary, American Great Lakes-Mediterranean Eastbound Freight Conference, 72, Rue De La Republique (2me), Marseilles, France, 41895.

[F.R. Doc. 65-13723; Filed, Dec. 22, 1965; 8:47 a.m.]

[Docket No. 65-48]

NORTH ATLANTIC PORTUGAL FREIGHT CONFERENCE

Exclusive Patronage (Triple Rate) System and Contract; Order of Investigation and Hearing

The Commission has before it the application of the North Atlantic Portugal Freight Conference for permission to institute an exclusive patronage (triple rate) contract system, pursuant to section 14b of the Shipping Act, 1916.

A petition for a hearing on the application and as to the lawfulness of Article 6 of the proposed form of contract has been filed on behalf of E. I. du Pont de Nemours & Co., Inc., of Wilmington, Del., a shipper of cargo from U.S. North Atlantic ports to Portugal, which urges that:

1. Contract signatories (shippers) would not be entitled to the benefit of the lowest contract rates unless their customers/consignees in Portugal were also signatories.

2. Shippers who agree to patronize the conference carriers exclusively should be entitled to the lowest contract rates without further qualification.

3. The requirement in the contract that both the shipper/consignor and the receiver/consignee must be signatories to obtain the lowest contract rates places the U.S. shipper at a competitive disadvantage, and could well be detrimental to the commerce of the United States.

4. The provisions of said Article 6 of the proposed form of contract do not meet the requirements for approval under section 14b in that they may not be available to all shippers on "equal terms and conditions."

5. Section 14b does not envision or authorize contracts of conferences and carriers other than those which provide for a dual rate system, and the proposed form of contract providing for a triple rate system cannot be approved under that section.

It appearing that the petition of DuPont containing allegations which present issues of law and fact warrants a hearing; and that no information as to the need for this system in the trade has been furnished by the Conference as a basis for the Commission's consideration of this application and the proposed form of contract, the Commission is of the opinion that a hearing is required in order to determine whether said application and the proposed form of a contract should be approved, disapproved or modified in accordance with the general standards of section 14b and the express requirements of sections 14b (1) through (9) and whether the Commission's decision in The Dual Rate Cases to the effect that certain provisions of dual rate contracts be uniform, should govern the various provisions of said application and contract.

It is ordered, That pursuant to sections 14b and 22 of the Shipping Act, 1916, as amended, an investigation and hearing be instituted to determine whether (1) the proposed system and form of exclusive patronage (triple rate) contract of the member lines of the North Atlantic Portugal Freight Conference meet the requirements of section 14b, or will be detrimental to the commerce of the United States, contrary to the public interest, or unjustly discriminatory or unfair as between shippers, exporters, importers, or ports, or between exporters from the United States and their foreign

competitors; and (2) the application of the Conference for permission to institute the proposed system should be granted pursuant to said section 14b and, if so, (3) the proposed form of exclusive patronage (triple rate) contract should be approved, disapproved or modified in accordance with the requirements of section 14b and the Commission's decision in The Dual Rate Cases.

It is further ordered, That the North Atlantic Portugal Freight Conference and its member lines, listed in the Appendix attached hereto, be made respondents in this proceeding.

It is further ordered, That this matter be assigned for hearing before an Examiner of the Commission's Office of Hearing Examiners at a date and place to be hereafter determined and announced by the Presiding Examiner.

It is further ordered, That any persons, other than respondents, having any interest in this matter, and desiring to participate in this proceeding, shall file a petition for leave to intervene with the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before January 5, 1966; with copy to respondents.

It is further ordered, That this order and notice of hearing be published in the FEDERAL REGISTER, that a copy of such order be served upon respondents and E. I. du Pont de Nemours & Co., Inc., and that all future notices, orders and decisions issued in this proceeding, including notice of time and place of hearing and prehearing conference, be mailed directly to each party of record.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

APPENDIX

North Atlantic Portugal Freight Conference, P. J. Warmstein, Chairman, 26 Broadway, New York, N.Y., 10004.
American Export Isbrandtsen Lines, Inc., 26 Broadway, New York, N.Y., 10004.
Compagnie Fabre-Societe General de Transports Maritimes (Fabre Line), Black Diamond Steamship Co., General Agents, 2 Broadway, New York, N.Y., 10004.
Companhia De Navegacao Carregadores Acoreanos S.A.R.L., East Coast Overseas Corp., as Agents, 80 Broad Street, New York, N.Y., 10004.
Dampskibsselskabet Torm A/S (Torm Lines), Peralta Shipping Corp., as agents, 85 Broad Street, New York, N.Y., 10004.
Fresco Line, F. W. Hartmann & Co., Inc., General Agents, 120 Wall Street, New York, N.Y., 10005.
"Italia," Societa' Per Azioni Di Navigazione (Italian Line), One Whitehall Street, New York, N.Y., 10004.
E. I. du Pont de Nemours & Co., Inc., Don A. Boyd, Commerce Counsel, Wilmington, Del., 19898.

[F.R. Doc. 65-13724; Filed, Dec. 22, 1965; 8:47 a.m.]

SEA-LAND SERVICE, INC., AND DELAWARE RIVER TERMINALS, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by

Sea-Land Service, Inc., Box 1050, Elizabeth, N.J., 02207.

Agreement No. T-1887, between Sea-Land Service, Inc. (Sea-Land) and Delaware River Terminals, Inc. (Lessor) provides for a 20-year lease of certain terminal property in Philadelphia, Pa., to be used by Sea-Land for the loading and unloading of vessels and for the handling, storing, receipt and delivery of cargo and containers. The agreement provides that Lessor will be responsible for certain improvements and construction at the leased premises so the property will be made suitable for container operations by Sea-Land. Sea-Land has a preferential use of the berthing facilities but may upon 90 days notice to the Lessor obtain the exclusive use of the berthing facilities for the remainder of the term. As compensation for the lease Sea-Land agrees to pay an annual fixed rental as specified in the agreement. The rental will be increased if and when Sea-Land exercises its option to have exclusive use of the berthing facilities.

Dated: December 20, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-13725; Filed, Dec. 22, 1965; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-1826]

BARBER OIL CORP.

Hearing on Application for Order That Company Is Not Investment Company

DECEMBER 15, 1965.

Notice is hereby given that Barber Oil Corp. ("applicant"), 30 Rockefeller Plaza, New York, N.Y., 10020, a corporation organized and existing under the laws of the State of Delaware, has filed an application pursuant to section 3(b)(2) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that it is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities either directly or through majority owned subsidiaries. All interested persons are referred to the application, which is on file with the Commission, for a statement of applicant's representations, which are summarized below.

Section 3(a)(1) of the Act defines an investment company as any issuer which is or holds itself out as being engaged primarily, or proposes to engage primarily, in the business of investing, reinvesting, or trading in securities. Section 3(a)(3) of the Act defines an investment company as any issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis. For purposes of section 3(a)(3), "investment securities" include all securities except Government securities, securities issued by employees' securities companies, and securities issued by majority-owned subsidiaries of the owner which are not investment companies. Section 3(b)(2) of the Act provides that, notwithstanding section 3(a)(3), the term "investment company" does not include an issuer which the Commission finds and by order declares to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities either directly or through majority owned subsidiaries or through controlled companies conducting similar types of businesses.

The table below sets forth a summary of applicant's assets on an unconsolidated basis as of June 30, 1965, on the basis of the values assigned to them by applicant.

	Business	Amount (000 omitted)
Cash		$2,999
Other current assets		72
Total		3,071
Investment securities (at market values)		57,105
Securities of subsidiaries (at applicant's valuations):		
Wholly owned subsidiaries:		
Oil Reserves Corp	Oil and gas	28,298
Sabine Exploration Corp	do	1,125
Trinidad Corp	Tanker operation	10,100
Intercontinent Tankers, Inc	do	4,000
Hercules Tankers Corp	do	2,250
Majority-owned subsidiary:		
American Gilsonite Co.[1]	Gilsonite production and refining.	35,606
Total subsidiaries		[2] 81,379
Airplane and other equipment		50
Total assets		141,605

[1] Applicant owns 50 percent of the outstanding voting securities of this company, and 50 percent is owned by Standard Oil Co. of California.
[2] Carrying value on books of applicant is $20,416,000; underlying book value on subsidiaries' books aggregate $17,088,000.

The investment securities owned by applicant consist of minority interests in various noncontrolled corporations which were valued by applicant at their market values as of June 30, 1965. The values of applicant's holdings of securities of its wholly owned and majority owned subsidiaries are stated by applicant to represent the fair value of such securities in the opinion of the officers of applicant or certain of its affiliates. The application does not set forth the basis upon which such values were determined. However, based on applicant's valuations, investment securities represented 41.2 percent of applicant's total assets (exclusive of Government securities and cash items) as of June 30, 1965.

Applicant asserts that it is primarily engaged, directly or through its wholly owned and majority owned subsidiaries, in (1) the production and sale of crude petroleum and natural gas, (2) the ownership and operation of American and foreign flag marine equipment for the transportation of petroleum and petroleum products, and (3) the mining and marketing of a mineral known as Gilsonite and the refining of Gilsonite to produce premium gasoline, diesel fuel, intermediate oils, asphalt and high grade metallurgical coke.

The following table shows the consolidated net income of applicant and its wholly owned subsidiaries (including and excluding realized gains from sales of securities) plus applicant's equity in the undistributed net income of American Gilsonite Co. (not included in consolidation), and the amounts and percentages thereof derived by applicant from (1) dividends from investment securities, and (2) dividends and realized gains from sales of investment securities. The table also shows separately the realized gains from sales of investment securities.

	000 omitted			
	1962	1963	1964	6 months to June 30, 1965
Net income excluding realized gains	$986	$939	$2,351	$859
Dividends from investment securities	$569	$1,084	$1,260	$637
Percent of net income excluding realized gains	57.7	115.4	53.6	74.2
Net income including realized gains	$991	$1,226	$3,192	$1,005
Dividends and realized gains from investment securities	$574	$1,372	$2,036	$783
Percent of net income including realized gains	57.9	111.8	63.8	77.9
Realized gains from sales of investment securities	$5	$287	$776	$146

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the application:

It is ordered, Pursuant to section 40(a) of the Act, that a hearing on the aforesaid application under the applicable provisions of the Act and of the rules of the Commission thereunder be held on the 12th day of January 1966, at 10 a.m. in the Office of the Securities and Exchange Commission, 425 Second Street NW., Washington, D.C. Any person desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of the Commission, Washington, D.C., 20549, on or before the 7th day of January 1966, a written request as prescribed by Rule 9 of the Commission's rules of practice. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address noted above, and proof of service (by affidavit or, in case of an attorney at law, by certificate) filed contemporaneously with such request.

It is further ordered, That Sidney Gross, or any officer or officers of the Commission designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Act, and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the application and that upon the basis thereof the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether applicant is an investment company within the meaning of section 3(a)(1) or section (3)(a)(3) of the Act;

(2) Whether, under section 3(b)(2) of the Act, applicant is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding or trading in securities either directly or through majority owned subsidiaries or through controlled companies conducting similar types of businesses.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this notice and order by registered mail to applicant, and that notice to all persons shall be given by publication of this notice and order in the FEDERAL REGISTER; and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-13683; Filed, Dec. 22, 1965; 8:45 a.m.]

[File No. 1-3393]

VTR, INC.

Order Suspending Trading

DECEMBER 17, 1965.

The common stock, $1 par value, of VTR, Inc., being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange, be summarily suspended, this order to be effective for the period December 18, 1965, through December 27, 1965, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-13684; Filed, Dec. 22, 1965; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 859]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

DECEMBER 17, 1965.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of § 1.247(d)(4) of the special rule. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 409 (Sub-No. 26), filed December 2, 1965. Applicant: O. E. POULSON, INC., Post Office Box 295, Elm Creek, Nebr. Applicant's representative: J. Max Harding, Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats and oils and blends thereof*, in bulk, in tank vehicles, from Phelps City, Mo., to points in Arkansas, Iowa, Kansas, Missouri, Nebraska, and points in East St. Louis, Ill., commercial zone. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 906 (Sub-No. 48), filed November 29, 1965. Applicant: CONSOLIDATED FORWARDING CO., INC., 1300 North 10th Street, St. Louis, Mo., 63106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Fort Worth, Tex., and Clovis, N. Mex., to points in Connecticut, Delaware, Illinois, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 906 (Sub-No. 49), filed December 2, 1965. Applicant: CONSOLIDATED FORWARDING CO., INC., 1300 North 10th Street, St. Louis, Mo., 63106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products*, and *articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Wichita, Kans., to points in Arkansas, Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC 906 (Sub-No. 50), filed December 2, 1965. Applicant: CONSOLIDATED FORWARDING CO., INC., 1300 North 10th Street, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts* and *articles distributed by meat packinghouses*, from Worthington and Mankato, Minn., to points in Arkansas, Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 2202 (Sub-No. 286), filed November 29, 1965. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Arkron, Ohio. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Savannah, Ga., and Charleston, S.C., from Savannah over U.S. Highway 17A to junction U.S. Highway 17, thence over U.S. Highway 17 to Charleston, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's authorized regular route operations. NOTE: If a hearing is deemed necessary, applicatnt requests it be held at Washington, D.C., or Columbia, S.C.

No. MC 8948 (Sub-No. 64) (Amendment), filed October 11, 1965, published in FEDERAL REGISTER, issue of November 4, 1965, amended December 10, 1965, and republished as amended this issue. Applicant: WESTERN GILLETTE, INC., 2550 East 28th Street, Post Office Box 15274, Vernon Station, Los Angeles, Calif., 90058. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied helium*, in bulk, in specially designed tank trailers (dewars), between points in Alabama, California, Ohio, Texas, Florida, Mississippi, Louisiana, New Mexico, and New York. NOTE: The purpose of this republication is to clarify the type of tank truck equipment to be used and to add additional territory. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 11899 (Sub-No. 16), filed December 2, 1965. Applicant: STEVENS TRUCK LINES, INC., 893 Ridge Road, Webster, N.Y., 14580. Applicant's representative: Raymond A. Richards, 35 Curtice Park, Webster, N.Y., 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from Batavia, N.Y., to Baltimore, Bethesda, and Landover, Md., and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Rochester, N.Y.

No. MC 19227 (Sub-No. 99), filed December 1, 1965. Applicant: LEONARD BROS. TRANSFER, INC., 2595 Northwest 20th Street, Miami, Fla., 33142. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which do not require the use of special equipment when moving in the same shipment or same vehicle with commodities which require the use of special equipment because of size or weight, between points in Florida, on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states that the above is an extension of the authority held in MC-19227, Sub-No. 32. (2) *Commodities* which do not require the use of special equipment when moving in the same shipment or same vehicle with commodities requiring the use of special equipment or special handling because of size or weight, between points in Florida, on the one hand, and, on the other, points in Alabama, Georgia, and South Carolina. NOTE: Applicant states that the above is an extension of the authority held in MC-19227, Sub-No. 32. (3) *Commodities* which do not require the use of special equipment when moving in the same shipment or same vehicle with commodities which require the use of special equipment because of size or weight, between points in Florida.

NOTE: Applicant states that the above is an extension of the authority held in MC 19227, Sub-No. 38. (4) *Commodities* which do not require the use of special equipment or special handling when moving in the same shipment or same vehicle with commodities requiring the use of special equipment or special handling because of size or weight, between points in Florida, on the one hand, and, on the other, points in Texas. NOTE: Applicant states that the above is an extension of authority held in MC 19227, Sub-No. 43. (5) *Commodities* which do not require special handling or rigging when moving in the same shipment or same vehicle with commodities requiring the use of special equipment or special handling because of size or weight, (a) between points in Kansas, Missouri, Nebraska, New Mexico, and Oklahoma and (b) between points in Kansas, Missouri, Nebraska, New Mexico, and Oklahoma, on the one hand, and, on the other, points in Texas. NOTE: Applicant states that the above is an extension of authority held in MC 19227, Sub-No. 75. Authority is also sought to tack all the authorities sought with each other and with other authorities presently held. If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 21170 (Sub-No. 128), filed November 24, 1965. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuff*, from Vineland, N.J., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New York, Ohio, Pennsylvania, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 21170 (Sub-No. 129), filed November 24, 1965. Applicant: BOS LINES, INC., 408 South 12th Avenue, Mashalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Food products*, and (2) *commodities*, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with food products, from the plantsite of the Ralston Purina Co. located at or near California, Mo., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee (except Memphis, Tenn., and points in its commercial zone). NOTE: If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Washington, D.C.

No. MC 21170 (Sub-No. 130), filed December 6, 1965. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Schuyler, Nebr., to points in Colorado, California, Washington, Oregon, Arizona, Idaho, and Utah, restricted to traffic originating at the plantsite and storage facilities utilized by Spencer Packing Co., located at or near Schuyler, Nebr. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 21170 (Sub-No. 131), filed December 6, 1965. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Schuyler, Nebr., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to traffic originating at the plantsite and storage facilities utilized by Spencer Packing Co., located at or near Schuyler, Nebr. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 21170 (Sub-No. 132), filed December 6, 1965. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, paving and roofing materials*, from Wilmington, Ill., to points in Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 21866 (Sub-No. 56), filed December 10, 1965. Applicant: WEST MOTOR FREIGHT, INC., 740 South Reading Avenue, Boyertown, Pa., 19512. Applicant's representative: Paul Coyle, 5631 Utah Avenue NW., Washington, D.C., 20015. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal articles*, from Leesport and Trappe, Pa., to Pottsville, Pa. NOTE: Applicant states it intends to tack the above proposed authority with its existing authority in Certificates Nos. MC 21866 Subs 40, 41, 42, 49, 52, and 54, wherein applicant is authorized to serve points in Alabama, Arkansas, Colorado, Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Mississippi, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 29929 (Sub-No. 5), filed November 22, 1965. Applicant: CANNY TRUCKING CO., INC., 6–18 Spring Forest Avenue, Binghamton, N.Y., 13905. Applicant's representative: Donald C. Carmien, 300 Press Building, Binghamton, N.Y., 13902. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, those requiring special equipment, those of unusual value, classes A and B explosives and household goods as defined by the Commission), serving points in Dutchess, Putnam, and Westchester Counties, N.Y., and Kingston and Poughkeepsie, N.Y., as off-route points in connection with applicant's authorized regular-route operations between Painted Post, N.Y., and New York, N.Y., restricted to traffic to and from points on regular-route authority outside of the New York, N.Y., commercial zone as defined by the Commission, as follows: From Clifton, N.J., over New Jersey Highway 46 to junction New Jersey Highway 17, thence over New Jersey Highway 17 to the New Jersey-New York State line, thence over New York Highway 17 to junction Interstate Highway 87, thence over Interstate Highway 87 to Kingston, N.Y.; also over same route from New York Highway 17 to junction New York Highway 9W, thence over New York Highway 9W to junction New York Highway 28, thence over New York Highway 28 to Kingston, N.Y.; also over any combination of above routes to use all bridges across the Hudson from the George Washington Bridge, New York, N.Y., to Kingston, N.Y., for purposes of serving points in Dutchess, Putnam, and Westchester Counties, N.Y., with no service to or from points along these routes, except as specified above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Binghamton, N.Y.

No. MC 29934 (Sub-No. 14) (Amendment), filed November 5, 1965, published in FEDERAL REGISTER issue of November 25, 1965, amended December 7, 1965, and republished as amended, this issue. Applicant: LO BIONDO BROTHERS MOTOR EXPRESS, INC., Post Office Box 18, Bridgeton, N.J. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Burlington, Mercer, and Union Counties, N.J., to points in Delaware, Connecticut, Maryland,

[1] Copies of Special Rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

Massachusetts, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia. NOTE: The purpose of this republication is to add the State of Virginia to the destination territory. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 30867 (Sub-No. 175), filed December 2, 1965. Applicant: CENTRAL FREIGHT LINES, INC., 303 South 12th Street, Waco, Tex. Applicant's representative: Phillip Robinson, 721 Brown Building, Austin, Tex., 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting:

General commodities (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Freeport and Texas City, Tex.; from Freeport over Texas Highway 288 to junction Farm-to-Market Road 2004, thence over Farm-to-Market Road 2004 to junction Texas Highway 6 at or near Hitchcock, Tex., thence over Farm-to-Market Road 519 to junction Texas Highway 341, thence over Texas Highway 341 to junction Loop 197, and thence over Loop 197 to Texas City, and return over the same route, serving all intermediate points, (2) between Freeport and Galveston, Tex.; from Freeport over Texas Highway 288 to junction Farm-to-Market Road 2004, thence over Farm-to-Market Road 2004 to junction Texas Highway 6 at or near Hitchcock, Tex., thence over Texas Highway 6 to junction U.S. Highway 75, and thence over U.S. Highway 75 to Galveston, and return over the same route, serving all intermediate points, and (3) between Freeport, Tex., and the San Luis Pass Bridge and causeway construction site (located on Galveston Island approximately 25 miles southwest of Galveston, Tex.); from Freeport over County Road 257, commonly known as San Luis Beach Road to the San Luis Pass Bridge and causeway construction site and return over the same route, serving all intermediate points. NOTE: Applicant states no duplicate authority is sought. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 31600 (Sub-No. 603), filed November 28, 1965. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass., 02154. Applicant's representative: H. C. Ames, Jr., Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastic*, in bulk, in tank or hopper type vehicle, from Gales Ferry, Conn., to Federalsburg, Md. NOTE: If a hearing is deemed necessary, applicant does not specify a particular location.

No. MC 35320 (Sub-No. 87), filed December 2, 1965. Applicant: T. I. M. E. FREIGHT, INC., 2598 74th Street, Post Office Box 1120, Lubbock, Tex. Applicant's representatives: Frank M. Garrison (same address as applicant) and W. S. Benson, Jr., Ninth Floor Citizens Tower, Lubbock, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Memphis, Tenn., and Atlanta, Ga., as follows: From Memphis, Tenn., over U.S. Highway 72 to Tuscumbia, Ala., thence over U.S. Highway 72 to junction Alabama Highway 35 near Scottsboro, Ala., thence over Alabama Highway 35 to Fort Payne, Ala., thence over Alabama Highway 35 to junction Alabama Highway 9, thence over Alabama Highway 9 to Alabama-Georgia State line, thence over Georgia Highway 20 to Rome, Ga., thence over U.S. Highway 41 to Cass, Ga., thence over U.S. Highway 41 to Atlanta, Ga., and return over the same route, serving no intermediate points, tacking for purposes of joinder only at Memphis, Tenn., Tuscumbia and Fort Payne, Ala., and Cass and Atlanta, Ga., as an alternate route for operating convenience only. Applicant states that it seeks no duplicating authority. Restriction: The service authorized herein shall be restricted so as to preclude the transportation of traffic originating or destined to points in Alabama. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Atlanta, Ga.

No. MC 42688 (Sub-No. 6), filed November 23, 1965. Applicant: JOHN WELLER SCHROCK, doing business as SCHROCK TRANSFER, 234 West Patriot Street, Somerset, Pa., 15501. Applicant's representative: James O. Courtney, 142 North Court Avenue, Somerset, Pa., 15501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods, and commodities requiring special equipment), moving under bills of lading and tariffs, in trailer-on-flatcar operation of the Baltimore and Ohio Railroad Co., between its terminals in the city of Pittsburgh, Pa., on the one hand, and, on the other, its terminals and other points in Somerset County, Pa., with the following restrictions: (1) The proposed service by motor vehicle to be performed by carrier shall be limited to service which is auxiliary to or supplemental of the trailer-on-flatcar operations of the Baltimore and Ohio Railroad Co., (2) shipments transported by carrier shall be limited to those which move under a through railroad bill of lading and under a railroad tariff from points of origin to points of destination, and (3) shipments transported by carrier shall be restricted to those having an immediately prior or immediately subsequent movement by rail in trailer-on-flatcar operations of the Baltimore and Ohio Railroad Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 52579 (Sub-No. 47), filed December 1, 1965. Applicant: GILBERT CARRIER CORP., 441 Ninth Avenue, New York, N.Y. Applicant's representative: Harris J. Klein, 280 Broadway, New York, N.Y., 10007. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel* on hangers, from Racine, Wis., to Chicago, Ill., and *returned wearing apparel*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52579 (Sub-No. 48), filed December 1, 1965. Applicant: GILBERT CARRIER CORP., 441 Ninth Avenue, New York, N.Y. Applicant's representative: Harris J. Klein, 280 Broadway, New York, N.Y., 10007. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel* on hangers from Cleveland, Ohio, to points in California, and *returned wearing apparel*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 52657 (Sub-No. 642) (Correction), filed November 15, 1965, published in FEDERAL REGISTER, issue of December 2, 1965, and republished this issue, as corrected. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill., 60620. Applicant's representative: A. J. Bieberstein, 121 West Doty Street, Madison, Wis., 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles*, in secondary movements, by the truckaway method, restricted to the transportation of vehicles manufactured or assembled at the site of the plant of American Motors (Canada) Ltd., in Brampton, Ontario, Canada, (1) from Buffalo, N.Y., and points within 20 miles thereof, to points in New York and Pennsylvania; (2) from Little Ferry, N.J., and points within 20 miles thereof, to points in Connecticut, New Jersey, New York, and Rhode Island; (3) from Selkirk, N.Y., and points within 20 miles thereof, to points in Connecticut, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont; and (4) from Framingham, Mass., and points within 20 miles thereof, to points in Connecticut, Maine, Massachusetts, New Hampshire, and Rhode Island. NOTE: The purpose of this republication is to correct the location of Little Ferry, located in the State of New Jersey. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 52751 (Sub-No. 52) (Amendment), filed October 20, 1965, published in FEDERAL REGISTER issue of November 4, 1965, and republished as amended November 11, 1965, and further amended December 13, 1965, and republished as further amended this issue. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, Iowa, 50317. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa, 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery*, (2) *self-propelled loaders*, and (3) *attachments and parts* of the above-named commodities, when moving in mixed loads with the above-named commodities, from the plantsites and warehouses of Owatonna Manufacturing Co., located at Owatonna, Minn., and points within 3 miles thereof, to Omaha, Nebr., and points in Illinois, Iowa, Minnesota, North Dakota, and South Dakota. NOTE: The purpose of this republication is to more clearly set forth the commodity and territory descriptions. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Madison, Wis., or Minneapolis, Minn.

No. MC 55236 (Sub-No. 119), filed December 1, 1965. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Post Office Box 1187, Green Bay, Wis., 54304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats and oils*, and *tallow*, in bulk, in tank vehicles, from Cedar Rapids, Iowa, to points in Illinois. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 59934 (Sub-No. 5), filed November 24, 1965. Applicant: MAIN TRUCKING & RIGGING CO., INC., 21 Camden Street, Paterson, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which do not require the use of special equipment when moving in the same shipment or in the same vehicle with commodities, the transportation of which because of size or weight require the use of special equipment, between points in Connecticut, Rhode Island, Massachusetts, New York, and New Jersey. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 61396 (Sub-No. 148), filed December 2, 1965. Applicant: HERMAN BROS., INC., 2501 North 11th Street, Omaha, Nebr. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, including but not limited to nitrogen fertilizer solutions, in bulk, in tank trucks, from the site of Cordova Industrial Park, Ill., to points in Iowa, Minnesota, Missouri, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 61592 (Sub-No. 60), filed December 1, 1965. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa, 52722. Applicant's representative: Val M. Higgins, 1000 1st National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building board, wall board, insulation board* and *laminated flakeboard*, finished or not finished, with or without decorative or protective coating, and *accessories* and *supplies* used in the installation thereof, from Union, Mo., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Ohio, Pennsylvania, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 64112 (Sub-No. 27), filed December 1, 1965. Applicant: NORTHEASTERN TRUCKING COMPANY, a corporation, 2508 Starita Road, Charlotte, N.C. Applicant's representative: W. Delbert Turner, Sr., 1415 East Boulevard, Post Office Box 3661, Charlotte, N.C., 28203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textiles*, truckload, from Clarksville, Ga., to Fall River, Mass., and points in the New York, N.Y., commercial zone, as defined by the Commission. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 64932 (Sub-No. 391), filed November 28, 1965. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill., 60643. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, from Wawaka, Ind., to points in Michigan and Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 65626 (Sub-No. 13), filed December 6, 1965. Applicant: FREDONIA EXPRESS, INC., Post Office Box 222, Fredonia, N.Y. Applicant's representative: E. Stephen Heisley, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from North East, Pa., to Fredonia, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 68539 (Sub-No. 20), filed December 2, 1965. Applicant: ROMANS MOTOR FREIGHT, INC., Ord, Nebr. Applicant's representative: J. Max Harding, Post Office Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic articles* (other than foam, cellular or expanded) from Montgomery, Pa., to Columbus and Broken Bow, Nebr., and (2) *glass tubing*, from Vineland, N.J., to Columbus and Broken Bow, Nebr. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 69833 (Sub-No. 81), filed December 1, 1965. Applicant: ASSOCIATED TRUCK LINES, INC., 15 Andre Street SE., Grand Rapids 7, Mich. Applicant's representative: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, Mich., 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), between Gary, Ind., and Sawyer, Mich., from Gary over Interstate Highway 90 to junction Indiana Highway 39, thence over Indiana Highway 39 to Indiana-Michigan State line, thence over Michigan Highway 239 to junction Interstate Highway 94, thence over Interstate Highway 94 to Sawyer, and return over the same route, serving no intermediate points, and serving the junction Indiana Highway 39 and U.S. Highway 20 and junction Michigan Highway 239 and U.S. Highway 12 for joinder only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 73464 (Sub-No. 99), filed November 29, 1965. Applicant: JACK COLE COMPANY, a corporation, 1900 Vanderbilt Road, Post Office Box 294, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious to other lading), between Anniston, Birmingham, Gadsden, Mobile, Mongomery, Opelika, and Selma, Ala., on the one hand, and, on the other, Phoenix and Tucson, Ariz.; Crossett, Fort Smith, Little Rock, Monticello, Pine Bluff, and Springdale, Ark.; Denver, Colo.; Jacksonville, Miami, Pensacola, Tallahassee, and Tampa, Fla.; Albany and Waycross, Ga.; Kansas City, Topeka, and Wichita, Kans.; Monroe and Shreveport, La.; Baltimore, Md.; Boston, Mass.; Bridgeport and Hartford, Conn.; Joplin, Kansas City, Springfield, and St. Joseph, Mo.; Buffalo and Rochester, N.Y.; Asheville, Charlotte, Cherryville, Greensboro, and Hickory, N.C.; Oklahoma City and Tulsa, Okla.; Erie, Harrisburg, Pittsburgh, and York, Pa.; Providence, R.I.; Charleston and Greenville, S.C.; Norfolk and Richmond, Va.; Abilene, Beaumont, Dallas, Fort Worth, Houston, San Antonio, and Waco, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 73165 (Sub-No. 209), filed December 3, 1965. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Post Office Box 1348, Birmingham, Ala., 35201. Applicant's representative: Robert E. Tate, 2031 9th Avenue South, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), (2) *frozen foods*, (3) *canned and preserved foods*, (4) *chemicals, chemical blends, and ingredients*, to be used in further manufacturing processes, transportation of which does not require special equipment or bulk or tank vehicles, (5) *inedible meats, meat products, and meat byproducts, lard, tallows, and oils*, (6) *agricultural products* and those *commodities* embraced in section 203(b)(6) of Part II of the Interstate Commerce Act, when moving in the same vehicle with economically regulated commodities, (7) *frozen animal and poultry foods*,

(8) *industrial products*, in packages, requiring refrigeration, and (9) *coffee*, condensed, *coffee extracts, coffee, green tea* and *tea dust and sugar*, from Gulfport, Miss., to points in Mississippi, Alabama, Tennessee, Georgia, Kentucky, Illinois, Indiana, Ohio, Iowa, Kansas, Missouri, Virginia, Wisconsin, Michigan, and Arkansas. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 73165 (Sub-No. 210), filed December 3, 1965. Applicant: EAGLE MOTOR LINES, INC., Post Office Box 1348, Birmingham, Ala. Applicant's representative: Robert E. Tate, 2031 Ninth Avenue South, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from points in George, Hinds, Rankin, Copiah, Greene, Union, Madison, and Covington Counties, Miss., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 74857 (Sub-No. 19), filed December 1, 1965. Applicant: FULLER MOTOR DELIVERY CO., a corporation, 802 Plum Street, Cincinnati, Ohio, 45202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in dump vehicles, limited to service to be performed under continuing contracts with Cargill, Inc., from points in Washington County, Ohio, to points in Ohio and points in West Virginia on and west of U.S. Highway 219. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 75185 (Sub-No. 260), filed November 26, 1965. Applicant: SERVICE TRUCKING CO., INC., Post Office Box 276, Federalsburg, Md., 21632. Applicant's representative: James W. Lawson, 1000 16th Street NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Elmira, N.Y., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Maryland, Massachusetts, New Jersey, North Carolina, Rhode Island, South Carolina, Tennessee, Virginia, the District of Columbia, and New York City, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 75330 (Sub-No. 12), filed September 24, 1965. Applicant: MORRIS DRAYING COMPANY, a corporation, 190 98th Avenue, Oakland, Calif. Applicant's representative: Daniel W. Baker, 625 Market Street, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (1) between San Francisco and Salinas, Calif.; from San Francisco over U.S. Highway 101 to junction U.S. Highway 101 By-Pass, and thence over U.S. Highway 101 By-Pass to Salinas, (2) between Salinas and Monterey, Calif., over California Highway 68, (3) between Watsonville and Monterey, Calif., over California Highway 1, (4) between Redding and Kingsburg, Calif.; from Redding over U.S. Highway 99 to junction U.S. Highway 99E (also over U.S. Highway 99 to junction U.S. Highway 99W), and thence over U.S. Highway 99E to junction U.S. Highway 99 (also over U.S. Highway 99W to junction U.S. Highway 99) and thence over U.S. Highway 99 to Kingsburg, (5) between Williams and Marysville, Calif., over California Highway 20, (6) between San Francisco and Sacramento, Calif., over U.S. Highway 40 (7) between Davis and Oroville, Calif.; from Davis over U.S. Highway 40 to junction California Highway 113.

Thence over California 113 to Yuba City, and thence over California Highway 70 to Oroville, (8) between San Francisco and Stockton, Calif., over U.S. Highway 50, (9) between junction U.S. Highway 40 near Fairfield, Calif., and junction U.S. Highway 99, near Lodi, Calif., over California Highway 12, (10) between Oakland and Oroville, Calif.; from Oakland over California Highway 24 to junction Interstate Highway 680 at Walnut Creek, Calif., thence over Interstate Highway 680 to junction U.S. Highway 40, thence over U.S. Highway 40 to junction U.S. Highway 99E at Roseville, Calif., thence over U.S. Highway 99E to Marysville, Calif., and thence over California Highway 70 to Oroville, (11) between junction California Highway 4 and U.S. Highway 40, near Pinole, Calif., and Stockton, Calif., over California Highway 4, (12) between junction California Highway 33 and U.S. Highway 50, near Tracy, Calif., and junction California Highway 180, near Mendota, Calif., over California Highway 33, (13) between junction California Highways 33 and 180 and Fresno, Calif., over California Highway 180, (14) between Watsonville, Calif., and junction U.S. Highway 99, near Califa, Calif., over California Highway 152, (15) between Vernalis and Modesto, Calif., over California Highway 132, and (16) between Gustine and Merced, Calif., over California Highway 140, serving all intermediate points in (1) through (16) above, and the off-route point of Hollister, Calif. in (1) above.

NOTE: Applicant states it does not propose to transport any shipments of the following: (a) Used household goods and personal effects not packed in accordance with the crated property requirements, (b) automobiles, trucks and buses, namely, new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis, freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis, (c) livestock, (d) commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment, (e) liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles, (f) commodities when transported in bulk in dump trucks or in hopper type trucks, (g) commodities when transported in motor vehicles equipped for mechanical mixing in transit, (h) fruits, fresh or green (not cold pack or frozen) and vegetables, fresh or green (not cold pack or frozen), including mushrooms, fresh, when the point of destination is a cannery, accumulation station, cold storage plant, precooling plant or winery, and (i) metal cans or can tops, bottoms or ends. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 76032 (Sub-No. 201), filed December 1, 1965. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo., 80223. Applicant's representative: Ken Wolford, 1205 South Platte River Drive, Denver, Colo., 80223. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Classes A and B explosives* (ammunition not included in classes A, B, and C, explosives), *and component parts of explosives and ammunition*, (a) from Denver, Colo., over combined Interstate Highway 25 and U.S. Highway 87 to junction U.S. Highway 30 located at or near Cheyenne, Wyo., thence over U.S. Highway 30 to junction U.S. Highway 30S located at or near Little America, Wyo., and (b) from Denver, over combined Interstate Highway 25 and U.S. Highway 87 to junction Colorado Highway 14 approximately four (4) miles east of Fort Collins, Colo., thence over Colorado Highway 14 to junction U.S. Highway 287 at or near Fort Collins, thence over U.S. Highway 287 to junction U.S. Highway 30 at or near Laramie, Wyo., and thence over U.S. Highway 30 to junction U.S. Highway 30S at or near Little America, Wyo., thence over U.S. Highway 30S to junction U.S. Highway 189 located at or near Echo, Utah, thence over U.S. Highway 189 to junction U.S. Highway 40 at or near Kimball Junction, Utah, thence over U.S. Highway 40 to Sacramento, Calif., and thence over U.S. Highway 99 to Manteca, Calif., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations. NOTE: Applicant states "the routes described immediately above shall be applicable only in connection with the transportation of traffic moving for the account of the U.S. Government and further restricted to the transportation of west bound traffic only." If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 76032 (Sub-No. 202), filed December 3, 1965. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo., 80223. Applicant's representative: O. Russell Jones, 207 Bokum Building, 142 West Palace Avenue, Santa Fe, N. Mex., 87501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except oilfield equipment, materials and supplies), between Pueblo and Minnequa, Colo., on the one hand, and, on the other, points in Arizona, California, Illinois, Indiana, Iowa, Kansas, Missouri, Nebraska, Nevada, New Mexico, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 78042 (Sub-No. 17), filed December 1, 1965. Applicant: BEAROFF BROTHERS, INC., Post Office Box 21, Bridgeport, Pa. Applicant's representative: Morris J. Winokur, Suite 1920, 2 Penn Center Plaza, John F. Kennedy Boulevard at 15th Street, Philadelphia, Pa., 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal, commodities containing scrap metal, and metals processed therefrom*, between Swedeland, Pa., on the one hand, and, on the other, points in Rhode Island, Maine, Massachusetts, Connecticut, New Jersey, and Philadelphia, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 80430 (Sub-No. 114), filed December 2, 1965. Applicant: GATEWAY TRANSPORTATION CO., INC., 2130–2150 South Avenue, La Crosse, Wis. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel* and *iron and steel articles*, between points in Pennsylvania, Ohio, West Virginia, Indiana, Illinois, Wisconsin, and Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 83539 (Sub-No. 166), filed December 6, 1965. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Post Office Box 5976, Dallas, Tex., 75222. Applicant's representative: W. T. Brunson, 419 Northwest 6th Street, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks or truck tractors*, with or without cabs or bodies, including special equipment attached thereto, in initial movements, in driveaway and truckaway service, from Augusta, Kans., and Brady, Tex., to points in the United States, except Hawaii and Alaska: NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 83745 (Sub-No. 3), filed November 29, 1965. Applicant: STEEL CITY TRANSPORT, INC., 2034 Chateau Street, Pittsburgh, Pa., 15219. Applicant's representative: Owen B. McManus, Grant Building, Pittsburgh, Pa., 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Articles of iron and steel, iron and steel manufacture and machinery*, between points in Allegheny, Beaver, and Washington Counties, Pa., on the one hand, and, on the other points in Illinois, Indiana, and the Lower Peninsula of Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 87720 (Sub-No. 44), filed November 30, 1965. Applicant: BASS TRANSPORTATION CO., INC., Star Route A, Old Croton Road, Flemington, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y., 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Linoleum*, in rolls, from Lisbon, Maine, to Hamilton Township (Mercer County), N.J., (2) *asbestos felt fiber and asbestos folding paper*, in containers, from Norristown, Pa., to Lisbon, Maine, and (3) plastic granules, in containers, from Pottstown, Pa., to Lisbon, Maine, restricted under contract with American Biltrite Rubber Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 89369 (Sub-No. 13), filed December 6, 1965. Applicant: JOART TRUCKING CO., a corporation, Post Office Box 332, New Brunswick, N.J., 08903. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y., 10016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastics, synthetic* (other than liquid), from Delaware City, Del., to points in Alabama, Connecticut, Florida, Georgia, Kentucky, Illinois, Indiana, Louisiana, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 92983 (Sub-No. 482), filed December 1, 1965. Applicant: ELDON MILLER, INC., 531 Walnut Street, Post Office Drawer 617, Kansas City, Mo., 64141. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, from points in Florida to points in Arkansas and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 93003 (Sub-No. 45), filed December 3, 1965. Applicant: CARROLL TRUCKING COMPANY, a corpoartion, 4901 U.S. Route 60, East Huntington, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Commoditics* which because of size or weight, require the use of special equipment, and *related contractor's materials and supplies*, when their transportation is incidental to the transportation by carrier of commodities, which by reason of size or weight, require special equipment (except aircraft and missiles and parts thereof), and (B) *commodities*, which do not require the use of special equipment when moving in the same shipment or same vehicle with articles which require special equipment because of size or weight, between points in West Virginia, that part of Ohio south of U.S. Highway 40, and that part of Kentucky on and east of a line beginning at the Kentucky-Ohio State line and extending along U.S. Highway 25 to junction U.S. Highway 25W, and thence along U.S. Highway 25W to the Kentucky-Tennessee State line. NOTE: Applicant states that it presently holds authority in (A) above and seeks no extension of authority in (B) above. Applicant intends to tack any grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 94350 (Sub-No. 151), filed December 6, 1965. Applicant: TRANSIT HOMES, INC., 210 West McBee Avenue, Greenville, S.C. Applicant's representative: Henry P. Willimon, Greenville, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements from points in Blue Earth County, Minn., to points in the United States, including Alaska, but excluding Hawaii, and *damaged and rejected shipments* on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Rochester, Minn.

No. MC 94350 (Sub-No. 152), filed December 6, 1965. Applicant: TRANSIT HOMES, INC., 210 West McBee Avenue, Greenville, S.C. Applicant's representative: Henry P. Willimon, Greenville, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Washington County, Va., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and on return, *damaged and rejected shipments*. NOTE: If a hearing is deemed necessary, applicant requests that it be held at Bristol, Va.

No. MC 94835 (Sub-No. 5), filed December 3, 1965. Applicant: J. ROLLMAN AND SON, INC., Post Office Box 147, Lititz, Pa. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from points in the Borough of Lititz, Lancaster County, Pa., to points in that part of New Jersey on and south of New Jersey Highway 33. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 99744 (Sub-No. 4), filed December 1, 1965. Applicant: VICTOR GROTHAUS, doing business as GROTHAUS EXPRESS, 201 East Fourth Street, Kingsley, Iowa. Applicant's representative: R. W. Wigton, 710 Badgerow Building, Sioux City 1, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, and commodities in bulk in tank vehicles), between Omaha, Nebr., and Moville, Iowa;

from Omaha over U.S. Highway Alternate 30 to Council Bluffs, Iowa, thence over U.S. Highway 75 to Sloan, Iowa, and thence over Iowa Highway 140 to Moville, and return over the same route, serving the intermediate points of Whiting, Sloan, Hornick, and Climbing Hill, Iowa, and the off-route points of Salix and Bronson, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No. MC 100666 (Sub-No. 76), filed December 2, 1965. Applicant: MELTON TRUCK LINES, INC., Box 7295, Shreveport, La. Applicant's representative: Wilburn L. Williamson, 443–54 American Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic conduit, pipe or tubing, with or without valves or fittings, compound, joint sealer, bonding cement, primer, coating, thinner, and accessories*, used in the installation of such conduit, pipe or tubing, from points in Oklahoma County, Okla., to points in the United States (except Alaska, Hawaii, Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island). NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 101075 (Sub-No. 100), filed December 6, 1965. Applicant: TRANSPORT, INC., 1215 Center Avenue, Moorhead, Minn., 56561. Applicant's representative: Ronald B. Pitsenbarger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer, fertilizer solutions* and *fertilizer ingredients*, in bulk, from Barnesville, Minn., to points in North Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak.

No. MC 102520 (Sub-No. 4), filed December 1, 1965. Applicant: RIC'S TRANSFER COMPANY, INC., 1765 Sixth Avenue South, Seattle, Wash., 98134. Applicant's representative: James T. Johnson, IBM Building, Seattle, Wash., 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in King, Pierce, Snohomish, and Thurston Counties, Wash. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 102682 (Sub-No. 248), filed December 1, 1965. Applicant: HUGHES TRANSPORTATION, INC., 2038 Meeting Street, Post Office Box 851, Charleston, S.C. Applicant's representative: Frank B. Hand, Jr., 921 17th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radioactive source, special nuclear and byproducts materials, radioactive material shipping containers, nuclear reactor component parts and related equipment*, between points in South Carolina, on the one hand, and, on the other, points in Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charleston, S.C.

No. MC 103654 (Sub-No. 100), filed November 29, 1965. Applicant: SCHIRMER TRANSPORTATION COMPANY, INCORPORATED, 1145 Homer Street, St. Paul, Minn., 55116. Applicant's representative: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products and blends thereof*, from Junction City, Wis., and points within 10 miles thereof, to Pine Bend, Minn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 103654 (Sub-No. 101), filed November 29, 1965. Applicant: SCHIRMER TRANSPORTATION COMPANY, INCORPORATED, 1145 Homer Street, St. Paul, Minn., 55116. Applicant's representative: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk and tank vehicles, from the plantsite of the Central Farmers Fertilizer Co., at or near Albany, Ill., to points in Illinois, Iowa, Indiana, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 103654 (Sub-No. 102), filed November 29, 1965. Applicant: SCHIRMER TRANSPORTATION COMPANY, INCORPORATED, 1145 Homer Street, St. Paul, Minn., 55116. Applicant's representative: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, and tank vehicles, from the plantsite of the Central Farmers Fertilizer Co., at or near Pine Bend, Minn., to points in Illinois, Iowa, Nebraska, North Dakota, South Dakota, Wisconsin, and the Upper Peninsula of Michigan. NOTE: If a hearing is deemed necessary, applicant requests that it be held at Minneapolis, Minn.

No. MC 103654 (Sub-No. 104), filed December 2, 1965. Applicant: SCHIRMER TRANSPORTATION COMPANY, INCORPORATED, 1145 Homer Street, St. Paul 16, Minn. Applicant's representative: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products*, including but not limited to corn grits, cornmeal, and corn flour, in bulk, in tank or hopper vehicles, from Milwaukee, Wis., to points in Minnesota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 104149 (Sub-No. 177), filed December 1, 1965. Applicant: OSBORNE TRUCK LINE, INC., 520 North 31st Street, Birmingham, Ala. Applicant's representative: Maurice F. Bishop, 325–29 Frank Nelson Building, Birmingham, Ala., 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Iron and steel products*, between Birmingham, Ala., and points within 10 miles thereof, on the one hand, and, on the other, points in Alabama, Georgia, Mississippi, Tennessee, and those in that part of Louisiana east of the Mississippi River, and (2) *iron and steel commodities* used in, or in connection with, the construction and repair of ships, between Birmingham and Decatur, Ala., on the one hand, and, on the other, Pascagoula, Miss. NOTE: Applicant states that it presently holds authority under its certificate, MC 104149 (Sub-No. 141) to transport the above commodities between all points involved in this section "in minimum shipments of 10,000 pounds." The only purpose of the application is to remove the minimum weight restriction and requirement of "in minimum shipments of 10,000 pounds." (B) *Iron and steel and iron and steel articles and commodities*, the transportation of which, because of their size or weight, require the use of special equipment, and *related machinery parts* and *contractors' materials and supplies* when their transportation is incidental to the transportation of commodities which, by reason of their size or weight, require the use of special equipment, between points in Alabama.

NOTE: Applicant states that it proposes to tack the authority presently held by it with any authority granted herein so as to render a through service in the transportation of the subject commodities between points in Alabama, on the one hand, and, on the other, points in Alabama, Georgia, Mississippi, Tennessee, Florida, Arkansas, Oklahoma and those in that part of Louisiana east of the Mississippi River. Applicant states that it presently holds authority to transport the subject commodities between Birmingham, Ala., and points within 10 miles thereof, on the one hand, and, on the other, points in Alabama, Georgia, Mississippi, Tennessee, and those in that part of Louisiana east of the Mississippi River. In addition, it holds authority to transport the subject commodities from Birmingham and Montgomery, Ala., and points within 10 miles of each to points in Florida, and under its Sub 172, it holds authority to transport the subject commodities from Anniston, Montgomery, Decatur, Gadsden, Holt, and Birmingham, Ala., to points in Arkansas and Oklahoma. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 107002 (Sub-No. 278), filed December 1, 1965. Applicant: HEARIN-MILLER TRANSPORTERS, INC., Post Office Box 1123, Highway 80 West, Jackson, Miss., 39205. Applicant's representatives: Harry C. Ames, Jr., 529 Transportation Building, Washington, D.C., 20006 and H. D. Miller, Jr., Post Office Box 1250, Jackson, Miss., 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, in bulk, from Plaquemine, La., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Missouri, Mississippi, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, or Baton Rouge, La.

No. MC 107403 (Sub-No. 658), filed November 30, 1965. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa., 19050. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Camden, N.J., to Johnsonburg, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107403 (Sub-No. 659), filed December 2, 1965. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa., 19050. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastics*, synthetic, other than liquid, from Delaware City, Del., to points in Alabama, Connecticut, Florida, Georgia, Kentucky, Illinois, Indiana, Louisiana, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107403 (Sub-No. 660), filed December 6, 1965. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa., 19050. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum transformer oil*, in bulk, in tank vehicles, from Coraopolis, Pa., to points in Kentucky, and points in that part of Ohio west of U.S. Highway 23 and south of U.S. Highway 40. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107475 (Sub-No. 58), filed December 1, 1965. Applicant: DANCE FREIGHT LINES, INC., 254 New Circle Road NE., Lexington, Ky., 40505. Applicant's representative: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Macon, Ga., and Athens, Ga.: From Macon over U.S. Highway 129 to Athens, and return over the same route, serving no intermediate points, as an alternate route only in connection with presently authorized operations. NOTE: Applicant states it will join the proposed alternate route with its existing regular route at both Athens, Ga., and Macon, Ga. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 107500 (Sub-No. 98), filed November 29, 1965. Applicant: BURLINGTON TRUCK LINES, INC., 796 South Pearl Street, Galesburg, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Omaha, Nebr., and junction U.S. Highways 73 and 34 near Plattsmouth, Nebr., over U.S. Highway 73, serving no intermediate points and serving the junction of U.S. Highways 34 and 73 for the purpose of joinder only, as an alternate route for operating convenience only, in connection with carrier's authorized regular route operations. NOTE: Applicant states it is a wholly owned subsidiary of the Chicago, Burlington & Quincy Railroad Co. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 107515 (Sub-No. 533), filed December 1, 1965. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga. Applicant's representative: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Milton, Pa., to points in Alabama, Mississippi, Tennessee, Arkansas, Louisiana, Texas, and Oklahoma. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107515 (Sub-No. 534), filed December 1, 1965. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga. Applicant's representative: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Milton, Pa., to points in Indiana, Illinois, Wisconsin, Minnesota, Iowa, Nebraska, Kansas, and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 108185 (Sub-No. 33), filed November 29, 1965. Applicant: DIXIE HIGHWAY EXPRESS, INC., 1900 Vanderbilt Road, Post Office Box 365, Birmingham, Ala., 35201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious to other lading), between Demopolis and Tuscaloosa, Ala.; Atlanta and Columbus, Ga.; New Orleans, La.; and Jackson, Laurel, and Meridian, Miss., on the one hand, and, on the other, Phoenix and Tucson, Ariz.; Crossett, Fort Smith, Little Rock, Monticello, Pine Bluff, and Springdale, Ark.; Denver, Colo.; Jacksonville, Miami, Pensacola, Tallahasseee, and Tampa, Fla.; Albany, August, Dalton, Macon, Savannah, and Waycross, Ga.; Kansas City, Topeka, and Wichita, Kans.; Monroe and Shreveport, La.; Baltimore, Md.; Boston, Mass.; Bridgeport and Hartford, Conn.; Joplin, Kansas City, Springfield, and St. Joseph, Mo.; Buffalo and Rochester, N.Y.; Asheville, Charlotte, Cherryville, Greensboro, and Hickory, N.C.; Oklahoma City and Tulsa, Okla.; Erie, Harrisburg, Pittsburgh, and York, Pa.; Providence, R.I.; Charleston and Greenville, S.C.; Norfolk and Richmond, Va.; and Abilene, Beaumont, Dallas, Fort Worth, Houston, San Antonio, and Waco, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 109326 (Sub-No. 84), filed December 2, 1965. Applicant: C & D TRANSPORTATION CO., INC., Post Office Box 1503, Mobile, Ala. Applicant's representative: John W. Cooper, 805 Title Building, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen poultry and poultry products and byproducts*, between points in Jefferson, Blount, Cullman, and Walker Counties, Ala., on the one hand, and, on the other, points in Louisiana, Arkansas, Oklahoma, Kansas, Nebraska, Missouri, Iowa, Illinois, Indiana, Ohio, West Virginia, Virginia, Kentucky, Tennessee, North Carolina, Mississippi, Alabama, Georgia, Florida, Maryland, the District of Columbia, and Delaware, and *returned commodities*, as specified above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 109540 (Sub-No. 23), filed December 6, 1965. Applicant: YEARY TRANSFER COMPANY, INCORPORATED, Post Office Box 398, Lexington, Ky. Applicant's representative: Harry Ross, Warner Building, Washington, D.C., 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles and/or metal products*, between points in Kentucky. NOTE: Applicant states that the proposed operation is to be restricted to traffic having prior movement to a point in Kentucky via barge or via rail carrier. If a hearing is deemed necessary, applicant requests it be held at Lexington, or Louisville, Ky.

No. MC 110420 (Sub-No. 494), filed November 29, 1965. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis., 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plantsite of Olin Mathieson Chemical Corp., at Joliet, Ill., to points in Illinois, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 110420 (Sub-No. 495), filed November 29, 1965. Applicant: QUALITY CARRIERS, INC., 100 South Calumet

Street, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis., 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bulk, from Janesville, Wis., and points within 10 miles thereof, to points in Illinois and Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110505 (Sub-No. 65), filed November 26, 1965. Applicant: RINGLE TRANSPORT, INC., 405 South Grant Avenue, Fowler, Ind. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs*, (1) from the plantsites of the Green Giant Co. at or near Beaver Dam, Fox Lake, Ripon, and Rosendale, Wis., to points in Illinois, Indiana, Missouri, Michigan, Ohio, Kentucky, and West Virginia, and (2) from the plantsites of the Green Giant Co. at or near Belvidere, Ill., to points in Indiana, Michigan, Kentucky, and Ohio. Restriction: Transportation in (1) and (2) above is restricted to traffic originating at the described plantsites. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 110525 (Sub-No. 759), filed December 6, 1965. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downington, Pa. Applicant's representatives: Leonard A. Jaskiewicz, 1155 15th Street NW., Madison Building Washington, D.C., 20005, and Edwin H. van Deusen, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt (Asphaltum)*, natural, by-product of petroleum, liquid (other than paint, stain, or varnish), and *asphalt pavement surface sealer*, containing coal-tar inert fillers, and *liquid vehicles*, in bulk, in tank vehicles, from Columbus, Ohio, to points in Wisconsin, Illinois, Iowa, Missouri, and Minnesota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 111231 (Sub-No. 102), filed November 29, 1965. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, grain, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), (1) between Springdale and Leslie, Ark.; from Springdale over Arkansas Highway 68 to junction U.S. Highway 65 near Alpena, Ark., thence over U.S. Highway 62 to junction U.S. Highway 65, and thence over U.S. Highway 65 to junction Arkansas Highway 66 near Leslie, Ark., and return over the same route, serving no intermediate points and serving Leslie, Ark., for purposes of joinder only, (2) between Leslie and Newport, Ark.; from Leslie over Arkansas Highway 66 to junction Arkansas Highway 14, and thence over Arkansas Highway 14 to Newport, and return over the same route, serving all intermediate points with service at Newport restricted to joinder purposes only, and (3) between Newport and Marked Tree, Ark.; from Newport over Arkansas Highway 14 to junction U.S. Highway 63 near Marked Tree, and return over the same route, serving no intermediate points, with service at Marked Tree restricted to joinder only. NOTE: If a hearing is deemed necessary, applicant does not specify a place of hearing.

No. MC 111401 (Sub-No. 184), filed December 1, 1965. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Acids, chemicals, petroleum and petroleum products*, in bulk, from Beaumont, Orange, and Port Neches, Tex., and points within 10 miles thereof, to points in Alabama, Florida, Georgia, Louisiana, Mississippi, and South Carolina, and (2) *acids and chemicals* (other than petroleum based), in bulk, from Beaumont, Orange and Port Neches, Tex., and points within 10 miles thereof, to points in the United States (except Alaska, Alabama, Florida, Georgia, Hawaii, Louisiana, Mississippi, and South Carolina). NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or New Orleans, La.

No. MC 111545 (Sub-No. 84), filed December 2, 1965. Applicant: HOME TRANSPORTATION COMPANY, INC., Post Office Box 6426, Station A, 1425 Franklin Road SE., Marietta, Ga., 30060. Applicant's representative: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Machinery* which does not require the use of special equipment when moving in the same shipment or in the same vehicle with heavy machinery which because of size or weight requires the use of special equipment, from Atlanta and East Point, Ga., to points in Alabama, Tennessee, North Carolina, and South Carolina; (b) *machinery and machine tools* which do not require the use of special equipment when moving in the same shipment or in the same vehicle with machinery and machine tools which because of size or weight require the use of special equipment, from the site of the Bell Bomber Plant near Marietta, Ga., to points in Delaware, Missouri, Oklahoma, and Nebraska; and (c) *commodities* (except knitting machines) which do not require the use of special equipment when moving in the same shipment or in the same vehicle with commodities which because of size or weight require the use of special equipment, between Atlanta, Cartersville, and Marietta, Ga., and Columbia, S.C., and points within 50 miles of each, on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Kansas, Michigan, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, and Wisconsin; (d) *crawler type tractors, roadbuilding, construction, and mining machinery, and diesel engines*, which do not require the use of special equipment when moving in the same shipment or in the same vehicle with crawler type tractors, roadbuilding, construction, and mining machinery and diesel engines, the transportation of which by reason of size or weight requires the use of special equipment, from Peoria, Decatur, Joliet, Roanoke, and Chicago, Ill., to points in Mercer, Monroe, Wyoming, Summers, McDowell, Pocahontas, and Creenbrier Counties, W. Va.; (e) *Commodities* which do not require the use of special equipment when moving in the same shipment or in the same vehicle with commodities which because of size or weight require the use of special equipment, between points in North Carolina and South Carolina within 150 miles of Charlotte, N.C., including Charlotte; (f) *commodities* which do not require the use of special equipment (except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and machinery, materials, equipment, and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof), when moving in the same shipment or in the same vehicle with commodities which because of size or weight require the use of special equipment, between points in Texas, on the one hand, and, on the other, points in Mississippi; and (g) (1) *commodities* which do not require the use of special equipment when moving in the same shipment or in the same vehicle with commodities which because of size or weight require the use of special equipment, between Appleton, Beloit, Green Bay, Manitowoc, Milwaukee, Neenah, and Wausau, Wis., on the one hand, and, on the other, points in North Carolina, and (2) *commodities* (except road construction machinery and equipment), which do not require the use of special equipment when moving in the same shipment or in the same vehicle with commodities which because of size or weight require the use of special equipment, between Appleton, Beloit, Green Bay, Manitowoc, Milwaukee, Neenah, and Wausau, Wis., on the one hand, and, on the other, points in Tennessee. NOTE: Applicant states that the authority sought in section (g) shall be restricted against joinder with any authority otherwise held by carrier for the purpose of performing through service. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., Washington, D.C., or Chicago, Ill.

No. MC 112617 (Sub-No. 214), filed December 2, 1965. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 5135, Cherokee Station, Louisville, Ky. Applicant's representative: L. A. Jaskiewicz, 1155 15th Street NW., 600 Madison Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dispersants, refrigerants, blends or mixtures thereof*, in bulk, in shipper-owned tank trailers, from the E. I. du Pont de Nemours & Co. plantsite at or near Louisville, Ky., to the Hell Quaker Corp. at Lewisburg, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112893 (Sub-No. 32), filed November 29, 1965. Applicant: BULK TRANSPORT COMPANY, a corporation, 100 South Calumet, Burlington, Wis. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oils, petroleum lubricating products, proprietary antifreeze, alcohol compounds, carbon gum and sludge removing compounds, greases, core oils and compounds, and automobile chemicals and compounds*, from Danville and Seneca, Ill., to points in Indiana, Kentucky, Michigan, Minnesota, Ohio, Tennessee, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113678 (Sub-No. 202), filed November 28, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's representative: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite of American Home Foods, Inc., located at or near Milton, Pa., to points in Iowa, Nebraska, Kansas, and Colorado. NOTE: If a hearing is deemed necessary, applicant did not specify any particular area.

No. MC 113908 (Sub-No. 180) (amendment), filed September 28, 1965, published FEDERAL REGISTER, issue of October 21, 1965, amended December 10, 1965, and republished as amended this issue. Applicant: ERICKSON TRANSPORT CORPORATION, 706 West Tampa, Post Office Box 3180, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Choline chloride*, in bulk, in tank vehicles, from Kansas City, Kans., to points in Alabama, Arkansas, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Missouri, Mississippi, New York, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and Wisconsin. NOTE: The purpose of this republication is to more clearly set forth the commodity description. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 114045 (Sub-No. 214), filed December 3, 1965. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery*, from Salt Lake City, Utah, to points in New Mexico, Texas, Oklahoma, Kansas, Missouri, Arkansas, Louisiana, Indiana, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, North Carolina, South Carolina, Virginia, Ohio, West Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and Washington, D.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114045 (Sub-No. 215), filed December 7, 1965. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, dairy products and articles* distributed by meat packinghouses, from Guymon, Okla., and points within 10 miles thereof, to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 114045 (Sub-No. 216), filed December 8, 1965. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, in vehicles, equipped with mechanical refrigeration, from Gulfport, Miss., and New Orleans, La., to points in Kentucky, West Virginia, Ohio, Pennsylvania, Michigan, Indiana, Illinois, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114045 (Sub-No. 217), filed December 13, 1965. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuff*, from Milton, Pa., to points in Colorado, Indiana, Illinois, Iowa, Kansas, Minnesota, Wisconsin, Michigan, Missouri, Nebraska, Oklahoma, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114211 (Sub-No. 95), filed December 3, 1965. Applicant: WARREN TRANSPORT, INC., 213 Witry Street, Post Office Box 420, Waterloo, Black Hawk County, Iowa. Applicant's representative: Charles W. Singer, 33 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tillage and harvesting tools, blades, agricultural implements and parts and attachments for harvesting and tillage tools, blades and agricultural implements* when moving in mixed shipments, from Guymon, Okla., to points in the United States (except Alaska and Hawaii), and *rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114248 (Sub-No. 2), filed December 2, 1965. Applicant: HOFFMAN RIGGING & CRANE SERVICE, INC., 560 Cortlandt Street, Belleville, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight require the use of special equipment, and contractors' materials, supplies, and equipment, moving in connection therewith which do not require the use of special equipment, and *dining cars*, between points in that part of Pennsylvania east of the Susquehanna River, Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Rhode Island, and the District of Columbia, and (2) *commodities* which do not require the use of special equipment when moving in the same shipment or in the same vehicle with commodities which because of size or weight require the use of special equipment, between points in that part of Pennsylvania east of the Susquehanna River, Delaware, Connecticut, Maryland, Massachusetts, New Jersey, New York, Rhode Island, and the District of Columbia. NOTE: Applicant states it holds authority in (1) above in its certificate, MC 114248 and is not requesting any extension of territory. Applicant is seeking only an extension of authority in (2) above. No tacking is involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 114457 (Sub-No. 44), filed December 2, 1965. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. Applicant's representative: James C. Hardman, Tower Suite 3500, 33 North La Salle Street, Chicago, Ill., 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, and dairy replacement products*, from Kansas City, Kans., and Kansas City, Mo., to points in Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin, North Dakota, South Dakota, and Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114569 (Sub-No. 75), filed December 7, 1965. Applicant: SHAFFER TRUCKING, INC., Elizabethville, Pa. Applicant's representative: James W. Hagar, Commerce Building, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, from Milton, Pa., to points in Colorado, Indiana, Illinois, Iowa, Minnesota, Nebraska, Oklahoma, Ohio, North Dakota, and South Dakota, and (2) *foodstuffs* (other than frozen), from La Porte, Ind., to Milton, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114569 (Sub-No. 76), filed December 7, 1965. Applicant: SHAFFER TRUCKING, INC., Elizabethville, Pa. Applicant's representative: James W. Hagar, Commerce Building, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Milton, Pa., to points in Alabama, Georgia, Florida, Louisiana, Mississippi, North Carolina, and South Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114725 (Sub-No. 26), filed December 2, 1965. Applicant: WYNNE TRANSPORT SERVICE, INC., 1528 North 11th Street, Omaha, Nebr. Applicant's representative: J. Max Harding, Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats and oils and blends thereof*, in bulk, in tank vehicles, from Phelps City, Mo., to points in Arkansas, Iowa, Kansas, Missouri, Nebraska, and points in East St. Louis, Ill., commercial zone. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 115180 (Sub-No. 26), filed November 26, 1965. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 408 West 14th Street, New York, N.Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, other than in bulk in tank vehicles, (1) from the plantsite and warehouse facilities of American Home Foods located at or near La Porte, Ind., to points in New Jersey, New York, and Pennsylvania, and (2) from the plantsite and warehouse facilities of American Home Foods located at Milton, Pa., to points in Iowa, Indiana, Illinois, Michigan, and Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115331 (Sub-No. 166), filed November 29, 1965. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo., 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils and blends and products thereof*, in bulk, from Granite City, Ill., to points in Minnesota, Wisconsin, Michigan, Iowa, Illinois, Indiana, Missouri, Kentucky, Arkansas, Tennessee, Louisiana, Mississippi, Alabama, Ohio, Nebraska, Kansas, and Oklahoma. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 115826 (Sub-No. 85) (Amendment), filed August 30, 1965, published in FEDERAL REGISTER issue of September 22, 1965, amended December 13, 1965, and republished as amended this issue. Applicant: W. J. DIGBY, INC., Post Office Box 5088, Terminal Annex, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, dairy products, and articles* distributed by meat packinghouses, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Wichita, Kans., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Montana, Nevada, North Carolina, Ohio, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Virginia, West Virginia, Washington, and Wisconsin. NOTE: The purpose of this republication is to broaden the destination territory. If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 116073 (Sub-No. 55), filed December 6, 1965. Applicant: BARRETT MOBILE TRANSPORT, INC., 1825 Main Avenue, Moorhead, Minn. Applicant's representative: Donald E. Cross, Munsey Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobile in initial movement in truckaway service, from Abingdon, Va., to points in the United States, including Alaska, but excluding Hawaii. NOTE: If a hearing is deemed necessary, applicant does not specify a particular location.

No. MC 116465 (Sub-No. 3), filed November 30, 1965. Applicant: YODER & FREY, INC., Archbold, Ohio. Applicant's representative: Earl J. Thomas, Thomas Building, Post Office Drawer 70, 5844–5866 North High Street, Worthington, Ohio, 43085. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road construction machinery and equipment* as described in appendix VIII of *Descriptions in Motor Carrier Certificates*, Ex Parte No. MC 45, as amended, between points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, restricted to the transportation of said commodities only when they originate at or are destined to a location within the named States where a published legal auction is or will be performed and then only when said auction is to be performed by Yoder and Frey Auctioneers, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 116967 (Sub-No. 8), filed December 9, 1965. Applicant: MARTIN WONDAAL, doing business as WONDAAL AND SONS, 2857 Ridge Road, Lansing, Ill. Applicant's representative: Samuel Ruff, 2109 Broadway, East Chicago, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, on pallets, on flatbed trailers, from Munster, Ind., to points in Michigan. NOTE: Applicant states that the proposed operation is to be performed under a continuing contract or contracts with National Brick, Co., of Munster, Ind. If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 117119 (Sub-No. 288), filed November 29, 1965. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's representative: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats*, from Moosic, Pa., to Houston, Tex.; Sioux Falls, S. Dak.; Hopkins, Marshall, and Duluth, Minn.; Bismarck, N. Dak., and Madison, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117119 (Sub-No. 296), filed December 3, 1965. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's representative: John H. Joyce, 26 North College, Fayetteville, Ark., 72702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Dodge City, Kans., and Fort Morgan, Colo., to points in Arkansas, Texas, Oklahoma, Alabama, and Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 117119 (Sub-No. 297), filed December 3, 1965. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark., 72728. Applicant's representative: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectioneries, and confectionery products and ingredients*, from Reading and West Reading, Pa., to points in Tennessee, Alabama, Mississippi, and Louisiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117119 (Sub-No. 299), filed December 3, 1965. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark., 72728. Applicant's representative: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Kansas City, Kans., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut. NOTE: If a hearing is deemed necessary, applicant requests it be held in Washington, D.C.

No. MC 117119 (Sub-No. 300), filed December 6, 1965. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark., 72728. Applicant's representative: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Kansas City, Kans., to points in Oregon, Washington, and Idaho. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 117883 (Sub-No. 70), filed November 24, 1965. Applicant SUBLER TRANSFER, INC., East Main Street, Versailles, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite of American Home Foods located at or near La Porte, Ind., to points in Iowa, Kansas, Missouri, Nebraska, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant does not specify location.

No. MC 117883 (Sub-No. 71), filed November 26, 1965. Applicant: SUBLER TRANSFER, INC., East Main Street, Versailles, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes*, and *potato products*, from points in Maine, to points in Illinois, Indiana, Iowa, Michigan, Missouri, Ohio, Pennsylvania, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant does not specify location.

No. MC 117883 (Sub-No. 72), filed December 6, 1965. Applicant: SUBLER TRANSFER, INC., East Main Street, Versailles, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes* and *frozen potato products; frozen fruits* and *frozen fruit products; frozen vegetables* and *frozen vegetable products*, from Detroit, Mich., to points in Connecticut, Delaware, Florida, Georgia, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the proposed operation is to be restricted to the transportation of shipments originating at the storage and warehouse facilities used by Ore-Ida Foods, Inc. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 118196 (Sub-No. 53), filed December 3, 1965. Applicant: RAYE & COMPANY TRANSPORT, INC., Highway 71 North, Post Office Box 613, Carthage, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles* distributed by meat packinghouses, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, and in tank vehicles), from points in Adams County, Nebr., to points in Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming. NOTE: If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 118468 (Sub-No. 21), filed December 2, 1965. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, Iowa, 50533. Applicant's representative: J. Max Harding, Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products and building materials* moving herewith, from the plantsite of the United States Gypsum Co., Fort Dodge, Iowa, to points in Kansas and Missouri, limited to a transportation service to be performed under a continuing contract with the United States Gypsum Co. of Fort Dodge, Iowa. NOTE: Applicant is also authorized to conduct operations as a common carrier in Certificate No. MC 124813 and subs thereunder; therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 118561 (Sub-No. 9), filed December 10, 1965. Applicant: HERBERT B. FULLER, doing business as FULLER TRANSFER COMPANY, 212 East Street, Maryville, Tenn. Applicant's representative: Harold Seligman, 1808 West End Building, Nashville, Tenn., 37203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts, dairy products* and *articles distributed by meat packinghouses*, as defined in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, M.C.C. 209 and 766, in vehicles equipped with temperature control devices, from Knoxville, Tenn., and points in Blount County, Tenn., to points in Buchanan, Dickenson, Lee, Russell, Scott, Smyth, Washington, and Wise Counties, Va., and Bristol, Va.; Bell, Clay, Harlan, Knox, Laurel, McCreary, Perry, Pulaski, and Whitley Counties, Ky.; Buncombe, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Rutherford, Transylvania, and Yancey Counties, N.C.; and Anderson, Bount, Campbell, Carter, Claiborne, Cocke, Cumberland, Davidson, Monroe, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Knox, Loudon, McMinn, Morgan, Roane, Scott, Sevier, Sullivan, Unicoi, Union, and Washington Counties, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 118567 (Sub-No. 2), filed November 26, 1965. Applicant: NYAD MOTOR FREIGHT, INC., Pier 22, East River, New York, N.Y. Applicant's representative: Michael J. Shea, Pennsylvania Building, Washington, D.C., 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: Such *commodities* as are handled, used, sold, or dealt in by chain or department stores, between New York, N.Y., Metuchen, N.J., and Windsor Locks, Conn., on the one hand, and, on the other, points in New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Pennsylvania, Delaware, Virginia, and Maryland. NOTE: Applicant states that it seeks to expand its authority between Windsor Locks, Conn., New York, N.Y., and Metuchen, N.J., on the one hand, and, on the other, points in Maine, New Hampshire, and Vermont. Applicant states that it will serve the W. T. Grant Co. only, and the equipment used in such service will be devoted exclusively for the shipper. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119285 (Sub-No. 1), filed November 26, 1965. Applicant: YELLOW CAB, INC., 109 Market Street, Lima, Ohio. Applicant's representatives: David C. Stradley, 50 West Broad Street, Columbus, Ohio, 43215, and Paul F. Beery, 100 East Broad Street, Columbus, Ohio, 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Machinery parts*, and *automotive parts, materials and supplies*, between Lima, Ohio, on the one hand, and, on the other, points in Michigan, Indiana, Illinois, Pennsylvania, and New York. NOTE: Applicant states that the proposed operations is to be limited to a transportation service to be performed, under a continuing contract or contracts, with Superior Coach. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119767 (Sub-No. 144), filed November 24, 1965. Applicant: BEAVER TRANSPORT CO., a corporation, Post Office Box 339, 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned or preserved foodstuff* from Green Bay, Wis., to points in North Dakota, South Dakota, Kansas, and Nebraska, and Estherville, Des Moines, Mason City, and Waterloo, Iowa, and Casper, Wyo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 119767 (Sub-No. 146), filed November 29, 1965. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Detroit, Mich., to points in Missouri, Tennessee, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 119777 (Sub-No. 47), filed October 6, 1965. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Box 31, Madisonville, Ky. Applicant's representative: Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky., 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel* and *iron and steel articles*, between Cincinnati, Ohio, on the one hand, and, on the other, points in Kentucky, Tennessee, and those in Indiana on and south of Indiana Highway 44 and on and east of Interstate Highway 65, and those points in Wayne, Cabell, Putnam, Lincoln, and Kanawha Counties, W. Va. NOTE: Applicant states that it intends to tack the above proposed authority with that authority previously granted in Certificates No. MC 119777, Subs 10, 21, 22, and 27, wherein applicant is authorized to serve points in the States of Ohio, Pennsylvania, Kentucky, Tennessee, West Virginia, Arkansas, Louisiana, Mississippi, Texas, Indiana, Illinois, Alabama, Georgia, Iowa, Missouri, and Wisconsin. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119778 (Sub-No. 99), filed December 6, 1965. Applicant: REDWING CARRIERS, INC., Post Office Box 34, Powderly Station, Birmingham, Ala. Applicant's representative: J. Douglas Harris, 410–411 Bell Building, Montgomery, Ala., 36104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from the storage facilities of the Allied Chemical Corp., in Decatur County, Ga., to points in Alabama, Georgia, and Florida. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 119778 (Sub-No. 100), filed December 6, 1965. Applicant: RED-WING CARRIERS, INC., Post Office Box 34, Powderly Station, Birmingham, Ala. Applicant's representative: J. Douglas Harris, 410–411 Bell Building, Montgomery, Ala., 36104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, from points in Mobile County, Ala., to points in Florida and Mississippi. NOTE: If a hearing is deemed necessary, applicant requests it be held at Montgomery, Ala., Birmingham, Ala., or Atlanta, Ga.

No. MC 119974 (Sub-No. 9), filed November 29, 1965. Applicant: L. C. L. TRANSIT COMPANY, a corporation, Post Office Box 949, Green Bay, Wis., 54305. Applicant's representative: Edward Solie, Executive Building, Suite 100, 4513 Vernon Boulevard, Madison 5, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite of the Green Giant Co. located at Belvidere, Ill., to points in that part of the Lower Peninsula of Michigan north of the northern boundary of Muskegon, Kent, Montcalm, Gratiot, Midland, Gladwin, Arenac, and Iosco Counties, Mich.; points in Kentucky, Ohio, and West Virginia; and points in New York and Pennsylvania on and west of Interstate Highway 81. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 121556 (Sub-No. 1), filed December 6, 1965. Applicant: S-LINE TRANSPORTATION, INC., 2062 Smith Street, North Providence, R.I. Applicant's representative: Francis E. Nute, 177 Benefit Street, Providence, Rhode Island, 02903. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, classes A and B explosives, articles of unusual value or contaminating to other lading, household goods as defined by the Commission, and commodities requiring special equipment) between points in Rhode Island. NOTE: If a hearing is deemed necessary, applicant requests it be held at Providence, R.I.

No. MC 123383 (Sub-No. 17), filed November 24, 1965. Applicant: BOYLE BROTHERS, INC., 256 River Road, Edgewater, N.J. Applicant's representative: Morton E. Keil, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products and urethane foam*, from Edgewater, N.J., to points in Pennsylvania, and *returned shipments*, on return. NOTE: Applicant states no duplicating authority is requested. Applicant is presently authorized to transport gypsum products and building and insulating materials from Edgewater, N.J., to 23 eastern Pennsylvania counties. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J. or New York, N.Y.

No. MC 123502 (Sub-No. 17), filed December 6, 1965. Applicant: FREE STATE STONE SERVICE, INC., 10 Vernon Avenue, Glen Burnie, Md. Applicant's representative: Donald E. Freeman, 172 East Green Street, Post Office Box 880, Westminster, Md., 21157. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Loose, flowable, and fungible commodities*, in bulk, in dump vehicles, from Pittsburgh, Pa., to Baltimore, Md., and (2) *iron pyrite cinders*, in bulk, in dump vehicles, from North Claymont, Del., to points in Maryland, Virginia, Pennsylvania, and West Virginia (except Martinsburg, W. Va.). NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123883 (Sub-No. 7), filed December 6, 1965. Applicant: CONTINENTAL DISPATCH, INC., 425 Bolton Avenue, Post Office Box 4407, Alexandria, La. Applicant's representative: Clarence Evans, Third National Bank Building, Nashville, Tenn., 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents and written instruments* ordinarily used in the business of banks and banking institutions (excluding coins, currency, bullion, and negotiable instruments), *business papers, records and audit, and accounting media, and information* of all kinds (except plant removals), *exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising material moving therewith* (other than for commercial theater or television exhibition), and *electromagnetically coded or impregnated forms and documents*, originating at or destined to a bank or banking institution, (1) between points in Alabama, on the one hand, and, on the other, points in Georgia, (2) between points in Tennessee on and east of the westerly crossing of the State by the Tennessee River, on the one hand, and, on the other, points in Georgia on and north of U.S. Highway 78, and (3) between points in Tennessee on and east of the westerly crossing of the State by the Tennessee River on the one hand, and, on the other, points in Alabama on north of U.S. Highway 80. NOTE: Applicant states it seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 124062 (Sub-No. 2), filed December 1, 1965. Applicant: FRICK TRANSPORT, INC., Wawaka, Ind. Applicant's representative: Donald W. Smith, Suite 511 Fidelity Building, Indianapolis, Ind., 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, from Wawaka, Ind., to points in the Lower Peninsula of Michigan, and Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 124062 (Sub-No. 3), filed November 29, 1965. Applicant: FRICK TRANSPORT, INC., Wawaka, Ind. Applicant's representative: Donald W. Smith, Suite 511, Fidelity Building, Indianapolis, Ind., 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plantsite and terminal facilities of Olin Mathieson Chemical Corp., at or near Joliet, Ill., to points in Indiana, the Lower Peninsula of Michigan, and points in Ottawa, Sandusky, Crawford, Morrow, Delaware, Franklin, Pickaway, Rodd, Pike, and Scioto Counties, Ohio, and points in Ohio west of the counties specified. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114324 (Sub-No. 7), filed December 3, 1965. Applicant: MURPHY TRUCKING CO., INC., Denver, Ind. Applicant's representative: Donald W. Smith, Suite 511 Fidelity Building, Indianapolis, Ind., 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, and in bags, from Kewanna, Ind., to points in the Lower Peninsula of Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 124324 (Sub-No. 8), filed December 3, 1965. Applicant: MURPHY TRUCKING CO., INC., Denver, Ind. Applicant's representative: Donald W. Smith, Suite 511, Fidelity Building, Indianapolis, Ind., 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feeding phosphate*, in bulk, and in bags, from Sylvania, Ohio, to points in Indiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 124411 (Sub-No. 4), filed December 6, 1965. Applicant: SULLY TRANSPORT, INC., Sully, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa., 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquified petroleum gas*, in bulk, in tank vehicles, from the Mid-American Pipeline Terminal at or near Cantril, Iowa, to points in Illinois and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 124417 (Sub-No. 7), filed November 29, 1965. Applicant: ALPHONSE HINDERMAN AND VINCENT HINDERMAN, a partnership, doing business as HINDERMAN BROTHERS, Dickeyville, Wis. Applicant's representative: John T. Porter, 708 First National Bank Building, Madison, Wis., 53703

60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paint and paint materials*, from Terre Haute, Ind., to Granville, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127303 (Sub-No. 3), filed November 29, 1965. Applicant: HENRY ZELLMER, doing business as ZELLMER TRUCK LINES, Granville, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill., 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials*, (1) from Minneapolis, Minn., to Pontiac, Dixon, and Lockport, Ill., and (2) from Newport, Ky., Sheboygan and La Crosse, Wis., and Detroit, Mich., to Peoria, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127392 (Sub-No. 1), filed December 2, 1965. Applicant: NORWOOD S. BROWN, 617 Douglas Street, Morris, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting. *Cheese*, from Ottawa, Ill., over Illinois Highway 23 north to U.S. Highway 52, thence west to Illinois Highway 26, north to Wisconsin Highway 69, thence north to Monroe, Wis., and return over the same route, serving no intermediate points. NOTE: Applicant states the proposed service to be for the accounts of Borden Foods Co., and Ottawa Milk Products Co. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127528 (Sub-No. 1), filed November 29, 1965. Applicant: P & B TRANSFER & STORAGE CO., INC., 963 South Bellevue Boulevard, Memphis, Tenn. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn., 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in the *Practices of Motor Carriers of Household Goods*, 17 M.C.C. 467, between points in Shelby, Tipton, Fayette, Hardemon, Haywood, Madison, Lauderdale, Crockett, and Dyer Counties, Tenn., Crittenden, St. Francis, Phillips, Mississippi, Monroe, Craighead, Cross, Lee, and Poinsett Counties, Ark., and De Soto, Tunica, Tate, Marshall, Lafayette, Coahoma, Panola, Quitman, Tippah, and Union Counties, Miss. NOTE: If a hearing is deemed necessary, applicant requests that it be held at Memphis, Tenn.

No. MC 127609 (Sub-No. 1), filed November 26, 1965. Applicant: BERT L. BOWLSBY AND BRUCE F. BOWLSBY, a partnership, doing business as IRVINGTON TRANSFER AND STORAGE CO., 1924 Northeast Couch Street, Portland, Oreg. Applicant's representative: Robert R. Hollis, Commonwealth Building, Portland, Oreg., 97204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail department stores, between retail department stores, or their warehouses, in Multnomah County, Oreg., and customers of such stores located in Clark County, Wash. NOTE: Applicant states that the proposed service will be under special and individual agreements and contracts with Art Erickson Furniture Co., Lipman Wolfe and Co., Rhodes Western, Inc., and Montgomery Ward & Co. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 127625 (Correction), filed October 5, 1965, published FEDERAL REGISTER, issue of October 28, 1965, and republished as corrected this issue. Applicant: SANTEE CEMENT CARRIERS, INC., Holly Hill, S.C. Applicant's representative: Frank B. Hand, Jr., 921 Seventeenth Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, (1) from the plantsite of the Santee Portland Cement Co., Holly Hill, S.C., to points in Georgia, North Carolina, and those in Tennessee on and east of U.S. Highway 127; and (2) from railroad sidings in the destination territory named in (1) above to points in Georgia, North Carolina, and those in Tennessee on and east of U.S. Highway 127 restricted to traffic originating at the named plantsite and having a prior movement by rail. NOTE: The purpose of this republication is to show applicant's correct name as shown above in lieu of Santee Portland Cement Carriers, Inc., as originally filed and published in error. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Charleston, S.C.

No. MC 127625 (Sub-No. 1), filed December 1, 1965. Applicant: SANTEE CEMENT CARRIERS, INC., Holly Hill, S.C. Applicant's representative: Frank B. Hand, Jr., 921 17th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum rock and gypsum products*, from points in Bryan, Chatham, and Effingham Counties, Ga., to points in South Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charleston, S.C.

No. MC 127735 (Sub-No. 2), filed November 29, 1965. Applicant: ROY E. BARKER, doing business as ROY E. BARKER, PRODUCE, 121 Magnolia Street, North Little Rock, Ark. Applicant's representative: Louis Tarlowski, Pyramid Life Building, Little Rock, Ark. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wooden wirebound boxes*, knocked down, in bundles, from the plantsite of Arkansas Wirebound Box Co., Inc., Atkins, Ark., to points in Florida, Colorado, and Hidalgo, Cameron, Dimmit, Zavala, Maverick, Webb, Willacy, Starr, and Bexar Counties, Tex., and *exempt agricultural commodities and damaged and rejected shipments* of the commodities specified above, on return. Applicant states the proposed service will be rendered by a continuing contract with Arkansas Wirebound Box Co., Inc., of Atkins, Ark. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 127748 (Sub-No. 1), filed December 1, 1965. Applicant: FOURMEN DELIVERY SERVICE, INC., 153-58 Rockaway Boulevard, Jamaica, N.Y. Applicant's representative: Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica 32, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Luggage, and such personal property* usually carried by airline passengers between La Guardia Airport, John F. Kennedy International Airport, both at New York, N.Y., and Newark Airport, Newark, N.J., on the one hand, and, on the other, points in New York, Connecticut, Massachusetts, New Jersey, Pennsylvania, Maryland, and the District of Columbia; and (2) *such merchandise* as is dealt in or used by airlines including, but not limited to, airplane parts and accessories, office memoranda, etc., between John F. Kennedy International Airport, La Guardia Airport, both at New York, N.Y., and Newark Airport, Newark, N.J., on the one hand, and, on the other, Logan International Airport, Boston, Mass., Washington National Airport and Dulles International Airport, both at Washington, D.C., Baltimore Friendship International Airport, Baltimore, Md., Bradley Field Airport, Windsor Locks, Conn., Philadelphia International Airport, Philadelphia, Pa., Greater Pittsburgh Airport, Pittsburgh, Pa., and Long Island Airport (MacArthur Airport), Islip, Long Island, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 127761, filed November 29, 1965. Applicant: ELMER MONK, 1021 Shayler Road, Cincinnati, Ohio. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio, and Herbert Baker (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron wire*, from Chicago, and Waukegan, Ill., to Kokomo, Ind., Detroit, Mich., and Johnstown, Pa., to Newtown, Ohio, and (2) *staples and pneumatic tools*, from Newtown, Ohio, to Chicago, and Waukegan, Ill., Kokomo, Ind., Detroit, Mich., and Johnstown, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 127765, filed December 2, 1965. Applicant: CUSTOM CARTAGE, a corporation, 4538 Fillmore Street, Chicago, Ill. Applicant's representative: James F. Flanagan, 111 West Washington Street, Chicago, Ill., 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods*, from Des Plaines, Ill., to points in Alabama, California, Connecticut, Delaware, Florida, Georgia, Maryland, Mississippi, Nevada, New Mexico, New York, North Carolina, Pennsylvania, Oregon, South Carolina, Texas, Utah, Virginia, and Washington, and the District of Columbia, under continuing contracts with Bake Line Products Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127767, filed December 2, 1965. Applicant: DOMINIC E. LYNCH, doing business as D. E. LYNCH CONSTRUCTION COMPANY, Post Office Box 246, Watseka, Ill. Applicant's representative: Charles R. Young, Suite 500, McMullen Building, Danville, Ill., 61833. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed limestone, sand, gravel and asphalt mix*, in bulk (except liquid asphalt in tank vehicles), from points in Newton County, Ind., to points in Kankakee, Iroquois, and Ford Counties, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfiled, Ill.

No. MC 127772, filed December 6, 1965. Applicant: TIROD CORPORATION, 17–25 Varick Street, New York, N.Y. Applicant's representative: Richard A. Kerwin, Tower Suite 3600, 33 North La Salle Street, Chicago, Ill., 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats and packinghouse products, dairy products, and canned, preserved and frozen foodstuffs*, between New York, N.Y., Newark, N.J., and Philadelphia, Pa., on the one hand, and, on the other, New York, Pennsylvania, Ohio, Michigan, Illinois, Indiana, Missouri, Kentucky, Virginia, West Virginia, Wisconsin, Minnesota, and Iowa. Restriction: The transportation requested herein will be performed under a bilateral contract with Atalanta Trading Corp. of New York, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

MOTOR CARRIERS OF PASSENGERS

No. MC 2332 (Sub-No. 4), filed December 14, 1965. Applicant: E. J. KELLEY CO., doing business as LITCHFIELD HILLS LINE, 30 Railroad Square, Torrington, Conn. Applicant's representative: John R. Sims, Jr., Suite 1208, 1750 Pennsylvania Avenue, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round trip special operations, beginning and ending at points in Litchfield County, Conn., and extending to the Borough of Manhattan, N.Y., and the sites of the Shea Stadium and the Yankee Stadium, New York City, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

No. MC 106170 (Sub-No. 7), filed December 2, 1965. Applicant: THE GRAY LINE SCENIC TOURS, INC., 1675 Mill Street, Reno, Nev. Applicant's representative: Bertram S. Silver, 140 Montgomery Street, San Francisco, Calif., 94104. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Passengers and their baggage*, (1) between Tahoe Valley Airport, Calif., on the one hand, and, on the other, points in Ormsby, Storey, and Douglas Counties, Nev., points in Lyon County, Nev., west of Interstate Highway 95A and Nevada Highway 3, and points in Washoe County, Nev., on and south of Interstate Highways 40 and 80 and points within five (5) miles thereof, and (2) between Reno Municipal Airport, Nev., on the one hand, and, on the other, points within twenty (20) miles of California Highway 89 in Sierra, Placer, Nev., and El Dorado Counties, Calif., and points in Plumas County, Calif. on and south and east of California Highways 70 and 89. NOTE: Applicant has a pending contract carrier application in No. MC 124-745. If a hearing is deemed necessary, applicant requests it be held at Carson City, Nev.

No. MC 127768, filed December 2, 1965. Applicant: JOINER'S TRANSIT COMPANY, INC., 123 East Alabama Street, Florence, Ala. Applicant's representative: David E. Cheatham, Pulaski, Tenn., 38478. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, newspapers, express* and *mail* in the same vehicle with passengers, between Pulaski, Tenn., and Florence, Ala., from Pulaski over Tennessee Highway 11 to the Tennessee-Alabama State line, thence over Alabama Highway 207 to junction Alabama Highway 64, thence over Alabama Highway 64 to Lexington, thence over Alabama Highway 101 to Elgin, thence over U.S. Highway 72 to Florence, and return over the same route, serving all intermediate points. NOTE: The application also indicates it is seeking incidental charter rights to and from all points on the routes applied for. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

APPLICATION FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12971 filed November 26, 1965. Applicant: JAMES J. ONORATO, 64 West Main Street, New Britain, Conn. Applicant's representative: Reubin Kaminsky, Suite 223, 410 Asylum Street, Hartford, Conn. For a license (BMC 5) to engage in operations as a *broker* at New Britain, Conn., in arranging for transportation by motor vehicle in interstate or foreign commerce of *passengers and their baggage*, in charter or special operations, beginning and ending at New Britain, Newington, Bristol, Plainville, and Southington, Conn., and extending to points in States on and east of the Mississippi River, namely, Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 12972, filed November 26, 1965. Applicant: HAWKEYE TOURS, INC., 1706 Watrous Avenue, Des Moines, Iowa. Applicant's representative: J. Max Harding, Box 2028, Lincoln, Nebr. For a license (BMC 5) to engage in operations as a broker at Des Moines, Iowa, in arranging for the transportation by motor vehicle, in interstate or foreign commerce of *passengers and their baggage*, in charter and special operations, beginning and ending at points in Iowa, and extending to points in the United States, including Alaska, but excluding Hawaii.

No. MC 12973, filed November 22, 1965. Applicant: ROBERT B. TAYLOR AND VINCENT J. HOLLEY, a partnership, doing business as COLONIAL TOURS, 50 Stadtmauer Drive, Clifton, N.J. Applicant's representative: Edward J. Wolak, 730 Clifton Avenue, Clifton 20, N.J. For a license (BMC 5) to engage in operations as a broker at Clifton, N.J., in arranging for the transportation, in interstate or foreign commerce of *passengers and their baggage*, in charter or special operations, between points in the United States.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 8964 (Sub-No. 26), filed December 2, 1965. Applicant: WITTE TRANSPORTATION COMPANY, a corporation, 2481 North Cleveland Avenue, St. Paul, Minn., 55113. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, classes A and B explosives, and commodities requiring special equipment), (1) between Minneapolis and Owatonna, Minn.; from Minneapolis over Interstate Highway 35W to junction U.S. Highway 65, thence over U.S. Highway 65 to junction Interstate Highway 35W, and thence over Interstate Highway 35W to Owatonna, Minn., and return over the same route, serving no intermediate points, for the purpose of joinder only, in connection with applicant's regular-route operations, (2) between Austin and Rochester, Minn.; from Austin over Interstate Highway 90 to junction U.S. Highway 63, and thence over U.S. Highway 63 to Rochester, and return over the same route, serving all intermediate points, and (3) between Menomonie and Durand, Wis.; from Menomonie over Wisconsin Highway 25 to junction U.S. Highway 10, and thence over U.S. Highway 10 to Durand, and return over the same route, serving no intermediate points, for the purpose of joinder only, in connection with applicant's regular-route operations.

No. MC 48958 (Sub-No. 83), filed November 30, 1965. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver, Colo., 80216. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives*, serving points in Rio Arriba County, N. Mex., as off-route points in connection with applicant's authorized regular-route operations.

No. MC 115856 (Sub-No. 8), filed November 29, 1965. Applicant: TRANSPORT DELIVERY COMPANY, a corporation, Thompson Building, Tulsa, Okla. Applicant's representative: John E. Burruss, Jr., Central Trust Building, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Liquefied petroleum gas*, from the Mid-

American Pipeline Co. Terminal at or near Cantril, Iowa, to points in Schuyler, Adair, Scotland, Knox, Clark, and Lewis Counties, Mo., and *returned and rejected shipments* of the commodity specified above, on return.

No. MC 116886 (Sub-No. 30), filed November 30, 1965. Applicant: HOWELL'S MOTOR FREIGHT, INCORPORATED, 2210 Winston Avenue SW., Post Office Box 1529, Roanoke, Va. Applicant's representative: R. Roy Rush, 300 Shenandoah Building, Post Office Box 614, Roanoke, Va., 24004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, dairy products*, and *articles distributed by meatpacking houses*, as defined in sections A, B and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigerating devices, from Roanoke, Va., and Kingsport, Tenn., to points in West Virginia on and south of U.S. Highway 60.

No. MC 117765 (Sub-No. 38), filed November 29, 1965. Applicant: HAHN TRUCK LINE, INC., 5800 North Eastern, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrolcum and petroleum products* (in containers, packages, or drums), *advertising material, articles* distributed by wholesale or retail suppliers, marketers, or distributors of petroleum products, and *such commodities* as are used by wholesale or retail suppliers, marketers or distributors of petroleum products in the conduct of their businesses when shipped in mixed loads with petroleum products, from Oklahoma City, Okla., to (1) points in that part of Texas, on and west of U.S. Highway 281, beginning at Burkburnett, Tex., to junction U.S. Highway 81, and thence to Laredo, Tex., and (2) points in New Mexico.

No. MC 117765 (Sub-No. 39), filed November 29, 1965. Applicant: HAHN TRUCK LINE, INC., 5800 North Eastern, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* (in containers, packages or drums), *advertising material, articles* distributed by wholesale or retail suppliers, marketers, or distributors of petroleum products, and such *commodities* as are used by wholesale or retail suppliers, marketers, or distributors of petroleum products in the conduct of their businesses when shipped in mixed loads with petroleum products, from Oklahoma City, Okla., to points in Arkansas.

No. MC 127667 (Sub-No. 1), filed November 22, 1965. Applicant: W. E. DELISLE TRANSPORT, INC., Main Street, Enosburg Falls, Vt. Applicant's representative: Paul B. Wolfe, Newport, Vt., 05855. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dressed lumber*, from ports of entry on the international boundary line between the United States and Canada located at or near Richford, Vt., and Rouses Point, Rooseveltown, and Ogdensburg, N.Y., to points in Vermont, New Hampshire, and those in St. Lawrence, Franklin, Clinton, Jefferson, Essex, Warren, Washington, and Saratoga Counties, N.Y., restricted to traffic originating in either Quebec or Ontario Province, Canada. NOTE: Applicant states the proposed operations will be under a continuing contract with Gordon A. Winters of Swanton, Vt.

No. MC 127760, filed November 29, 1965. Applicant: LAURENT MARCOTTE, Ste-Catherine Cte Portneuf Quebec, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from ports of entry on the international boundary line between the United States and Canada located at or near Jackman, Maine, Norton and Derby, Vt., and Rouses Point, N.Y., to points in Maine, New Hampshire, Vermont, Massachusetts, and New York.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-13646; Filed, Dec. 22, 1965; 8:45 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 20, 1965.

Protests to the granting of an application must be prepared in accordance with § 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA 40198—*Bituminous coal to Coosa Pines, Ala.*—Filed by O. W. South, Jr., agent (No. A4809), for interested carriers. Rates on bituminous coal and coal briquettes, in carloads, from mine origins in Kentucky, Virginia, and West Virginia, to Coosa Pines, Ala.

Grounds for relief—Market and carrier competition.

Tariff—Supplement 9 to Chesapeake and Ohio Railway tariff ICC 13861.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-13692; Filed, Dec. 22, 1965; 8:46 a.m.]

REPARATIONS TO SHIPPERS BY MOTOR CARRIERS AND FREIGHT FORWARDERS

DECEMBER 17, 1965.

The Commission on December 14, 1965 approved a method by which motor carriers and freight forwarders may be authorized informally to pay reparations to shippers, thus restoring a procedure that was observed as to motor carriers prior to the Supreme Court's decision in T.I.M.E. v. United States, 359 U.S. 464 and subsequent Commission cases.

In the T.I.M.E. decision the Supreme Court held in effect that neither the Commission nor the courts had the power to consider in post-shipment litigation the reasonableness of motor carrier charges which were applied in accordance with the tariffs. Following this decision the informal procedures for processing uncontested applications were also discontinued.

Public Law 89-170, which became effective September 6, 1965, was intended to restore the procedures formerly available to shippers with respect to motor carrier reparations before the decision in the T.I.M.E. case, and to extend them to freight forwarders. Section 6 amends section 204a of the Interstate Commerce Act to permit suit to be filed in court against motor carriers, with judicial reference to the Commission, and to authorize the Commission to determine the amount of reparations. Section 7 of the new law amends section 406a of the Act in a similar fashion as to freight forwarders. The Commission's present action restores informal procedures with respect to uncontested cases in which the carrier is agreeable to making adjustments.

Motor carriers and freight forwarders who believe that the applicable charges on past shipment via their lines delivered on and after September 6, 1965, were unreasonable, and are willing voluntarily to adjust those charges to a reasonable basis, may now by informal procedure apply to the Commission for authorization to pay reparation or to waive undercharges.

These requests may be in the form of a letter or petition and should be addressed to the Informal Cases Branch of the Bureau of Traffic. They should contain the following information as to each shipment:

(a) Dates of origin and delivery and names of consignor and consignee

(b) Points of origin, destination, routes, and participating carriers

(c) Weights, commodity shipped, applicable rates and charges, sought rates and charges, with tariff authority by page and/or item number for each rate

(d) Evidence and reasons why applicable rates and charges are believed to be unreasonable to extent of sought basis.

The request should name the proper party in interest on whose behalf adjustment is sought, and should bear the concurrences of that party as well as those of all participating carriers. The evidence to be submitted should include a statement as to when and how the alleged unreasonable rate situation was removed, together with an admission by the carriers that the legally applicable rates or rules were, under all the circumstances and conditions at time of movement, excessive and unreasonable.

The request must be submitted, and adjustments, if authorized, made within 2 years from dates of delivery, i.e., the periods of limitation in sections 204a and 406a. The filing of a request with the Commission would not, of course, toll the operation of any statute of limitations, as that could be accomplished only by means of a suit in a court of competent jurisdiction. Consequently, any presentation should be made sufficiently early to permit the processing and determination by the Commission and the filing of a suit in court, if necessary, before the expiration of the 2-year period of limitation.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-13693; Filed, Dec. 22, 1965; 8:46 a.m.]

[Notice 105]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 20, 1965.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 879 (Sub-No. 11 TA), filed December 15, 1965. Applicant: SERVICE LINES, INC., 225 Lynch Street, St. Louis, Mo., 63118. Applicant's representative: Walter Harwood, Nashville Bank and Trust Building, Nashville, Tenn. Authority sought to operate as a *common carrier* by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, and articles requiring special equipment), from Nashville, Tenn., to Atlanta, Ga., from Nashville over U.S. Highway 41 to Atlanta (and also over any and all segments open to the traveling public of I24 between Nashville and Chattanooga and I75 between Chattanooga and Atlanta), and return over the same route, serving no intermediate points, for 180 days. Supporting shippers: American Marine and Machinery Co., 201 Woodycrest Avenue, Nashville, Tenn.; Airfax Corp., Post Office Box 20003, Atlanta, Ga.; Anderson-Hickey Co., 913-917 Cherokee Avenue, Nashville, Tenn.; Allied Bearings, Inc., 620 Eighth Avenue South, Nashville, Tenn.; Budlock Refrigeration Supply Co., Inc., Memphis, Tenn.; Berry Wholesale Drug Co., 128-130 Second Avenue North, Nashville, Tenn.; Cookeville Motor Line, 611 Mulberry Street, Nashville, Tenn.; Combustion Engineering, Inc., 5319 Shreve Avenue, St. Louis, Mo.; The Creamery Package Manufacturing Co., 90 Franklin Street, Nashville, Tenn.; Consolidated Chemical, Inc., 1470 South Vandeventer, St. Louis, Mo.; Carter Flooring Co., 2705 West End Avenue, Nashville, Tenn.; Canada Dry Bottling Co. of Nashville, Inc., 1407 Grundy Street, Nashville, Tenn.; J. W. Carter Co., Nashville, Tenn.; Davis Cabinet Co., Box 5424, Nashville, Tenn.; Dale Supply Co., 217 Willow Street, Nashville, Tenn.; Eason-Morgan-Berry, 314 Second Avenue North, Nashville, Tenn.; Euclid-Tennessee, Inc., 720 Murfreesboro Road, Nashville, Tenn.; Famous-Barr, 601 Olive Street, St. Louis, Mo.; Fiber Glass Division-Ferro Corp., Fiber Glass Road, Nashville, Tenn.; Family Booterie, 500 Exchange Building, Nashville, Tenn.; Graham Paper Co., 1014 Spruce Street, St. Louis, Mo.; General Box Co., 1001 West Kirkland Avenue, Nashville, Tenn.; Humboldt Express Co., 415 Fifth Avenue South, Nashville, Tenn.; Jakes Foundry Co., 2721 Felicia Street, Nashville, Tenn.; Keith-Simmons Co., Inc., Post Office Box 1030, Nashville, Tenn.; Mississippi Glass Co., 88 Angelica Street, St. Louis, Mo.; Mid-States Paper and Notion Co., 810 Cherokee Avenue, Nashville, Tenn.; Mid-Tenn. Supply Co., 1001 Third Avenue North, Nashville, Tenn.; Porcelain Industries, Inc., 2306 Clifton Road, Nashville, Tenn.; Prince Gardner, 1234 South Kingshighway, St. Louis, Mo.; The Ouimet Corp., 2967 Sidco Drive, Nashville, Tenn.; RC Can Co., 13300 Interstate Drive, Hazelwood, Mo.; Randolph & Rice, 1213 McGavock Street, Nashville, Tenn.; The Rowcon Co., 123 South First Street, Nashville, Tenn.; Stout Sign Co., 6425 West Florissant Avenue, St. Louis, Mo.; The Sunday School Board of the Southern Baptist Convention, 127 Ninth Avenue North, Nashville, Tenn.; Southern Envelope Manufacturers, Inc., Post Office Box 888, Nashville, Tenn.; Max Schatten & Son, 116-118 Second Avenue North, Nashville, Tenn.; W. T. Stringfellow & Co., Inc., 125 Twelfth Avenue North, Nashville, Tenn.; Scruggs-Vandervoort-Barney, Ninth and Olive, St. Louis, Mo.; Tafel Electric and Supply Co., 401 Sixth Avenue South, Nashville, Tenn.; Tractor Supply Co., 1501 Broadway, Nashville, Tenn.; United Shoe Machinery Corp., 320 Main Street, Nashville, Tenn.; Washington Manufacturing Co., 218-28 Second Avenue North, Nashville, Tenn.; and, Wilson Coile Tire & Battery Co., 1417 Church Street, Nashville, Tenn. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 3248-B, 1520 Market Street, St. Louis, Mo., 63103.

No. MC 31879 (Sub-No. 15 TA), filed December 15, 1965. Applicant: EXHIBITORS FILM DELIVERY & SERVICE CO., INC., 101 West 10th Avenue, North Kansas City, Mo., 64116. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn., 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, excluding livestock and commodities in bulk, between Kansas City, Kans., on the one hand, and, on the other, points in Adair, Andrew, Atchison, Barry, Barton, Bates, Benton, Boone, Buchanan, Caldwell, Callaway, Camden, Carroll, Cass, Cedar, Chariton, Christian, Clay, Clinton, Cole, Cooper, Dade, Dallas, Daviess, De Kalb, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Howard, Jackson, Jasper, Johnson, Laclede, Lafayette, Lawrence, Linn, Livingston, McDonald, Macon, Mercer, Miller, Moniteau, Morgan, Newton, Nodaway, Pettis, Platte, Polk, Putnam, Randolph, Ray, St. Clair, Saline, Schuyler, Stone, Sullivan, Taney, Vernon, Webster, and Worth Counties, Mo., for 180 days. Restriction: No service shall be rendered in the transportation of any package or article weighing in excess of 100 pounds per package or article, nor in excess of 100 pounds per shipment per day from one consignor at one location to one consignee at one location. Supporting shippers: There are approximately 120 supporting statements filed with the application, which may be examined here at the Interstate Commerce Commission, in Washington, D.C. Send protests to: B. J. Schreier, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo., 64106.

No. MC 59367 (Sub-No. 29 TA), filed December 15, 1965. Applicant: DECKER TRUCK LINE, INC., Post Office Box 915, Fort Dodge, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Dakota City, Nebr., and Sioux City, Iowa, to points in Illinois, Indiana, Iowa, Minnesota, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin, for 180 days. Supporting shipper: Swift & Co., 115 West Jackson Boulevard, Chicago, Ill., 60604. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa, 50309.

No. MC 93003 (Sub-No. 46 TA), filed December 15, 1965. Applicant: CARROLL TRUCKING COMPANY, 4901 U.S. Route 60 East, Post Office Box 5468, Huntington, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel*, and *iron and steel*

articles, as described in appendix V to Ex Parte No. MC-45, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from the plantsite of the H. K. Porter Co., Inc., Huntington, W. Va., to points in Florida, and *rejected and refused shipments*, on return, for 180 days. Supporting shipper: H. K. Porter Co., Inc., Connors Steel Division, Post Office Box 118, Huntington, W. Va., 25706. Send protests to: H. R. White, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 3202 Federal Office Building, Charleston, W. Va., 25301.

No. MC 109478 (Sub-No. 89 TA), filed December 15, 1965. Applicant: WORSTER MOTOR LINES, INC., Rural Delivery No. 1, Gay Road, North East, Pa., 16428. Applicant's representative: William W. Knox, 23 West 10th Street, Erie, Pa., 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty cans*, from Cambridge Springs, Pa., to Barnesville and Waterford, Ohio, for 180 days. Supporting shipper: Carnation Co., Carnation Building, Los Angeles, Calif., 90036. Send protests to: Gasper Piovarchy, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2109 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa., 15222.

No. MC 114274 (Sub-No. 8 TA), filed December 15, 1965. Applicant: ELMER VITALIS, doing business as VITALIS TRUCK LINES, 1656 East Grand Avenue, Des Moines, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Dakota City, Nebr., and Sioux City, Iowa, to points in Illinois, Indiana, Minnesota, Nebraska, North Dakota, Ohio, and South Dakota, for 180 days. Supporting shipper: Swift & Co., 115 West Jackson Boulevard, Chicago, Ill., 60604. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa, 50316.

No. MC 117501 (Sub-No. 4 TA), filed December 15, 1965. Applicant: HAROLD L. NELSON, 1215 Boone Street, Boone, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer spreaders*, in specially constructed trailers owned by shipper, from Boone, Iowa, to points in Illinois, Indiana, Minnesota, and Missouri, for 180 days. Supporting shipper: George A. Rolfes Co., Boone, Iowa. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa, 50309.

No. MC 125847 (Sub-No. 5 TA), filed December 15, 1965. Applicant: FLOYD A. DEZOTELL, doing business as FLOYD A. DEZOTELL TRUCKING COMPANY, Box 340, Mankato, Minn. Applicant's representative: Donald B. Taylor, Box 5068, Minneapolis, Minn., 55406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prestressed concrete beams* for movement on shipper owned trailers, from Wells, Minn., to points in Iowa, North Dakota, South Dakota, and Wisconsin, for 180 days. Supporting shippers: Wells Prestresed Concrete Products Co., Wells, Minn., 56097. Send protests to: C. H. Bergquist, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 448 Federal Building, and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., 55401.

No. MC 127781 TA, filed December 15, 1965. Applicant: FORREST D. HARDISTY, doing business as FEEDERS GRAIN & SUPPLY, Box 283, Corning, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Processed bag and bulk livestock feeds*, from Omaha, Nebr., and Kansas City, Mo., to Corning, Iowa, and points within 25 miles thereof, for 180 days. Supporting shipper: Creston Feed & Grain, 606 West Jefferson, Creston, Iowa. Send protests to: K. P. Kohrs, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 705 Federal Building, Omaha, Nebr., 68102.

No. MC 127782 TA, filed December 15, 1965. Applicant: LACASSE & FRERE TRANSPORT REGD., Paquet Boulevard, Mount Laurier, Quebec, Canada. Applicant's representative: Edgar Lacasse (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rough lumber*, from the international boundary between the United States and Canada at ports of entry in New York, Vermont, and New Hampshire to Maine, New Hampshire, Vermont, Massachusetts, and Rhode Island, for 180 days. Supporting shipper: The Atlantic Lumber Co., 88 Broad Street, Boston, Mass., 02110. Send protests to: Wilmot E. James, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 518 Federal Building, Albany, N.Y., 12207.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-13694; Filed, Dec. 22, 1965; 8:46 a.m.]

[Notice 1275]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 20, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-68338. By order of December 17, 1965, the Transfer Board approved the transfer to Norman W. Wenger, Terre Hill, Pa., of the certificate in Nos. MC-111023, MC-111023 (Sub-No. 2) and MC-111023 (Sub-No. 3), issued June 12, 1950, April 21, 1952, and June 5, 1961, respectively, to Ephraim Nafziger, Parkesburg, Pa., authorizing the transportation of: Pulverized agricultural limestone, from points in Lancaster County, Pa., to points as specified in Delaware and Maryland; fertilizer, in bulk, from points in New Castle County, Del., to points in Kent County, Md., and those in Berks, Bucks, Chester, Delaware, Lancaster, Montgomery and Philadelphia Counties, Pa.; dry fertilizer, in bulk, except pulverized agricultural limestone, from Wilmington, New Castle County, Del., to points as specified in Maryland, and from Laurel, Sussex County, and Dover, Kent County, Del., to points in Maryland; and pulverized agricultural limestone, in bulk, from Laurel, Sussex County, and Viola, Kent County, Del., to points in Maryland. Bernard N. Gingerich, Quarryville, Pa., representative for applicants.

No. MC-FC-68364. By order of December 17, 1965, the Transfer Board approved the transfer to Elizabeth E. Trioli, doing business as Trioli Trucking Co., Revere, Mass., of the operating rights issued by the Commission November 3, 1960, under Certificate in No. MC-118020, to Cape Ann Transport Co., Inc. (Philip Strome, Receiver), Gloucester, Mass., authorizing the transportation, over irregular routes, of bananas, from points in the New York, N.Y., commercial zone, to Boston and Ipswich, Mass. George C. O'Brien, 33 Broad Street, Boston, Mass., attorney for transferee. Philip Strome, 73 Washington Street, Salem, Mass., attorney for transferor.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-13695; Filed, Dec. 22, 1965; 8:46 a.m.]

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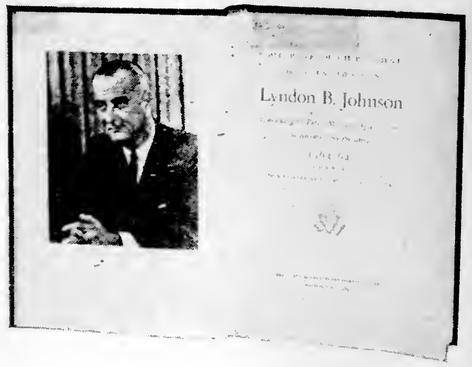
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Department of Health, Education, and Welfare

Section 213.3316 is amended to show the exception under Schedule C of the position of Special Assistant to the Secretary (for Civil Rights). Effective on publication in the FEDERAL REGISTER, subparagraph (26) is added to paragraph (a) of § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

(a) *Office of the Secretary.* • • •

(26) One Special Assistant to the Secretary (for Civil Rights).

• • • • • •

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65–13775; Filed, Dec. 23, 1965; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), U.S. Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

Subpart—1966 Crop of Upland Cotton; Acreage Allotments and Marketing Quotas

REFERENDUM RESULT

(a) Section 722.276 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). This section announces the result of the marketing quota referendum for the 1966 crop of upland cotton.

(b) Since the only purpose of § 722.276 is to announce the referendum result, it is hereby found and determined that compliance with the notice, public procedure and 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 1003) is unnecessary. Accordingly, § 722.276 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 722.276 Result of the marketing quota referendum for the 1966 crop of upland cotton.

(a) *Date of referendum.* The marketing quota referendum for the 1966 crop of upland cotton was held on November 23, 1965, in accordance with § 722.205 of the Acreage Allotment Regulations for the 1964 and Succeeding Crops of Upland Cotton (28 F.R. 11041, as amended) and § 722.269 (30 F.R. 13250).

(b) *Farmers voting.* 211,810 farmers engaged in the production of the 1965 crop of upland cotton voted in the referendum. Of those voting, 200,810 farmers, or 94.8 percent, favored the 1966 national marketing quota and 11,000 farmers, or 5.2 percent, opposed the 1966 national marketing quota.

(c) *1966 marketing quota continues in effect.* The national marketing quota for the 1966 crop of upland cotton of 15,267,000 bales proclaimed in § 722.265 (30 F.R. 13249) shall continue in effect since two-thirds or more of the upland cotton farmers voting in the referendum favored the quota.

(Secs. 343, 63 Stat. 670, as amended; 7 U.S.C. 1343)

Effective date. Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on December 20, 1965.

E. A. JAENKE,
Acting Administrator, Agriculture Stabilization and Conservation Service.

[F.R. Doc. 65–13762; Filed, Dec. 21, 1965; 2:15 p.m.]

PART 722—COTTON

Subpart—1966 Crop of Extra Long Staple Cotton; Acreage Allotments and Marketing Quotas

REFERENDUM RESULT

(a) Section 722.364 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). This section announces the result of the marketing quota referendum for the 1966 crop of extra long staple cotton.

(b) Since the only purpose of § 722.364 is to announce the referendum result, it is hereby found and determined that compliance with the notice, public procedure and 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 1003) is unnecessary. Accordingly, § 722.364 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 722.364 Result of the marketing quota referendum for the 1966 crop of extra long staple cotton.

(a) *Date of referendum.* The marketing quota referendum for the 1966 crop of extra long staple cotton was held on November 23, 1965, in accordance with § 722.305 of the Acreage Allotment Regulations for the 1964 and Succeeding Crops of Extra Long Staple Cotton (28 F.R. 11034, as amended) and § 722.361 (30 F.R. 13251).

(b) *Farmers voting.* 1,173 farmers engaged in the production of the 1965 crop of extra long staple cotton voted in the referendum. Of those voting, 930 farmers, or 79.3 percent, favored the 1966 national marketing quota and 243 farmers, or 20.7 percent, opposed the 1966 national marketing quota.

(c) *1966 marketing quota continues in effect.* The national marketing quota for the 1966 crop of extra long staple cotton of 89,400 bales proclaimed in § 722.358 (30 F.R. 15250) shall continue in effect since two-thirds or more of the extra long staple cotton farmers voting in the referendum favored the quota.

(Secs. 343, 347, 63 Stat. 670, as amended, 63 Stat. 675, as amended; 7 U.S.C. 1343, 1347)

Effective date. Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on December 20, 1965.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65–13763; Filed, Dec. 21, 1965; 2:15 p.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Grapefruit Reg. 6]

PART 906—ORANGES AND GRAPEFRUIT GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

Limitation of Shipments

§ 906.314 Grapefruit Regulation 6.

(a) *Findings.* (1) Pursuant to the marketing agreement and this part (Order No. 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Texas Valley Citrus Committee established under the aforesaid marketing agree-

ment and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Texas Valley Citrus Committee on December 6, 1965; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of the section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade and diameter, when used herein, shall have the same meaning as is given to the respective term in the U.S. Standards for grapefruit (Texas and States other than Florida, California, and Arizona) (§§ 51.620–51.658 of this title).

(2) During the period beginning at 12:01 a.m., c.s.t., January 1, 1966, and ending at 12:01 a.m., c.s.t., March 1, 1966, no handler shall handle:

(i) Any grapefruit of any variety, grown in the production area, unless such grapefruit grade at least U.S. No. 3;

(ii) Any grapefruit of any variety, grown in the production area, which are of a size smaller than 3$^{9}/_{16}$ inches in diameter; or

(iii) Any grapefruit of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment.

All grapefruit of any variety, grown as aforesaid, handled during the period specified in this section are subject to all applicable container and pack requirements which are in effect pursuant to the aforesaid marketing agreement and order during such period.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 21, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–13764; Filed, Dec. 23, 1965; 8:46 a.m.]

[Orange Reg. 7]

PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Limitation of Shipments

§ 906.315 Orange Regulation 7.

(a) *Findings.* (1) Pursuant to the marketing agreement and this part (Order No. 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Texas Valley Citrus Committee established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Texas Valley Citrus Committee on December 6, 1965; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade and diameter, when used herein shall have the same meaning as is given to the respective terms in the United States Standards for Oranges (Texas and States other than Florida, California, and Arizona) (§§ 51.680–51.712 of this title).

(2) During the period beginning at 12:01 a.m., c.s.t., January 1, 1966, and ending at 12.01 a.m., c.s.t., February 1, 1966, no handler shall handle:

(i) Any oranges of any variety, grown in the production area, unless such oranges grade at least U.S. No. 3;

(ii) Any oranges of any variety, grown as aforesaid, which are of a size smaller than 2$^{7}/_{16}$ inches in diameter, except that not more than ten (10) percent, by count, of such oranges in any lot of containers, and not more than fifteen (15) percent, by count, of such oranges in any individual container in such lot may be of a size smaller than 2$^{7}/_{16}$ inches in diameter; or

(iii) Any oranges of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment.

(3) During the period beginning at 12:01 a.m., c.s.t., February 1, 1966, and ending at 12:01 a.m., c.s.t., September 15, 1966, no handler shall handle:

(i) Any Navel, Early, or Midseason oranges, grown in the production area, unless such oranges grade at least U.S. No. 3;

(ii) Any Navel, Early, or Midseason oranges, grown as aforesaid, which are of a size smaller than 2$^{3}/_{16}$ inches in diameter, except that not more than ten (10) percent, by count, of such oranges in any lot of containers, and not more than fifteen (15) percent, by count, of such oranges in individual containers in such lot may be of a size smaller than 2$^{3}/_{16}$ inches in diameter; or

(iii) Any Navel, Early, or Midseason oranges, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment.

All oranges of any variety, grown as aforesaid, handled during the period specified in this section are subject to all applicable container and pack requirements which are in effect pursuant to the aforesaid marketing agreement and order during such period.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 21, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–13765; Filed, Dec. 23, 1965; 8:47 a.m.]

[Navel Orange Reg. 93]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.393 Navel Orange Regulation 93.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 22, 1965.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., December 26, 1965, and ending at 12:01 a.m., P.s.t., January 2, 1966, are hereby fixed as follows:

(i) District 1: 425,000 cartons;
(ii) District 2: 81,103 cartons;
(iii) District 3: 75,000 cartons;
(iv) District 4: 15,000 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 22, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–13863; Filed, Dec. 23, 1965; 11:27 a.m.]

[Lemon Reg. 194]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.494 Lemon Regulation 194.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 21, 1965.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., December 26, 1965, and ending at 12:01 a.m., P.s.t., January 2, 1966, are hereby fixed as follows:

(i) District 1: 41,850 cartons;
(ii) District 2: 102,300 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 22, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–13839; Filed, Dec. 23, 1965; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

Subpart D—Food Additives Permitted in Food for Human Consumption

MEDROXYPROGESTERONE ACETATE

1. The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 2D0839) filed

by the Upjohn Co., Kalamazoo, Mich., 49001, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe of medroxyprogesterone acetate in cattle and sheep feed. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), Part 121 is amended by adding to Subpart C the following section:

§ 121.276 Medroxyprogesterone acetate.

Medroxyprogesterone acetate may be safely used in animal feed when incorporated therein in accordance with the following conditions:

(a) The additive is the chemical 17-hydroxy - 6α - methylpregn-4-ene - 3,20-dione 17-acetate.

(b) It is used or intended for use in feed, as follows:

Principal ingredient	Dose	Combined with—	Grams per ton	Limitations	Indications for use
1. Medroxyprogesterone acetate.	180–250 mg. per head per day.	...	...	For breeding cattle; administer in an appropriate amount of feed to achieve consumption of recommended dose daily for 18–30 days.	Synchronization of estrus and ovulation.
2. Medroxyprogesterone acetate.	50–100 mg. per head per day.	...	...	For ewes; administer in an appropriate amount of feed to achieve consumption of recommended dose daily for 14–21 days.	Do.

(c) To assure safe use, the label and labeling of the additive, any combination of additives, and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity or quantities contained therein.

(3) Adequate directions and warnings for use.

2. Based upon the data before him, and proceeding under the authority of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)), delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 2.90), the Commissioner of Food and Drugs has further concluded that where animals have been fed medroxyprogesterone acetate-containing feed in accordance with § 121.276 a tolerance limitation is required in order to assure that the edible tissues and by-products are safe for human food. Therefore, Subpart D of the food additive regulations is amended by adding the following new section:

§ 121.1187 Medroxyprogesterone acetate.

Tolerances are established for residues of medroxyprogesterone acetate (17-hydroxy - 6α-methylpregn-4-ene - 3,20-dione 17 acetate) as follows:

(a) Zero in edible tissues and byproducts of sheep and cattle.

(b) Zero in milk.

(c) The method of examination used in the quantitative determination of medroxyprogesterone acetate to establish that there were no residues present in tissues or milk in an exaggerated study is as follows:

(1) *Apparatus.* A Lourdes Tissue Homogenizer or equivalent; dialyzer tubing, Visking No. 30, 32, or equivalent.

(2) *Reagents.* Methylene chloride, redistilled in all-glass equipment, using a Vigreaux distilling lead (store in brown bottles); Skellysolve B (distill and store in brown bottles); chromotographic alumina; Woelm acid, activity grade 1, for chromatography.

(3) *Preparation of samples*—(i) *Tissue.* Grind fresh tissue in a household meat grinder. If analysis is delayed, the ground tissue must be stored in a deep freeze and thawed just prior to analysis. Transfer 10 grams of tissue to a 60-milliliter stainless steel can, add 40–45 milliliters of 95 percent ethyl alcohol and two 4.25-centimeter circles of Whatman No. 4 filter paper. Attach can to the tissue homogenizer, immerse in an ice bath, and homogenize for 5 minutes. Filter with suction through a Büchner funnel using a Whatman No. 4 filter paper. Return the filter cake to the stainless steel can, add 40–45 milliliters of 95 percent ethyl alcohol and homogenize for 5 minutes as before. Filter as before, adding the second filtrate to the first. Repeat the extraction a third time and combine the filtrate with the first two.

(ii) *Bone marrow or fat.* Extract as under subdivision (i) of this subparagraph, using 4 : 1 Skellysolve B-absolute ethyl alcohol instead of 95 percent ethyl alcohol.

(iii) *Brain tissue.* Extract as under subdivision (i) of this subparagraph, using 95 percent ethyl alcohol for the first extract, 4:1 Skellysolve B-absolute ethyl alcohol for the second extract, and 95 percent ethyl alcohol for the third extract. Transfer the combined extracts to a 500-milliliter separator, add an equal volume of water, and extract with four successive 50-milliliter volumes of methylene chloride. Evaporate the combined extracts to dryness. Dissolve the oily residue in 20 milliliters Skellysolve B and retain for the chromatographic separation.

(iv) *Milk.* Transfer 160 milliliters of milk to a beaker, add 20 milliliters of absolute methyl alcohol, and mix by stirring. Transfer the solution to a pre-extracted No. 30 or 32 Visking tubing. Tie both ends of the tubing with double overhand knots. Care must be exercised to avoid making the milk-filled casing too taut. Place the filled casing carefully in a large Soxhlet extractor, add 850 milliliters of absolute methyl alcohol, and extract for 48 hours. Transfer the extract into a rotary evaporator and evaporate with vacuum until the volume is reduced to 50–100 milliliters. This will remove all the methyl alcohol. Transfer the aqueous residue to a 500-milliliter separator, using sufficient wash water to produce a volume of about 150 milliliters. Extract with four successive 50-milliliter portions of methylene chloride, and evaporate the combined extracts until only an oily residue remains. Dissolve the residue in 20 milliliters of Skellysolve B and retain for the chromatographic separation.

(4) *Preparation of chromatographic column.* Partially fill the column with chloroform. Slurry 15 grams of chromatographic alumina with chloroform and transfer to the column. Place a small plug of glass wool on top of the alumina. (NOTE: Keep exposure of the alumina to air to a minimum.) Wash the column with a total of 125 milliliters of chloroform, including the volume used to make the slurry. Follow with a second wash, using 100 milliliters of Skellysolve B.

(5) *Determination.* (i) When the final portion of the Skellysolve B wash passes into the column, transfer the reserved sample solution to the column with the aid of two additional 20-milliliter portions of Skellysolve B. Add each rinse to the column when the solvent level has just reached the glass wool plug over the alumina. Pass an additional 50-milliliter portion of Skellysolve B through the column and follow it with 50 milliliters of 2 percent acetone in Skellysolve B. Discard these washings. Elute the medroxyprogesterone acetate with 75 milliliters of 1 : 1 chloroform-Skellysolve B. Evaporate the effluent to dryness. Dissolve the residue in 10 milliliters of Skellysolve B saturated with 70 percent methyl alcohol and transfer to a 125-milliliter separator. Rinse the container with a second 10-milliliter portion of the above solvent and add to the separator. Rinse the container with 20 milliliters of 70 percent methyl alcohol, add to the separator, shake, and allow the two phases to separate. Transfer the lower layer to a second 125-milliliter separator containing 20 milliliters of Skellysolve B saturated with 70 percent methyl alcohol. Shake, allow the phases to separate, and transfer the lower layer to a 250-milliliter beaker. Extract the two separators serially with four successive 20-milliliter portions of 70 percent methyl alcohol, and add the washings to the beaker. Evaporate the combined extracts just to dryness on a steam bath. Dissolve the residue in 2 milliliters of 1 : 1 methyl alcohol-methylene chloride, and transfer to a 5-milliliter beaker. Complete the transfer with three additional 2-milliliter portions of the solvent (evaporate the solvent in the 5-milliliter beaker between addition of washings). Reduce the volume to 0.1 milliliter in preparation for paper chromatography.

(ii) *Paper chromatographic analysis*—(a) *Apparatus.* A descending paper chromatographic apparatus designed to use a series of strips; Whatman No. 1 paper, washed over night with 95 percent ethyl alcohol.

(b) *Reagents*—(1) *Immobile solvent.* Diethylene glycol monoethyl ether.

(2) *Mobile solvent.* Diethylene glycol monoethyl ether-saturated methylcyclohexane.

(3) *Standard solution.* Dissolve a weighed amount of medroxyprogesterone acetate standard in 1 : 1 methyl alcohol-methylene chloride, and dilute to a concentration of 100 micrograms per milliliter.

Saturate a sheet of washed chromatographic paper with diethylene glycol monoethyl ether and remove the excess by blotting between sheets of filter paper. Transfer the total sample to a spot on the starting line, using a micro pipette. Spot a 100-microliter portion of the standard solution in the same manner. Place paper in tank and develop for 6 hours. Following development, air dry the papers at room temperature over night. Locate and mark the zones under ultraviolet light. Remove the zones, cut into small pieces, and place each in a 10-milliliter beaker. Add 5 milliliters of 95 percent methyl alcohol to each beaker, cover, and heat on steam bath for 10 minutes. Cool and transfer solutions to 10-milliliter volumetric flasks. Wash paper residues and beakers with small amounts of 95 percent ethyl alcohol and use washing to make to volume. Determine the absorbance, *A*, of sample and standard solutions at 242 mμ relative to an ethyl alcohol blank, using matched 1-centimeter cells.

1 part per million of medroxyprogesterone acetate

$$= \frac{A \text{ standard solution}}{A \text{ sample solution}} \times \frac{100}{\text{weight sample}}$$

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), (4), 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4))

Dated: November 9, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-13727; Filed, Dec. 23, 1965; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

RONNEL

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 5D1523), filed by Dow Chemical Co., Post Office Box 512, Midland, Mich., 48641, and other relevant material, has concluded that the regulation providing for the safe use of ronnel in animal feed should be amended to express the quantity of the additive in terms of weight rather than percentage and to make an editorial change concerning labeling. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.209 is amended by revising the table in paragraph (a) and by changing paragraph (b)(3)(i) to read as follows:

§ 121.209 Ronnel.

* * * * * *

(a) * * *

	Quantity	Limitations	Indications for use
1. Ronnel.....	0.00078 lb. (0.35 gm.) per 100 lb. body weight per day for 14 days.	For beef cattle and dairy heifers; feed 0.00078 lb. (0.35 gm.) per 100 lb. of animal weight per day for 14 days in a feed additive supplement containing not over 0.26 percent ronnel; withdraw from dairy heifers 28 days before calving; withdraw 28 days prior to slaughter; not to be fed to dairy cows.	Control of grubs.
2. Ronnel.....	0.0018 lb. (0.82 gm.) per 100 lb. body weight per day for 7 days.	For beef cattle and dairy heifers; feed 0.0018 lb. (0.82 gm.) per 100 lb. animal weight per day for 7 days in a feed additive supplement containing not over 6 percent ronnel; withdraw from dairy heifers 60 days before calving; withdraw 60 days prior to slaughter; not to be fed to dairy cows.	Control of grubs; aid in the reduction of cattle lice, when the drug is used for cattle grub control.
3. Ronnel.....	0.01375 lb. (6.24 gm.) per 100 lb. body weight per month for not less than 75 days.	For beef cattle and dairy heifers; feed 0.25 lb. of a mineral concentrate in block or in granular form containing 5.5 percent ronnel per 100 lb. of animal weight per month for not less than 75 days; withdraw from dairy heifers 21 days before calving; withdraw 21 days prior to slaughter; not to be fed to dairy cows.	Control of grubs and horn flies.

(b) * * *

(3) * * *

(i) A statement in the case of feed additive supplements containing ronnel that such supplements shall be thoroughly mixed with the daily feed ration.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: November 18, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-13728; Filed, Dec. 23, 1965; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

Subpart D—Food Additives Permitted in Food for Human Consumption

ODORLESS LIGHT PETROLEUM HYDROCARBONS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 6H1834) filed by American Petroleum Institute, 1271 Avenue of the Americas, New York, N.Y., 10020, and other relevant material, has concluded that odorless light petroleum hydrocarbons may be safely used as a component of insecticide formulations used in compliance with regulations issued in Part 121 (21 CFR Part 121). Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), the food additive regulations are amended as indicated below:

1. The following new section is added to Subpart C:

§ 121.277 Odorless light petroleum hydrocarbons.

Odorless light petroleum hydrocarbons complying with § 121.1182 (a) and (b) may be safely used in an amount not in excess of that required as a component of insecticide formulations used in

compliance with regulations issued in this part.

2. Section 121.1182(c) is amended by the addition of a new item, as indicated:

§ 121.1182 Odorless light petroleum hydrocarbons.

(c) • • •

Use	Limitations
• • •	• • •
As a component of insecticide formulations used in compliance with regulations issued in Part 121 of this chapter.	In an amount not to exceed good manufacturing practices.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348 (c)(1))

Dated: November 18, 1965.

GEO P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-13729; Filed, Dec. 23, 1965; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

CONDENSED, EXTRACTED GLUTAMIC ACID FERMENTATION PRODUCT

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 5C1721) filed by the Bioferm Division, International Minerals and Chemical Corp., Post Office Bin B, Wasco, Calif., 93280, and other relevant material, has concluded that the food additive regulations should be amended to prescribe conditions under which condensed, extracted glutamic acid fermentation product may be safely used in cattle feeds. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.206 is amended by changing the introduction to the section and paragraphs (b) and (c)(2) to read as follows:

§ 121.206 Condensed, extracted glutamic acid fermentation product.

Condensed, extracted glutamic acid fermentation product may be safely used in animal feed under the following conditions:

• • • • • •

(b) It is used or intended for use as follows:

(1) In poultry feed as a source of protein in an amount not to exceed 5 percent of the total ration.

(2) In cattle feed as a source of protein in an amount not to exceed 10 percent of the feed.

(c) • • •

(2) A statement of the concentration of the additive contained in any mixture.

• • • • • •

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objection shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348 (c)(1))

Dated: November 26, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-13730; Filed, Dec. 23, 1965; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

CHEMICALS USED IN WASHING FRUITS AND VEGETABLES

The Commissioner of Food and Drugs, having evaluated data submitted in a petition (FAP 4A1485) filed by Union Carbide Corp., Post Office Box 65, Tarrytown, N.Y., 10592, and other relevant material, has concluded that the food additive regulations should be amended to prescribe the safe use of sodium 2-ethylhexyl sulfate in the washing or lye peeling of fruits and vegetables. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.1091(a)(2) is amended by inserting alphabetically in the list of substances a new item, as follows:

§ 121.1091 Chemicals used in washing fruits and vegetables.

• • • • • •

(a) • • •

(2) • • •

Substances	Limitations
• • •	• • •
Sodium 2-ethylhexyl sulfate.	Not to exceed 0.2 percent in wash water. May be used in the washing or to assist in the lye peeling of fruits and vegetables.
• • •	• • •

• • • • • •

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348 (c)(1))

Dated: December 1, 1965.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 65-13731; Filed, Dec. 23, 1965; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ANTIOXIDANTS AND/OR STABILIZERS FOR POLYMERS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5B1642) filed by Enjay Laboratories, Post Office Box 45, Linden, N.J., 07036, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of zinc dibutyldithiocarbamate as a stabilizer in isobutylene-isoprene copolymers intended for use in contact with food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.2566(b) is amended by inserting alphabetically in the list of substances the following new item:

§ 121.2566 Antioxidants and/or stabilizers for polymers.

• • • • • •

(b) List of substances	Limitations
• • •	• • •
Zinc dibutyldithiocarbamate	For use only at levels not to exceed 0.2 percent by weight of isobutylene-isoprene copolymers complying with § 121.2590, provided that the finished copolymers contact food only of the types identified in § 121.2526(c), table 1, under types V, VII, VIII, and IX.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348 (c)(1))

Dated: December 1, 1965.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 65-13732; Filed, Dec. 23, 1965; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

METHACRYLIC ACID-DIVINYLBENZENE COPOLYMER

The Commissioner of Food and Drugs has evaluated data in a petition (FAP 5A1620) filed by Rohm and Haas Co., Washington Square, Philadelphia, Pa., 19106, and other relevant material, and has concluded that an amendment to the food additive regulations should issue to prescribe maximum extractive limitations of the resin and a change in permitted composition. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.1136 is amended by changing paragraphs (a) and (b) to read as follows:

§ 121.1136 Methacrylic acid-divinylbenzene copolymer.

• • • • • •

(a) The additive is produced by the polymerization of methacrylic acid and divinylbenzene. The divinylbenezene functions as a cross-linking agent and constitutes a minimum of 4 percent of the polymer.

(b) Aqueous extractives from the additive do not exceed 2 percent (dry basis) after 24 hours at 25° C.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348 (c)(1))

Dated: December 3, 1965.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 65-13733; Filed, Dec. 23, 1965; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

COATINGS ON FRESH CITRUS FRUIT

The Commissioner of Food and Drugs has evaluated data in a petition (FAP 4A1322) filed by Foodplast Products, Inc., 220 East 23rd Street, New York, N.Y., 10010, and other relevant material, and has concluded that the food additive regulations should be amended to prescribe additional conditions of safe use of coatings on fresh citrus fruit. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348 (c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.1179(b) is amended by adding a new subparagraph (3), as follows:

§ 121.1179 Coatings on fresh citrus fruit.

• • • • • •

(b) • • •

(3) In lieu of the components listed in subparagraph (2) of this paragraph, the following copolymer and one or more of the listed adjuvants:

Component	Limitations
Vinyl chloride-vinylidene chloride copolymer.	As an aqueous dispersion containing a minimum of 75 percent water when applied.
Polyethylene glycol 6000	As adjuvants.
Polyvinylpyrrolidone	Do.
Potassium persulfate	Do.
Propylene glycol alginate	Do.
Sodium decylbenzenesulfonate	Do.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348 (c)(1))

Dated: December 3, 1965.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 65-13734; Filed, Dec. 23, 1965; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ADHESIVES

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5B1709) filed by Johns-Manville Sales Corp., 22 East 40th Street, New York, N.Y., 10016, and other relevant material, has concluded that the food

additive regulations should be amended to provide for the use of additional substances in the formulation of food-packaging adhesives. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.2520(c)(5) is amended by inserting alphabetically in the list "Components of Adhesives" two new items, as follows:

§ 121.2520 Adhesives.

* * *

(c) * * *

(5) * * *

Components of Adhesives	Substances and limitations
* * *	* * *
Hydroxyethyldiethylenetriamine.	
* * *	* * *
4,4'-Isopropylidenediphenol.	
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: December 3, 1965.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 65-13735; Filed, Dec. 23, 1965; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

COMPONENTS OF PAPER AND PAPERBOARD IN CONTACT WITH AQUEOUS AND FATTY FOODS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5B1614) filed by Donald Simpson, 1000 Connecticut Avenue, Washington, D.C., 20036, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of additional substances in food-contact coatings for paper and paperboard intended for use in contact with food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.2526(b)(2) is amended by inserting alphabetically in the list of substances the following new item:

§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * * * *

(b) * * *

(2) * * *

List of substances	Limitations
* * *	* * *
Sodium *n*-dodecylpolyethoxy (50 moles) sulfate-sodium isododecylphenoxypolyethoxy (40 moles) sulfate mixtures.	For use only as an emulsifier in coatings that contact food only of the types identified in paragraph (c) of this section, table 1, under types IV–A, V, VII, VIII, and IX; and limited to use at levels not to exceed 0.75 percent by weight of the coating solids.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: December 3, 1965.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 65-13736; Filed, Dec. 23, 1965; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contract With Containers or Equipment and Food Additives Otherwise Affecting Food

ADHESIVES

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 6B1846) filed by American Cyanamid Co., Wayne, N.J., 07470, and other relevant material, has concluded that § 121.2520 of the food additive regulations should be amended to provide for the use of three additional monomers, as indicated below, in polymers used in food-packaging adhesives and also to provide for the use of 1,4-cyclohexanedimethanol as a monomer in polyester resins used in food-packaging adhesives.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.2520(c)(5) is amended by changing in the list of components the item "Polyester resins as described under * * *" to read as indicated and by adding alphabetically three new monomers under the item "Polymers: Homopolymers and * * *." The affected portions read as follows:

§ 121.2520 Adhesives.

* * * * * * *

(c) * * *

(5) * * *

Components of Adhesives	Substances and limitations
* * *	* * *
Polyester resins (including alkyd type), as the basic polymer, formed as esters when one or more of the following acids are made to react with one or more of the following alcohols:	
Acids:	
Polybasic and monobasic acids identified in § 121.2514(b)(3)(vii) (*a*) and (*b*).	
Tetrahydrophthalic acid.	
Alcohols:	
1,4-Cyclohexanedimethanol.	
2,2-Dimethyl-1,3-propanediol.	
Polyhydric and monohydric alcohols identified in § 121.2514(b)(3)(vii) (c) and (*d*).	
* * *	* * *
Polymers: Homopolymers and copolymers of the following monomers:	
* * *	* * *
2-Hydroxyethyl acrylate.	
2-Hydroxyethyl methacrylate.	
2-Hydroxypropyl methacrylate.	

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by

the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: December 9, 1965.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 65-13737; Filed, Dec. 23, 1965; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

CLOSURES WITH SEALING GASKETS FOR FOOD CONTAINERS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 6B1817) filed by Celanese Corp. of America, 522 Fifth Avenue, New York, N.Y., 10036, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of 1,3-butanediol as an optional component of closure-sealing gaskets for food containers. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education and Welfare (21 CFR 2.90), § 121.2550(b)(5) is amended by inserting alphabetically in the list of substances in Table 1 a new item, as follows:

§ 121.2550 Closures with sealing gaskets for food containers.

* * * * * * *

(b) * * *

(5) * * *

TABLE 1

List of substances	Limitations (expressed as percent by weight of closure-sealing gasket composition)
* * *	* * *
1,3-Butanediol	
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: December 16, 1965.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 65-13782; Filed, Dec. 23, 1965; 8:48 a.m.]

SUBCHAPTER C—DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Sodium Ampicillin; Change in Packaging

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.90), the antibiotic drug regulations are amended to provide for sodium ampicillin to be packaged in combination with a container of a suitable diluent. Accordingly, § 146a.119(b) is amended to read as follows:

§ 146a.119 Sodium ampicillin.

* * * * * * *

(b) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U.S.P., and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. If it is packaged for dispensing, it shall be in immediate containers of colorless transparent glass, and each such container shall contain either 250 milligrams or 500 milligrams of ampicillin. If it is packaged for dispensing, it may be packaged in combination with a container of sterile water for injection U.S.P.

* * * * * * *

This amendment provides for a change in packaging for an antibiotic drug already being marketed and is consistent with the requirements that the drug be safe and efficacious for use. Notice and public procedure and delayed effective date are unnecessary prerequisites to this promulgation, and I so find, since the amendment is noncontroversial in nature and is in the public interest.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: December 14, 1965.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 65-13783; Filed, Dec. 23, 1965; 8:48 a.m.]

PART 148d—CYCLOSERINE

Cycloserine, Cycloserine Capsules, Cycloserine Capsules With Isoniazid; Miscellaneous Amendments

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.90), Part 148d is amended in the following respects:

1. Section 148d.1 *Cycloserine* is amended:

a. By changing (b)(1)(i)(*a*) to read as follows:

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Colorimetric assay*—(*a*) *Stock standard solution.* Dry approximately 100 milligrams of the working standard for 3 hours at 60° C. and a pressure of 5 millimeters or less. Determine the dry weight and dissolve the dried working standard in sufficient distilled water to give a solution containing 1,000 micrograms per milliliter. This solution may be used for 1 month if kept under refrigeration.

b. By changing in the last sentence of paragraph (b)(1)(ii)(*c*) the words "2 days" to read "1 month".

2. Section 148d.2 *Cycloserine capsules* is amended:

a. By changing in paragraph (a)(3)(i)(*a*) the words "toxicity, pH," to read "toxicity, moisture, pH,".

b. By changing paragraph (b)(1)(i)(*a*)(*5*) to read as follows:

(*5*) Cycloserine standard solution—Dilute an appropriate sized aliquot of the stock standard solution, prepared as directed in § 148d.1(b)(1)(i)(*a*), in 0.1*N* sodium hydroxide to obtain a working standard solution containing 100 micrograms of cycloserine per milliliter.

3. Section 148d.3 *Cycloserine capsules with isoniazid* is amended:

a. By changing in paragraph (a)(3)(i)(*a*) the words "toxicity, pH," to read "toxicity, moisture, pH,".

b. By changing paragraph (b)(1)(i)(*b*) to read as follows:

(*b*) *Preparation of cycloserine standard.* Transfer a 10.0-milliliter aliquot of the stock standard solution, prepared as directed in § 148d.1(b)(1)(i)(*a*), to a 1,000-milliliter volumetric flask. Dilute to volume with 0.1*N* hydrochloric acid and mix well.

This order makes minor, technical changes in Part 148d of the antibiotic

drug regulations, and these changes are consistent with the requirements of section 507 of the Federal Food, Drug, and Cosmetic Act that the subject drugs be safe and efficacious. Since these amendments are noncontroversial in nature and are in the public interest, I find that notice and public procedure and delayed effective date are unnecessary prerequisites to this promulgation.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: December 16, 1965.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 65-13784; Filed, Dec. 23, 1965; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 7086; Amdt. 39-173]

PART 39—AIRWORTHINESS DIRECTIVES

Pilatus Model PC-6 Series Airplanes

There have been instances of restriction of fuel flow as a result of malfunction of the firewall fuel shutoff valve on Pilatus Model PC-6 Series airplanes. Since this condition is likely to exist or develop in other products of the same type design, an airworthiness directive is being issued to require replacement of the existing fuel valve with a new fuel valve.

As a situation exists which demands immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PILATUS. Applies to Model PC-6 Series airplanes, serial numbers 515, 522, and 524 through 580.

Compliance required as indicated, unless already accomplished.

To prevent further instances of fuel flow restriction, accomplish the following:

(a) Within the next 10 hours' time in service after the effective date of this AD, inspect fuel shutoff valve P/N 321-ITX 6D for correct installation of the valve plug in accordance with Pilatus Service Bulletin No. 36, dated September 1965, or later Swiss Federal Air Office-approved revision. If the valve plug protrudes more than 2 mm. (0.078 inch), before further flight, replace the valve with a new valve P/N 6238.124.

(b) Within the next 60 hours' time in service after the effective date of this AD, replace fuel shutoff valve P/N 321-ITX 6D with a new valve P/N 6238.124, in accordance with Pilatus Service Bulletin No. 36, dated September 1965, or later Swiss Federal Air Office-approved revision.

This amendment becomes effective December 28, 1965.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423))

Issued in Washington, D.C., on December 20, 1965.

C. W. WALKER,
Director, Flight Standards Service.

[F.R. Doc. 65-13786; Filed, Dec. 23, 1965; 8:48 a.m.]

[Airspace Docket No. 65-CE-115]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone, Designation of Transition Area and Revocation of Control Area Extension

On September 29, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 12415) stating that the Federal Aviation Agency proposed to alter controlled airspace in the vicinity of Bismarck, N. Dak.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The one comment received was favorable.

Subsequent to the publication of the notice, the Federal Aviation Agency again reviewed the terminal airspace requirements in the Bismarck terminal area, and has determined that the proposed 1,200-foot floor transition area could be reduced by eliminating the extension 4 miles west of the VOR without impairing safety. Since this change reduces the amount of proposed airspace, it imposes no additional burden on any person, and further notice and public procedure thereon are unnecessary. This change will become effective upon the publication of the Final Rule.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., March 3, 1966, as hereinafter set forth.

(1) In § 71.165 (29 F.R. 17557) the Bismarck, N. Dak., control area extension is revoked in its entirety.

(2) In § 71.171 (29 F.R. 17581) the Bismarck, N. Dak., control zone is amended to read:

BISMARCK, N. DAK.

Within a 5-mile radius of Bismarck Municipal Airport (latitude 46°46'33" N., longitude 100°45'14" W.), and within 2 miles each side of the Bismarck ILS localizer SE course, extending from the 5-mile radius zone to the OM.

(3) In § 71.181 (29 F.R. 17643) the following transition area is added:

BISMARCK, N. DAK.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Bismarck Municipal Airport (latitude 46°46'33" N., longitude 100°45'14" W.), within 8 miles NE and 5 miles SW of the Bismarck ILS localizer SE course extending from the OM to 12 miles SE of the OM, within 8 miles N and 5 miles S of the Bismarck 105° radial extending from the VOR to 12 miles E of the VOR, and within 5 miles N and 8 miles S of the 084° bearing from the Bismarck RBN extending from the RBN to 12 miles E of the RBN; and that airspace extending upward from 1200 feet above the surface within 8 miles N and 5 miles S of the 105° radial of the Bismarck VOR extending from the VOR to 14 miles E of the VOR, within 8 miles NE and 5 miles SW of the 129° radial of the Bismarck VOR extending from the VOR to 20 miles SE of the VOR, within 8 miles N and 5 miles S of the 084° and 264° bearings from the Bismarck RBN extending from 1 mile W to 14 miles E of the RBN, and within 8 miles NE and 5 miles SW of the Bismarck ILS localizer SE course extending from 3 miles NW to 14 miles SE of the Bismarck OM.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Kansas City, Mo., on December 10, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65-13750; Filed, Dec. 23, 1965; 8:46 a.m.]

[Airspace Docket No. 65-EA-67]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 13582 of the FEDERAL REGISTER for October 26, 1965, the Federal Aviation Agency published proposed regulations which would designate a 700-foot floor transition area over Hopewell Airport, Hopewell, Va.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., March 3, 1966.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N.Y., on December 9, 1965.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Willoughby, Ohio, transition area and insert in lieu thereof:

WILLOUGHBY, OHIO

"That airspace extending upward from 700 feet above the surface within the area bounded by a line beginning at: 41°45'00" N., 81°32'00" W. to 41°48'00" N., 81°10'00" W. to 41°42'00" N., 81°05'00" W. to 41°39'00" N., 81°08'00" W. to 41°39'00" N., 81°15'00" W. to 41°29'00" N., 81°27'00" W. to 41°29'00" N., 81°31'00" W. to 41°33'00" N., 81°36'00" W. to point of beginning."

[F.R. Doc. 65-13741; Filed, Dec. 23, 1965; 8:45 a.m.]

[Airspace Docket No. 65-EA-76]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On pages 13325 and 13326 of the FEDERAL REGISTER for October 20, 1965, the Federal Aviation Agency published proposed regulations which would alter the Willoughby, Ohio, transition area so as to designate a 700-foot floor transition area over Casement Airport, Painesville, Ohio.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., March 3, 1966.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N.Y., on December 9, 1965.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor Hopewell, Va., transition area described as follows:

HOPEWELL, VA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 37°18'20" N., 77°13'10" W. of Hopewell Airport, Hopewell, Va.; and within 2 miles each side of the Hopewell VOR 253° and 073° radials extending from the 5-mile radius area to 8 miles NE of the VOR, excluding the portion that coincides with the Richmond, Va., transition area. This transition area is effective from sunrise to sunset, daily.

[F.R. Doc. 65-13742; Filed, Dec. 23, 1965; 8:45 a.m.]

[Airspace Docket No. 65-EA-78]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 13545 of the FEDERAL REGISTER for October 23, 1965, the Federal Aviation Agency published proposed regulations which would designate a 700-foot floor transition area over Gordonsville Municipal Airport, Gordonsville, Va.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposal have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., March 3, 1966.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N.Y., on December 9, 1965.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor Gordonsville, Va., transition area described as follows:

GORDONSVILLE, VA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 38°09'20" N., 78°10'15" W., of Gordonsville Municipal Airport, Gordonsville, Va.; within 2 miles each side of the Gordonsville VOR 356° radial extending from the 5-mile radius area to the VOR.

[F.R. Doc. 65-13743; Filed, Dec. 23, 1965; 8:45 a.m.]

[Airspace Docket No. 65-EA-98]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The Federal Aviation Agency proposes to amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Buffalo, N.Y., control zone and transition area.

The purpose of the regulation is to make a minor change in the description of the control zone and transition area by substituting the Runway 5 outer marker for the Cheektowaga, N.Y., fan marker, the former of which is located approximately 2 miles southwest of the fan marker. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective immediately.

In view of the foregoing, the proposed regulation is adopted effective upon publication in the FEDERAL REGISTER as follows:

1. Amend § 71.171 so as to delete in the description of the Buffalo, N.Y., control zone the terms, "Cheektowaga, New York FM" and substitute in lieu thereof the terms, "Runway 5 OM".

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Buffalo, N.Y., transition area the terms, "Cheektowaga, New York FM", and substitute in lieu thereof, "Runway 5 OM".

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N.Y., on December 9, 1965.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

[F.R. Doc. 65-13744; Filed, Dec. 23, 1965; 8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 7081; Amdt. 95-136]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of the Federal Aviation Regulations is amended, effective February 3, 1966, as follows:

1. By amending Subpart C as follows:

Section 95.1001 *Direct route—United States* is amended to delete:

From, to, and MEA

Panama City, Fla., VOR; Marianna, Fla., VOR; 2,000.
Panama City, Fla., VOR; Tallahassee, Fla., LF/RBN; *2,000. *1,900—MOCA.
Holly Springs, Miss., VOR; Independence INT, Miss.; *1,900. *1,700—MOCA.

Section 95.1001 *Direct routes—United States* is amended by adding:

Salinas, Calif., VOR; Holy City INT, Calif.; 6,000.
Los Banos, Calif., VOR; *Holy City INT, Calif.; **10,000. *10,000—MCA Holy City INT, eastbound. **6,000—MOCA.
San Jose, Calif., VOR; Holy City INT, Calif.; 6,000.
Woodside, Calif., VOR; Holy City INT, Calif.; 6,000.
Grand Junction, Colo., VOR; *Palisade INT, Colo.; westbound, **10,000; eastbound, **13,000. *12,700—MRA. **9,600—MOCA.
Palisade INT, Colo.; Crystal INT, Colo.; westbound, *13,000; eastbound, *14,000. *12,600—MOCA.
Grand Junction, Colo., VORTAC; Alma DME Fix, Colo.; *22,000. *16,400—MOCA. COP 96 GJT MAA—39,000.
Alma DME Fix, Colo.; Windy DME Fix, Colo. *17,000. *15,000—MOCA. MAA—39,000.
Windy DME Fix, Colo.; Kiowa, Colo., VORTAC; *14,000. *12,400—MOCA. MAA—39,000.
Barksdale, La., VOR; Int, 055° M rad, Barksdale VOR and 095° M rad, Shreveport VOR; *2,000. *1,800—MOCA.
Barksdale, La., VOR; Int, 240° M rad, Barksdale VOR and 184° M rad, Shreveport VOR; *2,000. *1,400—MOCA.
Int, 066° M rad, DTN VOR and 148° M rad, SHV VOR; Shreveport, La., VOR; *2,000. *1,700—MOCA.
Barksdale, La., VOR; Homer INT, La. (Via BAD VOR 034° M); *2,000. *1,800—MOCA.
Downtown, La., VOR; Int, 066° M rad, Downtown VOR and 095° M rad, Shreveport VOR; *2,000. *1,800—MOCA.
Int, 066° M rad, Downtown VOR and 211° M rad, El Dorado VOR; Homer INT, La.; *2,000. *1,800—MOCA.
Int, 264° M rad, Barksdale VOR and 159° M rad, Shreveport VOR; Marthaville INT, La.; *4,500. *1,600—MOCA.
Bessemer INT, Ala.; Brookwood, Ala., VOR; *2,200. *2,000—MOCA.

Section 95.1001 *Direct route—United States* is amended to read in part:

Oceanside, Calif., VOR; U.S.-Mexican border via OCN 122° rad; *6,000. *5,900—MOCA.
San Diego, Calif., VOR; U.S.-Mexican border via SAN 125° rad; 2,400.

From, to, and MEA

Bethel INT, Tenn.; Huntsville, Ala., VOR; *3,000. *2,600—MOCA.
Greater Southwest, Tex., VOR; Joshua INT, Tex.; 2,500.
Benbrook, Tex., VOR; Int, 255° M rad, Britton VOR and 170° M rad, Benbrook VOR; 2,500.
Stadium INT, Tex.; Joshua INT, Tex.; 2,500.

Bahama Routes

53V:

Biscayne Bay, Fla., VOR; *Reef INT, Fla.; **2,000. *4,000—MRA. **1,200—MOCA.
Reef INT, Fla.; Int, BSY 094° and ZBV 111°; *4,000. *1,200—MOCA.

56V:

Nassau, Bahamas; VOR; *Berry INT, Bahamas; **2,000. *4,000—MRA. **1,200—MOCA.
Berry INT, Bahamas; *Major INT, Bahamas; **3,000. *3,000—MRA. **1,100—MOCA.

64V:

Pike INT, Bahamas; Akron INT, Bahamas; *4,500. *1,100—MOCA.
Akron INT, Bahamas; Freeport, Bahamas, VOR; *2,000. *1,200—MOCA.

65V:

Nassau, Bahamas, VOR; *Berry INT, Bahamas; **2,000. *4,000—MRA. **1,200—MOCA.
Berry INT, Bahamas; *Major INT, Bahamas; **3,000. *3,000—MRA. **1,100—MOCA.
Freeport, Bahamas, VOR; *Mullet INT, Bahamas; **2,000. *6,500—MRA. **1,100—MOCA.

Section 95.6001 *VOR Federal airway 1* is amended to read in part:

Barnegat, N.J., VOR; Int, 053° M rad, Barnegat VOR and 088° M rad, Coyle VOR; *3,000. *1,600—MOCA.
Int, 053° M rad, Barnegat VOR and 088° M rad, Coyle VOR; Riverhead, N.Y., VOR; 3,000.

Section 95.6003 *VOR Federal airway 3* is amended to read in part:

Augusta, Maine, VOR; Bangor, Maine, VOR; *3,000. *2,700—MOCA.

Section 95.6004 *VOR Federal airway 4* is amended to read in part:

Salina, Kans., VOR; *Chapman INT, Kans.; **3,000. *12,000—MAA. **2,800—MOCA.
Chapman INT, Kans.; Fort Riley INT, Kans.; *3,000. *2,800—MOCA.
Fort Riley INT, Kans.; *Alma INT, Kans.; **3,000. *12,000—MAA. **2,700—MOCA.
Alma INT, Kans.; Maple Hill INT, Kans.; *3,000. *2,700—MOCA.
Int, 251° M rad, Nabb VOR and 283° M rad, Louisville VOR via N alter.; Corydon INT, Ind., via N alter.; 2,500.
Louisville, Ky., VOR via N alter.; Bridgeport INT, Ky., via N alter.; 2,700.
Louisville, Ky., VOR via S alter.; McAfee INT, Ky., via S alter.; 2,500.

Section 95.6005 *VOR Federal airway 5* is amended to read in part:

Cincinnati, Ohio, VOR; Mount Holly INT, Ohio; 2,700.
Mount Holly INT, Ohio; Appleton, Ohio, VOR; 3,000.
New Hope, Ky., VOR; Louisville, Ky., VOR; 2,500.

Section 95.6008 *VOR Federal airway 8* is amended to read in part:

Findlay, Ohio, VOR; *Upper Sandusky INT, Ohio; **2,500. *2,500—MRA. **2,200—MOCA.

Section 95.6012 *VOR Federal airway 12* is amended to read in part:

From, to, and MEA

*Plain City INT, Ohio; **Dublin INT, Ohio; 3,000. *4,000—MRA. **3,500—MRA.
Dublin INT, Ohio; Appleton, Ohio, VOR; 3,000.
Appleton, Ohio, VOR; Roscoe INT, Ohio; 3,000.

Section 95.6013 *VOR Federal airway 13* is amended to read in part:

Gulf Coast INT, Tex., via W alter.; New Waverly INT, Tex., via W alter.; *3,300. *1,600—MOCA.
Page, Okla., VOR via W alter.; *Spiro INT, Okla., via W alter.; **4,400. *3,500—MCA Spiro INT, southbound. **3,700—MOCA.
Spiro INT, Okla., via W alter.; Int, 359° M rad, Page VOR and 312° M rad, Fort Smith VOR via W alter.; *3,000. *2,000—MOCA.
Int, 359° M rad, Page VOR and 312° M rad, Fort Smith VOR via W alter.; Fayetteville, Ark., VOR via W alter.; *3,700. *3,000—MOCA.

Section 95.6020 *VOR Federal airway 20* is amended to delete:

Flat Rock, Va., VOR via N alter.; Richmond, Va., VOR via N alter.; 2,000.

Section 95.6020 *VOR Federal airway 20* is amended to read in part:

Lake Charles, La., VOR via N alter.; Hathaway INT, La., via N alter.; *1,500. *1,100—MOCA.

Section 95.6021 *VOR Federal airway 21* is amended to read in part:

Choteau INT, Mont., via W alter.; Cut Bank, Mont., VOR via W alter.; *7,000. *6,300—MOCA.
Ogden, Utah, VOR; *Corinne INT, Utah; northbound, 11,000; southbound, 7,600. #*13,000—MRA. #Not applicable using Corinne RBN to determine intersection.

Section 95.6030 *VOR Federal airway 30* is amended to read in part:

Litchfield, Mich., VOR; Hudson INT, Mich.; *3,000. *2,400—MOCA.

Section 95.6038 *VOR Federal airway 38* is amended to read in part:

*Meeker INT, Ohio; Appleton, Ohio, VOR; 3,000. *2,700—MRA.
Appleton, Ohio, VOR; Zanesville, Ohio, VOR; 3,000.

Section 95.6039 *VOR Federal airway 39* is amended to read in part:

Poughkeepsie, N.Y., VOR; Colebrook INT, N.Y.; *4,000. *3,500—MOCA.
Colebrook INT, N.Y.; Russell INT, Mass.; *3,500. *3,000—MOCA.
Russell INT, Mass.; Westfield, Mass., VOR; *3,500. *2,700—MOCA.
Westfield, Mass., VOR; Gardner, Mass., VOR; *3,500. *3,000—MOCA.

Section 95.6043 *VOR Federal airway 43* is amended to read in part:

Appleton, Ohio, VOR; Tiverton, Ohio, VOR; 3,000.

Section 95.6047 *VOR Federal airway 47* is amended to read in part:

Nabb, Ind., VOR; Moorefield INT, Ind.; 2,400.
Camden INT, Ohio, via W alter.; Englewood INT, Ohio, via W alter.; 2,700. MAA—6,000.

Section 95.6049 *VOR Federal airway 49* is amended to read in part:

From, to, and MEA

Mystic, Ky., VOR; Nabb, Ky., VOR; 3,000.

Section 95.6050 *VOR Federal airway 50* is amended to read in part:

Arba INT, Ind.; Dayton, Ohio, VOR; 2,800.

Section 95.6051 *VOR Federal airway 51* is amended to read in part:

New Hope, Ky., VOR via W alter.; Louisville, Ky., VOR via W alter.; 2,500.
Louisville, Ky., VOR; Nabb, Ind., VOR; 2,300.

Section 95.6053 *VOR Federal airway 53* is amended to read in part:

Henryville INT, Ind.; Houston INT, Ind.; 3,000.

Section 95.6066 *VOR Federal airway 66* is amended to read in part:

Douglas, Ariz., VOR; Animas INT, N. Mex.; *11,000. *8,600—MOCA.

Section 95.6070 *VOR Federal airway 70* is amended to read in part:

Creole INT, La.; Walker INT, La.; *1,600. *1,500—MOCA.
Walker INT, La.; Albany INT, La.; *1,600. *1,400—MOCA.

Section 95.6071 *VOR Federal airway 71* is amended to read in part:

Baton Rouge, La., VOR; Woodville INT, La.; *3,000. *1,500—MOCA.

Section 95.6093 *VOR Federal airway 93* is amended to read in part:

Augusta, Maine, VOR; Bangor, Maine, VOR; *3,000. *2,700—MOCA.

Section 95.6114 *VOR Federal airway 114* is amended to read in part:

*Montrose INT, La.; Alexandria, La., VOR; **2,000. *6,000—MRA. **1,600—MOCA.
*Montrose INT, La., via N alter.; Alexandria, La., VOR via N alter.; **2,000. *6,000—MRA. **1,600—MOCA.
Alexandria, La., VOR via N alter.; Marks INT, La., via N alter.; *1,700. *1,400—MOCA.
Marks INT, La., via N alter.; Woodville INT, La., via N alter.; *4,000. *1,400—MOCA.
Woodville INT, La., via N alter.; Walker INT, La., via N alter.; *5,000. *1,600—MOCA.

Section 95.6120 *VOR Federal airway 120* is amended to read in part:

Mullan Pass, Idaho, VOR; *Charlo INT, Mont.; **10,000. *13,000—MCA Charlo INT, eastbound. *10,000—MCA Charlo INT, westbound. **9,500—MOCA.

Section 95.6128 *VOR Federal airway 128* is amended to read in part:

Tyler INT, Ohio; York, Ky., VOR; 3,000.

Section 95.6140 *VOR Federal airway 140* is amended to read in part:

Montebello, Va., VOR; *Wolftown INT, Va.; 5,500. *5,500—MCA Wolftown INT, southwestbound.
Wolftown INT, Va.; Casanova, Va., VOR; 4,000.

Section 95.6144 *VOR Federal airway 144* is amended to read in part:

*Meeker INT, Ohio; Appleton, Ohio, VOR; 3,000. *2,700—MRA.
Appleton, Ohio, VOR; Zanesville, Ohio, VOR; 3,000.

Section 95.6146 *VOR Federal airway 146* is amended to read in part:

From, to, and MEA

Poughkeepsie, N.Y., VOR; Torrington INT, Mass.; *3,400. *2,700—MOCA.
Torrington INT, Mass.; Bradley INT, Conn.; *3,000. *2,400—MOCA.
Bradley INT, Conn.; Skylark INT, Conn.; *3,000. *2,100—MOCA.
Foster INT, R.I.; Providence, R.I., VOR; *2,400. *1,900—MOCA.
Providence, R.I., VOR; Coastal INT, Mass.; *2,000. *1,500—MOCA.

Section 95.6148 *VOR Federal airway 148* is amended by adding:

Redwood Falls, Minn., VOR via S alter.; Flying Cloud, Minn., VOR via S alter.; 5,000.
Flying Cloud, Minn., VOR via S alter.; Minneapolis, Minn., VOR via S alter.; 2,500.

Section 95.6156 *VOR Federal airway 156* is amended to delete:

Elkins, W. Va., VOR via N alter.; Kessel, W. Va., VOR via N alter.; 6,000.
Kessel, W. Va., VOR via N alter.; Luray INT, Va., via N alter.; 6,000.
Luray INT, Va., via N alter.; Rochelle INT, Va., via N alter.; 5,500.
Rochelle INT, Va., via N alter.; Gordonsville, Va., VOR via N alter.; northwestbound, 6,000; southeastbound, 4,000.

Section 95.6159 *VOR Federal airway 159* is amended to read in part:

Vero Beach, Fla., VOR via E alter.; Orlando, Fla., VOR via E alter.; *2,000. *1,500—MOCA.

Section 95.6171 *VOR Federal airway 171* is amended to read in part:

Louisville, Ky., VOR; Livonia INT, Ind.; 3,000.

Section 95.6194 *VOR Federal airway 194* is amended to read in part:

Baton Rouge, La., VOR; Clinton INT, La.; 1,600.

Section 95.6198 *VOR Federal airway 198* is amended to read in part:

San Simon, Ariz., VOR; Animas INT, N. Mex.; southeastbound, *11,000; northwestbound, *9,500; *8,000—MOCA.

Section 95.6202 *VOR Federal airway 202* is amended to read in part:

San Simon, Ariz., VOR; *Truth or Consequences, N. Mex., VOR; **13,000. *10,000—MCA Truth or Consequences VOR. **12,000—MOCA, southwestbound.

Section 95.6210 *VOR Federal airway 210* is amended to read in part:

Rosewood, Ohio, VOR; Grindell INT, Ohio; *3,000. *2,400—MOCA.
Grindell INT, Ohio; Tiverton, Ohio, VOR; 3,000.

Section 95.6212 *VOR Federal airway 212* is amended to read in part:

Lufkin, Tex., VOR; Coco INT, La.; *4,000. *1,600—MOCA.
Coco INT, La.; Alexandria, La., VOR; *1,800. *1,400—MOCA.
Alexandria, La., VOR; John INT, La.; *2,000. *1,700—MOCA.
John INT, La.; McComb, Miss., VOR; *3,000. *1,800—MOCA.

Section 95.6214 *VOR Federal airway 214* is amended to read in part:

Richmond, Ind., VOR; *Liberty INT, Ohio; 2,700. *3,000—MCA Liberty INT, northbound.
Columbus, Ohio, ILS loc.; Hanover INT, Ohio; 2,600.
Hanover INT, Ohio; Zanesville, Ohio, VOR; 2,700.

Section 95.6222 *VOR Federal airway 222* is amended to read in part:

*Harper INT, Tex.; Fredericksburg INT, Tex.; **4,000. *5,500—MRA. **3,300—MOCA.
Lake Charles, La., VOR; Hathaway INT, La.; *1,500. *1,100—MOCA.
Hathaway INT, La.; Goony INT, La.; *2,200. *1,500—MOCA.
Goony INT, La.; Woodville INT, La.; *5,000. *1,500—MOCA.
Dalsetta, Tex., VOR via N alter; Silsbee INT, Tex., via N alter; 1,600.

Section 95.6225 *VOR Federal airway 225* is amended to read in part:

La Belle, Fla., VOR; Vero Beach, Fla., VOR; *2,000. *1,200—MOCA.

Section 95.6231 *VOR Federal airway 231* is amended by adding:

*Charlo INT Mont.; Kalispell, Mont., VOR; northbound, 9,800; southbound, 8,000. *11,000—MCA Charlo INT, southbound.

Section 95.6240 *VOR Federal airway 240* is amended to read in part:

New Orleans, La., VOR; Pearl INT, La.; *1,600. *1,400—MOCA.

Section 95.6245 *VOR Federal airway 245* is amended by adding:

Jackson, Miss., VOR; Columbus, Miss., VOR; *2,000. *1,700—MOCA. MAA—8,000.

Section 95.6246 *VOR Federal airway 246* is amended to read in part:

Rosewood, Ohio, VOR; *Meeker INT, Ohio; **3,000. *2,700—MRA. **2,800—MOCA.

Section 95.6264 *VOR Federal airway 264* is amended to read in part:

*Joshua INT, Calif.; Twentynine Palms, Calif., VOR; **9,000. *11,500—MCA Joshua INT, westbound. **8,500—MOCA.

Section 95.6290 *VOR Federal airway 290* is amended to delete:

Charleston, W. Va., VOR; Montgomery INT, W. Va.; 4,000.
Montgomery INT, W. Va.; Rainelle, W. Va., VOR; 5,500.

Section 95.6292 *VOR Federal airway 292* is amended to read in part:

Hartford, Conn., VOR; Putnam, Conn., VOR; *2,600. *2,000—MOCA.
Putnam, Conn., VOR; Framingham INT, Mass.; *2,600. *2,000—MOCA.

Section 95.6308 *VOR Federal airway 308* is amended by adding:

Nottingham, Md., VOR; North Beach INT, Md.; 1,700.
North Beach INT, Md.; Price INT, Md.; 1,800.
Price INT, Md.; Kenton, Del., VOR; 1,500.
Kenton, Del., VOR; Leesburg INT, N.J.; 1,800.
Leesburg INT, N.J.; Avalon INT, N.J.; 2,000.
Avalon INT, N.J.; Haven INT, N.J.; *5,000. *1,500—MOCA.
Haven INT, N.J.; Shark INT, N.J.; *6,000. *1,000—MOCA.
Shark INT, N.J.; Int 124 M rad, Kennedy VOR and 236 M rad, Hampton VOR; *6,000. *1,500—MOCA.
Int, 124 M rad, Kennedy VOR and 236 M rad, Hampton VOR; Beach INT, N.Y.; *5,000. *1,400—MOCA.
Beach INT, N.Y.; Hampton, N.Y., VOR; *5,000. *1,500—MOCA.
Hampton, N.Y., VOR; Montauk INT, N.Y.; 1,900.
Montauk INT, N.Y.; Norwich, Conn., VOR; *2,300. *1,700—MOCA.
Norwich, Conn., VOR; Putnam, Conn., VOR; *2,500. *2,000—MOCA.
Putnam, Conn., VOR; Framingham INT, Mass.; *2,600. *2,000—MOCA.
Framingham INT, Mass.; Natick INT, Mass.; *2,400. *2,300—MOCA.
Natick INT, Mass.; Boston, Mass., VOR; 2,300.

Section 95.6435 *VOR Federal airway 435* is amended to read in part:

Rosewood, Ohio, VOR; *Upper Sandusky INT, Ohio; **3,000. *2,500—MRA. **2,400—MOCA.

Section 95.6438 *VOR Federal airway 438* is amended to read in part:

Liberty INT, Alaska; Gold INT, Alaska; *7,500. *5,500—MOCA.
Gold INT, Alaska; Fairbanks, Alaska, VOR; 2,500. Tex.

Section 95.6440 *VOR Federal airway 440* is amended to read in part:

Blorka Island, Alaska, VOR; *Harbor Point INT, Alaska; **9,500. *16,000—MRA. **5,300—MOCA.

Section 95.6450 *VOR Federal airway 450* is amended to read in part:

Montague INT, Mich.; Larrabee INT, Wis.; *3,800. *1,900—MOCA.

Section 95.6457 *VOR Federal airway 457* is amended to delete:

Hampton, N.Y., VOR; Montauk INT, N.Y.; 1,900.
Montauk INT, N.Y.; Norwich, Conn., VOR; *2,300. *1,700—MOCA.

Section 95.6477 *VOR Federal airway 477* is amended to read in part:

Gulf Coast INT, Tex., via E alter.; New Waverly INT, Tex., via E alter.; *3,300. *1,600—MOCA.

Section 95.6492 *VOR Federal airway 492* is amended to read in part:

La Belle, Fla., VOR via N alter.; Dixie Ranch INT, Fla., via N alter.; *2,000. *1,200—MOCA.

Section 95.6493 *VOR Federal airway 493* is amended to read in part:

York, Ky., VOR; Appleton, Ohio, VOR; 3,000.
Appleton, Ohio, VOR; *Upper Sandusky INT, Ohio; 3,000. *2,500—MRA.

Section 95.6536 *VOR Federal airway 536* is amended by adding:

Mullan Pass, Mont., VOR; Kalispell, Mont., VOR; *10,000. *9,400—MOCA.
Kalispell, Mont., VOR; *Choteau INT, Mont.; **14,000. *9,200—MCA Choteau INT, northwestbound; **11,400—MOCA.
Choteau INT, Mont.; Great Falls, Mont., VOR; 7,000.

Section 95.7002 *Jet Route No. 2* is amended to read in part:

From, to, MEA, and MAA

Fort Stockton, Tex., VORTAC; *Allison INT, Tex.; 20,000; 45,000. *24,000—MRA.
Allison INT, Tex.; San Antonio, Tex., VORTAC; 22,000; 45,000.

Section 95.7015 *Jet Route No. 15* is amended to read in part:

Austin, Tex., VORTAC; *Allison INT, Tex.; 22,000; 45,000. *24,000—MRA.

From, to, MEA, and MAA

Allison INT, Tex.; Wink, Tex., VORTAC; 24,000; 45,000.

Section 95.7020 *Jet Route No. 20* is amended to read in part:

Orlando, Fla., VORTAC; INT, 118° M rad, Orlando VORTAC and 341° M rad, Vero Beach VORTAC; 18,000; 45,000.

Section 95.7022 *Jet Route No. 22* is amended to read in part:

McComb, Miss., VORTAC; Meridian, Miss., VORTAC; 18,000; 45,000.
Meridian, Miss., VORTAC; Birmingham, Ala., VORTAC; 18,000; 45,000.

Section 95.6031 *Jet Route No. 31* is amended to read:

New Orleans, La., VORTAC; Meridian, Miss., VORTAC; 18,000; 45,000.
Meridian, Miss., VORTAC; Birmingham, Ala., VORTAC; 18,000; 45,000.

Section 95.7065 *Jet Route No. 65* is amended to read in part:

Blythe, Calif., VORTAC; Palmdale, Calif., VORTAC; 18,000; 45,000.

Section 95.7086 *Jet Route No. 86* is amended to read in part:

Fort Stockton, Tex., VORTAC; *Allison INT, Tex.; 20,000; 45,000. *24,000—MRA.
Allison INT, Tex.; Austin, Tex., VORTAC; 22,000; 45,000.

Section 95.7530 *Jet Route No. 530* is amended to read in part:

Great Falls, Mont., VOR; United States-Canadian border; 18,000; 45,000.

2. By amending Subpart D as follows:

Airway segment: From; to—Changeover point; Distance; from

Section 95.8003 *VOR Federal airway changeover points:*

V–81 is amended to delete:

Dalhart, Tex., VOR; Tobe, Colo., VOR; 40; Dalhart.

V–148 is amended by adding:

Redwood Falls, Minn., VOR via S alter.; Flying Cloud, Minn., VOR via S alter.; 30; Flying Cloud.

V–202 is amended to delete:

San Simon, Ariz., VOR; Truth or Consequences, N. Mex., VOR ; 52; San Simon.

V–259 is amended to read in part:

Fort Mill, S.C., VOR; Holston Mountain, Tenn., VOR; 53; Fort Mill.

V–536 is amended by adding:

Kalispell, Mont., VOR; Great Falls, Mont., VOR; 83; Great Falls.

(Secs. 307, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510)

Issued in Washington, D.C., on December 20, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65–13745; Filed, Dec. 23, 1965; 8:45 a.m.]

[Docket No. 7084; Amdt; 129–3]

PART 129—OPERATIONS OF FOREIGN AIR CARRIERS

Flight Crewmember Certificates

The purpose of this amendment is to revise § 129.15 to permit foreign air carriers conducting operations within the United States to use crewmembers holding current certificates or licenses validated by the country in which the aircraft is registered.

Under the current regulations, no person may act as a flight crewmember unless he holds a current airman certificate issued by the country in which the aircraft is registered. No provision is made for the validation of airmen certificates by the country of registry.

Section 1.2.1 of Annex I to the Convention on International Civil Aviation (Fifth Edition, November 1962) to which the United States is a party provides for both issuance and validation of airmen certificates by the country of registry. The ICAO rule enables contracting states which are not equipped to issue all types of airmen certificates to validate the appropriate certificates of other contracting states.

Failure of the Federal Aviation Regulations to provide for both issuance and validation of airmen certificates by the country of registry is unintentional. Furthermore, with respect to other ICAO countries, the current situation does not conform to the mandate of section 1102 of the Federal Aviation Act of 1958 which requires the Administrator to act consistently with any obligation assumed by the United States in any convention. Accordingly, an amendment to § 129.15 is necessary.

Since this amendment is minor in nature, notice and public procedure hereon are unnecessary, and good cause exists for making this amendment effective immediately.

In consideration of the foregoing, § 129.15 of Part 129 of the Federal Aviation Regulations (14 CFR § 129.15) is amended to read as follows:

§ 129.15 Flight crewmember certificates.

No person may act as a flight crewmember unless he holds a current certificate or license issued or validated by the country in which that aircraft is registered, showing his ability to perform his duties connected with operating that aircraft.

(Sec. 305, 313(a), 1102, Federal Aviation Act of 1958 (49 U.S.C. 1346, 1354(a), 1502))

Issued in Washington, D.C., on December 20, 1965.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 65–13787; Filed, Dec. 23, 1965; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C–1003]

PART 13—PROHIBITED TRADE PRACTICES

K–V Builders, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15–235 Producer status of dealer or seller: 13.15–235(m) Manufacturer; § 13.70 *Fictitious or misleading guarantees*; § 13.75 *Free goods or services*; § 13.170 *Qualities or properties of product or service*; § 13.235 *Source or origin:* 13.235–50 Maker or seller, etc. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1400 *Dealer as Manufacturer*; Misrepresenting oneself and goods—Goods: § 13.1625 *Free goods or services*; § 13.1647 *Guarantees*; § 13.1715 *Quality*; § 13.1745 *Source or origin:* 13.1745–60 Maker or seller; Misrepresenting oneself and goods—Prices: § 13.1800 *Demonstration reductions.* Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1955 *Free goods.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, K–V Builders, Inc., et al., St. Louis, Mo., Docket C–1003, Oct. 20, 1965]

In the Matter of K–V Builders, Inc., a Corporation, and Seymour Halpern, Harold Halpern, and Melvin Halpern, Individually and as Officers of Said Corporation

Consent order requiring a St. Louis, Mo., residential siding and roofing company to cease making deceptive savings and guarantee claims and other misrepresentations in advertisements, as indicated in the order below.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents K–V Builders, Inc., a corporation, and its officers, and Seymour Halpern, Harold Halpern, and Melvin Halpern, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of residential siding, roofing, or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing directly or by implication, that:

(a) Merchandise or services are sold at a discount or reduced price, unless such price constitutes a reduction from an actual bona fide price at which the merchandise or services have been offered for sale to the public, for a reasonably substantial period of time, in the recent, regular course of respondents' business, or misrepresenting, in any manner, the savings available to purchasers or prospective purchasers of respondents' merchandise or services.

(b) Purchasers will receive bonuses or other compensation, unless respondents provide an opportunity or program whereby customers can qualify for such bonuses or other compensation, and provide such bonuses or compensation, in every instance, to those qualifying therefor.

(c) Purchasers will receive enough bonus money from the use of their homes as models to offset the cost of respondents' merchandise, or misrepresenting in any manner the compensation realized by purchasers under respondents' bonus program.

(d) Aluminum siding sold by respondents is manufactured by Alcoa, Kaiser, or Reynolds Aluminum Co. unless respondents are able to establish the truth of any such representation, or misrepresenting in any way the identity of the manufacturer or source of any of respondents' products.

(e) That the products sold by respondents will never require painting or maintenance, or misrepresenting in any manner the efficacy, durability or efficiency of respondents' products.

(f) Respondents are representatives of advertising companies or that they are manufacturers or representatives of manufacturers.

(g) That any of respondents' products, "job" or installations are guaranteed, unless the nature and extent of the guarantee, the identity of the guarantor, and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

2. Using the word "free" or any other word or words of similar import or meaning in connection with sale, offering for sale or distribution of respondents' products or services, in advertisements or other offers to the public, as descriptive of an article of merchandise, or service:

(a) When all the conditions, obligations, or other prerequisites to the receipt and retention of the "free" article of merchandise or service offered are not clearly and conspicuously set forth at the outset so as to leave no reasonable probability that the terms of the offer might be misunderstood.

(b) When, with respect to any article of merchandise or service required to be purchased in order to obtain the "free" article or service, the offerer either (i) increases the ordinary and usual price of such merchandise or service or (ii) reduces the quality or (iii) reduces the quantity or size thereof.

3. Offering gift merchandise to persons complying with certain conditions unless, in every instance, such merchandise is given to the persons complying with such conditions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 20, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 65–13754; Filed, Dec. 23, 1965; 8:46 a.m.]

[Docket No. C–1004]

PART 13—PROHIBITED TRADE PRACTICES

Diplomat Hair Goods Co., et al.

Subpart—Advertising falsely or misleadingly: § 13.115 *Jobs and employment service;* § 13.170 *Qualities or properties of product or service.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1670 *Jobs and employment;* § 13.1710 *Qualities or properties.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, Diplomat Hair Goods Co. et al., Waukegan, Ill., Docket C–1004, Oct. 20, 1965]

In the Matter of Diplomat Hair Goods Co., a Corporation, and Earl H. Martin and Hope S. Martin, Individually and as Officers of Said Corporation

Consent order requiring a Waukegan, Ill., dealer in hair pieces, wigs, and toupees to cease falsely advertising the quality, construction and appearance of its products, misrepresenting to prospective salesmen the terms of their employment, and disseminating such false advertising matter in the U.S. mails.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

PART I

It is ordered, That respondents Diplomat Hair Goods Co., a corporation, trading under its own name or the name The Diplomat Co., or any other name or names, and its officers, and Earl H. Martin and Hope S. Martin, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in or in connection with the offering for sale, sale or distribution of hair pieces, wigs, or toupees, or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing directly or by implication that:

(a) Employment is being offered when in fact the purpose or effect of such representation is the solicitation of sales of such products.

(b) Employment is being offered without clearly and conspicuously disclosing that a capital investment or a purchase of such a product, or products, is required.

(c) Sales training or any form of training for employees or representatives will be or is supplied to such employees or representatives unless the respondents are able to establish that such training is supplied in every instance.

(d) Persons appearing in photographs used in advertising materials are wearing hair pieces, wigs, or toupees manufactured, offered for sale, and sold by respondents when in fact such persons are not wearing a hair piece, a wig or a toupee manufactured, offered for sale, and sold by respondents.

(e) Photographs or other visual depictions accurately portray or are a faithful reproduction of the appearance of persons wearing hair pieces, wigs or toupees unless respondents are able to establish that such photographs or other visual depictions have not been retouched, altered or changed in any manner and that they accurately represent the appearance of such persons wearing such products.

(f) Hair pieces, wigs or toupees advertised, offered for sale, or sold are undetectable and/or remain securely affixed, undamaged, and unharmed, regardless of the activity engaged in by the wearer.

(g) A fitting, trimming, grooming, customized hair styling, or any other service will be provided to the purchaser of a hair piece, wig, or toupee unless the respondents are able to establish that each purchaser receives such services.

2. Misrepresenting in any manner the construction, quality, or appearance of such hair pieces, wigs, or toupees.

PART II

It is further ordered, That respondents Diplomat Hair Goods Co., a corporation, and its officers, Earl H. Martin and Hope S. Martin, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in or in connection with the offering for sale, sale or distribution of hair pieces, wigs, or toupees do forthwith cease and desist from:

1. Disseminating or causing to be disseminated any advertisement by means of the U.S. mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any representation or misrepresentation prohibited in paragraphs 1 and 2 of Part I of this Order.

2. Disseminating or causing the dissemination of any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of any hair piece, wig, or toupee in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any representation or misrepresentation prohibited in paragraphs 1 and 2 of Part I of this Order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 20, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65-13755; Filed, Dec. 23, 1965; 8:46 a.m.]

[Docket No. C-1005]

PART 13—PROHIBITED TRADE PRACTICES

Jay Norris Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* 13.170-52 Medicinal, therapeutic, healthful, etc. Subpart—Misrepresenting oneself and goods—Goods: § 13.1710 *Qualities or properties;* § 13.1730 *Results.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Jay Norris Co., et al., Lynbrook, N.Y., Docket C-1005, Oct. 21, 1965]

In the Matter of Jay Norris Co., a Corporation, Trading as Norris Nutritions, and Joel N. Jacobs, Mortimer Williams, and Bernard Jacobs, Individually and as Officers of Said Corporation

Consent order requiring Lynbrook, N.Y., distributors to cease representing falsely in advertisements that their "V-tabs" vitamin-mineral preparation was a new medical discovery with sustained release effect, and to cease misrepresenting in any manner the effectiveness of such preparation.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Jay Norris Co., a corporation, trading as Norris Nutritions, or under any other name or names, and its officers, and Joel N. Jacobs, Mortimer Williams, and Bernard Jacobs, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the preparation designated "V-tabs", or any other preparation of substantially similar composition or possessing substantially similar properties, do forthwith cease and desist from, directly or indirectly:

1. Disseminating, or causing the dissemination of, by means of the U.S. mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents directly or by implication:

(a) That such preparation immediately supplies new energy to the human body, or continues to provide new energy for 24 hours; or which misrepresents in any manner the time in which said preparation may produce such an effect or the duration of such an effect.

(b) That such preparation is a new medical or scientific discovery or achievement.

(c) That such preparation, or any ingredient supplied thereby, will be of benefit in the treatment or relief of lack of pep, energy or strength, loss of vitality, or loss of a sense of well-being, unless such advertisement expressly limits the effectiveness of the preparation to those persons whose symptoms are due to a deficiency of Vitamin B-1, Vitamin B-2, Vitamin C, or Niacinamide, if in fact these nutrients are provided by such preparation, and, further, unless the advertisement clearly and conspicuously reveals the facts that in the great majority of persons, or any age or sex or other class or group thereof, who experience lack of pep, energy or strength, loss of vitality, or loss of a sense of well-being, such symptoms are due to conditions other than those which may respond to treatment by use of the preparation and that in such persons the preparation will not be of benefit.

(d) That such preparation will enable a person to appear or feel younger.

2. Disseminating, or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly the purchase of any such preparation in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in, or which fails to comply with any of the affirmative requirements of, paragraph 1 hereof.

It is further ordered, That respondents Jay Norris Co., a corporation, trading as Norris Nutritions, or under any other name or names, and its officers, and Joel N. Jacobs, Mortimer Williams, and Bernard Jacobs, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of any vitamin or vitamin-mineral preparation, do forthwith cease and desist from, directly or indirectly:

1. Disseminating, or causing the dissemination of, by means of the U.S. mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents directly or by implication: That vitamin or vitamin-mineral preparations which release their contents over a prolonged period of time when being digested in the human body are in any way superior, because of this feature, to other preparations of similar content which do not have this feature.

2. Disseminating, or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of any such preparation in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in, or which fails to comply with any of the affirmative requirements of, paragraph 1 hereof.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 21, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65-13756; Filed, Dec. 23, 1965; 8:46 a.m.]

[Docket No. C-1006]

PART 13—PROHIBITED TRADE PRACTICES

Swiss Laboratory, Inc., et al.

Subpart—Misrepresenting oneself and goods—Goods: § 13.1710 *Qualities or properties.* Subpart—Using misleading name—Goods: § 13.2325 *Qualities or properties.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Swiss Laboratory, Inc., et al., Cleveland, Ohio, Docket C-1006, Oct. 25, 1965]

In the Matter of Swiss Laboratory, Inc., a Corporation Doing Business as Federal Lead Co., and Leon W. Diamond and Myron Levy, Individually and as Officers of Said Corporation

Consent order requiring Cleveland, Ohio, distributors of commercial wire solders to jobbers, to cease misrepresenting the nature, quality or composition of any of their solders, by such practice as using the designation "50-50" on labels and price sheets to describe a commercial wire solder which was not a 50-50 solder as known in the trade, as said solder contained less than 50 percent tin and more than 50 percent lead by weight.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Swiss Laboratory Inc., a corporation, doing business as Federal Lead Co. or under any other name or names, and its officers, and Leon W. Diamond and Myron Levy, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of solders, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Using the designation 50-50 to designate, describe or refer to a commercial solder, which does not contain 50 percent tin by weight, *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the tin content of a solder is within the permissible variations in composition allowed in the sampling procedures set forth in the then existing specifications for Solder Metal as published by the American Society for Testing and Materials.

(2) Using the designation 40-60 to designate, describe or refer to a commercial solder which does not contain 40 percent tin by weight, *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the tin content of a solder is within the permissible variations in composition allowed in the sampling procedures set forth in the then existing specifications for Solder Metal as published by the American Society for Testing and Materials.

(3) Misrepresenting by any numerical designation or in any other manner the nature, quality or composition of any of their solders.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 25, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65-13757; Filed, Dec. 23, 1965; 8:46 a.m.]

[Docket No. C-1007]

PART 13—PROHIBITED TRADE PRACTICES

Freeman-Toor Corp.

Subpart—Coercing and intimidating: § 13.358 *Distributors.* Subpart—Maintaining resale prices: § 13.1160 Refusal to sell.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Freeman-Toor Corp., New York, N.Y., Docket C-1007, Oct. 25, 1965]

Consent order requiring a New York City shoe manufacturer and its subsidiaries, to cease from entering into agreements with independent retail stores to fix prices, terms and conditions of sale and delivery of its merchandise and attempting to enforce such resale price agreements, and from coercing and intimidating retail dealers for failure to observe and maintain prescribed resale prices.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Freeman-Toor Corp., a corporation, and its officers, and subsidiaries and said respondent's representatives, agents, employees, successors and assigns, directly or through any corporate or other device, in or in connection with the offering for sale, sale or distribution of shoes and related products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Entering into, continuing, cooperating in, carrying out any planned common course of action, understanding, agreement, combination or conspiracy between or among respondent or subsidiaries of respondent and any other person or persons not parties hereto, to fix, maintain, adhere to, stabilize by any means or methods, any prices, terms or conditions of sale or delivery of respondent's merchandise.

2. Entering into, continuing, establishing, or enforcing, or attempting to enforce, any agreement or understanding with any customer or customers or prospective customer or customers concerning the price at which any of respondent's products are to be resold.

3. Harassing, intimidating or coercing or threatening to refuse or refusing to sell men's shoes to independent retail dealers for failure to observe and maintain the resale prices prescribed by respondent.

It is further ordered, That respondent shall within sixty (60) days after service upon it of this order, inform and advise each of its customers of this order, by serving by mail a copy of said order upon all of said customers.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: October 25, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65-13758; Filed, Dec. 23, 1965; 8:46 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 541—DEFINING AND DELIMITING THE TERMS "ANY EMPLOYEE EMPLOYED IN A BONA FIDE EXECUTIVE, ADMINISTRATIVE, OR PROFESSIONAL CAPACITY, OR IN THE CAPACITY OF OUTSIDE SALESMAN"

Driver Salesmen

Extensive public proceedings have been held in connection with the administration of section 13(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)(1)) concerning the issue of what, if any, changes should be made in the Department's definition and delimitation of the term "outside salesman" (29 CFR 541.5) as it applies to "driver salesmen" and to consider the specific contention that a special rule should be made to provide that "in the milk and ice cream industries the making of outside sales includes solicitation of reorders, and other selling or merchandising activities designed to retain the customer or to increase sales or otherwise effect disposition of goods" (29 F.R. 3206). These proceedings resulted in a tentative decision to make no change in the current rules, but to amplify the interpretation of "driver salesmen" as expressed in 29 CFR 541.505 (30 F.R. 8005, 8754).

Comments have been received both supporting and opposing that decision. All of them have been carefully studied and considered. The major contention running through the objections is to the effect that activities of truck drivers that aid or promote the making of sales by others should be considered the making of sales by the truckdrivers. The problem of whether to treat such promoting or merchandising as selling is not new in the administration of the Fair Labor Standards Act, nor is it limited to those outside employees who drive trucks.

Some activities, although they involve important means of encouraging sales, plainly are too remote from actual selling to characterize one who engages in them as a salesman. The general principle adopted by the Department is firmly established and has been adhered to for many years. That principle, as indicated in paragraph (d) of the proposal, is set forth in 29 CFR 541.504(b)(2). Here it is pointed out that if an employee's "efforts are directed toward stimulating the sales of his company generally rather than the consummation of his own specific sales his activities are not exempt. Incidental promotional activities may be tested by whether they are 'performed incidental to and in conjunction with the employee's own outside sales or solicitations' or whether they are incidental to sales which will be made by someone else." The provisions concerning this matter contained in the tentative decision, which are hereby reaffirmed, result from the finding that there is no reason to vary the application of the general outside salesman standards in applying them to those who drive trucks and are employed in the milk, ice cream, or any other particular industry.

Another contention concerns the proposed provision that an employee must have as his "chief duty" or "primary function" the making of sales or the taking of orders in order to qualify for the exemption. It is pointed out that this may erroneously give the impression of the existence of a test based strictly on time spent. To avoid this possibility, I have decided to and do hereby add the following language to the end of the proposed new paragraph (a) of § 541.505:

> A determination of an employee's chief duty or primary function must be made in terms of the basic character of the job as a whole. All of the duties performed by an employee must be considered. The time devoted to the various duties is an important, but not necessarily controlling, element.

Some fears have been expressed regarding the following provision in paragraph (b) of the proposal:

> there is little question that a routeman who provides the only sales contact between the employer and the customers, who calls on customers and takes orders for products which he delivers from stock in his vehicle or procures and delivers to the customer on a later trip, and who receives compensation commensurate with the volume of products sold, is employed for the purpose of making sales.

Concern is expressed that this implies that where a driver salesman's sales efforts are supplemented the exemption will be defeated. There is no substantial basis for such concern. The

provision merely gives a clear example of one who is exempt followed by a clear example of one who is not exempt. It does not imply that one who fails to conform to all of the indicia of either example necessarily falls in the opposite category. Such "other cases" are expressly referred to as ones in which there may be "more difficulty" in reaching a decision.

It is also argued that many driver salesmen delivering products to chain stores or institutions are delivering goods which are sold on a contract basis, and this should not defeat exemption. It is most reasonable to conclude, however, that where goods are sold under a contractual arrangement with the route driver's employer, and the route driver had nothing to do with the sale, he should not be considered as a salesman for purposes of that arrangement. Further, paragraph (c) of the proposal allows for flexibility in handling specific situations by providing that such employees may be making sales by persuading regular customers to accept delivery of increased amounts of goods or of new products, even though the initial sale or agreement for delivery of the employer's products may have been made by someone else. If the routeman in a special situation actually makes sales in addition to delivering goods sold by someone else, the total fact situation may indicate that he is exempt.

Some of the comments criticize the example in paragraph (f) (4) denying the exemption for a truckdriver delivering goods sold by others to retail stores even where he places the goods and advertising in the retail store in such a way as to facilitate the retail sales. The criticism is that this conflicts with the principle that such work done incidental to the driver's sales may be counted as exempt outside selling work. But there is no such conflict. In this example the driver makes neither the wholesale nor the retail sale, and is not, therefore, a salesman. If he performed such work incidental to his own sales it could be counted in the exempt category, but it is not exempt at all where, as here, it is merely incidental to sales made by others.

Upon careful consideration of all views and arguments presented by interested persons, including some which are not deemed to need additional discussion, I hereby adopt the proposal subject to the addition to paragraph (a) which is discussed above.

As these are merely interpretative rules, delay in their effective date is not required by section 4 of the Administrative Procedure Act, nor would such delay serve a useful purpose. Accordingly, the amendments to the Code of Federal Regulations adopted herein are made effective immediately.

Signed at Washington, D.C., this 20th day of December 1965.

CLARENCE T. LUNDQUIST,
Administrator.

§ 541.505 Driver salesmen.

(a) Where drivers who deliver to an employer's customers the products distributed by the employer also perform functions concerned with the selling of such products, and questions arise as to whether such an employee is employed in the capacity of outside salesman, all the facts bearing on the content of the job as a whole must be scrutinized to determine whether such an employee is really employed for the purpose of making sales rather than for the service and delivery duties which he performs, and, if so, whether he is customarily and regularly engaged in making sales and his performance of nonexempt work is sufficiently limited to come within the tolerance permitted by § 541.5. The employee may qualify as an employee employed in the capacity of outside salesman if, and only if, the facts clearly indicate that he is employed for the purpose of making sales and that he is customarily and regularly engaged in such activity within the meaning of the Act and this part. As in the case of outside salesmen whose jobs do not involve delivery of products to customers, the employee's chief duty or primary function must be the making of sales or the taking of orders if he is to qualify under the definition in § 541.5. He must be a salesman by occupation. If he is, all work that he performs which is actually incidental to and in conjunction with his own sales effort is exempt work. All other work of such an employee is nonexempt work. A determination of an employee's chief duty or primary function must be made in terms of the basic character of the job as a whole. All of the duties performed by an employee must be considered. The time devoted to the various duties is an important, but not necessarily controlling, element.

(b) Employees who may perform a combination of selling or sales promotion activities with product deliveries are employed in a number of industries. Distributors of carbonated beverages, beer, bottled water, food and dairy products of various kinds, cigars and other nonfood products commonly utilize such employees, variously known as routemen, route drivers, route salesmen, dealer salesmen, distributor salesmen, or driver salesmen. Some such employees deliver at retail to customers' homes; others deliver on wholesale routes to such customers as retail stores, restaurants, hospitals, hotels, taverns, and other business establishments. Whether such an employee qualifies as an outside salesman under the regulations depends, as stated in paragraph (a) of this section, on the content of the job as a whole and not on its title or designation or the kind of business in which the employer is engaged. Hearings in 1964 concerning the application of § 541.5 to such employees demonstrated that there is great variation in the nature and extent of sales activity and its significance as an element of the job, as among drivers whose duties are performed with respect to different products or different industries and also among drivers engaged in the same industry in delivering products to different types of customers. In some cases the facts may make it plain that such an employee is employed for the purpose of making sales; in other cases the facts are equally clear that he is employed for another purpose. Thus, there is little question that a routeman who provides the only sales contact between the employer and the customers, who calls on customers and takes orders for products which he delivers from stock in his vehicle or procures and delivers to the customer on a later trip, and who receives compensation commensurate with the volume of products sold, is employed for the purpose of making sales. It is equally clear, on the other hand, that a routeman whose chief duty is to transport products sold by the employer through vending machines and to keep such machines stocked, in good operating condition, and in good locations, is not selling his employer's product or employed for the purpose of making sales but is employed for purposes which, although important to the promotion of sales to customers using the machines, plainly cannot characterize the employee as a salesman by occupation. In other cases there may be more difficulty in determining whether the employee is employed for the purpose of making sales, within the meaning of this part. The facts in such cases must be weighed in the light of the principles stated in paragraph (a) of this section, giving due consideration to the factors discussed in subsequent paragraphs of this section.

(c) One source of difficulty in determining the extent to which a route driver may actually be engaged in "making sales" arises from the fact that such a driver often calls on established customers day after day or week after week, delivering a quantity of his employer's products at each call. Plainly, such a driver is not "making sales" when he delivers orders to customers to whom he did not make the initial sale in amounts which are exactly or approximately prearranged by customer or contractual arrangement or in amounts specified by the customer and not significantly affected by solicitations of the customer by the delivering driver. Making such deliveries, as well as recurring deliveries the amounts of which are determined by the volume of sales by the customer since the previous delivery rather than by any sales effort of the driver, do not qualify the driver as an outside salesman nor are such deliveries and the work incident thereto directly to the making or soliciting of sales by the driver so as to be considered exempt work. On the other hand, route drivers are "making sales" when they actually obtain or solicit, at the stops on their routes, orders for their employer's products from persons who have authority to commit the customer for purchases. A driver who calls on new prospects for customers along his route and attempts to convince them of the desirability of accepting regular delivery of goods is likewise engaged in sales activity and is making sales to those from whom he obtains a commitment. Also, a driver salesman calling on established customers on his route, carrying an assortment of the articles which his employer sells, may be making sales by persuading regular customers to accept delivery of increased amounts of goods or of new products, even though the initial sale or agreement for delivery of the employer's products may have been made by someone else. Work which is performed incidental to and in conjunction with such sales activities will also be considered exempt work, provided such solicitation of the customer is frequent and regular. Incidental activities include loading the truck with the goods to be sold by the driver salesman, driving the truck, delivering the products sold, removing empty containers for return to the employer, and collecting payment for the goods delivered.

(d) Neither delivery of goods sold by others nor sales promotion work as such constitutes "making sales" within the meaning of § 541.5; delivery men and promotion men are not employed "in the capacity of outside salesman" for purposes of section 13(a)(1) of the Act although both delivery work and promotion work are exempt work when performed by a true outside salesman as an incident to his own sales or efforts to sell. The distinction between the making of sales and the promotion of sales is explained in more detail in the discussion and illustrations contained in § 541.504. Under the principles there stated a route driver, just as any other employee, must have as his chief duty and primary function the making of sales in the sense of obtaining and soliciting commitments to buy from the persons upon whom he calls if he is to qualify under the regulations as an employee employed in the capacity of outside salesman. For this reason, a route driver primarily engaged in making deliveries to his employer's customers and performing activities intended to promote sales by the customers, including placing point-of-sale and other advertising materials, price stamping commodities, arranging merchandise on shelves or in coolers or cabinets, rotating stock according to date, and cleaning and otherwise servicing display cases, is not employed in the capacity of an outside salesman by reason of such work. Such work is nonexempt work for purposes of this part unless it is performed as an incident to or in conjunction with sales actually made by the driver to such customers. If the driver who performs such functions actually takes orders or obtains commitments from such customers for the products which he delivers, and the performance of the promotion work is in furtherance of his own sales efforts, his activities for that purpose in the customer's establishment would be exempt work.

(e) As indicated in paragraph (a) of this section, whether a route driver can qualify as an outside salesman depends on the facts which establish the content of his job as a whole. Accordingly, in borderline cases a determination of whether the driver is actually employed for the purpose of, is customarily and regularly engaged in, and has as his chief duty and primary function the making of sales, may involve consideration of such factors as a comparison of his duties with those of other employees engaged as (1) truck drivers and (2) salesmen; possession of a salesman's or solicitor's license when such license is required by law or ordinances; presence or absence of customary or contractual prearrangements concerning amounts of products to be delivered; description of the employee's occupation in union contracts; the employer's specifications as to qualifications for hiring; sales training; attendance at sales conferences; method of payment; proportion of earnings directly attributable to sales effort; and other factors that may have a bearing on the relationship to sales of the employee's work. However, where it is clear that an employee performs nonexempt work in excess of the amount permitted by § 541.5, he would be nonexempt in any event and consideration of such factors as the foregoing would not be pertinent.

(f) The following examples will further illustrate the factual situations in which, under the principles discussed previously in this section, routemen engaged in recurrent deliveries of goods may qualify or may fail to qualify for exemption as outside salesmen.

(1) A retail routeman who regularly calls on established retail customers to deliver goods of generally prearranged amounts and kinds may also exert considerable effort not only to keep such customers satisfied to continue their orders for such goods but also to make such customers aware of other products which he would like to sell to them and to offer to take orders for such products or for increased amounts of the products which he is already delivering to the customer. In addition, he may call at prospective retail customers' homes for the purpose of persuading such persons to order the goods which he sells. A routeman who customarily and regularly calls on customers for these purposes and takes orders from them for products which he delivers to them, in addition to those products for which delivery has been prearranged, who is in practical effect his employer's exclusive sales contact with such customers, and whose earnings are in large part directly attributable to sales made to such customers, will be considered to be employed in the capacity of outside salesman and within the exemption provided by section 13(a)(1) of the Act if he does not perform nonexempt work in excess of the tolerance permitted by § 541.5.

(2) A routeman who calls on retail stores which are among his employer's established customers may also qualify for exemption as an outside salesman notwithstanding the goods he delivers to them are of kinds and in amounts which are generally prearranged. Other facts may show that making sales is his chief duty and primary function and that he is customarily and regularly engaged in performing this function. Thus, such a routeman whose regular calls on established customers involve not only delivery of prearranged items but also active efforts to persuade such customers to continue or increase their orders for such goods and to solicit their orders for other kinds of products which he offers for sale, who also calls on retail stores which are prospective customers, talks to persons who are authorized to order goods for such stores, and solicits orders from them for the goods which he sells, and whose compensation is based primarily on the volume of sales attributable to his efforts, will be considered exempt as an outside salesman if he does not perform nonexempt work in excess of the tolerance permitted by § 541.5.

(3) If a routeman delivers goods to branch business establishments whose personnel have no authority to place orders or make commitments with respect to the kinds and amounts of such goods, and if the kinds and amounts of goods delivered are not determined pursuant to orders placed by the authorized personnel of the customer's enterprise as a result of sales solicitation by the routeman, it is clear that the routeman's calls on such branch establishments are not a part of the making of sales by him or incidental to sales made by him. If such work is his chief duty or primary function or if he spends a greater proportion of the workweek in such work than is allowed for nonexempt work under § 541.5, such a routeman cannot qualify for exemption as an "outside salesman".

(4) A routeman who delivers to supermarkets after the enterprise has been persuaded, by a salesman of the routeman's employer, to accept delivery of goods, and whose functions other than such deliveries are primarily to arrange merchandise, rotate stocks, place point-of-sale and other advertising materials, and engage in other activities which are intended to promote sales by the supermarkets of the goods he has delivered, is not employed primarily for the purpose of selling and is not customarily and regularly engaged in making sales. Rather, he is employed primarily to deliver goods and to perform activities in the supermarkets of a nature usually performed by store employees not employed as salesmen. Such a routeman is not employed in the capacity of outside salesman within the exemption provided by section 13(a)(1).

(5) Some employees are engaged in a combination of activities involving delivery, the selling of services, and the performance of the services. For example, some drivers call on customers for the purpose of selling pesticides and, if a sale is consummated, applying the pesticides on the customer's property. Such employees, like those referred to in § 541.501(e), are not exempt as outside salesmen. They are primarily engaged in delivery or service functions, not in outside selling.

(Sec. 13, 52 Stat. 1067, 29 U.S.C. 213)

[F.R. Doc. 65-13766; Filed, Dec. 23, 1965; 8:47 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter X—Oil Import Administration, Department of the Interior

[OI Reg. 1 (Rev. 4, Amdt. 7)]

OI REG. 1—OIL IMPORT REGULATION

Miscellaneous Amendments

This amendment establishes the calendar year as the allocation period for imports of crude oil and unfinished oils into Districts I–IV and District V. A similar change is made with respect to the allocation period for imports of finished products into Puerto Rico. Except for an interim allocation period, the allocation period for imports of crude oil and unfinished oils into Puerto Rico by established refiners will be a period of 12 months beginning April 1. Pursuant to subparagraph (b) (2), section 3, of Proclamation 3279 as amended by Proclamation 3693, dated December 10, 1965 (30 F.R. 15459), revisions are made in the system of allocating imports of crude oil and unfinished oils to the established refining companies in Puerto Rico, and provision is made for allocations in respect of facilities promising substantial expansion of employment in Puerto Rico. Sections 10 and 11 have been revised in the light of the maximum levels of imports into Districts I–IV and District V for the allocation period beginning January 1, 1966. Stated quantities if imports are reserved for allocation to petrochemical plants in these districts and for the Oil Import Appeals Board. Section 14 as revised reflects the changes made by Proclamation 3693 in paragraph (c), section 2, of Proclamation 3279, relating to the level of imports into Puerto Rico, and the extension of the allocation period for imports of finished products into Puerto Rico.

1. Section 3 of Oil Import Regulation 1 (Revision 4) (28 F.R. 14318) is amended to read as follows:

Sec. 3. Allocation periods.

(a) With respect to Districts I–IV and District V, allocations of imports of crude oil, unfinished oils, and finished products (other than residual fuel oil to be used as fuel) will be made for periods of 12 months beginning January 1. Allocations of imports into District I and into Districts II–IV of residual fuel oil to be used as fuel will be made for periods of 12 months beginning April 1, and allocations of such imports into District V will be made for periods of 12 months beginning January 1.

(b) Allocations of imports of finished products into Puerto Rico will be made for periods of 12 months beginning January 1.

(c) Except for allocations made pursuant to paragraph (c) of section 15, allocations of imports of crude oil and unfinished oils into Puerto Rico will be made for an interim allocation period January 1, 1966, through March 31, 1966. Thereafter, allocations of imports of crude oils and unfinished oils into Puerto Rico (except allocations made pursuant to paragraph (c) of section 15) will be made for periods of 12 months beginning April 1.

2. Paragraph (b) of section 4 of Oil Import Regulation 1 (Revision 4) (28 F.R. 14318) is amended to read as follows:

Sec. 4. Eligibility for allocations.

. . . . . .

(b) To be eligible for an allocation of imports of crude oil and unfinished oils for Puerto Rico, a person must have had refinery capacity in Puerto Rico during the calendar year 1964. Allocations may also be made pursuant to paragraph (c) of section 15.

. . . . . .

3. Section 10 of Oil Import Regulation 1 (Revision 4) (30 F.R. 8475) is amended to read as follows:

Sec. 10. Allocations of crude oil and unfinished oils—Districts I–IV.

(a) For the allocation period January 1, 1966, through December 31, 1966, the quantity of imports of crude oil and unfinished oils available for allocations in Districts I–IV is 722,916 B/D. Of this quantity 30,000 B/D are set aside for allocation to persons having petrochemical plants in these districts in relation to petrochemical plant inputs and approximately 3,000 B/D are reserved from allocation by the Administrator and made available to the Oil Import Appeals Board. The balance of imports shall be allocated by the Administrator among eligible applicants as provided in paragraphs (b) and (c) of this section.

(b) Except as provided in paragraph (c) of this section each eligible applicant shall receive an allocation based on refinery inputs for the year ending September 30, 1965, and computed according to the following schedule:

Average B/D input	Percent of input
0–10,000	18.0
10–30,000	11.4
30–100,000	8.9
100,000 plus	5.26

(c) (1) Except as provided in subparagraph (2) of this paragraph, if an eligible applicant imported crude oil pursuant to an allocation under the Voluntary Oil Import Program and if an allocation computed under paragraph (b) of this section would be less than 54.0 percent of the applicant's last allocation of imports of crude oil under the Voluntary Oil Import Program, the applicant shall, nevertheless, receive an allocation under this section equal to 54.0 percent of his last allocation of imports of crude oil under the Voluntary Oil Import Program.

(2) If an applicant imported crude oil pursuant to an allocation under the Voluntary Oil Import Program which reflected imports of crude oil that would now be exempt from restrictions pursuant to clause (4) of paragraph (a) of section 1 of Proclamation 3279, as amended, and if an allocation computed under paragraph (b) of this section would be less than 42.25 percent of the applicant's last allocation of imports of crude oil under the Voluntary Oil Import Program, the applicant shall, nevertheless, receive an allocation under this section equal to 42.25 percent of his last allocation of imports of crude oil under the Voluntary Oil Import Program.

(d) No allocation made pursuant to paragraphs (b) or (c) of this section shall entitle a person to a license which will allow the importation of unfinished oils in excess of 10 percent of the allocation.

(e) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

4. Section 11 of Oil Import Regulation 1 (Revision 4) (30 F.R. 8475) is amended to read as follows:

Sec. 11. Allocations of crude oil and unfinished oils—District V.

(a) For the allocation period January 1, 1966 through December 31, 1966 the quantity of imports of crude oil and unfinished oils available for allocation in District V is 229,321 B/D. Of this quantity 2,000 B/D are set aside for allocation to persons having petrochemical plants in this district in relation to petrochemical plant inputs and approximately 1,000 B/D are reserved from allocation by the Administrator and made available to the Oil Import Appeals Board. The balance of imports shall be allocated by the Administrator among eligible applicants as provided in paragraphs (b) and (c) of this section.

(b) Except as provided in paragraph (c) of this section, each eligible applicant shall receive an allocation based on refinery inputs for the year ending September 30, 1965, and computed according to the following schedule:

Average E/D input	Percent of input
0–10,000	48.5
10–30,000	22.0
30–100,000	11.9
100,000 plus	7.3

(c) (1) Except as provided in subparagraph (2) of this paragraph, if an eligible applicant imported crude oil pursuant to an allocation under the Voluntary Oil Import Program and if an allocation computed under paragraph (b) of this section would be less than 46.0 percent of the applicant's last allocation of imports of crude oil under the Voluntary Oil Import Program, the applicant shall, nevertheless, receive an allocation under this section equal to 46.0 percent of his last allocation of imports of crude oil under the Voluntary Oil Import Program.

(2) If an applicant imported crude oil pursuant to an allocation under the Voluntary Oil Import Program which reflected imports of crude oil that would now be exempt from restrictions pursuant to clause (4) of paragraph (a) of section 1 of Proclamation 3279, as amended, and if an allocation computed under paragraph (b) of this section would be less than 38.5 percent of the applicant's last allocation of imports of crude oil under the Voluntary Oil Import Program, the applicant shall, nevertheless, receive an allocation under this section equal to 38.5 percent of his last allocation of imports of crude oil under the Voluntary Oil Import Program.

(d) No allocation made pursuant to this section shall entitle a person to a license which will allow the importation of unfinished oils in excess of 10 percent of the allocation.

(e) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

5. Section 14 of Oil Import Regulation 1 (Revision 4) (28 F.R. 14318) is amended to read as follows:

Sec. 14. Determination of maximum level of imports—Puerto Rico.

Pursuant to paragraph (c) of section 2 of Proclamation 3279, as amended, the Secretary will, for each allocation period, establish a maximum level of imports of crude oil and unfinished oils into Puerto Rico. For each allocation period, the average barrels per day of imports of residual fuel oil to be used as fuel and of imports of finished products other than residual fuel oil to be used as fuel into Puerto Rico shall not exceed the average barrels per day of imports of such products, respectively, into Puerto Rico during the last half of the calendar year 1958. The Secretary may adjust such level to meet a demand in Puerto Rico for finished products that would not otherwise be met.

6. Section 15 of Oil Import Regulation 1 (Revision 4) (28 F.R. 14318) is amended to read as follows:

Sec. 15. Allocations of crude oil and unfinished oils—Puerto Rico.

(a) For each allocation period, the Administrator shall recommend to the Secretary an allocation of imports of crude oil and unfinished oils for each applicant having refinery capacity in Puerto Rico during the calendar year 1964 based upon estimates of the requirements of such applicant for the allocation period. Allocations will be made by the Secretary upon consideration of the Administrator's recommendations.

(b) If, during the calendar year 1966, a person who received an allocation under paragraph (a) of this section for the allocation period April 1, 1966, through March 31, 1967, ships to Districts I–IV unfinished oils or finished products (other than residual fuel oil to be used as fuel) or sells unfinished oils or finished products (other than residual fuel oil to be used as fuel) which were shipped to Districts I–IV in excess of the volume of unfinished oils or finished products (other than residual fuel oil to be used as fuel) which he so shipped or which he sold and were so shipped during the calendar year 1965, the person's allocation for the allocation period April 1, 1967, through March 31, 1968, shall be reduced by the amount of the excess. Thereafter, each succeeding allocation made to such a person shall be reduced by the amount by which shipments (as described above in this paragraph) made by or attributable to such person during the calendar year immediately preceding the beginning of the allocation period exceeds shipments made by or attributable to such person during the calendar year 1965.

(c) (1) In instances in which the Secretary determines that accomplishment of the objectives of Proclamation 3279, as amended, will not be impaired, allocations of imports of crude oil and unfinished oils may be granted to persons as feedstocks for facilities which in the Secretary's judgment will promote substantial expansion of employment in Puerto Rico through industrial development.

(2) A person seeking such an allocation should file an application with the Administrator. The application should disclose in detail the nature of the facility which the applicant proposes to construct, the proposed location of the facility, the capacity of such facility, the feedstocks to be charged to the facility, the products to be produced and the anticipated destinations of such products, the capital outlay involved, and the manner in which construction of the facility would promote substantial expansion of employment in Puerto Rico through industrial development.

(3) Each such allocation shall be subject to the following conditions and restrictions:

(i) That the profits from the operation of the facility during a minimum period of 10 years be invested in Puerto Rico in ways which will tend to promote substantial expansion of employment;

(ii) That all operations of the facility be conducted in accordance with sound business principles in order to provide maximum funds for investment in Puerto Rico;

(iii) That the Secretary or his authorized representative be given access upon request to all records of transactions pertaining to the operations of the facility, including the purchase of feedstocks for, and the sale and shipment of finished products, unfinished oils, and petrochemicals produced by, the facility;

(iv) That all feedstocks imported under licenses issued pursuant to the allocation shall be derived from crude oil produced in the Western Hemisphere (North America, Central America, South America, and the West Indies), except in those instances in which this requirement is waived by the Secretary;

(v) That no licenses will be issued under the allocation until the facility is ready to go on stream and thereafter only upon a certification of amounts to be directly used by the facility;

(vi) That all imports made under such licenses be directly used by the facility; and

(vii) That imports in storage be taken into account by the Administrator in issuing licenses under the allocation for the succeeding allocation period.

An allocation shall, in addition, be subject to such other conditions and restrictions as the Secretary may deem necessary to prevent impairment of the objectives of Proclamation 3279, as amended, and to assure that any imports so allocated are used for the purposes for which the allocation is made and that the holder of such allocation fulfills commitments made in connection with the making of the allocation. The holder of such an allocation shall comply with all such conditions and restrictions, and noncompliance shall be grounds for the suspension or revocation of the allocation.

(d) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

7. Section 16 of Oil Import Regulation 1 (Revision 4) (28 F.R. 14318) is amended to read as follows:

Sec. 16. Allocations of finished products—Puerto Rico.

(a) For the allocation period beginning January 1, the Administrator shall allocate to each eligible applicant for an allocation for Puerto Rico a quantity of imports of finished products equal to the applicant's average barrels daily of imports of such products for the last half of the calendar year 1958 multiplied by the number of days in the allocation period. Separate allocation shall be made for imports of residual fuel oil to be used as fuel and of imports of finished products other than residual fuel oil to be used as fuel.

(b) In the event that the maximum level of imports of residual fuel oil to be used as fuel or of other finished products is increased to meet a demand in Puerto Rico that would not otherwise be met, the Administrator shall increase the individual allocation of the person who has the demand.

(c) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

8. Subparagraph (3) of paragraph (c) of section 21 of Oil Import Regulation 1 (Revision 4) (29 F.R. 3200) is amended to read as follows:

Sec. 21. Appeals.

. . . . . .

(c) . . .

(3) The Board may make effective in a current allocation period a grant or a modification of an allocation of imports when a quantity of such imports has been made available for such purpose by the Secretary.

. . . . . .

9. Subparagraph (1) of paragraph (g) of section 22 of Oil Import Regulation 1 (Revision 4) (28 F.R. 14318) is amended to read as follows:

Sec. 22. Definitions.

. . . . . .

(g) . . .

(1) Liquefied gases—hydrocarbon gases such as ethane, propane, propylene, butylene, and butanes (but not methane) which are recovered from natural gas or produced in the refining of petroleum and which, to be maintained in a liquid state at ambient temperatures, must be kept under greater than atmospheric pressures;

. . . . . .

Because allocations must be made and licenses issued before January 1, 1966, it

is impracticable to give notice of proposed rule making on, or to delay the effective date of, this amendment. Accordingly, this amendment shall become effective immediately.

STEWART L. UDALL,
Secretary of the Interior.

DECEMBER 21, 1965.

[F.R. Doc. 65-13809; Filed, Dec. 23, 1965; 8:48 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Canaveral Harbor Barge Canal, Fla.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.437 is hereby amended in its entirety to govern the operation of the Florida State Road Department bridges across Canaveral Harbor Barge Canal at Merritt Island and Canaveral Harbor, Fla., effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.437 Canaveral Harbor Barge Canal, Fla.; Florida State Road Department bridges, State Road A1A on Merritt Island and State Road 401 at Canaveral Harbor, Fla.

(a) The owner of or operator of the bridges shall not be required to maintain constant bridgetender service between the hours of 10 p.m. and 6 a.m. daily.

(b) Upon advance notice of at least 3 hours to the authorized representative of the owner of the bridges, the drawspans will be opened for passage of commercial craft between the hours of 10 p.m. and 6 a.m. daily.

(c) The owner of or operator of the bridges shall not be required to open the drawspans between the hours of 6:45 a.m. and 7:45 a.m. and 4:15 p.m. and 5:45 p.m., Mondays through Fridays, except as follows:

(1) The drawspans shall be opened promptly upon the prescribed signal being given for the passage of towboats with tows and vessels owned or operated by the United States.

(2) The drawspans shall be opened promptly for the passage of a vessel in an emergency involving danger to life or property. Such an emergency shall be indicated by four blasts of a whistle, horn, or similar device.

(d) The owner of or operator of the bridges shall keep conspicuously posted on both the upstream and downstream sides of the bridges, in such manner that they can easily be read at any time, copies of the regulations in this section together with notices stating exactly how the authorized representative in paragraph (b) of this section may be reached to open the bridges.

[Regs., Dec. 8, 1965, 1507-32 (Canaveral Harbor Barge Canal, Fla.)-ENGCW-ON] (sec. 5, 28 Stat. 362; 33 U.S.C. 499)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 65-13740; Filed, Dec. 23, 1965; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Second Rev. S.O. 935; Amdt. 1]

PART 95—CAR SERVICE

Appointment of Embargo Agents

At a Session of the Interstate Commerce Commission, division 3, held at its Office in Washington, D.C., on the 16th day of December A.D. 1965.

Upon further consideration of Second Revised Service Order No. 935 (30 F.R. 6220, 13262) and good cause appearing therefor:

It is ordered, That § 95.935 *Appointment of embargo agents* of Second Revised Service Order No. 935, be, and it is hereby amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) Expiration date: This order shall expire at 11:59 p.m., December 31, 1966, unless otherwise modified, changed or suspended by the order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1965.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15; Interprets or applies Sec. 1(10-17), 15(4) 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4))

It is further ordered, That a copy of this order and direction shall be served upon each State railroad regulatory body, the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, division 3.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 65-13777; Filed, Dec. 23, 1965; 8:47 a.m.]

[S.O. 964; Amdt. 1]

PART 95—CAR SERVICE

Missouri Pacific Railroad Co. Authorized To Operate Over Trackage of the St. Louis-San Francisco Railway Co.

At a session of the Interstate Commerce Commission, Railroad Safety and Service Board, held in Washington, D.C., on the 17th day of December A.D. 1965.

Upon further consideration of Service Order No. 964 (30 F.R. 9206) and good cause appearing therefor:

It is ordered, That § 95.964 *The Missouri Pacific Railroad Co. authorized to operate over trackage of the St. Louis-San Francisco Railway Co.* of Service Order No. 964 be, and it is hereby amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) Expiration date: This order shall expire at 11:59 p.m., June 30, 1966, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1965.

(Sec. 1, 12, 15, 24 Stat. 379, 382, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10-17), 15(4), 40 Stat. 101, as amended 54 Stat. 911, 49 U.S.C. 1(10-17), 15(4))

It is further ordered, That copies of this order and direction shall be served upon the Missouri Public Service Commission and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Safety and Service Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 65-13778; Filed, Dec. 23, 1965; 8:47 a.m.]

[S.O. 965; Amdt. 1]

PART 95—CAR SERVICE

Louisville and Nashville Railroad Co. Authorized To Operate Over Trackage of the Former Saint Louis and O'Fallon Railway Co.

At a Session of the Interstate Commerce Commission, Railroad Safety and Service Board, held in Washington, D.C., on the 17th day of December A.D. 1965.

Upon further consideration of Service Order No. 965 (30 F.R. 10245) and good cause appearing therefor:

It is ordered, That § 95.965 *Louisville and Nashville Railroad Co. authorized to operate over trackage of the former Saint Louis and O'Fallon Railway Co.*, of Service Order No. 965, be, and it is hereby amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) Expiration date: This order shall expire at 11:59 p.m., January 31, 1966, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1965.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, Interprets or applies sec. 1(10-17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4))

It is further ordered, That copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Safety and Service Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 65-13779; Filed, Dec. 23, 1965; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Parts 221, 298]

[General Orders 107; 29, Rev., Amdt. 5; 61, 2d Rev., Amdt. 6]

VESSELS AND SHIPYARD FACILITIES

Mortgages and Assignment of Rights to Trustees; Extension of Time for Filing Comments

In F.R. Doc. 65-12936 appearing in the FEDERAL REGISTER issue of December 3, 1965 (30 F.R. 14994) notice was given of a proposed new regulation and amendments to two existing regulations with permission for the filing of written comments by interested parties "by close of business on January 5, 1966."

Notice is given that the time within which written comments may be submitted is hereby extended to "by close of business on January 29, 1966."

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 65-13774; Filed, Dec. 23, 1965; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 39]

[Docket No. 7078]

AIRWORTHINESS DIRECTIVES

Mooney Models M20C, M20D, and M20E Airplanes Equipped With Electric Landing Gear

The Federal Aviation Agency is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Mooney Models M20C, M20D, and M20E airplanes equipped with electric landing gear. There have been instances where the aural gear warning horn has ceased to function when the landing gear selector switch is moved out of the "gear up" position on the subject airplanes. Since this condition is likely to exist or develop in other airplanes of the same design, the proposed AD would require modification of the gear warning electrical system on Mooney Models M20C, M20D, and M20E airplanes equipped with electric landing gear.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before January 24, 1966, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

MOONEY. Applies to Models M20C, M20D, and M20E Airplanes equipped with electric landing gear.

Compliance required within the next 100 hours' time in service or at the next periodic inspection, whichever comes first, after the effective date of this Airworthiness Directive, unless already accomplished.

To prevent further instances of inoperative aural gear warning, modify electric gear warning wiring system in accordance with Mooney Aircraft Service Letter No. 20-130, dated September 29, 1965, or later FAA-approved revision.

Issued in Washington, D.C., on December 17, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-13746; Filed, Dec. 23, 1965; 8:45 a.m.]

[14 CFR Part 67]

[Docket No. 7077; Notice 65-41]

MEDICAL STANDARDS AND CERTIFICATION

Notice of Proposed Rule Making

The Federal Aviation Agency is considering amending Part 67 of the Federal Aviation Regulations (1) to provide authorization for representatives of the Federal Air Surgeon within the Agency to finally reconsider grants and denials of medical certificates by aviation medical examiners, (2) to provide that a denial by such a representative is considered to be a denial by the Administrator for the purpose of review by the Civil Aeronautics Board, (3) to require the surrender, upon request, of a medical certificate whose issue is reversed or otherwise changed, upon reconsideration by the Federal Air Surgeon or his authorized representative within the Agency, and (4) to state in the regulations that if an applicant for, or holder of, a medical certificate refuses to furnish additional medical information the Administrator may suspend, modify, or revoke a certificate, or refuse to issue it.

Interested persons are invited to participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before February 23, 1966, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

At the time of the recodification of § 406.12 (d) and (e) of Part 406 of the regulations of the Administrator into §§ 67.25 and 67.27 of Part 67 of the Federal Aviation Regulations, effective November 1, 1962, a change was made with respect to the finality of action by authorized representatives of the Federal Air Surgeon (then designated as the Civil Air Surgeon) within the Agency. Accordingly, § 67.25(b) currently provides that any reconsideration action taken by such an authorized representative, for the Administrator, under subsection 314 (b) of the Federal Aviation Act of 1958 (49 U.S.C. 1355(b)), is itself subject to reconsideration by the Federal Air Surgeon. Previously this second review was not available. Also, by an accompanying 1962 change, § 67.27 currently provides that the denial of a medical certificate not only by an aviation medical examiner, but also by a representative of the Federal Air Surgeon (within the Agency), is not a denial by the Administrator under section 602 of the Act. Consequently the regulations allow "reconsideration of a reconsideration," and at the same time postpone the right of the applicant or certificate holder, who has been denied, to review by the CAB until the additional review has been afforded.

The intent of these 1962 changes was to provide maximum avenues of relief to an applicant or certificate holder. However, operational experience during the last several years indicates that the number of procedural steps involved under the present regulations, the delays incident to the geographic distances separating the Federal Air Surgeon and his authorized representatives, and duplication of activity in the field and at headquarters, have unnecessarily prolonged final official determination in the area of medical certification.

To alleviate this situation, the proposed amendment of § 67.25 would allow authorized representatives of the Federal Air Surgeon within the Agency to finally reconsider actions of aviation medical examiners. It no longer would be necessary for an applicant or certificate holder to appeal to the Federal Air Surgeon for finality with respect to a denial of the medical certificate. In this connection, § 67.25 also would be amended to require the Federal Air Surgeon or his authorized representative within the Agency who upon his own initiative reverses or otherwise changes the issue of a medical certificate by an aviation medical examiner, to do so within a fixed period of 60 days, and to provide that otherwise the medical certificate would be considered affirmed as issued. This provision would protect an applicant who has received a medical certificate from unconscionable delay in reconsideration of its issue. At the same time, § 67.27 would be amended to require the surrender, upon request, of a medical certificate whose issue is reversed or otherwise changed, upon reconsideration. This would provide a regulatory obligation to return a certificate that, upon reconsideration within the prescribed time, is found to have been issued to an applicant who in fact does not meet the applicable medical standards.

The proposed amended § 67.27 would provide that the denial of a medical certificate by an authorized representative of the Federal Air Surgeon within the Agency is considered the final action, from which appeal may be taken to the CAB under section 602 of the Act. For expeditious disposition of appeals within the Agency, requests for reconsideration now would be addressed to the Federal Air Surgeon, Attention: Chief, Aeromedical Certification Branch, Civil Aeromedical Institute, Oklahoma City, Okla.

Both §§ 67.25 and 67.27 would be amended to provide that the representatives of the Federal Air Surgeon authorized to take final action would be the Chief, Aeromedical Certification Branch, Civil Aeromedical Institute, and Regional Flight Surgeons. The proposal to vest final authority under these provisions with qualified officials of the Agency in field offices is in keeping with the Agency's policy of decentralization.

Section 67.31 currently provides that the Administrator may suspend, modify, or revoke any issued medical certificate or, in the case of an applicant, refuse to issue a medical certificate, upon refusal of the holder or applicant to authorize a doctor or other source of medical information or history to release that additional information or history considered necessary to determine whether the holder or applicant meets the applicable medical standards. This section would be amended to provide specifically for the same action if the holder or applicant refuses to furnish information requested from him.

In consideration of the foregoing, it is proposed to amend Part 67 of the Federal Aviation Regulations as follows:

1. By amending § 67.25(b) and adding a flush sentence at the end of the section to read as follows:

§ 67.25 Delegation of authority.

* * * * *

(b) The authority of the Administrator, under subsection 314(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1355 (b)), to reconsider the action of an aviation medical examiner is delegated to the Federal Air Surgeon, and his authorized representatives within the FAA. However, any action taken under this paragraph by the Federal Air Surgeon or such a representative upon his own initiative that reverses or otherwise changes the issue of a medical certificate by an aviation medical examiner, must be taken within 60 days after the date of the issue. If this action is not taken within 60 days after the date of the issue, the medical certificate is considered affirmed as issued.

* * * * *

In this section, the term "authorized representatives within the FAA" means the Chief, Aeromedical Certification Branch, Civil Aeromedical Institute, and Regional Flight Surgeons.

2. By amending § 67.27 to read as follows:

§ 67.27 Denial of medical certificate.

(a) Any person who is denied a medical certificate by an aviation medical examiner may, within 30 days after the date of the denial, apply in writing to the Federal Air Surgeon, Attention: Chief, Aeromedical Certification Branch, Civil Aeromedical Institute, Federal Aviation Agency, Post Office Box 1082, Oklahoma City, Okla., 73101, for reconsideration of that denial. He must send with his application a copy addressed to the aviation medical examiner concerned. If he does not apply for reconsideration during 30 days after the date of the denial, he is considered to have withdrawn his application for a medical certificate.

(b) The denial of a medical certificate by an aviation medical examiner is not a denial by the Administrator under section 602 of the Federal Aviation Act of 1958 (49 U.S.C. 1422). The denial of a medical certificate by the Federal Air Surgeon or his authorized representative within the FAA is considered to be a denial by the Administrator under that section.

(c) Any person shall surrender, upon request, any medical certificate whose issue is reversed or otherwise changed upon reconsideration by the Federal Air Surgeon or his authorized representative within the FAA.

In this section, the term "authorized representative within the FAA" means the Chief, Aeromedical Certification Branch, Civil Aeromedical Institute, and Regional Flight Surgeons.

3. By amending § 67.31 to read as follows:

§ 67.31 Medical records.

Whenever the Administrator finds that additional medical information or history is necessary to determine whether an applicant for or the holder of a medical certificate meets the medical standards for it, he requests that person to furnish that information or authorize any clinic, hospital, doctor, or other person to release to the Administrator any available information or records concerning that history. If the applicant, or holder, refuses to provide the requested medical information or history or to authorize the release so requested, the Administrator may suspend, modify, or revoke any medical certificate that he holds or may, in the case of an applicant, refuse to issue a medical certificate to him.

These amendments are proposed under the authority of sections 303(d), 313(a), 314(b), 601, 602, and 609 of the Federal Aviation Act of 1958 (49 U.S.C. 1344, 1354, 1355, 1421, 1422, 1429).

Issued in Washington, D.C., on December 16, 1965.

P. V. SIEGEL,
Federal Air Surgeon.

[F.R. Doc. 65-13747; Filed, Dec. 23, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-WE-108]

CONTROL ZONES AND TRANSITION AREA

Proposed Alteration and Designation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations which would alter controlled airspace in the Fairfield, Calif. (Travis AFB), and Sacramento, Calif. (Sacramento Municipal), (McClellan AFB), and (Mather AFB), terminal areas.

The Agency has completed a comprehensive review of the terminal airspace structure and is considering the following airspace actions:

1. Redesignate the Fairfield, Calif. (Travis AFB), control zone as that airspace within a 5-mile radius of Travis AFB (latitude 38°15'45" N., longitude 121°55'35" W.), and within 2 miles each side of the Travis VOR 229° radial, extending from the 5-mile radius zone NE to the VOR and 15 miles SW of the VOR.

2. Redesignate the Sacramento, Calif. (Sacramento Municipal), control zone as that airspace within a 5-mile radius of Sacramento Municipal Airport, Sacramento, Calif. (latitude 38°30'45" N., longitude 121°29'35" W.); within 2 miles each side of the Sacramento VORTAC 033° radial, extending from the 5-mile radius zone SW to the VORTAC; and that airspace NE of the Sacramento Municipal Airport extending from the Sacramento Municipal 5-mile radius zone to the McClellan AFB and Mather AFB 5-mile radius zones, bounded on the SE by the Sacramento VORTAC 064°

radial and on the NW by a line 2 miles NW of and parallel to the Sacramento VORTAC 033° radial.

3. Redesignate the Sacramento, Calif. (Mather AFB), control zone as that airspace within a 5-mile radius of Mather AFB (latitude 38°33'10'' N., longitude 121°18'05'' W.), and within 2 miles each side of the Mather TACAN 048° radial extending from the 5-mile radius zone to 7 miles NE of the TACAN, and within 2 miles NW and 2.5 miles SE of the Mather LOM 055° bearing, extending from the 5-mile radius zone to 5.5 miles NE of the LOM, excluding the portion subtended by a chord drawn between the points of intersection of the Mather AFB 5-mile radius zone with the Sacramento, Calif. (McClellan AFB), 5-mile radius zone.

4. Redesignate the Sacramento, Calif. (McClellan AFB), control zone as that airspace within a 5-mile radius of McClellan AFB (latitude 38°39'45'' N., longitude 121°24'10'' W.), and within 2 miles E and 2.5 miles W of the McClellan TACAN 004° radial, extending from the 5-mile radius zone to 8 miles N of the TACAN, excluding the portion subtended by a chord drawn between the points of intersection of the McClellan AFB 5-mile radius zone with the Sacramento, Calif. (Mather AFB), 5-mile radius zone.

5. Designate the Sacramento, Calif., transition area as follows:

That airspace extending upward from 700 feet above the surface within a 13-mile radius circle centered on the Sacramento, Calif., VORTAC (latitude 38°26'37'' N., longitude 121°33'02'' W.); that airspace NE of Sacramento within an arc of a 38-mile radius circle centered on the Sacramento VORTAC bounded on the W and SW by the E edge of V–23, and that airspace SW of Sacramento bounded by a line beginning at latitude 38°16'00'' N., longitude 122°05'00'' W., thence to latitude 38°27'00'' N., longitude 121°47'00'' W., thence to latitude 38°16'00'' N., longitude 121°39'00'' W., thence to latitude 38°02'00'' N., longitude 121°52'00'' W., thence via latitude 38°02'00'' N. to the W edge of V–195, thence via the W edge of V–195 to latitude 38°16'00'' N., thence to point of beginning; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the point of intersection of the E edge of V–195 and the S edge of V–200, thence via the S edge of V–200, the W edge of V–23 and latitude 39°00'00'' N., to the W edge of V–283, thence via the W edge of V–283 to the N edge of V–244, thence via the N edge of V–244 to longitude 120°04'00'' W., thence via longitude 120°04'00'' W. to latitude 38° 07'00'' N., thence via latitude 38°07'00'' N., to longitude 121°37'00'' W., thence via longitude 121°37'00'' W., to latitude 38°02'00'' N., thence via latitude 38°02'00'' N., to the E edge of V–195, thence via the E edge of V–195 to point of beginning.

The control zones and extensions proposed for alteration herein are necessary to provide protection for aircraft exto provide protection for aircraft executing prescribed instrument approach and departure procedures for the particular airports within the Sacramento terminal area.

The Sacramento transition area proposed for designation herein is required to provide protection for aircraft executing instrument approach, departure, transition, holding and radar vectoring procedures within the Sacramento terminal area.

At a future date, after adjacent terminal areas have been examined; it is planned that the floors of the airways in the Sacramento area will be raised to 1,200 feet or more above the surface.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 5651 West Manchester Avenue, Los Angeles, Calif., 90045.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended, (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on December 16, 1965.

JOSEPH H. TIPPETS,
Director, Western Region.

[F.R. Doc. 65–13748; Filed, Dec. 23, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65–CE–140]

TRANSITION AREA AND CONTROL ZONE

Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the controlled airspace in the Muskegon, Mich., terminal area.

The following controlled airspace is presently designated in the Muskegon, Mich., terminal area:

1. The Muskegon, Mich., control zone is designated within a 5-mile radius of Muskegon County Airport (latitude 43°-10'16'' N., longitude 86°14'09'' W.) and within 2 miles each side of the Muskegon VORTAC 271° radial extending from the 5-mile radius zone to the VORTAC.

2. The Muskegon, Mich., transition area is designated as that airspace extending upward from 700 feet above the surface within 8 miles northeast and 6 miles southwest of the Muskegon County Airport ILS localizer southeast course, extending from 3 miles northwest of the OM, southeast to the arc of an 18-mile radius circle centered on the Muskegon County Airport (latitude 43°10'16'' N., longitude 86°14'09'' W.), and within a 4-mile radius of Grand Haven Memorial Airport, Grand Haven, Mich. (latitude 43°02'00'' N., longitude 86°11'50'' W.), and that airspace extending upward from 1,200 feet above the surface within an 18-mile radius of Muskegon County Airport (latitude 43°10'16'' N., longitude 86°14'09'' W.), including the airspace southwest of Muskegon bounded on the northeast by the 18-mile radius area on the southeast by the Grand Rapids, Mich., transition area, on the southwest by V–30 and on the northwest by V–216.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Muskegon, Mich., terminal area, proposes the following airspace actions:

1. Redesignate the Muskegon, Mich., control zone as that airspace within a 5-mile radius of Muskegon County Airport (latitude 43°10'16'' N., longitude 86°14'09'' W.); within 2 miles each side of the Muskegon ILS localizer northwest course, extending from the 5-mile radius zone to 11 miles northwest of the OM; and within 2 miles each side of the Muskegon VORTAC 271° T (272° M) radial extending from the 5-mile radius zone to the VORTAC.

2. Redesignate the Muskegon, Mich., transition area as that airspace extending upward from 700 feet above the surface within 8 miles northeast and 6 miles southwest of the Muskegon County Airport ILS localizer southeast course, extending from 3 miles northwest of the OM southeast to the arc of an 18-mile radius circle centered on the Muskegon County Airport (latitude 43°10'16'' N., longitude 86°14'09'' W.); within 2 miles each side of the Muskegon ILS localizer northwest course, extending from 11 miles northwest of the OM to 18 miles northwest of the OM; and within a 4-mile radius of Grand Haven, Mich., Memorial Airport (latitude 43°02'00'' N., longitude 86°11'50'' W.); and that airspace extending upward from 1,200 feet above the surface within an 18-mile radius of the Muskegon County Airport (latitude 43°10'16'' N., longitude 86°-14'09'' W.); within 5 miles southwest and 7 miles northeast of the Muskegon ILS localizer northwest course extending from the 18-mile radius area to 28 miles northwest of the OM; and the airspace southwest of Muskegon bounded on the northeast by the 18-mile radius area, on the southeast by the Grand Rapids, Mich., transition area, on the southwest by V–30, and on the northwest by V–216.

A backcourse ILS instrument approach procedure has been developed to serve Muskegon County Airport, Muskegon, Mich. Development of this approach requires modification of the Muskegon, Mich., control zone and transition area to provide controlled airspace for aircraft executing this procedure.

Although most of the controlled airspace described herein is presently existing, additional controlled airspace is required to protect aircraft holding on the Muskegon ILS northwest course and executing the ILS backcourse approach. The proposed extensions are as follows:

(1) An extension of the control zone to the northwest 2 miles each side of the Muskegon ILS northwest course, extending from the existing 5 miles radius zone to 11 miles northwest of the outer marker.

(2) An extension of the 700-foot floor transition area to the northwest 2 miles each side of the Muskegon ILS localizer northwest course, extending from 11 miles northwest of the outer marker to 18 miles northwest of the outer marker.

(3) An extension of the 1,200-foot floor transition area to the northwest 5 miles southwest and 7 miles northeast of the Muskegon ILS localizer northwest course, extending from the existing 18-mile radius area of Muskegon County Airport (latitude 43°10'16'' N., longitude 86°14'-09'' W.) to 28 miles northwest of the outer marker.

The floors of the airways that would traverse the transition area proposed herein would automatically coincide with the floors of the transition area.

No revisions to existing prescribed instrument approach procedures will be required in conjunction with the actions proposed herein.

Specific details of the changes to procedures that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, ATTN: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of section 307 (a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on December 10, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65–13749; Filed, Dec. 23, 1965; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65–CE–146]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations which would designate controlled airspace in the Fairmont, Minn., terminal area.

There is no controlled airspace presently designated in the Fairmont, Minn., terminal area.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Fairmont, Minn., terminal area, proposes the following airspace actions:

(1) Designate the Fairmont, Minn., control zone as the airspace within a 5-mile radius of Fairmont Municipal Airport (latitude 43°38'59'' N., longitude 94°25'22'' W.), within 2 miles NE and 3 miles SW of the 132° bearing from Fairmont Municipal Airport extending from the 5-mile radius zone to 8 miles SE of the airport, and within 2 miles each side of the 319° bearing from Fairmont Municipal Airport extending from the 5-mile radius zone to 8 miles NW of the airport. This control zone shall be effective during the specific dates and/or times established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

(2) Designate the Fairmont, Minn., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Fairmont Municipal Airport, within 2 miles NE and 3 miles SW of the 132° bearing from Fairmont Municipal Airport extending from the 5-mile radius area to 8 miles SE of the airport, and within 2 miles each side of the 319° bearing from Fairmont Municipal Airport extending from the 5-mile radius area to 8 miles NW of the airport, and that airspace extending upward from 1,200 feet above the surface within 8 miles NE and 6 miles SW of the 132° bearing from Fairmont Municipal Airport extending from the airport to 12 miles SE of the airport, and within 5 miles NE and 8 miles SW of the 139° and 319° bearings from Fairmont Municipal Airport extending from 1 mile SE to 12 miles NW of the airport.

Public instrument approach procedures are being established for the Fairmont Municipal Airport, utilizing the State-owned VOR facility. In addition, North Central Airlines uses a special instrument approach procedure for this airport. The public procedures will become effective concurrently with the designation of controlled airspace in the Fairmont, Minn., terminal area.

The proposed control zone, when effective, will provide controlled airspace protection for aircraft executing prescribed departure and approach procedures at the Fairmont Municipal Airport during the hours of operation of the weather reporting service to be provided by certificated personnel of North Central Airlines. The normal hours for the taking of these observations, and the dissemination of this information, are dependent on airline scheduling operations, and will be initially specified in the Final Rule. Normally 30 days notice will be given prior to any change of these hours by a Notice to Airmen, and continuously published in the Airman's Information Manual.

The proposed transition area extending upward from 700 feet above the surface will provide airspace protection for aircraft executing prescribed arrival and departure procedures when they are descending from 1,500 feet to 700 feet above the surface, and when they are climbing from 700 feet to 1,200 feet above the surface during the times that the control zone is not in effect. The proposed transition area extending upward from 1,200 feet above the surface will provide controlled airspace protection for aircraft during the portion of their approach procedures executed above 1,500 feet above the surface, and for those aircraft holding at the Fairmont VOR.

The floors of the airways which would traverse the transition area proposed herein would automatically coincide with the floor of the transition area.

Specific details of the proposed VOR public instrument approach procedures may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, ATTN: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on December 16, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65–13788; Filed, Dec. 23, 1965; 8:48 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Office of the Secretary

CRUDE OIL, UNFINISHED OILS, AND FINISHED PRODUCTS

Imports Into Puerto Rico

1. Pursuant to paragraph (c) of section 2 of Proclamation 3279, as amended (30 F.R. 15459), for the period January 1, 1966, through March 31, 1966, the maximum level of imports into Puerto Rico of crude oil and unfinished oils shall be 172,189 barrels daily.

2. Pursuant to paragraph (c) of section 2 of Proclamation 3279, as amended (30 F.R. 15459), for the period January 1, 1966, through December 31, 1966, the maximum level of imports of finished products other than residual fuel oil to be used as fuel established in section 14 of Oil Import Regulation 1 (Revision 4) as amended by Amendment 7 is increased by 90,000 barrels to permit the importation of asphalt in that amount to meet a demand in Puerto Rico that would not otherwise be met.

STEWART L. UDALL,
Secretary of the Interior.

DECEMBER 21, 1965.

[F.R. Doc. 65-13810; Filed, Dec. 23, 1965; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 65-51]

HAWAII/EUROPE RATE AGREEMENT

Admission, Withdrawal and Expulsion; Self-Policing Provisions

Agreement 8410, originally approved on April 17, 1958, between the member lines of the Hawaii/Europe Rate Agreement, covers the trade from Hawaii to the United Kingdom of Great Britain and Northern Ireland, Ireland, the Scandinavian Peninsula, Continental Europe, including ports on and in the Baltic and Mediterranean Seas, as well as the seas and waters bordering thereon, French Morocco and the Atlantic Islands of the Azores, Madeira, Canary, and Cape Verdes; and by transshipment at the aforementioned ports to ports in West, South, and East Africa, Iceland, on the Gulf of Aden, and to ports on and in the Red Sea and Persian Gulf.

Section 15 of the Shipping Act, 1916, reads, in pertinent part, as follows:

> The Commission shall disapprove any such agreement, after notice and hearon a finding of inadequate policing of the obligations under it • • •

General Order 7 (46 CFR Part 528) was adopted to implement section 15, as amended by Public Law 87-346, 75 Stat. 763-4, effective October 3, 1961. In this connection the order states that:

> • • • The Commission shall disapprove an agreement thereunder if, after notice and hearing, it finds inadequate policing of the obligations of the agreement. This amendment makes it necessary that provision for self-policing be included in certain section 15 agreements and that the Commission be informed of the manner in which such provision is being carried out. The requirements set forth below are to aid the Commission in determining the existence and adequacy of self-policing systems, in accordance with the statutory objective.

§ 528.2 *General requirements; section 15 agreements.* Conference agreements and other rate-fixing agreements between common carriers by water in the foreign and domestic off-shore commerce of the United States, whether or not previously approved, shall contain a provision describing the method or system used by the parties in policing the obligations under the agreement, including the procedure for handling complaints and the functions and authority of every person having responsibility for administering the system. In the case of agreements previously approved under section 15 which do not meet these requirements, the parties shall file for approval an amendment which complies with the requirements • • •

§ 528.3 *Reporting requirements.* Twice each year, once during the month of January and once during the month of July, there shall be filed with the Commission by the conferences and carries subject to these rules, or by any person to whom they have delegated the self-policing authority, a report showing the nature of each complaint received during the preceding 6-month period; the action taken on the complaint or on the volition of any person responsible for policing; and with respect to violations found, the nature thereof and the penalty or other sanction imposed. The names of the parties involved in complaints or in action taken on the volition of the person responsible for policing may be omitted from these reports.

The basic agreement, originally approved by the Federal Maritime Board on April 17, 1958, does not contain a self-policing provision. It provides, among other things, that the parties agree to charge and collect the freight rates and other freight charges that may be agreed upon from time to time in connection with the transportation covered thereby.

On September 17, 1964, Mr. David Lindstedt, agent for the subject agreement was forwarded a copy of General Order 7, and advised (Attachment 1) that the agreement did not contain a provision for self-policing which should have been filed January 15, 1964, pursuant to General Order 7. A reply was requested within 60 days of the date of our letter.

On April 16, 1965, a letter (Attachment 2) was addressed to Mr. Leonard James, of Graham, James & Rolph, Counsel for the parties to the subject agreement, concerning General Order 9, Mr. James' attention was also directed to our letter to Mr. Lindstedt of September 17, 1964, and he was advised of the necessity to modify the Agreement to provide a self-policing system and that prompt consideration should be given to the filing of such a modification.

In his reply thereto dated May 4, 1965 (Attachment 3), Mr. James stated that nothing in our letter even suggested that the parties to the agreement had failed to comply in any way with the Shipping Act. He further stated that our request appeared wholly inconsistent with the policy of the Congress in the enactment of the amendments to the Shipping Act in 1961, wherein the amendments to section 15 provide that agreements shall be subject to disapproval "after notice and hearing, on a finding of inadequate policing."

By letter (Attachment 4), dated May 21, 1965, Mr. James was advised that General Order 7 was a lawful rule of the Commission which required that conference agreements and other ratemaking agreements contain a provision describing the method or system used by the parties in policing obligations under the agreement. He was further advised that the subject agreement was a ratemaking agreement, that there could be no question that General Order 7 applied, and it was suggested that he advise the parties to comply with the requirements thereof. No response has been received to this letter nor has the agreement been modified pursuant to § 528.2 of General Order 7.

Section 15 of the Shipping Act, 1916, reads, in pertinent part, as follows:

> No such agreement shall be approved, nor shall continued approval be permitted • • • in respect to any conference agreement, which fails to provide reasonable and equal terms and conditions for admission and readmission to conference membership of other qualified carriers in the trade, or fails to provide that any member may withdraw from membership upon reasonable notice without penalty for such withdrawal.

General Order No. 9 was adopted to implement section 2 of Public Law 87-346, effective October 3, 1961. In this connection the order states that:

> • • • No conference agreement shall be approved, nor shall continued approval be permitted for any agreement, which fails to provide reasonable and equal terms and conditions for admission and readmission to conference membership of other qualified carriers in the trade, or fails to provide that any member may withdraw from membership upon reasonable notice without penalty for such withdrawal.
>
> (b) It is the responsibility of the Federal Maritime Commission under the Shipping Act, 1916, to determine that all conference agreements contain reasonable and equal terms and conditions for admission and readmission to conference membership of qualified carriers according to the requirements set forth in paragraph (a) of this section.

§ 523.2 *Provisions of conference agreements.* In effectuation of the policy set forth in § 523.1, conference agreements, whether in effect on October 3, 1961, or initiated after that date, shall contain provisions substantially as follows:

(a) Any common carrier by water which has been regularly engaged as a common carrier in the trade covered by this agreement, or who furnishes evidence of ability and intention in good faith to institute and maintain such a common carrier service between ports within the scope of this agreement, and who evidences an ability and intention in good faith to abide by all the terms and conditions of this agreement, may hereafter become a party to this agreement by affixing its signature thereto.

NOTE: The above provision will not preclude the conference from imposing legitimate conditions on membership, including but not necessarily limited to, the payment of an admission fee, payment of any outstanding financial obligations arising from prior membership, or the posting of a security bond or deposit. All such conditions must be made expressed terms of the conference agreement, filed with and approved by the Commission pursuant to section 15 of the Shipping Act, 1916.

(b) Every application for membership shall be acted upon promptly.

(c) No carrier which has complied with the conditions set forth in paragraph (a) of this section shall be denied admission or readmission to membership.

(d) Prompt notice of admission to membership shall be furnished to the Federal Maritime Commission and no admission shall be effective prior to the postmark date of such notice.

(e) Advice of any denial of admission to membership, together with a statement of the reasons therefor, shall be furnished promptly to the Federal Maritime Commission.

(f) Any party may withdraw from the conference without penalty by giving at least 30 days' written notice of intention to withdraw to the conference: *Provided, however,* That action taken by the conference to compel the payment of outstanding financial obligations by the resigning member shall not be construed as a penalty for withdrawal.

(g) Notice of withdrawal of any party shall be furnished promptly to the Federal Maritime Commission.

(h) No party may be expelled against its will from this conference except for failure to maintain a common carrier service between the ports within the scope of this agreement (said failure to be determined according to the minimum sailing requirements set forth in this agreement) or for failure to abide by all the terms and conditions of this agreement.

(i) No expulsion shall become effective until a detailed statement setting forth the reason or reasons therefor has been furnished the expelled member and a copy of such notification submitted to the Federal Maritime Commission.

A copy of the Commission's General Order 9 was transmitted to Mr. David Lindstedt, agent for the subject agreement by our letter of November 6, 1964 (Attachment 5), in which we inquired as to the reasons for the failure to modify the basic agreement to conform therewith. In his reply of December 29, 1964 (Attachment 6), Mr. James stated that the subject agreement does not employ a Chairman or Secretary and that Mr. Lindstedt acts only as the tariff filing agent for the parties to the agreement. He further stated that as counsel for the parties to the agreement he had reviewed the terms thereof and in his opinion and that of the parties thereto, it covers the subject matter of General Order 9. He stated the agreement was not a "conference" of substantial size and there were no other common carriers involved in the trade, and there has never been any problem connected with either the admission, withdrawal or expulsion of members. Since no line has ever withdrawn from the agreement, been expelled therefrom or been denied admission thereto Mr. James argues that the parties to the agreement have complied fully with the requirements of section 15 relating to these matters.

Upon completion of our review of the agreement Mr. James was advised by our letter of April 16, 1965 (Attachment 2), that our policy had been to request the inclusion of General Order 9 provisions in all dominant ratemaking agreements in the various trades, irrespective of whether they were conference agreements. We pointed out that Article 3 was in substantial conformity with § 523.2 (f) and (g) of General Order 9; but that Article 5 was not in conformity with § 523.2 (a) through (e) covering admission and denial of admission. We suggested the insertion of a comma after the word "agreement" in the second line thereof, deletion of the remainder of the Article, and substitution of the following language of § 523.2(a) of General Order 9:

> • • • or who furnishes evidence of ability and intention in good faith to institute and maintain a common carrier service between ports within the scope of this agreement, and who evidences an ability and intention in good faith to abide by all the terms and conditions of this agreement, may hereafter become a party to this agreement by affixing its signature thereto.

It was further suggested that Article 5 should be amended to include: (1) The provisions of § 523.2 (b) through (e) covering admission and denial of admission substantially as they appear in said General Order 9; (2) the language of § 523.2 (h) and (i) of General Order 9 pertaining to expulsion of members be included, and (3) the adoption of one of the following methods was advised to insure compliance with the parenthetical phrase, "said failure to be determined according to the minimum sailing requirements set forth in this agreement," of § 523.2(h):

(1) Addition of a provision setting forth minimum sailing requirements, e.g., a certain number per season; or

(2) Addition of a provision which would specify the period of time during which the failure to perform a sailing would be ground for expulsion, e.g., failure to have any sailings for a period of months or a season; or

(3) Omission of the parenthetical qualification thereof.

In his reply of May 4, 1965 (Attachment 3), Mr. James stated that nothing in our letter suggested that the parties to the agreement had failed to comply in any way with the Shipping Act. He stated that our policy appeared wholly inconsistent with the policy of the Congress in the enactment of the amendments to the Shipping Act in 1961, wherein the amendments to section 15 provide only that conference agreements shall meet the prescribed statutory terms with respect to admission and re-admission to conference membership of other qualified carriers in the trade but that the Commission has adopted a policy of applying the statutory provisions to "dominant ratemaking agreements in the various trades." With respect to our comments concerning expulsion and sailing requirements he stated that there were only three parties to the agreement and they have no understanding with regard to the number of sailings maintained by each other.

By letter dated May 21, 1965 (Attachment 4), Mr. James was advised that the subject agreement, in our view, is the kind to which General Order 9 was specifically directed (conference agreements or rate-making agreements dominant in the trade) and we believe that this view is consistent with the Congressional policy which requires that conference agreements contain reasonable provisions for admission of qualified carriers. He was further advised that his position that the parties to the subject agreement do not constitute a conference within the meaning of (1) the general order or (2) that provision of section 15 requiring provision for reasonable and equal terms and conditions for conference membership is difficult to reconcile with that taken in his letters dated April 23, 1958 (Attachment 7), September 26, 1960 (Attachment 8), and December 29, 1964 (Attachment 6). Compliance with General Order 9 was requested; however, no response has been received nor has Agreement 8410 been modified to comply with General Order 9.

The issues raised herein do not involve any disputed issues of fact requiring an evidentiary hearing and require a prompt determination by the Commission.

Now therefore, pursuant to sections 15 and 22 of the Shipping Act, 1916.

It is ordered, That the Hawaii/Europe Rate Agreement and the member lines thereof show cause why Agreement 8410, as amended, should not be disapproved by the Commission pursuant to section 15 of the Shipping Act, 1916, because of the parties' failure to comply with the requirements of section 15 of the Shipping Act, 1916, and their failure to comply with the Commission's General Order No. 7, issued July 30, 1963, and the Commission's General Order No. 9, issued April 21, 1964. This proceeding shall be limited to the submission of affidavits, memoranda and oral argument. The affidavits of fact and memoranda of law shall be filed by respondents no later than close of business January 19, 1966, replies thereto shall be filed by Hearing Counsel and interveners, if any, no later than close of business February 4, 1966. An original and 15 copies of affidavits of fact, memoranda of law, and replies are required to be filed with the Secretary, Federal Maritime Commission, Washington, D.C., 20573. Copies of any papers filed with the Secretary should also be served upon all parties hereto. Oral argument will be heard at 9:30 a.m., Feb-

ruary 16, 1966, in Room 114, 1321 H Street NW., Washington, D.C.

It is further ordered, That the Hawaii/Europe Rate Agreement and its member lines as indicated in Attachment 9 hereto are hereby made respondents in this proceeding.

It is further ordered, That this order be published in the FEDERAL REGISTER and a copy of such order be served upon each respondent.

Persons other than respondents and Hearing Counsel who desire to become a party to this proceeding shall file a petition for leave to intervene in accordance with Rule 5(n) (46 CFR § 201.74) of the Commission's rules of practice and procedure no later than close of business January 5, 1966, with copy to Respondents.

By the Commission.[1]

[SEAL] THOMAS LISI, *Secretary.*

Hawaii/Europe Rate Agreement, c/o Mr. Leonard James, Graham James & Rolph, 310 Sansome Street, San Francisco 4, Calif.

Hanseatic-Vaasa Line, Mr. L. H. Cloud, Owner's Representative, 215 Market Street, San Francisco, Calif., 94105.

Rederiaktiebolaget Nordstjernan (Johnson Line), Grace Line, Inc., General Agents, 2 Pine Street, San Francisco, Calif., 94111.

States Marine Lines, States Marine-Isthmian Agency, Inc., 100 Bush Street, San Francisco, Calif., 94104.

[F.R. Doc. 65-13781; Filed Dec. 23, 1965; 8:47 a.m.]

[Docket No. 65-50]

JAPAN-ATLANTIC & GULF FREIGHT CONFERENCE

Approved Scope of Trade Covered by Agreement 3103

On June 25, 1934, the then Acting Secretary of Commerce approved Agreement 3103 pursuant to section 15 of the Shipping Act, 1916. As approved, Agreement 3103 governed the relations between the parties thereto in the trade "from Japan ports (including Formosa) and Dairen to Gulf ports and Atlantic Coast ports of North America, via Panama." As amended to date, Agreement 3103 encompasses substantially the same service i.e., "from Japan, Korea, and Okinawa to U.S. Gulf ports and Atlantic Coast ports of North America." By inference, the approved scope of Agreement 3103 includes the trade from Japan, Korea, and Okinawa to Canadian ports of the North Atlantic, a foreign to foreign commerce.

By its order served May 10, 1965 the Commission approved Agreement 3103-23 on condition that the Japan-Atlantic & Gulf Freight Conference modify Agreement 3103 to redefine the scope of the arrangement as being applicable "from Japan, Korea, and Okinawa to U.S. Atlantic and Gulf ports". By letter of September 2, 1965, counsel for the Conference informed the Commission that he had "been instructed to request [the Commission] either approve 3103-23 unconditionally or promptly take the steps which would be necessary in order to have a determination whether grounds for disapproval or modification of the agreement exist." Accordingly, the Commission approved Agreement 3103-23 without condition by its order served December 17, 1965.

In pertinent part, section 1 of the Shipping Act, 1916, as amended, limits the Commission's jurisdiction to "common carrier(s) by water in foreign commerce" which is defined as "common carrier(s), except ferry boats running on regular routes, engaged in the transportation by water of passengers or property between the United States or any of its Districts, Territories, or Possessions and a foreign country, whether in the import or export trade."

Section 15 of the Act, 1916, substantively requires that every "common carrier by water," which is defined in section 1 as encompassing common carriers by water in foreign commerce, shall file with the Commission true copies or memoranda of certain agreements with other such carriers. The effect of approval is to exempt the parties to any agreement from the sanctions of the antitrust laws of the United States as set forth in 15 U.S.C. sections 1 through 11.

Since the Commission is without power to affect relationships and to grant immunities to the antitrust acts, pursuant to section 15 of the Shipping Act, 1916, with respect to common carriers in foreign to foreign commerce and since, as a matter of policy the scope of approved agreements should be coextensive with its jurisdiction, it appears that that portion of the agreement dealing with the foreign commerce of Canada should be deleted from the agreement. This matter does not involve any disputed issues of fact requiring an evidentiary hearing.

Now therefore, pursuant to sections 15 and 22 of the Shipping Act, 1916:

It is ordered, That the Japan-Atlantic & Gulf Freight Conference and the member lines thereof show cause why Agreement 3103, as amended,[1] should not be modified to conform with the Commission's order of conditional approval, served May 10, 1965, with respect to Agreement 3103-23. This proceeding shall be limited to the submission of affidavits and memoranda and oral argument. The affidavits of fact and memoranda of law shall be filed by respondents no later than the close of business January 17, 1966, replies thereto shall be filed by Hearing Counsel and intervenors, if any, no later than the close of business February 2, 1966. An original and 15 copies of affidavits of fact, memoranda of law, and replies are required to be filed with the Secretary, Federal Maritime Commission, Washington, D.C., 20573. Copies of any papers filed with the Secretary should also be served upon all parties hereto. Oral Argument will be heard February 9, 1966 at 9:30 a.m. in Room 114, 1321 H Street NW., Washington, D.C.

It is further ordered, That the Japan-Atlantic & Gulf Freight Conference and its member lines as indicated in appendix A, attached, are hereby made respondents in this proceeding.

It is further ordered, That this order be published in the FEDERAL REGISTER and a copy of such order be served upon each respondent.

Persons other than respondents and Hearing Counsel who desire to become a party to this proceeding shall file a petition to intervene in accordance with Rule 5(n) [46 CFR 201.74] of the Commission's rules of practice and procedure no later than the close of business January 5, 1966, with copy to respondent Conference.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

APPENDIX

Japan-Atlantic and Gulf Freight Conference, Mr. Chester Cole, Jr., Chairman, Kindai Building, 11, 3 chome, Kyobashi, Chuo Ku, Tokyo, Japan.

American President Lines, Ltd., 29 Broadway, New York, N.Y. 10006.

Barber-Wilhelmsen Line, 17 Battery Place, New York, N.Y. 10004.

Japan Line Ltd., 120 Wall Street, New York, N.Y. 10004.

Kawasaki Kisen Kaisha, Ltd., 29 Broadway, New York, N.Y. 10006.

Lykes Bros. Steamship Co., Inc., 17 Battery Place, New York, N.Y. 10004.

Marchessini Lines, 26 Broadway, New York, N.Y. 10004.

Maritime Company of the Philippines, Inc., 26 Broadway, New York, N.Y. 10004.

Moller-Maersk Line, Ltd., 67 Broad Street, New York, N.Y. 10004.

Mitsui-O.S.K. Line, Ltd., 17 Battery Place, New York, N.Y. 10004.

Nippon Yusen Kaisha, Ltd., 25 Broadway, New York, N.Y. 10004.

States Marine Lines, 90 Broad Street, New York, N.Y. 10004.

United Philippine Lines, Inc., 17 Battery Place, New York, N.Y. 10004.

United States Lines Company (American Pioneer Line), 1 Broadway, New York, N.Y. 10004.

Yamashita-Shinnihon Steamship Co., Ltd., 52 Broadway, New York, N.Y. 10004.

Blue Sea Line, 25 Broadway, New York, N.Y. 10004.

[F.R. Doc. 65-13780; Filed, Dec. 23, 1965; 8:47 a.m.]

[1] Attachments 1 through 8 filed as part of original document.

[1] Memorandum of agreement filed as part of original document.

ATOMIC ENERGY COMMISSION

[Docket No. 50-183]

GENERAL ELECTRIC CO.

Notice of Proposed Issuance of Operating License

Please take notice that the Atomic Energy Commission is considering the issuance of a 10 year operating license substantially as set forth below to General Electric for the ESADA Vallecitos Experimental Superheat Reactor ("EVESR") located near Pleasanton, Calif. General Electric has been operating the EVESR under Provisional Operating License DR-10, issued on November 12, 1963.

The proposed operating license incorporates the Technical Specifications contained in Appendix "A" to Provisional Operating License No. DR-10, including Changes Nos. 1 through 9, 11, 12, 13, and 15 thereto issued by the Commission.

Within thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this proposed license, see (1) General Electric's request for issuance of operating license dated April 7, 1965, (2) the report of the Advisory Committee on Reactor Safeguards dated October 15, 1965, (3) a related Safety Evaluation prepared by the Test and Power Reactor Safety Branch of the Division of Reactor Licensing, and (4) the Technical Specifications to be incorporated in the license, all of which are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of items (2) and (3) may be obtained in the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 16th day of December 1965.

For the Atomic Energy Commission.

R. L. DOAN, *Director, Division of Reactor Licensing.*

GENERAL ELECTRIC COMPANY

[Docket No. 50-183; License No. DR-10]

PROPOSED OPERATING LICENSE

1. This operating license applies to the heterogeneous, light water moderated, steam cooled, superheat reactor owned by the General Electric Co. (hereinafter referred to as "General Electric") and designated by General Electric as the "ESADA Vallecitos Experimental Superheat Reactor." Steam utilized in the reactor is externally generated in a fossil-fueled boiler. The reactor is located approximately 3.4 miles southeast of the town of Pleasanton, Calif., at General Electric's Vallecitos Atomic Laboratory, and is described in General Electric's application for operating license dated October 5, 1962, and amendments thereto (hereinafter collectively referred to as "the application").

2. Pursuant to the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act") and having considered the record in this matter, the Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The application complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

B. There is reasonable assurance (i) that the activities authorized by this operating license can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the rules and regulations of the Commission.

C. General Electric is technically and financially qualified to engage in the activities authorized by this operating license in accordance with the rules and regulations of the Commission, and to assume responsibility for payment of Commission charges for the special nuclear material allocated;

D. General Electric has submitted proof of financial protection which satisfies the requirements of 10 CFR Part 140, and has executed an indemnity agreement as required by section 170 of the Act and 10 CFR Part 140;

E. The issuance of this operating license is not inimical to the common defense and security or to the health and safety of the public.

3. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses General Electric:

A. Pursuant to section 104(b) of the Act and 10 CFR Part 50, to possess, use and operate the reactor as a utilization facility.

B. Pursuant to the Act and 10 CFR Part 70, to receive, possess and use in operation of the reactor at any one time:

(1) 600 kilograms of contained uranium 235 as fuel for the operation of the reactor;

(2) 160 grams of plutonium as encapsulated plutonium-beryllium neutron sources;

(3) One milligram of plutonium as alpha instrument check sources;

(4) Ten grams of uranium 235 in ionization chambers.

C. Pursuant to the Act and 10 CFR Part 30, to receive, possess and use in operation of the reactor at any time:

(1) 5000 curies of antimony 124 as antimony-beryllium neutron sources;

(2) 15 curies of cobalt 60 as instrument calibration sources;

(3) 100 millicuries of cesium 137 for calibration of instruments;

(4) 100 millicuries of strontium 90 for functional testing of instruments;

(5) 10 curies of tritium for pulsed neutron sources.

D. Pursuant to the Act and 10 CFR Part 30, to possess but not to separate, such by-product material as may be produced by operation of the reactor.

4. This license shall be deemed to contain and be subject to the conditions specified in § 30.32 of Part 30, §§ 50.54 and 50.59 of Part 50, and § 70.32 of Part 70, Title 10, Chapter 1, CFR, and to be subject to all applicable provisions of the Act, and to the rules, regulations, and orders of the Commission, now or hereafter in effect, and to the additional conditions specified below:

A. General Electric shall not operate the reactor at power levels in excess of 17 megawatts thermal.

B. *Technical specifications.* The technical specifications contained in Appendix A to Provisional Operating License DR-10 including changes Nos. 1 through 9, 11, 12, 13, and 15 (hereinafter referred to as the "Technical Specifications"), are hereby incorporated in this license. Except as otherwise permitted by the Act and the rules, regulations and orders of the Commission, General Electric shall operate the reactor in accordance with the technical specifications.

C. *Records.* In addition to those otherwise required under this license and applicable regulations, General Electric shall keep the following records:

(1) Reactor operating records, including power levels and periods of operation at each power level.

(2) Records showing radioactivity discharges into the air or water beyond the effective control of General Electric as measured at or prior to the point of such release or discharge. Such records of discharges originating from the reactor need not be kept separate from records of other Vallecitos Atomic Laboratory discharges.

(3) Records of radioactivity levels at both on-site and off-site monitoring stations.

(4) Records of emergency shutdowns and inadvertent scrams including reasons for emergency shutdowns.

(5) Records of safety system component tests and measurements performed pursuant to the technical specifications.

(6) Records of maintenance operations involving substitution or replacement of reactor equipment or components.

(7) Records of fuel and experiments installed in the reactor including description, locations, exposure time, total irradiation and any unusual events involved in their performance in the reactor and in their handling.

D. *Reports.* In addition to reports otherwise required under this license and applicable regulations:

(1) General Electric shall inform the Commission of any incident or condition relating to the operation of the facility which prevented or could have prevented a nuclear system from performing its safety function as described in the technical specifications or in the hazards summary report. For each such occurrence, General Electric shall promptly notify by telephone or telegraph, the Director of the appropriate Atomic Energy Commission Regional Compliance Office listed in Appendix D of 10 CFR 20 and shall submit within 10 days a report in writing to the Director, Division of Reactor Licensing, with a copy to the Regional Compliance Office.

(2) General Electric shall report to the Commission in writing within 30 days of its observed occurrence any substantial variance disclosed by operation of the facility from performance specifications contained in the hazards summary report or the technical specifications.

(3) General Electric shall report to the Commission in writing within 30 days of its occurrence any significant change in transient or accident analysis, as described in the hazards summary report.

(4) General Electric shall make a report in writing to the Commission within 60 days after the completion of 6 months of operation of the reactor (calculated from the date of achievement of full power), and at the end of each 6 month period thereafter, which summarizes the following:

(a) Total number of hours of operation and total energy generated by the reactor.

(b) Number of shutdowns of the reactor with a brief explanation of the cause of each shutdown.

(c) Operating experience including a summary of the experimental fuel program and the tests performed on fuel including a description of fuel inspections and the results thereof, a description of other tests performed in the reactor, a summary of other experiments conducted, number of malfunctions in the control and safety systems with brief explanation of each, and a description of all emergency evacuations of the containment building.

(d) Principal maintenance performed and replacements made in the reactor and associated systems including a report on various tests performed on components of the reactor and associated systems.

(e) A description of the leak rate tests performed pursuant to the technical specifications and the results of such tests including a description of any necessary corrective measures taken to meet the requirements of the technical specifications for leak rate.

(f) Significant changes made in operating procedures in plant organization and in the facility.

(g) Radiation levels recorded at both on-site and off-site monitoring stations.

5. Pursuant to § 50.60 of 10 CFR Part 50, the Commission has allocated to General Electric for use in the operation of the reactor 368 kilograms of uranium 235 contained in uranium at the isotopic ratios specified

in the application. Estimated schedules of special nuclear material transfers to General Electric and returns to the Commission are contained in Appendix B attached hereto, which amends the allocation contained in Construction Permit No. CPPR–11. Transfers by the Commission to General Electric in accordance with column (2) in Appendix B will be conditioned upon General Electric's return to the Commission of material substantially in accordance with column (3) of Appendix B.

6. This license shall be effective as of the date of issuance and shall expire 10 years from said date.

Attachment: [1] Appendix A; Appendix B.

For the Atomic Energy Commission.

Director,
Division of Reactor Licensing.

Date of Issuance:

[F.R. Doc. 65–13739; Filed, Dec. 23, 1965; 8:45 a.m.]

[Docket No. 50–3]

CONSOLIDATED EDISON CO. OF NEW YORK, INC.

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 3, set forth below, to Provisional Operating License No. DPR–5. The license, as previously amended, authorizes Consolidated Edison Co. of New York, Inc., to operate its nuclear reactor, designated as the Indian Point Station, at steady state thermal power levels up to 615 megawatts. The license amendment, in accordance with the application dated December 3, 1965, redescribes the reactor as the Indian Point Station Unit No. 1 in order to distinguish it from a proposed second reactor, designated as the Indian Point Station Unit No. 2, which Consolidated proposes to construct and operate at the same site in the village of Buchanan, Westchester County, New York.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see the application for license amendment, a copy of which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 17th day of December 1965.

[1] These items were not filed with the Office of the Federal Register but are available for inspection in the public document room of the Atomic Energy Commission.

For the Atomic Energy Commission.

R. L. DOAN,
Director,
Division of Reactor Licensing.

[License No. DPR–5; Amdt. No. 3]

PROVISIONAL OPERATING LICENSE AMENDMENT

The Atomic Energy Commission having found that:

a. The application for license amendment dated December 3, 1965 complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

b. The issuance of this license amendment will not be inimical to the common defense and security or to the health and safety of the public; and

c. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated;

Provisional Operating License No. DPR–5 is redesignated "Consolidated Edison Co. of New York, Inc., Indian Point Station Unit No. 1, Docket No. 50–3" and paragraph 1 of Provisional Operating License No. DPR–5 is hereby amended to read as follows:

"1. This license applies to the utilization facility consisting of a pressurized water reactor (hereinafter referred to as 'the reactor'), and associated components and equipment hereinafter specified, which is owned by Consolidated Edison Co. of New York, Inc. (hereinafter referred to as 'Consolidated'), located at Consolidated's site in Westchester County, N.Y., and described in the amended and substituted application for licenses dated November 30, 1960, as amended; in the application for license amendment dated April 6, 1965, as supplemented May 6, 1965; and in the application for license amendment dated December 3, 1965 (hereinafter referred to as 'the application'), and which is a part of the electric generating plant which has been designated by Consolidated as the Indian Point Station Unit No. 1."

This amendment is effective as of the date of issuance.

Date of Issuance: December 17, 1965.

For the Atomic Energy Commission.

R. L. DOAN,
Director,
Division of Reactor Licensing.

[F.R. Doc. 65–13738; Filed, Dec. 23, 1965; 8:45 a.m.]

CIVIL SERVICE COMMISSION

ASSOCIATE COMMISSIONER FOR ELEMENTARY AND SECONDARY EDUCATION ET AL.

Positions for Which There is Manpower Shortage

Under the provisions of section 7(b) of the Administrative Expenses Act of 1946, as amended, the Civil Service Commission has found that there is a manpower shortage for the positions of Associate Commissioner for Elementary and Secondary Education, GS–1720–17/18, and Associate Commissioner for Research, GS–1720–18, Office of Education, Department of Health, Education, and Welfare, Washington, D.C., effective December 9, 1965, and December 14, 1965, respectively, and that there is a manpower shortage for the position of Manual Arts Therapist (Graphic and Applied Arts) GS–637–8, Veterans Administration Hospital, Palo Alto, Calif., effective December 6, 1965.

Each of these manpower shortage findings will terminate when the position is filled.

Appointees to these positions may be paid for the expenses of travel and transportation to their first duty station.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65–13776; Filed, Dec. 23, 1965; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

GEIGY CHEMICAL CORP.

Notice of Filing of Petition Regarding Pesticide Chemical Ethyl 4,4'-Dichlorobenzilate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 6F0463) has been filed by Geigy Chemical Corp., Post Office Box 430, Yonkers, N.Y., 10702, proposing to extend the tolerance for residues of the insecticide ethyl 4,4'-dichlorobenzilate at 5 parts per million in or on grapefruit, lemons, oranges, and tangerines to all citrus fruits and at 5 parts per million in or on cantaloups to all melons.

The analytical method proposed in the petition for determining residues of the subject insecticide is that of gas-liquid chromatography using a microcoulometric detector.

Dated: December 15, 1965.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 65–13785; Filed, Dec. 23, 1965; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI66–197]

HUMBLE OIL & REFINING CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, Effective Subject to Refund

DECEMBER 16, 1965.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto [18 CFR, ch. I], and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 2, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI66–197...	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex., 77001.	18	7	Phillips Petroleum Co. [1] (Texas Hugoton Field, Hansford County, Tex.) (R.R. District No. 10).	$1,428	11–19–65	[3] 1–1–66	[3] 1–2–66	[4] 6.195	[4] [5] 6.845	

[1] Phillips resells the gas after processing in its Sherman Gasoline Plant under its FPC Gas Rate Schedule No. 4 to Michigan Wisconsin Pipe Line Co. The effective rate under Phillips' rate schedule is 14.2183 cents per Mcf which is in effect subject to refund in Docket No. RI60–349.
[2] The stated effective date is the effective date requested by Respondent.
[3] The suspension period is limited to 1 day.
[4] Periodic rate increase.
[5] Pressure base is 14.65 p.s.i.a.
[6] Sweet gas rate. Subject to a downward B.t.u. adjustment and 0.4466 cent per Mcf deduction for sour gas. (Although instant filing reflects no deductions from sweet gas rate Humble's past FPC Form 301–B reflects deductions from the sweet gas rate.)
[7] Settlement rate in Humble's company-wide settlement in Docket No. G–9287, et al. Settlement order issued July 8, 1964. Said order provides a moratorium period on rate increase filings (with certain exceptions not involved herein) until June 1, 1967, but allows Humble to file for rate increases which do not exceed the applicable area ceiling.

Humble Oil & Refining Co. (Humble) proposes an increased rate of 6.845 cents per Mcf for wellhead sales of gas to Phillips Petroleum Co. (Phillips), the plant operator, who gathers and processes the gas in its Sherman Gasoline Plant and resells the residue gas after processing to Michigan Wisconsin Pipe Line Co. Phillips' resale of the gas is made under its FPC Gas Rate Schedule No. 4 at a current rate of 14.2183 cents per Mcf, which is in effect subject to refund in Docket No. RI60–349. Although Humble's proposed rate is below the area increased rate ceiling of 11.0 cents per Mcf for Texas Railroad District No. 10 as set forth in the Commission's Statement of General Policy No. 61–1, as amended, it is suspended for 1 day from January 1, 1966, the proposed effective date, because the sale related thereto is considered to be for nonpipeline quality gas. We consider the area rate ceiling to be applicable to sales of residue gas at the outlet of the plant which is the point of delivery to the pipeline company.

[F.R. Doc. 65–13751; Filed, Dec. 23, 1965; 8:46 a.m.]

[Docket No. CP66–185]

NORTHERN NATURAL GAS CO.

Notice of Application

DECEMBER 16, 1965.

Take notice that on December 6, 1965, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha 2, Nebr., filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to provide firm natural gas service to an existing customer, Metropolitan Utilities District (MUD), for resale to an industrial customer, Campbell Soup Co. (Campbell), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that MUD has requested it to provide up to 310 Mcf of natural gas per day on a firm basis for resale to Campbell for Campbell's use in its new food processing plant which is now under construction in Omaha, Nebr. The gas will be used by Campbell for plant heating and for gas fired ovens and fryers.

Annual firm sales to Campbell are estimated to be 33,120 Mcf. No interruptible volumes are proposed to be sold. No additional facilities are required.

Campbell estimates that its plant will be completed and ready for natural gas service by January 15, 1966.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before January 3, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65–13752; Filed, Dec. 23, 1965; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812–1826]

BARBER OIL CORP.

Notice of Application for Order of Temporary Exemption

DECEMBER 20, 1965.

Notice is hereby given that Barber Oil Corp. ("applicant"), 30 Rockefeller Plaza, New York, N.Y., 10020, a Delaware Corporation, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission temporarily exempting it from the provisions

of section 7 of the Act. Applicant, in requesting such temporary exemption, has agreed that applicant and other persons in their transactions and relations with it shall be subject to all other provisions of the Act and the respective rules and regulations promulgated under each of such provisions as though applicant were a registered investment company, other than the following: Section 8, subsections (f), (g), (h), and (i) of section 17, section 18 (except subsection (d) thereof), section 23, section 30 (except subsection (f) thereof), and section 31 of the Act, and the rules and regulations thereunder. All interested persons are referred to the application which is on file with the Commission for a statement of applicant's representations, which are summarized below:

On September 8, 1965, applicant filed an application pursuant to section 3(b)(2) of the Act for an order of the Commission declaring that it is not an investment company. Section 3(b)(2) provides that the filing of an application thereunder shall exempt the applicant for a period of 60 days from all provisions of the Act applicable to investment companies as such.

The 60-day period of exemption provided in section 3(b)(2) expired, in applicant's case, on November 7, 1965. Applicant, which has not registered as an investment company under the Act has asked that it be exempted as requested from November 7, 1965, until the Commission has acted upon the application under section 3(b)(2) of the Act.

Notice is further given that, in respect to the application pursuant to section 6(c) of the Act for an order of temporary exemption, any interested person may, not later than January 10, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65–13759; Filed, Dec. 23, 1965; 8:46 a.m.]

[812–1842]

NORTHEASTERN FINANCIAL CORP.

Notice of Filing of Application for Order Exempting Transactions

DECEMBER 20, 1965.

Notice is hereby given that Morris M. Schnitzer, Trustee for Northeastern Financial Corp. ("Northeastern"), 1180 Raymond Boulevard, Newark 2, N.J., a registered closed-end nondiversified investment company, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting from the provisions of section 17(a) of the Act certain transactions incident to an agreement dated September 30, 1965, between Northeastern and Atlantis International Corp. ("Atlantis"). Section 17(a) prohibits certain transactions between a registered investment company and affiliated persons of such company and, as here pertinent, makes it unlawful for Atlantis and Northeastern to consummate the proposed transactions unless the Commission grants an exemption after finding that the terms of the transactions are reasonable and fair and do not involve overreaching and that they are consistent with the policy of the registered investment company and the general purposes of the Act. The agreement is designed to settle certain claims of the parties arising out of transactions discussed below. All interested persons are referred to the application on file with the Commission for a full statement of the representations in said application which are summarized below.

On May 8, 1963, Honorable Anthony T. Augelli, U.S. District Judge for the U.S. District Court for the District of New Jersey, appointed Morris M. Schnitzer Trustee of Northeastern under section 42(e) of the Act and the Court's general equity power in order to prevent further violations of the Act and the Securities Act of 1933. On December 9, 1963, the Trustee filed with the Commission a notification of registration of Northeastern as an investment company pursuant to section 8(a) of the Act.

Northeastern's principal asset consists of 150,000 shares, or more than 5 percent, of the common stock of Atlantis, which has 1,008,618 shares outstanding. By reason of such ownership the two companies are affiliates of each other.

Northeastern acquired 110,000 shares of Atlantis stock from Atlantis in April 1962 for $110,000 and the remaining 40,000 shares were acquired from Robert K. Berry, president and promoter of Northeastern, in exchange for 450,000 shares of Northeastern common stock, since surrendered by Berry to the Trustee. Northeastern also has an installment contract to buy 135 lots in a tract of 1,200 acres owned by Atlantis in Little Egg Harbor Township, N.J. Northeastern has paid $25,200 of the purchase price of $198,200 but it is in arrears on the balance of the installment payments. Among other activities, Atlantis is presently engaged in developing these 1,200 acres for residential, commercial, and industrial uses.

Subject to Court and Commission approval, the Trustee has entered into the agreement of September 30, 1965, which provides in essence as follows: Atlantis will undertake the payment of $89,000, i.e., it will assume Northeastern's outstanding 8 percent, 10 year income bonds in the amount of $39,000, due December 31, 1970, at the reduced rate of 6 percent from January 1, 1965, and it will pay $50,000 as administrative expenses of the trusteeship. The $50,000 is payable $25,000 June 15, 1966, $12,500 a year later and the final $12,500 June 15, 1968, with interest at 4½ percent from the date of approval of the agreement. Northeastern will transfer 55,000 shares of the Atlantis common stock owned by it to Atlantis, and any Northeastern claims for rescission of its purchase of 110,000 Atlantis shares or recovery of the $25,200 paid under the installment lot purchase contract now in default, will be released and cancelled. Atlantis will have an option until April 15, 1966, to buy Northeastern's remaining 95,000 shares of Atlantis stock for $142,500. If the option is not exercised, Atlantis undertakes certain conditional obligations to accomplish the registration of the 95,000 Atlantis shares for the benefit of Northeastern and its stockholders.

In support of the application, the Trustee states that the agreement is consistent with the policy of Northeastern, which is to derive the maximum realization from Northeastern assets. He also states that the agreement will provide Northeastern with necessary cash and that Northeastern stockholders will benefit more from the agreement than they would from pressing claims and seeking the rescission of the lot purchase contract and the stock acquisition from Atlantis.

Notice is further given that any interested person may, not later than January 7, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65–13760; Filed, Dec. 23, 1965; 8:46 a.m.]

PINAL COUNTY DEVELOPMENT ASSOCIATION

Order Suspending Trading

DECEMBER 20, 1965.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the 5⅞ percent Industrial Development Revenue Bonds of Pinal County Development Association due April 15, 1989, otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934 that trading in such bonds be summarily suspended, this order to be effective for the period December 21, 1965, through December 30, 1965, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65–13761; Filed Dec. 23, 1965; 8:46 a.m.]

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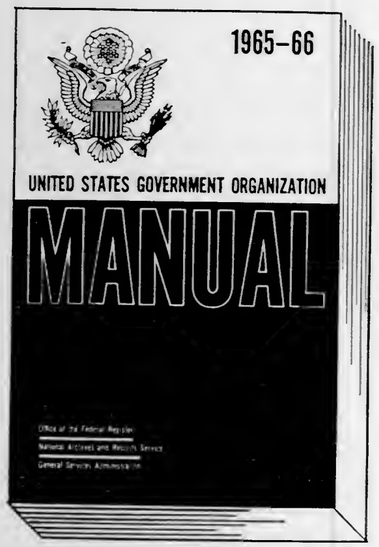
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Consumer and Marketing Service
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Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 813.4, Amdt. 5]

PART 813—ALLOTMENT OF SUGAR QUOTAS, DOMESTIC BEET SUGAR AREA

1965

Basis and purpose. This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (61 Stat. 922) and as further amended by Public Law 89-331 approved November 8, 1965 (hereinafter called the "Act"), for the purpose of further amending Sugar Regulation 813 (30 F.R. 435, 8461, 12282, 14308, 15360) which established allotments of the 1965 sugar quota for the Domestic Beet Sugar Area totaling 3,025,000 short tons, raw value.

This amendment is necessary to prorate deficits in the allotments of two allottees under this order. Empire State Sugar Company and National Sugar Manufacturing Co. have notified the Department in writing that they will be unable to utilize 6,857 and 1,338 short tons, raw value, respectively, of the allotments established for those allottees and released those portions for reallocation to other allottees.

Findings heretofore made by the Secretary (30 F.R. 435) include the provision that this order shall be revised, without further notice or hearing, for the purpose of allotting any quantity of an allotment which may be released by an allottee to other allottees able to utilize additional allotments.

Accordingly, deficits in the allotments herein established for Empire State Sugar Co. and National Sugar Manufacturing Co. are herein reallocated to allottees that are able to utilize additional allotments. The deficits are reallocated pro rata on the basis of the allotments in effect immediately prior to this amended order.

Allotments set forth herein are established on the basis of and consistent with the findings previously made by the Secretary.

Because of the limited time remaining in the quota year to which the allotments apply, it is imperative that this amendment become effective at the earliest possible date in order to permit the continued orderly marketing of sugar. Accordingly, it is hereby found that compliance with the 30-day effective date requirements of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and, consequently, this amendment shall be effective when filed for public inspection in the Office of the Federal Register.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act; it is hereby ordered, that paragraph (a) of § 813.4, as amended, be further amended to read as follows.

§ 813.4 Allotment of the 1965 Sugar Quota for the Domestic Beet Sugar Area.

(a) *Allotments.* The 1965 calendar year sugar quota for the Domestic Beet Sugar Area of 3,025,000 short tons, raw value is hereby allotted to the following processors in the quantities which appear opposite their respective names:

Processor	Short tons, raw value	Equivalent hundredweight refined beet sugar
Amalgamated Sugar Co., The	371,159	6,937,554
American Crystal Sugar Co	327,993	6,130,705
Buckeye Sugars, Inc	20,117	376,013
Empire State Sugar Co	1,605	30,000
Great Western Sugar Co., The	721,111	13,478,702
Holly Sugar Corp	502,417	9,390,971
Layton Sugar Co	16,620	310,658
Michigan Sugar Co	95,205	1,779,530
Monitor Sugar Division, Robert Gage Coal Co	46,193	863,431
National Sugar Manufacturing Co., The	9,362	175,000
Sprockels Sugar Co., Division of American Sugar Co	463,286	8,659,543
Union Sugar Division, Consolidated Foods Corp	154,524	2,888,302
Utah-Idaho Sugar Co	295,408	5,521,647
Total	3,025,000	56,542,056

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; interprets or applies secs. 205, 209; 61 Stat. 926; as amended, 928; 7 U.S.C. 1115, 1119 and as further amended by Public Law 89-331, enacted Nov. 8, 1965)

Effective date. When filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., this 22d day of December 1965.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65-13830; Filed, Dec. 22, 1965; 4:09 p.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 193, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 910.493 (Lemon Regulation 193, 30 F.R. 15654) are hereby amended to read as follows:

§ 910.493 Lemon Regulation 193.

* * * * *

(b) * * *

(1) * * *

(ii) District 2: 111,600 cartons.

* * * * *

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: December 22, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-13838; Filed, Dec. 27, 1965; 8:47 a.m.]

PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Expenses and Rate of Assessment

Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the proposals submitted by the Control Committee (established pursuant to said amended marketing

agreement and order), it is hereby found and determined that the expenses, during the current season, of such committee with respect to plums and Elberta peaches will amount to the following:

Early varieties of plums, $29,000;
Late varieties of plums, $29,000; and
Elberta peaches, $13,000.

It is, therefore, ordered, That paragraph (a) of § 917.204 *Expenses and rates of assessment* for the 1965–66 season (30 F.R. 8961) is hereby amended to read as follows:

§ 917.204 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Control Committee during the season March 1, 1965, through February 28, 1966, for the maintenance and functioning of such committee and the respective commodity committees, established under the aforesaid amended marketing agreement and order, are as follows:

(1) Bartlett pears, $14,333.45;

(2) Early varieties of plums, $29,000.00;

(3) Late varieties of plums, $29,000.00; and

(4) Elberta peaches, $13,000.00.

* * * * *

It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in rule making procedure, and postpone the effective date of this amendatory order until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) The increase in the budget set forth above does not involve an increase in the rates of assessment heretofore established by the Secretary (30 F.R. 8961), and (2) the said committee in the performance of its duties and functions has incurred obligations in excess of the expenses previously thought likely to be incurred. Therefore, it is essential that this amendatory action be issued immediately so that said committee can meet its obligations.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 21, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–13813; Filed, Dec. 27, 1965; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 7088; Amdt. 39–174]

PART 39—AIRWORTHINESS DIRECTIVES

Grumman Model G–164 Series Airplanes

There have been instances of loose propeller hubs which can result in crankshaft failure on Grumman Model G–164 Series airplanes equipped with Grumman-Sensenich No. 5404/MA96K propellers. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspection, and replacement where necessary, of the cone and spacer sets used with the subject propeller.

As a situation exists which demands immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

GRUMMAN. Applies to Model G–164 Series airplanes equipped with J–5404/MA96K, SR–5404R/MA96K or SR–5404/MA96K propellers on Continental W–670 (R–670) Series, Gulf Coast W–670–240, and Jacobs R–755 and L–4M Series engines.

Compliance required within 25 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent further instances of loose propeller hubs, accomplish the following:

(a) Remove propeller and check for matched sets of cone and spacer. The AN 5008–20 rear cone (0.969 inch) must be used with the AN 5010–20 spacer (1.00 inch) and a No. 525–B rear cone (0.875 inch) must be mated with a No. 30091 spacer (1.105 inch). The overall average length of these sets must be 1.969 inch and 1.980 inch respectively. An exception to these requirements is the Gulf Coast W–670–240 engine modified after 3/10/64 wherein the spacer has been omitted from the propeller installation due to the 1-inch shorter propeller shaft.

(b) Determine that the propeller nut does not bottom on the crankshaft threads by comparing the number of total turns with propeller removed to the number of turns with propeller installed and properly torqued. To correctly seat the propeller hub on the crankshaft there should be at least one full turn less with the propeller installed. If a proper fit cannot be obtained, new matched sets must be installed. If this procedure indicates the need for a spacer on the Gulf Coast W–670–240 installation, install Grumman spacer P/N A1600–99 (one eighth inch long).

(Grumman Service Bulletin No. 32 dated September 9, 1965, and Service Bulletin No. 32A dated October 21, 1965, cover this same subject.)

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1423)

This amendment becomes effective December 28, 1965.

Issued in Washington, D.C., on December 21, 1965.

C. W. WALKER,
Acting Director, Flight Standards Service.

[F.R. Doc. 65–13790; Filed, Dec. 27, 1965; 8:45 a.m.]

[Airspace Docket No. 65–CE–143]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

Controlled airspace in the Sedalia, Mo., area presently consists of a transition area designated as:

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Whiteman AFB, Sedalia, Mo. (latitude 38°-43'50" N., longitude 93°33'00" W.), and within 2 miles each side of Whiteman ILS localizer S course, extending from the 8-mile radius area to 8 miles S of the LOM; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at longitude 93°30'00" W., and the south boundary of V–12, thence north via longitude 93°30'00" W., to the south boundary of V–4, thence east along the south boundary of V–4 to longitude 92°31'00" W., thence south along longitude 92°31'00" W., to the south boundary of V–12, thence west along the south boundary of V–12 to and clockwise along the arc of a 29-mile radius circle centered on the Whiteman VOR, to the east boundary of V–205, thence northwest along the east boundary of V–205 to and counter-clockwise along the arc of a 42-mile radius circle centered on the Kansas City, Mo., Municipal Airport (latitude 39°07'20" N., longitude 94°35'30" W.) to the south boundary of V–12, thence east along the south boundary of V–12 to the point of beginning; and that airspace extending upward from 2,500 feet MSL bounded on the north by the south boundary of V–12, on the east by longitude 92°31'00" W., and the west boundary of V–63, on the south by the arc of a 25-mile radius circle centered on Springfield, Mo., Municipal Airport (latitude 37°-14'35" N., longitude 93°23'20" W.), on the west by the east boundary of V–205 and the arc of a 29-mile radius circle centered on the Whiteman VOR.

The Federal Aviation Agency has conducted a further study of the airspace requirements in the Sedalia, Mo., area and has determined that there has been a substantial reduction in aircraft activity at Whiteman AFB which will permit the reduction in size of the Sedalia transition area. Therefore, Part 71 of the Federal Aviation Regulations is herein amended to reduce the size of the Sedalia, Mo., transition area. Since this amendment is less restrictive and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., February 3, 1966, as hereinafter set forth.

In § 71.181 (29 F.R. 17643) the Sedalia, Mo., transition area is amended to read:

SEDALIA, MO.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Whiteman AFB, Sedalia, Mo. (latitude 38°43'50" N., longitude 93°33'00" W.), within 2 miles each side of Whiteman ILS localizer S course, extending from the 8-mile radius area to 8 miles S of the LOM; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at longitude 93°30'00" W., and the south boundary of V–12, thence north via longitude 93°30'00" W., to the south boundary of V–4, thence east along the south boundary of V–4 to longitude 92°31'00" W., thence south along longitude 92°31'00" W., to the south boundary of V–12, thence west along the south boundary of V–12 to and clockwise along the arc of a 29-mile radius circle centered on the Whiteman VOR, to the east boundary of V–205, thence northwest along the east boundary of V–205 to and counterclockwise along the arc of a 42-mile radius circle centered on the Kansas City, Mo., Municipal Airport (latitude 39°07'20" N., longitude 94°35'30" W.) to the south boundary of V–12, thence east along the south boundary of V–12 to the point of beginning.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on December 16, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65–13835; Filed, Dec. 27, 1965; 8:46 a.m.]

[Airspace Docket No. 65–CE–125]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area, Alteration of Control Zone, Revocation of Transition Areas and Revocation of Control Area Extension

On October 20, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 13328) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the Rochester, Minn., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. The one comment received was favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., March 31, 1966, as hereinafter set forth:

(1) In § 71.165 (29 F.R. 17557) the Rochester, Minn., control area extension is revoked in its entirety.

(2) In § 71.171 (29 F.R. 17581) the Rochester, Minn., control zone is amended to read:

ROCHESTER, MINN.

Within a 5-mile radius of Rochester Municipal Airport (latitude 43°54'38" N., longitude 92°29'46" W.) and within 2 miles each side of the Rochester VOR 029° radial, extending from the 5-mile radius zone to 15 miles NE of the VOR; and within 2 miles each side of the Rochester ILS localizer SE course, extending from the 5-mile radius zone to the OM; and within 2 miles each side of the Rochester VOR 030° radial, extending from the 5-mile radius zone to the VOR.

(3) In § 71.181 (29 F.R. 17643) the LeRoy, Minn., transition area and the Preston, Minn., transition area are revoked in their entirety.

(4) In § 71.181 (29 F.R. 17643) the following transition area is added:

ROCHESTER, MINN.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Rochester Municipal Airport (latitude 43°54'38" N., longitude 92°29'46" W.); and within 2 miles each side of the Rochester VOR 029° radial, extending from the 7-mile radius area to 23 miles NE of the VOR; and within 5 miles SW and 8 miles NE of the Rochester ILS localizer SE course, extending from 5 miles NW to 12 miles SE of the OM; and within 2 miles each side of the Rochester ILS localizer NW course, extending from the 7-mile radius area to 19 miles NW of the OM; and that airspace extending upward from 1,200 feet above the surface within a 23-mile radius of Rochester Municipal Airport; and the airspace N and E of Rochester bounded on the W by the W edge of V–82, on the NW by the arc of a 36-mile radius circle centered on the Minneapolis-St. Paul International Airport (latitude 44°53'05" N., longitude 93°13'15" W.), on the NE by V–2, and on the S by V–82; and within 5 miles W and 7 miles E of the Rochester VOR 173° radial, extending from the 23-mile radius area to 38 miles S of the VOR; and within 5 miles S and 7 miles N of the Rochester VOR 105° radial, extending from the 23-mile radius area to 45 miles E of the VOR, excluding the portion which overlies the Winona, Wis., transition area.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on December 16, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65–13791; Filed, Dec. 27, 1965; 8:45 a.m.]

[Airspace Docket No. 65–EA–52]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area; Correction

On December 4, 1965 the Federal Aviation Agency published a regulation which designated a transition area over Leesburg Municipal (Godfrey) Airport in Leesburg, Va. In error, the Poolesville, Md. RBN was set forth as the Poolesville, Va. RBN.

Since this correction is minor in nature, notice and public procedure hereon are unnecessary and the correction may be made effective immediately.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the Leesburg, Va. transition area description the words, "Poolesville, Va." and insert in lieu thereof, "Poolesville, Md."

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on December 17, 1965.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

[F.R. Doc. 65–13792; Filed, Dec. 27, 1965; 8:45 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter III—Consumer and Marketing Service—Meat Inspection, Department of Agriculture

SUBCHAPTER D—HUMANE SLAUGHTER OF LIVESTOCK

PART 381—IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Statement of Policy Regarding Identification

Pursuant to section 4 of the Act of August 27, 1958, relating to humane slaughter of livestock (7 U.S.C. 1904) the statement of policy contained in § 381.1 of the Humane Slaughter of Livestock Regulations (9 CFR 381.1) is hereby amended by changing "Director of the Meat Inspection Division, Consumer and Marketing Service, Department of Agriculture" to "Administrator" in the first sentence and changing "Director" to "Administrator" in the second sentence of paragraph (b); and adding a new paragraph as follows:

§ 381.1 Statement of policy regarding identification.

* * * * *

(c) The term "Administrator" as used in this part means the Administrator of the Consumer and Marketing Service of the Department or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

Section 381.1 presently provides that the Director of the Meat Inspection Division will publish in the FEDERAL REGISTER the list of official establishments which use humane methods of livestock slaughter and incidental handling. This document amends the section to provide that such notices shall be signed by the Administrator, Consumer and Marketing Service or his delegates. The amendment is merely procedural and makes no substantive change in requirements for the affected industry. It is found, therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), that notice and other public procedure thereon are unnecessary, and good cause is found for making the amendment effective in less than 30 days after publication in the FEDERAL REGISTER.

(72 Stat. 863, 7 U.S.C. 1904; 9 CFR 381(b), 30 F.R. 4195; 29 F.R. 16210, as amended, 30 F.R. 2160)

The amendment shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 22d day of December 1965.

R. K. SOMERS,
Deputy Administrator,
Consumer and Marketing Service.

[F.R. Doc. 65-13814; Filed, Dec. 27, 1965; 8:46 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 19,597]

PART 544—CHARTER AND BYLAWS

Communications With Members

DECEMBER 17, 1965.

Whereas, by Federal Home Loan Bank Board Resolution No. 19,258, dated July 2, 1965, and duly published in the FEDERAL REGISTER on July 9, 1965 (30 F.R. 8698), this Board resolved, pursuant to Part 508 of the general regulations of the Board (12 CFR Part 508) and § 542.1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 542.1) to propose an amendment to Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) relating to membership lists and communications with members, the substance of which proposal was set out in said publication, and

Whereas, all relevant material presented or available having been considered by it;

Now, therefore, be it resolved, That this Board hereby determines to modify the proposal to provide for an optional bylaw amendment relating to communications with members, to read as hereinafter set forth and to adopt said proposal, as so modified, effective January 28, 1966.

Section 544.6 of the rules and regulations for the Federal Savings and Loan System is hereby amended by adding a new paragraph, paragraph (g), to read as follows:

§ 544.6 Amendment to bylaws.

* * * * * * *

(g) *Communications with Members.* Every member of the association shall have the right to inspect the records of the association which pertain solely to his own accounts. Every member shall have the right to communicate with other members in relation to any matter which may properly be considered at a meeting of members. The association may not defeat such right by a redemption of the member's savings account in the association. Any member requesting a communication with other members as provided herein shall, not less than 30 days prior to the date of an annual meeting and not less than 10 days prior to the date of a special meeting, furnish the association with the following information, in writing and subscribed by him: (1) His full name and address; (2) the nature and extent of his interest in the association at the time his application is made; (3) a statement of the reasons for and purposes of the communication which he desires to make with other members; (4) a copy of such communication; and (5) the date of the annual or special meeting of the members of the association at which the matter will be presented for consideration. Upon receipt of such request, unless made for an improper purpose, the association shall, within 10 days of receipt in the case of an annual meeting and within 3 days of receipt in the case of a special meeting, notify the member either (i) of the number of the association's members and of the estimated amount of the association's reasonable costs and expenses of mailing the communication to its members, or (ii) of its determination not to honor the request because the latter fails to comply with the provisions of this section. After receipt of such amount and sufficient copies of the member's communication, the association shall mail the same to all its members by a class of mail specified by the requesting member within 7 days of receipt of such amount and copies in the case of an annual meeting and at the earliest practicable date prior to the meeting in the case of a special meeting (or, in either case, such later date as the requesting member may specify).

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 65-13827; Filed, Dec. 27, 1965; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 302—RULES AND REGULATIONS UNDER THE FLAMMABLE FABRICS ACT

Interpretation

After consideration of Rule 6(c) of the regulations under the Flammable Fabrics Act (§ 302.6(c)) which reads:

Except as provided in paragraph (d) of this rule, handkerchiefs not exceeding a finished size of twenty-four (24) inches on any side or not exceeding five hundred seventy-six (576) square inches in area are not deemed "articles of wearing apparel" as that term is used in the Act

in conjunction with section 2(d) of the Flammable Fabrics Act which defines "article of wearing apparel", the Commission issues the following interpretation with respect thereto:

Rule 6(c) of the regulations under the Flammable Fabrics Act (§ 302.6(c)) does not exclude products from the Act on the sole basis of the size, description or designation of such product.

If, because of construction, design, color, type of fabric, or any other factor, a piece of cloth of a finished type or any other product of a finished type appears to be likely to be used as a covering for the head, neck, face, shoulders, or any part thereof, or otherwise appears likely to be used as an article of clothing, garment, or costume, such product is not a handkerchief and constitutes an article of wearing apparel as defined in and subject to the provisions of the Flammable Fabrics Act, irrespective of its size, or its description or designation as a handkerchief or any other term.

Issued: December 22, 1965.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 65-13821; Filed, Dec. 27, 1965; 8:46 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Order No. 312; Docket No. R-289]

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

Power System Statements

DECEMBER 20, 1965.

Power System Statements—miscellaneous amendments to F.P.C. Forms Nos. 12, 12-A, 12-D, Docket No. R-289.

The Commission is here amending F.P.C. Forms Nos. 12, 12-A and 12-D, Power System Statements, prescribed by §§ 141.51, 141.52, and 141.55, respectively, of its regulations and required to be filed by electric utilities, licensees, and others engaged in the generation, transmission or distribution of electric energy. On October 28, 1965, we issued a notice of proposed rulemaking (30 F.R. 10418, November 5, 1965) in which the amendments were described in detail. We also stated that the amendments, for the most part suggested by representatives of the companies and other entities which make the reports, reduce the present reporting requirements but, in addition, provide new schedules for the reporting of information relating to the operation of pumped storage facilities by the few hydroelectric licensees which have such facilities. Only a minor editorial change, which we have adopted, was suggested by the single response submitted pursuant to the notice. Accordingly, the amendments here prescribed are the same as those proposed in the notice and the following table lists the schedules affected in the several forms:

Schedule heading	Page No. New	Page No. Old
FPC Form No. 12		
General information	3	3
Capacity and output, etc.	4	4
Do.	5	5
System hydroelectric data	8	8
Plant data—small plants	9	9
Do.	10	10
Hydroelectric plant data	11	11
Do.	12	12
Pumped storage plant data	13	-----
Do.	14	-----
Steam electric, etc., plant data	15	13
Internal combustion, etc., plant data	17	15
FPC Form No. 12-A		
General information	2	2
General instructions	5	5
FPC Form No. 12-D		
General information	1	1

The Commission finds:

The amendments to the several report forms here prescribed are necessary and appropriate for the administration of the Federal Power Act.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly sections 4 (a), (b), (c), 301(a), 302, 304, 309, and 311 thereof (49 Stat. 839, 854, 855, 858, 859; 16 U.S.C. 797 (a), (b), (c), 825(a), 825a(a), 825c, 825h, 825j), orders:

(A) FPC Form No. 12, Power System Statements, for Classes I and II systems, prescribed by § 141.51(a), Subchapter D, Chapter I, Title 18 of the Code of Federal Regulations, is amended by adding a new schedule (4-A Pumped Storage Plant Data) and amending the General Information page and schedules 1, 3, 4, 5, and 7 to read as set out in the several schedule pages of the form appended hereto in Attachment A.[1]

(B) FPC Form No. 12-A, Power System Statements, for Classes III, IV, and V systems, prescribed by § 141.52 of the said regulations, is amended by amending the General Information and General Instructions pages to read as set out in the two pages of the form appended hereto in Attachment B.[1]

(C) FPC Form No. 12-D, Power System Statements for certain Class III systems, prescribed by § 141.55 of the said regulations, is amended by amending the General Information page to read as set out in Attachment C,[1] appended hereto.

[Secs. 4 (a), (b), (c), 301(a), 302, 304, 309, 311 (49 Stat. 839, 854, 855, 858, 859; 16 U.S.C. 797 (a), (b), (c), 825(a), 825a(a), 825c, 825h, 825j)]

(D) The amendments prescribed herein shall be effective for the reporting year 1965 and thereafter.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-13804; Filed, Dec. 27, 1965; 8:45 a.m.]

[1] Attachments A, B, and C filed as part of original document.

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Postponement of Closing Dates of Provisional Listings of Certain Items

The color additives amendments of 1960 (Public Law 86-618; 74 Stat. 404; 21 U.S.C. 376, note) authorizes the Secretary of Health, Education, and Welfare to postpone the closing date of a provisional listing (including a deemed provisional listing) of a color additive on his own initiative or upon application of an interested person.

Requests have been received to postpone the closing dates of the provisional listings of a number of color additives because scientific investigations necessary for listing these color additives under section 706 of the Federal Food, Drug, and Cosmetic Act have not been completed. It is found that postponement of the closing dates of the provisionally listed color additives included in this order will not be contrary to the interests of the public health. Any extensions so granted are conditioned upon a requirement that a progress report be supplied on or before July 1, 1966.

Therefore, pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (sec. 203(a)(2), Public Law 86-618; 74 Stat. 404; 21 U.S.C. 376, note), delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90), § 8.501 *Provisional lists of color additives* is amended in the following respects:

1. Paragraph (b) is amended by changing the closing dates of the following items to July 1, 1966:

D&C Green No. 8 (§ 9.106 of this chapter).
D&C Yellow No. 7 (§ 9.130 of this chapter).
D&C Yellow No. 8 (§ 9.131 of this chapter).
D&C Red No. 6 (§ 9.151 of this chapter).
D&C Red No. 7 (§ 9.152 of this chapter).
D&C Red No. 8 (§ 9.153 of this chapter).
D&C Red No. 9 (§ 9.154 of this chapter).
D&C Red No. 10 (§ 9.155 of this chapter).
D&C Red No. 11 (§ 9.156 of this chapter).
D&C Red No. 12 (§ 9.157 of this chapter).
D&C Red No. 13 (§ 9.158 of this chapter).
D&C Red No. 17 (§ 9.162 of this chapter).
D&C Red No. 31 (§ 9.176 of this chapter).
D&C Red No. 33 (§ 9.178 of this chapter).
D&C Red No. 34 (§ 9.179 of this chapter).
D&C Red No. 39 (§ 9.184 of this chapter).
D&C Orange No. 4 (§ 9.201 of this chapter).
D&C Blue No. 9 (§ 9.245 of this chapter).
D&C Violet No. 2 (§ 9.270 of this chapter).

2. Paragraph (c) is amended by changing the closing dates of the following items to July 1, 1966:

Ext. D&C Yellow No. 1 (§ 9.301 of this chapter).
Ext. D&C Yellow No. 7 (§ 9.307 of this chapter).
Ext. D&C Green No. 1 (§ 9.400 of this chapter).

3. Paragraph (e) is amended by changing the closing dates of all of the items listed therein to January 1, 1967.

4. Paragraph (f) is amended by changing the closing dates of all of the items listed therein to January 1, 1967.

5. Paragraph (g) is amended by changing the closing dates of all of the items listed therein to January 1, 1967.

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, because section 203(a)(2) of Public Law 86-618 provides for this issuance.

Effective date. This order shall become effective on the date of publication.

(Sec. 203(a)(2), Public Law 86-618; 74 Stat. 404; 21 U.S.C. 376, note)

Dated: December 20, 1965.

WINTON B. RANKIN,
Acting Commissioner of,
Food and Drugs.

[F.R. Doc. 65-13831; Filed, Dec. 27, 1965; 8:46 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 20—FROZEN DESSERTS

Order Postponing Effective Date for Certain Labeling Requirements in the Standard of Identity for Ice Cream

An order published in the FEDERAL REGISTER of December 22, 1964 (29 F.R. 18123), amended the labeling requirements in the standards for frozen desserts, effective 180 days following publication (June 20, 1965). Prior to the end of this period, and in response to petitions from the International Association of Ice Cream Manufacturers, and others, an order was published in the FEDERAL REGISTER of June 2, 1965 (30 F.R. 7280), postponing the effective date of the labeling requirements until December 31, 1965. An order published September 17, 1965 (30 F.R. 11915), made further minor amendments of the labeling requirements prescribed in paragraph (g) of the standard for ice cream (§ 20.1) and set December 31, 1965, as the effective date for these amendments.

The International Association of Ice Cream Manufacturers, representing about 85 percent of the total production of frozen desserts distributed in this country, has petitioned for a further extension of the effective date of the labeling requirements for declaring characterizing flavors on the labels of certain flavors of frozen desserts. The petition does not request postponement of the effective date of December 31, 1965, for ice cream where the characterizing flavor is supplied by single flavoring ingredients. Examples set out in the petition are vanilla and vanilla type, chocolate, citrus fruit, berry, and other fruits. (It is explained that these are intended to include those to be labeled "flavored" or "artificially flavored" as required by § 20.1(g)(2) (ii) and (iii) of the ice cream standard.) The petition also states that the request for extension does not extend to products consisting of two or more distinct flavors in the same pack-

age such as vanilla-chocolate and neapolitan.

The petition requests a postponement until September 1, 1966, of the effective date of § 20.1(g) (2) and (5)(iv) as regards the declaration of characterizing flavors on labels of ice cream (also french ice cream and ice milk) which are specialty flavor items or are items selling irregularly and in small volume. The petition explains that numerous products fall into this category. It mentions variegated products, cherry-vanilla type products, and novelties such as ice cream cakes, factory filled cones, ice cream sandwiches, coated items, and others. It is impractical to attempt to list specifically all the items falling into this category.

The petition discusses the efforts that have been made by the Association in developing labeling guidelines for the industry and the efforts made by ice cream manufacturers and the carton industry in revising labels for the basic flavors such as vanilla, chocolate, strawberry, neapolitan, and similar products. It is asserted that these products, for which no extension of the effective date is requested, make up some 70 percent of the annual volume of production of frozen desserts in this country. Notwithstanding the fact that the flavors within the requested extension account for substantially less than one-half the annual production of frozen desserts, the inventory of cartons is relatively large. The petition reports a recent survey indicating that the inventory value of these cartons on December 31, 1965, will amount to almost $6,000,000.

It is concluded that reasonable grounds have been furnished to support issuing an order extending until September 1, 1966, the effective date of the requirements for label declaration of characterizing flavors prescribed in § 20.1(g) of the standard for ice cream as these requirements apply to certain flavors of ice cream, french ice cream and ice milk.

Accordingly, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended; 21 U.S.C. 341, 371) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90): *It is ordered*, That the effective date of the requirements for label declaration of characterizing flavors prescribed in § 20.1(g)(2) and (5)(iv), as amended, be postponed until September 1, 1966, insofar as these requirements apply to kinds of ice cream, other than those characterized by single flavors like vanilla, vanilla flavored, artificially flavored vanilla, chocolate, strawberry, peach, orange, or other such flavors and products consisting of two or more distinct flavors packed together such as vanilla-chocolate or neapolitan. Because of the cross-references to § 20.1 in the standards for french ice cream (§ 20.2) and ice milk (§ 20.3), this postponement applies similarly to french ice cream and ice milk.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended; 21 U.S.C. 341, 371)

Dated: December 21, 1965.

WINTON B. RANKIN,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 65-13832; Filed, Dec. 27, 1965; 8:46 a.m.]

PART 27—CANNED FRUITS AND FRUIT JUICES

Orange Juice From Concentrate; Order Amending Identity Standard

In the matter of amending the identity standard for orange juice from concentrate (21 CFR 27.111) to provide for the optional addition of orange juice for manufacturing within certain conditions:

No comments were filed in response to the notice of proposed rulemaking in the above-identified matter published in the FEDERAL REGISTER of August 12, 1965 (30 F.R. 10054), based on a petition filed by Sunkist Growers, Inc., 720 East Sunkist Street, Ontario, Calif., 91764.

On the basis of the relevant information available, it is concluded that it will promote honesty and fair dealing in the interest of consumers to adopt the amendment proposed. Accordingly, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended; 21 U.S.C. 341, 371) and delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90); *It is ordered*, That § 27.111(a) be amended to read as follows:

§ 27.111 Orange juice from concentrate; identity; label statement of optional ingredients.

(a) Orange juice from concentrate is the food prepared by mixing water with frozen concentrated orange juice as defined in § 27.109 or with concentrated orange juice for manufacturing as defined in § 27.114 (when made from mature oranges), or both. To such mixture may be added orange juice as defined in § 27.105, frozen orange juice as defined in § 27.106, pasteurized orange juice as defined in § 27.107, orange juice for manufacturing as defined in § 27.112 (when made from mature oranges and preserved by chilling or freezing but not by canning), orange oil, orange pulp, and one or more of the sweetening ingredients listed in paragraph (b) of this section. The finished orange juice from concentrate contains not less than 11.8 percent orange juice soluble solids, exclusive of solids of any added optional sweetening ingredients. It may be so treated by heat as to reduce substantially the enzymatic activity and the number of viable microorganisms.

• • • • •

Any person who will be adversely affected by the foregoing order may at any time within 30 days following the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 948; 21 U.S.C. 341, 371)

Dated: December 20, 1965.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 65-13833; Filed, Dec. 27, 1965; 8:46 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Department of Housing and Urban Development, Federal Housing Administration

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter:

SUBCHAPTER B—PROPERTY IMPROVEMENT LOANS

PART 201—CLASS 1 AND CLASS 2 PROPERTY IMPROVEMENT LOANS

In § 201.2 paragraph (c) is amended to read as follows:

§ 201.2 Eligible notes.

• • • • •

(c) *Payments.* (1) The note shall be payable in equal installments falling due monthly or every 2 weeks, unless a different payment schedule is approved by the Commissioner. The first payment shall be due no later than 2 months from the date of the note. The note may provide for a first or final payment in an amount other than the regular installment. In such instance, the installment shall not be less than one-half nor more than one and one-half times the amount of the regular installment.

(2) Where 51 percent or more of the borrower's income is derived from the raising and selling of agricultural commodities, crops, livestock, or from commercial fishing or the operation of a commercial greenhouse, a note may be made payable in installments corresponding to income periods shown on the credit application. In such instances, the note shall provide for the first payment no later than 1 year from the date of the note with subsequent payments to be made at least once a year. The proportion of principal payable during the last half of the term of the loan shall not exceed the proportion to be paid during the first half of the term.

• • • • •

In § 201.11 paragraphs (c)(1) and (e) are amended to read as follows:

§ 201.11 Claims.

• • • • •

(c) *Maximum claim period.* (1) Where installments on the note are payable monthly or more frequently, claim shall be filed no later than 31 days after the due date of the final installment. Where installments on the note are payable less frequently than monthly, claim shall be filed no later than 6 months after the due date of the final installment.

• • • • •

(e) *Claim amount.* An insured will be reimbursed for its losses on loans made in accordance with the regulations in this part up to the amount of its reserve as established by § 201.12. The amount of the reimbursement is determined by adding the items in subparagraphs (1), (2), (3), and (4) as follows:

(1) 90 percent of the net unpaid amount of the loan actually made or the actual purchase price of the note, whichever is the lesser.

(2) Interest computed under one of the following formulas:

(i) 90 percent of the uncollected interest earned up to the date of default plus 90 percent of the interest, computed at 5 percent per annum on the outstanding balance, from the date of default to the date of the claim application, or 9 months and 31 days from the date of default, whichever is the lesser period. The amount of such allowance shall not exceed the maximum permissible financing charge on the principal outstanding 9 months and 31 days from the date of default.

(ii) 90 percent of the uncollected interest earned up to the date of default plus 90 percent of the interest, computed at 5 percent per annum on the outstanding balance, from the date of default to the date of certification for payment, where an otherwise eligible claim has been held in suspense by the Commissioner pending a determination of the eligibility for insurance of other claims or loans, or by an investigation of the insured's loan or claim activities.

(3) Uncollected court costs, including fees paid for issuing, serving, and filing summons.

(4) Attorney's fees actually paid not exceeding:

(i) 25 percent of the amount collected by the attorney on the defaulted note, provided the insured does not waive its claim against the borrower for such fees; and

(ii) $50 or 15 percent of the balance due on the note, whichever is the lesser, if judgment is secured by confession after default.

• • • • •

(Sec. 2, 48 Stat. 1246, as amended; 12 U.S.C. 1703)

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart A—Eligibility Requirements

Section 203.27(a)(4) is amended by adding a new subdivision (v) as follows:

§ 203.27 Maximum charges, fees or discounts.

(a) • • •

(4) • • •

(v) A builder or realtor who is purchasing a dwelling from an owner-occupant.

• • • • •

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b; interprets or applies sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

SUBCHAPTER D—RENTAL HOUSING INSURANCE

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

In § 207.4 paragraph (c)(1) is amended to read as follows:

§ 207.4 Maximum mortgage amounts.

• • • • •

(c) *Increased mortgage amount—high cost areas.* (1) In any geographical area where the Commissioner finds cost levels so require, the Commissioner may increase, by not to exceed 45 percent, the dollar amount limitations set forth in paragraphs (a)(4) and (b) of this section.

• • • • •

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b; interprets or applies sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

SUBCHAPTER F—URBAN RENEWAL HOUSING INSURANCE AND INSURED IMPROVEMENT LOANS

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart C—Eligibility Requirements—Projects

In § 220.507 paragraph (b)(5) is amended to read as follows:

§ 220.507 Maximum mortgage amounts.

• • • • •

(b) *Increased mortgage amounts—elevator type structures.* • • •

(5) $25,500 per family unit with four or more bedrooms.

• • • • •

Section 220.511 is amended to read as follows:

§ 220.511 Supervision of mortgagors.

All of the provisions of § 207.19 of this chapter apply, except that in the case of a mortgage covering property on which there is located a dwelling or dwellings designed principally for residential use for two to eleven families, § 207.19(d) relating to labor standards and prevailing wage requirements shall not apply.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b; interpret or apply sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

SUBCHAPTER G—HOUSING FOR MODERATE INCOME AND DISPLACED FAMILIES

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Subpart D—Contract Rights and Obligations—Moderate Income Projects

In § 221.751 paragraph (a) is amended by deleting from the listed exceptions the following:

§ 221.751 Incorporation by reference.

(a) • • •

Sec.
207.258 Insurance benefits requirements.

• • • • •

(Sec, 211, 52 Stat. 23; 12 U.S.C. 1715b; interprets or applies sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715l)

SUBCHAPTER I—HOUSING FOR ELDERLY PERSONS

PART 231—HOUSING MORTGAGE INSURANCE FOR THE ELDERLY

Subpart A—Eligibility Requirements

Section 231.7 is amended to read as follows:

§ 231.7 Increased mortgage amounts—operating losses.

When the taxes, interest on the mortgage debt, mortgage insurance premiums, hazard insurance premiums, and the expense of maintenance and operation of the project, excluding depreciation, covered by such mortgage during the first two years following the date of completion of the project, as determined by the Commissioner, exceed the project income, the Commissioner may, in his discretion and upon such terms and conditions as he may prescribe, permit the excess of the foregoing expenses over the project income to be added to the amount of such mortgage, and extend the coverage of the mortgage insurance thereto, and any such additional advances by the mortgagee to cover such excess, shall be deemed to be part of the original face amount of the mortgage. The regulations pursuant to which the mortgage was originally insured shall govern the payment of insurance benefits on the mortgage as increased by such additional advance.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b; interprets or applies sec. 231, 73 Stat. 665; 12 U.S.C. 1715v)

SUBCHAPTER L—CONDOMINIUM HOUSING INSURANCE

PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Individually Owned Units

In § 234.25(c) subparagraphs (1) and (2) are amended to read as follows:

§ 234.25 Mortgage provisions.

* * * * *

(c) *Payments and maturity dates.* * * *

(1) Provide for payments to become due on the first day of the month.

(2) Have a maturity satisfactory to the Commissioner of not to exceed three-quarters of the Commissioner's estimate of the remaining economic life of the property. The maturity shall also be not less than 10 nor more than 30 years from the date of the beginning of amortization, except that the term may be 35 years from the date of the beginning of amortization in either of the following instances:

(i) The mortgagor is an owner-occupant of the property and is not able, as determined by the Commissioner, to make the required payments under a mortgage having a shorter amortization period.

(ii) The application for the conversion of an insured project to condominium ownership was received by the Commissioner prior to August 10, 1965.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b; interprets or applies sec. 234, 75 Stat. 160; 12 U.S.C. 1715y)

SUBCHAPTER R—WAR HOUSING INSURANCE

PART 608—MULTIFAMILY PROJECTS; WAR HOUSING MORTGAGE INSURANCE

Subpart B—Contract Rights and Obligations

Section 608.265 is amended to read as follows:

§ 608.265 Debenture interest rate and term.

All of the provisions of § 207.259 of this chapter covering payment of insurance benefits shall be applicable to mortgages insured under this part, except the debentures shall have the following characteristics:

(a) They shall be dated as of one month after the date of default prescribed in § 207.255.

(b) They shall mature 10 years from the date of issue.

(c) They shall bear interest at the rates determined as follows:

(1) 2½ percent, if the mortgage was endorsed for insurance prior to July 8, 1953.

(2) 2¾ percent, if the mortgage was endorsed for insurance after July 7, 1953; except that the rate shall be 2½ percent if the mortgage was endorsed for insurance pursuant to a commitment issued after May 28, 1954.

(Sec. 607, 55 Stat. 61, as amended; 12 U.S.C. 1742; interprets or applies sec. 608, 56 Stat. 308 as amended; 12 U.S.C. 1743)

SUBCHAPTER V—LAND DEVELOPMENT INSURANCE

PART 1000—MORTGAGE INSURANCE FOR LAND DEVELOPMENT

Subpart A—Eligibility Requirements

§ 1000.120 [Amended]

In § 1000.120 the reference to "§ 1000.-142" is changed to read "§ 1000.117".

Section 1000.132 is amended to read as follows:

§ 1000.132 Reduction in mortgage amount.

The principal obligation of the mortgage shall be reduced at final endorsement for insurance or at such earlier times as may be required by the Commissioner, to an amount not exceeding (with respect to that portion of the land remaining under the mortgage) 50 percent of the Commissioner's estimated value of such portion of the land prior to development; plus 90 percent of the actual cost of the land development allocated by the Commissioner to such portion.

§ 1000.142 [Amended]

In § 1000.142 in the introductory text the phrase "in accordance with paragraph (b), (c) or (d)" is changed to read "in accordance with paragraph (b) or (c)".

(Sec. 1010, 79 Stat. 464; 12 U.S.C. 1749jj)

Issued at Washington, D.C., December 20, 1965.

[SEAL] PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

[F.R. Doc. 65-13811; Filed, Dec. 27, 1965; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

MISCELLANEOUS AMENDMENTS

The amendments clarify the provision prescribed for use in invitations for bids regarding the consideration of late bid samples transmitted by mail, delete the long-form notices of partial small business set-aside and partial labor surplus area set-aside, reflect an amendment to the Fair Labor Standards Act of 1938 prohibiting discrimination based on sex which was effected by the Equal Pay Act of 1963 (77 Stat. 56; 29 U.S.C. 206), and provide appropriate references to the Federal Property Management Regulations concerning specifications, standards, and disposition of contract termination inventory.

PART 1–1—GENERAL

Subpart 1–1.3—General Policies

1. The footnote to § 1–1.305 has been revised to provide an appropriate reference to Federal Property Management Regulations concerning specifications. As revised, the footnote reads as follows:

[1] Other instructions concerning specifications are contained in the Federal Property Management Regulations, Part 101–29.

2. The footnote to § 1–1.306 has been revised to provide an appropriate reference to Federal Property Management Regulations concerning standards. As revised, the footnote reads as follows:

[1] Other instructions concerning standards are contained in the Federal Property Management Regulations, Part 101–29.

Subpart 1–1.7—Small Business Concerns

Section 1–1.706–6 is amended to change the title of paragraph (c), and to delete the contents of paragraph (d) and the reference to that paragraph, as follows:

§ 1–1.706–6 Partial set-asides.

* * * * *

(c) *Notice.* Invitations for bids or requests for proposals involving partial set-asides pursuant to this subpart shall contain a notice substantially as set forth in this paragraph. The applicable small business size standard shall be set forth in the schedule.

Notice of Partial Small Business Set-Aside

* * * * *

(d) [Reserved]

* * * * *

Subpart 1–1.8—Labor Surplus Area Concerns

Section 1–1.804–2 is amended to change the title of paragraph (b), and to delete paragraph (c) and the reference to that paragraph, as follows:

§ 1–1.804–2 Notice to bidders or offerors.

(a) Invitations for bids or requests for proposals involving set-asides, pursuant to this subpart, shall contain a notice substantially as set forth in paragraph (b) of this section. The notice may be modified to include the applicable specific small business definition. The notice used shall be made a part of each contract under the set-aside portion of the procurement.

(b) *Notice.* * * *

* * * * *

(c) [Deleted]

PART 1–2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 1–2.2—Solicitation of Bids

Section 1–2.202–4(e) is amended for the purpose of clarifying paragraph (b) of the bid samples provisions contained therein regarding the consideration of late samples transmitted by mail, as follows:

§ 1–2.202–4 Bid samples.

* * * * *

(e) * * *

BID SAMPLES

* * * * *

(b) Failure of samples to conform to all such characteristics will require rejection of the bid. Failure to furnish samples by the time specified in the Invitation for Bids will require rejection of the bid, except that a late sample transmitted by mail will be considered under the provisions for considering late bids, as set forth elsewhere in this Invitation for Bids.

* * * * *

PART 1–5—SPECIAL AND DIRECTED SOURCES OF SUPPLY

Subpart 1–5.3—Excess Personal Property

1. Section 1–5.300 is revised to reflect the appropriate reference in the Federal Property Management Regulations to the reassignment and utilization of Government-owned personal property. As revised, the section reads as follows:

§ 1–5.300 Scope of subpart.

This subpart sets forth policies and related material regarding the use of excess personal property as a source of supply. This subpart does not include, modify, or supersede instructions concerning the reassignment of personal property within executive agencies and the transfer of excess, or other instructions concerning the utilization of Government-owned personal property, which are contained in Part 101–43 of the Federal Property Management Regulations.

2. Section 1–5.304(b) is revised to reflect the appropriate reference in the Federal Property Management Regulations to the types of property which need not be reported as excess. As revised, paragraph (b) reads as follows:

§ 1–5.304 Assistance by General Services Administration in filling requirements from excess.

* * * * *

(b) The General Services Administration will assist agencies in meeting their requirements for property of the types excepted from reporting as excess by § 101–43.312 of the Federal Property Management Regulations. Federal agencies requiring such property should contact the appropriate GSA regional office. GSA area utilization officers, stationed at military points throughout the United States which generate the largest amounts of excess, are screening and offering for Government use nonreported excess personal property as it becomes available for transfer.

PART 1–8—TERMINATION OF CONTRACTS

The table of contents for Part 1–8 is amended to prescribe a revised caption for § 1–8.505 which reads as follows:

1–8.505 Screening of property.

Subpart 1–8.5—Disposition of Termination Inventory

1. Section 1–8.505 is revised to reflect the appropriate reference in the Federal Property Management Regulations to the screening of property and to delete the words serviceable and usable. As revised, the section reads as follows:

§ 1–8.505 Screening of property.

Property included in the contractor's inventory schedules shall be screened as required by Part 101–43 of the Federal Property Management Regulations, and as required by agency procedures. If, as a result of such screening, any item of property is desired by an agency of the Government for stock, diversion to other contracts, or other purposes, the contracting officer shall direct the delivery of such property.

2. Section 1–8.507–1 is revised to reflect the appropriate reference in the Federal Property Management Regulations to the disposition of personal property by sale. As revised, the section reads as follows:

§ 1–8.507–1 General.

The sale (including the purchase or retention at less than cost) shall be consistent with the provisions of Part 101–45 of the Federal Property Management Regulations.

3. Section 1–8.507–5 is revised to reflect the appropriate reference in the Federal Property Management Regulations to the application of the antitrust laws to the disposition of personal property. As revised, the section reads as follows:

§ 1–8.507–5 Applicability of antitrust laws.

Whenever any termination inventory which has or may cost the Government $3,000,000 or more (or any patents, processes, techniques, or inventions, irrespective of cost) is to be sold or otherwise disposed of to private interests, the agency concerned shall promptly notify the Attorney General and the Administrator of General Services of the proposed disposal and the probable terms or conditions thereof and shall include in the notification the information required by § 101–45.310 of the Federal Property Management Regulations. Disposition shall not be made until the agency has received advice from the Attorney General as to whether, so far as he can determine, the proposed disposition would tend to create or maintain a situation inconsistent with the antitrust laws.

4. Section 1–8.508 is amended to reflect the appropriate reference in the Federal Property Management Regulations to the disposition of personal property by donation. As revised, the section reads as follows:

§ 1–8.508 Donations.

After utilization screening is completed but prior to being offered for sale or otherwise disposed of in accordance with § 1–8.507, termination inventory may be donated for authorized purposes in accordance with the provisions of Part 101–44 of the Federal Property Management Regulations, and with agency procedures.

5. Section 1–8.512 is revised to reflect the appropriate references in the Federal Property Management Regulations to requirements that property disposal matters shall be reviewed by a reviewing authority in each agency. As revised, the section reads as follows:

§ 1–8.512 Review of property disposal.

Property disposal matters shall be reviewed by a reviewing authority within the agency as provided in Parts 101–44 and 101–45 of the Federal Property Management Regulations, and as may be further provided in agency procedures.

PART 1–12—LABOR

Subpart 1–12.7—Fair Labor Standards Act of 1938

Section 1–12.701 is revised to include in the summary of the provisions of the basic statute a reference to the prohibition against discrimination on the basis of sex which was added by an amendment to the statute contained in the Equal Pay Act of 1963. As revised, the section reads as follows:

§ 1–12.701 Basic statute.

The Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201–219), provides for the establishment of minimum wage and maximum hour standards, creates a Wage and Hour Division in the Department of Labor for purposes of interpretation and enforcement (including investigation and inspection of Government contractors), prohibits oppressive child labor and, under an amendment contained in the Equal Pay Act of 1963 (77 Stat. 56, 29 U.S.C. 206), prohibits discrimination on the basis of sex. The Fair Labor Standards Act applies to all employees, unless otherwise exempted, who are engaged in (a) interstate commerce or foreign commerce, (b) the production of goods for such commerce, or (c) any closely related process or occupation essential to such production.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. These amendments are effective February 14, 1966, but may be observed earlier.

Dated: December 20, 1965.

LAWSON B. KNOTT, JR.,
Administrator of General Services.

[F.R. Doc. 65–13837; Filed, Dec. 27, 1965; 8:47 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

PART 34—MEDICAL EXAMINATION OF ALIENS

Miscellaneous Amendments

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER on November 17, 1965 (30 F.R. 14380), pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) and in which there were set out the terms of proposed amendments to Part 34. Con-

sideration having been given to all relevant matters presented, the amendments to this part as set out below are hereby adopted.

§ 34.2 [Amended]

1. In paragraph (b) of § 34.2, which defines dangerous contagious disease, item number 9 is amended to read as follows:

9. Keratoconjunctivitis, infectious.

(2) Subparagraphs (1), (2), (3), and (4) of § 34.4(b) are amended to read as follows:

§ 34.4 Scope of examinations.

• • • • •

(b) *Chest X-ray and serologic test*—(1) *Persons subject to.* A chest X-ray examination for tuberculosis and a serologic test for syphilis shall be required as part of the examination of:

(i) All applicants for immigrant visas,

(ii) All students and exchange visitors who are required by a consular authority to have a medical examination upon application for a nonimmigrant visa,

(iii) All other applicants for a nonimmigrant visa who are required by a consular authority to have a medical examination if such X-ray examination and serologic test are considered necessary by the medical examiner, and

(iv) All aliens outside the United States who apply for conditional entry, and all aliens in the United States who apply for adjustment of status, under the immigration laws and regulations:

Provided, however, That a chest X-ray examination for tuberculosis shall not be required in any case if the alien is 10 years of age or under, and a serologic test for syphilis shall not be required in any case if the alien is 14 years of age or under, unless the medical examiner has reason to suspect that the applicant has tuberculosis or spyhilis: *Provided, further,* That additional exceptions to the chest X-ray examination requirement may be authorized by the Chief of the Division of Foreign Quarantine of the Public Health Service.

(2) *How and where performed.* • • •

(ii) When necessary X-ray and laboratory facilities are not available to the medical examiner, the applicant shall furnish a chest X-ray film, a reading thereof, and a serologic test report in order that the medical examination may be completed. If X-ray or serologic test facilities necessary for the completion of the examination of a visa applicant or of an applicant for conditional entry are not available in the community where the examination is made, the medical examiner shall so state on the medical examination form and the procedures will be completed at the time of examination at the U.S. port of entry.

• • • • •

(3) *Procedure for transmitting records.* For aliens issued immigrant visas, the medical examination report shall be placed in a separate envelope which shall be sealed and attached to the alien's visa in such a manner as to be readily detached by the medical examiner at the U.S. port of entry. The X-ray film shall be included in this envelope or, in the case of large films, shall be placed in a separate envelope which shall be sealed and given to the alien for presentation at the port of entry. For aliens issued nonimmigrant visas and for applicants for conditional entry, the medical examination report and the X-ray film shall be placed in an envelope which shall be sealed and given to the alien for presentation at the U.S. port of entry. When more than one X-ray film is used as a basis for the medical examiner's conclusions, all films shall be included. However, the X-ray film or films used in connection with the examination shall not be required to be attached to the visa or otherwise presented to the medical examiner at the U.S. port of entry when an exception to this requirement is authorized by the Chief of the Division of Foreign Quarantine of the Public Health Service.

(4) *Failure to present records.* If, on examination at the time determination of admissibility is to be made at the U.S. port of entry, no X-ray film or medical examination report, including X-ray reading and serologic test report, is presented in accordance with the provisions of this paragraph, a medical hold shall be issued pending completion of any necessary examination procedures.

3. Section 34.7 is amended to read as follows:

§ 34.7 Certificates and notifications; Class A.

A Class A certificate or Class A notification shall be issued with respect to aliens who:

(a) Are mentally retarded;

(b) Are insane;

(c) Have had one or more attacks of insanity;

(d) Are afflicted with psychopathic personality, sexual deviation, or a mental defect;

(e) Are narcotic drug addicts or chronic alcoholics;

(f) Are afflicted with any dangerous contagious disease; *Provided, however,* That a Class A certificate or Class A notification of a mental defect, disease, or disability shall in no case be issued with respect to an alien having only mental shortcomings due to ignorance, or suffering only from a mental condition (1) attributable to remediable physical causes or (2) of a temporary nature, caused by a toxin, drug, or disease.

4. Subparagraph (2) of § 34.14(a) is amended to read as follows:

§ 34.14 Reexamination; convening of boards; expert witnesses; reports.

(a) The Surgeon General or, when authorized, the medical officer in charge, shall convene a board of medical officers to reexamine an alien

• • • • •

(2) Upon an appeal by an alien who, having received a medical examination in connection with determination of admissibility to the United States (including examination on arrival and adjustment of status as provided in the immigration laws and regulations) has been certified for: mental retardation; insanity; one or more previous attacks of insanity; psychopathic personality; sexual deviation; mental defect; narcotic drug addiction; or chronic alcoholism.

These regulations shall become effective on publication in the FEDERAL REGISTER. Compliance with the requirements of section 4(c) of the Administrative Procedure Act relating to delayed effective date is unnecessary and would serve no useful purpose in this instance because the persons affected by the regulations prescribed will not require additional time to prepare for the effective date of the regulations.

(Sec. 215, 58 Stat. 690, as amended, sec. 234, 66 Stat. 198; 42 U.S.C. 216, 8 U.S.C. 1224; interpret or apply secs. 322, 325, 58 Stat. 696, as amended, 697, secs. 212, 236, 66 Stat. 182, 200; 42 U.S.C. 249, 252, 8 U.S.C. 1182, 1226)

Dated: December 7, 1965.

[SEAL] WILLIAM H. STEWART, M.D.,
Surgeon General.

Approved: December 17, 1965.

WILBUR J. COHEN,
Acting Secretary.

[F.R. Doc. 65-13834; Filed, Dec. 27, 1965; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3907]

[New Mexico 0557886 (Oklahoma)]

OKLAHOMA

Correction of Public Land Order No. 3886, Transferring Jurisdiction Over Oil and Gas Deposits, Vance Air Force Base

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Public Land Order No. 3886, appearing as F.R. Doc. 65-12869 (30 F.R. 14930-32), is hereby corrected in the following respects:

In the heading "(New Mexico 0557-886)" is corrected to read "New Mexico 0557886 (Okla.))." The State designation "New Mexico" immediately thereunder is corrected to read "Oklahoma".

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

DECEMBER 21, 1965.

[F.R. Doc. 65-13806; Filed, Dec. 27, 1965; 8:46 a.m.]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 17]

PART 521—TIME FOR FILING AND COMMENTING ON CERTAIN AGREEMENTS

On June 18, 1965, the Commission published in the FEDERAL REGISTER (30 F.R. 7930) a notice of proposed rule making (Docket No. 65-21) with respect to rules governing the "time for filing and commenting on certain agreements." Invitation was extended to all interested persons to file written comments or requests for oral argument in regard to the proposed rules. Written comments were received from interested persons, but no requests for oral argument were filed. The Commission has carefully considered all comments received and in the light thereof herewith adopts and promulgates its final rules.

Objections are aimed at the requirement that applications for extension of an approved agreement due to terminate by its own terms must be filed not less than sixty (60) days prior to the termination date.

The Commission believes that if an agreement is due to terminate by its own terms and the parties thereto desire to extend the termination date, they should file their application for extension of the agreement far enough in advance of the termination date to allow the staff sufficient time to consider the application and to prepare and forward to the Commission for its consideration such appropriate recommendation as the circumstances warrant. It is not always expedient to lay aside other matters in order to give preferred attention to an application filed on short notice. This is not to say the Commission does not recognize that situations may arise where it is not possible to file an application for the agreement's extension 60 days in advance of its termination date. In this connection, § 521.3 of the rules specifically provides that "failure to file, at least sixty (60) days in advance of the termination date, an application for the extension of an approved agreement due to terminate by its own terms, could result in the approved agreement terminating prior to Commission action on the filed amendment."

Objection is also made to § 521.2 (a) and (b) which unconditionally provide that a modification of an approved agreement must be filed not less than 60 days prior to the date it is intended that action will begin, change, or cease as a result of the provision(s) of the modification. It is pointed out that a hard and fast rule that the Commission will not act upon less than 60 days' notice could work extreme hardship, especially where parties are faced with the necessity to make prompt revision of their agreement because of unforeseen and material changes in the circumstances surrounding their agreement. The point is well founded. Accordingly, in the final rules, § 521.2 (a) and (b) have been modified by substituting the word "should" for "must."

Section 521.2(c), which requires a 60-day notice of cancellation of an approved agreement unless otherwise provided for in the agreement, has drawn criticism because it does not provide for more expeditious approval of the cancellation if circumstances warrant. It is argued that an innocent party to a contract which has been materially breached would have to continue his performance, possibly at great cost, pending approval by the Commission of its cancellation which he has a right to make under the Law of Contracts. Cancellation under these circumstances, it is contended, would merit more expeditious approval by the Commission than the rule now allows. It is suggested that in order to deal with the myriad of circumstances under which approval of cancellations of agreements may be sought, and in order to avoid hardship on innocent parties, that § 521.2(c) be amended to include a provision for more expeditious handling of cancellations when circumstances warrant.

Section 521.2(c) is not inflexible in regard to the 60-day notice provision. It clearly provides that an agreement may be cancelled in accordance with its provisions. Some agreements require more than 60 days' notice of cancellation. Others provide for less time. However, in order to permit cancellation in less than the 60 days specified, if circumstances permit, the word "should" has been substituted for the word "must."

Section 521.3 has likewise been modified by substituting the word "could" for "will" to make it clear that failure to file within the prescribed time could result in termination of an agreement prior to Commission action.

An interested party believes that the 60-day notice should not apply to terminal leases or to lease-type agreements. It is contended that lease-type arrangements often require greater flexibility than would be feasible under the 60-day limitation—that occasionally it is necessary to effect a lease revision on less than 60 days' notice.

The rules, as originally proposed, have been modified as hereinbefore explained, and now are sufficiently flexible to cover all types of agreements without the imposition of undue difficulty on any party subject to the Shipping Act, 1916, as amended. The rules will not hinder the Commission in processing lease and/or lease-type agreements with the same dispatch as it has processed them heretofore.

One person urged that a minimum time limit of 30 days be specifically provided in § 521.10(a) for the filing of comments, protests and requests for hearing. The proposed rule provides that a time limit will be established by the notice published in the FEDERAL REGISTER. It is not necessary to name a specific time limit in the rule. If, on occasion, it is necessary for a person to request additional time to file comments, such request will be considered on its merits. In the past, reasonable requests have never been denied.

It also has been requested that § 521.10(b) be deleted. This rule in effect provides that if an interested party is to voice objection to the approval of a pending agreement, modification or application, he must do so during the time specified in the FEDERAL REGISTER notice. Concern is expressed that under this rule a person who does not file comments, protests and requests for hearing will be barred forever to do so even though at some future time conditions then might be such as to warrant comments, protests or requests for hearing. In our view, this fear is unwarranted. It is not reasonable to assume that once an agreement has been approved, it will stand approved forever, regardless of the effect future conditions may have upon it. Many of the public investigations and hearings conducted by the Commission involve agreements that were approved years before without objection to such approval being filed by anyone. However, upon reflection we believe that § 521.10-(b) adds little substance to the rules and we accede to its deletion if for no other reason, but to eliminate possible misunderstanding as to the effect of that provision.

Therefore, pursuant to sections 15 and 43 of the Shipping Act, 1916 (46 U.S.C. 814, 841(a)), 46 CFR is hereby amended by inserting a new part, Part 521, as follows:

Subpart A—Agreement Provisions

Sec.
521.1 Statement of policy.
521.2 Time within which modifications and notices of cancellations must be filed.
521.3 Failure to file.

Subpart B—Notice to Interested Persons

521.10 Notice of filing of agreements and modifications under section 15 of the act, and applications under section 14(b) of the act.

AUTHORITY: The provisions of this Part 521 issued under secs. 15 and 43 of the Shipping Act, 1916, 46 U.S.C. 814, 841(a).

Subpart A—Agreement Provisions

§ 521.1 Statement of policy.

Some approved agreements on file with the Commission contain a provision specifying the date for their termination. In some instances amendments have been filed with the Commission extending the termination date of such agreements only a short time before the agreement was due to expire. It is the responsibility of the Commission to disapprove, cancel or modify, by order, after notice and hearing, any agreement, or modification or cancellation thereof, whether or not previously approved by it, that it finds to be unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or

to operate to the detriment of the commerce of the United States, or to be contrary to the public interest, or to be in violation of the Shipping Act, 1916, and to approve all other agreements, modifications, or cancellations. In order to discharge these responsibilities, sufficient time must be allowed for the Commission to comprehensively analyze and consider every agreement, modification and cancellation to determine whether or not they are lawful in the light of the above defined standards.

§ 521.2 Time within which modifications and notices of cancellations must be filed.

In effectuation of the policy set forth in § 521.1 of this Part, all modifications and/or notices of cancellations of approved agreements between carriers, or between carriers and other persons subject to the Act, or between other persons subject to the Act, should be filed within the following specified times:

(a) Applications for extension of an approved agreement due to terminate by its own terms, should be filed so that the Commission will receive the application not less than sixty (60) days prior to the date on which the approved agreement would otherwise terminate.

(b) Modification of an approved agreement, other than as designated in (a) hereof, should be filed not less than sixty (60) days prior to the date it is intended that action will begin, change or cease as a result of the provision(s) of the modification.

(c) Notice of cancellation of an approved agreement, should be filed not less than sixty (60) days prior to the effective date of cancellation.

§ 521.3 Failure to file.

Failure to file, at least sixty (60) days in advance of the termination date, an application for the extension of an approved agreement due to terminate by its own terms, could result in the approved agreement terminating prior to Commission action on the filed amendment.

Subpart B—Notice to Interested Persons

§ 521.10 Notice of filing of agreements and modifications under section 15 of the act, and application under section 14(b) of the act.

Notice to interested persons. Notice to interested persons of the filing of such agreements, modifications and applications shall be given by publication in the FEDERAL REGISTER of the applicant's name and address, appropriate identification by Federal Maritime Commission number, and a statement setting forth in general terms the provisions of the agreements, modifications and applications, together with a statement establishing a time limit within which comments, protests and requests for hearing must be filed by interested persons.

Effective date. These rules will become effective on February 1, 1966.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

[F.R. Doc. 65-13828; Filed, Dec. 27, 1965; 8:46 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 958; Amdt. 1]

PART 95—CAR SERVICE

Norfolk and Western Railway Co. Authorized To Operate Over Trackage of the Chesapeake and Ohio Railway Co.

At a Session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 17th day of December, A.D. 1965.

Upon further consideration of Service Order No. 958 (30 F.R. 2712) and good cause appearing therefor:

It is ordered, That § 95.958 *Norfolk and Western Railway Co. authorized to operate over trackage of the Chesapeake and Ohio Railway Co.*, of Service Order No. 958, be, and it is hereby amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) Expiration date: This order shall expire at 11:59 p.m., June 30, 1966, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, Interprets or applies Secs. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4))

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1965.

It is further ordered, That copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, division 3.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-13823; Filed, Dec. 27, 1965; 8:46 a.m.]

[S.O. 963; Amdt. 1]

PART 95—CAR SERVICE

Atchison, Topeka & Santa Fe Railway Co. Authorized To Operate Over Trackage of the Missouri Pacific Railroad Co.

At a Session of the Interstate Commerce Commission, division 3, held at its Office in Washington, D.C., on the 17th day of December A.D. 1965.

Upon further consideration of Service Order No. 963 (30 F.R. 8968) and good cause appearing therefor:

It is ordered, That § 95.963 *The Atchison, Topeka & Santa Fe Railway Co. authorized to operate over trackage of the Missouri Pacific Railroad Co.*, of Service Order No. 963, be, and it is hereby amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) Expiration date: This order shall expire at 11:59 p.m., June 30, 1966, unless otherwise modified, changed, or suspended by order of this Commission.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, Interprets or applies Sec. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4))

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1965.

It is further ordered, that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-13822; Filed, Dec. 27, 1965; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 51]

FRESH PLUMS AND PRUNES

U.S. Standards for Grades; Extension of Time

A proposal for revision of the U.S. Standards for Grades of Fresh Plums and Prunes (7 CFR 51.1520–51.1537) was set forth in the notice which was published in the FEDERAL REGISTER on March 20, 1965 (30 F.R. 3716).

An extension of time for study until December 1, 1965, was published in the FEDERAL REGISTER June 4, 1965 (30 F.R. 7396).

In consideration of comments and suggestions received indicating the need for further study of the proposal, the time within which written data, views, and arguments may be submitted by interested parties for consideration in connection with the aforesaid proposal is hereby further extended until April 1, 1966.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposal should file the same in duplicate, not later than April 1, 1966, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, where they will be available for public inspection during official hours of business (paragraph (b) of § 1.27, as amended at 29 F.R. 7311).

(Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624).

Dated: December 22, 1965.

CLARENCE H. GIRARD, *Acting Deputy Administrator, Marketing Services.*

[F.R. Doc. 65-13840; Filed, Dec. 27, 1965; 8:47 a.m.]

[7 CFR Part 51]

NECTARINES

U.S. Standards for Grades; Extension of Time

A proposal for revision of the U.S. Standards for Grades of Nectarines (7 CFR 51.3145–51.3159) was set forth in the notice which was published in the FEDERAL REGISTER on March 20, 1965 (30 F.R. 3719).

An extension of time for study until December 1, 1965, was published in the FEDERAL REGISTER June 4, 1965 (30 F.R. 7396).

In consideration of comments and suggestions received indicating the need for further study of the proposal, the time within which written data, views, and arguments may be submitted by interested parties for consideration in connection with the aforesaid proposal is hereby further extended until April 1, 1966.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposal should file the same in duplicate, not later than April 1, 1966, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, where they will be available for public inspection during official hours of business (paragraph (b) of § 1.27, as amended at 29 F.R. 7311).

(Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624)

Dated: December 22, 1965.

CLARENCE H. GIRARD, *Acting Deputy Administrator, Marketing Services.*

[F.R. Doc. 65-13841; Filed, Dec. 27, 1965; 8:47 a.m.]

[7 CFR Part 1006]

[Docket No. AO-356]

MILK IN NORTHEAST-CENTRAL FLORIDA MARKETING AREA

Notice of Hearing on Proposed Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Thunderbird Motor Hotel, 5865 Expressway, Jacksonville, Fla., beginning at 10 a.m., e.s.t., on January 19, 1966, and at the Robert Meyer Motor Inn, 151 East Washington Street, Orlando, Fla., beginning at 10 a.m., e.s.t., on January 24, 1966, with respect to a proposed marketing agreement and order, regulating the handling of milk in the Northeast-Central Florida marketing area.

The public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the proposed marketing agreement and order, hereinafter set forth, and any appropriate modifications thereof; and for the purpose of determining (1) whether the handling of milk in the area proposed for regulation is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects interstate or foreign commerce, (2) whether there is need for a marketing agreement or order regulating the handling of milk in the area, and (3) whether provisions specified in the proposals or some other provisions appropriate to the terms of the Agricultural Marketing Agreement Act of 1937, as amended, will tend to effectuate the declared policy of the Act.

The proposals, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Dairy Farmers Mutual and Northeast Florida Milk Producers Association:

Proposal No. 1.

DEFINITIONS

§ 1006.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1006.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and perform the duties of the Secretary of Agriculture.

§ 1006.3 Department.

"Department" means the U.S. Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this part.

§ 1006.4 Person.

"Person" means any individual, partnership, corporation, association or other business unit.

§ 1006.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and be engaged in making collective sales of or marketing milk or milk products for its members.

§ 1006.6 Northeast-Central Florida Marketing Area.

The "Northeast-Central Florida Marketing Area," hereinafter called the "marketing area," means all the territory geographically within the boundaries of the following counties, all in the State of Florida, including all waterfront facilities connected therewith and all territory wholly or partly therein occupied by Government (municipal, State, or Federal)

reservations, installations, institutions, or other similar establishments.

Alachua.	Levy.
Baker.	Marion.
Bradford.	Nassau.
Brevard.	Orange.
Citrus.	Osceola.
Clay.	Putnam.
Columbia.	St. John.
Duval.	Seminole.
Flagler.	Sumter.
Gilchrist.	Suwannee.
Hamilton.	Union.
Indian River.	Volusia.
Lake.	

§ 1006.7 Fluid milk product.

"Fluid Milk product" means milk, skim milk, buttermilk, flavored milk, milk drinks (plain or flavored), reconstituted or fortified milk or skim milk (including "dietary" products), concentrated milk, sterile concentrate, eggnog, cream (not frozen), cultured sour cream, or any mixture in fluid form of milk or skim milk and cream: *Provided*, That such fluid milk products shall not include ice cream mix, frozen dessert mix, evaporated and condensed milk or skim milk, aerated cream products, dips (mixtures with sour cream or cheese base containing nondairy ingredients) not labeled Grade A.

§ 1006.8 Route.

"Route" means a delivery, either direct or through any distribution facility (including disposition from a plant store, vendor or vending machine) of any fluid milk product, other than a delivery in bulk form to any milk processing plant.

§ 1006.9 Distributing plant.

"Distributing plant" means a plant from which a Grade A fluid milk product that is processed or packaged in such plant is disposed of during the month in the marketing area on routes.

§ 1006.10 Supply plant.

"Supply plant" means a plant from which a Grade A fluid milk product is shipped during the month to a pool plant.

§ 1006.11 Pool plant.

"Pool plant" means a plant (except an other order plant or the plant of a producer-handler) specified in paragraph (a) or (b) of this section.

(a) A distributing plant from which not less than 50 percent of the total Grade A fluid milk products physically received at such plant or diverted as producer milk from such plant pursuant to § 1006.16 is disposed of as Class I milk during the month on routes and not less than 10 percent of such receipts is disposed of in the marketing area on routes.

(b) A supply plant from which not less than 50 percent of the Grade A milk received from dairy farmers at such plant during the month is shipped as fluid milk products to pool plants pursuant to paragraph (a) of this section.

§ 1006.12 Nonpool plant.

"Nonpool plant" means a plant (except a pool plant) which receives milk from dairy farmers or is a milk manufacturing, processing or bottling plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to § 1006.11 and a greater volume of fluid milk products is disposed of from such plant in this marketing area on routes and to pool plants qualified on the basis of route distribution in this marketing area than in the marketing area regulated pursuant to such other order.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which Grade A fluid milk products in consumer-type packages or dispenser units are distributed in the marketing area on routes during the month.

(d) "Unregulated supply plant" means a nonpool plant that is a supply plant and is neither an other order plant nor a producer-handler plant.

§ 1006.13 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants;

(b) Any person in his capacity as the operator of a partially regulated distributing plant;

(c) Any cooperative association with respect to producer milk which it causes to be diverted from a pool plant to a nonpool plant for the account of such cooperative association;

(d) Any cooperative association with respect to milk of its producers which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by or under contract to such cooperative association: *Provided*, That such cooperative association shall not be a handler pursuant to this paragraph unless the market administrator and the handler who is the operator of the pool plant where such milk is to be received are notified in writing that it elects to be the handler for such milk: *And Provided further*, That such milk for which a cooperative association is the handler pursuant to this paragraph shall be deemed to have been received at the location of a pool plant to which such milk is delivered;

(e) Any person in his capacity as the operator of an other order plant that is either a distributing plant or a supply plant; or

(f) A producer-handler.

§ 1006.14 Producer-handler.

(a) Operates a dairy farm and a distributing plant from which the Class I disposition is entirely from his own farm production.

(b) Receives no fluid milk products from sources other than his own farm production;

(c) Provides proof satisfactory to the market administrator that the care and management of the dairy animals and other resources necessary to produce all fluid milk products handled and the operation of the processing and packaging business are his personal enterprise and risk.

§ 1006.15 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with the inspection requirements of a duly constituted health authority having jurisdiction in the marketing area, which milk is received at a pool plant or diverted pursuant to § 1006.16 from a pool plant to a nonpool plant.

§ 1006.16 Producer milk.

"Producer milk" means the skim milk and butterfat contained in milk:

(a) Received at a pool plant directly from a producer; or

(b) Diverted from a pool plant to a nonpool plant that is neither an other order plant or a producer-handler plant for the account of the pool plant operator or a cooperative association in any month in which not less than 10 days' production of the producer whose milk is diverted is physically received at a pool plant, subject to the following:

(1) Milk so diverted for the account of a handler operating a pool plant shall be deemed to have been received by the handler at the pool plant from which diverted and if diverted for the account of a cooperative association, shall be deemed to have been received by the cooperative association at the location of the pool plant from which diverted;

(2) If diverted from the pool plant of another handler for the account of a cooperative association, the aggregate quantity of milk of member producers of the cooperative association so diverted that exceeds 25 percent of the milk physically received from such producers at pool plants during the month shall not be deemed to have been received at a pool plant and shall not be producer milk;

(3) If diverted by a handler operating a pool plant for his account, the aggregate quantity of producer milk so diverted that exceeds 25 percent of the aggregate quantity of milk physically received from producers at such plant during the month shall not be deemed to have been received at a pool plant and shall not be producer milk; and

(4) The diverting handler shall designate the dairy farmers whose milk is not producer milk pursuant to subparagraphs (2) and (3) of this paragraph. If the handler fails to make such designation, no milk diverted by him shall be producer milk.

§ 1006.17 Other source milk.

"Other source milk" means the skim milk and butterfat contained in or represented by:

(a) Fluid milk products from any source except (1) producer milk, (2) fluid milk products from pool plants, and (3) fluid milk products in inventory at the beginning of the month;

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed, converted into or combined with another product in the plant during the month; and

(c) Any disappearance of nonfluid products in a form in which they may be converted into a Class I product and which are not otherwise accounted for pursuant to § 1006.30.

§ 1006.18 Chicago butter price.

"Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported for the month by the Department.

MARKET ADMINISTRATOR

§ 1006.25 Designation.

The agency for the administration of this order shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1006.26 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 1006.27 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received pursuant to § 1006.77 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 1006.76, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1006.30, 1006.31, and 1006.32, or payments pursuant to §§ 1006.70, 1006.74, 1006.76, 1006.77, 1006.78, and 1006.79.

(i) Upon request, supply on or before the 12th day after the end of each month to each cooperative association with respect to producers whose membership in such cooperative association has been verified by the market administrator, a record of the pounds of producer milk received by each handler from member producers and the class utilization of such milk. For the purpose of this report, such member milk shall be prorated to each class in the proportions that the total receipts of milk from producers by such handler were classified in each class;

(j) Publicly announce on or before:

(1) The 5th day of each month the Class I price and Class I butterfat differential, both for the current month;

(2) The 5th day of each month the Class II price and the corresponding butterfat differential, both for the preceding month; and

(3) The 11th day after the end of such month, the uniform price pursuant to § 1006.61 and the butterfat differential pursuant to § 1006.71.

(k) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1006.45(a)(8) and the corresponding step of § 1006.45(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(l) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1006.45 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(m) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler, and as necessary, any changes in such classification arising in the verification of such report.

REPORTS, RECORDS AND FACILITIES

§ 1006.30 Reports of receipts and utilization.

On or before the 6th day after the end of each month, each handler except a handler pursuant to § 1006.13 (e) or (f) shall report to the market administrator for such month, reporting in detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in or represented by:

(1) Producer milk (or, in the case of handlers pursuant to § 1006.13(b), Grade A milk received from dairy farmers);

(2) Fluid milk products received from pool plants or other handlers;

(3) Other source milk;

(4) Milk diverted to nonpool plants pursuant to § 1006.16, and

(5) Inventories of fluid milk products at the beginning and end of the mouth;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement showing the respective amounts of skim milk and butterfat disposed of as Class I milk in the marketing area on routes; and

(c) Such other information with respect to the receipts and utilization of skim milk and butterfat as the market administrator may prescribe.

§ 1006.31 Producer payroll reports.

(a) Each handler pursuant to § 1006.13 (a), (c), or (d) shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 20th day after the end of the month his producer payroll for such month which shall show for each producer:

(1) His identity;

(2) The quantity of milk received from such producer and the number of days, if less than the entire month, on which milk was received from such producer;

(3) The average butterfat content of such milk; and

(4) The net amount of such handler's payment, together with the price paid and the amount and nature of any deduction.

(b) Each handler operating a partially regulated distributing plant who does not elect to make payments pursuant to § 1006.62(b) shall report to the market administrator on or before the 15th day after the end of the month the same information required of handlers pursuant to paragraph (a) of this section. Such report shall list payments to dairy farmers in lieu of payments to producers.

(c) Each handler who receives producer milk for which payment is to be made to a cooperative association pursuant to § 1006.70(b) shall report to such cooperative association with respect to each producer as follows:

(1) On or before the 20th day of each month the total pounds of milk received during the first 15 days of the month.

(2) On or before the 5th day after the end of each month;

(i) The daily and total pounds of milk received during the month and the average butterfat test thereof; and

(ii) Amount, rate and nature of any deductions.

§ 1006.32 Other reports.

(a) Each producer-handler shall report to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who operates an other order plant shall report total receipts and utilization or disposition of skim milk and butterfat at the plant at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(c) Each handler pursuant to § 1006.13(d) shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 6th day after the end of the month the quantities of skim milk and butterfat in producer milk delivered to each pool plant in such month.

§ 1006.33 Records and facilities.

Each handler shall maintain and make available to the market administrator, during the usual hours of business, such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk and milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products in inventory at the beginning and end of each month; and

(d) Payments to dairy farmers and cooperative associations, including the amount and nature of any deductions and the disbursement of money so deducted.

§ 1006.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain: *Provided*, That if within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records or specified books and records until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 1006.40 Skim milk and butterfat to be classified.

The skim milk and butterfat required to be reported pursuant to § 1006.30 shall be classified each month pursuant to the provisions of §§ 1006.41 through 1006.45: *Provided*, That such skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 1006.41 Classes of utilization.

Subject to the conditions of § 1006.43, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat.

(1) Disposed of as a fluid milk product (except as provided in paragraphs (b) (2) and (3) of this section); and

(2) Contained in inventory of milk and milk products designated as Class I milk pursuant to subparagraph (1) of this paragraph on hand at the end of the month; and

(3) Not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce any product other than a fluid milk product;

(2) Skim milk represented by the nonfat milk solids added to a fluid milk product which is in excess of the weight of an equivalent volume of the fluid milk product prior to such addition;

(3) Skim milk and butterfat in fluid milk products disposed of for livestock feed or dumped if the market administrator has been notified in advance and afforded the opportunity to verify such dumping;

(4) Contained in actual shrinkage of skim milk and butterfat, respectively, not to exceed the amounts calculated for each pool plant and for each cooperative association in its capacity as a handler pursuant to § 1006.13(d) as follows:

(i) Two percent of receipts of skim milk and butterfat directly from producers; plus

(ii) One and one-half percent of fluid milk products received in bulk (except bulk cream) from other pool plants and from cooperative associations in their capacity as handlers pursuant to § 1006.13(d) except that where the handler is purchasing milk from a cooperative association in its capacity as a handler pursuant to § 1006.13(d) and files with the market administrator, prior to the first day of the month, notice that he is purchasing such milk on the basis of the butterfat tests of farm drawn samples and weights determined at the farm, the applicable percentage on such milk shall be 2 percent; plus

(iii) One and one-half percent of receipts of fluid milk products in bulk from an other order plant, exclusive of the quantity for which Class II utilization was requested by the operator of such plant and the handler; plus

(iv) One and one-half percent of receipts of fluid milk products in bulk sive of the quantity for which Class II utilization was requested by the handler; less

(v) One and one-half percent of bulk transfers of fluid milk products (except bulk cream) and diversions to a pool plant of other handlers (in the case of a cooperative association selling milk to a handler on the basis of farm weights and tests as provided in subdivision (ii) of this subparagraph, the percentage on such milk shall be 2 percent); less

(vi) One and one-half percent of bulk transfers or diversions in the form of fluid milk products to nonpool plants; plus

(vii) Shrinkage on other source milk determined pursuant to § 1006.42(b)(2).

§ 1006.42 Assignment of shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, at each plant operated by the handler; and

(b) Shrinkage computed pursuant to paragraph (a) of this section shall be prorated between:

(1) Skim milk and butterfat contained in producer milk and other fluid milk products specified in § 1006.41(b)(4); and

(2) Skim milk and butterfat in remaining other source milk exclusive of that specified in § 1006.41(b)(4).

§ 1006.43 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler, subject to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1006.45(a)(8), and the corresponding step of § 1006.45(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1006.45(a)(7) the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1006.45(a)(7) or (8) and the corresponding steps of § 1006.45(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification in Class II in his report submitted pursuant to § 1006.30;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk; and

(c) As follows, if transferred to an other order plant in excess of receipts from such plant in the same category as described in subparagraphs (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated as fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, movements in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee orders;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I, subject to adjustment when such information is available.

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such order, classification shall be in accordance with the provisions of § 1006.41.

§ 1006.44 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors all reports submitted pursuant to § 1006.30 and compute for each handler the total pounds of skim milk and butterfat in each class: *Provided*, That the skim milk contained in any product utilized, produced or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product plus all the water originally associated with such solids.

§ 1006.45 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1006.44, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1006.41(b)(4);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or the quantity associated with such receipts and classified as Class II pursuant to § 1006.41(b)(2) plus 2 percent of the remainder of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products for which Grade A certification is not established, or which are from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool handlers, and receipts in bulk from other order plants;

(ii) Receipts of fluid milk products in bulk from an other order plant, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in Class I the pounds of skim milk in inventory of fluid milk products at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (4)(ii) of this paragraph:

(i) In series beginning with Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II utilization of skim milk announced for the month by the market administrator pursuant to § 1006.27(k) or the percentage that Class II utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in fluid milk products received from pool plants of other handlers according to the classification of such products pursuant to § 1006.43(a); and

(10) If the pounds of skim milk remaining exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outline for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

MINIMUM PRICES

§ 1006.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential (rounded to the nearest one-tenth cent) at the rate of the Chicago butter price times 0.12 and rounded to the nearest cent.

§ 1006.51 Class prices.

Subject to the provisions of §§ 1006.52 and 1006.53, the class prices per hundredweight for the month shall be as follows:

(a) Class I price. For the first 18 months from the effective date of this section, the Class I price shall be the basic formula price for the preceding month plus $3.15.

(b) Class II price. The Class II price shall be the basic formula price for the month plus 15 cents.

§ 1006.52 Butterfat and solids-not-fat differentials to handlers.

(a) For milk containing more or less than 3.5 percent butterfat, the class prices pursuant to § 1006.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the following rates:

(1) Class I price, 0.125 times the Chicago butter price for the month.

(2) Class II price, 0.115 times the Chicago butter price for the month.

(b) For milk containing more or less than 8.47 percent solids-not-fat, the class prices pursuant to § 1006.51 shall be increased or decreased, respectively, for each one-tenth percent solids-not-fat at the following rates:

(1) Class I price, 4.1 cents.

(2) Class II price, 1.7 cents.

§ 1006.53 Location adjustments to handlers.

(a) The Class I price for producer milk and other source milk (for which a location adjustment is applicable) at a plant north of the Florida-Georgia state line or west of the Withlacoochee and Suwanee Rivers and 85 miles or more from the City Hall in Jacksonville, Fla., shall be reduced 10 cents and an additional 1 cent for each 10 miles or fraction thereof that such plant is more than 85 miles from the Jacksonville City Hall.

(b) For the purpose of calculating location differentials, receipts of fluid milk products from pool plants shall be assigned any remainder of Class I milk at the transferee plant that is in excess of the sum of producer milk receipts at such plant and that assigned as Class I to receipts from other order plants and unregulated supply plants. Such assignment shall be made in sequence according to the location differential applicable at each plant, beginning with the plant nearest the Jacksonville City Hall.

§ 1006.54 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner decribed, the market administrator shall use a price determined by the Secretary to be equivalent to the price that is required.

APPLICATION OF PRICES

§ 1006.60 Computation of the net obligation of each handler.

The net pool obligation of each handler pursuant to § 1006.13 (a), (c), and (d) during each month shall be a sum of money computed as follows:

(a) Multiply the quantity of producer milk in each class as computed pursuant to § 1006.45 by the applicable class prices;

(b) Add the amount obtained from multiplying the overage deducted from each class pursuant to § 1006.45(a)(10) and the corresponding step of § 1006.45(b) by the applicable class prices;

(c) Add an amount equal to the difference between the value at the Class I and Class II price values of the skim milk and butterfat subtracted from Class I pursuant to § 1006.45(a)(3) and the corresponding step of § 1006.45(b); and

(d) Add the value at the Class I price (adjusted for the location of the nearest nonpool plant from which an equivalent volume was received) of the skim milk and butterfat subtracted from Class I pursuant to § 1006.45(a)(7) and the corresponding step of § 1006.45(b).

§ 1006.61 Computation of the uniform price.

For each month, the market administrator shall compute a uniform price as follows:

(a) Combine into one total the values obtained pursuant to § 1006.60 for all handlers who reported pursuant to § 1006.30 for such month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of milk represented by the values specified in paragraph (a) of this section is less or more, respectively, than 3.5 percent, the amount obtained by multiplying such difference by the butterfat differential pursuant to § 1006.71(a) and multiplying the result by the total hundredweight of such milk;

(c) Add or subtract for each one-tenth percent that the average solids-not-fat content of milk represented by the values specified in paragraph (a) of this section is less or more, respectively, than 8.47 percent, the amount obtained by multiplying such difference by the solids-not-fat differential pursuant to § 1006.71(b) and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to the total value of the location differential deductions to be made pursuant to § 1006.72;

(e) Add an amount equal to one-half the unobligated cash balance in the producer-settlement fund;

(f) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1006.60(d); and

(g) Subtract not less than 4 nor more than 5 cents per hundredweight.

§ 1006.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1006.30 and 1006.31(b) the information necessary to compute the amount specified in paragraph (a), he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1006.60 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be valued at the Class II price if allocated to such class at the pool plant or other order plant and be valued at the weighted average price (or, in its absence, the uniform price) of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1006.60(d) and a credit in the amount specified in § 1006.74(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified below in this subparagraph. If the operator of the partially regulated distributing plant so requests, and provides with his report pursuant to § 1006.30 similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1006.11(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the

obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk in the marketing area on routes;

(2) Deduct (except that deducted under a similar provision of another order issued pursuant to the Act) the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price pursuant to § 1006.61 at the same location or at the Class II price, whichever is higher.

PAYMENTS

§ 1006.70 Time and method of payment.

(a) Except as provided in paragraph (b) of this section, each handler shall make payment for producer milk as follows:

(1) On or before the 20th day of the month to each producer who had not discontinued shipping milk to such handler before the 15th day of the month, not less than 85 percent of the uniform price for the preceding month (not less than $4.00 for the first month this provision is in effect) per hundredweight of milk received during the first 15 days of the month;

(2) On or before the 5th day of the following month to each producer who had not discontinued shipping milk to such handler before the last day of the month, not less than 85 percent of the uniform price for the preceding month (not less than $4.00 for the first month this provision is in effect) per hundredweight of milk received from the 16th through the last day of the month; and

(3) On or before the 15th day of each month to each producer for milk received during the preceding month, not less than the uniform price per hundredweight, adjusted pursuant to §§ 1006.71, 1006.72, and 1006.76, subject to the following:

(i) Minus payments made pursuant to subparagraphs (1) and (2) of this paragraph;

(ii) Less proper deductions authorized in writing by such producer; and

(iii) If by such date such handler has not received full payment from the market adminstrator pursuant to § 1006.75 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after receipt of the balance due from the market administrator.

(b) In the case of a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and which has so requested any handler in writing, together with a written promise of such association to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the association, such handler on or before the second day prior to the date on which payments are due individual producers, shall pay the cooperative association for milk received during the month from the producer-members of such association as determined by the market administrator an amount not less than the total due such producer-members pursuant to paragraph (a) of this section, subject to the following:

(1) Payment pursuant to this paragraph shall be made for milk received from any producer beginning on the first day of the month following receipt from the cooperative association of its certification that such producer is a member, and continuing through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association; and

(2) Copies of the written request of the cooperative association to receive payments on behalf of its members together with its promise to reimburse and its certified list of members shall be submitted simultaneously both to the handler and to the market administrator and shall be subject to verification by the market administrator at his discretion, through audit of the records of the cooperative association. Exceptions, if any, to the accuracy of such certification claimed by any producer or by a handler shall be made by written notice to the market administrator and shall be subject to his determination.

§ 1006.71 Butterfat and solids-not-fat differentials to producers.

The uniform price pursuant to § 1006.70 shall be adjusted as follows:

(a) Increased or decreased for each one-tenth percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate (rounded to the nearest one-tenth percent) determined by multiplying the pounds of butterfat in producer milk allocated to each class pursuant to § 1006.45 by the butterfat differential for each class; and

(b) Increased or decreased for each one-tenth percent that the solids-not-fat content of such milk is above or below 8.47 percent, respectively, at the rate (rounded to the nearest one-tenth percent) determined by multiplying the pounds of solids-not-fat in producer milk allocated to each class pursuant to § 1006.45 by the solids-not-fat differential for each class.

§ 1006.72 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk received at a pool plant shall be reduced according to the location of the pool plant at the rates set forth in § 1006.53; and

(b) For purposes of computations pursuant to §§ 1006.74 and 1006.75, the uniform price shall be adjusted at the rates set forth in § 1006.53 applicable at the location of the nonpool plant from which the milk was received.

§ 1006.73 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments into such fund pursuant to §§ 1006.62 and 1006.74 and out of which he shall make all payments from such fund pursuant to § 1006.76: *Provided*, That the market administrator shall offset the payment due to a handler against payments due from such handler.

§ 1006.74 Payments to the producer-settlement fund.

On or before the 12th day after the end of the month, each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The net pool obligation pursuant to § 1006.60 for such handler; and

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform price; and

(2) The value at the uniform price applicable at the location of the plant(s) from which received (not to be less than the value at the Class II price) of other source milk for which a value is computed pursuant to § 1006.60(d).

§ 1006.75 Payments from the producer-settlement fund.

On or before the 13th day after the end of each month, the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1006.74(b) exceeds the amount computed pursuant to § 1006.74(a). If, at such time, the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

§ 1006.76 Marketing services.

(a) Except as provided in paragraph (b) of this section, each handler in making payments for producer milk received during the month shall deduct 6 cents per hundredweight or such lesser amount as the Secretary may prescribe (except on such handler's own farm production) and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples and tests of producer milk and to provide producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each month, pay over such deductions to the association rendering such service.

§ 1006.77 Expense of administration.

As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to:

(a) Producer milk (including such handler's own production);

(b) Other source milk allocated to Class I pursuant to § 1006.45(a) (3) and (7) and the corresponding steps of § 1006.45(b); and

(c) Class I milk disposed of in the marketing area from a partially regulated distributing plant that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

§ 1006.78 Adjustment of accounts.

When verification by the market administrator of reports or payments of a handler discloses errors resulting in monies due the market administrator from such handler, such handler from the market administrator, or a producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made not later than the date for making payment next following such disclosure.

§ 1006.79 Overdue accounts.

Any unpaid obligation of a handler pursuant to §§ 1006.70 through 1006.78 shall be increased one-half of 1 percent each month or fraction thereof starting the third day after the date such obligation is due until such obligation is paid. Any remittance received postmarked not later than the date such obligation is due shall be considered to have been received when due.

§ 1006.80 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligations, unless within such 2-year period, the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligations are made available to the market administrator or his representative; and

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

MISCELLANEOUS PROVISIONS

§ 1006.90 Effective time.

The provisions of this part or any amendment of this Part 1006 shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to § 1006.91.

§ 1006.91 Suspension or termination.

The Secretary may suspend or terminate this part or any provision of this part whenever he finds that this part or any provision of this part obstructs, or does not tend to effectuate, the declared policy of the Act. This part shall terminate, in any event, whenever the provisions of the Act authorizing it cease to be in effect.

§ 1006.92 Continuing power and duty of the market administrator.

(a) If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under this part, the final accrual or ascertainment of which requires further acts by any handler, the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, or agency, as the Secretary may designate;

(b) The market administrator, or such other person as the Secretary may designate shall:

(1) Continue in such capacity until removed by the Secretary;

(2) From time to time account for all receipts and disbursements, and, when so directed by the Secretary, deliver all funds or property on hand, together with the books and records of the market administrator, to such person as the Secretary may direct; and

(3) If so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant to this part.

§ 1006.93 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 1006.94 Agents.

The Secretary may by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1006.95 Separability of provisions.

If any provision of this part, or the application thereof to any person or circumstances, is held invalid, the remainder of this part and the application of such provision to other persons or circumstances, shall not be affected thereby.

Proposed by the Borden Co., Foremost Dairies of the South Division of Home Town Foods, Inc., T. G. Lee Dairy, Inc., Sealtest Foods, Division National Dairy Products Corp., and the Southland Corp.:

Proposal No. 2—"Producer-handler" Definition.

§ 1006.14 Producer-handler.

"Producer-handler" means any person who:

(a) Operates a dairy farm and a distributing plant from which the Class I and Class II disposition is entirely from his own farm production;

(b) Receives no Class I or Class II milk or products from sources other than his own farm production;

(c) Provides proof satisfactory to the Market Administrator that the care and management of the dairy animals and other resources necessary to produce all Class I and Class II products handled and the operation of the processing and packaging business are his personal enterprise and risk.

Provided, That any person, who has qualified for producer-handler status by meeting said requirements and fails to meet said requirements for a following month and thereby becomes a handler (other than a producer-handler), shall not have producer-handler status for 12 consecutive months beginning with and including said month for which said party failed to meet said requirements, although said party may actually meet said requirements for any or all of the last 11 months in said 12 months period. *Provided*, further, that no person whose Class I sales are in excess of 200,000 pounds per month shall have producer-handler status under this order.

Proposal No. 3—"Classification." Provide for a three-class classification system as follows:

§ 1006.7 Fluid milk product.

"Fluid milk product" means milk (including frozen and concentrated milk), flavored milk or skim milk. "Fluid milk product" shall not include sterilized products in hermetically sealed containers.

§ 1006.40 Skim milk and butterfat to be classified.

The skim milk and butterfat required to be reported pursuant to § 1006.30 shall be classified each month pursuant to the provisions of §§ 1006.41 through 1006.45: *Provided*, That such skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 1006.41 Classes of utilization.

Subject to the conditions set forth in § 1006.43, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as provided in paragraphs (b) (2) and (c) (2), (3), and (4) of this section; and

(2) Not accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a Class II product, except as provided in paragraph (c) (2), (3), and (4) of this section; and

(2) In inventory of fluid milk products and Class II products at the end of the month.

(c) *Class III milk.* Class III milk shall be:

(1) Skim milk and butterfat used to produce any product other than a fluid milk product or Class II product;

(2) Skim milk and butterfat in fluid milk products and in Class II products disposed of by a handler for livestock feed;

(3) Skim milk and butterfat in fluid milk products and in Class II products dumped by a handler after notification to, and opportunity for verification by, the market administrator;

(4) Skim milk represented by the nonfat solids added to a fluid product or Class II product which is in excess of an equivalent volume of such product prior to the addition;

(5) Skim milk and butterfat, respectively, in shrinkage at each pool plant (except in milk diverted to a nonpool plant pursuant to § 1006.16) but not in excess of:

(i) 2.0 percent of producer milk;

(ii) Plus 1.5 percent of bulk fluid milk products received from other pool plants;

(iii) Plus 1.5 percent of bulk fluid milk products received from other order plants exclusive of the quantity for which Class II or Class III utilization was requested by the operators of both plants;

(iv) Plus 1.5 percent of bulk fluid milk products from unregulated supply plants exclusive of the quantity for which Class II or Class III utilization was requested by the handler;

(v) Less 1.5 percent of bulk fluid milk products transferred to other plants; and

(6) Skim milk and butterfat in shrinkage of other source milk allocated pursuant to § 1006.42(b) (2).

§ 1006.42 Shrinkage.

The market administrator shall allocate shrinkage over each pool plant's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each pool plant; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat, respectively, in:

(1) The net quantity of producer milk and other fluid milk products specified in § 1006.41(c)(5); and

(2) Other source milk exclusive of that specified in § 1006.41(c)(5).

§ 1006.43 Transfers.

Skim milk or butterfat shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred in the form of a fluid milk product or a Class II product from a pool plant to the pool plant of another handler, subject to the following conditions:

(1) The skim milk or butterfat so assigned to each class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1006.45(a)(10) and the corresponding step of § 1006.45(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1006.45(a)(3), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1006.45(a) (9) or (10) and the corresponding steps of § 1006.45(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant.

(b) As Class I milk, if transferred or diverted in the form of a fluid milk product or a Class II product to a nonpool plant that is neither an other order plant nor a producer-handler plant unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification in Class II or Class III in his report submitted pursuant to § 1006.30;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to such receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute the regular source of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to the skim milk and butterfat in receipts of fluid milk products transferred or diverted from plants fully regulated by such order, next pro rata to such receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants;

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat in fluid milk products so transferred shall be classified as Class III milk to the extent available and the remainder as Class II milk; and

(v) To the extent that Class I or Class III utilization is not assigned to it, the skim milk and butterfat in Class II prod-

ucts so transferred shall be classified as Class II milk.

(c) As follows, if transferred in the form of a fluid milk product or Class II product to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II or Class III to the extent of the Class II or Class III utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes or utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and allocations to other classes shall be classified in a comparable classification as Class II or Class III milk; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1006.41.

(d) As Class II (to the extent of such utilization in the transferee plant) if transferred to the plant of a producer-handler in the form of a Class II product unless a Class III classification is requested by the operators of both plants and sufficient Class III utilization is available in the transferee plant.

§ 1006.45 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1006.44, the market administrator shall determine the classification of producer milk for each handler for each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk classified as Class III pursuant to § 1006.41(c)(5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class III milk the lesser of the pounds remaining or the quantity associated with such receipts and classified as Class III pursuant to § 1006.41(c)(4) plus 2 percent of the remainder of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product or a Class II product;

(ii) Receipts of fluid milk products for which Grade A certification is not established, or which are from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(4) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class III (and then Class II), the pounds of skim milk in Class II products received from nonpool plants for which the handler requests a Class III utilization;

(5) Subtract from the pounds of skim milk remaining in Class II and Class III, pro rata to such quantities, the pounds of skim milk in Class II products received from nonpool plants that were not subtracted pursuant to subparagraph (4) of this paragraph;

(6) Subtract, in the order specified below, from the pounds of skim milk remaining in Class III and/or Class II (beginning with Class III unless otherwise specified below) but not in excess of such quantity or quantities:

(i) Receipts of fluid milk products from unregulated supply plants:

(*a*) For which the handler requests such utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk, the sum of the pounds of skim milk in producer milk, in receipts of fluid milk products from pool plants of other handlers, and in receipts of fluid milk products in bulk from other order plants; and

(ii) Receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plants, if Class III or Class II utilization was requested by the operator of such plant and the handler;

(7) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk (and then Class I), the pounds of skim milk in inventory of fluid milk products and Class II products at the beginning of the month;

(8) Add to the remaining pounds of skim milk in Class III milk the pounds of skim milk substracted pursuant to subparagraph (1) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (6)(i) of this paragraph;

(10) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from other order plants, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (6)(ii) of this paragraph:

(i) In series beginning with Class III, and thereafter from Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II and Class III utilization of skim milk announced for the month by the market administrator pursuant to § 1006.22(1) or the percentage that Class II and Class III utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(11) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products and in Class II products received from pool plants of other handlers according to the classification of such products pursuant to § 1006.43(a); and

(12) If the pounds of skim milk remaining exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section;

(c) Determine the weighted average butterfat content of producer milk in each class as computed pursuant to paragraphs (a) and (b) of this section.

Proposal No. 5.—Class prices. Order, in all detail, appropriately, to said three-classification system.

Proposal No. 5—Class prices.

§ 1006.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential (rounded to the nearest one-tenth cent) at the rate of the Chicago butter price times 0.12 and rounded to the nearest cent.

§ 1006.51 Class prices.

(a) *Class I price.* The Class I price for plants located in the Florida counties of Hamilton, Columbia, Baker, Nassau, Duval, Suwannee, Union, Bradford, Clay, St. Johns, Gilchrist, Alachua, Putnam, Flagler, Levy, Marion, Volusia, Citrus, Sumter, Lake, Orange, Seminole, Brevard, Osceola, and Indian River shall be the Class I price pursuant to Part 1012 (Tampa Bay) of this chapter for the months of August through January and

shall be the Class I price pursuant to Part 1012 (Tampa Bay) of this chapter, less 23 cents, for the months of February through July.

(b) *Class II price.* The Class II price shall be the basic formula price for the preceding month plus $0.85.

(c) *Class III price.* The Class III price shall be the basic formula price for the month.

Proposal No. 6—"Butterfat differentials to handlers."

§ 1006.52 Butterfat differential to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices pursuant to § 1006.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the following rates:

(a) Class I price, 7.5 cents;
(b) Class II price, 7.5 cents; and
(c) Class III price, 0.115 times the Chicago butter price for the month.

Copies of this notice may be procured from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C., 20250, or may be there inspected.

Signed at Washington, D.C., on December 22, 1965.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 65–13842; Filed, Dec. 27, 1965; 8:47 a.m.]

[7 CFR Parts 1030, 1031, 1032, 1038, 1039, 1051, 1062, 1063, 1067, 1070, 1078, 1079]

[Docket No. AO 101–A30 etc.]

MILK IN CHICAGO, ILL., MARKETING AREA ET AL.

Notice of Reconvened Hearing on Proposed Amendments to Tentative Marketing Agreements and Order

7 CFR Parts	Marketing areas	Docket Nos.
1030	Chicago, Ill.	AO 101–A30.
1031	Northwestern Indiana	AO 170–A17.
1032	Suburban St. Louis	AO 313–A7.
1038	Rock River Valley	AO 194–A9.
1039	Milwaukee, Wis.	AO 212–A15.
1051	Madison, Wis.	AO 329–A2.
1062	St. Louis, Mo.	AO 10–A32.
1063	Quad Cities-Dubuque	AO 105–A19.
1067	Ozarks	AO 222–A10.
1070	Cedar Rapids-Iowa City	AO 229–A11.
1078	North Central Iowa	AO 272–A6.
1079	Des Moines, Iowa	AO 295–A7.

The hearing with respect to proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the respective marketing areas designated hereinbefore, notice of which was published in the FEDERAL REGISTER dated August 6, 1965 (30 F.R. 9829), and September 11, 1965 (30 F.R. 11694), was recessed on November 3, 1965, to be reconvened on November 30, 1965, at a time and place to be announced by the Hearing Examiner. On November 22, 1965, the Hearing Examiner issued a postponement of the reconvening of the hearing (30 F.R. 14662).

Pursuant to the provisions of § 900.8 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR 900.8) notice is hereby given that the said public hearing will be reconvened at 10:00 a.m., local time, on February 1, 1966, in the Pick Congress Hotel, 520 South Michigan Avenue, Chicago, Ill.

Signed at Washington, D.C., on December 22, 1965.

G. OSMOND HYDE,
Chief Hearing Examiner.

[F.R. Doc. 65–13843; Filed, Dec. 27, 1965; 8:47 a.m.]

[7 CFR Parts 1030, 1031, 1032, 1038, 1039, 1051, 1062, 1063, 1067, 1070, 1078, 1079]

[Docket No. AO 101–A30 etc.]

MILK IN CHICAGO, ILL., MARKETING AREA ET AL.

Supplemental Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

7 CFR Parts	Marketing areas	Docket Nos.
1030	Chicago, Ill.	AO 101–A30.
1031	Northwestern Indiana	AO 170–A17.
1032	Suburban St. Louis	AO 313–A7.
1038	Rock River Valley	AO 194–A9.
1039	Milwaukee, Wis.	AO 212–A15.
1051	Madison, Wis.	AO 329–A2.
1062	St. Louis, Mo.	AO 10–A32.
1063	Quad Cities-Dubuque	AO 105–A19.
1067	Ozarks	AO 222–A16.
1070	Cedar Rapids-Iowa City	AO 229–A11.
1078	North Central Iowa	AO 272–A6.
1079	Des Moines, Iowa	AO 295–A7.

This notice is supplemental to notices of hearing which were published in the FEDERAL REGISTER of August 6, 1965 (30 F.R. 9829), and September 11, 1965 (30 F.R. 11694), with respect to proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the respective marketing areas designated hereinbefore.

The Hearing Examiner has given notice in a separate notice of reconvened hearing that the hearing which was recessed on November 3, 1965, and postponed on November 22, 1965 (30 F.R. 14662), will be reconvened at 10:00 a.m., local time, on February 1, 1966, in the Pick Congress Hotel, 520 South Michigan Avenue, Chicago, Ill.

Further notice is hereby given pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), that, in addition to the proposals contained in the notice issued August 6, 1965 (30 F.R. 9829), and proposals 6, 7, and 8 set forth herein, evidence will be received at the reconvened hearing on proposals relating to any appropriate method of determining the appropriate Class I prices under the aforesaid orders, and also whether a different method for pricing milk sold outside any regulated marketing area is appropriate. Further, since proposal No. 7 set forth below would revise the interorder Class I price alignment among these 12 markets, consideration will be given to revising intraorder location adjustments applicable to Class I and blend prices.

The following specific amendments have been submitted for consideration.

The proposed amendments set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Associated Dairymen:

Proposal No. 6. Delete all of § 1030.51 (a) and substitute in lieu thereof the following:

(a) The price for Grade A Class I milk for the delivery period shall be an amount arrived at by computing an economic index with the year 1958 as the base period as follows:

(1) Calculate a Chicago per capita income index by multiplying the current annual rate of per capita disposable income in the United States as published quarterly by the U.S. Department of Commerce by a Chicago adjustment percentage and multiply the result by 0.3333. The Chicago adjustment percentage shall be the current relationship of per capita personal income in Wisconsin (weighted 75 percent) and Illinois (weighted 25 percent), adjusted to a 1958 base, to the per capita personal income in the United States.

(2) Calculate a consumer price index by multiplying the U.S. consumer price index as reported by the Bureau of Labor Statistics, U.S. Department of Labor, adjusted to a 1958 base by 0.3333.

(3) Compute an index of farm prices by multiplying the index of prices received by farmers in the United States as reported by the U.S. Department of Agriculture adjusted to a 1958 base by 0.3333.

(4) The economic index shall be the sum of (1), (2), and (3) above.

(5) Compute an economic index price by multiplying the result of (4) above by 0.0402 and rounding the results to the nearest mill.

Proposal No. 7. Delete all of the Class I pricing sections of the following orders: Northwestern Indiana, Order 31; Suburban St. Louis, Order 32; Rock River Valley, Order 38; Milwaukee, Wis., Order 39; Madison, Wis., Order 51; St. Louis, Mo., Order 62; Quad Cities-Dubuque, Order 63; Ozarks, Order 67; Cedar Rapids-Iowa City, Order 70; North Central Iowa, Order 78; Des Moines, Iowa, Order 79; and substitute in lieu thereof the application of the Chicago Class I price as computed by the economic formula plus a transportation differential computed on the basis of the distance from the Chicago Zone 1 to the center of the other marketing area as determined by the mileages established by the Household Carrier's Guide and at a rate of 1.5 cents per hundredweight for each 10 miles or fraction thereof.

Proposed by Association of Operating Dairy Cooperatives:

Proposal No. 8. Amend § 1030.51(a) and subparagraphs (1) and (2) thereof of the order to read as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula for the preceding month plus $1.20 August through November, $0.80 March through June and $1.00 in other months, adjusted not more than 24 cents each month by plus or minus 2.0 cents, respectively, for each full percent that the adjusted supply-demand ratio computed as follows, is above or below 52 percent:

(1) Determine the total receipts of Grade A milk (including receipts from own-farm production) for the most recent 12-month period from all producers regulated under the following orders: Part 1030, Chicago, Illinois; Part 1031, Northwestern Indiana; Part 1032, Suburban St. Louis; Part 1038, Rock River Valley; Part 1039, Milwaukee, Wis.; Part 1045, Northeastern Wisconsin; Part 1046, Louisville-Lexington-Evansville; Part 1049, Indianapolis, Ind.; Part 1051, Madison, Wis.; Part 1061, St. Joseph, Mo.; Part 1062, St. Louis, Mo.; Part 1063, Quad Cities-Dubuque; Part 1064, Greater Kansas City; Part 1066, Sioux City, Iowa; Part 1067, Ozarks; Part 1070, Cedar Rapids-Iowa City; Part 1071, Neosho Valley; Part 1073, Wichita, Kans.; Part 1074, Southwest Kansas; Part 1078, North Central Iowa; Part 1079, Des Moines, Iowa; Part 1096; Northern Louisiana; Part 1097, Memphis, Tenn.; Part 1098, Nashville, Tenn.; Part 1099, Paducah, Ky.; Part 1102, Fort Smith, Ark.; Part 1104, Red River Valley; Part 1105, Mississippi Delta; Part 1106, Oklahoma Metropolitan; Part 1108, Central Arkansas; Part 1120, Lubbock-Plainview, Tex.; Part 1126, North Texas; Part 1127, San Antonio, Tex.; Part 1128, Central West Texas; Part 1129, Austin-Waco, Tex.; Part 1130, Corpus Christi, Tex.; Part 1131, Central Arizona; Part 1132, Texas Panhandle; Part 1134, Western Colorado; Part 1135, Colorado Springs-Pueblo; Part 1137, Eastern Colorado; Part 1138, Rio Grande Valley.

(2) Determine the total aggregate pounds of Grade A milk utilized, during the most recent 12-month period in all the foregoing orders in Class I milk or in products required in each of the respective marketing areas to be processed from Grade A milk.

Proposed by Associated Milk Dealers, Inc.:

Proposal No. 9. Amend the order to provide for level Class I pricing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 72 West Adams Street, Room 814, Chicago, Ill., 60603, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C., 20250, or may be there inspected. Copies of the respective orders may be procured from Market Administrators at the following addresses: Chicago and Rock River Valley, 72 West Adams Street, Room 814, Chicago, Ill., 60603; Northwestern Indiana, 220 South William, South Bend, Ind., 46624; St. Louis, Suburban St. Louis, Ozarks, 2710 Hampton Avenue, St. Louis, Mo., 63139; Milwaukee, 4920 West Burleigh Street, Milwaukee, Wis., 53210; Madison, 1821 South Park Street, Madison, Wis., 53704; Quad Cities-Dubuque, Cedar Rapids-Iowa City, North Central Iowa, Watch Tower Plaza, 924 37th Avenue, Rock Island, Ill., 61202; Des Moines, Suite 190, 6000 Douglas Avenue, Des Moines, Iowa, 50322.

Signed at Washington, D.C., on December 22, 1965.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 65-13844; Filed, Dec. 27, 1965; 8:47 a.m.]

[7 CFR Parts 1044, 1045]

[Docket Nos. AO 299-A9, AO 334-A7]

MILK IN MICHIGAN UPPER PENINSULA AND NORTHEASTERN WISCONSIN MARKETING AREAS

Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Green Bay Wis., on December 9, 1965, pursuant to notice thereof issued on November 30, 1965 (30 F.R. 14993).

The material issues on the record of the hearing related to:

1. Should the Class I pricing provisions of either of the aforesaid orders be revised so as to maintain for December 1965 and immediately ensuing months approximately the same Class I prices as were effective under the orders during the month of November 1965.

2. Does the due and timely execution of the functions of the Secretary imperatively and unavoidably require the omission of a recommended decision with respect to issue No. 1.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Class I pricing provisions.* The Northeastern Wisconsin order should be amended to fix Class I prices prior to adjustment by the supply-demand factor at $4.30 for January and February 1966 and at $4.10 for the months March through June 1966. The Michigan Upper Peninsula order should be amended to fix Class I prices (Zone 1) prior to adjustment by the supply-demand factor at $4.51 for January and February 1966 and at $4.31 for the months March through June 1966. No change should be made in the supply-demand factor applicable under both orders except that its operation should be limited to the extent that Class I prices during the January–June 1966 period should in no month exceed the November 1965 Class I price under the respective order.

The producer milk supply for these two markets is derived entirely from Wisconsin and Michigan. The Northeastern Wisconsin market receives about 98 percent of its supply from producers located in Wisconsin and the Michigan Upper Peninsula market gets about 90 percent of its supply from Michigan farms. Milk production in these two States in both October and November was below the level of a year earlier. Wisconsin production in October was down 6 percent and in November was down 7 percent from 1964 production in the same month. Total milk production in Michigan dropped earlier in the year. The January–September production in 1965 was 2 percent less than the January–September total in 1964. In October 1965, Michigan milk production was down 1 percent from October 1964 and in November this year fell to 4 percent under the November 1964 figure.

The sharp decreases in production in Wisconsin and Michigan from a year earlier contributed largely to the decline in total U.S. milk production of 3 percent in November. Production in these two States was 115 million pounds less in November 1965 than in November 1964. United States milk production dropped 285 million pounds in the same period.

The decline in milk production in both Wisconsin and Michigan occurred in spite of favorable fall pasture conditions and better than average milk-feed price relationships. During November 1965, at average prices 100 pounds of milk would purchase 154 pounds of concentrated feed ration in the East North Central States compared to only 147 pounds in November 1964.

The drop in milk production under these conditions indicates the possibility that alternative farm enterprises and opportunities for nonfarm employment may be attracting manpower away from dairy production to a greater extent than usual. Beef and hog prices this year are reported to be more attractive than milk prices. Also, the higher beef prices have encouraged culling in dairy herds, thus reducing the herd size. Opportunities for nonfarm employment are reported as good in these States.

Since July this year, receipts of milk from producers in both the Michigan Upper Peninsula and Northeastern Wisconsin markets have been less each month than in the corresponding month of 1964. In the two markets combined, producer receipts compared to a year earlier were 5 percent lower in August, 3 percent lower in September, 8 percent lower in October and 3 percent lower in November. Class I sales in the two markets combined were less in August and October than in the same months last year, and about the same in September as in that month of 1964. However, in November this year Class I sales exceeded November 1964 sales by nearly 4 percent.

With Class I sales increasing and deliveries of milk by producers declining, the reserve supply of milk for these markets is diminishing. If milk supplies continue to drop as they have in recent months, the maintenance of an adequate level of supply will be threatened.

Because the maintenance of an adequate level of milk supplies for certain other markets was threatened by the sharp decline in milk production, emergency action was taken in November to prevent a decline in Class I prices from the November 1965 level except for the normal seasonal drop of 20 cents on March 1, 1966. This action affected Class I prices established under the Chicago, Milwaukee, and Madison Federal milk orders.

The milk supply for the Northeastern Wisconsin market is obtained from an area which also supplies the Chicago, Milwaukee, and Madison markets. Hence, conditions which affect milk supplies tend to be reflected similarly in all four markets. The milk supply for the Michigan Upper Peninsula area is commingled with that for the Northeastern Wisconsin area in Wisconsin. The decline in milk production in Michigan indicates that conditions similar to those in Wisconsin are affecting the milk supply in Michigan.

The Class I prices for the Northeastern Wisconsin and Michigan Upper Peninsula markets are determined by adding differentials which vary seasonally to a basic formula price and then adjusting such price by a supply-demand factor based on the combined receipts of milk and Class I sales in the two markets. The basic formula and the seasonal pattern of the differentials added are the same as those used to determine the Class I prices under the Chicago, Madison and Milwaukee orders. For that reason, Class I prices in these five markets tend to move up or down together. However, when the supply-demand adjustor applicable to the Northeastern Wisconsin and Michigan Upper Peninsula Class I prices varies from the supply-demand adjustor under the Chicago order, the Class I prices in these markets reflect the difference.

In more than half the months from May 1962 through December 1965, the supply-demand adjustor applicable to the Northeastern Wisconsin and Michigan Upper Peninsula orders has been minus 24 cents, the maximum permitted and the same as the Chicago supply-demand adjustor. In 1965, the adjustor was minus 24 cents in 7 months but for December dropped to minus 8 cents. In November it was minus 12 cents.

Although all witnesses supported some revision in Class I prices in these two markets to maintain appropriate alinement with prices under the Chicago and Milwaukee orders, there was some difference of opinion concerning just what level of prices constituted appropriate alinement. Proposals ranged from a Northeastern Wisconsin Class I price 2 cents under the Milwaukee price to one 13 cents under the Milwaukee price. The Northeastern Wisconsin Class I price differential which is added to the basic formula in computing the Class I price is 14 cents less than the Milwaukee differential.

It is concluded that appropriate alinement should be maintained by revising the Class I prices applicable under these two orders prior to the application of the supply-demand adjustor. This will reflect the emergency price increases granted in the Chicago, Milwaukee and Madison orders. Because the increases in these two markets cannot be made effective retroactively the amount of the increase for the 6 months, January–June 1966, should be slightly higher than the average increase granted for the 7-month period December 1965–June 1966 in the other markets.

The seasonal pattern of pricing which establishes a 20-cent lower price for March through June than that established for January and February should be maintained. This seasonal reduction will be effective also under the emergency prices established for Chicago, Milwaukee, and Madison.

The supply-demand adjustor should continue to operate in determining the Class I prices under the Northeastern Wisconsin and Michigan Upper Peninsula orders, except that its effect should be limited so that Class I prices could in no month exceed the November 1965 Class I price in the respective market. No one proposed that the Class I prices to be established for this emergency period exceed the November level.

This emergency action is needed to halt any drastic decline in the Grade A milk supply available to these markets. Any further price increase or an increase for a longer period is not needed to preserve an adequate level of milk supplies in these markets. Hence, the price incentive is limited to that specified above.

2. *Emergency action.* The due and timely execution of the function of the Secretary under the Act imperatively and unavoidably requires the omission of a recommended decision and opportunity for exceptions thereto, on the above issue.

The conditions in these markets are such that it is urgent that remedial action be taken as soon as possible. Any delay in informing interested parties of the conclusions reached will tend to make ineffective the relief sought. The time necessarily involved in the preparation, filing and publication of a recommended decision and filing of exceptions thereto would in this instance contribute to the threat of an insufficient supply of milk for these markets.

The notice of hearing stated that consideration would be given to the economic and emergency marketing conditions relating to the proposed amendments. Action under the procedure described above was requested by proponents at the hearing.

It is therefore found that good cause exists for omission of the recommended decision and the opportunity for filing exceptions thereto.

RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

GENERAL FINDINGS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the respective marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

MARKETING AGREEMENTS AND ORDERS

Annexed hereto and made a part hereof are four documents entitled, respectively, "Marketing agreement regulating the handling of milk in the Michigan Upper Peninsula Marketing Area", "Marketing agreement regulating the handling of milk in the Northeastern Wisconsin Marketing Area", "Order amending the order regulating the handling of milk in the Michigan Upper Peninsula Marketing Area", and "Order amending the order regulating the handling of milk in the Northeastern Wisconsin Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreements, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreements are identical with those contained in the orders, as

hereby proposed to be amended by the attached order which will be published with this decision.

DETERMINATION OF REPRESENTATIVE PERIOD

The month of September 1965 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in certain specified marketing areas is approved or favored by producers, as defined under the terms of the respective orders, as amended and as hereby proposed to be amended, and who during such representative period were engaged in the production of milk for sale within the aforesaid marketing areas.

Signed at Washington, D.C., on December 21, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

ORDER[1] AMENDING THE ORDER REGULATING THE HANDLING OF MILK IN MICHIGAN UPPER PENINSULA MARKETING AREA

§ 1044.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Michigan Upper Peninsula marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Michigan Upper Peninsula marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

In § 1044.51(a) the introductory text preceding subparagraph (1) is revised to read as follows:

§ 1044.51 Class prices.

* * * * *

(a) *Class I milk price.* The Class I milk price for plants located in Zone I during the specified periods shall be the following amounts plus or minus a supply-demand adjustment of not more than 24 cents computed pursuant to this paragraph except that the Class I price for January through June 1966 shall not exceed the November 1965 Class I price: January and February 1966, $4.51; March through June 1966, $4.31; July 1966 and thereafter, the basic formula price for the preceding month plus $0.75 in March through June; plus $1.15 in August through November; and plus $0.95 in all other months.

For plants located in Zone 1(a) the price shall be the price specified for Zone 1 less 10 cents; for plants located in Zone 2, the price shall be the price specified for Zone 1 plus 20 cents; and for plants located outside of the marketing area and west of Lake Michigan, the price (subject to § 1044.53) shall be that specified for Zone 1 and for plants located outside the marketing area and east of Lake Michigan, the price (subject to § 1044.53) shall be that specified for Zone 2.

The supply-demand adjustment shall be computed as follows:

* * * * *

ORDER[1] AMENDING THE ORDER REGULATING THE HANDLING OF MILK IN THE NORTHEASTERN WISCONSIN MARKETING AREA

§ 1045.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Northeastern Wisconsin marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Northeastern Wisconsin marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

In § 1045.51(a) the introductory text preceding subparagraph (1) is revised to read as follows:

§ 1045.51 Class prices.

* * * * *

(a) During the specified periods, the following amounts plus or minus a supply-demand adjustment of not more than 24 cents computed pursuant to this paragraph except that the price for January through June 1966 shall not exceed the November 1965 Class I price: January and February 1966, $4.30; March through June 1966, $4.10; July 1966 and thereafter, the basic formula price for the preceding month plus $0.54 during the months of March, April, May and June, $0.74 during January, February, July and December, and $0.94 during all other months.

The supply-demand adjustment shall be computed as follows:

* * * * *

[F.R. Doc. 65-13812; Filed, Dec. 27, 1965; 8:46 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

[9 CFR Part 203]

PACKERS AND STOCKYARDS

Handling of Custodial Funds by Livestock Market Agencies and Poultry Licensees

Notice is hereby given that, pursuant to section 407(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 228(a)), the Consumer and Marketing Service proposes to promulgate as § 203.9 of Part 203, Chapter II, Title 9, Code of Federal Regulations, the following statement of interpretation concerning the handling of custodial funds by livestock market agencies and poultry licensees.

§ 203.9 Handling of custodial funds by market agencies and licensees.

(a) Each market agency and licensee engaged in selling livestock or live poultry on a commission or agency basis is required to establish and maintain a separate bank account for the handling of the proceeds received from the sale of consigned livestock or live poultry (§ 201.42 of this chapter). Such separate account is in the nature of a trust account and is required to be designated as "Custodial Account for Shippers' Proceeds," or by a similar identifying designation. The duties of market agencies and licensees in establishing, designating, and maintaining such separate account, and in collecting, handling, and accounting for the proceeds received from the sale of consigned livestock or live poultry, are set forth in §§ 201.39–201.43 of this chapter under the Packers and Stockyards Act, 1921, as amended.

(b) In recent months there have been cases where the funds deposited in custodial accounts have been used to secure loans obtained by market agencies. There have also been cases where market agencies have assigned their "proceeds receivable" accounts to secure loans. These uses of shippers' proceeds constitute violations of the Act and the regulations.

(c) There have also been recent cases where banks have appropriated funds in custodial accounts to offset obligations incurred by market agency-depositors. Certain of these cases resulted from the failure of the market agency-depositor to properly designate the separate bank account as "Custodial Account for Shippers' Proceeds," or by similar identifying designation. Such failure to properly designate a custodial account also constitutes a violation of the Act and the regulations.

(d) When a custodial account for shippers' proceeds is established in a bank, the market agency-depositor and the licensee-depositor must properly designate the account so as to disclose that the depositor is acting as a fiduciary and that the funds in the account are in the nature of trust funds.

(e) If the Packers and Stockyards Division has reason to believe that any market agency or licensee has failed to properly designate a custodial account so as to disclose the true nature of the account, or has used the proceeds of the sale of consigned livestock or live poultry to secure loans, consideration will be given to the issuance of a complaint charging the market agency or licensee with violations of the Act and the regulations.

This notice of proposed rule making is for the purpose of obtaining the views of the livestock industry with respect to whether an interpretative statement regarding the above-stated subject matter should be issued, and, if so, whether the foregoing proposal should be adopted or changed in any respect.

Any person who wishes to submit written data, views, or arguments concerning the proposed statement may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C., 20250, on or before January 31, 1966.

All written statements made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 22d day of December 1965.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 65-13845; Filed, Dec. 27, 1965; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 221, 250]

[Docket No. 16563]

PASSENGER PRIORITIES AND OVERBOOKED FLIGHTS

Supplemental Notice of Proposed Rule Making

DECEMBER 20, 1965.

By notice of proposed rule making, EDR-95, dated October 12, 1965, and published in 30 F.R. 13236, the Civil Aeronautics Board proposed to amend Part 221 of the Economic Regulations to require carriers to include in their passenger tariffs their practices and rules for determining passenger priorities applicable in instances in which confirmed reservations exceed the capacity of the aircraft on a scheduled flight. The Board also proposed to issue a new Part 250 which would require advance notice to passengers of the possibility that they might be denied boarding on a flight for which they have confirmed reserved space. Interested persons were invited to file comments on the foregoing revisions of the Economic Regulations to be received on or before December 1, 1965. At the request of five carriers the time for filing comments was extended to January 5, 1966.

Several carriers have requested that the time for submitting comments again be extended for a period of from 1 month to 6 weeks, in order to allow them to engage in further study of, and further management consultation on, the proposed revisions.

The undersigned finds that good cause has been shown for an extension of time. Accordingly, pursuant to the authority delegated under sections 7.3C, 7.4, and 7.6 of Public Notice PN-15, dated July 3, 1961, the undersigned hereby extends the time for filing comments on the amendments of Part 221 and the issuance of a new Part 250 to February 2, 1966. All relevant matter received on or before that date will be considered by the Board before taking on the proposed revisions. Copies of such communications will be available upon receipt thereof for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

(Secs. 204(a), 403, 404, and 411, Federal Aviation Act of 1958, as amended; 72 Stat. 743, 758, 760, and 769; 49 U.S.C. 1324(a), 1373, 1374, and 1381; and sec. 3, Administrative Procedure Act; 60 Stat. 238; 5 U.S.C. 1002)

By the Civil Aeronautics Board.

[SEAL] ARTHUR H. SIMMS,
Associated General Counsel,
Rules and Rates Division.

[F.R. Doc. 65-13818; Filed, Dec. 27, 1965; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 1, 27, 29]

[Docket No. 7087; Notice No. 65-42]

1965 ROTORCRAFT REVIEW; MISCELLANEOUS TYPE CERTIFICATION STANDARDS

Notice of Proposed Rule Making

The Federal Aviation Agency is considering amending Parts 1, 27, and 29 to revise the type certification standards for rotorcraft. On February 15 through 19, 1965, the Federal Aviation Agency held an Agency-Industry conference to review regulations dealing with the manufacture and operation of rotorcraft. The conference agenda included numerous type certification items of possible regulatory significance. Those items that the Agency considers appropriate for immediate rule making action are proposed in this notice, together with proposals developed by the Agency and not covered at the Conference.

Interested persons are invited to participate in the making of these proposed rules by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before March 24, 1966, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Because of the large number of proposals contained herein, the format of this notice differs somewhat from the format used in other notices. Specific proposed mandatory language is used only where essential for adequate notice, and, where used, it is combined with the pertinent explanation. There is no separate preamble. It is hoped that this format will help the public identify the precise proposed changes in each case, and the reasons therefor, without the need to refer to several places. Public comments are specifically invited on the value of the new format in giving notice of numerous, complex proposals.

The following proposals are listed, in numerical order according to section number, under three topics: Flight, Powerplant, and Airframe. One general proposal is contained at the end.

Flight Proposals

Proposal 1. Speed symbols "V_{FV}" and "V_H" (Parts 1, 27, and 29).

(a) Section 1.2 would be amended to add new symbol "V_{FV}" and to change the definition of V_H, all to read as follows:

V_{FV} means maximum speed for freedom from rotor flutter and vibration under all conditions.

V_H means maximum speed in level flight with maximum continuous r.p.m. and power.

(b) Parts 27 and 29 would also be amended to accommodate the new speed V_{FV}.

Explanation. The maximum speed for rotor freedom from flutter and vibration is now widely used in rotorcraft type certification, and should be made a formal definition of general applicability. The present definition of V_H is vague since "rated power" could mean maximum continuous power, takeoff power, or other time-rated powers. V_H refers to level flight. "Rated power" in level flight is well understood to mean maximum continuous power only.

Proposal 2. Center of gravity limits (§§ 27.27 and 29.27).

These sections now cover longitudinal ("fore and aft") limits only. It is proposed to broaden them to cover the entire envelope of lateral and longitudinal limits.

Explanation. Experience has shown that rotorcraft flight characteristics may be rendered unsafe by lateral displacements of the center of gravity. Certain rotorcraft have the capacity for large lateral displacements. Safety requires definition of the lateral limits that can be tolerated. Since these limits may vary with longitudinal displacements, an envelope of both must be established.

Proposal 3. Main rotor speed and pitch limits (§§ 27.33 and 29.33).

Paragraphs (b) and (c) of these sections would be amended, and reorganized in new paragraphs (b), (c), and (d), reading as follows:

(b) *Normal main rotor high pitch limit (power on).* It must be shown, with power on and without exceeding approved engine maximum limitations, that main rotor speeds substantially less than the minimum approved main rotor speed will not occur under any sustained flight condition. This must be met by—

(1) Appropriate setting of the main rotor high pitch stop;

(2) Inherent rotorcraft characteristics that make unsafe low main rotor speeds unlikely; or

(3) Adequate means to warn the pilot of unsafe main rotor speeds.

(c) *Normal main rotor low pitch limit (power off).* It must be shown, with power off, that—

(1) The normal main rotor low pitch limits provides sufficient rotor speed, in any autorotative condition, under the most critical combinations of weight and airspeed; and

(2) It is possible to prevent overspeeding of the rotor without exceptional piloting skill.

(d) *Emergency high pitch.* If the main rotor high pitch stop is set to meet paragraph (b)(1) of this section, and if that stop cannot be exceeded inadvertently, additional pitch may be made available for emergency use.

Explanation:

(a) For Part 29, this proposal is clarifying only and would not result in substantive change. The proposed language reflects actual practice by making it clear that—

(1) The only engine limitations intended under present (b)(1) are those approved for the engine; if compliance could be shown at less than "full throttle", (b)(1) would of course be satisfied;

(2) The "sustained flight condition" in present (b)(1) describes the showing made under that rule, not the approval of the minimum rotor speed;

(3) The "means" required by present (b)(1) is simply the high pitch stop;

(4) Present (b)(1) (i) and (ii) are only alternatives to the appropriate high pitch stop setting; they are not alternatives to the requirement to show that unsafe low rotor speeds will not occur;

(5) The requirement in present (b)(2)(i) to provide rotor speeds "within the approved range" is intended to prohibit rotor speeds below the minimum approved only; and

(6) The requirement in present (b)(2)(ii) that rotor overspeeding be preventable without exceptional piloting skill recognizes that no single low pitch stop setting that meets (b)(2)(i) at sea level will necessarily prevent rotor overspeeding at altitude; this requirement is therefore not meant to be tied to the low pitch stop itself, but is rather intended to independently require that rotor speeds greater than the maximum approved be preventable regardless of the low pitch setting (that is, compliance could be shown by pitch increases by the pilot).

(b) This proposal makes § 27.33 identical to § 29.33. In addition to the clarifying changes outlined above, this would involve the following two substantive changes to § 27.33:

(1) The alternatives in § 29.33(b)(1) (i) and (ii) would be added to § 27.33. These alternatives to an appropriate setting of the high pitch stop have been applied as appropriate means of complying with § 27.33(b)(1) and should appear in the rule.

(2) The requirement now in § 29.33(b)(2)(ii) that rotor overspeeding be preventable with power off and without exceptional piloting skill would be added to § 27.33. The effect of altitude upon attainable rotor speeds is of course present for normal category, as well as for transport category, rotorcraft.

Proposal 4. Category A climb with one engine inoperative (§ 29.67(a)(2)).

The introductory text of § 29.67(a)(2) would be amended to read as follows:

(2) The steady rate of climb without ground effect must be at least 150 feet per minute, 1,000 feet above the takeoff surface, for each weight and temperature for which takeoff data are to be scheduled, with—

Explanation. Experience has shown that safety requires a rate of climb, with one engine inoperative and the landing gear retracted, great enough to (1) compensate for the loss of rate of climb caused by turbulence, and (2) allow compliance with present § 29.67(a)(2) at a reasonable circling altitude. To meet this need, interim standards have been imposed requiring compliance with the 150 feet per minute requirement at an altitude of 1,000 feet above the takeoff surface. This proposal would incorporate this requirement directly into § 29.67(a)(2).

Proposal 5. Category B helicopter angle of glide (§ 29.73).

Section 29.73(b)(2) would be amended to read as follows:

(2) The hovering ceiling determined under subparagraph (1) of this paragraph—

(i) For reciprocating engine powered helicopters, must be at least 4,000 feet in standard atmosphere at maximum weight;

(ii) For single engine turbine engine powered helicopters, must be at least 2,500 feet, in standard atmosphere plus 40° F., at maximum weight; and

(iii) For multiengine turbine engine powered helicopters, must be available at each altitude, temperature, and weight for which takeoff data are to be scheduled.

Explanation. Experience has shown that the 4,000 foot hovering capability requirement in present § 29.73(b)(2) is unnecessarily severe for turbine engine powered helicopters. The requirements in subparagraph (2) (ii) and (iii) of this proposal have accordingly been applied as interim standards for those helicopters. These interim standards have been shown to provide a satisfactory basis for the certification of turbine engine powered Category B helicopters and would therefore be incorporated directly into § 29.73(b)(2).

Proposal 7. Limiting heights and speeds during approach and landing (§ 29.75).

Section 29.75(b)(4) would be amended to read as follows:

(4) The approach and landing path must be established to avoid hazardous excursions into the critical areas of the limiting height-speed envelope established under § 29.79.

Explanation. For Category A rotorcraft and for Category B rotorcraft meeting the powerplant installation requirements for Category A, experience has shown that the critical areas of the limiting height-speed envelope can be entered safely under certain conditions. For such rotorcraft, it is unnecessary to require definition of the approach and landing paths to completely avoid these critical areas, as at present.

Proposal 8. Determination of maximum allowable rate of descent in autorotation (§ 29.75).

Section 29.75(b)(6) requires that the maximum allowable rate of descent in autorotation must be determined. Experience has shown that this information is unnecessary in addition to the autorotative landing data that must be placed in the Rotorcraft Flight Manual under § 29.1587(a)(3). Section 29.75(b)(6) would therefore be deleted.

Proposal 9. Overwater operation (New § 29.76).

A new § 29.76 would be added, reading as follows:

§ 29.76 Overwater operation.

If approval for any takeoff, landing, or en route operation is required by any operating rule of this chapter and is requested under this part, it must be shown that safe landings can be made onto water, from any point along the takeoff or landing paths or in cruise (as applicable), with—

(a) One engine out (for multiengine helicopters meeting the powerplant installation requirements of Category A);

(b) Power off (for other rotorcraft); and

(c) Normal piloting skill.

Explanation. Certain operating rules, such as that in § 127.83, require that rotorcraft operations be conducted so as to allow safe emergency landings along the intended routes of operation. Where these routes involve operation over water, there is no rule in Part 29 specifically providing for safe landings on water. This has required the use of interim standards. There is thus a gap in the rules that this proposal would cure by requiring a showing of safe landing capability on water.

Proposal 10. Limiting height-speed envelope (§ 27.79).

A new paragraph (c) would be added to this section to read as follows:

(c) No point on the low speed side of the height-speed envelope may exceed V_Y.

Explanation. There have been accidents involving normal category rotorcraft having best rate of climb speeds (V_Y) less than the highest speed on the low speed side of their limiting height-speed envelopes. These accidents involved flight within the hazardous area of those envelopes. This condition is believed to have been caused by the natural pilot tendency to climb at V_Y, which, for these rotorcraft, made flight within the hazardous area of the envelope inevitable. Recognizing this tendency, the Agency believes that normal category rotorcraft should be designed so that it is impossible to enter the hazardous area of the envelope at V_Y. No similar problem has arisen for transport category rotorcraft.

Proposal 11. Flight characteristics: General (§§ 27.141 and 29.141).

Paragraph (a) of §§ 27.141 and 29.141 would be amended to (1) limit the required investigation of sudden powerplant failure to single engine rotorcraft and multiengine rotorcraft not having complete engine isolation, and (2) require multiengine rotorcraft with complete engine isolation to be investigated with sudden failure of one engine.

Explanation. Sections 27.141(a) and 29.141(a) state, in effect, that "sudden powerplant failure" is a probable operating condition for all rotorcraft. Experience has shown that this is not the case for multiengine rotorcraft with complete engine isolation, but only for other rotorcraft. For multiengine rotorcraft with complete engine isolation, failure of one engine is the pertinent, probable operating condition.

Proposal 12. Controllability and maneuverability (§§ 27.143 and 29.143).

Paragraph (b) of these sections would be amended to read as follows:

(b) The margin of cyclic control must allow satisfactory roll and pitch control. This must be shown—

(1) In coordinated flight, at V_{NE}, with critical weight, center of gravity, and rotor r.p.m., and with power (i) on and (ii) off; and

(2) In uncoordinated flight, at speeds from V_Y, or 50 m.p.h., whichever is less, to V_H or V_{NE}, whichever is less, with—

(i) Critical weight, center of gravity, rotor r.p.m. and power;

(ii) Slip angles varying linearly from ±45 degrees at V_Y or 50 m.p.h. (as applicable) to ±15 degrees at V_H or V_{NE} (as applicable), or any lesser angles produced by full pedal displacement within this speed range; and

(iii) At least 10 percent of effective lateral and longitudinal control travel remaining unused.

Explanation. The present requirement in §§ 27.143(b) and 29.143(b) is redrafted into new (b)(1) above, with one change: the substitution of "critical weight" for "maximum weight". Experience has shown that, for some rotorcraft, weights less than maximum weight may be more critical than maximum weight for the purpose of demonstrating roll and pitch control at V_{NE}, due to the effects of angle of attack changes at the lesser weights. Proposed new paragraph (b)(2) is in response to findings of hazardous, negative sideslip stability developed during the type certification of certain rotorcraft, particularly float equipped rotorcraft. Rather than amending the rule to preclude lateral directional instability, this proposal would simply require satisfactory controllability during the prescribed uncoordinated flight.

Proposal 13. Controllability during "power failure" (§§ 27.143 and 29.143).

Sections 27.143(d) and 29.143(d) would be amended to make it clear that the required demonstration of controllability after "power failure" may be complied with, for multiengine rotorcraft having complete engine isolation, by showing controllability after failure of one engine only. Experience has shown that complete engine isolation makes simultaneous failure of all engines unlikely. Therefore, no showing of controllability with total power failure is necessary.

Proposal 14. Static longitudinal stability (§§ 27.173 and 29.173).

Paragraph (b) of these sections would be deleted and a new paragraph (b) would be added to read as follows:

(b) The stick position versus speed curve may have a negative slope within the speed range specified for the maneuver in § 27.175(d) if the necessary negative stick travel does not exceed 1 inch measured at the top of the pilot's normal hand position.

Explanation. This proposal would make three changes. First, the negative stick travel allowance during climb, cruise, and autorotation would be eliminated. Hazardous conditions have developed in certain rotorcraft having stick reversals in forward flight. It is therefore necessary to return to the requirement existing before 1959, which prohibited control reversal in forward flight. Second, negative stick travel would be allowed during hover. Experience has shown, in the hovering condition, a slightly negative slope may not be detrimental to, and may even augment, controllability in the hovering condition. Third, the amount of allowable negative stick travel would be defined in absolute terms (1 inch of travel) rather than in terms of a percentage of total stick travel. The allowance of negative stick travel in the hovering condition must assume that the degree of negative stability is small enough for safety. Since certain rotorcraft have large total amounts of stick travel to accommodate large center of gravity changes, it is not appropriate to allow a given percentage of that travel to be negative. A limitation to 1 inch of negative travel will assure a negative slope mild enough for the hovering condition.

Proposal 15. Rate of descent for demonstration of the static longitudinal stability of multiengine rotorcraft (§§ 27.175 and 29.175).

Sections 27.175(c) and 29.175(c) require demonstration of static longitudinal stability in autorotation. The intent of this regulation is to determine stability in a representative, protracted flight condition. Autorotation is not such a condition for multiengine rotorcraft. However, a rate of descent of 1,000 feet per minute is such a condition for those rotorcraft. Therefore, §§ 27.175(c) and 29.175(c) would be amended to require multiengine rotorcraft to comply at a rate of descent of 1,000 feet per minute rather than in autorotation. Consistent with this proposal, §§ 27.175(c)(3) and 29.175(c)(3) would be amended to specify only "power as required".

Proposal 16. Demonstration of static longitudinal stability in hover (§§ 27.175 and 29.175).

Paragraph (d) of these sections now requires a stable stick position curve slope in the hovering condition, with "power required for hovering in still air" ((d)(2)(iii)). Experience has shown that it is only necessary to require such stability during extended hovering in ground effect. This may require frequent power changes to remain in ground effect. To reflect these factors, it is proposed to change (d)(2)(iii) to require only that the stability test be conducted with "power required to maintain an approximately constant height in ground effect".

Proposal 17. Pilot compartment view (§ 29.773).

Section 29.773(b)(2) requires that each pilot must have a window that is openable and gives the pilot a sufficiently

extensive view for safe operation. Experience has shown that such a window can be provided solely for the first pilot, without adversely affecting safety. Part 25 now allows this. No grounds exist for distinguishing between transport category airplanes and rotorcraft in this respect. Section 29.773(b)(2) would therefore be amended to apply solely to first pilots.

Proposal 18. Warning, caution, and advisory lights. (New §§ 27.1322 and 29.1322).

New §§ 27.1322 and 29.1322 would be added to read as follows:

If warning, caution, or advisory lights are used, they must be—

(a) Red, for warning lights (lights indicating a hazard requiring immediate corrective action);

(b) Amber, for caution lights (lights indicating the possible need for future corrective action); and

(c) Green, for advisory lights (lights used solely for information not indicating the need for corrective action).

Explanation. The use of lights on rotorcraft as sources of information is becoming common. There is little color standardization in this area. Experience has shown that standardization is necessary for safety.

Proposal 19. Airspeed indicating system (§ 29.1323).

Section 29.1323(b)(2) would be amended to read as follows:

(2) During takeoff, with repeatable and readable indications that are adequate enough to ensure—

(i) Consistent realization of the field lengths specified in the Rotorcraft Flight Manual; and

(ii) Avoidance of the critical areas of the limiting height-speed envelope established under § 29.79.

Explanation. The objective of the present calibration requirement is consistent realization of the required field lengths together with avoidance of hazardous height-speed combinations during takeoff. The present requirement of calibration in ground effect during the accelerated takeoff run does not accomplish this objective. Further, this requirement is of limited future value since (1) calibration in ground effect is itself extremely difficult, and (2) accelerated takeoff runs are not typical. This proposal would correct this deficiency.

(b) References to "miles per hour" would be changed to "knots", to reflect the current use of nautical units of measurement in airspeed system calibration. This involves the following changes: from "Five m.p.h." to "4.5 knots" in § 29.1323(c) (lead paragraph); from "10 m.p.h." to "8.0 knots" in § 29.1323(c)(2); from "Five m.p.h." to "4.5 knots" in § 29.1323(d).

(c) The words "including the airspeed indicator instrument calibration error" would be deleted from § 29.1323 (c) (leading paragraph) and (d).

Explanation. Experience has shown that including airspeed instrument error in the determination of total airspeed system error can result in potentially hazardous situations when instruments with different errors are installed later in service. This amendment makes Part 29 consistent with Parts 23, 25, and 27.

(d) Because of the difficulty of extreme low speed calibration, and because the objective of low speed calibration is avoidance of hazardous height-speed combinations during takeoff, the present low speed calibration speeds for multiengine and single engine rotorcraft would be raised to the maximum consistent with avoidance of hazardous heights and speeds. Thus "10 m.p.h." in § 29.1323(c)(1) would be changed to "30 knots", and "10 m.p.h." in § 29.1323 (d) would be changed to "20 knots". (This proposal also includes the change to nautical units.)

Proposal 20. Automatic pilot system allowance of speeds over V_{NE} (§ 29.1329).

Section 29.1329(d) requires that the automatic pilot system be unable to create hazardous loads during system malfunction if corrective action is begun within a reasonable time. Experience has shown that temporary excursions to 1.05 V_{NE} will not create hazardous loads if the longitudinal stability curve prescribed for cruise (§ 29.175(b)) is positive up to 1.1 V_{NE}. Rather than administer present § 29.1329(d) to reflect this fact, that paragraph would be amended to specifically allow autopilot system malfunctions to create speeds up to 1.05 V_{NE} if the stability curve is positive to 1.1 V_{NE}.

Proposal 21. Never exceed speed (§§ 27.1505 and 29.1505).

Paragraph (b) of these sections would be amended to read as follows:

(b) V_{NE} may vary with altitude, r.p.m., temperature, and weight, if—

(1) No more than two of these variables (or no more than two instruments integrating more than one of these variables) are used at one time; and

(2) The ranges of these variables (or of the indications on instruments integrating more than one of these variables) are large enough to allow an operationally practical and safe variation of V_{NE}.

Explanation. Experience has shown that (1) the present limitation to altitude and r.p.m. as operating variables places an undue limitation on the variation of V_{NE}, and (2) temperature and weight may be safely used as variables if the total number of variables is restricted to two. Further, experience has shown that integrating instruments are now available whose indications may safely be considered as one variable for the purpose of allowing variations in V_{NE}.

Proposal 22. Limiting weights derived from demonstration of limiting height-speed envelope (§ 27.1519).

Section 27.79 requires that the limiting height-speed envelope be established at a selected weight for each altitude above sea level. However, it must be assumed, for each altitude, that the rotorcraft will operate at that altitude at all weights up to the highest weight allowing hovering in ground effect at that altitude. It is therefore essential that either (1) the limiting height-speed envelope be shown to be satisfactory, at each altitude, at the highest weight allowing hovering in ground effect at that altitude, or (2) if lesser weights are demonstrated for any altitude, these lesser weights be established as operating weight limitations for that altitude. Section 27.1519 would therefore be amended to require that each weight that is (1) less than the highest weight allowing hovering in ground effect at any given altitude, and (2) used to establish the limiting height-speed envelope at that altitude, be established as the limiting weight for operation at that altitude.

Proposal 23. Empty weight items in the Rotorcraft Flight Manual (§§ 27.1583(c) and 29.1583(c)).

These sections now require that the items included in the empty weight be included in the approved part of the Rotorcraft Flight Manual. Experience has shown that this requirement imposes burdens on the manufacturer that outweigh the value of the requirement. Furthermore, the requirement is not necessary for safety, and would be deleted.

Powerplant Proposals

Proposal 1. Lateral and axial expansion of turbine engines (§§ 27.901 and 29.901).

The general powerplant installation requirements do not now take into account the expansion characteristics of turbine engines, which are important factors in the installation of those engines. New §§ 27.901(b)(4) and 29.901(b)(5) would be added to require that axial and lateral expansion of turbine engines may not affect the safety of the installation.

Proposal 2. Stopping turbine engines in flight (Category A) (§ 29.903).

Section 29.003(c) requires each Category A rotorcraft to have means of stopping each engine in flight. For turbine engines, experience has shown that complete stoppage may be unnecessary for safety in a given installation. The engine stoppage requirement of § 29.903(c) would therefore be changed to except turbine engines whose stoppage is not necessary for safety.

Proposal 3. Endurance testing of accessory drive pads (§§ 27.923 and 29.923).

Sections 27.923 and 29.923 would be amended to require that the rotor drive system and control mechanism tests include substantiation of accessory drive pads for the required test time period. This amendment would provide that accessory drive pads located on transmissions (or on other gearboxes that are part of the rotor drive system) must be loaded to the limits for which approval is desired. When there are drive pads of identical design, only one need be loaded. If the loading of all pads exceeds the power available for driving accessories, not all pads need be loaded simultaneously provided each different pad type is substantiated for the total time required for the drive system. No present rule requires a showing that accessory drive pads can withstand, without failure, the torque and overhang moments specified as limiting values. Certain pads, such as those to be used later for

customer furnished accessories, do not contain accessories during the endurance test and cannot be adequately evaluated analytically. Where these pads are identical, this proposal would require that only one of them be tested and that this pad be loaded, to a rating selected by the applicant, throughout the endurance test. This selected rating would limit the future use of the identical pads.

Proposal 4. Endurance testing of rotor brake and clutch (§ 27.923).

A new paragraph (i) would be added to § 27.923, reading as follows:

(i) At least 200 clutch engagements must be accomplished—

(1) So that the shaft on the driven side of the clutch is accelerated from rest; and

(2) Using a speed and method selected by the applicant.

Explanation. The purpose of the endurance test is to simulate, in a short period of time, conditions that would occur over a long period of time in service. The present rule does not assure safe clutch and brake engagement and disengagement over the normal service life. This proposal would cure this deficiency.

Proposal 5. Endurance testing for inadvertent turbine engine and transmission overboost (§§ 27.923 and 29.923).

New §§ 27.923(j) and 29.923(o) would be added to read as follows:

(—) If turbine engine power output to the transmission can exceed the highest engine or transmission power rating, and that output is not directly controlled by the pilot under normal operating conditions (such as where the primary engine power control is accomplished through the flight control), the following test must be made:

(1) With all engines operating, and during each hour of the testing done under this section, apply, for 10 seconds, a torque equal to the lesser of—

(i) The maximum torque used in meeting paragraphs (a) through (m) of this section, plus 10 percent; or

(ii) The maximum attainable torque output of the engines.

(2) For multiengine rotorcraft with each engine, in turn, simulating an inoperative condition, apply to the remaining transmission power inputs, the maximum torque attainable under probable operating conditions. This test must be continued until each transmission input is tested at this maximum torque for at least one hour.

Explanation. The purpose of the endurance test is to substantiate the transmission for values representative of actual operating values. For most turbine engine powered helicopters, there is no direct control of engine power output by the pilot. Rather, the pilot directly controls rotor lift and the rotor governing system itself takes from the engines whatever power is necessary to satisfy the lift command. This power could exceed transmission torque limits if (1) one engine fails and the remaining engines increase their power to meet the scheduled power total, and (2) certain atmospheric conditions allow the governing system to permit topping power greater than the established engine or transmission ratings. The present endurance testing program results only in substantiation at torques up to the maximum approved without consideration of overboosting.

Proposal 6. Fuel pump endurance testing (§§ 27.991 and 29.991).

Fuel pump failure is a potential hazard. Main fuel pumps used during original type certification are generally tested in conjunction with the endurance tests prescribed in §§ 27.923 and 29.923. However, for main pumps added to the rotorcraft after original type certification, and for emergency pumps, no procedures ensures reliability in service. To correct this deficiency, §§ 27.991 and 29.991 would be amended to require that each fuel pump, main and emergency, that is to become part of the type design, must meet the endurance test of §§ 27.923 and 29.923, or its equivalent.

Proposal 7. Fuel pumps (§§ 27.991 and 29.991).

Sections 27.991(b) and 29.991(b) do not specifically allow a main fuel pump to be used as an emergency pump to feed the engines if a main pump fails. Section 25.991 (b) allows this for transport category airplanes. This allowance may be safely granted for rotorcraft. Therefore §§ 27.991(b) and 29.991(b) would be amended to conform to § 25.991(b) in this respect.

Proposal 8. Fuel pumps (§§ 27.991 and 29.991).

Paragraph (c) (lead sentence) of § 29.991 and the last sentence of § 27.991 (b) would be deleted. These rules require the maintenance of safe fuel pressures. They are surplus with respect to the fuel flow requirements contained in §§ 27.951, 27.955, 29.951, and 29.955.

Proposal 9. Fuel system lines (§ 27.993).

Section 27.993 would be changed in three ways. First, the oversize fuel line requirement and corresponding test requirement in paragraphs (d) and (e), respectively, would be eliminated. Experience has shown that compliance with § 27.955 with whatever fuel line size is necessary to provide 100 percent of required fuel flow is sufficient for safety without the extra margin. Second, the requirement now in § 29.993(c) (that flexible fuel connections subject to pressure or axial loading must have a flexible hose assembly) would be added to § 27.993, since it is important for normal category, as well as for transport category, rotorcraft. Third, the requirement now in § 29.993(e) (that no flexible line that might be adversely affected by high temperatures may be used where excessive temperatures will exist during operation or after engine shutdown) would be added to § 27.993 since it is important for normal category, as well as for transport category, rotorcraft.

Proposal 10. Alternate air induction source (§ 29.1091).

The requirement in § 29.1091(d) for an alternate air source for each engine is intended to apply to reciprocating engines only. That paragraph would be amended to make this clear.

Proposal 11. Turbine fuel strainer ice protection (§ 29.997).

Sections 25.997(b) and 27.997(b) now require the fuel systems of turbine engine powered aircraft to have means to automatically maintain fuel flow in case of screen or filter ice, unless there are means to prevent ice buildup on the screen or filter. This requirement is equally important for transport category rotorcraft, particularly for turbine engine powered rotorcraft, since turbine fuels have a high affinity for water. Therefore, requirements similar to those in §§ 25.997(b) and 27.997(b) would be added to § 29.997.

Proposal 12. Residual powerplant heat after shutdown (§§ 27.1041 and 29.1041).

Sections 27.1041(a) and 29.1041(a) require powerplant cooling adequate for "surface (ground or water) and flight operating conditions." Experience has shown that residual powerplant heat can cause temperatures after shutdown greater than those experienced during engine operation, since normal powerplant cooling ceases upon shutdown. Therefore, §§ 27.1041(a) and 29.1041(a) would be amended to require adequate cooling after engine shutdown.

Proposal 13. Turbine engine inlet protection (§§ 27.1091 and 29.1091).

Protection of turbine engine inlets from flammable fluids and foreign objects is now provided for in § 25.1091(d) for transport category airplanes. The hazards of turbine engine ingestion of these materials are well known and exist in the same degree for turbine engine powered rotorcraft. New §§ 27.1091(e) and 29.1091 (f) would therefore be added reading as follows:

( ) For turbine engine powered rotorcraft—

(1) There must be means to prevent hazardous quantities of fuel leakage or overflow from drains, vents, or other components of flammable fluid systems from entering the engine intake system; and

(2) The air inlet ducts must be located or protected so as to minimize the ingestion of foreign matter during takeoff, landing, and taxiing.

Proposal 14. Continuous maximum and intermittent icing conditions (§ 29.1093).

Turbine engine powered rotorcraft have been approved for flight under instrument conditions. This has increased the potential hazard of inflight icing. Appendix C of Part 25 defines icing conditions relevant to turbine powerplant icing protection. Section 29.1093 would be amended to require that each turbine engine be able to operate throughout its flight power range, without adverse effect on engine operation or serious loss of power or thrust, under the icing conditions specified in Appendix C of Part 25. Section 27.1093 already incorporates such a provision.

Proposal 15. Turbine engine exhaust system drains (§ 29.1121).

A new paragraph (h) would be added to § 29.1121 providing that, if significant fuel traps exist, each turbine engine exhaust system must have drains, discharging clear of the rotorcraft in all normal ground and flight attitudes, to prevent fuel accumulation after the failure of an engine start.

Explanation. Experience has shown that false starts in turbine installations may cause fuel to drain from the engine after shutdown. This drained fuel may accumulate in the combustor or tailpipe sections of the engine, causing a potential explosion hazard.

Proposal 16. Powerplant accessory drive torque limiting means (§§ 27.1163 and 29.1163).

Sections 27.1163 and 29.1163 would be amended to require that torque limiting means be provided on all accessory drives that are located on the transmission (or on other gearboxes that are part of the rotor drive system), in order to prevent the torque limits established by the manufacturer for those drives from being exceeded.

Explanation. Accessory drives have come into wide use on transmissions and other rotor drive system gearboxes. Large loads may be placed on these drives by malfunctioning accessories installed on drive pads. These loads may be transmitted to the rotor drive system. Safety requires that no overloads be transmitted to the rotor drive system. Torque limiting means that prevent the torque limits of these drives from being exceeded will accomplish this result.

Proposal 17. Designated fire zones (§ 29.1181).

The following self-explanatory changes would be made to § 29.1181(a):

(a) Paragraph (a) (1), (2), and (3) would be amended to apply only to reciprocating engines.

(b) A new paragraph (a)(6) would be added to include the compressor and accessory sections of turbine engines as designated fire zones.

(c) A new paragraph (a)(8) would be added to include the following:

(1) The combustor-turbine-tailpipe section of turbine engine installations would be a designated fire zone. (For this zone, § 29.1181(b) would be amended to require that fire protection need be provided under § 29.1203 only, if no flammable fluid components, lines, or fittings are in this zone, and if this zone is isolated from the compressor-accessory zone by a firewall that meets § 29.1191.)

(2) The combined combustor-turbine-tailpipe and compressor-accessory zones would be a designated fire zone that must fully meet present § 29.1181(b), if the combustor-turbine-tailpipe zone is not isolated from the compressor-accessory zone by a firewall that meets § 29.1191.

Proposal 18. Applicability of flammable fluid tank requirement (§ 27.1185).

Section 27.1185(b) imposes certain flammable fluid tank requirements on rotorcraft with engines "of more than 900 cu. in. displacement." No turbine equivalent of the prescribed engine size is intended. Section 27.1185(b) would be amended to make this clear.

Proposal 19. Clarification of shutoff means, fire extinguishing system, and fire detector system exceptions (§§ 27.1189, 29.1189, 29.1195, and 29.1203).

Sections 27.1189(a)(2) and 29.1189 (Category B) except "engines of less than 500 cubic inches displacement" from the shutoff means requirement. Section 29.1195(a) excepts Category B rotorcraft having "engines of 1,500 cubic inches displacement or less" from the requirement to have a fire extinguishing system for the designated fire zones. Section 29.1203(a) excepts Category B rotorcraft having "engines of 900 cubic inches displacement or less" from the requirement to have approved fire detectors in the designated fire zones. No turbine engine equivalents of these cubic inch displacements are intended by these exceptions. No equivalent relaxations for turbines are intended by these exceptions. The language quoted above would therefore be specifically restricted, in each case, to reciprocating engines.

Proposal 20. Scope of required "engine" protection by firewalls (§§ 27.1191 and 29.1191).

Sections 27.1191(a) and 29.1191(a) require isolation of each "engine" by a firewall or its equivalent. For turbine engines, the distinction between engine and airframe may be unclear, since certain components, such as tailpipes, are frequently furnished by the airframe manufacturer. The subject isolation requirements are intended to apply to the combustor, turbine and tailpipe sections of turbine engines. Paragraph (a) of §§ 27.1191 and 29.1191 would be amended to make this clear.

Proposal 21. Fireproof engine compartment skin (§ 29.1193).

(a) Section 29.1193(e)(3) requires that each Category A rotorcraft have fireproof skin in areas subject to flame if a fire starts "in the engine power or accessory sections." On turbine engine installations, there is a hazard of combustor burn-through which could cause a fire to burn out of a fire zone. The intent of present § 29.1193(e)(3) is to contain this hazard. That subparagraph would therefore be amended by deleting the above quoted language and replacing it with the words "or burns out of any fire zone."

(b) Section 29.1193(c) is adequate for reciprocating engine powered rotorcraft but fails, with respect to turbine engine powered rotorcraft, to ensure that a fire burning out of one zone will not pass around the outside of a firewall and into the next zone downstream. For this reason, § 29.1193(c) would be amended to apply to reciprocating engine powered rotorcraft only, and a new provision would be added for turbine engine powered rotorcraft. This new provision would require, for turbine engine powered rotorcraft incorporating a diaphragm, that all cowling that (1) covers the section downstream of the diaphragm and (2) might be subject to flame if a fire occurred upstream of the diaphragm, must be fireproof and meet § 29.1191.

Proposal 22. Fire protection of surfaces aft of, and adjacent to, engine compartments and designated fire zones (New §§ 27.1194 and 29.1194).

Because of the relative location of the engine and airframe in rotorcraft, there is a hazard of fire occurring aft of, and adjacent to, engine compartments and designated fire zones as a result of heat, sparks or flame emanating from the tailpipe section of turbine engines. For this reason, new §§ 27.1194 and 29.1194 entitled "other surfaces" would be added to read as follows:

(a) All surfaces aft of, and near, engine compartments and designated fire zones (except tail surfaces not subject to heat, flames, or sparks emanating from a designated fire zone or engine compartment) must be at least fire resistant.

(b) No rotorcraft components essential to controlled flight and landing may be adversely affected by any fire originating within any designated fire zone, including the combustor, turbine, and tailpipe sections of turbine engines.

Proposal 23. Powerplant instruments (§ 29.1305).

Several changes would be made to § 29.1305(a). These changes include new instruments necessary for safety and clarifications that are self-explanatory, and are as follows:

(a) Paragraph (a) (1), (2), and (5) would be amended to apply to reciprocating engines only.

(b) Paragraph (a)(9) would be redesignated as (a)(12) and a new (a)(9) would be added to require a gas temperature indicator for each turbine engine.

(c) Paragraph (a)(11) would be redesignated as (a)(13) and a new (a)(11) would be added to require a fuel flowmeter for each turbine engine if approval for flights of more than one hour under IFR conditions is requested.

(d) Paragraph (a)(10) would be redesignated as (a)(14) and a new (a)(10) would be added to require a gas producer rotor tachometer for each turbine engine.

(e) New paragraph (a)(12) (which is present (a)(9)) would be changed to require an oil temperature warning device to indicate unsafe oil temperatures in each main rotor drive gearbox (including gearboxes necessary for rotor phasing), without reference to oil system independence.

(f) A new paragraph (a)(15) would be added to require a free power turbine tachometer for each turbine engine.

(g) A new paragraph (a)(16) would be added to require means, for each turbine engine, to indicate power for that engine.

Proposal 24. Equipment incorporating high energy rotors (new §§ 27.1459 and 29.1459).

New §§ 27.1459 and 29.1459 entitled *Equipment containing high energy rotors* would be added to read as follows:

(a) Equipment containing high energy rotors must meet paragraphs (b), (c), or (d) of this section to prevent hazardous failure of those rotors.

(b) High energy rotors contained in equipment must be able to withstand damage caused by malfunctions or by vibration, abnormal speeds, or temperature. In addition—

(1) Auxiliary rotor cases must be able to contain damage caused by the failure of high energy rotor blades.

(2) Equipment control devices, systems and instrumentation must reasonably ensure that no operating limitations affecting the integrity of high energy rotors will be exceeded in service.

(c) It must be shown by test that equipment containing high energy rotors can contain any failure of a high energy rotor that occurs at the highest speed obtainable with the normal speed control devices inoperative.

(d) Equipment containing high enery rotors must be located where rotor failure will neither endanger the occupants nor adversely affect continued safe flight.

Explanation. This proposal implements §§ 27.1309 and 29.1309 which require equipment reliability. It is particularly necessary in the case of multiengine rotorcraft where high energy rotor failure in equipment on one engine could cause failures of other engines.

Proposal 25. Powerplant limitations (§ 29.1521(h)).

Several changes would be made to § 29.1521(b) to accommodate turbine engines. These changes are self explanatory and are proposed in order to (1) bring Part 29 into conformity with Part 25, and (2) give turbine engines limitations equivalent to those now provided for reciprocating engines in Part 29. The proposed new powerplant operation limitations are as follows:

(a) Paragraph (b)(3) would be redesignated as (b)(6) and a new (b)(3) would be added specifying the maximum permissible turbine inlet or turbine outlet gas temperature (for turbines).

(b) Paragraph (b)(4) would be redesignated as (b)(7) and a new (b)(4) would be added specifying the maximum permissible power or torque for each engine considering the power inlet limitations of the transmission with all engines operating.

(c) A new paragraph (b)(5) would be added specifying the maximum permissible power or torque for each engine considering the power inlet limitations of the transmission with one engine inoperative.

(d) New paragraph (b)(6) (which is present (b)(3)) would be changed to refer to new paragraphs (1) through (5) rather than (1) and (2) as at present.

(e) New paragraph (b)(7) (which is present (b)(4)) would be amended to read as follows:

(7) If the time limit established in subparagraph (6) exceeds 2 minutes—

(i) The maximum allowable cylinder head or coolant outlet temperature for reciprocating engines; and

(ii) The maximum allowable engine and transmission oil temperatures.

(f) Paragraph (c)(2) would be deleted and a new (c)(2) would be added identical to present (c)(4).

(g) Paragraph (c)(3) would be deleted and a new (c)(3) would be added specifying the maximum allowable manifold pressure for reciprocating engines.

(h) Paragraph (c)(4) would be deleted and a new (c)(4) would be added specifying the maximum permissible turbine inlet or turbine outlet gas temperature for turbine engines.

(i) A new paragraph (c)(5) would be added specifying the maximum permissible power or torque for each engine considering the power inlet limitations of the transmission with all engines operating.

(j) A new paragraph (c)(6) would be added specifying the maximum permissible power or torque for each engine considering the power inlet limitations of the transmission with one engine inoperative.

(k) A new paragraph (c)(7) would be added specifying the maximum allowable temperatures for (1) the cylinder head or coolant outlet (for reciprocating engines), (2) the engine oil, and (3) the transmission oil.

Airframe Proposals

Proposal 1. Design limitations (§§ 27.309 and 29.309).

Under the present strength requirements of Parts 27 and 29, altitude is not specifically designated as a design limitation. Altitude may affect the flight loads on the rotorcraft, especially the fatigue loadings. Therefore, a new paragraph (h) would be added to §§ 27.309 and 29.309 to include "design maximum altitude" as a design limitation.

Proposal 2. Application of factor of safety to landing gear supplementary energy absorption devices (§ 29.473).

Since § 29.473 requires the entire rotorcraft to be substantiated for ground loads as limit loads, the definition of factor of safety requires each part of the rotorcraft to withstand 1.5 times these limit ground loads "without failure" (§ 29.305(b)). However, certain devices for absorbing abnormal landing loads are now being incorporated in landing gear as a supplementary means of energy absorption. These devices are frequently built for one hard impact and are crushable by design, in order to best serve their purpose. They are, in short, designed to function under loads greater than design limit loads. These devices are valuable from a safety standpoint. Their functioning may be initiated safely by the failure of a shear pin or similar element. To provide for this element failure, a new paragraph (c) would be added to § 29.473, reading as follows:

§ 29.473 Ground loading conditions and assumptions.

* * * * *

(c) Triggering or actuating devices for additional or supplementary energy absorption may not fail under loads established in the tests prescribed in §§ 29.725 and 29.727, but the factor of safety prescribed in § 29.303 need not be used.

Proposal 3. Rotor lift allowed in establishing limit ground loads (§§ 27.473 and 29.473).

Section 29.473(a)(1) now allows rotor lift up to two-thirds of the design maximum weight to be used in establishing limit ground loads. Experience has shown that this rotor lift value can be safely used for normal category rotorcraft. Therefore, the present limitation to one-half of the design maximum weight in § 27.473(a)(1) would be changed to two-thirds of that weight. Also, §§ 27.473(a)(2) and 29.473(a)(2) now allow "any greater lift" that is appropriate to the rotorcraft. Experience has shown that two-thirds of the design maximum weight represents a reasonable magnitude of rotor lift for design purposes. Therefore, §§ 27.473(a)(2) and 29.473(a)(2) would be deleted.

One minor editorial change would be made to §§ 27.473(b) and 29.473(b): Since limit inertia load factors are wholly substantiated under §§ 27.725 and 29.725, the references to §§ 27.727 and 29.727 would be deleted from §§ 27.473(b) and 29.473(b).

Proposal 4. Ground loading conditions for skid landing gear (New § 29.501).

Recent type certification experience has shown that there is a need for provisions for certificating transport category rotorcraft having skid landing gear. The requirements of § 27.501 as amended by *Proposal 5* below, would therefore be placed in Part 29 as new § 29.501.

Proposal 5. Skid landing gear drag reactions (§ 27.501).

Section 27.501(c)(2)(ii), by directing that the ground loads pass through the center of gravity, results in substantiation with an assumed zero net pitching acceleration. For aft portions of the rotorcraft, this assumption is unconservative. A rational distribution of pitching loads is necessary for safety. For this reason, § 27.501(c)(2)(ii) would be deleted.

Proposal 6. Unsymmetrical loads on multiple-wheel units (New § 29.511).

At present there are no provisions for certificating rotorcraft with multiple-wheel gear units. Such rotorcraft are becoming common. Experience with the application of § 25.511, which concerns multiple-wheel units for transport category airplanes, indicate that certain similar requirements are appropriate for transport category rotorcraft with multiple-wheel units. These requirements would be added in new § 29.511, to read as follows:

§ 29.511 Ground load: unsymmetrical loads on multiple-wheel units.

(a) In dual-wheel gear units, 60 percent of the total ground reaction for the gear unit must be applied to one wheel and 40 percent to the other.

(b) To provide for the case of one flat tire, 60 percent of the specified load for the gear unit must be applied to either wheel except that the vertical ground reaction may not be less than the full static value.

(c) In determining the total load on a gear unit, the transverse shift in the load centroid, due to unsymmetrical load distribution on the wheels may be neglected.

Proposal 7. Amphibian and limited amphibian substantiation (§§ 29.519, 29.521, 29.755, 29.757 and 29.803).

Part 29 does not now provide for substantiation of any water-based rotorcraft other than those with floats. Transport category rotorcraft are being developed that have hulls. These rotorcraft either have full capability of water landings and takeoffs ("amphibians") or the capability of landing on water as prescribed in Part 127 ("limited amphibians"). Study indicates that the proposed rule changes listed below are necessary to properly substantiate amphibian rotorcraft and limited amphibian rotorcraft.

1. New § 28.519 would be added to read as follows:

§ 29.519 Hull type rotorcraft: Water-based, amphibian and limited amphibian.

(a) *General.* For hull type rotorcraft, the structure must be designed to withstand the water loadings set forth in paragraphs (b), (c), and (d) considering the most severe wave heights for which approval is desired. The loads for the landing conditions of paragraphs (b) and (c) of this section must be developed and distributed along and among the hull and auxiliary floats, if used, in a rational and conservative manner, assuming a rotor lift equal to two-thirds of the rotorcraft weight to act throughout the landing impact. For limited amphibian rotorcraft, a factor of safety of 1.15 may be applied to the loads specified in this section.

(b) *Vertical landing conditions.* The rotorcraft must initially contact the water surface at zero forward speed in likely pitch and roll attitudes which result in critical design loadings. The vertical descent velocity must be not less than 6.5 f.p.s.

(c) *Forward speed landing conditions.* The rotorcraft must contact the water at forward velocities from 0 up to 30 knots in likely pitched, rolled, and yawed attitudes and with vertical descent velocity of not less than 6.5 f.p.s. A maximum forward velocity of less than 30 knots may be used in design if it can be demonstrated that the forward velocity selected would not be exceeded in a normal one-engine out landing.

(d) *Auxiliary float immersion condition.* In addition to the loads from the landing conditions, the auxiliary float, its support and attaching structure in the hull must be designed for the load developed by a fully immersed float unless it can be shown that full immersion of the float is unlikely, in which case the highest likely float buoyancy load must be applied that considers loading of the float immersed to create restoring moments compensating for upsetting moments caused by side wind, asymmetrical rotorcraft loading, water wave action, and rotorcraft inertia.

2. Section 29.521 would be revised by extending its applicability to amphibian rotorcraft.

3. Section 29.755 would be amended to read as follows:

§ 29.755 Hull buoyancy.

(a) *Water-based and amphibian rotorcraft.* The hull and auxiliary floats, i. used, must have enough watertight compartments so that, with any single compartment of the hull or auxiliary floats flooded, the buoyancy of the hull and auxiliary floats, and wheel tires if used, provides a margin of positive water stability great enough to minimize the probability of capsizing the rotorcraft for the worst combination of wave heights and surface winds for which approval is desired.

(b) *Limited amphibian rotorcraft.* For limited amphibian rotorcraft, the following appiy:

(1) The hull and auxiliary floats, if used, must be divided into compartments so that, with any single compartment located in the likely area of water impact during landing, flooded, the buoyancy of the hull and auxiliary floats, and wheel tires, if used, will provide a sufficient margin of positive water stability to minimize the probability of capsizing the rotorcraft.

(2) The rotorcraft must remain afloat, after a landing on water, for at least one-half hour. Rotorcraft intended for operations without carrying life rafts and life preservers must remain afloat for at least 6 hours and must be equipped with an approved individual flotation means for each occupant.

(3) The requirements of subparagraphs (1) and (2) of this paragraph apply considering the most severe combination of wave heights and wind conditions for which approval is desired.

4. A new § 29.757 would be added to read as follows:

§ 29.757 Hull and auxiliary float strength.

The hull and auxiliary floats, if used, must withstand the water loads prescribed by § 29.519 with a rational and conservative distribution of local and distributed water pressures over the hull and float bottom.

5. Section 29.803 would be amended by adding the following new paragraph (c):

(c) Limited amphibian rotorcraft must meet paragraphs (a) and (b) of this section. In addition, the following apply:

(1) Each external door, window, and exit must withstand the probable maximum local water pressures, unless it can be shown that its failure will not be hazardous to the passengers and crew or have an adverse effect on the rotorcraft's water stability that would preclude safe evacuation of the occupants.

(2) At least two exits, one per side, meeting the minimum dimensions of the exit specified in § 29.807(a)(4) and located above the water level must be provided for passenger seating capacities up to 39, inclusive. For passenger seating capacities from 40 to 59, inclusive, two exits, one per side, above the water level must be provided meeting the minimum dimensions of the exit specified in § 29.807(a)(3). In all cases, there must be at least one emergency exit located above the water level for each 35 passengers.

Proposal 8. Fatigue evaluation (New §§ 27.571 and 29.571, and §§ 27.1529 and 29.1529).

Sections 27.401(c), 29.401(c), 27.547(b), 29.547(b), 27.549(e), and 29.549(d) specify fatigue strength requirements for the airframe (including rotors) and require that the service life of critical components be established. These isolated requirements were established in 1946 and 1947, and consequently do not include the fail-safe concept. The fail-safe concept has been successfully applied for transport category airplanes (§ 25.571). Equivalent fail-safe rules, adapted to rotorcraft, would be added as new §§ 27.571 and 29.571, under new topic "FATIGUE EVALUATION." Full implementation of changes to the airworthiness standards may require appropriate additional rulemaking action concerning the operating rules. Further, the application of the fail-safe provisions requires that the inspections and replacement times of critical components be established, approved, and included in the maintenance manual under § 29.1529.

For these reasons, new §§ 27.571 and 29.571 would be added, and §§ 27.1529 and 29.1529 would be amended, all to read as follows:

§ 27.571 (29.571) Fatigue evaluation of flight structure.

(a) *Strength, detail design, and fabrication.* Those parts of the structure (including rotors, controls, the fuselage, and their related primary attachments), whose failure would be catastrophic must be identified, and must be evaluated by tests, analysis, or both under either paragraphs (b), (c), or (d) of this section. Substantiation by analysis in lieu of fatigue tests will be acceptable only for applications where the analysis has been shown to be reliable. The locations of probable failure must be determined. In addition, the procedures for substantiating the structure must be approved and must be as follows:

(1) The determination of loads or stresses must include flight measurements of all conditions throughout the range of limitations prescribed in § 27.309 (29.309, as applicable).

(2) The loading spectra must be based on flight measured stresses, and must be as severe as the loads expected in service.

(3) For structure evaluated under paragraphs (c) and (d) of this section, a determination must be made of the fatigue life (during which the structure can withstand limit loads or maximum attainable loads, whichever is less) remaining after a partial failure.

(4) Each partial failure that may occur must be shown to be readily detectable.

(b) *Replacement time evaluation.* It must be shown that—

(1) The probability of fatigue failure is extremely remote without an established replacement time; or

(2) Within an established replacement time, the probability of fatigue failure is extremely remote.

(c) *Fail-safe evaluation.* It must be shown that the probability of catastrophic failure is extremely remote when the approved inspection and maintenance procedures in § 27.1529(b) (29.1529(b), as applicable) are applied.

(d) *Combination of replacement time and fail-safe evaluation.* It must be shown that the combination of fail-safe features and established replacement times result in an extremely remote probability of catastrophic failure when the approved inspection and maintenance procedures in § 27.1529(b) (29.1529(b), as applicable) are applied.

§ 27.1529 (§ 29.1529) Maintenance manual.

(a) Each rotorcraft must have a maintenance manual containing the information that the applicant considers essential for proper maintenance.

(b) Inspections and replacement times of structural components established in accordance with the provision of § 27.571 (29.571) must be included in an approved and separate portion of the maintenance manual and consistent with the remaining manual material. These components must be identified by serial number or equivalent means unless the Administrator finds that the replacement times are sufficiently long that replacement is not anticipated.

Proposal 9. Fuselage and rotor pylon substantiation for 2½-minute power (§ 29.549).

Amendment 29–1, effective August 12, 1965, provides for the certification of multiengine, turbine powered rotorcraft for a 2½-minute power setting greater than takeoff power. No rule presently specifically requires the fuselage and rotor pylon structure to be substantiated for this greater power. For these structures, consideration of the effects of limit torque resulting from the use of 2½-minute power is necessary for safety. For this reason, new § 29.549(e) would be added to read as follows:

(e) If approval for the use of 2½-minute power is requested, each engine mount and adjacent structure must be designed to withstand the loads resulting from a limit torque equal to 1.25 times the mean torque for 2½-minute power combined with 1g flight loads.

Proposal 10. Dual locking devices on fasteners (§§ 27.607 and 29.607).

Sections 27.607 and 29.607 prohibit the use of self-locking nuts on certain bolts. Experience has shown that, where the loss of the fastening function could prevent continued safe flight and landing, dual locking devices on all fasteners are necessary for safety. Sections 27.607 and 29.607 would be amended to require this.

Proposal 11. Venting and drainage of rotor blades (§§ 27.653 and 29.653).

Sections 27.653 and 29.653 require that rotor blades have means for drainage and pressure venting. Sealed rotor blades capable of withstanding maximum pressure differentials expected in service do not require these means for safe operation. Therefore, §§ 27.653 and 29.653 would be amended to specifically except those rotor blades.

Proposal 12. Tail rotor design (§§ 27.653 through 27.661, and 29.653 through 29.661).

While limited in their terms to main rotors, the referenced sections apply as well to tail rotors. Therefore these sections, and the topic "MAIN ROTOR" which precedes them, would be broadened to cover main and tail rotors.

Proposal 13. Mass balance installation substantiation (§§ 27.659 and 29.659).

While §§ 27.659 and 29.659 require mass balancing of rotors and blades, no rule provides for the substantiation of the installation of the mass balancing means. Service failures have resulted in potentially hazardous losses of mass balance. Sections 27.659 and 29.659 would therefore be amended to require that the structural integrity of the mass balance installation be substantiated.

Proposal 14. Ground resonance prevention means (new §§ 27.663 and 29.663).

Sections 27.241 and 29.241 require freedom from ground resonance. Several incidents have shown that the means for complying with these sections has been unreliable in service. Ground resonance is a dangerous mechanical instability that must be prevented. There is no rule specifically requiring that the means for complying with §§ 27.241 and 29.241 be reliable in service. To correct this deficiency, new §§ 27.663 and 29.663 entitled "*Ground resonance prevention means*" would be added, to read as follows:

(a) The reliability of the means for preventing ground resonance must be shown either by analysis and tests, or reliable service experience, or by showing that malfunction of a single means will not cause ground resonance.

(b) The probable range of variations, during service, of the damping action of the ground resonance prevention means must be established and must be investigated in flight during the test required by § 27.241 (§ 29.241, as applicable).

Consistent with this proposal, §§ 27.1529 and 29.1529 would be amended to require that an approved portion of the Maintenance Manual contain appropriate information for the maintenance of the ground resonance prevention means.

Proposal 15. Drop height for limit drop test (§ 29.725).

Section 29.725(a) now permits a drop height of 8 inches if the resulting drop contact velocity is not less than the value likely to occur in power-off landings. Single engine transport rotorcraft have been shown to be capable of meeting this requirement with no difficulty. For multiengine rotorcraft, the reference to power-off landings is unduly severe and is not needed because of the remote probability of complete power failure. These factors also make the 13-inch alternative unnecessary. For these reasons, § 29.725(a) would be amended to require only an 8-inch drop height with no conditions concerning drop contact velocity.

Proposal 16. Main float buoyancy (§§ 27.751 and 29.751).

Sections 27.751(b) and 29.751(b) now only require a specified number of float compartments of approximately equal volume. The consequences of failure of any single compartment, so far as positive water stability is concerned, are not covered. Compliance with the present rule could be shown for a rotorcraft that would capsize upon failure of one compartment. This potentially hazardous condition would be cured by deleting present §§ 27.751(b) and 29.751(b), and by adding a new paragraph (b) providing that "each main float must have enough water-tight compartments so that, with any single main float compartment flooded, the main floats will provide a margin of positive stability great enough to minimize the probability of capsizing."

Proposal 17. Pilot compartment separation from passenger compartment (§ 29.771).

Paragraphs (e) and (f) of § 29.771 require, respectively, that there be a passageway between the pilot compartment and the passenger compartment, and that there be means to prevent passengers from entering the pilot compartment without permission. Neither of these requirements is appropriate as a type certification requirement. Therefore, paragraphs (e) and (f) of § 29.771 would be deleted.

Proposal 18. Flight crew emergency exit evacuation tests (§ 29.805).

Section 29.805 prescribes rapid evacuation provisions for flight crew emergency exits. Experience has shown that true rapid evacuation capability can only be shown by actual test. For this reason, § 29.805 would be amended to require that compliance be shown by test.

Proposal 19. Emergency exits: Transport category rotorcraft (§§ 29.807 through 29.815).

(a) Paragraph (a) (1) and (4) of § 29.807 now specify corner radii of "not greater than 4 inches" for Type I and Type IV exits. These radii were patterned after former Part 4b. That part was later changed to allow corner radii not greater than one-third of the width of the exit. The reasons for this change (greater flexibility in exit design) apply equally to transport category rotorcraft. For this reason, the corner radii specified in § 29.807(a) (1) and (4) would be changed to one-third of the width of the exit.

(b) The table in § 29.807(b), specifying the required number of exits of dif-

ferent types on the side of the fuselage would be amended to read as follows:

	Type I	Type II	Type III	Type IV
1 through 10				1
11 through 19			1 or	2
20 through 39		1		1
40 through 59	1			1
60 through 79	1		1 or	2

Explanation. The changes in the proposed table result from the following factors: (1) The present table does not cover rotorcraft with more than 69 passengers; (2) It is difficult to place Type I or II emergency exits on the side of large helicopters with long external fuel blisters; (3) The maximum expected passenger capacity in the foreseeable future is 79; (4) Part 25 provides a more practical arrangement by breaking the numbers 1–19 into 1–10 and 11–19 and by allowing a Type IV exit for the first increment and a Type III for the second increment; (5) Experience shows that a Type IV exit would provide relief to manufacturers of rotorcraft with seating capacities of 1–19, who must now provide a Type III exit; (6) The factors that led to the present breakdown in Part 25 apply equally to transport category rotorcraft; and (7) The exit requirements for the new increment 60–79 correspond to those in Part 25, since experience with those requirements has been favorable.

(c) Experience has shown that, if the rotorcraft design prevents practical installation of all side exits required under § 29.807(b), then one Type I or Type II exit may safely be located in the floor ramp of rear ramp rotorcraft instead of in the sides of the fuselage. Section 29.807 would therefore be amended by adding a new subparagraph (c)(3) allowing this substitution if the aft exit meets § 29.813.

(d) Section 29.809(f) requires an acceptable means of assisting occupants to the ground from all exits other than certain over-wing exits. For land-based rotorcraft, experience has shown that (1) the assumed ability of occupants to use the wing as an evacuation means may not be valid in every case, and (2) the evacuation means consistently proven most valuable are (i) a slide, or its equivalent, for floor level exits, and (ii) a rope, or its equivalent, for other exits. For these reasons, § 29.809(f) would be amended to read as follows:

(f) Each land-based rotorcraft emergency exit more than 6 feet from the ground with the rotorcraft on the ground and the landing gear extended, must have an approved slide, or its equivalent, for each floor level exit, and an approved rope, or its equivalent, for other exits. If a rope is used, it must be—

(1) At least five-eighths inch in diameter;

(2) Able, with its attachment, to withstand a 400-pound static load;

(3) Attached to the fuselage structure at or above the top of the emergency exit opening, or (for the pilot's emergency exit window where the stowed rope would reduce the pilot's view in flight), at another approved location.

(4) For each over-wing exit, long enough to allow descent to the ground over any structure between the exit and the ground.

(e) The emergency exit marking requirements of § 29.811 would be substantially revised to standardize the requirements for transport category rotorcraft. This proposal would incorporate standards now applied to transport category airplanes under Part 25, which have been shown to be adequate for safe evacuation in emergencies. Section 29.811 would be amended to read as follows:

§ 29.811 Emergency exit marking.

(a) Each passenger emergency exit, its means of access, and its means of opening must be conspicuously marked.

(b) The identity and location of each passenger emergency exit must be recognizable from a distance equal to the width of the cabin.

(c) The location of each passenger emergency exit must be indicated by a sign visible to occupants approaching along the main passenger aisle. There must be a locating sign—

(1) Next to or above the aisle near each floor emergency exit, except that one sign may serve two exits if both exits can be seen readily from that sign; and

(2) On each bulkhead or divider that prevents fore and aft vision along the passenger cabin, to indicate emergency exits beyond and obscured by it, except that if this is not possible the sign may be placed at another appropriate location.

(d) Each passenger emergency exit marking and each locating sign must have white letters 1 inch high on a red background 2 inches high, be self or electrically illuminated, and have a minimum luminescence (brightness) of at least 160 microlamberts. The colors may be reversed if this will increase the emergency illumination of the passenger compartment.

(e) The location of each passenger emergency exit operating handle and instructions for opening must be shown—

(1) For each emergency exit, by a marking on or near the exit that is readable from a distance of 30 inches; and

(2) For each Type I or Type II emergency exit with a locking mechanism released by rotary motion of the handle, by—

(i) A red arrow, with a shaft at least three-fourths inch wide and a head twice the width of the shaft, extending along at least 70 degrees of arc at a radius approximately equal to three-fourths of the handle length; and

(ii) The word "open" in red letters 1 inch high, placed horizontally near the head of the arrow.

(f) A source of light, independent of the main lighting system, must be installed to—

(1) Illuminate each passenger emergency exit marking and locating sign; and

(2) Provide enough general lighting in the passenger cabin so that the average illumination, when measured at 40-inch intervals at seat armrest height on the center line of the main passenger aisle, at least 0.05 foot-candles.

(g) Each light required by paragraph (f) of this section must be designed to be operable manually, and to operate automatically when armed (if necessary), from the independent lighting system required by paragraph (f) of this section in a crash landing or whenever the rotorcraft's normal electrical power to the light is interrupted.

(h) Each emergency exit that is required to be openable from the outside, and its means of opening, must be marked on the outside of the rotorcraft. In addition, the following apply:

(1) There must be a 2-inch colored band outlining the exit.

(2) Each outside marking, including the band, must differ in color from the surrounding fuselage surface so that the reflectance (that is, the ratio of the luminous flux reflected by a body to the luminous flux it receives) of the lighter color exceeds the reflectance of the darker color by a factor of at least three.

(i) Exits marked as such, though in excess of the required number of exits, must meet the requirements for emergency exits of the particular type. Emergency exits need only be marked with the word "Exit".

(f) Section 29.813(b) now requires that "enough space" be provided to allow a crewmember to assist in the evacuation of passengers. What is "enough space" depends on whether the avenues of evacuation are assumed to be blocked by incapacitated passengers. Part 29 contains requirements for the protection of passengers. It is reasonable to assume that the protective devices are used successfully by passengers. Conversely, there is no reason to assume the presence of incapacitated passengers in places that are strategic with respect to evacuation. For this reason, § 29.813(b) would be amended to include the assumption that all passengers are ambulatory.

(g) Consistent with these proposals, § 29.1557, concerning markings and placards, would be amended to require that each placard and operating control for each emergency exit must differ in color from the surrounding fuselage surface, as prescribed in § 29.811(h)(2).

Proposal 20. Emergency exits: Normal category rotorcraft (§ 27.807).

Section 27.807(a) now requires an emergency exit on the opposite side of the cabin from the main door only, if the rotorcraft has a capacity of more than five persons. All rotorcraft, regardless of seating capacity, have a tendency to roll over in an accident. Therefore, the need for evacuation from the side opposite the main door does not depend on seating capacity. For this reason, § 27.807(a) would be amended to apply to all rotorcraft with closed cabins, regardless of seating capacity.

Proposal 21. Fire extinguishers for large rotorcraft (§ 29.853).

Section 29.853(f) now specifies the number of hand fire extinguishers for rotorcraft with seating capacities up through 60 passengers. Larger rotorcraft are being developed. Studies indicate that, for rotorcraft with seating capacities greater than 60, safety requires at least three hand fire extinguishers. The table in § 29.853(f) would be amended to specify this.

Proposal 22. Cargo and baggage compartments (§ 29.855).

(a) Section 29.855(a) requires that cargo and baggage compartments be lined with fire resistant materials. It is the intent of this paragraph to require that doors and windows be lined, except for windows that are shatterproof. Therefore, § 29.855(a) would be amended to adding the following sentence: "The lining must cover all doors and all windows that do not use shatterproof glass."

(b) Section 29.855 specifies general design requirements for cargo and baggage compartments. Experience has shown that these requirements are not specific enough for compartments that are not sealed against fire and for compartments that are for cargo only. For this reason, paragraph (d) would be amended, and a new paragraph (e) would be added to § 29.855, all to read as follows:

(d) Each cargo and baggage compartment that is not sealed so as to contain cargo compartment fires completely without endangering the safety of a rotorcraft or its occupants, must be designed, or must have a device, to ensure detection of fires by a crew member while at his station and to prevent the entry of harmful quantities of smoke, flame, extinguishing agents, and other noxious gases into any crew or passenger compartment. This must be shown in flight.

(e) On rotorcraft used for the carriage of cargo only, the cabin area may be considered a cargo compartment. In addition to paragraphs (a) through (d) of this section, the following apply:

(1) There must be means to shut off the ventilating airflow to or within the compartment. Controls for this purpose must be accessible to the flight crew in the crew compartment.

(2) Required crew emergency exits must be accessible under all cargo loading conditions.

(3) Sources of heat within each compartment must be shielded and insulated to prevent igniting the cargo.

Proposal 23. Tail rotor conspicuity (§§ 27.1565 and 29.1565).

The intent of §§ 27.1565 and 29.1565 is to require conspicuity under daylight conditions only. These sections would be amended to make this clear.

General Proposal

Consistent with the gradual transition from statute miles to nautical miles being made throughout the Federal Aviation Regulations, the Agency proposes to amend Parts 27 and 29 by changing all references to "miles" and "miles per hour" to "statute miles" and "knots", respectively, wherever the former are used in these parts.

These amendments are proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423).

Issued in Washington, D.C., on December 21, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-13793; Filed, Dec. 27, 1965; 8:45 a.m.]

[14 CFR Part 25]

[Docket No. 7008; Notice No. 65-33A]

HYDRAULIC SYSTEM FOR TRANSPORT CATEGORY AIRPLANES

Notice of Proposed Rule Making; Extension of Comment Period

The Federal Aviation Agency proposed in Notice 65-33, Hydraulic System for Transport Category Airplanes, published in the FEDERAL REGISTER on November 5, 1965 (30 F.R. 14015), to prescribe more comprehensive design and test requirements for airplane hydraulic systems and to require that the reliability of the systems be established by functional tests and analyses. The notice stated that consideration would be given to all comments received on or before January 5, 1966.

The Aerospace Industries Association (AIA), on behalf of its members, has requested an extension of the time for comment on this proposed regulatory action. This organization which has a substantive interest in the proposed rule, advised the Agency that it needs an additional 45 days to give proper consideration to the proposal.

I find that the petitioner has shown a substantive interest in the proposed rule and good cause for the extension and that the extension is consistent with the public interest.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 11.45), the time within which comments on Notice 65-33 will be received is extended to February 21, 1966.

Issued in Washington, D.C., on December 21, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-13794; Filed, Dec. 27, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-CE-145]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations to designate controlled airspace at Dowagiac, Mich.

An instrument approach procedure will be established concurrently with the designation of the airspace herein for the Cass County Memorial Airport, Dowagiac, Mich. The Cass County Memorial Airport lies beneath the South Bend, Ind., 1,200-foot transition area.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Dowagiac, Mich., terminal area, proposes the following airspace action:

Designate the Dowagiac, Mich., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of the Cass County Memorial Airport (latitude 41°59'30" N., longitude 86°07'30" W.), and within 2 miles each side of the Keeler, Mich., 181° T (181° M) radial extending from the 5-mile radius area to the Keeler VOR excluding the portion within the Benton Harbor, Mich., and South Bend, Ind., transition areas.

The proposed transition area will provide controlled airspace for departing aircraft during climb from 700 feet to 1,200 feet above the surface and it will also provide controlled airspace protection for aircraft executing the prescribed instrument approach procedures during descent from 1,500 to 700 feet above the surface.

The floor of the airway that traverses the transition area proposed herein would automatically coincide with the floors of the transition area.

Specific details of the new approach procedure may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued at Kansas City, Mo., on December 16, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65-13836; Filed, Dec. 27, 1965; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 71–90]

[Docket No. 34650; Notice 1]

EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Pipeline Transportation; Extension of Time for Filing Representations

At a session of the Interstate Commerce Commission, Division 3, held in Washington, D.C., on the 16th day of December 1965.

Upon consideration of the record in the above entitled proceeding and request of the American Petroleum Institute for an extension of time within which to file representations in response to the notice of proposed rule making dated October 5, 1965; and good cause appearing therefor:

It is ordered, That the time within which such representations may be filed be, and is hereby, extended to March 31, 1966.

And it is further ordered, That notice of this order shall be given to all parties of known interest; the Public Utility Commissions or Boards, or similar regulatory bodies, of each State; that a copy be posted in the Office of the Secretary of the Commission for public inspection; and that a copy be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

By the Commission, Division 3.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65–13815; Filed, Dec. 27, 1965; 8:46 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

RESTRICTIONS ON MOVEMENT OF CERTAIN ANIMALS BECAUSE OF BRUCELLOSIS

Notice of Specific Approval of Stockyards and Slaughtering Establishments

Pursuant to sections 78.14(b), 78.15(b), and 78.16(b) of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the movement of certain animals because of brucellosis, under the Acts of May 29, 1884, as amended, February 2, 1903, as amended, and March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 115, 117, 120, 121, 125), notice is hereby given that the following stockyards and slaughtering establishments are specifically approved under said regulations as indicated below:

SPECIFICALLY APPROVED STOCKYARDS

The following stockyards preceded by an asterisk are specifically approved for the purposes of § 78.5, Title 9, Code of Federal Regulations, concerning brucellosis reactors and of paragraphs (b) and (c) of § 78.12 of said Title 9, concerning cattle not known to be affected with brucellosis. The following stockyards not preceded by an asterisk are specifically approved for the purposes of paragraphs (b) and (c) of § 78.12 only.

ALABAMA

*Adams & Eagle, Inc., Marion.
*Arab Stockyards, Arab.
*Atmore Truckers Association, Inc., Atmore.
*Bowman Stockyards, Montgomery.
*Escambia County Cooperative, Inc., Brewton.
*Farmers Cooperative Market, Inc., Frisco City.
*Farmers Cooperative Market, Opp.
*Fayette Stockyards, Inc., Fayette.
*Florence Trading Post, Florence.
*Geneva Stockyards, Geneva.
*Hartford Livestock Company, Hartford.
*Henry County Livestock Association, Inc., Abbeville.
*Hodges-Capital Stockyards, Montgomery.
*Hooper Auction Company, Inc., Montgomery.
*Kennamer Livestock Company, Inc., Guntersville.
*Kennett-Murray & Company, Montgomery.
*King Livestock Auction Company, Florence.
*Limestone County Stockyard, Athens.
*Livingston Stock Yard, Livingston.
*Madison County Livestock Market, Huntsville.
*Pickens County Livestock Commission Company, Aliceville.
*Ramsey & Sons, Inc., Dothan.
*Roanoke Stockyards, Inc., Roanoke.
*Robertsdale Livestock Auction, Inc., Robertsdale.
*Selma Stock Yards, Inc., Selma.
*Stokes & Brogden Stockyard, Inc., Andalusia.
*Tri-County Stockyards, Hurtsboro.
*Triple S Stockyards, Inc., Montgomery.
*Union Stock Yards, Eufaula.
*Valley Stock Yard, Decatur.
*West Alabama Stock Yards, Inc., Eutaw.
*White Livestock Commission Company, Inc., Birmingham.
*White Livestock Commission Company, Inc., Moulton.
*Winfield Livestock Commission Company, Winfield.

ARIZONA

*Arizona Livestock Auction, Phoenix.
*Brooks Livestock Commission Co., Casa Grande.
*Phoenix Livestock Auction, Phoenix.
*Wentz Bros. Livestock Auction, Tucson.
*Willcox Livestock Commission Co., Willcox.
*Yuma Livestock Exchange, Yuma.

ARKANSAS

*Ash Flat Sale Barn, Ash Flat.
*Beebe Auction Company, Beebe.
*Bentonville Comm. Sales, Bentonville.
*Carson Livestock Auction, Searcy.
*Roy Chaney Sales Barn, Morrilton.
*Clark County Livestock Auction, Arkadelphia.
*Corning Sales Company, Corning.
*County Line Sale, Ratcliff.
*Crawford County Livestock Auction, Van Buren.
*Decatur L. S. Auction, Decatur.
*Drew County Auction Company, Monticello.
*Eudora Sales Barne, Eudora.
*Farmers Livestock Auction, Springdale.
*Farmers Auction Company, Marianna.
*Farmers & Ranchers Auction, Batesville.
*Farmers & Stockholders Comm. Co., Inc., Pocahontas.
*Flippin Sales Co., Flippin.
*Gentry Horse & Dairy Auction, Gentry.
*Glenn Edgar Auction Co., Batesville.
*Glover Livestock Comm. Co., Pine Bluff.
*Gravette Community Sales, Gravette.
*Harrison Stockyards, Harrison.
*Hope Livestock Comm. Co., Hope.
*Jonesboro Stockyards, Jonesboro.
*Lafayette County Livestock Auction, Lewisville.
*Lewis Sale Barn, Major, Conway.
*Logan County L. S. Auction, Magazine.
*Magnolia Livestock Auction, Magnolia.
*Mammonth Spring Sale Barn, Mammoth Spring.
*Montgomery County Auction, Mount Ida.
*Mountain Home Livestock Auction, Mountain Home.
*Nettleton Stockyards, Jonesboro.
*Polk County Auction, Mena.
*Randolph County Livestock Auction, Pocahontas.
*Rector Auction, Rector.
*Russellville L. S. Auction, Russellville.
*Salem Livestock Auction, Salem.
*Scott County Livestock Auction, Waldron.
*Searcy County Auction, Marshall.
*Shantz & Rodman L. S. Commission, North Little Rock.
*Siloam Springs Sale Barn, Siloam Springs.
*Stone County Auction, Mountain View.
*Taylor's Livestock Comm., Searcy.
*Washington County Sale Barn, Fayetteville.

CALIFORNIA

*Bakersfield Livestock Auction Co., Bakersfield.
*California Farm Bureau Sales Yard, Visalia.
*Los Angnles Livestock Market, City of Industry.
*Oakdale Livestock Auction Yard, Oakdale.
*Producers Livestock Marketing Assn., Artesia, Dairy Valley.
*Red Bluff Farm Bureau Sales Yard, Red Bluff.
*Roseville Livestock Auction Yard, Roseville.
*Stockton Union Stockyards, Stockton.
*Valley Stockyard, Inc., El Centro.

COLORADO

*Alamosa Livestock Sales, Alamosa.
*Alsbury Sales Pavillion, Glenwood Springs.
*Basin Livestock Commission Co., Durango.
*Brush Livestock Commission Co., Brush.
*Burlington Sales Co., Burlington.
*Calhan-Cash Auction Market, Calhan.
*Cortez Sales Barn, Cortez.
*Delta Sales Yard, Delta.
*Elizabeth Livestock Auction, Elizabeth.
*Farmer & Rancher Comm. Co., Fort Collins.
*Fort Collins Sales Yard, Fort Collins.
*Fowler Auction Co., Fowler.
*Grand Junction Livestock Auction, Grand Junction.
*Haxtun Co-op Livestock Exchange, Haxtun.
*K & R Livestock Comm. Co., Broomfield.
*La Junta Livestock Comm. Co., La Junta.
*R. P. Lewis & Son Auction Co., La Junta.
*Limon Livestock Sales Co., Limon.
*Longmont Sale Yard, Longmont.
*McCandless Livestock Co., Lamar.
*Otis Sales Barn, Otis.
*Pueblo Livestock Comm. Co., Pueblo.
*Ranchland Livestock Comm. Co., Wray.
*Rifle Sales Yard, Rifle.
*Salida Livestock Comm. Co., Salida.
*Springfield Livestock Comm. Co., Springfield.
*Sterling Livestock Comm. Co., Sterling.
*Stratton Sale Barn, Stratton.
*Sunset Livestock Comm. Co., Greeley.
*Trinidad Livestock Auction, Trinidad.
*Valley Livestock Auction, Grand Junction.
*Weld Livestock Comm. Co., Greeley.
*Western Slope Livestock Auction, Montrose.
*Winter Livestock Comm. Co., La Junta.
*Yampa Valley Livestock Auction, Craig.
*Yuma Livestock Auction, Yuma.

DELAWARE

*Carroll's Sales Co., Felton.
*Goldinger Bros., Inc., Smyrna.
*Harris Sales Co., Odessa.

FLORIDA

*Cattlemen's Livestock Market, Tampa.
*Chipley Livestock Market, Chipley.
*Jay Livestock Market, Jay.
Interstate Livestock Market, Seffner.
*Paxton Livestock Market, Paxton.
*Tindel Livestock Market, Graceville.

GEORGIA

*Augusta Livestock Market, Augusta.
*Bainbridge Auction Market, Inc., Bainbridge.
*Bartow Livestock Commission Company, Cartersville.
*Capital Livestock Auction Company, Inc., Atlanta.
*Candler Livestock Market, Metter.
*Carroll County Livestock Sales Barn, Carrollton.
*Chatham Livestock Company, Savannah.
*Columbus-Muscogee Livestock Auction, Inc., Columbus.
*Coredele Livestock Company, Cordele.
*Dublin Livestock Commission Company, Dublin.
*Duvall-Wheeler Livestock Company, Greensboro.
*Farmers' Stockyard, Sylvania.

•Farmers Livestock Market, Soperton.
•Fitzgerald Farmers Auction, Inc., Fitzgerald.
•Flint River Livestock Auction, Bainbridge.
•Georgia Livestock Terminal Market, Inc., Macon.
•Georgia Farm Products Sales Corp., Thomaston.
•Irwin County Livestock Company, Inc., Ocilla.
•Jepeway-Craig Commission Company, Dublin.
•La Grange Stockyards, Inc., La Grange.
•Livestock Marketers, Inc., Douglas.
•Metter Livestock Market, Metter.
•McClure-Burnett Commission Company, Atlanta.
•McClure-Burnett Commission Company, Rome.
•Mitchell County Livestock Company, Camilla.
•Moultrie Livestock Company, Moultrie.
•North Georgia Farmers Livestock Market, Cummings.
•North Georgia Livestock Auction, Inc., Athens.
•Peoples Stockyard, Cuthbert.
•Pelham Livestock Company, Pelham.
•Pierce County Stockyard, Blackshear.
•Pulaski Stockyard, Hawkinsville.
•Queen City Livestock Auction Company, Gainesville.
•Rogers Livestock Sales, La Grange.
•Seminole Livestock Auction Market, Donalsonville.
•Shuman Livestock Market, Inc., Hagan.
•Sumter Livestock Assoc., Inc., Americus
•Sutton Livestock Company, Sylvester.
•Sylvania Stockyard, Sylvania.
•Thomson Stockyard, Thomson.
•Tifton Stockyards, Tifton.
•Toccoa Livestock Auction, Toccoa.
•Tri-County Livestock Company, Social Circle.
•Turner County Stockyards, Ashburn.
•Union Stockyards, Albany.
•Valdosta Livestock Company, Inc., Valdosta.
•Waycross Livestock Market, Waycross.
•Wayne County Stockyards, Jesup.
•Wilkes County Stockyard, Washington.

IDAHO

•Bonners Ferry Livestock Inc., Bonners Ferry.
•Burley Livestock Comm. Co., Inc., Burley.
•Cache Valley Livestock Auction, Preston.
•Coeur d'Alene Lvstk. Yards, Coeur d'Alene.
•Cottonwood Sales Yard, Cottonwood.
•Emmett Livestock Comm. Co., Inc., Emmett.
•Gooding Livestock Comm. Co., Inc., Gooding.
•Meridian Saleyard, Meridian.
•Nampa Lvstk. Markets, Inc., Nampa.
•Rexburg Livestock Auction, Rexburg.
•Salmon River Lvstk. Auction, Inc., Salmon.
•Salmon Sale Yard, Salmon.
•Sandpoint Lvstk. Auction Co., Inc., Sandpoint.
•Shoshone Sale Yard, Inc., Shoshone.
•Spencer Lvstk. Comm. Co., Lewiston.
•Stockgrowers Comm. Co., Inc., Twin Falls.
•Tink's Livestock Commission Co., Jerome.
•Twin City Salesyard, Lewiston.
•Valley Lvstk. Comm. Co., Rupert.
•Weiser Lvstk. Comm. Co., Weiser.
•O. K. Livestock Market, Caldwell.

ILLINOIS

Carthage Community Sale Co., Carthage.
Central Illinois Livestock Market, Hopedale.
Colchester Sales Association, Colchester.
Dameron Livestock Auction, Vienna.
Danville Livestock Commission Co., Danville.
Decker's Milford Sales and Commission Co., Milford.
DeWane's Livestock Exchange, Belvidere.
El Paso Livestock Auction, El Paso.
Jennings Sale Company, Macomb.
Kankakee Livestock Company, Bourbonnais.
Kewanee Sale Barn, Kewanee.
Knoxville Sale Company, Inc., Knoxville.
LaSalle County Livestock Marketing Center, Ottawa.
Paris Livestock Sales Company, Paris.
•Peoria Union Stock Yards, Peoria.
Price's Livestock Marketing Co., Shelbyville.
Rock Island Auction Sales, Inc., Rock Island.
Schrader Consignment Sale, Dakota.
Souders Stockyards, Brookport.
•Springfield Stockyards, Springfield.
Sullivan Livestock Market, Sullivan.
Trainors Livestock Sales, Clinton.
West Kankakee Livestock Sale, Kankakee.
Winslow Marketing Center, Winslow.

INDIANA

•Boswell Livestock Commission, Boswell.
•Delta Livestock Auction & Commission Co., Fort Wayne.
•Lowell Livestock Auction, Inc., Lowell.
•Producers Marketing Association, Inc., Montpelier.
•Producers Marketing Association, Inc., Centerville.
•Producers Marketing Association, Terre Haute.
•Producers Marketing Association, Vincennes.
•Reynolds Sale Barn, Reynolds.
•Shipshewana Auction Co., Shipshewana.
•Valparaiso Community Sale, Valparaiso.

IOWA

Ackley Sales Pavilion, Ackley.
Adams County Auction, Corning.
Adel Sales Pavilion, Adel.
Albia Sales Company, Albia.
Algona Livestock Auction, Algona.
Anamosa Livestock Auction, Anamosa.
Anita Auction Co., Anita.
Aplington Sales Pavilion, Aplington.
Avoca Auction Co., Avoca.
Baxter Sales Co., Baxter.
Bedford Sales Co., Bedford.
Belle Plaine Livestock Commission Co., Belle Plaine.
Belmond Sales Pavilion, Belmond.
Bingley Sales Co., Knoxville.
Boone Sales Co., Boone.
Bowman Cattle Co., Maquoketa.
Bradley Livestock Auction, Red Oak.
Cedar Valley Livestock Exchange, Vinton.
Central City Sales Co., Central City.
Charlton Sales Co., Charlton.
Clarinda Auction Co., Clarinda.
Clear Lake Auction Co., Clear Lake.
Coggon Livestock Sales Co., Coggon.
Colfax Sales Co., Colfax.
Creston Sale Company, Creston.
Decorah Sales Commission, Decorah.
DeVries Auction Co., Buffalo Center.
Diagonal Livestock Auction, Diagonal.
Donnellson Commission Exchange, Donnellson.
Dunlap Sale Co., Dunlap.
Dyersville Sales Barn, Dyersville.
Eastern Iowa Livestock Commission, Inc., Mechanicsville.
Eddyville Sales Company, Eddyville.
Edgewood Sale Barn, Edgewood.
Eldora Livestock Sales, Eldora.
Farmers Auction Market, Eldora.
Farmers Livestock Company, Ankeny.
Farmers Sale Company, Carroll.
Forest City Auction Co., Forest City.
Fort Dodge Livestock Auction Co., Fort Dodge.
Garner Sales Co., Garner.
Grinnell Livestock Exchange, Grinnell.
Guthrie Stock Pavilion, Inc., Guthrie Center.
Hampton Auction, Inc., Hampton.
Hawkeye Livestock Auction, Fairfax.
Hillcrest Auction Company, Knoxville.
Humboldt Cornbelt Livestock Exchange, Inc., Humboldt-Dakota City.
Humeston Sale Barn, Humeston.
Independence Sale Company, Independence.
Indianola Sale Co., Indianola.
Iowa City Sales Co., Iowa City.
Irwin Sales Company, Irwin.
Kalona Sale Co., Inc., Kalona.
Keosauqua Sale Co., Inc., Keosauqua.
Kimballton Auction Co., Kimballton.
Knickman Livestock Sales Co., Council Bluffs.
Lamoni Sale Corp., Lamoni.
Lawn Hill Livestock Auction, New Providence.
Le Mars Sales Co., Le Mars.
Livestock Auction Co., Denison.
Lizer Livestock Auction, Gowrie.
McCreary Sale Co., Centerville.
Madison County Auction, Winterset.
Mahaska Sales Company, Inc., Oskaloosa.
Mapleton Auction Co., Mapleton.
Maquoketa Sales Co., Maquoketa.
Marengo Livestock Commission Co., Marengo.
Marshalltown Livestock Auction, Marshalltown.
Marvel-Edge Livestock Market Center, Webster City.
Massena Livestock Auction, Massena.
Middletown Auction Sales, Inc., Middletown.
Montezuma Sales Company, Montezuma.
Monticello Sales, Monticello.
Moorhead Sale Barn, Moorhead.
Mount Ayr Livestock Market, Mount Ayr.
Mountain States Stockyards, Inc., Sioux City.
New Liberty Sale Barn, New Liberty.
New Sharon Sales Company, Inc., New Sharon.
Newton Sales Company, Newton.
Northeast Iowa Sales Commission, Waukon.
Northside Sales Co., Sibley.
Northwest Iowa Livestock Exchange, Alta.
Northwood Sales Co., Inc., Northwood.
Oelwein Dairy Sales, Oelwein.
Oelwein Livestock Exchange, Oelwein.
Osceola Sales Co., Osceola.
Oskaloosa Livestock Auction, Oskaloosa.
Ossian Livestock Exchange, Ossian.
Oxford Auction Company, Inc., Oxford.
Pella Sales Co., Pella.
Perry Sales Pavilion, Perry.
•Producers Livestock Marketing Center, Waukon.
Riceville Sales Pavilion, Riceville.
Rock Valley Sales Co., Rock Valley.
Rubey Auction Co., Red Oak.
Russell Sales Co., Russell.
Sales Company of Hawarden, Hawarden.
Sheldon Sales Co., Sheldon.
Sioux Center Sales Co., Sioux Center.
Smylie Livestock Company, Columbus Junction.
Spencer Livestock Sales, Spencer.
Spencer North Y Auction, Inc., Spencer.
Storm Lake Auction Co., Storm Lake.
Story City Auction Sales, Story City.
Sumner Livestock Auction, Sumner.
Tabor Sale Barn, Tabor.
Tama Livestock Auction, Tama.
Thompson Livestock Commission Co., Lamoni.
Traer Sales Co., Inc., Traer.
Tripoli Sales Co., Tripoli.
Tri-States Marketing Assn., Inc., Shenandoah.
Troutman Auction Sales, Bonaparte.
Wapello Livestock Auction, Wapello.
Washington Livestock Sales Co., Washington.
Waverly Sales Co., Waverly.
Wayland Sale Co., Inc., Wayland.
West Union Auction Exchange, West Union.
Winneshiek Co-op Association, Decorah.
Witthauer Auction, Council Bluffs.

KANSAS

•A. C. Sale Company, Arkansas City.
•Abilene Livestock Sales Co., Abilene.
•Allen County Livestock Auction, Gas City.
•Anderson County Sale Company, Garnett.
•Anthony Livestock Company, Anthony.
•Ashland Sales Co., Inc., Ashland.
•Atchison Co. Auction Co., Atchison.
•Atwood Sale Barn, Atwood.
•Beloit Livestock Auction, Inc., Beloit.
•C & S Livestock Commission Company, Norton.
•Caldwell Community Sale, Caldwell.
•Cedar Vale Sales Company, Cedar Vale.

•Central Livestock Sales Co., South Hutchinson.
•Chandler Sales Company, Smith Center.
•Chanute Sale Pavilion, Chanute.
•Clay Center Sales Co., Inc., Clay Center.
•Cloud County Livestock Comm. Co., Concordia.
•Coffeyville Livestock Commission Co., Inc., Coffeyville.
•Colby Livestock Auction, Inc., Colby.
•Coldwater Sales Co., Inc., Coldwater.
•Columbus Community Sale, Columbus.
•Concordia Sales Co., Concordia.
•Council Grove Livestock Auction, Council Grove.
•Dighton Livestock Auction Market, Inc., Dighton.
•Dodge City Livestock Commission Co., Inc., Dodge City.
•Douglass Livestock Commission Co., Douglass.
•Downs Sales Company, Downs.
•Effingham Auction Company, Effingham.
•El Dorado Sales, Inc., El Dorado.
•Emporia Livestock Sale Co., Inc., Emporia.
•Eureka Auction Sale, Eureka.
•Farmers Livestock Exchange, Inc., Wakarusa.
•Farmers Marketing Sales Corp., Inc., Hill City.
•Fort Scott Sale Co., Fort Scott.
•Frankfort Community Sale, Frankfort.
•Franklin County Sale Company, Inc., Ottawa.
•Fredonia Livestock Sale Co., Inc., Fredonia.
•The Garden City Sale Co., Inc., Garden City.
•Giger Sale Company, Emporia.
•Glasco Livestock Exchange, Glasco.
•Goodland Livestock Commission Co., Inc., Goodland.
•Harper Livestock Sale Company, Harper.
•Hays Livestock Commission Co., Hays.
•Herington Livestock Auction Co., Herington.
•Hiawatha Auction Co., Hiawatha.
•Holton Community Sale, Holton.
•Holton Livestock Exchange, Holton.
•Hoxie Livestock Sale, Hoxie.
•Iola Community Sale, Iola.
•Junction City Livestock Sales, Inc., Junction City.
•Kinsley Livestock Sales Co., Kinsley.
•Kingman Community Sale Co., Kingman.
•Kiowa Sales Company, Kiowa.
•Larned Livestock Commission Co., Larned.
•Lawrence Livestock Sale, Lawrence.
•Leavenworth Community Sale, Leavenworth.
•Leoti Livestock Sales Co., Leoti.
•Liberal Livestock Sales Co., Liberal.
•Lincoln Sales Co., Inc., Lincoln.
•Lindsborg Livestock Commission Co., Lindsborg.
•Lyons Sale Pavilion, Lyons.
•McKinley-Winter Livestock Comm. Co., Inc., Dodge City.
•Manhattan Sale Company, Manhattan.
•Mankato Sales Co., Mankato.
•Marysville Livestock & Comm. Co., Marysville.
•Meade Livestock Comm. Co., Meade.
•Medicine Lodge Sale Co., Inc., Medicine Lodge.
•Moline Auction Co., Moline.
•Mound City Livestock Auction, Mound City.
•Natoma Livestock Exchange, Inc., Natoma.
•Ness Livestock, Inc., Ness City.
•Newton Livestock Sale Comm. Co., Newton.
•Norton Livestock Comm. Co., Norton.
•Oakley Livestock Sales Co., Oakley.
•Oberlin Livestock Comm. Co., Oberlin.
•Onaga Community Sale, Onaga.
•Osage City Livestock Sales Pavilion, Osaga City.
•Osborne Livestock Comm. Co., Osborne.
•Overbrook Livestock Sale Company, Overbrook.
•Paola Market Sale, Paola.
•Pawnee Cattle Company, Inc., Hutchinson.
•Phillipsburg Sales Co., Inc., Phillipsburg.
•Plainville Livestock Comm. Co., Inc., Plainville.
•Pratt Livestock Comm. Co., Pratt.
•Quinter Livestock Commission Co., Quinter.
•Rezac Livestock Commission Co., St. Marys.
•Rush County Sales, La Crosse.
•Russell Livestock Commission Co., Russell.
•Sabetha Livestock Auction, Sabetha.
•Salina Livestock Commission Co., Salina.
•St. Francis Livestock Sale Co., St. Francis.
•Southeastern Kansas Sales Co., Fort Scott.
•Stewart Sale Barn, Bronson.
•Stockton Livestock Commission Co., Stockton.
•Stockyards Commission Co., Great Bend.
•Sylvan Sales Company, Sylvan Grove.
•Tri-State Sale, Inc., Elkhart.
•WaKeeney Livestock Commission Co., WaKeeney.
•Washington Sale Company, Washington.
•Waverly Livestock Sale Barn, Waverly.
•Weaver & Dunn Livestock Auction Co., Syracuse.
•Wellington Sales Co., Wellington.
•Wilson Livestock Auction, Salina.
•Winfield Livestock Auction, Inc., Winfield.
•Zima Livestock Sales Co., Emmett.

KENTUCKY

Adair County Stockyards, Columbia.
•Albany Stockyards, Albany.
•Barren County Stockyards, Inc., Glasgow.
•Berry and Whitford Stockyard, Mayfield.
•Blue Grass Stockyards Co., Lexington.
•Bowling Green Livestock Market, Inc., Bowling Green.
•Boyle County Stockyards Co., Danville.
•Bullitt County Stockyards, Shepherdsville.
•Burkesville Stockyards, Burkesville.
•Carlisle Stockyards, Carlisle.
•Cattlettsburg Livestock Sales Co., Cattlettsburg.
•Christian County Livestock Market, Inc., Hopkinsville.
•Clay-Wachs Stockyards Co., Inc., Lexington.
•Cynthiana Stockyards, Cynthiana.
•Edmonton Livestock Market, Edmonton.
•Farmers Commission Co., Inc., Tompkinsville.
•Farmers Livestock Co., Mayfield.
•Farmers Livestock Market, Inc., Somerset.
•Farmers Livestock Market, London.
Farmers Livestock Sales, Inc., Louisa.
•Farmers Stockyards, Fleminsburg.
•Farmers Stockyards Co., Inc., Mount Sterling.
•Franklin Livestock Market, Inc., Franklin.
•Garrard County Stockyards, Lancaster.
•Gibson Livestock Co., Inc., Marion.
•Glasgow Livestock Market, Glasgow.
Green County Stockyards, Greensburg.
•Hopkinsville Livestock Co., Hopkinsville.
Horse Cave Stockyards, Horse Cave.
•Kentuckiana Livestock Market, Inc., Owensboro.
•Kentucky-Tennessee Livestock Market, Guthrie.
•Knox County Stockyards, Barbourville.
•Laurel Sales Co., London.
•Lebanon Stockyards, Inc., Lebanon.
Lincoln County Stockyards, Inc., Stanford.
•Logan County Livestock Co., Inc., Russellville
•Madison Sales Co., Richmond.
•Maysville Stockyards, Maysville.
•Middlesboro Livestock Market, Middlesboro.
•Monticello Stockyards, Monticello.
•Morehead Stockyard, Morehead.
•Murray Livestock Co., Murray.
•New Richmond Livestock Market, Inc., Richmond.
•Ohio Valley Producers Livestock Assn., Inc., Bowling Green.
•O. K. Stockyard, Maysville.
•Olive Hill Livestock Co., Olive Hill.
•Paducah Livestock Auction, Paducah.
Paintsville Livestock Market, Paintsville.
•Paris Stockyards, Paris.
•Princeton Livestock Co., Princeton.
Russell County Stockyards, Russell Springs.
•Science Hill Livestock Corporation, Science Hill.
•Sparta Stockyards Co., Sparta.
•Winchester Stockyards, Winchester.

LOUISIANA

•Abbeville Commission Company, Abbeville.
•Amite Livestock Co., Inc., Amite.
•Avoyelles Livestock Commission Mkt., Mansura.
•Bastrop Livestock Auction, Bastrop.
•Brown-Alsbrooks Stockyards, Inc., Baton Rouge.
•Brown-Alsbrooks Stockyards, Inc., Opelousas.
•Clark Livestock Commission Company, Benton.
•Coltharp's Livestock Market, DeRidder.
•Delhi Livestock Auction, Delhi.
•DeQuincy Livestock Commission Co., De Quincy.
•Dominique's Cow Palace, Marksville.
•Dominique's, Inc., Opelousas.
•Dominique's Livestock Auction, Inc., Alexandria.
•Dominique's Stockyards, Inc., Baton Rouge.
•Dominique's Stockyards, Inc., Lafayette.
•Eunice Stockyard, Eunice.
•Farmer & Stockman Auction, Inc., Clarence.
•Franklin Livestock Auction, Inc., Winnsboro.
•Franklinton Stockyards, Inc., Franklinton.
•Hodges & Company, W. H., Alexandria.
•Hodges & Company, W. H., Crowley.
•Hodges & Company, W. H., New Roads.
•Hodges Stock Yards, Inc., Raceland.
•Hodges Stock Yard, Inc., New Orleans:
•Homer Livestock Commission Co., Homer.
•Lacassine Stockyard, Lacassine.
•Lacy Stockyard, J. D., Alexandria.
•Livestock Producers, Inc., Bossier City.
•Lum Brothers Stockyards, Vidalia.
•Lyles Auction Co., Bill, Grand Cane.
•Lyles Auction Co., Bill, Mansfield.
•Micelle's Commission Yard, Lake Charles.
•North Tangipahoa Stockyard, Inc., Kentwood.
•Rayville Livestock Auction, Inc., Rayville.
•Red River Livestock Auction, Inc., Coushatta.
•South Kentwood Stockyards, Inc., Kentwood.
•Tallulah Livestock Auction, Tallulah.
•Tate Commission Barn, Joe, Ville Platte.
•Tate Commission Barn, Joe, LeBeau.
•Voiron's Stockyard, Inc., Thibodaux.
•Webster Livestock Commission Co., Minden.
•Welsh Stockyard, Welsh.
•West Monroe Livestock Auction, West Monroe.
•Zachary Stockyards, Zachary.

MARYLAND

•Aberdeen Sales Company, Aberdeen.
•Caroline Sales Company, The, Denton.
•Cumberland Stock Yard, Inc., Cumberland.
•Farmers Live Stock Exchange, Inc., Boonsboro.
•Four States' Livestock Sales, Inc., Hagerstown.
•Frederick Livestock Auction, Inc., Frederick.
•Friend's Stock Yard, Inc., Accident.
•Grantsville Community Sale, Grantsville.
•Rudnick, Harry and Sons, Galena.
West Nottingham Livestock Market, Inc., Rising Sun.
•Western Maryland Stock Yards, Inc., Westminster.
•Woodsboro Livestock Sale, Inc., Walkersville.

MASSACHUSETTS

•Brighton Stockyards Co., Brighton.
•Michelson's Cattle Auction, South Easton.
•Northampton Coop. Auction, Northampton.

MICHIGAN

•Adrian Livestock Auction, Adrian.
•Andy Adams Sale Barn, Hillsdale.
•Coldwater Livestock Auction, Coldwater.
•Dundee Livestock Sales, Inc., Dundee.
Linsmeier Livestock Auction, Menominee.
•Michigan Livestock Exchange, Cassopolis.
•Napoleon Livestock Auction, Napoleon.
•Three Rivers Livestock Auction, Three Rivers.

MISSISSIPPI

•Alcorn County Stockyards, Corinth.
•Batesville Sales Company, Inc., Batesville.
•Billingsley Auction Sales, Doc., Senatobia.
•Booneville Commission Company, Booneville.
Carl's Commission Company, Pontotoc.
•Clarksdale Livestock Sales Company, Clarksdale.
•Chickasaw Commission Company, Houston.
•Columbus Livestock Commission Company, Columbus.
•Corinth Livestock Commission Company, Corinth.
•Dixie Stockyards, Inc., Meridian.
•Felders Livestock Sales Company, Summit.
•George County Stockyards, Lucedale.
•Graves Livestock Company, Winona.
•Grenada Livestock Exchange, Grenada.
•Gulfport Livestock Yards, Gulfport.
•Hattiesburg Livestock Yards, Inc., Hattiesburg.
Holton Livestock Sales, J. W., Centreville.
•Hub City Stockyards, Inc., Hattiesburg.
•Jackson Union Stockyards, Jackson.
•Jefferson County Stockyards, Fayette.
•Knight Brothers Sales, Carthage.
•Laurel Stockyards, Laurel.
•Lexington Sales Company, Lexington.
•Lincoln County Livestock Commission Company, Brookhaven.
•Lipscomb Commission Company, Como.
•Livestock Producers Association, Tylertown.
•Lum Commission Company, Vicksburg.
•Meridian Stockyards, Inc., Meridian.
•Mid-South Order Buyers, Inc., Jackson.
•Mississippi Livestock Producers Association, Edwards Branch, Edwards.
•Mississippi Livestock Producers Association (North Yard), Jackson.
•Mississippi Livestock Producers Association (South Yard), Jackson.
•Mississippi Livestock Yards, Laurel.
•Moore & Woods Commission Company, Macon.
•Natchez Stockyards, Natchez.
•New Albany Sales Company, New Albany.
•Olive Branch Sales Company, Olive Branch.
•Oxford Livestock Commission Company, Oxford.
•Peeler's Sale Barn, Kosciusko.
•Pontotoc Livestock Commission Company, Pontotoc.
Prairie Livestock, Inc., West Point.
•Prentiss Auction Sales, Prentiss.
•Ripley Sales Company, Ripley.
•Sardis Livestock Sales Company, Sardis.
Southwest Mississippi Livestock Producers Association, Liberty.
•Southwest Stockyards, Inc., Port Gibson.
•Spicer Brothers, Tupelo.
•Starkville Livestock Commission Company, Starkville.
•Stiles Livestock Commission Company, Sturgis.
•Stringers Sale Barn, Columbia.
•Tadlock Stockyards, Forest.
•Tri-State Stockyards, Inc., Greenville.
•Tupelo Livestock Auction, Inc., Tupelo.
•Tupelo Stockyards, Tupelo.
•Walnut Sales Company, Walnut.
•Waynesboro Livestock Yards, Inc., Waynesboro.
•Winston County Community Sales, Louisville.
•West Point Livestock Auction, Inc., Tupelo.
•Yazoo Livestock Auction, Yazoo City.

MISSOURI

Adair County Sales Barn, Kirksville.
Alton Sales Company, Alton.
Arnett & Son Livestock Auction, Warrensburg.
Ava Sales Company, Ava.
Baker, Roy, Sales Company, Butler.
Beever Sale Pavilion, Chillicothe.
Bethany Livestock Auction, Bethany.
Bowling Green Livestock Market, Inc., Bowling Green.
Brunswick Sale Company, Brunswick.
Buffalo Sale Barn, Buffalo.
Butler Livestock Auction, Butler.
Cabool Livestock Market, Cabool.
Callaway Stock Sales Assn., Fulton.
Cantrell (W. R.) & Sons Sales Co., Archie.
Carrollton Livestock Auction, Carrollton.
Central Missouri Livestock Auction, Mexico.
Central Missouri Sales Company, Sedalia.
•Charleston Auction Company, Charleston.
Circle S Livestock Auction, Stanberry.
Clark County Sales Company, Kahoka.
Columbia Livestock Auction, Inc., Columbia.
Concordia Livestock Auction, Concordia.
Noel Cox Auction Sale, Ozark.
Davis-Johnson-Patrick's Sales and Commission Company, Boonville.
Doniphan Auction Sales Company, Doniphan.
Douglas County Livestock Auction, Ava.
Drexel Community Sale, Drexel.
Edina Sale Company, Edina.
El Dorado Sales Company, El Dorado Springs.
Fairground Sale Company, Maryville.
Fairplay Sales & Auction Company, Fair Play.
Farmer's Auction Company, Mountain View.
Farmers & Traders Commission Co., Inc., Palmyra.
Farmington Auction Company, Inc., Farmington.
Fredericktown Auction Company, Inc., Fredericktown.
Gainesville Sale Barn, Gainesville.
Gallatin Livestock Auction, Gallatin.
Golden Valley Auction Company, Clinton.
Goodman Auction Market, Goodman.
Grant City Sale Barn, Grant City.
Green City Auction Company, Green City.
Halsey-Riley Sales Company, Inc., Marshall.
Hannibal Sales Company, Inc., Hannibal.
Hinds Sale Company, Memphis.
Joplin Friday Sales Day, Joplin.
Kahoka Sale Company, Kahoka.
Kennett Sales Company, Inc., Kennett.
Kirksville Community Sale, Kirksville.
Lewis County Auction Company, Lewistown.
Lexington Livestock Auction, Lexington.
Licking Auction Sales Company, Licking.
Linn County Auction Company, Brookfield.
Lockwood Community Sales, Inc., Lockwood.
Lolli Sales Pavilion, Macon.
Mansfield Auction Company, Mansfield.
Maryville Auction Company, Maryville.
Mexico Stockyards Company, Mexico.
Milan Auction Company, Milan.
Moberly Livestock Auction, Moberly.
Monett Sale Company, Monett.
Montgomery County Auction Company, Wellsville.
Mountain Grove Livestock Auction, Mountain Grove.
Neosho Auction Sales, Inc., Neosho.
Nevada Sales Company, Inc., Nevada.
New Cambria Community Sale, New Cambria.
North Missouri Sale Pavilion, Trenton.
Odessa Community Sale, Odessa.
Olean Sale Company, Olean.
Oregon Livestock Sales Company, Oregon.
Palmyra Livestock Auction Market, Palmyra.
Pasley, C. M., Auction Company, Osceola.
Payne Auction Sales, Lebanon.
Platte County Sales Company, Platte City.
Poplar Bluff Sales Company, Poplar Bluff.
Potosi Auction Company, Potosi.
Princeton Sale Company, Princeton.
Producers Livestock Market, Marshall.
Puxico Stockyards & Auction Co., Inc., Puxico.
Rich Hill Livestock Pavilion, Inc., Rich Hill.
Roberts Brothers Auction, Bolivar.
Robertson's Community Sale, Bethany.
Rockport Sales Pavilion, Inc., Rockport.
Rolla Auction Company, Rolla.
St. James Auction Company, St. James.
Salem Auction Company, Salem.
Schuyler County Sales Company, Lancaster.
Dale D. Sebaugh Auction Barn, Sedgewickville.
Seneca Community Sale, Inc., Seneca.
Shelbina Auction Company, Shelbina.
Sikeston Auction Company, Sikeston.
Stewart's Sales Pavilion, Cameron.
Summersville Auction Sale, Summersville.
Thayer Sales Company, Thayer.
Troy Sales Company, Troy.
Unionville Auction Company, Unionville.
Van Meter Auction Company, Kingsville.
Versailles Auction Company, Versailles.
Warsaw Sales Company, Warsaw.
Welty Sales Pavilion, Nevada.
Wentzville Auction Company, Wentzville.
West Plains City Scales, West Plains.
West Plains Livestock Auction, West Plains.
Windsor Auction Company, Windsor.

MONTANA

•Billings Livestock Commission Co., Billings.
•Glendive Livestock Sales Co., Glendive.
•Schnell's Miles City Livestock Auction Market, Miles City.
•Sidney Livestock Market Center, Sidney.

NEBRASKA

•Ainsworth Livestock Sale Yard, Ainsworth.
•Albion Sales Pavilion, Albion.
•Alliance Livestock Auction Company, Alliance.
•Alma Sale Barn, Alma.
•Arnold Livestock Commission Company, Arnold.
•Ashland Sale Barn, Ashland.
•Atkinson Livestock Market, Atkinson.
•Augustin Brothers, Shelby.
•Bassett Livestock Auction Inc., Bassett.
•Beatrice Sales Pavilion, Beatrice.
•Beatrice 77 Livestock Sales Company, Beatrice.
•Beaver Valley Livestock Auction, Beaver City.
•Bloomfield Livestock Auction, Bloomfield.
•Blue Hill Livestock Company, Inc., Blue Hill.
•Burwell Livestock Market, Burwell.
•Butte Livestock Market, Butte.
•Central Nebraska Commission Company, Inc., Broken Bow.
•Chadron Sales Company, Chadron.
•Chappell Livestock Auction Inc., Chappell.
•Columbus Sales Pavilion Inc., Columbus.
•Crawford Livestock Market Inc., Crawford.
•Creighton Livestock Market, Creighton.
•Dovel Sale Barn, Auburn.
•Elkhorn Valley Cattle Company, Norfolk.
•Ewing Livestock Market, Ewing.
•Fairbury Livestock Company, Fairbury.
•Falls City Auction Company, Falls City.
•Farmers Livestock Sales Company, Benkelman.
•Geneva Salesbarn, Geneva.
•Gordon Livestock Auction Company, Inc., Gordon.
•Grand Island Livestock Auction, Grand Island.
•Grant Sales Company, Grant.
•Hebron Livestock Commission Company, Hebron.
•Humboldt Sale Barn, Humboldt.
•Imperial Auction Market Inc., Imperial.
•Kearney Livestock Commission Company, Kearney.
•Kimball Livestock Auction, Kimball.
•Klug Brothers Livestock, Columbus.
•Lexington Livestock Commission Company, Lexington.
•Lockwood Livestock Auction, South Sioux City.

•McKee Sales Company, Superior.
•Minden Livestock Sales Company, Minden.
•Morrison Livestock Commission Company, Scottsbluff.
•National Sale Barn, Plattsmouth.
•Nebraska Livestock Sales Company, Lincoln.
•Nebraska City Salebarn Inc., Nebraska City.
•Neligh Livestock Commission Company, Neligh.
•Newman Grove Sales Company, Newman Grove.
•Nollett Livestock Sales, Valentine.
•Norfolk Livestock Sales Company, Norfolk.
•Ogallala Livestock Commission Company, Ogallala.
•O'Neill Livestock Market, O'Neill.
•Oshkosh Livestock Sales Company, Oshkosh.
•Oxford Livestock Commission Company, Oxford.
•Pawnee Livestock Commission Company, Pawnee City.
•Pender Livestock Sales Company, Pender.
•Platte Valley Salebarn, Kearney.
•Red Cloud Sales Company, Red Cloud.
•Republican Valley Livestock Auction, Franklin.
•Sheridan Livestock Commission Company, Rushville.
•Sidney Livestock Sales Pavilion Inc., Sidney.
•Sioux County Livestock Auction, Harrison.
•Spalding Livestock Market, Spalding.
•Stickelman Livestock Commission Company, Gothenburg.
•Superior Sales Company, Superior.
•Tecumseh Livestock Market, Tecumseh.
•Thedford Livestock Commission Company, Thedford.
•Tri-State Livestock Commission Company, McCook.
•Union Livestock Commission Company, Scottsbluff.
•Valentine Livestock Auction, Valentine.
•Verdigre Livestock Market, Verdigre.
•Wahoo Livestock Auction Market, Wahoo.
•Wayne Sales Company, Inc., Wayne.
•Wells Commission Company, Fremont.
•West Point Sales Company, West Point.
•Western Livestock Auction Company, North Platte.
•Wisner Livestock Sales Company, Wisner.
•York Livestock Sales Company, York.

NEVADA

•Gallagher Livestock Co., Fallon.

NEW JERSEY

•Community Livestock Auction, Woodstown.
•Flemington Agricultural Marketing Co-op, Inc., Flemington.
•Harris Sales Company, Woodstown.
•Jaeger's Livestock Auction Market, Sussex.
•Lovestock Cooperative Auction Market Assn. of N. Jersey, Inc., Hackettstown.
•Henry Zlotkin Auction, Freehold.

NEW MEXICO

Five States Livestock Auction, Inc., Clayton.
Portales Livestock Commission Company, Portales.

NEW YORK

Amsterdam Livestock Sales, Inc., Amsterdam.
Burton's Livestock Exchange, Inc., Vernon.
Cambridge Valley Livestock Market, Cambridge.
D. R. Chambers & Sons, Inc., Unadilla.
Chatham Area Auction Co-operative, Inc., Chatham.
Cobleskill Commission Auction Inc., Cobleskill.
Ben DiBello Commission Sales, Hannibal.
Empire Livestock Marketing Cooperative, Inc., Bath.
Empire Livestock Marketing Cooperative, Inc., Bullville.
Empire Livestock Marketing Cooperative, Inc., Caledonia.
Empire Livestock Marketing Cooperative, Inc., Dryden.
Empire Livestock Marketing Cooperative, Inc., Gouverneur.
Empire Livestock Marketing Cooperative, Inc., Oneonta.
Empire Livestock Marketing Cooperative, Inc., Watertown.
Finger Lakes Livestock Market, Inc., Canandaigua.
Raymond Genter Commission Market, Springville.
Hillsdale Farmer's Auction, Inc., Hillsdale.
N. Johncox & Sons, Palmyra.
J. M. Kaplan & Son, Inc., Millertown.
Kimball Stand Commission Sales, Jamestown.
Luther's Livestock Commission Market, Wassalc.
Maplehurst Livestock Market, Hinsdale.
Milford Commission Sales Stable, Inc., Franklin.
Miller's Livestock Market, Argyle.
Miller's Livestock Market of Johnstown, Johnstown.
North Country Live Stock Exchange, Inc., Chazy.
Norwich Commission Sales, Norwich.
Pavilion Livestock Market, Pavilion.
Peter's Livestock Exchange, Jeffersonville.
Norvel Reed Auction Sale, Sherman.
Southern Tier Livestock Market, Whitney Point.
Steuben County Livestock Market, Bath.
Sullivan Brothers Livestock Exchange, Utica.
Stilson Tweedle, Walton.
Wallkill Livestock Market, Walden.
Welch Livestock Market, Inc., West Edmeston.

NORTH CAROLINA

Carolina Stockyards, Siler City.
Lancaster Stockyards, Rocky Mount.
Morris Livestock Company, Charlotte.
Mount Airy Livestock Market, Inc., Mount Airy.
Norwood Stockyard, Norwood.
Powell Livestock, Inc., Rowland.
Shelby Sales Barn, Shelby.
Union County Livestock Auction, Inc., Mineral Springs.

NORTH DAKOTA

•Ashley Livestock Sales Company, Ashley.
•Beulah Livestock Auction Market, Inc., Beulah.
•Carrington Livestock Auction, Inc., Carrington.
•Dobler Livestock Sales Company, Jamestown.
•Edgeley Livestock Sales Company, Edgeley.
•Ellendale Livestock Sales Company, Ellendale.
•Hamann Livestock Company, Hettinger.
•Harrington Brothers Livestock Auction, Minot.
•Harvey Livestock Auction, Harvey.
•Hettinger Livestock Sales, Hettinger.
•Home Base Auction Company, Bowman.
•JKL Cattle Company, Williston.
•Kamrath Sales Pavilion, Mott.
•Kist Livestock Auction Company, Mandan.
•Lake Region Auction & Livestock Market Inc., Devils Lake.
•Linton Livestock Sales, Inc., Linton.
•Lorenz Livestock Sales, Hazen.
•Minot Livestock Auction, Minot.
•Missouri Slope Livestock Auction, Inc., Bismarck.
•Napoleon Livestock Auction, Napoleon.
•Oaks Livestock Terminal, Oaks.
•Park River Livestock Auction Market, Park River.
•Rugby Livestock Sales, Rugby.
•Schlichenmayer Livestock Sales, Turtle Lake.
•Schnell Livestock Auction Company, Dickinson.
•Sitting Bull Auction, Williston.
•Valley City Livestock Auction, Valley City.
•Wahpeton Livestock Company, Wahpeton.
•Western Livestock Company, Dickinson.
•Williston Livestock Commission Company, Williston.
•Wishek Livestock Market, Wishek.

OHIO

•Athens Livestock Sales, Athens.
•Barnesville Livestock Exchange, Barnesville.
•Bloomfield Livestock Auction, North Bloomfield.
•Bowling Stockyard, Circleville.
•Canfield Livestock Auction, Canfield.
•Carrollton Livestock Auction, Carrollton.
•Creston Livestock Sales, Creston.
•Damascus Livestock Auction, Damascus.
•Delta Livestock Auction & Commission Company, Delta.
•Dorset Livestock Sales, Dorset.
•Elkton Livestock Auction, Elkton.
•Farmers Livestock Auction, Inc., Marietta.
•Fremont Livestock Exchange, Fremont.
•Geauga Livestock Auction, Middlefield.
•Gibsonburg Livestock Auction, Gibsonburg.
•Kenton Farmers Marketing Co., Kenton.
•Kidron Auction, Inc., Kidron.
•Lugbill Bros., Inc., Archbold.
•Lugbill Bros., Inc., Columbus Grove.
•Marietta Livestock Market, Inc., Marietta.
•Ohio Valley Livestock Company, Gallipolis.
•Peoples Livestock Exchange, Greenville.
•Producers Livestock Association, Bucyrus.
•Producers Livestock Association, Chillicothe.
•Producers Livestock Association, Columbus.
•Producers Livestock Association, Coshocton.
•Producers Livestock Association, Eaton.
•Producers Livestock Association, Findlay.
•Producers Livestock Association, Hicksville.
•Producers Livestock Association, Hillsboro.
•Producers Livestock Association, Lancaster.
•Producers Livestock Association, Marion.
•Producers Livestock Association, Mount Vernon.
•Producers Livestock Association, Wapakoneta.
•Producers Livestock Association, Washington Court House.
•Producers Livestock Association, Wilmington.
•Rothschild Livestock Company, Stony Ridge.
•Scio Auction Market, Scio.
•Scioto Livestock Sales Co., Chillicothe.
•Tiffin Livestock Sales Co., Tiffin.
•Union Stockyards Company, Hillsboro.
•Union Stockyards Company, Washington Court House.
•Western Ohio Livestock Exchange, Celina.
•Zanesville Community Sales Co., Inc., Zanesville.

OKLAHOMA

•Ada Livestock Auction, Inc., Ada.
•Antlers Livestock Auction, Antlers.
•Beaver Livestock Sale, Beaver.
•Big Pasture Auction, Frederick.
•Blackwell Livestock Auction, Blackwell.
•Buffalo Livestock Commission Company, Buffalo.
•Carmen Livestock Exchange, Carmen.
•Chandler Auction, Chandler.
•Cherokee Sale Company, Cherokee.
•Clinton Cattle Commission Company, Clinton.
•Clinton Livestock Auction, Clinton.
•Cornwell-Ochsner Commission Sale, Yukon.
•Covington Sale Barn, Covington.
•Creek Nation Stockyards, Okmulgee.
•Dewey Livestock Sale, Dewey.
•Duncan Livestock Auction, Duncan.
•Durant Stockyards Company, Durant.
•El Reno Livestock Auction Sale, El Reno.
•Elk City Stockyards, Elk City.
•Fairview Sale Barn, Fairview.
•Farmers and Ranchers Livestock Auction, Vinita.
•Farmers Livestock Exchange Sales, Paul's Valley.
•Farmers Livestock Commission Company, Enid.
•Grove Sales Company, Grove.
•Hugo Sales Commission Company, Hugo.
•Hobart Stockyards, Hobart.

•Hollis Livestock Commission Company, Hollis.
•Idabel Livestock Auction, Idabel.
•LeFlore County Livestock Auction, Wister.
•Locust Grove Sale, Locust Grove.
•Looper Auction, Stillwater.
•Mangum Livestock Company, Mangum.
•Maxson Sales Company, Inc., South Coffeyville.
•Maxson Sales Company, Inc., Welch.
•Meeker Livestock Auction, Meeker.
•Mountain View Community Sale, Mountain View.
•Muskogee Stockyards and Livestock Auction, Muskogee.
•Newkirk Livestock Auction, Newkirk.
•Oklahoma Auction Yards, Hominy.
•Oklahoma Stockyards, Inc., Duncan.
Osage Sale Barn, Fairfax.
•Pawnee Sale Company, Pawnee.
•Perkins Y Livestock Auction, Perkins.
•Perry Livestock Exchange, Perry.
•Pryor Livestock Auction Company, Pryor.
•Selling Sales Association, Inc., Selling.
•Shawnee Sale Barn, Shawnee.
•Snyder Stockyards, Snyder.
•Stigler Livestock Auction, Stigler.
•Texhoma Livestock Commission Company, Inc., Texhoma.
•Tonkawa Livestock Auction, Tonkawa.
•Union Stockyards, McAlester.
•Vinita Stockyards Auction Company, Vinita.
•Waurika Auction Sale, Waurika.
•Webb Livestock Sale, Sayre.
•Woodward Livestock Commission Company, Woodward.

OREGON

•Auction Center, Hood River.
•Coos-Curry Livestock Auction, Bandon.
•Douglas Livestock Market, Wilbur.
•Enterprise Livestock Auction Co., Enterprise.
•Hermiston Livestock Commission Co., Hermiston.
•Klamath Stockman's Commission, Inc., Klamath Falls.
•Madras Livestock Auction Market, Madras.
•McMinnville Auction Yard, McMinnville.
•Northwestern Livestock Commission Co., Hermiston.
•Redmond Auction Yard, Redmond.
•Rogue Valley Livestock Auction, Inc., Medford.
•Schricker and Son Livestock Auction, Sutherlin.
Salem Auction Yard, Salem.
•The Dalles Auction Yard, The Dalles.
•Valley Livestock Sales, Lebanon.

PENNSYLVANIA

Belknap Auction Sales, Dayton.
Belleville Livestock Market, Belleville.
Carlisle Livestock Market, Carlisle.
Chambersburg Livestock, Chambersburg.
Chesley's Livestock Auction, North East.
Clinton Auction Inc., Mill Hall.
Coudersport Livestock Market, Coudersport.
Dewart Livestock Market, Dewart.
Eighty-Four Auction Sales, Eightyfour.
Enon Valley Community Sales, Enon Valley.
Farmers Tri Co. Auction Inc., Scenery Hill.
Fayette Stockyard Co., Uniontown.
Gilbertsville Sales Stables, Gilbertsville.
Greencastle Livestock Market, Greencastle.
Green Dragon Livestock Sales, Ephrata.
Hatfield Livestock Market, Hatfield.
Hickory Auction, Hickory.
Indiana Livestock Market, Homer City.
Knoxville Sales, Knoxville.
Lebanon Valley Livestock Market, Fredericksburg.
Leesport Market & Auction, Leesport.
Lycoming Livestock Market, Inc., Williamsport.
Mages & Farrell, Mercer.
Meadville Livestock Market, Saegertown.
Middleburg Auction Sales, Inc., Middleburg.
Montague Livestock Auction, Union City.
Montour Livestock Market, Inc., Danville.
Morrison Cove Livestock Market, Martinsburg.
New Holland Sales Stables, New Holland.
New Wilmington Livestock Market, New Wilmington.
Nicholson Sales Company, Nicholson.
Penns Valley Livestock Auction, Center Hall.
Pennsylvania Livestock Auction, Waynesburg.
•Pennsylvania Stockyards Company, Philadelphia.
Perkiomenville Sales Stables, Perkiomenville.
Phillips Livestock Auction, New Galilee.
Quakertown Livestock Sale, Quakertown.
Sechrist Sales Company, Inc., Stewartstown.
Showalter's Livestock Exchange, Duncansville.
Silver Springs Livestock Market, Mechanicsburg.
Tri-Co. Livestock Auction, Brockway.
Troy Sales Cooperative, Troy.
Valley Stockyards, Inc., Athens.
Vintage Sales Stables Inc., Paradise.
Wayne County Livestock Exchange, Honesdale.
Wyalusing Sales Company, Wyalusing.
York Livestock Market, York.

SOUTH CAROLINA

•Bruce & Co., P. L., Greenville.
•Chesnee Livestock Co., Chesnee.
•Conder Co., Inc., J. W., Columbia.
•Darlington Auction Market, Inc., Darlington.
•Florence Auction Market, Florence.
•Greenwood Stockyard, Greenwood.
•Herndon Stockyards, Inc., Ehrhardt.
•Hutto Stockyards, Inc., Holly Hill.
•Johnson Livestock Market, C. L., Honea Path.
•Lenox Stockyards, Bennettsville.
•Nichols Auction Market, Nichols.
•Orangeburg Stockyards, Inc., Orangeburg.
•Pageland Livestock Barn, Pageland.
•Pickens Auction Market, Pickens.
•Rock Hill Sales Barn, Rock Hill.
•Saluda County Stockyards, Saluda.
•Smith Stockyards, Columbia.
•Springfield Stockyards, Springfield.
•Spartanburg Livestock Yards, Spartanburg.
•Taylor Stockyards, John C., Anderson.
•Twin States Auction Market, Tabor City.
•Walterboro Stockyards Co., Walterboro.
•York County Stockyards, Inc., York.

SOUTH DAKOTA

•Aberdeen Livestock Sales Company, Aberdeen.
•Belle Fourche Livestock Exchange, Belle Fourche.
•Britton Sales Pavilion, Inc., Britton.
•Campbell County Livestock Auction, Inc., Herreid.
•Canton Livestock Sales Company, Canton.
•Chamberlain Livestock Sales, Inc., Chamberlain.
•Edgemont Livestock Sales Company, Inc., Edgemont.
•Eureka Livestock Sales Company, Inc., Eureka
•Faith Livestock Company, Inc., Faith.
•Gregory Livestock Auction, Gregory.
•Hub City Livestock Sales Pavilion, Aberdeen.
•Kimball Livestock Exchange, Kimball.
•Lemmon Livestock Sales Company, Lemmon.
•Leola Livestock Sales Company, Leola.
•Livestock Auction Management, Inc., Philip.
•Loken's Watertown Sales Pavilion, Watertown.
•Madden's Livestock Market, Inc., Onge.
•Martin Auction Company, Inc., Martin.
•McLaughlin Commission Company, McLaughlin.
•Mobridge Livestock Auction Sales, Inc., Mobridge.
•Rapid City Livestock Commission Co., Rapid City.
•Schnell Livestock Market, Inc., Lemmon.
•Sisseton Livestock Sales Company, Sisseton.
•South Dakota Livestock Sales Company, Watertown.
•Stockmen's Livestock Auction Company, Yankton.
•Sturgis Livestock Exchange, Inc., Sturgis.
•Timber Lake Livestock Sales Company, Timber Lake.
•Webster Livestock Exchange, Inc., Webster.
•Yankton Livestock Sales Company, Inc. Yankton.

TENNESSEE

•Athens Livestock Auction Co., Athens.
•Beasley Commission Auction, Franklin.
•Botts & Evans Livestock Company, Union City.
•Chattanooga Union Stockyard, Chattanooga.
•Clarksville Livestock Market, Clarksville.
•Cleveland Livestock Auction Co., Cleveland.
•Clinton Livestock Auction Co., Inc., Clinton.
•Coffee County Livestock Market, Manchester.
•Collierville Auction Company, Collierville.
•Cookeville Livestock Co., Cookeville.
•Covington Sales Co., Covington.
•Crockett County Sales Co., Maury City.
•Cumberland City Stockyard, Cumberland City.
•Davis Stockyard, South Fulton.
•Dayton Livestock Auction Co., Dayton.
•De Kalb County Commission Co., Alexandria.
•East Tennessee Livestock Center, Sweetwater.
•Farmers Auction Company, Fayetteville.
•Farmers Commission Company, Camden.
•Farmers Commission Company, Carthage.
•Farmers Livestock Auction Co., Decherd.
•Farmers Livestock Exchange, Union City.
•Farmers Livestock Market, Inc., Greeneville.
•Farmers Stockyard, Newport.
•Gallatin Livestock Market, Gallatin.
•Gamaliel Livestock Market, Gamaliel, Kentucky.
•Giles County Stockyard, Pulaski.
•Greeneville Livestock Co., Inc., Greeneville.
•Hardin County Stockyard, Savannah.
•Hartsville Livestock Co., Hartsville.
•Henderson Sales Co., Henderson.
Jackson County Commission Co., Gainesboro.
•Jamestown Stockyard, Jamestown.
•Johnson City Livestock Market, Johnson City.
•Kingsport Livestock Market, Kingsport.
•Lawrence County Stockyard, Lawrenceburg.
•Lewis Bros. Livestock Commission & Sales Company, Cleveland.
•Lewis County Stockyard, Hohenwald.
Lexington Livestock Market, Lexington.
•Logan Livestock Co., Union City.
•Macon County Livestock Market, Lafayette.
•Madisonville Livestock Auction Co., Madisonville.
•Middleton Sales Co., Middleton.
•Mid-South Livestock Commission Co., Columbia.
•Morristown Stockyard, Inc., Morristown.
•Murfreesboro Livestock Market, Murfreesboro.
•Newbern Sales Co., Newbern.
•Newport Livestock Auction Company, Newport.
•New Tazewell Livestock Market, New Tazewell.
•Nichols-Moore Livestock Market, Thompson Station.
•Oliver Livestock Market, Union City.
•O'Neil, Sam Auction Co., Chattanooga.
•Paris Livestock Commission Co., Paris.
•Peoples Stockyard, Cookeville.
•Peoples Stockyard, Fayetteville.
•Plateau Livestock Exchange, Crossville.
•Pulaski Stockyard, Pulaski.
•Rogersville Livestock Market, Rogersville.
•Scotts Hill Auction, Inc., Scotts Hill.
•Sevier County Livestock Auction Co., Seymour.
•Shelbyville Livestock Market, Shelbyville.
•Smith County Commission Co., Carthage.
•Smithville Livestock Sales, Smithville.
•Southern Livestock Auction Co., Columbia.

•Southwestern Sales Co., Inc., Huntingdon.
•Tenn Producers Livestock Mkt. Assoc., Fayetteville.
•Thompson & Son Livestock Co., Obion.
•Trenton Livestock Sales Co., Trenton.
•Tri-County Livestock Co., McKenzie.
•Trousdale County Livestock Market, Hartsville.
•Union Livestock Yards, Knoxville.
•Unionville Livestock Market, Unionville.
•Ward, William Stockyard, South Fulton.
•Warren County Livestock Co., McMinnville.
•West Tenn Auction Co., Martin.
•White County Livestock Market, Sparta.
•Wilson County Livestock Co., Lebanon.
•Wilsons Livestock Market, Lewisburg.
•Woody Stockyards, Troy.

TEXAS

•Abilene Livestock Auction, Abilene.
•Amarillo Livestock Auction Company, Amarillo.
•Athens Livestock Commission Company, Athens.
•Belton Livestock Auction, Belton.
•Blanco Livestock Commission, Blanco.
•Bonham Livestock Commission Company, Bonham.
•Breckenridge Livestock Exchange, Breckenridge.
•Bridgeport Auction Sale, Bridgeport.
•Brownwood Cattle Auction, Brownwood.
•Buffalo Livestock Commission Company, Buffalo.
•Canyon Livestock Auction, Canyon.
•Center Auction Company, Center.
•Childress Livestock Commission Company, Childress.
•Clarksville Livestock Exchange, Clarksville.
•Coastal Cattle Association, Beaumont.
•Coleman Livestock Auction, Coleman.
•Collin County Commission Company, McKinney.
•Dalhart Livestock Auction Company, Dalhart.
•Decatur Auction Sale, Decatur.
•Eads & Cole Commission Company, Brownwood.
•Ennis Livestock Company, Ennis.
•Farmers & Ranchers Livestock Commission Company, Paris.
•Gainesville Livestock Auction, Gainesville.
•Gillespie County Livestock Sales Company, Fredericksburg.
•Graham Livestock Commission, Graham.
•Grapevine Livestock Auction, Grapevine.
•Groesbeck Commission Company, Groesbeck.
•Haskell Livestock Auction, Haskell.
•Henderson County Livestock Auction, Athens.
•Hopkins Livestock Commission Company, Sulphur Springs.
•Huntsville Livestock Commission Company, Huntsville.
•Kirbyville Auction Barn, Kirbyville.
•Lampasas Auction, Inc., Lampasas.
•Lometa Commission Company, Lometa.
•Lufkin Livestock Exchange, Lufkin.
•McDougal Livestock Auction, Comanche.
•Madison County Livestock Commission Company, Madisonville.
•Mansfield Commission Company, Mansfield.
•Marshall Livestock Commission, Marshall.
•Marshall-Longview Livestock Exchange, Longview.
•Matthews Livestock Commission Company, San Saba.
•Menard County Commission Company, Menard.
•Meridian Livestock Auction, Meridian.
•Mineral Wells Stockyards Company, Mineral Wells.
•Muenster Livestock Commission Company, Muenster.
•Olney Livestock Auction, Olney.
•Owen Brothers Livestock Commission Company, Texarkana.
•Panola County Livestock Commission Company, Carthage.
•Paris Livestock Commission, Paris.
•Parker County Livestock Commission, Weatherford.
•Patton Auction Barn, Nacogdoches.
•Pilot Point Livestock Exchange, Pilot Point.
•Quanah Livestock Commission, Quanah.
•Ranchera & Farmers Commission Company, Abilene.
•Rusk County Auction, Henderson.
•San Augustine Livestock Commission, San Augustine.
•Sealy Livestock Auction Company, Sealy.
•Seymour Stockyards Company, Seymour.
•Sulphur Springs Livestock Commission Company, Sulphur Springs.
•Terrell Livestock Commission Company, Terrell.
•Texoma Cattle Company, Whitesboro.
•Tulia Livestock Auction, Tulia.
•Vernon Stockyards Company, Inc., Vernon.
•Wellington Livestock Commission Company, Wellington.
•West Texas Livestock Sales Company, Plainview.
•Wichita Falls Stockyards, Wichita Falls.
•Wills Point Livestock Commission Company, Wills Point.
•Winnsboro Livestock Commission Company, Winnsboro.
•Wood County Livestock Auction, Mineola.
•Woodville Livestock Commission Company, Woodville.

UTAH

•Delta Livestock Auction Co., Delta.
•Richfield Auction Market, Richfield.
•Salina Auction, Salina.
•Spanish Fork Livestock Auction, Inc., Spanish Fork.
•Smithfield Livestock Auction, Inc., Smithfield.
•Southern Utah Auction, Cedar City.
•Uintah Sales Barn, Roosevelt.
•Utah Valley Auction, Spanish Fork.
•Vernal Livestock Auction Co., Vernal.

VERMONT

Addison County Commission Sale, East Middlebury.
Crosby Commission Sale, Whiting.
East Thetford Commission Sale, East Thetford.
Gallerani's Commission Sale, Bradford.
Vergennes Livestock Market, Vergennes.
Westminster Commission Sale, Westminster.

VIRGINIA

•Abingdon Livestock Market, Inc., Abingdon.
•Alleghany County Livestock Market, Covington.
•Bedford Livestock Market, Inc., Bedford.
•Christiansburg Livestock Market, Inc., Christiansburg.
•Farmers Livestock Market, Inc., Bristol.
•Farmers Livestock Market, Inc., Ewing.
•Farmers Livestock Exchange, Inc., Winchester.
•Fauquier Livestock Exchange, Inc., Marshall.
•Front Royal Livestock Market, Front Royal.
•Galax Livestock Market, Inc., Galax.
•Giles County Stockyard, Inc., Narrows.
•Highland County Livestock Market, Inc., Monterey.
•Lee Farmers Livestock Market, Inc., Jonesville.
•Loudoun County Livestock Market, Inc., Leesburg.
•Lynchburg Livestock Market, Lynchburg.
•Nokesville Livestock Auction, Inc., Nokesville.
•Orange Livestock Market, Inc., Orange.
•Phenix Livestock Market, Phenix.
•Pulaski Livestock Market, Dublin.
•Roanoke Livestock Market, Roanoke.
•Rockbridge Livestock Market, Buena Vista.
•Rockingham Livestock Sales, Inc., Harrisonburg.
•Shenandoah Valley Livestock Sales, Inc., Harrisonburg.
•Smithfield Livestock Market, Inc., Smithfield.
•South Boston Livestock Market, South Boston.
•South Hill Livestock Market, South Hill.
•Southside Stockyards, Inc., Petersburg.
•Staunton Union Stockyards, Staunton.
•Staunton Livestock Market, Inc., Staunton.
•Tazewell Livestock Market, Inc., Tazewell.
•Victoria Livestock Market, Victoria.
•Woodstock Livestock Market, Woodstock.
•Wytheville Livestock Market, Inc., Wytheville.

WASHINGTON

•Auburn Livestock, Inc., Auburn.
Columbia Salesbarn, Inc., Vancouver.
•Colville Auction Co., Colville.
•Davenport Livestock Auction Co., Davenport.
•Grange Interstate Livestock Co., Moses Lake.
•Pasco Central Stockyards, Pasco.
•Prosser Salesyard, Inc., Prosser.
•Toppenish Livestock Market, Toppenish.
•Twin City Sale, Centralia.
•Walla Walla Livestock Comm. Co., Walla Walla.
•Wink-Goldendale Salesyard, Inc., Goldendale.

WEST VIRGINIA

•Alderson Livestock Market, Alderson.
•Bluegrass Market, Inc., North Caldwell.
•Bluegrass Market, Inc., Ronceverte.
•Blueridge Livestock Sales, Inc., Charles Town.
•Bridgeport Stockyards, Inc., Bridgeport.
•Buckhannon Livestock Sales Company, Inc., Buckhannon.
•Evans Stock Yards, Inc., Elkins.
•Gassaway Livestock Market, Inc., Gassaway.
•Jackson County Livestock Market, Inc., Ripley.
•Mannington Stockyards, Inc., Mannington.
•Morgantown Livestock Sales, Inc., Morgantown.
•Moundsville Livestock Auction Company, Moundsville.
•New River Livestock Market, Inc., Beckley.
•Ohio County Livestock Auction, Inc., West Alexander.
•Pocahontas Producers Cooperative Association, Marlinton.
•Pt. Pleasant Livestock Company, Point Pleasant.
•South Branch Stockyard, Inc., Moorefield.
•Spencer Livestock Exchange, Inc., Spencer.
•Terra Alta Stockyards, Inc., Terra Alta.
•Union Livestock Sales Company, Inc., Parkersburg.
•Weston Livestock Sales Company, Inc., Weston.

WISCONSIN

•Equity Livestock Market, Bonduel.
•Kuehne Livestock Market, Seymour.
•Dress Livestock Market, Peshtigo.
•Equity Livestock Auction Market, Coon Valley.
•Matthes Market, Viola.

WYOMING

•Douglas Livestock Exchange Co., Douglas.
•Gillette Livestock Auction, Gillette.
•Greybull Livestock Commission, Co., Greybull.
•Lander Livestock Commission Co., Lander.
•Laramie Livestock Exchange, Inc., Laramie.
•Powell Auction Market, Powell.
•Riverton Livestock Auction, Riverton.
•Sheridan Livestock Commission Co., Sheridan.
•Torrington Livestock Commission Co., Torrington.
•Worland Livestock Auction, Worland.

SPECIFICALLY APPROVED SLAUGHTERING ESTABLISHMENTS

The following slaughtering establishments preceded by an asterisk (•) are specifically approved for the purposes

of § 78.5 of Title 9, Code of Federal Regulations, concerning brucellosis reactors and of paragraph (b) of § 78.12 of said Title 9, concerning cattle not known to be affected with brucellosis, and those not preceded by an asterick are specifically approved for the purposes of paragraph (b) of § 78.12 only.

ALABAMA

Barney's Pork House, Decatur.
Bartel's Frozen Foods, Atmore.
*Beesley Packing Co., Inc., Andalusia.
Bird Packing Co., Inc., Midland City.
*Brewton Abattoir, Brewton.
Brock-Mosley Packing Company, Robertsdale.
Daulphin's Clover Farm and Processing Plant, Brewton.
*Decatur Packing Company, Decatur.
*East Alabama Frozen Foods & Provision Company, Opelika.
Florence Frozen Foods Slaughter Plant, Florence.
Florence Packing Company, Florence.
Fort Payne Locker & Storage Plant, Fort Payne.
Greensboro Packing Co., Inc., Greensboro.
Hinote Packing Company, Loxley.
*Leeds Packing Company, Leeds.
Morgan Packing Company, Tuscaloosa.
Nelms & Son, Decatur.
*Roanoke Packing Co., Inc., Roanoke.
Valley Pride Packing Co., Inc., Huntsville.
*White Rock Packing Company, Dothan.
Williams Packing Company, Gadsden.
*R. L. Zeigler, Inc., Tuscaloosa.

ARIZONA

Arizona Meat Packers, Tucson.
*C & C Packing Company, Phoenix.
*Herseth Meat Packing Company, Phoenix.
Maricopa Packing Company, Phoenix.
*O.K. Wholesale Meat Company, Phoenix.
Paramount Packing Company, Casa Grande.
Safford Packing Company, Safford.
Southwest Meat Company, Inc., Yuma.
Stone & Randall Meat Company, Mesa.
*Tempe Meat Company, Inc., Tempe.
*Vern Busby Meat Company, Tucson.
Western Meat Packing Co., Tucson.

ARKANSAS

Adams Market, De Witt.
Barnett's Slaughter House, Crossett.
Bramlett's Country Market, Lowell.
Brawner Packing Company, Wynne.
Broadway Packing Co., Jonesboro.
*Brown Packing Company, Little Rock.
*Kelton Brown Wholesale Meats, Little Rock.
*Roy Burton Wholesale Meats, North Little Rock.
Butcher Wholesale Meats, Camden.
Calhoun General Merchandise, Brown, Monticello.
Camden Curing Plant, Camden.
Carroll Packing Co., Paragould.
Charleston Frozen Foods, Charleston.
Columbia Packing Company, Magnolia.
*Community Abattoir, Inc., Fort Smith.
Drew County Frozen Foods, Monticello.
Dumas Packing Company, El Dorado.
Fletcher Beef Company, Jim, Fayetteville.
Philip Freer & Son, Ivan.
Gude Packing Company, Blytheville.
*Hot Springs Packing Co., Inc., Hot Springs.
Huber Slaughter Plant, Subiaco.
Huckaby Super Market, Benton.
Hunt, Leo, Pine Bluff.
Kents Whsl. Meats, Hamburg.
*Kierre & Sons, North Little Rock.
R. Kindervater & Sons Market, Little Rock.
*Kruse Packing Co., Alexander.
Lawton Wholesale Meats, Warren.
*Little Rock Packing Company, Little Rock.
McKlever's Wholesale Meats, Monticello.
*Malvern Meat Company, Malvern.
Mann Slaughtering & Processing, Piggott.
*Meachan Packing Co., Batesville.
Melbourne Packing Company, Melbourne.
Mhoon Beef Company, Fayetteville.
*Middleton Packing Co., Newport.
*Miller Packing Company, Judsonia.
Montgomery, Ralph Grocery & Market, Hope.
Morrilton Packing Company, Morrilton.
Morris Packing Company, Hope.
Northwest Arkansas Packing Company, Rogers.
*Oliver Slaughtering House, Stuttgart.
*O. E. Owens Wholesale Butcher, Pearcy.
Paragould Food Locker, Paragould.
*Phillips Packing Company, Magnolia.
Pitchford Market, Hartford.
Prairie Grove Locker Plant, Prairie Grove.
*Prickett Packing Co., Batesville.
Pruett Meat Market, Batesville.
*Quality Packing Co., Truman.
Redd Slaughter House, Harrisburg.
*Reed Packing Company, Pine Bluff.
*Reeder Meat Company, Arkadelphia.
Riggan Brother Locker Plant, Sheridan.
Robertson Packing Company, Booneville.
Russellville Packing Company, Russellville.
*Ryburn & Glover Meat Co., Pine Bluff.
St. Scholastica, Fort Smith.
*Searcy Frozen Foods, Searcy.
Schelle Slaughter House, Paris.
Springdale Custom Butchering, Springdale.
Stafford's Quality Meats, Walnut Ridge.
Sutton Slaughter Plant, Claud H., Hope.
Taylor Brothers Whls. Meats, Gurdon.
Turners Grocery & Market, Rison.
*Webb Packing Co., Helena.
*Western Meat Packers Inc., Little Rock.
*White County Packing Co., Searcy.
White's Slaughter House, Warren.

CALIFORNIA

*Arnopole Meat Co., Modesto.
*Atwater Meat Co., Atwater.
*Avila Meat Co., Newman.
*Chico Packing Co., Chico.
*Circle Bar Meat Farm, Franklin.
*Crum Meat Co., McArther.
*Elk Grove Meat Co., Elk Grove.
*Evart Meat Co., Healdsburg.
*Felder & Son, Sonoma.
*Ferrara Meat Co., San Jose.
*Hill Top Meat Co., Roseville.
*Hohener, Ernest, San Leandro.
*Johnson Meat Co., Sonoma.
*Keller Bros. Meat Co., St. Helena.
*Kern Valley Packing Co., Bakersfield.
*Langer & Kretner, Eureka.
*Lewis & McDermott, Berkeley.
*Moller & Sons, Pleasanton.
*Palace Market, Fresno.
*C. V. Panizzera, Occidental.
*Prime Meat Products, Ukiah.
*Redwood Meat Company, Eureka.
*Regusci Meat Co., Napa.
*Sebastopol Meat Co., Petaluma.
*Stoeven Bros., Dixon.
*Taafe, Wm. A. Co., Inc., San Francisco.
*Walnut Creek Meat Co., Walnut Creek.
*Yettner Bros., Fort Bragg.
*Zeff, B. & Co., Modesto.

COLORADO

*Louis Altburger, Denver.
Basin Packing Co., Durango.
*Colorado Packing Co., La Junta.
Cortez Packing Co., Cortez.
*Loveland Packing Co., Inc., Loveland.
Mountain Packing Co., Dolores.
Ovid Locker Plant, Ovid.
Pavetti Sausage Co., Trinidad.
*Reichard Packing Co., La Salle.

CONNECTICUT

E & J Farms, Windham.
*Bridgeport Municipal Abattoir, Bridgeport.
*Connecticut Packing Company, Bloomfield.
*Dan-Brook Packing Company, New Milford.
DeMartino, Frank, Seymour.
Double A Packing Company, Beacon Falls.
Forte, Inc., J. G., North Branford.
Garneau & Sons, Plainfield.
*General Packing Company, Torrington.
Goldberg, Daniel, Colchester.
Hazardville Slaughterhouse, Enfield.
*Novack, Abe, Danbury.
*Shore Line Packing Co., Southington.
*Silk City Packing Company, Manchester.
*Southington Packing Company, Southington.

DELAWARE

Goldberg Bros., Inc., Wilmington.
Hendler, Sidney, Wilmington.
Kemp's Meats, Wyoming.
Kosters Frozen Foods, Laurel.
Messina, Anthony G., Wilmington.
Poore's Meat Market, Smyrna.
Townsend Locker Plant, Townsend.
Torbert Bros., Felton.
White Packing Co., Lewis.
Woerner & Souder, New Castle.

FLORIDA

*Beesley Packing Co. of Florida, Pensacola.
*Copeland Sausage Co., Inc., Alachua.
*Gotham Provision Co., Miami Springs.
Hickory Hill Meat Packers, Inc., Marianna.
*Economy Packing House, Hialeah.
*Jackson Packing Co., Inc., Marianna.
*Jones-Chambliss, Jacksonville.
*Loeb & Gottfried, Hialeah.
Register Meat Co., Inc., Cottondale.
*Sunnyland Packing Co., Gainesville.
Suwannee Meat Co., Live Oak.
*Taylor Industries, Jay.
*Tinsley Meat Slaughtering Co., Jacksonville.
*Tobias Meat Co., Chipley.
Florida Packing & Provision Co., Palatka.

GEORGIA

Akridge Sausage Company, Rome.
Avera Provision Company, Augusta.
Bearden Provision Company, Inc., Calhoun.
*Beavera Packing Company, Newnan.
Brooks County Packing Company, Inc., Quitman.
Bullard's Sausage Plant, Summerville.
Carroll Packing Company, Valdosta.
*City Abattoir, Albany.
*Cochran Provision Company, Dublin.
Dalton Slaughter House, Dalton.
Duffey Sausage Company, Inc., Carrollton.
D. L. Lee and Sons, Alma.
Evans Locker Plant, Evans.
Grady Packing Company, Inc., Cairo.
Harrell Sausage Company, Bainbridge.
Javetz Abattoir, Savannah.
Jeffamy, Inc., Atlanta.
Levinson Brothers, Inc., Rome.
*Lowell Packing Company, Fitzgerald.
*R. H. McEver Packing Company, Talmo.
*Meddin Packing Company, Savannah.
*Moree Packing Company, Albany.
Perkins Processing Plant, Chickamauga.
Quitman Abattoir, Quitman.
Rome Provision Company, Inc., Rome.
*Scott Meat Packers, Augusta.
*Southern Foods, Inc., Columbus.
Wiggers Packers, Columbus.

IDAHO

Anketell Slaughterhouse, Nampa.
Bendel's Packing Plant, Troy.
*Boise Valley Packing Co., Eagle.
Bratcher Meat Packers, Payette.
*Bryant Packing Company, Burley.
Carter Packing Company, Greenleaf.
City Meat Market, Wallace.
Dahman Food Locker, Lewiston.
Davis Packing Co., Boise.
*Gem Meat Packing Company, Boise.
*Gooby & Sons Meats, Inc., Sandpoint.
*Grimes Packing Company, Nampa.
Hartman (Joe) Packing Plant, Stites.
Howard's Meat Processing Plant, Grangeville.
*Idaho Falls Meat Company, Idaho Falls.
*Independent Meat Co., Weiser.

*Independent Meat Co., Inc., Twin Falls.
Jensen Custom Packing Co., Rupert.
Johnston Brothers Packing Co., Caldwell.
*Knudson Packing Co., Preston.
*Liberty Meat Packers, Eagle.
Matthews, Inc., Twin Falls.
*Mickelsen Pack, Blackfoot.
*Nampa Packing Company, Nampa.
*Owyhee Meat Packers, Homedale.
Penguin Lockers, Fruitland.
Simmon Brothers Meats & Groceries, Cottonwood.
*Taylor Meat Packers, Idaho Falls.
Valley Packing Co., Rexburg.
Williams Custom Service, Council.
*Y-J Packing Co., Coeur d'Alene.
*York Packing Co., Twin Falls.
*Zwiegart Packing Co., Pocatello.

ILLINOIS

Al's Packing Plant, Naperville.
Bartlow Bros., Inc., Rushville.
Behrman Market, Okawville.
Bergman Meat Packing Co., Inc., Pittsfield.
Brighton Locker Plant, Brighton.
Burnside & Sons, L., Marengo.
Calihan & Co., Peoria.
Covemaker Packing Co., Moline.
Curby's Butcher Shop, Beaverville.
David's Frozen Food Center, Milford.
DeSchepper Packing Co., Milan.
Dintelmann's Wye Market, Marissa.
Ducey Packing Company, Jerseyville.
DuQuoin Packing Co., DuQuoin.
Eckert Orchard Association, Belleville.
Edgar County Locker Service, Paris.
Elmwood Locker Service, Elmwood.
Eversgerd, Henry J., Germantown.
Farm Best Processing, Palestine.
Foremost Packing Co., East Moline.
Goble, Howard, Danville.
Hamilton Locker Service, Hamilton.
Hansen's Meat Processing Plant, Freeport.
Harmon Packing Co., Paris.
Hartrich Meat Processing Plant, Sainte Marie.
Hill Packing Co., Danville.
Hoopeston Food Lockers, Hoopeston.
Houchiel Meat Market, Sorento.
Hubbard Packing Co., Chicago.
Humphrey Packing Co., Lawrenceville.
Johannes Market, Quincy.
Jones Packing Co., Harvard.
Kabrick Locker Plant, Plainville.
Knab Meat Market, New Athens.
Kreps Locker Service, Bushnell.
Kunkel Packing & Provision Co., Quincy.
L & M Slaughter House, Georgetown.
Lanfolt, Harold, Alhambra.
Little Egypt Processing Center, Olney.
Margolin Packing Co., Danville.
McLain's Locker Plant, Warren.
Metamora Abattoir, Metamora.
Parks Processing Plant, Warren.
Petroff Packing Company, Benton.
Potomac Slaughter House, Potomac.
Quincy Beef & Veal Co., Quincy.
Raber Packing Co., Peoria.
Raleigh Packing Co., Raleigh.
Rock River Provision Co., Rock Falls.
Rocke's Cold Storage, Morton.
Ruff Locker Service, Quincy.
Shanks Packing Co., Mattoon.
Sheldon Market & Food Lockers, Sheldon.
Smith Packing Co., Harrisburg.
Stone Meat Packing, Chicago Heights.
Streck Packing Co., Belleville.
Tuscola Locker Service, Tuscola.
Ursa Co-operative Locker Service, Ursa.
Virginia Packing Co., Virginia.
West Frankfort Packing Co., West Frankfort.
Weyhaupt Bros. Packing Co., Belleville.
Wunderlich Packing Co., Sharon, Wisconsin.
Y and T Packing Co., Springfield.

INDIANA

Albany Frozen Food Locker, Albany.
Amo Locker Plant, Amo.
Berne Locker Storage, Berne.
Betullus Slaughterhouse, Haubstadt.
Bickmeier Processing Plant, Boonville.
Blinzinger's Market, Tell City.
Bloomington Packing Co., Inc., Bloomington.
Bowman's Butchering House, Peru.
Brook Locker Plant, Brook.
Carl Frozen Food, Franklin.
Clark & Moore Processing Plant, Monticello.
Mark Cole Packing Co., Sharpsville.
Raymond Collins, Poland.
Corbin Food Lockers, Brownsburg.
Camiel Coussens, Granger.
Denny & Barker, Inc., Huntington.
Dewig Bros. Packing Co., Haubstadt.
Elkhart Packing Corp., Elkhart.
Fender, Russell Ted, Spencer.
Fisher Packing Co., Portland.
Frankfort Provision Co., Frankfort.
Frozen Food Service, Inc., Salem.
Fults, E. C. & Sons, Indianapolis.
Gilbert Slaughterhouse, Van Buren.
Godfrey's Plant, Brazil.
Goff, Inc., Pendleton.
Grater Meats, Connersville.
Greenfield Abattoir, Inc., Greenfield.
Greenwood Food Locker, Greenwood.
Gustin Slaughter House, Antwerp, Ohio.
Gutzweiler Packing Co., Jasper.
Hamilton Locker Plant, Hamilton.
Kenneth Hand Slaughter House, Angola.
Hastings Slaughter House, Martinsville.
Helm Market, Winchester.
Hitch Packing Co., Princeton.
Hanford Packing, Thayer.
Hollar Market, Nappanee.
Hoosier Abattoir, Indianapolis.
Jenkins Food Market, Harrison, Ohio.
Jones Custom Butchering, Zionsville.
Kaiser Meat Market, Cedar Grove.
Kelley Packing Co., Bremen.
Kentland Locker, Kentland.
Knight's Frozen Food Locker, Edinburgh.
Kucan Food Shop, Gary.
Kuiper Packing Co., Lowell.
Guy Laurents Packing Co., Fort Wayne.
Lengerich Slaughter House, Monroe.
Lennon's Custom Butchering, Hartford City.
Lester Packing Co., Linton.
Livengood Meat Shop, Lebanon.
Mabo Packing Co., Inc., Evansville.
Maple Lane Country Market, Muncie.
Marburger Abattoir, Peru.
Merkley & Sons, Inc., Jasper.
Miller Packing Co., Kokomo.
Miller Processing Co., Georgetown.
Mischler Packing Co., Lagrange.
Monticello Packing Co., Inc., Monticello.
Moore Packing, Gary.
Mooresville Locker Co., Mooresville.
Maple City Packing Co., Walkerton.
Mooresville Packing Co., Mooresville.
J. E. Ness & Sons Packing Plant, North Judson.
Ossian Locker Plant, Ossian.
Parrot Packing Co., Fort Wayne.
Walter Price's Abattoir, Plymouth.
Wm. K. Rahe & Sons, Muncie.
Rockville Packing Co., Rockville.
Roos Packing Co., Indianapolis.
Rose City Packing Co., Inc., Newcastle.
A. Rowe & Sons, Terre Haute.
Sanitary Main Meat Market, Brookville.
H. P. Schmitt Packing Co., Decatur.
V. C. Schneider & Sons Packing Co., Spencer.
Schneider Slaughter House, New Haven.
Schuler Packing Co., Ferdinand.
Sellersburg Locker Co., Sellersburg.
W. E. Shackelford, Owensville.
Lester Sievers, Vincennes.
Snelly's, Angola.
Snyder's Market, Angola.
Stahley's Slaughter House, Milan.
Standard Packing Co., Kokomo.
Steinker Meat Market, Seymour.
Stephens, M. M. & Son Packing Co., Chesterton.
Straub & Smith Packing Co., Indianapolis.
Summers Packing Co., North Liberty.
Troy Packing Co., Indianapolis.
Vale City Packing Co., Valparaiso.
Valentine Co., Inc., Terre Haute.
Van-Wagner Superette (Dick Van-Wagner), Orland.
Vetter Meat Co., Kokomo.
Vietti Bros. Packing Co., Clinton.
Wabnitz Packing Co., Inc., Indianapolis.
Ward Packing Co., Monon.
Weller Packing Co., Batesville.
Wenning Packing Co., Inc., New Salisbury.
Whisler, J. L. & Sons, Inc., Elkhart.
Wilcox Inc., North Liberty.
Williams, J. B. & Son, Inc., Walkerton.
Wolf Meat Market, New Albany.
Wright Packing Co., Chandler.
Young Bros. Market, Ladoga.
Young Packing Co., Inc., Nobleaville.
Zaring Processing Plant, Greencastle.

IOWA

Besse Packing Co., Cincinnati.
Bryant's Locker, Donnellson.
Carstensen Meats and Procurement Service, Lake Park.
Centerville Meat and Provision Co., Centerville.
D & H Storage Co., Sibley.
Estherville Lockers, Estherville.
Falk Lockers, Ocheyedan.
Farmington Lockers, Farmington.
Ford Lockers, Spirit Lake.
Forest City Locker Co., Forest City.
Frozen Food Center, Akron.
Grandia Locker, Otley.
Groff Locker Service, Blockton.
Hamburg Lockers, Hamburg.
Hanson's Town & Country Market, Inc., Council Bluffs.
Haviland Bros., Sergeant Bluff.
Inwood Lockers, Inwood.
Johnsons Market and Lockers, Rake.
K. & K. Locker Service, Milton.
Keosauqua Locker, Keosauqua.
Lansing Lockers, Lansing.
Larchwood Locker, Larchwood.
Lime Springs Locker, Lime Springs.
Links Locker Service, Fort Madison.
Long's Locker, Spirit Lake.
Manufacturers Surplus Outlet, West Burlington.
Marshall Packing Co., Marshalltown.
Martin Meat Processing Co., Underwood.
Meats-The-Taste, Inc., Sioux City.
Meandering's Locker Plant, Little Rock.
Moulton Locker, Moulton.
New Albin Locker Plant, New Albin.
Nissen and Son Packing Co., Inc., Webster City.
Northwood Locker Service, Northwood.
Otranto Meat Processing Co., Otranto.
Paullina Locker Plant, Paullina.
Pella Packing Co., Pella.
Pierce Lockers, Armstrong.
Pulaski Lockers, Pulaski.
Puritan Ice Cream Co., Cresco.
Riceville Locker, Riceville.
Richard and Sons, Inc. (C.W.), Muscatine.
Risetter Pack, Jewell.
Rock Rapids Cooperative Creamery Association, Rock Rapids.
Scarville Food Market, Scarville.
Smit and Son, Inc., Boyden.
Steele Packing Co. (George H.), Centerville.
Stithem's Friendly Freeze Service, Bedford.
Swea City Locker, Swea City.
Thompsons Locker & Grocery, Harris.
Thompson's Processing Service, Bloomfield.
Valley Locker Service, Rock Valley.
Younie Processing Plant, Hawarden.

KANSAS

Addington Slaughtering Establishment, Elkhart.
A & H Butchers, Arkansas City.
*Abilene Packing Company, Abilene.
*Adams Bros. Packing Co., Colby.
Anthony Meat, Anthony.
Ayres Packing Plant, Greenleaf.
Ball Lockers, Baster Springs.
Barnes Beef Company, Parsons.
Beattie Lockers, Beattie.

Beverly Meat & Locker, Inc., Salina.
Bichelmeyer Slaughterhouse, Kansas City.
Brooks Locker Service, Blue Rapids.
Burd Locker & Grocery, Atwood.
Butchers Packing Co., Coffeyville.
Claude Cady Slaughtering Establishment, Osborne.
*Colby Lockers, Colby.
Coldwater Lockers, Coldwater.
Columbus Wholesale & Retail Meat Market, Columbus.
Comanche Meat Company, Wichita.
Community Locker Service, Medicine Lodge.
Cramer Food Bank, Washington.
*Coffeyville Packing Company, Coffeyville.
Davenport Meat Plant, Lawrence.
Loren DeGraeve Slaughtering Establishment, Bucyrus.
*Dunn Packing Company, Wichita.
Dye Slaughterhouse, Meade.
Economy Lockers, Sharon Springs.
Emporia Packing Co., Emporia.
*Fanestil Packing Company, Emporia.
Roy Fisher Grocery & Locker, Bird City.
*Fredonia Packing Company, Fredonia.
*Fort Scott Packing Co., Inc., Fort Scott.
*Gallagher Processing, Concordia.
Garden City Packing Co., Garden City.
Gardner Packing Co., Hutchinson.
*Gettle Packing Co., Haysville.
Glenn's Frozen Food Service, Dighton.
*Griffith Provision Co., Inc., Downs.
Grinnell Locker, Grinnell.
Haag Locker Plant, Fairview.
Haddam Locker, Haddam.
Harrell Packing Co., Hugoton.
Hentzler Packing Co., Topeka.
Herndon & Sons, Syracuse.
Herrmann Locker, Waterville.
*Hinman Packing Co., Wichita.
Hoseney's Dressed Beef, Coffeyville.
Howard Packing Co., Howard.
Howell's Market, St. Francis.
Independent Slaughtering Establishment, Salina.
Jesco Meat Products, Caldwell.
Jones Packing Co., Dodge City.
K-12 Meat Co., Baxter Springs.
Kane's Packing Plant, Meade.
Katches Packing Co., Wichita.
Kaw Valley Packing Co., Kansas City.
Kier Grocery & Market Mankato.
Kimmal Packing Co., Norton.
Kiowa Locker System, Kiowa.
C. W. Lee Packing Co., Portis.
Liberal Packing Co., Liberal.
Louie's Zero Locker, Girard.
*McArthur Meats, Inc., Hutchinson.
McFerron Bros. Wholesale Meats, Lawton.
*M and M Packing Co., Iola.
W. A. Mathes Meat Co., Kansas City.
*Menghini Bros. Slaughtering Establishment, Frontenac.
Miller Locker System, Erie.
Miller Packing Co., Wilson.
Modern Market & Lockers, Winona.
Oberlin Locker, Oberlin.
*O. K. Packing Co., Goodland.
Old Fashion Meat Market, De Soto.
*P & B Packing Co., Hays.
Palace Market, St. Francis.
Phillips Slaughterhouse, Hill City.
Phillipsburg Locker, Phillipsburg.
Pratt Frozen Food Locker, Pratt.
Ragsdale Slaughtering Establishment, Liberal.
Rindt Slaughtering Co., Galena.
Schnelle's Wholesale Meats, Greensburg.
Snow's Locker Plant, Kansas City.
Stoney Bros. Slaughterhouse, Herndon.
*Sunflower Packing Co., Wichita.
Spring Hill Packing Co., Spring Hill.
Swim Locker Service, Marysville.
Synovec Grocery & Locker, Morrowville.
*Thies Packing Co., Inc., Great Bend.
Tonganoxie Frozen Foods Locker, Tonganoxie.
Valley Vista Locker Service, Topeka.
Joseph Vlach & Sons, Hanover.
Washburn Packing Co., Hutchinson.
Welch's Frozen Food Center, Frankfort.
Wiley & Green Packing Co., Leavenworth.
Wilkerson Meat Co., Pittsburg.
*Winchester Packing Co., Inc., South Hutchinson.
Winkler's Slaughterhouse, Liberal.
*Woody's Wholesale Meats, St. Marys.
C. C. Wurst Locker Service, Grainfield.

KENTUCKY

Alford and Son, J. W., Alexandria.
Ashland Meat Co., Ashland.
Boone's Abattoir, Bradstown.
Campbell Company, S. M., Gray.
Eckert Packing Co., Henderson.
*Elm Hill Meats, Inc., Lexington.
Emory Gillum Wholesale Meats, Inc., Ashland.
Field Packing Co., Bowling Green.
*Field Packing Co., Inc., Owensboro.
Frosty Foods Locker, Taylorsville.
Henderson Slaughtering, Henderson.
Jones Packing Co., Paducah.
*Koch Beef Co., Louisville.
Langley's Farms, Inc., Joe, Clarkson.
*Louisville Beef Company, Louisville.
Metzger Bros., Paducah.
*Mount Sterling Packing Co., Mount Sterling.
*Parker Sausage Co., Georgetown.
Riddell Meat Market, Warsaw.
Riverside Packing Co., Paducah.
Rogers Country Sausage, Inc., Richmond.
*Ross Packing Company, Harry, Paducah.
*Ryan Packing Co., Maysville.
Schneider and Son, Inc., J. F., Middlesboro.
Shroat Meat Market, Murray.
*S & M Packers, Inc., Louisville.
*Walton Locker & Slaughtering House, Walton.
Wardrup Packing Co., Blackey.
*White Packing Company, Bob, Bowling Green.
Wilman Packing Co., Madisonville.

LOUISIANA

*Autin Packing Co., Houma.
*Britt Packing Co., Shreveport.
*Frey & Sons, Inc., I. A., Lafayette.
*Guillot, Inc., Arthur J., Slidell.
*H & S Packing Co., Baton Rouge.
*Micelle's Packing Plant (John Micelle), Lake Charles.
*Millwood Packing Company, Scotlandville.
*Old South Packing Company, Baton Rouge.
*Shreveport Packing Co., Inc., Shreveport.
Crawford's Super Market, Covington.
Port City Packing Co., Inc., Satsuma.
Western Packing Co., Slidell.

MAINE

Boston Brothers, North Berwick.
Boynton, Laurence, Bridgton.
Chasse, Ralph, Sanford.
Stearns' Packing Co., Auburn.

MARYLAND

Bauerlien, Edward C., Hampstead.
Benson Meat Products Company, Fallston.
Blessing, Frank I., Keymar.
Bollinger's Meat Market, Emmitsburg.
Boyle, B. H., Emmitsburg.
Burger, Samuel B., Williamsport.
Brook Meadow Provision Company, Hagerstown.
Bullock, G. Winston, Westminster.
Cecil Provision Company, Elkton.
Clopper, Charles W., Clear Spring.
Crooks, R. E., Owings Mills.
Crystal Ice and Cold Storage Company, Cambridge.
Cumberland Meats, Inc., Cumberland.
*Dutterer's of Manchester, Inc., Manchester.
Engle's Meat Market, Walter, Eckhart.
Fraley, J. Austin, Thurmont.
Frozen Food Lockers, Chestertown.
Gaithersburg Locker Service, Gaithersburg.
Gladhill Meat Market, Damascus.
Glosser, John E., Hagerstown.
*Hahn Brothers, Inc., Westminster.
Harsh, Sr., M. D., Williamsport.
*Heil, Henry, Baltimore.
Hemp and Sons, R. D., Jefferson.
Heinzerling's Meats Inc., Baltimore.
Hoffman and Son, Roy L., Hagerstown.
Holsinger, C. M., Hagerstown.
Hurd and Son, C. G., Hagerstown.
*Joska, Anthony, Baltimore.
Late, Howard, Thurmont.
Lotz's Wholesale Meats, John F., Frostburg.
Maurer & Miller Meats, Inc., Manchester.
Main and Sons, C. F., Middletown.
Martin and Son, Edward T., Joppa.
*Maryland Beef and Provision Company, Baltimore.
Metz, Walter M., Williamsport.
Miller's Market, Inc., Oakland.
Montgomery Brothers, Rising Sun.
Moser, Weaver F., Boonsboro.
Mt. Airy Locker Company, Mount Airy.
*Myers and Son Inc., Wm. F., Westminster.
*Reid Inc., George L., Baltimore.
*Ruppersberber and Sons, George G., Baltimore.
Ryans Butcher Shop, Fallston.
*Schmidt, A. W. and Son, Inc., Baltimore.
*Schmidt and Company, Charles J., Baltimore.
Shallcross, H. E., Rising Sun.
Shaum, F. E., Taneytown.
Shuff, Harry William, Thurmont.
*Stapf, August E., Baltimore.
Sudlersville Frozen Food Lockers, Inc., Sudlersville.
*Treuth and Sons, J. W., Catonsville.
Welty's Market, Emmitsburg.
Weston Farms, Inc., Knoxville.
Whitehall Lockers, Gambrills.
Will, Weldon W., Sykesville.
Yingling Brothers, Union Bridge.
Yoders Locker Plant, Grantsville.

MASSACHUSETTS

Arena, A. & Sons, Hopkinton.
Axler, Abraham, Hatfield.
Blood, E. L. & Son, West Groton.
Bonanno, Rocco & Sons, Methuen.
Brito's Slaughterhouse, North Dartmouth.
Budnick, E. & Son, Boxford.
Cohen Beef Co., Inc., Ipswich.
Cook, Edric, Leyden.
Crestfield Meat Packing, Inc., Brockton.
Duda Slaughterhouse, Gill.
Dunrambling Slaughterhouse, Brockton.
Granby Slaughtering Establishment, Granby.
Goldberg, Morris, Great Barrington.
Johnson, Lewis, Templeton.
Levine, Louis, Great Barrington.
Mason, Frank F., Williamstown.
Molinari, John Packing Co., Milford.
Pekarski, T. Walter, South Deerfield.
Reynolds Slaughterhouse, Shelburne.
Santos, Charles Co., Tewksbury.
Scibelli, Anthony J., Southwick.
Scibelli, George A., Southwick.
Sheinhit, Jacob, Peabody.
Stearns, Ed, Charlton.
Streeter Slaughterhouse, Bernardston.
Suprenant, Peter, Leverett.
Szala Slaughtering Establishment, Hadley.
Town & Country Slaughterhouse, North Dartmouth.
Waterman, George Slaughterhouse, Rehoboth.
Wiegert, George Company, Worcester.
Wilbur, Joseph H., South Easton.
Wohrle's Inc., Pittsfield.
Wood's Slaughterhouse, Westport.

MICHIGAN

*Ada Beef Company, Ada.
*Allendale Beef Co., Allendale.
Allen Packing Co., Charlotte.
J. S. Anderson Packing Co., Inc., Muskegon.
Auster & Krasman, Detroit.
*Arendsen Packing Co., Grand Rapids.
Bayerl's Meat Market, Menominee.
*Max Besbris & Sons, Kalamazoo.
*Bettinger & Barnett Beef Co. Inc., Detroit.
Clare Packing Co., Clare.

*Cohen & Levenberg, Detroit.
E. C. Cole, North Adams.
Cox Slaughterhouse, Hudson.
Mark DeBoer & Son, St. Johns.
Detroit Veal & Lamb, Detroit.
*Dykstra Brothers Meat Co., Grand Rapids.
Lee Edson, Inc., Hudsonville.
Feldman Brothers, Detroit.
*Fillmore Beef Co., Holland.
Fishler Packing Co., Benton Harbor.
Forsyth & Hohner, Troy.
41 Super Market, Menominee.
*Albert Gemmen & Sons, Allendale.
Gerding Packing Co., Davison.
Haarer's Meat Packing Plant, Saline.
Bert Hazekamp & Sons, Muskegon.
Heater's Fresh Meats, Dowagiac.
Earl J. Hess Slaughter House, Ceresco.
Hillsdale County Meats, Waldron.
Holt Packing Co., Holt.
Houghton Beef Packers, Ionia.
*Huler Abattoirs, Inc., Detroit.
Irish Hills Locker, Tipton.
*Carl R. Johnson, Kalamazoo.
Felix Johnson & Son, Escanaba.
Kalamazoo Packing Co., Vicksburg.
Kappler Packing Co., Ann Arbor.
Kastel Slaughterhouse, Riga.
Keefer's Market & Locker, Morenci.
A. M. Kiebler & Sons, Clinton.
Kirby Packing Co., Detroit.
Laden Packing Co., Hillsdale.
Nelson N. Libert, Coldwater.
S. Lowenthal Wholesale Meats, Detroit.
W. E. Lytle & Sons, Coldwater.
Bruce T. Marshall, Bay City.
*Merritt Packing Co., Carrollton.
Meyer Provision Co., Iron River.
Middlebelt Packing Co., Romulus.
Midway Farm Market, Cassopolis.
*Midway Packing Co., Wayland.
*Monarch Packing Co., Detroit.
Don Moor, Homer.
Myaard's Meats, Hudsonville.
National Packing Co., Detroit.
Newsom Slaughter House, Niles.
Park-Way Meat Packing, Flat Rock.
Parsell Beef Co., Flint.
Leo Paul, Coldwater.
*Peet Packing Company, Bay City.
*Peet Packing Co., Grand Rapids.
J. Perry Packing Co., Hart.
Pickford Wholesale Meat Co., Pickford.
Primeat Packing Co., Detroit.
Quincy Locker Co., Quincy.
Reznik Packing Plant, South Haven.
Riverside Packing Co., Jackson.
*Rochester Packing Co., Rochester.
Rountree Packing Co., Hanover.
*Nathan Rubin, Inc., Detroit.
Schmidt Packing Co., Niles.
Selderman Provision Co., Detroit.
R. I. Shaw Wholesale Meats, Casnovia.
*Arthur Smallegan, Forest Grove.
H. A. Smith Packing Plant, Port Huron.
Hubert H. Smith Packing, Muskegon.
John W. Smith, Muskegon.
*Morris Snow & Company, Detroit.
*Standard Beef, Inc. (east), Detroit.
*Standard Beef, Inc. (west), Detroit.
Standard Beef Inc. (Lamb & Veal Div.), Detroit.
Steeb Brothers, Ann Arbor.
Stone's Meat Packing Co., South Haven.
*Tamaren Beef Co. Inc., Detroit.
*Tannehill & DeYoung, Traverse City.
Telfer Packing Co., Owosso.
Terrill Super Market, Marcellus.
Thorne's Custom Butchering, Belleville.
William Van Alstine, East Lansing.
*Wall Packing Co., Sturgis.
Ray Weeks & Sons Co., Inc., Richmond.
George J. Weiss Custom Slaughtering, Detroit.
Wise Slaughter House, Athens.
Wolverine Packing Co., Detroit.
*Zandbergen Slaughterhouse, Grandville.

MISSISSIPPI

Barnes & Sons Slaughter House, Poplarville.
*Beard's Slaughter House, Waynesboro.
*Bounds, John R., Picayune.
Brown's Slaughter House, Walnut.
Burk's Slaughter House, J. S., Carriere.
Columbus Provision Company, Columbus.
*Dedeaux Packing Company, Gulfport.
*Delta Packing Company, Inc., Clarksdale.
*Gilbert's Slaughter House, McComb.
Jackson Packing Company, Jackson.
Jones Slaughter House, Mrs. Ruby, Summit.
Lamey's Slaughter House, Biloxi.
*Owen Brothers Packing Company (Dixiana), Meridian.
Passbach Slaughter House, Natchez.
*Valley Farm Packing Company, Laurel.
Van Norman Slaughter House, McComb.
Weil's Processing & Meat Company, Drew.

MISSOURI

Alewel Brothers Locker Plant, Concordia.
Anderman, Edward, Hickman Mills.
Asel's Slaughter House, Washington.
Baker Packing Company, Mexico.
Barton County Packing Company, Inc., Lamar.
Bouckaert Packing Company, St. Louis.
Central Packing Company, Cape Girardeau.
Cloud, Ned & Son Packing Company, Springfield.
Cope's Slaughter Company, Palmyra.
Crandal's Frozen Food Lockers, Warrensburg.
Crenshaw Packing Company, Charleston.
Cummins Custom Butchery, Webb City.
Delaloye, Robert and Sons, Troy.
Dexter Packing Company, Inc., Dexter.
Edwards Slaughter House, Salem.
Evans, E. S., and Sons, Carthage.
Francis Packing Company, St. Louis.
F & J Meat Producers Slaughter House, Warrensburg.
Frick Slaughter Service, Union.
Frick's Super Market, Inc., Washington.
Grand Packing Company, Imperial.
Grote, T. J. (Custom Slaughterers for Dan Baum Packing Co.), St. Louis.
Herrod Packing Company, Inc., Joplin.
Hester, A. L. Packing Company, Bernie.
Hillcrest Packing Company, Bonne Terre.
Lebanon Packing Company, Lebanon.
LeDuc Packing Company, Springfield.
Liberty Locker Company, Liberty.
McGee's Home Killed Meats, Mexico.
Manning Dressed Beef, Springfield.
Maryville Packing Company, Maryville.
Moberly Packing Plant, Moberly.
Modlin, Jack, Slaughter Establishment, Webb City.
Mueller's Meat Market, Altenburg.
Ogden, Cottie P., Slaughtering Est., Vandalia.
Paige Packing Company, St. Louis.
Paris Lockers & Abattoir, Inc., Paris.
Pemiscot Packing Company, Wardell.
Pipkin-Boyd-Neal Packing Company, Cape Girardeau.
Poplar Bluff Packing Company, Poplar Bluff.
Porter, Kay M., "Deep Freeze", Poplar Bluff.
Raders, Inc., Columbia.
Sikeston Food Lockers, Sikeston.
Twin City Packing Company, Festus.
United Meat Company, Inc., St. Louis.
Urbana Locker, Urbana.
Welsh Packing Company, Inc., Springfield.
Westerman, John, Troy.
Wuestling Packing Company, St. Louis.
Yontz Packing Company, Tipton.

MONTANA

Blastoch Wholesale Meats, Butte.
Miles City Packing Co., Miles City.
City Meat Co., Wolf Point.
*Montana Meat Company of Helena, Inc., Helena.
New Butte Butchering Co., Butte.
Oljar Meat Co., Glendive.
Rahr Meat Service, Glendive.
Sidney Locker and Creamery Co., Sidney.
Valley Meat Co., Sidney.

NEBRASKA

Brauer Packing Company, Chappell.
Bridgmon Wholesale, Tecumseh.
Community Locker Center, Fullerton.
Consumers Packing Company, Superior.
Custom Pack, Hastings.
Deerson Meat Packing Plant, Elkhorn.
Dundy County Processors, Benkelman.
F & S Sausage Company, Cozad.
Farmers Union Co-Op Gas and Oil Company, Big Springs.
*Flicker Packing Company, Scottsbluff.
Ford Packing Company, Grand Island.
Gude, O. A., Nebraska City.
H and B Packing Company, Scottsbluff.
*Hersch Packing Company, Scottsbluff.
Hollstein's Packing Company, Rushville.
Ideal Market, Gordon.
Jurgens Meat Service, Big Springs.
Kauf Packing Company, Hastings.
Nebraska Ice and Locker Service, Falls City.
North Platte Packing Inc., North Platte.
Osborn's I.G.A. Store, Hay Springs.
*Red Cloud Packing Company, Red Cloud.
Roode Packing Company Inc., Fairbury.
Roman Packing Company, Norfolk.
Sanitary Market, Mitchell.
Saum Lockers, Davenport.
Shald Market, Gordon.
Standard Market, Hebron.
Sterling Packing Company, Sidney.
Superior Locker, Superior.
Swayze Packing Company, S. E., Edison.

NEVADA

Carson Valley Meat Co., Gardnerville.
*B & L Packing Company, Elko.
*Heck's Market, Fallon.

NEW HAMPSHIRE

Eastern Beef Slaughtering Establishment, Lancaster.
Edwards, George, Walpole.
French Brothers, Hooksett.
Langeller, Lucien, Rochester.
Satzow, Samuel, Claremont.
Sherman's Market, Grantham.
Taylor, George, Dover.
Tri-City Beef & Pork Co., Somersworth.

NEW JEASEY

Louis Brummel, Trenton.
Carteret Abattoir, Carteret.
George Dealaman, Plainfield.
Delaware Packing Company, Trenton.
John DeVries, Newton.
Fritz Dielmann, Oak Ridge.
Joseph Earrusso, Whippany.
Fisher Brothers, Bridgeton.
Gervasoni Packing, Bordentown.
Green Village Packing, Green Village.
Haskell Packing Company, Haskell.
Irell Packing, Monroeville.
Maresca's, Stockton.
Marval Packing House, Trenton.
Moonlight Hog Farm, Flemington.
Harry Mundy & Sons, Bound Brook.
Clarence Rome, Sussex.
Russo Packing Company, Green Village.
Salem Packing Company, Salem.
Sussex Packing Company, Sussex.
John Tindik Son's, Bordentown.
Trenton Packing Company, Trenton.
Vineland Dressed Beef, Vineland.
Wagner Provision Company, Gibbstown.
A. A. Young, Phillipsburg.

NEW MEXICO

Aztec Locker Plant, Aztec.
Ben's Slaughterhouse, Las Vegas.
T. M. Dean Wholesale Meat Company, Hobbs.
Deming Packing Company, Deming.
Hatch Packing Company, Portales.

Houk's Custom Slaughter Service, Clovis.
Joe's Packing Company, Raton.
Las Cruces Meat Company, Las Cruces.
New Mexico Packing Company, Inc., Carlsbad.
Palmer Packing Company, Albuquerque.
Rayjax Packing Company, Fort Sumner.
Rollins Packing Company, Clovis.
Schwartzman Packing Company, Albuquerque.
66 Packing Company, Tucumcari.
Starkey Packing Company, Clovis.
Stephens Packing Company, Albuquerque.
Valley Packing Company, Farmington.
Wofford Slaughtering Establishment, Santa Fe.
Zero Locker Plant, Portales.

NEW YORK

Acer, Inc., Buffalo.
Adams Meat Company, Adams.
Charles F. Ahl, Warsaw.
Charles F. Apthorpe, Jamestown.
Aronson Food Supply, Glens Falls.
Jerome & Milton Aronson, Glens Falls.
Babcock Hill Freezer Service, Inc., West Winfield.
Barbalich's Slaughterhouse, Watertown.
Moritz Behr, Catskill.
Bernacki Bros., Depew.
Bertch's Slaughterhouse & Processing Plant, Almond.
Frederick Bond, West Valley.
Harry L. Booth, Poughkeepsie.
J. M. Bostwick and Son, Inc., Caledonia.
Patrick Brennan, Buffalo.
Bricetti's Bedford Market, Yorktown Heights.
Canastota Frozen Food Locker, Canastota.
Peter Carelas, Greenville.
Duane Clark, Allegany.
George Conley Slaughterhouse, Bath.
Conti Packing Company, Inc., Henrietta.
Country Butcher Service, Nichols.
Alphonso Cuomo, Altamont.
Neil Cuomo, Schenectady.
Davis Brothers, Oswego.
Dover Plains Packing Co., Dover Plains.
Edward Dillon, Wyoming.
Dye's Meat Market, Bridgewater.
Easton Market, Kanona.
East River Packing Co., East River.
Emerson Eckler, Richfield Springs.
Karl Ehmer Farms Corp., Lagrangeville.
F. K. & Son, Inc., Buffalo.
Elmer Ford, West Valley.
Fort Plain Packing Co., Inc., Nelliston.
Frank Brothers, Poughkeepsie.
Freeman's Wholesale Meats, Deposit.
Geldin Packing Corp., Rochester.
Goebel Packing Co., Buffalo.
Gorham Meat Products Co., Gorham.
Robert Greene, Otto.
Guido's Wholesale Provisions, Inc., Delevan.
Gilfus & Fultz Hanlon, Weedsport.
Edward Hans, Buffalo.
Hobart's Refrigerated Service, Clarence Center.
Hokan's Slaughter House, Angola.
John W. Kamery, Olean.
Kennedy Meat Market, Kennedy.
Kingston Beef Corp., Inc., Kingston.
Nicholas A. Kittle, Hudson.
Klinck Bros., Inc., Buffalo.
Klinck & Schaller, Inc., Buffalo.
Kross-Ahl, Albany.
L & C Meat Co., Split Rock.
Lewis Market, Rome.
Robert Lillie, Auburn.
The Plant Locker, Randolph.
Looman Packers & L. Wasserman Mkt., Inc., Schenectady.
John W. Lucarelli, Mechanicville.
Don J. Lynch Packing House, Chaffee.
Maeri Beef & Veal Co., Inc., Utica.
Maple Brook Packing House, Binghamton.
Maple Grove Farms, Warners.
Maplevale Farms, Clymer.
B. Frank McGuire, Granville.
Medina Provision Company, Inc., Medina.
Morris Mendel & Co., Norwich.
William G. Mest Packing Co., Strykersville.
Charles Miller, South Dayton.
Morandi Packing Co., Inc., Hillsdale.
Vergil Nadler, Moravia.
Newburgh Superior Packing Co., Newburgh.
Oriskany Beef & Veal Corp., Utica.
Orleans Meat Processing Co., Albion.
M. Owsowitz & Son, Buffalo.
Packer's Wholesale Meats, Amsterdam.
Paul Peets, Albany.
Penn Beef Co., Morris.
Victoria Polyniak, Newark Valley.
Potter Packing Company, Middlesex.
Ralph Packing Company, Inc., East Syracuse.
Frank Rausch & Son, Buffalo.
Riteway Processing Co., Middleport.
Glenn L. Saltsman, Fonda.
Frank Schreiber & Sons, Webster.
Herbert R. Scott, Brocton.
Selected Meat Packers, Inc., Rotterdam.
Shappee & Sheive Meat Plant, Pine City.
Harold J. Smith, Pine Plains.
Steiger's Slaughterhouse, Ithaca.
Strandburg's Wholesale Meats, Jamestown.
Louis Sussman, Cohoes.
Erwin Tears, Penn Yan.
Van Camps, Newark.
George Waldenmaier & Sons, Feura Bush.
Wallens-Byrne Packing Corp., Buffalo.
Ward Willard & Son, Heuvelton.
Herbert M. Ziff, Inc., Elmira.

NORTH CAROLINA

*Aberdeen Packing Company, Aberdeen.
Asheville Packing Company, West Asheville.
*Azalea Meats Corporation, New Bern.
John Boyd and Sons, Gastonia.
Z. B. Bulluck, Inc., Rocky Mount.
Caldwell Packing Company, Cramerton.
*Carolina Packers, Smithfield.
Charlotte Abattoir, Charlotte.
Cook's Packing Company, Inc., Concord.
*Curtis Packing Company, Greensboro.
Draughon's Abattoir, Fayetteville.
Edwards Abattoir, Leaksville.
*Elliott Packing Company, Inc., Goldsboro.
Fritts Packing Company, Inc., Lexington.
Greenville Packing Company, Greenville.
*Hickory Packing Company, Hickory.
*Jones Abattoir Company, Garner.
Land's Slaughterhouse, Spray.
Martin's Abattoir, Godwin.
Mecklenburg Abattoir, Charlotte.
Moricle Abattoir, Reidsville.
Mount Airy Abattoir, Mount Airy.
E. T. Nivens, Charlotte.
*Norris Packing Company, Shelby.
Peacock Meat Company, Inc., Rocky Mount.
*Piedmont Packing Company, Hillsboro.
Randolph Packing Company, Asheboro.
Skeen Packing Company, High Point.
Statesville Packing Company, Inc., Statesville.
Stewart's Abattoir, Mount Airy.
White Packing Company, Inc., Salisbury.
Williamston Packing Company, Williamston.
Yadkin Valley Packers, Inc., Elkin.

NORTH DAKOTA

Abercrombie Meat Processing, Abercrombie.
Brown's Meat and Lockers, Ellendale.
Goldade's Butcher Shop, Linton.
Hillside Meat Company, Williston.
Houghton Meat Market, Ellendale.
Schmaltz Meats, Linton.
Watner's Super Market, Strasburg.

OHIO

Alex Packing Co., Dayton.
Allen Bros. Food Market, Manchester.
Arnett's Packing House, Laura.
B & A Meat Company, Lisbon.
Barnes Provision, Inc., Alliance.
Blanton and Thatcher, West Union.
Bollantz, S. R. Co., Mansfield.
Bell, John & Son, Ironton.
Boomershine Slaughtering Establishment, Germantown.
Brewster Slaughtering Establishment, Mason.
Buchy, Chas. G. Packing Company, Greenville.
Bussard Slaughter House, Germantown.
Busse, L. W. & Sons, Fort Laramie.
Canton Provision Co., Canton.
*Ciralsky Packing Co., Toledo.
*Copley Packing Co., Copley.
Country Pork House, Cincinnati.
Crystal Slaughtering Est., Martins Ferry.
Cuyahoga Meat Co., Cleveland.
Dayton Packing Company, Dayton.
*David Davies, Inc., Columbus.
*David Davies, Inc., Columbus.
David Davies, Inc., Zanesville.
DeLuca Slaughtering Establishment, Rayland.
DiOllio, A. & Sons, Inc., Cleveland.
Donelson Packing Company, Carey.
*Duma Packing Company, Clinton.
*Eckert Packing Company, Defiance.
Eckert Packing Company, Newark.
Egley's Slaughtering Est., Convey.
Eldie's Food Market, Manchester.
*Evans Packing Company, Gallipolis.
Fairmont Provision Co., Alliance.
Fairview Packing Slaughtering Est., Champion.
Falter, Herman Packing Co., Columbus.
Feher's, Martin, Ferry.
Fidel Bros. Packing Co., Unionville.
Findlay Provision Co., Findlay.
Fink and Heine Co., Springfield.
Finley Packing Plant, Inc., McConnelsville.
Flechtner Bros. Packing Company, Inc., Pastoria.
Frame, Myron Slaughtering Est., Manchester.
Fritz's Quality Meats, Versailles.
Gibson Packing Co., Zanesville.
Gils, K. C. Slaughtering Est., Cleveland.
Goldsberry Meat Market, Ripley.
*Hall Bros., Inc., Olmsted Falls.
Hasselback, E. E. & Son, Fremont.
*Henderson Meats, Waterloo.
*Henry Packing Company, Lima City.
Herberth, W. J. & Son, Cincinnati.
Hermann, C. & Son Slaughtering Est., Portsmouth.
Hornung Packing Plant, Hamilton.
Hunt Meat Packing Company, Grove City.
Ideal Provision Packing Co., Martins Ferry.
Jacoby, Hal C., West Unity.
Krugh's Slaughtering Est., Wren.
Liber, John and Company, Alliance.
Lloyd's Packing Company, Youngstown.
Mahan Slaughtering Est., Bristolville.
Manchester Slaughter Plant, Manchester.
*Marks and Sons, Inc., Cleveland.
Martin Farm Slaughter House, Fremont.
Matthews, J. F. & Son, Sardinia.
Mayer Meat Company, Middletown.
Meloni's Meats Kinsman.
Myers and Son, Archbold.
New Cooperative Company, Dillonvale.
Nosse, Joe Packing, Middlefield.
*Pacer Packing Company, Toledo.
Parkman Packing Co., Parkman.
Petrigulla Meat Co., Hubbard.
Piper and Son Provision Co., Dorset.
Pride of Lima Provision Co., Lima.
Rockford Locker Service, Rockford.
Ross Abattoir Company, Springfield.
*Routh Packing Co., Tiffin.
Samuel, Sigi Slaughter House, Jefferson.
*Sandusky Dressed Beef Co., Sandusky.
Sears Meat Market, Greenville.
Siekkinen, Harold W., Williamsfield.
Stehlin, John & Sons, Cincinnati.
Sturgis Packing Company, Kenton.
Summerside Packing Company, Cincinnati.
Suter's Meat Market, Greenville.
*Tanks Meats, Elmore.
Teufel, Howard A. Company, Cleveland.
Valley Packing Co., Lansing.
Village Packing Co., Columbus.
Vonder Haar, A. F., Fort Recovery.
Walter and Sons, Wapakoneta.
Webb Beef Co., Cleveland.
Weber Packing Co., Marietta.
Werling, Eleanora Slaughtering Est., Burkettsville.

Williams, B. J. Slaughtering Est., Pierpont.
Willimas, Van Wert.
Winner, Robert F. Sons, Osgood.
Zimmerman Packing Co., Youngstown.

OKLAHOMA

*Akins and Fincannon, Sand Springs.
Antlers Slaughter House, Antlers.
B and B Grocery and Locker, Dacoma.
B and B Packing Company, Inc., Oklahoma City.
Banfield Packing Company, Enid.
*Banfield Frozen Food Company, Tulsa.
*Braden's Slaughtering Establishment, Ponca City.
*Brooks Packing Company, Tulsa.
*Brown's Slaughtering Establishment, Joe S., Tulsa.
Butcher Slaughtering Establishment, Bartlesville.
Butcher Packing Company, W. H., Oklahoma City.
*Canadian Valley Slaughtering Establishment, Oklahoma City.
*Central Packing Company, Muskogee.
City Packing Company, Shawnee.
Cleveland Lockers, Cleveland.
Coly's, H. H., Boise City.
Cones Packing Company, Miami.
*Cornett Slaughtering Establishment, Oklahoma City.
Crosby & Crosby Slaughtering Establishment, Wright City.
Cushing Packing and Provision Company, Cushing.
*Custom Slaughtering, Inc., Tulsa.
*Daack Packing Company, Ponca City.
Douglas-Pierce Company, Norman.
Dudley Tucker Slaughter, Durant.
Elkins Market, Waurika.
*Enid Packing Company, Enid.
Fairfax Packing Company, Fairfax.
Fairview Packing Company, Fairview.
Frazer Packing Company, Aline.
Fraser Wholesale Meat Company, Ardmore.
Gibson Meat Company, Nowata.
Grant, R. O. Slaughtering Establishment, Idabel.
Halstead Slaughtering Establishment, Fairview.
Harrall Meat Company, Weatherford.
Harris Meat and Produce Company, Oklahoma City.
Harrison's Meat House, Oklahoma City.
Hilburn Meat Market, Madill.
Hominy Food Lockers, Hominy.
*Husband Brothers Slaughtering Establishment, Oklahoma City.
Hutchinson Slaughtering Establishment, W. R., Waynoka.
Jackson Slaughtering Establishment, Earl, Pawhuska.
Jones Market, Madill.
Kay Packing Company, Ponca City.
Klein's Meats, Perry.
*Lawton Meat Supply, Lawton.
*Little Dixie Packing Company, McAlester.
Manschreck Wholesale Meats, Krebs.
*Miller Packing Company, Sapulpa.
Miller Slaughtering Establishment, Elmer, Covington.
Morris Slaughtering Establishment, J. C., Stilwell.
Norman Wholesale Meat Company, Norman.
*OK Packing Company, Tecumseh.
*Oklahoma Packing Company, Oklahoma City.
*Okmulgee Packing Company, Okmulgee.
Panhandle A & M College, Goodwell.
Puckett Packing Company, Sayre.
Ralph's Packing Company, Perkins.
*Reeves Packing Company, W. E., Ada.
Riber Custom Slaughtering Establishment, Hominy.
*Santa Fe Packing Company, Muskogee.
*Shalloup Slaughtering Establishment, Alva.
Shults Slaughtering Establishment, Stratford.
Simank's Frozen Food Center, Stillwater.
Ridley Packing Company, Duncan.
Tri-State Super Market, Guymon.
*Tulsa Beef and Provision Company, Tulsa.
Turner Brothers, Nowata.
*Turvey, Inc., Oklahoma City.
*Turvey Packing Company, Blackwell.
*Virginia B Slaughtering Establishment, Tulsa.
*Wickham Packing Company, Ada.
*Wickham Packing Company, Sapulpa.
Turner, C. L. Slaughtering Establishment, Moore.
Whitten Slaughter House, Broken Bow.
Wiley Brewer Slaughtering Establishment, Seiling.
Wolfe Processing Plant, Perry.
Woods, Lloyd, Westville.
Woodward Packing Company, Woodward.

OREGON

Alpine Meat Co., Grants Pass.
*Arrow Meat Co., Cornelius.
*Associated Meat Packers, Inc., Portland.
Bevins Packing Co., Madras.
Bond Brothers, Lakeview.
Boston's Beef House, Ontario.
Boyer Meat Co., Roseburg.
*Bruce Packing Co., Sublimity.
Cannon Meat Co., R. C., Salem.
Cedar Point Packing Co., Coquille.
Cinder Butte Packing Co., Redmond.
Clover Leaf Packing Co., Drain.
Coos Bay Packing Co., Coos Bay.
*Crooked River Meat Co., Prineville.
East Side Abattoir, Ashland.
Erdman Packing Co., Bandon.
Farmer's Packing Co., Medford.
Garrison, R. O., Lebanon.
H & M Meat Co., Union.
Hill Meat Co., Pendleton.
*Hopkin's Wholesale Meats, Nyssa.
Independent Meat Co., Ashland.
Jacobsmuhlen Slaughterhouse, Cornelius.
Lewis Brothers, Gresham.
Merrill Meat Co., Merrill.
Midway Meat Co., Medford.
Montgomery Killing Plant, Silverton.
Mount Angel Meat Co., Mount Angel.
Myers Packing Co., Bend.
Myrtle Packing Co., Coquille.
*Nebergall Meat Co., D. E., Albany.
*Pioneer Meat Packers, Ontario.
Stark's Slaughterhouse, Sherwood.
Steen Brothers, Albany.
*T. P. Packing Co., Klamath Falls.
The Dalles City Pack, The Dalles.
Van Dine Meat Co., Myrtle Creek.
Western Meats, Milton-Freewater.

PENNSYLVANIA

Ahrens & Sons, Inc., E. F., York.
Alan Beef Co., Scranton.
Alba, Savario & William, Norristown.
Albert Packing Co., Washington.
Alfery's Sausage Co., Greensburg.
Alinkoff's & Son, Harry, Wilkes-Barre.
Anderson, Roy, East Berlin.
Aquilante, Cogens, Berwyn.
Baker's Meat Market, Biglersville.
Baker, Luther, Millville.
Balderston Bros., Newton.
Baringer, Wilmer, Richlandtown.
Barnes, T. William, Waynesburg.
Baumgardner Packing Co., Finleyville.
Beaver Valley Packing Co., New Brighton.
Berwick Packing Co., Berwick.
Bilski, Joseph, Waterford.
Bingham Packing Co., Berlin.
Bloomfield Packing Co., Pittsburgh.
Bonaccurso & Sons, S., Philadelphia.
Bongiorni Bros., Slovan.
Boose, H. Melvin, Manheim.
Border, Carlos R., Dalmatia.
Bovalina Packing Co., Inc., Slovan.
Bowders & Sons, H. C., Waynesburg.
Bowman, Mark, Hegins.
Boyer, Kenneth L., Klingerstown.
Brann's Slaughtering House, Canton.
Breauchy, Harry H., Sharon.
Bristol Beef Company, Bristol.
Brown Bros. & Sons, Inc., Fairview.
Brown's Slaughter House, Smethport.
Brown, Victor, Port Allegheny.
Burkee's Food Market, McSherrystown.
Burkholder, Eugene, Garrett.
Butler Packing Co., Butler.
Carpenter, Rex Packing Co., Townville.
Carpenter, Simon T., Sheridan.
Cary, William L., Harrison Valley.
Castle Provision Co., Darragh.
Center Valley Packing Co., Center Valley.
Check, Stephen, Pittsburgh.
Clark Packing Co., Paximos.
Clark, William A., Homer City.
Coffaro, Frank B., Sugar Grove.
Cohick's Meat Market, Salladasburg.
Cowburn, C. G., Ulysses.
Crissman Brothers, Castanea.
Cunningham, R. C., Indiana.
Cunningham Locker & Slaughtering, Meyersdale.
Dailey & Sons, Vanderbilt.
Danko, Matthew, Latrobe.
Darling, Howard, LaPlume.
DeFranco, Nick, Bangor.
DeFranco, Philip, Bangor.
Delfrate Packing Company, Slovan.
Delta Farm Products Company, Delta.
Detwiler's Abattoir, Pottstown.
Devault Packing Company, Devault.
Ditzler Bros. Meat Market, Pine Grove.
Dorshimer, David E., Brodheadsville.
Dressler, Norman, Exeter.
Dysinger & Son, B. C., Thompsontown.
East Carson Packing Company, Pittsburgh.
Elizabethville Abattoir, Elizabethville.
Engle, Russell S., East Greenville.
Eremic, George N., Monroeville.
Esposito, Attilio, Philadelphia.
Falk, Karl, Erie.
Feder & Company, M., Allentown.
Fehl Company, C. J., Blooming Glen.
Fetterolf, Joseph L., Hegins.
Fischer & Sons, Inc., J. Fred, York.
Fisher, Harry D., Lewisburg.
Fisher, W. J., Winfield.
Flagler, John, Raubsville.
Fox, Augustus, Souderton.
Freeds Store, Gilbertsville.
Frigid Freeze Lockers, Riegelsville.
Froehlich Packing Company, Johnstown.
Gajan, John, Coal Center.
Galvanek, Edward, Freeport.
Gartner-Harf, Waterford.
Gashel, Lee, Claysville.
Gheman, Warren B., Norwood.
Gensemer's, Bloomsburg.
George, Nathan T., Orefield.
Gertner, Joseph & Stephen, Easton.
Ginther, Gervase, St. Mary's.
Ginther, Urban, St. Mary's.
Giunta & Sons, Joseph L., Philadelphia.
Glick Bros., Mount Pleasant.
Godfrey Bros., Felton.
Godshall & Son, Marvin K., Telford.
Goetz, Robert M., Greencastle.
Goldberg Provision Co., Greensburg.
Good, Inc., Carl, Denver.
Good's Market, Quincy.
Gourley, James P., New Bethlehem.
Grande Bros. Packing, Farrell.
Green Valley Packing Co., Claysville.
Greenawalt & Keck, Lancaster.
Greenville Packing Co., Greenville.
Grettler's Market, Girard.
Gurgacz, Mike P., New Castle.
Haas, Raymond, East Weissport.
Hager's Meat Market, Quakertown.
Hahn Packing Company, Johnstown.
Harbach Brothers, Erie.
Hartman, Paul E., New Tripoli.
Heckel & Ferlan, Pittsburgh.
Heinnickel, Sylvester A., Crabtree.
Hershey Estates Abattoir, Hershey.
Hervitz Packing Company, Harrisburg.
Hess Meats, Bob, Winfield.
*Hickory Packing Company, Scranton.
Hill-N-Dale Farms Meat Co., Downingtown.

Hilltonp Beef & Provision Company, Loyalhanna.
Hippey, Samuel W., Willow Street.
Hirsch, William R., Kossuth.
Hoffman Brothers, York.
Hollinger Meat Products, Mechanicsburg.
Homestead Prov. & Pkg. Co., Pittsburgh.
Hoovers Meat Market, Hanover.
Horne's Slaughterhouse, Marianna.
Hostoffer & Sons, E. B., Mount Pleasant.
Hunsberger, Joseph J., Royersford.
Hynes Abattoir, O. J., Cedars.
Ishman, Robert J., Worthington.
Johnson Packing Co., Emhigh.
Joseph Packing Company, Connellsville.
J. T. Provision Company, McKeesport.
Juniata Packing Company, Tyrone.
Keefer, C. F., Mercersburg.
Kelso, Fred E., Brookville.
Kesselring, J. R., Greencastle.
*Kessler's Inc., Lemoyne.
Kipp, Harvey A., Bethlehem.
Kline Brothers, Holidaysburg.
Knapp & Son, Lee, Albion.
Knight, Emerson, Penryn.
Kohn, M., Philadelphia.
Kolb, Samuel, Spring City.
Kovacevic Brothers, Sewickley.
Kratzer, Beulah M., Selinsgrove.
Kreisl Brothers, Hazleton.
Kudasik, Andy, Central City.
Kunzler & Co., Inc., Lancaster.
Lakeview Packing Co., Sandy Lake.
Landis, Abram A., Harleysville.
Landis Brothers, Skippack.
Landis, Edgar M., Franconia.
Landis, T. M., Mainland.
Lavella, Victor F., Kersey.
Lawrence, H. M., Albion.
Leali Bros., Wheatland.
Lepidi & Sons, Inc., Jeanette.
Lesnett's Green Top Farm, Greenville.
Levchik, Mike, Hooversville.
Lichliter, J. C. & Co., Salisbury.
Liddiard, Richard W., South Waverly.
Little & Son, I. D., Hanover.
Livesey, Merrill, Sugar Grove.
Locustdale Packing Co., Locustdale.
Loutsion Packing Co., Canonsburg.
Lukon Meats, Burgettstown.
Lux, Joseph H., Jeannette.
McGee, G. Fred, McConnellsville.
Madrigale, Frank, Bristol.
Magdovitz Packing Co., Connellsville.
Malzi, J. E., Dunlo.
Mamula, Pete, Aliquippa.
Martin, Chas. G. & Leon, East Earl.
Martin, Ezra W., Lancaster.
Martin, Gerald, Chambersburg.
Martin, John F., Stevens.
Martocci, Anthony, Roseto.
Marusco, Camillo, Boothwyn.
Marvin, Russell T., Covington.
Meadow Valley Abattoir, Inc., Gettysburg.
*Medford's; Inc., Chester.
Melvin, Arthur G., Greenville.
Meoli, Peter, Howellville.
Miller, E. R., Hanover.
Miller, Eugene W., Erie.
Miller's Meat Market, Gettysburg.
Mitman, Vernon K., Nazareth.
Moccio, Angelo J. & Son, Allentown.
Moore, Amos, Sr., Montgomeryville.
Mount Rose Food Market, York.
Moxham Packing Co., Johnstown.
Moyer Bros., Reinholds.
Moyer Company, C. D., Silverdale.
Myers Brothers, Spring Mills.
Nace, Melvin M., Hanover.
Nell, Charles & Wayne H., East Berlin.
New Holland Meat Market, New Holland.
Newman, Raymond H., Hanover.
Northrup, Gerry, North East.
Northwestern Packing Company, Pittsburgh.
Olijnyk, M. & B., Harrison City.
P. S. Meat Company, Philadelphia.
Palgon Brothers, Tarentum.
Palumbo, Domenic, Du Bois.
Patterson Meat Market, Littlestown.
Pennsylvania State University, University Park.
Peluso, John M., New Castle.
Penn Maid Packing Company, Uniontown.
Peoples Meat Market, Brackenridge.
Perry Packing Company, Dalsytown.
Peters Bros. Meat Market, Lenhartsville.
Pettello, Charles A., Kelser.
Pezzner Brothers, Ashley.
Pieniazek, Walter, Waterford.
Pleasant Unity Packing Co., Pleasant Unity.
Price, B. J., Chester.
Prim Packing Company, McDonald.
Princz, August, Mars.
Pudliner, Charles, Johnstown.
Putnak, Robert L., Monongahela.
Rebuck, James E., Dornsife.
Reed, Jay, Latrobe.
Rehrig Slaughterhouse, Ashfield.
Reichelderfer, E. H. & Sons, East Greenville.
Reitz, Maynard M., Winfield.
Reliable Provision Company, Scranton.
Rendulic, Frank D., McKeesport.
Rex Slaughterhouse, George, Ashfield.
Rich Valley Cattle Company, Emporium.
Riverside Meat Packing Company, New Castle.
Robie Meat Packers, Inc., Erie.
Rockhill's Meat Processing, Greenville.
Rook, B. A., Milroy.
Rothermel, Wellington A., Danville.
Rudy, Harry E., Landisville.
Russic, M. C., Hooversville.
S & H Country Butcher, Littlestown.
Salsburg Abattoir, Shillington.
Schrickram, Franklin, Port Clinton.
Shaffer, Arthur L., New Cumberland.
Shamokin Packing Co., Shamokin.
Sharon Best Meats, Sharon.
Shaw Brothers, Newry.
Shively Brothers, Mifflinburg.
Shober, Roy L., Denver.
Sicilia, Frank, New Kensington.
Silverberg Meats, Bradford.
Slagle's Packing House, Kittanning.
Smalstig, Fred, Pittsburgh.
Smelko Bros., Mount Pleasant.
Smith, Wilbur, Blairsville.
Smith, William B., Titusville.
Smithgall & Glng, Trout Run.
Spidle's Meat Market, Lancaster.
*Spungin's Abattoir, Inc., Harrisburg.
Stairs, James, Confluence.
Stehle, Julius, Eightyfour.
Steinkirchner, George, Jennerstown.
Stepniak, William, Hop Bottom.
Sterner's Grocery, Inc., Hanover.
Stockdale, Paul & Eugene, Dayton.
Stockton's Wholesale Meats, Columbus.
Stuebgen's Meat Market, Saxonberg.
Swartz Meat Market, Shrewsbury.
Taddeo, Fred, Monaca.
Taylor Company, J. V., Wyalusing.
Thoma, Paul, Saxonburg.
Thomas & Diehl, Glen Rock.
Thompson Packing Co., Jersey Shore.
Thornton, Howard J., Erie.
Triolo Bros. Food Market, Philadelphia.
Troutman Brothers, Klingerstown.
Troutman, N. S. & C. H., Klingerstown.
Troy Meat Plant, South of Troy.
Union Provision & Pkg. Co., Pittsburgh.
United Home Dressed Meat, Altoona.
Utz, Harold, Hanover.
Venezia, Carl, Conshohocken.
Venezia, Joseph, Norristown.
Venuto, Joseph, Philadelphia.
Waddington, R. L., Wampum.
Waltman, Donald, Allenwood.
War, Prosper, Conshohocken.
Warrington Packing Co., Inc., Chalfont.
Waynesburg Packing Company, Waynesburg.
Weaver Brothers, Wellsville.
Weise, R. A., Hyndman.
Weiss, Milton, Large.
Weiss Packing Company, Donora.
*Weller & Son, Frank, Plymouth Meeting.
West Apollo Packing House, Apollo.
Weyandt, Hughey, Jr., Claysburg.
Wilcox, Gilbert, Milan.
Wildasin's Meat Market, Hanover.
Wilkes-Barre Abattoir, Wilkes-Barre.
Williamson's Wholesale Meats, Turbotville.
Willrich, Thos. B. & Son, Edinboro.
Winner Packing Co., Lock Haven.
Winters, Walter W., Mahoningtown.
Wisnieski, Steve, New Castle.
Wolfe, Thos. F. & L. H., Herndon.
Worthington, Warren H., Pennsdale.
Wright, Sharp B., Fombell.
Yakubik, Frank, New Castle.
Yambrovich, Steve, Sharpsville.
Yoder, Kermit C., Holsopple.
Yoder Sons, C. M., Telford.
Yoder's Meat Market, Shoemakersville.
Youndt Brothers, Denver.
Youndt, John E., Adamstown.
Zeller, Alfred, Cedars.
Zitman, C. D., Mercersburg.

RHODE ISLAND

Bruno's Slaughterhouse, Westerly.
Cory's Slaughterhouse, Tiverton.
Diamond Hill Packing Co., Cumberland.
Foster Packing, Inc., Foster.
Johnston Dressed Beef & Veal Co., Inc., Johnston.
Parrillo, Anthony, Inc., Johnston.

SOUTH CAROLINA

*Azalea Meats, Inc., Orangeburg.
*Carolina Abattoir, Columbia.
*Caughman Meat Plant, Lexington.
Cheraw Packing Co., Cheraw.
Fairview Abattoir, Greenville.
Harman Provision Co., Saluda.
*Harvin Packing Co., Sumter.
Hodges Sales Co., Abbeville.
Hughey's Market, Easley.
*Kemmerlin Wholesale Meat Packing Plant, Orangeburg.
Lancaster Frozen Foods, Inc., Lancaster.
*Old Fort Packing Co., Walterboro.
Oconee County Abattoir, Seneca.
Ricks Meat Packers, Aiken.
*Roddey Packing Co., Columbia.
*Spartanburg Abattoir, Spartanburg.
*Sumter Frozen Foods, Inc., Sumter.
*Truesdale Wholesale Meat Co., West Columbia.
*Turner Abattoir, T. M., Woodruff.

SOUTH DAKOTA

*Cimpl Packing Company, Yankton.
*Dean Packing Company, Vermillion.
Flanery Sausage Company, Huron.
Flanery Sausage Company, Milbank.
Trumbull Packing Company, Sioux Falls.

TENNESSEE

Armstrong Sausage Co., Strawberry Plains.
*Bakers Processing Co., McKenzie.
Baltz Brothers Packing Co., Nashville.
Beare Meat Co., Madisonville.
Bedford County Slaughterhouse, Shelbyville.
*Benton, Lewis Slaughterhouse, Hixon.
Bills Processing Plant, Dyersburg.
Bolivar Packing Plant, Bolivar.
*Bridwell Packing Co., Kingsport.
*Brundidge Slaughter Plant, Martin.
Bryson Packing Co., Somerville.
*Bulla, Wade Wholesale Meats, Johnson City.
*Carmichel-Curtis Slaughterhouse, Telford.
Carthage Grocery & Locker, Carthage.
*Cleveland Provision Co., Cleveland.
Cribbs Sausage Company, Memphis.
*Dixie Sausage Co., Lebanon.
*Duck River Sausage Company, Manchester.
*Estepp Slaughterhouse, Limeston.
*Fayette Packing Co., Hickory Withe.
*Fineberg Packing Co., Memphis.
Follis, Roy, Slaughterhouse, Gadsden.
Foutch, J. J. & Son Packing Co., Cookeville.
Fuller Locker Plant, Maryville.
Glasgow Meat Co, Martin.
*Groce Provisions Co., Fayetteville.
*Hacketts Meat Co., Carthage.
Hartsville Locker Company, Hartsville.

Herron Packing Co., Concord.
Hills Wholesale Meats, Dayton.
Holmes Meat Market, Crossville.
Hyde, Ed Slaughterhouse, Gallatin.
*Jackson Packing Co., Jackson.
*Jacobs Packing Company, Nashville.
*Keener Packing Co., Lenoir City.
*Lingo Packing Co., Jonesboro.
*Loomis Packing Co., Sweetwater.
McElhaney Slaughterhouse, Morristown.
McMinnville Meat Co., McMinnville.
Mims Frozen Foods, Ardmore.
Moore, John L. Slaughterhouse, Fayetteville.
Morrisey Meats & Provisions, Nashville.
Morristown Provisions Co., Russellville.
Napier, W. B. Slaughterhouse, Celina.
New 20 Packing Co, Alamo.
*Norman's Packing Co., Covington.
*Parks-Harris & Company, Columbia.
Penns Market, Trenton.
*Powell Wholesale Meats, Chattanooga.
Pulaski Sausage Company, Pulaski.
*Purity Packing Co., Powell.
*Savannah Process & Locker, Savannah.
*Sells, Earl & Sons, Johnson City.
Smiths Market, Gallatin.
*Smith Packing Co., Nashville.
Southern Abattoir Meat Co., Knoxville.
*Southern Provisions Co., Chattanooga.
Stephens Slaughterhouse, Savannah.
Summers Bros. Slaughterhouse, Hollow Rock.
*Tennessee Valley Packing Co., Columbia.
Trolinger Slaughterhouse, Jackson.
Wamplers Wholesale Meats, Lenior City.
*Wells Processing Plant, Brighton.
Wilkerson Slaughterhouse, Selmer.
*Wilson, John Sausage Co., Lewisburg.

TEXAS

A.B.C. Packing Company, Wichita Falls.
Alamo Braun Beef Company, San Antonio.
*Alice Meat Company, Alice.
*Allen's Wholesale Meats, McKinney.
Amarillo Packing Company, Inc., Amarillo.
Anderson Slaughtering & Processing Plant, Sherman.
Apache Packing Company, San Antonio.
*George Braun Packing Company, San Antonio.
Burleson Packing Company, Wichita Falls.
Ed Auge Packing Company, San Antonio.
Azle Food Locker Corporation, Azle.
Berryhill Packing Company, Inc., Levelland.
Big 4 Packing Company, Perryton.
Brown's Slaughter House, Annona.
Burton Brothers Public Abattoir, Houston.
*Cash 'N Carry Grocery and Market, Follett.
Central Packing Company, Inc., Wichita Falls.
Chief Packing Company, Quanah.
Collins Packing Company, Morton.
Columbia Packing Company, Dallas.
*Crow Packing Company, Pecos.
*Dallas City Packing Company, Dallas.
*Dixon Packing Company, Inc., Houston.
*Ehresman Brothers Packing Company, Plainview.
Floyd Locker, Spearman.
*Freedman Packing Company, Houston.
Gee & Gafford Slaughter House, Phillips.
Golden Spread Packing Company, Amarillo.
Graham Packing Company, Graham.
Haley's Food Locker, Crowley.
Hereford Locker, Hereford.
Hereford Meat Company, Hereford.
*H&R Meat Company, Vernon.
*High Grade Packing Company, Galveston.
O. B. Jackson Wholesale Meats, Plainview.
Lamesa Meat Company, Lamesa.
Nemecek Brothers, West.
*Newsom Packing Company, Mount Vernon.
P&H Packing Company, Dallas.
*P&S Meat Company, Texarkana.
Pace Packing Company, Inc., Sweetwater.
Panhandle Packing Company, Inc., Pampa.
Perryton Packing Company, Perryton.
Pickney Packing Company, Inc., Amarillo.
Pitner & Hensley, Denton.
Plains Beef Company, Amarillo.
Plains Beef Company, Borger.
*Pratt Packing Company, Inc., Sulphur Springs.
Quality Packing Company, San Antonio.
Queen's Custom Slaughter, Bovina.
Richards Slaughter House, Bovina.
*Ridley Packing Company, Sweetwater.
*Roberts Wholesale Beef, Van Horn.
Select Meat Company, San Antonio.
Shamrock Slaughter Plant, Shamrock.
Smith's Frozen Food Plant, Atlanta.
*Southern Packing Company, Denison.
Steuernagel Packing Company, San Antonio.
Stratford Frozen Food Lockers, Stratford.
*Swift & Company, San Antonio.
Swindell's Country Sausage Plant, Quanah.
*Texall Packing Company, Houston.
Texas Department of Corrections Packing Central No. 1, Sugarland.
Texas Trail Meat Company, Hereford.
Tyler Packing Company, Tyler.
*West Texas Packing Company, San Angelo.
Wickham Packing Company, Inc., Longview.
*Winfree Packing Company, Orange.
Wingate Brothers, Orange.
*Wilburn & Miller Wholesale Meats, Denison.
Wolff Meat Company, San Antonio.
*Wright Packing Company, Vernon.
Zummo Meat Company, Beaumont.

UTAH

*Granite Meat and Livestock Market, Murray.
*Blue Mountain Meats, Monticello.
*Langston Packing Co., Hurricane.
*Midvale Packing Co., Midvale.
*Ogden Dressed Meat Co., Ogden.
*Parke and Son, William C., Ogden.
*Tri-Miller Packing Co., Hyrum.

VERMONT

Delair's Slaughtering Establishment, East Montpelier.
Gallerani's Market, Bradford.
Quinn's Slaughtering Establishment, Poultney.
G. Rubalcaba Inc., Websterville.
Herrick Stearns, Rutland.

VIRGINIA

Corn Valley Packers, Inc., Danville.
*Fleet & Co., Inc., Winchester.
*Green Hill, Inc., Elliston.
*Harrell Bros., St. Brides.
Isom's Slaughter House, Galax.
Lee Packing Co., Pennington Gap.
*McKenna, Inc., Lynchburg.
*Orndorff, Charles, Abattoir, Winchester.
*Perry's Abattoir, Winchester.
Rosenbaum Slaughterhouse, Clyde, Glade Springs.
*Southern Packing Corp., Norfolk.
*Suffolk Packing Co., Inc., Suffolk.
*Woodstock Wholesale Meats, Woodstock.

WASHINGTON

Chambers Packing Co. No. 36, Tumwater.
Colfax Meat Packing Plant No. 117, Colfax.
*Curcio Meats No. 76, Walla Walla.
Evergreen Packing Co. No. 92, Vancouver.
*Federal Meat Co. No. 38, Tacoma.
Federal Packing Co. No. 48, Everett.
Ferry Bros., Inc. No. 16, Ferndale.
Fischer Bros. Meat Co. No. 85, Issaquah.
Florence Packing Co. No. 15, Stanwood.
*Grandview Packing Co. No. 15, Grandview.
Sierk Meat Packing Co. No. 55, Wenatchee.
James Knight Packing Co. No. 21, Woodinville.
Johansen's Meats Inc. No. 41, Enumclaw.
Kratzig Meat Co. No. 81, Bellingham.
*Lewis River Meat Co. No. 118, Woodland.
*Longview Meat Co. No. 87, Longview.
McInroy Meat Co. No. 94, Wilbur.
Methow Valley Meat Co. No. 125, Twisp.
*Miller Packing Co., Inc. No. 7, Seattle.
Sky Valley Meats No. 51, Monroe.
Moses Lake Meat Co. No. 32, Moses Lake.
Mt. Vernon Meat Co., Inc., No. 98, Mount Vernon.
Midway Meats No. 62, Centralia.
Pasco Meat Packers, Inc. No. 37, Pasco.
*McKinley Meat Pack. Co. No. 39, Longview.
Rice Meat Packing Co. No. 103, Veradale.
Schoner Meat Co. No. 75, Bremerton.
Shelton Meat Co. No. 70, Shelton.
Snohomish Meat Co. No. 77, Snohomish.
*Valley Packing Co. No. 18, Tacoma.
Webber & Ritter Co., Inc. No. 20, Sumner.
*Wenatchee Packing Co. No. 22, Wenatchee.

WEST VIRGINIA

Balls Wholesale Meat Company, Kenova.
Bluegrass Market, Inc., Lewisburg.
Camp Packing Company, Parkersburg.
Coleman, M. E., Packing Company, Oak Hill.
Crowgey Sausage Company, Kellysville.
Elm Grove Packing, Wheeling.
Ennis Slaughter House, Uffington.
Fancher, R. L., Shinnston.
Gamble's Market, Moundsville.
Gissel Packing Company, Inc., Huntington.
Hatten Wholesale Meat Company, Huntington.
Holz Son, P. E., and Company, Charleston.
Independent Dressed Beef Company, Morgantown.
Frank M. Jenkins, Martinsburg.
Kidwiller, Frank E., Harpers Ferry.
Lambert and Beavers, Squire.
McCown & Sons Company, L. M., Charleston.
Logan, S. S., Packing Company, Huntington.
Mauk's Meat Market, Romney.
Miley, Lynn, Wardensville.
Miller Brothers, Martinsburg.
Morlang, Henry, Inc., Parkersburg.
Martini Packing Company, Inc., Wheeling.
Niebergall Meats Slaughtering Establishment, Wheeling.
Places Butchering Quarters, Martinsburg.
Rupert Meat-Poultry Supply, Rupert.
Smith Packing Company, Parkersburg.
Smittle Packing, Paden City.
Soloman's Establishment, Frank, Fairview.
Spitznogle, Glen L., Slaughtering Establishment, Blacksville.
Staggs Meat Market, Burlington.
Stuart, Nate & Son, Inc., Mount Clare.
Thompson Brothers Packing Company, Bluefield.
Tri-County Processing Plant, Inc., Martinsburg.
Wade's Slaughter House, Mount Morris.
Weimer Packing Company, Wheeling.
Young & Stout, Inc., Clarksburg.

WISCONSIN

Black Creek Meat Market, Black Creek.
Bohrers Packing Company, Muskego.
Bonduel Meat Market, Bonduel.
*Born and Son, August, Milwaukee.
Bruinsma, Casey, Union Grove.
Clinton Packing Co., Inc., Clinton.
Coenen Packing Company, Appleton.
Coloma Meat Products, Coloma.
Curless Meat Plant, Brodhead.
De Coster Packing Co., Kaukauna.
Dobratz Meat Market, Shawano.
Falls Locker Service, Menomonie Falls.
Faust & Sons, Hy, Mayville.
Goldberg, Maurice, Sl. Est., Superior.
Hagert's Locker, Siren.
Helland's Food and Locker, Juda.
Jansen Meat Market, Oostburg.
K. & K. Locker, River Falls.
Kenosha Packing Company, Kenosha.
Kress Packing Co., Inc., Waterloo.
*Luck, M. Inc., Milwaukee.
Marchant, W. J., Brussels.
Meier, Alfred Sl. Est., Monroe.
Merredith & Corrigan, Saxon.
Midwest Packing Company, Milwaukee.
Osseo Lockers, Osseo.
*Quality Packing Company, New London.
Resar Sl. Est., J. J. & J. M., Park Falls.
*Richberg and Son, N., Manitowoc.
Sawyer Meat Plant, East Troy.
Schaefer Sausage Co., Inc., Oshkosh.
Schams Slaughtering, John, La Crosse.
Seymour Locker Storage, Peshtigo.
*South Side Packing Company, Milwaukee.

*Stoppenbach Sausage Company, Jefferson.
Super Locker, Amery.
Sykes Packing Company, Cameron.
Tarlton Meat Service, Shawano.
Tarlton, Company Lyman, Athelstane.
Thompson Packing Company, West De Pere.
Townsend-Piller Packing Co., Cumberland.
*Valley Meat Service, Appleton.
Valley Packing Company, Kaukauna.
Wagner, Chester, Est., Denmark.
Weinstein Slaughtering Est., Superior.
*Wolf River Sausage, Inc., Weyauwega.

WYOMING

Gillette Meat Service, Gillette.
Jim's Place, Cheyenne.
K & B Cold Storage Co., Afton.
Kelly Packing Co., Torrington.
Ken's Locker and Slaughtering Establishment, South Laramie.
Lincoln Meats, Rock Springs.
Lovell Processing, Lovell.
Nield Cold Storage and Supply, Afton.
Pilch Slaughtering & Processing Service, Acme.
Rock Springs Butchering, Rock Springs.
*Rocky Mountain Packing Co., Casper.
*Roitz Meat Cutting, Fort Bridger.
Shy-Ann Packing Co., Cheyenne.
Starlite Meat Co., Cheyenne.
Torrington Packing Co., Inc., Torrington.
Triangle Packing Co., Worland.

The names of the following stockyards and slaughtering establishments have been changed to read as follows:

STOCKYARDS

From Union Stock Yards, Montgomery Ala.; to Bowman Stockyards, Montgomery, Ala.
From King & Mewbourn Stockyards, Florence, Ala.; to King Livestock Auction Company, Florence, Ala.
From Aliceville Sale Barn, Aliceville, Ala.; to Pickens County Livestock Comm. Co., Aliceville, Ala.
From M. V. Stokes Stockyard, Andalusia, Ala.; to Stokes & Brogden Stockyard, Inc., Andalusia, Ala.
From Wray L/S Comm. Co., Wray, Colo.; to Ranchland Livestock Comm. Co., Wray, Colo.
From Craig L/S Auction, Craig, Colo.; to Yampa Valley Livestock Auction, Craig, Colo.
From Hasty Auction Company, Atlanta, Ga.; to Capital Livestock Auction Company, Inc., Atlanta, Ga.
From Troup Livestock Sales Company, Inc., La Grange, Ga.; to La Grange Stockyards, Inc., La Grange, Ga.
From Coffee County Livestock Company, Douglas, Ga.; to Livestock Marketers, Inc., Douglas, Ga.
From Ragsdale-McClure Commission Company, Atlanta, Ga.; to McClure-Burnett Commission Company, Atlanta, Ga.
From Ragsdale-McClure Commission Company, Rome, Ga.; to McClure-Burnett Commission Company, Rome, Ga.
From Northeast Georgia Livestock Auction, Inc., Athens, Ga.; to North Georgia Livestock Auction, Inc., Athens, Ga.
From Jerome Lvstk. Comm. Co., Jerome, Idaho; to Tink's Livestock Commission Co., Jerome, Idaho.
From Woodword County Livestock Commission Co., El Paso, Ill., to El Paso Livestock Auction, El Paso, Ill.
From Fort Wayne Livestock Auction, Fort Wayne, Ind.; to Delta Livestock Auction & Commission Co., Fort Wayne, Ind.
From Waukon Sales Commission, Waukon, Iowa; to Producers Livestock Marketing Center, Waukon, Iowa.
From Hansen Livestock Auction, Beloit, Kans.; to Beloit Livestock Auction, Inc., Beloit, Kans.
From Hutchinson Livestock Sale Pav., Hutchinson, Kans.; to Pawnee Cattle Company, Inc., Hutchinson, Kans.
From Syracuse Sale Co., Syracuse, Kans.; to Weaver & Dunn Livestock Auction Co., Syracuse, Kans.
From Hutcherson Livestock Market, Glasgow, Ky.; to Barren County Stockyards, Inc., Glasgow, Ky.
From Clay-Gentry, Lexington, Ky.; to Clay-Wachs Stockyards Co., Inc., Lexington, Ky.
From J & J Livestock Market, Horse Cave, Ky.; to Horse Cave Stockyards, Horse Cave, Ky.
From Richmond Livestock Mkt. Corp., Richmond, Ky.; to New Richmond Livestock Market, Inc., Richmond, Ky.
From T. E. Vasseur Auction Co., Paducah, Ky.; to Paducah Livestock Auction, Paducah, Ky.
From City Abattoir, Inc., Baton Rouge, La.; to Millwood Packing Company, Scotlandville, La.
From Bryan Brothers Stockyard, West Point Miss.; to Prairie Livestock, Inc., West Point, Miss.
From L & S Community Sales, Columbia Miss.; to Stringer Sale Barn, Columbia, Miss.
From Leake County Commission Company, Carthage, Miss.; to Knight Bros. Sales, Carthage, Miss.
From Lum Brothers Stockyards, Natchez, Miss.; to Natchez Stockyards, Natchez, Miss.
From Owen Brothers Stockyards, Hattiesburg, Miss.; to Hub City Stockyards, Inc., Hattiesburg, Miss.
From Shaw & Gray Commission Co., Oxford, Miss.; to Oxford Livestock Commission Company, Oxford, Miss.
From Kosciusko Stockyards, Kosciusko, Miss.; to Peeler's Sale Barn, Kosciusko, Miss.
From Claiborne County Stockyards, Port Gibson, Miss.; to Southwest Stockyards, Inc., Port Gibson, Miss.
From Wilson & Jackson Commission Company, Pontotoc, Miss.; to Pontotoc Livestock Commission Company, Pontotoc, Miss.
From Clay County Stockyards, Inc., Tupelo, Miss.; to West Point Livestock Auction Inc., Tupelo, Miss.
From Beebe Brothers Salesbarn, Warrensburg, Mo.; to Arnett & Son Livestock Auction, Warrensburg, Mo.
From Fraley Sale Pavilion, Chillicothe, Mo.; to Beever Sale Pavilion, Chillicothe, Mo.
From McDonald County Sale Company, Goodman, Mo.; to Goodman Auction Market, Goodman, Mo.
From Ted Graham Auction Company, Mansfield, Mo.; to Mansfield Auction Company, Mansfield, Mo.
From Munn Sale Barn, New Cambria, Mo.; to New Cambria Community Sale, New Cambria, Mo.
From Trenton Livestock Market, Trenton, Mo.; to North Missouri Sale Pavilion, Trenton, Mo.
From Farmers Livestock Auction, South Sioux City, Nebr.; to Lockwood Livestock Auction, South Sioux City, Nebr.
From National Co-op Association, Plattsmouth, Nebr.; to National Sale Barn, Plattsmouth, Nebr.
From O & O Commission Company, Kearney, Nebr.; to Platte Valley Salebarn, Kearney, Nebr.
From Flemington Auction Market, Flemington, N.J.; to Flemington Agricultural Mkt. Co-op, Inc., Flemington, N.J.
From Dobler Livestock Sales and Company, Ashley, N. Dak.; to Ashley Livestock Sales Company, Ashley, N. Dak.
From Jamestown Livestock Sales Company, Jamestown, N. Dak.; to Dobler Livestock Sales Company, Jamestown, N. Dak.
From Uecker Yards, Hettinger, N. Dak.; to Hamann Livestock Company, Hettinger, N. Dak.
From Fraser Livestock Auction Company, Harvey, N. Dak.; to Harvey Livestock Auction, Harvey, N. Dak.
From Harrington Brothers Livestock Market, Williston, N. Dak.; to JKL Cattle Company, Williston, N. Dak.
From Mandan-Bismarck Lvstk. Comm. Co., Mandan, N. Dak.; to Kist Livestock Auction Company, Mandan, N. Dak.
From Turtle Lake Livestock Auction, Turtle Lake, N. Dak.; to Schlichenmayer Livestock Sales, Turtle Lake, N. Dak.
From Harrington Brothers Livestock Market, Valley City, N. Dak.; to Valley City Livestock Auction, Valley City, N. Dak.
From Pickaway County Livestock Coop. Assn., Circleville, Ohio; to Bowling Stockyard, Circleville, Ohio.
From Putnam County Livestock Assn., Columbus Grove, Ohio; to Lugbill Bros., Inc., Columbus Grove, Ohio.
From Ranchers Livestock Commission Co., Antlers, Okla.; to Antlers Livestock Auction, Antlers, Okla.
From Raymond Pope Auction, Vinita, Okla.; to Farmers and Ranchers Livestock Auction, Vinita, Okla.
From Owen Brothers Livestock Auction Idabel, Okla.; to Idabel Livestock Auction, Idabel, Okla.
From Valley Livestock Auction Market, Hood River, Oreg.; to Auction Center, Hood River, Oreg.
From Farmer's Livestock Mkt., Ephrata, Pa.; to Green Dragon Livestock Sales, Ephrata, Pa.
From Penn Central L. S. Mkt., Williamsport, Pa.; to Lycoming Livestock Market, Inc., Williamsport, Pa.
From Danville Livestock Mkt., Danville, Pa.; to Montour Livestock Market, Inc., Danville, Pa.
From Mason Dixon L. S. Mkt., Stewartstown, Pa.; to Sechrist Sales Company, Inc., Stewartstown, Pa.
From People's Livestock Market, Orangeburg, S.C.; to Orangeburg Stockyards, Inc., Orangeburg, S.C.
From Williams Livestock Yard, Tabor City, N.C.; to Twin States Auction Market, Tabor City, N.C.
From Philip Livestock Auction, Philip, S. Dak.; to Livestock Auction Management, Inc., Philip, S. Dak.
From Stockman's Comm. Co., Inc., Rapid City, S. Dak.; to Rapid City Livestock Commission Co., Rapid City, S. Dak.
From Kirk Livestock Auction, Athens, Tenn.; to Athens Livestock Auction Co., Athens, Tenn.
From Davis, M. H. Livestock Co., Hartsville, Tenn.; to Hartsville Livestock Co., Hartsville, Tenn.
From Logan & Hicks Livestock Co., Union City, Tenn.; to Logan Livestock Co., Union City, Tenn.
From Nichols, Brown & Anderson, Thompson Station, Tenn.; to Nichols-Moore Livestock Market, Thompson Station, Tenn.
From Thompson & Oliver, Union City, Tenn.; to Oliver Livestock Market, Union City, Tenn.
From Halls Stockyard, Crossville, Tenn.; to Plateau Livestock Exchange, Crossville, Tenn.
From Lincoln County Livestock Market, Fayetteville, Tenn.; to Tenn Producers Livestock Mkt. Assoc., Fayetteville, Tenn.
From Boyce Brothers, Unionville, Tenn.; to Unionville Livestock Market, Unionville, Tenn.
From Hicks, Harry Stockyard, South Fulton, Tenn.; to Ward, William Stockyard, South Fulton, Tenn.
From Troy Stockyards, Troy, Tenn.; to Woody Stockyards, Troy, Tenn.
From Templer Livestock Auction, Belton, Tex.; to Belton Livestock Auction, Belton, Tex.
From McKinney Livestock Commission Company, McKinney, Tex.; to Collin County Commission Company, McKinney, Tex.
From Grange Comm. & Lvstk. Co., Auburn, Wash.; to Auburn Livestock, Inc., Auburn, Wash.
From Nerison Market, Coon Valley, Wis.; to Equity Livestock Auction Market, Coon Valley, Wis.
From Riverton Auction-Kemp Bros., Riverton, Wyo.; to Riverton Livestock Auction, Riverton, Wyo.

SLAUGHTERING ESTABLISHMENTS

From Brock-Mosley Packing Company, Loxley, Ala.; to Brock-Mosley Packing Company, Robertsdale, Ala.
From Blue Bell Packing Company, Decatur, Ala.; to Decatur Packing Company, Decatur, Ala.
From Town & Country Packing Co., Mesa, Ariz.; to Stone & Randall Meat Company, Mesa, Ariz.
From Beverly Meat Co., Tucson, Ariz.; to Western Meat Packing Co., Tucson, Ariz.
From Clough's Country Market, Lowell, Ark.; to Bramlett's Country Market, Lowell, Ark.
From R. O. Boswell Whls. & Retail, Camden, Ark.; to Camden Curing Plant, Camden, Ark.
From Hylton Slaughter, Springdale, Ark.; to Springdale Custom Butchering, Springdale, Ark.
From Port Stockton Sausage Co., Oakdale, Calif.; to Holland Meat Products, Oakdale, Calif.
From A & C Packing Co., LaSalle, Colo.; to Reichard Packing Co., LaSalle, Colo.
From Hawkins Wholesale Meats, Palatka, Fla.; to Florida Packing & Provision Co., Palatka, Fla.
From Custom Meat Packing Co., Boise, Idaho; to Gem Meat Packing Company, Boise, Idaho.
From Miller Pkg. Co., Rupert, Idaho; to Jensen Custom Packing Co., Rupert, Idaho.
From Snider's Country Market, Muncie, Ind.; to Maple Lane Country Market, Muncie, Ind.
From Klinedinst Packing Co., Walkerton, Ind.; to Maple City Packing Co., Walkerton, Ind.
From Robb Packing Company, Lexington, Ky.; to Elm Hill Meats, Inc., Lexington, Ky.
From Port City Packing Company, Baton Rouge, La.; to Old South Packing Company, Baton Rouge, La.
From Engle Bros., Frostburg, Md.; to Lotz's Wholesale Meats, John F., Frostburg, Md.
From Hatfield Beef Co., Hatfield, Mass.; to Axler, Abraham, Hatfield, Mass.
From U & S Beef & Prov. Co., Pittsfield, Mass.; to Wohrle's, Inc., Pittsfield, Mass.
From Vander Boon Brothers, Ada, Mich.; to Ada Beef Company, Ada, Mich.
From Nienhuis Packing Company, Holland, Mich.; to Fillmore Beef Co., Holland, Mich.
From Young Brothers, Waldron, Mich.; to Hillsdale County Meats, Waldron, Mich.
From B. T. Dunn Slaughter House, Walnut, Miss.; to Brown's Slaughter House, Walnut, Miss.
From Sam's Slaughter House, Waynesboro, Miss.; to Beard's Slaughter House, Waynesboro, Miss.
From Kornblet Pkg. Co., St. Louis, Mo.; to Paige Packing Company, St. Louis, Mo.
From Dangberg Meat Co., Gardnerville, Nev.; to Carson Valley Meat Co., Gardnerville, Nev.
From Shoemakers Market, Kanona, N.Y.; to Easton Market, Kanona, N.Y.
From Robert & Paul Greene, Otto, N.Y.; to Robert Greene, Otto, N.Y.
From Charles & Robert Lillie, Auburn, N.Y.; to Robert Lillie, Auburn, N.Y.
From Norman G. Neckers, Clymer, N.Y.; to Maplevale Farms, Clymer, N.Y.
From New Bern Provision Company, New Bern, N.C.; to Azalea Meats Corporation, New Bern, N.C.
From Morris Packing Company, Shelby, N.C.; to Norris Packing Company, Shelby, N.C.
From Scioto Prov., Newark, Ohio; to Eckert Packing Company, Newark, Ohio.
From A. C. Seman Sons, Versailles, Ohio; to Fritz's Quality Meats, Versailles, Ohio.
From Schuman Packing Co., Columbus, Ohio; to Village Packing Co., Columbus, Ohio.
From K. C. Giles, Cleveland, Ohio; to Webb Beef Co., Cleveland, Ohio.
From Billy W. Whittet Slaughtering Establishment, Dacoma, Okla.; to B and B Grocery and Locker, Dacoma, Okla.
From Osage County Packing Company, Fairfax, Okla.; to Fairfax Packing Company, Fairfax, Okla.
From Ponca City Packing Company, Ponca City, Okla; to Kay Packing Company, Ponca City, Okla.
From Clark's Meats, Perry, Okla.; to Klein's Meats, Perry, Okla.
From Ralph W. Crane Sla. Est., Perkins, Okla.; to Ralph's Packing Company, Perkins, Okla.
From Derry Twp. Pkg. Co., Vandergrift, Pa.; to Huffman, H. M., Vandergrift, Pa.
From Kohn & Handler, Philadelphia, Pa.; to Kohn, M., Philadelphia, Pa.
From Mowry & McKean, Sandy Lake, Pa.; to Lakeview Packing Co., Sandy Lake, Pa.
From Spitzler's, Uniontown, Pa.; to Penn Maid Packing Company, Uniontown, Pa.
From Pezza's Slaughterhouse, Johnston, R.I.; to Johnston Dressed Beef & Veal Co., Inc., Johnston, R.I.
From Brantley & Tillett, Shelbyville, Tenn.; to Bedford County Slaughterhouse, Shelbyville, Tenn.
From Thompson & Groce Provisions Co., Fayetteville, Tenn.; to Groce Provisions Co., Fayetteville, Tenn.
From McDonald Meats, Hartsville, Tenn.; to Hartsville Locker Company, Hartsville, Tenn.
From Four Leaf Wholesale Meats, Lenoir City, Tenn.; to Keener Packing Co., Lenoir City, Tenn.
From City Market, Morristown, Tenn.; to McElhaney Slaughterhouse, Morristown, Tenn.
From Castellaw's Slaughterhouse, Alamo, Tenn.; to New 20 Packing Co., Alamo, Tenn.
From Abattoir Meat Supply, Knoxville, Tenn.; to Southern Abattoir Meat Co., Knoxville, Tenn.
From Pickering Abattoir, Texarkana, Tex.; to P&S Meat Company, Texarkana, Tex.
From John Gibbs, Bradford, Vt.; to Gallerani's Market, Bradford, Vt.
From Muskego Pkg. Co., Muskego, Wis.; to Bohrer's Packing Company, Muskego, Wis.
From Dalfin & Lloyd Janisee, Oostburg, Wis.; to Jansen Meat Market, Oostburg, Wis.
From Legerski & Sons, Acme, Wyo.; to Pilch Slaughtering & Processing Service, Acme, Wyo.

Notice is hereby given that the following additional stockyards and slaughtering establishments have been deleted from the list of specifically approved stockyards and slaughtering establishments, respectively, as follows:

STOCKYARDS

ALABAMA

Capital Stock Yards, Montgomery.
Early Livestock Company, Samson.
East Alabama Livestock Company, Opelika.
Fort Payne Livestock Sales, Fort Payne.
Monroe Livestock Market, Monroeville.
Montgomery Auction Market, Montgomery.
Washington County Stockyard, Chatom.

ARKANSAS

Benton County Sales, Rogers.
Brewer Auction Company, Mountain View.
Brown Bros. L. S. Commission Co., Hope.
Brown L. S. Commission, De Queen.
Camden Stockyards, Camden.
Carroll County L. S. Auction, Berryville.
Clarksville Auction Company, Clarksville.
Columbia County L. S. Auction, Magnolia.
Delta Livestock Auction, Pine Bluff.
DeQueen Livestock Auction, De Queen.
El Dorado Sales Barn, El Dorado.
Eureka Springs Sales Co., Eureka Springs.
Farmers & Ranchers Auction Co., North Little Rock.
Farmers & Producers Auction Co., Pocahontas.
Gentry Sales Barn, Gentry.
Glenwood Livestock Exchange, Glenwood.
Green County Commission & Auction Co., Paragould.
Harrison Sales Company, Harrison.
Hartford Community Sale, Hartford.
Hensley Sale Barn, Fayetteville.
Huntsville Livestock Auction, Huntsville.
Izard County Sales Barn, Melbourne.
Kelly & Holmes Auction Sale, Heber Springs.
Liles Bros. Livestock Comm. Co., Searcy.
Malvern Commission Co., Malvern.
Mena Auction Yards, Mena.
Moler Livestock Auction Sale, Danville.
Morrilton Livestock Auction, Morrilton.
McGehee Cattle Auction, McGehee.
Nevada County Livestock Auction, Prescott.
Newport Auction, Newport.
North Arkansas Livestock Auction, Green Forest.
Northwest Arkansas Livestock Auction, Fayetteville.
Ola Auction Sale, Ola.
Ozark Livestock Auction, Ozark.
Pocahontas Livestock Company, Pocahontas.
Pocahontas Sales Co., Pocahontas.
Polk County Locker Plant, Mena.
Searcy Auction Co., Searcy.
Shoffner Auction Company, Buddy, Newport.
Sutton Livestock Commission, Hope.
Tri-County Auction, Fordyce.
Union Stockyards, Pine Bluff.
Van Buren County Auction Sale, Clinton.
Wall's Sales Barn, Hiram, Booneville.
Weldon Auction Sale Barn, Weldon.
White County Auction, Searcy.
Yellville Sale Barn, Yellville.
Yell County Livestock Auction, Danville.

CALIFORNIA

Modoc Auction Yard, Alturas.
Mariposa Commission Co., Stockton.
South San Francisco Union Stockyards, South San Francisco.
Stockgrowers Commission Co., Stockton.
Zinn Bros. Livestock Comm. Co., El Centro.

DELAWARE

C. J. Carroll Auction Co., Dover.
Rudnicks Livestock Sales Co., Dover.
Sullivan Bros., Inc., Townsend.

GEORGIA

Elberton Livestock Auction Barn, Elberton.
Gordon Roberts Livestock Company, Inc., Baxley.
Bleckley Livestock Auction, Cochran.
Chatham County Stockyard, Savannah.
Smith Stockyard Company No. 1, Augusta.
Swainsboro Stockyards, Swainsboro.

IDAHO

Pocatello Livestock Auction Co., Pocatello.

IOWA

Algona Sales Co., Algona.
Allerton Sale Co., Allerton.
Ames Sales Co., Ames.
Ankeny Sales Pavilion, Ankeny.

Armstrong Sale Co., Armstrong.
Atlantic Auction Co., Atlantic.
Audubon Auction Co., Audubon.
Bonaparte Community Sale, Bonaparte.
Bull, Wilson, Cattle Co., Clinton.
Carpenter Livestock, Carpenter.
Carroll Live Stock Market, Carroll.
Carroll Livestock Sales Co., Carroll.
Centerville Sales Co., Centerville.
Central City Livestock Auction, Central City.
Charles City Livestock Exchange, Charles City.
Cherokee Livestock Auction Co., Inc., Cherokee.
Corning Auction Co., Corning.
Corydon Sale, Corydon.
Cowan, Roy, Sale Co., Sioux City.
Cresco Livestock Market, Cresco.
Creston Livestock Auction, Creston.
Davis County Sales Co., Bloomfield.
De Witt Sale Barn, De Witt.
Dows Sale Pavilion, Dows.
Elkader Sales Barn, Elkader.
Emmetsburg Sales Co., Emmetsburg.
Estherville Auction Co., Estherville.
Fairfield Livestock Commission Co., Fairfield.
Fonda Sales Barn, Fonda.
Hampton Sales Co., Hampton.
Harlan Auction Co., Harlan.
Henderson Auction, Henderson.
Hi Dollar Sale Co., Sigourney.
Holbert, J. C. Cattle Co., Washington.
Hopkinton Sales Pavilion, Hopkinton.
Iowa Falls Sales Pavilion, Iowa Falls.
Iowa-Nebraska Sale Yards, Council Bluffs.
Jefferson Livestock Market, Jefferson.
La Porte City Livestock Auction, La Porte City.
La Porte City Sales Barn, La Porte City.
Laurens Livestock Sales Co., Laurens.
Lawton Sale Barn, Lawton.
Lenox Livestock Auction, Lenox.
Leon Sale, Leon.
Leonard's Auction Sale, Manchester.
Low Moor Sales Co., Low Moor.
McDonald Sales Co., Sumner.
McIntosh Livestock Auction Co., Ida Grove.
Midway Sales Co., Columbus Junction.
Milford Livestock Exchange, Milford.
Montezuma Sales Pavilion Co., Montezuma.
Nishna Valley Sales Co., Shenandoah.
Northeast Iowa Sales Commission, Decorah.
Ogden Livestock Sales, Ogden.
Ogden Sales Barn, Ogden.
Onawa Sale Barn, Onawa.
O'Neill Livestock Auction, Eldora.
Orient Sale Co., Inc., Orient.
Ottumwa Live Stock Auction, Ottumwa.
Oxford Sale Barn, Inc., Oxford.
Paullina Sale Co., Paullina.
Petersen Cattle Co., Mount Vernon.
Pocahontas Livestock Sales Inc., Pocahontas.
Postville Co-op Sales Barn, Postville.
Sac County Auction Co., Sac City.
Saint Ansgar Sale Barn, Saint Ansgar.
Seifried-Trenary, Pocahontas.
Shenandoah Livestock Auction, Shenandoah.
Spencer Dairy Cattle Exchange, Spencer.
Stanton Auction Co., Stanton.
Strand, Oswald & Son, Manly.
Stuart Sales Co., Stuart.
Sweetland Sales Co., Muscatine.
Uhlenhopp Sales, Aplington.
Umstead Livestock Auction, Eagle Grove.
Ute Sale Barn, Ute.
Wadena Livestock Exchange, Wadena.
Washington Livestock Sales Co., Washington.
Waukon Sales Commission, Waukon.
Wehrheim, V. H., Commission Firm, Webster City.
Wenger Sales Commission, West Union.
West Liberty Auction Co., West Liberty.
Westra Sales Co., Orange City.
Westrope Auction Co., Harlan.

KANSAS

Atchinson, Topeka & Santa Fe Stockyards, Emporia.
Belleville Sale Company, Belleville.
Bronson Community Sale, Bronson.
Burdett Livestock Sale Co., Burdett.
Chetopa Sale Company, Chetopa.
Clemence-Morrison Livestock Comm. Co., Salina.
Dickinson County Sale, Abilene.
Fred Doll Livestock Sale Co., Larned.
Dumler Bros. Livestock Co., Russell.
Flint Hills Livestock Sales, Inc., Florence.
Hansen Livestock Auction, Beloit.
Gasaway Sale Company, Plainville.
Hesston Sales Company, Hesston.
Hugoton Livestock Commission Co., Inc., Hugoton.
Hutchinson Livestock Sale Pavilion, Hutchinson.
Koenig Sales Co., Inc., Junction City.
Koenig Sales Co., Inc., Manhattan.
Lenexa Community Sale, Lenexa.
McIntosh Auction, Peabody.
Minneapolis Sales Pavilion, Minneapolis.
Ottawa Livestock Commission Co., Ottawa.
Ottawa Market Sale, Ottawa.
Rexford Livestock Commission Co., Meade.
Schooler & Son, Frankfort.
Syracuse Sale Co., Syracuse.
Valley Falls Livestock Auction, Valley Falls.
Winfield Sales Company, Winfield.

KENTUCKY

R. B. Berry & Son., Clinton.
Brown & Whayne Stockyards, Clinton.
Gibson Livestock, Inc., Providence.
Jones Livestock Market, Glasgow.
Tompkinsville Livestock Market, Tompkinsville.
Washington County Stockyards, Springfield.
Watwood Stockyards, Bardwell.
Western Kentucky Livestock Market, Bowling Green.
Walton Sale Barn, Walton.
Ratliff Stockyards, Mt. Sterling.

LOUISIANA

Barnes Commission Company, Lake Charles.
B&M Auction, Inc., Mansfield.
Brabham's Livestock Commission Mkt., Leesville.
Brown-Alsbrooks Stockyards, Inc., Marksville.
Calhoun Livestock Commission, Mansfield.
Coltharp's Commission Barn, DeRidder.
Community Auction Barn, DeQuincy.
DeQuincy Cattle Sales, Inc., DeQuincy.
Dominique's Cow Palace, Bossier City.
Eunice Stockyard, Eunice.
Farmerville Livestock Auction, Farmerville.
Grand Cane Livestock Auction, Grand Cane.
Grand Cane Livestock Commission, Grand Cane.
Gordon Stockyard, Lacassine.
Harris Commission Co., Ferriday.
Hodges & Company, W. H., Tallulah.
Jennings Stockyards, Baton Rouge.
Jennings Stockyards, Opelousas.
Kentwood Stockyard, Inc., Kentwood.
Lake Charles Livestock Comm. Yard, Lake Charles.
Lake Charles Livestock Comm. Yard, Lake Charles.
Leesville Commission Co., Leesville.
Louisiana Delta Auction Co., Tallulah.
Marksville Livestock Auction, Marksville.
Micelle's Commission Company, Lake Charles.
Micelle's Commission Yard, Lacassine.
Micelle's Commission Barn, Lake Charles.
Miller & Dominique Stockyard, Elton.
Miller & Dominique Stockyard, Lake Charles.
Minden Livestock Commission Co., Minden.
New Orleans Stockyards, Inc., Arabi.
Oak Grove Livestock Auction, Oak Grove.
Oak Grove Livestock Market, Oak Grove
Raceland Stockyards, Raceland.
Roy Kirk Livestock Auction, Oakdale.
Ruston Stockyards, Inc., Ruston.
Oakdale Livestock Auction, Oakdale.
Sam Brown Auction Co., Inc., Grande Cane.
Sam Brown Auction Co., Inc., Mansfield.
South Louisiana Livestock Co-op, Inc., Thibodaux.
Town & Country Auction, Ville Platte.
Voiron's Stockyard, Thibodaux.
West Monroe Livestock Auction, Inc., West Monroe.

MARYLAND

Eyler's Livestock Market, Thurmont.
Garrett County Livestock Sales, Inc., Accident.

MICHIGAN

Cass Livestock Auction Sale, Cassopolis.
Dixon Brothers Livestock Auction, Jackson.
Escanaba Livestock Sale, Escanaba.
Fullmer Stock Yards, Inc., Sandusky.
Hanchett Lvst. Yards, Inc., Leslie.
Howell Livestock Auction, Howell.
Marlette Livestock Auction, Marlette.
Michigan Livestock Exchange, Battle Creek.
Sturgis Livestock Auction Market, Sturgis.

MISSISSIPPI

Amory Commission Company, Amory.
Ballew's Stockyard, Liberty.
Billingsley Auction Market, Doc., Walnut.
Bryan Brothers Stockyard, West Point.
Case Stockyards, Bude.
Clay County Stockyards, Inc., West Point.
Corinth Livestock Auction Company, Corinth.
Decatur Stockyards, Decatur.
Deer Creek Stockyards, Hollandale.
Gulfport Stockyards, Gulfport.
Hattiesburg Stockyards, Inc., Hattiesburg.
Henderson Sales Company, Corinth.
Henderson Sales Company, Philadelphia.
Hernando Auction Company, Hernando.
Hinds County Livestock Auction, Edwards.
Hodges, W. H. & Sons, Liberty.
Jackson County Stockyards, Fayette.
Kosciusko Stockyards Co., Kosciusko.
Knight Brothers Stockyard, Carthage.
L & S Community Sales, Columbia.
L & L Commission Company, Liberty.
Leake County Commission Company, Carthage.
Lum Brothers Stockyards, Natchez.
Marshall County Stockyards, Holly Springs.
Neshoba County Stockyards, Philadelphia.
North Mississippi Sales Company, Grenada.
Owen Brothers Stockyards, Meridian.
Owen Brothers Stockyards, Hattiesburg.
Peeler's Livestock Sales, Kosciusko.
Pontotoc Sales Company, Pontotoc.
Prairie Land & Cattle Company, West Point.
Producers Livestock Auction, Ruleville.
Richton Stockyards, Richton.
Shaw & Gray Commission Company, Oxford.
Southeastern Stockyards, Laurel.
Spicer-Lipscomb Commission Company, Senatobia.
State Line Auction Company, Walnut.
Union Stockyards, Jackson.
Wilson & Jackson Commission Company, Pontotoc.

MISSOURI

Cassville Livestock Auction, Cassville.
Centralia Livestock Sales Company, Centralia.
Clawson, Auction Company, El Dorado Springs.
Clinton Community Sale, Clinton.
Crocker Sales Barn, Crocker.
East "66" Auction Company, Springfield.
Prairie Center Sale Company, King City.
Lamar Community Sale, Lamar.
Malden Sales Company, Malden.
Marshfield Auction Company, Marshfield.
Mountain View Livestock and Furniture Sales Company, Mountain View.
New Palmyra Sale Company, Palmyra.
Ozard Auction Company, Willow Springs.
P & M Cattle Company, Sikeston.
Perry Sale Barn, Perry.
Rhodes Commission Company, Advance.
St. Joseph Livestock Auction, St. Joseph.
Saline County Sale Company, Inc., Marshall.
Steelville Auction Market, Steelville.
Taney County Auction Barn, Forsyth.
Thornton Sales & Auction Springfield.

Vernon County Sales Company, Nevada.
Wheaton Community Sale, Wheaton.
Carthage Auction Company, Carthage.
Ray County Sale Company, Richmond.

NEBRASKA

Benkelman Sales Company, Inc., Benkelman.
Deshler Livestock Commission Company, Deshler.
Ericson Livestock Market, Ericson.
Leigh Shipping Association, Leigh.
McCook Livestock Commission Company, McCook.
North Bend Auction Company, North Bend.
Schuyler Livestock Pavilion, Schuyler.
Sutton Sales Pavilion, Sutton.
Syracuse Sales Pavilion, Syracuse.
Third City Livestock Commission Company, Grand Island.
Tilden Livestock Market, Tilden.
Zimmerman Stockyards, Inc., Blair.

NEVADA

B & M Livestock, Fallon.
Elko Livestock Sales Co., Inc., Elko.
Fallon Salesyard, Fallon.
Lovelock Livestock Comm. Co., Lovelock.
Midwest Livestock Comm. Co., Fallon.
Nevada Livestock Comm. Co., Sparks.
Valley Livestock Comm. Co., Fallon.

NEW JERSEY

Boyer Sales, New Egypt.

NEW MEXICO

Albuquerque Livestock Auction, Albuquerque.
Bookey-Williams Cattle Company, Clovis.
Clayton Livestock Auction Company, Clayton.
Clovis Branding Company, Clovis.
Monroe Branding Company, Clovis
New Mexico Livestock Exchange, Inc., Albuquerque.
New Mexico Livestock, Inc., Artesia.
Pecos Valley Livestock Auction, Inc., Roswell.
Roswell Livestock Commission Company, Roswell.
South Second Street Commission Company, Albuquerque.
Valley Livestock Auction, Inc., Roswell.

NEW YORK

Malcolm "Spike" Adams, Granville.
Agett & Law Commission Market, Ischua.
Apulia Station Livestock Sales, Apulia Station.
Cable's Cattle Market, Roxbury.
Dansville Commission Auction, Dansville.
Dryden Livestock Sales, Dryden.
Dupont's Commission Auction, Fort Plain.
Dupont's Commission Auction, Little Falls.
Empire Livestock Marketing Cooperative, Inc., Greene.
Empire Livestock Marketing Cooperative, Inc., Lancaster.
Empire Livestock Marketing Cooperative, Inc., West Winfield.
Farmers Livestock Market, Bath.
Folger's Farmers Commission Sale, Copake.
Horseheads Livestock Market, Inc., Horseheads.
Hudson Valley Livestock Market, Waterford.
Kessler & Gentner, Springville.
Lawrence's Commission Sale, Malone.
Mohawk Valley Commission Sales, Inc., Little Falls.
Mohawk Valley Commission Sales, Inc., Fort Plain.
H. L. Neverett & Sons, Chazy.
H. L. Neverett & Sons, Ellenburg Depot.
H. L. Neverett & Sons, Malone.
Owego Livestock Sale, Owego.
Pavilion Livestock Market, Pavilion.
Sauquoit Valley Livestock Exchange, Cassville.
Southern Cayuga Commission Sale, Moravia.
Sunny Acres Livestock Market, Bombay.
Tully Valley Livestock Market, Apulia Station.
Warwick Auction Market, Inc., Warwick.
Wickham's Commission Auction, Ovid.

NORTH CAROLINA

Farmers Livestock Exchange, Marshville.

NORTH DAKOTA

Dobler Livestock Sales, Ellendale.
Dobler Livestock Sales, Hankinson.
Mayville Livestock Auction, Mayville.
Stanley Livestock Sales, Stanley.

OHIO

Bowling Green Livestock Sales, Bowling Green.
Columbus Union Stockyards, Columbus.
Farmer Livestock Association, Wooster.
Muskingum Livestock Sales Co., Zanesville.
Oak Harbor Livestock Sales, Oak Harbor.
Orrville Livestock Auction, Orrville.
Sugarcreek Livestock Auction, Sugarcreek.
Warren County Sales Barn, Lebanon.
Union Stockyards, Dayton.
Wheelersburg Livestock Sales Co., Wheelersburg.

OKLAHOMA

Guymon Livestock Commission Company, Guymon.
Holton Brothers Stockyards, Hugo.
Jay Sale Barn, Jay.
Leslie's Livestock Company, Hugo.
Pawhuska Auction Sales, Pawhuska.

OREGON

Klamath Cattle Sales, Klamath Falls.
Midway Auction Co., Medford.

PENNSYLVANIA

Auction Barn, Monroeville.
Avondale Livestock Auction, Avondale.
Barnsley Sales, Oxford.
Blairsville Auction, Blairsville.
Danville Livestock Market, Danville.
Exton Livestock Auction, Exton.
Farmers Livestock Market, Ephrata.
Greenfield Livestock Market, North East.
Greenville Livestock Market, Greenville.
Hoskins Auction Barn, Turtle Creek.
Jamestown Livestock Market, Jamestown.
Kennett Auction Inc., Kennett Square.
Krumsville Livestock Auction, Krumsville.
Mason Dixon Livestock Market, Stewartstown.
Mt. Cobb Auction Sales, Lake Ariel.
Payne's Livestock Market, Jamestown.
Penn Central Livestock Market, Williamsport.
Teel & Bunnell Auction Sale, Tunkhannock.
Westmorel and Auction Barn, Norwalt.
Whitford Sales Company, Whitford.

SOUTH DAKOTA

Bowdle Livestock Commission Co., Bowdle.
Burke Livestock Auction Co., Burke.
Cresbard Sales Company, Cresbard.
Selby Livestock Sales Co., Inc., Selby.
Sioux Falls Livestock Auction Co., Sioux Falls.

TENNESSEE

Farmers Livestock Exchange, Tiptonville.
Franklin Auction Market, Franklin.
Frailey, Ray Stockyard, South Fulton.
Kirk Auction Company, Ooltewah.
Middle Tennessee Livestock Sales, Lawrenceburg.
Patterson & McCaleb, Bradford.
Richardson, E. L. Livestock Co., Dyer.
Sparta Livestock Market, Sparta.
Tigrett Stockyard, Tigrett.
Viola Stockyard, Viola.

TEXAS

Arlington Livestock Commission Company, Arlington.
Bowie Livestock Commission Company, Bowie.
Brenham Livestock Auction, Inc., Brenham.
Burkburnett Livestock Commission Company, Burkburnett.
Carthage Auction Sales, Carthage.
Cleveland Commission Company, Raywood.
Cuero Livestock Commission, Inc., Cuero.
East Texas Livestock Commission Company, Palestine.
Farmers & Ranchers Exchange, Shamrock.
Farmers & Ranchers Livestock Commission Company, Tyler.
Floydada Livestock Sales Company, Floydada.
R. L. (Bob) George Cattle Motel & Livestock Auction, Shamrock.
Greenville Livestock Commission Company, Greenville.
H C & H Company, Douglassville.
Heart of Texas Commission Company, Inc., Brady.
Hereford Livestock Auction Company, Hereford.
Johnson County Commission Sales, Burleson.
Kerr County Commission Company, Kerrville.
Llano Livestock Auction Company, Llano.
Llano Sales Company, Llano.
Mason Auction Company, Inc., Mason.
Mid-West Feed Yards, San Angelo.
J. H. Mills Commission Company, Douglassville.
J. C. (Po Boy) Morrison Commission Company, Douglassville.
Nacogdoches Livestock Commission Company, Nacogdoches.
Nacona Livestock Commission Company, Nacona.
North Texas Livestock Commission Company, Bonham.
North Texas Livestock Commission Company, Whitesboro.
Palestine Livestock Auction, Palestine.
Perryton Livestock Auction Company, Perryton.
Producers Livestock Auction, San Angelo.
Ranchers Commission Company, Junction.
Ranchers & Farmers Auction, Midland.
Runnels County Auction, Ballinger.
San Angelo Livestock Auction Company, San Angelo.
Shamrock Livestock Auction, Shamrock.
Tate Brothers Livestock Auction, Midland.
Trinity County Auction, Groveton.
Turner Livestock Auction, Douglassville.
Victoria Livestock Commission, Inc., Victoria.
Waco Livestock Commission Company, Waco.
Western Livestock Commission Company, San Angelo.
West Texas Livestock Auction, San Angelo.

VERMONT

Chickering Commission Sale, Westminster.

VIRGINIA

Big Stone Gap Livestock Market, Big Stone Gap.
Danville Livestock Auction Market, Danville.
Old Dominion Livestock Market, Culpeper.
Virginia Livestock Market, Winchester.
Norton Livestock Market, Norton.

WISCONSIN

Antigo Auction Sales, Antigo.
Mattes Livestock Market, Thorp.

WYOMING

Lusk Livestock Commission Co., Lusk.
Wheatland Livestock Commission Co., Wheatland.

SLAUGHTERING ESTABLISHMENTS

ALABAMA

Hansen Slaughter House, Prichard.
Kimbrell's Slaughter House, Saraland.
R. L. Zeigler, Inc., Selma.

ARIZONA

Crescent Meat Packing Co., Scottsdale.

ARKANSAS

City Abattoir, Fort Smith.
Clough's Country Market, Lowell.

Cooper Packing Company, Melbourne.
Dunn Slaughter House, DeQueen.
Farm Enterprises, Inc., Newport.
Finkbeiner Packing Company, Pine Bluff.
Finks Meat Company, Springdale.
Finn Slaughter House, Rogers.
Hi-Lo Provision Co., El Dorado.
Hightower Packing Company, Newport.
Hoover's Slaughter House, Jack, Murfreesboro.
Hughes Sausage Company, North Little Rock.
Kranc Meat Market, Ozark.
C. L. Lawhon Meat Co., North Little Rock.
Linaker Company, C. A., McGehee.
Lowery Bros., North Little Rock.
Lowell Packing Co., Lowell.
Malone Packing Co., Texarkana.
Malvern Slaughtering Estb., Malvern.
Melbourne Locker Plant, Melbourne.
Mo-Ark Packing Co., Harrison.
Newport Packing Company, Newport.
Nielsen Meat Co., Fayetteville.
North Side Packing Co., North Little Rock.
Person Provision Company, Jacksonville.
Ranch House Market, Van Buren.
Rogers Packing Company, Jonesboro.
Saline Packing Company, Benton.
Southwestern Packing Company, Hope.
Stearne Slaughter Plant, Carl, Springdale.
Stephens Meat Co., Pine Bluff.
Sutherlan Slaughter House, Springdale.
Texarkana Packing Company, Texarkana.
Wards Packing Company, Herbert, Texarkana.
Wards Packing Company, Stamps.
Williams Slaughter, Nashville.

CALIFORNIA

James Allen & Sons, San Francisco.
Alpha Beta Packing Co., Huntington Beach.
Alta Meat Co., Dinuba.
Auburn Meat & Livestock Co., Auburn.
Brennan Meat Co., Tulare.
N. Canziani, San Rafael.
Chico Meat Co., Inc., Chico.
A. W. Christie, Blue Lake.
Cuyamaca Meat Co., El Cajon.
Diamond Meat Co., Kerman.
Fresno Meat Pkg. Co., Fresno.
G & J Quality Dressed Beef, San Miguel.
J. G. Johnson, Inc., San Francisco.
K & E Meat Co., Auburn.
Klapp Packing House Market, Ontario.
Klubniken Packing Co., Los Angeles.
Marysville Meat Packing Co., Marysville.
Modesto Meat Co., Modesto.
S. E. Naylor, Soledad.
Nelson Meat Co., Coyote.
Northwestern Packing Co., Cottonwood.
Orvis & Clinger, Inc., Stockton.
Pacific Packing Co., Gazelle.
Palo Verde Meat Packing Co., Blythe.
Pioneer Meat Co. Plant, Modesto.
Holland Meat Products, Oakdale.
Rosen Meat Packing Co., Vernon.
Russ Meat Co., Eureka.
San Luis Meat Co., San Luis Obispo.
San Miguel Meat Co., San Miguel.
Santa Ana Packing Co., Santa Ana.
Santa Maria Meat Co., Santa Maria.
Scotia Packing Co. & Locker Storage, Scotia.
Sequoia Meat Co., Dinuba.
Smith Packing Co., San Bernardino.
Sonoma Meat Company, Sonoma.
Stornetta Bros., Point Arena.
Susanville Meat Co., Susanville.
Talone Packing Co., Escondido.
Temecula Meat Pkg. Co., Temecula.
Tulare Meat Co., Turlock.
Ventura Meat Packing Co., Saticoy.
Walker's Markets, Inc., Upland.
West Coast Meat Co., Alvarado.
Wright Packing Co., National City.

CONNECTICUT

Waterbury Butchering Company, Waterbury.
Omaha Beef, Danbury.
New Britain Slaughter House, New Britain.

DELAWARE

Platt, Isadore, Wilmington.
Wessel, Harry, Wyoming.

FLORIDA

A & A Meat Co. Inc., Jacksonville.
Central Packing Co., Center Hill.
Dirr Gold Seal Meats, Inc., Miami.
Florida Sausage Co., Pensacola.
Meat Supply Co., Pensacola.
Carpenter Slaughter House, Bristol.
Brock & Burdeshaw Packing Co., Pensacola.
Brown Packing Co., Chipley.
Parris & Co., Jacksonville.
Gold Merit Packing Co., Jacksonville.
Hendry Bros. Packing Co., Tampa.
Hygrade Food Products Corp., Hialeah.
Harold R. Gertner Slaughtering Establishment, Gainesville.
Oakland Meat Packing Co., Fort Lauderdale.
Lykes Brothers, Tampa.

GEORGIA

Allison Packing Company, Dalton.
Bainbridge Meat Company, Bainbridge.
Hatchers Abattoir, Bainbridge.
Powell Meat Company, Bainbridge.
Shore's Packing Company, Savannah.
Valdosta Abattoir, Inc., Valdosta.
Wofford Abattoir, Gainesville.
Pioneer Boneless Beef Company, Atlanta.
Simpson Provision Company, Fayetteville.
United Butchers Abattoir, Atlanta.

ILLINOIS

Chrisman Food Lockers, Chrisman.
Cowperthwaite's Super Market, Bushnell.
Enright Super Value, Bushnell.
Hauffe's Meat Market, Lincoln.
Ingalls Frozen Food Center, Milford.
Jones, Marshall E., Springfield.
Lewistown Locker, Lewistown.
Lord, C. R., Olney.
Lyetta Meats, Inc., Coulterville.
Madison Packing Co., Madison.
Magelli Bros., Inc., Marseilles.
Mounds Locker Service, Mounds.
Noble Locker, Noble.
Pasquo Podeschi, Taylorville.
Prairie Packing Co., Carlinville.
Prairie Packing Co., Marion.
Richard Locker & Processing Plant, Homer.
Wessel Bros., Inc., Belleville.
Young's Packing Co., Inc., Decatur.
Rossville Food Lockera, Rossville.

INDIANA

Allen's Monticello Packing Co., Monticello.
All Valley Meat Supply, Terre Haute.
B & B Meat Packing, Gary.
Boyer Lockers, New Washington.
Beutler Locker Co., Otterbein.
Boone Co. Packing Co., Lebanon.
Clyde Packing Co., Angola.
Covington Food Lockers, Covington.
Denver Locker Plant, Denver.
Dinnett Packing Co., Kokomo.
Daniels Bros. Inc., Columbia City.
Dekock Super Market, Demott.
Dishman, Felix, Winchester.
Ditzler Locker Co., Peru.
Endres Packing Co., New Albany.
Eel River Packing Co., Jamestown.
Freeman & Son Locker Plant, Worthington.
Frankton Provision Co. Inc., Frankton.
Fitzsimmons Market, Roachdale.
Franklin Slaughterhouse, Wabash.
Gundhoefer & Sons Packing Co., Dale.
Gerber Supermarket Inc., Decatur.
Green Valley Slaughterhouse, Brownsburg.
Hockney Packing, Thayer.
Hunter Locker Plant, Converse.
Harris Packing Co., Crawfordsville.
Johnson Co. Farm Bureau Coop, Franklin.
Janert Packing Co. Inc., Indianapolis.
Ingrams Meatland, Goshen.
Klinedinst Packing Co., Walkerton.
Long Slaughterhouse, Winslow.
Ludwig's Food Town, Dunkirk.
Lutz Packing Co., Indianapolis.
Mast Market, Angola.
Mock, G. F., Leavenworth.
Miller's Monon Locker Plant, Monon.
Neal Packing Co., Crawfordsville.
Orth Slaughterhouse, Mount Vernon.
Puckett's Abattoir, Winchester.
Riverside Packing Co., Goshen.
Quick Freeze Locker Service Abattoir, Madison.
Sniders Country Market, Muncie.
Shinn Slaughterhouse, Mentone.
Stahl Packing Co., Evansville.
Sievers, Louis, Vincennes.
South Side Butchers, Indianapolis.
Warrick Co. Frozen Food Locker, Boonville.
Wolf Packing Co., La Porte.
West's Locker and Slaughterhouse, Amo.
Wyatt Packing Co., Wyatt.
Zimmer Packing Co., Harlan.

IOWA

Bruhn's Freezer Meats of Des Moines, Inc., Booneville.
Bruhn's Freezer Meats of Cedar Rapids, Inc., Norway.
Bruhn's Freezer Meats of Davenport, Inc., Davenport.
Buffalo Pack, Davenport.
City Meat Market, Little Rock.
Gegner's Frozen Food Lockers, Farmington.
Glasgow's Meat Market, Keokuk.
Hawkeye Pack, Sioux City.
Kane's Dressed Beef, Hawarden.
Karzlarich Pack, Rathbun.
Ledyard Lockers, Ledyard.
Meyer Packing Co., Sioux City.
Milton Locker Service, Milton.
Romann & Liebbe Co., Muscatine.
Sergeant Bluff Produce Co., Sergeant Bluff.
Simerly Hardware Store and Locker, Hamburg.
Smith Packing Co., Sioux City.
Verschoor Packing Co., Hospers.
Wageman's Locker Service, Stacyville.
White's Lockers, Estherville.

KANSAS

B & W Packing Plant, Colby.
Houlton Packing Co., Abilene.
McLeod Packing Company, Valley Falls.
Moore's Packing House Market, Parsons.
Jarvis Slaughter House, Marion.

KENTUCKY

Dawson-Apatz Packing Co., Inc., Louisville.
Fleishchaker Co., Louisville.
Spring Packing Company, Louisville.
Rice Packing Company, C., Covington.
Layer, C. W., Packing Company, Louisville.
Quality Packing Company, Lexington.
Brown Thompson & Son, Fancy Farm.
Klarer Provision Co., Louisville.

LOUISIANA

Angola Packing House, Angola.
Arabi Packing Co., Inc., Arabi.
Bar Ten Packing Co., Ferriday.
Barnes Packing Co., R. L., Lake Charles.
Berry Slaughter House, H. O., Bastrop.
Bordelon Packing Co., De Ridder.
C & L Packing Co., Tallulah.
Caldwell Packing Co., West Monroe.
City Abattoir, Inc., Baton Rouge.
Crumpler's Packing House, De Ridder.
De Ridder Locker Plant, Inc., De Ridder.
Dufrene Slaughter & Packing Co., Des Allemands.
Eunice Superette, Inc., Eunice.
Ferriday Packing Plant, Ferriday.
Fontenot Sausage Kitchen, Frank, Ville Platte.
Fuselier Packing Plant, Ville Platte.
Goodman Slaughter House, Winnsboro.
Green Packing House, Ed, Bastrop.
Hargrave Slaughter House, Kaplan.
Harris & Co., Ed, Ferriday.
Jagneaux's Quality Meats, Opelousas.

Jennings Abattoir & Packing Co., Jennings.
Jennings Meat Products, Baton Rouge.
Johnson Wholesale Meats, Opelousas.
Ledoux Slaughter House, Layton, Opelousas.
Lloyd's Slaughtering Plant, Des Allemands.
Luke Packing Company, Centerville.
McManus Abattoir & Market, Eunice.
Monroe Packing Company, Monroe.
Mougeot Packing Company, New Roads.
Nations Bros. Packing Co., Springhill.
New Orleans Butchers Abattoir, New Orleans.
Peltier Packing Co., Inc., Thibodaux.
Port City Packing Company, Baton Rouge.
Port City Packing Company, Scotlandville.
Prejean Wholesale Meat & Products, Carencro.
Rapides Packing Company, Alexandria.
Royal Packers, Inc., Lawtell.
Smiley's Packing Co., Inc., Scotlandville.
Stevens Meat Company, Inc., Gonzales.
Strohe Slaughter House, Welsh.
Suire's Slaughter House, Bill, Kaplan.
Swifty Meat Packing Co., Inc., Opelousas.
Tallulah Slaughter House, Tallulah.
Theriot & Daigle Meat Packing Plant, Houma.
Thompson-Peltier Packing Co., Thibodaux.
Veazey's Slaughter House, Abbeville.
Watson Wholesale Meat Co., Jonesboro.
Adams' Slaughter House, Amite.
Allen Super Market, Kentwood.
Alvin & Son Slaughter House, Starks.
Bahm's Meat Plant, Wallace, Loranger.
Bobby's Market & Slaughter House, Sulphur.
Bossier Frozen Foods, Bossier City.
Brown-Edwards Packing Company, Alexandria.
Brown & Son Packing House, Ragley.
Byrd & Son, Joseph W., Many.
Carroll Slaughter House, Wisner.
Catalano's Meat Market, Independence.
Chasson Meat Market, Arthur, Lockport.
Chesson Slaughter House, Vinton.
Coleman Slaughter House, Fields.
Courville Slaughter House, Lafayette.
Crain Slaughter House, J. A., Franklinton.
Crain Slaughter House, L. V., Varnado.
Cutrer's Grocery and Market, Ponchatoula.
Cutrer's Slaughter House, Frank, Kentwood.
Cutrer's Slaughter House, Gaylon, Kentwood.
Davis Slaughter House, John A., Jonesville.
Delecambre Slaughter House, E. J., New Iberia.
Dufrene Slaughter & Packing Co., Allemands.
Fitzgerald Slaughter House, Covington.
Fontenot Slaughter House, Wilson, Ville Platte.
Goodman Slaughter House, Winnsboro.
Grant Slaughter House, Kurthwood.
Guy Merchandise & Market, H. H., Angie.
Hyde's Slaughter House, Jessie, Robert.
Jagneaux Sausage Kitchen, Opelousas.
Johnson Slaughter House, Opelousas.
Kennedy Brothers Meat Products, Bogalusa.
Knight Slaughter House, S. A., Bogalusa.
Knight Slaughter House, W. E., Franklinton.
Knight Slaughter House, W. W., Franklinton.
LeDoux Slaughter House, Boo, Eunice.
Lee's Meat Plant, Independence.
Liste's Meat Market, Patterson.
Morris Slaughter House, Kentwood.
Nash Slaughter House, De Ridder.
Northside Packing House, Lake Charles.
Olla Meat Company, Olla.
Patterson Slaughter House, Hammond.
Pickett's Slaughter House, Delhi.
Pizzolatto Slaughter House, Louis, Crowley.
Prather's City Abattoir, Crowley.
Quin Packing Co., T. R., Osyka.
Ravia's Slaughter House, Sulphur.
Robichaux Slaughter House, Wiltz, Crowley.
Rodrigue Meat Market, Allen, Thibodaux.
Sances Slaughter House, Ned, Bogalusa.
Stanley Locker Plant, Logansport.
Thigpen Packing Co., R. H., Mansfield.
Up-to-Date Market and Slaughter House, Sulphur.
Wagner Meat Supply, Floyd, Independence.
Walker Slaughter House, W., White Castle.
Watson Slaughter House, Jonesboro.
Wesley Market, Amite.
West and Ellender, Inc., Sulphur.
Wiggins Wholesale & Retail Meats, Winnsboro.
Womack's Slaughter House, Greensburg.

MAINE

Augusta Abattoir, Augusta.

MARYLAND

Berlett and Sons, Edward G., Inc., Baltimore.
Brewer's, H. W., Williamsport.
County Butchers, Inc., Granite.
Eby, Irvin E., Hagerstown.
Engle's Meat & Sea Foods, Knoxville.
Fogle, Theodore A., New Windsor.
Harden's Meat Market, Eckhart Mines.
Hatfield's Meat Market, New Windsor.
Howard County Meat Market, Ellicott City.
Kilsheimer Brothers, Inc., Washington, D.C.
Nichols & Smith Meat Market, Federalsburg.
Tiedman, Robert O., Owings Mills.
Thompson's Food Market, Maryland Line.
Wolf's Slaughter House, Cumberland.

MASSACHUSETTS

Bickford's, Cheshire.
Bowman, Frank B., Co., Cambridge.
Cramers, Louis, North Adams.
Grasso, Angelo, Agawam.
Harris, George A. Slaughterhouse, Winchendon.
Hurlburt, Ronald Slaughterhouse, West Orange.
Hutchinson's Slaughterhouse, Lunenburg.
Independent Packing Company, Brockton.
Judkins, F. H., Athol.
Kabatchnick, Mark Sidney, Chester.
McAdoo, Harold A., Bolton.
Rellim Packing Company, Milford.
Robbins, Richard, Ashby.
Shapiro, A. Beef Co., Brighton.
Strycharz Slaughter House, Blackstone.

MICHIGAN

Bluska Packing Co., Port Huron.
Burgess Meat Co., Hillsdale.
Christie Packing Co., Schoolcraft.
Costello Packing Co., Detroit.
Double Jay Packing Corp., Dutton.
Foster's Market, Quincy.
Jack Goose & Company, Detroit.
Hillsdale Packing Co., Hillsdale.
Hudson Locker, Hudson.
Independent Packing Co., Menominee.
Lengel Meat Packers, Inc., Temperance.
S. Loewenstein & Son, Detroit.
Bruce T. Marshall, Bay City.
Nichols-Foss Packing Co., Bay City.
Max Paulsen & Son, Inc., Muskegon.
Peet Packing Company, Chesaning.
Pleasant Valley Packing Co., Schoolcraft.
Richmond Packing Co., Richmond.
Simpson's Country Market, Galien.
Snyder Farms, Byron Center.
Victory Beef Company, Detroit.
Vogt Packing Co., Flint.

MINNESOTA

Caldwell Packing Co., Windom.

MISSISSIPPI

Archer, B. F., Mathiston.
Barnett Sausage Company, North Biloxi.
B & B Packing Company, Byram.
Beck Packing Company, Byram.
Belmont Packing Company, Belmont.
Betheze Bros. Packing Company, Meridian.
Brumfield, A. J., Tylertown.
Bryant's Super Market, Winona.
Cochran Frozen Food Locker, Waynesboro.
Columbus Packing Company, Columbus.
Corinth Meat Curing Plant, Corinth.
Counce Curing Plant, H. R., Corinth.
Davis Brothers, West Point.
Delta Pine Land Company, Scott.
Dunn, B. T. Slaughter House, Walnut.
Fortenberry, Ben, Carriere.
Fortenberry, Kearney (Kerney) E., Sandy Hook.
Happy Aeres, Petal.
Huff, Otis, Corinth.
Isbell Distributing Company, Corinth.
Isbell Bros. Meat Curing Plant, Corinth.
A. H. Isbell & Sons Meat Curing Plant, Corinth.
Jones Slaughter House, Brookhaven.
Lampards Wholesale Meats, Cleveland.
Lang's Meat Processing Plant, Sam, Magnolia.
Lauderdale Cold Storage, Meridian.
Mallette Packing Company, Greenwood.
Michel Packing Company, Meridian.
McBride Curing Plant, Iuka.
McComb Frozen Food & Locker Plant, McComb.
Ole Hickory Sausage Plant, Magnolia.
Orman's Sausage Company, Ellisville.
Quin Slaughtering House, Osyka.
Ripley Meat Processing Plant, Ripley.
Robinson Bros. Packing Company, Batesville.
Sam's Slaughter House, Waynesboro.
Stringer Slaughter House, Columbia.
Vicksburg Packing Company, Vicksburg.
Waller Slaughter House, Waynesboro.
Welch's Slaughter House, McComb.
Willoughby's Slaughter House, Kokomo.
Wise & Wise Packing Company, Greenville.
Central Packing Company, Hattiesburg.
Gilbert's Slaughter House, McComb.
Hickman, H. J., Gulfport.
Mallett, F. S., North Biloxi.
Pioneer Provision Company, Grenada.
Quave's Meat Products, Wiggins.
Shaw Cold Storage & Market, Grenada.
West Packing Company, Indianola.

MISSOURI

Dan Baum Packing Company, St. Louis.
General Meat Company, St. Louis.
M.F.A. Packing Division, Springfield.
Reinhardt Packing Company, St. Louis.
Reitz Meat Products, Raytown.
Roseville Packing Company, Springfield.
Schneider Packing Company, St. Louis.
Stanley Meat Company, Affton.
Volz Packing Company, St. Louis.
Wicks, Walter, Slaughter House, Pierce City.
Coleman Packing Plant, Holden.
Nenninger Packing Company, Cape Girardeau.

NEBRASKA

Vanderheiden's Slaughter House, Valentine.

NEVADA

M. B. Bybee Slaughtering Establishment, Ely.
Horlacher Meat Co., Fallon.
Mori Meat Co., Fallon.
Nevada Meat Packing Co., Reno.
Ruby Mountain Packing Co., Elko.

NEW JERSEY

Wm. L. Burtch, Vineland.
Gaskill Frosted Food Locker Plant, Elmer.
Daniel Gottlieb & Sons, Inc., Camden.
J. H. & H. E. Hartman, Trenton.
Miller Bros., Camden.
Monmouth County Abattoir, Asbury Park.
Perth Amboy Packing Co., Perth Amboy.
George Preziosi, New Village.
Philip L. Singer, Sussex.
O. W. Struble, Newton.

NEW MEXICO

Addington Lockers, Clayton.
Belen Locker & Slaughter Pen, Belen.
Crescent Packing Company, Albuquerque.
Dick's Slaughtering House, Clovis.
Frontier Packing Company, Albuquerque.
Glover Packing Company, Roswell.
New Mexico Meat & Provision Company, Albuquerque.
Oliver Packing Company, Raton.
Rancho Packing Company, Clovis.
Raton Packing Company, Raton.
Snell Packing Company, Inc., Clovis.
Taos Locker Plant, Inc., Taos.
Tularosa Packing Company, Tularosa.
Valley Packing Company, Fairview.

Valley Packing House, Albuquerque.
Williams Slaughterhouse, Socorro.

NEW YORK

Arm Packing, Buffalo.
Archie, E. J. & Sons Inc., Buffalo.
Aronson, William, Glens Falls.
Aust, A. J., Otto.
Barry, Francis, Victor.
Baldwin, Orval W., Brocton.
Baxter's Boneless Beef, Buffalo.
Bender, Elmer & Son, Buffalo.
Bieser, Frederick, Whitesville.
Brown's Slaughter House, Otto.
C. J. D. Packing Co., Inc., Buffalo.
Chaffer Provision Company, Victor.
Cheektowaga Packing Co., Depew.
Cukerstein, Sam & Son, Hudson.
Dean's Slaughter House, Goshen.
Dembo's, Troy.
DeVita, James & Gino, Endicott.
Dunning's Slaughterhouse, Howells.
Eckman, Albert M., Frewburg.
Fairbank Farms, Ashville.
Farber, Murray, Goshen.
Fargnoli, Sam & John, Endicott.
Frear, LeRoy Carl, Endicott.
Golde Packing Co., Tonawanda.
Goshen Packing Co., Howells.
Green Bros., Schenectady.
Harrison, W., Corning.
Horlein, E. C. & Son Inc., Buffalo.
Johnson, Kermit, Gilbert & Richard, Cassadaga.
Kusler, Benjamin, Elmira.
Kwiatkowski Bros., Buffalo.
Letgers Bros., Clymer.
Levine, Abraham, Ellenville.
Liepshutz Market, Hudson.
Ludington Bros., Maine.
Malecki, Joseph Inc., Buffalo.
Marbot, Frank, Troy.
Mendenhall, Mrs. James R., Lexington.
Moses, Norbert, Norwich.
Norman's Wholesale Meats, Buffalo.
Obler & Sorensen, Horseheads.
Olean Cold Storage Co., Inc., Olean.
Parker's Slaughter House, Schaghticoke.
Poughkeepsie Beef Co. Inc., Poughkeepsie.
Rappaport, Philip, Newark Valley.
Rosenblum Bros., Cohoes.
Samlof, David & Sons, Albany.
Schmitt, J. J. & Co. Inc., Buffalo.
Seven Valley Beef, Inc., Cortland.
Shapiro, M. Wholesale Meats, Jamestown.
Slazak's West Alden Packing House, Alden.
Smith, Bernard G., Troy.
Staffeld, R. W. & Sons, Buffalo.
Syracuse Packing & Provision Co., Camillus.
Tog Packing Co. Inc., Buffalo.
Utica Veal Co. Inc., Marcy.
Valentine's Meat Market, Kennedy.
Wand Company, Slate Hill.
Welberg, James N., Pine City.
West, R. B. Co. Inc., Buffalo.

NORTH CAROLINA

Bryan Packing Corp., Asheville.
Chadbourn Packing Co., Chadbourn.
Circle "F" Abattoir, Lexington.
City Abattoir, Shelby.
McDaniel's Abattoir, Fayetteville.
New Bern Prov. Co., New Bern.
Shelby Abattoir and Processing Co., Shelby.
William A. Whicker Packing Co., Mockville.
Wilmington Packing Company, Wilmington.

NORTH DAKOTA

Bean Packing Plant, Williston.

OHIO

Arend, B. J. Co., Toledo.
Berry, S. P. Slaughtering Est., Winchester.
Braun Brothers Packing Co., Troy.
Focke, William Sons Co., Dayton.
Folger Packing Co., Toledo.
Gem Packing Co., Dayton.
Gerstenslager Meats, Inc., Creston.
Henderson Meats, Waterloo.
Hostetter Meats, Applecreek.
Hygrade Food Products Corp., Youngstown.
Kent Provision Co., Kent.
Lima Packing Co., Lima.
Lorain Elyria Packing Co., Elyria.
McMahan Packing Co., Marysville.
Montenery Provision, Tiltonsville.
Ohio Packing Co., Columbus.
Passek's Meats, Bristolville.
Peters, B. L. Slaughter House, Lewisburg.
Pioneer Sausage Company, Wheelersburg.
Rittberger Bros., Zanesville.
Romer Slaughter House, Coldwater.
Samler Packing Co., Dayton.
Schmidt Provision Company, Toledo.
Spalte's Packing Plant, S. Palestine.
Springfield Meat Co., Springfield.
Sugardale Provision Co., Canton.
Superior Provision Co., Massillon.
Trimbach Packing Company, Dayton.
Waldock Packing Company, Sandusky.
Wellsville Packing Co., Wellsville.
Zeimmer Packing Co., Antwerp.

OKLAHOMA

O'Brien Meat Company, Tulsa.
Sooner Packing Company, Collinsville.
Southeastern Slaughtering Establishment, Durant.
Williams Packing and Storage Company, Miami.
Big Pasture Packing Company, Grandfield.
C. L. VanCleve, Tulsa.
Germans Slaughtering Establishment, Rossston.
Groceteria Slaughtering Establishment, Texhoma.
Hamilton Slaughtering Establishment, Medford.
Union Packing Company, Hartshorne.
Kingfisher Meat and Locker Company, Kingfisher.
Montgomery Brothers Slaughtering Establishment, Hugo.
McCreary Packing Company, Enid.
Earl C. Thomas Slaughtering Establishment, Moore.
John Ward Slaughtering Establishment, Woodward.

OREGON

Gardner Midway Meats, Donald R., Medford.
Crane Slaughtering Establishment, Ralph W., Perkins.
Hamilton Slaughtering Establishment, Medford.

PENNSYLVANIA

Adams, Paul E., Jonestown.
Aliquippa Packing Co., Aliquippa.
Anderson, Frank L. & Sons, Pittsburgh.
Anspech, Charles C., Womelsdorf.
Areau Dressed Beef Co., Norristown.
Attig Bros., Shrewsbury.
Baum, Daniel S., Elizabethtown.
Baum's Meat Packing Co., Lansdale.
Beatty's Farm Meat Products, Monroeville.
Benzak, Anthony L., Bethlehem.
Berks Welfare Farm, West Leesport.
Bethlehem Packing Co., Bethlehem.
Biderman & Sons, Inc., Philadelphia.
Bierer, Daniel R., Unlontown.
Blouse Meat Market, Glen Rock.
Bonanno, Jake, Germantown.
Brand, William, Pipersville.
Brenzovich's Meat Market, Jefferson.
Brest Packing Co., Shamokin.
Brillhart's Meat Market, Hanover.
Brizer Beef Co., Dunmore.
Bryan, John J., Dushore.
Bubbenmoyer, C. W., Barnville.
Bull Run Packing Co., Homestead.
Burkholder Bros., Lebanon.
Bush, G. D., Jamestown.
C. & J. Packing Co., Vandergrift
Campo, James, Philadelphia.
Cappuccio & Carbonaro, Philadelphia.
Charles Meat Market, Liverpool.
Clapper, Dewey, Dillsburg.
Daiseyfield Packing Company, Daiseytown.
Darling, Lester W., La Plume.
Davidek, M. J., Breckenridge.
Denholm Packing Company, Pittsburgh.
Derry Township Packing House, Latrobe.
Donnia's Food Market, East Berlin.
Ebling's Meat Market, Myerstown.
Edward's Frozen Food Center, Inc., Ebensburg.
Engle Brothers, Markleysburg.
Fisher, Ralph I., Yellow House.
Fox, Henry J., Mertztown.
Gassert, John A., Myerstown.
Gentzler, W. N., Dover.
Giorgio, J., Philadelphia.
Godfrey, Melvin M., York.
Gorski, Frank, Hatfield.
Grecak, Frank, Portage.
Green, A. & Son, Berwick.
Gress Bros., Center Valley.
Grissinger Brothers, McConnellsburg.
Gross, Paul C., Eureka.
Gum, Russell M., Pen Argyl.
Hale, R. Bruce & Son, Halifax.
Hanas, George, Daisytown.
Hanover Provision Company, Hanover.
Hawkeye Meat Market, Scottsdale.
Heffner's Meat Market, Schuylkill Haven.
Helm, Ralph E., Waynesboro.
Herring, Paul A., Pitman.
Hoffer, Frank L., Carlisle.
Hoffman, Dale D., Salisburg.
Hoffman, J. E., Estate, Williamstown.
Hollinger, J. Lloyd, Lancaster.
Honsaker Brothers, Roaring Springs.
Hooversville Supply Co., Hooversville.
Huffman, H. M., Vandergrift.
Huffman, Ralph L., Latrobe.
Hurka & Check, Pittsburgh.
Hutchinson's Custom Butchering, Hydetown.
Ingrund, D. E., New Baltimore.
Imler, Roy S., Altoona.
Imperial Packing Co., Imperial.
Innerst Brothers, Dallastown.
Janke's, Windburne.
Johnson Wholesale Meats, Northumberland.
Kelso, C. W., Hickory.
Kenney, H. Z., Hungerford.
Kern, Lee G & Sons, Slatington.
Kirkpatrick, Robert B., Scotland.
Kiski Valley Packing Company, Vandergrift.
Klein, F. A., Prov. Co., Pitcairn.
Kling, Arthur G., Landisburg.
Knepp, Albert A., Mifflintown.
Kolansky, Abe, Wymart.
Kottcamp, Homer S., York.
Kreisl Brothers, Shamokin.
Kressler, Herbert H., Quakertown.
Kuntz, Paul L., Punxsutawney.
Lancaster Packing Co., Lancaster.
Lesher, Marlyn L. & Sons, Elizabethville.
Lofstead, Frank E., Beallsville.
Lonczynski, Thaddeus, Hazleton.
Lorditch, George J., Johnstown.
Lower's Store, Biglersville.
Luckenbill, Curtis T., Kutztown.
McLaughlin & Fickes, Fayetteville.
McCall Packing Co., Rimersburg.
McClure Locker Plant, McClure.
Manbeck, Lloyd H., Bernville.
Manieri, Inc., Philadelphia.
Markle, Clair R., York.
Milliron, Jess A., Cloe.
Moetz, C. A. J., Topton.
Mousourskis Packing Co., Daisytown.
Moyer, A. F. & Sons, Souderton.
Moyer, Maurice J., Plowville.
Munger's Locker Plant, North East.
Musser, Clayton Co., Mohnton.
Mutzabaugn Meat Market, Duncannon.
Myers Meat Market, Codorus.
Ness, P. H., York.
New Castle Packing Co., New Castle.
Newman's Market, Fairfield.
Nichols, Harold L., Titusville.
North Side Packing Company, Pittsburgh.
Oswald & Hess Company, Pittsburgh.
Peters, William H., Inc., Harrisburg.
Petruzzi, Michael, Drums.
Pierson, Leslie, Lewisville.
Punxsutawney Beef & Provision Co., Punxsutawney.

Potteiger, R. L., New Kingston.
Quakertown Packing Company, Quakertown.
Quality Meat Market, Johnsonberg.
Reichert, Melvin N., Bechtelsville.
Reimold, Ed., Transfer.
Rhodes, J. Glen, Martinsburg.
Ritter, Charles D., Boyertown.
Rosen, Max, Pittsburgh.
Rosen, Meyer, Creighton.
Roth, C. R. & Son, Shlremanstown.
Roth, Ivan D., Shlremanstown.
Rouman, Abram, Lansdale.
Rupert, Edgar B., Sr., Chambersburg.
Sabstasse, Jim, Slovan.
Shantz, Clifford, E. Greenville.
Schlegel, Irvin J., Hegins.
Shaffer, Fred, Hooversville.
Shaffer Slaughter Shop, Hooversville.
Silver Lake Packing Co., Dunmore.
Smith's Quality Super Market, Glen Rock.
Snowberger Bros., East Freedom.
Snyder, Lloyd J., Fleetwood.
Somerset Packing Company, Bentleyville.
Spitzler's Meat Products, Inc., Uniontown.
Sprecher, Chester A., Fleetwood.
Stambaugh's Meat Market, Spring Grove.
Starry & Shultz, Carlisle.
Steely, Harry N., Lewisberry.
Stolz, H. L., Bernville.
Strunk Bros., Herford.
Swans Super Market, Shades Gap.
Taverini, Alex, Portage.
Utz, Raymond R., Hanover.
Varano & Troutman, Kulpmont.
Waddington Howard C., New Castle.
Walborn, R. A., Hershey.
Wehry, William S., Klingerstown.
Wells, Ambrose, Punxsutawney.
Wenrich, Earl S., Scottdale.
Werry, H. W., Scottdale.
West Branch Beef & Prov. Co., Williamsport.
Western Provision, Inc., Erie.
Wike, Mamie S., Robesonia.
Winbrook Farms, New Castle.
Wolfe's Meat Market, Myerstown.
Yost, C. B., Loganville.
York Springs Meat Market, York Springs.
Yost, Fred B., Newville.

RHODE ISLAND

A.B.C. Beef & Veal Company, Johnston.
Braumberg Packing Company, Johnston.
Burchard's Slaughterhouse, Foster.
Carter Beef Co., Inc., Johnston.
Concord Dressed Beef & Veal Co., Pawtucket.
DeSantis, John, Westerly.
Rhody Trading Corporation, Pawtucket.
Ricci, J. Packing Co., Johnston.
Russo's Slaughterhouse, Bristol.
Sacco's Market, Westerly.
Starlite Packing Company, Pawtucket.

TENNESSEE

Barnett's Grocery, Huntingdon.
Brothers Seafood, Winchester.
Carey Packing Co., Morristown.
Castellaw's Slaughterhouse, Alamo.
Charlie's Slaughterhouse, Trenton.
Chattanooga Sausage Co., Chattanooga.
Cook's Slaughterhouse, Dyersburg.
Fletcher Brothers Slaughterhouse, Lenoir City.
Hendons Meat Market, Milan.
Hickory Valley Packing Co., Hickory Valley.
Morton Bros. Packing Co., Johnson City.
Rakes Slaughterhouse, Watertown.
Randolph Producer Co., Crossville.
Sunnydale Meat Products Inc., Nashville.

TEXAS

City Custom Packing, Houston.
Pen Meat Packers, McKinney.
Watkins Packing Company, Dalhart.
Goode Slaughtering, Denison.
Cash Brothers Packing Company, Inc., Dallas.
Circle B Packing Company, Dallas.
Estes Brothers Packing Company, Fort Worth.
Glover Packing Company of Amarillo, Amarillo.
Jefferson Packing Company, Beaumont.
Lubbock Packing Company, Lubbock.
Highland Packers, Inc., Booker.
Myers Meat Company, Muleshoe.
Pickering Abattoir, Texarkana.

VERMONT

Becker & Kaplan, Essex Junction.
George Boyce, Poultney.

WISCONSIN

Schelder's Meat Market, Shawano.
Shuberts Market, Oshkosh.
Thielman Sausage Market, Elkhart Lake.
Zitron Brothers, Inc., Milwaukee.
Vere Ferries Market, Ontario.
Host Brothers Market, Lake Geneva.
Polar Locker, La Crosse.
Van's Packing House, Seymour.
Calewart's Meat Market, Green Bay.
Green Bay Packing Co., Green Bay.
Luedke Brothers, Sheboygan.
Bruhn's Freeze Meats, Barton.
Goldberg Packing Co., Wentworth.

WYOMING

Dell Draney & Son, Afton.
S & S Packing Co., Cheyenne.
Ranchester Slaughtering Service, Ranchester.

Effective date. The foregoing notice shall become effective upon publication in the FEDERAL REGISTER.

Certain additional stockyards and slaughtering establishments are added to the list of those heretofore specifically approved under the regulations in 9 CFR Part 78. It has been determined that the inspection and handling of livestock or carcasses or products thereof at such stockyards or establishments are adequate to effectuate the purposes of such regulations. Certain stockyards and slaughtering establishments are removed from the list of those heretofore specifically approved under said regulations, because it has been determined that such stockyards and establishments no longer qualify for specific approval under the regulations. Changes in the names of certain stockyards and slaughtering establishments are also set forth in the foregoing notice. This action, therefore, imposes certain restrictions necessary to prevent the spread of brucellosis and relieves certain restrictions presently imposed. It should become effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved hereby. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to this action are impracticable and contrary to the public interest, and good cause is found for making this notice effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 20th day of December 1965.

R. E. OMOHUNDRO,
Acting Director, Animal Health Division, Agricultural Research Service.

[F.R. Doc. 65-13701; Filed, Dec. 20, 1965; 3:30 p.m.]

Commodity Credit Corporation
SALES OF CERTAIN COMMODITIES
December Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

The prices at which Commodity Credit Corporation commodity holdings are available for sale during December 1965 are as announced by the U.S. Department of Agriculture. The following commodities are available: Butter, cheddar cheese, nonfat dry milk, cotton (upland and extra long staple), wheat, corn, oats, barley, rye, rice, grain sorghum, peanuts, flax and linseed oil.

While the December list of commodities is unchanged from November, USDA announced on November 23 that hard red spring wheat of 15 percent protein and above and hard red winter wheat of 13 percent and above were being offered for sale for unrestricted use. Sales price is the market price but not less than 108 percent of the current loan rate plus carrying charges.

Corn, oats, barley or grain sorghum, as determined by CCC, will be sold for unrestricted use for "Dealers' Certificates" issued under the emergency livestock feed program. Grain delivered against such certificates will be sold at the applicable current market price, determined by CCC.

In the following listing of commodities and sales prices or method of sales, "unrestricted use" applies to sales which permit either domestic or export use and "export" applies to sales which require export only. CCC reserves the right to determine the class, grade, quality and available quantity of commodities listed for sale.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Procurement and Sales Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250.

Interest rates per annum under the CCC Export Credit Sales Program (Announcement GSM-3) for December 1965 are 4½ percent for periods up to and including 12 months, and 5 percent for periods from over 12 months up to a

maximum of 36 months. Commodities currently offered for sale by CCC, plus tobacco from CCC loan stocks, are available for export sale under the CCC Export Credit Sales Program as provided under specific commodity listings. Commodities from private stocks now eligible for financing under the CCC Export Credit Sales Program include wheat, wheat flour, bulgur, corn, cornmeal, grain sorghum, upland and extra long staple cotton, tobacco, milled and brown rice, cottonseed oil, soybean oil, and dairy products.

The following commodities are available for programming under Title IV, P.L. 480, private trade agreements: Wheat, corn, rice, grain sorghum, upland and extra long staple cotton, tobacco from CCC loan stocks, butter, cheese, and nonfat dry milk. In addition, other surplus agricultural commodities are also eligible for Title IV programming. Information on commodities available under this program, and current information on interest rates and other phases of the program may be obtained from the Office of the General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C., 20250.

The following commodities are currently available for barter: Cotton (upland and extra long staple), tobacco, wheat, corn, grain sorghum, butter, and nonfat dry milk. (In addition, free market stocks of cottonseed and soybean oils are eligible for barter programming.) This list is subject to change from time to time.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC stocks within a reasonable period of time. Where sales are for export, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington, D.C., 20250, with respect to all commodities or—for specified commodities—within the designated ASCS Commodity Office.

Commodity Credit Corporation reserves the right to amend, from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

CCC reserves the right to refuse to consider an offer, if CCC does not have adequate information of financial responsibility of the offerer to meet contract obligations of the type contemplated in this announcement. If a prospective offerer is in doubt as to whether CCC has adequate information with respect to his financial responsibility, he should either submit a financial statement to the office named in the invitation prior to making an offer, or communicate with such office to determine whether such a statement is desired in his case. When satisfactory financial responsibility has not been established, CCC reserves the right to consider an offer only upon submission by offerer of a certified or cashier's check, a bid bond, or other security, acceptable to CCC, assuring that if the offer is accepted, the offerer will comply with any provisions of the contract with respect to payment for the commodity and the furnishing of performance bond or other security acceptable to CCC.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS office promptly upon appearance and therefore, generally, they do not appear in the monthly sales list.

On sales for which the buyer is required to submit proof to CCC of exportation, the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions and have a person, principal or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to U.S. Government agencies, with only minor exceptions will constitute domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

The Department of Commerce, Bureau of International Commerce, pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities under this program to Cuba, the Soviet Bloc or Communist-controlled areas of the Far East including Communist China, North Korea and the Communist-controlled area of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of International Commerce.

For all exportations, one of the destination control statements specified in Commerce Department regulations (Comprehensive Export Schedule, § 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Commerce or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

Sales Price or Method of Sale

WHEAT, BULK

Unrestricted use.

A. *Storable.* Hard Red Spring Wheat of 15 percent protein o/b and Hard Red Winter Wheat of 13 percent protein o/b is available for sale at market price but not below 108 percent of the 1965 support price for the class, grade, and quality of the wheat plus the amount shown in C below applicable to the type of carrier involved. All other storable wheat is not available for unrestricted use sale.

B. *Nonstorable.* Such dispositions of nonstorable wheat as CCC may designate will be made at not less than market price, as determined by CCC.

C. *Markup and examples (dollars per bushel—in store).*

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.12½	$0.09½	Minneapolis—No. 1 DNS, 15 percent protein (1.58 and $0.10¼) 108 percent and $0.09¼; $1.91¼. Kansas City—No. 1 HW, 13 percent protein (1.43 and $0.04½) 108 percent and $0.09¼; $1.69¼.

D. *Availability information.* For information on the disposition of nonstorable wheat, contact the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices shown at the end of this sales list.

Export.

Sales will be made pursuant to the following announcements:

A. Announcement G-345 (revised August 25, 1964) as amended for export under the wheat export payment-in-kind program. When hard winter wheat is delivered on the West Coast by CCC to cover sales under GR-345, evidence of export must show exportation from West Coast ports.

B. Announcement G-346 (revised September 8, 1964) as amended for export as flour.

C. Announcement GR-261 (Rev. 2, Jan. 9, 1961, as amended and supplemented) for export as wheat and under Announcement GR-262 (Rev. 2, Jan. 9, 1961, as amended) for export as flour for application under arrangements for barter and approved CCC credit sales only at prices determined daily. Hard winter wheat will not be sold through West Coast ports under Announcements GR-261 or GR-262.

D. *Available.* Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

CORN, BULK

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Such CCC dispositions of corn as CCC may designate will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The price at which corn shall be valued for such dispositions shall be the highest of (a) market price as determined by CCC, (b) a minimum price for such corn as determined by CCC and, (c) the payment-in-kind formula price for such redemptions. Such formula price shall be the applicable 1965 price-support loan rate for the class, grade and quality of the corn plus the amount shown in C of this unrestricted use section.

B. *General sales.*

1. *Storable.* Such CCC dispositions of storable corn as CCC may designate as general sales will be made during the month at market price, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1965 price-support rate[3] (published loan rate plus 20 cents per bushel) for the class, grade, and quality of the corn, plus the amount shown in C of this unrestricted use section. For corn in store at other than the point of production, the freight and handling charges from point of production to the present point of storage will also be added. CCC will normally make general sales of corn when dispositions of such corn are not being made against domestic payment-in-kind certificates.

2. *Nonstorable.* Such dispositions of nonstorable corn as CCC may designate as general sales will be made at not less than market price, as determined by CCC.

C. *Markups and examples (dollars per bushel in-store[1] basis No. 2 yellow corn, 14 percent M.T. 2 percent F.M.)*

Markup in-store received by—		Examples
Truck		
$0.07¼		Feed grain program domestic PIK certificate minimums: McLean County, Ill. ($1.06 and $0.03 and $0.07¼); $1.16¼. Chicago, Ill. (ex-McLean County by rail); County minimum plus freight and handling charges ($1.16¼ and $0.00¾ and $0.08½ and $0.01¾); $1.27¼. Agricultural Act of 1949 stat. minimums: McLean County, Ill. ($1.06 and $0.20 and $0.03); 105 percent and $0.07¼; $1.43¼. Chicago, Ill. (ex-McLean County by rail); County minimum plus freight and handling charges ($1.43¼ and $0.00¾ and $0.08½ and $0.01¾) $1.54¾.

D. *Availability information.* For information on CCC corn sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of corn from other locations, contact the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices shown at the end of this sales list.

Export.

Sales for barter and credit are made at the applicable export market price, as determined by CCC; export payment-in-kind rates, if any, are deducted in arriving at barter and credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the adjustment referred to in C of the unrestricted use section for corn. Sales will be made pursuant to the following announcement:

A. Announcement GR-212 (Revision 2, January 9, 1961), for application to approved CCC barter and credit sales.

GRAIN SORGHUM (BULK)

B. *Available.* Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Such CCC dispositions of grain sorghum as CCC may designate will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which grain sorghum shall be valued for such dispositions shall be market price, but not less than the payment-in-kind formula price for such redemption. Such formula price shall be the applicable 1965 price-support loan rate for the class, grade, and quality of the grain sorghum, plus the amount shown in C of this unrestricted use section applicable to the type of carrier involved.

B. *General sales.*

1. *Storable.* Such CCC dispositions of storable grain sorghum as CCC may designate as general sales will be made during the month at market price, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1965 price-support rate[2] (published loan rate plus 35 cents per cwt.) for the class, grade, and quality of the grain sorghum, plus the amount shown in C of this unrestricted use section applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight and handling charges will be added. Examples of these formula minimum prices are shown in C of this unrestricted use section. CCC will normally make general sales of grain sorghum when dispositions of such grain sorghum are not being made against domestic payment-in-kind certificates.

2. *Nonstorable.* Such dispositions of nonstorable grain sorghum as CCC may designate as general sales will be made at not less than market price, as determined by CCC.

C. *Markups and examples (dollars per hundredweight in-store[1] No. 2 or better).*

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.21½	$0.15¾	Feed grain program domestic PIK certificate minimums: Hale County, Tex. ($1.63 and $0.21½); $1.84½. Kansas City, Mo. (ex-rail) ($1.93 and $0.15¾); $2.08¾. Agricultural Act of 1949: stat. minimums: Hale County, Tex. ($1.63 and $0.35); 105 percent and $0.21½; $2.29½. Kansas City, Mo. (ex-rail) ($1.93 and $0.35); 105 percent and $0.15¾; $2.55¾.

D. *Availability information.* For information on CCC grain sorghum sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of grain sorghum from other locations, contact the Kansas City, Evanston, Portland, or Minneapolis ASCS grain offices shown at the end of this sales list.

Export.

Sales are made at the applicable export market price, as determined by CCC; export payment-in-kind rates, if any, are deducted in arriving at barter and credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the adjustment referred to in C of the unrestricted use section for grain sorghum. Sales will be made pursuant to the following announcements:

A. Announcement GR-368 (revised March 1, 1965), feed grain export payment-in-kind program.

B. Announcement GR-212 (Revision 2, January 9, 1961), for application to arrangements for barter, approved CCC credit and other designated sales.

C. *Available.* Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

BARLEY, BULK

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Such CCC dispositions of barley as CCC may designate will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which barley shall be valued for such dispositions shall be market price, as determined by CCC, but not less than the payment-in-kind formula price for such redemptions. Such formula price shall be the applicable 1965 price-support loan rate for the class, grade, and quality of the barley, plus the amount shown in C of this unrestricted use section applicable to the type of carrier involved.

B. *General sales.*

1. *Storable.* Such CCC dispositions of storable barley as CCC may designate as general sales will be made during the month at market price, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1965 price-support rate[2] (published loan rate plus 16 cents per bushel) for the class, grade, and quality of the barley, plus the amount shown in C of this unrestricted use section, applicable to the type of carrier involved. Examples of these formula minimum prices are shown in C of this unrestricted use section. If delivery is outside the area of production, applicable freight and handling charges will be added. CCC will normally make general sales of barley when dispositions of such barley are not being made against domestic payment-in-kind certificates.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per bushel in-store[1] No. 2 or better).*

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.11¾	$0.09¾	Feed grain program domestic PIK certificate minimums: Cass County, N. Dak. ($0.76 and $0.10¼); $0.87¼. Minneapolis, Minn. (ex-rail) ($0.99 and $0.09¾); $1.08¾. Agricultural Act of 1949; stat. minimums: Cass County, N. Dak. ($0.76 and $0.16); 105 percent and $0.11¾; $1.08¾. Minneapolis, Minn. (ex-rail) ($0.99 and $0.16); 105 percent and $0.09¾; $1.30¾.

D. *Availability information.* For information on CCC barley sales from bin sites, contact ASCS State or county offices. For information on the disposition of barley from other locations, contact the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices shown at the end of this sales list.

Export.

Sales are made at the applicable export market price, as determined by CCC; export payment-in-kind rates, if any, are deducted in arriving at credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the adjustment referred to in C of the unrestricted use section for barley. Sales will be made pursuant to the following announcements except that barley will not be sold for applications to Title I, or Title IV, P.L. 480 purchase authorizations or for barter.

A. Announcement GR-368 (revised March 1, 1965), feed grain export payment-in-kind program.

B. Announcement GR-212 (Revision 2, January 9, 1961), for application to approved CCC credit sales.

C. *Available.* Evanston, Kansas City, and Minneapolis ASCS grain offices.

See footnotes at end of document.

OATS, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 105 percent of the applicable 1965 price-support rate [2] for the class, grade, and quality of the oats plus the amount shown in B below. For oats in-store at other than the point of production, the freight and handling charges from point of production to the present point of storage will also be added.

B. *Markups and examples (dollars per bushel in-store [1] basis No. 2 XHWO).*

Markup in-store received by—	Examples—Agricultural Act of 1949; Stat. minimum
Truck	
$0.10¼	Redwood County, Minn. ($0.56 and $0.03 quality differential); 105 percent and $0.10¼; $0.72¼. Minneapolis, Minn. (ex-Redwood County by rail). County minimum plus freight and handling charges ($0.72¼ and $0.00¾ and $0.05¼ and $0.01¾); $0.79¼.

C. *Nonstorable.* At not less than the market price as determined by CCC.

D. *Availability information.* Sales at bin sites are made through the ASCS county offices; at other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices.

Export.

Sales are made at the applicable export market price, as determined by CCC; export payment-in-kind rates, if any, are deducted in arriving at credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the adjustment referred to in B of the unrestricted use section for oats. Sales will be made pursuant to the following announcements except that oats will not be sold for applications to Title I, or Title IV, P.L. 480 purchase authorizations or for barter.

A. Announcement GR-368 (revised March 1, 1965), feed grain export payment-in-kind program.

B. Announcement GR-212 (Revision 2, January 9, 1961), for application to approved CCC credit and other designated sales.

C. *Available.* Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

RYE, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 105 percent [2] of the applicable 1965 price-support rate for the class, grade, and quality of the grain plus the respective amount shown below applicable to the type of carrier involved. If delivery is outside the area of production applicable freight and handling charges will be added to the above.

B. *Markups and examples (dollars per bushel in-store [1] No. 2 or better).*

Markup in-store received by—		Examples—Agricultural Act of 1949; Stat. minimum
Truck	Rail or barge	
$0.12½	$0.09¼	Rollete County, N. Dak. ($0.91); 105 percent and $0.12½; $1.03¾. Minneapolis, Minn. (ex-rail) ($1.24); 105 percent and $0.09¼; $1.40¾.

C. *Nonstorable.* At not less than market price as determined by CCC.

See footnotes at end of document.

D. *Availability information.* Sales at bin sites are made through ASCS county offices; at other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices.

Export.

Sales are made at the applicable export market price, as determined by CCC; export payment-in-kind rates, if any, are deducted in arriving at credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the adjustment referred to in B of the unrestricted use section for rye. Sales will be made pursuant to the following announcements except that rye will not be sold for applications to Title I, or Title IV, P.L. 480 purchase authorizations or for barter.

A. Announcement GR-368 (revised March 1, 1965), feed grain export payment-in-kind program.

B. Announcement GR-212 (Revision 2, January 9, 1961), for application to approved CCC credit and other designated sales.

C. *Available.* Evanston, Kansas City, Portland and Minneapolis ASCS grain offices.

RICE, ROUGH

Unrestricted use.

Market price but not less than 1965 loan rate plus 5 percent plus 25 cents per hundredweight, basis in store.

Export.

As milled or brown under Announcement GR-369, Revision III, rice export program—payment-in-kind, and under GR-379, Revision I, for approved credit sales.

Prices, quantities, and varieties of rough rice available from Kansas City ASCS Commodity Office.

COTTON, UPLAND

Unrestricted use.

A. Competitive bid under the terms and conditions of Announcement NO-C-16, as amended (Sale of Upland Cotton for Unrestricted Use). Under this announcement, upland cotton acquired under price-support programs will be sold at the highest price offered but in no event at less than the higher of (a) 105 percent of the current loan rate for such cotton, plus reasonable carrying charges, or (b) the market price for such cotton, as determined by CCC.

B. Competitive offers under the terms and conditions of Announcement NO-C-26 (Disposition of Upland Cotton—for exchange of PIK certificates or rights in the certificate pool for upland cotton), as amended. Upland cotton may be acquired at its domestic market price which shall be the highest price offered but not less than the minimum price determined by CCC.

Export.

A. *CCC cash sales for export.* Competitive bid under the terms and conditions of Announcements CN-EX-25 (Cotton Export Program—Sales—1964-66 Marketing Years) and NO-C-29 (Sale of Upland Cotton—Cotton Export Program—1964-66 Marketing Years), as amended.

B. *CCC credit sales and barter.* Competitive bid under the terms and conditions of Announcement CN-EX-23 (Purchase of Upland Cotton for Export under the Export Credit Sales Program), Announcement CN-EX-24 (Acquisition of Upland Cotton for Export under the Barter Program), and Announcement NO-C-28 (Sale of Upland Cotton CCC Credit and Barter Programs—1964-66 Marketing Years), as amended.

COTTON, EXTRA LONG STAPLE

Unrestricted use.

A. Competitive bid under the terms and conditions of Announcements NO-C-6 (revised July 22, 1960), as amended, and NO-C-10, as amended. Under these announcements extra long staple cotton (domestically-grown) will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the domestic market price as determined by CCC.

Export.

A. *CCC cash sales for export.* Competitive bid under the terms and conditions of Announcements CN-EX-20 (Foreign-grown Extra Long Staple Cotton Export Program) and NO-C-23 (Sale of Foreign-grown Extra Long Staple Cotton).

Competitive bid under the terms and conditions of Announcements CN-EX-22 (Extra Long Staple Cotton Export Program) and NO-C-27 (Sale of Extra Long Staple Cotton), as amended.

B. *CCC credit sales and barter.* Competitive bid under the terms and conditions of Announcement CN-EX-26 (Purchase of Extra Long Staple Cotton for Export under the Export Credit Sales Program), Announcement CN-EX-27 (Acquisition of Extra Long Staple Cotton for Export under the Barter Program), and Announcement NO-C-27 (Sale of Extra Long Staple Cotton), as amended.

Availability information. Sale of cotton will be made by the New Orleans ASCS Commodity Office and catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and location may be obtained for a nominal fee from that office.

PEANUTS, FARMERS' STOCK OR SHELLED

A. *Domestic crushing or export.*

1. Farmers' stock peanuts may be purchased for crushing into oil or for export of U.S. No. 1 or better shelled peanuts. Any of the peanuts grading less than U.S. No. 1 must be crushed domestically.

2. Shelled peanuts of less than U.S. No. 1 grades may be purchased for foreign or domestic crushing.

3. Terms and conditions of sales appear in CCC Peanut Announcement 1 (revised) January 4, 1962, Amendments 1 through 4, Supplement 1 and in the lot list and Appendix 1 thereto.

B. *Availability information.* When stocks of any of the above categories are available in their area of responsibility, weekly lot lists are issued by the following:

GFA Peanut Association, Camilla, Ga.
Peanut Growers Cooperative Marketing Association, Franklin, Va.
Southwestern Peanut Growers' Association, Gorman, Tex.

All sales are made on the basis of competitive bids each Wednesday, by the Producer Associations Division, Agricultural Stabilization and Conservation Service, Washington, D.C., to which all bids are submitted.

FLAXSEED, BULK

Unrestricted use.

A. *Storable.* Market price but not less than the applicable 1965 support price for the class, grade, and quality of flaxseed plus 14½ cents per bushel, and plus the respective amount shown below applicable to the type of carrier involved. If delivery is outside the area of production applicable freight and handling will be added to the above.

B. *Markups and examples (dollars per bushel in-store [1]).*

Markup per bushel received by—		Examples of minimum prices (ex-rail or barge)		
Truck	Rail or barge	Terminal	Class and grade	Price
Cents 14	*Cents* 9½	Minneapolis	No. 1	$3.39

C. *Nonstorable.* At not less than market price as determined by CCC.

D. *Available.* Through the Minneapolis Grain Merchandising ASCS office.

Export.

Under Announcement PS-GR-4 dispositions of flaxseed, as designated by CCC, will be in redemption of export PIK certificates at the domestic market price as determined by CCC.

Available. Through the Minneapolis Grain Merchandising ASCS office.

LINSEED OIL, RAW (BULK)

Export.

Under Announcement PS-GR-4 dispositions of raw linseed oil, as designated by CCC, will be in redemption of export PIK certificates at the domestic market price as determined by CCC.

Available. Through the Minneapolis ASCS Commodity Office.

DAIRY PRODUCTS

Sales are in carlots only in-store at storage location of products.

Submission of offers.

Submit offers to the Minneapolis ASCS Commodity Office.

NONFAT DRY MILK

Unrestricted use.

Announced prices, under MP-14: Spray process, U.S. Extra Grade, 16.40 cents per pound.

Export.

A. Payment-in-kind under SM-7 (Revision 1).

B. Competitive bid, under MP-10, pursuant to invitation to bid to be issued by Minneapolis ASCS Commodity Office. Sales under this announcement may be made for application to barter and approved CCC credit.

Any nonfat dry milk offered but not sold under the invitation to bid issued pursuant to MP-10 will be offered for sale through the following Monday noon at prices announced by press release from the Minneapolis ASCS Commodity Office each Wednesday.

BUTTER

Unrestricted use.

Announced prices, under MP-14: 63.0 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 62.25 cents per pound—Washington, Oregon, and California. All other States 62.0 cents per pound.

Export.

A. Payment-in-kind under SM-7 (Revision 1).

B. Competitive bid under Announcement MP-10, pursuant to invitations to bid to be issued by Minneapolis ASCS Commodity Office. Sales under this announcement may be made for application to barter and CCC credit.

Any butter offered but not sold under the invitation to bid issued pursuant to MP-10 will be offered for sale through the following Monday noon at prices announced by press release from the Minneapolis ASCS Commodity Office each Wednesday.

CHEDDAR CHEESE (STANDARD MOISTURE BASIS)

Unrestricted use.

Announced prices, under MP-14: 41.25 cents per pound—New York, Pennsylvania, New England, New Jersey, and other States bordering the Atlantic Ocean and Pacific Ocean and the Gulf of Mexico. All other States 40.25 cents per pound.

Export.

Competitive bid under Announcement MP-10, pursuant to invitation to bid to be issued by Minneapolis ASCS Commodity Office. Announced prices under MP-10. Sales under this announcement may be made for application to CCC credit.

Any cheese offered but not sold under the invitation to bid issued pursuant to MP-10 will be offered for sale through the following Monday noon at prices announced by press release from the Minneapolis ASCS Commodity Office each Wednesday.

FOOTNOTES

[1] The formula price delivery basis for bin site sales will be f.o.b.

[2] To compute, multiply applicable support price by 1.05 round product up to nearest whole cent and add amount shown in the appropriate table and any applicable freight and handling charges.

USDA AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE OFFICES

GRAIN OFFICES

Evanston ASCS Commodity Office, 2201 Howard Street, Evanston, Ill., 60202. Telephone: Long distance—University 9-0600 (Evanston Exchange). Local—Rogers Park 1-5000 (Chicago, Ill.).

Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, and West Virginia.

Branch Office—Minneapolis ASCS Branch Office, 310 Grain Exchange Building, Minneapolis, Minn., 55415. Telephone: 334-2051.

Minnesota, Montana, North Dakota, South Dakota, and Wisconsin.

Kansas City ASCS Commodity Office, 8930 Ward Parkway (P.O. Box 205), Kansas City, Mo., 64141. Telephone: Emerson 1-0860.

Alabama, Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Texas, and Wyoming.

Branch Office—Portland ASCS Branch Office, 1218 Southwest Washington Street, Portland, Oreg., 97205. Telephone: 226-3361.

Alaska, Hawaii, Idaho, Nevada, Oregon, Utah, and Washington (Domestic & Export Sales), Arizona and California (Export sales only).

Branch Office—Berkeley ASCS Branch Office, 2020 Milvia Street, Berkeley, Calif., 94704. Telephone: Thornwall 1-5121.

Arizona and California (Domestic sales only).

PROCESSED COMMODITIES OFFICE—(ALL STATES)

Minneapolis ASCS Commodity Office, 6400 France Avenue South, Minneapolis, Minn., 55410. Telephone: 334-3200.

COTTON OFFICES—(ALL STATES)

New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La., 70112. Telephone: 527-7766.

GENERAL SALES MANAGER OFFICES

Representative of General Sales Manager, New York Area: Joseph Reidinger, 80 Lafayette Street, New York, N.Y., 10013. Telephone: 264-8439, 8440, 8441.

Representative of General Sales Manager, West Coast Area: Callan B. Duffy, Appraisers' Building, Room 802, 630 Sansome Street, San Francisco, Calif., 94111. Telephone: 556-6185.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1066; sec. 105, 63 Stat. 1051, as amended by 76 Stat. 612; secs. 303, 306, and 307, 76 Stat. 614-617; 7 U.S.C. 1427; and 1441 (note))

Signed at Washington, D.C., on December 17, 1965.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 65-13713; Filed, Dec. 27, 1965; 8:45 a.m.]

Consumer and Marketing Service

PRODUCTS FROM PRIVATE BUSINESS ENTERPRISES REGULATED BY C&MS

C&MS Employee Purchases

Pursuant to the authority delegated to the Administrator by Section 40 of the Statement of Organization and Delegation appearing at 29 F.R. 16212, it has been administratively determined that the purchase of products from private business enterprises conducting operations regulated, inspected, or serviced by the Consumer and Marketing Service, should be standardized among all Consumer and Marketing Service employees. Accordingly, instructions have been issued to all Consumer and Marketing Service personnel, which state in part as follows:

No employee of the Consumer and Marketing Service shall purchase any product from a private business enterprise if its operations or products are regulated, inspected, or otherwise serviced by the employee as a part of his official duties, unless

(1) The store or outlet from which the purchase is made is open to the general public, and

(2) The price paid by the employee of C&MS is the same as the price paid by the general public.

Done at Washington, D.C., this 22d day of December 1965.

S. R. SMITH,
Administrator, Consumer and Marketing Service.

[F.R. Doc. 64-13816; Filed, Dec. 27, 1965; 8:46 a.m.]

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Changes in Lists of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 381.1, the lists (30 F.R. 8908-8911, 9962-9963, 11398, 13020, and 14334) of establishments which are operated under Federal inspection pursuant to the Meat Inspection Act (21 U.S.C. 71 et seq.) and which use humane methods of slaughter and incidental handling of livestock are hereby amended as follows:

The reference to Chiapetti Packing Co., establishment 916, and the reference to sheep with respect to such establishment are deleted.

The following table lists species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely:

ESTABLISHMENTS SLAUGHTERING HUMANELY

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Austin Packing Co.	317			(*)			
Oscar Mayer & Co., Inc.	537A			(*)			
Eastern Oregon Meat Co., Inc.	611				(*)		
American Provision Co.	658	(*)					
Needham Packing Corp. of Montana. Species added: 5.	857G		(*)				
Oriskany Beef & Veal Corp.	472	(*)					
Sigman Meat Co. Establishments added: 2.	901B					(*)	

Done at Washington, D.C., this 21st day of December 1965.

R. K. SOMERS,
Deputy Administrator,
Consumer and Marketing Service.

[F.R. Doc. 65-13817; Filed, Dec. 27, 1965; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Anchorage 063998]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

DECEMBER 10, 1965.

The Alaska Railroad, Department of the Interior, has filed an application, serial number Anchorage 063998, for the withdrawal of the lands described below from all forms of appropriation except the mineral leasing laws. The applicant desires the lands for industrial development of the Alaska Railroad.

For a period of thirty (30) days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with this proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 555 Cordova Street, Anchorage, Alaska, 99501.

The Departmental regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide maximum concurrent utilization of the lands for purposes other than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will prepare a report for the consideration of the Secretary of the Interior who will determine whether the lands will be withdrawn as requested by the Alaska Railroad. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

ANCHORAGE, ALASKA

T. 13 N., R. 3 W., S.M.,
Sec. 9, SW¼SW¼, lying south of Ship Creek.

The area described aggregates 28.2 acres.

BURTON W. SILCOCK,
State Director.

[F.R. Doc. 65-13807; Filed, Dec. 27, 1965; 8:46 a.m.]

Bureau of Reclamation

REGIONAL DIRECTOR, DENVER, COLO.

Delegation of Authority; Green Mountain Reservoir, and Big Thompson Project

DECEMBER 20, 1965.

The Regional Director, Region 7, Bureau of Reclamation, Denver, Colo., is delegated the responsibility for carrying out the decree in the action United States v. Northern Colorado Water Conservancy District et al., as delegated to the Commissioner of the Bureau of Reclamation (29 F.R. 14550). In carrying out this responsibility the Regional Director of Region 4 at Salt Lake City, Utah, shall assist in all matters involving Region 4.

The operations of Green Mountain Reservoir affecting water users in the Colorado River Basin will be within the range of operating criteria approved by the Regional Director, Region 4. Reporting procedures will be established to insure up-to-date exchange of operational data among the appropriate offices in Regions 4 and 7, regarding operations affecting their respective areas of interest. The Directors of Regions 4 and 7 will each determine the appropriate offices within his region to be kept informed.

The authority delegated herein is not expected to interfere with existing operating relations between Region 7 and organizations that have been having direct contacts with Region 7 in operational matters. The primary modification over past operations will be the increased liaison between Regions 4 and 7 regarding their operations that affect water uses, water rights, and future project developments in the two regions.

This authority may not be redelegated.

FLOYD E. DOMINY,
Commissioner.

[F.R. Doc. 65-13808; Filed, Dec. 27, 1965; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket S-187]

PRUDENTIAL LINES, INC.

Notice of Application

Notice is hereby given of an application received on December 2, 1965, of Prudential Lines, Inc., for written permission under section 805(a) of the Merchant Marine Act, 1936, as amended, to permit the tanker SS "Barbara Jane," owned by its affiliate World Wide Tankers, Inc., and under charter to the Military Sea Transportation Service, and the tanker SS "Esso Seattle" (ex SS "Saroula") owned by its affiliate Skouras Lines, Inc., and under charter to Esso International, Inc., to operate in the domestic intercoastal and coastwise service of the United States in the carriage of petroleum and/or petroleum products in bulk, if directed to do so by the charterers. The SS "Barbara Jane" has been under charter since 1959 to the Military Sea Transportation Service and will be under charter to that Service to 1969. The "Esso Seattle" has been under charter since 1964 to Esso International Inc., and will be under charter to that company to 1979.

Interested parties may inspect this application in the Office of Government Aid, Maritime Administration, Room 4077, GAO Building, 441 G Street NW., Washington, D.C.

Any person, firm or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) or to submit written statement with reference to the application must, before the close of business on January 3, 1966, make such submission or notify the Secretary, Maritime Subsidy Board/Maritime Administration in writing, in triplicate, and file petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding anything in § 201.78 of the rules of practice and procedure, Maritime Subsidy Board/Maritime Administration (46 CFR sec. 201.78) petitions for leave to intervene received after the close of business January 3, 1966, will not be granted in this proceeding.

If no petitions for leave to intervene are received within the specified time, or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board/Maritime Administration will take such action as may be deemed appropriate.

In the event petitions are received from parties with standing to be heard on the application, a hearing will be held January 4, 1966, at 10 a.m., in room 4535, General Accounting Office Building, 441 G Street NW., Washington, D.C. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service or (b) would be prejudicial to the objects and policy of the Act.

By order of the Maritime Subsidy Board/Maritime Administration.

Dated: December 22, 1965.

JAMES S. DAWSON, JR.,
Secretary.

[F.R. Doc. 65-13895; Filed, Dec. 27, 1965; 10:30 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-16]

POWER REACTOR DEVELOPMENT CO.

Notice of Issuance of Amendment to Provisional Operating License

Please take notice that pursuant to the "Initial Decision" of the Atomic Safety and Licensing Board dated December 7, 1965, and the "Addendum to Initial Decision" dated December 13, 1965, the Director of the Division of Reactor Licensing has issued Amendment No. 2 to Provisional Operating License No. DPR-9 to the Power Reactor Development Co. authorizing operation of the Enrico Fermi Atomic Power Plant, located at Lagoona Beach, Monroe County, Mich., at power levels up to a maximum of 200 megawatts (thermal).

The amendment was issued as set forth in the Initial Decision as modified by the Addendum except that:

1. For administrative clarity, it has been identified as Amendment No. 2 to Provisional Operating License No. DPR-9.

2. In paragraph 1 of the license a reference to volume 9 of "Part B of the Revised License Application, as amended," has been added to the reference to those volumes which constitute the "Hazards Summary Report." Reference to this volume was inadvertently omitted from the proposed license submitted by the parties.

3. The limit on the maximum control rate of change of temperature set forth at page 14, line 18 of the Technical Specifications was changed from "125 F per hour" to "100 F per hour" to be consistent with the same change made on page 10, line 1, which was approved by the Board.

Dated at Bethesda, Md., this 17th day of December, 1965.

For the Atomic Energy Commission.

R. L. DOAN,
Director,
Division of Reactor Licensing.

POWER REACTOR DEVELOPMENT CO. ENRICO FERMI ATOMIC POWER PLANT

PROVISIONAL OPERATING LICENSE

[LICENSE NO. DPR-9; AMDT. 2]

1. This license applies to the Enrico Fermi Atomic Power Plant (hereinafter referred to as the "facility"), a sodium-cooled fast breeder reactor and associated steam generators and electric generating equipment. The facility is located at Lagoona Beach, Frenchtown Township, Monroe County, Mich., and is described in section I, volumes 1-3 of Part B of the Revised License Application, as amended, of Power Reactor Development Company ("PRDC" "Licensee"). Volumes 1-7 and 9 of said Part B of the Revised License Application, as amended, is hereinafter referred to as the "Hazards Summary Report" and is incorporated herein to the extent that reference is hereinafter made to such "Hazards Summary Report".

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses PRDC:

a. To possess, use and operate the facility as a utilization facility, pursuant to section 104b of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act) and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities."

b. To receive, possess and use for operation of the facility in core and physics subassemblies, in fuel pins and in metallographic samples, a maximum of 1,023 kilograms of Uranium-235, contained in Uranium enriched to 25.6 weight percent, and a maximum of 1 kilogram of Uranium-235 contained in Uranium enriched to various weight percents, pursuant to the Act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Material."

c. To receive, possess and use a maximum of 25 grams of Uranium-235, 0.1 gram of Plutonium-239 and 0.1 gram of Plutonium-240, in fission counters pursuant to the Act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Material".

d. To receive, possess and use (a) 41,900 kilograms of depleted Uranium-238 contained in radial blanket subassemblies and the axial blanket sections of core subassemblies, (b) 17,500 pounds of depleted Uranium-238 contained in derbies, blanket rods, simulated fuel pins and solid specimens, (c) 14,245 pounds of depleted Uranium-238 contained in derbies, blanket rods, simulated fuel pins and solid specimens, (d) 250 grams of Thorium-232 as foils or other shapes suitable for neutron spectrum measurements, and (e) 0.1 gram of Uranium-234 and 0.1 gram of Uranium-236 in fission counters, pursuant to the Act and Title 10, CFR, Chapter 1, Part 40, "Licensing of Source Material".

e. To receive, possess and use as gamma ray emitting components of the reactor neutron source, seven radioactive antimony gamma sources contained either in stainless steel jackets or tantalum jackets, each having at the time of receipt at the facility not more than 3,600 curies of Antimony-124, 16,000 curies of Tantalum-182, and 48,000 curies of Tantalum-183 activity, pursuant to the Act and Title 10, CFR, Chapter 1, Part 30, "Licensing of Byproduct Material".

f. To receive, possess and use for installation in the instrument guide tube of the reactor portion of the facility an activated ionization chamber containing a maximum of 11 millicuries of Iron-59, pursuant to the Act and Title 10, CFR, Chapter 1, Part 30, "Licensing of Byproduct Material".

g. To possess, but not to separate, such byproduct material and special nuclear material as may be produced by operation of the reactor, pursuant to the Act, and Title 10, CFR, Chapter 1, Part 30, "Licensing of Byproduct Material" and Part 70, "Special Nuclear Material".

3. This license shall be deemed to contain and be subject to the conditions specified in the following Commission Regulations (Title 10, CFR, ch. 1): §§ 50.54 and 50.59 of Part 50, § 70.32 of Part 70, § 40.41 of Part 40 and § 30.32 of Part 30, and is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

a. *Maximum Power Level.* Operation of the reactor may proceed in accordance with the power ascension program described in section IV.C. of the Hazards Summary Report in the following increments of power—1.3, 2, 13.3, 20, 67, 100, 133, and 200 megawatts (thermal)—and thereafter at steady state power levels up to a maximum of 200 megawatts (thermal).

b. *Technical Specifications.* The Technical Specifications for operation at power levels not in excess of 200 megawatts contained in appendix A attached hereto are hereby incorporated in this license. Except as hereinafter provided, PRDC shall operate the facility in accordance with the Technical Specifications. PRDC may make changes in the Technical Specifications only when authorized by the Commission in accordance with the provisions of § 50.59 of the Commission's Regulations (Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities").

c. *Records.* In addition to those otherwise required under this license and applicable regulations, PRDC shall keep the following records:

(1) Reactor records, including power levels and period of operation at each power level.

(2) Records showing the radioactivity released or discharged into the air or water beyond the effective control of PRDC as measured at or prior to the point of such release or discharge.

(3) Records of scrams, including reasons therefor.

(4) Records of principal maintenance operations involving substitution or replacement of facility equipment or components and the reasons therefor.

(5) Records of radioactivity measurements at on-site and off-site monitoring stations.

(6) Records of facility tests and measurements performed pursuant to the requirements of the Technical Specifications.

d. *Reports:*

(1) In addition to reports otherwise required under this license and applicable regulations, the licensee shall inform the Commission of any incident or condition relating to the operation of the facility which prevented or could have prevented a nuclear system from performing its safety function as described in the Technical Specifications or in the Hazards Summary Report. For each such occurrence the Licensee shall promptly notify by telephone or telegraph the Director of the appropriate Atomic Energy Commission Regional Compliance Office listed in appendix D of Title 10, CFR, Chapter 1, Part 20 and shall submit within 10 days a report in writing to the Director, Division of Reactor Licensing, with a copy to the Regional Compliance Office.

(2) PRDC shall immediately report to the Commission in writing any substantial variance disclosed by operation of the facility from performance specifications of the facility contained in the Hazards Summary Report or the Technical Specifications.

(3) PRDC shall report to the Commission in writing significant changes in plant organization and accident analyses, as described in the Hazards Summary Report.

(4) PRDC shall submit a monthly report in writing covering the following matters:

(a) Hours of use of the facility including core and blanket burnup.

(b) Shutdowns of the facility, with a brief explanation of the cause and duration of each unplanned shutdown.

(c) Levels of radioactivity measured at the site and at off-site monitoring stations.

(d) Levels of radioactivity in principal systems.

(e) Routine releases, discharges and shipments of radioactive materials.

(f) Principal maintenance performed and principal changes made in the facility with the reasons therefor.

(g) The results of the power ascension program and of the tests required by the Technical Specifications shall be included in the next monthly report following the completion of the test.

(h) Results of each analysis to verify that the prompt power coefficient is within the limit set forth in the Technical Specifications.

4. This license, as amended to authorize operation at power levels not in excess of 200 megawatts (thermal), is effective as of the date of issuance and shall expire eighteen months from said date (unless extended for good cause shown), or upon the earlier issuance of a superseding operating license.

For the Atomic Energy Commission.

R. L. DOAN,
Director,
Division of Reactor Licensing.

Attachment:
Appendix A[1]

Date of issuance: December 17, 1965.

[F.R. Doc. 65-13789; Filed, Dec. 27, 1965; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16747]

AMERICAN AIRLINES, INC.

Notice of Prehearing Conference

Petition of American Airlines, Inc., for termination of its authority to serve El Paso, Tex., and Monterrey, Mexico, on route 134.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on January 11, 1966, at 10 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Herbert K. Bryan.

Dated at Washington, D.C., December 21, 1965.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 65-13819; Filed, Dec. 27, 1965; 8:46 a.m.]

[Docket No. 16751]

TRANSGLOBE AIRWAYS LIMITED

Notice of Prehearing Conference

Application for authority to engage in charter foreign air transportation with respect to persons and their accompanied baggage and to engage in planeload charter foreign air transportation with respect to property as follows: "Between any point or points in the United Kingdom of Great Britain and Northern Ireland and any point or points in the United States."

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on January 6, 1966, at 10 a.m. e.s.t., in Room 925, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Walter W. Bryan.

Dated at Washington, D.C., December 20, 1965.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 65-13820; Filed, Dec. 27, 1965; 8:46 a.m.]

[1] This item was not filed with the Office of the Federal Register but is available for inspection in the Public Document Room of the Atomic Energy Commission.

FEDERAL POWER COMMISSION

[Docket Nos. G-15791, etc.]

SUN OIL CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

DECEMBER 15, 1965.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 12, 1966.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-15791 C 12-3-65	Sun Oil Co. (Southwest Division), 1608 Walnut St., Philadelphia, Pa., 19103.	Transwestern Pipeline Co., Parsell Field, Roberts County, Tex.	17.0	14.65
G-17888 C 12-1-65	Shell Oil Co., Operator,[1] 50 West 50th St., New York, N.Y., 10020.	El Paso Natural Gas Co., Clear Lake Field, Beaver County, Okla.	[1] 17.0	14.65
CI60-461 [2] E 11-22-65	Landmark Oil, Inc. (successor to C. L. Norsworthy, Jr., et al., d.b.a. Payne, Ltd.), 111 Kerr Ave. Bldg., Oklahoma City, Okla.	El Paso Natural Gas Co., Spraberry Area, Reagan County, Tex.	10.0	14.65
CI60-635 E 11-29-65	Raymond Oil Co., Inc. (Operator), et al. (successor to R. H. Siegfried, Inc. (Operator), et al.), 410 Fourth National Bank Bldg., Wichita, Kans., 67202.	Northern Natural Gas Co., Belpre Field, Edwards County, Kans.	13.5	14.65
CI62-31 C 12-3-65 [3]	Forest Oil Corp., 1300 National Bank of Commerce Bldg., San Antonio, Tex., 78205.	Colorado Interstate Gas Co., Patrick Draw Area Field, Sweetwater County, Wyo.	14.5	14.65
CI62-897 E 11-18-65	Timbuck Co. (successor to Dorn & Miller Co.), c/o Robert L. Donalson, Attorney, 1300 National Bank of Commerce Bldg., San Antonio, Tex., 78205.	Transcontinental Gas Pipe Line Corp., Blocks 129 and 130, Offshore Vermilion Parish, La.	[4] 18.5	15.025
CI63-299 C 11-12-65	Hugh A. Hawthorne, Post Office Box 1915, O.C.S., Lafayette, La.	United Gas Pipe Line Co., South Elton Field, Jefferson Davis Parish, La.	19.25	15.025

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* that pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
C163-336 (C161-752) C 12-3-65 [2]	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla., 74102.	Michigan Wisconsin Pipe Line Co., Northeast Stiff Field, Woodward County, Okla.	[6] 21.645	14.65
CI63-1414 A 5-17-63	Warren American Oil Co., et al., Fifth First National Bank Bldg., Tulsa, Okla.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	[7] 17.0	14.65
CI64-747 E 12-3-65	Oil Industries Associates (successor to Roybosser, Inc.), 8307 Mercer Dr., Dallas, Tex., 75228.	Equitable Gas Co., Clay District, Ritchie County, W. Va.	25.0	15.325
CI64-836 D 12-6-65	The Superior Oil Co., Post Office Box 1521, Houston, Tex., 77001.	Kansas-Nebraska Natural Gas Co. Inc., Bradshaw Field, Syracuse Area, Hamilton County, Kans.	Assigned	
CI64-1102 C 12-8-65	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex., 77001.	Transwestern Pipeline Co., Mendota Field, Roberts County, Tex.	19.5	14.65
CI65-701 C 12-2-65	Harper Oil Co. (Operator), et al., Liberty Bank Bldg., Oklahoma City, Okla., 73102.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	17.0	14.65
CI65-960 D 12-6-65	Petroleum Resources, Inc., et al., 3842 Jonathan Dr., Mount Clemens, Mich.	Consolidated Gas Supply Corp., Collins Settlement District, Lewis County, W. Va.	(8)	
CI65-1291 C 12-8-65	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex., 77001.	Kansas-Nebraska Natural Gas Co., Inc., Syracuse Field, Hamilton County, Kans.	12.5	14.65
CI66-276 C 12-2-65	C. F. Raymond, 1700 Broadway, Denver, Colo., 80202.	El Paso Natural Gas Co., Acreage in La Plata County, Colo.	[9] 13.0	15.025
CI66-454 (G-10362) F 11-19-65	C. F. Raymond (successor to United States Smelting Refining and Mining Co., Suite 1700 Broadway Bldg., Denver, Colo., 80202.	do	14.0	15.025
CI66-455 A 12-4-65	Tri-County Wells Ltd. Partnership, by Harvey L. Starr, General Partner, 920 Market St., Parkersburg, W. Va.	Equitable Gas Co., Central District, Doddridge County, W. Va.	25.0	15.325
CI66-456 A 12-1-65	Doyle W. Cotton, Jr. (Operator), 501 South Columbia, Suite 501, Tulsa, Okla., 74144.	Arkansas Louisiana Gas Co., Centralhoma Field, Coal County, Okla.	15.0	14.65
CI66-459 A 11-26-65	L. B. Hodges, Post Office Box 489, Roswell, N. Mex., 88201.	El Paso Natura Gas Co., Gallegos Canyon Unit, San Juan County, N. Mex.	10.0	15.025
CI66-460 B 11-29-65	Thomas F. Moffatt, et al., d.b.a. Allegheny Gas Co., c/o Otto Lee, agent, Milkstone, W. Va.	Pennzoil Co., Walton District, Roane County, W. Va.	[10]	
CI66-461 A 12-2-65	H. F. Sears, 624 Amarillo Petroleum Bldg., Amarillo, Tex., 79101.	Northern Natural Gas Co., Farnsworth Lower Morrow 8700' Field, Ochiltree County, Tex.	17.0	14.65
CI66-463 (CI64-537) F 12-2-65	Don D. and Gilbert Montgomery (successor to Central Petroleum) Post Office Box 747, El Dorado, Ark., 71731.	Cities Service Gas Co., Northeast Waynoka Field, Woods and Woodward Counties, Okla.	[11] 13.0	14.65
CI66-464 A 11-26-65	Wood Oil Co., 809 Midstates Bldg., Tulsa, Okla., 74103.	Colorado Interstate Gas Co., Hugoton Field, Kearny County, Kans.	12.5	14.65
CI66-465 (CI63-1173) F 11-24-65	Sunray DX Oil Co. (successor to H. E. Oil, Inc.), Post Office Box 2039, Tulsa, Okla., 74102.	Mountain Fuel Supply Co., Six Mile Spring Field, Sweetwater County, Wyo.	12.0	15.025
CI66-466 A 12-3-65	Thomas E. Berry, C. R. Walbert, Thomas N. Berry & Co., and J. H. Berry, Post Office Box 528, Stillwater, Okla., 74074.	Arkansas Louisiana Gas Co., Humble-Greenwood No. 1 Well, Haskell County, Okla.	15.0	14.65
CI66-467 A 12-3-65	Thomas E. Berry, C. R. Walbert, Thomas N. Berry & Co. and J. H. Arrington.	Arkansas Louisiana Gas Co., Allianco Trust Unit Well, Haskell County, Okla.	15.0	14.65
CI66-468 A 12-1-65	Shelly Oil Co., Post Office Box 1650, Tulsa, Okla., 74102.	Lone Star Gas Co., Fone Field	16.0	14.65
CI66-470 A 12-6-65	Sunray DX Oil Co., Post Office Box 2039, Tulsa, Okla., 74102.	Arkansas Louisiana Gas Co., Arkoma Area, LeFlore, Latimer and Pittsburg Counties, Okla.	15.0	14.65
CI66-473 A 12-6-65	Davon Drilling Co., [12] Post Office Box 12309, 2630 Northwest Expressway Oklahoma City, Okla., 73112.	Panhandle Eastern Pipe Line Co., Oakdale Pool, Woods County, Okla.	[13] 15.0¢+ B.t.u. adjustment	14.65
CI66-474 A 12-6-65	Orpham-Michaelis Drilling Co., 211 North Broadway, Petroleum Bldg., Wichita, Kans., 67202.	Northern Natural Gas Co., Como Field, Beaver County, Okla.	[14] 17.0	14.65

See footnotes at end of table.

[1] Applicant states its willingness to accept certificate for the additional acreage conditioned upon the same terms as was the original certificate issued by the order accompanying Opinion No. 300, as modified by Opinion No. 300-A, and the applicable contract.
[2] Adds gas-well gas.
[3] Rate increase to 21.4 cents per Mcf suspended in Docket No. RI65-218, but has not yet been made effective.
[4] Adds acreage acquired from The Atlantic Refining Co., Docket No. CI61-732.
[5] Includes 1.0 cent adjustment for B.t.u. content and 1.065 cents per Mcf tax reimbursement.
[6] Plus B.t.u. adjustment.
[7] Plus 1.0 cent per Mcf for acreage.
[8] Plus 1.0 cent per Mcf for liquid products.
[9] Intrusion of water in the producing formation.
[10] Includes ¾ cent per Mcf dehydration charge.
[11] Successor in interest to GMC Oil & Gas Corp.
[12] Applicant states its willingness to accept permanent certificate at a total initial price of 15.0 cents per Mcf at 14.65 p.s.i.a.
[13] Subject to upward and downward B.t.u. adjustment.
[14] Subject to upward and downward B.t.u. adjustment.

[F.R. Doc. 65-13763; Filed, Dec. 27, 1965; 8:45 a.m.]

[Docket No. CP66-188]

CITIES SERVICE GAS CO.

Notice of Application

DECEMBER 20, 1965.

Take notice that on December 8, 1965, Cities Service Gas Co. (Applicant), Post Office Box 1995, Oklahoma City, Okla., 73101, filed in Docket No. CP66-188 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction, installation and operation of certain transmission and compressor facilities and permission and approval to abandon by reclamation certain other facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to:

(1) Install and operate one 2,000 horsepower compressor unit at Applicant's existing Hugoton Compressor Station in Grant County, Kans.,

(2) Construct 34 miles of 26-inch loop pipeline from Applicant's Blackwell Compressor Station in Kay County, Okla., to its Blackwell-Grabham 26-inch pipeline in Osage County, Okla.,

(3) Construct and operate approximately 5 miles of 12-inch gas pipeline to the Fort Scott 8-inch pipeline in Allen County, Kans.,

(4) Abandon by reclaiming its 2,925 horsepower Cambridge Compressor Station in Cowley County, Kans., and to

(5) Abandon-by reclaiming 340 horsepower from its Lyons Compressor Station in Rice County, Kans.

Applicant states that the proposed new facilities are necessary to insure its ability to continue to meet its customers' demands for natural gas under peak day conditions, that the facilities which it proposes to abandon are obsolete and no longer required in the operation of its

system and that the proposed abandonment will have no impact upon its ability to provide service to any customer.

The total estimated cost of the proposed facilities is stated to be $4,219,100, which cost will be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before January 7, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-13795; Filed, Dec. 27, 1965; 8:45 a.m.]

[Docket No. CP66-186]

CITY OF STARK, KANS., AND CITIES SERVICE GAS CO.

Notice of Application

DECEMBER 17, 1965.

Take notice that on December 6, 1965, the city of Stark, Kans. (Applicant), filed in Docket No. CP66-186 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Cities Service Gas Co. (Respondent) to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution in Applicant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct, own and operate a gas distribution system within its own borders, and 5 miles of 2-inch lateral pipeline facilities extending south from the proposed point of interconnection with Respondent's main transmission line to the town border of Applicant. Applicant also proposes to render natural gas service to customers situated along the route of and in close proximity to the proposed lateral transmission line, and states that it will construct the facilities which will enable it to render such service.

Applicant is situated in Neosho County in southeast Kansas and has a population of approximately 104. It is located 15 miles east of Chanute, Kans., and approximately 5 miles south of Respondent's transmission line.

The total estimated volumes of natural gas necessary to meet Applicant's annual and peak day requirements for the initial 3-year period of proposed operations are stated to be:

	First year	Second year	Third year
Annual (Mcf)	9,900	11,540	13,350
Peak day (Mcf)	142	167	195

The total estimated cost of Applicant's proposed lateral line and distribution facilities is $45,000, which cost will be financed by means of Gas Revenue Bonds to be issued by Applicant.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 7, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-13796; Filed, Dec. 27, 1965; 8:45 a.m.]

[Docket No. CP66-6]

EL PASO NATURAL GAS CO.

Notice of Petition To Amend

DECEMBER 17, 1965.

Take notice that on December 6, 1965, El Paso Natural Gas Co. (Petitioner), Post Office Box 1492, El Paso, Tex., 79999, filed in Docket No. CP66-6 a petition to amend the order of the Commission issued in said docket September 24, 1965, by requesting authorization to make additional sales and deliveries of natural gas to Intermountain Gas Co. (Intermountain) for transportation to and resale and distribution in the communities of Ucon and Lewisville, Idaho, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the aforementioned order issued in Docket No. CP66-6, Petitioner was authorized, inter alia, to sell and deliver natural gas to Intermountain for transportation to and resale and distribution in the communities of Rigby and Rexburg, Idaho. Petitioner's sales and deliveries pursuant to the aforementioned order are made at the outlet of its existing Idaho Falls Meter Station which is situated on Petitioner's 22-inch O.D. Northwest Division mainline.

The Petitioner states that Intermountain has requested from Petitioner a supply of natural gas necessary for the initiation of natural gas service by Intermountain to consumers in the communities of Ucon and Lewisville, Idaho, and their respective environs. The proposed supply of natural gas would be delivered at the outlet of Petitioner's Idaho Falls Meter Station.

Petitioner states that the communities of Ucon and Lewisville are situated to the north of Idaho Falls and adjacent to Intermountain's Idaho Falls-Rexburg lateral pipeline. Petitioner further states that Intermountain proposes to construct approximately 3,000 feet of 4-inch transmission pipeline connecting Ucon with its Idaho Falls-Rexburg lateral pipeline and approximately 2,000 feet of 4-inch transmission pipeline connecting Lewisville with such lateral, together with the necessary distribution facilities in each such community.

The petition to amend states that the estimated maximum daily and annual natural gas requirements of Intermountain for the communities of Ucon and Lewisville aggregate 509 Mcf and 53,222 Mcf, respectively.

Petitioner states that if the instant petition is approved prior to the grant of authorizations sought by it in its application filed in Docket No. CP66-27[1] the service embraced by this petition will be divested by Petitioner to Northwest Pipeline Corp. under authorizations sought by Petitioner in the aforementioned Docket No. CP66-27, otherwise, Northwest Pipeline Corp. will be substituted as the Petitioner under the instant filing.

Petitioner will utilize existing facilities, without enlargement or modification, to effectuate the proposed service and does not request authorization to construct and operate additional facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before January 7, 1966.

JOSEPH H. GUTRIDE,
Secretary,

[F.R. Doc. 65-13797; Filed, Dec. 27, 1965; 8:45 a.m.]

[Docket Nos. CP66-172, CP66-173]

MIDWESTERN GAS TRANSMISSION CO.

Notice of Applications

DECEMBER 20, 1965.

Take notice that on December 2, 1965, Midwestern Gas Transmission Co. (Applicant), Post Office Box 774, Chicago, Ill., 60690, filed in Docket No. CP66-172 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas to customers located on its northern system on an interruptible basis for a temporary term commencing upon receipt of authorization and terminating on October 31, 1966. Applicant proposes to purchase the gas from Trans-Canada Pipe Lines Limited (Trans-Canada) at the existing point of interconnection of the two systems on the International Boundary between the United States and Canada, near Emerson, Manitoba. Applicant also filed on December 2, 1965, an application pursuant to section 3 of the Natural Gas Act in Docket No. CP66-173, requesting an order of the Commission authorizing Applicant to import natural gas from Canada into the United States. The proposals involved are more fully set forth in the aforementioned applications which are on file with the Commission and open to public inspection.

Applicant states that it has entered into a precedent Agreement with Trans-Canada dated November 22, 1965, which contemplates the purchase of up to 25,000 Mcf of natural gas per day from Trans-Canada when Trans-Canada has such gas available for sale. Applicant further states that its purchases from Trans-Canada will be made only when Applicant has corresponding requests from existing customers on its northern system to purchase this gas. The only purchases by Applicant from Trans-Canada contemplated by the instant applications are those for equivalent volumes to be sold by Applicant to its existing northern system customers who desire to purchase same under Applicant's proposed new Rate Schedule TGS-2, at a rate of 31.4 cents per Mcf.

The applications state that Trans-Canada has advised Applicant that approximately 8 million Mcf of gas will be available for import during the temporary period ending October 31, 1966, and that of this quantity approximately 1.5 million Mcf should be available during the months of January, February, and March.

Applicant's northern system facilities were authorized by order of the Commission on October 31, 1959, issued in Docket No. G-18313, et al. (Opinion No. 331, 22 FPC 775), which order authorized Applicant to import from Canada a maximum daily quantity of 204,000 Mcf of gas (Docket No. G-18314) and granted Applicant a Presidential Permit for the construction, operation and maintenance of facilities for the importation of natural gas (Docket No. G-18315). On August 10, 1965, by order issued in Docket No. CP64-308, et al. (Opinion No. 469) Applicant was authorized to import from Canada into the United States a maximum of 222,360 Mcf of gas per day, an increase of 18,360 Mcf over the aforementioned authorization issued in Docket No. G-18314.

The importation and sale of natural gas on an interruptible basis as proposed by the instant applications would be made by means of the aforementioned existing facilities and no additional facilities are required.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before January 7, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 3, 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity and that the proposed importation of natural gas will be consistent with the public interest. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-13798; Filed, Dec. 27, 1965; 8:45 a.m.]

[Docket No. CP66-182]

TOWN OF CHRISNEY, IND. AND AMERICAN LOUISIANA PIPE LINE CO.

Notice of Application

DECEMBER 20, 1965.

Take notice that on December 3, 1965, the town of Chrisney, Ind. (Applicant), filed in Docket No. CP66-182 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing American Louisiana Pipe Line Co. (Respondent) to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution in Applicant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct approximately 3,500 feet of 4-inch transmission line from the proposed point of connection, where Indiana State Road 45 and Respondent's gas transmission line cross, south to the proposed municipal gas distribution system to be constructed by Applicant. Applicant states that the only facilities required to be constructed by Respondent would be those necessary for tapping the main transmission line and the necessary facilities for metering the natural gas to be consumed.

The total estimated volumes of natural gas necessary to meet Applicant's annual and peak day requirements for the initial 3-year period operations are stated to be:

	First year	Second year	Third year
Annual (Mcf)	20,220	21,370	22,430
Peak day (Mcf)	282	297	313

Total estimated cost of Applicant's proposed transmission line and distribution system is stated to be $118,000, which cost will be financed through the sale of revenue bonds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 7, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-13799; Filed, Dec. 27, 1965; 8:45 a.m.]

[Docket No. CP66-91]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Petition To Amend

DECEMBER 20, 1965.

Take notice that on December 7, 1965, Transcontinental Gas Pipe Line Corp. (Petitioner), 3100 Travis Street, Houston, Tex., 77001, filed in Docket No. CP66-91 a petition to amend the order of the Commission issued in said docket on November 19, 1965, by requesting authorization to sell and deliver an additional volume of 200 Mcf of gas per day to Pennsylvania Gas Management Co. (Pennsylvania Gas) commencing January 1, 1966, under Petitioner's Rate Schedule CD-3, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The order of the Commission issued in the aforementioned Docket No. CP66-91 authorized Petitioner to provide additional firm pipeline service to eight existing customers commencing with the 1965-66 winter season in the amount of 3,922 Mcf of gas per day. Petitioner states that the proposed additional service to Pennsylvania Gas is required by that company in order to serve the immediate firm needs of its largest customer, the New Jersey Zinc Co., which company is engaged in the manufacture of anhydrous ammonia. No additional facilities are proposed by Petitioner.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before January 7, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-13800; Filed, Dec. 27, 1965; 8:45 a.m.]

[1] See Notice of Applications, Consolidation of Proceedings and Requirement to File Testimony, 30 F.R. 11003, Aug. 25, 1965, regarding application of Petitioner and applications of Northwest Pipeline Corp. in Docket Nos. CP66-28, CP66-29 and CP66-30, relating to the divestiture by Petitioner of its Northwest Division System.

[Docket No. CP66–183]

TRI-COUNTY GAS CO., INC., AND EL PASO NATURAL GAS CO.

Notice of Application

DECEMBER 20, 1965.

Take notice that on December 6, 1965, Tri-County Gas Co., Inc. (Applicant), Box 473, Hereford, Tex., field in Docket No. CP66–183 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing El Paso Natural Gas Co. (Respondent) to establish physical connection of its facilities with existing facilities located in Lamb and Bailey Counties, Tex., and owned by irrigation farmers in that area and to sell natural gas to Applicant for resale to said farmers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that Applicant corporation was formed to secure natural gas for irrigation purposes and to reduce the cost of said irrigation gas by removing Pioneer Natural Gas Co. (Pioneer), a company which presently purchases natural gas from Respondent and resells it to irrigation farmers in the area of Applicant's proposed operations. The existing operation consists of a connection of the pipeline owned by said farmers with the main line of Respondent, with a meter and a pipeline owned by Pioneer located between the line of the farmers and Respondent's main line.

Applicant states that the capacity of the existing lines is 660,000 Mcf of gas per year with a peak month capacity of 55,000 Mcf. Applicant's total estimated annual requirement is stated to be 97,424 Mcf of gas with a peak month volume of 27,249 Mcf.

The application states that the initial cost to be incurred by Applicant will be the cost of a master meter in the sum of approximately $1,000, additional costs to be borne by the consumers of the gas.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 7, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65–13801; Filed Dec. 27, 1965; 8:45 a.m.]

[Docket No. G–16492, etc.]

T. L. JAMES & CO., INC., ET AL.

Order Reinstating Terminated Proceedings and Consolidating for Hearing Such Proceedings and Others With Currently Pending Hearing Proceedings

DECEMBER 20, 1965.

By its petition filed October 18, 1965, in the above-entitled docketed matters, T. L. James & Co., Inc. (James), requests that the proceedings in Docket Nos. G–18361 and G–18362,[1] which were terminated by Commission order issued therein on June 29, 1961, be reinstated and consolidated for hearing in Docket No. G–16492, et al. The terminated proceedings involve the same conflicting interpretations of tax reimbursement provisions for jurisdictional sales of natural gas in Louisiana to Arkansas-Louisiana Gas Co. (Ark.-La.) that are involved in Docket Nos. G–16492, et al. Concurrently with its petition, James filed notices of change in rates reflecting proposed increases in Louisiana Severance Tax reimbursement under its FPC Gas Rate Schedule Nos. 5, 6, and 7, which were not included in periodic increases filed by James subsequent to Docket Nos. G–18361, G–18362, and G–18409. There tax increases were suspended in Docket Nos. RI66–172 and RI66–173. In addition, James filed a petition requesting that Docket No. G–18409 be extended beyond the "locked-in" period (May 3, 1959 to December 30, 1961) and for the future.[2]

Docket Nos. G–18361 and G–18362 were terminated by order issued June 29, 1961 based on an erroneous interpretation of James' letter of May 15, 1961. The letter was interpreted as requesting termination apparently because of James' claim that it had no refund obligation because the buyer had refused to pay the rate increases involved in these dockets. This claim was in response to a Commission inquiry as to whether James desired to make refunds and to terminate the proceedings, which was interpreted incorrectly by James, it appears, as a determination by the Commission that it should make refunds. Upon review of this correspondence, we conclude that James did not, in fact, request termination and that these proceedings should be reopened as hereinafter ordered.

On November 3, 1965, Ark-La filed an answer in opposition. Since Ark-La position in the matter is primarily on the question of the contractual right of James to collect the disputed tax reimbursement amount, we believe that this question may appropriately be determined in the consolidated proceedings in Docket Nos. G–16492, et al.

The Commission finds: For the foregoing reasons, good cause exists for reinstating the proceedings in Docket Nos. G–18361 and G–18362, and for consolidating these proceedings as well as the proceedings in Docket Nos. RI66–172 and RI66–173 with the Docket Nos. G–16492, et al.

The Commission orders:

(A) The proceedings in Docket Nos. G–18361 and G–18362 are reinstated.

(B) The proceedings in Docket Nos. G–18361, G–18362, RI66–172 and RI66–173 are consolidated with the proceedings in Docket Nos. G–16492, et al.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65–13802; Filed, Dec. 27, 1965; 8:45 a.m.]

[Docket No. CP66–189]

WASHINGTON COUNTY UTILITY DISTRICT OF WASHINGTON COUNTY, TENN., AND EAST TENNESSEE NATURAL GAS CO.

Notice of Application

DECEMBER 20, 1965.

Take notice that on December 8, 1965, Washington County Utility District of Washington County, Tenn. (Applicant), 306 West Main Street, Johnson City, Tenn., filed in Docket No. CP66–189 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing East Tennessee Natural Gas Co. (Respondent) to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant, and to sell and deliver to Applicant volumes of natural gas for resale and distribution in the southwest and northwest areas of Washington County, Tenn., and in the adjacent areas of Sullivan County, Tenn., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The areas comprising Applicant are located in Washington County, in upper east Tennessee, in the vicinity of the cities of Johnson City, Bristol and Kingsport. The total estimated population of the proposed gas service area is stated to be 12,620. The application states that the two areas proposed to be served are traversed by Respondent's main transmission lines, but contain no existing gas distribution facilities.

Applicant proposes to construct and operate two separate, non-integrated natural gas distribution systems in the southwest area and in the northwest area, respectively. Applicant also proposes to obtain taps from Respondent's existing transmission lines for each of the proposed distribution systems. Applicant states that Respondent will construct one of the interconnections without cost to Applicant, and that Applicant will reimburse Respondent for its actual cost of construction, which cost is estimated at not more than $10,000.

The total estimated volumes of natural gas involved to meet Applicant's annual and maximum day requirements for the estimated first 3 years of proposed operation are stated to be:

	Annual			Peak day		
	First year	Second year	Third year	First year	Second year	Third year
Southwest area	44,494	59,162	71,963	507	674	818
Northwest area	40,999	54,475	65,985	448	600	729
Total	85,493	113,637	137,948	955	1,274	1,547

The total estimated cost of Applicant's proposed distribution systems is $955,000, which cost will be financed through the issuance of revenue bonds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 7, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65–13803; Filed, Dec. 27, 1965; 8:45 a.m.]

[Docket No. RI66–198]

SUN OIL CO.

Order Granting Motion for Reconsideration, Accepting Conditionally Notice of Change for Filing and Providing for Hearing on and Suspension of Proposed Change in Rate

DECEMBER 20, 1965.

Sun Oil Co. (Sun) filed a motion for reconsideration on November 23, 1965, of the Commission's undocketed order issued August 25, 1965, rejecting a proposed rate increase from 16.0 cents to 20.5 cents per Mcf for sales of gas under its FPC Gas Rate Schedule No. 124 to Transwestern Pipeline Co. from Kermit Field, Winkler County, Tex.[1] In its letter order the Commission refused to waive the condition in Sun's temporary certificate issued November 3, 1960, in Docket No. CI61–372 which prohibits the filing of any rate increase above the authorized initial rate of 16 cents per Mcf for sales under Sun's FPC Gas Rate Schedule No. 124. Waiver was not granted because the rate proposed by Sun was in excess of the applicable just and reasonable rate ceiling determined in Opinion No. 468 for sales in the Permian Basin where Sun's sale is made. Sun's application for rehearing of the August 25 order was denied by order issued October 21, 1965.

On October 20, 1965, subsequent to the issuance of our rejection order, the Tenth Circuit in Skelly Oil Co. v. FPC (C.A. 10 No. 8385, et al.) stayed through January 20, 1966, the effectiveness of Opinion Nos. 468 and 468–A as to Skelly, Phillips, and Warren. The Court's order further provided that any member of the Court may grant a similar stay if other petitions for review are filed in or transferred to that Court. Argument was also set for January 7, 1966, on the question of further stay. Sun was granted a court stay by order issued November 9, 1965.

Under the circumstances, it is appropriate to grant Sun's motion for reconsideration, conditionally accept for filing, and simultaneously suspend the rate increase filed on July 30, 1965, for a period of 5 months from the date it otherwise would have become effective had it not been rejected. Our acceptance of the instant rate increase is expressly conditioned to provide that the rate increase will be rejected, ab initio, in the event the court stay referred to above is dissolved or Opinion Nos. 468 and 468–A are upheld upon judicial review.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 3 to Sun's FPC Gas Rate Schedule No. 124 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 3 to Sun's FPC Gas Rate Schedule No. 124.

(B) Pending such hearing and decision thereon, Supplement No. 3 to Sun's FPC Gas Rate Schedule No. 124 is conditionally accepted for filing, as noted above, and is hereby suspended and the use thereof deferred until February 1, 1966, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 2, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI66–198...	Sun Oil Co., 1608 Walnut St., Philadelphia, Pa., 19103, Attn: Mr. C. E. Webber.	124	3	Transwestern Pipeline Co. (Kermit Field, Winkler County, Tex.) (R.R. District No. 8) (Permian Basin Area).	$8,100	7–30–65	[3] 9–1–65	2–1–66	16.0	[3] [4] 20.5	

[2] Contractually provided effective date.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.

[F.R. Doc. 65–13805; Filed, Dec. 27, 1965; 8:45 a.m.]

[1] The proposed increased rate filed on July 30, 1965, is designated herein as Supplement No. 3 to Sun's FPC Gas Rate Schedule No. 124. Details of the proposed increase are set forth in Appendix A hereof.

[1] Docket Nos. G–18361 and G–18362 related to James' FPC Gas Rate Schedule Nos. 5 and 7, respectively. Docket No. G–18409 relates to James' FPC Gas Rate Schedule No. 6 for the locked-in period from May 4, 1959, to Dec. 30, 1961. The proposed notices of change in rate reflect James' initial interpretation of the applicable tax reimbursement.

[2] James' petition for extension of the locked-in period in Docket No. G–18409 is effected by Docket No. RI66–173 insofar as it provides for the future collection of the rate increase in Docket No. G–18409. Provision for collection of the disputed tax reimbursement prior thereto is unlawful as it would amount to a retroactive rate increase. Docket No. G–18409 involves a locked-in period because James filed for a proposed rate which was accepted effective as of Dec. 30, 1961, that did not contain the disputed tax reimbursement.

INTERSTATE COMMERCE COMMISSION

[Notice 106]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 21, 1965.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 17002 (Sub-No. 27 TA), filed December 17, 1965. Applicant: CASE DRIVEWAY, INC., 6001 U.S. Route 60 East, Post Office Box 1156, Huntington, W. Va., 25714. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, as described in appendix V to Ex Parte No. MC 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from the plantsite of the H. K. Porter Co., Inc., Huntington, W. Va., to points in Florida, and *rejected and refused shipments*, on return, for 180 days. Supporting shipper: H. K. Porter Co., Inc., Connors Steel Division, Post Office Box 118, Huntington, W. Va., 25706. Send protests to: H. R. White, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 3202 Federal Office Building, Charleston, W. Va., 25301.

No. MC 30844 (Sub-No. 205 TA), filed December 17, 1965. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 5000, Waterloo, Iowa, 50704. Applicant's representative: James Sexton (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite of Iowa Beef Packers, Inc., located in Dakota County, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Washington, D.C., and Chicago, Ill., including points in the Chicago, Ill., commercial zone, for 180 days. Supporting shipper: Iowa Beef Packers, Inc., Dakota City, Nebr. Send protests to: Charles C. Biggers, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 235 U.S. Post Office Building, Davenport, Iowa, 52801.

No. MC 52751 (Sub-No. 54 TA), filed December 17, 1965. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, Iowa, 50317. Applicant's representative: R. R. Wynant (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baler and binder twine*, from Joliet, Ill., to Omaha, Nebr., and points in Iowa and South Dakota, for 180 days. Supporting shipper: New Holland Machine Co., New Holland, Pa. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa, 50309.

No. MC 119531 (Sub-No. 50 TA) (Correction), filed December 7, 1965, published FEDERAL REGISTER, issue of December 15, 1965, and republished as corrected this issue. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio, 45226. Applicant's representative: John M. Cleary Brawner Building, 888 17th Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles*, from the plantsite of Brockway Glass Co., Inc., Zanesville, Ohio, to the plantsite of The Stroh Brewery Co., Detroit, Mich., for 180 days. Supporting shipper: J. B. Belton, General Traffic Manager, Brockway Glass Co., Inc., Brockway, Pa., 15824. Send protests to: Emil P. Schwab, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio, 45202. NOTE: The purpose of this republication is to show the correct origin point.

No. MC 127785 TA, filed December 17, 1965. Applicant: DAVID W. GREER, JR., 7 Lee Lane, Vincentown, N.J. Applicant's representative: James H. Sweeney, 902 Spruce Avenue, Oaklyn, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles*, used, in driveaway, towaway or haulaway service; and, *animals*, between piers or wharves at ports of Philadelphia, Pa., and New York, N. Y., and points in New Jersey and Delaware, points in Pennsylvania east of the Susquehanna River, New York, N.Y., and points in Rockland, Westchester and Nassau Counties, N.Y. for 150 days. Supporting shippers: Military Travel Service, Inc., Post Office Box 127, Cookstown, N.J.; and, General American Shippers, Inc., 205 West 34th Street, New York 1, N.Y. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 410 Post Office Building, Trenton, N.J., 08608.

No. MC 127788 TA, filed December 20, 1965. Applicant: EL CAMINO OF MONTEREY, INC., 655 Ortiz Avenue, Seaside, Calif. Applicant's representative: Alan F. Wohlstetter, One Farragut Square South, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Monterey, San Benito, and Santa Cruz Counties, Calif., restricted to shipments having a prior or subsequent movement beyond said points, and further restricted to pickup and delivery service incidental to and in connection with packing, crating, and containerization or unpacking and decontainerization of such shipments, for 180 days. Supporting shippers: Container Transport International, Inc., 17 State Street, New York, N.Y., 10004; Routed Thru-Pac Inc., 350 Broadway, New York 13, N.Y.; Trans-American World Transit, Inc., 7540 South Western Avenue, Chicago, Ill., 60620; and, Express Forwarding and Storage Co., Inc., 17 State Street, New York, N.Y., 10004. Send protests to: Wm. R. Murdoch, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif., 94102.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-13824; Filed, Dec. 27, 1965; 8:46 a.m.]

[Notice 1276]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 22, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-68339. By order of December 20, 1965, the Transfer Board approved the transfer to Lightning Delivery Service, Inc., Chicago, Ill., of the certificate of registration in No. MC-97838 (Sub-No. 1), issued March 18, 1964, to Milton Dakoff, doing business as Lightning Cartage Delivery Service, Chicago, Ill., evidencing the right to engage in transportation in interstate or foreign commerce corresponding in scope to Certificate of Public Convenience and Necessity No. 10974 MC dated December 22, 1954, issued by the Illinois Commerce Commission. James F. Flanagan, 111 West Washington Street, Chicago, Ill., 60602, attorney for applicants.

No. MC-FC-68356. By order of December 20, 1965, the Transfer Board approved the transfer to Edna P. Claypoole, doing business as Claypoole Trucking Co., Worthington, Pa., of the operating rights issued October 2, 1956, to Blair Claypoole, Worthington, Pa., authorizing the transportation, over irregular routes, of common and face brick, tile, sewer pipe, and flue liners, from points in West Franklin and Rayburn Townships, Armstrong County, Pa., to points in Virginia, West Virginia, Maryland, Delaware, New Jersey, New York, Connecticut, Massachusetts, and the District of Columbia, and of empty pallets and other articles used in connection with the transportation of the above-specified commodities, from points in Virginia, West Virginia, Maryland, Delaware, New Jersey, New York, Connecticut, Massachusetts, and the District of Columbia, to points in West Franklin and Rayburn Townships, Armstrong County, Pa. Jerome Solomon, 1302 Grant Building, Pittsburgh, Pa., 15219, attorney for applicants.

No. MC-FC-68360. By order of December 20, 1965, the Transfer Board approved the transfer to Wayne E. Hay, doing business as Hay Truck Line, Parker, Kans., of the operating rights issued October 28, 1964, Rollan R. Wright, doing business as Wright Truck Line, Greeley, Kans., authorizing the transportation, over regular routes, of livestock, from Lane, Kans., to Kansas City, Mo., and of livestock, feed, fertilizer, agricultural implements and parts, building materials, and fencing materials, from Kansas City, Mo., to Lane, Kans.

No. MC-FC-68371. By order of December 20, 1965, the Transfer Board approved the transfer to M & B Transfer Co., a corporation, Portland, Oreg., of the operating rights issued by the Commission July 25, 1941, and May 18, 1955, under Certificates Nos. MC-59283 (corrected) and MC-59283 (Sub-No. 1), respectively, to John E. Cresap, doing business as Battle Ground Trucking Service, Battle Ground, Wash., authorizing the transportation, over regular routes, of general commodities, with certain exceptions, between Portland, Oreg., and Amboy, Wash., between Portland, Oreg., on the one hand, and, on the other, points in Clark County, Wash., and those in Cowlitz County, Wash., within 12 miles of Yale, Wash.; and between Amboy, Wash., and Swift Creek, Wash. Maguire, Shields, Morrison, Bailey & Kester, 723 Pittock Block, Portland, Oreg., attorneys for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-13825; Filed, Dec. 27, 1965; 8:46 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 22, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA 40199—*Ethylene dichloride to Mount Vernon, Ind.* Filed by O. W. South, Jr., agent (No. A4816), for interested rail carriers. Rates on ethylene dichloride, in tank carloads, from Baton Rouge and North Baton Rouge, La., to Mount Vernon, Ind.

Grounds for relief—Market competition.

Tariff—Supplement 5 to Southern Freight Association, agent, tariff ICC S-578.

FSA 40200—*Chlorine to Caledonia, N.Y.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2814), for interested rail carriers. Rates on chlorine, in tank carloads, from Hopewell and Saltville, Va., to Caledonia, N.Y.

Grounds for relief—Market competition.

Tariffs—Supplement 31 to Norfolk and Western Railway Co., tariff ICC 9909, and supplement 96 to Southern Freight Association, agent, tariff ICC S-384.

FSA 40201—*Joint motor-rail rates—Central and Southern.* Filed by the central and Southern Motor Freight Tariff Association, Inc., agent (No. 98), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in southern territory, on the one hand, and points in Central States territory, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 21 to Central and Southern Motor Freight Tariff Association, Inc., agent, tariff MF-ICC 309.

FSA 40202—*Clay to Castle Shannon and South Carnegie, Pa.* Filed by O. W. South, Jr., agent (No. A4817), for interested carriers. Rates on clay, in carloads, from specified points in Kentucky and Tennessee to Castle Shannon and Carnegie, Pa.

Grounds for relief—Truck-barge-truck competition.

Tariff—Supplement 195 to Southern Freight Association, agent, tariff ICC S-40.

FSA 40203—*Petroleum and petroleum products from points in southwestern territory.* Filed by Southwestern Freight Bureau, agent (No. B-8799), for interested carriers. Rates on petroleum and petroleum products, in carloads, from points in southwestern territory, and Kansas, to points on K&T Railway, Barthell, Comargo, Hemlock, Oz, and Yamacraw, Ky.

Grounds for relief—Market competition.

Tariff—Supplement 110 to Southwestern Freight Bureau, agent, tariff ICC 4486.

FSA 40204—*Gypsum products from Cody and Himes, Wyo.* Filed by Southwestern Freight Bureau, agent (No. B-8800), for interested carriers. Rates on gypsum products, in carloads, from Cody and Himes, Wyo., to points in southwestern and western trunk-line territories.

Grounds for relief—Market competition.

Tariffs—Supplement 26 to Southwestern Freight Bureau, agent, tariff ICC 4585 and supplement 66 to Western Trunk Line Committee, agent, tariff ICC A-4421.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-13826; Filed, Dec. 27, 1965; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 484]

MORSE SHIPPING CO.

Revocation of License

Whereas, Rebecca Ruth Morse, d.b.a. Morse Shipping Co., 89-31 161st Street, Jamaica 32, N.Y., has ceased to operate as an independent ocean freight forwarder; and

Whereas, by letter dated December 17, 1965, Independent Ocean Freight Forwarder License No. 484 was returned to the Commission for cancellation.

Now, therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order 201.1 (amended) Supplement 4, Section 6.03:

It is ordered, That the independent ocean freight forwarder License No. 484 of Rebecca Ruth Morse d.b.a. Morse Shipping Company be and is hereby revoked effective 12:01 a.m. December 22, 1965.

It is further ordered That a copy of this order be published in the FEDERAL REGISTER and served on the licensee.

EDWARD SCHMELTZER, *Director, Bureau of Domestic Regulations.*

[F.R. Doc. 65-13829; Filed, Dec. 27, 1965; 8:46 a.m.]

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VOLUME 30 • NUMBER 250

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Consumer and Marketing Service
Farm Credit Administration
Federal Communications Commission
Federal Maritime Commission
Federal Power Commission
Food and Drug Administration
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Interstate Commerce Commission
Maritime Administration
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Securities and Exchange Commission
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Tariff Commission

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THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

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Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER D—REGULATIONS UNDER THE POULTRY PRODUCTS INSPECTION ACT

PART 81—INSPECTION OF POULTRY AND POULTRY PRODUCTS

Poultry Soups; Further Postponement of Effective Date

The effective date of the provisions of §§ 81.134 and 81.208 of the regulations under the Poultry Products Inspection Act, as amended (21 U.S.C. 451 et seq.), as set forth in the amendments of the regulations published on July 7, 1964 (29 F.R. 8456), insofar as such provisions relate to soups (whether dehydrated, canned or otherwise prepared) containing poultry ingredients, is hereby postponed until February 1, 1966, pursuant to the authority of said Act. During such period of postponement, the provisions of § 81.208 (a) and (b) of the regulations, as published August 15, 1962 (27 F.R. 8098, 7 CFR 81.208 (Supp. 1963)), shall be in effect with respect to such soups.

This action is necessary in order to afford equitable treatment to all poultry soup processors in view of the issuance of a preliminary injunction on behalf of one processor of dehydrated soups in an action which is pending in the U.S. District Court for the District of New Jersey. In order to accomplish its purpose, this action must be made effective on January 1, 1966, when a prior order (30 F.R. 14769) of postponement of effective date expires. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found for good cause that notice of rule-making and other public procedure with respect to this action are impracticable and good cause is found for making it effective less than 30 days after publication hereof in the FEDERAL REGISTER.

(Sec. 14, 71 Stat. 447, 21 U.S.C. 463; 29 F.R. 16210, as amended; 30 F.R. 1260, as amended; 30 F.R. 2160)

This action shall become effective on January 1, 1966.

Done at Washington, D.C., this 23d day of December 1965.

CLARENCE H. GIRARD,
Acting Deputy Administrator,
Marketing Services.

[F.R. Doc. 65–13889; Filed Dec. 28, 1965; 8:48 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

Subpart—1966 Crop of Upland Cotton; Acreage Allotments and Marketing Quotas

STATE, COUNTY, AND FARM PROJECTED YIELDS

This document is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.), as amended by the Food and Agriculture Act of 1965 (Pub. L. 89–321, 79 Stat. 1187, November 3, 1965).

(a) The purpose of § 722.275 is to establish the State and county projected yields under section 301(b)(13)(L) of the act for upland cotton of the 1966 crop and to establish the procedure under which farm projected yields for upland cotton of the 1966 crop are established.

(b) In order to permit orderly administration of the 1966 upland cotton price support program, the transfer of allotments and other programs requiring projected yield data, it is essential that § 722.275 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure, and the 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and § 722.275 shall be effective upon filing of this document with the Director, Office of the Federal Register.

§ 722.275 State, county and farm projected yields for upland cotton of the 1966 crop.

(a) *Method of determining State and county projected yields.* The projected State and county yields for the 1966 crop of upland cotton were determined on the basis of the average yield per harvested acre in the State and counties during 1960, 1961, 1962, 1963, and 1964, adjusted for abnormal weather conditions affecting such yields, for trends in yields and for any significant changes in production practices, as provided under section 301(b)(13)(L) of the act.

(b) *Adjustments of county harvested yields for each year of the base period (1960–64).* The county harvested yields for each year of the base period (1960–64) were adjusted to provide comparable harvested yields for such years on the basis of the method for measuring the acreage devoted to cotton planted in skip-row patterns under the provisions of Part 718 of this chapter and changes in regulations in process for the 1966 crop. Such adjustments were made on the following basis:

(1) *1962, 1963, and 1964.* It was estimated that a 30-percent increase in harvested acreage of cotton in 1962, 1963, and 1964 planted in less than four skip-row patterns would result if the method for measuring the acreage devoted to cotton in skip-row patterns applicable beginning with the 1966 crop had been in effect during 1962, 1963, and 1964 and approximately the same acreage of land had been used for cotton. Such estimate was also based on the predominance during 1962, 1963, and 1964 of 40-inch row widths and skip-row patterns of two rows of cotton by one skip-row and two rows of cotton by two skip-rows, and the acreage that will be determined as devoted to cotton in such patterns during 1966. Accordingly, county harvested yields for 1962, 1963, and 1964 were adjusted by adding an amount of harvested acreage for each county equal to 30 percent of the cotton acreage planted in skip-row patterns of less than four-row skips in such county for each such year.

(2) *1961.* In 1961 and prior years, skip-row patterns of less than 4 row skips (generally two rows of cotton and two rows skipped) were used primarily as a moisture conservation practice in dryland areas and all the land planted in such patterns was regarded as planted to cotton. It was estimated that a 35-percent decrease in harvested acreage in 1961 planted in less than four skip row patterns would result if the method for measuring the acreage devoted to cotton in skip-row patterns applicable beginning with the 1966 crop had been in effect during 1961 and approximately the same acreage of land had been used for cotton. Accordingly, county harvested yields for 1961 were adjusted by subtracting an amount of harvested acreage for each county equal to 35 percent of the cotton acreage planted in skip-row patterns of less than four-row skips in such county.

(3) *1960.* Since skip-row acreages are not available for 1960, it was estimated that conditions similar to 1961 obtained and the same adjustments as made under subparagraph (2) of this paragraph for each county for 1961 were made for 1960.

(c) *Adjusted county yields for base period (1960–64).* The harvested yields for each county for the base period (1960–64) were adjusted for abnormal weather conditions, for trends in yields, and for any significant changes in production practices during such period as follows: (1) For each annual yield in the 5-year period which was less than 80 percent of the 5-year average har-

vested yield, a yield equal to 80 percent of such 5-year average was substituted. For each annual yield in the 5-year period which was more than 140 percent of the 5-year average harvested yield, a yield equal to 140 percent of such 5-year average was substituted. A simple average of the 5-year yields so adjusted was obtained for each county.

(2) The 5-year average yield for each county as adjusted under subparagraph (1) of this paragraph was further adjusted for trends in yields and significant changes in production practices by obtaining a simple average of (i) of the 1960–64 average yield for each county as adjusted under subparagraph (1) of this paragraph and (ii) the 1963–64 average yield for each county as adjusted under subparagraph (1) of this paragraph. For each county for which the 1963–64 average yield exceeded the 5-year average yield as adjusted under subparagraph (1) of this paragraph, the simple average determined under this subparagraph (2) was substituted for the adjusted 5-year average yield.

(3) No adjusted county yield was less than the larger of the 5-year, 1960–64, average yield unadjusted for weather conditions and trends, or 95 percent of the 1965 normal yield for the county (29 F.R. 15858).

(d) *State projected yields.* The State projected yields were determined as follows:

(1) An adjusted average yield for each State was obtained by dividing (i) the sum of the products of the adjusted county yields under paragraph (c) of this section times the county 1964 harvested acreage adjusted under paragraph (b)(1) of this section (referred to as the "State production extensions") by (ii) the State total of the 1964 county harvested acreages adjusted under paragraph (b)(1) of this section;

(2) A national average of the State adjusted yields under subparagraph (1) of this paragraph was obtained by dividing (i) the national total of the State production extensions by (ii) the national total of the 1964 State harvested acreages as determined under subparagraph (1) of this paragraph;

(3) A national yield factor was computed by dividing (i) the national projected yield of 525 pounds originally established under § 722.272(a)(5) (30 F.R. 14308) by (ii) the national average of the State adjusted yields determined under subparagraph (2) of this paragraph; and

(4) The State projected yield for 1966 was obtained by multiplying the State adjusted yield under subparagraph (1) of this paragraph by the national yield factor.

(e) *Preliminary county projected yields.* The preliminary county projected yields were determined as follows:

(1) A State weighted average of county adjusted yields determined under paragraph (c) of this section was obtained by dividing (i) the sum of the products of the 1966 county allotments, including allocations from the State reserve for hardships and inequities and for small farms, times the adjusted county yields, by (ii) the State total of 1966 county allotments, including allocations from the State reserve for hardships and inequities and for small farms;

(2) A State yield factor was computed by dividing (i) the 1966 State projected yield determined on the basis of the originally established national projected yield of 525 pounds under § 722.272 (a) (5) (30 F.R. 14308) by (ii) the State weighted yield under subparagraph (1) of this paragraph; and

(3) The preliminary county projected yield was obtained by multiplying the county adjusted yield by the State yield factor.

(f) *County projected yields for 1966.* The county projected yields were established as follows:

(1) The preliminary county projected yields for each State established under paragraph (e) of this section were reviewed by the State committee and on the basis of all available data, the State committee adjusted such preliminary county projected yields to provide comparability between counties in the State. The weighted average of the county projected yields as adjusted by the State committee did not exceed the State projected yield.

(2) It was determined that projected county yields originally established under subparagraph (1) of this paragraph did not adequately reflect trends in yields in counties in which 1963 or 1964 harvested yields per acre were adversely affected by weather conditions. For such counties, if either the 1963 or 1964 yield used in making the trend adjustment was below the 5-year average, the 5-year average yield was substituted for such year and the county adjusted yield was revised accordingly. The county projected yield for each of the counties affected under this subparagraph was established as the larger of (i) the State committee recommended yield under subparagraph (1) of this paragraph, or (ii) the product of the revised adjusted county yield determined under this subparagraph times the State yield factor determined under paragraph (e)(2) of this section, except that, if the State committee recommended a downward adjustment from the preliminary projected yield determined under paragraph (e), the excess in the yield determined under this item (ii) over the preliminary projected yield was added to the State committee recommended projected yield as the 1966 projected yield for the county. The national projected yield has been increased from 525 pounds to 527 pounds per acre by an amendment to § 722.272 to provide for the increases in county projected yields determined under this paragraph.

(g) *Tabulation of State and county projected yields for 1966.* The following State and county projected yields for upland cotton of the 1966 crop are hereby determined and established:

ALABAMA

County	Projected yield (pounds per acre)	County	Projected yield (pounds per acre)
Autauga	585	Jefferson	474
Baldwin	465	Lamar	439
Barbour	439	Lauderdale	494
Bibb	587	Lawrence	599
Blount	483	Lee	473
Bullock	362	Limestone	538
Butler	467	Lowndes	478
Calhoun	465	Macon	497
Chambers	510	Madison	569
Cherokee	587	Marengo	432
Chilton	512	Marion	523
Choctaw	422	Marshall	553
Clarke	395	Mobile	393
Clay	413	Monroe	572
Cleburne	363	Montgomery	426
Coffee	424	Morgan	510
Colbert	555	Perry	521
Conecuh	431	Pickens	517
Coosa	338	Pike	395
Covington	454	Randolph	465
Crenshaw	456	Russell	390
Cullman	561	St. Clair	407
Dale	439	Shelby	630
Dallas	503	Sumter	438
De Kalb	523	Talladega	433
Elmore	578	Tallapoosa	501
Escambia	545	Tuscaloosa	495
Etowah	437	Walker	432
Fayette	540	Washington	533
Franklin	437	Wilcox	431
Geneva	426	Winston	458
Greene	446		
Hale	538	State projected yield	499
Henry	435		
Houston	463		
Jackson	502		

ARIZONA

Cochise	847	Santa Cruz	701
Gila	921	Yavapai	861
Graham	890	Yuma	1,351
Greenlee	826		
Maricopa	1,108	State projected yield	1,089
Mohave	1,450		
Pima	940		
Pinal	1,082		

ARKANSAS

Arkansas	487	Jefferson	652
Ashley	680	Johnson	612
Baxter	463	Lafayette	592
Benton	266	Lawrence	548
Boone	324	Lee	637
Bradley	352	Lincoln	655
Calhoun	321	Little River	545
Chicot	614	Logan	455
Clark	434	Lonoke	569
Clay	573	Marion	339
Cleburne	367	Miller	498
Cleveland	374	Mississippi	654
Columbia	320	Monroe	609
Conway	494	Montgomery	326
Craighead	599	Nevada	429
Crawford	533	Newton	321
Crittenden	646	Ouachita	326
Cross	600	Perry	378
Dallas	374	Phillips	730
Desha	632	Pike	429
Drew	552	Poinsett	560
Faulkner	444	Polk	429
Franklin	433	Pope	541
Fulton	397	Prairie	520
Garland	378	Pulaski	481
Grant	340	Randolph	555
Greene	560	St. Francis	631
Hempstead	434	Saline	283
Hot Spring	391	Scott	366
Howard	492	Searcy	347
Independence	495	Sebastian	419
Izard	417	Sevier	361
Jackson	505	Sharp	391

ARKANSAS—Continued

County	Projected yield (pounds per acre)	County	Projected yield (pounds per acre)
Stone	429	Yell	559
Union	331		
Van Buren	335	State projected yield	600
Washington	298		
White	404		
Woodruff	606		

CALIFORNIA

Fresno	1,094	San Bernardino	489
Imperial	1,560	San Diego	1,289
Kern	1,184	Stanislaus	837
Kings	1,004	Tulare	944
Los Angeles	860		
Madera	868	State projected yield	1,091
Merced	912		
Riverside	1,351		
San Benito	1,071		

FLORIDA

Alachua	334	Levy	283
Baker	252	Liberty	275
Bay	327	Madison	296
Calhoun	353	Nassau	368
Clay	450	Okaloosa	379
Columbia	191	Putnam	281
Dixie	312	Santa Rosa	507
Escambia	488	Suwannee	196
Gadsden	281	Taylor	240
Gilchrist	264	Union	272
Hamilton	246	Walton	360
Holmes	386	Washington	303
Jackson	363		
Jefferson	317	State projected yield	375
Lafayette	329		
Leon	284		

GEORGIA

Appling	383	Douglas	289
Atkinson	372	Early	544
Bacon	392	Echols	294
Baker	405	Effingham	348
Baldwin	364	Elbert	438
Banks	415	Emanuel	428
Barrow	382	Evans	427
Bartow	546	Fayette	423
Ben Hill	581	Floyd	451
Berrien	479	Forsyth	353
Bibb	482	Franklin	482
Bleckley	561	Fulton	359
Brantley	283	Gilmer	337
Brooks	421	Glascock	392
Bryan	385	Gordon	439
Bulloch	438	Grady	436
Burke	437	Greene	256
Butts	460	Gwinnett	380
Calhoun	587	Habersham	272
Candler	377	Hall	345
Carroll	427	Hancock	355
Catoosa	431	Haralson	335
Charlton	309	Harris	446
Chatham	376	Hart	497
Chattahoochee	199	Heard	445
Chattooga	432	Henry	428
Cherokee	299	Houston	495
Clarke	330	Irwin	482
Clay	537	Jackson	414
Clayton	333	Jasper	380
Clinch	329	Jeff Davis	427
Cobb	288	Jefferson	461
Coffee	460	Jenkins	411
Colquitt	542	Johnson	418
Columbia	261	Jones	300
Cook	495	Lamar	324
Coweta	392	Lanier	386
Crawford	485	Laurens	464
Crisp	541	Lee	489
Dade	310	Liberty	234
Dawson	276	Lincoln	248
Decatur	399	Long	333
De Kalb	316	Lowndes	370
Dodge	473	Lumpkin	405
Dooly	605	McDuffie	342
Dougherty	362	McIntosh	277
		Macon	593

GEORGIA—Continued

County	Projected yield (pounds per acre)	County	Projected yield (pounds per acre)
Madison	423	Talbot	317
Marion	506	Taliaferro	240
Meriwether	482	Tattnall	447
Miller	534	Taylor	644
Mitchell	456	Telfair	400
Monroe	308	Terrell	650
Montgomery	379	Thomas	486
Morgan	449	Tift	473
Murray	302	Toombs	440
Muscogee	282	Treutlen	397
Newton	405	Troup	413
Oconee	497	Turner	543
Oglethorpe	365	Twiggs	486
Paulding	310	Upson	353
Peach	573	Walker	326
Pickens	349	Walton	478
Pierce	332	Ware	351
Pike	484	Warren	366
Polk	418	Washington	490
Pulaski	484	Wayne	388
Putnam	291	Webster	418
Quitman	403	Wheeler	394
Randolph	622	White	354
Richmond	367	Whitfield	467
Rockdale	436	Wilcox	473
Schley	484	Wilkes	299
Screven	424	Wilkinson	305
Seminole	492	Worth	550
Spalding	354		
Stephens	362	State projected yield	460
Stewart	497		
Sumter	655		

ILLINOIS

Alexander	497
Massac	478
Pulaski	478
State projected yield	489

KANSAS

Montgomery	206
State projected yield	206

KENTUCKY

Ballard	388	McCracken	469
Calloway	396	Marshall	451
Carlisle	476		
Fulton	671	State projected yield	643
Graves	399		
Hickman	546		

LOUISIANA

Acadia	471	Lafayette	486
Allen	386	La Salle	503
Ascension	394	Lincoln	303
Assumption	414	Livingston	427
Avoyelles	627	Madison	722
Beauregard	357	Morehouse	716
Bienville	280	Natchitoches	541
Bossier	541	Ouachita	667
Caddo	611	Pointe Coupee	511
Calcasieu	352	Rapides	740
Caldwell	679	Red River	561
Cameron	447	Richland	567
Catahoula	595	Sabine	354
Claiborne	296	St. Helena	335
Concordia	609	St. James	394
De Soto	299	St. Landry	554
East Baton Rouge	318	St. Martin	449
East Carroll	757	St. Tammany	282
East Feliciana	407	Tangipahoa	267
Evangeline	532	Tensas	724
Franklin	567	Union	344
Grant	541	Vermilion	410
Iberia	328	Vernon	358
Iberville	314	Washington	381
Jackson	280	Webster	371
Jefferson	442		
Jefferson Davis	460		

LOUISIANA—Continued

County	Projected yield (pounds per acre)	County	Projected yield (pounds per acre)
West Baton Rouge	473	Winn	277
West Carroll	567		
West Feliciana	374	State projected yield	583

MISSISSIPPI

Adams	365	Lowndes	528
Alcorn	606	Madison	556
Amite	414	Marion	414
Attala	605	Marshall	659
Benton	622	Monroe	538
Bolivar	727	Montgomery	665
Calhoun	591	Neshoba	452
Carroll	658	Newton	434
Chickasaw	550	Noxubee	581
Choctaw	560	Oktibbeha	451
Claiborne	529	Panola	716
Clarke	423	Pearl River	367
Clay	538	Perry	397
Coahoma	750	Pike	397
Copiah	461	Pontotoc	595
Covington	475	Prentiss	581
De Soto	644	Quitman	754
Forrest	443	Rankin	555
Franklin	360	Scott	497
George	399	Sharkey	855
Greene	434	Simpson	453
Grenada	711	Smith	449
Hancock	332	Stone	367
Harrison	393	Sunflower	743
Hinds	507	Tallahatchie	756
Holmes	802	Tate	717
Humphreys	759	Tippah	650
Issaquena	818	Tishomingo	523
Itawamba	526	Tunica	740
Jackson	404	Union	583
Jasper	413	Walthall	442
Jefferson	421	Warren	651
Jefferson Davis	449	Washington	802
Jones	437	Wayne	480
Kemper	475	Webster	645
Lafayette	544	Wilkinson	429
Lamar	436	Winston	527
Lauderdale	416	Yalobusha	689
Lawrence	424	Yazoo	789
Leake	555	State projected yield	667
Lee	480		
Leflore	796		
Lincoln	419		

MISSOURI

Bollinger	460	Pemiscot	638
Butler	565	Ripley	475
Cape Girardeau	550	Scott	550
Carter	453	Stoddard	626
Dunklin	606	Vernon	456
Howell	487	Wayne	465
Mississippi	640	State projected yield	613
New Madrid	607		
Oregon	424		

NEVADA

Clark	810
Nye	911
State projected yield	908

NEW MEXICO

Bernalillo	470	Otero	712
Chaves	814	Quay	540
Curry	465	Roosevelt	525
De Baca	523	Sierra	816
Dona Ana	848	Socorro	698
Eddy	810	Valencia	470
Grant	845		
Guadalupe	403	State projected yield	751
Hidalgo	915		
Lea	557		
Luna	928		

NORTH CAROLINA

Alamance	317	Anson	429
Alexander	344	Beaufort	446

NORTH CAROLINA—Continued

County	Projected yield (pounds per acre)	County	Projected yield (pounds per acre)
Bertie	465	Martin	463
Bladen	369	Mecklenburg	403
Brunswick	358	Montgomery	430
Burke	325	Moore	416
Cabarrus	381	Nash	458
Caldwell	319	New Hanover	390
Camden	467	Northampton	513
Carteret	334	Onslow	332
Catawba	345	Orange	331
Chatham	357	Pamlico	366
Chowan	439	Pasquotank	405
Cleveland	491	Pender	336
Columbus	345	Perquimans	439
Craven	336	Person	379
Cumberland	422	Pitt	418
Currituck	425	Polk	409
Davidson	351	Randolph	336
Davie	358	Richmond	403
Duplin	362	Robeson	435
Durham	355	Rowan	431
Edgecombe	502	Rutherford	450
Forsyth	334	Sampson	423
Franklin	416	Scotland	526
Gaston	395	Stanly	425
Gates	513	Tyrrell	428
Granville	371	Union	460
Greene	368	Vance	427
Guilford	348	Wake	397
Halifax	509	Warren	378
Harnett	455	Washington	352
Hertford	480	Wayne	397
Hoke	444	Wilkes	312
Hyde	366	Wilson	427
Iredell	397	Yadkin	321
Johnston	427		
Jones	347	State projected yield	447
Lee	407		
Lenoir	357		
Lincoln	478		

OKLAHOMA

Adair	182	Logan	323
Atoka	233	Love	218
Beaver	243	McClain	330
Beckham	293	McCurtain	523
Blaine	246	McIntosh	306
Bryan	300	Major	240
Caddo	328	Marshall	301
Canadian	322	Mayes	277
Carter	241	Murray	448
Cherokee	222	Muskogee	330
Choctaw	351	Noble	263
Cimarron	295	Nowata	257
Cleveland	350	Okfuskee	213
Coal	290	Oklahoma	281
Comanche	203	Okmulgee	227
Cotton	209	Osage	382
Craig	254	Pawnee	320
Creek	220	Payne	389
Custer	363	Pittsburg	261
Dewey	262	Pontotoc	241
Ellis	262	Pottawatomie	265
Garfield	364	Pushmataha	194
Garvin	378	Roger Mills	308
Grady	362	Rogers	288
Grant	263	Seminole	199
Greer	293	Sequoyah	503
Harmon	378	Stephens	271
Harper	257	Texas	456
Haskell	401	Tillman	312
Hughes	233	Tulsa	311
Jackson	420	Wagoner	328
Jefferson	235	Washington	329
Johnston	262	Washita	315
Kay	431	Woodward	255
Kingfisher	181		
Kiowa	282		
Latimer	208	State projected yield	314
Le Flore	283		
Lincoln	283		

SOUTH CAROLINA

Abbeville	438	Allendale	509
Aiken	471	Anderson	481

SOUTH CAROLINA—Continued

County	Projected yield (pounds per acre)	County	Projected yield (pounds per acre)
Bamberg	462	Lancaster	425
Barnwell	462	Laurens	446
Beaufort	291	Lee	543
Berkeley	354	Lexington	410
Calhoun	531	McCormick	393
Charleston	282	Marion	354
Cherokee	440	Marlboro	548
Chester	396	Newberry	410
Chesterfield	430	Oconee	449
Clarendon	507	Orangeburg	487
Colleton	384	Pickens	434
Darlington	490	Richland	490
Dillon	445	Saluda	491
Dorchester	453	Spartanburg	360
Edgefield	508	Sumter	483
Fairfield	326	Union	361
Florence	374	Williamsburg	375
Georgetown	270	York	416
Greenville	429		
Greenwood	384	State projected yield	453
Hampton	510		
Horry	299		
Jasper	298		
Kershaw	371		

TENNESSEE

Bedford	511	Lincoln	509
Benton	535	Loudon	441
Bradley	355	McMinn	353
Cannon	462	McNairy	585
Carroll	652	Madison	642
Chester	629	Marion	493
Coffee	494	Marshall	472
Crockett	712	Maury	415
Cumberland	460	Meigs	361
Davidson	438	Monroe	319
Decatur	560	Moore	438
De Kalb	396	Obion	629
Dyer	640	Perry	446
Fayette	632	Polk	376
Franklin	569	Rhea	423
Gibson	672	Robertson	453
Giles	466	Rutherford	535
Grundy	505	Shelby	599
Hamilton	409	Tipton	659
Hardeman	662	Van Buren	548
Hardin	543	Warren	454
Haywood	674	Wayne	482
Henderson	616	Weakley	554
Henry	561	White	432
Hickman	479	Williamson	428
Humphreys	428	Wilson	423
Knox	559		
Lake	699	State projected yield	633
Lauderdale	683		
Lawrence	489		
Lewis	473		

TEXAS

Anderson	316	Burleson	515
Andrews	380	Burnet	145
Angelina	343	Caldwell	288
Aransas	295	Calhoun	468
Archer	172	Callahan	163
Armstrong	308	Cameron	454
Atascosa	228	Camp	234
Austin	364	Carson	323
Bailey	495	Case	293
Bandera	429	Castro	634
Bastrop	214	Chambers	329
Baylor	275	Cherokee	280
Bee	281	Childress	295
Bell	229	Clay	257
Bexar	228	Cochran	516
Blanco	179	Coke	164
Borden	340	Coleman	170
Bosque	159	Collin	250
Bowie	587	Collingsworth	313
Brazoria	568	Colorado	399
Brazos	596	Comal	227
Brewster	878	Comanche	126
Briscoe	509	Concho	264
Brooks	139	Cooke	234
Brown	162	Coryell	181

TEXAS—Continued

County	Projected yield (pounds per acre)	County	Projected yield (pounds per acre)
Cottle	305	Lamb	540
Crockett	465	Lampasas	160
Crosby	576	LaSalle	319
Culberson	944	Lavaca	243
Dallam	472	Lee	207
Dallas	233	Leon	277
Dawson	413	Liberty	423
Deaf Smith	468	Limestone	153
Delta	345	Live Oak	215
Denton	265	Llano	189
De Witt	259	Loving	798
Dickens	298	Lubbock	595
Dimmit	526	Lynn	402
Donley	307	McCulloch	165
Duval	114	McLennan	207
Eastland	141	McMullen	138
Ector	515	Madison	368
Ellis	237	Marion	144
El Paso	967	Martin	385
Erath	177	Mason	417
Falls	261	Matagorda	454
Fannin	277	Maverick	497
Fayette	286	Medina	441
Fisher	359	Menard	192
Floyd	666	Midland	429
Foard	250	Milam	283
Fort Bend	508	Mills	205
Franklin	220	Mitchell	307
Freestone	182	Montague	225
Frio	650	Montgomery	254
Gaines	495	Moore	378
Galveston	373	Morris	216
Garza	383	Motley	290
Gillespie	182	Nacogdoches	272
Glasscock	605	Navarro	200
Goliad	232	Newton	183
Gonzales	193	Nolan	327
Gray	301	Nueces	367
Grayson	237	Ochiltree	486
Gregg	190	Oldham	333
Grimes	345	Palo Pinto	189
Guadalupe	277	Panola	218
Hale	641	Parker	155
Hall	350	Parmer	672
Hamilton	164	Pecos	852
Hansford	371	Polk	273
Hardeman	299	Potter	451
Hardin	340	Presidio	857
Harris	338	Rains	171
Harrison	229	Randall	338
Hartley	317	Reagan	643
Haskell	307	Real	487
Hays	262	Red River	380
Hemphill	307	Reeves	865
Henderson	179	Refugio	479
Hidalgo	473	Roberts	463
Hill	207	Robertson	661
Hockley	506	Rockwall	265
Hood	200	Runnels	282
Hopkins	166	Rusk	277
Houston	259	Sabine	243
Howard	292	San Augustine	220
Hudspeth	829	San Jacinto	244
Hunt	224	San Patricio	409
Irion	356	San Saba	261
Jack	198	Schleicher	352
Jackson	414	Scurry	336
Jasper	272	Shackelford	212
Jeff Davis	940	Shelby	207
Jefferson	245	Smith	214
Jim Hogg	126	Somervell	205
Jim Wells	215	Starr	263
Johnson	205	Stephens	163
Jones	248	Sterling	490
Karnes	193	Stonewall	256
Kaufman	203	Sutton	690
Kendall	307	Swisher	634
Kent	272	Tarrant	225
Kerr	199	Taylor	224
Kimble	245	Terrell	623
King	265	Terry	550
Kinney	555	Throckmorton	199
Kleberg	318	Titus	224
Knox	334		
Lamar	311		

TEXAS—Continued

County	Projected yield (pounds per acre)	County	Projected yield (pounds per acre)
Tom Green	291	Wichita	278
Travis	216	Wilbarger	310
Trinity	283	Willacy	436
Tyler	295	Williamson	286
Upshur	142	Wilson	246
Upton	508	Winkler	666
Uvalde	699	Wise	175
Val Verde	582	Wood	184
Van Zandt	180	Yalkum	474
Victoria	369	Young	187
Walker	278	Zapata	605
Waller	358	Zavala	756
Ward	787		
Washington	326	State projected yield	382
Webb	594		
Wharton	504		
Wheeler	293		

VIRGINIA

Accomack	336	Nansemond	413
Brunswick	371	Patrick	401
Charlotte	330	Prince Edward	343
Chesapeake	455	Prince George	430
Cumberland	371	Southampton	432
Dinwiddie	336	Surry	469
Franklin	401	Sussex	347
Greensville	511		
Halifax	411	State projected yield	425
Henrico	430		
Isle of Wight	502		
Lunenburg	351		
Mecklenburg	352		

(b) *Farm projected yields for 1966.* The farm projected yields for 1966 shall be established in the calendar year 1965 by the respective county committees in accordance with section 301(b)(13)(M) of the act. Such yields will be available for public inspection in the respective county offices. Notice of such yields for each farm will be issued to the farm operator as soon as practicable. The base years used by the county committee in establishing such yields were 1962, 1963, and 1964, as required under section 301(b)(13)(M) of the act.

(Secs. 301(b)(13)(L), (M), 79 Stat. 1197; 7 U.S.C. 1301(b)(13)(L), (M))

Effective date. Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on December 23, 1965.

R. P. BEACH,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65-13869; Filed, Dec. 28, 1965; 8:45 a.m.]

PART 722—COTTON

Subpart—1966 Crop of Upland Cotton; Acreage Allotments and Marketing Quotas

PROJECTED NATIONAL YIELD

This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended, 7 U.S.C. 1281 et seq.).

(a) The purpose of this amendment is to revise the projected national yield established under § 722.272(a)(5) (30 F.R. 14308) to make a further adjustment for trends in yields. The revised projected national yield as used in the findings made in § 722.272(a) relating to the domestic allotment program under section 350 of the act results in a small change in the calculation of paragraph (a)(2) of § 722.272 but due to rounding of numbers, there is no change in the result of 8.2 billion pounds. In addition, there is no change in the amount of national domestic allotment in pounds under § 722.272(b) and the farm domestic allotment percentage under § 722.272(c).

(b) Since the revised projected national yield is used in establishing State projected yields now being calculated, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure and 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing this document with the Director, Office of the Federal Register.

Section 722.272(a) (30 F.R. 14308) is amended by revising subparagraph (5) thereof to read as follows:

§ 722.272 National domestic allotment and projected national yield.

* * * * *

(a) *Findings under section 350 of the act.*

* * * * *

(5) The projected national yield for the 1966 crop of upland cotton under section 301(b)(13)(L) of the act is hereby determined to be 527 pounds per acre on the basis of the average yield per harvested acre in the United States during 1960, 1961, 1962, 1963, and 1964, adjusted for abnormal weather conditions affecting such yields, for trends in yields and for any significant changes in production practices.

* * * * *

(Secs. 301(b)(13)(L), 350, 79 Stat. 1197, 1193, 7 U.S.C. 1301(b)(13)(L), 1350)

Effective date. Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on December 23, 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-13868; Filed, Dec. 28, 1965; 8:47 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk) Department of Agriculture

[Milk Order No. 70]

PART 1070—MILK IN CEDAR RAPIDS-IOWA CITY MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Cedar Rapids-Iowa City marketing area (7 CFR Part 1070), it is hereby found and determined that:

a. The following provisions of the order no longer tend to effectuate the declared policy of the Act on and after January 1, 1966.

In § 1070.10(d)(3), the following provisions:

1. All of the table headed "month" and "minimum percentage".

2. In the text preceding the table, the provisions "quantity of", the provision "at least the following percentages, in the months indicated, of the total quantity of", and the provision "all" relating to the pool plant provisions applicable to a plant operated by a cooperative association.

Suspension of these provisions results in the text reading as follows: "(3) from which the milk transferred by the association to plants of other handlers specified in paragraph (a) of this section plus that delivered by such association pursuant to paragraph (c) of this section and that delivered directly from the farms of members of such association to such plants is Grade A milk delivered by producers who are members of the association:"

b. Thirty days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

1. This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

2. This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

3. This suspension was requested by a cooperative association of producers supplying milk to handlers regulated by the order. The suspension will enable the market-balancing plant operated by this association to maintain pool plant status. This cooperative association supplies some handlers in the Cedar Rapids-Iowa City market with their daily requirements of milk and uses the balancing plant to assemble milk for shipment to other markets when it is not needed by these handlers. This action will permit the farmers whose milk is delivered to the market-balancing plant to maintain producer status and share in the uniform price returned to all producers in the Cedar Rapids-Iowa City market.

4. Interested parties were afforded opportunity to file written data, views or arguments concerning this suspension (30 F.R. 15326). None were filed.

Therefore, good cause exists for making this order effective January 1, 1966.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended effective on and after January 1, 1966.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. January 1, 1966.

Signed at Washington, D.C., on December 22, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 65-13865; Filed, Dec. 28, 1965; 8:46 a.m.]

[Milk Order No. 73]

PART 1073—MILK IN WICHITA, KANSAS MARKETING AREA

Order Amending Order

§ 1073.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Wichita, Kansas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than January 1, 1966. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs was issued December 8, 1965, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued December 20, 1965. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective January 1, 1966, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001-1011)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Wichita, Kans., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. Section 1073.41(b) is amended to read as follows:

§ 1073.41 Classes of utilization.

* * * * *

(b) Class II milk shall be all skim milk and butterfat used to produce cottage cheese;

* * * * *

2. Section 1073.51(b) is amended to read as follows:

§ 1073.51 Class prices.

* * * * *

(b) *Class II milk.* The price per hundredweight shall be the Class III price for the month, plus 15 cents.

* * * * *

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date. January 1, 1966.

Signed at Washington, D.C., on December 22, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 65-13866; Filed, Dec. 28, 1965; 8:46 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

SUBCHAPTER D—FEDERAL INTERMEDIATE CREDIT BANKS AND PRODUCTION CREDIT ASSOCIATIONS

PART 40—FEDERAL INTERMEDIATE CREDIT BANKS

Subpart A—General Provisions

Subpart B—Loans and Discounts

PART 50—PRODUCTION CREDIT ASSOCIATIONS

Subpart B—Investments and Dividends

MISCELLANEOUS AMENDMENTS

In order to reflect changes made in the Manual for Federal Intermediate Credit Banks to implement Public Law 89-237, approved October 4, 1965, and to codify additional provisions of that manual, Part 40 of Title 6 of the Code of Federal Regulations is amended by including therein sections to be numbered and to read as hereinafter set forth. The sections so included are in lieu of any sections with the same numbering heretofore included in Part 40 of Title 6 but do not displace other sections therein with different numbering. Former § 40.153 is deleted and included as § 40.154. The old sections that continue in effect without change in number or text are noted in this document by headings only and the explanation "[Unchanged]," without repeating their text. To reflect this and in view of many more sections now being included in the codification, a complete table of contents for Part 40 of Title 6 is included in this document.

PART 40—FEDERAL INTERMEDIATE CREDIT BANKS

Subpart A—General Provisions

Sec.
40.101 Management.
40.102 Supervision.
40.111 Capital stock; participation certificates.
40.111-1 Class A stock.
40.111-2 Retirement of class A stock.
40.111-3 Class B stock.
40.111-4 Purchase of class B stock by production credit association.
40.111-5 Equalization of class B stock owned by production credit associations.
40.111-6 Participation certificates.
40.112-1 Retirements of class B stock, participation certificates and allocated legal reserve; general.
40.112-2 Same; institutions in liquidation.
40.112-3 Same; institutions in default.
40.113-1 Transfers of class B stock, participation certificates and legal reserve allocations; class B stock; general.
40.113-2 Same; disposition of class B stock and legal reserve allocations in merger or consolidation of associations.
40.113-3 Same; participation certificates.
40.113-4 Same; legal reserve allocations.

Sec.
40.113-5 Same; preservation of statutory lien.
40.114 Surrender of certificates; issuance of new certificates.
40.115 Lost, destroyed, or stolen stock or participation certificates.
40.147 Lost, stolen, destroyed, or defaced collateral trust debentures.
40.148 Restrictive endorsements of bearer securities.
40.151 Annual application of earnings.
40.152 Absorption of net losses.
40.153-1 Surplus—reserved.
40.153-2 Legal reserve account.
40.153-21 Same; distribution.
40.153-22 Same; absorption of losses.
40.153-23 Same; disposition in the event of merger or consolidation of a production credit association or other financing institution.
40.153-24 Same; disposition on liquidation of credit bank.
40.154 Patronage refunds; general.
40.154-1 Same; if there is class A stock outstanding at the end of the fiscal year.
40.154-2 Same; if there is no class A stock outstanding at the end of the fiscal year.
40.172 Charging of fees or commissions unauthorized.

Subpart B—Loans and Discounts

40.201 Lending powers.
40.201-1 Same; terms denoting different classes of borrowing and rediscounting institutions.
40.201-2 Same; Federal credit unions.
40.202 General rediscount agreement.
40-203 Qualifications of other financing institutions.
40.203-1 Same; character of business.
40.203-2 Same; incorporation and capital structure.
40.203-3 Same; compliance with statutes.
40.203-4 Same; affiliated with other concerns.
40.203-5 Same; examinations, financial statements, reports, etc.
40.211 Limitations upon amount of credit; ratio of total liabilities to unimpaired capital and surplus.
40.212 Maximum ratios permitted.
40.212-1 Same; production credit associations.
40.212-2 Same; other financing institutions.
40.212-3 Same; banking institutions.
40.212-4 Same; credit unions.
40.213 Computation of debt-to-capital ratios.
40.221 Credit standards.
40.222 Loan purposes.
40.223 Maturities.
40.224 Interest rates.
40.225 Fees and other charges.
40.226 Notes of farming corporations.
40.226-1 Same; production credit associations.
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40.227 Notes given to merchants not eligible.
40.231 Direct loans to production credit associations.
40.231-1 Same; secured loans.
40.231-2 Same; unsecured loans.
40.231-3 Same; form of direct loan obligation.
40.232 Direct loans or advances to other financing institutions.
40.232-1 Same; classes of obligations approved as collateral.
40.232-2 Same; purpose of direct loans or advances.
40.242 General collateral; other financing institutions.
Sec.
40.251 Amounts of individual obligations requiring approval.
40.251-1 Same; production credit associations.
40.251-2 Same; other financing institutions.
40.261 Interest and discount rates; Federal intermediate credit bank.
40.261-1 Same; action by board of directors.
40.261-3 Same; application of rates.
40.261-4 Same; discount (discounting interest, or collecting in advance).
40.261-5 Same; interest on delinquent notes under discount.
40.262 Interest rates charged notemakers by financing institutions.
40.262-1 Same; loan made before reduction in interest rate.
40.262-2 Same; higher rate after maturity.
40.262-4 Same; only on sums actually advanced and for time sums outstanding.
40.273-1 Credit to other financing institutions in special circumstances; partial discount procedure.
40.282 Suspension of right to borrow and rediscount.
40.282-1 Same; operations during suspension.
40.283-2 Insolvency; other financing institutions.

AUTHORITY: The provisions of this Part 40 issued under sec. 209, 42 Stat. 1459, as amended; 12 U.S.C. 1101.

NOTE: That part of each section number which follows the decimal is the same as the section number of the corresponding provision in the Manual for Federal Intermediate Credit Banks.

Subpart A—General Provisions

§ 40.101 Management.

[Unchanged]

§ 40.102 Supervision.

[Unchanged]

§ 40.111 Capital stock; participation certificates.

(a) Each Federal intermediate credit bank is authorized to issue two classes of capital stock. Class A stock, preferred as to assets in the event of liquidation, may be issued only to the Governor of the Farm Credit Administration on behalf of the United States and represents the investment of the United States in such bank. Class B stock may be issued to and held by production credit assoications only.

(b) Other financing institutions dealing with a credit bank may not acquire capital stock in the bank but will receive participation certificates in payment of patronage refunds due them out of net earnings of the bank and in distribution of allocations of legal reserve when not paid in cash.

(c) All capital stock and participation certificates shall have a designated issue date, which shall determine its order of retirement. An additional series designation may be used if approved by the board of directors.

§ 40.111-1 Class A stock.

Class A stock shall have a par value of $100 per share, shall be issued to the Governor of the Farm Credit Administration in the form prescribed therefor and shall be delivered to the Farm Credit Administration.

§ 40.111-2 Retirement of class A stock.

At the end of each fiscal year each bank shall determine the amount of class A stock which shall be retired. Whenever the total of the capital stock, participation certificates, surplus and reserves of the bank is more than one-eighth of the highest month-end balance of debentures and other obligations issued by the bank, outstanding during the immediately preceding 5 years, the minimum amount of class A stock to be retired shall be the total amount of class B stock and participation certificates issued for that year. The term "preceding 5 years" shall include the fiscal year just ended. Class A stock may be retired in fractional shares, in multiples of $5.00. Upon retirement of a portion of the class A stock represented by any such certificate, the amount of such retirement shall be endorsed upon the certificate by the Farm Credit Administration.

§ 40.111-3 Class B stock.

(a) Class B stock shall have a par value of $5.00 per share. Class B stock certificates shall be issued in a form prescribed by the board of directors of the bank, subject to the approval of the Farm Credit Administration. No fractional shares shall be issued.

(b) In the discretion of the bank, class B stock certificates need not be furnished unless a request therefor is made by the production credit association concerned. In the event a certificate is not issued, an "Advice of Class B Stock Issued," in form approved by the Farm Credit Administration, should be furnished to the association.

§ 40.111-4 Purchase of class B stock by production credit association.

(a) When the earnings of the bank are inadequate to meet its capital needs, and when feasible to do so with due regard for the circumstances of the associations, the board of directors of the bank may, by resolution, authorize the bank, with the prior approval of FCA, to require production credit associations of the district to subscribe for such additional capital as may be needed by the bank during the next several years. The amount determined shall be allotted, to the nearest full share, among the associations so that the total of all stock owned, including the additional amount to be subscribed for, will be as nearly as practicable in the same proportion to the total amount of class B stock already owned and to be subscribed for by all associations of the district as each association's average indebtedness to the bank during the immediately preceding 3 fiscal years is of the average indebtedness of all associations to the bank during such period. The "average indebtedness" may be computed on the basis of either average daily balance, or average of beginning and ending monthly balances of such indebtedness for the 3-year period. Such subscriptions shall be subject to call and payment therefor shall be made at such times and in such

amounts, all as may be determined by the bank.

(b) When making such allotments the bank may transfer, retire or reissue outstanding class B stock among the associations as may be necessary to establish the proportion indicated in the preceding paragraph. Stock that is retired or transferred for this purpose shall be the oldest stock held by the association. The bank shall pay the association for all stock so retired or transferred and shall collect therefor from any association to which such stock is transferred or reissued, at the fair book value thereof not to exceed par.

§ 40.111–5 Equalization of class B stock owned by production credit associations.

Whenever the relative amounts of class B stock of a bank owned by the production credit associations of the district differ substantially from the proportion provided for in § 40.111–4 and additional subscriptions of class B stock through which such proportion could be reestablished are not contemplated, the board of directors of the bank may direct that such proportion be reestablished, subject to the prior approval of the Farm Credit Administration. In carrying out its purpose the bank may direct, either separately or in combination, such transfers, retirements, and reissuance of outstanding class B stock among the associations as will reestablish the aforesaid proportion as nearly as may be practicable. Stock that is retired or transferred for this purpose shall be the oldest stock held by the association. The bank shall pay the association for all stock so retired or transferred and shall collect therefor from any association to which such stock is transferred or reissued, at the fair book value thereof not to exceed par.

§ 40.111–6 Participation certificates.

Participation certificates issued to other financing institutions shall be in multiples of $5.00 and shall be in form prescribed by the board of directors of the bank, subject to the approval of the Farm Credit Administration. Ordinarily, participation certificates will be issued and delivered to the owners thereof; however, upon request of the owner an "Advice in Lieu of Participation Certificate," in form approved by the Farm Credit Administration, may be furnished.

§ 40.112–1 Retirements of class B stock, participation certificates and allocated legal reserve; general.

After all class A stock has been retired, and under policies established by the Farm Credit Administration, the bank may retire class B stock and participation certificates at par or face amount without preference and in such order that the oldest shares of stock and participation certificates outstanding at any time shall be retired first (12 U.S.C. 1061(a)(2)). The amount of class B stock owned by any active production credit association shall not be less than the original subscription made by the association pursuant to the Farm Credit Act of 1956, unless a different amount is approved by the Farm Credit Administration.

§ 40.112–2 Same; institutions in liquidation.

In case of liquidation or dissolution of a production credit association or other financing institution, the class B stock, participation certificates, and allocated legal reserve of the bank owned by such association or other institution may be retired if approved by the board of directors of the bank at the fair book value thereof, not exceeding par, face, or stated amount, as the case may be (12 U.S.C. 1061(a)(2)). A financing institution holding such participation certificates and legal reserve allocations will be deemed to be in "liquidation or dissolution" if it is going out of business, liquidating its assets for the distribution of the proceeds to those entitled thereto, and taking appropriate steps to terminate its corporate existence in accordance with applicable State laws. Merely paying its indebtedness to the credit bank and suspending the making of loans will not qualify a corporation for retirement of its participation certificates and legal reserve allocations.

§ 40.112–3 Same; institutions in default.

In the event of default by the holder of class B stock, participation certificates or legal reserve allocations, the bank may retire and cancel all or any part of its holdings in total or partial liquidation of the debt of the holder to the bank; the legal reserve allocations, most recent years first, should be retired ahead of class B stock or participation certificates.

§ 40.113–1 Transfers of class B stock, participation certificates and legal reserve allocations; class B stock—general.

Class B stock of a credit bank may be transferred to another production credit association, with the approval of the issuing bank (12 U.S.C. 1061(a)(2)).

§ 40.113–2 Same; disposition of class B stock and legal reserve allocations in merger or consolidation of associations.

In the event of the merger or consolidation of two or more production credit associations, class B stock and legal reserve allocations held by the associations involved shall be disposed of in the manner provided in the agreement of consolidation or merger.

§ 40.113–3 Same; participation certificates.

Participation certificates may be transferred only on the books of the issuing bank, and with its approval.

§ 40.113–4 Same; legal reserve allocations.

Legal reserve allocations may be transferred only with the approval of the bank.

§ 40.113–5 Same; preservation of statutory lien.

All changes in ownership of class B stock, participation certificates, and legal reserve allocations shall be subject to the statutory lien of the bank for any indebtedness of the transferor to the issuing bank (12 U.S.C. 1061(b), 1072(a)).

§ 40.114 Surrender of certificates; issuance of new certificates.

Upon retirement of any class B stock or participating interest evidenced by an outstanding certificate, the certificate involved shall be surrendered to the bank for cancellation. In case of partial retirement a new certificate shall be issued for the balance not retired, which shall bear the same issue date and series designation, if any, as the canceled certificate. In the event of a transfer of class B stock resulting from mergers or consolidations, or transfer of participation certificates from one holder to another, any new class B stock or participation certificates issued shall bear the same issue dates and series designations, if any, as the original certificates for which new certificates are substituted. In the event of a transfer or reissuance of class B stock to equalize the ownership of class B stock of the bank, as provided in §§ 40.111–4 and 40.111–5, the issue date of such stock shall be the date of equalization.

§ 40.115 Lost, destroyed, or stolen stock or participation certificates.

[Unchanged]

§ 40.147 Lost, stolen, destroyed, or defaced collateral trust debentures.

[Unchanged]

§ 40.148 Restrictive endorsements of bearer securities.

[Unchanged]

§ 40.151 Annual application of earnings.

Pursuant to section 206 of the Farm Loan Act, as amended (12 U.S.C. 1072), the net earnings of each bank at the end of each fiscal year of the bank, after the payment of operating expenses (including provision for reasonable valuation reserves and losses in excess of reserves), shall be applied as follows:

(a) To restore the amount of impairment, if any, of capital stock and participation certificates, as determined by the board of directors;

(b) To restore the amount of impairment, if any, of the surplus account, as determined by the board of directors;

(c) After restoring impairments, if any, of capital stock, participation certificates, and surplus, as provided herein, 25 percent of the remaining net earnings shall be used to create and maintain a reserve account (designated "Legal Reserve" account). The amount added to such account shall be allocated to the users of the bank in accordance with § 40.153–2;

(d) If class A stock has been outstanding during any part of the fiscal year, to pay to the United States a franchise tax equal to 25 percent of the remaining net earnings; provided, that the amount of such tax shall not exceed a rate of return on such Government capital calculated at a rate equal to the computed average annual rate of interest on all public issues of public debt obligations

of the United States issued during the fiscal year of the U.S. Treasury ending next before such tax is due, as certified to the Farm Credit Administration by the Secretary of the Treasury;

(e) When a bank has no class A stock outstanding, it may pay noncumulative dividends on Class B stock and participation certificates in an amount not to exceed 5 percent in any year, when authorized by its board of directors;

(f) After the foregoing requirements have been met (including the payment of dividends when applicable) the net earnings remaining shall be distributed as patronage refunds to production credit associations and other financing institutions, as provided in § 40.154.

§ 40.152 Absorption of net losses.

In the event a net loss is sustained in any year, it shall be absorbed in the following manner, and in the order stated:

(a) By charges to the reserve account;

(b) By charges to the surplus account, other than that transferred from the production credit corporation;

(c) By charges to the surplus transferred from the production credit corporation;

(d) The impairment of class B stock and participation certificates; and

(e) The impairment of class A stock.

§ 40.153 Patronage refunds. [Deleted]

§ 40.153–1 Surplus-reserved.

The surplus established by the bank on January 1, 1957, as provided in section 103 of the Farm Credit Act of 1956, shall be maintained as a part of the permanent capital of the bank. Should the surplus become impaired through losses, it shall be restored out of future earnings as provided in § 40.151.

§ 40.153–2 Legal reserve account.

The legal reserve account of the bank shall be allocated on a patronage basis to production credit associations and other financing institutions. Allocations on a patronage basis means that such allocations shall be recorded on the books of the bank for the credit of such users (or their successors in interest) in the proportion that the amount of interest earned by the bank on loans to and discounts for each user bears to the total interest on loans to and discounts for all such users outstanding during the fiscal year. The users shall be given appropriate notice of such allocations in a form approved by the Farm Credit Administration. Allocations may be transferred only on the books of the bank and with its approval. Allocations shall be subject to a first lien as additional collateral for any indebtedness of the holder thereof to the bank, and in any case where such indebtedness is in default may be applied thereon.

§ 40.153–21 Same; distribution.

Whenever the amount in the legal reserve account exceeds 25 percent of the capital stock and participation certificates outstanding at the end of any fiscal year, such excess may be distributed, in full or in part, if the board of directors of the bank so determines, oldest allocations first, in class B stock and participation certificates issued as of the date of the allocations and, whenever the bank has no class A stock outstanding, also in money.

§ 40.153–22 Same; absorption of losses.

When net losses are charged to the legal reserve account, as provided in § 40.152, such losses shall reduce the amounts allocated to production credit associations and other financing institutions, most recent allocations first. All allocations for each year shall be fully absorbed before any losses are charged against allocations for an earlier year. Charges that are less than the full amount of all allocations issued for a specified year shall be on a pro rata basis.

§ 40.153–23 Same; disposition in the event of merger or consolidation of a production credit association or other financing institution.

In the event of merger or consolidation of two or more production credit associations, the reserve account allocations of the respective associations shall be disposed of in the manner provided in the agreement of merger or consolidation. In the event of a merger or consolidation of another financing institution, the reserve account allocations of such institution shall be transferred to its successors in interest.

§ 40.153–24 Same; disposition on liquidation of credit bank.

In the event of a liquidation or dissolution of a credit bank, the remaining reserve account allocations shall be paid to the owners of record or their successors in interest.

§ 40.154 Patronage refunds; general.

Patronage refunds may be paid to production credit associations and other financing institutions only. The amount payable to each such institution shall be in the proportion that the amount of interest earned by the bank on loans to and discounts for that institution bears to the total interest on loans to and discounts for all production credit associations and other financing institutions outstanding during the fiscal year, and shall be paid as provided in §§ 40.154–1 and 40.154–2.

§ 40.154–1 Same; if there is class A stock outstanding at the end of the fiscal year.

Payments of patronage refunds shall be made in class B stock to production credit associations and in participation certificates to other financing institutions borrowing from or rediscounting with the bank during the fiscal year.

§ 40.154–2 Same; if there is no class A stock outstanding at the end of the fiscal year.

Payments of patronage refunds may be made in cash, or in class B stock to production credit associations and in participation certificates to other financing institutions as provided in § 40.154–1, as may be authorized by the board of directors.

§ 40.172 Charging of fees or commissions unauthorized.

[Unchanged]

Subpart B—Loans and Discounts

§ 40.201 Lending powers.

In general, the lending powers of the Federal intermediate credit banks are set forth in section 202(a) of the Federal Farm Loan Act, as amended (12 U.S.C. 1031), as follows:

The Federal intermediate credit banks, when chartered and established, shall have power, subject solely to the restrictions, limitations, and conditions contained in this Act or as may be prescribed by the Farm Credit Administration not inconsistent with the provisions of this Act—

(1) to discount for, or purchase from, any production credit association organized under the Farm Credit Act of 1933, as amended, with its endorsement, any note, draft, or other such obligation presented by such association; and to make loans and advances to any such association secured by such collateral as may be approved by the Governor of the Farm Credit Administration or without collateral to the extent authorized under rules and regulations prescribed by the Farm Credit Administration;

(2) to discount for, or purchase from, any national bank, State bank, trust company, agricultural credit corporation, incorporated livestock loan company, savings institution, credit union, and any association of agricultural producers engaged in the making of loans to farmers and ranchers, with its endorsement, any note, draft, or other such obligation the proceeds of which have been advanced or used in the first instance for any agricultural purpose, including the breeding, raising, fattening, or marketing of livestock; and to make loans and advances to any such financing institution secured by such collateral as may be approved by the Governor of the Farm Credit Administration: *Provided*, That no such loan or advance shall be made upon the security of collateral other than notes or other such obligations of farmers and ranchers eligible for discount or purchase under the provisions of this section, unless such loan or advance is made to enable the financing institution to make or carry loans for any agricultural purpose; and

(3) to make loans to and discount paper for any other Federal intermediate credit bank, any Federal land bank, or any bank for cooperatives organized under the Farm Credit Act of 1933, as amended, all upon terms and at rates of interest or discount approved by the Farm Credit Administration.

§ 40.201–1 Same; terms denoting different classes of borrowing and rediscounting institutions.

[Unchanged]

§ 40.201–2 Same; Federal credit unions.

Following is an excerpt from the Federal Credit Union Act of June 26, 1934, as amended (12 U.S.C. 1757):

POWERS

Sec. 7. A Federal credit union shall have succession in its corporate name during its existence and shall have power—• • •.

(9) to borrow, in accordance with such rules and regulations as may be prescribed by the Director, from any source, in an aggregate amount not exceeding 50 per centum of its paid-in and unimpaired capital and surplus: *Provided*, That any Federal credit union may discount with or sell to any Federal intermediate credit bank any eligible obligations up to the amount of its paid-in and unimpaired capital;.

§ 40.202 General rediscount agreement.

[Unchanged]

§ 40.203 Qualifications of other financing institutions.

[Unchanged]

§ 40.203–1 Same; character of business.

[Unchanged]

§ 40.203–2 Same; incorporation and capital structure.

[Unchanged]

§ 40.203–3 Same; compliance with statutes.

[Unchanged]

§ 40.203–4 Same; affiliated with other concerns.

[Unchanged]

§ 40.203–5 Same; examinations, financial statements, reports, etc.

[Unchanged]

§ 40.211 Limitations upon amount of credit; ratio of total liabilities to unimpaired capital and surplus.

[Unchanged]

§ 40.212 Maximum ratios permitted.

[Unchanged]

§ 40.212–1 Same; production credit associations.

[Unchanged]

§ 40.212–2 Same; other financing institutions.

[Unchanged]

§ 40.212–3 Same; banking institutions.

[Unchanged]

§ 40.212–4 Same; credit unions.

[Unchanged]

§ 40.213 Computation of debt-to-capital ratios.

[Unchanged]

§ 40.221 Credit standards.

[Unchanged]

§ 40.222 Loan purposes.

(a) Loans discounted for or purchased from a production credit association shall have been made to qualified farmers or ranchers for general agricultural purposes, and other requirements of the borrowers including the needs of their families. (See § 50.101 of this chapter.)

(b) The proceeds of loans discounted for or purchased from other financing institutions shall have been advanced to farmers or ranchers and have been used in the first instance for an agricultural purpose, including the breeding, raising, fattening, or marketing of livestock (12 U.S.C. 1031(2)).

(c) In determining whether the purpose of a loan offered for discount is "agricultural" the bank will apply the term on a practical and constructive basis rather than in a purely technical sense. Eligibility should be judged in line with the usually accepted requirements of farm and ranch operations, including the support and maintenance of the farm or ranch family.

§ 40.223 Maturities.

[Unchanged]

§ 40.224 Interest rates.

[Unchanged]

§ 40.225 Fees and other charges.

[Unchanged]

§ 40.226 Notes of farming corporations.

Notes of a corporation may be discounted for, purchased from, or accepted as a basis for a loan to, any eligible financing institution if they meet the requirements of §§ 40.226–1 or 40.226–2 applicable to the financing institution concerned.

§ 40.226–1 Same; production credit associations.

To be eligible for discount for a production credit association, notes of a corporation must meet the requirements of §§ 50.102 and 50.103 of this chapter.

§ 40.226–2 Same; other financing institutions.

Notes of a corporation may be discounted for a financing institution other than a production credit association if the borrowing corporation is engaged in actual farming operations or livestock production and meets the following requirements:

(a) Either (1) at least 75 percent in value and number of shares of its capital stock must be owned by the individuals personally actually conducting the farming or livestock operations of the corporation; or (2) the major portion of the assets of the corporation must consist of property actually devoted to farming or livestock production and at least half of its gross income must be derived from such operations; and

(b) Either the holder or holders of at least a majority of its outstanding shares of voting stock or, with the consent of the Federal intermediate credit bank, a principal stockholder or stockholders must (1) endorse, or sign as comakers, all notes evidencing such loans; or (2) execute continuing guaranties of all indebtedness of such corporation to the payee lending institution. Requirement (2) may be met by two or more stockholders each executing a guaranty for a specified percentage of the indebtedness, with the aggregate of such guaranties affording personal liability for 100 percent of the indebtedness. If such personal liability of stockholders of the borrowing corporation cannot be obtained by reason of ownership of its capital stock by another corporation, the stockholder liability requirement may be met by like endorsement or guaranty on the part of an individual stockholder or stockholders of such parent or affiliated corporation.

§ 40.227 Notes given to merchants not eligible.

[Unchanged]

§ 40.231 Direct loans to production credit associations.

The bank may make direct loans to production credit associations on an unsecured basis or secured by such collateral as may be approved by the Governor of the Farm Credit Administration. The total of all direct loans (both secured and unsecured) to any production credit association shall not at any time exceed the total of its capital and surplus accounts less the total of (a) the amount of class B stock of the bank owned by the association and (b) the legal reserve of the bank allocated to the association.

§ 40.231–1 Same; secured loans.

Whenever, in the discretion of the bank, collateral for a direct loan is required, the following security is approved for that purpose:

(a) Investments approved under §§ 50.201 and 50.202 of this chapter;

(b) Loans eligible for discount that may be used as security pursuant to the trust procedure authorized for financing production credit associations in special circumstances;

(c) Loans ineligible for discount, but which may be used as security pursuant to the bills payable and partial discount procedures authorized for financing production credit associations in special circumstances; and

(d) Any other unencumbered assets, excluding class B stock and allocations of the legal reserve account of the bank.

§ 40.231–2 Same; unsecured loans.

Any part of the maximum direct loan that is not required to be secured pursuant to § 40.231–1 may, at the discretion of the bank, be made on an unsecured basis. The amount loaned on an unsecured basis shall be determined by the bank for each association (within the limitations for total secured and unsecured loans) and shall be consistent with sound financial and credit practices.

§ 40.231–3 Same; form of direct loan obligation.

Direct loans and advances to a production credit association may be evidenced by a promissory note, or by a loan agreement in form approved by the Farm Credit Administration.

§ 40.232 Direct loans or advances to other financing institutions.

[Unchanged]

§ 40.232–1 Same; classes of obligations approved as collateral.

[Unchanged]

§ 40.232–2 Same; purpose of direct loans or advances.

In making loans or advances to any other financing institution on the security of collateral other than that described in § 40.232–1(a), the bank will assure itself that the proceeds of such loans or advances will be used to enable the financing institution to make or carry loans to farmers and ranchers for agricultural purposes. In making examinations of such institutions, the bank's examiners should include such reviews or test checks as may be needed to satisfy the bank that this provision is complied with.

§ 40.242 General collateral; other financing institutions.

[Unchanged]

§ 40.251 Amounts of individual obligations requiring approval.

[Unchanged]

§ 40.251–1 Same; production credit associations.

[Unchanged]

§ 40.251–2 Same; other financing institutions.

[Unchanged]

§ 40.261 Interest and discount rates; Federal intermediate credit bank.

[Unchanged]

§ 40.261–1 Same; action by board of directors.

[Unchanged]

§ 40.261–3 Same; application of rates.

[Unchanged]

§ 40.261–4 Same; discount (discounting interest, or collecting in advance).

[Unchanged]

§ 40.261–5 Same; interest on delinquent notes under discount.

[Unchanged]

§ 40.262 Interest rates charged notemakers by financing institutions.

[Unchanged]

§ 40.262–1 Same; loan made before reduction in interest rate.

[Unchanged]

§ 40.262–2 Same; higher rate after maturity.

[Unchanged]

§ 40.262–4 Same; only on sums actually advanced and for time sums outstanding.

[Unchanged]

§ 40.273–1 Credit to other financing institutions in special circumstances; partial discount procedure.

[Unchanged]

§ 40.282 Suspension of right to borrow and rediscount.

[Unchanged]

§ 40.282–1 Same; operations during suspension.

[Unchanged]

§ 40.283–2 Insolvency; other financing institutions.

[Unchanged]

PART 50—PRODUCTION CREDIT ASSOCIATIONS

Subpart B—Investments and Dividends

Pursuant to the authority vested in the Governor of the Farm Credit Administration by section 20 of the Farm Credit Act of 1933, as amended (12 U.S.C. 1131d), § 50.211 of Title 6 of the Code of Federal Regulations is amended to read as follows:

§ 50.211 Class A and class B stock.

An association may pay dividends on its capital stock, subject to the limitations thereon contained in its bylaws, and the further policies established herein. No dividends shall be paid when the United States holds class A stock in the association. Further, except with the approval of the Farm Credit Administration, no dividend may be paid on class B stock unless the total amount in the surplus accounts (after payment of dividends) would equal at least 5 percent of the maximum volume of loans outstanding during the most recent 3-year period.

(Sec. 6, 47 Stat. 14, as amended, sec. 22(b), 48 Stat. 261, as amended; 12 U.S.C. 665, 1131f(b))

HAROLD T. MASON,
Acting Governor,
Farm Credit Administration.

[F.R. Doc. 65–13881; Filed, Dec. 28, 1965; 8:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Miscellaneous Amendments

On September 23, 1965, there was published in the FEDERAL REGISTER (30 F.R. 12128) a notice of proposed amendments of Part 76, Subchapter C, Chapter 1, Title 9, Code of Federal Regulations. After due consideration of all relevant material submitted in connection with such notice and pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126; 134–134h), said Part 76 is hereby amended in the following respects:

1. Sections 76.2 (f) and (g) are amended to read:

§ 76.2 Notice relating to existence of hog cholera; prohibition of movement of virulent virus; spread of disease through raw garbage; regulations; quarantines; eradication States; and free States.

• • • • •

(f) Notice is hereby given that there is no clinical evidence that the virus of hog cholera exists in swine in the following States, that systematic procedures are in effect to detect and eradicate the disease should it appear within any of such States, and that such States are hereby designated as hog cholera eradication States: Alaska, Idaho, Montana, Oregon, Utah, Washington, and Wyoming.

(g) Notice is hereby given that a period of more than 1 year has passed since there has been clinical evidence that the virus of hog cholera exists in the following States, that more than 1 year has passed since systematic procedures were placed in effect to exclude the virus of hog cholera and to detect and eradicate the disease should it appear within any of such States, and that the virus of hog cholera has been eradicated from such States and such States are hereby designated as hog cholera free States: Nevada and Vermont.

• • • • •

2. Section 76.7 is amended to read:

§ 76.7 Movement to recognized slaughtering centers, licensed establishments, approved feed lots, public stockyards, or approved stockyards or livestock markets.

Swine not known to be affected with or exposed to hog cholera may be moved interstate as indicated in this section and shall not be diverted for any other purpose:

(a) From any point to a recognized slaughtering center for immediate slaughter, or

(b) From any point to a licensed establishment as defined in § 101.1(q) of this chapter or a feed lot approved by the Director of the Veterinary Biologics Division for biologics production, or

(c) From any point to a public stockyard or approved stockyard or livestock market: *Provided, however,* That feeder or breeder swine moved interstate, for sale for feeding or breeding purposes, to a public stockyard or approved stockyard or livestock market may be so moved only in the following ways:

(1) From a farm of origin in any State to a public stockyard or approved stockyard or livestock market in an adjacent State if interstate movement is continuous and accomplished in the same vehicle in which movement of such swine commenced; or

(2) From a farm of origin in any State to a public stockyard or approved stockyard or livestock market in any other State if such swine are officially vaccinated under the provisions of § 76.9(a) or § 76.10 (a) or (b) prior to such movement: *Provided, however,* That swine which have not been so officially vaccinated at least 21 days prior to interstate movement shall not be so moved unless interstate movement is continuous and is accomplished in the same vehicle in which movement of such swine commenced; or

(3) From a farm of origin in a State designated in § 76.2 (f) or (g) to a public stockyard or approved stockyard or livestock market in any other State if interstate movement is continuous and is accomplished in the same vehicle in which movement of such swine commenced and such swine are moved interstate without contact prior to or during movement with swine from States not designated in § 76.2 (f) or (g); or

(4) From a public stockyard or approved stockyard or livestock market in any State to a public stockyard or approved stockyard or livestock market in any other State if such swine meet the

requirements of § 76.9(a) (1) through (6) prior to such movement; or

(5) From a public stockyard or approved stockyard or livestock market in a State designated in § 76.2 (f) or (g) to a public stockyard or approved stockyard or livestock market in any State if such swine originate in a State designated in § 76.2 (f) or (g) and if such swine are moved interstate without contact with swine from States not designated in § 76.2 (f) or (g) and the interstate movement is continuous and accomplished in the same vehicle in which movement of such swine commenced and such swine are individually identified and meet the requirements of § 76.9(a) (1) through (6) prior to movement except that such swine are not required to have been officially vaccinated; or

(6) From any point not listed in paragraphs (1) through (5) of paragraph (c) of this section to a public stockyard or approved stockyard or livestock market in any other State if such swine have been officially vaccinated at least 21 days prior to the date of shipment by the method provided in § 76.10(a) (1) or (2) or § 76.10(b) (2).

3. Section 76.9(a) (3) is amended to read:

§ 76.9 Movement from public stockyards, or approved stockyards or livestock markets.

(a) • • •

(3) The swine, upon such inspection, are found to be free from symptoms of hog cholera and in a healthy condition and are treated in accordance with paragraph (b) of this section in a public stockyard by a veterinarian under Division supervision, or in an approved stockyard or livestock market by an accredited veterinarian, in a portion of the yard or market set aside for that purpose: *Provided,* That swine officially vaccinated prior to inspection in accordance with § 76.10(a) or § 76.10(b) (2) and so identified, and suckling pigs under 8 weeks of age nursing officially vaccinated sows are not required to be so treated but are subject to the other provisions of paragraph (a) of this section: *And provided further,* that swine which originate in, and are shipped interstate from public stockyards or approved stockyards or livestock markets located in, States designated in § 76.2 (f) or (g) are not required to be so treated if shipped interstate without contact prior to or during movement with swine from States not so designated and if the interstate movement of such swine is continuous and is accomplished in the same vehicle in which movement of such swine commenced, but such swine are subject to the other provisions of paragraph (a) of this section; and

• • • • •

4. Section 76.10 is amended to read:

§ 76.10 Other movements for feeding, breeding, or exhibition purposes.

Swine which have never been treated with anti-hog-cholera serum alone or antibody concentrate alone and which are not known to be affected with or exposed to hog cholera or any other contagious, infectious, or communicable disease may be moved interstate to any destination for feeding, breeding, or exhibition purposes in accordance with the provisions of this section.

(a) *Movement from any point of origin.* Swine which otherwise qualify for interstate shipment under the provisions of this section may be moved interstate for feeding, breeding, or exhibition purposes if such swine have been officially vaccinated either with:

(1) Modified live virus hog cholera vaccine prepared under a license issued by the Secretary of Agriculture and administered in accordance with the recommendations on the vaccine label not less than 21 days nor more than one year prior to the date of shipment; or,

(2) Killed or inactivated hog cholera vaccine prepared under a license issued by the Secretary of Agriculture and administered in accordance with the recommendations on the vaccine label not less than 21 days nor more than 6 months prior to the date of shipment.

(b) *Movement from any farm of origin.* Notwithstanding paragraph (a) of this section, swine which otherwise qualify for interstate shipment under the provisions of this section may be moved interstate directly from any farm of origin for feeding, breeding, or exhibition purposes if interstate movement is continuous and is accomplished in the same vehicle in which movement of such swine commenced, and

(1) Such swine have been officially vaccinated as provided in paragraph (a) of this section; or

(2) Such swine have been officially vaccinated within 21 days prior to shipment with the simultaneous inoculation of modified live virus hog cholera vaccine prepared under a license issued by the Secretary of Agriculture and administered in accordance with the dosage recommendations on the vaccine label and with a minimum of 15 cc. of anti-hog-cholera serum or a minimum of 7.5 cc. of antibody concentrate, also prepared under such a license; or

(3) Such swine, without being previously officially vaccinated, are moved from a farm of origin directly to a farm in another State,[3] the laws, rules, or regulations of which require a 21-day or longer quarantine or isolation period for imported feeder or breeder swine, and

(i) All swine located on the farm of origin have remained on the farm for a period of not less than 21 days prior to such movement; and

(ii) A permit for importing such swine is obtained from the State of destination prior to the movement; and

(iii) Such swine do not come into contact with other swine during shipment.

(c) *Movement from a farm of origin located in a State identified in § 76.2 (f) or (g).* Notwithstanding paragraphs (a) and (b) of this section, swine which otherwise qualify for interstate movement under this section may be moved directly from a farm of origin in a State identified in § 76.2 (f) or (g) for feeding, breeding, or exhibition purposes if interstate movement is continuous and is accomplished in the same vehicle in which movement of such swine commenced, and

(1) Such swine are officially vaccinated prior to interstate movement as provided in paragraph (a) or (b) of this section; or

(2) If not officially vaccinated prior to interstate movement, such swine are moved interstate in such a manner that they do not come into contact prior to or during such movement with swine from a State not designated in § 76.2 (f) or (g).

(d) *Identification.* All swine moved interstate under the provisions of this section shall be permanently identified by individual eartags or other acceptable individual identification prior to interstate movement.

(e) *Health certificates.* All swine moved interstate under the provisions of this section shall be accompanied by a health certificate issued by a State or Federal inspector or an accredited veterinarian specifying:

(1) The permanent and individual identification of the swine;

(2) The consignee and consignor;

(3) The record of official vaccination if such swine are officially vaccinated or if official vaccination is required for movement under this section;

(4) That such swine are apparently free from and have not been exposed to hog cholera or other contagious, infectious or communicable diseases;

(5) That swine moved under the provisions of paragraphs (b) (2) and (c) (2) of this section are moved interstate from the farm where they were born and that such farm has not been used within the past 6 months to assemble, buy, or sell swine brought in from other sources;

(6) That swine moved under the provisions of paragraph (b) (3) of this section are moved interstate from the farm where they were born and that such farm has not been used within the past 6 months to assemble, buy, or sell swine brought in from other sources; and, that all swine on the farm at the time of shipment had been located on such farm for not less than 21 days prior to shipment. A copy of the certificate shall be forwarded to the appropriate livestock sanitary official of the State of destination.

(Sec. 4, 23 Stat. 32, as amended, sec. 1, 32 Stat. 791, as amended, sec. 2, 32 Stat. 792, as amended, sec. 1, 75 Stat. 481, 76 Stat. 131; 21 U.S.C. 111, 112, 114g, 120, 125, 134c; 29 F.R. 16210, as amended, 30 F.R. 5801)

The primary purposes of these amendments are to (1) under § 76.2(f) add the States of Alaska and Idaho to the list of hog cholera eradication States and delete the State of Nevada from such list; (2) under § 76.2(g) add the State of Nevada to the list of hog cholera free States; (3) under § 76.7 clarify intent of the regulations as to originating points of shipments; relieve vaccination requirements for swine to be shipped interstate from farms of origin to public stockyards or approved stockyards or livestock markets, if such farms of origin are located in States listed in § 76.2(f) or (g); and delete present April 1, 1965, effective date relative to movement of feeder and breeder swine; (4) under § 76.9 relieve vaccination requirements for swine shipped interstate from public stockyards or approved stockyards or livestock markets located in States listed in § 76.2 (f) or (g), when such swine originate in such States; and (5) under § 76.10 relieve vaccination requirements for swine shipped interstate from farms of origin in States listed in § 76.2 (f) or (g).

The foregoing amendments are the same as the proposals set forth in the notice of rule making except that (1) Idaho has been added to the list of States designated as hog cholera eradication States, and (2) Nevada has been deleted from such list and added to the list of States designated as hog cholera free States, as such States now qualify for these respective designations. It does not appear that further notice and other public procedure with respect to the amendments would make additional information available to the Department. Therefore, under section 4 of the Administration Procedure Act (5 U.S.C. 1003), it is found upon good cause that further notice and other public procedure with respect to the amendments are impracticable and unnecessary.

Effective date. The foregoing amendments shall become effective 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 22d day of December 1965.

E. P. REAGAN,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 65-13890; Filed, Dec. 28, 1965; 8:48 a.m.]

[3] In each instance, the regulations of the State of destination should be consulted before shipments are made.

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-294; Order No. 313]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Recreational Development at Licensed Projects

DECEMBER 27, 1965.

This order sets forth a statement of Commission policy with respect to outdoor recreational development at projects licensed or to be licensed under the Federal Power Act.

There has been a dramatic increase in public utilization of outdoor recreation opportunity during the 20 years since World War II. During the period from 1952 to 1962, for example, visits to National Parks increased 87 percent, visits to other Federal recreation areas increased 238 percent, and visits to State parks increased 113 percent.

The population of the United States has increased substantially in the past two decades, with greater growth predicted for the future. A larger number of Americans than ever before are participating in one form or another of outdoor recreation at established recreational areas. Reservoirs at federally licensed projects currently provide a significant source of outdoor recreation opportunity; but here is every indication that greatly expanded recreational development at such sites is possible both at existing projects and at those to be licensed in the future.

The Congress, in enacting Public Law 88-29[1] recognizing future recreational needs of the Nation, set forth the following national policy on outdoor recreation:

> • • • the Congress finds and declares it to be desirable that all American people of present and future generations be assured adequate outdoor recreation resources, and that it is desirable for all levels of government and private interests to take prompt and coordinated action, to the extent practicable without diminishing or affecting their respective powers and functions, to conserve, develop, and utilize such resources for the benefit and enjoyment of the American people.

The President, by Executive Order 11017, dated April 27, 1962, established the Recreation Advisory Council to provide broad policy advice to the heads of Federal agencies on all important matters affecting outdoor recreation resources and to facilitate coordinated efforts among Federal agencies.

The Federal Power Commission has long been interested in recreational development at licensed projects. While section 10(a) of the Federal Water Power Act of June 10, 1920 (41 Stat. 1063), did not refer specifically to recreation, in 1935 when the Federal Water Power Act was re-enacted as Part I of the Federal Power Act (49 Stat. 838, 16 U.S.C. 791a-825r), the words "including recreational purposes" were added to section 10(a) to make clear that recreation considerations were to be included in comprehensive development of the nation's water resources.

In the ensuing years the Commission, starting with a practice of considering project recreational possibilities on case-by-case basis at the time of initial application, has gradually developed a comprehensive general pattern. Standard license forms for various categories of projects have for a number of years provided for reasonable free public access to project reservoirs for recreational purposes, and obliging the licensee, upon notice and opportunity for hearing, to take such steps to install reasonable recreational facilities as might be required by public interest and consistent with the other objectives of the license. Recognizing the need for greater advance planning for development of outdoor recreation resources at licensed projects, the Commission, in 1962, issued a notice of proposed rulemaking (Docket No. R-223), proposing that license applicants submit a recreational use plan for all major projects. This proceeding culminated on April 25, 1963, in Order No. 260-A (29 FPC 777, 28 F.R. 4092), whereby the Commission amended § 4.41 of its Regulations under the Federal Power Act to require the filing of Exhibit R—a recreational use plan—as part of every application for major license filed after June 1, 1963. The requirements of Exhibit R were further particularized by Order No. 292, issued January 8, 1965 (33 FPC 32, 30 F.R. 523).

Reflecting its desire to make project recreational opportunities widely known to the general public, the Commission by Order No. 299, issued May 27, 1965, amended Regulations under the Federal Power Act by adding new Part 8 requiring the publicizing of recreational features or operational procedures affecting recreation at licensed projects (33 FPC ——, 30 F.R. 7313).

These various provisions constitute a comprehensive recreational package applicable to all new major licensees, whether their licenses are for constructed or unconstructed projects. We also intend in connection with any application for substantial amendment to a license, reasonably related to recreation, which does not presently incorporate an article requiring the filing of a recreational use plan, the standard free access article, or the article providing for the installation of such recreational facilities as the Commission might, after notice and opportunity for hearing, find consistent with the other objectives of the license and required by public interest, to require the licensee to show cause why such articles should not be incorporated into its license, if the license is otherwise amended in response to the application. And in the future we shall not approve any application or request by a licensee to dispose of any interest in lands within project boundaries, in the absence of a showing by the licensee that such disposal is not inconsistent with the approved public recreational plan for the project, or, in the absence of such a plan, that the lands in question do not have recreational value.

By separate order we are amending § 4.41 of the regulations to make clear that we expect licensees to extend their project boundaries beyond the 200 feet from the exterior margin of reservoirs presently specified whenever appropriate to effectuate a comprehensive recreational plan. In addition, it is our view, as set out in the proposed policy statement below, that generally all recreational areas specified in an approved plan, should be acquired by the licensee in fee, and should include all lands immediately adjacent to the exterior margin of the reservoirs. We recognize, however, that in the case of some constructed though unlicensed projects or amendments to existing licenses, the latter two objectives on occasion may not be consistent with the economic well being of the project, or in isolated situa-

[1] An act to promote the coordination and development of effective programs relating to outdoor recreation (77 Stat. 49; 16 U.S.C. 460l). This statute established the Bureau of Outdoor Recreation within the Department of the Interior to promote the coordination and development of effective programs relating to outdoor recreation.

tions of low recreational potential, required by the public interest.

The Commission believes that irrespective of the requirements of their licenses, licensees whose projects comprise land and water resources with outdoor recreation potential have a responsibility for the development of those resources in accordance with area needs, to the extent that such development is not inconsistent with the primary purpose of the project. All licensees will therefore be encouraged to submit for Commission approval and incorporation into their licenses an appropriate recreational plan. In assuming this responsibility the licensee should consider each project on the basis of its physical and economic characteristics, its operational plan, and area needs for outdoor recreation. As an aid to both licensees and the Commission in this endeavor we are proposing to initiate a nationwide inventory of the recreational potential of all Commission licensees for which an appropriate recreational use plan had not been approved within the last 5 years.

When formulating plans for project recreational facilities, applicants and licensees are encouraged to consult and coordinate such planning with local, State and Federal agencies concerned with outdoor recreation, as well as with professional recreational facilities designers and landscape architects. Pursuant to the Land and Water Conservation Act of 1965 (P.L. 88–578, 78 Stat. 897, 16 U.S.C. 4601–4), public funds may be made available by the Secretary of the Interior for both State and Federal acquisition and for State development of recreational areas under appropriate circumstances. Cooperation with the Bureau of Outdoor Recreation of the Department of the Interior as well as with interested State agencies could result in State or Federal developments adjacent to licensed project reservoirs, thereby supplementing and enhancing project facilities.

The Commission recognizes that a licensee will incur costs in providing recreational facilities, and, therefore, will allow appropriate and reasonable expenditures for recreational facilities, including the purchase of additional land, to be included as part of the project cost. The Commission also recognizes that certain annual costs will be incurred by a licensee in the operation and maintenance of recreational facilities. Accordingly, the Commission will not object to the imposition by a licensee of reasonable user fees in order to help defray these costs.

In making project lands, waters, and facilities available for public recreation, licensee should, of course, comply with local and State regulations and also formulate such rules of use as may be appropriate to insure public safety.

Concurrently with the issuance of this order we are issuing a report entitled "Criteria and Standards for Outdoor Recreation Development at Hydroelectric Projects." The report consists of a selected compilation of criteria and standards utilized by Federal and State agencies concerned with outdoor recreation development which are adaptable to hydroelectric projects. We are making it public in the hope that it will be of value to licensees, applicants for license, and recreational planners, in formulating plans for the development of recreational facilities at hydroelectric project.

The Commission finds:

(1) The notice and effective date provisions of section 4 of the Administrative Procedure Act do not apply with respect to the amendment here adopted.

(2) It is appropriate and in the public interest in administering Part I of the Federal Power Act to promulgate Commission policy on recreational development at licensed projects.

The Commission orders:

(A) Part 2, General Policy and Interpretations, Subchapter A, Chapter I of Title 18 of the Code of Federal Regulations is amended by adding a new § 2.7, entitled "Recreational development at licensed projects," as follows:

§ 2.7 Recreational development at licensed projects.

The Commission will evaluate the recreational resources of all projects under Federal license or applications therefor and seek, within its authority, the ultimate development of these resources, consistent with the needs of the area to the extent that such development is not inconsistent with the primary purpose of the project. Reasonable expenditures by a licensee for public recreational development pursuant to an approved plan, including the purchase of land, will be included as part of the project cost. The Commission will not object to licensees and operators of recreational facilities within the boundaries of a project charging reasonable fees to users of such facilities in order to help defray the cost of constructing, operating, and maintaining such facilities. The Commission expects the licensee to assume the following responsibilities:

(a) To acquire in fee and include within the project boundary enough land to assure optimum development of the recreational resources afforded by the project. To the extent consistent with the other objectives of the license, such lands to be acquired in fee for recreational purposes shall include the lands adjacent to the exterior margin of any project reservoir plus all other project lands specified in any approved recreational use plan for the project.

(b) To develop suitable public recreational facilities upon project lands and waters and to make provisions for adequate public access to such project facilities and waters.

(c) To encourage and cooperate with appropriate local, State, and Federal agencies and other interested entities in the determination of public recreation needs and to cooperate in the preparation of plans to meet these needs, including those for sport fishing and hunting.

(d) To encourage governmental agencies and private interests, such as operators of user-fee facilities, to assist in carrying out plans for recreation, including operation and adequate maintenance of recrational areas and facilities.

(e) To cooperate with local, State, and Federal Government agencies in planning, providing, operating, and maintaining facilities for recreational use of public lands administered by those agencies adjacent to the project area.

(f) To comply with local and State regulations for health, sanitation, and public safety, and to cooperate with local law enforcement authorities in the development of additional necessary regulations for such purposes.

(g) To ensure public access and recreational use of project lands and waters without regard to race, color, sex, religious creed or national origin.

(h) To inform the public of the opportunities for recreation at licensed projects, as well as of rules governing the accessibility and use of recreational facilities.

(B) Licensees who have not already done so are encouraged to file comprehensive recreational plans for approval and incorporation within their licenses to the extent necessary and appropriate to provide adequate recreational facilities, the Commission will approve extensions of the boundaries of existing projects as part of its approval by any such plan.

(C) The Commission will not grant any authorization for a licensee to dispose of any interest in project lands, unless a showing is made that such disposal is not inconsistent with any approved recreational plan or in the absence of such a plan, that the lands do not have recreational value pending such a determination by the Commission, all project lands, buildings, or other property will be considered to be required to achieve the purposes of the license within the meaning of any article in the license relating to the leasing of such lands, buildings, or other property. The licensee, in the absence of specific Commission exemptions from these requirements, shall include in the instrument of conveyance a covenant running with the land adequate to insure that, unless the Commission subsequently authorizes a different use as consistent with a comprehensive plan for improving or developing the waterway, the use of the lands conveyed will not endanger health, create a nuisance, or otherwise be incompatible with overall project recreational use.

(D) The amendments prescribed herein will be effective upon the issuance of this order.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65–13870; Filed, Dec. 28, 1965; 8:47 a.m.]

[Order No. 314, Docket No. R–295]

PART 4—LICENSES, PERMITS, AND DETERMINATION OF PROJECT COSTS

Required Exhibits

DECEMBER 27, 1965.

In developing its general policy with respect to recreational development at projects licensed or to be licensed under Part I of the Federal Power Act, the Commission became aware of the need to amend § 4.41 *Exhibit K*, (1)(iii) of Regulations under the Federal Power Act, as hereinafter provided, to relax the requirements of that subsection with respect to the distance the project boundary may extend from the exterior margin of a reservoir. The purpose of this amendment is to permit the establishment of a project boundary extending more than 200 feet (horizontal measurement) from the exterior margin of the reservoir (in general, high-water level), as presently limited, in cases where the provision for or construction of project recreational facilities would make it appropriate and desirable to exceed the 200-foot limitation.

The Commission finds:

(1) The amendment of § 4.41 of the Commission's regulations under the Federal Power Act, prescribed herein, is necessary and appropriate for the administration of the Federal Power Act.

(2) Since the amendment of § 4.41, prescribed herein, relaxes the requirements of the section, compliance with the notice and effective date provisions of section 4 of the Administrative Procedure Act is unnecessary.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly sections 4 and 309 thereof (49 Stat. 839, 858; 16 U.S.C. 797, 825c, 825j), *orders*:

(A) Section 4.41 *Required exhibits*, Subchapter B, Chapter I of Title 18 of the Code of Federal Regulations, is amended by amending *Exhibit K*, paragraph (1)(iii) to read as follows:

§ 4.41 Required exhibits.

* * * * * * *

Exhibit K * * *

(1) * * *

(iii) Except with respect to lands necessary or appropriate for recreation purposes, for which it is recognized that additional project area will generally be required, the project boundary shall be no more than 200 feet (horizontal measurement) from the exterior margin (in general, high-water level) of reservoirs, nor shall the width of the project area for canals, ditches, pipe lines, transmission lines, roads, and other so-called continuous structures exceed 200 feet, unless satisfactory reasons are given to the contrary. The project boundary shall be shown on the map in such manner that it can be shown the location and description of monuments and other marks with reference lines therefrom to permanent objects in accordance with good practice in land surveying.

(Secs. 4, 309, 49 Stat. 839, 858; 16 U.S.C. 797, 825c, 825j)

(B) The amendment herein prescribed will be effective upon issuance of this order.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65–13871; Filed, Dec. 28, 1965; 8:47 a.m.]

[Order No. 315; Docket No. R–268]

PART 12—INSPECTION OF PROJECT WORKS WITH RESPECT TO SAFETY OF STRUCTURES

DECEMBER 27, 1965.

On October 20, 1964, the Commission gave notice by publication in the FEDERAL REGISTER (29 F.R. 14643) that it proposed to require licensees under the Federal Power Act to provide complete safety inspections of hydroelectric project works by independent consultants at regular 5-year intervals or more frequently, if necessary. The proposed regulations are not intended to relieve or release the licensee from any existing responsibility for maintenance, operation and inspection of its project to assure its stability and safety, or for immediate notification to the Commission's representative concerning any condition or development which could have an effect on the safety of project structures. They are designed to supplement existing Commission inspection procedures, thereby improving the Commission's effectiveness in carrying outs its statutory responsibilities to protect the public safety. (16 U.S.C. 803(c).)

Comments were invited from interested persons to be submitted by December 9, 1964. At the request of several licensees, the time for filing written views was subsequently extended through January 8, 1965 (29 F.R. 16997). In response to this notice and invitation, the Commission has received a number of comments[1] with regard to the proposed regulations and has taken them into consideration in preparing the text of the regulation which is herein promulgated.

While comments endorsed the objectives of the proposed rule to protect the public safety through periodic inspection of project facilities, doubts were expressed both as to its necessity and effectiveness. The comments indicated that the proposed regulation would in some instances duplicate existing state inspection programs and in other duplicate more stringent inspection programs currently maintained by licensees with their own personnel. There were many suggestions that run-of-river projects with little or no storage and small low-head developments be exempt. Strong preferences were expressed for revision of the rule to provide for inspection at periodic intervals by the licensee's staff, as opposed to independent inspections by outside consultants, in accordance with specific Commission requirements and subject to Commission staff review.

We intend that the licensee's own staff be eligible for participation in the inspections so long as they operate under the direction and supervision of an independent consultant. Use of the licensee's staff, under supervision of an outside consultant, may reduce costs without impairing the benefits secured by an independent examination. In order to achieve public confidence in the safety program, however, it is vital that an ultimate judgment be exercised by outside consultants to complement the inspection programs of the licensee and any State agency. Of course we expect that the licensee and his consultants will give due consideration to the State's inspection program. Accordingly, while we have adopted a number of the suggestions to clarify and simplify the rule, we are unable to acquiesce in the general objections.

The purpose of the inspection program established by this order is to assure that adequate and timely measures will be taken to protect the public safety. Within this context we have provided in the regulation that inspection procedures shall apply only to those licensed projects having a dam exceeding 35 feet in height above streambed or having a gross storage capacity in excess of 2,000 acre-feet, and that licensee's own personnel may be utilized so long as the inspections and the report thereof be made under the direction and with the approval of an independent consultant.

In setting the 5-year interval between inspections, the Commission recognized the difficulty of accurately predicting the condition of project structures for longer periods of time. To avoid inequities the regulation includes a time schedule for initial inspections based on the length of time a project has been under license.

The Commission further finds:

(1) The detailed, objective inspections by or under the direction of independent consultants will provide important assistance to the Commission in carrying out its obligations under the Federal Power Act by assuring that the Commission and the licensees both have accurate and up-to-date information on the condition of project structures and facilities.

(2) In view of the foregoing, and upon consideration of all relevant matters presented, this amendment is necessary and appropriate for the purposes of the Federal Power Act.

The Commission, acting pursuant to the Federal Power Act, as amended, particularly sections 10(c), 304(a) and 309 thereof (49 Stat. 842, 855, 858; 16 U.S.C. 803(c), 825c(a), 825h), orders:

(A) Subchapter B, Regulations Under the Federal Power Act, Chapter I, Title 18, of the Code of Federal Regulations, is amended by inserting new Part 12, to read as follows:

Sec.
12.1 Applicability.
12.2 Periodic inspections.
12.3 Additional inspections.
12.4 Responsibility for inspections.
12.5 Report of inspections; recommendations.
12.6 Initial inspection; time for reporting.

AUTHORITY: The provisions of this Part 12 issued under secs. 10(c), 304(a), 309, 49 Stat. 842, 855, 858; 16 U.S.C. 803(c), 825c(a), 825h.

§ 12.1 Applicability.

Unless otherwise ordered by the Commission, the provisions of this part shall apply with respect to projects licensed

[1] Comments were received from 49 licensees and from one individual.

provided by the National Shipping Authority

under Part I of the Federal Power Act having a dam exceeding 35 feet in height above stream bed or having a gross storage capacity in excess of 2000 acre feet.

§ 12.2 Periodic inspections.

Notwithstanding any other terms and conditions of the license, the licensee shall cause a complete inspection of the projects works, excluding transmission lines and generating equipment, to be made at least every 5 years, in order to determine whether there are any deficiencies or potential deficiencies in the condition of project structures, quality and adequacy of maintenance or methods of operation which might endanger public safety. Such inspections shall provide pertinent data with respect, but not limited, to such matters as settlement, movement, erosion, seepage, leakage, cracking, examination of internal conditions of stress and hydrostatic pressures in structures, their foundations and abutments, functioning of foundation drains and relief wells, and stability of critical sections of reservoir shorelines and backslopes above structures. It is contemplated that the inspections may involve the use of special equipment, instrumentation, procedures and inspection staff. In the planning of the inspection and the preparation of the reports required by § 12.5, the licensee and the consultant responsible under § 12.4 shall give due consideration to pertinent reports made by or under the direction of Federal or State agencies, prior reports submitted under this regulation, and reports made by other consultants.

§ 12.3 Additional inspections.

When an inspection by the licensee or the Commission's staff reveals conditions of concern regarding the safety of any project structure or the operation of the project works, the licensee shall cause such additional inspection and investigation to be made as may be found by the Commission to be warranted under the circumstances.

§ 12.4 Responsibility for inspections.

The inspections provided for by §§ 12.2 and 12.3 of this part shall be performed by or under the responsibility and direction of qualified independent consultants.

§ 12.5 Report of inspections, recommendations.

The arrangement between the licensee and the consultants shall provide that:

(a) A report shall be made by or under the direction of the consultants who shall certify approval thereof. It shall include a review of any and all items relating to the safety of the project, including records of observations of pressures, stresses, settlements and similar data, and recommendations, if any, as to corrective measures required. The report shall also include any recommendations considered appropriate on instrumentation or periodic observations of the behavior of any features of the project. If, during the course of an inspection, conditions are disclosed which indicate the need for emergency corrective measures, the situation shall be reported to the Commission at once.

(b) Three copies of the report shall be filed with the Commission immediately upon its issuance.

(c) Within 30 days following submission of the report or within such other time as the Commission may direct, the licensee shall submit to the Commission any plan of action it proposes to take, which may include further investigation, for design and implementation of any corrective measures recommended in the report or design and implementation of any additional remedial measures which the licensee considers may be required.

§ 12.6 Initial inspection, time for reporting.

(a) *Licenses issued subsequent to the effective date of this part.* The initial inspection required by this part with respect to projects licensed after the effective date hereof shall be made so that the report required by § 12.5, together with licensee's proposal for remedial work, if any, can be submitted to the Commission within 5 years of the date of the first commercial operation of projects constructed under license and within 2 years of the date of the issuance of license for constructed projects.

(b) *Licenses issued prior to the effective date of this part.* The initial inspection required by this part with respect to the projects under license on the effective date hereof shall be made so that the report required by § 12.5, together with licensee's proposal for remedial work, if any, can be submitted to the Commission within the time specified in the following schedule:

If license was issued	*Initial report shall be submitted by*
Prior to January 1, 1940	March 1, 1967
January 1, 1940 to January 1, 1955	December 1, 1967
After January 1, 1955	September 1, 1968

(B) This amendment herein adopted shall become effective December 31, 1965.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.[1]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-13872; Filed, Dec. 28, 1965; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 132—REGISTRATION OF PRODUCERS AND CERTAIN WHOLESALERS OF DRUGS

Definitions; Exemptions

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 510, 701(a), 52 Stat. 1055, 76 Stat. 794, as amended; 21 U.S.C. 351, 371(a)) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.90), Part 132 is amended for clarification by changing § 132.1(d) and § 132.51(a) to read as follows:

§ 132.1 Definitions.

* * * * *

(d) The term "wholesaling, jobbing, or distributing of depressant, stimulant, or hallucinogenic drugs" as used in this part means the selling or distributing of any depressant, stimulant, or hallucinogenic drug to any person who is not the ultimate user or consumer of the drug. The term includes cooperatives and other joint buying and distribution groups composed of pharmacies, hospitals, persons, or institutions, but does not include pharmacies operating under local law by reason of their providing prescription drugs to a practitioner licensed by law to administer such drugs for his use in the course of his professional practice, or by reason of the pharmacies providing other such pharmacies with prescription drugs to meet a temporary inventory shortage.

* * * * *

§ 132.51 Exemptions for domestic establishments.

* * * * *

(a) Pharmacies that are operating under applicable local laws regulating dispensing of prescription drugs and who do not manufacture, prepare, propagate, compound, or process drugs for sale other than in the regular course of the practice of the profession of pharmacy including the business of dispensing and selling drugs at retail. The supplying by such pharmacies of prescription drugs to a practitioner licensed to administer such drugs for his use in the course of his professional practice or to other pharmacies to meet temporary inventory shortages are not acts which require such pharmacies to register.

* * * * *

(Secs. 510, 701(a), 52 Stat. 1055, 76 Stat. 794, as amended; 21 U.S.C. 351, 371(a))

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the amendments are interpretative in nature.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

Dated: December 17, 1965.

WINTON B. RANKIN, *Acting Commissioner of Food and Drugs.*

[F.R. Doc. 65-13882; Filed, Dec. 28, 1965; 8:48 a.m.]

SUBCHAPTER D—HAZARDOUS SUBSTANCES

PART 191—HAZARDOUS SUBSTANCES; DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

Unlabeled Containers; Exemption

After consideration of inquiries and representations received from regulated industry, and other relevant information, the Commissioner of Food and Drugs has concluded that within the conditions set forth below it is not necessary for the adequate protection of the public health and safety for a packing firm to label filled containers of household articles subject to the Federal Hazardous Substances Labeling Act prior to shipment to a distributor firm if such articles are properly labeled by the distributor firm prior to retail distribution.

Therefore, pursuant to the provisions of the Federal Hazardous Substances Labeling Act (sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), Part 191 is amended by adding thereto the following new section:

§ 191.64 Exemption for unlabeled containers.

(a) Except as provided by paragraphs (b) and (c) of this section, a shipment or other delivery of a hazardous substance that in accordance with the practice of the trade is to be labeled in substantial quantity at an establishment other than that where originally manufactured or packed shall be exempt during the time of introduction into and movement in interstate commerce and during the time of holding in that establishment from compliance with the labeling requirements of section 2(p) of the act if:

(1) The person who introduced the shipment or delivery into interstate commerce is the operator of the establishment where the hazardous substance is to be received and labeled; or

(2) The person who introduced the shipment or delivery is not the operator, and the shipment or delivery is made to the establishment under a written agreement, signed by and containing the post office address of the person and the operator, and containing whatever specifications for the labeling of the hazardous substance that are necessary to insure, if such specifications are followed, that the hazardous substance will not be misbranded within the meaning of the act upon completion of the labeling. The person and the operator shall each keep a copy of the agreement until 2 years after the final shipment or delivery under the agreement has been completed and shall make copies of the agreement available for inspection upon request of any properly authorized officer or employee of the Department.

(b) An exemption of a shipment or delivery of a hazardous substance under paragraph (a)(1) of this section shall, at the beginning of the act of removing the shipment or delivery or any part thereof from the establishment, become void ab initio if the hazardous substance comprising the shipment, delivery, or part is misbranded within the meaning of the act when so removed.

(c) An exemption of a shipment or delivery of a hazardous substance under paragraph (a)(2) of this section shall become void ab initio with respect to the person who introduced the shipment or delivery into interstate commerce upon refusal by that person to make available for inspection a copy of the agreement as required by paragraph (a)(2) of this section.

(d) An exemption of a shipment or other delivery of a hazardous substance under paragraph (a)(2) of this section shall expire:

(1) At the beginning of the act of removing the shipment or delivery, or any part thereof, from the establishment if the hazardous substance comprising the shipment, delivery, or part is misbranded within the meaning of the act when so removed; or

(2) Upon refusal by the operator of the establishment where the hazardous substance is to be labeled, to make available for inspection a copy of the agreement required by paragraph (a)(2) of this section.

(Sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262)

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

Dated: December 21, 1965.

WINTON B. RANKIN, *Assistant Commissioner of Food and Drugs.*

[F.R. Doc. 65-13883; Filed, Dec. 28, 1965; 8:48 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter XVIII—National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order 1 (AGE-1, Rev. Amdt. 2)]

AGE-1—GENERAL AGENTS, AGENTS, AND BERTH AGENTS

Amendment 1 to AGE-1, Rev. (Sept. 2, 1965, 30 F.R. 12640) is hereby revoked AGE-1, Rev., is hereby amended as follows:

1. Amend section 2(a) thereof by changing the parenthetical notation "(Consolidated as of 5-60)" at the beginning of the standard form of General Agency Agreement to read "(Amended 11-65)."

2. Add the following new article following Article 20 *Renegotiation:*

ARTICLE 21. *Nondiscrimination in Employment.* During the performance of this agreement, the General Agent agrees as follows:

(a) The General Agent will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The General Agent will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The General Agent agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the National Shipping Authority setting forth the provisions of this nondiscrimination clause.

(b) The General Agent will, in all solicitations or advertisements for employees placed by or on behalf of the General Agent, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.

(c) The General Agent will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the National Shipping Authority advising the said labor union or workers' representative of the General Agent's commitments under section 202 of Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(d) The General Agent will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(e) The General Agent will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to its books, records, and accounts by the National Shipping Authority and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(f) In the event of the General Agent's noncompliance with the nondiscrimination clauses of this agreement or with any of the such rules, regulations, or orders, this Agreement may be cancelled, terminated, or suspended in whole or in part and the General Agent may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(g) The General Agent will include the provisions of paragraphs (a) through (g) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The General Agent will take such action with respect to any subcontract or purchase order as the National Shipping Authority may direct as a means of enforcing such provisions including sanctions for noncompliance: *Provided, however,* That in the event the General Agent becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the National Shipping Authority the General Agent may request the United States to enter into such litigation to protect the interests of the United States.

3. Add a new section reading as follows:

Sec. 3. Addendum to GAA 3-19-51.

Each party holding a General Agency Agreement (GAA 3-19-51) shall be required to execute an addendum to the agreement in the following form:

Contract No. MA-----
Addendum No.-----

This addendum dated as of the ---- day of ----------, 19--, between the United States of America (herein called the "United States"), acting by and through the Direc-

[1] Dissenting statement of Commissioner Ross, in which Commissioner Bagge joined, filed as part of original document.

tor, National Shipping Authority of the Maritime Administration, Department of Commerce, and
(herein called the "General Agent"),

WITNESSETH

Whereas, the United States and the General Agent as of the day of _____, 19--, executed a General Agency Agreement, Contract MA-_____ (herein called the "Agreement"); and

Whereas, Article 15(d) of the Agreement provides for the modification thereof at any time by mutual consent; and

Whereas, section 202 of Executive Order No. 11246 of September 24, 1965, 30 F.R. 12319, prescribes a form of nondiscrimination clause and requires all Government contracting agencies to include such clause in every Government contract thereafter entered into, except in contracts exempted in accordance with section 204 of said Executive Order No. 11246; and

Whereas, the parties desire to amend the Agreement to conform with the aforementioned mandate of said Executive Order.

Now, therefore, in consideration of the premises, the parties hereto agree that the Agreement be, and hereby is, modified by adding a new article following Article 20 reading as follows:

[Here insert in full Article 21 "Nondiscrimination in Employment" as set forth in section 2(a).]

In witness whereof, the parties hereto have executed this Addendum in triplicate as of the day and year first above written.

UNITED STATES OF AMERICA,
DEPARTMENT OF COMMERCE, MARITIME ADMINISTRATION.

_____
(Director, National Shipping Authority)

Attest:

_____
(Secretary)
[CORPORATE SEAL]

_____
By: _____

Attest:
By: _____
(Secretary)

Approved as to form:

_____
(General Counsel, Maritime Administration)

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114; sec. 202 of Executive Order 11246)

Approved: November 18, 1965.

NICHOLAS JOHNSON,
Director,
National Shipping Authority.

[F.R. Doc. 65-13861; Filed, Dec. 28, 1965; 8:46 a.m.]

Title 45—PUBLIC WELFARE

Chapter VI—National Science Foundation

PART 635—KEEPING OF RECORDS AND FURNISHING OF REPORTS IN CONNECTION WITH WEATHER MODIFICATION ACTIVITIES

Part 635 reads as follows:

Sec.
635.1 Purpose.
635.2 Application of part.
635.3 Reporting requirements.
635.4 Maintenance of logs.
635.5 Retention of records.
635.6 Disclosure of information.
635.7 Penalty.

AUTHORITY: The provisions of this Part 635 issued under 72 Stat. 353 and sec. 11(a), 64 Stat. 149, 153.

§ 635.1 Purpose.

The purpose of this part is to develop information for use in carrying out the responsibility of the National Science Foundation to support a program of study, research and evaluation in the field of weather modification as authorized by the National Science Foundation Act of 1950, as amended. Section 14(f) of the Act authorizes the Director of the Foundation to obtain, by regulation, subpoena, or otherwise, such information in the form of testimony, books, records, or other writings, to require the keeping of or furnishing such reports and records, and to make such inspections of the books, records, and other writings and premises or property of any person or persons as may be deemed necessary or appropriate by him to carry out this responsibility, where adequate and authoritative data is not available from any Federal agency. The information required under this regulation is not so available and therefore must be obtained from individuals and organizations engaged in weather modification activities.

§ 635.2 Application of part.

This part applies to any person, and to any organization, whether commercial or nonprofit, engaged in or intending to engage in, any weather modification activity (including research) intended to modify the atmosphere through artificial means. Such activities include, but are not limited to, any of the following:

(a) Intentional seeding of clouds and fog to alter drop size distribution, produce ice crystals, produce coagulation of droplets, or in any way to influence the natural development cycle of the cloud or its environment by dispersing into it any material or gas such as silver iodide, lead iodide, carbon black, dry ice, ammonia, etc.

(b) Intentional initiation of large heat sources or fires to influence convective circulation or evaporate fog.

(c) Intentional modification of solar radiation exchange of the earth or clouds through the release of gases, dusts, liquids, or aerosols into the atmosphere.

(d) Intentional modification of the energy transfer characteristics of the earth's land or water surface by dusting with powders, liquid sprays, or dyes.

(e) Intentional release of electrically charged particles, radioactive particles or ions into the atmosphere to alter its electrical field pattern or produce localized electrical field anomalies.

(f) Intentional application of shock waves, sonic energy sources, or other explosive or acoustic sources to the atmosphere to influence cloud growth, dissipation, or precipitation patterns.

§ 635.3 Reporting requirements.

(a) *Prior notice.* Each individual or organization intending to engage in any weather modification activity on or after February 1, 1966, shall give not less than 30 days advance notice to the Foundation of intention to engage in such activity. Such notice will be submitted on a Foundation report form, copies of which will be made available upon request from the National Science Foundation, Washington, D.C., 20550. Where intention to engage in a weather modification activity develops less than 30 days prior to the planned activity, the required report shall immediately be forwarded to the Foundation by airmail and shall be accompanied by a statement explaining why the 30-day requirement could not be met.

(b) *Activity reports.* After the weather modification activity reported pursuant to § 635.3(a) of this section has commenced, each person or organization engaged in such activity shall submit to the Foundation an activity report on field operations on a quarterly basis. This report will be submitted on the form referred to in § 635.3(a) of this section.

§ 635.4 Maintenance of logs.

Each individual or organization engaging in a weather modification activity shall maintain a daily log of such activity. The log shall contain all relevant facts, including the following:

(a) Daily Log of Ground Weather Modification Activities (including Seeding Releases):

(1) When readily available to project personnel during observational period, description of meteorological situation in target area and control area such as types of clouds, percent cloud cover, temperature, humidity, appearance of lightning, hail, funnel clouds, severe rain, snow and unusual radar patterns should be recorded.

(2) Quantitative measurements of precipitation obtained from nonfederally operated sources such as rain gauges, snow pillows, radar, optical transmissometers and streamflow gauges, in target and control areas.

(3) Any pertinent remarks on unusual results or significant events in the progress of the project should be entered in the log if they would contribute significantly to the technical evaluation of the project.

(4) In the case of the operation of a ground silver iodide generator or other dispenser of particles, aerosols or gases, the daily log shall include:

(i) Location of each weather modification device or generator in use.

(ii) Name of individual responsible for turning each weather modification device or generator on or off.

(iii) Time each weather modification device or generator was turned on and turned off.

(iv) Basis or criteria for turning on or off each weather modification device or generator.

(v) Type of material dispersed by each weather modification device or generator.

(vi) Rate of material release of each weather modification device or generator during operation.

(vii) Total material released by each weather modification device or generator during each operational period.

(b) Daily Log of Airborne or Mobile Weather Modification Activities (including Seeding Releases):

(1) Complete log of each aircraft flight or mobile generator run including, but not necessarily limited to, ground track, altitude, air speed, times over check points, release points of seeding or other charges, temperature, average wind direction and speed at release altitude, and, for aircraft, specify type of aircraft, airport or airports used and names of crew members.

(2) All other pertinent information as listed above for ground weather modification activities.

§ 635.5 Retention of records.

Records required to be maintained by this part, including logs, shall be available for inspection upon request of the National Science Foundation for a period of not less than 5 years after the date of entry. Such records shall not be required to be produced at any place other than the place where normally kept, provided a true copy of such record is made available to the Foundation, as may be requested, or there is agreement as to the information contained therein.

§ 635.6 Disclosure of information.

Information developed as a result of the reporting procedures set forth herein shall be made publicly available on a periodic basis by the Foundation. This information will not include trade secrets or other data required to be kept confidential under section 1905 of Title 18 of the United States Code, except where the Director of the Foundation determines that the withholding of such information would be contrary to the purposes of sections 3(a)(9) and 14 of the National Science Foundation Act of 1950, as amended. Individuals and organizations reporting weather modification activities may request that information which they consider to be included within the scope of 18 U.S.C. 1905 be withheld from public disclosure and the Foundation will give due consideration to granting such requests.

§ 635.7 Penalty.

Any person willfully failing to meet the requirements imposed by this regulation shall, upon conviction, be fined not more than $500.

Effective date. This part shall become effective on January 1, 1966.

Dated: December 21, 1965.

LELAND J. HAWORTH,
Director,
National Science Foundation.

[F.R. Doc. 65-13879; Filed, Dec. 28, 1965; 8:48 a.m.]

Title 48—TRADE AGREEMENTS AND ADJUSTMENT ASSISTANCE PROGRAMS

Chapter I—Presidential Documents

SUBCHAPTER A—ORGANIC ORDERS

PART 3—AUTOMOTIVE AGREEMENT ADJUSTMENT BOARD

NOTE: For text of Part 3 see Executive Order 11254 published at 30 F.R. 13569, October 26, 1965.

SUBCHAPTER B—PROCLAMATIONS

PART 14—PROCLAMATION IMPLEMENTING AGREEMENT CONCERNING AUTOMOTIVE PRODUCTS BETWEEN UNITED STATES AND CANADA

NOTE: For text of Part 14 see Proclamation 3682 at 30 F.R. 13683, October 28, 1965.

PART 15—PROCLAMATION TERMINATING THE QUANTITATIVE LIMITATIONS ON IMPORTS OF UNMANUFACTURED LEAD AND ZINC

NOTE: For text of Part 15 see Proclamation 3683 at 30 F.R. 13623, October 27, 1965.

SUBCHAPTER C—OTHER DOCUMENTS

PART 182—NOTICE OF FEBRUARY 18, 1965

NOTE: For text of Part 182 see Notice of February 18, 1965, at 30 F.R. 2301, February 20, 1965.

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIER BY MOTOR VEHICLE

[EX PARTE NOS. MC-19; MC-19 (Sub-No. 1); MC-61; Released Rates Order No. MC-505]

PART 176—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

PART 187—FREIGHT RATE TARIFFS, SCHEDULES, AND CLASSIFICATIONS

Miscellaneous Amendments

The regulations contained in orders of April 30, and October 6, 1964, having been vacated by order of September 7, 1965, and the effective date of regulations prescribed by order of May 6, 1964, having been indefinitely postponed, the following are published as the currently effective regulations, having been adopted pursuant to decisions in 17 M.C.C. 505; 47 M.C.C. 146; 71 M.C.C. 113; and orders of May 7, 1958, and February 25, 1965.

§ 176.1 Definitions.

As used in this part:

(a) *Household goods.* The term "household goods" means personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals, or other establishments when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals, or other establishments; and articles, including objects of art, displays and exhibits, which because of their unusual nature or value require specialized handling and equipment usually employed in moving household goods.

(b) *Other terms.* Where any other terms used in these rules are defined in section 203(a) of Part II of the Interstate Commerce Act, such definitions shall be controlling. Where terms are used in these rules which are neither defined herein nor in said section 203(a), they shall have the ordinary practical meaning of such terms.

§ 176.2 Establishment of rates stated in amounts per hundred pounds and not upon any other basis; cancellation of rates otherwise established.

All common carriers by motor vehicle engaged in the transportation of household goods in interstate or foreign commerce shall establish, in the manner and form required by section 217 of the Interstate Commerce Act, and by the regulations of the Commission issued pursuant thereto, rates for the transportation of household goods in interstate or foreign commerce stated in amounts per hundred pounds, and shall not establish rates upon any other basis. All rates applicable to the transportation of household goods established upon any other basis than in amounts per hundred pounds shall be cancelled and superseded by rates published in accordance with this section.

§ 176.3 Determination of weights.

(a) *Loaded weight, tare weight, and constructive weight.* (1) Each common carrier by motor vehicle shall determine the tare weight of each vehicle used in the transportation of household goods by having it weighed prior to the transportation of each shipment, without the crew thereon, by a certified weighmaster or on a certified scale, and when so weighed the gasoline tank on such vehicle shall be full and the vehicle shall contain all pads, chains, dollies, hand trucks, and other equipment needed in the transportation of such shipment. After the vehicle has been loaded, it shall be weighed, without the crew thereon, at

point of origin of the shipment, and the net weight of the shipment shall be obtained by deducting the tare weight from the loaded weight. Where no adequate scale is available at point of origin, the loaded weight shall be obtained at the nearest certified scale either in the direction of the movement of the shipment, or in the direction of the next pickup or delivery in the case of part loads.

(2) If no adequate scale is available at origin, at any point en route, or at destination, a constructive weight, based upon 7 pounds per cubic foot of properly loaded van space, may be used. Such a constructive weight also may be used for a part load where the circumstances are such that its scale weight could not be obtained at origin, en route, or a destination without first unloading it or other part loads being carried in the same vehicle.

(b) *Part loads.* In the transportation of part loads, this section shall apply in all respects, except that the gross weight of a vehicle containing one or more part loads may be used as the tare weight of such vehicle as to part loads subsequently loaded thereon. A part load for any one shipper not exceeding 1,000 pounds may be weighed on a certified scale prior to being loaded on the vehicle.

(c) *Weight ticket.* Whenever weights are required to be obtained pursuant to the sections in this part, the carrier shall cause to be executed a weight ticket, in the form specified below, and such weight ticket shall be maintained by the carrier as part of its record of shipment.

HOUSEHOLD GOODS UNIFORM WEIGHT TICKET

Date _____

Name of carrier _____

Vehicle identification _____

Name of shipper _____

Origin of shipment _____

Destination of shipment _____

Gross weight of loaded vehicle without the crew thereon _____ pounds.

Tare weight of vehicle without the crew thereon, including full gasoline tank and all necessary pads, chains, dollies, hand trucks, and other equipment _____ pounds.

Net weight of the shipment _____ pounds.

The above gross and tare weights were obtained at scales—

Gross: _____ (Name of scales)

_____ (Location)

Tare: _____ (Name of scales)

_____ (Location)

As shown by attached weight ticket(s) prepared by weighmaster(s). List of shipments, if any, on vehicle at time above weights were obtained:

Shipper	*Net weight*

I certify the above entries are true and correct.

_____ (Driver's signature)

§ 176.4 Accessorial or terminal services; tariffs providing therefor; packaging and uncrating charges.

Such common carriers shall establish in the manner prescribed in section 217 of part II of the Interstate Commerce Act, and the rules and regulations issued pursuant thereto, the charges to be made for each accessorial or terminal service rendered in connection with the transportation of household goods by motor vehicle. The tariffs establishing such charges shall separately state each service to be rendered and the charge therefor, provided that such tariffs may state an hourly labor charge applicable to miscellaneous labor service performed at the request of a shipper in connection with the transportation, when a rate is not separately stated in the tariff for the service so requested. The charges so established for packing and unpacking shall be in amounts per container and those for other services shall be separately stated on a unit or hourly basis, whichever is appropriate. No charge so established shall be lower than the cost of performing the service. This section shall apply only where the line-haul transportation is performed by a motor carrier. The rate for transportation of such goods shall not include the charge for any accessorial service and no such services other than those for which separate charges have been so established shall be rendered by any such carrier.

§ 176.5 Discounts prohibited; rates based on prepayment charges prohibited.

No discounts of any character whatsoever shall be authorized by tariff provisions or otherwise allowed by any such common carrier, and no rates or charges shall be established based upon prepayment of charges.

§ 176.6 Prohibition against carrier action as agent for another carrier.

No such common carrier shall act as agent for any other such common carrier in the solicitation of shipments of household goods, in interstate or foreign commerce, between points which such agent is authorized to serve and for which it shall have established different rates than those of its principal.

§ 176.7 Acting as agent for compensation for insurance company prohibited.

No such common carrier or any employee, agent, or representative of a carrier shall act as an agent for an insurance company in insuring, under any type of policy, shipments of household goods to be transported by such carrier in interstate or foreign commerce if such carrier, or its employee, agent, or representative receives compensation from such insurance company.

§ 176.8 Issuance of receipt or bill of lading for transportation prior to receiving household goods prohibited.

No such common carrier shall issue a receipt or bill of lading for household goods to be transported in interstate or foreign commerce prior to receiving such household goods for such transportation; but common carriers must issue such receipt or bill of lading when such household goods are received.

§ 176.9 Liability of carriers.

(a) *Liability restricted.* Common carriers by motor vehicle of household goods shall not assume any liability in excess of that for which they are legally liable under their lawful bills of lading and published tariffs.

(b) *Insurance policy.* Each such common carrier which sells, offers, or procures cargo insurance to or for a shipper of household goods shall deliver to the shipper at or prior to the time of shipment a policy or certificate of insurance which shall show clearly the name and address of the insurance company, the amount of insurance, the premium therefor, and the risks insured against, or the risks excluded, whichever is more appropriate.

(c) *Advertisement of insurance.* Such common carrier or any employee, agent, or representative thereof, shall not advertise or represent to the public that insurance is provided against all risks, unless such insurance in fact affords protection to the shipper from every peril to which the shipment may be exposed. When all except certain risks are insured against, this fact shall be indicated in any advertisement of and in any representations to shippers regarding the insurance, and such advertising and representations shall not be such as to deceive or mislead the public or any shipper regarding the scope of the exceptions. Policies providing coverage against specific perils only shall be advertised, represented, and designated as "limited-risk policies" or by some other appropriate designation which will indicate clearly to the shipper that not all risks are covered thereby.

(d) *Filing tariffs and evidence of insurance prerequisite to advertising that "all loads are insured".* Such carriers or any employee, agent, or representative thereof, shall not advertise or represent to the public that "all loads are insured" or other similar wording, unless such carrier has filed tariffs with this Commission assuming complete liability, and has filed evidence of insurance with this Commission providing protection covering all shipments to their full value without limitation and insuring against every peril to which any shipment may be exposed.

§ 176.10 Estimates of charges.

(a) *Estimates by the carrier.* Whenever an estimate of the charges for a proposed service shall be given by a carrier to a prospective shipper of household goods, the estimate shall be made only after a visual inspection of the goods by the estimator, shall be in writing, and shall contain the following:

(1) The name and address of the carrier which is to perform the service and the name and title of the person preparing the estimate.

(2) The origin and destination of the proposed movement, and the mileage between such points.

(3) The applicable rate to be applied.

(4) A list of the articles upon which the estimate is based, showing for each article listed the estimated cubic footage thereof.

(5) The estimated total weight of the shipment, based upon a conversion formula of no less than 7 pounds per cubic foot.

(6) An itemized statement of all known accessorial services to be performed, and the charges therefor.

(7) An estimate of the transportation tax.

(8) An estimate of the total charges, including transportation charges, charges for accessorial services, and transportation tax.

(9) A printed statement (in contrasting lettering) on the face thereof, in not less than eight-point bold or full-faced type, the following:

IMPORTANT NOTICE

This estimate covers only the articles and services listed. It is not a warranty or representation that the actual charges will not exceed the amount of the estimate. Common carriers are required by law to collect transportation and other incidental charges computed on the basis of rates shown in their lawfully published tariffs, regardless of prior rate quotations or estimates made by the carrier or its agents. Transportation charges are based upon the weight of the goods transported, and such charges may not generally be determined prior to the time the goods are loaded on the van and weighed.

No guarantee can be made as to the specific dates of pickup or delivery of your shipment, unless you make special arrangements with the carrier for expedited service, for which an additional charge will normally be made.

(b) *Estimate form for shipper's use.* Carriers may furnish to shippers or prospective shippers an estimate form which may contain statements of the weights of average pieces of furniture and other household articles of various types, for use by the shipper in making his own estimate of the total weight of his goods. Any instructions necessary to enable the shipper to use the estimate form shall be printed in the form. If cubic-foot measurements are used in arriving at the weight, the form shall state that a weight factor of 7 pounds per cubic foot shall be used.

(c) *Weight of shipment, notification to shipper.* After the shipment has been weighed, the carrier, if requested by the shipper, shall immediately notify the shipper of the weight thereof and the charges, by telephone or telegraph if requested. The notices shall be at the carrier's expense, unless the carrier provides in its tariff that the actual cost of such notice shall be collected from the shipper.

(d) *Reweighing.* The carrier shall, upon request, made by the shipper before delivery and when practicable to do so, reweigh the shipment. A reasonable charge may be established for reweighing only when the difference between the two net scale weights does not exceed 100 pounds on shipments weighing 5,000 pounds or less, and 2 percent of the lower net scale weight on shipments weighing more than 5,000 pounds. The lower of the two net scale weights shall be used for determining applicable charges.

§ 176.11 Absorption or advancement of dock charges.

Motor common carriers of household goods shall not absorb any dock or other charge made by any warehouseman, nor shall any such carrier advance any such charge for the account of any shipper, owner, or other person, except upon the authorization of such person. Whenever such charges are advanced on behalf of the shipper, the carrier shall obtain a receipt therefor from the warehouseman and deliver it to the shipper or the person designated by the shipper at the time the advanced charges are paid.

§ 176.12 Information to shipper.

Whenever a written estimate is submitted to a prospective shipper, the carrier shall furnish such shipper a printed statement, in not less than 8-point bold or full-faced type, as set forth below, and the carrier shall make an appropriate notation, on the face of the estimate, that such printed statement has been furnished. Where no estimate is given, the statement shall be furnished to the shipper prior to the time the goods are moved, and a notation that such statement has been furnished shall appear on the bill of lading.

GENERAL INFORMATION FOR SHIPPERS OF HOUSEHOLD GOODS BY MOTOR CARRIERS IN INTERSTATE OR FOREIGN COMMERCE

This statement is of importance to you as a shipper of household goods and is being furnished by the carrier pursuant to a requirement of the Interstate Commerce Commission. It relates to the transportation of household goods, in interstate or foreign commerce by motor carriers frequently called "Movers" but hereinafter referred to as carriers. Some carriers perform the transportation themselves. Others act as agents for the carriers which do the actual hauling. In some instances, the transportation is arranged by brokers. You should be sure to obtain the complete and correct name, home address, and telephone number of the carrier which is to transport your shipment, and keep that carrier informed as to how and where you may be reached at all times until the shipment is delivered.

Before completing arrangements for the shipment of your household goods, all of the information herein should be considered carefully by you.

Estimates. Regardless of any prior estimate received, for the carriage of your shipment, you will be required to pay transportation charges and other charges computed in accordance with tariffs filed by the carrier with the Interstate Commerce Commission, plus transportation tax. The total charges which you will be required to pay may be more, or less, than the estimate received from the carrier.

Tariffs. These are publications, in book form, containing the rates, charges, and rules of the carriers. The tariffs of all carriers are not the same, but all of them are open to public inspection and may be examined at the carrier's office. All tariffs contain rules and regulations, and those in the tariff of the carrier serving you must be considered in determining the charges on your shipment. Among the rules and regulations normally appearing in published tariffs will be found special provisions applicable to "Shipments picked up or delivered at more than one place;" "Packing and marking;" "Diversion of shipments en route;" and "Additional services," the charges for which are called accessorial charges, and which include services such as packing, unpacking, the furnishing of boxes or other containers, and carrying pianos up or down steps. The tariff of the carrier serving you will also probably have rules relating to the subjects which follow.

Preparing articles for shipment. If your shipment includes a stove, refrigerator, washing machine, or some other article requiring special servicing, including disconnection, prior to movement, such special servicing should be performed by a person employed by you who is especially trained to perform the work. Such servicing is not the responsibility of the carrier. Similarly you should arrange to take down all blinds, draperies, window cornices, mirrors, and other items attached to the walls, and to take up carpets which are tacked down. The charge for such service is not included in the transportation charge and will be performed by the carrier only at an extra per-hour charge. Under no circumstances should you pack jewelry, money, or valuable papers with your other belongings or matches, inflammables, or other dangerous articles.

Transportation rates and released values. Rates are stated in amounts per hundred pounds, depending upon the distance involved. Carriers generally maintain rates varying according to the released or declared value of the shipment. The lowest rate usually applies when the shipper releases the goods to a value not exceeding 30 cents per pound per article. For example, you may agree that the value of any article weighing 10 pounds is only $3. This value may not be what the article is worth, but it is the amount which you agree to as the released value and it will be the basis for the settlement of any claim for loss or damage which you might later file. You may declare a higher value on some or all of your goods, but if you do, the transportation charges will be higher.

Cargo protection. A carrier's liability for loss or damage is limited by the bill of lading, its tariffs, and the value declared by the shipper. If you desire the benefit of the lowest transportation rate, but seek greater protection than afforded thereunder, you may purchase cargo insurance or other protection. If such protection is purchased through the carrier, you should require the deliverance to you of evidence of such protection prior to the time your goods are moved, and such evidence should show the amount of such additional protection, the cost thereof, and the risks included or excluded, whichever is more appropriate.

Weights. The transportation charges will be determined on the basis of the weight of your shipment. Ordinarily, the carrier will weigh its empty or partially loaded vehicle prior to the loading of your goods. After loading, it will again weigh the vehicle and determine the weight of your shipment. If your shipment weighs less than 1,000 pounds, the carrier may weigh it prior to loading.

If you so request, the carrier will notify you of the weight of your shipment and the charges as soon as the weight has been determined. Further, if you question the weight reported by the carrier, you may request that the shipment be reweighed prior to delivery. Reweighing will be accomplished only where it is practicable to do so. An extra charge may be made for reweighing, but only if the difference between the two net weights obtained does not exceed

100 pounds (if your shipment weighs 5,000 pounds or less) or does not exceed 2 percent of the lower net weight (if your shipment weighs more than 5,000 pounds). The lower of the two net weights must be used in determining the charges.

Exclusive use of the vehicle. If you do not desire to have the goods belonging to someone else transported with your shipment, you may direct the carrier to grant you the exclusive use of the vehicle. In such event, however, the charges will probably be much greater.

Expedited service. Carriers are not ordinarily required to make delivery on a certain date or within a definite period of time. However, their tariffs generally contain a rule to the effect that, upon request of the shipper, goods weighing less than a designated weight—usually 5,000 pounds—will be delivered on or before the date specified by the shipper. The transportation charges for such expedited service are based upon the higher weight (5,000 pounds), and, of course, are greater than the charges on shipments hauled at the carrier's convenience.

Small shipments. If your shipment weighs less than the minimum weight prescribed in the carrier's tariff, it will be subject to the minimum charge provided therein. If your shipment weighs substantially less than the minimum weight prescribed by the carrier, you should give consideration to the possibility that it may be shipped more reasonably by other means of transportation, even if the expense of crating the items are taken into consideration.

Storage in transit. In case you desire that your household goods be stored in transit, and delivered at a later date, you may usually obtain such service upon specific request. The length of time a shipment may be stored in transit is limited by the carrier's tariff, and additional charges are normally made for such service. At the end of the designated storage-in-transit period, and in the absence of final delivery instructions, the shipment will be placed in permanent storage, and the carrier's liability in respect thereof will cease. Any further service must be made the subject of a separate contract with the warehouseman. If you do not specifically request storage-in-transit from the carrier, but arrange with someone other than the carrier to pickup your goods for storage, you will be required to pay such other person for such service. Some warehouses make separate charges for checking goods out of storage, and collect dock charges from carriers for the space occupied by their vehicles while being loaded. Such charges are passed on to the shipper.

Bill of lading. Before your shipment leaves point of origin, you should obtain from the carrier a bill of lading or receipt, signed by you and the carrier, showing the date of shipment, the names of the consignor and consignee, the points of origin and destination, a description of the goods, and the declared or released valuation thereof.

Payment of charges—freight bill. You probably will have to pay all charges in cash, by money order, or by certified check before your shipment will be finally delivered. Therefore, when the shipment arrives at destination, you should be prepared to make such payment.

When paying charges, you should obtain a receipt for the amount paid setting forth the gross and tare weights of the vehicle; the net weight of your shipment; the mileage; the applicable rate per 100 pounds; and the charges for transportation, tax, additional protection, and any accessorial services performed. Such receipt is called a freight bill or expense bill. In the event of loss or damage to the shipment, be sure to have the driver place appropriate notations on the freight bill. If the driver will not make such notations, you should have some disinterested party inspect the damage in the driver's presence and report same in writing to the home office of the carrier.

Loss or damage. All claims for loss or damage must be filed with the carrier, in writing. Although the carriers are subject to the rules and regulations of the Interstate Commerce Commission, the Commission has no authority to compel the carriers to settle claims for loss or damage and will not undertake to determine whether the basis for, or the amount of such claims is proper, nor will it attempt to determine the carrier liable for such loss or damage. If the carrier will not voluntarily pay such claims, the only recourse of the shipper is the filing of a suit in a Court of Law. The names of the carrier's agents for service of process in each State may be obtained by writing the Interstate Commerce Commission, Washinton, D.C., 20423.

§ 176.13 Minimum weight shipments.

No common carrier shall accept a shipment of household goods for transportation which appears to be subject to the minimum weight provisions of the carrier's tariff without first having advised the shipper of such minimum weight provisions.

Released Rate Order No. 505 entered October 9, 1964, 49 CFR 187.201, having been vacated by order entered September 7, 1965, the provisions published at 29 F.R. 11921, continue in effect.

[SEAL] H. NEIL GARSON,
Secretary.

DECEMBER 22, 1965.

[F.R. Doc. 65-13854; Filed, Dec. 28, 1965; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Part 131]

[Docket No. AO 16-A9]

ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

Decision With Respect to Proposed Amendments to Marketing Agreement, as Amended, and Order, as Amended

Pursuant to Public Law 320, 74th Congress, approved August 24, 1935 (49 Stat. 781; 7 U.S.C. 851 et seq.), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders applicable to Anti-Hog-Cholera Serum and Hog-Cholera Virus (9 CFR Part 132) a public hearing was held in Kansas City, Mo., on March 10, 1965, pursuant to notice thereof published in the FEDERAL REGISTER (30 F.R. 1816) on proposed amendments to the Marketing Agreement, as amended, hereinafter referred to as the "marketing agreement" and to the order, as amended (9 CFR Part 131), hereinafter referred to as the "order" regulating the handling of anti-hog-cholera serum and hog-cholera virus.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Administrator, on June 24, 1965, filed with the Hearing Clerk, U.S. Department of Agriculture, a recommended decision containing notice of the opportunity to file written exceptions thereto (30 F.R. 8271).

The material issues, findings and conclusion, rulings and general findings of the recommended decision (30 F.R. 8271; F.R. Doc. 65-6809) are hereby approved and adopted and are set forth in full herein subject to the following modifications:

1. Under subheading 1 of the *Findings and Conclusions*, eight new paragraphs are added following the 16th paragraph, and the 18th paragraph is revised.

2. The recommended amendment to the marketing agreement and order, as amended, is revised.

The material issues on the record of the hearing relate to:

1. Revision of price filing requirements of the marketing agreement and order to prevent undue and excessive fluctuations in the market prices of the regulated products.

2. Initial price filing by new handlers.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof.

1. The Marketing Agreement and Order should be amended to require that each handler's filed price list remain in effect at least 30 days, and to limit the extent a posted price, including discount, may be changed to a maximum of 10 percent with each new price list filed.

The declared purposes of the act, under which the marketing agreement and order were issued, is to insure the maintenance of an adequate supply of anti-hog-cholera serum and hog-cholera virus (hereinafter sometimes referred to as "serum," "virus," "vaccine," or "products") by regulating the marketing of such serum and virus in interstate and foreign commerce, and to prevent undue and excessive fluctuations and unfair methods of competition and unfair trade practices in such marketing.

Undue and excessive fluctuations became a major problem in the industry in 1964 when a combination of unforeseen events resulted in a series of fluctuations in the market prices and supplies of the regulated products which, in turn, adversely affected the production, marketing and distribution processes necessary to effectuate the purposes of the Act. Such occurrences present economic problems of serious nature and concern to this industry, tend to discourage the maintenance of adequate supplies of serum and virus, and are contrary to the public interest.

The problem arose in early 1964, when considerable publicity was given the hog-cholera eradication program which stressed the importance of vaccination, and manufacturers were encouraged to produce more serum and virus, and wholesalers were encouraged to stock larger quantities of these immunizing products. As the eradication program progressed and the incidence of hog cholera diminished, vaccination of hogs decreased, and various State laws and regulations were promulgated to modify the types of vaccination approved or permitted. These factors resulted in some handlers having an oversupply of hog cholera products, and their efforts to reduce such stocks led to a series of undue and excessive fluctuations in the market prices of such products. The matter was compounded by the fact other handlers were soon forced to adopt similar price changes in order to dispose of their inventories of hog cholera products before the products became outdated.

The greatest fluctuations in market prices of these products occurred during the last 6 months of 1964. During this period there was a marked increase in number of new price lists filed and these frequently were accompanied with wide, and sometimes violent, swings in market prices.

As an example of the recent price fluctuations, one exhibit introduced into evidence at the hearing disclosed that a firm made five price changes between October 10, 1964, and November 6, 1964, for vaccine which must be used with serum. On October 10, the filed price of this vaccine was decreased 17 percent. On October 16, the filed price of this vaccine was again decreased 55 percent. On October 25, the filed price of this vaccine was increased 178 percent. On October 29, the filed price of this vaccine was again decreased 64 percent and on November 6, the filed price was increased 100 percent. While this instance is extreme, there are others showing as many fluctuations to a lesser degree. The present marketing agreement and order do not prevent a handler from making such changes in his posted prices other than to require that a handler's new price list remain on file in the office of the Control Agency for 3 days before it becomes effective, thus assuring that a price list will be in effect at least 3 days before a new list may be filed.

Price lists filed by handlers in 1962 numbered 375 and averaged 31 per month, and in 1963, the new price lists filed numbered 300 or an average of 25 per month. One hundred and seventy-four new price lists were filed from January 1, 1964, to June 30, 1964, or an average of 29 per month. It appears, therefore, that the normal number of new price lists filed for a 2½-year period ranged from 25 to 31 new price lists per month. However, during the last 6 months of 1964, 660 new price lists were filed or an average of 110 per month. If the month of December 1964 is excluded, the average number of new price lists for 5 months becomes 124. Thus, during the period of greatest fluctuations, the number of price filings were approximately four to five times more than normal. (Official notice was taken of all price lists filed since 1961.)

Such fluctuations are undesirable because they disrupt orderly marketing and distribution methods and lead directly to unstabilized market conditions with consequential fluctuations in supplies of serum and virus. All classes of handlers are affected.

The record also reflects that such fluctuations adversely affect and tend to deter the usual stocking by manufacturer and wholesaler handlers of the large inventories generally necessary to meet the normal and unexpected demands of the industry, especially since such fluctuations negate the economic incentive back of carrying these inventories.

Additionally, there is no indication that the ultimate user (owners of swine) received any benefit from these fluctuations. Usually, benefits from lower prices are not passed on to consumers until a price has been stabilized for a reasonable period of time.

Manufacturing of serum and virus is carried on under license, regulation and supervision of the Agricultural Research Service of the United States Department of Agriculture pursuant to the provisions of the Virus-Serum-Toxin Act of March

4, 1913 [1] (of which official notice is taken) which prescribe the general conditions and methods of manufacture, and establish minimum requirements for quality. Since the regulations and minimum requirements for all licensees are uniform, there is a high degree of uniformity of quality in the finished product which enters the market, and operational efficiency rather than individual characteristics and merit of the product is a major factor in the establishment of market prices. Therefore, when price fluctuations occur in the market, it becomes necessary for producers and other handlers to meet this competitive situation. It is the history of this industry that the lowest price in the market eventually determines the general price level to each buyer classification.

The original promulgation record (Hearing of January 13 and 14, 1936, Omaha, Nebr., of which official notice was taken) and the record of this hearing contain adequate evidence that price stability, orderly marketing and distribution, and the maintenance of adequate supplies of serum and virus are interdependent. Instability of one directly influences fluctuations and instability in the others. Some important industry problems associated with such price fluctuations include the question of desirability of further production, permitting of stocks to deplete, handlers' reluctance to maintain stocks, difficulties in planning production because of abnormal purchases, inability to anticipate market requirements, and overstocking by some handlers and dealers which results in large inventories outside normal channels. Also, as these products are perishable, all have an expiration date and, therefore, overstocking may result in the use of inferior or worthless products, to the detriment of the products and the swine industry.

It is recognized that some fluctuations in prices are necessary. A handler must be permitted to increase or decrease prices to compensate for cost of production and distribution and to obtain a reasonable profit. At the same time it is recognized that if market stability is to be maintained these fluctuations must be reasonable.

The record in this hearing indicates that from the time the marketing agreement and order became effective in 1936, until 1963–64, there was reasonable stability in market prices in this industry; that during this period of nearly 30 years average industry market prices for such products did not fluctuate more than 10 percent per month.

Both manufacturer and wholesaler handlers testified in support of the proposed amendment and asserted that if undue and excessive fluctuations in market prices continued, production would be curtailed, or perhaps even discontinued by some producers, and wholesalers' stocks will become depleted to such an extent it will no longer be possible to insure the maintenance of adequate supplies of serum and virus readily available to swine owners. The handlers also testified that, in their opinion, the proposed amendment would not in any way inhibit or deter the entry of a new business entity into this industry.

No one appeared or gave testimony in opposition to the proposed amendment.

Subsequent to the issuance of the recommended decision of the Acting Administrator, the Anchor Serum Co. of Louisiana, a wholesaler under the order, filed a letter objecting to application of the amendment to intrastate sales. The Assistant Secretary in an order issued December 23, 1957 (22 F.R. 10907), found that all handling of anti-hog-cholera serum and hog-cholera virus is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

The Control Agency filed a brief excepting to the phrase of the recommended amendment in the recommended decision of the Acting Administrator, "and should an effective price list be discontinued or withdrawn, in full, by a handler without filing a new price list to be effective at the same time, a new price list shall not thereafter be filed by such handler for a period of at least 30 days: *Provided, however,* That such handler shall not be precluded from reinstating such previously filed price list within the 30-day period and such reinstated price list shall remain in effect for at least 30 days before a new price list may be filed by the handler."

In its exception, the Control Agency takes the position, inter alia, that: (a) to allow withdrawal or discontinuance of a price list makes a complete change in the operation of the order; (b) to allow a handler who discontinues or withdraws a price list to reinstate such price list within a period of 30 days is inconsistent with other order provisions and indicates such person may continue in status of a handler during such period; and (c) the lack of adequate guidelines regarding how and in what manner a price list may be reinstated and when it again becomes effective, would create difficult problems in administration and enforcement.

The amendment published in the Notice of Hearing in the FEDERAL REGISTER (30 F.R. 1816) proposed a general revision of the provisions regulating the filing of price lists under section 131.52, and included a proposal for the establishment of a minimum period a price list should remain in effect, among other things. There is considerable testimony in the hearing record with respect to the reasons for and the purposes of the proposed amendment. It is clear the entire subject of regulating the filing of price lists, including the effective period thereof, the time, place and method of making a change, including the withdrawal or cancellation of an effective price list, and subsequent filing of a new price list, was within the reasonable scope of the hearing notice.

The major consideration in making the recommendation was to assure compliance with the amendment to effectuate its purpose. The present provisions of the Marketing Agreement and Order, as amended, do not prevent a handler from making any changes in posted prices, other than requiring a new price list to remain on file with the Control Agency for 3 days before it becomes effective.

The Marketing Agreement and Order are silent with respect to withdrawal, discontinuance, termination or cancellation of an effective price list, and there is some doubt that such an action could be prevented under present provisions. There may be instances where such action could be justified by a handler. However, such an action by a handler would jeopardize his classification as a handler inasmuch as he could make no sales during such a period, and therefore would not be actively engaged in handling serum and virus.

For the reasons set out in this decision, a minimum period of time should be established for an effective price list to remain in effect. The hearing record amply established 30 days as the minimum time a price list should remain in effect. For the same reasons it is equally essential that the same 30 days minimum time should be applicable before a handler may discontinue, withdraw, terminate or otherwise effect the cancellation of a price list, as well as before a person may file a new price list subsequent to cancelling an existing price list without filing a new price list to be effective at the same time. As used herein the words "withdraw," "discontinue," "terminate," "cancel," or variations thereof are considered to have the same meaning; i.e., cancel.

Considering the exceptions filed by the control agency with respect to that part of the recommended amendment concerning reinstatement of a canceled price list within 30 days after its cancellation, and in view of administrative difficulties and the regulatory problems which may be encountered thereunder, it is concluded that such portion of the amendment in the recommended decision should be deleted. Also, since the language in the proposed amendment may have created some confusion, the language in the amendment has been reworded for purposes of clarification.

The amendment will have a stabilizing effect on market prices and supplies, with a consequent improvement of competitive positions among all classes of handlers, thereby aiding in the assurance of an adequate supply and maximum availability of serum and virus to the farmer, which is in the public interest and tends to effectuate the declared policy of the Act. It will discourage price changes of serum or virus which have no justification economically. It will also prevent unwarranted price changes such as those which occurred in 1964, where, for example, a price was decreased by 55 percent and very shortly thereafter raised by 178 percent, computed on the posted price effective at the time the change was made.

Each filed price list will be required to remain in effect for at least 30 days. After a price list has been in effect for 30 days, a new price list may be filed but the price, including discount, for each product to each class of buyer may not be increased or decreased more than 10 percent from the price for that product as set forth in the handler's price list which is in effect at that time. To avoid evasion of this provision, a handler who completely discontinues, withdraws, terminates or cancels an effective price list without filing a new price list to be effective at the same time, shall not file a new price list for a period of at least 30 days thereafter.

Also, it is recognized that a price filing which effects the maximum reduction of 10 percent in a posted price of a product will necessitate the filing of more than one price increase in the posted price of the product to offset such price reduction and reestablish (or increase) the previous effective posted price.

The caption of the amendment has been modified and will more nearly reflect the contents contained in the amendment. The amendment has been paragraphed for purposes of clarity, in accordance with request of the proponents.

Several witnesses who appeared expressed concern for an orderly transition into effect of such an amendment, if it is approved in due course, and noted for the attention of the Secretary that as the proposed amendment provides that price lists shall remain in effect for at least 30 days, it is possible an effort might be made by a handler to obtain a particularly favorable price filing just prior to the effective date of the amendment, which would give the handler a special competitive advantage over other handlers. During the hearing several methods for preventing such a situation were suggested for consideration by the Secretary but no specific proposal was proffered.

Each method suggested would require the Secretary to establish or fix the initial price or range of prices that would be effective during the initial 30-day period the amendment was operative. However, the act authorizing establishment of this marketing agreement and order does not grant the Secretary the authority to fix prices.

The marketing agreement and order do, however, give the Secretary authority to suspend, pending investigation, any price list, term of sale or discount, in whole or in part, if he has reason to believe such price list, term of sale or discount is inequitable to consumers or handlers by reason of the fact it may cause immediate injury by impeding the carrying out of this order or the effectuation of the declared policy of the act or by creating an abuse of the privilege of exemption from the antitrust laws. If the Secretary finds, after an investigation and opportunity to be heard is afforded the handler whose price filing is questioned, that such price list, term of sale or discount, in whole or in part, is inequitable as measured by the standards set out in that section of the order, the Secretary may declare the filed price list to be ineffective (9 CFR Part 131.56).

It would therefore appear that in the event a handler should file a price or price list just prior to the effective date of the proposed amendment which would be in conflict with the standards contained in section 131.56 of the Order (9 CFR Part 131.56) such price or price list may be subject to being suspended or being declared ineffective, pursuant to the provisions of section 131.56 of the Order (9 CFR Part 131.56).

2. Initial price filing by new handlers. During the hearing the question was raised with respect to including a provision to assure that the initial prices filed by a new handler in the industry would not be disruptive but reasonably aligned with his competitors. Testimony concerning the matter is limited.

The situation to which the question relates and the appurtenant problems which might be expected to arise would appear to be similar in nature to the situation hereinabove discussed concerning price filings just prior to the effective date of the amendment proposed herein, and the aforementioned standards in section 131.56 of the Order (9 CFR Part 131.56) would appear equally applicable to price filings by new handlers. However, as no specific proposal was made to modify the proposed amendment with respect to regulation of price filings by new handlers, additional discussion is unnecessary and the matter will not be considered further herein.

Rulings on proposed findings and conclusions. One brief supporting the amendment was received on behalf of the Control Agency. The brief, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid marketing agreement and order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(1) The said marketing agreement, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The order, as amended, and as hereby proposed to be further amended, regulates the handling of anti-hog-cholera serum and hog-cholera virus in the same manner as, and contains only such terms and conditions as are contained in the said marketing agreement upon which hearings have been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Agreement Amending the Marketing Agreement, as amended, Regulating the Handling of Anti-Hog-Cholera Serum and Hog-Cholera Virus" and "Order Amending the Order, as amended, Regulating the Handling of Anti-Hog-Cholera Serum and Hog-Cholera Virus", which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. The aforesaid amendments shall not become effective unless and until the requirements of section 132.14(b) of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the attached agreement amending the marketing agreement, as amended, be published in the FEDERAL REGISTER. The regulatory provisions of the said agreement are identical with those contained in the attached order which shall be published with this decision.

Done at Washington, D.C., this 22d day of December 1965.

GEORGE L. MEHREN,
Assistant Secretary.

Order [1] Amending the Order, as Amended, Regulating the Handling of Anti-Hog-Cholera Serum and Hog-Cholera Virus

§ 131.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Law 320, 74th Congress, approved August 24, 1935 (49 Stat. 781; 7 U.S.C. 851 et seq.), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders applicable to Anti-Hog-Cholera Serum and Hog-Cholera Virus (Part 132 of this chapter) a public hearing was held at Kansas City, Mo., on March 10, 1965, pursuant to notice thereof published in the FEDERAL REGISTER (30 F.R. 1816), on proposed amendments to the Marketing Agreement, as amended, and to the order, as amended (9 CFR Part 131), regu-

[1] This order shall not become effective unless and until the requirements of § 132.14(b) of this chapter have been met.

[1] 37 Stat. 832, 21 U.S.C. 151–158.

lating the handling of anti-hog-cholera serum and hog-cholera virus. Upon the basis of the evidence adduced at the hearing, and the record thereof, it is hereby found that:

(1) The said marketing agreement as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The order, as amended, and as hereby proposed to be further amended, regulates the handling of anti-hog-cholera serum and hog-cholera virus in the same manner as, and contains only such terms and conditions as are contained in the said marketing agreement upon which hearings have been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of anti-hog-cholera serum and hog-cholera virus shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order is hereby amended as follows:

Delete § 131.52 and substitute therefor the following:

§ 131.52 Price lists, effective date, new price lists.

(a) Each price list, including discounts and terms of sale, filed by a manufacturer or wholesaler handler shall be filed in the office of the Control Agency only during the designated business hours of such office. Each such price list shall, subject to the limitations set forth in § 131.54, only become effective after such price list has been on file in the office of the Control Agency for 3 days, and such price list shall remain in effect for at least 30 days thereafter.

(b) After a price list has been in effect for at least 30 days, a new price list, including discounts and terms of sale, may be filed: *Provided, however,* That the price, including discount, for each product for each classification of buyer set forth in the new price list shall not be decreased or increased more than 10 percent from the price for that product, including discount, for such classification of buyer as set forth in the handler's currently effective price list for that classification of buyer. A handler shall not file more than one price list within any 30-day period, and should an effective price list be terminated or canceled, in full, by a handler without filing a new price list to be effective at the same time, a new price list shall not thereafter be filed for a period of at least 30 days.

(c) In the event a price list is mailed by registered letter or telegraphed to the office of the Control Agency, it shall be deemed to have been filed either (1) at the time during the usual business hours it is actually delivered in such office, or (2) at the time during usual business hours such communication would have been received, considering the usual time required for the means of communication used, in the absence of delays in transit, whichever time is earlier.

[F.R. Doc. 65-13864; Filed, Dec. 28, 1965; 8:46 a.m.]

Consumer and Marketing Service

[7 CFR Part 910]

HANDLING OF LEMONS GROWN IN CALIFORNIA AND ARIZONA

Expenses and Fixing of Rate of Assessment for 1965–66 Fiscal Year

Consideration is being given to the following proposals submitted by the Lemon Administrative Committee, established pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof: (1) That expenses that are reasonable and necessary to be incurred by the Lemon Administrative Committee during the period November 1, 1965, through October 31, 1966, will amount to $235,988, and (2) that the rate of assessment for said period, payable by each handler in accordance with §910.41, be fixed at $0.0175 per carton of lemons.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: December 23, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-13891; Filed, Dec. 28, 1965; 8:49 a.m.]

[7 CFR Part 987]

DOMESTIC DATES PRODUCED OR PACKED IN DESIGNATED AREA OF CALIFORNIA

Outlets for Certain Substandard Dates

Notice is hereby given of a proposal recommended by the Date Administrative Committee. The proposal is to permit Deglet Noor dates which meet the grade and size requirements for marketable dates except for defect of broken skin, improper hydration, mashing, and mechanical injury, to be disposed of for use, or used, in specified products for human consumption. The authorization for the proposed disposition of such dates would be pursuant to § 987.56 of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Deglet Noor dates generally are in plentiful supply. However, the quantity of marketable dates available for use in date products for human consumption is somewhat limited and the demand in such outlet is good.

A substantial quantity of substandard Deglet Noor dates fail to meet the requirements for marketable dates due only to damage during harvesting, and in the processing and packing plants. Such substandard dates may be disposed of only in animal feed, nontable syrup, alcohol, brandy, or other nonhuman food outlets. The return in such outlets is relatively low.

The proposal would permit such substandard dates of the Deglet Noor variety to be disposed for use in the manufacture of date products for human consumption in the form of rings, chunks, pieces, butter, macerated, or paste. Hence, it would augment the supply of dates available for such products and give producers a substantially higher return for those dates than that to be realized from the outlets currently authorized pursuant to § 987.56 for such dates. To insure that the substandard dates qualify for use as food products, the proposal would require the dates otherwise to meet the grade and size requirements applicable to marketable Deglet Noor dates except for the following defects: broken skin, improper hydration, mashing and mechanical injury.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than the eighth day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

Disposition of substandard dates for specified products. Dates of the Deglet Noor variety which are inspected and certified as meeting the grade and size requirements for marketable Deglet Noor dates except for defects of broken skin, improper hydration, mashing, and mechanical injury may, pursuant to § 987.56, be disposed of for use, or used, in the production of date products for human consumption in the form of rings, chunks, pieces, butter, macerated, or paste.

Dated: December 21, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-13892; Filed, Dec. 28, 1965; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Office of State Technical Services

[15 CFR Part 700]

GENERAL REGULATIONS

Notice of Proposed Rulemaking

Notice is hereby given, pursuant to Section 4 of the Administrative Procedure Act (5 U.S.C. 1004), that the Office of State Technical Services, Department of Commerce, proposes to issue general regulations governing operation and administration of the State Technical Services Act of 1965 (Public Law 89-182). The regulations are proposed pursuant to authority contained in section 12 and other sections of the State Technical Services Act.

All persons who desire to submit written comments, views, or suggestions for consideration in connection with the issuance of regulations are invited to forward such comments in writing to the Acting Director, Office of State Technical Services, Department of Commerce, Washington, D.C., 20230, within 30 days of the date of publication of these proposed regulations in the FEDERAL REGISTER.

The proposed regulations follow.

Done in Washington, D.C., this 22d day of December 1965.

CHARLES LAW MCCABE,
Deputy Assistant Secretary for Science and Technology, and Acting Director, Office of State Technical Services.

Approved:

J. HERBERT HOLLOMON,
Assistant Secretary for Science and Technology.

PART 700—GENERAL REGULATIONS GOVERNING OPERATION AND ADMINISTRATION OF THE STATE TECHNICAL SERVICES ACT OF 1965

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AUTHORITY: The provisions of this Part 700 are issued under 79 Stat. 679, Public Law 89-182, approved September 14, 1965, the State Technical Services Act of 1965.

§ 700.1 Scope of part.

(a) *The Act.* The State Technical Services Act of 1965 (hereafter referred to as the "Act") became law on September 14, 1965.

(b) *Purpose of the Act.* The purpose of the Act is to provide a national program of incentives and support for the several States individually and in cooperation with each other in their establishing and maintaining States and interstate technical service programs in order that the benefits of federally financed research, as well as other research, may be placed more effectively in the hands of American business, commerce and industrial establishments throughout the country.

(c) *Application of part.* This part applies to any technical services program for which Federal financial assistance is authorized under the Act.

(d) *Delegation of authority.* The authority of the Secretary of Commerce under the Act was delegated to the Director, Office of State Technical Services, subject to such policies and directives as the Assistant Secretary of Commerce for Science and Technology may prescribe, by Department Order 7-A, effective November 19, 1965 (F.R. vol. 30, No. 234, Dec. 4, 1965, at p. 15042).

§ 700.2 Definitions.

(a) "Secretary" means the Secretary of Commerce or the Assistant Secretary of Commerce for Science and Technology.

(b) "Director" means the Director of the Office of State Technical Services.

(c) "State" means one of the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico or the Virgin Islands.

(d) "Technical services" means activities or programs designed to enable businesses, commerce and industrial establishments to acquire and use scientific and engineering information more effectively through such means as—

(1) Preparing and disseminating technical reports, abstracts, computer tapes, microfilm, reviews and similar scientific or engineering information, including the establishment of State or interstate technical information centers for this purpose;

(2) Providing a reference service to identify sources of engineering and other scientific expertise; and

(3) Sponsoring industrial workshops, seminars, training programs, extension courses, demonstrations and field visits designed to encourage the more effective application of scientific and engineering information.

(e) "Designated agency" means the institution or agency which has been designated as administrator of the program for any State or States under section 3 or section 7 of the Act.

(f) "Participating institution" means each qualified institution in a State which participates in the administration or execution of the State technical services program as provided by the Act.

(g) "Matching funds" means funds that are provided by the State or from other non-Federal sources and may include fees, contributions, donations, gifts of money and special user charges from persons and private profit or nonprofit firms, organizations or institutions.

(h) "Advisory council" means the council appointed by the designated agency under section 9 of the Act and § 700.7.

(i) "Planning grant" means a grant awarded to a designated agency to assist in the preparation of the 5-year plan and the initial annual technical services programs.

(j) "State program" means the annual technical services program submitted by the designated agency on behalf of a State or on behalf of two or more States jointly.

(k) "Special merit program" means a program determined by the Secretary to be entitled to Federal financial assistance under section 10(c) of the Act to accomplish the purposes of the Act.

(l) "Designee" means the person designated by the Governor of a State to furnish the certifications required under section 5 of the Act. The designee may not be an officer or employee of the designated agency or of a participating institution nor a member of the advisory council.

(m) "Qualified institution" means an agency, institution or organization meeting criteria in § 700.10 or § 700.11.

§ 700.4 Recordkeeping and fiscal controls.

(a) Every request for Federal financial assistance under the Act shall contain a detailed budget, together with a description of the procedures which have been established for adequate fiscal control, fund accounting and auditing to assure proper disbursement for funds paid.

(b) Each recipient of a grant under the Act shall keep records containing the following information for each grant:

(1) The amount of each grant received;

(2) A detailed breakdown showing the disposition of each grant;

(3) The total cost of the related approved program;

(4) The amount and nature of the cost of the program supplied by other non-Federal sources, including identification of such other sources; and

(5) Such other records as may be prescribed by the Director, including reports from time to time as required under § 700.20.

§ 700.4 Planning grant.

(a) *Purpose and use.* The purpose of the planning grant is to assist each designated agency, other than a designated agency under Section 7 of the Act, to prepare the 5-year plan and the State's initial annual technical services programs. The funds provided by the planning grant may be used for any legitimate purpose directly related to the preparation of such plan and programs. The Director shall be notified of the nature and amount of any contract

which the designated agency makes for the purpose of planning, using all or part of the planning grant. A designated agency established under section 7 of the Act, while ineligible to receive a direct planning grant, may receive all or part of a State's planning grant under an agreement between two or more States for the purpose of joint planning. There is no requirement that a State match or otherwise furnish any portion of planning grant funds paid to its designated agency under section 10(e)(1) of the Act.

(b) *Amount and term.* No designated agency may receive a planning grant in excess of $25,000 a year. In the discretion of the Director a planning grant may be paid for each of the first 3 fiscal years commencing with fiscal year 1966, or until the 5-year plan and the initial annual technical services programs are submitted to the Secretary and approved, whichever first occurs. No other planning grant will be paid if the 5-year plan and the first annual technical services program have been submitted and approved unless the Director determines—

(1) That there is a specific need for planning in a new direction which is not included in the approved 5-year plan and which is to be included in a future revision of the plan; and

(2) That the total amount of the first approved technical services program is inadequate to provide for such planning.

(c) *Procedure to obtain planning grant.* A designated agency may obtain a planning grant by a written request to the Director only after the Governor of the State concerned has notified the Secretary or the Director that such State intends to participate under the Act and has designated under section 3 of the Act the institution or agency making such request. The request should contain the following information:

(1) A statement of the appropriate State laws and regulations under which the Governor has designated such institution or agency to be the designated agency and under which authority the State program will be carried out;

(2) A clear and succinct statement justifying the need for the planning grant and the specific purposes for which it is to be used;

(3) The total amount requested for these purposes;

(4) A budget showing a breakdown of the estimated amounts which will be expended during the fiscal year for these purposes with the funds furnished by the planning grant; and

(5) The name of the officer of the designated agency who is authorized to act for the designated agency.

§ 700.5 Five-year plan.

(a) To receive Federal financial assistance for an annual technical services program a designated agency shall prepare and submit a 5-year plan which—

(1) Outlines the technological and economic conditions of the State, taking into account its region, business, commerce, and its industrial potential and identifies the major regional and industrial problems;

(2) Identifies the general approaches and methods to be used in the solution of these problems and outlines the means for measuring the impact of such assistance on the State or regional economy; and

(3) Explains the methods to be used in administering and coordinating the technical services program.

(b) A designated agency may revise the 5-year plan it previously submitted, either annually or at some less frequent interval during the period of the plan.

(c) No 5-year plan of a State shall be accepted for review and approval by the Director unless the Governor of the State or his designee certifies that the plan is consistent with the State's policies and objectives.

§ 700.6 Annual technical services program.

(a) In addition to the 5-year plan described in § 700.5, each designated agency seeking Federal financial assistance on behalf of a State or States under the Act shall prepare and submit to the Director an annual technical services program which—

(1) Identifies specific methods, which may include contracts, for accomplishing particular goals and outlines the likely impact of these methods in terms of the 5-year plan. If it is planned to enter into a contractual arrangement, the type of contract and identity of the contractor shall be furnished as well as information concerning its cost, term and the basis for selection of the contractor;

(2) Contains a detailed budget, together with procedures for adequate fiscal control, fund accounting and auditing, to assure proper disbursement for funds paid to the State under the Act; and

(3) Indicates the specific responsibilities assigned to each participating institution in the State, including a statement of the method by which the participating institutions were selected for their respective responsibilities.

(b) No annual technical services program shall be accepted for review and approval by the Director unless the Governor of the State or his designee certifies that the designated agency has—

(1) Invited all qualified institutions in the State to submit proposals for providing technical services under the Act. Invitations shall be publicly announced and issued in writing to institutions in the State that have been qualified under §§ 700.10 and 700.11;

(2) Coordinated its programs with other States (when regional cooperation is planned) and with other publicly supported activities within the State, as appropriate. In connection with this requirement, the designated agency shall furnish a statement to the Director showing the extent and manner in which such coordination has been carried out by identifying such programs and activities and indicating how any duplication of other technical services programs in the State has been avoided;

(3) Established adequate ethical standards and rules to insure that no officer or employee of the State, the designated agency or any participating institution shall receive compensation for technical services he performs, for which funds are provided under the Act, from sources other than his employer, and that no such officer or employee shall otherwise maintain any private interest in conflict with his public responsibility. Each designated agency will furnish for certification in this regard a copy of the ethical standards and rules which are established to avoid any conflict of interest in connection with the administration of any plan or program receiving Federal financial assistance under the Act. Such rules shall clearly set forth the standards and procedures which officers, employees and consultants can follow to avoid any conflict of interest;

(4) Determined that matching funds will be available from State or other non-Federal sources. In addition, each designated agency shall furnish a statement to the Director showing the basis for the determination by identifying such sources. The sources of matching funds shall be those defined in § 700.2(g) and shall meet the requirements of § 700.8(i);

(5) Determined that such technical services program does not provide a service which on the date of such certification is economically and readily available in such State from private technical services, professional consultants, or private institutions. Each designated agency shall furnish a statement to the Director showing the basis for such determination;

(6) Planned no services specially related to a particular firm or company, public work or other capital project except insofar as the services are of general concern to the industry and commerce of the community, State or region. If the designated agency has planned services which are specially related to a particular firm or company, public work or other capital project, a statement shall be furnished to the Director describing such services and the basis for the determination that such services are of general concern to the industry and commerce of the community, State or region; and

(7) Provided for making public all reports prepared in the course of furnishing technical services supported under the Act or for making them available at cost to any person on request. Each designated agency shall furnish the Director a copy of the fee schedules for such reports or a statement showing the steps that have been taken to make such reports public.

§ 700.7 Advisory council.

(a) *Appointment.* Each designated agency shall appoint a public advisory council (representing broad community interests) pursuant to the requirements of section 9 of the Act and shall furnish to the Director the following information:

(1) Names of the members of the council, their occupations and organizational affiliations (members shall not be directly concerned with the planning, administration or participation of the technical services program);

(2) The qualifications of each of the members appointed to the council; and

(3) A statement as to how such appointments give a balanced representation from relevant segments of society within the State or region, which may include such segments as business, labor, education, local government, consumers, scientists, engineers, or other professional groups.

(b) *Review of annual program.* The advisory council shall review each annual technical services program, evaluate its relation to the purposes of the Act, and report its findings, which may include appropriate recommendations, to the designated agency.

(c) *Reports.* A copy of each report submitted by each advisory council to the designated agency shall be sent to the Governor or his designee and to the Director prior to certification by the Governor or his designee.

§ 700.8 Criteria for approval of State plans and programs.

No annual technical services program submitted by a designated agency of a State or by an interstate agency shall be approved by the Director unless such program is accompanied by the information called for by § 700.6(b) and other information sufficient, in the judgment of the Director, to insure that the annual program—

(a) Provides coherence in the planning and program activities;

(b) Contains a method for evaluating the results of the annual program;

(c) Provides professional competence of a full-time staff of the participating institutions;

(d) Does not duplicate any other publicly-financed technical services activity or program readily available to the State;

(e) Identifies all proposed contractors and subcontractors including information as to the type of contract (i.e., fixed price, cost-plus-a-fixed-fee, etc.) term, cost and the basis for the selection of the contractors and subcontractors;

(f) Provides for adequate experience and competence in the management of State or interstate programs;

(g) Contains efficient and effective plans and procedures to utilize existing State and Federal sources for collecting and disseminating technical information;

(h) Considers whether interstate plans and procedures are desirable for a more effective operation of its technical services program and, if so, provides plans looking toward an interstate agreement under section 7 of the Act; and

(i) Provides a satisfactory method of allocating costs between the State and non-Federal contributions and for the receipt and expenditure of any special user charges or fees under the following guidelines:

(1) Allocation of costs between State and non-Federal contributions and the receipt and expenditure of any special user charges or fees shall be reviewed specifically by the advisory council;

(2) The State, the designated agency or the participating agencies shall be responsible for making available the total amount of the State and non-Federal share as provided in the approved program;

(3) Receipts in excess of the planned cost of the State and non-Federal share of the program must be expended to carry out an approved technical services program; and

(4) The Director may review any fees or user charges as to their reasonableness.

§ 700.9 Criteria for approval of special merit programs.

No payment shall be made to any designated agency, participating institution or qualified institution directly, in support of a special merit program under section 10(c) of the Act, unless the Director determines that the program is of national, regional or special significance and is not included in any State or interstate program, taking into account the following guidelines and information (which shall be furnished with the request):

(a) A description of the proposed program, a detailed budget, the particular goals being sought under such program consistent with the specific purposes of section 10(c) of the Act, and why the program is of national or regional significance or is needed in addition to the State or any interstate program.

(b) If the program is submitted by a designated agency or participating institution, an explanation of why such program would not be included in the annual State or interstate technical services program approved by the Director under section 6 of the Act.

(c) If the program is submitted by a qualified institution, information as to whether such institution previously has submitted the program to the designated agency of the State or States for possible inclusion in the State or interstate program and, if previously submitted and rejected, any reasons given for such action by the designated agency.

(d) Any proposal from a designated agency or a qualified or participating institution seeking support as a program of special merit under section 10(c) of the Act shall, as nearly as practicable, meet the requirements of section 4(b) of the Act and §§ 700.6(b) and 700.8 with the following exceptions:

(1) Proposed special merit programs are not required to be reviewed by advisory councils within the States or regions.

(2) Concerning the allocation of costs among non-Federal contributions and the receipt and expenditure of any charges or fees, § 700.8(i) shall apply but upon the termination of any special merit program, any income in excess of the cost of the approved program shall be returned to the United States Treasury.

§ 700.10 "Qualified institution."

(a) Any institution of higher learning with a four year program leading to a degree in science, engineering or business administration which is accredited by an accrediting agency or association listed by the Commissioner of Education under section 2(c) of the Act (see Appendix A) shall be deemed to be a qualified institution for the purpose of the Act and these regulations. An institution of higher learning with a program leading to a degree in science, but not in engineering or business administration, shall not be deemed to be a qualified institution (even though accredited as set forth above) unless its science program is reasonably related to business, industry or commerce within the State or region as determined by the designated agency, subject to approval or, on appeal, final decision by the Director.

(b) Any institution of higher learning with a program leading to a degree in science, engineering or business administration for which there is no accrediting agency or association listed by the Commissioner under paragraph (a) of this section may apply to the Commissioner of Education for evaluation and determination of whether such institution is qualified under section 2(c) of the Act. A copy of such request shall be sent to the Director and to the appropirate designated agency. The Director may assist the Commissioner of Education in his determination by furnishing appropriate advice.

§ 700.11 Private, nonprofit institution or State agency as a "qualified institution."

(a) Any private nonprofit institution, other than an institution of higher learning, shall be deemed to be a qualified institution for the purpose of the Act and these regulations, if the appropriate designated agency determines upon a full and complete showing, subject to approval or, on appeal, a final decision by the Director that such institution—

(1) Has demonstrable competence and significant experience in the collection, dissemination and translation of technology to business, commerce or industry;

(2) Has management with adequate qualifications and experience;

(3) Employs a full-time professional staff which is qualified to undertake technical services programs, as evidenced by adequate education, training and experience;

(4) Has a sound and stable financial structure, and provides sound fiscal management to avoid dominance or control by any particular business or group of businesses and to insure broad participation; and

(5) Maintains efficient and modern physical plant facilities, including equipment, necessary to provide technical services under the Act.

Any such institution which has applied for a special merit program may request a determination of its qualifications under the foregoing criteria directly from the Director. Such determination shall be final, and notice shall be given to the appropriate designated agencies.

(b) A State agency, other than an institution of higher learning, shall be

deemed to be a qualified institution for the purpose of the Act and the regulations in this part, if the Governor or his designee determines, subject to approval by the Director, that the State agency meets the criteria of competence set forth in paragraph (a) of this section, as applied to such agency.

§ 700.12 Correspondence and communications.

All correspondence, inquiries and communications concerning the operation and administration of the Act, including the submission of certifications, plans, programs, reports, information, and documents, which the Act and these regulations require to be furnished to the Secretary, shall be addressed to the Director, Office of State Technical Services, Department of Commerce, Washington, D.C.

§ 700.13 Termination.

(a) *Grounds.* Any plan or program receiving Federal financial assistance under the provisions of the Act or these regulations may be terminated by the Director, in accordance with the procedures set forth below, if he finds that any of the following conditions exist:

(1) The designated agency, participating or qualified institution, or those with whom such agency or institution has contracted or subcontracted, is not complying substantially with the provisions of the Act, with these regulations, or with the annual technical services plan or program or the special merit program previously approved by the Director; or

(2) Any funds paid to the designated agency, participating or qualified institution under the provisions of the Act or these regulations have been lost, misapplied, or otherwise diverted from or improperly used or expended for other than the purposes for which they were paid or furnished.

(b) *Notice.* If any of the conditions described in paragraph (a) of this section are deemed by the Director to exist and if such conditions cannot be corrected or eliminated by informal means, he shall, prior to taking action to terminate any program, furnish written notice to the agency or institution he considers to be in violation of the provisions of the Act or of these regulations. Such notice shall:

(1) Specify those provisions of the Act or regulations thereunder which have been violated;

(2) State the basis for the belief that such violations have occurred; and

(3) Offer the agency or institution an opportunity to provide the Director with a written answer to the statements in the notice. Such answer shall be furnished to the Director within 30 days of the receipt of his notice and shall provide a full and complete explanation together with substantiating documentation, if appropriate, of the violations described in the notice. A 30-day extension of time to answer the notice may be granted if the agency or institution requests such extension prior to the end of the original 30-day period and if such request, in the judgment of the Director, is based on good and sufficient reason.

(c) *Hearings.* In the event that the designated agency or institution receiving the notice provided under paragraph (b) of this section does not respond thereto within the time period provided thereunder, or if the written response to the notice does not, in the judgment of the Director, indicate that the conditions leading to the issuance of the notice have been corrected or eliminated and describe the steps taken to preclude a repetition of such conditions, the Director shall extend to the agency or institution an opportunity for a hearing on the matter. The offer of the hearing shall afford the agency or institution the right to be represented by counsel and shall set a date not less than 30 days from the time the offer of the hearing is received. The hearing shall take place at the Office of State Technical Services in Washington, D.C., unless the Director determines, based on good and sufficient reason tendered by the agency or institution, that another place be selected. The hearing shall be conducted in accordance with such rules as may facilitate a full and complete explanation of the conditions leading to the convening of the hearing. Witnesses shall be given an opportunity to testify and evidence, exhibits and documents may be introduced and submitted for the record. A transcript of the hearing will be taken, the cost of which will be borne by the Office of State Technical Services. A copy of such transcript will be available to the agency or institution on request.

(d) *Revocation.* Following his review of the hearing provided in paragraph (c) of this section, or if the agency or institution declines the offer of hearing or if it accepts but fails to appear or participate at such hearing, the Director shall make a finding on whether the conditions leading to the written notice or hearing have been corrected or eliminated. If the Director finds that such conditions have not been corrected or eliminated, he shall notify such agency or institution of his finding and the basis for his conclusion. The notification of such decision shall also advise that no further payments will be made under the provisions of the Act or under these regulations until there is, in the judgment of the Director, substantial compliance with the provisions of the Act and these regulations or that the diversion, misapplication, improper use or expenditure of funds has been corrected. If compliance or correction is not possible, no further payments under the provisions of the Act or under these regulations shall be made until such agency or institution repays or arranges for the repayment of the funds diverted or improperly expended.

§ 700.14 Application of Title VI of Civil Rights Act of 1964.

(a) The program of extending Federal financial assistance under the Act will be conducted in compliance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d–2000d–4) and the requirements imposed by or pursuant to the regulations of the Department of Commerce issued thereunder (Title 15, Code of Federal Regulations, Subtitle A, Part 8), to the end that no person in the United States shall on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under such program. Accordingly, each designated agency, on behalf of the State or States it represents, participating institution or person, shall, as a condition to the extension to it of Federal financial assistance under the Act, execute an assurance of compliance with the aforesaid regulations of the Department of Commerce issued pursuant to Title VI of the Civil Rights Act of 1964. A copy of the assurance of compliance to be executed by each grantee prior to the receipt of Federal financial assistance under the Act appears in full as Appendix B at the end of the regulations in this part.

(b) Each grant (or amendment thereto) issued or amended under the Act shall contain a clause stating as follows: "By accepting this grant, the grantee affirms that the 'Assurances of Compliance with the Department of Commerce Regulations under Title VI of the Civil Rights Act of 1964,' previously executed, is fully applicable to this grant and to any program assisted thereby."

§ 700.15 Existing or planned technical services programs.

Federal financial assistance under the Act or the regulations in this part may be granted to any designated agency or participating institution in support of a technical services program presently funded by State or other non-Federal sources and operating therein when such program is modified or expanded in light of the objectives of the Act. In any modification or expansion of an existing program, the designated agency shall define the portion of the old program which contained technical services as defined in the Act and identify the nature of the modification or expansion of technical services, as well as the portion for which Federal assistance is sought. While existing programs are eligible for Federal assistance under the Act, it shall be the policy, in approving such programs and in determining the amount of any Federal support, to provide an incentive for their expansion or modification for the widest benefit practicable throughout the country, considering the following:

(a) The extent to which the effectiveness of the State or interstate technical services program is increased within the State or region;

(b) The extent to which private or State participation in the technical services program is increased;

(c) The nature of the benefits within the State or region of any modification or redirection of existing technical services program in relation to the amount of the Federal assistance requested; and

(d) The extent of any national benefits resulting from any modification or expansion of the existing technical services program in relation to the total national program for accomplishing the purposes of the Act.

§ 700.16 Duplication.

In addition to the certification required under section 5(e) of the Act, that the technical services program submitted to the Secretary for his review and approval does not provide a service which is economically and readily available in the State from private sources, section 10(e)(2) of the Act prohibits the payment of any funds to any designated agency, participating institution or person to carry out any technical services activity or program if such activity or program is a duplication of any other program readily available in the State from Federal or State agencies, including publicly supported institutions of higher learning in the State. Accordingly, before any request is submitted to the Director for Federal financial assistance under the Act, the designated agency or qualified institution shall first examine Federal and State programs which are available to be sure that the proposal will not duplicate other Federal and State programs and provide a supporting statement indicating compliance.

§ 700.17 Repayment.

In the event any activity or program is terminated under the provisions of section 16 of the Act and § 700.13, any funds that have been paid to any designated agency or participating institution by the Office of State Technical Services which have not been expended by such agency or institution upon receipt of the notice of termination, shall be repaid to the Director within 30 days of such notice.

§ 700.18 Formula for maximum amounts States are eligible to receive.

Maximum amounts which may be paid to the States for fiscal year 1966 under section 10(b) of the Act shall be fixed by the Director in accordance with the following method: The least populous State shall not receive more than $37,500, and the most populous State shall not receive more than $500,000. The maximum amount which each and every other State is eligible to receive shall be an amount which bears the same relationship to amounts which the least and most populous States are eligible to receive as the population of the State bears to the population of the least and most populous States. Within these maximum amounts, the available appropriations shall be apportioned among the States as equitably as possible, considering the merit of the plans and programs submitted.

§ 700.19 Funding programs under the Act.

(a) *General.* All funds provided by the Office of State Technical Services under the Act shall be maintained in a separate account or as required by the Director. Matching funds may be commingled with the Federal funds so long as accurate records are maintained which show the separate balance of such funds.

(b) *Matching funds.* While the funds provided from State or non-Federal sources must, except for planning grants made under section 10(e)(1) of the Act and § 700.4, match the funds provided by the Office of State Technical Services, any State may provide additional amounts from any non-Federal sources.

(c) *Payments.* Grant payments to each designated agency, participating institution, qualified institution or person shall be made in accordance with the technical services program approved by the Director and under accounting any policies established by the Office of State Technical Services.

§ 700.20 Reports.

(a) Each designated agency shall make an annual report as required under section 14 of the Act containing such information as the Director may request.

(b) In his discretion, the Director may request copies of any proposals which qualified institutions in a State or region have submitted to the appropriate designated agency in the preparation of the annual State or interstate technical services program.

(c) Such other special and periodic reports as may be required by the Director shall be submitted.

§ 700.21 Federal coordination and advisory committees.

The Director may, prior to approving any technical services plan or program, take such steps as he deems appropriate to coordinate such plans or programs with other Federal agencies or seek the advice of such committees as the Secretary may establish for the purpose of reviewing the plans and programs.

APPENDIX A—DESIGNATION BY COMMISSIONER OF EDUCATION

ORGANIZATIONS DESIGNATED BY THE COMMISSIONER OF EDUCATION AS NATIONALLY RECOGNIZED ACCREDITING AGENCIES AND ASSOCIATIONS UNDER SECTION 2(C) OF THE STATE TECHNICAL SERVICES ACT OF 1965

I. *Regional:*

Middle States Association of Colleges and Secondary Schools.

New England Association of Colleges and Secondary Schools.

North Central Association of Colleges and Secondary Schools.

Northwest Association of Secondary and Higher Schools.

Southern Association of Colleges and Schools.

Western Association of Schools and Colleges.

II. *For Engineering:* Engineers' Council for Professional Development.

III. *For Business Administration:* American Association of Collegiate Schools of Business.

Accreditation status of any institution with respect to the above designation may be found in *Accredited Higher Institutions 1964* available from the Government Printing Office.

APPENDIX B—ASSURANCE OF COMPLIANCE WITH REGULATIONS UNDER TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

ASSURANCES OF COMPLIANCE WITH THE DEPARTMENT OF COMMERCE REGULATIONS UNDER TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

---------- (hereinafter called
(Name of Grantee)
the "Grantee") hereby agrees, assures and undertakes that as a condition to the extension to it of Federal financial assistance for any program under the State Technical Services Act of 1965 (hereinafter referred to as the Act) said program will be conducted in compliance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d–2000d–4) and the requirements imposed by or pursuant to the Regulations of the Department of Commerce issued thereunder (Title 15, Code of Federal Regulations, Subtitle A, Part 8), a copy of which is attached, to the end that no person in the United States shall on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under said program; and hereby gives assurance that it will immediately take any measures necessary to effectuate this agreement.

In accord with and without limiting the above, the Grantee agrees:

1. That the aforesaid discrimination in the conduct of the program includes and prohibits such discrimination in:

a. Inviting qualified institutions to submit proposals for providing technical services or in their selection as participating institutions;

b. Appointing members to the advisory council for technical services specified in section 9 of the Act;

c. Preparing the 5-year plans and technical service programs called for by section 4 of the Act by such means or with such provisions as would cause any discriminatory act or course of conduct prohibited by section 8.4 (a) and (b) of the Department's Title VI Regulations;

d. Considering the merits of proposals for providing technical services under the Act;

e. Selecting means for providing technical services under the Act;

f. Administering and coordinating plans and programs under the Act;

g. Selecting institutions, agencies, and individuals to administer, coordinate and prepare technical services plans and programs under the Act;

h. Preparing, making public, disseminating, applying, and using reports, technical services, and other information under the Act;

i. Selecting and using contractors and subcontractors and other individuals and organizations to assist in accomplishing the objectives of the plans and programs under the Act and otherwise to participate therein;

j. Publicizing, inviting participation in, providing facilities for, and otherwise administering and operating industrial workshops, seminars, training programs, extension courses, demonstrations, field visits, and other technical services; and

k. Otherwise planning, organizing, administering, operating, and fulfilling the objectives of the Act.

2. That it will not engage in any discrimination described hereinabove in paragraph 1, or in any prohibited act or course of conduct with respect thereto as described in sections 8.4 and 8.5(b)(6) of the Department of Commerce Title VI Regulations.

3. That the Grantee further recognizes and agrees that its obligations to comply with the Department's Title VI Regulations extend not only to its own activities but also, in accord with section 8.5(b)(4) of said Regulations, to assure that the public and private organizations, institutions and individuals, such as participating institutions or contractors, which play a part in developing the Grantee's plans and in the Grantee's programs, will also comply with the Department's Title VI Regulations and these Assurances with respect to said plans and programs. To that end, the Grantee agrees that it will obtain as part of its contractual or other arrangements with such parties, or will arrange with others with whom it has direct dealings to obtain in turn from such parties, written Assurances of Compliance

with the Department's Title VI Regulations in the same form and substance as these Assurances, which shall be applicable in connection with their contracts, agreements, operations, receipt of benefits and other participation under or relating to State Technical Services plans and programs receiving Federal financial assistance.

4. That it will obtain and provide the information required by or pursuant to said Title VI Regulations to ascertain and obtain compliance with said Regulations and these Assurances.

5. That it will secure the compliance, and assist and cooperate actively with the Department of Commerce in obtaining and enforcing the compliance, of said contracting and other participating parties with the nondiscrimination required by the Department's Title VI Regulations and their respective agreements and arrangements, and in the event the Grantee becomes involved in litigation with a noncomplying party, it may request the Department of Commerce to enter into such litigation to protect the interests of the United States in the enforcement of these obligations.

6. That when the Grantee or other participant under the plans or programs is an institution referred to in section 8.5(b)(9) of the Department's Title VI Regulations, the provisions of that section shall be applicable.

7. That any failure to comply with these assurances of nondiscrimination shall constitute a breach of the grant or agreement pursuant to which they were furnished; that in such case of breach further disbursements or payments under the grant or agreement may be refused or suspended or repayments required or any other enforcement or remedial actions or remedies provided in the regulations under the Act or the Department's Title VI Regulations or otherwise by law may be taken; and that the enforcement of one or more rights shall not be prejudicial to the Government's right to obtain judicial relief and/or take any other action available under the Act, regulations, grant, agreements, or otherwise by law.

8. That these Assurances shall be in effect for the period provided in section 8.5(b)(10) of the Department's Title VI Regulations.

9. That these Assurances of the Grantee, and any supplementary Assurances given by related subgrantees, contractors and other participants in the plans and programs under the Act, shall be binding not only upon them but also upon their officers, directors, employees and agents, assignees, transferees, lessees, and successors in interest.

The Grantee acknowledges that it has received and read the provisions of the Department's Title VI Regulations.

Dated _____

_____
(Grantee)

By _____

Title _____

_____
(Grantee's mailing address)

_____

Title _____

I hereby certify that the person whose signature appears above is authorized to sign these Assurances on behalf of _____

[F.R. Doc. 65-13858; Filed, Dec. 28, 1965; 8:46 a.m.]

Notices

DEPARTMENT OF STATE

Office of the Secretary

SEA LINE, INC.

Notice of Application for Presidential Permit

The Department of State has received an application, dated December 14, 1965, from Sea Line, Inc., a Texas corporation, for a Presidential Permit to construct, operate and maintain a pipeline for crude, residual and unfinished oils at the international boundary line between the United States and Mexico, specifically at a point near Brownsville, Tex., and Matamoros, Tamaulipas.

Notice is hereby given that copies of this application are available to the public and that written comments thereon will be received by the Department of State for 30 days from the date of publication of this notice.

For the Secretary of State.

ANDREAS F. LOWENFELD,
Deputy Legal Adviser.

[F.R. Doc. 65-13862; Filed, Dec. 28, 1965; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Report No. 66]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through December 13, 1965, exclusive of those vessels that called at Cuba on United States Government-approved noncommercial voyages and those listed in section 2. Pursuant to established United States Government policy, the listed vessels are ineligible to carry United States Government-financed cargoes from the United States.

FLAG OF REGISTRY, NAME OF SHIP	Gross tonnage
Total all flags (244 ships)	1,709,743
British (74 ships)	555,109
**Agate (trips to Cuba under ex-name Dairen—British flag).	
**Amalia (now Maltese flag).	
**Amazon River (now River—sold to Dutch breakers)	7,234
Antaretica	8,785
Arctic Ocean	8,791
Ardenode	7,036
Ardgem	6,981
Ardmore	4,664
Ardpatrick	7,054
Ardrowan	7,300
Ardsirod	7,025
Ardtara	5,795
**Arlington Court (now Southgate—British flag).	
Athelcrown (Tanker)	11,149
Athelduke (Tanker)	9,089
Athelmere (Tanker)	7,524
Athelmonarch (Tanker)	11,182
**Athelsultan (Tanker—broken up)	9,149
Avisfaith	7,868
Baxtergate	8,813
Cheung Chau	8,566
**Chipbee (sold for scrap)	7,271
**Cosmo Trader (trips to Cuba under ex-name, Ivy Fair—British flag).	
**Dairen (now Agate—British flag)	4,939
**East Breeze (now Phoenician Dawn—British flag)	8,708
Eastfortune	8,789
*Elicos	7,134
Formentor	8,424
**Free Enterprise (now Haitian flag)	6,807
**Free Merchant (now Cypriot flag).	
**Garthdale (now Jeb Lee—British flag)	7,542
Grosvenor Mariner	7,026
Hazelmoor	7,907
Helka	2,111
Hemisphere	8,718
Ho Fung	7,121
Inchstaffa	5,255
**Ivy Fair (now Cosmo Trader—British flag—broken up)	7,201
**Jeb Lee (trip to Cuba under ex-name, Garthdale—British flag).	
Jollity	8,660
Kinross	5,388
La Hortensia	9,488
Linkmoor	8,236
Magister	2,339
Nancy Dee	6,597
Nebula	8,924
**Newdene (now Free Navigator—Cypriot flag).	
**Newforest (now Haitian flag)	7,185
Newgate	6,743
Newglade	7,368
**Newgrove (now Cypriot flag).	
Newheath	7,643
Newhill	7,855
Newlane	7,043
**Newmeadow (now Cypriot flag).	
Newmoat	7,151
Newmoor	7,168
Nils Amelon	6,281
Oceantramp	6,185
Oceantravel	10,477
Peony	9,037
**Phoenician Dawn (trips to Cuba under ex-name, East Breeze—British flag).	
**Redbrook (now E. Evangelia—Greek flag)	7,388
Ruthy Ann	7,361
**St. Antonio (now Maltese flag).	
Sandsend	7,236
Santa Granda	7,229
Sea Amber	10,421
Sea Coral	10,421
Sea Empress	9,841
Seasage	4,330
Shienfoon	7,127
**Shun Fung (wrecked)	7,148
**Soclyve (now Maltese flag).	
**Southgate (previous trips to Cuba under ex-name, Arlington Court—British flag)	9,662
Stanwear	8,108
**Suva Breeze (now Djatingalch—Panamanian flag)	4,970
**Swift River (now Kallithea—Cypriot flag)	7,251
Thames Breeze	7,878
**Timios Stavros (now Maltese flag—previous trips to Cuba under Greek flag).	
Venice	8,611
Vercharmian	7,265
Vergmont	7,381
West Breeze	8,718
Yungfutary	5,388
Yunglutaton	5,414
Zela M	7,237
Lebanese (58 ships)	389,592
Agia Sophia	3,106
Aiolos II	7,256
Ais Giannis	6,997
Akamas	7,285
Al Amin	7,186
Alaska	6,989
Anthas	7,044
Antonis	6,259
**Ares (constructive total loss)	4,557
Areti	7,176
Aristefs	6,995
Astir	5,324
Athamas	4,729
**Carnation (sold Spanish breakers)	4,884
Claire	5,411
Cris	6,032
Dimos	7,187
**E. Myrtidiotissa (trips to Cuba under ex-name, Kalliopi D. Lemos—Lebanese flag).	
**Free Trader (now Cypriot flag).	
Giannis	5,270
Giorgos Tsakiroglou	7,240
Granikos	7,282
Ilena	5,925
Ioannis Aspiotis	7,297
**Kalliopi D. Lemos (now E. Myrtidiotissa—Lebanese flag)	5,103
Katerina	9,357
Leftric	7,176
Malou	7,145
Mantric	7,255
Maria Despina	7,254
Maria Renee	7,203
Marichristina	7,124
**Marymark (sold German shipbreakers)	4,353
Mersinidi	6,782
Mimosa	7,314
Mousse	6,984
Nictric	7,296
Noelle	7,251
Noemi	7,070
Olga	7,199
Panagos	7,133
Parmarina	6,721
**Razani (broken up)	7,253

**Ships appearing on the list that have been scrapped or have had changes in name, and/or flag of registry.

*Added to Rept. No. 65, appearing in the FEDERAL REGISTER issue of Dec. 8, 1965.

Flag of Registry, Name of Ship—Continued	Gross tonnage
Lebanese—Continued	
Reneka	7,250
Rio	7,194
St. Anthony	5,349
St. Nicolas	7,165
San George	7,267
**San John (now Ledra—Cypriot flag).	
San Spyridon	7,260
**Sheik Boutros (trips to Cuba under ex-name, Cavtat—Yugoslav flag).	
Stevo	7,066
Taxiarhis	7,349
Tertric	7,045
Theodoros Lemos	7,198
Tony	7,176
Toula	4,561
Troyan	7,243
Vassiliki	7,192
Vastric	6,453
Vergolivada	6,339
Yanxilas	10,051
Greek (34 ships)	250,409
Aglos Therapon	5,617
Akastos	7,331
Alice	7,189
**Ambassade (sold Hong Kong ship breakers)	8,600
Americana	7,104
Anneron	7,359
**Anatoli (now Sunrise—Cypriot flag).	
**Andromachi (previous trips to Cuba under ex-name, Penelope—Greek flag)	6,712
**Antonia (now Amfithea—Cypriot flag).	
Apollon	9,744
Athanassios K	7,216
Barbarino	7,084
Calliopi Michalos	7,249
**Embassy (broken up)	8,418
**E. Evangelia (trips to Cuba under ex-name, Redbrook—British flag).	
Flora M	7,244
**Gloria (now Helen—Greek flag).	
**Helen (previous trips to Cuba under ex-name, Gloria—Greek flag)	7,128
Irena	7,232
Istros II	7,275
Kapetan Kostis	5,032
Kyra Hariklia	6,888
**Maria Theresa (now Ingrid Hanne—South African flag)	7,245
Marigo	7,147
**Maroudio (now Thalie—Panamanian flag)	7,369
**Mastro-Stellos II (now Wendy H.—South African flag)	7,282
**Nicolaos F. (previous trip to Cuba under ex-name, Nicolaos Frangistas—Greek flag)	7,199
**Nicolaos Frangistas (now Nicolaos F.—Greek flag).	
Pamit	3,929
Pantanassa	7,131
Paxoi	7,144
**Penelope (now Andromachi—Greek flag).	
**Presvia (broken up)	10,820
Redestos	5,911
Roula Maria (Tanker)	10,608
**Setrios (broken up)	7,239
Sophia	7,030
**Stylianos N. Vlassopulos (now Antonia II—Cypriot flag)	7,303
**Timios Stavros (formerly British flag—now Maltese flag).	

**Ships appearing on the list that have been scrapped or have had changes in name, and/or flag of registry.

Flag of Registry, Name of Ship—Continued	Gross tonnage
Greek—Continued	
Tina	7,302
Western Trader	9,268
Polish (17 ships)	123,676
Baltyk	6,903
Bialystok	7,173
Bytom	5,907
Chopin	6,987
Chorzow	7,237
Huta Florian	7,258
Huta Labedy	7,221
Huta Ostrowiec	7,175
Huta Zgoda	6,840
Hutnik	10,897
Kopalnia Bobrek	7,221
Kopalnia Czeladz	7,252
Kopalnia Miechowice	7,223
Kopalnia Siemianowice	7,165
Kopalnia Wujek	7,033
Piast	3,184
Transportowiec	10,880
Italian (14 ships)	111,681
Achille	6,950
Agostino Bertani	8,360
**Andrea Costa (Tanker—broken up)	10,440
Aspromonte	7,154
Caprera	7,189
Giuseppe Giulietti (Tanker)	17,519
Mariasusanna	2,479
Montiron	1,595
Nazareno	7,173
Nino Bixio	8,427
San Francesco	9,284
San Nicola (Tanker)	12,461
Santa Lucia	9,278
**Somalia (now Chenchang—Nationalist Chinese flag)	3,352
Cypriot (12 ships)	78,662
Acme	7,159
Adelphos Petrakis	7,170
*Alexandros	7,245
**Amfithea (previous trip to Cuba under ex-name, Antonia—Greek flag)	5,171
**Antonia II (trip to Cuba under ex-name, Stylianos N. Vlassopulos—Greek flag).	
Artemida	7,247
**Free Merchant (previous trips to Cuba under British flag)	5,237
**Free Navigator (previous trips to Cuba under ex-name, Newdene—British flag)	7,181
**Free Trader (previous trips to Cuba under Lebanese flag)	7,067
**Kallithea (trips to Cuba under ex-name, Swift River—British flag).	
**Ledra (previous trips to Cuba under ex-name, San John—Lebanese flag)	5,172
**Newgrove (previous trips to Cuba under British and Haitian flags)	7,172
**Newmeadow (previous trips to Cuba under British flag)	5,654
**Sunrise (previous trip to Cuba under ex-name, Anatoli—Greek flag)	7,187
Yugoslav (9 ships)	60,800
Bar	7,233
**Cavtat (now Sheik Boutros—Lebanese flag)	7,266
Cetinje	7,200
Dugi Otok	6,997
Kolasin	7,217
Mojkovac	7,125
Plod	3,657

*Added to Rept. No. 65, appearing in the FEDERAL REGISTER issue of Dec. 8, 1965.

Flag of Registry, Name of Ship—Continued	Gross tonnage
Yugoslav—Continued	
Promina	6,960
**Trebisnjica (wrecked)	7,145
French (7 ships)	26,817
Arsinoe (Tanker—sunk)	10,426
Circe	2,374
Ence	1,232
Foulaya	3,739
Mungo	4,820
Nelee	2,874
Neve	852
Moroccan (5 ships)	35,828
Atlas	10,392
Banora	3,082
Marrakech	3,214
Mauritanie	10,392
Toubkal	8,748
Maltese (5 ships)	33,788
**Amalia (previous trips to Cuba under British flag)	7,304
Ispahan	7,156
**St. Antonio (previous trip to Cuba under British flag)	6,704
**Soclyve (previous trips to Cuba under British flag)	7,291
**Timios Stavros (previous trips to Cuba under British flag and Greek flag)	5,333
Finnish (3 ships)	21,170
Augusta Paulin	7,096
**Hermia (trip to Cuba under ex-name, Amfred—Swedish flag).	
Margrethe Paulin	7,251
Ragni Paulin	6,823
Netherlands (2 ships)	999
Meike	500
Tempo	499
Norwegian (2 ships)	11,894
Ole Bratt	7,144
**Tine (now Jezreel—Panamanian flag—wrecked)	4,750
Swedish (2 ships)	9,318
**Amfred (now Hermia—Finnish flag)	2,828
**Dagmar (now Ricardo—Panamanian flag)	6,490
Haitian:	
**Free Enterprise (trips to Cuba under British flag).	
**Newforest (trips to Cuba under British flag).	
**Newgrove (now Cypriot flag).	
Nationalist Chinese:	
**Chen Chang (trip to Cuba under ex-name, Somalia—Italian flag).	
Panamanian:	
**Djatingaleh (trips to Cuba under ex-name (Suva Breeze—British flag).	
**Jezreel (trip to Cuba under ex-name, Tine—Norwegian flag—wrecked).	
**Ricardo (trips to Cuba under ex-name, Dagmar—Swedish flag).	
**Thalie (trip to Cuba under ex-name, Maroudio—Greek flag).	
South African:	
**Wendy H. (trip to Cuba under ex-name, Mastro-Stellos II—Greek flag).	
**Ingrid Hanne (trip to Cuba under ex-name, Maria Theresa—Greek flag).	

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry United States Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the Cuba trade so long as it remains the policy of the United States Government to discourage such trade; and

(b) That no other vessels under their control will thenceforth be employed in the Cuba trade, except as provided in paragraph (c) and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuba trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

Flag of Registry, Name of Ship	Number of ships
a. Since last report: None.	
b. Previous reports:	
Flag of registry (total)	88
British	37
Danish	1
Finnish	2
French	1
German (West)	1
Greek	25
Israeli	1
Italian	5
Japanese	1
Kuwaiti	1
Lebanese	2
Norwegian	4
Spanish	6
Swedish	1

SEC. 3. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through December 13, 1965:

Flag of registry	Number of trips									
	1963	1964	1965							Total
			Jan.–June	July	Aug.	Sept.	Oct.	Nov.	Dec.	
British	133	180	64	11	11	7	10	16		432
Lebanese	64	91	31	8	2	3	3	3		205
Greek	99	27	11	3	2		1	1	1	145
Italian	16	20	14	2	2	2	1	2		59
Yugoslav	12	11	5	2	2	2		1		35
Spanish	8	17								25
Norwegian	14	10								24
Moroccan	9	13				1				23
French	8	9	3		2		1	1		24
Cypriot		1	3	1	1	2	5	2		15
Finnish	1	4	2				1	1		9
Maltese		2	3		1					7
Netherlands		4	1	1						6
Swedish	3	3								6
Kuwaiti		2	1							3
Israeli			2							2
Danish	1									1
German (West)	1									1
Haitian			1							1
Japanese	1									1
Subtotal	370	394	141	28	23	17	22	28	1	1,024
Polish	18	16	6	1	1	1		1		44
Grand total	388	410	147	29	24	18	22	29	1	1,068

NOTE: Trip totals in this section exceed ship totals in secs. 1 and 2 because some of the ships made more than 1 trip to Cuba. Monthly totals subject to revision as additional data become available.

By Order of the Deputy Maritime Administrator.

Dated: December 15, 1965.

JAMES S. DAWSON, JR.,
Secretary.

[F.R. Doc. 65-13873; Filed, Dec. 28, 1965; 8:47 a.m.]

DELTA STEAMSHIP LINES, INC.

Notice of Application

Notice is hereby given that Delta Steamship Lines, Inc., has filed application dated December 7, 1965, to modify a waiver previously granted under section 804 of the Merchant Marine Act, 1936, as amended, by changing Clause 1 and Clause 2 of Federal Maritime Commission Agreement No. 9182, under which Delta performs husbanding agency services, excluding the solicitation or booking of cargo or passengers, at U.S. Gulf Coast ports for the foreign flag vessels of Compagnie Maritime Belge, S.A., and its affiliates Armement Deppe, S.A., and Compagnie Maritime Congolaise, S.C.R.L. The proposed change to Clause 1 of FMC Agreement No. 9182 provides that Delta will operate one vessel every twenty days and the Belgian Line one vessel every 28 days to the Republic of the Congo and Portuguese Angola. The proposed change to Clause 2 deletes the provision which limited the Belgian Line to the operation of vessels eastbound only from the U.S. Gulf to the Republic of the Congo and Portuguese Angola.

Any person, firm, or corporation having an interest in this application who desires to offer views and comments thereon for consideration by the Maritime Administrator, should submit same in writing, in triplicate, to the Secretary, Maritime Administration, Washington, D.C., by the close of business on January 10, 1966. The Maritime Administrator will consider these views and comments and take such action with respect thereto as may be deemed appropriate.

By Order of the Maritime Administrator.

Dated: December 23, 1965.

JAMES S. DAWSON, JR.,
Secretary.

[F.R. Doc. 65-13932; Filed, Dec. 28, 1965; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

HOSPITAL AND MEDICAL CARE AND TREATMENT

Recovery of Cost; Delegations of Authority

The Statement of Organization and Delegations of Authority of the Office of the Secretary published in 22 F.R. 1045 is hereby amended to raise from $2,500 to $5,000 the amounts for which the General Counsel may settle claims for the recovery from tortiously liable third parties of the cost of hospital and medical care furnished by the Department so that the section will read as follows:

SEC. 2-300.50 Delegation by the Secretary of authority relating to recovery of the cost of hospital and medical care and treatment under Public Law 87-693. (a) Pursuant to the authority granted by P.L. 87-693 (76 Stat. 593, 42 U.S.C. 2651 et seq.) and in accordance with the regulations of the Attorney General (28 CFR Part 43), the General Counsel is authorized, in connection with any claim for the recovery of the reasonable value of hospital and medical care and treatment furnished by this Department to (1) accept the full amount of a claim and execute a release therefor, (2) compromise or settle and execute a release of any claim not in excess of $5,000 which the United States has for the reasonable value of such care or treatment, or (3) waive and in this connection release any claim, not in excess of $5,000, in whole or in part, either for the convenience of the Government, or if he determines that collection would result in undue hardship upon the person who suffered the injury or disease for which the care and treatment were furnished, and (4) with the prior approval of the Department of Justice, compromise, settle or waive any claim in excess of $5,000 and execute a release therefor.

(b) The General Counsel may redelegate to other attorneys of the Office of the General Counsel any of the authority delegated to him by paragraph (a).

SEC. 2-300.50-1 Redelegations by the General Counsel. The General Counsel

has redelegated to the Assistant General Counsel and the Assistant Chief of the Public Health Division, Office of the General Counsel, and the attorney in that Division designated as legal advisor to the Bureau of Medical Services, Public Health Service, the authorities delegated to the General Counsel by section 2-300.-50 above.

Dated: December 20, 1965.

[SEAL] WILBUR J. COHEN,
Acting Secretary of Health, Education, and Welfare.

[F.R. Doc. 65-13884; Filed, Dec. 28, 1965; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 54]

WEST INDIES FREIGHT SERVICE, INC.

Suspension of License

Whereas, by Order to Show Cause served November 29, 1965, the Federal Maritime Commission ordered that West Indies Freight Service, Inc., 345 East 99th Street, New York 29, N.Y., on or before December 10, 1965, either (1) submit a valid bond effective on or before December 17, 1965, or (2) show cause in writing or request a hearing to show cause why its license should not be suspended or revoked pursuant to section 44(d), Shipping Act, 1916;

Whereas, West Indies Freight Service, Inc. advised the Commission that it is unable within the time prescribed to secure an effective surety bond;

It is ordered, Pursuant to section 44(d), Shipping Act, 1916 (46 U.S.C. 1245), that the Independent Ocean Freight Forwarder License of West Indies Freight Service, Inc. be and is hereby suspended effective 12:01 a.m., December 22, 1965, until February 28, 1966, or such time as an effective surety bond is filed, whichever is sooner;

It is further ordered, That said license be revoked effective 12:01 a.m., March 1, 1966, unless an effective surety bond which meets the requirements of section 44(c), Shipping Act, 1916, and § 510.5(g)(3) of Federal Maritime Commission General Order 4 (46 CFR 510.5(g)(3)) is submitted before that date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on the licensee.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-13853; Filed, Dec. 28, 1965; 8:45 a.m.]

BUREAU OF THE BUDGET

COST OF HOSPITAL AND MEDICAL CARE AND TREATMENT FURNISHED BY U.S.

Certain Rates Regarding Recovery From Tortiously Liable Third Persons

By virtue of the authority vested in the President by section 2(a) of the Act of September 25, 1962 (Public Law 87-693; 76 Stat. 593) and delegated to the Director of the Bureau of the Budget by section 1 of Executive Order No. 11060 of November 7, 1962 (27 F.R. 10925), the following rates are established for use in connection with the recovery, as authorized by such Act, from tortiously liable third persons of the cost of hospital and medical care and treatment furnished by the United States (Part 43 of Chapter I of Title 28 of the Code of Federal Regulations), and have been determined to represent the reasonable value of hospital, nursing home, medical, surgical or dental care and treatment (including prostheses and medical appliances) furnished or to be furnished:

(a) For such care and treatment furnished by the United States in Federal hospitals and nursing homes, with the exception of Freedmen's Hospital, Washington, D.C., and Canal Zone Government hospitals—

	Effective Jan. 1, 1966, to June 30, 1966	Effective July 1, 1966, and thereafter
Hospital care per inpatient day		
Federal general and tuberculosis hospitals	$44.00	$45.00
Federal mental hospitals	16.00	16.50
Veterans Administration nursing home units	16.50	16.50
Outpatient medical and dental treatment		
Per facility visit	9.00	9.00

(b) For such care and treatment furnished at Government expense in a facility not operated by the United States, the rates shall be the amounts expended by the United States for such care and treatment;

(c) For such care and treatment at Freedmen's Hospital, Washington, D.C., the rates shall be those charged full-pay private patients by the hospital at the time the care and treatment is furnished by the United States; and

(d) For such care and treatment at Canal Zone Government Hospitals, the rates shall be those established, and in effect at the time the care and treatment is furnished, by the Canal Zone Government for such care and treatment furnished to beneficiaries of other U.S. Government agencies.

The rates prescribed herein supersede those established by the Director of the Bureau of the Budget on September 1, 1964 (29 F.R. 12482).

CHARLES L. SCHULTZE,
Director, Bureau of the Budget.

DECEMBER 20, 1965.

[F.R. Doc. 65-13878; Filed, Dec. 28, 1965; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16367; FCC 65-1122]

B&K BROADCASTING CO.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of B&K Broadcasting Co., Selinsgrove, Pa., Docket No. 16367, File No. BP-16,183; requests: 1240 kc, 250 w, U, Class IV; for construction permit.

1. The Commission has before it for consideration (a) the above application; (b) a petition to deny the application, filed August 17, 1965, by PAL Broadcasters, Inc., licensee of Station WBAX, Wilkes-Barre, Pa.; and (c) pleadings in opposition and reply thereto.

2. The B&K application was accepted for filing notwithstanding the fact that it involved prohibited overlap of contours with co-channel WBAX (0.025 and 0.5 mv/m. respectively) as defined by § 73.37 (a) of the Commission's rules. By Memorandum Opinion and Order adopted March 31, 1965 (FCC 65-263, released April 7, 1965, 4 RR 2d 861), the Commission, in order to permit acceptance of the application for filing, waived the provisions of §§ 73.24(b) and 73.37 of the rules. In taking this action, the Commission found that B&K had presented unique and compelling circumstances warranting a waiver; namely, that Selinsgrove was the largest community in Snyder County and that neither the town nor the county had a local AM station; that the nighttime operation would serve a 100 percent "white area;" that the area of prohibited overlap was already subject to prohibited overlap from an existing station; and that it did not appear feasible to assign an FM channel to the town.

3. In its petition to deny, PAL Broadcasters raises essentially the same arguments it used in opposing acceptance of the application for filing, asserting that the proposed overlap would result in a loss of listeners, since the area of overlap is not presently subject to interference; that, although Selinsgrove has no local AM facility, the needs of the town are adequately served by Station WKOK Sunbury, Pa., 7 miles away in adjacent Northumberland County;[1] that, since Selinsgrove lies within the 1 mv/m contour of two FM stations, its lack of primary AM nighttime service should be afforded little weight; and that FM channels 237A and 265A presently assigned to Shamokin and Milton, Pa., respectively, could be allocated to Selinsgrove under the provisions of the "25 mile rule"[2]. Finally, petitioner requests denial or designation of the application for hearing and the conditioning of any future

[1] This station places a primary signal over Selinsgrove only during daylight hours.
[2] Section 73.203(b).

grant so as to bar B&K from increasing power to 1 kilowatt.

4. In opposition, B&K contends that PAL Broadcasters lacks standing and that the petition is, in effect, an untimely petition for reconsideration of the Commission's action accepting the application, since it merely repeats the same contentions previously rejected. B&K denies that the overlap would create new interference; that Station WKOK adequately meets the needs of Selinsgrove; or that the significance of the fact that the proposal would serve a 100 percent "white area" is materially diminished by nighttime FM service from two distant stations. In addition, B&K argues that petitioner's contention with respect to the allocation of two unused FM channels to Selinsgrove is highly speculative because the rules require a 70 dbu signal over the town and no showing has been made as to the availability of a suitable transmitter site.

5. The question of PAL Broadcasters' standing to oppose the acceptance of B&K's application was met in the previous Memorandum Opinion and Order (supra, paragraph 2). There the Commission found that petitioner was entitled to standing as a "party aggrieved" by virtue of the fact that the Report and Order[1] revising the AM standards did not make an exception for overlap occurring in areas already subject to overlap from existing stations. Since petitioner was held to be a "party aggrieved" when B&K was a potential applicant, it is, a fortiori, entitled to standing now that the B&K application has been accepted for filing. Furthermore, the Commission disagrees with B&K's contention that the petition is essentially an untimely petition for reconsideration and therefore procedurally defective. While petitioner does repeat its original objections to the B&K application, it has every right to do so even though the 30-day period for the filing of a petition for reconsideration has expired. The purpose of the original objections was to prevent the acceptance of B&K's application for filing. Now that the application has been accepted, the same objections may once again be raised within the context of a pregrant petition seeking denial or designation of the application for hearing.

6. The most important single question here involves a determination as to what effect the proposed B&K 0.25 mv/m signal would have on the population within WBAX's 0.5 mv/m service area—there being no disagreement as to where the B&K contour would fall. Both parties have submitted conflicting exhibits by competent engineers; B&K contends that the overlap area is already subject to interference. On the other hand, petitioner claims that the WBAX service area is free from interference. After careful examination of both sets of engineering data, the Commission finds that petitioner has raised a substantial and material question of fact concerning the potential modification of its license and, for this reason, is entitled to a hearing.

7. We have previously determined that the prohibited overlap standards contained in §§ 73.24(b)(1) and 73.37 of the rules would be waived to permit acceptance of this application. Our action constituted a finding that the unusual circumstances of this case warranted a departure from generally applicable AM allocation policy. In the hearing to be held now, therefore, it will be necessary to make an ad hoc determination regarding interference to station WBAX. For this purpose, the most appropriate guidelines to employ are the interference standards contained in section 73.182(v) of the rules. We wish to stress, however, that this type of ad hoc interference determination is appropriate only in a case such as this one—i.e., a case in which general AM allocation standards have previously been waived, owing to a unique combination of factual circumstances.

8. At this time, it will not be necessary for the Commission to make findings with respect to the arguments regarding the feasibility of assigning an FM channel to Selinsgrove and the availability of other daytime AM service to the area. Instead, these points will be considered after evidence with respect thereto has been introduced under the areas and populations issue. Petitioner's attempt to foreclose the possibility of B&K subsequently increasing power to one kilowatt is likewise anticipatory. Thus, we will defer consideration of the matter until such time as an application for an increase in power is properly before the Commission.

9. Except as indicated by the issues specified below, the applicant is legally, technically, financially, and otherwise qualified to construct and operate as proposed. However, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operation and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation would cause objectionable interference to Station WBAX, Wilkes-Barre, Pa., and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

It is further ordered, That Pal Broadcasters, Inc., licensee of Station WBAX, is made a party to the proceeding.

It is further ordered, That the petition to deny by Pal Broadcasters, Inc., is granted to the extent indicated above and is denied in all other respects.

It is further ordered, That, in the event of a grant of the application, the construction permit shall contain the following condition:

Permittee shall accept such interference as may be imposed by other existing 250 watt Class IV stations in the event they are subsequently authorized to increase power to 1,000 watts.

Adopted: December 15, 1965.

Released: December 20, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-13846; Filed, Dec. 28, 1965; 8:45 a.m.]

[1] In re Amendment of Part 73 of the Commission's rules, FCC 64-609, released July 7, 1964, 2 RR 2d 1653.

[Docket No. 16367; FCC 65M-1632]

B&K BROADCASTING CO.

Order Scheduling Hearing

In re application of B&K Broadcasting Co., Selinsgrove, Pa., Docket No. 16367, File No. BP-16,183; for construction permit.

It is ordered, This 21st day of December 1965, that Walther W. Guenther shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on February 14, 1966, at 10 a.m.; and that a prehearing conference shall be held on January 20, 1966, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: December 21, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-13847; Filed, Dec. 28, 1965; 8:45 a.m.]

[Docket Nos. 16368, 16369; FCC 65M-1633]

CENTRAL BROADCASTING CORP. AND SECOND THURSDAY CORP.

Order Scheduling Hearing

In re applications of Central Broadcasting Corp., Madison, Tenn., Docket No. 16368, File No. BPH-3773; Second Thursday Corp., Nashville, Tenn., Docket No. 16369, File No. BPH-3778; for construction permits.

It is ordered, This 21st day of December 1965, that Forest L. McClenning shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on February 15, 1966, at 10 a.m.; and that a prehearing conference shall be held on January 31, 1966, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings

shall be held in the Offices of the Commission, Washington, D.C.

Released: December 21, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-13848; Filed, Dec. 28, 1965; 8:45 a.m.]

[Docket No. 14650; FCC 65M-1615]

DOMESTIC TELEGRAPH SERVICE

Order Regarding Procedural Dates

The Examiner having under consideration the hearing conference held on December 16, 1965, and the agreements reached therein;

It is ordered, This 16th day of December 1965, that the following provisions shall be applicable to the further proceedings herein:

(a) It is stipulated that A.T. & T. Exhibits 81 through 88 may be received in evidence at the further hearings provided herein, without the attendance at the hearing of the respective sponsoring witnesses.

(b) Any participant who desires the attendance of a sponsoring witness as to such A.T. & T. Exhibits 81 through 88 shall give notification thereof to all other participants and the Examiner, on or before January 4, 1966, together with a statement of the reasons therefor and the questions proposed to be asked of such witness. Commission counsel will notify all participants of the joint disposition of the Examiner and Commission counsel to endorse or to disallow such requests. Notification of the disposition of such requests shall be delivered orally, or in writing, to A.T. & T. and to any party filing such request, on or before January 7. Notification to all other participants may be provided by notification deposited in the mail on that date.

(c) The sponsors of A.T. & T. Exhibits 90 and 91 shall be present at the further hearings provided herein and shall be available for cross-examination in the manner heretofore provided in this proceeding.

(d) The further hearings herein shall be held at the Commission's offices in Washington, D.C., commencing on January 13, 1966, at 10 a.m.

(e) Absent a demonstration of compelling necessity for further proceedings herein, it is contemplated that the record in this case will be closed following the completion of the presentation of the evidence referred to above.

Released: December 17, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-13849; Filed, Dec. 28, 1965; 8:45 a.m.]

[Docket No. 16275; FCC 65M-1630]

VIRGIN ISLANDS TELEPHONE CORP.

Order Following Prehearing Conference

In re applications of Virgin Islands Telephone Corp., Docket No. 16275, File No. 5174-C2-P-64; for construction permit to establish new two-way land mobile communication services on St. Thomas, V.I. At a prehearing conference held on November 29, 1965, these actions were taken:

1. Without objection from any party a motion by the Government of the Virgin Islands to Intervene in the proceedings was granted.[1]

2. By agreement of all parties, these procedural steps are to be effected: on January 3, 1966, the applicants will exchange with other parties their direct engineering presentations in writing; on January 11, 1966, the applicants will similarly exchange their direct nonengineering, or lay, presentations; hearing scheduled for December 21, 1965, is continued to January 19, 1966.

3. It was agreed that the Common Carrier Bureau will review the engineering presentations submitted by the parties subsequent to their exchange, and prior to hearing, and make such comment on them as it deems appropriate; it was also agreed that in connection with the Bureau's comments the Bureau may engage in such ex parte communications with the other parties as it deems appropriate.

4. In the event the Bureau finds the direct engineering presentations of the applicants unobjectionable, additional issues are not added, or developments at hearing are not of such a nature as to present new or novel problems upon which the Bureau would wish to take a stand, it is not the intention of the Bureau to further participate in the proceedings.

To the extent that order of the Examiner is required to effectuate the agreements and understandings outlined above: *It is ordered*, This 20th day of December 1965.

Released: December 21, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-13850; Filed, Dec. 28, 1965; 8:45 a.m.]

[Docket No. 16318; FCC 65M-1634]

NEW SOUTH BROADCASTING CORP.

Order Continuing Prehearing Conference

In re application of New South Broadcasting Corp., Meridian, Miss., Docket No. 16318, File No. BPH-4818; for construction permit.

[1] A separate order covering this ruling was issued December 17, 1965.

Upon oral request of counsel for the Broadcast Bureau, and with the informal consent of counsel for the applicant thereto: *It is ordered*, This 21st day of December 1965, that the prehearing conference heretofore scheduled for December 28, 1965, is hereby rescheduled for January 5, 1966, at 9 a.m., in the offices of the Commission at Washington, D.C.

Released: December 21, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-13851; Filed, Dec. 28, 1965; 8:45 a.m.]

[Docket Nos. 16110-16115; FCC 65M-1640]

CIRCLE L, INC. ET AL.

Order Scheduling Prehearing Conference

In re applications of Circle L, Inc., Reno, Nev., Docket No. 16110, File No. BP-15413; Southwestern Broadcasting Co. (KORK), Las Vegas, Nev., Docket No. 16111, File No. BP-15441; The Benay Corp. (KTEE), Idaho Falls, Idaho, Docket No. 16112, File No. BP-16216; 780, Inc., Las Vegas, Nev., Docket No. 16113, File No. BP-16273; Meyer (Mike) Gold (KLUC), Las Vegas, Nev., Docket No. 16114, File No. BP-16401; Albert John Williams and Jack M. Reeder, doing business as Radio Nevada, Las Vegas, Nev., Docket No. 16115, File No. BP-16524; for construction permits.

Applicant 780, Inc. filed a request on December 20 to extend the procedural dates in this proceeding. Good cause has been demonstrated; the request can be accommodated. *Accordingly, it is ordered*, This 22d day of December 1965, that the dates for the exchange of engineering material, for the engineering conference, and for further prehearing conference are revised as follows: Preliminary engineering exchange—December 28, 1965; conference of engineers—January 28, 1966; further prehearing conference—February 4, 1966.

Released: December 22, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-13852; Filed, Dec. 28, 1965; 8:45 a.m.]

[Docket No. 16258; FCC 65-1143]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Memorandum Opinion and Order

In the matter of American Telephone & Telegraph Co. and the Associated Bell System Co., Docket No. 16258; charges for interstate and foreign communication service.

1. The Commission has under consideration the procedures to be followed in this investigation in order to determine

the issues specified in our Memorandum Opinion and Order of October 27, 1965, in the most expeditious and orderly fashion. The proceeding is one involving several complex and very important questions. It is desirable for the Commission and the parties to focus sharply upon these questions. It is important, from the standpoint of the Commission processes and the interests of the parties, to resolve the questions as quickly as practicable. Finally, it would serve the public interest to effect any rate adjustments as may be necessary as promptly as possible, even if on an interim basis. For all these reasons, we have decided that the investigation shall proceed in two stages, described hereafter. We believe that the questions fairly lend themselves to such two-stage treatment and that the division will make our consideration of these complex matters more expeditious and efficient. Furthermore, in view of the importance of this proceeding, we are, as hereinafter ordered, designating the members of the Telephone Committee to serve as a panel of commissioners who will preside at the hearings. The panel will, of course, initiate such requests and entertain such motions as are appropriate to expedite the proceeding.

2. Phase 1: In Phase 1, we shall consider the substantial questions raised by the seven-way cost study, which we found to warrant "a thorough examination by the Commission of the interstate rate structure of the Bell System to determine the lawfulness of the rate levels and rate relationships within that structure." (October 27 Order, par. 1; Issues Nos. 3, 4, and 5.)[1] These questions are of fundamental importance, clearly call for the sharp focus referred to in the above paragraph, and should be resolved as promptly as possible.

3. Accordingly, in Phase 1 of this proceeding, the Commission will consider respondents' total revenue requirements applicable to their interstate and foreign communication services, and the relevant rate-making principles and factors that shall control in the distribution of such revenue requirements among respondents' principal rate classifications. It is desirable that such structural adjustments as may be necessary be achieved on an interim basis within the framework of as sound and reasonable a base of total revenue requirements as it is possible to determine pending resolution of all of the issues raised by this proceeding. Therefore, respondents shall present for examination their total interstate and foreign operating results based on the most recent 12 months for which data are available, adjusted for all known factors affecting revenues, investment, reserves, expenses and taxes which have occurred during that period, and which may be reasonably anticipated to occur in the foreseeable future. Respondents shall also make an appropriate showing, with full justification, as to the rate of return they require with respect to their total interstate and foreign operations. In connection with respondents' presentations as to the appropriate rate-making principles and factors which should govern the proper relationships among the rate levels for each of their principal services, respondents shall take into consideration the wide variations in level of earnings revealed by the aforementioned seven-way cost study. Respondents shall indicate the specific rate adjustments, if any, which they consider should be made on an interim basis in the light of such study results and the rate-making principles and factors advocated by them.

4. After opportunity for cross-examination and presentation of evidence by the parties and the Commission's staff, pertinent to the foregoing matters, the Commission will consider what interim actions, if any, may be warranted in light of the record as it then stands; i.e., accepting for this purpose respondents' claimed net investment and expenses as derived from their books without adjustment, and, if the circumstances require, issuing such orders as it finds appropriate.

5. Phase 2: Upon completion of Phase 1, further proceedings will be held upon the issues in the October 27 Order, to deal with all other matters relating to a just and reasonable level of earnings for respondents' interstate operations and major classes thereof (e.g., see paragraphs 4 (b), (c), and (d) of Memorandum Opinion and Order denying reconsideration, FCC 65-1144). It is anticipated that the investigation in this second Phase can progress following the closing of the record on Phase 1 and pending a decision on that Phase.

6. We believe that the two-phase procedure will serve to expedite an overall final determination. It will permit the Commission to resolve these fundamental questions more efficiently, as well as permit interim action where the need for such action has been established. In our judgment, therefore, the procedure will "best conduce to the proper dispatch of the Commission's business and to the ends of justice." (Section 4(j) of the Communications Act.)

7. As noted above, we are designating the members of the Telephone Committee as a panel of Commissioners to preside over this proceeding with the assistance of an Examiner to be named who will sit with them and preside in their absence. As hereinafter provided, this panel will issue the recommended decision or decisions in this proceeding. Thus, such recommended decision will reflect the views of three members of the Commission. We believe that in this way the policy issues and considerations will be sharpened and that this procedure will aid the parties in making their arguments to the Commission at the time of final decision.[1]

8. Since these procedures are the subject of dissent with respect to the matter of separation of functions, we shall set out briefly our views concerning the pertinent legal and policy considerations. The separation of functions procedures which we follow here are not novel. They are long established, having been consistently employed by the Commission since the inception of its rate-making functions. They have been used in several recent important Commission rate-making proceedings. See e.g., Private Line case, 34 FCC 217; WADS case, 35 FCC 149. Most important, the lawfulness of the procedures is also well established. The applicable statutory provisions, their legislative history and a recent judicial decision are directly in point.

9. Section 5(c) of the Administrative Procedure Act (APA) sets forth the separation of functions requirement applicable generally to adjudicatory hearings. But the section, by its terms, is

[1] These issues are also involved in Phase 2. Our two-step procedure is designed to specify the questions and evidence to be considered in each Phase (see paragraphs 2 and 3 above) and to permit an interim resolution of the pertinent issues in the light of the evidence adduced. We stress therefore that that resolution may well be of an interim nature, calling for further refinement or revision on these issues in the light of the evidence adduced in Phase 2.

[1] The legislative history conclusively establishes the stated intent of Congress not to make the separation of functions requirement applicable to rule-making (including rule-making to prescribe rates):

(i) "[Rule-making], of course, is not subject to any provision of section 5" (Senate Committee Report, S. Doc. No. 248, 79th Cong., 2d Sess., pp. 204–5).

(ii) "Section 5(c) • • • has no application whatever to rule-making, as defined in section 2(c)" (Attorney General's Interpretation, id. at p. 227).

(iii) "Various agencies objected to any provision for the separation of functions in rule-making, a suggestion which the present bill expressly carries even further because section 5 which contains the segregation provision does not apply to rule-making • • •" (House Committee Report, id. at p. 248).

(iv) "[Subsection 5(c)] does not apply in cases concerning the validity or application of rates, facilities, or practices of public utilities or carriers because these types of cases are customarily consolidated with rule-making proceedings where the separation of functions is not required so that, unless excepted from this provision, either rule-making would be restricted beyond the intent of the bill or consolidated proceedings would be impossible • • •" (House proceedings, id. at p. 361).

(v) "Rule-making, of course, is not subject to section (5)" (Attorney General's Manual on the Administrative Procedure Act (1947), p. 50).

The quotation from the House Judiciary Committee Report, relied upon by the dissent (pp. 4–5), contains a similar statement ("[Rule-making], of course, is not subject to any provision of section 5"—id. at pp. 262–63). The "either kind of case," referred to in the quotation, which in some instances "tend to be accusatory in form and involve sharply controverted factual issues," are adjudicatory cases involving initial licenses or the reasonableness of rates in the past. In any event, the rate-making proceeding here instituted is not "accusatory in form. • • •" It is a broad rate-making investigation for the future, designed simply to ascertain the facts and make policy judgments based upon those facts. If this proceeding does not come within "the intent of the bill" to exempt rule-making from 5(c) (id. at p. 361), the exemption would be largely meaningless in the rate-making field.

not applicable to rule-making (including rule-making to prescribe rates). The legislative history is also explicit in this regard. Administrative Procedure Act—Legislative History, S. Doc. No. 248, 79th Cong., 2d Sess. 229 (1947).[1] And, the Act in section 2(c) establishes that the term "rule" includes "the approval or prescription for the future of rates • • •" The Attorney General's Manual recognizes that "the entire Act is based upon dichotomy between rule-making and adjudication," and sets forth in detail the reasons which led Congress to establish this dichotomy.[2] Congress clearly showed its intent to exclude ratemaking for the future from the separation of functions requirement by specifying that even adjudicatory proceedings involving the validity of past rates are similarly exempt, because they are so often combined with the future rate-making proceeding. Section (5)(c), S. Doc. No. 248, at p. 361.

10. In 1952, the Congress considered the separation of functions question and decision-making procedures in the specific context of Commission practice. It specified that all cases of adjudication, including initial licensing and cases involving past rates, should be subject to separation of function requirements, and that generally the initial decision in all such cases should be prepared by the presiding officers.[3] But at the same time Congress considered and expressly rejected the concept that separation of function procedures must be utilized by the Commission in rate-making proceedings.[4]

11. In 1961, the Congress for a third time considered the separation of functions question, when it again amended the separation of functions provisions contained in section 409 of the Communications Act.[5] On this further reappraisal Congress did not extend the separation of function provisions to ratemaking.

12. Congress has thus on several occasions considered this precise question. It has acted with full knowlege of the Commission's rate-making procedures. Its determination has been not to extend the separation of functions requirement to Commission rate-making proceedings.

13. The judicial precedent reflects the above and also establishes the constitutionality of such procedures. The most recent decision, and the one which directly involved Commission rate-making procedures, is Wilson & Co. v. U.S., 335 F. 2d 788 (C.A. 7). The question of the Common Carrier Bureau's role in rate-making proceedings, and the meaning of the second Morgan case were raised and extensively argued both in the Court of Appeals and on petition for certiorari to the Supreme Court. The Court of Appeals, after considering the arguments and the provisions of the APA (particularly section 2(c) specifying that rate-making is rule-making), stated (335 F. 2d at 796):

> We hold that it was proper for members of the Common Carrier Bureau who were counsel of record in the hearing before the Commission to participate in the decisional process that led to the orders under review; and that the conduct did not violate section 3(a) of the Administrative Procedure Act, 5 U.S.C. 1002(a), sections 409(c) and 205(a) of the Communications Act of 1934, 47 U.S.C. 409(c), 205(a), the Commission's own rules, as well as constitutional due process.

Wilson sought certiorari on this specific point; the Commission opposed certiorari, and the petition was denied. 380 U.S. 950, 951 (1965).[6]

14. There remains the question of whether the procedures which we have been following in rate-making cases, and which we propose to follow in this proceeding, are sound as a matter of policy. Initially, we point out that the above-described Congressional actions—particularly that of 1952—are in point with respect to this policy question, since they reflect Congressional recognition of the soundness of the policies underlying the Commission's long established separation of functions procedure in the rate-making field. After review of these procedures, as well as of the various alternatives which have been suggested, we are convinced that these procedures are best calculated to serve the public interest—for the very reasons that led Congress to establish and maintain the dichotomy between rate-making and adjudication.

15. The nature of the ratemaking process is of primary importance. That process is inherently legislative rather than judicial.[7] It requires, particularly in a proceeding such as the present one, a detailed, continuing and current knowledge of all facets of the industry in order to resolve a myriad of complex and highly technical issues. The Commission, therefore, expects its Common Carrier Bureau to provide such expert assistance, as it may require, both in the many ratemaking problems handled informally and in those matters which the Commission determines to require resolution in a formal investigation. In the latter event the function of the Common Carrier Bureau is not to be an advocate of a preconceived position or to take a conventional adversary position. Rather it is to insure the development of a full and complete record which presents the facts and other ratemaking considerations relevant to a fair and meaningful legislative determination by the Commission of the complex issues involved.

16. As stated, expert advice and assistance will be particularly vital to the Commission in the preparation of its decisions in this complex legislative proceeding. Further, to deprive the Commission of access to its expert staff would, we believe, jeopardize the important public interest goal of concluding this proceeding within an appropriate time period.

17. The recent recommendation of the administrative conference recognizes the importance of not separating the agency members from their expert staff. The conference report rejected such an approach as

> • • • unrealistic and [resulting] in uninformed decisions. Instead of providing protection to the various interests involved, it magnifies the danger that extraneous considerations will govern the decision if the agency heads are not free to fully inform themselves of the facts and issues. (Pages 109–110, Selected Reports of the Administrative Conference of the United States, 88th Congress, 1st Session, Senate Document No. 24.)

The committee concluded that "a balance must be struck," and sought to achieve that balance by the recommendation that "consultation with the lawyers and technical personnel who worked on the case should be limited," with the agency heads particularly free "to consult with the bureau chiefs • • • and their top assistant • • •." (Id. at p. 110). See recommendation 19 of the administrative conference. We have considered the compromise suggestion but find that, in any event, it would be impractical in the circumstances (i.e., the Commission's relatively limited staff of common carrier experts who will be called upon to participate substantially in a proceeding of this magnitude and importance). In view of the foregoing discussion, we believe strongly that any balance of the policy considerations involved should be resolved in this proceeding in favor of continuing the Commission's established procedures, formulated in line with both the provisions of the APA and the Communications Act and their legislative history.

18. We conclude, therefore, that, in view of the legislative nature of these proceedings and the nonadversary role of the bureau, the procedures we propose to follow are legally sound and are best calculated to serve the public interest by assisting us to carry out our rate-making functions efficiently, expeditiously, and fairly.

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[2] Attorney General's Manual on the Administrative Procedure Act, Aug. 27, 1947, at pp. 14–15.

[3] Section 16, Public Law 554, 82d Cong., 2d Sess., July 16, 1952, amending section 409 of the Communications Act.

[4] S. Rept. No. 44, 82d Cong., 1st Sess., January 1951; Hearings Before the House Committee on Interstate and Foreign Commerce, 82d Cong., 1st Sess., on S. 658, at p. 66 (1951); H.R. Rept. No. 1750, 82d Cong., 2d Sess., Apr. 8, 1952, at pp. 18–20.

[5] Public Law 87–192, 87th Cong., 1st Sess., August 31, 1961.

[6] Sangamon Valley Television Corp. v. U.S., 269 F. 2d 221, is not applicable to the present situation. That case concerned exparte presentations by interested parties in a rule-making proceeding involving "resolution of conflicting private claims to a valuable privilege." The *Sangamon* decision did not hold or imply that the Commission could not consult with its staff in such rule-making proceedings.

[7] The object of the (ratemaking) proceeding is the implementation or prescription of law or policy for the future, rather than the evaluation of respondent's past conduct. Typically the issues relate not to the evidentiary facts, as to which the veracity and demeanor of witnesses would often be important, but rather to the policymaking conclusions to be drawn from the facts • • •" Attorney General's Manual on the Administrative Procedure Act, August 27, 1947, at p. 14.

ORDER

It is ordered, That the telephone committee is, pursuant to sections 4(j) and 5(d)(1) of the Communications Act of 1934, as amended, and sections 7(a) and 8(a) of the Administrative Procedure Act, designated as a panel of Commissioners to preside at the hearing with the assistance of an Examiner to be named who shall sit with them and preside in their absence, and our memorandum opinion and order of October 27, 1965, herein is modified accordingly;

It is further ordered, That upon completion of the receipt of evidence relating to phase 1, consideration will be given to what action, if any, may be taken by the Commission to effect interim rate adjustments as may be warranted on the basis of the record thus far made, and such further order or orders will issue as may be appropriate to this end;

It is further ordered, That upon completion of the record with respect to phase 1, the proceeding as to phase 2 shall proceed pursuant to such further order or orders of the panel governing procedures as then appear appropriate;

It is further ordered, That upon completion of the receipt of the evidence relating to phase 2, the panel of Commissioners shall, after consideration of proposed findings and conclusions with supporting reasons as provided by 47 CFR 1.263 and 1.264, prepare and issue a recommended decision which shall be subject to the submittal of exceptions and requests for oral argument as provided by 47 CFR 1.276 and 1.277 after which the Commission shall issue its decision as provided by 47 CFR 1.282; and

It is further ordered, That respondents, on or before April 4, 1966, shall submit to the panel of Commissioners and shall serve upon all parties herein, in writing, all testimony and exhibits of respondents specifically and completely responsive to the questions and matters relating to phase 1 of the proceeding as described above.

Adopted: December 22, 1965.

Released: December 23, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[8]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65–13885; Filed, Dec. 28, 1965; 8:48 a.m.]

[FCC 65–1164]

STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

DECEMBER 23, 1965.

Notice is hereby given that the application listed below is accepted for filing and that on February 9, 1966, the application will be considered as ready and available for processing.

WCHS, Charleston, W. Va.
WCHS–AM–TV Corp.
Has: 580 kc, 5 kw, DA–N, U.
Req: Major change in antenna pattern at new site.

Pursuant to §§ 1.227(b)(1) and 1.591(b) of the Commission's rules, an application, in order to be considered with this application, or with any other application on file by the close of business on February 8, 1966, which involves a conflict necessitating a hearing with this application, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on February 8, 1966, or (b) the earlier effective cutoff date which this application or any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The attention of any party in interest desiring to file pleadings concerning the above-listed application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for the provisions governing the time of filing and other requirements related to such pleadings.

Adopted: December 22, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65–13886; Filed, Dec. 28, 1965; 8:48 a.m.]

[Docket Nos. 14321–14328; FCC 76–1161]

BLACK HILLS VIDEO CORP.

Order Extending Stay of Effective Date

In re applications of Black Hills Video Corp., Docket No. 14321, File No. 223–C1–R–61; for renewal of the license for Station KAR42, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Fredericktown, Mo.; Docket No. 14322, File No. 361–C1–ML–61; for modification of license to cover a construction permit for additional facilities for Station KAR42 in the Domestic Public Point-to-Point Microwave Radio Service at Fredericktown, Mo.; Docket No. 14323, File No. 338–C1–R–61; for renewal of the license for Station KKU98, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Davy, Tex.; Docket No. 14324, File No. 752–C1–R–61; for renewal of the license for Station KAP22, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Weld County, Colo.; Docket No. 14325, File No. 753–C1–R–61; for renewal of the license for Station KAP23, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Mitchell, Nebr.; Docket No. 14326, File No. 754–C1–R–61; for renewal of the license for Station KAP25, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Crawford, Nebr.; Docket No. 14327, File No. 755–C1–R–61; for renewal of the license for Station KOY47, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Albin, Wyo.; Docket No. 14328, File No. 756–C1–R–61; for renewal of the license for Station KAQ88, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Custer, S. Dak.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 22d day of December 1965;

The Commission having under consideration its: (1) Memorandum Opinion and Order, FCC 65–986, released October 29, 1965, (2) a request filed December 22, 1965, by Black Hills Video Corp. for a further stay of the effective date of our orders herein, together with the engineering report attached thereto, and (3) the opposition of Turner-Farrar Association, licensee of Station KPOB–TV, Poplar Bluff, Mo.;

It appearing, that by our Memorandum Opinion and Order, FCC 65–986, released October 29, 1965, we stayed to January 1, 1966, the effectiveness of the carriage provisions with respect to the CATV system at Rapid City, S. Dak., imposed upon the grants of the applications of Black Hills Video Corp. for renewal of licenses and for modification of license in order to afford the applicant an opportunity to submit an engineering report concerning the feasibility of using channel 4 at Rapid City; and that said stay was granted on condition that the aforementioned CATV system provide local television stations with simultaneous nonduplication protection, such nonduplication protection to commence not later than 12:01 a.m., November 15, 1965;

It further appearing, that the aforesaid November 15, 1965, effective date was extended by our Memorandum Opinion and Order, FCC 65–1006, released November 12, 1965, for a period ending 3 days after entry by the Court of Appeals for the District of Columbia Circuit of an order denying the applicant's then pending motion for a stay of the Commission's orders pending completion of judicial review;

It further appearing, that on December 17, 1965, the Court denied the applicant's motion for stay;

It further appearing, that the engineering report required by our Memorandum Opinion and Order released October 29, 1965, has now been submitted;

It further appearing, that the local television stations and other interested parties should be afforded an opportunity to comment on the said engineering report and to furnish additional information;

It further appearing, that the effectiveness of the carriage provisions with respect to the CATV system at Rapid City should be stayed for an additional period in order to afford the Commission an op-

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[8] Commissioner Cox concurring and issuing a statement; Commissioner Loevinger dissenting and issuing a statement. Both filed as part of original document.

[1] Commissioner Wadsworth absent.

portunity to study the engineering report submitted by Black Hills and any comments which may be submitted by other interested parties;

It is ordered, That the stay of the effective date of the carriage provisions with respect to the CATV system at Rapid City, S. Dak., authorized by our Memorandum Opinion and Order, FCC 65–986, released October 29, 1965, is extended to 12:01 a.m., January 15, 1966, subject to all of the conditions for simultaneous nonduplication protection for the local television stations specified therein;

It is further ordered, That the period within which the local television stations or other interested parties may submit further information concerning the feasibility of using cable Channel 4 at Rapid City is extended to December 30, 1965; and

It is further ordered, That the request of Black Hills Video Corp. for a stay of the effectiveness of the Commission's orders in all other respects is denied.[1]

Released: December 23, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65–13887; Filed, Dec. 28, 1965; 8:48 a.m.]

[Docket Nos. 16060, 16061; FCC 65M–1643]

CLAY COUNTY BROADCASTING CO. AND WILDERNESS ROAD BROADCASTING CO.

Order Scheduling Conference

In re applications of John E. White, Calvin C. Smith, Jack C. Hall, and Cloyd Smith, doing business as Clay County Broadcasting Co., Manchester, Ky., Docket No. 16060, File No. BPH–4596; The Wilderness Road Broadcasting Co., Manchester, Ky., Docket No. 16061, File No. BPH–4655; for construction permits.

This case was heard on October 1, 1965, and November 8, 1965. The record closed on the latter date. On November 26, 1965, the Commission's review board by Memorandum Opinion and Order (FCC 65R–419) added the following issues to the proceeding:

"To determine whether John E. White or any other partner in Clay County Broadcasting Co., at any time after public notice was given of the filing of a conflicting application, solicited Gov. Edward T. Breathitt, of Kentucky, or Father Walter O'Donnell to make an ex parte presentation to the Commission in behalf of their application.

"To determine, in light of evidence adduced pursuant to the foregoing issue, whether Clay County Broadcasting Co. possesses the requisite character qualifications to be a licensee of the Commission."

Accordingly, it is ordered, This 22d day of December 1965, that the record in this proceeding is reopened and that a conference will be held in the offices of the Commission at 10 a.m., January 4, 1966, to discuss trial of the added issues.

Released: December 22, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65–13888; Filed Dec. 28, 1965; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7–2497]

BROWN & SHARPE MANUFACTURING CO.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

DECEMBER 22, 1965.

In the matter of application of the Boston Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges: Brown & Sharpe Manufacturing Co., File 7–2497.

Upon receipt of the request, on or before January 6, 1966, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65–13859; Filed, Dec. 28, 1965; 8:46 a.m.]

[File No. 1–3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

DECEMBER 22, 1965.

The common stock, 10 cents par value, of Continental Vending Machine Corp., being listed and registered on the American Stock Exchange and having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange, and the 6 percent convertible subordinated debentures due September 1, 1976, being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 23, 1965, through January 1, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65–13860; Filed, Dec. 28, 1965; 8:46 a.m.]

TARIFF COMMISSION

[332–47]

CERTAIN PRODUCTS SUBJECT TO DUTY

Notice of Investigation of Provisions of Tariff Schedules on American Selling Price Basis of Valuation

Notice is hereby given that the U.S. Tariff Commission, on the basis of a request made by the Special Representative for Trade Negotiations at the direction of the President, has instituted, pursuant to section 332 of the Tariff Act of 1930 (19 U.S.C. 1332), an investigation with respect to the following products which for duty purposes are subject to the American selling price basis of valuation:

1. Canned clams: Schedule 1, part 3E, headnote 1; item 114.05.
2. Chemical products: Schedule 4, part 1, headnotes 4 and 5; all items in subparts B and C.
3. Footwear: Schedule 7, part 1A, headnote 3(b); item 700.60.
4. Knit gloves: Schedule 7, part 1C, headnote 4, item 704.55.

This investigation is being made for the purpose of determining those rates of duty for the aforementioned products which, in the absence of headnote provisions cited above, would in the judgment of the Commission have provided an amount of collected duty on imports of such products during a recent period substantially equivalent to that amount provided under such headnote provisions (or predecessor provisions) in such period. The Commission is asked to determine these rates of duty in accordance with sound standards of tariff nomenclature and to indicate its assessment of the degree of equivalency of protection achieved.

No hearing is being ordered at this time. However, the Commission expects to publish in due course a list of converted rates of duty for the aforementioned products, and to order a public hearing in connection therewith.

The Commission urges all interested parties to submit, in writing, at the earliest practicable date but no later than January 24, 1966, written suggestions and views with respect to the subject matter of the investigation, to assist the Commission in the formulation of the tentative list of converted rates.

The letter received by the Commission from the Special Representative for Trade Negotiations requesting this investigation is published herewith.

Issued: December 23, 1965.

By direction of the Commission.

[SEAL] DONN N. BENT,
Secretary.

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS
EXECUTIVE OFFICE OF THE PRESIDENT

Washington, D.C.
December 22, 1965

DEAR MR. BENT: The American selling price basis of valuation, which affects the tariff treatment of certain chemical products and several other products, has been subject to growing criticism, particularly with regard to its alleged additional protective effect.

The involved products and provisions of the Tariff Schedules of the United States are as follows:

1. Canned clams: Schedule 1, part 3E, headnote 1; item 114.05.
2. Chemical products: Schedule 4, part 1, headnotes 4 and 5; all items in subparts B and C.
3. Footwear: Schedule 7, part 1A, headnote 3(b); item 700.60.
4. Knit gloves: Schedule 7, part 1C, headnote 4; item 704.55.

In order to provide a sound basis for United States policy in this field, I am requesting, at the direction of the President, that the Tariff Commission undertake an investigation, through a public hearing and other appropriate means, to determine those rates of duty for the products mentioned above which, in the absence of the headnote provisions, would in its judgment have provided an amount of collected duty on imports of such products during a recent period substantially equivalent to that amount provided under such headnote provisions (or predecessor provisions) in such period. The Tariff Commission should determine these rates of duty in accordance with sound standards of tariff nomenclature, indicating its assessment of the degree of equivalency of protection achieved.

I would appreciate receiving the report of the Tariff Commission's investigation with respect to the chemical and other products concerned as soon as practicable.

I am also requesting the Bureau of Customs to give the Tariff Commission all possible assistance in carrying out this investigation.

Most sincerely yours,

CHRISTIAN A. HERTER,
Special Representative.

MR. DONN N. BENT,
Secretary,
U.S. Tariff Commission,
Washington, D.C., 20436.

[F.R. Doc. 65–13867; Filed, Dec. 28, 1965; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 861]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

DECEMBER 23, 1965.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of § 1.247(d)(4) of the special rule. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

[1] Copies of Special Rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

No. MC 151 (Sub-No. 31), filed December 10, 1965. Applicant: LOVELACE TRUCK SERVICE, INC., 425 North Second Street, Terre Haute, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment or handling, and those injurious or contaminating to other lading), between Paris, Ill., and junction Illinois Highway 133 and U.S. Highway 36, over Illinois Highway 133, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's regular-route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill.

No. MC 906 (Sub-No. 52), filed December 9, 1965. Applicant: CONSOLIDATED FORWARDING CO., INC., 1300 North 10th Street, St. Louis, Mo., 63106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in sections A and C, appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Schuyler, Nebr., to points in Alabama, Arkansas, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to traffic originating at the plantsite of Spencer Packing Co. at Schuyler, Nebr. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 1641 (Sub-No. 67), filed December 13, 1965. Applicant: PEAKE TRANSPORT SERVICE, INC., Box 366, Chester, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry fertilizer*, from the plantsite of Consumer Cooperative Association at, or near Council Bluffs, Iowa, and (2) *fungicides, insecticides and herbicides*, from Council Bluffs, Iowa, to points in Iowa, Kansas, Minnesota, Missouri, North Dakota, and South Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 1872 (Sub-No. 61), filed December 8, 1965. Applicant: ASHWORTH TRANSFER, INC., 1526 South Sixth West Street, Salt Lake City, Utah, 84104. Applicant's representative: Keith E. Taylor, Kearns Building, Salt Lake City, Utah, 84104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) Such *commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, and in connection therewith, *materials and supplies* not of unusual weight, bulk, or length, used or to be used in con-

[1] Accordingly, full compliance with the carriage and nonduplication conditions heretofore imposed upon the grants of the applications of Black Hills Video Corp. for renewal of licenses and for modification of license with respect to the CATV systems at Ellsworth Air Force Base, S. Dak., and Poplar Bluff, Mo., is required.

[2] Commissioners Bartley and Cox not participating.

struction, road building, mining, telephone, or demolition projects, in truckloads of not less than 4,000 pounds, between points in Montana, Nevada, Utah, and Wyoming, points in Arizona north and west of the Colorado River, points in Colorado on and west of U.S. Highway 85, and points in that part of Idaho south of, but not including, Idaho County, Idaho.

(2) *Commodities* which do not require the use of special equipment or handling, other than such "materials and supplies" set forth in paragraph 1 hereof, when moving in the same shipment or in the same vehicle with commodities which, because of size or weight, require the use of special equipment, and *rejected shipments*, on return. NOTE: Applicant states that it presently holds the authority in (1) above and is not requesting any extension of territory. Applicant states that it is seeking only an extension of authority in (2) above. (B) (1) Such *commodities* as require special handling or special equipment by reason of weight or size, in truckloads, between points in Utah, Nevada, Idaho, Montana, Wyoming, Colorado, and Arizona. Such service authorized above is subject to the following restrictions: (a) Service is not authorized between points served by railroad, where both origin and destination are located on a railroad line; (b) service is not authorized to or from points in Nye, Esmeralda, and Mineral Counties, Nev.; (c) service is not authorized to or from rail heads in Nevada where origin or destination is a point in Nevada; and (d) service is not authorized between points in Nevada, on the one hand, and, on the other, points in Arizona and Idaho. (2) *Commodities* which do not require the use of special equipment when moving in the same shipment or in the same vehicle with commodities which because of size or weight require the use of special equipment, and *rejected shipments*, on return. NOTE: Applicant states that it presently holds the authority in (1) above and is not requesting any extension of territory. Applicant states that it is seeking only an extension of authority in (2) above.

(C) (1) Such *commodities* as require special handling or special equipment by reason of weight or size, *explosives, lumber, building materials, and mining equipment and supplies*, between Salt Lake City, Utah, and points in Utah within 50 miles of Salt Lake City, Utah, on the one hand, and, on the other, points in Teton, Lincoln, Sublette, and Uinta Counties, Wyo., points in Nevada, and points in Idaho, except points north of the Salmon River. (2) *Commodities* which do not require special handling or the use of special equipment when moving in the same shipment or in the same vehicle with commodities which because of size or weight require special handling or the use of special equipment, and *rejected shipments*, on return. NOTE: Applicant states that it presently holds the auhtority in (1) above and is not requesting any extension of territory. Applicant states that it is seeking only an extension of authority in (2) above. (D) (1) *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, and *materials, supplies, and equipment*, used in telephone and power pole lines, between points in Utah, on the one hand, and, on the other, points in New Mexico. (2) *Commodities* which do not require the use of special equipment when moving in the same shipment or in the same vehicle with commodities which because of size or weight require the use of special equipment, and *rejected shipments*, on return. NOTE: Applicant states that it presently holds the authority in (1) above and is not requesting any extension of territory. Applicant states that it is seeking only an extension of authority in (2) above. Applicant states that the purpose of this application is to permit the applicant to give a complete service to its customers. Applicant states that its present size and weight authorities have no restrictions against tacking and it intends to continue to tack its various authorities if granted. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 2900 (Sub-No. 129), filed December 2, 1965. Applicant: RYDER TRUCK LINES, INC., Post Office Box 8418, Greensboro, N.C. Applicant's representative: Francis W. McInery, 1000 16th Street NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Norfolk, Va., and points within fifteen (15) miles thereof, to points in Connecticut and Rhode Island. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 3379 (Sub-No. 49), filed December 7, 1965. Applicant: SNYDER BROS. MOTOR FREIGHT, INC., 363 Stanton Avenue, Akron, Ohio. Applicant's representative: John C. Bradley, 1111 E Street NW., Washington, D.C., 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), between Cleveland, Ohio and Breezewood, Pa., from Cleveland over U.S. Highway 21 to Brecksville, Ohio, thence over Ohio Highway 82 to junction Ohio Highway 14, thence over Ohio Highway 14 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 80S, thence over Interstate Highway 80S to junction Interstate Highway 76, thence over Interstate Highway 76 to Breezewood, and return over the same route, serving Cleveland without restriction and serving Breezewood for purposes of joinder only with carrier's authorized regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Cleveland, Ohio.

No. MC 21170 (Sub-No. 124) (Amendment), filed October 29, 1965, published in FEDERAL REGISTER issue of November 11, 1965, amended December 15, 1965, and republished as amended this issue. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Milton, Pa., to points in Illinois, Indiana, Iowa, Kansas, Missouri, Minnesota, Nebraska, and Wisconsin. NOTE: The purpose of this republication is by adding the destination State of Indiana. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 21170 (Sub-No. 134), filed December 9, 1965. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Blue Earth, Glencoe, LeSueur, and Montgomery, Minn., to points in Nebraska. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn., or Omaha, Nebr.

No. MC 21170 (Sub-No. 135), filed December 9, 1965. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Detroit, Mich., to points in Illinois, Indiana, and Ohio. NOTE: If a hearing is deemed necessary, applicant does not specify a particular location.

No. MC 21170 (Sub-No. 136), filed December 9, 1965. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products*, in vehicles equipped with mechanical refrigeration, from New York, N.Y., and points in New York, N.Y., commercial zone and Union County, N.J., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant does not specify location.

No. MC 21179 (Sub-No. 137), filed December 9, 1965. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Robbinsville, N.J., to points in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 21170 (Sub-No. 138), filed December 10, 1965. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Salina, Kans., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, Colorado, California, Washington, Oregon, Arizona, Idaho, Utah, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 21170 (Sub-No. 139), filed December 10, 1965. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Saunders County, Nebr., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, Colorado, California, Washington, Oregon, Arizona, Idaho, Utah, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 21170 (Sub-No. 140), filed December 13, 1965. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery, and confectionery products*, from Duryea, Pa., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant does not specify a particular location.

No. MC 21170 (Sub-No. 141), filed December 13, 1965. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Adams County, Nebr., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, Colorado, California, Washington, Oregon, Arizona, Idaho, Utah, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 21170 (Sub-No. 142), filed December 13, 1965. Applicant: BOS LINFS, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and warehouse of Pet Milk Co. at or near Allentown and Chambersburg, Pa., to points in Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin, and St. Louis, Mo. NOTE: If a hearing is deemed necessary, applicant does not specify a particular location.

No. MC 22195 (Sub-No. 116), filed December 8, 1965. Applicant: DAN DUGAN TRANSPORT COMPANY, a corporation, 41st and Grange Avenue, Post Office Box 946, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from the ports of entry on the international boundary line between the United States and Canada located in North Dakota and Minnestota, to points in North Dakota and Minnesota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 30844 (Sub-No. 204), filed December 8, 1965. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 5000, Waterloo, Iowa. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Sterling, Colo., and points within five (5) miles thereof, to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New Yor'., Ohio, Oklahoma, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 36832 (Sub-No. 17), filed December 9, 1965. Applicant: AMERICAN TRANSIT LINES, INCORPORATED, 221 North La Salle Street, Chicago, Ill. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill., 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, between points in Pennsylvania, Ohio, West Virginia, Indiana, Illinois, Wisconsin, and Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 44494 (Sub-No. 2), filed December 9, 1965. Applicant: COMMANDER HORSE TRANSPORT CO., INC., Warrenton Lanes Building, Warrenton, Va., 22186. Applicant's representative: Clarence D. Todd, 1825 Jefferson Place NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses and ponies*, other than ordinary, and, in connection therewith, *personal effects of attendants, supplies, equipment, and mascots* used in the care and exhibition of such animals, (1) between points in North Carolina, on the one hand, and, on the other, points in South Carolina, and (2) between points in Kentucky, on the one hand, and, on the other, points in Ohio, Maryland, Delaware, Pennsylvania, North Carolina, South Carolina, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 52458 (Sub-No. 204), filed December 6, 1965. Applicant: T. I. McCORMACK TRUCKING COMPANY, a corporation, U.S. Route 9, at Green Street, Woodbridge, N.J., 07095. Applicant's representative: Chester A. Zyblut, 1000 Connecticut Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* (except petroleum chemicals), in bulk, in tank vehicles, from Bradford, Emlenton, and Farmers Valley, Pa., to points in Connecticut, Maine (except points in Aroostook County), Massachusetts, New Hampshire, Rhode Island, Vermont, points in New York on and east of U.S. Highway 11 commencing at the New York-Pennsylvania State line to Syracuse, N.Y., thence along New York Highway 57 on Lake Ontario at Oswego, and points in New Jersey on and north of New Jersey Highway 33 commencing at the Atlantic Ocean, thence westerly along New Jersey Highway 33 to Hightstown, N.J., thence westerly along a line extending from Hightstown, N.J., to an intersection of U.S. Highway 202 at Lambertville, N.J., on the New Jersey Pennsylvania State line (except Carteret and Lyndhurst, N.J.). NOTE: If a hear-

ing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 52751 (Sub-No. 53), filed December 9, 1965. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, Iowa, 50317. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa, 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe, fittings*, and *materials and supplies* used in the installation thereof (except oilfield pipe and articles described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459, and except commodities which because of size or weight require the use of special equipment), from Savage, Minn., to points in Illinois, Iowa, Minnesota, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 53965 (Sub-No. 47), filed December 8, 1965. Applicant: GRAVES TRUCK LINE, INC., 739 North 10th Street, Post Office Box 838, Salina, Kans., 67402. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Belleville, Kans., and Columbus, Nebr., over U.S. Highway 81, serving all intermediate points between York, Nebr. (including York), and Belleville, Kans. Note: Applicant states that its intention is to tack at Belleville, Kans., and Columbus, Nebr., for the purpose of joinder with present regular route operations. Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC 55236 (Sub-No. 120), filed December 8, 1965. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Green Bay, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup, liquid sugar*, and *blends and mixtures* thereof, products of corn, viz.: corn starch, corn gluten feed, and corn gluten meal, from Elk Grove Village, Ill., to points in Alabama, Arkansas, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 57315 (Sub-No. 8), filed December 7, 1965. Applicant: TRI-STATE TRANSPORT, INC., 40 B Street, Boston, Mass. Applicant's representative: Frank J. Weiner, 182 Forbes Building, Braintree, Mass., 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Southboro, Mass., to points in Connecticut. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 61396 (Sub-No. 149), filed December 10, 1965. Applicant: HERMAN BROS., INC., 2501 North 11th Street, Post Office Box 189 (Downtown Station), Omaha, Nebr., 68101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, between points in Louisiana, restricted to the transportation of traffic having a prior movement by rail or water from the St. Louis, Mo., or Jefferson County, Mo., facilities of River Cement Company. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 61592 (Sub-No. 61), filed December 9, 1965. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa, 52722. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sisal products, bailing wire, twine, barbed wire, nails, fence posts, field fence, reinforcement bars* and *reinforcement mesh*, from Houston and Freeport, Tex., and New Orleans, La., to points in Oklahoma, Arkansas, Colorado, Kansas, Missouri, Illinois, Nebraska, Iowa, South Dakota, Wyoming, Minnesota, Wisconsin, North Dakota, and Montana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 64732 (Sub-No. 6), filed December 6, 1965. Applicant: AGNES H. RUDE, ARLEN W. RUDE AND FREEMAN B. RUDE, JR. (a minor), AGNES H. RUDE, GUARDIAN, a partnership, doing business as RUDE TRANSPORTATION COMPANY, 416 East Second Street, Redfield, S. Dak. Applicant's representative: Robert E. Swanson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (1) between Redfield, S. Dak., and Huron, S. Dak.: from Huron over U.S. Highway 14 to junction U.S. Highway 14 and U.S. Highway 281 near Wolsey, S. Dak., thence over U.S. Highway 281 to Redfield, and return over the same route, serving all intermediate points and the off-route points of Broadland and Hitchcock, S. Dak.; and (2) between Huron, S. Dak. and Redfield, S. Dak.: from Huron over South Dakota Highway 37 to junction U.S. Highway 212, thence over U.S. Highway 212 to Redfield, and return over the same route serving no intermediate points as an alternate route for operating convenience only. NOTE: If a hearing is deemed necessary applicant requests it be held at Huron, S. Dak.

No. MC 77649 (Sub-No. 6), filed December 6, 1965. Applicant: TIMOTHY J. SHANAHAN, III, doing business as SHANAHAN TRANSPORTATION CO., Southwest Corner Delaware and Oregon Avenues, Philadelphia, Pa. Applicant's representative: Morris J. Winokur, Suite 1820, Two Penn Center Plaza, John F. Kennedy Boulevard at 15th Street, Philadelphia, Pa., 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor coverings and materials, supplies and equipment, used or useful in the installation, manufacture and shipping of floor coverings*, from Philadelphia, Pa., to points in Connecticut, Massachusetts, Rhode Island, and Virginia, and *returned shipments*, of the commodities specified above, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 84511 (Sub-No. 31), filed December 9, 1965. Applicant: COMMERCIAL FREIGHT LINES, INC., 1700 West Ninth Street, Kansas City, Mo. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans., 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), between Wichita, and Arkansas City, Kans., and Kansas City, Mo.-Kansas City, Kans., commercial zone. NOTE: Applicant states it seeks to tack this authority with presently existing authority from Kansas City, Mo., Kansas City, Kans., commercial zone. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 87820 (Sub-No. 1), filed December 9, 1965. Applicant: THEDE BROS., INC., 307 East Randolph Street, Havana, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment or handling, and those injurious or contaminating to other lading), between points in Peoria, Mason, Menard, Sangamon, Fulton, Logan, and Tazewell Counties, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill.

No. MC 89611 (Sub-No. 8), filed December 6, 1965. Applicant: ERNEST ULRICH AND RUTH ULRICH, a partnership, doing business as ULRICH FREIGHT LINES, R.F.D. 4 Olney, Ill. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill., 62707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, from Evansville, Ind., to Lawrenceville, Ill., and *empty containers*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill.

No. MC 92983 (Sub-No. 483), filed December 10, 1965. Applicant: ELDON MILLER, Post Office Drawer 617, Kansas City, Mo., 64141. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, from points in Colorado and Kansas to points in Arizona and California. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 103191 (Sub-No. 18), filed December 6, 1965. Applicant: THE GEO. A. RHEMAN CO., INC., 2019 Elgin Street, Post Office Box 2095, Station A, Charleston, S.C. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C., 29201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt plants* and *component parts* thereof, (1) from points in Georgia to points in North Carolina and South Carolina; (2) from points in North Carolina to points in South Carolina and Georgia; and (3) from points in South Carolina to points in North Carolina and Georgia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 103880 (Sub-No. 352), filed December 6, 1954. Applicant: PRODUCERS TRANSPORT, INC., 215 East Waterloo Road, Post Office Box 7211, Akron, Ohio, 44306. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill., 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bulk, from Janesville, Wis., and points within 10 miles thereof, to points in Illinois and Iowa. NOTE: if a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 106051 (Sub-No. 36), filed December 7, 1965. Applicant: OLD COLONY TRANSPORTATION CO., INC., 56 Prospect Street, New Bedford, Mass. Applicant's representative: Francis E. Barrett, Jr., 182 Forbes Building, Forbes Road (at South Shore Plaza), Braintree, Mass., 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cartons and corrugated sheets*, from Fall River, Mass., to points in New Hampshire on and south of U.S. Highway 2 and those points in that part of Maine that are located on and south of a line beginning at the Maine-New Hampshire State line and extending along U.S. Highway 2 to Bangor, Maine, and thence along Maine Highway 9 to Calais, Maine. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 107002 (Sub-No. 280), filed December 7, 1965. Applicant: HEARIN-MILLER TRANSPORTERS, INC., Post Office Box 1123 (Highway 80 West), Jackson, Miss., 39205. Applicant's representatives: Harry C. Ames, Jr., 529 Transportation Building, Washington, D.C., 20006, and H. D. Miller, Jr., Post Office Box 1250, Jackson, Miss., 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transportating: *Plasticizers, synthetic plastic*, in bulk, from points in Lowndes County, Miss., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107002 (Sub-No. 281), filed December 9, 1965. Applicant: HEARIN-MILLER TRANSPORTERS, INC., Post Office 1123 (Highway 80 West), Jackson, Miss., 39205. Applicant's representative: Harry C. Ames, 529 Transportation Building, Washington, D.C., 20006, and H. D. Miller, Jr., Post Office Box 1250, Jackson, Miss., 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals*, in bulk, and (2) *fertilizer and urea*, dry, in bags, from Helena, Ark., and points within ten (10) miles thereof, to points in Alabama, Illinois, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 107500 (Sub-No. 99), filed December 13, 1965. Applicant: BURLINGTON TRUCK LINES, INC., 796 South Pearl Street, Galesburg, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the site of Cooper-Jarrett, Inc. Terminal to be constructed on property located on Frontage Road (formerly old U.S. Highway 66) and now parallel to new U.S. Highway 66 and Interstate Highway 55, approximately one-half mile west of County Line Road, in an unincorporated portion of Du Page County, Ill., as an off-route point in connection with applicant's regular-route operations, for the purpose of interchanging traffic at said terminal site. NOTE: Applicant is a wholly owned subsidiary of the Chicago, Burlington & Quincy Railroad Co. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107515 (Sub-No. 535), filed December 6, 1965. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road, SE., Post Office 10799, Station A, Atlanta, Ga., 30310. Applicant's representative: Paul M. Daniell, Suite 1600 First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Unfrozen meats, meat products and meat byproducts*, as defined by the Commission, and, (b) *frozen meats, meat products and meat byproducts* in mixed loads with unfrozen meats, meat products and meat byproducts, from Abilene, Tex., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee (except Memphis, Tenn., and points within the Memphis commercial zone), Virginia, Massachusetts, New Jersey, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Antonio or Dallas, Tex.

No. MC 107515 (Sub-No. 536), filed December 10, 1965. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga., 30310. Applicant's representative: Paul M. Daniell, Suite 1600 First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared dough*, in vehicles equipped with mechanical refrigeration, from Atlanta, Ga., to points in Texas (except Dallas), Little Rock and Texarkana, Ark., Oklahoma City, Okla., and Springfield, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 107839 (Sub-No. 99), filed December 9, 1965. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 5135 York Street, Denver, Colo. Applicant's representative: Edward T. Lyons, Jr., Suite 420 Denver Club Building, Denver, Colo., 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chilled dairy products, chilled dairy product substitutes* manufactured from vegetable fats, and *chilled syrups and toppings*, in vehicles equipped with mechanical refrigeration, from Jacksonville, Fla., to Dallas, Tex., and Pueblo, Colorado Springs, and Denver, Colo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 108207 (Sub-No. 174), filed December 8, 1965. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foods*, from Lindale, Tex., to points in Arkansas, Kansas, Oklahoma, and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 108449 (Sub-No. 217), filed December 10, 1965. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn., 55113. Applicant's representative: Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis., 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the Cordova Industrial Park, located in Rock Island County, Ill., to points in Illinois, Iowa, Minnesota, Missouri, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108449 (Sub-No. 218), filed December 10, 1965. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn., 55113. Applicant's representative: Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis., 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, from Wood River, Ill., and points within five (5) miles thereof, to points in Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, New Jersey, Ohio, Nebraska, Minnesota, Wisconsin, and

Pennsylvania. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108449 (Sub-No. 219), filed December 10, 1965. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn., 55113. Applicant's representative: Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis., 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gary Slag*, in bulk, from Duluth, Minn., to Ironwood, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 108449 (Sub-No. 220), filed December 10, 1965. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn., 55113. Applicant's representative: Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis., 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, from the warehouse site of Consumers Cooperative Association at Council Bluffs, Iowa, to points in Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 108449 (Sub-No. 221), filed December 10, 1965. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn., 55113. Applicant's representative: Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis., 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium chloride*, in bulk, in dump vehicles, from Chicago, Ill., to points in Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108449 (Sub-No. 222), filed December 15, 1965. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn., 55113. Applicant's representative: Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis., 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bulk, from the plantsite of Mid-South Chemical Co., located at or near Peoria, Ill., to points in Iowa, Indiana, Michigan, Minnesota, Missouri, Ohio, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 109637 (Sub-No. 294), filed December 8, 1965. Applicant: SOUTHERN TANK LINES, INC., 4107 Belles Lane, Louisville, Ky., 40211. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Metropolis, Ill., to points in New Jersey. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111231 (Sub-No. 103), filed December 8, 1965. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel* and *iron and steel articles*, and *pipe and pipe fittings* (except those items the transportation of which requires special equipment), restricted to the use of flatbed trailers, between points on the Mississippi and Tennessee Rivers on and south of the Kentucky-Tennessee State line, and points in Alabama, Arkansas, Georgia, Florida, Mississippi, and Tennessee. NOTE: If a hearing is deemed necessary, applicant does not specify a particular location.

No. MC 111231 (Sub-No. 104), filed December 8, 1965. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition building board*, from Greenville, Miss., to points in Indiana, Michigan, and Missouri. NOTE: If a hearing is deemed necessary, applicant does not specify location.

No. MC 111231 (Sub-No. 105), filed December 8, 1965. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, tubing, conduit, valves, or fittings, compound, joint sealer, bonding cement, primer, coating, thinner, accessories*, used in the installation of such products, and *damaged and rejected shipments*, between points in Oklahoma County, Okla., on the one hand, and, on the other, points in Arkansas on and west of a line beginning at the Arkansas-Missouri State line and extending along U.S. Highway 65 to junction U.S. Highway 167, thence along U.S. Highway 167 to the Arkansas-Louisiana State line, points in Kansas on and south of U.S. Highway 40, and points in Texas on and north of U.S. Highway 80. NOTE: If a hearing is deemed necessary, applicant does not specify a particular location.

No. MC 111231 (Sub-No. 106), filed December 8, 1965. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building board, wall board, insulation board, and laminated flakeboard*, finished or not finished, with or without decorative or protective coating, and *accessories and supplies*, used in the installation thereof, from Wright City, Mo., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Ohio, Pennsylvania, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant does not specify any particular area.

No. MC 111231 (Sub-No. 107), filed December 8, 1965. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plant site of American Home Foods, Inc., located at or near LaPorte, Ind., to points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant did not specify any particular area.

No. MC 112049 (Sub-No. 12), filed December 10, 1965. Applicant: McBRIDE'S EXPRESS, INC., 1901 Wabash Avenue, Mattoon, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horse meat, meat products, meat byproducts, carnivorous animal food*, all fit for animal consumption only, between the plant site of Campbell & Co., at or near Mattoon, Ill., and points in Indiana, Iowa, Michigan, Minnesota, and Wisconsin, and *damaged and rejected shipments* on return. NOTE: If a hearing is deemed necessary, applicant requests that it be held at Springfield, Ill., or Terre Haute, Ind.

No. MC 112617 (Sub-No. 215), filed December 10, 1965. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 5135, Cherokee Station, Louisville, Ky. Applicant's representative: L. A. Jaskiewicz, 600 Madison Building, 1155 15th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar and blends, mixtures and products*, thereof, from Louisville, Ky., to points in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Tennessee, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 112822 (Sub-No. 58), filed December 9, 1965. Applicant: EARL BRAY, INC., Linwood and North Streets, Post Office Box 1191, Cushing, Okla. Applicant's representative: Marion F. Jones, 420 Denver Club Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, tubing, conduit, valves or fittings, compound, joint sealer, bonding cement, primer, coating, thinner, and accessories* used in the installation of such products, (1) from points in Oklahoma County, Okla., to points in Arkansas, Illinois, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, South Dakota, Tennessee, Texas, and Wisconsin, and (2) from Ponce City, Okla., to points in Kansas and those in Missouri south of U.S. Highway 36 and west of a line beginning at Macon, Mo., and extending along U.S. Highway 63 to Jefferson City, Mo., thence along U.S. Highway 54 to Camdenton, Mo., thence along Missouri Highway 5 to Lebanon, Mo., thence along U.S. Highway 66 to Springfield, Mo., and thence along U.S. Highway 65 to the Missouri-Arkansas State line; and *damaged and rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 112893 (Sub-No. 33), filed December 8, 1965. Applicant: BULK TRANSPORT COMPANY, a corporation, 100 South Calumet, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Duluth, Minn., to points in Wisconsin and the Upper Peninsula of Michigan. NOTE: If a hearing is deemed necessary, applicant requests that it be held at Minneapolis, Minn.

No. MC 112893 (Sub-No. 34), filed December 8, 1965. Applicant: BULK TRANSPORT COMPANY, a corporation, 100 South Calumet, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petrolcum products*, in bulk, in tank vehicles, from Milwaukee, Wis., to points in that part of Illinois bounded by a line beginning at the Illinois-Wisconsin State line and extending along U.S. Highway 51 to U.S. Highway 24 at El Paso, Ill., thence along U.S. Highway 24 to the Indiana-Illinois State line, thence along the Indiana-Illinois State line, to the western shore of Lake Michigan to the Wisconsin-Illinois State line, and thence along the Wisconsin-Illinois State line to point of beginning, including points on the indicated portions of the highways specified (except Chicago and its commercial zone, Lemont, Lockport, and South Beloit, Ill.). NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113325 (Sub-No. 65), filed December 8, 1965. Applicant: SLAY TRANSPORTATION CO., INC., 2001 South Seventh Street, St. Louis, Mo. Applicant's representative: Chester A. Zyblut, 1000 Connecticut Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients*, in bulk, from Montpelier, Iowa, and points within 5 miles thereof, to points in Arkansas, Kentucky, Michigan, Mississippi, Missouri, Ohio, Pennsylvania, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113336 (Sub-No. 81), filed December 6, 1965. Applicant: PETROLEUM TRANSIT COMPANY, INC., Post Office Box 921, Lumberton, N.C. Applicant's representative: James E. Wilson, 1735 K Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Albany and Alma, Ga., to points in Florida, Alabama, South Carolina, and North Carolina. NOTE: If a hearing is deemed necessary, applicant does not specify a particular location.

No. MC 113362 (Sub-No. 99), filed December 8, 1965. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's representative: William J. Boyd, 30 North La Salle Street, Chicago, Ill., 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Lawton, Mich., to points in Indiana, Ohio, Kentucky, and Illinois. NOTE: Applicant states that the proposed operation shall be restricted against interlining and tacking with the authority presently held. If a hearing is deemed necessary, applicant does not specify location.

No. MC 113678 (Sub-No. 203), filed December 9, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's representative: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* and (2) *commodities*, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with foodstuffs, from points in California and Arizona, to points in Idaho, Washington, and Oregon. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 114045 (Sub-No. 201) (Amendment), filed October 29, 1965, published FEDERAL REGISTER issue of November 11, 1965, amended December 10, 1965, and republished as amended this issue. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, from points in Logan and Morgan Counties, Colo., to points in Colorado, Alabama, Arizona, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia. NOTE: The purpose of this republication is to broaden the origin points. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 114364 (Sub-No. 110), filed December 6, 1965. Applicant: WRIGHT MOTOR LINES, INC., 16th and Elm Streets, Rocky Ford, Colo. Applicant's representative: Marion F. Jones, Suite 420 Denver Club Building, Denver, Colo., 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum*, and *gypsum products*, and *materials and supplies* used in the installation and distribution thereof, from Florence, Colo., and points within five (5) miles thereof, to points in Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, Wyoming, and Kansas City, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 114364 (Sub-No. 111), filed December 10, 1965. Applicant: WRIGHT MOTOR LINES, INC., 16th and Elm Streets, Rocky Ford, Colo. Applicant's representative: Marion F. Jones, Suite 420, Denver Club Building, Denver, Colo., 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, tubing, conduit, valves and fittings; compound, joint sealer; bonding cement; primer; coating, thinner, and accessories* used in the installation of such products, (1) from points in Oklahoma County, Okla., to points in Arizona, California, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming; (2) from Ponca City, Okla., to points in Arizona, California, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming; and (3) from Compton, Calif., to points in Arizona, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 115311 (Sub-No. 52), filed December 9, 1965. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 589, Americus, Ga. Applicant's representative: Paul M. Daniell, Suite 1600 First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn starch*, in bulk, from Americus, Atlanta, and Columbus, Ga., and Birmingham and Montgomery, Ala., to points in Alabama, Florida, Georgia, and South Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 115331 (Sub-No. 168), filed December 8, 1965. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo., 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank and hopper-type vehicles, from Utica, Ill., to points in Minnesota and Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115491 (Sub-No. 85), filed December 9, 1965. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, Post Office Drawer 67, Auburndale, Fla., 33823. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the production and storage facilities of American Home Foods located at Milton, Pa., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115826 (Sub-No. 96) (Amendment), September 20, 1965, published FEDERAL REGISTER issue of October 7, 1965, amended December 13, 1965, and republished as amended, this issue. Applicant: W. J. DIGBY, INC., Post Office Box 5088, Terminal Annex, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis., 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium chloride*, in bulk, in dump vehicles, from Chicago, Ill., to points in Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108449 (Sub-No. 222), filed December 15, 1965. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn., 55113. Applicant's representative: Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis., 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bulk, from the plantsite of Mid-South Chemical Co., located at or near Peoria, Ill., to points in Iowa, Indiana, Michigan, Minnesota, Missouri, Ohio, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 109637 (Sub-No. 294), filed December 8, 1965. Applicant: SOUTHERN TANK LINES, INC., 4107 Belles Lane, Louisville, Ky., 40211. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Metropolis, Ill., to points in New Jersey. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111231 (Sub-No. 103), filed December 8, 1965. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel* and *iron and steel articles*, and *pipe and pipe fittings* (except those items the transportation of which requires special equipment), restricted to the use of flatbed trailers, between points on the Mississippi and Tennessee Rivers on and south of the Kentucky-Tennessee State line, and points in Alabama, Arkansas, Georgia, Florida, Mississippi, and Tennessee. NOTE: If a hearing is deemed necessary, applicant does not specify a particular location.

No. MC 111231 (Sub-No. 104), filed December 8, 1965. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition building board*, from Greenville, Miss., to points in Indiana, Michigan, and Missouri. NOTE: If a hearing is deemed necessary, applicant does not specify location.

No. MC 111231 (Sub-No. 105), filed December 8, 1965. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, tubing, conduit, valves, or fittings, compound, joint sealer, bonding cement, primer, coating, thinner, accessories*, used in the installation of such products, and *damaged and rejected shipments*, between points in Oklahoma County, Okla., on the one hand, and, on the other, points in Arkansas on and west of a line beginning at the Arkansas-Missouri State line and extending along U.S. Highway 65 to junction U.S. Highway 167, thence along U.S. Highway 167 to the Arkansas-Louisiana State line, points in Kansas on and south of U.S. Highway 40, and points in Texas on and north of U.S. Highway 80. NOTE: If a hearing is deemed necessary, applicant does not specify a particular location.

No. MC 111231 (Sub-No. 106), filed December 8, 1965. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building board, wall board, insulation board, and laminated flakeboard*, finished or not finished, with or without decorative or protective coating, and *accessories and supplies*, used in the installation thereof, from Wright City, Mo., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Ohio, Pennsylvania, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant does not specify any particular area.

No. MC 111231 (Sub-No. 107), filed December 8, 1965. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plant site of American Home Foods, Inc., located at or near LaPorte, Ind., to points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant did not specify any particular area.

No. MC 112049 (Sub-No. 12), filed December 10, 1965. Applicant: McBRIDE'S EXPRESS, INC., 1901 Wabash Avenue, Mattoon, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horse meat, meat products, meat byproducts, carnivorous animal food*, all fit for animal consumption only, between the plant site of Campbell & Co., at or near Mattoon, Ill., and points in Indiana, Iowa, Michigan, Minnesota, and Wisconsin, and *damaged and rejected shipments* on return. NOTE: If a hearing is deemed necessary, applicant requests that it be held at Springfield, Ill., or Terre Haute, Ind.

No. MC 112617 (Sub-No. 215), filed December 10, 1965. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 5135, Cherokee Station, Louisville, Ky. Applicant's representative: L. A. Jaskiewicz, 600 Madison Building, 1155 15th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar and blends, mixtures and products*, thereof, from Louisville, Ky., to points in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Tennessee, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 112822 (Sub-No. 58), filed December 9, 1965. Applicant: EARL BRAY, INC., Linwood and North Streets, Post Office Box 1191, Cushing, Okla. Applicant's representative: Marion F. Jones, 420 Denver Club Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, tubing, conduit, valves or fittings, compound, joint sealer, bonding cement, primer, coating, thinner, and accessories* used in the installation of such products, (1) from points in Oklahoma County, Okla., to points in Arkansas, Illinois, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, South Dakota, Tennessee, Texas, and Wisconsin, and (2) from Ponce City, Okla., to points in Kansas and those in Missouri south of U.S. Highway 36 and west of a line beginning at Macon, Mo., and extending along U.S. Highway 63 to Jefferson City, Mo., thence along U.S. Highway 54 to Camdenton, Mo., thence along Missouri Highway 5 to Lebanon, Mo., thence along U.S. Highway 66 to Springfield, Mo., and thence along U.S. Highway 65 to the Missouri-Arkansas State line; and *damaged and rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 112893 (Sub-No. 33), filed December 8, 1965. Applicant: BULK TRANSPORT COMPANY, a corporation, 100 South Calumet, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis. Authority sought to operate as a

Building, Indianapolis 4, Ind. Author-

Meats, meat products, meat byproducts, and *articles distributed by meat packinghouses,* as described in appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from Sterling, Colo., and points within five (5) miles thereof, and points in Morgan County, Colo., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia. NOTE: The purpose of this republication is to add points in Morgan County, Colo., as an origin point. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 115840 (Sub-No. 18), filed November 29, 1965. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Bituminous fiber pipe and fiber pipe fittings and accessories,* from Birmingham, Ala., and points in its commercial zone, thereof, to points in Texas, (2) *scrap paper,* from points in Texas, Oklahoma, Tennessee, and Arkansas to Birmingham, Ala., and points in its commercial zone, thereof, and (3) *iron and steel, and iron and steel articles,* from Birmingham and Gadsden, Ala., and points in their respective commercial zones, to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 115841 (Sub-No. 261), filed December 8, 1965. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 1269, Birmingham, Ala. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts,* and *articles distributed by meat packinghouses,* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from Dayton, Ohio, to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio.

No. MC 116014 (Sub-No. 22), filed December 8, 1965. Applicant: OLIVER TRUCKING COMPANY, INC., North Bloomfield Road, Winchester, Ky. Applicant's representative: Robert M. Pearce, 1033 State Street, Bowling Green, Ky. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Cooperage stock,* from Kittanning, Pa., and points within five (5) miles thereof, to Louisville, Ky., and *rejected and returned shipments,* on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 116763 (Sub-No. 71), filed December 6, 1965. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen potatoes and frozen potato products, frozen fruits and frozen fruit products, frozen vegetables, and frozen vegetable products,* from Detroit, Mich., to points in Connecticut, Delaware, Florida, Georgia, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Restriction: The authority granted herein is restricted to the transportation of shipments originating at the said storage and warehouse facilities of Ore-Ida Foods, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 116967 (Sub-No. 9), filed December 9, 1965. Applicant: MARTIN WONDAAL, doing business as MARTIN WONDAAL AND SONS, 2857 Ridge Road, Lansing, Ill. Applicant's representative: Samuel Ruff, 2109 Broadway, East Chicago, Ind. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Glazed cement, slag blocks,* and *related articles and materials* used in the manufacture thereof, from Chicago, Ill., to points in Ohio. NOTE: Applicant states the proposed operation will be performed under a continuing contract or contracts with Structural Glazed Masonry, Inc., of Chicago, Ill. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117119 (Sub-No. 301), filed December 8, 1965. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's representative: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods,* from Kansas City, Kans., to points in Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 117574 (Sub-No. 137), filed December 10, 1965. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Carlisle, Pa. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) (a) *Such commodities,* as by reason of their size or weight require the use of special equipment, and (b) *commodities* which do not require the use of special equipment when moving in the same shipment or in the same vehicle with commodities which because of size or weight require the use of special equipment; between Harrisburg, Pa., on the one hand, and, on the other, the District of Columbia and points in New York, New Jersey, Maryland, Virginia, Ohio, Delaware, and West Virginia; (2) (a) *such commodities,* as by reason of their size or weight, require the use of special equipment (except machinery, equipment, materials, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines), and (b) *commodities* which do not require the use of special equipment when moving in the same shipment or in the same vehicle with commodities which because of size or weight require the use of special equipment (except machinery, equipment, materials, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines); between Harrisburg, Pa., on the one hand, and, on the other, points in Indiana, Illinois, Kentucky, North Carolina, South Carolina, Maine, New Hampshire, Vermont, Georgia, Florida, Michigan, Minnesota, and Wisconsin; (3) (a) *such commodities,* as by reason of their size or weight, require the use of special equipment (except machinery, equipment, materials, and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, and except boilers, heaters and castings), and (b) *commodities* which do not require the use of special equipment when moving in the same shipment or in the same vehicle with commodities which because of size or weight require the use of special equipment (except machinery, equipment, materials, and supplies used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, and except boilers, heaters and castings); between Harrisburg, Pa., on the one hand, and, on the other, points in Connecticut and Massachusetts. Restriction: (1) This application will be restricted against tacking with any present rights held as of October 29, 1963; (2) limited to traffic moving in interchange service; and (3) limited against traffic originated by this carrier at Harrisburg, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117578 (Sub-No. 9), filed December 6, 1965. Applicant: PETROLEUM TRANSIT CORPORATION OF VIRGINIA, Lumberton, N.C. Applicant's representative: James E. Wilson, 1735 K Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid asphalt and liquid asphalt products,* from Roanoke, Va., to points in North Carolina, Tennessee, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117815 (Sub-No. 78), filed December 3, 1965. Applicant: PULLEY FREIGHT LINES, INC., 2341 Easton Boulevard, Des Moines, Iowa, 50317. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts,* and *articles distributed by meat packinghouses* as described in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plant site of Rath Packing Co. at Waterloo and Columbus Junction, Iowa, to points in Illinois. NOTE: The applicant states that the proposed operation is to be restricted to traffic originating at the plant sites of Rath Packing Co. at Waterloo and Columbus Junction, Iowa. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 118130 (Sub-No. 39), filed December 17, 1965. Applicant: BEN HAMRICK, INC., 2000 Chelsea Drive West, Fort Worth, Tex. Applicant's representative: M. Ward Bailey, 24th Floor, Continental Life Building, Fort Worth, Tex., 76102. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods,* from points in Cameron County, Tex., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary applicant requests it be held at Dallas, Tex.

No. MC 119399 (Sub-No. 15), filed December 6, 1965. Applicant: CONTRACT FREIGHTERS, INC., 3105 East Seventh Street, Joplin, Mo. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Insecticides* and *fungicides* from Perry, Iowa and Wichita, Kans., to Atlas and Trenton, Mo., and Tulsa, Okla.; (2) *insecticides* and *fungicides* in mixed shipments with dry manufactured fertilizer from Atlas, Mo., to points in Colorado, Kansas, and Oklahoma. NOTE: Applicant states it holds authority to transport fertilizer from Atlas, Mo. to points in Colorado, Kansas, and Oklahoma, and (3) *returned shipments* of insecticides and fungicides from Atlas and Trenton, Mo., Tulsa, Okla., and Wichita, Kans., to Perry, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Tulsa, Okla.

No. MC 119422 (Sub-No. 36), filed December 8, 1965. Applicant: EE–JAY MOTOR TRANSPORTS, INC., 15th and Lincoln Streets, East St. Louis, Ill. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill., 62707. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Flour,* in bags, from Mount Vernon, Ind., to Millstadt, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill.

No. MC 119493 (Sub-No. 21), filed December 3, 1965. Applicant: MONKEM COMPANY, INC., Post Office Box 1196, West 20th Street Road, Joplin, Mo. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Insecticides and fungicides,* from Perry, Iowa and Wichita, Kans., to Atlas and Trenton, Mo., and Tulsa, Okla., (2) *insecticides and fungicides* in mixed shipments with dry manufactured fertilizer from Atlas, Mo., to points in Arkansas, Kansas, Iowa, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma and South Dakota. NOTE: Applicant states it holds authority to transport fertilizer to the States listed above, and (3) *returned shipments* of insecticides and fungicides from Atlas, and Trenton, Mo., Tulsa, Okla. and Wichita, Kans., to Perry, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Tulsa, Okla.

No. MC 119917 (Sub-No. 17), filed December 6, 1965. Applicant: DUDLEY TRUCKING COMPANY, INC., 717 Memorial Drive SE., Atlanta, Ga., 30316. Applicant's representative: R. J. Reynolds, III, Suite 403–111 Healey Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Potato chips, potato sticks, corn chips, and popped corn,* from Atlanta, Ga., to points in Lincoln County, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 119918 (Sub-No. 4), filed December 7, 1965. Applicant: CAGLE BROS., INC., 402 West Watkins Road, Post Office Box 12176-Southeast Station, Phoenix, Ariz., 85034. Applicant's representative: Pete H. Dawson, 4453 East Piccadilly Road, Phoenix, Ariz., 85018. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Heavy and cumbersome commodities,* which, because of size or weight, require the use of special equipment, and (2) *heavy and cumbersome commodities* which do not require the use of special equipment when moving in the same shipment or in the same vehicle with heavy and cumbersome commodities which, because of size or weight, require the use of special equipment, between points in Arizona, on the one hand, and, on the other, points in California, Colorado, Nevada, New Mexico, and Utah. NOTE: Applicant states that he presently holds authority in (1) above in Certificate No. MC 119918, and is seeking no extension of territory. Applicant is seeking only an extension of authority in (2) above. If a hearing is deemed necessary, applicant does not specify location.

No. MC 119934 (Sub-No. 107), filed December 2, 1965. Applicant: ECOFF TRUCKING, INC., Fortville, Ind. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia,* in bulk, in tank vehicles, from the plant and terminal facilities of Olin Mathieson Chemical Corporation at or near Joliet, Ill., to points in Illinois, Indiana, Iowa, Michigan, Missouri, Minnesota, Wisconsin, Kentucky, and Ohio, and *damaged and rejected shipments* on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119934 (Sub-No. 108), filed December 6, 1965. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, Ind. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lime,* in bags, from Columbus and Lewisburg (Preble County), Ohio, to points in Pennsylvania on and east of U.S. Highway 219, Michigan, and West Virginia, and *damaged* or *rejected shipments,* on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 121361 (Sub-No. 2), filed December 8, 1965. Applicant: DIXIE VAN LINES, INC., doing business as COLUMBUS WAREHOUSE & STORAGE COMPANY, 803 Ninth Street South, Columbus, Miss. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, (1) between Columbus, Miss., on the one hand, and, on the other, points in Lowndes, Clay, Monroe, Lee, Chickasaw, Calhoun, Choctaw, Oktibbeha, Winston and Noxubee Counties, Miss., on traffic having a prior or subsequent out-of-state movement, and (2) between Columbus, Miss., on the one hand, and, on the other, points in Lamar, Fayette, Tuscaloosa, Pickens, and Green Counties, Ala. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 123393 (Sub-No. 106), filed December 6, 1965. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 2105 East Dale, Springfield, Mo. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs,* from Milton, Pa., to points in Iowa, Missouri, Arkansas, Oklahoma, Kansas, Nebraska, and Colorado. NOTE: If a hearing is deemed necessary, applicant requests that it held at Washington, D.C.

No. MC 123393 (Sub-No. 107), filed December 6, 1965. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 2105 East Dale, Springfield, Mo. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts,* and *articles distributed by meat packinghouses* as described in appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from Schuyler, Nebr., and points within 5 miles thereof to points in Maine, Vermont, New Hampshire, Massachusetts, New York, Connecticut, Rhode Island, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 123393 (Sub-No. 108), filed December 6, 1965. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 2105 East Dale, Springfield, Mo. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs,* from LaPorte, Ind. and points within five (5) miles thereof to points in Iowa, Missouri, Arkansas, Oklahoma, Kansas, Nebraska, and Colorado. NOTE:

If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123393 (Sub-No. 110), filed December 13, 1965. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 2105 East Dale Street, Springfield, Mo., 65803. Applicant's representative: Herman H. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts* and *articles* distributed by meat packinghouses, from points in Morgan County, Colo., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 124324 (Sub-No. 7) (Correction), filed December 3, 1965, published FEDERAL REGISTER issue of December 23, 1965, and republished as corrected this issue. Applicant: MURPHY TRUCKING CO., INC., Denver, Ind. Applicant's representative: Donald W. Smith, Suite 511 Fidelity Building, Indianapolis, Ind., 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, and in bags, from Kewanna, Ind., to points in the lower peninsula of Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind. The purpose of this republication is to correct the docket number as shown above, in lieu of No. MC 114324 (Sub-No. 7), which was in error. The correct docket number assigned is No. MC 124324 (Sub-No. 7).

No. MC 124774 (Sub-No. 34), filed December 6, 1965. Applicant: CARAVELLE EXPRESS, INC., Post Office Box 384, Norfolk, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Spencer Packing Co. located at Schuyler, Nebr., to points in North Carolina, South Carolina, Georgia, Florida, Alabama, Illinois, Indiana, Ohio, Michigan, Minnesota, Wisconsin, Kentucky, Kansas, Missouri, Colorado, Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Delaware, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, and Washington, D.C. NOTE: Applicant states the proposed service to be restricted to traffic originating at the plant site of Spencer Packing Co. at Schuyler, Nebr. If a hearing is deemed necessary, applicant did not specify any particular area.

No. MC 124802 (Sub-No. 4), filed December 10, 1965. Applicant: CURTIS WOMELDORF, doing business as ACE MOTOR FREIGHT, Post Office Box 331, Summerville, Pa. Applicant's representative: Chester A. Zyblut, 1000 Connecticut Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, from Summerville, Pa., to points in Connecticut and Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124964 (Sub-No. 2) (Amendment), filed October 26, 1965, published FEDERAL REGISTER issue of November 11, 1965, amended December 20, 1965, and republished, this issue. Applicant: JOSEPH M. BOOTH, doing business as J. M. BOOTH TRUCKING, Post Office Box 907, Eustis, Fla. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Juices and drinks*, not frozen, in plastic containers in cartons, and (2) *commodities*, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with juices and drinks, from Umatilla, Fla., to points in North Carolina, Virginia, Maryland, Delaware, New Jersey, New York, Pennsylvania, Connecticut, Rhode Island, Massachusetts, and the District of Columbia, under a continuing contract with Doric Foods Corp. of Umatilla, Fla. NOTE: The purpose of this republication is to clearly set forth the commodity description. If a hearing is deemed necessary, applicant requests it be held in Washington, D.C.

No. MC 125417 (Sub-No. 8), filed December 9, 1965. Applicant: BULK FREIGHTWAYS, a Corporation, 8332 Wilcox Avenue, South Gate, Calif. Applicant's representative: Warren N. Grossman, 740 Roosevelt Building, 727 West 7th Street, Los Angeles, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic granules*, in bulk, from Long Beach, Calif., to Gallup, N. Mex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 125924 (Sub-No. 4), filed December 9, 1965. Applicant: MARIS TRANSPORT LIMITED, a corporation, 1090 South Service Road, Oakville, Ontario, Canada. Applicant's representative: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, Mich., 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks*, and *buses*, as defined in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in initial and secondary movements, in driveaway and truckaway service, and parts and accessories thereof, moving at the same time and with the vehicles of which they are a part and on which they are to be installed, between the port of entry on the United States-Canada boundary line at Detroit, Mich., on the one hand, and, on the other, Dearborn and Wayne, Mich. (but not including the commercial zones thereof). Restriction: The authority sought herein shall be restricted to traffic originating at or destined to points in Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 125978 (Sub-No. 5), filed December 8, 1965. Applicant: DEPENDABLE CAR TRAVEL SERVICE, INC., Hotel National, Suite 201, 592 Seventh Avenue, New York, N.Y. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles, station wagons* and *small trucks*, under ¾-ton capacity, in a driveaway service, with or without baggage, personal effects and pets, between points in Florida, on the one hand, and, on the other, points in the United States including Alaska but excluding Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 126885 (Sub-No. 2), filed December 6, 1965. Applicant: VETERI TRUCKING CO., INC., 48 Harding Avenue, Totowa Borough, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Face brick*, (a) from New Brighton, Kittanning, New Castle, and Clearfield, Pa.; Waynesburg, Cleveland, Sugar Creek, Morral, Caledonia, and Canton, Ohio; Somerset, and Manassas, Va.; and Brazil, Ind., to points in New Jersey, New York, and Connecticut; (b) from Waynesburg, Cleveland, Sugar Creek, Morral, Caledonia, and Canton, Ohio; Somerset, and Manassas, Va., and Brazil, Ind., to points in Pennsylvania, and (c) from Belle Mead, N.J., to points in Pennsylvania, New York, and Connecticut; (2) *fire brick*, (a) from Altoona, Pa., to points in New Jersey, New York, and Connecticut; and (b) from Mt. Savage, Md., to points in New Jersey, New York, Connecticut, and Pennsylvania; (3) *waterproofing cement mixes, codings*, and *cement paints*, other than in bulk, in tank vehicles, (a) from New Eagle, Pa., to points in New Jersey, New York, and Connecticut; (4) *wheel barrows, mortar pans*, and *mortar boxes*, from Harrisburg, Pa., to points in New Jersey, New York, and Connecticut, and (5) *welded steel wall ties*, and *reinforcement bars*, from Baltimore, Md., to points in New York, New Jersey, Connecticut, and Pennsylvania. NOTE: Applicant states that the proposed service will be under continuing contract with Tompkins Bros. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127033 (Sub-No. 6), filed December 6, 1965. Applicant: C & B TRUCKING CO., INC., Post Office Box 192, Chester, S.C. Applicant's representative: Henry P. Willimon, Greenville, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Poultry byproducts* from points in York County, S.C., to points in North Carolina and Georgia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 127135 (Sub-No. 3), filed December 20, 1965. Applicant: HERBERT O. KINDRICK, doing business as KINDRICK TRUCKING COMPANY, R.F.D. No. 1, Harriman, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Silico manganese-foundry metal*, between Rockwood, Tenn., and Middletown, Ohio; from Rockwood over U.S. Highway 27 to Lexington, Ky., thence over U.S. Highway 25 to junction Interstate Highway 75 near Georgetown, Ky., thence over Interstate Highway 75 to Middletown, and return over the same route, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Knoxville, Tenn.

No. MC 127317 (Sub-No. 1), filed November 29, 1965. Applicant: R. J. GILMORE, doing business as RED'S DRIVE-AWAY, 832 Northwest 49th Street, Oklahoma City, Okla. Applicant's representative: Rufus H. Lawson, 100 Bixler Building, 2400 Northwest 23d Street, Oklahoma City 7, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Automobiles*, in driveaway service, and (2) *Automobiles*, by tow-bar service, between points in the United States (except in Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 127328 (Sub-No. 1), filed December 7, 1965. Applicant: JACOB KINTNER, Washington Street, Meshoppen, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, from points in Luzerne County, Pa., to Buffalo, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 127403 (Sub-No. 1), filed December 7, 1965. Applicant: EARL P. KRUEGER, doing business as EARL KRUEGAR TRUCKING, Durand, Wis. Applicant's representative: James A. Drill, New Richmond, Wis., 54017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood products*, including *lumber, ties, wood chips, and slabs*, from Mondovi and Durand, Wis., to points in Minnesota, Illinois, and the Upper Peninsula of Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 127442 (Amendment), filed July 16, 1965, published in FEDERAL REGISTER issue of August 11, 1965, amended December 12, 1965, and republished as amended this issue. Applicant: JOHN PIZER, doing business as JOHN PIZER TAXI, 224½ South Broad Street, Grove City, Pa. Applicant's representative: David W. Ketler, Grove City National Bank Building, Grove City, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parcels not exceeding 1,000 pounds in weight* including *machinery parts, tools*, and *light manufactured items*, (1) between points in the Borough of Grove City, Pa., and the Greater Pittsburgh Airport, Allegheny County, Pa., the Franklin Airport, Venango County, Pa., the Cleveland Hopkins Airport, Cuyahoga County, Ohio, the Youngstown Airport, Trumbull County, Ohio, for shipment by airfreight; and (2) between the Cooper-Bessemer Corp. plant, Grove City, Pa., and Youngstown, Cleveland, and Akron, Ohio. NOTE: Applicant states that the above described commodities will be such as may be transported by station wagon. The purpose of this republication is to change the proposed authority from common to contract and to show the proposed service will be under contract with the Cooper-Bessemer Corp. located in the Borough of Grove City, Pa. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 127757 (Sub-No. 1), filed December 1, 1965. Applicant: P. ROSS GUARINO, INC., 3815 40th Street, Tampa 10, Fla. Applicant's representative: Donald Murchison, Suite 211, Allen Paris Building, 211 South Beverly Drive, Beverly Hills, Calif., 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cloth and fabrics*, in bales, bundles and packages, from points in North Carolina, South Carolina, and Georgia, to El Paso, Tex., and Los Angeles, Calif., and (2) *clothing and wearing apparel*, folded flat in bales and cartons, and *component parts* used in the manufacture thereof, as described in appendix X, Ex Parte No. MC-45, from points in Georgia and El Paso, Tex., to Los Angeles, Calif. NOTE: Applicant states the proposed service to be under a continuing contract or contracts with Brooks-Welsberg Co., Inc. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 127762 (Sub-No. 1), filed December 8, 1965. Applicant: CONTRACT CARRIERS, INC., Post Office Box 444, Ellensburg, Wash. Applicant's representative: Glenn W. Toomey, 15th Floor, Hoge Building, Seattle, Wash., 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Pazzolan*, in bulk, in pneumatic equipment, from Buxton, Oreg., to Mossyrock Dam site, Washington, as follows: (1) From Buxton, over U.S. Highway 26 to Portland, Oreg., thence over U.S. Highway 99 to Mary's Corner, Wash., thence east on Washington Highway 5, approximately 28 miles, to the Mossyrock Dam site; and (2) from Buxton, over Oregon Highway 47 to Clatskanie, Oreg., thence over U.S. Highway 30 to Ranier, Oreg., and Longview, Wash., thence over U.S. Highway 99 to Mary's Corner, Wash., thence east on Washington Highway 5, approximately 28 miles, to the Mossyrock Dam site, serving no intermediate points in routes (1) and (2) above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 127773, filed December 1, 1965. Applicant: NATIONAL MOLASSES COMPANY, a corporation, Willow Grove, Pa. Applicant's representative: Carl H. Fritze, 1010 Wilshire Boulevard, Los Angeles, Calif., 90017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Alfalfa pellets*, in bulk, from points in Imperial County, Calif., to San Diego, Calif., and Los Angeles Harbor commercial zone. NOTE: Applicant states that the service to be performed under continuing contract for Batley-Janss Enterprises. If a hearing is deemed necessary applicant requests it be held at Los Angeles, Calif.

No. MC 127774 filed November 29, 1965. Applicant: HAINES TRANSPORT, INC., Greenfield, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines, Iowa, 50316. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and fertilizer solutions*, from Creston, Iowa, and points within ten (10) miles thereof, to points in Illinois, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota. NOTE: If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 127775 filed November 29, 1965. Applicant: J. D. BECKER, a proprietorship, doing business as WILD WEST XPRESS, Rural Route No. 2, Columbus, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings, and component parts thereof* (except those which, because of size or weight, require the use of special equipment), from points in Missouri, to points in Nebraska (except Omaha). NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, or Omaha, Nebr.

No. MC 127777 filed November 30, 1965. Applicant: MOBILE HOME EXPRESS, INC., 199th and Torrence Avenue, Lansing, Ill. Applicant's representative: William J. Boyd, 30 North La Salle Street, Chicago, Ill., 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes designated to be drawn by passenger automobiles*, in driveaway and truckaway methods, in initial movements, from Auburndale, Wis., to points in the United States (excluding points in Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127778, filed December 6, 1965. Applicant: JOSEPH KURKOWSKI, % FORSYTH-ASHLAND STAGE, Box 801, Forsyth, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Freight, baggage, and express*, be-

tween Forsyth and Ashland, Mont., from Forsyth over Montana Highway 10 to Rosebud, Mont., thence over Rosebud Road and Montana Highway 315 to Lame Deer, Mont., thence over Montana Highway 8 to Ashland, thence return over Tongue River, Greenleaf and Rosebud Roads, to Montana Highway 10, and thence over Montana Highway 10 to Forsyth, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Forsyth, Mont.

No. MC 127779, filed December 9, 1965. Applicant: LLOYD THORSGARD, AND KENNETH THORSGARD, a partnership, doing business as NORTH CENTRAL TRANSPORTATION, Northwood, N. Dak. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bags, from Duluth, Minn., and Superior, Wis., to points in North Dakota, and Rosholt, New Effington, and Veblen, S. Dak. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Duluth or Minneapolis, Minn.

No. MC 127780, filed December 6, 1965. Applicant: EMIL DIUBALDO, doing business as DIUBALDO TRUCKING CO., Beryl, W. Va. Applicant's representative: E. Stephen Heisley, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sawdust, bark, wood chips and wood shavings*, from Oakland, Mountain Lake Park, and Shaft, Md., and New Creek, W. Va., to Beryl, W. Va., restricted to traffic moving under a continuing contract or contracts with Cumberland Charcoal Corporation. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charleston or Elkins, W. Va.

No. MC 127784, filed December 7, 1965. Applicant: ROBERT VAN WHY AND GLORIA VAN WHY, a partnership, doing business as ROBERT AND GLORIA VAN WHY AND SON, Rural Delivery No. 4, Allentown, Pa. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, and household goods as defined by the Commission), having a prior or subsequent movement by air, between the Philadelphia International Airport in the city and county of Philadelphia, Pa.; the Allentown-Bethlehem-Easton Airport in Hanover Township, Lehigh County, Pa.; the Newark Airport, Newark, N.J.; the John F. Kennedy International Airport, New York, N.Y., and the La Guardia Airport, New York, N.Y., on the one hand, and, on the other, points in Lehigh, Northampton, Monroe, Schuylkill, and Carbon Counties, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Allentown, Pa.

No. MC 127786, filed December 9, 1965. Applicant: CONTRACT CARRIER, INC., 1147 West Oakland Avenue, Rock Hill, S.C. Applicant's representative: H. Overton Kemp, Post Office Box 20202, Charlotte, N.C., 28202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Boxes*, fiberboard, corrugated or not corrugated, knocked down flat, (a) from the plantsite of Owens-Illinois, Inc., Forest Products Division, near Newberry, S.C., to points in Georgia, North Carolina, South Carolina, Tennessee, and Virginia; (b) from Salisbury, N.C., to above named plantsite near Newberry, S.C.; (2) *materials and supplies*, used or useful in the manufacture of boxes, corrugated or not corrugated, knocked down flat or in rolls from points in Georgia, North Carolina, South Carolina, Tennessee, and Virginia, to above named plantsite near Newberry, S.C.; and (3) *rejected, damaged or refused shipments* on return. NOTE: Applicant is affiliated with Lowther Trucking Co., Inc., which operates as a common carrier under Certificate MC 114098 and subs, therefore common control or dual operations may be involved. Applicant states that proposed operation will be under a continuing contract with Owens-Illinois, Inc. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

MOTOR CARRIER OF PASSENGERS

No. MC 108378 (Sub-No. 6), filed December 7, 1965. Applicant: SUN VALLEY BUS LINES, INC., 600 East Jefferson Street, Phoenix, Ariz. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, between points in Arizona, New Mexico, California, Nevada, Utah, Texas, Colorado, Louisiana, Oklahoma, Washington, and Oregon. NOTE: Applicant states that the proposed service will be restricted to migratory workers and Indians for Indian agencies. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 119919 (Sub-No. 3), filed December 9, 1965. Applicant: BLAINE ALBERT WILLETTS, doing business as WILLETTS' CHARTER SERVICE, Route 1, Box 29, Frostburg, Md. Applicant's representative: Miller Bowen, First National Bank Building, Cumberland, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, from Frostburg, Md., to Charlestown, W. Va., from Frostburg over U.S. Highway 40 to Cumberland, Md., thence over Maryland Highway 28 to Maryland-West Virginia State line, thence over West Virginia Highway 28 to Romney, W. Va., thence over U.S. Highway 50 to Winchester, Va., thence over Virginia Highway 7 to Berryville, thence over U.S. Highway 340 to the site of Charlestown and Shenandoah race tracks at Charlestown, W. Va., and return over the same routes, serving all intermediate points between Frostburg, Md., and Romney, W. Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124233 (Sub-No. 3), filed December 6, 1965. Applicant: VANCOUVER ISLAND TRANSPORTATION COMPANY LIMITED, doing business as VANCOUVER ISLAND COACH LINES LIMITED, 710 Douglas Street, Vancouver, British Columbia, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, (1) in special operations, in round-trip sightseeing tours, beginning and ending at ports of entry on the international boundary line between the United States and Canada in Alaska, on the one hand, and, on the other, points in Alaska, and (2) in one-way or round-trip charter operations, beginning and ending at ports of entry on the international boundary line between the United States and Canada in Alaska, on the one hand, and, on the other, points in Alaska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 127776, filed December 3, 1965. Applicant: JOSEPH NOZZOLILLO, JOSEPH F. PASQUALE, LOUIS D. MANGIATORDI, JOSEPH MORELLO, RALPH E. GIGLIOTTI AND VITO A. GIGLIOTTI, a partnership, doing business as WORCESTER LIMOUSINE OPERATORS, 12 Vine Street, Worcester, Mass. Applicant's representative: Ronald R. Popeo, 100 State Street, Boston, Mass., 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special and charter operations, beginning and ending at Worcester, Mass., and extending to (1) Narragansett, R.I., (2) Lincoln Downs, R.I., (3) Salem, N.H., and (4) Hinsdale, N.H. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

APPLICATION FOR BROKERAGE LICENSES

MOTOR CARRIER OF PASSENGERS

No. MC 12613 (Sub-No. 4), filed December 5, 1965. Applicant: MRS. ANN L. McCARTNEY, doing business as ANN'S TRAVEL SERVICE, Rural Delivery No. 1, Fredonia, Pa. For a license (BMC 5) to engage in operations as a *broker* at Greenville, Pa., in arranging transportation by motor vehicle, in interstate or foreign commerce, of *passengers and their baggage*, in special and charter operations, beginning and ending at points in Clarion, Clearfield, Crawford, Jefferson, Lawrence, and Mercer Counties, Pa., and extending to points in the United States, including Hawaii and Alaska. NOTE: Applicant holds authority as a broker in MC 12613 Sub 2 in the above specified operations at Fredonia, Mercer, and Sharon, Pa. The purpose of the instant application is to allow applicant to continue operations in the same manner as granted under MC 12613 Sub 2 and also to maintain an office at Greenville, Pa., in addition to the present locations.

WATER CARRIER APPLICATION

WATER CARRIER OF PROPERTY

No. W-1225 GULF-PUERTO RICO LINES, INC.—COMMON CARRIER APPLICATION, filed December 10, 1965. Applicant: GULF-PUERTO RICO LINES, INC., Post Office Box 3620, San Juan, P.R. Applicant's representative: Warren Price, Jr., Suite 708, 1000 Vermont Avenue NW., Washington, D.C. Application filed December 10, 1965, for certificate authorizing operation as a common carrier by water, covering a new operation in interstate or foreign commerce under Part III of the Interstate Commerce Act, in year round operation, in the transportation of *general commodities*, as follows: One (1) trip per week between the ports of Houston, Tex., New Orleans, La., Mobile, Ala., and Tampa and Miami, Fla.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

MOTOR CARRIER OF PROPERTY

No. MC 504 (Sub-No. 85), filed December 10, 1965. Applicant: HARPER MOTOR LINES, INC., 213 Long Avenue, Post Office Box 781, Elberton, Ga. Applicant's representative: Guy H. Postell, Suite 693; 1375 Peachtree Street NE., Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Percale, Ga., as an off-route point in connection with carrier's presently authorized regular-route operations.

No. MC 2900 (Sub-No. 130), filed December 10, 1965. Applicant: RYDER TRUCK LINES, INC., Post Office Box 2408, Jacksonville, Fla. Applicant's representative: Guy H. Postell, Suite 693, 1375 Peachtree Street NE., Atlanta 9, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Percale, Ga., as an off-route point in connection with applicant's regular route operations.

No. MC 16634 (Sub-No. 14), filed December 8, 1965. Applicant: STRANG TRANSPORTATION, INC., Center and Elmer Streets, Elmer, N.J. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Seed*, in mixed shipments with animal and poultry feed and animal and poultry feed ingredients, from Bordentown, N.J., to points in Delaware, Maryland, and that part of Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 15 to Harrisburg, Pa., and thence along U.S. Highway 11 to the Maryland-Pennsylvania State line (except points in Monroe, Wayne, Northampton, and Lackawanna Counties, Pa., and except animal and poultry feed ingredients and additives, dry, in bulk, from Bordentown to Philadelphia, Pa.).

No. MC 22229 (Sub-No. 40), filed December 10, 1965. Applicant: TERMINAL TRANSPORT COMPANY, INC., 248 Chester Avenue SE., Atlanta, Ga. Applicant's representative: Guy H. Postell, Suite 693, 1375 Peachtree Street NE., Atlanta 9, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Percale, Ga., as an off-route point in connection with applicant's regular-route operations. NOTE: Common control may be involved.

No. MC 30887 (Sub-No. 140), filed December 8, 1965. Applicant: SHIPLEY TRANSFER, INC., 49 Main Street, Box 55, Reisterstown, Md., 21136. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Natural latex*, in bulk, in tank vehicles, from Baltimore, Md., to Tampa, Fla., West Point, Miss., and Dallas, Tex.

No. MC 48958 (Sub-No. 85), filed December 10, 1965. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver, Colo., 80216. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except livestock, household goods as defined by the Commission, commodities injurious or contaminating to other lading and commodities in bulk), between Willard, N. Mex., and El Paso, Tex.: From Willard, over New Mexico Highway 42 to Corona, N. Mex., thence over U.S. Highway 54 to El Paso, and return over the same route, serving the intermediate points of Corona and Carrizozo, N. Mex. NOTE: Applicant states no duplicating authority is sought.

No. MC 56679 (Sub-No. 15), filed December 10, 1965. Applicant: BROWN TRANSPORT CORP., 142 Milton Avenue, Post Office Box 6985, Atlanta, Ga., 30315. Applicant's representative: Guy H. Postell, Suite 693, 1375 Peachtree Street NE., Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), between Atlanta and Macon, Ga., over Georgia Highways 42 and 87, with closed doors at all points on Georgia Highway 42 except Atlanta and Macon, and with closed doors at Juliette, Ga., on Georgia Highway 87, serving the intermediate point of Percale, Ga.

No. MC 61628 (Sub-No. 33), filed December 10, 1965. Applicant: TAMIAMI FREIGHTWAYS, INC., 4305 21st Avenue, Tampa, Fla. Applicant's representative: Guy H. Postell, 1375 Peachtree Street NE., Atlanta 9, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Jackson and Macon, Ga., over Georgia Highway 87, serving all intermediate points, and (2) between Jackson and Macon, Ga., over Georgia Highway 87, serving Percale, Ga., as an intermediate or off-route point in connection with applicant's proposed operation in (1) above.

No. MC 72442 (Sub-No. 18), filed December 10, 1965. Applicant: AKERS MOTOR LINES, INCORPORATED, Post Office Box 579, Gastonia, N.C. Applicant's representative: Guy H. Postell, Suite 693, 1375 Peachtree Street NE., Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, tobacco, liquor, commodities in bulk, commodities requiring special equipment, and household goods as defined by the Commission), serving Percale, Ga. as an off-route point in connection with carrier's presently authorized regular-route operations.

No. MC 89684 (Sub-No. 54), filed December 8, 1965. Applicant: WYCOFF COMPANY, INCORPORATED, 560 South 2nd, West, Salt Lake City, Utah. Applicant's representative: Harry D. Pugsley, Suite 600, El Paso Natural Gas Building, 315 East Second, South, Salt Lake City, Utah, 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, moving in express service, between points in Utah and points in Idaho south of Idaho County, Utah. NOTE: Applicant states the proposed service shall be restricted to service providing for the transportation of packages or articles weighing more than 250 pounds and no more than 500 pounds in aggregate shall be carried from one consignor at one location to one consignee at one location during a single day.

No. MC 107475 (Sub-No. 59), filed December 10, 1965. Applicant: DANCE FREIGHT LINES, INC., 920 Dance Court, Cincinnati, Ohio. Applicant's representative: Guy H. Postell, Suite 693, 1375 Peachtree Street NE., Atlanta 9, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Percale, Ga., as an off-route point in connection with applicant's regular route operations.

No. MC 124078 (Sub-No. 173), filed December 6, 1965. Applicant: SCHWERMAN TRUCKING CO., a corporation.

611 South 28 Street, Milwaukee, Wis., 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Milwaukee, Wis., to points in Lake, McHenry, Boone, Cook, Du Page, and Kane Counties, Ill.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-13877, Filed, Dec. 28, 1965; 8:45 a.m.]

[No. 34661 [1]]

MIDDLEWEST MOTOR FREIGHT BUREAU CARRIERS

Sorting or Segregating of Shipments

In the matter of the assignment for hearing and directing special procedure.

It appearing, that in the original order in No. 34661 dated November 5, 1965, the Commission entered upon an investigation of the rules, regulations, and practices affecting rates and charges, applicable on interstate or foreign commerce, in sorting or segregation of truckload and less-than-truckload traffic moving under class or commodity rates from, to, or within Middle West Territory;

It further appearing, that by orders dated November 8, 9, 17, and 19, 1965, in Sub-Nos. 1, 2, 3, and 4 in this proceeding the Commission broadened the investigation to include additional territories with a view to making such findings and orders in the premises as the facts and circumstances shall warrant;

And it further appearing, that upon consideration of the record in these proceedings and having determined that they are of such a nature as to require the adoption of special procedure, including a formal hearing before a hearing examiner, and for good cause appearing therefor:

It is ordered, That:

(a) These proceedings be, and they are hereby, referred to Hearing Examiner George A. Dahan for hearing at the time and place to be hereafter designated and for recommendation of an appropriate order thereon, accompanied by the reasons therefor;

(b) The respondents and any interested party in support thereof shall file with the Commission on or before January 10, 1966, their prepared testimony, in writing, including all exhibits thereto, and, at the same time, serve a copy of such prepared testimony and exhibits upon all parties to the proceedings;

(c) The protestants and any interested party in support thereof shall file with the Commission on or before January 31, 1966, their prepared testimony, in writing, including all exhibits thereto and at the same time serve a copy of such prepared testimony and exhibits upon all parties to the proceedings;

(d) Parties desiring to cross-examine witnesses who have submitted prepared statements shall give notice to that effect, in writing, to the affiant and his counsel, if any, on or before February 7, 1966, a copy of such notice to be filed simultaneously with the Commission;

(e) A hearing will be held at the offices of the Interstate Commerce Commission, Washington, D.C., on February 15, 1966, commencing at 9:30 o'clock a.m., U.S. standard time for the purpose of cross-examining all witnesses so requested and for the introduction of the rebuttal evidence of the respective parties;

(f) An original with the affidavit and signature in ink together with two copies of all prepared testimony shall be filed with the Commission;

(g) Evidence presented which fails to conform to the above-outlined procedure will be grounds for its rejection from the record in these proceedings.

It is further ordered, That a copy of this order be delivered to the Director, Division of Federal Register, for publication in the FEDERAL REGISTER as notice to all parties.

And it is further ordered, That, to avoid future unnecessary service upon those respondents who, although participating carriers in the tariff schedules which are the subject of investigation herein, are not actively interested in he outcome of such investigation, subsequent service on respondents herein of notices and orders of the Commission will be limited to those respondents who:

(1) Have been identified by name in the order or orders of investigation herein,

(2) Specifically make written request to the Secretary of the Commission to be included on the service list, or

(3) Have appeared at a hearing.

Dated at Washington, D.C., this 7th day of December A.D. 1965.

By the Commission, Commissioner Freas.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-13855; Filed, Dec. 28, 1965; 8:45 a.m.]

[3d Rev. S.O. 562; Pfahler's ICC Order No. 170-A]

GEORGIA & FLORIDA RAILWAY CO.

Rerouting or Diversion of Traffic

Upon further consideration of Pfahler's ICC Order No. 170 (Georgia & Florida Railway Company) and good cause appearing therefor:

It is ordered, That:

(a) Pfahler's ICC Order No. 170, be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective at 11:59 p.m., December 22, 1965.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 22, 1965.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 65-13856; Filed, Dec. 28, 1965; 8:46 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 23, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA 40205—*Corn to points in Maine, New Hampshire, and Vermont.*—Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2815), for interested carriers. Rates on corn, air dried or otherwise dried, in bulk, in carloads, from points in Illinois, also west bank Lake Michigan ports of Kewaunee, Manitowoc, Marinette, Milwaukee, Wis., and Menominee, Mich., to points in Maine, New Hampshire, and Vermont.

Grounds for relief—Market competition with shippers east of the Illinois-Indiana State line.

Tariff—Supplement 8 to Traffic Executive Association-Eastern Railroads, agent, tariff ICC C-513.

FSA 40206—*Class and commodity rates from and to Singleton, Tenn.*—Filed by O. W. South, Jr., agent (No. A4818), for and on behalf of carriers parties to Uniform Classification Committee, agent, tariff ICC 1. Rates on property moving on class and commodity rates, in carloads and less-than-carloads, from or to Singleton, Tenn., on the one hand, to or from points in the United States and Canada, on the other.

Grounds for relief—grouping.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-13857; Filed, Dec. 28, 1965; 8:46 a.m.]

[Notice 860]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

DECEMBER 23, 1965.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications *as filed* by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 108228 (Sub-No. 21), filed December 21, 1965. Applicant: MILES TRUCKING CO., INC., Post Office Box 728, Plant City, Fla. Applicant's representative: William G. Spruill, 1815 H Street, NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Florida, to points in Alabama, Georgia, Mississippi, Louisiana, Kentucky, Tennessee, North Carolina, and South Carolina.

HEARING: January 12, 1966, at the U.S. Courtrooms, Tampa, Fla., before Examiner William A. Royall.

No. MC 10761 (Sub-No. 188), filed December 10, 1965. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich., 48209. Applicant's representative: Howell Ellis, 616-618 Fidelity Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuff*, from points in New York on and west of a line beginning at Cape Vincent, N.Y., thence along New York Highway 12E to junction U.S. Highway 11, thence along U.S. Highway 11 to the New York-Pennsylvania State line, to points in Illinois, Indiana, Michigan, Missouri, and Ohio, and *refused and rejected shipments*, on return.

HEARING: January 10, 1966, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lyle C. Farmer.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-9301. Authority sought for purchase by HOME TRANSPORTATION COMPANY, INC., Post Office Box 6426, Station A, Marietta, Ga., of a portion of the operating rights of ROY L. JONES, INC., Post Office Box 24128, Houston, Tex., and for acquisition by JIMMIE H. AYER, also of Marietta, Ga., of control of such rights through the purchase. Applicants' attorneys: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga., 30303, and Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex., 78701. Operating rights sought to be transferred: *Heavy machinery, contractors' equipment*, and *parts and accessories thereof*, as a *common carrier*, over irregular routes, between points in Alabama, Louisiana, and Mississippi, between points in Alabama, and Louisiana, and points in that part of Mississippi on and south of U.S. Highway 82, on the one hand, and, on the other, points in Arkansas and Tennessee (applicant proposes restriction against transporting any shipment moving between points in Louisiana or moving between points in Louisiana on the one hand, and, on the other, points in Mississippi and Arkansas); and *road, levee, and dam building-equipment and machinery*, between points in Georgia, on the one hand, and, on the other, points in Alabama and Mississippi (applicant proposes all authorities to be acquired to be restricted against transporting "Mercer" description commodities and against transporting shipments moving from or to pipeline right-of-ways). Vendee is authorized to operate as a *common carrier* in Georgia, Alabama, Tennessee, North Carolina, South Carolina, Illinois, West Virginia, Michigan, Delaware, Missouri, Oklahoma, Nebraska, Iowa, Indiana, Kentucky, Ohio, Massachusetts, Florida, Louisiana, Mississippi, Arkansas, Pennsylvania, Texas, Virginia, Kansas, New Jersey, New York, Wisconsin, Minnesota, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9302. Authority sought for control by LANG TRANSIT COMPANY, 38th Street and Quirt Avenue, Lubbock, Tex., of K & B TRUCK LINES, INC., 600 North Houston Street, Amarillo, Tex., and for acquisition by C. M. LANG, also of Lubbock, Tex., of control of K & B TRUCK LINES, INC., through the acquisition by LANG TRANSIT COMPANY. Applicant's attorney: W. D. Benson, Jr., 9th Floor, Citizens Tower, Lubbock, Tex. Operating rights sought to be controlled: Under a certificate of registration, in Docket No. MC-120287 Sub No. 1, covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of Texas. LANG TRANSIT COMPANY is authorized to operate as a *common carrier* in Texas and New Mexico. Application has not been filed for temporary authority under section 210a(b). NOTE: MC-120287 Sub No. 2 is a matter directly related. NOTE: If a hearing is deemed necessary, applicants request it to be held at Lubbock, Tex.

No. MC-F-9303. Authority sought for purchase by JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa, 52722, of the operating rights and certain property of DENNY MOTOR FREIGHT, INC., New Albany, Ind., and for acquisition by ROBERT L. JENKINS, also of Bettendorf, Iowa, of control of such rights and property through the purchase. Applicants' attorneys: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn., 55402, and Donald W. Smith, Suite 511, Fidelity Building, Indianapolis, Ind. Operating rights sought to be transferred: *Farm machinery* and *farm implements* when transported in special equipment, as a *contract carrier*, over irregular routes, from Louisville, Ky., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Louisiana, Mississippi, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, and Virginia. Restriction: The operations described above are limited to a transportation service to be performed under special and individual contracts or agreements, with persons (as defined in section 203(a)(1) of the Interstate Commerce Act), who operate manufacturing plants, the business of which is the manufacture and distribution of farm machinery and farm implements, for the transportation of the commodities indicated and in the manner specified above; *prefabricated buildings*, complete, knocked down or in sections, and when transported in connection with the transportation of such buildings, *component parts* thereof, and *equipment and materials* incidental to the erection and completion of such buildings, from New Albany, Ind., and points within 1 mile thereof, to points in Pennsylvania, Kentucky, Missouri, Ohio, and Illinois.

Flavoring syrup, liquid sugar, and *invert sugar*, in bulk, in tank vehicles, from Louisville, Ky., to points in Alabama, Arkansas, Florida, Georgia, Iowa, Louisiana, Maryland, Illinois, Indiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia; *farm machinery* and *farm implements* when transported in special equipment, from Louisville, Ky., to points in Colorado, Connecticut, Delaware, Iowa, Kansas, Maryland, Michigan, Minnesota, Missouri, Nebraska, New York, Pennsylvania, Vermont, and Wisconsin; *agricultural machinery, and implements and parts* as described in appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Louisville, Ky., to points in West Virginia. Vendee is authorized to operate as a *common carrier* in all States in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b). NOTE: Docket No. MC-61592 (Sub-No. 62) is a matter directly related.

MOTOR CARRIERS OF PASSENGERS

No. MC-F-9299. Authority sought for control by BEN D. KRAMER, 2914 West Pratt Street, Chicago, Ill., of PEORIA-ROCKFORD BUS COMPANY, 1034 Seminary Street, Rockford, Ill., 61110. Applicant's attorney: LOUIS R. GENTILI, 38 South Dearborn Street, Chicago, Ill., 60603. Operating rights sought to be controlled: Passengers and their baggage, and express and newspapers in the same vehicle with passengers, as a *common carrier*, over regular routes, between Wenona, Ill., and Bloomington, Ill., serving all intermediate points, between Metamora, Ill., and junction U.S. Highway 51, and Illinois Highway 116 (near Woodford, Ill.), serving the intermediate points of Roanoke and Benson, Ill., between Carbondale, Ill., and Evans-

[1] This order also embraces Nos. 34661 (Sub-No. 1), Sorting or Segregation of Shipments, Northeastern States; 34661 (Sub-No. 2), Sorting or Segregation of Shipments, Eastern and Central States; and 34661 (Sub-Nos. 3 and 4), Sorting or Segregation of Shipments, Various States.

ville, Ind., between Decatur, Ill., and Carmi, Ill., between Carbondale, Ill., and Springfield, Ill., serving all intermediate points. Restriction: Service to and from points between Springfield and junction U.S. Highway 66 and Illinois Highway 48, including said junction, is restricted to traffic moving to or from points south of said junction; between Pinckneyville, Ill., and St. Louis, Mo., serving the intermediate points of St. Liberty, and Fayetteville, Ill., between Rockford, Ill., and Beloit, Wis., between Milwaukee, Wis., and Beloit, Wis., between Peoria, Ill., and Streator, Ill., between Ottawa, Ill., and junction Illinois Highways 89 and 17, at or near Varna, Ill., between Joliet, Ill., and Ottawa, Ill., serving all intermediate points; passengers and their baggage, and express, in the same vehicle with passengers, between Metamora, Ill., and Peoria, Ill., between Rockford, Ill., and Wenona, Ill., serving all intermediate points: passengers and their baggage, in the same vehicle with passengers and express and newspapers, between Morris, Ill., and Chicago, Ill., serving the intermediate point of Joilet, Ill., between Rockford, Ill., and Dixon, Ill., serving the intermediate points of Byron, Oregon, and Grand Detour, Ill. BEN D. KRAMER holds no authority from this Commission. However, he is affiliated with (1) I & S TRAILWAYS, INC., doing business as INDIANAPOLIS AND SOUTHEASTERN TRAILWAYS, 1318 North Capitol Avenue, Indianapolis, Ind., (2) DE LUXE TRAILWAYS, INC., 23 West 16th Street, Chicago 16, Ill., (3) WESSON COMPANY, 250 West Ohio Street, Indianapolis Ind., which are authorized to operate as *common carriers* in (1) Indiana, Illinois, Ohio, and Kentucky; (2) Illinois and Missouri; and (3) Indiana and Kentucky. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9300. Authority sought for control by EDWARD STELMASZEK AND SOPHIE STELMASZEK, Route 35, South Amboy, N.J., of RHODE ISLAND BUS CORP., Post Office Box 666, Providence, R.I., 02901. Applicants' attorney: John R. Sims, Jr., 1750 Pennsylvania Avenue NW., Washington, D.C., 20006. Operating rights sought to be controlled: Passengers and their baggage, and express, mail, and newspapers, in the same vehicle with passengers, as a *common carrier*, over regular routes, between Boston, Mass., and Providence, R.I., between Providence, R.I. and Wallum Lake, R.I., between Pascoag, R.I., and Woonsocket, R.I., serving all intermediate points; passengers and their baggage, during the season extending from April 12 to November 30, inclusive of each year, between Pawtucket, R.I., and the Lincoln Race Track at Lincoln, R.I., serving no intermediate points; passengers and their baggage, restricted to traffic originating at the point indicated in charter operations, over irregular routes, from Pawtucket, R.I., to points in Massachusetts, and return. EDWARD STELMASZEK and SOHPIE STELMASZEK hold no authority from this Commission. However, they are affiliated with (1) SUPER SERVICE BUS CO., Route 35, South Amboy, N.J., and (2) PROVIDENCE ARROW LINE, INC., 625 8th Avenue, New York, N.Y., which are authorized to operate as *common carriers* in (1) New Jersey, New York, Connecticut, Maryland, Massachusetts, Ohio, Pennsylvania, and the District of Columbia; and (2) Connecticut, New York, Rhode Island, and Massachusetts. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-13874; Filed, Dec. 28, 1965; 8:47 a.m.]

[Notice 107]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 23, 1965.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 99798 (Sub-No. 8 TA), filed December 20, 1965. Applicant: DODDS TRUCK LINE, INC., 623 Lincoln, West Plains, Mo. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as described by the Commission; commodities in bulk and those requiring special equipment), between the warehouse facility of Eagle-Picher Co. at or near Buick, Mo., on the one hand, and, on the other, Kansas City, St. Louis, West Plains, Springfield, and Joplin, Mo., for the purpose of interlining interstate freight at Kansas City, St. Louis, West Plains, Springfield, and Joplin, Mo., for 180 days. Supporting shipper: The Eagle-Picher Co., Post Office Box 47, Joplin, Mo., 64802. Send protests to: John V. Barry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo., 64106.

No. MC 102616 (Sub-No. 777 TA), filed December 21, 1965. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa., 17405. Applicant's representative: James Annand (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Jet fuel*, in bulk, in tank vehicles, from Bayonne, N.J., to Evendale, Ohio, for 180 days. Supporting shipper: Texaco, Inc., Post Office Box 52332, Houston, Tex., 77052. Send protests to: Robert W. Ritenour, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 218 Central Industrial Building, 100 North Cameron Street, Harrisburg, Pa., 17101.

No. MC 112372 (Sub-No. 8 TA), filed December 21, 1965. Applicant: CLARENCE G. JEWELL, Post Office Box 703, Leesburg, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat products and meat byproducts* (section A, appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766), from Purcellville, Va., to the plantsite of Hahn, Inc., Westminster, Md., and return with *refused or rejected shipments*, for 150 days. Supporting shipper: Hahn's Inc., Westminster, Md., Attention: Joseph H. Hahn, Jr. Send protests to: Robert D. Caldwell, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 1220, Washington, D.C., 20423.

No. MC 113678 (Sub-No. 207 TA), filed December 20, 1965. Applicant: CURTIS, INC., Post Office Box 16004, Stockyard Station, Denver, Colo. Applicant's representative: Oscar Mandel (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pool tables and accessories*, from Point of Rocks, Md., to Denver, Colorado Springs, and Pueblo, Colo., Albuquerque, N. Mex., Dallas and Fort Worth, Tex., Phoenix, Ariz., and Los Angeles and San Francisco, Calif., for 150 days. Supporting shipper: Potomac Industries, Inc., Point of Rocks, Md., 21777. Send protests to: James E. Henry, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo., 80202.

No. MC 113828 (Sub-No. 102 TA), filed December 21, 1965. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue., Washington, D.C., 20014. Applicant's representative: G. M. Bowden (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol and alcoholic liquors*, in bulk, in tank vehicles, from Baltimore, Md., to Williamson, Pa., for 180 days. Supporting shipper: Joseph E. Seagram & Sons, Inc., 375 Park Ave., New York, N.Y., 10022, Attn: W. T. Patterson. Send protests to: Robert D. Caldwell, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo., 64106.

No. MC 115669 (Sub-No. 57 TA), filed December 20, 1965. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, Nebr. Applicant's representative: C. A. Ross, 714 South 45th, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry manufactured fertilizer*, from Plattsmouth, Nebr., to points in Iowa, for 180 days. Supporting shipper: Spencer Chemical Division, Gulf Oil Corp., Dwight Building, Kansas City, Mo., 64105. Send protests to: District Superivisor Max H. Johnston, Bureau of Operations and Compliance, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr., 68508.

No. MC 115826 (Sub-No. 121 TA), filed December 20, 1965. Applicant: W. J. DIGBY, INC., Post Office Box 5088 Terminal Annex, 1960 31st Street, Denver, Colo., 80217. Applicant's representative: John F. DeCock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Frozen foods, fresh and cured meats, bakery goods, cheese, and margarine*, (2) *canned goods, frozen poultry, frozen fish, salad dressing, sugar packs, paper boxes, paper bags, paper napkins, paper drinking cups, paperboard dishes, plastic articles, drinking straws and printed matter*, when moving in the same vehicle with any of the commodities named in (1) above, from points in the Denver, Colo. commercial zone to El Cajon, Los Angeles, Oakland, San Diego, San Francisco, and San Rafael, Calif., Seattle, Wash., and Salt Lake City, Utah, including all points in the commercial zones of named points, for 180 days. Supporting shipper: Colorado Cibo House Corp., 3517 South Huron, Englewood, Colo. Send protests to: James E. Henry, 2022 Federal Building, Denver, Colo., 80202.

No. MC 123435 (Sub-No. 7 TA), filed December 20, 1965. Applicant: PACIFIC MOLASSES TRANSPORT COMPANY, doing business as P/M TRANSPORT COMPANY, 215 Market Street, San Francisco, Calif., 94105. Applicant's representative: P. N. Deckard (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Animal or poultry feed supplements or additives*, liquid, in tank vehicles, and *molasses*, when transported in part lots with animal or poultry feed supplements or additives, liquid, in tank vehicles, from Imperial, Calif., to Yuma, Phoenix, Arlington, Casa Grande and Tucson, Ariz., and points within a radius of 20 miles of each, for 150 days. Supporting shipper: California Cattle Supply Co., Inc., Post Office Box 788, Dellflower, Calif. Send protests to: Wm. R. Murdoch, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif., 94102.

No. MC 124111 (Sub-No. 9 TA), filed December 21, 1965. Applicant: SANDUSKY TRUCK AND TRAILER COMPANY, Post Office Box 2297, 302 West Perkins Avenue, Sandusky, Ohio. Applicant's representative: Earl J. Thomas, Post Office Box 70, 5844–5866 North High Street, Worthington, Ohio, 43085. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as defined in paragraph A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Cleveland and Sandusky, Ohio, to Tampa, Fla., for 180 days. Supporting shipper: The Selected Meat Co., Box 1489, Sandusky, Ohio, 44870. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio, 43604.

No. MC 125440 (Sub-No. 3 TA), filed December 20, 1965. Applicant: JULES TISCHLER AND PAUL JOHNSON, a Partnership, doing business as RARITAN MOTOR EXPRESS, 985 Route 202, Somerville, N.J., 08876, Office: 3 Van Dyke Road, Branchburg, N.J. Applicant's representative: LeRoy Danziger, 334 King Road, North Brunswick, N.J., 08902. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete panels and materials, supplies and equipment* used for the erection, manufacture, and attachment of such commodity, between Bound Brook, N.J. and Brandywine, Md., on the one hand, and, on the other, Roanoke, Va., for 180 days. Supporting shipper: Eastern Schokcrete Corp., Post Office Box 270, Bound Brook, N.J., 08805. Send protests to: Robert S. H. Vance, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1060 Broad Street, Newark, N.J., 07102.

No. MC 127768 (Sub-No. 1 TA), filed December 20, 1965. Applicant: JOINER'S TRANSIT COMPANY, INC., 123 East Alabama Street, Florence, Ala. Applicant's representative: Aaron Joiner (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, express, newspapers, mail and/or baggage* in the same vehicle with passengers, between Pulaski, Tenn., and Florence, Ala., from Pulaski over Tennessee Highway 11, Alabama Highway 207 to Bethel, Ala., thence over Alabama Highway 64 to Lexington, Ala., Highway 101 to Elgin, Ala., thence over U.S. Highway 72 to Florence, Ala., and return over the same route, serving all intermediate points and no off-route points, and charter rights from all points on said route, for 180 days. Supporting shippers: Pulaski Auto Supply Co., 201 East Jefferson Street, Pulaski, Tenn.; Hathcoat Garage, Minor Hill, Tenn.; S. B. S. Electric Supply Co., 123–125 South Royal Avenue, Florence, Ala.; Davis Repair Shop, Goodsprings, Tenn.; M. S. Church Auto Parts Co., Inc., 322 North Second Street, Pulaski, Tenn.; Goode's Radio & T. V. Service, Minor Hill, Tenn., 38473; Jack's Cookie Corp., Pulaski, Tenn.; Baker-Hill, 121 South Wood Avenue, Florence, Ala.; and Bill's Garage, Minor Hill, Tenn. Send protests to: B. R. McKenzie, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 212 South Twentieth Building, 908 South 20th Street, Birmingham, Ala., 35205.

No. MC 127789 (Sub-No. 1 TA), filed December 21, 1965. Applicant: BENNETTI TRUCKING CORP., 24 West 20th Street, New York, N.Y. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Phonograph records*, loose, in cartons, from Roselle, North Plainfield, Ancora, and Runnemede, N.J., to New York, N.Y., under continuing contract with R. T. V. Sales, Inc., for 150 days. Supporting shipper: R. T. V. Sales, Inc., 420 Lexington Avenue, New York, N.Y. Send protests to: Paul W. Assenza, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y., 10013.

No. MC 127790 TA, filed December 20, 1965. Applicant: CODY BUS LINE, Deaver, Wyo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, their baggage, express, and mail*, in the same vehicle, between Cody, Wyo., and Deaver, Wyo., serving all intermediate points, from Cody, over U.S. Alternate Highway 14 to Garland, Wyo., thence over Wyoming Highway 114 to Deaver (also from Cody, Wyo., over U.S. Alternate Highway 14 to Lovell, Wyo., thence over U.S. Highway 310 to Deaver, Wyo.), and return over the same route. Restrictions against tacking or interline service to be waivered, for 180 days. Supporting shippers: Thomas E. Roberts, D. V. M., Box 1157, South of Cody, Cody, Wyo.; Continental-Emsco Co., Cody, Wyo.; Soll Ford-Mercury Sales, 922 North 12th Street, Cody, Wyo.; Webster Chevrolet-Buick Co., Post Office Box 1019, Cody, Wyo.; The Buffalo Bill, Highways 14, 20 and 120, Cody, Wyo.; P & S Motor Company, 1018 13th Street, Cody, Wyo.; W. R. Coe Memorial Hospital, Cody, Wyo.; Cody Drug, Cody, Wyo.; The Cody Theatre Park Drive-In Theatre, 1719 Bleistein Avenue, Cody, Wyo.; Big Horn Coca-Cola Bottling Co., Post Office Box 1019, Cody, Wyo.; War Memorial Hospital, Powell, Wyo.; Johnson-Bolmeier, Post Office Box 838, Powell, Wyo.; Dr. W. R. Lee, Route 1, one mile east of Powell, Powell, Wyo.; and, Yellowstone Amusement Co., Box 271, Powell, Wyo. Send protests to: Paul A. Naughton, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, D & S

Building, 255 North Center Street, Casper, Wyo., 82601.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-13875; Filed, Dec. 28, 1965; 8:47 a.m.]

[Notice 1277]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 23, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-68348. By order of December 22, 1965, the Transfer Board approved the transfer to K & K Transportation Co., Chelsea, Mass., of the certificate of registration, issued January 21, 1964, to Clic Construction Co., Inc., West Medford, Mass., evidencing a right to engage in transportation in interstate or foreign commerce corresponding to Irregular Route Common Carrier Certificate No. 1061 dated August 19, 1959, issued by the Massachusetts Department of Public Utilities. Joseph A. Kline, 185 Devonshire Street, Boston, Mass., 02110, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-13876; Filed, Dec. 28, 1965; 8:48 a.m.]

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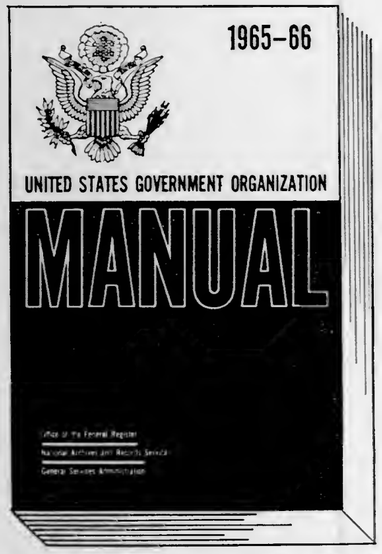
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FEDERAL REGISTER

VOLUME 30 • NUMBER 251

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Pages 16249–17142

PART I

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Civil Aeronautics Board
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THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

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[Revised Edition—1965]

This pamphlet contains typical legal references which require further citing. The official published volumes in which the citations may be found are shown alongside each reference—with suggestions as to the logical sequence to follow in using them. Additional finding aids, some especially useful in citing current legislation, also have been included. Examples are furnished at pertinent points and a list of references, with descriptions, is carried at the end.

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Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 53—LIVESTOCK, MEATS, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS)

Official U.S. Standards for Grades of Swine

On June 26, 1965, there was published in the FEDERAL REGISTER (30 F.R. 8225) in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003), a notice that the Consumer and Marketing Service of the Department of Agriculture, under the provisions of sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622 and 1624), was considering amending the provisions of the official U.S. standards for swine in §§ 53.150 and 53.151 of Part 53, Title 7, Code of Federal Regulations, and promulgating official U.S. standards for grades of feeder pigs to appear in §§ 53.158 and 53.159 of that part.

Statement of considerations. A basic principle in the development of standards for livestock and meats in that standards for feeder animals should conform closely to those for slaughter animals and the resulting carcasses. In 1940 tentative standards for grades of feeder pigs were developed and published by this Department in USDA Circular No. 569, "Market Classes and Grades of Swine." Although these tentative standards were never promulgated as official standards, they have been used as the basis for Federal and Federal-State livestock market news reports on feeder pigs and thus are of major importance to the industry. These tentative standards, however, are no longer considered adequate in view of the standards for slaughter swine and pork carcasses which have been developed since 1940.

In recent years the number of feeder pigs graded and sold in special sales has increased substantially. In line with this change in feeder pig marketing, a number of States have inaugurated grading programs based on their own standards. This increased interest and activity in the grading and marketing of feeder pigs has emphasized the need for official U.S. standards for grades of feeder pigs that are closely coordinated with the standards for grades of slaughter barrows and gilts. Such standards applied on a uniform basis throughout the country could result in further improvements in production and marketing and make market reports more meaningful and useful.

After consideration of all material submitted pursuant to the notice of proposed rule making and other material available to the Department, it is evident that there is a need for the promulgation of official standards for grades of feeder pigs. Therefore, pursuant to the said authority cited above, the provisions of the official U.S. standards for swine in 7 CFR 53.150 and 53.151 are hereby amended and official U.S. standards for grades of feeder pigs are hereby promulgated to appear in 7 CFR 53.158 and 53.159, as specified below:

1. Section 53.150 of the U.S. standards for swine is amended to read as follows:

§ 53.150 Swine.

The official standards for swine developed by the U.S. Department of Agriculture provide for segregation first according to intended use—slaughter or feeder—then as to class, as determined by sex condition, and then as to grade, which is determined by the apparent relative excellence and desirability of the animal for a particular use. Differentiation between slaughter and feeder swine is based solely on their intended use rather than on specific identifiable characteristics of the swine. Slaughter swine are those which are intended for slaughter immediately or in the near future. Feeder swine are those which are intended for slaughter after a period of feeding.

2. Section 53.151 of the official U.S. standards for swine is amended to read as follows:

§ 53.151 Slaughter and feeder swine classes.

There are five classes of slaughter and feeder swine. Definitions of the respective classes are as follows:

(a) *Barrow.* A barrow is a male swine castrated when young and before development of the secondary physical characteristics of a boar.

(b) *Gilt.* A gilt is a young female swine that has not produced young and has not reached an advanced stage of pregnancy.

(c) *Sow.* A sow is a mature female swine that usually shows evidence of having reproduced or having reached an advanced stage of pregnancy.

(d) *Boar.* A boar is an uncastrated male swine.

(e) *Stag.* A stag is a male swine castrated after development or beginning of development of the secondary physical characteristics of a boar. Typical stags are somewhat coarse and lack balance—the head and shoulders are more fully developed than the hindquarter parts, bones and joints are large, the skin is thick and rough, and the hair is coarse.

3. New §§ 53.158 and 53.159 are promulgated to read, respectively:

§ 53.158 Application of standards for grades of feeder pigs.

(a) The grade of a feeder pig is determined by evaluating two general value-determining characteristics—its logical slaughter potential and its thriftiness.

(b) The logical slaughter potential of a thrifty feeder pig is its expected slaughter grade at a market weight of 220 pounds after a normal feeding period. In these feeder pig standards, logical slaughter potential is determined by a composite appraisal of the development of the muscular system and the skeletal system. Both of these factors have an important effect on the development of lean and fat as the animal grows and fattens, and therefore, on the expected slaughter and carcass grade.

(c) Thriftiness in a feeder pig is its apparent ability to gain weight rapidly and efficiently. Size for age, health, and other general indications of thriftiness are considered in appraising the thriftiness of feeder pigs.

(d) The standards provide for five grades of feeder pigs—U.S. No. 1, U.S. No. 2, U.S. No. 3, Medium, and Cull—corresponding in name to the five grades for slaughter swine and pork carcasses. The No. 1, No. 2, and No. 3 grades include all pigs which are thrifty. Differentiation between the No. 1, No. 2, and No. 3 grades is based entirely on differences in logical slaughter potential. Feeder pigs in the No. 1 grade have sufficient muscling and frame to reach a market weight of 220 pounds with near the minimum degree of finish required for the production of cuts with acceptable quality characteristics. Feeder pigs in the No. 2 and No. 3 grades usually have progressively less muscling and less frame and are expected to have progressively more finish when marketed at 220 pounds. The Medium and Cull grades include only pigs which lack thriftiness. Differentiation between these grades is based entirely on differences in degree of unthriftiness.

(e) Most feeder pigs are marketed when relatively young and before reaching a weight of 125 pounds. At this age, sex condition exerts little influence on the basic factors determining the feeder grade. Therefore, these standards are equally applicable for grading barrow, gilt, and boar pigs, although it is recognized that sex condition may influence the market price in some instances. It is assumed that boar pigs which are graded as feeder pigs will be castrated prior to developing the secondary physical characteristics of a boar. Sows, stags, and mature boars are seldom used as feeder animals, and these standards do not apply to those classes.

(f) Only one combination of muscling and skeletal characteristics is described in the standards for the No. 1, No. 2, and No. 3 grades. However, it should be recognized that pigs with thicker muscling and less frame or those with thinner muscling and greater frame than described in each of these grades also may be eligible for that grade. Since no attempt is made to describe the numerous combinations of characteristics that may qualify a feeder pig for a specific grade, making appropriate compensations for varying combinations of characteristics requires the use of sound judgment.

§ 53.159 Specifications for official United States standards for grades of feeder pigs.

(a) *U.S. No. 1.* Feeder pigs in this grade near the borderline of the U.S. No. 2 grade are slightly long in relation to width and have moderately thick muscling throughout. Thickness of muscling is particularly evident in moderately thick and full hams and shoulders. The back usually appears slightly full and well-rounded. They usually present a well-balanced, stylish appearance. Feeder pigs in this grade are expected to produce U.S. No. 1 grade carcasses when slaughtered at 220 pounds.

(b) *U.S. No. 2.* Feeder pigs in this grade near the borderline of U.S. No. 3 grade are slightly short in relation to width and have only slightly thick muscling throughout. The hams and shoulders are slightly thick and full and the back usually appears moderately full and thick. Feeder pigs in this grade are expected to produce U.S. No. 2 grade carcasses when slaughtered at 220 pounds.

(c) *U.S. No. 3.* Feeder pigs typical of the No. 3 grade are short and have rather thin muscling throughout. The hams are thin and rather flat, particularly in the lower parts toward the shanks. The back usually appears full and thick and the width at the topline usually is greater than at the underline. Feeder pigs in this grade are expected to produce U.S. No. 3 grade carcasses when slaughtered at 220 pounds.

(d) *Medium.* Feeder pigs in this grade near the borderline of the Cull grade usually are small for their age and appear unthrifty. They often have a rough, unkempt appearance indicating the effects of disease or poor care. The hams and shoulders usually are thin and flat and taper toward the shanks. The back is thin and lacks fullness. Pigs in this grade near the borderline of the U.S. No. 1, U.S. No. 2, and U.S. No. 3 grades are slightly small for their age and appear slightly unthrifty. It is recognized that Medium grade feeder pigs will produce No. 1, No. 2, or No. 3 grade carcasses when slaughtered at 220 pounds provided their unthrifty condition is corrected.

(e) *Cull.* Feeder pigs typical of this grade are very deficient in thriftiness and growthiness and often appear stunted or diseased. Hams and shoulders usually are very thin and flat and taper toward the shanks. They are narrow over the top and the back is thin and often slopes away from the center.

(Sec. 203, 60 Stat. 1087, as amended; sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1622, 1624)

These standards embody slight changes from the proposals in the notice of rule making. These changes are made pursuant to comments received in connection with the notice and are made for purposes of clarity and uniformity of interpretation. It does not appear that further notice and other public procedure would make additional information available to the Department. These provisions should be made effective as soon as possible in order to be of maximum benefit to affected persons. Since most statistical reports are compiled on a yearly basis, more uniform and meaningful statistical reporting would be possible if these standards were in effect at the beginning of the calendar year. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that further public procedure with respect to the promulgated standards is impracticable and unnecessary and such standards may be made effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing provisions shall become effective January 1, 1966.

Done at Washington, D.C., this 27th day of December 1965.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 65-13939; Filed, Dec. 29, 1965; 8:48 a.m.]

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR COTTON CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published October 28, 1965 (30 F.R. 13686), which were designated for cotton crop insurance for the 1966 crop year.

ALABAMA

Barbour. Lauderdale.

ARIZONA

Maricopa. Yuma.

ARKANSAS

Chicot. Desha.

GEORGIA

Ben Hill. Thomas.

LOUISIANA

Caldwell.

MISSISSIPPI

Calhoun. Carroll.

MISSOURI

Dunklin. Pemiscot.
Mississippi. Stoddard.

NORTH CAROLINA

Montgomery. Rowan.

SOUTH CAROLINA

Aiken. Bamberg.

TENNESSEE

Chester. Lawrence.

TEXAS

Calhoun. Hudspeth.
Haskell. Victoria.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 65-13949; Filed, Dec. 29, 1965; 8:49 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR SOYBEAN CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published October 28, 1965 (30 F.R. 13689), which were designated for soybean crop insurance for the 1966 crop year.

ALABAMA

Escambia.

ARKANSAS

Chicot. Desha.

ILLINOIS

Brown. Peoria.
Henderson. Warren.
Kendall. Whiteside.
Knox.

INDIANA

Bartholomew. Newton.
Elkhart. Parke.
Hamilton.

IOWA

Cedar. Marion.
Clinton. Monona.
Harrison. Muscatine.
Henry. Taylor.
Louisa. Wapello.

KANSAS

Johnson.

KENTUCKY

Henderson. Union.

LOUISIANA

Caldwell.

MARYLAND

Caroline.

MISSISSIPPI

Carroll.

MISSOURI

Boone. Pemiscot.
Clinton. Randolph.
Dunklin. Stoddard.
Mississippi.

NORTH CAROLINA

Hyde.

OHIO

Fairfield. Ottawa.

SOUTH CAROLINA

Aiken. Bamberg.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 65-13950; Filed, Dec. 29, 1965; 8:50 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR PEANUT CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published October 28, 1965 (30 F.R. 13689), which were designated for peanut crop insurance for the 1966 crop year. The type(s) on which insurance is offered in each county is shown opposite the county name.

ALADAMA

Barbour—runner.

GEORGIA

Ben Hill—runner, spanish, virginia.
Dooly—runner, spanish, virginia.
Thomas—runner, spanish, virginia.

NORTH CAROLINA

Pitt—virginia.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 65-13951; Filed, Dec. 29, 1965; 8:50 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR RICE CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published October 28, 1965 (30 F.R. 13689), which were designated for rice crop insurance for the 1966 crop year.

ARKANSAS

Chicot. Desha.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 65-13952; Filed, Dec. 29, 1965; 8:50 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR SUGAR BEET CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published October 28, 1965 (30 F.R. 13691), which were designated for sugar beet crop insurance for the 1966 crop year.

COLORADO

Morgan. Weld.

IDAHO

Minidoka.

MONTANA

Richland. Yellowstone.

WASHINGTON

Grant. Yakima.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 65-13953; Filed, Dec. 29, 1965; 8:50 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR TOBACCO CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published October 28, 1965 (30 F.R. 13691, 14151), which were designated for tobacco crop insurance for the 1966 crop year. The type(s) of tobacco on which insurance is offered in each county is shown opposite the county name.

GEORGIA

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Thomas ---------- 14

KENTUCKY

Carroll ---------- 31
Henderson ---------- 31, 36
Marshall ---------- 23, 31, 35
Taylor ---------- 31
Union ---------- 31, 36

MARYLAND

Anne Arundel ---------- 32

NORTH CAROLINA

Alexander ---------- 11a
Montgomery ---------- 11b
Wilkes ---------- 11a

TENNESSEE

Blount ---------- 31
Lawrence ---------- 31
Macon ---------- 31, 35

VIRGINIA

Franklin ---------- 11a, 21

WISCONSIN

Crawford ---------- 55
Richland ---------- 55

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 65-13954; Filed, Dec. 29, 1965; 8:50 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR CORN CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published October 28, 1965 (30 F.R. 13685, 14151), which were designated for corn crop insurance for the 1966 crop year.

ILLINOIS

Brown. Peoria.
Henderson. Warren.
Kendall. Whiteside.
Knox.

INDIANA

Bartholomew. Newton.
Elkhart. Parke.
Hamilton.

IOWA

Cedar. Marion.
Clinton. Monona.
Harrison. Muscatine.
Henry. Taylor.
Louisa. Wapello.

KENTUCKY

Henderson. Union.

MARYLAND

Caroline.

MICHIGAN

Cass. Livingston.

MISSOURI

Boone. Pemiscot.
Clinton. Randolph.
Dunklin. Stoddard.
Mississippi.

NORTH CAROLINA

Hyde. Rowan.

OHIO

Fairfield. Ottawa.

SOUTH DAKOTA

Aurora. Douglas.
Charles Mix.

WISCONSIN

Crawford. Richland.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 65-13955; Filed, Dec. 29, 1965; 8:50 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR OAT CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published October 28, 1965 (30 F.R. 13688), which were designated for oat crop insurance for the 1966 crop year.

IOWA

Cedar.	Marion.
Clinton.	Monona.
Harrison.	Muscatine.
Henry.	Taylor.
Louisa.	Wapello.

SOUTH DAKOTA

Aurora.	Douglas.
Charles Mix.	

WISCONSIN

Crawford.	Richland.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 65-13956; Filed, Dec. 29, 1965; 8:50 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR BARLEY CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published March 4, 1965 (30 F.R. 2781), which were designated for barley crop insurance for the 1966 crop year.

NORTH DAKOTA

Mercer.	Oliver.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 65-13958; Filed, Dec. 29, 1965; 8:50 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR GRAIN SORGHUM CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published October 28, 1965 (30 F.R. 13687), which were designated for grain sorghum crop insurance for the 1966 crop year.

TEXAS

Calhoun.	Victoria.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 65-13959; Filed, Dec. 29, 1965; 8:50 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTY DESIGNATED FOR PEA (DRY) CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following county is hereby added to the list of counties published October 28, 1965 (30 F.R. 13689), which were designated for pea (dry) crop insurance for the 1966 crop year.

WASHINGTON

Columbia.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 65-13960; Filed, Dec. 29, 1965; 8:50 a.m.]

PART 403—PEACH CROP INSURANCE

Subpart—Regulations for the 1965 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR PEACH CROP INSURANCE

Pursuant to authority contained in § 403.40 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published October 28, 1965 (30 F.R. 13692), which were designated for peach crop insurance for the 1966 crop year.

NORTH CAROLINA

Montgomery.

SOUTH CAROLINA

Aiken.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 65-13957; Filed, Dec. 29, 1965; 8:50 a.m.]

PART 408—NORTH CAROLINA APPLE CROP INSURANCE

Subpart—Regulations for the 1965 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR APPLE CROP INSURANCE

Pursuant to authority contained in § 408.1 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published October 28, 1965 (30 F.R. 13692), which were designated for apple crop insurance for the 1966 crop year.

NORTH CAROLINA

Alexander.	Wilkes.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 65-13940; Filed, Dec. 29, 1965; 8:49 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

[Amdt. 19]

PART 724—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52), CIGAR FILLER AND BINDER (TYPES 42, 43, 44, 53, 54 AND 55), AND MARYLAND TOBACCO

Subpart—Tobacco Allotment and Marketing Quota Regulations, 1963-64 and Subsequent Marketing Years

MISCELLANEOUS AMENDMENTS

Correction

In F.R. Doc. 65-13484, appearing at page 15571 of the issue for Friday, December 17, 1965, the following corrections are made:

1. In the second sentence of § 724.62 (a)(2), "paragraph (c)" should read "paragraph (q)".

2. Section 724.69(b)(8) should end with the words "in the base period" instead of with the words "is the base period".

3. Section 724.69(g)(1) should end with the words "lessee farm" instead of with the words "leasee farm".

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[971.308 Amdt. 1]

PART 971—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

Limitation of Shipments

Correction

In F.R. Doc. 65-13543 appearing at page 15655 in the issue for Saturday, December 18, 1965, the second line of § 971.308(c)(1) now reads: "• • • 10 inches x 14¼ inches x $\frac{3}{16}$ inches • • •" It is corrected to read: "• • • 10 inches x 14¼ inches x 21$\frac{3}{16}$ inches • • •".

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

[Cotton Loan Program Reg., Amdt. 1]

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1427—COTTON

Subpart—Cotton Loan Program Regulations

WEIGHT, LOAN RATE, AND AMOUNT

Correction

In F.R. Doc. 65-13673, appearing at page 15795 of the issue for Wednesday, December 22, 1965, the following corrections are made in § 1427.1359(b):

1. In subparagraph (2), "staple of length" should read "staple length".

2. In subparagraph (3), "notes" should read "motes".

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS

Slaughtering Establishments

Pursuant to the provisions of sections 4, 5, and 13 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, section 3 of the Act of March 3, 1905, as amended, and section 3 of the Act of July 2, 1962 (21 U.S.C. 111-113, 114a-1, 120, 121, 125, 134b), paragraph (b) of § 78.15 of the regulations in Part 78, Title 9, Code of Federal Regulations, restricting the interstate movement of domestic animals because of brucellosis, is hereby amended to read as follows:

§ 78.15 Slaughtering establishments.

• • • • • •

(b) Notices containing lists of slaughtering establishments specifically approved for the purposes of § 78.5; paragraph (b) of § 78.12; and §§ 78.18 and 78.19 are published in the FEDERAL REGISTER. Information with respect to these slaughtering establishments may also be obtained from the Division and from the Federal Inspectors and State Inspectors.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 2, 65 Stat. 693; sec. 3, 76 Stat. 130; 21 U.S.C. 111-113, 114a-1, 120, 121, 125, 134b; 29 F.R. 16210, as amended; 9 CFR 78.16)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

This amendment clarifies the regulations in Part 78 by making specific reference in § 78.15(b) to the notices regarding specific approval of slaughtering establishments for the purposes of §§ 78.18 and 78.19 and should be made effective promptly in order to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 27th day of December 1965.

E. P. REAGAN,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 65-13938; Filed, Dec. 29, 1965; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 65-EA-32]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

Correction

In F.R. Doc. 65-12943, appearing at page 14968 of the issue for Friday, December 3, 1965, the following correction is made in item 1: The heading for the description of the Charleston, W. Va., control zone should read "Charleston, W. Va." instead of "Charlestown, W. Va."

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

MISCELLANEOUS AMENDMENTS

In § 200.56 paragraph (f) is amended to read as follows:

§ 200.56 Assistant Commissioner for Home Mortgages.

• • • • • •

(f) To direct the activities of the Mortgage Servicing Officer and the Special Assistant for Home Improvement Program.

In § 200.73 the introductory text of (a) and (a)(4) are amended to read as follows:

§ 200.73 Director, Audit and Examination.

• • • • • •

(a) To be responsible for the coordination and general supervision of the Audit Division, the Examination Division, and the Mortgagee Approval Section comprising the following functions:

• • • • • •

(4) Review and recommendation to the Assistant Commissioner for Home Mortgages of approval, disapproval, or cancellation of approval of financial institutions as approved mortgagees and of firms or individuals as authorized agents for approved mortgagees.

• • • • • •

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat 61, as amended; sec. 712, 62 Stat. 1261, as amended; sec. 907, 65 Stat. 301, as amended; sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D.C., December 23, 1965.

[SEAL] PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

[F.R. Doc. 65-13937; Filed, Dec. 29, 1965; 8:48 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER A—BUREAU OF ACCOUNTS

PART 209—DRAWING OF CHECKS IN FAVOR OF FINANCIAL ORGANIZATIONS FOR THE CREDIT OF PERSONS' ACCOUNTS

On November 4, 1965, notice of proposed rule making regarding the adoption of regulations, pursuant to section 3620 of the Revised Statutes (31 U.S.C. 492), as amended by Public Law 89-145 (79 Stat. 582), to govern the drawing of checks in favor of financial organizations for the credit of persons' accounts was published in the FEDERAL REGISTER (30 F.R. 13955). The regulations proposed apply to checks in payment of (1) salaries or wages, and (2) other classes of recurring payments with specific approval of the Fiscal Assistant Secretary of the Treasury. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations under section 3620 of the Revised Statutes, as amended by Public Law 89-145, are hereby adopted to read as follows:

Sec.

209.1	Authority.
209.2	Definitions.
209.3	Individual checks.
209.4	Composite checks.
209.5	Depositor account numbers.
209.6	Assignments prohibited.
209.7	Financial organization as agent.
209.8	Acquittance to United States.
209.9	Financial organization not Government depositary.
209.10	Procedural instructions.

AUTHORITY: The provisions of this Part 209 issued under R.S. 3620, as amended by Pub. L. 89-145; 31 U.S.C. 492, unless otherwise noted.

SOURCE: The provisions of this Part 209 appear at F.R. ———, December 30, 1965, unless otherwise noted, and are contained in Treasury Department Circular No. 1076, dated December 22, 1965.

§ 209.1 Authority.

This part is issued pursuant to section 3620 of the Revised Statutes (31 U.S.C. 492), as amended by Public Law 89–145 (79 Stat. 582). Public Law 89–145 further amended section 3620 of the Revised Statutes to provide additional methods of payment by permitting the heads of agencies to authorize disbursing officers to make certain payments by checks drawn in favor of financial organizations under certain conditions.

§ 209.2 Definitions.

As used in this part:

(a) "Agency" means any department, agency, independent establishment, board, office, commission or other establishment in the executive, legislative, or judicial branch of the Government, any wholly owned or controlled Government corporation, and the municipal government of the District of Columbia;

(b) "Financial organization" means any bank, savings bank, savings and loan association or similar institution, or Federal or State-chartered credit union.

§ 209.3 Individual checks.

(a) The head of an agency may authorize the appropriate disbursing officer to pay a person by sending to the financial organization designated by that person a check that is drawn in favor of that organization and for credit to the account of that person.

(b) The procedure set out in paragraph (a) of this section may be adopted only:

(1) If the person to whom payment is to be made provides the agency with a written request (on a form promulgated by the Treasury [1] or such agency-adapted form as may be approved by the Treasury for the purpose) which designates the financial organization and such financial organization, by endorsement thereon, states its willingness to act in this respect as agent of such person;

(2) For payments for credit to any account (single or joint) designated by the person to whom payment is to be made, the title of which includes the name of that person as stated on the check;

(3) If the head of the agency makes a determination that the interests of the Government, from the standpoint of economy or otherwise, and of the person to whom payment is to be made, will not be impaired;

(4) For payments of salaries or wages (including military or other pay and allowances) and, with the specific approval of the Fiscal Assistant Secretary of the Treasury, for other classes of recurring payments; and

(5) For agencies serviced by Treasury regional disbursing offices, after such consultation with the Bureau of Accounts as is necessary to coordinate the agency's operations with disbursing office requirements.

[1] Standard Form 1189 attached to Department Circular 1078, dated Dec. 22, 1965, filed as part of original document.

§ 209.4 Composite checks.

(a) Whenever, under the procedure set out in § 209.3, payments may be made by an agency on the same regularly recurring dates to two or more persons who designate the same financial organization, the head of the agency may, with the approval specified in paragraph (b) of this section or upon the determination specified in paragraph (c) of this section, as the case may be, authorize the appropriate disbursing officer to draw a single check for the total amount in favor of that organization for credit to the accounts of the several persons.

(b) An agency serviced by Treasury regional disbursing offices desiring to use the procedure set out in paragraph (a) of this section may, after consultation with the Bureau of Accounts regarding its requirements, submit through that Bureau a request for approval by the Fiscal Assistant Secretary of the Treasury. The request shall be accompanied by findings as to the effect of the procedure on the agency's costs. The approval of the Fiscal Assistant Secretary will be contingent on his determining that economy will result, considering the effect of the procedure on Government-wide costs for each application.

(c) An agency which does its own disbursing or disburses by delegation from the Treasury may use the procedure set out in paragraph (a) of this section if the head of the agency makes a determination that, in accordance with standards prescribed in regulations of the agency concurred in by the Fiscal Assistant Secretary of the Treasury, economy will result. Agency regulations shall provide for taking Government-wide costs into account for each application of the procedure, including costs of the agency's internal operations and other Government costs determined by the Treasury.

(d) An agency which uses the procedure set out in paragraph (a) of this section shall supply to the disbursing office, or arrange to have the disbursing office prepare, for forwarding to each financial organization with each check, a record which as a minimum states the name and location of the agency payrolling office; the name and address of the financial organization office to receive the check; the name and amount for each account to be credited; and the date and aggregate amount to be covered by the composite check.

§ 209.5 Depositor account numbers.

At the request of a financial organization to which checks are sent under the procedures set out in §§ 209.3 and 209.4, an agency shall, to the extent practicable, use depositor account numbers supplied by the financial organization as additional identification on individual checks or on the records accompanying composite checks. The United States shall not assume responsibility for the correctness of such account numbers and the name of the person to whom payment is to be made will govern the crediting of the account.

§ 209.6 Assignments prohibited.

The procedures set out in §§ 209.3 and 209.4 may not be used for allotting a part of a payment or for effectuating an assignment of a payment. Nothing in this part affects allotments of payments specifically authorized by other provisions of law and regulations thereunder.

§ 209.7 Financial organization as agent.

A financial organization which receives checks under the procedure set out in §§ 209.3 and 209.4 does so in each case as the agent of the person who has designated the financial organization to receive the check and credit his account. The death of that person revokes the authority of the financial organization to credit the amount to the account of that person. In the case of a check covering a payment to one person, the proceeds of which cannot be credited to the account because of death or any other reason, the financial organization shall promptly return the check to the issuing disbursing officer or remit its own check in an equal amount, with a statement in either case identifying the reason therefor and the person. In the case of a check covering payment to more than one person, a portion of which cannot be credited to an account because of death or for any other reason, the financial organization shall promptly remit to the agency responsible for making payment a check in an amount equal to that portion which could not be properly credited to the account, with a statement identifying the person and the reason for refund.

§ 209.8 Acquittance to the United States.

Payment by the United States of a check drawn in favor of and properly endorsed by the financial organization designated by a person to whom payment is to be made shall, if the check or the accompanying document properly specifies that person's name, constitute a full acquittance to the United States for the amount of such payment.

§ 209.9 Financial organization not Government depositary.

A financial organization to which a check is drawn under the procedure set out in §§ 209.3 and 209.4 does not thereby become a Government depositary and shall not advertise itself as one because of that fact.

§ 209.10 Procedural instructions.

Procedural instructions for the guidance of agencies in the implementation of these regulations, as needed, will be issued by the Commissioner of Accounts, including promulgation of applicable forms.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 65–14006; Filed, Dec. 29, 1965; 8:50 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

PART 719—NONJUDICIAL PUNISHMENT, NAVAL COURTS, AND CERTAIN FACT-FINDING BODIES

SUBCHAPTER E—CLAIMS

PART 750—NAVY GENERAL CLAIMS

PART 751—NAVY PERSONNEL CLAIMS

Miscellaneous Amendments

Scope and purpose. Parts 719, 750, and 751 are updated to conform to amendments to the Manual of the Judge Advocate General which will be distributed in due course to Navy and Marine Corps commands as Changes 15 and 16 to that manual.

1. Section 719.101 is amended by revising paragraph (f)(2) through the end of paragraph (f) and by revising paragraph (g) to read as follows:

§ 719.101 General provisions.

* * * * * * *

(f) *Appeals*— * * *

(2) *To whom made when officer who imposed the punishment is in a Navy chain of command.* Any appeal from nonjudicial punishment in accordance with paragraph 135, MCM 1951, shall, in the absence of specific direction to the contrary by an officer authorized to convene general courts-martial and superior in the chain of command to the officer who imposed the punishment, be forwarded to the area coordinator authorized to convene general courts-martial. When the cognizant area coordinator is not superior in rank or command to the officer who imposed the punishment, however, or when the punishment is imposed by a commanding officer who is an area coordinator, the appeal shall be forwarded to the officer authorized to convene general courts-martial and next superior to the officer who imposed the punishment in the chain of command.

(i) An immediate or delegated area coordinator may take action in lieu of an area coordinator if he is superior in rank or command to the officer who imposed the punishment and has authority to convene general courts-martial.

(ii) For mobile units, the area coordinator for the above purpose is the area coordinator most accessible to the unit at the time of forwarding of the appeal.

(3) *To whom made when officer who imposed the punishment is in the chain of command of the Commandant of the Marine Corps.* Any appeal from nonjudicial punishment in accordance with paragraph 135, MCM 1951, shall be made to the authority next superior in the chain of command to the officer who imposed the punishment, whether or not the superior authority is at the time of appeal in the chain of command of the person punished.

(4) *Appeal from nonjudicial punishment in multiservice commands under paragraph (a)(1) of this section.* An appeal from nonjudicial punishment imposed by a commanding officer designated pursuant to paragraph (a)(1) of this section shall be made to the Chief of Naval Operations or the Commandant of the Marine Corps, as appropriate.

(5) *Delegation of authority to act on appeals.* Such authority may be delegated in accordance with the provisions of paragraph (a)(4) of this section.

(6) *Reforwarding of appeal.* An officer who has delegated his nonjudicial punishment powers to a principal assistant under paragraph (a)(4) of this section may not act on appeal from punishment imposed by his delegate. In such cases and in other cases where it may be inappropriate for the officer designated by subparagraph (2) or (3) of this paragraph to act on the appeal, as where an identity may exist of persons or staff with the command which imposed the punishment, such fact may be noted in reforwarding the appeal to the next superior in the chain of command of the officer who imposed the punishment.

(7) *Procedures.* When the officer who imposed the punishment is not the offender's immediate commanding officer, the latter may forward the appeal direct to the officer who imposed the punishment for forwarding under subparagraph (2), (3) or (4) of this paragraph. Similarly, the action of the superior on appeal may be forwarded by the officer who imposed the punishment direct to the offender's commanding officer for delivery. Copies of the correspondence should be provided for any intermediate authorities in the chain of command. In any case where nonjudicial punishment is imposed on the basis of information contained in the record of a court of inquiry or factfinding body, a copy of the record, including the findings, opinions, and recommendations, together with copies of endorsements thereon, shall, except where the interests of national security may be adversely affected, be made available to the individual concerned for his examination in connection with the preparation of an appeal. In case of doubt, the matter shall be referred to the Judge Advocate General for advice.

(g) *Records of punishment*—(1) The records of nonjudicial punishment will be maintained and disposed of in accordance with paragraph 133c, MCM 1951, as amended, and implementing regulations contained in the Bureau of Naval Personnel Manual and the Marine Corps Personnel Manual. The forms used for the Unit Punishment Book are NAVPERS 2696 and NAVMC 10132PD.

(2) Effective July 1, 1965, section B of NAVJAG Form 425 (Rev. 4–65) will be prepared by general court-martial authorities for semiannual submission to the Judge Advocate General, Navy Department, Washington, D.C., 20350. NAVJAG Form 425A (5–63) is obsolete. The first semiannual report to be submitted on section B of NAVJAG Form 425 (Rev. 4–65) should cover the period July 1, 1965, to December 31, 1965. Supplies of this form are available in the Forms and Publications Segment of the Navy Supply System under Stock Number 0105–100–0302. A sample form is set forth in § 719.221.

* * * * * *

2. Section 719.102 is amended by revising the next to last paragraph of paragraph (e)(4) and by revising paragraph (f)(3) to read as follows:

§ 719.102 Letters of censure.

* * * * * *

(e) *Content of letter*— * * *

(4) *Notification of right to appeal and right to submit statement.* * * *

If, upon full consideration, you do not desire to avail yourself of this right to appeal, you are directed so to inform your commanding officer in writing. You are directed to reply without delay and to state therein the date of receipt of this communication, and the approximate time when either an appeal or notice of decision not to appeal may be expected. Any subsequent request for additional time shall contain adequate justification therefor.

* * * * * *

(f) *Appeals.* * * *

(3) Appeals from a letter of admonition or reprimand imposed as nonjudicial punishment shall be forwarded as specified in § 719.101f.

* * * * * *

3. Section 719.103 is amended by revising paragraph (a)(2), redesignating paragraph (b)(10) as (b)(11) and revising it, and adding a new (b)(10) to read as follows:

§ 719.103 Designation of additional convening authorities.

(a) *General courts-martial.* * * *

(2) The following officers are specifically designated as empowered to convene general courts-martial:

Chief of Naval Operations.
Commandant of the Marine Corps.
Commander, Service Group One.
Commander, Service Force, Sixth Fleet.
Commanders, Fleet Air Wings.
Commanders, Fleet Air Commands.
Commander, Morocco—U.S. Naval Training Command.
Commanding Officer, U.S. Naval Support Activity, Naples.
Commander, U.S. Naval Activities, Spain.
Commanding Officer, Camp Butler, Okinawa.
Commander, U.S. Naval Training Center, Bainbridge, Md.
Commander, U.S. Naval Training Center, Great Lakes, Ill.
Commander, U.S. Naval Training Center, San Diego, Calif.

* * * * * *

(b) *Special courts-martial.* * * *

(10) All Inspector-Instructors, Marine Corps Reserve Organizations.

(11) The following specifically designated officers:

Director, U.S. Naval Research Laboratory, Washington, D.C.
Administrative Officer, U.S. Naval Supply Center, Pearl Harbor, Hawaii.
Director, Administrative Services Department, U.S. Naval Supply Center, Oakland, Calif.
Administrative Officer, U.S. Naval Supply Depot, Seattle, Wash.

Head, Military Personnel Department, U.S. Naval Station, San Diego, Calif.
Head, Military Personnel Department, U.S. Naval Station, Treasure Island, San Francisco, Calif.
Head, Military Personnel Department, U.S. Naval Station, Norfolk, Va.

• • • • •

4. Section 719.107 is revised to read as follows:

§ 719.107 Superior competent authority defined.

(a) *Accuser in a Navy chain of command.* Whenever an accuser forwards charges pursuant to articles 22(b) and 23(b) of the Code, the "superior competent authority" as used in those articles is, in the absence of specific direction to the contrary by an officer authorized to convene general courts-martial and superior in the chain of command to such accuser, the area coordinator authorized to convene general or special courts-martial, as appropriate. For mobile units, the area coordinator for the above purpose is the area coordinator most accessible to the mobile unit at the time of forwarding of the charges. When the cognizant area coordinator is not superior in rank or command to the accuser, however, or when the accuser is an area coordinator, or if it is otherwise impossible or impracticable to forward the charges as specified above, they shall be forwarded to any superior officer exercising the appropriate court-martial jurisdiction (see par. 33i, MCM 1951). An immediate or delegated area coordinator may receive the charges in lieu of the area coordinator if he is authorized to convene the appropriate court-martial and is superior in rank or command to the accuser.

(b) *Accuser in the chain of command of the Commandant of the Marine Corps.* Whenever an accuser forwards charges pursuant to articles 22(b) and 23(b) of the Code, the "superior competent authority" as used in those articles is defined as any superior officer in the chain of command authorized to convene a special or general court-martial, as appropriate. If such an officer is not reasonably available, or if it is otherwise impossible or impracticable to so forward the charges, they shall be forwarded to any superior officer exercising the appropriate court-martial jurisdiction (see par. 33i, MCM 1951).

5. Section 719.111 is amended by revising the caption and by adding paragraphs (c) and (d) to read as follows:

§ 719.111 Preparation and forwarding of charges.

• • • • •

(c) *Forwarding of charges by an officer in a Navy chain of command*—(1) *General court-martial cases.* When a commanding officer, in taking action on charges, deems trial by general court-martial to be appropriate, but he is not authorized to convene such court or finds the convening of such court impracticable, the charges and necessary allied papers will, in the absence of specific direction to the contrary by an officer authorized to convene general courts-martial and superior in the chain of command to such commanding officer, be forwarded to the area coordinator actively exercising general court-martial jurisdiction. For mobile units, the area coordinator for the above purposes is such area coordinator most accessible to the mobile unit at the time of forwarding of the charges. See § 719.107 for additional provisions in cases in which the forwarding officer is an accuser. An immediate or delegated area coordinator may receive the charges in lieu of the area coordinator if he is actively exercising general court-martial jurisdiction.

(2) *Special and summary court-martial cases.* When an officer in command or in charge, in taking action on charges, deems trial by special or summary court-martial to be appropriate, but he is not authorized to convene such courts-martial, the charges and necessary allied papers will be forwarded to the superior in the chain of command authorized to convene the type of court-martial deemed appropriate unless an officer authorized to convene general courts-martial and superior in the chain of command to such officer in command or charge, on the basis of a local arrangement with the area coordinator, has directed that such cases be forwarded to the area coordinator. For mobile units, the area coordinator for the above purposes is the area coordinator most accessible to the mobile unit at the time of forwarding of the charges. See § 719.107 for additional provisions in cases in which the forwarding officer is an accuser. Subject to the terms of the local arrangement, forwarding to the area coordinator may also be resorted to even though the immediate or superior commanding officer of the accused is authorized to convene the type of court-martial deemed appropriate but finds such action impracticable. An immediate or delegated area coordinator may receive the charges in lieu of the area coordinator if he is authorized to convene the type of court-martial deemed appropriate.

(d) *Forwarding of charges by an officer in the chain of command of the Commandant of the Marine Corps.* When a commander, in taking action on charges, deems trial by general, special or summary court-martial to be appropriate, but he is not empowered to convene a court as deemed appropriate for the trial of the case, the officer will forward the charges and necessary allied papers through the chain of command to an officer exercising the kind of court-martial jurisdiction deemed appropriate. See paragraphs 32f and 33i, MCM 1951; see also § 719.107 for additional provisions in cases in which the forwarding officer is an accuser.

6. Section 719.114 is amended by revising paragraph (a)(6) to read as follows:

§ 719.114 Preparation of records of trial.

(a) *General and special courts-martial.* • • •

(6) *Court-Martial Chronology/Prisoner Data Form, NAVJAG 420 (Rev. 5–65).* As provided in §§ 719.121a(a) and 719.226, this form will be prefixed to the originals of all records of trial by general court-martial and all records of trial by special court-martial which include a bad conduct discharge.

• • • • •

7. Section 719.118 is amended by revising paragraph (a)(4) to read as follows:

§ 719.118 Promulgating orders.

(a) *General and special courts-martial*— • • •

(4) *Form.* The form of a promulgating order is prescribed in appendix 15, MCM 1951. In copying and including the action of the convening authority in the promulgating order, any synopsis of the accused's record and/or circumstances of the offense contained in the convening authority's action pursuant to § 719.117(c) and/or § 719.117(f) shall also be copied and included in the promulgating order. The order shall be subscribed by the officer issuing the order or by a subordinate officer designated by him. In either case the name, grade, and title of the subscribing officer, including his organization or unit, shall be given. Where a subordinate officer signs by direction, his name, title, and organization shall be followed by the words: "By direction of (name, grade, title, and organization of issuing officer)." Duplicate originals of promulgating orders are copies personally subscribed by the officer who subscribed the original. Certified copies of promulgating orders are copies bearing the statement: "Certified to be a true copy," over the signature, grade and title of an officer.

• • • • •

8. Section 719.119 is amended by revising paragraphs (a)(2) and (b)(2) to read as follows:

§ 719.119 Review of summary and special courts-martial.

(a) *Summary courts-martial and special courts-martial not involving a bad conduct discharge*— • • •

(2) *Selection of supervisory authorities.* (i) It is the policy of the Department of the Navy that review of cases pursuant to paragraph 94a(2), MCM 1951, will be accomplished in the field, unless compelling reasons exist for forwarding the record or records to the Judge Advocate General for review.

(a) For commands in a Navy chain of command, review pursuant to paragraph 94a(2), MCM 1951, will be accomplished, if practicable, and in the absence of specific direction to the contrary by an officer authorized to convene general courts-martial and superior in the chain of command to the convening authority, by the area coordinator authorized to convene general courts-martial. For mobile units, the area coordinator for this purpose is the area coordinator most accessible to the mobile unit at the time of forwarding of the record. An immediate or delegated area coordinator may take action in lieu of an area coordinator if he has authority to convene general courts-martial.

(b) For commands in the chain of command of the Commandant of the Marine Corps, review pursuant to paragraph 94a(2), MCM 1951, will be accomplished within the chain of command if practicable.

If such accomplishment of the review is found not practicable, any officer having supervisory authority in the field may be requested to accept records of such cases and to act thereon pursuant to paragraph 94a(2), MCM 1951. Only if all reasonably available officers having supervisory authority in the field find it impracticable to grant such request will the records in such cases be forwarded to the Judge Advocate General for review. If so forwarded to the Judge Advocate General, they shall be accompanied by a letter stating the reasons why supervisory authority action was not accomplished in the field.

(ii) When an officer exercising general court-martial jurisdiction is the convening authority of a summary court-martial or a special court-martial not involving a bad conduct discharge, his action thereon will be as convening authority only.

(a) At activities in a Navy chain of command, the record should then be forwarded, in the absence of specific direction to the contrary by a superior in the chain of command, to the area coordinator if superior in rank or command to the convening authority and authorized to convene general courts-martial; otherwise the record should be forwarded to any appropriate superior officer authorized to convene general courts-martial, or, if no such superior officer has a law specialist available, the record shall be forwarded to the Judge Advocate General for review. (For mobile units, the area coordinator for this purpose is the area coordinator most accessible to the mobile unit at the time of forwarding of the record.)

(b) At activities in the chain of command of the Commandant of the Marine Corps, the record should then be forwarded to an appropriate superior officer exercising general court-martial jurisdiction or, if no such superior officer has a law specialist available, the record shall be forwarded to the Judge Advocate General for review.

In all cases, the action of the convening authority in forwarding the record for supervisory review shall identify the officer to whom the record is forwarded by stating his official title, such as "The record of trial is forwarded to the Commandant, First Naval District, for action under article 65(c), Uniform Code of Military Justice."

• • • • •

(b) *Special courts-martial involving a bad conduct discharge*— • • •

(2) *Action by reviewing authority (officer exercising general court-martial jurisdiction).* In special court-martial cases where the sentence as approved by the convening authority who is not an officer exercising general court-martial jurisdiction includes a bad conduct discharge, review will be accomplished in accordance with paragraph 94a(3), MCM 1951.

(i) For activities in a Navy chain of command, and in the absence of specific direction to the contrary by an officer authorized to convene general courts-martial and superior in the chain of command to the convening authority, review will be accomplished by the area coordinator authorized to convene general courts-martial. For mobile units, the area coordinator for this purpose is the area coordinator most accessible to the mobile unit at the time of forwarding of the record. An immediate or delegated area coordinator may take action in lieu of an area coordinator if he has authority to convene general courts-martial. As indicated in this subdivision, a superior officer in the chain of command authorized to convene general courts-martial may direct otherwise; he may, e.g., direct that the records be forwarded to him for review.

(ii) For activities in the chain of command of the Commandant of the Marine Corps, review will be accomplished by the officer ordinarily exercising general court-martial jurisdiction over the command.

In the event review by any of the officers indicated in the foregoing part of this subparagraph is impracticable—for instance, because of the absence or lack of a staff legal officer—any other officer authorized to convene general courts-martial may be requested to accept records of trial for review. Only if all reasonably available officers exercising general court-martial jurisdiction find it impracticable to grant such request will the records be forwarded direct to the Judge Advocate General for review by a board of review. If so forwarded, they shall be accompanied by a letter stating the reasons why review under article 65(b) of the Code was not accomplished in the field.

• • • • •

9. Section 719.121a is added to read as follows:

§ 719.121a Preparation of court-martial statistical forms.

(a) *General court-martial cases and special court-martial cases involving a bad conduct discharge.* Effective January 1, 1966, all convening authorities and supervisory authorities, as appropriate, shall complete NAVJAG Form 420 (Rev. 5–65) during the review of all trials of general courts-martial and all trials of special courts-martial involving a bad conduct discharge. The form will be prefixed to the original records of trial. NAVJAG Form 420-(6-58) is obsolete. Supplies of NAVJAG Form 420 (Rev. 5–65) are available in the Forms and Publications Segment of the Navy Supply System under Stock Number 0105–100–0201. A form containing sample entries and the Punitive Article Identification Code to be used in completing the form are set forth in § 719.226.

(b) *Non-bad conduct discharge special courts-martial and summary courts-martial.* Effective July 1, 1965, section A of NAVJAG Form 425 (Rev. 4–65) will be prepared by each supervisory authority for semiannual submission to the Judge Advocate General, Navy Department, Washington, D.C., 20350. NAVJAG Form 425 (Rev. 1–60) is obsolete. The first semiannual report to be submitted on section A of NAVJAG Form 425 (Rev. 4–65) should cover the period July 1, 1965, to December 31, 1965. Supplies of NAVJAG Form 425 (Rev. 4–65) are available in the Forms and Publications Segment of the Navy Supply System under Stock Number 0105–100–0302. A sample form is set forth in § 719.227.

10. Section 719.122 is amended by revising paragraph (b) to read as follows:

§ 719.122 Remission and suspension.

• • • • •

(b) *Probationary period.* All suspensions shall be of the conditional-remission type and shall be for a definite period of time. If the suspension is effected by the convening authority or an officer exercising general court-martial jurisdiction over the command to which the accused is attached and is for a period in excess of 6 months, or, in cases involving confinement, in excess of 6 months beyond the time of release from confinement, see § 719.117(b) or § 719.120(a), as appropriate. The running of the period of suspension of a sentence is interrupted either by the unauthorized (and unexcused) absence of the probationer or by commencement of proceedings to vacate suspension of the sentence. The running of the period of suspension of a sentence resumes (1) as of the date the probationer's unauthorized (and unexcused) absence ends or (2) as of the initial date of the interruption if proceedings to vacate suspension of the sentence are concluded without vacation of the suspension. For instructions concerning voluntary extension of enlistment for the purpose of serving probation, see SECNAV Instruction 5815.3 and revisions thereto.

• • • • •

11. Section 719.134 is revised to read as follows:

§ 719.134 Court-martial forms.

(a) *List.* The forms listed in this paragraph are used in courts-martial by the naval service:

STD 1156	Public Voucher for Fees and Mileage of Witnesses.
STD 1157	Claim for Fees and Mileage of Witness.
DD 453	Subpoena for Civilian Witness.
DD 454	Warrant of Attachment.
DD 455	Report of Proceedings To Vacate Suspension.
DD 456	Interrogatories and Depositions.
DD 457	Investigating Officer's Report.
DD 458	Charge Sheet.
DD 490	Verbatim Record of Trial.
DD 491	Summarized Record of Trial.
DD 494	Court-Martial Data Sheet. (Optional.)
NAVJAG 420	Court-Martial Chronology/Prisoner Data.
NAVJAG 425	Statistical Report on Non-Board of Review and Article 15 Cases.

(b) *How to obtain forms.* The forms designated in paragraph (a) of this section are available from the Forms and Publications Segment of the Navy Supply System as Cognizance Symbol "I" material and may be obtained in accordance with the instructions contained in Navy Stock List of Forms and Publications, section 1, NAVSANDA Publication 2002. Marine Corps activities will requisition forms in accordance with instructions contained in the current edition of Marine Corps Order 4235.11, Subj.: Procedures incident to supply of blank forms and general officer stationery items.

(c) *Forms prescribed by MCM 1951.* Where forms are prescribed by the Manual for Courts-Martial, United States, 1951, but are not included in the listing in paragraph (a) of this section, convening authorities should improvise as necessary, using the manual and appendixes thereto as guides.

12. Section 719.139 is amended by revising paragraphs (a)(1) (ii) and (iii) and adding a new paragraph (a)(1)(iv) to read as follows:

§ 719.139 Authority to administer oaths and to act as notary.

(a) *Authority under article 136(a)(7) and (b)(6).* • • •

(1) • • •

(ii) Officers of the grade of Lieutenant Commander or Major, and above;

(iii) Executive Officers of the Navy and Marine Corps; and

(iv) Administrative Officers of Marine Corps Aviation Squadrons.

• • • • • •

13. Section 719.157 is amended by designating the text of paragraph (b) as subparagraph (1) and by adding subparagraph (2) to read as follows:

§ 719.157 Rights of a party.

• • • • • •

(b) *Right to counsel.* • • •

(2) When directing that an investigation be conducted, and the medical officer states that the member involved as a party is incompetent due to his injuries and will remain so for at least 60 days, the convening authority will insure that a qualified lawyer counsel is appointed to represent the party during the proceedings of the investigation and duly exercise all the rights of the party, as though he were present.

• • • • • •

14. Section 719.221 is inserted to read as follows:

§ 719.221 Form for report on article 15 cases (see § 719.101(g)(2)).

NOTE: The report will be prepared as section B of NAVJAG Form 425 (Rev. 4–65). NAVJAG Form 425 filed as part of the original document.

15. Section 719.226 is inserted to read as follows:

§ 719.226 Form for court-martial chronology/prisoner data and punitive article identification code (see § 719.121a(a)).

NOTE: NAVJAG Form 420 (Rev. 5–65) and Punitive Article Identification Code filed as part of the original document.

16. Section 719.227 is inserted to read as follows:

§ 719.227 Form for statistical report on nonboard of review cases (see § 719.121a(b)).

NOTE: The form is section A of NAVJAG Form 425 (Rev. 4–65); section B of the form (relating to article 15 cases) is prescribed by § 719.221 and explained in § 719.101(g)(2). NAVJAG Form 425 filed as part of the original document.

17. Section 750.41 is amended by revising paragraphs (a)(8) and (b)(8) to read as follows:

§ 750.41 Approval of claims.

(a) *Federal tort claims.* • • •

(8) The commandant or the district legal officer of the naval district within which the claims arose or, if the claims arose in Guam, Commander, Naval Forces, Marianas, or his staff legal officer, if no claim arising from the accident or incident exceeds $1,000 and there are no known possible claims in any amount for either personal injury or death as a result of the accident or incident. One copy of the approval and one copy of the voucher shall be forwarded to the Judge Advocate General without a letter of transmittal.

• • • • • •

(b) *Military Claims Act cases.* • • •

(8) The commandant or the district legal officer of the naval district within which the claims arose or, if the claims arose in Guam, Commander, Naval Forces, Marianas, or his staff legal officer, if no claim arising from the accident or incident exceeds $1,000 and there are no known possible claims in any amount for either personal injury or death as a result of the accident or incident.

• • • • • •

18. Part 751 is amended by adding the following note below the "Authority" note:

NOTE: Part 751 is under revision to conform to the act of Sept. 15, 1965 (Pub. L. 89–185, 79 Stat. 789), which increases the maximum settlement authority from $6,500 to $10,000.

(R.S. 161, secs. 2671–2680, 62 Stat. 982–984, secs. 801–940, 2732, 2733, 5031, 70A Stat. 36–78, 152, 153, 278, E.O. 10214 (3 CFR 1949–53 Comp., p. 408), as amended; 5 U.S.C. 22, 10 U.S.C. 801–940, 2732, 2733, 5031, 28 U.S.C. 2671–2680)

By direction of the Secretary of the Navy.

[SEAL] WILFRED HEARN,
Rear Admiral, U.S. Navy, Judge Advocate General of the Navy.

DECEMBER 27, 1965.

[F.R. Doc. 65–13930; Filed, Dec. 29, 1965; 8:48 a.m.]

Chapter VII—Department of the Air Force

SUBCHAPTER W—AIR FORCE PROCUREMENT INSTRUCTION

MISCELLANEOUS REVISIONS TO SUBCHAPTER

Subpart W is amended as follows:

PART 1013—GOVERNMENT PROPERTY

Subpart D—Industrial Facilities

1. In § 1013.402–50 many of the references have been changed. The affected paragraphs are set forth as follows:

§ 1013.402–50 Provisions applicable to procurement contracts.

(a) *Facilities provided under cost-type procurement contracts.* (1) Where existing facilities are to be furnished under the terms of a cost-type procurement contract, no separate clauses covering such facilities are required other than the Government-furnished property clause set forth in §§ 13.703 or 13.707 of this title, whichever is applicable. The items of facilities will be listed or specified in the Schedule as Government-furnished property.

(2) Where the acquisition or fabrication of facilities is authorized in a cost-type contract, in addition to inserting the Government Property clause of §§ 13.703 or 13.707 of this title, the following clause will be set forth in the Schedule. The facilities authorized will be listed following the clause, together with the estimated cost of each set forth and the total estimated cost of all such facilities:

FACILITIES ACQUIRED OR FABRICATED

• • • • • •

(b) *Facilities provided under fixed-price procurement contracts.* (1) Where existing facilities are to be furnished under the terms of a fixed-price contract, no separate clauses covering such facilities are required other than the Government-furnished property clause as set forth in §§ 13.702 or 13.706 of this title, whichever is applicable. The items of facilities will be listed or specified in the Schedule as Government-furnished property.

(2) Where the acquisition or fabrication of facilities is authorized in a fixed-price contract:

(i) The General Provisions of the contract will be designated "Section I", and in addition to inserting the Government-furnished property clause of §§ 13.702 or 13.706 of this title, the following clause will be set forth in the Schedule. The facilities authorized will be listed following the clause together with the estimated cost of each set forth and the maximum (total) cost of all such facilities:

FACILITIES ACQUIRED OR FABRICATED

• • • • • •

(ii) • • •

GENERAL PROVISIONS, SECTION II APPLICABLE ONLY TO FACILITIES ACQUIRED OR FABRICATED

• • • • • •

d. • • •

II–2 Overtime and Wage Compensation; Insert the clause set forth in § 1012.102–3(d) of this subchapter.

II–3 Subcontracts: Insert the clause set forth in § 7.702–33 of this title.

• • • • • •

(c) [Deleted]

(d) *Patent rights clause.* If the contract does not contain the Patent Rights clause, § 9.107–5 of this title, and the facilities authorized involve research or development in design, manufacture, or modification, (1) if under the circumstances set forth in paragraph (a)(2) of this section the clause will be added and made applicable only to the facilities, or (2) if under the circumstances set forth in paragraph (b)(2) of this section, the clause will be added to General Provisions, section II.

(e) *Facilities involving construction.* If the facilities being authorized involve construction, as defined in § 12.402 of this title, and the labor clauses required for construction contracts are not otherwise included in the contract, the clause set forth in § 7.705–5 of this title will be added: (1) If under the circumstances set forth in paragraph (a)(2) of this section, and made applicable only to the facilities being constructed, or (2) if under the circumstances set forth in paragraph (b)(2) of this section, to General Provisions, section II. Any providing of nonseverable facilities not located on Government controlled land will require compliance with § 13.307 of this title and § 1013.406.

• • • • • •

2. Section 1012.403 is set forth to amend the reference, as follows:

§ 1013.403 Single facilities contract.

Determination of impracticability under § 13.303(c) of this title covering the issuance of facilities contract and lease agreements will be made by the contracting officer of the office issuing the contract or lease Prior to making such determinations the contracting officer will obtain the coordination of MCPK for the proposed action. For this purpose separate divisions of a single corporation will be deemed to be separate contractors if such divisions are normally represented by separate business offices for the purpose of contract negotiation and administration.

§ 1013.408 [Amended]

3. In § 1013.408 the reference in the introductory material is amended to read: "§ 13.101–8" and paragraph (c) is deleted.

4. In § 1013.412, paragraph (b)(4) is set forth to amend the references, as follows:

§ 1013.412 Unusable or unneeded facilities.

• • • • • •

(b) • • •

(4) Should Government work materialize, rentals may or may not be charged according to the provisions of § 1013.407. If the contractor desires to make commercial use of this property, rentals will be charged according to §§ 13.404 and 7.702–12 of this title and § 1013.601.

• • • • • •

Subpart E—Contract Clauses

1. Sections 1013.502 and 1013.503 are set forth to show amended references, as follows:

§ 1013.502 Government-furnished property clause for fixed-price contracts.

Whenever contracts fall within the purview of paragraph B–102.50(c), § 1030.2 of this subchapter, and government-owned parts and materials are furnished, the following will be added to the end of the third sentence of paragraph (c) of the clause in § 13.702 of this title: "except that with respect to Government property shipped the Contractor will not be required to maintain the property records prescribed by the Manual."

(a) With respect to the first sentence of paragraph (a) of the Government property clause in § 13.702 of this title, it will be the responsibility of the procuring contracting officer to specifically list the government-furnished property in a schedule, or identify the specifications or appendices wherein such information is set forth.

§ 1013.503 Government-property clause for cost-reimbursement type contracts.

Whenever contracts fall within the purview of § 1030.2B–102.50(c), of this subchapter, and Government-owned parts and materials are furnished, the following will be added to the end of the second sentence of paragraph (c) of the clause set forth in § 13.703 of this title: except that with respect to Government property shipped the Contractor will not be required to maintain the property records prescribed by the Manual.

2. Those portions of §§ 1013.504 and 1013.553 affected by reference changes are set forth as follows:

§ 1013.504 Special tooling clause for fixed-price contracts.

(a) • • •

(1) through (3) • • •

(b) • • •

SPECIAL TOOLING

(a) Same as ASPR 13–704(a) (32 CFR 13.704(a)).

(b) Same as ASPR 13–704(b) (32 CFR 13.704(b)).

(c) Same as ASPR 13–704(c) (32 CFR 13.704(c)).

(d) Same as ASPR 13–704(d) (32 CFR 13.704(d)).

(e) Same as ASPR 13–704(e) (32 CFR 13.704(e)).

• • • • • •

(g) Same as ASPR 13–704(g) (32 CFR 13.704(g)).

(h) Same as ASPR 13–704(h) (32 CFR 13.704(h)).

(i) Same as ASPR 13.704(i) (32 CFR 13.704(i)).

(j) Same as ASPR 13–704(j) (32 CFR 13.704(j)).

(k) [Deleted]

(l) • • •

(c) Contracts which contain the clause provided by § 13.704 of this title may be amended in the above manner to provide that title to the tooling will vest in the Government immediately, when it is deemed necessary for administrative reasons to establish the Government as owner of the tooling, prior to the occurrence of any of the events set forth in § 13.704 of this title.

(d) The use of special tooling for the performance of other follow-on Government contracts or subcontracts under Government contracts will be subject to the following procedures:

(1) When the administrative contracting officer approves the use of the special tooling in connection with other Government contracts or related subcontracts, a reference to such approval will be incorporated in each other contract or subcontract involved. No further action will be necessary so long as the contract under which the special tooling was originally acquired or fabricated remains active.

(2) When it becomes evident that the contract under which the special tooling was originally acquired or fabricated is to be completed or terminated, and the special tooling is needed for the performance of follow-on contracts, at least one of which contains the clause in § 13.704 of this title, that contract, or if there are more than one follow-on contracts with the clause in § 13.704 of this title, the one with the longest life expectancy, will be amended by the incorporation of the following clause, and a reference thereto will be made in the original authorizing contract:

The special tooling acquired or fabricated pursuant to the terms of contract No. (original contract) is hereby and hereafter to be considered as acquired pursuant to the clause of this contract entitled "Special Tooling" and henceforth subject to the terms and conditions thereof.

If such follow-on contract contains the clause in paragraph (b) of this section, the above provisions will be included in such contract. However, the above provision will not be inserted in the follow-on contract containing the clause in § 13.704 of this title, where the tooling was acquired or fabricated (or considered to be acquired) under a contract containing the clause in paragraph (b) of this section.

(3) In long term programs, it may be necessary to repeat the procedure in subparagraphs (1) and (2) of this paragraph, in order to pass the Government's rights to the special tooling down through the succeeding contracts as each preceding authorizing contract expires. By such procedure, and so long as at

least one fixed-price contract (with the clause in § 13.704 of this title or paragraph (b) of this section, as appropriate), is in active status, the Government's rights to the special tooling are considered to remain unprejudiced and without necessity of exercising the right of option in each transaction. Therefore, each preceding "authorizing" contract may be retired as it expires. However, if a point is reached where the special tooling continues to be needed by the contractor, but the remaining contracts are not fixed-price with the clause in § 13.704 of this title, or paragraph (b) of this section (for example, CPFF, etc.), the administrative contracting officer will exercise the Government's right of option and take title (if the clause in § 13.704 of this title was the last in effect with respect to the tooling). Thereafter, the special tooling will be retained as Government-furnished property for use in connection with the remaining requiring contracts.

§ 1013.553 Special nuclear material.

When special nuclear materials or instruments incorporating special nuclear material are furnished to a contractor as Government property, the following clause will be incorporated in the contract, in addition to the clause prescribed by §§ 13.702, 13.703, 13.706, or 13.707 of this title:

* * * * *

Subpart F—Use of Government-Owned Industrial Facilities on Work Other Than for a Military Department

1. Sections 1013.601–1 through 1013.601–3, and 1013.601–50(a)(5) are set forth to amend the reference, as follows:

§ 1013.601–1 General.

See § 7.702–12 of this title.

§ 1013.601–2 Rental rates.

(a) and (b). See § 7.702–12 of this title. For portable tools and automotive equipment, rental charges will normally be computed at 25 percent per year based on acquisition cost.

(c) See § 7.702–12 of this title. Rental payments (checks) received by contracting officers under facilities contracts will be forwarded for deposit to the appropriate accounting and finance office within 24 hours of receipt. At the time of transmittal, or as soon thereafter as possible, the contracting officer will certify the correctness of the amount of payment and forward such certification to the accounting and finance officer.

§ 1013.601–3 Exceptions.

(a) See § 7.702–12 of this title.

(b) In negotiations which include real property to be used for commercial purposes, rental charges will normally be computed at the following annual rental rates, based on acquisition costs:

(1) For land and land preparation, 5 percent per annum.

(2) For buildings, building installations, and land installations, 8 percent per annum.

(c) See § 7.702–12 of this title. Equipment items of unusual size or performance characteristics may be negotiated and the exception conditions identified in submittal of proposed lease according to § 1013.601–50.

(d)–(e) See § 7.702–12 of this title.

§ 1013.601–50 Procedure.

* * * * * *

(a) * * *

(5) Financial or other consideration that will be given to the Government for use of the production equipment. If the contractor is to maintain Government-owned equipment in a nonuse status as all or part of the consideration, give the number of units, general description, including acquisition cost, and total weight (in tons). See § 7.702–12 of this title.

* * * * * *

2. Section 1013.608–50 is set forth for editorial changes only, regarding paragraph designations, as follows:

§ 1013.608–50 Delegations of authority.

The commanders, AFLC and AFSC, have been delegated the authority to: Control Government-owned industrial property, including the correction and adjustment of deficiencies and irregularities regarding the administration of such property; grant deviations, in individual cases, from established policy with respect to record requirements on such property; appoint property administrators; and authorize multicontract cost and material control systems. This delegation does not include authority to act on policy matters relating to furnishing Government-owned industrial property and the control thereof, except as specifically stated.

(a) The Commander, AFLC, has vested the authority contained in this section in the Director and Deputy Director of Procurement and Production, Hq AFLC. The Director of Procurement and Production, Hq AFLC, has further delegated authority to (1) Control Government-owned industrial property, including the correction and adjustment of deficiencies and irregularities regarding the administration of such property, (2) grant exceptions, in individual instances, according to § 1030.2, paragraph B–301 of this subchapter, with respect to the policy that contractor's records will be designated and used as official contract records, and (3) appoint property administrators, to the following, subject to limitations set forth herein:

(i) Commanders and vice commanders of major air commands (AFSC and OAR with respect to base procurement only) with power of redelegation limited to the level of a staff officer responsible for procurement within command headquarters and within the headquarters of the first echelon of command immediately subordinate to a major command (numbered Air Force Hq Transport Air Forces and Aeronautical Chart and Information Center or comparable level).

(ii) Commanders and deputy commanders of AFLC field procurement activities with power of redelegation limited to that authority cited in subparagraph (2) of this paragraph to the staff officer responsible for procurement matters, provided such officer is not below the level of the director of procurement and production at the air materiel area level, or equivalent organization. Authority contained in subparagraphs (1) and (3) of this paragraph is not subject to further redelegation.

(iii) Commanders and deputy commanders of air procurement regions (AFRE and APRFE) with power of redelegation limited to a staff officer responsible for procurement or contract administration.

(b) The Commander, AFSC, has vested the authority contained in this section in the Deputy Chief of Staff, Associate Deputy Chief of Staff and Assistant Deputy Chief of Staff, Procurement and Production, Hq AFSC, with power of redelegation. The Deputy Chief of Staff, Procurement and Production, Hq AFSC, has delegated authority to (1) control Government-owned industrial property, including the correction and adjustment of deficiencies and irregularities regarding the administration of such property, (2) grant exceptions, in individual instances according to § 1030.2, paragraph B–301 of this subchapter, with respect to the policy that contractor's records be designated and used as official contract records, and (3) appoint property administrators to the following:

(i) Commander, Office of Aerospace Research, with power of redelegation limited to the level of the staff officer responsible for procurement within the headquarters of the first echelon of command immediately subordinate to OAR.

(ii) Commanders and deputy commanders of AFSC divisions.

(iii) Commanders and deputy commanders of contract management regions or the AF contract management division with power of redelegation limited to chiefs, contract management districts, test site offices, and AF plant representatives.

(iv) Commanders and deputy commanders of AFSC centers.

(c) Staff supervision and technical direction over the first two authorities in the introductory paragraph of this section, will be exercised by the following:

(1) The Field Operations Branch (MCPKF), Hq AFLC, which will exercise staff supervision and technical direction over the control of Government-owned industrial property for all elements of the Air Force, except AFSC and OAR. MCPKF's responsibility relative to AFSC and OAR in this area is limited to base procurement only. MCPK is authorized to grant deviations from established policy in regard to record requirements and authorize multicontract cost and material control systems (AFSC and OAR with respect to base procurement only).

(2) The Property and Plant Clearance Division (SCKAP), Hq AFSC, which will exercise staff supervision and technical direction over the control of Government-owned industrial property within AFSC and OAR other than base procurement. SCKAP is authorized to grant deviations from established policy in regard to records requirements and authorize multicontract cost and material control systems for AFSC and OAR other than base procurement.

(d) The granting of deviations (i.e., waiver of further accounting and auditing requirements) is limited to instances where: (1) The contract(s) involved have been completed and final payment made, (2) reconstruction of the property records in technical compliance with § 30.2, appendix B and § 30.3, appendix C of this title would serve no constructive purpose, and (3) it is determined, after investigation and documentation of the inadequacies, that waiver of further accounting and auditing action would be in the best interest of the Government.

Subpart X—Facility Expansion Procedure

§ 1013.2402 [Deleted]

1. Section 1013.2402 is deleted.

§ 1013.2406 [Amended]

2. In § 1013.2406, the first two references: "§ 13.402" and "§ 13.101–6" are amended to read "§ 13.303" and "§ 13.-101–8" respectively.

§ 1013.2406–1 [Amended]

3. In § 1013.2406–1, the reference "§ 13.406" in Schedule II is amended to read "§ 13.307"; and in paragraph (c) of Schedule III, the reference "§ 1013.102–3 (k)(7)" in columns 2 and 3 is amended to read "§ 1013.102–3(a)(7)."

Subpart GG—Providing Vehicles to AF Contractors

1. In § 1013.3300, the introductory material is revised to read as follows:

§ 1013.3300 Scope of subpart.

This subpart establishes policies, assigns responsibilities, and prescribes procedures within limitations under § 13.301 of this title for the purpose of:

* * * * * *

2. Section 1013.3301(a) is set forth to delete the reference, as follows:

§ 1013.3301 Definition.

(a) Industrial vehicular equipment is that plant equipment that has a direct application and is justified as necessary in support of the manufacture or production of the end item, or is used in actual test programs or in research leading to the development of items that will be produced for the Air Force.

* * * * * *

3. In § 1013.3303 the reference in paragraph (b) is revised and in § 1013.3306 the last sentence is revised. These sections now read as follows:

§ 1013.3303 Lease and bailment.

(a) For Leasing see § 1013.3003–5(b).

(b) For Bailment see § 1013.608–51(c)(6).

§ 1013.3306 Maintenance.

When industrial vehicular equipment and/or commercial type vehicles are provided to a contractor, the contracting officer will insert in the contract a provision requiring the contractor to maintain and repair such Government-owned equipment, including normal parts replacement. See § 7.702–14 of this title for guidance.

Subpart HH—Excess Plant Equipment

In § 1013.3402 paragraphs (a) and (c) are set forth to correct the references, as follows:

§ 1013.3402 General conditions.

(a) When items of plant equipment of types not controlled under reserve inventory procedures (supporting plant equipment), must be provided to contractors according to § 1013.102–3, excess Government property will be used to satisfy the requirement whenever possible.

* * * * * *

(c) Supporting plant equipment will be provided to an AF contractor only when each item is specifically identified and authorized for acquisition under its facilities contract or lease. In the absence of a facilities contract or lease, the equipment may be covered by the supply or service contract according to § 13.303 of this title. The buyer for the supply or service contract will secure the coordination and approval of a contracting officer from industrial facilities activity of the cognizant AFSC division prior to authorizing the acquisition of supporting equipment through a supply or service contract.

* * * * * *

PART 1014—INSPECTION AND ACCEPTANCE

Subpart A—Inspection

§ 1014.105 [Amended]

In § 1014.105, the reference "§ 1001.-1302" is amended to read "§ 1001.1305."

PART 1016—PROCUREMENT FORMS

Subpart B—Forms for Negotiated Procurement

§ 1016.200 [Deleted]

Section 1016.200 is deleted.

Subpart H—Miscellaneous Forms

Section 1016.814–1 is revised to read as follows:

§ 1016.814–1 Architect-Engineer Experience Data (DD Form 1071).

See AFR 85–8 (Selecting Architect-Engineers for Professional Services by Negotiated Contracts).

PART 1017—EXTRAORDINARY CONTRACTUAL ACTIONS TO FACILITATE THE NATIONAL DEFENSE

Subpart B—Requests for Contractual Adjustment

§ 1017.202 [Deleted]

Section 1017.202 is deleted.

PART 1030—APPENDIXES TO AIR FORCE PROCUREMENT INSTRUCTION

§ 1030.2 [Amended]

In § 1030.2, Appendix B—Manual for control of Government property in possession of contractors:

1. In B–207, the text is deleted.

2. In B–301(a), the first reference is amended. B–301(a) now reads as follows:

PART III—RECORDS TO BE MAINTAINED

B–301 *General.*

(a) The authority to grant exceptions to the policy that the contractor's records will be designated and used as the official contract records has been delegated as set forth in § 1013.608–50 of this subchapter. Such exceptions, however, may be authorized, in writing, only in unusual circumstances. Class or group exceptions are not authorized. Each exception authorized must relate to a specific contract, a specific invitation for bid, or specific request for proposals, and must be covered by inclusion of the Property Records clause in § 1013.552 of this subchapter, in the contract.

(1) * * *

* * * * * *

§ 1030.3 [Amended]

In § 1030.3, Appendix C—Manual for control of Government property in possession of nonprofit research and development contractors:

1. C–200 is revised to read as follows:

PART II—GOVERNMENT ADMINISTRATIVE PROVISIONS

C–200 *Scope of part.*

See § 1013.608 of this subchapter regarding delegations of authority with respect to the control of Government-owned industrial property, etc.

2. C–207.1(a) is set forth to amend the first reference, as follows:

C–207.1 *General policy.*

(a) The authority to grant exceptions to the policy that the contractor's records will be designated and used as the official contract records has been delegated as set forth in § 1013.608–50 of this subchapter. Such exceptions, however, may be authorized, in writing, only in unusual circumstances. Class or group exceptions are not authorized. Each exception authorized must relate to a specific contract, invitation for bid, or request for proposals and must be covered by inclusion in the contract of the Property Records clause in § 1013.552 of this chapter.

* * * * * *

3. In C–213.1, paragraph (m), through its subdivision (iv) is deleted.

§ 1030.5 [Amended]

In § 1030.5, Appendix E—Contract Financing:

E–212.50 is set forth to delete the second reference, as follows:

PART II—BASIC POLICIES

E–212.50 *Facility capability report.* The FCR system (see Subpart I, Part 1 of this title) provides the services of personnel qualified and competent to evaluate credit and financial problems prior to or contemporaneously with contract awards.

E–910 is set forth to amend the second reference as follows:

PART IX—ASSIGNMENT OF CLAIMS ARISING UNDER GOVERNMENT CONTRACTS

E–910 *Transfers of business and corporate mergers.* Transfers of an entire business, corporate mergers, and assignments by operation of law, each of which may effect the assignment of claims under a contract, are not prohibited by the Federal statutes and hence do not depend upon the Assignment of Claims Act of 1940 for their validity. (See § 16.505 and Subpart P, Part 1 of this title.) However, in the case of transfers of a business or corporate mergers, notices of assignment of claims under the contract made by the transferee or successor corporation will not be acknowledged until a supplemental agreement has been executed, substituting the transferee or successor corporation as the contractor with the Government. Similarly, before acknowledging assignments made by transferees by operation of law, the contracting officer will require the submission of a certified copy of the document evidencing the transfer by operation of law.

PART 1053—CONTRACTS; GENERAL

Subpart D—Administrative Requirements

In § 1053.404–2(b) the reference is amended. Paragraph (b) now reads as follows:

§ 1053.404–2 Definitions.

* * * * * *

(b) *Contract Management District (CMD).* A component of a contract management region (CMR). It is responsible for surveillance of contractors within an assigned geographical area, excluding contractors referred to in AFPI 1053.404–6(c) • and contractors within a DCASR. The functions, under the responsibility of a CMD, include administration of contracts, industrial property, production and industrial resources analysis, product quality and reliability assurance, industrial security, and accounting and disbursing.

[AFPI § 1053.404–6(c) filed with document]

* * * * *

PART 1054—CONTRACT ADMINISTRATION

Subpart A—Administration of AF Contracts by Contracting Officers

Section 1054.104 (h) and (n) are revised to read as follows:

§ 1054.104 Matters of contract administration to be handled by Administrative Contracting Officers.

* * * * * *

(h) Take administrative action relating to variation in quantities as set forth in § 1001.325 of this subchapter.

* * * * * *

(n) Report all litigation involving a CPFF contractor to the Office of the Judge Advocate General, Hq USAF, as required by Part 844, Subchapter D of this chapter. Confer with his staff judge advocate as required.

* * * * * *

Subpart K—Reporting Contractors Involved in Bankruptcy, Receivership, Assignment for the Benefit of Creditors, Other Types of Insolvency Proceedings and Probate Proceedings

Section 1054.1102(b) is set forth to amend the reference, as follows:

§ 1054.1102 Reporting institution of bankruptcy, receivership, insolvency, and probate proceedings.

* * * * * *

(b) If a contracting officer is informed or is aware of the institution of bankruptcy, receivership, assignment for the benefit of creditors or other type of insolvency proceedings or probate proceedings involving an AF contractor, he will immediately send notice by electrically transmitted message of such proceedings directly to the Contract Financing Division, Directorate of Accounting and Finance, Hq USAF, and to Chief, Tax and Litigation Division, Office of The Judge Advocate General, Hq USAF, Washington, D.C. The notice will include the name of the contractor, address, type of proceedings, court in which proceedings are held, and contracts held by the contractor (see Part 844, Subchapter D of this chapter). If information of such proceedings is first received by the accounting and finance office, that office will submit the information directly to the Contract Financing Division, Directorate of Accounting and Finance, and to Chief, Tax and Litigation Division, Office of The Judge Advocate General. A copy of the notice will be forwarded to the contracting officer, accounting and finance office whose funds are cited in the contract, or the accounting and finance office cited to make payment, as appropriate.

Subpart O—Preparation and Issuance of Shipping Instructions

In § 1054.1502, paragraph (b)(2) is revised to read as follows:

§ 1054.1502 Application.

* * * * * *

(b) * * *

(2) Shipping instructions for base procurement as defined in § 1001.201–55 of this subchapter.

* * * * * *

PART 1059—AIRCRAFT AND GFAE PROCUREMENT

Subpart B—Use of Production Aircraft in Emergency and Control of Test/Acceptance and Demonstration Flights

In § 1059.202, paragraph (d)(2) is revised to read as follows:

§ 1059.202 Control of test/acceptance and demonstration flights.

* * * * * *

(d) * * *

(2) Demonstration flights will be performed according to provisions of AFR 60–6 (Participation in Goodwill Flights, Aerial Reviews and Weapons Demonstrations).

By order of the Secretary of the Air Force.

FREDERICK A. RYKER,
Lieutenant Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 65–13994; Filed, Dec. 29, 1965; 8:50 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

MEDROXYPROGESTERONE ACETATE

Correction

In F.R. Doc. 65–13727, appearing at page 16063 of the issue for Friday, December 24, 1965, the equation appearing at the end of § 121.1187 should read as follows:

$$1 \text{ part per million of medroxyprogesterone acetate} = \frac{A \text{ sample solution}}{A \text{ standard solution}} \times \frac{100}{\text{weight sample}}$$

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

Gulf of Mexico, Fla.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. —), § 204.120 governing the use and navigation of danger zones in the Gulf of Mexico, Fla., is hereby amended redesignating the boundaries of Area No. 1 and prescribing new firing periods, revising paragraphs (a)(1) and (b)(1), effective 30 days after publication in the FEDERAL REGISTER as follows:

§ 204.120 Gulf of Mexico, southeast of St. Andrew Bay East Entrance, Small Arms Firing Range, Tyndall Air Force Base, Fla.

(a) *The danger zones.*—(1) *Area No. 1.* The waters of the Gulf of Mexico, southeast of St. Andrew Bay East Entrance within a rectangular area beginning at a point on shore at latitude 30°04'32", longitude 85°37'07"; thence to latitude 30°03'47", longitude 85°37'58"; thence to latitude 30°03'19", longitude 85°37'00"; thence to a point on shore at latitude 30°04'13", longitude 85°36'47"; thence along the shoreline to the point of beginning.

* * * * * *

(b) *The regulations.* (1) No vessel or other craft shall enter or remain in the areas during periods of firing. Area No. 1 will be used for firing practice between 6:30 a.m. and 5:00 p.m., as scheduled, Monday through Friday, with possibly some sporadic firings on Saturdays and Sundays. A 10' x 18' red flag will be displayed on a pole at the shoreline whenever firing is in progress.

* * * * * *

(Regs., Dec. 10, 1965, 1507–32; Gulf of Mexico, Fla.–ENGCW–ON; sec. 7, 40 Stat. 266; 33 U.S.C. 1)

J. C. LAMBERT,
Major General, U.S. Army, The Adjutant General.

[F.R. Doc. 65–13896; Filed, Dec. 29, 1965; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Chapter VIII—United States Civil Service Commission

PART 801—VOTING RIGHTS PROGRAM

Appendix A

ALABAMA

Appendix A to Part 801 is amended under the heading "Dates, Times, and Places for Filing", by the addition of a second place for filing in Lowndes County, Ala., as set out below:

County; Place for Filing; Beginning Date.
* * * * * *
Lowndes; (1) Fort Deposit—Post Office Building; August 10, 1965; (2) Hayneville—trailer at U.S. Post Office; January 3, 1966.

(Secs. 7 and 9 of the Voting Rights Act of 1965; P.L. 89–110)

UNITED STATES CIVIL SERVICE COMMISSION,
MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65–14009; Filed, Dec. 29, 1965; 10:43 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 65–1136]

PART 87—AVIATION SERVICES

Exempt Radionavigation Land Test Stations From Log Requirements

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 22d day of December 1965;

The Commission having under consideration amendment of § 87.99 to exempt licensees of radionavigation land test stations (MTF) from log keeping for this class of station; and,

It appearing, that radionavigation land test stations operate on very low power, are not used for communications and are used solely for testing of radionavigation equipment; and,

It further appearing, that from information obtained at a recent meeting of the Aerospace Flight Test Radio Coordinating Council held in Atlanta, Ga., the keeping of a log for such a station will not provide the Commission with any information that will materially assist it in administering the service; and,

It further appearing, that an exemption from this requirement will relieve licensees of an unnecessary administrative burden; and,

It further appearing, that in view of the foregoing, the public interest, convenience, and necessity would be served by amending Part 87—Aviation Services, to exempt radionavigation land test stations from the log requirements of § 87.99; and,

It further appearing, that the amendment adopted herein removes an unnecessary administrative burden from licensees of radionavigation land test stations and the public interest would be served by the expeditious removal of this requirement hence the prior notice, procedure, and effective date provisions of section 4 of the Administrative Procedure Act are impracticable; and,

It further appearing, that authority for the rules herein adopted is contained in sections 4(i), 303 (j) and (r) of the Communications Act of 1934, as amended.

It is ordered, That Part 87 of the Commission's rules is amended as set forth in the Appendix below, effective January 4, 1966.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

NOTE: Rules changes herein will be covered by T.S. V(64)–9.

Released: December 27, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[1] Commissioner Wadsworth absent.

1. Section 87.99(a) is amended to read as follows:

§ 87.99 Information required in station logs.

(a) Except for radionavigation land test station (MTF), all stations at fixed locations shall maintain logs showing hours of operation, frequencies used, station with which communication was held, and hours of duty and signature of the operator(s) on duty.

* * * * * *

[F.R. Doc. 65–13942; Filed, Dec. 29, 1965; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Tennessee National Wildlife Refuge, Tenn.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

TENNESSEE

TENNESSEE NATIONAL WILDLIFE REFUGE

Public hunting of rabbits and quail on the Tennessee National Wildlife Refuge, Tenn., is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 1,500 acres, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga., 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of rabbits and quail subject to the following special conditions:

(1) The open season on the refuge extends from January 27 through February 5, 1966.

(2) The use of dogs is not permitted.

(3) Camping on the area is not permitted.

(4) Bobcats, gray foxs, woodchucks, and crows may be taken.

(5) Hunters may enter public hunting area 1 hour before sunrise and must be out by 1 hour after sunset.

(6) Hunters shall wear red, orange, or yellow as part of their field dress.

(7) A Federal permit is not required to enter the public hunting area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 5, 1966.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 65–13915; Filed, Dec. 29, 1965; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1006]

[Docket No. AO–356]

MILK IN NORTHEAST-CENTRAL FLORIDA MARKETING AREA

Supplemental Notice of Hearing on Proposed Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice was issued December 22, 1965, giving notice of a public hearing to be held at the Thunderbird Motor Hotel, 5865 Expressway, Jacksonville, Fla., beginning at 10 a.m., e.s.t., on January 19, 1966, and at the Robert Meyer Motor Inn, 151 East Washington Street, Orlando, Fla., beginning at 10 a.m., e.s.t., on January 24, 1966, with respect to a proposed marketing agreement and order, regulating the handling of milk in the Northeast-Central Florida marketing area.

Supplemental notice is hereby given with respect to proposals to be considered at such hearing.

The proposals, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Sunshine State Dairymen's Cooperative and Chipola Dairy Cooperative:

Proposal No. 7. The proposed order submitted for hearing by the Dairy Farmers Mutual and Northeast Florida Milk Producers Association be amended to provide that the area to be covered by said marketing order be amended so that said area is described as follows:

North and Central Florida Milk Marketing Area comprised of the following counties, all in the State of Florida: Alachua, Baker, Bay, Bradford, Brevard, Calhoun, Citrus, Clay, Columbia, Duval, Flagler, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Indian River, Jackson, Jefferson, Lafayette, Lake, Leon, Levy, Liberty, Madison, Marion, Nassau, Orange, Osceola, Putnam, St. John, Seminole, Sumter, Suwannee, Taylor, Union, Volusia, Wakulla and Washington.

Proposed by The Southland Corporation:

Proposal No. 8. We wish to propose the same counties for the tentative Northeast-Central Florida Marketing Area proposed by the proponent cooperative associations, all in the State of Florida: Alachua, Baker, Bradford, Brevard, Citrus, Clay, Columbia, Duval, Flagler, Gilchrist, Hamilton, Indian River, Lake, Levy, Marion, Nassau, Orange, Osceola, Putnam, St. John, Seminole, Sumter, Suwannee, Union, and Volusia. In addition, we wish to propose the following counties, all in the State of Florida: Bay, Calhoun, Dixie, Franklin, Gadsden, Gulf, Jackson, Jefferson, Lafayette, Leon, Liberty, Madison, Taylor, Wakulla and Washington.

Proposed by Foremost Dairies of the South, division of Home Town Foods, Inc.:

Proposal No. 9.

§ 1006.6 **Northeast-Central Florida Marketing Area.**

"The Northeast-Central Florida Marketing Area" hereinafter called the "Marketing Area" means all the territory geographically included within the boundaries of the following counties, all in the State of Florida, including all waterfront facilities connected therewith and all territory wholly or partly therein occupied by Government (Municipal, State, or Federal) reservations, installations, institutions, or other similar establishments.

Alachua.	Lafayette.
Baker.	Lake.
Bay.	Leon.
Bradford.	Levy.
Brevard.	Liberty.
Calhoun.	Madison.
Citrus.	Marion.
Clay.	Nassau.
Columbia.	Orange.
Dixie.	Osceola.
Duval.	Putnam.
Flagler.	St. Johns.
Franklin.	Seminole.
Gadsden.	Sumter.
Gilchrist.	Suwanee.
Gulf.	Union.
Hamilton.	Taylor.
Holmes.	Volusia.
Indian River.	Wakulla.
Jefferson.	Washington.

Copies of this notice may be procured from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C., 20250, or may be there inspected.

Signed at Washington, D.C., on December 27, 1965.

ROY W. LENNARTSON,
Acting Administrator.

[F.R. Doc. 65–13927; Filed, Dec. 29, 1965; 8:47 a.m.]

[7 CFR Part 1102]

[Docket No. AO–237–A12]

MILK IN FORT SMITH, ARK., MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Fort Smith, Ark., on December 21, 1965, pursuant to notice thereof issued on December 14, 1965 (30 F.R. 15591).

The material issues on the record of the hearing related to:

1. Class I price.

2. Whether an emergency exists which warrants the omission of a recommended decision and the opportunity for interested persons to file exceptions thereto and the immediate issuance of a final decision.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Class I price in the Fort Smith, Ark., marketing area.* The supply-demand adjustment in the Fort Smith, Ark., order should be plus 25 cents from the effective date of amendment and for each month through June 30, 1966.

The amount of the supply-demand adjustment should be plus 25 cents through June 1966 to provide a continuation of the usual relationship of Fort Smith order Class I prices with the Central Arkansas order Class I prices. A similar modification of the Central Arkansas order supply-demand adjustment was made effective December 17, 1965. During 1965 the amount of the adjustment has varied from plus 18 cents to plus 36 cents, the latter being the adjustment in December.

This modification of Class I pricing was requested on the record by the Central Arkansas Milk Producers Association whose membership on this market comprises the total supply for the market. The total number of producers on the market varies from about 125 to 150, and many of them from time to time also supply milk to the Central Arkansas market. There was no opposing testimony to the requested price change.

While producers in this market requested the same modification be applied to the Fort Smith supply-demand adjustment as under the Central Arkansas order and during the same period, they did not request that the prices be identical each month in the two orders. Because of the difference in the Class I price differentials, the Fort Smith Class I price, modified as proposed, would be 6 cents per hundredweight lower than the Central Arkansas prices in the months of January and February 1966, 35 cents higher in the month of March and 5 cents lower in the months of April, May and June. This, however, is the usual relationship of the Class I prices of these two markets, since price formula factors other than the Class I differentials, namely the supply-demand adjustment and basic formula price, are the same in the two orders. Producers' representative held that such pattern of relationship to the Central Arkansas prices in these months was proper.

The Fort Smith marketing area is served by two handlers fully regulated under this order. There is route distribution in the marketing area also by handlers regulated by the Central Arkansas, Ozarks, and Oklahoma Metropolitan orders. Fort Smith handlers have route disposition in the Ozarks and Central Arkansas marketing areas. The proposed amendment would tend to stabilize intermarket price relationships with such other markets during the designated period.

In view of the close relationship of the Fort Smith market to the Central Arkansas market where a similar amendment was recently effected, it is necessary that this amendment to this order be made effective as soon as possible to forestall development of disorderly marketing conditions.

The order modification herein proposed should be made effective at the earliest possible date. If the effective date is not the first day of a month, thus resulting in different Class I prices for the two portions of the month, handlers may elect a separate accounting period for each such portion of the month, or may elect to pay for Class I milk received during the entire month at an average price calculated by prorating the two Class I prices according to the number of days of the month each price applies. There would probably be little difference in returns to producers under either option. A handler should indicate the option he selects at the time he files his report for the month.

2. *Emergency action.* The due and timely execution of the function of the Secretary under the Act imperatively and unavoidably requires the omission of a recommended decision and opportunity for exceptions thereto, on the above issue.

The conditions in this market are such that it is urgent that remedial action be taken as soon as possible. Any delay in informing interested parties of the conclusions reached will tend to make ineffective the relief sought. The time necessarily involved in the preparation, filing and publication of a recommended decision and filing of exceptions thereto would in this instance contribute to the threat of disorderly marketing conditions.

The notice of hearing stated that consideration would be given to the economic and emergency marketing conditions relating to the proposed amendments. Action under the procedure described above was requested by proponent and a handler at the hearing.

It is therefore found that good cause exists for omission of the recommended decision and the opportunity for filing exceptions thereto.

No briefs were filed by interested parties.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Fort Smith, Ark., Marketing Area," and "Order Amending the Order, Regulating the Handling of Milk in the Fort Smith, Ark., Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of October 1965 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Fort Smith, Ark., marketing area is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on December 23, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Fort Smith, Ark., Marketing Area

§ 1102.0 **Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Fort Smith, Ark., marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Fort Smith, Ark., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended, as follows:

In § 1102.51(a) the introductory text of subparagraph (3) is revised to read as follows:

§ 1102.51 **Class prices.**

* * * * * * *

(a) *Class I milk.* * * *

(3) For a "minus deviation percentage" the Class I price shall be increased

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

and for a "plus deviation percentage" the Class I price shall be decreased as follows: *Provided*, That the adjustment shall be plus 25 cents for each month from the effective date of this order through June 30, 1966:

• • • • •

[F.R. Doc. 65-13928; Filed, Dec. 29, 1965; 8:48 a.m.]

POST OFFICE DEPARTMENT

[39 CFR Parts 112, 114, 168]

INTERNATIONAL MAIL

Proposed Discontinuance of Eight-Ounce Merchandise Packages to Certain Countries

Correction

In F.R. Doc. 65-13637 appearing at page 15810 in the issue for Wednesday, December 22, 1965, the third to last line of the final paragraph now reads: "• • • any time prior to the 13th day following • • •." It is corrected to read: "• • • any time prior to the 30th day following • • •."

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 14229]

UHF TELEVISION CHANNELS

Fostering Expanded Use; Order Further Extending Time for Filing Comments

1. The National Association of Educational Broadcasters (NAEB) has filed a petition requesting that the time for filing comments on the further notice of proposed rule making in the above-captioned proceeding be extended from December 15, 1965, to January 17, 1966, and for reply comments from January 5, 1966, to February 7, 1966.

2. NAEB desires additional time so that it can examine the new revised UHF assignment plan before submitting its comments with respect to the proposed new low-power community television service on Channels 70 to 83.

3. The Commission wishes to have all pertinent comments with respect to this proposal before reaching a final decision. The desire of NAEB to relate the UHF assignment table to the various aspects of the proposed new service appears reasonable. The revised UHF plan has not yet been issued.

4. *Accordingly, it is ordered*, This 22d day of December 1965, that the request of the National Association of Educational Broadcasters is granted and the time for filing comments is extended from December 15, 1965, to January 17, 1966, and the time for filing replies thereto is extended from January 5, 1966, to February 7, 1966.

5. This action is taken pursuant to the authority contained in section 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission rules.

Released: December 27, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-13943; Filed, Dec. 29, 1965; 8:49 a.m.]

[47 CFR Part 91]

[Docket No. 16386, FCC 65-1139]

FOREST PRODUCTS RADIO SERVICE

Notice of Proposed Rule Making

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has under consideration a petition for rule making (RM-689) filed on November 27, 1964, by Forest Industries Radio Communications (FIRC). FIRC has requested certain amendments to the eligibility provisions of the Forest Products Radio Service, § 91.351. The amendments FIRC as requested are basically two in number. The first of these relates to the dual eligibility of certain persons in both the Forest Products and Manufacturers Radio Services; and the second concerns eligibility of persons who perform specialized transportation functions, such as log hauling, for licensees in the Forest Products Radio Service.

3. Many persons are engaged in activities that constitute dual eligibility, that is, eligibility in both the Forest Products and Manufacturers Radio Services. Indeed, many persons are licensed in both Services and use one set of radio facilities for their logging and other woods operations and another set of facilities for their woods products manufacturing activities. Because of the integrated operational characteristics of these raw products gathering and subsequent manufacturing activities, FIRC has requested that, any person engaged in the manufacture of lumber, plywood, etc., products, and who is also engaged in tree logging, tree farming, or related woods operations, and therefore eligible in the Forest Products Radio Service, be allowed to be authorized to operate all of his radio facilities in the Forest Products Radio Service—on frequencies available to that Service. This amendment, according to FIRC, would enable persons to employ one set of radio facilities for all of their eligible activities and conduce to more efficient and safer day-to-day operations.

4. The second amendment requested by FIRC would accommodate those persons who perform specialized transporting functions for the forest products industry. Under our present rules, persons whose primary business activity is transportation—including the transporting or hauling of logs—must look to the Motor Carrier Radio Service for eligibility and frequency selection. However, as many persons are engaged in transporting activities, on a contract basis solely for the forest products industry; and as this hauling or transporting function is integral, if not essential, to the whole woods-to-mills process, FIRC believes that an eligibility category for log, pulp, etc. haulers should be established in the Forest Products Radio Service.

5. A second category of haulers are those whose activities in association with persons in the forest products industry are on a part-time or as-available basis. These transporters, in short, do not engage in transportation activities that are confined solely or exclusively to the forest products industry. When, however, these persons' vehicles are used in connection with forest products industry activities it is essential, according to FIRC, that these vehicles be able to communicate with the Forest Products Radio Service licensee or licensees to whom their services have been contracted. To establish this necessary communications link, the FIRC requests an amendment to the Forest Products Radio Service rules which would enable a licensee to install radios in the vehicles of the person or persons employed by him.

6. The Commission is persuaded, on the basis of the information brought to its attention by FIRC, that amendments to the rules, along the lines suggested by FIRC, should be considered. In this proceeding, amendments to § 91.351 are proposed which encompass solutions to the problems discussed above in paragraph 3 relating to dual eligibility, and in paragraph 4 concerning prime eligibility for persons who are engaged in hauling activities solely for the forest products industry. With respect to those persons who perform certain specialized hauling functions on a part-time or nonexclusive basis; however, the Commission is not disposed to consider this problem in the narrow context of a simple amendment to the Forest Products Radio Service Rules. On the basis of the Commission's experience in administering other of the Land Mobile Radio Services, we have found that the problem posed by FIRC with reference to persons working under contract to a licensee—and in need of integrated mobile communications facilities—is not unique to the Forest Products Radio Service. In a collateral rule making proceeding in Docket No. 16387, adopted simultaneously with the instant one, we are proposing rules amendments which are applicable to all of the Industrial Radio Services, including the Forest Products Radio Service, which provide, in substance, that a licensee of a base station may install mobile units licensed to him in the vehicles of other persons furnishing to the licensee, under contract, a facility or service within the purview of the eligible activities that govern entry into the particular service. FIRC's attention is specifically directed to the referenced proceeding.

7. The proposed amendments of the rules are contained in the appendix; and

are issued pursuant to authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

8. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before February 7, 1966, and reply comments on or before March 1, 1966. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

9. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: December 22, 1965.

Released: December 27, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

Section 91.351 is amended as follows:

§ 91.351 Eligibility.

The following persons are eligible to hold authorizations to operate radio stations in the Forest Products Radio Service:

(a) A person who is engaged in tree logging, tree farming, or related woods operations including related hauling activities, if the hauling activities are performed under contract to, and exclusively for, persons engaged in woods operations.

(b) A person directly engaged in manufacturing lumber, plywood, hardboard, or pulp and paper products from wood fiber, if such person is otherwise eligible in this Service under the provisions of paragraph (a) of this section.

(c) A subsidiary corporation proposing to furnish a nonprofit radiocommunication service to its parent corporation or to another subsidiary of the same parent where the party to be served is engaged in any of the activities set forth in paragraph (a) or (b) of this section.

(d) A nonprofit corporation or association, organized for the purpose of furnishing a radiocommunication service solely to persons who are actually engaged in one or more of the activities set forth in paragraph (a) or (b) of this section. Such a corporation or association shall render service only on a nonprofit cost-sharing basis, said costs to be prorated on an equitable basis among all persons to whom service is rendered. Records which reflect this cost-sharing nonprofit basis shall be maintained and held available for inspection by Commission representatives. Each person licensed under the provisions of this paragraph shall obtain prior approval from the Commission for each person who proposes to participate in the licensee's service.

[F.R. Doc. 65-13944; Filed, Dec. 29, 1965; 8:49 a.m.]

[1] Commissioner Wadsworth absent.

[47 CFR Part 91]

[Docket No. 16387; FCC 65-1140]

PERSONS PROVIDING CERTAIN CONTRACTUAL SERVICES TO LICENSEE

Permitted To Install Mobile Units in Vehicles

1. Notice of proposed rule making in the above-entitled matter is hereby given.

2. Many licensees in the Industrial Radio Services conduct their day-to-day business activities in conjunction with subcontractors and/or persons who provide specialized services or facilities to the licensees under contract. Very often, these subcontractors and other persons do not have radio equipped vehicles, or, if their vehicles are so equipped, they may be licensed in a radio service other than the one in which the person for whom they are to work is licensed. In many cases, the need for communications, particularly with reference to dispatching and routing, between the parties, is critical to safety and timely and efficient operational or business practices.

3. The purpose of this proceeding is to amend our Industrial Radio Services Rules to the extent that, a base station licensee who employs subcontractors and other persons rendering specialized services or facilities, may be allowed to install mobile transmitters licensed to him in the vehicles of the subcontractors and/or others employed by him. The use to be made of the licensed transmitters installed in another person's vehicles would have to be strictly confined to the licensee's activities that constituted eligibility for him in the Radio Service in which he operates.

4. A licensee would be required to maintain exclusive control over the operation of the stations. A written agreement between the licensee and the persons in whose vehicles transmitters are to be installed shall verify the fact that the licensee has the sole right of control of the mobile units, that the vehicle operators shall operate the radio units subject to the orders and instructions of the base station operator and that the licensee shall at all times have such access to and control of the mobile equipment as will enable him to carry out his responsibilities under his license.

5. This proposal is responsive to certain relief requested in a petition for rule making filed by Forest Industries Radio Communications (IRC) on November 27, 1964 (RM-689).[1]

6. Authority for the adoption of the amendments proposed herein is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before February 7, 1966, and reply comments on or before March 1, 1966. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

8. In accordance with the provisions of § 1.419(b) of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: December 22, 1965.

Released: December 27, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

Section 91.6 is amended by adding a new paragraph (d) as follows:

§ 91.6 Cooperative arrangements.

• • • • •

(d) A licensee may install mobile units licensed to him in the vehicles of persons furnishing to the licensee, under contract, a facility or service directly related to the activities that constituted eligibility for the station licensee in the service in which he is authorized. The licensee shall maintain exclusive control over the operation of the units. In order to maintain such control, each person in whose vehicles the mobile units of the licensee are proposed to be installed shall enter into a written agreement verifying that the licensee has the sole right of control of the mobile radio units, that the vehicle operators shall operate the radio units subject to the orders and instructions of the base station operator and that the licensee shall at all times have such access to and control of the mobile equipment as will enable him to carry out his responsibilities under his license. A copy of the agreement with vehicle owners required hereby shall be kept with the station records.

[F.R. Doc. 65-13945; Filed, Dec. 29, 1965; 8:49 a.m.]

[1] Other relief requested by FIRC in its Nov. 27, 1964, petition is considered in Docket No. 16386, dated December 22, 1965.

[2] Commissioner Wadsworth absent.

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[Antidumping—AA 643.3–m]

WALL TILE FROM JAPAN

Antidumping Proceeding Notice

DECEMBER 27, 1965.

On December 9, 1965, the Commissioner of Customs received information in proper form pursuant to the provisions of § 14.6(b) of the Customs Regulations indicating a possibility that ceramic glazed wall tile imported from Japan is being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

Ordinarily, merchandise is considered to be sold at less than fair value when the net, f.o.b. factory price for exportation to the United States is less than the net, f.o.b. factory price to purchasers in the home market, or, where appropriate, to purchasers in other countries, after due allowance is made, for differences in quantity and circumstances of sale.

A summary of the information received is as follows: Extensive information and documentation indicates that the price for exportation to the United States is less than the price of comparable tile to purchasers in the home market, after appropriate adjustment for estimated differences in the merchandise, and circumstances of sale.

In order to establish the validity of the information, the Bureau of Customs is instituting an inquiry pursuant to the provisions of § 14.6(d) (1)(ii), (2), and (3) of the Customs Regulations.

The information was submitted by Howrey, Simon, Baker & Murchison, Washington, D.C., on behalf of the Ceramic Tile Manufacturers of the United States.

This notice is published pursuant to § 14.6(d)(1)(i) of the Customs Regulations (CFR 14.6(d)(1)(i)).

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 65–13993; Filed, Dec. 29, 1965; 8:50 a.m.]

Office of the Secretary

[Dept. Circ. 570, 1964 Rev. Supp. No. 11]

HOME FIRE AND MARINE INSURANCE COMPANY OF CALIFORNIA

Surety Company Acceptable on Federal Bonds

DECEMBER 23, 1965.

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C. 6–13.

An underwriting limitation of $783,000 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of June 1, 1966. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C., 20226.

State in which incorporated, name of company and location of principal executive office

California
Home Fire and Marine Insurance Company of California
San Francisco, Calif.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 65–13929; Filed, Dec. 29, 1965; 8:48 a.m.]

POST OFFICE DEPARTMENT

ORGANIZATION AND ADMINISTRATION

Board of Contract Appeals

The statement of the Department's Organization and Administration as published in the FEDERAL REGISTER of May 25, 1965, at pages 6988–7017, and as amended by 30 F.R. 7969, is further amended by revising § 821.52a to clarify the jurisdiction of Board of Contract Appeals. As so amended, § 821.52a reads as follows:

821.5 Judicial Officer.

. . . . . .

.52 Board of Contract Appeals. a. The Board of Contract Appeals is the authorized representative of the Postmaster General to hear and decide appeals from decisions of Contracting Officers when and to the extent such appeals are expressly authorized by the terms of any contract to which the United States is a party. The chairman of the Board of Contract Appeals is authorized to promulgate rules of procedure for the Board of Contract Appeals. These duties shall be performed by the members of the Board of Contract Appeals in addition to their regular duties in the Department.

. . . . . .

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501)

HARVEY H. HANNAH,
Acting General Counsel.

[F.R. Doc. 65–14008; Filed, Dec. 29, 1965; 10:37 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Filing of Plat of Survey

DECEMBER 22, 1965.

1. Plat of survey of the lands described below will be officially filed in the Anchorage District and Land Office, Anchorage, Alaska, effective at 10 a.m., January 15, 1966.

SEWARD MERIDIAN

T. 2 S., R. 13 W.,
Sec. 3, lots 1 and 2, SW¼, S½NW¼;
Sec. 4, lots 1, 2, 3, 4, S½NE¼, S½NW¼, SE¼, SW¼;
Sec. 5, lots 1, 2, 3, 4, 5, 6, S½NE¼, SE¼NW¼, S½SW¼, NE¼SW¼, SE¼;
Sec. 6, lots 1, 2, 3, 4, 5, 6, 7, 8, S½NE¼, SE¼NW¼, E½SW¼, S½SE¼;
Sec. 7, lots 1, 2, 3, 4, NE¼, E½NW¼, E½SW¼, SE¼;
Sec. 8, all;
Sec. 9, all;
Sec. 16, N½;
Sec. 17, N½.

Containing 4,709.01 acres.

2. The area surveyed is located in the Ninilchik area on the Kenai Peninsula.

3. The public lands affected by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, rules and regulations.

4. The greater part of the lands affected by this notice has been selected by the State of Alaska in accordance with and subject to the limitations and requirements of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR 2222.9–1(a) and 43 CFR Part 1840.

5. Inquiries concerning the lands should be addressed to the Manager, Anchorage District and Land Office, 555 Cordova Street, Anchorage, Alaska.

PEARL C. PETERS,
Acting Manager, Anchorage District and Land Office.

[F.R. Doc. 65–13916; Filed, Dec. 29, 1965; 8:46 a.m.]

[Sacramento 080090]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

DECEMBER 17, 1965.

On December 6, 1965, the Department of the Army, Portland District, Corps of Engineers, filed application Sacramento 080090 for the withdrawal of the lands described below in connection with the planning studies for the Applegate Reservoir Project on the upper Applegate River, a tributary of the Rogue River, in Jackson County, Oreg., including flowage which could extend into Siskiyou County, Calif.

The purpose for which the withdrawal is requested is for use of the lands in connection with construction, operation, and maintenance of the project. The withdrawal is requested from all forms of appropriation under the public land laws, subject to valid existing rights, including the mining laws and mineral leasing laws.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 4201, U.S. Courthouse and Federal Building, 650 Capitol Mall, Sacramento, Calif., 95814.

The Department's regulation (43 CFR 2311.1–3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

MOUNT DIABLO MERIDIAN

ROGUE RIVER NATIONAL FOREST

T. 48 N., R. 11 W.,
Sec. 17, lots 2, 3, and 4, S½SW¼ and SW¼SE¼;
Sec. 18, lot 1 and SE¼SE¼;
Sec. 20, NW¼NE¼ and NE¼NW¼.

The area described above aggregates approximately 373.52 acres.

R. J. LITTEN,
Chief, Lands Adjudication Section, Sacramento Land Office.

[F.R. Doc. 65–13918; Filed, Dec. 29, 1965; 8:47 a.m.]

IDAHO

Notice of Filing of Idaho Protraction Diagrams

DECEMBER 21, 1965.

Notice is hereby given that effective at and after 10:00 a.m., on January 25, 1966, the following protraction diagrams are officially filed of record in the Idaho Land Office, Room 327, Federal Building, Boise, Idaho, 83701, and are available to the public as a matter of information only. In accordance with Title 43, Code of Federal Regulations, these protractions will become the basic record for describing the land for all authorized uses. Until this date and time the diagrams have been placed in open file and are available to the public for information only.

IDAHO PROTRACTION DIAGRAMS

Nos. 85, 93, 94

BOISE MERIDIAN

Approved November 8, 1965

No. 93

Ts. 5 and 6 N., Rs. 20, 21 and 22 E.

BOISE MERIDIAN

Approved November 15, 1965

No. 85

T. 7 N., Rs. 17, 18 and 19 E.
T. 8 N., Rs. 18 and 19 E.

No. 94

T. 5 N., Rs. 17 and 19 E.
T. 6 N., Rs. 17, 18 and 19 E.

Copies of these diagrams are for sale at one dollar ($1.00) each by the Cadastral Engineering Office, Bureau of Land Management, Post Office Box 2237, Boise, Idaho, 83701.

EUGENE E. BABIN,
Acting Manager, Land Office, Boise, Idaho.

[F.R. Doc. 65–13919; Filed, Dec. 29, 1965; 8:47 a.m.]

IDAHO

Notice of Filing of Plat of Survey

DECEMBER 21, 1965.

1. Plats of survey of the following described land, accepted December 9, 1965, will be officially filed in the Land Office, Boise, Idaho, effective at 10 a.m., on January 25, 1966.

BOISE MERIDIAN, IDAHO

T. 2 N., R. 37 E.,
Sec. 12, lots 9 to 15 inclusive;
Sec. 13, lots 9 to 213 inclusive;
Sec. 24, lot 8;
Sec. 25, lots 8 to 19 inclusive;
Sec. 35, lots 8 and 9.

The areas described aggregate 187.94 acres.

2. The lands include an island in the Snake River and other lands along the river which were omitted from the previous survey.

3. The lands are subject to the provisions of the Act of May 31, 1962 (76 Stat. 89). Before sale of any of the lands described herein can be made, a notice in accordance with the regulations in 43 CFR 2214.6–1 must be published in the FEDERAL REGISTER. Inquiries concerning the lands should be addressed to the Manager, Idaho Land Office, Post Office Box 2237, Boise, Idaho, 83701.

EUGENE E. BABIN,
Acting Manager, Land Office, Boise, Idaho.

[F.R. Doc. 65–13920; Filed, Dec. 29, 1965; 8:47 a.m.]

[Oregon 017362]

OREGON

Notice of Proposed Withdrawal and Reservation of Land

DECEMBER 21, 1965.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial Number Oregon 017362 for the withdrawal of the lands described below, from all forms of appropriation under the mining laws (Chap. 2, 30 U.S.C.) but not from leasing under the mineral leasing laws.

The applicant desires to use the land for an existing recreation area complex.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 710 Northeast Holladay, Portland, Oreg., 97232.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Forest Service.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

OREGON

WILLAMETTE MERIDIAN

WILLAMETTE NATIONAL FOREST

Breitenbush Hot Springs Recreation Area

T. 9 S., R. 7 E.,
Sec. 19, Unsurveyed, S½NE¼NE¼, NE¼SW¼NE¼, S½SW¼NE¼, SE¼NE¼, SE¼SE¼NW¼, NE¼NE¼SW¼, N½NW¼SE¼;
Sec. 20, S¼NE¼NW¼, NW¼NW¼, N½SW¼NW¼, SE¼NW¼, NE¼SE¼, E½SE¼SE¼;

Sec. 21, Unsurveyed, S½NW¼NW¼, SW¼NW¼, W½NE¼SW¼, NW¼SW¼, N½SW¼SW¼, SW¼SW¼SW¼, N½SE¼SW¼.

The areas described aggregate 480 acres.

D. B. LEIGHTNER,
Acting Land Office Manager.

[F.R. Doc. 65-13921; Filed, Dec. 29, 1965; 8:47 a.m.]

[Oregon 017358]

OREGON

Notice of Proposed Withdrawal and Reservation of Land

DECEMBER 22, 1965.

The Bureau of Land Management, U.S. Department of the Interior, has filed an application, Serial No. Oregon 017358 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, or disposal of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, or forest products under the Act of August 28, 1937 (50 Stat. 874; 43 U.S.C. 1181a), subject to valid existing rights.

The applicant desires the land for protection of a site containing hard rock deposits to be used for repair and construction of Governmental and private roads.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal, may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 710 Northeast Holladay, Portland, Oreg., 97232.

The authorized officer of the Bureau of Land Management will prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Land Management.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

OREGON

WILLAMETTE MERIDIAN

T. 27 S., R. 12 W.,
Sec. 3, lots 1 and 2, S½NE¼ and SE¼.

The area described contains 321.45 acres.

D. B. LEIGHTNER,
Acting Land Office Manager.

[F.R. Doc. 65-13922; Filed, Dec. 29, 1965; 8:47 a.m.]

[Oregon 017357]

OREGON

Notice of Proposed Withdrawal and Reservation of Land

DECEMBER 21, 1965.

The Bureau of Land Management, U.S. Department of the Interior, has filed an application, Serial Number Oregon 017357 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws (Chap. 2, 30 U.S.C.) but not including the mineral leasing laws or disposal of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended.

The applicant desires the land for preservation of antiquity values, and after exploration is completed, the land will be developed and used for public outdoor recreation.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 710 Northeast Holladay, Portland, Oreg., 97232.

The authorized officer of the Bureau of Land Management will prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Land Management.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

OREGON

WILLAMETTE MERIDIAN

T. 2 S., R. 15 E.,
Sec. 13, S½SW¼ and SW¼SE¼;
Sec. 24, NW¼NE¼ and N½NW¼.

The area described contains 240 acres.

D. B. LEIGHTNER,
Acting Land Office Manager.

[F.R. Doc. 65-13923; Filed, Dec. 29, 1965; 8:47 a.m.]

[Riverside 0126]

CALIFORNIA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

DECEMBER 22, 1965.

The Forest Service, U.S. Department of Agriculture filed an application for withdrawal and reservation of lands, serial number Riverside 0126, on January 2, 1962 (27 F.R. 1783-1784). The applicant agency has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 2310, such lands will be at 10 a.m., on Monday, January 24, 1966, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 3 S., R. 1 E.,
Sec. 30, SE¼SE¼SW¼NE¼, S½SW¼SE¼NE¼, NE¼SW¼SE¼NE¼, S½NE¼SE¼NE¼, SE¼SE¼NE¼, E½SW¼, SE¼;
Sec. 34, S½NW¼NW¼.
T. 4 S., R. 1 E.,
Sec. 20, SE¼SW¼;
Sec. 33, S½;
Sec. 34, W½, W½E½, SE¼SE¼.
T. 3 S., R. 1 W.,
Sec. 32, E½SE¼.

HALL H. MCCLAIN,
Manager.

[F.R. Doc. 65-13917; Filed, Dec. 29, 1965; 8:47 a.m.]

Office of the Secretary

CLOVERDALE RANCHERIA, CALIF.

Termination of Federal Supervision Over Property and Individual Members Thereof

Notice is hereby given that the Indians and the dependent members of their immediate families named below are no longer entitled to any of the services performed by the United States for Indians because of their status as Indians; that all statutes of the United States which affect Indians because of their status as Indians shall be inapplicable to them, and the laws of the several States shall apply to them in the same manner as they apply to other citizens within their jurisdiction. Title to the land on the Cloverdale Rancheria has passed from the U.S. Government under the distribution plan approved August 13, 1959, for the rancheria.

Cloverdale Rancheria, described as follows: All these certain lots, pieces or parcels of land, situate, lying and being in the township of Cloverdale, county of Sonoma, State of California, and bounded and particularly described as follows; to with: Beginning at a point in the center of the main public road leading from Cloverdale to Healdsburg and at the northwesterly corner of the land formerly owned by Louis Bee, which is an iron pipe two (2) inches in diameter, two (2) feet long, driven below the surface of the ground, from which a fir tree five (5) feet in diameter marked "R.M.," and known as station 8 on the Musalacon Grant line bears south 47° W., 39.38 chains distant; thence N. 47°40' E., along the northerly line of the land formerly owned by Louis Bee, 49.25 chains; thence north 59°15' W., 6.07½ chains to the southerly line of the land of Helena M. Woolsey, thence S. 47°28' W., along the southerly line of the land of Helena M. Woolsey, 46.68 chains to the center line of the hereinbefore mentioned public road; thence S. 34°15' E., along the center line of said road 5.71 chains to the place of beginning, containing 27.50 acres.

Name	Birth date	Address
Ernest Buck	5- 9-1909	28640 Redwood Highway, 101 South, Cloverdale, Calif.
Virginia Buck	7- 6-1909	Same.
Carl Buck	9-19-1944	Same.
Stephanie Stanley	4-10-1949	Same.
Blanche Hermosillo	6- 7-1915	General Delivery, Cloverdale, Calif.
Karen Hermosillo	6-21-1953	Same.
Carmelita Hermosillo	8-30-1954	Same.
Eleardo Hermosillo	3- 5-1958	Same.
Elaine Willits	9- 4-1945	Same.
John Santana	2-17-1916	Post Office Box 425, Cloverdale, Calif.
Carmen Santana	2-28-1923	Same.
Gerald Santana	10-11-1944	Same.
Linda Santana	11-27-1945	Same.
Antoinette Santana	10-31-1948	Same.
Patty Santana	4- 9-1957	Same.
Agnes Santana	1877	Same.
Patrick Dollar	3-17-1940	Same.
Lillian Jack	5-10-1909	General Delivery, Cloverdale, Calif.
Eugene Jack	3-11-1943	Same.
Alvin Jack	6-26-1949	Same.

This notice is issued pursuant to the Act of August 18, 1958 (72 Stat. 619), amended August 11, 1964 (78 Stat. 390), including the provisions in the 1964 Act that this notice affects only those Indians who are not members of any other tribe or band of Indians, and that all restrictions and tax exemptions applicable to trust or restricted lands or interests therein owned by the Indians who are affected by this notice are terminated.

This notice becomes effective as of the date of publication in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

DECEMBER 23, 1965.

[F.R. Doc. 65-13925; Filed, Dec. 29, 1965; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MEAT IMPORT LIMITATIONS

1966 Estimates

P.L. 88-482, approved August 22, 1964 (hereinafter referred to as the Act), provides for limiting the quantity of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep, except lamb (TSUS 106.20), which may be imported into the United States in any calendar year. Such limitations are to be imposed when it is estimated by the Secretary of Agriculture that imports of such articles, in the absence of limitations during such calendar year, would equal or exceed 110 percent of the estimated quantity of such articles prescribed by section 2(a) of the Act.

In accordance with the requirements of the Act, the following calendar year 1966 estimates are published:

1. The estimated aggregate quantity of such articles which would, in the absence of limitations under the Act, be imported during calendar year 1966 is 700 million pounds.

2. The estimated quantity of such articles prescribed by section 2(a) of the Act during the calendar year 1966 is 890.1 million pounds.

Since the estimated quantity of imports does not equal or exceed 110 percent of the estimated quantity prescribed by section 2(a) of the Act, no limitations for the calendar year 1966 on the importation of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep, except lamb (TSUS 106.20), are authorized to be imposed pursuant to P.L. 88-482 at this time.

Done at Washington, D.C., this 27th day of December 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-13941; Filed, Dec. 29, 1965; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-40]

ATOMIC DISPOSAL CO., INC.

Notice of Issuance of Byproduct and Source Material License

Please take notice that no request for a hearing or petition for leave to intervene has been filed following publication of the notice of proposed issuance of byproduct and source material license. The Atomic Energy Commission has this date issued license No. 12-11286-1. The license is in the form set forth in the notice of proposed issuance published in the FEDERAL REGISTER on October 20, 1965, 30 F.R. 13335.

Dated at Bethesda, Md., December 22, 1965.

For the Atomic Energy Commission.

J. A. MCBRIDE,
Director,
Division of Materials Licensing.

[License No. 12-11286-1]

The Atomic Energy Commission having found that:

A. The applicant's equipment, facilities, and procedures are adequate to protect health and minimize danger to life or property.

B. The applicant is qualified by training and experience to conduct the proposed operations in such manner as to protect health and minimize danger to life or property.

C. The application, dated December 23, 1964, and amendments thereto, dated February 18, 1965; April 20, 1965; July 15, 1965; August 16, 1965; and undated document, received August 30, 1965, comply with the requirements of the Atomic Energy Act of 1954, as amended, and Title 10, Code of Federal Regulations, Chapter I, and is for a purpose authorized by that act, and

D. The issuance of the license will not be inimical to the common defense and security or to the health and safety of the public.

License No. 12-11286-1 is hereby issued to read as follows:

Pursuant to the Atomic Energy Act of 1954, as amended, 10 CFR Part 30, "Rules of General Applicability to Licensing of Byproduct Material," 10 CFR Part 40, "Licensing of Source Material," and in reliance upon the statements and representations contained in the application, dated December 23, 1964, and amendments thereto, dated February 18, 1965; April 20, 1965; July 15, 1965; August 16, 1965; and undated document, received August 30, 1965, a license is hereby issued to receive at customers' facilities or at a facility located at 21621 Oak Street, Matteson, Ill., transport to and store at a facility located at 21621 Oak Street, Matteson, Ill., waste byproduct and source material, and to dispose of these materials by transfer to authorized land burial sites.

This license shall be deemed to contain the conditions specified in section 183 of the Atomic Energy Act of 1954, as amended, and is subject to the provisions of 10 CFR Part 20, "Standards for Protection Against Radiation," all other applicable rules, regulations, orders of the Atomic Energy Commission now or hereafter in effect, and to the following conditions:

1. The licensee shall not possess at any one time more than:

A. 1,000 curies of Hydrogen 3;

B. 1,000 curies of other byproduct material;

C. 15,000 pounds of source material.

2. Operations shall be conducted by Carl J. Collica. Operations may be conducted by Thomas Philip, James Winans, and/or Frank Pastorelle upon completion of the training program described in the application.

3. The transportation of AEC-licensed material shall be subject to the applicable regulations of the Interstate Commerce Commission, U.S. Coast Guard and other agencies of the United States having appropriate jurisdiction, and where such regulations are not applicable shall be in accordance with the following requirements except as specifically provided by the Atomic Energy Commission:

A. *Outside shipping containers.* (1) The containers shall meet any one of the following specifications described in Appendix A attached hereto:

a. Specification 15A, 15B, 12B, 6A, 6B, 17C, 17H, 19A, or 19B for the containment of radioactivity in amounts not in excess of 2.7 curies; except polonium, 2 curies; or

b. Specification 55 for containment of solid cobalt 60, cesium 137, iridium 192, or gold 198 in amounts not in excess of 300 curies.

(2) There shall be no radioactive contamination on any exterior surface of the container in excess of 500 d/m/100 sq. cm. alpha and 0.1 mrem/hr beta-gamma radiation.

(3) The smallest dimension of the container shall not be less than 4 inches.

(4) The radiation level at any accessible surface of the container shall not exceed 200 mrem/hr.

(5) At one meter from any point on the radioactive source the radiation level shall not exceed 10 mrem/hr.

(6) Containers which contain radioactive material emitting only alpha and/or beta radiation shall contain sufficient shielding to prevent the escape of primary corpuscular radiation to the exterior surface so that it does not exceed 10 mrem/24 hours at any time during transportation.

B. *Inside containers.* (1) Solid and gaseous radioactive materials shall be packed in suitable inside containers designed to prevent rupture and leakage under conditions incident to transportation.

(2) Liquid radioactive materials must be packed in sealed glass, earthenware, or other suitable containers. The container must be surrounded on all sides by an absorbent material sufficient to absorb the entire liquid contents and be of such nature that its efficiency will not be impaired by chemical reactions with the contents. Where shielding is required the absorbent material must be placed within the shield. If the inside container meets the Specification 2R in Appendix A the absorbent material is not required.

(3) Materials containing radioisotopes of plutonium, americium, polonium, or curium, or the isotope strontium 90, in quantities in excess of 100 microcuries, must be packed in containers which meet Specification 2R in Appendix A.

C. *Shielding.* Inside containers must be completely surrounded with sufficient shielding to meet the requirements of subparagraphs A(4), A(5), and A(6) of this condition. The shield must be so designed that it will not open or break under conditions incident to transportation.

D. *Labeling.* Each outside container label required under § 20.203(f) of 10 CFR Part 20 shall bear the following information:

(1) Total activity in millicuries, or in the case of source and special nuclear material, the total weight;

(2) principal radioisotope;

(3) radiation level at the surface of the container and at one meter from the source; and

(4) the name and address of the licensee.

E. Each vehicle in which licensed material is transported shall be marked or placarded on each side and the rear with lettering at least 3 inches high as follows: "DANGEROUS—RADIOACTIVE MATERIAL."

F. *Accidents.* In the event of an accident involving any vehicle transporting licensed material, immediate steps shall be taken to prevent radioactive exposure of persons and to control contamination.

G. *Exemptions.* Specific approval must be obtained from the Atomic Energy Commission for modification of, or exemption from, the requirements of this license condition. Requests for such approval should be directed to the Chief, Isotopes Branch, Division of Materials Licensing, Atomic Energy Commission, and should contain sufficient information to support such a request.

4. The licensee shall store byproduct and source material only at its facility located at 21621 Oak Street, Matteson, Ill.

5. The licensee shall not open packages containing byproduct and source material.

6. Except as specifically provided otherwise by this license, the licensee shall receive, transport, store, and dispose of byproduct and source material in accordance with the procedures and limitations contained in the application, dated December 23, 1964, and amendments thereto, dated February 18, 1965; April 20, 1965; July 15, 1965; August 16, 1965; and undated document, received August 30, 1965.

This license shall be effective on the date issued and shall expire 2 years from the last day of the month in which this license is issued.

Dated at Bethesda, Md., December 22, 1965.

For the Atomic Energy Commission.

J. A. McBRIDE,
Director,
Division of Materials Licensing.

[F.R. Doc. 65-13893; Filed, Dec. 29, 1965; 8:45 a.m.]

[Docket No. 50-227]

GENERAL DYNAMICS CORP.

Notice of Issuance of Construction Permit Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 1 to Construction Permit No. CPRR-89 which authorizes General Dynamics Corp. to construct the Torrey Pines TRIGA Mark III nuclear reactor located at Torrey Pines Mesa, Calif. The amendment authorizes the insertion into the reactor for testing purposes of four control rods having fueled followers and one instrumented fuel element as described in the application amendment dated December 17, 1965.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's regulation (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for amendment dated December 17, 1965, and (2) the Safety Evaluation prepared by the Test and Power Reactor Safety Branch of the Division of Reactor Licensing, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 21st day of December 1965.

For the Atomic Energy Commission.

R. L. DOAN,
Director,
Division of Reactor Licensing.

AMENDMENT TO CONSTRUCTION PERMIT

[Construction Permit No. CPRR-89; Amdt. 1]

The Commission has found that:

(1) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

(2) Testing of the reactor components in accordance with the permit, as amended, will not be inimical to the common defense and security or to the health and safety of the public.

(3) Prior public notice of proposed issuance of the amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated.

Construction Permit No. CPRR-89, issued to General Dynamics Corp., is amended by adding a new subparagraph C. to paragraph 3. as follows:

"C. General Dynamics Corp. is authorized in the construction of the facility to insert into the reactor for testing purposes four control rods having fueled followers and one instrumented fuel element."

This amendment is effective as of the date of issuance.

Date of issuance: December 21, 1965.

For the Atomic Energy Commission.

Director,
Division of Reactor Licensing.

[F.R. Doc. 65-13894; Filed, Dec. 29, 1965; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16236; Order E-23023]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 22d day of December 1965.

Agreements have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 and Joint Conferences 3-1 and 1-2-3 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreements, adopted pursuant to unprotested notices to the carriers and promulgated in IATA letters, dated December 9 and 10, 1965,[1] as set forth in the attachment hereto name additional specific commodity rates for existing commodity descriptions. The agreements reflect reductions in rates ranging from 25.0 to 58.9 percent of the otherwise applicable rates and are consistent with the present specific commodity rates within the applicable areas.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreements to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That Agreement CAB 18169, R-38 and Agreement CAB 18504, R-7 and R-8, be approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and 19 copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[1] Received in the Board Dec. 13, 1965.

Agreement CAB 18169, R-38, IATA Letter, dated December 10, 1965, Commodity Item 9008—Costume Jewelry, Articles de Paris, Ornaments, and parts thereof, N.E.S., excluding Original Works of Art, Antiques, Watches and Clocks, 183 cents per kg., minimum weight 300 kgs. Bombay to New York.

Agreement CAB 18504, R-7, IATA Letter, dated December 9, 1965, Commodity Item 0300—Fish and Seafood, N.E.S., 22 cents per kg., minimum weight 500 kgs. Port au Prince to New York.

Agreement CAB 18504, R-8, IATA Letter, dated December 9, 1965, Commodity Item 1421—Cut Flowers, including Mimosa, 30 cents per kg., minimum weight 100 kgs. Bogota to San Juan.

[F.R. Doc. 65-13933; Filed, Dec. 29, 1965; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15752 etc.; FCC 65-1154]

CHARLES W. JOBBINS ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Charles W. Jobbins, Costa Mesa-Newport Beach, Calif., Docket No. 15752, File No. BP-16157; et al.; Docket Nos. 15754, 15755, 15756, 15757, 15758, 15759, 15760, 15762, 15763, 15764, 15765, 15766; for construction permits.

1. This proceeding now involves 13 applications for new standard broadcast stations to operate on 1110 kilocycles, which is the frequency formerly used by Station KRLA in Pasadena, Calif. Seven of these applications, Goodson-Todman Broadcasting, Bible Institute of Los Angeles, Crown City Broadcasting, Pasadena Community Station, Voice in Pasadena, Western Broadcasting, and Pasadena Broadcasting Co., propose to operate a class II station with 50,000 watts until local sunset and 10,000 watts thereafter, using directional antennas, at Pasadena. Two other applicants, California Regional Broadcasting and Storer Broadcasting, propose fulltime operation with 50,000 watts and directional antennas at Pasadena. Orange Radio and Pacific Fine Music, applicants for Fullerton and Whittier, Calif., respectively, also propose directional operation with 50,000 watts until sunset and with 10,000 watts at night. Charles W. Jobbins proposes daytime only, nondirectional operation with 1,000 watts at Costa Mesa-Newport Beach, Calif., and Topanga Malibu Broadcasting proposes fulltime, directional operation with 500 watts at Topanga, Calif. Each of the specified station locations is within, or very near, the Los Angeles-Long Beach urbanized area as delineated by the Bureau of the Census in the 1960 census of population.

2. In considering a petition to enlarge the issues in this proceeding, the Review Board concluded (FCC 65R-185, released May 24, 1965) that separate community and 10 percent rule issues should be added to determine whether the Orange Radio and Pacific Fine Music proposals are intended to serve their specified communities or the surrounding area. Orange Radio thereafter filed an application for review of the Board's action. Because this proceeding involved important policy questions similar to those in two other proceedings, the Commission by order (FCC 65-592, released July 9, 1965), granted the application for review and the parties were permitted to file briefs and to present arguments before the Commission, en banc, on October 8, 1965. The briefs and arguments of the parties in this proceeding have provided valuable assistance in clarifying the standards that should be applied to determine which application would better serve the public interest when one or more of the proposed stations is to be located in a suburban community and would serve adjacent metropolitan areas.

3. Our examination of these applications reveals that each of the applicants proposes 5 mv/m daytime service within the geographic boundaries of at least one other community of over 50,000 persons and with a population at least twice as large as that of the applicant's specified location. Accordingly, we are persuaded, for the reasons stated in our policy statement (FCC 65-1153), adopted December 22, 1965, that a determination should be made in this proceeding whether each of these suburban proposals will realistically serve its own specified station location or some other larger community. We shall therefore revise the issues in this proceeding so that, in addition to the usual 307(b) evidence concerning the independence of a suburban community from its central city, the parties may fully explore all matters relating to the need for each of these proposals. Thus, each of the applicants will be expected to show the extent to which he has ascertained that his specified station location has separate and distinct programming needs, the extent to which these needs are not being met by existing standard broadcast stations, and the extent to which his program proposals will meet these needs. Additionally, each of the applicants will be expected to adduce evidence as to whether the projected sources of advertising revenues from within his specified station location are adequate to support his proposal as compared with his projected sources from all other areas.

4. An applicant who fails to establish that he will realistically serve his specified station location under the programming and revenues issue will be deemed to propose to serve the most populous community whose geographic boundaries are penetrated by his 5 mv/m daytime contour, unless the evidence establishes that he will realistically serve a third community whose boundaries are also penetrated by his 5 mv/m daytime contour.[1] Accordingly, an issue will also be added to determine whether those applicants meet all of the technical provisions of our rules for a station assigned to the appropriate larger community. Insofar as the "10 percent rule" applies to the applications in this proceeding and to others filed prior to the revision of our AM rules on August 13, 1964, we are persuaded that the applicants should also be required to show either that their proposals will comply with the "10 percent rule" or that they are entitled to a waiver of the "10 percent rule." Thus, an applicant who would comply with the "10 percent rule" if his proposal is deemed to be one for his specified station location, but whose proposal is determined to be one for some other community, will also be required to establish that his proposal for that latter community complies with the "10 percent rule" or that he is entitled to waiver of the "10 percent rule." Finally, the burden of proof with respect to these additional issues will be upon the individual applicants in each instance.

Accordingly, it is ordered, This 22d day of December 1965, that the first three issues added to this proceeding by the Review Board's Memorandum Opinion and Order, FCC 65R-185, released May 24, 1965, are hereby revised, and that the issues in this proceeding are hereby enlarged as follows:

(a) To determine whether each of the proposals will realistically provide a local transmission facility for its specified station location or for another larger community, in light of all of the relevant evidence, including, but not necessarily limited to, the showing with respect to:

(1) The extent to which each specified station location has been ascertained by each applicant to have separate and distinct programming needs;

(2) The extent to which the needs of each specified station location are being met by existing standard broadcast stations;

(3) The extent to which each applicant's program proposal will meet the specific unsatisfied programming needs of his specified station location; and

(4) The extent to which the projected sources of each applicant's advertising revenues within his specified station location are adequate to support his proposal, as compared with his projected sources from all other areas.

(b) To determine, in the event that it is concluded pursuant to the foregoing issue (a) that one or more of the proposals will not realistically provide a local transmission service for its specified station location, whether each such proposal meets all of the technical provisions of the rules, including §§ 73.30, 73.31 and 73.188(b) (1) and (2), for standard broadcast stations assigned to the most populous community for which it is determined that the proposal will realistically provide a local transmission service.

(c) To determine, in the event that it is concluded pursuant to the foregoing issue (a) that Orange Radio, Inc., Pacific Fine Music, Inc., or Topanga Malibu Broadcasting Co. will not realistically provide a local transmission service for its specified station location, whether the most populous community for which

[1] See paragraph 11 and especially footnote 1 appended thereto of our policy statement, supra, for the effect of such service to a third community.

it is determined that each of these three applicants will provide a realistic local transmission service, has any standard broadcast nighttime facility, or whether the interference which would be received by each of these three applicants would affect more than 10 percent of the population within its normally protected primary service area in contravention of § 73.28(d)(3) of the rules, and, if so, whether circumstances exist which would warrant a waiver of that section of the rules.

Released: December 27, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-13946; Filed, Dec. 29, 1965; 8:49 a.m.]

[Docket Nos. 14755-14757; FCC 65-1156]

JUPITER ASSOCIATES, INC., ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Jupiter Associates, Inc., Matawan, N.J., Docket No. 14755, File No. BP-14178; William S. Halpern and Louis N. Seltzer d/b as Somerset County Broadcasting Co., Somerville, N.J., Docket No. 14756, File No. BP-14234; Radio Elizabeth, Inc., Elizabeth, N.J., Docket No. 14757, File No. BP-14812; for construction permits.

1. This proceeding involves the mutually exclusive applications for construction permits to operate new class II standard broadcast stations, daytime only, on 1530 kilocycles, of (a) Jupiter Associates, Inc. (hereinafter Jupiter), which proposes directional operation with 500 watts of power at Matawan, N.J.; (b) William S. Halpern and Louis N. Seltzer, d/b as Somerset County Broadcasting Company (hereinafter Somerset), which proposes directional operation with 1000 watts of power at Somerville, N.J.; and (c) Radio Elizabeth, Inc. (hereinafter Radio), which proposes nondirectional operation with 500 watts of power at Elizabeth, N.J. Each of the specified station locations is within, or very near, the New York-Northeastern New Jersey urbanized area as delineated by the Bureau of the Census in the 1960 census of population.

2. Both the Hearing Examiner's Initial Decision and the Review Board's Decision would have granted Radio's application. Applications for review of the Board's Decision were filed by Jupiter and Somerset. Because this proceeding involved important policy questions similar to those in two other proceedings, by our Order (FCC 65-591), released July 9, 1965, we granted the applications for review and permitted the parties to file briefs and to present arguments before the Commission, en banc, on October 8, 1965. The briefs and arguments of the parties in this proceeding have provided valuable assistance in clarifying the standards that should be applied to determine which application would better serve the public interest when one or more of the proposed stations is to be located in a suburban community and would serve adjacent metropolitan areas.

3. Our examination of these applications reveals that Jupiter and Radio propose 5 mv/m daytime service within the geographic boundaries of at least one other community of over 50,000 persons and with a population at least twice as large as that of the applicants' specified station locations. Accordingly, we are persuaded for the reasons stated in our Policy Statement (FCC 65-1153), adopted December 22, 1965, that a determination should be made in this proceeding whether each of these two suburban proposals will realistically serve its own specified station location or some other larger community. We shall therefore revise the issues in this proceeding so that, in addition to the usual 307(b) evidence concerning the independence of a suburban community from its central city (much of which has already been adduced), the parties may fully explore all matters relating to the need for each of these proposals. Thus, each of these two applicants will be expected to show the extent to which it has ascertained that its specified station location has separate and distinct programming needs, the extent to which these needs are not being met by existing standard broadcast stations, and the extent to which its program proposals will meet those needs. Additionally, each of these two applicants will be expected to adduce evidence as to whether the projected sources of advertising revenues from within its specified station location are adequate to support its proposal as compared with its projected sources from all other areas. Since Somerset's proposal does not fall within our test, we will not enlarge the issues in this proceeding with respect to its application.

4. An applicant who fails to establish that it will realistically serve its specified station location under the programming and revenues issue will be deemed to propose to serve the most populous community whose geographic boundaries are penetrated by its 5 mv/m daytime contour, unless the evidence establishes that it will realistically serve a third community which also receives the requisite coverage.[1] Accordingly, an issue will also be added to determine whether these two applicants meet all of the technical provisions of our rules, including §§ 73.30, 73.31, and 73.188(b) (1) and (2), for a station assigned to the appropriate larger community. Finally, the burden of proof with respect to these additional issues will be upon the individual applicants in each instance.

Accordingly, It Is Ordered, This 22d day of December 1965, that this proceeding is remanded to Hearing Examiner Jay A. Kyle for further hearing and for preparation of a Supplemental Initial Decision consistent with this Memorandum Opinion and Order; and

It Is Further Ordered, That the issues in this proceeding are hereby enlarged as follows:

(a) To determine whether each of the proposals of Jupiter Associates, Inc., and Radio Elizabeth, Inc., will realistically provide a local transmission facility for its specified station location or for another larger community, in light of all of the relevant evidence, including, but not necessarily limited to, the showing with respect to:

(1) The extent to which each specified station location has been ascertained by each of the two applicants to have separate and distinct programming needs;

(2) The extent to which the needs of each specified station location are being met by existing standard broadcast stations;

(3) The extent to which each applicant's program proposal will meet the specific, unsatisfied programming needs of its specified station location; and

(4) The extent to which the projected sources of each applicant's advertising revenues within its specified station location are adequate to support its proposal, as compared with its projected sources from all other areas.

(b) To determine, in the event that it is concluded pursuant to the foregoing issue (a) that one or both of the proposals will not realistically provide a local transmission service for its specified station location, whether each such proposal meets all of the technical provisions of the rules, including §§ 73.30, 73.31 and 73.188(b) (1) and (2), for standard broadcast stations assigned to the most populous community for which it is determined that the proposal will realistically provide a local transmission service.

Released: December 27, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-13947; Filed, Dec. 29, 1965; 8:49 a.m.]

[Docket Nos. 14082, 14088; FCC 65-1155]

MONROEVILLE BROADCASTING CO. AND MINERS BROADCASTING SERVICE, INC. (WMBA)

Memorandum Opinion and Order Amending Issues

In re applications of Monroeville Broadcasting Co., Monroeville, Pa., Docket No. 14082, File No. BP-13840; Miners Broadcasting Service, Inc. (WMBA), Ambridge-Aliquippa, Pa., Docket No. 14088, File No. BP-13855; for construction permits.

1. This proceeding involves the mutually exclusive applications of: (a) Monroeville Broadcasting Co. (hereinafter Monroeville) for a construction permit to operate a new class II standard broadcast station on 1510 kilocycles with 250 watts of power, daytime only, utilizing a nondirectional antenna at Monroeville, Pa.; and (b) Miners Broadcasting Service, Inc. (hereinafter WMBA), which presently operates a class III standard broadcast station, daytime only, on 1460 kilocycles, with 500 watts of power, utilizing a directional antenna at Ambridge, Pa., for a construction permit to operate a class II standard broadcast station, daytime only, on 1510 kilocycles, with 10,000 watts of power, utilizing a directional antenna, with dual-city identification at Ambridge-Aliquippa, Pa. Each of the specified station locations is within the Pittsburgh urbanized area as delineated by the Bureau of the Census in the 1960 census of population. After our decision, in which we granted Monroeville's application and denied the competing application of Miners, the U.S. Court of Appeals for the District of Columbia Circuit remanded this case for further proceedings, Miners Broadcasting Service, Inc. v. Federal Communications Commission, 349 F. 2d 199, 5 R.R. 2d 2086 (1965).

2. The decision of the Court of Appeals stated that we should establish or clarify the standards used to distinguish between two suburban applicants, both of which propose to serve some parts of their central city and urbanized area. In accordance with that opinion, by our Memorandum Opinion and Order, 1 F.C.C. 2d 319, 5 R.R. 2d 547 (1965), the parties in this proceeding were permitted to file briefs and to present arguments before the Commission, en banc, on October 8, 1965. The briefs and arguments by these parties have provided valuable assistance in clarifying the standards that should be applied to determine which application would better serve the public interest when one or more of the proposed stations is to be located in a suburban community and would serve adjacent metropolitan areas.

3. Our examination of these applications reveals that each of the applicants proposes 5 mv/m daytime service within the geographic boundaries of at least one other community of over 50,000 persons and with a population at least twice as large as that of the applicant's specified station location. Accordingly, we are persuaded for the reasons stated in our Policy Statement (FCC 65-1153), adopted December 22, 1965, that a determination should be made in this proceeding whether each of these suburban proposals will realistically serve its own specified station location or some other larger community. We shall therefore revise the issues in this proceeding so that, in addition to the usual 307(b) evidence concerning the independence of a suburban community from its central city (much of which has already been adduced), the parties may fully explore all matters relating to the need for each of these proposals. Thus, each of the applicants will be expected to show the extent to which it has ascertained that its specified station location has separate and distinct programing needs, the extent to which these needs are not being met by existing standard broadcast stations, and the extent to which its program proposals will meet these needs. Additionally, each of the applicants will be expected to adduce evidence as to whether the projected sources of advertising revenues from within its specified station location are adequate to support its proposal as compared with its projected sources from all other areas.

4. An applicant who fails to establish that it will realistically serve its specified station location under the programing and revenues issue will be deemed to propose to serve the most populous community whose geographic boundaries are penetrated by its 5 mv/m daytime contour, unless the evidence establishes that it will realistically serve a third community which also receives the requisite coverage.[1] Accordingly, an issue will also be added to determine whether those applicants meet all of the technical provisions of our rules, including §§ 73.30, 73.31, and 73.188(b) (1) and (2), for a station assigned to the appropriate larger community. Finally, the burden of proof with respect to these additional issues will be upon the individual applicants in each instance.

Accordingly, it is ordered, This 22d day of December 1965, that this proceeding is remanded to Hearing Examiner Charles J. Frederick for further hearing and for preparation of a Supplemental Initial Decision consistent with this Memorandum Opinion and Order; and

It is further ordered, That the issues in this proceeding are hereby enlarged as follows:

(a) To determine whether each of the proposals will realistically provide a local transmission facility for its specified station location or for another larger community, in light of all of the relevant evidence, including, but not necessarily limited to, the showing with respect to:

(1) The extent to which each specified station location has been ascertained by each applicant to have separate and distinct programing needs;

(2) The extent to which the needs of each specified station location are being met by existing standard broadcast stations;

(3) The extent to which each applicant's program proposal will meet the specific, unsatisfied programing needs of its specified station location; and

(4) The extent to which the projected sources of each applicant's advertising revenues within its specified station location are adequate to support its proposal, as compared with his projected sources from all other areas.

(b) To determine, in the event that it is concluded pursuant to the foregoing issue (a) that one or both of the proposals will not realistically provide a local transmission service for its specified station location, whether each such proposal meets all of the technical provisions of the rules, including §§ 73.30, 73.31, and 73.188(b) (1) and (2), for standard broadcast stations assigned to the most populous community for which it is determined that the proposal will realistically provide a local transmission service.

Released: December 27, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-13948; Filed, Dec. 29, 1965; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 65-52]

JAPAN-ATLANTIC AND GULF FREIGHT CONFERENCE AND TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN

Modification of Dual Rate Contract; Order of Investigation and Hearing

The Commission has before it the application of the Japan-Atlantic and Gulf Freight Conference and the Trans-Pacific Freight Conference of Japan for permission to change certain provisions of its form of dual rate contract as approved under Dockets 1078 and 1080.

In order to determine whether the contract as changed should be approved, disapproved, or modified in accordance with the general standards of section 14(b) and the express requirements of section 14(b) (1) through (9):

It is ordered, That pursuant to sections 14(b) and 22 of the Shipping Act, 1916, as amended, an investigation and hearing be instituted to determine whether conditions in these trades are now such as to necessitate a departure from the contract language which was approved under Dockets 1078 and 1080; and, if so, as to whether the use of the contracts as modified will be detrimental to the commerce of the United States, contrary to the public interest, or unjustly discriminatory or unfair as between shippers, exporters, importers or ports or between exporters from the United States and their foreign competitors, and as to whether this contract should be approved, disapproved or modified pursuant to section 14(b) of the Shipping Act, 1916;

It is further ordered, That the Japan-Atlantic and Gulf Freight Conference, and the Trans-Pacific Freight Conference of Japan, and their member lines, listed in appendixes A and B, respectively, set forth below, be made respondents in this proceeding;

It is further ordered, That this matter be assigned for hearing before an Examiner of the Commission's Office of Hearing Examiners at a date and place to be hereafter determined and announced by the Presiding Examiner;

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[1] See paragraph 11 and especially footnote 1 appended thereto of our policy statement, supra, for the effect of such service to a third community.

[2] Commissioner Cox not participating.

[1] See paragraph 11 and especially footnote 1 appended thereto of our policy statement, supra, for the effect of such service to a third community.

[2] Commissioner Cox not participating.

It is further ordered, That any persons, other than respondents, having any interest in this proceeding, shall file a petition for leave to intervene with the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before January 13, 1966, with copy to respondents.

It is further ordered, That this order and notice of hearing be published in the FEDERAL REGISTER, that a copy of such order be served upon respondents and that all future notices, orders and decisions issued in this proceeding, including the time and place of hearing and prehearing conference, be mailed directly to each party of record.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

APPENDIX A

JAPAN-ATLANTIC AND GULF FREIGHT CONFERENCE (3103)

American President Lines, Ltd., 29 Broadway, New York, N.Y., 10006.
Barber-Wilhelmsen Line—Joint Service, % Barber Steamship Lines, Inc., 17 Battery Place, New York, N.Y., 10004.
Japan Line, Ltd., % A. Burbank & Co., Ltd., General Agents, 120 Wall Street, New York, N.Y., 10005.
Kawasaki Kisen Kaisha, Ltd., % Kerr Steamship Co., Inc., General Agents, Clegg Building, 51 Broad Street, New York, N.Y., 10004.
Lykes Bros. Steamship Co., Inc., 821 Gravier Street, New Orleans 12, La.
Marchessini Lines—Joint Service, 26 Broadway, New York, N.Y., 10004.
Maritime Company of the Philippines, % North American Maritime Agencies, General Agents, 26 Broadway, New York, N.Y., 10004.
Moller-Maersk Line, A.P.—Joint Service, Moller Steamship Co., Inc., 67 Broad Street, New York, N.Y., 10004.
Mitsui O.S.K. Line, Ltd., 17 Battery Place, New York, N.Y., 10004.
Nippon Yusen Kaisha, Ltd., 25 Broadway, New York, N.Y., 10004.
States Marine Lines—Joint Service, % States Marine-Isthmian Agency, Inc., 90 Broad Street, New York, N.Y., 10004.
United Philippine Lines, Inc., % Stockard Shipping Co., Inc., 17 Battery Place, New York, N.Y., 10004.
United States Lines Co. (American Pioneer Line), 1 Broadway, New York, N.Y., 10004.
Yamashita-Shinnihon Steamship Co., Ltd., % Texas Transport & Terminal Co., Inc., 52 Broadway, New York, N.Y., 10004.
Blue Sea Line—Joint Service, Funch Edye & Co., Inc., 21 Broadway, New York, N.Y., 10004.
Chester Cole, Chairman, Japan-Atlantic and Gulf Freight Conference, Kindai Building, 11,3-chome, Kyobashi Chuo Ku, Tokyo, Japan.

APPENDIX B–150

TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN

American Mail Line, Ltd., 17 Battery Place, New York, N.Y., 10004.
American President Lines, Ltd., 29 Broadway, New York, N.Y., 10006.
Barber-Wilhelmsen Line—Joint Service, % Barber Steamship Lines, Inc., 17 Battery Place, New York, N.Y., 10004.
Fern-Ville Lines, % Fearnley & Eger and A. F. Klaveness & Co., A/S—Joint Service, 39 Broadway, New York, N.Y., 10006.
Japan Line, Ltd., 120 Wall Street, New York, N.Y., 10005.
Kawasaki Kisen Kaisha, Ltd., % Kerr Steamship Co., Inc., General Agents, Clegg Building, 51 Broad Street, New York, N.Y., 10004.
Knutsen Line—Joint Service, % Boyd, Weir & Sewell, Inc., 17 Battery Place, New York, N.Y., 10004.
Maritime Company of the Philippines, Inc., % North American Maritime Agencies, General Agents, 26 Broadway, New York, N.Y., 10004.
Mitsui O.S.K. Line, Ltd., 17 Battery Place, New York, N.Y., 10004.
Nippon Yusen Kaisha, Ltd., 25 Broadway, New York, N.Y., 10004.
Pacific Far East Line, Inc., 141 Battery Street, San Francisco, Calif.
States Steamship Co., 2 Broadway, New York, N.Y., 10004.
United Philippine Lines, Inc., % Stockard Shipping Co., Inc., 17 Battery Place, New York, N.Y., 10004.
United States Lines Co. (American Pioneer Line), 1 Broadway, New York, N.Y., 10004.
Waterman Steamship Corp., 19 Rector Street, New York, N.Y., 10006.
Showa Shipping Co., Ltd., % Olympic Steamship Co., General Agents, 120 Wall Street, New York, N.Y., 10005.
States Marine Lines—Joint Service, % States Marine-Isthmian Agency, Inc., 90 Broad Street, New York, N.Y., 10004.
Yamashita-Shinnihon Steamship Co., Ltd., % Texas Transport & Terminal Co., Inc., 52 Broadway, New York, N.Y., 10004.
D. P. Gillette, Chairman, Trans-Pacific Freight Conference of Japan, Kindai Building, 11,3-chome, Kyobashi Chuo Ku, Tokyo, Japan.

[F.R. Doc. 65–13934; Filed, Dec. 29, 1965; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI66–211]

ASHLAND OIL & REFINING CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

DECEMBER 23, 1965.

On November 26, 1965, Ashland Oil & Refining Co. (Ashland),[1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 22, 1965.[2]
Purchaser and producing area: Consolidated Gas Supply Corp. (Virginia Field; Buchanan, Russell, and Tazewell Counties, Va., and McDowell County, W. Va.; and Logan-Wyoming Field, Logan and Wyoming Counties, W. Va.).
Rate schedule designation: Supplement No. 20 to Ashland's FPC Gas Rate Schedule No. 113.
Effective date: December 27, 1965.[3]
Amount of annual increase: $328,800.
Pressure Base: 15.325 p.s.i.a.
Effective Rate: 27.74 cents per Mcf.[4]
Proposed Rate: 31.85 cents per Mcf.[5][6]

The contract for Ashland's sale provides for a base rate of 25.0 cents per Mcf plus an adjustment equal to one-half of any increase in average rate received by Consolidated Gas Supply Corp. (Consolidated) for all sales during the 1-year period following the effective dates of any rate increases filed by Consolidated with the Federal Power Commission or the West Virginia Public Service Commission. Ashland's proposed increase is based on four rate increases filed with this Commission by Consolidated in Docket Nos. G–5474, G–12454, G–17220, and RP61–14. A rate settlement of these proceedings was approved by the Commission's order issued December 7, 1962. The present net effect of these settled rates of Consolidated raises its overall average rate a total of 13.7 cents per Mcf.

Ashland's proposed rate of 31.85 cents per Mcf exceeds the West Virginia area ceilings of 25.0 cents per Mcf for increased rates and 28.0 cents per Mcf for initial service, which are also used as informal ceiling rates for Virginia. The latter area is not covered by the Commission's Statement of General Policy No. 61–1, as amended. Since the proposed rate of 31.85 cents per Mcf is the highest increased rate filed in West Virginia and Virginia, and exceeds the above-mentioned ceilings, we believe it should be suspended for 5 months as hereinafter ordered.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 20 to Ashland's FPC Gas Rate Schedule No. 113 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 20 to Ashland's FPC Gas Rate Schedule No. 113.

(B) Pending such hearing and decision thereon, Supplement No. 20 to Ashland's FPC Gas Rate Schedule No. 113 is hereby suspended and the use thereof deferred until May 27, 1966, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 9, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65–13897; Filed, Dec. 29, 1965; 8:45 a.m.]

[1] Address is: Post Office Box 1503, Houston, Tex., 77001, Attention: J. Paul Fly, Esquire.
[2] Includes letter dated May 17, 1965, showing the dates of Consolidated's rate increases, and letter dated Oct. 25, 1965, in which Consolidated sets out the rate which Ashland is currently entitled to collect under the terms of its contract.
[3] The stated effective date is the effective date proposed by Respondent.
[4] June 7, 1954, rate.
[5] Revenue-sharing rate increase.
[6] Base rate of 25.0 cents per Mcf plus 50 percent of increases in rate received by Consolidated for all gas it sold during year ending Apr. 30, 1965.

[Docket No. RI66–206 etc.]

ASSOCIATED OIL & GAS CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

DECEMBER 21, 1965.

Associated Oil & Gas Co. (Operator), et al., and other respondents listed herein, Docket Nos. RI66–206, et al.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the Regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 10, 1966.

By the Commission.

JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI66–206	Associated Oil & Gas Co. (Operator), et al., 3703 Yoakum Blvd., Houston, Tex., 77006.	9	2	Tennessee Gas Transmission Co. (New Talton Field, Wharton County, Tex.) (R.R. District No. 3).	$1,200	11–26–65	[3] 1–1–66	6–1–66	13.5	[4] [5] 14.5	
RI66–207	Helmerich & Payne, Inc. (Operator), et al., Utica at 21st, Tulsa, Okla., 74114.	34	3	Michigan Wisconsin Pipe Line Co. (Laverne Field, Beaver County, Okla.) (Panhandle Area).	[6] 2,657	11–24–65	[3] 12–25–65	5–25–66	[6] 17.0	[4] [6] [7] 20.43	
RI66–208	The Shamrock Oil & Gas Corp., Post Office Box 631, Amarillo, Tex., 79105.	32	4	Panhandle Eastern Pipe Line Co. (McKee Plant, Moore County, Tex.) (R.R. District No. 10).	364,500	11–29–65	[3] 1–1–66	6–1–66	[8] [10] 12.0	[4] [9] [10] 13.5	RI64–542.

[1] Does not consolidate for hearing or dispose of the several matters herein.
[2] The stated effective date is the effective date requested by Respondent.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Includes amount attributable to upward B.t.u. adjustment.
[6] Subject to upward B.t.u. adjustment based on 1/100 cent per Mcf for each additional B.t.u. per cubic foot in excess of 1,000 B.t.u. to a maximum of 1,200 B.t.u. per cubic foot.
[7] Includes base rate of 19.5 cents per Mcf plus upward B.t.u. adjustment for gas containing 1093 B.t.u.'s per cubic foot as shown in filing.
[8] Filing erroneously shows present effective rate of 17.0 cents per Mcf subject to upward B.t.u. adjustment. However, the present effective rate under the rate schedule is the permanently certificated rate, which is 17.0 cents per Mcf.
[9] Includes 1.0 cent per Mcf compression charge paid by buyer to seller.
[10] Subject to downward B.t.u. adjustment.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR, Chapter I, Part 2, Section 2.56).

[F.R. Doc. 65–13898; Filed, Dec. 29, 1965; 8:45 a.m.]

[Docket No. CP66–190]

CITY OF CORYDON, KY., AND TEXAS GAS TRANSMISSION CORP.

Notice of Application

DECEMBER 22, 1965.

Take notice that on December 13, 1965, the City of Corydon, Ky. (Applicant), 215 First Street, Henderson, Ky., filed in Docket No. CP66–190 an application pursuant to section 7(a) of the National Gas Act for an order of the Commission directing Texas Gas Transmission Corp. (Respondent) to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution in Applicant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that Applicant is located approximately seven miles from Henderson, the county seat of Henderson County, Ky., and that Henderson is on the southern bank of the Ohio River approximately 8 miles south of Evansville, Ind. Applicant's present population is stated to be 800 and the county is stated to have an estimated 35,000 inhabitants.

The total estimated volumes of natural gas necessary to meet Applicant's annual and peak day requirements for the initial three year period of proposed operations are stated to be:

	First year	Second year	Third year
Annual (Mcf)	28,825	35,421	[1] 39,390
Peak day (Mcf)	369	455	512

Applicant proposes to construct and operate a natural gas distribution system consisting of approximately 38,480 feet of 4-inch steel pipe and 33,200 feet of 2-inch pipe together with appurtenant measuring and regulating facilities at a total estimated cost of $215,000, which cost will be financed through the issuance by Applicant of gas revenue bonds.

[1] Includes 1.0 cent per Mcf compression charge paid by buyer to seller.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 7, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-13899; Filed, Dec. 29, 1965; 8:45 a.m.]

[Docket No. RI66-209]

KERR-McGEE CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

DECEMBER 21, 1965.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37 (f)) on or before February 10, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI66-209...	Kerr-McGee Corp. (Operator), et al., Kerr-McGee Bldg., Oklahoma City, Okla., 73102.	[1] 78	2	Southern Natural Gas Co. (Lake La Rose Field, St. Martin Parish, La.) (South Louisiana).	$98,531	11-29-65	[2] 1-1-66	[2] 1-2-66	[2] 13.3	[4] [5] 21.25	

[1] Contract executed after Sept. 28, 1960, the date of issuance of General Policy Statement No. 61-1.
[2] The stated effective date is the effective date requested by Respondent.
[3] The suspension period is limited to 1 day.
[4] Periodic rate increase.
[5] Pressure base is 15.025 psia.
[6] Subject to a downward B.t.u. price adjustment.

Kerr-McGee Corp. (Operator), et al., (Kerr-McGee) claims that their proposed 21.25 cents per Mcf rate is in reality an initial rate and should be accepted without suspension. It is also claimed that the presently effective rate of 13.3 cents per Mcf was an interim price to hold until January 1, 1966, and that such price was agreed to because of the distress nature of this sale at the time the contract was executed on February 28, 1963. Since the contract was executed subsequent to February 28, 1960, the date of issuance of the General Policy Statement No. 61-1, as amended, and the proposed increased rate is above the applicable area ceiling for increased rates but below the initial service ceiling for the area involved, we are suspending Kerr-McGee's proposed rate increase for 1 day from January 1, 1966, the proposed effective date.

[F.R. Doc. 65-13900; Filed, Dec. 29, 1965; 8:45 a.m.]

[Docket No. E-7262]

OTTER TAIL POWER CO.

Order Providing for Hearing and Suspension of Notice of Cancellation of Filed Rate Schedules

DECEMBER 22, 1965.

This order directs a hearing to determine the lawfulness of a notice of cancellation by Otter Tail Power Co. (Otter Tail), of certain filed rate schedules of the Company pursuant to which Otter Tail provides electric service to the Minnesota Valley Cooperative Light & Power Association (Cooperative). Pending conclusion of that hearing and the Commission's decision, this order suspends the operation and effectiveness of the proffered notice of cancellation until May 23, 1966.

Otter Tail's notice of cancellation, tendered for filing with the Commission on November 22, 1965, pursuant to Part 35.15 of the Commission's Regulations under the Federal Power Act, has been designated in the files of the Commission as Supplement No. 2 to Otter Tail's Rate Schedule FPC No. 104. Rate Schedule FPC No. 104 and Supplement No. 1 thereto embody the terms and provisions of a transmission agreement between Otter Tail and Cooperative pursuant to which the Cooperative receives power as a preference customer of the Bureau of Reclamation; and they provide that Otter Tail shall furnish standby or firming services. Additionally, the agreements provide for the use by Otter Tail of certain of Cooperative's 69 kv transmission facilities used by the Company in providing electric service to the city of Madison, Minn. During the calendar year 1964, Otter Tail delivered a total of 15,303,672 kilowatt hours to the Cooperative at two delivery points, 69 kv at Madison, Minn., and 41.6 kv at Canby, Minn.

Otter Tail, incorporated under the laws of the State of Minnesota, is engaged in the generation, transmission, distribution, and sale of electric energy in the States of Minnesota, North Dakota, and South Dakota. Its principal business office is at Fergus Falls, Minn. Cooperative, incorporated under the laws of the State of Minnesota, is engaged in the transmission, distribution, and sale of electric energy in the State of Minnesota and maintains its principal place of business at Montevideo, Minn.

Otter Tail, a participant in certain interchange or wheeling arrangements with the Bureau of Reclamation, U.S. Department of the Interior, and Northern States Power Co. (Northern States), delivers power and energy to Cooperative at the aforementioned delivery points essentially for the account of Northern States Power Co. Northern States serves six other delivery points of the Cooperative as a preference customer of the Bureau of Reclamation, but is without direct connections with the Cooperative at Madison and Canby. The underlying contractual arrangements between Northern States and Otter Tail for such services are reflected in the former Company's Rate Schedule FPC No. 95 as supplemented, and the latter Company's Rate Schedule FPC No. 94, as supplemented.

Otter Tail receives 2 mills per kilowatt hour from Northern States for power and energy supplied to Cooperative. Additionally, the Company receives 1½ mills per kilowatt hour delivered to Cooperative for standby or firming service to the latter.

Under Rate Schedule FPC No. 104, Otter Tail undertakes to compensate Cooperative at the rate of $7,000 annually, effective November 1, 1965, for use of the latter's facilities in providing service to the city of Madison, the first payment to be made November 1, 1966.

Information available to the Commission indicates that Cooperative will become a direct service customer of the Bureau of Reclamation at the Madison and Canby points effective June 30, 1966, upon completion of certain facilities. However, until then, those portions of Cooperative's electric system are dependent for electric supply upon service from Otter Tail.

On December 16, 1965, Otter Tail advised the Commission of its undertaking to continue service to Cooperative on a month-to-month basis, upon certain terms and conditions which apparently were not communicated to the Cooperative. By letter dated December 10, 1965, Cooperative, through its counsel, objected to Otter Tail's proposed notice of cancellation and cessation of service.

The Commission finds:

In view of the foregoing, it is necessary and appropriate for purposes of the Federal Power Act, that the Commission pursuant to authority under the Act, particularly sections 205, 206, 308, and 309 thereof, enter upon a hearing concerning the lawfulness of Otter Tail's Rate Schedule FPC No. 104 and Supplement Nos. 1 and 2 thereto; and that the operation or effectiveness of Supplement No. 2 to Otter Tail's Rate Schedule FPC No. 104 be suspended, and the use thereof deferred all as hereafter provided.

The Commission orders:

(A) A public hearing shall be held concerning the lawfulness of Otter Tail's rate schedules as referred to in the finding above; that hearing to be convened January 24, 1966, e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

(B) Pending such hearing and decision thereon, the operation or effectiveness under the Federal Power Act of Supplement No. 2 to Otter Tail's Rate Schedule FPC No. 104 is suspended and the use thereof deferred until May 23, 1966. On that date, the proffered rate schedule shall take effect in the manner prescribed by the Federal Power Act, unless this proceeding has been disposed of prior thereto.

(C) During the period of suspension, Otter Tail's Rate Schedule FPC No. 104 and Supplement No. 1 thereto, now on file with the Commission, shall remain and continue in effect.

(D) Unless otherwise ordered by the Commission, Otter Tail shall not change the terms and provisions of its supplemental rate schedule as referred to in paragraph (B) above or those of its rate schedule and supplement thereto on file with the Commission as referred to in paragraph (C) above, until this proceeding has been disposed of or until the period of suspension has expired.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37) on or before January 13, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-13902; Filed, Dec. 29, 1965; 8:45 a.m.]

[Docket No. RI66-205]

PANO TECH EXPLORATION CORP.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

DECEMBER 21, 1965.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and section 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 10, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI66-205...	Pano Tech Exploration Corp., 906 C & I Bldg., Houston, Tex.	[1] 1	— 1	Southern Natural Gas Co. (La Rose Area, St. Martin Parish, La.) (South Louisiana).	$286,200	11-22-65	[2] 1-1-66	[2] 1-2-66	13.3	[4] [5] 21.25	

[1] Contract dated after Sept. 28, 1960, the date of issuance of General Policy Statement No. 61-1.
[2] The stated effective date is the effective date requested by Respondent.
[3] The suspension period is limited to 1 day.
[4] Periodic rate increase.
[5] Pressure base is 15.025 p.s.i.a.

Pano Tech Exploration Corp. (Pano Tech) claims that its proposed rate increase, while technically a "stated periodic increase", is in reality an "initial rate". It claims Southern Natural Gas Co. was oversupplied and in a "take-or-pay" situation at the date of the contract (February 21, 1963) and did not need Pano Tech's gas, but to accommodate Pano Tech, Southern Natural Gas Co. agreed to take for the interim period (date of initial delivery on July 5, 1963 to January 1, 1966) this gas at a distress price of 13.3 cents per Mcf. Since the contract was executed subsequent to September 28, 1960, the date of issuance of the General Policy Statement No. 61-1, as amended, and the proposed increased rate is above the applicable area ceiling for increased rates but below the initial service ceiling for the area involved, we are suspending Pano Tech's proposed rate increase for one day from January 1, 1966, the proposed effective date.

[F.R. Doc. 65-13903; Filed, Dec. 29, 1965; 8:45 a.m.]

[Docket No. RI66-210]

SHELL OIL CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

DECEMBER 21, 1965.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and section 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 10, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI66-210	Shell Oil Co., 50 West 50th St., New York, N.Y., 10020, Attn.: Mr. F. C. Sweat.	319	2	El Paso Natural Gas Co. (Brown-Bassett Field, Crockett County, Tex.) (R.R. District No. 7-C) (Permian Basin Area).	$2,190	11-30-65	[1] 1-1-66	[2] 1-2-66	[3] [4] 16.0	[4] [5] 16.5	

[1] Contractually provided effective date.
[2] The suspension period is limited to 1 day.
[3] "Fractured" rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Less processing cost of 3.3 cents per Mcf for gas remaining after processing for removal of carbon dioxide diluent (processing cost shall not exceed 4.5 cents per Mcf in any event).
[6] Initial rate.

Shell Oil Co. (Shell) a producer-respondent in the Permian Basin Opinion No. 468, proposes a "fractured" rate increase from 16.0 cents to 16.5 cents per Mcf, amounting to $2,190 annually, for a sale of gas-well gas to El Paso Natural Gas Co. in the Permian Basin Area of Texas. Payment is based upon residue volumes remaining after processing and the proposed rate is equal to the applicable ceiling prescribed by Commission Opinion No. 468.

The contract covering the subject sale contains quality standards which do not conform to the standards prescribed in Opinion No. 468, as amended. The contract provides for a maximum diluent content (nitrogen, hydrogen sulphide, organic sulphur, and carbon dioxide) not in excess of 60 percent by volume. The principal impurity is carbon dioxide and the contract provides for a maximum deduction of 4.5 cents per Mcf from the contract rate for removal of the diluent content. The producer indicates in its rate increase filing that the processing cost for the removal of the CO_2 is 3.3 cents per Mcf. As for delivery pressure, the contract provides for delivery at the natural well flowing pressure, with the buyer having the right to operate its gathering system at pressures not to exceed 1000 p.s.i.g. Opinion No. 468, as modified by Opinion No. 468-A, prescribes a minimum delivery pressure of 500 p.s.i.g. The contract contains no B.t.u. adjustment provisions.

Although Shell's increased rate of 16.5 cents per Mcf is equal to the area base rate prescribed in Opinion Nos. 468 and 468-A, it may require adjustment for less than pipeline quality gas. Under the circumstances, we believe that Shell's proposed increase from 16.0 cents to 16.5 cents per Mcf should be suspended for 1 day from January 1, 1966, the proposed effective date.

Shell shall file with the Commission as a condition of this order within 60 days of the date of issuance of this order a statement setting forth either that the residue gas sold under the subject rate schedule accords with all pipeline quality standards established in Opinion Nos. 468 and 468-A, or in which respects the residue gas deviates from such standards; the agreed cost to the purchaser to bring it to the pipeline quality standards established there with respect to each quality deviation; any upward or downward B.t.u. adjustment; and the resulting applicable area rate for the gas. Such statement shall be signed by both the seller and the purchaser. If the seller and the purchaser are unable to agree upon any or all of the particulars entering into the computation of the applicable area rate, the seller shall file the statement herein required which shall indicate the absence of agreement and supply the information required to compute the applicable area rate as well as the contentions of the parties with respect to the quality and amount of the adjustment for any item in dispute. The purchaser may file a separate statement setting forth its views within the period herein provided.

[F.R. Doc. 65-13904; Filed, Dec. 29, 1965; 8:46 a.m.]

[Docket No. RI66-196]

SOUTHDOWN, INC.

Order Permitting Rate Filing, Providing for Hearing on and Suspension of Proposed Change in Rate

DECEMBER 21, 1965.

On October 18, 1965,[1] Southdown, Inc. (Southdown)[2] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated October 14, 1965.[3]
Purchaser and producing area: United Gas Pipe Line Co. (Hollywood Field, Terrebonne Parish, La.) (South Louisiana).
Rate schedule designation: Supplement No. 5 to Southdown's FPC Gas Rate Schedule No. 1.
Effective date: January 1, 1966.[4]
Amount of annual increase: $3,300.
Effective rate: 21.25 cents per Mcf.[5] [6]
Proposed rate: 22.8917 cents per Mcf.[5] [7]
Pressure base: 15.025 p.s.i.a.

Southdown has submitted a notice of change in rate proposing an increase from 21.25 cents to 22.8917 cents per Mcf, for gas sold under its FPC Gas Rate Schedule No. 1 to United Gas Pipe Line Co. from the Hollywood Field, Terrebonne Parish, South Louisiana. The proposed 1.6417 cents per Mcf increase, amounting to $3,300 annually, is from a conditioned initial rate, being the initial service ceiling for the area, to a redetermined rate which was attained by averaging the highest prices paid by three different purchasers for gas for resale in interstate commerce, other than United, for gas produced from the area specified in the contract involved.[8]

The proposed rate of 22.8917 cents per Mcf exceeds the area increased ceiling level of 14.0 cents per Mcf as set forth in the Commission's Statement of General Policy No. 61-1, as amended, and should be suspended as hereinafter ordered.

The proposed changed rate and charge may be just, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 5 to Southdown's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I) a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in supplement No. 5 to Southdown's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, Supplement No. 5 to Southdown's FPC Gas Rate Schedule No. 1 is hereby suspended and the use thereof deferred until June 1, 1966, and thereafter until such further time as it is made effective in the manner prescribed by the natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37 (f)) on or before February 10, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[1] Filing completed Nov. 10, 1965.
[2] Address is Post Office Box 52378, New Orleans, La.
[3] Includes Letter Agreement dated Sept. 7, 1965, providing for the redetermined rate for 5-year period commencing Jan. 1, 1966.
[4] The stated effective date is the effective date proposed by Respondent.
[5] Includes 1.75 cents per Mcf tax reimbursement.
[6] Conditioned initial rate provided in the temporary certificate issued in Docket No. CI62-551 in lieu of contractually provided initial price of 22.25 cents per Mcf.
[7] Redetermined rate increase.
[8] The prices utilized are not in issue in suspension or certificate proceedings.

[Docket No. CP66-192]

TRUNKLINE GAS CO.

Notice of Application

DECEMBER 22, 1965.

Take notice that on December 15, 1965, Trunkline Gas Co. (Applicant), Post Office Box 1642, Houston, Tex., 77001, filed in Docket No. CP66-192 a "budget-type" application pursuant to section 7 (c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to construct during the calendar year 1966 and operate miscellaneous field facilities including field compressors, dehydration units, meter and regulator equipment and gathering lines to facilitate the taking by Applicant of natural gas into its certificated main pipeline system which is or may become available from time to time in the general area of its system or which is or may become available due to expansion, development or production of existing sources of supply during the calendar year 1966.

Total estimated cost of Applicant's proposed construction is not to exceed $2,500,000, with no single project expenditure to exceed $500,000, which cost will be financed with current working funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before January 12, 1966. Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-13906; Filed, Dec. 29, 1965; 8:46 a.m.]

[Docket No. CP66-193]

UNION GAS SYSTEM, INC., AND CITIES SERVICE GAS CO.

Notice of Application

DECEMBER 23, 1965.

Take notice that on December 16, 1965, Union Gas System, Inc. (Applicant), P.O. Box 347, Independence, Kans., 67301, filed in Docket No. CP66-193 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Cities Service Gas Co. (Respondent) to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution in the Smith-North Area, Leavenworth County, Kans., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

By the instant application, Applicant seeks the sale and delivery by Respondent to Applicant of up to 64 Mcf of natural gas per day at an interconnection of Applicant's proposed lateral pipeline with Respondent's 26-inch transmission line in eastern Leavenworth County, Kans. Specifically, Applicant proposes to construct, own, and operate a natural gas distribution system in the community known as the Smith-North Area in Leavenworth County, Kans. Applicant also proposes to construct, own, and operate pipeline facilities consisting of 1.66 miles of 2-inch I.D. pipeline and 0.40 mile of 1¼-inch I.D. pipeline extending south and east from the proposed point of interconnection. The community proposed to be served has an estimated population of approximately 65 with 20 residences and 1 public school.

The total estimated volumes of natural gas necessary to meet Applicant's annual and peak day requirements for the initial

3-year period of proposed operations are stated to be:

	First year	Second year	Third year
Annual (Mcf)	4,538	5,206	5,540
Peak day (Mcf)	51	60	64

Total estimated cost of Applicant's proposed distribution system and lateral pipeline facilities is $14,690, which cost will be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 18, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-13907; Filed, Dec. 29, 1965; 8:46 a.m.]

[Docket No. CP66-191]

UNITED GAS PIPE LINE CO.

Notice of Application

DECEMBER 21, 1965.

Take notice that on December 13, 1965, United Gas Pipe Line Co. (Applicant), Post Office Box 1407, Shreveport, La., 71102, filed in Docket No. CP66-191 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval to abandon certain natural gas transportation service now being rendered to Tennessee Gas Transmission Co. (Tennessee) and for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that the transportation service provided by Applicant for Tennessee between the Carthage Field, Panola County, Tex., and West Monroe, La., was commenced on January 22, 1946, and that by letter dated January 20, 1965, Tennessee has advised Applicant that it does not elect to extend the term of the existing transportation agreement between the parties dated January 15, 1945, but would allow same to expire on January 22, 1966, by its own terms.

The facilities and service involved in the instant application were authorized by orders of the Commission issued on July 5, 1945, in Docket No. G-622 (as modified and amended on November 9, 1945, and June 23, 1948), and December 22, 1949, in Docket No. G-1252, 4 FPC 307 and 8 FPC 584, respectively.

Applicant proposes, after the termination of the aforementioned transportation agreement, to utilize its 20-inch Carthage-Longview and 18-inch Champlin Oil & Refining Co. lines by the operation of tie-over facilities between said lines. Specifically, Applicant proposes to construct a tie-over line 20 feet long and 10 inches in diameter with appurtenant facilities from the 20-inch Carthage-Longview line to the 18-inch Champlin Oil & Refining Co. line located in Panola County, Tex.

Total estimated cost of Applicant's proposed construction is $5,668, which cost will be financed from current working funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before January 10, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-13908; Filed, Dec. 29, 1965; 8:46 a.m.]

NATURAL GAS ADVISORY COUNCIL

Determination for Continued Existence

DECEMBER 21, 1965.

Pursuant to paragraph 9 of the Commission's Order establishing the Natural Gas Advisory Council, issued February 3, 1962, the Commission hereby determines that the continued existence of the Natural Gas Advisory Council for an additional period of 2 years is in the public interest.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-13901; Filed, Dec. 29, 1965; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

FIDELITY BANK

Order Approving Merger of Banks

In the matter of the application of Fidelity Bank for approval of merger with South Bay Bank.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by Fidelity Bank, Beverly Hills, Calif., a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and South Bay Bank, Manhattan Beach, Calif., under the charter and title of the former. As an incident to the merger, the sole office of South Bay Bank would become a branch of the resulting bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger,

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved.

It is further ordered, That the said merger may be consummated at any time within, but not later than, 3 months after the date of this order, the Board having determined, pursuant to its rules of procedure (12 CFR 262.2(f)(5)), that the public interest would be served by waiver of the requirement that the transaction not be consummated with 7 calendar days after the date of this order.

Dated at Washington, D.C., this 22d day of December 1965.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 65-13912; Filed, Dec. 29, 1965; 8:46 a.m.]

OTTO BREMER CO.

Notice of Request for Determination and Order for Hearing

Notice is hereby given that request has been made to the Board of Governors of the Federal Reserve System, pursuant to section 4(c)(6) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c)(6)) and § 222.5(b) of the Board's Regulation Y (12 CFR 222.5(b)), by The Otto Bremer Co., St. Paul, Minn., a bank holding company, for a determination that the activities planned to be undertaken by its proposed subsidiaries, The Farmers Agricultural Credit Co., Inc., The Farmers Insurance Agency, Inc., American Insurance Agency, Inc., and The International State Agency, are of the kind described in the aforementioned sections of the Act and the Regulation so as to make it unnecessary for the prohibitions of section 4 of the Act with respect to shares in nonbanking organizations to apply in order to carry out the purposes of the Act.

Inasmuch as section 4(c)(6) of the Act requires that any determination pursuant thereto be made by the Board after due notice and hearing and on the basis of the record made at such hearing.

It is hereby ordered, That pursuant to section 4(c)(6) of the Bank Holding Company Act and in accordance with §§ 222.5(b) and 222.7(a) of the Board's Regulation Y (12 CFR 222.5(b), 222.7(a)), promulgated under the Bank Holding Company Act, a hearing with respect to this matter be held commencing on January 20, 1966, at 10 a.m. at the offices of the Federal Reserve Bank of Minneapolis, Minneapolis, Minn., before a hearing examiner selected by the Civil Service Commission, pursuant to section 11 of the Administrative Procedure Act, such hearing to be conducted according to the rules of practice for formal hearings of the Board of Governors of the Federal Reserve System (12 CFR Part 263). The right is reserved to the Board or such hearing examiner to designate any other date or place for such hearing or any part thereof which may be determined to be necessary or appropriate for the convenience of the parties. The Board's rules of practice for formal hearings provide, in part, that "All such hearings shall be private and shall be attended only by parties and their representatives or counsel, representatives of the Board, witnesses, and other persons having an official interest in the proceedings: *Provided, however*, That, on written request by a party or representatives of the Board, or on the Board's own motion, the Board, unless prohibited by law, may permit other persons to attend or may order the hearing to be public."

Any person desiring to give testimony in this proceeding should file with the Secretary of the Board, directly or through the Federal Reserve Bank of Minneapolis, on or before January 14, 1966, a written request containing a statement of the nature of the petitioner's interest in the proceeding, and a summary of the matters concerning which said petitioner wishes to give testimony. Such request will be presented to the designated hearing examiner for his determination. Persons submitting timely request will be notified of the hearing examiner's decision.

Dated at Washington, D.C., this 22d day of December 1965.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 65-13913; Filed, Dec. 29, 1965; 8:46 a.m.]

VIRGINIA COMMONWEALTH CORP.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Virginia Commonwealth Corp., Richmond, Va., for approval of the acquisition of voting shares of the Peoples Bank of Stafford, Falmouth, Va.

There has come before the Board of Governors, pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(2)) and § 222.4(a)(2) of Federal Reserve Regulation Y (12 CFR 222.4(a)(2)), an application by Virginia Commonwealth Corp., Richmond, Va., a registered bank holding company, for the Board's prior approval of the acquisition of more than 80 percent of the outstanding voting shares of the Peoples Bank of Stafford, Falmouth, Va.

As required by section 3(b) of the Act, notice of receipt of the application was given to, and views and recommendation requested of, the Commissioner of Banking of the Commonwealth of Virginia. The Commissioner expressed no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on July 7, 1965 (30 F.R. 8599), providing an opportunity for interested persons to submit comments and views with respect to the proposed acquisition. The time for filing such comments and views has expired, and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) within 7 calendar days after the date of this order or (b) later than 3 months after said date.

Dated at Washington, D.C., this 22d day of December 1965.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 65-13914; Filed, Dec. 29, 1965; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-1860]

EATON & HOWARD BALANCED FUND

Filing of Application for Order Exempting Sale by Open-End Company of Its Shares

DECEMBER 23, 1965.

Notice is hereby given that Eaton & Howard Balanced Fund ("applicant"), 24 Federal Street, Boston, Mass., 02110, which is registered under the Investment Company Act of 1940 ("Act") as an open-end diversified investment company, has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting from the provisions of section 22(d) of the Act the proposed issuance of its shares at net asset value to Algonquin Investment Co. ("Algonquin") in exchange for substantially all of the assets of Algonquin. An exemptive order is requested since the proposed sale of applicant's shares is to be made at a price other than at the public offering price, which normally includes a sales charge in addition to the net asset value which applicant receives from the principal underwriter through whom such public offering is made. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Algonquin, a corporation organized under the laws of Missouri, is a personal holding company whose shares are owned by two individuals and two trusts. Pursuant to an Agreement and Plan of Reorganization, applicant will acquire substantially all of the assets of Algonquin in exchange for stock of applicant which will thereafter be distributed to shareholders of Algonquin in liquidation. Neither Algonquin nor any of the shareholders thereof has any present intention of redeeming the shares of applicant which they will acquire.

The application and the exhibits annexed thereto indicate that the number of shares of applicant's stock to be delivered to Algonquin will be determined by dividing the net asset value per share of applicant into the aggregate value of the net assets of Algonquin, as adjusted. The proposed adjustment, which is described in the application, is designed to compensate applicant for potential federal income taxes which would become payable upon realization of the appreciation in the value of the securities of Algonquin to the extent that any such appreciation may proportionately exceed the appreciation in the value of the securities of applicant.

As of September 30, 1965, the net assets of applicant amounted to $228,177,893, of which $96,824,194 or 42.4 percent represented unrealized appreciation, and the net assets of Algonquin amounted to $4,618,294, of which $2,061,447 or 44.6 percent represented unrealized appreciation. Applicant presently intends to sell, subsequent to acquisition, approximately 10 percent of the assets of Algonquin to be acquired. Applicant's per share asset value as of September 30, 1965, was equal to $13.27 and if the exchange had been consummated that day, 347,824 shares would have been delivered to Algonquin after the adjustment in the valuation of Algonquin's net assets.

Notice is further given that any interested person may, not later than January 12, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary,

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C., 20551, or to the Federal Reserve Bank of San Francisco.

[2] Voting for this action: Vice Chairman Balderston, and Governors Robertson, Shepardson, Mitchell, Daane, and Maisel. Absent and not voting: Chairman Martin.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C., 20551, or to the Federal Reserve Bank of Richmond.

[2] Voting for this action: Unanimous, with all members present.

Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 65–13926; Filed, Dec. 29, 1965; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order 579 (28 F.R. 11524) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods, for certificates issued under general learner regulations (29 CFR 522.1 to 522.9), and the principal product manufactured by the employer are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Alabama Textile Products Corp., Andalusia, Ala.; effective 12–1–65 to 11–30–66 (men's dress shirts and work pants).

Alabama Textile Products Corp., Troy, Ala.; effective 12–1–65 to 11–30–66 (men's dress shirts).

The Andala Co., Andalusia, Ala.; effective 12–1–65 to 11–30–66 (men's work shirts and work pants).

Bestform Foundations of Windber, Inc., Stockholm Avenue, Windber, Pa.; effective 12–9–65 to 12–8–66 (brassieres and girdles).

Byrds Manufacturing Corp., Albany, Ky.; effective 11–29–65 to 11–28–66 (ladies' shirts).

Byrds Manufacturing Corp., Byrdstown, Tenn.; effective 11–29–65 to 11–28–66 (ladies' shirts).

Cowden-Lancaster Co., 112 Hamilton Avenue, Lancaster, Ky.; effective 11–28–65 to 11–27–66 (overalls and dungarees).

Dutl-Duds, Inc., 300 Monticello Avenue, Lynchburg, Va.; effective 12–2–65 to 12–1–66 (women's cotton uniforms).

Frisco Sportswear Co., Inc., Frisco City, Ala.; effective 12–4–65 to 12–3–66 (ladies' woven slacks).

Garan, Inc., Corinth Division, Corinth, Miss.; effective 11–26–65 to 11–25–66 (boys' sport shirts).

Gattman Sportswear, Inc., Gattman, Miss.; effective 12–8–65 to 12–7–66 (men's dress slacks).

Glen of Michigan, Division of Glen Manufacturing, Inc., 77 Hancock Street, Manistee, Mich.; effective 12–6–65 to 12–5–66; Learners may not be employed at special minimum wage rates in the production of skirts (misses' dresses and blouses).

Hartsville Manufacturing Co., Inc., Hartsville, S.C.; effective 11–26–65 to 11–25–66 (ladies' dresses).

Hercules Trouser Co., Hillsboro, Ohio; effective 12–1–65 to 11–30–66 (men's and boys' pants).

Hercules Trouser Co., Manchester, Ohio; effective 12–1–65 to 11–30–66 (men's and boys' pants).

Lamar Manufacturing Co., Millport, Ala.; effective 11–23–65 to 11–22–66 (men's and boys' pants).

Lismore Manufacturing Corp., 460 Globe Street, Fall River, Mass.; effective 12–1–65 to 11–30–66 (women's and children's underwear (woven)).

The Manhattan Shirt Co., 461 West Cherry Street, Jesup, Ga.; effective 12–3–65 to 12–2–66 (men's sport shirts).

McAdoo Manufacturing Co., Inc., South Hancock Street, McAdoo, Pa.; effective 12–6–65 to 12–5–66 (children's polo shirts).

Phillips-Van Heusen Corp., Brinkley, Ark.; effective 12–2–65 to 12–1–66 (men's dress shirts).

Pittston Apparel Co., East and Tompkins Streets, Pittston, Pa.; effective 12–8–65 to 12–7–66 (girdles and brassieres).

Salant & Salant, Inc., Trumann, Ark.; effective 12–8–65 to 12–7–66 (men's and boys' pants and slacks).

Scott Co., Inc., Route 6, Anderson, S.C.; effective 11–26–65 to 11–25–66 (men's dress and sport shirts).

Seminole Manufacturing Co., Aberdeen, Miss.; effective 11–23–65 to 11–22–66 (men's and boys' pants).

Seminole Manufacturing Co., Columbus, Miss.; effective 11–23–65 to 11–22–66 (men's and boys' pants).

Smith & Co., 102 West Kaskaskia, Paola, Kans.; effective 11–29–65 to 11–28–66 (loungewear).

Troy Textiles, Inc., Troy, Ala.; effective 11–24–65 to 11–23–66 (men's sport shirts).

Whiteville Manufacturing Co., Wilmington Road; Whiteville, N.C.; effective 11–7–65 to 11–6–66 (children's pants, outerwear jackets, shirts and jeans).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Allee-Berry, Inc., Columbus, Kans.; effective 12–8–65 to 12–7–66; 10 learners (men's and boys' pants).

Blue Bell, Inc., Shenandoah, Va.; effective 11–29–65 to 11–28–66; 10 learners (men's, boys', ladies' and girls' dungarees).

Elpern Manufacturing Inc., 113 Summit Avenue, Hagerstown, Md.; effective 11–24–65 to 11–23–66; 10 learners (children's dresses).

Marcus Manufacturing Co., 215 North Maple, Nowata, Okla.; effective 11–18–65 to 11–17–66; 10 learners (men's and boys' slacks).

Meyers & Son Manufacturing Co., Inc., New Castle, Ky.; effective 11–16–65 to 11–15–66; 10 learners (men's work suits).

Safford Manufacturing Corp., Safford, Ariz.; effective 11–15–65 to 11–14–66; 10 learners in the production of women's woven garments (women's and misses' underwear, nightwear and negligees).

Sorbeau, Inc., 821 Central Avenue, Dubuque, Iowa; effective 12–1–65 to 11–30–66; 10 learners (infants' and children's pajamas and playwear).

Sue Frocks, Inc., Broad and Pine Streets, Tamaqua, Pa.; effective 11–24–65 to 11–23–66; 5 learners (children's dresses).

The following learner certificate was issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Marcus Manufacturing Co., 215 North Maple, Nowata, Okla.; effective 11–18–65 to 5–17–66; 15 learners (men's and boys' slacks).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

Warren Industries, Inc., 9 Broad Street, Glens Falls, N.Y.; effective 11–29–65 to 11–28–66; 10 learners for normal labor turnover purposes (dress gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Francis Louise Full Fashion Mills, Inc., West Connelly Street, Valdese, N.C.; effective 11–28–65 to 11–27–66; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned, seamless).

Maguet Mills, Inc., Cullom Street, Clinton, Tenn.; effective 11–29–65 to 11–28–66; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Wigwam Mills, Inc., 1321 North 14th Street, Sheboygan, Wis.; effective 12–5–65 to 12–4–66; 5 percent of the total number of factory production workers for normal labor turnover purposes and in the manufacture of knitted outerwear (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.30 to 522.35, as amended).

The H. W. Gossard Co., Huntingburg, Ind.; effective 11–29–65 to 5–28–66; 95 learners for plant expansion purposes (brassieres, girdles, lingerie, sleepwear, slips and pants).

The H. W Gossard Co., Huntingburg, Ind.; effective 11–29–65 to 11–28–66; 5 learners for normal labor turnover purposes (brassieres, girdles, lingerie, sleepwear, slips and pants).

Ilena Mills, Inc., Manufacturers' Road, Chattanooga, Tenn.; effective 11–14–65 to 11–13–66; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' tee shirts).

Kain-Murphey Corp., Manufacturers' Road, Chattanooga, Tenn.; effective 11–14–65 to 11–13–66; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' briefs, children's sleepers).

Lismore Manufacturing Corp., 460 Globe Street, Fall River, Mass.; effective 12–1–65 to 11–30–66; 5 percent of the total number of factory production workers engaged in the production of women's and children's knitted underwear and sleepwear for normal labor turnover purposes (women's and children's knit underwear).

Rocky Mount Undergarment Co., Inc., 1536 Boone Street, Rocky Mount, N.C.; effective 11–18–65 to 5–17–66; 20 learners for plant expansion purposes (ladies' and children's panties).

Safford Manufacturing Corp., Safford, Ariz.; effective 11–15–65 to 11–14–66; 5 learners for normal labor turnover purposes in the production of women's knitted garments (women's, and misses' underwear, nightwear and negligees).

Signal Knitting Mills, Manufacturers' Road; Chattanooga, Tenn.; effective 11–14–65 to 11–13–66; 5 percent of the total number of factory production workers for normal labor turnover purposes (children's knitted sleeping garments).

Van Raalte Co., Inc., High Rock Avenue, Saratoga Springs, N.Y.; effective 11–19–65 to 11–18–66; 5 percent of the total number of factory production workers for normal labor turnover purposes (underwear and sleepwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number of learners authorized to be employed, are indicated.

Eleven Eleven Corp., Km. 2, Carretera No. 174, Apartado 817, Bayamon, P.R.; effective 11–1–65 to 10–31–66; 10 learners for normal labor turnover purposes in the occupations of: (1) Looking, for a learning period of 960 hours at the rates of 69 cents an hour for the first 480 hours and 76 cents an hour for the remaining 480 hours; (2) pairing, for a learning period of 360 hours at the rate of 69 cents an hour; and (3) knitting, seaming, examining, preboarding and boarding, each for a learning period of 240 hours at the rate of 69 cents an hour (men's and children's hosiery).

Four Stars Industries, Inc., Road, No. 132, Km. 12.1, Post Office Box 98, Penuelas, P.R.; effective 11–1–65 to 4–30–66; 37 learners for plant expansion purposes in the occupations of: (1) Sewing machine operating, final pressing, each for a learning period of 320 hours at the rate of 75 cents an hour; and (2) turners, for a learning period of 160 hours at the rate of 75 cents an hour (ties).

Juncos Sport Co., Inc., Avenida Munoz Rivera, Apartado A, Juncos, P.R.; effective 11–8–65 to 5–7–66; 20 learners for plant expansion purposes in the occupation of handsewing of baseballs and softballs, for a learning period of 320 hours at the rate of 66 cents an hour for the first 160 hours and 76 cents an hour for the remaining 160 hours (baseballs and soft balls).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 10th day of December 1965.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 65–13935; Filed, Dec. 29, 1965; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 27, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA 40207—*Clay from Ochlocknee, Ga.*—Filed by O. W. South, Jr., agent (No. A4819), for interested carriers. Rates on clay, kaolin, or pyrophyllite, in carloads, from Ochlocknee, Ga., to points in southwestern territory.

Grounds for relief—Market competition.

Tariff—Supplement 11 to Southern Freight Association, agent, tariff ICC S–438.

FSA 40208—*Cinders from Erwinville, La.*—Filed by Southwestern Freight Bureau, agent (No. B–8802), for interested carriers. Rates on coal, clay, shale, or slate cinders, in carloads, from Erwinville, La., to points in Mississippi.

Grounds for relief—Market competition.

Tariff—Supplement 86 to Southwestern Freight Bureau, agent, tariff ICC 4565.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 65–13931; Filed, Dec. 29, 1965; 8:48 a.m.]

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PART II
Section 1

Department of the Treasury

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Coast Guard

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Shipping



THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 65-50]

REPUBLICATION OF VESSEL INSPECTION REGULATIONS

The Vessel Inspection Regulations in 46 CFR Parts 1 through 145 are republished in their entirety in order to permit an editing of material for the purpose of obtaining uniformity in spelling of words; correction of names, addresses, and cross references; updating of procedures, etc. This republication of the regulations does not alter or change the requirements previously published in the FEDERAL REGISTER. This publication will permit the use of a single source for these regulations rather than numerous sources to show the amendments and changes made since 1938.

The changes in procedures, which are not subject to rulemaking procedures under the Administrative Procedure Act, which have been included in this document are as follows:

a. Penalty processing procedure, 46 CFR 2.50–20 (b) through (f).

b. Mailing of notices or decisions and orders by certified mail in suspension and revocation of proceedings, 46 CFR 137.05–25(b), 137.15–15(a), 137.15–20(b), and 137.20–175(c).

c. Editorial corrections of text previously published were made in 46 CFR 2.20–5(c), 10.20–1, 12.02–15, 12.15–9(c), 25.30–10(e), 30.10–22, 31.10–5(a)(1), 31.10–25, 31.30–1(b), Table 31.10–18(b), 32.25–1(b), 35.20–1(b), 66.01–1, Table 71.25–20(a)(1), 76.50–5(e), 78.05–1, Table 91.25–20(a)(1) and 95.50–5(e).

It is ordered, That the rules and regulations in 46 CFR Parts 1 through 145, reprinted as set forth below, shall be deemed to be the requirements which have a future force and effect on and after January 1, 1966.

Dated: December 20, 1965.

W. D. SHIELDS,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

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SUBCHAPTER A—PROCEDURES APPLICABLE TO THE PUBLIC

PART 1—ORGANIZATION, GENERAL COURSE AND METHODS GOVERNING MARINE SAFETY FUNCTIONS

Sec.
1.01 Organization.
1.05 Organization; districts.
1.10 Suspension and revocation proceedings.
1.15 Field examiners.
1.20 General flow of functions.
1.25 Judicial review.

AUTHORITY: The provisions of this Part 1 issued under sec. 633, 63 Stat. 545, R.S. 4405, as amended, and 4462, as amended, 14 U.S.C. 633, 46 U.S.C. 375, 416. Interpret or apply R.S. 4450, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 1–12, 60 Stat. 237–244, secs. 1, 2, 68 Stat. 484, sec. 3, 68 Stat. 675, sec. 3, 70 Stat. 152; 46 U.S.C. 239, 367, 239a, 239b, 390b, 5 U.S.C. 1001–1011, 50 U.S.C. 198. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–9, August 3, 1954, 19 F.R. 5195; 167–14, November 26, 1954, 19 F.R. 8026; 167–17, June 29, 1955, 20 F.R. 4976; 167–20, June 18, 1956, 21 F.R. 4694.

§ 1.01 Organization.

(a) The Commandant is the head of the agency and exercises overall direction over the policy and administration of the Coast Guard.

(b) To carry out the regulatory and enforcement aspects of marine safety, the staff officers designated in this paragraph are assigned to the Commandant. The chain of military command is from the Commandant directly to the District Commanders. The staff officers at Headquarters act only on the basis of the Commandant's authority and by his direction.

(1) The Chief, Office of Merchant Marine Safety, under the general direction of the Commandant directs, supervises, and coordinates the activities of the Chief, Merchant Marine Technical Division, Chief, Merchant Vessel Inspection Division, and Chief, Merchant Vessel Personnel Division, located at Headquarters; supervises through the District Commanders the administration of the Merchant Marine Safety Divisions of District Offices and Officers in Charge, Marine Inspection; and exercises technical control over the Merchant Marine Details in foreign ports.

(i) The Chief, Merchant Marine Technical Division, at Headquarters, under the direction of the Chief, Office of Merchant Marine Safety, passes on plans and specifications for the construction or alteration of merchant vessels, conducts or reviews stability tests on merchant vessels, examines equipment and devices submitted to Headquarters, supervises the load lines assigned by classification societies, and otherwise provides technical assistance with respect to enforcing and improving merchant marine materiel standards.

(ii) The Chief, Merchant Vessel Inspection Division, at Headquarters, under the direction of the Chief, Office of Merchant Marine Safety, administers the inspection program for merchant vessels and the program of enforcing and improving merchant marine materiel and operational safety standards, and reviews and maintains records of marine casualties other than recreational boating accidents.

(iii) The Chief, Merchant Vessel Personnel Division, at Headquarters, under the direction of the Chief, Office of Merchant Marine Safety, administers the program for the enforcement and development of prescribed merchant marine personnel standards, including but not limited to the licensing, certificating, shipment and discharge of seamen, and the investigation and institution of proceedings looking to suspension and revocation under Title 46, U.S. Code, sections 239 and 239b, of licenses, certificates, and documents held by persons.

(2) The Chief, Office of Operations, under the general direction of the Commandant, directs, supervises, and coordinates the activities of the Chief, Recreational Boating Safety Division, located at Headquarters; and supervises through the District Commanders the administration of the recreational boating safety program.

(i) The Chief, Recreational Boating Safety Division, at Headquarters, under the direction of the Chief, Office of Operations, administers the enforcement program applicable to uninspected vessels used for recreational purposes and the imposition and collection of penalties in connection therewith; supervises the Federal numbering of undocumented vessels; reviews applications for approval of State numbering systems as required by Title 46, U.S. Code, section 527a; maintains liaison with Federal and State agencies having related interest; develops and coordinates arrangements with State Governments for cooperation in the enforcement of State and Federal laws relating to recreational boating; administers the boating accident report program and compiles, analyzes and publishes the data thus obtained, together with recommendations for the enhancement of boating safety; and reviews and maintains records of recreational boating accidents.

(3) The Chief Counsel of the Coast Guard at Headquarters, under the general direction and supervision of the General Counsel, Department of the Treasury, and the Commandant, considers cases involving alleged violations of navigation and vessel inspection laws or regulations prescribed thereunder and published in this chapter or in 33 CFR Chapter I, and reviews appeals to the Commandant from statutory monetary penalties assessed therefor. Upon completion of such a review, the Chief Counsel prepares a proposed action for the Commandant's consideration or, in appropriate cases, he takes final action on behalf of, and as directed by, the Commandant.

§ 1.05 Organization; districts.

(a) To assist the District Commander in carrying out the regulatory and enforcement aspects of marine safety in the Coast Guard Districts, there is assigned to each District Commander a staff officer designated as Chief, Merchant Marine Safety Division. The chain of military command is from the District Commander to each Officer in Charge, Marine Inspection, in his district. The Chief, Merchant Marine Safety Division, is a staff officer assigned to the District Commander and acts only on the basis of the authority of the District Commander and by his direction.

(1) The Chiefs, Merchant Marine Safety Division, in the District Offices, under the supervision of their respective District Commanders, direct the activities in their districts relative to vessel, factory and shipyard inspections; reports and investigations of marine casualties and accidents; processing of violations of navigation and vessel inspection laws; the licensing, certificating, shipment and discharge of seamen; the investigation and institution of proceedings looking to suspension and revocation under Title 46, U.S. Code, sections 239 and 239b, of licenses, certificates, and documents held by persons; and all other marine safety regulatory activities except those functions related to recreational boating when under the supervision of the Chiefs, Operations Division, in the District Offices.

(2) Unless otherwise provided for, the Chiefs, Operations Division, in the District Offices, under the supervision of their respective District Commanders, direct the activities in their districts relative to administration of the law enforcement program applicable to uninspected vessels used for recreational purposes and the imposition and collection of penalties in connection therewith; maintain liaison with Federal and State agencies having related interests; develop and coordinate agreements and arrangements with Federal and State agencies for cooperation in the enforcement of State and Federal laws related to recreational boating; and review investigative reports of recreational boating accidents.

(b) The Officers in Charge, Marine Inspection, in the Coast Guard districts, under the supervision of their respective District Commanders, are in charge of marine inspection offices located in various ports and have command responsibility within assigned marine inspection zones for the performance of duties with respect to the inspection, enforcement, and administration of navigation and vessel inspection laws, rules, and regulations governing marine safety. The Officer in Charge, Marine Inspection, has been designated and delegated to give immediate direction to Coast Guard activities relating to marine safety functions consisting of inspection of vessels in order to determine that they comply with the applicable laws, rules, and regulations relating to construction, equipment, manning, and operation, and to be satisfied that such vessels are in seaworthy condition for the services in which such vessels are to be operated; shipyard inspections; factory inspections of materials and equipment for vessels; the licensing, certificating, shipment and discharge of seamen; investigations of marine casualties and accidents; investigations of violations of law; negligence, misconduct, unskillfulness, incompetence or misbehavior of persons holding licenses, certificates, or documents issued by the Coast Guard; initiations of actions seeking suspension or revocation under Title 46, U.S. Code, sections 239 and 239b of licenses, certificates and documents held by persons, and presentation of cases at hearings before examiners; and the enforcement of navigation, vessel inspection and seamen laws in general.

(c) For descriptions of Coast Guard districts and marine inspection zones see 33 CFR Part 3.

§ 1.10 Suspension and revocation proceedings.

(a) The Commandant is the final and sole authority for action on appeals or reviews of suspension and revocation proceedings. The Commandant has not delegated the authority to make final decisions on appeals.

(b) To assist the Commandant in the general supervision of the hearing, appeal, and review functions with respect to proceedings looking to suspension and revocation of licenses, certificates, and documents (held by persons) under Title 46, U.S. Code, sections 239 and 239b, there is assigned to the Commandant's Staff a Chief Examiner who is an examiner appointed under the Administrative Procedure Act (5 U.S.C. 1001–1011).

(1) The Chief Examiner at Headquarters, under the general direction and supervision of the Commandant, is assigned the following duties:

(i) Acts as an adviser and as a special assistant to the Commandant in matters concerning hearings conducted pursuant to Title 46, U.S. Code, sections 239 and 239b;

(ii) Trains new examiners and coordinates the activities of all examiners;

(iii) Conducts hearings under Title 46, U.S. Code, sections 239 and 239b; and

(iv) Makes appropriate recommendations to the Chief Counsel for the latter's consideration in the preparation of the final actions by the Commandant with respect to appeals or in cases reviewed on the Commandant's motion under Subpart 137.35 in Part 137 of this chapter.

(c) The Chief Counsel of the Coast Guard at Headquarters, under the general direction and supervision of the General Counsel, Department of the Treasury, and of the Commandant, acts as an adviser and as a special assistant to the Commandant in all matters having legal implications.

(1) The Chief Counsel prepares a proposed decision for the Commandant's consideration in cases of appeal or review in suspension and revocation proceedings.

§ 1.15 Field examiners.

(a) The hearings conducted under Title 46, U.S. Code, sections 239 and 239b, are presided over by examiners. These examiners are located in various ports and are under the exclusive ad-

ministrative control of the Commandant.

(b) The examiners are appointed under the provisions of the Administrative Procedure Act (5 U.S.C. 1001–1011) and are civilian employees of the Coast Guard.

§ 1.20 General flow of functions.

(a) As indicated in 33 CFR 1.01–20, the Officer in Charge, Marine Inspection, is deemed to have final authority subject to the rights of appeal set forth in § 2.01–70 of this subchapter with respect to the functions described in § 1.05(b).

(b) The general course and method by which the functions (other than those dealing with suspension or revocation of licenses, certificates, or documents described in paragraph (c) of this section) concerning marine safety activities are channeled begins with the Officer in Charge, Marine Inspection, at the local Marine Inspection Office. From this officer the course is to the Chief, Merchant Marine Safety Division, on the staff of the District Commander and then to the District Commander. From the District Commander the course is to the Chief of one of the three divisions within the Office of Merchant Marine Safety at Headquarters. In most administrative cases the channel ends at this point. However, on matters of policy or appeals the course is through one of these divisions to the Chief, Office of Merchant Marine Safety, and then to the Commandant, whose decisions are final.

(c) In proceedings involving the suspension or revocation of a Coast Guard license, certificate or document issued to an individual, the course and method by which such proceedings are channeled are as follows:

(1) In the United States, the Commonwealth of Puerto Rico, Territory of Guam, the Virgin Islands, and other possessions, the proceedings are initiated by the preferment of charges and specifications against the holder of the Coast Guard license, certificate or document. A Coast Guard Investigating Officer under the supervision of an Officer in Charge, Marine Inspection, or an Officer in Charge, Marine Inspection, causes the charges and specifications to be served on the person described therein (person charged) who is a holder of a Coast Guard license, certificate or document. At a hearing the Coast Guard submits evidence to support the charges and specifications, while the person charged may submit evidence in rebuttal or mitigation. The examiner renders a decision on the basis of the evidence adduced at the hearing and the law. The examiner's decision is given to the person charged.

(i) In every case the file containing the charges and specifications and examiner's decision is forwarded by the Officer in Charge, Marine Inspection, to the District Commander, and thence to the Commandant.

(ii) In a case where an appeal is made by the person charged, the notice of appeal is filed with the District Commander of the Coast Guard District in which the hearing was held. The District Commander submits a complete transcript of the record with the notice of appeal to the Commandant.

(2) In the event an examiner is assigned to a foreign port, proceedings are initiated by the preferment of charges and specifications against the holder of a Coast Guard license certificate or document. This is usually initiated by a merchant marine detail officer (investigating officer) who causes the charges and specifications to be served on the person described therein (person charged) who is the holder of a Coast Guard license, certificate or document. At a hearing, the Coast Guard presents evidence to prove the charges and specifications, while the person charged submits evidence of denial or mitigation. The examiner then renders a decision on the basis of the evidence adduced at the hearing and the law. In each case the examiner's decision is given to the person charged. The file containing the charges and specifications and examiner's decision is forwarded by the merchant marine detail officer to the Commandant. An appeal from such an examiner's decision is filed with the District Commander in the District in which such person first arrives in the United States. The District Commander transmits the notice of appeal to the Commandant.

(3) In a foreign port where no examiner has been assigned, no proceedings are initiated by the Coast Guard. In a case originating in a foreign port where a merchant marine detail officer is assigned, such officer investigates the matter to the extent possible and then refers the case to the Officer in Charge, Marine Inspection, having jurisdiction over the vessel's first port of arrival in the United States, or its Territories, or if the person leaves the vessel, then to the Officer in Charge, Marine Inspection, having jurisdiction at such person's first port of arrival in the United States, or its Territories or to the Commandant. The Officer in Charge, Marine Inspection, investigates the case and determines whether or not proceedings are to be initiated against the holder of a Coast Guard license, certificate, or document.

(d) In the performance of their duties, all Coast Guard examiners are bound by law and the regulations in this chapter or in 33 CFR Chapter I. For publicizing statements of policy, clarification of points or procedure, and general administrative instructions, the Commandant may, from time to time, issue instructions via a series designated as "Hearing Examiners' Circulars." A complete file of these instructions is available for reading purposes during normal working hours at Headquarters, each district office, and each Marine Inspection Office.

§ 1.25 Judicial review.

(a) Nothing in this chapter shall be construed to prohibit any party from seeking judicial review of any Commandant's decision or action taken pursuant to the regulations in this part or Part 137 of this chapter with respect to suspension and revocation proceedings arising under Title 46, U.S. Code, sections 239 and 239b.

(b) In the absence of an appeal to, or review by, the Commandant from the decision of the examiner in a suspension and revocation proceeding, such decision of the examiner shall be final and binding on the person charged for all purposes as of the effective date of the decision.

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2.75–10 Procedures for obtaining approvals.
2.75–15 Requirements and tests.
2.75–20 Affidavits or certifications.
2.75–25 Portable fire extinguishers.
2.75–30 Special purpose water safety buoyant devices.
2.75–40 Suspension of approval.
2.75–50 Withdrawals or terminations of approvals.
2.75–60 Certification of ship's stores and supplies.
2.75–70 Welders.

Subpart 2.85—Load Lines

2.85–1 Assignment of load lines.

Subpart 2.90—Plans, Drawings or Blueprints

2.90–1 General requirements.

Subpart 2.95—Retention of Records by the Public

2.95–1 Certificates or documents issued by Coast Guard.
2.95–5 Certificates or documents issued by others.
2.95–10 Equipment or material required to be approved.

AUTHORITY: The provisions of this Part 2 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret sec. 3, 60 Stat. 238, 5 U.S.C. 1002. Treasury Department Order 120, July 31, 1950, 15 F.R. 6521, unless otherwise noted.

Subpart 2.01—Inspecting and Certificating of Vessels

AUTHORITY: The provisions of this Subpart 2.01 interpret or apply under R.S. 4421, as amended, 4453, as amended; 46 U.S.C. 399, 435; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Treasury Department Orders 167–14, November 26, 1954, 19 F.R. 8026; 167–20, June 18, 1956, 21 F.R. 4894; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–38, October 26, 1959, 24 F.R. 8857, unless otherwise noted.

§ 2.01–1 Applications for inspections.

(a) *Application forms.* (1) Applications for the inspections of vessels required to be inspected by the Coast Guard by 46 U.S.C. 362, 363, 367, 390a, 391, 391a, 392, 395, 404, 405, 526, 1333, or 50 U.S.C. 198, shall be made by the master, owner or agent on the following Coast Guard forms which are obtainable from the Officer in Charge, Marine Inspection, at any local Marine Inspection Office, U.S. Coast Guard.

(i) CG–3752—Application for Inspection of U.S. Vessel.

(ii) CG–986—Application for Inspection of Foreign Vessel.

(2) These applications require information on name and type of vessel, nature of employment and route in which to be operated, and place where and date when the vessel may be inspected.

(b) *To whom submitted.* The completed form shall be submitted to the Officer in Charge, Marine Inspection, in the Marine Inspection Office located in, or nearest, the port at which the inspection is to be made. The applicant will be advised in writing of the time when the inspection will be made.

(c) *New vessels.* Applications for inspection of new vessels shall be preceded by the submission of applicable drawings or prints in accordance with the specific requirements in Subchapters D (Tank Vessels), E (Load Lines), F (Marine Engineering), H (Passenger Vessels), I (Cargo and Miscellaneous Vessels), J (Electrical Engineering), and/or T (Small Passenger Vessels) of this chapter applicable to that particular type of vessel and/or type of service in which the vessel is proposed to be operated.

(d) *Foreign-built vessels.* (1) Those foreign-built vessels which are specifically authorized by public or private laws to engage in the coastwise trade, and those foreign-built vessels which are documented to engage in the foreign trade shall be inspected and certificated as required by law and/or the regulations in this chapter which are applicable to their class and employment.

(2) Under certain circumstances as described in law (see 46 U.S.C. 11, 13, 289, 292, 316, 808, 883, or other laws), certain foreign-built vessels are not permitted to engage in the United States coastwise trade (domestic trade) unless specifically authorized by law. Therefore, when foreign-built vessels are intended for use in the coastwise trade as defined by the Bureau of Customs, such vessels will not be inspected and certificated unless specifically authorized by law to engage in the coastwise trade.

§ 2.01–5 Certificate of inspection.

(a) *Issuance of certificates.* Upon completion of the inspection of a vessel and on condition that the vessel and her equipment are approved by the inspectors, a certificate on one or more of the following Coast Guard forms will be issued by the Officer in Charge, Marine Inspection:

(1) CG–841—Certificate of Inspection.

(2) CG–854—Temporary Certificate of Inspection.

(3) CG–989—Certificate of Examination for Foreign Passenger Vessel.

(4) CG–3463—Certificate for Foreign Vessel to Carry Persons in Addition to Crew.

(5) CG–3753—Certificate of Inspection (for small passenger vessel).

(b) *Vessels issued certificates.* (1) All domestic vessels shall be issued a Temporary Certificate of Inspection (CG–854) and a Certificate of Inspection (CG–841) or Certificate of Inspection (for small passenger vessel) (CG–3753).

(2) Foreign passenger vessels of countries signatory to the International Convention for the Safety of Life at Sea, 1948, shall be issued a Certificate of Examination for Foreign Passenger Vessel (CG–989).

(3) Foreign passenger vessels of countries which are nonsignatory to the International Convention for the Safety of Life at Sea, 1960, shall be issued a Temporary Certificate of Inspection (CG–854) and a Certificate of Inspection (CG–841).

(4) All foreign freight vessels carrying 12 or less passengers shall be issued a Certificate for Foreign Vessels to Carry Persons In Addition to Crew (CG–3463).

(c) *Description of certificates.* The certificate of inspection issued to a vessel will describe the vessel, the route which she may travel, the minimum manning requirements, the safety equipment and appliances required to be carried on board, the total number of persons which may be carried, and the names of the operators and the owners. The period for which a certificate of inspection is valid is stated on the certificate. The certificate may be renewed by making application for inspection as provided for in § 2.01–1.

(d) *Amending certificates.* Where by reason of a change in the character of a vessel or in her route, equipment, etc., the vessel will not comply with the requirements of the certificate of inspection previously issued, a certificate amending such certificate may be issued at the discretion of the Officer in Charge, Marine Inspection, to whom request is made, on Coast Guard Form CG–858—Certificate of Inspection Amendment.

§ 2.01–7 Classes of vessels (including motorboats) examined or inspected and certificated.

(a) The regulations in this chapter concerning inspecting and certificating vessels are applicable to vessels (including motorboats) as indicated in the following table 2.01–7(a):

TABLE 2.01-7(a)

Method of propulsion	Size or other limitations [1]	Classes of vessels (including motorboats) examined or inspected under various Coast Guard regulations [1]: Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under either Subchapter H—Passenger Vessels [2] [3] [4] [5] or Subchapter T—Small Passenger Vessels [2] [3] [4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [2] [3]	Vessels subject to provisions of Subchapter C—Uninspected Vessels [3] [11]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Steam	Vessels not over 65 feet in length.	All vessels carrying combustible or flammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	All tugboats and towboats.	All vessels except those covered by columns 3, 4, and 5.[8]
	Vessels over 65 feet in length.	All vessels carrying combustible or flammable liquid cargo in bulk.[6]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels of not over 15 gross tons which carry more than 6 passengers.[7] 3. All other vessels carrying passengers, except: a. Yachts. b. Documented cargo or tank vessels issued a permit to carry not more than 16 persons in addition to the crew. c. Towing and fishing vessels, in other than ocean and coastwise service, may carry persons on the legitimate business of the vessel, in addition to crew, but not to exceed one for each net ton of the vessel.	All vessels except those covered by columns 3 and 4.	None.
Motor	Vessels of not over 15 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	All vessels except those covered by columns 3, 4, and 5.
	Vessels over 15 gross tons except seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or flammable liquid cargo in bulk.[9]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels not over 65 feet in length which carry more than 6 passengers.[7] 3. All other vessels of over 65 feet in length carrying passengers for hire except documented cargo or tank vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels carrying freight for hire except those covered by columns 3 and 4.	All vessels except those covered by columns 3, 4, and 5.
	Seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or flammable liquid cargo in bulk.[9]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All other vessels carrying passengers, except: a. Yachts. b. Documented cargo or tank vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels except those covered by columns 3 and 4, and those engaged in the fishing, oystering, clamming, crabbing, or any other branch of the fishery, kelp, or sponge industry.	All vessels except those covered by columns 3, 4, and 5.
Sail	Vessels not over 700 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	None.
	Vessels over 700 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.	All vessels carrying passengers for hire.	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	None.
Nonself-propelled	Vessels not over 100 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	All barges carrying passengers except those covered by column 4.
	Vessels over 100 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.	All vessels carrying passengers for hire.	All seagoing barges except those covered by columns 3 and 4; and those inland barges carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	All barges carrying passengers except those covered by column 4.

[1] Where length is used in this table it means the length measured from end to end over the deck, excluding sheer. This expression "means a straight line measurement of the overall length from the foremost part of the vessel to the aftermost part of the vessel, measured parallel to the centerline."

[2] Subchapters E (Load Lines), F (Marine Engineering), J (Electrical Engineering), and N (Dangerous Cargoes) of this chapter may also be applicable under certain conditions.

[3] Public nautical schoolships, other than vessels of the Navy and Coast Guard, shall meet the requirements of Part 167 of Subchapter R (Nautical Schools) of this chapter. Civilian nautical schoolships, as defined by 46 U.S.C. 1331, shall meet the requirements of Subchapter H (Passenger Vessels) and Part 168 of Subchapter R (Nautical Schools) of this chapter.

[4] Subchapter H (Passenger Vessels) of this chapter covers only those vessels of 100 gross tons or more. Subchapter T (Small Passenger Vessels) of this chapter covers only those vessels of less than 100 gross tons.

[5] Vessels covered by Subchapters H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter, where the principal purpose or use of the vessel is not for the carriage of liquid cargo, may be granted a permit to carry a limited amount of flammable or combustible liquid cargo in bulk. The portion of the vessel used for the carriage of the flammable or combustible liquid cargo shall meet the requirements of Subchapter D (Tank Vessels) in addition to the requirements of Subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter.

[6] Any vessel on an international voyage is subject to the requirements of the International Convention for Safety of Life at Sea, 1960.

[7] The meaning of the term "passenger" is as defined in the Act of May 10, 1956 (sec. 1, 70 Stat. 151; 46 U.S.C. 390).

[8] Boilers and machinery are subject to examination on vessels over 40 feet in length.

(b) The specific application of regulations concerning inspecting and certificating vessels is set forth in the specific subchapter governing a particular class of vessels.

(1) For passenger vessels see Part 70 of Subchapter H (Passenger Vessels) of this chapter.

(2) For cargo and miscellaneous vessels see Part 90 of Subchapter I (Cargo and Miscellaneous Vessels) of this chapter.

(3) For tank vessels see Part 30 of Subchapter D (Tank Vessels) of this chapter.

(4) For small passenger vessels see Part 175 of Subchapter T (Small Passenger Vessels) of this chapter.

(5) For uninspected vessels see Part 24 of Subchapter C (Uninspected Vessels) of this chapter.

§ 2.01–8 Application of regulations to vessels or tankships on an international voyage.

(a) Where, in various places or portions of this chapter, requirements are stipulated specifically for "vessels on an international voyage" or "tankships on an international voyage," it is intended that these requirements apply only to vessels or tankships, as applicable, which are subject to the International Convention for Safety of Life at Sea, 1960.

(b) For details regarding application of Convention requirements to tankships, see § 30.01–6 of this chapter; to passenger vessels, see § 70.05–10 of this chapter; to cargo ships other than tankships, see § 90.05–10 of this chapter; and to small passenger vessels, see § 176.35–1 of this chapter. (E.O. 11239, 30 F.R. 9671, 3 CFR, 1965 Supp.).

§ 2.01–10 Inspection requirements—domestic vessels.

(a) If during the inspection of a vessel made at the request of the master, owner, or agent, the vessel or her equipment is found not to conform to the requirements of law or regulations in this chapter, the requirements which must be met will be listed on Form CG–835, Notice of Merchant Marine Inspection Requirements, and given to the master of the vessel.

(b) The Coast Guard on its own initiative may examine or inspect or reinspect at anytime any vessel subject to Title 52 of the Revised Statutes (R.S. 4399–4500; 46 U.S.C. 170, 214–240, 361–498), and acts amendatory thereof or supplemental thereto. If during such examination, inspection, or reinspection, any failure to comply with any applicable requirement of law and/or applicable regulations in this chapter, or any defects or imperfections become apparent tending to render the navigation of the vessel unsafe, or that repairs have become necessary, the Coast Guard will so notify the master and state what is required.

§ 2.01–13 Inspection requirements—foreign vessels.

(a) Foreign vessels registered in countries which are parties to the effective International Convention for Safety of Life at Sea are normally subject to the examination provided for in Chapter I of that Convention. However, in the case of any vessel involving novel features of design or construction, upon which that Convention is silent or which involve potential unusual operating risks, a more extensive inspection may be required when considered necessary to safeguard the life or property in United States' ports where such vessel may enter. In such a case, pertinent plans and/or calculations may be required to be submitted sufficiently in advance to permit evaluation before inspection.

(b) Foreign vessels registered in countries which are not parties to the effective International Convention for Safety of Life at Sea, or foreign vessels registered in countries which are parties to the effective Convention but which vessels are exempted from part or all of the Convention, may under conditions specified in applicable inspection laws be subject to inspection and certification as specified in regulations governing specific categories of vessels.

(c) For details concerning application of regulations to foreign vessels, see Part 30 in Subchapter D (Tank Vessels), Part 70 in Subchapter H (Passenger Vessels), Part 90 in Subchapter I (Cargo and Miscellaneous Vessels), § 146.02–2 in Subchapter N (Dangerous Cargoes), and Part 175 in Subchapter T (Small Passenger Vessels) of this chapter.

(R.S. 4400, as amended, 4417a, as amended, 4472, as amended, sec. 26, 41 Stat. 998, as amended, sec. 3, 70 Stat. 152; 46 U.S.C. 362, 391a, 170, 882, 390b)

§ 2.01–15 Vessel repairs.

(a) The procedures to be followed in notifying the Coast Guard about vessel repairs varies according to the type of vessel and service in which engaged. Additional requirements for repairs of certain equipment and installations are in Subchapters E (Load Lines), F (Marine Engineering), and/or J (Electrical Engineering) of this chapter. The requirements by types of vessels are as follows:

(1) Tank vessels—Parts 31 and 35 of Subchapter D (Tank Vessels) of this chapter.

(2) Passenger vessels—Part 71 of Subchapter H (Passenger Vessels) of this chapter.

(3) Cargo and miscellaneous vessels—Part 91 of Subchapter I (Cargo and Miscellaneous Vessels) of this chapter.

(4) Small passenger vessels—Part 176 of Subchapter T (Small Passenger Vessels) of this chapter.

(5) Public nautical schoolships—Subpart 167.30 of Subchapter R (Nautical Schools) of this chapter.

(b) If repairs to a vessel are necessary, such vessel may be permitted to proceed to another port for repairs, if in the opinion of the inspector it can be done with safety. The permit is granted by the Officer in Charge, Marine Inspection, upon request in writing by the master or owner of the vessel and is issued on Coast Guard Form 948, Permit To Proceed to Another Port for Repairs. No repairs or alterations affecting safety of a vessel or her machinery shall be made unless applicable requirements in Subchapters D (Tank Vessels), E (Load Lines), F (Marine Engineering), H (Passenger Vessels), I (Cargo and Miscellaneous Vessels) and/or J (Electrical Engineering) of this chapter are met.

§ 2.01–20 Revocation of certificates of inspection.

(a) Under the authority of 46 U.S.C. 391, 391a, or 435 the certificates of inspection referred to in § 2.01–5 may be revoked if the vessel is found at a reinspection not to comply with the terms of the vessel's certificate of inspection.

(b) Under the authority of 46 U.S.C. 390c(c) the certificates of inspection referred to in § 2.01–5 for a small passenger vessel may be revoked or suspended if such a vessel is found not to comply with the terms of the vessel's certificate of inspection when carrying more than 6 passengers.

§ 2.01–25 International Convention for Safety of Life at Sea, 1960.

(a) *Certificates required.* (1) The International Convention for Safety of Life at Sea, 1960, requires one or more of the following certificates to be carried on board certain passenger, cargo or tankships engaged in international voyages:

(i) Passenger Ship Safety Certificate.
(ii) Cargo Ship Safety Construction Certificate.
(iii) Cargo Ship Safety Equipment Certificate.
(iv) Cargo Ship Safety Radiotelephony Certificate.
(v) Cargo Ship Radiotelegraphy Certificate.
(vi) Exemption Certificate.
(vii) Nuclear Passenger Ship Safety Certificate.
(viii) Nuclear Cargo Ship Safety Certificate.

(2) The U.S. Coast Guard will issue through the Officer in Charge, Marine Inspection, the following certificates after performing an inspection of the vessel and determining the vessel meets applicable requirements:

(i) Passenger Ship Safety Certificate.
(ii) Cargo Ship Safety Construction Certificate except when issued to cargo ships by American Bureau of Shipping at the option of the owner or agent.
(iii) Cargo Ship Safety Equipment Certificate.
(iv) Exemption Certificate.
(v) Nuclear Passenger Ship Safety Certificate.
(vi) Nuclear Cargo Ship Safety Certificate.

(3) When authorized by the Commandant, U.S. Coast Guard, the American Bureau of Shipping may issue to cargo and tankships which it classes the Cargo Ship Safety Construction Certificate.

(4) The Federal Communications Commission will issue the following certificates:

(i) Cargo Ship Safety Radiotelephony Certificate.
(ii) Cargo Ship Radiotelegraphy Certificate.
(iii) Exemption Certificate.

(b) *Applications.* (1) The application for inspection and issuance of a cer-

tificate or certificates is made on the appropriate form listed in § 2.01–1, or by letter, to the Officer in Charge, Marine Inspection, in or nearest the port at which the inspection is to be made and shall be signed by the master or agent of the vessel. The certificates previously issued are surrendered at the time the inspection is performed. Further details are set forth in Subchapter H (Passenger Vessels), Subchapter T (Small Passenger Vessels), Subchapter D (Tank Vessels) and Subchapter I (Cargo and Miscellaneous Vessels) of this chapter.

(2) The application for the inspection of a vessel other than a passenger vessel concerning the issuance of a Cargo Ship Safety Radiotelephony Certificate or a Cargo Ship Safety Radiotelegraphy Certificate is made by formal application on FCC Form 801 to the local office of the Federal Communications Commission.

(c) *Certificates issued.* (1) If a vessel meets the applicable requirements of the Convention, it shall be issued appropriate certificates listed in paragraph (a) of this section. These certificates describe the vessel and state the vessel is in compliance with the applicable requirements of the Convention.

(2) A Convention certificate may be withdrawn, revoked or suspended at any time when it is determined the vessel is no longer in compliance with applicable requirements. (See § 2.01–70 for appeal procedures.)

(d) *CG–969—Notice of Receipt of Application for Passenger Ship Safety Certificate.* (1) The Passenger Ship Safety Certificate is issued by the Commandant after determining all applicable requirements of the Convention have been met. In the event the completion of the certification of any passenger vessel cannot be effected prior to the sailing of the passenger ship on a foreign voyage, or in any case where the Passenger Ship Safety Certificate is not received from the Commandant before the ship sails on a foreign voyage, the Officer in Charge, Marine Inspection, will issue a completed Form CG–969, describing the passenger ship and certifying that an application for a Passenger Ship Safety Certificate is being processed, and that in his opinion the vessel meets applicable requirements of the Convention administered by the Coast Guard.

(2) The completed Form CG–969 may be exhibited in explanation of the failure of the passenger ship to have on board a current Passenger Ship Safety Certificate. This completed Form CG–969 may be accepted as prima facie evidence that the passenger ship described therein is in compliance with the applicable requirements of the Convention.

(e) *Exempted vessel.* (1) A vessel may be exempted by the Commandant from complying with certain requirements of the Convention under his administration upon request made in writing to him and transmitted via the Officer in Charge, Marine Inspection. In such case the exemptions are stated in the Exemption Certificate, which is issued by the Commandant through the appropriate Officer in Charge, Marine Inspection.

(2) The Exemption Certificate which modifies the Cargo Ship Safety Radiotelephony Certificate or the Cargo Ship Safety Radiotelegraphy Certificate is issued by the Federal Communications Commission.

(f) *Posting certificates.* The Convention certificates issued to a vessel shall be posted in a prominent and accessible place on the vessel in a manner similar to that for certificates of inspection.

(g) *Foreign flag vessels.* At the request of the government of a country in which is registered a vessel engaged in an international voyage, such a vessel may be issued the applicable certificate or certificates listed in paragraph (a) of this section. The certificate will be issued only after inspection has been made by the issuing agency, providing the vessel is found to comply with the requirements of the Convention.

§ 2.01–40 Passengers or persons in addition to crew on cargo or tank vessels.

(a) Under authority of 46 U.S.C. 882 a cargo vessel or a tank vessel documented under the laws of the United States and subject to inspection under applicable regulations in Subchapter D (Tank Vessels) or Subchapter I (Cargo and Miscellaneous Vessels) of this chapter may be allowed by its certificate of inspection to carry not to exceed 16 persons in addition to the crew: *Provided,* That such vessel subject to the applicable provisions of the effective International Convention for Safety of Life at Sea may carry not to exceed 12 persons in addition to the crew.

(b) The application for permission to carry persons in addition to the crew may be included in the application described in § 2.01–1. If granted it is endorsed on the certificate of inspection.

§ 2.01–45 Excursion permit.

(a) Under authority of 46 U.S.C. 453 a passenger vessel may be permitted to engage in excursions and carry additional numbers of passengers. For details see Part 71 of Subchapter H (Passenger Vessels) of this chapter.

(b) The application for an excursion permit is made by the master, owner, or agent of the vessel to the Officer in Charge, Marine Inspection, on Coast Guard Form CG–950, Application for Excursion Permit. If, after inspection, permission is granted, it is given on Coast Guard Form CG–949, Permission to Carry Excursion Party. The permit describes the vessel, the route over which and the period during which the excursions may be made, and the safety equipment required for the additional persons indicated.

§ 2.01–50 Persons other than crew on towing, oyster, or fishing steam vessels.

(a) Under authority of 46 U.S.C. 458 a steam vessel engaged in towing, oyster dredging and planting, and fishing may be permitted to carry persons in addition to its crew.

(b) The application for a permit to carry such persons may be included in the application described in § 2.01–1. If granted it is endorsed on the certificate of inspection.

§ 2.01–60 Overtime compensation.

(a) *General.* Extra compensation for overtime services performed by inspectors of vessels and their assistants, shipping commissioners and their deputies and assistants who may be required to remain on duty between the hours of 5:00 p. m. and 8:00 a. m. or on Sundays or holidays to perform services in connection with the inspection of vessels or their equipment, supplying or signing on or discharging crews of vessels is authorized by 46 U. S. C. 382b and regulations in Part 143 of this chapter, together with the method of computing such extra compensation.

(b) *Application and certification of time.* Application for the performance of such overtime services and certification of services performed is made by the master, owner, or agent of a vessel to the Officer in Charge, Marine Inspection, on Form CG–830, Application for and Certificate of Overtime Service.

(c) *Collection.* The bill for the collection of the overtime compensation is submitted by the Officer in Charge, Marine Inspection to the master, owner, or agent on whose vessel overtime services are performed on Form CG–832, Bill for Collection Overtime Services. Payment is made to the Collector of Customs of the port designated.

§ 2.01–70 Appeals.

(a) *General.* Any person aggrieved by any decision or action of the Officer in Charge, Marine Inspection, may appeal therefrom to the Coast Guard District Commander of the district in which the action or decision was made. A further appeal may be made to the Commandant, U.S. Coast Guard, from the decision of the District Commander.

(b) *Time limits.* (1) Appeals from decisions of the inspectors or the Officer in Charge, Marine Inspection, to the Coast Guard District Commander, shall be made in writing within 30 days after the decisions or actions appealed from shall have been rendered or taken. Such appeals shall set forth the requirements appealed from and the reasons why the decision or action should be set aside or revised.

(2) Appeals from the decisions of the Coast Guard District Commander to the Commandant shall be made in writing within 30 days after the decisions appealed from shall have been rendered.

(c) *Decision on appeals.* Pending the determination of the appeal, the decision of the Officer in Charge, Marine Inspection, shall remain in effect. The decision of the Commandant is final.

(R.S. 4417, as amended, 4463, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675, sec. 8, 75 Stat. 403; 46 U.S.C. 391, 435, 222, 367, 390b, 50 U.S.C. 198, 33 U.S.C. 1007)

§ 2.01–80 Vessel inspections in Alaska.

(a) The waters of southeastern Alaska inside of the general trend of the shore from Cape Spencer, southeasterly to Cape Muzon, and thence easterly to Sitklan Island, shall be considered as

bays, sounds, and lakes other than the Great Lakes, for the purpose of administering the vessel inspection laws and applicable regulations in this chapter.

Subpart 2.20—Reports and Forms

AUTHORITY: The provisions of this Subpart 2.20 interpret or apply sec. 3, 68 Stat. 675; 50 U.S.C. 198; E.O. 11239, 30 F.R. 9671; 3 CFR 1965 Supp., unless otherwise noted.

§ 2.20–1 Forms.

(a) *Posting.* Statutes and regulations require that certain forms be posted on vessels referred to in the statutes and regulations. The titles of the forms indicate the contents of the forms. They may be obtained from any Officer in Charge, Marine Inspection. The Coast Guard forms and the statutes or regulations which require that they be posted are listed in this section.

(b) *CG–809.* This form "Station Bills, Drills, and Reports of Masters" is required by §§ 35.10–5, 78.17–50(f), and 97.15–35(d) of this chapter.

(c) *CG–811.* This placard "Lifesaving Signals and Breeches Buoy Instructions" is required by §§ 35.12–5, 78.53–5, 97.43–5, and 167.65–50 of this chapter.

(d) *CG–3256.* This form "Atomic Attack Instructions for Merchant Vessels in Port" is required by 33 CFR 122.10.

(e) *CG–807.* This form "Pilot Rules for the Great Lakes and Their Connecting and Tributary Waters" is required by 33 U.S.C. 243 and 33 CFR 90.15.

§ 2.20–5 Rules of the Road pamphlets.

(a) *Required to be carried aboard.* Statutes and regulations require that current editions of applicable Coast Guard pamphlets containing Rules of the Road shall, where practicable, be carried on board and maintained for ready reference on all vessels and craft over 65 feet in length while navigating within the certain waters as described in law or regulation. The titles indicate the waters on which generally applicable. These pamphlets may be obtained from any Marine Inspection Office. The Coast Guard pamphlet identification numbers and the statutes or regulations which require that they be carried on board certain vessels or craft over 65 feet in length are described in succeeding paragraphs in this section.

(b) *CG–169.* This pamphlet "Rules of the Road—International—Inland" is required by 33 U.S.C. 157 and 33 CFR 80.13(b) to be carried and available for ready reference, where practicable, on vessels navigating the harbors, rivers, and inland waters of the United States except the Great Lakes and their connecting and tributary waters as far east as Montreal, the Red River of the North, the Mississippi River and its tributaries above Huey P. Long Bridge, and that part of the Atchafalaya River above its junction with the Plaquemine-Morgan City alternate waterway.

(c) *CG–172.* Two copies of this pamphlet "Rules of the Road—Great Lakes" are required by 33 CFR 90.15(b) to be kept on board vessels navigating the Great Lakes and their connecting and tributary waters.

(d) *CG–184.* This pamphlet "Rules of the Road—Western Rivers" is required by 33 U.S.C. 353 and 33 CFR 95.23 to be carried and available for ready reference, where practicable, on vessels navigating the Red River of the North, the Mississippi River and its tributaries above Huey P. Long Bridge, and that part of the Atchafalaya River above its junction with the Plaquemine-Morgan City alternate waterway.

§ 2.20–40 Chief engineer's reports.

(a) Repairs to boilers and pressure vessels. The chief engineer is required to report any repairs to boilers or unfired pressure vessels in accordance with §§ 33.25–5, 78.33–1, and 97.30–1 of this chapter.

(b) The chief engineer of any vessel is required to report any accident to a boiler, unfired pressure vessel, or machinery tending to render the further use of the item unsafe until repairs are made by §§ 35.25–5, 78.33–5, and 97.30–5 of this chapter.

(c) The Chief Engineer shall report the renewal of fusible plugs in boilers by letter to the Officer in Charge, Marine Inspection, who issued the certificate of inspection when such fusible plugs are renewed at other than the inspection for certification and there is no marine inspector in attendance at the renewal. See §§ 52.70–40(j)(2) and 67.50–20(c)(2) of this chapter for the content of the letter.

§ 2.20–50 Repairs or alterations in lifesaving or fire prevention equipment.

No repairs or alterations shall be made to any lifesaving or fire-detecting or fire-extinguishing equipment except in an emergency without advance notice to the Officer in Charge, Marine Inspection. See §§ 33.01–20, 34.01–5, 78.33–10, and 97.30–10 of this chapter.

§ 2.20–60 Reports of casualties and accidents.

(a) *General.* Reports of casualties or accidents occurring on or to vessels are required by Title 33, U.S. Code, section 361, or Title 46, U.S. Code, subsection 526*l*(c), and the regulations supplementary thereto in Subparts 35.15, 78.07, 97.07, and 136.05, and § 167.65–65 of this chapter, precedent to an investigation under Title 46, U.S. Code, section 239. A written notice is required from the master, owner, agent, or operator of a vessel to the Officer in Charge, Marine Inspection, at or nearest the port where the casualty or accident occurred as soon as possible after the casualty or accident. A report is required whenever any vessel is involved in a casualty or accident involving loss of life, material loss of property, serious injury to any person, damage affecting the seaworthiness or efficiency of a vessel, stranding or grounding. Whenever a vessel collides with an aid to navigation the officer in charge shall report such collision to the nearest Officer in Charge, Marine Inspection; however, no report on Form CG–2692 is required unless it is a reportable marine casualty for other reasons.

(b) *Personal accidents.* The officer in charge of a vessel reports personal accidents on Form CG–924E (Report of Personal Injury or Loss of Life) whenever there is a loss of life on board a vessel or an accident occurs to passengers, members of the crew, and other persons who may be injured on board a vessel and incapacitated for a period in excess of 72 hours. This Form CG–924E should not be submitted if the accident involves a vessel numbered under the Federal Boating Act of 1958 when the Form CG–3865 (Boating Accident Report) should be submitted. If filed without delay, the Form CG–924E may also provide the notice required by other regulations in this chapter.

(c) *Vessel casualties.* The officer in charge of a vessel reports on Form CG–2692 (Report of Vessel Casualty or Accident) when accidents or casualties involve damage affecting seaworthiness of a vessel, stranding or grounding, or material property damage in excess of $1,500. This Form CG–2692 should not be submitted if the accident involves a vessel numbered under the Federal Boating Act of 1958 when the Form CG–3865 (Boating Accident Report) should be submitted. If filed without delay, the Form CG–2692 may also provide the notice required by other regulations in this chapter. If a vessel casualty occurs which involves loss of life, the officer in charge of a vessel shall submit with complete Form CG–2692 a separate completed Form CG–924E for each person killed or injured.

(d) *Information required.* The written notice, as well as the reports, require a description of the vessel or vessels involved, names of owner and master, location, nature and probable cause of casualty or accident, the nature and extent of injury to persons, and the damage to property. The Forms CG–924E and CG–2692 may be obtained from any local marine inspection office.

(e) *Casualty involving aids to navigation.* The officer in charge of a vessel which collides with a lightship, buoy, or other aid to navigation under the jurisdiction of the Coast Guard, or is connected with any such collision is required to report the casualty or accident to the nearest Officer in Charge, Marine Inspection. See §§ 35.15–1, 78.07–20, 97.07–20, and 136.05–20 of this chapter.

(R.S. 4450, as amended, secs. 13, 17, 54 Stat. 166, as amended, sec. 10, 18 Stat. 126, as amended; 46 U.S.C. 239, 526*l*(c), 526p, 33 U.S.C. 361)

CROSS REFERENCE: For investigations or hearings on marine casualties see Parts 4, 136, and 137 of this chapter.

Subpart 2.45—Waivers of Navigation and Vessel Inspection Laws

AUTHORITY: The provisions of this Subpart 2.45 issued under secs. 1, 2, 64 Stat. 1120; 46 U.S.C., note preceding section 1. Treasury Department Order CGFR 51–1, Jan. 23, 1951, 16 F.R. 731.

§ 2.45–1 Authority for and limitations on issuance.

Compliance with certain of the navigation and vessel inspection laws may be waived by the Commandant under authority of the act of December 27, 1950 (Public Law 50–891, secs. 1, 2, 64 Stat. 1120; 46 U.S.C., note preceding section 1), and the delegation of waiver authority contained in Department of the Treasury Order CGFR 51–1, dated January 23, 1951 (16 F.R. 731), in any case where such waiver is deemed necessary in the interest of national defense.

§ 2.45–5 Policy.

(a) It is the policy of the Coast Guard, in the current administration of the laws and regulations relating to navigation and vessel inspection, to further the interests of national defense by simplifying the procedure involved therein, eliminating all causes of delay in the sailing of vessels, and by bringing about a proper balance between the factors of safety at sea and the national defense. While it is not the policy of the Coast Guard to countenance willful violations of the laws and regulations or negligence in meeting the requirements thereof, neither is it contemplated that masters who exercise all reasonable efforts to comply with the requirements in effect be cited for violations on technical grounds.

§ 2.45–10 Waivers issued.

(a) The waivers having general applicability are published in Part 154 of this chapter, as well as in 33 CFR Part 19.

§ 2.45–15 Specific individual waivers.

(a) Applications for waivers affecting only one vessel in any one order under the provisions of § 154.01 of this chapter are made on Form CG–2633, Application for Waiver Order. The application shall state the name of the vessel, her employment, the requirements of law or regulations, waiver of which is requested, the reasons why waiver is necessary, and shall be signed by the master, owner, or agent of the vessel, or by the representative of any interested Government agency. The application shall be made to the Coast Guard District Commander or to his designated representative at the port or place where the vessel is located. In any port or place of the Canal Zone or in any foreign port or place the application shall be made to the designated representative of the Commandant at such port or place or if the Coast Guard has not established facilities in such port or place to the nearest designated representative of the Commandant at a port or place where such facilities have been established.

(b) If the request is granted, the waiver order will describe the vessel, the requirements of law or regulations waived, the conditions to which the waiver is subject, and the period of time for which the waiver is effective.

§ 2.45–20 General waivers.

(a) Applications for waivers having general applicability should be addressed to the Commandant (M), U.S. Coast Guard, Washington, D.C., 20226.

(b) Only the Commandant is authorized to issue general waivers which affect more than one vessel in one order.

Subpart 2.50—Assessment, Mitigation or Remission of Penalties

AUTHORITY: The provisions of this Subpart 2.50 interpret or apply R.S. 5294, as amended, sec. 26, 23 Stat. 59, as amended; 46 U.S.C. 7, 8.

§ 2.50–1 Delegation of authority.

(a) By virtue of the authority vested in the Secretary of the Treasury by Reorganization Plan No. 26 of 1950 (15 F.R. 4935), and by 14 U.S.C. 631, the Secretary transferred to the Commandant, U.S. Coast Guard, the functions vested in him under the navigation and vessel inspection statutes and amendments thereto (see § 2.50–40), by Treasury Department Order 120, dated July 31, 1950 (15 F.R. 6521), and subsequent Orders 167–14, dated November 26, 1954 (19 F.R. 8026), 167–20, dated June 18, 1956 (21 F.R. 4894), CGFR 56–28, dated July 24, 1956 (21 F.R. 5659), 167–32, dated September 23, 1958 (23 F.R. 7605), 167–33, dated September 23, 1958 (23 F.R. 7592), 167–38, dated October 26, 1959 (24 F.R. 8857), 167–44, dated October 18, 1960 (25 F.R. 10106), 167–45, dated June 16, 1961 (26 F.R. 5585), 167–46, dated November 6, 1961 (26 F.R. 10609), 167–48, dated October 19, 1962 (27 F.R. 10504), 167–58, dated January 29, 1964 (29 F.R. 2314), 167–64, dated December 7, 1964 (29 F.R. 17123), and 167–66, dated September 8, 1965 (30 F.R. 11735).

(b) Pursuant to granted authority from the Secretary, the Commandant may make provision for the performance of assigned functions by subordinates in the Coast Guard. Accordingly, the Commandant hereby authorizes each District Commander in his assigned district to administer certain statutes in accordance with procedures set forth in this subpart. The District Commander may further delegate such authority as he deems proper, not inconsistent with the provisions of this subpart, to his Chief of Staff, Chief, Merchant Marine Safety Division, or Chief, Operations Division, or any or all of them.

§ 2.50–5 Statutes providing for assessment, mitigation or remission of civil penalties.

(a) The general statutes authorizing the Coast Guard to assess, mitigate or remit civil penalties are sections 7 and 8 of Title 46, U.S. Code.

(b) Certain other specific statutes contain authority to assess, mitigate or remit civil penalties. (For examples, see sections 85g, 88g, 369, 457, 526p, and 527e of Title 46, U.S. Code.)

§ 2.50–10 Reports of violations of laws or regulations and instituting civil penalty proceedings generally.

(a) (1) Violations of the navigation and vessel inspection laws and regulations applicable thereto, more fully described in § 2.50–40, administered and enforced by the Coast Guard, are reported by Coast Guard personnel detecting them to the District Commander of the district in which the violations occurred. When practicable, the alleged offender shall be informed of the nature of the apparent violation at the time it is detected by any Coast Guard officer. In all other instances, he shall be so informed upon the completion of any proceeding or investigation which indicates that a violation has occurred. An appropriate form prescribed by the Commandant or a letter will be used to notify the alleged offender of the nature of the violation and to advise him relative to the administrative procedure employed in conducting civil penalty cases. The notification shall advise the alleged offender to reply within 15 days or such longer period as the District Commander may in his discretion allow in order that his statement may be considered by the District Commander. The District Commander is hereby authorized to determine whether there has been a violation of any of the pertinent laws or regulations. In the event of a violation for which a criminal sanction is not deemed to be appropriate, the District Commander shall determine whether to invoke the statutory civil penalty. He may thereafter mitigate or remit an assessed civil penalty upon receipt from the offender of a petition for relief therefrom. If after consideration of the petition for relief, the District Commander decides that no violation occurred, or that the person cited did not commit the violation, the penalty case shall be closed and that person notified of that action. Where no such petition is received, or where an offense has been established and the offender denies that he committed the violation, the District Commander shall take no mitigation or remission action but shall demand payment of the full penalty. Where demand for payment of the penalty is made and the penalty amount is not paid, the District Commander shall refer the case to the United States Attorney for collection. The civil penalty procedure is more fully described in § 2.50–20.

(2) If a report of boarding or an investigation report submitted by a Coast Guard officer or investigative body discloses evidence of violation of a Federal criminal statute, the District Commander in accordance with § 2.50–25 shall refer the findings to the United States Attorney for appropriate action.

(b) (1) The District Commander may by specific order in writing delegate to his Chief of Staff, Chief, Merchant Marine Safety Division, and/or Chief, Operations Division, the authority to determine whether to invoke the statutory civil penalty and, upon receipt from the offender of a petition for relief from a penalty so invoked, whether to mitigate or to remit the penalty, as he may deem proper. The order shall prescribe the types of cases which the designated officer may initiate and process to the same extent permitted the District Commander by this subpart, and those types of cases which that officer may initiate and process to a lesser extent. With respect to the latter category of cases, the District Commander's order shall set forth in detail the limits of the authority delegated to the designated officer.

(2) The term "District Commander", as hereinafter used in this subpart to designate the officer authorized to assess, mitigate or remit penalties, shall also include the terms "Chief of Staff" or "Chief, Merchant Marine Safety Division," or "Chief, Operations Division," as appropriate, if such officer has been delegated authority to perform such functions.

§ 2.50–15 Transfer of civil penalty cases from one District Commander to another.

(a) Ordinarily the District Commander having jurisdiction over the situs of a violation of the navigation or vessel inspection laws will initiate civil penalty proceedings. Having assumed jurisdiction in a given case by initiating an investigation or other proceedings to determine fault, the District Commander may transfer that jurisdiction to another District Commander where convenience or necessity requires: *Provided*, That the rights of the alleged offender are not prejudiced thereby.

(b) The District Commander transferring jurisdiction will forward all records applicable to the case direct to the District Commander assuming jurisdiction.

§ 2.50–20 Civil penalties.

(a) (1) Violations of Title 46, U.S. Code, sections 526 to 526u (Motorboat Act of April 25, 1940, as amended), or Title 46, U.S. Code, sections 527 to 527h (Federal Boating Act of 1958), or implementing regulations in this chapter prescribed under these laws, when observed by Coast Guard law enforcement officers, will be brought to the attention of the alleged offender upon the issuance of Form CG–4100, "Report of Boarding and Notice of Violation."

(2) Violations of other navigation and vessel inspection laws, or regulations prescribed thereunder in this chapter or in 33 CFR Chapter I, will be brought to the attention of the alleged offender by appropriate form prescribed by the Commandant or by letter.

(b) If it is decided that a violation of a navigation or a vessel inspection law has occurred, a determination will be made whether to invoke no penalty at all and close the case, or whether to invoke the full statutory penalty. In the latter event, notice of the decision shall be given to the offender by appropriate form prescribed by the Commandant or by letter. The offender may thereupon petition for relief and the District Commander or his delegatee may mitigate the penalty or remit it in full, except as the latter action is limited by paragraph (f) of this section. When no penalty is invoked or the penalty is remitted, no further action by the offender will be necessary. When the penalty is mitigated, such mitigation will be made conditional upon payment within 15 days of the notice, or within such other longer period of time as the District Commander, in his discretion, may allow.

(c) If a statutory civil penalty for any violation of law or regulation is invoked by the District Commander or his delegatee, the offender will be informed of his right to apply for relief within 15 days, or such longer period as the District Commander, in his discretion, may allow. The offender may, if he desires, appear in person before the District Commander or his designated representative. If the offender does not apply for relief but instead maintains that he is innocent of the violation(s) charged, and the District Commander, upon review, concludes that invocation of the penalty was proper and the offender persists in his position, no remission or mitigation action will be taken. On the other hand, should the offender submit his case to the District Commander on a *nolo contendere* basis, that is, by neither admitting nor denying his innocence, relief may be granted as the circumstances may warrant.

(d) (1) Upon notification to the offender of the decision of the District Commander, or his delegatee, the offender will be given instructions for making an appeal to the Commandant from the actions of the District Commander. Any such appeal shall be submitted to the Commandant through the District Commander within 15 days of the date of notification by the District Commander, or such longer period of time as the District Commander, in his discretion, may allow.

(2) In the event that there is an appeal from the decision of the Chief of Staff, the Chief, Merchant Marine Safety Division, or the Chief, Operations Division, acting under delegated authority, the District Commander shall review the case. Should the District Commander determine that the assessment of the penalty was not warranted, the case shall be closed and notification thereof given to the appellant. Those cases which, upon review by the District Commander, are determined to be properly instituted and administered in accordance with the regulations in this subpart and for which remission of the penalty is not considered justified shall be forwarded to the Commandant with the District Commander's recommendation.

(e) Should the alleged offender require additional time to present matters favorable to his case at any stage of these penalty proceedings, a request for additional time shall be addressed to the District Commander who may grant a reasonable extension of time where proper justification is shown.

(f) Under the following circumstances the District Commander shall forward cases involving violations of the navigation and vessel inspection laws to the United States Attorney with the recommendation that action be taken to collect the full statutory penalty:

(1) When, within the prescribed time, the offender does not explain the violation, appeal for mitigation or remission, or otherwise respond to letters or form inquiries from the District Commander; or,

(2) When, having responded to such inquiries, the offender fails or refuses to pay the statutory or mitigated penalty, or to appeal to the Commandant, within the time prescribed; or,

(3) When the offender denies that the violation(s) was committed by him, the District Commander, upon review, disagrees and the offender thereafter fails to respond to the demand, appeal to the Commandant, or to remit payment of the full penalty within the time prescribed (see § 2.50–10(a)(1)); or,

(4) When the offender fails to pay within the prescribed time the penalty as determined by the Commandant after consideration of the offender's appeal from the action of the District Commander.

§ 2.50–25 Criminal penalties.

(a) Prosecution in the Federal courts for violations of those laws or regulations enforced by the Coast Guard which provide, upon conviction, for punishment by fine or imprisonment is a matter finally determined by the Department of Justice. This final determination consists of deciding whether and under what conditions to prosecute or to abandon prosecution.

(b) Except in those cases where the approval of the Commandant is required, the District Commander is hereby authorized to determine whether or not a violation of a statute carrying a criminal penalty is one which would justify referral of the case to the United States Attorney. The Commandant's approval is required in the following cases where evidence of a criminal offense is disclosed:

(1) Marine casualties or motorboat accidents resulting in death.

(2) Marine Boards (Part 136 of this chapter).

(3) Violations of port security regulations (33 CFR Parts 6, 121 to 126, inclusive).

(c) The District Commander will identify the laws or regulations which were violated and make specific recommendations concerning the proceedings to be instituted by the United States Attorney in every case.

(d) Referral of a case to the United States Attorney for prosecution terminates the Coast Guard's authority with respect to the criminal aspects of a violation.

§ 2.50–30 Civil and criminal penalties.

(a) If a violation of law or regulation carries both a civil and a criminal penalty, the District Commander is hereby authorized to determine whether to initiate civil penalty proceedings, in which case the procedure outlined in § 2.50–20 will be followed, or whether to refer the case to the United States Attorney for prosecution in accordance with § 2.50–25, which outlines the appropriate procedure for handling criminal cases.

(b) When the United States Attorney declines to institute criminal proceedings, the District Commander shall decide whether to initiate civil penalty proceedings or to close the case, whereupon the alleged violator shall be notified regarding that decision.

§ 2.50–35 Procedure for payment of civil penalty for violation of law or regulation.

(a) The payment must be by postal money order or check payable to the order of the U.S. Coast Guard when mailed to the District Commander, attention of the Collection Clerk. If the payment is made in person at the Office of the District Commander, the payment may be in cash or by postal money order or check payable to the order of the U.S. Coast Guard.

(b) The payment of any penalty is acknowledged on Coast Guard Form CG–2688 (Collection Receipt).

(c) If the penalty paid is determined by the Commandant to have been improperly or excessively imposed, and the money has already been covered into the United States Treasury, the payor will be notified and requested to submit an application for a refund on Form CG–1086, "Claim for Navigation Fine Exacted in Excess or in Error," which should be mailed to the appropriate District Commander for transmission to the Commandant. Such application must be made by the payor within one year of the date of payment of the penalty. If the penalty paid is determined by the Commandant to have been improperly or excessively imposed and the money has not been covered into the United States Treasury, the Coast Guard will notify the payor and upon application will refund the penalty or that portion considered to be in excess of the proper amount.

§ 2.50–40 Specific types of violations reported.

(a) *General.* The procedures in this subpart apply to detected violations of navigation and vessel inspection statutes and the regulations issued pursuant thereto which provide for the imposition of civil penalties. These procedures do not apply to penalties set forth in Title 14, U.S. Code.

(b) *Inspection laws.* The vessel inspection laws in Title 46, U.S. Code, and implementing regulations in this chapter (unless otherwise provided in specific statutes) which invoke civil penalties for violations of those laws and regulations are set forth in sections 497 and 498 of Title 46, U.S. Code.

(c) *Numbering of undocumented vessels.* The penalty for violations of the Federal Boating Act and implementing regulations in Parts 170–173 of this chapter is in section 527e of Title 46, U.S. Code.

(d) *Motorboats.* The penalties for violations of the Act of April 25, 1940, as amended (46 U.S.C. 526–526u) and the implementing regulations in subchapter C of this chapter are in section 526o of Title 46, U.S. Code.

(e) *Marine regattas or parades.* The penalty for violating the act of April 28, 1908, as amended, and applicable regulations in 33 CFR Part 100 is in section 457 of Title 46, U.S. Code.

(f) *Reckless or negligent operation.* The civil penalty for violating the reckless and negligent operation provisions of the act of April 25, 1940 (46 U.S.C. 526*l*(a)) and the regulations in this chapter (Part 26) is applicable to the operation of all vessels and is in section 526o of Title 46, U.S. Code.

(g) *Rules of the road.* The penalties for violating applicable rules of the road and implementing regulations in 33 CFR Parts 80 to 96, inclusive, are in sections 158, 159, 244, 354, and 355 of Title 33, U.S. Code.

(h) *Load lines.* The penalties for violations of the Load Line Acts and the implementing regulations in parts 43 to 46 of this chapter are in sections 85g and 88g of Title 46, U.S. Code.

(i) *Great Lakes pilotage.* The civil penalty for violations of the Great Lakes Pilotage Act of 1960 is in section 216e of Title 46, U.S. Code.

(j) *Manning or employment of seamen.* The laws governing shipping of seamen or manning of certain vessels in Title 46, U.S. Code, and implementing regulations in this chapter in specific statutes invoke civil penalties for certain violations of those laws and regulations. (For example, see sections 562, 567, 568, 571, 575, 623, 641, 642, 643, and 672 of Title 46, U.S. Code.)

(k) *Dangerous Cargo Act and regulations.* The penalties for violations of the Dangerous Cargo Act and the implementing regulations in Parts 146 and 147 of this chapter are in subsection (14) of section 170 of Title 46, U.S. Code.

Subpart 2.75—Approvals of Safety Equipment, Materials and Installations, and Qualifications for Construction Personnel

AUTHORITY: The provisions of this Subpart 2.75 interpret or apply R.S. 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 4(e), 67 Stat. 462, sec. 3, 68 Stat. 675, sec. 8, 75 Stat. 403; 46 U.S.C. 481, 489, 367, 526p, 1333, 390b, 43 U.S.C. 1333(e), 50 U.S.C. 198, 33 U.S.C. 1007, Treasury Department Orders 167–14, November 26, 1954, 19 F.R. 8026; 167–15, January 3, 1955, 20 F.R. 840; 167–20, June 18, 1956, 21 F.R. 4894; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–38, October 26, 1959, 24 F.R. 8857; 167–46, November 6, 1961, 26 F.R. 10609. Additional authority is cited in parentheses following the sections affected.

§ 2.75–1 Approvals.

(a) Certain navigation and vessel inspection laws, or regulations in this chapter or in 33 CFR Chapter I, require the Commandant's approval before specific types of safety equipment, materials, or installations may be installed or used on vessels subject to Coast Guard inspection, or on other described vessels, motorboats, artificial islands, and fixed structures.

(b) The Commandant's approvals are issued to persons, partnerships, companies, or corporations who offer for sale specific items of safety equipment, materials, or installations, or intend them for their own or others' use. These approvals are intended to provide a control over the quality of such approved items. The Commandant's approvals apply only to those items constructed or installed in accordance with applicable requirements, and the details as described in the documents granting specific approval. If a specific item when manufactured does not comply with these details, then it is not considered to be approved and the approval issued does not apply to such modified item. For example, if an item is manufactured with changes in design or material not previously approved, the approval does not apply to such modified item. The failure to comply with applicable requirements and details specified in the approval subjects the holder to immediate suspension of approval as described in § 2.75–40, and if necessary, to a public hearing seeking withdrawal of approval and removal of all such items from use or installation as provided in § 2.75–50.

(c) The Commandant's approvals are issued to qualified holders in the form of certificates of approval (Form CGHQ–10030), by appropriate description and identification in documents filed with the Office of the Federal Register and published in the FEDERAL REGISTER, or by letters, or by appropriate markings on drawings, plans, etc. Under the direction of the Commandant and the Chief, Office Merchant Marine Safety, the Chief, Merchant Marine Technical Division, is hereby delegated the authority to exercise the necessary actions relating to the granting, suspension, cancellation or revocation of approvals for specific items of safety equipment, materials, or installations required by law or regulation in this Chapter or in 33 CFR Chapter I to have the Commandant's approval. The authority hereby delegated to the Chief, Merchant Marine Technical Division, may be further delegated by him in the case of suspensions.

(d) The approvals granted to holders qualifying under the regulations in this chapter or in specifications, copies of which may be obtained from the Commandant (MMT), and to which official Coast Guard numbers are assigned, will be in the form of certificates of approval. Unless specifically provided otherwise, the approval shall be valid for a period of five years from the date on the certificate of approval, but subject to suspension and/or cancellation if it is found the item offered, sold, or used as Coast Guard approved differs in any detail from the item as described in the certificate of approval and referenced material.

(e) A specific Commandant's approval granted to anyone, which is described in a certificate of approval, or a letter, or marked plans, etc., cannot be transferred to another without a specific prior authorization from the Commandant. Such a transfer without the Commandant's authorization normally terminates such approval.

(f) From time to time, appropriate notices of actions taken regarding approvals will be published in the FEDERAL REGISTER. For the information of users of approved items, a listing by names of holders of current approvals by specific items is published in a Coast Guard pamphlet CG–190, Equipment Lists.

§ 2.75–5 Certificates of approval.

(a) The Chief, Merchant Marine Technical Division, will issue a certificate of approval to the manufacturer or party named therein and certify that such manufacturer or party has submitted satisfactory evidence that the item described therein complies with the applicable laws and regulations, which are outlined on the reverse side of the certificate.

(b) The approval shall be in effect for a period of five years from the date on the certificate of approval unless sooner canceled or suspended by proper authority, or otherwise specifically stated in the certificate.

§ 2.75–10 Procedures for obtaining approvals.

(a) The procedural requirements for obtaining approvals of items covered by specifications and bearing official Coast Guard approval numbers are set forth in Parts 160 to 164, inclusive, of this chapter. For other items the procedural requirements are usually those described in the regulations governing such items.

(b) Applications for approvals are usually in letter form and should be addressed to the Commandant (MMT), United States Coast Guard, Washington, D.C., 20226. Correspondence pertaining to a particular item required to be approved should be mailed to the Commander of the Coast Guard district in which the manufacturer's plant or factory is located. When plans, drawings, test data, etc., are required to be submitted by the manufacturer, it is desired that the application identify the material being transmitted with the application.

§ 2.75–15 Requirements and tests.

(a) Approved items described in certificates of approval are usually required to meet specific requirements and/or tests, prior to obtaining the approval. Additional factory tests to determine that proper uniformity and quality controls are followed during the manufacture of the specific items may be required. These requirements governing the manufacturer in particular are set forth in the regulations in this chapter or in specifications, copies of which may be obtained from the Commandant (MMT). If the requirements are met, a certificate of approval will be issued.

(b) When the specific item described in an application, together with accompanying drawings, plans, etc., does not meet applicable requirements or fails to meet specified tests, the applicant will be notified accordingly. The Coast Guard may suggest changes in order for the item to qualify and permit the issuance of an approval.

(c) For items not covered by specification requirements in Parts 160 to 164, inclusive (Subchapter Q—Specifications) of this chapter, the requirements in the navigation and vessel inspection laws, and applicable regulations in this chapter or in 33 CFR Chapter I apply and shall be met before approvals may be issued.

§ 2.75–20 Affidavits or certifications.

(a) In the manufacture of certain items of equipment, appliances, etc., or in their installation, affidavits or certifications are required to be submitted to the Coast Guard stating that materials and/or construction used with respect thereto will comply with the applicable navigation and vessel inspection laws and regulations in this chapter or in 33 CFR Chapter I.

(b) For requirements regarding marine engineering materials or appliances, see Subpart 61.45 of Subchapter F (Marine Engineering) of this chapter.

§ 2.75–25 Portable fire extinguishers.

(a) The portable fire extinguishers listed and labeled as "marine type" by a recognized laboratory, as provided in Subpart 162.028 of Part 162 of Subchapter Q (Specifications) of this chapter, will be accepted as approved for use on merchant vessels, motorboats, etc., whenever required by the regulations in this chapter, and for use on artificial islands and fixed structures on the Outer Continental Shelf whenever required by the regulations in 33 CFR Parts 140 to 146, inclusive.

(b) The procedures for manufacturers to follow and the requirements governing portable fire extinguishers to qualify being listed and labeled as "marine type" by a recognized laboratory are set forth in Subpart 162.028 of Part 162 of Subchapter Q (Specifications) of this chapter.

(c) The procedures for a laboratory to qualify as a "recognized laboratory" and to be listed in § 162.028–5 of Subchapter Q (Specifications) of this chapter are as follows:

(1) The laboratory shall submit an informal application in writing on its usual letterhead paper to the Commandant (MMT), United States Coast Guard, Washington, D.C., 20226, requesting recognition and listing, as a recognized laboratory.

(2) Accompanying the informal application, as identified enclosures, shall be:

(i) A certification that it is a laboratory which has been and is regularly engaged in the examination, testing, and evaluation of portable fire extinguishers.

(ii) A certification that it has an established factory inspection, listing, and labeling program, together with a complete description of it and how it works.

(iii) A description of its facilities used in the examination, testing, and evaluation of portable fire extinguishers, together with its name (if different from that of submitter), and location (city, street, and state).

(iv) A list of the names and home and office addresses of its principal officers and its managing directors (if any).

(v) A description of its special standards for listing and labeling portable fire extinguishers as "marine type," as contemplated by the specification in Subpart 162.028 of Part 162 of Subchapter Q (Specifications) of this chapter.

(3) If the Commandant finds that a laboratory qualifies as a "recognized laboratory," and it is subject to Coast Guard jurisdiction, the approval and listing will be published in the FEDERAL REGISTER and will be in effect until suspended, canceled or terminated by proper authority. The failure of a recognized laboratory to maintain its established factory inspection, listing and labeling program as approved by the Commandant shall be cause for terminating a listing as a "recognized laboratory."

(Interpret or apply R.S. 4417a, as amended, 4426, as amended, sec. 1, 2, 49 Stat. 1545, as amended, sec. 8, 54 Stat. 165, as amended; 46 U.S.C. 391a, 404, 526g)

§ 2.75–30 Special purpose water safety buoyant devices.

(a) The special purpose water safety buoyant devices listed and bearing the combination "Laboratory/USCG" labels issued by a recognized laboratory, as provided in Subpart 160.064 of Part 160 of Subchapter Q (Specifications) of this chapter, will be accepted as approved for the designated use on all motorboats and small passenger vessels, and for general use on motorboats of Classes A, 1, or 2 not carrying passengers for hire, whenever so provided by the regulations in this chapter.

(b) The procedures for manufacturers to follow and the requirements governing special purpose water safety buoyant devices to qualify for being listed and labeled with the combination "Laboratory/USCG" labels are set forth in Subpart 160.064 of Part 160 of Subchapter Q (Specifications) of this chapter.

(c) The procedures for a laboratory to qualify as a "recognized laboratory" and to be listed in § 160.064–5 of Subchapter Q (Specifications) of this chapter are as follows:

(1) The laboratory shall submit an informal application in writing on its usual letterhead paper to the Commandant (MMT), United States Coast Guard, Washington, D.C., 20226, requesting recognition and listing as a recognized laboratory.

(2) Accompanying the informal application, as identified enclosures, shall be:

(i) A certification that it has been exempted from federal income tax under section 501(c)(3) of the Internal Revenue Code of 1954 as an organization organized and operated exclusively for testing for public safety.

(ii) A certification that it has an established factory inspection, listing, and labeling program together with a complete description of it and how it works.

(iii) A description of the facilities used in the examination, testing, and evaluation of special purpose water safety buoyant devices, together with the name of the facilities (if different from that of the submitter), and location (city, street, and state).

(iv) A list of names and home and office addresses of its principal officers, and the managing directors (if any).

(v) Copies of its special standards for listing and labeling special purpose water safety buoyant devices using the combination "Laboratory/USCG" label, as contemplated by 46 CFR Subpart 160.064 of Part 160 of Subchapter Q (Specifications) of this chapter.

(3) If the Commandant finds that a laboratory qualifies as a "recognized laboratory", and it is subject to Coast Guard jurisdiction, the approval and list-

ing will be published in the FEDERAL REGISTER and will be in effect until suspended, canceled or terminated by proper authority. The failure of a recognized laboratory to maintain its established factory inspection, listing and labeling program as approved by the Commandant shall be cause for terminating a listing as a "recognized laboratory".

(R.S. 4426, as amended, sec. 6, 54 Stat. 164, as amended; 46 U.S.C. 404, 526e)

§ 2.75–40 Suspension of approval.

(a) Whenever it is determined that a specific item is not in compliance with the applicable laws, rules, and regulations, and the requirements specified in the approval issued by the Coast Guard, the District Commander or the Officer in Charge, Marine Inspection, will immediately notify the holder of the approval wherein the specific item fails to meet applicable requirements. If the defects, deficiencies or variations in the item are deemed important, such officer is authorized and may immediately suspend the approval, may require the holder to surrender the certificate of approval (if any), and may direct the holder to cease claiming the defective items are Coast Guard approved, pending a final decision from the Commandant in the matter.

(b) The procedures for appealing the temporary suspension shall be those described in § 2.01–70.

§ 2.75–50 Withdrawals or terminations of approvals.

(a) Approvals may be withdrawn if items are found not to be in compliance with the conditions of approval or if necessary by reason of changes in regulations. Notice will be given to the manufacturer who is given an opportunity to present his case at a public hearing of the Merchant Marine Council. (See 33 CFR 1.05–1, 1.05–10).

(b) Approvals of equipment are terminated when the manufacturer is no longer in business, or when the item is no longer being manufactured, or when the approval expires.

§ 2.75–60 Certification of ship's stores and supplies.

(a) Ship's stores and supplies of a dangerous nature, as defined in §§ 147.02–1 and 147.02–2 of Subchapter N (Dangerous Cargoes) of this chapter, shall not be used on board vessels, domestic or foreign, on the navigable waters of the United States, including its territories and possessions (see 33 CFR Part 2), unless they have been certified for such use by the Coast Guard.

(b) The procedure for obtaining certification of ship's stores and supplies are in §§ 147.03–1 to 147.03–10, inclusive, of Subchapter N (Dangerous Cargoes) of this chapter.

(c) The ship's stores and supplies of a dangerous nature which do not require a certification are described in §§ 147.03–1 and 147.03–11 of Subchapter N (Dangerous Cargoes) of this chapter.

(R.S. 4472, as amended; 46 U.S.C. 170)

§ 2.75–70 Welders.

(a) Welders are required to pass tests before being permitted to make welds subject to inspection by the Coast Guard. Description of the tests is contained in Part 56 of this chapter.

(R.S. 4417, as amended, 4418, as amended, 4429, as amended; 46 U.S.C. 391a, 392, 407)

Subpart 2.85—Load Lines

§ 2.85–1 Assignment of load lines.

(a) Vessels listed in 46 U.S.C. 85, 88, and 88a are required by those laws to have load lines assigned.

(b) The procedures for the assignment of load lines, the issuance of Load Line Certificates, the annual inspections required, the causes for cancellation of certificates, and the forms of those certificates are contained in Parts 43–45 of Subchapter E (Load Lines) of this chapter.

(Sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended; 46 U.S.C. 85a, 88a)

Subpart 2.90—Plans, Drawings or Blueprints

§ 2.90–1 General requirements.

(a) Drawings, blueprints or plans showing the details of construction of vessels subject to inspection or installations thereon are required to be submitted for approval in accordance with applicable regulations in this chapter, information as to which may be obtained at any local Marine Inspection Office.

(b) The requirements for passenger vessel construction are in Parts 43–46, 70–78, of this chapter.

(c) The requirements for tank vessel construction are in Parts 30–39, 43–45, of this chapter.

(d) The requirements for cargo and miscellaneous vessel construction are in Parts 43–45, 90–97, of this chapter.

(e) The requirements for marine engineering installations or equipment are in Parts 50–69 of this chapter.

(f) The requirements for electrical engineering installations or equipment are in Parts 110–113 of this chapter.

(g) The requirements for items to be manufactured under specific approval by the Commandant are in Parts 160–164 of this chapter.

(Interpret or apply sec. 3, 68 Stat. 675; 50 U.S.C. 198. E.O. 11239, 30 F.R. 9671; 3 CFR 1965 Supp.)

Subpart 2.95—Retention of Records by the Public

AUTHORITY: The provisions of this Subpart 2.95 also interpret or apply sec. 4, 67 Stat. 462, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 43 U.S.C. 1333(e), 46 U.S.C. 390b, 50 U.S.C. 198. Treasury Department Orders 167–14, Nov. 26, 1954, 19 F.R. 8026; 167–15, Jan. 3, 1955, 20 F.R. 840; 167–20, June 18, 1956, 21 F.R. 4894.

§ 2.95–1 Certificates or documents issued by Coast Guard.

(a) Certificates or documents issued to the public, as required by laws, rules, or regulations, shall be retained for the applicable period of time, as follows:

(1) If the certificate or document specifies a definite period of time for which it is valid, it shall be retained for so long as it is valid unless it is required to be surrendered; or,

(2) If the certificate or document does not specify a definite period of time for which it is valid, it shall be retained for that period of time such certificate or document is required for operation of the vessel; or,

(3) If the certificate or document is evidence of a person's qualifications, it shall be retained for so long as it is valid unless it is required to be surrendered.

(b) Nothing in this section shall be construed as preventing the Coast Guard from canceling, suspending, or withdrawing any certificate or document issued at any time.

§ 2.95–5 Certificates or documents issued by others.

(a) Certificates or documents issued by other public agencies or private organizations, which are accepted as prima facie evidence of compliance with requirements administered by the Coast Guard, shall be retained for the applicable period of time as follows:

(1) If the certificate or document specifies a definite period of time for which it is valid, it shall be retained for so long as it is valid unless it is required to be surrendered; or,

(2) If the certificate or document does not specify a definite period of time for which it is valid, it shall be retained for the period of time such certificate or document is required for operation of the vessel; or,

(3) If the certificate or document is evidence of a person's qualifications, it shall be retained for so long as it is valid unless it is required to be surrendered.

§ 2.95–10 Equipment or material required to be approved.

(a) The manufacturer of any equipment or material, which must also be approved by or found satisfactory for use by the Commandant, shall keep the required drawings, plans, blueprints, specifications, production models (if any), qualification tests, and related correspondence containing evidence that the Coast Guard has found such equipment or material satisfactory, during the period of time the approval or listing is valid. (Most of the specifications containing detailed descriptions of records required to be retained by the public are in Parts 160 to 164, inclusive in Subchapter Q (Specifications) of this chapter.

PART 3—MERCHANT MARINE PERSONNEL

Subpart 3.01—Licenses and Documents

Sec.
3.01–1 Applications for licenses or documents.
3.01–75 Appeals.

Subpart 3.10—Disclosure of Information Regarding Shipment and Discharge of Merchant Mariners

3.10–1 General.
3.10–5 Applications.

Sec.
3.10–10 Designation of representatives.
3.10–15 Shipping articles.
3.10–20 Copies of shipping articles.
3.10–25 Official logbooks.
3.10–30 Copies of logbook entries.
3.10–35 Costs.

Subpart 3.13—Shipment and Discharge of Seamen

3.13–1 Signing-on and discharging seamen.
3.13–10 Shipping articles.
3.13–15 Forecastle card.
3.13–30 Allotments.
3.13–35 Logbooks.
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3.13–50 Service record.

Subpart 3.15—Arbitration by Shipping Commissioners

3.15–1 Arbitration.
3.15–5 Mutual releases.

Subpart 3.19—Effects of Deceased or Deserting Seamen

3.19–1 Accounts of wages and effects.
3.19–5 Kinsman's petition.

CROSS REFERENCE: For Coast Guard jurisdiction, see 33 CFR Part 1.

Subpart 3.01—Licenses and Documents

AUTHORITY: The provisions of this Subpart 3.01 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply sec. 7, 49 Stat. 1936, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 689, 390b, 50 U.S.C. 198. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, Nov. 26, 1954, 19 F.R. 8026; 167–20 June 18, 1956, 21 F.R. 4894.

§ 3.01–1 Applications for licenses or documents.

Applications for licenses, extension of routes, or documents required for officers or seamen by 46 U.S.C. 214, 224, 226, 228, 229, 229b, 230–237, 243, 367, 391a, 404, 405, 526f, 1333, 672, 643, 481, or 50 U.S.C. 198 and the regulations in Parts 10 and 12 of this chapter as a prerequisite for employment shall be made on one of the following Coast Guard forms which are obtainable from the Officer in Charge, Marine Inspection, at any local marine inspection office: CG 866, License application; CG–719, Seaman's certificate application. The procedures for obtaining the licenses or documents, renewals, if necessary, or duplicates, if lost; the qualifications; and examinations necessary, are all set forth in Parts 10 and 12 of this chapter, together with Coast Guard numbers and titles of forms used, obtainable from any marine inspection office.

§ 3.01–75 Appeals.

(a) *General.* Any person aggrieved by any decision or action of the Officer in Charge, Marine Inspection, may appeal therefrom to the Coast Guard District Commander of the district in which the action or decision was made. A further appeal may be made to the Commandant, U.S. Coast Guard, from the decision of the District Commander.

(b) *Time limits.* (1) Appeals from decisions of the Inspectors or the Officer in Charge, Marine Inspection, to the Coast Guard District Commander, shall be made in writing within 30 days after the decisions or actions appealed from shall have been rendered or taken. Such appeals shall set forth the requirements appealed from and the reasons why the decision or action should be set aside or revised.

(2) Appeals from the decisions of the Coast Guard District Commander to the Commandant shall be made in writing within 30 days after the decisions appealed from shall have been rendered.

(c) *Decision on appeals.* Pending the determination of the appeal, the decision of the Officer in Charge, Marine Inspection, shall remain in effect. The decision of the Commandant is final.

Subpart 3.10—Disclosure of Information Regarding Shipment and Discharge of Merchant Mariners

AUTHORITY: The provisions of this Subpart 3.10 issued under R.S. 4405, as amended, 4462, as amended, sec. 7, 49 Stat. 1936, as amended; 46 U.S.C. 375, 416, 689. Interpret or apply R.S. 4448, as amended, 4551, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 3, 70 Stat. 152, sec. 3, 60 Stat. 238, sec. 3, 68 Stat. 675; 46 U.S.C. 234, 643, 367, 390b, 5 U.S.C. 1002, 50 U.S.C. 198. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, Nov. 26, 1954, 19 F.R. 8026; 167–20, June 18, 1956, 21 F.R. 4894.

§ 3.10–1 General.

(a) Upon oral or written inquiry to the Coast Guard, information will be released as to the dates and ports of the commencement and termination of all voyages by merchant vessels for which shipping articles are signed before shipping commissioners. The inquiry should be addressed to the Officer in Charge, Marine Inspection, who has custody over such records.

(b) Other information contained in shipping articles or logbooks covering voyages of merchant vessels which are required to be kept by the Coast Guard will be released only to the extent and under the conditions provided in this subpart.

§ 3.10–5 Applications.

(a) *Form.* The applications for access to and release of information may be made orally except when the regulations in this subpart require a written application for such record. When a written application is required the application should be addressed to the Officer in Charge, Marine Inspection, or to the person designated as having authority to grant access to or release of information from such records. The written application shall be executed by the parties desiring the information or by any person designated to represent such party as described in § 3.10–10.

(b) *Contents.* The application shall:

(1) Clearly state or describe the information desired;

(2) Identify the applicant, and if the applicant is a representative of another, specify the nature of the representation and attach proof of designation when required;

(3) Set forth the interest of the applicant in the subject matter;

(4) The purpose for which the information is desired; and

(5) Whether or not the information or record sought is intended for use in prosecuting a claim against the United States.

§ 3.10–10 Designation of representatives.

(a) In any case when access to or release of information from any record is permitted to any party by this subpart, the permission shall extend, when such party is deceased or incompetent, to an executor, administrator, heir, guardian, trustee, or legal representative of such party: *Provided,* That the relationship is established by production of satisfactory documentary evidence.

(b) When access to or release of information from any record is sought by one acting as agent or attorney on behalf of any party recognized by regulations in this chapter, the representation as agent or attorney shall be established by the filing with the Officer in Charge, Marine Inspection, documentary proof of such representation. This proof may be in one of the following forms:

(1) A statement of authority in the handwriting of and signed by the party represented; or,

(2) A notarized statement of authority signed by the party represented; or,

(3) A copy of a contract of retainer signed by the party represented.

(c) This authorization shall contain a statement of the specific matters in in which representation is authorized.

§ 3.10–15 Shipping articles.

(a) Upon oral or written inquiry, access to and release of information from shipping articles may be had by:

(1) The master, owner, charterer, or operator, or an agent of the owner, charterer, or operator, of the vessel for voyage(s) covered by the shipping articles.

(2) Any officer of the United States Government acting in the course of his official duty.

(3) Any officer of a State, Territory, or Possession, or any political subdivision thereof, or the District of Columbia, acting in the course of his official duty.

(b) Upon oral or written inquiry, access to and release of information with respect to general provisions in the shipping articles and specific entries therein pertaining to a crewmember may be had by such crewmember for voyage(s) covered by the shipping articles.

(c) In any case of personal injury, illness, or death of any member of the crew, a crewmember or his authorized representative, upon written application, may examine the shipping articles and may make excerpts of such entries therein pertaining to such party. In addition, when the written application identifies certain crewmembers who may have personal knowledge of such injury, illness, or death by names, nicknames, or ratings, excerpts may be made with respect to their names and addresses, "Z" or "BK" numbers, ratings, and names and addresses of their next of kin.

§ 3.10–20 Copies of shipping articles.

(a) For any party allowed to have access to and release of information from shipping articles by § 3.10–15(a), certified copies may be furnished upon request.

(b) For any party allowed to make excerpts from shipping articles by § 3.10–15 (b), certified copies of such excerpts may be furnished upon request.

§ 3.10–25 Official logbooks.

(a) Upon oral or written inquiry, access to and release of information from official logbooks may be had by:

(1) The master, owner, charterer, or operator, or an agent of the owner, charterer, or operator, of the vessel for the voyage(s) covered by the official logbook.

(2) Any officer of the United States Government acting in the course of his official duty.

(3) Any officer of a State, territory, or possession, or any political subdivision thereof, or the District of Columbia, acting in the course of his official duty.

(b) Upon written application, the examination of official logbooks may be permitted to the following:

(1) Any member of the crew for voyage(s) covered by the official logbook.

(2) Any passenger transported or any owner of cargo shipped on voyage(s) covered by the official logbook.

(3) Any underwriter of the vessel or its cargo for voyage(s) covered by the official logbook.

(4) Any representative of any party described in this paragraph when authorized in accordance with § 3.10–10.

(c) Excerpts may be made by parties described in paragraph (b) of this section of such entries in the official logbook which pertain to the party making the application. In addition, when the application states in general terms the information desired, excerpts may be made of these entries in the official logbook which are demonstrated to the custodian as being relevant and material to the interest of the party as stated in the application.

§ 3.10–30 Copies of logbook entries.

(a) For any party allowed to have access to and release of information or to make excerpts of certain entries from official logbooks by § 3.10–25, certified copies of such entries may be furnished upon request.

§ 3.10–35 Costs.

The access to and release of information, as authorized in this subpart, shall be subject to the payment of costs. (See 33 CFR 1.25)

Subpart 3.13—Shipment and Discharge of Seamen

AUTHORITY: The provisions of this Subpart 3.13 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply sec. 7, 49 Stat. 1936, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 689, 50 U.S.C. 198. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, Nov. 26, 1954, 19 F.R. 8026.

§ 3.13–1 Signing-on and discharging seamen.

The master of any merchant vessel of 75 tons or upward, engaged in the intercoastal trade or of any vessel bound from a port in the United States to any foreign port, other than vessels engaged in trade between the United States and the British North American possessions or the West Indies, or the Republic of Mexico, is required to enter into an agreement with each member of the crew who shall be discharged under the agreement and receive wages in the presence of a shipping commissioner in accordance with 46 U.S.C. 564. Where the complete crew has been signed on in the presence of a shipping commissioner and the later shipment of other seamen becomes necessary because of desertion or casualty, the master may sign on such replacements without the presence of a shipping commissioner but he is required to report the transaction immediately upon arrival at first port of call to the United States consul at or nearest such port, or in the Panama Canal Zone to the shipping commissioners or deputy shipping commissioners there. Shipping commissioners may, at the request of the master or owner of a vessel, ship and discharge all or part of the crew of a vessel engaged in the coastwise trade, or trade between the United States and the Dominion of Canada, or Newfoundland, or the West Indies, or Mexico, in accordance with 46 U. S. C. 646.

§ 3.13–10 Shipping articles.

For the signing-on and discharging of seamen in accordance with 46 U.S.C. 564, 565, 566, and 713, and the regulations in Part 14 of this chapter, the shipping commissioners furnish Forms CG–705, CG–705A, and CG–705B, Shipping articles, same except for size, to record the agreement entered into between the master and crew of a vessel. Copies of these forms are obtainable upon request from shipping commissioners or Officers in Charge, Marine Inspection, at marine inspection offices, U.S. Coast Guard. It is the duty of shipping commisioners to see that each officer signing on is in possession of a continuous discharge book, certificate of identification, or United States merchant mariner's document, and a license; and that each signing on in an unlicensed capacity is in possession of a continuous discharge book or a certificate of identification and a certificate of service or certificate of efficiency or a United States merchant mariner's document representing such certificates. The shipping articles are prepared in quadruplicate, original and duplicate retained by the master pending completion of voyage, the triplicate retained by shipping commissioner, and quadruplicate forwarded to Commandant, U. S. Coast Guard. After the members of the crew are signed on the shipping commissioner prepares Form CG–708, Shipping of Seamen, certifying that the crew members knew and willingly signed the shipping articles, which is attached to the shipping articles. When the voyage or period of time covered by the shipping articles is completed, the members of the crew are discharged and the wages paid in the presence of the shipping commissioner, if required by law, and proper entries made in the shipping articles.

§ 3.13–15 Forecastle card.

At the commencement of every voyage or engagement the master is required to post certain excerpts from the shipping articles in such part of the vessel as to be accessible to the crew in accordance with 46 U. S. C. 577. The Forecastle Card, Form CG–704, is obtainable from shipping commissioners or Officer in Charge, Marine Inspection, U. S. Coast Guard.

§ 3.13–30 Allotments.

A merchant mariner desiring to make an allotment of his wages, in accordance with the regulations in Part 15 of this chapter, fills out Form CG–722, Seaman's Allotment Note, furnished by the shipping commissioner at the time he signs the shipping articles, or copies may be obtained upon request from shipping commissioners in the United States ports, or from United States consular officers in foreign ports. If the allotment complies with the law, it is approved. No appeals are permitted.

§ 3.13–35 Logbooks.

Every vessel of 75 tons or upward, engaged in the intercoastal trade, or any vessel bound from a port in the United States to any foreign port, other than in the British North American possessions, shall have an official logbook and every master of such vessel shall make or have entries made therein regarding matters required by 46 U.S.C. 201, 202, 203, 701, 702, and 85. One or more copies of the official logbook, Coast Guard Form CG–706–B or 706–C, depending upon the number of persons employed as crew, is furnished the master of a vessel at the time the crew is signed on before a shipping commissioner; or copies of the official logbook are obtainable upon request from the Officer in Charge, Marine Inspection. After the official logbooks have served their purpose they are filed with the shipping commissioner or Officer in Charge, Marine Inspection.

§ 3.13–40 Discharges.

When a master of a vessel in accordance with Part 14 of this chapter discharges a merchant seaman and makes entries in the seaman's continuous discharge book, he will fill out Form CG–718E, Record of Entry in Continuous Discharge Book, which is forwarded to the Commandant, United States Coast Guard. The Form CG–718E is obtainable from shipping commissioners, collectors of customs and deputy collectors of customs acting as shipping commissioners or Officers in Charge, Marine Inspection. When a seaman holds a certificate of identification, a certificate of discharge, Form CG–718A, is issued and approved by a shipping commissioner or master as evidence of service performed. This form may be obtained upon request from shipping commissioners, collectors of customs or deputy collectors of customs acting as shipping commissioners or Officers in Charge, Marine Inspection.

§ 3.13–45 Seamen not shipped or discharged before shipping commissioners.

Masters of certain vessels are required to report on ship personnel not shipped or discharged before a shipping commissioner. The Form CG–735 (T) has been prepared and must be used by the masters in accordance with Part 14 of this chapter. The form may be obtained upon request from shipping commissioners, collectors or deputy collectors of customs acting as shipping commissioners, or Officers in Charge, Marine Inspection. When voyage is completed, it must be delivered to nearest marine inspection office for transmission to Headquarters.

§ 3.13–50 Service record.

A merchant mariner upon discharge in accordance with the requirements of Part 14 of this chapter has recorded in his continuous discharge book entries regarding his service. When the merchant mariner requests in person or writing for a record of sea service shown in a surrendered continuous discharge book, the Officer in Charge, Marine Inspection, or other issuing officer will prepare in duplicate Form CG–723, Certificate of Seamen's Service, and will deliver the original to the seaman and send the duplicate to Commandant, U.S. Coast Guard.

Subpart 3.15—Arbitration by Shipping Commissioners

AUTHORITY: The provisions of this Subpart 3.15 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply sec. 7, 49 Stat. 1936, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 689, 50 U.S.C. 198. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, Nov. 26, 1954, 19 F.R. 8026.

§ 3.15–1 Arbitration.

The Form CG–717, Agreement as to Arbitration, is used by seamen, master, consignees, agents or owners of vessels in submitting matters to shipping commissioners. This form is obtainable from shipping commissioners or collectors of customs or deputy collectors of customs acting as shipping commissioners. One copy of the form is made and this copy is retained by the shipping commissioner who acts on the matters submitted and his decision is final. No appeals are allowed.

§ 3.15–5 Mutual releases.

The Form CG–713A, Mutual Release, is used by masters and seamen to effect settlement of claims for wages in cases of seamen signed off prior to completion of a voyage. This form may be obtained from shipping commissioners or collectors of customs or deputy collectors of customs acting as shipping commissioners. One copy is prepared and retained by the shipping commissioner who acts on the matters involved and his decision is final. A certificate of mutual release, Form CG–739, is prepared by the shipping commissioner or person acting as shipping commissioner, signed by the seaman when given to him by the shipping commissioner, and is used by the seaman not present at sign-off of vessel's crew as evidence that he has signed a mutual release. This form is prepared in duplicate from information in shipping articles and official logbook.

Subpart 3.19—Effects of Deceased or Deserting Seamen

AUTHORITY: The provisions of this Subpart 3.19 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply sec. 7, 49 Stat. 1936, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 689, 50 U.S.C. 198. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, Nov. 26, 1954, 19 F.R. 8026.

§ 3.19–1 Accounts of wages and effects.

The masters of certain United States vessels in the cases of deceased or deserting seamen have to prepare Form CG–1517, Account of Wages and Effects of Deceased or Deserting Seamen, for use in disposition of the wages and effects of such seamen. The forms may be obtained upon request from shipping commissioners, collectors or deputy collectors of customs acting as shipping commissioners, or Officers in Charge, Marine Inspection. Four copies are prepared and submitted to the shipping commissioner for transmission to the District Court. The shipping commissioner upon examination of information on the form, may approve or disapprove the account after reviewing the vessel's official logbook. No appeal is permitted. The seamen's next of kin is informed of the action taken.

§ 3.19–5 Kinsman's petition.

The next of kin of a deceased seaman has to petition the District Court of the United States for the wages and effects of the deceased seaman on Form CG–726, Kinsman's petition for wages and effects of deceased seaman. This form may be obtained upon request from shipping commissioners, collectors or deputy collectors of customs acting as shipping commissioners, or Officers in Charge, Marine Inspection. One copy of the form is presented by the next of kin to the United States District Court who acts upon the petition and either approves or disapproves the petition.

PART 4—INVESTIGATIONS AND HEARINGS

Subpart 4.01—Casualties and Accidents

Sec.
4.01–1 Reports.
4.01–5 Investigation.

AUTHORITY: The provisions of this Part 4 issued under secs. 2, 633, 63 Stat. 496, 545; 14 U.S.C. 2, 633. Interpret or apply R.S. 4450, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 239, 50 U.S.C. 198. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, Nov. 26, 1954, 19 F.R. 8026; 167–17, June 29, 1955, 20 F.R. 4976.

CROSS REFERENCE: For Coast Guard Jurisdiction, see 33 CFR Part 1.

§ 4.01–1 Reports.

(a) Regulations regarding reports of marine casualties and accidents are in Part 136 of this chapter.

(b) Regulations regarding reports of boating accidents under the Federal Boating Act of 1958 are in Part 173 of this chapter.

§ 4.01–5 Investigation.

(a) Regulations for casualty and accident investigation procedures are contained in Part 136 of this chapter.

SUBCHAPTER B—MERCHANT MARINE OFFICERS AND SEAMEN

PART 10—LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

Subpart 10.01—General

Sec.
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AUTHORITY: The provisions of this Part 10 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Treasury Department Order 120, July 31, 1950, 15 F.R. 6521, unless otherwise noted.

Subpart 10.01—General

§ 10.01–1 Purpose of regulations.

(a) The purpose of the regulations in this part is to provide a comprehensive and adequate means of determining the qualifications an applicant must possess in order to be eligible for a license as deck or engineer or radio officer on merchant vessels, or a license to operate motorboats or for a certificate of registry as staff officer.

§ 10.01–5 Authority for regulations.

(a) *General.* The authority to prescribe regulations generally is set forth in Title 46, U.S. Code, sections 375 and 416, as well as in certain other provisions in Title 46, U.S. Code, sections 170, 214, 215, 222, 224, 224a, 226, 228, 229, 230–234, 239, 240, 361, 362, 364, 372, 381, 391, 391a, 392, 393, 399, 400, 402–414, 435, 436, 451–453, 460, 461, 462, 464, 467, 470–482, and 489–498, and acts amendatory thereof or supplemental thereto. Under the provisions of Title 46, U.S. Code, section 372, the Commandant, United States Coast Guard, superintends the administration of the vessel inspection laws and is required to produce a correct and uniform administration of the inspection laws, rules and regulations.

(b) *Deck and engineer officers' licenses.* The regulations regarding requirements for deck and engineer officers' licenses interpret or apply Title 46, U.S. Code, sections 214, 224, 224a, 225, 226, 228, 229, 230, 231, 233, 237, 367, 391a, 404, 405, 672a, and 1132, and Title 50, U.S. Code, section 198. The regulations regarding requirements for deck and engineer officers' licenses for officers on vessels subject to the Officers' Competency Certificates Convention, 1936, interpret or apply Title 46, U.S. Code, section 224a.

(c) *Radio officers.* The regulations regarding the licensing of radio officers interpret or apply Title 46, U.S. Code, sections 229a–229h.

(d) *Motorboat operators' licenses.* The regulations regarding the licensing of motorboat operators interpret or apply Title 46, U.S. Code, sections 526f and 526p.

(e) *Staff officers.* The regulations regarding the registration of staff officers interpret or apply Title 46, U.S. Code, section 247.

(f) *Operators' and ocean operators' licenses.* The regulations regarding the operators' and ocean operators' licenses interpret or apply Title 46, U.S. Code, section 390b.

Subpart 10.02—General Requirements for All Deck and Engineer Officers' Licenses

AUTHORITY: The provisions of this Subpart 10.02 interpret or apply R.S. 4417a, as amended, 4426, as amended, 4427, as amended, 4438, as amended, 4438a, as amended, 4439, as amended, 4440, as amended, 4441, as amended, 4442, as amended, 4443, as amended, 4445, as amended, sec. 2, 29 Stat. 188, as amended, sec. 1, 34 Stat. 1411, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 70 Stat. 152, and sec. 3, 68 Stat. 675; 46 U.S.C. 391a, 404, 405, 224, 224a, 226, 228, 229, 214, 230, 231, 225, 237, 367, 390b, 50 U.S.C. 198. Treasury Department Orders 167–14, Nov. 26, 1954, 19 F.R. 8026; 167–20, June 18, 1956, 21 F.R. 4894, unless otherwise noted.

§ 10.02–1 Issuance of licenses.

(a) Applicants for licenses are charged with the duty of establishing to the satisfaction of the Coast Guard that they possess all of the qualifications necessary, such as age, experience, character and citizenship, before they shall be entitled to be issued licenses. Until an applicant meets this mandatory requirement, he is not entitled to be licensed to serve as an officer on a vessel of the United States. No person who has been convicted by court-martial of desertion or treason in time of war, or has lost his nationality for any of the other reasons listed in 8 U.S.C. 1481, is eligible for a license. Neither is a person eligible for a license, who has been convicted by a court of record of a violation of the narcotic drug laws of the United States, the District of Columbia, or any State or Territory of the United States, within ten years prior to the date of filing the application; or who, unless he furnishes satisfactory evidence that he is cured, has ever been the user of or addicted to the use of a narcotic drug.

(b) After application to an Officer in Charge, Marine Inspection, any person who is found qualified under the requirements set forth in this subchapter shall be issued an appropriate license valid for a term of five (5) years. In appropriate cases a limitation commensurate with the experience of the applicant shall be placed upon the license.

(c) Every person to whom a license is issued shall place his signature and left thumb print thereon, and upon any sheets attached for additional indorsements.

(d) Every person who receives a license shall make oath before an Officer in Charge, Marine Inspection, or commissioned officer of the Coast Guard authorized to administer oaths under 10 U.S.C. 936 or 14 U.S.C. 636, to be recorded upon his official file, that he will faithfully and honestly, according to his best skill and judgment, without concealment or reservation, perform all the duties required of him by law and obey all lawful orders of his superior officers.

(Sec. 2, 68 Stat. 484; 46 U.S.C. 239b. Treasury Department Order 167–9, August 3, 1954, 19 F.R. 5195)

§ 10.02–3 Original license defined.

The first license issued to any person by the Coast Guard shall be considered an original license, when the United States records show no previous issue to such person.

§ 10.02–5 Requirements for original licenses.

(a) *General.* Before an original license is issued to any person to act in a licensed capacity on inspected vessels of the United States, he shall personally appear before an Officer in Charge, Marine Inspection and present satisfactory documentary evidence of his eligibility in respect to the requirements of this section.

(b) *Minimum age.* Any person who has attained the age of 21 years and is qualified in all other respects shall be eligible for a license except that a license as third mate, third assistant engineer or second class pilot may be granted an applicant who has reached the age of 19 years and who is qualified in all other respects, but no such license may be raised in grade before the holder thereof shall have reached the age of 21 years.

(c) *Citizenship.* No license shall be issued to any person who is not a citizen of the United States, either native-born or fully naturalized. The Officer in Charge, Marine Inspection must be satisfied as to the bona fides of all evidence of citizenship presented, and may reject any evidence that he has reason to believe is not authentic. Acceptable evidence of citizenship is described below in the order of its desirability, except that the first six (6) acceptable methods will be assigned equal weight:

(1) Birth certificate or certified copy.

(2) Certificate of Naturalization.

(3) Baptismal certificate or parish record recorded within one year after birth.

(4) Statement of a practicing physician certifying that he attended the birth and that he has a record in his possession showing the date on which it occurred.

(5) State Department passport.

(6) A commission in the United States Navy, Marine Corps, Coast Guard, either regular or reserve; or satisfactory documentary evidence of having been commissioned in one of these services subsequent to January 1, 1936, provided such commission or evidence shows the holder to be a citizen.

(7) A continuous discharge book, certificate of identification, or merchant mariner's document issued by the Coast Guard or by the former Bureau of Marine Inspection and Navigation which shows the holder as an American citizen, provided the records indicate that the holder of such continuous discharge book, certificate of identification, or merchant mariner's document produced satisfactory evidence of his citizenship at the time of the issuance of the same.

(8) Delayed certificate of birth. If an applicant claiming to be a citizen of the United States submits a delayed certificate of birth issued under a State's seal, it may be accepted as prima facie evidence of citizenship in the absence of any collateral facts indicating fraud in its procurement.

(9) For persons deriving citizenship through naturalization of their parents, or for persons born outside the United States who claim to be United States citizens by virtue of their parents having been United States citizens at the time of such birth, a Certificate of Citizenship issued by the United States Immigration and Naturalization Service is acceptable as documentary evidence of citizenship.

(10) If none of the requirements set forth in subparagraphs (1) through (9) of this paragraph can be met by the applicant, he should make a statement to that effect, and in an attempt to establish citizenship, he may submit for consideration data of the following character:

(i) Report of the Census Bureau showing the earliest record of age or birth available. Request for such information should be addressed to the Director of the Census, Washington, D.C., 20233. In making such request, definite information must be furnished the Census Bureau as to the place when the first census was taken after birth of the applicant, giving the name of the street and number of the house, or the names of the cross streets between which the house was located if residing in a city; or the name of the town, township, precinct, magisterial district, militia district, beat or election district if residing in the country; also the names of parents, or the names of other persons with whom residing on the date specified.

NOTE: A census was taken in the following years: June 1, 1860, 1870, 1880, and 1900; April 15, 1910; January 1, 1920; April 1, 1930; April, 1940, April, 1950 and April, 1960. (Records for 1890 are not available.)

(ii) Affidavits of parents, or relatives; or affidavits by two or more responsible citizens of the United States, stating citizenship; school records; immigration records; or insurance policies.

(d) *Written application.* The Officer in Charge, Marine Inspection shall require all applicants for original license to make written application upon Coast Guard Form CG–866.

(e) *Physical examination.* (1) All applicants for an original license shall be required to pass a physical examination given by a medical officer of the United States Public Health Service and present a certificate executed by this Public Health Service Officer to the Officer in Charge, Marine Inspection. This certificate shall attest to the applicant's acuity of vision, color sense, and general physical condition. In exceptional cases where an applicant would be put to great inconvenience or expense to appear before a medical officer of the United States Public Health Service, the physical examination and certification may be made by another reputable physician.

(2) Epilepsy, insanity, senility, acute venereal disease or neurosyphilis, badly impaired hearing, or other defect that would render the applicant incompetent to perform the ordinary duties of an officer at sea are causes for certification as incompetent.

(3) For an original license as master, mate or pilot, the applicant must have either with or without glasses, at least 20/20 vision in one eye and at least 20/40 in the other. The applicant who wears glasses, however, must also be able to pass a test without glasses of at least 20/40 in one eye and at least 20/70 in the other. The color sense will be tested by means of a pseudo-isochromatic plate test, but any applicant who fails this test will be eligible if he can pass the "Williams" lantern test or equivalent.

(4) Applicants for original engineers' licenses shall be examined only as to their ability to distinguish the colors

red, blue, green, and yellow. No applicant for original license as engineer shall be disqualified for failure to distinguish colors if any of his required experience is served prior to May 1, 1947.

(5) For original license as engineer the applicant must have, either with or without glasses, at least 20/30 vision in one eye and at least 20/50 in the other. The applicant who wears glasses, however, must also be able to pass a test without glasses of at least 20/50 in one eye and at least 20/70 in the other.

(6) Persons serving or intending to serve in the Merchant Marine Service are recommended to take the earliest opportunity of ascertaining, through examination by an ophthalmic surgeon, whether their vision, and color vision where required, is such as to qualify them for service in that profession.

(7) Where an applicant is not possessed of the vision, hearing, or general physical condition necessary, the Officer in Charge, Marine Inspection, after consultation with the Public Health Service physician or other examining physician, may make recommendation to the Commandant for an exception to these requirements, if in his opinion, extenuating circumstances warrant special consideration. Any requests for a decision by the Commandant must be accompanied by all pertinent correspondence, records, and reports. In this connection recommendations from agencies of the Federal Government operating Government vessels, as well as owners and operators of private vessels, made in behalf of their employees, will be given full consideration in arriving at a decision.

(f) *First Aid Certificate.* No candidate for original license shall be examined until he presents a certificate from the United States Public Health Service that he has passed a satisfactory examination based on the contents of "The Ship's Medicine Chest and First Aid at Sea," or other manual arranged for the purpose and having the approval of the United States Public Health Service.

(g) *Experience or training.* (1) All applicants for original licenses shall present to the Officer in Charge, Marine Inspection, letters, discharges, or other official documents certifying the amount and character of their experience and the names of the vessels on which acquired. The Officer in Charge, Marine Inspection, must be satisfied as to the bona fides of all evidence of experience or training presented and may reject any evidence that he has reason to believe is not authentic or which does not sufficiently outline the amount, type and character of service. Coast Guard issued "certificates of seaman's service" and "certificates of discharge" shall be returned to the applicant. The Officer in Charge, Marine Inspection, shall make entry on the application that service represented by these documents has been verified. All other documentary evidence of service or authentic copies thereof shall be filed with the application. No license shall be considered as satisfactory evidence of any qualifying experience required by this paragraph.

(2) No original license shall be issued to any person unless 25 percent of the required experience has been obtained within the 3 years immediately preceding the date of application. Service in the armed forces of the United States shall not be counted in computing the 3 years.

(3) No original license shall be issued to any naturalized citizen on less experience in any grade or capacity than would have been required of a citizen of the United States by birth.

(4) Experience and service acquired on foreign vessels is creditable for establishing eligibility for an original license, subject to evaluation by the Commandant to determine that it is a fair and reasonable equivalent to service acquired on merchant vessels of the United States, with respect to grade, tonnage, horsepower, waters and operating conditions. An applicant who has obtained his qualifying experience on foreign vessels is required to submit satisfactory documentary evidence of such service in the forms prescribed by subparagraph (1) of this paragraph, which certify the amount, character and scope of his service in these respects.

(5) No applicant for a license, who is a naturalized citizen, and who has obtained his experience on foreign vessels, shall be given a grade of license higher than that upon which he has actually served while acting under the authority of a foreign license.

(6) Experience in towed barges fitted with sails and rigging is not considered as sail vessel time.

(h) *Professional examination.* (1) When the amount and character of an applicant's experience is found to be satisfactory and he is eligible in all other respects, the applicant shall be examined in writing by the Officer in Charge, Marine Inspection: *Provided, however,* That upon navigable waters of the United States newly opened to navigation, and where the only pilots obtainable are illiterate Indians or other natives, the fact that such persons can neither read nor write shall not be considered a bar to such Indians or other natives receiving licenses as pilots if they are otherwise qualified therefor.

(2) When the license application of any person has been approved, the Officer in Charge, Marine Inspection, shall give the applicant the required examination as soon as practicable. If applicants for license cannot be examined without material delay by the Officer in charge, Marine Inspection, of the district in which the application is made, said Officer in Charge, Marine Inspection, shall endeavor, through the Coast Guard District Commander, to arrange for such examination by some other Officer in Charge, Marine Inspection.

(i) *Character check and references.* (1) The Officer in Charge, Marine Inspection, shall require each applicant for an original license to have the written endorsement of the master and that of two other licensed officers of a vessel on which he has served. For a license as engineer or as pilot at least one of the other endorsers shall be the chief engineer or licensed pilot, respectively, of a vessel on which the applicant has served. Where no sea service is required for a license, the applicant may have the endorsement of three reputable persons to whom he is known.

(2) Fingerprint records on FBI Form "Applicant" shall be submitted to the Commandant on each applicant at the same time application for license is made. The application of any person may be rejected by the District Commander or his authorized representative when derogatory information has been brought to his attention which indicates that the applicant's habits of life and character are such as to warrant the belief that he cannot be entrusted with the duties and responsibilities of the station for which he made application. In the event that an applicant is rejected he shall be advised that he may submit a request to the Commandant for a review of his case. No examination shall be given or temporary permit issued in this type case pending the Commandant's authorization.

(3) The fact that an applicant for an original license is on probation as a result of action under R. S. 4450, as amended (46 U. S. C. 239), does not itself make such an applicant ineligible, provided he meets all the requirements for such original license. However, an original license issued under those circumstances will be subject to the same probationary conditions as were imposed against the seaman's certificates or licenses in proceedings under R. S. 4450, as amended. Any such applicant must file an application for license in the usual manner, and the offense for which he was placed on probation will be considered on the merits of the case in determining his fitness to hold the license applied for. Nothing in the regulations in this subchapter, however, shall be construed to permit an applicant to be examined for an original license during any period when a suspension without probation or a revocation imposed pursuant to R. S. 4450, as amended, is effective against his license or certificate.

(Sec. 5, 49 Stat. 1935, as amended, sec. 302, 49 Stat. 1992, as amended; 46 U.S.C. 672a, 1132)

§ 10.02–7 Requirements for raise of grade of license.

(a) *General.* Before any person is issued a license for raise of grade to act on inspected vessels of the United States, he shall personally appear before an Officer in Charge, Marine Inspection, and present satisfactory documentary evidence of his eligibility in respect to the requirements contained herein.

(b) *Surrendering old license.* Upon the issuance of a new license or raise in grade, the applicant shall surrender the old license to the Officer in Charge, Marine Inspection.

(c) *Age requirement.* No license may be raised in grade before the holder thereof shall have reached the age of 21 years.

(d) *Written application.* The Officer in Charge, Marine Inspection, shall, before granting raise of grade of license, require the applicant to make written application upon the Coast Guard Form CG–866.

(e) *Physical requirements.* (1) No license as master, mate, or pilot shall be raised in grade except upon the official certificate of a medical officer of the United States Public Health Service that the color sense of the applicant is normal. Applications for raise in grade of engineer's licenses shall not be subjected to such examination. In exceptional cases where an applicant would be put to great inconvenience or expense to appear before a medical officer of the United States Public Health Service, the physical examination and certification may be made by another reputable physician. The color sense will be tested by means of a pseudoisochromatic plate test, but any applicant who fails this test will be eligible if he can pass the "Williams" lantern test or equivalent. A person failing the pseudoisochromatic plate test shall, if the Public Health Station at which he is undergoing test is not equipped with a lantern, pay his own expenses to journey to such station as is equipped with same.

(2) In the event it is found that an applicant for raise of grade of license obviously suffers from some physical or mental infirmity to a degree that, in the opinion of the Officer in Charge, Marine Inspection, would render him incompetent to perform the ordinary duties of an officer at sea, he shall be required to undergo an examination by a medical officer of the Public Health Service to determine his competency in such respects. Nothing herein contained shall debar an applicant who has lost the sight of one eye from securing a raise of grade of his license: *Provided,* He is qualified in all other respects: *And provided,* That his vision in his one eye passes the test required for the better eye of an applicant possessed of both eyes. If the applicant subsequently produces a certificate from the Public Health Service to the effect that his condition has improved to a satisfactory degree, or is normal, he shall be qualified in this respect.

(f) *Experience or training.* (1) Applicants for raise of grade of licenses are charged with establishing to the satisfaction of the Coast Guard that they possess all of the qualifications necessary, such as age, experience, character, and citizenship before they are entitled to a raise of grade of license.

(2) Applicants for raise of grade of license shall present to the Officer in Charge, Marine Inspection, letters, discharges, or other official documents certifying to the amount and character of their experience and the names of the vessels on which acquired. Coast Guard issued "certificates of seaman's service" and "certificates of discharge" shall be returned to the applicant. The Officer in Charge, Marine Inspection, shall make entry on the application that service represented by these documents has been verified. All other documentary evidence of service or authentic copies thereof shall be filed with the application.

(3) No raise of grade of license shall be granted to any applicant unless 25 percent of the required sea service shall have been served within 3 years immediately preceding the date of application. Service in the armed forces of the United States shall not be counted in computing the 3 years.

(4) No sea service acquired prior to the issuance of the license held shall be accepted as any part of the service required for raise in grade.

(5) No license for raise of grade shall be issued to any naturalized citizen on less experience in any grade than would have been required of a citizen of the United States by birth.

(6) Experience and service acquired on foreign vessels while holding a valid U. S. Merchant Marine Officer's license is creditable for establishing eligibility for a raise in grade, subject to evaluation by the Commandant to determine that it is a fair and reasonable equivalent to service acquired on merchant vessels of the United States, with respect to grade, tonnage, horsepower, waters and operating conditions. An applicant who has obtained his qualifying experience on foreign vessels is required to submit satisfactory documentary evidence of such service in the forms prescribed by subparagraph (2) of this paragraph which certify the amount, character and scope of his service in these respects.

(7) The fact that an applicant for a raise in grade of license is on probation as a result of action under R. S. 4450, as amended (46 U. S. C. 239), does not itself make such an applicant ineligible, provided he meets all the requirements for such raise in grade. However, a raise in grade of license issued under these circumstances will be subject to the same probationary conditions as were imposed against the seaman's certificates or licenses in proceedings under R. S. 4450, as amended. Any such applicant must file an application for license in the usual manner, and the offense for which he was placed on probation will be considered on the merits of the case in determining his fitness to hold the license applied for. Nothing in the regulations in this part, however, shall be construed to permit an applicant to be examined for a raise in grade of license during any period when a suspension without probation or a revocation imposed pursuant to R. S. 4450, as amended, is effective against his license or certificate.

(g) *Professional examination.* (1) When the amount and character of an applicant's experience for raise of grade is found to be satisfactory and he is eligible in all other respects, he shall be examined in writing by an Officer in Charge, Marine Inspection: *Provided, however,* That upon waters of the United States newly opened to navigation, and where the only pilots obtainable are illiterate Indians or other natives, the fact that such persons can neither read nor write shall not be considered a bar to such Indians or other natives receiving a raise in grade of license as pilot if they are otherwise qualified therefor.

(Interpret or apply R.S. 4447, as amended, sec. 5, 49 Stat. 1935, as amended, sec. 302, 49 Stat. 1992, as amended, 46 U.S.C. 233, 672a, 1132)

§ 10.02–9 Requirements for renewal of license.

(a) *Duty of applicants.* Applicants for renewals of licenses are charged with the duty of establishing to the satisfaction of the Coast Guard that they possess all of the qualifications necessary before they shall be issued a renewal of license.

(1) *Written application.* The Officer in Charge, Marine Inspection, shall, before granting renewal of a license, require the applicant to make written application on Coast Guard Form CG–3479.

(b) *Application for renewal.* The applicant for renewal shall appear in person before an Officer in Charge, Marine Inspection, except as provided in paragraph (g) of this section.

(c) *Fitness.* No license shall be renewed if title has been forfeited or facts which would render a renewal improper have come to the attention of the Coast Guard.

(d) *Period of grace.* (1) A license shall be renewed within 12 months after the date of expiration as shown on the license held, except when applicant's license has expired beyond the 12 month period of grace during the time of the holder's service with the Armed Forces or the Merchant Marine and there was no reasonable opportunity for renewal. The period of such service following the date of expiration as shown on the license shall be added to the 12 month period of grace.

(2) No license shall be renewed more than 90 days in advance of the date of expiration thereof, unless there are extraordinary circumstances that justify a renewal beforehand, in which case the reasons therefor must appear in detail upon the records of the Officer in Charge, Marine Inspection, renewing the license.

(e) *Masters', mates', or pilots' licenses.* (1) Every Officer in Charge, Marine Inspection, shall, before renewing an existing license to a master, mate, or pilot who has served under the authority of his license within the three years next preceding the date of application for renewal, or who has not been employed in a position closely related to the operation of vessels during the same three year period, require that such licensed officer present an affidavit that he has read within the three months next preceding the date of application the Rules of the Road applicable to the waters for which he is licensed and demonstrate his knowledge of the application of the Rules of the Road.

(2) Every Officer in Charge, Marine Inspection, shall, before renewing an existing license to a master, mate, or pilot who has not served under the authority of his license within the three years next preceding the date of application for renewal, or who has not been employed in a position closely related to the operation of vessels during the same three year period, satisfy himself that such licensed officer is thoroughly familiar with the Rules of the Road applicable to the waters for which he is licensed. A written examination may be required for this purpose, or the applicant may be examined orally and a summary of the oral examination placed in the officer's

license file. In the event a candidate fails the examination, the provisions of § 10.02–19 shall apply, except in the event of subsequent failures the applicant may be re-examined after a lapse of one month from the date of the last failure.

(f) *Physical requirements.* (1) No license as master, mate, or pilot shall be renewed except upon the official certificate of a medical officer of the United States Public Health Service that the color sense of the applicant is normal. Applicants for renewal of license as engineer shall not be subject to examination as to ability to distinguish colors.

(2) The color sense will be tested by means of a pseudo-isochromatic plate test, but any applicant who fails this test will be eligible if he can pass the "Williams" lantern test or equivalent. A person failing the pseudoisochromatic plate test shall, if the Public Health Service Station at which he is undergoing test is not equipped with a lantern, pay his own expenses to travel to such station as is equipped with same.

(3) In the event an applicant for renewal of license as master, mate, or pilot is pronounced color blind, the Officer in Charge, Marine Inspection, may grant him a license limited to service during daylight only.

(4) In the event it is found that an applicant for renewal of license obviously suffers from some physical or mental infirmity to a degree that, in the opinion of the Officer in Charge, Marine Inspection, would render him incompetent to perform the ordinary duties of an officer at sea, the applicant shall be required to undergo an examination by a medical officer of the Public Health Service to determine his competency. If the applicant subsequently produces a certificate from the Public Health Service to the effect that his condition has improved to a satisfactory degree, or is normal, he shall be qualified in this respect.

(5) Nothing contained in this section shall debar an applicant who has lost the sight of one eye from securing a renewal of his license, provided he is qualified in all other respects, and the vision in his one eye passes the test required for the better eye of an applicant possessed of both eyes.

(6) In exceptional cases where an applicant would be put to great inconvenience or expense to appear before a medical officer of the United States Public Health Service, the physical examination or certification may be made by another reputable physician.

(g) *Renewal by mail.* Where an applicant for renewal would be put to great inconvenience or expense to appear in person before an Officer in Charge, Marine Inspection, or is engaged in a service that necessitates his continuous absence from the United States, his existing license may be renewed by forwarding the following documents to the Officer in Charge, Marine Inspection, of the office which issued the license to be renewed:

(1) A letter of transmittal indicating reasons for not appearing in person and stating to the best of his knowledge no physical incapacity exists, together with a properly executed application on Coast Guard Form CG–3479;

(2) The oath of office on the form prescribed by the Coast Guard which has been duly executed before a person authorized to administer oaths;

(3) The license to be renewed; and,

(4) In the case of the renewal of a master's, mate's, or pilot's license:

(i) Certification by a United States Public Health Service Medical Officer or other reputable physician that color sense is normal; and,

(ii) Documentary evidence of service under authority of license within the three years next preceding the date of application or evidence of employment in a position closely related to the operation of vessels within the same three year period, together with an affidavit that the applicant has read within the three months next preceding the date of application the Rules of the Road applicable to the waters for which he is licensed and demonstration of his knowledge of the application of the Rules of the Road.

(h) *Reissue of expired license.* (1) Whenever an applicant shall apply for renewal of his license for the same grade, after 12 months after date of its expiration, he shall be required to pass an examination for the same grade of license, of such length and scope as will, in the judgment of the Officer in Charge, Marine Inspection, be sufficient to demonstrate adequately the continued professional knowledge of the examinee, except no professional examination will be required provided the license expired during the time of the holder's service with the armed forces or the merchant marine, and there was no reasonable opportunity for renewal. The Officer in Charge, Marine Inspection may require a written examination for this purpose.

(2) The renewed license shall receive the next higher number of issue of present grade and for the number of issue of all grades.

(R.S. 4447, as amended, 46 U.S.C. 233, sec. 5, 49 Stat. 1935, sec. 302, 49 Stat. 1992; 46 U.S.C. 672a, 1132)

§ 10.02–13 Sea service as a member of the Armed Forces of the United States and on vessels owned by the United States as qualifying experience.

(a) Sea service as a member of the Armed Forces of the United States will be accepted as qualifying experience for an original, raise of grade, or extension of route of license. Such service will be subject to evaluation by the Commandant to determine its equivalence to sea service required on merchant vessels and to determine the appropriate grade, class, and limit of license for which the applicant is eligible. The regulations governing the licensing of merchant marine personnel which are in effect on the date an applicant presents himself for examination shall be applicable in all cases.

(b) When any person who has served in a civilian capacity as commanding officer, master, mate, engineer, or pilot, etc., of any vessel owned and operated by the United States, in any service, in which a license as master, mate, engineer, or pilot was not required at the time of such service applies for an examination for license, the Officer in Charge, Marine Inspection, shall forward the application, together with his comments, to the Commandant for evaluation.

§ 10.02–15 Lifting of limitations.

(a) If any Officer in Charge, Marine Inspection, is satisfied by the documentary evidence submitted that an applicant is entitled by experience and knowledge to an increase in the scope of his license, he may change any limitations which he may have previously placed upon the license.

(b) No Officer in Charge, Marine Inspection, may change on any license a limitation which he did not place thereon before full information regarding the reason for the limitation is obtained from the Officer in Charge, Marine Inspection, responsible for the same and the applicant has made up any deficiency in the experience required.

(c) No limitation on any license may be changed before the applicant has made up any deficiency in the experience prescribed for the license desired and passed the necessary examination.

§ 10.02–19 Reexaminations and refusal of licenses.

(a) Any applicant for license or indorsement who has been duly examined and refused may come before the same Officer in Charge, Marine Inspection, for reexamination at any time thereafter that may be fixed by such Officer in Charge, Marine Inspection, but such time shall not be less than 1 month from the date of his last failure. In the case of another failure, he will not be reexamined until after a lapse of at least 6 months from date of last failure.

(b) A candidate who has been duly examined and refused a license by an Officer in Charge, Marine Inspection, shall not be examined by any other Officer in Charge, Marine Inspection, until 1 year has elapsed from the date of the last refusal without the sanction of the Officer in Charge, Marine Inspection, that refused the applicant.

(c) If the Officers in Charge, Marine Inspection, refuse to grant an applicant the license applied for, they shall furnish him a statement setting forth the cause of their refusal.

§ 10.02–21 Laws, general rules and regulations, and Rules of the Road to be furnished licensed officers.

(a) Every master, mate, pilot, and engineer of vessels, when receiving an original license, a renewed license, or a raise of grade of license, shall be furnished at his request with a copy of the "Laws Governing Marine Inspection" and a copy of each of the "Rules and Regulations for Vessel Inspection" distributed by the Coast Guard pertinent to the license issued.

(b) Every master, mate, and pilot of vessels and motorboat operator, when receiving an original license, a renewed license, or a raise of grade of license, shall be furnished at his request with a copy of the "Rules of the Road" applicable to the waters for which his license has been issued.

§ 10.02–23 Issuance of duplicate license.

(a) Whenever a person to whom a license has been issued loses his license, he shall report such loss to an Officer in Charge, Marine Inspection, who shall issue a duplicate license after receiving from such person a properly executed affidavit giving satisfactory evidence of such loss, and a record of the license from the Marine Inspection Office where it was issued. Such license shall be issued as a duplicate by the addition of the following typewritten indorsement, "This license replaces License Number ---- issued at ---------- on the above date," as well as the port and date of the duplicate issue. The duplicate license, issued for the unexpired term, shall have the same force and effect as the lost license.

(b) When a person reports the loss of his license, or when it is discovered that any license or license form has been stolen from a Marine Inspection Office or when such lost or stolen licenses are recovered, the Officer in Charge, Marine Inspection, shall immediately report the loss, theft, or recovery to the Commandant giving a description of the license and all facts incident to its loss, theft, or recovery.

§ 10.02–25 Parting with license.

If the holder of any license granted to a master, mate, engineer, or pilot, voluntarily parts with it or places it beyond his personal control by pledging or depositing it with any other person for any purpose, he may be proceeded against in accordance with the provisions of R. S. 4450, as amended, looking to a suspension or revocation of his license.

§ 10.02–29 Suspension and revocation of licenses.

(a) When the license of any master, mate, engineer, or pilot is revoked such license expires with such revocation and any license of the same type subsequently granted to such person shall be considered in the light of an original license except as to number of issue.

(b) No person whose license has been suspended or revoked shall be issued another license except upon approval of the Commandant.

(c) When a license which is about to expire is suspended, the renewal of such license may be withheld until the expiration of the period of suspension.

(R.S. 4450, as amended, sec. 2, 68 Stat. 484; 46 U.S.C. 239, 239b. Treasury Department Order 167–9, August 3, 1954, 19 F.R. 5195)

§ 10.02–33 Right of appeal.

Whenever any person directly interested in or affected by any decision or action of any Officer in Charge, Marine Inspection, shall feel aggrieved by such decision or action with respect to the issuance of a license or a certificate, he may appeal therefrom to the District Coast Guard Commander having jurisdiction. A like appeal shall be allowed from any decision or action of the District Coast Guard Commander to the Commandant, whose action shall be final. Such appeals shall be made in writing within 30 days after the date of decision or action appealed from. Pending the determination of the appeal the decision of the Officer in Charge, Marine Inspection, shall remain in effect.

Subpart 10.05—Professional Requirments for Deck Officers' Licenses (Inspected Vessels)

AUTHORITY: The provisions of this Subpart 10.05 interpret or apply R.S. 4417a, as amended, 4426, as amended, 4427, as amended, 4438, as amended, 4438a, as amended, 4439, as amended, 4440, as amended, 4442, as amended, 4443, as amended, 4445, as amended, sec. 1, 34 Stat. 1411, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 70 Stat. 152, and sec. 3, 68 Stat. 675; 46 U.S.C. 391a, 404, 405, 224, 224a, 226, 228, 214, 230, 231, 233, 225, 237, 367, 390b, 50 U.S.C. 198. Treasury Department Order 167–14, November 26, 1954, 19 F.R. 8026; 167–20, June 18, 1956, 21 F.R. 4894, unless otherwise noted.

§ 10.05–1 Ocean licenses qualifying for all waters.

Any license issued for service as master or mate on ocean vessels shall qualify the licensee to serve in the same grade on any waters subject to the limitations of the license and without additional indorsement other than for pilot routes as may be required on the particular waters.

§ 10.05–3 Master of ocean steam or motor vessels.

(a) The minimum service required to qualify an applicant for license as master of ocean steam or motor vessels is:

(1) One year's service as chief mate of ocean steam or motor vessels of 1,000 gross tons or over; or,

(2) One year's service as chief mate of coastwise steam or motor vessels of 2,000 gross tons or over; or,

(3) Two years' service as second mate of ocean steam or motor vessels of 1,000 gross tons or over while holding a license as chief mate of such vessels; or,

(4) Two years' service as second mate of coastwise steam or motor vessels of 2,000 gross tons or over while holding a license as chief mate of such vessels; or,

(5) One year's service as master of coastwise steam or motor vessels of 2,000 gross tons or over; or,

(6) Two years' service as master of ocean or coastwise sail vessels of 700 gross tons or over, for license as master of freight or towing steam or motor vessels of not more than 3,000 gross tons; or,

(7) Three years' service as master of steam or motor vessels of 4,000 gross tons or over, except ferry vessels, on the Great Lakes, together with 1 year's service as second mate of ocean steam or motor vessels of 1,000 gross tons or over; or,

(8) Two years' service as licensed master of ocean or coastwise steam or motor vessels, or as licensed ocean operator of inspected, mechanically propelled passenger-carrying vessels operating on limited ocean or coastwise routes, for a license as master of ocean steam or motor passenger vessels not to exceed 300 gross tons.

§ 10.05–5 Master of coastwise steam or motor vessels.

(a) The minimum service required to qualify an applicant for license as master of coastwise steam or motor vessels is:

(1) One year's service as chief mate of ocean or coastwise steam or motor vessels; or,

(2) Two years' service as second mate of ocean or coastwise steam or motor vessels while holding a license as chief mate of ocean or coastwise steam or motor vessels; or,

(3) Two years' service as master of Great Lakes or lake, bay or sound steam or motor vessels of 500 gross tons or over, except ferry vessels, together with 6 months' service as chief mate or 12 months' service as second mate of ocean or coastwise steam or motor vessels, while holding license as master of such Great Lakes or lake, bay or sound vessels; or,

(4) Five years' service on ocean or coastwise sail vessels of 200 gross tons or over, 2 years of which service shall have been as master of such vessels, for license as master of coastwise freight and towing vessels of not over 750 gross tons; or,

(5) One year's service as a licensed master of ocean or coastwise sail vessels of 700 gross tons or over for a lisense as master of coastwise freight or towing vessels of not more than 3,000 gross tons; or,

(6) Two years' service as master or first-class pilot of Great Lakes or lake, bay or sound towing steam or motor vessels of 150 gross tons or over, for license as master of coastwise towing vessels of 750 gross tons or under; or,

(7) Two years' service as master of steam vessels of 1,000 gross tons or over, except ferry vessels, on the Great Lakes and other lakes, bays, or sounds, for license as master of coastwise vessels on routes not exceeding 300 miles; or,

(8) Two years' service as a licensed master of steam or motor vessels of 250 gross tons or over, engaged in the ocean or coastwise fisheries, for license as master of coastwise freight or towing vessels of not more than 750 gross tons; or,

(9) One year's service as licensed master of ocean or coastwise steam or motor vessels, or as licensed ocean operator of inspected, mechanically propelled passenger-carrying vessels operating on limited ocean or coastwise routes, for a license as master of coastwise steam or motor passenger vessels, not to exceed 300 gross tons and limited to the Atlantic, Gulf of Mexico or Pacific Coast of the United States, according to the documented qualifying experience of the applicant.

(b) The minimum service required to qualify an applicant for a license as master of motor vessels of not more than 300 gross tons, operated in connection with the offshore mineral and oil industries, limited to a stated distance offshore on the continental shelf of the Atlantic, Gulf or Pacific Coast of the United States, as determined by the Commander of the District in which the license is issued, is:

(1) One year as a licensed mate of mineral or oil industry vessels; or,

(2) One year as a licensed master or first-class pilot of inland steam or motor vessels, plus 1 year in the deck department of coastwise vessels or mineral or oil industry vessels; or,

(3) Two years' service as a licensed master of ocean or coastwise uninspected vessels; or,

(4) Three years' service in the deck department of ocean or coastwise vessels of which at least one year shall have been as master or person in charge of vessels of at least 50 gross tons. If the required service as master or person in charge has been on vessels of more than 15 and less than 50 gross tons, the service may be accepted as qualifying experience for a license as master of vessels of not more than 100 gross tons.

§ 10.05–7 Master of ocean or coastwise sail vessels.

(a) The minimum service required for a license as master of ocean or coastwise sail vessels of 100 gross tons and over is listed in this paragraph. In order to be eligible for an unlimited license, an applicant must have acquired all of his qualifying service on vessels of 500 gross tons or over.

(1) One year's service as a licensed master of ocean or coastwise uninspected sail vessels; or,

(2) Two years' service as master of ocean or coastwise sail vessels of 100 gross tons or over; or,

(3) One year's service as a licensed master of ocean or coastwise auxiliary sail vessels; or,

(4) Two years' service as a licensed mate of ocean or coastwise uninspected sail vessels; or,

(5) Two years' service as a licensed ocean operator of ocean or coastwise sail vessels carrying passengers; or,

(6) Five years' service in the deck department of ocean or coastwise sail vessels, of which at least 1 year shall have been as mate.

(b) An applicant who submits satisfactory documentary evidence that he has served as master of ocean or coastwise sail vessels of 100 gross tons or over for a period of at least 1 year, prior to June 1, 1958, shall be eligible without professional examination for a license as master of ocean or coastwise sail vessels of 100 to 700 gross tons, commensurate with his experience: *Provided*, That such applicant for a license under the provisions of this paragraph shall fulfill all requirements, other than professional examination, for an original license, including citizenship, physical examination, character and U. S. Public Health Service First Aid Certificate: *And provided further*, That 6 months of the required 1 year of experience shall have been within the 3 years immediately preceding the date of application. Application for the issuance of licenses under the provisions of this paragraph must be filed within a period of 1 year after June 1, 1958. However, if the applicant can show that because of active military service, he was unable to obtain 6 months' service within the past 3 years or to file application within the 1 year period provided, the actual time spent in military service shall not be counted in computing either the 3-year period or the 1-year period specified in this paragraph.

§ 10.05–9 Master of ocean or coastwise steam or motor yachts.

The minimum service required to qualify an applicant for license as master of ocean or coastwise steam or motor yachts requiring licensed officers is 3 years' service in the deck department on ocean or coastwise steam, motor, or sailing yachts, of over 100 gross tons.

§ 10.05–11 Master, mate, or pilot of steam or motor vessels operating under special conditions.

(a) This section shall apply to every applicant for a license as master, mate, or pilot of steam pilotboats or seagoing motor pilotboats of 300 gross tons or over; or of steam vessels navigating the waters of the whaling grounds in the Alaskan Seas; or of steam vessels engaged exclusively in the business of whale fishing; or of steam vessels engaged in the Atlantic, Pacific, or Gulf Coast fisheries; or of steam or sail vessels navigating exclusively between ports in the Hawaiian Islands; or of steam or sail vessels or seagoing motor vessels of 300 gross tons or over navigating exclusively between ports of the Island of Puerto Rico.

(b) For original license as master, at least 3 years' experience in the deck department of such vessels is required.

(c) For original license as mate, at least 2 years' experience in the deck department of such vessels is required.

(d) Any person who has had at least 5 years' experience on sail vessels licensed in the fisheries of the United States, 2 years of which have been as master or mate of such sailing vessels, shall be eligible for a license as master or mate of steam fishing vessels to be employed exclusively in the Atlantic, Pacific, and Gulf coast fisheries.

(e) Any applicant for original license who has had 3 years' experience in the deck department on steam or motor pilot boats or who has had 2 years' experience in the deck department on steam or motor pilot boats and 1 year's experience on sail pilot boats, shall be eligible for license as mate of steam or motor pilot boats of 300 gross tons or over.

(f) Any master's or mate's license issued under this section may be endorsed as pilot on such inland waters on the coasts stated in his license as the appropriate Officer in Charge, Marine Inspection, may find the holder qualified to act on as pilot.

(g) An applicant for a master's license of seagoing vessels propelled by internal combustion engines, navigating exclusively between ports in the Hawaiian Islands, shall submit with his application statements duly executed and certified by reputable citizens qualified to judge the character, trustworthiness, and ability of the applicant.

(h) The Officer in Charge, Marine Inspection, shall make a diligent inquiry as to the applicant's character and merits, and if satisfied by the oral examination or practical demonstration and the proof of requisite knowledge and skill offered, the Officer in Charge, Marine Inspection, shall issue the license. No certificate from the United States Public Health Service based upon the subject of ship sanitation and first aid shall be required of such an applicant.

§ 10.05–13 Master of Great Lakes steam and motor vessels.

(a) The minimum service required to qualify an applicant for a license as master is listed in this paragraph. In order to be eligible for an unlimited license, an applicant must have acquired his service on vessels of 4,000 gross tons or over, except as specified in this section.

(1) One year's service as first class pilot while acting in the capacity of first mate on Great Lakes steam or motor vessels; or,

(2) Two years' service as first class pilot while acting in the capacity of second mate on Great Lakes steam or motor vessels; or,

(3) Four years' service as first class pilot on Great Lakes steam or motor vessels, one year of which shall have been while acting in the capacity of second mate; or,

(4) One year's service as master of Great Lakes steam or motor vessels of 150 gross tons or under while acting under the authority of a first class pilot's license, for a license as master of Great Lakes steam and motor vessels of not over 1,000 gross tons; or,

(5) One year's service as master and/or first class pilot on lakes, bays and sounds steam or motor towing vessels, together with 1 year of service as first class pilot on Great Lakes vessels of over 100 gross tons, for a license as master of Great Lakes towing vessels of not over 750 gross tons.

§ 10.05–15 Master of bays, sounds, and lakes other than the Great Lakes, steam and motor vessels.

(a) The minimum service required to qualify an applicant for license as master of steam and motor vessels on bays, sounds and lakes other than the Great Lakes is:

(1) One year's service as first-class pilot of steam and motor vessels on bays, sounds and lakes other than the Great Lakes; or,

(2) One year's service as mate of steam and motor vessels on bays, sounds and lakes other than the Great Lakes; or,

(3) One year's service as master of steam or motor vessels of 150 gross tons or under on bays, sounds and lakes other than the Great Lakes, while acting under the authority of a first-class pilot's license, for a license as master of bays, sounds and lakes other than the Great Lakes, steam or motor vessels of a tonnage commensurate with the experience of the applicant, but of not more than 500 gross tons; or,

(4) Two years' service in the deck department of steam or motor vessels on bays, sounds and lakes other than the Great Lakes, while holding a license as first-class pilot for bays, sounds and lakes other than the Great Lakes, as quartermaster or wheelsman for a license as master of steam and motor freight and towing vessels on bays, sounds and lakes other than the Great Lakes, limited to a gross tonnage commensurate with the experience of the applicant, but not more than 500 gross tons.

§ 10.05–17 Master of river steam or motor vessels.

The minimum service required to qualify an applicant for a license as master of steam or motor vessels navigating rivers exclusively is at least 3 years' service in the deck department of steam or motor vessels: *Provided*, That, 1 year of such service shall have been as licensed mate or pilot of steam or motor vessels, and, 1 year shall have been on river steam or motor vessels.

§ 10.05–19 Master of ferry steam or motor vessels.

(a) The minimum service required to qualify an applicant for license as master of ferry steam or motor vessels on either the Great Lakes, other lakes, bays, and sounds, or rivers is:

(1) One year's service as first-class pilot; or,

(2) Two years' service as wheelsman or quartermaster while holding a first-class pilot's license; or,

(3) Two years' service in charge of a steam or motor vessel of 150 gross tons or under while acting under the authority of a pilot's license.

§ 10.05–21 Master or pilot of steam yachts.

The minimum service required to qualify an applicant for license as master or pilot of steam yachts on either the Great Lakes, other lakes, bays, and sounds, or rivers is 3 years' service in the deck department on board Great Lakes, other lakes, bays, and sounds, or river steam, motor, or sailing yachts.

§ 10.05–23 Master of passenger barges.

The minimum service required to qualify an applicant for license as master of barges carrying passengers on either the Great Lakes, other lakes, bays, and sounds, or rivers is 3 years' service in the deck department of such vessels.

§ 10.05–25 Chief mate of ocean steam or motor vessels.

(a) The minimum service required to qualify an applicant for license as chief mate of ocean steam or motor vessels is:

(1) One year's service as second mate of ocean steam or motor vessels of 1,000 gross tons or over; or,

(2) One year's service as second mate of coastwise steam or motor vessels of 2,000 gross tons or over; or,

(3) Two years' service as officer in charge of a deck watch on ocean steam or motor vessels of 1,000 gross tons or over while holding a license as second mate of such vessels; or,

(4) Two years' service as officer in charge of a deck watch on coastwise steam or motor vessels of 2,000 gross tons or over while holding a license as second mate of such vessels; or,

(5) Two years' service as master of Great Lakes or other lakes, bay, or sound steam or motor vessels of 1,000 gross tons or over except ferry vessels, together with 1 year's service as officer in charge of a deck watch on ocean steam or motor vessels of 1,000 gross tons or over, or together with 1 year of such service on coastwise steam or motor vessels of 2,000 gross tons or over; or,

(6) Five years' service in the deck department of ocean or coastwise sail vessels of 200 gross tons or over, 2 years of such service shall have been as master of such vessels, for license as chief mate of ocean freight or towing vessels of not more than 3,000 gross tons; or,

(7) One year's service as master of any class of ocean steam or motor vessels of more than 250 gross tons for license as chief mate of ocean freight or towing vessels of not more than 1,500 gross tons; or,

(8) One year's service as mate of inspected ocean or coastwise vessels while holding an unlimited license as 3rd mate of ocean steam or motor vessels for a license as chief mate of ocean vessels of less than 1600 gross tons.

§ 10.05–27 Chief mate of coastwise steam or motor vessels.

(a) The minimum service required to qualify an applicant for license as chief mate of coastwise steam or motor vessels is:

(1) One year's service as second mate of ocean or coastwise steam or motor vessels of 1,000 gross tons or over; or,

(2) Two years' service as officer in charge of a deck watch on ocean or coastwise steam or motor vessels of 1,000 gross tons or over while holding license as second mate of ocean or coastwise steam or motor vessels; or,

(3) One year's service as master or first-class pilot of Great Lakes or other lakes, bay, or sound steam or motor vessels of 500 gross tons or over, except ferry vessels, together with 1 year's service as officer in charge of a deck watch on ocean or coastwise steam or motor vessels of 1,000 gross tons or over, while holding license as such master or first-class pilot; or,

(4) Two years' service as master or first-class pilot of Great Lakes or other lakes, bay, or sound towing vessels for license as chief mate of coastwise towing vessels of 750 gross tons or under; or,

(5) One year's service as a licensed master or 2 years' service as a licensed mate on ocean or coastwise steam or motor vessels of 250 gross tons or over engaged in the ocean or coastwise fisheries, for license as chief mate of coastwise freight or towing vessels of 1,000 gross tons or under; or,

(6) Five years' service in the deck department of any ocean or coastwise sail vessel of 100 gross tons or over, 2 years of such service shall have been as master of such vessels, for license as chief mate of freight or towing vessels of 1,000 gross tons or under; or,

(7) Two years' service as first-class pilot, or 2 years' combined service as master and first-class pilot of steam or motor vessels of 1,000 gross tons or over, except ferry vessels, on the Great Lakes and other lakes, bays, and sounds, for license as chief mate of coastwise vessels on routes not exceeding 300 miles; or,

(8) Three years' service in the deck department of ocean or coastwise steam or motor vessels for license as chief mate of coastwise steam or motor vessels of not more than 500 gross tons.

§ 10.05–28 Mate of motor vessels engaged in offshore mineral and oil industries.

(a) The minimum service required to qualify an applicant for a license as mate of motor vessels of not more than 300 gross tons, operated in connection with the offshore mineral and oil industries, limited to a stated distance offshore on the continental shelf of the Atlantic, Gulf or Pacific Coast of the United States, as determined by the Commander of the District in which the license is issued, is:

(1) Two years' service as a licensed officer in charge of a deck watch on mineral or oil industry vessels, or

(2) One year's service as master or first-class pilot of inland steam or motor vessels plus six months in the deck department of coastwise vessels or mineral or oil industry vessels, or

(3) One year's service as a licensed master or two years' service as a licensed mate of ocean or coastwise uninspected vessels, or

(4) Three years' service in the deck department of ocean or coastwise steam or motor vessels, including mineral and oil industry vessels.

§ 10.05–29 Second mate of ocean steam or motor vessels.

(a) The minimum service required to qualify an applicant for license as second mate of ocean steam or motor vessels is listed in this paragraph. In order to be eligible for an unlimited ocean license, an applicant must have obtained his service on ocean or coastwise vessels of 1,000 gross tons or over.

(1) One year's service as officer in charge of a deck watch on ocean or coastwise steam or motor vessels while holding a license as third mate; or,

(2) Six months' service as second mate of coastwise steam or motor vessels; or,

(3) Five years' service in the deck department of ocean or coastwise steam or motor vessels of 1,000 gross tons or over, 2 years of which shall have been as boatswain or quartermaster while holding a certificate as able seaman; or,

(4) One year's service as first-class pilot of steam or motor vessels of 4,000 gross tons or over, except ferry vessels, on the Great Lakes or other lakes, bays, or sounds, together with 6 months' service in the deck department of ocean steam or motor vessels of 1,000 gross tons or over, while holding a license as such first-class pilot; or,

(5) Two years' service as assistant (junior officer of the watch) to the officer in charge of the watch on ocean steam or motor vessels, while holding a license as third mate of such vessels; or,

(6) Four years' service in the deck department of ocean or coastwise sail vessels of 200 gross tons or over, 1 year of such service shall have been as second mate of such sail vessels.

§ 10.05–31 Second mate of coastwise steam or motor vessels.

(a) The minimum service required to qualify an applicant for license as second mate of coastwise steam or motor vessels is:

(1) One year's service as officer in charge of a deck watch on ocean or coastwise steam or motor vessels while holding a license as third mate; or,

(2) Five years' service in the deck department of ocean or coastwise steam or motor vessels, 2 years of which shall have been as boatswain or quartermaster; or,

(3) One year's service as first-class pilot of steam or motor vessels of 2,500 gross tons or over, except ferry vessels, on the Great Lakes or other lakes, bays, or sounds, together with 6 months' service in the deck department of ocean or coastwise steam or motor vessels of 1,000 gross tons or over, while holding a license as such first-class pilot; or,

(4) Two years' service as assistant (junior officer of the watch) to the officer in charge of the watch on ocean steam or motor vessels, while holding a license as third mate of such vessels; or,

(5) One year's service as a licensed mate on ocean or coastwise steam or motor vessels of 150 gross tons or over engaged in the fisheries, for license as second mate of towing vessels.

§ 10.05–33 Third mate of ocean steam or motor vessels.

(a) The minimum service or training required to qualify an applicant for license as third mate of ocean steam or motor vessels is listed in this paragraph. In order to be eligible for an unlimited ocean license, an applicant must have obtained his service on ocean or coastwise vessels of 1,000 gross tons or over.

(1) Three years' service in the deck department of ocean or coastwise steam or motor vessels, 6 months of which shall have been as able seaman, boatswain, or quartermaster while holding a certificate as able seaman; or,

(2) Six months' service as third mate of coastwise steam or motor vessels; or,

(3) Graduation from:

(i) The U. S. Merchant Marine Academy (deck);

(ii) The deck class of a nautical schoolship approved by and conducted under rules prescribed by the Commandant and listed in Part 166 of Subchapter R (Nautical Schools) of this chapter;

(iii) The U. S. Naval Academy; or,

(iv) The U. S. Coast Guard Academy; or,

(4) Satisfactory completion of the prescribed course (deck) at a U. S. Maritime Service or other Government operated training school, approved by the Commandant, may be accepted as the equivalent of sea service up to a maximum of 4 months: *Provided*, The applicant has obtained the additional qualifying experience prior to enrollment; or,

(5) One year's service as second-class pilot of steam or motor vessels of 4,000 gross tons or over, except ferry vessels, on the Great Lakes or other lakes, bays, or sounds, together with 6 months' service in the deck department of ocean steam or motor vessels of 1,000 gross tons or over, while holding a license as such second-class pilot; or,

(6) Three years' service in the deck department of steam or motor vessels on the Great Lakes, other lakes, bays, or sounds, or rivers, together with 1 year's service in the deck department of ocean steam or motor vessels, 6 months of which shall have been as able seaman, boastwain, or quartermaster while holding a certificate as able seaman; or,

(7) Three years' service in the deck department of steam or motor vessels of 100 gross tons or over engaged in the ocean or coastwise fisheries, together with 6 months' service as able seaman, boatswain, or quartermaster on ocean steam or motor vessels, while holding a certificate as able seaman.

§ 10.05–35 Third mate of coastwise steam or motor vessels.

(a) The minimum service or training required to qualify an applicant for license as third mate of coastwise steam or motor vessels is:

(1) Three years' service in the deck department of ocean or coastwise steam or motor vessels, 6 months of which shall have been as able seaman; or,

(2) One year's service as second-class pilot of steam or motor vessels of 2,500 gross tons or over, except ferry vessels, on the Great Lakes or other lakes, bays, or sounds, together with 6 months' service in the deck department of ocean or coastwise steam or motor vessels of 1,000 gross tons or over, while holding a license as such second-class pilot; or,

(3) Two years' service in the deck department of steam or motor vessels on the Great Lakes or other lakes, bays, or sounds, together with 2 years' service in the deck department of ocean or coastwise steam or motor vessels, 6 months of which shall have been as able seaman; or,

(4) Two years' service in the deck department of steam or motor vessels of 100 gross tons or over engaged in the ocean or coastwise fisheries, or any sail vessel of 100 gross tons or over, together with 1 year's service in the deck department of ocean or coastwise steam or motor vessels, 6 months of which shall have been as able seaman; or,

(5) Three years' service in the deck department of ocean or coastwise steam, motor, or sail vessels of less than 100 gross tons, together with 1 year's service in the deck department of ocean or coastwise steam or motor vessels, 6 months of which shall have been as able seaman.

§ 10.05–37 Mate of inland or river steam or motor vessels.

The minimum service required to qualify an applicant for license as mate of Great Lakes, other lakes, bays, or sounds, or river steam or motor vessels is at least 2 years' service in the deck department of steam, motor, or sail vessels, or barge consorts, 6 months of which service shall have been on steam or motor vessels.

§ 10.05–39 Pilot.

(a) *General.* An applicant for an original license as pilot may be given credit for experience on motor vessels of a class not subject to inspection by the Coast Guard and not required to carry a licensed master or a licensed pilot.

(1) An applicant for an original pilot's license, endorsement as pilot or an extension of pilot's route shall furnish discharges, letters or other satisfactory documentary evidence, certifying to the names of the vessels, the periods of service, the dates and number of round trips made and the capacity in which the applicant served. Photostatic copies of such letters and documents may be accepted for filing with the application.

(b) *Professional requirements.* The minimum service required to qualify an applicant for license as pilot is:

(1) Three years' service in the deck department of ocean, coastwise, Great Lakes or bays, sounds and lakes, other than the Great Lakes, steam or motor vessels, of which 18 months shall have been as able seaman, or service in a capacity at least the equivalent of able seaman. Of the 18 months as able seaman, or equivalent capacity, at least 1 year shall have been on vessels operating on the waters of the class for which pilotage is desired in the capacity of quartermaster, wheelsman, able seaman or equivalent capacity, who stands regular watches at the wheel or in the pilothouse as part of his routine duties; and,

(i) 25 percent of such service shall have been obtained within the three years immediately preceding the date of application; and,

(ii) The required service shall include a minimum number of round trips over the route for which the applicant seeks license as pilot, as may be fixed by the Officer in Charge, Marine Inspection, having jurisdiction (experience on motorboats as defined by statutes may be accepted by the Officer in Charge, Marine Inspection, for license or endorsement as pilot, but such licenses or endorsements shall be limited to a gross tonnage commensurate with such experience, irrespective of any other license or endorsement held by the applicant); and

(iii) One of the required number of round trips shall have been made over the route within the 6 months immediately preceding the date of application; or,

(2) Three years' service in the deck department of any vessel of which at least 1 year shall have been on vessels operating on the waters of rivers while serving in the capacity of quartermaster, wheelsman or deckhand who stands watches at the wheel as part of his routine duties, for license as pilot of river routes. The provisions in subparagraph (1) (i) through (iii) of this paragraph are applicable to this subparagraph.

(3) Two years' service in the deck department of steam or motor vessels navigating canals and small lakes, such as the New York State Barge Canal and Seneca and Cayuga Lakes in the State of New York, 1 year of which shall have been within the 2 years immediately preceding the date of application, for license as pilot of steam and motor vessels of limited tonnage for the waters and/or routes on which the qualifying service was acquired.

(c) *Limitations.* The Officer in Charge, Marine Inspection, issuing a license or endorsement as pilot, shall impose suitable limitations commensurate with the past experience of the applicant, with respect to class of vessels for which valid, tonnage, route and waters.

§ 10.05–41 Pilot of tank vessels of not more than 150 gross tons.

All propelled tank vessels, regardless of length or tonnage, shall be under the command of a person duly licensed and since propelled vessels of less than 150 gross tons may be in command of a licensed pilot, the license of a candidate who successfully passes an examination for this purpose shall be endorsed as follows: "Pilot for tank vessels not more than ------ gross tons on the waters of ------" (the maximum to be inserted is not to exceed 150 gross tons and the waters covered as may be designated by the Officer in Charge, Marine Inspection).

§ 10.05–42 Endorsement of master's or mate's license as pilot or extension of pilot's route.

(a) A master or mate applying for endorsement of his license to act as pilot or a licensed pilot applying for an extension of route, shall make written application on Coast Guard Form CG–866, with documentary evidence of experience acquired by a minimum number of round trips over the particular route or waters for which endorsement or extension of route is desired, as may be required by the Officer in Charge, Marine Inspection, having jurisdiction. One of the required number of round trips shall have been made within the 6 months immediately preceding the date of application. If the applicant is found qualified by experience and written examination as hereafter provided, the endorsement as pilot or extension of route shall be endorsed on his license: *Provided, however,* That upon waters of the United States newly opened to navigation, and where the only pilots obtainable are illiterate Indians or other natives, the fact that such persons can neither read nor write shall not be considered a bar to such Indians or other natives receiving extensions of route of licenses as pilots if they are otherwise qualified.

(b) The holder of a license as master or mate of ocean or coastwise vessels who has had recent satisfactory service under the authority of his license is eligible for examination for endorsement as pilot on any waters upon completing the number of round trips over the route required for his grade of license by the Officer in Charge, Marine Inspection, having jurisdiction, while serving in the capacity of quartermaster, wheelsman or able seaman who stands regular watches at the wheel as part of his routine duties. Experience as an observer, properly certified by the master and/or pilot of the vessel is also acceptable in such cases. An endorsement as pilot granted under these provisions shall be limited to the tonnage and class of vessels for which the holder's license as master or mate is valid except as provided in § 10.05–39(b) (1) (ii).

(c) When an application is made to any Officer in Charge, Marine Inspection, for an extension of route which is outside his jurisdiction he shall request the Officer in Charge, Marine Inspection, having jurisdiction to forward the necessary examination material for examining the applicant. The complete examination file of the applicant shall be returned to the Officer in Charge, Marine Inspection, having jurisdiction, who, if satisfied that the applicant is qualified and capable, shall grant the authority and advise the other Officer in Charge, Marine Inspection, to endorse the license accordingly.

§ 10.05–43 Examination for license as pilot.

(a) An applicant for an original license as pilot or initial endorsement of master's or mate's license as pilot shall be required to pass a satisfactory examination as to his knowledge of the subjects listed in this paragraph:

(1) Rules of the Road.

(2) Inland rules, applicable to route.

(3) Local knowledge of winds, weather, tides, current, etc.

(4) Chart navigation.

(5) Aids to navigation.

(6) Ship handling.

(7) Chart sketch of the route and waters applied for, showing courses, distances, shoals, aids to navigation, depths of water, and other important features of the route.

(8) General: Such further examination as the Officer in Charge, Marine Inspection, may consider necessary to establish the applicant's proficiency.

(b) An applicant for extension of pilot's route shall be examined on the subjects in subparagraphs (1), (2), (7), and (8) in paragraph (a) of this section only.

§ 10.05–45 Examination for license as deck officer of ocean or coastwise steam, motor or sail vessels.

(a) An applicant for license as deck officer of either ocean or coastwise steam and motor vessels, or sail vessels of 100 gross tons or over, or master of steam and motor yachts, shall pass a satisfactory written examination as to his knowledge of the subjects listed in paragraph (b) of this section. However, if the license to be issued is limited on its face in a manner that would make any of the specific subjects unnecessary or superfluous, the examination should be amended accordingly. Examinations for licenses not incorporated in Table 10.05–45 (b) shall be of suitable scope and character to determine the applicant's proficiency.

(b) List of subjects required:

TABLE 10.05-45 (b)—SUBJECTS FOR DECK OFFICERS OF OCEAN OR COASTWISE STEAM OR MOTOR VESSELS

Subjects	Master				Chief mate		Second mate		Third mate		Mate—Limited mineral and oil industry
	Ocean	Coastwise	Yachts	Limited mineral and oil industry	Ocean	Coastwise	Ocean	Coastwise	Ocean	Coastwise	
1. Latitude by Polaris	X	X			X		X				
2. Latitude by meridian altitude method							Sun or star.	Sun	Sun	Sun	
3. Fix or running fix	Any body	Sun or star.	Any body		Any body	Sun or star.	do	do	do		
4. Star identification (any method)	X	X	X		X	X	X				
5. Chart navigation	X	X	X	X	X	X	X	X	X	X	X
6. Compass deviation	Any body	Sun or star.	Sun		Sun or star.	Sun or star.	Sun or star.	Sun	Sun	Sun	
8. Middle latitude sailing			X					X	X		
9. Mercator sailing	X	X	X			X	X				
10. Great Circle sailing	X										
11. Piloting	X	X	X	X	X	X	X	X	X	X	X
12. Aids to navigation	X	X	X	X	X	X	X	X	X	X	X
13. Speed by revolutions	X	X			X						
14. Fuel conservation	X										
15. Instruments and accessories	X	X	X	X	X	X	X	X	X	X	X
16. Magnetism, deviation and compass compensation	X	X	X	[1] X	X						
17. Chart construction	X	X									
18. Tides and currents	X	X		X	X	X	X	X	X	X	X
19. Ocean winds, weather and currents	X	X	X		X		X		X		
20. Nautical astronomy and navigation definitions	X					X	X		X		[2] X
21. International and inland rules of the road	X	X	X	X	X	X	X	X	X	X	[2] X
22. Signaling by international code flags and flashing light; lifesaving, storm and special signals.	X	X		[3] X	X	X	X	X	X	X	[2] X
23. Stability and ship construction	X	X		X	X	X					
24. Seamanship	X	X	X	X	X	X	X	X	X	X	X
25. Cargo stowage and handling		X		X	X	X	X	X	X		X
26. Change in draft due to density		X			X						
27. Determination of area and volume						X	X				
28. Lifesaving apparatus and firefighting equipment	X	X	X	X	X	X	X	X	X	X	X
29. Ship sanitation	X	X			X						
30. Rules and regulations for inspection of merchant vessels.	X	X	X	X	X	X	X	X	X	X	X
31. Laws governing marine inspection	X	X		X	X	X					
32. Ship's business	X	X		X							
33. Such further examination of a nonmathematical character as the Officer in Charge, Marine Inspection, may consider necessary to establish the applicant's proficiency.	X	X	X	X	X	X	X	X	X	X	X

[1] Practical use of the magnetic compass. [2] Lifesaving, storm and special signals. [3] Navigation definitions only.

(c) (1) Each applicant for an ocean or coastwise deck license, whether original or raise of grade, shall be required to pass practical tests in signalling. The examination in signalling will consist of an examination in the international flag code and Morse flashing. Candidates will be examined in Morse flashing in groups where practicable.

(2) Candidates shall be able to read a signal at sight, so far as to name the flags composing the hoist; know the use of the code pennant, numeral and substitute pennants, the meaning of all the single letter signals and the flags used to indicate the quarantine signals; be required to signal some word or words not included in the vocabulary of the code; and have a good knowledge of the distress signals. Candidates will be required to attain a speed of six words a minute in Morse flashing. The average length of a word is to be five letters. Candidates who wish to prove their higher proficiency may request to be tested at a minimum speed of ten words a minute in Morse flashing. Such candidates, if successful, will have the results of their examination reported on their official files.

(3) A candidate for license who fails in signalling, but passes in every other subject, will be considered to have failed the examination and shall be so reported; but he may at any time within the six months following his first attempt be reexamined in signalling only, and if he then passes he will be granted a license.

§ 10.05-46 Radar observer.

(a) Every applicant for an original license, raise of grade, or increase in scope of license for service on ocean, coastwise, or Great Lakes vessels of 300 gross tons and over shall be required to demonstrate, by professional examination, his qualifications as a "radar observer."

(b) Applicants for licenses specified in paragraph (a) of this section shall be examined on the following aspects of the proper operation and utilization of marine radar equipment:

(1) Fundamentals of radar:

(i) How radar works.

(ii) Factors affecting the performance and accuracy of marine radar.

(iii) Description of the purpose and functions of the main components that comprise a typical marine radar installation.

(2) Operation and use of radar:

(i) The purpose and adjustment of controls.

(ii) The detection of malfunctioning, false and indirect echoes and other radar phenomena.

(iii) The effect of sea return and weather.

(iv) The limitations of radar resulting from design factors.

(v) Precautions to be observed in performing simple maintenance of radar equipment.

(vi) Range and bearing measurement.

(vii) Effect of size, shape, and composition of ship targets on echo.

(3) Interpretation and analysis of radar information:

(i) Determining the course and speed of another vessel.

(ii) Determining the time and distance of closest point of approach of a crossing, meeting, overtaking or overtaken vessel.

(iii) Detecting changes of course and/or speed of another vessel after its initial course and speed have been established.

(iv) Factors to consider when determining change in course and/or speed of own vessel to prevent collision on the basis of radar observation of another vessel or vessels.

(4) Plotting (any method that is graphically correct may be used):

(i) The principles and methods of plotting relative and true motion.

(ii) Practical plotting problems.

(c) An applicant for a license who fails the "radar observer" examination but passes in every other subject will be considered as having failed the license examination, but he may at any time within 6 months of his failure be reexamined in the "radar observer" subject only; and, if he then passes, he may be granted a license.

(d) A certificate of successful completion of a course of instruction of a Maritime Administration or other Government operated school, approved by the Commandant, is acceptable evidence of the holder's qualification as "radar observer" without the examination specified in paragraph (b) of this section.

(1) The "Radar Observer Schools" listed in this subparagraph are approved. The approval for a particular school shall be effective for all certificates issued on or after the date of the first class held, as set forth in this subparagraph, and will continue in effect until this approval is suspended, canceled, or modified by proper authority.

(i) Maritime Administration Radar Observer School, c/o Atlantic Coast Director, 45 Broadway, New York, N.Y., 10004. Physical location: 45 Broadway, New York, N.Y., 10004. First class held: November 18, 1957.

(ii) Maritime Administration Radar Observer School, c/o Pacific Coast Director, U.S. Department of Commerce, Maritime Administration, A50 Golden Gate Ave., Box 36073, San Francisco, Calif., 94102. Physical Location: Fort Mason, San Francisco Army Terminal. First class held: March 3, 1958.

(iii) Maritime Administration Radar Observer School, c/o Gulf Coast Director, Masonic Temple Building, 333 St. Charles Street, New Orleans, La., 70100. Physical location, New Orleans Army Terminal. First class held: July 14, 1958.

(2) The course of instruction in the proper operation and utilization of marine radar equipment is approved as given at the U.S. Merchant Marine Academy, Kings Point, N.Y., 11754. This approval shall be effective for all certificates issued to the deck cadets of the U.S. Merchant Marine Academy and attesting to the successful completion of the course in the proper operation and utilization of marine radar equipment on or after July 17, 1959, and will continue in effect until this approval is suspended, canceled, or modified by proper authority.

(3) The course of instruction in the proper operation and utilization of marine radar equipment is approved as given at the U.S. Army Transportation School, Fort Eustis, Va., 24437. This approval shall be effective for all certificates issued to men attesting to the successful completion of the course in the proper operation and utilization of marine radar equipment on or after June 6, 1960, and will continue in effect until this approval is suspended, canceled, or modified by proper authority.

(4) The course of instruction in the proper operation and utilization of marine radar equipment is approved as given at the State University of New York, Maritime College, Fort Schuyler, New York, N.Y., 10065. This approval shall be effective for all certificates issued to the deck cadets of the New York Maritime College which attest to the successful completion of the course in the proper operation and utilization of marine radar equipment on or after November 17, 1960, and will continue in effect until this approval is suspended, cancelled or modified by proper authority.

(5) The course of instruction in the proper operation and utilization of marine radar equipment is approved as given at the Maine Maritime Academy, Castine, Maine, 04421. This approval shall be effective for all certificates issued to the deck cadets of the Maine Maritime Academy which attest to the successful completion of the course of instruction in the proper operation and utilization of marine radar equipment on or after July 2, 1963, and will continue in effect until this approval is suspended, canceled, or modified by the proper authority.

(Sec. 3, 54 Stat. 341, as amended, sec. 2, 68 Stat. 484; 46 U.S.C. 1333, 239b)

§ 10.05-47 Examination for license as master of Great Lakes steam and motor vessels.

(a) An applicant for license as master of Great Lakes steam or motor vessels shall be required to pass a satisfactory examination as to his knowledge of the subjects listed in this paragraph:

(1) Rules of the Road.

(2) Deviation by azimuth of the sun.

(3) Deviation by azimuth of Polaris.

(4) Construction of a deviation table by any method:

(i) Azimuth of sun or Polaris.

(ii) Equidistant bearings of a fixed object.

(iii) Ranges.

(iv) Comparison with a gyro or magnetic compass whose deviation is known.

(5) Distance off by bearings and run.

(6) Distance off by distance-finding stations.

(7) Distance off by visibility of lights.

(8) Speed by revolutions and by observation.

(9) Instruments and accessories used in navigation.

(10) Magnetism, deviation, and compass compensation.

(11) Chart navigation and piloting.

(12) Aids to navigation.

(13) Winds and weather.

(14) Signals; storm, wreck, distress, and special.

(15) Stability and ship construction.

(16) Cargo stowage and handling.

(17) Seamanship.

(18) Temporary repairs to hull and equipment.

(19) Drills and lifesaving apparatus.

(20) Ship sanitation; Rules and Regulations for Vessel Inspection, and Navigation Laws of the United States.

(21) Ship's business.

(22) General.

(23) Practical chart work.

(24) Such further examination of a nonmathematical character as the Officer in Charge, Marine Inspection, may consider necessary to establish the applicant's proficiency.

§ 10.05-49 Examination for license as master of bays, sounds, and lakes other than the Great Lakes steam and motor vessels.

(a) An applicant for license as master of bays, sounds, and lakes other than the Great Lakes steam or motor vessels shall be required to pass a satisfactory examination as to his knowledge of the subjects listed in this paragraph:

(1) Rules of the Road applicable to the waters desired.

(2) Distance off by bearings and run.

(3) Speed by revolutions and by observation of landmarks.

(4) Chart navigation and piloting.

(5) Aids to navigation.

(6) Winds, weather, and current.

(7) Signals; storm, wreck, distress, and special.

(8) Stability and ship construction.

(9) Cargo stowage and handling.

(10) Seamanship.

(11) Temporary repairs to hull and equipment.

(12) Drills and lifesaving apparatus.

(13) Ship sanitation; Rules and Regulations for Vessel Inspection, and Navigation Laws of the United States.

(14) Ship's business.

(15) General.

(16) Practical chart work.

(17) Such further examination of a nonmathematical character as the Officer in Charge, Marine Inspection, may consider necessary to establish the applicant's proficiency.

§ 10.05-51 Examination for license as master of river steam or motor vessels.

(a) An applicant for license as master of river steam or motor vessels shall be required to pass a satisfactory examination as to his knowledge of the subjects listed in this paragraph:

(1) Rules of the Road.

(2) Shiphandling and navigation of river vessels.

(3) Instruments and accessories.

(4) Aids to navigation.

(5) Seamanship.

(6) Ship construction.

(7) Cargo stowage and handling.

(8) Temporary repairs to hull and equipment.

(9) Drills; lifesaving and firefighting equipment and procedures.

(10) Rules and regulations for vessel inspection and navigation laws of the United States; ship sanitation.

(11) Mathematics.

(12) General.

(13) Such further examination of a nonmathematical character as the Officer in Charge, Marine Inspection, may consider necessary to establish the applicant's proficiency.

§ 10.05-53 Examination for license as master of ferry steam or motor vessels.

An applicant for license as master of ferry steam or motor vessels on either the Great Lakes, other lakes, bays, and sounds, or rivers shall be required to pass satisfactorily an examination of such length and scope as will satisfy the Officer in Charge, Marine Inspection, that the applicant is capable of handling and navigating such vessels.

§ 10.05-55 Examination for license as master or pilot of yachts on the Great Lakes, other lakes, bays, and sounds, or rivers.

An applicant for license as master or pilot of yachts on either the Great Lakes, other lakes, bays, and sounds, or rivers, shall be required to pass a satisfactory examination as to his knowledge in handling such vessels, and his familiarity with the lights, lighthouses, channels, buoys, obstructions, courses, and distances between certain points in the waters for which he makes application for license. He shall also be examined regarding his knowledge of the Rules of the Road for such waters, the running and anchor lights, fog signals, the use of the lead, signal bells between engineroom and pilothouse, the General Rules

and Regulations for Vessel Inspection, and such further examination of a non-mathematical character as the Officer in Charge, Marine Inspection, may consider necessary to establish the applicant's proficiency.

§ 10.05–57 Examination for license as master of passenger barges on the Great Lakes, other lakes, bays, and sounds, or rivers.

An applicant for license as master of passenger barges on the Great Lakes, other lakes, bays, and sounds, or rivers shall be required to pass satisfactorily an examination of such length and scope as will satisfy the Officer in Charge, Marine Inspection, that the applicant is capable of handling the class of vessel for which he desires a license.

§ 10.05–59 Examination for license as mate of inland or river steam or motor vessels.

An applicant for license as mate of inland or river steam or motor vessels shall be required to pass a satisfactory examination as to his knowledge, experience, and skill in stowage and cargo handling, the operation and handling of fire apparatus, the launching and handling of lifeboats, his knowledge of life preservers and the method of adjusting them, his ability to manage the crew and direct and advise the passengers in case of emergency, his general familiarity with his duties in maintaining discipline and protecting the passengers, and such further examination of a non-mathematical character as the Officer in Charge, Marine Inspection, may consider necessary to establish the applicant's proficiency.

§ 10.05–61 Evaluation of experience not listed.

When an applicant presents evidence of service or experience which does not meet the specific requirements of the regulations in this part, but which in the opinion of the Officer in Charge, Marine Inspection, is a reasonable equivalent thereto, the application for license with supporting data shall be submitted to the Commandant for evaluation, together with the recommendation of the Officer in Charge, Marine Inspection.

Subpart 10.10—Professional Requirements for Engineer Officers' Licenses (Inspected Vessels)

AUTHORITY: The provisions of this Subpart 10.10 interpret or apply R.S. 4417a, as amended, 4426, as amended, 4427, as amended, 4438, as amended, 4438a, as amended, 4441, as amended, 4443, as amended, 4445, as amended, 4447, as amended, sec. 2, 29 Stat. 188, as amended, sec. 1, 34 Stat. 1411, as amended, secs. 1, 2, 1544, 1545, as amended, sec. 3, 70 Stat. 152, and sec. 3, 68 Stat. 675; 46 U.S.C. 381a, 404, 405, 224, 224a, 229, 230, 231, 233, 225, 237, 367, 390b, 50 U.S.C. 198. Treasury Department Orders 167-14, Nov. 26, 1954, 19 F.R. 8026; 167-20, June 18, 1956, 21 F.R. 4894.

§ 10.10–1 No restriction as to waters on engineer's licenses.

(a) Except as otherwise specified in this part no engineer's license issued shall be restricted as to the waters upon which the engineer may serve, except that such restrictions on any license, when presented for renewal, shall not be changed without the licensee's consent.

(b) The holder of an engineer's license which is restricted as to waters may serve in the capacity and within the limitations in the license upon other waters without special endorsement as follows:

(1) *"Ocean."* This includes coastwise waters; Great Lakes; bays, sounds, and lakes other than the Great Lakes; and rivers.

(2) *"Coastwise."* This includes the Great Lakes; bays, sounds, and lakes other than the Great Lakes; and rivers.

(3) *"Great Lakes."* This includes bays, sounds, and lakes other than the Great Lakes, and rivers.

(4) *"Bays, sounds, and lakes other than the Great Lakes."* This includes rivers.

(5) *"Inland waters."* This includes the Great Lakes; bays, sounds, and lakes other than the Great Lakes; and rivers.

(6) *"Rivers."* This does not include any other type of waters.

§ 10.10–3 Grade and type of engineer licenses issued and limitations placed thereon.

(a) Licenses in the grades of chief engineer, first assistant engineer, second assistant engineer, and third assistant engineer authorizing service on steam vessels or on motor vessels or on steam and motor vessels, shall be issued to applicants who qualify therefor.

(b) Engineer's licenses of all grades and types may be subject to such horsepower limitation as the Officer in Charge, Marine Inspection, shall deem appropriate. The horsepower limitations to be placed on a license shall be based on the applicant's qualifying experience; however, in no case shall an applicant's license be limited to a lower horsepower than the highest horsepower on which 25 percent or more of his experience was obtained. The applicant whose qualifying service has all been on Coast Guard inspected vessels of 4,000 horsepower or over shall be considered eligible for an engineer's license of unlimited horsepower.

§ 10.10–4 Examination for license as engineer officer of steam or motor vessels.

(a) An applicant for license as engineer officer of either steam or motor vessels shall pass a satisfactory written examination as to his knowledge of the subjects listed in paragraph (b) of this section. However, if the license to be issued is limited on its face in a manner that would make any of the specific subjects unnecessary or superfluous, the examination shall be amended accordingly. Examinations for any license not incorporated in Table 10.10–4(b) shall be of suitable scope and character to determine the applicant's proficiency.

(b) List of subjects required:

TABLE 10.10–4(b)—SUBJECTS FOR ENGINEER OFFICERS' LICENSES OF STEAM OR MOTOR VESSELS

Subjects	Steam				Motor			
	Chief engineer		Assistant engineer		Chief engineer		Assistant engineer	
	Over 2,000 hp	2,000 hp and less	Over 2,000 hp	2,000 hp and less	Over 2,000 hp	2,000 hp and less	Over 2,000 hp	2,000 hp and less
General								
1. Pumps and compressors	X	X	X	X	X	X	X	X
2. Heat exchangers	X	X	X	X	X	X	X	X
3. Propellers and shafting	X	X	X	X	X	X	X	X
4. Steering and miscellaneous machinery	X	X	X	X	X	X	X	X
5. Valves—reducing, control, etc	X	X	X	X	X	X	X	X
6. Condensers, air ejectors and vacuum	X	X	X	X				
7. Engineering definitions and principles	X	X	X	X	X	X	X	X
8. Instruments	X	X	X	X	X	X	X	X
9. Lubrication	X	X	X	X	X	X	X	X
10. Inspection	X	X	X	X	X	X	X	X
11. Mathematics	[1] X	[1] X	[1] X	[1] X	[1] X	[1] X	[1] X	[1] X
12. Sketch		X	X	X		X	X	X
13. Three dimensional drawing	X				X			
14. Ship construction and repair	X	X	X	X	X	X	X	X
Steam Engines								
21. Reciprocating—construction, operation, maintenance	X	X	X	X				
22. Turbine—construction, operation, maintenance	X	X	X	X				
23. Reduction gear and miscellaneous	X	X	X	X				
24. Steam governors	X	X	X	X				

See footnotes at end of table.

TABLE 10.10–4(b)—SUBJECTS FOR ENGINEER OFFICERS' LICENSES OF STEAM OR MOTOR VESSELS—Continued

Subjects	Steam				Motor			
	Chief engineer		Assistant engineer		Chief engineer		Assistant engineer	
	Over 2,000 hp	2,000 hp and less	Over 2,000 hp	2,000 hp and less	Over 2,000 hp	2,000 hp and less	Over 2,000 hp	2,000 hp and less
Motor								
11. Construction, operation, maintenance					X	X	X	X
12. Operating principles					X	X	X	X
13. Fuel injection					X	X	X	X
14. Air compressors					X	X	X	X
15. Operation and maintenance of auxiliary diesel engines	X	X	X	X				
16. Air—starting, combustion					X	X	X	X
17. Governors					X	X	X	X
Boilers								
11. Watertube—construction, operation, maintenance	X	X	X	X	[1] X		[1] X	
12. Firetube—construction, operation, maintenance	X	X	X	X	[1] X		[1] X	
13. General—construction, operation, maintenance	X	X	X	X	[1] X		[1] X	
14. Safety valves	X	X	X	X	[1] X		[1] X	
15. Corrosion and feedwater	X	X	X	X	[1] X		[1] X	
16. Fuels and combustion								
Electricity								
11. Direct current	X	X	X	X	X	X	X	X
12. Alternating current	X	X	X	X	X	X	X	X
13. General—switchboards, controls, wiring	X	X	X	X	X	X	X	X
14. Storage batteries	X	X	X	X	X	X	X	X
15. Electric drive	X	X	X	X	X	X	X	X
16. Problems	X							
Refrigeration								
11. Freon—construction, operation, maintenance	[1] X		[1] X		[1] X		[1] X	
12. Definitions and principles	[1] X		[1] X		[1] X		[1] X	
Engineering Safety								
71. Fire prevention	X	X	X	X	X	X	X	X
72. Fire equipment	X	X	X	X	X	X	X	X
73. Fire fighting	X	X	X	X	X	X	X	X
74. Respiratory apparatus and emergency equipment	X	X	X	X	X	X	X	X
75. Casualty and damage control	X	X	X	X	X	X	X	X
76. Rules and regulations	X	X	X	X	X	X	X	X
77. Safe handling of inflammable and combustible liquids	X	X	X	X	X	X	X	X

[1] Each candidate will receive a minimum of four mathematical questions which shall be graded with the "general" subject, however, a minimum grade of 70 percent shall be required for mathematics.

[2] A candidate for license limited to towing or ferry vessels shall not be examined in this subject.

(c) Each applicant for an original or raise in grade of license as engineer of steam vessels of over 2,000 horsepower shall be required to demonstrate his ability to analyze boiler water. When conditions permit, the test shall be performed by chemical analysis of a water sample.

§ 10.10–5 Removal of restriction as to waters on an engineer's license.

Upon renewal or at his request, any engineer who holds a license restricted as to waters shall be allowed the choice of accepting a limitation as to horsepower in lieu of the restriction as to waters. The horsepower limitation shall be determined by the Officer in Charge, Marine Inspection, in accordance with the applicant's experience. The licensee shall be required to agree in writing to such conditions of renewal before the issuance of the license requested.

§ 10.10–6 Raising and removing horsepower limitations.

(a) Applications for a change in horsepower limitation shall be accompanied by a letter of recommendation from the vessel owner, operator or chief engineer.

(b) Notwithstanding the provisions of § 10.02–15(c) of this part, changes in horsepower limitations based on service required by paragraph (c) of this section may be granted without further written examination providing the Officer in Charge, Marine Inspection, in whose office the applicant's previously written examination is filed, considers said examination is satisfactory for the higher license.

(c) The following service on vessels of 4,000 horsepower or over will be considered qualifying, insofar as service is concerned, for the raising or removing of horsepower limitations placed on engineer licenses:

(1) Twelve months' service in the highest grade licensed: removal of all horsepower limitations.

(2) Six months' service in any licensed capacity other than the highest grade for which licensed: removal of all horsepower limitations for the grade in which service is performed and raise the next higher grade license to the horsepower of the vessel on which service was performed.

(3) Twelve months' service as oiler or Junior Engineer holding a license as Third Assistant Engineer: removal of all horsepower limitations on Third Assistant Engineer's license.

(4) Six months' service as oiler or Junior Engineer holding a license as Second Assistant Engineer: removal of all horsepower limitations on Third Assistant Engineer's license.

§ 10.10–7 Conversion of licenses from gross tonnage to horsepower limitations upon renewal.

(a) Steam or motor engineer's licenses issued for any gross tons on specified waters shall be converted to any horsepower for the same waters, when renewed by an Officer in Charge, Marine Inspection.

(b) Upon renewal of any engineer's license which is limited as to gross tonnage the tonnage shall be converted to horsepower on the new license in the ratio of 3 to 4 (i. e.: 750 gross tons to 1,000 horsepower), except in those cases where an applicant has obtained experience on vessels of greater horsepower than the above ratio would entitle him. In such cases a license of greater horsepower commensurate with the experience obtained may be issued.

§ 10.10–9 Chief engineer; steam vessels.

(a) The minimum service required to qualify an applicant for license as chief engineer of steam vessels is:

(1) One year's service as first assistant engineer of steam vessels; or,

(2) Two years' service as second assistant or junior first assistant engineer in charge of a watch on steam vessels while holding a license as first assistant engineer of steam vessels; or,

(3) While holding a license as chief engineer of motor vessels, either:

(i) Six months' service as first assistant engineer of steam vessels;

(ii) Six months' service as observer chief engineer on steam vessels; or,

(iii) One year's service as oiler, watertender, or junior engineer of steam vessels.

§ 10.10–11 Chief engineer; motor vessels.

(a) The minimum service required to qualify an applicant for license as chief engineer of motor vessels is:

(1) One year's service as first assistant engineer of motor vessels; or,

(2) Two years' service as second assistant or junior first assistant engineer in charge of a watch on motor vessels while holding a license as first assistant engineer of motor vessels; or,

(3) While holding a license as chief engineer of steam vessels, either:

(i) Three months' service as first assistant engineer of motor vessels;

(ii) Three months' service as observer chief engineer on motor vessels; or,

(iii) Six months' service as oiler or junior engineer of motor vessels.

§ 10.10–13 First assistant engineer; steam vessels.

(a) The minimum service required to qualify an applicant for license as first assistant engineer of steam vessels is:

(1) One year's service as second assistant engineer of steam vessels; or,

(2) Two years' service as third assistant or junior second assistant engineer in charge of a watch on steam vessels, while holding a license as second assistant engineer of steam vessels; or,

(3) While holding a license as first assistant engineer of motor vessels, either:

(i) Six months' service as second assistant engineer of steam vessels;

(ii) Six months' service as observer first assistant engineer on steam vessels; or,

(iii) One year's service as oiler, watertender, or junior engineer of steam vessels; or,

(4) Three years' service as oiler, watertender, or fireman on steam vessels for a license as first assistant engineer of steam towing or ferry vessels of not more than 2,000 horsepower; or,

(5) While holding a license as third assistant engineer of steam vessels of any horsepower, three months' service as third assistant engineer or observer first assistant engineer on steam vessels for a license as first assistant engineer of steam towing or ferry vessels of not over 2,000 horsepower; or,

(6) Three years' service as oiler, watertender or fireman on steam vessels for a license as first assistant engineer of steam vessels of not more than 1,000 horsepower.

§ 10.10–15 First assistant engineer; motor vessels.

(a) The minimum service required to qualify an applicant for license as first assistant engineer of motor vessels is:

(1) One year's service as second assistant engineer of motor vessels; or,

(2) Two years' service as third assistant engineer or junior second assistant engineer in charge of a watch on motor vessels, while holding a license as second assistant engineer of motor vessels; or,

(3) While holding a license as first assistant engineer of steam vessels, either:

(i) Three months' service as second assistant engineer of motor vessels;

(ii) Three months' service as observer first assistant engineer on motor vessels; or,

(iii) Six months' services as oiler or junior engineer of motor vessels; or,

(4) Three years' service as oiler or fireman on motor vessels for a license as first assistant engineer of motor towing or ferry vessels of not more than 2,000 horsepower; or,

(5) While holding a license as third assistant engineer of motor vessels of any horsepower, three months' service as third assistant engineer or observer first assistant engineer on motor vessels for a license as first assistant engineer of motor towing or ferry vessels of not over 2,000 horsepower; or,

(6) Three years' service as oiler or fireman on motor vessels for a license as first assistant engineer of motor vessels of not more than 1,000 horsepower .

§ 10.10–17 Second assistant engineer; steam vessels.

(a) The minimum service required to qualify an applicant for license as second assistant engineer of steam vessels is:

(1) One year's service as engineer in charge of a watch, while holding a license as third assistant engineer of steam vessels; or,

(2) Two years' service as assistant engineer to the engineer in charge of a watch, while holding a license as third assistant engineer of steam vessels; or,

(3) Five years' service in the engine department of steam or motor vessels, 1 year of this required service may have been on motor vessels; 4 years and 6 months of which must have been as a qualified member of the engine department, 2 years and 6 months of which must have been as fireman, oiler, watertender, or junior engineer on steam vessels; or,

(4) While holding a license as second assistant engineer of motor vessels, either:

(i) Six months' service as third assistant engineer of steam vessels;

(ii) Six months' service as an observer second assistant engineer on steam vessels; or,

(iii) One year's service as oiler, watertender, or junior engineer of steam vessels.

§ 10.10–19 Second assistant engineer; motor vessels.

(a) The minimum service required to qualify an applicant for license as second assistant engineer of motor vessels is:

(1) One year's service as engineer in charge of a watch, while holding a license as third assistant engineer of motor vessels; or,

(2) Two years' service as assistant engineer to the engineer in charge of a watch, while holding a license as third assistant engineer of motor vessels; or,

(3) Five years' service in the engine department of motor or steam vessels, 1 year of this required service may have been on steam vessels; 4 years and 6 months of which must have been as a qualified member of the engine department, 2 years and 6 months of which must have been as oiler or junior engineer on motor vessels; or,

(4) While holding a license as second assistant engineer of steam vessels, either:

(i) Three months' service as third assistant engineer of motor vessels;

(ii) Three months' service as observer second assistant engineer on motor vessels; or,

(iii) Six months' service as oiler or junior engineer of motor vessels.

§ 10.10–21 Third assistant engineer; steam vessels.

(a) The minimum service required to qualify an applicant for license as third assistant engineer of steam vessels is:

(1) Three years' service in the engine department of steam or motor vessels, one-third of this required service may have been on motor vessels; 2 years and 6 months of which must have been as a qualified member of the engine department, 1 year and 6 months of which must have been as fireman, oiler, watertender or junior engineer on steam vessels; or,

(2) Three years' service as an apprentice to the machinist trade engaged in the construction or repair of marine, locomotive, or stationary engines together with 1 year's service in the engine department of steam vessels as oiler, watertender, or junior engineer, one-third of such service may have been on motor vessels; or,

(3) Graduation from:

(i) The U. S. Merchant Marine Academy (engineering);

(ii) The engineering class of a nautical schoolship approved by and conducted under rules prescribed by the Commandant and listed in Part 166 of Subchapter R (Nautical Schools) of this chapter;

(iii) The U. S. Naval Academy; or,

(iv) The U. S. Coast Guard Academy; or,

(4) Satisfactory completion of the prescribed course (engineering) at a U. S. Maritime Service or other Government operated training school approved by the Commandant may be accepted as the equivalent of sea service up to a maximum of four months, provided the applicant has obtained the additional qualifying experience prior to enrollment; or,

(5) Graduation from the marine engineering course of a duly recognized school of technology together with 3 months' service in the engine department of steam vessels, one-third of such service may have been on motor vessels; or,

(6) Graduation from the mechanical or electrical engineering course of a duly recognized school of technology together with 6 months' service in the engine department of steam vessels, one-third of such service may have been on motor vessels; or,

(7) One year's service as oiler, watertender, or junior engineer on steam vessels while holding a license as third assistant engineer of motor vessels.

§ 10.10–23 Third assistant engineer; motor vessels.

(a) The minimum service required to qualify an applicant for license as third assistant engineer of motor vessels is:

(1) Three years' service in the engine department of motor or steam vessels, one-third of this required service may have been on steam vessels; 2 years and 6 months of which must have been as a qualified member of the engine department, 1 year and 6 months of which must have been as oiler or junior engineer on motor vessels; or,

(2) Three years' service as an apprentice to the machinist trade engaged in the construction or repair of marine, locomotive, or stationary engines together with 1 year's service in the engine department of motor vessels as oiler or junior engineer, one-third of such service may have been on steam vessels; or,

(3) Graduation from:

(i) The U. S. Merchant Marine Academy (engineering);

(ii) The engineering class of a nautical schoolship approved by and conducted under rules prescribed by the Commandant and listed in Part 166 of Subchapter R (Nautical Schools) of this chapter;

(iii) The U. S. Naval Academy; or,

(iv) The U. S. Coast Guard Academy; or,

(4) Satisfactory completion of the prescribed course (engineering) at a U. S. Maritime Service or other Government operated training school approved by the Commandant may be accepted as the equivalent of sea service up to a maximum of 4 months, provided the applicant has obtained the additional qualifying experience prior to enrollment; or,

(5) Graduation from the marine engineering course of a duly recognized school of technology together with 3 months' service in the engine department of motor vessels, one-third of such service may have been on steam vessels; or,

(6) Graduation from the mechanical or electrical engineering course of a duly recognized school of technology together with 6 months' service in the engine department of motor vessels, one-third of such service may have been on steam vessels; or,

(7) Six months' service as oiler or junior engineer on motor vessels while holding a license as third assistant engineer of steam vessels.

§ 10.10–25 Engineers of motor vessels operating in Puerto Rican and Hawaiian waters.

(a) An applicant for an engineer's license of seagoing vessels propelled by internal combustion engines navigating exclusively between ports in the Hawaiian Islands, or navigating exclusively between ports of the Island of Puerto Rico and/or the Virgin Islands, shall submit with his application statements duly executed and certified by reputable citizens qualified to judge the character and ability of the applicant. The Officer in Charge, Marine Inspection, shall make a diligent inquiry as to the applicant's character and merits and, if satisfied by the oral examination or practical demonstration, and the proof of requisite knowledge and skill offered, the Officer in Charge, Marine Inspection, shall issue the license. No certificate from the United States Public Health Service based upon the subject of ship sanitation and first aid shall be required of such applicant.

(b) An applicant for an engineer's license of motor vessels operating exclusively in Puerto Rican waters or exclusively in Hawaiian waters shall present evidence of a minimum of 3 years' service on such vessels.

§ 10.10–27 Service as engineroom watch electrician or refrigeration watch engineer.

An applicant for a raise of grade of engineer's license for steam or motor vessels may substitute service as engineroom watch electrician on electric drive steam or motor vessels or refrigeration watch engineer for other service required. The service shall be accepted on the basis of 2 months' service as watch electrician or refrigeration watch engineer to count as 1 month of required service. Such service shall not be substituted for more than one-half the service required on a license. This service as engineroom watch electrician or refrigeration watch engineer must have been acquired while the applicant was holding the license which is to be raised in grade.

§ 10.10–29 Evaluation of experience not listed.

When an applicant presents evidence of service or experience which does not meet the specific requirements of the regulations in this part, but which in the opinion of the Officer in Charge, Marine Inspection, is a reasonable equivalent thereto, the application for license with supporting data shall be submitted to the Commandant for evaluation, together with the recommendation of the Officer in Charge, Marine Inspection.

Subpart 10.13—Licensing of Radio Officers

AUTHORITY: The provisions of this Subpart 10.13 interpret or apply secs. 1–8, 62 Stat. 232–234; 46 U.S.C. 229a–229h. Treasury Department Order 120, July 31, 1950, 15 F.R. 6521. Other statutory provisions interpreted or applied are cited to text in parentheses.

§ 10.13–1 Applicability of laws.

(a) The provisions of Title 46, U.S. Code, sections 229a to 229h provide that radiotelegraph operators shall be licensed officers.

(b) The regulations in this subpart implement the provisions in Title 46, U.S. Code, sections 229a to 229h, and provide for the issuance to qualified applicants of licenses as radio officers subject to all of the conditions provided in law.

§ 10.13–3 Definitions.

(a) *License.* Where the word "license" appears throughout this subpart it shall be construed as meaning a license issued by the Coast Guard, unless indicated otherwise.

(b) *Original license.* The first license issued to a radiotelegraph operator by the Coast Guard shall be considered an original license, when the records of the Coast Guard show no previous issue to such person.

§ 10.13–5 General provisions respecting all licenses issued.

(a) Applicants for licenses, issued in accordance with this subpart, are charged with the duty of establishing to the satisfaction of the Coast Guard that they possess all of the qualifications necessary, such as, age, experience, character and citizenship, before they shall be entitled to be issued licenses. Until an applicant meets this mandatory requirement, he is not entitled to be licensed to serve as an officer on a vessel of the United States. No person who has been convicted by court-martial of desertion or treason in time of war, or has lost his nationality for any of the other reasons listed in 8 U.S.C. 1481, is eligible for a license. Neither is a person eligible for a license, who has been convicted by a court of record of a violation of the narcotic drug laws of the United States, the District of Columbia, or any State or Territory of the United States, within ten years prior to the date of filing the application; or who, unless he furnishes satisfactory evidence that he is cured, has ever been the user of or addicted to the use of a narcotic drug.

(b) After application to an Officer in Charge, Marine Inspection, any person who is found qualified under the requirements set forth in this subpart shall be issued an appropriate license valid for a term of five (5) years, provided he continues to hold a valid first- or second-class radiotelegraph operator's license issued by the Federal Communications Commission.

(c) Every person to whom a license is issued shall place his signature and left thumbprint thereon.

(d) Every person who receives a license shall make oath before an Officer in Charge, Marine Inspection, or commissioned officer of the Coast Guard authorized to administer oaths under 10 U.S.C. 936 or 14 U.S.C. 636, to be recorded upon his official file, that he will faithfully and honestly, according to his best skill and judgment, without concealment or reservation, perform all the duties required of him by law.

(Sec. 2, 64 Stat. 484; 46 U.S.C. 239b. Treasury Department Order 167–9, August 3, 1954, 19 F.R. 5195)

§ 10.13–7 Citizenship and age requirements for all licenses issued.

(a) No license shall be issued to any person who is not a United States citizen. An applicant claiming to be a citizen of the United States shall furnish documentary evidence of his citizenship. Acceptable evidence of citizenship is described in § 10.02–5.

(b) Any citizen who has attained the age of 19 years and is qualified in all other respects shall be eligible for a license.

§ 10.13–9 Evidence of professional competence for all licenses issued.

Each applicant for a license must present to the Officer in Charge, Marine Inspection, at the time of making application his currently valid first- or second-class radiotelegraph operator's license issued by the Federal Communications Commission.

§ 10.13–13 General requirements for original licenses.

(a) *First aid certificate.* No candidate for original license shall be qualified until he presents a certificate from the United States Public Health Service that he has passed a satisfactory examination based on the contents of "The Ship's Medicine Chest and First Aid at Sea," or other manual arranged for the purpose and having the approval of the United States Public Health Service.

(b) *Written application.* (1) The Officers in Charge, Marine Inspection, shall require all applicants for original licenses to make written applications upon Coast Guard Form CG–866.

(2) This application shall be submitted in duplicate. The applicant shall also furnish two unmounted, dull finish photographs, 2 inches by 1½

inches, of passport type taken within 1 year of the date of application. Photographs shall show the full face, at least 1 inch in height, with the head uncovered, and shall be a satisfactory likeness of the applicant. The issuing officer shall affix a photograph to each of the applications and impress his official seal partly over the photograph, after the applicant has in his presence signed the applications.

(3) The applicant shall place his left thumbprint on each of the applications.

(4) The applicant shall enter on the application form the number, class, and date of issuance of his currently valid Federal Communications Commission license.

(5) The applicant shall make and subscribe to an oath or affirmation, before the issuing officer, to the truth of all the statements set forth in his application. Any applicant who shall make or subscribe to any oath or affirmation on the application form and knowing the same to be false shall be deemed guilty of perjury.

(c) *Evidence of employment.* Applicants for licenses must present to the Officers in Charge, Marine Inspection, at the time of making application evidence that they are going to sea or expect to go to sea. This evidence shall be in the form of one of the following and shall be entered on the application form:

(1) A currently valid certificate of service as radio operator or merchant mariner's document endorsed as radio operator.

(2) One or more certificates of discharge showing service as radio operator on a merchant vessel. Evidence of service on United States Government vessels or foreign vessels is acceptable.

(3) An applicant for a license who has not served as radio operator aboard a vessel must present satisfactory proof that he has a commitment of employment as a radio operator on a United States merchant vessel. This proof shall be in the form of a letter and shall be signed by a responsible official of the vessel, agent, owner, operator, or organization concerned with manning vessels.

(d) *Surrender of certificate of service.* Upon the issuance of a license the certificate of service as radio operator or merchant mariner's document endorsed as radio operator held by the licensee shall be surrendered to the issuing officer.

§ 10.13–15 Physical examinations for original licenses.

(a) All applicants for original licenses shall be required to pass physical examinations given by a medical officer of the United States Public Health Service and present certificates executed by this Public Health Service Officer to the Officers in Charge, Marine Inspection. This certificate shall attest to the applicant's acuity of vision and general physical condition.

(b) Epilepsy, insanity, senility, acute venereal disease or neurosyphilis, badly impaired hearing, or other defect that would render the applicant incompetent to perform the ordinary duties of a radio officer at sea are causes for certification as incompetent.

(c) For original license the applicant must have, either with or without glasses, at least 20/30 vision in one eye and at least 20/50 in the other. The applicant who wears glasses, however, must also be able to pass a test without glasses of at least 20/50 in one eye and at least 20/70 in the other. Any applicant for original license who is possessed of monocular vision and who has served as a radio operator on merchant vessels of the United States while possessed of such vision may be issued a license if eligible in all other respects. Vision of at least 20/30 without glasses in the remaining eye shall be required in all such cases.

(d) Where an applicant is not possessed of the vision, hearing, and general physical condition considered necessary, the Officer in Charge, Marine Inspection, after consultation with the Public Health Service physician, shall make a recommendation to the Commandant for an exception to these requirements if, in their opinion, extenuating circumstances warrant special consideration. Any request for a decision by the Commandant must be accompanied by all pertinent correspondence, records, and reports. Special consideration will be given to an applicant who has served satisfactorily at sea as a radio operator even though he is possessed of physical defects which would be cause for rejection of an applicant with no sea service. Recommendations from interested parties having knowledge of the applicant's qualifications will be given full consideration in arriving at a decision.

§ 10.13–17 Character check and references required for original licenses.

(a) In those cases where an applicant for an original license has served at sea as a radio operator, the Officer in Charge, Marine Inspection, shall require such applicant to have written endorsements of a master of a vessel on which he has served, together with those of two other licensed officers. Upon a showing that the written endorsements required above cannot be obtained without undue delay or hardship, the Officer in Charge, Marine Inspection, may accept in lieu of these endorsements those from officials of the steamship company or other employers of the applicant. Letters of recommendation attesting to the applicant's character, etc., from former employers of the applicant may be accepted in lieu of the endorsements, but such letters must be filed with the application. Where no sea service has been obtained, the applicant shall have the written endorsements of three reputable persons to whom he is well-known.

(b) Fingerprint records of each applicant shall be made on FBI Form "Applicant." This record shall be submitted to the Commandant together with the application for license.

(c) Every application for an original license shall be approved by the Commandant. No license shall be issued or temporary permit granted pending the Commandant's authorization.

(d) (1) The application of any person may be rejected by the Commandant when derogatory information has been brought to his attention which indicates that the applicant's character and habits of life are such as to authorize the belief that he is not a suitable and safe person to be entrusted with the duties of radiotelegraph operator on any vessel.

(2) Applications will be rejected and the issuance of licenses refused to persons in the following categories:

(i) Those who have been convicted in the courts of offenses such as: Crimes of violence on shipboard and in certain instances ashore; sabotage; possession, use, or sale of narcotics; smuggling of aliens into the United States; malicious destruction of ship's property; serious cases of theft of ship's property or stores; and offenses of an infamous character.

(ii) Those who have been disapproved for service as radio operator aboard merchant vessels of the United States in time of war.

(iii) Those who have been issued a dishonorable discharge from any of the armed services of the United States.

(3) Where an application for a license is rejected by the Commandant under the provisions of this section, the application will be reconsidered upon written request of the applicant, provided he can produce additional evidence of satisfactory character and habits over a reasonable period of time immediately prior to the date of request for reconsideration. This evidence may consist of certificates showing satisfactory service in any of the armed forces of the United States; or letters from employers, from persons having direct and personal knowledge of the applicant, or from reputable institutions. The letters should indicate familiarity of the writer with the applicant, approximate dates of employment (if any), and other pertinent statements indicating the writer's belief about the applicant's character and habits.

(4) The fact that an applicant for an original license is on probation as a result of action under R. S. 4450, as amended (46 U.S.C. 239), does not itself make such an applicant ineligible, provided he meets all the requirements for such original license. However, any original license issued under those circumstances will be subject to the same probationary conditions as were imposed against the seaman's certificates or licenses in proceedings under R. S. 4450, as amended. Any such applicant must file an application for license in the usual manner, and the offense for which he was placed on probation will be considered on the merits of the case in determining his fitness to hold the license applied for.

(5) Nothing in this subpart shall be construed to permit the issuance of an original license during any period when a suspension without probation or a revocation imposed pursuant to R. S. 4450, as amended, is effective against any document held by him.

§ 10.13–19 Applicants furnishing additional information.

(a) In the course of the investigation into an applicant's qualifications (such as age, physical condition, experience, citizenship, character, and habits of life), the Commandant may require the applicant to furnish such additional information to the Coast Guard as the Commandant deems pertinent and necessary for a determination as to whether or not the applicant is a suitable and safe person to be entrusted with the powers and duties of a radiotelegraph operator on any vessel as contemplated by the act of May 12, 1948, as amended (46 U.S.C. 220a–229h).

(b) The failure or refusal of an applicant to furnish the additional information requested by the Commandant under this section may be grounds for the Commandant's rejection of the application. However, no application will be rejected on the grounds of failure or refusal of the applicant to furnish such information unless and until the applicant shall first be afforded, before an officer of the Coast Guard, a further opportunity to furnish the requested information or to satisfactorily explain his failure or refusal to furnish such information.

§ 10.13–21 General requirements for renewal of license.

(a) *Establishing eligibility.* Applicants for renewals of licenses are charged with the duty of establishing to the satisfaction of the Coast Guard that they possess all of the qualifications necessary before they shall be issued a renewal of license.

(1) *Written application.* The Officer in Charge, Marine Inspection, shall, before granting renewal of license, require the applicant to make written application on Coast Guard Form CG–3479.

(b) *Application for renewal.* The applicant for renewal shall appear in person before an Officer in Charge, Marine Inspection, except where the applicant would be put to great inconvenience or expense to appear in person or is engaged in a service that necessitates his continuous absence from the United States. In such cases the license may be renewed by forwarding the following documents to the Officer in Charge, Marine Inspection, of the office which issued the license to be renewed:

(1) A letter of transmittal indicating reasons for not appearing in person and stating that to the best of his knowledge no physical incapacity exists, together with properly executed application on Coast Guard Form CG–3479.

(2) The oath of office on the form prescribed by the Coast Guard which has been duly executed before a person authorized to administer oaths.

(3) The license to be renewed.

(4) The currently valid license as first- or second-class radiotelegraph operator issued by the Federal Communications Commission. (This license will be sighted and returned to the applicant.)

(c) *Fitness.* No license shall be renewed if title has been permanently relinquished or facts which would render a renewal improper have come to the attention of the Coast Guard.

(d) *Period of grace.* (1) Licenses shall be renewed within 12 months after the date of expiration as shown on the license held. During this 12-month period of grace, the license is not valid.

(2) No license shall be renewed more than 90 days in advance of the date of expiration thereof, unless there are extraordinary circumstances that justify a renewal beforehand, in which case the reasons therefor must appear in detail upon the records of the Officer in Charge, Marine Inspection, renewing the license.

(e) *Surrender of expiring license.* An applicant for renewal shall surrender his license which is being renewed upon issuance of the new license.

(Sec. 2, 64 Stat. 484, 46 U.S.C. 239b; Treasury Department Order 167–9, August 3, 1954, 19 F.R. 5195)

§ 10.13–23 Physical requirements for renewal.

(a) In the event it is found that an applicant for renewal of license obviously suffers from some physical or mental infirmity to a degree that, in the opinion of the Officer in Charge, Marine Inspection, would render him incompetent to perform the ordinary duties of a radio officer at sea, the applicant shall be required to undergo an examination by a medical officer of the Public Health Service to determine his competency. If the applicant subsequently produces a certificate from the Public Health Service to the effect that his condition has improved to a satisfactory degree, or is normal, he shall be qualified in this respect.

(b) Nothing contained in this section shall debar an applicant who has lost the sight of one eye since obtaining his original license from securing a renewal of his license, provided he is qualified in all other respects, and the vision in his one eye passes the test required for the better eye of an applicant possessed of both eyes.

(c) In exceptional cases where an applicant would be put to great inconvenience or expense to appear before a medical officer of the United States Public Health Service, the physical examination or certification may be made by another reputable physician.

(d) Whenever an applicant shall apply for renewal of his license after 12 months after the date of its expiration, he shall be required to pass the physical examination required of an applicant for an original license.

§ 10.13–25 Issuance of duplicate license.

(a) Whenever a person to whom a license has been issued loses his license, he shall report such loss to an Officer in Charge, Marine Inspection, who shall issue a duplicate license after receiving from such person a properly executed affidavit giving satisfactory evidence of such loss, and a record of the license from the Marine Inspection Office where it was issued. Such license shall be issued as a duplicate by the addition of the following typewritten endorsement, "This license replaces License No. ------ issued at ------ on the above date," as well as the port and date of the duplicate issue.

(b) The duplicate license, issued for the unexpired term, shall have the same force and effect as the lost license.

(c) When a person reports the loss of his license, or when it is discovered that any license or license form has been stolen from a Marine Inspection Office or when such lost or stolen licenses are recovered, the Officer in Charge, Marine Inspection, shall immediately report the loss, theft, or recovery to the Commandant giving a description of the license and all facts incident to its loss, theft, or recovery.

§ 10.13–27 Parting with or altering license.

(a) If the holder of any license voluntarily parts with it or places it beyond his personal control by pledging or depositing it with any other person for any purpose, he may be proceeded against in accordance with the provisions of R.S. 4450, as amended (46 U.S.C. 239), looking to a suspension or revocation of his license.

(b) The holder of any license issued pursuant to the regulations in this subpart who shall change, by addition, interpolation, or erasure of any kind any license shall be subject to all the penalties provided by law; and any license so changed is null and void and without force and effect.

§ 10.13–29 Suspension and revocation of licenses.

(a) Licenses issued pursuant to this subpart shall be subject to suspension or revocation on the same ground and in the same manner and with like procedure as is provided in the case of suspension or revocation of licenses under the provisions of R. S. 4450, as amended (46 U.S.C. 239).

(b) Whenever a license is revoked such license expires with such revocation and any license subsequently granted to such person shall be considered in the light of an original license except as to number of issue.

(c) No person whose license has been suspended or revoked shall be issued another license except upon approval of the Commandant.

(d) When a license which is about to expire is suspended, the renewal of such license may be withheld until the expiration of the period of suspension.

(e) When the license issued by the Federal Communications Commission upon which the license issued pursuant to this subpart is predicated is suspended or revoked, such suspension or revocation shall operate as a suspension or revocation of the license issued under this subpart. No formal proceedings shall be required in such cases.

§ 10.13–33 Right of appeal.

Whenever any person directly interested in or affected by any decision or action of any Officer in Charge, Marine Inspection, shall feel aggrieved by such decision or action with respect to the issuance of a license, he may appeal therefrom to the District Coast Guard Commander having jurisdiction. A like appeal shall be allowed from any decision or action of the District Coast Guard Commander to the Commandant, whose action shall be final. Such appeals shall be made in writing within 30 days after

the date of decision or action appealed from. Pending the determination of the appeal, the decision of the Officer in Charge, Marine Inspection, shall remain in effect.

Subpart 10.15—Licensing of Officers for Uninspected Vessels

AUTHORITY: The provisions of this Subpart 10.15 interpret or apply R.S. 4438a, as amended; 46 U.S.C. 224a. Other statutory provisions interpreted or applied are cited to text in parentheses.

§ 10.15–1 Applicability of laws.

(a) All the provisions of Title 46, U.S. Code, sections 221, 224, 225, 226, 227, 228, 229, 231, 232, 233, 234, 235, 237, 239, 239b, 240, 372, 375, and 672a which refer to the issuance, duration, renewal, suspension or revocation of licenses of masters, mates, chief engineers and assistant engineers shall be applicable to all uninspected vessels to which the Officers' Competency Certificates Convention, 1936, and Title 46, U.S. Code, section 224a, making effective the provisions of the Convention apply.

§ 10.15–3 Vessels to which regulations apply.

(a) The regulations in this subpart shall apply to masters, chief engineers and watch officers, deck and engineer, on all uninspected vessels, however propelled, navigating the high seas, which are registered, enrolled and licensed, or licensed under the laws of the United States whether permanently, temporarily, or provisionally, including yachts, enrolled and licensed, with the exception of:

(1) Ships of war;

(2) Government vessels, or vessels in the service of a public authority, which are not engaged in trade;

(3) Wooden ships of primitive build, such as dhows and junks;

(4) Unrigged vessels;

(5) All vessels of less than 200 gross tons.

§ 10.15–5 Licenses issued and general provisions.

(a) Licenses to officers on uninspected vessels will be issued as follows:

(1) License as master, motor or sail;

(2) License as mate, motor or sail;

(3) License as chief engineer, motor; or,

(4) License as assistant engineer, motor.

(b) Licenses to officers of uninspected vessels shall be limited on their face to uninspected vessels, and shall be issued on the Coast Guard Form CG–2849.

(c) Licenses as master and mate shall be issued for appropriate route (ocean or coastwise) and with tonnage limitations commensurate with the experience of the applicant.

(d) (1) Licenses to chief engineer and assistant engineer shall be issued with appropriate horsepower limitations commensurate with the experience of the applicant.

(2) The regulations in § 10.10–15 shall govern the conversion of engineers' licenses from gross tonnage to horsepower limitations upon renewal.

(e) Every person to whom a license is issued shall place his signature and left thumbprint thereon, and upon any sheets attached for additional endorsements.

(f) Every master, mate, or engineer who receives a license shall make oath before an Officer in Charge, Marine Inspection, or commissioned officer of the Coast Guard authorized to administer oaths under 10 U.S.C. 936 or 14 U.S.C. 636, to be recorded upon his official file, that he will faithfully and honestly, according to his best skill and judgment, without concealment or reservation, perform all the duties required of him by law and obey all lawful orders of his superior officers.

§ 10.15–7 Related authority of licenses for inspected vessels.

A license to act as master, mate, or engineer of inspected vessels will in all cases entitle the holder to act under the limitations of his license on uninspected vessels.

§ 10.15–9 Sea service as member of the armed forces of the United States as qualifying.

Sea service as a member of the armed forces of the United States will be accepted as qualifying experience for an original or raise in grade of license. Such service will be subject to evaluation to the sea service otherwise required, and to determine the appropriate grade, class, and limit of license for which the applicant is eligible. The applicant may be permitted to omit the examination for the lower grade of license if his experience is of such character as to qualify him for the higher grade of license.

§ 10.15–11 Lifting of limitations.

Section 10.02–15 shall govern the lifting of limitations on licenses to officers of uninspected vessels.

§ 10.15–13 Citizenship and age requirements.

(a) No license shall be issued to any person who is not a United States citizen. An applicant claiming to be a citizen of the United States shall furnish documentary evidence of his citizenship. Acceptable evidence of citizenship is described in §10.02–5.

(b) Any citizen who has attained the age of 21 years and is qualified in all other respects shall be eligible for a license: *Provided,* That a license as mate or assistant engineer may be granted to applicants who have reached the age of 19 years and are qualified in all other respects, but no such license may be raised in grade before the holder thereof shall have reached the age of 21 years.

§ 10.15–15 Reexaminations and refusal of licenses.

Section 10.02–19 shall govern the reexaminations and refusal of licenses to officers of uninspected vessels.

§ 10.15–17 Issuance of duplicate licenses.

Section 10.02–23 shall govern the issuance of duplicate licenses to officers of uninspected vessels.

§ 10.15–19 Suspension and revocation of licenses.

Licenses as master, mate, or engineer of uninspected vessels shall be subject to suspension or revocation on the same ground and in the same manner and with like procedure as is provided in the case of suspension or revocation of licenses under the provisions of R.S. 4450, as amended (46 U.S.C. 239).

§ 10.15–21 Laws, general rules and regulations, and Rules of the Road to be furnished licensed officers.

(a) Every master, mate, or engineer, when receiving an original license, a renewed license, or a raise of grade of license, shall be furnished at his request with a copy of the "Laws Governing Marine Inspection" and a copy of the "Rules and Regulations for Vessel Inspection" distributed by the Coast Guard pertinent to the license issued.

(b) In addition, every master and mate shall be furnished at his request with a copy of the "Rules of the Road" applicable to the waters for which his license has been issued.

§ 10.15–25 Application and experience required for original or raise of grade of licenses.

(a) Applicants for original or raise of grade of licenses are charged with the duty of establishing to the satisfaction of the Coast Guard that they possess all the qualifications necessary, such as age, experience, character and citizenship, before they shall be entitled to be issued such license. Until an applicant meets this mandatory requirement, he is not entitled to be licensed. No person who has been convicted by court-martial of desertion or treason in time of war, or has lost his nationality for any of the other reasons listed in 8 U.S.C. 1481, is eligible for a license. Neither is a person eligible for a license, who has been convicted by a court of record of a violation of the narcotic drug laws of the United States, the District of Columbia, or any State or Territory of the United States, within ten years prior to the date of filing the application; or who unless he furnishes satisfactory evidence that he is cured, has ever been the user of or addicted to the use of a narcotic drug.

(b) Before an applicant for original license (as defined by § 10.02–3) as master, mate, or engineer, or raise of grade of any license may be licensed, the applicant shall make application upon Coast Guard Form CG–866 and shall present it in person to an Officer in Charge, Marine Inspection. An applicant shall also present discharges and testimonial letters to the Officer in Charge, Marine Inspection, from the masters or chief engineers under whom he has served, or from the owners in the case of applicants who have already served as master or chief engineer, certifying to the name of the vessel, and the amount and character of his experience, and to his ability, character, and habits of life. Photostatic copies of those documents may be accepted for filing with the application.

(c) (1) Fingerprint records on FBI Form "Applicant" shall be submitted to

the Commandant on each application for original license at the same time application is made.

(2) The application of any person may be rejected by the Officer in Charge, Marine Inspection, when derogatory information has been brought to his attention which indicates that the applicant's habits of life and character are such as to warrant the belief that he cannot be entrusted with the duties and responsibilities of the station for which he made application. In the event that an applicant is rejected he will be advised that he may submit a request to the Commandant for a review of his case. No examination shall be given or temporary permit issued in the type case pending the Commandant's authorization.

(3) Nothing in this part shall be construed to permit an applicant to be examined for an original license or a raise in grade of license during any period when a suspension without probation or a revocation imposed pursuant to R. S. 4450, as amended, is effective against his license or certificate.

(d) No original license or raise of grade shall be issued to any applicant unless at least 1 year of his qualifying service shall have been obtained within the 3 years next preceding his application for examination.

(e) Applicants will be informed as soon as possible whether their applications have been accepted or not, and when the application of any person for a license has been approved the applicant shall be given the required examination as soon as practicable.

(f) Licensed officers entitled to raise of grade shall have issued to them new licenses for the grade for which they are found qualified. The license which is raised in grade shall be surrendered to the Officer in Charge, Marine Inspection.

(g) Except for applicants for licenses as masters, mates, chief engineers, and assistant engineers of fishing vessels, certificates from the Public Health Service attesting to the applicant's knowledge of ship sanitation and first aid will be required before the candidates are eligible for original licenses.

(Sec. 2, 64 Stat. 484; 46 U.S.C. 239b. Treasury Department Order 167–9, August 3, 1954, 19 F.R. 5195)

§ 10.15–27 Physical examination required for original and raise of grade of licenses.

Sections 10.02–5 and 10.02–7 governing the physical examination requirements for applicants for original and raise of grade of licenses for inspected vessels shall apply to applicants for original and raise of grade of licenses for uninspected vessels for the same types of licenses.

§ 10.15–29 Professional requirements for original and raise of grade of licenses.

(a) For license as master or chief engineer, a candidate must have served 4 years at sea, on deck or in the engine room, respectively, of which 1 year must have been as licensed mate or assistant engineer, respectively, except as otherwise provided in the regulations in this subpart.

(b) For license as mate or assistant engineer, a candidate must have served 3 years at sea, on deck or in the engineroom, respectively.

(c) For a license as assistant or chief engineer of motor vessels, two-thirds of the required service must have been served on motor vessels.

(d) It is not required that an applicant must have obtained his experience on United States vessels. Experience on foreign vessels will be given due credit.

(e) Experience in towed barges fitted with sails and rigging is not considered as sail vessel time.

(f) When an applicant presents evidence of service or experience which does not meet the specific requirements of the regulations in this part, but which in the opinion of the Officer in Charge, Marine Inspection, is a reasonable equivalent thereto, the application for license with supporting data shall be submitted to the Commandant for evaluation, together with the recommendation of the Officer in Charge, Marine Inspection.

§ 10.15–31 Examination requirements for licenses.

(a) *General.* The examinations given by the Coast Guard will be practical, not theoretical. They will be written, where possible, and if an oral examination is necessary, it shall be taken down in writing. The examination for licenses limited to fishing vessels shall be oral only.

(b) *Master.* Candidates for license as master will, in addition to the subjects given in the examination for mate, be required to understand and give satisfactory explanations of:

(1) Navigation, including:

(i) Latitude by altitude of Polaris.

(ii) Elementary questions on compass deviation.

(2) Rudimentary seamanship, including:

(i) Meteorology, use and reading of weather bulletins.

(ii) Getting underway.

(iii) Tending vessel at anchor; mooring and unmooring.

(iv) Keeping a ship's head to sea in heavy weather with engines broken down.

(v) How to rig a jury rudder.

(vi) Action to be taken in the event of springing a leak.

(vii) Cast of lead in heavy weather.

(c) *Mate.* Candidates for license as mate will be required to understand and give satisfactory explanations of:

(1) Navigation, including:

(i) Variation, deviation of the compass, and simple methods of determining the deviation by the means of ranges, and by bearings of the sun.

(ii) Use of a chart and the meaning of the various signs and abbreviations thereon; method of determining and laying off compass courses and distances on a chart, and allowing for set and drift; fixing the ship's position by cross bearings of two objects; or by two bearings of the same object.

(iii) The traverse tables and a day's work in its simplest form.

(iv) Determining of latitude by meridian altitude of the sun.

(v) Longitude by position line or by time sight of the sun.

(vi) The use and adjustments of the sextant.

(vii) The use and reading of the aneroid barometer.

(2) Rudimentary seamanship, including:

(i) The use and construction of a sea anchor.

(ii) The marking and use of the lead line.

(iii) Man reported overboard.

(iv) Handling of a vessel's boat in heavy weather.

(v) Elementary first aid.

(3) The Rules to Prevent Collisions of Vessels including both the International Rules and the Pilot Rules for Inland Waters. Particular attention will be given to the steering and sailing rules, although inability to repeat them verbatim will not entail failure: *Provided,* That the candidate understands their full significance, content, and practical application. Models will be used to test the candidate's judgment and ability to act correctly and promptly.

(4) Distress signals and use of line-throwing apparatus.

(5) Buoyage system and aids to navigation.

(6) Precautions to be taken against fire, explosions from oil or gas, and spontaneous combustion. Methods of dealing with fire and use of fire extinguishers, handling of vessels after fire is discovered.

(7) Candidates for a sailing ship license will also be asked questions on the taking in and setting of fore and aft sail, and applicable questions relating to the handling of a sail vessel.

(d) *Chief engineer.* A candidate for license as chief engineer, motor, will be required to have an advanced and more complete knowledge of the subjects and problems than required for the examination for an assistant engineer.

(e) *Assistant engineer.* A candidate for license as assistant engineer, motor, will be required to understand and give satisfactory explanations of:

(1) The various codes of signals used between the bridge and engineroom for working the engine.

(2) The fundamentals of oil, gas, or other internal combustion engines, and also the auxiliary machinery in use on board ship; and to show a practical knowledge of upkeep of, operation of, and repairs to same.

(3) The use of the various gauges, meters, and instruments.

(4) Treatment of a hot bearing and avoidance of same.

(5) The use of fire-extinguishing apparatus; precautions to be taken against fire or explosions from oil or gas, precautions to be taken against the formation of explosive gases in oil tanks, bilges, or other unventilated spaces, causes of spontaneous combustion; safe carriage of fuels, and storage of lubricating oils; and methods of dealing with fire.

(6) Properties of the various oils, etc., generally used in internal combustion engines.

§ 10.15–33 Requirements for renewal of licenses.

Section 10.02–9 shall govern the renewal of licenses to officers of uninspected vessels.

Subpart 10.20—Motorboat Operators' Licenses

AUTHORITY: The provisions of this Subpart 10.20 interpret or apply secs. 7, 17, 54 Stat. 165, as amended, 166, as amended; 46 U.S.C. 526f, 526p. Treasury Department Order 167–20, June 18, 1956, 21 F.R. 4894, unless otherwise noted.

§ 10.20–1 General application.

(a) The regulations in this subpart apply to all applicants for license to operate motorboats, or other vessels of fifteen gross tons or less propelled by machinery other than steam, while carrying six or less passengers for hire.

§ 10.20–3 General requirements.

(a) Any person who has attained the age of 18 years and is qualified in all other respects, shall be considered eligible for a motorboat operator's license and may be examined by the Coast Guard.

(1) An applicant for a license as a motorboat operator shall submit satisfactory documentary evidence of at least one year's experience in the operation of motorboats.

(2) An applicant for a motorboat operator's license must demonstrate his ability to speak, read and understand English as found in the Rules of the Road, aids to navigation publications, emergency equipment instructions and machinery instructions.

(3) An applicant for a motorboat operator's license to operate motorboats, or other vessels of fifteen gross tons or less propelled by machinery other than steam, on the navigable waters of the United States in the vicinity of Puerto Rico, who speaks Spanish only, will be issued a license restricted to those waters.

(b) (1) Fingerprint records on FBI Form "Applicant" shall be submitted to the Commandant on each applicant at the same time application is made for original license.

(2) The application of any person may be rejected by the Officer in Charge, Marine Inspection, when derogatory information has been brought to his attention which indicates that the applicant's habits of life and character are such as to warrant the belief that he cannot be entrusted with the duties and responsibilities of the station for which he made application. In the event that an applicant is rejected he will be advised that he may submit a request to the Commandant for a review of his case.

(3) No examination shall be given or temporary permit issued in the case pending the Commandant's authorization.

(4) No person shall be eligible for a motorboat operator's license, who has been convicted by a court of record of a violation of the narcotic drug laws of the United States, the District of Columbia, or any State or Territory of the United States, within ten years prior to date of filing the application; or who, unless he furnishes satisfactory evidence that he is cured, has ever been the user of or addicted to the use of a narcotic drug.

(c) An applicant for a license as an operator shall submit an application on Coast Guard Form CG–866 to the Officer in Charge, Marine Inspection. If the applicant's capacity, knowledge, experience, character and habits of life are such as to warrant entrusting him with the duties and responsibilities involved in the operation and navigation of motorboats, or other vessels of fifteen gross tons or less propelled by machinery other than steam, carrying passengers for hire, a license authorizing him to discharge such duties on any such motorboats or vessels for a term of five years shall be issued to him.

(d) Every person to whom a license is issued shall place his signature and left thumb print thereon.

(e) An Officer in Charge, Marine Inspection, may place restriction or limitation upon a license as motorboat operator. Such limitation shall be commensurate with the qualifications of the applicant.

(Sec. 2, 68 Stat. 484; 46 U.S.C. 239b. Treasury Department Order 167–9, August 3, 1954, 19 F.R. 5195)

§ 10.20–5 Professional examinations.

(a) The applicant shall be examined orally concerning his fitness to hold a license as motorboat operator.

(b) (1) The examination will consist of questions on the following:

(i) Regulations governing motorboats, and other vessels of fifteen gross tons or less propelled by machinery other than steam, and the collision regulations applicable to the waters over which the applicant operates.

(ii) Fire protection and extinguishment.

(iii) Lifesaving equipment.

(iv) The operation of propelling machinery, and, particularly, the safe and proper handling of gasoline motors.

(v) The proper method of operating and navigating motorboats, and other vessels of fifteen gross tons or less propelled by machinery other than steam, carrying passengers.

(vi) Simple firstaid.

(2) Although applicants will be examined only in the collision regulations applicable to the waters upon which they are operating, it will be incumbent upon them, should they at any time operate on waters for which the collision regulations differ, to familiarize themselves with the appropriate rules.

(c) If the applicant has operated motorboats under the license issued under the act of June 9, 1910, he shall be held to possess the required experience but must qualify in all other respects.

§ 10.20–7 Physical examination requirements.

(a) (1) An applicant shall be examined by a United States Public Health Service Medical Officer or other reputable physician to determine whether he is physically fit to perform the duties required of him and shall include the eyesight, hearing, and physical condition. Epilepsy, insanity, senility, acute venereal disease, neurosyphilis, or badly impaired hearing, eyesight, or color blindness are causes for rejection.

(2) For an original license the applicant must have, either with or without glasses, at least 20/20 vision in one eye and at least 20/40 in the other. Any applicant who wears glasses, however, must also be able to pass a test without glasses of at least 20/40 in one eye and at least 20/70 in the other. The color sense will be tested by means of a pseudoisochromatic plate test, but any applicant who fails this test will be eligible if he can pass the "Williams" lantern test or equivalent, but if found color blind no license will be issued except in a case where the applicant shows he has operated motorboats for many years and has particular qualifications, which in the judgment of the Officer in Charge, Marine Inspection, qualifies him to operate a motorboat in daylight only and so restricts the license.

(3) For a renewal of a motorboat operator's license an examination may be required in addition to a certificate of satisfactory color sense. Nothing herein shall debar an applicant who has lost the sight of one eye while holding a license from renewing such license if he is qualified in all other respects and the vision in his one eye passes the test required for the better eye of an applicant possessed of both eyes. If an applicant for a renewal of license is pronounced color blind, the Officer in Charge, Marine Inspection, may grant him a license limited to service during daylight only.

(4) Where an applicant is not possessed of the vision, hearing, or general physical condition necessary, the Officer in Charge, Marine Inspection, after consultation with the Public Health Service physician or other examining physician, may make recommendation to the Commandant for an exception to these requirements, if in his opinion, extenuating circumstances warrant special consideration. Any requests for a decision by the Commandant must be accompanied by all pertinent correspondence, records, and reports. In this connection recommendations from agencies of the Federal Government operating Government vessels, as well as owners and operators of private vessels, made in behalf of their employees, will be given full consideration in arriving at a decision.

(b) An applicant who has operated a motorboat carrying passengers for hire under authority of a license issued prior to April 25, 1941, may be issued an operator's license without further physical examination unless the Officer in Charge, Marine Inspection, considers that such examination is necessary in view of apparent disabilities.

§ 10.20–9 Requirements for renewal.

(a) An operator's license may be renewed by application to an Officer in Charge, Marine Inspection. The presentation of the license to be renewed, together with satisfactory certificate of color sense, shall be considered sufficient evidence upon which to renew a license; unless facts shall have come to the knowledge of the Officer in Charge, Marine Inspection, which would render a renewal improper in the case of a particular applicant.

(1) *Written application.* The Officer in Charge, Marine Inspection, shall, before granting renewal of license, require the applicant to make written application on Coast Guard Form CG–3479.

(b) No license shall be renewed more than 90 days in advance of the date of the expiration thereof, unless there are extraordinary circumstances that shall justify a renewal beforehand in which case the reasons therefor must appear in detail upon the records of the Officer in Charge, Marine Inspection, renewing the license.

(c) Whenever an operator shall apply for renewal of his license more than 1 year after the date of its expiration, he shall be required to pass a professional and physical examination of such length and scope as may be required by the Officer in Charge, Marine Inspection, to determine the applicant's continued qualifications.

(d) Where an applicant for renewal would be put to great inconvenience or expense to appear in person before an Officer in Charge, Marine Inspection, the license may be renewed by forwarding the documents required by the regulations in paragraph (a) of this section to the Officer in Charge, Marine Inspection, who issued the license to be renewed.

(Sec. 2, 68 Stat. 484; 46 U.S.C. 239b. Treasury Department Order 167–9, August 3, 1954, 19 F.R. 5195)

§ 10.20–11 Issuance of duplicate license.

Section 10.02–23 shall govern the issuance of duplicate motorboat operators' licenses.

§ 10.20–13 Suspension or revocation of license.

Motorboat operators' licenses shall be subject to suspension or revocation on the same grounds and with like procedure as is provided in the case of suspension or revocation of licenses under the provisions of R. S. 4450, as amended (46 U. S. C. 239).

Subpart 10.25—Registration of Staff Officers

AUTHORITY: The provisions of this Subpart 10.25 interpret or apply sec. 7, 53 Stat. 1147, as amended; 46 U.S.C. 247, unless otherwise noted.

§ 10.25–1 Application of regulations.

This subpart shall govern the registration of staff officers for employment on every vessel registered, enrolled, or licensed under the laws of the United States which employs a staff officer, except vessels navigating on bays, sounds, rivers, inland waterways, and lakes other than the Great Lakes, passenger ferries and car ferries navigating on the Great Lakes, fishing vessels, whaling vessels, and yachts.

§ 10.25–3 Grades of certificates issued.

Staff Officers shall be registered in the following grades:

(a) Chief purser.
(b) Purser.
(c) Senior assistant purser.
(d) Junior assistant purser.
(e) Surgeon.
(f) Professional nurse.

(Sec. 1, 53 Stat. 1145; 46 U.S.C. 242)

§ 10.25–5 Staff department defined.

(a) The staff department shall consist of officers registered under the provisions of this subpart, pursers' clerks, and such persons as may be assigned to the senior registered surgeon.

(b) The staff department shall be a separate and independent department composed of a medical division and a purser's division. The medical division shall be under the charge of the senior registered surgeon who shall be responsible solely to the master or, in the absence of the master, to the officer in charge of the vessel.

§ 10.25–7 General requirements.

(a) The applicant for a certificate of registry shall make a written application on Coast Guard Form 866 in duplicate. This application shall be made to an appropriate Officer in Charge, Marine Inspection, having jurisdiction over a seaport or a Great Lakes port.

(b) The first certificate of registry issued to any person shall be considered an original certificate of registry.

(c) An applicant for certificate of registry must be a citizen of the United States and shall submit satisfactory evidence of citizenship. Acceptable evidence of citizenship is set forth in § 10.02–5.

(d) An applicant for registry and a certificate of registry as staff officer shall not be required to take an examination, but he shall be required to submit with his application satisfactory proof of his good character and of his prior service, including at least two letters of recommendation from present or former employers. No person shall be eligible for a certificate of registry, who has been convicted by a court of record of a violation of the narcotic drug laws of the United States, the District of Columbia, or any State or Territory of the United States, within ten years prior to the date of filing the application; or who, unless he furnishes satisfactory evidence that he is cured, has ever been the user of or addicted to the use of a narcotic drug.

(e) (1) Fingerprint records on FBI Form "Applicant" shall be submitted to the Commandant on each applicant at the same time application is made.

(2) The application of any person may be rejected by the Officer in Charge, Marine Inspection, when derogatory information has been brought to his attention which indicates that the applicant's habits of life and character are such as to warrant the belief that he cannot be entrusted with the duties and responsibilities of the station for which he made application. In the event that an applicant is rejected he will be advised that he may submit a request to the Commandant for a review of his case.

(3) No temporary permit shall be issued in a case where the Commandant's review is pending.

(f) No original certificate of registry will be issued to any applicant unless the applicant presents evidence of commitment of employment as a member of the crew of a United States merchant vessel in a capacity covered by such certificate.

(g) (1) An applicant for registry and a certificate of registry as staff officer shall be in possession of a continuous discharge book or certificate of identification or merchant mariner's document issued as a certificate of identification and shall appear in person before an Officer in Charge, Marine Inspection.

(2) The applicant shall furnish two unmounted, dull finish photographs, 2 inches by 1½ inches, of passport type taken within 1 year of the application. Photographs shall show the full face, at least 1 inch in height, with the head uncovered, and shall be a satisfactory likeness of the applicant. The issuing officer shall affix a photograph to each of the applications and impress his official seal partly over the photograph, after the applicant has in his presence signed the application.

(3) The applicant shall place his fingerprints on each of the applications and his left thumb print on the back of the certificate of registry as staff officer.

(4) A staff officer shall not be required to hold any other certificate of service or efficiency as a condition of service in such capacity on vessels.

(h) An Officer in Charge, Marine Inspection, shall issue a certificate of registry as staff officer to an applicant who has qualified for such certificate and who has made oath or affirmation before him, or a commissioned officer of the Coast Guard authorized to administer oaths under 10 U.S.C. 936 or 14 U.S.C. 636, that he will faithfully and honestly perform all the duties of his office required of him by law.

(i) Endorsements for a higher grade shall not be made on certificates of registry. An applicant for a higher grade in the staff department shall make application in the same manner as for an original certificate of registry and shall surrender his certificate upon issuance of the new certificate of registry. A person in possession of a certificate of registry as staff officer may serve in a lower grade than that for which he is registered.

(j) Certificates of registry issued to staff officers shall be suspended or revoked in the same manner and with like procedure as is provided in the case of suspension or revocation of licenses of officers under the provisions of R. S. 4450, as amended (46 U. S. C. 239).

(k) No person whose certificate of registry is under suspension or revoked shall be issued another certificate of registry except upon approval of the Commandant. If an applicant for a certificate of registry is currently suffering the suspension or revocation of a license or certificate of service, the certificate of registry for which he applies shall not be issued except upon approval of the Commandant.

(l) Any person whose certificate of registry has been stolen, lost or destroyed shall report that fact to an Officer in Charge, Marine Inspection, as soon as possible, and if a duplicate certificate is desired, a properly executed application on Coast Guard Form CG–719–E, giving satisfactory evidence of such loss shall be furnished an Officer in Charge, Marine Inspection, along with one photograph as required in the case of an application for an original certificate. The Officer in Charge, Marine Inspection, shall transmit the application and photograph to Coast Guard Headquarters, and the Commandant shall cause to be prepared a certificate which will be similar to the former certificate, bear the same book or identification number as the former certificate and will be marked "Duplicate."

(m) Whenever a certificate of registry is reported to an Officer in Charge, Marine Inspection, as having been stolen, lost, or destroyed, the Officer in Charge, Marine Inspection, shall immediately report the fact by letter to the Commandant giving all the facts incident to its loss or destruction. By the same procedure, he shall report the recovery of any certificate of registry, together with all facts incident to its recovery, and shall forward the recovered certificate to the Commandant.

(n) Staff officers who are members of the Naval Reserve Corps, shall wear on their uniforms such special distinguishing insignia as may be approved by the Secretary of the Navy.

(o) The uniform stripes, decorations, or other insignia shall be of gold braid or woven gold or silver material, and no member of the ship's crew other than such staff officers shall be allowed to wear any uniform with such staff officers' identifying insignia.

(Sec. 2, 68 Stat. 484; 46 U.S.C. 239b. Treasury Department Order 167–9, August 3, 1954, 19 F.R. 5195)

CROSS REFERENCE: See 33 CFR 1.25–65 for the fee for a duplicate certificate of registry as staff officer.

§ 10.25–9 Experience requirements.

(a) The applicant for registry and a certificate of registry as staff officer shall submit evidence of experience as follows:

(1) *Chief purser.* Two years' service aboard vessels performing duties relating to work in the purser's office.

(2) *Surgeon.* A valid license as physician and surgeon issued under the authority of a State or Territory of the United States, the Commonwealth of Puerto Rico, or the District of Columbia.

(3) *Purser.* One year's service aboard vessels performing duties relating to work in the purser's office.

(4) *Senior assistant purser.* Six months' service aboard vessels performing duties relating to work in purser's office.

(5) *Junior assistant purser.* Previous experience not required.

(6) *Professional nurse.* A valid license as a registered nurse issued under authority of a State or Territory of the United States, the Commonwealth of Puerto Rico, or the District of Columbia.

(b) Employment on shore in connection with ship's business may be accepted in lieu of service aboard vessels. Such shore employment shall be accepted in the ratio of 2 months' shore service to count as 1 month's service aboard vessels.

(c) In computing the length of service required of an applicant, service of 1 season on vessels on the Great Lakes shall be counted as service of 1 year.

(d) In the event an applicant presents other special qualifications which, in the opinion of the Officer in Charge, Marine Inspection, fit him for the duties of a staff officer, other than surgeon, the Officer in Charge, Marine Inspection, shall forward full details and description of such qualifications to Coast Guard Headquarters for the decision of the Commandant prior to the registry and issuance of certificate of registry.

(Sec. 2, 53 Stat. 1146; 46 U.S.C. 243)

PART 12—CERTIFICATION OF SEAMEN

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AUTHORITY: The provisions of this Part 12 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417a, as amended, 4488, as amended, 4551, as amended, sec. 13, 38 Stat. 1169, as amended, secs. 1, 2, 7, 49 Stat. 1544, 1545, as amended, 1936, as amended, sec. 3, 54 Stat. 347, as amended, secs. 2, 3, 68 Stat. 484, 675; 46 U.S.C. 391a, 481, 643, 672, 367, 689, 1333, 239b, 50 U.S.C. 198. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–9, Aug. 3, 1954, 19 F.R. 5195; 167–14, Nov. 26, 1954, 19 F.R. 8026; 167–38, Oct. 26, 1959, 24 F.R. 8857, unless otherwise noted.

Subpart 12.01—General

§ 12.01–1 Purpose of regulations.

(a) The purpose of the regulations in this part is to provide a comprehensive and adequate means of determining the identity or the qualifications an applicant must possess in order to be eligible for certification to serve on merchant vessels of the United States.

§ 12.01–5 Authority for regulations.

(a) *General.* The authority to prescribe regulations generally is set forth in R. S. 4405 and 4462, as amended (46 U. S. C. 375, 416), and sec. 7 of the act of June 25, 1936, as amended (49 Stat. 1936; 46 U. S. C. 689), as well as in other provisions of Titles 52 and 53 of the Revised Statutes and acts amendatory thereof or supplemental thereto. Under the provisions of R. S. 4403, as amended (46 U. S. C. 372), the Commandant, United States Coast Guard, superintends the administration of the vessel inspection laws and is required to produce a correct and uniform administration of the inspection laws, rules, and regulations. Under the provisions of section 2 of the act of July 5, 1885 (23 Stat. 118, 46 U. S. C. 2), the Commandant, United States Coast Guard, and the Commissioner of Customs, Bureau of Customs, have general superintendence of the commercial marine and merchant seamen of the United States, so far as vessels and seamen are not, under the existing laws, subject to the supervision of any other officer of the Government.

(b) *Certification of seamen.* The regulations regarding requirements for certification of seamen interpret or apply R. S. 4551, as amended, sec. 13, 38 Stat. 1169, as amended by sec. 1, 49 Stat. 1930, and secs. 1, 2, 50 Stat. 199, and modified by 52 Stat. 753, 55 Stat. 579, and 55 Stat. 732; and sec. 3, 68 Stat. 675; 46 U. S. C. 643, 672, 672b, 672–1, 672–2, 50 U. S. C. 198.

(c) *Lifeboatman.* The regulations regarding lifeboatman interpret or apply R. S. 4417a and 4488, as amended (46 U. S. C. 391a, 481), and sec. 3, 68 Stat. 675 (50 U.S.C. 198).

(d) *Tankerman.* The regulations regarding tankerman interpret or apply R. S. 4417a, as amended (46 U. S. C. 391a), and sec. 3, 68 Stat. 675 (50 U.S.C. 198).

Subpart 12.02—General Requirements for Certification

§ 12.02–3 Where documents are issued.

(a) Certificates of identification, certificates of service, certificates of efficiency, and continuous discharge books are issued to applicants qualifying therefor at any Marine Inspection Office of the Coast Guard during usual business hours.

(b) (1) Coast Guard Merchant Marine Details abroad are authorized to conduct examinations for up-grading of seamen, but are not prepared to conduct the physical examination where required. Merchant Marine Details will therefore not issue regular certificates, but temporary permits in lieu thereof. Merchant Marine Details will instruct the recipient of each temporary permit to present it to the Officer in Charge, Marine Inspection, upon arrival in the first port in the United States in which a Marine Inspection Office is located in order to exchange it for a permanent certificate.

(2) The temporary permit shall be accepted in a Marine Inspection Office as proof that the bearer has complied with the rules and regulations governing the issuance of certificates, except as noted in the body of the temporary permit. The requirements noted in the exceptions will be complied with as in the case of other applicants.

(3) The written examinations are forwarded to the Commandant by Merchant Marine Details, and any Marine Inspection Office at which an applicant with a temporary permit appears may request and obtain the examination in the case from the Commandant. Any Marine Inspection Office which doubts the propriety of issuing a permanent certificate in lieu of a temporary permit which has been issued by a foreign Merchant Marine Detail shall inform the Commandant fully as to the circumstances.

§ 12.02–4 Basis for denial of documents.

No certificate of identification, certificate of service, certificate of efficiency nor continuous discharge book shall be issued to any person who, within ten years prior to the date of filing the application, has been convicted in a court of record of a violation of the narcotic drug laws of the United States, the District of Columbia, or any State or Territory of the United States; or who, unless he furnishes satisfactory evidence that he is cured, has ever been the user of or addicted to the use of a narcotic drug.

(Sec. 1, 68 Stat. 484; 46 U. S. C. 239a)

§ 12.02–5 Form in which documents are issued.

(a) Every certificate of service, certificate of efficiency, or certificate of identification issued or reissued after November 1, 1945, shall be in the form of a merchant mariner's document, Coast Guard Form CG–2838, and wherever such certificates are mentioned in this part they shall be deemed to include merchant mariner's documents representing such certificates.

(b) Continuous discharge books are issued on Coast Guard Form CG–719.

§ 12.02–7 When documents are required.

(a) Every seaman employed on any merchant vessel of the United States of 100 gross tons or upward, except vessels employed exclusively in trade on the navigable rivers of the United States, shall be issued, at the option of the seaman, a continuous discharge book, a certificate of identification, or merchant mariner's document representing such certificate of identification, which shall be retained by him. This book or certificate of identification or merchant mariner's document will bear a number, and this same number shall be shown on all certificates of service or efficiency issued to the holder of the book or certificate or document. Provisions of this section are not applicable to unrigged vessels except seagoing barges and certain tank barges.

(b) Every seaman, as referred to in paragraph (a) of this section, shall produce a continuous discharge book or certificate of identification or merchant mariner's document representing such a certificate to the United States shipping commissioner before signing Articles of Agreement, and where the seaman is not signed on before a shipping commissioner, one of these documents shall be exhibited to the master of the vessel at the time of his employment. Seamen who do not possess one of these documents may be employed at a foreign port or place.

(c) (1) Every person employed on any merchant vessel of the United States of 100 gross tons and upward, except those navigating rivers exclusively and the smaller inland lakes, below the rank of licensed officer and registered staff officer, shall possess a valid certificate of service, or merchant mariner's document representing such certificate, issued by an Officer in Charge, Marine Inspection.

(2) No certificate of service or efficiency is required of any person below the rank of licensed officer employed on any unrigged vessel except seagoing barges and certain tank barges.

(3) No certificate of service or efficiency is required of any person below the rank of licensed officer employed on any sail vessel of less than 500 net tons while not carrying passengers for hire and while not operating outside the line dividing inland waters from the high seas, as defined in section 2 of the act of February 19, 1895, as amended (33 U.S.C. 151) and in 33 CFR Part 82.

§ 12.02–9 Application for documents.

(a) An applicant for a certificate of service, certificate of efficiency, certificate of identification, continuous discharge book, or merchant mariner's document, shall make written application, in duplicate, on Coast Guard Form CG–719–b and shall appear in person before an Officer in Charge, Marine Inspection, or other person authorized to issue documents. The placing of fingerprints on the application shall be optional with the seaman. This application may be for the certificates or the rating endorsement for which the seaman believes he is qualified. In the case of a seaman applying for his first certificate, other than certificate of identification, the application shall include a request for either a continuous discharge book or a merchant mariner's document representing a certificate of identification, at the option of the applicant.

(b) (1) When the application is submitted for a certificate of identification, certificate of service, certificate of efficiency, merchant mariner's document, or any combination thereof, or a continuous discharge book, the seaman shall furnish three unmounted dull finish photographs of passport type (2 inches by 1½ inches) taken within one year and showing the full face at least one inch in height with head uncovered.

(2) When the application requests a continuous discharge book in addition to a certificate of service or certificate of efficiency or merchant mariner's document one additional photograph shall be furnished.

(c) An applicant for a document where sea service is required shall produce with his application discharges or other documentary evidence of his service, indicating the name of the vessels and dates on which he has had service, in what capacity, and on what waters.

(d) If the applicant possesses a continuous discharge book, certificate of identification, or merchant mariner's document representing such certificate, it shall be exhibited at the time of making application for any other document.

§ 12.02–10 Applications for documents from aliens.

(a) No application from an alien for a certificate of service, certificate of efficiency, certificate of identification, continuous discharge book, or merchant mariner's document shall be accepted unless the alien presents acceptable documentary evidence from the United States Immigration and Naturalization Service that he is lawfully admitted to the United States for permanent residence.

(b) This evidence may be in the form of an alien registration receipt card issued by the Immigration and Naturalization Service bearing the certification that the alien was admitted to the United States as an immigrant, or a declaration of intention to become a citizen of the United States issued by a naturalization court.

§ 12.02–11 General provisions respecting merchant mariner's documents.

(a) As provided in § 12.02–5, every certificate of service, certificate of efficiency, or certificate of identification issued or reissued shall be in the form of a merchant mariner's document, Coast Guard Form CG–2838.

(l) Any person whose certificate of registry has been stolen, lost or destroyed shall report that fact to an Officer in Charge, Marine Inspection, as soon as possible, and if a duplicate certificate is desired, a properly executed application on Coast Guard Form CG–719–E, giving satisfactory evidence of such loss shall be furnished an Officer in Charge, Marine Inspection, along with one photograph as required in the case of an application for an original certificate. The Officer in Charge, Marine Inspection, shall transmit the application and photograph to Coast Guard Headquarters, and the Commandant shall cause to be prepared a certificate which will be similar to the former certificate, bear the same book or identification number as the former certificate and will be marked "Duplicate."

(m) Whenever a certificate of registry is reported to an Officer in Charge, Marine Inspection, as having been stolen, lost, or destroyed, the Officer in Charge, Marine Inspection, shall immediately report the fact by letter to the Commandant giving all the facts incident to its loss or destruction. By the same procedure, he shall report the recovery of any certificate of registry, together with all facts incident to its recovery, and shall forward the recovered certificate to the Commandant.

(n) Staff officers who are members of the Naval Reserve Corps, shall wear on their uniforms such special distinguishing insignia as may be approved by the Secretary of the Navy.

(o) The uniform stripes, decorations, or other insignia shall be of gold braid or woven gold or silver material, and no member of the ship's crew other than such staff officers shall be allowed to wear any uniform with such staff officers' identifying insignia.

(Sec. 2, 68 Stat. 484; 46 U.S.C. 239b. Treasury Department Order 167–9, August 3, 1954, 19 F.R. 5195)

CROSS REFERENCE: See 33 CFR 1.25–65 for the fee for a duplicate certificate of registry as staff officer.

§ 10.25–9 Experience requirements.

(a) The applicant for registry and a certificate of registry as staff officer shall submit evidence of experience as follows:

(1) *Chief purser.* Two years' service aboard vessels performing duties relating to work in the purser's office.

(2) *Surgeon.* A valid license as physician and surgeon issued under the authority of a State or Territory of the United States, the Commonwealth of Puerto Rico, or the District of Columbia.

(3) *Purser.* One year's service aboard vessels performing duties relating to work in the purser's office.

(4) *Senior assistant purser.* Six months' service aboard vessels performing duties relating to work in purser's office.

(5) *Junior assistant purser.* Previous experience not required.

(6) *Professional nurse.* A valid license as a registered nurse issued under authority of a State or Territory of the United States, the Commonwealth of Puerto Rico, or the District of Columbia.

(b) Employment on shore in connection with ship's business may be accepted in lieu of service aboard vessels. Such shore employment shall be accepted in the ratio of 2 months' shore service to count as 1 month's service aboard vessels.

(c) In computing the length of service required of an applicant, service of 1 season on vessels on the Great Lakes shall be counted as service of 1 year.

(d) In the event an applicant presents other special qualifications which, in the opinion of the Officer in Charge, Marine Inspection, fit him for the duties of a staff officer, other than surgeon, the Officer in Charge, Marine Inspection, shall forward full details and description of such qualifications to Coast Guard Headquarters for the decision of the Commandant prior to the registry and issuance of certificate of registry.

(Sec. 2, 53 Stat. 1146; 46 U.S.C. 243)

PART 12—CERTIFICATION OF SEAMEN

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Subpart 12.05—Able Seamen

12.05–1 Certification required.
12.05–3 General requirements.
12.05–5 Physical requirements.
12.05–7 Service or training requirements.
12.05–9 Examination and demonstration of ability.
12.05–11 General provisions respecting merchant mariner's documents endorsed as able seaman.

Subpart 12.10—Lifeboatman

12.10–1 Certification required.
12.10–3 Service or training requirements.
12.10–5 Examination and demonstration of ability.
12.10–7 General provisions respecting merchant mariner's documents endorsed as lifeboatman.

Subpart 12.15—Qualified Member of the Engine Department

12.15–1 Certification required.
12.15–3 General requirements.
12.15–5 Physical requirements.
12.15–7 Service or training requirements.
12.15–9 Examination requirements.
12.15–11 General provisions respecting merchant mariner's documents endorsed as qualified member of the engine department.

Subpart 12.20—Tankerman

Sec.
12.20–1 General requirements.
12.20–3 Physical requirements.
12.20–5 Examination requirements.

Subpart 12.25—Certificates of Service for Ratings Other Than Able Seaman or Qualified Member of the Engine Department

12.25–1 Certification required.
12.25–5 Commitment of employment.
12.25–10 General requirements.
12.25–20 Food handler.
12.25–25 Members of Merchant Marine Cadet Corps.
12.25–30 Student observers.

AUTHORITY: The provisions of this Part 12 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417a, as amended, 4488, as amended, 4551, as amended, sec. 13, 38 Stat. 1169, as amended, secs. 1, 2, 7, 49 Stat. 1544, 1545, as amended, 1936, as amended, sec. 3, 54 Stat. 347, as amended, secs. 2, 3, 68 Stat. 494, 675; 46 U.S.C. 391a, 481, 643, 672, 367, 689, 1333, 239b, 50 U.S.C. 198. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–9, Aug. 3, 1954, 19 F.R. 5195; 167–14, Nov. 26, 1954, 19 F.R. 8026; 167–38, Oct. 26, 1959, 24 F.R. 8857, unless otherwise noted.

Subpart 12.01—General

§ 12.01–1 Purpose of regulations.

(a) The purpose of the regulations in this part is to provide a comprehensive and adequate means of determining the identity or the qualifications an applicant must possess in order to be eligible for certification to serve on merchant vessels of the United States.

§ 12.01–5 Authority for regulations.

(a) *General.* The authority to prescribe regulations generally is set forth in R. S. 4405 and 4462, as amended (46 U. S. C. 375, 416), and sec. 7 of the act of June 25, 1936, as amended (49 Stat. 1936; 46 U. S. C. 689), as well as in other provisions of Titles 52 and 53 of the Revised Statutes and acts amendatory thereof or supplemental thereto. Under the provisions of R. S. 4403, as amended (46 U. S. C. 372), the Commandant, United States Coast Guard, superintends the administration of the vessel inspection laws and is required to produce a correct and uniform administration of the inspection laws, rules, and regulations. Under the provisions of section 2 of the act of July 5, 1885 (23 Stat. 118, 46 U. S. C. 2), the Commandant, United States Coast Guard, and the Commissioner of Customs, Bureau of Customs, have general superintendence of the commercial marine and merchant seamen of the United States, so far as vessels and seamen are not, under the existing laws, subject to the supervision of any other officer of the Government.

(b) *Certification of seamen.* The regulations regarding requirements for certification of seamen interpret or apply R. S. 4551, as amended, sec. 13, 36 Stat. 1169, as amended by sec. 1, 49 Stat. 1930, and secs. 1, 2, 50 Stat. 199, and modified by 52 Stat. 753, 55 Stat. 579, and 55 Stat. 732; and sec. 3, 68 Stat. 675; 46 U. S. C. 643, 672, 672b, 672–1, 672–2, 50 U. S. C. 198.

(c) *Lifeboatman.* The regulations regarding lifeboatman interpret or apply R. S. 4417a and 4488, as amended (46 U. S. C. 391a, 481), and sec. 3, 68 Stat. 675 (50 U.S.C. 198).

(d) *Tankerman.* The regulations regarding tankerman interpret or apply R. S. 4417a, as amended (46 U. S. C. 391a), and sec. 3, 68 Stat. 675 (50 U.S.C. 198).

Subpart 12.02—General Requirements for Certification

§ 12.02–3 Where documents are issued.

(a) Certificates of identification, certificates of service, certificates of efficiency, and continuous discharge books are issued to applicants qualifying therefor at any Marine Inspection Office of the Coast Guard during usual business hours.

(b) (1) Coast Guard Merchant Marine Details abroad are authorized to conduct examinations for up-grading of seamen, but are not prepared to conduct the physical examination where required. Merchant Marine Details will therefore not issue regular certificates, but temporary permits in lieu thereof. Merchant Marine Details will instruct the recipient of each temporary permit to present it to the Officer in Charge, Marine Inspection, upon arrival in the first port in the United States in which a Marine Inspection Office is located in order to exchange it for a permanent certificate.

(2) The temporary permit shall be accepted in a Marine Inspection Office as proof that the bearer has complied with the rules and regulations governing the issuance of certificates, except as noted in the body of the temporary permit. The requirements noted in the exceptions will be complied with as in the case of other applicants.

(3) The written examinations are forwarded to the Commandant by Merchant Marine Details, and any Marine Inspection Office at which an applicant with a temporary permit appears may request and obtain the examination in the case from the Commandant. Any Marine Inspection Office which doubts the propriety of issuing a permanent certificate in lieu of a temporary permit which has been issued by a foreign Merchant Marine Detail shall inform the Commandant fully as to the circumstances.

§ 12.02–4 Basis for denial of documents.

No certificate of identification, certificate of service, certificate of efficiency nor continuous discharge book shall be issued to any person who, within ten years prior to the date of filing the application, has been convicted in a court of record of a violation of the narcotic drug laws of the United States, the District of Columbia, or any State or Territory of the United States; or who, unless he furnishes satisfactory evidence that he is cured, has ever been the user of or addicted to the use of a narcotic drug.

(Sec. 1, 68 Stat. 484; 46 U. S. C. 239a)

§ 12.02–5 Form in which documents are issued.

(a) Every certificate of service, certificate of efficiency, or certificate of identification issued or reissued after November 1, 1945, shall be in the form of a merchant mariner's document, Coast Guard Form CG–2838, and wherever such certificates are mentioned in this part they shall be deemed to include merchant mariner's documents representing such certificates.

(b) Continuous discharge books are issued on Coast Guard Form CG–719.

§ 12.02–7 When documents are required.

(a) Every seaman employed on any merchant vessel of the United States of 100 gross tons or upward, except vessels employed exclusively in trade on the navigable rivers of the United States, shall be issued, at the option of the seaman, a continuous discharge book, a certificate of identification, or merchant mariner's document representing such certificate of identification, which shall be retained by him. This book or certificate of identification or merchant mariner's document will bear a number, and this same number shall be shown on all certificates of service or efficiency issued to the holder of the book or certificate or document. Provisions of this section are not applicable to unrigged vessels except seagoing barges and certain tank barges.

(b) Every seaman, as referred to in paragraph (a) of this section, shall produce a continuous discharge book or certificate of identification or merchant mariner's document representing such a certificate to the United States shipping commissioner before signing Articles of Agreement, and where the seaman is not signed on before a shipping commissioner, one of these documents shall be exhibited to the master of the vessel at the time of his employment. Seamen who do not possess one of these documents may be employed at a foreign port or place.

(c) (1) Every person employed on any merchant vessel of the United States of 100 gross tons and upward, except those navigating rivers exclusively and the smaller inland lakes, below the rank of licensed officer and registered staff officer, shall possess a valid certificate of service, or merchant mariner's document representing such certificate, issued by an Officer in Charge, Marine Inspection.

(2) No certificate of service or efficiency is required of any person below the rank of licensed officer employed on any unrigged vessel except seagoing barges and certain tank barges.

(3) No certificate of service or efficiency is required of any person below the rank of licensed officer employed on any sail vessel of less than 500 net tons while not carrying passengers for hire and while not operating outside the line dividing inland waters from the high seas, as defined in section 2 of the act of February 19, 1895, as amended (33 U.S.C. 151) and in 33 CFR Part 82.

§ 12.02–9 Application for documents.

(a) An applicant for a certificate of service, certificate of efficiency, certificate of identification, continuous discharge book, or merchant mariner's document, shall make written application, in duplicate, on Coast Guard Form CG–719–b and shall appear in person before an Officer in Charge, Marine Inspection, or other person authorized to issue documents. The placing of fingerprints on the application shall be optional with the seaman. This application may be for the certificates or the rating endorsement for which the seaman believes he is qualified. In the case of a seaman applying for his first certificate, other than certificate of identification, the application shall include a request for either a continuous discharge book or a merchant mariner's document representing a certificate of identification, at the option of the applicant.

(b) (1) When the application is submitted for a certificate of identification, certificate of service, certificate of efficiency, merchant mariner's document, or any combination thereof, or a continuous discharge book, the seaman shall furnish three unmounted dull finish photographs of passport type (2 inches by 1½ inches) taken within one year and showing the full face at least one inch in height with head uncovered.

(2) When the application requests a continuous discharge book in addition to a certificate of service or certificate of efficiency or merchant mariner's document one additional photograph shall be furnished.

(c) An applicant for a document where sea service is required shall produce with his application discharges or other documentary evidence of his service, indicating the name of the vessels and dates on which he has had service, in what capacity, and on what waters.

(d) If the applicant possesses a continuous discharge book, certificate of identification, or merchant mariner's document representing such certificate, it shall be exhibited at the time of making application for any other document.

§ 12.02–10 Applications for documents from aliens.

(a) No application from an alien for a certificate of service, certificate of efficiency, certificate of identification, continuous discharge book, or merchant mariner's document shall be accepted unless the alien presents acceptable documentary evidence from the United States Immigration and Naturalization Service that he is lawfully admitted to the United States for permanent residence.

(b) This evidence may be in the form of an alien registration receipt card issued by the Immigration and Naturalization Service bearing the certification that the alien was admitted to the United States as an immigrant, or a declaration of intention to become a citizen of the United States issued by a naturalization court.

§ 12.02–11 General provisions respecting merchant mariner's documents.

(a) As provided in § 12.02–5, every certificate of service, certificate of efficiency, or certificate of identification issued or reissued shall be in the form of a merchant mariner's document, Coast Guard Form CG–2838.

(b) Any licensed officer or unlicensed seaman currently holding, in a valid status, any of the documents listed in paragraph (a) of this section may, upon request and without examination, be issued a merchant mariner's document.

(c) A merchant mariner's document shall be a certificate of service authorizing the holder to serve in any rating endorsed thereon, or in any lower rating in the same department, or in any rating covered by a general endorsement thereon.

(d) (1) A merchant mariner's document issued to a licensed deck officer will be endorsed for, "any unlicensed rating in the deck department except able seaman," and will be a certificate of service authorizing the holder to serve in any unlicensed capacity in the deck department except able seaman without being required to present his license. If a licensed deck officer qualifies as able seaman the merchant mariner's document will be endorsed, "any unlicensed rating in the deck department including able seaman," and such endorsement will be deemed to include a certificate of efficiency as lifeboatman.

(2) A merchant mariner's document issued to an engineer officer licensed for inspected vessels of over 2,000 horsepower will be endorsed for "any unlicensed rating in the engine department," and will be a certificate of service authorizing the holder to serve in any unlicensed capacity in the engine department without being required to present his license. If a licensed engineer qualifies as a lifeboatman, the further endorsement, "lifeboatman," will be placed on the merchant mariner's document.

(3) A merchant mariner's document issued to a licensed radio officer will be endorsed as follows: "See License as Radio Officer." If a licensed radio officer qualifies as lifeboatman, the further endorsement, "Lifeboatman," will be placed on the merchant mariner's document. Qualifications for other ratings for which a radio officer is eligible may also be endorsed on the document.

(e) (1) A merchant mariner's document issued to a staff officer will be endorsed as follows: "See Certificate of Registry." The holder of a certificate of registry as chief purser, purser, senior assistant purser, or junior assistant purser may also serve in any capacity in the staff department not requiring a certificate of registry without obtaining an additional endorsement on his merchant mariner's document.

(2) The authorized holder of any valid merchant mariner's document, however endorsed, may serve in any capacity in the staff department of a vessel, except in those capacities requiring registered staff officers: *Provided*, That whenever such service includes the handling of food no person may be so employed unless his document bears the food handler's endorsement "(F.H.)."

(f) A merchant mariner's document endorsed as able seaman or as lifeboatman shall be a certificate of efficiency as lifeboatman.

(g) Every merchant mariner's document shall be a certificate of identification unless the holder also holds a continuous discharge book. The holder of a certificate of identification in the form issued before November 1, 1945, shall surrender that certificate before he is issued a merchant mariner's document.

§ 12.02–13 Citizenship requirements.

(a) Any person making application for a continuous discharge book or a certificate of identification or a merchant mariner's document representing a certificate of identification and claiming to be a citizen of the United States shall present acceptable evidence of such citizenship at the time of making application. No original document shall be issued to any person claiming to be a citizen of the United States until such citizenship is established by acceptable evidence.

(b) Any person who has been issued a continuous discharge book or certificate of identification or merchant mariner's document showing question marks prior to the effective date of this section may at any time produce additional evidence of citizenship to a shipping commissioner or Officer in Charge, Marine Inspection. If the additional evidence produced satisfies the shipping commissioner or the Officer in Charge, Marine Inspection, to whom it is presented that the same is acceptable evidence of the citizenship of the person, such official may draw lines through the question marks and note the citizenship of the person in the space provided therefor, attesting the change, or reissue the certificate or document. Whenever such changes are made the official making the change shall immediately thereafter notify the Commandant.

(c) Acceptable evidence of citizenship is set forth in § 10.02–5 of this subchapter.

§ 12.02–14 Nationality of aliens.

(a) Any alien making application for a continuous discharge book or certificate of identification or merchant mariner's document representing a certificate of identification shall present acceptable evidence of nationality at the time of making application. No original document shall be issued to any alien until nationality is established by acceptable evidence.

(b) Any document of an official character showing the country of which the alien is a citizen or subject may be accepted as acceptable evidence of an alien's nationality. The following are examples of such a document:

(1) Declaration of intention to become a citizen of the United States made by the alien after 1929.

(2) A travel document in the nature of a passport issued by the government of the country of which the alien is a citizen or subject.

(3) A certificate issued by the consular representative of the country of which the alien is a citizen or subject.

(c) Should any doubt arise as to whether or not the document presented may be considered as acceptable evidence of the alien's nationality, the matter shall be referred to the Commandant for decision.

§ 12.02–15 Oath requirement.

An applicant for a certificate of service for any rating shall take oath before an Officer in Charge, Marine Inspection, or other official authorized to give such oath, or a commissioned officer of the Coast Guard authorized to administer oaths under 10 U.S.C. 936 or 14 U.S.C. 636, that he will faithfully and honestly perform all the duties required of him by law and carry out all lawful orders of his superior officers on shipboard.

§ 12.02–17 Rules for the preparation and issuance of documents.

(a) Upon application of any person for a certificate of service or efficiency, or merchant mariner's document, any required examination will be given as soon as practicable.

(b) Upon satisfactory completion of any required examination the Officer in Charge, Marine Inspection, shall issue the appropriate document to the applicant.

(c) Before the delivery of the document the seaman shall affix his signature on the document and shall impress his left thumbprint on the back of the document. When the seaman has no left thumb, the imprint of the right thumb may be used and that fact noted.

(d) A seaman's Social Security number may be endorsed on his document only by the Officer in Charge, Marine Inspection, or the officer or person designated for the purpose of issuing documents, including Shipping Commissioners and Collectors of Customs acting as Shipping Commissioners.

(e) Whenever a certificate or document of any type issued to seamen is reported to an Officer in Charge, Marine Inspection, as having been stolen, lost, or destroyed, the Officer in Charge, Marine Inspection, shall immediately report the fact by letter to the Commandant, giving all the facts incident to its loss or destruction. By the same procedure, he shall report the recovery of any document together with all facts incident to its recovery, and shall forward the recovered document to the Commandant.

(f) An applicant for a certificate of service or of efficiency who has been duly examined and refused a certificate by an Officer in Charge, Marine Inspection, will not be permitted to make application for reexamination until 30 days have elapsed.

§ 12.02–19 Suspension or revocation of documents.

Any certificate of service or of efficiency or merchant mariner's document representing such certificate(s) is subject to suspension or revocation on the same grounds and in the same manner and with like procedure as is provided in the case of suspension or revocation of licenses of officers under the provisions of R.S. 4450, as amended (46 U.S.C. 239).

§ 12.02–21 Issuance of documents after revocation.

(a) An applicant who has had a certificate or other document revoked and who is applying for certification in the same or any other rating shall state in his application the date of revocation and number or type of the document revoked.

(b) No applicant who has had a certificate or other document revoked will be certificated in the same or any other rating except upon approval of the Commandant.

§ 12.02–23 Issuance of duplicate documents.

(a) If a seaman loses his continuous discharge book, certificate of identification, or merchant mariner's document representing a certificate of identification, or certificate of discharge by shipwreck or other casualty, he shall be supplied with a reissue of such documents free of charge. The phrase "or other casualty" as used in this section is interpreted to mean any damage to a ship caused by collision, explosion, tornado, wreck or flooding of the ship, such as a tidal wave or a grounding of the ship on a sand bar, or a beaching of the ship on a shore or by fire or other causes in a category with these mentioned.

(b) If a seaman loses his continuous discharge book, or merchant mariner's document representing a certificate of identification, or certificate of discharge, otherwise than by shipwreck or other casualty, he will be required to pay for a reissue or a duplicate at an amount equal to the cost of such document or certificate to the Government as prescribed in 33 CFR 1.25–65.

(c) The seaman shall be required to pay for the reissue document (if payment is required) at the time of the issuance of such document to him and in the event the lost document is found he shall be required to surrender same to the Shipping Commissioner, Collector or Deputy Collector of Customs, or the Officer in Charge, Marine Inspection. If the seaman requests a certificate of identification in lieu of a lost book, or vice versa, he shall be required to pay for the reissue of the lost document at the time of its issuance (if payment is required). When the reissue of the document is issued to him, he may then exchange the same in accordance with the regular procedure.

(d) A seaman shall be required to furnish one properly executed application on Coast Guard Form CG–719–E, giving satisfactory evidence of the loss of his documents to the Officer in Charge, Marine Inspection, Shipping Commissioner, Collector of Customs, Deputy Collector of Customs, or other authorized person. The application shall be accompanied by one photograph for each reissue of document requested, except no photograph is required for a reissue certificate of discharge. The application and necessary photographs shall be forwarded by the official receiving them to Coast Guard Headquarters and the Commandant will cause to be prepared a duplicate of lost document requested. The duplicate document will be prepared from available records at Coast Guard Headquarters and returned for issuance to the office which forwarded the application. The reissued document will be marked "duplicate," and will bear the same number as the original book or certificate of identification with the addition of the suffix "D–1" on the first reissue, "D–2" on the second reissue, "D–3" on the third reissue, etc.; such suffix shall then become part of the serial number and shall be recorded in all subsequent records.

(e) Any person whose certificate of service or efficiency has been stolen, lost or destroyed, shall report that fact to an Officer in Charge, Marine Inspection, as soon as possible.

(f) No application from an alien for a duplicate of a certificate of service, certificate of efficiency, certificate of identification, continuous discharge book, or merchant mariner's document shall be accepted unless the alien complies with the requirements of § 12.02–10 with respect to proof that he is lawfully admitted to the United States for permanent residence.

(Sec. 5, 49 Stat. 1935, as amended, sec. 1, 52 Stat. 753, as amended, 55 Stat. 579; 46 U.S.C. 672a, 672b, 672–1, 672–2)

Subpart 12.05—Able Seamen

§ 12.05–1 Certification required.

(a) Every person employed in a rating as able seaman on any United States vessel requiring certificated able seamen, before signing articles of agreement, shall present to the Shipping Commissioner, United States Collector or Deputy Collector of Customs, or master, his certificate as able seaman or his merchant mariner's document endorsed as able seaman.

(b) No certificate as able seaman is required of any person employed on any unrigged vessel except seagoing barges, nor on any tug or towboat on the bays and sounds connected directly with the seas.

(c) No certificate as able seaman is required of any person employed on any sail vessel of less than 500 net tons while not carrying passengers for hire and while not operating outside the line dividing inland waters from the high seas.

§ 12.05–3 General requirements.

(a) To qualify for certification as able seaman an applicant shall be:

(1) At least 19 years of age;

(2) Pass the prescribed physical examination;

(3) Meet the sea service or training requirements set forth in this part;

(4) Satisfactorily pass an examination demonstrating his ability as an able seaman and lifeboatman; and

(5) Be able to speak and understand the English language as would be required in the rating of able seaman and in an emergency aboard ship.

§ 12.05–5 Physical requirements.

(a) All applicants for a certificate of service as able seaman shall be required to pass a physical examination given by a medical officer of the United States Public Health Service and present to the Officer in Charge, Marine Inspection, a certificate executed by the Public Health Service Officer. Such certificate shall attest to the applicant's acuity of vision, color sense, hearing, and general physical condition. In exceptional cases where an applicant would be put to great inconvenience or expense to appear before a medical officer of the United States Public Health Service, the physical examination and certification may be made by any other reputable physician.

(b) The medical examination for an able seaman is the same as for an original license as a deck officer as set forth in § 10.02–5 of this subchapter. If the applicant is in possession of an unexpired deck license, the Officer in Charge, Marine Inspection, may waive the requirement for a physical examination.

§ 12.05–7 Service or training requirements.

(a) The minimum service or training required to qualify an applicant for certification and the various endorsements as able seaman is listed in this paragraph:

(1) *High seas and inland waters*—(i) *"Any waters—unlimited."* Three years' service on deck in vessels of 100 gross tons or over operating on ocean or coastwise routes or on the Great Lakes.

(ii) *"Any waters—unlimited."* The period of time spent by an applicant successfully completing a course of able seaman's training in a training school approved by the Commandant may be accepted as the equivalent of sea service up to a maximum of 1 year of the 3 years required in subdivision (i) of this subparagraph.

(iii) *"Any waters—unlimited."* Satisfactory completion of 18 months' training in a seagoing training ship approved by the Commandant.

(iv) *"Any waters—12 months."* 12 months' service on deck in vessels of 100 gross tons or over operating on ocean or coastwise routes or on the Great Lakes. (Holders of certification under this provision are limited to one-fourth of the number of able seamen required by law to be employed on a vessel.)

(v) *"Any waters—12 months."* Satisfactory completion of a course of training at a U. S. Maritime Service Training Station of at least 9 months, 6 months of which shall have been served aboard a seagoing training vessel. (Holders of certification under this provision are limited to one-fourth of the number of able seamen required by law to be employed on a vessel.)

(2) *Great Lakes and inland waters*—(i) *"Great Lakes—18 months' service."* 18 months' service on deck in vessels of 100 gross tons or over operating on ocean or coastwise routes, or on the Great Lakes, smaller lakes, bays, or sounds. (Holders of certification under this provision may comprise the required number of able seamen on vessels on the Great Lakes and on the smaller lakes, bays, and sounds.) If the seaman possesses the requisite service for certification under subparagraph (1)(iv) of this paragraph, there shall be added "any waters—12 months."

(3) *Tugs and towboats*—(i) *"Tugs and towboats—any waters."* 18 months' service on deck in vessels operating on ocean or coastwise routes, or on the Great Lakes, or on the bays and sounds connected directly with the seas.

(4) *Bays and sounds*—(i) *"Bays and sounds—12 months, vessels 500 gross*

tons or under not carrying passengers." 12 months' service on deck in vessels operating on ocean or coastwise routes, or on the Great Lakes, or on the bays and sounds connected directly with the seas.

(5) *Barges*—(i) *"Seagoing barges—12 months."* 12 months' service on deck in vessels operating on ocean or coastwise routes, or on the Great Lakes, or on the bays and sounds connected directly with the seas.

§ 12.05–9 Examination and demonstration of ability.

(a) Before an applicant is certified as able seaman, he shall prove to the satisfaction of the Coast Guard by oral or written examination and by actual demonstration, his knowledge of seamanship and his ability to carry out effectively all the duties that may be required of an able seaman, including those of a lifeboatman. He shall demonstrate that:

(1) He has been trained in all the operations connected with the launching of lifeboats and liferafts and the use of oars and sail;

(2) He is acquainted with the practical handling of the boats themselves; and

(3) He is capable of taking command of a boat's crew.

(b) The oral or written examination shall be conducted only in the English language and shall consist of questions regarding:

(1) Lifeboats and liferafts, the names of their essential parts, and a description of the required equipment;

(2) The clearing away, swinging out, and lowering of lifeboats and liferafts, the handling of lifeboats under oars and sails, including questions relative to the proper handling of a boat in a heavy sea;

(3) The operation and functions of commonly used types of davits;

(4) The applicant's knowledge of nautical terms; boxing the compass, either by degrees or points according to his experience; running lights, passing signals, and fog signals for vessels on the high seas, in inland waters, or on the Great Lakes depending upon the waters on which the applicant has had service; and distress signals; and,

(5) The applicant's knowledge of commands in handling the wheel by obeying orders passed to him as "wheelsman," and knowledge of the use of engineroom telegraph or bell-pull signals.

(c) In the actual demonstration, the applicant shall show his ability by taking command of a boat and directing the operation of clearing away, swinging out, lowering the boat into the water, and acting as coxswain in charge of the boat under oars. He shall demonstrate his ability to row by actually pulling an oar in the boat. He shall also demonstrate knowledge of the principal knots, bends, splices, and hitches in common use by actually making them.

(d) Any person who is in valid possession of a certificate as able seaman endorsed, "any waters—12 months" and who can produce documentary evidence of sufficient service to qualify for a certificate as able seaman endorsed, "any waters—unlimited," may be issued a new document bearing this endorsement without additional professional examination. The applicant shall surrender for cancellation the document bearing the limited endorsement. No physical examination will be required at the time of this exchange unless it is found that the applicant obviously suffers from some physical or mental infirmity to a degree that in the opinion of the Officer in Charge, Marine Inspection, would render him incompetent to perform the usual duties of an able seaman at sea. If such condition is believed to exist, the applicant shall be required to undergo an examination by a medical officer of the Public Health Service to determine his competency.

§ 12.05–11 General provisions respecting merchant mariner's documents endorsed as able seaman.

(a) The holder of a merchant mariner's document endorsed for the rating of able seaman may serve in any unlicensed rating in the deck department without obtaining an additional endorsement.

(b) A merchant mariner's document endorsed as able seaman will also be considered a certificate of efficiency as lifeboatman without further endorsement.

(c) This type of document will describe clearly the type of able seaman certificate which it represents, e. g.: able seaman—any waters; able seaman—any waters, 12 months; able seaman—Great Lakes, 18 months; able seaman—on freight vessels 500 gross tons or less on bays or sounds, and on tugs, towboats, and barges on any waters.

Subpart 12.10—Lifeboatman

§ 12.10–1 Certification required.

Every person employed in a rating as lifeboatman on any United States vessel requiring certificated lifeboatmen shall produce a certificate as lifeboatman or merchant mariner's document endorsed as lifeboatman or able seaman to the shipping commissioner, United States collector or deputy collector of customs, or master before signing articles of agreement. No certificate of efficiency as lifeboatman is required of any person employed on any unrigged vessel, except on a seagoing barge and on a tank barge navigating waters other than rivers and/or canals.

§ 12.10–3 Service or training requirements.

(a) An applicant to be eligible for certification as lifeboatman must meet one of the following requirements:

(1) At least 1 year's sea service in the deck department, or at least 2 years' sea service in the other departments of ocean, coastwise, Great Lakes, and other lakes, bays, or sounds vessels.

(2) Graduation from a schoolship approved by and conducted under rules prescribed by the Commandant.

(3) Satisfactory completion of basic training by a Cadet of the United States Merchant Marine Cadet Corps.

(4) Satisfactory completion of 3 years' training at the U. S. Naval Academy or the U. S. Coast Guard Academy including two training cruises.

(5) Satisfactory completion of a course of training approved by the Commandant, and served aboard a training vessel.

(6) Successful completion of a training course approved by the Commandant, such course to include a minimum of 30 hours' actual lifeboat training: *Provided*, That the applicant produces evidence of having served a minimum of 3 months at sea aboard ocean or coastwise vessels.

(b) An applicant, to be eligible for certification as lifeboatman, shall be able to speak and understand the English language as would be required in the rating of lifeboatman and in an emergency aboard ship.

§ 12.10–5 Examination and demonstration of ability.

(a) Before a lifeboatman's certificate may be granted, the applicant must prove to the satisfaction of the Coast Guard by oral or written examination and by actual demonstration that:

(1) He has been trained in all the operations connected with the launching of lifeboats and liferafts and the use of oars and sails;

(2) He is acquainted with the practical handling of boats themselves; and,

(3) He is capable of taking command of a boat's crew.

(b) The oral or written examination shall be conducted only in the English language and shall consist of questions regarding:

(1) Lifeboats and liferafts, the names of their essential parts, and a description of the required equipment;

(2) The clearing away, swinging out, and lowering of lifeboats and liferafts, the handling of lifeboats under oars and sails, including questions relative to the proper handling of a boat in a heavy sea; and,

(3) The operation and functions of commonly used types of davits.

(c) The practical examination shall consist of a demonstration of the applicant's ability to carry out the orders incident to launching lifeboats, and the use of the boat's sail, and to row.

(Sec. 1, 52 Stat. 753, as amended, 55 Stat. 579; 46 U. S. C. 672b, 672–1, 672–2)

§ 12.10–7 General provisions respecting merchant mariner's documents endorsed as lifeboatman.

A merchant mariner's document endorsed as able seaman shall be considered as the equivalent of a certificate as lifeboatman or an endorsement as lifeboatman and it shall be accepted as a certificate as lifeboatman wherever required by law or regulation.

Subpart 12.15—Qualified Member of the Engine Department

§ 12.15–1 Certification required.

(a) Every person employed in a rating as qualified member of the engine department on any United States vessel requiring certificated qualified members of the engine department shall produce a certificate as qualified member of the engine department to the shipping commissioner, United States Collector or Deputy Collector of Customs, or master before signing articles of agreement.

(b) No certificate as qualified member of the engine department is required of any person employed on any unrigged vessel, except seagoing barges.

§ 12.15–3 General requirements.

(a) A qualified member of the engine department is any person below the rating of licensed officer and above the rating of coal passer or wiper, who holds a certificate of service as such qualified member of the engine department issued by the Coast Guard or predecessor authority.

(b) For purposes of administering this part the rating of "assistant electrician" is considered a rating not above that of coal passer or wiper, but equal thereto.

(c) An applicant, to be eligible for certification as qualified member of the engine department, shall be able to speak and understand the English language as would be required in the rating of qualified member of the engine department and in an emergency aboard ship.

§ 12.15–5 Physical requirements.

(a) An applicant for a certificate of service as a qualified member of the engine department shall present a certificate of a medical officer of the United States Public Health Service, or other reputable physician attesting that his eyesight, hearing, and physical condition are such that he can perform the duties required of a qualified member of the engine department.

(b) The medical examination for qualified member of the engine department is the same as for an original license as engineer, as set forth in § 10.02–5 of this subchapter. If the applicant is in possession of an unexpired license, the Officer in Charge, Marine Inspection, may waive the requirement for a physical examination.

(c) An applicant holding a certificate of service for a particular rating as qualified member of the engine department and desiring certification for another rating covered by this same form of certificate may qualify therefor without a physical examination unless the Officer in Charge, Marine Inspection, finds that the applicant obviously suffers from some physical or mental infirmity to a degree that would render him incompetent to perform the ordinary duties of a qualified member of the engine department. In this event the applicant shall be required to undergo an examination to determine his competency.

§ 12.15–7 Service or training requirements.

(a) An applicant for a certificate of service as qualified member of the engine department shall furnish the Coast Guard proof that he possesses one of the following requirements of training or service:

(1) Six months' service at sea in a rating at least equal to that of coal passer or wiper in the engine department of vessels required to have such certificated men, or in the engine department of tugs or towboats operating on the high seas or Great Lakes, or on the bays or sounds directly connected with the seas; or,

(2) Graduation from a schoolship approved by and conducted under rules prescribed by the Commandant; or,

(3) Satisfactory completion of a course of training approved by the Commandant, and served aboard a training vessel; or,

(4) Graduation from the U. S. Naval Academy or the U. S. Coast Guard Academy.

§ 12.15–9 Examination requirements.

(a) Applicants for certification as qualified members of the engine department in the ratings of oiler, watertender, fireman, deck engineer, refrigerator engineer, junior engineer, electrician, and machinist shall be examined orally or in writing and only in the English language on the subjects listed in paragraph (b) of this section. The applicant's general knowledge of the subjects must be sufficient to satisfy the examiner that he is qualified to perform the duties of the rating for which he makes application.

(b) List of subjects required:

TABLE 12.15-9 (b)—SUBJECTS FOR QUALIFIED MEMBERS OF ENGINE DEPARTMENT

Subjects	Machinist	Refrigerating engineer	Fireman	Watertender	Oiler	Electrician	Junior engineer	Deck engineer
1. Application, maintenance, and use of hand tools and measuring instruments	X	X	X	X	X	X	X	X
2. Uses of babbitt, copper, brass, steel, and other metals	X	X		X	X	X	X	X
3. Methods of measuring pipe, pipe fittings, sheet metal, machine bolts and nuts, packing, etc	X	X		X	X	X	X	X
4. Operation and maintenance of mechanical remote control equipment	X			X		X		
5. Precautions to be taken for the prevention of fire and the proper use of firefighting equipment	X	X	X	X	X	X	X	X
6. Principles of mechanical refrigeration; and functions, operation, and maintenance of various machines and parts of the systems		X			X		X	
7. Knowledge of piping systems as used in ammonia, freon, and CO_2, including testing for leaks, operation of bypasses, and making up of joints		X					X	
8. Safety precautions to be observed in the operation of various refrigerating systems, including storage of refrigerants, and the use of gas masks and firefighting equipment	X	X		X	X	X	X	X
9. Combustion of fuels, proper temperature, pressures, and atomization			X	X	X		X	X
10. Operation of the fuel oil system on oil burning boilers, including the transfer and storage of fuel oil			X	X	X		X	
11. Hazards involved and the precautions taken against accumulation of oil in furnaces, bilges, floorplates, and tank tops; flarebacks, leaks in fuel oil heaters, clogged strainers and burner tips	X	X	X	X	X	X	X	
12. Precautions necessary when filling empty boilers, starting up the fuel oil burning system, and raising steam from a cold boiler			X	X	X		X	
13. The function, operation, and maintenance of the various engineroom auxiliaries	X	X		X	X	X	X	X
14. Proper operation of the various types of lubricating systems	X	X			X		X	
15. Safety precautions to be observed in connection with the operation of engineroom auxiliaries, electrical machinery, and switchboard equipment				X	X	X	X	X
16. The function, operation, and maintenance of the bilge, ballast, fire, freshwater, sanitary, and lubricating systems	X	X		X	X	X	X	X
17. Proper care of spare machine parts and idle equipment	X	X						
18. The procedure in preparing a turbine, reciprocating, or Diesel engine for standby; also the procedure in securing				X	X		X	
19. Operation and maintenance of the equipment necessary for the supply of water to boilers, the dangers of high and low water and remedial action			X	X	X		X	
20. Operation, location, and maintenance of the various boiler fittings and accessories	X		X	X	X			
21. The practical application and solution of basic electrical calculations, (Ohm's law, power formula, etc.)						X	X	X
22. Electrical wiring circuits of the various two-wire and three-wire D. C. systems and the various single-phase and polyphase A. C. systems						X	X	X
23. Application and characteristics of parallel and series circuits						X	X	X
24. Application and maintenance of electrical meters and instruments						X	X	X
25. The maintenance and installation of lighting and power wiring involving testing for, locating and correcting grounds, short circuits and open circuits, and making splices						X	X	X
26. The operation and maintenance of the various types of generators and motors, both A. C. and D. C.						X	X	X
27. Operation, installation, and maintenance of the various types of electrical controls and safety devices						X	X	
28. Testing and maintenance of special electrical equipment such as telegraphs, telephones, alarm systems, fire-detecting systems, and mudder angle indicators						X	X	X
29. Rules and Regulations and requirements for installation, repair, and maintenance of electrical wiring and equipment installed aboard ships								
30. Such further examination of a nonmathematical character as the Officer in Charge, Marine Inspection, may consider necessary to establish the applicant's proficiency	X	X	X	X	X	X	X	X

(c) Applicants for certification as qualified member of the engine department in ratings other than those indicated in table 12.15-9 (b) shall, by written or oral examination, demonstrate sufficient general knowledge of the subjects peculiar to the rating applied for to satisfy the Officer in Charge, Marine Inspection, that they are qualified to perform the duties of the rating.

§ 12.15-11 General provisions respecting merchant mariner's documents endorsed as qualified member of the engine department.

The holder of a merchant mariner's document endorsed with one or more qualified member of the engine department ratings may serve in any unqualified rating in the engine department without obtaining an additional endorsement. This does not mean that an endorsement of one qualified member of the engine department rating authorizes the holder to serve in all qualified member of the engine department ratings. Each qualified member of the engine department rating for which a holder of a merchant mariner's document is qualified must be endorsed separately. When, however, the applicant qualifies for all ratings covered by a certificate as a qualified member of the engine department, the certification may read "QMED—any rating." The ratings are as follows:

(a) Refrigerating engineer.
(b) Oiler.
(c) Watertender.
(d) Fireman.
(e) Deck engineer.
(f) Junior engineer.
(g) Electrician.
(h) Boilermaker.
(i) Machinist.
(j) Pumpman.

Subpart 12.20—Tankerman

§ 12.20-1 General requirements.

(a) Any applicant for a certificate as tankerman who is not licensed as master, mate, pilot or engineer, shall be eligible for certification after he has furnished satisfactory documentary evidence to the Coast Guard that he is trained in, and capable of performing efficiently the necessary operations on tank vessels which relate to the handling of cargo.

(b) Applicants qualifying for certification as tankerman shall be issued a merchant mariner's document endorsed with the rating of tankerman and the kinds or grades of liquid cargo the holder is qualified to handle.

(c) A currently valid license as master, mate, pilot or engineer shall be considered as a certificate as tankerman and the holder may serve as tankerman upon inspected vessels of the United States required to have such certificated tankerman without having a separate certificate as tankerman.

(d) An applicant, to be eligible for certification as tankerman, shall be able to speak and understand the English language as would be required in the rating of tankerman and in an emergency aboard ship.

§ 12.20-3 Physical requirements.

(a) Applicant for certification as tankerman shall present a certificate of a medical officer of the United States Public Health Service, or other reputable physician, attesting that his eyesight, hearing, and physical condition are such that he can perform the duties required of a tankerman.

(b) The medical examination is the same as for an original license as engineer, except that the applicant will be given a color vision test required for a licensed deck officer as set forth in § 10.02-5 of this subchapter.

§ 12.20-5 Examination requirements.

Any applicant for certification as tankerman must prove to the satisfaction of the Coast Guard by an oral or written examination conducted only in the English language that he is familiar with the general arrangement of cargo tanks, suction and discharge pipelines and valves, cargo pumps and cargo hose, and has been properly trained in the actual operation of cargo pumps, all other operations connected with the loading and discharging of cargo, and the use of fire-extinguishing equipment.

Subpart 12.25—Certificates of Service for Ratings Other Than Able Seaman or Qualified Member of the Engine Department

§ 12.25-1 Certification required.

(a) Every person employed in a rating other than able seaman or qualified member of the engine department of United States merchant vessels requiring such certificated persons shall produce an appropriate certificate of service or merchant mariner's document to the shipping commissioner, United States Collector or Deputy Collector of Customs, or master, before signing articles of agreement.

(b) No certificate of service shall be required of any person employed on any unrigged vessel, except seagoing barges, or on any sail vessel of less than 500 net tons while not carrying passengers for hire and while not operating outside the line dividing inland waters from the high seas, as defined in section 2 of the act of February 19, 1895, as amended (33 U.S.C. 151) and in 33 CFR Part 82.

§ 12.25-5 Commitment of employment.

(a) An applicant for an original merchant mariner's document endorsed for service in ratings for which no professional examination is required shall produce satisfactory proof that he has a commitment of employment as a member of the crew of a United States merchant vessel.

(b) A transcript of sea service in the U.S. Navy, U.S. Coast Guard, U.S. Military Sea Transportation Service, or U.S. Army Transportation Corps shall be accepted in lieu of a letter of commitment.

§ 12.25-10 General requirements.

(a) Merchant mariner's documents shall be issued without professional examination to applicants for certificates of service as endorsements on merchant mariner's documents in capacities other than able seaman, lifeboatman, tankerman or qualified member of the engine department and shall be endorsed for one or more ratings. For example, "ordinary seaman"—"wiper"—"steward's document (F.H.)." Holders of documents endorsed for service as "ordinary seaman" may serve in any unqualified rating in the deck department. Holders of documents endorsed for service as "wiper" may serve in any unqualified rating in the engine department. Documents endorsed for "steward's department (F.H.)" will authorize the holder's service in any capacity in the steward's department. (See § 12.02-11(e)(2) for unqualified ratings in the staff department.)

(b) When the holder of a merchant mariner's document has qualified as a food handler, the endorsement of his rating will be followed by the further indorsement "(F.H.)."

§ 12.25-20 Food handler.

No applicant for a rating authorizing the handling of food will be certificated unless he produces a certificate from a medical officer of the United States Public Health Service, or other reputable physician stating that the applicant is free from communicable disease.

§ 12.25-25 Members of Merchant Marine Cadet Corps.

No ratings other than cadet (deck) or cadet (engine) as appropriate, and lifeboatman shall be shown on a merchant mariner's document issued to a member of the U.S. Merchant Marine Cadet Corps. The merchant mariner's document shall also be stamped "Valid only while cadet in the U.S. Maritime Administration training program." The merchant mariner's document thus prepared shall be surrendered upon the holder being certified in any other rating or being issued a license and the rating of cadet (deck) or cadet (engine) shall be omitted from any new merchant mariner's document issued.

(Sec. 1, 52 Stat. 753, as amended, 55 Stat. 579; 46 U.S.C. 672b, 672-1, 672-2)

§ 12.25-30 Student observers.

Students in technical schools who are enrolled in courses in marine management and ship operations who present a letter or other documentary evidence that they are so enrolled shall be issued a merchant mariner's document as "student observers—any department" and may be signed on ships as such. Students holding these documents or certificates will not take the place of any of the crew, or fill any of the regular ratings.

PART 14—SHIPMENT AND DISCHARGE OF SEAMEN

Subpart 14.01—General

Sec.
14.01-1 Employment of seamen whose citizenship has not been established.
14.01-10 Reporting loss or recovery of continuous discharge book, certificate of identification, or certificate of discharge.

Subpart 14.05—Shipping Articles

Sec.
14.05-1 Preparation and number of copies of shipping articles.
14.05-3 Certification of shipping articles.
14.05-5 Paying off seamen during voyage.
14.05-10 Completing entries in shipping articles at completion of voyage.
14.05-15 Production of documents by seamen signing shipping articles.
14.05-20 Master reporting shipping and discharging of seamen on Form CG-735-T.

Subpart 14.10—Discharging Seamen

14.10-1 Entries in Continuous Discharge Book.
14.10-5 Entries in Certificate of Discharge to Merchant Seamen.
14.10-10 Discharging a seaman in a foreign port.
14.10-15 Certificate of discharge issued pending issuance of duplicate continuous discharge book.
14.10-20 Discharge of seamen in special cases.

AUTHORITY: The provisions of this Part 14 are issued under R.S. 4551, as amended, sec. 13, 38 Stat. 1169, as amended, sec. 7, 49 Stat. 1936, as amended; 46 U.S.C. 643, 672, 689, Treasury Department Order 120, July 31, 1950, 15 F.R. 6521, unless otherwise noted.

Subpart 14.01—General

§ 14.01-1 Employment of seamen whose citizenship has not been established.

Seamen whose continuous discharge books, certificates of identification or merchant mariner's documents show question marks with reference to place of birth and/or citizenship shall not be considered as citizens of the United States in computing the number of citizens required by statute to be employed in the crew of a vessel.

§ 14.01-10 Reporting loss or recovery of continuous discharge book, certificate of identification, or certificate of discharge.

Wherever a continuous discharge book, certificate of identification, or certificate of discharge is reported to a shipping commissioner, Collector of Customs, or an Officer in Charge, Marine Inspection, as having been stolen, lost, or destroyed, the shipping commissioner, collector of customs, or Officer in Charge, Marine Inspection, shall immediately report the fact by letter to the Commandant, giving all the facts incident to its loss or destruction. By the same procedure, he shall report the recovery of a continuous discharge book, certificate of identification, or certificate of discharge with all the facts incident to its recovery, and shall forward the recovered book, certificate of identification, or certificate of discharge to the Commandant.

Subpart 14.05—Shipping Articles

§ 14.05-1 Preparation and number of copies of shipping articles.

Shipping articles shall be made out in quadruplicate by carbon process. When the signing on of the crew has been completed the triplicate and quadruplicate copies shall be removed from the pad by the shipping commissioner, who will retain the triplicate copy and forward the quadruplicate copy to Commandant (MVP), Coast Guard Headquarters, Washington, D.C., 20226, "Attention Merchant Vessel Personnel Records and Welfare Section." The original and duplicate copies of the articles remaining in the pad shall be given to the master who shall enter therein any changes made in the crew during the voyage.

§ 14.05-3 Certification of shipping articles.

For every vessel bound on any foreign voyage required to have shipping articles, it shall be the duty of the owners of such vessel to obtain from the shipping commissioner or the person performing duties of a shipping commissioner a statement showing that the duplicate copy of the shipping articles is a true and certified copy as required by R. S. 4575, as amended (46 U. S. C. 676).

(Interprets or applies R. S. 4575, as amended; 46 U.S.C. 676)

§ 14.05-5 Paying off seamen during voyage.

In case of the paying off of any members of the crew during the voyage, they shall be required to sign the mutual release on both the original and the duplicate of the articles whether discharged before a shipping commissioner in an American port or before an American consul in a foreign port.

§ 14.05-10 Completing entries in shipping articles at completion of voyage.

(a) At the completion of the voyage, when the crew is paid off, the mutual release on both the original and the duplicate of the articles must be signed by all members of the crew; and the original copy, together with the white copy of every certificate of discharge, Form CG-718A rev., given during the voyage or a record of entry, Form CG-718E, of every entry made in a continuous discharge book during the voyage, shall be forwarded to the Commandant (MVP), Coast Guard Headquarters, Washington, D.C., 20226. The duplicate copy shall be retained by the shipping commissioner.

(b) All columns on the shipping articles shall be properly filled in and the certifications on the back properly signed.

(c) All entries made in the continuous discharge books during the voyage, and the entries made in all certificates of discharge issued during the voyage to seamen holding certificates of identification shall be shown on the ship's articles.

§ 14.05-15 Production of documents by seamen signing shipping articles.

Every seaman shall be required, when signing articles, to produce his continuous discharge book or certificate of identification, as well as his license, certificate of registry, or certificate of service, in order that the serial numbers may be entered on the articles.

§ 14.05-20 Master reporting shipping and discharging of seamen on Form CG-735-T.

(a) The master of every merchant vessel of the United States of the burden of one hundred gross tons or upward, except vessels employed exclusively in trade on the navigable rivers of the United States, fishing and whaling vessels, yachts, ferries and tugs used in ferry operations if such ferries and tugs are employed exclusively in trade on the Great Lakes, lakes (other than the Great Lakes), bays, sounds, bayous, canals, and harbors, and are not engaged on international voyages, and unrigged vessels other than seagoing barges, shall report the employment, discharge, or termination of the services of every seaman not shipped or discharged before a shipping commissioner, or a Collector or Deputy Collector of Customs acting as shipping commissioner on Coast Guard Form CG-735-T in the manner provided in this section.

(b) When a vessel is sailing on a voyage which will extend to the ocean or to the Gulf of Mexico and when coastwise Shipping Articles are opened or when the vessel is departing on a coastwise voyage for which Shipping Articles are not required the master shall, immediately prior to sailing, submit to the Officer in Charge, Marine Inspection, a Form CG-735-T listing the names, as well as the other data required by the form with the exception of the date and place of discharge, of the master and of each member of the crew. Thereafter, at each domestic port visited on the voyage, the master shall, prior to departure, submit to the Officer in Charge, Marine Inspection, a supplementary report on Form CG-735-T listing the name, as well as the other data required by the form, of each seaman engaged or discharged or whose services were otherwise terminated since the previous submission of the form. When coastwise Shipping Articles are completed or when a voyage on which Shipping Articles are not required is completed, the master shall submit to the Officer in Charge, Marine Inspection, a Form CG-735-T listing the names, as well as the other data required by the form, of the master and of each member of the crew on board at the time of the completion of the voyage.

(c) When a vessel is employed exclusively in trade on bays or sounds, the master shall submit a Form CG-735-T, on the last day of each calendar month, listing the name, as well as the other data required by the form—including the dates and places of engagement and discharge, of each seaman employed, discharged, or whose services were otherwise terminated during the calendar month. This form shall be forwarded by the master directly to Commandant (MVP), Coast Guard Headquarters, Washington, D.C., 20226.

(d) When a vessel is employed exclusively in trade on the Great Lakes, the master shall submit Form CG-735-T at the commencement of the season, or when the vessel is put into service, listing the names, as well as other information required by the form, with the exception of date and place of discharge, of each member of the crew. Thereafter, at the end of each calendar month, the master shall submit a supplementary report on Form CG-735-T listing the names, as

well as other information required by the form, of (1) each seaman whose employment was terminated during the month and who was not reengaged on the vessel's next trip, and (2) each seaman engaged during the month who was not also employed on the vessel in the same capacity on her last trip preceding the engagement. At the close of the season, or when the vessel is withdrawn from service, the master shall submit a final report on Form CG–735–T listing the names, as well as other information required by the form, of each seaman who has not been previously reported as discharged.

(e) Every discharge entry made on a Form CG–735–T shall agree exactly with the corresponding entry made in a continuous discharge book or on the certificate of discharge issued to a seaman and a record of entry (Form CG–718–E) or a white copy of a certificate of discharge (Form CG–718–A, Revised) supporting each discharge shall be attached to any Form CG–735–T on which discharges are reported.

(f) Any master who fails to comply with the requirements of this section is subject to a penalty of $500.

Subpart 14.10—Discharging Seamen

§ 14.10–1 Entries in Continuous Discharge Book.

(a) Upon the discharge of any seaman and payment of his wages, the shipping commissioner or Collector or Deputy Collector of Customs at ports where no shipping commissioner has been appointed, shall enter in the Continuous Discharge Book (Form CG–719) of such seaman, if the seaman carries such a book, the name and official number of the vessel together with the name of the employer, the nature of the voyage (foreign, intercoastal, or coastwise (including Great Lakes)), the class to which the vessel belongs (steam, motor, sail, or barge), the date and place of the shipment and of the discharge of such seaman, the rating (capacity in which employed) then held by such seaman, and the signature of the person making such entries and nothing more.

(b) In cases where the law does not require the seaman to be shipped and discharged before a shipping commissioner, the master of the vessel shall make the required entries in the Continuous Discharge Book.

(c) The person making the required entries in the Continuous Discharge Book shall also prepare a "Record of Entry in Continuous Discharge Book" (Form CG–718E). The required entries include those described in paragraph (a) of this section, the full name and citizenship of the seaman, and the serial number of his Continuous Discharge Book.

(d) The completed Form CG–718E shall be signed by the seaman in whose Continuous Discharge Book the original entry was made and by the person making the entry in the Continuous Discharge Book. In cases where the record of entry is signed by a shipping commissioner, or a Collector or Deputy Collector of Customs, the master is not required to sign the record of entry, but his name must be shown on the completed Form CG–718E.

(e) All entries in the Continuous Discharge Book (Form CG–719) shall be made in black ink. All entries on the completed Form CG–718E shall be made with a typewriter or an indelible pencil to insure legible copies.

(f) The original copy of completed Form CG–718E shall be for the Commandant's records. The duplicate copy of completed Form CG–718E will be retained by the shipping commissioner, Collector or Deputy Collector of Customs, or master issuing such record of entry. (See §§ 14.05–10 and 14.05–20 for instructions governing submission to the Commandant.)

§ 14.10–5 Entries in Certificate of Discharge to Merchant Seaman.

(a) Upon the discharge of any seaman who holds a merchant mariner's document or a certificate of identification issued by the Coast Guard or predecessor authority, and payment of his wages, the shipping commissioner, or the Collector or Deputy Collector of Customs at ports where no shipping commissioner has been appointed, shall issue to the seaman a "Certificate of Discharge to Merchant Seaman" (Form CG–718A) and shall complete the required entries on this certificate showing the full name and citizenship of the seaman to whom it is issued, the serial number of his merchant mariner's document or certificate of identification, the name and official number of the vessel together with the name of the employer, the nature of the voyage (foreign, intercoastal, or coastwise (including Great Lakes)), the class to which the vessel belongs (steam, motor, sail, or barge), the date and place of the shipment and of the discharge of such seaman, and the rating (capacity in which employed) then held by such seaman.

(b) In cases where the law does not require the seaman to be shipped and discharged before a shipping commissioner, the master of the vessel shall issue the Certificate of Discharge to Merchant Seaman (Form CG–718A) and shall complete the required entries therein.

(c) The completed Form CG–718A shall be signed by the seaman to whom it is issued and by the master of the vessel. When the seaman is required to be discharged before a shipping commissioner, or a Collector or Deputy Collector of Customs at ports where no shipping commissioner has been appointed, the shipping Commissioner or Collector or Deputy Collector of Customs shall witness the signatures of the seaman and the master. The signatures shall be made with an indelible pencil and before the issuance of the original copy to the seaman.

(d) All entries on Certificates of Discharge to Merchant Seaman (Form CG–718A) shall be made with a typewriter or with an indelible pencil to insure legible copies.

(e) The original completed Form CG–718A shall be issued to the seaman who signs the certificate. The duplicate copy of the completed Form CG–718A will be retained by the shipping commissioner, Collector or Deputy Collector of Customs, or the master issuing such discharge. The white copy of completed Form CG–718A shall be for the Commandant's records. (See §§ 14.05–10 and 14.05–20 for instructions governing submission to the Commandant.)

§ 14.10–10 Discharging a seaman in a foreign port.

(a) Upon the discharge of any seaman in a foreign port the master shall make the proper entries in the continuous discharge book and on the ship's articles, and such entries shall be attested to by the consular officer, and Form CG–718E shall be completed in accordance with § 14.10–1. If the seaman possesses a certificate of identification, the master of the vessel shall issue to the seaman a certificate of discharge on Form CG–718A rev., and make the required entries therein which shall be attested by the consular officer. If the seaman has lost his continuous discharge book or certificate of identification, the master shall furnish him with a certificate of discharge (Form CG–718A rev.), attested to by the consular officer and note this fact on the articles.

(b) The white copy of any discharge Form CG–718A rev., given out in this manner or the original of the record of entry, Form CG–718E, shall be retained by the master until the articles covering that voyage are closed, at which time, if the crew is discharged before a shipping commissioner, or before a Collector or Deputy Collector of Customs at ports where no shipping commissioner has been appointed, it shall be delivered to that officer and forwarded by him to the Commandant, as prescribed in §§ 14.05–10 and 14.05–20; if the crew is not discharged before such officer, it shall be forwarded to the Commandant by the master as prescribed in §§ 14.05–10 and 14.05–20.

§ 14.10–15 Certificate of discharge issued pending issuance of duplicate continuous discharge book.

Pending the issuance of a duplicate of the continuous discharge book, the shipping commissioner, or Collector or Deputy Collector of Customs at ports where no shipping commissioner has been appointed, may furnish the seaman with a certificate of discharge (Form CG–718A rev.), at the completion of the voyage, and this fact shall be noted on the articles. The white copy of such discharge shall be forwarded to the Commandant, as prescribed in §§ 14.05–10 and 14.05–20.

§ 14.10–20 Discharge of seamen in special cases.

(a) Section 16 of the act of December 21, 1898 (30 Stat. 759), amended in part R. S. 4581 (46 U.S.C. 683), relating to the discharge of seamen by consuls, to read:

If a seaman is discharged on account of injury or illness, incapacitating him for service, the expenses of his maintenance and return to the United States shall be paid from the fund for the maintenance and transportation of destitute American seamen.

(b) Section 19 of the Seamen's Act of March 4, 1915 (38 Stat. 1185; 46 U. S. C. 683), adds to these words the following:

Provided, That at the discretion of the Commandant of the Coast Guard and under such regulations as he may prescribe, if any seaman incapacitated from service by injury or illness is on board a vessel so situated that a prompt discharge requiring the personal appearance of the master of the vessel before an American consul or consular agent is impracticable, such seaman may be sent to a consul or consular agent, who shall care for him and defray the cost of his maintenance and transportation, as provided in this paragraph.

(c) The personal appearance of the master of the vessel before an American consul or consular agent to consent to the discharge of a seaman who has been incapacitated by injury or illness may be waived by the consul under the following conditions:

(1) When the condition of the injured or ill seaman is such that prompt medical attendance is necessary and cannot be furnished on shipboard, and

(2) When the master cannot proceed with the seaman to the consul without risk to the crew, the vessel, or the cargo.

(d) When the master cannot appear before the consul in person he will address to the consul in writing a full statement of the facts which render necessary the discharge of the seaman, together with a statement of the reasons why he himself is unable to appear before the consul. The statement should cover the usual particulars set forth in a discharge and should be accompanied with an account of the wages due and with the necessary funds to meet such wages, or (if the cash be not available) with an order on the owner for the amount due.

(e) If the consul shall deem the statement satisfactory, he may discharge the seaman as directed in R. S. 4581, as amended by section 16 of the act of December 21, 1898, and section 19 of the act of March 4, 1915, as if the master were present, attaching to the discharge and to his relief account a copy of the statement submitted by the master.

(f) If the consul shall deem the statement unsatisfactory, he will decline to grant the discharge and direct that the seaman be returned to the vessel at its expense.

PART 15—ALLOTMENTS OF SEAMEN

Subpart 15.01—General

Sec.
15.01–1 Persons by and to whom allotments may be made.
15.01–5 Seaman may make more than one allotment.

Subpart 15.05—Procedures Covering Allotments

15.05–1 Allotments to be in writing.
15.05–5 Execution of allotments.
15.05–10 Effective date of allotment.
15.05–15 Cancellation of allotment.

Subpart 15.10—Computing Allotments

15.10–1 Wages upon which allotments may be based.
15.10–5 Limitation on amount of allotment.

Subpart 15.15—Payment and Accounting Required

15.15–1 Time of payment of allotments.
15.15–5 Payment of allotments.
15.15–10 Accounting for payment.

AUTHORITY: The provisions of this Part 15 issued under 23 Stat. 55, as amended; 46 U.S.C. 599. Treasury Department Order 120, July 31, 1950, 15 F.R. 6521.

Subpart 15.01—General

§ 15.01–1 Persons by and to whom allotments may be made.

(a) Any seaman employed on any vessel (except seamen employed on fishing or whaling vessels or yachts), may stipulate in his shipping agreement for an allotment of a portion of the wages for which he is signed on (see § 15.10–5) to his grandparents, parents, wife, sister, or children; to an agency duly designated by the Secretary of the Treasury for the handling of applications for United States Savings Bonds, for the purpose of purchasing such bonds for the seaman; or for deposits to be made in an account for savings or investment opened by him and maintained in his name, either at a savings bank or a United States Postal Savings Depository, or a savings institution in which such accounts are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

(b) Allotments for the purchase of United States Savings Bonds shall be in an amount corresponding exactly to the issue price of such bonds. The bank or other issuing agency will forward the bonds by mail to the address designated by the seaman, but only within the United States, its territories and insular possessions and the Canal Zone.

(c) The term "savings bank" includes any bank, savings bank, or trust company wherein a savings department is maintained; or any Federal Credit Union organized in accordance with the provisions of the Federal Credit Union Act (48 Stat. 1216, 12 U. S. C. 1751–1771); or any credit union organized under substantially similar laws of any State or the District of Columbia, which is approved by the Commandant of the Coast Guard.

(d) No allotments may be drawn in favor of a joint tenant in a savings account unless such joint tenant is a grandparent, parent, wife, sister, or child of the seaman making the allotment.

(e) Before allotments to savings institutions other than savings banks, as defined in paragraph (c) of this section may be accepted, the seaman shall present satisfactory evidence that the accounts in the particular institution are insured by either the Federal Deposit Insurance Corporation or the Federal Savings and Loan Association.

(f) Allotments by masters of vessels are not authorized and should not be approved.

§ 15.01–5 Seaman may make more than one allotment.

Any seaman may stipulate in his articles of agreement for the payment of allotments to any or all of the persons or organizations enumerated in § 15.01–1: *Provided*, That the total amount of such allotments does not exceed the maximum amount permitted under § 15.10–5.

Subpart 15.05—Procedures Covering Allotments

§ 15.05–1 Allotments to be in writing.

All allotments executed by any seaman shall be in writing in triplicate on Form CG–722 and shall be approved by a shipping commissioner or deputy shipping commissioner, or Collector or Deputy Collector of Customs at ports where no shipping commissioner has been appointed, or consular officer of the United States.

§ 15.05–5 Execution of allotments.

All allotments shall be executed in triplicate on Form CG–722 by the seaman making the same and after the allotments are approved shall be distributed by the shipping commissioner, deputy shipping commissioner, Collector of Customs, Deputy Collector of Customs, or consular officer in the following manner:

(a) The original shall be sent to the seaman's employer.

(b) The duplicate shall be sent to the person or bank or institution in whose favor the allotment is drawn; and

(c) The triplicate shall be retained in the file of the official who approves the allotment.

§ 15.05–10 Effective date of allotment.

All allotments shall be effective as of the date when the wages of the seamen commence on the articles of agreement.

§ 15.05–15 Cancellation of allotment.

Whenever a seaman, before the expiration of the allotment period, severs his contractual relationship with the vessel upon which he was employed, the master of such vessel should notify the employer of the seaman, by the quickest means of communication available, of this fact. Upon the receipt of such information, the employer should notify the person in whose favor the allotment is drawn.

Subpart 15.10—Computing Allotments

§ 15.10–1 Wages upon which allotments may be based.

Allotments may be made by seamen only upon the amount of the wages for which they are signed on.

§ 15.10–5 Limitation on amount of allotment.

No allotment which calls for the payment of more than 90 percent of the wages upon which an allotment may be based (see § 15.10–1), after allowing for a deduction to cover the Federal withholding tax, shall be approved.

Subpart 15.15—Payment and Accounting Required

§ 15.15–1 Time of payment of allotments.

Allotments may stipulate that the payments may be made for a specified period of time or they may stipulate

that the payments be continued for the voyage of the vessel. No allotment which requires the employer of the seaman to commence payments under the same before fifteen days from the date of the allotment shall be authorized. Allotments can be made for semimonthly, monthly, or bimonthly payments.

§ 15.15–5 Payment of allotments.

The employer of the seaman shall make payments of the amount or amounts allotted by cash, check, or money order. All such payments shall be made in sufficient time to insure the receipt of the remittance at the time and place specified in the allotment.

§ 15.15–10 Accounting for payment.

The employer of the seaman shall produce evidence of the payment of all allotments listed in a vessel's articles of agreement to the shipping commissioner supervising the payment of the wages of the crew, unless this requirement is waived by any or all of the allotters.

PART 16—UNITED STATES SHIPPING COMMISSIONERS

Sec.
16.01 Shipping commissioners designated as enforcement officers.
16.05 Acceptance of unclaimed wages.
16.10 Payment of deceased or deserting seamen's wages.

AUTHORITY: The provisions of this Part 16 issued under sec. 7, 49 Stat. 1936, as amended; 46 U.S.C. 689. Treasury Department Order 120, July 31, 1950, 15 F.R. 6521.

§ 16.01 Shipping commissioners designated as enforcement officers.

(a) Section 7 of the act of June 25, 1936, as amended (49 Stat. 1936, 46 U.S.C. 689), makes it the duty of the Commandant, U.S. Coast Guard, to enforce the provisions of the above act through Collectors of Customs and other Government officers acting under the direction of the Coast Guard, and to make such rules and regulations as he may deem necessary to carry out the provisions of the said act.

(b) In order to enforce more effectually compliance with the provisions of this act, persons or officials performing United States shipping commissioners duties are hereby designated as enforcement officers for carrying out the provisions of the act.

§ 16.05 Acceptance of unclaimed wages.

(a) Shipping commissioners or employees shall not accept unclaimed wages of seamen except in the form of checks or duly recognized money orders. In cases where the advisability of accepting the personal check of a master is doubtful, a money order must be provided.

(b) Every effort should be made to discourage the leaving of unclaimed wages with shipping commissioners. The acceptance of these wages is outside of the duties of shipping commissioners and they are personally responsible therefor.

§ 16.10 Payment of deceased or deserting seamen's wages.

In the case of deceased or deserting seamen's wages, such wages must be paid in the form of a check or duly recognized money order, unless such payment is made direct to the shipping commissioner. In cases where the advisability of accepting the personal check of a master is doubtful, the payment must be made by money order or direct to the shipping commissioner in cash.

SUBCHAPTER C—UNINSPECTED VESSELS

PART 24—GENERAL PROVISIONS

Subpart 24.01—Authority and Purpose

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24.01–5 Assignment of functions.
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Subpart 24.05—Application

24.05–1 Vessels subject to the requirements of this subchapter.
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24.10–7 Commandant.
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24.10–19 Motor vessel.
24.10–21 Officer in Charge, Marine Inspection.
24.10–23 Passenger.
24.10–25 Rules of the Road.
24.10–27 Vessel.

Subpart 24.15—Equivalents

24.15–1 Conditions under which equivalents may be used.
24.15–5 Canadian pleasure craft temporarily using navigable waters of the United States.

Subpart 24.20—General Marine Engineering Requirements

24.20–1 Marine engineering details.

AUTHORITY: The provisions of this Part 24 are issued under R.S. 4405, as amended, 4462, as amended, sec. 17, 54 Stat. 166, as amended; 46 U.S.C. 375, 416, 526p. Treasury Department Order 120, July 31, 1950, 15 F.R. 6521, unless otherwise noted.

Subpart 24.01—Authority and Purpose

§ 24.01–1 Purpose of regulations.

(a) The purpose of the regulations in this subchapter is to set forth uniform minimum requirements for motorboats, certain motor vessels, and barges carrying passengers when towed by motorboats or motor vessels in accordance with the intent of the Motorboat Act of April 25, 1940, as amended (54 Stat. 163–167; 46 U.S.C. 526–526t). The regulations are necessary to carry out the provisions of the Motorboat Act of April 25, 1940, and such regulations have the force of law.

§ 24.01–5 Assignment of functions.

(a) By Reorganization Plan No. 3 of 1946, effective July 16, 1946 (3 CFR, 1946 Supp), the marine inspection functions of the former Bureau of Marine Inspection and Navigation and its officers and employees were transferred to the Commandant, United States Coast Guard. By Reorganization Plan No. 26 of 1950, effective July 31, 1950 (15 F. R. 4935, 3 CFR, 1950 Supp., p. 178, 5 U. S. C. Note under 241), the functions formerly vested in the Commandant, United States Coast Guard, were transferred to the Secretary of the Treasury with certain specified exceptions. The Secretary of the Treasury by a order dated July 31, 1950 (15 F. R. 6521), delegated to the Commandant the functions formerly performed by him under Reorganization Plan No. 3 of 1946.

§ 24.01–10 Authority for regulations.

(a) *General.* (1) The authority to prescribe regulations generally is set forth in R. S. 4405 and 4462, as amended, and in section 17 of the Motorboat Act of April 25, 1940, as amended (46 U. S. C. 375, 416, 526p).

(b) *Lifesaving appliances.* (1) The regulations regarding lifesaving appliances interpret or apply section 6 of the Motorboat Act of April 25, 1940, as amended (46 U. S. C. 526e).

(c) *Fire protection equipment.* (1) The regulations regarding fire protection equipment interpret or apply section 8 of the Motorboat Act of April 25, 1940, as amended (46 U. S. C. 526g).

(d) *Flame arresters.* (1) The regulations regarding flame arresters interpret or apply section 10 of the Motorboat Act of April 25, 1940, as amended (46 U. S. C. 526i).

(e) *Ventilation of bilges.* (1) The regulations regarding ventilation of bilges interpret or apply section 11 of the Motorboat Act of April 25, 1940, as amended (46 U. S. C. 526j).

Subpart 24.05—Application

§ 24.05–1 Vessels subject to the requirements of this subchapter.

(a) This subchapter shall be applicable to all vessels indicated in Column 6 of Table 24.05–1 (a), and shall apply to all such United States flag vessels, and to all such foreign vessels, except as follows:

(1) Any vessel operating exclusively on inland waters which are not navigable waters of the United States.

(2) Any vessel while laid up and dismantled and out of commission.

(3) With the exception of vessels of the U. S. Maritime Administration, any vessel with title vested in the United States and which is used for public purposes.

TABLE 24.05–1(a)

Method of propulsion	Size or other limitations [1]	Classes of vessels (including motorboats) examined or inspected under various Coast Guard regulations [1]			
		Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under either Subchapter H—Passenger Vessels [3] [4] [5] or Subchapter T—Small Passenger Vessels [3] [4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [3] [4]	Vessels subject to provisions of Subchapter C—Uninspected Vessels [3] [4] [6]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Steam	Vessels not over 65 feet in length.	All vessels carrying combustible or flammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	All tugboats and towboats.	All vessels except those covered by columns 3, 4, and 5.[8]
	Vessels over 65 feet in length.	All vessels carrying combustible or flammable liquid cargo in bulk.[8]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels of not over 15 gross tons which carry more than 6 passengers.[7] 3. All other vessels carrying passengers, except: a. Yachts. b. Documented cargo or tank vessels issued a permit to carry not more than 16 persons in addition to the crew. c. Towing and fishing vessels, in other than ocean and coastwise service, may carry persons on the legitimate business of the vessel, in addition to crew, but not to exceed one for each net ton of the vessel.	All vessels except those covered by columns 3 and 4.	None.
Motor	Vessels of not over 15 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	All vessels except those covered by columns 3, 4, and 5.
	Vessels over 15 gross tons except seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or flammable liquid cargo in bulk.[8]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels not over 65 feet in length which carry more than 6 passengers.[7] 3. All other vessels of over 65 feet in length carrying passengers for hire except documented cargo or tank vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels carrying freight for hire except those covered by columns 3 and 4.	All vessels except those covered by columns 3, 4 and 5.
	Seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or flammable liquid cargo in bulk.[8]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All other vessels carrying passengers, except: a. Yachts. b. Documented cargo or tank vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels except those covered by columns 3 and 4, and those engaged in the fishing, oystering, clamming, crabbing, or any other branch of the fishery, kelp, or sponge industry.	All vessels except those covered by columns 3, 4, and 5.
Sail	Vessels not over 700 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	None.
	Vessels over 700 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.	All vessels carrying passengers for hire.	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	None.
Nonself-propelled	Vessels not over 100 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	All barges carrying passengers except those covered by column 4.
	Vessels over 100 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.	All vessels carrying passengers for hire.	All seagoing barges except those covered by columns 3 and 4; and those inland barges carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	All barges carrying passengers except those covered by column 4.

[1] Where length is used in this table it means the length measured from end to end over the deck, excluding sheer. This expression "means a straight line measurement of the overall length from the foremost part of the vessel to the aftermost part of the vessel, measured parallel to the centerline."

[2] Subchapters E (Load Lines), F (Marine Engineering), J (Electrical Engineering), and N (Dangerous Cargoes) of this chapter may also be applicable under certain conditions.

[3] Public nautical schoolships, other than vessels of the Navy and Coast Guard, shall meet the requirements of Part 167 of Subchapter R (Nautical Schools) of this chapter. Civilian nautical schoolships, as defined by 46 U.S.C. 1331, shall meet the requirements of Subchapter H (Passenger Vessels) and Part 168 of Subchapter R (Nautical Schools) of this chapter.

[4] Subchapter H (Passenger Vessels) of this chapter covers only those vessels of 100 gross tons or more. Subchapter T (Small Passenger Vessels) of this chapter covers only those vessels of less than 100 gross tons.

[5] Vessels covered by Subchapters H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter, where the principal purpose or use of the vessel is not for the carriage of liquid cargo, may be granted a permit to carry a limited amount of flammable or combustible liquid cargo in bulk. The portion of the vessel used for the carriage of the flammable or combustible liquid cargo shall meet the requirements of Subchapter D (Tank Vessels) in addition to the requirements of Subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter.

[6] Any vessel on an ternational voyage is subject to the requirements of the International Convention for Safety of Life at Sea, 1960.

[7] The meaning of the term "passenger" is as defined in the Act of May 10, 1956 (sec. 1, 70 Stat. 151; 46 U.S.C. 390).

[8] Boilers and machinery are subject to examination on vessels over 40 feet in length.

§ 24.05–5 Specific application noted in text.

(a) At the beginning of the various parts, subparts, and sections, a more specific application is generally given for the particular portion of the text involved. This application sets forth the types, sizes, or services of vessels to which the text pertains, and in many cases limits the application of the text to vessels contracted for before or after a specific date. As used in this subchapter, the term "vessels contracted for" includes not only the contracting for the construction of a vessel, but also the contracting for a material alteration to a vessel, the contracting for the conversion of a vessel to a passenger vessel, and the changing of service or route of a vessel if such change increases or modifies the general requirements for the vessel or increases the hazards to which it might be subjected.

Subpart 24.10—Definition of Terms Used in This Subchapter

§ 24.10–1 Approved.

This term means approved by the Commandant unless otherwise stated.

§ 24.10–3 Carrying passengers for hire.

The carriage of any person or persons by a vessel for a valuable consideration, whether directly or indirectly flowing to the owner, charterer, operator, agent or any other person interested in the vessel.

§ 24.10–5 Carrying freight for hire.

The carriage of any goods, wares, or merchandise or any other freight for a valuable consideration, whether directly or indirectly flowing to the owner, charterer, operator, agent, or any other person interested in the vessel.

§ 24.10–7 Commandant.

This term means the Commandant of the Coast Guard.

§ 24.10–9 Coast Guard District Commander.

This term means an officer of the Coast Guard designated as such by the Commandant to command all Coast Guard activities within his district, which include the inspection, enforcement, and administration of Title 52, Revised Statutes, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

§ 24.10–11 Headquarters.

This term means the Office of the Commandant, Washington, D.C.

§ 24.10–13 International voyage.

(a) The term "international voyage," as used in this subchapter, shall have the same meaning as that contained in Regulation 2(d), Chapter I, of the International Convention for Safety of Life at Sea, 1960; i.e., "'International voyage' means a voyage from a country to which the present Convention applies to a port outside such country, or conversely; and for this purpose every territory for the international relations of which a Contracting Government is responsible or for which the United Nations is the administering authority is regarded as a separate country."

(b) The International Convention for Safety of Life at Sea, 1960, does not apply to vessels "solely navigating the Great Lakes of North America and the River St. Lawrence as far east as a straight line drawn from Cap de Rosiers to West Point, Anticosti Island and, on the north side of Anticosti Island, the 63d Meridian." Accordingly, such vessels shall not be considered as being on an "international voyage" for the purpose of this subchapter.

(c) For the purposes of this subchapter the term "territory" as used in paragraph (a) of this section shall be considered to include the Commonwealth of Puerto Rico, the Canal Zone, all possessions of the United States, and all lands held by the United States under a protectorate or mandate.

(d) Although voyages between the continental United States and Hawaii or Alaska, and voyages between Hawaii and Alaska are not "international voyages" under the provisions of the International Convention for Safety of Life at Sea, 1960, such voyages are similar in nature and shall be considered as "international voyages" and subject to the same requirements for the purposes of this subchapter.

(E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp.)

§ 24.10–15 Marine inspector or inspector.

These terms mean any person from civilian or military branch of the Coast Guard assigned under the superintendence and direction of an Officer in Charge, Marine Inspection, or any other person as may be designated for the performance of duties with respect to the inspection, enforcement, and administration of Title 52, Revised Statutes, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

§ 24.10–17 Motorboat.

(a) This term means any vessel indicated in column 6 of Table 24.05–1(a), 65 feet in length or less which is propelled by machinery (including steam). The length shall be measured from end to end over the deck excluding sheer. This term includes a boat temporarily or permanently equipped with a detachable motor and any such boat when so propelled is subject to the applicable provisions of the act of April 25, 1940, as amended (46 U.S.C. 526–526u), and the regulations promulgated thereunder. For the purpose of this subchapter, motorboats are included under the term "vessel" unless specifically noted otherwise. The various classes of motorboats are as follows:

Class A—Any motorboat less than 16 feet in length.

Class 1—Any motorboat 16 feet or over and less than 26 feet in length.

Class 2—Any motorboat 26 feet or over and less than 40 feet in length.

Class 3—Any motorboat 40 feet or over and not more than 65 feet in length.

(b) The expression "length shall be measured from end to end over the deck excluding sheer" means a straight line measurement of the overall length from the foremost part of the vessel to the aftermost part of the vessel, measured parallel to the centerline. Bow sprits, bumpkins, rudders, outboard motor brackets, and similar fittings or attachments, are not to be included in the measurement. Length shall be stated in feet and inches.

§ 24.10–19 Motor vessel.

This term means any vessel more than 65 feet in length, which is propelled by machinery other than steam.

§ 24.10–21 Officer in Charge, Marine Inspection.

This term means any person from the civilian or military branch of the Coast Guard designated as such by the Commandant and who, under the superintendence and direction of the Coast Guard District Commander, is in charge of an inspection zone for the performance of duties with respect to the inspections, enforcement, and administration of Title 52, Revised Statutes, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

§ 24.10–23 Passenger.

A passenger is every person, other than the master and the members of the crew or other persons employed or engaged in any capacity on board a vessel in the business of that vessel. In the case of a vessel on an international voyage a child under one year of age is not counted as a passenger.

§ 24.10–25 Rules of the Road.

(a) The term "Rules of the Road" means the statutory and regulatory rules governing navigation of vessels. These rules are also published by the Coast Guard in pamphlet form as follows:

(1) Rules of the Road—International—Inland (CG–169).

(2) Rules of the Road—Great Lakes (CG–172).

(3) Rules of the Road—Western Rivers (CG–184).

(b) The current editions of the "Rules of the Road" pamphlets may be obtained from any Marine Inspection Office.

§ 24.10–27 Vessel.

Where the word "vessel" is used in this subchapter, it shall be considered to include all vessels indicated in Column 6 of Table 24.05–1(a), except as otherwise noted in this subpart.

Subpart 24.15—Equivalents

§ 24.15–1 Conditions under which equivalents may be used.

(a) Where in this subchapter it is provided that a particular fitting, material, appliance, apparatus, or equipment, or type thereof, shall be fitted or carried in a vessel, or that any particular provision shall be made or arrangement shall be adopted, the Commandant may accept in substitution therefor any other fitting, material, apparatus, or equipment, or type thereof, or any other arrangement: *Provided*, That he shall have been satisfied by suitable trials that the fitting, material, appliance, apparatus, or equipment, or type thereof, or the provision or arrangement is at least as effective as that specified in this subchapter.

(b) In any case where it is shown to the satisfaction of the Commandant that the use of any particular equipment, apparatus, or arrangement not specifically required by law is unreasonable or impracticable, the Commandant may permit the use of alternate equipment, apparatus, or arrangement to such an extent and upon such conditions as will insure to his satisfaction, a degree of safety consistent with the minimum standards set forth in this subchapter.

§ 24.15–5 Canadian pleasure craft temporarily using navigable waters of the United States.

(a) Uninspected Canadian pleasure craft (uninspected vessels) temporarily using navigable waters of the United States may carry in lieu of the equipment required by the Motorboat Act of 1940 (46 U.S.C. 526–526u) and the regulations in this subchapter, the equipment as required by the laws of the Dominion of Canada and the regulations of the Department of Transport, Ottawa, Canada.

(Sec. 7, 72 Stat. 1757; 46 U.S.C. 527d. Treasury Department Order 167–32, September 23, 1958, 23 F.R. 7605)

Subpart 24.20—General Marine Engineering Requirements

§ 24.20–1 Marine engineering details.

(a) All marine engineering details relative to the design, construction, and testing of boilers and machinery on steam-propelled motorboats of over 40 feet in length will be found in Subchapter F (Marine Engineering) of this chapter.

(R.S. 4418, as amended; 46 U.S.C. 392. Treasury Department Order CGFR 56–28, July 24, 1956, 21 F.R. 5659)

PART 25—REQUIREMENTS

Subpart 25.01—Application

Sec.
25.01–1 Applicable to all vessels.

Subpart 25.05—Navigation Lights and Shapes

25.05–1 Vessels other than motorboats.
25.05–5 Motorboats.

Subpart 25.10—Whistles

25.10–1 Vessels other than sailing vessels, barges, and motorboats.
25.10–5 Motorboats operating on the high seas.
25.10–10 Motorboats operating on the navigable waters of the United States.

Subpart 25.15—Foghorns

25.15–1 Vessels other than motorboats.
25.15–5 Motorboats.

Subpart 25.20—Fog Sound Signal Devices

25.20–1 Vessels other than motorboats.
25.20–5 Motorboats operating on the high seas.
25.20–10 Motorboats operating on the navigable waters of the United States.

Subpart 25.25—Life Preservers and Other Lifesaving Equipment

25.25–1 Application.
25.25–5 General provisions.
25.25–10 Life preservers and other lifesaving equipment required.
25.25–15 Storage.
25.25–20 Condition.
25.25–90 Vessels contracted for prior to November 19, 1952.

Subpart 25.30—Fire Extinguishing Equipment

25.30–1 Application.
25.30–5 General provisions.
25.30–10 Hand portable fire extinguishers and semiportable fire extinguishing systems.
25.30–15 Fixed fire extinguishing systems.
25.30–20 Fire extinguishing equipment required.
25.30–90 Vessels contracted for prior to November 19, 1952.

Subpart 25.35—Backfire Flame Control

25.35–1 Requirements.

Subpart 25.40—Ventilation

25.40–1 Tanks and engine spaces.

Subpart 25.45—Liquefied Petroleum Gas

25.45–1 Prohibited on vessels carrying passengers for hire.

AUTHORITY: The provisions of this Part 25 are issued under R.S. 4405, as amended, 4462, as amended, sec. 17, 54 Stat. 166, as amended; 46 U.S.C. 375, 416, 526p. Treasury Department Order 120, July 31, 1950, 15 F.R. 6521, unless otherwise noted.

Subpart 25.01—Application

§ 25.01–1 Applicable to all vessels.

(a) The provisions of this part shall apply to all vessels except as specifically noted.

Subpart 25.05—Navigation Lights and Shapes

§ 25.05–1 Vessels other than motorboats.

(a) All vessels other than motorboats shall be equipped with navigation lights and shapes as prescribed by law and regulation.

§ 25.05–5 Motorboats.

(a) All motorboats shall be equipped with navigation lights and shapes as prescribed by law and regulation.

Subpart 25.10—Whistles

§ 25.10–1 Vessels other than sailing vessels, barges, and motorboats.

(a) All vessels other than sailing vessels, barges, and motorboats shall be equipped with an efficient whistle or similar appliance to give the necessary whistle signals required by the Rules of the Road applicable to the waters on which the vessel is navigated.

§ 25.10–5 Motorboats operating on the high seas.

(a) All motorboats operating on the high seas outside the navigable waters of the United States shall meet the requirements for whistles or similar appliances prescribed by § 25.10–1 for vessels other than motorboats.

§ 25.10–10 Motorboats operating on the navigable waters of the United States.

(a) Motorboats operating on the navigable waters of the United States shall be provided with an efficient whistle or other sound producing mechanical device as set forth in Table 25.10–10(a), except:

(1) Commercial fishing motorboats may carry any device specified in Table 25.10–10 (a).

(2) Motorboats engaged in a race which has been previously arranged or announced, or while engaged in such navigation as is incidental to the tuning up of the motorboat and engines for the race, need not carry the devices required by Table 25.10–10 (a).

TABLE 25.10–10 (a)

Class of motorboat	Type of device
A	None.
1	Mouth, hand, or power operated, capable of producing a blast of 2 seconds or more duration, and audible for at least one-half mile.
2	Hand or power operated, capable of producing a blast of 2 seconds or more duration, and audible for a distance of at least 1 mile.
3	Power operated, capable of producing a blast of 2 seconds or more duration, and audible for a distance of at least 1 mile.

Subpart 25.15—Foghorns

§ 25.15–1 Vessels other than motorboats.

(a) All vessels other than motorboats shall be equipped with an efficient foghorn as prescribed by the Rules of the Road applicable to the waters on which the vessel is navigated. On vessels in ocean or coastwise service, the foghorn shall be sounded by mechanical means.

§ 25.15–5 Motorboats.

(a) All motorboats operating on the high seas outside the navigable waters of the United States shall meet the requirements for fog horns prescribed by § 25.15–1 for vessels other than motorboats.

Subpart 25.20—Fog Sound Signal Devices

§ 25.20–1 Vessels other than motorboats.

(a) All vessels other than motorboats shall be provided with fog bells as prescribed by the Rules of the Road applicable to the waters on which the vessel is operated.

(b) All vessels of more than 350 feet in length shall be provided with a fog gong which will produce a sound easily distinguishable from the sound of the bell required by paragraph (a) of this section, and shall have a range of audibility approximating that of the bell. Vessels operating exclusively on the Great Lakes and the inland waters of the United States shall be exempt from this section.

§ 25.20–5 Motorboats operating on the high seas.

(a) All motorboats operating on the high seas outside the navigable waters of the United States shall meet the requirements for fog bells prescribed by § 25.20–1 for vessels other than motorboats.

§ 25.20–10 Motorboats operating on the navigable waters of the United States.

(a) When operating on the navigable waters of the United States, motorboats of Classes A and 1 are not required to carry fog bells. However, motorboats of Classes 2 and 3 operating on the navigable waters of the United States shall be provided with an efficient fog bell, except:

(1) Motorboats engaged in a race which has been previously arranged or announced, or while engaged in such navigation as is incidental to the tuning up of the motorboat and engines for the race, need not carry the fog bell required by this section.

Subpart 25.25—Life Preservers and Other Lifesaving Equipment

§ 25.25–1 Application.

(a) The provisions of this subpart, with the exception of § 25.25–90, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to that date shall meet the requirements of § 25.25–90.

§ 25.25–5 General provisions.

(a) Where equipment in this subpart is required to be of an approved type, such equipment requires the specific approval of the Commandant. Such approvals are published in the FEDERAL REGISTER, and in addition, are contained in Coast Guard publication CG–190, "Equipment Lists."

(b) Specifications for items of equipment required in this subpart have been promulgated and are contained in Subchapter Q (Specifications) of this chapter. The markings specified for a specific item of approved equipment by that subchapter shall be attached to or imprinted on the equipment as prescribed in the specifications, and the information required in such markings shall be legible in order for such item to be accepted as equipment of an approved type required by this subchapter.

(c) All life preservers shall be of an approved type, constructed in accordance with the applicable provisions of Subpart 160.002, 160.005 or 160.055 of Subchapter Q (Specifications) of this chapter.

(1) All kapok and fibrous glass life preservers which do not have plastic-covered pad inserts as required by Subparts 160.002 and 160.005 shall not be acceptable as equipment required by this subchapter.

(2) Cork and balsa wood life preservers, constructed in accordance with the applicable provisions of Subpart 160.003 or 160.004 and manufactured as approved life preservers prior to July 1, 1965, may be accepted as new or replacement equipment required by this subchapter providing such life preservers are serviceable and in good condition.

(d) All wood floats shall be of a type constructed in accordance with Subpart 160.039 of Subchapter Q (Specifications) of this chapter.

(e) All buoyant cushions shall be of an approved type, constructed in accordance with the applicable provisions of Subpart 160.048 or 160.049 of Subchapter Q (Specifications) of this chapter.

(1) All kapok and fibrous glass buoyant cushions which do not have plastic-covered pad inserts as required by Subpart 160.048 shall not be acceptable as equipment required by this subchapter.

(f) All ring life buoys shall be of an approved type, constructed in accordance with Subpart 160.009 or 160.050 of Subchapter Q (Specifications) of this chapter.

(g) All buoyant vests shall be of an approved type constructed in accordance with Subpart 160.047 or 160.052 of Subchapter Q (Specifications) of this chapter.

(h) Special purpose water safety buoyant devices (such as water ski vests, hunters buoyant jackets, etc.), in order to be of approved type, shall be constructed, listed and labeled in accordance with Subpart 160.064 of Subchapter Q (Specifications) of this chapter.

(Sec. 6, 54 Stat. 164, as amended; 46 U.S.C. 526e)

§ 25.25–10 Life preservers and other lifesaving equipment required.

(a) All motor vessels shall be provided with an approved life preserver for each person on board. Motor vessels carrying passengers for hire shall be provided with an approved adult type life preserver for each person carried, and, in addition, unless the service is such that children are never carried, there shall be provided a number of approved life preservers suitable for children equal to at least 10 percent of the total number of persons carried.

(b) All motorboats shall carry lifesaving equipment as follows:

(1) Motorboats which carry passengers for hire shall be provided with an approved adult type life preserver for each person carried. In addition, unless the service is such that children are never carried, there shall be provided a number of approved life preservers suitable for children equal to at least 10 percent of the total number of persons carried. Such motorboats may carry special purpose water safety buoyant devices of approved type as excess equipment.

(2) Motorboats of Class 3 not carrying passengers for hire shall carry an approved life preserver or ring life buoy for each person on board. Such motorboats may carry special purpose water safety buoyant devices of approved type as excess equipment.

(3) Commercial fishing motorboats of Class 3 shall carry an approved life preserver, ring life buoy, or wood float for each person on board.

(4) Commercial fishing motorboats of Class A, 1, or 2 shall carry an approved life preserver, ring life buoy, buoyant vest, buoyant cushion, or wood float for each person on board.

(5) All other motorboats not otherwise specifically provided for shall carry an approved life preserver, ring life buoy, buoyant vest, special purpose water safety buoyant device, or buoyant cushion for each person on board.

(c) All barges carrying passengers for hire shall be provided with an approved adult type life preserver for each person carried, and in addition, unless the service is such that children are never carried, there shall be provided a number of approved life preservers suitable for children equal to at least 10 percent of the total number of persons carried when such barges are regularly operated with motorboats or motor vessels or steam vessels.

§ 25.25–15 Storage.

(a) The lifesaving equipment on all vessels shall be so placed as to be readily accessible.

§ 25.25–20 Condition.

(a) The lifesaving equipment required by this subpart shall be in good and serviceable condition.

§ 25.25–90 Vessels contracted for prior to November 19, 1952.

(a) Vessels contracted for prior to November 19, 1952, shall meet the applicable provisions of §§ 25.25–5 through 25.25–15 insofar as the number of items of equipment and the method of stowage are concerned.

(b) Existing items of equipment, previously approved, but not meeting the applicable specifications may be continued in service so long as they are serviceable and in good condition, except that:

(1) All kapok and fibrous glass life preservers which do not have plastic-covered pad inserts as required by Subparts 160.002 and 160.005 shall not be acceptable as equipment required by this subchapter.

(2) All kapok and fibrous glass buoyant cushions which do not have plastic-covered pad inserts as required by Subpart 160.048 shall not be acceptable as equipment required by this subchapter.

(c) All new installations and replacements shall meet the applicable requirements or specifications as described in §§ 25.25–5 through 25.25–15.

Subpart 25.30—Fire Extinguishing Equipment

§ 25.30–1 Application.

(a) The provisions of this subpart, with the exception of § 25.30–90, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to that date shall meet the requirements of § 25.30–90.

§ 25.30–5 General provisions.

(a) Where equipment in this subpart is required to be of an approved type, such equipment requires the specific approval of the Commandant. Such approvals are published in the FEDERAL REGISTER, and in addition, are contained in Coast Guard publication CG–190, "Equipment Lists."

(b) All hand portable fire extinguishers, semiportable fire extinguishing systems, and fixed fire extinguishing systems shall be of an approved type.

§ 25.30–10 Hand portable fire extinguishers and semiportable fire extinguishing systems.

(a) Hand portable fire extinguishers and semiportable fire extinguishing systems are classified by a combination letter and number symbol. The letter indicating the type of fire which the unit could be expected to extinguish, and the number indicating the relative size of the unit.

(b) For the purpose of this subchapter, all required hand portable fire extinguishers and semiportable fire extinguishing systems are of the "B" type; i.e., suitable for extinguishing fires involving flammable liquids, greases, etc.

(c) The number designations for size will start with "I" for the smallest to "V" for the largest. For the purpose of this subchapter, only sizes I through III will be considered. Sizes I and II are considered hand portable fire extinguishers and sizes III, IV, and V are considered semiportable fire extinguishing systems which shall be fitted with suitable hose and nozzle or other practicable means so that all portions of the space concerned may be covered. Examples of size graduations for some of the typical hand portable fire extinguishers and semiportable fire extinguishing systems are set forth in Table 25.30–10 (c).

TABLE 25.30–10 (c)

Classification		Foam, gallons	Carbon dioxide, pounds	Dry chemical, pounds
Type	Size			
B	I	1¼	4	2
B	II	2½	15	10
B	III	12	35	20

(d) All hand portable fire extinguishers and semiportable fire extinguishing systems shall have permanently attached thereto a metallic name plate giving the name of the item, the rated capacity in gallons, quarts, or pounds, the name and address of the person or firm for whom approved, and the identifying mark of the actual manufacturer.

(e) Vaporizing-liquid type fire extinguishers containing carbon tetrachloride or chlorobromomethane or other toxic vaporizing liquids shall not be acceptable as equipment required by this subchapter.

(f) Hand portable or semiportable extinguishers which are required on their name plates to be protected from freezing shall not be located where freezing temperatures may be expected.

§ 25.30–15 Fixed fire extinguishing systems.

(a) When a fixed fire extinguishing system is installed, it shall be of an approved carbon dioxide type, designed and installed in agreement with the applicable provisions of Subpart 76.15 of Subchapter H (Passenger Vessels) of this chapter.

§ 25.30–20 Fire extinguishing equipment required.

(a) *Motorboats.* (1) All motorboats shall carry at least the minimum number of hand portable fire extinguishers set forth in Table 25.30–20(a)(1), except that motorboats less than 26 feet in length, propelled by outboard motors and not carrying passengers for hire, need not carry such portable fire extinguishers if the construction of such motorboats will not permit the entrapment of explosive or flammable gases or vapors.

TABLE 25.30–20(a)(1)

Class of motorboat	Length, feet	Minimum number of B–I hand portable fire extinguishers required [1]	
		No fixed fire extinguishing system in machinery space	Fixed fire extinguishing system in machinery space
A	Under 16	1	0
1	16 and over, but under 26	1	0
2	26 and over, but under 40	2	1
3	40 and over, but not over 65	3	2

[1] One B–II hand portable fire extinguisher may be substituted for two B–I hand portable fire extinguishers.

(2) The intent of this regulation is illustrated in Figure 25.30–20(a1) where fire extinguishers are required if any one or more of the specified conditions exist, and in Figure 25.30–20(a2) where specified conditions do not, in themselves, require that fire extinguishers be carried.

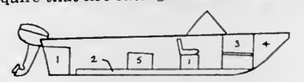


FIGURE 25.30–20(a1)

Fire extinguishers are required if any one or more of the following conditions exist (numbers identifying conditions are the same as those placed in Figure 25.30–20(a1):

1. Closed compartment under thwarts and seats wherein portable fuel tanks may be stored.
2. Double bottoms not sealed to the hull or which are not completely filled with flotation material.
3. Closed living spaces.
4. Closed stowage compartments in which combustible or flammable materials are stowed.
5. Permanently installed fuel tanks.

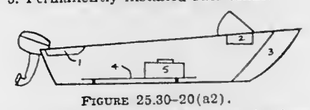


FIGURE 25.30–20(a2).

The following conditions do not, in themselves, require that fire extinguishers be carried (numbers identifying conditions are the same as those placed in Figure 25.30–20(a2):

1. Bait wells.
2. Glove compartments.
3. Buoyant flotation material.
4. Open slatted flooring.
5. Ice chests.

(b) *Motor vessels.* (1) All motor vessels shall carry at least the minimum number of hand portable fire extinguishers set forth in Table 25.30–20 (b) (1).

TABLE 25.30–20 (b) (1)

Gross tonnage		Minimum number of B–II hand portable fire extinguishers
Over	Not over	
-------	50	1
50	100	2
100	500	3
500	1,000	6
1,000	-------	8

(2) In addition to the hand portable fire extinguishers required by Subparagraph (1) of this paragraph, the following fire-extinguishing equipment shall be fitted in the machinery space:

(i) One Type B–II hand portable fire extinguisher shall be carried for each 1,000 B. H. P. of the main engines or fraction thereof. However, not more than 6 such extinguishers need be carried.

(ii) On motor vessels of over 300 gross tons, either one Type B–III semiportable fire-extinguishing system shall be fitted, or alternatively, a fixed fire-extinguishing system shall be fitted in the machinery space.

(c) *Barges carrying passengers.* (1) Every barge of 65 feet in length or less while carrying passengers when towed or pushed by a motorboat, motor vessel, or steam vessel shall be fitted with hand portable fire extinguishers as required by Table 25.30–20(a)(1), depending upon the length of the barge.

(2) Every barge of over 65 feet in length while carrying passengers when towed or pushed by a motorboat, motor vessel, or steam vessel shall be fitted with hand portable fire extinguishers as required by Table 25.30–20(b)(1), depending upon the gross tonnage of the barge.

§ 25.30–90 Vessels contracted for prior to November 19, 1952.

(a) Vessels contracted for prior to November 19, 1952, shall meet the applicable provisions of §§ 25.30–5 through 25.30–20 insofar as the number and general type of equipment is concerned. Existing items of equipment and installations previously approved but not meeting the applicable requirements for type approval may be continued in service so long as they are in good condition. All new installations and replacements shall meet the requirements of §§ 25.30–5 through 25.30–20.

Subpart 25.35—Backfire Flame Control

§ 25.35–1 Requirements.

(a) Every gasoline engine installed in a motorboat or motor vessel after April 25, 1940, except outboard motors, shall be equipped with an acceptable means of backfire flame control.

(b) Installations made before November 19, 1952, need not meet the detailed requirements of this subpart and may be continued in use as long as they are serviceable and in good condition. Replacements shall meet the applicable conditions in this section.

(c) Installations consisting of backfire flame arresters bearing basic Approval No. 162.015 may be continued in use as long as they are serviceable and in good condition. Replacements shall meet the applicable conditions in this section.

(d) Installations consisting of engine air and fuel induction system and given a basic Approval No. 162.015 may be continued in use as long as they are serviceable and in good condition. Replacements shall meet the applicable conditions in this section.

(e) The following are acceptable means of backfire flame control for gasoline engines:

(1) A backfire flame arrester constructed in accordance with the specification regulations contained in Subpart 162.041 of Subchapter Q (Specifications) of this chapter and it shall be specifically approved by the Commandant. The flame arrester shall be suitably secured to the air intake with flametight connection.

(2) An engine air and fuel induction system which provides adequate protection from propagation of backfire flame to the atmosphere equivalent to that provided by an approved backfire flame arrester. A gasoline engine utilizing an air and fuel induction system, and operated without an approved backfire flame arrester shall have such installation tested and labeled in accordance with the specifications contained in Subpart 162.042 of Subchapter Q (Specifications) of this chapter and such system shall be specifically approved by the Commandant.

(3) Any attachment to the carburetor or location of the engine air induction system by means of which flames caused by engine backfire will be dispersed to the atmosphere outside the vessel in such a manner that the flames will not endanger the vessel, persons on board, or nearby vessels and structures. All attachments shall be of metallic construction with flametight connections and firmly secured to withstand vibration, shock, and engine backfire. Such installations do not require formal approval and labeling, but will be accepted by Coast Guard law enforcement officers on the basis of compliance with this subpart.

(4) Where manufacturers wish to produce vessels having an integrated engine-vessel design, a pre-market approval of an engine air induction system is available. Such an installation shall be tested and labeled in accordance with the specifications contained in Subpart 162.043 of Subchapter Q (Specifications) of this chapter and such system shall be specifically approved by the Commandant.

(Interpret or apply sec. 10, 54 Stat. 165, as amended, 46 U.S.C. 526l)

Subpart 25.40—Ventilation

§ 25.40–1 Tanks and engine spaces.

(a) All motorboats or motor vessels, except open boats, the construction or decking over of which is commenced after April 25, 1940, and which use fuel having a flashpoint of 110° F. or less, shall have at least 2 ventilator ducts, fitted with cowls or their equivalent, for the efficient removal of explosive or flammable gases from the bilges of every engine and fuel tank compartment. There shall be at least one exhaust duct installed so as to extend from the open atmosphere to the lower portion of the bilge and at least one intake duct installed so as to extend to a point at least midway to the bilge or at least below the level of the carburetor air intake. The cowls shall be located and trimmed for maximum effectiveness and in such a manner so as to prevent displaced fumes from being recirculated.

(b) As used in this section, the term "open boats" means those motorboats or motor vessels with all engine and fuel tank compartments, and other spaces to which explosive or flammable gases and vapors from these compartments may flow, open to the atmosphere and so arranged as to prevent the entrapment of such gases and vapors within the vessel.

(c) Where alterations are needed for existing motorboats or motor vessels to comply with the requirements in this section, such alterations shall be accomplished as soon as practicable but in any case shall be completed by June 1, 1966.

(Sec. 11, 54 Stat. 165, as amended; 46 U.S.C. 526j)

Subpart 25.45—Liquefied Petroleum Gas

§ 25.45–1 Prohibited on vessels carrying passengers for hire.

(a) On vessels carrying passengers for hire, the use of liquefied petroleum gases and certain flammable liquids for cooking, heating, or lighting is prohibited by Parts 146 and 147 of Subchapter N (Dangerous Cargoes) of this chapter.

(R.S. 4472, as amended; 46 U.S.C. 170)

PART 26—OPERATIONS

Subpart 26.01—Application

Sec.
26.01–1 Applicable to all vessels.

Subpart 26.03—Special Operating Requirements

26.03–1 Reckless or negligent operation prohibited by law.
26.03–5 Action required after accident.

Subpart 26.05—Penalties

26.05–1 General.
26.05–5 Reckless operation.

Subpart 26.10—Assessment, Collection, Mitigation, Remission of Fines or Penalties

26.10–1 General.
26.10–5 Procedures.

Subpart 26.15—Boarding

26.15–1 May board at any time.

Subpart 26.20—Exhibition of Motorboat Operator's License

26.20–1 Must be available.

Subpart 26.25—Crew Requirements

26.25–1 Licensed personnel.
26.25–5 Manning.

AUTHORITY: The provisions of this Part 26 are issued under R.S. 4405, as amended, 4462, as amended, sec. 17, 54 Stat. 166, as amended; 46 U.S.C. 375, 416, 526p. Treasury Department Order 120, July 31, 1950, 15 F.R. 6521, unless otherwise noted.

Subpart 26.01—Application

§ 26.01–1 Applicable to all vessels.

(a) The provisions of this part shall apply to all vessels except as specifically noted.

Subpart 26.03—Special Operating Requirements

§ 26.03–1 Reckless or negligent operation prohibited by law.

Subsection 13 (a) of the Act of April 25, 1940, as amended (46 U.S.C. 526l), reads as follows:

No person shall operate any motorboat or any vessel in a reckless or negligent manner so as to endanger the life, limb, or property of any person. To "operate" means to navigate or otherwise use a motorboat or a vessel.

§ 26.03–5 Action required after accident.

(a) Whenever an undocumented vessel is involved in a collision, accident, or other casualty, the operator shall:

(1) Comply with requirements in subsection 13(b) of the Act of April 25, 1940, as amended (46 U. S. C. 526l), which reads as follows:

In the case of collision, accident, or other casualty involving a motorboat or other vessel subject to this Act, it shall be the duty of the operator, if and so far as he can do so without serious danger to his own vessel, or persons aboard, to render such assistance as may be practicable and necessary to other persons affected by the collision, accident, or other casualty in order to save them from danger caused by the collision, accident, or casualty. He shall also give his name, address, and identification of his vessel to any person injured and to the owner of any property damaged. The duties imposed by this subsection shall be in addition to any duties otherwise provided by law.

(b) See Subpart 173.01 of Part 173 of Subchapter S (Numbering of Undocumented Vessels, Statistics on Numbering, and "Boating Accident Reports" and Accident Statistics) of this chapter for requirements governing "boating accident reports."

Subpart 26.05—Penalties

§ 26.05–1 General.

(a) If any motorboat or motor vessel subject to any of the provisions of the Act of April 25, 1940, as amended (54 Stat. 163–167, as amended; 46 U.S.C. 526–526u), is operated or navigated in violation of said Act or any of the applicable regulations in this chapter, the owner or operator, either one or both of them, is subject to the penalty in section 16, as amended (46 U.S.C 526o), which reads as follows:

If any motorboat or vessel subject to any of the provisions of this Act is operated or navigated in violation of this Act or any regulation issued thereunder, the owner or operator, either one or both of them, shall, in addition to any other penalty prescribed by law, be liable to a penalty of $100: *Provided*, That in the case of motorboats or vessels subject to the provisions of this Act carrying passengers for hire, a penalty of $200 shall be imposed on the owner or operator, either one or both of them, thereof for any violation of section 6, 7, or 8 of this Act or of any regulations pertaining thereto. For any penalty incurred under this section the motorboat or vessel shall be held liable and may be proceeded against by way of libel in the district court of any district in which said motorboat or vessel may be found.

§ 26.05–5 Reckless operation.

(a) Any person who shall operate a motorboat or any vessel in a reckless or negligent manner is subject to the following penalty:

SEC. 14. Any person who shall operate any motorboat or any vessel in a reckless or negligent manner so as to endanger the life, limb, or property of any person shall be deemed guilty of a misdemeanor and on conviction thereof by any court of competent jurisdiction shall be punished by a fine not exceeding $2,000, or by imprisonment for a term of not exceeding one year, or by both such fine and imprisonment, at the discretion of the court. (Apr. 25, 1940, sec. 14; 54 Stat. 166; 46 U.S.C. 526m.)

Subpart 26.10—Assessment, Collection, Mitigation, Remission of Fines or Penalties

§ 26.10–1 General.

(a) The assessment, collection, mitigation, and remission of any fine, penalty, or forfeiture incurred under the Act of April 25, 1940, as amended, are authorized by section 17 (46 U.S.C. 526p), which reads in part as follows:

• • • The Commandant of the Coast Guard or any officer of the Coast Guard authorized by the Commandant may, upon application therefor, remit or mitigate any fine, penalty or forfeiture incurred under this Act or any regulations thereunder relating to motorboats or vessels, except the penalties provided in section 14 hereunder. • • •

(b) The assessment, collection, mitigation, and remission of penalties incurred under the Federal Boating Act of 1958 are authorized by subsection 8(b) (46 U.S.C. 527e), which reads as follows:

The Secretary may assess and collect any penalty incurred under this Act or any regulations prescribed pursuant to section 7 of this Act. The Secretary may, in his discretion, remit or mitigate any penalty imposed under this section, or discontinue prosecution therefor on such terms as he may deem proper.

§ 26.10–5 Procedures.

(a) Violations or maritime safety, navigation and vessel inspection laws, as well as rules and regulations prescribed thereunder, administered and enforced by the Coast Guard are reported by Coast Guard personnel detecting such violations to the Commander of the Coast Guard district in which the alleged violations occurred. The alleged offender will be informed of the nature of the violation.

(b) The procedures for the assessment, collection, remission, or mitigation are set forth in §§ 2.50–1 to 2.50–40 of Subchapter A (Procedures Applicable to the Public) of this chapter.

Subpart 26.15—Boarding

§ 26.15–1 May board at any time.

(a) In addition to any other authority provided by law, the boarding of vessels is authorized by subsection 8(c) of the Federal Boating Act of 1958 (46 U.S.C. 527e(c)), which reads as follows:

Commissioned, warrant, and petty officers of the Coast Guard may board any vessel required to be numbered under this Act at any time such vessel is found upon the navigable waters of the United States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and the District of Columbia, or on the high seas, address inquiries to those on board, require appropriate proof of identification therefrom, examine the certificate of number issued under this Act, or in the absence of such certificate require appropriate proof of identification of the owner of the vessel, and, in addition, examine such vessel for compliance with this Act, the Act of April 25, 1940, as amended, and the applicable rules of the road.

(b) To facilitate the boarding of vessels by the commissioned, warrant, and petty officers of the Coast Guard in the exercise of their authority, every vessel subject to the Federal Boating Act of 1958, or the Act of April 25, 1940, as amended (46 U.S.C. 526–526u), if under way and upon being hailed by a Coast Guard vessel or patrol boat, shall stop immediately and lay to, or shall maneuver in such a way as to permit the boarding officer to come aboard. Failure to stop to permit a boarding officer to board a vessel or refusal to comply will subject the operator or owner to penalties provided in these laws.

(c) Coast Guard boarding vessels will be identified by the display of the Coast Guard ensign as a symbol of authority and the Coast Guard personnel will be dressed in Coast Guard uniform. The Coast Guard boarding officer upon boarding a vessel will identify himself to the master, owner, or operator and explain his mission.

(Interpret or apply sec. 7, 72 Stat. 1757; 46 U.S.C. 527d. Treasury Department Order 167–32, Sept. 23, 1958, 23 F.R. 7605)

Subpart 26.20—Exhibition of Motorboat Operator's License

§ 26.20–1 Must be available.

(a) Any person to whom a license as a motorboat operator has been issued shall have such license in his possession and available for immediate production to any Coast Guard boarding officer at all times during which any vessel which he is operating is carrying passengers for hire.

(Sec. 7, 54 Stat. 165, as amended; 46 U.S.C. 526f. Treasury Department Order 167–20, June 18, 1956, 21 F.R. 4894)

Subpart 26.25—Crew Requirements

§ 26.25–1 Licensed personnel.

(a) Every motorboat, as defined by the Act of April 25, 1940, as amended (46 U.S.C. 526), and any other vessel of fifteen gross tons or less propelled by machinery other than steam, while carrying passengers for hire, shall be operated or navigated by a person duly licensed for such service by the Coast Guard. This licensed operator shall be in charge of such motorboat or vessel, regardless of whether or not the passengers carried for hire are on such motorboat or vessel or are carried on a nonself-propelled vessel being towed or pushed by such motorboat or vessel. See § 157.30–30 of Subchapter P (Manning of Vessels) for special provisions with regard to use of superior licenses for motorboat operator's license.

(b) Certain uninspected vessels of 200 gross tons and upward are required to carry licensed officers. For details of these provisions see Subchapter P (Manning of Vessels) of this chapter, and the applicable law.

§ 26.25–5 Manning.

(a) Certain provisions with regard to requirements for able seamen, division of crew into watches, and citizenship of crew which are contained in various navigation and vessel inspection laws may apply to uninspected vessels operating on ocean, coastwise or Great Lakes waters. For details of these provisions see Subchapter P (Manning of Vessels) of this chapter and the applicable law.

SUBCHAPTER D—TANK VESSELS

PART 30—GENERAL PROVISIONS

Subpart 30.01—Administration

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30.01–5 Application of regulations—TB/ALL.
30.01–6 Application of regulations to tankships on an international voyage—T/ALL.
30.01–7 Ocean or unlimited coastwise vessels on inland and Great Lakes Routes—TB/OC.
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30.01–15 Effective date of regulations—TB/ALL.
30.01–20 Portable containers—interpretive rulings—TB/ALL.

Subpart 30.10—Definitions

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Subpart 30.15—Equivalents

30.15-1 Conditions under which equivalents may be used—TB/ALL.

Subpart 30.20—Enforcement and Rights of Appeal

30.20-1 Enforcement—TB/ALL.
30.20-10 Penalties for violations of tank vessel regulations—TB/ALL.
30.20-50 Right of appeal—TB/ALL.

AUTHORITY: The provisions of this Part 30 issued under R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 675; 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR 1965 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-14, Nov. 26, 1954, 19 F.R. 8026, unless otherwise noted.

Subpart 30.01—Administration

§ 30.01-1 Basis and purpose of regulations—TB/ALL.

By virtue of authority vested in the Commandant of the Coast Guard by Treasury Department Order No. 120, dated July 31, 1950 (15 F.R. 6521), and in accordance with R.S. 4405 and 4417a, as amended, and sec. 3(c) of the Act of August 9, 1954 (46 U. S. C. 375, 391a, 50 U. S. C. 198), the rules and regulations in this subchapter are prescribed for all tank vessels in accordance with the intent of the various statutes and to obtain their correct and uniform administration.

§ 30.01-5 Application of regulations—TB/ALL.

(a) The regulations in this subchapter contain requirements for materials, design construction, inspection, manning, and operation of tank vessels, including handling and stowage of cargo and duties of officers and crew. However, vessels certificated as passenger, cargo or miscellaneous vessels, where the principal purpose or use of the vessel is not for the carriage of flammable or combustible liquid cargo in bulk, may be granted a permit to carry limited quantities of flammable or combustible liquid cargo in bulk in the grades indicated:

(1) Passenger vessels:

(i) Grade E in integral tanks or in approved portable containers of the type described in Subpart 98.35 in Part 98 of Subchapter I (Cargo and Miscellaneous Vessels) of this chapter.

(ii) Grade D in portable containers in accordance with Part 146 of Subchapter N (Dangerous Cargoes) of this chapter.

(2) Cargo vessels:

(i) Grades D and E in integral tanks or in approved portable containers in accordance with Subpart 98.35 in Part 98 of Subchapter I (Cargo and Miscellaneous Vessels) of this chapter.

(ii) Grades A and lower in portable containers in accordance with Part 146 of Subchapter N (Dangerous Cargoes) of this chapter.

(3) Miscellaneous vessels, such as cable, salvage, pile driving, and oil drilling rig vessels:

(i) Grades B and lower in fixed independent or integral tanks when specially authorized by the Commandant.

(b) The requirements of this subchapter are divided into parts as follows:

(1) Inspection and certification.

(2) Special equipment, machinery, and hull requirements.

(3) Lifesaving appliances.

(4) Firefighting equipment.

(5) Operations.

(6) Elevated temperature cargoes.

(7) Liquefied flammable gases.

(8) Flammable or combustible liquids having lethal characteristics.

(9) Special construction, arrangement, and other provisions for carrying certain flammable or combustible dangerous cargoes in bulk.

(c) The vessels and services to which each regulation applies are indicated by letters in the heading of the section or paragraph. The first letter or two letters indicate the type of vessel and the letter or letters following the oblique line indicate the waters in which such vessels may operate. These letters are described as follows:

(1) "T" signifies a tankship.

(2) "B" signifies a tank barge when it precedes an oblique line; or it signifies service on bays, sounds, and lakes other than the Great Lakes when it follows an oblique line.

(3) "ALL" signifies service on all waters.

(4) "O" signifies service on ocean waters.

(5) "C" signifies services on coastwise waters.

(6) "L" signifies service on Great Lakes' waters.

(7) "R" signifies service on river waters.

(d) This subchapter shall be applicable to all United States flag vessels indicated in Column 3 of Table 30.01-5(d), except as follows:

(1) Any vessel operating exclusively on inland waters which are not navigable waters of the United States.

(2) Any vessel while laid up and dismantled and out of commission.

(3) With the exception of vessels of the U. S. Maritime Administration, any vessel with title vested in the United States and which is used for public purposes.

TABLE 30.01-5(d)

Method of propulsion	Size or other limitations [1]	Classes of vessels (including motorboats) examined or inspected under various Coast Guard regulations [1]: Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under either Subchapter H—Passenger Vessels [2] [3] [4] or Subchapter T—Small Passenger Vessels [2] [3] [4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [2] [3]	Vessels subject to provisions of Subchapter C—Uninspected Vessels [2] [5] [6]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Steam	Vessels not over 65 feet in length.	All vessels carrying combustible or flammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	All tugboats and towboats.	All vessels except those covered by columns 3, 4 and 5.[8]
	Vessels over 65 feet in length.	All vessels carrying combustible or flammable liquid cargo in bulk.[9]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels of not over 15 gross tons which carry more than 6 passengers.[7] 3. All other vessels carrying passengers, except: a. Yachts. b. Documented cargo or tank vessels issued a permit to carry not more than 16 persons in addition to the crew. c. Towing and fishing vessels, in other than ocean and coastwise service, may carry persons on the legitimate business of the vessel, in addition to crew, but not to exceed one for each net ton of the vessel.	All vessels except those covered by columns 3 and 4.	None.

See footnotes at end of table.

TABLE 30.01-5(d)—Continued

Method of propulsion	Size or other limitations [1]	Classes of vessels (including motorboats) examined or inspected under various Coast Guard regulations [1]: Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under either Subchapter H—Passenger Vessels [2] [3] [4] or Subchapter T—Small Passenger Vessels [2] [3] [4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [2] [3]	Vessels subject to provisions of Subchapter C—Uninspected Vessels [2] [5] [6]
Column 1	Column 2	Column 4	Column 4	Column 5	Column 6
Motor	Vessels of not over 15 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	All vessels except those covered by columns 3, 4, and 5.
	Vessels over 15 gross tons except seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or flammable liquid cargo in bulk.[9]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels not over 65 feet in length which carry more than 6 passengers.[7] 3. All other vessels of over 65 feet in length carrying passengers for hire except documented cargo or tank vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels carrying freight for hire except those covered by columns 3 and 4.	All vessels except those covered by columns 3, 4, and 5.
	Seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or flammable liquid cargo in bulk.[9]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All other vessels carrying passengers, except: a. Yachts. b. Documented cargo or tank vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels except those covered by columns 3 and 4, and those engaged in the fishing, oystering, clamming, crabbing, or any other branch of the fishery, kelp, or sponge industry.	All vessels except those covered by columns 3, 4, and 5.
Sail	Vessels not over 700 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	None.
	Vessels over 700 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.	All vessels carrying passengers for hire.	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	None.
Nonself-propelled	Vessels not over 100 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	All barges carrying passengers except those covered by column 4.
	Vessels over 100 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.	All vessels carrying passengers for hire.	All seagoing barges except those covered by columns 3 and 4; and those inland barges carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	All barges carrying passengers except those covered by column 4.

[1] Where length is used in this table it means the length measured from end to end over the deck, excluding sheer. This expression "means a straight line measurement of the overall length from the foremost part of the vessel to the aftermost part of the vessel, measured parallel to the centerline."

[2] Subchapters E (Load Lines), F (Marine Engineering), J (Electrical Engineering), and N (Dangerous Cargoes), of this chapter may also be applicable under certain conditions.

[3] Public nautical schoolships, other than vessels of the Navy and Coast Guard, shall meet the requirements of Part 167 of Subchapter R (Nautical Schools) of this chapter. Civilian nautical schoolships, as defined by 46 U.S.C. 1331, shall meet the requirements of Subchapter H (Passenger Vessels) and Part 168 of Subchapter R (Nautical Schools) of this chapter.

[4] Subchapter H (Passenger Vessels) of this chapter covers only those vessels of 100 gross tons or more. Subchapter T (Small Passenger Vessels) of this chapter covers only those vessels of less than 100 gross tons.

[5] Vessels covered by Subchapters H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter, where the principal purpose or use of the vessel is not for the carriage of liquid cargo, may be granted a permit to carry a limited amount of flammable or combustible liquid cargo in bulk. The portion of the vessel used for the carriage of the flammable or combustible liquid cargo shall meet the requirements of Subchapter D (Tank Vessels) in addition to the requirements of Subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter.

[6] Any vessel on an international voyage is subject to the requirements of the International Convention for Safety of Life at Sea, 1960.

[7] The meaning of the term "passenger" is as defined in the Act of May 10, 1956 (sec. 1, 70 Stat. 151; 46 U.S.C. 390).

[8] Boilers and machinery are subject to examination on vessels over 40 feet in length.

(e) This subchapter shall be applicable to all foreign flag vessels carrying combustible or flammable liquid cargo in bulk while in the navigable waters over which the United States has jurisdiction, except that:

(1) A vessel of a foreign nation signatory to the International Convention for Safety Of Life At Sea, 1960, which has on board a current valid Safety Equipment Certificate; or a vessel of a foreign nation having inspection laws approximating those of the United States, together with reciprocal inspection arrangements with the United States and which has on board a current valid Certificate of Inspection issued by its government under such arrangements; in either case, shall be subject only to the requirements of § 35.01-1 of Subpart 35.01, and the safety and cargo handling requirements in Subparts 35.30 and 35.35.

(f) Notwithstanding the exceptions previously noted in paragraph (e) of this section, foreign vessels of novel design or construction, or whose operation involves potential unusual risks, shall be subject to inspection to the extent necessary to safeguard life and property in United States ports, as further provided by § 2.01-13 of Subchapter A (Procedures applicable to the Public) of this chapter.

§ 30.01-6 Application of regulations to tankships on an international voyage—T/ALL.

(a) Where, in various places or portions of this subchapter, requirements are stipulated specifically for "tankships on an international voyage," it is intended that these requirements apply only to tankships subject to the International Convention for Safety of Life at Sea, 1960, which are mechanically propelled tankships of 500 gross tons and over on an international voyage, as defined in § 30.10-36.

(b) In accordance with Regulation 4, Chapter I (General Provisions), of the International Convention for Safety of Life at Sea, 1960, a tankship which is not normally engaged on an international voyage but which in exceptional circumstances, is required to undertake a single international voyage, may be exempted by the Commandant from any of the requirements of the regulations of this Convention: *Provided*, That it complies with safety requirements which are

adequate, in his opinion, for the voyage which is to be undertaken.

(c) In accordance with Regulation 1(c), Chapter II (Construction), of the International Convention for Safety of Life at Sea, 1960, the Commandant may, if he considers that the sheltered nature and conditions of the voyage are such as to render the application of any specific requirements of Chapter II of this Convention unreasonable or unnecessary, exempt from those requirements individual tankships or classes of tankships, which in the course of their voyage do not proceed more than 20 miles from the nearest land.

(d) In accordance with Regulation 3(a), Chapter III (Lifesaving Appliances, etc.), of the International Convention for Safety of Life at Sea, 1960, the Commandant, if he considers that the sheltered nature and conditions of the voyage are such as to render the application of the full requirements of Chapter III of this Convention unreasonable or unnecessary, may to that extent exempt from the requirements of Chapter III individual tankships or classes of tankships which, in the course of their voyage, do not go more than 20 miles from the nearest land.

§ 30.01–7 Ocean or unlimited coastwise vessels on inland and Great Lakes Routes—TB/OC.

(a) Vessels inspected and certificated for ocean or unlimited coastwise routes shall be considered suitable for navigation insofar as the provisions of this subchapter are concerned on any inland route, including the Great Lakes.

§ 30.01–10 Application of regulations governing alterations or repairs—TB/ALL.

When major alterations or major repairs of tank vessels become necessary the work shall be done under the direction of the Officer in Charge, Marine Inspection, and shall be in accordance with the regulations in effect for new construction insofar as possible. When minor alterations or minor repairs of tank vessels become necessary such work shall be under the direction of the Officer in Charge, Marine Inspection, and shall be in accordance with the regulations in effect at the time the vessel was contracted for or built, or in accordance with the regulations in effect for new construction insofar as possible.

§ 30.01–15 Effective date of regulations—TB/ALL.

(a) The regulations in this subchapter are effective on and after November 10, 1936: *Provided*, That amendments, revisions, or additions shall become effective ninety (90) days after the date of publication in the FEDERAL REGISTER unless the Commandant shall fix a different time.

(b) The regulations in this subchapter are not retroactive in effect unless specifically made so at the time the regulations are issued. Changes in specification requirements of articles of equipment, or materials used in construction of tank vessels, shall not apply to such items which have been passed as satisfactory until replacement shall become necessary, unless a specific finding is made that such equipment or material used is unsafe or hazardous and has to be removed from tank vessels.

§ 30.01–20 Portable containers—interpretive rulings—TB/ALL.

(a) The phrase "drums, barrels, or other packages," as used in R.S. 4417a, as amended (46 U.S.C. 391a), and in R.S. 4472, as amended (46 U.S.C. 170), is interpreted to mean portable containers having a maximum capacity of 110 U.S. gallons and ICC specification cylinders having a water capacity of not more than 1,000 pounds, which are actually loaded and discharged from vessels with their contents intact.

(b) The phrase "inflammable or combustible liquid cargo in bulk" as used in R.S. 4417a, as amended (46 U.S.C. 391a), and in R.S. 4472, as amended (46 U.S.C. 170), is interpreted to include such cargo in portable containers of a capacity of more than 110 U.S. gallons.

(c) The phrase "liquid cargo" as used in R.S. 4417a, as amended (46 U.S.C. 391a), is interpreted to mean flammable or combustible liquids.

(Interpret or apply R.S. 4472, as amended; 46 U.S.C. 170)

Subpart 30.10—Definitions

§ 30.10–1 Definition of terms—TB/ALL.

Certain terms used in the regulations in this subchapter are defined in this subpart.

§ 30.10–3 Approved—TB/ALL.

The term "approved" means approved by the Commandant unless otherwise stated.

§ 30.10–5 Cargo—TB/ALL.

The term "cargo" means combustible liquid, flammable liquid, or liquefied flammable gas unless otherwise stated.

§ 30.10–7 Certificated—TB/ALL.

The term "certificated" when applied to tank vessels refers to a vessel covered by a certificate of inspection issued by the Coast Guard; when applied to men employed on tank vessels, the term refers to a certificate of ability issued by the Coast Guard.

§ 30.10–9 Classification requirements—TB/ALL.

The term "classification requirements" means applicable rules and supplementary requirements of the American Bureau of Shipping, or other recognized classification society.

§ 30.10–11 Coastwise—TB/C.

Under this designation shall be included all tank vessels normally navigating the waters of any ocean or the Gulf of Mexico 20 nautical miles or less offshore.

§ 30.10–13 Cofferdam—TB/ALL.

The term "cofferdam" means a void or empty space separating two or more compartments for the purpose of isolation or to prevent the contents of one compartment from entering another in the event of the failure of the walls of one to retain their tightness.

§ 30.10–15 Combustible liquid—TB/ALL.

The term "combustible liquid" means any liquid having a flashpoint above 80° F. (as determined from an open-cup tester, as used for test of burning oils). Combustible liquids having lethal qualities are those having the characteristics of class "B" or "C" poisons as defined in §§ 146.25–10 and 146.25–15 of Subchapter N (Dangerous Cargoes) of this chapter. In the regulations of this subchapter, combustible liquids are referred to by grades, as follows:

(a) *Grade D.* Any combustible liquid having a flashpoint below 150° F. and above 80° F.

(b) *Grade E.* Any combustible liquid having a flashpoint of 150° F. or above.

§ 30.10–17 Commandant—TB/ALL.

The term "Commandant" means the Commandant of the Coast Guard.

§ 30.10–19 Coast Guard District Commander—TB/ALL.

The term "Coast Guard District Commander" means an officer of the Coast Guard designated as such by the Commandant to command all Coast Guard activities within his district which include the enforcement and administration of Title 52, R.S., acts amendatory thereof or supplemental thereto, rules and regulations thereunder and the inspections required thereby.

§ 30.10–21 Flammable or inflammable—TB/ALL.

The words "flammable" and "inflammable" are interchangeable or synonymous terms for the purpose of the regulations in this subchapter.

§ 30.10–22 Flammable liquid—TB/ALL.

The term "flammable liquid" means any liquid which gives off flammable vapors (as determined by flashpoint from an open-cup tester, as used for test of burning oils) at or below a temperature of 80° F. Flammable liquids having lethal qualities are those having the characteristics of class "B" or "C" poisons as defined in §§ 146.25–10 and 146.25–15, of Subchapter N (Dangerous Cargoes) of this chapter. Flammable liquids are referred to by grades as follows:

(a) *Grade A.* Any flammable liquid having a Reid[1] vapor pressure of 14 pounds or more.

(b) *Grade B.* Any flammable liquid having a Reid vapor pressure under 14 pounds and over 8½ pounds.

(c) *Grade C.* Any flammable liquid having a Reid[1] vapor pressure of 8½ pounds or less and a flashpoint of 80° F. or below.

[1] American Society for Testing Materials Standard D–323 (most recent revision), Method of Test for Vapor Pressure of Petroleum Products (Reid Method).

§ 30.10–23 Flame arrester—TB/ALL.

The term "flame arrester" means any device or assembly of a cellular, tubular, pressure, or other type used for preventing the passage of flames into enclosed spaces.

§ 30.10–25 Flame screen—TB/ALL.

The term "flame screen" means a fitted single screen of corrosion-resistant wire of at least 30 by 30 mesh, or two fitted screens, both of corrosion-resistant wire, of at least 20 by 20 mesh, spaced not less than ½ inch or more than 1½ inches apart.

§ 30.10–27 Flashpoint—TB/ALL.

The term "flashpoint" indicates the temperature in degrees Fahrenheit at which a liquid gives off a flammable vapor when heated in an open-cup tester. For the purpose of the regulations in this subchapter, flashpoints determined by other testing methods will be equivalent to those determined with an open-cup tester, as follows:

TABLE 30.10–27—EQUIVALENT FLASHPOINTS

Open cup tester	Tag closed-cup tester (A. S. T. M.)	Pensky-Martens closed tester (A. S. T. M.)
°F. 80 150	°F. 75 ----------	°F. ---------- 140

§ 30.10–29 Gas free—TB/ALL.

The term "gas free" means free from dangerous concentrations of flammable or toxic gases.

§ 30.10–31 General rules and regulations—TB/ALL.

The term "general rules and regulations" means the requirements contained in this chapter.

§ 30.10–33 Great Lakes—TB/L.

Under this designation shall be included all tank vessels navigating the Great Lakes.

§ 30.10–35 Headquarters—TB/ALL.

The term "Headquarters" means the Office of the Commandant, U.S. Coast Guard, Washington, D.C., 20226.

§ 30.10–36 International voyage—TB/ALL.

(a) The term "international voyage," as used in this subchapter, shall have the same meaning as that contained in Regulation 2(d), Chapter I, of the International Convention for Safety of Life at Sea, 1960; i.e., " 'International voyage' means a voyage from a country to which the present Convention applies to a port outside such country, or conversely; and for this purpose every territory for the international relations of which a Contracting Government is responsible or for which the United Nations is the administering authority is regarded as a separate country."

(b) The International Convention for Safety of Life at Sea, 1960, does not apply to tank vessels "solely navigating the Great Lakes of North America and the River St. Lawrence as far east as a straight line drawn from Cap de Rosiers to West Point, Anticosti Island and, on the north side of Anticosti Island, the 63d Meridian." Accordingly, such tank vessels shall not be considered as being on an "international voyage" for the purposes of this subchapter.

(c) For the purposes of this subchapter the term "territory" as used in paragraph (a) of this section shall be considered to include the Commonwealth of Puerto Rico, the Canal Zone, all possessions of the United States, and all lands held by the United States under a protectorate or mandate.

(d) Although voyages between the continental United States and Hawaii or Alaska, and voyages between Hawaii and Alaska are not "international voyages" under the provisions of the International Convention for Safety of Life at Sea, 1960, such voyages are similar in nature and shall be considered as "international voyages" and subject to the same requirements for the purposes of this subchapter.

§ 30.10–39 Liquefied flammable gas—TB/ALL.

The term "liquefied flammable gas" means any flammable gas having a Reid vapor pressure exceeding 40 pounds which has been compressed and liquefied for the purpose of transportation.

§ 30.10–41 Lakes, bays, and sounds—TB/B.

Under this designation shall be included all tank vessels navigating the waters of any of the lakes, bays, or sounds other than the waters of the Great Lakes.

§ 30.10–43 Marine inspector or inspector—TB/ALL.

The terms "marine inspector" or "inspector" mean any person from the civilian or military branch of the Coast Guard assigned under the superintendence and direction of an Officer in Charge, Marine Inspection, or any other person as may be designated for the performance of duties with respect to the enforcement and administration of Title 52, R.S., acts amendatory thereof or supplemental thereto, rules and regulations thereunder, and the inspections required thereby.

§ 30.10–44 Nuclear vessel—TB/ALL.

A nuclear vessel is a vessel provided with a nuclear powerplant for propulsion or any other purpose, or any vessel handling or processing substantial amounts of radioactive material other than as cargo.

§ 30.10–45 Ocean—TB/O.

Under this designation shall be included all tank vessels normally navigating the waters of any ocean or the Gulf of Mexico more than 20 nautical miles offshore.

§ 30.10–47 Officer in Charge, Marine Inspection—TB/ALL.

The term "Officer in Charge, Marine Inspection," means any person from the civilian or military branch of the Coast Guard designated as such by the Commandant and who under the superintendence and direction of the Coast Guard District Commander is in charge of an inspection zone for the performance of duties with respect to the enforcement and administration of Title 52, R.S., acts amendatory thereof or supplemental thereto, rules and regulations thereunder and the inspections required thereby.

§ 30.10–49 Permit—TB/ALL.

The term "permit" refers to endorsement on the certificate of inspection, authorizing the presence on board of liquid flammable or combustible cargoes in bulk, issued by an Officer in Charge, Marine Inspection, for a tank vessel which is found to be in substantial compliance with the regulations in this subchapter.

§ 30.10–55 Pressure vacuum relief valve—TB/ALL.

The term "pressure vacuum relief valve" means any device or assembly of a mechanical, liquid, weight, or other type used for the automatic regulation of pressure or vacuum in enclosed places.

§ 30.10–57 Recognized classification society—TB/ALL.

The term "recognized classification society" means the American Bureau of Shipping or other classification society recognized by the Commandant.

§ 30.10–59 Reid vapor pressure—TB/ALL.

The term "Reid vapor pressure" means the vapor pressure of a liquid at a temperature of 100° F., expressed in pounds per square inch absolute, as determined by the "Reid Method" as described in the American Society for Testing Materials Standard D–323 (most recent revision), Method of Test for Vapor Pressure of Petroleum Products. This Standard is available at Headquarters for reading purposes or it may be purchased from the Society at 1916 Race Street, Philadelphia, Pa., 19103.

§ 30.10–61 Rivers—TB/R.

Under this designation shall be included all tank vessels whose navigation is restricted to rivers and/or to canals, exclusively.

§ 30.10–62 Rules of the Road—TB/ALL.

(a) The term "Rules of the Road" means the statutory and regulatory rules governing navigation of vessels. These rules are also published by the Coast Guard in pamphlet form as follows:

(1) Rules of the Road—International—Inland (CG–169).

(2) Rules of the Road—Great Lakes (CG–172).

(3) Rules of the Road—Western Rivers (CG–184).

(b) The current editions of the "Rules of the Road" pamphlets may be obtained from any Marine Inspection Office.

§ 30.10–63 Spark arrester—TB/ALL.

The term "spark arrester" means any device, assembly, or method of a mechanical, centrifugal, cooling, or other type

and of a size suitable for the retention or quenching of sparks in exhaust pipes from internal combustion engines.

§ 30.10–65 Tank barge—B/ALL.

The term "tank barge" means any tank vessel not equipped with means of self-propulsion.

§ 30.10–67 Tankship—T/ALL.

The term "tankship" means any tank vessel propelled by power or sail.

§ 30.10–69 Tank vessel—TB/ALL.

The term "tank vessel" means any vessel especially constructed or converted to carry liquid bulk cargo in tanks.

§ 30.10–71 Tankerman—TB/ALL.

The term "tankerman" means any person holding a certificate issued by the Coast Guard attesting to his competency in the handling of flammable or combustible liquid cargo in bulk or is any person holding a valid license as master, mate, pilot, or engineer.

Subpart 30.15—Equivalents

§ 30.15–1 Conditions under which equivalents may be used—TB/ALL.

(a) Where in this subchapter it is provided that a particular fitting, material, appliance, apparatus, or equipment, or type thereof, shall be fitted or carried in a vessel, or that any particular provision shall be made or arrangement shall be adopted, the Commandant may accept in substitution therefor any other fitting, material, apparatus, or equipment, or type thereof, or any other arrangement: *Provided*, That he shall have been satisfied by suitable trials that the fitting, material, appliance, apparatus, or equipment, or type thereof, or the provision or arrangement is at least as effective as that specified in this subchapter.

(b) In any case where it is shown to the satisfaction of the Commandant that the use of any particular equipment, apparatus, or arrangement not specifically required by law is unreasonable or impracticable, the Commandant may permit the use of alternate equipment, apparatus, or arrangement to such an extent and upon such conditions as will insure, to his satisfaction, a degree of safety consistent with the minimum standards set forth in this subchapter.

Subpart 30.20—Enforcement and Rights of Appeal

§ 30.20–1 Enforcement—TB/ALL.

The Officer in Charge, Marine Inspection, under the superintendence of the Coast Guard District Commander, is responsible for the performance of duties within his jurisdiction with respect to the enforcement and administration of Title 52, R. S., acts amendatory thereof or supplemental thereto, rules and regulations thereunder, and the inspections required thereby.

§ 30.20–10 Penalties for violations of tank vessel regulations—TB/ALL.

(a) The provisions of R.S. 4417a, as amended (46 U.S.C. 391a) provide the following penalty:

(7) The owner, master, or person in charge of any vessel subject to the provisions in this section, or any or all of them, who shall violate the provisions of this section, or of the rules and regulations established hereunder, shall be subject to a fine of not more than $1,000 or imprisonment for not more than one year, or both such fine and penalty.

(b) Certificates of inspection for tank vessels may also be revoked or suspended by the Coast Guard where such process is authorized by law. This may occur if the vessel does not meet the requirements of law or regulations in this chapter or if there is a failure to maintain the safety requirements requisite to the issuance of a certificate of inspection.

§ 30.20–50 Right of appeal—TB/ALL.

Whenever any person directly interested in or affected by any decision or action of any Officer in Charge, Marine Inspection, shall feel aggrieved by such decision or action, he may appeal therefrom to the Coast Guard District Commander having jurisdiction and a like appeal shall be allowed from any decision or action of the Coast Guard District Commander to the Commandant, whose decision shall be final: *Provided, however*, That application for such reexamination of the case by a Coast Guard District Commander or by the Commandant shall be made within 30 days after the decision or action appealed from shall have been rendered or taken.

(R.S. 4453, as amended; 46 U.S.C. 435)

PART 31—INSPECTION AND CERTIFICATION

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Subpart 31.30—Marine Engineering

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- 31.37–55 Annealing—TB/ALL.
- 31.37–60 Additions to gear—TB/ALL.
- 31.37–65 Alterations, renewals, or repairs of cargo gear—TB/ALL.
- 31.37–70 Responsibility of ship's officer for inspection of cargo gear—TB/ALL.
- 31.37–75 Records regarding cargo gear—TB/ALL.
- 31.37–80 Advance notice that cargo gear testing is desired—TB/ALL.
- 31.37–85 Responsibility for conducting required tests and examinations—TB/ALL.

Subpart 31.40—Certificates Under International Convention for Safety of Life at Sea, 1960

- 31.40–1 Application—T/ALL.
- 31.40–5 Cargo Ship Safety Construction Certificate—T/ALL.

- 31.40–10 Cargo Ship Safety Equipment Certificate—T/ALL.
- 31.40–15 Cargo Ship Safety Radiotelegraphy Certificate—T/ALL.
- 31.40–20 Cargo Ship Safety Radiotelephony Certificate—T/ALL.
- 31.40–25 Exemption Certificate—T/ALL.
- 31.40–30 Nuclear Cargo Ship Safety Certificate—T/ALL.
- 31.40–35 Posting of Convention certificates—T/ALL.
- 31.40–40 Duration of Convention certificates—T/ALL.
- 31.40–45 American Bureau of Shipping—T/ALL.

AUTHORITY: The provisions of this Part 31 issued under R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 675; 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, Nov. 26, 1954, 19 F.R. 8026, unless otherwise noted.

Subpart 31.01—General

§ 31.01–1 Inspections required—TB/ALL.

(a) Every tank vessel subject to the regulations in this subchapter shall be inspected biennially, or annually, or oftener, if necessary, by the Coast Guard to see that the hull, boilers, machinery, equipment, apparatus for storage, and appliances of the vessel comply with the marine inspection laws, and the regulations in this subchapter, and Subchapter E (Load Lines), Subchapter F (Marine Engineering), Subchapter J (Electrical Engineering), and Subchapter Q (Specifications) of this chapter where applicable.

(b) Tank vessels while laid up and dismantled and out of commission are exempt from any or all inspections required by law or regulations in this subchapter.

(c) For inspection and tests of tanks containing certain dangerous cargoes in bulk, see Part 98 of Subchapter I (Cargo and Miscellaneous Vessels) of this chapter.

(R.S. 4418, as amended, 4433, as amended, 4472, as amended, 4488, as amended; 46 U.S.C. 392, 411, 170, 481. Treasury Department Orders CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–38, Oct. 26, 1959, 24 F.R. 8857)

§ 31.01–5 Scope of initial inspection—TB/ALL.

(a) The initial inspection, which may consist of a series of inspections during the construction of a vessel, shall include a complete inspection of the structure, machinery, and equipment, including the outside of the vessel's bottom, and the inside and outside of the boilers. The inspection shall be such as to insure that the arrangements, materials, and scantlings of the structure, boilers and other pressure vessels and their appurtenances, piping, main and auxiliary machinery, electrical installations, lifesaving appliances, fire-detecting and extinguishing equipment, pilot ladders and other equipment fully comply with the applicable regulations for such vessel and are in accordance with approved plans, and that the radio installations, including fixed and portable radios for lifeboats, are in accordance with the requirements of the Federal Communications Commission. The inspection shall also be such as to insure that the workmanship of all parts of the vessel and its equipment is in all respects satisfactory and that the vessel is provided with lights, means of making sound signals and distress signals as required by applicable regulations and the applicable Rules of the Road.

(b) For nuclear vessels, the foregoing inspection shall be made except insofar as they may be limited by the presence of radiation. In addition, the inspection shall include any special requirements of the vessel's "Safety Assessment."

§ 31.01–10 Authority of marine inspectors—TB/ALL.

Inspectors may at any time lawfully inspect any tank vessel.

§ 31.01–15 Application for inspection—TB/ALL.

(a) Application in writing for the inspection incident to the issuance or reissuance of a certificate of inspection to every tank vessel required to be inspected by law and the regulations in this subchapter shall be made by the master, owner, or agent to the Officer in Charge, Marine Inspection, at any local marine inspection office, U.S. Coast Guard, where the vessel may be operated.

(b) The application should be on Form CG–3752, Application for Inspection of U.S. Vessel, which requires information on name and type of vessel, nature of employment and route in which to be operated, grade or type of cargo to be carried, place where and date when the vessel may be inspected, and that no other application has been made to any Officer in Charge, Marine Inspection, since the issuance of the last valid certificate of inspection.

§ 31.01–20 Application for inspection of new tank vessel or conversion of a vessel to a tank vessel—TB/ALL.

Prior to the commencement of the construction of any new tank vessel, or prior to the commencement of the conversion of any vessel to a tank vessel, application for the approval of contract plans and specifications and for a certificate of inspection shall be made in writing to the Coast Guard and no such construction or conversion shall be proceeded with until such approval is granted. (See § 31.10–1.)

Subpart 31.05—Certificates of Inspection

§ 31.05–1 Issuance of certificate of inspection—TB/ALL.

(a) When a tank vessel is found to comply with law and the regulations in this subchapter, and Subchapter E (Load Lines), Subchapter F (Marine Engineering), Subchapter J (Electrical Engineering), and Subchapter Q (Specifications) of this chapter, a certificate of inspection shall be issued to it, or to its owners, by the Officer in Charge, Marine Inspection.

(b) Certificates of inspection for tank vessels shall be similar in form to certificates issued to other cargo vessels, and in addition to the manning requirements and waters over which they may be operated, they shall be appropriately endorsed "Inspected and approved for the carriage of flammable or combustible liquids of Grade A, B, C, D, or E" (as the case may be), and such endorsement shall serve as a permit for such vessel to operate. The endorsement for the carriage of liquefied flammable gases is set forth in § 38.01–5 of this subchapter. The endorsement for the carriage of Class "B" or "C" poisonous liquids is set forth in § 39.01–5 of this subchapter.

(c) The certificate of inspection shall be delivered to the master or owner of the tank vessel to which it relates.

§ 31.05–5 Posting the certificate of inspection—TB/ALL.

The certificate of inspection shall be framed under glass and posted in a conspicuous part of the vessel, except that where it is not practicable to so expose the certificate of inspection it shall be carried in the vessel in such manner as authorized by the Officer in Charge, Marine Inspection.

§ 31.05–10 Period covered by certificate of inspection—TB/ALL.

(a) Certificates of inspection will be issued for periods of either 1 or 2 years. For nuclear vessels, the period of validity shall be 1 year.

(b) Application may be made by the master, owner, or agent for inspection and issuance of a new certificate of inspection at any time during the period of validity of the current certificate. (See §§ 31.01–15 and 31.01–20.)

§ 31.05–15 Certificate of inspection; terms; endorsements—TB/ALL.

The terms, endorsements and conditions set forth on a certificate of inspection shall have the same force and effect as the regulations contained in this subchapter.

Subpart 31.10—Inspections

§ 31.10–1 Recognized classification society—TB/ALL.

(a) In the inspection of hulls, boilers, and machinery, the current standards established by the American Bureau of Shipping and designated "Rules for Building and Classing Steel Vessels" respecting material and construction of hulls, boilers, and machinery, except as otherwise provided for by law and regulations in this chapter, shall be accepted as standard by the Coast Guard.

(b) The current standards established by the American Bureau of Shipping in effect at the time of construction of the vessel, or otherwise as applicable, shall be used. The book "Rules for Building and Classing Steel Vessels" is usually published annually and may be purchased from the American Bureau of Shipping, 45 Broad Street, New York, N.Y., 10004. These standards may be also examined at the office of the Commandant (M), U. S. Coast Guard, Washington, D.C., 20236, or at the office of any Coast Guard District Commander or Officer in Charge, Marine Inspection.

(c) The approved plans and certificate of the American Bureau of Shipping, or other recognized classification society for classed vessels, may be accepted by the Coast Guard as evidence of the structural efficiency of the hull and reliability of machinery of vessels subject to the regulations in this subchapter, except as otherwise provided for by laws and regulations in this chapter.

§ 31.10–5 Inspection of new tank vessels—TB/ALL.

(a) *Plans.* Triplicate copies of contract plans and specifications shall be forwarded to the Officer in Charge, Marine Inspection, in whose district the construction will take place, for submission to Headquarters for approval, but if the tank vessel is to be classed, such plans and specifications shall first be approved by a recognized classification society. If the plans and specifications are found to be in substantial agreement with the regulations in this chapter, they shall be approved, properly stamped and dated and distributed as follows: one set to owner or builder; one set to Officer in Charge, Marine Inspection, of the district in which the vessel is to be built; and one set shall be retained at Headquarters. If such plans and specifications are not approved, Headquarters shall notify the owner or builder promptly wherein they fail to comply with the regulations in this chapter. For list of electrical plans see § 111.05–5 of Subchapter J (Electrical Engineering) of this chapter.

(1) The plans and specifications shall include the arrangement of the cargo gear. The principal details of the gear and the safe working load for each component part shall be shown. (See § 31.10–16 and Subpart 31.37 for applicable requirements.)

(b) *Inspection.* During construction, and upon completion of each tank vessel, it shall be inspected by the Officer in Charge, Marine Inspection, to determine whether it has been built in accordance with the approved plans and specifications, and, if so, a certificate of inspection endorsed as a permit for the carriage of flammable or combustible liquids in bulk for the proper grade or grades of cargo shall be issued to the vessel or its owner.

(c) *Certificate of class may be accepted.* In the event such tank vessel is classed by the American Bureau of Shipping or other recognized classification society, the approved plans and certificates of such society may be accepted by the Coast Guard as evidence of the structural efficiency of the hull and reliability of machinery, except as otherwise provided for by law and the rules and regulations in this subchapter.

§ 31.10–10 Vessels converted to tank vessels—TB/ALL.

The procedure for the inpection of vessels converted to tank vessels shall conform to the inspection for new tank vessels as called for in § 31.10–5(b), and such vessels shall comply with the requirements of inspections for converted vessels as set forth in the regulations in this subchapter.

§ 31.10–15 Inspection for certification—TB/ALL.

(a) The Officer in Charge, Marine Inspection, shall once in every 2 years, at least, and in the case of nuclear vessels, at least once every year carefully inspect such tank vessel within his jurisdiction and shall satisfy himself that every such vessel so inspected is of a structure suitable for the carriage of flammable and/or combustible liquids in bulk and for the proper grade or grades of such cargo in the service in which she is employed. If the Officer in Charge, Marine Inspection, deems it expedient, he may direct the vessel to be put in motion, and may adopt any other suitable means to test her sufficiency and that of her equipment.

(b) The inspection for certification shall include an inspection of the structure, boilers, and other pressure vessels, machinery and equipment. The inspection shall be such as to insure that the vessel, as regards the structure, boilers and other pressure vessels and their appurtenances, piping, main and auxiliary machinery, electrical installations, lifesaving appliances, fire-detecting and extinguishing equipment, pilot ladders, and other equipment is in satisfactory condition and fit for the service for which it is intended, and that it complies with the applicable regulations for such vessels, and that the radio installations, including fixed and portable radios for lifeboats, are in compliance with the requirements of the Federal Communications Commission. The lights and means of making sound signals and the distress signals carried by the vessel shall also be subject to the above mentioned inspection for certification for the purpose of insuring that they comply with the requirements of the applicable regulations and of the applicable Rules of the Road.

(c) For nuclear vessels, the foregoing inspections shall be made except insofar as they may be limited by the presence of radiation. In addition, the inspection shall include any special requirements of the vessel's "Safety Assessment."

§ 31.10–16 Inspection and certification of cargo gear—TB/ALL.

(a) An inspection of the cargo gear shall be required. The inspection may consist of tests and examinations to determine the condition and suitability of the cargo gear. Current valid certificates and registers of cargo gear, issued by recognized nonprofit organizations or associations approved by the Commandant may be accepted as prima facie evidence of the condition and suitability of the cargo gear. Cargo gear certificates and registers will not be issued by the Coast Guard.

(b) Every acceptable cargo gear certificate and/or register shall be properly executed by a person authorized to do so and shall:

(1) Certify as to the tests and examinations conducted;

(2) Show the dates on which the tests and examinations were conducted; and

(3) Indicate that the cargo gear therein described complies with standards equal to or exceeding those set forth in Subpart 31.37.

(c) Competent persons for the purposes of this section and Subpart 31.37 are:

(1) Coast Guard marine inspectors;

(2) Surveyors of the organizations or associations approved by the Commandant;

(3) Such other persons as are authorized by the regulations in Subpart 31.37 as may be required; and,

(4) Responsible officials or employees of the testing laboratories, companies, or organizations who conduct tests of pieces of loose cargo gear, wire rope, or the annealing of gear as may be required.

(d) The registers issued in connection with cargo gear certification must have all required entries fully completed as of the dates indicated, shall be kept current, and shall include the following:

(1) A register of the cargo handling machinery and the gear accessory thereto carried on the vessel named therein;

(2) Certification of the testing and examination of winches, derricks, and their accessory gear;

(3) Certification of the testing and examination of cranes, hoists, and their accessory gear;

(4) Certification of the testing and examination of chains, rings, hooks, shackles, swivels, and blocks;

(5) Certification of the testing and examination of wire rope;

(6) Certification of the heat treatment of chains, rings, hooks, shackles, and swivels which require such treatment; and,

(7) Certification of the annual thorough examinations of gear not required to be periodically heat treated.

(e) It is the responsibility of the master to have a ship's officer inspect cargo gear when required by Subpart 31.37. For those inspected vessels which do not have valid cargo gear certificates and registers as provided by this section, such vessels will be required to have their shipboard cargo gear undergo tests and inspections in accordance with the provisions of Subpart 31.37.

§ 31.10–17 Reinspection—TB/ALL.

(a) At least one reinspection shall be made on each vessel holding a certificate of inspection valid for two years. This reinspection will be made, where possible, between the tenth and fourteenth month of the period for which the certificate is valid. No written application for reinspection will be required.

(b) The inspector shall examine all accessible parts of the vessel's hull, machinery, and equipment to be assured that it is in a satisfactory condition.

(c) In general, the scope of the reinspection shall be the same as for the inspection for certification, but will be in less detail unless it is determined that a major change has occurred since the last inspection.

(d) Nothing in this subpart shall be construed as limiting the inspector from making such tests or inspections as he deems necessary to be assured of the seaworthiness of the vessel.

(e) If the reinspection reveals deficiencies in the maintenance as called for by the regulations in this subchapter, such necessary repairs or improvements shall be made as may be ordered.

§ 31.10–18 Firefighting equipment: General—TB/ALL.

(a) It shall be the duty of the owner, master, or person in charge of a tank vessel to require and have performed at least once in every 12 months, the tests and inspections of all hand portable fire extinguishers, semiportable fire extinguishing systems, and fixed fire extinguishing systems on board, as described in paragraphs (b), (c), and (d) of this section. The owner, master, or person in charge shall keep records of such tests and inspections showing the dates when performed, the number and/or other identification of each unit tested and inspected, and the name(s) of the person(s) and/or company conducting the tests and inspections. Such records shall be made available to the marine inspector upon request and shall be kept for the period of validity of the vessel's current certificate of inspection. Where practicable, these records should be kept in or with the vessel's logbook. The conduct of these tests and inspections does not relieve the owner, master, or person in charge of his responsibility to maintain this firefighting equipment in proper condition at all times.

(b) The following tests and inspections of portable fire extinguishing equipment shall be made:

TABLE 31.10–18(b)

Type unit	Test
Soda acid	Discharge. Clean hose and inside of extinguisher thoroughly. Recharge.
Foam	Discharge. Clean hose and inside of extinguisher thoroughly. Recharge.
Pump tank (water or antifreeze).	Discharge. Clean hose and inside of extinguisher thoroughly. Recharge with clean water or antifreeze.
Cartridge operated (water, antifreeze or loaded stream).	Examine pressure cartridge and replace if end is punctured or if cartridge is otherwise determined to have leaked or to be in unsuitable condition. Remove liquid, clean hose and inside of extinguisher thoroughly. Recharge with clean water, solution, or antifreeze. Insert charged cartridge.
Stored pressure (water, antifreeze or loaded stream).	See that pressure gage is in operating range. If not, or if seal is broken, weigh or otherwise determine that full charge is in extinguisher. Recharge if pressure is low or if extinguishing agent is needed.
Carbon dioxide	Weigh cylinders. Recharge if weight loss exceeds 10 percent of weight of charge. Inspect hose and nozzle to be sure they are clear.[1]
Dry chemical (cartridge-operated type).	Examine pressure cartridge and replace if end is punctured or if cartridge is otherwise determined to have leaked or to be in unsuitable condition. Inspect hose and nozzle to see if they are clear. Insert charged cartridge. Be sure dry chemical is freeflowing (not caked) and chamber contains full charge.
Dry chemical (stored pressure type).	See that pressure gage is in operating range. If not, or if seal is broken, weigh or otherwise determine that full charge of dry chemical is in extinguisher. Recharge if pressure is low or if dry chemical is needed.
Vaporizing liquid [2] (pump type).	Pump a few strokes into clean pail and replace liquid. Keep water out of extinguisher or liquid. Keep extinguisher completely full of liquid.
Vaporizing liquid [2] (stored pressure type).	See that pressure gage is in operating range. Weigh or check liquid level to determine that full charge of liquid is in extinguisher. Recharge if pressure is low or if liquid is needed.

[1] Cylinders shall be tested and marked in accordance with the regulations of the Interstate Commerce Commission, as noted in § 147.04–1 of Subchapter N (Dangerous Cargoes) of this chapter.

[2] Vaporizing-liquid type fire extinguishers containing carbon tetrachloride or chlorobromomethane or other toxic vaporizing liquids shall be removed from all vessels.

(c) The following tests and inspections of fixed fire extinguishing equipment shall be made:

TABLE 31.10–18(c)

Type system	Test
Foam	Systems utilizing a soda solution shall have such solution replaced. In all cases, ascertain that powder is not caked.
Carbon dioxide	Weigh cylinders. Recharge if weight loss exceeds 10 percent of weight of charge.[1]

[1] Cylinders shall be tested and marked in accordance with the regulations of the Interstate Commerce Commission, as noted in § 147.04–1 of Subchapter N (Dangerous Cargoes) of this chapter.

(d) Deck foam systems shall be tested biennially by discharging foam for approximately 15 seconds from any nozzle designated by the marine inspector. It shall not be required to deliver foam from all foam outlets, but all lines and nozzles shall be tested with water to prove them to be clear of obstruction. Prior to the biennial inspection of deck foam systems utilizing a mechanical foam system, a representative sample of the foam liquid shall be submitted to the manufacturer who will issue a certificate indicating gravity, pH, percentage of water dilution and solid content.

(e) At each inspection for certification and at such other times as considered necessary, the inspector shall determine that all fire extinguishing equipment is in suitable condition and that the tests and inspections required by paragraphs (b) through (i) of this section have been conducted. In addition, the marine inspector may require such tests as are considered necessary to determine the condition of the equipment.

(f) On all fire extinguishing systems, all the piping, controls, valves, and alarms shall be checked by the marine inspector to ascertain that the system is in good operating condition.

(g) The fire main system shall be operated and the pressure checked at the most remote and highest outlets by the marine inspector. All fire hose shall be subjected to a test pressure equivalent to the maximum pressure to which they may be subjected in service, but not less than 100 p.s.i. The marine inspector shall check that the hose couplings are securely fastened in accordance with the regulations of this subchapter.

(h) At each inspection for certification and at such other times as considered necessary, all carbon dioxide cylinders for fixed, semiportable, and portable systems shall be examined and replaced if any corrosion is found. They shall also be checked by weighing to determine their contents, and if found to be more than 10 percent under the required contents of carbon dioxide, they shall be recharged.

(i) Steam smothering lines shall be tested with at least 50 pounds per square inch of air pressure or by blowing steam through the lines at the working pressure and a survey made for detecting corrosion and defects using hammer test or such other means as may be necessary.

§ 31.10–19 All firefighting equipment may be tested—TB/ALL.

(a) During the inspection of firefighting equipment, the Officer in Charge, Marine Inspection, may require fire apparatus to be tested, and used, except as provided under §§ 31.10–18(h) and 34.15–90(a) of this subchapter.

§ 31.10–20 Drydocking or hauling out—TB/ALL.

(a) Except for extensions as authorized by the Commandant, each steel hull tank vessel shall be placed in a drydock or on a slipway or hauled out for examination within the periods set forth in this paragraph, depending upon the service.

(1) Each tank vessel shall be drydocked or hauled out at intervals not to exceed 18 months if it operates in salt water an aggregate of more than 9 months in the 18-month period since it was last drydocked or hauled out.

(2) Each tank vessel shall be drydocked or hauled out at intervals not to exceed 36 months if it operates in salt water an aggregate of more than 3 months but not more than 6 months in each 12-month period since it was last drydocked or hauled out. When a tank vessel exceeds this aggregate amount of service in salt water in any 12-month period since it was last drydocked or hauled out, it shall be drydocked or hauled out within 6 months after the end of that period or within the 36-month interval, whichever is earlier.

(3) Each tank vessel shall be drydocked or hauled out at intervals of 48 months if it operates in salt water an aggregate of more than one month but not more than 3 months in each 12-month period since it was last drydocked or hauled out.

(4) Each tank vessel shall be drydocked or hauled out at intervals not to exceed 60 months if it operates in salt water an aggregate not exceeding one month in each 12-month period since it was last drydocked or hauled out.

(5) Tank barges used in fresh water service exclusively need not be drydocked or hauled out during the first 60-month interval after date of build, but shall be drydocked or hauled out between that time and the end of the 120th month after date of build, and at least once in each 60-month interval thereafter.

(b) Each wood hull tank vessel shall be placed in drydock or on a slipway or hauled out for examination at intervals not to exceed 48 months.

(c) Each tank vessel, irrespective of service which has not complied with these drydocking requirements, either because it was on voyage or was tied up, shall be drydocked or hauled out upon the completion of such voyage or before being placed in service.

(d) Whenever any tank vessel is placed in drydock or on a slipway or hauled out for repairs it shall be the duty of the master, owner, or agent to report the same, together with the nature of any repairs or alterations contemplated, to the Officer in Charge, Marine Inspection, of that zone, and if the condition or age of the vessel, in the judgment of the inspectors, renders an examination necessary, a thorough inspection shall be made by them to determine what is necessary to make such vessel seaworthy and come within the provisions of the regulations in this subchapter.

(e) Sea chests, sea valves, sea strainers and bilge injection valves shall be examined at the time of the drydockings required by paragraphs (a), (b), and (c) of this section and shall be opened up for internal examination when deemed necessary by the Officer in Charge, Marine Inspection.

§ 31.10–23 Examination of tail shaft—T/OC.

The outboard shaft or shafts on every ocean or coastwise tankship shall be drawn for examination once at least in every 3 years: *Provided*, That if the circumstances warrant it, the Coast Guard District Commander may extend this time to the next regular drydocking period, not to exceed 4 months: *And provided further*, That when it is shown that a vessel has had a long period of lay-up, the Coast Guard District Commander may grant an extension equal to the time the vessel has been out of commission, but in no case shall the extension exceed 1 year.

§ 31.10–25 Inspection covering repairs and alterations involving safety—TB/ALL.

No extensive alterations involving the safety of a tank vessel either in regard to hull or machinery shall be made without the approval of the Commandant. Before such alterations are carried out, copies of plans and specifications in triplicate for the work involved shall be forwarded to the Officer in Charge, Marine Inspection, in whose zone the repairs will be made, for submission to Headquarters for approval. If approved one set of the plans and specifications, properly stamped and dated, shall be returned to the owner or to the repair yard designated by the owner; one set to the Officer in Charge, Marine Inspection, who forwarded the plans and specifications to Headquarters; and one set shall be retained at Headquarters. If such plans and specifications are not approved, the Commandant shall promptly notify the owner or designated shipyard wherein they fail to comply with the regulations in this chapter. No extensive repairs to the hull or machinery which affect the safety of a vessel shall be made without the knowledge of the Officer in Charge, Marine Inspection.

§ 31.10–30 Stability requirements—TB/ALL.

(a) *Application.* The provisions of this section shall apply to the following tank vessels:

(1) Any tankship of 500 gross tons and over on an international voyage, construction or conversion of which is started on or after November 19, 1952.

(2) Any other vessel whose stability is questioned by the Commandant or the Officer in Charge, Marine Inspection.

(b) *Stability test.* (1) The stability of each new tank vessel or class of vessels to which this section pertains shall be subject to review by the Commandant to determine whether or not a stability test is required. Where such a review involving a comparison with existing similar vessels, clearly indicates that due to the vessel's proportions and arrangements more than sufficient metacentric height will be available in all probable loading conditions, a stability test will not be required. Consistent with the foregoing principle, tank vessels will ordinarily not be required to be inclined if they have a molded beam in excess of 11 feet plus 1.5 times the molded depth, and further, if those vessels over 300 feet in length have two or more longitudinal bulkheads and those of 300 feet and less have at least one longitudinal bulkhead.

(2) The Commandant may allow the stability test of a tank vessel to be dispensed with provided basic stability data are available from the stability test of a sister vessel and it is shown to the satisfaction of the Commandant that reliable stability information for the exempted vessel can be obtained from such basic data.

(c) *Plans required.* (1) The following plans are essential for use in determining whether or not a stability test is to be required and should be made available as early as possible:

Lines plan.
Curves of form.
General arrangement plan of all decks and levels.
Inboard and outboard profile.
Midship section.

(2) If it is determined that a stability test is required, the following additional plans will be required:

Capacity plan showing capacities and vertical and longitudinal centers of gravity of all tanks and cargo spaces.
Tank sounding tables.
Draft mark locations.

(d) *Information supplied to master.* (1) Vessels which are exempted from a stability test in accordance with the provisions of subparagraph (b)(1) of this section will be provided with a stability letter recording this fact.

(2) Vessels for which a stability test is required or which are exempted from such a test in accordance with subparagraph (b)(2) of this section shall be provided with information, based upon the results of the applicable stability test, which is such that the master can, by rapid and simple process, obtain accurate guidance as to the stability of the vessel under varying conditions of service. Where special regard to particular operating conditions is necessary to assure safety of the vessel, full information relative thereto shall be included. The information required by this paragraph shall be submitted to the Commandant. Upon approval of this information, a stability letter recording this fact will be provided to the vessel.

(e) *Stability letter.* (1) Each tank vessel subject to the requirements of this section shall have posted under glass in the pilothouse a stability letter issued by the Coast Guard before the vessel is placed in service.

(2) Stability letters issued in accordance with subparagraph (d)(2) of this section will set forth the master's responsibility for maintaining satisfactory stability conditions at all times.

(f) *Alterations.* Where any alterations are made to a tank vessel so as to materially affect the stability information supplied to the master, amended stability information shall be provided. If necessary the vessel shall have a new stability test.

§ 31.10–35 Permit to proceed to another port for repair—TB/ALL.

(a) The Officer in Charge, Marine Inspection, may issue a permit to proceed to another port for repair, Form CG–948, to a vessel if in his judgment it can be done with safety even if the certificate of inspection of the vessel has expired or is about to expire.

(b) Such permit will only be issued upon the written application of the master, owner or agent of the vessel.

(c) The permit will state upon its face the conditions under which it is issued and whether or not the vessel is permitted to carry freight or passengers. Passengers may not be carried if the certificate of inspection has expired.

(d) The permit shall be carried in a manner similar to that described in § 31.05–5 for a certificate of inspection.

(R.S. 4453, as amended; 46 U.S.C. 435)

§ 31.10–40 Inspection during trial trip—T/ALL.

On the trial trip of each new or converted tankship, an inspector shall be present to observe from the standpoint of safety in the carriage of flammable and/or combustible liquids in bulk, the operation of boilers, engines, steering gear, and auxiliaries; and if not satisfied with the performance of such boilers and machinery, appliances, and apparatus for stowage, he shall make such requirements as in his judgment will overcome any deficiencies which may have come under his observation.

§ 31.10–45 Inspection of crew accommodations—TB/ALL.

Crew's quarters shall be inspected to determine their sanitary condition. The Officer in Charge, Marine Inspection, upon completing such inspection, shall notify the master or officer in charge of the vessel of his findings, which shall be entered in the vessel's log book.

(Sec. 4, 49 Stat. 1935, as amended; 46 U.S.C. 660a)

§ 31.10–50 Inspection of bilges—TB/ALL.

(a) When inspecting oil-burning vessels, either internal-combustion type or steam-driven type, the marine inspector shall examine the tank tops and bilges in the fireroom and engineroom to see that there is no accumulation of oil which might create a fire hazard.

(Interpret or apply R.S. 4488, as amended, 46 U.S.C. 481)

Subpart 31.15—Manning of Tank Vessels

§ 31.15–1 Licenced officers and crews—TB/ALL.

(a) The Officer in Charge, Marine Inspection, who inspects the vessel, shall make in the certificate of inspection for each tank vessel an entry of such complement of officers and/or crew as required by law and regulations in this subchapter, and which in the judgment of the Officer in Charge, Marine Inspection, will be necessary for her safe operation. The complement may be changed from time to time by endorsement on such certificate by an Officer in Charge, Marine Inspection, by reason of change of conditions or employment.

(b) In all cases where a certificate of inspection does not require at least two licensed officers, the Officer in Charge, Marine Inspection, shall enter in the certificate of inspection issued to any manned tank vessel subject to the regulations in this subchapter the number of the crew required to be certificated as tankermen. If the total complement of a tank vessel is either one or two persons, only one such person need be a certificated tankerman. If the total complement exceeds two, only two such persons need be certificated tankermen.

(R.S. 4463, as amended, sec. 2, 40 Stat. 549, as amended; 46 U.S.C. 222, 223)

§ 31.15–5 Tank barges—B/ALL.

(a) Tank barges need not be manned unless in the judgment of the Officer in Charge, Marine Inspection, such manning is necessary for the protection of life and property and for the safe operation of the vessel: *Provided, however*, That towing vessels, while towing barges which are not required to be manned, shall carry in the regular complement of the towing vessel and shall have on board at all times while towing, at least one licensed officer or certificated tankerman.

(b) Where the bulk liquid cargo to be transported is covered by the requirements of § 35.01–55 of this subchapter, the person in charge of the towing vessel or barge shall be provided with, and have on board, the information card required by § 35.01–55.

§ 31.15–6 Tank barges carrying bulk cargoes having dangerous characteristics in addition to flammability or combustibility—B/ALL.

(a) For those tank barges carrying a bulk liquid cargo covered by the requirements of § 35.01–55 of this subchapter, at least one member of the crew of the barge required to be manned pursuant to § 31.15–5 shall be especially qualified in the handling of the specific cargo to be carried. The Officer in Charge, Marine Inspection, shall be furnished satisfactory documentary evidence that such person is trained in and capable of performing competently the necessary operations which relate to the carriage and transfer of such cargo.

(Interpret or apply R.S. 4488, as amended; 46 U.S.C. 481)

§ 31.15–10 Towing vessels may carry persons in addition to crew—B/LBR.

(a) Towing vessels engaged in towing tank barges on the Great Lakes, inland waters, or rivers, may be authorized by the Coast Guard District Commander of the district to carry on board such number of persons in addition to its crew as shall be deemed necessary to carry on the legitimate business of such towing vessel or barge, not exceeding, however, one person to every net ton of the towing vessel.

(b) A Coast Guard District Commander granting a license to a vessel engaged in towing to carry persons in addition to its crew shall notify the Officer in Charge, Marine Inspection, in whose jurisdiction the vessel receiving the permit is engaged, and the Officer in Charge, Marine Inspection, shall keep a record of the same.

(Sec. 1, 24 Stat. 129, as amended; 46 U.S.C. 458)

Subpart 31.20—Waters Operated Over

§ 31.20–1 Waters—TB/ALL.

The certificate of inspection shall show the waters over which the tank vessel is permitted to operate, such as: all waters; oceans; coastwise; Great Lakes; bays, sounds, and lakes other than the Great Lakes; rivers; or inland waters tributary to the Gulf of Mexico.

Subpart 31.25—Load Lines

§ 31.25–1 Load lines required—TB/OCL.

All tank vessels of 150 gross tons or over navigating the oceans, coastwise waters, and Great Lakes are subject to the regulations in Parts 43 to 45, inclusive, Subchapter E (Load Lines) of this chapter.

Subpart 31.30—Marine Engineering

§ 31.30–1 Marine engineering regulations and material specifications—TB/ALL.

(a) All tank vessels are subject to the regulations contained in Parts 50 to 61, inclusive, of Subchapter F (Marine Engineering) of this chapter, whenever applicable, except as such regulations are modified by the regulations in this subchapter for tank vessels.

(b) Nuclear vessels shall comply with the applicable requirements in Subpart 57.30 of Part 57 of Subchapter F (Marine Engineering) of this chapter. The regulations covering the transportation and handling of radioactive materials as cargo are contained in Part 146 of Subchapter N (Dangerous Cargoes) of this chapter.

(Sec. 2, 23 Stat. 118, as amended, secs. 2, 633, 63 Stat. 496, 545; 46 U.S.C. 2, 14 U.S.C. 2, 633. Interpret or apply R.S. 4472, as amended, sec. 14, 29 Stat. 690, as amended, 41 Stat. 305, as amended, sec. 1, 2, 49 Stat. 1544, as amended, 46 U.S.C. 170, 363, 367)

Subpart 31.35—Electrical Engineering

§ 31.35–1 Electrical installations, lighting and power equipment, batteries, etc.—TB/ALL.

All tank vessels are subject to the regulations contained in Subchapter J (Electrical Engineering) of this chapter except as such regulations are modified by the regulations in this subchapter for tank vessels.

§ 31.35–5 Communications; alarm systems, telephone and voice tube systems, engine telegraph systems, etc.—TB/ALL.

All tank vessels are subject to the regulations contained in Subchapter J (Electrical Engineering) of this chapter except as such regulations are modified by the regulations in this subchapter for tank vessels.

Subpart 31.37—Inspection of Cargo Gear

§ 31.37–1 When made—TB/ALL.

(a) The specific tests and examinations shall be made at the intervals stated in the regulations in this subpart.

(b) A thorough examination of the assembled gear shall be made at least once in every year.

(c) An inspection to determine the condition and suitability of shipboard cargo gear will be made by a marine inspector at each inspection for certification. Inspections may be made at such other times as considered necessary by the Officer in Charge, Marine Inspection.

(d) For vessels fitted with cargo gear, an initial inspection of the assembled units under proof loads shall be conducted, followed by a complete dismantling or disassembling of such gear and a thorough examination of the parts to ascertain its condition. Subsequent tests of the assembled units under proof loads, followed by a dismantling or disassembling of such gear and a thorough examination shall be made once every 4 years, or oftener if necessary.

§ 31.37–3 Definitions of terms and words used in this subpart—TB/ALL.

(a) *Cargo gear.* The term "cargo gear" includes masts, stays, booms, winches, cranes, elevators, conveyors, standing and running gear forming that part of the shipboard cargo gear used in connection with the loading or unloading of dry cargo. This term does not include the gear used for handling cargo hoses or ship stores' only.

(b) *Dismantling or disassembling of gear.* The "dismantling" or "disassembling" of gear contemplated is the taking apart of units of gear to the extent necessary to determine the suitability of such gear for continued service and as

may be specifically required to carry out

gear and indicating the safe working load

taken in association with suitable

positions as may be indicated. At any

may be specifically required to carry out the intent of a particular provision in this subpart. After proof load tests, the disassembling need not include the sheaves and pins of the blocks included in the test unless there appears to be evidence of deformation or failure.

(c) *Thorough examination.* The "thorough examination" contemplated is a visual examination, supplemented if necessary by other means such as by a hammer test or by a test with electronic or ultrasonic devices.

(d) *Ton.* The word "ton" means a ton of 2,240 pounds.

(e) *Safe working load.* The "safe working load" (SWL) contemplated is the load the gear is approved to lift, excluding the weight of the gear itself.

§ 31.37–5 Tests and examinations of shipboard cargo gear—TB/ALL.

(a) For vessels fitted with cargo gear and without valid cargo gear certificates and registers issued by organizations or associations recognized by the Coast Guard, inspections shall be made by those competent persons described in paragraph (c) (1) and (2) of § 31.10–16, to determine the condition and suitability of the shipboard cargo gear. For the initial and subsequent quadrennial inspections, all the cranes, winches, hoists, derrick booms, derrick and mast bands, and all parts used in loading or unloading cargo shall be assembled in units and such assembled units shall then be tested under proof loads. The proof loads shall be handled for various types of units as required by specific regulations in this subpart. After the proof load tests of the assembled units of gear have been made, such gear shall be disassembled or dismantled so as to permit them to be thoroughly examined. The sheaves and pins of the blocks included in these proof load tests need not be removed unless there appears to be evidence of deformation or failure.

(b) For vessels fitted with cargo gear and holding valid cargo gear certificates and registers issued by organizations or associations recognized by the Coast Guard, the marine inspectors may accept such certificates as prima facie evidence of compliance with the requirements in this subpart. If an Officer in Charge, Marine Inspection, is in doubt as to the condition and suitability of shipboard cargo gear for such a vessel, the tests and examinations, or such portions thereof as deemed necessary, provided for in this subpart will be required.

(c) If any part or portion of the gear fails or becomes defective during such tests, such defective equipment shall be satisfactorily repaired or replaced.

§ 31.37–15 Cargo gear plans required when plans are not approved by a classification society—TB/ALL.

(a) For a new vessel or a vessel applying for initial inspection, the following plans of cargo gear are required to be submitted in triplicate to the Officer in Charge, Marine Inspection, for approval:

(1) Plans showing a stress diagram with the principal details of the gear.

(2) Plans containing a diagram showing the arrangement of the assembled gear and indicating the safe working load for each component part.

(b) The safe working load on which the design of any component part of the cargo gear is to be based, shall be taken as the maximum resultant load upon the component part in the design conditions assumed. The safe working load of the assembly is the load the gear is approved to lift, excluding the weight of the gear itself.

(c) One approved copy of each set of cargo gear plans shall be retained on the vessel.

§ 31.37–20 Cargo gear plans approved by a classification society—TB/ALL.

(a) The plans required by § 31.37–15 (a) need not be submitted to the Officer in Charge, Marine Inspection, for approval if such plans are or have been approved by the American Bureau of Shipping or similar classification society recognized by the Commandant.

(b) One approved copy of each set of cargo gear plans shall be retained on the vessel.

§ 31.37–25 Factors of safety—TB/ALL.

(a) In the design of the cargo gear, the safety factors in Table 31.37–25(a) shall be used.

TABLE 31.37-25(a)

Safe working loads for component parts	Safety factors based on—		
	Ultimate strength	Yield point	Breaking test load
All metal structural parts, except steel booms:			
When the working load of the assembled gear is 10 tons or less	[1] 5		
When the working load of the assembled gear is 13 tons or over	[1] 4		
Steel booms:			
When the working load of the assembled gear is 10 tons or less		[1] 3	
When the working load of the assembled gear is 13 tons or over		[1] 2½	
Wooden structural parts	8		
Chains	4½		
Wire rope:			
For working loads 10 tons or under			5
For working loads over 10 tons			4
Fiber rope:			
When intended for running rigging	7		
When intended for fixed gear and vangs	5		

[1] For working loads between 10 and 13 tons, intermediate values of safety factors may be used.

(b) The Commandant will give consideration to the use of factors of safety differing from those given in Table 31.37–25(a) where special materials or cargo gear of special design are to be used.

§ 31.37–30 Loose gear certificates and tests—TB/ALL.

(a) (1) Evidence of compliance with the proof load test requirements in this section for all chains, rings, hooks, links, shackles, swivels, blocks, and any other loose gear whether accessory to a machine or not, but which is used as ship's cargo gear, shall be listed on an appropriate certificate.

(2) This evidence of test and the recording thereof is required only once with respect to each article of gear so long as each article is identified and the certificates required are available on the vessel.

(3) Proof loads applied to the articles of loose gear shall be as shown in Table 31.37–30(a)(3).

(b) All chains, rings, hooks, links, shackles, swivels, blocks and any other loose gear, whether accessory to a machine or not, but which are used or intended for use as ship's cargo gear, shall bear a mark or number by which each piece can be identified when listed on a loose gear certificate. The safe working load "SWL" shall be marked on all blocks.

(c) The loose gear certificate shall show the distinguishing number or mark applied to the article of gear; a description of the article of gear; the date when the test proof load was applied; and the safe working load. The forms for loose gear certificates shall be as prescribed by and acceptable to associations or organizations approved by the Commandant and shall be suitable for the purposes described in this section.

(d) After being tested, all of the gear shall be examined to ascertain whether any part has been damaged, permanently deformed by the test, or has other visible defects. The pins and sheaves of all tested blocks shall be removed for this purpose. If damaged during these tests, such gear shall be satisfactorily repaired or replaced.

TABLE 31.37–30(a)(3)

Article of gear	*Proof load*
Chains, rings, hooks, links, shackles, swivels	Twice the safe working load.
Single sheave block	Four times the safe working load.[1]
Multiple sheave block with safe working load up to and including 20 tons.	Twice the safe working load.
Multiple sheave block with safe working load over 20 tons up to and including 40 tons.	20 tons in excess of the safe working load.
Multiple sheave block over 40 tons	One and a half times the safe working load.
Chain fall blocks used with roller chains (pitched chains), and rings, hooks, shackles, or swivels permanently attached thereto.	Do.

[1] The proof load applied to the block is equivalent to twice the maximum resultant load on the eye or pin when lifting the safe working load attached to a rope which passes around the sheave of the block. The proof load is, therefore, equal to four times the safe working load or twice the safe working load when the load is attached directly to the block instead of a rope passing around the sheave.

(e) The required examinations as set forth in paragraph (d) of this section may be accomplished by mechanical, electrical or other means provided the method employed is equal in efficiency to the visual examination of disassembled gear.

§ 31.37–35 Test and certification of wire rope—TB/ALL.

(a) All wire rope used as shipboard cargo gear shall be able to withstand a breaking test load of at least five times the safe working load. In the case of gear with a lifting capacity of over 10 tons, the breaking test load of wire rope shall be at least four times the safe working load. All wire rope shall be identified and described in a wire rope certificate. Such certificate shall be furnished and attested to by the manufacturer or a testing agency and shall certify:

(1) The breaking test load of a sample of the wire rope, which should be at least five times the safe working load or at least four times the safe working load if part of gear with a lifting capacity of over 10 tons;

(2) The name and address of the manufacturer;

(3) The diameter of the rope in inches and/or fractions thereof;

(4) The number of strands and the number of wires in each strand;

(5) The quality of the wire (e.g., improved plow steel);

(6) The date of the test; and,

(7) The load at which the sample broke.

(b) The forms for the wire rope certificate shall be prescribed by and acceptable to associations or organizations approved by the Commandant and shall be suitable for the purposes described in this section.

(c) In addition to the manufacturers' or testing agencies' attestations, a sample of the wire rope may be tested to destruction if required by the marine inspector when a visual inspection indicates an apparent defective condition.

§ 31.37–40 Proof test of cargo gear as a unit—TB/ALL.

(a) Winches with their accessory gear, including the derricks and attachments, at least once in each four years, shall be tested as a unit with proof loads exceeding the safe working load as set forth in Table 31.37–40(a).

TABLE 31.37–40(a)

Safe working load of assembled gear	*Proof load*
Not exceeding 20 tons	25 percent in excess.
Over 20 tons but not exceeding 50 tons.	5 tons in excess.
Over 50 tons	10 percent in excess.

(b) The proof load applied to winches and their gear shall be lifted with the ship's normal tackle, including the winches, and with the boom at an angle which should not be greater than 15 degrees to the horizontal or to the lowest angle approved in association with the design, or when these angles are impracticable, to the lowest practicable angle. When the load has been lifted, it shall be swung as far as possible in both directions.

(1) Where electrical winches are fitted with electromagnetic brakes, or where electrohydraulic winches are fitted with electromagnetic or hydraulic brakes at the winch, mechanical brakes for manual operation will not be required, but if so fitted shall be in satisfactory operating condition.

(2) Current for electric winch operation during the test shall be taken from the ship's circuits. Shore current may be used if it passes through the ship's switchboard.

(c) Cranes and other hoisting machines with their accessory gear at least once in each four years, shall be tested, with a proof load which shall exceed the safe working load as set forth in Table 31.37–40(a).

(d) The proof load applied to cranes and hoists shall be lifted, topped, and swung (slewed) as far as possible in each direction. If the boom of the crane has a movable radius, it shall be tested with a proof load as set forth in this section at the maximum and minimum radii of the boom. In the case of hydraulic cranes whose capacity is limited by pressure, and with which it is not possible to lift a load 25 percent in excess of the safe working load, the greatest possible load in excess of the safe working load shall be used. These tests and the amounts of the loads shall be recorded.

(e) After satisfactory completion of the proof load testing of the cargo gear in accordance with paragraphs (a) through (d) of this section, the cargo gear and all component parts shall be given a thorough visual examination, supplemented as necessary by other means such as a hammer test or with electronic or ultrasonic devices, to determine if any of the parts were damaged, deformed, or otherwise rendered unsafe for further use. If found defective, such gear shall be replaced.

(1) When the test is being conducted for the first time on a vessel, accessory gear shall be dismantled or disassembled for examination after the test. The sheaves and pins of the blocks included in this test need not be removed unless there appears to be evidence of deformation or failure.

(2) For subsequent tests such parts of the machinery and gear shall be dismantled and/or disassembled after the test as necessary to determine its suitability for continued service.

(f) Appropriate means shall be provided to prevent the foot of the boom from being accidentally lifted from the socket during the test.

(g) Vessels whose cargo gear has been in use but are without the valid registers and certificates described in § 31.10–16 will be inspected for defective cargo gear. The gear shall then be tested and examined as prescribed in this section. If the movable weights for proof testing are not reasonably available, a spring or hydraulic scale certified for accuracy may be used. Whenever such scales are used, the proof load shall be applied with the boom swung out as far as possible in one direction and then in the other direction, and at such intermediate positions as may be indicated. At any position, the indicator of the scale must maintain a constant reading under the proof load for a period of five minutes.

(h) On all types of winches and cranes efficient means shall be provided to stop and hold the proof load in any position, and the efficiency of such means shall be demonstrated.

(i) Electric winches, electrohydraulic winches fitted with electromagnetic or hydraulic brakes at the winch, or cranes shall be equipped so that a failure of the electric power shall stop the motion and set the brakes without any action on the part of the operator.

(2) Current for electric winches and cranes operation during the tests shall be taken from the ship's circuits. Shore current may be used if it passes through the ship's switchboard.

§ 31.37–45 Marking of booms and cranes—TB/ALL.

(a) The safe working load (abbreviated "SWL") for the assembled gear shall be marked on the heel of each boom, with the minimum angle to the horizontal for which the gear is designed. These letters and figures shall be in contrasting colors to the background and at least one inch in height.

(b) Where booms are rated at varying capacities depending on the radii, tables indicating the maximum safe working loads for the various working angles of the boom and the maximum and minimum radii at which the boom may be safely used shall be conspicuously posted near the controls and visible to the operator when working the gear.

§ 31.37–50 Use of wire rope and chains—TB/ALL.

(a) An eye splice made in any wire rope used as cargo gear, with or without a thimble, shall have at least three tucks with whole strands and two tucks with one half of the wire cut from the tucking strand: *Provided*, That this requirement shall not preclude the use of any other form of splice or connection if it is as efficient as the splice specified.

(b) Single wire rope cargo falls, wire rope pendants, topping lifts and preventers shall consist of clear lengths without splices except at the working ends. Wire rope clips shall not be used to form eyes in the working ends of single wire rope cargo falls.

(c) Wire rope shall not be used for shipboard cargo gear if in any length of 8 diameters, the number of visible broken wires exceeds ten percent of the total number of wires in the rope, or if the rope shows other signs of excessive wear, corrosion, kinking, or defect.

(d) Hoisting or sling chains used for shipboard cargo gear shall not be used if a length of chain has been stretched more than five percent of the original length, or the chain has become unsafe through overloading or faulty heat treatment, or whenever other external defects are evident.

(e) Chains used for shipboard cargo gear shall not be shortened by knotting, bolting, or wiring the links. The use of chains having a knot or kink as shipboard cargo gear is prohibited.

§ 31.37–55 Annealing—TB/ALL.

(a) Chains, hooks, rings, links, shackles, and swivels of wrought iron used as cargo gear shall be annealed at the following intervals:

(1) Wrought iron chains and gear in general use and of one half inch or less, at least once in every six months.

(2) All other wrought iron chains and gear, including topping lift chains, in general use, at least once in every twelve months.

(b) The annealing shall be done in a suitable closed oven and not over an open fire. Wrought iron shall be annealed at a temperature of between 1100° and 1200° Fahrenheit for a period of between 30 and 60 minutes. After being annealed, the article shall be allowed to cool slowly and shall be then tested completely for defects.

(c) Heat treatment of the cargo gear shall be done only by reputable firms having suitable equipment and personnel trained for this purpose. A certificate attesting to the annealing shall be furnished for all gear so treated.

(d) The heat treatment of chains, hooks, rings, links, shackles, and swivels of materials other than wrought iron used as cargo gear, if required, shall be effected in accordance with the manufacturer's instructions.

§ 31.37–60 Additions to gear—TB/ALL.

(a) When articles of loose gear and/or wire rope conforming with the requirements in this subpart are added to installed gear, or used as replacements in such gear from time to time, a record shall be maintained on the vessel which shall identify each article and the certificate accompanying it.

§ 31.37–65 Alterations, renewals, or repairs of cargo gear—TB/ALL.

(a) Whenever important repairs, renewals, or alterations are indicated or intended for the masts, booms, and permanent fittings of the cargo gear, such repairs, renewals, or alterations shall be undertaken only after compliance with § 31.10–25.

(b) Tests and examinations of the repairs, renewals, or alterations will be in accordance with § 31.37–40.

(c) When welding is used to lengthen, alter, or repair chains, rings, hooks, links, shackles, or swivels, they shall be properly heat treated and shall, before being again put into use, be tested and examined in accordance with the provisions of § 31.37–30.

§ 31.37–70 Responsibility of ship's officer for inspection of cargo gear—TB/ALL.

(a) All wire rope, chains other than bridle chains attached to booms or masts, and all rings, hooks, links, shackles, swivels, and blocks used in loading or unloading shall be visually inspected by a ship's officer designated for that purpose by the master.

(b) These inspections by a ship's officer shall be made at frequent intervals, and in any event not less than once in each month.

(c) Immediately after such an inspection by a ship's officer notations of such an inspection shall be made in record form which shall be in or kept with the cargo gear register if carried. In addition, the same notations of inspections together with the dates shall be entered in the Official Logbook for those vessels required to carry this record, or such information shall be kept with the log records maintained on vessels not required to carry the Official Logbook. (See § 31.37–75 for entries required to be kept.)

§ 31.37–75 Records regarding cargo gear—TB/ALL.

(a) The cargo gear records described in this subpart shall be maintained on the vessel and shall be made available to Coast Guard officials upon request. These records shall be kept for the periods of time they are valid and, in addition, until the next Coast Guard inspection for certification of the vessel. The certificates of manufacturers and/or testing laboratories, companies, or organizations shall be maintained on the vessel so long as the gear described in such certificates is on board the vessel.

(b) The records of all the inspections of cargo gear made by the ship's officers in accordance with § 31.37–70 shall be maintained on the vessel for periods of time which agree with those periods as covered by the current Coast Guard certificate of inspection issued to the vessel. These records shall show the dates of inspections, identify articles inspected, the conditions observed, and the name of the officer performing the inspection.

(c) The records of all tests and examinations conducted by or under the supervision of surveyors of the organizations or associations approved by the Commandant shall be maintained on the vessel.

(d) The Coast Guard will not issue cargo gear certificates and/or registers. The Coast Guard's records of inspections, tests, and examinations of a particular vessel's cargo gear made by a marine inspector or conducted under the supervision of the Coast Guard will be maintained in the Office of the Officer in Charge, Marine Inspection, having jurisdiction over the vessel at the time such work was performed. The original certificates or certified copies of certificates of manufacturers and/or testing laboratories, companies, or organizations for loose cargo gear, wire rope, or the annealing of gear shall be maintained on the vessel.

§ 31.37–80 Advance notice that cargo gear testing is desired—TB/ALL.

(a) The owner, agent, or master of a vessel shall give an advance notice when it is desired that the tests and examinations of cargo gear be made by or under the supervision of the marine inspectors. This advance notice shall be given to the Officer in Charge, Marine Inspection, in whose marine inspection zone the vessel is available for such inspection and examination.

(b) For the initial inspection and examination of cargo gear by the Coast Guard, the advance notice shall be to the cognizant Officer in Charge, Marine Inspection, as early as possible and shall include sketches and/or drawings showing each unit of cargo gear, the identification of component parts and the safe working loads. Copies of original certificates of manufacturers and/or testing laboratories, companies, or organizations maintained on the vessel may be accepted by the cognizant Officer in Charge, Marine Inspection, when satisfied such certificates properly describe the qualities of the component parts of the gear in question.

§ 31.37–85 Responsibility for conducting required tests and examinations—TB/ALL.

(a) The vessel's owners and/or operators shall furnish and pay the expenses required in conducting the tests and examinations prescribed by the regulations in this subpart, including the supplying of all instruments, other equipment, and personnel including personnel supervision for performance of all work required.

(b) The Coast Guard's participation in these required tests and examinations shall be confined to witnessing required tests and examinations with the view to determining whether or not the gear is satisfactory for the purpose intended. In the event it is determined that the gear is defective or unable to meet the standards set forth in this subpart, such gear, or portions thereof, shall be replaced to the satisfaction of the Officer in Charge, Marine Inspection, having jurisdiction over the vessel.

Subpart 31.40—Certificates Under International Convention for Safety of Life At Sea, 1960

§ 31.40–1 Application—T/ALL.

(a) The provisions of this subpart, with the exception of §§ 31.40–30 and 31.40–40(e), shall apply to all tankships on an international voyage other than nuclear vessels.

(b) The provisions of §§ 31.40–30, 31.40–35 and 31.40–40(e) shall apply to nuclear tankships on an international voyage.

§ 31.40–5 Cargo Ship Safety Construction Certificate—T/ALL.

(a) All tankships on an international voyage are required to have a Cargo Ship Safety Construction Certificate. This certificate shall be issued by the U.S. Coast Guard or the American Bureau of Shipping to certain vessels on behalf of the United States of America as provided in Regulation 12, Chapter I, of the International Convention for Safety of Life at Sea, 1960.

(b) All such tankships shall meet the applicable requirements of this chapter for tankships on an international voyage.

§ 31.40–10 Cargo Ship Safety Equipment Certificate—T/ALL.

(a) All tankships on an international voyage are required to have a Cargo Ship Safety Equipment Certificate.

(b) All such tankships shall meet the applicable requirements of this chapter for tankships on an international voyage.

§ 31.40–15 Cargo Ship Safety Radiotelegraphy Certificate—T/ALL.

(a) The application for a Cargo Ship Safety Radiotelegraphy Certificate is made on FCC Form 801 to the local office of the Federal Communications Commission.

(b) Where applicable, a Cargo Ship Safety Radiotelegraphy Certificate will be issued by the Federal Communications Commission to a tankship meeting its requirements for a tankship fitted with a radiotelegraph installation.

§ 31.40–20 Cargo Ship Safety Radiotelephony Certificate—T/ALL.

(a) The application for a Cargo Ship Safety Radiotelephony Certificate is made on FCC Form 801 to the local office of the Federal Communications Commission.

(b) Where applicable, a Cargo Ship Safety Radiotelephony Certificate will be issued by the Federal Communications Commission to a tankship meeting its requirements for a tankship fitted with a radiotelephone installation.

§ 31.40–25 Exemption Certificate—T/ALL.

(a) A tankship may be exempted by the Commandant from complying with certain requirements of the Convention under his administration upon request made in writing to him and transmitted via the Officer in Charge, Marine Inspection.

(b) When an exemption is granted to a tankship by the Commandant under and in accordance with the Convention, an Exemption Certificate describing such exemption shall be issued through the appropriate Officer in Charge, Marine Inspection, in addition to other required certificates.

§ 31.40–30 Nuclear Cargo Ship Safety Certificate—T/ALL.

(a) All nuclear tankships on an international voyage are required to have a Nuclear Cargo Ship Safety Certificate.

(b) All such ships shall meet the applicable requirements of this chapter for nuclear vessels on an international voyage.

(c) Nuclear vessels cannot be exempted from any requirements of the Convention.

§ 31.40–35 Posting of Convention certificates—T/ALL.

(a) The certificates described in this subpart, or certified copies thereof, when issued to a vessel shall be posted in a prominent and accessible place on the tankship.

(b) The certificates shall be carried in a manner similar to that described in § 31.05–5 for a certificate of inspection.

§ 31.40–10 Duration of Convention certificates—T/ALL.

(a) A Cargo Ship Safety Equipment Certificate shall be issued for a period of not more than 24 months.

(b) A Cargo Ship Safety Construction Certificate shall be issued for a period of not more than 60 months.

(c) A Cargo Ship Safety Radiotelegraphy Certificate and a Cargo Ship Safety Radiotelephony Certificate shall be issued for a period of not more than 12 months.

(d) An Exemption Certificate shall not be valid for longer than the period of the certificate to which it refers.

(e) The Nuclear Cargo Ship Safety Certificate shall be issued for a period of not more than 12 months.

(f) A Convention certificate may be withdrawn, revoked, or suspended at any time when it is determined the vessel is no longer in compliance with applicable requirements. (See § 2.01–70 of this chapter for procedures governing appeals.)

§ 31.40–45 American Bureau of Shipping—T/ALL.

(a) The American Bureau of Shipping, with its home office at 45 Broad Street, New York, N.Y., 10004, is hereby designated as an organization duly authorized to issue the "Cargo Ship Safety Construction Certificate" to certain tankships on behalf of the United States of America as provided in Regulation 12, Chapter I, of the International Convention for Safety of Life at Sea, 1960, and Executive Order 11239 and the certificate shall be subject to the requirements in this subpart. The American Bureau of Shipping is authorized to place the official seal of the United States of America on the certificate. This designation and delegation to the American Bureau of Shipping shall be in effect from May 26, 1965, until terminated by proper authority and notice of cancellation is published in the FEDERAL REGISTER.

(b) At the option of the owner or agent of a tankship on an international voyage and on direct application to the American Bureau of Shipping, the Bureau may issue to such tankship a Cargo Ship Safety Construction Certificate, having a period of validity of not more than 60 months after ascertaining that the tankship:

(1) Has met the applicable requirements of the Convention; and,

(2) Is currently classed by the Bureau and classification requirements have been dealt with to the satisfaction of the Bureau.

(c) When the Bureau determines that a tankship to which it has issued a Cargo Ship Safety Construction Certificate no longer complies with the Bureau's applicable requirements for classification, the Bureau shall immediately furnish to the Coast Guard all relevant information, which will be used by the Coast Guard to determine whether or not to withdraw, revoke or suspend the Cargo Ship Safety Construction Certificate.

(Sec. 25, 41 Stat. 998, as amended, sec. 701, 62 Stat. 731, as amended; 46 U.S.C. 881, 18 U.S.C. 701)

PART 32—SPECIAL EQUIPMENT, MACHINERY, AND HULL REQUIREMENTS

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AUTHORITY: The provisions of this Part 32 issued under R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 675; 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, Nov. 26, 1954, 19 F.R. 8026.

Subpart 32.01—Safety Requirements

§ 32.01–1 Means of escape—T/ALL.

On all tankships where the plans and arrangements will possibly permit, all passageways leading to living quarters, or places where anyone may be regularly employed, shall be provided with not less than two avenues of escape so located that if one of such avenues is not available another may be. The locality and arrangement of such additional means of escape shall be determined by the inspectors as will in their judgment best carry out the purpose for which this provision was made.

§ 32.01–5 Lifelines—TB/OCLB.

On all tank vessels where the distance is more than 150 feet between deck houses, a wire cable shall be stretched between the deck houses at all times when the vessel is loaded and being navigated, this cable to be not less than 5 feet from the deck; and there shall be attached at all times to the cable a traveler with a line of sufficient continuous length to insure its operation in order that communication between both ends of the vessel may be facilitated at all times: *Provided*, That in addition to the traveler with the endless whip, as many loose rings with lanyards attached may be placed on the cable as may be deemed necessary by the master in charge of the vessel: *Provided further*, That a fore and aft raised bridge shall be accepted in lieu of the wire cable and traveler.

§ 32.01–10 Rails—TB/ALL.

(a) All tank vessels, except unmanned tank barges, the construction or conversion of which is started on or after January 1, 1957, shall be fitted with fixed or portable rails on decks and bridges. All rails shall be in at least two courses, including the top, and shall be at least 36 inches high, and in no case shall the clear spaces between the courses exceed 18 inches. However, on tank vessels operating on ocean waters the outboard rails on all decks shall be in at least three courses, including the top, and shall be evenly spaced and shall be at least 36 inches high. All rails shall consist of solid or tubular sections or chains or wire rope or a combination thereof.

(b) For all tank vessels, except those navigating the rivers only, the construction or conversion of which was started after September 11, 1946, and prior to January 1, 1957, rails on decks or bridges, shall be in at least two courses, including the top, and shall be at least 36 inches high.

§ 32.01–15 Guards at dangerous places—TB/ALL.

All exposed and dangerous places such as gears and machinery shall be properly protected with covers, guards or rails in order that the danger of accidents may be minimized. On vessels equipped with radio communication, the lead-ins shall be efficiently incased or insulated to insure against accidental shock. Such lead-ins shall be located so as not to interfere with the launching of lifeboats and liferafts.

Subpart 32.05—Markings

§ 32.05–1 Draft marks—TB/ALL.

(a) All tank vessels of 50 gross tons and over shall have the draft of the vessel plainly and legibly marked upon the stem and upon the sternpost or rudderpost or at any place at the stern of the vessel as may be necessary for easy observance. The draft shall be taken from the bottom of the keel at the marks to the surface of the water, the bottom of the mark to indicate the draft in feet.

(b) In cases where the keel does not extend forward or aft to the location of the draft marks, due to raked stem or cutaway skeg, the datum line from which the drafts shall be taken, shall be obtained by projecting the line of the bottom of the keel forward or aft, as the case may be, to the location of the draft marks.

(c) In cases where a vessel may have a skeg or other appendage extending locally below the line of the keel, the draft at the end of the vessel adjacent to such appendage shall be measured to a line tangent to the lowest part of such appendage and parallel to the line of the bottom of the keel.

§ 32.05–5 Vessel's name on equipment—TB/ALL.

The equipment of all tank vessels, such as fire hose, fire axes, lifeboats, liferafts, life preservers, and lifefloats, shall be painted or branded with the name of the vessel upon which they are used.

§ 32.05–10 Name of tankship—T/ALL.

Every tankship not documented by the Commissioner of Customs shall have the name marked upon each bow and upon the stern, and the home port shall also be marked upon the stern. The name shall be in a light color on a dark ground, or in a dark color on a light ground, and shall be distinctly visible. The smallest letters used shall be not less than 4 inches in size. In addition, every tankship shall have her name conspicuously displayed in distinct plain letters, of not less than 6 inches in size, on each outer side of the pilothouse.

§ 32.05–15 Name of tank barge—B/ALL.

Every tank barge not documented by the Commissioner of Customs shall have its name or number carved, punch-marked, or welded on the main beam, inside the cargo hatch, or other suitable permanent part of the vessel's structure for the purpose of identification. The vessel's name or number shall be so displayed at the highest part of the vessel's hull or permanent structure that the name or number can be seen from either side.

Subpart 32.15—Navigation Equipment

§ 32.15–1 Fog sound signal devices—TB/ALL.

(a) The efficient fog bell required upon vessels by law shall be held to mean a bell not less than 8 inches in diameter from outside to outside and constructed of bronze or brass or other material equal thereto in tone and volume of sound, and located where the sound shall be the least obstructed.

(b) In addition to the bell required in paragraph (a), all tankships of over 350 feet in length, other than those operating exclusively on the Great Lakes or the inland waters of the United States, shall be provided with a fog gong which will produce a sound easily distinguishable from the bell required by paragraph (a) and which shall have a range of audibility approximating that of the bell.

§ 32.15–5 Whistles—T/ALL.

(a) Each tankship shall be provided with an efficient whistle sounded by steam or by some substitute for steam to give the necessary whisle signals. All whistles shall be placed at an elevation of not less than 6 feet above the top of the pilothouse, where the clearance for passing under bridges will permit it. Tankships navigating the Red River of the North, Yukon, and similar rivers, and rivers whose waters flow in the Gulf of Mexico, and tankships of less than 100 gross tons may have their whistles located not less than 2 feet above the tops of their pilothouses. Such whistles or substitutes shall be satisfactory in sound and source of power for the purpose intended.

(b) On tankships contracted for on and after November 19, 1955 means shall be provided to operate the whistle from a position adjacent to the main steering station and from the steering station on top of the pilothouse where such steering station is fitted. Details of the whistle operating devices shall meet the requirements of Subparts 113.05 and 113.65 of Subchapter J (Electrical Engineering) of this chapter.

§ 32.15–10 Sounding machines—T/OCL.

All tankships of 500 gross tons and over shall be equipped with an efficient mechanical or electronic deep-sea sounding apparatus, in addition to the ordinary deep-sea hand lead. The mechanical or electronic deep-sea sounding apparatus above required shall be installed, kept in working order, and ready for immediate use: *Provided*, That tank vessels of less than 1,500 gross tons navigating the Great Lakes exclusively need not be equipped with deep-sea sounding apparatus as required by this section.

§ 32.15–15 Anchors for seagoing barge—B/OC.

Every seagoing barge shall be equipped with at least one anchor with suitable chain or cable to be at least equivalent to the requirements of the American Bureau of Shipping rules.

§ 32.15–20 Radiotelegraph and radiotelephone—T/ALL.

(a) Radiotelegraph and radiotelephone installations are required on certain tankships. Details of the application of these requirements, as well as the details of the installations, shall be as required by the statutes and regulations under the jurisdiction of the Federal Communications Commission.

(b) For the communication system required with the radiotelegraph and radiotelephone installations on a tank ship contracted for on or after November 19, 1955 see Subparts 113.05 and 113.30 of Subchapter J (Electrical Engineering) of this chapter.

§ 32.15–25 Radio direction finder—T/OC.

(a) All tankships of 1,600 gross tons and over on an international voyage or in ocean service shall be fitted with a radio direction finder. Details of the installation shall be as required by the statutes and regulations under the jurisdiction of the Federal Communications Commission. Such tankships of over 1,600 gross tons, but not over 5,000 gross tons, construction or conversion of which was started prior to November 19, 1952, need not meet the requirements of this section until November 19, 1954.

(b) For the communication system required with the radio direction finder installation on a tankship contracted for on or after November 19, 1955 see Subparts 113.05 and 113.30 of Subchapter J (Electrical Engineering) of this chapter.

Subpart 32.20—Equipment Installations

§ 32.20–1 Equipment installations on vessels during World War II—TB/ALL.

Boilers, pressure vessels, machinery, piping, electrical and other installations, including lifesaving, firefighting and other safety equipment, installed on vessels during the Unlimited National Emergency declared by the President on May 27, 1941, and prior to the termination of Title V of the Second War Powers Act, as extended (sec. 501, 56 Stat. 180, 50 U.S.C. 635), which do not fully meet the detailed requirements of the regulations in this chapter, may be continued in service if found to be satisfactory by the Commandant for the purpose intended. In each instance prior to final action by the Commandant, the Officer in Charge, Marine Inspection, shall notify Headquarters of the facts in the case, together with recommendations relative to suitability for retention.

§ 32.20–5 Pressure vacuum relief valves—TB/ALL.

The pressure vacuum relief valve shall be of a type and size approved by the Commandant for the purpose intended.

For specifications and procedures re approval, see Subpart 162.017 of Subchapter Q (Specifications) of this chapter.

§ 32.20–10 Flame arresters—TB/ALL.

Flame arrester shall be of a type and size approved by the Commandant for the purpose intended. For specifications and procedures re approval, see Subpart 162.016 of Subchapter Q (Specifications) of this chapter.

§ 32.20–20 Liquid level gaging—T/ALL.

On tankships, the construction or conversion of which is started on or after July 1, 1951, a method for determining the level of the liquid in a cargo tank without opening ullage holes, cargo hatches, or Butterworth plates, shall be provided on all tankships certificated for the carriage of Grade A liquids: *Provided,* That ullage holes fitted with sounding pipes tightly secured to the underside of the tank tops, opens at the bottom, and extending to within 18 inches or less of the bottom of the tank shall be considered as complying with the foregoing requirement.

Subpart 32.25—General Alarm Systems

§ 32.25–1 Alarm bells for tankships constructed on or after September 15, 1943—T/ALL.

(a) All tank ships of over 100 gross tons, the construction of which is begun on or after September 15, 1943, shall have all sleeping accommodations and machinery spaces equipped with a sufficient number of alarm bells so located as to warn all occupants.

(b) The bells shall be controlled by a manually operated contact maker located in the pilothouse, in an accessible location in the deck officers' quarters, and in the engineroom. Each of the contact makers in the latter two locations shall be protected against tampering by means of an enclosure provided with a breakable glass window.

(c) The alarm system installation shall meet the requirements of Subparts 113.05 and 113.25 of Subchapter J (Electrical Engineering) of this chapter, except that vessels the construction of which was started prior to November 19, 1955, need only meet the requirements of § 113.25–90 thereof and the number and location of the contact makers shall comply with paragraph (b) of this section.

§ 32.25–5 Alarm bells for tankships constructed prior to September 15, 1943—T/ALL.

(a) All tankships, the construction of which was begun prior to September 15, 1943, shall have all sleeping accommodations equipped with a sufficient number of alarm bells so located as to warn all the occupants. The alarm bells, if electric, shall be operated from an open switch from the pilothouse or bridge. The bells shall be of such size, character, and construction as to provide an alarm throughout the spaces for which they are provided.

(b) The alarm system installation shall meet the requirements of § 113.25–90 of Subchapter J (Electrical Engineering) of this chapter.

§ 32.25–10 Alarm bells for manned barges—B/OC.

Each tank barge of over 100 gross tons, where the crew is divided into watches for the purpose of steering the vessel, shall be provided with a suitable alarm bell installation.

Subpart 32.30—Sound Powered Telephone, Voice Tube, and Engine Order Telegraph Systems

§ 32.30–1 Voice tubes or telephone equipment—T/ALL.

(a) Tankships shall be equipped with an efficient means of communication between the pilothouse and (1) the engineroom, (2) the steering gear room, and (3) the emergency steering station.

(b) Where tankships are equipped with a gyro compass system and/or radar plan position indicator, an efficient means of communication shall be provided between the pilothouse and the master compass and/or radar plan position indicator when such equipment is remotely located from the pilothouse.

(c) Where tankships are equipped with a radio and/or a radio direction finder, an efficient means of communication shall be provided between the pilothouse and this equipment as covered in § 113.30–5(e) of Subchapter J (Electrical Engineering) of this chapter when such equipment is remotely located from the pilothouse.

(d) The efficient means of communication referred to in this section shall be either a voice tube or sound powered telephone system.

(e) Telephone and voice tube equipment and the installation thereof shall meet the requirements of Subparts 113.05 and 113.30 of Subchapter J (Electrical Engineering) of this chapter except that tank ships the construction of which was started prior to November 19, 1955, need only meet the requirements of § 113.30–90.

§ 32.30–5 Engine order telegraph equipment—T/ALL.

(a) Tankships shall be equipped with an efficient means of transmitting engine orders from the pilothouse to the engineroom and of transmitting acknowledgments of such engine orders from the engine room to the pilothouse.

(b) The efficient means of transmitting engine orders and installation of the equipment shall meet the requirements of Subparts 113.05 and 113.35 of Subchapter J (Electrical Engineering) of this chapter except that tankships the construction of which was started prior to November 19, 1955, need meet only the requirements of § 113.35–90.

§ 32.30–10 Inspections—T/ALL.

All communication equipment between the pilothouse, engineroom, steering gear room, and the emergency steering station shall be inspected and tested in accordance with the requirements of § 111.05–10(c)(16) and (d)(1) of Subchapter J (Electrical Engineering) of this chapter.

Subpart 32.35—Main and Auxiliary Machinery

§ 32.35–1 Boilers and Machinery—TB/ALL.

Boilers, main and auxiliary machinery, and piping systems shall conform to the requirements of Subchapter F (Marine Engineering) of this chapter, except as otherwise provided for in this subchapter.

§ 32.35–5 Installation of internal combustion engines—TB/ALL.

Each internal combustion engine located on the weather deck shall be provided with a ventilated metal hood or, where space permits, with a well-ventilated metal housing of sufficient size to allow for proper operation and maintenance.

§ 32.35–10 Steering apparatus on tank vessels—TB/ALL.

Tank vessels shall be provided with steering apparatus as required by Subpart 57.25 of Subchapter F (Marine Engineering) of this chapter.

Subpart 32.40—Accommodations

§ 32.40–1 Crew accommodations on tankships of 100 gross tons or over constructed after January 1, 1938—T/ALL.

On all tankships of 100 gross tons and over, the construction of which is begun after January 1, 1938, the minimum requirements relative to construction, location, and equipment of crew accommodations are as follows:

(a) *Sleeping quarters.* At least 120 cubic feet of space and not less than 16 square feet of deck areas shall be allotted to each member of the crew for sleeping purposes. In measuring sleeping quarters allotted to crews of vessels, the Officer in Charge, Marine Inspection, shall not deduct from the total volume or from the deck area any equipment contained therein which is provided for the exclusive use of the crew. Not more than one bunk shall be placed above another, and the lower bunk shall be at least 12 inches above the deck. The upper bunk shall be located as nearly as practicable midway between the lower bunk and the lower side of the deck beams overhead.

(b) *Toilet and washing facilities.* (1) Each such tankship shall be provided with at least one washbasin, one bathtub or shower, and one toilet for each eight members, or portion thereof, in the crew to be accommodated. The crew to be accommodated shall include all members who do not occupy rooms to which private facilities are attached.

(2) When the engineroom crew, exclusive of licensed officers and others separately provided for, exceeds eight, separate washing facilities shall be provided.

(3) Vessels contracted for after January 1, 1949, shall have the toilet rooms separate from the washrooms, and at least one washbasin shall be fitted in each toilet room.

(c) *Hospital accommodations.* (1) Each tank vessel which in the ordinary course of its trade makes voyages of more than 3 days' duration between ports and which carries a crew of 12 or more, shall be provided with a hospital space. This space shall be situated with due regard to the comfort of the sick so that they may receive proper attention in all weathers.

(2) The hospital shall be suitably separated from other spaces and shall be used for the care of the sick and for no other purposes.

(3) The hospitals shall be fitted with berths in the ratio of 1 berth to every 12 members of the crew or portion thereof who are not berthed in single-occupancy rooms, but the number of berths need not exceed 6.

(d) *Location, construction and equipment.* (1) Crew accommodations shall not be located forward of the collision bulkhead, or where there will be undue risk to members of the crew in getting to stations.

(2) Where crew quarters abut galley, boiler, or engineroom bulkheads, such bulkheads shall be insulated with fire-resistive material to reduce transmission of heat.

(3) Insofar as practicable, crew quarters shall be so located or constructed that they will be protected against objectionable odors of cargo, fuel tanks, paint lockers, oil rooms, bilges, toilets, etc.

(4) All crew spaces shall be adequately lighted, heated and ventilated. The lighting shall comply with the requirements of § 111.50–15 and Subpart 111.60 of Subchapter J (Electrical Engineering) of this chapter.

(5) Bare metal surfaces of ship's sides and metal weather decks overhead which are not decked over with wood externally, shall be covered with suitable fire-resistive material to aid in keeping the crew's quarters dry.

(6) In the ventilation of crew accommodations provisions shall be made for the ingress of fresh air and for the egress of impure air; it shall be adequate for the purpose intended, and so arranged as to be effective in any ordinary weather conditions, and to distribute fresh air without undue discomfort to the occupants. Where natural ventilation is provided, each inlet shall have an area of at least 6 square inches for each person accommodated, the outlet to be at least equal in size to the inlet. In no case shall any one such inlet or outlet have a cross sectional area of less than 24 square inches.

(7) Mechanical ventilation may be provided if such system is equal in effectiveness to the requirements for natural ventilation and is approved by the Commandant. For remote control of mechanical ventilation see §111.50–5 of Subchapter J (Electrical Engineering) of this chapter.

(8) Messrooms shall be provided for both officers and crew, and shall be separate from each other where space and conditions will permit. Such messrooms shall be sufficient in size to accommodate all persons allotted to such space: *Provided, however,* That this subparagraph need not apply to vessels operating on the Great Lakes, lakes, bays and sounds, or rivers.

(9) All washbasins, shower baths, or tubs required by the regulations in this subchapter shall be equipped with proper plumbing, including hot and cold running water. Washbasins for the crew may be located in the crew's sleeping quarters, if properly installed, equipped with proper plumbing for draining and supplied with hot and cold running water.

(10) All toilets shall be installed and equipped with the proper plumbing for flushing. Where more than one toilet is located in a space or compartment, each toilet shall be separated with a screen constructed of fire-resistive material to afford privacy. Such screens may be installed so as to be open at top and bottom for ventilation purposes.

(11) Floors of toilets and washrooms shall be covered with cement, tile, or other suitable covering.

(12) On each such tankship there shall be provided at least one sink or other suitable means for washing clothes.

(13) Each hospital shall have a toilet, washbasin, and bathtub or shower conveniently situated.

(14) A clothes locker shall be provided for each person accommodated of a size not less than 12'' x 21'' x 5' high and so placed as to be readily accessible.

(15) Living accommodations shall be properly screened to exclude insects.

§ 32.40–5 Crew accommodations on tankships of less than 100 gross tons and manned tank barges constructed after January 1, 1938—TB/ALL.

All tankships of less than 100 gross tons and all manned tank barges, the construction of which is begun after January 1, 1938, shall be provided with crew accommodations of sufficient size, adequate construction, and with suitable equipment to provide for the protection and accommodations of its crew in a manner practicable for the size, facilities and service of the vessel, and consistent with the principles underlying the requirements for crew accommodations on tankships of 100 gross tons or more.

§ 32.40–10 Crew accommodations on tankships of 100 gross tons or over constructed after March 4, 1915, and prior to January 1, 1938—T/ALL.

On all tankships of 100 gross tons or over the construction of which was begun after March 4, 1915, and prior to January 1, 1938, the crew accommodations shall be of a character and number in compliance with § 32.40–1 (a), (b), (c), except that separate washing facilities are not required where the engineroom crew, exclusive of licensed officers, and others separately provided for, does not exceed 10. In cases where an improvement is necessary in the sanitary conditions of such vessels, § 32.40–1(d) will also apply in principle insofar as space and conditions will permit.

§ 32.40–15 Crew accommodations on tankships and manned tank barges not otherwise provided for—TB/ALL.

All tankships and all manned tank barges not heretofore provided for shall have crew quarters and washing and toilet facilities in keeping with the age, size, facilities and service of the vessel, and suitable for the accommodations and protection of the crew.

Subpart 32.45—Electrical Installations

§ 32.45–1 Requirements for tank vessels the construction or conversion of which is contracted for on or after November 19, 1955—TB/ALL.

(a) *Application.* The electrical installation on a tank vessel the construction or conversion of which is contracted for on or after November 19, 1955 shall comply with the requirements contained in this section in addition to those contained in Subchapter J (Electrical Engineering) of this chapter except as such latter regulations are modified by this section. Specific additional requirements for tank vessels carrying Grade A, B, C or D liquid cargo are contained in paragraphs (h) and (i) of this section.

(b) *Cable location.* Where practicable, electric cable shall be located well inboard from the sides, preferably along or near the centerline, to reduce the risk of injury in the event of collision, but it shall be kept clear of cargo tank openings. Specific additional cable location requirements for cargo pump rooms and enclosed spaces immediately above or adjacent to cargo tanks are contained in paragraphs (f) and (h) of this section.

(c) *Equipment location.* Except where Grade E liquid cargo only is involved, switchboards, distribution panels, switches, fuses, and other circuit-interrupting or power devices shall not be installed in cargo pumprooms nor in enclosed spaces immediately above or adjacent to cargo tanks. Regardless of the grade of liquid cargo handled storage batteries shall not be located in cargo pumprooms.

(d) *Portable equipment.* Portable equipment shall be of an approved type. When the vessel is not gas free, no portable electrical equipment shall be used in the cargo or fuel oil tanks, the cargo pumprooms or any enclosed spaces immediately above or adjacent to the bulk cargo tanks, except that lighting may be effected by the use of approved explosion-proof, self-contained, battery-fed lamps.

(e) *Explosion-proof installations.* Where explosion-proof equipment is required, the equipment and installation thereof shall comply with § 111.60–40 of Subchapter J (Electrical Engineering) of this chapter.

(f) *Enclosed spaces.* (1) The lighting of enclosed spaces immediately above or adjacent to cargo tanks for Grade A, B, C or D liquid cargo shall be effected by means of approved explosion-proof or

magazine type lighting fixtures in accordance with the requirements of § 111.170–10(c) of Subchapter J (Electrical Engineering) of this chapter.

(2) Through runs of electric cable are permitted.

(g) *General cargo spaces.* (1) General cargo spaces located beyond the segregation spaces of tank vessels carrying Grade A, B, C or D liquid cargo shall have no special restrictions in regard to electrical installations.

(2) General cargo spaces, regardless of location, of tank vessels carrying Grade E liquid cargo only shall have no special restrictions in regard to electrical installations.

(h) *Cargo pumproom handling Grade A, B, C, or D liquid cargo.* (1) Lighting in cargo pumprooms handling Grade A, B, C, or D liquid cargo shall be accomplished either through permanently fixed glass lenses fitted in the bulkhead and/or overhead, or by the use of explosion-proof fixtures, except that explosion-proof fixtures may be installed only under certain conditions. For detail requirements see § 111.70–10 (c) of Subchapter J (Electrical Engineering) of this chapter.

(2) Through runs of electric cable, regardless of how they may be protected, are prohibited.

(i) *Weather decks of tank vessels handling Grade A, B, C, or D liquid cargo.* Motors, their control equipment, and other electrical equipment and installations located on or above the weather decks within 10 feet of the cargo tank openings, cargo pumproom doors or cargo pump room ventilation outlets, or cargo tank vent terminations shall be explosion-proof. Explosion-proof equipment installed in locations exposed to the weather shall be watertight or shall be enclosed in watertight housings, or protected against the entrance of water by other approved means.

§ 32.45–5 Requirements for tank vessels the construction or conversion of which was started on or after November 10, 1936 but prior to November 19, 1955—TB/ALL.

(a) *Application.* The requirements of this section shall apply to all tank vessels the construction or conversion of which was started on or after November 10, 1936, but prior to November 19, 1955.

(b) *General.* The electrical installation shall be in accordance with this section, and to the extent that such installation is not covered by this section it shall be at least equivalent to the Commandant's general requirements.

(c) *Existing arrangements.* Existing arrangements, materials, and facilities previously approved will be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. For detailed requirements see § 111.70–90(a) of Subchapter J (Electrical Engineering) of this chapter minor repairs and minor alterations may be made to the same standard as the original installation.

(d) *New installations.* New installations or major replacements shall meet the applicable requirements of § 32.45–1.

(e) *Location of storage batteries.* Storage batteries shall not be located in cargo pumprooms. The space in which they are located shall be well ventilated and they shall be protected against mechanical and electrical injury including short circuiting and overloading. Batteries shall be secured against movement, and acid batteries shall be set in lead-lined trays at least 3 inches deep of at least 4-pound sheet lead.

(f) *Installations made during the Unlimited National Emergency.* Electrical equipment installed during the Unlimited National Emergency as defined in § 110.25–5 of Subchapter J (Electrical Engineering) of this chapter and not complying with the requirements in this subchapter may be continued in service if found to be satisfactory by the Commandant for the purpose intended.

(g) *Cargo pumprooms and enclosed spaces of tank vessels constructed on or after July 1, 1951, but prior to November 19, 1955*—(1) *Application.* The requirements of this paragraph shall apply to cargo pumprooms and enclosed spaces immediately above the bulk cargo tanks of tank vessels carrying Grade A, B, C or D liquid cargo, the construction or conversion of which vessels was started on or after July 1, 1951, but prior to November 19, 1955. There are no special restrictions in regard to the electrical installations in cargo pumprooms and enclosed spaces of tank vessels carrying only Grade E liquid cargo.

(2) *Cable location.* Through runs of electric cable are permitted.

(3) *Equipment.* No electric lighting or power circuit interrupting or power devices shall be installed in pumprooms. Enclosed spaces immediately above the bulk cargo tanks shall contain no electrical circuit interrupting or power devices.

(4) *Lighting.* Lighting shall be effected by means of approved explosion-proof or magazine type lighting fixtures. When the vessel is not gas free no portable lighting equipment shall be used except approved explosion-proof, self-contained, battery-fed lamps.

(h) *General cargo spaces of tank vessels constructed on or after July 1, 1951, but prior to November 19, 1955 and carrying Grade E liquid cargo only.* General cargo spaces, regardless of location, of tank vessels constructed on or after July 1, 1951, but prior to November 19, 1955, and carrying Grade E liquid cargo only, shall have no special restrictions in regard to electrical installations.

(i) *Cargo pumprooms and enclosed spaces of tank vessels constructed on or after November 10, 1936, but prior to July 1, 1951*—(1) *Application.* The requirements of this paragraph shall apply to cargo pumprooms for Grade A, B, C or D liquids and to enclosed spaces required to segregate Grade A, B, C or D liquid cargo tanks from other spaces, all on tank vessels the construction or conversion of which was started on or after November 10, 1936, but prior to July 1, 1951.

(2) *General.* The installation covering the cable, cable fittings and method of making wiring connections, lighting fixtures, and motors shall comply with the requirements of § 111.70–90(d) of Subchapter J (Electrical Engineering) of this chapter.

(3) *Ventilation.* The motor-driven ventilation system for the cargo pump motor when located in the pumproom is to be so interlocked that the pump motor cannot be started prior to a circulation of air. The air ducts are to lead to and from the atmosphere outside the pumproom and are to terminate not less than 3 feet above the deck and not less than 6 feet from any cargo tank vent. (See § 32.60–20.)

§ 32.45–10 Requirements for tank vessels the construction or conversion of which was started prior to November 10, 1936—TB/ALL.

(a) *Application.* The requirements of this section shall apply to all tank vessels the construction or conversion of which was started prior to November 10, 1936.

(b) *General.* The electrical installation shall be maintained in a safe and in a good mechanical condition, and shall comply with the regulations in effect when the vessel was built, or to the requirements of a recognized classification society. Any major change in the electrical installation or any conversion shall comply with the requirements of this subpart applicable to new vessels.

(c) *Pumprooms and enclosed spaces of tank vessels handling Grade A, B, C or D liquid cargo.* The electrical installation in the pumprooms and enclosed spaces immediately adjoining cargo tanks (except in pump enginerooms as provided in § 32.70–20) of tank vessels handling Grade A, B, C or D liquid cargo shall be made to comply with §§ 32.45–1 (b) and (c), 32.45–5(b) and (g) and §§ 111.55–1, 111.55–15 and 111.60–5 of Subchapter J (Electrical Engineering) all of this chapter, to the extent that the changes are, in the opinion of the Officer in Charge, Marine Inspection, necessary in the interest of safety.

Subpart 32.50—Pumps, Piping, and Hose for Cargo Handling

§ 32.50–1 Cargo pumps for tank vessels constructed on or after November 10, 1936—TB/ALL.

On all tank vessels, the construction or conversion of which is started on or after November 10, 1936, the cargo pumps shall be designed and installed to minimize the danger of sparking. Special care shall be exercised in the design of packing spaces in order to secure ample depth and accessibility of glands. Where cargo pump shafts pierce gastight bulkheads, stuffing boxes with readily accessible gastight glands shall be provided.

§ 32.50–3 Cargo discharge—TB/ALL.

(a) Pumps or other acceptable means shall be used to discharge cargo from gravity type cargo tanks vented at gauge pressures of 4 pounds per square inch or less.

(b) The use of compressed air as the primary means of discharging cargo from such tanks is prohibited.

§ 32.50–5 Cargo pump fittings and controls on tank vessels constructed on or after November 10, 1936—TB/ALL.

(a) On all tank vessels, the construction or conversion of which is started on or after November 10, 1936, where a cargo pump is capable of developing a pressure exceeding 125 pounds at the pump under shutoff head conditions (based on water), a suitable relief valve shall be installed between the pump and shutoff valve in the cargo pump discharge and piped back into the suction. The relief valve setting shall not exceed the pressure for which the piping system is designed.

(b) A pressure gage shall be installed for each pump discharge, and it shall be located at a point visible with respect to the pump controls.

§ 32.50–10 Cargo pumps on tank vessels with independent cargo tanks which were constructed prior to November 10, 1936—TB/ALL.

(a) Cargo pumps on tank vessels, the construction or conversion of which was started prior to November 10, 1936, may be located in a hold space containing independent cargo tanks or on deck. If the pump driving unit is of the type permitted in cargo pumprooms, it also may be located in the hold space. If other types of driving units are used, they shall be located on deck or in an engine compartment. If the pump drive shaft passes through decks or bulkheads into a hold space or pumproom, it shall be provided with suitable stuffing boxes at such points.

§ 32.50–15 Cargo piping on tank vessels constructed on or after July 1, 1951—TB/ALL.

(a) On all tank vessels, the construction or conversion of which is started on or after July 1, 1951, the cargo piping shall be:

(1) A fixed cargo piping system shall be installed on a tank vessel carrying Grade A, B, or C cargo. The piping shall be arranged so as to avoid excessive stresses at the joints. For sizes exceeding 2 inches in diameter, flanged, welded, or other approved types of joints shall be employed. Packing material shall be suitable for the cargo carried. Connections at bulkheads shall be made so that the plating does not form part of a flanged joint. Piping may be carried through bunker spaces and deep tanks provided it is run through a pipe tunnel. The tunnel may be omitted where the pipe is extra heavy, all joints are welded, and bends are installed to provide for expansion and contraction.

(2) Cargo piping, where installed in tank vessels carrying Grade D or E cargo only, shall conform with the requirements contained in subparagraph (1) of this paragraph.

(3) Cargo piping shall not pass through spaces containing machinery where sources of vapor ignition are normally present: *Provided*, That, in special cases the Commandant may permit the piping to pass through such spaces if Grade E liquids only are involved.

(b) Valve operating rods in cargo tanks shall be solid, except that tank barges having plug cocks inside the cargo tanks may have operating rods of extra heavy pipe with the annular space between the lubricant tube and the pipe wall sealed with a nonsoluble material to prevent penetration of the cargo. Valve operating rods shall be of ample size, well guided and supported, and attached to the valve stems in a manner so as to prevent the operating rods from working loose. Where the operating rods pass through a deck, gastight stuffing boxes shall be fitted. The leads of operating rods shall be as direct as possible. Valves shall be of suitable design for the intended service.

(c) All cargo loading and discharge hose connections shall be fitted with valves or blind flanges.

§ 32.50–20 Cargo piping for tank vessels constructed between November 10, 1936, and July 1, 1951—TB/ALL.

(a) On tank vessels, the construction or conversion of which is started on or after November 10, 1936, and prior to July 1, 1951, the piping shall be arranged so as to avoid excessive stresses at the joints. For sizes exceeding 2 inches in diameter, flanged, welded, or other approved types of joints shall be employed. Packing material shall be suitable for the cargo carried. Connections at bulkheads shall be made so that the plating does not form part of a flanged joint. Piping may be carried through bunker spaces and deep tanks provided it is run through a pipe tunnel. The tunnel may be omitted where the pipe is extra heavy, all joints are welded, and bends are installed to provide for expansion and contraction.

(b) Cargo piping shall not pass through spaces containing machinery where sources of vapor ignition are normally present: *Provided*, That in special cases the Commandant may permit the piping to pass through such spaces if Grade E liquids only are involved.

(c) Valve operating rods in cargo tanks shall be solid and of ample size, well guided and supported, and attached to the valve stems in a manner to guard against their working loose. Where such valve rods pass through the deck, gastight stuffing boxes shall be fitted. The leads of valve rods shall be as direct as possible. All valves and fittings shall be of material, design, and manufacture for the intended service on the cargo system; either rising or nonrising stem valves may be used.

§ 32.50–25 Cargo pumps and piping on tank vessels constructed prior to November 10, 1936—TB/ALL.

On tank vessels, the construction or conversion of which was started prior to November 10, 1936, cargo pumps and piping which do not fully comply with the regulations in this subchapter shall be made as nearly equal to the requirements for tank vessels constructed between November 10, 1936, and July 1, 1951, as is necessary in the interest of safety. Cargo pipe lines may pass through cargo pump engine compartments provided no cargo valves are located therein.

§ 32.50–30 Cargo hose—TB/ALL.

Cargo hose, when carried on tank vessels, shall be of a grade suitable for oil service, and shall be designed to withstand the pressure of the shutoff head of the cargo pump or pump relief valve setting, less static head, but in no case less than 100 pounds per square inch.

§ 32.50–35 Remote manual shutdown for internal combustion engine driven cargo pump on tank vessels—TB/ALL.

(a) Any tank vessel which is equipped with an internal combustion engine driven cargo pump on the weather deck shall be provided with a minimum of one remote manual shutdown station, conspicuously marked, and located at the midpoint of such vessel, or 100 feet from the engine, whichever is the more practical. The remote quick acting manual shutdown shall be installed on the engine so as to provide a quick and effective means of stopping the engine (such as by cutting off the intake air).

(b) This regulation applies to all installations of this type on tank vessels, but for such installations now on existing tankships at the date of next biennial inspection or October 1, 1963, whichever occurs later.

Subpart 32.52—Bilge Systems

§ 32.52–1 Bilge pumps on tank vessels constructed or converted on or after November 19, 1952—TB/ALL.

The number and arrangement of bilge pumps on each tank vessel shall conform to the requirements of Subchapter F (Marine Engineering) of this chapter, except as hereinafter provided in this subpart.

§ 32.52–5 Bilge piping for pump rooms and adjacent cofferdams on tank vessels constructed or converted on or after November 19, 1952—TB/ALL.

(a) Provisions shall be made for removing drainage from the pumproom bilges and adjacent cofferdams. A separate bilge pump, ejector, or bilge suction from a cargo pump or cargo stripping pump may be provided for this purpose. The bilge pump shall not be located in nor shall the piping pass through spaces containing machinery where sources of vapor ignition are normally present.

(b) Where a bilge suction is provided from a cargo or stripping pump, a stop-check valve shall be fitted in the suction branch, and an additional stop valve shall be fitted also if the bilge suction branch can be subjected to a head of oil from the filling line.

(c) Means shall be provided for controlling the cargo or pump room bilge pumps and their suctions or discharges in order that a flooded pump room may be pumped out. Suitable portable or manually operated pumps may be accepted as complying with this provision, or alternatively, the pump controls shall be arranged so that they are operable from inside the pump room and either from an accessible position outside the

pump room, or from the pump room casing above the freeboard deck.

§ 32.52–10 Bilge pumps and piping on tank vessels constructed or converted prior to November 19, 1952—TB/ALL.

(a) On tank vessels, the construction or conversion of which was started prior to November 19, 1952, bilge pumps and piping which do not fully comply with the regulations of this subchapter shall be made as nearly equal to the requirements for tank vessels constructed on or after November 19, 1952, as is necessary in the interest of safety.

(b) Bilge suctions from hold spaces containing independent cargo tanks may be connected to cargo pumps or stripping pumps, provided the installation complies with the requirements of § 32.52–5(b).

Subpart 32.55—Ventilation and Venting

§ 32.55–1 Ventilation of tank vessels constructed on or after July 1, 1951—TB/ALL.

(a) On all tanks vessels, the construction or conversion of which is started on or after July 1, 1951, all enclosed parts of the vessel, other than cargo, fuel and water tanks, cofferdams and void spaces, shall be provided with efficient means of ventilation.

(b) Compartments containing machinery where sources of vapor ignition are normally present shall be ventilated in such a way as to remove vapors from points near the floor level or the bilges. Effective steam or air actuated gas ejectors, blowers or ventilators fitted with heads for natural ventilation, with at least one duct extending to immediately below the floor plates will be approved for this purpose. Machinery spaces below the freeboard deck, in which fuels with flash point of 110° F. or lower are used, shall be equipped with power ventilation. (See § 32.60–20 for other requirements concerning pumprooms.)

§ 32.55–5 Ventilation of tank vessels constructed between November 10, 1936, and July 1, 1951—TB/ALL.

(a) On tank vessels, the construction or conversion of which was started on or after November 10, 1936, and prior to July 1, 1951, all enclosed parts of the vessel, other than cargo, fuel, and water tanks and cofferdams, shall be provided with efficient means of ventilation.

(b) Pumprooms and compartments containing machinery where sources of vapor ignition are normally present shall be ventilated in such a way as to remove vapors from points near the floor level or the bilges. Effective steam or air actuated gas ejectors or blowers or ventilators fitted with heads for natural ventilation, will be approved for this purpose. (See § 32.65–20 for other requirements concerning pumprooms.)

§ 32.55–10 Ventilation for tank vessels constructed prior to November 10, 1936—TB/ALL.

Ventilation of tank vessels, the construction or conversion of which was started prior to November 10, 1936, shall be equal to the requirements of tank vessels constructed before July 1, 1951, where the changes are, in the opinion of the Officer in Charge, Marine Inspection, necessary in the interest of safety.

§ 32.55–15 Ventilation for hold spaces—TB/ALL.

Hold spaces containing independent cargo tanks shall be considered to be equivalent to cargo pumprooms and shall be ventilated and safeguarded as such.

§ 32.55–20 Venting of cargo tanks of tankships constructed on or after July 1, 1951—T/ALL.

(a) *Venting required.* (1) On all tankships, the construction or conversion of which is started on or after July 1, 1951, each cargo tank shall be equipped with a vent. The diameter of a vent shall be not less than 2½ inches.

(2) In any case where a venting system is required for a particular grade of liquid, the venting system permitted for a higher grade of liquid may be used instead.

(b) *Grade A liquids.* (1) Cargo tanks in which Grade A liquids are to be transported shall be fitted with a venting system consisting of a branch vent line from each cargo tank connected to a vent header which shall extend to a height above the weather deck equal to at least one-third the beam of the vessel and shall terminate at a comparable distance from any other living or working space, ventilator inlet, or source of ignition. When special conditions will prevent the vent line or header outlets being permanently installed at a height above the deck of one-third the beam of the vessel, then an adjustable system shall be provided which, when extended vertically, shall be capable of reaching a height of one-third the beam of the vessel.

(2) A weather hood may be installed at the vent outlet providing it is of such design as not to direct the flow of vapor below the horizontal.

(3) The branch vent lines shall consist of either:

(i) Pipe with no valves or other hindrances to a free flow of gas; or,

(ii) Piping fitted with a pressure vacuum relief valve, provided means are supplied for relieving all internal pressure on cargo tanks by fitting the valve with a positive means for opening its pressure valve to allow free passage of gases through the branch vent line or by the installation of a by-pass fitted with a manually operated stop valve.

(4) The vent header shall be fitted with a flame arrester or pressure vacuum relief valve. If a pressure vacuum relief valve is used in the header, means shall be provided for relieving all internal pressure on cargo tanks by fitting the valve with a positive means for opening its pressure valve to allow free passage of gases through the header or by the installation of a by-pass fitted with a manually operated stop valve. A suitable means of relieving pressure shall be fitted in the header in order to prevent excess pressure being built up in the tanks, in the event of overfilling of the latter. The vent header system shall be provided with suitable connections for flushing and draining. The vent header system shall be of sufficient capacity as to be able to carry off all displaced air and vapors during loading of the cargo tanks without opening of ullage plates, cargo hatches, etc. See § 32.20–20 for liquid level gaging requirements.

(c) *Grade B or C liquids.* Cargo tanks in which Grade B or C liquids are to be transported shall be fitted with either individual pressure-vacuum relief valves which shall extend to a reasonable height above the weather deck or shall be fitted with a venting system consisting of branch vent lines connected to a vent header which shall extend to a reasonable height above the weather deck and be fitted with a flame arrester or a pressure-vacuum relief valve. The vent header system, if fitted, shall be provided with suitable connections for flushing and draining, and if desired, stop valves may be placed in the individual branch vent lines provided that each stop valve is bypassed by a pressure-vacuum relief valve.

(d) *Grade D or E liquids.* Cargo tanks in which Grade D or E liquids only are to be transported shall be fitted with gooseneck vents and flame screens.

§ 32.55–25 Venting of cargo tanks of tank barges constructed on or after July 1, 1951—B/ALL.

(a) *Venting required.* (1) On all tank barges, the construction or conversion of which is started on or after July 1, 1951, each cargo tank shall be equipped with a vent. The diameter of a vent shall be not less than 2½ inches.

(2) In any case where a venting system is required for a particular grade of liquid, the venting system permitted for a higher grade of liquid may be used instead.

(b) *Grade A, B, or C liquids.* Cargo tanks in which Grade A, B, or C liquids are to be transported shall be fitted with either individual pressure-vacuum relief valves which shall extend to a reasonable height above the weather deck or shall be fitted with a venting system consisting of branch vent lines connected to a vent header which shall extend to a reasonable height above the weather deck and be fitted with a pressure-vacuum relief valve. The vent header system, if fitted, shall be provided with suitable connections for flushing and draining, and if desired, stop valves may be placed in the individual branch vent lines: *Provided,* That each such stop valve is bypassed by a pressure-vacuum relief valve.

(c) *Grade D or E liquids.* Cargo tanks in which Grade D or E liquids only are to be transported shall be fitted with gooseneck vents and flame screens.

§ 32.55–30 Venting of cargo tanks of tank vessels constructed between November 10, 1936, and July 1, 1951—TB/ALL.

(a) *Venting required.* On all tank vessels, the construction or alteration of which is started on or after November 10, 1936, and prior to July 1, 1951, each cargo tank shall be equipped with a vent. The details of the venting system shall meet the requirements of this section, or alternatively, the requirements of either § 32.55–20 or § 32.55–25, as applicable, shall be met.

(b) *Grade A liquids.* (1) Cargo tanks in which Grade A liquids are to be transported shall be fitted with a venting system consisting of branch vent line from each cargo tank connected to a vent header which shall extend to a reasonable height above the weather deck and be fitted with a flame arrester or pressure-vacuum relief valve. Each branch vent line may be provided with a manually operated control valve, provided it is bypassed with a pressure-vacuum relief valve or each cargo tank to which such a branch vent line is connected is fitted with an independent pressure-vacuum relief valve. The vent header system shall be provided with suitable connections for flushing and draining.

(2) In barges with independent tanks carrying Grade A liquids, separate discharge pipes may be fitted to each pressure-vacuum relief valve, or the pressure-vacuum relief valve may be elevated, so that in either case the discharge from such valve will not be less than 7 feet above the deck where practicable.

(c) *Grade B or C liquids.* Cargo tanks in which Grade B or C liquids are to be transported shall be fitted with individual pressure-vacuum relief valves or shall be fitted with a venting system consisting of branch vent lines connected to a vent header which shall extend to a reasonable height above the weather deck and be fitted with a flame arrester or a pressure-vacuum relief valve.

(d) *Grade D or E liquids.* Cargo tanks in which Grade D or E liquids only are to be transported shall be fitted with gooseneck vents and flame screens unless such tanks are vented by pressure-vacuum relief valves or a venting system of branch vent lines and a vent header.

§ 32.55–35 Venting of cargo tanks on tank vessels constructed prior to November 10, 1936—TB/ALL.

The venting of cargo tanks of tank vessels, the construction or alteration of which was started prior to November 10, 1936, shall be made to equal the requirements of tank vessels constructed before July 1, 1951, where the changes are, in the opinion of the Officer in Charge, Marine Inspection, necessary in the interests of safety: *Provided,* That on such vessels carrying Grade A cargo the requirements in § 32.55–30(b) shall be met.

§ 32.55–40 Venting of cargo tanks fitted with inert-gas system—TB/ALL.

A tank vessel equipped with an approved system for maintaining all cargo tank vapor spaces noniflammable shall be accepted in lieu of the requirements of §§ 32.55–20, 32.55–25, 32.55–30 or 32.55–35.

§ 32.55–45 Venting of cofferdams and void spaces of tank vessels constructed on or after November 10, 1936—TB/ALL.

(a) Except as provided in paragraph (b) of this section, on all tank vessels, the construction or conversion of which was started on or after November 10, 1936, cofferdams and void spaces shall be provided with gooseneck vents fitted with a flame screen or pressure-vacuum relief valves. The diameter of a vent shall be not less than 2½ inches.

(b) On unmanned tank barges not fitted with fixed bilge systems in the cofferdams and void spaces, vents for cofferdams and void spaces will not be required.

Subpart 32.57—Structural Fire Protection for Tank Vessels Contracted for on or After January 1, 1963

§ 32.57–1 Application—TB/ALL.

(a) The provisions of this subpart shall apply to all tank vessels contracted for on or after January 1, 1963.

§ 32.57–5 Definitions—TB/ALL.

(a) *Standard fire test.* A "standard fire test" is one which develops in the test furnace a series of time temperature relationships as follows:

5 minutes—1,000° F.
10 minutes—1,300° F.
30 minutes—1,550° F.
60 minutes—1,700° F.

(b) *"A" Class divisions.* Bulkheads or decks of the "A" Class shall be composed of steel or equivalent metal construction, suitably stiffened and made intact with the main structure of the vessel; such as shell, structural bulkheads, and decks. They shall be so constructed, that if subjected to the standard fire test, they would be capable of preventing the passage of flame and smoke for one hour.

(c) *"B" Class bulkheads.* Bulkheads of the "B" Class shall be constructed with approved incombustible materials and made intact from deck to deck and to shell or other boundaries. They shall be so constructed that, if subjected to the standard fire test, they would be capable of preventing the passage of flame and smoke for one half hour.

(d) *"C" Class divisions.* Bulkheads or decks of the "C" Class shall be constructed of approved incombustible materials, but need meet no requirements relative to the passage of flame.

(e) *Steel.* Where the term "steel or other equivalent metal" is used in this subpart, it is intended to require a material which, by itself or due to insulation provided, has structural and integrity qualities equivalent to steel at the end of the applicable fire exposure.

(f) *Approved material.* Where in this subpart approved materials are required, they refer to materials approved under the applicable subparts of Subchapter Q (Specifications) of this chapter, as follows:

Deck Coverings	164.006
Structural Insulations	164.007
Bulkhead Panels	164.008
Incombustible Materials	164.009
Interior Finishes	164.012

§ 32.57–10 Construction—TB/ALL.

(a) The hull, superstructure, structural bulkheads, decks, and deckhouses shall be constructed of steel. Alternately, the Commandant may permit the use of other suitable material in special cases, having in mind the risk of fire.

(b) Bulkheads of galleys, paint and lamp lockers, and emergency generator rooms shall be of "A" Class construction.

(c) The boundary bulkheads and decks separating the accommodations and control stations from cargo, and machinery spaces and from galleys, main pantries and storerooms other than small service lockers shall be of "A" Class Construction.

(d) Within the accommodation and service areas (i.e., Galleys, main pantries and storerooms other than small service lockers) the following conditions shall apply:

(1) Corridor bulkheads in accommodation areas shall be of "A" or "B" Class intact from deck to deck. Stateroom doors in such bulkheads may have a louver in the lower half.

(2) Elevator, dumbwaiter, and other trunks shall be of "A" Class construction.

(3) Bulkheads not already specified to be of "A" or "B" Class construction may be of "A", "B", or "C" Class Construction.

(4) The integrity of any deck in way of a stairway opening shall be maintained by means of "A" or "B" Class bulkheads and doors at one level. The doors shall be of the self closing type. Such doors shall be fitted with a suitable kickout panel in the lower half. Holdback hooks, or other means of permanently holding the door open will not be permitted. However, magnetic holdbacks operated from the bridge or from other suitable remote control positions are acceptable.

(5) Interior stairs, including stringers and treads shall be of steel or other suitable material having in mind the risk of fire. This is not intended to preclude the use of other material for nosing, walking surfaces, etc., over the steel.

(6) Except for washrooms and toilet spaces, deck coverings within accommodation spaces shall be of an approved type. However, overlays for leveling or finishing purposes which do not meet the requirements for an approved deck covering may be used in thicknesses not exceeding 3/8 of an inch.

(7) Ceilings, linings, and insulation, including pipe and duct laggins, shall be of approved incombustible material.

(8) Any sheathing, furring or holding pieces incidental to the securing of any bulkhead, ceiling, lining, or insulation shall be of approved incombustible materials.

(9) Combustible veneers, trim, decorations, etc., shall not be used in corridors or hidden spaces. This is not intended

to preclude the use of paint or an approved interior finish.

(e) Wood hatch covers may be used between cargo spaces or between stores spaces. Hatch covers in other locations shall be of steel or equivalent metal construction. Tonnage openings shall be closed by means of steel plates or equivalent metal construction.

(f) Nitrocellulose or other highly inflammable or noxious fume-producing paints or lacquers shall not be used.

Subpart 32.60—Hull Requirements for Tank Vessels Constructed on or After July 1, 1951

§ 32.60–1 Scantlings, material, and workmanship—TB/ALL.

(a) All tank vessels, the construction or conversion of which is started on or after July 1, 1951, shall conform to the requirements in this subpart in construction of hulls. The hull and deckhouses shall be of steel or iron construction except that the pilothouse and decks over quarters may be constructed of wood. Scantlings, material, and workmanship, subdivision of cargo spaces, fitting of cofferdams, and testing of tanks shall be at least equivalent to the requirements of the American Bureau of Shipping or other recognized classification society.

(b) See Subpart 32.57 for structural fire protection requirements for tank vessels contracted for on or after January 1, 1963.

§ 32.60–5 Subdivision of cargo space—TB/ALL.

The cargo space shall be divided into tight compartments as necessary to avoid excessive stresses and to provide stability.

§ 32.60–10 Segregation of cargo; Grade A, B, C, or D—TB/ALL.

(a) *General.* The galleys, living quarters, navigation spaces, general cargo spaces, boiler rooms, and enclosed spaces where sources of vapor ignition are normally present, shall be segregated from cargo tanks by cofferdams or pump rooms or tanks, either empty or used to carry liquid having a flashpoint of 150° F. or above, or deck spaces enclosed or open.

(b) *Cargo tank spaces.* Cargo tank spaces shall extend to the main deck, with hatches and vents located on the weather deck. Liquids having a flash point of not less than 150° F. may be carried in the bulk tanks located beyond the segregating cofferdams and/or pump rooms.

(c) *Enclosed spaces.* (1) Cargo and vent piping passing through enclosed spaces immediately above the bulk cargo tanks shall be continuous except that flanged joints connecting pipe sections will be permitted.

(2) No openings to cargo tank shall be permitted other than stuffing boxes through which valve control rods or permanently installed gage tapes extend and openings for use of tank cleaning machines. Openings for tank cleaning machines, when not in use, shall be kept closed by means of gastight bolted plates and when in use shall be made essentially gas and watertight by covers through which hose or pipe to the tank cleaning machines extend.

(3) The overhead in way of quarters shall be gastight.

(d) *Stowage spaces.* The spaces described in paragraph (c) of this section may be used for stowage purposes and for general cargo provided that adequate ventilation is furnished.

(e) *Openings.* Except as provided in paragraph (c) of this section, there shall be no manholes or other openings from cargo tanks to any other enclosed spaces. Any vents, sounding tubes, and similar piping passing through such tanks shall be run in a suitable trunk.

§ 32.60–15 Segregation of cargo; Grade E—TB/ALL.

(a) *General.* The galleys, living quarters, navigation spaces, general cargo spaces, boilerrooms, and enclosed spaces containing machinery, where sources of vapor ignition are normally present, shall be segregated from the cargo tanks by tight bulkheads and intervening spaces are not required.

(b) *Cargo tank spaces.* Cargo tank spaces can be terminated at any deck with hatches on the same deck, but the vent lines shall be extended to the weather deck. Butterworth openings and extension rods may be located on the tank top.

§ 32.60–20 Pumprooms on tank vessels carrying Grade A, B, C, D and/or E liquid cargo—TB/ALL.

(a) *Cargo pumps.* In tank vessels carrying Grade A, B, C, or D liquid cargo, cargo pumps shall be isolated from source of vapor ignition by gastight bulkheads. A gastight bulkhead between the pumproom and the pump engine room may be pierced for drive shaft and pump engine control rods provided such openings are fitted with stuffing boxes or other approved gland arrangement. A steam driven pump shall not be considered a source of vapor ignition provided the steam temperature does not exceed 500° F.

(b) *Ventilation for pumprooms on tank vessels the construction or conversion of which is started between July 1, 1951, and January 1, 1963.* (1) Pumprooms of all tank vessels, the construction or conversion of which is started between July 1, 1951, and January 1, 1963, shall be ventilated in such a way as to remove vapors from points near the floor level or bilges. Pumprooms on tankships handling Grades A, B, or C liquid cargo, with machinery located below the freeboard deck, shall be equipped with power ventilation. Pumprooms equipped with power ventilation shall have the ventilation outlets terminate more than six feet from any opening to the interior part of the vessel which normally contains sources of vapor ignition.

(2) For all tank vessels, the construction or conversion of which is started between October 1, 1959, and January 1, 1963, the power ventilation shall not produce a source of vapor ignition in either the pumproom or the ventilation systems associated with the pumproom. The capacity of power ventilation units shall be sufficient to effect a complete change of air in not more than 3 minutes, based upon the volume of the pumproom and associated trunks up to the deck at which access from the weather is provided.

(c) *Ventilation for pumprooms on tank vessels the construction or conversion of which is started on or after January 1, 1963.* (1) For all tank vessels, the construction or conversion of which is started on or after January 1, 1963, the cargo pumprooms shall be fitted in accordance with paragraphs (a) and (d) of this section. Cargo pumprooms on these vessels shall be ventilated in such a way as to remove vapors from points near the floor level or bilges. Cargo pumprooms on tank vessels handling Grade A, B, or C liquid cargo, shall be equipped with power ventilation of the exhaust type having capacity sufficient to effect a complete change of air in not more than 3 minutes based upon the volume of the pumproom and associated trunks up to the deck at which access from the weather is provided.

(2) The power ventilation units shall not produce a source of vapor ignition in either the pumproom or the ventilation systems associated with the pumproom. Inlets to exhaust ducts shall be provided and located near the floor level at points where concentrations of vapors may be expected. Ventilation from the weather deck shall be provided. Power supply ventilation may be fitted in lieu of natural ventilation, but when fitted shall be arranged to avoid turbulence in the cargo pumproom. Cargo pumprooms equipped with power ventilation shall have the ventilation outlets terminate more than six feet from any opening to the interior part of the vessel which normally contains sources of vapor ignition, and shall be so located as to minimize the possibility of recirculating contaminated air through the pumproom.

(3) Cargo pumprooms handling Grade D and/or E liquid cargo only shall be fitted with at least two ducts extended to the weather deck, one of which shall be extended to a point near the floor level. This does not preclude installation of power ventilation, if desired.

(d) *Access.* The access to a cargo pumproom in a tank vessel carrying Grade A, B, C, or D liquid cargo shall be from the open deck.

§ 32.60–25 Living quarters—TB/ALL.

(a) For living quarters the partitions and sheathing shall be of an approved fire resistive construction. The specification for incombustible materials is in Subchapter Q (Specifications) of this chapter.

(b) See Subpart 32.57 for structural fire protection for tank vessels contracted for on or after January 1, 1963.

§ 32.60–30 Tank vessels with independent tanks—TB/ALL.

(a) Independent cargo tanks may be located in hold spaces or in other cargo tanks; however, a working space of at least 15 inches shall be maintained around each independent tank, or else provisions shall be made for moving such tanks to furnish such working space, except that less than 15 inches around such tanks may be permitted if in the judgment of the Officer in Charge, Marine Inspection, having jurisdiction, a satisfactory inspection of the cargo tanks and hull structure can be made.

(b) When an independent cargo tank is located in an enclosed space other than a cargo tank, such enclosed space shall be considered as equivalent to a pumproom and shall be safeguarded as such as required by this subpart.

(c) Cargo tanks independent of the hull structure shall be supported in saddles or on foundations of steel or other suitable material and securely attached in place to preclude the cargo from being damaged or shifting as a result of collision. The arrangement shall be such as to permit longitudinal and circumferential, or athwartship and vertical, expansion of the cargo tanks. Each tank shall be supported so as to prevent the concentration of excessive loads on the supporting portion of the shell.

§ 32.60–35 Tank vessels carrying Grade A liquid cargo—TB/ALL.

Grade A liquids having a Reid vapor pressure in excess of 25 pounds per square inch shall be transported in cargo tanks which are independent of the hull.

§ 32.60–40 Construction and testing of cargo tanks and bulkheads—TB/ALL.

(a) All cargo tanks vented at gage pressure of 4 pounds per square inch or less shall be constructed and tested as required by standards established by the American Bureau of Shipping or other recognized classification society. The design of cargo tanks integral with the hull and vented at a gage pressure exceeding 4 pounds per square inch but not exceeding 10 pounds per square inch gage pressure will be given special consideration by the Commandant.

(b) Cargo tanks vented at a gage pressure exceeding 10 pounds per square inch are considered unfired pressure vessels and shall be of cylindrical or similar design and meet the requirements of Parts 52 through 61 of Subchapter F (Marine Engineering) of this chapter.

§ 32.60–45 Segregation of spaces containing the emergency source of electric power—TB/ALL.

(a) The provisions of this section shall apply to all vessels contracted for on or after October 1, 1958.

(b) When a compartment containing the emergency source of electric power, or vital components thereof, adjoins a space containing either the ship's service generators or machinery necessary for the operation of the ship's service generators, all common bulkheads and/or decks shall be protected by approved "structural insulation" or other approved material. This protection shall be such as to be capable of preventing an excessive temperature rise in the space containing the emergency source of electric power, or vital components thereof, for a period of at least one hour in the event of fire in the adjoining space. Bulkheads or decks meeting Class A–60 requirements, as defined by § 72.05–10 of Subchapter H (Passenger Vessels) of this chapter, will be considered as meeting the requirements of this paragraph.

Subpart 32.63—Hull and Cargo Tank Requirements for Tank Barges Constructed or Converted on or After July 1, 1964, and Carrying Certain Dangerous Bulk Cargoes

§ 32.63–1 Application—B/ALL.

(a) The requirements of this subpart shall apply to all tank barges, the construction or conversion of which is started on or after July 1, 1964, and carrying bulk cargoes as follows:

(1) Flammable liquids having a Reid vapor pressure in excess of 25 pounds per square inch, absolute, in independent tanks (Part 32).

(2) Liquefied flammable gases (Part 38 of this subchapter).

(3) Flammable or combustible liquids having lethal characteristics (Class B or C poisons) (Part 39 of this subchapter).

(4) Certain flammable or combustible dangerous cargoes (Part 40 of this subchapter).

§ 32.63–5 Barge hull classifications—B/ALL.

(a) Each barge subject to the provision of this subpart shall be assigned a hull type number. The Commandant will designate the barge hull types to be used for carrying cargoes in order to insure that the vessel is designed consistent with the degree and nature of the hazard of the commodity carried.

(b) For this purpose the barge hull types shall be as follows:

(1) *Type I barge hull.* Barge hulls classed as Type I are those designed to carry products which require the maximum preventive measures to preclude the uncontrolled release of the cargo to the waterways and/or atmosphere.

(2) *Type II barge hull.* Barge hulls classed as Type II are those designed to carry products which require substantial preventive measures to preclude uncontrolled release to the atmosphere, but whose uncontrolled release to the waterways does not constitute a longlasting public or operating personnel hazard, though local and temporary pollution may occur.

(3) *Type III barge hull.* Barge hulls classed as Type III are those designed to carry products of sufficient hazard to require a moderate degree of control.

§ 32.63–8 Alternative arrangements—B/ALL.

(a) Alternative arrangements, differing from those specifically required by this subpart, may be considered and approved by the Commandant, if it is demonstrated to his satisfaction that a degree of safety is obtained which is consistent with the intent of this subpart.

§ 32.63–10 Rakes and coamings—B/ALL.

(a) Each barge hull shall be constructed with a suitable bow form (length, shape, and height of headlog) to protect against diving at the maximum speed at which the barge is designed to be towed. In any integrated tow, only the lead barge need comply with this requirement. In any case, the operator of the towing vessel shall be guided by appropriate speed limitations.

(b) All open hopper type barge hulls shall be provided with coamings around the hopper space and, additionally, a 36-inch minimum height plowshare breakwater on the forward rake. Coamings shall have a minimum height of 36 inches forward graduated to a minimum height of 24 inches at midlength and 18 inches thereafter.

§ 32.63–15 Subdivision and stability—B/ALL.

(a) *General.* In addition to complying with the requirements of § 31.10–30 of this subchapter as applicable, Types I and II barge hulls shall comply with the applicable provisions of this section.

(b) *Types I and II barge hulls.* (1) Types I and II barge hulls shall be constructed with a complete watertight deck, or if of "open hopper type", of such construction that positive buoyancy and stability will be maintained when the barge is fully loaded and the hopper space is flooded to the height of the main deck. Credit may be given for the buoyancy, if any, of the immersed portion of the full cargo tanks when an effective arrangement for securing the tanks is provided.

(2) (i) Type I barge hulls shall retain positive buoyancy and stability after holing the bottom or side shell plating anywhere on its girth, including the intersection of a transverse and a longitudinal watertight bulkhead.

(ii) Type I box barge hulls, specifically designed for operation in an integrated tow, shall retain positive buoyancy and stability after holing the bottom shell plating anywhere on its girth, except in way of a transverse watertight bulkhead, or after holing the side shell plating in way of a transverse watertight bulkhead.

(3) Type II barge hulls shall retain positive buoyancy and stability after holing the bottom or side shell plating anywhere on its girth except in way of a transverse watertight bulkhead.

§ 32.63–20 Hull structure—B/ALL.

(a) *General.* In addition to complying with the requirements of § 32.63–1, as applicable, barge hulls of Types I and II shall comply with the provisions of this section.

(b) *Types I and II barge hull.* Under an assumed grounding condition such that the forward rake bulkhead rests upon a pinnacle at the water surface, the maximum hull bending stress shall not exceed the following limits:

(1) Independent tanks may be installed in such a manner that they do not contribute to the strength and stiff-

ness of the barge. In such case, the hull stress shall not exceed either 50 percent of the minimum ultimate tensile strength of the material or 70 percent of the yield strength when specified, whichever is greater.

(2) The Commandant may consider a reduction in hull stress when independent tanks are installed in such a manner as to contribute to the strength and stiffness of the barge and this is accounted for in determining the effective section modulus of the barge. In such case, the hull stress shall not exceed the percentage stress values prescribed in subparagraph (1) of this paragraph multiplied by the quantity $\left(1.5-\frac{SWT}{UTS}\right)$, where SWT is the stress calculated without including the effect of the tanks, and UTS is the minimum ultimate tensile strength of the material. The value SWT, however, shall in no case be more than 75 percent of UTS.

§ 32.63–25 Cargo tanks and supports—B/ALL.

(a) *General.* Saddles and hold-down securing straps for independent cargo tanks shall be designed to prevent tank failure due to loads induced in the saddles or straps by barge deflection.

(b) *Collision protection.* (1) All independent cargo tanks installed on Type I and Type II barge hulls shall be protected with suitable collision chocks or collision straps to withstand a longitudinal collision load of one and one-half times the weight of the tank and cargo. All other independent cargo tanks shall be provided with suitable collision chocks or collision straps to withstand a longitudinal collision load equal to the weight of the tank and cargo.

(2) All cargo tanks shall be so located as to reduce the likelihood of their being damaged in the event of collision. This protection shall be obtained by locating the cargo tanks not less than 4 feet from the side shell and box-end for Type I hulls and 3 feet for Type II barge hulls, and not less than 25 feet from the headlog at the bow for both types.

(c) *Cargo tank design*—(1) *Types I and II barge hulls.* (i) In addition to requirements provided for in applicable regulations for a specific commodity, cargoes subject to the provisions of this subpart shall be transported in cargo tanks meeting the requirements of this paragraph. Pressure vessel-type cargo tanks shall have sufficient additional strength so as to limit the maximum combined tank stress, including saddle horn and bending stresses, to 1.5 times the maximum allowable hoop stress in still water, and to the yield strength of the tank material or 70 percent of the minimum ultimate tensile strength of the tank material, if less, in the grounded condition as required by § 32.63–20(b).

(ii) Gravity type cargo tanks shall have sufficient additional strength to limit the maximum combined tank stress, including saddle horn and bending stresses, to the yield strength of the tank material or 70 percent of the minimum ultimate tensile strength of the tank material, if less, in the grounded condition as required by § 32.63–20(b).

(2) *Type III barge hulls.* In addition to the requirements of this paragraph, pressure vessel-type cargo tanks shall have sufficient additional strength so as to limit the maximum combined stress, including saddle horn and bending stresses, to 1.5 times the maximum allowable hoop stress.

Subpart 32.65—Hull Requirements for Tank Vessels Constructed on or After November 10, 1936, and Prior to July 1, 1951

§ 32.65–1 Application—TB/ALL.

The requirements in this subpart apply to all tank vessels, the construction or conversion of which was started on or after November 10, 1936, and prior to July 1, 1951.

§ 32.65–5 Scantlings, material, and workmanship—TB/ALL.

The hull and deck houses shall be of steel or iron construction except that the pilothouse and decks over quarters may be constructed of wood. Scantlings, material, and workmanship, subdivision of cargo spaces, fitting of cofferdams, and testing of tanks shall be at least equivalent to the requirements of the American Bureau of Shipping or other recognized classification society.

§ 32.65–10 Subdivision of cargo space—TB/ALL.

The cargo space shall be divided into tight compartments as necessary to avoid excessive stresses and to provide stability.

§ 32.65–15 Cofferdams—TB/ALL.

Tank vessels equipped to carry Grade A, B, C, or D liquids shall have their galleys, living quarters, general cargo spaces, boiler rooms, and enclosed spaces containing propelling machinery or other machinery where sources of vapor ignition are normally present, segregated from their cargo tanks by cofferdams or equivalent pumprooms, tanks, or air spaces.

§ 32.65–20 Pumprooms—TB/ALL.

(a) Tank vessels handling Grade A, B, C, or D liquids shall have their cargo pumps isolated from all sources of vapor ignition by gastight bulkheads. Totally enclosed motors of the "explosion proof" type, motors ventilated on both the intake and exhaust by ducts to atmosphere, and engines driven by steam shall not be considered to be sources of vapor ignition. The gastight bulkhead between the pumproom and the pump-engine compartment may be pierced by fixed lights, drive shaft and pump-engine control rods, provided that the shafts and rods are fitted with stuffing boxes where they pass through the gastight bulkheads. The access to a cargo pumproom handling such liquids shall be from the open deck. (See § 32.60–20.)

§ 32.65–25 Living quarters—TB/ALL.

Partitions and sheathing shall be of approved fire-resistive construction.

§ 32.65–30 Tank vessels with independent tanks—TB/ALL.

Independent cargo tanks may be located in hold spaces or in other cargo tanks but in all cases a working space of at least 15 inches shall be provided around such independent tanks, or else provisions shall be made for moving them to secure such space. When independent cargo tanks are located in an enclosed space other than a cargo tank, such enclosed space shall be considered as equivalent to a pumproom, and shall be safeguarded as such, as required in the regulations in this subchapter.

§ 32.65–35 Tank vessels carrying Grade A liquids—TB/ALL.

Cargo tanks for Grade A liquids having a Reid vapor pressure in excess of 25 pounds shall be independent of the hull.

§ 32.65–40 Construction and testing of cargo tanks and bulkheads—TB/ALL.

(a) All cargo tanks to be vented at gage pressures of 4 pounds per square inch or less shall be constructed and tested as required by the requirements of the American Bureau of Shipping or other recognized classification society.

(b) All cargo tanks to be vented at gage pressures above 4 pounds per square inch shall be considered as unfired pressure vessels and shall meet the requirements for such vessels as to construction and testing, as set forth in Parts 52 to 57, inclusive, of Subchapter F (Marine Engineering) of this chapter.

(c) Gastight bulkheads shall be subjected to a thorough hose test.

Subpart 32.70—Hull Requirements for Steel Hull Tank Vessels Constructed Prior to November 10, 1936

§ 32.70–1 Application—TB/ALL.

All steel hull tank vessels, the construction or conversion of which was started prior to November 10, 1936, shall conform to the requirements in this subpart.

§ 32.70–5 Hull requirements; general—TB/ALL.

The scantlings, material, and workmanship, the subdivision of cargo spaces, the arrangement of cofferdams, the testing of tanks and cofferdams, shall be at least equivalent to the requirements of a recognized classification society for the particular service specified in the application for the certificate of inspection and permit for the transportation of liquid inflammable cargoes in bulk as of the date when the tank vessel was built or as of the date when the vessel was converted into a tank vessel. In the absence of such classification requirements, the Officer in Charge, Marine Inspection, shall satisfy himself that the vessel's structure as specified in this section is safe for the service to be specified in its certificate of inspection.

§ 32.70–10 Cofferdams—TB/ALL.

Tank vessels carrying Grade A, B, or C liquids shall be required to conform to the construction requirements in regard to vertical cofferdams in § 32.65–15, except that a dry cargo compartment shall be considered to be equivalent to a cofferdam, and except as provided for in § 32.70–20.

§ 32.70–15 Pumprooms—TB/ALL.

Tank vessels handling Grade A, B, C or D liquid cargo shall meet the requirements for tank vessels in § 32.65–20 except that the electrical installation shall comply with the requirements of § 32.45–10(c).

§ 32.70–20 Pump-engine compartment—TB/ALL.

No cofferdam will be required between a cargo tank and a compartment containing pumping engines and their auxiliaries which are used exclusively during pumping operations, provided the pumping engine compartment contains no cargo valves and is well ventilated and provided further that internal combustion exhaust within the compartment are completely water jacketed or insulated and that gasoline engine intakes are fitted with effective flame arresters.

§ 32.70–25 Cargo tanks—TB/ALL.

Cargo tanks shall comply with the conditions specified in §§ 32.65–30 and 32.65–35, and shall pass the tests required in § 32.65–40: *Provided, however,* That less than 15 inches around such tanks may be accepted if in the judgment of the Officer in Charge, Marine Inspection, making the inspection, a satisfactory inspection of the cargo tanks and hull structure can be made.

Subpart 32.75—Hull Requirements for Wood Hull Tank Vessels Constructed Prior to November 10, 1936

§ 32.75–1 Application—TB/ALL.

All wood hull tank vessels, the construction or conversion of which was started prior to November 10, 1936, shall conform to the requirements in this subpart.

§ 32.75–5 Hull requirements; general—TB/ALL.

The scantlings, material, and workmanship, and the fitting and fastening of parts shall be at least equivalent to the requirements of a recognized classification society for the particular service specified in the application for certificate of inspection and permit for the transportation of liquid flammable cargoes in bulk as of the date when the tank vessel was built, or as of the date when the vessel was converted into a tank vessel. In the absence of such classification requirements, the Officer in Charge, Marine Inspection, shall satisfy himself that the vessel's structure as specified in this section is safe for the service to be specified in its certificate of inspection.

§ 32.75–10 Cargo tanks—TB/ALL.

Cargo tanks shall be independent of the wood hull, shall be made of steel or iron, and shall pass the tests required in § 32.65–40 (a), (b). Where cargo tanks in wood hulls are not arranged to provide working space around them they shall be so constructed as to allow inspection of the hull, tanks, and bilges, and they shall be so installed that they can be moved to allow repairs to the hull structure and to themselves.

§ 32.75–15 Electric bonding and grounding for tanks—TB/ALL.

All independent cargo tanks in wood hull tank vessels shall be electrically bonded together with stranded copper cable of not less than No. 4 B and S gage and one end of this cable shall be grounded to a copper or brass plate of not less than 2 square feet in area and one-sixteenth inch in thickness and this plate shall be securely fastened to the hull, on the outside, at a point where it shall be covered by water when the tank vessel is unloaded.

§ 32.75–20 Hold spaces and bulkheads—TB/ALL.

In wood hull tank vessels containing independent cargo tanks for the transportation of Grade A, B, C, or D liquids, the hold spaces shall be considered as equivalent to a pumproom and shall be safeguarded and ventilated as such as required by § 32.65–20. Where the hold spaces contain equipment or operations which are sources of vapor ignition, such equipment or operations shall be isolated from other spaces by gastight bulkhead or, if it is impracticable to construct a gastight bulkhead, two structurally tight bulkheads without openings, separated by a well-ventilated air space 24 inches wide, where possible may be used.

Subpart 32.80—Tank Barges Constructed of Materials Other Than Steel or Iron

§ 32.80–1 General requirements—B/ALL.

All tank barges with hulls constructed of materials other than iron or steel, the construction or conversion of which was started prior to September 2, 1945, and to which certificates of inspection were issued prior to March 2, 1946, shall be considered the same as tank barges constructed prior to November 10, 1936.

Subpart 32.85—Lamp and Paint Rooms and Similar Compartments on Tankships

§ 32.85–1 Fireproofing of lamp, oil and paint rooms—T/ALL.

Lamp, oil and paint rooms shall be wholly and tightly lined with metal.

PART 33—LIFESAVING APPLIANCES

Subpart 33.01—General Lifesaving Requirements

Sec.

33.01–1 Inspection of lifesaving appliances—TB/ALL.
33.01–5 Construction of lifesaving equipment—TB/ALL.
33.01–15 Responsibility of master regarding lifesaving equipment—TB/ALL.
33.01–20 Approval for repairs and alterations—TB/ALL.
33.01–25 Factory inspection of lifesaving equipment—TB/ALL.
33.01–27 Weight test of lifeboat installation—T/ALL.
33.01–30 Approval of lifesaving appliances—TB/ALL.
33.01–35 Magazine chests for pyrotechnic equipment—T/ALL.

Subpart 33.05—Lifeboats, Liferafts, and Buoyant Apparatus Required

33.05–1 Lifeboats and liferafts for tankships; ocean and coastwise; construction or conversion of which was started prior to November 19, 1952—T/OC.
33.05–2 Lifeboats and liferafts for tankships; ocean and coastwise; construction or conversion of which was started on or after November 19, 1952, and prior to May 26, 1965—T/OC.
33.05–3 Lifeboats and liferafts for tankships; ocean and coastwise; construction or conversion of which started on or after May 26, 1965—T/OC.
33.05–5 Lifeboats for barges; ocean—B/O.
33.05–15 Lifeboats for barges; coastwise—B/C.
33.05–20 Lifeboats and liferafts for tank vessels; Great Lakes—TB/L.
33.05–25 Lifeboats, liferafts, or buoyant apparatus for tank vessels; bays, sounds, lakes other than Great Lakes, and rivers—TB/BR.
33.05–30 Equipment for tank vessels on short voyages beyond certificated waters—TB/LB.
33.05–35 Wooden lifeboats prohibited on tank vessels—TB/ALL.

Subpart 33.07—Substitution of Inflatable Liferafts for Other Liferafts, Lifeboats, and Buoyant Apparatus on Certain Vessels Not on an International Voyage

33.07–1 Inflatable liferafts on barges—B/ALL.
33.07–5 Inflatable liferafts for other liferafts, lifeboats, and buoyant apparatus—T/ALL.
33.07–10 Inflatable liferafts for lifeboats on tankships under 500 gross tons—T/ALL.
33.07–15 Inflatable liferafts for lifeboats on certain tankships of 500 to 1,600 gross tons—T/ALL.
33.07–20 Inflatable liferafts for lifeboats on certain tankships of 1,600 to 3,000 gross tons—T/ALL.
33.07–25 Inflatable liferafts for lifeboats on certain tankships of 3,000 gross tons and upward—T/ALL.

Subpart 33.10—Lifeboat Handling Equipment Requirements

33.10–1 Lifeboat davits—TB/ALL.
33.10–5 Lifeboat winches—TB/ALL.
33.10–10 Blocks and falls—TB/ALL.
33.10–15 Disengaging apparatus—T/OCL.
33.10–20 Disengaging apparatus—T/BR and B/ALL.

Subpart 33.15—Equipment for Lifeboats, Liferafts, or Buoyant Apparatus

33.15–1 Lifeboat, liferaft or buoyant apparatus equipment; general—TB/ALL.
33.15–5 Required equipment for lifeboats—TB/ALL.
33.15–10 Description of equipment for lifeboats—TB/ALL.
33.15–15 Required equipment for rigid type liferafts and buoyant apparatus—TB/LBR.
33.15–16 Required equipment for inflatable liferafts—TB/ALL.
33.15–20 Description of equipment for life rafts and buoyant apparatus—TB/LBR.
33.15–25 Portable radiotelegraph apparatus—T/OC.

Sec.
33.15-90 Lifeboat, liferaft and buoyant apparatus equipment on tank vessels contracted for prior to May 26, 1965—TB/ALL.

Subpart 33.20—Stowage of Lifeboats, Liferafts, and Buoyant Apparatus

33.20-1 Davits and launching devices—TB/ALL.
33.20-3 Embarkation aids into inflatable liferafts—T/ALL.
33.20-5 Lifeboat davit falls—T/ALL.
33.20-10 Lifeboats and liferafts kept clear for launching—TB/ALL.
33.20-15 Stowage of lifeboats and liferafts—TB/ALL.

Subpart 33.25—Markings, Care, and Inspection

33.25-5 Numbering and marking of lifeboats—TB/ALL.
33.25-10 Marking of liferafts—TB/ALL.
33.25-15 Overhaul—TB/ALL.
33.25-20 Maintenance—TB/ALL.

Subpart 33.30—Manning of Lifeboats and Liferafts

33.30-1 Persons in charge of each lifeboat and liferaft—T/O.
33.30-3 Person in charge of each lifeboat or liferaft—T/CLB.
33.30-5 Manning of lifeboats and liferafts—TB/OCLB.

Subpart 33.35—Life Preservers

33.35-1 Number and type required—TB/ALL.
33.35-5 Distribution and stowage—TB/ALL.
33.35-10 Shipboard inspections—TB/ALL.
33.35-15 Requirements for life preservers—TB/ALL.

Subpart 33.40—Ring Life Buoys and Water Lights

33.40-1 Ring life buoys and water lights, general requirements—TB/ALL.
33.40-5 Number required on tankships—T/ALL.
33.40-10 Number required on tank barges—B/ALL.
33.40-15 Distribution and security—TB/ALL.

Subpart 33.45—Distress Signals

33.45-1 Distress signals—T/ALL and B/OC.
33.45-5 Parachute distress signals—T/OC.
33.45-10 Stowage of distress signals—TB/ALL.

Subpart 33.50—Signaling Lamp

33.50-1 Signaling lamp—T/O.

Subpart 33.55—Line-Throwing Appliances

33.55-1 Line-throwing appliances required—T/OC.
33.55-5 Accessibility—T/OC.
33.55-10 Equipment for line-throwing appliances—T/OC.
33.55-15 Service recommendations—T/OC.

AUTHORITY: The provisions of this Part 33 issued under R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 391a, 416. Interpret or apply R.S. 4488, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 481, 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-14, Nov. 26, 1954, 19 F.R. 8026; 167-38, Oct. 26, 1959, 24 F.R. 8857, unless otherwise noted.

Subpart 33.01—General Lifesaving Requirements

§ 33.01-1 Inspection of lifesaving appliances—TB/ALL.

At each inspection for certification and at any other time as required by the Officer in Charge, Marine Inspection, all lifesaving appliances on a tank vessel shall be inspected.

§ 33.01-5 Construction of lifesaving equipment—TB/ALL.

All tank vessels subject to the regulations in this subchapter shall have lifeboats, disengaging apparatus, liferafts, life preservers, and all other lifesaving apparatus constructed in accordance with the regulations contained in the applicable subparts of Subchapter Q (Specifications) of this chapter: *Provided, however,* That all lifesaving apparatus which is of the character that complied with the rules and regulations of the Commandant, on vessels in existence at the time that the regulations in this subchapter are promulgated and have been in use on such vessels, may be continued in use so long as such existing lifesaving equipment and apparatus are found to be in good and workable condition. Where lifesaving equipment and apparatus are not found to be in good and workable condition, they shall be repaired or else replaced by lifesaving equipment and apparatus of the latest approved type, as required by the regulations in this subchapter and Subchapter Q (Specifications) of this chapter. Where lifesaving equipment and apparatus are found to be in good and workable condition but deficient as to quantity or numbers, the additional quantity or numbers required by the regulations in this subchapter shall be of the latest approved type.

§ 33.01-15 Responsibility of master regarding lifesaving equipment—TB/ALL.

It shall be the duty of the master or person in charge to see that the lifeboats, liferafts, davits, falls, life preservers, and other lifesaving appliances are at all times ready for use, and that all equipment for his vessel required by the regulations in this subchapter are provided, maintained, and replaced as indicated.

§ 33.01-20 Approval for repairs and alterations—TB/ALL.

No extensive repairs or alterations, except in emergency, shall be made to any lifeboat, lifeboat disengaging apparatus, life preserver, liferaft, or other appliance subject to inspection, without advance notice to the Officer in Charge, Marine Inspection. Such repairs and alterations shall so far as is practicable be made with materials and tested in the manner specified in this subchapter and applicable requirements in Subchapter Q (Specifications) of this chapter for new construction. Emergency repairs or alterations shall be reported as soon as practicable to the Officer in Charge, Marine Inspection, where the vessel may call after such repairs are made; nor shall any lifeboat or liferaft be reconditioned or used on a tank vessel other than that for which it was built, without notice to and supervision by the Officer in Charge, Marine Inspection, where such reconditioning or repairs are to be made.

§ 33.01-25 Factory inspection of lifesaving equipment—TB/ALL.

The Coast Guard District Commander where lifesaving apparatus is built shall detail an inspector to any place where lifeboats, liferafts, or buoyant apparatus are being built, who will inspect and examine carefully their construction and he shall satisfy himself that such lifeboats, liferafts, or buoyant apparatus are constructed in accordance with the drawings, or blueprints, and specifications furnished by the builders to the Coast Guard. When the inspector approves the construction of the lifeboat, life raft, or buoyant apparatus, he will stamp his initials, together with the letters "U.S.C.G." on a blank space on the plate required to be affixed to the unit by the builder. The initials of the inspector shall be satisfactory evidence to all parties interested that the unit has been constructed in accordance with the drawings, or blueprints, and specifications on file with the Coast Guard.

§ 33.01-27 Weight test of lifeboat installation—T/ALL.

(a) The following test shall be made at least once in each two-year period. If practicable, it shall be made at the inspection for certification or at a reinspection.

(b) Each lifeboat shall be lowered to near the water and then be loaded with its allowed capacity, evenly distributed throughout the length, and then be lowered into the water until it is afloat, and be released from the falls. In making this test, persons or dead weight may be used. The total weight used shall be at least equal to the allowed capacity of the lifeboat considering persons to weigh 165 pounds each.

§ 33.01-30 Approval of lifesaving appliances—TB/ALL.

(a) Any type of lifeboat or liferaft approved by the Commandant shall be considered as equivalent to the standard lifeboat or liferaft.

(b) Lifeboats shall be of an approved type and constructed in accordance with Subpart 160.035 of Subchapter Q (Specifications) of this chapter.

(c) A Class 1 motor lifeboat is one that is fitted with a compression-ignition engine, is capable of being readily started in all conditions, and has sufficient fuel for 24 hours continuous operation. The speed ahead in smooth water when loaded with its full complement of persons and equipment shall be at least 6 knots.

(d) Rigid type liferafts shall be of an approved type and constructed in accordance with Subpart 160.018 of Subchapter Q (Specifications) of this chapter.

(e) Buoyant apparatus shall be of an approved type and constructed in accordance with Subpart 160.010 of Subchapter Q (Specifications) of this chapter.

(f) Inflatable liferafts shall be of an approved type constructed in accordance with Subpart 160.051 of Subchapter Q (Specifications) of this chapter. On tankships on an international voyage, each inflatable liferaft shall have a carrying capacity of not less than 6 nor more than 25 persons.

(g) In general, a suitable rescue boat shall be a small lightweight boat of rigid construction, with built-in buoyancy and capable of being readily launched and easily maneuvered. Also it shall be of adequate proportion to permit taking an unconscious person on board without capsizing. A rescue boat and its installation shall be acceptable to the Officer in Charge, Marine Inspection, as suitable for the rescue of persons accidentally falling over the side, or for similar emergency purposes. The size, shape, installation, and other factors of suitability will be determined with due consideration of the size, arrangement, intended service and crew requirements of the vessel on which it is to be installed.

(R.S. 4491, as amended; 46 U.S.C. 489)

§ 33.01-35 Magazine chests for pyrotechnic equipment—T/ALL.

Tank ships required to carry pyrotechnic distress signals or line-throwing appliances shall be provided with a portable magazine chest. (See Subpart 160.038, portable magazine chests, of Subchapter Q (Specifications) of this chapter.) Magazine chests shall be secured above the freeboard deck away from heat. Stowage in enclosed spaces or adjacent to cargo tanks is prohibited.

Subpart 33.05—Lifeboats, Liferafts, and Buoyant Apparatus Required

§ 33.05-1 Lifeboats and liferafts for tankships; ocean and coastwise; construction or conversion of which was started prior to November 19, 1952—T/OC.

(a) All tankships shall carry a sufficient number of lifeboats on each side to accommodate all persons on board: *Provided,* That such tankships of 350 feet in length or over in ocean service, having superstructure amidships and propelling machinery aft shall be provided with at least four lifeboats, one on each side in way of the after accommodations, and one on each side in way of amidship accommodations.

(b) No lifeboat shall be of less than 180 cubic feet measurement, except, in the case of coastwise vessels, if specifically approved by the Commandant.

(c) All tankships of 1,600 gross tons and over on an international voyage shall carry at least one Class 1 motor lifeboat on each side. The requirement of this paragraph shall not apply except for replacements, and then only if it can be done without change to existing davits, winches, and arrangements.

(d) Inflatable liferafts may be substituted for lifeboats on certain vessels not on an international voyage in accordance with Subpart 33.07.

(e) All tankships in ocean service, and all tankships of less than 1,600 gross tons on an international voyage shall carry inflatable liferafts of sufficient capacity to accommodate at least 50 percent of the persons on board. Those tankships having widely separated accommodation and/or working spaces shall have at least one liferaft in each such location.

§ 33.05-2 Lifeboats and liferafts for tankships; ocean and coastwise; construction or conversion of which was started on or after November 19, 1952 and prior to May 26, 1965—T/OC.

(a) All tankships shall carry a sufficient number of lifeboats on each side to accommodate all persons on board: *Provided,* That such tankships of 3,000 gross tons and over, having a superstructure amidships and propelling machinery aft shall be provided with at least four lifeboats, one on each side in way of the after accommodations, and one on each side in way of amidship accommodations.

(b) No lifeboat shall be less than 24 feet in length, except where owing to the size of the tankship, or for other reasons, the Commandant may permit smaller lifeboats, but in no case shall they be less than 16 feet in length.

(c) All tankships of 1,600 gross tons and over on an international voyage shall carry at least one Class 1 motor lifeboat on each side. The requirement of this paragraph shall not apply except for replacements, and then only if it can be done without change to existing davits, winches, and arrangements.

(d) Inflatable liferafts may be substituted for lifeboats on certain vessels not on an international voyage in accordance with Subpart 33.07.

(e) All tankships in ocean service, and all tankships of less than 1,600 gross tons on an international voyage shall carry inflatable liferafts of sufficient capacity to accommodate at least 50 percent of the persons on board. Those tankships having widely separated accommodation and/or working spaces shall have at least one liferaft in each such location.

§ 33.05-3 Lifeboats and liferafts for tankships; ocean and coastwise; construction or conversion of which started on or after May 26, 1965—T/OC.

(a) All ocean and coastwise tankships shall carry a sufficient number of lifeboats on each side to accommodate all persons on board.

(b) All tankships of 3,000 gross tons and over on an international voyage shall carry not less than four lifeboats. Two lifeboats shall be carried aft and two amidships except that in tankships which have no amidships superstructure all lifeboats shall be carried aft: *Provided,* That, if in the case of tankships with no amidships superstructure it is impracticable to carry four lifeboats aft, the Commandant may permit instead the carriage aft of one lifeboat on each side of the ship. In such cases:

(1) Each lifeboat shall not exceed 26 feet in length;

(2) Each lifeboat shall be stowed as far forward as practicable, but at least so far forward that the after end of the lifeboat is 1½ times the length of the lifeboat forward of the propeller; and

(3) Each lifeboat shall be stowed as near the sea level as is safe and practicable.

(c) No lifeboat shall be less than 24 feet in length, except where owing to the size of the tankship, or for other reasons, the Commandant may permit smaller lifeboats, but in no case shall they be less than 16 feet in length.

(d) All tankships 1,600 gross tons and over on an international voyage shall carry on each side at least one Class 1 motor lifeboat.

(e) All tankships certificated for ocean service, and all tankships of less than 1,600 gross tons on an international voyage shall carry inflatable liferafts of sufficient capacity to accommodate at least 50 percent of the persons on board. Those tankships having widely separated accommodation and/or working spaces shall have at least one liferaft in each such location.

(f) Inflatable liferafts may be substituted for lifeboats on certain vessels not on an international voyage in accordance with Subpart 33.07.

§ 33.05-5 Lifeboats for barges; ocean—B/O.

(a) All tank barges which normally operate more than 20 miles offshore shall carry a sufficient number of lifeboats to accommodate all persons on board.

(b) No lifeboat shall be of less than 125 cubic feet measurement.

(c) Inflatable liferafts may be substituted for lifeboats on certain vessels in accordance with Subpart 33.07.

§ 33.05-15 Lifeboats for barges; coastwise—B/C.

(a) All tank barges which normally operate 20 miles or less offshore shall carry a sufficient number of lifeboats to accommodate all persons on board.

(b) No lifeboat on a tank barge of 100 gross tons or over shall be of less than 125 cubic feet measurement, except by approval of the Commandant. No lifeboat on a tank barge of less than 100 gross tons shall be of less than 90 cubic feet measurement, except by approval of the Commandant.

(c) Inflatable liferafts may be substituted for lifeboats on certain vessels in accordance with Subpart 33.07.

§ 33.05-20 Lifeboats and liferafts for tank vessels; Great Lakes—TB/L.

(a) All tank vessels operating on the waters of the Great Lakes shall carry a sufficient number of lifeboats to accommodate all persons on board.

(b) No lifeboat on a tank vessel of 100 gross tons or over shall be of less than 90 cubic feet measurement, except by approval of the Commandant. No lifeboat on a tank vessel of less than 100 gross tons shall be of less than 60 cubic feet measurement.

(c) All tankships of 300 gross tons and over, operating on the waters of the Great Lakes, shall carry in addition to their lifeboat equipment, one approved and fully equipped liferaft of suitable size, with one electric water light; the raft to be stowed in a manner to allow same to float clear in the event of sinking of the vessel: *Provided, however,* That all tankships of 300 gross tons or over operating on the waters of the Great Lakes which are equipped with lifeboats in accordance with § 33.05-1 or § 35.05-10 shall be exempt from this requirement. The electric water light need not be attached to the raft, but when the electric

water light is not attached to the raft, a snap hook shall be provided for this purpose.

(d) Inflatable liferafts may be substituted for lifeboats and liferafts on certain vessels in accordance with Subpart 33.07.

§ 33.05–25 Lifeboats, liferafts, or buoyant apparatus for tank vessels; bays, sounds, lakes other than Great Lakes, and rivers—TB/BR.

(a) All tank vessels, except those on an international voyage, operating exclusively on bays, sounds, lakes (other than the Great Lakes), rivers, harbors, or inland waters tributary to the Gulf of Mexico, shall carry lifeboats, liferafts, or buoyant apparatus of sufficient number to accommodate all persons on board.

(b) No lifeboat shall be of less than 60 cubic feet measurement.

(c) The minimum size of any piece of buoyant apparatus shall be such as to accommodate at least five persons.

(d) Inflatable liferafts may be substituted for lifeboats, liferafts and buoyant apparatus on certain vessels in accordance with Subpart 33.07.

(e) All tankships on an international voyage shall meet the applicable requirements of §§ 33.05–1 through 33.05–3.

§ 33.05–30 Equipment for tank vessels on short voyages beyond certificated waters—TB/LB.

(a) The Officer in Charge, Marine Inspection, may issue permits to tank vessels of less than 100 gross tons which are certificated for lake, bay, and sound routes, to engage on short voyages to points beyond such waters, but not more than 15 miles from port of refuge: *Provided,* That such vessels are equipped with a sufficient number of lifeboats, liferafts, or buoyant apparatus to accommodate all persons on board.

(b) No lifeboat shall be of less than 60 cubic feet measurement. The minimum size of any liferaft or piece of buoyant apparatus shall be such as to accommodate at least five persons.

(c) Inflatable liferafts may be substituted for lifeboats, liferafts and buoyant apparatus on certain vessels in accordance with Subpart 33.07.

§ 33.05–35 Wooden lifeboats prohibited on tank vessels—TB/ALL.

Lifeboats installed on tank vessels after September 1, 1943, shall be constructed of metal or other material approved by the Commandant. Internals, such as buoyancy tanks, water tanks, and provision and equipment lockers may be constructed of suitable materials other than metal which have been approved by the Commandant.

Subpart 33.07—Substitution of Inflatable Liferafts for Other Liferafts, Lifefloats, and Buoyant Apparatus on Certain Vessels Not On an International Voyage

§ 33.07–1 Inflatable liferafts on barges—B/ALL.

(a) On all tank barges inflatable liferafts may be substituted for lifeboats, other types of liferafts, lifefloats, and buoyant apparatus wherever they may be required.

(b) The capacity of inflatable rafts carried in place of other liferafts, lifefloats, and buoyant apparatus shall be sufficient to accommodate all persons on board.

(c) The substitution of inflatable liferafts shall not be made without prior approval of the Officer in Charge, Marine Inspection.

§ 33.07–5 Inflatable liferafts for other liferafts, lifefloats and buoyant apparatus—T/ALL.

(a) On all tankships inflatable liferafts may be permitted as substitutes for other types of liferafts, lifefloats and buoyant apparatus required by this subpart.

(b) The capacity of inflatable liferafts carried in place of other type liferafts, lifefloats and buoyant apparatus shall be at least equivalent to that required of equipment for which substitution is made.

(c) The substitution of inflatable liferafts shall not be made without prior approval of the Officer in Charge, Marine Inspection.

§ 33.07–10 Inflatable liferafts for lifeboats on tankships under 500 gross tons—T/ALL.

(a) On all tankships under 500 gross tons, inflatable liferafts may be substituted for all required lifeboats.

(b) The total capacity of the inflatable liferafts shall be at least equal to the total number of persons that the lifeboats would have been required to accommodate. Partial substitution is permissible provided the aggregate lifeboat and inflatable liferaft capacity is sufficient to accommodate the required number of persons carried.

(c) Where substitution of inflatable liferafts is made, a suitable rescue boat shall be provided. In the case of partial substitution, a lifeboat may serve as the rescue boat.

(d) The substitution of inflatable liferafts for lifeboats shall not be made without prior approval of the Officer in Charge, Marine Inspection.

§ 33.07–15 Inflatable liferafts for lifeboats on certain tankships of 500 to 1,600 gross tons—T/ALL.

(a) On all tankships of 500 gross tons and upwards to 1,600 gross tons inflatable liferafts may be substituted for all required lifeboats provided one approved lifeboat of a size acceptable to the Officer in Charge, Marine Inspection, suitable for rescue purposes, is installed.

(b) The aggregate lifeboat and inflatable liferaft capacity shall be at least equal to the total number of persons that the lifeboats would have been required to accommodate.

(c) The launching arrangement and location of the lifeboat to be used as rescue boat shall be such that it can be readily launched and shall be to the satisfaction of the Officer in Charge, Marine Inspection.

(d) The substitution of inflatable liferafts for lifeboats shall not be made without prior approval of the Officer in Charge, Marine Inspection.

§ 33.07–20 Inflatable liferafts for lifeboats on certain tankships of 1,600 to 3,000 gross tons—T/ALL.

(a) On all tankships of 1,600 gross tons and upwards to 3,000 gross tons inflatable liferafts may be substituted for all except two of the required lifeboats. These lifeboats shall be of a size acceptable to the Officer in Charge, Marine Inspection, and shall be suitable for rescue purposes. In all cases, two approved lifeboats, one on each side, shall be provided.

(b) The aggregate lifeboat and inflatable liferaft capacity shall be at least equal to the total number of persons that the lifeboats, for which substitutions are made plus those remaining on board, would have been required to accommodate.

(c) The substitution of inflatable liferafts for lifeboats shall not be made without prior approval of the Officer in Charge, Marine Inspection.

§ 33.07–25 Inflatable liferafts for lifeboats on certain tankships of 3,000 gross tons and upward—T/ALL.

(a) The Commandant may give special consideration to the substitution of approved inflatable liferafts for required lifeboats on tankships of 3,000 gross tons and over.

Subpart 33.10—Lifeboat Handling Equipment Requirements

§ 33.10–1 Lifeboat davits—TB/ALL.

(a) No type or make of mechanical or gravity davit shall be used unless it has first been approved by the Commandant. For construction of davits see Subpart 160.032 of Subchapter Q (Specifications) of this chapter.

(b) On any tank vessel the keel of which was laid after September 1, 1941, davits for lifeboats weighing in excess of 5,000 pounds when fully equipped (but without persons) shall be of the gravity type.

(c) On tank vessels of 1,600 gross tons and over on an international voyage, contracted for on or after May 26, 1965, all davits shall be of the gravity type.

(d) No davit arm or frame comprising mechanical or gravity davits shall be placed on board any vessel until all the requirements of this section and Subpart 160.032 of Subchapter Q (Specifications) of this chapter have been met.

(e) Whenever mechanical or gravity davits or parts of davits, such as davit arms, or frames, are installed on vessels, to take the place of davits, davit arms, or frames which have been damaged or broken, such davits or frames shall have the manufacturer's nameplate affixed thereto.

§ 33.10–5 Lifeboat winches—TB/ALL.

(a) When lifeboat winches are installed on tank vessels, wire falls shall be provided for each set of davits.

(b) On tankships of 500 gross tons and over in ocean or coastwise service, construction or conversion of which is started on or after November 19, 1952, lifeboat winches shall be provided for all lifeboats, where the deck on which the lifeboats are carried exceeds 20 feet from the lightest seagoing draft.

(c) Lifeboat winches proposed for use in new installations shall be of an approved type and constructed in accordance with Subpart 160.015 of Subchapter Q (Specifications) of this chapter.

(d) Suitable fabric covers shall be provided, so fitted over exposed mechanisms that ice formations may be readily broken adrift when necessary to operate the lifeboat winch.

(e) Installation: Lifeboat winches shall be so located that the operator can observe the movement of the lifeboat during the lowering operation. The lead of the falls to the lifeboat winch shall be in accordance with § 33.10–10 (g).

(f) Tests: Upon completion of the installation of all lifeboat winches, and before the vessel is certificated for service, the following tests and examinations shall be made in the presence of an inspector:

(1) Swing lifeboat out from chocks and lower to level for loading, at which point the lifeboat shall be loaded with dead weight equivalent to the number of persons allowed (165 pounds per person) together with weight of equipment, plus 10 percent of the total load. The lifeboat should then be lowered to the water, stopping at approximately 6-foot intervals by action of the counterweight alone. During the test the following observations should be made:

(i) Brake action shall be smooth, but positive. Brakes exposed to the weather shall also be tested under the load lowering condition with the braking surface wetted.

(ii) Counterweight shall be capable of stopping and holding the lifeboat when released.

(iii) The lifeboat winch shall be capable of controlling the speed of lowering of the fully equipped lifeboat with its complement of persons on board to not more than 120 feet per minute. In addition, the speed of lowering of the fully equipped lifeboat without its complement of persons shall be not less than 40 feet per minute.

(iv) No part of lowering gear shall show any distress under load.

(v) Deck under lifeboat winch and davits must be of sufficient strength to prevent any undue stress of the deck under load.

(vi) Mechanical davits shall swing to extreme outboard position without slacking the lifeboat winch brake.

(vii) Action of governor brake and lowering speed permitted by same should be noted.

(viii) Determine that falls are of sufficient length to lower to light load line with vessel listed 15 degrees either way.

(2) A report of the results of the installation test covering all the above points shall be recorded.

§ 33.10–10 Blocks and falls for lifeboats—TB/ALL.

Blocks and falls installed after May 1, 1942, shall conform to the following requirements:

(a) All blocks, falls, fairleads, padeyes, fastenings, etc., used in connection with lifeboat gear shall be designed with a minimum factor of safety of six, based on the maximum working load.

(b) Where lifeboat winches are installed, not more than two-part wire falls shall be used, except in specific cases where three-part wire falls may be accepted. Where lifeboat winches are not used, the falls shall be of manila rope or equivalent but wire rope may not be used.

(c) Wire rope falls of 6 x 19 regular lay filler wire construction prelubricated at the factory with suitable neutral wire rope lubricant shall be accepted as standard. Any other type of wire superior or equally as good as the minimum standard specified may be used.

(d) Falls shall be of such length that the lifeboat may be lowered to the water with the vessel at the lightest seagoing draft, listed 15 degrees either way.

(e) All ocean and coastwise vessels and all other vessels of over 1,000 gross tons, not fitted with lifeboat winches, shall be provided with covered tubs, boxes, or reels for stowage of falls and with suitable lowering bitts in easily accessible positions; except that all ocean and coastwise, self-propelled vessels of over 1,000 gross tons, not fitted with lifeboat winches for which contracts for construction are let on or after September 2, 1945, shall be fitted with cruciform bitts in such position as will render lowering practicable.

(f) Where more than one lifeboat is served by the same set of davits, if the falls are of manila rope, separate falls shall be provided to serve each lifeboat.

(g) Such blocks as are necessary to allow the falls to lead fair in all positions of the davit shall be fitted. Sheaves for wire rope shall have a diameter at the base of the groove at least equal to 12 times the diameter of the rope.

(h) There shall be ample clearance between the cheeks of blocks in which manila rope is used. The width between the cheeks shall be half an inch greater than the diameter of new ropes when those ropes are 3¾ inches in circumference or greater; blocks for smaller ropes shall be designed with clearance in the same proportion.

(i) Means for lubrication shall be provided for all moving parts of blocks.

(j) Where lifeboat winches are provided on tank vessels, construction or conversion of which was started prior to November 19, 1952, there shall be at least 8 feet between the center of the drum and the center of the nearest sheave.

(k) Where lifeboat winches are provided on tank vessels, construction or conversion of which is started on or after November 19, 1952, the lead sheaves to the drums shall be so located as to provide fleet angles of not more than 8 degrees for grooved drums and not more than 4 degrees for nongrooved drums. By fleet angle is meant the angle included between an imaginary line from the lead sheave perpendicular to the axis of the drum and the line formed by the wire rope when led from the lead sheave to either extremity of the drum.

§ 33.10–15 Disengaging apparatus—T/OCL.

(a) *Type required.* (1) Lifeboats on all ocean, coastwise and Great Lakes tankships of over 3,000 gross tons, the construction or conversion of which is started on or after January 1, 1961, shall be fitted with mechanical disengaging apparatus of an approved type constructed in accordance with Subpart 160.033 of Subchapter Q (Specifications) of this chapter. Such disengaging apparatus shall be so arranged as to make it possible for the lifeboats to be launched while such vessels are under way or stopped, and for both ends of the lifeboat to be released simultaneously, under tension, by one person. The gears shall be capable of being released from one position in the lifeboat while the boat is fully loaded with allowed persons and equipment. Simultaneous release shall be effected by partially rotating a shaft which shall be continuous and extend from one point of contact with the hooks.

(2) Lifeboats on all ocean, coastwise and Great Lakes tankships of not over 3,000 gross tons shall be fitted with suitable disengaging apparatus. Mechanical disengaging apparatus, if fitted, shall be of approved type constructed in accordance with Subpart 160.033 of Subchapter Q (Specifications) of this chapter.

(3) Lifeboats on all ocean, coastwise and Great Lakes tankships of over 3,000 gross tons, the construction or conversion of which is started before January 1, 1961, shall be fitted with suitable disengaging apparatus. Mechanical disengaging apparatus, if fitted, shall be as follows:

(i) On all such tankships mechanical disengaging apparatus shall be of a type approved by the Commandant.

(ii) On all such ocean and coastwise tankships, the construction or conversion of which was started on or after July 1, 1961, the arrangement shall be as described in subparagraph (1) of this paragraph.

(b) *Replacement of lifeboats on vessels of over 3,000 gross tons.* (1) Re-

placement of lifeboats on ocean, coastwise and Great Lakes tankships of over 3,000 gross tons shall be in accordance with the following:

(i) All replacement lifeboats shall be fitted with approved mechanical disengaging apparatus constructed and arranged as described in paragraph (a) (1) of this section.

(2) Replacement of lifeboats in accordance with the provisions of this paragraph may be made on an individual lifeboat basis.

§ 33.10–20 Disengaging apparatus—T/BR and B/ALL.

(a) Lifeboats shall be fitted with suitable disengaging apparatus. Mechanical disengaging apparatus shall be of a type approved by the Commandant.

(b) Not more than one type of releasing gear shall be fitted in the lifeboats of a particular vessel unless otherwise approved by the Commandant.

Subpart 33.15—Equipment for Lifeboats, Liferafts, or Buoyant Apparatus

§ 33.15–1 Lifeboat, liferaft or buoyant apparatus equipment; general—TB/ALL.

(a) The provisions of this subpart with the exception of § 33.15–90 shall apply to all vessels contracted for on or after May 26, 1965. Vessels contracted for prior to May 26, 1965 shall meet the requirements of § 33.15–90.

(b) Equipment for lifeboats, liferafts, and buoyant apparatus shall be of good quality, efficient for the purpose they are intended to serve, and kept in good condition.

(c) Lifeboats, liferafts and buoyant apparatus shall be fully equipped before the vessel is navigated and the equipment shall remain in such lifesaving appliances throughout the voyage except as provided by § 33.25–15.

(d) It shall be unlawful to stow in any lifeboat, liferaft, or buoyant apparatus any article not required by this subpart unless such articles can be properly stowed so as not to reduce the seating capacity or space available to the occupants and so as not to adversely affect the seaworthiness of such appliances or, in the case of lifeboats, overload the davits or winches.

(e) Loose equipment, except boathooks in lifeboats, shall be securely attached to the lifesaving appliance to which it belongs.

§ 33.15–5 Required equipment for lifeboats—TB/ALL.

(a) The lifeboats for all tank vessels shall be equipped in accordance with Table 33.15–5 (a). For a description of the items contained in this table, and the units comprising the items, see the applicable paragraphs of § 33.15–10. The letter identification prefixing the item in the table corresponds to the paragraph designations in § 33.15–10.

TABLE 33.15–5(a)

Letter identification	Item	Tankship: Ocean and coastwise	Tankship: Great Lakes	Tankship: Lakes, bays, sounds, and rivers	Tank barge—all waters
a	Bailer	1	1	None	None
b	Bilge pump	1	None	None	None
c	Boathooks	2	1	1	[1] 2
d	Bucket	2	1	1	1
e	Compass and mounting	1	None	None	None
f	Ditty bag	1	None	None	None
g	Drinking cup	1	None	None	[1] 1
h	Fire extinguisher (motor-propelled lifeboats only)	2	2	[2] 2	[2] 2
i	First-aid kit	1	None	None	None
j	Flashlight	1	1	None	None
k	Hatchet	2	2	1	None
l	Heaving line	2	None	None	None
m	Jackknife	1	None	None	[1] 1
n	Ladder, lifeboat, gunwale	1	None	None	None
o	Lantern	1	1	1	1
p	Lifeline	1	1	1	1
q	Life preservers	2	2	2	2
r	Locker	1	1	None	None
s	Mast and sail (oar-propelled lifeboats only)	1	None	None	None
t	Matches (boxes)	2	1	1	[1] 2
u	Milk, condensed (pounds per person)	1	None	None	None
v	Mirror, signaling	2	None	None	None
w	Oars (units)	[1] 1	[1] 1	[1] 1	[1] 1
x	Oil, illuminating (quarts)	1	1	None	None
y	Oil, storm (gallons)	1	1	None	None
z	Painter	2	2	1	1
aa	Plug	1	1	1	1
bb	Provisions (pounds per person)	2	None	None	None
cc	Rowlocks (units)	[1] 1	[1] 1	[2] 1	[1] [4] 1
dd	Rudder and tiller	1	1	None	[1] 1
ee	Sea anchor	1	1	None	None
ff	Signals, distress, floating orange smoke	2	None	None	None
gg	Signals, distress, red hand flare (units)	[1] 1	[1] 1/2 unit	None	None
hh	Signals, distress, red parachute flare (units)	[1] 1	[1] 1/2 unit	None	None
ii	Tool kit (motor-propelled lifeboats only)	[1] 1	[1] 1	[2] 1	[2] 1
jj	Water (quarts per person)	3	None	None	[1] 1
kk	Whistle, signaling	1	None	None	None
ll	Fishing kit	1	None	None	None
mm	Cover, protecting	1	None	None	None
nn	Signals, lifesaving	1	None	None	None
oo	Desalting kit	[6] 1	None	None	None

[1] Only 1 required on other than seagoing barges.
[2] Seagoing barges only.
[3] For description of unit see § 33.15–10.
[4] Lifeboats on barges need only carry 4 rowlocks.
[5] Vessels in coastwise service need only carry 1 unit for each 5 lifeboats or fraction thereof.
[6] Optional equipment. See § 33.15–10(jj), water.

§ 33.15–10 Description of equipment for lifeboats—TB/ALL.

(a) *Bailer.* The bailer shall have a lanyard attached and shall be of sufficient size and suitable for bailing.

(b) *Bilge pump.* Bilge pumps shall be of an approved type, constructed in accordance with Subpart 160.044 of Subchapter Q (Specifications) of this chapter. They shall be of the size given in Table 33.15–10 (b) depending upon the capacity of the lifeboat as determined by the six-tenths rule as described in § 160.035–9(b).

TABLE 33.15–10 (b)

Capacity of lifeboat, cubic feet: Over—	Capacity of lifeboat, cubic feet: Not over—	Bilge pump size
-------	330	1
330	700	2
700	-------	3

(c) *Boathooks.* Boathooks shall be of the single hook ballpoint type. Boathook handles shall be of clear grained white ash, or equivalent, and of a length and diameter as given in Table 33.15–10 (c).

TABLE 33.15–10 (c)

Length of lifeboat (feet): Over—	Length of lifeboat (feet): Not over—	Boathook handles: Diameter (inches)	Boathook handles: Length (feet)
-----	23	1 1/4	8
23	29	1 3/4	10
29	-----	2	12

(d) *Bucket.* The bucket shall be of heavy gage galvanized iron, or other suitable corrosion-resistant metal, of not less than 2 gallon capacity, and shall have a 6-foot lanyard of 12-thread manila attached.

(e) *Compass and mounting.* The compass and mounting shall be of an approved type, constructed in accordance with U. S. Coast Guard Specification dated December 14, 1944.

(f) *Ditty bag.* The ditty bag shall consist of a canvas bag and shall contain a sailmaker's palm, needles, sail twine, marline and marlinspike.

(g) *Drinking cups.* Drinking cups shall be enamel coated or plastic, graduated in ounces, and be provided with lanyards 3 feet in length.

(h) *Fire extinguisher.* Fire extinguishers shall be of an approved type (4 pounds CO_2 or 2 pounds dry chemical). One shall be attached to each end of the lifeboat.

(i) *First-aid kit.* The first-aid kit shall be of an approved type, constructed and fitted in accordance with Subpart 160.041 of Subchapter Q (Specifications) of this chapter.

(j) *Flashlight.* The flashlight shall be of an approved Type I, Size No. 3, constructed in accordance with Subpart 161.008 of Subchapter Q (Specifications) of this chapter. Three spare cells (or one 3-cell battery) and two spare bulbs, stowed in a watertight container, shall be provided with each flashlight. Batteries shall be replaced yearly during the annual stripping, cleaning, and overhaul of the lifeboat.

(k) *Hatchet.* Hatchets shall be of an approved type, constructed in accordance with Subpart 160.013 of Subchapter Q (Specifications) of this chapter. They shall be attached to the lifeboat by individual lanyards and be readily available for use, one at each end of the lifeboat.

(l) *Heaving line.* The heaving line shall be of adequate strength, 10 fathoms in length, and one inch in circumference. It shall be of such quality as to be buoyant after 24 hours submergence.

(m) *Jackknife.* The jackknife (with can opener) shall be of an approved type, constructed in accordance with Subpart 160.043 of Subchapter Q (Specifications) of this chapter.

(n) *Ladder, lifeboat gunwale.* The lifeboat gunwale ladder shall consist of 3 flat wood steps cut out for handholds. The steps shall be spaced 12 inches apart and fastened with 5/8 inch diameter manila rope. Each rope end shall be tied inside the lifeboat at about amidships with the ladder stowed on top of the side benches and ready for immediate use. Other suitable devices may be specifically approved.

(o) *Lantern.* The lantern shall contain sufficient oil to burn for at least 9 hours, and shall be ready for immediate use.

(p) *Lifeline.* The lifeline shall be properly secured to both sides of the lifeboat along its entire length, festooned in bights not longer than 3 feet, with a seine float in each bight, which float may be omitted if the line is of an inherently buoyant material and absorbs little or no water. The lifeline shall be of a size and strength not less than 3/8-inch diameter manila. The bights shall hang to within 12 inches of the water when the lifeboat is light.

(q) *Life preservers.* Life preservers shall be of an approved type, constructed in accordance with the applicable subparts of Subchapter Q (Specifications) of this chapter.

(r) *Locker.* The locker shall be suitable for the storage and preservation of the small items of equipment.

(s) *Mast and sail.* A unit, consisting of a standing lug sail together with the necessary spars and rigging, shall be provided in general agreement with Table 33.15–10 (s). The sails shall be of good quality canvas, colored Indian Orange (Cable No. 70072, Standard Color Card of America). Rigging shall consist of galvanized wire rope not less than 3/16 inch in diameter. The mast and sail shall be protected by a suitable canvas cover.

TABLE 33.15–10 (s)

Length of lifeboat (feet): Over—	Length of lifeboat (feet): Not over—	Standing lug sail: Area (square feet)	Luff and head lengths	Leach length	Foot length	Clew to throat	Ounces per square	Commercial designation No.	Mast [1]: Length	Mast [1]: Diameter (inches)	Yard [1]: Length	Yard [1]: Diameter (inches)
			Ft. In.	Ft. In.	Ft. In.	Ft. In.			Ft. In.		Ft. In.	
-----	17	58	5 11	12 1	8 10	10 10	14.35	10	11 2	3	6 11	2
17	19	74	6 8	13 8	10 0	12 2	14.35	10	12 6	3	7 8	2
19	21	93	7 5	15 1	11 2	13 6	14.35	10	13 10	3 1/2	8 5	2 1/2
21	23	113	8 3	16 11	12 4	15 1	14.35	10	15 2	3 1/2	9 3	2 1/2
23	25	135	9 0	18 6	13 6	16 6	14.35	10	16 6	4	10 0	3
25	27	158	9 9	20 0	14 7	17 10	17.50	8	17 10	4	10 9	3
27	29	181	10 5	21 5	15 7	19 1	17.50	8	19 2	4 1/2	11 8	3 1/4
29	31	203	11 0	22 8	16 6	20 3	20.74	6	20 6	4 1/2	12 0	3 1/4
31	[2]	[2]	[2]	[2]	[2]	[2]	[2]	[2]	[2]	[2]	[2]	[2]

[1] Mast lengths measured from heel to center of upper halyard sheave. Mast diameters measured at thwart. Mast and yard shall be of clear-grained spruce, fir, or equivalent.
[2] Subject to special consideration.

(t) *Matches.* A box of safety matches in a watertight container stowed in an equipment locker or secured to the underside of the stern thwart if no locker is fitted.

(u) *Milk, condensed.* One pound of condensed milk shall be provided for such person the lifeboat is certified to carry, to be stowed in lockers or other compartments, providing suitable protection.

(v) *Mirrors, signaling.* Signaling mirrors shall be of an approved type.

(w) *Oars.* A unit, consisting of a complement of rowing oars and steering oar, shall be provided for each lifeboat in accordance with Table 33.15–10(w), except that motor-propelled and hand-propelled lifeboats need only be equipped with 4 rowing oars and steering oar. All oars shall be buoyant.

TABLE 33.15–10 (w)

Length of lifeboat (feet): Over—	Length of lifeboat (feet): Not over—	Number of oars: Rowing	Number of oars: Steering	Length of oars (feet): Rowing	Length of oars (feet): Steering
----	15	4	1	8	9
15	19	6	1	10	11
19	21	6	1	11	12
21	23	6	1	12	13
23	25	8	1	13	14
25	27	8	1	14	15
27	----	8	1	15	16

(x) *Oil, illuminating.* One quart of illuminating oil shall be provided in a metal container.

(y) *Oil, storm.* One gallon of vegetable, fish, or animal oil shall be provided in a suitable metal container so constructed as to permit a controlled distribution of oil on the water, and so arranged that it can be attached to the sea anchor.

(z) *Painter.* Painters shall be of manila rope not less than 2 3/4 inches in circumference, or equivalent, and of a length not less than 3 times the distance between the deck on which the lifeboat is stowed and the light draft of the vessel. For lifeboats on vessels in ocean, coastwise or Great Lakes service one of the painters shall have a long eye splice and be attached to the thwart with a toggle. The other painter shall be attached to the stem.

(aa) *Plug.* The automatic drain required in the lifeboat shall be provided with a cap or plug attached to the lifeboat by a suitable chain.

(bb) *Provisions.* Two pounds of hard bread or its approved equivalent shall be provided for each person the lifeboat is certified to carry. The provisions shall be packaged in hermetically sealed cans of an approved type. The cans shall be stowed in lockers or other compartments providing suitable protection.

(cc) *Rowlocks.* A unit, consisting of sufficient rowlocks and rowlock sockets for each oar required by Table 33.15–10 (w) plus 2 additional rowlocks. The rowlocks shall be attached to the lifeboat by separate chains so as to be available for immediate use, except that the two additional spare rowlocks shall be carried in the equipment locker or stowed near the stern if no locker is fitted. The rowlocks and rowlock sockets shall be distributed so as to provide the maximum amount of single banked oars practicable.

(dd) *Rudder and tiller.* The rudder and tiller shall be constructed in accordance with § 160.035–3(t) in Subpart 160.035 of Subchapter Q (Specifications) of this chapter.

(ee) *Sea anchor.* The sea anchor shall be of an approved type.

(ff) *Signals, distress, floating orange smoke.* Two approved floating orange smoke distress signals, constructed in accordance with Subpart 160.022 of Subchapter Q (Specifications) of this chapter. The service use of this equipment shall be limited to three years from date of manufacture, and replacement shall be made no later than the first annual stripping, cleaning, and overhaul of the lifeboat after the date of expiration.

(gg) *Signals, distress, red hand flare.* A unit, consisting of twelve approved hand red flare distress signals, in a watertight container, constructed in accordance with Subpart 160.021 or 160.023 of Subchapter Q (Specifications) of this chapter. The service use of this equipment shall be limited to three years from date of manufacture, and replace-

ment shall be made no later than the first annual stripping, cleaning, and overhaul of the lifeboat after the date of expiration.

(hh) *Signals, distress, red parachute flare.* A unit, consisting of twelve approved parachute red flare distress signals, with an approved means of projecting them, all contained in a portable watertight container; or twelve approved hand-held rocket-propelled parachute red flare distress signals contained in a portable watertight container. Construction shall be in accordance with Subparts 160.024 and 160.028 or 160.036 of Subchapter Q (Specifications) of this chapter. The service use of this equipment shall be limited to three years from date of manufacture, and replacement shall be made no later than the first annual stripping, cleaning, and overhaul of the lifeboat after the date of expiration.

(ii) *Tool kit.* The tool kit shall consist of at least the following tools contained in a suitable container:

(1) One 12-ounce ball peen hammer.
(2) One screwdriver with 6-inch blade.
(3) One pair 8-inch slip joint pliers.
(4) One 8-inch adjustable end wrench.

(jj) *Water.* (1) For each person the lifeboat is certified to carry, there shall be provided three quarts of drinking water consisting of nine approved hermetically sealed containers per person constructed and filled in accordance with Subpart 160.026 of Subchapter Q (Specifications) of this chapter. The service life of this equipment shall be limited to 5 years from date of packing, and replacement shall be made no later than the first annual stripping, cleaning, and overhaul of the lifeboat after date of expiration. Approved desalting kits capable of producing an equal amount of drinking water may be substituted for not more than one-third of the drinking water required to be carried.

(2) The drinking water containers shall be stowed in drinking water tanks, lockers, or other compartments providing suitable protection.

(kk) *Whistle, signaling.* The whistle shall be of the ball-type, of corrosion-resistant construction, with a 36-inch lanyard attached, and in good working order.

(ll) *Fishing kit.* The fishing kit shall be of approved type constructed in accordance with Subpart 160.061 of Subchapter Q (Specifications) of this chapter.

(mm) *Cover, protecting.* The protecting cover shall be of a highly visible color, and capable of protecting the occupants against injury by exposure.

(nn) *Table of lifesaving signals.* The table of lifesaving signals shall be in accordance with the provisions of Chapter V, Regulation 16, of the International Convention for Safety of Life at Sea, 1960, and shall be printed on water resistant paper.

(oo) *Desalting kit.* One or more approved desalting kits may be used as a substitute for one-third of the required amount of drinking water per person, and shall be constructed in accordance with Subpart 160.058 of Subchapter Q (Specifications) of this chapter.

§ 33.15–15 Required equipment for rigid type liferafts and buoyant apparatus—TB/LBR.

(a) The rigid type liferafts and buoyant apparatus for all vessels shall be equipped in accordance with Table 33.15–15 (a). For a description of the items contained in this table and the units comprising the items, see the applicable paragraphs of § 33.15–20. The letter identification prefixing the item in the table corresponds to the paragraph designation in § 33.15–20.

TABLE 33.15–15 (a)

Letter identification	Item	Liferaft: Great Lakes	Liferaft: Lakes, bays, sounds, rivers,	Buoyant apparatus—All waters
a	Boathook	1	1	None
b	Lifeline	[1]	[1]	[1]
c	Matches (boxes)	1	None	None
d	Oars (units)	[1]	[1]	None
e	Oil, storm (gallons)	1	None	None
f	Painter	1	1	[1]
g	Rowlocks (units)	[1]	[1]	None
h	Sea anchor	1	None	None
i	Signals, distress (units)	[1]	None	None
j	Water light	1	None	[4] [1]

[1] Not required on Type A liferafts.
[2] For description of unit see § 33.15–20.
[3] Need only be 2 inches in diameter and of a length equal to the distance between the deck where stowed to the vessel's light draft plus 6 feet.
[4] Not required on buoyant apparatus for less than 25 persons.
[5] Applies to ocean, coastwise and Great Lakes routes.

§ 33.15–16 Required equipment for inflatable liferafts—TB/ALL.

(a) Inflatable liferafts shall be equipped with ocean service equipment for vessels on ocean and coastwise routes and with limited service equipment for vessels on Great Lakes, lakes, bays, sounds, and river routes in accordance with Subpart 160.051 of Subchapter Q (Specifications) of this chapter.

NOTE: Subpart 160.051 of this chapter requires the servicing of inflatable liferafts at approved servicing facilities. Included in the servicing at an approved facility is a complete inspection of the required equipment by a marine inspector.

§ 33.15–20 Description of equipment for liferafts and buoyant apparatus—TB/LBR.

(a) *Boathook.* Boathooks shall be of the single hook ball point type. Boathook handles shall be of clear grained white ash, or equivalent, not less than 8 feet long and 1½ inches in diameter.

(b) *Lifeline.* The lifeline shall be properly secured around the sides and ends of the liferaft, or buoyant apparatus, festooned in bights not longer than 3 feet, with a seine float in each bight, which float may be omitted if the line is of an inherently buoyant material and absorbs little or no water. The lifeline shall be of a size and strength not less than ⅜-inch diameter manila.

(c) *Matches.* A box of safety matches in a watertight container.

(d) *Oars.* A unit, consisting of 4 rowing oars and one steering oar not less than 8 feet in length, shall be provided for liferafts for 7 persons or more. For liferafts for 6 persons or less, a unit shall consist of 2 paddles not less than 5 feet in length.

(e) *Oil, storm.* One gallon of vegetable, fish, or animal oil shall be provided in a suitable metal container so constructed as to permit a controlled distribution of oil on the water, and so arranged that it can be attached to the sea anchor.

(f) *Painter.* Painters shall be of manila rope not less than 2¾ inches in circumference and of a length not less than 3 times the distance between the deck on which the liferafts are stowed and the light draft of the vessel.

(g) *Rowlocks.* A unit, consisting of 5 rowlocks attached to the liferaft by separate chains and ready for immediate use, together with proper rowlock sockets so arranged as to provide 4 rowing positions and 1 steering position with the liferaft floating either side up. Rowlocks and rowlock sockets are not required on liferafts for 6 persons or less.

(h) *Sea anchor.* The sea anchor shall be constructed of good quality canvas or other satisfactory material, and shall be not less than 2 feet in diameter.

(i) *Signals, distress.* (1) A unit, consisting of equipment as specified in subparagraph (2) or (3) of this paragraph. The service use of this equipment shall be limited to 3 years from date of manufacture, and replacement shall be made no later than the first inspection (biennial or reinspection) after the date of expiration.

(2) Twelve parachute red flare distress signals with an approved means of projecting them, all contained in a portable watertight container. Construction shall be in accordance with Subparts 160.024 and 160.028 or 160.036 of Subchapter Q (Specifications) of this chapter.

(3) Six approved hand red flare distress signals and 6 parachute red flare distress signals with an approved means of projecting them, all contained in a portable watertight container. Construction shall be in accordance with Subparts 160.021, 160.024 and 160.028 or 160.036 of Subchapter Q (Specifications) of this chapter.

(j) *Water light.* The water light shall be of an approved automatic electric type, constructed in accordance with Subpart 161.001 of Subchapter Q (Specifications) of this chapter. The water light shall be attached to the liferaft or buoyant apparatus by a 12-thread manila lanyard 3 fathoms in length.

§ 33.15–25 Portable radiotelegraph apparatus—T/OC.

(a) All tankships on an international voyage shall be provided with a portable radio apparatus complying with the requirements of the Federal Communications Commission unless at least one lifeboat on each side of the vessel is fitted with a fixed radio installation. Such portable radio shall be kept in the radio room, chartroom, or other suitable location ready to be moved to one or other of the lifeboats in the event of an emergency; however, in tankships of 3,000 gross tons and over in which lifeboats are fitted amidships and aft, such equipment shall be kept in a suitable place in the vicinity of those lifeboats which are furthest removed from the ship's main transmitter.

§ 33.15–90 Lifeboat, liferaft and buoyant apparatus equipment on tank vessels contracted for prior to May 26, 1965—TB/ALL.

(a) Vessels contracted for prior to May 26, 1965, shall meet the following requirements:

(1) Except as specifically modified by this paragraph, the requirements of §§ 33.15–5 through 33.15–25 shall be complied with insofar as the number of items of equipment and the method of stowage of the equipment is concerned.

(2) Existing items of equipment previously approved, but not meeting the applicable specifications or requirements set forth in §§ 33.15–5 through 33.15–25 may be continued in service so long as they are maintained in a good condition to the satisfaction of the Officer in Charge, Marine Inspection.

(3) Lifeboats previously approved without automatic drain plugs shall have two plugs or caps attached to the lifeboat by separate chains.

(4) On tank vessels certificated for ocean or coastwise service, and contracted for prior to November 19, 1952, unless other approved means are provided to achieve the same purpose, three ½-inch diameter manila grablines shall be fitted extending from gunwale to gunwale under the keel to enable persons to cling or to climb upon the upturned lifeboat. The ends of each grabline shall be securely attached to the side benches or other permanent part of the lifeboat and each grabline shall be made up with figure eight knots spaced approximately 18 inches apart in order to provide hand grips. Means shall be provided for taking up any slack in the grablines.

(5) All new installations shall meet the applicable specifications or requirements of this part.

Subpart 33.20—Stowage of Lifeboats, Liferafts, and Buoyant Apparatus

§ 33.20–1 Davits and launching devices—TB/ALL.

(a) Tankships of 100 gross tons or more shall be equipped with separate davits for each lifeboat carried.

(b) Tankships of less than 100 gross tons and tank barges where lifeboats are carried shall provide means for the launching of such lifeboats by davits or crane or, where the freeboard is less than 6 feet when the vessel has no cargo aboard, by slide.

(c) On all tankships of 500 gross tons and over in ocean and coastwise service, the conditions set forth in subparagraphs (1) to (5), inclusive, of this paragraph shall apply. Tankships of 500 gross tons and over in Great Lakes service shall comply with the conditions set forth in subparagraphs (1) and (3) of this paragraph.

(1) An approved ladder, constructed in accordance with Subpart 160.017 of Subchapter Q (Specifications) of this chapter shall be provided at each set of davits to afford access to the lifeboats when waterborne.

(2) All davit installations shall have at least 2 lifelines fitted to a davit span. The lifelines shall be of such length as to reach the water at the lightest draft with the vessel listed 15 degrees either way.

(3) Suitable means shall be provided on vessels engaged on international voyages for illuminating the launching gear and the lifeboats during the process of launching the lifeboats from the stowed position until they are waterborne. Similar provisions shall be made on such vessels for the illumination of any liferaft stowage areas. For detailed requirements of such illumination for tank vessels contracted for on or after November 19, 1955, see Part 111 of Subchapter J (Electrical Engineering) of this chapter.

(4) On tankships the construction or conversion of which was started on or after November 19, 1952, where applicable, means shall be provided outside the machinery space to prevent the discharge of water into the lifeboats while they are being lowered. This shall consist of baffles to deflect the water down the vessel's side, reach rods or other means to close the discharge openings, or a remote means for stopping the pumps.

(5) Lifeboats on tankships contracted for on or after May 26, 1965, shall be fitted with skates or other suitable means to facilitate launching against an adverse list of up to 15 degrees. However, skates may be dispensed with if, in the opinion of the Commandant, the arrangements are such as to insure that the lifeboats can be satisfactorily launched without skates. For vessels contracted for prior to May 26, 1965, the foregoing shall apply unless in the opinion of the Officer in Charge, Marine Inspection, it is unreasonable or impracticable or the arrangement or construction of the vessel make their use unnecessary.

(d) Lifeboats shall not be placed in the bows of tankships. They shall be stowed in such positions as to insure safe launching.

(e) Suitable access to the lifeboats shall be provided to enable the crew to prepare the lifeboats for launching.

(f) Means shall be provided for bringing the lifeboats against the ship's side and holding them there so that persons may be safely embarked.

(g) On a tankship on which inflatable liferafts have been substituted for lifeboats, a launching device for each lifeboat to be used for rescue purposes shall be installed. Radial type davits or other means may be used in sheltered waters if acceptable to the Officer in Charge, Marine Inspection.

§ 33.20–3 Embarkation aids into inflatable liferafts—T/ALL.

(a) Where inflatable liferafts are substituted for lifeboats, unless freeboard at embarkation point is such that embarkation devices are not necessary, suitable arrangements shall be made for embarkation which shall include sufficient ladders or other suitable devices to facilitate embarkation into the inflatable liferafts when waterborne.

§ 33.20–5 Lifeboat davit falls—T/ALL.

All tankships over 1,000 gross tons shall be provided with covered tubs, boxes, or reels, in which to stow the running part of the lifeboat davit falls. Lifeboat falls shall not be painted.

§ 33.20–10 Lifeboats and liferafts kept clear for launching—TB/ALL.

The decks on which lifeboats or liferafts are carried shall be kept clear of freight or any other obstruction that would interfere with the immediate launching of the lifeboats or liferafts.

§ 33.20–15 Stowage of lifeboats and liferafts—TB/ALL.

(a) All the lifeboats and liferafts shall be stowed in such a way that they can be launched in the shortest possible time, and that, even under unfavorable conditions of list and trim from the point of view of the handling of the lifeboats and liferafts, it may be possible to embark in them as large a number of persons as possible.

(b) For tankships, arrangements shall be such that it may be possible to launch on either side of the vessel as large a number of lifeboats and liferafts as possible.

(c) Where practicable, lifeboat chocks shall be so fitted that the lifeboats they serve shall not require lifting before launching.

(d) Inflatable liferafts shall be stowed in such a manner that they will float free in the event of the vessel sinking. Stowage and launching arrangements shall be to the satisfaction of the Officer in Charge, Marine Inspection.

Subpart 33.25—Markings, Care and Inspection

§ 33.25–5 Numbering and marking of lifeboats—TB/ALL.

(a) The number of each lifeboat shall be plainly marked or painted on each side of the bow in figures 3 inches high; and, where lifeboats are carried on both sides of a vessel, the odd-numbered boats shall be stowed on the starboard side, and the even-numbered boats on the port side; i.e., lifeboat No. 1 shall be forward on the starboard side, and lifeboat No. 3 next abaft lifeboat No. 1; lifeboat No. 2 shall be forward on the port side and lifeboat No. 4 next abaft lifeboat No. 2, etc.

(b) The cubical contents and number of persons allowed to be carried on each lifeboat shall be plainly marked or painted on each side of the bow in letters and numbers 1½ inches high. For vessels on an international voyage, the vessel's port of registry shall be added in similar type letters. In addition, the number of persons allowed shall be plainly marked or painted on the top of at least two of the thwarts in letters and numbers 3 inches high.

(c) Such letters and numbers shall be dark on a light ground or light on a dark ground.

(d) The top of thwarts, side benches and footings of lifeboats shall be painted or otherwise colored international orange. The area in way of the red mechanical disengaging gear control lever, from the keel to the side bench, shall be painted or otherwise colored white, to provide a contrasting background for the lever. This band of white should be approximately 12 inches wide depending on the internal arrangements of the lifeboat.

(e) Where mechanical disengaging apparatus is used, the control effecting the release of the lifeboat shall be painted bright red and shall have thereon in raised letters either the words—"Danger—Lever Drops Boat," or the words—"Danger—Lever Releases Hooks."

§ 33.25–10 Marking of liferafts—TB/ALL.

(a) There shall be stenciled in a conspicuous place on each rigid type liferaft the number of persons the liferaft can carry.

(b) There shall be stenciled in a conspicuous place in the immediate vicinity of each inflatable liferaft the following:

INFLATABLE LIFERAFT NO. ------
------ PERSONS CAPACITY

These markings shall not be placed on the inflatable liferaft containers.

NOTE: § 160.051–8(a) of Subchapter Q (Specifications) of this chapter requires permanently attached nameplates on each inflatable liferaft and carrying case. The nameplate contains the following information: The name of manufacturer, approval number, manufacturer's model number, serial number and lot number, and the number of persons for which the inflatable liferaft is approved. In addition, the carrying case shall be marked "Ocean Service Equipment" or "Limited Service Equipment" as applicable, together with the marine inspector's initials, the date, and the letters "USCG."

§ 33.25–15 Overhaul—TB/ALL.

(a) All lifeboats, rescue boats, and rigid type liferafts shall be stripped, cleaned and thoroughly overhauled at least once in every year.

(b) Tank vessels in ocean or coastwise service having a sufficient number of lifeboats on each side to accommodate all persons on board may care for their lifeboats at sea: *Provided*, That a number of lifeboats sufficient to accommodate all persons on board are fully equipped and ready for use at all times.

(c) The lifeboat davits and falls shall be overhauled at least once in every year.

(d) Inflatable liferafts shall be serviced at an approved servicing facility in accordance with the provisions of Subpart 160.051 of Subchapter Q (Specifications) of this chapter. Inflatable liferafts shall be serviced at an approved servicing facility every 12 months or not later than the next vessel inspection for certification provided the total time since date of last servicing does not exceed 15 months. The period for servicing is computed from date of last servicing. Except in emergencies no servicing should be done aboard vessels. If at any time external damage is found to the container or straps or if the seal is broken, the Officer in Charge, Marine Inspection, shall be notified and the raft shall be serviced by an approved servicing facility.

NOTE: After the raft has been satisfactorily serviced in the presence of a marine inspector at an approved servicing facility, the raft is repacked and sealed and the carrying case stamped "PASSED" together with the date, port, and the marine inspector's initials.

§ 33.25–20 Maintenance—TB/ALL.

(a) Every lifeboat, liferaft, or piece of buoyant apparatus together with its equipment shall be kept in every respect in good condition and ready for immediate use.

(b) The material that may support the platform of a liferaft or buoyant apparatus shall be examined to determine that its strength is maintained.

(c) Air tanks shall be examined to see that they are in good condition but pressure need not be applied unless the inspector so desires to assure himself as to their condition.

(d) Disengaging apparatus, blocks and falls, if used, shall be determined to be in good condition.

(e) Disengaging apparatus, if used, shall be shown on the inspector's report, and if the inspector is unable to identify it by name, he shall take the matter up with the Coast Guard District Commander in order that such apparatus may be traced for identification and approval record.

Subpart 33.30—Manning of Lifeboats and Liferafts

§ 33.30–1 Persons in charge of each lifeboat and liferaft—T/O.

A licensed deck officer, an able seaman, or a certificated lifeboatman shall be placed in charge of each lifeboat or liferaft. He shall have a list of its lifeboatmen and other members of its crew which shall be sufficient for her safe management, and shall see that the men placed under his orders are acquainted with their several duties and stations. A second in command shall also be appointed which person shall be either a licensed deck officer, an able seaman or a certificated lifeboatman.

§ 33.30–3 Person in charge of each lifeboat or liferaft—T/CLB.

(a) A licensed deck officer, an able seaman, or a certificated lifeboatman shall be placed in charge of each lifeboat or liferaft.

(b) The person in charge shall have a list of its lifeboatmen and other members of its crew, which shall be sufficient for her safe management, and shall see that the men placed under his orders are acquainted with their several duties and stations.

§ 33.30–5 Manning of lifeboats and liferafts—TB/OCLB.

(a) There shall be for each lifeboat or liferaft a number of lifeboatmen at least equal to that specified as follows, provided, that vessels required to carry sufficient lifeboats on each side to accommodate all persons on board need only carry the lifeboatmen required for the lifeboats on one side:

(1) If the lifeboat or liferaft carries 25 persons or less, the minimum number of certificated lifeboatmen shall be 1;

(2) If the lifeboat or liferaft carries 26 persons and less than 41 persons the minimum number of certificated lifeboatmen shall be 2;

(3) If the lifeboat or liferaft carries 41 persons and less than 61 persons the minimum number of certificated lifeboatmen shall be 3.

(b) The allocation of the certificated lifeboatmen to each lifeboat and liferaft remains within the discretion of the master, according to the circumstances.

Subpart 33.35—Life Preservers

§ 33.35–1 Number and type required—TB/ALL.

(a) All tank vessels shall be provided with one approved life preserver for each person carried. An additional number of life preservers shall be provided for personnel on watch in the engineroom and pilothouse.

(b) In addition to the life preservers required by paragraph (a) of this section, all tankships on an international voyage shall be provided with approved type life preservers for 5 percent of the persons carried. The additional number of life preservers required for personnel on watch in the engineroom and pilothouse may be counted toward meeting this requirement.

(c) All life preservers on tankships of 500 gross tons and over on an international voyage shall be provided with a whistle of the ball-type, of corrosion-resistant construction, with a 3-foot lanyard attached, and in good working order. It shall be attached to the life preserver by the lanyard alone without hooks, snaps, clips, etc., and shall extend not less than 15 inches from the life preserver body. While stowed on the life preserver, the whistle lanyard shall be coiled and stopped-off.

(R.S. 4491, as amended; 46 U.S.C. 489)

§ 33.35–5 Distribution and stowage—TB/ALL.

Life preservers shall be distributed throughout the cabins, staterooms, berths, and other places convenient for each person on such tank vessels. The stowage of the additional number of life preservers shall be such that they are readily accessible to personnel on watch in the engineroom and pilothouse.

§ 33.35–10 Shipboard inspections—TB/ALL.

At each inspection for certification, or oftener if deemed necessary, the life preserver shall be examined by an inspector to determine serviceability. When life preservers are found to be in accordance with the requirements, the inspector shall stamp them with the word "Passed," his initials, port, and date. Life preservers found not to be in a serviceable condition shall be removed from the vessel's equipment and, if beyond repair, shall be destroyed in the presence of the inspector.

§ 33.35–15 Requirements for life preservers—TB/ALL.

(a) The specifications regarding life preservers are in Subparts 160.001, 160.002, 160.005, 160.006, and 160.055 of Subchapter Q (Specifications) of this chapter.

(b) Cork and balsa wood life preservers, constructed in accordance with the applicable provisions of Subpart 160.003 or 160.004 and manufactured as approved life preservers prior to July 1, 1965, may be accepted as new or replacement equipment required by this subchapter if such life preservers are serviceable and in good condition to the satisfaction of the Officer in Charge, Marine Inspection: *Provided, however*, That such life preservers bearing basic Approval No. 160.003 or 160.004 shall not be considered as approved equipment meeting the requirements for those tankships on an international voyage, constructed or contracted for on or after May 26, 1965.

(c) All kapok and fibrous glass life preservers which do not have plastic-covered pad inserts, as required by Subparts 160.002 and 160.005 of Subchapter Q (Specifications) of this chapter, shall be removed from service.

Subpart 33.40—Ring Life Buoys and Water Lights

§ 33.40–1 Ring life buoys and water lights, general requirements—TB/ALL.

(a) All ring life buoys shall be of an approved type, constructed in accordance with Subpart 160.009 or 160.050 of Subchapter Q (Specifications) of this chapter.

(b) All water lights shall be of an approved automatic electric type, constructed in accordance with Subpart 161.001 of Subchapter Q (Specifications) of this chapter.

(c) All self-activated smoke signals shall be of an approved type, constructed in accordance with the requirements of Subpart 160.057 of Subchapter Q (Specifications) of this chapter, which shall be capable of producing smoke of a highly visible color for at least 15 minutes.

(R.S. 4491, as amended; 46 U.S.C. 489)

§ 33.40–5 Number required on tankships—T/ALL.

(a) The minimum number of approved 30-inch ring life buoys, and the minimum number of which shall have water lights attached, shall be in accordance with Table 33.40–5(a).

TABLE 33.40–5(a)

Length of tankship (feet)	Ocean		All services other than ocean	
	Minimum number of ring life buoys	Minimum number of ring life buoys in column 2 which shall have water lights attached	Minimum number of ring life buoys	Minimum number of ring life buoys in column 4 which shall have water lights attached
Column 1	Column 2	Column 3	Column 4	Column 5
Under 100	8	6	2	1
100 and under 200	8	6	4	2
200 and under 300	8	6	6	2
300 and under 400	12	6	12	4
400 and under 600	18	9	18	9
600 and under 800	24	12	24	12
800 and over	30	15	30	15

(b) One of the ring life buoys on each side of the vessel shall have secured to it a line at least 15 fathoms in length. On tankships on an international voyage, the line shall be of the buoyant type.

(c) On tankships on an international voyage, at least two of the ring life buoys with waterlights attached as required by Table 33.40–5(a), shall also be provided with an approved self-activated smoke signal and shall be capable of quick release from the bridge.

(d) On tankships on an international voyage, the ring life buoys required by this section shall be orange in color.

§ 33.40–10 Number required on tank barges—B/ALL.

All tank barges regardless of size, shall have at least two approved 30 inch ring life buoys on board: *Provided*, That unmanned barges are exempt from this section.

§ 33.40–15 Distribution and security—TB/ALL.

(a) All ring life buoys shall be placed so as to be readily accessible to the persons on board, and their positions plainly indicated so as to be known to all persons concerned.

(b) The ring life buoys shall always be capable of being cast loose, and shall not be permanently secured in any way.

Subpart 33.45—Distress Signals

§ 33.45–1 Distress signals—T/ALL and B/OC.

On every manned tank vessel of 150 gross tons and over there shall be carried twelve approved hand red flare distress signals in a watertight container, or twelve approved hand combination flare and smoke distress signals in a watertight container. Service use shall be limited to a period of three years from date of manufacture, and replacement of out-dated items shall be made at the first port of arrival in the United States where such distress signals are available, except that replacement shall be made in all cases within twelve months after the date of expiration. Distress signals not bearing date of manufacture shall not be carried. For specifications for these signals, see Subparts 160.021 and 160.023 of Subchapter Q (Specifications) of this chapter.

(R.S. 4491, as amended; 46 U.S.C. 489)

§ 33.45–5 Parachute distress signals—T/OC.

In addition to the equipment required by § 33.45–1, all tankships of 500 gross tons and over shall be provided with 12 approved hand-held rocket-propelled parachute red flare distress signals, contained in a portable watertight container, constructed in accordance with Subpart 160.036 of Subchapter Q (Specifications) of this chapter. Service use of the distress signals shall be limited to a period of three years from date of manufacture, and replacement of outdated items shall be made at the first port of arrival in the United States where such distress signals are available, except that replacement shall be made in all cases within 12 months after the date of expiration.

§ 33.45–10 Stowage of distress signals—TB/ALL.

All tank vessels required to carry pyrotechnic distress signals shall carry such signals in watertight containers near the pilothouse, on the navigator's bridge, or in some other suitable, readily accessible location other than in the lifeboats. In no case shall pyrotechnics be permitted to be carried in enclosed spaces, adjacent to cargo tanks or near sources of heat. Tank vessels required to carry a magazine chest may carry the distress signals in the magazine chest.

Subpart 33.50—Signaling Lamp

§ 33.50–1 Signaling lamp—T/O.

Tankships of over 150 gross tons engaged on international voyages shall be equipped with an efficient daylight signaling lamp. For detailed requirements see Subpart 113.60 of Subchapter J (Electrical Engineering) of this chapter.

Subpart 33.55—Line-Throwing Appliances

§ 33.55–1 Line-throwing appliances required—T/OC.

(a) All ocean and coastwise tankships of 150 gross tons and over shall be equipped with an approved line-throwing appliance and equipment auxiliary thereto, as specified in this subpart.

(b) Tankships of 500 gross tons or more shall be equipped with an approved line-throwing appliance and equipment auxiliary thereto, of the impulse-projected rocket type, the requirements for which are set forth in Subpart 160.040 of Subchapter Q (Specifications) of this chapter. Lyle gun type line-throwing appliances in service on or before July 1, 1951, may be continued in use so long as in good and serviceable condition: *Provided*, That any replacements shall

be made with a line-throwing appliance of the impulse-projected rocket type.

(c) Tankships of 150 gross tons and over and less than 500 gross tons shall be equipped with an approved line-throwing appliance and equipment auxiliary thereto, of the shoulder gun type or the impulse-projected rocket type, the requirements for which are set forth in Subparts 160.031 and 160.040, respectively, of Subchapter Q (Specifications) of this chapter. Lyle gun type line-throwing appliances in service on or before July 1, 1951, may be continued in use so long as in good and serviceable condition: *Provided*, That any replacements shall be made with a line-throwing appliance of the shoulder gun type or the impulse-projected rocket type.

(d) Service use of rockets shall be limited to a period of 4 years from date of manufacture, and replacement of outdated items shall be made at the first port of arrival in the United States where such rockets are available, except that replacement shall be made in all cases within 12 months after the date of expiration.

(R.S. 4491, as amended; 46 U.S.C. 489)

§ 33.55–5 Accessibility—T/OC.

The line-throwing appliance and its equipment shall be kept always easily and immediately accessible and read for use. No part of this equipment shall be used for any other purpose.

§ 33.55–10 Equipment for line-throwing appliances—T/OC.

The equipment enumerated below is required to be carried with the various types of line-throwing appliances:

(a) *Impulse-projected rocket type.* Four rockets (2 of which shall be of the buoyant type), 4 primer-ejector cartridges, 4 service lines (each of a length not less than that specified in the approval of the appliance carried, of 7/32-inch to 9/32-inch diameter, of flax or manila, and having a breaking strength of at least 500 pounds, to be kept in faking boxes or on reels), 1 auxiliary line (1,500 feet of 3-inch circumference manila), 1 can of oil, 1 cleaning brush, 12 wiping patches, and 1 set of instructions furnished by the manufacturer, all in a suitable case or box with the appliance, except that the service lines and the auxiliary line may be stowed in an accessible location nearby.

(b) *Shoulder gun type.* Ten (10) service projectiles, 4 service lines (each not less than 400 feet in length of 3/8-inch circumference flax or cotton and having not less than 250 pounds breaking strength, or each not less than 600 feet in length of 1/16-inch or more diameter woven or braided nylon, very flexible, having a breaking strength not less than 140 pounds, or equivalent, to be kept in faking boxes or reels), 25 cartridges, 1 cleaning rod with brush, 1 can of oil, 12 wiping patches and 1 set of instructions, all in a suitable case or box with the gun, with an auxiliary line (500 feet of 3-inch circumference manila) accessible for use.

(c) *Lyle gun type on existing tank vessels.* Six (6) service projectiles, 4 service lines (each 1,700 feet of 7/32-inch to 9/32-inch diameter flax or manila, having not less than 500 pounds breaking strength, in faking boxes or reels), 1 auxiliary line (1,500 feet of 3-inch circumference manila), 1 approved firing attachment (with accessories consisting of lanyard, wrench, washer to fit between barrel and shoulder of firing attachment, blank plug for screwing into gun when firing attachment is not in place, cartridge extractor, and 25 primers in watertight metal box), 18 bags (2½ ounces each) of black powder marked "One-half normal charge for Lyle gun, 2½ ounces black powder" in nonferrous metal screw top container, 25 paper wads, 1 ram rod, 1 wire brush, 1 can light petrolatum, 12 wiping patches, 1 tapered wooden plug for muzzle of gun when not in use, and 1 set of instructions furnished by the manufacturer of the gun, all in a suitable box or chest with the gun.

§ 33.55–15 Service recommendations—T/OC.

The following precautions and procedure are recommended for the use of line-throwing appliances and equipment:

(a) *Impulse-projected rocket type.* Follow the operating instructions and safety precautions furnished by the manufacturer.

(b) *Shoulder gun type.* Follow the operating instructions and safety precautions furnished by the manufacturer.

(c) *Lyle gun type on existing tank vessels.* (1) Service powder charge should be about 5 ounces of black powder, and the powder bags should be furnished to the vessel containing 2½ ounces of black powder and marked "one-half normal charge." Under extraordinary circumstances, 7½ ounces (three 2½-ounce bags) of black powder may be used.

(2) In making the line fast to the shank, pass it through the eye and take three or more half-hitches around its own part, leaving a loop of about 10 to 12 inches and taking the hitches about 6 inches apart. This will allow the line to slip slightly through the eye of the shank before the hitches fetch up, thus easing the strain on the line at the loop during the initial acceleration.

(3) A considerable bight led over the side is recommended wherever possible, as it will tend to lessen the jerk on the line at initial acceleration.

(4) At least a fathom of the line from the shank should be thoroughly wet before using to prevent burning.

(5) The faking box or reel should always be faced in the direction of the line of fire and placed abreast of the gun and as close to ship's side as possible. It is not advisable to place the line too close to the muzzle of the gun, as the concussion may lift several layers or coils from the top, causing a snarl which in turn may cause the line to part.

(6) Care should be taken in placing the equipment to prevent fouling of the line in rigging, ridge ropes, etc., which have a tendency to rise or jump up when the gun is fired.

(7) Having made the gun and equipment ready for use, the following procedure in firing is recommended: select a place where the gun may recoil without striking anything, or where it may be securely lashed down. Note the position of the vessel to be relieved, and the direction and approximate force of the wind, and then place the gun in position, making allowance for the drift of the line. Place the line on the windward side of the gun and about 3 feet from it. Make the line fast in the eye of the shank and insert the powder charge, projectile, and primer. In loading, make sure that the projectile is seated against the wad.

(8) After using, the line should be thoroughly dried before rewinding or faking.

PART 34—FIREFIGHTING EQUIPMENT

Subpart 34.01—Application

Sec.
34.01–1 General—TB/ALL.
34.01–5 Equipment installed but not required—TB/ALL.
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Subpart 34.05—Firefighting Equipment, Where Required

34.05–1 Fire main system—T/ALL.
34.05–5 Fire-extinguishing systems—T/ALL.
34.05–10 Portable and semiportable extinguishers—TB/ALL.
34.05–15 Sand—TB/ALL.
34.05–20 Fire axes—T/ALL.

Subpart 34.10—Fire Main System, Details

34.10–1 Application—TB/ALL.
34.10–5 Fire pumps—T/ALL.
34.10–10 Fire station hydrants, hose and nozzles—T/ALL.
34.10–15 Piping—T/ALL.
34.10–90 Installations contracted for prior to May 26, 1965—T/ALL.

Subpart 34.13—Steam Smothering System, Details

34.13–1 Application—T/ALL.
34.13–90 Installations contracted for prior to January 1, 1962—T/ALL.

Subpart 34.15—Carbon Dioxide Extinguishing Systems, Details

34.15–1 Application—T/ALL.
34.15–5 Quantity, pipe sizes, and discharge rates—T/ALL.
34.15–10 Controls—T/ALL.
34.15–15 Piping—T/ALL.
34.15–20 Carbon dioxide storage—T/ALL.
34.15–25 Discharge outlets—T/ALL.
34.15–30 Alarms—T/ALL.
34.15–35 Enclosure openings—T/ALL.
34.15–40 Pressure relief—T/ALL.
34.15–90 Installations contracted for prior to January 1, 1962—T/ALL.

Subpart 34.17—Fixed Foam Extinguishing Systems, Details

34.17–1 Application—T/ALL.
34.17–5 Quantity of foam required—T/ALL
34.17–10 Controls—T/ALL.
34.17–15 Piping—T/ALL.
34.17–20 Discharge outlets—T/ALL.
34.17–25 Additional protection required—T/ALL.
34.17–90 Installations contracted for prior to January 1, 1962—T/ALL.

Subpart 34.20—Deck Foam System, Details

34.20–1 Application—T/ALL.
34.20–3 Cargo area definition—T/ALL.
34.20–5 Quantity of foam required—T/ALL.
34.20–10 Controls—T/ALL.
34.20–15 Piping—T/ALL.
34.20–20 Discharge outlets—T/ALL.
34.20–90 Installations contracted for prior to January 1, 1962—T/ALL.

Subpart 34.25—Water Spray Extinguishing Systems, Details

34.25–1 Application—T/ALL.
34.25–5 Capacity and arrangement—T/ALL.
34.25–10 Controls—T/ALL.
34.25–15 Piping—T/ALL.
34.25–20 Spray nozzles—T/ALL.
34.25–90 Installations contracted for prior to January 1, 1964—T/ALL.

Subpart 34.50—Portable and Semiportable Extinguishers

34.50–1 Application—TB/ALL.
34.50–5 Classification—TB/ALL.
34.50–10 Location—TB/ALL.
34.50–15 Spare charges—TB/ALL.
34.50–90 Vessels contracted for prior to January 1, 1962—TB/ALL.

Subpart 34.55—Sand

34.55–1 Application—TB/ALL.
34.55–5 Amount required—TB/ALL.
34.55–10 Substitute—TB/ALL.

Subpart 34.60—Fire Axes

34.60–1 Application—T/ALL.
34.60–5 Number required—T/ALL.
34.60–10 Location—T/ALL.

AUTHORITY: The provisions of this Part 34 issued under R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 391a, 416. Interpret or apply R.S. 4488, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 481, 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, Nov. 26, 1954, 19 F.R. 8026; 167–36, Oct. 26, 1959, 24 F.R. 8857.

Subpart 34.01—Application

§ 34.01–1 General—TB/ALL.

(a) The provisions of this part shall apply to all tank vessels except as otherwise noted in this part.

§ 34.01–5 Equipment installed but not required—TB/ALL.

(a) Where firefighting equipment is not required, but is installed, the equipment and its installation shall be of an approved type.

§ 34.01–10 Protection for unusual arrangements or special products—TB/ALL.

(a) The provisions of this part contemplate fire protection for tank vessels of conventional design carrying the usual liquid petroleum products in internal tanks. Whenever unusual arrangements exist or special cargoes are carried upon which the vessel's normal firefighting equipment will be ineffective, additional suitable firefighting equipment of approved type shall be carried.

Subpart 34.05—Firefighting Equipment, Where Required

§ 34.05–1 Fire main system—T/ALL.

(a) Fire pumps, piping, hydrants, hose and nozzles shall be installed on all tankships.

(b) The arrangements and details of the fire main system shall be as set forth in Subpart 34.10.

§ 34.05–5 Fire-extinguishing systems—T/ALL.

(a) Approved fire-extinguishing systems shall be installed on all tank ships in the following locations:

(1) *Dry cargo compartments.* A carbon dioxide or water spray system shall be installed for the protection of all dry cargo compartments. On vessels contracted for prior to January 1, 1962, a steam smothering system may be used in lieu thereof. In any case, where such dry cargo compartments are readily accessible by means of doors such spaces need be protected only by the fire main system.

(2) *Cargo tanks.* A deck foam system shall be installed for the protection of all cargo tank spaces. Where a deck foam system is installed, an approved inert gas, steam or other system may also be installed for purposes of fire prevention or inerting of cargo tanks. For vessels under 100 feet in length, the semiportable equipment required by footnote 1 of Table 34.10–5(a) will be considered as meeting the requirements of this subparagraph. On vessels contracted for prior to January 1, 1962, a steam smothering, inert gas, fixed foam or carbon dioxide system may be used in lieu of the deck foam system for the protection of the cargo tank spaces.

(3) *Lamp and paint lockers and similar spaces.* A carbon dioxide or water spray system shall be installed in all lamp and paint lockers, oil rooms, and similar spaces. Vessels contracted for prior to January 1, 1962, shall have a carbon dioxide, water spray, or steam smothering system. Vessels contracted for prior to November 19, 1952, shall have a carbon dioxide water spray, steam smothering, or foam system.

(4) *Pumprooms.* A carbon dioxide, inert gas, foam or water spray system shall be installed for the protection of all pumprooms. Vessels contracted for prior to January 1, 1962, and after July 1, 1951, shall have the same protection or a steam smothering system. For vessels contracted for prior to July 1, 1951, such systems are not required but if installed shall meet the requirements of this section.

(5) *Boilerrooms.* On tankships contracted for on or after November 19, 1952, a carbon dioxide or foam system shall be installed for the protection of all spaces containing oil fired boilers, either main or auxiliary, their fuel oil service pumps and/or such fuel oil units as the heaters, strainers, valves, manifolds, etc., that are subject to the discharge pressure of the fuel oil service pumps.

(6) *Machinery spaces.* A carbon dioxide system shall be installed for the protection of machinery spaces containing internal combustion propelling engines using fuel having a flashpoint of less than 110 degrees F.

(7) *Internal combustion installations.* If a fire-extinguishing system is installed to protect an internal combustion installation, the system shall be of the carbon dioxide type.

(8) *Enclosed ventilating system.* On tankships contracted for on or after January 1, 1962, where an enclosed ventilating system is installed for electric propulsion motors or generators, a carbon dioxide extinguishing system shall be installed in such system.

(b) The arrangements and details of the fire-extinguishing systems shall be as set forth in Subparts 34.10 through 34.20.

§ 34.05–10 Portable and semiportable extinguishers—TB/ALL.

(a) Approved portable and semiportable extinguishers shall be provided for all tank vessels.

(b) The type, size, location and arrangement of portable and semiportable extinguishers shall be as set forth in Subpart 34.50.

§ 34.05–15 Sand—TB/ALL.

(a) All spaces containing oil fired boilers shall have available in such spaces sand or an acceptable substitute.

(b) The arrangement and details of the carriage of the sand shall be as set forth in Subpart 34.55.

§ 34.05–20 Fire axes—T/ALL.

(a) Fire axes shall be provided on all tankships.

(b) The location and arrangement of fire axes shall be as set forth in Subpart 34.60.

Subpart 34.10—Fire Main System, Details

§ 34.10–1 Application—TB/ALL.

(a) On all tankships the provisions of this subpart, with the exception of § 34.10–90, shall apply to all fire main installations contracted for on or after May 26, 1965. Installations contracted for prior to May 26, 1965, shall meet the requirements of § 34.10–90.

(b) If a fire main system is installed on a tank barge, the system shall meet the intent of this subpart insofar as reasonable and practicable.

§ 34.10–5 Fire pumps—T/ALL.

(a) Tankships shall be equipped with independently driven fire pumps in accordance with Table 34.10–5(a).

TABLE 34.10–5(a)—FIRE PUMPS

Size vessel, L.O.A.		Minimum number of pumps	Powerful streams of water per pump	Minimum hydrant and hose size	
Over—	Not over—			Exterior stations	Interior stations
(*Feet*)	(*Feet*)			(*Inches*)	(*Inches*)
100	250	[1] 1	[2] 2	1½	1½
250	400	2	[2] 2	1½	1½
400	650	2	[2] 2	[4] 2½	1½
650		2	[3] 3	[4] 2½	1½

[1] Vessels of 65 feet and not over 100 feet shall be equipped with 2 B–V extinguishers. (Refer to Table 34.50–5(c).) Vessels under 65 feet shall be equipped with 1 B–V extinguisher. (Refer to Table 34.50–5(c).)

[2] Vessels of 1,000 gross tons and over on an international voyage shall have at least 2 fire pumps.

[3] From hydrants having greatest pressure drop between fire-pump(s) and nozzles.

[4] Where 2½-inch hydrant size is required, two 1½-inch outlets may be substituted therefor with two 1½-inch hoses.

(b) Each pump shall be capable of delivering simultaneously the number of streams of water required by Table

34.10–5(a) from the outlets having the greatest pressure drop between fire pump(s) and nozzles at a Pitot tube pressure of approximately 75 p.s.i. Where 1½-inch hose is permitted in lieu of 2½-inch hose by footnote 3 of Table 34.10–5(a), the pump capacity shall be determined on the basis that both hoses are used.

(c) On tankships of 1,000 gross tons and over on an international voyage, each required fire pump, while delivering water through the fire main system at a pressure corresponding to that required by § 34.10–15(e), shall have a minimum capacity of at least two-thirds of that required for an independent bilge pump if no length correction is taken for the cargo tank space. However, in no case shall the capacity of each fire pump be less than that otherwise required by this section.

(d) Fire pumps shall be fitted on the discharge side with relief valves set to relieve at 25 p.s.i. in excess of the pressure necessary to maintain the requirements of paragraph (b) of this section.

(e) Fire pumps shall be fitted with a pressure gage on the discharge side of the pumps.

(f) Fire pumps may be used for other purposes provided at least one of the required pumps is kept available for use on the fire system at all times. Unless specifically approved by the Commandant no branch lines shall be connected to the fire mains for other than fire, deck wash or tank cleaning purposes. Other discharge lines shall lead from a discharge manifold near the fire pump. In no case shall a pump having connection to an oil line be used as a fire pump.

(g) On all vessels where two fire pumps are required, they shall be located in separate spaces, and the arrangement of pumps, sea connections, and sources of power shall be such as to insure that a fire in any one space will not put all of the fire pumps out of operation. However, where it is shown to the satisfaction of the Commandant that it is unreasonable or impracticable to meet this requirement due to the size, or arrangement of the vessel, or for other reasons, the installation of a total flooding carbon dioxide system may be accepted as an alternate method of extinguishing any fire which would affect the powering and operation of at least one of the required fire pumps.

§ 34.10–10 Fire station hydrants, hose and nozzles—T/ALL.

(a) The size of fire station hydrants and hose required shall be as noted in Table 34.10–5(a).

(b) Fire hydrants shall be of sufficient number and so located that any part of living quarters, storerooms, working spaces and weather decks accessible to crew while at sea may be reached with two effective spray patterns of water, one of which shall be from a single 50-foot length of hose. In main machinery spaces all portions of such spaces shall be capable of being reached by at least 2 effective spray patterns of water, each of which shall be from a single 50-foot length of hose from separate outlets.

(c) The outlets at the fire station hydrant shall be limited to any position from the horizontal to the vertical pointing downward so that hose will lead horizontally or downward to minimize possibility of kinking.

(d) All fire station hydrants shall be equipped with spanners suitable for use on the hose at that station.

(e) Each fire station hydrant shall be provided with at least one length of hose with approved combination nozzle attached. A suitable hose rack or other device shall be provided. Hose racks on weather decks shall be located so as to afford protection from heavy seas. The hose shall be stored in the open or so as to be readily visible.

(f) The pipes and fire station hydrants shall be so placed that the fire hose may be easily coupled to them. All hydrants shall be so located as to be readily accessible. If deck cargo is carried, it shall not interfere with access to the fire station hydrants, and the pipes shall be arranged as far as practicable to avoid risk of damage by such cargo.

(g) Each fire station hydrant or "y" branch shall be equipped with a valve so that the hose may be removed while there is pressure on the fire main.

(h) Fire station hydrant connections shall be brass, bronze, or other equivalent metal. National Standard fire hose coupling threads shall be used for the 1½-inch and 2½-inch sizes, i.e., 9 threads per inch for 1½-inch hose and 7½ threads per inch for 2½-inch hose.

(i) Fire hose shall be 50 feet in length except on weather decks the hose shall be increased in length if necessary to enable a single length to be goose-necked over each side of the vessel. If two fire mains are installed on the weather decks, the length of hose shall be such that it may be goose-necked over the side from the nearest fire main.

(j) Fire hose when part of the fire equipment shall not be used for any other purpose than fire extinguishing, fire drills, and testing.

(k) Fire hose shall be connected to outlets at all times. However, in heavy weather on open decks where no protection is afforded the hose may be removed temporarily from the hydrant and stowed in an accessible location nearby. While in port, fire hose in way of cargo area shall be kept ready for immediate use. The fire hose may be temporarily removed when it will interfere with the handling of cargo.

(l) All lined and unlined hose installed after January 1, 1961, shall be of fire hose quality, in conformance with Underwriters' Laboratories, Inc., Standard 18 or 19, or Federal Specification JJ–H–571 or ZZ–H–451a Hose which bears the label of Underwriters' Laboratories, Inc., will be accepted as conforming to this requirement.

(m) Coupling shall conform to the requirements of paragraph (h) of this section.

(n) All fire hose, including those in the engine and boiler spaces, shall be fitted with approved combination nozzles, each having a solid stream orifice of not less than ⅞-inch diameter for the 2½-inch size and not less than ⅝-inch diameter for the 1½-inch size. The nozzle shall be capable of producing a solid stream or a high velocity spray and of being shut off.

(o) There shall be approved low velocity spray applicators conveniently located for use as required by Table 34.10–10(o). Each shall have the proper connection for mating its adjacent combination nozzle.

TABLE 34.10–10(o)—LOW VELOCITY SPRAY APPLICATORS

Location	Number	Length
Living spaces	1	4 or 6 feet.
Weather decks	4	10 or 12 feet.
Machinery spaces	2	4 or 6 feet.

§ 34.10–15 Piping—T/ALL.

(a) All piping, valves and fittings shall meet the applicable requirements of Subchapter F (Marine Engineering) of this chapter.

(b) An adequate number of valves shall be installed to isolate damaged sections of piping.

(c) All distribution valves shall be marked as required by § 35.40–10 of this subchapter.

(d) Tankships of 1,000 gross tons and over on an international voyage shall be provided with at least one international shore connection. Facilities shall be available enabling such a connection to be used on either side of the vessel. The international shore connection shall be in accordance with specification Subpart 162.034 of Subchapter Q (Specifications) of this chapter.

(e) For tankships on an international voyage, the diameter of the fire main shall be sufficient for the effective distribution of the maximum required discharge from two fire pumps operating simultaneously. This requirement is in addition to § 34.10–5(b). The discharge of this quantity of water through hoses and nozzles at a sufficient number of adjacent hydrants shall be at a minimum Pitot tube pressure of approximately 50 pounds per square inch.

§ 34.10–90 Installations contracted for prior to May 26, 1965—T/ALL.

(a) Installations contracted for prior to January 1, 1962, shall meet the following requirements:

(1) Existing arrangements, materials and facilities previously approved shall be considered satisfactory so long as they meet the minimum requirements of this paragraph and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original installation.

(2) Except as further modified by this paragraph, the details of the systems shall be in general agreement with §§ 34.10–5 through 34.10–15 insofar as is reasonable and practicable.

(3) Tankships of less than 500 gross tons shall be equipped with an efficient hand pump capable of delivering 50 gallons per minute or a power-driven pump of equivalent capacity. However, on tankships of 20 gross tons or under where it is impracticable to install a hand or power-operated fire pump, or on tankships with only one man in the crew, at least one additional B–II fire extinguisher may be accepted in lieu of a fire pump.

(4) Tankships of 500 gross tons and over but not over 1,000 gross tons shall be provided with one independently power-driven pump.

(5) Tankships of over 1,000 gross tons shall be provided with two independently power-driven pumps.

(6) On tankships of 500 gross tons and over, the capacity of the combined fire pump installation shall be one-fifth gallon per minute per gross ton of the ship. The maximum total fire pump capacity required for any tankship shall be 800 gallons per minute.

(7) Fire pumps on tankships of 500 gross tons and over shall be capable of delivering two powerful jets of water simultaneously from the highest outlets on the fire main at a Pitot tube pressure of approximately 50 pounds per square inch through nozzles, each having an orifice of not less than ⅞-inch diameter where the internal diameter of the hose exceeds 1½ inches, and not less than ⅝-inch diameter where the internal diameter of the hose does not exceed 1½ inches.

(8) On oil-burning tankships, provided with two fire pumps, where the engine and fire rooms are not entirely separated by iron or steel bulkheads, or if fuel can drain from fireroom bilges into the engineroom, one of the fire pumps shall be located in an accessible space separate from the machinery compartment. On all tankships contracted for on or after November 19, 1952, the requirements of paragraph (f) of § 34.10–5 shall be met.

(9) Fire hydrant outlets shall have a minimum diameter of 1½ inches.

(10) On all tankships of 1,000 gross tons and over contracted for on or after July 1, 1951, but prior to January 1, 1962, the nozzles used on at least 2 hose lines in the boiler and machinery spaces shall be approved combination nozzles. In addition, an approved applicator equipped with a low velocity water spray tip, which is capable of being attached directly to the nozzle or the hose, shall be provided for each nozzle. Unless a self-cleaning strainer is contained within the nozzle itself and within the applicator where the applicator is attached directly to the hose, there shall be a self-cleaning strainer attached to the fire hydrant either directly or by means of a short length of hose, except where high and low velocity spray heads have large orifice openings.

(11) Fire hose lines in boiler and machinery spaces of vessels of 1,000 gross tons and over, contracted for prior to July 1, 1951, shall be provided with at least 2 suitable nozzles of an approved type which are capable of effectively extinguishing oil fires. Approved combination nozzles together with the applicator and low velocity spray head, will be acceptable for this purpose. The self-cleaning strainer may be fitted, but will not be required.

(12) At least 25 percent of the hydrants, exclusive of those in the boiler and machinery spaces, shall be fitted with approved combination nozzles, applicators with low velocity spray heads, and self-cleaning strainers as described in subparagraph (10) of this paragraph. Such nozzles shall be strategically located throughout the tankship.

(13) Where approved combination nozzles are used with fire lines other than required in subparagraphs (10) through (12) of this paragraph, the applicators, low velocity spray heads, and self-cleaning strainers may be fitted, but will not be required.

(14) Vessels contracted for on or after July 1, 1954, shall meet the requirements of § 34.10–10(h).

(b) Installations contracted for on or after January 1, 1962, but prior to May 26, 1965, shall meet the following requirements:

(1) Existing arrangements, materials, and facilities previously approved shall be considered satisfactory as long as they meet the minimum requirements of this paragraph and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs, and alterations may be made to the same standards as the original installation.

(2) The details of the systems shall be in general agreement with §§ 34.10–5 through 34.10–15 insofar as is reasonable and practicable.

Subpart 34.13—Steam Smothering System, Details

§ 34.13–1 Application—T/ALL.

(a) In accordance with § 34.05–5, steam smothering systems are not permitted on vessels contracted for on or after January 1, 1962, except as provided for under § 34.05–5(a)(2).

(b) Where a steam smothering system is already installed on a vessel contracted for prior to that date, the provisions of this subpart shall apply.

(c) This does not preclude the introduction of steam into such confined spaces as boiler casings or into tanks for steaming out purposes. Such installations are not to be considered as part of any required fire extinguishing system.

§ 34.13–90 Installations contracted for prior to January 1, 1962—T/ALL.

(a) Installations contracted for prior to January 1, 1962, shall meet the following requirements:

(1) Existing arrangements, materials and facilities previously approved will be considered satisfactory so long as they meet the minimum requirements of this paragraph and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standard as the original installation.

(2) Steam shall be available from the main or auxiliary boilers, or from a shore source. The capacity of the steam supply shall be at least equal to one pound of steam per hour for each 12 cubic feet of the largest cargo compartment in the case of installations contracted for on or after November 19, 1952, and one pound of steam per hour for each 50 cubic feet of the largest cargo compartment in the case of installations contracted for prior to November 19, 1952.

(3) Where reasonable and practicable, the steam pressure shall be at least 100 p.s.i.

(4) The piping system shall meet the general requirements of this subparagraph insofar as is reasonable and practicable.

(i) All piping, valves, and fittings shall meet the applicable requirements of subchapter F (Marine Engineering) of this chapter. All valves and manifolds shall be marked as required by § 35.40–10.

(ii) The supply may be taken from any steam line having adequate capacity.

(iii) The distribution line to each compartment shall be fitted with a shut-off valve.

(iv) Provisions shall be made for draining the manifold and distribution lines to prevent them from freezing.

(v) The minimum size and number of branches to the various spaces shall be as given in Table 34.13–90(a)(4)(v). The distribution piping from the manifold to the branch lines shall have an area approximately equal to the combined areas of the branch lines served.

TABLE 34.13–90(a)(4)(v)

Volume of space in cubic feet		Number of branches to space	Pipe size of each branch, inches
Over—	Not over—		
----------	500	1	¾
500	5,000	1	1
5,000	15,000	1	1¼
15,000	and over	1	1½

(vi) The steam supply line to any distribution manifold shall be of sufficient size to supply all the branch lines to the largest compartment.

(vii) All controls and valves for the operation of the system shall be outside the space protected and shall not be located in any space that might be cut off or made inaccessible in the event of fire in any places protected.

(5) For the purpose of this paragraph, the term "largest cargo compartment" shall be considered as the cargo space, either liquid or dry, having the greatest volumetric measurement. In the case of liquid cargo tanks, the gross volume of the largest tank and all adjoining tanks shall be used for installations contracted for on or after November 19, 1952; for installations contracted for prior to November 19, 1952, the gross volume of the individual tanks shall be used. In the case of dry-cargo compartments, the gross volume shall be taken between adjacent watertight or firescreen bulkheads, and from tank top or lowest deck to the deckhead of the uppermost deck on which cargo may be carried, and if a trunk extends beyond such deckhead, the volume of the trunk shall be included.

(6) The valves to the tanks shall be left open at all times so that, in case of fire, it will be necessary only to open the master valve to insure a flow of steam into each tank, after which, the valves to the tanks which are not on fire may be closed; however, where the opening of such branch lines may cause contamination of cargo or cause the passage of gases or vapors between tanks or compartments, they may be kept closed.

(7) Piping for dry-cargo spaces, pump rooms, paint and lamp lockers, and similar spaces shall be run independent of the extinguishing system for the bulk cargo tanks. If this should be impracticable, valves shall be installed between the main bulk tank extinguishing system and other compartments served, such valves to be marked: "This valve to be kept closed except in case of fire."

(8) The master valve control shall be located above the uppermost complete deck having permanent means of closing all openings in the weather portions of the deck.

(9) Control valves for pumproom extinguishment systems shall be located adjacent to the pumproom exit.

(10) In pumprooms the outlets shall terminate just above the floor plates.

Subpart 34.15—Carbon Dioxide Extinguishing Systems, Details

§ 34.15–1 Application—T/ALL.

(a) Where a carbon dioxide extinguishing system is installed, the provisions of this subpart, with the exception of § 34.15–90, shall apply to all installations contracted for on or after January 1, 1962. Installations contracted for prior to January 1, 1962, shall meet the requirements of § 34.15–90.

(b) The requirements of this subpart are based on a "high pressure system," i.e., one in which the carbon dioxide is stored in liquid form at atmospheric temperature. Details for "low pressure systems," i.e., those in which the carbon dioxide is stored in liquid form at a continuously controlled low temperature, may be specifically approved by the Commandant where it is demonstrated that a comparable degree of safety and fire extinguishing ability is achieved.

§ 34.15–5 Quantity, pipe sizes, and discharge rates—T/ALL.

(a) *General.* (1) The amount of carbon dioxide required for each space shall be as determined by paragraphs (b) through (e) of this section.

(b) *Total available supply.* (1) A separate supply of carbon dioxide need not be provided for each space protected. The total available supply shall be at least sufficient for the space requiring the greatest amount.

(c) *Dry cargo spaces.* (1) The number of pounds of carbon dioxide required for each space shall be equal to the gross volume of the space in cubic feet divided by 30.

(2) Although separate piping shall be led to each cargo hold and 'tween deck, for the purpose of determining the amount of carbon dioxide required, a cargo compartment will be considered as the space between watertight or fire-screen bulkheads and from the tank top or lowest deck to the deck head of the uppermost space on which cargo may be carried. If a trunk extends beyond such deck, the trunk volume shall be included. Tonnage openings shall be considered as sealed for this purpose.

(3) Branch lines to the various cargo holds and 'tween decks shall not be less than ¾-inch standard pipe size.

(4) No specific discharge rate need be applied to such systems.

(d) *Enclosed ventilation systems for rotating electrical propulsion equipment.* (1) The number of pounds of carbon dioxide required for the initial charge shall be equal to the gross volume of the system divided by 10 for systems having a volume of less than 2,000 cubic feet, and divided by 12 for systems having a volume of 2,000 cubic feet or more.

(2) The piping for the initial charge shall be in accordance with Table 34.15–5(e)(4), and the discharge of the required amount shall be completed within 2 minutes.

(3) In addition to the above there shall be sufficient carbon dioxide available to permit delayed discharges of such quantity as to maintain at least a 25 percent concentration until the equipment can be stopped. If the initial discharge is such as to achieve this concentration until the equipment is stopped, no delayed discharge need be provided.

(4) The piping for the delayed discharge shall not be less than ½-inch standard pipe, and no specific discharge rate need be applied to such systems. On small systems, this pipe may be incorporated with the initial discharge piping.

(e) *Machinery spaces, pumprooms, paint lockers, and similar spaces.* (1) Except as provided in subparagraph (4) of this paragraph, the number of pounds of carbon dioxide required for each space shall be equal to the gross volume of the space divided by the appropriate factor noted in Table 34.15–5(e)(1). If fuel can drain from the compartment being protected to an adjacent compartment, or if the compartments are not entirely separate, the requirements for both compartments shall be used to determine the amount of carbon dioxide to be provided. The carbon dioxide shall be arranged to discharge into both such compartments simultaneously.

TABLE 34.15–5(e)(1)

Gross volume of compartment, cubic feet		Factor
Over—	Not Over—	
----------	500	15
500	1,600	16
1,600	4,500	18
4,500	50,000	20
50,000	----------	22

(2) For the purpose of the above requirement of this paragraph, the volume of a machinery space shall be taken as exclusive of the normal machinery casing unless the boiler, internal combustion propelling machinery, or fuel oil installations subject to the discharge pressure of the fuel oil service pump extend into such space, in which case the volume shall be taken to the top of the casing or the next material reduction in casing area whichever is lower. The terms "normal machinery casing" and "material reduction in casing area" shall be defined as follows:

(i) By "normal machinery casing" shall be meant a casing the area of which is not more than 40 percent of the maximum area of the machinery space.

(ii) By "material reduction in casing area" shall be meant a reduction to at least 40 percent of the casing area.

(3) For the purpose of the above requirements of this paragraph, the volume of a pumproom shall include the pumproom and all associated trunks up to the deck at which access from the weather is provided.

(4) For tankships on an international voyage contracted for on or after May 26, 1965, the amount of carbon dioxide required for a space containing propulsion boilers or internal combustion propulsion machinery shall be as given by subparagraphs (1) and (2) of this paragraph or by dividing the entire volume, including the casing, by a factor of 25, whichever is the larger.

(5) Branch lines in the various spaces shall be as noted in Table 34.15–5(e)(5).

TABLE 34.15–5(e)(5)

Maximum quantity of carbon dioxide required, pounds	Minimum pipe size, inches	Maximum quantity of carbon dioxide required, pounds	Minimum pipe size, inches
100	1	2,500	2½
225	1¼	4,450	3
300	1	7,100	3½
600	1¼	10,450	4
1,000	1½	15,000	4½
2,450	2		

(6) Distribution piping within the space shall be proportioned from the supply line to give proper distribution to the outlets without throttling.

(7) The number, type and location of discharge outlets shall be such as to give a uniform distribution throughout the space.

(8) The total area of all discharge outlets shall not exceed 85 percent nor be less than 35 percent of the nominal cylinder outlet area or the area of the supply pipe, whichever is smaller. The nominal cylinder outlet area in square inches shall be determined by multiplying the factor 0.0022 by the number of pounds of carbon dioxide required, except that in no case shall this outlet area be less than 0.110 square inches.

(9) The discharge of at least 85 percent of the required amount of carbon dioxide shall be complete within 2 minutes.

§ 34.15–10 Controls—T/ALL.

(a) Except as noted in § 34.15–20(b), all controls and valves for the operation of the system shall be outside the space protected, and shall not be located in any space that might be cut off or made inaccessible in the event of fire in any of the spaces protected.

(b) If the same cylinders are used to protect more than one space, a manifold with normally closed stop valves shall be used to direct the carbon dioxide into the proper space. If cylinders are used to protect only one space, a normally closed stop valve shall be installed between the cylinders and the space except for systems of the type indicated in § 34.15–5(e) which contain not more than 300 pounds of carbon dioxide.

(c) Distribution piping to the dry cargo spaces shall be controlled from not more than two stations. One of the stations controlling the system for the main machinery space shall be located as convenient as practicable to one of the main escapes from the space. All control stations and the individual valves and controls shall be marked as required by § 35.40–10 of the subchapter.

(d) Systems of the type indicated in § 34.15–5(e) shall be actuated at each station by one control operating the valve to the space and a separate control releasing at least the required amount of carbon dioxide. These two controls shall be located in a box or other enclosure clearly identified for the particular space. Systems installed without a stop valve shall be operated by one control releasing at least the required amount of carbon dioxide.

(e) Where provisions are made for the simultaneous release of a given amount of carbon dioxide by operation of a remote control, provisions shall also be made for manual control at the cylinders. Where gas pressure from pilot cylinders is used as a means for releasing the remaining cylinders, not less than two pilot cylinders shall be used for systems consisting of more than two cylinders. Each of the pilot cylinders shall be capable of manual control at the cylinder, but the remaining cylinders need not be capable of individual manual control.

(f) Systems of the type indicated in § 34.15–5(e), which are of more than 300 pounds of carbon dioxide shall be fitted with an approved delayed discharge so arranged that the alarm will be sounded for at least 20 seconds before the carbon dioxide is released into the space. Such systems of not more than 300 pounds of carbon dioxide shall also have a similar delayed discharge, except for spaces which have a suitable horizontal escape.

(g) All distribution valves and controls shall be of an approved type. All controls shall be suitably protected.

(h) Complete but simple instructions for the operation of the system shall be located in a conspicuous place at or near the releasing control device.

(i) If the space or enclosure containing the carbon dioxide supply or controls is to be locked, a key to the space or enclosure shall be in a break-glass-type box conspicuously located adjacent to the opening.

§ 34.15–15 Piping—T/ALL.

(a) The piping, valves, and fittings shall have a bursting pressure of not less than 6,000 pounds p.s.i.

(b) All piping, in nominal sizes not over ¾-inch shall be at least Schedule 40 (standard weight) and in nominal sizes over ¾-inch, shall be at least Schedule 80 (extra heavy).

(c) All piping, valves, and fittings of ferrous materials shall be protected inside and outside against corrosion unless specifically approved otherwise by the Commandant.

(d) A pressure relief valve or equivalent set to relieve between 2,400 and 2,800 pounds p.s.i. shall be installed in the distributing manifold or such other location as to protect the piping in the event that all branch line shutoff valves are closed.

(e) All deadend lines shall extend at least 2 inches beyond the last orifice and shall be closed with cap or plug.

(f) All piping, valves, and fittings shall be securely supported, and where necessary, protected against injury.

(g) Drains and dirt traps shall be fitted where necessary to prevent the accumulation of dirt or moisture. Drains and dirt traps shall be located in accessible locations where possible.

(h) Piping shall be used for no other purpose except that it may be incorporated with the fire-detecting system.

(i) Piping passing through living quarters shall not be fitted with drains or other openings within such spaces.

(j) Installation test requirements are:

(1) Upon completion of the piping installation, and before the cylinders are connected, a pressure test shall be applied as set forth in this paragraph. Only carbon dioxide or other inert gas shall be used for this test.

(2) The piping from the cylinders to the stop valves in the manifold shall be subjected to a pressure of 1,000 pounds p.s.i. with no additional gas being introduced to the system, it shall be demonstrated that the leakage of the system is such as not to permit a pressure drop of more than 150 pounds per square inch per minute for 2-minute period.

(3) The individual branch lines to the various spaces protected shall be subjected to a test similar to that described in the preceding sub-paragraph with the exception that the pressure used shall be 600 pounds p.s.i. in lieu of 1,000 pounds p.s.i. For the purpose of this test, the distribution piping shall be capped within the space protected at the first joint ahead of the nozzles.

(4) In lieu of the tests prescribed in the preceding subparagraphs in this paragraph, small independent systems protecting spaces such as emergency generator rooms, lamp lockers, etc., may be tested by blowing out the piping with the air at a pressure of at least 100 pounds p.s.i.

§ 34.15–20 Carbon dioxide storage—T/ALL.

(a) Except as provided in paragraph (b) of this section, the cylinders shall be located outside the spaces protected, and shall not be located in any space that might be cut off or made inaccessible in the event of a fire in any of the spaces protected.

(b) Systems of the type indicated in § 34.15–5(e), consisting of not more than 300 pounds of carbon dioxide, may have the cylinders located within the space protected. If the cylinder stowage is within the space protected, the system shall be arranged in an approved manner to be automatically operated by a heat actuator within the space in addition to the regular remote and local controls.

(c) The space containing the cylinders shall be properly ventilated and designed to preclude an anticipated ambient temperature in excess of 130 degrees F.

(d) Cylinders shall be securely fastened and supported, and where necessary, protected against injury.

(e) Cylinders shall be so mounted as to be readily accessible and capable of easy removal for recharging and inspection. Provisions shall be available for weighing the cylinders.

(f) Where subject to moisture, cylinders shall be so installed as to provide a space of at least 2 inches between the flooring and the bottom of the cylinders.

(g) Cylinders shall be mounted in an upright position or inclined not more than 30 degrees from the vertical. However, cylinders which are fitted with flexible or bent siphon tubes may be inclined not more than 80 degrees from the vertical.

(h) Where check valves are not fitted on each independent cylinder discharge, plugs or caps shall be provided for closing outlets when cylinders are removed for inspection or refilling.

(i) All cylinders used for storing carbon dioxide shall be fabricated, tested, and marked in accordance with the regulations of the Interstate Commerce Commission as noted in § 147.04–1 of Subchapter N (Dangerous Cargoes) of this chapter.

§ 34.15–25 Discharge outlets—T/ALL.

(a) Discharge outlets shall be of an approved type.

§ 34.15–30 Alarms—T/ALL.

(a) Spaces required to have a delayed discharge by § 34.15–10(f) which are protected by a carbon dioxide extinguishing system and are normally accessible to persons on board while the vessel is being navigated, other than paint and lamp lockers and similar small spaces, shall be fitted with an approved audible alarm in such spaces which will be automatically sounded before the carbon dioxide is admitted to the space. The alarm shall be conspicuously and centrally located and shall be marked as required by § 35.40–7 of this subchapter. Such alarms shall be so arranged as to sound during the 20-second delay period prior to the discharge of carbon dioxide into the space, and the alarm shall depend on no source of power other than the carbon dioxide.

§ 34.15–35 Enclosure openings—T/ALL.

(a) Except for cargo spaces, the operation of the carbon dioxide system shall automatically shut down any mechanical ventilation to that space. This will not be required where the carbon dioxide system is a secondary system in addition to another approved primary system protecting the space.

(b) Where natural ventilation is provided for spaces protected by a carbon

dioxide extinguishing system, provisions shall be made for easily and effectively closing off the ventilation.

(c) Means shall be provided for closing all other openings to the space protected from outside such space. In this respect, relatively tight doors, shutters, or dampers shall be provided for openings in the lower portion of the space. The construction shall be such that openings in the upper portion of the space can be closed off either by permanently installed means or by the use of canvas or other material which is normally carried by the vessel.

§ 34.15–40 Pressure relief—T/ALL.

(a) Where necessary, relatively tight compartments such as refrigeration spaces, paint lockers, etc., shall be provided with suitable means for relieving excessive pressure accumulating within the compartment when the carbon dioxide is injected.

§ 34.15–90 Installations contracted for prior to January 1, 1962—T/ALL.

(a) Installations contracted for prior to November 19, 1952, shall meet the requirements of this paragraph.

(1) Existing arrangements, materials, and facilities previously approved shall be considered satisfactory so long as they meet the minimum requirements of this paragraph and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original installation.

(2) The details of the systems shall be in general agreement with §§ 34.15–5 through 34.15–40 insofar as is reasonable and practicable, with the exception of § 34.15–5 (e)(1) through (3) covering spaces other than cargo spaces, which systems may be installed in accordance with subparagraphs (4) through (7) of this paragraph.

(3) For cargo tanks at least one pound of carbon dioxide shall be available for each 30 cubic feet of the largest cargo tank. The discharge of the required amount of carbon dioxide shall be complete within 5 minutes.

(4) In boilerrooms, the bilges shall be protected by a system discharging principally below the floor plates. Perforated pipe may be used in lieu of discharge nozzles for such systems. The number of pounds of carbon dioxide shall be equal to the gross volume of the boiler room taken to the top of the boilers divided by 36. In the event of an elevated boilerroom which drains to the machinery space, the system shall be installed in the engineroom bilge and the gross volume shall be taken to the flat on which the boilers are installed.

(5) In machinery spaces where main propulsion internal combustion machinery is installed, the number of pounds of carbon dioxide required shall be equal to the gross volume of the space taken to the underside of the deck forming the hatch opening divided by 22.

(6) In miscellaneous spaces other than cargo or main machinery spaces the number of pounds of carbon dioxide required shall be equal to the gross volume of the space divided by 22.

(7) Branch lines to the various spaces other than cargo and similar spaces shall be noted in Table 34.15–90(a)(7). This table is based on cylinders having discharge outlets and siphon tubes of ⅜-inch diameter.

TABLE 34.15–90(a)(7)

Number of cylinders		Nominal pipe size, inches
Over—	Not over—	
----------	2	¼-standard.
2	4	⅜-standard.
4	6	1-extra heavy.
6	12	1¼-extra heavy.
12	16	1½-extra heavy.
16	27	2-extra heavy.
27	39	2½-extra heavy.
39	60	3-extra heavy.
60	80	3½-extra heavy.
80	104	4-extra heavy.
104	165	5-extra heavy.

(b) Installations contracted for on or after November 19, 1952, but prior to January 1, 1962, shall meet the requirements of this paragraph.

(1) Existing arrangements, materials, and facilities previously approved shall be considered satisfactory so long as they meet the minimum requirements of this paragraph and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original installation.

(2) The details of the systems shall be in general agreement with §§ 34.15–5 through 34.15–40 insofar as is reasonable and practicable with the exception that delayed discharges need not be provided for installations made prior to July 1, 1957.

Subpart 34.17—Fixed Foam Extinguishing Systems, Details

§ 34.17–1 Application—T/ALL.

(a) Where a fixed foam extinguishing system is installed, the provisions of this Subpart with the exception of § 34.17–90, shall apply to all installations contracted for on or after January 1, 1962.

(b) Installations contracted for prior to January 1, 1962, shall meet the requirements of § 34.17–90.

§ 34.17–5 Quantity of foam required—T/ALL.

(a) *Area protected.* (1) For machinery spaces and pumprooms, the system shall be so designed and arranged as to spread a blanket of foam over the entire tank top or bilge of the space protected. The arrangement of piping shall be such as to give a relatively uniform distribution over the entire area protected.

(2) Where an installation is made to protect an oil-fired boiler installation on a flat which is open to or can drain to the lower engineroom or other space, both the flat and the lower space shall be protected simultaneously. The flat shall be fitted with suitable coamings on all openings other than deck drains to properly restrain the oil and foam at that level. Other installations of a similar nature will be considered in a like manner.

(b) *Rate of application.* (1) The rate of discharge to foam outlets protecting the hazard shall be at least as set forth in this paragraph.

(2) For chemical foam systems with stored "A" and "B" solutions, a total of at least 1.6 gallons per minute of the two solutions shall be discharged for each 10 square feet of area protected.

(3) For other types of foam systems, the water rate to the dry-powder generators or air foam production equipment shall be at least 1.6 gallons per minute for each 10 square feet of area protected.

(c) *Supply of foam-producing material.* (1) There shall be provided a quantity of foam-producing material sufficient to operate the equipment at the minimum discharge rate specified in paragraph (b) of this section for a period of at least 3 minutes.

(d) *Separate supply of foam-producing material.* (1) A separate supply of foam-producing material need not be provided for each space protected. This includes a deck foam system. The total available supply shall be at least sufficient for the space requiring the greatest amount.

(e) *Water supply for required pumps.* (1) The water supply shall be from outside and completely independent of the space protected.

§ 34.17–10 Controls—T/ALL.

(a) The foam agent, its container, measuring devices, and other items peculiar to the system shall be of an approved type.

(b) The foam-producing material container and all controls and valves for the operation of the system shall be outside the space protected and shall not be located in such space as might be cut off or made inaccessible in the event of fire in any of the spaces protected. The control space shall be as convenient as practicable to one of the main escapes from the spaces protected, and shall be marked as required by § 35.40–10 of this subchapter. Where pumps are required, it shall not be necessary that they be started from the control space.

(c) Complete, but simple instructions for the operation of the system shall be located in a conspicuous place at or near the controls.

(d) The valves to the various spaces served shall be marked as required by § 35.40–10 of this subchapter.

§ 34.17–15 Piping—T/ALL.

(a) All piping, valves, and fittings shall meet the applicable requirements of Subchapter F (Marine Engineering) of this chapter.

(b) All piping, valves, and fittings of ferrous materials shall be protected inside and outside against corrosion unless specifically approved otherwise by the Commandant.

(c) All piping, valves, and fittings shall be securely supported, and where necessary, protected against injury.

(d) Drains and dirt traps shall be fitted where necessary to prevent the accumulation of dirt or moisture.

(e) Piping shall not be used for any other purpose than firefighting, drills and testing.

§ 34.17–20 Discharge outlets—T/ALL.

(a) Discharge outlets shall be of an approved type.

§ 34.17–25 Additional protection required—T/ALL.

(a) In order that any residual fires above the floor plates may be extinguished when a foam system is installed for the protection of machinery spaces, at least 2 fire hydrants, in addition to those required for the machinery space by Subpart 34.10, shall be installed outside of the machinery space entrance. Such hydrants shall be fitted with sufficient hose so that any part of the machinery space may be reached with at least 2 streams of water, and each hose shall be equipped with an approved combination nozzle and applicator.

§ 34.17–90 Installations contracted for prior to January 1, 1962—T/ALL.

(a) Installations contracted for prior to January 1, 1962, shall meet the following requirements:

(1) Existing arrangements, materials, and facilities previously approved shall be considered satisfactory so long as they meet the minimum requirements of this paragraph and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original installation.

(2) The details of the systems shall be in general agreement with §§ 34.17–5 through 34.17–20, insofar as is reasonable and practicable. Installations contracted for prior to November 19, 1952, need not comply with paragraph (a)(2) of § 34.17–5 and § 34.17–25. A 6-inch blanket of foam in 3 minutes for machinery spaces and pumprooms will be considered as meeting the requirements of § 34.17–5.

(3) Where a system is installed to protect a tank, it shall be so designed and arranged as to spread a blanket of foam over the entire liquid surface of the tank within the range of usual trim. The arrangement of piping shall be such as to give a relatively uniform distribution over the entire area protected.

(4) For tanks, the rate of discharge to foam outlets protecting the hazard shall be as set forth in § 34.17–5(b), except that the value of 1 gallon per minute shall be substituted in both cases for the value of 1.6 gallons per minute. The quantity of foam provided shall be sufficient to operate the equipment for 5 minutes.

(5) On installations installed prior to November 19, 1952, a semiportable foam generator using a dry-chemical mixture or mechanical foam in conjunction with the fire lines may be substituted for the fixed system subject to the following conditions:

(i) There shall be at least one fire pump of suitable capacity available which can be operated and controlled from outside the space protected.

(ii) Stop valves shall be installed in the line so that if any portion of the fire main is ruptured, the foam generator may still be operated. Connections for at least two fire hoses shall be provided between the pump and the stop valve.

(iii) If the foam system is of the portable or semiportable type, the apparatus and chemicals shall be stored in a readily accessible place protected from the weather.

Subpart 34.20—Deck Foam System, Details

§ 34.20–1 Application—T/ALL.

(a) Where a deck foam system is installed, the provisions of this subpart, with the exception of § 34.20–90, shall apply to all installations contracted for on or after January 1, 1962.

(b) Installations contracted for prior to January 1, 1962, shall meet the requirements of § 34.20–90.

§ 34.20–3 Cargo area definition—T/ALL.

(a) For the purpose of this subpart, the term "cargo area" is defined as the maximum beam of the vessel times the total longitudinal extent of the cargo tank spaces.

§ 34.20–5 Quantity of foam required—T/ALL.

(a) *Area protected.* Systems of this type are designed to give primary protection to the spaces over the cargo tanks.

(b) *Rate of application.* The water rate of the foam production equipment shall be at least 0.016 gallons per minute for each square foot of cargo area.

(c) *Supply of foam-producing material.* There shall be provided a supply of foam-producing material sufficient to operate the equipment at the required rate of application for a period of at least 15 minutes without recharging. If this equipment operates in excess of the required rate, the supply of foam-producing material shall be increased accordingly.

(d) *Separate supply of foam-producing material.* Where the same foam-producing material may be used for this system as well as a fixed foam system, separate supplies need not be provided for each space protected. The total available supply shall be at least sufficient for the space requiring the greatest amount.

(e) *Water supply.* Suitable pumps shall be provided capable of producing the required water rate. The fire pumps required by Subpart 34.10 may be used for this purpose; however, the operation of the deck foam system shall not interfere with the simultaneous use of the fire main system.

§ 34.20–10 Controls—T/ALL.

(a) The foam agent, its container, measuring devices, and other items peculiar to this system shall be of an approved type.

(b) The foam agent container and the main controls for operating the system shall be located in a protected space not likely to be made inaccessible in the event of a fire in any portion of the cargo area.

(c) Complete, but simple instructions for the operation of the system shall be located in a conspicuous place at or near the controls.

(d) All valves shall be marked as required by § 35.40–17.

§ 34.20–15 Piping—T/ALL.

(a) All piping, valves, and fittings shall meet the applicable requirements of Subchapter F (Marine Engineering) of this chapter.

(b) All piping, valves, and fittings of ferrous materials shall be protected inside and outside against corrosion unless specifically approved otherwise by the Commandant.

(c) Piping and outlet arrangements shall be such as to permit the required rate of application to any portion of the open deck of the cargo area using the mounted and/or hand-held appliances provided. For enclosed spaces application of at least 1.6 gallons per minute water rate for each 10 square feet of the enclosed area for 5 minutes will be acceptable. For the purpose of this paragraph, it shall be assumed that all piping is damaged in way of the fire and an adequate number of valves shall be fitted for isolating damaged sections of piping.

(d) All piping, valves, and fittings shall be securely supported, and where necessary, protected against injury.

(e) Drains and dirt traps shall be fitted where necessary to prevent the accumulation of dirt or moisture.

(f) Piping shall not be used for any other purpose than firefighting, drills, and testing.

§ 34.20–20 Discharge outlets—T/ALL.

(a) Discharge outlets shall be of an approved type.

(b) Mounted and/or hand held foam appliances shall be connected to the required outlets at all times except on open decks, where the location of the outlets is such that no protection is afforded for the equipment in heavy weather.

§ 34.20–90 Installations contracted for prior to January 1, 1962—T/ALL.

(a) Installations contracted for prior to January 1, 1962, shall meet the following requirements:

(1) Existing arrangements, materials, and facilities previously approved shall

be considered satisfactory so long as they meet the minimum requirements of this paragraph and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original installation.

(2) For installations contracted for prior to November 19, 1952, see § 34.17-90(a)(5).

(3) Installations contracted for on or after November 4, 1957, but prior to January 1, 1962, shall meet the requirements of §§ 34.20-5 through 34.20-20 insofar as is reasonable and practicable.

Subpart 34.25—Water Spray Extinguishing Systems, Details

§ 34.25-1 Application—T/ALL.

(a) Where a water spray extinguishing system is installed, the provisions of this subpart, with the exception of § 34.25-90, shall apply to all installations contracted for on or after January 1, 1964. Installations contracted for prior to January 1, 1964, shall meet the requirements of § 34.25-90.

§ 34.25-5 Capacity and arrangement—T/ALL.

(a) The capacity and arrangement shall be such as to effectively blanket the entire area of the space protected. The rate of discharge and the arrangement of piping and spray nozzles shall be such as to give a uniform distribution over the entire area protected.

(b) The spacing of the spray nozzles shall be on the basis of the spray pattern provided by the lowest pressure at any spray nozzle in the system. In no instance shall a system be designed for any spray nozzle to be operated at a pressure less than that for which it was approved. The maximum permissible height of the spray nozzle above the protected area shall not exceed that specified in its approval. Whenever there are obstructions to coverage by the spray patterns, additional spray nozzles shall be installed to provide full coverage.

(c) The water supply shall be from outside the space protected and shall in no way be dependent upon power from the space protected. The pump supplying water for the system shall either be reserved exclusively for the system or it may be one of the fire pumps, provided the capacity of the fire pump as set forth in Subpart 34.10 is increased by the required capacity of the system, so that this system may be operated simultaneously with the fire main system.

§ 34.25-10 Controls—T/ALL.

(a) There shall be one control valve for the operation of the system located in an accessible position outside the space protected. The control shall be located as convenient as practicable to one of the main escapes from the space protected, and shall be marked as required by § 35.40-18 of this subchapter. It shall not be necessary to start the pumps from the control space.

(b) Complete, but simple instructions for the operation of the system shall be located in a conspicuous place at or near the controls.

(c) The valve to the space protected shall be marked as required by § 35.40-18 of this subchapter.

§ 34.25-15 Piping—T/ALL.

(a) All piping, valves and fittings shall meet the applicable requirements of Subchapter F (Marine Engineering) of this chapter.

(b) Distribution piping shall be of materials resistant to corrosion, except that steel or iron pipe may be used if inside corrosion resistant coatings which will not flake off and clog the nozzles are applied. Materials readily rendered ineffective by heat of a fire shall not be used. The piping shall be subject to approval for each installation.

(c) All piping, valves, and fittings shall be securely supported, and where necessary, protected against injury.

(d) Drains, strainers, and dirt traps shall be fitted where necessary to prevent the accumulation of dirt or moisture.

(e) Threaded joints shall be metal to metal, with no thread compound used.

(f) Distribution piping shall be used for no other purpose.

(g) All piping shall be thoroughly cleaned and flushed before installation of the water spray nozzles.

§ 34.25-20 Spray nozzles—T/ALL.

(a) Spray nozzles shall be of an approved type.

§ 34.25-90 Installations contracted for prior to January 1, 1964—T/ALL.

(a) Installations contracted for prior to January 1, 1964, shall meet the following requirements:

(1) Existing arrangements, materials, and facilities previously approved shall be considered satisfactory so long as they meet the minimum requirements of this paragraph and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original installation.

(2) The details of the systems shall be in general agreement with §§ 34.25-5 through 34.25-20 insofar as is reasonable and practicable.

Subpart 34.50—Portable and Semiportable Extinguishers

§ 34.50-1 Application—TB/ALL.

(a) The provisions of this subpart, with the exception of § 34.50-90, shall apply to all vessels contracted for on or after January 1, 1962.

(b) All vessels contracted for prior to January 1, 1962, shall meet the requirements of § 34.50-90.

§ 34.50-5 Classification—TB/ALL.

(a) Portable and semiportable extinguishers shall be classified by a combination letter and number symbol. The letter indicating the type of fire which the unit could be expected to extinguish, and the number indicating the relative size of the unit.

(b) The types of fire will be designated as follows:

(1) "A" for fires in ordinary combustible materials such as mattresses, piles of wood, shavings, canvas, etc., where the quenching and cooling effects of quantities of water, or solutions containing large percentages of water, are of first importance.

(2) "B" for fires in combustible or flammable liquids such as gasoline, lubricating oil, diesel oil, greases, etc., where a blanketing or smothering effect is essential.

(3) "C" for fires in electrical equipment where the use of non-conducting extinguishing agent is of first importance so that electrical shock is not experienced by the firefighter.

(c) The number designations for size will start with "I" for the smallest to "V" for the largest. Extinguishers which have a gross weight of 55 pounds or less when fully charged are considered portable. Extinguishers which have a gross weight of more than 55 pounds when fully charged are considered semiportable and shall be fitted with suitable hose and nozzle or other practicable means so that all portions of the space concerned may be reached. Examples of size graduations for some of the typical portable and semiportable extinguishers are set forth in Table 34.50-5(c).

TABLE 34.50-5(c)

Classification type (Size)	Soda-acid and water (Gallons)	Foam (Gallons)	Carbon dioxide (Pounds)	Dry chemical (Pounds)
A-II	2½	2½		
B-I		1¼	4	2
B-II		2½	15	10
B-III		12	35	20
B-IV		20	60	30
B-V		40	[1] 100	[1] 50
C-I			4	2
C-II			15	10

[1] For outside use, double the amount shall be carried.

§ 34.50-10 Location—TB/ALL.

(a) Approved portable and semiportable extinguishers shall be installed in accordance with Table 34.50-10(a). The location of the equipment shall be such as in the opinion of the Officer in Charge, Marine Inspection, will be most convenient in case of emergency. Where special circumstances exist, not covered by Table 34.50-10(a), the Officer in Charge, Marine Inspection, may require such additional equipment as he deems necessary for the proper protection of the vessel.

TABLE 34.50-10(a)—PORTABLE AND SEMIPORTABLE EXTINGUISHERS

Tank ships: Quantity and location	Tank ships: Classification (see § 34.50-5)	Area	Tank barges: Classification (see § 34.50-5)	Tank barges: Quantity and location
Safety Areas				
1 required	C-II	Wheelhouse and chartroom area.		None required.
1 required in vicinity of exit.	C-II [1]	Radio room		None required.
Accommodation Areas				
1 required in each main passageway on each deck, conveniently located, and so that no room is more than 75 feet from an extinguisher.	A-II or B-II	Staterooms, toilet spaces, public spaces, offices, etc., and associated lockers, storerooms, and pantries.	A-II or B-II	1 required in vicinity of exit.
Service Areas				
1 required for each 2,500 square feet or fraction thereof, suitable for hazard involved.	B-II or C-II	Galleys	B-II or C-II	1 required, suitable for hazard involved.
1 required for each 2,500 square feet or fraction thereof, suitable for hazard involved.	A-II or B-II	Stores areas, including paint and lamp rooms.		None required.
Machinery Area [2]				
2 required [3]	B-II and B-V [4]	Spaces containing oil fired boilers, either main or auxiliary, or any fuel oil units subject to the discharge pressure of the fuel oil service pump.	B-II	1 required.
1 required				
1 required for each 1,000 B.H.P., but not less than 2 nor more than 6. [5]	B-II and B-III	Spaces containing internal combustion or gas turbine propulsion machinery.		None required.
1 required [6, 7]	B-II	Auxiliary spaces containing internal combustion or gas turbine units.	B-II	1 required in vicinity of exit. [7, 8]
1 required in vicinity of exit. [7]				
1 required in vicinity of exit [8]	C-II	Auxiliary spaces containing emergency generators.		None required.
Cargo Areas				
1 required in lower pumproom.	B-II	Pumprooms	B-II	1 required in vicinity of exit. [4]
None required		Cargo tank area	B-II and B-V	2 required. [9] 1 required. [9, 11]

[1] Vessels not on an international voyage may substitute 2 C-I.

[2] A C-II shall be immediately available to the service generator and main switchboard areas, and further, a C-II shall be conveniently located not more than 50 feet walking distance from any point in all main machinery operating spaces. These extinguishers need not be in addition to other required extinguishers.

[3] Vessels of less than 1,000 gross tons require 1.

[4] Vessels of less than 1,000 gross tons may substitute 1 B-IV.

[5] Only 1 required for vessels under 65 feet in length.

[6] If oil burning donkey boiler fitted in space, the B-V previously required for the protection of the boiler may be substituted. Not required where a fixed carbon dioxide system is installed.

[7] Not required on vessels of less than 300 gross tons if fuel has a flashpoint higher than 110° F.

[8] Not required on vessels of less than 300 gross tons.

[9] Not required if fixed system installed.

[10] If no cargo pump on barge, only one B-II required.

[11] Manned barges of 100 gross tons and over only.

(b) For additional portable extinguishers as a substitute for sand, see § 34.55-10.

(c) Semiportable extinguishers shall be located in the open so as to be readily seen.

(d) If portable extinguishers are not located in the open or behind glass so that they may be readily seen they may be placed in enclosures together with the fire hose, provided such enclosures are marked as required by § 35.40-25 of this subchapter.

(e) Portable extinguishers and their stations shall be numbered in accordance with § 35.40-25 of this subchapter.

(f) Hand portable or semiportable extinguishers which are required on their nameplates to be protected from freezing shall not be located where freezing temperatures may be expected.

§ 34.50-15 Spare charges—TB/ALL.

(a) Spare charges shall be carried on all vessels for at least 50 percent of each size and each variety, i.e. foam, soda-acid, carbon dioxide, etc., of portable extinguisher required by § 34.50-10(a). However, if the unit is of such variety that it cannot be readily recharged by the vessel's personnel, one spare unit of the same classification shall be carried in lieu of spare charges for all such units of the same size and variety. This section does not apply to unmanned barges.

(b) Spare charges shall be so packaged as to minimize the hazards to personnel while recharging the units.

§ 34.50-90 Vessels contracted for prior to January 1, 1962—TB/ALL.

(a) Vessels contracted for prior to January 1, 1962, shall meet the following requirements:

(1) The provisions of §§ 34.50-5 through 34.50-15 shall be met with the exception that existing installations may be maintained if in the opinion of the Officer in Charge, Marine Inspection, they are in general agreement with the degree of safety prescribed by Table 34.50-10(a). In such cases, minor modifications may be made to the same standard as the original installation: *Provided*, That in no case will a greater departure from the standards of Table 34.50-10(a) be permitted than presently exists.

Subpart 34.55—Sand

§ 34.55-1 Application—TB/ALL.

(a) The provisions of this part shall apply to all vessels having oil fired boilers, either main or auxiliary.

§ 34.55-5 Amount required—TB/ALL.

(a) On vessels of over 1,000 gross tons there shall be in each space containing oil fired boilers a metal receptacle containing not less than 10 cubic feet of sand, sawdust impregnated with soda, or other approved dry materials, together with a scoop or shaker for distributing the same. On vessels of 1,000 gross tons or less, at least 5 cubic feet of such materials shall be similarly carried.

§ 34.55-10 Substitute—TB/ALL.

(a) An additional B-II portable extinguisher may be carried in lieu of the sand required by this part.

Subpart 34.60—Fire Axes

§ 34.60-1 Application—T/ALL.

(a) The provisions of this subpart shall apply to all tankships.

§ 34.60-5 Number required—T/ALL.

(a) All tankships shall carry at least the minimum number of fire axes as set forth in Table 34.60-5(a). Nothing in this paragraph shall be construed as limiting the Officer in Charge, Marine Inspection, from requiring such additional fire axes as he deems necessary for the proper protection of the tankship.

TABLE 34.60-5(a)

Gross tons: Over—	Gross tons: Not over—	Number of axes
	50	1
50	200	2
200	500	3
500	1,000	4
1,000		5

§ 34.60–10 Location—T/ALL.

(a) Fire axes shall be distributed throughout the spaces so as to be most readily available in the event of emergency.

(b) If fire axes are not located in the open, or behind glass, so that they may readily be seen, they may be placed in enclosures together with the fire hose, provided such enclosures are marked as required by § 35.40–15 of this subchapter.

PART 35—OPERATIONS

Subpart 35.01—Special Operating Requirements

Sec.
35.01–1 Inspection and testing required when making alterations, repairs, or other such operations involving riveting, welding, burning, or like fire-producing actions—TB/ALL.
35.01–5 Sanitary condition and crew quarters—T/ALL.
35.01–10 Shipping papers—TB/ALL.
35.01–15 Carriage of persons other than crew—TB/ALL.
35.01–20 Pilot ladders—T/OC.
35.01–25 Aluminum and/or magnesium sacrificial anode installations—TB/ALL.
35.01–30 Reckless or negligent operation prohibited by law—TB/ALL.
35.01–35 Repairs and alterations to fire-fighting equipment—TB/ALL.
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35.01–45 Open hopper type barges—B/ALL.
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35.01–55 Warning signs and information cards for those barges carrying bulk cargoes having dangerous characteristics in addition to flammability or combustibility—B/ALL.

Subpart 35.03—Work Vests

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35.03–5 Approved unicellular plastic foam work vests—TB/ALL.
35.03–10 Use—TB/ALL.
35.03–15 Shipboard stowage—TB/ALL.
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Subpart 35.05—Officers and Crews

35.05–1 Licensed officers and crews of tankships—T/ALL.
35.05–5 Master required on tankships—T/ALL.
35.05–10 Pilot required on tankships—T/LBR.
35.05–15 Watchman for a tank vessel—TB/ALL.
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Subpart 35.07—Logbook Entries

35.07–1 Application—TB/ALL.
35.07–5 Logbooks and records—TB/ALL.
35.07–10 Actions required to be logged—TB/ALL.
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Subpart 35.10—Fire and Emergency Requirements

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35.10–7 Electric power-operated lifeboat winches—T/ALL.
35.10–9 Posting placards containing instructions for launching and inflating inflatable liferafts—TB/ALL.
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Subpart 35.12—Placard of Lifesaving Signals and Breeches Buoy Instructions

35.12–1 Application—T/OCLB.
35.12–5 Availability—T/OCLB.

Subpart 35.15—Casualty or Accident Reports

35.15–1 Notice of casualty and voyage records—TB/ALL.
35.15–5 Reports by engineers of accidents involving boilers or machinery—T/ALL.
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Subpart 35.20—Navigation

35.20–1 Notice to mariners; aids to navigation—T/OCLB.
35.20–5 Draft of tank ships—T/OC.
35.20–10 Steering gear test—T/ALL.
35.20–15 Steering orders—TB/ALL.
35.20–20 Master's and officer's responsibility—TB/ALL.
35.20–25 Unauthorized lights—T/ALL.
35.20–30 Flashing the rays of a searchlight or other blinding light—T/ALL.
35.20–35 Whistling—T/ALL.

Subpart 35.25—Engine Department

35.25–1 Examination of boilers and machinery by engineer—T/ALL.
35.25–5 Repairs of boilers and unfired pressure vessels and reports of repairs or accidents by chief engineer—TB/ALL.
35.25–10 Requirements for fuel oil—T/ALL.
35.25–15 Carrying of excess steam—TB/ALL.
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Subpart 35.30—General Safety Rules

35.30–1 Warning signals and signs—TB/ALL.
35.30–5 Fires, matches, and smoking—TB/ALL.
35.30–10 Cargo tank hatches, ullage holes, and Butterworth plates—TB/ALL.
35.30–15 Combustible gas indicator—TB/ALL.
35.30–20 Emergency equipment—TB/ALL.
35.30–25 Explosives—TB/ALL.
35.30–30 Portable electrical equipment—TB/ALL.
35.30–35 Spark producing devices—TB/ALL.
35.30–40 Flammable liquid and gas fuels as ship's stores—TB/ALL.
35.30–45 Motion picture film—TB/ALL.

Subpart 35.35—Cargo Handling

35.35–1 Men on duty—TB/ALL.
35.35–5 Electric bonding—T/ALL.
35.35–10 Closing of scuppers and sea valves—TB/ALL.
35.35–15 Connecting for cargo transfer—TB/ALL.
35.35–20 Inspection prior to transfer of cargo—TB/ALL.
35.35–25 Approval to start transfer of cargo—TB/ALL.
35.35–30 "Declaration of Inspection" for tank ships—T/ALL.
35.35–35 Duties of senior deck officer during transfer operations—TB/ALL.
35.35–40 Conditions under which transfer operations shall not be commenced or if started shall be discontinued—TB/ALL.
35.35–42 Restrictions on vessel coming alongside a tank vessel while loading Grade A, B, or C cargo—TB/ALL.
35.35–45 Auxiliary steam, air, or electric current—B/ALL.
35.35–50 Termination of transfer operations—TB/ALL.
35.35–55 Transfer of other cargo or stores on tank vessels—TB/ALL.
35.35–60 Transportation of other cargo or stores on tank barges—B/ALL.
35.35–70 Maintenance of cargo handling equipment—TB/ALL.
35.35–75 Emergencies—TB/ALL.

Subpart 35.40—Marking of Fire and Emergency Equipment

35.40–1 General alarm contact maker—TB/ALL.
35.40–5 General alarm bells—TB/ALL.
35.40–6 Emergency lights—TB/ALL.
35.40–7 Carbon dioxide alarm—T/ALL.
35.40–10 Steam, foam, or CO_2 fire smothering apparatus—TB/ALL.
35.40–15 Fire hose stations—TB/ALL.
35.40–17 Foam hose/monitor stations—T/ALL.
35.40–18 Water spray systems—TB/ALL.
35.40–20 Emergency equipment—TB/ALL.
35.40–25 Fire extinguishers—TB/ALL.
35.40–30 Instructions for changing steering gear—TB/ALL.
35.40–35 Rudder orders—TB/ALL.
35.40–40 Vessel's name on equipment—TB/ALL.

Subpart 35.70—Power-Operated Industrial Trucks

35.70–1 Application—TB/ALL.
35.70–3 Alternates—TB/ALL.
35.70–5 Definitions of terms used in subpart—TB/ALL.
35.70–7 Approved power-operated industrial trucks—TB/ALL.
35.70–10 Permissible areas of use—TB/ALL.
35.70–15 Types of cargo permitted to be handled by trucks—TB/ALL.
35.70–20 Special operating conditions—TB/ALL.
35.70–25 Refueling—TB/ALL.
35.70–30 Charging or replacing batteries—TB/ALL.
35.70–35 Stowage of trucks aboard a vessel—TB/ALL.

AUTHORITY: The provisions of this Part 35 issued under R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 391a, 416. Interpret or apply R.S. 4472, as amended, 4488, as amended, 4491, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 170, 481, 489, 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, Nov. 26, 1954, 19 F.R. 8026; 167–38, Oct. 26, 1959, 24 F.R. 8857, unless otherwise noted.

Subpart 35.01—Special Operating Requirements

§ 35.01–1 Inspection and testing required when making alterations, repairs, or other such operations involving riveting, welding, burning, or like fire-producing actions—TB/ALL.

(a) The provisions of "Standard for the Control of Gas Hazards on Vessels to be Repaired," NFPA No. 306, published by National Fire Protection Association, 60 Batterymarch Street, Boston, Mass., 02110, shall be used as a guide in conducting the inspections and issuance of certificates required by this section.

(b) Until an inspection has been made to determine that such operation can be undertaken with safety, no alterations, repairs, or other such operations involving riveting, welding, burning, or like fire-producing actions shall be made:

(1) Within or on the boundaries of cargo tanks which have been used to carry flammable or combustible liquid or chemicals in bulk, or within spaces adjacent to such cargo tanks; or,

(2) Within or on the boundaries of fuel tanks; or,

(3) To pipe lines, heating coils, pumps, fittings, or other appurtenances connected to such cargo or fuel tanks.

(c) Such inspections shall be made and evidenced as follows:

(1) In ports or places in the United States or its territories and possessions, the inspection shall be made by a marine chemist certificated by the National Fire Protection Association; however, if the services of such certified marine chemist are not reasonably available, the Officer in Charge, Marine Inspection, upon the recommendation of the vessel owner and his contractor or their representative, shall select a person who, in the case of an individual vessel, shall be authorized to make such inspection. If the inspection indicates that such operations can be undertaken with safety, a certificate setting forth the fact in writing and qualified as may be required, shall be issued by the certified marine chemist or the authorized person before the work is started. Such qualifications shall include any requirements as may be deemed necessary to maintain, insofar as can reasonably be done, the safe conditions in the spaces certified, throughout the operation and shall include such additional tests and certifications as considered required. Such qualifications and requirements shall include precautions necessary to eliminate or minimize hazards that may be present from protective coatings or residues from cargoes.

(2) When not in such a port or place, and a marine chemist or such person authorized by the Officer in Charge, Marine Inspection, is not reasonably available, the inspection shall be made by the senior officer present and a proper entry shall be made in the vessel's logbook.

(d) It shall be the responsibility of the senior officer present to secure copies of certificates issued by the certified marine chemist or such person authorized by the Officer in Charge, Marine Inspection. It shall be the responsibility of the senior officer present, insofar as the persons under his control are concerned, to maintain a safe condition on the vessel by full observance of all qualifications and requirements listed by the marine chemist in the certificate.

(c) Before making any important repairs to or changes in the electrical installation, an inspection shall be made as required by § 111.05–10(f) of Subchapter J (Electrical Engineering) of this chapter, and such changes or repairs shall (1) comply with the requirements of this Subchapter J and (2) have the approval of the chief engineer. Miscellaneous electrical appliances intended to provide additional artifical lighting, entertainment, and for personal use, etc., shall also be subject to the approval of the chief engineer.

§ 35.01–10 Shipping papers—TB/ALL.

Each loaded tank vessel shall have on board a bill of lading, manifest, or shipping document giving the name of the consignee and the location of the delivery point, the kind, grades, and approximate quantity of each kind and grade of cargo, and for whose account the cargo is being handled. The tank vessel shall not be delayed in order to secure exact quantities of cargo. Such manifests or bills of lading may be made out by the master, master of the towing vessel, owner, or agent of the owner: *Provided, however,* That in the case of unmanned barges where shipping papers are not available, an entry in the logbook of the towing vessel giving the name of the shipper and location of shipping point, the name of the consignee and location of delivery point, the approximate kind, grade, and quantity of cargo in each barge of the tow, and for whose account the cargo is being handled, shall be considered as complying with the requirements of this section.

§ 35.01–15 Carriage of persons other than crew—TB/ALL.

No person not connected with the operation of a tank ship or tank barge or not having legitimate business with said vessel, shall be permitted aboard while vessel is under way unless specifically allowed by its certificate.

§ 35.01–20 Pilot ladders—T/OC.

(a) On and after May 26, 1965, every tankship which normally employs a pilot shall have an approved type ladder for the use of the pilot in addition to the ladders required by § 33.20–1(c) of this subchapter. Pilot ladder installations shall be in accordance with the following:

(1) All pilot ladders shall be approved Type I (rope suspension) or Type II (chain suspension) ladders constructed in accordance with Subpart 160.017 of Subchapter Q (Specifications) of this chapter.

(2) Suitable spreaders, a man rope, and a safety line shall be kept readily available for use in conjunction with the pilot ladder whenever circumstances may so require.

(3) When used, the ladder shall be secured in a position so that each step rests firmly against the ship's side, and so the pilot can gain safe and convenient access to the ship after climbing not more than 30 feet. Whenever the distance from sea level is more than 30 feet, access from the pilot ladder to the ship shall be by means of an accommodation ladder or other equally safe and convenient means.

(4) Arrangements shall be such that the rigging of the ladder and the embarkation and debarkation of the pilot is supervised by a responsible officer of the ship, and that handholds are provided to assist the pilot to pass safely and conveniently from the head of the ladder into the ship or onto the ship's deck.

(5) At night a light shining over the side shall be available for use, and the deck at the position where the pilot boards the ship shall be adequately lighted.

(b) Tankships contracted for prior to May 26, 1965, shall meet the requirements of this section, except as follows:

(1) Existing pilot ladders not meeting the requirements of paragraph (a) (1) of this section may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. All new or replacement ladders shall meet the applicable requirements.

§ 35.01–25 Aluminum and/or magnesium sacrificial anode installations—TB/ALL.

(a) The installation of aluminum and/or magnesium sacrificial anodes in cargo tanks utilized for the carriage of flammable or combustible liquids in bulk is prohibited.

(b) All existing installations of aluminum and/or magnesium sacrificial anodes in cargo tanks utilized for the carriage of flammable or combustible liquids in bulk shall be removed at the first available opportunity but not later than October 1, 1964.

§ 35.01–30 Reckless or negligent operation prohibited by law—TB/ALL.

(a) Subsection 13 (a) of the Act of April 25, 1940, as amended (46 U.S.C. 526*l*), reads as follows:

No person shall operate any motorboat or any vessel in a reckless or negligent manner so as to endanger the life, limb, or property of any person. To "operate" means to navigate or otherwise use a motorboat or a vessel.

(Interpret or apply sec. 17, 54 Stat. 166, as amended; 46 U.S.C. 526p)

§ 35.01–35 Repairs and alterations to firefighting equipment—TB/ALL.

(a) No extensive repairs or alterations, except in emergency, shall be made to any fire-extinguishing apparatus, or other appliance subject to inspection, without advance notice to the Officer in Charge, Marine Inspection. Such repairs or alterations shall so far as is practicable be made with materials and tested in the manner specified within the regulations in this subchapter and Subchapter Q (Specifications) of this chapter for new construction.

(b) Emergency repairs or alterations shall be reported as soon as practicable to the Officer in Charge, Marine Inspection, where the vessel may call after such repairs are made.

§ 35.01–40 Prevention of oil pollution—TB/ALL.

(a) All tank vessels shall be so operated as to meet the requirements of the Oil Pollution Act, 1924 (33 U.S.C. 431–

437). In addition, all tank ships shall be so operated as to avoid discharging any oil, oily ballast, or tank washings which may foul the surface of the sea, within any of the prohibited zones set forth in the Oil Pollution Act, 1961 (33 U.S.C. 1001–1015).

(Sec. 8, 75 Stat. 403; 33 U.S.C. 1007. Treasury Department Order 167–46, Nov. 6, 1961, 26 F.R. 10609)

§ 35.01–45 Open hopper type barges—B/ALL.

(a) With the exception of those open hopper type barges constructed or modified in conformance with the requirements of Subpart 32.63 of this subchapter, the special operating conditions in this section apply to all other open hopper type barges carrying bulk cargoes as follows:

(1) Flammable liquids having a Reid vapor pressure in excess of 25 pounds per square inch, absolute, in independent tanks (Part 32 of this subchapter).

(2) Liquefied flammable gases (Part 38 of this subchapter).

(3) Flammable or combustible liquids having lethal characteristics (Class B or C poisons) (Part 39 of this subchapter).

(b) All open hopper type barges, while carrying in bulk any of the cargoes described in paragraph (a) of this section, shall be operated in conformance with the provisions in this section. However, the provisions in this section are not applicable to such barges when empty (not necessarily cleaned or gas-freed).

(c) (1) Except as otherwise provided in this section, no such open hopper type barge shall be placed as a lead barge in any tow. Such barges shall be placed in protected positions within the tow so that the danger from diving or swamping will be minimized. Where, due to operating conditions, compliance with this subparagraph is impossible, the provisions of subparagraph (3) of this paragraph apply. The person in charge of the towing vessel shall be responsible for compliance with this subparagraph.

(2) No such open hopper type barge shall be moved from a loading facility unless all void spaces and bilges are substantially free of water. Periodic inspections and necessary pumping shall be carried out to insure the maintenance of such water-free conditions, in order to minimize the free surface effect in both the longitudinal and transverse directions. Except when otherwise considered necessary for inspection or pumping, all hatch covers and other hull closure devices for void spaces and hull compartments shall be closed and secured at all times. In the case of unmanned barges, the person in charge of the towing vessel shall be deemed to be in charge of the barge, and all requirements to be carried out on the barge shall be carried out by or under the direction of such person.

(3) When an open hopper type barge is in an exposed position, such that protection from swamping provided by adjoining barges cannot be obtained from location within the tow alone, it shall be the responsibility of the person in charge of the towing vessel to control speed so as to insure protection against diving and swamping of the barge, having due regard to its design and freeboard, and to the operating conditions.

(d) To show that special operating requirements apply to a specific open hopper type barge, additional placards or signs shall be displayed in at least four different locations on the barge when the cargoes described in paragraph (a) of this section are carried in any form in the cargo tanks. The placards or signs shall be posted on the barge approximately amidships on each side and near the centerline of each end, facing outboard. Racks, or other suitable means, for mounting such placards or signs shall be so arranged as to provide clear visibility and shall be protected from becoming readily damaged or obscured. The placards or signs shall be at least equal in dimensions to the ICC standard tank car "Dangerous" placard (10¾ inches square or larger), and shall display a circle (10 inches in diameter or larger) with alternating quadrants of white and red, and so mounted that the red quadrants are centered on the verticle axis. The shipper and/or owner of the barge shall be responsible for the installation of the required placards or signs, including maintenance of them while such barge is in temporary storage with cargo aboard. The person in charge of the towing vessel shall be responsible for the continued maintenance of the placards or signs while such barge is in transit.

§ 35.01–50 Special operating requirements for tank barges carrying certain dangerous bulk cargoes—B/ALL.

(a) The requirements of this section shall apply to all tank barges carrying bulk cargoes as follows:

(1) Flammable liquids having a Reid vapor pressure in excess of 25 pounds per square inch, absolute, in independent tanks (Part 32 of this subchapter).

(2) Liquefied flammable gases (Part 38 of this subchapter).

(3) Flammable or combustible liquids having lethal characteristics (Class B or C poisons) (Part 39 of this subchapter).

(4) Certain flammable or combustible dangerous cargoes (Part 40 of this subchapter).

(b) All tank barges constructed or modified in conformance with the requirements of Subpart 32.63 of this subchapter are exempt from the provisions of § 35.01–45.

(c) When it is necessary to operate box or square-end barges as lead barges of tows, the person in charge of the towing vessel shall control the speed to insure protection against diving and swamping of such barges, having due regard to their design and freeboard, and to the operating conditions.

(d) All barges, while carrying in bulk any of the cargoes described in paragraph (a) of this section, shall be operated in conformance with the provisions of this section. However, the provisions of this section are not applicable to such barges when empty and gas-freed.

(e) Barges shall not be moved from a loading facility unless all bilges and void spaces (except those used for ballasting) are substantially free of water. Periodic inspections and necessary pumping shall be carried out to insure maintenance of such water-free condition in order to minimize the free surface effects, both in the longitudinal and transverse directions. Except when otherwise considered necessary for inspection or pumping, all hatch covers and other hull closure devices for void spaces and hull compartments other than cargo spaces shall be closed and secured at all times.

(f) During the time the cargo tanks contain dangerous cargoes described in paragraph (a) of this section in any amount, in the liquid or gaseous state, the barge shall be under constant surveillance.

(1) A strict watch of each unmanned barge in tow shall be maintained from the towing vessel while underway.

(2) A towing vessel engaged in transporting such unmanned barges shall not leave them unattended. When a barge is moored, but not gas free, it shall be under the observation of a watchman who may be a member of the complement of the towing vessel, or a terminal employee, or other person. Such person shall be responsible for the security of the barge and for keeping unauthorized persons off the barge. Such person shall be provided with, read, and have in his possession for ready reference the information cards required by § 35.01–55.

(g) The owner, operator, master, or person in charge of any barge carrying dangerous cargoes described in paragraph (a) of this section shall insure that, while the barge is being towed and during cargo transfer operations, the persons as required by § 31.15–5 of this subchapter and § 35.35–1 and information cards as required by § 35.01–55 are provided.

§ 35.01–55 Warning signs and information cards for those barges carrying bulk cargoes having dangerous characteristics in addition to flammability or combustibility—B/ALL.

(a) The requirements of this section shall apply to all tank barges carrying bulk cargoes as follows:

(1) Liquefied flammable gases having significant hazards other than flammability (Part 38 of this subchapter).

(2) Flammable or combustible liquids having lethal characteristics (Class B or C poisons) (Part 39 of this subchapter).

(3) Certain flammable or combustible dangerous cargoes (Part 40 of this subchapter).

(b) Warning signs shall be displayed on the vessel, port and starboard, facing outboard without obstructions, at all times except when the vessel is gas free. The warning sign shall be rectangular and a minimum of three feet wide and two feet high. It shall be of sufficient size to accommodate the required alerting information, which shall be in black block style letters and numerals (characters) at least three inches high on a white background. The minimum spacing between adjacent words and lines of characters shall be two inches. The minimum spacing between adjacent characters shall be one-half inch. All characters shall have a minimum stroke width of one-half inch and shall be a minimum of two inches wide, except for the letters "M" and "W" which shall be a minimum of three inches wide, and except for the letter "I" and the numeral "1", which may be one-half inch wide. The signs shall have a two-inch minimum white border clear of characters. The signs shall be maintained legible. The alerting information shall include the following:

(1) Danger.

(2) Categories of hazards: (This shall be as listed in the classification column in § 146.04–5 in Subchapter N (Dangerous Cargoes) of this chapter, and additional descriptive terms, as applicable).

(3) Cargo identification by name: (This name shall be as listed in § 146.04–5 in Subchapter N (Dangerous Cargoes) of this chapter. If not specifically listed by name, the common chemical name as shown on the information card shall be used).

(4) Prohibitions: (Necessary prohibitions, such as "No Smoking," etc.).

(c) An information card for each cargo being transported shall be carried on the bridge or in the pilothouse of the towing vessel readily available for use by the person in charge of the watch. Such information card shall also be carried aboard the barge when it is not gas free. The minimum card size shall be 7" by 9½". The card shall have legible printing on one side only. The following data shall be listed:

(1) *Cargo identification characteristics.* Identification of the cargo as listed in § 146.04–5 in Subchapter N (Dangerous Cargoes) of this chapter and its common chemical name if the chemical name is not so specifically listed, its appearance and odor. A statement of the hazards involved and instructions for the safe handling of the cargo and, as applicable, the need for special cargo environments.

(2) *Emergency procedures.* Precautions to be observed in the event of spills, leaks, or equipment or machinery breakdown and/or uncontrolled release of the cargo into the waterway or atmosphere. Precautions to be observed in the event of exposure of personnel to toxic cargoes.

(3) *Firefighting procedures.* Precautions to be observed in the event of a fire occurring on or in the vicinity of the barge, and an enumeration of firefighting media suitable for use in case of a cargo fire.

(d) In the event that a barge is or has been loaded with two or more dangerous cargoes described in paragraph (a) of this section and until the tanks containing such cargoes have been gas-freed, the following additional requirements shall be met:

(1) A warning sign, meeting the requirements of paragraph (b) of this section and setting forth the alerting information required by paragraphs (b) (1) and (4) of this section, shall be located amidships.

(2) The warning signs, meeting the requirements of paragraph (b) of this section and setting forth the alerting information required by paragraphs (b) (2) and (3) of this section, shall be so located that each sign positively identifies the contents of each tank.

(3) An information card for each cargo (see paragraph (c) of this section) shall be carried for ready reference aboard the barge.

Subpart 35.03—Work Vests

§ 35.03–1 Application—TB/ALL.

(a) Provisions of this subpart shall apply to all tank vessels.

§ 35.03–5 Approved unicellular plastic foam work vests—TB/ALL.

(a) Buoyant work vests carried under the permissive authority of this subpart shall conform to the specifications contained in Subpart 160.053 in Subchapter Q (Specifications) of this chapter.

§ 35.03–10 Use—TB/ALL.

(a) Approved buoyant work vests are considered to be items of safety apparel and may be carried aboard tank vessels to be worn by crew members when working near or over the water under favorable working conditions. They shall be used under the supervision and control of designated ship's officers. When carried, such vests shall not be accepted in lieu of any portion of the required number of approved life preservers and shall not be substituted for the approved life preservers required to be worn during drills and emergencies.

§ 35.03–15 Shipboard stowage—TB/ALL.

(a) The approved buoyant work vests shall be stowed separately from the regular stowage of approved life preservers.

(b) The locations for the stowage of work vests shall be such as not to be easily confused with that for approved life preservers.

§ 35.03–20 Shipboard inspections—TB/ALL.

(a) Each work vest shall be subject to examination by a marine inspector to determine its serviceability. If found to be satisfactory, it may be continued in service, but shall not be stamped by a marine inspector with a Coast Guard stamp. If a work vest is found not to be in a serviceable condition, then such work vest shall be removed from the vessel. If a work vest is beyond repair, it shall be destroyed or mutilated in the presence of a marine inspector so as to prevent its continued use as a work vest.

Subpart 35.05—Officers and Crews

§ 35.05–1 Licensed officers and crews of tankships—T/ALL.

No tankship of the United States shall be navigated unless she shall have in her service and on board such complement of licensed officers and crew, including certificated lifeboatmen and certificated tankermen where required by the regulations in this subchapter, separately stated, as called for in her certificate of inspection.

§ 35.05–5 Master required on tankships—T/ALL.

There shall be a duly licensed master on board every tankship of more than 150 gross tons, whenever such tankship is under way.

§ 35.05–10 Pilot required on tankships—T/LBR.

(a) No tankship shall be navigated unless she shall have in her service and on board either a licensed master or pilot as called for in her certificate of inspection.

(b) The navigation of every tankship above 150 gross tons shall be under the control of a first-class pilot, and every such pilot shall be limited in his license to the particular service for which he is adapted.

(c) A first-class pilot or a second-class pilot who has reached the age of 21 years may act as master or pilot in charge of the navigation of a tank ship not exceeding 150 gross tons. A second-class pilot is authorized to act as pilot in charge of a watch on any tankship within the tonnage specified in his license.

§ 35.05–15 Watchman for a tank vessel—TB/ALL.

(a) *Manned tank vessel.* At least one member of the crew of a manned tank vessel shall be on board at all times except when the vessel is gas free or is moored at a dock or terminal at which watchman service is provided.

(b) *Unmanned barge.* (1) A strict watch of each unmanned barge in tow shall be maintained from the towing vessel while under way.

(2) When a barge is moored but not gas free, at least one of the following precautions shall be taken:

(i) The barge shall be under the observation of a watchman who may be a member of the complement of the towing vessel, or a terminal employee, or other competent person responsible for the security of the barge and for keeping unauthorized persons off the barge; or,

(ii) All cargo tank hatches shall be clearly marked in not less than 3-inch lettering, "DANGER—KEEP OUT," and in addition all hatch covers shall be closed and dogged down, or otherwise secured, by a tool-operated device, such as a length of pipe, so that no person can open the hatch by use of bare hands alone.

§ 35.05–20 Physical condition of crew—TB/ALL.

No person shall be engaged as a member of the crew on a tank vessel if he is known by the employer to be physically or mentally incapable of performing the duties assigned him.

§ 35.05–25 Illness, alcohol, drugs—TB/ALL.

(a) No person, known by the individual in charge of a tank vessel to be under the influence of liquor or other stimulant, or to be ill to such an extent as to unfit him for any particular service

on the tank vessel, shall be allowed to

on the tank vessel, shall be allowed to perform such service while in such condition.

(b) When a member of the crew of a tank vessel which is loading bulk cargo of Grade A, B, or C arrives at the gangway and is observed to be in an intoxicated condition, he shall not be permitted to board the vessel without escort.

Subpart 35.07—Logbook Entries

§ 35.07–1 Application—TB/ALL.

(a) Except as specifically noted, the provisions of this subpart shall apply to all tank vessels.

§ 35.07–5 Logbooks and records—TB/ALL.

(a) *General—TB/ALL.* Under various statutes or by regulations in this subchapter, specified tank vessels shall have certain logbooks or records, and, when the occasion arises, it is the duty of the master or person in charge to place therein specific entries as required by law or regulations in this subchapter.

(b) *Official Logbook—TB/OC.* R.S. 4290, as amended (46 U.S.C. 201), states: "Every vessel making voyages from a port in the United States to any foreign port, or, being of the burden of 75 tons or upward, from a port on the Atlantic to a port on the Pacific, or vice versa, shall have an Official Logbook; • • •." This Official Logbook is furnished gratuitously to masters of United States' flag vessels by the Coast Guard, as Form CG–706B or CG–706C, depending upon the number of persons employed as crew. There is printed in the first several pages of this Official Logbook various acts of Congress relating to logbooks and the entries required to be made therein. When a voyage is completed, or after a specified period of time is completed, the Official Logbooks with required entries therein shall be filed with the Officer in Charge, Marine Inspection, at or nearest the port where the vessel may be.

(c) *Logs or records—TB/ALL.* For vessels other than those required to have Official Logbooks by R.S. 4290, the owners, operators, and/or masters are to supply their own logs or records in any form desired, which will be considered to take the place of the Official Logbooks and may be used for the purpose of making entries therein as required by law or regulations in this subchapter. Such logs or records are not filed with the Officer in Charge, Marine Inspection, but shall be kept available for review by a marine inspector for a period of one year after the date to which the records refer, except for separate records of tests and inspections of firefighting equipment which shall be maintained with the vessel's logs for the period of validity of the vessel's certificate of inspection.

§ 35.07–10 Actions required to be logged—TB/ALL.

(a) *General—TB/ALL.* The actions and observations noted in this section shall be entered in the Official Logbook or in logs or records considered to take place of the Official Logbooks. This section contains no requirements which are not made in specific laws or in other regulations in this subchapter, the items being merely grouped together for convenience.

(b) *Entries—T/ALL.* Entries shall be made in the logs of tankships with respect to the following:

(1) Fire and lifeboat drills. Weekly. See § 35.10–5.

(2) Electric power-operated lifeboat winches. Once in each three months. See § 35.10–7.

(3) Draft and load line marks. For tankships of 150 gross tons and over, prior to leaving port for ocean, coastwise, and Great Lakes voyages only. See 46 U.S. Code, sections 85e and 88e, and § 35.20–5.

(4) Steering gear tests. Prior to departure, or for tank ships on voyages of less than 48 hours duration or tankships operating on lakes, bays, sounds and rivers, once every week. See § 35.20–10.

(5) Fuel oil data. Upon receipt of fuel oil on board to be used as fuel. See § 35.25–10.

(6) Line-throwing appliances. Once every three months. See § 35.10–1(c).

(7) Inspections and tests of firefighting equipment. Once every year. See § 31.10–18 of this subchapter.

(8) Operation and inspection of the emergency lighting and power systems. Once in each week that the vessel is navigated. See § 35.10–15.

(9) Cargo gear inspections: At least once a month. See § 31.37–70 of this subchapter.

(c) *Entries—B/ALL.* Entries shall be made in the records for tank barges with respect to the following:

(1) Inspections and tests of firefighting equipment. Once every year. See § 31.10–18 of this subchapter.

(2) Draft and load line marks. For tank barges of 150 gross tons and over, prior to leaving port for ocean, coastwise, and Great Lakes voyages only. See 46 U.S. Code, sections 85e and 88e.

(3) Cargo gear inspections: At least once a month. See § 31.37–70 of this subchapter.

Subpart 35.07—Logbook Entries

§ 35.07–15 Official log entries—TB/OC.

(a) On vessels where an Official Logbook is required by R.S. 4290 (46 U.S.C. 201), all items relative to the crew and passengers, as well as with respect to any casualties which may occur, shall be entered in the Official Logbook as required by this law.

Subpart 35.10—Fire and Emergency Requirements

§ 35.10–1 Station bills, muster lists, and line-throwing appliance drills—T/ALL.

(a) It shall be the duty of the master of every tankship over 500 gross tons to cause station bills and muster lists to be prepared before the vessel sails, which shall be signed by the master, who shall be responsible for their preparation. The station bills and muster lists shall be posted in conspicuous places in several parts of the tankship, particularly in the crew's quarters, and must contain full particulars of the signals which will be used for calling the crew to their stations for emergency duties. Special duties shall be allotted to each member of the crew and the muster list shall show all these special duties and indicate the station to which each man must go and the duties he has to perform. The special duties should, as far as possible, be comparable to the regular work of the individual.

(b) The duties provided for by the muster lists should include:

(1) The closing of airports, watertight doors, fire doors, and fire screens, the covers and all valves of all scuppers, sanitary and other discharges which lead through the ship's hull below the margin line, and stopping the fans and ventilating systems.

(2) The extinction of fire.

(3) The equipment of lifeboats, liferafts, and buoyant apparatus and their preparation for launching.

(c) The master of a tankship equipped with a line-carrying gun shall drill his crew in its use every 3 months, but the actual firing of the gun on the tankship shall be discretionary with the master. Each drill shall be recorded in the ship's logbook.

§ 35.10–5 Emergency signals; fire and lifeboat drills—T/ALL.

(a) The fire-alarm signals shall be a continuous blast of the whistle for a period of not less than 10 seconds supplemented by a continuous ringing of the general alarm bells for not less than 10 seconds. For dismissal from fire-alarm stations, the general alarm bells should be sounded three times, supplemented by three short blasts of the whistle. The signal for lifeboat drill or lifeboat stations shall be more than six short blasts and one long blast of the whistle, supplemented by the same signal on the general alarm bells. Where whistle signals are used to direct the handling of lifeboats they shall be as follows:

(1) To lower lifeboats, one short blast of the whistle.

(2) To stop lowering the lifeboats, two short blasts of the whistle.

(3) For dismissal from lifeboat stations, three short blasts of the whistle: *Provided*, That on river tankships the whistle signals specified herein may be made on the ship's bell.

(b) The master of any tankship may establish such other emergency signal, in addition to the above, as will provide that all the officers and all the crew of the tankship will have positive and certain notice of the existing emergency.

(c) The master may organize a squad to be used for emergency duties (other than a general emergency), or crew practices, and the nature of the signals or other means for assembling the squad remains within the discretion of the master. Such signals should not conflict with the navigational signals or the signals used for a general alarm.

(d) It shall be the duty of the Master, or the mate, or officer next in command to conduct a fire and boat drill at least once in every week. At least one such fire and boat drill shall be held within 24 hours of leaving a port if more than 25 percent of the crew have been replaced at that port. In connection with these drills it shall be the duty of such officer to call all hands to quarters and (weather permitting) exercise them in the unlashing and swinging out of the lifeboats, the closing of all hand or power operated watertight doors which are in use at sea, closing all fire doors and fire screens, the use of fire pumps, and all other apparatus for the safety of life on board of such vessels with special regard for the drill of the crew in the method of adjusting life preservers; to see that all the equipments required by law are in complete working order for immediate use; and to see that lifeboat equipment is examined at least monthly to insure that it is complete. The fact of exercise of the crew as herein contemplated, shall be entered upon the ship's logbook.

(e) This section relating to fire and lifeboat drills contemplates that such drills shall be conducted precisely as though an emergency existed. To accomplish the purpose of this section, lifeboat covers and strongbacks shall be removed, plugs or caps put in place, boat ladders secured in position for use, painters carried forward and tended so as to provide a good lead and slack to hold the boat in position under the davits when in the water. Different groups of lifeboats shall be used in turn at successive boat drills and, if practicable and reasonable, every lifeboat shall be lowered at least once every three months. The person in charge of each lifeboat or liferaft should have a list of its crew and should see that the men under his orders are acquainted with their several duties. The motor and the hand-operated propeller gear of each lifeboat shall be operated for a period of not less than 5 minutes once at least in every 7 days, in order that it may be ready for service at any time. Such operation shall be made a part of the report of such drill. The hand pumps and fire pump shall be operated long enough and a sufficient number of outlets used to insure that such equipment is in order and effectual. When oxygen-breathing apparatus, gas masks, or other special equipment is carried, certain members of the crew shall be trained in the use of the equipment.

(f) The entries in the ship's logbook relating to the exercise of the crew in fire and lifeboat drills shall state the day of the month and the hour when so exercised, length of time of the drill, numbers on the lifeboats swung out and numbers on those lowered, number of lengths of fire hose used, a statement of the condition of all fire and lifesaving apparatus, and a report of the monthly examination of the lifeboat equipment. If in any week the required fire and boat drills are not held or only partial drills are held, an entry shall be made stating the circumstances and extent of the drills held.

(g) Any neglect or omission on the part of the officer in command of such vessels to strictly enforce the provisions of this section shall be deemed cause for proceedings under the provisions of R. S. 4450, as amended (46 U. S. C. 239), looking to a suspension or revocation of the license of such officer.

(h) It shall be the duty of the master to require the officers and crew of all tankships to perform the aforesaid drills and discipline in the presence of marine inspectors at intervals sufficiently frequent to assure the said inspectors, by actual observance, that the foregoing requirements of this section are complied with by the officers and the crew.

(i) A copy of these requirements (Form CG–809) shall be furnished to each tankship to which this subpart applies. This form shall be framed under glass and posted in a conspicuous place.

§ 35.10–7 Electric power-operated lifeboat winches—T/ALL.

(a) It shall be the duty of the master to see that all lifeboat winch control apparatus, including motor controllers, emergency switches, master switches, and limit switches, are examined at least once in each 3 months. The examination shall include the removal of drain plugs and/or the opening of drain valves in such appliances to assure that the enclosures are free of water.

(b) The date of the examination required by this section and the condition of the equipment shall be noted in the Official Logbook.

§ 35.10–9 Posting placards containing instructions for launching and inflating inflatable liferafts—TB/ALL.

(a) Every vessel equipped with inflatable liferafts shall have posted in conspicuous places which are regularly accessible to the crew and/or passengers, approved placards containing instructions for launching and inflating inflatable liferafts for the information of persons on board. The number and location of such placards for a particular vessel shall be as determined necessary by the Officer in Charge, Marine Inspection.

(b) Under the requirements contained in § 160.051–6(c)(1) of Subpart 160.051 in Subchapter Q (Specifications) of this chapter, the manufacturer of approved inflatable liferafts is required to provide approved placards containing such instructions with each liferaft.

§ 35.10–15 Emergency lighting and power systems—T/ALL.

(a) Where fitted, it shall be the duty of the master to see that the emergency lighting and power systems are tested and inspected at least once in each week that the vessel is navigated to be assured that the system is in proper operating condition.

(b) Internal combustion engine driven emergency generators shall be tested under load for at least 2 hours, at least once in each month that the vessel is navigated.

(c) Storage batteries for emergency lighting and power systems shall be tested at least once in each 6-month period that the vessel is navigated to demonstrate the ability of the storage battery to supply the emergency loads for 6 hours.

(d) The date of the tests required by this section and the condition and performance of the apparatus shall be noted in the vessel's Official Logbook or in logs or records considered to take the place of the Official Logbook.

§ 35.10–20 Radio apparatus for lifeboats—T/OC.

(a) It shall be the duty of the master to require that all batteries for all fixed and portable radio apparatus for lifeboats are brought up to full charge weekly if the batteries are of a type which require recharging.

(b) In any case, the transmitter shall be tested weekly using a suitable artificial aerial.

Subpart 35.12—Placard of Lifesaving Signals and Breeches Buoy Instructions

§ 35.12–1 Application—T/OCLB.

(a) The provisions of this subpart shall apply to all vessels on an international voyage, and all other vessels of 150 gross tons or over in ocean, coastwise or Great Lakes service.

§ 35.12–5 Availability—T/OCLB.

(a) On all vessels to which this subpart applies there shall be posted in the pilothouse and readily available to the deck officer of the watch a placard (Form CG–811) containing instructions for the use of breeches buoys and the lifesaving signals set forth in Regulation 16, Chapter V, of the International Convention for Safety of Life at Sea, 1960. These signals shall be used by vessels or persons in distress when communicating with lifesaving stations and maritime rescue units.

(b) A copy of Form CG–811 shall also be conveniently posted in the engineroom and crews quarters of all vessels to which this subpart applies.

Subpart 35.15—Casualty or Accident Reports

§ 35.15–1 Notice of casualty and voyage records—TB/ALL.

(a) The owner, agent, master, or person in charge of a vessel involved in a marine casualty shall give notice as soon as possible to the nearest marine inspection office of the United States Coast Guard whenever the casualty results in any of the following:

(1) Damage to property in excess of $1,500.00.

(2) Material damage affecting the seaworthiness or efficiency of a vessel.

(3) Stranding or grounding.

(4) Loss of life.

(5) Injury causing any person to remain incapacitated for a period in excess of 72 hours; except injury to harbor workers not resulting in death and not resulting from vessel casualty or vessel equipment casualty.

(b) The notice required by paragraph (a) of this section shall show the name and official number of the vessel involved, the owner or agent thereof, the nature and probable occasion of the casualty, the locality in which it occurred, the nature and extent of injury to persons and the damage to property.

(c) In addition to the notice required by paragraph (a) of this section, the person in charge of the vessel shall, as soon as possible, report in writing and in person to the Officer in Charge, Marine Inspection, at the port in which the casualty occurred or nearest the port of first arrival: *Provided*, That when from distance it may be inconvenient to report in person it may be done in writing only. The written report required for personal accident shall be made on Form CG-924E and submitted for each individual injured and each loss of life. For all other vessel casualties the written report shall be made on Form CG-2692.

NOTE: If filed without delay, the Form CG-924E or CG-2692 may also provide the notice required by paragraph (a) of this section.

(d) The owner, agent, master, or other person in charge of any vessel involved in a marine casualty shall retain such voyage records of the vessel as are maintained by the vessel, such as both rough and smooth deck and engineroom logs, bell books, navigation charts, navigation work books, compass deviation cards, gyrocompass records, stowage plans, record of draft, aids to mariners, radiograms sent and received, the radio log and crew and passenger lists. The owner, agent, master, or other officer in charge, shall make those records available to a duly authorized Coast Guard officer or employee for examination upon request.

(e) Whenever a vessel collides with a lightship, buoy, or other aid to navigation under the jurisdiction of the Coast Guard, or is connected with any such collision, it shall be the duty of the person in charge of such vessel to report the accident to the nearest Officer In Charge, Marine Inspection. No report on Form CG-2692 is required unless one or more of the results listed in paragraph (a) of this section occurs.

(f) The master of any nuclear vessel shall immediately inform the Commandant in the event of any accident or casualty to the nuclear vessel which may lead to an environmental hazard. The master shall also immediately inform the competent governmental authority of the country in whose waters the vessel may be in, or whose waters the vessel approaches in a damaged condition.

(Interpret or apply R.S. 4450, as amended, secs. 1, 2, 49 Stat. 1544, secs 13, 17, 54 Stat. 166, as amended, sec. 10, 18 Stat. 128, as amended; 46 U.S.C. 239, 367, 526L(c), 526p, 33 U.S.C. 361)

§ 35.15-5 Reports by engineers of accidents involving boilers or machinery—T/ALL.

It shall be the duty of the engineer in charge when an accident occurs to the boilers or machinery tending to render the further use of such boilers and machinery unsafe until repairs are made to report the same to the Officer in Charge, Marine Inspection, at the port in which the accident occurred or nearest the port of first arrival, immediately upon the arrival of the tankship at the first port reached subsequent to the accident.

§ 35.15-10 Reports when a state of war exists—T/ALL.

During the period when a state of war exists between the United States and any foreign nation, communications in regard to casualties or accidents shall be handled with caution and the reports shall not be made by radio or by telegram.

Subpart 35.20—Navigation

§ 35.20-1 Notice to mariners; aids to navigation—T/OCLB.

(a) Licensed officers are required to acquaint themselves with the latest information published by the United States Coast Guard and the United States Navy regarding aids to navigation, and neglect to do so is evidence of neglect of duty. It is desirable that vessels navigating oceans and coastwise and Great Lakes waters shall have available in the pilothouse for convenient reference at all times a file of the applicable Notice to Mariners. All vessels shall have charts of the waters on which they operate for convenient reference at all times.

(b) Notice to Mariners, published weekly by the United States Coast Guard, which contains announcements and information regarding aids to navigation and charts of waters of the United States, is available for free distribution at the following places: Field offices of the U. S. Coast Guard; U. S. Coast and Geodetic Survey field stations; and the Marine Division, Custom House. Notice to Mariners, published weekly by the U. S. Navy for the correction of charts, sailing directions, light lists, and other publications, and which includes foreign waters and certain waters of the United States, is available for free distribution at the Oceanographic Office, Branch Oceanographic Offices, or any of the agencies at seaboard ports, and is also on file in the United States consulates, where it may be inspected.

§ 35.20-5 Draft of tankships—T/OC.

The master of every tankship shall, whenever leaving port, enter the maximum draft of his vessel in the logbook.

§ 35.20-10 Steering gear test—T/ALL.

On all tankships making voyages of more than 48 hours' duration, the entire steering gear, the whistle, the means of communication, and the signaling appliances between the bridge or pilothouse and engineroom shall be examined and tested by a licensed officer of the vessel within a period of not more than 12 hours before leaving port. All such vessels making voyages of less than 48 hours' duration or operating on lakes, bays, sounds, and rivers shall be so examined and tested at least once in every week. The fact and time of such examination and test shall be recorded in the ship's logbook.

§ 35.20-15 Steering orders—TB/ALL.

(a) For all tank vessels fitted with rudders, the following steering orders shall be given in the direct sense as follows:

(1) "Right rudder" shall be given only when it is intended that the wheel, the rudder blade, and the head of the ship should go to the right.

(2) "Left rudder" shall be given only when it is intended that the wheel, the rudder blade, and the head of the ship should go to the left.

(b) Where rudder indicators are provided, they shall be installed consistent with the requirements in paragraph (a) of this section.

§ 35.20-20 Master's and officer's responsibility—TB/ALL.

Nothing in this part shall exonerate any master or officer in command from the consequences of any neglect to keep a proper lookout or the neglect of any precaution which may be required by the ordinary practice of seamen or by the special circumstances of the case.

§ 35.20-25 Unauthorized lights—T/ALL.

Any master or pilot of any vessel who shall authorize or permit the carrying of any light, electric or otherwise, not required by law that in any way will interfere with distinguishing the signal lights may be proceeded against in accordance with the provisions of R. S. 4450 (46 U. S. C. 239), as amended, looking to a revocation or suspension of his license.

§ 35.20-30 Flashing the rays of a searchlight or other blinding light—T/ALL.

Flashing the rays of a searchlight or other blinding light onto the bridge or into the pilothouse of any vessel under way is prohibited. Any person who shall flash or cause to be flashed the rays of a blinding light in violation of the above may be proceeded against in accordance with the provision of R. S. 4450, as amended (46 U. S. C. 239), looking to the revocation or suspension of his license or certificate.

§ 35.20-35 Whistling—T/ALL.

Unnecessary sounding of vessel's whistle is prohibited within any harbor limits of the United States. Whenever any licensed officer in charge of any tankship shall authorize or permit such unnecessary whistling, such officer may be proceeded against in accordance with the provisions of R. S. 4450, as amended (46 U. S. C. 239), looking to a revocation or suspension of his license.

Subpart 35.25—Engine Department

§ 35.25-1 Examination of boilers and machinery by engineer—T/ALL.

It shall be the duty of an engineer when he assumes charge of the boilers and machinery of a vessel to examine the same forthwith and thoroughly. If he finds any part thereof in bad condition, he shall immediately report the facts to the master, owner, or agent, and to the nearest Officer in Charge, Marine Inspection, who shall thereupon investigate the matter, and if the former engineer has been willfully negligent in the performance of his duties, he may be proceeded against under the provisions of R.S. 4450, as amended (46 U.S.C. 239), looking to a suspension or revocation of his license.

§ 35.25-5 Repairs of boilers and unfired pressure vessels and reports of repairs or accidents by chief engineer—TB/ALL.

(a) Before making any repairs to boilers or unfired pressure vessels, the chief engineer shall submit a report covering the nature of the repairs to the Officer in Charge, Marine Inspection, at or nearest to the port where the repairs are to be made.

(b) In the event of an accident to a boiler, unfired pressure vessel, or machinery tending to render the further use of the item itself unsafe until repairs are made, or if by ordinary wear such items become unsafe, a report shall be made by the chief engineer immediately to the Officer in Charge, Marine Inspection, or if at sea, immediately upon arrival at port.

§ 35.25-10 Requirements for fuel oil—T/ALL.

(a) Oil to be used as fuel to be burned under boilers on tankships shall have a flash point of not less than 150° F. (closed cup test).

(b) It shall be the duty of the chief engineer to make an entry in the log of each supply of fuel oil received on board, stating the quantity received, the name of the vendor, and the flash point (closed cup test) for which it is certified by the vendor.

(c) It shall be the further duty of the chief engineer to draw and seal at the time the supply is received on board, a half-pint sample of each lot of fuel oil, such sample to be preserved until that particular supply of oil is exhausted.

§ 35.25-15 Carrying of excess steam—TB/ALL.

It shall be the duty of the chief engineer of any tank vessel to see that a stream pressure is not carried in excess of that allowed by the certificate of inspection, and to see that the safety valves, once set and sealed by the inspector are in no way tampered with or made inoperative except as provided in § 35.25-20.

§ 35.25-20 Breaking of safety valve seal—TB/ALL.

If at any time it is necessary to break the seal on a safety valve for any purpose, the chief engineer shall advise the Officer in Charge, Marine Inspection, at the next port of call, giving the reason for breaking the seal and requesting that the valve be examined and adjusted by a marine inspector.

Subpart 35.30—General Safety Rules

§ 35.30-1 Warning signals and signs—TB/ALL.

(a) *Red warning signals.* During transfer of bulk cargo while fast to a dock, a red signal (flag by day and electric lantern at night) shall be so placed that it will be visible on all sides. While transferring bulk cargo at anchor, a red flag only shall be displayed.

(b) *Warning sign at gangway.* (1) Warning placards should be kept at hand for display while a vessel is fast to a dock during transfer of cargo, to warn persons approaching the gangway. The placard shall state in letters not less than 2 inches high substantially as follows:

WARNING

No open lights.
No smoking.
No visitors.

(2) Where poisonous cargoes are being transferred the warning sign shall also include the word "Poison" to indicate the nature of the liquid being handled. (See Part 39 of this subchapter.)

(c) *Warning sign in radio room.* A sign shall be placed in radio room warning against the use of radio equipment during transfer of Grade A, B, or C liquids, except by permission of senior deck officer.

(d) Additional warning signs required by cargoes having significant hazards other than flammability or combustibility are described in § 35.01-55.

(e) Additional placards or signs required in connection with the movement of certain open hopper type barges are described in § 35.01-45.

§ 35.30-5 Fires, matches, and smoking—TB/ALL.

(a) *General.* In making the determinations required under paragraphs (b), (c), and (d) of this section the senior deck officer on duty, who shall be a licensed officer or certificated tankerman, shall exercise his skill and experience with due regard to attendant conditions and circumstances, including consideration for location of shore side facilities, maintenance of mobility, provision for fire protection, state or change of winds, tides, sea, weather conditions, forces of nature and other circumstances generally beyond human control.

(b) *Boiler fires.* Boiler fires are normally permitted during cargo transfer operations: *Provided*, That prior to loading Grades A, B, and C cargoes, the senior deck officer on duty, who shall be a licensed officer or certificated tankerman, shall make an inspection to determine whether in his judgment boiler fires may be maintained with reasonable safety during the loading operation.

(c) *Galley fires.* Galley fires are normally permitted during cargo transfer operations: *Provided*, That prior to loading Grades A, B, and C cargoes the senior deck officer on duty, who shall be a licensed officer or certificated tankerman, shall make an inspection to determine whether in his judgment galley fires may be maintained with reasonable safety during the loading operation.

(d) *Smoking.* Smoking is prohibited on the weather decks of tank vessels when they are not gas free or are alongside docks. At other times and places the senior deck officer on duty, who shall be a licensed officer or certificated tankerman, shall designate when and where the crew may smoke: *Provided*, That prior to loading Grade A, B, or C cargo the master or senior deck officer on duty shall make an inspection to determine if and where, in his judgment, smoking may be permitted with reasonable safety during the loading operation.

(e) *Matches.* The use of other than safety matches is forbidden aboard tank vessels at all times.

§ 35.30-10 Cargo tank hatches, ullage holes, and Butterworth plates—TB/ALL.

No cargo tank hatches, ullage holes, or Butterworth plates shall be opened or shall remain open without flame screens, except under the supervision of the senior members of the crew on duty, unless the tank opened is gas free.

§ 35.30-15 Combustible gas indicator—TB/ALL.

(a) The provisions of this section shall apply only to United States flag vessels.

(b) Manned tank barges and tankships authorized to carry Grade A, B, C, or D liquids at any temperature, or Grade E liquids at elevated temperatures, shall be provided with a combustible gas indicator suitable for determining the presence of explosive concentrations of the cargo carried. An indicator which bears the label of Underwriters' Laboratories, Inc., Factory Mutual Engineering Division, or other organizations acceptable to the Commandant will be accepted as meeting this requirement.

§ 35.30-20 Emergency equipment—TB/ALL.

(a) All manned tank vessels having tanks which exceed 15 feet in depth, measured from the deck to the lowest point at which cargo is carried, all tankships on an international voyage, and all tankships of 1,000 gross tons and over shall be provided with an outfit as follows:

(1) One approved fresh air breathing apparatus, including belt and lifeline. The length of the airhose shall be sufficient to reach from the open deck, well clear of hatch or doorway, to any part of the holds, tanks, and, except as provided in the following subparagraph, the machinery spaces.

(2) If it is not practicable to reach all portions of the machinery space with the airhose of the fresh air breathing apparatus, an approved self-contained breathing apparatus with adequate lifeline shall be carried for use in the machinery space. In such case, the particular apparatus provided for the machinery space shall be used for no other purpose, shall be marked indicating the restriction to its use, and shall be stowed convenient to, but outside of the machinery space.

(3) One approved 3-cell, explosion-proof flashlight, constructed in accordance with Subpart 161.008 of Subchapter Q (Specifications) of this chapter.

(4) One fire ax.

(b) Approved self-contained breathing apparatus with adequate lifelines may be provided in addition to the equipment required in the preceding paragraph, and may be used in any space on the vessel.

(c) For tankships on an international voyage, lifelines shall be of steel or bronze wire rope. Steel wire rope shall be either inherently corrosion resistant or made so by galvanizing or tinning.

Each end shall be fitted with a hook with keeper having a throat opening which can be readily slipped over a $\frac{5}{8}$-inch bolt. The total length of the lifeline shall be dependent upon the size and arrangement of the vessel, and more than one line may be hooked together to achieve the necessary length. No individual length of lifeline may be less than 50 feet in length. The assembled lifeline shall have a minimum breaking strength of 1,500 pounds.

§ 35.30–25 Explosives—TB/ALL.

Fulminates or other detonating compounds in bulk in dry condition; explosive compositions that ignite spontaneously or undergo marked decomposition when subjected for forty-eight consecutive hours to a temperature of 167° F. or more; compositions containing an ammonium salt and a chlorate; and other like explosives shall not be accepted, stored, stowed or transported on board tank vessels.

§ 35.30–30 Portable electrical equipment—TB/ALL.

Illumination may be obtained in any compartment by the use of approved explosion-proof, self-contained, battery-fed lamps. Otherwise, no portable electrical equipment of any type shall be used in bulk cargo tanks, fuel oil tanks, cargo pumprooms, or enclosed spaces immediately above or adjacent to bulk cargo tanks unless all the following conditions are met:

(a) The compartment itself is gas-free;

(b) The compartments adjacent and the compartments diagonally adjacent are either (1) gas-free, (2) inerted, (3) filled with water, (4) contain Grade E liquid and are closed and secured, or (5) are spaces in which flammable vapors and gases normally are not expected to accumulate; and

(c) All other compartments of the vessel in which flammable vapors and gases may normally be expected to accumulate are closed and secured.

§ 35.30–35 Spark producing devices—TB/ALL.

(a) Where Grades A, B, C, and D liquid cargoes are involved, power driven or manually operated spark producing devices shall not be used in bulk cargo tanks, fuel oil tanks, cargo pumprooms, or enclosed spaces immediately above or adjacent to bulk cargo tanks unless all the following conditions are met:

(1) The compartment itself is gas-free;

(2) The compartments adjacent and the compartments diagonally adjacent are either (i) gas-free, (ii) inerted, (iii) filled with water, (iv) contain Grade E liquid and are closed and secured, or (v) are spaces in which flammable vapors and gases normally are not expected to accumulate; and,

(3) All other compartments of the vessel in which flammable vapors and gases may normally be expected to accumulate are closed and secured.

(b) This section does not prohibit the use of small hand tools in such locations.

§ 35.30–40 Flammable liquid and gas fuels as ship's stores—TB/ALL.

(a) Flammable liquids and gases to be used as fuels for industrial trucks, lifeboats and other approved equipment shall be marked, labeled and stowed as follows:

(1) They shall be stowed in ICC specification containers, A.S.M.E. containers, or portable safety containers having the approval of a recognized testing laboratory, which containers are authorized for the contents.

(2) Containers shall be marked with the name of contents and shall be labeled in accordance with ICC requirements as follows:

(i) Flammable liquids—"Red Label"; or,

(ii) Flammable gases—"Red Gas label".

(3) Containers shall be stowed on or above the weather deck in locations designated by the master. ICC specification containers, A.S.M.E. containers, or portable safety containers having the approval of a recognized testing laboratory may be stowed below the weather deck in a paint or lamp locker provided such containers do not exceed 5 gallons capacity each.

(b) Diesel fuel shall be stowed in locations designated by the master.

§ 35.30–45 Motion picture film—TB/ALL.

(a) Only acetate or slow-burning film may be used. Nitrocellulose film is specifically prohibited.

Subpart 35.35—Cargo Handling

§ 35.35–1 Men on duty—TB/ALL.

(a) A sufficient number of the crew shall be on duty to perform cargo transfer operations.

(b) In the case of unmanned barges, the owners, masters or persons in charge of such barges shall insure that a person holding a valid license as master, mate, pilot, or engineer, or a certificated tankerman is on duty to perform transfer operations, which licensed person or certificated tankerman shall be considered as the person in charge of the unmanned tank barge. Where the bulk liquid cargo to be transferred is covered by the requirements of § 35.01–55, the Officer in Charge, Marine Inspection, shall be furnished satisfactory documentary evidence that such person is trained in, and capable of performing competently, the necessary operations which relate to the transfer of such cargo.

§ 35.35–5 Electric bonding—T/ALL.

A tank vessel may be electrically connected to the shore piping, through which the cargo is to be transferred, prior to the connecting of a cargo hose. This electrical connection, if made, shall be maintained until after the cargo hose has been disconnected and any spillage has been removed.

§ 35.35–10 Closing of scuppers and sea valves—TB/ALL.

Deck officer in charge shall see that all scuppers are properly plugged during transfer operations except on tank vessels using water for deck cooling. Sea valves shall be closed and lashed, or sealed to indicate that they should not be open during all cargo loading operations. Under no circumstances shall such valves be secured by locks.

§ 35.35–15 Connecting for cargo transfer—TB/ALL.

(a) Movement of the vessel shall be considered when making the cargo connections to insure safe cargo transfer. Suitable material shall be used in joints and in couplings when making connections to insure that they are tight. Under no circumstances shall less than three bolts be used in a bolted flanged coupling.

(b) When cargo connections are supported by ship's tackle, the senior deck officer on duty shall determine the weights involved in order to insure that sufficient tackles are used.

(c) Pans or buckets shall be placed under cargo hose connections on the tank vessel.

§ 35.35–20 Inspection prior to transfer of cargo—TB/ALL.

Prior to the transfer of cargo, the senior deck officer on duty, who shall be a licensed officer or certificated tankerman, shall inspect the vessel to assure himself that the following conditions exist:

(a) Warnings are displayed as required.

(b) No repair work in way of cargo spaces is being carried on without his permission.

(c) Cargo connections have been made as described in § 35.35–15 and cargo valves are set.

(d) All cargo connections for the loading of Grades A, B, and C cargoes have been made to the vessel's pipelines and not through open end hose in a hatch.

(e) In loading Grades A, B, and C cargoes, there are no fires or open flames present on the deck, or in any compartment which is located on, facing, open, and adjacent to that part of the deck on which cargo connections have been made.

(f) The shore terminal or the other tank vessel concerned has reported itself in readiness for transfer of cargo.

(g) All sea valves connected to the cargo piping system are closed.

(h) In loading Grades A, B, and C cargoes, that an inspection has been made to determine whether boiler fires can be maintained with reasonable safety.

(i) In loading Grades A, B, and C cargoes, that an inspection has been made to determine whether galley fires can be maintained with reasonable safety.

(j) In loading Grades A, B, and C cargoes, that an inspection has been made to determine whether smoking may be permitted with reasonable safety.

(k) On tankships the construction or conversion of which is started on or after July 1, 1951, which are to load or discharge Grade A cargo, all openings in the top of the tanks, except the branch vent lines and covers to ullage hole sounding pipes, are tightly closed. (See §§ 32.20–20 and 32.55–20 of this subchapter.)

(l) On tankships the construction or conversion of which is started on or after July 1, 1951, which are to load or discharge Grade A cargo, the method for determining the liquid level in the tank without opening ullage holes, cargo hatches or Butterworth plates is in proper order. (See § 32.20–20 of this subchapter.)

§ 35.35–25 Approval to start transfer of cargo—TB/ALL.

When the senior deck officer on duty has assured himself that the requirements of §§ 35.35–20 and 35.35–30 have been met, he may give his approval to start operations.

§ 35.35–30 "Declaration of Inspection" for tankships—T/ALL.

After completing the inspection required by § 35.35–20 and prior to giving his approval to start the cargo transfer operation, the master or senior deck officer on duty shall fill in the following Declaration of Inspection in duplicate. The original of the Declaration of Inspection shall be kept aboard for the information of authorized persons. The duplicate, where required, shall be handed to the terminal superintendent or his representative, who shall on demand be given the opportunity to satisfy himself that the condition of the vessel is as stated in the Declaration of Inspection.

DECLARATION OF INSPECTION PRIOR TO BULK CARGO TRANSFER

Date ----------

S ---------- Port of ----------

I, ----------, being the master or senior deck officer in charge of the transfer of bulk flammable and combustible cargo about to be undertaken, do certify that I have personally inspected this vessel with reference to the following requirements set forth in § 35.35–20 and that opposite each of them I have indicated that the regulations have been complied with.

(1) Are warnings displayed as required?

(2) Is there any repair work in way of cargo spaces being carried on for which permission has not been given?

(3) Have cargo connections been properly made and are cargo valves properly set?

(4) Have all cargo connections for loading Grades A, B, and C cargoes been made to vessel's pipelines?

(5) Are there any fires or open flames present on the deck or in any compartment which is located on, facing, open and adjacent to the main deck of the vessel on which the cargo connections have been made?

(6) Has the shore terminal or other tank vessel concerned reported itself in readiness for transfer of cargo?

(7) Are sea valves connected to the cargo system closed?

(8) If Grades A, B, and C cargoes are to be loaded and boiler fires are lighted, has an inspection been made to determine that they may be operated with reasonable safety?

(9) If Grades A, B, and C cargoes are to be loaded and galley fires are lighted, has an inspection been made to determine that they may be operated with reasonable safety?

(10) If Grades A, B, and C cargoes are to be loaded, has an inspection been made to determine whether smoking is to be permitted?

(11) If smoking is to be permitted, have spaces been designated for this purpose?

§ 35.35–35 Duties of senior deck officer during transfer operations—TB/ALL.

The senior deck officer on duty shall control the operations as follows:

(a) Supervise the operations of cargo system valves.

(b) Start transfer of cargo slowly.

(c) Observe cargo connections for leakage.

(d) Observe operating pressure on cargo system.

(e) Observe rate of loading for the purpose of avoiding overflow of tanks.

§ 35.35–40 Conditions under which transfer operations shall not be commenced or if started shall be discontinued—TB/ALL.

Cargo transfer operations shall not be started or, if started, shall be discontinued under the following conditions:

(a) During severe electrical storms.

(b) If a fire occurs on the wharf or on the tanker or in the vicinity.

§ 35.35–42 Restrictions on vessel coming alongside a tank vessel while loading Grade A, B, or C cargo—TB/ALL.

(a) No vessel shall come alongside or remain alongside a tank vessel in way of its cargo tanks while it is loading Grade A, B or C cargo without having the permission of the officer-in-charge of the vessel which is loading.

(b) No vessel shall come alongside or remain alongside a tank vessel in way of its cargo tanks while it is loading Grade A, B or C cargo unless the conditions then prevailing are mutually acceptable to the officers-in-charge of cargo handling on both vessels.

§ 35.35–45 Auxiliary steam, air, or electric current—B/ALL.

When discharging cargo from one or more barges, the towing vessel may furnish steam, air, or electric current for pumps on barges or dock, but in no case shall the cargo pass through or over the towing vessel.

§ 35.35–50 Termination of transfer operations—TB/ALL.

(a) When transfer operations are completed the valves on cargo connections on the vessel shall be closed. The cargo connections shall be drained of cargo.

§ 35.35–55 Transfer of other cargo or stores on tank vessels—TB/ALL.

(a) Package goods, freight, and ships' stores shall not be loaded or discharged during the loading of Grade A, B, or C products except by permission of the senior deck officer on duty. Explosives as cargo shall not be loaded or carried on any tank vessel containing Grade A, B, or C cargo.

(b) Where package and general cargo is carried directly over bulk cargo tanks, it shall be properly dunnaged to prevent chafing of metal parts and securely lashed or stowed.

§ 35.35–60 Transportation of other cargo or stores on tank barges—B/ALL.

(a) Tank barges may be permitted to transport deck cargoes directly over bulk cargo spaces when the nature of such deck cargoes and the methods of loading and unloading same do not create an undue hazard. Such tank barges shall have their decks properly dunnaged to prevent chafing between the steel parts of the vessel and the deck cargo.

§ 35.35–70 Maintenance of cargo handling equipment—TB/ALL.

The cargo handling equipment shall be maintained by the tank vessel's personnel in accordance with the regulations in this subchapter, including the following:

(a) Cargo hose shall not be used in transfer operations in which the pressures are such that leakage of cargo occurs through the body of the hose.

(b) Cargo pump relief valves shall be tested at least once each year to determine that they function satisfactorily at the pressure at which they are set to open.

(c) Cargo pump pressure gage shall be tested at least once a year for accuracy.

(d) The cargo discharge piping of all tank vessels shall be tested at least once each year for tightness, at the maximum working pressure.

§ 35.35–75 Emergencies—TB/ALL.

In case of emergencies nothing in the regulations in this subchapter shall be construed as preventing the senior officer present from pursuing the most effective action in his judgment for rectifying the conditions causing the emergency.

Subpart 35.40—Marking of Fire and Emergency Equipment

§ 35.40–1 General alarm contact maker—TB/ALL.

Each general alarm bell contact maker located as required in § 32.25–1(b) shall be marked with lettering on a corrosion-resistant plate, or with a sign in red letters on a suitable background with the words "GENERAL ALARM."

§ 35.40–5 General alarm bells—TB/ALL.

General alarm bells shall be marked in not less than ½-inch red letters: "General Alarm—When Bell Rings Go to Your Station."

§ 35.40–6 Emergency lights—TB/ALL.

(a) All emergency lights shall be marked with a letter "E" at least ½ inch high.

§ 35.40–7 Carbon dioxide alarm—T/ALL.

Adjacent to all carbon dioxide fire extinguishing alarms installed after November 19, 1952, there shall be conspicuously marked: "WHEN ALARM SOUNDS VACATE AT ONCE. CARBON DIOXIDE BEING RELEASED."

§ 35.40–10 Steam, foam, or CO_2 fire smothering apparatus—TB/ALL.

Steam, foam or CO_2 fire smothering apparatus shall be marked "STEAM FIRE APPARATUS" or "FOAM FIRE APPARATUS" or "CO_2 FIRE APPARATUS," as appropriate, in not less than 2-inch red letters. The valves of all branch pipes leading to the several compartments shall be distinctly marked to indicate the compartments or parts of the vessel to which they lead.

§ 35.40–15 Fire hose stations—TB/ALL.

At each fire hose valve there shall be marked in not less than 2-inch red letters and figures "FIRE STATION 1," 2, 3, etc.

§ 35.40–17 Foam hose/monitor stations—T/ALL.

(a) At each required foam hose/monitor valve there shall be marked in not less than 2-inch red letters and figures: "FOAM STATION 1," 2, 3, etc.

§ 35.40–18 Water spray systems—TB/ALL.

(a) Water spray system apparatus shall be marked: "WATER SPRAY SYSTEM," as appropriate, in not less than 2-inch red letters.

(b) The control valve, and its control if located remotely, shall be distinctly marked to indicate the compartment protected.

§ 35.40–20 Emergency equipment—TB/ALL.

Lockers or spaces where emergency equipment is stowed shall be marked: "EMERGENCY EQUIPMENT" or "FRESH AIR BREATHING APPARATUS" as appropriate.

§ 35.40–25 Fire extinguishers—TB/ALL.

Each fire extinguisher shall be marked with a number and the location where stowed shall be marked in corresponding numbers in at least ½ inch figures.

§ 35.40–30 Instructions for changing steering gear—TB/ALL.

Instructions in at least ½ inch letters and figures shall be posted in the steering engineroom, relating in order, the different steps to be taken in changing to the emergency steering gear. Each clutch, gear wheel, lever, valve or switch which is used during the changeover shall be numbered or lettered on a brass plate or painted so that the markings can be recognized at a reasonable distance. The instructions shall indicate each clutch or pin to be "in" or "out" and each valve or switch which is to be "opened" or "closed" in shifting to any means of steering for which the vessel is equipped. Instructions shall be included to line up all steering wheels and rudder amidship before changing gears.

§ 35.40–35 Rudder orders—TB/ALL.

At all steering stations, there shall be installed a suitable notice on the wheel or device or in such other position as to be directly in the helmsman's line of vision, to indicate the direction in which the wheel or device must be turned for "right rudder" or "left rudder."

§ 35.40–40 Vessel's name on equipment—TB/ALL.

(a) The equipment of all tank vessels, such as fire hose, fire axes, lifeboats, life rafts, life preservers and buoyant apparatus, shall be painted or branded with the name of the vessel upon which they are used, except that inflatable liferafts shall be marked in accordance with § 33.25–10.

(b) For vessels on an international voyage, in addition to other markings required, the port of registry of the vessel shall be marked on all lifeboats, rigid liferafts, buoyant apparatus, and ring life buoys. On lifeboats, the name of the vessel and the port of registry shall be marked on each side of the bow.

Subpart 35.70—Power-Operated Industrial Trucks

§ 35.70–1 Application—TB/ALL.

(a) *Power-operated industrial trucks.* (1) Power-operated industrial trucks when carried on board vessels as part of the vessel's equipment for handling materials of any kind shall be in compliance with the applicable provisions of this subpart.

(2) Power-operated industrial trucks placed on board vessels for handling materials of any kind shall be in compliance with the applicable provisions of this subpart when such vessels are within the navigable waters of the United States, its territories and possessions but not including the Panama Canal Zone.

(b) *Vessels.* (1) Vessels shall be in compliance with the applicable provisions of this Subpart during those periods of time when power-operated industrial trucks are on board as a part of the vessel's equipment or when such trucks are placed on board for handling materials of any kind.

NOTE: As set forth in § 30.01–5(e), the regulations in this subpart are also applicable to foreign flag tank vessels.

§ 35.70–3 Alternates—TB/ALL.

(a) In cases of undue hardship resulting from unavoidable delays in bringing existing power-operated industrial trucks into compliance with the applicable provisions of this subpart, the Commandant may permit the use of alternate equipment, apparatus, or arrangement for such period of time, and to such extent, and upon such conditions as will assure, to the Commandant's satisfaction, a degree of safety consistent with the minimum standards as set forth in this subpart.

(b) The methods and procedures adopted in connection with the modification of existing equipment to meet required laboratory designations will be taken into consideration in granting permission to use alternate arrangements for a limited period of time.

§ 35.70–5 Definitions of terms used in subpart—TB/ALL.

(a) Power-operated industrial trucks are considered to be tractors, lift trucks and other specialized industrial trucks used for material handling on board a vessel.

(b) For the purposes of the regulations in this subpart, the words "flammable" and "inflammable" are interchangeable or synonymous terms.

§ 35.70–7 Approved power-operated industrial trucks—TB/ALL.

(a) Where approved power-operated industrial trucks are required by the regulations in this subchapter, such approved trucks shall have a specific designation of a recognized testing laboratory except in case of trucks powered by compressed air. The following laboratories are recognized for the specific type designations listed:

(1) Underwriters' Laboratories, Inc. (Mailing address, P.O. Box 247, Northbrook, Ill., 60062) for trucks having recognized testing laboratory type designations E, EE, EX, G, GS, LP, LPS, D, and DS.

(2) Factory Mutual Laboratories, Engineering Division, 1115 Boston-Providence Turnpike, Norwood, Mass., 02062, for trucks having recognized testing laboratory type designations E, EE, EX, G, GS, LP, LPS, D, and DS.

(b) Trucks powered by compressed air which is received through a flexible hose from a fixed source and having the air supply hose of the grounded type shall be considered of the approved type for purposes of this subpart.

(c) Description of recognized testing laboratory type designations are as follows:

(1) The "E" designated units are electrically powered units that have minimum acceptable safeguards against inherent fire hazards.

(2) The "EE" designated units are electrically powered units that have, in addition to all of the requirements for the "E" units, the electric motors and all other electrical equipment completely enclosed. In certain locations the "EE" unit may be used where the use of an "E" unit may not be considered safe.

(3) The "EX" designated units are electrically powered units that differ from the "E" and "EE" units in that the electrical fittings and equipment are so designed constructed and assembled that the units may be used in certain atmospheres containing flammable vapors or dusts.

(4) The "G" designated units are gasoline powered units having minimum acceptable safeguards against inherent fire hazards.

(5) The "GS" designated units are gasoline powered units that are provided with additional safeguards to the exhaust, fuel and electrical systems. They may be used in some locations where the use of a "G" unit may not be considered safe.

(6) The "LP" designated units are similar to the "G" units except that they are liquefied petroleum gas engine powered instead of gasoline powered.

(7) The "LPS" designated units are units similar to the "GS" units except that liquefied petroleum gas is used for fuel instead of gasoline.

(8) The "D" designated units are units similar to the "G" units except that they are diesel engine powered instead of gasoline engine powered.

(9) The "DS" designated units are diesel powered units that are provided with additional safeguards to the exhaust, fuel and electrical systems. They may be used in some locations where a "D" unit may not be considered safe.

(d) In addition to the construction and design safety features required in order to obtain a recognized laboratory type designation, approved power-operated industrial trucks shall have at least the following minimum safety features where applicable.

(1) Power-operated industrial trucks shall be equipped with a warning horn, whistle, or gong, or other device that can be heard clearly above the normal shipboard noises.

(2) Wherever power-operated industrial truck operation exposes the operator to danger from falling objects, the truck shall be equipped with a driver's overhead guard. Where overall height of the truck with forks in the lowered position is limited by head room conditions the overhead guard may be omitted.

NOTE: This overhead guard is only intended to offer protection from the impact of small packages, boxes, bagged material, etc., representative of the job application. It is impractical to build a guard of sufficient strength to withstand the impact of a capacity load since such a guard would constitute a safety hazard because its structure would be so large that it might interfere with good visibility and would weigh so much that it might make the truck top-heavy and unstable.

(3) Power-operated fork lift trucks which handle small objects or unstable loads shall be equipped with a vertical load back rest or rack which shall have height, width and strength sufficient to prevent the load, or part of it, from falling toward the mast when the mast is in a position of maximum backward tilt.

(4) The forks on power-operated fork lift trucks shall be secured to the carriage so that unintentional lifting of the toe shall not occur on such application where this lifting may create a hazard. The factor of safety of forks shall be at least 3 to 1, based on the elastic limit of the material.

(5) Fork extensions or other attachments shall be suitably secured to prevent unintentional lifting or displacement on primary forks.

(6) All exposed wheels shall be provided with guards to prevent the wheels from throwing particles at the operator.

(7) Unless the steering mechanism is of a type that prevents road reactions from causing the steering handwheel to spin, the steering knob, if used, shall be of a mushroom type to engage the palm of the operator's hand, or shall be arranged in some other manner to prevent injury. The knob shall be mounted within the perimeter of the wheel.

(8) All steering controls shall be confined within the clearances of the truck, or so guarded that movement of the controls shall not result in injury to the operator when passing obstructions, stanchions, etc.

§ 35.70–10 Permissible areas of use—TB/ALL.

(a) When the area on deck or in the hold in which power-operated industrial trucks are to be used has no bulk cargo vapors when tested but is an area in which such vapors could accumulate, these trucks may be used subject to the following conditions:

(1) Trucks used shall be suitable for type of cargo to be handled in accordance with § 35.70–15.

(2) Trucks used shall be suitable for areas in which vapors could accumulate in accordance with Table 35.70–10(a).

TABLE 35.70-10(a)

Type of truck	Grade of bulk cargo/vapors in vessel				
E	-----	B	C	D	E
EE	-----	B	C	D	E
EX	A	B	C	D	E
LP	-----	B	C	D	E
LPS	-----	B	C	D	E
G	-----	B	C	D	E
GS	-----	B	C	D	E
D	-----	-----	-----	-----	E
DS	-----	B	C	D	E
Compressed air	A	B	C	D	E

(b) When a vessel is gas free, any approved truck can be used in any space except for restrictions as to types of cargo handled as specified in § 35.70–15.

§ 35.70–15 Types of cargo permitted to be handled by trucks—TB/ALL.

(a) Power-operated industrial trucks used for handling of packaged petroleum products shall be in accordance with Table 35.70–15(a).

TABLE 35.70-15(a)

Type of truck	Grade of packaged petroleum product				
E	-----	B	C	D	E
EE	-----	B	C	D	E
EX	A	B	C	D	E
LP	-----	-----	-----	D	E
LPS	-----	B	C	D	E
G	-----	-----	-----	D	E
GS	-----	B	C	D	E
D	-----	-----	-----	D	E
DS	-----	B	C	D	E
Compressed air	A	B	C	D	E

(b) Where dry cargo other than packaged petroleum products is to be handled by power-operated industrial trucks on board a tank vessel, types of trucks used shall be in accordance with § 97.70–10 of Subchapter I (Rules and Regulations for Cargo and Miscellaneous Vessels) of this Chapter, except that all trucks shall be approved.

(c) The use of power-operated industrial trucks may be further restricted due to bulk cargo and/or vapors as set forth in Table 35.70–10(a).

§ 35.70–20 Special operating conditions—TB/ALL.

(a) Permission shall be obtained from the senior deck officer on board before placing power-operated industrial trucks in operation on a tank vessel.

(b) The senior deck officer shall ascertain by portable carbon monoxide and explosive vapor meters, if necessary, that no hazardous gas concentrations exist before granting permission to operate power trucks.

(c) When power-operated industrial trucks are in use on board vessels subject to the regulations in this subchapter, they shall be in a safe operating condition.

(d) Spaces exposed to carbon monoxide or other hazardous vapors from the exhausts of power-operated industrial trucks shall have adequate ventilation. The concentration of carbon monoxide shall be kept below 100 parts per million in the holds and intermediate decks where persons are working. When necessary, portable blowers of adequate size and location shall be utilized.

(e) The parts and/or equipment of any power-operated industrial truck requiring replacement shall be replaced only by parts and/or equipment equivalent in safety when installed with those used in the original design.

(f) Any truck that emits sparks or flames from the exhaust system shall immediately be removed from service, and not again returned to service until the cause for the emission of such sparks or flames has been eliminated.

(g) When the temperature of any part of the truck is found to be in excess of a safe operating temperature, the truck shall be removed from service until such overheating has been corrected.

(h) Operation of trucks shall be halted immediately and the engines or motors secured, whenever an emergency condition arises aboard the vessel.

(i) Operation of trucks shall be halted immediately and the engines or motors secured in the event of breakage or leakage of containers used for the carriage of flammable liquids, flammable solids or oxidizing materials.

(j) The rated capacity of a truck shall at all times be posted on the truck in a conspicuous place and such capacity shall not be exceeded.

(k) At least one approved 2-pound dry chemical hand portable fire extinguisher, or its approved equivalent, shall be affixed to the truck in a readily accessible position or kept in close proximity available for immediate use.

(l) Vessel's fire-fighting equipment, both fixed (where installed) and portable, in vicinity of space being worked shall be kept ready for immediate use.

§ 35.70–25 Refueling—TB/ALL.

(a) *When permitted.* Power-operated industrial trucks are not permitted to be refueled in the hold of a vessel or on the weather deck except under the following conditions:

(1) Trucks using gasoline as fuel may be refueled in the hold or on the weather deck of a vessel only when such refueling is done with an acceptable portable non-spilling fuel handling system of not over 5 gallons capacity Transfer of gasoline to these portable non-spilling fuel handling devices is not permitted on board the vessel.

(2) Power-operated industrial trucks using liquefied petroleum gas as fuel may be refueled in the hold or on the

weather deck of a vessel only when fitted with removable tanks and provided the hand-operated shutoff valve of the depleted tank is closed and the engine is run until it stalls from lack of fuel before the quick disconnect fitting is opened. In addition, the quick disconnect fitting shall be attached to the fuel tank before the hand-operated shutoff valve is reopened.

(3) Power-operated industrial trucks using diesel oil as fuel may be refueled on the weather deck or in the hold of a vessel by means of portable containers of not over 5-gallon capacity. These trucks may also be refueled on the weather deck of a vessel or portable containers refilled from a larger container provided a suitable pump is used for the transfer operation and a drip pan of adequate size is supplied.

(b) *General requirements.* The following conditions must be met when refueling power-operated industrial trucks in the hold of a vessel or on the weather deck under the circumstances listed in paragraph (a) of this section:

(1) Refueling shall be under the direct supervision of an experienced and responsible person specifically designated for such job by the person in charge of the loading or unloading of the vessel.

(2) No refueling shall be undertaken with less than 2 persons specifically assigned and present for the complete operation, at least one of whom shall be experienced in using the portable fire extinguishers required in the fueling area.

(3) At least one approved 4-pound dry chemical hand portable fire extinguisher, or its approved equivalent shall be provided at the scene of the fueling area. This is in addition to the portable extinguisher affixed to the truck in accordance with § 35.70-20(k).

(4) The location for refueling trucks shall be designated by the master or senior deck officer on board the vessel. "No Smoking" signs shall be posted in the area and smoking shall be prohibited.

(5) The location designated for refueling shall be adequately ventilated so as to insure against accumulation of a hazardous concentration of vapors. The ventilation requirements of § 35.70-20 (d) when trucks are operating shall also apply when trucks are being refueled.

(6) Truck engines of all trucks in the same hold shall be stopped before any truck in that hold is refueled and before any fuel handling devices or unmounted liquefied petroleum gas cylinders are placed in the hold.

(7) All fuel handling devices and unmounted liquefied petroleum gas containers shall be removed from the hold before any truck engine is started and the trucks again placed in operation.

§ 35.70-30 Charging or replacing batteries—TB/ALL.

(a) Battery charging or battery replacement on electric powered trucks shall not be accomplished on board the vessel in locations where vapors from Grades "A," "B," "C," or "D" cargo could accumulate.

(b) Locations on board vessel for battery charging or replacement shall be designated by the master of the vessel.

(c) Battery charging on board vessel shall be accomplished in accordance with the following provisions:

(1) The batteries shall be housed in a suitable, ventilated, portable metal container with a suitable outlet at the top for connection of a portable air hose, or shall be placed directly beneath a suitable metal hood with a suitable outlet at the top for connection of a portable air hose. The air hose shall be permanently connected to an exhaust duct leading to the open deck and terminate in a gooseneck or other suitable weather head. If natural ventilation is not practicable or adequate, mechanical means of exhaust shall be employed in conjunction with the duct. The air outlet on the battery container shall be equipped with an interlock switch so arranged that the charging of the battery cannot take place unless the air hose is properly connected to the box.

(2) If mechanical ventilation is used, an additional interlock shall be provided between the fan and the charging circuit so that the fan must be in operation in order to complete the charging circuit for operation. It is preferable that this interlock switch be of a centrifugal type driven by the fan shaft.

(3) The charging facilities may be part of the truck equipment or may be separate from the truck and located inside or outside the cargo hold. The supply or charging circuit (whichever method is used) shall be connected to the truck by a portable plug connection of the break-away type. This portable plug shall be so engaged with the truck battery charging outlet that any movement of the truck away from the charging station will break the connection between the plug and receptacle without exposing any live parts to contact with a conducting surface or object, and without the plug falling to the deck where it may become subject to injury.

(d) Suitable materials handling equipment shall be employed and adequate precautions taken to avoid damaging or short circuiting batteries and to avoid spillage of electrolyte.

(e) All unmounted batteries shall be removed from the hold where trucks will be operated before such operation commences.

§ 35.70-35 Stowage of trucks aboard a vessel—TB/ALL.

(a) Power-operated industrial trucks may be stowed in any location aboard a vessel provided the following conditions are met:

(1) Gasoline powered trucks shall have all the fuel expended from the system.

(2) Liquefied petroleum gas powered trucks shall have the fuel tanks removed and all the fuel expended from the system.

(b) Power-operated industrial trucks not meeting the conditions set forth in paragraph (a) of this section shall be stowed on the open deck except for intervals such as lunch hours, between work shifts, interdock and intraport movements. If stowed in a fixed metal enclosure located on or above the weather deck, such enclosure shall have access from the weather deck only and shall have adequate ventilation, so arranged as to remove vapors from both the upper and lower portions of the space.

PART 36—ELEVATED TEMPERATURE CARGOES

Subpart 36.01—General

Sec.
36.01-1 Scope of regulations—TB/ALL.
36.01-5 Certificate of inspection—TB/ALL.

Subpart 36.05—Cargo Tanks

36.05-1 Installation of cargo tanks—TB/ALL.
36.05-10 Protection of personnel—TB/ALL.

Subpart 36.10—Piping, Valves, Fittings, and Accessory Equipment

36.10-1 Cargo pump relief valves—TB/ALL.

Subpart 36.20—Vents and Ventilation

36.20-1 Flame screens—TB/ALL.
36.20-5 Ventilation of pumproom—TB/ALL.

Subpart 36.30—Periodic Inspections

36.30-1 Lagged tanks—TB/ALL.

AUTHORITY: The provisions of this Part 36 issued under R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 391a, 416. Interpret or apply R.S. 4488, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 481, 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-14, Nov. 26, 1954, 19 F.R. 8026; 167-38, Oct. 26, 1959, 24 F.R. 8357, unless otherwise noted.

Subpart 36.01—General

§ 36.01-1 Scope of regulations—TB/ALL.

(a) The regulations in this part contain requirements for the transportation in bulk of materials considered to be Grade E liquids when shipped in molten form at elevated temperatures.

(b) The materials covered by this part shall meet the applicable regulations of this subchapter, except that materials having a flash point of 300° F. or above, shall be exempt from the requirements prescribed in the following sections of this subchapter:

(1) Inspection prior to making repairs—§ 35.01-1(b).

(2) Watchman for a tank vessel—§ 35.05-15.

(3) Warning sign at gangway—§ 35.30-1(b).

(4) Cargo tank hatches, ullage holes and Butterworth plates—§ 35.30-10.

(5) Men on duty—§ 35.35-1.

(6) Inspection prior to transfer of cargo—§ 35.35-20.

(7) Approval to start transfer of cargo—§ 35.35-25.

(8) "Declaration of inspection" for tank ships—§ 35.35-30.

(9) Transportation of other cargo or stores on tank barges—§ 35.35-60.

(c) The regulations governing the transportation in the solid state of materials referred to in § 36.01-1(a) are contained in Part 146 of Subchapter N (Dangerous Cargoes) of this chapter.

§ 36.01-5 Certificate of inspection—TB/ALL.

(a) The certificate of inspection shall be endorsed for the carriage of elevated temperature cargoes as follows: "Inspected and approved for the carriage of Grade E combustible liquids when transported in molten form at elevated temperatures."

(R.S. 4421, as amended; 46 U.S.C. 339)

Subpart 36.05—Cargo Tanks

§ 36.05-1 Installation of cargo tanks—TB/ALL.

(a) All cargo tanks carrying liquids at elevated temperatures for the purpose of maintaining the material in the molten form shall be installed with the access openings located above the weather deck.

§ 36.05-10 Protection of personnel—TB/ALL.

(a) Decks, bulkheads, or other structure shall be insulated with an approved incombustible material, or other suitable means of protection shall be employed where practicable and necessary for the protection of personnel.

Subpart 36.10—Piping, Valves, Fittings, and Accessory Equipment

§ 36.10-1 Cargo pump relief valves—TB/ALL.

(a) Cargo pump relief valves and pressure gages may be omitted, however a suitable device shall be fitted to stop the pumping before the designed pressure of the piping is exceeded.

Subpart 36.20—Vents and Ventilation

§ 36.20-1 Flame screens—TB/ALL.

(a) Flame screens may be omitted in the vent lines on cargo tanks.

§ 36.20-5 Ventilation of pumproom—TB/ALL.

(a) Where personnel are required to enter pumprooms located below the weather deck under normal circumstances of handling cargo, such pumprooms shall be equipped with power ventilation.

Subpart 36.30—Periodic Inspections

§ 36.30-1 Lagged tanks—TB/ALL.

(a) Lagged tanks shall have part of the lagging removed on the lower portion of the cargo tanks as directed by the marine inspector, at least once every eight years for external examination.

PART 38—LIQUEFIED FLAMMABLE GASES

Subpart 38.01—General

Sec.
38.01-1 Scope of regulations—TB/ALL.
38.01-2 Transportation of portable cylinders or portable tanks containing or having previously contained liquefied flammable gases in dry cargo spaces—TB/ALL.
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Subpart 38.05—Design and Installation of Cargo Tanks

38.05-1 Design and construction—TB/ALL.
38.05-5 Markings—TB/ALL.
38.05-10 Installation of cargo tanks—TB/ALL.
38.05-15 Cargo tanks on barges—B/ALL.
38.05-20 Lagging—TB/ALL.
38.05-25 Refrigerated systems—TB/ALL.

Subpart 38.10—Piping, Valves, Fittings and Accessory Equipment

38.10-1 Valves, fittings and accessories—TB/ALL.
38.10-5 Filling and discharge pipes—TB/ALL.
38.10-10 Cargo piping—TB/ALL.
38.10-15 Safety relief valves—TB/ALL.
38.10-20 Liquid level gaging devices—TB/ALL.

Subpart 38.15—Special Cargo Handling Requirements

38.15-1 Filling densities—TB/ALL.
38.15-5 Cargo hose—TB/ALL.

Subpart 38.20—Venting and Ventilation

38.20-1 Venting—T/ALL.
38.20-5 Venting—B/ALL.

Subpart 38.25—Periodic Tests and Inspections

38.25-1 Tests and inspections—TB/ALL.
38.25-5 Removal of defective tanks—TB/ALL.
38.25-10 Safety valves—TB/ALL.

AUTHORITY: The provisions of this Part 38 issued under R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 675; 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-14, Nov. 26, 1954, 19 F.R. 8026, unless otherwise noted.

Subpart 38.01—General

§ 38.01-1 Scope of regulations—TB/ALL.

(a) The regulations in this part contain requirements for the transportation of liquefied flammable gases in bulk in fixed pressure-vessel types of cargo tanks vented above 10 pounds per square inch gage except as otherwise provided for in paragraphs (b), (c) and (d) of this section.

(b) When liquefied flammable gases in bulk are transported in cargo tanks vented at 10 pounds per square inch gage or below, the Commandant may permit the use of alternate methods of storage if it is shown to his satisfaction that a degree of safety is obtained consistent with the minimum requirements of this part.

(c) The regulations in this part apply specifically to the carriage of those commodities defined as liquefied flammable gases and which have no significant hazard other than flammability. Additional safeguards may be necessary for liquefied flammable gases having other significant hazardous characteristics.

(d) The transportation "on deck" of liquefied flammable gases in portable cylinders and tanks and the transportation of empty cylinders and portable tanks previously used shall be in accordance with the requirements of Part 146 of Subchapter N (Dangerous Cargoes) of this chapter. The transportation of such containers "under deck" shall be in accordance with the requirements of § 38.01-2.

§ 38.01-2 Transportation of portable cylinders or portable tanks containing or having previously contained liquefied flammable gases in dry cargo spaces—TB/ALL.

(a) ICC cylinders, ICC Specification portable tanks, or other approved portable tanks containing liquefied flammable gases may be transported under deck, provided the following requirements are met:

(1) The cargo space shall be provided with efficient means of ventilation, be protected from artificial heat, and be readily accessible from hatches.

(2) Containers shall be stored in such a position that the safety relief device is in communication with the vapor space of the container. They shall be properly stowed, dunnaged and secured to prevent movement in any direction.

(3) Unless a method acceptable to the Commandant is used, the containers shall not be over-stowed in the same dry cargo space with other liquefied flammable gas containers, nor with other cargo.

(4) The containers shall be suitably protected against physical damage from other cargo, ship's stores, or equipment in such spaces.

(5) Cylinders shall have their valves protected at all times by one of the following methods:

(i) By metal caps securely attached to the cylinders and of sufficient strength to protect valve from injury.

(ii) By having the valves recessed into the cylinders or otherwise protected so that they will not be subject to a blow if the cylinder is dropped on a flat surface.

(6) Portable tanks shall have their valves protected at all times by a housing in accordance with the requirements under which they were manufactured.

(7) Electrical circuits in such cargo spaces shall meet the requirements of § 111.60-40 in Subchapter J (Electrical Engineering) of this chapter. If the electrical circuit does not meet such requirements, it must be de-energized by a positive means and not re-energized until the cargo has been removed and the space has been tested and found free of flammable vapor.

(8) During the stowage of portable cylinders or portable tanks in a hold or compartment, that is not fitted with electrical fixtures meeting the requirements of § 111.60-40, no means of artificial lighting shall be used within the space unless such equipment is of the explosionproof type. Electrical connections for portable lights shall be made from outlets on the weather deck. Hand flashlights used in the stowage area shall be of an approved type.

(9) The following dangerous cargoes shall not be stowed in the same hold or compartment with liquefied flammable gas containers:

(i) Class A, B, or C explosives.

(ii) Flammable solids.

(iii) Oxidizing materials.
(iv) Corrosive liquids.
(v) Poisonous articles.
(vi) Cotton and similar fibrous materials.

(R.S. 4472, as amended, 4488, as amended, 46 U.S.C. 170, 481. Treasury Dept. Order 167-38, Oct. 26, 1959, 24 F.R. 8857)

§ 38.01-5 Certificate of inspection—TB/ALL.

(a) The certificate of inspection shall be endorsed for the carriage of liquefied flammable gases as follows:

Inspected and approved for the carriage of liquefied flammable gases (1) at a pressure not to exceed ------ p.s.i. (the design pressure of the container) and (2) at temperatures not less than ---° F. and not to exceed ---° F. (Tanks approved to carry cargoes at either below or above ambient temperatures shall have the applicable limiting temperatures indicated on the certificate. Tanks designed to carry cargoes only at ambient temperatures should have the word "ambient" entered in these spaces.)

(R.S. 4421, as amended; 46 U.S.C. 399)

Subpart 38.05—Design and Installation of Cargo Tanks

§ 38.05-1 Design and construction—TB/ALL.

(a) The liquefied flammable gas tanks shall meet the requirements for Class I or Class II arc welded unfired pressure vessels, and shall be fabricated, inspected, and tested in accordance with the applicable requirements of Subchapter F (Marine Engineering) of this chapter, except as otherwise provided for in this part. In the design of the tank, consideration shall be given to the possibility of the tank being subjected to external loads. Consideration shall also be given to excessive loads that can be imposed on the tanks by their support due to static and dynamic forces under operating conditions or during testing. The design shall show the manner in which the tanks are to be installed, supported, and secured, and shall be approved prior to installation.

(b) Unlagged liquefied flammable gas tanks, where the cargo is transported, at or near ambient temperatures, shall be designed for a pressure of the gas at 115° F., or for the vapor pressure of the gas at the temperature of the surrounding cargo if higher than 115° F. The design shall also be based on the minimum internal proessure (maximum vacuum), plus the maximum external static head to which the tank may be subjected. Whenever surrounding cargo is at a greater temperature than the design temperature of the liquefied flammable gas tanks, the liquefied flammable gas cargo is to be such that the design pressure of the liquefied flammable gas tank is not exceeded.

(c) Where liquefied flammable gas tanks, in which the cargo is transported at or near ambient temperature, are lagged with an insulation material of a thickness to provide a thermal conductance of not more than 0.075 B.t.u. per square foot per degree Fahrenheit differential in temperature per hour, the tanks shall be designed for a pressure of not less than the vapor pressure of the gas at 105° F. The insulation material shall conform to the requirements of § 38.05-20. The design shall also be based on the minimum internal pressure (maximum vacuum) plus the maximum external static head to which the tank may be subjected.

(d) The refrigerated cargo tank requirements are:

(1) Liquefied flammable gas tanks in which the temperature is maintained below the normal atmospheric temperature by refrigeration or other acceptable means, shall be designed for a pressure of not less than 110 percent of the vapor pressure corresponding to the temperature of the liquid at which the system is maintained or the pressure corresponding to greatest dynamic or static loads expected to be encountered in service or during testing, whichever is greater. The material of the tank shall be approved by the Commandant for the minimum operating cargo temperature and this temperature shall be permanently marked on the tank as prescribed in § 38.05-5.

(2) If the tank is vented at 10 pounds per square inch gage or below, the unfired pressure vessel requirements as specified in paragraph (a) of this section do not apply. However, the requirements of § 38.01-1(b) shall apply.

(e) The shell and head thickness of liquefied flammable gas tanks shall not be less than 7/16-inch.

(f) Each liquefied flammable gas tank shall be provided with not less than a 15-inch by 23-inch or an 18-inch diameter manhole fitted with a cover located above the maximum liquid level and as close to the top of the tank as possible. Where access trunks are fitted to the tanks, the nominal diameter of the trunks shall be not less than 30 inches.

(g) Provision shall be made for electric bonding tanks and piping.

(R.S. 4433, as amended; 46 U.S.C. 411)

§ 38.05-5 Markings—TB/ALL.

(a) Upon satisfactory completion of tests and inspection, the following marking, at least 3/4 inch high, shall be stamped into a non-corrodible nameplate permanently attached to the tank:

(Name and address of manufacturer)

---- p.s.i.
(Design pressure)

---- p.s.i.
(Shop test pressure)

---- ° F.
(Minimum allowable cargo temperature) (Applicable to refrigerated cargo only)

(Inspector's No.) (Initials and CG symbol)

(Manufacturer's Serial No.)

(Date of manufacture)

(Water capacity, U.S. gallons)

(b) All tank inlet and outlet connections, except safety relief valves, liquid level gaging devices, and pressure gages, shall be labeled to designate whether they terminate in the vapor or liquid space. Labels of corrosion-resistant material may be attached to valves.

(c) All tank markings shall be permanently and legibly stamped in a readily visible position, and shall not be obscured by painting. If the tanks are lagged, the markings attached to the tank proper shall be duplicated on a corrosion-resistant plate secured to the outside jacket of the lagging.

§ 38.05-10 Installation of cargo tanks—TB/ALL.

(a) Liquefied flammable gas tanks shall be independent of the hull and shall be so arranged as to provide a minimum clearance of not less than 24 inches from the vessel's side and not less than 15 inches from the vessel's bottom to provide access for inspection. Reduced clearances will be considered by the Commandant in special cases if adequate safeguards can be demonstrated to protect against tank damage in the event of collision or grounding. Where more than one tank is installed, the distance between such tanks and between tanks and vessel's structure shall be adequate to permit access for inspection and maintenance of all tank surfaces and hull structure as approved by the Commandant. Alternate provisions may be made for moving such tanks to provide for adequate inspection and maintenance of the vessel's structure and tanks.

(b) The conditions regarding installation are:

(1) Liquefied flammable gas tanks may be located in cargo tanks or in other spaces which meet the requirements for cofferdams as defined in § 30.10-13. When liquefied flammable gas tanks are installed in cargo tanks, such cargo tanks may be used simultaneously or separately for the carriage of flammable or combustible liquids up to and including the grade for which the cargo tanks are otherwise certified in accordance with the requirements of this subchapter.

(2) The liquefied flammable gas tanks may be installed "on deck" or "under deck" with the tanks protruding above deck.

(3) Where the liquefied flammable gas tanks are installed in dry cargo holds and a portion of the tank extends above the weather deck, provision shall be made to maintain the weathertightness of the deck. The weathertightness of the upper deck need not be maintained on:

(i) Tankships operating on restricted routes which are sufficiently protected; or,

(ii) Open hopper type barges of acceptable design.

(4) Where the liquefied flammable gas tanks are installed in cargo tanks and a portion of the liquefied flammable gas tanks extend above the weather deck, the penetration shall be made gastight and watertight, and shall be such as to provide full compliance with the structural requirements including testing for the hull and integral tanks. In the application of the requirements for the hydrostatic test of the cargo tanks, the hydrostatic test shall

in no case be less severe than the worst anticipated service condition of the cargo loading. In the design and testing of the independent cargo tanks and integral cargo tanks, consideration shall be given to the possibility of the independent tanks being subjected to external loads.

(c) All liquefied flammable gas tanks shall be installed with the manhole openings located in the open above the weather deck.

(d) Liquefied flammable gas tanks shall be supported on foundations of steel or other suitable material and securely anchored in place to preclude the liquefied flammable gas tanks from shifting when subjected to external forces. Each tank shall be so supported as to prevent the concentration of excessive loads on the supporting portions of the shell or head as prescribed under § 38.05-1(a).

(e) No strength welding employed in the attachment of supports, lugs, fittings, etc., shall be done on tanks that require and have been stress relieved, unless authorized by the Commandant.

§ 38.05-15 Cargo tanks on barges—B/ALL.

(a) Special consideration may be given by the Commandant to the design of liquefied flammable gas tanks forming all or part of the structure of a tank barge where adequate provision is made to prevent damage to tanks in the event of collision or grounding.

(b) Sides of all tank barges shall be fitted with suitable guards as an added precaution against the cargo tanks becoming damaged as a result of collision.

§ 38.05-20 Lagging—TB/ALL.

(a) Where used, the insulation material shall be of an approved type complying with the requirements of Subpart 164.009 of Subchapter Q (Specifications) of this chapter. For low temperature service the insulation shall be specifically approved by the Commandant. When the insulation is in an enclosed space where ignition is precluded by approved means, the insulation may be "self extinguishing" as tested according to ASTM D-1962-59T "Flammability of Plastics, Foam and Sheeting." (This standard may be purchased from the American Society for Testing Materials, 1916 Race Street, Philadelphia, Pa., 19103.)

(b) All insulation shall be of a vapor-proof construction, or have a vapor-proof coating of a fire-retardant material acceptable to the Commandant. Unless the vapor barrier is inherently weather resistant, tanks exposed to the weather shall be fitted with a removable sheet metal jacket of not less than 0.083 inch thick over the vapor-proof coating and flashed around all openings so as to be weathertight. Weather resistant coatings shall have sheet metal over areas subject to mechanical damage.

(R.S. 4488, as amended, 4491, as amended; U.S.C. 481, 489. Treasury Dept. Order 167-38, Oct. 26, 1959, 24 F.R. 8857)

§ 38.05-25 Refrigerated systems—TB/ALL.

(a) When a liquefied flammable gas is carried below atmospheric temperature under the requirements of § 38.05-1 (d) (1) or (2), maintenance of the tank pressure below the design pressure shall be provided by one of the following means:

(1) A refrigeration or liquefaction system which regulates the pressure in the tanks. A standby compressor of a capacity equal to one of the working compressors shall be provided.

(2) A system whereby the vapors are utilized as fuel for shipboard use.

(3) A system allowing the liquefied flammable gas to warm up and increase in pressure. The insulation and tank design pressure shall be adequate to provide for a suitable margin for the operating time and temperatures involved.

(4) Other systems acceptable to the Commandant.

(b) A system whereby the vapors are vented to the atmosphere at sea only may be employed in conjunction with subparagraph (a) (1) of this section.

(c) When the tanks are insulated, the insulation shall conform to the requirements of § 38.05-20.

Subpart 38.10—Piping, Valves, Fittings and Accessory Equipment

§ 38.10-1 Valves, fittings and accessories—TB/ALL.

(a) All valves, flanges, fittings and accessory equipment for operation at atmospheric temperatures shall be of a type suitable for use with liquefied flammable gases, and shall be made of steel or Grade A malleable iron conforming to the requirements of Part 51 of Subchapter F (Marine Engineering) of this chapter: *Provided*, That where the cargo is carried at temperatures below atmospheric the valves, flanges, fittings and accessory equipment shall be of a type and material suitable for use with liquefied flammable gas at the minimum temperature to which they may be subjected, and shall be subject to approval by the Commandant. All valves, flanges, fittings and accessory equipment shall have a pressure rating at operating temperatures not less than the maximum pressure to which they may be subjected. Welded fittings shall be used wherever possible. The number of pipe joints shall be held to a minimum. Screwed joints in the cargo liquid and vapor lines are prohibited.

(b) Valve seat material, packing, gaskets, etc. shall be resistant to the action of the liquefied flammable gas. All flange and manhole cover gaskets shall be compressed asbestos, spiral-wound metal asbestos, metal jacketed asbestos, solid aluminum, corrugated steel, solid steel or iron, or other materials with equal or better resistance to fire exposure.

(c) Each tank shall be provided with the necessary fill and discharge liquid and vapor shutoff valves, safety relief valve connections, refrigeration connections where necessary, liquid level gaging devices, thermometer well and pressure gage and shall be provided with suitable access for convenient operation. Piping shall enter the cargo tanks above the weather deck except as otherwise permitted in this section. Connections to the tanks shall be protected against mechanical damage and tampering. Other openings in the tanks, except as specifically permitted by the Commandant, are prohibited. Cargo loading and discharge piping may be connected to the tanks below the weather deck, subject to approval by the Commandant, provided:

(1) A remotely controlled quick-closing shutoff valve is flanged to the tank outlet connection. The control mechanism for this valve shall meet the requirements of § 38.10-5(b).

(2) The piping which is below the weather deck shall be joined by welding, except for a flanged connection to the quick-closing shutoff valve and a flanged connection to the cargo pump.

(3) The design and arrangement of this piping, including the flange bolting, shall be such that excessive stresses will not be transmitted to the cargo tank outlet connection or the quick-closing valve, even in the event of abnormal displacement of the piping.

(4) Except for those vessels the design of which permits the exclusion of a weathertight deck over the tanks, the space in which such piping is located shall be accessible only from the weather deck and shall be vented to a safe location above the weather deck.

(d) All connections to tanks, except safety relief valves and liquid level gaging devices, except as provided in § 38.10-20(e), shall have manually operated shutoff valves located as close to the tank as possible. These valves are in addition to those required by § 38.10-5.

(e) Excess flow valves, where required by this section, shall close automatically at the rated flow of vapor or liquid as specified by the manufacturer. The piping, including valves, fittings and appurtenances protected by an excess flow valve, shall have a greater capacity than the rated flow of the excess flow valve.

(f) Liquid level gaging devices which are so constructed that outward flow of tank contents shall not exceed that passed by a No. 54 drill size opening, need not be equipped with excess flow valves.

(g) Pressure gage connections need not be equipped with excess flow valves if the openings are not larger than No. 54 drill size.

(h) Excess flow valves may be designed with a bypass not to exceed a No. 60 drill size opening to allow equalization of pressure.

(i) Suitable valves shall be installed on the cargo headers to relieve the pressure in the liquid and vapor lines to a safe location prior to disconnecting shore lines.

(j) Relief valves shall be fitted in liquid lines which may be subject to excessive pressure caused by liquid full condition and the escape from the relief valves shall be piped to a venting system or to a suitable vapor recovery system. Provision shall be made for the proper venting of all valves, fittings, etc., in which pressure buildup may occur, especially in refrigerated systems, because of an increase in product temperature.

(k) A pressure gage shall be located at the highest practicable point. A thermometer well where installed on the tank proper shall be attached to the shell by welding.

§ 38.10–5 Filling and discharge pipes—TB/ALL.

(a) Filling connection shall be provided with one of the following:

(1) A combination back pressure check valve and excess flow valve; or,

(2) One double or two single back pressure check valves; or,

(3) A positive shutoff valve in conjunction with either an internal back pressure check valve or an internal excess flow valve. This positive shutoff valve may be the one required by § 38.10–1(d).

(b) All other liquid and vapor connections to tanks, except filling connections, safety relief valves, liquid level gaging devices and pressure gages described in § 38.10–1, shall be equipped with automatic excess flow valves; or in lieu thereof, may be fitted with quick-closing shutoff valves of the fail-safe type which, except when necessary for operation of the system, shall remain closed. The control mechanism for the quick-closing shutoff valves shall be provided with a remote control in at least two locations and be of a type acceptable to the Commandant. In addition, such control mechanism shall be equipped with a fusible element designed to melt between 208° F. and 220° F., which will cause the quick-closing shutoff valve to close automatically in case of fire.

(c) The excess flow, quick-closing shutoff, or back pressure check valves shall be located on the inside of the tank or outside where the piping enters the tank. In the latter case, installation shall be made in such a manner that any undue strain will not cause breakage between the tank and excess flow, back pressure check, or internal stop valve.

(d) Where the filling and discharge connections are made through a common nozzle at the tank, and the connection is fitted with a quick-closing shutoff valve as required by paragraph (b) of this section, the back pressure check valve or excess flow valve is not required, provided however, a positive shutoff valve is installed in conjunction with the internal stop valve.

§ 38.10–10 Cargo piping—TB/ALL.

(a) The piping shall be designed for a working pressure of not less than the maximum pressure to which it may be subjected but in no case less than the design pressure of the cargo tanks. In the case of piping on the discharge side of the liquid pumps or vapor compressors, the design pressure shall not be less than the pump or compressor discharge relief valve setting; or, provided the piping is not protected by relief valves, the design pressure shall not be less than the total discharge head of the pump or compressor.

(b) Piping subject to tank pressure shall be seamless drawn steel or electric resistance welded steel. Pipe used in refrigerated tank systems shall be made of a material which is suitable for the minimum temperature to which it may be subjected and acceptable to the Commandant.

NOTE: Present U.S. Coast Guard requirements are that design temperature for materials considered to be suitable is 10° F. below the minimum operating temperature of the system.

(c) Where necessary, provision shall be made for expansion and contraction of piping by means of pipe expansion bends, packless type bellows or corrugated expansion joints. Suitable means shall be provided for controlling the expansion in the piping system. Slip type expansion joints are prohibited.

(d) Piping shall be provided with adequate support to take the weight of the piping off the valves and fittings and to prevent excessive vibration and stresses on tank connections.

§ 38.10–15 Safety relief valves—TB/ALL.

(a) Each tank shall be fitted with, or subject to approval by the Commandant connected to, one or more safety relief valves designed, constructed and flow-tested for capacity in conformance with Subpart 162.018 of Subchapter Q (Specifications) of this chapter.

(b) Each safety relief valve shall be set to start to discharge at a pressure not in excess of the design pressure of the tank.

(c) The safety relief valves shall have a combined relieving capacity sufficient to prevent a rise of pressure in the tank of more than 20 percent above the design pressure of the tank. The minimum rates of discharge of safety relief valves shall not be less than that determined by the following formula:

$$Q = 633{,}000\frac{FA^{0.82}}{LC}\sqrt{\frac{ZT}{M}} \quad (1)$$

or

$$Q = FGA^{0.82} \quad (2)$$

where:

Q = Minimum required rate of discharge in cubic feet per minute of air at standard conditions (60° F. and 14.7 p.s.i.a.).

F = Fireproofing credit; $F = 1.0$, except when an approved fireproofing material of recommended thickness, or a metal screen wall is used, then $F = 0.5$. The Commandant may give special consideration to a reduction in F when considering the thermal conductance of the insulation and its stability under fire exposure.

M = Molecular weight of the cargo.

T = Temperature, degrees R(460+temperature in degrees F. of gas at relieving conditions).

A = Total surface area of the cargo vessel in square feet which may be subjected to fire exposure.

$A = \pi \times (D \times U)$ for cylindrical tanks with hemispherical heads.

$A = \pi \times D(U + 0.3D)$, for cylindrical tanks with spherically dished or semiellipsoidal heads.

$A = \pi \times D^2$, for spherical tanks.

D = Outside diameter of the tank, in feet.

U = External overall length of the tank, in feet.

C = Constant based on the relation of the specific heats. (See A.S.M.E. "Unfired Pressure Vessel Code," section 8, page 176, which may be purchased from American Society of Mechanical Engineers, 345 East 47th Street, New York, N.Y., 10017.) (If K is not known, use $C = 315$.)

L = Latent heat of the material being vaporized at relieving conditions in B.t.u. per pound.

Z = Compressibility factor of the gas at relieving conditions (if not known, use $Z = 1.0$).

G = Constant for individual gas as shown in Table 38.10–15(c)(1).

TABLE 38.10-15(c)(1)

Relief valve setting	"G" constant for relieving conditions at 120 percent of relief valve setting
250 p.s.i.g.	53.6
90 p.s.i.g.	40.3
65 p.s.i.g.	38.6

(d) Safety relief valve connections shall be attached to the tank near the highest point of the vapor space. Shutoff valves shall not be installed between the tanks and safety relief valves, except manifolds for mounting multiple safety relief valves may be fitted with acceptable interlocking shutoff valves so arranged at all times as to permit the required capacity discharge through the open safety relief valves.

(e) Each safety relief valve shall be tested in the presence of a marine inspector before being placed in service. The tests shall satisfactorily indicate that the safety relief valves will start to discharge at a pressure not in excess of the maximum allowable pressure of the tank.

(R.S. 4491, as amended; 46 U.S.C. 489)

§ 38.10–20 Liquid level gaging devices—TB/ALL.

(a) Each tank shall be fitted with a liquid level gaging device of approved

design to indicate maximum level to which the tank may be filled with liquid at temperatures (1) between 20° F. and 130° F. for unrefrigerated service, and (2) within the operating temperature range for tanks operating below atmospheric temperature.

(b) Liquid level gaging devices may be of the following types: Rotary tube, slip tube, fixed tube, magnetic, automatic float, or similar types approved by the Commandant.

(c) All gaging devices shall be arranged so that the maximum liquid level for product being carried, to which the tank may be filled, is readily determinable. The maximum gallonage capacity as required by § 38.15–1 shall be:

(1) Marked on the tank, system nameplate, or gaging device; or,

(2) Shown in the ullage tables.

(d) Gaging devices that require bleeding of the product to the atmosphere, such as the rotary tube, fixed tube and slip tube, shall be so designed that the bleed valve maximum opening is not larger than a No. 54 drill size, unless provided with excess flow valve.

(e) Each automatic float, continuous reading tapegage, and similar type, shall be fitted with a shutoff device located as close to the tank as practicable. When an automatic float gaging device, which gages the entire height of the tank is used, a fixed tube gage set in the range of 85 percent to 90 percent of the water capacity of the tank shall be provided in addition as a means of checking the accuracy of the automatic float gage, or other alternate means acceptable to the Commandant may be used.

(f) A gaging device shall have a design pressure of at least that which is equal to the design pressure of the tank on which it is installed.

(g) For tanks operating at atmospheric temperature, the length of fixed tube device shall be designed to indicate the maximum level to which the tank may be filled, based on the volume of the product at 40° F. at its maximum permitted filling density for unlagged tanks and at 50° F. for lagged tanks. The maximum volume of the liquid at 60° F. may be obtained by determining the volume of the liquid at 40° F. or 50° F. for unlagged or lagged tanks, using the filling densities given in § 38.15–1 and correcting the liquid volumes at these temperatures to 60° F. by applying the volume correction factors in Table 38.10–20(g).

TABLE 38.10-20 (g)—VOLUME CORRECTION FACTOR

Specific gravity	Unlagged tanks	Lagged tanks
0.500	1.033	1.017
.510	1.031	1.016
.520	1.029	1.015
.530	1.028	1.014
.540	1.026	1.013
.550	1.025	1.013
.560	1.024	1.012
.570	1.023	1.011
.580	1.021	1.011
.590	1.020	1.010

(h) The method for calculating length of fixed tubes shall be:

$$\frac{\text{Water capacity of container} \times \text{Filling density}}{\text{Specific gravity} \times \text{Volume correction factor}} = \left\{\begin{array}{l}\text{Maximum volume for which fixed length}\\ \text{tube shall be set}\end{array}\right.$$

(i) Gage glasses of the columnar type are prohibited.

(j) Flat sight glasses may be used in the design of automatic float continuous reading tape gages: *Provided*, That such glasses shall be made of high strength material suitable for the operating temperatures of not less than ½ inch in thickness and adequately protected by a metal cover.

Subpart 38.15—Special Cargo Handling Requirements

§ 38.15–1 Filling densities—TB/ALL.

The "filling density" is defined as the percent ratio of the weight of the gas in a tank to the weight of water the tank will hold at 60° F. The filling densities shall not exceed the ratios indicated in the Table 38.15–1.

TABLE 38.15–1—MAXIMUM PERMISSIBLE FILLING DENSITIES FOR TANKS OPERATING AT OR NEAR AMBIENT TEMPERATURE

Specific gravity at 60° F.	Maximum permitted filling density		
	Unlagged tanks—water capacity		Lagged tanks—all capacities
	1,200 gal. and under	Over 1,200 gal.	
0.473–0.480	38	41	42
0.481–0.488	39	42	43
0.489–0.495	40	43	44
0.496–0.503	41	44	45
0.504–0.510	42	45	46
0.511–0.519	43	46	47
0.520–0.527	44	47	48
0.528–0.536	45	48	49
0.537–0.544	46	49	50
0.545–0.552	47	50	51
0.553–0.560	48	51	52
0.561–0.568	49	52	53
0.569–0.576	50	53	54
0.577–0.584	51	54	55
0.585–0.592	52	55	56
0.593–0.600	53	56	57
0.601–0.608	54	57	58
0.609–0.617	55	58	59
0.618–0.626	56	59	60
0.627–0.634	57	60	61

NOTE: Increase in filling densities to provide for seasonal changes may be considered by the Commandant upon presentation of factual evidence that safe operation can be effected. The filling density for liquefied flammable gas tanks in which the temperature is maintained below the normal ambient temperature by refrigeration or other acceptable means shall be such that the tank will not be liquid full at a temperature corresponding with the vapor pressure of the start-to-discharge pressure setting of the relief valve.

§ 38.15–5 Cargo hose—TB/ALL.

(a) Flexible metal hose fabricated of seamless steel pipe and flexible joints of steel or bronze, or hose fabricated of other suitable material resistant to the action of liquefied flammable gas shall be fitted to the liquid and vapor lines during filling and discharging of the tanks. Hose used in refrigerated systems shall be suitable for the minimum temperature to which it may be subjected and shall be acceptable to the Commandant.

(b) Hose subject to tank pressure shall be designed for a bursting pressure of not less than five times the maximum safety relief valve setting of the tank.

(c) Hose subject to discharge pressure of pumps or vapor compressors shall be designed for a bursting pressure of not less than five times the pressure setting of the pump or compressor relief valve.

(d) Before being placed in service each new cargo hose, with all necessary fittings attached, shall be tested hydrostatically by the manufacturer to a pressure of not less than twice the maximum pressure to which it may be subjected. The hose shall be marked with the maximum pressure guaranteed by the manufacturer. The hose shall be marked with its maximum pressure, and with its minimum temperature when used in refrigerated service.

(R.S. 4488, as amended; 46 U.S.C. 481. Treasury Dept. Order 167–39, Oct. 26, 1959, 24 F.R. 8857)

Subpart 38.20—Venting and Ventilation

§ 38.20–1 Venting—T/ALL.

(a) Each safety relief valve installed on a cargo tank shall be connected to a branch vent of a venting system which shall be constructed so that the discharge of gas will be directed vertically upward to a point which shall extend to a height above the weather deck equal to at least one-third the beam of the vessel and to a minimum of at least 10 feet, and shall terminate at a comparable distance from any other living or working space, ventilator inlet, or source of vapor ignition. When special conditions will prevent the vent line header outlets being permanently installed at a height above the deck of one-third the beam of the vessel, then an adjustable system shall be provided which, when extended vertically, shall be capable of reaching a height of one-third the beam of the vessel.

(b) The capacity of branch vents or vent headers shall depend upon the number of cargo tanks connected to such branch or header capacity as provided for in the Table 38.20–1(b), and upon the total safety relief valve discharge capacity.

TABLE 38.20–1(b)—CAPACITY OF BRANCH VENTS OR VENT HEADERS

Number of cargo tanks:	*Percent of total valve discharge*
1 or 2	100
3	90
4	80
5	70
6 or more	60

(c) In addition to the requirements specified in paragraphs (a) and (b) of this section, the size of the branch vents or vent headers shall be such that the back pressure in the relief valve discharge lines shall not be more than 10 percent of the safety relief valve setting.

(d) Return bends and restrictive pipe fittings are not permitted.

(e) Vents and headers shall be so installed as to prevent excessive stresses on safety relief valve mountings.

(f) The vent discharge riser shall be so located as to provide protection against mechanical injury and such discharge pipes shall be fitted with loose raincaps or other suitable means to prevent entrance of rain or snow.

(g) No valve of any type shall be fitted in the vent pipe between the safety relief valve and the vent outlets.

(h) Suitable provisions shall be made for draining condensate which may accumulate in the discharge pipe. If an open drain is used, a means shall be provided to protect the tank, adjacent tanks, cargo piping, or equipment against impingement of the flame resulting from ignition of product escaping from the drain.

§ 38.20–5 Venting—B/ALL.

(a) Safety relief valves on cargo tanks in barges may be connected to individual or common risers which shall extend to a reasonable height above the deck. An alternate arrangement consisting of a branch vent header system as required by § 38.20–1 may be installed. In any case, the provisions of § 38.20–1 (d) through (h) shall apply.

(b) Arrangement specifically provided for venting cargo tanks forming a part of the hull on unmanned barges will be considered by the Commandant upon presentation of plans.

Subpart 38.25—Periodic Tests and Inspections

§ 38.25–1 Tests and inspections—TB/ALL.

(a) Each tank shall be subjected to the tests and inspections described in this section in the presence of a marine inspector, except as otherwise provided in this section.

(1) An internal examination shall be made at least once in each 8 calendar years of every tank.

(2) An external examination of unlagged tanks and the visible parts of lagged tanks shall be made at each inspection for certification and at such other times as considered necessary.

(3) Sufficient insulation shall be removed from insulated tanks at least once in each 8 calendar years to permit spot external examination of the tanks to the extent deemed necessary by the marine inspector or in lieu thereof the thickness of the tanks may be gaged by nondestructive means acceptable to the marine inspector without removal of the insulation.

(b) A hydrostatic test of 1½ times the allowable pressure as determined by the safety relief valve setting shall be made at any time that the marine inspector considers such hydrostatic test necessary to determine the condition of the tank.

(c) In the application of the requirements for the hydrostatic test of the cargo tanks, the hydrostatic test shall in no case be less severe than the worst anticipated service condition of the cargo loading.

(d) In the design and testing of the independent cargo tanks, consideration shall be given to the possibility of the independent tanks being subjected to external loads.

(R.S. 4453, as amended, 4488, as amended; 46 U.S.C. 435, 481. Treasury Dept. Order 167–38, Oct. 26, 1959, 24 F.R. 8857)

§ 38.25–5 Removal of defective tanks—TB/ALL.

If a tank fails to pass the tests prescribed in this subpart, it shall be removed from service unless otherwise authorized by the Commandant.

§ 38.25–10 Safety valves—TB/ALL.

The safety relief valve discs shall be lifted from their seats in the presence of a marine inspector by either liquid, gas or vapor pressure at least once every four years to determine the accuracy of adjustment and, if necessary, shall be reset.

PART 39—FLAMMABLE OR COMBUSTIBLE LIQUIDS HAVING LETHAL CHARACTERISTICS

Subpart 39.01—General

Sec.

39.01–1 Scope of regulations—TB/ALL.
39.01–5 Certificate of inspection—TB/ALL.

Subpart 39.05—Design, Arrangement, and Installation of Cargo Tanks

39.05–1 Design, construction, and arrangement—TB/ALL.
39.05–5 Markings—TB/ALL.
39.05–10 Installation—TB/ALL.

Subpart 39.10—Piping, Valves, Fittings, and Accessory Equipment

39.10–1 Valves and accessories—TB/ALL.
39.10–5 Piping and fittings—TB/ALL.
39.10–10 Safety relief and pressure-vacuum relief valves—TB/ALL.
39.10–15 Gaging devices—TB/ALL.

Subpart 39.15—Special Cargo Handling Requirements

39.15–1 Warning sign at gangway—TB/ALL.
39.15–5 Cargo discharge—TB/ALL.
39.15–10 Pump room controls—TB/ALL.

Subpart 39.20—Venting and Ventilation

39.20–1 Venting—TB/ALL.
39.20–5 Ventilation—TB/ALL.

Subpart 39.25—Periodic Inspections and Tests

39.25–1 Hydrostatic tests and inspection—TB/ALL.
39.25–5 Removal of defective tanks—TB/ALL.
39.25–10 Safety valves—TB/ALL.

AUTHORITY: The provisions of this Part 39 issued under R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 391a, 416. Interpret or apply R.S. 4472, as amended, 4488, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 170, 481, 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, Nov. 26, 1954, 19 F.R. 8026, unless otherwise noted.

Subpart 39.01—General

§ 39.01–1 Scope of regulations—TB/ALL.

(a) The regulations in this part contain requirements for the transportation of flammable or combustible liquids having lethal characteristics and defined as Class "B" or "C" poisons in §§ 146.25–10 and 146.25–15 of Part 146 of Subchapter N (Dangerous Cargoes) of this chapter. The regulations covering the transportation in portable tanks of flammable or combustible liquids having lethal characteristics and defined as Class "B" or "C" poisons are contained in Part 146 of Subchapter N (Dangerous Cargoes) of this chapter.

§ 39.01–5 Certificate of inspection—TB/ALL.

(a) Certificate of inspection shall be endorsed for the carriage of Class "B" or "C" poisonous liquids, as follows:

Inspected and approved for the carriage of flammable or combustible Class "B" or "C" poisonous liquids.

(R.S. 4421, as amended; 46 U.S.C. 399)

Subpart 39.05—Design, Arrangement, and Installation of Cargo Tanks

§ 39.05–1 Design, construction, and arrangement—TB/ALL.

(a) Cargo having a Reid vapor pressure not exceeding 14 pounds per square inch may be transported in tanks, cylindrical or rectangular, independent of the vessel's hull structure, or in tanks built integral with the vessel's hull and completely separated from the shell of the vessel by means of wing tanks, cofferdams, double bottoms or similar voids.

(b) Independent tanks shall be designed for a head of at least 8 feet above the top of the tank or the highest level the product may rise, whichever is the greater, using the specific gravity of the product to be carried. In general, plate less than 5/16 inch in thickness shall not be used in the fabrication of independent tanks unless otherwise approved by the Commandant.

(c) Tanks built integral with the vessel's hull shall conform with the scantling requirements of the American Bureau of Shipping.

(d) (1) Cargo tanks transporting liquids having a Reid vapor pressure exceeding 14 pounds per square inch, or vented at a gage pressure exceeding 4 pounds per square inch, or where air or water pressure is used to discharge the cargo, shall be fabricated as an arc-welded unfired pressure vessel and meet the applicable requirements of Parts 50 to 61, inclusive, of Subchapter F (Marine Engineering) of this chapter.

(2) Unfired pressure vessel cargo tanks shall be designed for a pressure of not less than the vapor pressure, in pounds per square inch gage, of the lading at 115° F., or the maximum air or water pressure used in discharging cargo, whichever is greater, but in no case shall the design pressure of such tanks be less than 30 pounds per square inch.

(3) The plate thickness of unfired pressure vessel type cargo tanks shall be not less than 5/16 inch. Dished heads shall be used in the design of the tanks.

(e) Each tank shall be provided with not less than a 15-inch by 18-inch or an 18-inch diameter manhole, fitted with a cover and located as close as possible to the top of the tank. Where access trunks are fitted, the diameter or minimum dimension of the trunk shall be not less than 30 inches.

(R.S. 4433, as amended; 46 U.S.C. 411)

§ 39.05–5 Markings—TB/ALL.

(a) Upon satisfactory completion of tests and inspection, unfired pressure vessel tanks shall have markings as required by § 38.05–5(a) of this subchapter.

(b) In addition to the aforementioned markings, the following inscription shall be stamped on the tank, or a corrosion-resistant plate containing this data shall be securely attached thereto:

This tank shall not contain a product having a vapor pressure in excess of ---- p. s. i. gage at 115° F.

(c) All tank markings shall be permanently and legibly stamped in a readily visible position, and shall not be obscured by painting.

§ 39.05–10 Installation—TB/ALL.

(a) Cargo tanks independent of the hull shall be installed with a clearance of not less than 24 inches from the vessel's sides. A working space of not less than 15 inches shall be provided around and under each tank, or provision shall be made for moving the tanks to secure adequate clearance for inspection and maintenance.

(b) Independent tanks shall be mounted on substantial steel saddles securely held down and chocked. Tank saddles shall be designed so as to minimize the concentration of excessive loads at any point on the shell.

(c) Tanks may be located in hold spaces or in other cargo tanks meeting the requirements for cofferdams as prescribed in § 32.60–10 or § 32.65–15, and may be installed "on deck" or "under deck" with the tank protruding above deck. On installations where a portion of the tank extends through the weather deck, provision shall be made to maintain the watertightness of the deck. Where such tanks are installed in bulk liquid cargo tanks, the liquids in the surrounding tanks shall be inert to the toxic or poisonous liquids at temperatures of 100° F. and under, at atmospheric pressure.

(d) All tanks shall be installed with manhole openings and fittings located above the weather deck.

(e) No strength welding employed in the attachment of supports, lugs, fittings etc. shall be done on tanks that require and have been stress-relieved, unless authorized by the Commandant.

Subpart 39.10—Piping, Valves, Fittings, and Accessory Equipment

§ 39.10–1 Valves and accessories—TB/ALL.

(a) All shutoff valves and accessory equipment shall be of types suitable for use with the cargo to be carried. Gray iron castings shall not be employed in the construction of valves, fittings or flanges located outside the cargo tanks.

(b) All connections to tanks, except safety relief valves, pressure-vacuum relief valves, or gaging connections, shall have shutoff valves located as close to the tank as practicable.

§ 39.10–5 Piping and fittings—TB/ALL.

(a) Piping shall be suitable for use with the liquid cargo to be carried and shall conform to the requirements of Part 55 of Subchapter F (Marine Engineering) of this chapter. Piping shall be of seamless drawn material, except that electric resistance-welded steel piping will be acceptable.

(b) All pipe connections on pressure vessel tanks shall be grouped in the smallest practicable space and shall be located near the highest point on the tank. Alternate piping arrangements may be considered for approval by the Commandant.

(c) The pumps and cargo piping used for loading and discharging Class "B" or "C" poisons shall be independent of all other piping.

(d) Where multiple cargoes are carried, and the cargo piping conveying Class "B" or "C" poisons are led through cargo tanks containing other products the piping shall be encased in a tunnel.

(e) Where cargo lines for handling other products, or bilge and ballast piping are led through cargo tanks containing Class "B" or "C" poisons, the piping shall be encased in a tunnel.

(f) Where possible provision shall be made for expansion and contraction of piping by means of seamless steel pipe expansion bends. Corrugated expansion joints may be used, provided satisfactory evidence is shown that space limitations do not permit the use of expansion bends. Slip type expansion joints are prohibited.

§ 39.10–10 Safety relief and pressure-vacuum relief valves—TB/ALL.

(a) Each pressure vessel type cargo tank shall be fitted with one or more approved safety relief valves, set to start to discharge at a pressure of not less than 90 percent of the design pressure of the tank, but not in excess of the design pressure. Safety relief valves shall have sufficient relieving capacity to prevent a pressure rise exceeding 20 percent above the design pressure of the tank.

(b) Safety relief valves for pressure type cargo tanks shall be attached to the tank near the highest point of the vapor space.

(c) Gravity type cargo tanks shall be fitted with an approved pressure-vacuum relief valve of not less than 2½-inch size, which shall be set at a pressure of not less than 3 pounds per square inch, but not in excess of the design pressure of the tank.

(d) Pressure-vacuum relief valves for gravity type cargo tanks may be installed on the expansion trunk or in the branch vent line between the expansion trunk and the vent header.

§ 39.10–15 Gaging devices—TB/ALL.

A closed gaging system shall be provided for determining the liquid level within the tanks.

Subpart 39.15—Special Cargo Handling Requirements

§ 39.15–1 Warning sign at gangway—TB/ALL.

When transferring bulk cargo a warning sign as provided in § 35.30–1(b) of this subchapter shall be displayed to warn persons on board or in the vicinity of the tanks.

§ 39.15–5 Cargo discharge—TB/ALL.

The use of gas or liquid pressure to discharge the cargo from gravity type cargo tanks is prohibited. Gas or liquid pressure may be used to discharge the cargo from pressure vessel type cargo tanks, provided authorization is granted by the Commandant.

§ 39.15–10 Pump room controls—TB/ALL.

Cargo pumps, valves and fittings used for the transfer of Class "B" or "C" poisons and installed in pump rooms located below the weather deck shall be provided with means of operation from a position above the freeboard deck.

Subpart 39.20—Venting and Ventilation

§ 39.20–1 Venting—TB/ALL.

(a) Vent pipes shall be connected to each safety relief or pressure vacuum-relief valve. Tanks carrying Class "B" or "C" poisons shall be vented independent of tanks carrying other products. Tanks carrying the same class products may be connected to a vent header system or each tank may be vented independently.

(b) The vent riser shall extend to a height above the weather deck equal to at least one-third the beam of the vessel and shall terminate at a comparable distance from any other living or working space, ventilator inlet, or source of vapor ignition. When special conditions prevent the vent outlets from being permanently installed at a height above the deck of one-third the beam of the vessel, an adjustable system shall be provided which, when extended vertically, shall reach a height of one-third the beam of the vessel.

(c) The safety relief valve may be fitted with a bypass having the full capacity of the relief valve and equipped with a manually operated stop valve to permit equalizing pressures during filling and discharging operations.

§ 39.20–5 Ventilation—TB/ALL.

(a) Pump rooms located below the weather deck shall be fitted with power ventilation designed to assure sufficient air movement through the pump room to avoid accumulation of toxic vapors. The ventilation system shall be of the exhaust type having blower capacity sufficient to permit a change of air of at least 20 times per hour. At least two exhaust inlet ducts shall be provided and located near the floor level and at points where a concentration of toxic vapors may be expected. At least two fresh air inlet ducts shall be provided.

(b) Enclosed pump rooms located above the weather deck shall be fitted with power ventilation having an exhaust type blower of sufficient capacity to permit a change of air of at least 10 times per hour. The exhaust inlet ducts shall be located at points where a concentration of toxic vapors may be expected. At least one fresh air inlet duct shall be provided.

(c) The outlet duct exhausts shall terminate at a distance of at least six feet above the enclosed space or pump room and at least six feet from any entrance to the interior part of the vessel. The discharge end of the exhaust ducts shall be so located as to preclude the possibility of recirculating contaminated air through the pump room, or other spaces where personnel may be present.

Subpart 39.25—Periodic Inspections and Tests

§ 39.25–1 Hydrostatic tests and inspection—TB/ALL.

(a) Each pressure vessel tank shall be subjected to an internal examination biennially and to a hydrostatic test at the time of the periodic inspection on the fourth year after installation, and a like test shall be applied every fourth year thereafter.

(1) If there is evidence of corrosion or deterioration, the marine inspector may require additional internal examinations or hydrostatic tests at intermediate inspection periods.

(2) The hydrostatic test shall be equal to one and one-half times the design pressure. For lagged tanks the hydrostatic test shall be applied for a period of at least 20 minutes without pressure drop when portions of the jacket and lagging are not removed at intermediate inspection period.

(3) Lagged tanks shall have a portion of the jacket and lagging removed on the lower portion of the shell as directed by the marine inspector at least once every eight years for external examination.

(b) Gravity tanks and cargo tanks constructed integral with the vessel's hull shall be inspected as prescribed in Subpart 31.10 of Part 31 of this subchapter. Lagged gravity type tanks shall be examined as required by paragraph (a) of this section.

§ 39.25–5 Removal of defective tanks—TB/ALL.

If a pressure vessel fails to pass the tests prescribed in this subpart, or is deemed by the marine inspector to be unsuitable for continued use, it shall be removed from service unless otherwise authorized by the Commandant.

§ 39.25–10 Safety valves—TB/ALL.

(a) The safety relief valve discs shall be lifted from their seats in the presence of a marine inspector by either liquid, gas or vapor pressure at least once every four years to determine accuracy of adjustment and, if necessary, shall be reset.

(b) The setting and operation of the pressure-vacuum relief valves shall be checked in the presence of a marine inspector at the inspection for certification and at such other times as considered necessary.

PART 40—SPECIAL CONSTRUCTION, ARRANGEMENT, AND OTHER PROVISIONS FOR CARRYING CERTAIN FLAMMABLE OR COMBUSTIBLE DANGEROUS CARGOES IN BULK

Subpart 40.01—Application

Sec.
40.01–1 General—TB/ALL.
40.01–5 Effective date—TB/ALL.

Subpart 40.05—Ethylene Oxide

40.05–1 General—TB/ALL.
40.05–2 Tank vessel certification and other chargoes—TB/ALL.
40.05–5 How ethylene oxide may be carried—TB/ALL.
40.05–10 Design, construction and arrangement of cargo tanks—TB/ALL.
40.05–20 Installation of cargo tanks—TB/ALL.
40.05–30 Insulation—TB/ALL.
40.05–35 Cooling systems—TB/ALL.
40.05–40 Valves, fittings, and accessories—TB/ALL.
40.05–45 Liquid level gaging devices—TB/ALL.
40.05–50 Filling and discharge pipes—TB/ALL.
40.05–55 Cargo piping—TB/ALL.
40.05–60 Safety relief valves—TB/ALL.
40.05–65 Filling density—TB/ALL.
40.05–69 Venting—TB/ALL.
40.05–73 Ventilation—TB/ALL.
40.05–75 Cargo hose—TB/ALL.
40.05–80 Electrical bonding—TB/ALL.
40.05–83 Special cargo handling requirements—TB/ALL.
40.05–85 Information board—TB/ALL.
40.05–87 Tests and inspections—TB/ALL.

AUTHORITY: The provisions of this Part 40 issued under R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 675; 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, Nov. 26, 1954, 19 F.R. 8026, unless otherwise noted.

Subpart 40.01—Application

§ 40.01–1 General—TB/ALL.

(a) The provisions of this part shall apply to all vessels which carry in bulk any of the dangerous cargoes specifically noted in this part.

§ 40.01–5 Effective date—TB/ALL.

(a) The provisions in this part shall be in effect on and after January 1, 1964.

Subpart 40.05—Ethylene Oxide

§ 40.05–1 General—TB/ALL.

(a) Ethylene oxide transported under the provisions of this subpart shall be acetylene free.

(b) Ethylene oxide may be carried in tank barges or tankships in accordance with the provisions of this subpart.

(c) No other product may be transported in tanks certified for ethylene oxide except that the Commandant may approve subsequent transportation of other products and return to ethylene oxide service if tanks, piping and auxiliary equipment are adequately cleaned to the satisfaction of the marine inspector.

§ 40.05–2 Tank vessel certification and other cargoes—TB/ALL.

(a) The certificate of inspection shall be endorsed as follows:

"Inspected and approved for the carriage of ethylene oxide in tank number(s) ——."

(b) Unless authorized by the Commandant, no other kind of cargo except methane, ethane, propane, butane and pentane shall be on board a tank vessel certificated for the carriage of ethylene oxide at the same time ethylene oxide in either the liquid or vapor state is present in any cargo tank. Ethylene oxide tanks shall not be installed in tanks intended for any other cargo.[1]

(R.S. 4421, as amended, 4472, as amended, 46 U.S.C. 399, 170)

§ 40.05–5 How ethylene oxide may be carried—TB/ALL.

(a) Ethylene oxide shall be carried in fixed, independent, pressure vessel type cargo tanks, designed, constructed, arranged and if necessary equipped with machinery to maintain the cargo temperature below 90° F. except as otherwise provided for in paragraph (c) of this section.

(b) Ethylene oxide shall be loaded at a temperature below 70° F.

(c) When ethylene oxide is to be transported at or near atmospheric pressure, the Commandant may permit the use of alternate methods of storage if it is shown to his satisfaction that a degree of safety is obtained consistent with the minimum requirements of this subpart.

(R.S. 4488, as amended; 46 U.S.C. 481. Treasury Dept. Order 167–38, Oct. 26, 1959, 24 F.R. 8857)

§ 40.05–10 Design, construction and arrangement of cargo tanks—TB/ALL.

(a) All cargo tanks shall be constructed of a carbon steel or stainless steel acceptable to the Commandant. Impurities of copper, magnesium and other acetylide-forming metals shall be kept to a minimum. The chemical composition of all steel used shall be submitted to the Commandant for approval prior to fabrication. Neither aluminum nor copper and other acetylide-forming metals, such as silver, mercury, magnesium, and their alloys shall be used as materials of construction for tanks or equipment used in handling ethylene oxide.

(b) Cargo shall be transported in cylindrical pressure vessel tanks, independent of the vessel's hull structure and so arranged as to provide a minimum clearance of not less than 24 inches from the vessel's side and not less than 15 inches from the vessel's bottom to provide access for inspection. When more than one tank is installed in a vessel, the distance between such tanks shall be not less than 15 inches unless otherwise approved by the Commandant.

(c) Cargo tanks shall meet the requirements of Class I arc-welded unfired

[1] Ethylene oxide may rearrange and/or polymerize violently, liberating large quantities of heat. A few of the most notable catalysts for this type of reaction are: anhydrous iron, tin and aluminum chlorides; pure iron and aluminum oxides; metallic potassium; alkali metal hydroxides; acids and organic bases. The speed of the reaction varies with the purity of the reactants, the temperature, the relative amount of each reactant, and the method of application.

pressure vessels and shall be fabricated, inspected and tested in accordance with the applicable requirements of Subchapter F (Marine Engineering) of this chapter.

(d) Cargo tanks shall be designed for the maximum pressure of vapor or gas used in discharging the cargo but in no case shall the design pressure of such tanks be less than the seventy-five (75) pounds per square inch gage. The tank shell and heads shall not be less than 5/16 inch thick. The design of tanks shall take into account the expected stresses due to internal pressure, static head and localized stress concentrations.

(e) Each tank shall be provided with not less than one 15- x 23-inch eliptical or 18-inch diameter manhole located above the maximum liquid level and as close as possible to the top of the tank. Where access trunks are fitted to the tanks, the diameter of the trunks shall be not less than 30 inches.

(R.S. 4433, as amended; 46 U.S.C. 411)

§ 40.05–20 Installation of cargo tanks—TB/ALL.

(a) Cargo tanks shall be located below deck in holds or enclosed spaces with the domes or trunks extended above the weather deck and terminating in the open. Provisions shall be made to maintain the watertightness of the deck by means of watertight seals around such domes or trunks. The holds or enclosed spaces, in which the ethylene oxide tanks are located, shall not be used for any other purpose. The weathertightness of the weatherdeck may not be required to be fully maintained on: (1) Tankships operating on restricted routes which are sufficiently protected; or, (2) Open hopper type barges of a suitable design approved for such service.

(b) All cargo tanks shall be installed with the manhole openings and all tank connections located above the weather deck in the open.

(c) Tanks shall be suitably mounted on steel supports and anchored in place and suitably electrically bonded to the hull. Each tank shall be so supported as to prevent the excessive concentration of loads on the supporting portion of the tank shell. Collision chocks shall be installed to prevent any longitudinal shifting of and damage to the cargo tanks in the event of collision. The design shall show the manner in which the tanks are to be installed, supported and secured in the barge or vessel and shall be approved prior to the installation of the tanks.

(d) No welding of any kind shall be done on cargo tanks or supporting structure unless authorized by the Commandant.

§ 40.05–30 Insulation—TB/ALL.

(a) All cargo tanks, piping, valves, fittings, etc., which may contain ethylene oxide in either the liquid or vapor phase, including the vent risers, shall be insulated. Flanges need not be covered, but if covered a small opening shall be left at the bottom of the flange cover to detect leaks. Insulation shall be of an approved incombustible material suitable for use with ethylene oxide, which does not signficantly lower the autoignition temperature and which does not react spontaneously with ethylene oxide. The insulation shall be of such thickness as to provide a thermal conductance of not more than 0.075 B.t.u. per square foot per degree fahrenheit differential in temperature per hour.

(b) Insulation shall be of an approved type complying with the requirements of Subpart 164.009 of Subchapter Q (Specifications) of this chapter. However, the Commandant may consider alternate proposals where it is demonstrated to his satisfaction that adequate protection against fire exposure will be provided. Insulation shall be of a vapor-proof construction, or shall have a vapor-proof coating of a fire-retardant material acceptable to the Commandant. All insulation, vapor barrier and adhesive material shall be of a type which does not lower the autoignition temperature of or react spontaneously with ethylene oxide. Insulation exposed to the weather shall have the vapor-proof coating covered with a removable sheet metal jacket, not less than 0.083-inch thickness, flashed around all openings so as to be weathertight. The sheet metal jacket may be omitted when the vapor barrier is inherently weather resistant. When a weather resistant vapor barrier is used, the insulation shall be protected by sheet metal in those areas subject to mechanical damage.

§ 40.05–35 Cooling systems—TB/ALL.

(a) When cooling systems are installed to maintain the temperature of the liquid below 90° F., at least two complete cooling plants, automatically regulated by temperature variations within the tanks shall be provided; each to be complete with the necessary auxiliaries for proper operation. The control system shall also be capable of being manually operated. An alarm shall be provided to indicate malfunctioning of the temperature controls. The capacity of each cooling system shall be sufficient to maintain the temperature of the liquid cargo at or below the design temperature of the system.

(b) An alternate arrangement may consist of three cooling plants, any two of which shall be sufficient to maintain the temperature of the liquid cargo at or below the design temperature of the system.

(c) Cooling systems requiring compression of ethylene oxide are prohibited.

§ 40.05–40 Valves, fittings, and accessories—TB/ALL.

(a) All valves, flanges, fittings, and accessory equipment shall be of a type suitable for use with ethylene oxide and shall be made of steel or stainless steel, or other materials acceptable to the Commandant. Impurities of copper, magnesium and other acetylide-forming metals shall be kept to a minimum. The chemical composition of all material used shall be submitted to the Commandant for approval prior to fabrication. Disks or disk faces, seats and other wearing parts of valves shall be made of stainless steel containing not less than 11 percent chromium. Mercury, silver, aluminum, magnesium, copper and their alloys shall not be used for any valves, gages, thermometers, etc. Gaskets shall be constructed of spirally wound stainless steel with "Teflon" or other suitable material. All packing and gaskets shall be constructed of materials which do not react spontaneously with or lower the autoignition temperature of ethylene oxide.

(b) The pressure rating of valves, fittings, and accessories shall be not less than the maximum pressure for which the cargo tank is designed or the shut-off head of the cargo pump, whichever is greater, but in no case less than 150 pounds per square inch, American Standards Association's standards. Welded fittings shall be used wherever possible and the number of pipe joints shall be held to a minimum. Threaded joints in the cargo liquid and vapor lines are prohibited.

(c) Each tank shall be provided with the necessary fill and discharge liquid and vapor shutoff valves, safety relief valves, liquid level gaging devices, thermometer well and pressure gage, which shall be accessible for convenient operation. All connections to tanks shall be made above the weather deck in the open to a trunk or dome and shall be protected against mechanical damage and tampering. Other openings in the tanks, except as specifically permitted by this part, are prohibited.

(d) All connections to the tanks, except safety relief valves, shall have manually operated shutoff valves located as close to the tank as possible. These valves are in addition to those required by § 40.05–50.

(e) Excess flow valves, where installed, shall close automatically at the rated flow of vapor or liquid as specified by the manufacturer. The piping, valves, fittings and appurtenances protected by the excess flow valves, shall have a greater flow capacity than the rated flow of the excess flow valve.

(f) Pressure gage connections need not be equipped with excess flow valves if the openings are not larger than No. 54 drill size.

(g) Excess flow valves may be designed with a bypass, not to exceed a No. 60 drill size opening, to allow equalization of pressure .

(h) Relief valves shall be fitted in liquid and vapor lines which may be subject to excessive pressure due to thermal expansion when the lines are liquid full. The escape from these relief valves shall be piped to the venting system.

(i) The pressure gage connection shall be located at the highest practical point in the vapor space of the tank.

(j) The thermometer well shall terminate in the liquid space and shall be attached to the shell by welding with the end of the fitting being provided with a gastight screwed plug or bolted cover.

§ 40.05–45 Liquid level gaging devices—TB/ALL.

(a) Each tank shall be fitted with a liquid level gaging device of approved

design to indicate the level to which the tank may be filled.

(b) Liquid level gaging devices may be the: Slip tube, magnetic, automatic float, or other types approved by the Commandant.

(c) Any gaging device that requires bleeding of the product to the atmosphere, such as the slip tube, shall be so designed that the bleed valve maximum opening is not larger than a No. 54 drill size, unless provided with an excess flow valve.

(d) The automatic float continuous reading tape gage, and similar types, shall be fitted with a shutoff valve located as close to the tank as practicable, which shall be designed to close automatically in the event of fracture of the external gage piping. An auxiliary gaging device shall always be used in conjunction with an automatic gaging device. This auxiliary device may be a duplication of the automatic device.

§ 40.05–50 Filling and discharge pipes—TB/ALL.

(a) Filling and discharge piping shall extend to within four inches of the bottom of the tank or sump pit if one is provided.

(b) In addition to the shutoff valve required by § 40.05–40(d), all tank connections larger than ½ inch inside pipe size, except safety relief valves and liquid level gaging devices, shall be fitted with either internal back pressure check valves or internal excess flow valves in conjunction with a quick closing stop valve operable from at least two remote locations. The quick closing stop valve shall be of the "fail safe" type acceptable to the Commandant and shall be equipped with a fusible plug designed to melt between 208° F. and 220° F., which will cause the quick closing valve to close automatically in case of fire. The quick closing valve shall be located as close to the tank as possible.

§ 40.05–55 Cargo piping—TB/ALL.

(a) Piping systems intended for ethylene oxide service shall not be used for any other product and shall be completely separate from all other systems. The piping system shall be designed so that no cross connections may be made either through accident or design.

(b) The piping system shall be designed for a working pressure of not less than the maximum pressure to which the system may be subjected, however, in no case shall the design pressure be less than 150 pounds per square inch. In the case of piping on the discharge side of the liquid pumps or vapor compressors, the design pressure shall be not less than the pump or compressor discharge relief valve setting; or, provided the piping is not fitted with relief valves, the design pressure shall not be less than the total discharge head of the pump or compressor.

(c) Piping shall be seamless drawn or electric resistance welded steel or stainless steel.

(d) Where necessary, provision shall be made for expansion and contraction of piping by means of seamless pipe expansion bends or offsets. Suitable means shall be provided for maintaining the piping in a fixed position.

(e) Piping shall be provided with adequate support to take the weight of the piping off the valves and fittings and to prevent excessive vibration.

§ 40.05–60 Safety relief valves—TB/ALL.

(a) Each tank shall be fitted with one or more approved safety relief valves designed, constructed and flow-tested for capacity in conformance with Subpart 162.018 of Subchapter Q (Specifications) of this chapter.

(R.S. 4491, as amended; 46 U.S.C. 489)

(b) Each safety relief valve shall be set to start to discharge at not less than 75 pounds per square inch gage, nor more than the design pressure of the tank.

(c) The safety relief valves shall have a combined relieving capacity sufficient to prevent a rise of pressure in the tank of more than 20 percent above the maximum allowable pressure when all the safety relief valves are discharging. The minimum rates of discharge of safety relief valves for tanks shall not be less than that determined by the following formula.

$$Q = 26.8A^{0.82} \quad (1)$$

where:

Q = Minimum required rate of discharge, in cubic feet per minute of standard air at 120 percent of the maximum set pressure of the safety relief valves. Discharge measured at 60° F. and atmospheric pressure (14.7 p.s.i.a.).

A = Total external surface area of the tank, in square feet.

$A = \pi(D \times U)$ for cylindrical tanks with hemispherical heads.

$A = \pi D(U + 0.3D)$, for cylindrical tanks with spherically dished or semi-ellipsoidal heads.

$A = \pi D^2$, for spherical tanks.

D = Outside diameter of the tank, in feet.

U = External over-all length of the tank, in feet.

(d) Safety relief valves shall be attached to the tank near the highest point of the vapor space. Shutoff valves shall not be installed between the tanks and safety relief valves except:

(1) Manifolds for mounting multiple safety relief valves may be fitted with acceptable interlocking shutoff valves so arranged that at all times the required relief valve capacity will be available to relieve internal pressure. The valving arrangement shall be such that no vapor will escape even if the "out of service" relief valve is removed.

(2) Auxiliary safety devices such as rupture discs or breaking pins, of suitable corrosion-resistant compatible material, may be installed between the tanks and the safety relief valves, subject to the approval of the Commandant.

(e) Each safety relief valve shall be tested in the presence of an inspector before being placed in service. The tests shall satisfactorily indicate that the safety relief valves will start to discharge at a pressure of not less than 75 pounds per square inch gage, nor greater than the design pressure of the tank.

§ 40.05–65 Filling density—TB/ALL.

(a) The filling density shall not exceed 83 percent. Filling density is defined as the ratio of the weight of material which may be loaded into the tank to the weight of water the tank will hold at 60° F. expressed as a percentage.

§ 40.05–69 Venting—TB/ALL.

(a) Tanks carrying ethylene oxide shall be vented through the safety relief valves independent of tanks carrying other products. Each safety relief valve installed on a cargo tank shall be connected to a venting system consisting of a branch vent from each cargo tank connected to a vent header which shall extend to a height above the weather deck to at least one-third the beam of the vessel and shall terminate at a comparable distance from any working or living space, ventilator inlet, or source of vapor ignition. When special conditions would prevent the vent line or header outlets being permanently installed at a height above the deck of one-third the beam of the vessel, then an adjustable system shall be provided which, when extended vertically, shall be capable of reaching a height one-third of the beam of the vessel. During loading and unloading operations the displaced ethylene oxide vapor shall be returned to the loading facility.

(b) The capacity of branch vents or vent headers shall depend upon the number of cargo tanks connected to such branch or header vents as provided for in Table 40.05–69(b), and upon the total safety relief valve discharge.

TABLE 40.05–69(b)—CAPACITY OF BRANCH VENTS OR VENT HEADERS

Number of cargo tanks	Percent of total valve discharge
1 or 2	100
3	90
4	80
5	70
6 or more	60

(c) In addition to the requirements specified in paragraphs (a) and (b) of this section, the size of the branch vents or vent headers shall be such that the back pressure in the relief valve discharge lines shall not be more than 10 percent of the safety relief valve setting.

(d) Return bends and restrictive pipe fittings are not permitted.

(e) Vents and headers shall be so installed as to prevent excessive stresses on safety relief valve mountings.

(f) The vent discharge riser shall be so located as to provide protection against mechanical damage and such discharge pipes shall be fitted with loose raincaps or other suitable means to prevent entrance of rain or snow. A weather hood may be installed at the vent outlet providing it is of such design as not to direct the flow of vapor below the horizontal.

(g) No shutoff valve of any type shall be fitted in the vent piping between the safety relief valve and the vent outlets.

(h) Suitable provision shall be made for draining condensate which may accumulate in the vent piping.

(i) The outlet of each vent riser will be fitted with acceptable corrosion-resistant flame screen of suitable material or a flame arrestor suitable for use with ethylene oxide.

(j) Safety relief valves on cargo tanks in barges may be connected to individual or common risers which shall extend to a height of not less than one-third the beam of the vessel but in no case less than seven feet above the deck. Alternate arrangements consisting of a branch vent header system may be installed. In any case, all other provisions of paragraphs (a) through (i) of this section apply.

§ 40.05–73 Ventilation—TB/ALL.

(a) All enclosed spaces within the hull shall be vented or ventilated in accordance with the provisions of this subchapter except as otherwise provided for in this subpart.

(b) The enclosed spaces on tankships and manned barges in which the cargo tanks are located shall be rendered inaccessible to personnel while the vessel is underway and shall be inerted by injection of a suitable inert gas or shall be well ventilated.

(c) The enclosed spaces on tankships and manned barges in which the cargo tanks are located, if an inerting system is not installed, shall be fitted with forced ventilation of such capacity to provide a complete change of air every three minutes and arranged in such a manner that any vapors lost into the space will be removed. The ventilation system shall be in operation at all times cargo is being loaded or discharged. No electrical equipment shall be fitted within the spaces or within 10 feet of the ventilation exhaust from these spaces.

(d) All ventilation machinery shall be of non-sparking construction and shall not provide a source of vapor ignition.

(e) Each vent shall be fitted with a flame screen of corrosion resistant wire which is suitable for use with ethylene oxide.

§ 40.05–75 Cargo hose—TB/ALL.

(a) Flexible metal hose fabricated of stainless steel or other acceptable material, resistant to the action of ethylene oxide, shall be fitted to the liquid and vapor lines during filling and discharging of the tanks.

(b) Hose subject to tank pressure shall be designed for a bursting pressure of not less than five times the maximum safety relief valve setting of the tank.

(c) Hose subject to discharge pressure of pumps or vapor compressors shall be designed for a bursting pressure of not less than five times the pressure setting of the pump or compressor safety relief valve.

(d) Before being placed in service, each new cargo hose, with all necessary fittings attached, shall be tested hydrostatically by the manufacturer to a pressure of not less than twice the maximum pressure to which it may be subjected in service. The hose shall be marked with the maximum pressure guaranteed by the manufacturer, and with the words "Certified For Ethylene Oxide".

(e) Cargo hose intended for ethylene oxide service shall not be used for any other products except those which are compatible with ethylene oxide.

(R.S. 4488, as amended; 46 U.S.C. 481. Treasury Dept. Order 167–38, Oct. 26, 1959, 24 F.R. 8857)

§ 40.05–80 Electrical bonding—TB/ALL.

(a) Each cargo tank shall be electrically bonded to the hull. The vessel shall be electrically bonded to the shore piping prior to connecting the cargo hose. This electrical bonding shall be maintained until after the cargo hose has been disconnected and any spillage has been removed.

§ 40.05–83 Special cargo handling requirements—TB/ALL.

(a) Cargo shall be discharged by pumping or by displacement with nitrogen or other acceptable inert gas. In no case shall air be allowed to enter the system. During loading and unloading operations the vapor shall not be discharged to the atmosphere. Provisions shall be made to return all displaced vapor to the loading facility. The loading rate and the pressure applied to the tank to discharge the cargo shall be so limited that the safety relief valves will not be caused to open.

(b) The cargo shall be shipped under a suitable protective padding, such as nitrogen gas. When nitrogen gas is used, the gas padding system shall be so designed that the vapor space above the liquid cargo will be filled and maintained with a gas mixture of not less than 45 percent nitrogen. Other gases proposed for use as padding may be given consideration by the Commandant. Original charging only of protective gas padding at the loading facility is not considered adequate. A sufficient amount of spare inerting gas as approved by the Commandant shall be provided on the vessel in order to maintain the proper concentration of the gas in the event of normal leakage or other losses.

(c) Any padding gas selected should be at least 98.0 percent pure and free of reactive materials, such as ammonia, hydrogen sulfide, sulfur compounds, and acetylene.

(d) A water spray extinguishing system shall be provided in the area where loading and unloading operations are conducted. The system shall be designed to operate automatically in case of fire. The capacity and arrangement shall be of such as to effectively blanket the area in way of the loading manifold and exposed deck piping for ethylene oxide. The rate of discharge and the arrangement of piping and nozzles shall be such as to give a uniform distribution over the entire area protected. Additionally, means shall be provided for local and remote manual operation. The arrangement shall be such that any spilled cargo will be washed away. A water hose with pressure to the nozzle, when atmospheric temperatures permit, shall be connected ready for immediate use during filling and discharge operations and any spillage of ethylene oxide shall be immediately washed away.

(e) Prior to disconnecting shore lines, the pressure in the liquid and vapor lines shall be relieved through suitable valves installed at the loading header. The liquid and vapor discharged from these lines shall not be discharged to atmosphere.

(f) Prior to loading, a sample from the cargo tank will be taken to insure that the pad gas will meet the requirements of paragraph (b) of this section and that the oxygen content of the vapor space will be not more than 2.0 percent maximum. If necessary, a sample will be taken after loading to insure the vapor space meets this requirement.

(g) The owner, master or person in charge of any vessel subject to the provisions of this part shall insure that during cargo transfer operations the persons required by Subpart 35.35 of this subchapter shall be especially qualified in the handling of ethylene oxide.

(R.S. 4488, as amended; 46 U.S.C. 481. Treasury Dept. Order 167–38, Oct. 26, 1959, 24 F.R. 8857)

§ 40.05–85 Information board—TB/ALL.

(a) A suitable information board shall be installed upon which shall be posted the information described in this section.

(b) The following information shall remain posted on board from time cargo transfer operations begin until the vessel is gas-free or changes cargo:

(1) Identification of the cargo.

(2) A description of the principal characteristics of the cargo.

(3) Instructions for the safe handling of the cargo, including operating procedures for maintaining the required cargo temperature.

(4) List and locations of all safety equipment.

(5) Emergency procedures.

(R.S. 4488, as amended; 46 U.S.C. 481. Treasury Dept. Order 167–38, Oct. 26, 1959, 24 F.R. 8857)

§ 40.05–87 Tests and inspections—TB/ALL.

(a) Each tank shall be subjected to the tests and inspections described in this paragraph in the presence of a marine inspector, except as otherwise provided in this section.

(1) An internal examination shall be made at least once in each four calendar years.

(2) Sufficient insulation shall be removed from the tank at least once in each four calendar years for spot external examination of the tank.

(3) A hydrostatic test of 1½ times the design pressure shall be made at least once in each four years at the time the internal examination is made and

at such other times as considered necessary by the marine inspector.

(4) The safety relief valves shall be tested by liquid, gas, or vapor pressure at least once every two years to determine the accuracy of adjustment and, if necessary, shall be reset. Ethylene oxide shall not be used as the testing medium.

(b) The cargo hose and piping shall be inspected and tested at least once in each two calendar years.

(1) The cargo hose and piping shall be subjected to a hydrostatic test of 1½ times the maximum pressure to which they may be subjected in service.

(2) If any leakage, seepage or distortion is noted at any time, the hose shall be removed from service and replaced and/or the piping shall be repaired.

(3) In those cases where the cargo hose used is not part of the vessel's equipment, the senior deck officer shall determine that the provisions of this paragraph have been met before using such hose. A certificate of test, supplied by the loading facility, will be considered as adequate for this determination.

(R.S. 4453, as amended, 4488, as amended; 46 U.S.C. 435, 481. Treasury Dept. Orders 120, July 31, 1950, 167-38, Oct. 26, 1959, 24 F.R. 8857)

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Shipping



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Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER E—LOAD LINES

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[1] See Part 44 for load line regulations applicable to coastwise load lines for steam colliers, tugs, barges, and self-propelled barges in special services and for Great Lakes vessels making foreign and coastwise voyages.

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Subpart 43.01—Administration

§ 43.01–1 Establishment of load lines.

(a) Load lines are established for merchant vessels of 150 gross tons or over in conformity with the Act of March 2, 1929, as amended (46 U.S.C. 85–85g), the Coastwise Load Line Act, 1935, as amended (46 U.S.C. 88–88i), or the International Load Line Convention, 1930.

(b) Load lines for merchant vessels of 150 gross tons or over shall be pursuant to the regulations in this part when such vessels:

(1) Engage in foreign voyages by sea, or arrive within the jurisdiction of the United States or her possessions from foreign voyages by sea, in both cases the Great Lakes excepted; or,

(2) Engage in coastwise voyages by sea (domestic), the Great Lakes excepted.

(c) The load line regulations for merchant vessels which engage in voyages on the Great Lakes are in Part 45 of this subchapter. The load line regulations applicable to coastwise load lines for steam colliers, barges, and self-propelled barges in special services are in Part 44 of this subchapter.

(d) With respect to the enforcement of the regulations in this subchapter, the following rulings have been made:

(1) Vessels which engage in voyages from one port or place in the United States (including Alaska and Hawaii) to another port or place in the United States, or between ports or places in the same U.S. possession, and during such voyages pass outside the line dividing inland waters from the high seas are subject to the Coastwise Load Line Act.

(2) Vessels which engage in voyages from a port or place in the United States on the Atlantic Coast or Coast of the Gulf of Mexico to a port or place in the United States on the Pacific Coast (including Alaska and Hawaii), or vice versa, are subject to the Coastwise Load Line Act.

(3) Vessels which engage in voyages from one port or place in the United States to a port or place in a possession, or vice versa, or between ports or places in two different U.S. possessions, and pass outside the line dividing inland waters from the high seas are subject to the Coastwise Load Line Act, and the International Load Line Convention, 1930.

(4) Vessels which engage in voyages from a port or place in the United States or her possessions and pass outside the line dividing inland waters from the high seas and navigate on the high seas, and then return to the same port or place are subject to the Coastwise Load Line Act.

(5) Vessels which engage in foreign voyages and pass outside the line dividing inland waters from the high seas are subject to the Act of March 2, 1929, and the International Load Line Convention, 1930.

(6) Vessels which engage in voyages from a port or place in the United States to another port or place in the United States but during such voyages stop at a foreign port or place (the Canal Zone excluded) are considered to be on foreign voyages and subject to the requirements for such voyages.

(e) In concurrence with related Canadian regulations, the waters of the St. Lawrence River west of a straight line drawn from Cap de Rosiers to West Point Anticosti Island, and west of a line along 63° W. longitude from Anticosti Island to the north shore of the St. Lawrence River shall be considered as a part of the Great Lakes.

(f) This part shall not apply to merchant vessels on foreign voyages that are being towed and which are carrying neither cargo nor passengers.

§ 43.01–5 Responsibility for administration.

(a) Under the general direction and supervision of the Secretary of the Treasury, the Commandant of the United States Coast Guard is delegated the responsibility and authority for the administration of the Act of March 2, 1929, as amended (46 U.S.C. 85–85g), the International Load Line Convention, 1930, and the Coastwise Load Line Act, 1935, as amended (46 U.S.C. 88–88l).

§ 43.01–10 Application of regulations.

(a) No merchant vessel of the United States of 150 gross tons or over shall proceed to sea or arrive from the high seas (Great Lakes excepted), or operate on the high seas, and no foreign merchant vessel of 150 gross tons or over shall arrive or when within the jurisdiction of the United States shall proceed to sea (Great Lakes excepted) unless such vessel is:

(1) A foreign vessel and is exempted insofar as marking and certification of marks is concerned by section 5 of the Load Line Acts and § 43.01–97.

(2) A new vessel that:

(i) Has been surveyed in accordance with the provisions of § 43.01–50;

(ii) Complies with the provisions of this part as applicable to the type of vessel dealt with;

(iii) Has been marked in accordance with the provisions of this part; and,

(iv) Has had the marks certified as correct as provided by § 43.05–30.

(3) An existing vessel that:

(i) Has been surveyed, marked, and the marks certified, either under the provisions of this part, as applicable to the type of vessel, or under one of the sets of rules particularized in § 43.40–15;

(ii) Complies, as defined for the type of vessel, with the provisions of this part in principle and also in detail, as far as is reasonable and practicable, having regard to the efficiency of (*a*) the protection of openings, (*b*) guard rails, (*c*) freeing ports, and (*d*) means of access to crews' quarters provided by the existing arrangements, fittings, and appliances on the vessel.

(iii) Where it is neither reasonable nor practicable to comply with the provisions in this part in their entirety, the assigning authority will, in each case, report to the Commandant, U. S. Coast Guard, the specific matters in which the vessel is deficient, together with such recommendations as may seem desirable. Upon receipt of this report the Commandant shall determine such addition to the freeboard as will, in the judgment of the Commandant make the vessel as safe as if it had fully complied with this part.

CROSS REFERENCE: For definition of "a new vessel," and "an existing vessel," see § 43.01–25 (a).

§ 43.01–13 Penalties for violations of load line acts.

(a) The penalties for violation of various provisions of the load line acts or the regulations established thereunder are set forth in Title 46, U.S. Code, sections 85g and 88g. The Secretary of the Treasury by Treasury Department Order 167–48 has transferred to the Commandant of the United States Coast Guard authority to assess, collect, remit or mitigate any monetary penalty imposed under these laws.

(b) The master and/or owner of a vessel that is operated, navigated, or used in violation of the provisions of the Act of March 2, 1929, as amended (46 U.S.C. 85–85g), or the Coastwise Load Line Act, 1935, as amended (46 U.S.C. 88–88i), or the regulations in this part, will be subject to the penalties as set forth in law, and the vessel shall also be liable therefor. Depending upon the gravity of the violation, the Coast Guard may initiate any one or more of the following actions:

(1) Detain a vessel if deemed to be overloaded in violation of Title 46, U.S. Code, section 85c or 88c, in accordance with section 85f or 88f, and have the vessel surveyed by three disinterested surveyors.

(2) Assess and collect applicable monetary penalties for certain violations as provided in Title 46, U.S. Code, sections 85g and 88g.

(3) Initiate criminal prosecution for certain violations when required by Title 46, U.S. Code, section 85g or 88g.

(4) If there is a failure to pay monetary penalties assessed, initiate action of libel against the vessel involved.

(5) In addition to the foregoing actions described in this paragraph, any officer or seaman holding a valid Coast Guard license or merchant mariner's document and who may violate any provision of the Act of March 2, 1929, as amended (46 U.S.C. 85–85g), the International Load Line Convention, 1930, or the Coastwise Load Line Act, 1935, as amended (46 U.S.C. 88–88l), or the regulations in this part, may be subject to proceedings seeking the suspension or revocation of such person's license or document under the provisions of Title 46, U.S. Code, section 239, and the regulations prescribed thereunder in Part 137 of Subchapter K (Marine Investigations and Suspension and Revocation Proceedings) of this chapter.

(6) In determining offenses the provisions of Title 46, U.S. Code, sections 85g and 88g, also provide that "Each day a vessel is in violation of this act it constitutes a separate offense."

(c) The procedures governing the assessment, collection, remission and mitigation of any monetary penalty imposed under Title 46, U.S. Code, section 85g or 88g, for a violation of either load line law or the applicable regulations in this part, as well as the appeal procedures to be followed, are in Subpart 2.50 of Part 2 of Subchapter A (Procedures Applicable to the Public) of this chapter.

§ 43.01–15 Timber cargoes.

(a) A steamer (other than a tanker or a vessel assigned load lines on a tanker basis) which has been surveyed and marked as provided by §§ 43.01–10, 43.05–1—43.15–97, may on application by

the owner be surveyed and marked with timber load lines applicable only when carrying timber deck cargoes, and the steamer when carrying a deck cargo complying with the provisions of §§ 43.25–5 to 43.25–70, may be loaded to the timber load line as determined by this part applicable to the voyage if being:

(1) A new steamer, it complies with the conditions and provisions prescribed in §§ 43.25–5—43.25–70.

(2) An existing steamer (other than one defined in § 43.01–15) if it complies with the conditions and provisions of §§ 43.25–5—43.25–70, (other than § 43.25–15), but the vessel shall comply in principle, so far as is reasonable and practicable, with the conditions and provisions prescribed by § 43.25–15: *Provided*, That in assigning a timber load line to an existing steamer there shall be made such additions to the freeboard as shall be reasonable, having regard to the extent to which such steamer falls short of full compliance with the conditions and provisions prescribed in § 43.25–15.

(b) Existing vessels propelled by either sail or steam which have been specially constructed to carry complete cargoes of timber (that is, of the lumber schooner type) when carrying a complete cargo of timber will be marked with a load line. This load line will be applicable to all seasons and zones, and the assignment of and the certification of the load line will be made after consideration of the vessel's experience in similar voyages and of the condition of the vessel and her appliances. The conditions of assignment as required by §§ 43.25–5—43.25–70, are to be complied with so far as is reasonable and practicable. The Commandant, U. S. Coast Guard, shall approve the assignment of a load line for vessels of this type when such line is determined by experience.

(c) Existing steamers which have been specially constructed to carry complete cargoes of timber (that is, steam lumber schooner type) will be surveyed and marked and the marks certified in accordance with the conditions and provisions of §§ 43.01–10, 43.05–1—43.15–97, and these marks will be applicable when the steamers are engaged on voyages laden with a cargo other than a complete timber cargo.

(d) Existing sailing vessels of the lumber schooner type will be surveyed and marked and the marks certified in accordance with the conditions and provisions of §§ 43.01–10, 43.20–1—43.20–45, and these marks will be applicable when engaged on a voyage laden with cargo other than a complete timber cargo.

CROSS REFERENCE: For approval of Commandant, U. S. Coast Guard, see § 43.01–100.

§ 43.01–20 Tankers.

(a) A steamer specially constructed for the carriage of liquid cargoes in bulk, which has been surveyed as provided by § 43.01–10, shall be marked with tanker load lines and the marks certified as correct if being:

(1) A new vessel, it complies with the conditions and provisions prescribed in §§ 43.30–1—43.30–75.

(2) An existing vessel, it complies with the conditions and provisions in §§ 43.30–5, 43.30–20—43.30–35, and, also in principle so far as is reasonable and practicable with §§ 43.30–10, 43.30–15, 43.30–40, providing that in assigning a tanker load line to an existing vessel such additions to the freeboard shall be made as is reasonable, having regard to the extent to which the vessel falls short of full compliance with the conditions and provisions prescribed in §§ 43.30–10, 43.30–15, and 43.30–40.

§ 43.01–25 New and existing vessels.

(a) For the purpose of marking and certification of load lines on the international form, a "new vessel" is one whose keel was laid on or after July 1, 1932, all other vessels being regarded as existing vessels.

(b) For the purpose of marking and certification of load lines on the coastwise form, a "new vessel" is one whose keel was laid:

(1) If of 4,000 gross tons and over, on or after November 27, 1935.

(2) If less than 4,000 gross tons, on or after August 27, 1936.

(3) All other vessels being regarded as existing vessels.

§ 43.01–30 Vessels of special type.

(a) For steamers over 300 feet in length possessing constructional features similar to those of a tanker which afford extra invulnerability against the sea, a reduction in freeboard from that determined under §§ 43.15–1—43.15–97, may be granted.

(b) The amount of such reduction shall be determined by the assigning authority in relation to the freeboard assigned to tankers, having regard to the degree of compliance with the condition of assignment laid down for these vessels and the degree of subdivision provided. The freeboard assigned to such a vessel shall in no case be less than would be assigned to the vessel as a tanker.

(c) Before assignment or certification of the load lines for vessels of special type, the approval of the Commandant, U. S. Coast Guard, shall be obtained.

CROSS REFERENCE: For approval of the Commandant, U. S. Coast Guard, see § 43.01–100.

§ 43.01–32 Stability.

(a) The rules of this part necessarily assume that the nature and stowage of the cargo, ballast, etc., are such as to secure sufficient stability for the vessel.

(b) Having regard for the fact that certain vessels, such as those carrying all their cargo as deck cargo, may need to have the amount of cargo and resulting draft limited by stability considerations, the load line assignments of vessels, which are subject to the stability test requirements contained in § 31.10–30 in Subchapter D (Tank Vessels) or in Subpart 93.05 in Subchapter I (Cargo and Miscellaneous Vessels) of this chapter, shall in no case be deeper than permitted by the results of such tests.

(c) Load line assignments to vessels not subject to inspection will also be made subject to the results of a stability test if the design and service of the vessels are such as to indicate the need for a draft limitation based thereon.

(d) Load line assignments made to vessels before the results of stability tests are known shall be regarded as conditional and subject to verification by the Commandant.

§ 43.01–35 Marks to indicate load lines.

(a) Marks to indicate the maximum mean drafts to which a vessel can be lawfully submerged, in the various circumstances and seasons, shall be permanently marked on each side of the vessel in the form, manner, and location provided by this part.

§ 43.01–40 Assignment and certification; assigning authority.

(a) The American Bureau of Shipping is appointed to assign load lines and to determine whether the position of and the manner of marking each vessel has been performed in accordance with this part and the applicable provisions in the Act of March 2, 1929, as amended (46 U.S.C. 85–85g), or the Coastwise Load Line Act, 1935, as amended (46 U.S.C. 88–88i). The American Bureau of Shipping is authorized to issue a load line certificate, certifying to the correctness of the marks, under its own hand and seal. Its mailing address is American Bureau of Shipping, 45 Broad Street, New York, N.Y., 10004.

(1) As provided in section 3 of the Act of March 2, 1929, as amended (46 U.S.C. 85b), and section 3 of the Coastwise Load Line Act, 1935, as amended (46 U.S.C. 88b), the Commandant, United States Coast Guard, may, at the request of a shipowner, appoint any other recognized classification society which he may approve, as the load line assigning authority.

(2) The American Bureau of Shipping, or other approved load line assigning agency, is authorized to renew from time to time by endorsement a load line certificate.

(3) Load line certificates will not be issued until the load line marks have been verified. This certificate will be issued in duplicate, one copy being delivered to the owner or master of the vessel and one copy, together with a summary of the data used to determine the load line, will be forwarded to the Commandant, United States Coast Guard, Washington, D.C., 20226. Each new vessel, after January 1, 1948, when receiving its first load line certificate, shall be also furnished a copy of the load line survey report, which shall be retained on board the vessel for the information of inspectors and surveyors when carrying out subsequent load line surveys.

(b) As referred to in this subchapter, the term "assigning authority" or "American Bureau of Shipping" shall refer either to that society or to such other society as may have been specifically approved by the Commandant as a load line assigning authority for the vessel concerned.

(c) The scale of maximum fees payable to the assigning authority for this service is contained in § 43.40–5.

§ 43.01–50 Surveys.

(a) *Steel vessels.* (1) The vessel is to be placed in drydock to determine the condition of the hull plating, etc.

(2) The holds, 'tween decks, peaks, bilges, engine and boiler spaces, and bunkers are to be examined to determine the condition of the framing, etc.

(3) Deep tanks and other tanks which form part of the vessel are to be examined internally.

(4) Where a double bottom is fitted, the tanks are to be examined internally. Where double bottom and other tanks are used for fuel-oil bunkers, such tanks need not be cleaned out, provided the surveyors are able to determine by an external examination that their general condition is satisfactory.

(5) The decks are to be examined.

(6) The hatch covers, hatch beams, and fore-and-afters, tarpaulins, battens and wedges, the hatchway and ventilator coamings, companionways, the engine and boiler casings, the superstructures on the freeboard deck, and all means of protecting the openings in the freeboard deck and superstructures and bulkheads are to be examined.

(7) All air pipe outlets, scuppers, sanitary discharges in the vessel's sides, and air ports are to be examined.

(8) All gangways, cargo, and coaling ports or other similar openings in vessel's sides are to be examined.

(9) Guard rails, gangways, and shutters in freeing ports are to be examined.

(10) All eye plates or similar fittings for timber deck cargo lashings and sockets for uprights are to be examined.

(11) Where, owing to the age and condition of the vessel, the surveyors deem it necessary, the shell and deck plating may be required to be drilled in order to ascertain the then thickness of such plating.

(b) *Wood vessels.* (1) The vessel is to be placed on a drydock or a slip way and the keel, stem, stern frame or stern post and outside planking are to be examined. Caulking is to be tried at such places about the planking as deemed necessary by the surveyors.

(2) Careful examination must be made for faulty fastenings and such bolts or treenails must be backed out, or otherwise dealt with, as may be deemed necessary by the surveyors.

(3) Careful examination is to be made of the entire structure and if considered necessary borings are to be made to ascertain the conditions of the materials; should these disclose cause for further examination, listings are to be made where required to satisfy the surveyors as to the true condition of the vessel.

(4) The holds, 'tween decks, peaks, bilges, engine and boiler spaces, and bunkers are to be examined.

(5) The decks are to be examined and bored where necessary.

(6) The hatch covers, hatch beams, fore-and-afters, tarpaulins, battens and wedges, the hatchway and ventilator coamings, companionways, the engine and boiler casings, the superstructures on the freeboard deck, and all means of protecting the openings in the freeboard deck and superstructures and bulkheads are to be examined.

(7) All air pipe outlets, scuppers, sanitary discharges in the vessel's sides, and air ports are to be examined.

(8) All gangways, cargo, and coaling ports or other similar fittings in the vessel's sides are to be examined.

(9) Guard rails, gangways, and shutters in freeing ports are to be examined.

(10) All eye plates or similar fittings for timber deck cargo lashings and sockets for uprights are to be examined.

(c) *Correction of deficiencies.* (1) Any such parts or fittings of the vessel as are found to be in an unsatisfactory condition are to be repaired or renewed in order to place the vessel in a seaworthy condition so as to be eligible for a load line certificate.

§ 43.01–55 Annual inspection.

(a) A vessel having been marked as provided by this part, and the mark certified as correct, will be inspected at intervals of approximately 12 months in order to insure the maintenance in an effective condition of the fittings and appliances for the:

(1) Protection of openings,

(2) guard rails,

(3) freeing ports,

(4) means of access to crews' quarters, and

(5) that there have not been alterations made to the hull or superstructures which would affect the calculations determining the position of the load lines.

(b) The American Bureau of Shipping is appointed to make this inspection and to report thereon to the owners of the vessel, a copy of this report being forwarded to the Commandant, U. S. Coast Guard, Washington, D.C., 20226.

(c) The scale of fees payable to the American Bureau of Shipping for this service is contained in § 43.40–5.

§ 43.01–60 Application for assignment, renewal, and certification.

(a) Application for assignment and certification of load line marks or for renewal of load line certificates shall be made in writing to the American Bureau of Shipping by the owners of the vessel.

(b) Application for the assignment of load lines to a foreign vessel belonging either to a country ratifying the International Load Line Convention, 1930, or to a country with which the United States has reciprocal load line agreement in effect shall be made by the Government to which the vessel belongs, otherwise load lines shall not be assigned such a vessel under this part.

§ 43.01–65 Application for annual inspection.

(a) Application for annual load line inspection required by § 43.01–55 shall be made in writing to the American Bureau of Shipping by the owners of a vessel.

§ 43.01–70 Equivalents.

(a) Where in this part it is provided that a particular fitting or appliance, or type thereof, shall be fitted or carried in a vessel, or that any particular arrangement shall be adopted, there may be substituted any other fitting or appliance or type thereof, or any other arrangement: *Provided*, That such fitting, appliance or arrangement shall be considered a suitable equivalent by the assigning authority and the approval of the Commandant, U.S. Coast Guard, for such substitution shall have been issued.

CROSS REFERENCE: For approval of Commandant, U. S. Coast Guard, see § 43.01–100.

§ 43.01–75 Validity and renewal of certificates.

(a) As the assignment of load lines is conditioned upon the structural efficiency of the vessel and upon the provision of effective protection to vessel and crew, every vessel required to be marked by the Act of March 2, 1929, as amended (46 U.S.C. 85–85g), and Coastwise Load Line Act, 1935, as amended (46 U.S.C. 88–88i), with load lines shall be surveyed by the assigning authority at least once in each 5 years to determine that the load lines are then correctly placed as required by this part. If the load line mark be found correct for the vessel in the condition she is then in, the certificate shall be renewed for such time as the condition of the vessel then warrants, but in no case for a longer period than 5 years and the facts shall be attested by endorsement upon the back of the certificate in the form shown in § 43.40–10.

(b) Foreign vessels belonging to countries which have not ratified the Load Line Convention and which have not been exempted pursuant to section 5 of the Load Line Act (45 Stat. 1493; 46 U. S. C. 85d) shall have their load line certificate limited to a period of 1 year. The certificate may be validated for additional 1-year periods: *Provided*, That the condition of the vessel then warrants, and the facts are attested by endorsement upon the back of the load line certificate by a surveyor of the American Bureau of Shipping or of the classification society issuing the certificate. The certificate will become void 5 years from date of issue, or at the expiration of the fourth yearly validation, whichever occurs first.

(c) The Commandant, U. S. Coast Guard, shall be notified of every renewal indorsement and the date of its expiration.

§ 43.01–80 Forms of certificates.

(a) The form of certificate certifying to the correctness of the load line mark assigned under the regulations in this part shall be as shown in § 43.40–10, as follows:

(1) International load line certificate issued to United States vessels engaged in foreign voyages, applicable as stated:

(i) Form A1 for general use.

(ii) Form A2 for sailing vessels.

(iii) Form A3, general use combined with timber deck cargo.

(2) For foreign vessels belonging to countries that have not ratified or acceded to the International Load Line Convention, 1930:

(i) Form B for general use.

(3) Coastwise load line certificate issued to United States vessels engaged

solely in coastwise voyages (other than special services provided for by Part 44 of this subchapter).

(i) Form C1 for general use.

(ii) Form C 3 for sailing ships.

(iii) Form C3, general use combined with timber deck cargo.

(iv) Form C4 for certain vessels above 300 feet in length in United States coastwise and/or intercoastal service.

(b) The assigning authority may provide forms similar to the above, these forms to be approved by the Commandant, U. S. Coast Guard, before being issued.

CROSS REFERENCE: For forms of load line certificates, see §§ 43.40–10, 44.05–35 of this subchapter.

§ 43.01–85 Cancellation of certificate.

(a) Notwithstanding the marking of a load line and the issuance of a load line certificate, the certificate will be canceled if:

(1) The annual load line inspection required by § 43.01–55 has not been carried out or that the items described under § 43.01–55 (a) (1), (2), (3), and (4) are not maintained in an effective condition.

(2) The survey required by § 43.01–50 has not been carried out or that any defects disclosed by the survey have not been corrected.

(3) Due to any cause the conditions of assignment have not been maintained as provided by this part, or alterations have been made to hull or superstructures which affect the calculations made to determine the location of the load line.

§ 43.01–90 Zones and seasonal areas.

(a) A vessel coming under the provisions of the Act of March 2, 1929, as amended (46 U.S.C. 85–85g), or the Coastwise Load Line Act, 1935, as amended (46 U.S.C. 88–88l), shall conform to the conditions applicable to the zones and seasonal areas as described in this part.

(b) A port located on the boundary line between two zones shall be regarded as within the zone from which the vessel arrived or into which the vessel departs.

(c) No vessel to which these acts apply shall be loaded so as to submerge the load line then applicable to her voyage. When loading a vessel in a favorable zone for a voyage on which the vessel will enter a less favorable zone, such allowance must be made that the vessel, when crossing into the less favorable zone, will conform to the regulations and freeboard for the less favorable zone.

§ 43.01–95 Logbook entries.

(a) It is the master's responsibility to have entered in the vessel's "Official Logbook" if carried, otherwise in a log considered as its official logbook, the data required by section 6 of the Act of March 2, 1929, as amended (46 U.S.C. 85e), or section 6 of the Coastwise Load Line Act of 1935, as amended (46 U.S.C. 88e). These logbook entries shall be made before a vessel departs from her loading port or place and consist of:

(1) A statement of the load line marks applicable to the voyage;

(2) A statement of the position of the load line mark, port and starboard, at the time of departing from a port or place; and,

(3) The actual drafts of the vessel, forward and aft, as nearly as the same can be ascertained, at the time of departing from a port or place.

§ 43.01–97 Control.

(a) The Collector of Customs or the Coast Guard District Commander may detain a vessel for survey if there is reason to believe that the vessel is proceeding on her journey in excess of the draft allowed by the regulations in this part as indicated by the vessel's load line certificate, or otherwise. The Coast Guard District Commander may detain a vessel if it is so loaded as to be manifestly unsafe to proceed to sea.

(b) If the Collector of Customs orders a vessel detained, he shall immediately inform the Coast Guard District Commander thereof, who shall thereupon advise the Collector of Customs whether or not he deems that the vessel may proceed to sea with safety. If the Coast Guard District Commander orders a vessel detained, such officer will furnish the Collector of Customs immediate notification of such detention. The clearance shall be refused to any vessel which shall have been ordered detained, which shall be in effect until it is shown that the vessel is not in violation of the applicable law and the regulations in this part.

(c) The detention of a vessel will be by written order of either the Coast Guard District Commander or the Collector of Customs, depending on who orders the detention. The detaining officer will immediately arrange for a survey in the manner prescribed by either section 7 of the Act of March 2, 1929, as amended (46 U.S.C. 85f), or section 7 of the Coastwise Load Line Act, 1935, as amended (46 U.S.C. 88f), whichever may be applicable in a particular case. Unless the owner or agent waives in writing and stipulates to accept the Coast Guard's survey, the detaining officer shall appoint three disinterested surveyors and, where practicable, one of them shall be from the Surveying Staff of the American Bureau of Shipping. Such surveyors shall conduct a survey to ascertain whether or not the vessel is loaded in violation of the applicable provisions in the Act of March 2, 1929, as amended (46 U.S.C. 85–85g), or the Coastwise Load Line Act, 1935, as amended (46 U.S.C. 88–88l), and the regulations in this part. If the survey confirms the allegation that the vessel is in violation of either law or the regulations in this part, "the owner and agent shall bear the costs of the survey in addition to any penalty or fine imposed," as provided in these laws. Where such surveyors are appointed by the Collector of Customs, such appointment shall be with the approval of the Coast Guard District Commander.

(d) Whenever a vessel is detained, the master or owner may, within five days, appeal to the Commandant, United States Coast Guard, who may, if he desires, order a further survey, and may affirm, set aside, or modify the order of the detaining officer.

(e) Where a foreign vessel is detained, or any action is taken which would appear likely to result in legal proceedings being taken against such a vessel, the consul of the country to which the vessel belongs shall be informed as soon as possible of the circumstances of the case.

(f) Pursuant to the provisions of section 5 of the Act of March 2, 1929, as amended (46 U.S.C. 85d), and section 5 of the Coastwise Load Line Act, 1935, as amended (46 U.S.C. 88d), it is hereby certified that a vessel of a foreign country which has ratified the International Load Line Convention, 1930, shall be deemed a vessel of a foreign country as described in section 5 of these acts, and such a vessel shall be exempt from the provisions of the regulations in this part insofar as the marking of the load lines and the certificating thereof are concerned, only so long as such country similarly recognizes the load lines established by the regulations in this part, for the purpose of a voyage by sea: *Provided*, That the vessel is marked with load lines and has on board a valid load line certificate certifying to the correctness of the mark, the vessel shall not be loaded beyond the limits allowed by the certificate, the position of the load line of the vessel shall correspond with the certificate, the hull and superstructure shall not have been so materially altered as to affect the calculations on which the load line was based, and alterations have not been made so that the protection of openings, guardrails, freeing ports, and means of access to crew's quarters, have made the vessel manifestly unfit to proceed to sea without danger to human life.

§ 43.01–100 Approval of Commandant, U.S. Coast Guard.

(a) Where the active approval of the Commandant, U.S. Coast Guard is required in connection with this part, such information as will enable the Commandant, to obtain a comprehensive understanding of the question at issue shall be furnished and will remain with the Commandant, as a record.

Subpart 43.05—General Rules for Determining Maximum Load Lines of Merchant Vessels

§ 43.05–1 Definitions.

(a) *Steamer.* (1) The term "steamer" or "steamship" includes all vessels having sufficient means for mechanical propulsion, except where provided with sufficient sail area for navigation under sails alone.

(2) A vessel fitted with mechanical means of propulsion and with sail area insufficient for navigation under sails alone may be assigned a load line under §§ 43.15–1—43.15–97.

(3) A lighter, barge, or other vessel without independent means of propulsion, when towed, is to be assigned a load line under §§ 43.15–1—43.15–97.

(b) *Sailing vessel.* The term "sailing vessel" includes all vessels provided with sufficient sail area for navigation under sails alone, whether or not fitted with mechanical means of propulsion.

(c) *Flush-deck vessel.* A flush-deck vessel is one which has no superstructure on the freeboard deck.

(d) *Superstructure.* A superstructure is a decked structure on the freeboard deck extending from side to side of the vessel. A raised quarter-deck is considered a superstructure.

(e) *Load line.* The load line is the line defining the maximum mean draft to which a vessel may be lawfully submerged. It is the lower limit of the freeboard as determined by the regulations in this part having regard to the various conditions and seasons.

(f) *Freeboard.* The freeboard assigned is the distance measured vertically downward at the side of the vessel amidships from the upper edge of the deck line to the upper edge of the load line.

(g) *Freeboard deck.* The freeboard deck is the deck from which the freeboard is measured, and is the uppermost complete deck having permanent means of closing all openings in weather portions of the deck in accordance with §§ 43.10–1—43.10–45. It is the upper deck in flush-deck vessels and vessels with detached superstructures. In vessels having discontinuous freeboard decks within superstructures which are not intact, or which are not fitted with class 1 closing appliances, the lowest line of the deck below the superstructure deck is taken as the freeboard deck.

(h) *Amidships.* Amidships is the middle of the length of the summer load waterline, as defined in § 43.15–1.

§ 43.05–5 Deck line.

(a) The deck line is a horizontal line 12 inches in length and 1 inch in breadth. It is to be marked amidships on each side of the vessel, and its upper edge is to pass through the point where the continuation outward of the upper surface of the freeboard deck intersects the outer surface of the shell. (See fig. 43.05–5(a).) Where the deck is partly sheathed amidships, the upper edge of the deck line is to pass through the point where the continuation outward of the upper surface of the actual sheathing at amidships intersects the outer surface of the shell.

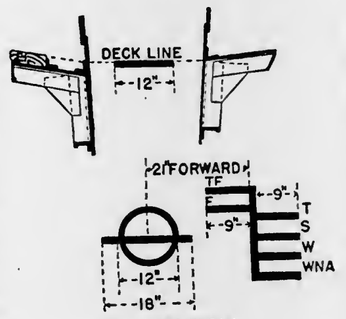


FIGURE 43.05–5(a)

§ 43.05–10 Load line disk.

(a) The load line disk is 12 inches in diameter and is intersected by a horizontal line 18 inches in length and 1 inch in breadth, the upper edge of which passes through the center of the disk. The disk is to be marked amidships below the deck line.

§ 43.05–15 Lines used with disk.

(a) The lines which indicate the maximum load line in different circumstances and in different seasons (see § 43.40–1) are to be horizontal lines, 9 inches in length and 1 inch in breadth, which extend from, and are at right angles to, a vertical line marked 21 inches forward of the center of the disk, except as provided otherwise in paragraph (d) of this section. (See Figure 43.05–5(a).)

(b) The following are the lines to be used:

(1) *Summer load line.* The summer load line is indicated by the upper edge of the line which passes through the center of the disk and also by a line marked "S."

(2) *Winter load line.* The winter load line is indicated by the upper edge of a line marked "W."

(3) *Winter North Atlantic load line.* The winter North Atlantic load line is indicated by the upper edge of a line marked "WNA."

(4) *Tropical load line.* The tropical load line is indicated by the upper edge of a line marked "T."

(5) *Fresh-water load lines.* The fresh-water load line in summer is indicated by the upper edge of a line marked "F." The difference between the fresh-water load line in summer and the summer load line is the allowance to be made for loading in fresh water at the other load lines. The tropical fresh-water load line is indicated by the upper edge of a line marked "TF."[1] (This provision for deeper loading in fresh water is not applicable to the Great Lakes.)

[1] Where seagoing steamers navigate a river or inland water, deeper loading is permitted corresponding to the weight of fuel, etc., required for consumption between the point of departure and the open sea.

(c) Where the draft is restricted on a basis of subdivision or stability and this draft is less than any of the various seasonal drafts permitted by this part the center of the disk shall be located on the line of this restricted draft and it shall be applicable to all zones and seasons. If such a permissible maximum draft comes between the seasonal markings, the seasonal markings below shall also be added. A fresh-water load line may be marked forward of the disk as provided in this section.

(d) Domestic vessels eligible for operation at the freeboards indicated by §§ 43.15–87(b), 43.15–90(b), 43.15–98(a), or 43.30–1(b) shall have the related winter, summer, tropical, fresh, and tropical fresh water marks located abaft the disk and surmounted by the letter "C". (See Figure 43.05–15(d).) While a complete set of additional marks is shown by this Figure, vessels also marked forward of the disk in accordance with § 43.05–5(a) need show abaft the disk only those additional marks which are necessary. Vessels departing on foreign voyages shall only bear the load line marks forward of the disk marked in accordance with § 43.05–5(a).

FIGURE 43.05–15(d)

§ 43.05–20 Mark of assigning authority.

(a) The authority by whom the load lines are assigned may be indicated by letters measuring about 4½ by 3 inches marked alongside the disk and above the centerline.

§ 43.05–25 Details of marking.

(a) The disk, lines, and letters are to be painted in white or yellow on a dark ground or in black on a light ground. They are also to be carefully cut in or center punched on the sides of iron and steel vessels, and on wood vessels they are to be cut into the planking for at least one-eighth of an inch. The marks are to be plainly visible, and, if necessary, special arrangements are to be made for this purpose.

§ 43.05–30 Verification of marks.

(a) The load lines certificate is not to be delivered to the vessel until a surveyor of the assigning authority has certified that the marks are correctly and permanently indicated on the vessel's side.

Subpart 43.10—Conditions of Assignment of Load Lines

§ 43.10–1 Construction of vessel.

(a) The assignment of load lines is conditional upon the vessel being structurally efficient and upon the provision of effective protection to vessel and crew.

(b) Sections 43.10–1—43.10–100 apply to vessels to which minimum freeboards are assigned. In vessels to which greater freeboards than the minimum are assigned, the protection is to be relatively as effective.

(c) Passenger vessels; subdivision and stability load lines: Where in passenger vessels the position of the maximum load lines is determined by the application of subdivision and stability regulations as provided in Part 46 of this subchapter the provisions of this part shall also be effective insofar as they are applicable.

§ 43.10–5 Cargo and other hatchways not protected by superstructures.

(a) The construction and fitting of cargo and other hatchways in exposed positions on freeboard and superstructure decks are to be at least equivalent to the standards laid down in § 43.10–10—43.10–45.

(b) Where hatch covers are of adequate metal construction, sealed watertight against pliable gaskets by dogs or other suitable means, as approved by the Load Line Assigning Authority, the application of the requirements of §§ 43.10–10—43.10–45 will be modified accordingly.

§ 43.10–10 Hatchway coamings.

(a) The height of hatchway coamings on freeboard decks is to be at least 24 inches above the deck. The height of coamings on superstructure decks is to be at least 24 inches above the deck if situated within a quarter of the ship's length from the stem, and at least 18 inches if situated elsewhere.

(b) Coamings are to be of steel, are to be substantially constructed and, where required to be 24 inches high, are to be fitted with an efficient horizontal stiffener placed not lower than 10 inches below the upper edge, and fitted with efficient brackets or stays from the stiffener to the deck, at intervals of not more than 10 feet. Where end coamings are protected, the requirements of this section may be modified.

§ 43.10–15 Hatchway covers.

(a) Covers to exposed hatchways are to be efficient, and where they are made of wood, the finished thickness is to be at least 2⅜ inches in association with a span of not more than 5 feet. The width of each bearing surface for these hatchway covers is to be at least 2½ inches.

§ 43.10–20 Hatchway beams and fore-and-afters.

(a) Where wood hatchway covers are fitted the hatchway beams and fore-and-afters are to be of the scantlings and spacing given in Table 43.10–20 (a1) where coamings 24 inches high are required, and as given in Table 43.10–20 (a2) where coamings 18 inches high are required. Angle bar mountings on the upper edge are to extend continuously for the full length of each beam. Wood fore-and-afters are to be steel shod at all bearing surfaces.

TABLE 43.10–20 (a1)—HATCHWAY BEAMS AND FORE-AND-AFTERS FOR VESSELS 200 FEET OR MORE IN LENGTH [1]

[Coamings 24 inches in height]

HATCHWAY BEAMS

Breadth of hatchway	Mounting	Beams with fore-and-afters, spacing center to center			Beams without fore-and-afters, spacing center to center	
		6′ 0″	8′ 0″	10′ 0″	4′ 0″	5′ 0″
	Inches	*Inches*	*Inches*	*Inches*	*Inches*	*Inches*
10′ 0″	3 by 3 by 0.40A	11 by 0.30P	12 by 0.32P	14 by 0.34P	9 by 0.46BP	10 by 0.50BP.
12′ 0″	3 by 3 by 0.40A	12 by 0.32P	14 by 0.34P	17 by 0.36P	11 by 0.50BP	12 by 0.50BP.
14′ 0″	3 by 3 by 0.42A	14 by 0.34P	17 by 0.36P	20 by 0.38P	12 by 0.50BP	12 by 0.32P.
16′ 0″	3½ by 3 by 0.42A	16 by 0.36P	19 by 0.38P	22 by 0.38P	12 by 0.32P	14 by 0.34P.
18′ 0″	4 by 3 by 0.44A	18 by 0.36P	21 by 0.38P	25 by 0.40P	14 by 0.34P	16 by 0.36P.
20′ 0″	4 by 3 by 0.44A	20 by 0.38P	24 by 0.40P	28 by 0.42P	15 by 0.34P	18 by 0.36P.
22′ 0″	4½ by 3 by 0.46A	22 by 0.38P	26 by 0.42P	30 by 0.44P	16 by 0.36P	19 by 0.36P.
24′ 0″	5 by 3½ by 0.46A	23 by 0.40P	28 by 0.42P	32 by 0.44P	17 by 0.36P	20 by 0.38P.
26′ 0″	5½ by 3½ by 0.48A	24 by 0.40P	29 by 0.42P	34 by 0.46P	18 by 0.36P	21 by 0.38P.
28′ 0″	6 by 3½ by 0.50A	25 by 0.40P	31 by 0.44P	36 by 0.48P	19 by 0.38P	22 by 0.38P.
30′ 0″	6 by 3½ by 0.52A	26 by 0.42P	32 by 0.44P	38 by 0.48P	20 by 0.38P	23 by 0.40P.

FORE-AND-AFTERS

Length of fore-and-afters	Mounting	Bulb plate center fore-and-afters, spacing center to center			Bulb angle side fore-and-afters, spacing center to center		
		3′ 0″	4′ 0″	5′ 0″	3′ 0″	4′ 0″	5′ 0″
	Inches	*Inches*	*Inches*	*Inches*	*Inches*	*Inches*	*Inches*
6′ 0″	2¼ by 2½ by 0.36	6 by 0.36	6½ by 0.38	7 by 0.38	6 by 3 by 0.36	6½ by 3 by 0.38	7 by 3½ by 0.38.
8′ 0″	2½ by 2½ by 0.38	7 by 0.42	8 by 0.44	9 by 0.50	7 by 3½ by 0.42	8 by 3 by 0.44	9 by 3½ by 0.44.
10′ 0″	2½ by 2½ by 0.40	8 by 0.50	9½ by 0.50	11 by 0.50	8 by 3½ by 0.50	9½ by 3½ by 0.50	11 by 3½ by 0.50.

Length of fore-and-afters	Wood center fore-and-afters, spacing center to center						Wood side fore-and-afters, spacing center to center					
	3′ 0″		4′ 0″		5′ 0″		3′ 0″		4′ 0″		5′ 0″	
	D	B	D	B	D	B	D	B	D	B	D	B
	Inches	*Inches*	*Inches*	*Inches*	*Inches*	*Inches*	*Inches*	*Inches*	*Inches*	*Inches*	*Inches*	*Inches*
6′ 0″	5	7	5½	7	6	7	5	5	6½	6	6	5
8′ 0″	6	7	6½	7	7	7	6	5	6½	6	7	6
10′ 0″	7	7	7½	7	8	7	7	6	7½	7	8	7

A=Plain angle. BP=Bulb plate. P=Plate. D=Depth. B=Breadth.

[1] In vessels not exceeding 100 feet in length, the depths of beams which are formed of plates and angles may be 60 percent of the depths given above; the depths of beams and steel fore-and-afters formed of bulb angle or bulb plate section may be 80 percent of the depths given above; the thickness of plates, bulb angles, and bulb plates should correspond to the thickness tabulated for the reduced depths with a minimum thickness of 0.30 inch; the depths and breadths of wood fore-and-afters may be 80 percent of those given in the tables for side fore-and-afters, but the center fore-and-afters must be not less than 6½ inches wide. In vessels between 100 feet and 200 feet in length, the sizes of the beams and fore-and-afters are to be determined by linear interpolation.

[2] Depths for hatchway beams are at the middle of the length and are measured from the top mounting to the lower edge. Depths for fore-and-afters are measured from the underside of the hatch covers to the lower edge. Sizes for intermediate lengths and spacing are obtained by interpolation. Where plates are specified, two angles of the size given for mountings, are to be fitted at the upper part of the beam, Where bulb plates are specified, two angles, of the size given for mountings, are to be fitted at the upper part of the beam or fore-and-after. Where bulb angles are specified, one angle, of the size given for mountings, is to be fitted at the upper part of the section. Where the specified flanges of an angle are of different dimensions, the larger flange is to be horizontal.

TABLE 43.10–20 (a2)—HATCHWAY BEAMS AND FORE-AND-AFTERS FOR VESSELS 200 FEET OR MORE IN LENGTH [1]

[Coamings 18 inches in height]

HATCHWAY BEAMS

Breadth of hatchway	Mounting	Beams with fore-and-afters, spacing center to center			Beams without fore-and-afters, spacing center to center	
		6′ 0″	8′ 0″	10′ 0″	4′ 0″	5′ 0″
	Inches	*Inches*	*Inches*	*Inches*	*Inches*	*Inches*
10′ 0″	3 by 3 by 0.40A	9½ by 0.46BP	10½ by 0.50BP	11¼ by 0.52BP	8 by 0.40 BP	9 by 0.44BP.
12′ 0″	3 by 3 by 0.40A	11 by 0.50BP	11 by 0.30P	13 by 0.34P	9 by 0.44BP	10 by 0.50BP.
14′ 0″	3 by 3 by 0.42A	11 by 0.30P	13 by 0.32P	15 by 0.34P	10 by 0.50BP	11½ by 0.50BP.
16′ 0″	3½ by 3 by 0.42A	12 by 0.32P	15 by 0.34P	17 by 0.36P	11 by 0.30P	11 by 0.30P.
18′ 0″	4 by 3 by 0.44A	14 by 0.34P	17 by 0.36P	19 by 0.38P	11 by 0.30P	12 by 0.32P.
20′ 0″	4 by 3 by 0.44A	16 by 0.36P	19 by 0.38P	21 by 0.38P	12 by 0.32P	13 by 0.34P.
22′ 0″	4½ by 3 by 0.46A	17 by 0.36P	20 by 0.38P	23 by 0.40P	12½ by 0.32P	14 by 0.34P.
24′ 0″	5 by 3½ by 0.46A	18 by 0.36P	21 by 0.38P	25 by 0.40P	13 by 0.34P	14½ by 0.34P.
26′ 0″	5½ by 3½ by 0.48A	19 by 0.38P	22 by 0.38P	26 by 0.42P	13½ by 0.34P	15 by 0.34P.
28′ 0″	6 by 3½ by 0.50A	20 by 0.38P	23 by 0.40P	27 by 0.42P	14 by 0.34P	16 by 0.36P.
30′ 0″	6 by 3½ by 0.52A	21 by 0.38P	24 by 0.40P	28 by 0.42P	15 by 0.34P	17 by 0.36P.

FORE-AND-AFTERS

Length of fore-and-afters	Mounting	Bulb plate center fore-and-afters, spacing center to center			Bulb angle side fore-and-afters, spacing center to center		
		3′ 0″	4′ 0″	5′ 0″	3′ 0″	4′ 0″	5′ 0″
	Inches	*Inches*	*Inches*	*Inches*	*Inches*	*Inches*	*Inches*
6′ 0″	2½ by 2½ by 0.36	5 by 0.34	5½ by 0.34	6 by 0.36	5 by 3 by 0.36	5½ by 3 by 0.34	6 by 3 by 0.36.
8′ 0″	2½ by 2½ by 0.38	6 by 0.38	7 by 0.40	7½ by 0.42	6 by 3 by 0.38	7 by 3 by 0.40	7½ by 3½ by 0.42.
10′ 0″	2½ by 2½ by 0.40	7 by 0.44	8 by 0.46	9 by 0.50	7 by 3 by 0.44	8 by 3½ by 0.46	9 by 3½ by 0.50.

Length of fore-and-afters	Wood center fore-and-afters, spacing center to center						Wood side fore-and-afters, spacing center to center					
	3′ 0″		4′ 0″		5′ 0″		3′ 0″		4′ 0″		5′ 0″	
	D	B	D	B	D	B	D	B	D	B	D	B
	Inches	*Inches*	*Inches*	*Inches*	*Inches*	*Inches*	*Inches*	*Inches*	*Inches*	*Inches*	*Inches*	*Inches*
6′ 0″	5	7	5½	7	6	7	5	5	5½	[2]	6	5
8′ 0″	6	7	6½	7	7	7	6	5	6½	[2]	7	6
10′ 0″	7	7	7½	7	8	7	7	6	7½	7	8	7

A=Plain angle. BP=Bulb plate. P=Plate. D=Depth. B=Breadth.

[1] In vessels not exceeding 100 feet in length, the depths of beams which are formed of plates and angles may be 60 percent of the depths given above; the depths of beams and steel fore-and-afters formed of bulb angle or bulb plate section may be 80 percent of the depths given above; the thickness of plates, bulb angles, and bulb plates should correspond to the thickness tabulated for the reduced depths with a minimum thickness of 0.30 inch; the depths and breadths of wood fore-and-afters may be 80 percent of those given in the tables for side fore-and-afters, but the center fore-and-afters must be not less than 6½ inches wide. In vessels between 100 feet and 200 feet in length, the sizes of the beams and fore-and-afters are to be determined by linear interpolation.

[2] Depths for hatchway beams are at the middle of the length and are measured from the top mounting to the lower edge. Depths for fore-and-afters are measured from the under side of the hatch covers to the lower edge. Sizes for intermediate length and spacing are obtained by interpolation. Where plates are specified, two angles, of the sizes given for mountings, are to be fitted at the upper and at the lower part of the beam. Where bulb plates are specified, two angles, of the size given for mountings, are to be fitted at the upper part of the beam or fore-and-after. Where bulb angles are specified, one angle, of the size given for mountings, is to be fitted at the upper part of the section. Where the specified flanges of an angle are of different dimensions, the larger flange is to be horizontal.

§ 43.10–25 Carriers or sockets.

(a) Carriers or sockets for hatchway beams and fore-and-afters are to be of steel at least one-half inch thick, and are to have a width of bearing surface of at least 3 inches.

§ 43.10–30 Cleats.

(a) Strong cleats at least 2½ inches wide are to be fitted at intervals of not more than 2 feet from center to center; the end cleats are to be placed not more than 6 inches from each corner of the hatchway.

§ 43.10–35 Battens and wedges.

(a) Battens and wedges are to be efficient and in good condition.

§ 43.10–40 Tarpaulins.

(a) At least two tarpaulins in good condition, thoroughly waterproofed, and of ample strength, are to be provided for each hatchway in an exposed position on freeboard and superstructure decks. The material is to be guaranteed free from jute, and shall not be less than No. 4 cotton canvas or No. 6 hemp canvas before waterproofing, or shall be of suitable synthetic fabric as approved for this purpose by the Load Line Assigning Authority.

§ 43.10–45 Security of hatchway covers.

(a) At all hatchways in exposed positions on freeboard and superstructure decks ring bolts or other fittings for lashings are to be provided.

(b) Where the breadth of the hatchway exceeds 60 percent of the breadth of the deck in way of the hatchway, and the coamings are required to be 24 inches high, fittings for special lashings are to be provided for securing the hatchway covers after the tarpaulins are battened down.

§ 43.10–50 Cargo and other hatchways in the freeboard deck within superstructures which are fitted with closing appliances less efficient than class 1.

(a) The construction and fittings of such hatchways are to be at least equivalent to the standards laid down in § 43.10–55.

§ 43.10–55 Hatchway coamings and closing arrangements.

(a) Cargo, coaling, and other hatchways in the freeboard deck within superstructures which are fitted with class 2 closing appliances are to have coamings at least 9 inches in height and closing arrangements as effective as those required for exposed cargo hatchways whose coamings are 18 inches high.

(b) Where the closing appliances are less efficient than class 2, the hatchways are to have coamings at least 18 inches in height, and are to have fittings and closing arrangements as effective as those required for exposed cargo hatchways.

CROSS REFERENCE: For class 1 and class 2 closing appliances, see §§ 43.15–37, 43.15–40.

§ 43.10–60 Machinery space openings in exposed positions on freeboard and raised quarter-decks.

(a) Such openings are to be properly framed and efficiently enclosed by steel casings of ample strength, and where the casings are not protected by other structures their strength is to be specially considered. Doors in such casings are to be of steel, efficiently stiffened, permanently attached, and capable of being closed and secured from both sides. The sills of openings are to be at least 24 inches above the freeboard deck and at least 18 inches above the raised quarter-deck.

(b) Fiddley, funnel, and ventilator coamings are to be as high above the deck as is reasonable and practicable. Fiddley openings are to have strong steel covers permanently attached in their proper positions.

§ 43.10–65 Machinery space openings in exposed positions on superstructure decks other than raised quarter-decks.

(a) Such openings are to be properly framed and efficiently enclosed by strong steel casings. Doors in such cases are to be strongly constructed, permanently attached, and capable of being closed and secured from both sides. The sills

of the openings are to be at least 15 inches above superstructure decks.

(b) Fiddley, funnel, and ventilator coamings are to be as high above the deck as is reasonable and practicable. Fiddley openings are to have strong steel covers permanently attached in their proper positions.

§ 43.10–67 Machinery space openings in the freeboard deck within superstructures which are fitted with closing appliances less efficient than class 1.

(a) Such openings are to be properly framed and efficiently enclosed by steel casings. Doors in such casings are to be strongly constructed, permanently attached, and capable of being securely closed. The sills of the openings are to be at least 9 inches above the deck where the superstructures are closed by class 2 closing appliances, and at least 15 inches above the deck where the closing appliances are less efficient than class 2.

CROSS REFERENCE: For class 1 and class 2 closing appliances, see §§ 43.15–37, 43.15–40.

§ 43.10–70 Flush bunker scuttles.

(a) Flush bunker scuttles may be fitted in superstructure decks, and where so fitted are to be of iron or steel, of substantial construction, with screw or bayonet joints. Where a scuttle is not secured by hinges, a permanent chain attachment is to be provided. The position of flush bunker scuttles in small vessels in special trades is to be dealt with by each assigning authority.

§ 43.10–75 Companionways.

(a) Companionways in exposed positions on freeboard decks and on decks of enclosed superstructures are to be of substantial construction. The sills of the doorways are to be of the heights specified for hatchway coamings (see §§ 43.10–10, 43.10–55). The doors are to be strongly constructed and capable of being closed and secured from both sides. Where the companionway is situated within a quarter of the vessel's length from the stem, it is to be of steel and riveted to the deck plating.

§ 43.10–77 Ventilators in exposed positions on freeboard and superstructure decks.

(a) Such ventilators to spaces below freeboard decks or decks of superstructures which are intact or fitted with class 1 closing appliances are to have coamings of steel, substantially constructed, and efficiently connected to the deck by rivets spaced four diameters apart center to center, or by equally effective means. The deck plating at the base of the coamings is to be efficiently stiffened between the deck beams. The ventilator openings are to be provided with efficient closing arrangements.

(b) Where such ventilators are situated on the freeboard deck, or on the superstructure deck within a quarter of the vessel's length from the stem, and the closing arrangements are of a temporary character, the coamings are to be at least 36 inches in height; in other exposed positions on the superstructure deck they are to be at least 30 inches in height. Where the coaming of any ventilator exceeds 36 inches in height, it is to be specially supported and secured.

§ 43.10–80 Air pipes.

(a) Where the air pipes to ballast and other tanks extend above the freeboard or superstructure decks, the exposed parts of the pipes are to be of substantial construction; the height from the deck to the opening is to be at least 36 inches in wells on freeboard decks, 30 inches on raised quarter decks, and 18 inches on other superstructure decks. Satisfactory means are to be provided for closing the openings of the air pipes.

§ 43.10–85 Gangway, cargo, and coaling ports.

(a) Openings in the sides of vessels below the freeboard deck are to be fitted with watertight doors or covers, which, with their securing appliances, are to be of sufficient strength.

§ 43.10–87 Scuppers and sanitary discharge pipes.

(a) Discharges from scuppers and sanitary pipes led through the vessel's sides from spaces below the freeboard deck are to be fitted with efficient and accessible means for preventing water from passing inboard. Each separate discharge may have an automatic nonreturn valve with a positive means of closing it from a readily accessible position above the freeboard deck, or two automatic nonreturn valves without positive means of closing, provided the upper valve is situated so that it is always accessible for examination under service conditions. The positive-action valve is to be accessible and is to be provided with means for showing whether the valve is opened or closed.

(b) Conditional upon the type and the location of the inboard ends of such openings, similar provisions may be prescribed by the assigning authority as to discharge from spaces within enclosed superstructures.

(c) Where scuppers are fitted in superstructures not fitted with class 1 closing appliances they are to have efficient means for preventing the accidental admission of water below the freeboard deck.

§ 43.10–90 Air ports.

(a) Air ports to spaces below the freeboard deck or to spaces below the superstructure deck of superstructures closed by class 1 or class 2 closing appliances are to be fitted with efficient inside deadlights permanently attached in their proper positions so that they can be effectively closed and secured watertight.

(b) Where, however, such spaces in superstructures are appropriated to passengers other than steerage passengers or to crew, the air ports may have portable deadlights stowed adjacent to the air ports, provided they are readily accessible at all times on service.

(c) The air ports and deadlights are to be of substantial and approved construction.

CROSS REFERENCE: For class 1 and class 2 closing appliances, see §§ 43.15–37, 43.15–40.

§ 43.10–95 Guardrails.

(a) Efficient guardrails or bulwarks are to be fitted on all exposed portions of freeboard and superstructure decks.

§ 43.10–97 Freeing ports.

(a) Where bulwarks on the weather portions of freeboard or superstructure decks form "wells" ample provision is to be made for rapidly freeing the decks of water and for draining them. The minimum freeing port area on each side of the vessel for each well on the freeboard deck and on the raised quarterdeck is to be that given by the following scale: The minimum area for each well on any other superstructure deck is to be one-half the area given by the scale. Where the length of the well exceeds 0.7 L, the scale may be modified.

SCALE OF FREEING PORT AREA

Length of bulwarks in "well" in feet:	*Freeing port area on each side in square feet*
15	8.0
20	8.5
25	9.0
30	9.5
35	10.0
40	10.5
45	11.0
50	11.5
55	12.0
60	12.5
65	13.0
Above 65	(1)

[1] One square foot for each additional 5 feet length of bulwark.

(b) The lower edges of the freeing ports are to be as near the deck as practicable and preferably not higher than the upper edge of the gunwale bar. Two-thirds of the freeing port area required is to be provided in the midship half of the well. In vessels with less than the standard sheer the freeing port area is to be suitably increased.

(c) All such openings in the bulwarks are to be protected by rails or bars spaced about 9 inches apart. If shutters are fitted to freeing ports, ample clearance is to be provided to prevent jamming. Hinges are to have brass pins.

§ 43.10–100 Protection of crew.

(a) Gangways, lifelines, or other satisfactory means are to be provided for the protection of the crew in getting to and from their quarters. The strength of houses for the accommodation of crew on flush deck steamers is to be equivalent to that required for superstructure bulkheads.

Subpart 43.15—Load Lines for Steamers [3]

§ 43.15–1 Length (L).

(a) The length used with the rules and freeboard tables is the length in feet on the summer load water line from the foreside of the stem to the afterside of the rudder post. Where there is no rudder post, the length is measured from the foreside of the stem to the axis of the rudder stock. For vessels with cruiser sterns, the length is to be taken as 96 percent of the total length on the designed summer load waterline or as the length from the foreside of the stem to the axis of the rudder stock if that be the greater.

§ 43.15–5 Breadth (B).

(a) The breadth is the maximum breadth in feet amidships to the molded line of the frame in iron or steel vessels and to the outside of the planking in wood or composite vessels.

§ 43.15–7 Molded depth.

(a) The molded depth is the vertical distance in feet, measured amidships, from the top of the keel to the top of the freeboard deck beam at side. In wood and composite vessels the distance is measured from the lower edge of the keel rabbet. Where the form at the lower part of the midship section is of a hollow character, or where thick garboards are fitted, the depth is measured from the point where the line of the flat of the bottom continued inwards cuts the side of the keel.

§ 43.15–10 Depth for freeboard (D).

(a) The depth used with the freeboard table is the molded depth plus the thickness of stringer plate, or plus

$$\frac{T\ (L-S)}{L} \qquad (1)$$

if that be greater, where

T is the mean thickness of the exposed deck clear of deck openings, and

S is the total length of superstructures as defined in § 43.15–27.

(b) Where the topsides are of unusual form, D is the depth of a midship section having vertical topsides, standard round of beam, and area of topside section equal to that in the actual midship section. Where there is a step or break in the topsides (that is, as in the turret-deck vessel) 70 percent of the area above the step or break is included in the area used to determine the equivalent section.

(c) In a vessel without an enclosed superstructure covering at least 0.6L amidships, without a complete trunk or without a combination of intact partial superstructures and trunk extending all fore-and-aft, where D is less than $\frac{L}{15}$, the depth used with the table is not to be taken as less than $\frac{L}{15}$.

§ 43.15–15 Coefficient of fineness (c).

(a) The coefficient of fineness used with the freeboard table is given by

$$c=\frac{35\Delta}{L.B.d_1} \qquad (1)$$

where Δ is the vessel's molded displacement in tons (excluding bossing) at a mean molded draft d_1 which is 85 percent of the molded depth.

(b) The coefficient c is not to be taken as less than 0.68.

§ 43.15–17 Strength.

(a) The assigning authority is to be satisfied with the structural strength of vessels to which freeboards are assigned.

(b) Vessels which comply with the highest standard of the rules of a classification society recognized by the Commandant, U. S. Coast Guard, shall be regarded as having sufficient strength for the minimum freeboards allowed under the regulations in this part.

(c) Vessels which do not comply with the highest standard of the rules of a classification society recognized by the Commandant, U. S. Coast Guard, shall be assigned such increased freeboards as shall be determined by the assigning authority, and for guidance the following strength moduli are formulated:

(1) *Material.* The strength moduli are based on the assumption that the structure is built of mild steel, manufactured by the open-hearth process (acid or basic), and having a tensile strength of 26 to 32 tons per square inch, and an elongation of at least 16 percent, on a length of 8 inches.

(2) *Strength deck.* The strength deck is the uppermost deck which is incorporated into and forms an integral part of the longitudinal girder within the half-length amidships.

(3) *Depth to strength deck (Ds).* The depth to strength deck is the vertical distance in feet amidships from the top of the keel to the top of the strength deck beam at side.

(4) *Draft (d).* The draft is the vertical distance in feet amidships from the top of the keel to the center of the disk.

(5) *Longitudinal modulus.* The longitudinal modulus $\frac{I}{y}$ is the moment of inertia I of the midship section about the neutral axis divided by the distance y measured from the neutral axis to the top of the strength deck beam at side, calculated in way of openings but without deductions for rivet holes. Areas are measured in square inches and distances in feet.

(i) Below the strength deck, all continuous longitudinal members other than such parts of underdeck girders as are required entirely for supporting purposes are included. Above the strength deck, the gunwale angle bar and the extension of the sheerstrake are the only members included.

(ii) The required longitudinal modulus for effective material is expressed by $f.\ d.\ B.$, where f is the factor obtained from Table 43.15–17 (c) (5) (ii).

TABLE 43.15–17 (c) (5) (ii)

L	f	L	f	L	f
100	1.80	280	6.20	460	14.15
120	2.00	300	6.95	480	15.15
140	2.35	320	7.70	500	16.25
160	2.70	340	8.55	520	17.35
180	3.15	360	9.40	540	18.45
200	3.60	380	10.30	560	19.60
220	4.20	400	11.20	580	20.80
240	4.80	420	12.15	600	22.00
260	5.45	440	13.10		

(iii) For intermediate lengths, the value of f is determined by interpolation. This formula applies where L does not exceed 600 feet; B is between

$$\frac{L}{10}+5 \text{ and } \frac{L}{10}+20 \qquad (1)$$

both inclusive, and $\frac{L}{D_s}$ is between 10 and 13.5, both inclusive.

(6) *Frame.* For the purpose of the frame modulus, the frame is regarded as composed of a frame angle and a reverse angle each of the same size and thickness.

(7) *Frame modulus.* The modulus $\frac{I}{y}$ of the midship frame below the lowest tier of beams is the moment of inertia I of the frame section about the neutral axis divided by the distance y measured from the neutral axis to the extremity of the frame section, calculated without deduction for rivet and bolt holes. The modulus is measured in inch units.

(i) The required frame modulus is expressed by

$$\frac{s(d-t)\ (f_1+f_2)}{1{,}000} \qquad (2)$$

where:

s is the frame spacing in inches.

t is the vertical distance in feet measured at amidships from the top of the keel to a point midway between the top of the inner bottom at side and the top of the heel bracket (see fig. 43.15–17 (c) (7) (i)); where there is no double bottom, t is measured to a point midway between the top of the floor at center and the top of the floor at side.

f_1 is a coefficient depending on H, which, in vessels fitted with double bottoms, is the vertical distance in feet from the middle of the beam bracket of the lowest tier of beams at side to a point midway between the top of the inner bottom at side and the top of the heel bracket (see fig. 43.15–17 (c) (7) (i)); where there is no double bottom, H is measured to a point midway between the top of the floor at center and the top of the floor at side. Where the frame obtains additional strength from the form of the vessel, due allowance is made in the value of f_1.

f_2 is a coefficient depending on K, which is the vertical distance in feet from the top of the lowest tier of beams at side to a point 7 feet 6 inches above the freeboard deck at side, or, if there is

[3] The provisions of §§ 43.01–1—43.01–100, inclusive, and §§ 43.05–1—43.10–100, inclusive, apply to all vessels and for steamers, are further supplemented by §§ 43.15–1—43.15–98, inclusive. Steamers taking advantage of special classifications, such as tankers, steamers carrying timber deck cargo, lumber schooners, etc., are also subject to these requirements except as specifically modified in their separate classifications as set forth in the regulations.

§ 43.15–35 Superstructure bulkheads.

(a) Bulkheads at exposed ends of poops, bridges, and forecastles are deemed to be of efficient construction where the assigning authority is satisfied that, in the circumstances, they are equivalent to the following standard for vessels with minimum freeboards under which standard the stiffeners and plating are of the scantlings given in Table 43.15–35(a), the stiffeners are spaced 30 inches apart, the stiffeners on poop and bridge front bulkheads have efficient end connections, and those on after bulkheads of bridges and forecastles extend for the whole distance between the margin angles of the bulkheads.

TABLE 43.15–35 (a)—EXPOSED BULKHEADS OF SUPERSTRUCTURES OF STANDARD HEIGHT

Bridge front bulkheads, unprotected bulkheads of poops $0.4L$ or more in length			Bulkheads of poops partially protected or less in length than $0.4L$			After bulkheads of bridges and forecastles		
Length of vessel	Bulb angle stiffeners		Length of vessel	Plain angle stiffeners		Length of vessel	Plain angle stiffeners	
Feet	*Inches*		*Feet*	*Inches*		*Feet*	*Inches*	
Under 160	5½ by 3 by 0.30.		Under 150	3 by 2½ by 0.30.		Under 150	2½ by 2½ by 0.26.	
160	6 by 3 by 0.32.		150	3½ by 2½ by 0.32.		150	3 by 2½ by 0.28.	
200	6½ by 3 by 0.34.		200	4 by 3 by 0.34.		250	3½ by 3 by 0.30.	
240	7 by 3 by 0.36.		250	4½ by 3 by 0.36.		350	4 by 3 by 0.32.	
280	7½ by 3 by 0.38.		300	5 by 3 by 0.38.				
320	8 by 3 by 0.40.		350	5½ by 3 by 0.42.				
360	8½ by 3 by 0.42.		400	6 by 3 by 0.44.				
400	9 by 3 by 0.44.		450	6½ by 3½ by 0.46.				
440	9½ by 3½ by 0.46.		500	7 by 3½ by 0.48.				
480	10 by 3½ by 0.48.		550	7 by 3½ by 0.50.				
520	10½ by 3½ by 0.50.							
560	11 by 3½ by 0.52.							

Length of vessel	Bulkhead plating[1]	Length of vessel	Bulkhead plating[1]	Length of vessel	Bulkhead plating[1]
Feet	*Inch*	*Feet*	*Inch*	*Feet*	*Inch*
200 and under	0.3	160 and under	0.24	160 and under	0.20
360 and above	.44	400 and above	.35	400 and above	.30

[1] For vessels intermediate in length the thicknesses of bulkhead plating are obtained by interpolation.

§ 43.15–37 Class 1 closing appliances.

(a) These appliances are of iron or steel, are in all cases to be permanently and strongly attached to the bulkhead, are framed, stiffened, and fitted so that the whole structure is of equivalent strength to the unpierced bulkhead, and are weathertight when closed. The means for securing these appliances are permanently attached to the bulkhead or to the appliances, and the latter are so arranged that they can be closed and secured from both sides of the bulkhead or from the deck above. The sills of the access openings are at least 15 inches above the deck.

§ 43.15–40 Class 2 closing appliances.

(a) These appliances are:

(1) Strongly framed hardwood hinged doors, which are not more than 30 inches wide nor less than 2 inches thick; or

(2) Shifting boards fitted for the full height of the opening in channels riveted to the bulkhead, the shifting boards being at least 2 inches thick where the width of opening is 30 inches or less, and increased in thickness at the rate of 1 inch for each additional 15 inches of width; or

(3) Portable plates of equal efficiency.

§ 43.15–43 Temporary closing appliances.

(a) Temporary closing appliances for middle line openings in the deck of an enclosed superstructure consist of

(1) A steel coaming not less than 9 inches in height efficiently riveted to the deck;

(2) Hatchway covers as required by §§ 43.10–15, secured by hemp lashings; and

(3) Hatchway supports as required by §§ 43.10–20, 43.10–25 and by Table 43.10–20 (a1) or 43.10–20 (a2).

§ 43.15–45 General, relative superstructures.

(a) Where exposed bulkheads of the ends of poops, bridges, and forecastles are not of efficient construction (see § 43.10–25), they are considered as nonexistent.

(b) Where in the side plating of a superstructure there is an opening not provided with permanent means of closing, the part of the superstructure in way of the opening is regarded as having no effective length.

(c) Where the height of a superstructure is less than the standard, its length is reduced in the ratio of the actual to the standard height. Where the height exceeds the standard, no increase is made in the length of the superstructure.

§ 43.15–47 Poop.

(a) Where there is an efficient bulkhead and the access openings are fitted with class 1 closing appliances (§ 43.15–37), the length to the bulkhead is effective. Where the access openings in an efficient bulkhead are fitted with class 2 closing appliances (§ 43.15–40) and the length to the bulkhead is $0.5L$ or less, 100 percent of that length is effective; where the length is $0.7L$ or more, 90 percent of that length is effective; where the length is between $0.5L$ and $0.7L$, an intermediate percentage of that length is effective; where an allowance is given for an efficient adjacent trunk (see § 43.15–57), 90 percent of the length to the bulkhead is to be taken as effective; 50 percent of the length of an open poop or of an open extension beyond an efficient bulkhead is effective.

§ 43.15–50 Raised quarter-deck.

(a) Where there is an efficient intact bulkhead, the length to the bulkhead is effective. Where the bulkhead is not intact, the superstructure is considered as a poop of less than standard height.

§ 43.15–53 Bridge.

(a) Where there is an efficient bulkhead at each end, and the access openings in the bulkheads are fitted with class 1 closing appliances, the length between the bulkheads is effective.

(b) Where the access openings in the forward bulkhead are fitted with class 1 closing appliances and the access openings in the after bulkhead with class 2 closing appliances, the length between the bulkheads is effective; where an allowance is given for an efficient trunk, adjacent to the after bulkhead (see § 43.15–57), 90 percent of the length is effective. Where the access openings in both bulkheads are fitted with class 2 closing appliances, 90 percent of the length between the bulkheads is effective. Where the access openings in the forward bulkhead are fitted with class 1 or class 2 closing appliances and the access openings in the after bulkhead have no closing appliances, 75 percent of the length between the bulkheads is effective. Where the access openings in both bulkheads have no closing appliances, 50 percent of the length is effective; 75 percent of the length of an open extension beyond the after bulkhead and 50 percent of that beyond the forward bulkhead are effective.

CROSS REFERENCE: For class 1 and class 2 closing appliances, see §§ 43.15–37, 43.15–40.

§ 43.15–55 Forecastle.

(a) Where there is an efficient bulkhead and the access openings are fitted with class 1 or class 2 closing appliances, the length to the bulkhead is effective. Where no closing appliances are fitted and the sheer forward of amidships is not less than the standard sheer, 100 percent of the length of the forecastle forward of $0.1L$ from the forward perpendicular is effective; where the sheer forward is half the standard sheer or less, 50 percent of that length is effective; and where the sheer forward is intermediate between the standard and half the standard sheer, an intermediate percentage of that length is effective; 50 percent of the length of an open extension beyond the bulkhead or beyond $0.1L$ from the forward perpendicular is effective.

CROSS REFERENCE: For class 1 and class 2 closing appliances, see §§ 43.15–37, 43.15–40.

§ 43.15–57 Trunk.

(a) A trunk or similar structure which does not extend to the sides of the vessel is regarded as efficient: *Provided*, That:

(1) The trunk is at least as strong as a superstructure.

(2) The hatchways are in the trunk deck, and comply with the requirements of §§ 43.10–1—43.10–45 and the width of the trunk deck stringer provides a satisfactory gangway and sufficient lateral stiffness.

(3) A permanent working platform fore and aft fitted with guardrails is provided by the trunk deck, or by detached trunks connected to other superstructures by efficient permanent gangways.

(4) Ventilators are protected by the trunk, by watertight covers or by equivalent means.

(5) Open rails are fitted on the weather portions of the freeboard deck in way of the trunk for at least half their length.

(6) The machinery casings are protected by the trunk, by a superstructure of standard height or by a deckhouse of the same height and of equivalent strength.

(b) Where access openings in poop and bridge bulkheads are fitted with class 1 closing appliances, 100 percent of the length of an efficient trunk reduced in the ratio of its mean breadth to B is added to the effective length of the superstructures. Where the access openings in these bulkheads are not fitted with class 1 closing appliances 90 percent is added.

(c) The standard height of a trunk is the standard height of a bridge.

(d) Where the height of the trunk is less than the standard height of a bridge, the addition is reduced in the ratio of the actual to the standard height; where the height of hatchway coamings on the trunk deck is less than the standard height of coamings (see § 43.10–10), a reduction from the actual height of trunk is to be made which corresponds to the difference between the actual and the standard height of coamings.

§ 43.15–60 Enclosed superstructure with middle line openings in the deck not provided with permanent means of closing.

(a) Where there is an enclosed superstructure with one or more middle line openings in the deck not provided with permanent means of closing (see §§ 43.10–1—43.10–45), the effective length of the superstructure is determined as follows:

(1) Where efficient temporary closing appliances are not provided for the middle line deck openings (see § 43.15–43), or the breadth of openings is 80 percent or more of the breadth B, of the superstructure deck at the middle of the opening, the vessel is considered as having an open well in way of each opening, and freeing ports are to be provided in way of this well. The effective length of superstructure between openings is governed by §§ 43.15–47, 43.15–53, 43.15–55.

(2) Where efficient temporary closing appliances are provided for middle line deck openings, and the breadth of openings is less than $0.8B$, the effective length is governed by §§ 43.15–47, 43.15–53, 43.15–55, except that where access openings in between deck bulkheads are closed by class 2 closing appliances, they are regarded as being closed by class 1 closing appliances in determining the effective length. The total effective length is obtained by adding to the length determined by subparagraph (1) of this paragraph the difference between this length and the length of the vessel modified in the ratio of

$$\frac{B_1-b}{B_1} \text{ where } b=\text{breadth of deck opening}$$

where

$$\frac{B_1-b}{B_1} \text{ is greater than 0.5, it is taken as 0.5}$$

§ 43.15–63 Deductions for superstructures.

(a) Where the effective length of superstructures is $1.0L$, the deduction from the freeboard is 14 inches at 80 feet length of vessels, 34 inches at 280 feet length, and 42 inches at 400 feet length and above; deductions at intermediate lengths are obtained by interpolation. Where the total effective length of superstructures is less than $1.0L$ the deduction is a percentage obtained from Table 43.15–63(a):

TABLE 43.15–17 (c) (7) (i)

Intermediate values are obtained by interpolation.

$l/$ in feet	0	7	9	11	13	15	17	19	21	23	25
l_1	0	11	12.5	15	19	24	30.5	38	49	51	59
K in feet	0	0.5	1.0	2.0	3.0	4.5	6.5	9.0	12.0		

a superstructure, to a point 12 feet 6 inches above the freeboard deck at side. (See fig. 43.15–17 (c) (7) (i).) The values of l_1 and l, are obtained from Table 43.15–17 (c) (7) (i).

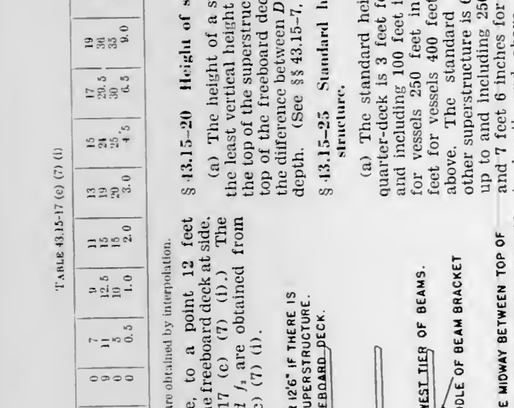


FIGURE 43.15–17 (c) (7) (i)

(ii) This formula applies where D is between 15 feet and 60 feet, both inclusive, B is between

$$\frac{L}{10}+5 \text{ and } \frac{L}{10}+20, \text{ both inclusive, } \frac{L}{D}$$

is between 10 and 13.5, both inclusive, and the horizontal distance from the outside of the frame to the center of the first row of pillars does not exceed 20 feet.

(iii) In single-deck vessels of ordinary form, where H does not exceed 18 feet, the frame modulus determined by the preceding method is multiplied by the factor f_1 where

$$f_1=0.50+0.05\ (H-8) \qquad (3)$$

(iv) Where the horizontal distance from the outside of the frame to the center of the first row of pillars exceeds 20 feet, the assigning authority is to be satisfied that sufficient additional strength is provided.

TABLE 43.15-63(a)—TOTAL EFFECTIVE LENGTH OF SUPERSTRUCTURES (E)

Superstructures	0	0.1L	0.2L	0.3L	0.4L	0.5L	0.6L	0.7L	0.8L	0.9L	1.0L	Line
	Per-cent	Per-cent	Per-cent	Per-cent	Per-cent	Per-cent	Per-cent	Per-cent	Per-cent	Per-cent	Per-cent	
All types with forecastle and without detached bridge	0	5	10	15	23.5	32	46	63	75.3	87.7	100	A
All types with forecastle and detached bridge [1]	0	6.3	12.7	19	27.5	36	46	63	75.3	87.7	100	B

[1] Where the effective length of a detached bridge is less than 0.2L the percentages are obtained by interpolation between lines B and A. Where no forecastle is fitted the above percentages are reduced by 5. Percentages for intermediate lengths of superstructures are obtained by interpolation.

§ 43.15–65 Sheer, general.

(a) The sheer is measured from the deck at side to a line of reference drawn parallel to the keel through the sheer line at amidships.

(b) In vessels designed to trim by the stern in service, the sheer may be measured in relation to the load line, provided an additional mark is placed at 0.25 *L* forward of amidships to indicate the assigned load line. This mark is to be similar to the load line disk amidships.

(c) In flush deck vessels and in vessels with detached superstructures the sheer is measured at the freeboard deck.

(d) In vessels with topsides of unusual form in which there is a step or break in the topsides, the sheer is considered in relation to the equivalent depth amidships. (See § 43.15–15.)

(e) In vessels with a superstructure of standard height which extends over the whole length of the freeboard deck, the sheer is measured at the superstructure deck; where the height exceeds the standard, the sheer may be considered in relation to the standard height.

(f) Where a superstructure is intact or access openings in its inclosing bulkheads are fitted with class 1 closing appliances (§ 43.15–37), and the superstructure deck has at least the same sheer as the exposed freeboard deck, the sheer of the enclosed portion of the freeboard deck is not taken into account.

§ 43.15–67 Standard sheer profile.

(a) The ordinates (in inches) of the standard sheer profile are given in Table 43.15–67 (a), where *L* is the number of feet in the length of the vessel.

TABLE 43.15-67 (a)

Station	Ordinate	Factor
A. P.[1]	0.1 *L*+10	1
1/6 L from A. P.	.0445*L*+ 4.45	4
1/3 L from A. P.	.011 *L*+ 1.1	2
Amidships	0	4
1/3 L from F. P.[2]	.022 *L*+ 2.2	2
1/6 L from F. P.	.089 *L*+ 8.9	4
F. P.	.2 *L*+20	1

[1] A. P.=After end of summer load waterline.
[2] F. P.=Fore end of summer load waterline.

§ 43.15–70 Measurement of variations from standard sheer profile.

(a) Where the sheer profile differs from the standard, the 7 ordinates of each profile are multiplied by the appropriate factors given in the table of ordinates. The difference between the sums of the respective products, divided by 18, measures the deficiency or excess of sheer. Where the after half of the sheer profile is greater than the standard and the forward half is less than the standard, no credit is allowed for the part in excess and the deficiency only is measured.

(b) Where the forward half of the sheer profile exceeds the standard, and the after portion of the sheer profile is not less than 75 percent of the standard, credit is allowed for the part in excess; where the after part is less than 50 percent of the standard no credit is given for the excess sheer forward. Where the after sheer is between 50 percent and 75 percent of the standard, intermediate allowances may be granted for excess sheer forward.

§ 43.15–73 Correction for variations from standard sheer profile.

(a) The correction for sheer is the deficiency or excess of sheer (see § 43.15–70(a)) multiplied by $0.75-\frac{S}{2L}$ where S is the total length of superstructure, as defined in § 43.15–27.

§ 43.15–75 Addition for deficiency in sheer.

Where the sheer is less than the standard, the correction for deficiency in sheer (see § 43.15–73) is added to the freeboard.

§ 43.15–77 Deduction for excess sheer.

(a) In flush deck vessels and in vessels where an enclosed superstructure covers 0.1 *L* before and 0.1 *L* abaft amidships, the correction for excess of sheer (see § 43.15–73) is deducted from the freeboard; in vessels with detached superstructures where no enclosed superstructure covers amidships, no deduction is made from the freeboard; where an enclosed superstructure covers less than 0.1 *L* before and 0.1 *L* abaft amidships, the deduction is obtained by interpolation. The maximum deduction for excess sheer is 1½ inches at 100 feet and increases at the rate of 1½ inches for each additional 100 feet in the length of the vessel.

§ 43.15–80 Standard round of beam.

(a) The standard round of beam of the freeboard deck is one-fiftieth of the breadth of the vessel.

§ 43.15–83 Round of beam correction.

(a) Where the round of beam of the freeboard deck is greater or less than the standard, the freeboard is decreased or increased respectively by one-fourth of the difference between the actual and the standard round of beam, multiplied by the proportion of the length of the freeboard deck not covered by enclosed superstructures. Twice the standard round of beam is the maximum for which allowance is given.

§ 43.15–85 Summer freeboard.

(a) The minimum freeboard in summer is the freeboard derived from the freeboard table after corrections for departures from the standards and after deduction for superstructures. The freeboard in salt water measured from the intersection of the upper surface of the freeboard deck with the outer surface of the shell is not to be less than 2 inches.

§ 43.15–87 Tropical freeboard.

(a) Except as provided in paragraph (b) of this section, the minimum freeboard in the tropical zone is the freeboard obtained by a deduction from the summer freeboard of one-fourth inch per foot of summer draft measured from the top of the keel to the center of the disk. The freeboard in salt water measured from the intersection of the upper surface of the freeboard deck with the outer surface of the shell is not to be less than 2 inches.

(b) For vessels 400 feet and above in length engaged in coastwise voyages, the area on the west coast of the United States eastward of a rhumb line from the point 30° N. latitude, 120° W. longitude to the point 33° N. latitude, 123° W. longitude, and a line thence along the meridian 123° W. longitude to its intersection with land at 38° N. latitude shall be considered an extension of the seasonal tropical zone as defined in § 43.40–1(f)(5)(ii), and the minimum freeboard is determined as in paragraph (a) of this section. For vessels above 300 feet and up to 400 feet in length engaged in coastwise voyages the minimum freeboard in this area during the tropical seasons is the freeboard obtained by deduction from the summer freeboard of $\left(\frac{L}{400}-0.75\right)$ inch per foot of summer draft, and it shall be noted on the coastwise load line certificate when this provision has been applied. The freeboard in salt water measured from the intersection of the upper surface of the freeboard deck with the outer surface of the shell is not to be less than 2 inches.

§ 43.15–90 Winter freeboard.

(a) Except as provided in paragraph (b) of this section, the minimum freeboard in winter is the freeboard obtained by an addition to the summer freeboard of one-fourth inch per foot of summer draft, measured from the top of the keel to the center of the disk.

(b) For vessels 400 feet and above in length engaged in coastwise voyages, the area on the east coast of the United States west of a line drawn south along the meridian at 68°30′ W. longitude from where it intersects the coast to 40° N. latitude, thence along a rhumb line to the point 36° N. latitude, 73° W. longitude shall be considered an extension of the summer zone and the minimum freeboard shall be the summer freeboard. For vessels above 300 feet and up to 400 feet in length engaged in coastwise voyages the minimum freeboard, when in this area, in winter, is the freeboard obtained by an addition to the summer freeboard of $\left(1.00-\frac{L}{400}\right)$ inch per foot of summer draft, and it shall be noted on the coastwise load line certificate when this provision has been applied.

§ 43.15–93 Winter North Atlantic freeboard.

(a) The minimum freeboard for vessels not exceeding 330 feet in length on voyages across the North Atlantic from a port or place of departure north of latitude 36° N. to a port or place of arrival north of latitude 36° N., regardless of the route of the vessel while it is in either of the northern seasonal winter zones during the winter season, shall be the winter freeboard plus 2 inches. For vessels over 330 feet in length it is the winter freeboard.

§ 43.15–95 Fresh-water freeboard.

(a) The minimum freeboard in fresh water of unit density is the freeboard obtained by deducting from the minimum freeboard in salt water $\frac{\Delta}{40T}$ inches, where

Δ=displacement in salt water in tons at the summer load waterline, and T=tons per inch immersion in salt water at the summer load waterline.

(b) Where the displacement at the summer load waterline cannot be certified, the deduction is to be one-fourth inch per foot of summer draft, measured from the top of the keel to the center of the disk.

§ 43.15–97 Freeboard table for steamers.

(a) Table 43.15–97(a) gives the basic minimum summer freeboard for steamers which comply with the standards in this part.

TABLE 43.15-97 (a)—BASIC MINIMUM SUMMER FREEBOARD FOR STEAMERS

L (feet)	Freeboard (inches)	L (feet)	Freeboard (inches)
80	8.0	550	116.4
90	9.0	560	119.1
100	10.0	570	121.8
110	11.0	580	124.4
120	12.0	590	127.0
130	13.0	600	129.5
140	14.2	610	132.0
150	15.5	620	134.4
160	16.9	630	136.8
170	18.3	640	139.1
180	19.8	650	141.4
190	21.4	660	143.7
200	23.1	670	145.9
210	24.8	680	148.1
220	26.6	690	150.2
230	28.5	700	152.3
240	30.3	710	154.4
250	32.3	720	156.4
260	34.4	730	158.5
270	36.5	740	160.5
280	38.7	750	162.5
290	41.0	760	164.4
300	43.4	770	166.3
310	45.9	780	168.2
320	48.4	790	170.1
330	51.0	800	172.0
340	53.7	810	173.8
350	56.5	820	175.6
360	59.4	830	177.4
370	62.4	840	179.2
380	65.4	850	180.9
390	68.4	860	182.6
400	71.5	870	184.3
410	74.6	880	186.0
420	77.8	890	187.7
430	80.9	900	189.3
440	84.0	910	190.9
450	87.1	920	192.5
460	90.2	930	194.1
470	93.3	940	195.7
480	96.3	950	197.3
490	99.3	960	198.9
500	102.3	970	200.4
510	105.2	980	201.9
520	108.1	990	203.4
530	110.9	1,000	204.9
540	113.7	(1)	(1)

[1] Vessels above 1,000 feet are to be dealt with by the administration.

(b) The minimum freeboards for flush deck steamers are obtained by an addition to Table 43.15–97 (a) at the rate of 1½ inches for every 100 feet of length.

(c) The freeboards at intermediate lengths are obtained by interpolation.

(d) Where c exceeds 0.68, the freeboard is multiplied by the factor

$$\frac{c+0.68}{1.36} \quad (1)$$

(e) Where D exceeds $\frac{L}{15}$ the freeboard is increased by $\left(D-\frac{L}{15}\right)R$ inches, where R is $\frac{L}{130}$ at lengths less than 390 feet, and 3 at 390 feet length and above.

(f) In a vessel with an enclosed superstructure covering at least 0.6*L* amidships with a complete trunk or with a combination of intact partial superstructures and trunk which extends all fore and aft, where D is less than $\frac{L}{15}$ the freeboard is reduced at the above rate.

(1) Where the height of superstructures or trunk is less than the standard height, the reduction is in the ratio of the actual to the standard height.

(2) Where the actual depth to the surface of the freeboard deck amidships is greater or less than D, the difference between the depths (in inches) is added to or deducted from the freeboard.

§ 43.15–98 Reduced freeboards for steamers having superior design and operational features, and engaged on United States coastwise and/or intercoastal voyages.

(a) Subject to compliance with the additional conditions in paragraph (b) of this section but otherwise in accordance with the usual conditions of assignment, the freeboards of steamers over 370 feet in length, engaged in U.S. coastwise and/or intercoastal voyages, may be computed from the lesser tabular values given by the Table 43.15–98(a) in lieu of those given by Table 43.15–97(a).

TABLE 43.15-98(a)—REDUCED BASIC MINIMUM SUMMER FREEBOARDS FOR STEAMERS ON UNITED STATES COASTWISE AND/OR INTERCOASTAL VOYAGES

L (feet)	Freeboard inches	L (feet)	Freeboard inches
370	62.4	640	126.1
380	64.8	650	128.1
390	67.2	660	130.0
400	69.6	670	131.8
410	72.0	680	133.6
420	74.5	690	135.4
430	77.1	700	137.1
440	79.7	710	138.8
450	82.3	720	140.5
460	84.9	730	142.2
470	87.5	740	143.8
480	90.0	750	145.4
490	92.5	760	146.9
500	95.0	770	148.4
510	97.5	780	149.9
520	99.9	790	151.4
530	102.3	800	152.8
540	104.7	810	154.2
550	107.0	830	155.6
560	109.3	830	157.0
570	111.5	840	158.3
580	113.7	850	159.6
590	115.9	860	160.9
600	118.0	870	162.2
610	120.1	880	163.5
620	122.1	890	164.8
630	124.1	900	166.1
640	126.1	910	167.3
650	128.1	920	168.5
660	130.0	930	169.7
670	131.8	940	170.9
680	133.6	950	172.1
690	135.4	960	173.3
700	137.1	970	174.4
710	138.8	980	175.5
720	140.5	990	176.6
730	142.2	1000	177.6
740	143.8	(1)	(1)
750	145.4		
760	146.9		
770	148.4		
780	149.9		
790	151.4		
800	152.8		
810	154.2		
830	155.6		
830	157.0		
840	158.3		
850	159.6		
860	160.9		
870	162.2		
880	163.5		
890	164.8		
900	166.1		

[1] Vessels above 1,000 feet are to be dealt with by the administration.

(b) In order to be eligible for the reduced freeboards permitted by this section, vessels shall comply with the following supplementary conditions:

(1) Weather deck hatch covers shall be of steel construction, sealed watertight, without need for tarpaulins, as provided by § 43.10–5(b). Associated hatch coamings shall be at least of standard height, as provided by § 43.10–10.

(2) Vessels shall be fitted with forecastles having an efficient bulkhead with effective Class 1 or Class 2 closing appliances. Forecastles of standard height or greater shall extend for at least 0.07L. If a forecastle is of less than standard height, but not less than 5.5 feet in height, the product of its length and height, in feet squared, shall be at least equal to 0.50L+50 times the deficiency in height in feet. Forecastles may not be less than 5.5 feet in height for credit under this subparagraph.

(3) Alternatively, vessels not having creditable forecastles but having sufficient excess sheer forward, are eligible for these reduced freeboards. For this purpose the sheer in inches at ⅙L from the forward perpendicular shall be at least 0.089L+8.9+⅘ times the difference between the tabular freeboard obtained from Table 43.15–97(a) and that obtained from Table 43.15–98(a). Similarly, the sheer at the forward perpendicular shall be at least 0.2L+20 plus the difference between the tabular freeboards obtained from Tables 43.15–97(a) and 43.15–98(a).

(4) Vessels shall be subdivided and shall be operated with sufficient stability to maintain a one compartment standard of watertight subdivision and damage stability at drafts up to and including the resulting load draft. For determining compliance with this requirement, the specific standards laid down in Parts 73 and 74 of Subchapter H (Passenger Vessels) of this chapter, as they apply to a required factor of subdivision of 1.0, shall be used, with the exception however, that the cargo space permeabilities specified by §§ 73.10–5(c) and 74.10–15(c) of this chapter shall be suitably increased when the vessel is particularly engaged in the carriage of cargoes which result in a higher value. The related plans, calculations and data, including the stability instructions called for by Subpart 74.20, shall be submitted to the Commandant (MMT), who will then advise the American Bureau of Shipping, or other authorized assigning authority, as to the final acceptability of the subdivision at the proposed draft.

(5) Vessels shall be structurally suitable for the resulting load draft.

Subpart 43.20—Load Lines for Sailing Vessels [4]

§ 43.20–1 Lines to be used on sailing vessels in connection with the disk.

(a) Winter and tropical load lines are not marked on sailing vessels. The maximum load lines to which sailing vessels may be laden in salt water in winter and in the tropical zone is the center of the disk. (See fig. 43.20–1 (a).)

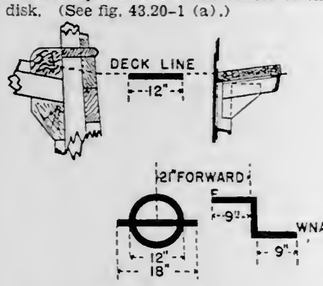


FIGURE 43.20–1 (a)

§ 43.20–5 Conditions of assignment of sailing vessel load lines.

(a) The conditions of assignment for sailing vessels are those contained in §§ 43.10–1—43.10–100.

§ 43.20–10 Computation of freeboard, sailing vessels.

(a) Freeboards are computed from the freeboard table for sailing vessels in the same manner as the freeboards for steamers are computed from the freeboard table for steamers, except as provided by §§ 43.20–15—43.20–45.

§ 43.20–15 Depth for freeboard, sailing vessels (D).

(a) In sailing vessels having a greater rate of rise of floor than 1½ inches per foot, the vertical distance from the top of keel (§ 43.15–7) is reduced by half the difference between the total rise of floor at the half breadth of the vessel and the total rise of 1½ inches per foot; 2½ inches per foot of half breadth is the maximum rate of rise for which a deduction is made.

(b) Where the form at the lower part of the midship section is of a hollow character, or thick garboards are fitted, the depth is measured from the point where the line of the flat of the bottom continued inwards cuts the side of the keel.

(c) The depth used with the freeboard table is to be taken as not less than $\frac{L}{12}$.

[4] The provisions of §§ 43.01–1—43.01–100 and 43.05–1—43.15–97, inclusive, apply to sailing vessels, except as modified by §§ 43.20–1—43.20–45, inclusive.

§ 43.20–20 Coefficient of fineness, sailing vessels (c).

(a) The coefficient used with the freeboard table for sailing vessels is to be taken as not less than 0.62 and not greater than 0.72.

§ 43.20–25 Superstructures in wood sailing vessels.

(a) In wood sailing vessels the construction and closing arrangements of superstructures for which deductions are made from the freeboard are to be to the satisfaction of the assigning authority.

TABLE 43.20–30 (a)—TOTAL EFFECTIVE LENGTH OF SUPERSTRUCTURES (E)

Type of superstructures	0	0.1*L*	0.2*L*	0.3*L*	0.4*L*	0.5*L*	0.6*L*	0.7*L*	0.8*L*	0.9*L*	1.0*L*	Line
	Per-cent	*Per-cent*	*Per-cent*	*Per-cent*	*Per-cent*	*Per-cent*	*Per-cent*	*Per-cent*	*Per-cent*	*Per-cent*	*Per-cent*	
All types without bridge	0	7	13	17	23.5	30	47½	70	80	90	100	A
All types with bridge [1]	0	7	14.7	22	32	42	56	70	80	90	100	B

[1] Where the effective length of bridge is less than 0.2*L*, the percentages are obtained by interpolation between lines B and A. Percentages for intermediate lengths of superstructures are obtained by interpolation.

§ 43.20–30 Deductions for sailing vessel superstructures.

(a) Where the effective length of superstructures on sailing vessels is 1.0*L*, the deduction from the freeboard is 3 inches at 80 feet length of vessel, and 28 inches at 330 feet length and above; deductions in intermediate lengths are obtained by interpolation. Where the total effective length of superstructures is less than 1.0*L*, the deduction is a percentage obtained from Table 43.20–30 (a).

§ 43.20–35 Minimum freeboards for sailing vessels.

(a) No addition to the freeboard is required for winter freeboard, nor is a deduction permitted for tropical freeboard.

(b) An increase in freeboard of 3 inches is made for voyages across the North Atlantic north of latitude 36° N. during the winter months.

(c) In computing the fresh water freeboard for a wood vessel, the draft is measured from the lower edge of the rabbet of keel to the center of the disk.

§ 43.20–40 Freeboard table for sailing vessels.

(a) Table 43.20–40(a) gives the basic minimum summer, winter, and tropical freeboards for iron and steel flush deck sailing vessels, which comply with the standards in this part.

TABLE 43.20–40 (a)—MINIMUM SUMMER, WINTER, AND TROPICAL FREEBOARDS FOR IRON AND STEEL FLUSH DECK SAILING VESSELS

L (feet)	Freeboard	*L* (feet)	Freeboard	*L* (feet)	Freeboard
	Inches		*Inches*		*Inches*
80	9.2	170	28.2	260	50.8
90	11.0	180	30.6	270	53.5
100	12.9	190	33.0	280	56.3
110	14.9	200	35.4	290	59.1
120	17.0	210	37.9	300	61.9
130	19.1	220	40.4	310	64.7
140	21.3	230	42.9	320	67.6
150	23.6	240	45.5	330	70.5
160	25.8	250	48.1		

(b) The freeboards at intermediate lengths are obtained by interpolation.

(c) Where c exceeds 0.62 the freeboard is multiplied by the factor

$$\frac{c+0.62}{1.24} \quad (1)$$

(d) Where *D* exceeds $\frac{L}{12}$ the freeboard is increased by

$$\left(D-\frac{L}{12}\right)\times\left(1+\frac{L}{250}\right) \text{ inches.} \quad (2)$$

(e) Where the actual depth to the surface of the freeboard deck amidships is greater or less than *D*, the difference between the depths (in inches) is added to or deducted from the freeboard.

§ 43.20–45 Freeboard for wood sailing vessels.

(a) The freeboard for a wood sailing vessel is the final freeboard the vessel would obtain if she were of iron or steel, with the addition of such penalties as the assigning authority may determine, having regard to the classification, construction, age, and condition of the vessel.

Subpart 43.25—Load Lines for Steamers Carrying Timber Deck Cargoes [5]

§ 43.25–1 Definitions.

(a) *Timber deck cargo.* The term "timber deck cargo" means a cargo of timber carried on an uncovered part of a freeboard or superstructure deck. The term does not include wood pulp or similar cargo.

(b) *Timber load line.* A timber load line is a special load line to be used only when the vessel is carrying a timber deck cargo in compliance with the requirements in this subpart.

§ 43.25–5 Marks on the vessel's sides; timber cargo; timber load lines.

(a) The lines which indicate the maximum timber load lines in different circumstances and at different seasons are to be horizontal lines, 9 inches in length and 1 inch in breadth, which extend from and are at right angles to, a vertical line marked 21 inches abaft the center of the disk. (See fig. 43.25–5(a).) They are to be marked and verified similarly

[5] The provisions of §§ 43.01–1—43.01–100, inclusive, and §§ 43.05–1—43.15–97, inclusive, also apply to steamers marked to carry timber deck cargoes except as they are modified by §§ 43.25–1—43.30–5, inclusive.

to the ordinary load lines. (See §§ 43.05–20—43.05–30.)

(b) The summer timber load line is indicated by the upper edge of a line marked "*LS.*"

(c) The winter timber load line is indicated by the upper edge of a line marked "*LW.*"

(d) The winter North Atlantic timber load line is indicated by the upper edge of a line marked "*LWNA.*"

(e) The tropical timber load line is indicated by the upper edge of a line marked "*LT.*"

(f) The fresh water timber load line in summer is indicated by the upper edge of a line marked "*LF.*" The difference between the fresh water timber load line in summer and the summer timber load line is the allowance to be made for loading in fresh water at the other timber load lines. The fresh water timber load line in the tropical zone is

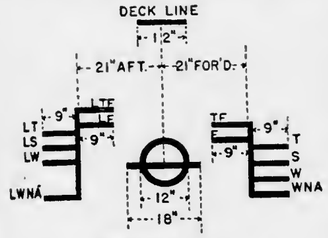


FIGURE 43.25–5 (a)

indicated by the upper edge of a line marked "LTF." [6]

§ 43.25–10 Construction of vessel; timber cargo.

(a) The structure of the vessel is to be of sufficient strength for the deeper draft allowed and for the weight of the deck cargo.

§ 43.25–15 Superstructures; timber cargo.

(a) The vessel is to have a forecastle of at least standard height and at least 7 percent of the length of the vessel, and, in addition, a poop, or a raised quarter deck with a strong steel hood or deckhouse fitted aft.

§ 43.25–20 Machinery casings; timber cargo.

(a) Machinery casings on the freeboard deck are to be protected by a superstructure of at least standard height, unless the machinery casings are of sufficient strength and height to permit of the carriage of timber alongside.

§ 43.25–25 Double bottom tanks; timber cargo.

(a) Double bottom tanks where fitted within the midship half length of the vessel are to have adequate longitudinal subdivision.

[6] Where seagoing steamers navigate a river or inland water, deeper loading is permitted corresponding to the weight of fuel, etc., required for consumption between the point of departure and the open sea.

§ 43.25–30 Bulwarks; timber cargo.

(a) The vessel must be fitted either with permanent bulwarks at least 3 feet 3 inches high, specially stiffened on the upper edge and supported by strong bulwark stays attached to the deck in the way of the beams and provided with necessary freeing ports or with efficient rails of the same height as the above and of specially strong construction.

§ 43.25–35 Deck openings covered by timber deck cargo.

(a) Openings to spaces below the freeboard deck are to be securely closed and battened down. All fittings, such as hatchway beams fore-and-afters, and covers are to be in place. Where hold ventilation is needed, the ventilators are to be efficiently protected.

§ 43.25–40 Stowage; timber cargo.

(a) The wells on the freeboard deck are to be filled with timber stowed as solidly as possible, to at least the standard height of a bridge.

(b) On a vessel within a seasonal winter zone in winter, the height of the deck cargo above the freeboard deck is not to exceed one-third of the extreme breadth of the vessel.

(c) All timber deck cargo is to be compactly stowed, lashed, and secured. It must not interfere in any way with the navigation and necessary work of the vessel, or with the provision of a safe margin of stability at all stages of the voyage, regard being given to additions of weight, such as those due to absorption of water and to losses of weight such as those due to consumption of fuel and stores.

§ 43.25–45 Protection of crew, access to machinery space; timber cargo.

(a) Safe and satisfactory access to the quarters of the crew, to the machinery space, and to all other parts used in the necessary work of the vessel is to be available at all times. Deck cargo in way of openings which give access to such parts is to be so stowed that the openings can be properly closed and secured against the admission of water. Efficient protection for the crew in the form of guardrails, or lifelines, spaced not more than 12 inches apart vertically, is to be provided on each side of the deck cargo to a height of at least 4 feet above the cargo. The cargo is to be made sufficiently level for gangway purposes.

§ 43.25–50 Steering arrangements; timber cargo.

(a) Steering arrangements are to be effectively protected from damage by cargo and, as far as practicable, are to be accessible. Efficient provision is to be made for steering in the event of a breakdown in the main steering arrangements.

§ 43.25–55 Uprights; timber cargo.

(a) Uprights, when required by the nature of the timber, are to be of adequate strength and may be of wood or metal; the spacing is to be suitable for the length and character of timber carried, but is not to exceed 10 feet. Strong angles or metal sockets efficiently secured to the stringer plate or equally efficient means are to be provided for securing the uprights.

§ 43.25–60 Lashings; timber cargo.

(a) Timber deck cargo is to be efficiently secured throughout its length by independent overall lashings spaced not more than 10 feet apart.

(b) Eye plates for these lashings are to be riveted to the sheer strake at intervals of not more than 10 feet, the distance from an end bulkhead of a superstructure to the first eye plate being not more than 6 feet 6 inches. Additional eye plates may be fitted on the stringer plate.

(c) Overall lashings are to be in good condition and are to be not less than three-fourths inch close link chain or flexible wire rope of equivalent strength, fitted with sliphooks and stretching screws, which are to be accessible at all times. Wire rope lashings are to have a short length of long link chain to permit the length of lashings to be regulated.

(d) When timber is in lengths less than 12 feet, the spacing of the lashings is to be reduced to suit the length of timber or other suitable provision made.

(e) When the spacing of the lashings is 5 feet or less, the size of the lashing may be reduced, but not less than one-half inch chain or equivalent wire rope is to be used.

(f) All fittings required for securing the lashings are to be of strength corresponding to the strength of the lashings.

(g) On superstructure decks, uprights, where fitted, are to be about 10 feet apart and are to be secured by athwartship lashings of ample strength.

§ 43.25–65 Plans; timber cargo.

(a) Plans showing the fittings and arrangements for stowing and securing timber deck cargoes in compliance with the foregoing conditions and §§ 43.25–1—43.25–60 are to be submitted to the assigning authority.

§ 43.25–70 Computation of freeboard; timber cargo.

(a) Where the assigning authority is satisfied that the vessel is suitable and that the conditions and arrangements are at least equal to the foregoing requirements for the carriage of timber deck cargo, the summer freeboards computed in accordance with the rules and tables in §§ 43.15–1—43.15–97, may be modified to give special timber freeboards by substituting the following percentages for those in § 43.15–63:

TABLE 43.25–70 (a)—TOTAL EFFECTIVE LENGTH OF SUPERSTRUCTURES

	0	0.1*L*	0.2*L*	0.3*L*	0.4*L*	0.5*L*	0.6*L*	0.7*L*	0.8*L*	0.9*L*	1.0*L*
	Percent	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
All types	20	30.75	41.5	52.25	63	69.25	75.5	81.5	87.5	93.75	100

(b) The winter timber freeboard is to be obtained by adding to the summer timber freeboard one-third of an inch per foot of the molded summer timber draft.

(c) The winter North Atlantic timber freeboards are the winter North Atlantic freeboards prescribed in § 43.15–93.

(d) The tropical timber freeboard is to be obtained by deducting from the summer timber freeboard one-quarter of an inch per foot of the molded summer timber draft.

CROSS REFERENCE: For requirements for the carriage of timber deck cargo, see §§ 43.25–1—43.25–65.

Subpart 43.30—Load Lines for Tankers [7]

NOTE: The term "tanker" includes all steamers specially constructed for the carriage of liquid cargoes in bulk.

§ 43.30–1 Tanker load line markings.

(a) Tankers assigned load lines computed in accordance with Table 43.30–70 (a) (valid for both United States' domestic and international voyages) shall be marked as provided by §§ 43.05–5 to 43.05–30, inclusive, and as shown in Figure 43.05–5(a).

(b) Tankers assigned load lines computed in accordance with Table 43.30–75 (a) (valid only for United States coastwise and/or intercoastal voyages) shall be marked abaft the disk as shown in Figure 43.05–15(d).

(c) Tankers marked in accordance with paragraph (b) of this section but which may also engage in foreign voyages may carry both the markings called for by paragraphs (a) and (b) of this section when on United States coastwise and/or intercoastal voyages, except that, in such cases, the line through the center of the disk shall correspond to the summer load line computed in accordance with Table 43.30–70(a). Tankers departing on foreign voyages shall only bear the marks forward of the disk called for by paragraph (a) of this section.

§ 43.30–5 Construction of tanker.

(a) The structure of the vessel is to be of sufficient strength for the increased draft corresponding to the freeboard assigned.

§ 43.30–10 Forecastle; tanker.

(a) The vessel is to have a forecastle of which the length is not less than 7 percent of the length of the vessel and the height is not less than the standard height.

§ 43.30–15 Machinery casings; tanker.

(a) The openings in machinery casings on the freeboard deck are to be fitted with steel doors. The casings are to be protected by an enclosed poop or bridge of at least standard height or by a deckhouse of equal height and of equivalent strength. The bulkheads at the ends of these structures are to be of the scantlings required for bridge front bulkheads. All entrances to the structures from the freeboard deck at to be fitted with effective closing appliances and the sills are to be at least 18 inches above the deck. Exposed machinery casings on the superstructure deck are to be of substantial construction, and all openings in them are to be fitted with steel closing appliances permanently attached to the casings and capable of being closed and secured from both sides; the sills of such openings are to be at least 15 inches above the deck. Fiddley openings are to be as high above the superstructure deck as is reasonable and practicable and are to have strong steel covers permanently attached in their proper positions.

§ 43.30–20 Gangway; tanker.

(a) An efficiently constructed permanent gangway of sufficient strength for its exposed position is to be fitted fore and aft at the level of the superstructure deck between the poop and midship bridge, and when crew are berthed forward, from the bridge to the forecastle, or other equivalent means of access may be provided to carry out the purpose of the gangway, such as passages below deck.

§ 43.30–25 Protection of crew; access to machinery space; tanker.

(a) Safe and satisfactory access from the gangway level to the quarters of the crew, the machinery space, and all other parts used in the necessary work of the vessel is to be available at all times. This section does not apply to pumprooms entered from the freeboard deck, when fitted with class 1 closing appliances.

CROSS REFERENCE: For class 1 closing appliances, see § 43.15–37.

§ 43.30–30 Hatchways; tanker.

(a) All exposed hatchways on the freeboard deck and on the deck of expansion trunks are to be closed watertight by efficient steel covers. Hatchways on the freeboard deck within a forecastle which is closed at the after end with a bulkhead and closing appliances no less effective than Class 2 may be fitted with wood covers, coamings, and closing appliances in accordance with § 43.10–55, provided hatchways on the forecastle deck are closed watertight by efficient steel covers.

§ 43.30–35 Ventilators; tanker.

(a) Ventilators to spaces below the freeboard deck are to be of ample strength or are to be protected by superstructures or equally efficient means.

§ 43.30–40 Freeing arrangements; tanker.

(a) Vessels with bulwarks are to have open rails fitted for at least half the length of the exposed portion of the weather deck or other effective freeing arrangements. The upper edge of the sheer strake is to be kept as low as practicable and preferably not higher than the upper edge of the gunwale bar.

(b) Where superstructures are connected by trunks, open rails are to be fitted for the whole length of the weather portions of the freeboard deck.

§ 43.30–45 Plans; tanker.

(a) Plans showing proposed fittings and arrangements are to be submitted to the assigning authority for approval.

§ 43.30–50 Computation of freeboard; tanker.

(a) When the assigning authority is satisfied that the foregoing requirements are fulfilled, the summer freeboard may be computed from the table for tankers; all corrections except those for flushdeck steamers, detached superstructures, excess sheer, and winter voyages across the North Atlantic are to be made in accordance with §§ 43.15–1—43.15–97.

§ 43.30–55 Deductions for detached superstructures; tankers.

(a) When the total effective length of superstructure is less than 1.0L, the deduction is a percentage of that for a superstructure of length 1.0L, and is obtained from Table 43.30–55(a).

TABLE 43.30–55 (a)—TOTAL EFFECTIVE LENGTH OF SUPERSTRUCTURES

	0	0.1L	0.2L	0.3L	0.4L	0.5L	0.6L	0.7L	0.8L	0.9L	1.0L
All types	Percent 0	Percent 7	Percent 14	Percent 21	Percent 31	Percent 41	Percent 52	Percent 63	Percent 75.3	Percent 87.7	Percent 100

§ 43.30–60 Deduction for excess sheer; tanker.

(a) Where the sheer is greater than the standard, the correction for excess sheer (see § 43.15–73) is deducted from the freeboard for all tankers. Section 43.15–77 does not apply except that the maximum deduction for excess sheer is 1½ inches at 100 feet and increases at the rate of 1½ inches for each additional 100 feet in the length of the vessel.

§ 43.30–65 Winter North Atlantic freeboard; tanker.

(a) The minimum freeboard for tankers on voyages across the North Atlantic from a port or place of departure north of latitude 36° N. to a port or place of arrival north of latitude 36° N., regardless of the route of the vessel while it is in either of the northern seasonal winter zones during the winter season, shall be the winter freeboard plus an addition at a rate of one inch per 100 feet in length.

§ 43.30–70 Freeboard table for tankers.

(a) Table 43.30–70(a) gives the basic minimum summer freeboard for tankers which comply with the standards in this part.

[7] The provisions of §§ 43.01–1—43.01–100, inclusive, and §§ 43.05–1—43.05–97, inclusive also apply to tankers except as they are modified by §§ 43.30–1—43.30–70, inclusive.

TABLE 43.30–70(a)—BASIC MINIMUM FREEBOARD FOR TANKERS

L (feet)	Freeboard (inches)	L (feet)	Freeboard (inches)
190	21.5	610	110.1
200	23.1	620	111.7
210	24.7	630	113.1
220	26.3	640	114.5
230	28.0	650	115.9
240	29.7	660	117.3
250	31.5	670	118.6
260	33.3	680	119.9
270	35.2	690	121.2
280	37.1	700	122.5
290	39.1	710	123.7
300	41.1	720	124.9
310	43.1	730	126.1
320	45.1	740	127.3
330	47.1	750	128.5
340	49.2	760	129.6
350	51.3	770	130.7
360	53.5	780	131.8
370	55.7	790	132.9
380	57.9	800	134.0
390	60.2	810	135.1
400	62.5	820	136.2
410	64.9	830	137.2
420	67.4	840	138.2
430	69.9	850	139.2
440	72.5	860	140.1
450	75.1	870	141.0
460	77.7	880	141.9
470	80.2	890	142.8
480	82.7	900	143.7
490	85.1	910	144.5
500	87.5	920	145.3
510	89.8	930	146.1
520	92.1	940	146.9
530	94.3	950	147.7
540	96.5	960	148.5
550	98.6	970	149.2
560	100.7	980	149.8
570	102.7	990	150.4
580	104.6	1,000	151.0
590	106.5	[1]	[1]
600	108.4		

[1] Vessels above 1,000 feet are to be dealt with by the Administration.

§ 43.30–75 Freeboard table for tankers on United States coastwise and/or intercoastal voyages.

(a) Tankers which are structurally qualified to be operated at the resulting deeper drafts may be assigned load lines, valid only for United States coastwise and/or intercoastal voyages, which have been computed on the basis of Table 43.30–75(a) in lieu of Table 43.30–70(a).

TABLE 43.30–75(a)—BASIC MINIMUM FREEBOARD FOR TANKERS ON UNITED STATES COASTWISE AND/OR INTERCOASTAL VOYAGES

L	Freeboard	L	Freeboard	L	Freeboard
Feet	Inches	Feet	Inches	Feet	Inches
(1)	(1)	540	88.7	780	127.6
310	43.0	550	90.7	790	128.8
320	44.7	560	92.7	800	130.0
330	46.3	570	94.7	810	131.1
340	47.9	580	96.6	820	132.2
350	49.5	590	98.5	830	133.3
360	51.1	600	100.3	840	134.4
370	52.7	610	102.1	850	135.5
380	54.4	620	103.9	860	136.5
390	56.3	630	105.7	870	137.5
400	58.3	640	107.4	880	138.5
410	60.4	650	109.1	890	139.5
420	62.5	660	110.8	900	140.5
430	64.6	670	112.4	910	141.5
440	66.8	680	114.0	920	142.4
450	69.0	690	115.5	930	143.3
460	71.3	700	117.0	940	144.3
470	73.5	710	118.4	950	145.2
480	75.7	720	119.8	960	146.1
490	77.9	730	121.2	970	147.0
500	80.1	740	122.6	980	147.8
510	82.3	750	123.9	990	148.6
520	84.5	760	125.2	1,000	149.4
530	86.6	770	126.4	(2)	(2)

[1] For vessels up to 300 feet the freeboards given by Table 43.30–70(a) apply.
[2] Vessels above 1,000 feet are to be specially considered.

Subpart 43.35—Lumber Schooners

§ 43.35–1 Load line marks for vessels specially constructed for the carriage of complete cargoes of timber (lumber schooner type).

(a) Load lines for existing vessels propelled by either sail or steam which have been specially constructed to carry complete cargoes of timber (that is, of the lumber schooner type) when carrying a complete cargo of timber will be marked with a load line as provided in § 43.01–15. The mark is illustrated by figure 43.35–1(a).

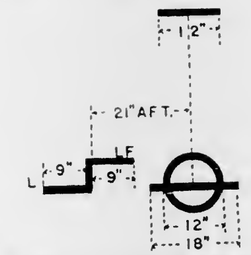


FIGURE 43.35–1 (a).—Timber load line for vessels constructed for the carriage of complete cargoes of timber.

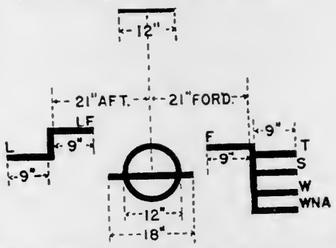


FIGURE 43.35–1 (b).—Timber load line in conjunction with steamer load line for vessels constructed for the carriage of complete cargoes of timber.

(b) Existing vessels which have been specially constructed to carry complete cargoes of timber (the lumber schooner type) and which carry cargoes other than complete timber cargoes, will be marked as provided in § 43.01–15, the marking is illustrated by figure 43.35–1 (b).

(c) The forward mark will be determined as provided in §§ 43.15–1—43.15–97 or §§ 43.20–1—43.20–45, as applicable to the type of vessel dealt with.

Subpart 43.40—Zones and Seasonal Areas and Miscellaneous Requirements

§ 43.40–1 Boundaries of the zones and seasonal areas.

(a) The southern boundary of the northern "winter seasonal" zone is a line drawn from the east coast of North America along the parallel of latitude 36° N. to Tarifa, in Spain; from the east coast of Korea along the parallel of latitude 35° N. to the west coast of Honshu, Japan; from the east coast of Honshu along the parallel of latitude 35° N. to longitude 150° W., and thence along a rhumb line to the west coast of British Columbia at latitude 55° N., Fusan (Korea) and Yokohama to be considered as being on the boundary line of the northern "winter seasonal" zone and the "summer" zone.

(b) The northern boundary of the "tropical" zone is a line drawn from the east coast of South America at lat. 10° N. along the parallel of lat. 10° N. to long. 20° W., thence north to lat. 20° N. and thence along the parallel of lat. 20° N. to the West Coast of Africa; a line from the east coast of Africa along the parallel of lat. 8° N. to the west coast of the Malay Peninsula, following thence the coast of Malay and Siam to the east coast of Cochin China at lat. 10° N., thence along the parallel of lat. 10° N. to long. 145° E., thence north to lat. 13° N. and thence along the parallel of lat. 13° N. to the west coast of Central America, Saigon to be considered as being on the boundary line of the "tropical" zone and the "seasonal tropical" area (4).

(c) The southern boundary of the "tropical" zone is a line drawn from the east coast of South America along the Tropic of Capricorn to the West Coast of Africa; from the east coast of Africa along the parallel of lat. 20° S. to the west coast of Madagascar, thence along the west and north coast of Madagascar to long. 50° E., thence north to lat. 10° S., thence along the parallel of lat. 10° S. to long. 110° E., thence along a rhumb line to Port Darwin, Australia, thence eastward along the coast of Australia and Wessel Island to Cape Wessel, thence along the parallel of lat. 11° S. to the west side of Cape York from the east side of Cape York at lat. 11° S. along the parallel of lat. 11° S. to long. 150° W., thence along a rhumb line to the point lat. 26° S., long. 75° W., and thence along a rhumb line to the west coast of South America at lat. 30° S., Coquimbo, Rio de Janeiro, and Port Darwin to be considered as being on the boundary line of the "tropical" and "summer" zones.

(d) The following regions are to be included in the "tropical" zone:

(1) The Suez Canal, the Red Sea, and the Gulf of Aden, from Port Said to the meridian of 45° E., Aden and Berbera to be considered as being on the boundary line of the "tropical" zone and the "seasonal tropical" area 2 (ii).

(2) The Persian Gulf to the meridian of 59° E.

(e) The northern boundary of the southern "winter seasonal" zone is a line drawn from the east coast of South America along the parallel of latitude 40° S. to longitude 56° W., thence along a rhumb line to the point latitude 34° S., longtitude 50° W., thence along the parallel of latitude 34° S. to the west coast of South Africa; from the east coast of South Africa at latitude 30° S. along a rhumb line to the point latitude 35°30′ S., longitude 118° E., off the southern coast of Australia, thence along a rhumb line to Cape Grim, Tasmania, thence along the north coast of Tasmania to Eddystone Point, thence along a rhumb line to the west coast of South Island, New Zealand, at longitude 170° E., thence along the west, south, and

east coasts of South Island to Cape Saunders, thence along a rhumb line to the point latitude 33° S., longitude 170° W.; and thence along the parallel of latitude 33° S. to the west coast of South America. Valparaiso, Capetown, and Durban to be considered as being on the boundary line of the Southern "seasonal winter" and "summer" zones.

(f) The remaining areas constitute the "summer" zones. The following areas are seasonal tropical areas:

(1) In the North Atlantic Ocean: An area bounded on the north by a line from Capa Catoche in Yucatan to Cape San Antonio in Cuba, by the South Cuban Coast to lat. 20° N. and by the parallel of lat. 20° N. to the point lat. 20° N., long. 20° W., on the west by the coast of Central America; on the south by the north coast of South America and by parallel of lat. 10° N., and on the east by the meridian of 20° W.

Tropical: 1st November to 15th July.
Summer: 16th July to 31st October.

(2) Arabian Sea: (i) North of lat. 24° N. Karachi is to be considered as being on the boundary line of this area and the seasonal tropical area below.

Tropical: 1st August to 20th May.
Summer: 21st May to 31st July.

(ii) South of lat. 24° N.

Tropical: 1st December to 20th May, and 16th September to 15th October.
Summer: 21st May to 15th September and 16th October to 30th November.

(3) Bay of Bengal:

Tropical: 16th December to 15th April.
Summer: 16th April to 15th December.

(4) In the China Sea: An area bounded on the west and north by the coast of Indo-China and China to Hong Kong, on the east by a rhumb line to the port of Sual (Luzon Island), and by the west coast of the Islands of Luzon, Samar, and Leyte to the parallel of 10° N., and on the south by the parallel of lat. 10° N., Hong Kong and Sual to be considered as being on the boundary of the "seasonal tropical" and "summer" zones.

Tropical: 21st January to 30th April.
Summer: 1st May to 20th January.

(5) In the north Pacific Ocean: (i) An area bounded on the north by the parallel of lat. 25° N., on the west by the meridian of 160° E., on the south by the parallel of lat. 13° N., and on the east by the meridian of 130° W.

Tropical: 1st April to 31st October.
Summer: 1st November to 31st March.

(ii) An area bounded on the north and east by the coast of California, Mexico, and Central America, on the west by the meridian of 120° W., and by a rhumb line from the point lat. 30° N., long. 120° W., to the point lat. 13° N., long. 105° W., and on the south by the parallel of lat. 13° N.

Tropical: 1st March to 30th June and 1st to 30th November.
Summer: 1st July to 31st October and 1st December to 28th/29th February.

(6) In the south Pacific Ocean: (i) An area bounded on the north by the parallel of lat. 11° S., on the west by the east coast of Australia, on the south by the parallel of lat. 20° S., and on the east by the meridian of 175° E., together with the Gulf of Carpentaria south of lat. 11° S. Mackay is to be considered as being on the boundary of the "seasonal tropical" and the "summer" zones.

Tropical: 1st April to 30th November.
Summer: 1st December to 31st March.

(ii) An area bounded on the west by the meridian of 150° W., on the south by the parallel of lat. 20° S., and on the north and east by the rhumb line forming the southern boundary of the tropical zone.

Tropical: 1st March to 30th November.
Summer: 1st December to 28/29th February.

(g) The following are seasonal winter areas: (1) Northern seasonal winter zone (between North America and Europe). (i) In the area within and to the northwards of the following line: A line drawn south from the coast of Greenland at long. 50° W. to lat. 45° N., thence along the parallel of lat. 45° N. to the meridian of 15° W., thence north to lat. 60° N., thence along the parallel of lat. 60° N. to the west coast of Norway, Bergen to be considered as being on the boundary line of this area and area subdivision (ii) of this subparagraph.

Winter: 16th October to 15th April.
Summer: 16th April to 15th October.

(ii) An area outside area subdivision (i) of this subparagraph and north of the parallel of lat. 36° N.

Winter: 1st November to 31st March.
Summer: 1st April to 31st October.

(2) Baltic (bounded by the parallel of latitude of the Skaw).

Winter: 1st November to 31st March.
Summer: 1st April to 31st October.

(3) Mediterranean and Black Sea.

Winter: 16th December to 15th March.
Summer: 16th March to 15th December.

(4) Northern "seasonal winter" zone (between Asia and North America, except Sea of Japan), south of 50° N.

Winter: 16th October to 15th April.
Summer: 16th April to 15th October.

(5) Sea of Japan between the parallels of lat. 35° N. and 50° N.

Winter: 1st December to 28th/29th February.
Summer: 1st March to 30th November.

(6) Southern "seasonal winter" zone.

Winter: 16th April to 15th October.
Summer: 16th October to 15th April.

§ 43.40–5 Fees, travel expense.

(a) *Scale of fees.* (1) Subject to the conditions as set forth in this paragraph, fees payable by owners will be charged for assignment of load line (including load line and condition survey, verification of markings and issuance of load line certificates) in accordance with Table 43.40–5 (a).

TABLE 43.40–5 (a)—FEES FOR ASSIGNMENT OF LOAD LINE

Size of vessel	Classed vessel [1]	Unclassed vessels
Under 200 gross tons	$30.00	$100.00
200 and under 400 gross tons	30.00	125.00
400 and under 700 gross tons	35.00	155.00
700 and under 1,000 gross tons	40.00	190.00
1,000 and under 1,500 gross tons	40.00	230.00
1,500 and under 2,500 gross tons	50.00	270.00
2,500 and under 3,500 gross tons	60.00	310.00
3,500 and under 5,000 gross tons	70.00	350.00
5,000 and under 6,500 gross tons	85.00	390.00
6,500 and under 8,000 gross tons	100.00	430.00
8,000 and under 10,000 gross tons	110.00	470.00
10,000 and under 12,000 gross tons	120.00	510.00
12,000 and under 15,000 gross tons	130.00	550.00
15,000 gross tons and above	140.00	590.00

[1] Classed vessel means vessel in class with the assigning authority.

(2) In the case of unclassed vessels newly built, where an extensive review of construction plans and attendance during construction by the Surveyors of the assigning authority may be required, in the case of existing unclassed vessels where necessary plans are not available, and in cases where alterations or repairs are made, which would require more than a normal attendance by the Surveyors, additional fees proportional to the amount of work involved may be charged.

(3) The provisions of this paragraph may be applied to either classed or unclassed vessels in cases where, due to alterations or changes in service, a new freeboard may be required.

(b) *Fees for renewal of load line certificates.* (1) For unclassed vessels the fees for condition survey and renewal of load line certificates shall be 50 percent of the scale in paragraph (a) of this section. In cases where alterations or repairs are made which would require more than a normal attendance by the Surveyors, additional fees, proportional to the amount of work involved may be charged.

(2) For classed vessels where the survey is carried out in conjunction with a survey required for maintenance of class and for which a fee is chargeable, no charge will be made for the survey, but an amount not exceeding $25 for the issuance of the new load line certificate may be charged.

(c) *Fees for annual load line inspection.* The fee for annual load line inspection shall be $25 for vessels not exceeding 2,000 gross tons, and $35 for vessels of more than 2,000 gross tons. Where alterations or repairs are made, which would require more than a normal attendance by the Surveyors, additional fees proportional to the work involved may be charged. In the case of a classed vessel no charge will be made for this inspection if carried out at the same time as a survey to the hull that is required for maintenance of class and for which a fee is chargeable.

(d) *Traveling expenses.* For all traveling expenses incurred in connection with the surveys described in this section there will be an additional charge.

(2) The load line assignment given by this certificate necessarily assumes that the nature and stowage of cargo, ballast, etc., are such as to secure sufficient stability for the vessel. Accordingly, it is the owner's responsibility to furnish the Master of the vessel with stability information and instructions when this is necessary to maintenance of sufficient stability.

(On the reverse side of the load line certificate or on a separate sheet attached and forming part of the certificate, provision is to be made for annual inspection and renewal endorsements.)

(Reverse side of certificate)

ANNUAL INSPECTIONS

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

(Signature of Surveyor) (Place) (Date)

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

(Signature of Surveyor) (Place) (Date)

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

(Signature of Surveyor) (Place) (Date)

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

(Signature of Surveyor) (Place) (Date)

RENEWAL OF LOAD LINE CERTIFICATE

The provisions of the Convention being fully complied with by this ship, this certificate is renewed until ----------, 19--.

Place ----------

Date ----------

Assigning Authority

By ----------

(Surveyor)

NOTES

1. The Winter North Atlantic Load Line applies for voyages across the North Atlantic Ocean north of latitude 36° N., during the winter months as defined by the Load Line Regulations. The periods during which the other seasonal load lines apply in different parts of the world are as stated in the Load Line Regulations.

2. This Load Line Certificate will be canceled by the Commandant, U. S. Coast Guard, if—

(a) The periodic inspections have not been carried out.

(b) Material alterations have been made to the hull or superstructures which would affect the calculations determining the position of the load lines.

(c) The fittings and appliances for the protection of the openings, guardrails, freeing ports, or the means of access to the crew's quarters have not been maintained in as effective a condition as they were when the Certificate was issued.

3. When this Certificate has expired or been canceled, it must be delivered to the Assigning Authority.

APPLIANCES FOR CLOSING ACCESS OPENINGS IN BULKHEADS AT ENDS OF DETACHED SUPERSTRUCTURES

Forecastle	----------
Bridge, fore end	----------
Bridge, after end	----------
Poop	----------

TEMPORARY APPLIANCES FOR CLOSING OPENINGS IN SUPERSTRUCTURE DECKS

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§ 43.40–10 Forms of load line certificates.

INTERNATIONAL LOAD LINE CERTIFICATE

[Form A1]

Issued under the authority of the United States of America, Commandant, U. S. Coast Guard, under the provisions of the International Load Line Convention, 1930.

[SEAL]

Issued by----------
Certificate No.----------
Name of ship----------
Port of registry----------
Official No.----------
Gross tonnage----------

FREEBOARD FROM DECK LINE

LOAD LINE

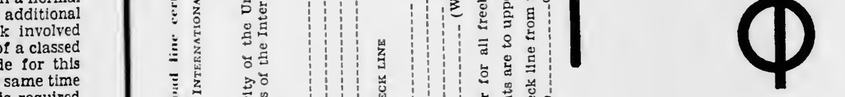
		Above (S)	Below (S)
Tropical	(T)	----------	----------
Summer	(S)	----------	----------
Winter	(W)	----------	----------
Winter (North Atlantic)	(WNA)	----------	----------

Upper edge of line through center of disk.

•Allowance for fresh water for all freeboards----------

(All measurements are to upper edges of the respective horizontal lines)

The upper edge of the deck line from which these freeboards are measured is----------inches above the top of the•----------deck at side.



This is to certify that this ship has been surveyed and the freeboards and load lines shown above have been assigned in accordance with the Convention.

••This certificate remains in force until ---------- on the ---------- day of ----------, 19--.

Issued at ----------

(Here follows the signature or seal and description of the assigning authority.)

NOTES: (1) In accordance with the Load Line Regulations, the disk and lines must be permanently marked by center punch marks or cutting. Letters indicating the assigning authority are to be marked alongside the disk and above the center line. Periodic inspections are to be made at intervals of approximately twelve months.

•Where seagoing steamers navigate a river or inland water, deeper loading is permitted corresponding to the weight of fuel, etc., required for consumption between the point of departure and the open sea.

••At the expiration of this certificate, renewal should be obtained in accordance with the Load Line Regulations and if upon examination the ship is found to be in a satisfactory condition, this certificate will be extended and so endorsed on the reverse side.

INTERNATIONAL LOAD LINE CERTIFICATE

[Form A2]

Issued under the authority of the United States of America, Commandant, U. S. Coast Guard, under the provisions of the International Load Line Convention, 1930.

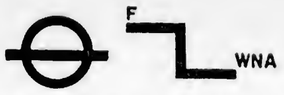
[SEAL]

Issued by _____
Certificate No. _____
Name of ship _____ Official No. _____
Port of registry _____ Gross tonnage _____

FREEBOARD FROM DECK LINE		LOAD LINE
Tropical, Summer, Winter		Upper edge of line through center of disk.
Winter—North Atlantic	(WNA)	Upper edge of line below center of disk.
Allowance for fresh water for all freeboards		

(All measurements are to upper edges of the respective horizontal lines)

The upper edge of the deck line from which these freeboards are measured is _____ inches above the top of the _____ deck at side.



This is to certify that this ship has been surveyed and the freeboards and load lines shown above have been assigned in accordance with the Convention.

•This certificate remains in force until _____
Issued at _____ on the _____ day of _____, 19__.

(Here follows the signature or seal and description of the assigning authority.)

NOTES: (1) In accordance with the Load Line Regulations, the disk and lines must be permanently marked by center punch marks or cutting. Letters indicating the assigning authority are to be marked alongside the disk and above the centerline. Periodic inspections are to be made at intervals of approximately twelve months.

(2) The load line assignment given by this certificate necessarily assumes that the nature and stowage of cargo, ballast, etc., are such as to secure sufficient stability for the vessel. Accordingly, it is the owner's responsibility to furnish the Master of the vessel with stability information and instructions when this is necessary to maintenance of sufficient stability.

(On the reverse side of the load line certificate, or on a separate sheet attached and forming part of the certificate, provision is to be made for annual inspection and renewal endorsements.)

(Reverse side of certificate to be prepared with notes and for endorsements as set forth for Form A1.)

•At the expiration of this certificate, renewal should be obtained in accordance with the Load Line Regulations and if upon examination the ship is found to be in a satisfactory condition, this certificate will be extended and so endorsed on the reverse side.

INTERNATIONAL LOAD LINE CERTIFICATE

[Form A3]

Issued under the authority of the United States of America, Commandant, U. S. Coast Guard, under the provisions of the International Load Line Convention, 1930.

[SEAL]

Issued by _____
Certificate No. _____
Name of ship _____ Official No. _____
Port of registry _____ Gross tonnage _____

FREEBOARDS FROM DECK LINE		LOAD LINE
Tropical	(T)	Above (S)
Summer	(S)	Upper edge of line through center of disk.
Winter	(W)	Below (S)
Winter (North Atlantic)	(WNA)	Below (S)
•Allowance for fresh water for all freeboards		

The timber freeboards given in this certificate are applicable only when this ship carries a timber deck cargo and complies with the special requirements of the Load Line Regulations regarding timber deck cargoes.

FREEBOARDS FROM DECK LINE		LOAD LINE
Tropical (Timber)	(LT)	Above (S)
Summer (Timber)	(LS)	Above (S)
Winter (Timber)	(LW)	Above (S)
Winter North Atlantic (Timber)	(LWNA)	Below (S)

(All measurements are to upper edges of the respective horizontal line)

The upper edge of the deck line from which these freeboards are measured is _____ inches above the top of the _____ deck at side.



This is to certify that this ship has been surveyed and the freeboards and load lines shown above have been assigned in accordance with the Convention.

LOAD LINE REGULATIONS

••This certificate remains in force until _____
Issued at _____ on the _____ day of _____, 19__.

(Here follows the signature or seal and description of the assigning authority.)

•Where seagoing steamers navigate a river or inland water, deeper loading is permitted corresponding to the weight of fuel, etc., required for consumption between the point of departure and the open sea.

••At the expiration of this certificate, renewal should be obtained in accordance with the Load Line Regulations and if upon examination the ship is found to be in a satisfactory condition, this certificate will be extended and so indorsed on the reverse side.

NOTES: (1) In accordance with the Load Line Regulations, the disk and lines must be permanently marked by center punch marks or cutting. (The diagram showing the timber load line marks is to be inserted above by the assigning authority.) Letters indicating the assigning authority are to be marked alongside the disk and above the center line. Periodic inspections are to be made at intervals of approximately twelve months.

(2) The load line assignment given by this certificate necessarily assumes that the nature and stowage of cargo, ballast, etc., are such as to secure sufficient stability for the vessel. Accordingly, it is the owner's responsibility to furnish the Master of the vessel with stability information and instructions when this is necessary to maintenance of sufficient stability.

(On the reverse side of the load line certificate, or on a separate sheet attached and forming part of the certificate, provision is to be made for annual inspection and renewal endorsements.)

(Reverse side of certificate to be prepared with notes and for endorsements as set forth for Form A1.)

LOAD LINE CERTIFICATE

[Form B]

(To be issued to foreign vessels belonging to countries that have not ratified or acceded to the International Load Line Convention, 1930.)

Issued under the authority of the United States of America, Commandant, U. S. Coast Guard, under the provisions of the Load Line Act of March 2, 1929, as amended.

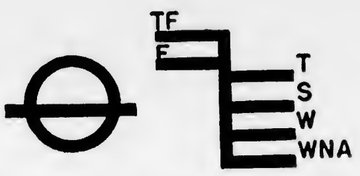
[SEAL]

Issued by _____
Certificate No. _____
Name of ship _____ Official No. _____
Port of registry _____ Gross tonnage _____

FREEBOARD FROM DECK LINE		LOAD LINE
Summer in tropical seas	(T)	Above (S)
Summer	(S)	Upper edge of line through center of disk.
Winter	(W)	Below (S)
Winter in North Atlantic	(WNA)	Below (S)

•Allowance for fresh water for all freeboards _____

The upper edge of the deck line from which these freeboards are measured is _____ inches above the top of the _____ deck at side.



•Where seagoing steamers navigate a river or inland water, deeper loading is permitted corresponding to the weight of fuel, etc., required for consumption between the point of departure and the open sea.

This is to certify that this ship has been surveyed and the freeboards and load lines shown above have been found to be correctly marked upon the vessel in manner and location as provided by the load line regulations of the Commandant, U. S. Coast Guard.

••This certificate remains in force until _____
Issued at _____ on the _____ day of _____, 19__.

(Here follows the signatures or seal and the description of the authority issuing the certificate.)

NOTES: (1) In accordance with the Load Line Regulations, the disk and lines must be permanently marked by center punch marks or cutting. Letters indicating the assigning authority are to be marked alongside the disk and above the centerlines. This certificate is limited to 1 year and must be renewed annually.

(2) The load line assignment given by this certificate necessarily assumes that the nature and stowage of cargo, ballast, etc., are such as to secure sufficient stability for the vessel. Accordingly, it is the owner's responsibility to furnish the Master of the vessel with stability information and instructions when this is necessary to maintenance of sufficient stability.

(On the reverse side of the load line certificate, or on a separate sheet attached and forming part of the certificate, provision is to be made for renewal endorsements.)

(Reverse side of certificate)

RENEWAL OF LOAD LINE CERTIFICATE

The provisions of the regulations of the Commandant, U. S. Coast Guard, determining load lines being fully complied with by this ship, this certificate is renewed till _____ Place_____ Date_____

Signature or seal and description of assigning authority.

The provisions of the regulations of the Commandant, U. S. Coast Guard, determining load lines being fully complied with by this ship, this certificate is renewed till _____ Place_____ Date_____

Signature or seal and description of assigning authority.

NOTES

1. The Winter North Atlantic Load Line applies for voyages across the North Atlantic Ocean north of latitude 36° N., during the winter months as defined by the Load Line Regulations. The periods during which the other seasonal load lines apply in different parts of the world are as stated in the Load Line Regulations.

2. This Load Line Certificate will be canceled by the Commandant, U. S. Coast Guard if—

(a) Material alterations have been made to the hull or superstructure which would affect the calculations determining the position of the load lines.

(b) The fittings and appliances for the protection of the openings, guardrails, freeing ports, or the means of access to the crew's quarters have not been maintained in as effective a condition as they were when the Certificate was issued.

3. When this Certificate has expired or been canceled, it must be delivered to the Assigning Authority.

APPLIANCES FOR CLOSING ACCESS OPENINGS IN BULKHEADS AT ENDS OF DETACHED SUPERSTRUCTURES

Forecastle _____
Bridge, fore end _____
Bridge, after end _____
Poop _____

TEMPORARY APPLIANCES FOR CLOSING OPENINGS IN SUPERSTRUCTURE DECKS

_____
_____

••At the expiration of the certificate, renewal should be obtained in accordance with the Load Line Regulations and if upon examination the ship is found to be in a satisfactory condition, this certificate will be extended and so endorsed on the reverse side.

COASTWISE LOAD LINE CERTIFICATE

[Form C1]

Issued under the authority of the United States of America, Commandant, U. S. Coast Guard, under the provisions of the Coastwise Load Line Act, 1935, as amended.

[SEAL]

Issued by _____
Certificate No. _____
Name of ship _____ Official No. _____
Port of registry _____ Gross tonnage _____

FREEBOARD FROM DECK LINE		LOAD LINE
Tropical _____	(T) _____	Above (S)
Summer _____	(S)	Upper edge of line through center of disk.
Winter _____	(W) _____	Below (S)

*Allowance for fresh water for all freeboards _____

(All measurements are to upper edges of the respective horizontal lines.)

The upper edge of the deck line from which these freeboards are measured is _____ inches above the top of the _____ deck at side.

This is to certify that this ship has been surveyed and the freeboards and load lines shown above have been assigned in accordance with the Commandant, U. S. Coast Guard, Coastwise Load Line Regulations.

**This certificate remains in force until _____
Issued at _____ on the _____ day of _____, 19__.

(Here follows the signature or seal and description of the assigning authority.)



NOTES: (1) In accordance with the Load Line Regulations, the disk and lines must be permanently marked by center punch marks or cutting. Letters indicating the assigning authority are to be marked alongside the disk and above the center line. Periodic inspections are to be made at intervals of approximately twelve months.

(2) The load line assignment given by this certificate necessarily assumes that the nature and stowage of cargo, ballast, etc., are such as to secure sufficient stability for the vessel. Accordingly, it is the owner's responsibility to furnish the Master of the vessel with stability information and instructions when this is necessary to maintenance of sufficient stability.

(On the reverse side of the load line certificate, or on a separate sheet attached and forming part of the certificate, provision is to be made for annual inspection and renewal endorsements.)

*Where seagoing steamers navigate a river or inland water, deeper loading is permitted corresponding to the weight of fuel, etc., required for consumption between the point of departure and the open sea.

**At the expiration of the certificate, renewal should be obtained in accordance with the Load Line Regulations and if upon examination the ship is found to be in a satisfactory condition, this certificate will be extended and so endorsed on the reverse side.

(Reverse side of certificate)

ANNUAL INSPECTION

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

_____ _____ _____
(Signature of Surveyor) (Place) (Date)

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

_____ _____ _____
(Signature of Surveyor) (Place) (Date)

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

_____ _____ _____
(Signature of Surveyor) (Place) (Date)

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

_____ _____ _____
(Signature of Surveyor) (Place) (Date)

RENEWAL OF LOAD LINE CERTIFICATE

The provisions of the Coastwise Load Line Regulations of the Commandant, U. S. Coast Guard, being fully complied with by this ship, this certificate is renewed until _____, 19__.

Place _____
Date _____

Assigning Authority
By _____
(Surveyor)

NOTES

1. The periods and areas during which the seasonal load lines apply are as stated in the Load Line Regulations.

2. This Load Line Certificate will be canceled by the Commandant, U. S. Coast Guard, if—

(a) The periodic inspections have not been carried out.

(b) Material alterations have been made to the hull or superstructures which would affect the calculations determining the position of the load lines.

(c) The fittings and appliances for the protection of the openings, guard rails, freeing ports, or the means of access to the crew's quarters have not been maintained in as effective a condition as they were when the Certificate was issued.

3. When this certificate has expired or been canceled, it must be delivered to the Assigning Authority.

APPLIANCES FOR CLOSING ACCESS OPENINGS IN BULKHEADS AT ENDS OF DETACHED SUPERSTRUCTURES

Forecastle _____
Bridge, fore end _____
Bridge, after end _____
Poop _____

TEMPORARY APPLIANCES FOR CLOSING OPENINGS IN SUPERSTRUCTURE DECKS

_____
_____

COASTWISE LOAD LINE CERTIFICATE

[Form C2]

Issued under the authority of the United States of America, Commandant, U. S. Coast Guard, under the provisions of the Coastwise Load Line Act, 1935, as amended.

[SEAL]

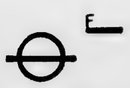
Issued by _____
Certificate No. _____
Name of ship _____ Official No. _____
Port of registry _____ Gross tonnage _____

FREEBOARD FROM DECK LINE	LOAD LINE
Tropical Summer Winter	Upper edge of line through center of disk.

Allowance for fresh water for all freeboards _____

(All measurements are to upper edges of the respective horizontal lines.)

The upper edge of the deck line from which these freeboards are measured is _____ inches above the top of the _____ deck at side.



This is to certify that this ship has been surveyed and the freeboards and load lines shown above have been assigned in accordance with the Commandant, U. S. Coast Guard, Coastwise Load Line Regulations.

*This certificate remains in force until _____
Issued at _____ on the _____ day of _____, 19__.

(Here follows the signature or seal and description of the assigning authority.)

NOTES: (1) In accordance with the Load Line Regulations, the disk and lines must be permanently marked by center punch marks or cutting. Letters indicating the assigning authority are to be marked alongside the disk and above the centerline. Periodic inspections are to be made at intervals of approximately twelve months.

(2) The load line assignment given by this certificate necessarily assumes that the nature and stowage of cargo, ballast, etc., are such as to secure sufficient stability for the vessel. Accordingly, it is the owner's responsibility to furnish the Master of the vessel with stability information and instructions when this is necessary to maintenance of sufficient stability.

(On the reverse side of the load line certificate, or on a separate sheet attached and forming part of the certificate, provision is to be made for annual inspection and renewal endorsements.)

(Reverse side of certificate to be prepared with notes and for endorsements as set forth for Form C1.)

*At the expiration of this certificate, renewal should be obtained in accordance with the Load Line Regulations and if upon examination the ship is found to be in a satisfactory condition, this certificate will be extended and so indorsed on the reverse side.

COASTWISE LOAD LINE CERTIFICATE

[Form C3]

Issued under the authority of the United States of America, Commandant, U. S. Coast Guard, under the provisions of the Coastwise Load Line Act, 1935, as amended.

[SEAL]

Issued by _____
Certificate No. _____
Name of ship _____ Official No. _____
Port of registry _____ Gross tonnage _____

FREEBOARD FROM DECK LINE		LOAD LINE
Tropical _____	(T)	_____ Above (S)
Summer _____	(S)	Upper edge of line through center of disk.
Winter _____	(W)	_____ Below (S)

*Allowance for fresh water for all freeboards _____

The timber freeboards given in this certificate are applicable only when this ship carries a timber deck cargo and complies with the special requirements of the Load Line Regulations regarding timber deck cargoes.

FREEBOARDS FROM DECK LINE		LOAD LINE
Tropical (Timber) _____	(LT)	_____ Above (S)
Summer (Timber) _____	(LS)	_____ Above (S)
Winter (Timber) _____	(LW)	_____ Above (S) Below (S)

(All measurements are to upper edges of the respective horizontal lines.)

The upper edge of the deck line from which these freeboards are measured is _____ inches above the top of the _____ deck at side.



This is to certify that this ship has been surveyed and the freeboards and load lines shown above have been assigned in accordance with the Commandant, U. S. Coast Guard, Coastwise Load Line Regulations.

**This certificate remains in force until _____
Issued at _____ on the _____ day of _____, 19__.

(Here follows the signature or seal and description of the assigning authority.)

NOTES: (1) In accordance with the Load Line Regulations, the disk and lines must be permanently marked by center punch marks or cutting. (The diagram showing the timber load line marks is to be inserted above by the assigning authority.) Letters indicating the assigning authority are to be marked alongside the disk and above the centerline. Periodic inspections are to be made at intervals of approximately twelve months.

*Where seagoing steamers navigate a river or inland water, deeper loading is permitted corresponding to the weight of fuel, etc., required for consumption between the point of departure and the open sea.

**At the expiration of this certificate, renewal should be obtained in accordance with the Load Line Regulations and if upon examination the ship is found to be in a satisfactory condition, this certificate will be extended and so endorsed on the reverse side.

(2) The load line assignment given by this certificate necessarily assumes that the nature and stowage of cargo, ballast, etc., are such as to secure sufficient stability for the vessel. Accordingly, it is the owner's responsibility to furnish the Master of the vessel with stability information and instructions when this is necessary to maintenance of sufficient stability.

(On the reverse side of the load line certificate, or on a separate sheet attached and forming part of the certificate, provision is to be made for annual inspection and renewal endorsements.)

(Reverse side of certificate to be prepared with notes and for endorsements as set forth for Form C1.)

COASTWISE LOAD LINE CERTIFICATE

[Form C4; applicable to vessels assigned freeboards on the basis of 46 CFR 43.15–87, 43.15–90, 43.15–98, and/or 43.30–75]

Issued under authority of the United States of America, Commandant, U.S. Coast Guard, under the provisions of the Coastwise Load Line Act, 1935, as amended.

This Certificate is valid only for vessels on United States' coastwise and/or intercoastal voyages.

[SEAL]

Issued by _____

Certificate No. _____

Name of ship _____ Official No. _____

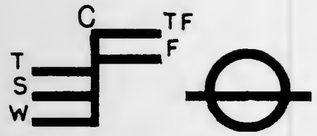
Port of registry _____ Gross tonnage _____

FREEBOARD FROM DECK LINE		LOAD LINE
Tropical _____	(T)	Above upper edge of line through center of disk.
Summer _____	(S)	Above upper edge of line through center of disk.
Winter _____	(W)	Below upper edge of line through center of disk.

*Allowance for fresh water for all freeboards _____

(All measurements are to upper edges of the respective horizontal lines.)

The upper edge of the deck line from which these freeboards are measured is _____ inches above the top of the _____ deck at side.



This is to certify that this ship has been surveyed and the freeboards and load lines shown above have been assigned in accordance with the Commandant, U.S. Coast Guard, Coastwise Load Line Regulations.

**This certificate remains in force until _____ Issued at _____ on the _____ day of _____, 19__.

(Here follows the signature or seal and description of the assigning authority.)

NOTES: (1) In accordance with the Load Line Regulations, the disk and lines must be permanently marked by center punch marks or cutting. Letters indicating the assigning authority are to be marked alongside the disk and above the centerline. Periodic inspections are to be made at intervals of approximately twelve months.

(2) The load line assignment given by this certificate necessarily assumes that the nature and stowage of cargo, ballast, etc., are such as to secure sufficient stability for the vessel. Accordingly, it is the owner's responsibility to furnish the Master of the vessel with stability information and instructions when this is necessary to maintenance of sufficient stability.

(On the reverse side of the load line certificate, or on a separate sheet attached and forming part of the certificate, provision is to be made for annual inspection and renewal endorsements.)

(Reverse side of certificate to be prepared with notes and for endorsements as set forth for Form C1.)

*Where seagoing steamers navigate a river or inland waters, deeper loading is permitted corresponding to the weight of fuel, etc., required for consumption between the point of departure and the open sea.

**At the expiration of the certificate, renewal should be obtained in accordance with the Load Line Regulations, and if upon examination the ship is found to be in satisfactory condition, this certificate will be extended and so endorsed on the reverse side.

§ 43.40–15 Titles of load line laws and rules regarded as equivalent to the British Board of Trade Rules, 1906.

(a) *Australia.* Part IV of the Navigation Act, 1912–1920, and Navigation (Load Line) Regulations of the 17th December 1924.

(b) *Belgium.* Loi sur la sécurité des navires (7 décembre 1920).

(c) *Chile.* Reglamento para el trazato del disco marcas y linea oficial de cargulo de las naves mercantes (Decree No. 1892 of the 12th November 1919).

(d) *Denmark.* Merchant Shipping (inspection of ships) Act of the 29th March 1920, with later amendments.

Rule and Tables of Freeboard for Ships, dated the 30th September 1909, as amended by notification of the 25th July 1918.

(e) *France.* Loi du 17 avril 1907, arrêté du 5 septembre 1908. Décret du 21 septembre 1908. Autre décret du 21 septembre 1908, modifié par le décret du 1 septembre 1925. Décret du 12 mai 1927. Décret du 17 janvier 1928.

(f) *Germany.* Vorschriften der See-Berufsgenossenschaft über den Freibord für Dampfer und Segelschiffe, Ausgabe 1908.

(g) *Hong Kong.* Merchant shipping consolidation ordinance (No. 10 of 1899), as amended by ordinances Nos. 31 of 1901, 2 of 1903, 5 of 1905, 16 of 1906, 9 of 1909, and 6 of 1910.

(h) *Iceland.* Law No. 58 of the 14th June, 1929, sections 25–26.

(i) *India.* Indian Merchant Shipping Act, 1923.

(j) *Italy.* Regole e tavole per assignazione del "Bordo Libero", approved by decree dated the 1st February 1929—VII of the Italian Minister for Communications.

Prior to 1929—British Board of Trade Rules, 1906.

(k) *Japan.* Ship load line law [Law No. 2 of the 10th year of Taisho (1921)] and the rules and regulations relating thereto.

(l) *Netherlands.* Decree of the 22d September 1909 (Official Journal No. 315).

(m) *Netherland Indies.* Netherlands decree of the 22d September 1909 (Official Journal No. 315).

(n) *New Zealand.* British Board of Trade Rules, 1906.

(o) *Norway.* Norwegian Freeboard Rules and Tables of 1909.

(p) *Portugal.* Decree No. 11,210 of the 18th July 1925, and regulations and instructions relating thereto.

(q) *Spain.* Reglamento para el Trazado del Disco y Marcas de Maxima Carga de los buques marchantes, 1914.

(r) *Straits Settlements.* British Board of Trade Rules, 1906.

(s) *Sweden.* Rules and Tables of Freeboard approved by decree of the 21st May 1910.

(t) *United Kingdom.* Board of Trade Rules, 1906.

(u) *Union of Soviet Socialist Republics.* Rules and Regulations relating to the Load Lines of Seagoing Merchant Vessels, published by Register of the Union of Soviet Socialist Republics, 1928.

PART 44—VARIANCE FOR STEAM COLLIERS, BARGES, AND SELF-PROPELLED BARGES (WHEN ENGAGED IN SPECIAL SERVICES ON COASTWISE AND INTER-ISLAND VOYAGES)

Subpart 44.01—Administration

Sec.
44.01–1 Establishment of load lines for special services.
44.01–5 Administration; special service.
44.01–10 Approval by Commandant, U. S. Coast Guard, of special service.
44.01–11 Assignment and marking load lines; special service.
44.01–12 Voyage limits; special service.
44.01–15 Special service certificate.
44.01–20 New and existing vessels; special service.

Subpart 44.05—Rules of Assignment; Special Service

44.05–1 General.
44.05–5 Definitions.
44.05–10 Load line markings.
44.05–15 Existing vessels.
44.05–20 Conditions of assignment.
44.05–25 Freeboards.
44.05–30 Load line certificate.
44.05–35 Form of load line certificate.

AUTHORITY: The provisions of this Part 44 issued under sec. 2, 49 Stat. 838, as amended; 46 U.S.C. 88a. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–48, October 19, 1962, 27 F.R. 10504.

Subpart 44.01—Administration

§ 44.01–1 Establishment of load lines for special services.

(a) Load lines are established for steam colliers, tugs, barges, and self-propelled barges engaged in special services in conformity with the Coastwise Load Line Act, 1935, as amended (46 U.S.C. 88–88i).

(b) Load lines for steam colliers, barges, and self-propelled barges engaged on specially limited coastwise voyages as described in § 44.01–12 shall be established pursuant to the regulations in this part.

(c) Variance for tugs is not permitted.

§ 44.01–5 Administration; special service.

(a) The administrative provisions of §§ 43.01–1—43.01–100 of this subchapter, relating to vessels engaged in foreign and coastwise voyages, where applicable, shall apply to vessels subject to this part except as modified in paragraph (b) of this section.

(b) Application for the assignment of load lines under this part for the types of vessels described in § 44.01–1 shall be made in writing to the American Bureau of Shipping unless another society has been specifically approved by the Commandant as a load line assigning authority. In the latter case application shall be made to the society so approved. Applications shall state the following information:

(1) Name of vessel and official number.
(2) Type of vessel (steam collier, barge, or self-propelled barge).
(3) Date keel was laid.
(4) Normal sea speed of vessel.
(5) Limits of voyage for which approval is requested.
(6) Normal maximum distance offshore in course of voyage.
(7) Length of voyage in days and nautical miles.
(8) Statement of weather conditions to be expected.
(9) Cargo to be carried.
(10) Whether vessel is to be operated manned or unmanned.

§ 44.01–10 Approval by Commandant, U.S. Coast Guard, of special service.

(a) Subject to the conditions contained in this part, the Commandant, U.S. Coast Guard, has determined that load lines at variance from the position fixed by the International Load Line Treaty, 1930, but not above the actual line of safety, may be assigned steam colliers, barges, or self-propelled barges (separately by class) for certain specifically limited coastwise voyages between ports of the continental United States or between islands of a group over which the United States has jurisdiction.

§ 44.01–11 Assignment and marking load lines; special service.

(a) The assignment and marking of special service load lines and certifications thereof shall be in accordance with this part to the satisfaction of the American Bureau of Shipping. The load line certificate shall define the voyage limits and seasonal restrictions governing the validity of the load lines.

§ 44.01–12 Voyage limits; special service.

(a) Special service load lines may be assigned for operation not more than a specified limited distance offshore which shall not exceed 20 nautical miles. The offshore distance shall be measured from the coastline except where a line of inland waters has been otherwise established.

(b) For continental United States ports, special service load lines may be issued for operation between but not to exceed the extreme port limits specified below, or for operation between intermediate ports within the extreme limits specified:

(1) Central and Northern Atlantic Coast—From Norfolk, Virginia, to Eastport, Maine.

(2) Southeast Atlantic Coast—From Key West, Florida, to Jacksonville, Florida, except that the special service load line shall not be valid for manned vessels during the hurricane season, i.e., July 1st to November 15th, both dates inclusive.

(3) Gulf of Mexico Coast—From the mouth of the Rio Grande River, Texas, to Key West, Florida, except that the special service load line shall not be valid for manned vessels during the hurricane season, i.e., July 1st to November 15th, both dates inclusive.

(4) Pacific Coast—From San Francisco, California, to San Diego, California.

(c) Assignment of special service load lines for voyage limits between the islands of a group over which the United States has jurisdiction shall be made only upon authorization by the Commandant, U.S. Coast Guard, after submittal to him of the information called for by § 44.01–5 (b).

§ 44.01–15 Special service certificate.

(a) The use of the special service load line certificate issued under this part is limited to voyages only as described in the certificate. If the vessel engages on any voyage not contemplated by the certificate where a load line is required, the load line prescribed by Part 43 of this subchapter shall govern.

(b) Vessels engaged on special services in the coastwise trade and the inter-island trade will be certificated on the form shown in § 44.05–35.

§ 44.01–20 New and existing vessels; special service.

(a) A new vessel marked with load lines for special service on a coastwise or inter-island voyage is a vessel whose keel was laid on or after September 28, 1937. An existing vessel is one whose keel was laid before that date.

Subpart 44.05—Rules of Assignment; Special Service

§ 44.05–1 General.

(a) The load line regulations in this part are complementary to those in Part 43 or Part 45 (Great Lakes load line regulations) of this subchapter, as reference is made thereto.

§ 44.05–5 Definitions.

(a) A steam collier is a vessel mechanically propelled, and specially designed for the carriage of coal in bulk.

(b) A towed barge is a vessel without sufficient means for self-propulsion and which requires to be towed.

(c) A self-propelled barge is a vessel mechanically propelled of the type specially designed for use in limited coastwise and Great Lakes service and capable of transiting interconnecting canals.

§ 44.05–10 Load line markings.

(a) The load line marks on the vessel's sides are to be in accordance with § 43.05–15 of this subchapter, figure 43.05–5(a). Seasonal markings such as "Winter North Atlantic" which are not applicable to the voyage will be omitted.

(b) In the case of vessels which engage in special services on coastwise voyages and voyages on the Great Lakes, the marks on the vessel's sides are to be in accordance with Figure 44.05–10(b), except that the lines marked "SW" and "MS" shall be used only where applicable.

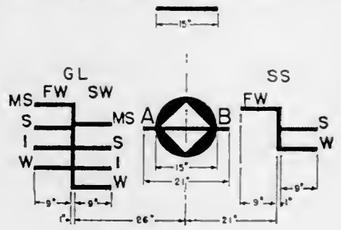


FIGURE 44.05–10(b).

(c) The load lines aft of the combined disk and diamond will be applicable for voyages on the Great Lakes and those on the forward side will be applicable to limited coastwise voyages. The summer line on the ocean will correspond to the summer line on the Lakes and the winter line on the ocean will correspond to the intermediate line on the Lakes.

(d) In the case of vessels which operate both on special service coastwise voyages and on unlimited coastwise voyages, the marks on the ship's sides are to be in accordance with figure 44.05–10 (d). The load lines aft of the disk will be applicable to voyages in special service coastwise or inter-island voyages and those on the forward side will be applicable to unlimited coastwise voyages. (A vessel marked for both special service and unlimited coastwise voyages and furnished with a load line certificate on the international form shall, when entering the foreign trade, arrange that the load line markings are in accord with the vessel's international load line certificate by the elimination of the marks aft of the disk.)

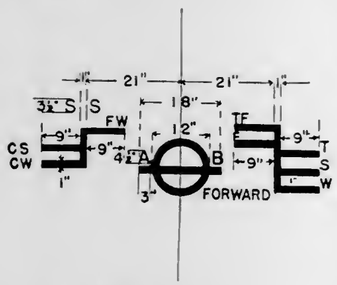


FIGURE 44.05–10 (d).

§ 44.05–15 Existing vessels.

(a) In assigning load lines to an existing vessel the provisions of the regulations in this part shall be complied with in principle and detail insofar as is reasonable and practicable, having regard to the proven efficacy of existing arrangements for a special service voyage, and having particular regard to the provision of sufficient means for the protection and safety of the crew.

(b) Where it is neither reasonable nor practicable to comply with this part in its entirety, the assigning authority will, in each case, report to the Commandant, U. S. Coast Guard, the specific matters in which the vessel is deficient with such recommendations as may seem desirable. Upon the receipt of this report the Commandant, U. S. Coast Guard, shall determine such addition to the freeboard as will, in the judgment of the Commandant, U. S. Coast Guard, make the vessel as safe as if it had fully complied with this part.

§ 44.05–20 Conditions of assignment.

(a) *Steam colliers.* The conditions of assignment for steam colliers shall be in accordance with the requirements of Part 43 of this subchapter and also with the supplementary requirements of §§ 43.30–1 to 43.30–70 of this subchapter in cases where a tanker freeboard is assigned, except that in the case of steam colliers constructed with bulwarks, the freeing port may be of a practically continuous slot type, located as low as possible, the clear area of the slot to be not less than 20 percent of the superficial area of the unpierced bulwarks. If, due to sheer, or other conditions, the assigning authority considers that extra local provision should be made for freeing decks of water, the slots are to be located so as to have maximum efficacy.

(b) *Towed barges.* The conditions of assignment for towed cargo barges where the cargo is carried under deck shall be in accordance with §§ 45.10–5 to 45.10–100 of this subchapter. In the case of tank barges and cargo barges carrying cargo only on deck, compliance will also be required with the supplementary conditions of §§ 45.20–1 to 45.20–70 of this subchapter. In the case of cargo barges of the open type, assignment will be limited to barges in unmanned operation and the construction of the vessel must be such as to satisfy the assigning authority that no unusual hazards will be experienced.

(c) *Self-propelled barges.* The conditions of assignment for self-propelled cargo barges carrying cargo under decks shall be in accordance with the provisions of §§ 45.10–5 to 45.10–100 of this subchapter. In the case of self-propelled tank barges and self-propelled cargo barges carrying cargo only on deck, compliance will also be required with the supplementary conditions of §§ 45.20–1 to 45.20–70 of this subchapter.

§ 44.05–25 Freeboards.

(a) *General.* (1) When the assigning authority is satisfied that the requirements of this part as applicable to the type of vessel under consideration are complied with the freeboards will be computed as described in this section.

(2) In the assignment of freeboards under this part, the provisions of § 43.01–32 relating to stability are applicable.

(b) *Steam colliers.* Steam colliers that have constructional features similar to those of a tanker which afford extra invulnerability against the sea may be assigned a reduction of freeboard from that determined under §§ 43.15–1 to 43.15–97 of this subchapter. The amount of such reduction shall be determined by the assigning authority, in relation to the freeboard assigned to tankers, having regard to the degree of compliance with the supplementary conditions of assignment laid down for these ships, but without regard to the degree of subdivision provided. The freeboard assigned to such a vessel shall in no case be less than would be assigned the vessel as a tanker, as determined by §§ 43.30–1 to 43.30–70 of this subchapter.

(c) *Towed cargo barges with cargo under deck.* The freeboard is to be computed under §§ 45.15–1 to 45.15–97 of this subchapter. The fresh water and seasonal markings where applicable are to be determined from §§ 43.15–1 to 43.15–97 of this subchapter.

(d) *Towed cargo barges with cargo only on deck.* The freeboard for barges of this type is to be computed in accordance with the requirements of §§ 45.20–1 to 45.20–70 of this subchapter. The fresh water and seasonal markings where applicable are to be the same as determined from §§ 43.15–1 to 43.15–97 of this subchapter.

(e) *Towed cargo barges of the open type.* The load line shall be placed where, in the judgment of the assigning authority, the draft will be such that no unusual hazard will be experienced. In general, drafts assigned will be such that the barge will remain afloat with a reasonable freeboard after flooding of the net available open space.

(f) *Towed tank barges.* The freeboard is to be computed in accordance with §§ 45.20–1 to 45.20–70 of this subchapter. The fresh water and seasonal markings where applicable are to be determined from §§ 43.15–1 to 43.15–97 of this subchapter.

(g) *Self-propelled cargo barges.* The freeboard is to be computed under §§ 45.15–1 to 45.20–15 of this subchapter. The fresh water and seasonal markings where applicable are to be determined from §§ 43.15–1 to 43.15–97 of this subchapter.

(h) *Self-propelled tank barges.* The freeboard is to be computed in accordance with §§ 45.20–1 to 45.20–70 of this subchapter. The fresh water and seasonal markings where applicable are to be determined from §§ 43.15–1 to 43.15–97 of this subchapter.

§ 44.05–30 Load line certificate.

(a) The load line certificates for a special service coastwise or special inter-island voyage shall be issued in addition to any other applicable load line certificates and shall be on the form shown in § 44.05–35.

§ 44.05–35 Form of load line certificate.

(a) Where no other Load Line certificate is issued:

LOAD LINE CERTIFICATE FOR A SPECIAL SERVICE COASTWISE OR INTER-ISLAND VOYAGE

Issued under the authority of the Commandant, U. S. Coast Guard, United States of America, under the provisions of the Coastwise Load Line Act of August 27, 1935 as amended.

[SEAL]

Issued by_____

Certificate No._____

This certificate is valid only for coastwise or inter-island voyages that are between the limits of_____ and_____ provided the vessel is engaged solely in the trade stated herein.

Ship_____ Official No._____

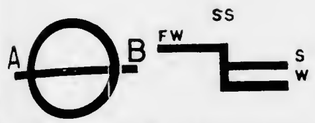
Port of registry_____ Trade of vessel_____

Gross tonnage_____

FREEBOARD FROM DECK LINE		LOAD LINE
Tropical_____	(T)	_____Above (S)
Summer_____	(S)	__Upper edge of line through center of disk.
Winter_____	(W)	_____Below (S)

*Allowance for fresh water for all freeboards (except on the Great Lakes)_____

The upper edge of the deck line from which these freeboards are measured is_____ inches above the top of the_____deck at side.



This is to certify that this ship has been surveyed and the freeboards and load lines shown above have been found to be correctly marked upon the vessel in manner and location as provided by the Load Line Regulations of the Commandant, U.S. Coast Guard, applicable to vessels engaged on this special service voyage.

**This certificate remains in force until _____ Issued at _____ on the _____ day of _____, 19_____.

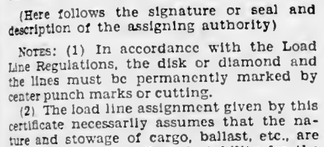
(Here follows the signature or seal and description of the assigning authority)

NOTES: (1) In accordance with the Load Line Regulations, the disk or diamond and the lines must be permanently marked by center punch marks or cutting.

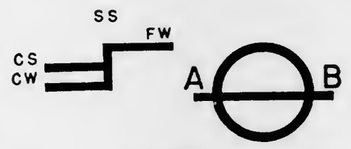
(2) The load line assignment given by this certificate necessarily assumes that the nature and stowage of cargo, ballast, etc., are such as to secure sufficient stability for the vessel. Accordingly, it is the owner's responsibility to furnish the Master of the vessel with stability information and instructions when this is necessary to maintenance of sufficient stability.

(On the reverse side of the load line certificate, the provision for annual inspection endorsement and for renewal of the certificate is to be the same as for vessels engaged in the foreign trade.)

(b) Where the Special Service Load Line Certificate is issued in addition to a Great Lakes Load Line Certificate, the wording of the Special Service Load Line Certificate is to be identical to that given in paragraph (a) of this section, but the markings indicated in the form shall be replaced by the following markings:



(c) Where the Special Service Load Line Certificate is issued in addition to an Unlimited Coastwise or International Load Line Certificate, the wording of the Special Service Load Line Certificate is to be identical to that given in paragraph (a) of this section, but the markings indicated in the form shall be replaced by the following markings:



*Where seagoing steamers navigate a river or inland water, deeper loading is permitted corresponding to the weight of fuel, etc., required for consumption between the point of departure and the open sea.

**Upon the expiration of the certificate renewal must be obtained as provided by the Load Line Regulations and the certificate so endorsed. Endorsement should also be made in the spaces provided on the occasion of each annual inspection required by the Load Line Regulations.

PART 45—MERCHANT VESSELS WHEN ENGAGED IN A VOYAGE ON THE GREAT LAKES

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45.10–67 Flush scuttles.
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45.10–75 Ventilators in exposed positions on freeboard and superstructure decks.
45.10–77 Air pipes.
45.10–80 Gangway, cargo, and coaling ports, etc.
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45.15–17 Strength.
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45.15–37 Class 1 closing appliances.
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45.15–47 Superstructures, general.
45.15–50 Poop.
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Sec.
45.20–40 Ventilators.
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45.20–60 Deductions for detached superstructures.
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45.20–70 Freeboard table for tankers.

Subpart 45.25—Fees and Form of Certificate

45.25–1 Fees.
45.25–5 Form of load line certificate.

AUTHORITY: The provisions of this Part 45 issued under sec. 2, 49 Stat. 888, as amended; 46 U.S.C. 88a. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–48, October 19, 1962, 27 F.R. 10504, unless otherwise noted.

Subpart 45.01—Administration

§ 45.01–1 Establishment of Great Lakes load lines.

(a) Load lines are established for merchant vessels of 150 gross tons or over when engaged on Great Lakes voyages in conformity with the Coastwise Load Line Act, 1935, as amended (46 U.S.C. 88–88i).

(b) Load lines for merchant vessels of 150 gross tons or over when engaged on Great Lakes voyages shall be pursuant to the regulations in this part.

(c) The load line regulations for merchant vessels when engaged in foreign voyages (the Great Lakes excepted) or coastwise voyages are in Part 43 of this subchapter. The load line regulations applicable to coastwise load lines for steam colliers, barges, and self-propelled barges in specially limited coastwise voyages are in Part 44 of this subchapter.

(d) In concurrence with related Canadian regulations, the waters of the St. Lawrence River west of a straight line drawn from Cap de Rosiers to West Point Anticosti Island, and west of a line along 63° W. longitude from Anticosti Island to the north shore of the St. Lawrence River shall be considered as a part of the Great Lakes.

§ 45.01–5 Responsibility for administration.

(a) Under the general direction and supervision of the Secretary of the Treasury, the Commandant of the United States Coast Guard is delegated the responsibility and authority for the administration of the Coastwise Load Line Act, 1935, as amended (46 U.S.C. 88–88i).

§ 45.01–10 Application of regulations.

(a) No merchant vessel of the United States of 150 gross tons or over shall proceed on a voyage on the Great Lakes, or arrive from a voyage on the Great Lakes, or operate on the Great Lakes, and no foreign merchant vessel of 150 gross tons or over shall arrive from a voyage on the Great Lakes or shall proceed on a voyage on the Great Lakes, when within the jurisdiction of the United States, unless such vessel is:

(1) Marked with load lines under the load line regulations in Part 43 of this subchapter and has on board a valid load line certificate, or

(2) A foreign vessel exempted under section 5 of the Coastwise Load Line Act, 1935, or is marked and certificated as to load lines under the provisions of and in accordance with the International Load Line Convention 1930 and has on board a valid load line certificate, or

(3) A new vessel:

(i) Has been surveyed in accordance with the provisions of this part.

(ii) Complies with the provisions of this part as applicable to the type of vessel dealt with.

(iii) Has been marked in accordance with the provisions of this part.

(iv) Has had the marks certified as correct as provided by this part.

(A new vessel is one whose keel was laid on or after August 27, 1935.)

(4) An existing vessel:

(i) Has been surveyed, marked, and the marks certified either under the provisions of the regulations in this part as applicable to the type of vessel, or

(ii) Complies as defined for the type of vessel with the provisions of this part in principle and detail so far as is reasonable and practicable, having regard to the efficacy of the protection of openings, guard rails, freeing ports, and means of access to crews quarters, provided by the existing arrangements, fittings, and appliances of the vessel.

(b) Where it is neither reasonable nor practicable to comply with this part in its entirety, the assigning authority will, in each case, report to the Commandant, U. S. Coast Guard, the specific matters in which the vessel is deficient with such recommendations as seem desirable. Upon the receipt of this report the Commandant, U. S. Coast Guard, shall determine such addition to the freeboard as will, in the judgment of the Commandant, U. S. Coast Guard, make the vessel as safe as if it had fully complied with this part.

§ 45.01–13 Penalties for load line violations.

(a) For violations of the Coastwise Load Line Act, 1935, as amended (46 U.S.C. 88–88i), and the regulations in this subchapter, which apply to merchant vessels engaged in voyages on the Great Lakes, see § 43.01–13 of this subchapter for a description of the applicable penalties and procedures.

§ 45.01–15 Tankers.

(a) A steamer specially constructed for the carriage of liquid cargoes in bulk which has been surveyed as provided by § 45.01–10 shall be marked with tanker load lines and the marks certified as correct, if being:

(1) A new vessel, it complies with the conditions and provisions prescribed in §§ 45.20–10—45.20–70.

(2) An existing vessel, it complies with the conditions and provisions in §§ 45.20–10, 45.20–25—45.20–40 and, also, in principle so far as is reasonable and practicable, with §§ 45.20–15, 45.20–20, 45.20–45: *Provided*, That in assigning a tanker load line to an existing vessel such additions to the freeboard shall be made as is reasonable having regard to the extent to which the vessel falls short of full compliance with the conditions and provisions prescribed in §§ 45.20–15, 45.20–20, 45.20–45.

(b) For the purpose of the application of §§ 45.01–75, 45.05–15 and 45.15–94 there are included non-propelled tank barges of shipshape form specially constructed for the carriage of liquid cargoes in bulk.

§ 45.01–17 Cargo vessels.

For the purpose of §§ 45.01–75, 45.05–15 and 45.15–94 a cargo vessel is defined as a vessel either self-propelled or non-propelled of shipshape form constructed for the carriage of dry cargoes, and which is regularly engaged in the transportation thereof.

§ 45.01–20 Vessels of special design.

(a) Sand suckers and other vessels of special design that cannot be assigned load lines by direct application of the rules set forth in this subchapter, will be assigned load lines based on the individual consideration of each vessel. Before such vessels are marked and certified, the assigning authority shall obtain the approval of the Commandant, U. S. Coast Guard, as to the position of the load line marks.

(b) In the location of load lines on sand suckers and similar vessels, consideration will be given to the effect of flooding of open cargo spaces, and the draft permitted will not be in excess of that which, in the judgment of the assigning authority, with the approval of the Commandant, U. S. Coast Guard, provides a reasonable margin of safety under such circumstances.

(c) Open hopper type barges will be limited to unmanned operation over restricted routes.

§ 45.01–22 Stability.

(a) The rules of this part necessarily assume that the nature and stowage of the cargo, ballast, etc., are such as to secure sufficient stability for the vessel.

(b) Having regard for the fact that certain vessels, such as those carrying all their cargo as deck cargo, may need to have the amount of cargo and resulting draft limited by stability considerations, the load line assignments of vessels, which are subject to the stability test requirements contained in § 31.10–30 in Subchapter D (Tank Vessels) or in Subpart 93.05 in Subchapter I (Cargo and Miscellaneous Vessels) of this chapter, shall in no case be deeper than permitted by the results of such tests.

(c) Load line assignments to vessels not subject to inspection will also be made subject to the results of a stability test if the design and service of the vessels are such as to indicate the need for a draft limitation based thereon.

(d) Load line assignments made to vessels before the results of stability tests are known shall be regarded as conditional and subject to verification by the Commandant.

(R.S. 4417, as amended, 4417a, as amended, secs. 1, 2, 49 Stat. 1544, as amended; 46 U.S.C. 391, 391a, 367)

§ 45.01–25 Marks to indicate maximum load lines.

(a) Marks to indicate maximum mean drafts to which a vessel can be lawfully submerged, in the various circumstances

and seasons, shall be permanently marked on each side of the vessel in the form, manner, and location provided by this part.

§ 45.01–30 Assignment and certification of load lines; assigning authority.

(a) As provided in the Coastwise Load Line Act, 1935, the American Bureau of Shipping is appointed to assign load lines and to determine whether the position of and the manner of marking each vessel to which the act applies has been performed in accordance with this part, and is authorized to issue a load line certificate, certifying to the correctness of the marks under its own hand and seal. As provided in the aforesaid act, the Commandant, U. S. Coast Guard may, at the request of a shipowner, appoint any other recognized classification society which he may approve, as the load line assigning authority. The American Bureau of Shipping (Mailing address: 45 Broad Street, New York, N.Y., 10004), or other approved load line assigning agency, is authorized to renew from time to time by endorsement a load line certificate. Load line certificates will not be issued until the load line marks have been verified. This certificate will be issued in duplicate, one copy being delivered to the owner or master of the vessel and one copy, together with a summary of the data used to determine the load line will be forwarded to the Commandant, U.S. Coast Guard, Washington, D.C., 20226. In addition, each new vessel, when receiving its first load line certificate, shall be furnished a copy of the load line survey report which shall be retained on board to be available for the information of inspectors and surveyors when carrying out subsequent load line surveys.

(b) The agency appointed by the Commandant, U. S. Coast Guard, to assign load lines as provided by section 3 of the Coastwise Load Line Act, 1935 (49 Stat. 888; 46 U. S. C. 88b), is referred to in this part as the assigning authority.

(c) The fees to be charged by the assigning authority for services in connection with this part shall not exceed the scale of maximum fees as set forth in § 45.20–75.

(Sec. 2, 45 Stat. 1493, as amended; 46 U.S.C. 85a)

§ 45.01–35 Survey for the assignment of new load line and renewal of load line certificate.

(a) *Steel vessels.* (1) Unless specifically waived by the Commandant, U.S. Coast Guard, the vessel is to be placed in drydock to determine the condition of the hull plating and underwater connections.

(2) The holds, 'tween decks, peaks, bilges, engine and boiler spaces, and bunkers are to be examined to determine the condition of the structure.

(3) Deep tanks and other tanks which form part of the vessel are to be examined internally.

(4) Where a double bottom is fitted, the tanks are to be examined internally. Where double bottom and other tanks are used for fuel oil bunkers, such tanks need not be cleaned out, provided the surveyors are able to determine by an external examination that their general condition is satisfactory.

(5) The decks are to be examined.

(6) The hatch covers, hatch beams, and fore-and-afters, tarpaulins, battens and wedges, the hatchway and ventilator coamings, companionways, the engine and boiler casings, the superstructures on the freeboard deck, and all means of protecting the openings in the freeboard deck and superstructures are to be examined.

(7) All air pipe outlets, scuppers, sanitary discharges in the vessel's sides, and air ports are to be examined.

(8) All gangways, cargo, and coaling ports or similar openings in the vessel's sides are to be examined.

(9) Guardrails, gangways, and freeing ports are to be examined.

(10) Where, owing to the age and condition of the vessel, the surveyors deem it necessary, the shell and deck plating may be required to be drilled in order to ascertain the thickness of such plating.

(b) *Wood and composite vessels.* (1) Unless specifically waived by the Commandant, U. S. Coast Guard, the vessel is to be placed on a drydock or a slipway and the keel, stem, sternframe or sternpost, and outside planking are to be examined. Caulking is to be tried at such places about the planking as is deemed necessary by the surveyors.

(2) Careful examination must be made for faulty fastenings and such bolts or treenails must be backed out, or otherwise dealt with, as may be deemed necessary by the surveyors.

(3) Careful examination is to be made of the entire structure and, if considered necessary, borings are to be made to ascertain the conditions of the material; should these disclose cause for further examination, listings are to be made where required to satisfy the surveyors as to the true condition of the vessel.

(4) The holds, 'tween decks, peaks, bilges, engine and boiler spaces, and bunkers are to be examined.

(5) The decks are to be examined and bored where necessary.

(6) The hatch covers, hatch beams, fore-and-afters, tarpaulins, battens, and wedges, the hatchway and ventilator coamings, companionways, the engine and boiler casings, the superstructures on the freeboard deck, and all means of protecting the openings in the freeboard deck and superstructures are to be examined.

(7) All air pipe outlets, scuppers, sanitary discharges in the vessel's sides, and air ports are to be examined.

(8) Guardrails, gangways, and freeing ports are to be examined.

(c) *Correction of deficiencies.* Any such structure or parts or fittings of the vessel as are found to be in an unsatisfactory condition are to be rebuilt or repaired or renewed in order to place the vessel in a seaworthy condition so as to be eligible for a load line certificate.

§ 45.01–40 Annual load line inspection.

(a) A vessel having been marked as provided by this part, and the mark certified as correct, will be inspected at intervals of approximately 12 months in order to insure the maintenance in an effective condition of the fittings and appliances for the:

(1) Protection of openings,

(2) guardrails,

(3) freeing ports,

(4) means of access to crew's quarters, and that there have not been alterations made to the hull or superstructures, which would affect the calculations determining the position of the load lines.

(b) If upon examination the fittings and appliances are found to be in a satisfactory condition, the load line certificate will be endorsed to this effect. If it shall be found that alterations have been made to the hull or superstructures that affect the calculations determining the position of the load line, the matter shall be reported to the Commandant, U.S. Coast Guard, for appropriate action.

(c) The assigning authority shall make this inspection and report thereon to the owners of the vessel, and a copy of such report shall be forwarded to the Commandant, U. S. Coast Guard, Washington, D.C., 20226.

§ 45.01–45 Application for assignment, renewal, and certification of load line marks.

(a) Application for assignment and certification of load line marks or for renewal of load line certificates shall be made in writing to the assigning authority by the owners of the vessel.

§ 45.01–50 Application for annual load line inspections.

(a) Application for annual load line inspection required by § 45.01–40 shall be made in writing to the assigning authority by the owners of a vessel.

§ 45.01–55 Equivalents.

(a) Where in the regulations in this part it is provided that a particular fitting or appliance, or type thereof, shall be fitted or carried in a vessel, or that any particular arrangement shall be adopted, there may be substituted any other fitting or appliance or type thereof, or any other arrangement: *Provided*, That such fitting, appliance, or arrangement shall be considered a suitable equivalent by the assigning authority and the approval of the Commandant, U.S. Coast Guard, for such substitution shall have been issued.

§ 45.01–60 Validity of certificates; renewal of certificates.

(a) As the assignment of load lines is conditioned upon the structural efficiency of the vessel and upon the provision of effective protection to vessel and crew, every vessel required to be marked by the Coastwise Load Line Act, 1935, with load lines shall be surveyed by the assigning authority at least once in each 6 years to determine that the load lines are then correctly placed as required by this part. If the load line mark be found correct for the vessel in the condition she is then in, the certificate shall be renewed for such time as the condition of the

vessel then warrants, but in no case for a longer period than 6 years and the facts shall be attested by endorsement upon the back of the certificate in the form shown in § 45.25–5.

(b) The Commandant, U. S. Coast Guard, shall be notified of every renewal endorsement and the date of its expiration.

(c) Foreign vessels which have not been exempted pursuant to section 5 of the Load Line Act shall have their load line certificate limited to a period of 1 year. The certificate may be validated for additional 1-year periods (provided, after survey, the condition of the vessel is found to warrant such validation, and the facts are attested by endorsement upon the back of the load line certificate by a surveyor of the American Bureau of Shipping or of the classification society issuing the certificate.) The certificate will become void 5 years from date of issue, or at the expiration of the fourth yearly validation, whichever occurs first.

§ 45.01–65 Form of certificate.

(a) The form for certificates certifying to the correctness of the load line mark as required by the Coastwise Load Line Act, 1935, is shown in § 42.25–5.

§ 45.01–70 Cancellation of load line certificate.

(a) Notwithstanding the marking of a load line and the issuance of a load line certificate, the certificate will be cancelled if:

(1) The annual load line inspection required by § 45.01–40 has not been carried out or that the items described under § 45.01–40 are not maintained in an effective condition; or

(2) The survey required by § 45.01–35 has not been carried out, or that any defects disclosed by the survey have not been corrected; or

(3) Due to any cause the conditions of assignment have not been maintained as provided by the regulations in this part, or alterations have been made to hull or superstructures which affect the calculations made to determine the location of the load line.

§ 45.01–75 Seasonal load lines.

(a) For load line purposes there is hereby established for the Great Lakes a winter, intermediate, summer, and for tankers and cargo vessels (see §§ 45.01–15 and 45.01–17) a midsummer season, and load lines applicable to each season are established by the regulations in this part. The winter season shall be that period from November 1 through April 15 of the next year, the intermediate seasons from April 16 through April 30, and from October 1 through October 31, and the summer season from May 1 through September 30. The midsummer season shall be the portion of the summer season from May 1 through September 15 which shall be applicable only in those cases where midsummer season load lines are permitted. (All dates are inclusive.)

(b) For those vessels that are marked and certificated with load lines under the International Load Line Convention, 1930, the load line marks shall be applicable to voyages on the Great Lakes in accordance with Table 45.01–75 (b).

TABLE 45.01–75 (b)

Load line mark. salt water:	*Season applicable*
Tropical (T)---	May 1–Sept. 30 (summer).
Summer (S)---	Apr. 16–30, Oct. 1–31 (intermediate).
Winter (W)---	Nov. 1–Apr. 15 (winter).

NOTE: In the case of cargo vessels and tankers as defined in §§ 45.01–15 and 45.01–17 loading to the tropical fresh water mark (TF) for the midsummer season may be authorized. In such cases a special supplementary certificate shall be issued.

(c) When engaged on voyages between the limits of Toledo Harbor and Port Huron, Michigan, cargo and tank vessels above 300 feet in length may load to their intermediate marks between October 1 and April 30, inclusive. Such vessels above 400 feet in length may load to their summer marks between September 16 and April 30, inclusive.

(d) Except as provided in paragraph (c) of this section, no vessel shall be loaded so as to submerge at any time the load line applicable to the season.

§ 45.01–80 Logbook entries required.

(a) It is the master's responsibility to have entered in the vessel's "Official Logbook" if carried, otherwise in a log considered as its official logbook, the data required by section 6 of the Coastwise Load Line Act, 1935, as amended (46 U.S.C. 88e). These logbook entries shall be made before a vessel departs from her loading port or place and consist of:

(1) A statement of the load line marks applicable to the voyage;

(2) A statement of the position of the load line mark, port and starboard, at the time of departing from a port or place; and,

(3) The actual drafts of the vessel, forward and aft, as nearly as the same can be ascertained, at the time of departing from a port or place.

§ 45.01–85 Control.

(a) The Collector of Customs or the Coast Guard District Commander may detain a vessel for survey if there is reason to believe that the vessel is proceeding on her journey in excess of the draft allowed by the regulations in this part as indicated by the vessel's load line certificate, or otherwise. The Coast Guard District Commander may detain a vessel if it is so loaded as to be manifestly unsafe to proceed.

(b) If the Collector of Customs orders a vessel detained, he shall immediately inform the Coast Guard District Commander thereof, who shall thereupon advise the Collector of Customs whether or not he deems that the vessel may proceed with safety. If the Coast Guard District Commander orders a vessel detained, such officer will furnish the Collector of Customs immediate notification of such detention. The clearance shall be refused to any vessel which shall have been ordered detained, which shall be in effect until it is shown that the vessel is not in violation of the Coastwise Load Line Act, 1935, as amended (46 U.S.C. 88–88i), and the regulations in this subchapter.

(c) The detention of a vessel will be by written order of either the Coast Guard District Commander or the Collector of Customs, depending on who orders the detention. The detaining officer will immediately arrenge for a survey in the manner prescribed by section 7 of the Coastwise Load Line Act, 1935, as amended (46 U.S.C. 88f). Unless the owner or agent waives in writing and stipulates to accept the Coast Guard's survey, the detaining officer shall appoint three disinterested surveyors, and where practicable, one of them shall be from the Surveying Staff of the American Bureau of Shipping. Such surveyors shall conduct a survey to ascertain whether or not the vessel is loaded in violation of the applicable provisions of the Coastwise Load Line Act, 1935, as amended (46 U.S.C. 88–88i), and the regulations in this part. If the survey confirms the allegation that the vessel is in violation of the law or the regulations in this part "the owner and agent shall bear the costs of the survey in addition to any penalty or fine imposed," as provided in this law. When such surveyors are appointed by the Collector of Customs, such appointment shall be with the approval of the Coast Guard District Commander.

(d) Whenever a vessel is detained, the master or owner may, within five days, appeal to the Commandant, United States Coast Guard, who may, if he desires, order a further survey, and may affirm, set aside, or modify the order of the detaining officer.

(e) Where a foreign vessel is detained, or any action is taken which would appear likely to result in legal proceedings being taken against such a vessel, the consul of the country to which the vessel belongs shall be informed as soon as possible of the circumstances of the case.

(f) Pursuant to the provisions of section 5 of the Coastwise Load Line Act, 1935, as amended (46 U.S.C. 88d), it is hereby certified that a vessel of a foreign country which has ratified the International Load Line Convention, 1930, shall be deemed a vessel of a foreign country as described in section 5 of this act, and such a vessel shall be exempt from the provisions of the regulations in this part insofar as the marking of the load lines and the certificating thereof are concerned, only so long as such country similarly recognizes the load lines established by the regulations in this part, for the purpose of a voyage by sea: *Provided*, That the vessel is marked with load lines and has on board a valid load line certificate certifying to the correctness of the mark, the vessel shall not be loaded beyond the limits allowed by the certificate, the position of the load line of the vessel shall correspond with the certificate, the hull and superstructure shall not have been so materially altered as to affect the calculations on which the load line was based, and alterations have not been made so that the protection of openings, guardrails, freeing ports, and means of access to crew's quarters have made the vessel manifestly unfit to proceed to sea without danger to human life.

§ 45.01–90 Approval of the Commandant.

(a) Where the active approval of the Commandant, U.S. Coast Guard, is required in connection with this part, such information as will enable the Commandant, U.S. Coast Guard, to obtain a comprehensive understanding of the question at issue shall be furnished and will remain with the Commandant, U. S. Coast Guard, as a record.

Subpart 45.05—General Rules for Determining Maximum Load Lines of Merchant Vessels on the Great Lakes

§ 45.05–1 Definitions.

(a) *Steamer.* (1) The term "steamer" or "steamship" includes all vessels having sufficient means for mechanical propulsion, except where provided with sufficient sail area for navigation under sails alone.

(2) A vessel fitted with mechanical means of propulsion and with sail area insufficient for navigation under sails alone may be assigned a load line under §§ 45.15–1—45.20–1.

(3) A lighter, barge, or other vessel without independent means of propulsion, when towed, is to be assigned a load line under §§ 45.15–1—45.20–1, except steel tank barges specially constructed for the carriage of liquids in bulk and cargo barges having only small access hatches in the freeboard deck, the load lines for which may be calculated under §§ 45.20–10—45.20–70.

(b) *Flushdeck vessel.* A flushdeck vessel is one which has no superstructure on the freeboard deck.

(c) *Superstructure.* A superstructure is a decked structure on the freeboard deck extending from side to side of the vessel. A raised quarter-deck is considered a superstructure.

(d) *Load line.* The load line is the line defining the maximum mean draft to which a vessel may be lawfully submerged. It is the lower limit of the freeboard as determined by the regulations in this part having regard to the various conditions and seasons.

(e) *Freeboard.* The freeboard assigned is the distance measured vertically downward at the side of the vessel amidships from the upper edge of the deck line to the upper edge of the load line.

(f) *Freeboard deck.* The freeboard deck is the deck from which the freeboard is measured, and is the uppermost complete deck having permanent means of closing all openings in weather portions of the deck in accordance with §§ 45.10–1—45.10–45. It is the upper deck in flushdeck vessels and vessels with detached superstructures. In vessels having discontinuous freeboard decks within superstructures which are not intact, or which are not fitted with class 1 closing appliances, the lowest line of the deck below the superstructure deck is taken as the freeboard deck.

(g) *Amidships.* Amidships is the middle of the length of the summer load waterline, as defined in § 45.15–1.

CROSS REFERENCE: For class 1 closing appliances, see § 45.15–37.

§ 45.05–5 Deck line.

(a) The deck line is a horizontal line 15 inches in length and 1 inch in breadth. It is to be marked amidships on each side of the vessel, and its upper edge is to pass through the point where the continuation outward of the upper surface of the freeboard deck intersects the outer surface of the shell. (See fig. 45.05–5 (a).) Where the deck is partly sheathed amidships, the upper edge of the deck line is to pass through the point where the continuation outward of the upper surface of the actual sheathing at amidships intersects the outer surface of the shell.

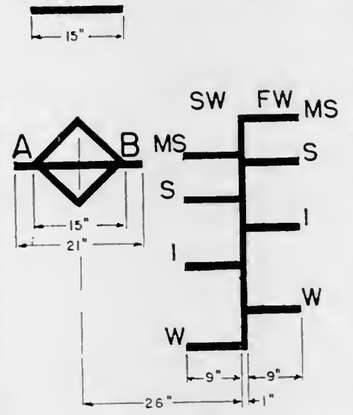


FIGURE 45.05–5(a).

NOTE: The line marked "MS" shall be used only when applicable to vessels defined in §§ 45.01–15 and 45.01–17.

§ 45.05–10 Load line diamond.

(a) The load line diamond is a square 15 inches on each diagonal with one diagonal vertical, the other horizontal, and is intersected by a horizontal line of 21 inches in length and 1 inch in breadth, the upper edge of which coincides with the horizontal diagonal of the diamond. The diamond is to be marked amidships below the deck line, port and starboard.

§ 45.05–15 Lines to be used in connection with the diamond.

(a) The lines which indicate the maximum load line in different seasons are to be horizontal lines, 9 inches in length and 1 inch in breadth, which extend from and are at right angles to a vertical line marked 26 inches forward of the center of the diamond. (See Figure 45.05–5(a).)

(b) The following are the lines to be used:

(1) *Midsummer load line.* The midsummer load line is indicated by the upper edge of a line marked "MS".

(2) *Summer load line.* The summer load line is indicated by the upper edge of the line which passes through the center of the diamond and also by a line marked "S".

(3) *Intermediate load line.* The intermediate load line is indicated by the upper edge of a line marked "I".

(4) *Winter load line.* The winter load line is indicated by the upper edge of a line marked "W".

(5) *Salt water load lines.* Ships which load in salt water of the St. Lawrence River and proceed to fresh water shall additionally be marked with horizontal lines, 9 inches in length and 1 inch in breadth extending from the vertical line referred to above towards the diamond. These lines shall be indicated as "S.W." marks and shall be additionally marked to indicate the corresponding Great Lakes season.

(c) Where the draft is restricted on a basis of subdivision or stability and this draft is less than any of the various seasonal drafts permitted by the regulations in this part, the center of the diamond shall be located on the line of this restricted draft and it shall be applicable to all seasons. If such a permissible maximum draft comes between the seasonal markings, the seasonal markings below shall also be added.

CROSS REFERENCE: For determining the salt water freeboard, see § 45.15–96.

§ 45.05–20 Mark of assigning authority.

(a) The authority by whom the load lines are assigned may be indicated by letters measuring about 4½ by 3 inches marked alongside the diamond and above the centerline.

§ 45.05–25 Details of marking.

(a) The diamond, lines, and letters are to be painted in white or yellow on a dark ground or in black on a light ground. They are also to be carefully cut in or center punched on the sides of iron and steel vessels, and on wood vessels they are to be cut into the planking for at least one eighth of an inch. The marks are to be plainly visible, and if necessary special arrangements are to be made for this purpose.

§ 45.05–30 Verification of marks.

(a) The load line certificate is not to be delivered to the vessel until a surveyor of the assigning authority has certified that the marks are correctly and permanently indicated on the vessel's side.

Subpart 45.10—Conditions of Assignment of Load Lines

§ 45.10–1 Construction of vessel.

(a) The assignment of load lines is conditional upon the vessel being structurally efficient and upon the provision of effective protection to vessel and crew.

(b) Sections 45.10–1—45.10–100 apply to vessels to which minimum freeboards are assigned. In vessels to which greater freeboards than the minimum are assigned, the protection is to be relatively as effective.

(c) Passenger vessels—Subdivision and stability load lines: Where in passenger vessels the positions of the maximum load lines are determined by the application of subdivision and stability regulations as provided in Part 46 of this subchapter pertaining to passenger vessels on the Great Lakes, the provisions of the regulations in this part shall also be effective insofar as they are applicable.

(R.S. 4491, as amended, sec. 5, 49 Stat. 1384, as amended; 46 U.S.C. 391, 369)

§ 45.10–5 Cargo and other hatchways not protected by superstructures.

(a) The construction and fittings of cargo and other hatchways in exposed positions on freeboard and superstructure decks are to be at least equivalent to the standards laid down in §§ 45.10–10—45.10–45.

(b) Where hatch covers are of adequate metal construction, sealed watertight against pliable gaskets by dogs or other suitable means, as approved by the Load Line Assigning Authority, the application of the requirements of §§ 45.10–10—45.10–45 will be modified accordingly.

§ 45.10–10 Hatchway coamings.

(a) The minimum height of hatchway coamings on freeboard decks is to be at least 18 inches above the deck. The minimum height of coamings on superstructure decks is to be at least 18 inches above the deck if situated within a quarter of the vessel's length from the stem, and at least 12 inches if situated elsewhere.

§ 45.10–15 Hatchway covers.

(a) On bulk freighters over 350 feet in length steel hatch covers are to be fitted to all exposed hatchways on the freeboard deck and they are to be of such thickness and provided with such stiffening as will enable them to be handled without deformation.

(b) Solid covers are to have stiffeners spaced not over 42 inches apart. The plating is to be not less than 0.24'' at 24-inch spacing and 0.36'' at 42-inch spacing with intermediate thicknesses at intermediate spacings. The stiffeners are not to be less effective than provided by angles, bulb angles or channels riveted or welded to the plate and having a section modulus in inches cubed not less than given by the formula:

$$I/y = S \times L^2 \times 0.025 \quad (1)$$

where:

S = spacing of stiffeners in feet.
L = length in feet of the unsupported spans.
I = moment of inertia of the section.
y = distance from center of gravity of the section to the outermost strain fiber.

(c) Covers of the sliding plate type with flanges on one edge or with stiffeners riveted or welded to one edge shall have a sufficient number of sections so that when closed the spacing of the stiffeners does not exceed 42 inches. Plates are not to be less in thickness than required for solid steel covers in association with the spacing of the stiffeners when closed. The stiffening at the edge of the covers is not to be less effective than required above for solid covers. If hatch covers of the sliding plate type are used for spans exceeding 12'—1'', additional support must be provided, the details of which will be specially considered.

(d) Where wood hatch covers are used they are to be made of long leaf yellow pine or fir and the finished thickness is not to be less than 2¼ inches in association with a span of 6 feet. The width of each bearing surface is to be at least 2½ inches.

§ 45.10–20 Hatchway beams.

(a) Hatchways having wood covers are to be fitted with a system of main beams all extending in one direction or a system of main beams in association with auxiliary beams across the top of the main beams so arranged that the unsupported spans of the covers do not exceed 6 feet except where specially approved. The main beams may be of solid, rolled, or built shapes and the auxiliary beams may be either rolled shapes or timber of rectangular section. They are to have a section modulus in inches cubed of not less than given by the formula.

$$I/y = S \times L^2 \times C \quad (1)$$

where:

S = the breadth of the area supported in feet.
L = the length of the unsupported spans in feet.
C = 0.03 for steel main beams where 18'' coamings are required.
C = 0.025 for steel auxiliary beams where 18'' coamings are required.
C = 0.025 for steel main beams where 12'' coamings are required.
C = 0.02 for steel auxiliary beams where 12'' coamings are required.
C = 0.15 for wood auxiliary beams where 18'' coamings are required.
C = 0.12 for wood auxiliary beams where 12'' coamings are required.
I = moment of inertia of the section.
y = distance from center of gravity of the section to the outermost strain fiber.

(b) Where rolled section beams are used the top flanges and the top angles in the case of built beams are to extend for the full length of the beams. Where wood auxiliary beams are used they are to be steel shod at all points where they bear on the main beams and at the ends.

§ 45.10–25 Carriers or sockets.

(a) Carriers or sockets for hatchway beams and fore-and-afters are to be of steel at least one-half inch thick, and are to have a width of bearing surface of at least 3 inches.

§ 45.10–30 Cleats and fasteners.

(a) Strong cleats at least 2½ inches wide or efficient clamping devices are to be fitted at intervals of approximately 2 feet from center to center; the end cleats are to be placed not more than 6 inches from each corner of the hatchway. Where steel sliding covers are fitted, patent fasteners of the "Mulholland type" or equal, spaced to suit the width of covers, may be used in place of cleats and wedges.

§ 45.10–35 Battens and wedges.

(a) Battens, wedges, or tarpaulin securing devices are to be efficient and in good condition.

§ 45.10–40 Tarpaulins.

(a) At least one tarpaulin in good condition, thoroughly waterproofed, and of ample strength, is to be provided for each hatchway in an exposed position on freeboard and superstructure decks. The material is to be guaranteed free from jute, and shall not be less than No. 4 cotton canvas or equal before waterproofing, or shall be of suitable synthetic fabric as approved for this purpose by the Load Line Assigning Authority.

§ 45.10–45 Security of hatchway covers.

(a) At all hatchways in exposed positions on freeboard or superstructure decks suitable provision is to be made for securing the covers after the tarpaulins are battened down.

§ 45.10–50 Cargo and other hatchways in the freeboard deck within superstructures which are fitted with closing appliances less efficient than class 1.

(a) The construction and fitting of such hatchways are to be at least equivalent to the standards laid down in §45.10–55 (a).

§ 45.10–55 Hatchway coamings and closing arrangements.

(a) Cargo, coaling, and other hatchways in the freeboard deck within superstructures which are fitted with class 2 closing appliances are to have coamings at least 9 inches in height and closing arrangements as effective as those required for exposed cargo hatchways.

(b) Where the closing appliances are less efficient than class 2, the hatchways are to have coamings at least 12 inches in height and are to have fittings and closing arrangements as effective as those required for exposed cargo hatchways.

(c) In the case of car ferries fitted with efficient "sea gates" extending above the freeboard deck at least to the height of a standard superstructure, coamings of less height may be fitted provided the hatches within superstructures are fitted with close fitting steel covers with efficient securing devices. When the openings in freeboard decks are not provided with closing devices the coamings are to extend above the freeboard deck at least to the height of a standard superstructure.

Cross Reference: For class 2 closing appliances, see § 45.15–40.

§ 45.10–57 Machinery space openings in exposed positions on freeboard and raised quarter-decks.

(a) Such openings are to be properly framed and efficiently enclosed by steel casings of ample strength, and where the casings are not protected by other structures their strength is to be specially considered; doors in such casings are to be of steel, efficiently stiffened, permanently attached, and capable of being closed and secured from both sides. The sills of openings are to be at least 18 inches above the freeboard deck and 12 inches on a raised quarter-deck.

(b) Fiddley, funnel, and ventilator coamings are to be as high above the deck as is reasonable and practicable. Fiddley openings are to have strong steel covers permanently attached in their proper positions. Engineroom skylights are to be of strong construction, preferably of steel.

§ 45.10–60 Machinery space openings in exposed positions on superstructure decks other than raised quarter-decks.

(a) Such openings are to be properly framed and efficiently enclosed by strong steel casings. Doors in such cases are to be strongly constructed, permanently attached, and capable of being closed and secured from both sides. The sills of the openings are to be at least 9 inches above superstructure decks.

(b) Fiddley, funnel, and ventilator coamings are to be as high above the deck as is reasonable and practicable. Fiddley openings are to have strong steel covers permanently attached in their proper positions. Where the fiddley openings are more than 15 feet in height above the freeboard deck, covers need not be provided.

(c) Engineroom skylights are to be of strong construction, preferably of steel.

§ 45.10–65 Machinery space openings in the freeboard deck within superstructures which are fitted with closing appliances less efficient than class 1.

(a) Such openings are to be properly framed and efficiently enclosed by steel casings. Doors in such casings are to be strongly constructed, permanently attached, and capable of being securely closed. The sills of the openings are to be at least 6 inches above the deck where the superstructures are closed by class 2 closing appliances, and at least 12 inches above the deck where the closing appliances are less efficient than class 2.

Cross Reference: For class 2 closing appliances, see § 45.15–40.

§ 45.10–67 Flush scuttles.

(a) Flush scuttles, where fitted, are to be of iron or steel, of substantial construction, with screw or bayonet joints.

§ 45.10–70 Companionways.

(a) Companionways in exposed positions on freeboard decks and on decks of enclosed superstructures are to be of substantial construction. The sills of the doorways are to be 18 inches on freeboard decks and on superstructure decks within a quarter of the vessel's length from the stem and 12 inches on superstructure decks elsewhere. The doors are to be strongly constructed and capable of being closed and secured from both sides. Where the companionway is situated within a quarter of the vessel's length from the stem, it is to be of steel and riveted to the deck plating.

§ 45.10–75 Ventilators in exposed positions on freeboard and superstructure decks.

(a) Such ventilators to spaces below freeboard decks or decks of superstructures which are intact or fitted with class 1 closing appliances are to have coamings of steel, substantially constructed and sufficiently connected to the deck. The deck plating at the base of the coamings is to be efficiently stiffened between the deck beams. The openings of ventilator coamings are to be provided with efficient closing arrangements.

(b) Where such ventilators are situated on the freeboard deck, or on the superstructure deck within a quarter of the vessel's length from the stem, and the closing arrangements are of a temporary character, the coamings are to be at least 30 inches in height; in other exposed positions on the superstructure deck they are to be at least 24 inches in height. Where the coaming of any ventilator exceeds 36 inches in height, it is to be specially supported and secured.

§ 45.10–77 Air pipes.

(a) Where the air pipes to ballast and other tanks extend above the freeboard or superstructure decks, the exposed parts of the pipes are to be of substantial construction; the height from the deck to the opening is to be, when practical, at least 30 inches in wells on freeboard decks, 24 inches on raised quarter-decks, and 12 inches on other superstructure decks. Satisfactory means are to be provided for closing the openings of the air pipes. Where these heights may interfere with the working of the vessel a lower height may be approved provided the air pipe cap is properly protected and the air pipe is fitted with adequate means of closing.

§ 45.10–80 Gangway, cargo, and coaling ports, etc.

(a) Openings in the sides of vessels below the freeboard deck are to be fitted with watertight doors or covers, which, with their securing appliances, are to be of sufficient strength.

§ 45.10–85 Scuppers and sanitary discharge pipes.

(a) Discharges from scuppers and sanitary pipes led through the vessel's sides from spaces below the freeboard deck are to be fitted with efficient and accessible means for preventing water from passing inboard. Each separate discharge may have an automatic nonreturn valve with a positive means of closing it from a readily accessible position above the freeboard deck, or two automatic nonreturn valves without positive means of closing, provided the upper valve is situated so that it is always accessible for examination under service conditions. The positive-action valve is to be accessible and is to be provided with means for showing whether the valve is open or closed.

(b) Conditional upon the type and the location of the inboard ends of such openings, similar provisions may be prescribed by the assigning authority as to discharge from spaces within enclosed superstructures.

(c) Where scuppers are fitted in superstructures not fitted with class 1 closing appliances they are to have efficient means for preventing the accidental admission of water below the freeboard deck.

§ 45.10–87 Air ports.

(a) Air ports to spaces below the freeboard deck or to spaces below the superstructure deck of superstructures, closed by class 1 or class 2 closing appliances, are to be fitted with efficient inside deadlights permanently attached in their proper positions so that they can be effectively closed and secured watertight. Where, however, such spaces in superstructures are appropriated to passengers other than steerage passengers or to crew, the air ports may have portable deadlights stowed adjacent to the air ports, provided they are readily accessible at all times on service.

(b) The air ports and deadlights are to be of substantial and approved construction.

Cross Reference: For class 1 and class 2 closing appliances, see §§ 45.15–37, 45.15–40.

§ 45.10–90 Guardrails.

(a) Efficient guardrails or bulwarks are to be fitted on all exposed portions of freeboard and superstructure decks.

§ 45.10–95 Freeing ports.

(a) Where bulwarks on the weather portions of freeboard or superstructure decks form "wells" ample provision is to be made for rapidly freeing the decks of water and for draining them. The minimum freeing port area on each side of the vessel for each well on the freeboard deck and on the raised quarter-deck is to be that given by the following scale: The minimum area for each well on any other superstructure deck is to be one-half the area given by the scale. Where the length of the well exceeds .7L, the scale may be modified.

Table 45.10–95 (a)—Scale of Freeing Port Area

Length of bulwarks in "well" in feet	Freeing port area on each side in square feet	Length of bulwarks in "well" in feet	Freeing port area on each side in square feet
15	8.0	45	11.0
20	8.5	50	11.5
25	9.0	55	12.0
30	9.5	60	12.5
35	10.0	65	13.0
40	10.8	Above 65...	(1)

[1] 1 square foot for each additional 5 feet length of bulwark.

(b) The lower edges of the freeing ports are to be as near the deck as practicable and preferably not higher than the upper edge of the gunwale bar. Two thirds of the freeing port area required is to be provided in the midship half of the well. In vessels with less than the standard sheer the freeing port area is to be suitably increased.

(c) All such openings in the bulwarks are to be protected by rails or bars spaced about 9 inches apart. If shutters are fitted to freeing ports, ample clearance is to be provided to prevent jamming. Hinges are to have brass pins.

§ 45.10–100 Protection of crew.

Gangways, lifelines, or other satisfactory means are to be provided for the protection of the crew in getting to and from their quarters.

Subpart 45.15—Load Lines for Steamers [2]

§ 45.15–1 Length (L).

(a) The length used with the rules and the freeboard tables is the length in feet on the summer load waterline from the foreside of the stem to the afterside of the rudder post. Where there is no rud-

[2] The provisions of §§ 45.01–1–45.01–90, inclusive, and §§ 45.05–1–45.10–100, inclusive, apply to all vessels having Great Lakes load lines and, for steamers, are supplemented by §§ 45.15–1–45.15–97, inclusive. Tankers having Great Lakes load lines are also subject to these requirements except as specifically modified in §§ 45.20–1–45.20–70, inclusive.

der post, the length is measured from the foreside of the stem to the axis of the rudder stock. For vessels with cruiser sterns, the length is to be taken as 96 percent of the total length on the designed summer load waterline or as the length from the foreside of the stem to the axis of the rudder stock if that be the greater.

§ 45.15–5 Breadth (B).

(a) The breadth is the maximum breadth in feet amidships to the molded line of the frame in iron or steel vessels and to the outside of the planking in wood or composite vessels.

§ 45.15–7 Molded depth.

(a) The molded depth is the vertical distance in feet, measured amidships, from the top of the keel to the top of the freeboard deck beam at side. In wood and composite vessels the distance is measured from the lower edge of the keel rabbet. Where the form at the lower part of the midship section is of a hollow character, or where thick garboards are fitted, the depth is measured from the point where the line of the flat of the bottom continued inwards cuts the side of the keel.

§ 45.15–10 Depth for freeboard (D).

(a) The depth used with the freeboard table is the molded depth plus the thickness of stringer plate, or plus

$$\frac{T(L-S)}{L} \quad (1)$$

if that be greater, where

T is the mean thickness of the exposed deck clear of deck openings, and

S is the total length of superstructures as defined in § 45.15–27.

(b) Where the topsides are of unusual form, D is the depth of a midship section having vertical topsides, standard round of beam, and area of topside section equal to that in the actual midship section. Where there is a step or break in the topsides (that is, as in the turret-deck vessel) 70 percent of the area above the step or break is included in the area used to determine the equivalent section.

(c) In a vessel without an enclosed superstructure covering at least $0.6L$ amidships, without a complete trunk or without a combination of intact partial superstructures and trunk extending all fore and aft, the depth to be used with the freeboard table is not to be less than $L/15$ in vessels below 350 feet in length, nor less than those tabulated below for lengths above 350 feet (minimum depths at intermediate lengths are obtained by interpolation).

TABLE 45.15–10 (a)—FREEBOARD TABLE

L	Minimum depth	L	Minimum depth	L	Minimum depth
350	23.35	450	27.65	550	30.20
375	24.70	475	28.40	575	30.70
400	25.80	500	29.05	600	31.15
425	26.80	525	29.65	625	31.60

§ 45.15–15 Coefficient of fineness (c).

(a) The coefficient of fineness used with the freeboard table is given by

$$c=\frac{\Delta}{L.B.d_1} \quad (1)$$

Where Δ is the volume in cubic feet of the vessel's molded displacement excluding bossing at a mean molded draft d_1 which is 85 percent of the molded depth. The coefficient c is not to be taken as less than 0.68, nor more than 0.86.

§ 45.15–17 Strength.

(a) The assigning authority is to be satisfied with the structural strength of vessels to which freeboards are assigned.

(b) Vessels which comply with the highest standard of the rules of a classification society recognized by the Commandant, U. S. Coast Guard, shall be regarded as having sufficient strength for the minimum freeboards allowed under Commandant, U. S. Coast Guard, in this part.

(c) Vessels which do not comply with the highest standard of the rules of a classification society recognized by the Commandant, U.S. Coast Guard, shall be assigned such increased freeboards as shall be determined by the assigning authority, and for guidance the following strength moduli are formulated:

(1) *Material.* The strength moduli are based on the assumption that the structure is built of mild steel, manufactured by the open-hearth process (acid or basic), and having a tensile strength of 60,000 to 72,000 pounds per square inch, and a minimum elongation on a length of 8 inches of at least

$$\frac{1{,}500{,}000}{\text{Tensile strength}}$$

(2) *Strength deck.* The strength deck is the uppermost deck which is incorporated into and forms an integral part of the longitudinal girder within the half-length amidships.

(3) *Depth to strength deck (Ds).* The depth to strength deck is the vertical distance in feet amidships from the top of the keel to the top of the strength deck beam at side.

(4) *Draft (d).* The draft is the vertical distance in feet amidships from the top of the keel to the center of the diamond except in those cases where midsummer marks are granted, the draft to be used is the draft to the midsummer mark.

(5) *Longitudinal modulus.* The longitudinal modulus $\frac{I}{y}$ is the moment of inertia I of the midship section about the neutral axis divided by the distance y measured from the neutral axis to the top of the strength deck beam at side, calculated in way of openings but without deductions for rivet holes. Areas are measured in square inches and distances in feet.

(i) Below the strength deck, all continuous longitudinal members other than such parts of underdeck girders as are required entirely for supporting purposes are included. Above the strength deck, the gunwale angle bar and the extension of the sheerstrake are the only members included.

(ii) The required longitudinal modulus for effective material is expressed by f. d. B., where f is the factor obtained from the Table 45.15–17 (c) (5) (ii).

TABLE 45.15–17 (c) (5) (ii)

L	f	L	f	L	
100	1.70	280	5.70	460	11.10
120	1.95	300	6.30	480	11.70
140	2.20	320	6.90	500	12.30
160	2.50	340	7.50	520	12.90
180	2.90	360	8.10	540	13.50
200	3.40	380	8.70	560	14.10
220	3.90	400	9.30	580	14.70
240	4.50	420	9.90	600	15.30
260	5.10	440	10.50	620	15.90

(iii) For intermediate lengths, the value of f is determined by interpolation.

(iv) This formula applies where the ratio $\frac{L}{D_s}$ does not exceed 13.5 in vessels of 325 feet length and under and 19 in vessels of 600 feet length and above. Intermediate values between lengths of 325 feet and 600 feet length are to be obtained by interpolation.

(6) *Frame.* For the purpose of the frame modulus, the frame is regarded as composed of a frame angle and a reverse angle each of the same size and thickness.

(7) *Frame modulus.* The modulus $\frac{I}{y}$ of the midship frame below the lowest tier of beams is the moment of inertia I of the frame section about the neutral axis divided by the distance y measured from the neutral axis to the extremity of the frame section, calculated without deduction for rivet and bolt holes. The modulus is measured in inch units.

(i) The required frame modulus is expressed by

$$\frac{s\ (d-t)\ (f_1+f_2)}{1{,}000} \quad (2)$$

where:

s is the frame spacing in inches.

t is the vertical distance in feet measured at amidships from the top of the keel to a point midway between the top of the inner bottom at side and the top of the heel bracket (see fig. 45.15–17 (c) (7) (i)); where there is no double bottom, t is measured to a point midway between the top of the floor at center and the top of the floor at the side.

f_1 is a coefficient depending on H, which, in vessels fitted with double bottoms, is the vertical distance in feet from the middle of the beam bracket of the lowest tier of beams at side to a point midway between the top of the inner bottom at side and the top of the heel bracket (see fig. 45.15–17 (c) (7) (i)); where there is no double bottom, H is measured to a point midway between the top of the floor at center and the top of the floor at side. Where the frame obtains additional strength from the form of the vessel, due allowance is made in the value of f_1.

f_2 is a coefficient depending on K which is the vertical distance in feet from the top of the lowest tier of beams at side to a point 7 feet, 6 inches above the freeboard deck at side, or, if there is a superstructure, to a point 12 feet 6 inches above the freeboard deck at side. (See fig. 45.15–17 (c) (7) (i).) The values of f_1 and f_2 are obtained from Table 45.15–17 (c) (7) (i).

the top of the superstructure deck to the top of the freeboard deck beam minus the difference between D and the molded depth. (See §§ 45.15–7, 45.15–10.)

§ 45.15–25 Standard height of superstructure.

(a) The standard height of a raised quarter-deck is 3 feet for vessels up to and including 100 feet in length, 4 feet for vessels 250 feet in length, and 6 feet for vessels 400 feet in length and above. The standard height of any other superstructure is 6 feet for vessels up to and including 250 feet in length and 7 feet 6 inches for vessels 400 feet in length and above. The standard height at intermediate lengths is obtained by interpolation.

§ 45.15–27 Length of superstructure (S).

(a) The length of a superstructure is the mean covered length of the parts of the superstructure which extend to the sides of the vessel and lie within lines drawn perpendicular to the extremities of the summer load waterline, as defined in § 45.15–1.

§ 45.15–30 Enclosed superstructure.

(a) A detached superstructure is regarded as enclosed only where:

(1) The enclosing bulkheads are of efficient construction. (See § 45.15–35.)

(2) The access openings in these bulkheads are fitted with class 1 or class 2 closing appliances. (See §§ 45.15–37, 45.15–40.)

(3) All other openings in sides or ends of the superstructure are fitted with efficient weathertight means of closing.

(4) Independent means of access to crew, machinery, bunker, and other working spaces within bridges and poops are at all times available when the bulkhead openings are closed.

§ 45.15–35 Superstructure bulkheads.

(a) Bulkheads at exposed ends of poops, bridges, and forecastles are deemed to be of efficient construction where the assigning authority is satisfied that, in the circumstances, they are equivalent to the following standard for vessels with minimum freeboards under which standard the stiffeners and plating are of the scantlings given in Table 45.15–35(a), the stiffeners are spaced 30 inches apart, the stiffeners on poop and bridge front bulkheads have efficient end connections, and those on after bulkheads of bridges and forecastles extend for the whole distance between the margin angles of the bulkheads.

TABLE 45.15–35 (a)—EXPOSED BULKHEADS OF SUPERSTRUCTURES OF STANDARD HEIGHT [1]

Bridge front bulkheads of poops 0.4L or more in length		Bulkheads of poops partially protected or less in length than 0.4L		After bulkheads of bridges and forecastles			
Length of vessel (feet)	Bulb angle stiffeners (inches)	Length of vessel (feet)	Plain angle stiffeners (inches)	Length of vessel (feet)	Plain angle stiffeners (inches)	Length of vessel (feet)	Bulkhead plating (inch)
Under 100	5½ x 3 x 0.32	Under 150	3 x 2½ x ⅝	Under 150	2½ x 2½ x ½	Length of vessel (feet)	Bulkhead plating (inch)
160	6 x 3 x 0.31	150	3½ x 2½ x ⅝	150	3½ x 3½ x ⅝		
200	7 x 3 x 0.32	200	4 x 3 x ⅝	250	4 x 3 x ⅝		
250	7 x 3 x 0.35	250	5 x 3 x ⅝	350 and above	4 x 3 x ⅝		
300	8 x 3 x 0.41	350	5 x 3 x ¾				
350	8 x 3 x 0.46	400	6 x 3½ x ⅝				
400	9 x 3½ x 0.38	450	6 x 3½ x ¾				
440	9 x 3½ x 0.50	500 and above	7 x 3½ x ¾				
480	10 x 3½ x 0.40						
520	10 x 3½ x 0.52						
560 and above	10 x 3½ x 0.64						

Length of vessel (feet)	Bulkhead plating (inch)
200 and under	0.3
380 and above	0.41
160 and under	0.24
400 and above	0.38
200 and under	0.29
380 and above	0.30

[1] For vessels intermediate in length the thickness of bulkhead plating is obtained by interpolation.

TABLE 45.15–17 (c) (7) (i)

H in feet	0	7.0	9.0	11.0	13.0	15.0	17.0	19.0	21.0	23.0	25.0
	9	11.0	12.5	15.0	19.0	24.0	29.5	36.0	43.0	51.0	60.0
f_2	0	8.5	10.0	15.0	20.0	25.0	30.5	35.0	40.0	-----	-----
K in feet	0	.5	1.0	2.0	3.0	4.5	6.5	8.0	12.0	-----	-----
f_1											

NOTE: Intermediate values are obtained by interpolation.

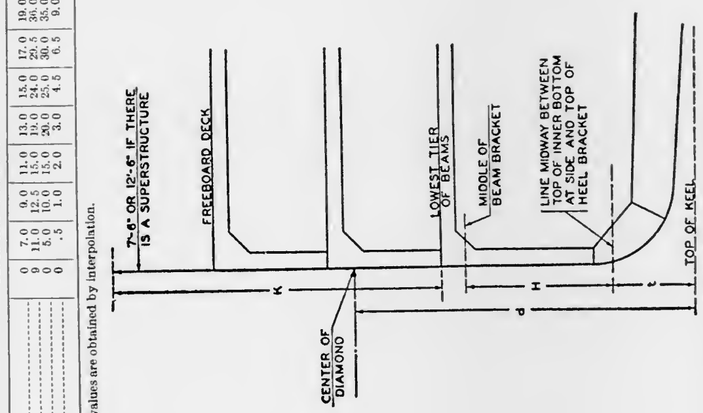


FIGURE 45.15–17 (c) (7) (i)

(ii) This formula applies where D is between 15 feet and 60 feet, both inclusive;

B is between $\frac{L}{10}+5$ and $\frac{L}{10}+20$, both inclusive;

$\frac{L}{D_S}$ is between 10 and 13.5, both inclusive; and the horizontal distance from the outside of the frame to the center of the first row of pillars does not exceed 20 feet.

(iii) In single-deck vessels of ordinary form, where H does not exceed 18 feet, the frame modulus determined by the preceding method is multiplied by the factor f_3 where

$$f_3=0.50+0.05\ (H-8)$$

(iv) Where the horizontal distance from the outside of the frame to the center of the first row of pillars exceeds 20 feet, the assigning authority is to be satisfied that sufficient additional strength is provided.

§ 45.15–20 Height of superstructure.

(a) The height of a superstructure is the least vertical height measured from

§ 45.15–37 Class 1 closing appliances.

(a) These appliances are of iron or steel, are in all cases to be permanently and strongly attached to the bulkhead, are framed, stiffened, and fitted so that the whole structure is of equivalent strength to the unpierced bulkhead, and are weathertight when closed. The means for securing these appliances are permanently attached to the bulkhead or to the appliances and the latter are so arranged that they can be closed and secured from both sides of the bulkhead or from the deck above. The sills of the access openings are at least 12 inches above the deck.

§ 45.15–40 Class 2 closing appliances.

(a) These appliances are (1) strongly framed hardwood hinged doors, which are not more than 30 inches wide nor less than 2 inches thick, or (2) shifting boards fitted for the full height of the opening in channels riveted to the bulkhead, the shifting boards being at least 2 inches thick where the width of opening is 30 inches or less, and increased in thickness at the rate of 1 inch for each additional 15 inches of width, or (3) portable plates of equal efficiency.

§ 45.15–45 Temporary closing appliances.

(a) Temporary closing appliances for middle line openings in the deck of an enclosed superstructure consists of: (1) a steel coaming not less than 9 inches in height efficiently riveted to the deck; (2) hatchway covers as required by § 45.10–15, secured by hemp lashings; and (3) hatchway supports as required by §§ 45.10–20, 45.10–25.

§ 45.15–47 Superstructures, general.

(a) Where exposed bulkheads at the ends of poops, bridges, and forecastles are not of efficient construction (see § 45.15–35), they are considered as nonexistent.

(b) Where in the side plating of a superstructure there is an opening not provided with permanent means of closing, the part of the superstructure in way of the opening is regarded as having no effective length.

(c) Where the height of a superstructure is less than the standard its length is reduced in the ratio of the actual to the standard height. Where the height exceeds the standard, no increase is made in the length of the superstructure.

§ 45.15–50 Poop.

(a) Where there is an efficient bulkhead and the access openings are fitted with class 1 closing appliances, the length to the bulkhead is effective. Where the access openings in an efficient bulkhead are fitted with class 2 closing appliances and the length to the bulkhead is 0.5 L or less, 100 percent of that length is effective; where the length is 0.7 L or more, 90 percent of that length is effective; where the length is between 0.5 L and 0.7 L, an intermediate percentage of that length is effective; where an allowance is given for an efficient adjacent trunk (see § 45.15–65), 90 percent of the length to the bulkhead is to be taken as effective; 50 percent of the length of an open poop or of an open extension beyond an efficient bulkhead is effective.

CROSS REFERENCE: For class 2 closing appliances, see § 45.15–40.

§ 45.15–55 Raised quarter-deck.

(a) Where there is an efficient intact bulkhead, the length to the bulkhead is effective. Where the bulkhead is not intact, the superstructure is considered as a poop of less than standard height.

§ 45.15–57 Bridge.

(a) Where there is an efficient bulkhead at each end, and the access openings in the bulkheads are fitted with class 1 closing appliances, the length between the bulkheads is effective.

(b) Where the access openings in the forward bulkhead are fitted with class 1 closing appliances and the access openings in the after bulkhead with class 2 closing appliances, the length between the bulkheads is effective; where an allowance is given for an efficient trunk, adjacent to the after bulkhead (see § 45.15–65), 90 percent of the length is effective. Where the access openings in both bulkheads are fitted with class 2 closing appliances, 90 percent of the length between the bulkheads is effective. Where the access openings in the forward bulkhead are fitted with class 1 or class 2 closing appliances and the access openings in the after bulkhead have no closing appliances, 75 percent of the length between the bulkheads is effective. Where the access openings in both bulkheads have no closing appliances, 50 percent of the length is effective; 75 percent of the length of an open extension beyond the after bulkhead and 50 percent of that beyond the forward bulkhead are effective.

CROSS REFERENCE: For class 1 and class 2 closing appliances, see §§ 45.15–37, 45.15–40.

§ 45.15–60 Forecastle.

(a) Where there is an efficient bulkhead and the access openings are fitted with class 1 or class 2 closing appliances, the length to the bulkhead is effective. Where no closing appliances are fitted and the sheer forward of amidships is not less than the standard sheer, 100 per cent of the length of the forecastle forward of 0.1 L from the forward perpendicular is effective; where the sheer forward is half the standard sheer or less, 50 percent of that length is effective; and where the sheer forward is intermediate between the standard and half the standard sheer, an intermediate percentage of that length is effective; 50 per cent of the length of an open extension beyond the bulkhead or beyond 0.1 L from the forward perpendicular is effective.

CROSS REFERENCE: For class 1 and class 2 closing appliances, see §§ 45.15–37, 45.15–40.

§ 45.15–65 Trunk.

(a) A trunk or similar structure which does not extend to the sides of the vessel is regarded as efficient, *Provided*, That:

(1) The trunk is at least as strong as a superstructure;

(2) The hatchways are in the trunk deck, and comply with the requirements of §§ 45.10–1—45.10–45, and the width of the trunk deck stringer provides a satisfactory gangway and sufficient lateral stiffness;

(3) A permanent working platform fore and aft fitted with guardrails is provided by the trunk deck, or by detached trunks connected to other superstructures by efficient permanent gangways. On tank barges an efficient lifeline may be accepted in lieu of guardrails;

(4) Ventilators are protected by the trunk, by watertight covers, or by equivalent means;

(5) Open rails are fitted on the weather portions of the freeboard deck in way of the trunk for at least half their length;

(6) The machinery casings are protected by the trunk, by a superstructure of standard height, or by a deckhouse of the same height and of equivalent strength.

(b) Where access openings in poop and bridge bulkheads are fitted with class 1 closing appliances, 100 percent of the length of an efficient trunk reduced in the ratio of its mean breadth to B is added to the effective length of the superstructures. Where the access openings in these bulkheads are not fitted with class 1 closing appliances 90 percent is added.

(c) The standard height of a trunk is the standard height of a bridge.

(d) Where the height of the trunk is less than the standard height of a bridge, the addition is reduced in the ratio of the actual to the standard height; where the height of hatchway coamings on the trunk deck is less than the standard height of coamings (see § 45.15–10), a reduction from the actual height of trunk is to be made which corresponds to the difference between the actual and the standard height of coamings.

§ 45.15–67 Enclosed superstructure with middle line openings in the deck not provided with permanent means of closing.

(a) Where there is an enclosed superstructure with one or more middle line openings in the deck not provided with permanent means of closing (see §§ 45.10–1—45.10–45), the effective length of the superstructure is determined as follows:

(1) Where efficient temporary closing appliances are not provided for the middle line deck openings (see §§ 45.15–45), or the breadth of opening is 80 percent or more of the breadth B_1 of the superstructure deck at the middle of the opening, the vessel is considered as having an open well in way of each opening, and freeing ports are to be provided in way of this well. The effective length of superstructure between openings is governed by §§ 45.15–50, 45.15–57, 45.15–60.

(2) Where efficient temporary closing appliances are provided for middle line deck openings and the breadth of opening is less than 0.8 B_1, the effective length is governed by §§ 45.15–50, 45.15–57, 45.15–60, except that where access openings in 'tween deck bulkheads are closed by class 2 closing appliances, they are regarded as being closed by class 1 closing appliances in determining the effective length. The total effective length is obtained by adding to the length determined by subparagraph (a) (1) of this section the difference between this length and the length of the vessel modified in the ratio of

$$\frac{B_1-b}{B_1}$$ where b=breadth of deck opening

where

$$\frac{B_1-b}{B_1}$$ is greater than 0.5 it is taken as 0.5.

§ 45.15–70 Deductions for superstructures.

(a) Where the effective length of superstructures is 1.0 L, the deduction from the freeboard is 14 inches at 80 feet length of vessel, 34 inches at 280 feet length, and 42 inches at 400 feet length and above; deductions at intermediate lengths are obtained by interpolation. Where the total effective length of superstructures is less than 1.0 L, the deduction is a percentage obtained from Table 45.15–70 (a).

TABLE 45.15–70 (a)—TOTAL EFFECTIVE LENGTH OF SUPERSTRUCTURE (E)

Superstructures	0	0.1L	0.2L	0.3L	0.4L	0.5L	Line
	Per-cent	*Per-cent*	*Per-cent*	*Per-cent*	*Per-cent*	*Per-cent*	
All types with forecastle and without detached bridge	0	5	10	15	23.5	32	A
All types with forecastle and detached bridge [1]	0	6.3	12.7	19	27.5	36	B

Superstructures	0.6L	0.7L	0.8L	0.9L	1.0L	Line
	Per-cent	*Per-cent*	*Per-cent*	*Per-cent*	*Per-cent*	
All types with forecastle and without detached bridge	46	63	75.3	87.7	100	A
All types with forecastle and detached bridge [1]	46	63	75.3	87.7	100	B

[1] Where the effective length of a detached bridge is less than 0.2L the percentages are obtained by interpolation between lines B and A. Where no forecastle is fitted the above percentages are reduced by 5. Percentages for intermediate lengths of superstructures are obtained by interpolation.

§ 45.15–73 Sheer, general.

(a) The sheer is measured from the deck at side to a line of reference drawn parallel to the keel through the sheer line at amidships.

(b) In vessels designed to trim by the stern in service, the sheer may be measured in relation to the load line, provided an additional mark is placed at 0.25L forward of amidships to indicate the assigned load line. This mark is to be similar to the load line diamond amidships.

(c) In flush deck vessels and in vessels with detached superstructures the sheer is measured at the freeboard deck.

(d) In vessels with topsides of unusual form in which there is a step or break in the topsides, the sheer is considered in relation to the equivalent depth amidships (see § 45.15–10).

(e) In vessels with a superstructure of standard height which extends over the whole length of the freeboard deck, the sheer is measured at the superstructure deck; where the height exceeds the standard, the sheer may be considered in relation to the standard height.

(f) Where a superstructure is intact or access openings in its enclosing bulkheads are fitted with class 1 closing appliances, and the superstructure deck has at least the same sheer as the exposed freeboard deck, the sheer of the enclosed portion of the freeboard deck is not taken into account.

CROSS REFERENCE: For class 1 closing appliances, see § 45.15–37.

§ 45.15–75 Standard sheer profile.

(a) The ordinates (in inches) of the standard sheer profile are given in Table 45.15–75(a) where L is the number of feet in the length of the vessel.

TABLE 45.15–75 (a)

Station [1]	Ordinate	Factor
A. P.	0.1 L+10	1
1/6L from A. P.	0.0445 L+4.45	4
1/3L from A. P.	0.011 L+1.1	2
Amidships	+0	4
1/3L from F. P.	0.022 L+2.2	2
1/6L from F. P.	0.089 L+8.9	4
F. P.	0.2 L+20	1

[1] A. P.=After end of summer load waterline. F. P.=Fore end of summer load waterline.

§ 45.15–77 Measurement of variations from standard sheer profile.

(a) Where the sheer profile differs from the standard, the 7 ordinates of each profile are multiplied by the appropriate factors given in the table of ordinates. The difference between the sums of the respective products, divided by 18, measures the deficiency or excess of sheer. Where the after half of the sheer profile is greater than the standard and the forward half is less than the standard, no credit is allowed for the part in excess and the deficiency only is measured.

(b) Where the forward half of the sheer profile exceeds the standard, and the after portion of the sheer profile is not less than 75 percent of the standard, credit is allowed for the part in excess; where the after part is less than 50 percent of the standard, no credit is given for the excess sheer forward. Where the after sheer is between 50 percent and 75 percent of the standard, intermediate allowances may be granted for excess sheer forward.

§ 45.15–80 Correction for variations from standard sheer profile.

(a) The correction for sheer is the deficiency or excess of sheer (see § 45.15–77) multiplied by $0.75-\frac{S}{2L}$ where S is the total length of the superstructure, as defined in § 45.15–27.

§ 45.15–83 Addition for deficiency in sheer.

(a) Where the sheer is less than the standard, the correction for deficiency in sheer (see § 45.15–80) is added to the freeboard.

§ 45.15–85 Deduction for excess sheer.

(a) Where an enclosed superstructure covers 0.1L before and 0.1L abaft midships, the correction for excess of sheer (see § 45.15–80) is deducted from the freeboard; in vessels with detached superstructures where no enclosed superstructure covers amidships, no deduction is made from the freeboard; where an enclosed superstructure covers less than 0.1L before and 0.1L abaft amidships, the deduction is obtained by interpolation. The maximum deduction for excess sheer is 1½ inches at 100 feet and increases at the rate of 1½ inches for each additional 100 feet in the length of the vessel.

§ 45.15–87 Standard round of beam.

(a) The standard round of beam of the freeboard deck is one-fiftieth of the breadth of the vessel.

§ 45.15–90 Round of beam correction.

(a) Where the round of beam of the freeboard deck is greater or less than the standard, the freeboard is decreased or increased respectively by one-fourth of the difference between the actual and the standard round of beam, multiplied by the proportion of the length of the freeboard deck not covered by enclosed superstructures. Twice the standard round of beam is the maximum for which allowance is given.

§ 45.15–93 Summer freeboard.

(a) The minimum freeboard in summer is the freeboard derived from the freeboard table after corrections for departures from the standards and after deduction for superstructures. The freeboard measured from the intersection of the upper surface of the freeboard deck with the outer surface of the shell is not to be less than 2 inches.

§ 45.15–94 Midsummer freeboard.

(a) In the case of cargo vessels and tankers which comply fully with the provisions of § 45.15–17 as to strength of structure at the deeper draft, the Assigning Authority may permit a reduction in the freeboard for the midsummer season of an amount in inches not exceeding the product of 0.3 multiplied by the summer draft in feet, measured from the top of the keel to the center of the diamond. However, in no case shall the freeboard be less than 2 inches.

§ 45.15–95 Intermediate and winter freeboard.

(a) The minimum freeboards for the intermediate and winter seasons is obtained by an addition to the summer freeboard of a distance in inches obtained by multiplying the factors given in Table 45.15–95 (a) by the summer draft in feet measured from the top of the keel to the center of the diamond.

TABLE 45.15–95 (a)

Length between perpendiculars [1]	Factor for intermediate season	Factor for winter season
Under 400 feet	0.25	0.50
450 feet	.28	.65
500 feet	.35	.80
550 feet and above	.45	1.00

[1] Factors for intermediate lengths to be obtained by interpolation.

§ 45.15–96 Salt water freeboard.

(a) In the case of ships which load in salt water and proceed to fresh water, the minimum freeboards while in salt water for all seasons shall be increased by an amount equal to

$$\frac{\Delta}{4T} \text{ inches,}$$

where:

Δ = displacement in fresh water, in tons of 2,240 pounds at the summer load waterline;

T = tons of 2,240 pounds per inch immersion in fresh water at the summer load waterline.

(1) Where the displacement at the summer load waterline cannot be certified, the increase in freeboard shall be one-fourth of an inch per foot of summer draft measured from the top of the keel.

§ 45.15–97 Freeboard table for steamers.

(a) Table 45.15–97(a) gives the basic minimum summer freeboard for steamers which comply with the standards in this part.

TABLE 45.15–97(a)—BASIC MINIMUM SUMMER FREEBOARD FOR STEAMERS

L (feet)	Freeboard (inches)	L (feet)	Freeboard (inches)	L (feet)	Freeboard (inches)
80	7.2	310	42.2	540	107.4
90	8.0	320	44.6	550	110.0
100	8.9	330	47.0	560	112.6
110	9.9	340	49.5	570	115.1
120	11.0	350	52.1	580	117.6
130	12.1	360	54.8	590	120.0
140	13.3	370	57.6	600	122.3
150	14.5	380	60.5	610	124.5
160	15.7	390	63.4	620	126.7
170	17.1	400	66.4	630	128.8
180	18.5	410	69.4	640	130.8
190	19.9	420	72.4	650	132.8
200	21.4	430	75.4	660	134.7
210	23.0	440	78.5	670	136.7
220	24.6	450	81.5	680	138.7
230	26.3	460	84.5	690	140.7
240	28.1	470	87.5	700	142.6
250	29.9	480	90.5	710	144.6
260	31.8	490	93.4	720	146.5
270	33.8	500	96.3	730	148.4
280	35.8	510	99.1	740	150.3
290	37.8	520	101.9	750	152.1
300	40.0	530	104.7		

(b) The freeboards at intermediate lengths are obtained by interpolation.

(c) Where c exceeds 0.68, the freeboard is multiplied by the factor

$$\frac{c+0.68}{1.36}$$

(d) Where D exceeds or is less than $\frac{L}{15}$ the freeboard is increased or decreased accordingly, by $\left(D-\frac{L}{15}\right)R$ inches, where R is $\frac{L}{130}$ at lengths less than 390 feet, and 3 at 390 feet length and above, except that the depth to be used in the above correction is not to be taken at less than $L/15$ in vessels below 350 feet in length, nor less than those given in Table 45.15–97 (d), for lengths 350 feet and above. Minimum depths at intermediate lengths are obtained by interpolation.

TABLE 45.15–97 (d)

L	Minimum depth	L	Minimum depth	L	Minimum depth
350	23.35	450	27.65	550	30.20
375	24.70	475	28.40	575	30.70
400	25.80	500	29.05	600	31.15
425	26.80	525	29.65	625	31.60

(1) *Provided, however,* a vessel with an enclosed superstructure covering at least 0.6 L amidships, with a complete trunk, or with a combination of intact partial superstructures and trunk which extends all fore and aft, where D is less than $L/15$, the freeboard is reduced at the above rate. Where the height of superstructures or trunk is less than the standard height, the reduction is in the ratio of the actual to the standard height.

(e) Where the actual depth to the surface of the freeboard deck amidships is greater or less than D, the difference between the depths (in inches) is added to or deducted from the freeboard.

Subpart 45.20—Load Lines for Tankers [2]

§ 45.20–1 Definition.

(a) The term "tanker" includes all steamers specially constructed for the carriage of liquid cargoes in bulk.

§ 45.20–5 Marks on sides.

(a) The marks on the tanker's sides are to be as shown in Figure 45.05–5(a) and the lines as described in § 45.05–15.

§ 45.20–10 Construction.

(a) The structure of the vessel is to be of sufficient strength for the increased draft corresponding to the freeboard assigned.

§ 45.20–15 Forecastle.

(a) The vessel is to have a forecastle of which the length is not less than 7 percent of the length of the vessel and the height is not less than the standard height.

(b) A forecastle is not required in the case of self-propelled barges, tank barges, and cargo barges carrying cargo only on deck.

§ 45.20–20 Machinery casings.

(a) The openings in machinery casings on the freeboard deck are to be fitted with steel doors. The casings are to be protected by an enclosed poop or bridge of at least standard height, or by a deckhouse of equal height and of equivalent strength. These conditions may be modified in the case of self-propelled barges. The bulkheads at the ends of these structures are to be of the scantlings required for bridge front bulkheads. All entrances to the structures from the freeboard deck are to be fitted with effective closing appliances, and the sills are to be at least 18 inches above the deck. Exposed machinery casings on the superstructure deck are to be of substantial construction, and all openings in them are to be fitted with steel closing appliances permanently attached to the casings and capable of being closed and secured from both sides; the sills of such openings are to be at least 15 inches above the deck. Fiddley openings are to be as high above the superstructure deck as is reasonable and practicable and are to have strong steel covers permanently attached in their proper positions. Engineroom skylights are to be of substantial construction, fitted with strong glass lights, which may be required to be fitted with steel covers depending on their height above the freeboard deck.

§ 45.20–25 Gangway.

(a) An efficiently constructed permanent gangway of sufficient strength for its exposed position is to be fitted fore and aft at the level of the superstructure deck between the poop and midship bridge, and when crew are berthed forward from the bridge to the forecastle, or other equivalent means of access may be provided to carry out the purpose of the gangway, such as passage below deck.

(b) On towed tank barges a wire cable arranged and equipped to facilitate safe communication between both ends of the vessel at all times may be accepted in lieu of a permanent gangway.

§ 45.20–30 Protection of crew, access to machinery space, etc.

(a) Safe and satisfactory access from the gangway level to the quarters of the crew, the machinery space, and all other parts used in the necessary work of the vessel is to be available at all times. This section does not apply to pumprooms entered from the freeboard deck, when fitted with class 1 closing appliances. Deckhouses for the accommodation of the crew, pilothouses, etc., on the freeboard deck are to be of steel efficiently constructed and provided with port lights fitted with steel deadlights.

§ 45.20–35 Hatchways.

(a) All hatchways on the freeboard deck and on the deck of expansion trunks are to be closed watertight by efficient steel covers.

[2] The provisions of §§ 45.01–1—45.01–90, inclusive, and §§ 45.05–1—45.15–97, inclusive, shall apply to Great Lakes tankers except as they are modified by §§ 45.20–1—45.20–70, inclusive.

§ 45.20–40 Ventilators.

(a) Ventilators to spaces below the freeboard deck are to be of ample strength or are to be protected by superstructures or equally efficient means.

§ 45.20–45 Freeing arrangements.

(a) Vessels with bulwarks are to have open rails fitted for at least half the length of the exposed portion of the weather deck or other effective freeing arrangements. The upper edge of the sheer strake is to be kept as low as practicable and preferably not higher than the upper edge of the gunwale bar.

(b) Where superstructures are connected by trunks, open rails are to be fitted for the whole length of the weather portions of the freeboard deck.

§ 45.20–50 Plans.

(a) Plans showing proposed fittings and arrangements are to be submitted to the assigning authority for approval.

§ 45.20–55 Computation of freeboard.

(a) When the assigning authority is satisfied that the foregoing requirements are fulfilled, the summer freeboard may be computed from the table for tankers; all corrections, except those for flush-deck steamers, detached superstructures, and excess sheer, are to be made in accordance with §§ 45.15–1—45.20–1.

§ 45.20–60 Deductions for detached superstructures.

(a) When the total effective length of superstructure is less than 1.0 L, the deduction is a percentage of that for a superstructure of length 1.0 L, and is obtained from Table 45.20–60 (a).

TABLE 45.20–60 (a)—TOTAL EFFECTIVE LENGTH OF SUPERSTRUCTURES

	0	0.1L	0.2L	0.3L	0.4L	0.5L	0.6L	0.7L	0.8L	0.9L	1.0L
All types	Percent 0	Percent 7	Percent 14	Percent 21	Percent 31	Percent 41	Percent 52	Percent 63	Percent 75.3	Percent 87.7	Percent 100

§ 45.20–65 Deduction for excess sheer.

(a) Where the sheer is greater than the standard, the correction for excess sheer (see § 45.15–80) is deducted from the freeboard for all tankers. Section 45.15–85 does not apply except that the maximum deduction for excess sheer is 1½ inches at 100 feet and increases at the rate of 1½ inches for each additional 100 feet in the length of the vessel.

§ 45.20–70 Freeboard table for tankers.

(a) Table 45.20–70 (a) gives the basic minimum summer freeboard for tankers which comply with the standards in this part.

TABLE 45.20–70 (a)—BASIC MINIMUM SUMMER FREEBOARD FOR TANKERS

L (feet)	Freeboard	L (feet)	Freeboard	L (feet)	Freeboard
	Inches		*Inches*		*Inches*
80	6.4	220	22.8	360	48.5
90	7.2	230	24.3	370	50.6
100	8.1	240	25.9	380	52.7
110	9.1	250	27.5	390	54.9
120	10.1	260	29.2	400	57.1
130	11.1	270	30.9	410	59.4
140	12.2	280	32.7	420	61.7
150	13.3	290	34.5	430	64.1
160	14.5	300	36.4	440	66.5
170	15.8	310	38.3	450	69.0
180	17.1	320	40.2	460	71.5
190	18.5	330	42.2	(1)	(1)
200	19.9	340	44.3		
210	21.3	350	46.4		

[1] Tankers above 460 feet in length to be specially considered, and the assigned freeboards are to be approved by the Commandant, U. S. Coast Guard, before issuance of certificate.

Subpart 45.25—Fees and Form of Certificate

§ 45.25–1 Fees.

(a) Fees payable by owners will be charged for the assignment of load line, renewal of load line certificates, and annual load line inspection, in accordance with the regulations set forth in § 43.40–5 of this subchapter.

§ 45.25–5 Form of load line certificate.

LOAD LINE CERTIFICATE FOR THE GREAT LAKES

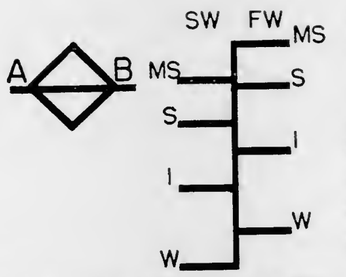
[SEAL]

Issued under the authority of the Commandant, U.S. Coast Guard, United States of America, under the provisions of the act of August 27, 1935, as amended, to establish load lines for American merchant vessels of 150 gross tons or over engaged in trade on the Great Lakes of North America.

Ship ----------
Certificate No. ------
Official No. ----------
Gross tonnage ------
Port of registry ----------

FREEBOARD FROM DECK LINE		LOAD LINE
Midsummer -----	MS	---------- above S
Summer ----------	S	Upper edge of line through center of diamond.
Intermediate ------	I	---------- below S
Winter ----------	W	---------- below S

Increase for salt water for all freeboards ------ inches.



The upper edge of the deck line from which these freeboards are measured is ------ inches above the top of the ------ deck at side.

This is to certify that this ship has been surveyed and the freeboards and load lines shown above have been found to be correctly marked upon the vessel in manner and location as provided by the load line regulations of the Commandant, U.S. Coast Guard, applicable to the Great Lakes.

This certificate [1] remains in force until ----------. Issued at ---------- on the ------ day of ---------- 19--. (Here follows the signature, seal, if any, and the name of the authority issuing the certificate.)

NOTES: (1) In accordance with the Great Lakes Load Line Regulations the diamond and lines must be permanently marked by center punch marks or cutting. The "MS" load line shall be assigned only to those particular vessels that qualify under the regulations.

(2) The "SW" marks need only be assigned to Great Lakes vessels loading in salt water of the St. Lawrence River west of a straight line from Cap de Rosiers to West Point Anticosti Island, and west of a line along longitude 63 degrees west from Anticosti Island to the north shore of the St. Lawrence River. In such cases these limits shall be indicated on the certificate.

(3) The load line assignment given by this certificate necessarily assumes that the nature and stowage of cargo, ballast, etc., are such as to secure sufficient stability for the vessel. Accordingly, it is the owner's responsibility to furnish the Master of the vessel with stability information and instructions when this is necessary to maintenance of sufficient stability.

(On the reverse side of the load line certificate, or on a separate sheet attached and forming part of the certificate, provision is to be made for annual inspection and renewal endorsements.)

[1] Upon the expiration of the certificate, renewal must be obtained as provided by the Great Lakes Load Line Regulations and the certificate so endorsed.

PART 46—SUBDIVISION LOAD LINES FOR PASSENGER VESSELS

Subpart 46.01—Authority and Purpose

Sec.
46.01–1 Purpose.
46.01–5 Authority.
46.01–10 Responsibility for administration.
46.01–15 Application of regulations.
46.01–20 Penalties for violations.

Subpart 46.05—Definitions Used In This Part

46.05–1 Passenger vessel.
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46.05–15 Coastwise voyages.
46.05–20 Great Lakes voyage.
46.05–25 New passenger vessel.
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Subpart 46.10—Administration

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46.10–5 Load line requirements for subdivision.
46.10–10 Marks to indicate subdivision load lines.
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46.10–25 Equivalents.
46.10–30 Subdivision load line certificates.
46.10–35 Validity of subdivision load line certificates.
46.10–40 Nonsubmergence subdivision load line (Great Lakes).
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46.10–50 Drills and inspections.
46.10–55 Logbook entries.

Sec.
46.10–60 Control.
46.10–65 Construction.
46.10–70 Plans and inspections of new and converted vessels.

Subpart 46.15—Subdivision Load Lines for Passenger Vessels Engaged in Foreign, Coastwise, and Great Lakes Voyages

46.15–1 Procedure for determination of subdivision load line.
46.15–5 Engineering requirements.
46.15–10 Subdivision load lines.

AUTHORITY: The provisions of this Part 46 issued under sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended; 46 U.S.C. 85a, 88a. Interpret or apply R.S. 4490, as amended, sec. 3, 24 Stat. 129, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 482, 483, 363, 369, 367, 1333, 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, Nov. 26, 1954, 19 F.R. 8026; 167–48, Oct. 19, 1962, 27 F.R. 10504.

Subpart 46.01—Authority and Purpose

§ 46.01–1 Purpose.

(a) The purpose of the regulations in this part is to set forth uniform minimum requirements applicable to passenger vessels required to have subdivision load lines. These requirements deal with the following:

(1) Load line requirements applicable before a passenger vessel will be marked with and certificated as to subdivision load lines.

(2) Assigning, marking, and recording of subdivision load lines.

(3) Administration of subdivision load lines.

(4) Application of requirements to passenger vessels.

§ 46.01–5 Authority.

(a) The regulations regarding subdivision and subdivision load lines interpret or apply Title 46, U.S. Code, sections 85a, 88a, 363, 367, 369, 482, 483, and 1333, and Title 50, U.S. Code, section 198.

(b) The International Load Line Convention, 1930, and the applicable International Convention for Safety of Life at Sea, also establish minimum requirements for load lines and subdivision.

§ 46.01–10 Responsibility for administration.

(a) Under the general direction and supervision of the Secretary of the Treasury, the Commandant of the United States Coast Guard is delegated the responsibility and authority for the administration of load line requirements and to determine the position and to assure the correct marking of subdivision load lines on all passenger vessels subject to the applicable International Convention for Safety of Life at Sea, or the Act of March 2, 1929, as amended (46 U.S.C. 85–85g), or the Coastwise Load Line Act, 1935, as amended (46 U.S.C. 88–88i).

§ 46.01–15 Application of regulations.

(a) The regulations in this part establish subdivision load lines required on passenger vessels engaged in foreign voyages, as well as on passenger vessels of 150 gross tons or over engaged in coastwise or Great Lakes voyages.

(b) When engaged in voyages subject to this part, no passenger vessel required to be marked with subdivision load lines shall depart from or arrive at any port or place under the jurisdiction of the United States, nor shall such United States vessel operate on the high seas nor the Great Lakes, unless such vessel has been marked with subdivision load lines in accordance with the regulations in this part, has on board a valid certificate certifying to the correctness of the location of such subdivision load line marks, and is otherwise in compliance with the applicable requirements of law and regulations in this part.

(c) No passenger vessel of the United States of 150 gross tons or over and subject to the Coastwise Load Line Act, 1935, as amended, shall engage in coastwise voyages or voyages on the Great Lakes unless such vessel has been marked with subdivision load lines in accordance with the regulations in this part and has on board a valid certificate certifying to the correctness of the location of such subdivision load line marks.

(d) No foreign passenger vessel belonging to a country that has ratified or acceded to the applicable International Convention for Safety of Life at Sea shall arrive or depart from any port or place under the jurisdiction of the United States, and no foreign passenger vessel of 150 gross tons or over subject to the Act of March 2, 1929, as amended (46 U.S.C. 85–85g), or the Coastwise Load Line Act, 1935, as amended (46 U.S.C. 88–88i), shall arrive or depart from any port or place under the jurisdiction of the United States, including ports on the Great Lakes, unless such passenger vessel has been marked with subdivision load lines in accordance with the regulations in this part and has on board a valid certificate certifying to the correctness of the location of such subdivision load line marks.

(e) Subdivision load lines shall be marked on both sides of passenger vessels where determined and in a manner described in Subpart 46.15 as applicable to the vessel's service. The subdivision load line certificates shall be in accordance with §§ 46.10–30 and 46.10–35.

§ 46.01–20 Penalties for violations.

(a) Penalties for violations of the regulations in this part by passenger vessels of the United States engaged in foreign voyages shall be in accordance with those laws which require the inspection and certification of the vessel. In addition, for passenger vessels of 150 gross tons or over and subject to either the Act of March 2, 1929, as amended (46 U.S.C. 85–85g), or the Coastwise Load Line Act, 1935, as amended (46 U.S.C. 88–88i), which engage in voyages described in § 43.01–1 or 45.01–1, the penalties for violations of the regulations in this part shall be those set forth in the load line act applicable to the vessel.

(b) For a further description of the actions which may be taken see § 43.01–13 of this subchapter. The procedures governing the assessment, collection, remission and mitigation of any monetary penalty imposed for a violation of a law or the regulations prescribed thereunder in this part, as well as the appeal procedures followed, are in Subpart 2.50 of Part 2 of Subchapter A (Procedures Applicable to the Public) of this chapter.

Subpart 46.05—Definitions Used in This Part

§ 46.05–1 Passenger vessel.

(a) For the purpose of the regulations in this part, a vessel is a passenger vessel if:

(1) Engaged on an international voyage by sea, it carries or is authorized to carry more than 12 passengers; or,

(2) Engaged on a coastwise voyage by sea or a voyage on the Great Lakes, it carries or is authorized to carry more than 16 persons in addition to the crew.

§ 46.05–10 Foreign voyage.

(a) A foreign voyage for the purpose of marking passenger vessels with subdivision load lines is a voyage by sea between a port under the jurisdiction of the United States and a port of a foreign country, its colonies, territories, or protectorates, or conversely (a voyage exclusively on the Great Lakes excepted).

§ 46.05–15 Coastwise voyages.

(a) A coastwise voyage by sea, for the purpose of marking passenger vessels with subdivision load lines, is a voyage in which a vessel in the usual course of her employment proceeds from one port or place in the United States to another port or place in the United States or from a port or place in a possession to another port or place in the same possession, and passes outside the line dividing inland waters from the high seas (a voyage exclusively on the Great Lakes excepted), as well as a voyage in which a vessel proceeds from a port or place in the United States or her possessions and passes outside the line dividing inland waters from the high seas and navigates on the high seas, and then returns to the same port or place.

§ 46.05–20 Great Lakes voyage.

A Great Lakes voyage is any voyage from a United States port or place on the Great Lakes to another United States port or place on the Great Lakes or to a Canadian port or place on the Great Lakes, or conversely.

§ 46.05–25 New passenger vessel.

A new passenger vessel is a vessel whose keel was laid or was a vessel converted into a passenger vessel on or after November 19, 1952.

§ 46.05–30 Existing passenger vessel.

An existing passenger vessel in respect to its voyage is any passenger vessel that is not a new passenger vessel as defined in § 46.05–25.

Subpart 46.10—Administration

§ 46.10–1 Relaxation from regulations.

(a) New passenger vessels making foreign voyages by sea shall comply with the requirements in this part. An existing passenger vessel engaged in foreign voyages by sea may be permitted relaxation from the requirements of this part if, in the opinion of the Commandant, U. S. Coast Guard, such requirements are unreasonable or impracticable.

(b) A new passenger vessel making coastwise voyages by sea or making Great Lakes voyages shall comply with the requirements in this part. An existing passenger vessel making coastwise voyages by sea or Great Lakes voyages may be permitted relaxation from the requirements of this part if, in the opinion of the Commandant, U. S., Coast Guard, such requirements are unreasonable or impracticable.

§ 46.10–5 Load line requirements for subdivision.

(a) The load line requirements of Parts 43, 44, 45 of this subchapter as applicable to the passenger vessel and her service, shall be complied with before a passenger vessel will be marked with and certificated as to subdivision load lines.

§ 46.10–10 Marks to indicate subdivision load lines.

(a) Marks to indicate the maximum mean draft to which a passenger vessel may be lawfully submerged shall be permanently marked on each side of the passenger vessel in the form, manner, and location provided in this part.

(b) The Commandant, U.S. Coast Guard, shall determine the position of the subdivision load lines by the application of the requirements contained in this part and Parts 73 and 74 of Subchapter H (Passenger Vessels) of this chapter. The correct marking of subdivision load lines on passenger vessels shall be certified to by the American Bureau of Shipping as a classification society approved by the Commandant for such purpose.

(c) Certificates certifying to the correctness of subdivision load line marks shall not be furnished until it is determined that the marks have been correctly placed upon the passenger vessel.

(d) In the case of passenger vessels that are required by the International Convention for Safety of Life at Sea to have on board a safety certificate, the certification of subdivision load line marks shall be made by letter to the Commandant, U. S. Coast Guard, Washington, D.C., 20226.

§ 46.10–15 Survey for the establishment and renewal of subdivision load line marks.

(a) Every passenger vessel to be marked with and certificated for subdivision load lines must comply with the requirements as set forth in Subchapter H (Passenger Vessels) of this chapter for ocean, coastwise, and Great Lakes service as applicable to the particular vessel and the service in which she is to be employed.

(b) Every passenger vessel marked with a subdivision load line shall be subjected to the surveys specified in this paragraph. The details of the surveys or inspections indicated in subparagraphs (1) through (3) of this paragraph shall be as set forth in the applicable sections of Part 71 of Subchapter H (Passenger Vessels) of this chapter.

(1) A survey before the vessel is put in service.

(2) A periodical survey once every 12 months.

(3) Additional surveys as occasion arises.

(4) Surveys required by Parts 43, 44, or 45 of this subchapter.

§ 46.10–20 Application for the assignment and renewal of subdivision load lines.

(a) Application for assignment and renewal of subdivision load lines and certification thereof shall be made in writing to the Commandant, U.S. Coast Guard, Washington, D.C., 20226.

§ 46.10–25 Equivalents.

(a) Where in the regulations in this part it is provided that a particular fitting, appliance, apparatus, or type thereof, shall be fitted or carried in a vessel engaged on foreign voyages by sea or that any particular arrangement shall be adopted, there may be substituted any other fitting or appliance or type thereof or any other arrangement provided that the Commandant, U.S. Coast Guard, shall have been satisfied by suitable trials that the fitting, appliance, or apparatus, or type thereof, or that the arrangement substituted is at least as effective as that specified in this part.

(b) Where, in the application of the regulations in this part to passenger vessels engaged in coastwise voyages by sea and on Great Lakes voyages, it is desired to substitute other construction, arrangement, fitting, or appliance, or type thereof, such substitution may be made if approved by the Commandant, U. S. Coast Guard, provided the degree of safety provided by this part is obtained.

§ 46.10–30 Subdivision load line certificates.

(a) Passenger vessels engaged in foreign voyages by sea shall have their subdivision load lines certificated on the safety certificate required by the International Convention for Safety of Life at Sea, 1948. Safety certificates shall be issued by the Commandant, U. S. Coast Guard, Washington, D.C., 20226, for a period not to exceed one year. These vessels will also be provided with the load line certificate required by Part 43 of this subchapter, the minimum freeboard shown thereon to be not less than the minimum freeboard corresponding to the principal passenger condition. The fact that they are subdivision load lines is to be noted on the load line certificate.

(b) Passenger vessels engaged on coastwise voyages by sea or Great Lakes voyages shall have the position of their subdivision load lines recorded on a load line certificate in the form required by Parts 43 or 45 of this subchapter. The fact that they are subdivision load lines is to be noted on the load line certificate.

(c) A note shall be added to the load line certificate below the signature of the assigning authority in the following form:

The bulkhead deck used for determining the position of the subdivision load lines certified above is _____ (here described bulkhead deck).

(d) Annual inspections of passenger vessels shall be as required by §§ 43.01–55 and 46.10–15 of this subchapter and renewal of passenger vessels' load line certificates shall be as required by § 43.01–75.

(e) Each new passenger vessel which receives its first load line certificate shall also be provided with a copy of the load line survey report as required by §§ 43.01–40 or 45.01–30 of this subchapter.

§ 46.10–35 Validity of subdivision load line certificates.

(a) Subdivision load line certificates issued to passenger vessels shall only be valid during the time for which the certificates are issued.

(b) If, due to any cause, the conditions as required by this part are changed, or the regulations in this part are not carried out, the load line certificate may be cancelled and the load lines considered nonexistent: *Provided*, That if the conditions causing the cancellation of the certificate are satisfactorily corrected, the load line certificate shall be reinstated for the remainder of its term.

(c) A valid subdivision load line certificate for foreign voyages by sea shall be valid for coastwise voyages by sea and Great Lakes voyages. A valid subdivision load line certificate for coastwise voyages by sea shall be valid for Great Lakes voyages but not for foreign voyages by sea. A valid subdivision load line certificate for Great Lakes voyages shall not be valid for foreign or coastwise voyages by sea.

§ 46.10–40 Nonsubmergence subdivision load line (Great Lakes).

(a) Passenger vessels on the Great Lakes of 150 gross tons or over shall not submerge the subdivision load line applicable to the voyage.

§ 46.10–45 Nonsubmergence subdivision load lines in salt water.

(a) Passenger vessels required to be marked with subdivision load lines, engaged on foreign and coastwise voyages other than the Great Lakes voyages, shall not submerge in salt water the subdivision load line applicable to the voyage. Passenger vessels engaged on ocean foreign or coastwise voyages may be marked with fresh water load lines. A passenger vessel on foreign or coastwise voyages (except Great Lakes voyages) may have an allowance made for the degree of brackishness of the water in which the vessel is floating but not for the weight of fuel, water, etc., required for consumption between the point of departure and the open sea, and no allowance is to be made for bilge or ballast

water that may be in the passenger vessel at the time of departure.

§ 46.10–50 Drills and inspections.

(a) For the required drills and inspections to be conducted on passenger vessels, see Subpart 78.17 of Subchapter H (Passenger Vessels) of this chapter.

§ 46.10–55 Log book entries.

(a) For required logbook entries to be made on passenger vessels, see Subpart 78.17 of Subchapter H (Passenger Vessels) of this chapter.

§ 46.10–60 Control.

(a) The Collector of Customs or the Coast Guard District Commander may detain a passenger vessel for a survey if there is reason to believe that such a vessel is proceeding on her journey in excess of the draft allowed by the regulations in this part as indicated by the vessel's load lines certified on the safety certificate, load line certificate, or otherwise. The Coast Guard District Commander may detain a passenger vessel if it is so loaded as to be manifestly unsafe to proceed to sea.

(b) When passenger vessels are subject to the Act of March 2, 1929 (46 U.S.C. 85–85g), the duties and responsibilities of the Collector of Customs or the Coast Guard District Commander and the procedures followed shall be the same as those stated in § 43.01–97 of this chapter.

(c) When passenger vessels are subject to the Coastwise Load Line Act, 1935, as amended (46 U.S.C. 88–88l), the duties and responsibilities of the Collector of Customs or the Coast Guard District Commander and the procedures followed shall be the same as those stated in § 43.01–97 or 45.01–85 of this subchapter, as applicable.

§ 46.10–65 Construction.

(a) The watertight subdivision of every passenger vessel shall be as efficient as possible, having regard to its intended service. This principle is given effect by the requirements of Part 73 of Subchapter H (Passenger Vessels) of this chapter which provide for variations in the standard of subdivision according to the length of the vessel and the degree to which the vessel approaches the exclusive passenger type, the highest standard being required in vessels of the greatest length engaged primarily in the carriage of passengers.

(b) Passenger vessels engaged in foreign voyages by sea or coastwise voyages by sea or voyages on the Great Lakes, to be marked with subdivision load lines shall comply with the requirements in this part.

§ 46.10–70 Plans and inspections of new and converted vessels.

(a) Plans for a new passenger vessel or a vessel to be converted to a passenger vessel shall be submitted to the Commandant as required by Subpart 71.65 of Subchapter H (Passenger Vessels) of this chapter.

(b) Inspections shall be made during the construction or conversion of the vessel as required by Subpart 71.20 of Subchapter H (Passenger Vessels) of this chapter.

(c) Upon completion of the construction or conversion of a passenger vessel, a stability test shall be performed and stability information shall be supplied to the operator as required by Part 74 of Subchapter H (Passenger Vessels) of this chapter.

Subpart 46.15—Subdivision Load Lines for Passenger Vessels Engaged in Foreign, Coastwise, and Great Lakes Voyages

§ 46.15–1 Procedure for determination of subdivision load line.

(a) The procedure for the determination of the subdivision load line as well as special construction features of the vessel shall be as set forth in Subpart 72.01 and Parts 73 and 74 of Subchapter H (Passenger Vessels) of this chapter.

§ 46.15–5 Engineering requirements.

(a) Bilge and ballast systems, piping, inlets and discharges, ash chutes, astern power, and auxiliary steering shall be in accordance with the provisions of Subchapter F (Marine Engineering) of this chapter.

§ 46.15–10 Subdivision load lines.

(a) Subdivision load lines shall be located by measuring vertically down from the deck line required by Part 43 of this subchapter.

(b) The length, width, and manner of marking the lines shall be as provided in Subpart 43.05 of this subchapter.

(c) No subdivision load line is to be placed so that the freeboard is reduced from that determined by the highest seasonal mark permitted by Part 43.

(d) When the highest subdivision load line is located on a vessel used as a passenger vessel in a position between the highest and lowest seasonal load line marks, the seasonal load line marks above the subdivision load line will be omitted and those below will be marked.

(e) When the freeboard from the highest subdivision load line on a vessel used as a passenger vessel is greater than the freeboard from the lowest load line permitted by Part 43 of this subchapter, the load lines required by Part 43 of this subchapter shall be omitted and the disk with its horizontal line located in line with the highest subdivision load line.

(f) One fresh water line shall be marked. When a subdivision and a normal load line are combined, the normal fresh water line only shall be used unless the position of the subdivision load line is such that confusion will result, in which case a subdivision fresh water line may be used, marked FC, and the normal fresh water line omitted.

(g) Subdivision load lines shall be aft of the vertical line. The vertical line shall be extended as necessary to connect the lowest and highest load lines marked on the vessel.

(h) When a vessel has spaces used for cargo and passengers alternatively so that the position of the subdivision load line varies with the service, subdivision load lines for the principal passenger condition shall be marked and denoted by C_1 and the alternative conditions marked and denoted by C_2, C_3, etc. The position of each load line and the conditions under which a particular load line is applicable shall be noted in the certificate.

(i) The principal passenger condition for a vessel having spaces used for passengers and cargo alternatively is the condition where only those spaces appropriated exclusively to passengers are taken into consideration for determination of the subdivision load line.

(j) For Great Lakes vessels, references to Part 43 shall read Part 45 and a "diamond" shall be substituted for the "disk". No "fresh water" line will be marked.

SUBCHAPTER F—MARINE ENGINEERING

PART 50—GENERAL PROVISIONS

Subpart 50.01—Basis and Purpose

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50.01–1 Authority.
50.01–5 Assignment of functions.
50.01–10 Purpose of regulations.
50.01–15 Application of regulations.

Subpart 50.10—Definition of Terms Used in This Subchapter

50.10–1 Commandant.
50.10–5 Coast Guard District Commander.
50.10–10 Officer in Charge, Marine Inspection.
50.10–15 Marine inspector or inspector.
50.10–20 Requirements.
50.10–25 Headquarters.

AUTHORITY: The provisions of this Part 50 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426–4431, as amended, 4433, as amended, 4434, as amended, 4453, as amended, 4488, as amended, 4491, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 481, 489, 366, 395, 363, 367, 526p, 1333, 390b, 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, Nov. 26, 1954, 19 F.R. 8026; 167–20, June 18, 1956, 21 F.R. 4894; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–38, Oct. 26, 1959, 24 F.R. 8857.

Subpart 50.01—Basis and Purpose

§ 50.01–1 Authority.

(a) The authority to prescribe regulations generally is set forth in R.S. 4405 and 4462, as amended (46 U.S.C. 375 and 416), as well as in other provisions of Title 52 of the Revised Statutes and acts amendatory thereof or supplemental thereto. Under the provisions of R.S. 4403, as amended (46 U.S.C. 372), the Commandant, United States Coast Guard superintends the administration of the vessel inspection laws and is required to produce a correct and uniform administration of the inspection laws, rules, and regulations.

§ 50.01–5 Assignment of functions.

By Reorganization Plan No. 3 of 1946, effective July 16, 1946, 3 CFR, 1946 Supp., the marine inspection functions of the former Bureau of Marine Inspection and Navigation and its officers and employees were transferred to the Commandant, United States Coast Guard. By Reorganization Plan No. 26 of 1950, effective July 31, 1950, 3 CFR, 1950 Supp., p. 178, the functions formerly vested in the Commandant, United States Coast Guard were transferred to the Secretary of the Treasury with certain specific exceptions. The Secretary of the Treasury by an order dated July 31, 1950 (15 F. R. 6521), delegated to the Commandant the functions formerly performed by him under Reorganization Plan No. 3 of 1946.

§ 50.01–10 Purpose of regulations.

The purpose of the regulations in this subchapter is to set forth uniform minimum requirements for marine engineering in accordance with the intent of Title 52 of the Revised Statutes and acts amendatory thereof or supplemental thereto, as well as to implement various International Conventions for Safety of Life at Sea and other treaties which affect the merchant marine. The regulations are necessary to carry out the provisions of law affecting inspected vessels and such regulations have the force of law.

§ 50.01–15 Application of regulations.

(a) The regulations in this subchapter contain specifications and requirements for materials, design, construction, installation, and inspection of machinery, boilers, unfired pressure vessels, safety valves and appurtenances, including piping systems, upon the strength and efficiency of which safety of life is dependent.

(b) The regulations in this subchapter apply to installations contracted for or built on or after July 1, 1935. The regulations in Subchapter G (Marine Engineering Installations Contracted for Prior to July 1, 1935) of this chapter apply only to installations contracted for or built prior to July 1, 1935.

(c) The regulations in this subchapter are not retroactive in effect, except as provided in paragraph (d) of this section or if specifically provided for in the regulation at the time it is amended or added. The regulations amended or added subsequent to July 1, 1935, are applicable to installations contracted for or built on or after the effective date of such regulations. For the purpose of recalculating the maximum allowable pressure of boilers, unfired pressure vessels and piping under the provisions of § 61.20–15 (f), the formulas found in this subchapter may be used for boilers, unfired pressure vessels and piping: *Provided*, That such recalculation shall not permit a higher pressure than that originally allowed by the regulations in effect at the time such work was contracted for or built.

(d) Where existing vessels are reboilered, the mountings and attachments shall be renewed in accordance with the regulations in this subchapter in effect at the time such work is contracted for. The existing steam piping shall be examined as provided for in § 55.07–5, and if found to be in good condition and complying with the minimum thickness required for the pressure and temperature design conditions at the time of installation of the new boiler, the piping may be continued in service.

(e) Items of equipment previously approved by the Commandant but not complying with the latest specifications and which are in good and serviceable condition may be continued in use until replacement is necessary.

Subpart 50.10—Definition of Terms Used in This Subchapter

§ 50.10–1 Commandant.

The term "Commandant means the Commandant of the Coast Guard.

§ 50.10–5 Coast Guard District Commander.

The term "Coast Guard District Commander" means an officer of the Coast Guard designated as such by the Commandant to command all Coast Guard activities within his district, which include the inspections, enforcement, and administration of Title 52, Revised Statutes, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

§ 50.10–10 Officer in Charge, Marine Inspection.

The term "Officer in Charge, Marine Inspection," means any person from the civilian or military branch of the Coast Guard designated as such by the Commandant and who under the superintendence and direction of the Coast Guard District Commander is in charge of an inspection district for the performance of duties with respect to the inspections, enforcement, and administration of Title 52, Revised Statutes, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

§ 50.10–15 Marine inspector or inspector.

The terms "marine inspector" or "inspector" mean any person from the civilian or military branch of the Coast Guard assigned under the superintendence and direction of an Officer in Charge, Marine Inspection, or any other person as may be designated for the performance of duties with respect to the inspections, enforcement, and the administration of Title 52, Revised Statutes, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

§ 50.10–20 Requirements.

The term "requirements" refers to process of manufacture, characteristic, physical and chemical properties, tests, workmanship, and finish of materials.

§ 50.10–25 Headquarters.

The term "headquarters" means the office of the Commandant, United States Coast Guard, Washington, D.C., 20226.

PART 51—MATERIALS

Subpart 51.01—General

Sec.
51.01–1 Statutory requirements.
51.01–5 Basic information requirements.
51.01–10 General classification of materials.
51.01–15 Inspection and testing of class A material.
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51.01–25 Certification of class B material.
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51.23–1 Scope.

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51.24–1 Scope.

Subpart 51.25—Carbon and Alloy-Steel and Wrought Iron Tubes

51.25–1 Scope.

Subpart 51.34—Carbon and Alloy-Steel and Wrought Iron Pipe

51.34–1 Scope.

Subpart 51.46—Steel Forgings

51.46–1 Scope.
51.46–5 Hydrostatic tests.

Subpart 51.49—Carbon and Alloy-Steel Bolting and Nut Material

51.49–1 Scope.

Subpart 51.58—Steel Castings

51.58–1 Scope.
51.58–5 Hydrostatic tests.

Subpart 51.61—Iron Castings

51.61–1 Scope.
51.61–5 Hydrostatic tests.
51.61–10 Markings.

Subpart 51.67—Copper and Copper-Alloy Plate

Sec.
51.67–1 Scope.

Subpart 51.70—Seamless Copper and Copper-Alloy Pipe

51.70–1 Scope.

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51.73–1 Scope.

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51.76–1 Scope.
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Subpart 51.79—Aluminum-Alloy Plates and Sheets

51.79–1 Scope.

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51.80–1 Scope.

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51.82–1 Scope.

Subpart 51.85—Nickel-Alloy Plates and Sheets

51.85–1 Scope.

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51.86–1 Scope.

Subpart 51.90—Rigid Poly (Vinyl Chloride) (PVC) Materials

51.90–1 Scope.

AUTHORITY: The provisions of this Part 51 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426–4431, as amended, 4433, as amended, 4434, as amended, 4453, as amended, 4488, as amended, 4491, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 481, 489, 366, 395, 363, 367, 526p, 1333, 390b, 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, Nov. 26, 1954, 19 F.R. 8026; 167–20, June 18, 1956, 21 F.R. 4894; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–38, Oct. 26, 1959, 24 F.R. 8857.

Subpart 51.01—General

§ 51.01–1 Statutory requirements.

(a) Plates, bars, and shapes used as pressure parts of boilers intended for marine service shall be tested, inspected, and stamped by an inspector in accordance with the requirements of Title 52 of the Revised Statutes of the United States.

(b) Material used for pressure parts in the construction of pressure vessels other than boilers shall conform to the requirements of this part.

§ 51.01–5 Basic information requirements.

When ordering material for the construction of boilers or unfired pressure vessels to be installed on vessels subject to the inspection of the Coast Guard, boiler manufacturers shall, as far as practicable, furnish the following information to the manufacturer of the material and to the Officer in Charge, Marine Inspection, in the district where the boiler or unfired pressure vessel is to be fabricated:

(a) Name and location of manufacturer's works.

(b) Type and size of boiler or unfired pressure vessel.

(c) Manufacturer's serial or shop number.

(d) Design pressure.

(e) Name of shipyard and hull number.

(f) Vessel's name.

§ 51.01–10 General classification of materials.

(a) The materials to be used in the construction of boilers and unfired pressure vessels, piping, valves, fittings, and appurtenances below listed shall be of three general classes of which classes A and B shall be used for pressure parts and class C may be used for other parts as specified.

Class A: Tested materials manufactured under the supervision of the Coast Guard, tests of which shall be witnessed by an inspector.

Class B: Certified materials tested by the manufacturers, and certified by them as conforming to the requirements.

Class C: Materials for nonpressure parts of boilers or unfired pressure vessels such as casings for water-tube boilers, uptakes, furnace fronts, and operating equipment shall be of good commercial quality. No detail requirements are herein specified for materials in this class. Class C materials shall be accepted by inspectors without requiring tests or certification by manufacturers.

(b) Except as may be otherwise required, the classification of materials under classes A and B and the subparts of this part in which they are specified, are as follows:

CLASS A

Subparts	
51.04	Marine boiler steel plate.
51.07	Staybolt and rivet steel.
51.10	Steel bars and shapes.
51.13	Staybolt and rivet iron.

CLASS B

51.22	Flange and firebox steel plates.
51.23	Corrosion resisting steel plate, sheet, and strip for unfired pressure vessels.
51.24	Materials for low temperature service.
51.25	Carbon and alloy-steel wrought iron tubes.
51.34	Carbon and alloy-steel wrought iron pipe.
51.46	Steel forgings.
51.49	Carbon and alloy-steel bolting and nut material.
51.58	Steel castings.
51.61	Iron castings.
51.67	Copper and copper-alloy plate.
51.70	Seamless copper and copper-alloy pipe.
51.73	Seamless copper and copper-alloy tubes.
51.76	Copper-alloy castings.
51.79	Aluminum-alloy plates and sheets.
51.90	Rigid poly (vinyl chloride) (PVC) materials.

§ 51.01–15 Inspection and testing of class A material.

Inspectors shall have free entry at all times to those parts of the works where material subject to the regulations in this part is being manufactured. The manufacturer shall afford inspectors all reasonable facilities to satisfy them that the material is being manufactured in accordance with the requirements of the Commandant. Unless otherwise authorized, tests and inspection shall be made at the place of manufacture prior to shipment and shall be so conducted as not to interfere unnecessarily with the operation of the works. Inspectors shall assure themselves that test specimens are marked for positive identification with the materials which they represent. Unless otherwise specified, tests shall be made at ordinary temperature.

§ 51.01–20 Chemical analyses.

(a) A ladle analysis of each melt of class A materials shall be made by the manufacturer and a certified report thereof shall be furnished by him to the inspector upon request. This analysis shall be made from a test ingot taken during the pouring of the melt. The chemical composition thus determined shall conform to the specified requirements. This requirement shall apply also to the following class B materials:

(1) Flange and firebox quality steel plates specified in Subpart 51.22.

(2) Steel forgings specified in Subpart 51.46.

(3) Alloy-steel bolting material specified in Subpart 51.49.

(4) Steel castings specified in Subpart 51.58.

(5) Copper-alloy plate specified in Subpart 51.67.

(6) Copper-alloy castings specified in Subpart 51.76.

(b) A check analysis may be made at the discretion of the Commandant from test specimens representing material for which chemical composition is specified in any section of this part, in either class A or B. The chemical composition thus determined shall conform to the requirements.

§ 51.01–25 Certification of class B material.

(a) Certification of chemical analyses and physical tests of materials of class B shall be an affidavit by the manufacturer certifying that all materials of this class supplied by him for marine service do, or will conform to all the requirements of the regulations in this part applicable thereto.

(b) Materials in this class are not required to be tested in the presence of an inspector, but whenever deemed necessary by the Commandant, he may detail an inspector to witness such tests and satisfy himself that the requirements of the specification for class B materials are met.

§ 51.01–30 Tension tests.

(a) All tension tests shall be made on standard calibrated machines. The yield point in tension tests shall be determined by the drop of the beam or the halt in the gage of the testing machine. Except where otherwise specified in this part, the speed of the crosshead of the machine shall not exceed $\frac{1}{8}$ inch per minute per inch of gage length up to the yield point, nor shall it exceed $\frac{1}{2}$ inch per minute per inch of gage length beyond the yield point. Any convenient speed of the crosshead may be used from the start of loading the test specimen until a value estimated as one-half of the yield point is reached. In determining the yield strength by use of an extensometer, the crosshead speed shall not exceed 0.025 inch per minute per inch of gage length. In the event the machine is stopped in taking readings, the speed may be exceeded in the take-up only. The ends of all test specimens shall be of form to fit the holders of the testing machine in such a way that the load will be axial.

(b) The test specimens and procedures employed for the mechanical testing of steel products covered by the specifications listed in this part shall be in conformance with A.S.T.M. A370–60T, except as otherwise provided for in this subchapter.

§ 51.01–40 Retests.

When the result of any of the physical tests specified for any of the materials does not conform to the requirements, two additional specimens may, at the request of the manufacturer, be taken from the same lot and tested in the manner specified, but in such case, both of the specimens shall conform to the requirements. In the case of tension tests, this retest shall be allowed if the percentage of elongation obtained is less than required, or if any part of the fracture is outside of the middle third of the gauge length. If any test specimen develops flaws, it shall be discarded and another specimen from the same lot substituted.

§ 51.01–45 Rejections.

Failure of the tests (or retests) specified in the regulations in this subchapter for each particular material shall be cause for rejection. Unless otherwise required, any rejection shall be reported by the inspector within 5 working days from the receipt of the test specimen. Acceptance of material on results of tests at the place of manufacture shall not prejudice the right to reject any of such material in which injurious defects are subsequently discovered. The manufacturer shall be promptly notified of such subsequent rejections, and the records shall be corrected.

§ 51.01–50 Appeals.

In case of dissatisfaction with the results of any test, the manufacturer may appeal to the Coast Guard District Commander from the decision of the Officer in Charge, Marine Inspection. Should the Coast Guard District Commander sustain the Officer in Charge, Marine Inspection, the manufacturer may appeal to the Commandant. Tested specimens which represent rejected material shall be retained for at least 30 days.

§ 51.01–55 Process of steel manufacture.

Unless otherwise officially authorized by the Commandant, all wrought steel to be used in the construction of boilers or unfired pressure vessels to be installed on vessels shall be manufactured by the open-hearth, electric furnace, or crucible process.

§ 51.01–60 Stamping plates and specimens.

(a) Class A plates shall be stamped by the manufacturer, before they are tested, with his name or trademark, the word "Marine", the letter indicating the grade of the steel, and the minimum tensile strength of the plate in pounds per square inch expressed in thousands. Inspectors shall permit cutting a plate into two or more parts before testing, but each part shall be stamped or matchmarked for identification before cutting. All plates accepted by the inspector as conforming to the requirements shall be stamped by him near the manufacturer's stamp with the official stamp of the Coast Guard, the initials of his name, and the serial number. All test specimens shall be ring-stamped or matchmarked for identification before being detached. Plates shall be stamped lengthwise in two places on one long side about 18 inches from the edges at the corners. Each butt strap shall be stamped lengthwise of the plate about the middle of the strap.

(b) The impression of the official stamp of the Coast Guard for stamping plates and specimens shall be as shown below:

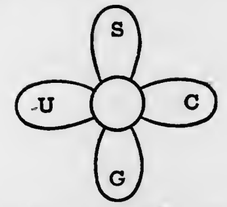


FIGURE 51.01–60 (b)—Official stamp.

§ 51.01–65 Stock plates.

Plates may be ordered to be carried in stock ashore or on shipboard for repairs to boilers and unfired pressure vessels. Such plates shall be inspected and tested at the place of manufacture and stamped for identification as stock plates. A test report for such plates shall be furnished to the Coast Guard District Commander of the district where the purchaser is located, with a copy to the purchaser. The Coast Guard District Commander shall furnish a copy thereof to the Officer in Charge, Marine Inspection, in the district where the material is kept in stock, and if the material is to be used by persons other than the original purchaser, they shall also be furnished with a copy of such report, for submittal by them to the Officer in Charge, Marine Inspection, in the district where the repairs are actually to be made before the material may be used. Vessels carrying such stock plates shall obtain and carry identification and test records of each plate. Where such plates are cut into pieces for repairs, the Officer in Charge, Marine Inspection, shall, upon request, stamp each piece so detached for identification with the original plate and a record of such stamping shall be made.

§ 51.01–70 Workmanship and finish.

All materials within the scope of the regulations in this subchapter shall be free from injurious defects and shall have a workmanlike finish.

§ 51.01–75 Heat treatment.

Some of the materials herein specified require heat treatment. This may consist of annealing, or of normalizing, or of normalizing followed by annealing, or of normalizing followed by a draw back to a temperature below the critical range. Annealing shall consist of allowing material to cool after forging or rolling to a temperature below the critical range, then reheating it to proper temperature to refine the grain and allowing it to cool in the furnace. Normalizing shall consist of allowing material to cool after forging or rolling to a temperature below the critical range, then reheating it to proper temperature to refine the grain and allowing it to cool in still air.

§ 51.01–80 Reclassification of materials.

When more than one grade is specified for any material or purpose and tests of a material of a superior grade fail to meet the requirements, such material may be reclassified and accepted as a specified lower grade if it fulfills the specified requirements for the latter. In such cases, the material shall be restamped or re-marked as required for proper identification, and revised records shall be made to cover it.

§ 51.01–85 Alternative materials.

If, in the development of industrial arts, other suitable or improved materials differing from those specified in this part are developed, their use will be given consideration, upon formal application to the Commandant with full information as to the characteristics of the material, and such scientific data and facts as may be necessary to establish the suitability and safety of the material for the use proposed. The material requirements in this subchapter are minimum requirements and are not intended to bar better materials.

§ 51.01–90 Material specification standards.

(a) The specifications prescribed in this part cover materials for use in the construction of boilers, unfired pressure vessels, piping, valves, fittings, and appurtenances, and shall comply with the standard specifications issued by the American Society for Testing Materials (A. S. T. M.), as listed in this part, subject to the limitations noted in the applicable subparts.

(b) Reference copies of all A. S. T. M. specifications listed in this part are available for reading purposes at U. S. Coast Guard Headquarters, Washington, D.C., 20226, and are on file with various Coast Guard District Commanders.

(c) The A. S. T. M. Standards referred to in this subchapter may be purchased

from the American Society for Testing Materials, 1916 Race Street, Philadelphia, Pa., 19103.

Subpart 51.04—Marine Boiler Steel Plate

§ 51.04–1 Scope.

(a) The material specifications covering marine boiler steel plate subject to class A inspection shall comply with the following standard specifications issued by the American Society for Testing Materials, subject to the limitations given in this subpart:

TABLE 51.04-1—MATERIAL SPECIFICATIONS

A.S.T.M. designation	A.S.T.M. grade	Coast Guard grade
A201–61T	A and B	A201—A and B.
A212–61T	A and B	A212—A and B.
A204–61	A, B, and C	A204—A, B, and C.
A202–56	A	A202—A.
A203–61	A, B, D, E	A203—A, B, D, and E.
A225–56	A and B	A225—A and B.
A299–56	A	A299—A.
A302–56	A and B	A302—A and B.
A353–58	A and B	A353—A and B.
A357–58		A357—A.
A387–61T	A, B, C, D, E	A387—A, B, C, D, and E.

(b) Steel plates for any part of a boiler subject to pressure and exposed to the fire or products of combustion shall be of firebox quality, steel plates for any part of a boiler subject to pressure and not exposed to the fire or products of combustion shall be of either flange or firebox quality.

(c) The grades listed in paragraph (a) of this section are suitable for arc or gas welding, but are not suitable for forge welding.

(d) Sufficient discard from the top of each ingot shall be made at any stage of the manufacture, to secure freedom from piping and undue segregation in the finished product, but in no case shall the amount of top discard be less than 30 percent.

§ 51.04–5 Heat treatment.

(a) Plates over 2 inches in thickness, before being fabricated, shall be uniformly heat-treated to produce grain refinement. Heat treatment involving quenching in a liquid medium is prohibited. If this treatment is not done at the rolling mill, the testing shall be carried out in accordance with paragraph (d) of this section.

(b) When plates are heat-treated to produce grain refinement the test specimens and the plates shall be stamped "G. R." The tensile strength of the plates in the grain-refined state shall be not less than the minimum of the specified range.

(c) Orders to the plate manufacturer or the fabricator shall specify when plates subject to the requirements of this section are to be stress-relieved and when they are to be heat-treated for grain-refinement so that proper provision may be made for the treatment of test specimens.

(d) When a fabricator, equipped to perform the work, elects to do the required heat treatment of plates for grain refinement, he shall accept the plates on the basis of the mill tests. The plate manufacturer shall make the tests prescribed in this subpart. The tension and bend test specimens shall be prepared from full thickness pieces heat-treated under conditions he considers appropriate for grain refinement and to meet the test requirements. The manufacturer shall inform the fabricator of the procedure followed in treating the pieces at the mill for guidance in treating the plates. The required physical properties shall be determined after heat treatment of the plates on specimens prepared from pieces similarly and simultaneously treated with the plates. Pieces for two tension tests, one top and one bottom, shall be provided from each plate as rolled. These pieces shall be stamped by the inspector with his official stamp for identification.

NOTE: The term "plate as rolled" as used in this section and in § 51.04–10 (c) refers to the unit plate rolled from a slab or directly from an ingot in its relation to the location and number of specimens; not to its condition.

(e) In the case of plates over 2 inches in thickness which subsequently are to be stress-relieved, the test specimens for such plates shall, before testing, be stress-relieved following the heat treatment for grain refinement.

§ 51.04–10 Test specimens.

(a) For plates 2 inches and under in thickness, tension and bent test specimens shall be the full thickness of the material and shall be machined to the form and dimensions shown in figure 51.04–10(a); or the bend test specimen may be machined with both edges parallel.

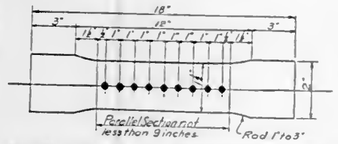


FIGURE 51.04–10 (a)—Standard rectangular tension-test specimen with 8-inch gauge length.

(b) For grade A or B plates over 2 inches and not over 4 inches in thickness, tension-test specimens may be the full thickness of the material and of the form shown in figure 51.04–10 (a); when adequate testing machine capacity is available.

(c) For plates over 2 inches in thickness, except as permitted in paragraph (b) of this section, tension-test specimens shall be machined to the form and dimensions shown in figure 51.04–10 (c); and the axis of each such specimen shall be located midway between the center and the top or bottom surface of the plate. The bend test specimens shall be at least 1½ inches in width, with both edges parallel, and may be reduced to 2 inches in thickness; but shall have one surface as rolled.

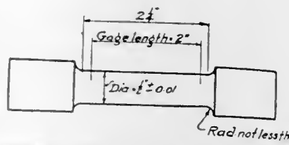


FIGURE 51.04–10 (c)—Standard round tension-test specimen with 2-inch gauge length.

§ 51.04–15 Marking.

The quality classification to be marked on all class A plates in accordance with § 51.01–60 shall be the word, "Marine" followed by the letter designating the grade of the steel.

Subpart 51.07—Staybolt and Rivet Steel

§ 51.07–1 Scope.

The material specifications covering staybolt and rivet steel subject to class A inspection shall comply with the following standard specifications issued by the American Society for Testing Materials:

TABLE 51.07-1—MATERIAL SPECIFICATIONS

A.S.T.M. designation	A.S.T.M. grade	Coast Guard grade
A31–55	A	A
A31–55	B	B
A292–56	A	C

Subpart 51.10—Steel Bars and Shapes

§ 51.10–1 Scope.

(a) The material specifications covering round steel bars and structural steel shapes subject to class A inspection shall comply with the following standard specification issued by the American Society for Testing Materials, subject to the limitations noted in this subpart:

A. S. T. M. designation:	Grade
A107–58T	1010 through 1030

§ 51.10–5 Process.

The steel shall be made by either or both of the following processes: open-hearth or electric-furnace.

§ 51.10–10 Chemical composition.

The steel shall conform to the following requirements as to chemical composition:

Phosphorus, maximum, percent:	
Acid	0.05
Basic	.04
Sulfur, maximum percent	.05

§ 51.10–15 Tensile properties.

The material shall conform to the following requirements as to tensile properties:

Tensile strength, p. s. i.	55,000 to 65,000
Yield point, p. s. i.	0.5 tensile strength
Elongation in 8 inches, minimum, percent	17.
Elongation in 2 inches, minimum, percent	20.

§ 51.10–20 Modification in elongation.

For material over ¾ inch in thickness, a deduction from the percentages of elongation specified in § 51.10–15 of 0.125 percent shall be made for each increase of 1/32 inch of the specified thickness above ¾ inch.

§ 51.10–25 Bending properties.

The bend test specimen shall stand being bent cold through 180° without cracking on the outside of the bent portion to an inside diameter which shall have the following relation to the thickness of the specimen:

TABLE 51.10–25—BENDING TEST

Thickness of material	Ratio of inside diameter of bend to thickness of specimen
¾ inch and under	½
Over ¾ to 1 inch, inclusive	1
Over 1 to 1½ inches, inclusive	1½
Over 1½ to 2 inches, inclusive	2½
Over 2 inches	3

§ 51.10–30 Test specimens.

(a) Test specimens shall be of the full thickness or diameter of material as rolled, except as specified in paragraphs (b) and (c) of this section.

(b) Test specimens for shapes and flats may be machined to the form and dimensions shown in figure 51.04–10 (a), or with both edges parallel.

(c) Test specimens for bars over 1½ inches in thickness or diameter may be machined to a thickness or diameter of at least ¾ inch for a length of at least 9 inches; or tension test specimens may conform to the dimensions shown in figure 51.04–10 (c). Bend test specimens may be 1 by ½ inch in section.

§ 51.10–35 Number of tests.

(a) One tension and one bend test shall be made from each melt; except that if material from one melt differs ⅜ inch or more in thickness, one tension and one bend test shall be made from both the thickest and the thinnest material rolled.

(b) If any test specimen shows defective machining or develops flaws, it may be discarded and another specimen substituted.

(c) If the percentage of elongation of any tension test specimen is less than that specified in § 51.10–15 and any part of the fracture is more than ¾ inch from the center of the gauge length of a 2-inch specimen, or is outside the middle third of the gauge length of an 8-inch specimen, as indicated by scribe scratches marked on the specimen before testing, a retest shall be allowed.

§ 51.10–45 Finish.

The finished material shall be free from injurious defects and shall have a workmanlike finish.

§ 51.10–45 Marking.

Bars shall, when loaded for shipment, be properly separated, and marked with the name or brand of the manufacturer and melt number for identification. The melt number shall be legibly marked on each test specimen.

Subpart 51.13—Staybolt and Rivet Iron

§ 51.13–1 Scope.

(a) The material specifications covering wrought iron bars for stays and staybolts and wrought iron rivets subject to Class A inspection shall comply with the following standard specifications issued by the American Society for Testing Materials:

TABLE 51.13-1—MATERIAL SPECIFICATIONS

A.S.T.M. designation	A.S.T.M. grade	Coast Guard grade
A84–60T	Staybolts	A
A152–60T	Rivets	B

Subpart 51.22—Flange and Firebox Steel Plates

§ 51.22–1 Scope.

(a) The material specifications covering carbon steel plate of flange and firebox quality, Class B, certified material, shall comply with the following standard specification issued by the American Society for Testing Materials:

TABLE 51.22-1—MATERIAL SPECIFICATIONS

A.S.T.M. designation	A.S.T.M. grade	Coast Guard grade
A285–57T	A (flange quality)	A
A285–57T	B (flange quality)	B
A285–57T	C (flange quality)	C
A285–57T	A (firebox quality)	A
A285–57T	B (firebox quality)	B
A285–57T	C (firebox quality)	C
A410–61T		

Subpart 51.23—Corrosion Resisting Steel Plate, Sheet and Strip for Unfired Pressure Vessels

§ 51.23–1 Scope.

(a) The material specifications for corrosion resisting steel plate, sheet, and strip, Class B, certified materials, shall comply with the following standard specifications issued by the American Society for Testing Materials:

TABLE 51.23-1—MATERIAL SPECIFICATIONS

A.S.T.M. designation	A.S.T.M. grade	Coast Guard grade
A240–63	Type 302	Type 302.
A240–63	Type 304	Type 304.
A240–63	Type 304L	Type 304L.
A240–63	Type 309S	Type 309S.
A240–63	Type 310S	Type 310S.
A240–63	Type 316	Type 316.
A240–63	Type 316L	Type 316L.
A240–63	Type 317	Type 317.
A240–63	Type 321	Type 321.
A240–63	Type 347	Type 347.
A240–63	Type 348	Type 348.
A240–63	Type 405	Type 405.
A240–63	Type 410	Type 410.
A240–63	Type 410S	Type 410S.
A240–63	Type 430A	Type 430A.
A240–63	Type 430B	Type 430B.

Subpart 51.24—Materials for Low Temperature Service

§ 51.24–1 Scope.

(a) The material specifications for materials for service at low temperatures shall comply with the following standard specifications of the American Society for Testing Materials, subject to the limitations noted in this subpart:

TABLE 51.24-1—MATERIAL SPECIFICATIONS

A.S.T.M. designation	Materials
A300–58	Steel plates for pressure vessels for service at low temperatures.
A333–63T	Seamless and welded steel pipe for low temperature service.
A334–63T	Seamless and welded steel tubes for low temperature service.
A350–61T	Forged or rolled carbon and alloy steel flanges, forged fittings, and valves and parts for low temperature service.
A352–60T	Ferritic steel castings for pressure containing parts suitable for low temperature service.

(b) Acceptance of materials listed in this subpart will be contingent upon the impact properties of the material tested at such temperatures and by such methods as may be required by the Commandant.

Subpart 51.25—Carbon and Alloy-Steel and Wrought Iron Tubes

§ 51.25–1 Scope.

(a) The material specifications covering steel and iron tubes, Class B, certified material, shall comply with the following standard specifications issued by the American Society for Testing Materials, subject to the limitations noted in this subpart:

TABLE 51.25-1(a)—MATERIAL SPECIFICATIONS

A.S.T.M. designation	A.S.T.M. grade	Coast Guard grade
Carbon-steel and iron:		
A53–63T	Low-carbon seamless steel	TS3
A178–63T	A (low-carbon electric-resistance welded steel).	T178–A
A178–63T	C (medium-carbon electric-resistance welded steel).	T178–C
A179–63T	Low-carbon seamless steel condenser tubes.	T179
A192–63T	Low-carbon seamless steel	T192
A210–63T	Medium-carbon seamless steel.	T210
A226–63T	Electric resistance welded steel.	T226
Alloy steel:		
A209–63T	T1	T1
A209–63T	T1a	T1a
A209–63T	T1b	T1b
A213–63T	T2	T2
A213–63T	T5	T5
A213–63T	T5b	T5b
A213–63T	T7	T7
A213–63T	T9	T9
A213–63T	T11	T11
A213–63T	T12	T12
A213–63T	T17	T17
A213–63T	T21	T21
A213–63T	T22	T22
A213–63T	TP304	T304
A213–63T	TP304L	T304L
A213–63T	TP310	T310
A213–63T	TP316	T316
A213–63T	TP316L	T316L
A213–63T	TP321	T321
A213–63T	TP321H	T321H
A213–63T	TP347	T347
A213–63T	TP348	T348
A250–63T	T1	T1
A250–63T	T1a	T1a
A250–63T	T1b	T1b
A423–63T		

(b) Grade T179 shall be permitted only for use as tube material in heat exchangers and tubing for hydraulic systems.

Subpart 51.34—Carbon and Alloy-Steel and Wrought Iron Pipe

§ 51.34–1 Scope.

(a) The material specifications covering steel and wrought iron pipe, Class B, certified material, shall comply with the following standard specifications issued by the American Society for Testing Materials:

TABLE 51.34-1—MATERIAL SPECIFICATIONS

A.S.T.M. designation	A.S.T.M. grade	Coast Guard grade
Carbon-steel and iron:		
A53–63T	Butt-welded steel	P53–BW
A53–63T	A (seamless steel)	P53–A
A53–63T	B (seamless steel)	P53–B
A53–63T	A (electric-resistance welded steel).	P53–RW–A
A53–63T	B (electric-resistance welded steel).	P53–RW–B
A106–63T	A (seamless steel)	P106–A
A106–63T	B (seamless steel)	P106–B
A106–63T	C (seamless steel)	P106–C
A135–63T	A (electric-resistance welded steel).	P135–A
A135–63T	B (electric-resistance welded steel).	P135–B
A72–62T	Lap-welded wrought iron.	P72–LW
A72–62T	Butt-welded wrought iron.	P72–BW
Alloy steel:		
A312–63T	TP304	P304
A312–63T	TP304L	P304L
A312–63T	TP309	P309
A312–63T	TP310	P310
A312–63T	TP316	P316
A312–63T	TP316L	P316L
A312–63T	TP317	P317
A312–63T	TP321	P321
A312–63T	TP347	P347
A312–63T	TP348	P348
A335–63T	P1	P1
A335–63T	P2	P2
A335–63T	P5	P5
A335–63T	P5C	P5C
A335–63T	P7	P7
A335–63T	P9	P9
A335–63T	P11	P11
A335–63T	P12	P12
A335–63T	P15	P15
A335–63T	P21	P21
A335–63T	P22	P22

Subpart 51.46—Steel Forgings

§ 51.46–1 Scope.

The material specifications covering carbon-steel and alloy-steel pipe flanges, forged fittings, valves and parts of class B, certified material, intended for general service and high-temperature service, shall comply with the following standard specifications issued by the American Society for Testing Materials, subject to the limitations noted in this subpart:

TABLE 51.46-1—MATERIAL SPECIFICATIONS

A.S.T.M. designation	A.S.T.M. grade	Coast Guard grade
Carbon-steel:		
A105–61T	I	F105–I
A105–61T	II	F105–II
A181–61T	I	F181–I
A181–61T	II	F181–II
Alloy-steel:		
A182–61T	F1	F1
A182–61T	F5	F5
A182–61T	F5a	F5a
A182–61T	F6	F6
A182–61T	F7	F7
A182–61T	F9	F9

TABLE 51.46-1—MATERIAL SPECIFICATIONS—Continued

A.S.T.M. designation	A.S.T.M. grade	Coast Guard grade
Alloy-steel—Con.		
A182–61T	F11	F11
A182–61T	F12	F12
A182–61T	F21	F21
A182–61T	F22	F22
A182–61T	F304	F304
A182–61T	F304L	F304L
A182–61T	F310	F310
A182–61T	F316	F316
A182–61T	F316L	F316L
A182–61T	F321	F321
A182–61T	F347	F347
A182–61T	F348	F348
A234–59T	WPA	WPA
A234–59T	WPB	WPB
A234–59T	WPC	WPC
A234–59T	WP1	WP1
A234–59T	WP12	WP12
A234–59T	WP11	WP11
A234–59T	WP22	WP22
A234–59T	WP5	WP5
A336–62T	F1	F1
A336–62T	F2	F2
A336–62T	F5	F5
A336–62T	F5a	F5A
A336–62T	F6	F6
A336–62T	F22	F22
A336–62T	F8	F8
A336–62T	F8M	F8M
A336–62T	F8C	F8C
A336–62T	F8T	F8T
A336–62T	F25	F25
A403–61T	WP304	WP304
A403–61T	WP304L	WP304L
A403–61T	WP309	WP309
A403–61T	WP310	WP310
A403–61T	WP347	WP347
A403–61T	WP316	WP316
A403–61T	WP316L	WP316L
A403–61T	WP317	WP317
A403–61T	WP321	WP321
A403–61T	WP348	WP348

§ 51.46–5 Hydrostatic tests.

Valves and pipe fittings shall be tested after machining to a hydrostatic pressure as required by § 61.30–5 of this subchapter.

Subpart 51.49—Carbon and Alloy-Steel Bolting and Nut Material

§ 51.49–1 Scope.

The material specifications covering carbon and alloy-steel bolts and nuts of class B, certified material, shall comply with the following standard specifications of the American Society for Testing Materials:

TABLE 51.49-1—MATERIAL SPECIFICATIONS

A.S.T.M. designation	A.S.T.M. grade	Coast Guard grade
Carbon-steel bolting:		
A307–63T	B	B
Alloy-steel bolting:		
A193–62T	B5 (5 Cr–0.50 Mo)	B5
A193–62T	B6 (12 Cr)	B6
A193–62T	B7 (1 Cr–0.20 Mo)	B7
A193–62T	B14 (1 Cr–0.35 Mo–0.25 Va)	B14
A193–62T	B16 (1 Cr–0.55 Mo–0.30 Va)	B16
A193–62T	B8C (18 Cr–8 Ni+Co)	B8C
A193–62T	B8T (18 Cr–8 Ni+Ti)	B8T
Carbon and alloy steel nuts:		
A194–62T	1 (carbon-steel)	1
A194–62T	2 (carbon-steel)	2
A194–62T	2H (carbon-steel)	2H
A194–62T	3 (5 Cr–0.50 Mo–0.10 Si)	3
A194–62T	4 (0.15 Si–0.20 Mo)	4

Subpart 51.58—Steel Castings

§ 51.58–1 Scope.

(a) The material specifications covering carbon and alloy-steel castings of class B, certified material, shall comply with the following standard specifications issued by the American Society for Testing Materials, subject to the limitations noted in this subpart:

TABLE 51.58-1—MATERIAL SPECIFICATIONS

A.S.T.M. designation	A.S.T.M. grade	Coast Guard grade
Carbon-steel:		
A216–63T	WCA	WCA
A216–63T	WCB	WCB
Alloy-steel:		
A217–60T	WC1 (C–Mo)	WC1
A217–60T	WC4 (1 Ni–0.65 Cr–0.50 Mo).	WC4
A217–60T	WC5 (0.80 Ni–0.70 Cr–1 Mo.)	WC5
A217–60T	WC6 (1.25 Cr–0.50 Mo)	WC6
A217–60T	WC9 (2.25 Cr–1 Mo)	WC9
A217–60T	C5 (5 Cr–0.50 Mo)	C5
A217–60T	C12 (9 Cr–1 Mo)	C12
A351–63T	CA15	CA15
A351–63T	CF8	CF8
A351–63T	CF8M	CF8M
A351–63T	CF8C	CF8C
A351–63T	CH20	CH20
A351–63T	CK20	CK20

(b) Grades C5, C12, WCA, WCB, WC1, WC4, WC5, WC6, and WC9 are suitable for arc or gas welding. Other grades may be considered weldable when employing proper welding technique approved by the Commandant.

§ 51.58–5 Hydrostatic tests.

(a) Valves and pipe fittings shall be tested after machining to a hydrostatic pressure as required by § 61.30–5 of this subchapter.

(b) Pressure containing castings other than those specified in paragraph (a) in this section shall be tested to a hydrostatic pressure of 2 times the maximum allowable pressure and show no leaks.

Subpart 51.61—Iron Castings

§ 51.61–1 Scope.

The material specifications covering nodular cast iron, malleable iron and gray iron castings of Class B, certified material, used for pipe fittings, valves, flanges and manifolds, shall comply with the following standard specifications issued by the American Society for Testing Materials, subject to the limitations noted in this subpart:

TABLE 51.61-1—MATERIAL SPECIFICATIONS

A.S.T.M. designation	A.S.T.M. grade	Coast Guard grade
Nodular iron:		
A395–61	60–45–15	60–45–15.
Malleable iron:		
A47–61	32510	A1.
A47–61	35018	A2.
A197–47	Cupola	B.
Cast iron:		
A126–61T	Class A (regular)	C.
A126–61T	Class B (higher strength).	D.
A126–61T	Class C (high test)	E.
A278–62T	Class No. 20	No. 20.
A278–62T	Class No. 25	No. 25.
A278–62T	Class No. 30	No. 30.
A278–62T	Class No. 35	No. 35.
A278–62T	Class No. 40	No. 40.
A278–62T	Class No. 50	No. 50.
A278–62T	Class No. 60	No. 60.

§ 51.61–5 Hydrostatic tests.

Castings intended for use as valves and pipe fittings shall be tested after machining to a hydrostatic pressure as required by § 61.30–5 of this subchapter.

§ 51.61–10 Markings.

Each nodular iron casting shall be legibly marked for material identification, either by casting or stamping, with the A. S. T. M. designation or grade.

Subpart 51.67—Copper and Copper-Alloy Plate

§ 51.67–1 Scope.

(a) The material specifications covering copper and copper-alloy rolled plate of class B, certified material, suitable for use as shells and tube sheets of heat exchangers and unfired pressure vessels, shall comply with the following standard specifications issued by the American Society for Testing Materials, subject to the limitations noted in this subpart:

TABLE 51.67-1—MATERIAL SPECIFICATIONS

A.S.T.M. designation	A.S.T.M. grade	Coast Guard grade
Copper:		
B11–61	Type ETP (tough pitch copper nonarsenical).	B11–1.
B11–61	Type DHP (phosphorized copper nonarsenical).	B11–2.
B11–61	Type ATP (tough pitch arsenical copper).	B11–3.
B11–61	Type DPA (phosphorized arsenical copper).	B11–4.
Copper-alloy:		
B96–61	Copper silicon alloy A or C	B96–A or C.
B169–55	Aluminum bronze alloy D	B169–D.
B171–58	Naval brass	B171–A.
B171–58	Admiralty metal	B171–B.
B171–58	Copper-nickel alloy 70–30	B171–C.
B171–58	Copper-nickel alloy 90–10	B171–D.
B171–58	Aluminum bronze alloy D	B171–E.
B171–58	Aluminum bronze alloy E	B171–F.
B–402	Copper-nickel alloy 70–30	B–402–A.
B–402	Copper-nickel alloy 90–10	B–402–B.

(b) When copper plates are to be welded, grades B11–2 and B11–4 only shall be employed.

Subpart 51.70—Seamless Copper and Copper-Alloy Pipe

§ 51.70–1 Scope.

The material specifications covering seamless copper and copper-alloy pipe, of class B, certified material, shall comply with the following standard specifications issued by the American Society for Testing Materials:

TABLE 51.70-1—MATERIAL SPECIFICATIONS

A.S.T.M. designation	A.S.T.M. grade	Coast Guard grade
B42–58	Seamless copper	B42
B43–58	Red brass	B43

Subpart 51.73—Seamless Copper and Copper-Alloy Tubes

§ 51.73–1 Scope.

(a) The material specifications covering seamless copper and copper-alloy tubes, of class B, certified material, shall comply with the following standard specifications issued by the American Society for Testing Materials, subject to the limitations noted in this subpart:

TABLE 51.73-1—MATERIAL SPECIFICATIONS

A.S.T.M. designation	A.S.T.M. grade	Coast Guard grade
B88–61	Copper Type K	B88–K.
B88–61	Copper Type L	B88–L.
B88–61	Copper Type M	B88–M.
B75–61	Oxygen-free copper	B75–D.
B75–61	Phosphorized copper Type DHP.	B75–A.
B75–61	Phosphorized copper Type DHP.	B75–B.
B75–61	Phosphorized arsenical copper Type DPA.	B75–C.
B111–60	Copper	B111–A.
B111–60	Arsenical copper	B111–B.
B111–60	Red brass	B111–C.
B111–60	Admiralty metal grades A, B, C, and D.	B111–D.
B111–60	Aluminum brass grade B.	B111–E.
B111–60	Aluminum bronze	B111–F.
B111–60	Copper-nickel 70–30	B111–G.
B111–60	Copper-nickel 80–20	B111–H.
B111–60	Copper-nickel 90–10	B111–I.

(b) When copper tubes are to be welded, deoxidized copper shall be employed.

Subpart 51.76—Copper-Alloy Castings

§ 51.76–1 Scope.

The material specifications covering bronze castings of class B, certified material, for pressure-containing parts of valves, pipe fittings, and similar appliances, shall comply with the following standard specifications issued by the American Society for Testing Materials, subject to the limitations noted in this subpart:

TABLE 51.76-1—MATERIAL SPECIFICATIONS

A.S.T.M. designation	A.S.T.M. grade	Coast Guard grade
B61–60	Steam or valve bronze.	2A.
B62–60	Composition bronze or ounce metal.	4A.
B143–61	Tin bronze, 1A	1A.
B143–61	Tin bronze, 1B	1B.

§ 51.76–5 Hydrostatic tests.

Castings intended for use as pipe flanges and flanged fittings shall be tested after machining to a hydrostatic test as required by § 61.30–5 of this subchapter.

Subpart 51.79—Aluminum-Alloy Plates and Sheets

§ 51.79–1 Scope.

(a) The material specifications covering aluminum-alloy plate and sheet of Class B, certified material, suitable for use as shells and tube sheets of unfired pressure vessels and heat exchangers, shall comply with the following standard specifications issued by the American Society for Testing Materials:

TABLE 51.79-1—MATERIAL SPECIFICATIONS

A.S.T.M. designation	A.S.T.M. grade		Coast Guard grade
	Alloy	Temper	
B209–61	1060	0	1060–0.
B209–61	1100	0	1100–0.
B209–61	3003	0	3003–0.
B209–61	3004	0	3004–0.
B209–61	5050	0	5050–0.
B209–61	5052	0	5052–0.
B209–61	5083	0	5083–0.
B209–61	5086	0	5086–0.
B209–61	5154	0	5154–0.
B209–61	5456	0	5456–0.
B209–61	6061	T6	6061–T6.

Subpart 51.80—Aluminum-Alloy Pipe and Tubes

§ 51.80–1 Scope.

(a) The material specifications covering aluminum-alloy pipe and tubes of Class B, certified materials shall comply with the following standard specifications issued by the American Society for Testing Materials:

TABLE 51.80-1—MATERIAL SPECIFICATIONS

A.S.T.M. designation	A.S.T.M. grade		Coast Guard grade
	Alloy	Temper	
B210–61	1060	0	1060–0.
B210–61	3003	0	3003–0.
B210–61	5154	0	5154–0.
B210–61	6061	T6	6061–T6.
B210–61	6063	T6	6063–T6.
B234–61	6061	T6	6061–T6.
B235–61	1060	0	1060–0.
B235–61	3003	0	3003–0.
B235–61	5154	0	5154–0.
B235–61	5456	0	5456–0.
B235–61	6061	T6	6061–T6.
B235–61	6063	T6	6063–T6.
B241–61	5456	0	5456–0.
B241–61	6061	T6	6061–T6.
B241–61	6063	T6	6063–T6.

Subpart 51.81—Aluminum-Alloy Forgings

§ 51.81–1 Scope.

(a) The material specifications covering aluminum-alloy forgings of Class B, certified materials, shall comply with the following standard specifications issued by the American Society for Testing Materials:

TABLE 51.81-1—MATERIAL SPECIFICATIONS

A.S.T.M. designation	A.S.T.M. grade		Coast Guard grade
	Alloy	Temper	
B247–61	3003	F	3003–F.
B247–61	6061	T6	6061–T6.
B247–61	6063	T6	6063–T6.

Subpart 51.82—Aluminum-Alloy Bars, Rods, and Shapes

§ 51.82–1 Scope.

(a) The material specifications covering aluminum-alloy bars, rods, and shapes of Class B, certified materials, shall comply with the following standard specifications issued by the American Society for Testing Materials:

TABLE 51.82-1—MATERIAL SPECIFICATIONS

A.S.T.M. designation	A.S.T.M. grade		Coast Guard grade
	Alloy	Temper	
B211-61	6061	0	6061-T6.
B221-61	5083	0	5083-0.
B221-61	5154	0	5154-0.
B221-61	5456	0	5456-0.
B221-61	6061	T6	6061-T6.

Subpart 51.85—Nickel-Alloy Plates and Sheets

§ 51.85-1 Scope.

(a) The material specifications covering nickel-alloy plates and sheets of Class B, certified materials, shall comply with the following standard specification issued by the American Society for Testing Materials:

TABLE 51.85-1—MATERIAL SPECIFICATIONS

A.S.T.M. designation	A.S.T.M. grade	Coast Guard grade
B127-61	Hot or cold rolled	B127.

Subpart 51.86—Nickel-Alloy Pipe and Tubes

§ 51.86-1 Scope.

(a) The material specifications covering nickel-alloy pipe and tubes of Class B, certified material, shall comply with the following standard specification issued by the American Society for Testing Materials:

TABLE 51.86-1—MATERIAL SPECIFICATIONS

A.S.T.M. designation	A.S.T.M. grade	Coast Guard grade
B163-61	Nickel copper alloy	B163, B165.
B165-61		

Subpart 51.90—Rigid Poly (Vinyl Chloride) (PVC) Materials

§ 51.90-1 Scope.

(a) The material specifications covering materials fabricated of rigid polyvinylchloride (PVC), Class B, certified materials, shall comply with the following standard specifications issued by the American Society for Testing Materials, subject to the limitations noted in this subpart:

TABLE 51.90-1—MATERIAL SPECIFICATIONS

A.S.T.M. designation	A.S.T.M. grade	Coast Guard grade
D1784-60T	Type I, Grade 1	
D1784-60T	Type I, Grade 2	
D1784-60T	Type II, Grade 1	
D1785-60T	Type I, Grade 1	
D1785-60T	Type I, Grade 2	
D1785-60T	Type II, Grade 1	

(b) PVC pipe that is to be used for potable water shall bear the seal of approval or NSF mark of the National Sanitation Foundation Testing Laboratory Incorporated, School of Public Health, University of Michigan, Ann Arbor, Mich., 48103.

PART 52—CONSTRUCTION

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AUTHORITY: The provisions of this Part 52 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426–4431, as amended, 4433, as amended, 4434, as amended, 4453, as amended, 4488, as amended, 4491, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 481, 489, 366, 395, 363, 367, 526p, 1333, 390b; 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 F.R. 9871, 3 CFR, 1965 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-14, Nov. 26, 1954, 19 F.R. 8026; 167-20, June 18, 1956, 21 F.R. 4894; CGFR 56-28, July 24, 1956, 21 F.R. 5659; 167-38, Oct. 26, 1959, 24 F.R. 8857.

Subpart 52.01—Procedure and General Requirements

§ 52.01-1 Definitions.

(a) *Main boiler.* A main boiler is a steam boiler used for generating steam for propulsion purposes on shipboard.

(b) *Auxiliary or donkey boiler.* An auxiliary or donkey boiler is a steam boiler used for all purposes on shipboard for which steam may be required other than propulsion.

(c) *Pressure vessel.* A pressure vessel is a vessel containing gases, vapors, or liquids under pressure. (See § 54.01-5 of this subchapter.)

(d) *Water-tube boiler.* A water-tube boiler is a steam boiler in which the boiler tubes contain water and steam, the heat being applied to the outside surface of the tubes; and is composed generally of drums, headers, and tubes.

(e) *Internally-fired fire-tube boiler (Scotch boiler).* An internally-fired fire-tube boiler is a steam boiler containing furnaces, one or more combustion chambers and tubes or flues, which are surrounded by water and through which the products of combustion pass from the furnace to the uptake. In such boilers no part of the shell is in contact with the fire or products of combustion.

(f) *Externally fired fire-tube or flue boiler (horizontal return tubular).* An externally fired fire-tube or flue boiler is a steam boiler, part of the outer shell of which is exposed to fire or to the products of combustion, and containing flues through which such products pass from the furnace to the uptake.

(g) *Factor of safety.* Factor of safety is the ratio of the ultimate strength of the material to the maximum allowable stress.

(h) *Pressure or p. s. i.* Pressure or p. s. i. is the gauge pressure or the pressure above the atmospheric pressure in pounds per square inch.

(i) *Design pressure.* Design pressure is the theoretical bursting pressure of the weakest part of a boiler, pressure vessel, or piping divided by its factor of safety.

(j) *Maximum allowable pressure.* The maximum allowable pressure of a boiler and its appurtenances or of an unfired pressure vessel shall be considered as the highest setting of the safety valves or relief valves.

(k) *Repair.* Repair is the restoration of any damaged or impaired part to an effective and safe condition.

(l) *Alteration.* Alteration is a structural modification of or departure from an approved design or existing construction.

(m) *Packaged boiler.* A packaged boiler is a steam boiler equipped, and shipped complete with fuel burning equipment, mechanical draft equipment, feed water apparatus and all necessary controls for manual or automatic operation, all completely mounted on a common base and requiring only to be connected to fuel, water and electric supplies to be ready for use.

(n) *Fired steam boiler.* A pressure vessel in which steam is generated by the application of heat resulting from the combustion of fuel is classed as a fired steam boiler.

(o) *Unfired steam boilers.* An unfired pressure vessel in which steam is generated is classed as an unfired steam boiler. (See § 54.03-27 of this subchapter for requirements for unfired steam boilers.)

§ 52.01-5 Plans.

(a) Manufacturers intending to fabricate boilers, unfired pressure vessels or appliances of riveted, welded, brazed, or seamless material to be installed on vessels subject to inspection by the Coast Guard, shall submit detail plans in triplicate which shall be fully descriptive of the pressure containing parts of such boilers, unfired pressure vessels, or appliances to be manufactured, to the Officer in Charge, Marine Inspection, having jurisdiction over the vessel. When due to location of the shipyard or design office, such a procedure would result in unnecessary delay in transmission, the plans may be forwarded directly to the Commandant (MMT), U.S. Coast Guard, Washington, D.C., 20226.

(b) The procedure specified in paragraph (a) of this section shall apply also to proposed alterations in boilers, unfired pressure vessels, or appliances of riveted, welded, brazed, or seamless material.

(c) In addition to the requirements specified in paragraph (a) of this section, manufacturers intending to fabricate packaged boilers to be installed on vessels subject to inspection by the Coast Guard shall submit detail plans, in triplicate, fully descriptive of the manual or automatic features of such boilers, to the Commandant (MMT), U. S. Coast Guard, Washington, D.C., 20226. Manufacturers intending to fabricate automatically controlled packaged auxiliary boilers shall submit plans and descriptive data, in quadruplicate, as specified in Subpart 162.026 of Subchapter Q (Specifications) of this chapter.

§ 52.01-10 Automatically controlled packaged boilers.

All automatically controlled packaged auxiliary boilers shall be designed, constructed and tested in conformance with the requirements of Subpart 162.026 of Subchapter Q (Specifications) of this chapter.

§ 52.01-15 Conditions for approval.

(a) Manufacturers of boilers and unfired pressure vessels to be installed on vessels subject to inspection by the Coast Guard shall make calculations of the pressure parts of such boilers and unfired pressure vessels using the formulas provided in this subchapter, and submit such calculations for approval together with the drawings required by § 52.01-5. In making calculations, the design stress shall not exceed the maximum allowable stresses for the material.

(b) When it is determined that the design of the boiler or unfired pressure vessel complies with the requirements of this subchapter and, in the case of boilers, with the requirements of Part 162 of Subchapter Q (Specifications) of this chapter, the drawings shall be approved for the maximum allowable pressure at which the boiler or unfired pressure vessels may be operated. If it is determined that the design does not comply with the specified requirements, the manufacturer will be notified by a written statement which will list the reasons for disapproval.

§ 52.01-20 Appeals.

In case the design is disapproved by the Officer in Charge, Marine Inspection, the manufacturer may appeal within 30 days, to the Coast Guard District Commander of the district, and should the Coast Guard District Commander sustain the Officer in Charge, Marine Inspection, the manufacturer may, within 30 days, further appeal to the Commandant. The decision of the Commandant shall be final.

§ 52.01-25 Certifications and affidavits of manufacturers.

(a) In requesting inspection of a new boiler or pressure vessel subject to inspection by the Coast Guard, the manufacturer shall file with the Officer in Charge, Marine Inspection, a certification of a data report in triplicate on Form CG-2935 for boilers or Form CG-2936 for unfired pressure vessels. (See § 61.45-5 or § 61.45-10 of this subchapter.)

(b) Manufacturers of class B materials, such as pipe, valves, flanges, fittings, traps, separators, castings, forgings, etc., or appliances, proposed for use on vessels subject to inspection by the Coast Guard, shall file at Headquarters affidavits duly executed on Form CG-935A certifying that such materials or appliances will be manufactured in accordance with the regulations in this subchapter. (See § 61.45-15 of this subchapter.)

§ 52.01-30 Certification required for duplicate boilers or pressure vessels.

A manufacturer desiring to construct any boiler or pressure vessel which is identical with a boiler or pressure vessel previously approved by the Officer in Charge, Marine Inspection, shall not be required to resubmit drawings, but shall submit to the Officer in Charge, Marine Inspection, a certificate that the proposed boiler or pressure vessel conforms in every respect with drawings previously approved. Such certificate shall contain the boiler or pressure vessel number, the drawing number or numbers, and the date of approval. If, upon examination, the Officer in Charge, Marine Inspection, ascertains that the said approved drawings meet the requirements specified in § 52.01-15, the

manufacture of such boiler or pressure vessel shall be authorized. In case of disapproval of the request by the Officer in Charge, Marine Inspection, the manufacturer shall have the right of appeal, as specified in § 52.01–20.

§ 52.01–35 Auxiliary, donkey, and low-pressure heating boilers.

(a) All auxiliary and donkey boilers shall be designed, constructed, installed, and inspected in accordance with the requirements specified in this subchapter for main boilers, and shall be subject to the same initial procedure and general requirements.

(b) Low-pressure steam and hot-water heating boilers, the maximum allowable pressure of which does not exceed 30 pounds per square inch, shall conform to the requirements of Part 53 of this subchapter. Boilers of this type, the maximum allowable pressure of which exceeds 30 pounds per square inch, shall conform to the requirements specified in this subchapter for main boilers.

§ 52.01–40 Materials and workmanship.

All materials to be used in any of the work specified in the various sections of this part shall be free from injurious defects and shall have a workmanlike finish. The construction work shall be executed in a workmanlike manner with proper tools or equipment and shall be free from defects which would impair strength or durability.

§ 52.01–50 Boilers or pressure vessels of foreign vessels.

(a) Boilers or pressure vessels of foreign vessels admitted to American registry shall be inspected in the same manner as boilers on American vessels. The hydrostatic test of such boilers or pressure vessels shall be one and one-half times the maximum allowable pressure under which they have been operated at the first United States inspection.

(b) This allowable pressure shall be accepted as the basis for determining the maximum allowable pressure where it is not practicable or possible to secure a record of the tests of the plates that entered into the construction of the boiler or pressure vessel. The Officer in Charge, Marine Inspection, may reduce the maximum allowable pressure if deemed necessary after a close examination of the general conditions or design of the boiler or pressure vessel.

§ 52.01–55 Request for increase in pressure.

(a) When the maximum allowable pressure of a boiler has been established, an increase in pressure shall not be granted unless the boiler design meets the requirements of this subchapter in effect at the time the boiler was contracted for or built; but in no case will a pressure increase be authorized for boilers constructed prior to the effective date of the regulations dated November 19, 1952, if the minimum thickness found by actual measurements shows that the boiler will have a factor of safety of less than 4½. The piping system, machinery, and appurtenances shall meet the present requirements of this subchapter for the maximum allowable pressure requested. An increase in pressure shall be granted only by the Commandant upon presentation of data or drawings proving that the requested increase in pressure is justified.

(b) When existing boilers are replaced by new boilers designed to operate at pressures in excess of the pressure allowed by the certificate of inspection, an increase in pressure shall not be authorized unless the boiler design, piping systems and machinery meet the requirements of this subchapter for the maximum pressure requested. An increase in maximum allowable pressure shall be granted only by the Commandant upon presentation of data or drawings proving that the boiler, piping system and machinery will operate safely at the desired maximum pressure of the system.

§ 52.01–60 Alternative materials or methods of construction.

If, in the development of industrial arts, improved materials or methods of construction are developed, their use in lieu of those specified will be given consideration upon formal application to the Commandant, with full information as to their characteristics, together with such scientific data and evidence as may be necessary to establish the suitability of such materials or methods of construction for the purpose intended.

§ 52.01–70 Experimental determination of pressure rating.

(a) Where approval is requested for a boiler structure, pressure vessel or any part thereof which, due to its irregular form, process of manufacture, or for any other reason, becomes a new or difficult subject of accurate mathematical analysis, the Commandant may require a full size specimen to be furnished for the purpose of making any tests which he may consider necessary to determine a safe and fair pressure rating for such pressure vessel or pressure part.

(b) In lieu of the proof hydrostatic tests as prescribed in Subpart 61.35 of this subchapter, the Commandant may permit the use of empirical formulas for determining the maximum allowable pressure of pressure vessels of irregular form, or where the stresses cannot be accurately determined. The empirical formulas shall be based upon proof hydrostatic test data acceptable to the Commandant.

§ 52.01–75 Inspectors' decisions.

When it becomes necessary for inspectors to make decisions on certain matters covered by the regulations in this subchapter, they shall in making their reports quote the section and paragraph number on which their decisions are based. Whenever it is necessary to make decisions in matters not specifically covered by the regulations in this subchapter, they shall in making their reports state clearly the reasons which caused them to arrive at such decisions.

§ 52.01–85 Alternative procedures to govern new designs or methods of construction.

When new procedures, designs, or methods of construction are submitted for approval, the Commandant is authorized to act regarding the approval or disapproval of such new developments for which no regulations have been provided.

Subpart 52.05—Cylindrical Shells

§ 52.05–1 Definitions.

(a) *Cylindrical shell.* The term "cylindrical shell," as used in the regulations in this subchapter means the cylinder forming the outer envelope of a boiler or other pressure vessel, or of a drum which is a part of a boiler consisting of one or more plates properly riveted, welded, or otherwise joined or of seamless construction as hereinafter specified. (This does not include curved tube sheets set forth in Subpart 52.40.)

(b) *Course.* A course is a section of a cylindrical shell which comes between circumferential joints.

§ 52.05–5 Materials.

(a) Plates shall be of marine boiler steel complying with subpart 51.04 of this subchapter, except that boilers designed for pressures not exceeding 150 pounds per square inch may be constructed of steel meeting the specifications of subpart 51.22 of this subchapter, and which are tested, inspected, and stamped in conformance with the requirements for class A materials.

(b) Boiler shells not exceeding 24 inches in diameter may be of seamless pipe or tubing in accordance with requirements of § 52.05–15. Boiler shells not exceeding 18 inches in diameter may be fabricated of electric-resistance butt-welded pipe in accordance with § 52.05–20.

§ 52.05–10 Computations.

(a) (1) *General.* The maximum allowable pressure and the minimum thickness of cylindrical shells subject to internal pressure shall be determined by the strength of the weakest course computed from the thickness and tensility of the material, the efficiency of the longitudinal joint, or of the ligament efficiency between the tube holes in the shell or drum (whichever is the least), the inside or outside radius of the course, and the maximum allowable stress.

(2) *Boiler shells.* (i) Cylindrical headers and drums up to and including 24 inches in outside diameter shall be computed in accordance with Formula (3).

(ii) Cylindrical shells larger than 24 inches in outside diameter, where the thickness of the shell does not exceed one-half of the inside radius, and the designed temperature does not exceed 900° F., Formula (1) shall be used. Where the thickness exceeds one-half of the inside radius, and for temperatures up to that of saturated steam at critical pressure (705.4° F.), Formula (2) shall be used.

(iii) The minimum thickness of boiler plates shall not be less than ¼ inch where the diameter of the shell is 36 inches and under and shall not be less than 5/16 inch when the diameter is over 36 inches and not greater than 54 inches, and not less than ⅜ inch for shell diameter exceeding 54 inches but not greater than 72 inches.

$$P=\frac{STE}{R+0.6T} \text{ or } T=\frac{PR}{SE-0.6P} \quad (1)$$

$$P=SE\left(\frac{R_o^2-R^2}{R_o^2+R^2}\right) \quad (2)$$

$$P=\frac{SE}{\frac{D}{2T}-y} \text{ or } T=\frac{PD}{2SE+2yP} \quad (3)$$

Where:

P = maximum allowable pressure, in pounds per square inch. The value of P in formula (3) shall not be taken as less than 100 p.s.i. for any condition of service or material.

S = maximum allowable stress, in pounds per square inch, taken from Tables 52.05–10(a) and 54.03–10(c) and subject to the limitations of § 52.05–12.

T = minimum thickness of the shell plates, in inches.

R = inside radius of the shell, in inches.

R_o = outside radius of the shell, in inches.

D = outside diameter of header or drum, in inches.

E = minimum efficiency of the longitudinal joints or of ligaments between tube holes or other openings.

y = a coefficient having values as follows:

Materials	Temperature, ° F.					
	900 and below	950	1,000	1,050	1,100	1,150 and above
Ferritic steels	0.4	0.5	0.7	0.7	0.7	0.7
Austenitic steels	0.4	0.4	0.4	0.4	0.5	0.7

TABLE 52.05–10(a)—MAXIMUM ALLOWABLE STRESSES [1] FOR FERROUS MATERIALS

Specification subpart	A.S.T.M. designation	Grade		Minimum tensile strength p.s.i.	Notes	For metal temperatures not exceeding °F.[2]											
		A.S.T.M.	C.G.			650	700	750	800	850	900	950	1,000	1,050	1,100	1,150	1,200
PLATE																	
Carbon steel:																	
51.04	A201	A	A	55,000		13,750	13,250	12,050	10,200								
51.04	A201	B	B	60,000		15,000	14,350	12,950	10,800								
51.04	A212	A	C	65,000		16,250	15,500	13,850	11,400								
51.04	A212	B	D	70,000		17,500	16,600	14,750	12,000								
51.04	A285	A	A	45,000		11,250											
51.22	A285	B	B	50,000		12,500											
51.22	A285	C	C	55,000		13,750											
Alloy steel:																	
51.04	A202	A	A	75,000		18,750	17,700	15,650	12,600								
51.04	A203	A, D	A, D	65,000		16,250	15,500	13,850	11,400								
51.04	A203	B, E	B, E	70,000		17,500	16,600	14,750	12,000								
51.04	A203	A	E	65,000	(3)	16,250	16,250	16,250	15,650	14,400	12,500						
51.04	A204	B	F	70,000	(4)	17,500	17,500	17,500	16,900	15,000	12,750						
51.04	A204	C	G	75,000	(4)	18,750	18,750	18,750	18,000	15,900	13,000						
51.04	A204	A	A	70,000		17,500	16,600	14,750	12,000								
51.04	A225	B	B	75,000		18,750	17,700	15,650	12,000								
51.04	A225		A	75,000		18,750	17,700	15,650	12,000								
51.04	A299		A	75,000	(3)	18,750	18,750	18,750	18,000	15,900	13,000						
51.04	A302	A	A	80,000	(4)	20,000	20,000	20,000	19,100	16,800	13,250						
51.04	A302	B	B	90,000		22,500											
51.04	A353	A and B	A and B	60,000		13,700	13,400	13,100	12,800	12,400	11,500	10,000	7,300	5,200			
51.04	A357		A	65,000	(5)	16,250	16,250	16,250	15,650	14,400	12,500	10,000					
51.04	A387	A	A	60,000	(4)	15,000	15,000	15,000	14,750	14,200	13,100	11,000	7,500	5,000			
51.04	A387	B	B	60,000	(5)	15,000	15,000	15,000	15,000	14,400	13,100	11,000	7,800	5,800			
51.04	A387	C,D	C,D	60,000	(4)	15,000	14,800	14,500	13,900	13,200	12,000	9,000	7,000	5,500			
51.04	A387	E	E	60,000		15,000											
51.22	A410																
High alloy steel:																	
51.23	A240	302	302	75,000	(4)	11,200	10,800	10,400									
51.23	A240	304	304	75,000	(4)	11,200	10,800	10,400	10,000	9,700	9,400	9,100	8,800	8,500	7,500	5,750	4,500
51.23	A240	304L	304L	70,000	(3)	8,700	8,500	8,300	8,100								
51.23	A240	309S	309S	75,000	(4)	16,450	16,400	16,200	15,700	14,900	13,800	12,500	10,500	8,500	6,500	5,000	3,800
51.23	A240	310S	310S	75,000	(4)	16,900	16,600	16,250	15,700	14,900	13,800	12,500	11,000	7,100	5,000	3,600	2,500
51.23	A240	316	316	75,000	(4)	17,050	17,000	16,900	16,750	16,500	16,000	15,100	14,000	12,200	10,400	8,500	6,800
51.23	A240	316L	316L	70,000	(3)	9,800	9,450	9,100	8,800	8,500							
51.23	A240	317	317	75,000	(4)	17,050	17,000	16,900	16,750	16,500	16,000	15,100	14,000	12,200	10,400	8,500	6,800
51.23	A240	321	321	75,000	(4)	14,850	14,800	14,700	14,450	14,300	14,100	13,850	13,500	13,100	12,500	8,500	6,800
51.23	A240	347	347	75,000	(4)	14,850	14,800	14,700	14,450	14,300	14,100	13,850	13,500	13,100	12,500	8,500	6,800
51.23	A240	348	348	75,000	(4)	14,850	14,800	14,700	14,450	14,300	14,100	13,850	13,500	13,100	12,500	8,500	6,800
51.23	A240	405	405	60,000	(3)	13,000	12,450	11,850	11,000	10,100	9,100	8,000	4,000				
51.23	A240	410	410	65,000	(3)	13,700	13,400	13,100	12,750	12,100	11,000	8,800	6,400	4,400			
51.23	A240	410S	410S	60,000	(3)	12,700	12,500	12,250	11,950	11,600	11,000	8,800	6,400	4,400			
51.23	A240	430A	430A	65,000	(3)	13,250	12,900	12,500	12,050	11,500	10,800	9,200	6,500	4,500			
51.23	A240	430B	430B	65,000	(3)	13,250	12,900	12,500	12,050	11,500	10,800	9,200	6,500	4,500			
PIPES AND TUBES																	
Seamless carbon steel:																	
51.25	A83		T83	(47,000)	(6)	11,750	11,450	10,550									
51.25	A192		T192	(47,000)	(6)	11,750	11,450	10,550	9,000								
51.25	A210		T210	60,000		15,000	14,350	12,950	10,800								
51.25	A179		T179	(47,000)	(6,7)	11,750	11,450	10,550									
51.34	A53	A	P53–A	48,000		12,000	11,650	10,700									
51.34	A53	B	P53–B	60,000		15,000	14,350	12,950									
51.34	A106	A	P106–A	48,000		12,000	11,650	10,700	9,000								
51.34	A106	B	P106–B	60,000		15,000	14,350	12,950	10,800								
51.34	A106	C	P106–C	70,000	(8)	17,500	16,600	14,750	12,000								
Seamless alloy steel:																	
51.25	A209	T1	T1	55,000	(9)	13,750	13,750	13,750	13,450	13,150	12,500						
51.25	A209	T1a	T1a	60,000	(4)	15,000	15,000	15,000	14,400	13,750	12,500						
51.25	A209	T1b	T1b	53,000	(4)	13,250	13,250	13,250	13,000	12,750	12,500	10,000	6,500				
51.25	A213	T2	T2	60,000		15,000	15,000	15,000	14,400	13,750	12,500	10,000	7,300	5,200			
51.25	A213	T5	T5	60,000	(10)		13,400	13,100	12,800	12,400	11,500	10,000	7,300	5,200			
51.25	A213	T5b	T5b	60,000	(5)	13,700	13,400	13,100	12,800	12,400	10,900	9,000	5,500	3,500			
51.25	A213	T7	T7	60,000	(5)	13,700	13,400	13,100	12,500	11,500	9,500	7,000	5,000	3,500			
51.25	A213	T9	T9	60,000	(5)	13,700	13,400	13,100	12,800	12,500	12,000	10,800	8,500	5,500			
51.25	A213	T11	T11	60,000		15,000	15,000	15,000	15,000	14,400	13,100	11,000	7,800	5,500			
51.25	A213	T12	T12	60,000		15,000	15,000	15,000	14,750	14,200	13,100	11,000	7,500	5,000			
51.25	A213	T17	T17	60,000	(11)	15,000											
51.25	A213	T21	T21	60,000		15,000	14,800	14,500	13,900	13,200	12,000	9,000	7,000	5,500			
51.25	A213	T22	T22	60,000		15,000	15,000	15,000	15,000	14,400	13,100	11,000	7,800	5,800			
51.25	A213	TP304	T304	75,000	(4)	11,200	10,800	10,400	10,000	9,700	9,400	9,100	8,800	8,500	7,500	5,750	4,500
51.25	A213	TP304L	T304L	70,000	(3)	8,750	8,500	8,300	8,100								
51.25	A213	TP310	T310	75,000	(3)	16,900	16,600	16,750	15,700	14,900	13,800	12,500	11,000	7,100	5,000	3,600	2,500
51.25	A213	TP316	T316	75,000	(4)	17,050	17,000	16,900	16,750	16,500	16,000	15,100	14,000	12,200	10,400	8,500	6,800
51.25	A213	TP316L	T316L	70,000	(3)	9,800	9,450	9,100	8,800	8,500							
51.25	A213	TP321	T321	75,000	(4)	14,850	14,800	14,700	14,550	14,300	14,100	13,850	13,500				

See footnotes at end of table.

TABLE 52.05–10(a)—MAXIMUM ALLOWABLE STRESSES[1] FOR FERROUS MATERIALS—Continued

Specification subpart	A.S.T.M. designation	Grade A.S.T.M.	Grade C.G.	Minimum tensile strength p.s.i.	Notes	For metal temperatures not exceeding °F.[2] 650	700	750	800	850	900	950	1,000	1,050	1,100	1,150	1,200
PIPES AND TUBES—continued																	
Seamless alloy steel—Con.																	
51.25	A213	TP321H	T321H	75,000	(4 5)	14,850	14,800	14,700	14,550	14,300	14,100	13,850	13,500	13,100	12,500	8,000	5,000
51.25	A213	TP347	T347	75,000	(4 5)	14,850	14,800	14,700	14,550	14,300	14,100	13,850	13,500	13,100	12,500	8,000	5,000
51.25	A213	TP348	T348	75,000	(4 5)	14,850	14,800	14,700	14,550	14,300	14,100	13,850	13,500	13,100	12,500	8,000	5,000
51.25	A423			60,000		15,000											
51.34	A312	TP304	P304	75,000	(4 5)	11,200	10,800	10,400	10,000	9,700	9,400	9,100	8,800	8,500	7,500	5,750	4,500
51.34	A312	TP304L	P304L	70,000	(5)	8,750	8,500	8,300	8,100								
51.34	A312	TP300	P309	75,000	(4 5)	16,450	16,400	16,200	15,700	14,600	13,800	12,500	10,500	8,500	6,500	5,000	3,800
51.34	A312	P310	P310	75,000	(4 5)	16,900	16,600	16,250	15,700	14,900	13,800	12,500	11,000	7,100	5,000	3,600	2,500
51.34	A312	TP316	P316	75,000	(4 5)	17,050	17,000	16,900	16,750	16,500	16,000	15,100	14,000	12,200	10,400	8,500	6,800
51.34	A312	TP316L	P316L	70,000	(5)	9,800	9,450	9,100	8,800	8,500							
51.34	A312	TP317	P317	75,000	(4 5)	17,050	17,000	16,900	16,750	16,500	16,000	15,100	14,000	12,200	10,400	8,500	6,800
51.34	A312	TP321	P321	75,000	(4 5)	14,850	14,800	14,700	14,550	14,300	14,100	13,850	13,500	13,100	12,500	8,000	5,000
51.34	A312	TP347	P347	75,000	(4 5)	14,850	14,800	14,700	14,550	14,300	14,100	13,850	13,500	13,100	12,500	8,000	5,000
51.34	A312	TP348	P348	75,000	(4 5)	14,850	14,800	14,700	14,550	14,300	14,100	13,850	13,500	13,100	12,500	8,000	5,000
51.34	A335	P1	P1	55,000	(5)	13,750	13,750	13,750	13,450	13,150	12,500						
51.34	A335	P2	P2	55,000		13,750	13,750	13,750	13,450	13,150	12,500	10,000	6,250				
51.34	A335	P5	P5	60,000	(5)	13,700	13,400	13,100	12,800	12,400	11,500	10,000	7,300	5,200			
51.34	A335	P5c	P5c	60,000	(5)	13,700	13,400	13,100	12,800	12,400	11,500	10,000	7,300	4,850			
51.34	A335	P7	P7	60,000	(5)	13,700	13,400	13,100	12,500	11,500	9,500	7,000	5,000	3,500			
51.34	A335	P9	P9	60,000	(5)	13,700	13,400	13,100	12,800	12,500	12,000	10,800	8,500	5,500			
51.34	A335	P11	P11	60,000		15,000	15,000	15,000	15,000	14,400	13,100	11,000	7,800	5,500			
51.34	A335	P12	P12	60,000		15,000	15,000	15,000	14,750	14,200	13,100	11,000	7,500	5,000			
51.34	A335	P15	P15	60,000		15,000	15,000	15,000	14,400	13,750	12,500	10,000	6,250				
51.34	A335	P21	P21	60,000		15,000	14,800	14,500	13,900	13,200	12,000	9,000	7,000	5,500			
51.34	A335	P22	P22	60,000		15,000	15,000	15,000	15,000	14,400	13,100	11,000	7,800	5,800			
Electric-resistance-welded pipe:																	
51.25	A178	A	T178–A	(47,000)	(6 12 13)	10,000	9,700	8,950									
51.25	A178	C	T178–C	60,000	(12 13)	12,750	12,200	11,000									
51.25	A226		T226	47,000	(6 12 13)	10,000	9,700	8,950	7,800								
51.25	A250	T1	T1–RW	55,000	(3 12)	11,700	11,700	11,700	11,450	11,200	10,650						
51.25	A250	T1a	T1a–RW	60,000	(2 12)	12,750	12,750	12,750	12,750	11,700	10,650						
51.25	A250	T1b	T1b–RW	53,000	(3 12)	11,250	11,200	11,250	11,050	10,850	10,650						
51.25	A423		T423–RW	60,000	(12)	12,750											
51.34	A53	A	P53–RW–A	48,000	(12)	10,200											
51.34	A53	B	P53–RW–B	60,000	(12)	12,750											
51.34	A135	A	P135–A	48,000	(12)	10,200											
51.34	A135	B	P135–B	60,000	(12)	12,750											
51.34	A312	TP304	P304–RW	75,000	(4 5 12)	9,500	9,200	8,850	8,500	8,250	8,000	7,750	7,500	7,200	6,400	4,900	3,800
51.34	A312	TP304L	P304L–RW	75,000	(5 12)	7,450	7,200	7,050	6,900								
51.34	A312	TP309	P309–RW	75,000	(5 12)	14,000	13,950	13,800	13,350	12,700	11,700	10,600	8,600	7,200	5,500	4,250	3,250
51.34	A312	TP310	P310–RW	75,000	(4 5 12)	14,400	14,100	13,800	13,350	12,700	11,700	10,600	9,350	6,000	4,250	3,050	2,100
51.34	A312	TP316	P316–RW	75,000	(4 5 12)	14,500	14,450	14,350	14,250	14,000	13,600	12,800	11,900	10,400	8,850	7,200	5,800
51.34	A312	TP316L	P316L–RW	70,000	(5 12)	8,350	8,050	7,750	7,500	7,200							
51.34	A312	TP317	P317–RW	75,000	(4 5 12)	14,500	14,450	14,350	14,250	14,000	13,600	12,800	11,900	10,400	8,850	7,200	5,800
51.34	A312	TP321	P321–RW	75,000	(4 5 12)	12,650	12,600	12,500	12,350	12,150	12,000	11,800	11,500	11,100	10,600	6,800	4,250
31.45	A312	TP347	P347–RW	75,000	(4 5 12)	12,650	12,600	12,500	12,350	12,150	12,000	11,800	11,500	11,100	10,600	6,800	4,250
31.45	A312	TP348	P348–RW	75,000	(4 5 12)	12,650	12,600	12,500	12,350	12,150	12,000	11,800	11,500	11,100	10,600	6,800	4,250
FORGINGS																	
Carbon steel:																	
51.46	A105	I	F105–I	60,000		15,000	14,350	12,950	10,800								
51.46	A105	II	F105–II	70,000		17,500	16,600	14,750	12,000								
51.46	A181	I	F181–I	60,000		15,000	14,350	12,950	10,800								
51.46	A181	II	F181–II	70,000		17,500	16,600	14,750	12,000								
Alloy steel:																	
51.46	A182	F1	F1	70,000	(5)	17,500	17,500	17,500	16,900	15,000	12,750						
51.46	A182	F5	F5	60,000	(10)		13,400	13,100	12,800	12,400	11,500	10,000	7,300	5,200			
51.46	A182	F5a	F5a	90,000	(5)	19,000	17,500	16,000	14,500	13,000	11,500	10,000	7,300	5,200			
51.46	A182	F6	F6–410	85,000	(5)	17,900	17,500	17,050	16,200	14,000	11,000	8,800	6,400	4,400			
51.46	A182	F7	F7	60,000	(5)	13,700	13,400	13,100	12,500	11,500	9,500	7,000	5,000	3,500			
51.46	A182	F9	F9	100,000	(5)	22,000	21,200	20,000	17,700	15,400	13,100	10,500	8,500	5,500			
51.46	A182	F11	F11	70,000	(5)	16,800	16,150	15,500	15,000	14,400	13,100	11,000	7,800	5,500			
51.46	A182	F12	F12	70,000	(10)	16,800	16,150	15,500	14,850	14,200	13,100	11,000	7,500	5,000			
51.46	A182	F21	F21	70,000	(5)	15,600	15,100	14,600	13,900	13,200	12,000	9,000	7,800	5,500			
51.46	A182	F22	F22	70,000		17,500	17,500	17,500	17,500	16,000	14,000	11,000	7,800	5,800			
51.46	A182	F304	F304	75,000	(4 5)	11,200	10,800	10,400	10,000	9,700	9,400	9,100	8,800	8,500	7,500	5,750	4,500
51.46	A182	F304L	F304L	65,000	(5)	8,750	8,500	8,300	8,100								
51.46	A182	F310	F310	95,000	(4 5)	16,500	16,600	16,250	15,700	14,900	13,800	12,500	11,000	7,100	5,000	3,600	2,500
51.46	A182	F316	F316	75,000	(4 5)	17,050	17,000	16,900	15,750	16,500	16,000	15,100	14,000	12,200	10,400	8,500	6,800
51.46	A182	F316L	F316L	65,000	(5)	9,800	9,450	9,100	8,800	8,500							
51.46	A182	F321	F321	75,000	(4 5)	14,850	14,800	14,700	14,550	14,300	14,100	13,850	13,500	13,100	12,500	8,000	5,000
51.46	A182	F347	F347	75,000	(4 5)	14,850	14,800	14,700	14,550	14,300	14,100	13,850	13,500	13,100	12,500	8,000	5,000
51.46	A182	F348	F348	75,000	(4 5)	14,850	14,800	14,700	14,550	14,300	14,100	13,850	13,500	13,100	12,500	8,000	5,000
51.46	A336	F1	F1	70,000	(5)	17,500	17,500	17,500	16,900	15,000	12,750						
51.46	A336	F2	F2	70,000	(5 10)	16,800	16,150	15,500	14,850	14,200	13,100	11,000	7,500	5,000			
51.46	A336	F5	F5	60,000	(5 10)	13,700	13,400	13,100	12,800	12,400	11,500	10,000	7,300	5,200			
51.46	A336	F5a	F5a	80,000	(5 10)	17,300	16,500	15,500	14,500	13,000	11,500	10,000	7,300	5,200			
51.46	A336	F6	F6–410	75,000	(5)	15,700	15,400	15,100	14,650	14,000	11,000	8,800	6,400	4,400			
51.46	A336	F22	F22	70,000	(10)	17,500	17,500	17,500	17,500	16,000	14,000	11,000	7,800	5,800			
51.46	A336	F8	F8–304	75,000	(4 5)	11,200	10,800	10,400	10,000	9,700	9,400	9,100	8,800	8,500	7,500	5,750	4,500
51.46	A336	F8m	F8m–316	75,000	(4 5)	17,050	17,000	16,900	16,750	16,500	16,000	15,100	14,000	12,200	10,400	8,500	6,800
51.46	A336	F8c	F8c–347	75,000	(4 5)	14,850	14,800	14,700	14,550	14,300	14,100	13,850	13,500	13,100	12,500	8,000	5,000
51.46	A336	F8t	F8t–321	75,000	(4 5)	14,850	14,800	14,700	14,550	14,300	14,100	13,850	13,500	13,100	12,500	8,000	5,000
51.46	A336	F25	F25–310	95,000	(4 5)	20,850	20,000	18,500	17,000	15,500	14,000	12,500	11,000	9,750	8,500	7,250	6,000

See footnotes at end of table.

TABLE 52.05–10(a)—MAXIMUM ALLOWABLE STRESSES[1] FOR FERROUS MATERIALS—Continued

Specification subpart	A.S.T.M. designation	Grade A.S.T.M.	Grade C.G.	Minimum tensile strength p.s.i.	Notes	For metal temperatures not exceeding °F.[2] 650	700	750	800	850	900	950	1,000	1,050	1,100	1,150	1,200
BOLTING																	
Carbon steel:																	
51.49	A307		B	55,000	(14)	7,000											
Alloy steel:																	
51.49	A193	B5	B5		(15)	20,000	20,000	20,000	20,000	17,250	13,750	10,300	7,300				
51.49	A193	B6	B6		(15)	20,000	18,400	16,700	14,300	11,800	8,400						
51.49	A193	B7	B7		(15)	20,000	20,000	20,000	20,000	18,750	16,650	14,250	11,000	6,250			
51.49	A193	B14	B14		(15)	20,000	20,000	20,000	20,000	18,750	16,650	14,250	11,000	6,250			
51.49	A193	B16	B16		(15)	20,000	20,000	20,000	20,000	18,750	16,650	14,250	11,000	6,250			
51.49	A193	B8C	B8C			11,850	11,800	11,750	11,650	11,450	11,300	11,100	10,800	10,500	10,000	8,000	5,000
51.49	A193	B8T	B8T			11,850	11,800	11,750	11,650	11,450	11,300	11,100	10,800	10,500	10,000	8,000	5,000
CASTINGS																	
Carbon steel:																	
51.58	A216	WCA	WCA	60,000	(17)	15,000	14,350	12,950	10,800								
51.58	A216	WCB	WCB	70,000	(17)	17,500	16,600	14,750	12,000								
Alloy steel:																	
51.58	A217	WC1	WC1	65,000	(3 17 18)	16,250	16,250	16,250	15,650	14,400	12,500						
51.58	A217	WC4	WC4	70,000	(17 18)	17,500	17,500	17,500	17,000	15,800	14,000	11,000	7,800	5,500			
51.58	A217	WC5	WC5	70,000	(17 18)	17,500	17,500	17,500	17,000	15,800	14,000	11,000	7,800				
51.58	A217	WC6	WC6	70,000	(17 18)	17,500	17,500	17,500	17,000	15,800	14,000	11,000	7,800	5,800			
51.58	A217	WC9	WC9	70,000	(17 18)	17,500	17,500	17,500	17,000	15,800	14,000	11,000	7,800				
51.58	A217	C5	C5	90,000	(17)	22,500	21,600	20,400	19,000	17,000	13,600	10,000	7,300				
51.58	A217	C12	C12	90,000	(17)	22,500	22,000	21,000	19,400	17,300	15,000	11,750	8,500				
51.58	A217	CA15	CA15	90,000	(17)	21,600	20,700	19,600	18,300	16,000	11,000	7,600	5,000	3,300	2,200	1,500	1,000
51.58	A351	CF8	CF8	70,000	(4 5 17)	15,000	14,700	14,350	14,000	13,500	13,000	10,400	7,500	5,700	4,500		
51.58	A351	CF8M	CF8M	70,000	(4 5 17)	15,000	14,700	14,350	14,000	13,500	13,000	10,600	9,400	8,000	6,800		
51.58	A351	CF8C	CF8C	70,000	(4 5 17)	15,000	14,700	14,350	14,000	13,500	13,000	10,600	9,400	8,000	6,800		
51.58	A351	CH20	CH20	70,000	(4 5 17)	14,400	14,350	14,300	14,150	13,900	13,500	12,500	11,000	9,750	8,500	7,250	6,000
51.58	A351	CK20	CK20	65,000	(4 5 17)	14,400	14,350	14,300	14,150	13,900	13,500	12,500	11,000	9,750	8,500	7,250	6,000

[1] In general, the allowable "S" values in Table 52.05–10(a) except for welded pipe and tubing, and bolting, are based on one-fourth of the minimum of the specified tensile range of the material for temperatures of 650° and below; and on creep stress or stress-rupture for temperatures above 650° F.

[2] Intermediate values of "S" may be obtained by interpolation.

[3] Carbon-molybdenum alloy-steel plate, pipe, forging, and cast material shall be limited to a maximum temperature of 875° F.

[4] These stress values apply only when carbon content is 0.04 percent or higher.

[5] Higher values of maximum allowable stress for temperatures between 0° F. and 650° F. will be considered based on the proposed application.

[6] The minimum tensile strength employed not given in the specification; tensile strength value assumed.

[7] Permitted only for use as tube material in heat exchangers and tubing for hydraulic systems.

[8] This material limited to the construction of superheater, waterwall and economizer headers when used in boilers. Where welding fabrication is employed, a minimum preheat temperature of 300° F. shall be used.

[9] This material shall be limited to a temperature of 875° F. when used in the design of pressure vessels.

[10] Maximum allowable stress values for temperatures below 700° F. are as follows:

A.S.T.M. designation	Grade	For metal temperatures not exceeding °F. −20 to 400	500	600	650
A213	T5	15,000	14,500	14,000	13,700
A182	F12	17,500	17,500	17,500	16,800
A182	F5	22,500	21,600	20,100	19,000

[11] Maximum allowable stress values for temperatures exceeding 650° F. will be considered based on the proposed application.

[12] These stresses include weld joint efficiency of 0.85.

[13] When material conforming to this specification is used in boiler, waterwall, economizer, and superheater tubes that are fully enclosed within the boiler setting, and in heat exchanger tubes, the maximum allowable stress may be used without weld joint efficiency of 0.85.

[14] Welding or brazing not permitted on liquid quenched and tempered materials.

[15] This stress not permitted for temperatures exceeding 450° F.

[16] Between temperatures of −20° to 400° F., stress values equal to the lower of the following will be permitted; 20 percent of the minimum tensile strength or 25 percent of the minimum yield strength.

[17] To these stresses a quality factor as specified in § 52.05–13 shall be applied.

[18] These stresses apply to the normalized material only.

§ 52.05–12 Maximum allowable stress.

(a) The maximum allowable stresses given in Tables 52.05–10 (a) and 54.03–10 (c) in Part 54 of this subchapter may be used in the formulas for determining the maximum allowable pressure and the minimum thickness of seamless or arc-welded shells which do not require staying, unstayed blank hemispherical and ellipsoidal heads with the pressure on the concave side, flat heads which do not require staying, bolting flanges, and reinforced openings in shells and heads of boilers and unfired pressure vessels, provided the fabrication complies with the following requirements:

(1) The pressure parts of boilers shall have a minimum thickness exceeding ½ inch, and to the calculated thickness as determined by the applicable design formula, a corrosion allowance of 0.1 inch shall be added.

(2) The pressure parts of unfired pressure vessels shall have a corrosion allowance of one-sixth of the calculated thickness, or ⅛ inch, whichever is smaller, added to the calculated thickness as determined by the applicable design formula, except that no additional thickness need be provided when acceptable corrosion resistant materials are employed.

(3) Backing strips fitted in way of longitudinal joints shall be removed and the weld surface and reinforcement of longitudinal and circumferential joints shall be prepared in accordance with § 56.05–5 (c) of this subchapter. For cylindrical shells subject to temperatures exceeding 800° F., all weld reinforcement on both the inside and outside of the shell at the longitudinal and circumferential joints shall be removed wherever possible.

(4) Class II welded pressure vessels which are not given a complete radiographic examination shall have portions of the welded joints examined by spot radiography as required by § 56.05–6 of this subchapter.

(5) These stresses due to hydrostatic head shall be taken into account in determining the minimum thickness of the shell or head of any pressure vessel. Additional stresses, imposed by effects other than internal pressure or static head, which increase the average stress over substantial sections of the shell or head by more than 10 percent of the allowable stress shall be taken into account. These effects include the weight of the vessel and its contents, method of support, impact loads, superimposed loads, localized stresses due to the reactions of supports, and stresses due to temperature gradient.

(b) The maximum allowable stress used in the formulas for determining the maximum allowable pressure and minimum thickness of the following pressure parts of boilers and unfired pressure vessels shall not exceed 80 percent of the values given in Tables 52.05–10 (a) and 54.03–10 (c) in Part 54 of this subchapter:

(1) Boiler shell or head thicknesses of ½ inch or less.

(2) Riveted or brazed shells or heads.

(3) Dished heads, other than hemispherical or ellipsoidal.

(4) Unstayed hemispherical or ellipsoidal heads with pressure on the convex side.

(5) Hemispherical and ellipsoidal heads with flanged-in or other unreinforced manholes.

(6) All stays, braces or parts requiring staying.

(c) Where the maximum allowable stress is limited to 80 percent of the values given in Table 52.05–10 (a) or 54.03–10 (c) in Part 54 of this subchapter, compliance with the provisions of paragraph (a) of this section is not required.

§ 52.05–13 Quality factors for steel castings.

(a) A quality factor as specified in this section shall be applied to the allowable stresses for steel casting materials as given in Table 52.05–10 (a), when used in special design of pressure parts.

(b) A factor not to exceed 80 percent shall be applied when a casting is produced only in accordance with the material specifications given in Subpart 51.58 of this subchapter.

(c) A factor not to exceed 90 percent may be used for castings which have been radiographed at all critical sections [1] and found free of injurious defects.

(d) Radiographing, where required shall conform to the requirements of § 56.05–5 of this subchapter.

(e) Serious defects shall be the basis for rejection of the casting. Defects which are not considered as impairing the strength of the castings may be repaired by welding in accordance with the applicable requirements of this subchapter for welding repairs to defective carbon-steel or alloy-steel castings.

(f) Castings to which a quality factor exceeding 80 percent is to be applied shall be marked as required by Subpart 51.58 of this subchapter, and in addition, the applicable quality factor shall be clearly stamped on the casting.

§ 52.05–15 Seamless pipe shells.

(a) Shells may be seamless pipe or tubing with or without integral heads for boilers and unfired pressure vessels provided the material conforms to Subpart 51.25 or 51.34 of this subchapter, except that Grades T83, P53–A and P–53B shall not be used for boiler shells exceeding 18 inches in diameter.

§ 52.05–20 Electric-resistance welded pipe shells.

(a) Shells may be fabricated of electric-resistance welded pipe or tubing made of open-hearth or electric furnace steel, as specified in Subpart 51.25 or 51.34 of this subchapter, not exceeding 24 inches in diameter for boiler shells and 30 inches in diameter for unfired pressure vessel shells. The maximum allowable stress values in Table 52.05–10(a) shall be substituted in Formulas (1) or (2) of § 52.05–10 for the values of SE.

(b) Holes for tubes, nozzles, or other openings shall not be drilled in the weld.

§ 52.05–30 Externally fired boilers.

The thickness of shell plates of externally fired boilers shall not exceed 0.45 inch.

Subpart 52.10—Shell Joints

§ 52.10–1 Type of shell joints.

The shells of boilers or unfired pressure vessels may be fabricated by riveting or welding.

§ 52.10–5 Materials and workmanship.

(a) The buttstraps of riveted joints shall be of steel conforming with the specifications and requirements for the shell plates.

(b) Rivets shall conform to the requirements of Part 51 of this subchapter, as follows:

Steel rivets	Subpart 51.07
Iron rivets	Subpart 51.13

(c) Rivet holes shall be drilled wholly and fairly, preferably in position. After drilling, plates and straps shall be disassembled, burrs removed, and edges of holes faired before the plates are riveted together. Drifting of rivet holes is prohibited.

(d) The calking edges of plates, buttstraps, and heads shall be beveled to an angle not sharper than 70° to the plane of the plate and as near thereto as practicable. Every portion of the unfinished surfaces of the calking edges of plates, buttstraps, and heads shall be planed or milled to a depth of not less than ¼ of the thickness of the plate, but in no case less than ⅛ inch. Calking shall be done with a tool of such form that there is no danger of scoring or damaging the plate underneath the calking edge, or splitting the calked sheet.

(e) Plates and shapes shall be so closely fitted, metal to metal, as to require a minimum of calking to obtain tightness.

(f) The seal welding of rivet heads to secure tightness is prohibited.

§ 52.10–8 Longitudinal riveted joints.

(a) The longitudinal joints of drums and shells of all boilers shall be of riveted double-butt strap construction, at least double-riveted.

(b) The longitudinal joints of externally fired fire-tube or flue boilers shall be located above the fire line of the setting.

(c) Boiler shell plates having longitudinal joints shall be rolled or formed by pressure, not blows, to the proper curvature.

(d) The maximum allowable pitch of rivets in longitudinal joints shall be such as to insure good calking.

(e) The distance between the center lines of any two adjacent rows of rivets in longitudinal joints or the "back pitch" measured at right angles to the direction of the joint, shall have the following minimum values:

(1) If $\frac{P}{d}$ is 4 or less, the minimum value shall be: 2d, or

(2) If $\frac{P}{d}$ is over 4, the minimum value shall be: $2d+0.1(P-4d)$

where:

P = Pitch of the rivets in outer row where a rivet in the inner row is located midway between two rivets in the outer row, in inches, or

P' = pitch of rivets in the outer row less pitch of rivets in the inner row where two rivets in the inner row is located between two rivets in the outer row, in inches.

d = diameter of the rivet holes, in inches.

(3) The "back pitch" of rivets shall be measured either on the flat plate before rolling or on the median line after rolling. The "back pitch" thus measured shall govern the locations of the rivet holes in the buttstraps. The diagonal ligaments between staggered rivets shall have the proper strength, as determined by figure 52.40–5 (c4).

[1] It is assumed that the joints are of the usual construction where the rivets are symmetrically spaced.

(f) On longitudinal joints the distance from the center of rivet holes to the edge of the plate, except rivet holes in the ends of buttstraps, shall be not less than 1½ and not more than 1¾ times the diameter of the rivet holes, the distance to be measured from the center of the rivet holes to the calking edge of the plate before calking.

§ 52.10–10 Efficiency of riveted joints.

(a) The efficiency of riveted joints is the ratio which the strength of the joint bears to the strength of the solid plate. The efficiency of a riveted joint is determined by calculating the breaking strength of a unit section of the joint, considering each possible mode of failure separately, and dividing the lowest result by the breaking strength of the solid plate of a length equal to that of the section considered. It shall be computed in accordance with the following formulas:

(1) For plate section:

$$E=\frac{P-d}{P} \quad (1)$$

(2) For rivet section:

$$E=\frac{Nas}{PST} \quad (2)$$

(3) For combined efficiency of plate in second row and shearing strength of rivet in outer row:

$$E=\frac{p-d}{p}+\frac{nas}{PST} \quad (3)$$

(4) For combined efficiency of plate in second row and crushing strength of buttstrap in front of rivet in outer row:

$$E=\frac{p-d}{p}+\frac{ncdt}{PST} \quad (4)$$

where:

E = efficiency of riveted joint in ratio to solid plate.

P = pitch in inches of rivets in outer row.

p = pitch in inches of rivets in second row.

d = diameter of rivet hole, in inches.

N = total number of rivets per pitch P.

n = number of rivets in outer row per pitch P.

T = thickness of shell plate, in inches.

t = thickness of buttstrap, in inches.

a = sectional area of the driven rivet, in square inches.

c = crushing strength of plate in front of rivets. (Assumed as 95,000 pounds per square inch.)

S = tensile strength of plate in pounds per square inch.

s = shearing strength of rivets in pounds per square inch of sectional area, assumed as follows:

Iron rivets in single shear	38,000
Iron rivets in double shear	76,000
Steel rivets, grade A, in single shear	44,000
Steel rivets, grade A, in double shear	88,000
Steel rivets, grade B, in single shear	52,000
Steel rivets, grade B, in double shear	104,000
Alloy-steel rivets, grade C, in single shear	60,000
Alloy-steel rivets, grade C, in double shear	120,000

(b) Where the drums of water-tube boilers are pierced through the longitudinal buttstrap joint for the purpose of inserting tubes to connect the headers to the drum, the combined thickness of both buttstraps shall be taken in computing the efficiency of the ligament between tube holes. This efficiency shall in no case be less than that required for the riveted joint.

§ 52.10–15 Buttstraps and computations.

(a) The thickness of buttstraps shall be such as to permit efficient calking of the edges. Where the pitch of the rivets is so great as to make effective calking doubtful, as occurs in quadruple riveting, the edge should be scalloped around the outer rivets.

(b) The thickness of the outer buttstrap shall be not less than that determined by the following formula, but it shall in no case be less than ¼ inch:

$$t=\frac{5T(P-d)}{8(P-Kd)} \quad (1)$$

where:

t = thickness of outer strap, in inches.

T = required thickness of shell plate, in inches.

P = pitch of rivets in outer rows, in inches.

d = diameter of rivet holes, in inches.

K = ratio of pitch of rivets in outer row to minimum pitch in inner rows.

(c) The thickness of the inner buttstrap shall equal t plus 0.125 inch, but is not required to exceed the thickness of the shell plate.

(d) The thickness of buttstraps on drums of water-tube boilers pierced for the purpose of inserting tubes to connect the headers to the drums, shall be increased if necessary to maintain the efficiency on which the allowable pressure is based.

(e) Buttstraps shall be formed to the curvature of the shell by rolling or pressing.

§ 52.10–20 Circumferential joints.

(a) The minimum strength of circumferential joints attaching shells to heads of boilers or other pressure vessels shall bear the following ratios to that required for the longitudinal joints of the shell:

(1) Fifty percent when no part of the load on the head is supported by either tubes or stays.

(2) Forty percent when one-half or more of the load on the head is sustained by stay tubes, flues, or stays; except that circumferential head joints of externally fired fire-tube or flue boilers exposed to fire or to the products of combustion, shall have a minimum strength of not less than 50 percent of that of the longitudinal joint.

(b) The strength of the circumferential joints connecting courses of the shell shall be not less than 75 percent of that required for the longitudinal joints of the shell except that in the case of externally fired flue boilers the strength of circumferential joints need not exceed 60 percent of the strength of the longitudinal joint.

(c) Circumferential end joints of shell plates over ⅝ inch thick and circumferential joints connecting courses of shells, the required thickness of which is over ½ inch, shall be at least double riveted. Where the thickness of the shell plate exceeds 1⅜ inches for single-ended boilers, and 1⅜ inches for double-ended boilers, the circumferential seams connecting shell courses shall be triple riveted.

(d) On circumferential joints of shells having heads which are not supported by tubes or through stays, the distance from the center of rivet holes to the calking edges of the plates, shall be not less than 1½ and not more than 1¾ times the diameter of the rivet holes. The distance from the centers of rivet holes of circumferential joints to the edges of the plate in boilers having heads which are supported by tubes or through stays shall not be less than 1¼ times the diameter of the rivet holes.

(e) The distance between any two rows of rivets in a circumferential joint or the "back pitch" shall be not less than 1¾ times the diameter of the rivet hole.

§ 52.10–25 Welded joints.

(a) Drums, shells, or other cylindrical pressure parts and non-cylindrical pressure parts of boilers and unfired pressure vessels, except stays or braces as specified in Subpart 52.35, may be fabricated by means of arc or gas welding, provided the construction meets the requirements for material and design as specified in Parts 51 and 52 of this subchapter, and the welding conforms to the requirements of Part 56 of this subchapter.

(b) Arc or gas welding used in the fabrication of the pressure parts of boilers, as specified in paragraph (a) of this section, need not be radiographed, unless otherwise specified in this subchapter, provided the stress or load is carried by other construction which conforms to the requirements of the regulations in this subchapter, such as stays, staybolts, and stay tubes, and where the adequacy of the boiler design is not solely dependent upon the strength of the weld. Welding done under these provisions shall otherwise conform in all respects to Part 56 of this subchapter, unless otherwise specified in this subchapter.

(c) Arc or gas welding is permitted in the construction of boilers and unfired pressure vessels for the purpose of securing tightness in parts of riveted joints which are otherwise constructed fully in accordance with the regulations in this subchapter.

(d) The ends of inner butt-straps of riveted butt-strap longitudinal joints may be arc- or gas-welded to the edges of heads or of the adjoining shell plate, or to the circumferential butt-straps for tightness. When the butt-strap of a longitudinal joint does not extend the full length of the shell plates, the abutting edges of the shell plate may be welded provided the distance from the end of the butt-strap to the edge of the flange of the head or adjacent shell plate is not greater than 2½ inches.

(e) The longitudinal and circumferential joints of corrugated furnaces may be fabricated by arc welding in accordance with the requirements of § 52.50–15 (g).

(f) (1) A furnace in a fire-tube boiler may be attached to an outwardly flanged opening in a front tube sheet by a circumferential fillet weld, or, the furnace may be attached to either tube sheet by flaring the end which extends beyond the outside face of the head to an angle of 20 to 30 degrees, and using a circumferential fillet weld, provided:

(i) The area of the heads around the furnace is stayed by tubes or braces in accordance with the requirements of Subpart 52.35.

(ii) The joint is wholly outside the furnace.

(iii) The throat of the full fillet weld is not less than 0.7 times the thickness of the head.

(iv) Unless protected by refractory material, the furnace shall not extend beyond the outside face of the tube sheet a distance greater than the thickness of the tube sheet. Any excess shall be removed before welding.

(v) The welding conforms in all respects to Part 56 of this subchapter, except that radiographic examination is not required.

(2) A furnace may also be attached by a full penetration weld, provided the furnace extends through the full thickness of the tube sheet. The furnace shall not extend beyond the toe of the weld and the toe shall not project beyond the face of the tube sheet by more than ⅜ inch.

(g) Arc- or gas-welded construction may be used in lieu of riveted joints in

[1] Critical sections of a casting are defined as the sections where defects are usually encountered, such as the junction of risers, gates, or feeders to the castings, and at abrupt changes in section. All integrally cast bosses and all chaplets and internal chills shall be radiographed.

the fire boxes of internally-fired boilers provided the welds are located between two rows of staybolts, or in the case of flat surfaces, the weld is not less than one half of a staybolt pitch from the corner of the knuckle.

(h) The bottom edges of plates of vertical tubular and firebox types of boilers may be attached by full penetration butt welds provided the load due to internal pressure is carried by staybolting and the inside width of the waterleg does not exceed 4 inches. The plates may be considered as fully supported if the distance from the welds to the nearest row of staybolts is not more than one-half the pitch allowed by Subpart 52.35.

(i) Mud rings of plate material may be used in the construction of waterlegs of vertical fire-tube boilers and may be attached as shown in figure 52.22–10 (E), provided the width of the waterleg does not exceed 4 inches, and the thickness of the mud ring plate is at least ½ inch. The welding shall be stress-relieved, but radiographic examination is not required.

(j) Fire-tube boilers may be constructed by attaching an unflanged tube sheet to the shell or wrapper sheet by welding provided that:

(1) The tube sheet is supported by tubes or braces, or both, in accordance with the requirements of Subparts 52.30 and 52.35.

(2) The welded joint is wholly within the shell or wrapper sheet and forms no part thereof.

(3) The weld is a full penetration weld, of at least the full thickness of the tube sheet, applied from either or both sides.

(4) The shell or wrapper sheet, where exposed to primary furnace gases and not water cooled, does not extend more than ⅛ inch beyond the outside face of the tube sheet.

(5) The weld attaching a furnace or lower tube sheet of a vertical fire-tube boiler to the furnace sheet is wholly within the furnace sheet and ground flush with the upper or water side of the tube sheet.

(6) The welding conforms in all respects to Part 56 of this subchapter, except that radiographic examination is not required.

(7) This construction shall not be used on the rear head of a horizontal-return tubular boiler.

Subpart 52.15—Domes and Steam Chimneys

§ 52.15–1 Definitions.

(a) *Domes.* Domes are superstructures of shells, attached by riveting or welding. They generally consist of a cylindrical shell with one end flanged for attachment to the main shell and the other end closed by a head which may be integral with, riveted, or welded to the shell.

(b) *Steam chimneys.* Steam chimneys are superstructures of steam boilers which are fitted with a lining inside of which the products of combustion pass to the smokestack. They may be constructed in the form of a dome integral with the boiler or as independent steam vessels connected by piping to the boiler.

§ 52.15–5 Materials and workmanship.

(a) Steel plates used in the construction of domes and steam chimneys shall conform to the specifications and requirements for the shell plates.

(b) Rivets shall conform to the requirements of Part 51 as follows:

Steel rivets	Subpart 51.07
Iron rivets	Subpart 51.13

§ 52.15–10 Computations.

(a) The maximum allowable pressure and the minimum thickness of the shell of domes and steam chimneys shall be computed as specified for cylindrical shells in Subpart 52.05, employing the minimum efficiency of the joint.

(b) Flat surfaces of heads of domes and steam chimneys shall be stayed as specified for surfaces to be stayed or reinforced in Subparts 52.30 and 52.35.

(c) The maximum allowable pressure on unstayed steam chimney linings, or the minimum thickness of such linings, shall depend upon their type and shall be computed in accordance with the requirements for furnaces and flues specified in Subpart 52.50.

(d) A cylindrical surface exposed to external pressure and not entirely self-supporting shall be stayed in accordance with the requirements of Subparts 52.30 and 52.35, specifically § 52.30–10 (g).

(e) The strength of the rivets and of ligaments between rivets in the flange attaching a dome or steam chimney to a main shell shall be sufficient to give a factor of safety of not less than six against the full load acting on the head. This factor of safety may be reduced to not less than four when not less than 50 percent of the load on the head is carried by stays secured to the main shell.

(f) Domes attached to shells of boilers shall comply with the requirements for reinforced openings as specified in Subpart 52.25.

§ 52.15–15 Detail requirements.

(a) All domes and steam chimneys shall be so arranged that any water can drain back into the boiler.

(b) The diameter of a dome shall not exceed one-half of the diameter of the boiler shell.

(c) Flanges of domes shall be formed with a corner radius of at least twice the thickness of the plate for plates 1 inch in thickness or less, and at least three times the thickness of the plate, for plates over 1 inch in thickness.

(d) The longitudinal joints of a dome or steam chimney may be butt-welded and the dome flange may be double full-fillet lap-welded to shell, in lieu of riveting, provided the welding fully complies with the requirements of Part 56 of this subchapter, except that radiographic examination of the fillet welds may be omitted.

Subpart 52.20—Dished Heads

§ 52.20–1 Definitions.

(a) *Unstayed heads.* Unstayed heads are the ends of a pressure vessel shell. They may be either flat or dished. Heads may be integral with, riveted or welded, to the shell.

(b) *Dished heads.* Dished heads are heads formed to a segment of a sphere or to a hemispherical or elliptical section and may be attached to the shell so that the pressure will be either on the concave or on the convex side.

§ 52.20–5 Materials and workmanship.

(a) Steel plate used in the fabrication of dished heads shall conform to the specifications and requirements for the shell plates. Welding caps, conforming to the requirements of subpart 51.34 of this subchapter may be used as end closures in water drums and headers, provided the diameter does not exceed 24 inches. Flanged or dished heads if pressed or flanged cold shall be stress-relieved as required by § 56.01–70 of this subchapter after the cold forming operations are completed. Heads that are flanged or dished hot need not be stress-relieved.

NOTE: It is not mandatory in fresh and salt water service systems that flanged or dished heads be stress-relieved for use on compression tanks with an air cushion containing liquids operating at temperatures not exceeding 212° F.

(b) The inside radius of the bend of the flange formed on an unstayed dished head shall be not less than three times the thickness of the head and shall in no case be less than 6 percent of the outside diameter of the flanged portion of the head.

(c) Dished heads having the pressure on the convex side shall be formed to a true surface without flats.

(d) The heads here considered are of steel plate. Cast-steel, bronze and cast-iron heads may be used for unfired pressure vessels, but only where specifically authorized by the Commandant.

(e) The edge of the flange formed on a head shall be machined to a true surface. Where the flange is to be calked inside, the edge shall be beveled as specified for the edges of plates and straps in § 52.10–5. Care shall be taken in calking to avoid damaging the surface of the plate.

(f) The holes for rivets to attach the head to the shell shall, as far as practicable, be drilled in position, and the shell and head shall be taken apart after the holes are drilled, and burrs removed. In cases where holes cannot be drilled in position, the holes shall be examined after assembly and faired by reaming where necessary. (The requirements to take apart shell and head for removing burrs shall not apply to heads where the contact surfaces have been machined and the heads shrunk in place.)

§ 52.20–10 Computations.

(a) The maximum allowable pressure and the minimum thickness of blank unstayed spherically dished heads, hemispherical heads, or ellipsodial heads having the pressure on the concave side shall be calculated by the following formulas:

(1) *Spherically dished heads.*

$$P=\frac{STE}{0.833R} \quad (1)$$

$$T=\frac{0.833PR}{SE} \quad (2)$$

(2) *Hemispherical heads.*

$$P=\frac{2STE}{R} \quad (3)$$

$$T=\frac{PR}{2SE} \quad (4)$$

where:

P = maximum allowable pressure, in pounds per square inch.

S = maximum allowable stress, in pounds per square inch, taken from tables 52.05–10 (a) and 54.03–10 (c), and subject to the limitations of § 52.05–12.

T = minimum thickness of the head, in inches.

E = efficiency of the weakest joint used in forming the head, including the head to shell joint for hemispherical heads only, for the following types:
Riveted joints = calculated riveted efficiency, § 52.10–10.
Welded joints = efficiency specified in table 56.01–30 (a).
Seamless shells with integral heads = 100 percent.

R = radius to which the head is dished or formed, measured on the concave side, in inches.

(3) *Ellipsoidal heads.* A blank head of a semi-ellipsoidal form in which half the minor axis (or the inside depth of the head not including the flange) is at least equal to one-fourth of the inside diameter of the head flange, shall be made at least as thick as the required thickness of the seamless shell of the same diameter, as specified in § 52.05–10.

(b) The radius to which a head is dished shall be not greater than the outside diameter of the flanged portion of the head. Where two radii are used, the longer shall be taken as the value of R in formulas (1) and (2) of this section.

(c) The maximum allowable pressure and minimum thickness of dished cast steel or bronze heads, where permitted, shall be calculated by the appropriate formulas in this section.

(d) The maximum allowable pressure and minimum thickness of cast-iron dished heads, where permitted, shall be calculated by the appropriate formulas in Part 54 of this subchapter for unfired pressure vessels.

§ 52.20–15 Detail requirements.

(a) Where the radius R to which a dished head is formed is less than 80 percent of the inside diameter of the shell, the thickness of a head with a flanged-in manhole opening shall be not less than the value found by making R, in Formulas (1) and (2) in § 52.20–10, equal to 80 percent of the inside diameter of the shell and with the added thickness for the manhole. The thickness calculated shall be the minimum thickness of a head with a flanged-in manhole opening for any form of head and the maximum allowable stress shall not exceed 80 percent of the values given in Table 52.05–10 (a) or 54.03–10 (c) in Part 54 of this subchapter.

(b) When dished heads are of a thickness less than called for by § 52.20–10 they shall be stayed as flat surfaces. Allowance may be made for the holding power of the spherical form provided the following conditions are met:

(1) The heads are at least two-thirds of the thickness required for unstayed dished heads;

(2) The heads are at least ⅞ inch in thickness;

(3) Through stays are used and attached to the dished head by outside and inside nuts; and,

(4) The maximum allowable pressure shall not exceed that calculated by the regulations for an unstayed dished head plus the pressure corresponding to the strength of the stays or braces obtained by Subpart 52.30, using 170 for the value of C.

(c) If a dished head concave to the pressure is formed with a flattened spot or surface, the diameter of the flat spot shall not exceed that allowed for flat heads as given by formulas (1) and (2) of § 52.22–10, and the minimum thickness shall be computed by these formulas, using $C=0.25$.

(d) When a spherically dished head has a flanged-in manhole or other access opening exceeding 6 inches in any dimension, the thickness of the head shall be increased by not less than 15 percent of the required thickness for a blank head computed by formula (2) of § 52.20–10, but in no case by less than ⅛ inch additional thickness over a blank head.

(e) If a flanged-in manhole which meets the requirements of § 52.20–20 is placed in a full-hemispherical head or ellipsoidal head, the thickness of the head shall be the same as for a head dished to a segment of a sphere, with the radius of dish equal to eight-tenths of the inside diameter of the shell and with the added thickness for the manhole as specified in paragraph (d) of this section.

(f) (1) Except as provided for in paragraphs (d) and (e) of this section, all openings which require reinforcement placed in an unstayed spherically dished head, or an ellipsoidal head, or in a full-hemispherical head, including all types of manholes except those of the integral flanged-in type, shall be reinforced in accordance with § 52.25–20.

(2) When so reinforced, the thickness of such a head may be the same as for a blank unstayed dished head.

(g) Where a spherically dished head has a flanged opening supported by an attached flue, an increase in the thickness over that computed by formula (2) of § 52.20–10 is not required.

(h) If more than one flanged-in manhole or access opening is inserted in a dished head, the thickness of which is calculated by paragraph (d) of this section, the minimum distance between the openings shall be not less than one-fourth of the outside diameter of the head.

(i) (1) The maximum allowable pressure and the minimum thickness of an unstayed dished head of any form excluding hemispherical heads, without manhole or handholes with the pressure on the convex side shall be calculated by Formulas (1) and (2) of § 52.20–10, but only 60 percent of the maximum allowable pressure thus determined shall be allowed.

(2) The maximum allowable pressure and minimum thickness of an unstayed hemispherical head without manhole or handholes with the pressure on the convex side shall be calculated by Formulas (3) and (4) of § 52.20–10, but only 60 percent of the maximum allowable pressure thus determined shall be allowed.

(j) No head, except a full-hemispherical head, shall be of a lesser thickness than that required for a seamless shell of the same diameter.

(k) When the flange of an unstayed dished head is machined to make a close fit into or onto the shell, the thickness shall be not reduced to less than 90 percent of that required for a blank head.

§ 52.20–20 Openings in dished heads.

(a) Flanged-in manhole openings in a dished head shall be flanged to a minimum radius measured on the inside of the plate of not less than ⅞ inch for plates up to and including 1⅛ inches in thickness, and for plates exceeding 1⅛ inches in thickness, the radius shall be increased proportionately. The minimum depth of the flange measured from the outside of the opening along the major axis shall be not less than three times the required thickness of the head, or the required thickness of the head plus three inches, whichever is less.

(b) A manhole opening may be reinforced by a riveted manhole frame or other attachment in lieu of flanging.

(c) Unreinforced openings (or openings with inherent reinforcement) in dished heads shall be governed by the following:

(1) The edge of any unreinforced opening, excluding rivet holes, shall come no closer to the line bounding the spherical or ellipsoidal portion of the head around a manhole than the distance equal to the thickness of the head, and in no case, except for water-column connections, shall it come within the part formed by the corner radius of a dished head.

(2) The maximum allowable diameter of any unreinforced opening in a head, except in a full-hemispherical head, shall not exceed that permitted by § 52.25–15 (a) for a shell of the same outside diameter as the outside diameter of the flange of the head, of the same thickness, allowable pressure and material as that in the head, nor shall it exceed 8 inches in any case.

(3) For unreinforced openings in full-hemispherical heads, the requirements of subparagraph (2) of this paragraph shall apply, except that the value of K shall be one-half the value given by the formula in § 52.25–15 (a).

(4) The minimum distance between the centers of any two unreinforced

openings, rivet holes excepted, shall be determined by the following formula:

$$L=\frac{A+B}{2(1-K)} \quad (2)$$

where:

L = distance between the centers of the two openings, measured on the surface of the head, in inches.

A and B = diameters of the two openings in inches.

K = same as defined in § 52.25–15 (a) for the equivalent shell described in subparagraph (2) of this paragraph.

Subpart 52.22—Flat Heads

§ 52.22–1 Definitions.

(a) *Unstayed heads.* Unstayed heads are the ends of a pressure vessel. They may be either flat or dished. Heads may be integral with, riveted, or welded to the shell. Unstayed flat heads may be used to close shells as permitted by § 52.22–10.

(b) *Stayed heads.* Stayed heads are heads supported in whole or in part by stays, furnaces, flues, tubes, etc.

§ 52.22–5 Materials and workmanship.

(a) Steel plate used in the fabrication of flat heads shall conform to the specifications and requirements for the shell plates, except that small end closures in headers may be made of material complying with subpart 51.22 of this subchapter.

(b) The heads here considered are of steel plate. Cast steel, cast iron or bronze heads may be used for pressure vessels other than boilers, but only where specifically authorized by the Commandant.

§ 52.22–10 Computations.

(a) The maximum allowable pressure and minimum required thickness of unstayed flat heads, cover plates, blind flanges, etc., shall be determined by the following formulas:

$$P=\frac{ST^2}{CD^2} \quad (1)$$

$$T=D\sqrt{\frac{CP}{S}} \quad (2)$$

where:

D = diameter, or shortest span, measured as indicated in figure 52.22–10, in inches.

P = maximum allowable pressure, in pounds per square inch.

T = minimum required thickness of plate, in inches.

S = maximum allowable stress, in pounds per square inch, taken from tables 52.05–10 (a) and 54.03–10 (c) and subject to the limitations of § 52.05–12.

C = 0.162 for plates rigidly riveted or bolted to shells, flanges, or side plates as shown in figure 52.22–10 (A); and for integral flat heads as shown in figure 52.22–10 (B) where dimension D does not exceed 24 inches and the ratio of thickness of the head to dimension D is at least equal to or greater than 0.05.

C = 0.25 for heads forged integral with or butt-welded to shells, pipes, or headers as shown in figures 52.22–10 (C) and (D), where the corner radius on the inside is not less than three times the thickness of the flange immediately adjacent thereto, and where the welding meets all the requirements for circumferential joints given in Part 56, including stress relieving and radiographic examination.

C = 0.50 for plates arc- or gas-welded to the inside of pressure vessels, pipes or headers and otherwise meeting the requirements for respective type of arc- or gas-welded vessels, including stress relieving but omitting radiographic examination. The plate shall be welded as shown in figure 52.22–10 (E), with a weld having a depth equal to two times the required thickness of a seamless shell, but not greater than the head thickness nor in any case less than 1.25 times the actual shell thickness, and where the weld is deposited in a welding groove with the root of the weld at the inner face of the head. The remainder of the head plate may be beveled to an angle not exceeding 45°.

$C=0.30+1.40\frac{Wh_g}{HD}$ for plates bolted to shells, flanges, or side plates, in such a manner that the setting of the bolts tends to dish the plate, and where the pressure is on the same side of the plate as the bolting flange, as shown in figures 52.22–10 (F) and (G), where:

W = flange design bolt load, in pounds.

h_g = radial distance from the bolt-circle diameter to the diameter D, in inches.

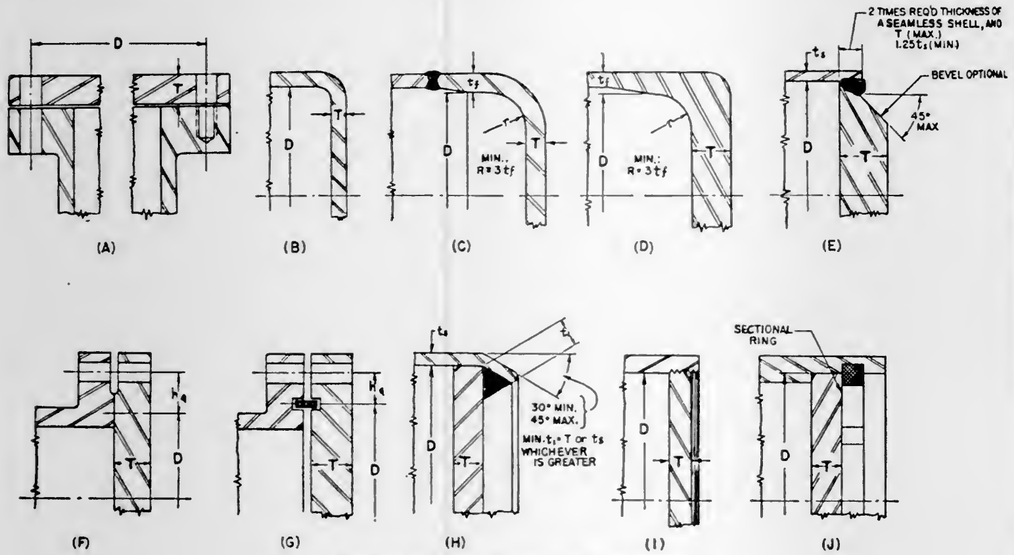


FIGURE 52.22–10—Acceptable types of flat heads.

H = total hydrostatic end force on area bounded by the mean diameter of the gasket or joint contact surface, in pounds.

D = diameter, or shortest span, measured as indicated in figure 52.22–10, in inches.

C = 0.50 for plates having a dimension D not exceeding 18 inches inserted into pressure vessels and welded thereto as shown in figure 52.22–10 (H), and otherwise meeting the requirements for the respective type of class II welded pressure vessel including stress relieving but omitting radiographic examination. The end of the pressure vessel shall be crimped over to an angle not less than 30° nor more than 45°. The throat of the weld shall be not less than the thickness of the shell or head, whichever is the greater.

C = 0.75 for plates screwed into the end of a pressure vessel having an inside diameter D not exceeding 12 inches, as shown on figure 52.22–10 (I), or for heads having an integral flange screwed over the end of a pressure vessel having an inside diameter D not exceeding 12 inches. The design of the threaded joint against failure by shear, tension, or compression resulting from the end force due to pressure shall be based on a factor of safety of at least 4 and the threaded parts are at least as strong as the threads for standard piping of the same diameter, and the head shall be welded to the pressure vessel by means of a seal weld.

C = 0.30 for plates inserted into the ends of pressure vessels and held in place as shown in figure 52.22–10 (J) where all possible means of failure, either by shear, tension, or compression, due to the hydrostatic end force, are resisted with a factor of safety of 4. Seal welding may be used, if desired.

§ 52.22–15 Openings in flat heads.

The reinforcement of openings in flat heads shall comply with the requirements of § 52.25–25.

Subpart 52.24—Access and Inspection Openings

§ 52.24–1 Definitions.

(a) *Openings.* Access or inspection openings, as defined in this subpart, are holes cut in the shells or heads of boilers or other pressure vessels for the purpose of inspection and cleaning.

NOTE: Openings in the shells or heads of boilers or other pressure vessels, including domes and steam chimneys, for other purposes than above defined (such as pipe connections and mountings) are covered in Subpart 52.25.

(b) *Manhole.* A manhole is an access opening in a boiler or unfired pressure vessel of sufficient size to permit an inspector to enter the vessel. Manholes may be of elliptical or circular shape.

(c) *Handhole.* A handhole is an opening in a pressure part of a boiler or unfired pressure vessel for the purpose of access or inspection, usually not exceeding 6 inches in longest dimension. The shapes of handholes may be circular, elliptical, or rectangular with rounded corners.

§ 52.24–5 Materials and workmanship.

(a) The cover plates for manholes shall be of rolled or forged steel conforming to the requirements of Subpart 51.04 or 51.46 of this subchapter. Handhole covers may be made of rolled, forged or cast steel conforming to the requirements of Subpart 51.04, 51.22, 51.46 or 51.58 of this subchapter.

(b) Manhole covers shall be marked with the manufacturer's name or trademark together with the maximum allowable pressure.

(c) Manhole and handhole yokes or dogs shall be of forged steel, pressed steel, or cast steel conforming to the requirements of Subpart 51.04, 51.22, 51.46 or 51.58 of this subchapter. The material of bolts securing yokes or dogs and cover plates shall conform to the requirements of Subpart 51.07 of this subchapter.

(d) When handhole or other access openings are made, a margin of not less than ¼ inch shall be left when punching operations are used, and not less than ⅛ inch shall be left when machine burning methods are employed. Such margins shall be machined or ground away to relieve the metal of any stresses which may be set up due to burning or punching operations.

(e) The minimum width of bearing surface for a gasket on a manhole opening shall be $1\frac{1}{16}$ inch. No gasket for use on a manhole or handhole of any boiler shall have a thickness greater than ¼ inch, when compressed.

§ 52.24–10 Detail requirements.

(a) All boilers or pressure parts thereof shall be provided with suitable manhole, handhole, or other inspection openings for examination and cleaning.

(b) Manhole openings shall be of elliptical form, the dimensions of which shall be not less than 10 by 16 inches or 11 by 15 inches. The size 12 by 16 inches should be used wherever practicable. Circular manholes having diameters of not less than 15 inches may be permitted.

(c) A handhole opening in a boiler shell or header shall be not less than 4 inches in any direction. This requirement does not apply to small access openings such as used in superheater headers.

(d) Inspection openings smaller than specified for handholes are permissible where a handhole is impracticable.

(e) Where elliptical openings are made in the shell of a boiler or other pressure vessel, the minor axis shall, as far as practicable, be placed longitudinally.

(f) All manholes, handholes, and inspection openings shall be closed by readily removable internal cover plates which shall be held by one or more girders or dogs and bolts. The cover plates shall be formed with a projection to fit within the opening with a radial clearance not exceeding 1/16 inch at any point. This projection may be in form of a raised face which shall protrude straight out from the joint face within the opening not less than ½ inch on manholes or ⅜ inch on smaller cover plates.

(g) When a threaded opening is to be used for inspection or washout purposes, it shall be not less than 1 inch pipe size. The closing plug or cap shall be of nonferrous material, except for pressures over 250 p. s. i. or temperatures over 406° F.

(h) A manhole shall be located in the front head below the tubes of a horizontal-return tubular boiler 48 inches or over in diameter. Smaller boilers shall have either a manhole or a handhole below the tubes. There shall be a manhole in the upper part of the shell or head of a fire-tube boiler over 40 inches in diameter, except on a vertical fire-tube boiler, or except on internally fired boilers not over 48 inches in diameter. Smaller boilers shall have either a manhole or a handhole above the tubes.

(i) [Reserved]

(j) A vertical fire-tube boiler shall have not less than four handhole openings in the shell located as follows:

(1) One at or about the waterline or opposite the fusible plug.

(2) Three at or about the line of the crown sheet or lower tube sheet, and if internally fired, not less than three additional handholes at the lower part of the waterleg.

(k) If a vertical fire-tube boiler is equipped with manholes or other access openings through which adequate inspection may be made, the required handholes and/or inspection openings at the waterline and for the tube sheets may be omitted.

(l) All manholes, handholes, inspection and washout openings in a shell or head shall be designed in conformance with the requirements of Subpart 52.25 of this subchapter.

Subpart 52.25—Openings and Reinforcements [1]

§ 52.25–1 Scope.

(a) The regulations in this subpart apply to all openings in shells, headers or heads except as otherwise provided in paragraphs (b) and (c) of this section.

(b) Openings in a definite pattern, such as tube holes, may be designed in accordance with the requirements for ligaments in Subpart 52.40, provided the diameter of the largest hole in the group does not exceed that permitted by § 52.25–15.

(c) Calculations demonstrating compliance with the requirements of this subpart shall be made for all openings except:

(1) For single openings not greater than 2-inch pipe size in shells or headers

[1] The regulations governing openings as given in this subpart are based on the stress intensification created by the existence of a hole in an otherwise symmetrical section. The requirements are based on experience with vessels designed with safety factors of 4 and 5 applied to the ultimate strength of the shell material. External loadings such as those due to the movement of the ship, thermal expansion, or unsupported weight of connecting piping have not been evaluated and should be given consideration in unusual designs or under conditions of cyclic loading.

having an inside diameter not less than four times the diameter of the opening; and

(2) For tube holes arranged in a definite pattern as provided in paragraph (b) of this section.

(d) The requirements for reinforcement of openings are intended to apply to openings not exceeding the following dimensions: [1]

(1) For shells 60 inches in outside diameter or less, one-half the shell diameter but not over 20 inches.

(2) For shells over 60 inches in outside diameter, one-third the shell diameter, but not over 40 inches.

(e) Openings, as defined in this subpart, are holes cut in shells or heads of boilers or pressure vessels, including domes and steam chimneys, for the purpose of inspection and cleaning, and for the purpose of connecting nozzles or mountings to shells or heads of such boilers or pressure vessels.

(f) Manhole or other openings in a flat, stayed surface shall be deemed to be sufficiently reinforced if the plate is flanged inwards to a depth not less than that determined by § 52.20-20(a).

§ 52.25-5 Materials and workmanship.

(a) The material for reinforcing plates around openings shall conform to the requirements of the plate to be reinforced, except as otherwise provided in § 52.25-35. When they are locally heated for flanging or forming, they shall be properly annealed.

(b) A forged nozzle or forged flange, riveted or welded to the plate, may be considered as reinforcement, provided such fittings are properly designed to compensate for the material removed.

(c) Rivets used in securing reinforcing plates to the shell or other structural part shall conform to the requirements of Subpart 51.07 or 51.13 of Part 51 of this chapter.

(d) The inner radius of the bend of any flanged opening in heads, except manholes or other access openings as specified in § 52.20-20, shall be: for furnace attachments, not less than twice the thickness of the plate flanged; for flue attachments in externally fired boilers, not less than one and one-half times the thickness of the plate flanged.

(e) The riveted joint of a reinforcing plate fitted to an opening in the shell or other part of a boiler or other pressure vessel, shall be properly calked along the edge of the opening and the outer edge of the reinforcing plate as specified in Subpart 52.10 for riveted joints.

§ 52.25-10 Unreinforced openings.

Plain unreinforced openings in a definite pattern such as tube holes or openings with integral reinforcement shall not exceed the diameter determined by § 52.25-15, nor shall they exceed a diameter of 8 inches in any case.

§ 52.25-15 Computations.

(a)(1) The maximum diameter of an unreinforced opening as defined in § 52.25-10 shall be determined by the following formulas:

$$d = 2.75\sqrt{DT(1-K)} \quad (1)$$

$$K = \frac{PD}{1.82ST} \quad (2)$$

$$K = \frac{PD}{1.6ST} \quad (3)$$

where:

d = maximum allowable diameter of unreinforced openings, in inches.
T = actual full thickness of shell plate, in inches (including the 0.10 inch additional thickness).
D = outside diameter of the drum or shell, in inches.
S = maximum allowable stress as given in table 52.05-10 (a) or 54.03-10 (c) in pounds per square inch.
K = ratio of the computed stress in the solid plate to the maximum allowable stress.
P = maximum allowable pressure, in pounds per square inch.

(2) In determining the maximum size of an unreinforced opening in a shell, head, or header designed under the provisions of § 52.05-12(a), the value of K shall be computed by formula (2).

(3) In determining the maximum size of an unreinforced opening in a shell, or header designed under the provisions of § 52.05-12(c) in which the value of S is taken as not more than 80 percent of that given in Tables 52.05-10(a) and 54.03-10(c) in Part 54 of this subchapter, the value of K shall be computed by formula (3).

(b) The maximum diameter of unreinforced openings may be determined by use of diagrams, Figures 52.25-15 (b1) and 52.25-15 (b2).

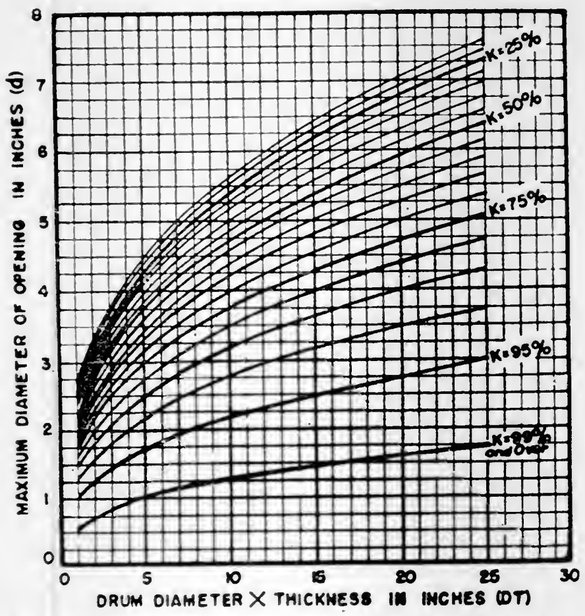


FIGURE 52.25-15 (b1)—Maximum diameter of openings with inherent reinforcement in cylindrical shells.

[1] For larger openings it is recommended that the reinforcement to be provided be distributed close to the opening and be at least equal to two-thirds of the required reinforcement within a distance of ¼ d on each side of the finished opening.

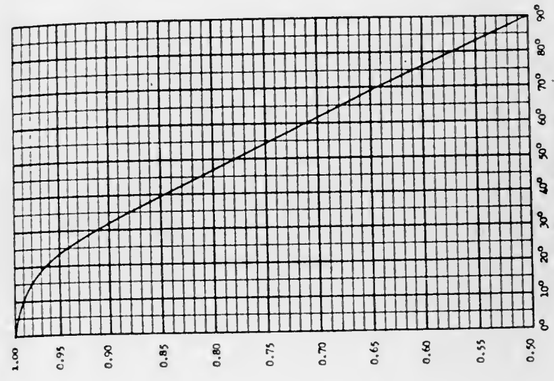


FIGURE 52.25-20 (c)—Chart for determining values of F.

§ 52.25-25 Reinforced openings in flat heads.

(a) Flat heads that have an opening with a diameter that does not exceed one-half of the head diameter or shortest span, as defined in § 52.22-10, shall have a total cross-sectional area of reinforcement not less than that given by Formula (1).

$$A = 0.5d \times T \quad (1)$$

where:

A = the required area of reinforcement, in square inches.
d = diameter in the given plane of the finished opening, in inches.
T = minimum required thickness of plate, in inches, as determined from § 52.22-10.

(b) As an alternate to paragraph (a) of this section, the thickness of flat heads may be increased to provide the necessary reinforcement by using 2C in the place of C in the formulas for calculating head thickness in § 52.22-10. The value of 2C to be used in the formula need not exceed 0.75, except for the types of flat heads indicated by figures 52.22-10 (F) and (G).

(c) Flat heads that have an opening with a diameter that exceeds one-half of the head diameter, or shortest span, as defined in § 52.22-10, shall be designed as a flange.

§ 52.25-30 Reinforcement limits.

(a) The boundaries of the cross-sectional area in any plane normal to the vessel wall and passing through the center of the opening within which metal must be located in order to have value as reinforcement are designated as the limits of reinforcement for that plane.

(b) The limits of reinforcement, measured along the vessel wall, shall be

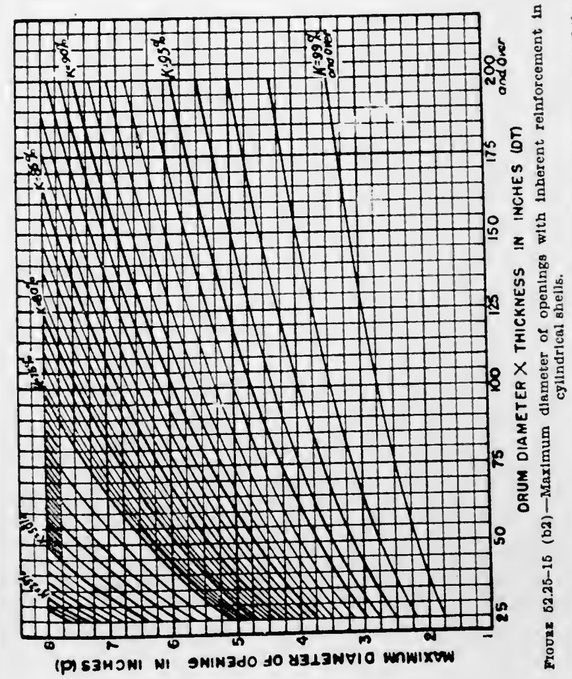


FIGURE 52.25-15 (b2)—Maximum diameter of openings with inherent reinforcement in cylindrical shells.

§ 52.25-20 Reinforced opening in shells and dished heads.

(a) The regulations in this section shall apply to all openings other than flanged-in openings in dished heads covered by § 52.20-15, openings in flat heads covered by § 52.25-25, and openings covered by § 52.25-1 (b) and (c).

(b) Reinforcement shall be provided in amount and distribution such that the area requirements for reinforcement are satisfied for all planes through the center of the opening and normal to the vessel surface. For a circular opening in a cylindrical shell, the plane containing the axis of the shell is the plane of greatest loading due to pressure.

(c) The total cross-sectional area of reinforcement in any given plane shall be not less than that prescribed by the following formula:

$$A = d \times T_r \times F \quad (1)$$

where:

A = the required area of reinforcement, in square inches.
d = the diameter in the given plane of the finished opening, in inches.
T_r = the required thickness of a seamless shell, header or blank head, in inches, except that: (1) For spherically dished heads when the opening and its reinforcement are entirely within the spherical portion, T_r is the thickness required for a seamless hemispherical head of the same radius as that of the spherical portion; (2) for ellipsoidal heads when the opening and its reinforcement are located entirely within a circle the center of which coincides with the center of the head and diameter of which is equal to 80 percent of the shell inside diameter, T_r is the thickness required for a seamless hemispherical head of radius equal to 90 percent of the inside diameter of the shell.
F = 1.00 when the plane under consideration is on the longitudinal axis of a shell and for heads. For other planes in a shell or header the value of F shall be determined from figure 52.25-20(c).

at a distance on each side of the axis of the opening equal to the greater of the following:

(1) The diameter of the finished opening.

(2) The radius of the finished opening plus the thickness of the vessel wall, plus the thickness of the nozzle wall.

(c) The limits of reinforcement, measured normal to the vessel wall, shall conform to the contour of the surface at a distance from each surface equal to the smaller of the following:

(1) Two and one-half times the shell thickness.

(2) Two and one-half times the nozzle wall thickness, plus the thickness of any added reinforcement exclusive of the weld metal on the side of the shell under consideration.

(d) (1) The metal thickness in the shell and nozzle wall in excess of the thickness required to resist pressure may be considered as reinforcement within the reinforcement limits given in this section.

(2) The area in the shell available as reinforcement shall be the larger of the values as given in the following formulas:

$$A_1 = (ET - FT_r)d \quad (1)$$

or,

$$A_1 = 2(ET - FT_r)(T + T_n) \quad (2)$$

where:

A_1 = area in the excess thickness in shell or head available for reinforcement, in square inches.

E = 1, when the opening is in the solid plate or when the opening passes through a circumferential joint in a shell (exclusive of head-to-shell joints); or the longitudinal joint efficiency when any part of the opening passes through any other welded joint.

T = Actual thickness of the shell or head, in inches.

T_r = Required thickness of the shell or head to resist pressure, as defined in § 52.25–20, in inches.

T_n = Actual thickness of the nozzle wall, in inches.

d = diameter in the plane under consideration of the finished opening, in inches.

F = factor from figure 52.25–20 (c).

(3) The metal thickness of the nozzle used for determining the area in the nozzle available as reinforcement shall be the difference between the actual thickness and the required minimum thickness to resist pressure. In this connection the required thickness of the nozzle may be determined by the same formula used in calculating the required thickness of the shell omitting, only in the case of boilers, the 0.1 inch additive thickness.

(4) Metal added as reinforcement and metal in attachment welds may be considered as reinforcement within the reinforcement limits.

(e) Figure 52.25–30 (e) illustrates limits of reinforcement for some typical openings.

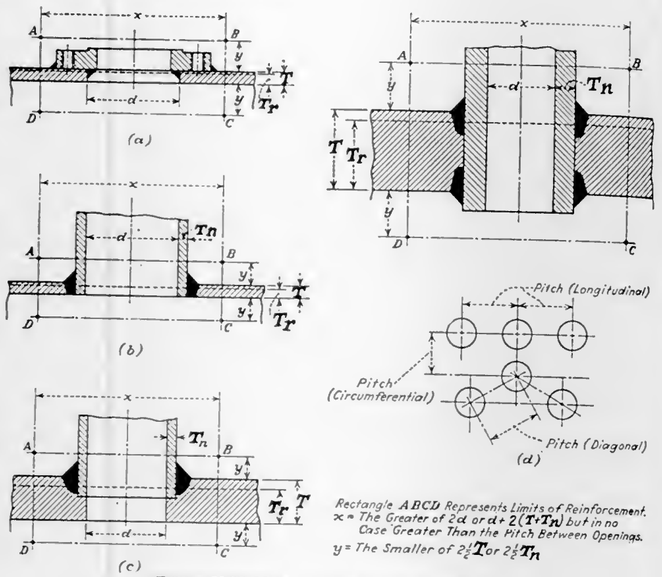


FIGURE 52.25–30 (e)—Limits of reinforcement.

§ 52.25–35 Strength of reinforcement.

(a) Material used for reinforcement shall have an allowable stress value equal to or greater than that of the material in the vessel wall, except that material of lower strength may be used provided the area of reinforcement is increased to compensate for the lower allowable stress value of the reinforcement. No credit may be taken for the additional strength of any reinforcement having a higher allowable stress value than that of the vessel wall. Where pressure vessels are designed under the provisions of § 52.05–12 (c), the allowable stress value shall be taken as equivalent to 0.8 times the values shown in tables 52.05–10 (a) and 54.03–10 (c) in Part 54 of this subchapter.

(b) On each side of the plane defined in § 52.25–30(a), the strength of the attachment joining the vessel wall and reinforcement or any two parts of the attached reinforcement, shall be at least equal to the smaller of:

(1) The strength in tension of the cross section of the element of reinforcement being considered, or

(2) The strength in tension of the area of the unfinished opening, including any rivet or stud hole, in the shell or head based on T_r less the strength in tension of the reinforcing area which is integral in the vessel wall as permitted by § 52.25–30(d). The strength of the attachment shall be considered for its entire length on each side of the plane normal to the vessel wall.

§ 52.25–40 Reinforcement of multiple openings.

(a) Two adjacent openings shall have a distance between centers not less than 1⅓ times their average diameter.

(b) When any two or larger groups of adjacent openings which require

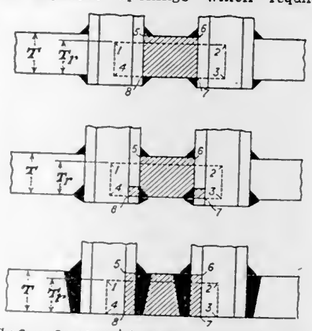


FIGURE 52.25–40 (c)—Reinforcement of multiple openings.

reinforcement are so spaced that their limits of reinforcement overlap, the two or larger group of openings shall be reinforced in accordance with § 52.25–20 with a reinforcement that has an area equal to the combined area of the reinforcement required for the separate openings. No portion of the cross section shall be considered as applying to more than one opening or be evaluated more than once in a combined area.

(c) When a shell, drum or header has a series of holes in a definite pattern, the net cross-sectional area between any two finished openings within the limits of the actual shell wall, excluding the portion of reinforcing part not fused to the shell wall, shall equal at least 0.7 F of the cross-sectional area obtained by multiplying the center-to-center distance of the openings by the required thickness of a seamless shell, where the factor F is taken from figure 52.25–20 (c) for the plane under consideration. A typical illustration of the requirements prescribed in this paragraph is given in figure 52.25–40 (c).

§ 52.25–45 Welded connections.

(a) Sufficient welding shall be provided on either side of the plane through the center of the opening parallel to the longitudinal axis of the shell to develop the strength of the reinforcing parts through shear or tension in the weld, whichever is applicable. The strength of the groove welds shall be based on the area subjected to shear or to tension. The strength of fillet welds shall be based on the area subjected to shear (computed on the minimum leg dimension). The inside diameter of a fillet weld shall be used in figuring its length.

(b) The allowable stress values for groove and fillet welds and for shear in nozzle necks, in percentages of stress value for the vessel material, shall be in accordance with table 52.25–45(b).

TABLE 52.25–45 (b)—ALLOWABLE STRESS VALUES

	Stress-relieved	Not stress-relieved
	Percent	*Percent*
Nozzle-wall shear	70	70
Groove-weld tension	74	70
Groove-weld shear	60	56
Fillet-weld shear	49	46

(c) Reinforcing plates or saddles of nozzles attached to the outside of the vessel shall be provided with at least one telltale hole of ¼ inch maximum pipe tap size for testing tightness of welds that seal off the inside of the vessel. The telltale holes shall be left open when the vessel is in service.

(d) (1) The location and minimum size of attachment welds shall conform to the requirements shown in figure 52.25–45 (d), which illustrates some types of acceptable arc-welded connections.

(2) The symbols used in figure 52.25–45 (d) are defined as follows:

t = thickness of vessel shell or head, less corrosion allowance, in inches.

t_n = thickness of nozzle wall, less corrosion allowance, in inches.

t_e = thickness of reinforcing element, in inches.

t_w = dimension of partial-penetration attachment welds (fillet, single-bevel, or single-J) in inches.

t_c = the smaller of ¼ inch or 0.7 t_n. (Inside corner welds may be further limited by a lesser length of projection of the nozzle wall beyond the inside face of the vessel wall) in inches.

t_{min} = the smaller of ¾ inch or the thickness of either of the parts joined by a fillet, single-bevel or single-J weld, in inches.

(3) When nozzles or couplings are attached to boilers and unfired pressure vessels as shown in figure 52.25–45 (d), (a) and (c), and are welded from one side only, backing strips shall be used unless the inside of the joint can be visually inspected in order that the inspector may satisfy himself that complete penetration is obtained. When attachments as shown in figure 52.25–45 (d), (y) and (z), are employed they shall be limited to 2-inch pipe size for pressures exceeding 150 pounds per square inch.

(e) When the end faces of nozzles or manhole necks are to remain unwelded

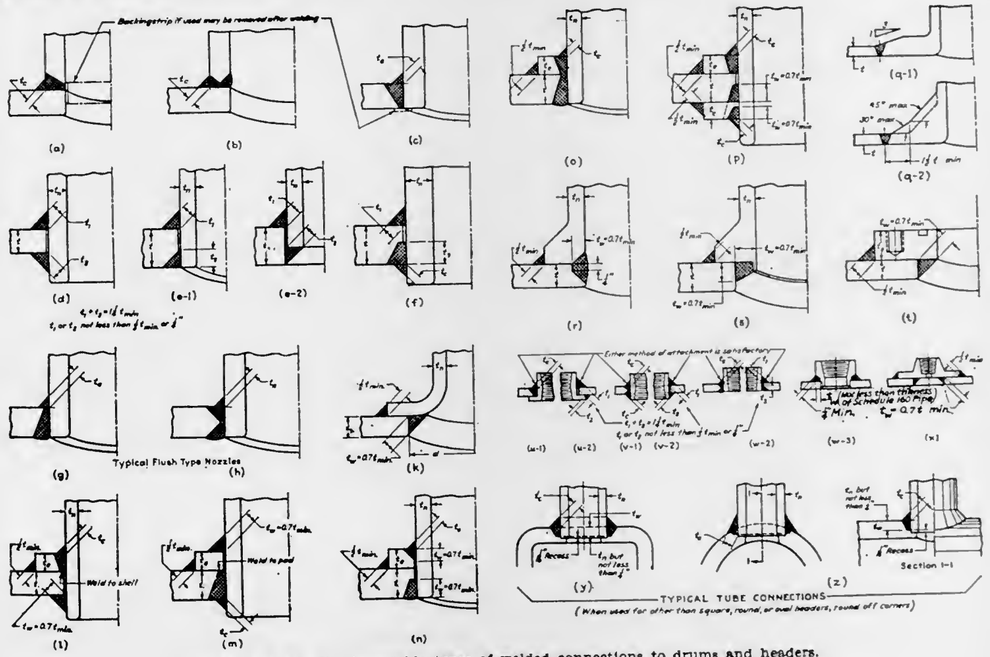


FIGURE 52.25–45 (d)—Acceptable types of welded connections to drums and headers.

in the completed vessel, these end faces shall not be cut by shearing unless at least ⅛ inch of the additional metal is removed by any method that will produce a smooth finish.

§ 52.25–50 Riveted connections.

(a) Openings for nozzles and other connections shall be far enough away from any main riveted joint so that the joint and the opening reinforcement plates do not interfere with one another.

(b) Welded connections which require stress-relieving and which are attached to vessels having seams of riveted construction shall be fabricated and stress-relieved prior to the making up or attachment of the courses by riveting. If they do not require stress-relieving and are attached after riveting, the welds shall be located at a distance from the riveted seam at least equal to the outside diameter of the attachment weld plus four times the thickness of the shell plate.

(c) For nozzle fittings having a bolting flange and an integral flange for riveting, the thickness of the flange attached to the pressure vessel shall not be less than the thickness of the neck of the fitting.

(d) The strength of rivets in tension in a flanged frame or ring riveted to the outside of a vessel shall be at least equal to that required to resist the load due to the maximum allowable working pressure with a factor of safety of 5 computed as follows:

(1) For outside calking the load shall be equal to the area bounded by the outside calking multiplied by the maximum allowable working pressure;

(2) For inside calking (and with no outside calking) the load shall be equal to the area bounded by the inside calking multiplied by the maximum allowable working pressure.

(e) The rivets attaching nozzles shall be so spaced as to avoid the possibility of the shell plate or the nozzle flange failing by tearing around through the rivet holes.

§ 52.25–55 Boiler nozzle neck thickness.

(a) The thickness of a boiler nozzle shall be not less than the thickness required for Schedule 80 pipe of the same diameter and in no case less than that determined by § 55.07–5 of this subchapter.

(b) The minimum thickness of a tube nipple when used in a reinforced opening on a boiler shall not be less than the required thickness of a boiler tube as determined by § 52.55–10 of this subchapter, but in no case less than the required minimum thickness of a tube nipple based on 600 p. s. i. internal pressure.

Subpart 52.30—Surfaces Required To Be Stayed or Reinforced

§ 52.30–1 Definitions.

Surfaces to be stayed or reinforced include the following:

(a) Flat plates, heads or areas thereof, such as segments of heads, wrapper sheets, furnace plates, side sheets, combustion chamber tops, etc., which are not self-supporting.

(b) Curved plates constituting the whole or parts of a cylinder subject to external pressure which are not entirely self-supporting.

CROSS REFERENCES: For unstayed flat heads, see Subpart 52.22. For flat tube sheets, see Subpart 52.45. For curved tube sheets, see Subpart 52.40.

§ 52.30–5 Areas to be stayed.

The area of a segment or other portion of a flanged head to be stayed shall be that enclosed by lines as follows:

(a) Where only plain tubes are used in the bounding rows, the line of area shall be at one-half the diameter of the tube in inches, plus 2 inches from the center of the row of tubes.

(b) Where stay tubes are used in the bounding rows, the line of area shall be at one-half the maximum allowable pitch of the stays required for the plate, measured from the center of the row to stay tubes.

(c) On the side of the segments bounded by the shell or furnaces, the lines of area shall be at a distance d from the shell, as shown by figure 52.30–5 (c) the distance d to be computed by the following formula:

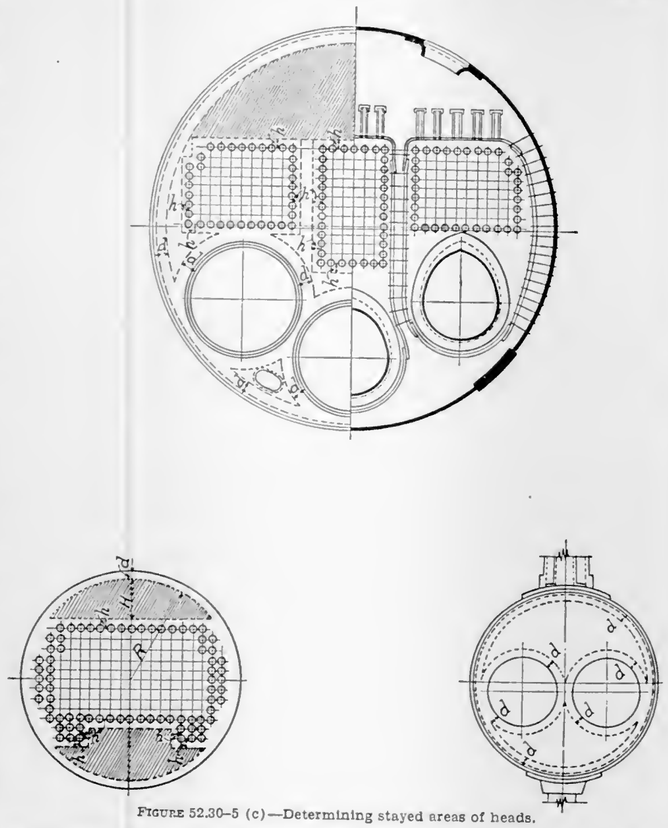


FIGURE 52.30–5 (c)—Determining stayed areas of heads.

$$d=\frac{5T}{\sqrt{P}} \quad (1)$$

where:

d = distance from shell, furnaces or flues considered self-supporting, in inches.
T = Thickness of plate, in sixteenths of an inch.
P = maximum allowable pressure, in pounds per square inch.

(d) The value of h, as shown in figure 52.30–5 (c), shall be equal to one-half the diameter of the tube plus 2 inches where only plain tubes are used in the bounding row, or shall be equal to one-half the maximum allowable pitch of the stays required for the plate where stay tubes are used.

(e) Where the exact area of a circular segment of a flanged head cannot be readily ascertained by other accepted methods, the following formula may be employed, using symbols indicated in figure 52.30–5 (c).

$$A=\frac{4H^2}{3}\sqrt{\frac{2R}{H}-0.6} \quad (2)$$

where:

A = area of segment which requires support, in square inches.
H = height of segment to self-supporting line, in inches.
R = radius of segment to self-supporting line, in inches.

(f) The area of a segment of an unflanged head to be stayed shall be the area enclosed by the shell and a line drawn 2 inches from the outside diameter of the tubes.

§ 52.30–10 Computations.

(a) The maximum allowable pressure and minimum thickness of plates supported by stays shall be determined by the following formulas:

(1) Surfaces without doubling plates:

$$P=\frac{CT^2}{p_1^2+p_2^2} \quad (1)$$

$$T=\sqrt{\frac{P(p_1^2+p_2^2)}{C}} \quad (2)$$

(2) Surfaces fitted with doubling plates:

$$P=\frac{C_1T_1^2}{p_1^2+p_2^2} \quad (3)$$

$$T_1=\sqrt{\frac{P(p_1^2+p_2^2)}{C_1}} \quad (4)$$

(3) Where doubling plates are used, the minimum allowable thickness shall be not less than 0.67 of the thickness of the plate reinforced and the maximum thickness shall not exceed 0.75 of the thickness of the plate reinforced.

(4) The maximum allowable pitch for stays in either direction shall be computed by the following formulas:

(i) Where stays are equally spaced in both directions:

$$p_1 \text{ or } p_2=\sqrt{\frac{CT^2}{2P}} \quad (5)$$

(ii) Where the pitch in one direction is greater than that in the other direction:

$$p_1=2\sqrt{\frac{CT^2}{5P}} \quad (6)$$

(iii) With the greater pitch thus determined for one direction, the maximum pitch in the other direction shall be computed by the formula:

$$p_2=\sqrt{\frac{CT^2}{P}-p_1^2} \quad (7)$$

(5) In no case shall p_2 be less than one-half p_1.

where:

P = maximum allowable pressure, in pounds per square inch.
T = thickness of plate, in sixteenths of an inch.
T_1 = combined thickness of plate and doubler or washer, in sixteenths of an inch.
p_1 = pitch of stays in one direction, in inches.
p_2 = pitch of stays in the other direction, in inches.
C and C_1 = coefficients based upon a minimum tensile strength of the plate, not less than 55,000 pounds per square inch, the kind of service to which subjected, and the method of construction, as follows:

Plates exposed to products of combustion:
- C=238 for plates under 7/16 inch in thickness, fitted with screw stays with nuts or welded collars, or stays attached to plates by welding.
- C=170 for plates 7/16 inch and over in thickness, fitted with screw stays with riveted heads.
- C=250 for plates 7/16 inch and over in thickness, fitted with screw stays with nuts or welded collars, or stays attached to plates by welding.
- C=190 for all plates fitted with stays secured by rivets.
- C=275 for plates fitted with stay tubes screwed and expanded in nests of tubes.
- C=320 for plates fitted with stay tubes screwed, expanded, and beaded in nests of tubes.
- C=185 for plates fitted with stay tubes screwed and expanded in bounding rows.
- C=225 for plates fitted with stay tubes screwed, expanded, and beaded in bounding rows.

Plates not exposed to products of combustion:
- C=274 for plates under 7/16 inch in thickness, fitted with screw stays with nuts or welded collars, or stays attached to plates by welding.
- C=190 for plates 7/16 inch and over in thickness, fitted with screw stays with riveted heads.
- C=290 for plates 7/16 inch and over in thickness, fitted with screw stays with nuts or welded collars, or stays attached to plates by welding.
- C=212 for all plates fitted with stays secured by rivets.
- C=340 for plates fitted with through stays with nuts on both inside and outside of plate.
- C_1=175 for plates fitted with through stays with nuts inside and outside and having doubling plates covering the entire supported area.
- C_1=145 for plates fitted with through stays, with nuts inside and outside and reinforced by washers efficiently riveted to the outside of the plate, the diameter of the washers to be not less than two-thirds the pitch of the stays.
- C_1=155 for plates fitted with through stays, with inside and outside nuts and reinforced by doubling strips through which the stays are inserted, the width of the doubling strip to be not less than two-thirds of the pitch of the stays.
- C_1=136 for plates fitted with screw stays and doubling strips between the rows of stays, the width of the doubling strip to be not less than two-thirds of the pitch of the stays.

(6) When a surface is supported by various types of stays for which different coefficients are provided, the average of the two coefficients for adjacent stays shall be used as the value of C or C_1 in the formulas.

(7) Riveted heads are not permissible on stays which are screwed into plates having a thickness of less than 7/16 inch. Such stays shall be fitted with nuts or welded collars.

(8) No plate less than 5/16 inch in thickness shall be used in stayed surface construction.

(b) Where two sheets are connected by stays and only one of them requires staying, the value of C or C_1 is governed by the thickness of the sheet to be stayed and the types of stays used.

(c) In determining the maximum distance between the center of a bounding line of tubes and the centers of adjacent stays, the value of C or C_1 given for the thickness of plate and type of stay or stay tube shall be used.

(d) In determining the maximum distance between a flanged edge and the centers of stays, the pitch which applies to the thickness of the plate and the type of stay may be increased up to 25 percent: *Provided*, That the increment shall not exceed the distance d determined by formula (1) in § 52.30–5.

(e) Where stayed plates are riveted to a flange, the distance from the center of the outermost stays to the center line of the rivets shall not exceed the pitch of the stays: *Provided*, That, where staybolts are adjacent to reinforced edges, such as around furnace doors, bottoms of fire boxes, etc., the maximum allowable pitch may be increased by the diameter of the staybolt hole.

(f) Where stays are fitted at the upper corners of fireboxes or combustion chambers, the distance d from the staybolt nearest the corner to the point of tangency of the corner curve, as shown by figure 52.30–10 (f), shall be determined by the following formula:

$$d=\frac{90T}{D}\sqrt{\frac{C}{2P}} \quad (8)$$

where:

C = applicable coefficient, as provided in paragraph (a).
d = distance from center of staybolt nearest the corner to the point of tangency of the curve.
T = thickness of plate, in sixteenths of an inch.
P = maximum allowable pressure, in pounds per square inch.
D = angle of tangents, in degrees.

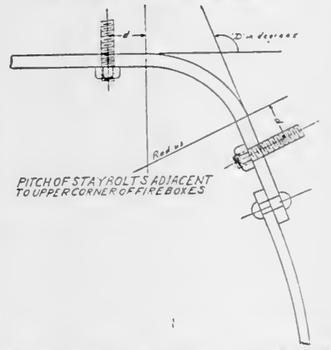


FIGURE 52.30–10 (f)—Pitch of staybolts adjacent to upper corners of fireboxes.

(g) (1) Curved surfaces subject to external pressure and not entirely self-supporting, shall be stayed in accordance with the requirements of this subpart and Subpart 52.35.

(2) Due allowance may be made for the strength inherent in the cylindrical form, except in the case of combustion chamber sheets, by providing that the maximum allowable pressure on a stayed

curved surface shall be the sum of the full pressure computed from formula (1) in this section for stayed plates, plus one-half of the pressure determined by formula (3) for curved plates in § 52.50–10 (b); or the full pressure allowable on the curved plate plus one-half of that allowed on the stayed surface, whichever gives the lower value.

Subpart 52.35—Stays and Reinforcements

§ 52.35–1 Definitions.

(a) *Through stay.* Through stay is a solid bar extended through both heads of a boiler and threaded at the ends for attachment by means of nuts. With this type of stay the ends are usually upset to compensate for the threading. (See figure 52.35–1(a).)

(b) *Solid screw staybolt.* Solid screw staybolt is a threaded bar screwed through the plates, the ends being riveted over or fitted with nuts or welded collars. (See figures 52.35–1 (b) and 52.35–1 (l).)

(c) *Hollow screw staybolt.* Hollow screw staybolt is a hollow threaded bar screwed through the plate, the ends being riveted over or fitted with nuts or welded collars. (See figure 52.35–1 (c).)

(d) *Flexible staybolt.* Flexible staybolt is a bar made with ball-and-socket joint on one end, the cup of the socket being screwed into the outside sheet and covered with a removable cap, the plain end of the staybolt being threaded, screwed through the inside sheet and riveted over. (See figure 52.35–1 (d).)

(e) *Sling stay.* Sling stay is a flexible stay consisting of a solid bar having one or both ends forged for a pin connection to a crowfoot or other structural fitting secured to the stayed plate. (See figure 52.35–1 (e).)

(f) *Crowfoot.* Crowfoot is a forged fitting with palms or lugs secured to the head to form a proper connection with a sling stay. (See figure 52.35–1 (f).)

(g) *Crowfoot stay.* Crowfoot stay is a solid bar stay terminating in a forged fork with palms or lugs for attachment to the plate. (See figure 52.35–1 (g).)

(h) *Diagonal stay.* Diagonal stay is a bar or formed plate forged with palms or lugs for staying the head of the boiler to the shell diagonally. (See figure 52.35–1 (h).)

(i) *Gusset stay.* Gusset stay is a triangular plate used for the same purpose as a diagonal stay and attached to the head and the shell by angles, flanges, or other suitable means of attachment. (See figure 52.35–1 (i).)

(j) *Dog stay.* Dog stay is a staybolt, one end of which extends through a girder, dog, or bridge, and is secured by a nut, the other end being screwed through the plate which it is supporting and riveted over or fitted with a nut or welded collar. (See figure 52.35–1 (j).)

(k) *Girder.* Girder is a bridge, built up of plates or structural shapes separated by distance pieces, a forging, or a formed plate, which spans an area requiring support, abutting thereon and supporting the girder stays or staybolts. (See figure 52.35–1 (k).)

(l) *Welded collar.* Welded collar is a beveled ring formed around the end of a screw stay by means of arc or gas welding. It is used in lieu of a nut. (See figure 52.35–1 (l).)

(m) *Reinforcement.* Reinforcement is a doubling plate, washer, structural shape, or other form for stiffening or strengthening a plate.

(n) *Stay tube.* Stay tube is a thick-walled tube used in fire-tube boilers to stay the tube sheets.

(o) *Telltale hole.* Telltale hole is a small hole having a diameter not less than 3/16 inch drilled in the center of a solid stay and extending to at least 1/2 inch beyond the inside surface of the sheet.

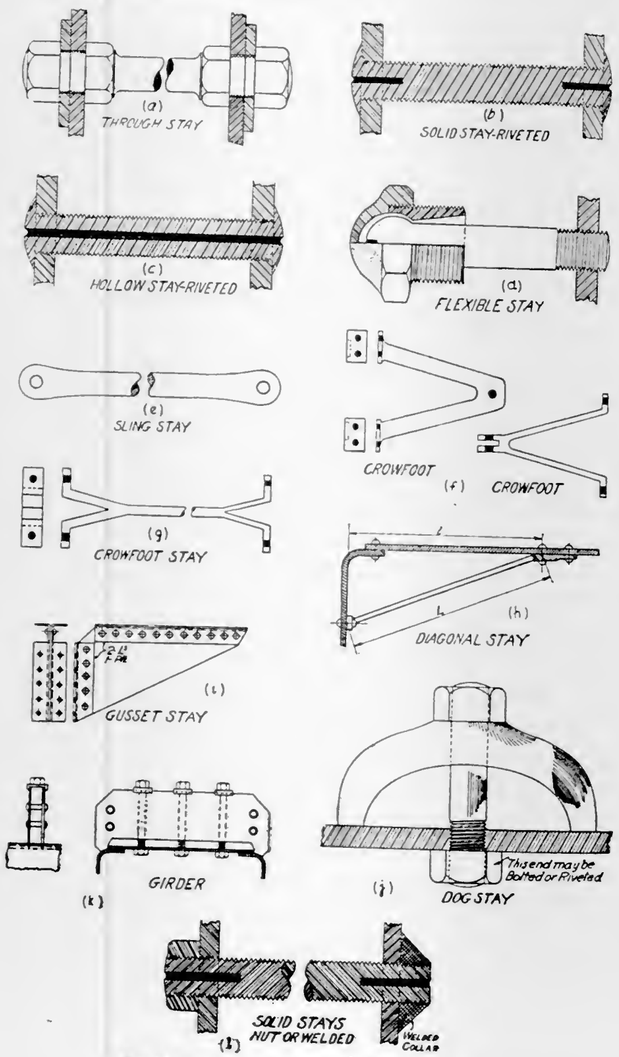


FIGURE 52.35–1—Acceptable types of boiler stays.

§ 52.35–5 Materials.

(a) Round bar stays which require no welding or forging other than upsetting at the ends for threading or to form eyes for use in conjunction with crowfeet, or similar fastenings, shall conform to the requirements of Subpart 51.07, 51.10, or 51.13 of this subchapter.

(b) Crowfeet, lugs, and similar connections for stays shall be forgings without welds conforming to the requirements of Subpart 51.46 of this subchapter.

(c) Forged-welded stays or parts thereof shall conform to the requirements of Subpart 51.13 of this subchapter. All welds in the body of the stay shall be made by the hammer-weld process.

(d) Stiffeners made of structural shapes shall conform to the requirements specified in Subpart 51.10 of this subchapter.

(e) Gusset and diagonal stays made of steel plate, also doubling plates and girders shall conform to the requirements specified in Subpart 51.04 of this subchapter.

(f) Stay tubes shall conform to the requirements of Subpart 51.25 of this subchapter.

(g) Rivets shall conform to the following requirements:

Steel rivets	Subpart 51.07
Iron rivets	Subpart 51.13

(h) Nuts for screw stays shall be made of steel, conforming to the requirements of Subpart 51.46 or 51.49, or, refined wrought iron, conforming to the requirements of Subpart 51.13 of this subchapter.

§ 52.35–10 Workmanship.

(a) The ends of stay bars and stay tubes which are upset for threading shall be subsequently annealed.

(b) Holes for screw staybolts shall be drilled and tapped fair and true and shall have a full thread.

(c) All holes for rivets shall be drilled and shall be slightly counter-sunk in order to form a fillet at point and head. Rivets shall be of sufficient length to fill the rivet holes completely and to form a head of proportionate strength to the body of the rivet.

(d) Holes for tubes or through stays may be made by punching a pilot hole in the center, but shall be machined to size by a rotating cutter, or otherwise be drilled from the solid plate.

(e) When jointed longitudinal stays are fitted between the back and front tube plates and connected by pins, such pins may be fitted slack in the holes, but the total clearance on both ends shall not exceed 1/16 inch.

(f) Where stay tubes are used for supporting flat surfaces they shall be fitted with threads at both ends, screwed into the tube sheets and rolled tight with expanders, in addition to which they may be beaded. Making such tubes tight by calking is not permissible.

§ 52.35–15 Computations.

(a) The maximum allowable pressure and the required area of direct stays shall be computed by the following formulas (in making computations, the least sectional area of the stay shall be taken):

$$P = \frac{aC}{A} \quad (1)$$

$$a = \frac{PA}{C} \quad (2)$$

where:

P = maximum allowable pressure, in pounds per square inch.
A = area supported by the stay, in square inches.
a = required cross-sectional area of stay, in square inches.
C = coefficients based on the minimum tensile strength of the material used, as follows:
- C = 10,000 for solid steel through stays.
- C = 9,000 for solid steel screw stays having diameters of 1 inch and above.
- C = 9,000 for jointed steel stays.
- C = 8,000 for solid or hollow steel screw staybolts having diameters of 1 inch or less.
- C = 8,000 for refined wrought-iron stays or staybolts having diameters of 1 inch and above.
- C = 8,000 for steel stays formed from plates without welds.
- C = 7,500 for wrought-iron or steel stay tubes.
- C = 7,500 for flexible screw staybolts.
- C = 7,500 for refined wrought-iron screw staybolts having diameters less than 1 inch.
- C = 6,000 for welded refined wrought-iron stays.

(b) In computing the gross area supported by a stay, the pitch of the stays shall be used, but the least sectional area of the stay may be deducted therefrom to obtain the net area.

(c) Where stays are adjacent to the outer edge of the surface to be stayed and special allowances are made for the spacing, the area A shall be determined by deducting such parts of the surface as may be considered self-supporting in accordance with § 52.30–5.

(d) The required cross-sectional area of a diagonal stay shall be determined by the following formula:

$$a_1 = \frac{aL}{l} \quad (3)$$

where:

a_1 = required area of diagonal stay, in square inches.
a = required area of direct stay computed by formula (2) in this section, in square inches.
L = length of diagonal stay as shown by figure 52.35–1 (h), in inches.
l = length of line drawn at right angles to the surface to be supported, and extending to the center of the first rivet in the diagonal stay as shown by figure 52.35–1(h), in inches.

(e) The minimum sectional area of a gusset stay constructed of triangular plates secured to single or double rolled shapes along the two sides, shall be 10 percent greater than that determined by formula (3) in this section for diagonal stays.

(f) In determining the net cross-sectional area of drilled or hollow staybolts, the cross-sectional area of the hole shall be deducted if the diameter exceeds 3/16 inch.

(g) Where a cylindrical shell is pierced by more than three holes for stays or other purposes on a line parallel with the axis of the shell, the relative strength of the ligaments between such holes shall not be less than that of the ligaments in the outer row of rivets in the longitudinal joint. If the construction necessitates a lower relative strength, this must be used for the value of E in the formula (1), (2), or (3) in § 52.05–10, for determining the maximum allowable pressure or minimum thickness of plate.

(h) The minimum sectional area of a pin subject to double shear shall be at least 80 percent of the required cross-sectional area of the stay.

(i) Each branch of a crowfoot or similar component part of a divided stay shall be proportioned to support at least two-thirds of the entire load.

(j) Eyes for pin connections shall be properly formed to the body of the stays. The minimum outside diameter of the eye shall be one and one-fourth times that of the pin. The minimum thickness of a single eye shall be the diameter of the pin; that of the double eye shall be two-thirds of the diameter of the pin; the cross-sectional area of any part of an eye shall be such that the two sides of a single eye shall equal at least one and one-fourth, and the four sides of a forked eye shall equal at least one and one-half times the strength of the body of a stay.

(k) The strength of the rivets connecting crowfoot braces, or any other type of reinforcement, shall equal one and one-half times the strength of the connecting stay.

(l) Palms, lugs, or flanges which are to be riveted, shall have a minimum width at the rivet hole exceeding the diameter of the rivet head, and shall have a cross-sectional area exclusive of the rivet hole not less than one and one-fourth times the required cross-sectional area of the body of the stay. Where there are two or more rivets located in the longitudinal axis of the stay, the strength of the palm or lug at the second or subsequent rivet hole may be reduced to not less than one and one-fourth times the combined strength of the rivet at that point and those beyond.

§ 52.35–20 Detail requirements.

(a) All screw staybolts, except flexible staybolts, shall have a telltale hole in the center of each end not less than 3/16 inch diameter extending not less than 1/2 inch beyond the inside of the plate.

(b) Joining of steel stays in the body by any process of welding is not permissible.

(c) The length of screw staybolts shall not exceed 20 diameters.

(d) Where the length of a boiler exceeds 18 feet, the through stays shall be supported in the middle.

(e) Where the heads of screw staybolts are riveted over, the end of the staybolt before riveting shall extend not less than 1/4 inch from the surface of the plate to provide sufficient material for a substantial head.

(f) Arc welding may be used in lieu of threading or riveting for the attachment of stays or staybolts to plates in conformance with the following requirements:

(1) The stays or staybolts shall be inserted into holes through the plate, ex-

cept as provided for in subparagraph (5) of this paragraph, and the area of the weld in shear measured parallel to that portion of the stay extending through the plate shall be not less than 1.25 times the required cross-sectional area of the stay, but in no case shall the leg of the weld be less than ⅜ inch.

(2) The face of the weld shall not terminate below the outside surface of the plate.

(3) The ends of the stays or staybolts inserted through the plate shall not project more than ⅜ inch beyond surfaces exposed to the products of combustion.

(4) When flat heads are supported by diagonal stays protruding through the shell, the cross-sectional area of the portion of the stay extending through the shell shall not be less than 1.25 times the required cross-sectional area of the stay.

(5) Diagonal stays may be attached to the inner surface of the shell, but not the head, by fillet welds only, provided:

(i) The leg of the welds is not less than ⅜ inch;

(ii) The cross-sectional area of the portion of the stay welded to the shell and also the cross-sectional area of the fillet welds parallel to the axis of the shell, measured at the throat, are not less than 1.25 times the cross-sectional area of the stay;

(iii) The fillet welds shall be continuous around the full length of the sides and ends of the stay; and,

(iv) The palm end of the stay shall be hot formed to the radius of curvature of the shell.

(6) If the stay or staybolt is not normal to the plate, the point where the projection of the longitudinal center line of the stay or staybolt intersects the inner surface of the plate shall fall within the outer boundaries of the weld (projected if necessary).

(7) Welded collars may be used in lieu of nuts to attach screw staybolts to plates, provided the legs of the welds are of sufficient length to develop a strength of at least 25 percent of the staybolt, but in no case shall the legs of the welds be less than ¼-inch in length.

(8) The welding, except where welded collars are used, shall be stress-relieved in accordance with § 56.01-70 of this subchapter.

(9) Telltale holes are not required in stays or staybolts attached by welding, except where screw staybolts are used.

(g) The minimum thickness of nuts used in connection with screw stays shall be one-half of the diameter of the stay, but in no case less than ¾ inch. The stays shall be so placed in relation to the joints that the plates can be calked without removing the nuts.

(h) Nuts shall not be fitted to staytubes at the combustion chamber end.

(i) The ends of stays fitted with nuts shall not be exposed to the direct radiant heat of the fire.

(j) The minimum thickness of staytubes measured at the root of the threads shall be ¼ inch for marginal staytubes and ⅜ inch for other staytubes.

Subpart 52.40—Tube Sheets of Water-Tube Boilers

§ 52.40–1 Definitions.

(a) *Curved tube sheet.* Curved tube sheet is a section of the shell of a boiler drum formed to an arc of a circle and perforated for nests of tubes.

(b) *Flat tube sheet.* Flat tube sheet is the tube plate of box headers of certain types of water-tube boilers.

(c) *Longitudinal ligament.* Longitudinal ligament is the minimum section of metal between two tube holes on a line parallel with the axis of the drum.

(d) *Circumferential ligament.* Circumferential ligament is the minimum section of metal between two tube holes on a line around the circumference of the drum.

(e) *Diagonal ligament.* Diagonal ligament is the minimum section of metal between two tube holes in adjacent rows, measured diagonally from one row to the other.

§ 52.40–5 Computations for curved tube sheet.

(a) The maximum allowable pressure and minimum thickness of a cylindrical shell pierced for tubes and of a curved tube sheet shall be calculated by formula (1), (2), or (3) of § 52.05–10, using the lowest value of E, determined in accordance with this section.

(b) (1) Where cylindrical shells are pierced by a single row of tubes or by two or more rows so placed in the cylindrical shell as not to be considered nests of tubes, as in a double buttstrap joint, or where reinforcing plates are fitted, the ligament efficiency between tube holes shall be computed by formula (1) of this section. For tube rows other than those placed on the longitudinal joint, the shell if necessary shall be either reinforced or increased in thickness.

(2) The relative strength of the ligaments between tube holes which come in a single line in a buttstrap joint or reinforced shell, shall be computed by the following formula:

$$E=\frac{(p-d)\,T_1}{pT} \qquad (1)$$

where:

E = relative strength of ligament.
p = pitch of tubes, in inches.
d = diameter[1] of tube holes, in inches.
T = thickness of shell, in inches.
T_1 = the aggregate thickness of the two buttstraps, or the shell and reinforcing plate, in inches.

[1] Where the tube hole is not of the straight bore type, the equivalent diameter shall be calculated by dividing the cross-sectional area of the removed metal by the material thickness.

(c) When a shell is pierced for tubes in a series of rows parallel to its axis, the efficiency of the ligament between the tube holes in any row shall be determined as follows:

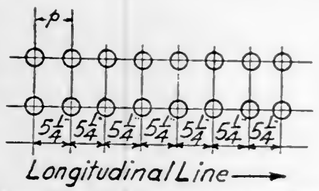


FIGURE 52.40–5 (c1)—Example of tube spacing with pitch of holes equal in every row.

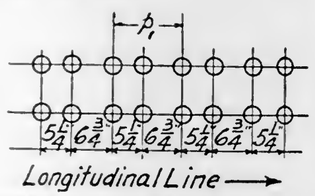


FIGURE 52.40–5 (c2)—Example of tube spacing with pitch of holes unequal in every second row.

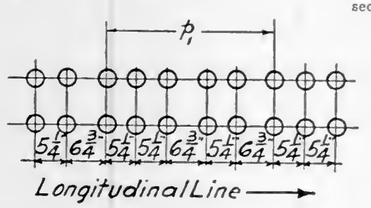


FIGURE 52.40–5 (c3)—Example of tube spacing with pitch of holes varying in every second and third row.

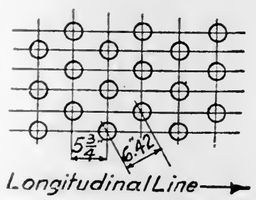


FIGURE 52.40–5 (c4)—Example of tube spacing with holes on diagonal lines.

(1) When the pitch of the tube holes in any row is uniform. (See figure 52.40–5 (c1).)

$$E=\frac{p-d}{p} \qquad (2)$$

(2) When the pitch of the tube holes in any row is not uniform. (See figures 52.40–5 (c2) and 52.40–5 (c3).) The calculations shall be made for a section of the row not exceeding the diameter of the shell.

$$E=\frac{p_1-nd}{p_1} \qquad (3)$$

(3) When the holes in one row are placed so as to form diagonal ligaments with the holes in an adjacent row. (See figure 52.40–5 (c4).) The efficiency of these ligaments shall be taken from the diagram figure 52.40–5(c5). To use this diagram compute the value of $\frac{p_d}{p}$ and also the efficiency of the longitudinal ligament. Next find in the diagram, the vertical line corresponding to the longitudinal efficiency of the ligament and follow this line vertically to the point where the diagonal line representing the ratio of $\frac{p_d}{p}$ intersects. By projecting this line horizontally to the left on the edge of the diagram, the diagonal efficiency of the ligament may be read from the scale. If this efficiency is less than that of the longitudinal ligament it shall be used in computing the allowable pressure.

(4) The symbols used in the formulas in this paragraph mean:

E = relative strength of the ligament.
p = longitudinal pitch of tube holes, in inches.
p_d = diagonal pitch of tube holes, in inches.
p_1 = unit length of section of the row considered, in inches.
d = diameter[1] of tube holes, in inches.
n = number of tube holes in section p_1.

[1] Where the tube hole is not of the straight bore type, the equivalent diameter shall be calculated by dividing the cross-sectional area of the removed metal by the material thickness.

(d) The pitch of the tube holes shall be measured either on the flat plate before rolling or on the middle line of the plate after rolling.

(e) The strength of the circumferential ligaments between tube holes shall be at least one-half the required strength of the longitudinal ligaments.

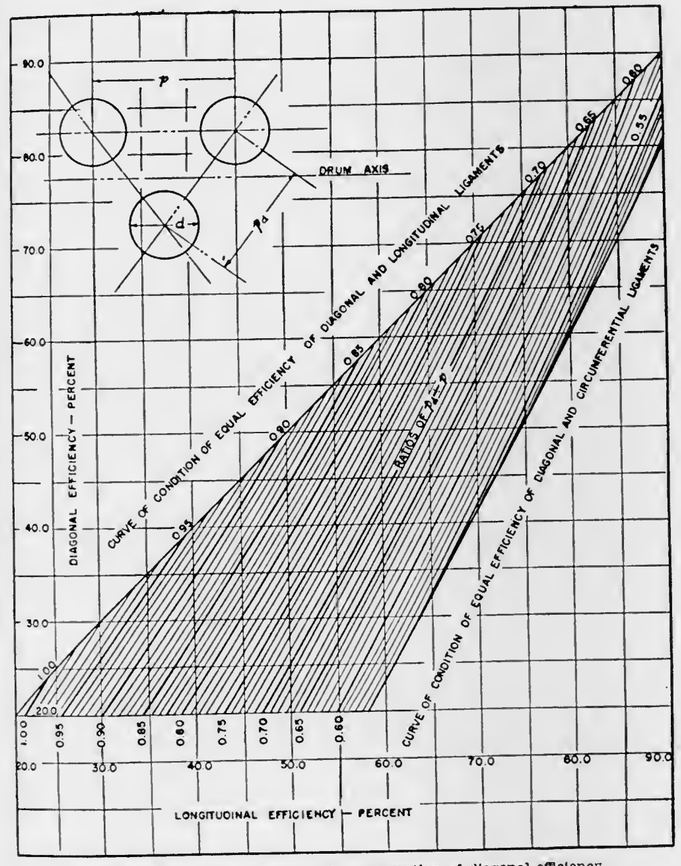


FIGURE 52.40–5 (c5)—Diagrammatic computation of diagonal efficiency.

(f) When the tube holes are not normal to the plate, the plate thickness shall be sufficient to provide a parallel seating not less than ⅜ inch depth between planes at right angles with the axis of the tube for tubes 2½ inches in diameter and under; for tubes having diameters over 2½ inches, the depth of the parallel seating shall not be less than ½ inch.

§ 52.40–10 Reinforcement of ligaments.

(a) Where reinforcing plates are applied to the drums of water-tube boilers to strengthen the shell at the point where the tubes enter, they shall be riveted to the shell, and where outside calking is used, the tubes shall be expanded into the inner and outer plates so that the rivets and tubes will hold the plates together in accordance with the regulations for stayed surfaces.

(b) The rivet spacing with respect to the tubes shall conform to the requirements of Subparts 52.30 and 52.35, using a value of 250 for C, and shall be based on a unit pressure equal to the pressure that can be carried by the inner plate with a factor of safety of 5. The shearing strength of the rivets securing the reinforcing plate on each side of the tube line shall be at least equal to the required strength of the ligament of the reinforcing plate between the tubes.

(c) The combined drum shell and reinforcing plate or plates, and riveted connections, shall have a factor of safety of not less than 5 in the ligaments when calculated in accordance with § 52.40–5. When reinforcing plates or butt-straps are exposed to the products of combustion, the joints shall be protected therefrom.

§ 52.40–15 Unsymmetrical ligaments.

(a) When tubes or holes are unsymmetrically spaced, the average ligament efficiency shall be not less than that required by this section, which applies to ligaments between tube holes and not to single openings. When this procedure results in lower efficiencies than those for symmetrical groups which extend a distance greater than the inside diameter of the shell as covered by § 52.40–5, the efficiencies computed by § 52.40–5 may be used.

(b) For a length equal to the inside diameter of the shell for the position which gives the minimum efficiency, the efficiency shall be not less than that on which the maximum allowable pressure is based.

(c) For a length equal to the inside radius of the shell for the position which gives the minimum efficiency, the efficiency shall be not less than 80 percent of that on which the maximum allowable pressure is based.

(d) For holes placed longitudinally along a shell but which do not come in a straight line, the requirements of this section shall apply, except that the equiv-

alent longitudinal width of a diagonal ligament shall be used. To obtain the equivalent width the longitudinal pitch of the two holes having a diagonal ligament shall be multiplied by the efficiency of the diagonal ligament. The efficiency to be used for the diagonal ligaments is given in figure 52.40–15 (d).

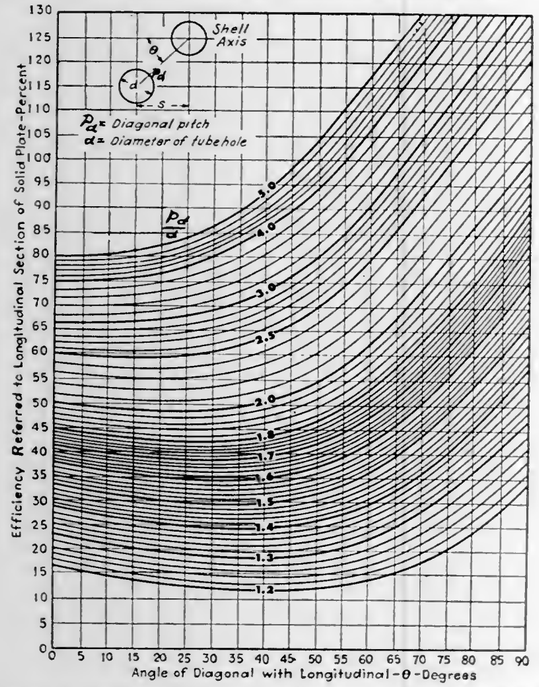


FIGURE 52.40–15 (d)—Diagram for determining efficiency of diagonal ligaments in order to obtain equivalent longitudinal efficiency.

Subpart 52.45—Combustion Chambers and Tube Sheets of Fire-Tube Boilers

§ 52.45–1 Definitions.

(a) *Combustion chamber.* Combustion chamber, within the meaning of this section, is that part of an internally fired boiler in which combustible gases may be burned after leaving the furnace.

(b) *Separate combustion chamber.* Separate combustion chamber is a combustible chamber which is connected to one furnace only.

(c) *Common combustion chamber.* Common combustion chamber is a combustion chamber connected to two or more furnaces in a boiler.

(d) *Crown or top plate.* Crown or top plate is the top of a combustion chamber and is usually supported by girder stays or by sling stays or braces.

(e) *Wrapper sheet.* Wrapper sheet is the side plate of any type of combustion chamber and also the bottom plate of a common combustion chamber.

(f) *Curved bottom plate.* Curved bottom plate is the bottom of a separate combustion chamber formed to an arc of a circle and usually designed to be self-supporting.

(g) *Combustion chamber tube sheet.* Combustion chamber tube sheet is the plate forming the end of a combustion chamber in which the tubes are secured.

(h) *Combustion chamber back sheet.* Combustion chamber back sheet is the plate opposite the tube sheet forming the back of the combustion chamber. It is usually stayed to the back head of the boiler by means of screw stay bolts, or, in the case of double-ended boilers, to the back of the combustion chamber of the other end of the boiler.

(i) *Structural stiffeners.* Structural stiffeners are rolled shapes or flanged plates which are used to stiffen a surface which is not entirely self-supporting.

§ 52.45–5 Materials.

(a) All plates forming parts of combustion chambers or fireboxes shall conform to the general specifications for the shell plates.

(b) Structural shapes of any form used for stays and reinforcements shall conform to the requirements of Subpart 51.10 of this subchapter.

§ 52.45–10 Computations.

(a) *Formulas.* The maximum allowable pressure and minimum thickness of all stayed parts of combustion chambers shall be computed in accordance with formulas provided in Subparts 52.30 and 52.35, except as follows:

(b) *Tube sheets.* (1) When the crown plate of a combustion chamber is supported by girders, transmitting the load to the tube plate and back sheet, thus subjecting the ligaments of the tube sheet to a compressive stress, the maximum allowable pressure shall be determined by formulas in Subparts 52.30 and 52.35, but shall not exceed that given by the following formula:

$$P=\frac{2CT(p-d)}{Lp} \quad (1)$$

nor shall the thickness be less than that given by formula:

$$T=\frac{LpP}{2C(p-d)} \quad (2)$$

where:

P = maximum allowable pressure, in pounds per square inch.
p = least horizontal pitch of tubes, in inches.
L = total length of combustion chamber over the tube sheet and back sheet, in inches.
T = thickness of tube plate, in inches.
C = 13,300 the allowable crushing stress in pounds per square inch.
d = inside diameter of plain tubes, in inches.

(2) Where tubes are staggered, the vertical distance between the center lines of tubes in adjacent rows shall not be less than

$$\tfrac{1}{2}\sqrt{2dp+d^2} \quad (3)$$

(c) *Curved bottom plate without reinforcement.* (1) The maximum allowable pressure and minimum thickness of curved bottoms of separate combustion chambers without reinforcement shall be computed by the following formulas:

$$P=\frac{26}{R}(300T-1.03L) \quad (4)$$

$$T=\frac{\frac{PR}{26}+1.03L}{300} \quad (5)$$

(d) *Curved bottom plate with reinforcement.* (1) When the bottoms of combustion chambers are reinforced by structural stiffeners, such as angle or T bars, the minimum thickness of such bars shall be equal to 80 percent of the thickness of the plate reinforced, and the depth of web shall be equal to at least one-half the pitch of the stiffeners. The maximum allowable pressure and minimum thickness shall be computed by the following formulas:

$$P=\frac{(480T)^2}{2RL} \quad (6)$$

$$T=\frac{\sqrt{2RLP}}{480} \quad (7)$$

(2) The spacing and size of the rivets attaching the stiffeners to the plates shall comply with the requirements of Subparts 52.30 and 52.35, for stayed surfaces.

(e) *Symbols.* The symbols to be used in connection with the formulas in paragraphs (c) and (d) of this section are:

P = maximum allowable pressure, in pounds per square inch.
T = thickness of plate, in inches.
R = external radius to which plate is formed, in inches.
L = length of plate between supports measured on a line parallel to the axis of the boiler, in inches.

(f) *Girders or crown bars.* The maximum allowable pressure and the minimum thickness of crown bars or girders supporting the tops of combustion chambers shall be computed by the following formulas:

$$P=\frac{Cd^2T}{(L-p_2)p_1L} \quad (8)$$

$$T=\frac{PLp_1(L-p_2)}{Cd^2} \quad (9)$$

where:

P = maximum allowable pressure, in pounds per square inch.
L = length of girder between supports (from inside of tube sheets to inside of combustion chamber back plate), in inches.
p_1 = pitch between girders from center to center, in inches.
p_2 = pitch of supporting bolts, in inches. (Not to exceed maximum allowable pitch for plate thickness; see subpart 52.30.)
d = depth of girder, in inches.
T = thickness of girder, in inches (aggregate thickness where girder consists of 2 plates).
C = 6,800 where girder is fitted with one supporting bolt.
C = 10,300 where girder is fitted with two or three supporting bolts.
C = 11,400 where girder is fitted with four or five supporting bolts.
C = 12,200 where girder is fitted with six or more supporting bolts.

§ 52.45–15 Detail requirements.

(a) Where structural steel shapes or forged fittings are used to form connections between stays and plates that are not self-supporting, the eyes for rivet or pin connections in such fastenings shall comply with the requirements of § 52.35–15.

(b) Curved bottoms of common combustion chambers shall be considered a flat surface and stayed in accordance with the requirements of Subparts 52.30 and 52.35.

(c) When plates are flanged to form the combustion chamber and back connections, the minimum inner radius shall be not less than one and one-half times the thickness of the plate flanged.

Subpart 52.50—Furnaces and Flues

§ 52.50–1 Definitions.

(a) *Furnace.* Furnace, within the meaning of this subpart, is a firebox or a large flue in which the fuel is burned.

(b) *Corrugated furnace.* Corrugated furnace is a cylindrical shell wherein

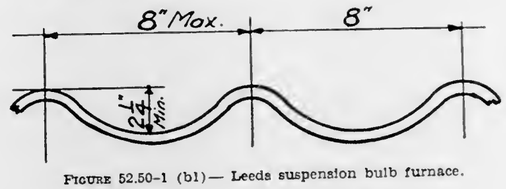


FIGURE 52.50–1 (b1)— Leeds suspension bulb furnace.

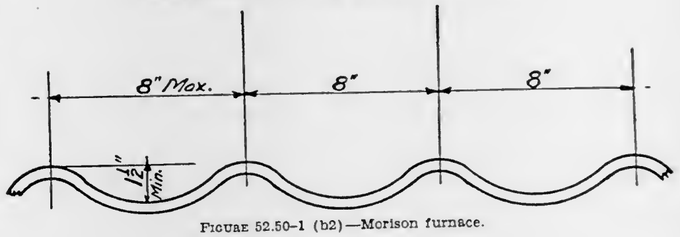


FIGURE 52.50–1 (b2)—Morison furnace.

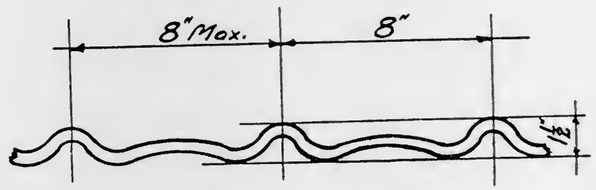


FIGURE 52.50–1 (b3)—Deighton furnace.

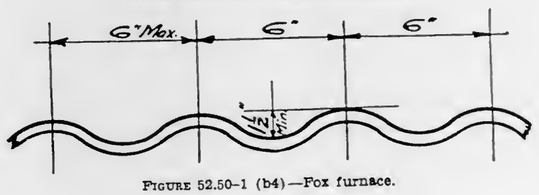


FIGURE 52.50–1 (b4)—Fox furnace.

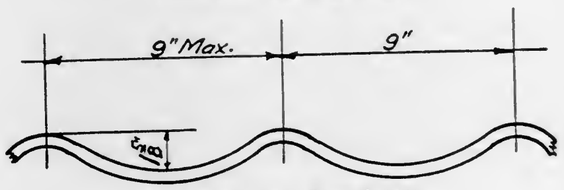


FIGURE 52.50–1 (b5)—Brown furnace.

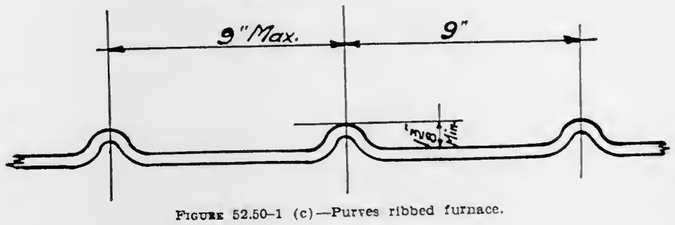


FIGURE 52.50–1 (c)—Purves ribbed furnace.

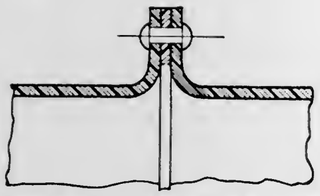


FIGURE 52.50–1 (d)—Adamson ring furnace.

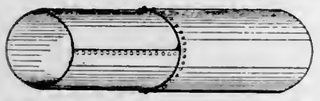


FIGURE 52.50–1 (e)—Circular riveted flue.

corrugations are formed circumferentially for additional strength and to provide for expansion. (See figures 52.50–1 (b1), 52.50–1 (b2), 52.50–1 (b3), 52.50–1 (b4), and 52.50–1 (b5).)

(c) *Purves ribbed furnace.* Purves ribbed furnace is a cylindrical shell in which ribs or projections are formed circumferentially to provide additional strength. (See figure 52.50–1 (c).)

(d) *Adamson ring furnace.* Adamson ring furnace is a cylindrical shell made in short sections, the ends of the sections being flanged and riveted together through a reinforcing ring. (See figure 52.50–1 (d).)

(e) *Plain furnace.* Plain furnace is a cylindrical shell usually made in sections joined by means of riveting or welding. (See figure 52.50–1 (e).)

(f) *Flues.* Flues are cylindrical shells made of seamless or welded tubing, or with a riveted longitudinal joint, the ends being attached by riveting or welding. Their purpose is to provide additional heating surface and to form a path for the products of combustion. (See figure 52.50–1 (e).)

§ 52.50–5 Materials.

(a) Steel plate used in the fabrication of furnaces or flues shall be of firebox quality and shall conform to the specifications and requirements for shell plates.

(b) Seamless, lap welded or electric resistance welded flues may be made of pipe complying with Subpart 51.34 of this subchapter.

§ 52.50–10 Computations.

(a) *Corrugated or ribbed furnaces.* (1) The maximum allowable pressure and minimum thickness of corrugated or ribbed furnaces shall be computed by the following formulas:

$$P=\frac{CT}{D} \quad (1)$$

$$T=\frac{DP}{C} \quad (2)$$

where:

P = maximum allowable pressure, in pounds per square inch.
T = minimum thickness of plate, in inches.
D = external diameter of furnace at bottom of corrugations, in inches.
C = coefficients, as follows:
  C = 15,700 for Leeds suspension bulb furnace.
  C = 14,700 for Morison or Deighton furnace.
  C = 12,500 for Fox, Purves, or Brown furnace.

(2) The spacing and depth of the corrugations shall be in accordance with figures 52.50–1 (b1), 52.50–1 (b2), 52.50–1 (b3), 52.50–1 (b4), 52.50–1 (b5), and 52.50–1 (c), as shown in § 52.50–1. New furnaces shall be rolled to practically a true circle. The maximum distortion permissible from the true circle shall not exceed ¼ inch, and all new furnaces shall be measured by an inspector to ascertain that this tolerance has not been exceeded.

(b) *Adamson ring or plain furnaces.* The maximum allowable pressure and minimum thickness of furnaces of the Adamson ring or plain cylindrical types shall be computed by the following formulas:

$$P=\frac{52}{D}(300T-1.03L) \quad (3)$$

$$T=\frac{\frac{PD}{52}+1.03L}{300} \quad (4)$$

where:

P = maximum allowable pressure, in pounds per square inch.
D = external diameter of furnace shell, in inches.
L = length of a section for Adamson ring furnaces or riveted flues, or total length between centers of head rivet seams where the flues are made without circumferential joints, in inches.
T = thickness of plate, in inches.

(c) *Flues.* (1) The maximum allowable pressure and minimum thickness of plain riveted flues shall be computed by formulas (3) and (4) provided in paragraph (b) of this section. For seamless or welded flues not less than 6 nor more than 18 inches in outside diameter and subject to external pressure, the following formulas shall be used:

$$P=\frac{86670T-1386D}{5D} \quad (5)$$

$$T=\frac{D(5P+1386)}{86670} \quad (6)$$

where:

P = maximum allowable pressure, in pounds per square inch.
T = thickness of flue, in inches.
D = external diameter of flue, in inches.

(2) As a matter of convenience, table 52.50–10 is computed from the preceding formulas for seamless or welded flues.

TABLE 52.50–10—MAXIMUM ALLOWABLE PRESSURE AND MINIMUM THICKNESS OF SEAMLESS OR WELDED FLUES SUBJECT TO EXTERNAL PRESSURE

Outside diameter of flue, inches	Maximum allowable pressure in pounds per square inch						
	100	120	140	160	180	200	220
	Thickness of flue (inches)						
6	0.130	0.137	0.114	0.151	0.158	0.165	0.172
7	.152	.161	.169	.177	.185	.193	.201
8	.174	.184	.193	.202	.211	.221	.229
9	.196	.206	.217	.228	.238	.248	.258
10	.218	.229	.241	.253	.264	.276	.287
11	.239	.252	.265	.278	.290	.303	.316
12	.261	.275	.289	.303	.317	.331	.344
13	.283	.298	.313	.328	.343	.359	.373
14	.305	.321	.337	.354	.369	.386	.402
15	.326	.344	.361	.379	.396	.414	.430
16	.348	.367	.385	.405	.422	.441	.459
17	.370	.390	.409	.430	.448	.469	.488
18	.392	.413	.433	.455	.475	.497	.516

§ 52.50–15 Detail requirements.

(a) The minimum thickness of furnaces shall be 5/16 inch, and the maximum thickness of furnaces shall be 13/16 inch. When the frabricated thickness of a furnace exceeds 13/16 inch, acceptance of the furnace will be given special consideration by the Commandant.

(b) Where furnaces are constructed with riveted joints, the minimum efficiency of such joints shall not be less than 50 percent of the solid plate. Such joints may be of the lap-riveted type provided the furnace does not exceed 36 inches in length or height. All longitudinal riveted joints shall be located at the bottom of the furnace or flue.

(c) The thickness of corrugated and ribbed furnaces shall be ascertained by actual measurements taken by an inspector. Such furnaces shall be drilled by the manufacturer for a ⅜-inch pipe tap and fitted with a screw plug which can be removed by the inspector when taking measurements, the plug to be located as follows:

(1) *For Leeds, Morison, Deighton, Fox, and Brown types of furnaces.* At the crest of the waterside corrugation, not less than four corrugations from either end.

(2) *For Purves ribbed furnaces.* At the center of the second flat from either end.

(3) *Test plug.* Furnaces shall be installed so that the test plug is located at the bottom.

(d) (1) Adamson ring furnaces shall be made in sections not less than 18 inches and not more than 24 inches in length. They shall be flanged with a radius measured on the fire side of not less than three times the thickness of the plate and the flat portion of the flange outside of the radius shall be at least three times the diameter of the rivet holes.

(2) The distance from the edge of the rivet holes to the edge of the flange shall be not less than the diameter of the rivet holes and the diameter of the rivets before driving shall be at least ¼ inch larger than the thickness of the plate.

(3) The depth of the reinforcing ring between the flanges shall be not less than three times the diameter of the rivet holes and the ring shall be substantially riveted to the flanges.

(4) The fire edge of the ring shall terminate at or outside the point of tangency to the curve of the flange and the thickness of the ring shall be not less than ½ inch.

(e) When furnaces are flanged for attachment to the front head or rear tube sheet, the minimum inner radius shall be not less than twice the thickness of the furnace plate flanged.

(f) Where externally fired boilers are fitted with flues exceeding 5 inches in diameter the minimum water space between the flues and/or between the wall of a flue and the shell of the boiler, shall not be less than 3 inches, measured at the middle of the flue.

(g) Plain or corrugated furnaces may be constructed by arc welding. The longitudinal and circumferential joints shall be of the double-welded butt type, and the following modifications in the

requirements for Class I welded pressure vessels will be acceptable:

(1) The customary test plates need not be furnished, provided each furnace has sufficient material left on one end to obtain two guided side bend specimens, which shall not be detached until all the work and heat treatment on the furnace has been completed. One retest will be permitted for each specimen failing to meet the specified requirements.

(2) Radiographic examination of the furnace seam is not required, but will be accepted in lieu of the guided side bend specimens. If radiographs are taken, they shall meet the requirements of § 56.05–5 of this subchapter except that the films will not be retained by the Coast Guard.

Subpart 52.55—Boiler and Superheater Tubes

§ 52.55–1 Definitions.

(a) *Tubes.* Tubes, within the meaning of this subpart, are cylindrical shells of comparatively small diameter constituting the main part of the heating surface of a boiler or superheater.

(b) *Safe end.* Safe end is a short piece of boiler tube which is usually thicker than the ordinary tube and is welded to a tube of lighter gauge for the purpose of lengthening it.

(c) *Seamless tube.* Seamless tube is a tube without any longitudinal joint.

(d) *Electric-resistance-welded tube.* Electric-resistance-welded tube is a tube the longitudinal joint of which is made by the electric-resistance butt welding process and the tube is required to be normalized after welding.

(e) *Stay tube.* Stay tube is a thick-walled tube, the end of which is usually thickened by upsetting to compensate for threading. Such tubes are used for staying tube sheets into which they are screwed and expanded.

(f) *Expanding.* Expanding is the process of enlarging the end of a tube to make it fit tightly in the tube sheet.

(g) *Beading.* Beading is the process of turning over the protruding end of a tube after expanding to form a supporting collar for the tube sheet.

(h) *Bell-mouthing.* Bell-mouthing is the process of flaring the end of a tube beyond where it is expanded in the tube sheet.

§ 52.55–5 Materials and workmanship.

(a) Seamless steel boiler tubes shall comply with the requirements of Subpart 51.25 of this subchapter for such tubes.

(b) Electric-resistance-welded steel and iron boiler tubes shall comply with the requirements of Subpart 51.25 of this subchapter for such tubes.

(c) Tube holes shall be drilled full size in the solid plate. Tube holes may be counterbored where the metal is thicker than that required to obtain a proper bearing by expanding, so as to form narrow seats into which the tube ends can be properly expanded, provided there is space available to permit a proper amount of flare of the tube end.

(d) (1) The ends of tubes of fire-tube boilers shall be rolled tight in the tube sheet and the ends shall be beaded over; or the ends rolled, beaded and seal-welded around the edge of the bead; or the ends rolled and strength welded.

(2) Tube ends attached by rolling and strength welding shall comply with the following requirements:

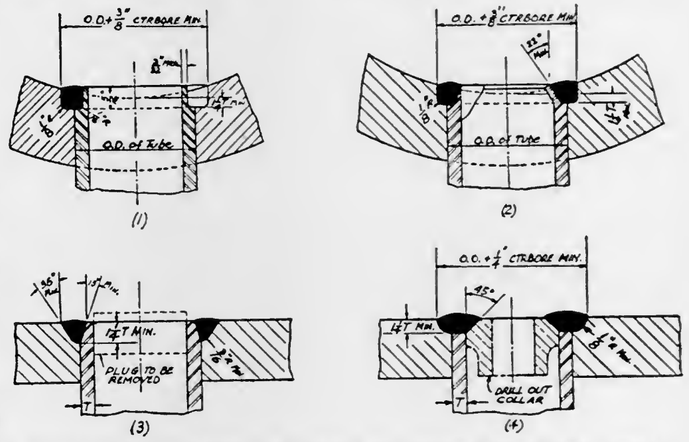


FIGURE 52.55–5(f)—Acceptable types of welded attachments of boiler tubes to headers.

(i) Where a bevel or chamfer is employed, the tube sheet shall be machined to a depth at least equal to the thickness of the tubes or ⅛ inch, whichever is greater, and not to exceed one-third of the tube sheet thickness. The projection of the tube beyond the tube sheet shall not exceed a distance equal to the tube thickness, and in no case more than one-third of the tube sheet thickness or ⅛ inch, whichever is greater.

(ii) Where no bevel or chamfer is employed, the tube shall extend beyond the tube sheet not less than a distance equal to 1¼ times the tube thickness, nor more than twice the tube thickness, but in no case shall the distance be less than ⅛ inch nor more than ¼ inch.

(iii) When any type of welded attachment is employed, the tube shall be rolled before welding and again rolled lightly after welding.

(3) The inner surface of tube holes in any form of attachment may be grooved or chamfered.

(e) (1) The ends of all tubes and nipples shall be expanded and flared not less than ⅛ inch over the diameter of the tube hole on all water-tube boilers and headers; or they may be flared not less than ⅛ inch, rolled and beaded; or flared, rolled and seal-welded; or rolled and seal-welded without flaring, provided the throat of the seal weld is not less than 5/16 inch nor more than ⅜ inch and the tubes are reexpanded after welding.

(2) The ends of all tubes and nipples of water-tube boilers and superheaters when not seal-welded shall project through the tube sheets or headers not less than ¼ inch nor more than ½ inch before flaring. Where the tubes enter at an angle, the maximum limit of ½ inch shall apply only at the point of least projection.

(3) If tubes and nipples are seal-welded they shall be reexpanded. Stress relieving shall not be used after welding.

(f) (1) Boiler tubes may be arc- or gas-welded to manifolds, headers or drums without being expanded, provided with the requirements of this paragraph. the welds are strength welds complying

(2) Economizer and waterwall tubes not exceeding 2 inches in size may be attached to headers by means of socket-welded joints, provided the depth of the socket is the maximum allowable but in no case less than ⅜ inch and the diameter is not greater than 1/64 inch above that of the tube. The throat dimension of the fillet weld shall be at least 1¼ times the tube wall thickness and the weld shall be deposited with a minimum of two layers. High amperage shall be employed with the electrode to obtain good penetration of the root pass.

(3) Boiler tubes, not exceeding 2 inches in size, may be attached to headers or drums by any of the acceptable types of groove welds as shown in Figure 52.55–5 (f). The welding grooves shall be of such depth and form as to insure full penetration of the weld metal. The

depth of the groove shall be at least 1¼ times the thickness of the tube, but in no case less than ⅛ inch in any direction. The welding procedure shall be submitted to the Commandant for consideration prior to the welding of superheater tubes of alloy material.

(4) Stress relief and radiographic examination of the welds are not required, except that the welds shall be examined by magnetic particle testing or other acceptable method, when alloy steel materials containing chromium are welded.

(5) Other types of welded attachments having strength equivalent to the above will be considered by the Commandant.

§ 52.55–10 Computations.

(a) (1) The maximum allowable pressure and the minimum thickness of seamless and electric-resistance-welded carbon and seamless alloy steel tubes or nipples subject to internal pressure for water-tube boilers, economizers and superheaters shall be computed by the following formulas:

$$P=S\left[\frac{2T-0.027D-2e}{D-2T+0.027D+2e}\right] \quad (1)$$

$$T=\frac{D}{2}\left(\frac{P}{P+S}\right)+0.0135D+e \quad (2)$$

where:

P = maximum allowable pressure, in pounds per square inch. Where the calculated maximum allowable pressure exceeds an even unit of 10 by more than 1, the next higher unit of 10 may be used.

S = Maximum allowable stress, in pounds per square inch, as given in Table 52.05–10 (a), at not less than the mean wall temperature, which in no case shall be taken as less than 700 degrees F. for tubes absorbing heat. The mean wall temperature of generating tubes shall be taken as the corresponding temperature of saturated steam at design conditions plus 50 degrees F. The mean wall temperatures of superheater tubes in each pass of a superheater shall be certified to by the boiler manufacturer. For tubes which do not absorb heat, the mean wall temperature shall be taken as the temperature of the liquid within the drum.

T = thickness of the tube wall, in inches.

D = outside diameter of the tube, in inches.

e = 0.04 over a length at least equal to the length of the seat plus 1 inch, for tubes expanded into tube seats, except:

e = 0 for tubes expanded into tube seats provided the thickness of the tube ends over a length at least equal to the length of the seat plus 1 inch is not less than the following:

0.095 inch for tubes 1¼-inch OD and smaller.

0.105 inch for tubes above 1¼-inch OD and up to 2-inch OD, inclusive.

0.120 inch for tubes above 2-inch OD and up to 3-inch OD, inclusive.

0.135 inch for tubes above 3-inch OD and up to 4-inch OD, inclusive.

0.150 inch for tubes above 4-inch OD and up to 5-inch OD, inclusive.

e = 0 for tubes strength-welded to headers and drums.

(2) Where tubes are expanded into drums or headers, table 52.55–10(a2) may be used in lieu of formula (1) or (2) for determining the maximum allowable pressure and minimum thickness of seamless or electric-resistance-welded low carbon steel tubes, provided the maximum mean wall temperature does not exceed 700° F.

(3) The thickness of the ends of tubes strength-welded to drums or headers need not be greater than the run of the tube as determined by formula (2), but the thickness of no tube, where expanded into headers or drums, shall be less than that given in table 52.55–10(a3).

TABLE 52.55–10 (a2)—MAXIMUM ALLOWABLE PRESSURES FOR SEAMLESS AND ELECTRIC-RESISTANCE WELDED LOW CARBON STEEL TUBES SUBJECT TO INTERNAL PRESSURE, WHERE EXPANDED INTO DRUMS OR HEADERS [1] [2]

Outside diameter, in inches	Maximum allowable pressure, in pounds per square inch, nearest BWG number and the thickness of tube wall, in inches														
	17 0.055	16 0.065	15 0.075	14 0.085	13 0.095	12 0.105	11 0.120	10 0.135	9 0.150	8 0.165	7 0.180	6 0.200	5 0.220	4 0.240	3 0.260
¾	160	480	820	1,180	1,570	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1	.....	270	520	780	1,040	1,320	1,770	.....	.....	.....	.....	.....	.....	.....	.....
1⅛	.....	210	420	650	880	1,120	1,500	1,910	.....	.....	.....	.....	.....	.....	.....
1¼	.....	160	350	550	750	960	1,300	1,650	.....	.....	.....	.....	.....	.....	.....
1½	.....	.....	230	400	560	730	1,000	1,280	1,570	1,870	.....	.....	.....	.....	.....
1¾	.....	.....	.....	290	430	570	800	1,030	1,260	1,510	1,770	.....	.....	.....	.....
2	.....	.....	.....	210	340	460	650	840	1,040	1,250	1,470	1,770	.....	.....	.....
2¼	.....	.....	.....	.....	260	370	530	700	880	1,060	1,250	1,500	1,770	.....	.....
2½	.....	.....	.....	.....	200	300	450	600	750	910	1,070	1,300	1,530	1,770	.....
2¾	.....	.....	.....	.....	160	240	370	510	650	790	930	1,130	1,340	1,550	1,770
3	.....	.....	.....	.....	.....	190	320	440	560	690	820	1,000	1,180	1,370	1,570
3½	.....	.....	.....	.....	.....	.....	270	380	490	610	730	890	1,060	1,230	1,400
3½	.....	.....	.....	.....	.....	.....	220	330	430	540	650	800	950	1,100	1,260
3¾	.....	.....	.....	.....	.....	.....	190	280	380	480	580	720	860	1,000	1,150
4	.....	.....	.....	.....	.....	.....	.....	240	340	430	520	650	780	910	1,040
4½	.....	.....	.....	.....	.....	.....	.....	.....	260	340	420	530	650	760	880

[1] These values have been calculated by Formula (1) in § 52.55–10 (a) using allowable stress values at 700° F. for Grades T83–A, T192, and T178–A tubing.

[2] Where calculated allowable pressures exceed an even unit of 10 by more than 1, the next higher unit of 10 is given in the table.

[3] The maximum allowable pressures for electric-resistance-welded low carbon steel tubes shall be limited to boiler, waterwall, economizer, and superheater tubes that are fully enclosed within the boiler setting. For electric-resistance-welded tubing outside the boiler casing, the maximum allowable pressures shall not exceed 85 percent of the values listed in the table.

TABLE 52.55–10 (a3)—EXPANDED TUBES

Outside diameter, in inches:	*Minimum thickness of expanded tubes, in inches*
¾	0.055
1, 1⅛, 1¼	.065
1½	.075
1¾, 2	.085
2¼, 2½, 2¾	.095
3	.105
3¼, 3½, 3¾	.120
4	.135
4½	.150

(b) (1) The maximum allowable pressure and minimum thickness of seamless or welded boiler tubes less than 6 inches in diameter, and subject to external pressure, shall be computed by the following formulas:

$$P=\frac{14{,}000\ (T-0.065)}{D} \quad (4)$$

$$T=\frac{PD}{14{,}000}+0.065 \quad (5)$$

where:

P = maximum allowable pressure, in pounds per square inch.

T = thickness of tube, in inches.

D = external diameter of tube, in inches.

(2) As a matter of convenience, table 52.55–10 (b) has been computed from the preceding formulas.

TABLE 52.55–10 (b)—MAXIMUM ALLOWABLE PRESSURE AND MINIMUM THICKNESS FOR SEAMLESS OR WELDED BOILER TUBES LESS THAN 6" IN DIAMETER AND SUBJECT TO EXTERNAL PRESSURE

Outside diameter of tube in inches	Maximum allowable pressure, in pounds per square inch, nearest B. W. G. number and thickness of tube wall, in inches						
	13 0.095	12 0.105	11 0.120	10 0.135	9 0.150	8 0.165	7 0.180
1	420	560	770	980	.....	.....	.....
1½	280	380	520	660	800	940	.....
1¾	240	320	440	570	680	800	920
2	210	280	390	490	600	700	810
2¼	190	250	350	430	530	630	730
2½	170	230	310	400	480	560	650
3	.....	190	260	330	400	470	540
3½	.....	180	240	310	370	430	500
3½	.....	160	220	280	340	400	460
4	.....	.....	200	250	300	350	410
4½	.....	.....	180	220	270	320	360
5	.....	.....	.....	200	240	280	330
5⅛	.....	.....	.....	.....	230	270	300
5½	.....	.....	.....	.....	220	260	300

§ 52.55–15 Detail requirements.

(a) Seamless or electric-resistance butt-welded tubes shall be used in all construction where the tubes are subject to internal pressure.

(b) Tubes may be lengthened or safe-ended by forge, electric-resistance, arc or gas butt-welding methods. Arc or gas butt welded joints exceeding 2½ inches shall be nondestructively tested as required by § 56.05–5 of this subchapter. Carbon steel tubing material shall be stress-relieved if arc welded, when the diameter exceeds 2½ inches. Alloy steel tubing shall be given a suitable preheat and postheat treatment to produce acceptable welds if deemed necessary by the Commandant.

Subpart 52.60—Superheaters, Headers, Water Walls, and Economizers

§ 52.60–1 Definitions.

(a) *Superheaters.* Superheaters, within the meaning of this subpart, are appliances for the purpose of increasing the temperature of steam.

(b) *Header.* Header is a hollow forging, pipe, or welded plate of cylindrical, square, or rectangular cross section, serving as a manifold to which tubes are connected.

(c) *Water wall.* Water wall is a series of tubes or elements spaced along or integral with a wall of a furnace to protect the wall and provide additional heating surface.

(d) *Economizer.* Economizer is a feed-water heater usually located in the uptake or casing of a boiler to absorb heat from the waste gases.

§ 52.60–10 Materials.

(a) Headers or fittings used in connection with these appurtenances, shall be constructed of steel plate conforming to the requirements of Subpart 51.04 of this subchapter; seamless steel pipe conforming to the requirements of Subpart 51.34 of this subchapter or of steel forgings conforming to the requirements of Subpart 51.46 of this subchapter.

(b) Carbon steel plate or forgings may be used for header end closures for metal temperatures not exceeding 800° F. For temperatures exceeding 800° F., the header end closures shall be wrought alloy steel material. The materials shall conform to the requirements of Subpart 51.04, 51.22 or 51.46 of this subchapter and limited to the grades of material listed in Table 52.05–10(a) of this subchapter.

(c) Alternate materials may be used in the construction of headers, provided such materials are approved by the Commandant for the particular application.

§ 52.60–15 Computations.

(a) The maximum allowable pressure of cylindrical headers shall be determined by Formula (3) in § 52.05–10.

(b) The maximum allowable pressure and minimum thickness of tubes shall be in accordance with the tables and formulas provided in Subpart 52.55.

§ 52.60–20 Detail requirements.

(a) *Superheater.* (1) The design pressure of a superheater integral with the boiler shall be not less than the highest setting of the drum safety valves, except that the superheater outlet connections may have a pressure rating conforming to § 52.70–10(e).

(2) Superheaters fitted in conjunction with water-tube boilers may be considered as a part of the boiler, provided the pipe between the boiler and superheater and between superheaters is made of seamless steel material having a minimum thickness computed by the formula specified for piping in § 55.07–5 of this subchapter. Fittings used in making such connections shall be of forged or cast steel.

(3) Superheater headers in which it is possible for water to accumulate shall be fitted with adequate means for draining.

(4) Superheaters designed for normal operating temperatures in excess of 850° F., at the superheater outlet shall be fitted with controls to insure that the maximum temperature does not rise more than 15° above the design conditions. Visual or audible alarms shall be provided.

(5) Arrangement shall be made for venting the superheater in order to permit steam circulation through the superheater when starting the boiler.

(b) *Economizer.* The design pressure of an economizer integral with the boiler and connected to the boiler drum without intervening stop valves shall be at least equal to 110 percent of the highest setting of the safety valves on the drum.

(c) *Headers.* Headers fabricated by means of arc or gas welding shall comply with the requirements of Part 56 of this subchapter for Class I welded pressure vessels.

Subpart 52.65—Safety Valves

§ 52.65–1 Definitions.

(a) *Safety valve.* Safety valve is a valve designed to open or close automatically to relieve excess pressure in the pressure vessel to which it is attached.

(b) *Spring-loaded safety valve.* Spring-loaded safety valve is a safety valve fitted with a spring which normally holds the valve disk in a closed position against the heat and allows it to open or close at predetermined pressures. Spring-loaded safety valves are characterized by pop action.

(c) *Pressure loaded safety valve.* Pressure loaded pilot actuated safety valve is one which is held in the closed position by steam pressure and controlled in operation by a pilot actuator valve.

(d) *Spring loaded pilot actuated safety valve.* Spring loaded, pilot actuated safety valve is one in which a spring is used in the conventional way to hold the disk against the seat, but which has a piston attached to the spindle and enclosed within a cylinder, which when subjected to a limiting or set pressure, unbalances the spring load thereby opening the valve.

(e) *Spring loaded pilot valve.* Spring loaded pilot valve is a conventional safety valve designed to actuate another spring loaded safety valve through a pressure transmitting line led from the body of the pilot valve.

(f) *Lever safety valve.* Lever safety valve is a safety valve having the disk held on its seat by the action of a weight hung on a lever which is pivoted on a fulcrum.

(g) *Relief valve.* Relief valve is a valve constructed on the general design of safety valves to relieve excess pressure. It may be used for service where an approved safety valve is not required by the regulations of this subchapter. (See § 54.07–5 of this subchapter.)

§ 52.65–5 General requirements.

(a) Each boiler and its superheater shall be provided with one or more approved safety valves designed, constructed and flow-tested in conformance with Subpart 162.001 in Subchapter Q (Specifications) of this chapter. Boilers of more than 500 square feet of water heating surface but without superheaters shall be fitted with at least two safety valves, and boilers with integral superheaters shall have at least two safety valves attached to the drum and one safety valve fitted to the superheater outlet. On river steam vessels whose boilers are connected in batteries without means of shutting off one boiler from another, each battery of boilers shall be treated as a single boiler and equipped with not less than two safety valves of equal size.

(b) Drum safety valves shall be set to relieve at a pressure not in excess of that allowed by the certificate of inspection. Where for any reason this is lower than the pressure for which the boiler was originally designed, an accumulation test, as provided for in paragraph (g) of this section, shall be conducted to insure that the relieving capacity of the safety valve is sufficient for the lower pressure.

(c) The setting of the superheater safety valve shall not exceed the design pressure of the machinery plus the pressure drop in the piping from the superheater outlet to the machinery. To prevent damage to the superheater, the drum safety valves shall be set at a pressure not less than that of the superheater safety valve setting plus 5 pounds minimum plus approximately the normal load pressure drop through the superheater. If there are no intervening valves between the superheater safety valve and boiler, the relieving capacity of the superheater safety valve rated in accordance with the requirements of Subpart 162.001, Subchapter Q (Specifications), may be included in determining the total required relieving capacity of the boiler, provided the drum safety valves have at least 75 percent of the aggregate relieving capacity required. The foregoing requirements do not apply when drum pilot actuated superheater safety valves are used. Installations em-

ploying pilot actuated safety valves will be given special consideration by the Commandant.

(d) In the event the maximum steam generating capacity of the boiler is increased by any means, the relieving capacity of the safety valves shall be checked by an inspector and if determined to be necessary, valves of increased relieving capacity shall be installed.

(e) The total rated relieving capacity of drum and superheater safety valves as certified by the valve manufacturer shall not be less than the maximum generating capacity of the boiler as certified by the boiler manufacturer. The safety valves shall be capable of discharging all the steam that can be generated without allowing the pressure to rise more than 6 percent above the set pressure of the valve.

(f) (1) The boiler manufacturer may certify the normal as well as the maximum generating capacity of the boiler. In the absence of such certification the minimum safety valve relieving capacity shall be determined upon the basis of the pounds of steam generated per hour per square foot of boiler heating surface and the waterwall heating surface, as given in the Table 52.65-5 (f) (1).

TABLE 52.65-5 (f) (1)—MINIMUM RELIEVING CAPACITY

Type of boiler	Minimum pounds of steam per hour per square foot of surface					
	Boiler heating surface			Water wall surface		
	Hand-fired	Stoker-fired	Oil, or pulverized fuel-fired	Hand-fired	Stoker-fired	Oil, or pulverized fuel-fired
Fire-tube	5	7	8	8	10	14
Water-tube	6	8	10	8	12	16

(2) In many cases a greater relieving capacity of safety valves must be provided than required by this paragraph, and in every case the requirements of paragraph (e) of this section shall be met.

(3) The heating surface shall be computed for that side of the boiler surface exposed to the products of combustion exclusive of the superheating surface. In computing the heating surface only the tubes, fireboxes, shells, tube sheets, and the projected area of the headers need be considered. For vertical fire-tube boilers, only that portion of the tube surface up to the middle gauge cock is to be computed. The minimum number and size of safety valves required shall be determined on the basis of the aggregate steaming capacity and the aggregate rated relieving capacity of the valves shall be in accordance with Subpart 162.001 in Subchapter Q (Specifications) of this chapter.

(g) An accumulation test shall be conducted in the presence of an inspector to determine the adequacy of protection provided by the aggregate relieving capacity of the boiler safety valves except in instances where possible damage to superheaters makes this impractical. During this test all steam outlet connections except the safety valves and such others as may be necessary to operate the boiler shall be closed and the fires forced to their maximum capacity for a period of 15 minutes for fire-tube boilers and 7 minutes for water-tube boilers.

(h) On new installations, the safety valve diameter for power boilers, superheaters, or unfired steam generators shall be not less than 1½ inches nor more than 4 inches. Safety valves of 4½ inches diameter may be used for replacements on existing boilers or unfired steam generators. The foregoing diameters apply to the valve inlet.

(i) Lever or weighted safety valves now installed may be continued in use and may be repaired, but when renewals are necessary, lever or weighted safety valves shall not be used. All such replacements shall conform to the requirements of Subpart 162.001 in Subchapter Q (Specifications) of this chapter.

(j) Gags or clamps for holding the safety valve disk on its seat shall be carried on board the vessel at all times.

§ 52.65–15 Installation.

(a) The final setting of boiler safety valves shall be checked and adjusted under steam pressure by an inspector who upon acceptance shall seal the valves. This requirement applies to drum and also superheater safety valves when the latter provide part of the required relieving capacity for the boiler.

(b) Except in the case of superheater valves, safety valves are not to be connected to any fitting with outlets for any purpose other than the escape of steam through the safety valve. They shall be connected directly to the boiler or as close thereto as possible and installed in an upright position with spindles vertical except in the case of especially designed and approved valves.

(c) No shutoff valves shall be placed between the required safety valves and the boiler or unfired steam generator, nor in the escape pipe between the safety valve and atmosphere, nor in the drain pipe from the safety valve.

(d) Twin valves, made by placing individual valves on Y bases, or duplex valves having two valves in the same body, shall be of equal size.

(e) (1) To insure safety valves being free, each safety valve shall have a substantial lifting device by which the valve disk may be positively lifted from its seat when the pressure in the boiler is 75 percent of that at which the valve is set to blow. Such mechanism shall be connected by suitable relieving gear so arranged that the controls may be operated from the fireroom or engineroom floor.

(2) When, due to high pressure, it is impracticable to fit a relieving gear to raise the safety valve from its seat in order to relieve the boiler of pressure, suitable piping and a valve having a relieving capacity of not less than the safety valve(s), may be connected from the boiler to the escape pipe or condenser. The valve shall be arranged to permit operation from the fireroom or engineroom floor.

(f) An independent open drain of a diameter not less than the required tapped drain opening in the valve body shall be run as directly as possible from the body of each boiler safety valve, or the drain from each boiler safety valve may be led to an independent header common only to boiler safety valve drains. The leakoff from drains or drain headers shall be led to suitable locations to avoid hazard to personnel.

Subpart 52.70—Boiler Mountings and Attachments

§ 52.70–1 Definitions.

(a) *Mountings.* Mountings, within the meaning of the regulations in this subchapter, are nozzle connections, distance pieces, valves, or fittings attached directly to the boiler.

(b) *Main stop valve.* Main stop valve is a valve usually connected directly to the boiler for the purpose of shutting off the steam from the main steam line.

(c) *Auxiliary stop valve.* Auxiliary stop valve is a valve usually connected directly to the boiler for the purpose of shutting off the steam from the auxiliary lines (including the whistle lines).

(d) *Manifold.* Manifold is a fitting with two or more branches having valves either attached by bolting or integral with the fitting.

(e) *Feed valve.* Feed valve is a valve in the feed-water line which controls the boiler feed.

(f) *Blow-off valve.* Blow-off valve is a valve connected directly to the boiler for the purpose of blowing out water, scum, or sediment.

(g) *Dry pipe.* Dry pipe is a perforated or slotted pipe placed in the highest part of the steam space of a boiler to prevent priming.

(h) *Water column.* Water column is a fitting or tube equipped with a water glass attached to a boiler for the purpose of indicating the water level.

(i) *Test cocks.* Test cocks are small cocks on a boiler for indicating the water level.

(j) *Salinometer cocks.* Salinometer cocks are cocks attached to a boiler for the purpose of drawing off a sample of water for salinity tests.

(k) *Fusible plugs.* Fusible plugs are plugs made with a bronze casing and a tin filling which melts at a temperature of 450° to 500° F. They are intended to melt in the event of low water and thus warn the engineer on watch.

§ 52.70–5 Materials and workmanship.

(a) Boiler mountings or attachments shall be made of steel forgings conforming to the requirements of Subpart 51.46 of this subchapter; steel castings conforming to the requirements of Subpart 51.58 of this subchapter; or, where the temperature does not exceed 450° F., they may be made of bronze castings conforming to the requirements of Subpart 51.76 of this subchapter.

(b) For temperatures exceeding 450° F., high strength or alloy steel bolting material complying with the requirements of Subpart 51.49 of this subchapter shall be employed. For temperatures not exceeding 450° F., commercial carbon-steel bolting conforming to the requirements of Subpart 51.49 of this subchapter may be used.

(c) The use of cast iron for mountings, fittings, valves, or cocks, attached directly to boilers operating at pressures exceeding 30 p. s. i. is prohibited.

§ 52.70–10 Detail requirements.

(a) Boiler nozzles, mountings, and attachments having diameters over 1¼ inches shall be fitted with flanged or welded ends. Screwed ends shall not be used for pressures exceeding 600 p. s. i. and shall be limited to ¾-inch pipe size for pressures exceeding 150 p. s. i. Slip-on flanges and socket-welded connections may be used for sizes not exceeding 2 inches in diameter. Butt-welded flanges may be used without diameter limitation.

(b) Where stud bolts are used for the attachment of boiler connections, drilled holes to be tapped for straight threads shall not penetrate within one fourth of the wall thickness from the inside surface of the vessel. The depth of the threads shall be at least equal to 1½ times the diameter of the stud. Studded connections shall meet the requirements for reinforcement. No credit for reinforcement shall be allowed for any areas attached by studs only.

(c) Where pipes are screwed into the plating of the boiler, the minimum number of pipe threads permitted shall be in accordance with the following table:

TABLE 52.70–10 (c)—MINIMUM NUMBER OF PIPE THREADS FOR CONNECTIONS TO BOILER

Size of pipe connection, inches	1 and 1¼
Number of threads per inch	11½
Minimum number of threads required in opening	4
Minimum thickness of material required to give above number of threads (inches)	0.348

(d) The nearest steam stop valves and fittings attached to the boiler drum or superheater inlet shall have a pressure rating at least equal to the maximum set pressure of any safety valve on the boiler drum at the corresponding saturated steam temperature.

(e) The nearest steam stop valves and fittings attached to the superheater outlet shall have a pressure rating at least equal to the maximum set pressure of any safety valve on the superheater and at the normal operating superheated steam temperature. Where the superheater safety valve is of the drum pilot actuated type, the pressure rating shall be at least equal to 95 percent of the drum pilot safety valve setting at the normal operating steam temperature of the superheater outlet.

§ 52.70–25 Feed connections.

(a) Feed water shall not be discharged into a boiler against surfaces exposed to hot gases, to the radiant heat of the fire or close to a riveted joint.

(b) Feedwater nozzles of boilers with maximum allowable pressures of 400 pounds per square inch, or over, shall be fitted with sleeves or other suitable means employed to reduce the effects of metal temperature differentials.

§ 52.70–30 Blowoff connections.

(a) Boilers shall be fitted with a surface and a bottom blowoff valve or cock attached directly to the boiler or to a short distance piece. The surface blowoff valve shall be located within the permissible range of the water level, or fitted with a scum pan or pipe at this level. The bottom blowoff valve shall be attached to the lowest part of the boiler or fitted with an internal pipe leading to the lowest point inside the boiler. Water-tube boilers designed for pressures of 350 pounds per square inch or over are not required to be fitted with a surface blowoff valve. Boilers equipped with a continuous blowdown valve on the steam drum are not required to be fitted with an additional surface blowoff connection.

(b) Where blowoff pipes are exposed to radiant heat of the fire, they shall be protected by fire brick or other suitable heat-resisting material.

§ 52.70–35 Dry pipes.

Internal dry pipes may be fitted to stop valves and safety valves, provided such dry pipes have a wall thickness at least equal to standard commercial pipe thickness for their diameter. The area of the opening in such dry pipes shall be at least twice the nominal area of the dry pipe. Openings in dry pipes shall be as near as practicable to the valve and shall be slotted or drilled, the width of the slots to be not less than ¼ inch, or the diameter of the holes to be not less than ⅜ inch. Where dry pipes are used, they shall be provided with drains at each end to prevent an accumulation of water.

§ 52.70–40 Fusible plugs.

(a) All boilers, except water-tube boilers, and low-pressure heating boilers operating at pressures not in excess of 30 pounds per square inch, shall be fitted with fusible plugs manufactured from acceptable heats in accordance with Subpart 162.014 of Subchapter Q (Specifications) of this chapter.

(b) Vertical boilers shall be fitted with one fusible plug located in a tube not more than 2 inches below the lowest gauge cock.

(c) Externally fired, cylindrical boilers, with flues, shall have one plug fitted to the shell immediately below the fire line not less than 4 feet from the front end.

(d) Firebox, Scotch, and other types of shell boilers not specifically provided for, having a combustion chamber common to all furnaces, shall have one plug fitted at or near the center of the crown sheet of the combustion chamber.

(e) Double-ended boilers having individual combustion chambers for each end, which combustion chambers are common to all the furnaces in one end of the boiler, shall have one plug fitted at or near the center of the crown sheet of each combustion chamber.

(f) Boilers constructed with a separate combustion chamber for each individual furnace shall be fitted with a fusible plug in the center of the crown sheet of each combustion chamber.

(g) Boilers of types not herein provided for shall be fitted with at least one fusible plug of such dimensions and located in a part of the boiler as will, in the judgment of the inspector, best meet the purposes for which it is intended.

(h) Fusible plugs shall be so fitted that the smaller end of the filling is in direct contact with the radiant heat of the fire, and shall be at least 1 inch higher on the water side than the plate or flue in which they are fitted, and in no case more than 1 inch below the lowest permissible water level as defined in paragraph (i) of this section.

(i) The lowest permissible water level shall be determined as follows:

(1) Vertical fire-tube boilers, one-half of the length of the tubes above the lower tube sheets.

(2) Vertical submerged tube boiler, 1 inch above the upper tube sheet.

(3) Internally-fired fire-tube boilers with combustion chambers integral with the boiler, 2 inches above the highest part of the combustion chamber.

(4) Horizontal-return tubular and dry back Scotch boilers, 2 inches above the top row of tubes.

(5) The lowest permissible water level for all water-tube boilers shall be determined at the time drawings of the boilers are submitted for approval.

(j) (1) Fusible plugs shall be cleaned and will be examined by the marine inspector at each inspection for certification, and oftener, if necessary. If in the marine inspector's opinion the condition of any plug is satisfactory, it may be continued in use.

(2) When fusible plugs are renewed at other than the inspection for certification and no marine inspector is in attendance, the Chief Engineer shall submit a written report to the Officer in Charge, Marine Inspection, who issued the certificate of inspection informing him of the renewal. This letter report shall contain the following information:

(i) Name and official number of vessel.

(ii) Date of renewal of fusible plugs.

(iii) Number and location of fusible plugs renewed in each boiler.

(iv) Manufacturer and heat number of each plug.

(v) Reason for renewal.

(k) Fusible plugs shall not be permitted where the maximum steam temperature to which they are exposed exceeds 425° F.

§ 52.70–45 Pressure gauges.

(a) Each boiler shall have a steam gauge connected to the steam space or to the water column or its steam connection. The steam gauge shall be connected to a syphon or equivalent device of sufficient capacity to keep the gauge tube filled with water. Stop valves shall be provided at the connections to the boiler and at the gauge. Gauges shall be located where they can be easily seen.

(b) The gauge connections to the boiler, except the syphon, shall be not less than ¼ inch pipe size, but where ferrous pipe or tubing is used, they shall be not less than ½ inch inside diameter.

(c) The dial of the steam gauge shall be graduated to approximately double the pressure at which the safety valve is set, but in no case less than 1½ times this pressure.

(d) Each double-ended boiler shall be fitted with two steam gauges, one on either end of the boiler.

(e) The error in reading at any point on the gauge shall not exceed 1½ percent of the maximum reading to which the scale is graduated; except that the error in reading at the graduation indicating the steam pressure shall not exceed one-half of 1 percent of the maximum reading to which the scale is graduated.

§ 52.70–50 Water indicators.

(a) Each boiler shall have two independent means of indicating the water level in the boiler, one of which shall be a gauge glass. The secondary indicator may consist of a gauge glass, or other device approved by the Commandant, or where the maximum allowable pressure does not exceed 250 pounds per square inch, three test cocks attached directly to the head or shell of the boiler. Where the maximum allowable pressure exceeds 250 pounds per square inch, the gauge glasses shall be of the flat type instead of the common tubular type.

(b) Glass water gauges shall be so located that the lowest visible part of the glass is not lower than the lowest permissible water level, as determined by § 52.70–40 (i). The lowest gauge cock shall be located 2 inches higher than the lowest visible part of the gauge glass, except that for horizontal boilers 48 inches or less in diameter they may be located at the lowest permissible water level.

(c) Double-ended fire-tube boilers shall be equipped as specified in paragraphs (a) and (b) of this section, except that a water-gauge glass, and three water-gauge cocks shall be installed on each end of the boiler.

(d) Externally fired flue boilers, such as are used on central western river vessels, shall be equipped as specified in paragraphs (a) and (b) of this section, except that float gauges may be substituted for gauge glasses.

(e) Gauge glass connections, and pipe connections shall be not less than ½ inch pipe size. Each water-gauge glass shall be fitted with a globe or gate-valved drain piped to a safe discharge-point. Water-gauge glasses shall be fitted with top and bottom shutoff valves of such through-flow construction as to prevent stoppage by deposits of sediments. Straight-run globe valves of the ordinary type so designed as to form pockets in which sediment may collect shall not be used on such connections.

(f) When water columns are provided they shall be fitted to the heads or shells of boilers or drums with shutoff valves attached directly to the boiler or drums, or if necessary, connected thereto by a distance piece both at the top and bottom of the water columns. Shutoff valves used in the pipe connections between the boiler and water column or between the boiler and the shutoff valves required by paragraph (e) of this section for gauge glasses, shall be locked or sealed open. Water column piping shall not be fitted inside the uptake, the smoke box, or the casing.

(g) No connections, except for regulators, drain, steam gauges, or appurtenances which do not permit the escape of an appreciable amount of steam or water therefrom, shall be placed on the pipes connecting a water column or gauge glass to a boiler.

§ 52.70–55 Salinometer cocks.

In vessels operating in salt water, each boiler shall be equipped with a salinometer cock or valve which shall be fitted directly to the boiler in a convenient position. They shall not be attached to the water gauge or water column.

PART 53—LOW-PRESSURE HEATING BOILERS

Subpart 53.01—General

Sec.
53.01–1 Scope.

Subpart 53.03—Steel Plate Heating Boilers

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53.03–5 Plan approval.
53.03–10 Materials.
53.03–15 Computations and design.
53.03–20 Braced and stayed surfaces.
53.03–25 Areas to be stayed.
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53.03–35 Boiler tubes.
53.03–40 Riveted boilers.
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53.03–50 Boiler openings.
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53.03–60 Safety valves.
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53.03–70 Fittings and appliances.
53.03–75 Hydrostatic tests, inspection, and stamping.

Subpart 53.05—Cast-Iron Heating Boilers

53.05–1 Scope.
53.05–5 Plan approval.
53.05–10 Installation.
53.05–15 Safety and relief valves.
53.05–20 Fittings and appliances.

AUTHORITY: The provisions of this Part 53 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426–4431, as amended, 4433, as amended, 4434, as amended, 4453, as amended, 4488, as amended, 4491, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 481, 489, 366, 395, 363, 367, 526p, 1333, 390b, 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, Nov. 26, 1954, 19 F.R. 8026; 167–20, June 18, 1956, 21 F.R. 4894; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–38, Oct. 26, 1959, 24 F.R. 8857.

Subpart 53.01—General

§ 53.01–1 Scope.

(a) The regulations in this part apply to the design and construction of steel plate and cast iron steam and hot water boilers used for heating or hot water supply, the maximum allowable pressure of which shall not exceed the following:

(1) For steel plate boilers—30 pounds per square inch.

(2) For cast iron boilers—15 pounds per square inch for steam boilers and 30 pounds per square inch for hot water boilers.

(b) Except as otherwise provided for in this part, steel plate and cast iron steam and hot water heating boilers designed, fabricated and stamped in conformance with the requirements of the American Society of Mechanical Engineers Rules for Low-Pressure Heating Boilers (A. S. M. E. Boiler and Pressure Vessel Code Section IV) may be accepted for installation on vessels subject to inspection provided the maximum allowable pressure does not exceed 15 pounds per square inch for steam boilers and 30 pounds per square inch for hot water boilers.

(c) The maximum water temperature of hot water boilers shall not exceed 250° F.

(d) When operating conditions exceed those specified in paragraph (a) of this section, steel plate boilers shall be designed and fabricated in accordance with the requirements of Part 52 of this subchapter.

Subpart 53.03—Steel Plate Heating Boilers

§ 53.03–1 Scope.

(a) The regulations in this subpart contain detail requirements for the design and construction of steel plate heating boilers.

(b) A. S. M. E. steel plate heating boilers accepted under the provisions of § 53.01–1 need not comply with the applicable requirements of this subpart except that safety valves, relief valves, fittings and appliances shall meet the requirements prescribed therein.

(c) Steam heating boilers of steel plate construction, the maximum allowable pressure of which exceeds 15 pounds per square inch shall comply in all respects with the requirements of this subpart.

§ 53.03–5 Plan approval.

(a) Manufacturers of steel plate heating boilers of riveted or welded construction to be installed on vessels subject to inspection by the Coast Guard shall submit to the Commandant drawings in triplicate fully descriptive of the boilers to be fabricated.

(b) In event of approval of the boiler by the Commandant, it will be assigned a type approval number, which shall be stamped or otherwise permanently attached to each boiler in accordance with the provisions of § 53.03–75.

(c) The manufacturer shall also, upon request, furnish such additional drawings and specifications as may be necessary for the use of each Coast Guard District Commander and Officer in Charge, Marine Inspection. Unless the design or material of the boiler is changed, no further drawings will be required.

(d) A. S. M. E. steel plate heating boilers accepted under the provisions of § 53.01–1 are not subject to type approval by the Commandant and are exempt from the requirements of this section.

§ 53.03–10 Materials.

(a) The material used in the fabrication of steel plate heating boilers shall conform to the requirements of Parts 51 and 52 of this subchapter for power boilers except where otherwise provided for in this subpart.

(b) Plates used for pressure parts of boilers subject to the radiant heat of the fire shall be of firebox quality steel conforming to the requirements of subparts 51.04 or 51.22 of this subchapter.

§ 53.03–15 Computations and design.

(a) The design pressure of boilers covered by this subpart shall not be less than 30 pounds per square inch.

(b) The maximum allowable pressure and the minimum thickness of the cylindrical shell and dished heads of steel plate boilers shall be determined in accordance with the requirements of Subparts 52.05, 52.20 and 52.22 of this subchapter, except that the maximum allowable stress shall not exceed 80 percent of the values given in table 52.05–10 (a) in Part 52 of this subchapter.

(c) The minimum thickness of any boiler plate under pressure shall be ¼ inch for unstayed surfaces and 5/16 inch for stayed surfaces and tube sheets.

§ 53.03–20 Braced and stayed surfaces.

(a) The design pressure, minimum thickness of material, and pitch of stays for stayed surfaces shall be determined in accordance with the requirements of Subpart 52.30 of this subchapter using coefficients as follows:

C=170 for plates exposed to the products of combustion and fitted with screw stays with riveted heads or welded collars.
C=190 for plates as above but not exposed to the products of combustion.
C=238 for plates exposed to the products of combustion fitted with screw stays with single nuts outside of plate and also for stays fitted with washers of twice the diameter of the stay. The thickness of the washers shall not be less than that of the plates through which the stays project and to which they are welded. Stays shall be supported at intervals not exceeding 6 feet.
C=274 for plates as above but not exposed to the products of combustion.

(b) The maximum distance from a corner welded joint to the nearest row of stay bolts shall not exceed one-half the maximum allowable pitch as determined by Subpart 52.30 of this subchapter.

(c) The diameter of a screw stay shall be taken at the bottom of the thread or point of least diameter. No screwed stay or stay attached by arc welding, shall be made of stock less than ¾ inch in diameter.

§ 53.03–25 Areas to be stayed.

(a) The area of a segment of a flanged head to be stayed shall be the area enclosed by the lines drawn 2 inches from the tubes and 3 inches from the shell. For unflanged heads the area to be stayed shall be the area enclosed by the shell and a line drawn 2 inches from the tubes.

(b) The staying of unflanged heads of welded boilers is not required if the greatest distance measured along a radial line from the inner surface of the shell to a fully supported line or point does not exceed 1¼ times the maximum allowable pitch of the stays as determined by Subpart 52.30 of this subchapter. For boilers fabricated with the heads set inside of the shell plates so that the distance from the end of the shell to the outside face of the head is at least 3 times the shell thickness, staying is not required if the greatest distance measured as above does not exceed 1½ times the maximum allowable pitch of the stays. For the purposes of applying this paragraph, a fully supported point is a stay rod or tube extending through the head and welded, having sufficient area to meet the requirements of table 53.03–30, and having area of weld in shear at least 1¼ times the required area of the stay member. A fully supported line is the tangent to a row of rolled or welded tubes or welded stays complying with the requirements of Subpart 52.30 of this subchapter or a bent or welded corner joint.

§ 53.03–30 Allowable stresses for stays or braces.

The maximum allowable stresses for stays, staybolts, or braces shall be in accordance with table 53.03–30.

TABLE 53.03–30—MAXIMUM ALLOWABLE STRESSES FOR STAYBOLTS AND STAYS OR BRACES

Description of staybolts and stays or braces	Stresses (pounds per square inch)	
	For lengths between supports not exceeding 120 diameters [1]	For lengths between supports exceeding 120 diameters [1]
(a) Unwelded or flexible staybolts less than 20 diameters [1] long, screwed through plates with ends riveted over, or such staybolts welded in by the arc welding process	7,500	
(b) Hollow steel staybolts less than 20 diameters [1] long, screwed through plates with ends riveted over, or such staybolts welded in by the arc welding process	8,000	
(c) Unwelded stays or braces and unwelded portions of welded stays or braces	9,500	8,500

[1] Diameters taken at body of stay or brace.

§ 53.03–35 Boiler tubes.

(a) The minimum thickness of copper tubes for heating boilers shall be determined by the following formula:

$$T=\frac{D}{45}+0.03 \qquad (1)$$

where:
T=thickness of tube wall, in inches.
D=outside diameter of tube, in inches.

(b) Copper tubes thinner than No. 16 B. W. G. shall not be used.

(c) The minimum thickness of steel or wrought iron tubes for heating boilers shall be in accordance with table 53.03–35 (c).

(d) Tubes may be attached to tube sheets by rolling and beading, or by welding.

(e) Where rolled and beaded tubes are not normal to the tube sheets, the plates shall have sufficient thickness to provide a parallel seating of not less than ¼ inch in depth between planes at right angles with the axis of the tubes.

TABLE 53.03–35 (c)—STEEL OR WROUGHT IRON TUBE FOR HEATING BOILERS

Diameter (inches)	Minimum thickness of tubes (inch)
1 or over but less than 2½	0.095
2½ or over but less than 3¼	.105
3¼ or over but less than 4	.120
4 or over but less than 5	.135

§ 53.03–40 Riveted boilers.

Riveted joints of heating boilers shall conform to the requirements of Subpart 52.10 of this subchapter as specified for power boilers.

§ 53.03–45 Welded boilers.

(a) The design and construction of welded heating boilers shall conform to the applicable requirements prescribed in Part 56 of this subchapter for power boilers, except as specified in this subpart.

(b) Radiographic examination and stress relieving of welded joints are not required.

(c) Welded longitudinal shell joints shall be of the double welded butt type or of the single welded butt type fitted with a backing strip.

(d) The circumferential welded shell joints may be of the single or double welded butt type.

(e) Unstayed dished heads, either concave or convex to the pressure, with or without flanges, may be used, provided the diameter of the heads does not exceed 42 inches and the radius of the dish does not exceed 75 inches. For diameters exceeding 42 inches, dished heads shall have flanges not less than 1 inch in length, and shall meet the requirements for power boilers.

(f) Where stays or tubes are welded to plates which require staying, the attachment shall meet the following requirements:

(1) The stays shall be inserted into holes through the tube sheets and attached thereto by strength fillet welds. The size of the fillet weld attaching the stay to the plate shall be not less than the thickness of the plate being stayed, except for plates thicker than ⅜ inch, in which case the size of the fillet weld shall be ⅜ inch. The holes in the plate shall be countersunk or beveled by machining or pressing, or the stays may protrude through the plates or a combination of these methods may be used. The area of the weld, in shear, measured parallel to that portion of the stay in or extending through the plate shall be not less than 1¼ times the required cross-sectional area of the stay.

(2) The ends of stays inserted through plates shall not project more than ⅜ inch beyond surfaces exposed to the products of combustion.

(3) The welding shall be done in such manner that excessive weld deposits do not project beyond the surface of the plate at the root of the weld.

(g) Welded joints attaching unflanged heads, tube sheets, sides, or combustion chamber plates shall be of the single or double welded butt type where possible. Other acceptable types of attachments are the square tee double fillet welded joint and single or double bevel grooved joints.

(h) Unflanged plates of welded joints shall be beveled not less than 45° to permit complete penetration of the weld metal and shall have a fillet reinforcement whose throat dimension shall not be less than one and one-fourth times the thickness of the shell or head, whichever is the least.

§ 53.03–50 Boiler openings.

(a) Boilers shall be provided with suitable manhole or handhole openings or washout plug openings to permit internal inspection and removal of sediment. Where the size of the boiler is such that entrance is impractical manhole openings may be omitted.

(b) A manhole shall be placed in the front head below the tubes of a horizontal return tubular boiler 48 inches or over in diameter. There shall be a manhole in the upper part of shell or head of a fire-tube boiler over 48 inches in diameter, except a vertical fire-tube boiler, or a boiler used exclusively for hot-water heating where there is no steam space.

(c) Vertical fire-tube or similar type boilers shall have at least 3 handholes or washout plugs in the lower part of the water leg and at least 2 handholes or washout plugs near the line of the lower tube sheet.

(d) A fire door or other access opening not less than 11 by 15 inches or 10 by 16 inches or 15 inches in diameter shall be provided for the furnace of an internally fired boiler in which the least furnace dimension is 28 inches or over.

(e) Washout plugs shall be made of nonferrous material and be of not less than 2 inches pipe size.

(f) Washout openings may be used for return pipe connections and the washout plug placed in a tee so that the plug is directly opposite and as close as possible to the opening in the boiler.

(g) All threaded openings shall be tapped into material having a minimum thickness as specified for the various pipe sizes in table 53.03–50 (g).

TABLE 53.03–50 (g)—MINIMUM THICKNESS OF MATERIAL FOR THREADED CONNECTIONS

Pipe size (inches)	Minimum thickness of material or length of thread required (inch)
1 and under	¼
1¼ to 2, inclusive	5/16
2½	3/8
3 to 3½, inclusive	7/16

(h) Flanged pipe connections to boilers shall conform to the standards given in table 55.07–15 (e1) of Part 55 of this subchapter for the corresponding pipe sizes.

§ 53.03–55 Installation.

(a) Feed or makeup water shall not be discharged directly into any part of a boiler exposed to the radiant heat of the fire. Feed water shall not be introduced through the openings or connections used for the water column, the water gauge, or the gauge cocks.

(b) Hot water systems shall be so installed that there will be no opportunity for the fluid-relief column to be accidentally shut off.

(c) When a stop valve is used in the supply pipe connection of a single boiler, there shall be one used in the return pipe connection.

(d) A stop valve shall be used in each supply and return pipe connection if more than one boiler is connected to a common system.

(e) Provision shall be made for cleaning the interior of the return piping at or close to the boiler.

(f) When stop valves are used they shall be properly designated on tags of metal or other durable material as indicated by the following:

> Supply valve—Number ( ). Do not close without also closing return valve—Number ( ).

> Return valve—Number ( ). Do not close without also closing supply valve—Number ( ).

§ 53.03–60 Safety valves.

(a) Each steam heating boiler shall have one or more approved safety valves set to discharge at a pressure of not to exceed 30 p. s. i., and designed, constructed and flow-tested for actual capacity in conformance with Subpart 162.012 of Subchapter Q (Specifications) of this chapter.

(b) The minimum safety valve capacity in pounds per hour shall be determined by dividing the maximum B. t. u. output at the boiler nozzle obtained by the firing of any fuel, for which the unit is designed, by 1,000 or by multiplying the square feet of heating surface by 5. In many cases a greater relieving capacity of valves will have to be provided than the minimum specified by these regulations. In all cases the requirements of paragraph (c) of this section shall be met.

(c) The steam safety valve capacity for each boiler shall be such that with the fuel-burning equipment installed, the pressure cannot rise more than 6 percent above the maximum allowable pressure of the boiler. For set pressures not exceeding 15 p. s. i., the safety valve capacity may be such that with the fuel-burning equipment installed, the pressure cannot rise more than 5 pounds above the maximum allowable pressure.

(d) When operating conditions are changed, or additional boiler heating surface is installed, the safety valve capacity shall be increased, if necessary, to meet the new conditions and be in accordance with paragraph (c) of this section. The additional safety valves may be installed on the outlet piping provided there is no intervening valve.

§ 53.03–62 Relief valves.

(a) Each hot-water heating or hot-water supply boiler shall have one or more approved relief valves set to relieve at a pressure not to exceed 30 p. s. i., and designed, constructed and flow-tested for actual capacity in conformance with Subpart 162.013 of Subchapter Q (Specifications) of this chapter.

(b) The steam relieving capacity in pounds per hour shall be determined by dividing the maximum B. t. u. output at the boiler nozzle obtained by the firing of any fuel, for which the unit is designed, by 1,000 or by multiplying the square feet of heating surface by 5. In many cases a greater relieving capacity of valves will have to be provided than that minimum specified by the regulations in this subpart. In every case, the requirements of paragraph (c) of this section shall be met.

(c) The relief valve capacity for each boiler shall be such that with any fuel burning equipment installed the pressure cannot rise more than 3 pounds per square inch above the maximum allowable pressure of the boiler.

§ 53.03–63 Installation of safety and relief valves.

(a) Safety and relief valves shall be installed with the spindle vertical, if possible, and may be connected directly to the boiler, or to a fitting connected to the boiler by a close nipple, or to a Y base or valveless steam or water pipe between adjacent boilers, or to a valveless header connecting steam or water outlets in the same boiler. Safety and relief valves shall not be connected to an internal pipe in the boiler.

(b) When a Y base is used the inlet area shall be not less than the combined outlet areas.

(c) When the size of the boiler requires a safety or relief valve larger than 4 inches in diameter, two or more valves having the required combined capacity shall be used. When two or more valves are used on a boiler, they may be single, directly attached, or mounted on a Y base.

(d) No shutoff of any description shall be placed between the safety or relief valve and the boiler, nor on discharge pipes between such valves and the atmosphere.

(e) The escape from safety or relief valves shall be fitted with discharge piping so arranged that there is no danger of scalding operating personnel.

(f) The area of the discharge pipe shall be not less than the area of the valve or aggregate area based on the nominal diameters of the valves with which it connects. The discharge pipe shall be fitted with an open drain to prevent water from lodging in the upper part of the valve or in the pipe. When an elbow is placed on a safety- or relief-valve discharge pipe, it shall be located close to the valve outlet.

§ 53.03–70 Fittings and appliances.

(a) *Steam gauges.* (1) Each steam boiler shall have a steam gauge connected to its steam space, or to its water column, or to its steam connection by means of a siphon or equivalent device exterior to the boiler and of sufficient capacity to keep the gauge tube filled with water and so arranged that the gauge cannot be shut off from the boiler except by a cock, with T or lever handle, placed in the pipe near the gauge. The handle of the cock shall be parallel to the pipe on which it is located when the cock is open.

(2) Connections to steam gauge siphon shall be of nonferrous metal when smaller than 1 inch pipe and longer than 5 feet between the siphon and point of connection of pipe to boiler, and also when smaller than ½ inch pipe size and shorter than 5 feet between the siphon and point of connection of pipe to boiler.

(3) The scale on the dial of the gauge shall be graduated to not less than 30 p. s. i. The gauge shall be provided with effective stops for indicating pointer at the zero point. The travel of the pointer from zero to 30 p. s. i. shall be at least 3 inches.

(b) *Water pressure gauges.* (1) Each hot water boiler shall have a pressure gauge connected to it or to its flow connection in such a manner, that it cannot be shut off from the boiler except by a cock, with T or lever handle, placed on the pipe near the gauge. The handle of the cock shall be parallel to the pipe on which it is located when the cock is open.

(2) Pressure gauge connections shall be of nonferrous material when smaller than 1 inch pipe size and longer than 5 feet between gauge and point of connection of pipe to boiler, and also when smaller than ½ inch pipe size and shorter than 5 feet between gauge and point of connection of pipe to boiler.

(c) *Thermometers.* (1) Each hot-water boiler shall have a thermometer so located and connected that the temperature may be read at the same time as the water pressure is being observed.

(2) The thermometer shall be so located that it shall at all times indicate the temperature in degrees Fahrenheit of the water in the boiler or near the outlet.

(d) *Temperature combustion regulator.* A temperature combustion regulator, which will control the rate of combustion to prevent the temperature of the water from rising above 250° F. at or near the outlet, or a thermostatic device which will relieve the pressure on the boiler when the temperature exceeds 250° F. shall be installed on each hot water heating boiler.

(e) *Pressure control regulator.* When a pressure control regulator is used, it shall operate and prevent the steam pressure from rising above 30 p. s. i.

(f) *Bottom blowoff.* Each boiler shall have a blowoff pipe connection fitted with a valve or cock of not less than ¾ inch pipe size connected to the lowest water space available.

(g) *Water gauge glasses.* Each steam boiler shall have one or more water gauge glasses attached to the water column or boiler by means of valved fittings with the lower fitting provided with a valve or pet cock.

(h) *Gauge cocks.* Each steam boiler shall have two or more gauge cocks located within the visible range of the water glass.

(i) *Water column pipes.* The minimum size of pipes connecting a water column to a steam boiler shall be 1 inch. No connections, except for regulator, drain or steam gauge, shall be attached to a water column or the piping connecting a water column to a boiler. If the water column or gauge glass is connected to the boiler by pipe and fittings, a T, or equivalent fitting, in which a drain valve and piping may be attached, shall be installed in the water piping connection at every right angle turn to facilitate cleaning.

(j) *Automatic low-water fuel cutoff.* (1) Each automatically-fired steam boiler shall be equipped with an automatic low-water fuel cutoff, so located as to automatically cut off the fuel supply when the surface of the water falls below the lowest safe water level. If a water-feeding device is installed in conjunction with the required low-water fuel cutoff, it shall be so constructed that the water inlet valve cannot feed water into the boiler through the float chamber and so located as to supply the required amount of feed-water when the surface of the water falls to the lowest safe water level. This point shall be not lower than the lowest visible part of the water glass.

(2) The fuel or feed-water control device may be attached direct to the boiler or to the tapped openings provided for attaching a water glass direct to a boiler, provided that such connections from the boiler are non-ferrous T's or Y's not less than ½-inch pipe size between the boiler and the water glass, so that the water glass is attached direct and as close as possible to the boiler. The straightway tapping of the Y or T shall take the water glass fitting, and the side outlet of the Y or T shall take the fuel cutoff or water-feeding device.

(3) Low water cutoff devices employing a float and float bowl shall have a vertical straightaway valved drain pipe at the lowest point in the water equalizing pipe connection by which the bowl and equalizing pipe can be flushed and the device tested.

§ 53.03–75 Hydrostatic tests, inspection, and stamping.

(a) Each boiler shall be subjected to a hydrostatic test pressure of not less than 60 pounds per square inch by the manufacturer.

(b) Shop inspection of A. S. M. E. approved heating boilers by a Coast Guard inspector is not required.

(c) Except as provided for in paragraph (b) of this section, heating boilers of steel plate construction, the maximum allowable pressure of which exceeds 15 p. s. i., shall be examined in the manufacturer's shop by an inspector while the boiler is subjected to the required hydrostatic test pressure. The inspector shall ascertain that there are no defects in workmanship and materials and that no defects have occurred due to the hydrostatic test.

(d) Steel plate heating boilers of the automatically controlled package type shall be subjected to such operating tests as may be prescribed by the Commandant.

(e) Upon completion of the hydrostatic test and inspection of heating boilers subject to shop inspection, and after such boilers are found acceptable, they shall be stamped in a suitable location so as to be readily visible, with the following data:

(Name of fabricator and serial number)

(Month and year fabricated)

P. s. i.
(Maximum allowable pressure) (Steam)

Pounds per hour
(Safety valve capacity, minimum)
Coast Guard approval No. and symbol ------
Inspector's initials ----------

(f) After installation, each heating boiler shall be hydrostatically tested to twice the pressure at which the safety or relief valve is set to open.

Subpart 53.05—Cast-Iron Heating Boilers

§ 53.05–1 Scope.

(a) The regulations in this subpart contain requirements for the design and construction of cast iron heating boilers.

(b) A. S. M. E. cast iron heating boilers accepted under the provisions of § 53.01–1 shall comply with the applicable requirements for safety valves, relief valves, fittings and appliances prescribed in this part.

§ 53.05–5 Plan approval.

A.S.M.E. cast iron heating boilers accepted under the provisions of § 53.01–1 are not subject to type approval by the Commandant and are exempt from the requirements of this section.

§ 53.05–10 Installation.

The provisions of § 53.03–55 shall apply to cast iron boilers.

§ 53.05–15 Safety and relief valves.

(a) The provisions of §§ 53.03–60, 53.03–62 and 53.03–63 shall apply to cast iron heating boilers except as specified in this section.

(b) Safety valves shall be set to discharge at a pressure not to exceed 15 pounds per square inch and relief valves shall be set to discharge at a pressure not to exceed 30 pounds per square inch.

(c) Safety and relief valves for cast iron heating boilers shall be such that with any fuel burning equipment installed, the pressure cannot rise above the maximum allowable pressure more than 5 pounds per square inch for a steam boiler and three pounds per square inch for a hot water boiler.

§ 53.05–20 Fittings and appliances.

The provisions of § 53.03–70 shall apply to fittings and appliances for cast iron boilers, except that the pressure control regulator shall operate to prevent the steam pressure from rising above 15 pounds per square inch.

PART 54—UNFIRED PRESSURE VESSELS

Subpart 54.01—General Requirements

Sec.

54.01–1 Scope.
54.01–5 Definitions.
54.01–10 Plan approval.

Subpart 54.03—Design and Construction

54.03–1 Materials.
54.03–5 Workmanship and design.
54.03–10 Cylindrical shells and heads.
54.03–12 Cast-iron heads.
54.03–15 Tube sheets.
54.03–20 Heat exchanger tubes.
54.03–25 Bolted flanged connections.
54.03–27 Unfired steam boilers.
54.03–30 Evaporators.
54.03–35 Access and inspection openings.
54.03–40 Openings and reinforcements.

Subpart 54.07—Pressure-Relief Devices

54.07–1 General requirements.
54.07–5 Relief valves.
54.07–10 Safety valves.
54.07–15 Heat exchanger relief valves.
54.07–20 Rupture disks.
54.07–25 Safety relief valves.

AUTHORITY: The provisions of this Part 54 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426–4431, as amended, 4433, as amended, 4434, as amended, 4453, as amended, 4488, as amended, 4491, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 481, 489, 366, 395, 363, 367, 526p, 1333, 390b, 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965, Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, Nov. 26, 1954, 19 F.R. 8026; 167–20, June 18, 1956, 21 F.R. 4894; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–38, Oct. 26, 1959, 24 F.R. 8857, unless otherwise noted.

Subpart 54.01—General Requirements

§ 54.01–1 Scope.

(a) The regulations in this part contain detail requirements for the design and construction of unfired pressure vessels subject to inspection by the Coast Guard.

(b) The following classes of unfired pressure vessels are not subject to plan approval or shop inspection by the Coast Guard and are exempt from the requirements of this part:

(1) All unfired pressure vessels designed for a maximum allowable pressure not exceeding 15 pounds per square inch.

(2) Compression tanks containing water under pressures not exceeding 100 pounds per square inch and temperatures not exceeding 200 degrees F. Compression tanks containing water and fitted with a permanent air charging line subject to pressures not exceeding 15 pounds per square inch and temperatures not exceeding 200 degrees F.

(3) Condensers, jacket water coolers and lubricating oil coolers containing mediums at or below the pressures and temperatures specified in Table 54.01–1 (c).

(c) Unfired pressure vessels,[1] exclusive of those covered by paragraph (b) of this section, designed for a maximum allowable pressure exceeding 15 pounds per square inch shall comply with the requirements for materials, construction, welding, inspection and marking as specified in this subchapter, except such vessels may be exempt from shop inspection under any of the following conditions:

(1) When the internal volume does not exceed 5 cubic feet and the maximum allowable pressure does not exceed 100 p. s. i.

(2) When a pressure vessel contains mediums at or below pressures and temperatures specified in Table 54.01–1 (c).

TABLE 54.01-1 (c)—EXEMPTION OF UNFIRED PRESSURE VESSELS FROM SHOP INSPECTION

Service	Pressure—p. s. i.	Temperature, °F.
Steam, gas or vapors	15	
Fuel oil	100	150
Lubricating oil	100	200
Liquids, except fuel oil and lubricating oil	100	200

(d) Unfired pressure vessels containing dangerous articles, substances or combustible liquids which are required by law or regulation to be carried in containers fabricated as a pressure vessel shall comply with the requirements for materials, construction, welding, inspection and marking as specified in this chapter, irrespective of pressure, temperature or capacity, except vessels containing such dangerous articles which are permitted by Subchapter N (Dangerous Cargoes) of this chapter, to be carried in containers constructed in accordance with the requirements of the Interstate Commerce Commission.

(e) Small unfired pressure vessels which do not fully comply with the requirements of this subchapter may be accepted by the Commandant for installation on vessels subject to inspection by the U. S. Coast Guard, provided:

(1) The failure of such unfired pressure vessels will not endanger the safety of the vessel.

(2) The internal volume does not exceed 5 cubic feet.

(3) The construction complies with the requirements of a recognized code, or tests as prescribed by the Commandant are carried out to prove that the design and fabrication are suitable for the intended application.

(4) Such unfired pressure vessels shall otherwise comply with the requirements for plan approval and marking as specified in this subchapter.

(f) Unfired pressure vessels, other than those containing compressed air, which do not fully comply with the requirements of this subchapter may be accepted for installation on vessels subject to inspection, provided:

(1) They are used exclusively in the handling and storage of petroleum and associated products obtained in offshore drilling operations.

(2) The design, fabrication, and stamping comply with the requirements of the API-ASME or ASME Code for Unfired Pressure Vessels.

§ 54.01–5 Definitions.

(a) *Unfired pressure vessel.* An unfired pressure vessel is a tank containing gas, vapor, or liquid, or a combination thereof, under pressure, and not exposed to the products of combustion.

(b) *Heat exchanger.* A heat exchanger is a device usually consisting of a shell and tubes or coils by which heat is transferred from one substance to another.

§ 54.01–10 Plan approval.

Manufacturers intending to fabricate unfired pressure vessels, heat exchangers, evaporators and similar appurtenances covered by the regulations in this part, to be installed on vessels subject to inspection by the Coast Guard, shall submit to the Officer in Charge, Marine Inspection, having jurisdiction over the vessel, detail plans in triplicate, which shall be fully descriptive of the pressure parts of such unfired pressure vessels. When due to location of the fabrication shop, such procedure would result in unnecessary delay in transmission, the plans may be forwarded directly to the Commandant (MMT) U. S. Coast Guard, Washington, D.C., 20226.

[1] The shell, tubes or coils of a heat exchanger shall be considered an unfired pressure vessel if such parts may be subjected to steam, gas or vapor pressures exceeding 15 pounds per square inch.

Subpart 54.03—Design and Construction

§ 54.03–1 Materials.

(a) Unfired pressure vessels and appurtenances covered by this part may be fabricated of material conforming to the specifications given in Part 51 of this subchapter and limited to the grades of material listed in table 52.05–10(a) in Part 52 of this subchapter and table 54.03–10(c) except as otherwise provided for in this part.

(b) Steel plate used for pressure parts of unfired pressure vessels may be of Class B material complying with the requirements of Subpart 51.04, 51.22 or 51.23 in Part 51 of this subchapter, except that in the case of unfired pressure vessels having maximum allowable pressures exceeding 700 pounds per square inch or temperatures exceeding 650° F. steel plate shall be of Class A material meeting the requirements of Subpart 51.04 in Part 51 of this subchapter.

(c) (1) Arc- or gas-welded pressure vessels over one inch in thickness, when constructed of steel plate complying with Subpart 51.04 of this subchapter conforming to specifications A202, A203, A204, A212, A225, A299, A302, and A387, Grade A, B, or C, shall conform to the requirements for Class I welded pressure vessels.

(2) Where vessels are constructed of steel plate, conforming to specifications A202, A203, A204, A212, A225, A299, A302, and A387, Grade A, B, or C, which do not exceed one inch in thickness, the requirements for Class II welded pressure vessels shall apply and the vessels shall be stress-relieved as required by § 56.01–70(h) of this subchapter.

(3) Arc- or gas-welded pressure vessels, when constructed of steel plate conforming to specifications A357, A387, Grades D and E, and A410, shall conform to the requirements for Class I pressure vessels.

(d) Carbon- and alloy-steel castings shall comply with the grades of material listed in table 52.05–10 (a) in Part 52 of this subchapter. The casting quality factor specified in § 52.05–13 of this subchapter shall be applied to the stresses given in table 52.05–10 (a).

(e) For electric resistance-welded pipe or tubing the stress values in table 52.05–10 (a) in Part 52 of this subchapter shall be substituted in the applicable design formulas for the factor SE.

(f) Unfired pressure vessels may be constructed of cast iron conforming to the applicable specifications of Part 51 of this subchapter under the following conditions:

(1) Cast iron shall not be used in the construction of shells and heads of pressure vessels where subject to steam pressures exceeding 30 pounds per square inch or where subject to gas or liquid pressures exceeding 125 pounds per square inch.

(2) The maximum allowable stress for cast iron as given in table 54.03–1 (f) shall be used in the applicable formula for unfired pressure vessels.

TABLE 54.03-1(f)—MAXIMUM ALLOWABLE STRESS FOR CAST IRON

Minimum tensile strength, p. s. i.:	Maximum tensile stress, p. s. i.
20,000	2,000
25,000	2,500
30,000	3,000
35,000	3,500
40,000	4,000
50,000	5,000

(g) Nonferrous materials may be used in the construction of unfired pressure vessels subject to the following conditions:

(1) The grade of materials shall be as specified in Part 51 of this subchapter, and as given in Table 54.03–10(c).

(2) The pressure and temperature limitations for bronze castings shall be as given in § 55.07–1(d) of this subchapter.

(3) Welding may be employed for aluminum alloy grades 6061–T6 and 6063–T6, provided welding procedure qualification tests are conducted in accordance with § 56.01–15 of this subchapter.

§ 54.03–5 Workmanship and design.

(a) Equipment covered by this part and constructed of plates with riveted or welded joints shall conform to all the requirements of Part 52 of this subchapter for such construction, except as provided otherwise in this part.

(b) Flanges cast integral with shells or heads shall have a fillet radius not less than the thickness of the necks to which they are attached.

(c) The corner radius of a cast unstayed dished head measured on the concave side of the head shall be not less than three times the thickness of the head, but in no case less than 6 percent of the outside diameter of the shell.

§ 54.03–10 Cylindrical shells and heads.

(a) The maximum allowable pressure of cylindrical shells and heads of unfired pressure vessels under internal pressure shall be determined by the applicable formulas given in Part 52 of this subchapter, except as provided otherwise in this part. The maximum allowable pressure of cylindrical shells shall be determined from Formula (1) of § 52.05–10 of this subchapter when the thickness does not exceed one-half of the inside radius, or the maximum allowable pressure does not exceed 0.385 SE. When the thickness of the shell exceeds one-half of the inside radius or when the maximum allowable pressure exceeds 0.385 SE, Formula (2) of § 52.05–10 of this subchapter shall be used.

(b) The minimum thickness of shell plates, heads or dome plates of seamless or welded construction shall be $\frac{3}{32}$ inch after forming and without allowances for corrosion. The minimum thickness, after forming, of any plate in a riveted pressure vessel shall be $\frac{3}{16}$ inch without corrosion allowance.

(c) The maximum allowable stresses for nonferrous materials shall be as given in table 54.03–10(c).

TABLE 54.03-10(c)—MAXIMUM ALLOWABLE STRESSES [1] FOR NONFERROUS MATERIALS

Specification	A.S.T.M. designation	Grade		Minimum tensile strength p.s.i.	Minimum yield strength p.s.i.	Notes	For metal temperatures not exceeding ° F.											
		A.S.T.M.	C.G.				100	150	200	250	300	350	400 [2]	450	500	550	600	650/700
Aluminum-alloy plates and sheets																		
51.79	B–209	1060	1060–0	9,500	2,500	(3)	1,650	1,650	1,600	1,450	1,250	1,200	1,050					
51.79	B–209	1100	1100–0	11,000	3,500	(3)	2,350	2,350	2,300	2,100	1,850	1,600	1,300					
51.79	B–209	3003	3003–0	14,000	5,000	(3)	3,350	3,150	2,900	2,700	2,400	2,100	1,800					
51.79	B–209	3004	3004–0	22,000	8,500	(3)	5,500	5,500	5,500	5,200	4,500	3,600	2,950					
51.79	B–209	5050	5050–0	18,000	6,000	(3)	4,000	4,000	4,000	4,000	4,000	3,350	2,100					
51.79	B–209	5052	5052–0	25,000	9,500	(3)	6,250	6,250	6,200	6,000	5,400	4,650	3,500					
51.79	B–209	5083	5083–0	40,000	18,000	(4)	10,000	10,000										
51.79	B–209	5086	5086–0	35,000	14,000		8,700	8,700										
51.79	B–209	5154	5154–0	30,000	11,000	(3)	7,350	7,350	7,350	7,000	6,400							
51.79	B–209	5456	5456–0	42,000	19,000		10,500	10,400										
51.79	B–209	6061–T6W	6061–T6W	[5] 24,000			6,000	5,900	5,700	5,400	5,000	4,200	3,200					

See footnotes at end of table.

TABLE 54.03-10(c)—MAXIMUM ALLOWABLE STRESSES [1] FOR NONFERROUS MATERIALS—Continued

Specification	A.S.T.M. designation	Grade A.S.T.M.	Grade C.G.	Minimum tensile strength p.s.i.	Minimum yield strength p.s.i.	Notes	For metal temperatures not exceeding ° F. 100	150	200	250	300	350	400 [1]	450	500	550	600	650/700
Copper and copper-alloy plates																		
51.67	B-11	Copper	B11-1, -2, -3, -4	30,000	10,000	(5)	6,700	6,700	6,500	6,300	5,000	3,800	2,500					
51.67	B-96	Copper-silicon	B96-A or -C	50,000	18,000	(6)	12,000	12,000	11,900	11,700								
51.67	B-171	Naval brass	B171-A	50,000	20,000	(7)	12,500	12,500	12,000	11,200	10,500	7,500	2,000					
51.67	B-171	Admiralty metal	B171-B	45,000	15,000	(7)	10,000	10,000	10,000	10,000	10,000	8,000	5,000	3,000				
51.67	B-171	Copper nickel 79-30	B171-C	50,000	20,000	(7 8)	12,500	12,200	11,900	11,600	11,300	11,000	10,800	10,600	10,400	10,200	10,000	9,800/9,700
51.67	B-171	Copper nickel 90-10	B171-D	40,000	15,000	(7 8)	10,000	10,000	9,800	9,500	9,300	9,000	8,700	8,300	8,000	7,000	6,000	
51.67	B-402	Copper nickel 70-30	B-402-A	45,000	18,000		11,200	10,800	10,500	10,200	9,900	9,700	9,500	9,400	9,300	9,200	9,100	9,000/8,900
51.67	B-402	Copper nickel 90-10	B-402-B	38,000	15,000		9,500	9,500	9,300	9,000	8,800	8,500	8,200	7,900	7,600	6,600	5,700	
51.67	B-169	Aluminum bronze alloy D	B169-D	70,000	30,000	(7)	17,500	17,500	16,800	16,000	15,500	15,000	14,500	12,000	10,000			
51.67	B-171	Aluminum bronze alloy D	B171-E	70,000	30,000	(4 7)	17,500	17,500	16,800	16,000	15,500	15,000	14,500	12,000	10,000			
51.67	B-171	Aluminum bronze alloy E	B171-E, -F	90,000	36,000	(4 7)	22,500	22,500	21,000	19,500	18,000	16,500	15,000	13,500	12,000	10,500	9,000	7,500/6,000
Seamless pipe or tubes																		
51.80	B-210	1060	1060-0	9,500	2,500	(3 8)	1,650	1,650	1,600	1,450	1,250	1,200	1,050					
51.80	B-235																	
51.80	B-210	3003	3003-0	14,000	5,000	(3)	3,500	3,150	2,900	2,700	2,400	2,100	1,800					
51.80	B-235																	
51.80	B-210	5154	5154-0	30,000	11,000	(3)	7,350	7,350	7,350	7,000	6,400							
51.80	B-235																	
51.80	B-235	5456	5456-0	42,000	19,000		10,500	10,400										
51.80	B-241																	
51.80	B-210	6063-T6W	6063-T6W	9 17,000			4,250	4,200	4,000	3,800	3,600	2,750	1,900					
51.80	B-235																	
51.80	B-241																	
51.80	B-210	6061-T6W	6061-T6W	9 24,000			6,000	5,900	5,700	5,400	5,000	4,200	3,200					
51.80	B-234																	
51.80	B-235																	
51.80	B-241																	
51.70	B-42	Copper pipe	B42	30,000	9,000	(3 10)	6,000	6,000	5,900	5,800	5,000	3,800	2,500					
51.70	B-42	Copper pipe (2.00" and under)	B42	45,000	40,000	(3 10 11)	11,300	11,300	11,000	10,500	8,000	5,000	2,500					
51.70	B-42	Copper pipe (above 2.00")	B42	36,000	30,000	(3 10 11)	9,000	9,000	8,700	8,300	8,000	5,000	2,500					
51.70	B-43	Red brass pipe	B43	40,000	12,000	(3 10)	8,000	8,000	8,000	8,000	8,000	6,000	3,000	2,000				
51.73	B-75	Copper tubes	B75-A or -B	30,000	9,000	(3 10)	6,000	6,000	5,900	5,800	5,000	3,800	2,500					
51.73	B-75	Copper tubes	B75-A or -B	36,000	30,000	(3 11)	9,000	9,000	8,700	8,300	8,000	5,000	2,500					
51.73	B-88	Copper tubes	B88-K, -L or -M	30,000	10,000	(3)	6,700	6,700	6,500	6,300	5,000	3,800	2,500					
51.73	B-88	Copper tubes	B88-K, -L or -M	36,000	30,000	(3 11)	9,000	9,000	8,700	8,300	8,000	5,000	2,500					
51.73	B-111	Copper tubes	B111-A or-B	30,000	10,000	(3 10)	6,700	6,700	6,500	6,300	5,000	3,800	2,500					
51.73	B-111	Copper tubes	B111-A or-B	36,000	30,000	(3 10 11)	9,000	9,000	8,700	8,300	8,000	5,000	2,500					
51.73	B-111	Red brass tubes	B111-C	40,000	12,000	(3 10)	8,000	8,000	8,000	8,000	8,000	6,000	3,000	2,000				
51.73	B-111	Admiralty metal	B111-D	45,000	15,000	(3 10)	10,000	10,000	10,000	10,000	10,000	8,000	5,000	3,000				
51.73	B-111	Aluminum brass tubes	B111-E	50,000	18,000	(3 10)	12,000	12,000	12,000	12,000	12,000	7,500	3,000	2,000				
51.73	B-111	Copper nickel tubes 70-30	B111-G	52,000	18,000	(3 10)	12,000	11,600	11,300	11,000	10,800	10,600	10,300	10,100	9,900	9,800	9,600	9,500/9,400
51.73	B-111	Copper nickel tubes 80-20	B111-H	45,000	16,000	(3 10)	10,700	10,600	10,500	10,400	10,300	10,100	9,900	9,600	9,300	8,900	8,400	7,700/7,000
51.73	B-111	Copper nickel tubes 90-10	B111-I	40,000	15,000	(3 10)	10,000	10,000	9,800	9,500	9,300	9,000	8,700	8,300	7,500	6,700	6,000	
51.73	B-111	Aluminum bronze tubes	B111-F	50,000	19,000	(3 10)	12,500	12,400	12,200	11,900	11,600	10,000	6,000	4,000	2,000			
Brazed pipe		Copper					3,000	3,000	3,000	3,000	12 2,600							
Bars, rods, shapes and forgings																		
51.81	B-247	3003F	3003F	14,000	5,000		3,350	3,150	2,900	2,700	2,400	2,100	1,800					
51.82	B-221	5083	5083	38,000	16,000		9,500	9,500										
51.82	B-221	5154	5154	30,000	11,000	(3)	7,350	7,350	7,350	7,000	6,400							
51.82	B-221	5456	5456	42,000	19,000		10,500	10,400										
51.82	B-211	6061-T6	6061-T6	38,000	35,000	(13)	9,500	9,200	9,000	8,500	7,200	5,600	4,000					
51.82	B-221																	
51.82	B-221	6061-T6W	6061-T6W	9 24,000			6,000	5,900	5,700	5,400	5,000	4,200	3,200					
51.81	B-211																	
51.81	B-247	6061-T6	6061-T6	38,000	35,000	(13)	9,500	9,200	9,000	8,500	7,200	5,600	4,000					
51.81	B-247	6061-T6W	6061-T6W	9 24,000			6,000	5,900	5,700	5,400	5,000	4,200	3,200					
51.81	B-247	6063-T6	6063-T6	36,000	30,000	(13)	9,000	8,400	7,900	7,300	6,100	4,700	3,200					
Castings																		
51.76 [4]	B-61	Steam bronze	2A	34,000	16,000	(14)	8,500	8,400	8,300	8,200	8,100	7,900	7,600	7,200				
51.76	B-62	Ounce metal	4A	30,000	14,000	(14)	7,500	7,300	7,100	6,900	6,500	6,200	15 6,500					
51.76	B-143	Tin bronze 1A	1A	40,000	18,000	(14)	8,000	8,000	7,000	6,000	5,500	5,000						
51.76	B-143	Tin bronze 1B	1B	40,000	18,000	(14)	8,000	8,000	7,000	6,000	5,500	5,000						

See footnotes at end of table.

TABLE 54.03-10(c)—MAXIMUM ALLOWABLE STRESSES [1] FOR NONFERROUS MATERIALS—Continued

Specification	A.S.T.M. designation	Grade A.S.T.M.	Grade C.G.	Minimum tensile strength p.s.i.	Minimum yield strength p.s.i.	Notes	For metal temperatures not exceeding ° F. 100	200	300	400 [2]	500	600	700	800	900	1,000	1,100	1,200
Nickel copper plates and sheets																		
51.85	B-127	Hot or cold rolled	B127	70,000	28,000		17,500	16,500	15,500	14,850	14,700	14,700	14,700	14,500	8,000			
51.85	B-127	Hot rolled (as rolled)	B127	75,000	40,000		18,750	17,500	17,000	17,000	17,000	17,000	16,500	14,500	4,000			
Nickel copper pipe or tubes																		
51.86	B-163	Nickel copper tubes (3" and under)	B163	70,000	28,000		17,500	16,500	15,500	14,800	14,700	14,700	14,700	14,500	8,000			
51.86	B-163	Nickel copper tubes (½" to 3").	B163	90,000	55,000	(16)	22,500	21,200	20,700	20,500	20,500	20,500	19,500	15,000				
51.86	B-163	Nickel copper tubes (other sizes)	B163	85,000	55,000	(16)	21,200	20,200	19,500	19,200	19,200	19,200	18,500	15,000				
51.86	B-165	Nickel copper pipe or tubes	B165	70,000	28,000		17,500	16,500	15,500	14,800	14,700	14,700	14,700	14,500	8,000			
51.86	B-165	Nickel copper pipe or tubes	B165	85,000	55,000	(16 17)	21,200	20,200	19,500	19,200	19,200							

[1] All stresses refer to the annealed condition of the material, unless otherwise specified. For wrought material, the allowable "S" values are based upon one-fourth of the minimum tensile strength or two-thirds of the minimum yield strength for temperatures of 150° F. and below, whichever is lower and upon creep stress or stress-rupture at the higher temperatures. For cast material, the allowable "S" values are based upon one-fifth of the minimum tensile strength for temperatures of 150° F. and below; and upon creep stress or stress-rupture at the higher temperatures.
[2] The same stress may be employed for a temperature of 406° F.
[3] The minimum yield strength employed not included in the specification.
[4] For nominal thickness not greater than 2.00-inch.
[5] Strength of reduced tensile specimen to qualify welding procedures, see § 54.03-1(g)(3).
[6] This material limited to a maximum allowable temperature of 212° F.
[7] This material approved for tube plates only.
[8] For nominal thickness not greater than 2.50-inch.
[9] For nominal thickness not less than 0.25-inch.
[10] The minimum tensile strength employed not included in the specification.
[11] These stresses refer to the light drawn condition.
[12] The same stress may be employed for 320° F.
[13] The stress values given for this material are not applicable when either welding or thermal cutting is employed.
[14] To these stresses a casting quality factor of 0.80 shall be used. This is not intended to apply to valves and fittings complying with A.S.A. standards.
[15] This stress is not permitted for temperatures exceeding 366° F.
[16] The stresses refer to the stress relieved condition.
[17] The maximum operating temperature is (arbitrarily) set at 500° F., because harder temper adversely affects design stress in the creep rupture temperature range.

§ 54.03-12 Cast-iron heads.

(a) The maximum allowable pressure and minimum thickness of circular cast-iron blank spherically dished heads concave to the pressure shall be calculated by the following formulas:

$$P=\frac{ST}{0.6R} \quad (1)$$

$$T=\frac{0.6PR}{S} \quad (2)$$

where:
P=maximum allowable pressure, in pounds per square inch.
T=thickness of dished portion of the head, in inches.
R=radius to which the head is dished measured on the concave side of the head, in inches (not to exceed the inside diameter of the shell to which the head is attached).
S=maximum allowable tensile stress, as given in table 54.03-1 (f), in pounds per square inch.

(b) Cast-iron heads of semi-ellipsoidal form in which the inside depth of the head (one-half of the minor axis of the ellipse) is not less than one-quarter of the inside diameter of the shell to which the head is to be attached, shall have a thickness of at least that required for a cast-iron shell of the same diameter.

(c) Heads flatter than the limits prescribed in this section for dished heads shall be designed as flat plates.

(d) Cast-iron dished heads integral with the cast shell shall have a corner radius equal to at least three times the thickness of the head.

§ 54.03-15 Tube sheets.

(a) The maximum allowable pressure and the minimum thickness of tube sheets shall be calculated by the following formulas:

(1) Stationary or floating tube sheets of monoplate construction clamped between opposing contacts within the bolt circle and freely supported at edge with straight tubes attached by expanding.

$$P=\frac{ST^2}{0.25D^2} \quad (1)$$

$$T=D\sqrt{\frac{0.25P}{S}} \quad (2)$$

(2) Fixed or integral channel-tube sheets firmly secured all around edge, with straight tubes attached by expanding.

$$P=\frac{ST^2}{0.16D^2} \quad (3)$$

$$T=D\sqrt{\frac{0.16P}{S}} \quad (4)$$

(3) Bolted tube sheet having gaskets inside bolt circle, where the setting of the bolts tends to dish the tube sheet, with straight tubes attached by expanding.

$$P=\frac{ST^2}{D^2\left[0.30+\frac{1.4\ Whg}{HD}\right]} \quad (5)$$

$$T=D\sqrt{\frac{P\left[0.30+\frac{1.4\ Whg}{HD}\right]}{S}} \quad (6)$$

(4) Floating tube sheets which are of noncircular design with straight tubes attached by expanding.

$$P=\frac{ST^2}{0.50D^2} \quad (7)$$

$$T=D\sqrt{\frac{0.50P}{S}} \quad (8)$$

where:
P=maximum allowable pressure, in pounds per square inch.
S=maximum allowable stress, 80 percent of the value as given in tables 52.05-10(a) or 54.03-10(c), in pounds per square inch.
T=minimum thickness of unreinforced tube sheet, measured at bottom of partition groove, in inches.
D=mean gasket diameter for flanged attachment; inside diameter of shell when bolted attachment is not employed; or shortest span for noncircular tube sheets measured to center line of gasket if bolted construction is employed; or to point of support if welded construction is employed; in inches.
W=flange design bolt load, in pounds. (See § 54.03-25 (c).)
hg=radial distance from the bolt-circle diameter to the diameter D, in inches.
H=total hydrostatic end force on area bounded by the mean diameter of the gasket or joint contact surface, in pounds.

(b) The minimum thickness of a tube sheet in which tubes are attached by expanding shall be not less than the outside diameter of the tubes.

(c) Tube sheet of a thickness less than that required by paragraph (a) may be considered by the Commandant where stiffened by ribs secured to the tube sheet by continuous penetration or double fillet welds. Such stiffeners will not be considered effective for a distance exceeding 30 plate thicknesses in calculating the section modulus.

(d) Where tubes are welded or brazed to a tube sheet and no expansion joint is employed in the shell construction, consideration may be given by the Commandant to the use of a tube sheet of lesser thickness than required by the formulas in this section, provided the

Flanged Fittings (ASA B16.5) as given in Table 55.07–15 (e) (1) shall be used for connections to external piping and may be used for other flanged connections.

(2) Bolted flanged connections to pressure vessels and special flange designs other than those meeting the requirements of subparagraph (1) of this paragraph shall be designed in accordance with the requirements of this section.

(3) The regulations in this section may be applied to flanges having the gasket entirely within the inner edge of the bolt holes.

(4) This section shall not be construed to prohibit the use of other types of bolted flanged connections, such as flanges using full-face gaskets, or other means to provide effective restraint against flange deflection. Such designs may be used provided the design is acceptable to the Commandant.

(b) *Material.* (1) For temperatures not exceeding 450° F., commercial carbon-steel bolting material may be used for attaching heads, doors, covers, or flanges. Carbon-steel bolting and nut material shall comply with Subpart 51.49 of this subchapter. Bolting and nuts shall meet the minimum requirements of American Standard Coarse Thread Series. Nuts shall meet the requirements of American Standard Heavy Dimensions as given in Table 54.03–25 (b).

(2) For temperatures exceeding 450° F., high strength or alloy steel bolting and nut material complying with the requirements of Subpart 51.49 of this subchapter shall be employed. Nuts of the below classes shall not be used for temperatures exceeding the following: class 1, 750° F.; classes 2 and 2H, 800° F.; class 4, 900° F.; and class 3, 1,050° F. Bolting and nuts shall meet the minimum requirements of the American Standard Heavy Dimensions and the American Standard Threads for High Strength Bolting as given in table 54.03–25 (b). Washers are not required but when used shall be of forged rolled steel.

(3) Studs continuously threaded or bolts with the unthreaded portion reduced to the same diameter as that of the root of the thread, shall be employed when the temperature exceeds 450° F.

(4) Bolting shall have a length of thread engagement of not less than the normal thickness dimension of American Standard heavy nuts.

(5) In no case shall the size of a bolt be less than ½ inch in diameter.

(c) *Bolt loads.*—(1) *Operating bolt load.* The minimum required operating bolt load W_{m1} shall be determined by formula (1) under maximum operating conditions.

$$W_{m1}=H+H_p=0.785\,G^2P+(2b\times 3.14\,GmP)\quad(1)$$

NOTE 1: Under maximum operating conditions the minimum required operating bolt load W_{m1} is the load required to resist the hydrostatic end force H exerted by the maximum internal pressure upon the area bounded by the mean diameter of the gasket, and, in addition, maintain a compression load H_p on the gasket or joint-contact surface which experience has shown to be sufficient to insure a tight joint.

(2) *Initial bolt load.* The minimum required initial bolt load W_{m2} shall be determined by formula (2) under atmospheric temperature conditions without consideration of internal pressure.

$$W_{m2}=H_y=3.14\,bGy\quad(2)$$

NOTE 2: Under atmospheric temperature conditions without consideration of internal pressure, the minimum required initial bolt load W_{m2} is the load H_y required to seat the gasket or joint-contact surfaces sufficiently to insure a tight joint.

(3) *Bolt areas.* (i) The total required bolt area A_m shall be determined from the greater of the values obtained from formula (3) under operating conditions, or from formula (4) under atmospheric temperature conditions without consideration of internal pressure.

$$A_{m1}=\frac{W_{m1}}{S_b}\quad(3)$$

$$A_{m2}=\frac{W_{m2}}{S_a}\quad(4)$$

TABLE 54.03–25 (b)—BOLTING AND NUTS

[All dimensions given are in inches]

Diameter	Commercial steel bolts		High strength steel bolts		American Standard heavy nuts semifinished hexagonal		
	Number of threads [1]	Root area	Number of threads [1]	Root area	Width across flats (min.)	Width across corners (min.)	Nut thickness (min.)
¼	13	0.126	13	0.126	0.850	0.969	0.464
5/16	12	.162	12	.162	.900	1.037	.596
⅜	11	.202	11	.202	1.031	1.175	.657
7/16	10	.302	10	.302	1.212	1.382	.710
½	9	.419	9	.419	1.394	1.589	.835
9/16	8	.551	8	.551	1.575	1.796	.958
⅝	7	.693	8	.728	1.756	2.002	1.097
¾	7	.890	8	.929	1.938	2.209	1.157
⅞	6	1.054	8	1.155	2.119	2.416	1.310
1	6	1.294	8	1.405	2.500	2.850	1.433
1⅛	5½	1.515	8	1.680	2.881	3.283	1.585
1¼	5	1.744	8	1.980	2.662	3.035	1.678
1⅜	5	2.049	8	2.304	2.844	3.242	1.802
1½	4½	2.300	8	2.652	3.025	3.449	1.925
1⅝	4½	3.021	8	3.423	3.388	3.862	2.155
1¾	4	3.716	8	4.292	3.750	4.275	2.401
1⅞	4	4.619	8	5.259	4.112	4.688	2.647
2	4	5.621	8	6.324	4.475	5.102	2.893

[1] All bolting shall have threads at least as strong as American Standard screw threads.

(ii) The actual total cross-sectional area of the bolts A_b shall be not less than A_m.

(4) *Flange design bolt load.* The bolt load W used in the design of the flange shall be not less than the greater of the values obtained from formula (1) under maximum operating conditions, or from formula (5) under atmospheric temperature conditions without consideration of internal pressure.

$$W=\frac{(A_m+A_b)}{2}S_a\quad(5)$$

(5) *Nomenclature of bolt and flange design symbols.* The symbols used in this paragraph mean:

W_{m1} = minimum required bolt load for maximum operating conditions, in pounds.

W_{m2} = minimum required initial bolt load for atmospheric temperature conditions without consideration of internal pressure, in pounds.

W = flange design bolt load, in pounds.

H = total hydrostatic end force, in pounds.

H_p = total joint-contact-surface compression load, in pounds.

H_y = total joint-contact-surface-seating load, in pounds.

G = mean diameter of gasket or joint-contact-surface, in inches (except for lap joints with full face gasket, in which case it is midpoint of contact between flange and lap).

P = maximum allowable pressure, in pounds per square inch.

b = effective gasket or joint-contact-surface seating width, in inches (see table 54.03–25 (c1)).

$2b$ = effective gasket or joint-contact-surface pressure width, in inches (see table 54.03–25 (c1)).

N = possible contact width of gasket in inches (see table 54.03–25 (c1)).

w = width of local concentration on gasket, in inches (see table 54.03–25 (c1)).

m = limit contact compression factor (see table 54.03–25 (c1)).

y = gasket or joint-contact-surface unit seating stress, in pounds per square inch (see table 54.03–25 (c1)).

S_b = maximum allowable bolt stress at operating temperature, in pounds per square inch, as given in table 52.05–10 (a).

S_a = maximum allowable bolt stress at atmospheric temperature, in pounds per square inch, as given in table 52.05–10 (a).

A_m = total required cross-sectional area of bolts at root of thread or section of least diameter under stress, in square inches.

A_b = total actual cross-sectional area of bolts at root of thread or section of least diameter under stress, in square inches.

(d) *Shell flange attachments.* (1) The flanges covered by this paragraph are intended to be used for shell attachments to tube sheets, channels and end covers of unfired pressure vessels and heat exchangers.

(2) Except as otherwise provided for in this paragraph, shell flange attachments shall comply with the requirements of § 55.07–15(f) of this subchapter.

(3) Ring flanges of the type shown in Figures 55.07–15 (f3) and (f6) may be

TABLE 54.03–25 (c1)—GASKET MATERIALS AND CONTACT FACINGS

GASKET FACTORS (m) FOR OPERATING CONDITIONS AND MINIMUM DESIGN SEATING STRESS (y)						
GASKET MATERIAL		GASKET FACTOR m	MIN. SPECIFIC SEATING STRESS y, psi	SKETCHES	FACING LIMITATIONS	USE COL.
Rubber without fabric or a high percentage of asbestos fiber) Below 75 Shore Durometer		0.50	0		Use 1, 4, 5 only	I
75 or higher Shore Durometer		1.00	200			
Asbestos with a suitable binder for the operating conditions	1/8 thick	2.00	1600			
	1/16 thick	2.75	3700			
	1/32 thick	3.50	6500			
Rubber with cotton fabric insertion		1.25	400		Use 1a only	
Rubber with asbestos fabric insertion, with or without wire reinforcement	3-ply	2.25	2200			
	2-ply	2.50	2900			
	1-ply	2.75	3700			
Vegetable Fiber		1.75	1100		1, 4, 5	
Spiral-wound metal, asbestos filled	Carbon	2.50	2900			II
	Stainless	3.00	6500			
Serrated steel	Asbestos filled	2.25	3700		Use 1a only	
Corrugated metal, asbestos inserted or Corrugated metal, jacketed asbestos filled	Soft aluminum	2.50	2900			
	Soft copper or brass	2.75	3700			
	Iron or soft steel	3.00	4500			
	Monel or 4–6S chrome	3.25	5500			
	Stainless steels	3.50	6500			
Corrugated metal	Soft aluminum	2.75	3700			
	Soft copper or brass	3.00	4500			
	Iron or soft steel	3.25	5500			
	Monel or 4–6S chrome	3.50	6500			
	Stainless steels	3.75	7600			
Flat metal jacketed asbestos filled	Soft aluminum	3.25	5500		Use 1a, 2* ONLY	
	Soft copper or brass	3.50	8500			
	Iron or soft steel	3.75	7600			
	Monel	3.50	8000			
	4–6S chrome	3.75	9000			
	Stainless steels	3.75	9000			
Grooved iron or soft steel with or without metal jacketed	Soft aluminum	3.25	9500		Use 1, 2, 3 only	
	Soft copper or brass	3.50	6500			
	Iron or soft steel	3.75	7800			
	Monel or 4–6S chrome	3.75	9500			
	Stainless steels	4.25	10100			
Solid flat metal	Soft aluminum	4.00	8800		Same	I
	Soft copper or brass	4.75	13000			
	Iron or soft steel	5.50	18000			
	Monel or 4–6S chrome	6.00	21800			
	Stainless steels	6.50	26000			
Ring joint	Iron or soft steel	5.50	18000		Use 4 only	
	Monel or 4–6S chrome	6.00	21800			
	Stainless steel	6.50	26000			

* THE SURFACE OF A GASKET HAVING A LAP SHOULD BE AGAINST THE SMOOTH SURFACE OF THE FACING AND NOT AGAINST THE NUBBIN.

EFFECTIVE GASKET WIDTH

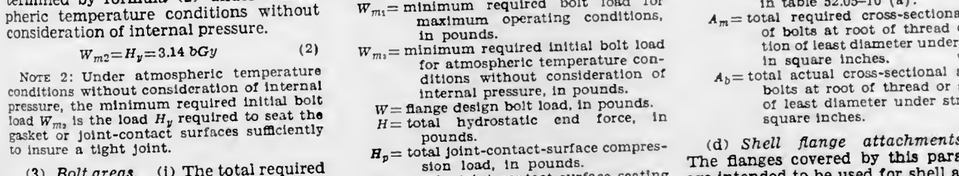
FACING SKETCH (Applicable)	BASIC GASKET SEATING WIDTH b_o COLUMN I	BASIC GASKET SEATING WIDTH b_o COLUMN II
1a	$\frac{N}{2}$	$\frac{N}{2}$
1b	$\frac{W+T}{2}-\left(\frac{W+N}{4}\ \max\right)$	$\frac{W+T}{8}\left(\frac{W+N}{4}\ \max\right)$
2	$\frac{W+N}{4}$	$\frac{W+3N}{8}$
3	$\frac{W}{2}-\left(\frac{N}{4}\ \min\right)$	$\frac{W+N}{8}-\left(\frac{3N}{16}\ \min\right)$
4	$\frac{3N}{8}$	$\frac{7N}{16}$
5	$\frac{N}{4}$	$\frac{3N}{8}$
6		
7		
8	$\frac{N}{8}$	

EFFECTIVE GASKET SEATING WIDTH $b=b_o$

$b=b_o$, when $b_o \le 1/4''$

$b=\frac{1}{2}\sqrt{b_o}$, when $b_o > 1/4''$

LOCATION OF GASKET LOAD REACTION



NOTE: The gasket factors listed only apply to flanged joints in which the gasket is contained entirely within the inner edges of the bolt holes.

TABLE 54.03–25 (f)—MINIMUM PITCH OF TUBES

Outside diameter of tube, in inches	Pitch of tube, in inches
½ and below	⅝
⅝	13/16
¾	15/16
⅞	1 1/16
1	1 1/4
1¼	1 9/16
1½	1⅞

tube pitch is adequate for welding or brazing.

(e) U-tube tube sheets shall have a thickness of at least 1.25 times the thickness required for tube sheets with straight tubes.

(f) The pitch of tubes attached to tube sheets by roller expanding shall be not less than that specified in Table 54.03–15 (f), except that a lesser tube pitch may be authorized for heat exchangers, the failure of which will not affect the safety of the vessel, provided the manufacturer demonstrates by tests prescribed by the Commandant, using the types of material and identical fabricating procedures to be employed in construction, that he can produce equipment of acceptable workmanship and free of leakage.

(g) Some types of arc- or gas-welded tube sheet attachments which are acceptable are illustrated in figure 54.03–15 (g).

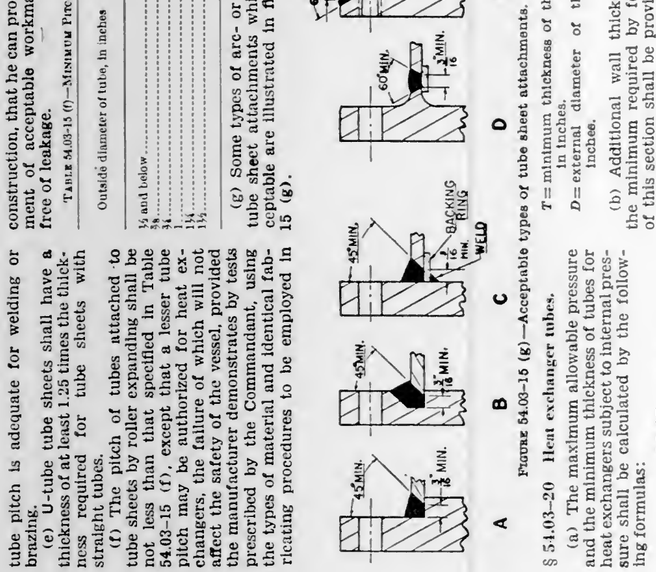


FIGURE 54.03–15 (g)—Acceptable types of tube sheet attachments.

§ 54.03–20 Heat exchanger tubes.

(a) The maximum allowable pressure and the minimum thickness of tubes for heat exchangers subject to internal pressure shall be calculated by the following formulas:

$$P=\frac{2.3\,ST}{D}-0.036\,S\quad(1)$$

$$T=\frac{D}{2.3\,S}(P+0.036\,S)\quad(2)$$

where:

P = maximum allowable pressure, in pounds per square inch.

S = maximum allowable stress, in pounds per square inch, as given in table 52.05–10 (a) or table 54.03–10 (e), at not less than the maximum expected mean wall temperature. The mean wall temperature is defined as the sum of the outside and inside surface temperatures divided by 2 where the temperature of the heating medium is considered to be for saturated steam at the design conditions and the temperature of the liquid or vapor being heated is the maximum temperature of the fluid at the hot terminal.

T = minimum thickness of the tube wall, in inches.

D = external diameter of the tube, in inches.

(b) Additional wall thickness above the minimum required by formula (2) of this section shall be provided as follows:

(1) When tubes act as stays, additional wall thickness shall be provided to carry the external load imposed upon the tubes.

(2) When tubes are expanded into the tube seats, at least one additional B. W. G. thickness shall be provided over a length at least equal to the width of the seat plus 1 inch.

(3) Bent tubes shall have the thickness increased when the radius is less than 5 times the outside diameter of the tube, to compensate for the reduction in wall thickness due to fabrication.

§ 54.03–25 Bolted flanged connections.

(a) *Scope.* (1) Bolted flanged connections conforming to the American Standard for Steel Pipe Flanges and

used for pressures not exceeding 300 p.s.i. and temperatures not exceeding 650° F.

(4) Ring flanges of the plate or slip-on type welded to the shell by means of full penetration welds may be used for pressures not exceeding 600 p.s.i. and temperatures not exceeding 700° F. Some acceptable types of full penetration welded joints are shown in Figure 52.25-45(d), details (a), (b), (c), (g), and (h).

§ 54.03-27 Unfired steam boilers.

(a) Unfired pressure vessels in which steam is generated shall be classed as unfired steam boilers except that pressure vessels known as evaporators or heat exchangers may be classed as unfired pressure vessels.

(b) Unfired steam boilers shall be constructed in accordance with the requirements of Part 52 or 54 of this subchapter. When the maximum allowable pressure exceeds 30 p.s.i., unfired steam boilers shall comply with the requirements for Class I pressure vessels.

(c) Unfired steam boilers shall be fitted with an efficient water level indicator, a pressure gage and a blowdown valve.

(d) An approved safety valve shall be fitted on unfired steam boilers as required by § 54.07-10.

§ 54.03-30 Evaporators.

(a) An evaporator in which steam is generated shall be fitted with an efficient water level indicator, a pressure gauge, and a blowdown valve.

(b) An approved safety valve shall be fitted on evaporators as required by § 54.07-10.

§ 54.03-35 Access and inspection openings.

(a) All unfired pressure vessels for use with compressed air or where subject to internal corrosion shall be provided with suitable manhole, handhole, or other inspection openings for examination and cleaning.

(b) Unless otherwise specified in this subchapter, the access and inspection openings in the shell or head of an unfired pressure vessel shall comply with the requirements of Subpart 52.24 of this subchapter for power boilers.

(c) (1) Vessels not exceeding 12 inches in inside diameter are not required to have inspection openings.

(2) Vessels over 12 inches but not exceeding 16 inches in inside diameter need not be provided with inspection openings if the vessels are fitted with two pipe connections of at least 1½ inches in pipe size which can be disconnected for inspection.

(d) All unfired pressure vessels which require access or inspection openings shall be equipped as follows:

(1) Vessels over 12 inches but less than 18 inches in inside diameter shall have at least two plugged, threaded inspection openings of not less than 1½ inches pipe size.

(2) Vessels 18 to 36 inches, inclusive, in inside diameter shall have at least two threaded pipe plug inspection openings of not less than 2 inches pipe size, or two handholes, or one manhole.

(3) Vessels over 36 inches in diameter shall have a manhole, except those whose shape or use make it impracticable, in which case they shall have at least two 4 x 6 inch handholes or two handholes of equivalent area.

(4) When handholes or plugged openings are used for inspection openings in place of a manhole, where permitted, one handhole or one plugged opening shall be placed in each head or in the shell near each head.

(5) Removable heads or cover plates may be used in place of the required openings provided they are equal at least to the required size of the required inspection openings.

§ 54.03-40 Openings and reinforcements.

(a) Unless otherwise specified in this subchapter, openings and reinforcements in the shell or heads of unfired pressure vessels shall comply with the requirements of Subpart 52.25 in Part 52 of this subchapter for power boilers.

(b) The thickness of nozzles attached to shells or heads of unfired pressure vessels shall be not less than that required for Schedule 40 pipe of the same diameter, and in no case shall the nozzle wall thickness be less than that determined by § 55.07-5 of this subchapter.

(c) (1) Screwed and flanged piping connections to the outlets on a pressure vessel shall comply with the requirements of Part 55 of this subchapter, except as otherwise provided for in this paragraph.

(2) Plate or slip-on type flange attachments to nozzles with full penetration welds may be used for pressures not exceeding 600 p.s.i. and temperatures not exceeding 700° F.

(d) Some types of acceptable arc-welded connections to shells, drums or headers are illustrated in figure 52.25-45 (d) in Part 52 of this subchapter.

Subpart 54.07—Pressure-Relief Devices

§ 54.07-1 General requirements.

(a) Unfired pressure vessels, such as tanks, containing liquids, gases, or vapors, and in which steam is not generated, shall be protected by a relief valve set to relieve at a pressure not exceeding that for which the vessel is designed and of sufficient relieving capacity to prevent a pressure increase exceeding 10 percent above the maximum allowable pressure, except as provided for in paragraph (b) of this section.

(b) Where an additional hazard can be created by exposure of an unfired pressure vessel containing compressed gas to fire or other unexpected sources of external heat (for example, vessels used for the transportation of liquefied compressed gases) relief valves shall be capable of preventing the pressure from rising more than 20 percent above the maximum allowable pressure of the vessel. The minimum required relief valve capacities for liquefied compressed gases are in Part 38 of Subchapter D (Tank Vessels) and in Part 146 of Subchapter N (Dangerous Cargoes) of this chapter.

(c) Pressure-relief devices shall be constructed so that they can not be readily rendered inoperative, and shall be so located, and installed as to be readily accessible for inspection and repair.

(d) For certain pressure vessels containing substances that may render a relief valve inoperative, or where the installation of a relief valve is considered impracticable, the Commandant may authorize the use of a rupture disk in lieu of a relief valve, provided such pressure vessels contain liquids or vapors that are not lethal or noxious and the temperature of the contents does not exceed 212° F. When the use of rupture disks is approved by the Commandant, the installation shall comply with the requirements of § 54.07-20.

(e) The opening through all pipes and fittings between a pressure vessel and its pressure-relieving device shall have at least the area of the pressure-relieving device inlet, and in all cases shall have sufficient area so as not to unduly restrict the flow to the pressure-relieving device. The opening in the vessel shall be designed to provide direct and unobstructed flow between the vessel and its pressure-relieving device.

§ 54.07-5 Relief valves.

(a) All relief valves for use on unfired pressure vessels or on piping systems where approved safety valves are not required shall in general comply with the requirements for safety valve construction in Subpart 162.001 or 162.012 of Subchapter Q (Specifications) of this chapter and shall be designed to suitably meet the protection and service requirements for which they are intended, except that relief valves are not required to have huddling chambers for service other than steam.

(b) In no case shall the diameter of a relief valve be less than ½ inch.

(c) Cast iron may be employed in the construction of relief valves for pressures not exceeding 125 pounds per square inch and temperatures not exceeding 450° F. Seats or disks of cast iron are prohibited.

(d) Relief valves for steam or air service shall be provided with a substantial lifting device so that the disk can be lifted from its seat when the pressure in the vessel is 75 percent of that at which the valve is set to blow.

(e) If the design of a relief valve is such that liquid can collect on the discharge side of the disk, the valve shall be equipped with a drain at the lowest point where liquid can collect.

(f) The spring in a relief valve in service for pressures up to and including 250 pounds per square inch shall not be re-set for any pressure more than 10 percent above or 10 percent below that for which the relief valve is marked. For higher pressures, the spring shall not be re-set for any pressure more than 5 percent above or 5 percent below that for which the relief valve is marked.

(g) The capacities of relief valves shall be rated at pressures of 3 percent for steam, 10 percent for gases or vapors, and at 10 or 25 percent for liquids above the pressure at which the valve is set to operate.

§ 54.07-10 Safety valves.

(a) An approved safety valve set to relieve at a pressure not exceeding that for which the shell is designed shall be fitted to all unfired steam boilers and evaporators, except the following:

(1) Unfired steam boilers and evaporators of the coil or tube type designed to operate with a steam inlet pressure not exceeding 15 p.s.i. gage.

(2) Evaporators of the atmospheric type designed for vapor discharge direct to a distiller with no shutoff valve in the discharge line. The distiller connected to atmospheric evaporators shall be fitted with a vent to obviate a buildup in pressure. In no case shall the vent be less than 1½ inches in diameter.

(b) Safety valves for use on unfired pressure vessels in which steam or pressure is generated shall comply with the requirements specified in Part 52 of this subchapter for power boilers when subject to pressures exceeding 30 p.s.i., and Part 53 of this subchapter for low pressure heating boilers when subject to pressures of 30 p.s.i. or less.

(c) The relieving capacity of evaporator safety valves required by paragraph (a) of this section shall be at least equal to the capacity of the orifice fitted in the steam supply to the evaporator. The orifice capacity shall be determined in accordance with Formula (1) or (2) as follows:

(1) Where the set pressure of the evaporator shell safety valve is 58 percent or less than the setting of the safety valve in the steam supply:

$$W = 51.45\ AP \qquad (1)$$

(2) Where the set pressure of the evaporator shell safety valve exceeds 58 percent of the setting of the safety valve on the steam supply:

$$W = 105.3\ A\sqrt{P_1\ (P - P_1)} \qquad (2)$$

where:

W = the required orifice capacity, in pounds per hour.
A = cross-sectional area of rounded entrance orifice, in square inches.[1]
P = set pressure of steam supply safety valve, in pounds per square inch, absolute.
P_1 = set pressure of evaporator shell safety valve, in pounds per square inch, absolute.

[1] The orifice shall be installed near the steam inlet of the coils or tubes and where no orifice is employed the area used in the formula shall be that of the inlet connection or manifold.

(d) The relieving capacity of safety valves on unfired steam boilers shall not be less than the maximum generating capacity of the unfired steam boiler as certified by the manufacturer.

(e) On new installations and where the orifice size of an existing unfired steam boiler or evaporator is increased, an accumulation test shall be made by closing all steam outlet connections except the safety valves for a period of five minutes. When conducting the accumulation test, the water shall be at the normal operating level and the steam pressure shall be at the normal operating pressure, and while under this test the pressure shall not rise more than six percent above the safety valve setting.

§ 54.07-15 Heat exchanger relief valves.

(a) A heat exchanger with liquid in the shell and the heating medium in the tubes or coils, shall be fitted with a liquid relief valve meeting the requirement of § 54.07-1.

(b) (1) A heat exchanger with steam in the shell and liquid in the tubes or coils at a pressure exceeding that in the shell, shall have a liquid relief valve fitted to protect the shell against excess pressure.

(2) The discharge capacity of such relief valves shall be calculated on the basis of the discharge from one tube using the difference in pressures between that in the shell and that in the tubes, and shall be not less than that determined by the following formula:

$$Q = 29.81\ KD^2\sqrt{P_1 - P_2} \qquad (1)$$

where:

Q = required relief valve discharge capacity, in gallons per minute, based on relief valve set pressure.
P_1 = pressure in the tube or coils, in pounds per square inch.
P_2 = set pressure of the shell relief valve, in pounds per square inch.
D = internal diameter of the largest tube or coil, in inches.
K = coefficient of discharge = 0.62.

§ 54.07-20 Rupture disks.

(a) Every rupture disk shall have a specified bursting pressure at a specified temperature, shall be marked with a lot number and shall be guaranteed by its manufacturer to burst at within 5 percent (plus or minus) of its specified bursting pressure.

(b) The specified bursting pressure at the coincident operating temperature shall be determined by bursting two or more specimens from a lot of the same material and of the same size as those to be used. The test shall be made in a holder of the same form and pressure area dimensions as that with which the disk is to be used.

(c) Where it is desired to minimize the loss by leakage through the safety or relief valve of liquids or vapors, the rupture disk may be installed between a safety or relief valve and the vessel, provided the following requirements are met:

(1) The bursting pressure of the disk does not exceed the maximum allowable pressure of the vessel.

(2) The connection between the rupture disk and the relief valve is provided with a pressure gauge, test cock, or free vent to atmosphere, to indicate when the rupture disk has leaked or burst.

(3) The opening provided through the rupture disk, after breakage, is sufficient to permit a flow equal to the capacity of the attached valve and there is no chance of interference with the proper functioning of the relief valve; but in no case shall this area be less than the inlet area of the relief valve.

§ 54.07-25 Safety relief valves.

(a) Unfired pressure vessels containing liquefied compressed gases and where required by the regulations of this subchapter, shall be fitted with one or more approved safety relief valves designed, constructed and flow-tested for capacity in conformance with Subpart 162.018 of Subchapter Q (Specifications) of this chapter.

(b) Each safety relief valve shall be set to start to discharge at a pressure not in excess of the maximum allowable pressure of the vessel and the combined relieving capacities of the safety relief valves shall be sufficient to prevent a rise of pressure in the vessel of more than 20 percent above the maximum allowable pressure when all the safety relief valves are blowing.

(c) The minimum rates of discharge of the safety relief valves for liquefied compressed gas service shall be not less than that required by the applicable regulations governing the transportation in bulk of the particular commodity.

NOTE: The requirements covering the transportation of liquefied petroleum gases in bulk may be found in Part 38 of Subchapter D (Tank Vessels) of this chapter. The requirements covering the transportation in bulk of certain liquefied compressed gases of a hazardous nature, but not considered flammable, may be found in Part 146 of Subchapter N (Dangerous Cargoes) of this chapter.

(d) (1) Except as otherwise specified in this paragraph, each safety relief valve shall be tested in the presence of an inspector before being placed in service. The tests shall satisfactorily indicate that the safety relief valves will start to discharge at a pressure not in excess of the design pressure of the tank.

(2) Safety relief valves fitted with a breaking pin and rupture disk need not be tested in the presence of a marine inspector before being placed in service. In lieu thereof, a certificate shall be furnished with the valve attested to by the manufacturer that the requirements of subparagraph (1) of this paragraph are met.

PART 55—PIPING SYSTEMS AND APPURTENANCES

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55.17–40 Tests.

AUTHORITY: The provisions of this Part 55 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426–4431, as amended, 4433, as amended, 4434, as amended, 4453, as amended, 4488, as amended, 4491, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 481, 489, 366, 395, 363, 367, 526p, 1333, 390b, 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, Nov. 26, 1954, 19 F.R. 8026; 167–20, June 18, 1956, 21 F.R. 4894; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–38, Oct. 26, 1959, 24 F.R. 8857, unless as otherwise noted.

Subpart 55.01—General

§ 55.01–1 Scope.

(a) This part contains requirements for the various ships' piping systems and appurtenances.

(b) The respective piping systems installed on vessels shall have the necessary pumps, valves, regulating valves, safety valves, relief valves, flanges, fittings, pressure gauges, liquid level indicators, thermometers, etc., for safe and efficient operation of the vessel.

(c) Piping systems which do not fully comply with the requirements of this subchapter may be accepted for installation on vessels subject to inspection provided:

(1) They are limited to handling petroleum and associated products for use in offshore drilling operations.

(2) The design, material and fabrication comply with the requirements of the American Petroleum Institute (API) for such piping.

§ 55.01–5 Definitions.

(a) *Piping.* The word "piping" within the meaning of the regulations in this subchapter, refers to fabricated pipes or tubes with flanges and fittings attached, for use in the conveyance of vapors, gases, or liquids, regardless of whether the diameter is measured on the inside or the outside.

(b) *Nominal diameter.* The term "nominal diameter" as used in this part, except in § 55.07–5 (a), means the commercial diameter of the piping.

§ 55.01–10 Plan approval.

(a) Plans in triplicate for new construction and major alterations showing the respective piping systems shall be submitted to the Officer in Charge, Marine Inspection, in the district in which the vessel is to be built, or alterations are to be made, except that when, due to location of the shipyard or design office, such a procedure would result in unnecessary delay in transmission, the plans may be forwarded directly to the Commandant (MMT), United States Coast Guard, Washington, D.C., 20226.

(b) Piping materials and appliances such as pipe, tubing, fittings, flanges, and valves, except safety valves as specified by Subpart 52.65 of this subchapter, are not required to be specifically approved by the Commandant, but shall comply with the applicable requirements for materials, construction, markings, and testing. Drawings listing material specifications and showing details of welded joints for pressure-containing appurtenances of welded construction shall be submitted in accordance with paragraph (a) of this section.

(c) (1) Prior to installation aboard ship, arrangement drawings and diagrams of the following systems shall be submitted for approval.

(i) Steam piping (arrangement drawings of systems exceeding 125 p. s. i. only are required to be submitted for approval).

(ii) Boiler feed and blowoff piping.

(iii) Fuel oil service, transfer and fill piping.

(iv) Fire-extinguishing systems including fire main and sprinkler piping, steam smothering and inert gas and foam.

(v) Bilge and ballast piping.

(vi) Salt water tank cleaning piping.

(vii) Vent, sounding and overflow piping.

(viii) Cargo piping.

(2) Diagrams only of the following systems shall be submitted for approval:

(i) Steam and exhaust piping (systems not exceeding 125 p. s. i.).

(ii) Compressed air piping.

(iii) Steam drain piping.

(iv) Refrigeration piping.

(v) Lubricating oil piping.

(vi) Condenser circulating water piping.

(vii) Hydraulic oil piping.

(viii) Internal combustion engine fuel piping.

(ix) Safety valve escape piping.

(x) Plumbing, deck drains and overboard discharge piping.

(d) Standard drawings of the following piping fabrication details shall be submitted for approval:

(1) Sea suction and discharge connections.

(2) Fabricated valves and fittings (class I and class II piping).

(3) Welded pipe joints (class I and class II piping).

(e) The plans shall include a list of material furnishing pipe diameters, wall thicknesses, design pressure, material specifications, type, size and pressure rating of valves, flanges, and fittings. Where piping systems are intended to convey superheated steam, the temperature of same shall be indicated. Pump capacities and pump shutoff heads shall appear on the piping diagrams.

§ 55.01–15 Affidavit.

A manufacturer of pipe, tubing, valves, flanges, pipe fittings, castings, forgings, and bolting shall file with the Commandant a duly executed copy of form CG–935A, certifying that the product furnished by him conforms to all the requirements given in this subchapter.

Subpart 55.04—Piping Classification

§ 55.04–1 Scope.

Piping shall be divided into two classes, Class I and Class II.

§ 55.04–5 Class I piping.

(a) Class I piping includes the various systems conveying mediums exceeding either pressures or temperatures as set forth in Table 55.04–5.

TABLE 55.04–5—PRESSURE AND TEMPERATURE LIMITATIONS

Service	Pressure, pounds per square inch	Temperature ° F.
Lethal gases and liquids	Any	Any
Gases and vapors	150	350
Water	225	350
Fuel oil	150	150
Lubricating oil	225	400
Liquefied compressed gases	150	
Cargo oil, Grades A through D	225	150
Cargo oil, Grade E	225	400
Cargo oil, asphalt	225	400
Heat transfer oils	225	400
Molten sulfur	225	330

§ 55.04–10 Class II piping.

Class II piping shall include piping system conveying mediums at or below the pressures or temperatures specified in Table 55.04–5, except that exhaust piping from internal combustion engines may comply with the requirements for Class II piping.

Subpart 55.07—Detail Requirements

§ 55.07–1 Material.

(a) Materials used in the manufacture of pipe, valves, flanges, fittings or bolting shall conform with the requirements of this part, and shall comply with the respective specifications of Part 51 of this subchapter unless alternate equivalent material is approved by the Commandant.

(b) Pipe and flange materials are acceptable for the pressures and temperatures listed in Table 55.07–1(b).

TABLE 55.07–1(b)—PIPING MATERIALS [1]

Material specification subpart	A.S.T.M. specification	Grade	Maximum design: Pressure p.s.i.	Maximum design: Metal temperature ° F.	Limitation
Steel pipe					
Seamless-carbon:					
51.34	A53	P53–A, B	None	750	
51.34	A106	P106–A, B, C	None	800	
Seamless-alloy:					
51.34	A335	P1	None	875	
51.34	A335	P2	None	900	
51.34	A335	P3, P3b	None	1,050	
51.34	A335	P11	None	1,050	
51.34	A335	P12	None	1,050	
51.34	A335	P21	None	1,050	
51.34	A335	P22	None	1,050	
51.34	A312	TP321, TP347	None	1,050	
Electric-resistance welded:					
51.34	A53	P53–RW–A, B	350	650	
51.34	A135	P135–A, B	350	650	
Lap-welded: 51.34	A53	P53–LW	250	450	
Butt-welded: 51.34	A53	P53–BW	250	450	
Wrought iron pipe					
Lap-welded: 51.34	A72	P72–LW	250	450	
Butt-welded: 51.34	A72	P72–BW	250	450	
Copper and copper-alloy pipe and tubing					
Seamless copper:					
51.70	B42	B42	None	406	(2 3).
51.70	B75	B75–A, B, C	None	406	(3 3).
51.73	B88	B88–K, L, M	None	406	(2 3).
51.73	B111	B111–A, B	None	406	(2 3).
Copper-alloy:					
51.70	B43	B43 (Red brass)	None	406	
51.73	B111	B111–C (Adm. metal)	None	406	
51.73	B111	B111–D (Al-brass)	None	450	
51.73	B111	B111–E (Al-bronze)	None	450	
51.73	B111	B111–F (Red brass)	None	406	
51.73	B111	B111–G (70–30 Cu-Ni)	None	500	
51.73	B111	B111–H (80–20 Cu-Ni)	None	500	
51.73	B111	B111–I (90–10 Cu-Ni)	None	500	
Brazed copper			75	320	(4).
Plates					
Carbon steel:					
51.04	A201	A, B	150	650	(5 6).
51.04	A212	C, D	150	650	(5 6).
51.22	A285	C	150	650	(5).

[1] The carbon content of the material listed in Table 55.07–1(b) shall not exceed 0.35 percent if welded fabrication is to be employed.
[2] Copper pipe shall not be used for hot oil service other than short flexible connections at the burners.
[3] Copper pipe shall be annealed prior to installation for Class I piping systems.
[4] Copper pipe fabricated with brazed longitudinal joints shall be limited to water or saturated steam service for the maximum pressure and temperature as indicated.
[5] These limitations apply only when plates are used as flange material. See Table 52.05–10(a) for maximum design temperatures of plate material used in the construction of pressure vessels.
[6] Not permitted for hubbed flanges. Ring type flanges may be machined from plate.

(c) Forged steel or cast steel, conforming to the requirements of Subparts 51.46 and 51.58 of this subchapter, may be used for the construction of valves and fittings for any system without pressure limitation, subject to the maximum design temperatures as specified in table 52.05–10 (a) in Part 52 of this subchapter. Grades F181–I and II, Subpart 51.46, may be used in the construction of valves and fittings for pressures and temperatures not exceeding those allowed for 300-pound service pressure rating for steel pipe flanges and flanged fittings.

(d) Bronze castings conforming to the requirements of Subpart 51.76, of this subchapter, for Grade 4A (ounce metal) may be used in the construction of valves and fittings for pressures not exceeding 150 pounds per square inch and temperatures not exceeding 366° F. Grade 2A (steam bronze) and Grades 1A and 1B (tin bronze) may be used for steam pressures not exceeding 300 pounds per square inch and temperatures not exceeding 450° F., and for hydraulic or compressed air service at higher pressures where the temperature does not exceed 150° F.

(e) (1) Malleable iron castings conforming to the requirements of Subpart 51.61 of this subchapter for Grade A1 or A2 material, may be used in the construction of valves and fittings for pressures not exceeding 300 pounds per square inch and temperatures not exceeding 450 degrees F. Grade B malleable iron may be used for pressures not exceeding 150 pounds per square inch and temperatures not exceeding 450 degrees F. Cast iron conforming to the requirements of Subpart 51.61 may be used in the construction of valves and fittings for maximum saturated steam service pressure of 125 pounds per square inch. Cast iron conforming to the requirements of Subpart 51.61 may also be used in the construction of valves and fittings for maximum liquid and gas service pressures of 100 pounds per square inch at 340 degrees F. and 150 pounds per square inch at 150 degrees F. or less. Intermediate values may be obtained by interpolation. For exceptions to these limits see subparagraphs (2), (3), and (4) of this paragraph.

(2) Malleable iron and cast-iron valves and fittings designed and marked for Class 300 refrigeration service may be used for such service, provided the pressure limitation of 300 pounds per square inch is not exceeded. Malleable iron flanges of this class may also be used in sizes 4 inches and smaller (oval and square design).

(3) Cast iron conforming to the requirements of Subpart 51.61 of this subchapter may be used in the construction of valves and fittings of special design for hydraulic systems. Prior to use of such valves and fittings for pressures exceeding 150 pounds per square inch, each design shall be subjected to a high shock test by a recognized testing laboratory as prescribed by the Commandant and shall show no fracture when subjected to the impact test.

(4) Nodular cast iron conforming to the requirements of Subpart 51.61 of this subchapter, Grade 60–45–15, may be used in the construction of valves and fittings complying with 125-pound and 250-pound cast iron standards, or 150-pound and 300-pound steel standards, and for temperatures not exceeding 650 degrees F. Adjusted pressure ratings for temperatures not exceeding 650 degrees F. shall be 80 percent of the steel ratings specified in ASA Standards listed in Table 55.07–15(e)(1), except as otherwise specified in this subchapter.

(f) Ferrous pipe used for salt-water service should be protected against corrosion by hot-dipped galvanizing or other suitable means.

(g) Carbon-steel bolting material conforming to the requirements of Subpart 51.49 of this subchapter may be used for temperatures not exceeding 450° F. For temperatures exceeding 450° F., alloy-steel bolting material as specified in Subpart 51.49 shall be employed.

(h) (1) Except as otherwise provided for in this paragraph, plastic pipe may be used for fresh and salt water supply to nonvital machinery and to all machinery fitted with a duplicate standby unit, and for other piping systems as may be authorized by the Commandant. Plastic pipe may be used in lines which lead through watertight decks or bulkheads provided a spool piece and shutoff valve constructed of an acceptable metallic material is fitted at the bulkhead. Such valves shall be operable from above the bulkhead deck. Plastic pipe shall not be used in any overboard discharge line outboard of the required overboard discharge valves.

(2) Plastic piping shall be limited to a maximum pressure of 150 p.s.i. and a maximum temperature of 140° F., or as may be authorized by the Commandant.

(3) Material used in the fabrication of plastic pipe shall be unplasticized rigid polyvinylchloride (PVC) or reinforced resins, or such other plastic material as may be authorized by the Commandant. The flammability of the plastic pipe shall not exceed the burning rate of the self-extinguishing type as determined by the standard ASTM test method (D-635).

(4) The wall thickness of plastic pipe shall not be less than Schedule 40 I. P. S. The pipe shall be designed to withstand a hydrostatic bursting pressure of not less than 5 times the maximum allowable pressure and shall have a minimum tensile strength of at least 5,000 p. s. i.

(5) Pipe joints shall be of the slip-sleeve, socket or screwed type. Screwed joints shall be used on pipe having at least Schedule 80 wall thickness.

(i) (1) Except as otherwise provided for in this paragraph, flexible hose and hose assemblies may be used for fresh and salt water supply to quarters, sanitary drains, cooling water supply to non-vital machinery and to all machinery fitted with a duplicate standby unit or duplicate piping system, and for other piping systems as may be authorized by the Commandant. Flexible hose may be used in lines which lead through watertight decks or bulkheads provided a spool piece and shutoff valve constructed of an acceptable metallic material are fitted at the bulkhead. Such valves shall be operable from above the bulkhead deck. Flexible hose shall not be installed outboard of the required overboard discharge valves.

(2) Nonmetallic flexible hose shall be fabricated with an inner tube and cover of synthetic rubber or other suitable material reinforced with wire braid. The material for the cover shall be fire-resistant. The inner tube shall be of seamless construction, uniform gage and shall be compatible with the substance carried therein.

(3) Piping systems using flexible hose shall be limited to a maximum pressure of 150 pounds per square inch except that short lengths of flexible hose may be installed in fuel and lubricating lines at or near machinery units and in pneumatic and hydraulic systems where flexibility is required. Unreinforced flexible hose may be used in water and pneumatic piping systems for pressures not exceeding 50 pounds per square inch. For flexible hose installed in hydraulic systems, see § 55.17-25.

(4) Flexible hose assemblies shall be designed for a bursting pressure of not less than 4 times the maximum allowable pressure.

(j) If it is desired to use materials other than those specified in this section, a request furnishing chemical and physical properties of the material which it is desired to employ shall be submitted to the Commandant for special consideration.

§ 55.07-5 Design pressures and thickness of pipes.

(a) (1) The maximum allowable pressure and minimum thickness of pipes shall be calculated by the following formulas:

$$P=\frac{2S\ (T-A)}{D-M\ (T-A)} \quad (1)$$

$$T=\frac{PD}{2S+MP}+A \quad (2)$$

where:

P = maximum allowable pressure, p. s. i.[1]

T = minimum wall thickness of pipe, inches.[2]

D = external diameter of pipe, inches.

S = Allowable fiber stress, p.s.i. When ferrous material is employed, the allowable fiber stress shall be 80 percent of the stresses as given in Table 52.05-10(a). When nonferrous material is employed, the allowable fiber stress shall be as given in Table 54.03-10(c).

M = Multiplier as given in Table 55.07-5(a).

A = Allowance for threading, grooving, and/or corrosion.

A = 0.05 inch for threaded pipe ⅜ inch and below.

A = depth of thread h for threaded pipe ½ inch and above.

A = depth of groove for grooved pipe.

A = 0.05 inch for plain-end steel, wrought iron pipe or tubes, 1 inch size and smaller.

A = 0.065 inch for plain-end steel, wrought iron pipe or tubes, for sizes above 1 inch.

A = 0.00 inch for plain-end nonferrous pipe or tubes.

NOTE: The depth of thread h may be determined by the formula $h=0.8/n$; where n = the number of threads per inch, or from the following values: h = 0.100 inch, 0.0696 inch, and 0.0571 inch, for 8, 11½, and 14 threads per inch, respectively. "Plain-end" includes pipe joined by flared compression couplings, lap joints, welding, etc., i. e., by any method that does not reduce the wall thickness of the pipe at the joint.

[1] When computing the allowable pressure for a pipe, the pipe wall thickness used in formula (1) shall not be more than the minimum thickness resulting from the application of mill tolerances prescribed in the applicable pipe specifications for the material to be employed, including tubing material when used for piping. For bent sections of pipe, the reduction in wall thickness due to fabrication, in addition to the mill tolerance, shall be subtracted from the nominal pipe wall thickness to obtain the minimum pipe wall thickness.

[2] The wall thickness to which the pipe or tubing is ordered shall not be less than the sum of the minimum wall thickness determined by formula (2), plus the mill tolerance, and the reduction in wall thickness due to bending.

TABLE 55.07-5 (a)—MULTIPLIER "M" VALUES[1]

Temperature ° F.	900 and below	950	1,000	1,050
Ferrous materials:				
Ferritic steels	0.8	1.0	1.4	1.4
Austenitic steels	0.8	0.8	0.8	0.8
Nonferrous materials	0.8			

[1] Intermediate values of "M" may be obtained by interpolation.

(2) The value of P in the formula shall not be taken at less than 150 p. s. i. for class I piping nor less than 50 p. s. i. for nonferrous class II piping; however, copper piping shall be of not less than 0.065 inch in thickness except for lines below 1 inch in diameter, nor shall ferrous material to be fabricated by welding be of a thickness less than 0.120 inch.

(b) (1) The design pressures of the steam piping connected to the boiler drum or to the superheater inlet header shall be not less than the highest pressure at which any drum safety valve is set to blow.

(2) The design pressure of the superheater outlet flange and the superheated steam piping beyond the superheater outlet shall be not less than the pressure at which the superheater safety valve is set to blow. Where the superheater safety valve is of the drum pilot actuated type, the design pressure shall be at least equal to 95 percent of the drum pilot safety valve setting. The S value for the material shall not exceed that permitted for the total steam temperature at the superheater outlet.

(c) Carbon steel or wrought iron pipe shall have a wall thickness of not less than standard weight pipe. Where the installation of light wall pipe is deemed satisfactory, the use of pipe having a wall thickness less than standard weight will be given special consideration by the Commandant.

(d) The outer walls of pipe bends after fabrication shall have a thickness of not less than that required by paragraph (a) of this section. If doubt exists as to the wall thickness being adequate, Class I piping having diameters exceeding 4 inches shall be drilled, gaged, and fitted with a screwed plug extending outside the pipe covering. Alternatively, a method of nondestructive examination such as the use of radiation measurement, ultrasonic or other acceptable method may be used. The nondestructive examination shall be employed where the design temperature exceeds 750° F. Prior to the use of nondestructive methods of examination by the above procedure, it shall be demonstrated by the user, in the presence of a marine inspector on specimens similar to those to be examined, that consistent results, having an accuracy of plus or minus 4 percent of the measurements secured by micrometers, are obtainable.

(e) The radius of a pipe bend measured from the centerline of the pipe shall be not less than three times the nominal pipe diameter, except for copper which shall have a radius of not less than twice the nominal pipe diameter.

(f) (1) Where pipe is pierced with tube holes the ligament efficiency of the tube holes shall be employed in the formulas in § 52.05-10 of this subchapter to determine the maximum allowable pressure of the piping. The pressure thus calculated shall in no case be greater than that allowed for the unpierced pipe.

(2) Where branch connections are welded to Class I piping, or to piping conveying steam at pressures exceeding 50 p. s. i., reinforcement of the pierced pipe shall be provided unless the connection is adequate for the design pressure. The amount of reinforcement required

shall be determined by § 52.25-20 of this subchapter.

(3) The longitudinal joint of a welded pipe shall not be pierced with holes.

(g) Sections of ferritic alloy steel piping shall be furnished in the full-annealed or normalized and drawn condition prior to installation. If the material is subject to hot bending or hot forming operations, the piping shall be re-normalized before welding. Following the normalizing treatment, piping over 2½ inches shall be re-drawn either before welding or after welding when a combined stress relief and drawn treatment may be performed simultaneously in the furnace. Material which is bent cold need not be re-normalized. The heat treatment of austenitic alloy steel piping subject to hot bending or other hot forming operations will receive special consideration by the Commandant. All scale shall be removed from normalized pipe prior to installation.

§ 55.07-6 Expansion and flexibility.

(a) Piping systems shall be designed to have sufficient flexibility to prevent thermal expansion or contraction from causing excessive stresses in the piping material, excessive bending moments at the joints, or excessive forces or moments at points of connection to equipment or at anchorage and guide points.

(b) Provision shall be made for expansion and contraction by changes in direction of pipe runs or by the use of expansion bends, loops, offsets, or movable joints that will provide adequate flexibility.

(c) Piping shall be installed to avoid excessive strains and shall be adequately supported by hangers or guides, so that the weight of the piping is not transmitted to valves and fittings, and the effects of vibrations, pitching and rolling of the vessel are minimized. Pipe supports shall be designed and arranged so as not to interfere with expansion and contraction of the piping and to insure that excessive forces and moments are not imposed on connected equipment. Anchors, pivots, and restraints shall be fabricated and installed to secure the desired points of piping in relatively fixed positions and freely permit expansion and contraction in opposite directions. Main junction points of piping subject to temperatures exceeding 450° F., which are not balance points, shall be fitted with fixed anchors. If considered as a balance point the junction point may be free to move in all directions, or may be guided to limit the movement in one or more directions if computations indicate excessive strain may occur in any of the branch pipes.

(d) A summary of the results of pipe stress calculations for the main and auxiliary steam piping where the design temperature exceeds 800° F., together with the arrangement piping drawings, shall be submitted for approval. Calculations shall be made in accordance with one of the recognized methods of stress analysis acceptable to the Commandant.

(e) Stress calculations shall be made to determine the magnitude and direction of the forces and moments at all terminal connections, anchor and junction points, as well as the resultant bending stress, longitudinal pressure stress, torsional stress, and combined expansion stress at all such points. The location of the maximum combined stress shall be indicated in each run of pipe between anchor points. Dimensional properties of pipe and fittings shall be based on nominal dimensions.

(f) (1) The combined expansion stresses shall be calculated by the following formula:

$$S_e=\sqrt{S_b^2+4S_t^2} \quad (1)$$

where:

S_e = combined expansion stress, in pounds per square inch.

$S_b=\frac{iM_b}{Z}$ = resultant bending stress, in pounds per square inch.

$S_t=\frac{M_t}{2Z}$ = torsional stress, in pounds per square inch.

M_b = resultant bending moment, in inch-pounds.

M_t = torsional moment, in inch-pounds.

Z = section modulus of the pipe, cubic inches.

i = stress intensification factor (see § 55.07-6 (g)).

(2) The calculations for the combined expansion stress, S_e, shall be based on 100 percent of the thermal expansion, using the modulus of elasticity at room temperature (cold condition). No credit will be allowed for cold pull in computing the combined expansion stress.

(3) The combined expansion stress shall not exceed the allowable stress range as determined by the following formula:

$$S_A=1.25S_c+0.25S_h \quad (2)$$

where:

S_A = Allowable stress range, in p.s.i.

S_c = Allowable stress in cold condition, in p.s.i. (80 percent of S value given in Table 52.05-10(a) for piping material at 650° F.)

S_h = Allowable stress in hot condition, in p.s.i. (80 percent of S value give in Table 52.05-10(a) for piping materials at design temperatures.)

(4) The sum of the longitudinal stresses due to pressure, weight and other sustained external loadings shall not exceed S_h. Where the sum of these stresses is less than S_h, the difference between S_h and the sum may be added to the term 0.25 S_h in formula (2).

(g) Stress intensification factors for pipe bends and elbows, moduli of elasticity, and coefficients of thermal expansion shall conform to the values as specified in the American Standard Code for Pressure Piping (ASA B31.1).

(h) (1) The reactions in the hot condition, R_h, and cold condition, R_c, shall be calculated by the following formulas:

$$R_h=(1-\tfrac{2}{3}C)\frac{E_h}{E_c}R \quad (3)$$

$$R_c=CR \quad \text{or} \quad \left(1-\frac{S_h}{S_e}\times\frac{E_c}{E_h}\right)R, \quad (4)$$

whichever is greater.

The value $\frac{S_h}{S_e}\times\frac{E_c}{E_h}$ shall be less than unity.

where:

R_c and R_h = maximum reactions estimated to occur in the cold and hot conditions, respectively, pounds.

R = range of reactions obtained from the flexibility calculations corresponding to the full expansion range based on the modulus of elasticity at room temperature, pounds.

C = cold spring factor varying from zero for no cold spring to one for 100 percent cold spring.

S_e = maximum computed expansion stress.

E_c = modulus of elasticity in cold condition. (See § 55.07-6 (g).)

E_h = modulus of elasticity in hot condition. (See § 55.07-6 (g).)

(2) The reactions so computed shall not exceed the limits which the attached equipment can safely sustain.

(3) Cold spring may be taken into account in the calculations of the reactions in the hot and cold conditions: *Provided*, That, in the opinion of the Commandant, satisfactory provision is made to obtain the designed cold spring.

(i) Where it is desired to employ alloy steel pipe materials of better heat resistant properties than those specified in Part 51 of this subchapter, special consideration may be given by the Commandant for an increase in the maximum allowable stress range, if satisfactory evidence is furnished to establish the suitability of the material for the design temperature.

§ 55.07-8 Variations in pressures and temperatures.

(a) Superheater outlet flanges and superheated and desuperheated steam piping direct from the boiler shall be designed for not less than the maximum pressure and temperature to which they may be exposed in service under normal sustained operating conditions.

(b) Occasional increases in pressure and/or temperature are unavoidable and may be permitted without changing the normal design provided the corresponding stress in the pipe wall calculated by Formulas (1) and (2) of § 55.07-5 does not exceed 80 percent of the maximum allowable stress value given in Table 52.05-10(a) in § 52.05-10 of this subchapter for the actual expected temperature by more than the following allowance for the periods of duration indicated:

(1) Up to 15 percent increase above the S value during 10 percent of the operating period.

(2) Up to 20 percent increase above the S value during 1 percent of the operating period.

§ 55.07-10 Valves and fittings.

(a) All valves shall close with a right hand (clockwise) motion of the handwheels when facing the end of the valve stem. Valves shall be of the rising stem type preferably with the stem threads external to the valve body. Where operating conditions will not permit of such installations, the use of a non-rising stem valve will be permitted, provided indicators are fitted to show clearly whether same is opened or closed. Valves installed in cargo tanks of tank vessels are not required to be fitted with indicators.

(b) Valves of class I piping having diameters exceeding 2 inches shall have bolted, pressure seal, or breech lock bonnets and flanged or welding ends, except that socket type welding ends shall not be used where the diameter exceeds 2 inches. For diameters not exceeding 2 inches, screwed union bonnet valves or a type which will positively prevent the stem from screwing out of the body may be employed. Cast-iron valves with screwed-in or screwed-over bonnets are prohibited. Union bonnet type cast-iron valves shall have the bonnet ring made of steel, bronze or malleable iron.

(c) Valves, flanges, fittings and appurtenances shall be designed for the maximum pressure to which they may be subjected, but in no case shall the design pressure be less than 50 pounds per square inch. When butterfly or wafer type resilient seated valves are used for shell connections, the valve bodies shall be designed for 150 pounds per square inch. Large fabricated ballast manifolds connecting lines exceeding eight inches nominal pipe size may be designed for a pressure of not less than 25 pounds per square inch.

(d) Disks or disk faces, seats, stems and other wearing parts of valves shall be made of material possessing corrosion and heat-resisting qualities suitable for the service conditions to which they may be subjected.

(e) Valves, flanges, and fittings shall be marked in conformance with the requirements of MSS Standard SP–25–1960.[1]

(f) Plug cocks shall be constructed with satisfactory and positive means of preventing the plug from becoming loosened or removed from the body when the plug is operated. Cocks having plug locking arrangements depending on cotter pins are prohibited.

(g) Cocks shall be marked in a straight line with the body to indicate whether same are open or closed.

§ 55.07–15 Joints and flange connections.

(a) Flanged or butt-welded joints are required for Class I piping for diameters exceeding 2 inches, except as otherwise specified in this subchapter.

(b) Slip-on flanges in sizes not exceeding 2'' may be used without pressure limitations and for temperatures not exceeding 650 degrees F. Slip-on flanges in sizes exceeding 2'' may be used for pressures not exceeding the service pressure temperature ratings for the 300-pound ASA Standard and for temperatures not exceeding 650 degrees F. Screwed joints for Class I piping are not permitted for pipe diameters exceeding 2''.

(c) Forged or cast steel valves, flanges, and pipe fittings of the socket welding type, wherein the pipe is inserted into the socket and is secured by means of a strength fillet weld may be employed for pipe diameters not exceeding 2 inches for Class I piping and without diameter limitation for Class II piping.

(d) Valves, flanges and fittings may be attached to nonferrous pipe by means of soldering where the pressures do not exceed 10 pounds per square inch at 240° F. and 100 pounds per square inch at 150° F. For temperatures between 150° F. and 240° F. the pressure shall be proportionate. Silver brazing alloy shall be employed for temperatures and pressures exceeding the foregoing.

(e) (1) Flanges shall conform in strength at least to the dimensional standards listed in Table 55.07–15 (e1), except as otherwise specified in this subchapter.

TABLE 55.07–15(e1)—STANDARDS FOR FLANGED, BUTT-WELDING, AND SOCKET-WELDING VALVES, FITTINGS, AND PIPE FLANGES

Type	Pressure rating	Standard	Notes
Cast iron	125	ASA B16.1–1960	(1)
Do	250	ASA B16.2–1960	(2)
Bronze	150	ASA B16.24–1962	(3)
Do	300	ASA B16.24–1962	(3)
Steel	150	ASA B16.5–1961	(4)
Do	300	ASA B16.5–1961	(4)
Do	400	ASA B16.5–1961	(4)
Do	600	ASA B16.5–1961	(4)
Do	900	ASA B16.5–1961	(4)
Do	1,500	ASA B16.5–1961	(4)
Do	2,500	ASA B16.5–1961	(4)
Do		ASA B16.9–1958	(5)
Do		ASA B16.11–1946	(6)

[1] American Standard Cast Iron Pipe Flanges and Flanged Fittings, Class 125, published by the American Society of Mechanical Engineers, 345 East 47th St., New York, N.Y., 10017.

[2] American Standard Cast Iron Pipe Flanges and Flanged Fittings, Class 250, published by the American Society of Mechanical Engineers, 345 East 47th St., New York, N.Y., 10017.

[3] American Standard Brass or Bronze Flanges and Flanged Fittings, 150- and 300-lb., published by the American Society of Mechanical Engineers, 345 East 47th St., New York, N.Y., 10017.

[4] American Standard Steel Pipe Flanges and Flanged Fittings, published by the American Society of Mechanical Engineers, 345 East 47th St., New York, N.Y., 10017.

[5] American Standard Steel Butt-Welding Fittings, published by the American Society of Mechanical Engineers, 345 East 47th St., New York, N.Y., 10017.

[6] American Standard Steel-Socket Welding Fittings, published by the American Society of Mechanical Engineers, 315 East 47th St., New York, N.Y., 10017.

(2) (i) The adjusted service pressure-temperature ratings for steel pipe flanges and flanged valves and fittings shall conform to the ASA standards as listed in Table 55.07–15(e1), except as otherwise specified in this subchapter.

(ii) The pressure-temperature ratings specified in American Standard Steel Pipe Flanges and Flanged Fittings, ASA B16.5, require gaskets and flange facings conforming to the requirements of such standards. For flange facing-gasket combinations other than those specified in ASA B16.5, calculations shall be submitted indicating that the gaskets will result in no increase in bolt load or flange moment over those facing-gasket combinations specified in this paragraph. (For acceptable gasket dimensions and flange facings, see Figure 54.03–25(c1) of this subchapter and ASA B16.5.)

(f) Flanges shall be attached to the pipe by any method shown by figures 55.07–15 (f1) to 55.07–15 (f15), inclusive, or by any additional means that may be approved by the Commandant.

(1) *Figure 55.07–15(f1).* Flanges with screwed threads may be used for class I piping not exceeding 2 inches nominal pipe size. For class II piping, flanges with screwed threads may be used without diameter limitation.

(2) *Figure 55.07–15(f2).* 150-pound and 300-pound low-hubbed flanges with screwed threads plus the addition of a strength fillet weld of the size as shown may be used for Class I piping without diameter limitation for temperatures not exceeding 750 degrees F. The pressure shall not exceed the American Standard service pressure temperature rating as prescribed in Table 55.07–15(e1).

(3) *Figure 55.07–15(f3).* Slip-on flanges in sizes exceeding 2'' may be used for pressures not exceeding the service pressure temperature ratings for the 300-pound ASA standards and for temperatures not exceeding 650 degrees F. Slip-on flanges in sizes not exceeding 2'' may be used without pressure limitations and for temperatures not exceeding 650 degrees F.

(4) *Figure 55.07–15(f4).* Socket welding flanges may be used for class I piping of nominal pipe size not exceeding 2 inches. For class II piping, socket welding flanges may be used without diameter limitation.

(5) *Figure 55.07–15(f5)* Flanges machined from steel plate meeting the requirements of Subpart 51.22 may be used for Class II piping for pressures not exceeding 150 pounds per square inch and temperatures not exceeding 450° F. The machined flanges shall conform at least to the American Standard 150 pound flange dimensions.

(6) *Figure 55.07–15 (f6).* Steel plate flanges meeting the material and construction requirements listed in Figure 55.07–15 (f5) may be used for Class II piping for pressures not exceeding 150 pounds per square inch or temperatures not exceeding 650 degrees F. The flange shall be attached to the pipe as shown by Figure 55.07–15 (f6). The pressure shall not exceed the American Standard service pressure temperature rating as prescribed in Table 55.07–15(e1).

(7) *Figure 55.07–15 (f7).* Lap joint flanges (Van Stone) may be used for class I and class II piping. The Van Stone equipment shall be operated by qualified personnel and the ends of the pipe shall be heated from 1,650° F. to 1,900° F. dependent upon the size of the pipe prior to the flanging operation. The foregoing temperatures shall be carefully adhered to in order to prevent excess scaling of the pipe. The extra thickness of metal built up in the end of the pipe during the forming operation shall be machined to restore the pipe to its original diameter. The machined surface shall be free from surface defects and the back of the Van Stone lap shall be machined to a fine tool finish to furnish a line contact with the mating surface on the flange for the full circumference as close as possible to the fillet of the flange. The number of heats to be used in forming a flange shall be determined by the size of the pipe and not more than two push-ups per heat are permitted. The width of the lap flange shall be at least three times the thickness of the pipe wall and the end of the pipe shall be properly stress-relieved after the flanging operation is completed. Manufacturers desiring to employ this type of joint shall demonstrate to an inspector that they have the proper equipment and personnel to produce acceptable lap joints.

(8) *Figure 55.07–15 (f8).* Welding neck flanges may be used on any piping provided the flanges are butt-welded to the pipe. The joint shall be welded as indicated by figure 55.07–15 (f8) and a backing ring employed which will permit complete penetration of the weld metal.

(9) *Figure 55.07–15 (f9).* Welding neck flanges may also be attached to pipe by a double-welded butt joint as shown by figure 55.07–15 (f9).

(10) *Figure 55.07–15 (f10).* Flanges may be attached by shrinking the flange on to the end of the pipe and flaring the end of the pipe to an angle or not less than 20°. A fillet weld of the size shown by figure 55.07–15 (f10) shall be used to attach the hub to the pipe. This type of flange is limited to a maximum pressure of 300 pounds per square inch at temperatures not exceeding 500° F.

(11) *Figure 55.07–15 (f11).* The flange of the type described and illustrated by figure 55.07–15 (f10), except with the fillet weld omitted, may be used for class II piping for pressures not exceeding 150 pounds per square inch and temperatures not exceeding 450° F.

(12) *Figure 55.07–15 (f12).* High-hub bronze flanges may be used for temperatures not exceeding 406° F. The hub of the flange shall be bored to a depth of not less than that required for a threaded connection of the same diameter leaving a shoulder for the pipe to butt against. A preinserted ring of silver brazing alloy having a melting point of not less than 1,000° F. and of sufficient quantity to fill the annular clearance between the flange and the pipe shall be inserted in the groove. The pipe shall then be inserted in the flange and sufficient heat applied externally to melt the brazing alloy until it completely fills the clearance between the hub and the flange of the pipe. A suitable flux shall be applied to the surfaces to be joined to produce a satisfactory joint. (For clearances of silver soldered joints, see § 56.10–30 (e) of this chapter.)

(13) *Figure 55.07–15 (f13).* The type of flange as described for figure 55.07–15 (f12) may be employed and in lieu of an annular groove being machined in the hub of the flange for the preinserted ring of silver brazing alloy, a bevel may be machined on the end of the hub and the silver brazing alloy introduced from the end of the hub to attach the pipe to the flange. (For clearances of silver soldered joints, see § 56.10–30 (e) of this chapter.)

(14) *Figure 55.07–15 (f14).* Flanges may be attached to nonferrous pipe by inserting the pipe in the flange and flanging the end of the pipe into the recess machined in the face of the flange to receive same. The width of the flange shall be not less than three times the pipe wall thickness. In addition thereto, the pipe shall be securely brazed to the wall of the flange.

(15) *Figure 55.07–15 (f15).* The flange of the type described and illustrated by figure 55.07–15 (f14), except with the brazing omitted, may be used for class II piping and where the temperature does not exceed 250° F.

[1] The "Standard Marking System for Valves, Fittings, Flanges and Unions," is published by Manufacturers Standardization Society of the Valves and Fittings Industry, 420 Lexington Avenue, New York, N.Y., 10017.

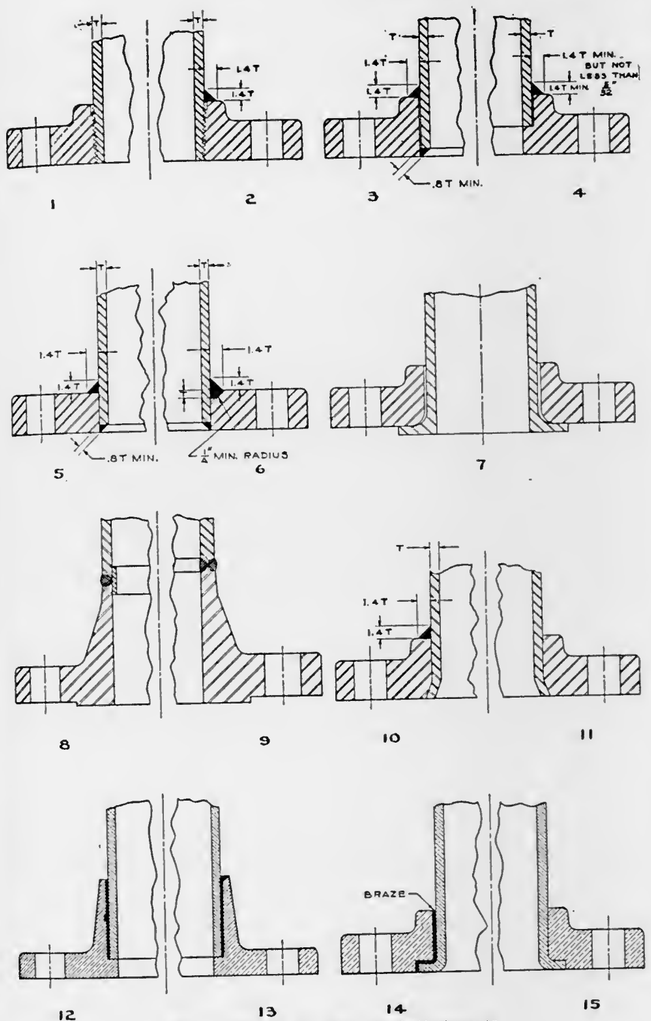


FIGURE 55.07–15 (f). Methods of attachments.

§ 55.07–20 Bolting.

(a) Valves, fittings and flanges for piping systems shall have bolting complying with the standards for the different materials and pressure ratings as given in Table 55.07–15(e) (1). For the design requirements of bolted flanged connections on pressure vessels see § 54.03–25 of this subchapter.

(b) Bolting material shall comply with the requirements of § 54.03–25 of this subchapter.

§ 55.07–25 Installation.

(a) Slip joints shall not be used in cargo holds, deep tanks, and in other places that are not always accessible, except that they may be used in cargo lines of tank vessels. Where used, slip joints shall be provided with positive means for preventing the end of the pipe from pulling out of the joint.

(b) Pumps used to transfer oil shall have no discharge connections to firemains, boiler feed systems, or condensers unless approved positive means are pro-

vided to prevent oil from being accidentally discharged into any of the aforementioned systems.

(c) Where bilge or ballast piping are led through deep tanks means shall be provided to prevent the flooding of the compartments being served in the event of pipe leakage within the tanks. Such means may consist of an oiltight or watertight pipe tunnel, or the lines may be of Schedule 80 pipe thickness, fitted with expansion bends, and all joints within the tanks welded. Where a pipe tunnel is installed, the watertight integrity of the bulkheads shall be maintained and if the tunnel is not of sufficient size to afford easy access, no valve or fitting shall be located therein. Bilge lines led through deep tanks without a pipe tunnel shall be fitted with non-return valves at the bilge suctions.

(d) Where pipes and scuppers are carried through watertight or oiltight bulkheads, decks or tank tops, the watertight integrity of the structure shall be maintained. Lead or other heat sensitive materials shall not be used in piping systems which penetrate watertight subdivision bulkheads, where deterioration of such systems in the event of fire would impair the watertight integrity of the bulkheads. (For plastic pipe installations, see § 55.07–1(h).) Where plate insert pads are used, bolted connections shall have threads tapped into the plate to a depth of not less than the diameter of the bolt. If welded, the pipe or flange shall be welded to both sides of the plating. Openings in structure through which pipes pass shall be reinforced where necessary. Flanges shall not be bolted to bulkheads so that the plate forms a part of the joint.

(e) Piping shall not be run over or in the vicinity of switchboards or other electrical equipment if avoidable. When such leads are necessary, welded joints only shall be used and provision shall be made to prevent leakage from damaging the equipment.

(f) Fresh water piping shall not run through oil tanks nor oil piping through fresh water tanks. Care should be taken to prevent the accidental contamination of fresh water from salt water lines.

(g) Stuffing boxes shall not be used on deep tank bulkheads, double bottoms or in any position where they cannot be easily examined. This requirement does not apply to ore carriers operating on the Great Lakes or cargo lines of oil tankers.

(h) Piping systems shall be installed so that under no condition will the operation of safety or relief valves be impaired.

(i) (1) Remote valve controls which are not readily identifiable as to service shall be fitted with nameplates. Remote valve controls shall always be accessible under service conditions and an indicator shall be fitted to show whether the valve is open or closed. Valve control rods shall be adequately protected and only solid reach rods shall be used in tanks containing liquids, except that tank barges having plug cocks inside cargo tanks may have reach rods of extra heavy pipe with annular space between the lubricant tube and the pipe wall sealed with a non-soluble material to prevent penetration of the cargo.

(2) Where air operated remote control valves are installed, a self-indicating air cock and a pressure gauge or other acceptable means shall be provided in the actuating line to the remote valve as close as possible to the control board to indicate whether the remote control valve is open or closed.

(j) Suitable drains shall be provided at low points of piping systems.

(k) Valves and cocks shall be located so as to be easily accessible and valves or cocks attached to the shell of the vessel or to sea chests located below the floor plating shall be operable from above the floorplates.

(l) When welded fabrication is employed, a sufficient number of detachable joints shall be provided to facilitate overhauling and maintenance of machinery and appurtenances. The joints shall be located so that adequate space is provided for welding, and the location of the welds shall be indicated on the plans.

(m) (1) Pipes piercing the collision bulkhead shall be fitted with screwdown valves operable from above the bulkhead deck and the valve shall be secured to the bulkhead fitting inside the forepeak tank.

(2) Passenger vessels shall not have the collision bulkhead pierced below the margin line by more than one pipe conveying liquids in the forepeak tank except as provided for in subparagraph (3) of this paragraph.

(3) If the forepeak tank is divided to hold two different kinds of liquids, the collision bulkhead may be pierced below the margin by two pipes, provided there is no practical alternative to the fitting of the second pipe and further provided the safety of the vessel is maintained.

(n) Valves and cocks not forming part of a piping system are not permitted in watertight subdivision bulkheads.

(o) (1) Piping systems which may be subjected to pressures exceeding that for which same are designed shall be provided with a pressure reducing valve, and on the low pressure side of the reducing station a relief valve and pressure gauge shall also be installed.

(2) The relief valves installed on reduced pressure lines shall have a relieving capacity at least equal to the capacity of the pressure reducing valve at a pressure of not more than the design pressure of the reduced pressure piping or any appurtenance thereof, whichever is the lesser.

(p) Fuel oil service, cargo and fuel oil transfer and boiler feed pumps shall be provided with a pressure gauge. Relief valve shall also be installed in the discharge line provided the piping system or appurtenances are not designed for the pressure which such pumps are capable of developing when operating under shutoff head.

(q) Valves for fuel oil equalizing lines in machinery spaces shall comply with § 55.10–35 (d). Where flooding equalizing cross-connections are required for stability considerations, the arrangement shall be approved by the Commandant.

(r) Where pipes are run through cargo spaces and coal bunkers, they shall be substantially incased to protect them from mechanical injury. In coal bunkers such casings shall be made of steel.

(s) Piping, including valves, pipe fittings and flanges, conveying vapors, gases or liquids whose temperature exceeds 150 degrees F. shall be suitably insulated where necessary to preclude injury to personnel.

(t) Piping conveying oil shall be run well away from hot surfaces wherever possible. Where such leads are unavoidable, welded joints only shall be used, or alternatively suitable shields shall be fitted in the way of flanged or mechanical pipe joints when welded joints are not practicable.

(u) Oil piping drains, strainers, and other equipment subject to normal oil leakage shall be fitted with drip pans or other means to prevent oil draining to the bilge.

Subpart 55.10—Pumping Arrangements and Piping Systems

§ 55.10–1 Steam and exhaust piping.

(a) Steam stop valves in sizes exceeding six inches shall be fitted with bypasses for heating the line and equalizing the pressure before the valve is opened.

(b) In multiple boiler installations, the steam stop valves shall be of the stop check type.

(c) Main and auxiliary steam stop valves shall be arranged to seat against boiler pressure.

(d) Where vessels are equipped with more than one boiler, the auxiliary steam piping shall be so arranged that steam for the whistle, steering gear, and electric-lighting plant may be supplied from any power boiler.

(e) Steam and exhaust pipes shall not be led through coal bunkers or dry cargo spaces unless approved by the Commandant.

(f) Steam piping with the exception of the steam heating system shall not be led through passageways, crew and passenger quarters, or public spaces unless the arrangement is approved by the Commandant. Steam pressure for space heating shall not exceed 45 p. s. i.

(g) (1) Where positive shutoff valves are fitted in exhaust lines of machinery, and the exhaust side, including engine steam cylinders and chests, turbine casings, exhaust piping and shutoff valves is not designed for the maximum inlet pressure, a full capacity relief valve shall be fitted between the machinery exhaust and the shutoff valve. The relief valve shall be of sufficient capacity and so set to prevent the equipment from being accidentally or otherwise subjected to a pressure in excess of its design pressure.

(2) A sentinel relief valve or other warning device fitted on the engine or turbine exhaust together with a back pressure trip device which will close the inlet valve when the exhaust side of the system is subjected to pressures exceeding the design pressure, may be substituted for the required relief valve.

(h) Control and instrument piping led from superheated steam lines shall be so arranged as to preclude an appreciable amount of condensate from entering the superheated steam line in order to minimize the likelihood of cracking due to thermal shock.

(i) Steam shore connections shall be fitted with a relief valve set at a pressure not exceeding the design pressure of the piping.

§ 55.10–5 Safety and relief valve escape piping.

(a) Escape piping from the boiler drum and superheater safety valves shall have an area of not less than that of the combined areas of the outlets of all valves discharging thereto and shall be led as near vertical as practicable to atmosphere.

(b) Expansion joints or flexible pipe connections shall be fitted in escape piping. The piping shall be adequately supported and installed so that no stress is transmitted to the safety valve body.

(c) Safety or relief valve discharges, when permitted to terminate in the machinery space, shall be led below the floorplates or to a remote position to minimize the hazardous effect of the escaping steam.

§ 55.10–10 Boiler feed piping.

(a) *General requirements.* (1) Steam vessels, and motor vessels fitted with steam driven electrical generators, shall have at least two separate means of supplying feed water for the boilers. All feed pumps shall be fitted with the necessary connections for this purpose. The arrangement of feed pumps shall be in accordance with paragraph (d) or (e) of this section.

(2) Feed pump supply to power boilers may utilize the group feed system or the unit feed system.

(3) Feed discharge piping shall be designed for not less than either (i) 125 percent of the maximum allowable pressure of the boiler; or (ii) the feed pump relief valve setting, or shutoff head when a pump relief valve is not fitted; whichever is the greater.

(4) Feed pumps for water tube boilers shall have fresh water connections only.

(b) *Feed valves.* (1) Stop and stop-check valves shall be fitted in the main feed line and shall be attached as close as possible to the drum feed inlet nozzles or to the economizer feed inlet nozzles on boilers fitted with integral economizers.

(2) Where the installation will not permit the feed stop valve to be attached directly to the drum inlet nozzle on boilers not fitted with economizers, a distance piece may be installed between the stop valve and the inlet nozzle.

(3) Feed stop or stop-check valves may be located near the operating platform on boilers fitted with economizers provided the piping between the valves and the economizer, exclusive of the feed valves and the economizer inlet nozzles, is installed without intervening flanged connections and all butt-welded joints 4 inches and above in size are completely radiographed.

(4) Auxiliary feed lines shall be fitted with stop valves and stop-check valves. Boilers not having auxiliary feed water nozzles, or where independent auxiliary feed lines are not installed, shall have the auxiliary feed line to the drum or economizer connected to the main feed line as close as possible to the main feed stop valves; and the valves in the auxiliary feed line shall be fitted as close as possible to the junction point.

(5) Boilers fitted with economizers shall have a check valve fitted in the economizer discharge and located as close as possible to the drum feed inlet nozzle. When economizer by-passes are fitted, a stop-check valve shall be installed in lieu of the aforementioned check valve.

(6) A sentinel valve shall be fitted to an economizer when a valved bypass is installed.

(c) *Feed-water regulators, feed-water heaters and grease extractors.* (1) Feed-water regulators, tubular feed-water heaters, and grease extractors, where installed, shall be fitted with bypasses.

(2) Feed-water regulators designed with a built-in bypass for emergency use need not be fitted with an external by-pass when installed in a feed system provided with an auxiliary feed line. All feed-water regulators installed in a unit feed system shall be fitted with an external bypass. Feed-water regulator bypasses shall be so arranged that the regular feed valves are in operation while the bypass is in use.

(3) A feed-water regulator may be interposed between the stop and stop-check valves in the feed lines.

(d) *Group feed system.* Group feed systems shall be provided with pumps and piping as follows:

(1) Oceangoing and Great Lakes steam vessels, having a feed pump attached to the main propelling unit, shall be provided with at least one independently driven feed pump. Each of these pumps shall be used exclusively for feed purposes and shall be capable of supplying the operating boilers at their normal capacity. In addition, a second independently driven pump, capable of supplying such boilers at 75 percent of their normal capacity, shall be provided for emergency use. This second pump may be used for other purposes.

(2) If two independently driven pumps are provided, each capable of supplying the boilers at their normal required operating capacity, and neither of which is used for other purposes, the third or emergency feed pump is not required. Where more than two independently driven feed pumps are provided, their aggregate capacity shall not be less than 200 percent of that demanded by the boilers at their required normal operating capacity.

(3) River or harbor steam vessels shall have at least two means for feeding the boilers; one of which shall be an independently driven pump, the other may be an attached pump, an additional independently driven pump, or an injector.

(e) *Unit feed system.* Unit feed systems shall be provided with pumps and piping as follows:

(1) The unit feed system may be used on vessels having two or more boilers. When the unit feed system is employed each boiler shall have its own independently driven main feed pump capable of supplying the boiler at its normal operating capacity. In addition there shall be an auxiliary independently driven feed pump of the same capacity which can be operated in place of and in conjunction with the main feed pump. In vessels with two boilers there shall be provided one auxiliary pump for each boiler. In vessels with three or more boilers, not more than two boilers may be served by any one auxiliary pump. The auxiliary pump may be so interconnected that any pump can feed any boiler.

(2) In the unit feed system, a separate feed line shall be provided for each boiler from its pumps. A separate auxiliary feed line is not required. The discharge from each pump and the feed supply to each boiler shall be automatically controlled by the level of the water in that boiler. In addition to the automatic control, manual control shall be provided.

§ 55.10–13 Condensate pumps.

Two means shall be provided for discharging the condensate from the main condenser, one of which shall be independent of the main propelling machinery. If one of the independent feed pumps is fitted with a direct suction from the condenser and a discharge to the feed tank, same will be acceptable for this purpose. On vessels operating on lakes (including Great Lakes), bays, sounds, or rivers, where provision is made to operate noncondensing, only one condensate unit will be required.

§ 55.10–15 Blowoff piping.

(a) Where blowoff valves are connected to a common discharge from two or more boilers, a non-return valve shall be provided in the line from each boiler to prevent accidental blow-back in the event the boiler blowoff valve is left open.

(b) Blowoff piping external to the boiler shall be designed for not less than 125 percent of the maximum allowable pressure of the boiler.

(c) Boiler blowoff piping which discharges above the load line of a vessel shall be arranged so that the discharge is deflected downward.

(d) Valves such as the globe type so designed as to form pockets in which sediment may collect shall not be used for blowoff service.

§ 55.10–20 Circulating pumps.

(a) A main circulating pump and emergency means for circulating water through the main condenser shall be provided. The emergency means may consist of a connection from an independent power pump fitted between the main circulating pump and the condenser.

(b) Independent sea suctions shall be provided for the main circulating and the emergency circulating pumps.

(c) A cross connection between the circulating pumps in the case of multiple

units will be acceptable in lieu of an independent power pump connection.

(d) On vessels operating on lakes (including Great Lakes), bays, sounds, or rivers, where provision is made to operate noncondensing, only one circulating unit will be required.

§ 55.10–25 Bilge and ballast piping.

(a)(1) All vessels except unmanned barges shall be provided with a satisfactory bilge pumping plant capable of pumping from and draining any watertight compartment except for ballast, oil and water tanks which have acceptable means for filling and emptying, independent of the bilge system. The bilge pumping system shall be capable of operation under all practicable conditions after a casualty whether the ship is upright or listed. For this purpose wing suctions will generally be necessary except in narrow compartments at the ends of the vessel, where one suction may be sufficient. In compartments of unusual form, additional suctions may be required.

(2) Arrangements shall be made whereby water in the compartments will drain to the suction pipes. Efficient means shall be provided for draining water from all tank tops, other watertight flats and insulated holds. Peak tanks, chain lockers and decks over peak tanks may be drained by eductors, ejectors or hand pumps. Where piping is led through the forepeak, see § 55.07–25(m).

(3) Where drainage from particular compartments are considered undesirable, the provisions for such drainage may be omitted, provided it can be shown by calculations that the safety of the vessel will not be impaired.

(b) Passenger vessels shall have provision made to prevent the compartment served by any bilge suction piping from being flooded in the event the pipe is severed or otherwise damaged by collision or grounding in any other compartment. Where the piping is located within one-fifth of the beam of the side of the vessel[1] or in a ductkeel, a nonreturn valve shall be fitted to the end of the pipe in the compartment which it serves.

(c)(1) Bilge suctions shall be led from manifolds, which shall be controlled above the floor plating in the compartments in which they are located, and shall be easily accessible at all times. Except as otherwise permitted by paragraph (i) of this section for Great Lakes' cargo vessels employing a common bilge and ballast system for the cargo spaces, valves in the machinery space controlling bilge suctions from various compartments shall be of the stop-check type.

(2) Passenger vessels engaged on international voyages shall have the manifolds and valves in the bilge pumping system so arranged that in the event of flooding, one of the bilge pumps can take suction on any compartment; and in addition, damage to a pump or its pipe connecting to the bilge main outboard of a line drawn at one-fifth of the beam of the vessel shall not put the bilge system out of action.

(3) If a bilge system common to all pumps is installed on passenger vessels engaged on international voyages, the necessary valves for controlling the bilge suctions shall be operable from above the bulkhead deck. If, in addition to the main bilge pumping system, an emergency bilge pumping system is installed, it shall be independent of the main system and so arranged that a pump is capable of operating on any compartment under flooding conditions. In such cases, only the valves necessary for the operation of the emergency bilge system need be capable of being operated from above the bulkhead deck.

(d) The internal diameter of bilge suction pipes shall be determined by the following formulas, except that the nearest commercial size not more than one-fourth inch under the required diameter may be used.

(1) For suctions to each main bilge pump:

$$d=1+\sqrt{\frac{L\ (B+D)}{2{,}500}} \qquad (1)$$

(2) For branch suctions to cargo and machinery spaces:

$$d=1+\sqrt{\frac{c\ (B+D)}{1{,}500}} \qquad (2)$$

where:

L = length of vessel, in feet on load waterline.
B = breadth of vessel, in feet.
D = molded depth to bulkhead deck, in feet.
c = length of compartment, in feet.
d = required internal diameter of suction pipe, in inches.

NOTE: For tankers L may be reduced by the combined length of the cargo oil tanks.

(3) For vessels of 150 gross tons and over, no main suction piping shall be less than 2½ inches internal diameter. Branch piping need not be more than 4 inches and shall not be less than 2 inches in diameter except for drainage of small pockets or spaces in which case 1½ inch diameter may be used. For vessels less than 150 gross tons no bilge suction shall be less than 1½ inches internal diameter and no branch piping shall be less than one inch nominal pipe size.

(4) For vessels of 65 feet in length or less and not engaged on an international voyage, the bilge pipe sizes computed by formulas (1) and (2) of this paragraph are not mandatory, but in no case shall the size be less than 1 inch nominal pipe size.

(5) The number, location and size of bilge suctions in the boiler and machinery compartments shall be determined when the piping plans are submitted for approval and shall be based upon the size of the compartments and the drainage arrangements.

(e) One of the independent bilge pumps shall have a suction of a diameter not less than that given by formula (2) led directly from the engineroom bilge entirely independent of the bilge main, and on passenger vessels each independent bilge pump located in the machinery spaces shall have such direct suctions from these spaces, except that not more than two pumps are required to have direct suctions from any one space. Where two direct suctions are required in any one compartment on passenger vessels, one suction shall be located on each side of the compartment. If watertight bulkheads separate the engine and boiler rooms, a direct suction or suctions shall be fitted to each compartment unless the pumps available for bilge service are distributed throughout these compartments, in which case at least one pump in each such compartment shall be fitted with direct suctions in its compartment.

(f)(1) Main circulating pumps shall be fitted with direct suction connections provided with nonreturn valves in the machinery space. Great Lakes cargo vessels may have the emergency bilge suction connected to the largest available pump in the machinery space, provided it has a capacity not less than that of the main circulating pump. The diameter of such suction pipes shall be not less than two-thirds of the diameter of the main sea inlet. Where coal is used as fuel and no watertight bulkhead is provided between the engine and boiler rooms, a direct discharge overboard shall be fitted from at least one circulating pump, or a bypass may be fitted to the circulating discharge.

(2) Where the main circulating pump is not suitable for emergency bilge service, a direct emergency bilge suction shall be led from the largest available independent power driven pump to the drainage level of the machinery space. The suction shall be not less than the diameter of the main inlet of the pump used. The discharge capacity of the connected pump shall exceed the capacity of a required main bilge pump. The pump used for emergency bilge suction shall be in addition to the bilge pumps required by § 55.10–30, and the independent bilge suction(s) stipulated in paragraph (e) of this section.

(g) For internal-combustion engine installations, the emergency bilge suction shall be connected to the largest available pump in the engineroom and shall have an area equal to the full suction inlet of the pump. This requirement is in addition to the independent bilge suction stipulated in paragraph (e) of this section.

(h) Each individual bilge suction shall be fitted with a suitable bilge strainer having an open area of not less than three times that of the suction pipe. In addition a mud box or basket strainer shall be fitted in an accessible position between the bilge suction manifold and the pump.

(i) Pipes for draining cargo or machinery spaces shall be separate from pipes which are used for filling or emptying spaces where water or oil is carried. Bilge and ballast pumping systems shall be so arranged as to prevent oil or water from the sea or ballast spaces from passing into cargo or machinery spaces, or from passing from one compartment to another, whether from the sea, water ballast or oil tanks. The bilge and ballast mains shall be fitted with separate control valves at the pumps. The requirements of this paragraph do not apply to bilge and ballast systems on Great Lakes cargo vessels which may employ a common line for the bilge and ballast system for the cargo spaces.

(j) Ballast piping shall not be installed to any hull compartment of a wooden vessel. Where the carriage of liquid ballast in such vessels is necessary, suitable ballast tanks, structurally independent of the hull, shall be provided.

(k) When cargo is to be carried in deep tanks, arrangements shall be made for disconnecting or blanking-off the oil and ballast lines, and the bilge suctions shall be disconnected or blanked-off when oil or ballast is carried. Blind flanges or reversible pipe fittings may be employed for this purpose.

(l) When bilge pumps are utilized for other services, the piping shall be so arranged that under any condition at least one pump will be available for drainage of the vessel through an overboard discharge, while the other pump(s) are being used for a different service.

(m) All bilge pipes used in or under fuel storage tanks or in the boiler or machinery space, including spaces in which oil settling tanks or oil pumping units are located, shall be of steel or other acceptable material.

(n) Oily water separators, if installed as a means of meeting the requirements of § 74.15–10 of Subchapter H (Passenger Vessels), § 93.13–10 of Subchapter I (Cargo and Miscellaneous Vessels), or § 35.01–40 of Subchapter D (Tank Vessels) of this chapter, shall be of sufficient capacity to provide acceptable separation under the least favorable anticipated service conditions.

(Sec. 8, 75 Stat. 403; 33 U.S.C. 1007. Treasury Department Order 167–46, Nov. 6, 1961, 26 F.R. 10609)

§ 55.10–30 Bilge pumps.

(a) *Self-propelled vessels.* (1) All self-propelled vessels shall be provided with power pumps connected to the bilge main as required in table 55.10–30(a).

(2) On passenger vessels 300 feet or more in length engaged in international voyages, or on all passenger vessels on international voyages having a criterion numeral of 30 or more, one of the power bilge pumps shall be available at all times for use under emergency conditions in which a vessel may be flooded at sea. One of the following installations will be considered as complying with the requirements of this paragraph.

(i) One of the required bilge pumps is an emergency pump of a reliable submersible type, the source of power for which shall be located above the bulkhead deck; or,

(ii) The bilge pumps and their sources of power are located throughout the ship so that under any condition of flooding which the vessel is required to withstand, at least one pump will be available in an undamaged compartment.

(3) One of the required power bilge pumps may be attached to the propelling engine.

[1] Measured at right angles to the centerline at the level of the deepest subdivision load line or deep load line, where subdivision load line is not assigned.

TABLE 55.10–30 (a)—POWER BILGE PUMPS REQUIRED FOR SELF-PROPELLED VESSELS

Vessel length	Passenger vessels			Dry cargo vessels		Tank vessels
	International voyage [1]	Ocean, coastwise, and Great Lakes	All other	Ocean, coastwise, and Great Lakes	All other	All
180 feet or more	[2] 3	[2] 3	2	3	2	2
Below 180 feet and exceeding 65 feet	[2] 3	[2] 2	[2] 1	[2] 2	[2] 1	2
65 feet or less	3	1	1	1	1	1

[1] Not applicable to passenger vessels which do not proceed more than 20 miles from the nearest land, or which are employed in the carriage of large numbers of unberthed passengers in special trades.
[2] When the criterion numeral exceeds 30, an additional independent power driven bilge pump is required. (See Subpart 73.10 of Part 73 of Subchapter H (Passenger Vessels) of this chapter for determination of criterion numeral.)
[3] Vessels operating on lakes (including Great Lakes), bays, sounds, or rivers where steam is always available, or where suitable water supply is available from a power pump of adequate pressure and capacity, syphons or eductors may be substituted for one of the required power pumps, provided a syphon or eductor is permanently installed in each hold or compartment.

(4) The bilges forward of the cargo tanks on tank ships may be drained by a power or hand pump, syphons, or eductors. If syphons or eductors are employed, the same shall be permanently installed in each compartment.

(5) On Great Lakes cargo vessels which do not employ a common bilge main, the pumps used for bilge suction are not required to be connected to a bilge main.

(b) *Nonself-propelled vessels.* (1) Oceangoing sailing vessels and barges shall be provided with pumps connected to the bilge main as required in table 55.10–30 (b).

TABLE 55.10–30 (b)—BILGE PUMPS REQUIRED FOR NONSELF-PROPELLED VESSELS

Type of vessel	Waters navigated	Power [1] pumps	Hand pumps
Sailing	Ocean and coastwise.	2	[3]
Manned barges	do	2	[2]
Unmanned barges	All	[2]	[2]

[1] Where power is always available, independent power bilge pumps shall be installed as required and shall be connected to the bilge main.
[2] Efficient hand pumps connected to the bilge main may be substituted for the power pumps. Where there is no common bilge main, one hand pump will be required for each compartment.
[3] Suitable hand or power pumps or siphons, portable or fixed, carried either on board the barge or on the towing vessel shall be provided.

(2) The pumps and source of power for operation on oceangoing sailing vessels and barges shall be located above the bulkhead deck or at the highest convenient level which is always accessible.

(c) *Capacity of independent power bilge pump.* Each power bilge pump shall have a capacity of developing a suction velocity of not less than 400 ft. per minute through the size of pipe required by § 55.10–25 under ordinary conditions, except that for vessels of less than 65 ft. in length not engaged on international voyages the pump shall have a minimum capacity of 25 gallons per minute and need not meet the velocity requirement of this paragraph.

(d) *Priming.* Suitable means shall be provided for priming centrifugal pumps which are not of the self-priming type.

(e) *Location.* (1) If the engines and boilers are in two or more watertight compartments, the bilge pumps shall be distributed throughout these compartments. When the location of bilge pumps in separate watertight compartments is not possible, the Commandant will consider alternate arrangements of the bilge pumps.

(2) The emergency bilge pumps shall not be installed in a passenger ship forward of the collision bulkhead.

(f) *Other pumps.* Sanitary, ballast, and general service pumps having the required capacity may be accepted as independent power bilge pumps if fitted with the necessary connections to the bilge pumping system.

§ 55.10–35 Fuel oil and cargo oil systems.

(a) Oil-piping systems for the transfer or discharge of cargo or fuel oil shall be separate from other piping systems as far as practicable, and positive means shall be provided to prevent dangerous interconnection in service.

(b) When it is necessary to heat the oil to facilitate its transfer, heating coils shall be properly installed in the tanks. The drains from the heating coils as well as the steam drains from oil heaters in the service system shall be run to an open inspection tank or other suitable oil detector before being returned to the feed tank.

(c) Filling pipes may be led directly from the deck into the tanks or to a manifold in an accessible location permanently marked to indicate tanks to which they are connected and from which the oil can be distributed to the various tanks through the piping system. The end of filling pipes shall be fitted with a shutoff valve which shall be kept closed when not in use. Alternate arrangements where gravity systems for filling are employed will be given special consideration by the Commandant.

(d)(1) Piping subject to internal head pressure from oil in the tank shall be fitted with positive shutoff valves located at the tank.

(2) Valves installed on the outside of the oil tanks shall be made of steel or nodular cast iron (Grade 60–45–15) and shall be arranged for local manual control at the valve and from a readily accessible and safe location outside of the compartment in which the valves are located.

(3) If valves are installed on the inside of the tank, they may be made of cast iron and arranged for remote con-

trol only, but additional valves for local control shall be located in the machinery space at the tanks. Valves for local control outside the tanks shall be made of steel or nodular cast iron (Grade 60–45–15).

(4) Remote operation for shutoff valves on small independent fuel-oil tanks will be specially considered in each case where the size of tanks and their location may warrant the omission of remote operating rods.

(e) Fuel oil tanks overhanging boilers are prohibited.

(f) Outlets for drawing fuel or draining water from the fuel oil system are not permitted in machinery spaces. Test cocks shall not be fitted to fuel or cargo oil tanks.

§ 55.10–40 Fuel oil service systems.

(a) All discharge piping from the fuel oil service pumps to the burners shall be of Schedule 80 seamless steel.

(b)(1) All vessels having oil fired power boilers shall have at least two fuel-oil service pumps each of sufficient capacity to supply all the boilers at full power, and arranged so that one may be overhauled while the other is in service. At least two fuel-oil heaters of approximately equal capacity shall be installed and so arranged that any heater may be overhauled while the other(s) are in service. Suction and discharge strainers shall be of the duplex or other type capable of being cleaned without interrupting the oil supply. Coamings, drip pans, etc. shall be fitted under fuel oil service pumps, heaters, etc. where necessary to prevent oil drainage to the bilge.

(2) All auxiliary boilers, except those furnishing steam for vital equipment and fire-extinguishing purposes other than duplicate installations, may be equipped with a single fuel-oil service pump and single fuel-oil heater, and in addition such pumps need not be fitted with discharge strainers.

(3) Boilers burning fuel oils of low viscosity need not be equipped with fuel oil heaters, provided acceptable evidence is furnished to indicate that satisfactory combustion will be obtained without the use of heaters.

(c) Piping between service pumps and burners shall be located so as to be readily observable. The relief valve located at the pump and the relief valves fitted to the fuel-oil heaters shall discharge back into the fuel supply tank or the suction side of the pump. The return line from the burners shall be so arranged that the suction piping cannot be subjected to discharge pressure.

(d) If screwed-bonnet valves are employed, same shall be of the union-bonnet type capable of being packed under pressure.

(e) Unions shall not be used for pipe diameters of one inch and above.

(f) Bushings and street ells are not permitted in fuel oil discharge piping.

(g) Service oil pumps shall be equipped with means of control from a readily accessible position outside of the boiler room which will always be accessible in the event of fire occurring in the compartment in which the pumps are located.

§ 55.10–45 Gasoline fuel systems.

(a) *Material.* (1) Fuel supply piping to the engines shall be of seamless drawn annealed copper tubing or iron pipe size copper pipe.

(2) Tubing wall thicknesses shall not be less than that shown in Table 55.10–45 (a).

TABLE 55.10–45 (a)—TUBING WALL THICKNESS

Outside diameter of tubing in inches	Thickness	
	B. W. G.	Inch
⅛, 3/16, ¼	#21	0.032
5/16, ⅜	#20	.035
7/16, ½	#19	.042

(3) Tubing fittings shall be of nonferrous drawn or forged metal and of the flared type. Tubing shall be cut square and flared by suitable tools. Tube ends shall be annealed before flaring. Pipe fittings shall be of nonferrous material. Pipe thread joints shall be made tight with a suitable compound.

(4) Valves for fuel lines shall be of nonferrous material of the union-bonnet type with ground seats. Cocks are prohibited for use in gasoline fuel lines.

(b) *Installation.* (1) All fuel pipes, pipe connections and accessories shall be readily accessible. The piping shall run in sight wherever practicable, protected against mechanical injury, and effectively secured against excessive movement and vibration by the use of soft nonferrous metal liners or straps without sharp edges. Where passing through steel decks or bulkheads, fuel lines shall be protected by close fitting ferrules or stuffing boxes.

(2) A short length of suitable metallic or nonmetallic flexible tubing or hose, or a loop of copper tubing shall be installed in the fuel supply line at or near the engine to prevent damage by vibration. A nonmetallic flexible hose fabricated of a synthetic rubber adequately reinforced with either a suitable fabric or wire may be used for this purpose. The hose shall be designed for high resistance to petroleum oils, heat and vibration. Flexible hose connections should maintain metallic contact between the sections of the fuel supply lines; however, if such contact is not maintained, the fuel tank shall be grounded.

(3) Valves in fuel lines shall be installed to close against the flow.

(c) *Shutoff valves.* Shutoff valves of a suitable type shall be installed in the fuel supply lines, one as close to each tank as practicable, and one as close to each carburetor as practicable. Where fuel tanks are installed below the weather deck, arrangements shall be provided for operating all shutoff valves at the tanks from outside the compartments in which they are located, preferably from an accessible position on the weather deck. The operating gear for the shutoff valves at the tanks shall be accessible at all times.

(d) *Strainers.* A suitable twin strainer shall be fitted in the fuel supply line in the engine compartment. Strainers shall be of the type opening on top for cleaning screens. A drip pan shall be fitted under the strainer.

(e) *Outlets and drains.* Outlets in fuel lines for drawing gasoline for any purpose are prohibited. Valved openings in the bottom of fuel tanks are prohibited, however, openings fitted with threaded plug or cap may be used for cleaning purposes.

(f) *Fuel suction connections.* All fuel suction and return lines shall enter the top of the fuel tanks and connections shall be fitted into spuds. Such lines shall extend nearly to the bottom of the tank.

(g) *Filling and sounding pipes.* Filling and sounding pipes shall be so arranged that vapors or possible overflow when filling cannot escape to the inside of the vessel but will discharge overboard. Such pipes shall terminate on the weather deck clear of any coamings and shall be fitted with suitable shutoff valves or deck plugs. Filling and sounding pipes shall extend to within one-half of their diameter from the bottom of the tank or from the surface of the striking plate in case of a sounding pipe. A flame screen of noncorrodible wire mesh shall be fitted in the throat of the filling pipe. Sounding pipes shall be kept closed at all times except during sounding.

(h) *Vent pipes.* Each tank shall be fitted with a vent the net cross-sectional area of which shall be not less than that of the filling pipe. The vent pipes shall terminate at least two feet above the weather deck and not less than three feet from any opening into living quarters or other below deck space. The ends of vent pipes shall terminate with U-bends and shall be fitted with flame screens or flame arresters. The flame screens shall consist of a single screen of corrosion resistant wire of at least 30 x 30 mesh.

(i) *Gasoline tanks.* For requirements pertaining to gasoline tanks, see Subpart 59.05 of this subchapter.

§ 55.10–50 Diesel fuel system.

(a) *Scope.* The regulations in this section apply to motorboats and motor vessels of less than 100 gross tons and tank barges. For all other vessels, the diesel fuel system shall comply with §§ 55.10–35, 55.10–60 and 55.10–65.

(b) *Material and workmanship.* Fuel supply piping shall be of seamless steel or annealed seamless copper or brass pipe or tubing.

(c) *Installation.* The installation of diesel fuel piping shall comply with the requirements of § 55.10–45(b).

(d) *Shutoff valves.* Shutoff valves shall be installed in the fuel supply lines, one as close to each tank as practicable, and one as close to each fuel pump as practicable. Valves shall be accessible at all times.

(e) *Outlets and drains.* Valves for removing water or impurities from fuel oil systems will be permitted in the machinery space provided such valves are fitted with caps or plugs to prevent leakage.

(f) *Filling pipe.* Tank filling pipes on motorboats and motor vessels of less than

100 gross tons and tank barges shall terminate on an open deck and shall be fitted with suitable shutoff valves, deck plugs, or caps.

(g) *Vent pipes.* Each tank shall be fitted with a vent pipe complying with § 55.10–45 (h).

(h) *Diesel fuel tanks.* For requirements pertaining to diesel fuel tanks see Subpart 59.10 of this subchapter.

§ 55.10–55 Lubricating oil system.

(a) The lubricating oil system shall be designed to function satisfactorily when the vessel is permanently inclined to an angle of 15 degrees athwartship and 5 degrees fore or aft.

(b) When pressure or gravity forced lubrication is employed for the steam driven main propelling machinery, an independent auxiliary lubricating pump shall be provided.

(c) Oil coolers on steam driven machinery shall be provided with two separate means of circulating water through the coolers.

(d) For internal combustion engine installations, the requirements of paragraphs (b) and (c) of this section shall be met but do not apply to vessels in river and harbor service, nor in any vessel below 300 gross tons. Where the size and design of an engine is such that lubrication before starting is not necessary and an attached pump is normally used, the independent auxiliary pump is not required if a duplicate of the attached pump is carried as spare. Oil filters shall be provided on all internal combustion engine installations, and on main propulsion engines which are fitted with full-flow type filters the arrangement shall be such that the filters may be cleaned without interrupting the oil supply.

(e) The lubricating oil piping shall be independent of other piping systems and shall be provided with necessary coolers, heaters, filters, etc., for proper operation. Oil heaters shall be fitted with bypasses.

(f) Diesel engine lubrication systems shall be so arranged that vapors from the sump tank may not be discharged back into the engine crank case of engines of the dry sump type.

(g) Steam turbine driven propulsion and auxiliary generating machinery depending on forced lubrication shall be arranged to shut down automatically upon failure of the lubricating system.

§ 55.10–60 Vent piping.

(a) The structural arrangement in double bottom and other tanks shall be such as to permit the free passage of air and gases from all parts of the tanks to vent pipes.

(b) Tanks having a comparatively small surface, such as fuel oil settling tanks, need be fitted with only one vent pipe, but tanks having a comparatively large surface shall be fitted with at least two vent pipes. The vents shall be located so as to provide venting of the tanks under any service condition.

(c) Vent pipes for fuel oil tanks if not run vertically shall, wherever possible, be inclined not less than 30 degrees from the horizontal except on common headers where both ends are adequately drained to a tank.

(d) Vents of fresh water tanks shall extend above the weather deck unless same terminate within the machinery space, in which case they shall terminate well above the deep load line. Vents from ballast and fuel oil tanks shall extend above the weather deck and the vents from oil tanks shall terminate not less than 3 feet from any opening into living quarters.

(e) Vents from fuel oil and other tanks extending above the freeboard or superstructure deck shall be of substantial construction. The height from the deck to the opening at the inside of the return bend shall be at least 36 inches in wells on freeboard decks, 30 inches on raised quarter-decks and 18 inches on other superstructure decks, except on Great Lakes vessels where the height from the deck to the opening shall be, when practical, at least 30 inches in wells on freeboard decks, 24 inches on raised quarter-decks, and 12 inches on other superstructure decks. Where height of vent pipes on Great Lakes vessels may interfere with the working of the vessel a lower height may be approved provided the vent cap is properly protected. Satisfactory means are to be provided for closing the openings of the vents.

(f) Vent outlets from oil tanks shall be fitted with a single screen of corrosion-resistant wire, of at least 30 by 30 mesh, or two screens of at least 20 by 20 mesh, spaced not less than ½ inch nor more than 1½ inches apart. The clear area through the mesh shall not be less than the required area of the pipe. Satisfactory means shall be provided for closing the openings of vent pipes without damaging flame screens.

(g) The diameter of each vent pipe shall not be less than 1½ inches for fresh water tanks, 2 inches for water ballast tanks and 2½ inches for fuel oil tanks.

(h) Where tanks may be filled by a pressure head exceeding that for which the tank is designed, the aggregate area of the vents in each tank shall be at least equal to the area of the filling line unless the tanks are protected by overflows, in which case the area of the overflow shall not be less than that of the filling line.

(i) Where deep tanks are intended for the occasional carriage of dry or liquid cargo, a "spectacle" or ring and blank flange may be fitted in the overflow pipe so arranged as not to interfere with venting when the tanks contain oil.

§ 55.10–65 Sounding devices.

(a) All tanks shall be provided with a suitable means of determining liquid level. In lieu of sounding pipes, tanks for the carriage of Grade E or lower liquids which are separate from the hull may be provided with a reliable liquid level indicating device. Where such devices are attached to tanks for combustible liquids, they shall be of heat resistant materials, adequately protected from mechanical damage and shall be provided at the tank connections with devices which will automatically close in the event of rupture of the gage or gage lines. Except for main cargo tanks on tank vessels, all integral hull tanks and compartments, which are not at all times accessible under service conditions shall be fitted with sounding pipes.

(b) Where sounding pipes terminate below the freeboard deck on cargo vessels, same shall be fitted with gate valves, and on passenger vessels, where the valves terminate below the bulkhead deck, same shall be fitted with self-closing gate valves.

(c) The upper ends of sounding pipes terminating at the weather deck shall be closed by a screw cap or plug except that dry cargo carriers operating on the Great Lakes may have the sounding pipes which serve ballast water tanks terminate at least 4 inches above the deck and be closed by a tight fitting hinged cover making metal to metal contact with the hinge on the forward side. Positive means to secure these caps in the closed position shall be provided. No perforations or openings will be permitted throughout the length of a sounding pipe where fitted to oil tanks. Provision shall be made to prevent damage to the vessel's plating by the striking of the sounding rod.

§ 55.10–70 Overboard discharges and shell connections.

(a) (1) All inlets and discharges led through the vessel's sides shall be fitted with efficient and accessible means for preventing the accidental admission of water into the vessel in the event of fracture of such pipes.

(2) The number of scuppers, sanitary discharges, tank overflows, and other similar openings in vessel's sides shall be reduced to a minimum, either by making each discharge serve for as many as possible of the sanitary and other pipes, or in any other satisfactory manner.

(3) Where overboard discharges are led through the vessel's sides from spaces above the freeboard deck and are located not more than 18 inches below the freeboard deck and at least 24 inches above the deepest load line, the valves at the vessel's side as required by this section may be omitted.

(b) (1) Each separate overboard discharge led through the vessel's side from spaces below the freeboard deck, shall be provided with one automatic nonreturn valve fitted with a positive means of closing from above freeboard deck, or, alternatively, with two automatic nonreturn valves without positive means of closing, provided the upper valve is so located above the deepest load line as to be always accessible for examination under service conditions, and is of a type which is normally closed.

(2) Where a nonreturn valve with positive means of closing is fitted, the operating position above the freeboard deck shall always be readily accessible, and means shall be provided for indicating whether the valve is open or closed. Suitable arrangement shall be made to insure the valve not being closed by unauthorized persons and a notice shall be posted in a conspicuous place at the operating station to the effect that

the valve shall not be closed except as may be required in an emergency.

(c) All overflow pipes which discharge through the vessel's side shall be located as far above the deepest load line as practicable, and shall be provided with nonreturn valves located at the vessel's side. Where the overflows do not extend above the freeboard deck before discharging overboard, additional nonreturn valves shall be provided as required by paragraph (b) of this section, except that the two nonreturn valves shall always be used unless it is impractical to locate the upper valve in an accessible position, in which case the one nonreturn valve with positive means of closing will be acceptable.

(d) (1) Scuppers in the weather portions of decks shall be led overboard and scuppers in fully enclosed superstructures on the freeboard deck and lower decks shall be led to the bilges, unless they are led overboard and fitted with valves as required by paragraph (b) of this section. Where scuppers in partially enclosed superstructures lead overboard, they shall be fitted with nonreturn valves at the vessel's side; or, alternatively, they may be led to the bilges: *Provided*, That the scuppers are fitted with efficient and accessible means for closing in an emergency.

(2) Conditional upon the type and location of the inboard ends of sanitary and other similar discharges, the provisions of paragraph (b) of this section may be required as to discharges from spaces within enclosed superstructures.

(e) The inboard openings of ash and rubbish-chute discharges shall be fitted with efficient covers. If the inboard opening is located below the freeboard deck, the cover shall be watertight, and in addition, an automatic nonreturn valve shall be fitted in the chute in an easily accessible position above the deepest load line. Means shall be provided for securing both the cover and the valve when the chute is not in use. When ash ejectors or similar expelling devices located in the boilerroom have the inboard openings below the deepest load line, they shall be fitted with efficient means for preventing the accidental admission of water. The thickness of pipe for ash-ejector discharge shall be not less than that of extra strong pipe.

(f) Pump connections led through the vessel's sides below the freeboard deck shall be fitted with shutoff valves located as near the shell plating as practicable. The thickness of pipe for pump connections shall be not less than that of extra strong pipe.

(g) Where deck drains, soil lines, and sanitary drains discharge through the shell in way of cargo tanks on tank vessels, the valves required by this section shall be located outside the cargo tanks. The piping led through such tanks shall be fitted with expansion bends where required, and shall be of steel pipe having a wall thickness of not less than $\frac{5}{8}$ inch, except that the use of suitable corrosion-resistant material of lesser thickness will be given special consideration by the Commandant. All pipe joints within the tanks shall be welded. Soil lines and sanitary drains which pass through cargo tanks shall be provided with non-return valves with positive means of closing or other suitable means for preventing the entrance of gases into living quarters.

(h) (1) Pipes terminating at the shell plating shall be fitted with bends or elbows between the outboard openings and the first rigid connection inboard. In no case shall such pipes be fitted in a direct line between the shell opening and the first inboard connection.

(2) Sea chests and overboard discharge fittings shall be of substantial construction and as short as possible.

(3) Sea chests shall be so located as to minimize the possibility of blanking off the suction.

(i) On new installations or replacements in vessels of 150 gross tons and over, malleable iron and non-ductile cast irons are not permitted for any connection to the shell plating below the freeboard deck nor shall such valves be secured to sea chests. Steel, bronze, or other approved ductile material shall be used. For this purpose, nodular cast iron, Grade 60–45–15, conforming to the requirements of Subpart 51.61 of Part 51 of this subchapter, may be used for shell connections below the freeboard deck and valves secured to sea chests. Lead or other heat sensitive materials shall not be used for pipes fitted outboard of shell valves in inlets or discharges, or in any other application where the deterioration of such pipes in the event of fire would give rise to danger of flooding.

(j) On passenger vessels where the bulkhead deck is higher than the freeboard deck, the requirements of this section shall be determined with respect to the bulkhead deck. For vessels not assigned load lines, such as certain inland vessels and barges, the weather deck shall be taken as the freeboard deck.

Subpart 55.13—Refrigeration Systems

§ 55.13–1 Scope.

The regulations in this subpart apply to fixed refrigeration systems. The requirements shall not apply to small, portable self-contained units.

§ 55.13–5 Design pressure.

The pressure vessels, compressors, piping, and controls shall be designed for the minimum pressures given in table 55.13–5.

TABLE 55.13–5—REFRIGERANT DESIGN PRESSURES

Refrigerant	Symbol	Design pressure	
		High side (p. s. i.)	Low side (p. s. i.)
Ammonia	(NH_3)	300	150
Carbon dioxide	(CO_2)	1,500	1,000
Freon-11	(CCl_3F)	30	30
Freon-12	(CCl_2F_2)	225	150
Freon-21	($CHCl_2F$)	70	40
Freon-22	($CHClF_2$)	[1] 300	[1] 150
Freon-113	($C_2Cl_3F_3$)	30	30
Freon-114	($C_2Cl_2F_4$)	50	50

[1] Permitted for watercooled installations only.

§ 55.13–10 Pressure vessels and piping.

(a) Each pressure vessel containing refrigerants, which may be isolated, shall be protected by a relief valve set to relieve at a pressure not exceeding the maximum allowable pressure. When a pressure vessel forms an integral part of a system having a relief valve, such vessel need not have an individual relief valve.

(b) Relief valves fitted on the high pressure side may discharge to the low pressure side before relieving to atmosphere. When relieving to atmosphere a relief valve shall be fitted in the atmospheric discharge connection from the receivers and condensers set to relieve at a pressure not greater than the maximum allowable pressure. A rupture disk may be fitted in series with the relief valve, provided the bursting pressure of the rupture disk is not in excess of the relief valve set pressure. Where a rupture disk is fitted on the downstream side of the relief valve, the relief valve shall be of the type not affected by back pressure.

(c) A relief valve shall be fitted on or near the compressor on the gas discharge side between the compressor and the first stop valve with the discharge therefrom led to the suction side.

(d) A check valve shall be fitted in the atmospheric discharge line if it is led through the side of the vessel below the freeboard deck, or a shutoff valve may be employed if it is locked in the open position.

(e) All piping materials shall be suitable for handling the primary refrigerant, brine, or fluid used, and shall be of such chemical and physical properties as to remain ductile at the lowest operating temperature.

§ 55.13–15 Tests.

(a) All pressure vessels, compressors, piping and direct expansion cooling coils shall be leak tested with gas after installation to their design pressures as required by § 55.13–5.

(b) No gas tests shall be made aboard ship higher than the design pressure of the part of the system being tested. The refrigerant in the system may be used for this test. If the refrigerant has been removed, oil pumped dry nitrogen or bone dry carbon dioxide with a detectable amount of the refrigerant added, should be used as a testing medium. (Carbon dioxide should not be used to leak test an ammonia system.) In no case should air, oxygen, any flammable gas or any flammable mixture of gases be used for testing.

Subpart 55.16—Liquefied Petroleum Gases for Cooking and Heating

§ 55.16–1 Scope.

(a) Liquefied petroleum gas may be used for cooking and heating on all vessels subject to inspection by the Coast Guard, except passenger vessels, provided the installation complies with the requirements of this subpart.

(b) It is the intent of the regulations in this subpart to permit liquefied petroleum gas systems of the vapor withdrawal type only. Cylinders designed to admit liquid gas into any other part of the system are prohibited.

(c) All component parts of the system, except cylinders, appliances, and low pressure tubing, shall be designed to withstand a pressure of 500 pounds per square inch without rupture.

§ 55.16–5 Definition.

(a) For the purpose of this subpart the term "liquefied petroleum gas" means any liquefied flammable gas which is composed predominantly of hydrocarbons or mixtures of hydrocarbons, such as propane, propylene, butane, butylene, or butadiene, and which has a Reid[1] vapor pressure exceeding 40 pounds per square inch absolute at 100 degrees F.

§ 55.16–10 Approvals.

(a) *Gas appliances.* (1) All gas-consuming appliances used for cooking and heating shall be of a type approved by the Commandant, and shall be tested and approved for liquefied petroleum gas service by the American Gas Association and shall bear the approval seal of the American Gas Association Testing Laboratories.

(2) Continuous-burning pilot flames are prohibited for use on gas appliances when installed below the weather deck.

(3) Printed instructions for proper installation, operation, and maintenance of each gas-consuming appliance shall be furnished by the manufacturer.

(b) *Cylinders.* (1) Cylinders in which liquefied petroleum gas is stored and handled shall be constructed, tested, marked, maintained and retested in accordance with the regulations of the Interstate Commerce Commission.

(2) All liquefied petroleum gas cylinders in service shall bear a test date marking indicating that they have been retested in accordance with the regulations of the Interstate Commerce Commission.

(3) Regardless of the date of the previous test, a cylinder shall be rejected for further service when it leaks; when it is weakened appreciably by corrosion, denting, bulging or other evidence of rough usage; when it has lost more than 5% of its tare weight; or when it has been involved in a fire.

(c) *Safety relief devices.* All safety relief devices, where required, shall be approved as to type, size, pressure setting, and location, by the Bureau of Explosives in conformance with the regulations of the Interstate Commerce Commission.

(d) *Valves, regulators and vaporizers.* All component parts of the system, other than cylinders and low pressure distribution tubing between regulators and appliances, shall be tested and approved by and bear the label of the Underwriters Laboratories, Inc., or other recognized testing laboratory.

(e) *Plan approval.* Drawings in triplicate, showing the location and installation of all piping, gas-consuming appliances, cylinders, and other component parts of the system shall be submitted for approval.

§ 55.16–15 Valves and safety relief devices.

(a) Each cylinder shall have a manually operated screw-down shutoff valve fitted with handwheel installed directly at the cylinder outlet.

(b) All cylinders shall be protected by one or more safety relief devices complying with the requirements of § 55.16–10 (a). The safety relief device shall be a shutoff valve with an integral spring-loaded safety relief valve and supplementary fusible plug, the latter designed to yield when the cylinder has been emptied of liquid gas by the relief valve under conditions of exposure to excessive heat.

(c) Cylinder valves and safety relief devices shall have direct communication with the vapor space of the cylinder.

(d) In addition to the cylinder valve, a multiple cylinder system shall be provided with a two-way positive shutoff manifold valve of the manually operated type. The manifold valve shall be so arranged that the replacement of empty cylinders can be made without shutting down the flow of gas in the system.

(e) A master packless shutoff valve controlling all burners simultaneously shall be installed at the manifold of all gas-consuming appliances.

§ 55.16–16 Reducing regulators.

(a) All systems shall be provided with a regulating device so adjusted as to release gas to the distribution tubing at a pressure not in excess of 18 inches water column, or approximately 10.5 ounces per square inch.

(b) The low pressure side of all regulators shall be protected against excessive pressure by means of a suitable relief valve which shall be integral with the regulator. The relief valve shall be set to start to discharge at a pressure not less than two times and not more than three times the delivery pressure.

(c) All reducing regulators shall be fitted with a pressure gage located on the high pressure side of the regulator.

§ 55.16–17 Piping and fittings.

(a) The piping between the cylinders and the appliances shall be seamless annealed copper tubing or such other seamless tubing as may be approved by the Commandant.

(b) All high pressure tubing between the cylinders and the regulators shall have a minimum wall thickness of 0.049 inch. All low pressure tubing between the regulator and appliances shall have a minimum wall thickness of 0.032 inch.

(c) Tubing connecting fittings shall be of the flared type; or connections may be soldered or brazed with material having a melting point in excess of 1,000 degrees F.

§ 55.16–18 Installation.

(a) *Cylinders, regulating and safety equipment.* (1) Cylinders, regulating and safety equipment shall be installed in a substantially constructed and firmly fixed metal enclosure located on or above the weather deck. The cylinder enclosure shall have access from the weather deck only. The enclosure shall be provided with top and bottom ventilation consisting of a fresh air inlet pipe and an exhaust pipe both entering through the top of the cylinder housing. The enclosure shall be so constructed that when the access opening is closed, no gas can escape except through the ventilation system.

(2) Cylinders, regulating and safety devices shall be securely fastened and supported within the metal enclosure. The cylinders and high pressure equipment shall be so mounted as to be readily accessible and capable of easy removal for refilling and inspection. The stowage of high pressure equipment in the housing shall be such that the cylinder valves can be readily operated and the pressure gage dial be easily visible. Where possible, cylinders shall be mounted in an upright position.

(3) Stowage of unconnected spare cylinders, filled or empty, shall comply with the requirements for cylinders.

(4) All valves, manifolds and regulators shall be securely mounted in locations readily accessible for inspection, maintenance and testing, and shall be adequately protected.

(5) Discharge of the safety relief valves shall be vented away from the cylinder, and insofar as practicable, upward into the open atmosphere, but in all cases so as to prevent impingement of the escaping gas onto a cylinder.

(b) *Piping.* (1) All piping shall be installed so as to provide minimum interior runs and adequate flexibility. The piping at the cylinder outlets shall be fitted with flexible metallic connections to minimize the effect of cylinder movement on the outlet piping.

(2) Distribution lines shall be protected from physical damage and be readily accessible for inspection. Lines shall be substantially secured against vibration by means of soft nonferrous metal clips without sharp edges in contact with the tubing. When passing through decks or bulkheads, the lines shall be protected by ferrules of nonabrasive material. The distribution lines shall be continuous length of tubes from the regulator to the shutoff valve at the appliance manifold.

(c) *Gas-consuming appliances.* All gas-consuming appliances shall be permanently and securely fastened in place.

(d) *Electrical.* No electrical connections shall be made within the cylinder housing.

§ 55.16–19 Tests.

(a) *Installation.* (1) After installation, the distribution tubing shall be tested prior to its connection to the regulator and appliance by an air pressure of not less than 5 pounds per square inch.

(2) After satisfactory completion of the tests prescribed in subparagraph (1) of this paragraph, the distribution tubing shall be connected to the regulator and appliance and the entire system subjected to a leak test as required by § 55.16–30(j).

[1] As determined by the American Society for Testing Materials Standard D–323 (most recent revision)—Method of Test for Vapor Pressure of Petroleum Products (Reid Method).

(b) *Periodic.* Leak tests as required by § 55.16–30 (j) shall be conducted at least once each month and at each regular annual or biennial inspection. The tests required at monthly intervals shall be conducted by a licensed officer of the vessel or qualified personnel acceptable to the Officer in Charge, Marine Inspection. The owner, master, or person in charge of the vessel shall keep records of such tests showing the dates when performed and the name(s) of the person(s) and/or company conducting the tests. Such records shall be made available to the inspector upon request and shall be kept for the period of validity of the vessel's current certificate of inspection. Where practicable, these records should be kept in or with the vessel's logbook.

§ 55.16–20 Ventilation of compartments containing gas-consuming appliances.

(a) Compartments containing gas-consuming appliances which are located above the weather neck shall be fitted with at least two natural ventilator ducts led from atmosphere and extending to the floor level and to the overhead of the compartment. Mechanical ventilation may be used provided the motor is outside of the compartment.

(b) Where compartments in which gas-consuming appliances are located entirely below the weather deck, mechanical or power ventilation shall be provided with sufficient capacity to effect a change of air at least once every 6 minutes.

§ 55.16–25 Odorization.

(a) All liquefied petroleum gases shall be effectively odorized by an agent of such character as to indicate positively, by a distinctive odor, the presence of gas down to concentration in air of not over one-fifth the lower limit of combustibility.

§ 55.16–30 Operating instructions.

(a) Before opening a cylinder valve, the outlet of the cylinder shall be connected tightly to the system; and in the case where only a single cylinder is used in the system, all appliance valves and pilots shall be shut off before the cylinder valve is opened.

(b) Before opening cylinder valve after connecting it to system, the cylinder shall be securely fastened in place.

(c) When cylinders are not in use their outlet valves shall be kept closed.

(d) Cylinders when exhausted shall have their outlet valves closed.

(e) Nothing shall be stored in the metal enclosure except liquefied petroleum gas cylinders and permanently fastened parts of the system.

(f) Valve protecting caps, if provided, shall be firmly fixed in place on all cylinders not attached to the system. Caps for cylinders in use may remain in the cylinder enclosure if rigidly fastened thereto.

(g) The opening to the cylinder enclosure shall be closed at all times except when access is required to change cylinders or maintain equipment.

(h) Close master valve whenever gas-consuming appliance is not in use.

(i) No smoking is permitted in the vicinity of the cylinder enclosure when access to enclosure is open.

(j) Test system for leakage in accordance with the following procedure: With appliance valve closed, the master shut-off valve on the appliance open, and with one cylinder valve open, note pressure in the gage. Close cylinder valve. The pressure should remain constant for at least 10 minutes. If the pressure drops, locate leakage by application of liquid detergent or soapy water solution at all connections. Never use flame to check for leaks. Repeat test for each cylinder in a multicylinder system.

(k) Report any presence of gas odor to ----------

§ 55.16–35 Markings.

(a) The outside of the cylinder enclosure housing liquefied petroleum gas cylinders, valves and regulators shall be marked as follows:

Liquefied Petroleum Gas
Keep Open Fires Away.
Operating Instructions
Inside and In----

(b) A durable and permanently legible instruction sign covering safe operation and maintenance of the gas-consuming appliance shall be installed adjacent to the appliance.

(c) "Operating Instructions" as listed in § 55.16–30 shall be framed under glass, or other equivalent, clear, transparent material, in plainly visible locations on the outside of the metal enclosure and near the most frequently used gas-consuming appliance, so they may be easily read.

Subpart 55.17—Hydraulic Systems

§ 55.17–1 Scope.

(a) This part contains requirements for hydraulic power transmission systems and appurtenances.

(b) Hydraulic machinery may be accepted for installation on vessels subject to inspection provided the design material and fabrication comply with the applicable requirements of the American Bureau of Shipping or other recognized classification society.

§ 55.17–10 Design requirements.

(a) The pressure vessels, tubing, pipes and fittings shall be designed for the maximum operating pressure or not less than the relief valve setting.

(b) The system shall be so designed that proper functioning of any unit shall not be affected by the back pressure in the system. The design shall be such that malfunctioning of any unit in the system will not render any other connected or emergency system inoperative because of back pressure.

§ 55.17–15 Hydraulic fluid.

(a) The fluid used in hydraulic power transmission systems shall have a flash-point of not less than 200° F. for pressures below 150 pounds per square inch and 315° F. for pressures 150 pounds per square inch and above, as determined by ASTM Designation D–92–57, Cleveland "Open Cup" test method.

(b) The chemical and physical properties of the hydraulic fluid shall be suitable for use with any materials in the system or components thereof.

(c) The hydraulic fluid shall be suitable for operation of the hydraulic system through the entire temperature range to which it may be subjected in service.

§ 55.17–20 Tubing and pipes.

(a) Materials used in the manufacture of pressure vessels, tubing, pipe, flanges, fittings or bolting shall conform to the requirements of Part 51 subject to the limitations shown in Tables 52.05–10(a) and 55.07–1(b). SAE designated materials shall be evaluated on the basis of chemical and physical properties.

(b) Design pressures and thicknesses shall be calculated as required by § 55.07–5(a)(1), except that the allowance for threading, grooving and/or corrosion may be omitted when flared or flareless type tube fittings are used.

(c) All tubing and pipe materials shall be suitable for handling the hydraulic fluid used and shall be of such chemical and physical properties as to remain ductile at the lowest operating temperature.

§ 55.17–25 Hydraulic hose and fittings.

(a) Hose and fittings shall meet the requirements of § 55.07–1. Hose shall be complete with factory-assembled end fittings requiring no further adjustment, of the fittings on the hose, except that reusable type fittings may be used provided they are of the nipple and socket type in which the hose is securely attached to the fitting by compression of the hose.

(b) Hose assemblies may be installed between two points of relative motion but shall not be subjected to torsional deflection (twisting) under any conditions of operation and shall be limited, in general, to short lengths required for flexibility. Special consideration may be given to the use of longer lengths of flexible hose where required for proper operation of machinery and components in the hydraulic system.

(c) Hose assemblies shall be designed for a bursting pressure of not less than four times the maximum allowable pressure.

(d) Sharp bends in hose shall be avoided.

§ 55.17–30 Accumulators.

(a) An accumulator is an unfired pressure vessel in which energy is stored under high pressure in the form of a gas or a gas and hydraulic fluid. Accumulators shall be constructed under the provisions of Part 54 of this subchapter.

(b) If the accumulator is of the gas and fluid type, suitable separators shall be provided between the two media, if their mixture would be dangerous, or would result in contamination of the hydraulic fluid and loss of gas through absorption.

(c) Each accumulator which may be isolated, shall be protected on the gas and fluid sides by relief valves, set to relieve at pressures not exceeding the maximum allowable pressures. When an accumulator forms an integral part of systems having relief valves, the accumulator need not have individual relief valves.

§ 55.17–35 Hydraulic cylinders.

(a) Hydraulic cylinders consisting of a container and a movable piston with a rod extending through the containment vessel are considered to be auxiliary machinery coming within the scope of Part 57 of this subchapter.

(b) Hydraulic cylinders shall be designed for a bursting pressure of not less than 4 times the maximum allowable pressure and shall meet the applicable standards established by the American Bureau of Shipping or other recognized classification society.

§ 55.17–40 Tests.

(a) Hydraulic systems and components thereof shall be tested, marked and retested as required by Part 61 of this subchapter.

(b) Hydraulic systems shall be purged with an inert gas or with the working fluid and all trapped air bled from the system prior to any shipboard testing. In no case shall air, oxygen, any flammable gas, or any flammable mixture of gases be used for testing.

PART 56—ARC WELDING, GAS WELDING, AND BRAZING

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56.10–25 Pipe joints.
56.10–30 Silver brazing.

AUTHORITY: The provisions of this Part 56 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426–4431, as amended, 4433, as amended, 4434, as amended, 4453, as amended, 4488, as amended, 4491, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 481, 489, 366, 395, 363, 367, 526p, 1333, 390b, 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, Nov. 26, 1954, 19 F.R. 8026; 167–20, June 18, 1956, 21 F.R. 4894; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–38, Oct. 26, 1959, 24 F.R. 8857.

Subpart 56.01—Arc Welding and Gas Welding

§ 56.01–1 Scope.

This part contains detail requirements covering the welded fabrication of machinery appurtenances and pressure-containing parts such as boilers, boiler furnaces, unfired pressure vessels, piping, valves, pipe fittings, etc., subject to inspection by the Coast Guard.

§ 56.01–5 Definitions.

(a) *Welding terms.* All references in this part or on plans, specifications, etc., to welding or allied processes shall be understood to be those of the American Welding Society's A3.0–49 "Welding Terms and Their Definitions."[1]

(b) *Fabrication.* The term "fabrication" as used in this part refers to the assembly of machinery and appurtenances by welding, cutting and other processes allied to welding.

(c) *Welding procedure.* The term "welding procedure" refers to the detailed methods and practices including joint welding procedures involved in the production of a weldment.

(d) *Welding process.* Welding process is a metal-joining process wherein coalescence is produced by heating to suitable temperatures with or without the application of pressure, and with or without the use of filler metal.

§ 56.01–8 Plan approval.

Plans shall clearly show all essential fabrication details. Welded or brazed joints shall be clearly and completely detailed on the plans, or standard welding symbols as specified in the American Welding Society's Standard A2.0–47, "Standard Welding Symbols"[1] shall be used to designate the type and size of welds.

§ 56.01–10 Welder qualification.

(a) *Qualification provisions.* (1) Each welder, prior to performing any production welding in fabricating equipment listed in § 56.01–1, shall demonstrate his ability to produce sound welded joints with the welding process to be used in production. This shall consist of welding the applicable test joints shown in table 56.01–10(j) to the soundness requirements specified in this section for each type of test, except welders may be considered qualified under the alternate provisions of subparagraph (2) of this paragraph. Welder qualification tests are not required for operators of machine-welding equipment.

(2) (i) Welders who have been qualified by the Bureau of Ships of the Navy Department, or the American Bureau of Shipping, shall be considered qualified within the limits covered by the qualification tests passed.

(ii) The omission of qualification tests of metal arc welders working on assemblies may be authorized by the Officer in Charge, Marine Inspection provided the initial production welds are radiographically examined and found satisfactory to the standards prescribed in Radiographic Standards for Welder Qualification Test, CG 115–1, a copy of which is on file with each Officer in Charge, Marine Inspection. The welder shall be considered qualified for the process, equipment and materials, and in the position of the production welding.

(iii) Qualification tests of welders may be omitted for welders who weld satisfactory procedure qualification test assemblies as required by the Commandant. The welder shall be considered qualified for the process, equipment and materials, and in the position for which the procedure is qualified.

(b) *Process.* The welding processes requiring qualification of welders shall be as follows:

(1) Manual, shielded metal arc.
(2) Semi-automatic, inert-gas (consumable electrode) metal arc.
(3) Semi-automatic submerged arc.
(4) Manual, inert-gas (tungsten electrode) metal arc.
(5) Manual carbon arc.
(6) Manual gas welding.
(7) Manual torch brazing.

(c) *Process qualification limitation.* Welders qualified for a given process with a specific type of electrode or welding rod shall be considered qualified for welding by that process with any other electrode or rod of similar type as provided for in table 56.01–10 (p).

(d) *Fabricator's responsibility.* The fabricator shall direct and supervise the testing of welders and shall bear the expense of conducting the tests. When welders are to be qualified by the Coast Guard, the fabricator shall notify the marine inspector and arrange a suitable time and place for conducting the tests so the marine inspector may be present.

(e) *Requalification requirements.* A welder shall be requalified whenever one or more of the changes listed below are made and is to be used in production:

(1) When the filler metal is changed to a filler metal having a different M number in table 56.01–10 (p) or to a filler metal not included, except that qualification under M2 shall qualify a welder for M1.

(2) When the welding position is changed to positions other than those previously qualified.

(3) When the backing strip in arc-welding single welded butt joints is omitted.

(4) When a backing strip in gas welding is added.

(5) Where there is a change in welding processes.

[1] These standards included in American Welding Society Handbook.

(1) A retest may be made which shall consist of two test welds of each type he failed, all of which shall meet the applicable requirements.

(h) *Test records.* Qualification test records of each welder together with identification data, shall be maintained in typewritten form or in lnk by the fabricator on cards similar to that shown in Figure 56.01–10 (h). Upon request, duplicate record cards shall be furnished the marine inspector or to any of the participating agencies.

TABLE 56.01-10 (j)—WELDER QUALIFICATION TESTS AND APPLICABLE CONDITIONS

Construction and material size	Position in which welding shall be done [1]		
	Flat, vertical, horizontal and overhead: grooves and fillets.	Flat and vertical: grooves and fillets; horizontal fillets	Flat: grooves and fillets, horizontal fillets
On material of limited thickness (¾ inch or less).[2][3][4]	Test No. 1 in vertical and overhead positions. Figure 56.01–10 (j3).	Test No. 1 in vertical position. Figure 56.01–10 (j3).	Test No. 1 in flat position Figure 56.01–10 (j3).
On material of unlimited thickness.[4]	Test No. 2 in vertical and overhead positions. Figure 56.01–10 (j4).	Test No. 2 in vertical position. Figure 56.01–10 (j4).	Test No. 2 in flat position. Figure 56.01–10 (j4).
On pipe joints ¾ inch or less thick.[3][4]	Test No. 3 in horizontal and vertical fixed positions. Figure 56.01–10 (j5).		Test No. 3 in horizontal rolled position. Figure 56.01–10 (j5).
On pipe joints over ¾ inch thick.[4]	Test No. 4 in horizontal and vertical fixed positions. Figure 56.01–10 (j5).		Test No. 4 in horizontal rolled position. Figure 56.01–10 (j5).
For welders doing only tack- or fillet welding.	Test No. 5 in vertical and overhead fillet positions. Figure 56.01–10 (j7).		Test No. 5 in horizontal fillet position. Figure 56.01–10 (j7).
For torch brazed piping [5].....	Test No. 6 in horizontal and vertical fixed positions. Figure 56.01–10 (j6).		
For torch brazing other than piping.	Test No. 7 in vertical and overhead fixed positions. Figure 56.01–10 (j9).		

[1] In special cases when welding is to be done in positions other than those shown in figure 56.01–10 (j2) the welder qualification test plate may be made in the position in which welding will be done with the limitation that the qualification shall be valid only for the actual position tested. As an alternate, welders may be qualified by welding a test plate in the overhead position.

[2] Where the maximum thickness of material to be welded is indeterminate, the marine inspector may, if desired, require the welder to qualify under unlimited thickness requirements.

[3] Where the maximum thickness of material to be welded throughout the period governed by the test is less than ¾ inch, the fabricator may, with the permission of the marine inspector, use the following modification of test number 1: The thickness of material shall be the maximum to be welded in the production work but not less than ¼ inch. The root opening shall not be more than one nominal diameter of the filler metal to be used. The backing strip thickness shall be not less than 3/32 inch.

[4] Welders qualified under the requirements of test number 1 in the flat position shall be considered qualified to weld piping ¾ inch or less in thickness in the horizontal rolled position and longitudinal pipe joints ¾ inch or less in thickness in the flat position. Welders qualified by test number 1 in the vertical position shall be considered qualified to weld piping ¾ inch or less in thickness in the horizontal fixed position and longitudinal pipe joints over ¾ inch in thickness in the flat position. Welders qualified under the requirements of test number 2 in the flat position shall be considered qualified to weld piping over ¾ inch in thickness in the horizontal rolled position and longitudinal pipe joints over ¾ inch in thickness in the flat position. Welders qualified by test number 2 in the vertical position shall be considered qualified to weld piping over ¾ inch in the horizontal fixed position from the horizontal axis up.

[5] Welders qualified under the requirements of test number 3 shall be considered qualified to make welds governed by tests numbers 1, 2, and 3 for the positions tested under test number 4.

[6] Where the welder is to be qualified for welding or torch brazing of piping onboard ship the space restrictions shown in connection with tests numbers 3, 4, and 6 shall be used.

(f) *Qualification duration.* The welder's qualification from tests passed as prescribed in this section shall remain in effect indefinitely unless:

(1) The welder does not use the process for which he was qualified for a period of three months or more; or

(2) The marine inspector believes there is reasonable doubt of the welder's ability. In such cases the welder shall not perform production welding until he passes the applicable qualification tests.

(g) *Retests.* If any of the welder's qualification test welds fail to meet the requirements specified in this section, he may be allowed a retest under the following conditions:

(1) *Transferral of qualification.* The qualification of a welder shall not be transferred from one company's organization to another company's organization. The welder's qualification record may be transferred from one plant to another plant of the same company if authorized by the Officer(s) in Charge, Marine Inspection, involved.

(i) *Qualification test.* The welder qualification tests shall consist of welding the applicable test assemblies shown in Table 56.01–10 (j).

WELDER'S IDENTIFICATION

Date of birth (Month) (Day) (Year) | Place of birth (City) (State) (Country) | Check No.

Welder's Employment Record

Process | From— | To—

Photograph or thumb print

Date taken.....

Welder's symbol

Check:
Right Hand ☐
Left Hand ☐

(Welder's signature)

Name (Last) (First) (Middle) | Employed by— | Location of plant

Process	Test No.	Base metal	Position	Filler metal: Type	Filler metal: Size	Date of test	Group limitations	Type of test.*	Signature of inspector	Agency

*P=Physical tests. R=Radiographic test.

FIGURE 56.01–10 (h)—Welder's identification and record of qualification tests.

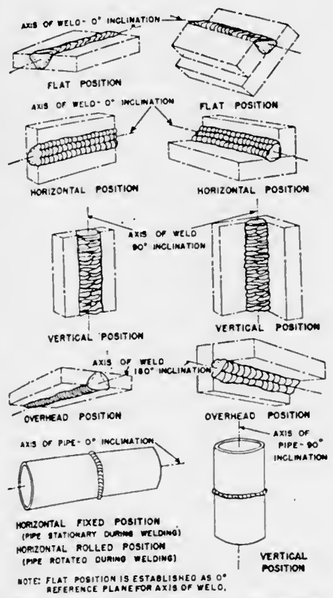


FIGURE 56.01–10 (j2)—Positions of welding.

(k) *Test assembly markings.* Qualification test assemblies and all specimens removed therefrom shall be stamped or otherwise indelibly marked with the welder's identification number or symbol, the official stamp of the U. S. Coast Guard, and the marine inspector's initials or other identifying markings to establish the welding position and type of specimen. The test assembly markings shall be so located that they will not be removed by machining.

(l) *Requirements for test numbers 1, 2, 3, and 4.* (1) Specimens cut from the test plates shall be bent in a bending jig having the exact profile illustrated by figure 56.01–10 (j6). Specimens for qualification test number 1 modified for thinner material shall be bent in a jig having a contour proportional to the thickness of the test plates involved as shown in figure 56.01–10 (j6). Root bend specimens shall be bent with the root of the weld in tension; face bend specimens with the face in tension, and side bend specimens with that side, which is suspected of being the worst of the two, in tension.

(2) Specimens shall be bent until they conform to the contour of the female member of the jig, and until a 1/32-inch wire cannot be placed between the specimen and any point on the curvature of the male member of the jig. Any specimen in which a crack or opening exists before bending, or which results from the bending, exceeding 1/8 inch measured in any direction, shall be rejected. No elongation data are required.

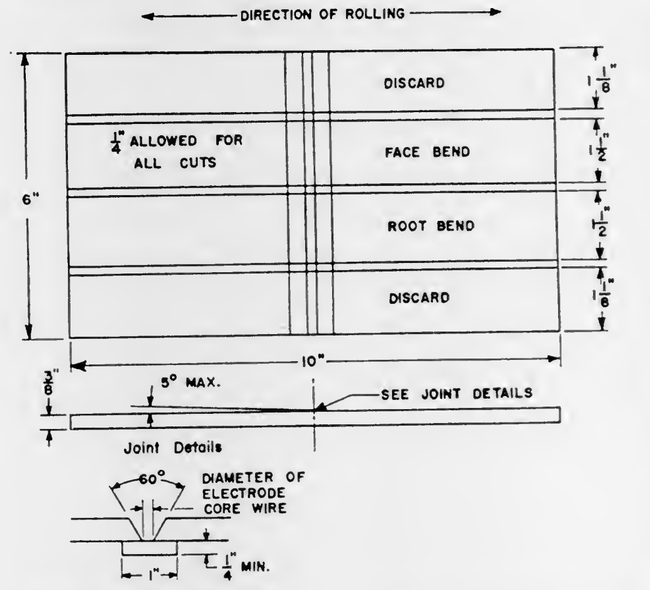


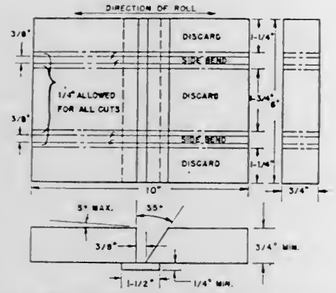
FIGURE 56.01–10 (j3)—Qualification test No. 1.

1. Weld shall be made with the maximum size electrode or welding rod suitable for the position and thickness of test plate.
2. Backing strap shall be contiguous with plates.
3. Joints welded in vertical position shall be welded upwards.
4. Welding shall be done from one side only.
5. Reinforcement and/or backing strap shall be machined flush. Undercutting shall not be removed.
6. Specimens may be machined or oxygen cut from plate.
7. Edges of specimens may be broken to a maximum radius of T/6.

(3) In lieu of tests as prescribed above, welders may be qualified by radiographic examination of butt joints for qualification tests numbers 1, 2, 3, and 4. Satisfactory passing of tests shall be determined from radiographs which show penetrameter and which show deposited weld metal free from slag entrapment, weld or fusion zone cracking, and does not contain porosity in excess of that shown in the applicable group of Radiographic Standards for Welder Qualification Test, CG–115–1, a copy of which is on file with each Officer in Charge, Marine Inspection. The radiographs of the test plates shall indicate that the weld(s) are acceptable for group 1 or 2 covering the fabrication classification for which the welder is being qualified as specified in table 56.01–10 (l) (3).

TABLE 56.01-10 (l) (3)—WELDER RADIOGRAPHIC QUALIFICATION TESTS

Group	Classification
1	Class I piping.
1	Class I and class II welded pressure vessels.
2	Class II piping.
2	Class III welded pressure vessels.



1. Welds shall be made with the maximum size electrode or welding rod suitable for the position and thickness of test plate.
2. Backing strap shall be contiguous with plates.
3. Joints welded in the vertical position shall be welded upwards.
4. Welding shall be done from one side only.
5. Machine reinforcement and backing strap flush. Do not remove any undercutting.
6. Specimens may be machined or oxygen cut from plate.
7. Break edges of specimens to a radius of T/6 maximum.

FIGURE 56.01-10(j4)—Qualification test No. 2.

(m) *Test number 5.* Fillet weld specimens shall comply with the following requirements:

(1) Welds shall be of the specified size and shall be within the applicable convexity or concavity limits of the gage.

(2) Base metal shall be free from excessive undercutting.

(3) Surface of welds shall be free of cracks, porosity, overlap and roughness.

(4) Fractured surfaces of fillet welds shall be free from cracks, and the sum of lengths of slag inclusions, gas pockets, worm holes, and sections of incomplete fusion that are present shall not exceed 1½ inches per 12 inches of weld.

(n) *Test number 6.* The torch brazed assembly shall comply with the following requirements:

(1) Exterior examination of the joint shall show a complete ring of filler metal between the tube and the outer ends of the fittings. Surfaces of the specimens shall be free of globules of filler metal. Fillets shall be concave and of minimum practicable dimension.

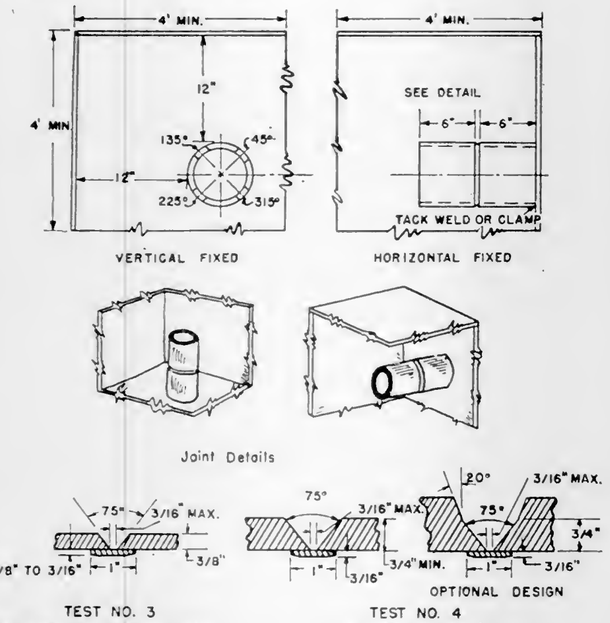
(2) The specimens shall be cut as shown in figure 56.01-10 (j8). Visual examination of the joints shall show complete penetration of the filler metal throughout at least 75 percent of the circumference of the fittings. Penetration is defined as follows: The presence or at least a metallic stain of filler metal at the fitting end of the tubing. The stain resulting from the penetration of the flux shall not be considered as penetration. The metallic stain is differentiated from the flux by its color which is grayish white. The flux stain is glossy in appearance.

(o) *Test number 7.* Specimens shall comply with the following requirements:

(1) Exterior examination of the joint shall show a complete line of filler metal at each edge of the joint. Surfaces of the specimen shall be free of globules of filler metal. Fillets shall be concave and of minimum practicable dimension.

(2) After visual examination specimens shall be fractured by peel test as shown in figure 56.01-10 (j10). Visual examination of the faying surface of the joint shall show at least 75 percent penetration of the filler metal throughout the joint. Specimens which do not fracture by peel test shall be acceptable if failure occurs in the base metal away from the joint.

(p) *Filler metal.* The grouping of electrodes and welding rods together with applicable specifications shall be as indicated in table 56.01-10 (p). The number grouping of electrodes and welding rods shown is based essentially on their usability characteristics which fundamentally determine the ability of a welder to make acceptable welds with a given electrode.



TEST 3A - WHERE MAXIMUM THICKNESS TO BE WELDED IS LESS THAN 3/8" WALL THICKNESS OF PIPE SHALL BE MAXIMUM TO BE WELDED BUT NOT LESS THAN 3/16"

SPECIMENS -
TEST 3 - FACE BENDS FROM 45° AND 225° POSITIONS
ROOT BENDS FROM 135° AND 315° POSITIONS
TEST 3A - MACRO SPECIMENS FROM 45°, 135°, 225°, AND 315° POSITIONS
TEST 4 - SIDE BENDS FROM 45°, 135°, 225°, AND 315° POSITIONS

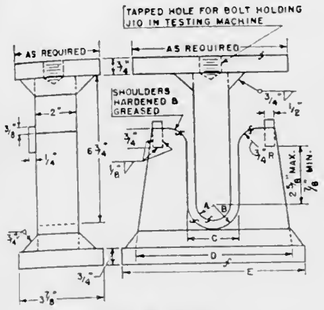
1. Space restrictions shown may be omitted when welders are to weld piping only in the shop.
2. Nominal pipe size shall be 5 inches or larger.
3. Weld shall be made with the maximum size electrode or welding rod suitable for the position and thickness of test plate.
4. Welding shall be from one side only.
5. Mark top and front of pipe to insure location of specimens.
6. Machine reinforcement and backing ring flush-undercutting shall not be removed.
7. Specimens may be machined or oxygen cut from pipe.
8. Edges of specimens shall be broken to a radius of T/6 maximum.

FIGURE 56.01-10 (j5)—Qualification tests Nos. 3 and 4.

§ 56.01-15 Welding procedure qualification.

(a) Fabricators desiring to use the submerged arc welding process, or a combination of submerged arc and manual welding processes, or any welding process requiring procedure qualification tests as prescribed by the regulations in this subchapter, shall conduct a procedure qualification test to insure that they have proper equipment, trained personnel, and are using correct procedure to produce acceptable welds.

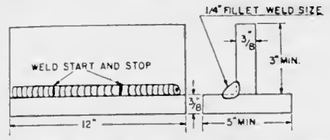
(b) The deposited weld metal may be laid in single or multiple passes. The joint design, amperage, voltage, speed of welding, size of welding wire, filler metal or electrode, and grade of melt or flux or type of inert gas, in general should be in accordance with the recommendations of the welding equipment manufacturer.



HARDENED ROLLS MAY BE USED ON SHOULDERS IF DESIRED

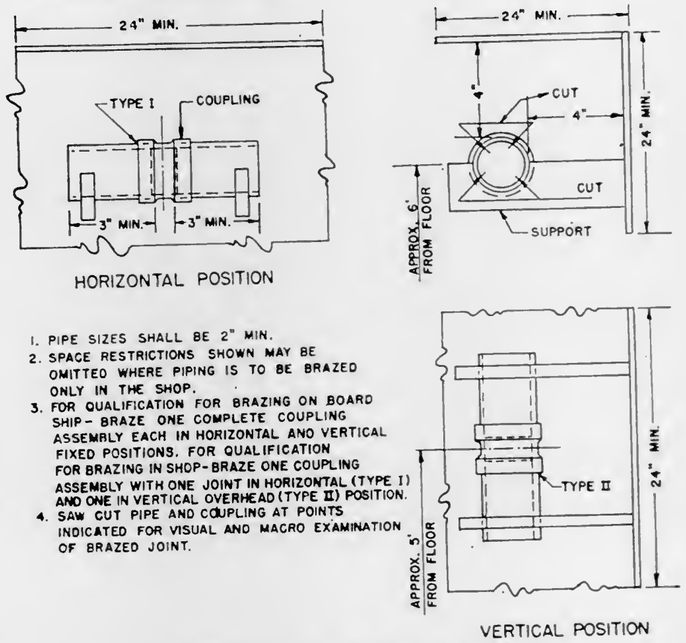
SPECIMEN MATERIAL	SPECIMEN THICKNESS	DIMENSIONS A	B	C	D	E
BASE METALS OTHER THAN ALUMINUM	3/8"	3/4"	1-3/16"	2-3/8"	7-1/2	9
	T"	2T	3T+1/16	6T+1/8"	20T	24T
ALUMINUM	3/8"	1-1/8"	1-9/16"	3-1/8"	8-1/4"	9-3/4"
	T"	3T	4T+1/16	8T+1/8"	22T	28T

FIGURE 56.01-10 (j6)—Jig for guided bend test.



1. Weld shall be made with the maximum size of electrode suitable for the position and thickness of test plate.
2. Weld size specified is for single pass weld only.
3. Joints welded in the vertical position of welding shall be welded upwards.
4. Base plate and standing web shall be straight and in intimate contact throughout its length and securely tacked at ends before fillet weld is made.
5. The test assembly may be machined or oxygen cut into sections approximately 6 inches long to facilitate testing.

FIGURE 56.01-10 (j7)—Qualification test No. 5.



1. PIPE SIZES SHALL BE 2" MIN.
2. SPACE RESTRICTIONS SHOWN MAY BE OMITTED WHERE PIPING IS TO BE BRAZED ONLY IN THE SHOP.
3. FOR QUALIFICATION FOR BRAZING ON BOARD SHIP - BRAZE ONE COMPLETE COUPLING ASSEMBLY EACH IN HORIZONTAL AND VERTICAL FIXED POSITIONS. FOR QUALIFICATION FOR BRAZING IN SHOP - BRAZE ONE COUPLING ASSEMBLY WITH ONE JOINT IN HORIZONTAL (TYPE I) AND ONE IN VERTICAL OVERHEAD (TYPE II) POSITION.
4. SAW CUT PIPE AND COUPLING AT POINTS INDICATED FOR VISUAL AND MACRO EXAMINATION OF BRAZED JOINT.

FIGURE 56.01-10 (j8)—Qualification test No. 6.

TABLE 56.01-10 (p)—GROUPING OF ELECTRODE AND WELDING RODS

Type of weld deposit	Applicable specification	Electrode Classification [1] [2] XX10 XX11	XX12 XX13	XX20 XX30	XX15 XX16	Welding rod classification
Mild steel	All types	A233-55	M1	M1	M1	M2	
Carbon molybdenum	All types	A316-54T	M1		M1	M2	
Low alloy steel	All types	A316-54T	M1			M2	
Chrome molybdenum	4 to 6 percent chrome-502	A298-55T				M2	
High alloy martensitic	11 to 14 chrome 410	A298-55T				M2	
Chrome nickel	308, 308 ELC 309, 309 cb, 309 Mo, 316,316 ELC, 318, 347.	A298-55T				M3	
Mild steel	All	A251-46T					M4

[1] Qualification of a welder for M2, automatically qualifies him for M1 but not vice versa. A welder qualifying with an electrode M3 and above is qualified only for that group.
[2] Covering and filler metal types not listed above shall require separate qualification.
[3] Base metal—Qualification of welding electrodes classes M1, M2, and M3 shall be performed on base metal of the comparable tensile strength and chemical analysis as the deposited weld where mechanical tests are used. Where qualification is by radiographic means, carbon steel may be used as the base material for qualification tests with M1 M2, and M3 electrode classes.

(c) Manufacturers desiring to secure process approval to fabricate pressure vessels, pipe and pressure-containing appurtenances by the use of any welding process requiring procedure qualification shall prepare test plates in the presence of a marine inspector who will stamp the plates with the official stamp of the Coast Guard. Specimens as required by Table 56.01-15(c) shall be machined from the test plate.

(d) The test plate material shall be of the type to be welded in production and of a thickness as shown in Table 56.01-15(c). The requirements specified in this section are applicable to materials having equivalent physical properties. If preheat is not used in production welding, it shall not be used in the preparation of the test plate. If it is desired to conduct a procedure qualification to weld metals of dissimilar physical properties, the fabricator shall so inform the Commandant who will designate the types and methods of tests.

(e) Specimens may be tested by the fabricator or at a recognized testing laboratory. Specimens shall meet the requirements of § 56.05-1 and shall be tested in the presence of an inspector. One retest will be permitted for each specimen failing to meet the requirements. Should the retest fail, the fabricator shall take suitable remedial action to insure that the procedure is correct prior to the preparation of an additional set of test plates.

(f) The macro-etch specimen with the weld reinforcement in place shall be etched with a reagent which will clearly define the weld grain structure. After the specimen is etched it shall be given a protective coating to prevent oxidation.

(g) Results of the physical tests, the etch specimen and a sketch showing joint preparation, together with the information required in paragraph (b) of this section, shall be forwarded to the Commandant for consideration prior to the fabricator using the process in production welding.

(h) The fabricator shall prepare a specification covering the procedure qualification as used in preparing the test plate and shall furnish a copy to the marine inspector. The procedure used in qualifying shall be employed in fabrication except that speed of welding, amperage and voltage may vary to suit different material thicknesses. If the joint design, filler metal or type of inert gas is changed or alloy steel is to be fabricated and carbon steel used in the preparation of the test plate, a new procedure qualification shall be conducted.

(i) The fabricator shall weld a test plate of the actual thickness to be used in production to demonstrate to an inspector that he is using the proper welding procedure to obtain complete penetration.

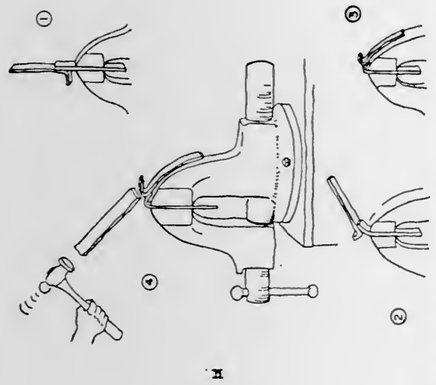


FIGURE 56.01-10 (j10)—Peel test for qualification test No. 7.

TABLE 56.01-15(c)—REQUIRED TESTS FOR PLATE GROOVE WELDS

Test plate or pipe thickness T	Maximum production plate thickness	Number and type of tests required				
		Reduced section tensile	Root bend	Face bend	Side bend	Macro etch
5/16 inch to and including 3/4 inch.	2T	2	2	2	------	1
Over 3/4 inch	{2T for multiple pass welding 2T but not over 2 inches for welding one pass from each side. T for welding from one side only against a copper or melt backup.	2 2 2	------ ------ ------	------ ------ ------	4 4 4	1 1 1

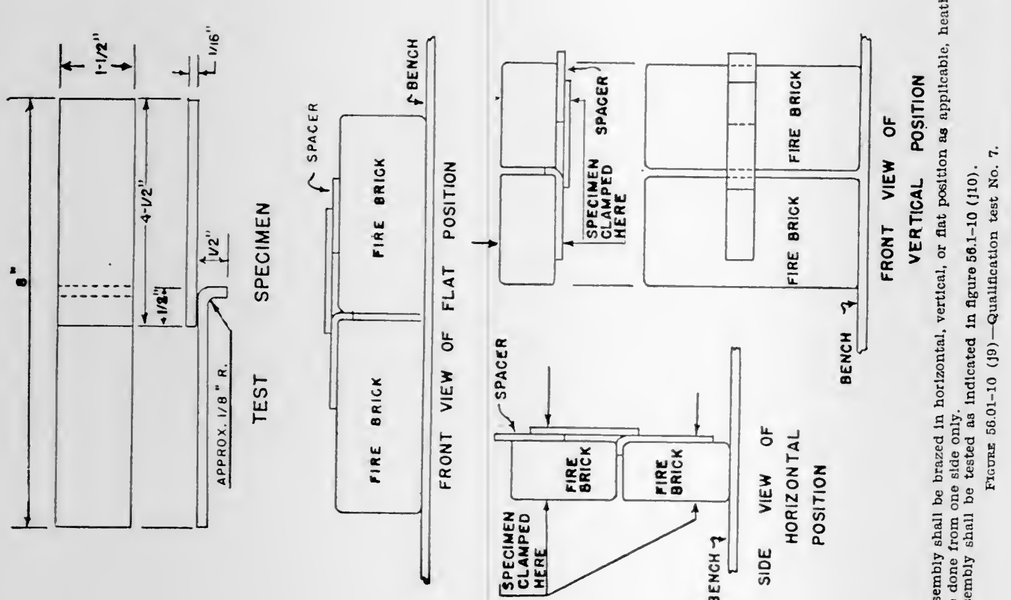
§ 56.01-20 Arc welding electrodes.

(a) Acceptable brand names of arc welding electrodes, as published in the Equipment Lists, CG-190, shall be used in the welded fabrication of machinery appurtenances and pressure-containing parts as given in § 56.01-1.

(b) Type E6012, E6013, E6014, E6024, E7014, or E7024 electrodes shall not be used in the fabrication of any item listed in paragraph (a) of this section.

§ 56.01-25 Classes of arc-welded pressure vessels.

For the purpose of the uniform application of the regulations in this subchapter, arc-welded pressure vessels shall be divided into three classes as given in Table 56.01-25.



1. Assembly shall be brazed in horizontal, vertical, or flat position as applicable, heating shall be done from one side only.
2. Assembly shall be tested as indicated in figure 56.1-10 (j10).

FIGURE 56.01-10 (j9)—Qualification test No. 7.

TABLE 56.01-25—PRESSURE VESSEL CLASSIFICATION

Class of pressure vessel	Service	Limitations		Maximum metal thickness, in inches
		Pressure, p. s. i.	Temperature, ° F.	
I	Power boilers: All pressure parts	Over 30 [2]	All	None
	Unfired pressure vessels containing:			
	(a) Vapors or gases	Over 600	Over 700	None
	(b) Liquids	Over [1] 600	Over 400	None
	(c) Dangerous substances	[3]	[3]	
II	Unfired pressure vessels containing:			
	(a) Vapors or gases	31 to 600, inclusive	276 to 700, inclusive	[4] 1 1/16
	(b) Liquids	201 to [1] 600, inclusive	251 to 400, inclusive	[4] 1 1/2
	(c) Dangerous substances	[3]	[3]	
III	Heating boilers:			
	(a) Steam	30 and under	275 and under	
	(b) Hot water	30 and under	250 and under	
	Unfired pressure vessels containing:			
	(a) Vapors or gases [5]	30 and under	275 and under [6]	[7] 5/16
	(b) Liquids [5]	200 and under	250 and under [6]	[7] 5/8

[1] This pressure limitation does not apply to vessels containing liquids under hydrostatic pressure at atmospheric temperatures.
[2] Stored or stowed dangerous substances may be carried in either Class I or Class II pressure vessels within the pressure and temperature limits prescribed in Subchapter N (Dangerous Cargoes) of this chapter.
[3] The limit of plate thickness does not apply to heads formed from a single plate.
[4] The limit of plate thickness does not apply to vessels for the storage or stowage of lethal gases or liquids or such dangerous substances which are regulated by the requirements of Subchapter N (Dangerous Cargoes) of this chapter.
[5] Class III pressure vessels shall not be used for the storage or stowage of gases or liquids at temperatures exceeding their boiling point at atmospheric pressure.
[6] Class III pressure vessels shall not be used for the storage or stowage of gases or liquids at temperatures exceeding their boiling point at atmospheric pressure.

§ 56.01-30 Welded joint efficiencies.

(a) The maximum joint efficiencies to be used in the design of pressure vessels or parts of pressure vessels fabricated by arc or gas welding shall be as given in Table 56.01-30 (a). The joint efficiencies shall depend on the type of joint welded and on whether or not the pressure vessel is stress-relieved or radiographed.

(b) (1) A maximum joint efficiency of 1.00 may be used for Class I unfired pressure vessels provided the weld reinforcements are removed so that the full longitudinal and circumferential welds on both sides of the joints are substantially flush with the surface of the plates, except that for unfired pressure vessels having thicknesses not more than ½ inch and operating at ambient temperature the weld reinforcement shall meet the requirements of § 56.05-5(c) (3). The joint efficiency of 1.00 shall be limited to double welded butt joints, or to joints made equivalent to double welded butt joints by other means which will obtain the same quality of deposit weld metal on the inside and outside of the weld surfaces to agree with the requirements of § 56.05-5(c). Single welded butt joints using metal backing strips which remain in place are excluded.

(2) A maximum joint efficiency of 0.95 may be used for Class I pressure vessels provided the weld reinforcement is removed so that the longitudinal weld(s) on both sides of the joint is substantially flush with the surface of the plates, and on all intersecting butt-welded circumferential joints the reinforcement is similarly removed five times the plate thickness (or 6 inches whichever is less) on each side adjacent to any longitudinal joint.

§ 56.01-40 Material.

(a) Ferrous and nonferrous material for use in fabrication of shells and heads of welded pressure vessels shall comply with the grades of material specified in Part 51 of this subchapter as suitable for arc or gas welding.

(b) Wrought, cast, or forged materials shall be of good weldable quality having a carbon content not exceeding 0.35 percent and other chemical elements affecting weldability shall not exceed a percentage which may cause fabrication difficulty.

TABLE 56.01-30(a)—MAXIMUM ALLOWABLE EFFICIENCIES FOR WELDED JOINTS [1]

Type of joint	Limitations	Basic joint efficiency (percent) [2]	Radiographed	Thermally stress-relieved	Maximum joint efficiency (percent)
Double-welded butt joint.	Unfired pressure vessels	90	R	R	[3] 100
	Class I welded pressure vessel		R	R	[4] 95
			R	R	90
Single-welded butt joint with backing strip. [5]	Longitudinal joint maximum thickness 1¼ inches. No thickness limitation on circumferential joints. If welds not radiographed and stress-relieved this type joint limited to Class II and III welded pressure vessel.	80	R	NR	85
			NR	R	85
			NR	NR	80
Single-welded butt joint without backing strip. [5] Doubled-welded full-fillet lap joints.	Circumferential joints only. Maximum thickness ⅜ inch. Limited to Class II and III welded pressure vessel.	70	NR	R	75
			NR	NR	70
	Longitudinal joints maximum thickness ⅜ inch. Circumferential joints maximum thickness ⅜ inch. Limited to Class III welded pressure vessel.	65	NR	R	70
			NR	NR	65

R—Indicates "Required."
NR—Indicates "Not Required."

[1] See § 56.01-25 for classes of welded pressure vessels and Subpart 56.10 for unfired brazed pressure vessel requirements.
[2] Spot examination required by § 56.05-6 unless specifically exempted.
[3] Weld reinforcement required to be removed (see § 56.01-30 (b)).
[4] Where not possible to employ doubled-welded butt joint the above type may be considered equivalent to a double-welded joint if the requirements of § 56.01-55 are met.
[5] In welding single-welded butt joints, complete penetration at the root is required, which must be demonstrated by the qualification of the procedure to be used. If complete penetration cannot otherwise be secured, the procedure shall include a backing ring or equivalent.

§ 56.01-45 Calculations.

(a) The minimum thickness and maximum allowable pressure for shells of welded pressure vessels shall be determined by § 52.05-10 of this subchapter.

(b) The minimum thickness and maximum allowable pressure for heads of welded pressure vessels shall be determined by §§ 52.20-10 and 52.22-10 of this subchapter.

(c) The minimum thickness and maximum allowable pressure for welded piping shall be determined by § 55.07-5 of this subchapter.

§ 56.01-50 Detail requirements.

(a) The surfaces of parts to be welded shall be cleaned of scale, rust, and grease at least ½ inch from the welding edge. Grease or oil may be removed by a nonhazardous solvent. A wire brush may be used to remove light corrosion or mill scale. Heavy mill scale, slag, etc., shall be removed by chisel, air hammer, or other suitable tool to secure clean metal. (Discoloration resulting from flame cutting is not considered detrimental oxidation.) When it is necessary to deposit metal over a previously welded surface any scale or slag existing thereon shall be removed by a suitable means to prevent the inclusion of heterogeneous matter in the weld metal.

(b) The members to be joined shall be accurately cut to size and form. In all cases the forming shall be done by pressure and not by blows, including the edges of the plates forming longitudinal joints of cylindrical shells.

(c) Precaution shall be taken in the preparation of joints in which fillet welds are used in order to secure fusion of the weld metal at root of the fillet. Care shall also be exercised in depositing the weld metal so as to secure satisfactory penetration.

(d) If the thickness of the flange of a head to be attached to a cylindrical shell by a butt joint exceeds the shell thickness by more than 25 percent (maximum ¼ inch), the flange thickness shall be reduced at the abutting edges as shown in figure 56.01-50 (d).

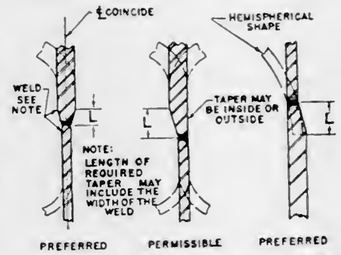


FIGURE 56.01-50 (d)—Types of joints for material of unequal thicknesses.

(e) The edges of the plates at the joints shall not have an offset from each other at any point in excess of one-quarter of the plate thickness at the joint, with a maximum permissible offset of ⅛ inch

for longitudinal joints and ¼ inch for circumferential joints.

(f) Where plates of unequal thicknesses are abutted, the edge of the thicker plate shall be reduced so that it is approximately the same thickness of the thinner plate. The middle lines of plate thicknesses for longitudinal shell joints shall be within the limits as given in paragraph (e) of this section.

(g) Except where specifically permitted in other sections, the design of welded pressure vessels shall be such that if the welded joint is subjected to a bending stress, the design shall be analysed so that the maximum stress will be within allowable limits. Complete penetration of the weld metal through the members joined shall be secured plus the addition of fillet welds where necessary to reduce stress concentration. Corner joints with members attached only by fillet welds where a concentrated bending stress will occur at the root of the weld are not permitted unless the members forming the corner are adequately supported independently of such welds.

(h) Bars, jacks, clamps, or other appropriate tools may be used to hold the edges to be welded in line. The edges of butt joints shall be held so that they will not overlap during welding. Where fillet welds are used, the lapped plates shall fit closely and be held together during welding.

(i) The joint preparation of the material to be welded shall be such as to permit good fusion and complete penetration where butt welds are employed.

(j) Double-welded butt joints shall have the reverse sides chipped, ground, or melted out, so as to secure a clean surface of the originally deposited weld metal, prior to depositing the first bead of welding on the reverse side. Chipping, grinding, or melting out shall be done in a manner that will insure proper fusion of the weld metal. The foregoing requirements do not apply to processes of welding whereby proper fusion and penetration are obtained and heterogeneous matter is eliminated from the root of the weld.

(k) If the welding is stopped for any reason, extra care shall be taken in restarting to secure complete penetration at the root of the weld and thorough fusion between the weld metal and the plates, and to the weld metal previously deposited.

(l) If single-welded butt joints are used, care shall be taken in aligning and separating the edges to be joined so that complete penetration and fusion at the root of the weld will be assured.

§ 56.01–55 Joints.

(a) (1) Longitudinal joints of Class I and Class II pressure vessels shall be of the double-welded butt type and a reinforcement of at least 1/16 inch shall be provided on each face of the weld, except for plates of ¼ inch or less in thickness the reinforcement need not exceed 25 percent of the plate thickness. The reinforcement on either or both faces of the weld may be removed, but if not removed shall be free of grooves, valleys, or other change in contour along the edge or upon the surface of the weld if the inspector deems such to be objectionable.

(2) When a single-welded butt joint is made the equivalent of a double welded joint by using a backing bar or its equivalent and depositing the filler metal from only one side to secure complete penetration, the requirements for reinforcement applies only to the face of the weld. The backing bar may be left in place or it may be removed. The root gap of 3/16 inch minimum shall be provided.

(3) Where the reverse side of a welded joint is not accessible, a single-welded butt joint employing an inert gas and/or consumable insert ring for the first pass back-up may be considered the equivalent to a double-welded butt joint, provided the welding procedure qualification tests are conducted in conformance with the requirements of § 56.01–15.

(b) The longitudinal joints of Class III welded pressure vessels shall be as given in § 56.01–30. The weld reinforcement shall be as required in paragraph (a) of this section. Fillet welds of lap type joints shall have a throat dimension of not less than 5/8T, where T is the thickness of the shell plate. The surface of the overlap shall be not less than 4T.

(c) Circumferential joints for Class I pressure vessels shall be of the double-welded butt type. Circumferential joints for Class II pressure vessels shall be of the double-welded butt type except for thicknesses of ⅝ inch or less, in which case they may be of the single-welded butt type. Circumferential joints on Class III pressure vessels may be of the butt or lap type. The details of all joints shall conform to the requirements for longitudinal joints, as given in paragraph (a) of this section.

(d) Dished heads concave to the pressure when used on Class III pressure vessels shall be inserted with a driving fit and fillet welded inside and outside, except that for vessels 20 inches in diameter or less the heads may be welded on the outside only. The welds shall be located on the flange of the head at a distance not less than twice the thickness of the head from the point of tangency of the knuckle and in no case less than ½ inch. Dished heads concave to the pressure shall have a length of flange not less than one inch for shells not over 24 inches in diameter. For shells over 24 inches in diameter, this length shall not be less than 1½ inches.

(e) Dished heads convex to the pressure shall have a flange not less than 1½ inches long except where the flange thickness is ⅜ inch or under, in which case the flange need not be more than four times the thickness of the head. When heads are inserted into the shell, same shall be with a driving fit and welded as shown in Figure 56.01–55(e).

(f) Heads concave to the pressure and plates having circumferential joints to be attached by butt welds shall be aligned so that the deviations are not more than permitted by the limitations given in § 56.01–50, but if greater, correction shall be made by reforming the shell or head, whichever is out of true, until the errors are within the limits specified. The edges of head and circumferential joints shall be separated by a suitable root gap to insure complete penetration of the weld metal.

(g) Intermediate heads of the type shown in Figure 56.01–55(e) may be used for all classes of pressure vessels provided the outside diameter of the head skirt is a close fit inside the overlapping ends of the shell courses. The butt weld and fillet weld shall be designed to take shear at 1½ times the maximum pressure on either side of the head, but in no case less than 50 p.s.i.

(h) Flat heads may be attached to pressure vessels in accordance with the requirements of § 52.22–10 of this subchapter.

(i) The welder's symbol shall be stamped on each pressure vessel adjacent to the weld and at intervals not to exceed three feet along the welds made manually or by machine. In lieu thereof, a permanent record may be kept by the manufacturer furnishing the name of the welder employed in making each joint. This record shall be made available to the inspector upon request.

§ 56.01–57 Unreinforced holes in welded joints.

(a) Unreinforced holes may be machine-cut through welded seams which have been stress-relieved and radiographed. The joint efficiency as well as the ligament efficiency shall be considered in calculating the required thickness.

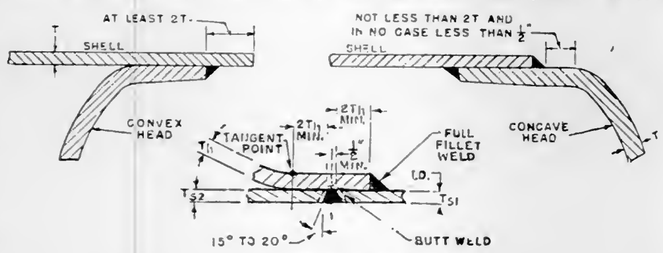


FIGURE 56.01-55(e)—Details of circumferential joints of dished heads.

(b) Tubes may be rolled and expanded in such unreinforced holes, or such holes may be threaded: *Provided*, That in the portion of the welded joint in which the holes are cut the following additional requirements are fulfilled:

(1) The welds shall be examined by the paramagnetic powder method on both sides and found to be satisfactory.

(2) The weld shall contain no slag inclusion or defect longer than 0.15T (where T is the thickness of the weld), but in no case greater than ⅜ inch.

(c) If either or both paragraphs (b) (1) and (b) (2) of this section are not complied with, the unreinforced holes for threaded connections or for rolled or expanded tubes may not be placed closer than ¼ inch to the edge of the fused metal, and no deduction need be made in the maximum allowable pressure computed for the same tube layout without a circumferential weld.

§ 56.01–65 Seal welding and tack welding.

(a) Seal welding may be used for the purpose of securing tightness of connections where the structure is such that no strain is placed upon the weld. Seal welding consists of depositing not more than two beads of weld metal. The throat of the weld shall not exceed ¼ inch and the size of the electrode employed shall not exceed 3/16 inch diameter. Seal welds are not required to be stress-relieved.

(b) Intermittent welding may be used for attaching internal baffles, strainers, external lugs, securing lagging, etc., provided the welds are of at least two passes, do not have a throat exceeding ¼ inch, are not more than 3 inches in length and have a center to center distance of at least twice their length.

(c) Intermittent welding and seal welding shall be done by qualified welders using acceptable electrodes (see § 56.01–20). Intermittent or seal welding shall not be done when the temperature of the metal of a pressure vessel is below 50° F. unless the base metal is preheated and held at a temperature of at least 200° F.

§ 56.01–70 Preheating and stress relieving.

(a) All Class I welded pressure vessels unless specifically exempted in other sections of this subchapter, shall be stress-relieved to dissipate the major portion of the residual stresses.

(b) Stress relieving shall be done by heating the weldment slowly and uniformly to a temperature of from 1,100° F. to 1,200° F. for carbon-steel and held at that temperature for a period of time proportioned on the basis of at least one hour per inch of thickness and allowed to remain in the furnace until 500° F. is reached at which time the weldment may be withdrawn and allowed to cool in a still atmosphere. When a weldment of various thicknesses of material is stress-relieved, the thickest section of the parts welded shall govern the length of time required for soaking. Pressure vessels fabricated of carbon-steel exceeding ½-inch in thickness shall be preheated locally to 125° F., prior to welding, when the ambient temperature is below 50° F. Alloy materials usually require different stress-relieving temperatures due to different chemical properties of the material. The heat treatment covering preheating and stress relieving to be employed on the latter types of materials shall be in accordance with the recommendations of the manufacturer of the material and as specifically approved by the Commandant.

(c) When the vessel is required to be stress-relieved, all connections attached by arc or gas welding unless specifically exempted shall also be stress-relieved as required by this part.

(d) Local stress relieving of welds shall be performed by means of electrical inductance, electrical resistance, or other acceptable means whereby the temperature is accurately controlled. When a type of stress relief is used that produces direct radiation, the thermocouple shall be insulated so that the hot junction of the thermocouple will not be subject to the heat of radiation. Pyrometric equipment shall be provided to indicate the hottest and coolest points of the weldment. If the weldment is of appreciable size, the number of thermocouples provided shall be sufficient to insure complete coverage. The temperature of the weldment shall be considered as being the average of the observed temperature.

(e) The stress relieving operations shall be indicated by pyrometric equipment. When an autographic record of local stress-relieving operations is made, this record shall be maintained by the fabricator.

(f) The weldment shall be stress-relieved by one of the methods as follows:

(1) Heating the complete structure as a unit.

(2) Heating a section containing the part or parts to be stress-relieved. In employing this method of stress relief direct flame impingement shall be avoided.

(3) Circumferential joints may be stress-relieved by uniformly heating a circumferential band having a minimum width of six times the material thickness on each side of the welded joint in such a manner that the entire band is brought up to the required temperature and held for the period specified in paragraph (b) of this section.

(4) Pipe shall be stress-relieved by heating a circumferential band having a width of at least 3 times the width of the widest part of the welding groove but not less than 6 times the maximum wall thickness at the weld with the weld at the center of the band. Where pipe is welded to a valve the heated zone may be decreased on the valve side of the joint to a minimum of one times the width of the weld reinforcement measured from the edge of the reinforcement toward the valve.

(5) Nozzles or other welded attachments which are required to be stress-relieved may be locally stress-relieved by heating a circumferential band around the entire vessel with the connection at the middle of the band to the required temperature and length of time specified for stress relieving. The band width shall be a minimum of six times the shell thickness on each side of the attachment.

(g) Except where specifically allowed in other sections in this subchapter, all nozzle connections after being attached by welding on Class I welded pressure vessels shall be stress-relieved.

(h) (1) Class II welded pressure vessels shall be stress-relieved under the following conditions:

(i) If required by Figure 56.01–70(h).

(ii) If fabricated of steel plate exceeding 0.58 inch thickness conforming to specifications A202, A203, A204, A225, A299, A387 Grade A, and for any steel having a specified molybdenum content of 0.50 percent nominal (permissible range 0.40 to 0.65 percent) with a chromium content not greater than 0.70 percent.

(iii) If fabricated of steel conforming to specifications A302, A387 Grades B and C, D and E, and for a chrome-molybdenum steel having a chromium content greater than 0.70 percent.

(iv) If fabricated as a Class II pressure vessel for use as a cargo tank for the storage or transportation of liquefied compressed gases and if designed for pressures exceeding 100 pounds per square inch.

(2) When class II welded pressure vessels are required to be stress-relieved, all nozzles or other welded attachments when joined by arc- or gas-welding shall be stress-relieved. When class II welded pressure vessels are not required to be stress-relieved, unreinforced nozzle connections and other attachments when joined by arc- or gas-welding are not required to be stress-relieved.

(3) When nozzles are reinforced with pads having a thickness greater than that of the shell or head to which they are attached, the nozzles shall be stress-relieved.

(i) Arc- or gas-welded connections may be added to class I and class II welded pressure vessels after they have been stress-relieved, without requiring stress-relief, provided:

(1) The diameter of the attachment opening in the vessel walls does not exceed that allowed for an unreinforced opening or does not exceed 2 inches, whichever is smaller; and,

(2) The inside and outside attachment welds do not exceed ⅜ inch throat dimension.

(3) This paragraph does not apply to those connections so placed as to form ligaments in the shell, the efficiency of which will affect the shell thickness. Such added connections shall be stress-relieved.

(j) All connections attached by arc or gas welding to vessels fabricated by other means shall be stress-relieved in accordance with the requirements for connections on class II pressure vessels. If any such vessels are to be used for service equivalent to class I pressure vessels, arc- or gas-welded connections shall be stress-relieved.

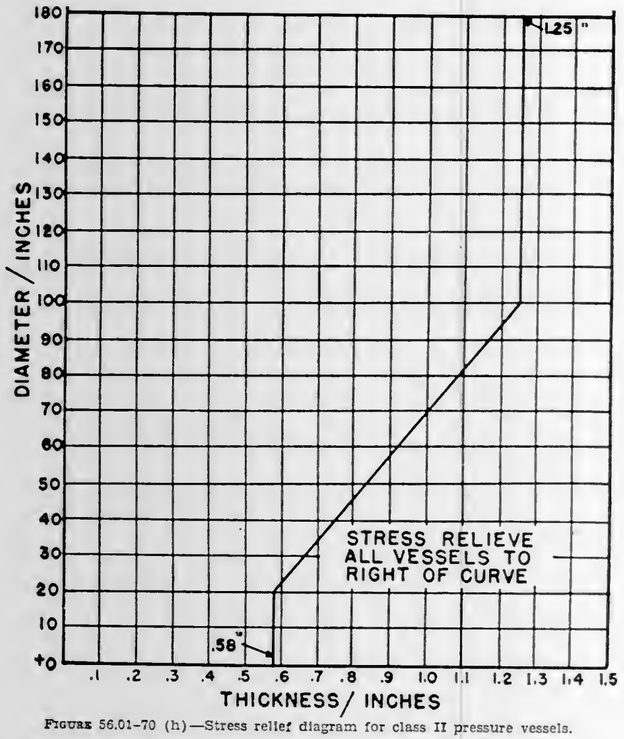


FIGURE 56.01-70 (h)—Stress relief diagram for class II pressure vessels.

(k) Arc- or gas-welded connections which require stress relieving and which are attached to vessels whose seams are of riveted construction shall be fabricated and stress-relieved prior to the making up or attachment of the courses by riveting. If they do not require stress relieving and are attached after riveting, the welds shall be located at a distance from the riveted seam at least equal to the diameter of the opening plus four times the plate thickness of the shell.

(l) All vessels containing lethal liquids or gases shall be stress-relieved. Any vessels containing liquids, gases or other substances which Part 38 of Subchapter D (Tank Vessels) or Part 146 or 147 of Subchapter N (Dangerous Cargoes) of this subchapter require to be fabricated in accordance with a class of pressure vessel requiring stress relief shall be stress-relieved.

(m) Cold weldments shall not be placed in the furnace when the temperature therein exceeds 500° F. Upon cooling, the weldment may be removed from the furnace when the temperature of same has reached 500° F. and allowed to cool in still air to assure a gradual decrease in temperature.

§ 56.01-75 Distortion.

Drums of welded or brazed pressure vessels shall be circular at any section within a limit of one percent of the mean diameter, based on the difference between the maximum and minimum mean diameter at any section. If necessary to meet the foregoing requirement, the drum shall be reheated, rerolled, or reformed. To determine the difference in diameters, measurements may be made on the inside or the outside, and when the drum is fabricated of plates of unequal thickness, the measurements shall be corrected for plate thicknesses to determine the diameter at the middle line of the plate thickness.

§ 56.01-80 Welded piping.

(a) Piping materials complying with Part 51 of this subchapter may be joined by means of arc or gas welding provided the fabrication complies with the requirements of this section.

(b) The requirements of this section are applicable to class I piping (see Part 55 of this subchapter) and class II piping unless specifically exempted.

(c) Sections of pipe shall be welded insofar as possible in the fabricating shop. Prior to welding class I piping, the fabricator shall request an inspector to visit his plant to examine his fabricating equipment and to witness the qualification tests required by § 56.01-10. One test specimen shall be prepared for each process and welding position to be employed in the fabrication.

(d) (1) For Class I piping, double-welded butt joints or single-welded butt joints using a backing ring or its equivalent on the inside of the pipe, shall be employed for pipe diameters exceeding ¾ inches, except as permitted in this paragraph. Single-welded butt joints employing an inert gas and/or consumable insert ring for first pass back-up may be considered the equivalent to a double-welded butt joint, provided the welding procedure qualification tests are conducted in conformance with the requirements of § 56.01-15. Piping of diameters not exceeding 2 inches may be joined by sleeves fitted over the pipe ends, or by socket joints provided the size of each fillet weld is at least 1¼ times the tube or pipe wall thickness and the weld deposited with a minimum of two layers. Slip-on flanges complying with the 150-pound and 300-pound standards may be used in Class I piping for temperatures not exceeding that permitted in § 55.07-15(b) of this subchapter.

(2) Some acceptable types of weld pipe connections are shown in figure 56.01-80 (d).

(3) For carbon-steel material the backing ring for class I piping shall be of low-carbon steel and shall be of the plain type or a type with projections spaced intermittently around the outside of the periphery to establish a minimum root gap as shown in figure 56.01-80 (d), detail F. For alloy steel material the backing ring shall have heat resisting properties equivalent to that of the material being welded except carbon steel backing rings may be used when welding carbon-molybdenum material.

(e) For class II piping, the type of joints shall be similar to class I piping, with the following exceptions:

(1) Single-welded butt joints may be employed without the use of backing rings in all sizes provided that the weld is chipped or ground flush on the root side of the weld.

(2) For services such as vents, overflows, and gravity drains, the backing ring may be eliminated and the root of the weld need not be ground.

(3) Square-groove welds without edge preparation may be employed for butt joints in vents, overflows, and gravity drains where the pipe wall thickness does not exceed 3/16 inch.

(4) The crimped or forged backing ring with continuous projection around the outside of the ring is acceptable only for class II piping.

(f) All butt welds shall be reinforced at the center of the weld by not less than 10 percent of the wall thickness for pipe or tubes for thicknesses not exceeding ⅝ inch; pipes and tubes having a wall thickness exceeding ⅝ inch shall be reinforced by at least 1/16 inch. The reinforcement shall be free of grooves, valleys, or other changes in contour along the edge or upon the surface of the weld if the inspector deems such to be objectionable.

(g) Each butt-welded joint of class I piping shall be marked with the welder's identification symbol. Dies shall not be used to mark the pipe where the pressure exceeds 600 p. s. i. or the temperature exceeds 750 degrees F.

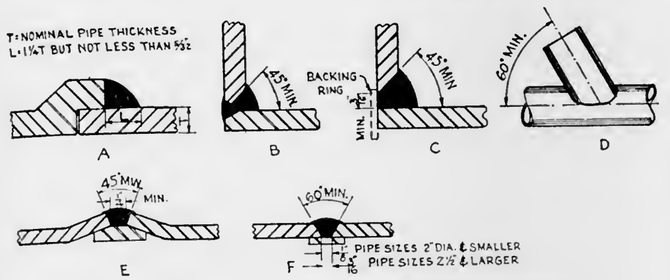


FIGURE 56.01-80 (d)—Acceptable types of welded pipe connections.

CONTRACTOR'S NAME _____

ADDRESS _____

PROCESS _____ DATE _____

MATERIAL (BASE METAL _____
(FILLER METAL _____

For Gas Welding
Type of Flame _____

For Arc Welding
Type of Current _____

If D. C., state polarity. _____

IDENTIFICATION SYMBOLS OF THIS WELD

	PASS NUMBER	HEAT	INPUT	DATA	DIAM. OF FILLER METAL	TEMP. DEG. F*	REMARKS
In above space indicate edge preparation and relative position of each pass as deposited.							

*Give degree of preheat, if any. Indicate temperature of weld metal just prior to the deposition of each succeeding pass.

Cleaning of Passes _____

Treatment of Defects _____

Peening _____

Heat Treatment (Temp. _____ Name of welder _____
(Time _____ Name of Recorder _____
(Cooling _____

FIGURE 56.01-80 (m)—Manufacturer's record of welding process.

(h) All butt-welded joints in Class I piping exceeding 2½ inches in diameter, with the exception of high-pressure salt water piping systems used in tank cleaning operations and gas supply piping of carbon or carbon molybdenum steel used in gas turbines shall be stress-relieved as required by § 56.01-70.

(i) All complicated connections including manifolds, shall be stress-relieved in a furnace as a whole as required by § 56.01-70 before being taken aboard ship for installation.

(j) Class I carbon-steel and alloy-steel piping exceeding 2½ inches in diameter shall be preheated as required by § 56.01-70.

(k) (1) All butt-welded joints in Class I piping exceeding 2½ inches in diameter, with the exception of high-pressure salt water piping systems used in tank cleaning operations and gas supply piping of carbon or carbon molybdenum steel used in gas turbines shall be nondestructively tested as required by § 56.05-5.

(2) All welds shall be free of grooves and depressions. Surfaces of welded joints which are to be magnetic powder tested shall be made smooth of all surface irregularities so that the powder may properly indicate any fracture or defect.

(l) The base material and joint preparation for welding shall comply with the manufacturer's process record.

(m) A complete record of the manufacturer's process shall be maintained on the form shown by figure 56.01-80 (m) to establish definite limits of all essential variables involved. The manufacturer shall, after his welding process has been approved, conduct all welding in accordance with the requirements of his process record.

§ 56.01-85 Welded pipe fittings.

(a) Welded pipe fittings fabricated in conformance with the ASTM Standards shall be tested as required by the applicable specifications listed in Subpart 51.46 of this subchapter.

(b) Special fittings fabricated by welding which do not conform to ASTM Standards shall comply with the following requirements:

(1) *Sizes 2½ inches and below.* (i) The longitudinal joints of welded fittings may be fabricated by either gas or arc welding.

(ii) The first fitting of each size from the production line and at least one fitting from each lot of 100 or fraction thereof shall be flattened cold until the opposite walls meet without the weld(s) developing any cracks.

(iii) One fitting of each size from each lot of 100 or fraction thereof shall be subjected to a bursting pressure which shall be not less than that for a seamless drawn pipe of the same size and thickness produced from equivalent strength material, as determined by the Barlow formula. If this fitting fails to meet

the prescribed test, the entire lot of fittings shall be rejected.

(2) *Sizes above 2½ inches.* (i) The longitudinal joints of welded pipe fittings shall be fabricated by arc welding.

(ii) For pressures exceeding 150 p. s. i., each fitting shall be radiographically examined as specified in § 56.05–5.

(iii) For pressures not exceeding 150 p. s. i., the first fitting of each size from the production line and at least one fitting of each size in each lot of 20 or fraction thereof shall be examined by radiography to insure that the welds are of acceptable quality.

(iv) One fitting of each size in each lot of 100 or fraction thereof shall be subjected to a bursting pressure which shall be not less than that for a seamless drawn pipe of the same size and thickness produced from equivalent strength material as determined by the Barlow formula. If this fitting fails to meet the prescribed test, the entire lot of fittings shall be rejected.

(3) *Welded joint.* Single welded butt joints without the use of backing strip may be employed in the fabrication of welded pipe fittings provided the radiographs indicate that complete penetration is obtained.

Subpart 56.05—Tests and Inspection

§ 56.05–1 Test plates.

(a) Test plates shall be provided for class I and class II pressure vessels as hereinafter specified in this section.

(b) Except as otherwise specified in this section, a test plate of the same grade and thickness as the shell plate being welded shall be attached to the shell plate on one end of the longitudinal joint of each drum as shown in Figure 56.05–1 (b), so that the edges of the test plate to be welded are a continuation of and duplication of the corresponding edges of the longitudinal joint. For attached test plates, the weld metal shall be deposited in the test plate welding groove continuously with the weld metal deposited in the groove of the longitudinal joint. The test plate material may be taken from any part of one or more plates of the same heat from which the plates were rolled that was used in the fabrication of the welded pressure vessel. As an alternate method, the inspector may permit the use of separate test plates, provided the same welding process, procedure, and technique employed in the fabrication of the longitudinal joint are used in welding the test plates.

(c) When a test plate is welded for the longitudinal joints, none is required for the circumferential joints or nozzles of the same drum, providing the welding process, procedure and technique are the same. When a drum has only circumferential joints, a separate test plate of the same material as that from which the shell was fabricated shall be welded as specified in paragraph (b) of this section.

(d) No test plates are required for nozzles when the drum has neither longitudinal nor circumferential welded joints.

(e) Drums fabricated of carbon-steel plate having circumferential joints but no longitudinal joints shall have at least one set of test plates welded separately for each drum or for each 50 feet of aggregate circumferential joints of drums of the same grade of material being welded in succession whose plate thicknesses fall within a range of ¼ inch, and whose diameters vary by not more than 6 inches.

(f) (1) When several class I pressure vessels fabricated of carbon-steel plate are being welded in succession or at any one time, the plate thicknesses of which fall within a range of ¼ inch, each 50 lineal feet of longitudinal and circumferential joints may be considered as the equivalent of one vessel for which test plates required by paragraph (a) or (b) of this section shall be furnished. Drums fabricated of carbon molybdenum grade E, F, or G marine boiler steel plate shall be welded separately and at least one set of test plates as required by paragraph (a) or (b) of this section shall be furnished for each drum.

(2) For class II pressure vessels no more than one set of test plates need be provided for each 300 lineal feet of either or both longitudinal and circumferential joints.

(g) Test plates shall be made by the same welder producing the longitudinal and circumferential joints. If more than one welder is employed in the welding of the pressure vessel(s), the test plates shall be made by the welder designated by the marine inspector. The test plates shall be of the same thickness as the material being welded and shall be of sufficient size to provide two specimens of each type required, except that in the case of pressure vessels having no longitudinal seams, the test plate need be only of sufficient length to provide one set of test specimens, and if a retest is necessary, an additional set of test plates may be welded separately.

(h) For test plates ¾ inch or less in thickness, one reduced-section tensile specimen and two free-bend specimens shall be tested. For plates exceeding ¾ inch in thickness, one reduced-section tensile specimen, one free-bend specimen and one guided side-bend specimen shall be tested.

(i) The test plates shall be so supported that the warping due to welding shall not throw the finished test plate out of line by an angle of over 5°.

(j) Where the welding has warped the test plates, the plates shall be straightened before being stress-relieved. The test plates shall be subjected to the same stress-relieving operation as required by § 56.01–70. At no time shall the test plates be heated to a temperature higher than that used for stress relieving the vessel.

(k) The bend specimens shall be taken from opposite sides of the reduced section tensile specimen in their respective test plates as shown in figures 56.05–1 (k1) and 56.05–1 (k2).

(l) In submitting the samples for test the manufacturer shall state the minimum and maximum tensile range of the base metal. If this information is not available, he shall submit a test coupon of the solid plate machined to form as shown in figure 51.04–10(a) of this subchapter.

(m) The external appearances of the welds and the amount of weld reinforcement shall conform to the requirements for fabrication, and the maximum reinforcement for the test plates shall not exceed the maximum permitted for construction.

(n) (1) The tension-test specimen of the joint shall be transverse to the welded joint and shall be of the full thickness of the plate after the weld reinforcement has been machined flush. The form and dimensions shall be as shown in figure 56.05–1 (n1). When the capacity of the available testing machine does not permit testing a specimen of the full thickness of the welded plate, the specimen may be cut with a thin saw into as many portions of the thickness as necessary, as shown in figure 56.05–1 (n2), each of which shall meet the requirements. The tensile strength of the joint specimen when it breaks in the weld shall not be less than the minimum of the specified tensile range of the plate used. If the specimen breaks in the plate at not less than 95 percent of the minimum specified tensile range of the plate and the weld shows no sign of weakness, the test is considered acceptable.

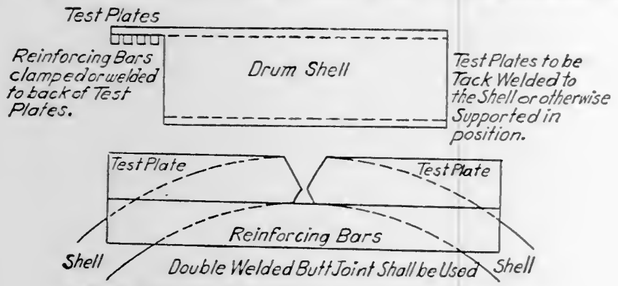


FIGURE 56.05–1 (b)—Method of forming longitudinal test plates.

(2) Boiler drums fabricated of plate of thicknesses of ⅝-inch or greater shall have a tension-test specimen of the weld metal machined to form as shown in figure 56.05–1 (n3) taken entirely from the deposited metal. The all-weld tension test specimen shall have a tensile strength of not less than the minimum of the range of the plate which is welded and shall have a minimum elongation in 2 inches of not less than 20 percent.

(o) The free bend specimens shall be of the form and dimensions shown in figure 56.05–1 (o). For plates of ¾ inch or less in thickness one of the specimens shall be bent with the face of the weld in tension. Each free bend specimen shall be bent cold under free-bending conditions until the elongation measured within or across approximately the entire weld on the outer surface of the bend is at least 30 percent. When the capacity of the available testing machine will not permit testing a full thickness specimen, the specimen may be cut with a thin saw into as many portions of the thickness as necessary, as shown in figure 56.05–1 (n2), provided each such piece retains the proportion of 1½ to 1, width to thickness, each of which shall meet the requirements. Cracks at the corners of the specimens or small defects in the convex surface, the greatest dimensions of which do not exceed ⅛ inch need not be considered as failures. For class II pressure vessels, the minimum elongation for the free bend specimen shall be 20 percent.

(p) The guided bend specimen shall be bent with the side of the weld in tension. Its width shall be equal to the full thickness of the plate and its thickness, after machining shall be 0.350 inch to 0.380 inch to permit bending in a jig having the contour of the standard jig as shown in figure 56.01–10(j6). The specimen shall withstand being bent cold to the full capacity of the jig without developing any crack exceeding ⅛ inch in any direction. Where the plate thickness exceeds 2 inches, the specimen shall be cut in two so that each portion does not exceed 2 inches in width. Each such portion shall be tested and shall meet the requirements.

(q) One retest shall be made for each of the original specimens which fails to meet the requirements. Should the retests fail to meet the requirements, the welds which they represent shall be chipped out, rewelded and new test plates provided. This shall apply to each shell in cases where a number of shells of the same design and grade of material are placed end to end and the longitudinal seams are welded continuously.

§ 56.05–3 Qualification of radiographic test procedure.

(a) Prior to the use of radiography by fabricators or commercial radiographic laboratories, the radiographic procedure proposed for use in nondestructive tests shall be qualified to demonstrate that the procedure will produce radiographs of acceptable standards.

(b) Radiographic test procedures qualified by the Bureau of Ships of the

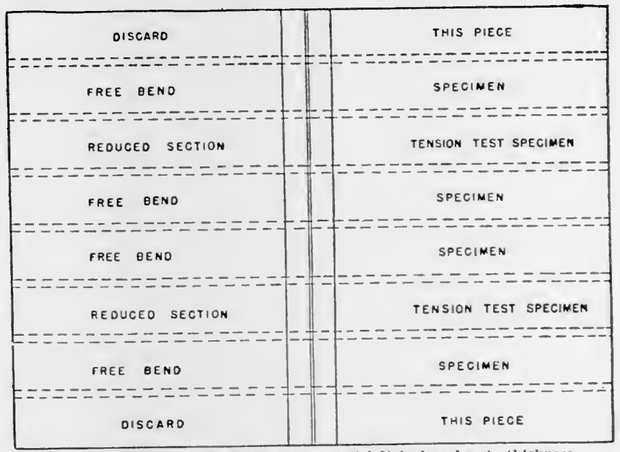


FIGURE 56.05–1 (k1)—Test plates for material ¾ inch or less in thickness.

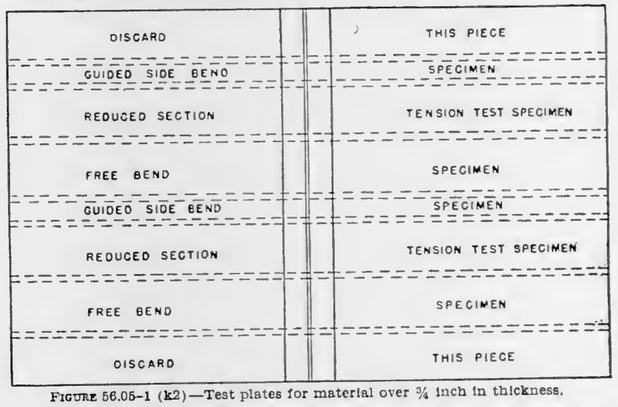


FIGURE 56.05–1 (k2)—Test plates for material over ¾ inch in thickness.

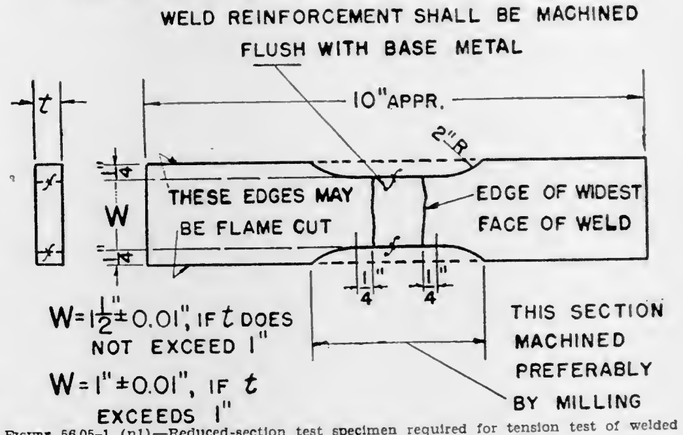


FIGURE 56.05–1 (n1)—Reduced-section test specimen required for tension test of welded joint.

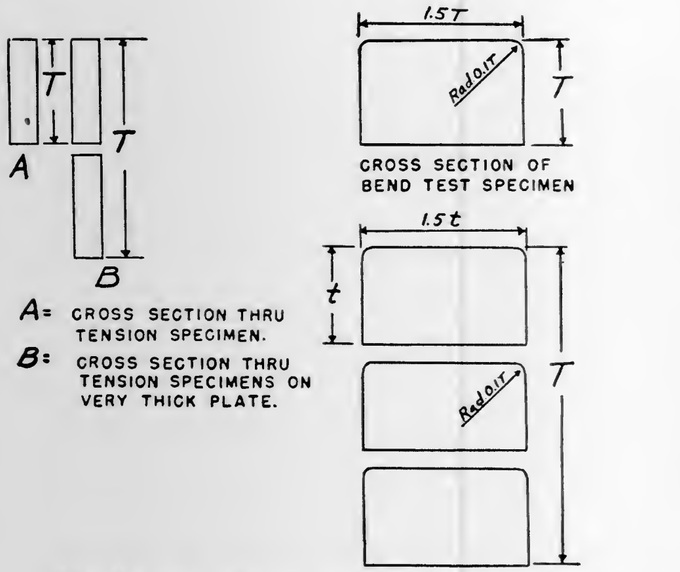


FIGURE 56.05–1 (n2)—Cross section of bend-test specimens from very thick plate.

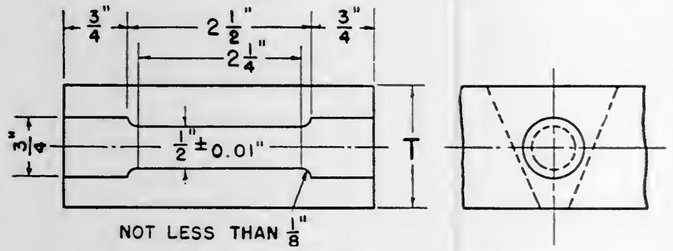


FIGURE 56.05–1 (n3)—All weld metal tension-test specimen.

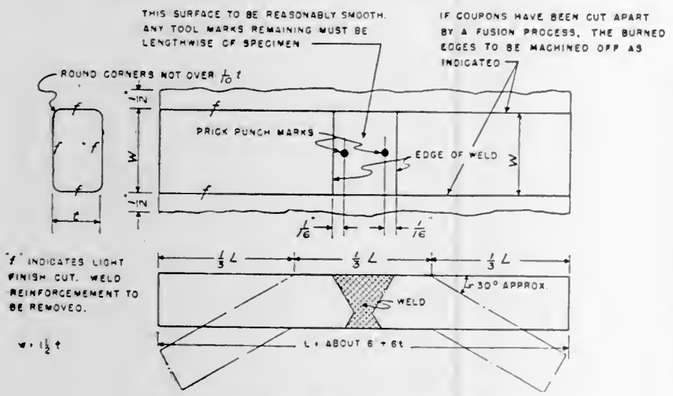


FIGURE 56.05–1 (o)—Specimen for free-bend test.

Department of the Navy need not be requalified.

(c) Radiographic test procedures shall be qualified in the following manner:

(1) Radiographs shall be taken of test plates in accordance with § 56.05–5. Two radiographs shall be taken for each test plate. The thickness range being qualified shall be in accordance with Table 56.05–3(c). Test plates shall contain defects of known size in addition to the required penetrameters. Test plates shall be furnished by the fabricator or laboratory seeking qualification.

TABLE 56.05–3(c)

Test plate thickness (Inches)	Thickness range qualified (Inches)
3/8	Up to 3/4.
1	3/4 to 1 1/2.
2	1 1/2 to 2 1/2.
3	2 1/2 to 4.
5	4 to 6.
8	6 to 10.
12	10 and over.

(2) The completed radiographs, together with the following information shall be forwarded, via the Officer in Charge, Marine Inspection, to the Commandant, for evaluation:

(i) Radiation source and capacity.

(ii) Film brand.

(iii) Type and thickness of screens.

(iv) d_o/t ratio, where d_o and t are defined in § 56.05–5(m).

(v) Description of test plates.

(vi) Processing technique.

(d) Test plates of various thicknesses may be made up by placing several rolled mild steel plates together, with the plate containing the defects on the radiation source side.

(e) Separate qualification tests are required for each type of radiation source to be used, and for plate and pipe radiography.

§ 56.05–5 Nondestructive tests.

(a) (1) All longitudinal and circumferential welded butt-joints of Class I welded pressure vessels shall be examined throughout their entire length, except as specifically exempted in other sections of this subchapter, by means of radiography, preferably by X-ray.

(2) Each welded butt-joint of Class II welded pressure vessels shall be examined throughout its entire length by means of radiography, preferably by X-ray, when the plate thickness at the welded joint exceeds 1½ inches, or when required by § 54.03–1 of this subchapter and Table 56.01–30(a).

(b) (1) All butt-welded joints of Class I piping, unless exempted by § 56.01–80, shall be nondestructively tested. Radiography shall be used for diameters or thicknesses as follows:

(i) Carbon steel when the pipe wall thickness exceeds ⅜ inch.

(ii) Alloy steel when the diameter is 4 inches or larger.

(2) Butt-welded joints of Class I piping of thicknesses and sizes not exceeding that specified in subparagraph (1) of this paragraph may be examined by means of magnetic particle testing. The surfaces to be inspected shall be clean,

dry, and free from oil, excessive rust, slag, and scale accumulation. All surface irregularities such as undercuts, overlaps, ripples, rough welds, etc., which may make interpretation of the magnetic indications difficult, shall be made smooth by grinding, chipping, or sandblasting.

(c) Welded joints to be radiographed shall be prepared as follows:

(1) The welded joints shall be representative of the completed weld to be placed in service.

(2) The weld ripples or weld surface irregularities, on both inside and outside, shall be removed by any suitable mechanical process to a degree such that the resulting radiographic contrast due to any remaining irregularities cannot mask or be confused with that of any objectionable defect.

(3) The finished surface of the reinforcement may have a crown of smooth contour not exceeding the following:

Material thickness, inches:	*Maximum thickness of reinforcement, inches*
½ and below	1/16
Over ½ to 1, inclusive	3/32
Over 1 to 2, inclusive	1/8
Over 2	5/32

(4) Single-welded butt-joints made the equivalent of double-welded butt-joints in accordance with § 56.01–55 may be radiographed without removal of the backing strip provided the backing strip image will not interfere with the interpretation of resultant radiographs.

(d) Radiographic examination shall be performed with a technique that will indicate the presence of defects having depths of 2 percent of the thickness of the material, or widths of 4 percent of the thickness of the material being examined. Penetrameters made of material having radiographic density approximately the same as that of the material being radiographed shall be used to determine the sensitivity of the radiographic technique being employed.

(e) Penetrameters of the type as shown in Figure 56.05–5(e) shall be used, and shall be placed on the radiation source side of the object being radiographed. All radiographs shall show the image of the penetrameter.

(f) Each penetrameter shall have three holes of diameters equal respectively to one, two, and four times the penetrameter thickness, but in no case less than .010 inch for the 1T hole, .020 inch for the 2T hole, and .040 inch for the 4T hole. The 2T hole shall be distinguishable on the radiograph.

(g) Each penetrameter shall carry an identifying number representing, to two significant figures, the minimum thickness of plate for which it may be used. The images of the identifying numbers shall appear clearly on the radiographs.

(h) The thickness of the penetrameter shall be not more than 2 percent of the thickness of the material being examined. When the weld reinforcement and/or backing strip is not removed, a shim shall be placed under the penetrameter, such that the total thickness being radiographed under the penetrameter is the same as the total thickness through the weld, including backing strip when not removed.

(i) For metals of uniform thickness, each radiograph taken of welds shall have visible penetrameters and identification markers as follows:

(1) When the dimension of the film in the direction of the weld is 6 inches or less, one penetrameter is required.

(2) When the dimension of the film in the direction of the weld is over 6 inches, 2 penetrameters are required.

(3) The penetrameter(s) shall be placed at the end(s) of the exposed length, parallel and adjacent to the weld seam with the smallest hole at the outer end. When a single penetrameter is used, it shall be placed at the end of maximum angularity when there is a difference of angularity of radiation at the ends.

(4) For assembly welds, at least 2 identification markers are required. The distance between any two adjacent identification markers shall be not more than 6 inches.

(j) For metals of non-uniform thickness, such as castings, each radiograph taken shall have visible penetrameters as follows:

(1) Where the thickness of the metal does not vary over the area covered by a single radiograph by more than 50 percent of the maximum thickness or by more than ½ inch in thickness, whichever is the lesser, one penetrameter shall be used which shall be located at a point of mean thickness. In all cases where the longest dimension of a radiograph exceeds 6 inches, two penetrameters shall be used.

(2) If the thickness of metal covered by a single radiograph varies by more than 50 percent of the maximum thickness or by more than ½ inch, whichever is the lesser, suitable penetrameters shall be placed at the thinnest and thickest portion of the material being radiographed.

(3) Where the above requirements for placement on either the mean or maximum and minimum thickness permits, the penetrameter(s) shall be placed at the point(s) of maximum angularity of radiation.

(k) When an isotope capsule is placed at the center of a circumferential joint and the complete circumference radiographed with a single exposure, four penetrameters, uniformly spaced, shall be employed.

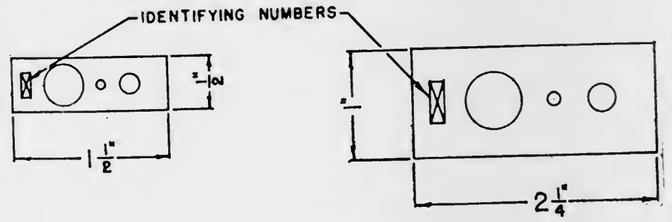
(l) Radiographic film for the inspection of welded joints or of weld repairs shall be high-contrast, slow speed, fine grain, or extra-fine grain, and used with lead screens. All radiographs shall be free from excessive mechanical processing defects which would interfere with the proper interpretation of the radiograph.

(m) The film during exposure shall be as close to the surface of the weld as practicable. Except where specifically provided for in the process qualification, the d_o/t ratio shall be 7 or greater; where d_o is the distance from the source of radiation to the surface of the test object toward the radiation source, and t is the distance from the remotest part of the test object surface toward the radiation source to the film.

(n) Identification markers, the image of which is to appear on the film, shall be placed adjacent to the weld and their locations accurately and permanently marked near the weld on the outer surface of the plate or pipe, so that a defect appearing on the radiograph may be accurately located on the actual weld.

(o) (1) When radiographing a circumferential pipe joint or a casting by placing the radiation source inside the object, and where it is not feasible to place the penetrameters on the radiation side of the weld, the penetrameters may be placed on the film side if the requirements of subparagraph (2) of this paragraph are met.

(2) The radiographic technique shall be demonstrated with the applicable penetrameter placed on the source side and a continuous series of penetrameters placed on the film side of a like pipe section. The series of penetrameters shall range in thickness from 2 percent to 0.5 percent of the material thickness. If the penetrameter on the source side indicates the required sensitivity, the image of the smallest penetrameter hole visible on the film side shall be used to determine the penetrameter and pene-



DIAMETERS OF HOLES 1, 2, AND 4 TIMES THE THICKNESS OF PENETRAMETER.

FIGURE 56.05–5(e)—Details of penetrameters.

trameter hole which shall be used on inspection radiographs.

(p) For double wall radiographs in which only the portion of the weld next to the film is examined, and it is desired to place the penetrameter on the film side, the radiographic technique shall be demonstrated on a similar pipe section with the applicable penetrameter placed on the inside of the pipe along the root of the weld and a series of penetrameters, selected as in subparagraph (o) (2) of this section, placed on the film side. If the penetrameter on the source side of the portion of the weld indicates the required sensitivity, the image of the smallest penetrameter hole visible on the film side shall be used to determine the penetrameter and penetrameter holes which shall be used on inspection radiographs.

(q) The radiographs shall be submitted to the marine inspector with data as follows:

(1) The thickness of the metal being examined.

(2) The d_o/t ratio.

(3) The X-ray voltage or isotope used.

(r) The acceptability of welds examined by radiography shall be judged by the following standards:

(1) Welds in which the radiographs show elongated slag inclusions or cavities are unacceptable if the length of any such imperfection is greater than $1/3T$ where T is the thickness of the thinner plate welded. If several imperfections within the above limitations exist in line, the welds shall be judged acceptable if the sum of the longest dimensions of all such imperfections is not more than T in a length of $12T$ and if the defects are separated by at least $6L$ of acceptable weld metal, where L is the length of the longest imperfection. The maximum length of acceptable inclusion for any plate thickness shall be ¾ inch. Any slag inclusion shorter than ¼ inch shall be acceptable for any plate thickness.

(2) Welds in which the radiographs show any type of crack or zones of incomplete penetration shall be unacceptable. Incomplete penetration appears as elongated darkened lines of varying length and width in any part of the welding groove.

(3) Welds in which the radiographs show porosity shall be judged as acceptable or unacceptable by comparison with a standard set of radiographs, copies of which are on file at Coast Guard Headquarters, with the Coast Guard District Commanders, and with the Officers in Charge, Marine Inspection.

§ 56.05–6 Spot examination of welded joints.

(a) *Scope.* (1) All class II welded unfired pressure vessels which are not given a complete radiographic examination as specified by § 56.05–5 shall have portions of the finished welded joints examined by spot radiography, except vessels meeting the requirements of subparagraph (2) of this paragraph need not be so examined.

(2) Spot examination specified by subparagraph (1) of this paragraph is not required when an allowable stress of 80 percent of the values given in table 32.05–10(a) in Part 52 and table 54.03–10(c) in Part 54 of this subchapter is used in the design of the vessel.

(b) *Number required.* At least one spot shall be examined on each vessel welded having 50 feet or less of combined longitudinal and circumferential welds. For vessels having more than 50 feet of combined longitudinal and circumferential joints at least one spot shall be examined for each 50 feet or less of welded joints. If more than one welding procedure is employed or if more than one welder does the welding on a vessel, at least one spot shall be examined for each procedure and each welder. The spot(s) examined may be considered representative of the procedure, the welder and one interval of 50 feet of welded joint. The spot(s) to be examined shall be designated by an inspector.

(c) *Spot radiographing.* Each spot required by paragraph (b) shall be examined by radiography as prescribed in § 56.05–5. The spot radiographs shall meet the standards given in § 56.05–5 (q). Retest radiographs permitted by paragraph (d) of this section shall comply with the standards given therein. Films of spot radiographs which have been examined by the inspector may be destroyed.

(d) *Retests*—(1) *Spot examination.* When a spot has been examined and the welding does not comply with the minimum quality requirements prescribed in paragraph (c) of this section, two additional spots shall be examined in the same joint at locations to be designated by the inspector, one on each side of and not far from the initial spot to determine the limits of defective welding, and if the welding at either of these spots fails to meet the minimum requirements of subparagraph (2) of this paragraph, additional nearby spots shall be examined until the limits of unacceptable welding are determined. In addition, the inspector shall require that an additional spot be examined at one location to be selected by him in each joint not previously examined on which the same welder has welded and if any additional spot fails to comply with the minimum quality requirements of paragraph (c) of this section, the limits of unacceptable welding shall be determined as described in this section. All rewelded areas shall be re-examined as required by the inspector and shall comply with the prescribed requirements in this section.

(2) *Radiographic standard for retest.* Welds in which the radiographs show any type of cracks or zones of incomplete penetration shall be unacceptable. Welds in which radiographs show elongated slag inclusions, cavities, or lack of fusion shall be unacceptable if the length of such imperfection is greater than 2/3T, where T is the thickness of the thinner plate. If several imperfections within the above limitations exist in line, the welds shall be judged acceptable if the sum of the longest dimension of all such imperfections is not more than T in length of 6T, and if the defects are separated by at least 6L of acceptable welding, when L is the length of the longest imperfection. The maximum permissible porosity shall not exceed that permitted by § 56.05–5, except that not more than twice as many cavities or slag inclusions, but of no greater size, shall be permitted within any single square inch of film area, or for the whole film area.

Subpart 56.10—Brazing

§ 56.10–1 Definition.

Brazing is a group of metal-joining processes wherein the filler metal is a nonferrous metal or alloy whose melting point is higher than 800° F. but lower than that of the metals or alloys to be joined and is caused to flow, chiefly by capillarity, into the space between the two closely lapped or butted surfaces to be joined.

§ 56.10–5 Detail requirements.

(a) Unfired pressure vessels and pipe may be fabricated by brazing when the temperature to which such connections may be subjected does not exceed 425 degrees F.

(b) A manufacturer desiring to fabricate unfired pressure vessels shall conduct a process qualification test to demonstrate to an inspector that he has the proper equipment and his procedure is satisfactory for the production of acceptable work.

(c) The edges of the members to be joined shall be properly cleaned and made free from oxides, dirt, oil or grease prior to brazing. The edges of the plates may be punched and stitch riveted with centers not to exceed 3 inches or resistance welded with centers of spot welds not to exceed 1½ inches to hold the faying surfaces tightly together. The brazing shall be done by placing the flux and brazing material on one side of the joint and applying heat until the brazing material flows entirely through the lap and shows uniformly along the seam on the other side of the joint. Sufficient flux shall be used to cause the brazing to appear promptly after reaching the brazing temperature. The brazing material used shall have a shearing strength of at least 10,000 p. s. i.

(d) After the parts to be joined have been thoroughly cleaned the edges of same shall be given an even coating of flux prior to heating as a protection against oxidation.

(e) Heads shall be inserted into the shell with a tight drive or shrink fit and the protruding ends of the shell shall then be heated to a forging heat and crimped over the head.

§ 56.10–10 Materials.

Ferrous and nonferrous material for use in the fabrication of shells and heads of unfired pressure vessels shall comply with any of the grades of material specified in Part 51 of this subchapter. Steel pipe may be used for shells provided same is manufactured of seamless drawn or electric-resistance welded pipe.

§ 56.10–15 Thickness and maximum allowable pressure.

(a) The maximum allowable pressure for shells of brazed pressure vessels shall be determined by § 52.05–10 of this subchapter.

(b) The maximum allowable pressure for heads of brazed pressure vessels shall be determined by §§ 52.20–10 and 52.22–10 of this subchapter.

(c) The maximum allowable pressure for brazed piping shall be determined by § 55.07–5 of this subchapter.

§ 56.10–20 Types of joints.

(a) The longitudinal joint may be of the lapped type where the material thickness does not exceed ⅜ inch. For thickness exceeding ⅜ inch, but not to exceed 1 inch, the longitudinal joint shall be of the double-butt strap type.

(b) Lap joints shall have the edge of the plate lapped a distance not less than eight times the plate thickness and for double-butt joints the lap of the inner and outer strap shall be not less than 16 times the thickness of the shell plating, one-half the lap to be on each side of the abutting plate edges. When the brazed joint does not extend the full length of the plate, the unbrazed edges may be arc- or gas-welded provided the length of the weld is not greater than four times the thickness of the shell plate from the edge of the flange of the head.

(c) Head and circumferential joints shall be brazed in approximately the same manner as the longitudinal joint. The end of the plate shall have an overlap of not less than four times the shell thickness. When a vessel is fabricated with more than one course in the shell, the circumferential joint may be of either the lap or butt type. If of the latter type, the courses shall be approximately a true circle and the circumference of the abutting courses shall not vary by more than 0.20 percent. The sleeve may be fitted to either the inside or the outside of the shell. The overlap in either case for each course shall be not less than four times the shell thickness.

§ 56.10–25 Pipe joints.

(a) Copper-alloy brazing may be employed to join pipe, valves, and fittings. Circumferential joints may be either of the butt or socket type. Where butt joints are employed, the included angle shall be not less than 90° where the wall thickness is 3/16 inch or greater. The annular clearance of socket joints shall be held to small clearances which experience indicates is satisfactory for the brazing alloy to be employed, method of heating, and material to be joined. The annular clearance shall be shown on drawings submitted for approval of socket joints.

(b) Copper pipe fabricated with longitudinal joints for pressures not exceeding that permitted by Part 55 of this subchapter, may have butt, lapped, or scarfed joints. If of the latter type, the kerf of the material shall be not less than 60°.

§ 56.10–30 Silver brazing.

(a) Circumferential pipe joints may be either of the socket or butt type. When butt joints are employed the edges to be joined shall be cut or machined square and the edges shall be held closely together to insure a satisfactory joint.

(b) The surfaces of the members to be joined shall be properly cleaned and given a coating of flux as required by § 56.10–5.

(c) Heat shall be applied evenly and uniformly to all parts of the joint in order to prevent local overheating.

(d) The members to be joined shall be held firmly in place until the silver brazing alloy has set so as to prevent any strain on the joint until the brazing alloy has thoroughly solidified.

(e) Clearances shall be between 0.002 inch minimum and 0.006 inch maximum.

PART 57—MAIN AND AUXILIARY MACHINERY

Subpart 57.01—General Requirements

Sec.
57.01–1 Scope.
57.01–5 Applicable standards.
57.01–10 Fuel for internal combustion engines on passenger vessels.
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Subpart 57.05—Main Propulsion Machinery

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Subpart 57.10—Internal Combustion Engine Installations

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57.10–5 Gasoline engine installations.
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Subpart 57.30—Nuclear Energy

57.30–1 Scope.
57.30–5 Definitions.
57.30–10 General safety requirements.
57.30–15 Special operating procedures.
57.30–20 Inspection, overhaul, and repairs.
57.30–25 Radiation protection.
57.30–30 Safety Assessment.
57.30–35 Operating Manual.

AUTHORITY: The provisions of this Part 57 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426–4431, as amended, 4433, as amended, 4434, as amended, 4453, as amended, 4488, as amended, 4491, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat 1544, 1545, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 481, 489, 366, 395, 363, 367. 526p, 1333, 390b, 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, Nov. 26, 1954, 19 F.R 8026; 167–20, June 18, 1956, 21 F.R. 4894; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–38, Oct. 26, 1959, 24 F.R. 8857, unless otherwise noted.

Subpart 57.01—General Requirements

§ 57.01–1 Scope.

(a) The regulations in this part contain requirements for the design and construction of main and auxiliary machinery installed on vessels subject to inspection by the Coast Guard, except as otherwise prescribed in this subchapter.

§ 57.01–5 Applicable standards.

In general the applicable standards established by the American Bureau of Shipping may be considered as standard for the design, construction, and testing of main and auxiliary machinery, except as modified in this subchapter.

§ 57.01–10 Fuel for internal combustion engines on passenger vessels.

(a) All internal combustion engines, whether used for main propulsion or auxillaries, installed on passenger vessels exceeding 100 gross tons, or on all passenger vessels engaged in international voyages, shall be driven by fuel having a flashpoint exceeding 110 degrees F.

§ 57.01–15 Fuel oil for boilers.

Oil to be used as fuel to be burned under boilers on vessels subject to inspection by the Coast Guard shall have a flashpoint of not less than 150 degrees F. (Closed cup test.)

Subpart 57.05—Main Propulsion Machinery

§ 57.05–1 Material, design and construction.

The material, design, construction and workmanship of main and auxiliary machinery shall be at least equivalent to the standards established by the American Bureau of Shipping or other recognized classification society.

§ 57.05–5 Astern power.

(a) All vessels shall have sufficient power for going astern to secure proper control of the ship in all normal circumstances.

Subpart 57.10—Internal Combustion Engine Installations

§ 57.10–1 Scope.

The requirements in this subpart apply to all vessels subject to inspection. The requirements governing the installation of internal combustion engines on motorboats and motor vessels of more than 15 gross tons carrying passengers

for hire shall be effective on new vessels or vessels converted to passenger service for the first time, the construction of which is commenced on or after December 1, 1945, and to all existing vessels as far as it is practicable.

§ 57.10–5 Gasoline engine installations.

(a) *Engine design.* All installations shall be of marine type engines suitable for the intended service, designed and constructed in conformance with the requirements of this subchapter.

(b) *Carburetors.* (1) Drip collectors shall be fitted under all carburetors, except the down-draft type, to prevent fuel leakage from reaching the bilges and so arranged as to permit ready removal of such fuel leakage. Drip collectors shall be covered with flame screens.

(2) All gasoline engines shall be equipped with an approved means of backfire flame control. Installations of backfire flame arresters or engine air and fuel induction systems bearing basic Approval No. 162.015 may be continued in use as long as they are serviceable and in good condition. Backfire flame arresters or engine air and fuel induction systems installed or used on new installations or as replacements shall be of an approved type, design, construction, and tested in conformance with applicable requirements in Subpart 162.041 or 162.042 of Subchapter Q (Specifications) of this chapter. Air intakes shall be so directed that backfire cannot blow down into the bilge.

(c) *Exhaust manifold.* The exhaust manifold shall either be water-jacketed and cooled by discharge from a pump which operates whenever the engine is running, or woodwork within 9 inches shall be protected by ¼-inch asbestos board covered with not less than No. 22 USSG galvanized sheet iron or nonferrous metal. A dead air space of ¼ inch shall be left between the protecting asbestos and the wood, and a clearance of not less than 2 inches maintained between the manifold and the surface of such protection.

(d) *Exhaust pipe.* (1) The exhaust pipe shall be gastight and the installation shall comply with one of the following requirements:

(i) All of the engine cooling water shall be discharged through the exhaust pipe when water cooled and shall enter the exhaust pipe at a point as near to the manifold as practicable.

(ii) A length of not less than 12 diameters of the exhaust pipe adjacent to the manifold shall be water-jacketed and cooled in the same manner as the manifold. The remainder of the pipe shall be kept clear of internal woodwork at least 1½ inches.

(iii) Woodwork within 6 inches of any part of the exhaust pipe shall be protected by ¼-inch asbestos board covered with not less than No. 22 USSG galvanized sheet iron or nonferrous metal. A dead air space of ¼ inch shall be left between the protecting asbestos and the wood, and a clearance of not less than ½ of its diameter shall be maintained between the pipe and the surface of such protection.

(2) In all of the above cases described in subparagraph (1) of this paragraph, the exhaust pipe shall be properly supported by noncombustible hangers or blocks and protective gratings shall be provided at such locations where persons or gear might come in contact therewith. Arrangements shall be made to provide access to the exhaust pipe throughout its length. A spark arrester shall be installed in each exhaust line.

(3) Where exhaust lines pass through watertight bulkheads, noncombustible packings shall be installed. Exhaust piping shall be led to the point of escape without traps and with a minimum number of bends or elbows in order to reduce the effect of back pressure.

(4) Where flexibility is necessary, a section of flexible metallic hose may be used. Suitable non-metallic hose may be used if the exhaust is watercooled.

§ 57.10–10 Diesel engine installations.

(a) The requirements of § 57.10–5 (a), (c) and (d) shall apply to diesel engine installations.

(b) On installations of engines of the semi-diesel or hot-bulb type, woodwork within 3 feet of starting torches shall be protected by at least ¼-inch asbestos board covered with sheet metal and a dead air space of at least ¼ inch between the asbestos board and the wood.

§ 57.10–15 Gas turbine installations.

(a) The design, construction, workmanship and tests of gas turbines and their associated machinery shall be at least equivalent to the standards of the American Bureau of Shipping or other recognized classification society.

(b) The materials used for gas turbine installations shall have properties suitable for the intended service. When materials not conforming to standard A.S.T.M. specifications are employed, data concerning their properties including high temperature strength data where applicable, shall be furnished.

(c) (1) Gas turbine exhaust piping will be considered to be Class II piping under the provisions of § 55.01–1 of this subchapter, except for installations where the exhaust pressure exceeds 150 p.s.i., such as in closed cycle systems. Where exhaust ducting is employed, the drawings and design data shall be submitted to substantiate its suitability and safety for the intended service.

(2) Where considered necessary, gas turbines and associated exhaust systems shall be suitably insulated or cooled, by means of lagging, water jacketing, water spray, or a combination thereof.

(3) Where specifically approved by the Commandant, exhaust lines of gas turbines may be interconnected with boiler uptakes, provided dampers or other suitable devices are provided to prevent backflow of boiler exhaust gases into the turbine.

(d) The air inlet shall be designed and equipped as necessary for the safety of personnel and to prohibit the entrance of harmful foreign material, including water, into the system.

(e) The noise level in the vicinity of any part of the installation shall be kept at or below the levels as prescribed in Department of the Navy, Bureau of Ships' Specifications, Section S1–10, or other approved standards.

(f) Means shall be provided for circulating air, either natural or forced, through the engine compartment for cooling and ventilation.

(g) (1) The control system shall be designed for automatic shutdown of the engine under the following conditions:

(i) Overspeed.

(ii) Excessive exhaust gas temperature.

(iii) Excessive lubricating oil temperature.

(iv) Low lubricating oil pressure.

(2) Audible or visible alarms shall be provided in the gas temperature control system and in the lubricating oil control system. Such alarms shall be actuated prior to or upon automatic shutdown.

(3) A remote, manually operated shutdown device shall be provided. Such device may be totally mechanical or may be electrical with a manually actuated switch.

(h) Drawings and design data of the following components shall be submitted to substantiate their sultability and safety for the service intended:

(1) Combustion chamber.

(2) Regenerator or recuperator.

(3) Casing or piping conveying the gas from the combustion device to the gas turbine.

(i) Gas turbine fuel systems shall meet, in general, the requirements of Part 55 of this subchapter.

Subpart 57.20—Refrigerating Machinery

§ 57.20–1 Installation of refrigerating machinery.

(a) Where refrigerating machines are installed in which anhydrous ammonia is used as a refrigerant, such machines shall be located in a well-ventilated, isolated compartment, preferably on the deck, but in no case shall it be permissible to install such machines in the engineroom space unless it is vented and isolated so as to eliminate any hazard from gas escaping to the engineroom. Absorption machines using a solution of aqua ammonia and machines using carbon anhydride (CO_2 gas) are exempt from this requirement, provided the maximum charges that might be released in the event of breakage do not exceed 300 pounds.

(b) Machinery compartments containing equipment for ammonia shall be fitted with a sprinkler system providing an effective water spray and having a remote control device located outside the compartment.

(c) All refrigeration compressor spaces shall be effectively ventilated and drained and shall be separated from the insulated spaces by watertight bulkhead, unless otherwise approved.

§ 57.20–5 Small portable, self-contained units.

The requirements of this subpart shall not apply to small, portable, self-contained units.

Subpart 57.25—Steering Apparatus

§ 57.25–1 Steering apparatus; existing installations.

(a) All existing vessels subject to inspection by the Coast Guard shall be provided with suitable steering apparatus. Extra steering apparatus consisting of relieving cables, or of auxiliary power- or hand-steering gear attached to the rudder stock independent of the regular steering gear, shall be provided.

(b) Replacements of steering apparatus on existing vessels shall be in accordance with this subpart for new installations.

§ 57.25–5 Steering apparatus; new installations.

(a) All new vessels subject to inspection by the Coast Guard, except certain towed barges, shall be provided with main and auxiliary steering apparatus in accordance with §§ 57.25–10 to 57.25–70, inclusive.

(b) The main steering gear shall be of adequate strength and of sufficient capacity to steer the vessel at maximum service speed. The main steering gear and rudder stock shall be so designed that they are not damaged at maximum astern speed.

(c) The auxiliary steering gear shall be independent of the main steering gear and shall be of adequate strength and of sufficient capacity to steer the vessel at navigable speed and capable of being brought speedily into action in an emergency.

(d) When the steering gear is power operated, the exact position of the rudder shall be indicated at the main steering station.

§ 57.25–10 Rudder movement.

(a) The main steering gear shall be capable of putting the rudder over from 35 degrees on one side to 35 degrees on the other side with the vessel running ahead at the maximum continuous rated shaft R.P.M. The timing may be conducted from 35 degrees on one side through 30 degrees on the other side, and the average rate of the rudder shall be not less than 2⅓ degrees per second.

(b) The auxiliary steering gear where power-driven shall be capable of putting the rudder over from 15 degrees on one side to 15 degrees on the other side in 60 seconds with the vessel running ahead at half speed, or 7 knots, whichever is greater.

§ 57.25–15 Plan approval.

(a) General arrangement plans of the main and auxiliary steering arrangements and piping systems shall be submitted to the Commandant (MMT), U.S. Coast Guard, Washington, D.C., 20226, for approval.

§ 57.25–20 Power-driven steering gear.

(a) The main steering gear shall be power-driven for vessels over 250 feet in length or when the required upper rudder stock diameter is over 9 inches. However, power-driven main steering gear shall be required for any vessel where the hand steering gear is not considered capable of effectively complying with the requirements of § 57.25–10.

(b) The auxiliary steering gear shall be power-driven when the required upper rudder stock diameter is over 9 inches for passenger vessels and over 14 inches for cargo vessels.

§ 57.25–25 Auxiliary means of steering.

(a) An auxiliary means of steering will not be required where the main gear is of the dual-power hydraulic type, having two independent pumps and connections and separate leads to the pump prime movers from the source of power, and each independent steering gear power-unit has the required capacity for a main steering gear in order to meet the requirements of § 57.25–10(a). In such cases the attachment to the rudder stock shall be designed for strength in excess of that of the rudder stock.

(b) A suitable arrangement of block and tackle will be acceptable as an auxiliary steering means, and when arranged for operation by means of power-driven winches or similar machinery, will be considered an auxiliary power steering gear.

(c) An auxiliary means of steering will not be required on double-ended ferryboats where independent steering gears are fitted at each end of the vessel, and two sources of power are provided where the gear is power-driven.

§ 57.25–30 Steadying the rudder.

(a) All oceangoing vessels requiring power gears shall be provided with arrangements for steadying the rudder in the event of an emergency and when a change of gear is required. On hydraulic type steering gears a suitable arrangement of stop valves in the main piping may be considered as a means of steadying the rudder.

§ 57.25–35 Rudder stops.

(a) Main power steering gear shall be provided with positive arrangements for stopping the gear before the rudder stops are reached. These arrangements shall be synchronized with the rudder stock or the position of the gear itself, rather than with the steering gear control system.

(b) Strong and effective rudder stops are to be fitted. Where adequate positive stops are provided within the gear, structural stops wil not be required.

§ 57.25–40 Buffers.

(a) On vessels in ocean, coastwise, and Great Lakes service, steering gears other than the hydraulic type shall be designed with suitable buffer arrangements to relieve the gear from shocks to the rudder.

§ 57.25–45 Pilothouse steering gear controls.

(a) Control of the main steering gear shall be provided from the pilothouse by mechanical, hydraulic, electrical, or other approved means. The arrangement of the control system and steering gear components shall provide full followup control of the rudder. Supplementary steering control not employing full followup may also be provided from the pilothouse.

(b) Any power required for the pilothouse steering control systems shall be supplied from the steering gear room. Means shall be provided in the steering gear room to disconnect the steering control system from the power source.

§ 57.25–50 Alternative steering station steering gear controls.

(a) An alternative steering station shall be provided from which control of the main steering gear can be effected by mechanical, hydraulic, electrical, or other approved means. The alternative steering station shall be located on the after weather deck unless duplicate pilothouse control means are provided in accordance with § 57.25–55. The arrangement of the alternative steering control system and the steering gear components shall provide full followup control of the rudder unless a suitable rudder angle indicator is provided at the alternative steering station.

(b) Means shall be provided to enable orders to be transmitted from the pilothouse to the alternative steering station.

(c) Components of the alternative steering station control system shall be completely separate and independent of the pilothouse steering control system. The shafting, piping, or electrical cable associated with the control means at the alternative steering stations shall be run as widely separated as practicable from the shafting, piping, or electrical cable of the pilothouse steering control systems.

(d) Any power required for the alternative steering control means shall be supplied from the steering gear room. Means shall be provided in the steering gear room to disconnect the alternative steering means from the source of power and, if necessary, from the associated steering gear.

(e) Where it is not practicable to comply with the requirements of this section because of the arrangement of the vessel or the type of steering gear installed, other types of steering gear control systems may be considered. Such systems shall provide steering gear control equivalent to that required by this section. Ease of maintenance, accessibility, and location and arrangement of components, as well as the type of control system, will be among the factors evaluated when determining equivalency.

§ 57.25–55 Duplicate pilothouse steering gear controls systems.

(a) Two separate and independent steering control systems shall be provided for controlling the steering gear from the pilothouse when the alternative steering means is not located on the after weather deck.

(b) Duplicate pilothouse steering gear controls, when installed, shall comply with the following requirements:

(1) Where the steering gear is power-driven, the arrangements of the equipment shall be such that full followup control of the rudder is provided with either of the control systems in use. Supplementary steering control not employing followup may be incorporated.

(2) Means shall be provided in the pilothouse to select either of the two con-

trol systems to be in control of the rudder. An "off" position which will disconnect power to both systems may be provided in the pilothouse. Interlocks shall be provided for this control system selector so that only one may be in use at a time.

(3) Any power required for the pilothouse steering control systems shall be supplied from the steering gear room. Means shall be provided in the steering gear room to disconnect remote steering gear control systems from the source of power.

(4) The shafting, piping, or electric cables of the two pilothouse steering control systems shall be run as widely separated as practicable throughout their length between the pilothouse and the steering gear room.

(c) Where only the main steering gear is power-driven, arrangements shall be such that either steering control system may be connected to control the main steering gear. Where both the main and auxiliary steering gears are power-driven, one steering control system shall control the main steering gear and the other shall control the auxiliary steering gear.

(d) For dual-power hydraulic type steering gears, of such a type that an auxiliary means of steering is not required, one control system shall control one hydraulic unit and the other control system shall control the other hydraulic unit.

§ 57.25–60 Arrangement of steering wheels.

(a) Steering wheels, including "trick wheels" which are used as the alternative steering means, shall turn in a clockwise direction for "right rudder" and counterclockwise for "left rudder." The ship's heading shall be to the right, following clockwise movement of the wheel.

(b) The arrangement of steering stations shall be such that the helmsman is abaft the wheel. However, if a wheel is fitted in the steering gear room, and is intended solely for warming up and testing the gear, the helmsman need not stand abaft the wheel. The rims of the wheels shall be plainly marked with arrows and lettering for right and for left rudder, or a suitable notice indicating these directions shall be posted directly in the helmsman's line of vision.

§ 57.25–65 Special steering apparatus.

(a) Where no regular rudder is fitted and steering action is obtained by a change of setting of the propelling unit, auxiliary steering is not required, nor will the requirements of this subpart be generally applicable. Special consideration will be given by the Commandant for such installations.

(b) When tiller bars instead of wheels are installed in the pilothouse, they shall be fore and aft when the rudders are amidships. A pointer shall be fitted to the forward end of the bar which shall point directly ahead when the rudders are amidships, and shall point to the right when the bow of the ship moves to the right, and shall point to the left when the bow of the ship moves to the left.

§ 57.25–70 Steering gear piping.

(a) The arrangement of piping for hydraulic steering gears shall be such that a change from the main to the auxiliary gear can be readily effected.

(b) A relief valve shall be provided for the protection of the hydraulic system.

(c) Pressure piping shall meet the requirements of Part 55 of this subchapter.

Subpart 57.30—Nuclear Energy

AUTHORITY NOTE: The provisions of this Subpart 57.30 also interpret or apply R.S. 4472, as amended, sec. 2, 23 Stat. 118, as amended, secs. 2, 633, 63 Stat. 496, 545; 46 U.S.C. 170, 2, 14 U.S.C. 2, 633. Treasury Department Order 167–17, June 29, 1955, 20 F.R. 4976.

§ 57.30–1 Scope.

(a) The requirements in this subpart apply to all installations, systems, and components thereof, utilizing nuclear energy for propulsion or for any other purpose, or handling radioactive materials other than as cargo.

(b) The regulations covering the transportation and handling of radioactive materials as cargo are contained in Part 146 of Subchapter N (Dangerous Cargoes) of this chapter.

§ 57.30–5 Definitions.

(a) The term "nuclear vessel" means any vessel in which power for propulsion, or for any other purpose, is derived from nuclear energy; or any vessel handling or processing substantial amounts of radioactive material other than as cargo.

(b) The term "nuclear energy" means all forms of energy released by nuclear fission or radioactive decay, or by any other form of nuclear transformation.

(c) The term "radioactive material" means any material or combination of materials that spontaneously emits ionizing radiation.

§ 57.30–10 General safety requirements.

(a) The reactor installation shall be designed to take into account the special conditions of service on board the vessel both in normal and exceptional circumstances of operation.

(b) Prior to the issuance of a certificate of inspection by the U.S. Coast Guard for a nuclear vessel, it shall be shown to the satisfaction of the Commandant that:

(1) The vessel provides a degree of safety for the non-nuclear portion at least equivalent to the relevant requirements prescribed in this chapter for a conventionally-powered ocean-going passenger vessel of similar size, capacity, and tonnage. In this respect components and systems such as watertight subdivision, stability, fire protection, bilge pumping arrangements, fire extinguishing arrangements, electrical installations, steering gear, astern power, and navigational aids will be evaluated in order to provide for the maximum practicable safety for the vessel.

(2) The vessel complies with such additional requirements as may be prescribed by the Commandant and with the requirements of the Atomic Energy Commission.

(3) The design, construction and operation of the vessel do not create an unreasonable radiation, or other hazard, at sea or in port, to the crew, passengers, or public or to the waterways or food or water supply.

(4) The nuclear systems or components thereof are provided with means for preventing the uncontrolled release of hazardous amounts of radioactive material to normally accessible spaces or to the ship's environment in the event of accident or malfunctioning of the nuclear system.

(5) The vessel has standby and emergency components essential to its safe operation in order to provide maximum protection in the event of an accident or malfuctioning of the nuclear system.

(c) A license or other certificate issued by the Atomic Energy Commission may be accepted by the Commandant as evidence that the vessel complies with the requirements of the Atomic Energy Commission and subparagraph (b) (3) and (4) of this section.

§ 57.30–15 Special operating procedures.

(a) In addition to the requirements specified in this chapter, all nuclear vessels may be subject to additional requirements governing fueling, start-up, and operation.

§ 57.30–20 Inspection, overhaul, and repairs.

(a) Every nuclear vessel subject to the regulations in this subchapter shall be inspected by the U.S. Coast Guard at least annually to ascertain that the hull, nuclear systems, machinery, equipment, appliances, etc., of the vessel comply with the regulations in this chapter.

(b) In addition to the requirements for inspection, test, overhaul and repair specified in this chapter, nuclear vessels may be subject to such additional requirements as may be prescribed by the Commandant for inspection, test, overhaul and repair.

§ 57.30–25 Radiation protection.

(a) The Standards for Protection Against Radiation set forth in 10 CFR Part 20 will be the radiation protection standards followed by the U.S. Coast Guard, except as otherwise provided for by law.

§ 57.30–30 Safety Assessment.

(a) A "Safety Assessment" shall be prepared to permit evaluation of the nuclear powerplant and safety of the vessel to ensure compliance with § 57.30–10(b)(3).

(b) The "Safety Assessment" shall be submitted to the Commandant for approval and shall always be kept up-to-date.

(c) The "Safety Assessment" will be used as a basis for establishing orderly negotiations between the United States and governments of countries which a nuclear vessel intends to visit to permit entry of nuclear ships into ports of different countries.

§ 57.30–35 Operating Manual.

(a) A fully detailed "Operating Manual" shall be prepared for the information and guidance of the operating personnel in their duties on all matters relating to the operation of the nuclear powerplant and having an important bearing on safety.

(b) The "Operating Manual" shall be submitted to the Commandant for approval and shall always be kept up-to-date.

(c) A copy of the "Operating Manual" shall be kept on board the vessel at all times.

PART 58—REPAIRS TO BOILERS, UNFIRED PRESSURE VESSELS AND APPURTENANCES

Subpart 58.01—General Requirements

Sec.
58.01–1 Scope.
58.01–5 Repairs, replacements, or alterations.

Subpart 58.05—Welding Repairs to New Pressure Vessels

58.05–1 Welding repairs when plate defects develop or are discovered during fabrication.

Subpart 58.10—Welding Repairs to Boilers and Unfired Pressure Vessels in Service

58.10–1 Scope.
58.10–5 Cracks.
58.10–10 Corroded surfaces.
58.10–15 Rivets and staybolts.
58.10–20 Patches in shells and tube sheets.
58.10–25 Stayed areas.
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Subpart 58.15—Miscellaneous Boiler Repairs

58.15–1 Furnace repairs.
58.15–5 Stayed furnaces and combustion chambers.
58.15–10 Bagged or blistered shell plates.

Subpart 58.20—Welding Repairs to Castings

58.20–1 Welding repairs to defective carbon-steel castings.
58.20–5 Welding repairs to defective alloy-steel castings.

AUTHORITY: The provisions of this Part 58 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426–4431, as amended, 4433, as amended, 4434, as amended, 4453, as amended, 4488, as amended, 4491, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 481, 489, 366, 395, 363, 367, 526p, 1333, 390b, 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, Nov. 26, 1954, 19 F.R. 8026; 167–20, June 18, 1956, 21 F.R. 4894; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–38, Oct. 26, 1959, 24 F.R. 8857.

Subpart 58.01—General Requirements

§ 58.01–1 Scope.

The regulations in this part apply to the repairs of all boilers, unfired pressure vessels and appurtenances subject to inspection by the Coast Guard.

§ 58.01–5 Repairs, replacements, or alterations.

(a) No repairs, replacements or alterations, except emergency repairs, etc., shall be made to machinery boilers, unfired pressure vessels, their mountings or internal fittings, safety valves, piping systems, or pressure appliances without prior approval by the Officer in Charge, Marine Inspection.

(b) Emergency repairs, replacements, or alterations shall be reported as soon as practicable to the Officer in Charge, Marine Inspection, at or nearest the first port where the vessel may call after such repairs are made.

(c) Repairs, replacements, or alterations to installations in service shall so far as practicable be made with materials and in the manner specified for new construction.

Subpart 58.05—Welding Repairs to New Pressure Vessels

§ 58.05–1 Welding repairs when plate defects develop or are discovered during fabrication.

(a) *Cracked plates.* Plates which crack during cold forming operations as a result of localized stress raisers such as sharp plate edges, minor localized surface imperfections, and fractures which subsequent microstructure shows to be caused by coarse grain size may be repaired if authorized by the Commandant. Prior to such repairs being authorized, information shall be furnished as follows:

(1) Heat treatment to be employed prior to undertaking repairs.

(2) Method of excavating defective material and type of groove to be employed.

(3) Method of examining excavation to insure that all defective material has been removed.

(4) Welding procedure to be employed in effecting the repair.

(5) Heat treatment to be employed during and after welding.

(6) Type of nondestructive test to be made to insure that repair is satisfactory.

(b) *Laminations.* Laminations or inclusions in the plate which initially appear in the heat affected zone during welding operations or appear during the drilling of tube holes may be repaired if authorized by the Commandant. Prior to such repairs being authorized information shall be furnished as follows:

(1) Method of excavating defective material and type of welding groove to be used if any.

(2) Method of examining excavation to insure that all defective material has been removed.

(3) Welding procedure to be employed in effecting repair.

(4) Heat treatment to be employed during and after welding.

(5) Type of nondestructive test to be made to insure that repair is satisfactory.

Subpart 58.10—Welding Repairs to Boilers and Unfired Pressure Vessels in Service

§ 58.10–1 Scope.

(a) Repairs to boilers or unfired pressure vessels in service may be performed by welding provided the welding meets the applicable requirements of Part 56 of this subchapter. No repairs by welding shall be made, except temporary emergency repairs, without the prior approval of the Officer in Charge, Marine Inspection. Emergency repairs shall be replaced with permanent repairs meeting the requirements of this subchapter when the vessel returns to a port in which an Officer in Charge, Marine Inspection, is located, except in the case of minor repairs which in the opinion of the Officer in Charge, Marine Inspection, do not materially affect the safety of the boiler or pressure vessel.

(b) Repair welding of power boilers not meeting requirements for class I welded pressure vessels is prohibited unless the stress is carried by such other type(s) of construction complying with the requirements of this subchapter, and where the adequacy of the boiler design is not solely dependent upon the strength of the welds.

(c) Only welded repairs as specified in this subchapter are permitted on boilers and unfired pressure vessels. The welding repairs allowed by this subpart apply only to boilers and unfired pressure vessels fabricated of carbon steel. Welding repairs to boilers and unfired pressure vessels fabricated of alloy steel will be given special consideration by the Commandant. Such other method of repairs by means of welding not covered in this subchapter shall be referred to the Commandant and may be authorized by him if, in his opinion, it meets the intent of this subchapter.

§ 58.10–5 Cracks.

(a) Cracks extending from the calking edge of plates to the rivet holes of circumferential joints may be welded provided the cracks are veed out so that complete penetration of the weld metal is secured.

(b) Circumferential cracks from rivet hole to rivet hole in girth joints may be welded provided there are not more than three consecutive cracked ligaments nor more than a total of six cracked ligaments in any one girth joint.

(c) Cracks in staybolted plates may be welded provided they are located entirely within staybolted areas and the total length of any crack or series of consecutive cracks does not exceed two staybolt pitches.

(d) Cracks in plain, circular or Adamson ring or similar type furnaces may be welded provided any one crack does not exceed 12 inches in length and after completion the weld is stress-relieved as required by § 56.01–70 of this subchapter. Cracks in corrugated furnaces may be repaired by welding provided any one crack does not exceed 20 inches in length.

(e) Fire cracks may be welded at riveted door openings extending from

the edge of the plate, but not more than 2 inches beyond the centerline of the rivet holes.

(f) Cracks may be welded between tube holes in the shell of water-tube boiler drums, provided there are not more than two cracks in any one row in any direction, nor more than a total of four cracks in a drum, and further provided the welding meets the requirements of this subchapter for class I welded pressure vessels and is approved by the Commandant.

(g) All cracks permitted to be repaired under this subpart shall be excavated to sound metal by grinding, flame gouging or chipping out the defective metal to form a clean welding groove. The first two methods of excavation are preferable. Either a V groove or U groove wherein complete penetration of the weld metal is secured may be used. After excavation is completed and prior to welding, the excavated area shall be examined by magnetic particle testing to insure that the entire crack was excavated. When the reverse side of the weld is accessible the root of the weld shall be chipped or ground out to insure a clean surface of the originally deposited metal and the resultant groove welded to obtain a sound weld having complete penetration. During welding a preheat of 200 degrees plus or minus 50 degrees F. shall be maintained by controlled temperature. For thicknesses exceeding ¾ inch, suitable U grooves should be employed. A welding sequence shall be used so as to equalize welding stresses.

(h) After cracks originating in tube or rivet holes are repaired by welding, the holes shall be properly reamed and the weld reinforcing ground flush with the plate in way of rivet heads.

(i) Flat tube sheets in fire-tube boilers which have corroded or where cracks exist in the ligaments may be repaired by welding.

(j) The welding repairs to drums of power boilers, except as otherwise permitted in this subpart, is prohibited.

§ 58.10–10 Corroded surfaces.

(a) Corroded surfaces in the calking edges of circumferential seams may be built up by welding to the original thickness under the following conditions:

(1) The thickness of the original metal to be built up between rivet holes and calking edge shall not be less than one-fourth of the diameter of the rivet hole, and the portion of the calking edge to be thus reinforced shall not exceed 30 inches in length in a circumferential direction.

(2) In all repairs to circumferential seams by welding, the rivets shall be removed over the portions to be welded for a distance of at least 6 inches beyond the repaired portion.

(3) After repairs are made the rivet holes shall be reamed before the rivets are re-driven.

(b) It is not permissible to build up or reinforce a grooved or corroded area of unstayed internal surfaces by means of welding, except that widely scattered pit holes may be built up by welding.

(c) Where external corrosion has reduced the thickness of flat plates around hand holes to an extent of not more than 40 percent of the original thickness and for a distance not exceeding 2 inches from the edge of the hole, the plate may be built up by welding.

(d) Where stayed sheets have corroded to a depth not exceeding 40 percent of their original thickness, they may be reinforced or built up by welding. Where the staybolts are fitted with riveted heads, the staybolts in the reinforced area shall be renewed in accordance with the provisions of Subparts 52.30 and 52.35 of this subchapter, but where the staybolts are fitted with nuts, the nuts may be removed and after reinforcing has been applied, collars may be welded around the staybolts in lieu of the nuts. Such reinforced areas shall not exceed 400 square inches nor more than 30 inches in one direction. Two such areas in any one plate may be reinforced: *Provided*, That the distance between the reinforced surfaces is not less than 30 inches.

(e) When the corroded portion of a staybolted surface exceeds 400 square inches, it is permissible to repair the same by cutting out the defective portion and replacing it with a new plate, the edges of the new plate to be welded in position. In such cases, new staybolts shall be fitted in accordance with the requirements of Subparts 52.30 and 52.35 of this subchapter and where welding is performed through a line of staybolts, welded collars as required by Figure 52.35–1 of this subchapter shall be used to attach the staybolts.

§ 58.10–15 Rivets and staybolts.

(a) It is not permitted to reinforce or build up by welding the heads of rivets or staybolts that have deteriorated. Such rivets or staybolts shall be replaced. The seal welding of rivet heads to secure tightness is prohibited.

(b) Where leaks develop around staybolts which are otherwise in good condition, the nuts may be replaced with a beveled collar formed around the end of the stay by means of welding. In such cases, the depth of collar measured on the stay and the width measured on the plate, shall be equal to one-half the diameter of the staybolt. (See Figure 52.35–1 of this subchapter.)

§ 58.10–20 Patches in shells and tube sheets.

(a) Unreinforced openings in the shells or drums of boilers or pressure vessels, the diameter of which does not exceed the maximum diameter of an unreinforced opening, in accordance with § 52.25–15 of this subchapter, may be closed by the use of a patch or plate inside the drum or shell and sealed against leakage by welding. Such plates shall have a diameter of at least 2 inches larger than the diameter of the hole and shall have a thickness equal to the thickness of the plate to which it is attached. It is not permissible to insert such patches in the shell or head flush with the surrounding plate unless the requirements of this subchapter for Class I welded pressure vessels are met.

(b) Portions of tube sheets which have deteriorated may be renewed by replacing the wasted portion with a new section. The ligaments between the tube holes may be joined by means of welding and staytubes, or other acceptable means of lowering the stress on the repaired section may be installed if in the judgment of the Officer in Charge, Marine Inspection, it is necessary.

(c) The edge preparation and preheat of butt-welded joints employed in the renewal of defective or corroded boiler plates shall comply with the requirements of § 58.10–5 (g).

§ 58.10–25 Stayed areas.

Welding repairs are permitted in staybolted areas or areas adequately stayed by other means so that should failure of the welds occur the stress will be carried by the stays. The welds shall be located entirely within staybolted areas which prohibit welds passing through the outer row of stays.

§ 58.10–30 Seal welding.

Where leaks occur in riveted joints or connections, they shall be carefully investigated to determine the cause. Such leaks may be made tight by seal welding the edge, if, in the opinion of the Officer in Charge, Marine Inspection, this will make a satisfactory repair.

§ 58.10–35 Wrapper plates and back heads.

Wrapper plates and back heads may be renewed in whole or repaired as follows:

(a) Wrapper plates or back heads shall be cut between two rows of staybolts or on a line of staybolts where the thickness is approximately the same as the original construction. If welding is employed on a line of staybolts, the staybolts shall be fitted with a welded collar as required in Figure 52.35–1 of this subchapter.

(b) The edges of wrapper plates riveted to tube sheets and back heads shall be removed by cutting out the rivets.

(c) The edges of existing plates and new plates shall be beveled by chipping, flame cutting, or grinding so as to form a suitable groove whereby complete penetration of the weld metal will be obtained. The edge preparation and preheat shall comply with the requirements of § 58.10–5 (g).

(d) The edges of the new plate shall be butt-welded and the plate shall be riveted to the flanges of the tube sheet and back heads and the staybolts renewed.

(e) Sections of wrapper plates of combustion chambers outside of stayed areas may be repaired by welding provided the welded joints are stress-relieved by means of controlled heat and the joints are nondestructively tested.

Subpart 58.15—Miscellaneous Boiler Repairs

§ 58.15–1 Furnace repairs.

(a) Where corrugated or plain furnaces or flues are distorted 1½ inches or more, they shall be repaired by either of the following methods:

(1) The furnace shall be forced back to a true circular shape, and the Officer in Charge, Marine Inspection, may require strong-backs or other acceptable means of support to hold the furnace from future collapse, if in his opinion such support is necessary; or,

(2) The furnace shall be adequately stayed as found necessary in the judgment of the Officer in Charge, Marine Inspection.

(b) Distortion means the difference between any single measured diameter of the furnace and the diameter of a true circle at the same location. The diameter of the true circle may be taken as the original furnace diameter or may be determined by a means acceptable to the Officer in Charge, Marine Inspection.

(c) Where the distortion does not exceed 1½ inches it will not be necessary to force the furnace back to a true circle if the allowable pressure is reduced in the ratio of 1½ percent for each 1/10 of an inch of distortion. However, if the maximum distortion does not exceed one inch and the length of the distorted area is not more than three corrugations, or if the maximum distortion does not exceed ¾ inch for a length greater than three corrugations of distorted area, the repairs or reduction in pressure will not be required unless considered necessary by the marine inspector.

(d) When it becomes necessary to rivet a patch to a furnace or other part of the heating surface, the riveted patch shall be placed on the water side of the plate in order not to form a pocket in which sediment may collect.

(e) Furnace crowns which have become distorted, not in excess of the limitations provided in paragraph (c) of this section, may be repaired by pumping back the distorted section to as nearly a true circle as possible and reinforcing the same by means of a ring, arc- or gas-welded to the distorted corrugation as shown in Figure 58.15–1 (e), the welding to be done by qualified welders using acceptable welding electrodes in accordance with § 56.01–20 of this subchapter.

§ 58.15–5 Stayed furnaces and combustion chambers.

(a) Where the plate forming the walls of stayed furnaces or combustion chambers becomes bulged between staybolts, repairs may be made by inserting an additional staybolt in the center of such space supported by the four staybolts.

(b) Where it is desired to rivet a patch to the wall of a stayed furnace or combustion chamber, the defective portion of the plate shall be cut away until solid material is reached, the patch shall be riveted on the water side, and the staybolts renewed, and extended through the new plate.

§ 58.15–10 Bagged or blistered shell plates.

(a) When the shell plates of cylindrical boilers which are exposed to the radiant heat of the fire become bagged or blistered, it shall be the duty of the chief engineer in charge of the vessel to notify the Officer in Charge, Marine Inspection, for examination before raising steam on the boiler.

(b) Where the shell plate is bagged due to overheating, the Officer in Charge, Marine Inspection, may, if in his judgment it is practicable, permit the same to be driven back to its original position.

(c) Where the shell plate has blistered, bagged, or bulged to such an extent that there is an appreciable thinning of the plate, the Officer in Charge, Marine Inspection, shall require the defective portion to be cut away and the shell repaired by fitting a patch of steel plate conforming to the requirements of Subpart 51.04 of this subchapter in place of the defective portion, care being taken that the riveting schedule of the patch is so arranged as to give the plate sufficient strength to withstand the stress placed on it in service.

Subpart 58.20—Welding Repairs to Castings

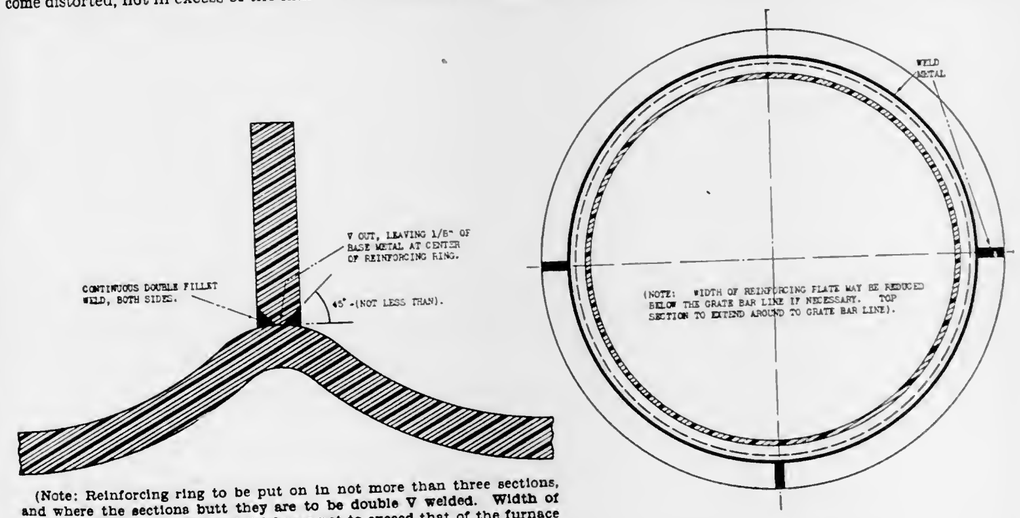
§ 58.20–1 Welding repairs to defective carbon-steel castings.

(a) Defects in carbon-steel castings, such as valve bodies, pipe fittings, channels, covers, manifolds, and other pressure-containing appliances, may be repaired by arc or gas welding.

(b) Defects in carbon-steel castings shall be classed as follows:

(1) *Minor defects.* Minor defects are undersized defective areas resulting from oxyacetylene cutting, grinding, or chipping during cleaning operation, surface sand or slag defects or other slight surface defects except cracks or cold shuts. The excavated depth of a minor defect shall not exceed 20 percent of the wall thickness or 1 inch, whichever is the lesser. No lineal dimension shall exceed four times the wall thickness or be greater than 6 inches, whichever is the lesser.

(2) *Major defects.* All defects exceeding the depth or size given in subparagraph (1) of this paragraph shall be considered a major defect, which shall



(Note: Reinforcing ring to be put on in not more than three sections, and where the sections butt they are to be double V welded. Width of ring to be not less than 3" and thickness not to exceed that of the furnace shell. Welding to end flush with the surface of the ring and to be done by a welding operator duly qualified.)

FIGURE 58.15–1 (e)—Approved method of reinforcing furnace crowns by means of arc or gas welding.

be repaired in the same manner as a minor defect. Repairs of major defects shall be nondestructively tested as required by paragraph (h) of this section.

(c) Prior to any welding being done, all defective material shall be removed until the base metal is shown to be sound. Defective areas of castings may be removed by chipping, grinding, drilling, or oxyacetylene grooving to a sufficient depth to insure that the remaining base metal is shown to be sound by acid etching, radiography, or magnetic particle testing. The latter methods of testing are preferred. Any slag remaining after oxyacetylene grooving shall be completely removed by chipping or grinding. When defects are removed by drilling, the resulting hole shall be countersunk to a depth of at least 25 percent of the metal thickness with a bevel of the included angle being not less than 45 degrees.

(d) Prior to any welding being done, the cavity and the adjoining area shall be preheated to a temperature suitable for the chemical elements and thickness of metal involved which experience indicates is satisfactory. Castings shall be preheated to a temperature which experience indicates is suitable for the chemical elements and thickness of the casting when lugs, supports, ribs, or bosses are to be welded thereto.

(e) Castings other than those which have been repaired for minor surface defects, the excavated dimensions of which do not exceed the limitations specified by subparagraph (b) (1) of this section, shall be stress-relieved in a furnace to a temperature of from 1,100° F. to 1,200° F. for 1 hour per inch of maximum thickness and allowed to cool in the furnace to 500° F. before removal.

(f) Filler metal used in the repair of defective steel castings shall be acceptable electrodes in accordance with § 56.01–20 of this subchapter and shall meet the chemical and physical properties of the base metal.

(g) The defective material removed shall be replaced using pipe welders qualified in accordance with Qualification Test No. 4 for the position in which the welding is to be done as given in § 56.01–10 of this subchapter. The use of welders qualified to weld plate shall be permitted provided the welding is done in the flat position.

(h) Completed welds shall be inspected for cracks and other defects by magnetic particle testing, and in the case of major repairs, the welded area shall be examined by radiography if the casting is to be used in steam lines subject to boiler pressure, boiler feed, or blowoff lines. Prior to the use of magnetic particle inspection, the welds shall be made smooth and free of grooves or depressions.

(i) After repair of defective castings has been completed a hydrostatic test as prescribed in § 61.30–5 of this subchapter based upon the primary service pressure rating shall be applied.

§ 58.20–5 Welding repairs to defective alloy-steel castings.

Defects in alloy-steel castings may be repaired by arc or gas welding in accordance with the requirements of § 58.20–1, provided the preheat and postheat employed are satisfactory for the material to be welded and process approval tests are conducted. The heat treatment and process approval tests shall be acceptable to the Commandant.

PART 59—INDEPENDENT INTERNAL COMBUSTION ENGINE FUEL TANKS

Subpart 59.01—General Requirements

Sec.
59.01–1 Scope.

Subpart 59.05—Gasoline Fuel Tanks

59.05–1 Construction.
59.05–5 Installation.
59.05–10 Tests.

Subpart 59.10—Diesel Fuel Tanks

59.10–1 Construction.
59.10–5 Installation.
59.10–10 Tests.

AUTHORITY: The provisions of this Part 59 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426–4431, as amended, 4433, as amended, 4434, as amended, 4453, as amended, 4488, as amended, 4491, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 481, 489, 366, 395, 363, 367, 526p, 1333, 390b, 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, Nov. 26, 1954, 19 F.R. 8026; 167–20, June 18, 1956, 21 F.R. 4894; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–38, Oct. 26, 1959, 24 F.R. 8857.

Subpart 59.01—General Requirements

§ 59.01–1 Scope.

(a) The regulations in this part contain requirements for independent internal combustion engine fuel tanks, on all vessels subject to inspection by the Coast Guard and on all motorboats and motor vessels of more than 15 gross tons carrying passengers for hire.

(b) Passenger vessels exceeding 100 gross tons constructed prior to July 1, 1935, may carry gasoline as fuel not exceeding 40 gallons to supply the emergency electrical system. Passenger vessels exceeding 100 gross tons constructed on or after July 1, 1935, and all emergency systems converted on or after July 1, 1935, shall use diesel fuel for internal combustion engine units. Such vessels may carry a sufficient quantity of diesel fuel to supply the emergency electrical system.

(c) An outage of 2 percent shall be provided on all fuel tanks containing petroleum products.

Subpart 59.05—Gasoline Fuel Tanks

§ 59.05–1 Construction.

(a) Tanks may be of either cylindrical or rectangular form, except that tanks for emergency electrical systems shall be of cylindrical form.

(b) Tanks shall be designed to withstand the maximum head to which they may be subjected in service, except that in no case shall the thickness of the shell or head be less than ⅛ inch.

(c) Tanks shall be constructed of wrought iron, steel or nonferrous material, or corrosion-resistant alloys suitable for the purpose. Tanks constructed of noncorrosion resistant materials less than 3/16 inch in thickness shall be galvanized by the hot-dipped process both inside and outside.

(d) Joints shall be riveted, brazed or welded, except that soldered joints may be used on small tanks of 20 gallons or less capacity, provided the solder used has a melting point of not less than 800° F.

(e) All nozzle connections shall be made to the top of the tank and shall be securely riveted, welded, brazed or soldered to the tank.

(f) No tubular gauge glasses or trycocks shall be fitted to the tanks.

(g) Tanks shall be provided with swash plates and braces, where necessary. The material used shall be the same as the tank.

§ 59.05–5 Installation.

(a) Gasoline fuel tanks used for propulsion shall be located in watertight compartments separate from, but adjacent to the engineroom or machinery space. Fuel tanks for auxiliaries shall be located on or above the weather deck outside of the engine housing or compartment and as close to the engine as practicable. All tanks shall be so installed as to provide a free circulation of air around the tanks.

(b) Cylindrical tanks with longitudinal seams shall be arranged horizontally where practicable so that such seams are located as near the top as possible.

(c) All tanks shall be securely fastened and shall be arranged as to be readily inspected or movable for inspection. Portable fuel tanks are not permitted.

§ 59.05–10 Tests.

(a) Tanks vented to atmosphere shall be hydrostatically tested to a pressure of at least 10 pounds per square inch gage after installation.

(b) All tanks not vented to atmosphere shall be constructed and tested in accordance with Parts 54 and 61 of this subchapter.

Subpart 59.10—Diesel Fuel Tanks

§ 59.10–1 Construction.

(a) Tanks may be of either cylindrical or rectangular form.

(b) Tanks shall be designed to withstand the maximum head to which they may be subjected in service, except that in no case shall the thickness of tanks having capacities of 40 gallons or less be less than 1/16 inch, and tanks having capacities over 40 gallons be less than ⅛ inch.

(c) Joints shall be riveted, brazed, or welded, except that soldered joints may be used on small tanks of 20 gallons or less capacity provided that the solder used has a melting point of not less than 800° F.

(d) Tanks shall be provided with swash plates and braces where necessary. The material used shall be the same as the tank.

(e) All nozzles for pipe connections shall be securely riveted, welded, brazed or soldered to the tank. Where liquid level indicating devices are attached to the tank, they shall be of heat resistant materials adequately protected from mechanical damage and provided at the tank connections with devices which will automatically close in the event of rupture of the gage or gage lines.

§ 59.10–5 Installation.

(a) Tanks containing fuel for emergency lighting units shall be located on an open deck or in an adequately ventilated metal compartment. No tank shall be located in a compartment where the temperature may exceed 150° F.

(b) When cylindrical tanks are installed, longitudinal seams shall be located as near the top of the tank as possible.

(c) The tanks shall be properly secured and accessible for inspection.

§ 59.10–10 Tests.

(a) Tanks vented to atmosphere shall be tested to a hydrostatic pressure of 5 pounds per square inch gage after installation, and at least to the maximum height the liquid may rise in the vent, whichever is greater.

(b) All tanks not vented to atmosphere shall be constructed and tested in accordance with Parts 54 and 61 of this subchapter.

PART 61—INSTALLATIONS, TESTS, INSPECTIONS, MARKINGS, AND OFFICIAL FORMS

Subpart 61.01—General Requirements

Sec.
61.01–1 Scope.

Subpart 61.05—Installations

61.05–1 Scope.
61.05–5 Foundations.
61.05–10 Protection of adjacent structure.
61.05–15 Boiler uptakes.
61.05–20 Machinery guards.
61.05–25 Means of stopping machinery.

Subpart 61.10—Initial and Periodic Vessel Inspection

61.10–1 Scope.
61.10–5 Requirements for steam-propelled motorboats.

Subpart 61.15—Tests and Inspections of Machinery and Equipment

61.15–5 Tests and inspections of steering gear.
61.15–10 Trial-trip observance.
61.15–15 Tail shaft survey.
61.15–16 Drydock examination.

Subpart 61.20—Tests and Inspection of Boilers

Sec.
61.20–1 Boilers under construction.
61.20–5 Preparation of boilers for inspection and test.
61.20–10 New boilers.
61.20–15 Boilers in service.
61.20–20 Boiler mountings and attachments.
61.20–25 Boilers of foreign-built vessels admitted to American registry.

Subpart 61.25—Tests and Inspections of Pressure Vessels

61.25–1 Scope.
61.25–3 Welded pressure vessels under construction.
61.25–5 New pressure vessels.
61.25–10 Hydrostatic test of riveted pressure vessels.
61.25–15 Hydrostatic test of welded and brazed pressure vessels.
61.25–16 Pneumatic testing of pressure vessels.
61.25–20 Pressure vessels in service.

Subpart 61.30—Tests and Inspection of Piping, Valves and Fittings

61.30–1 Scope.
61.30–5 Shop test.
61.30–10 Installation test.
61.30–15 Piping in service.
61.30–20 Sea chests, sea valves and strainers.

Subpart 61.35—Proof Hydrostatic Tests

61.35–1 Hydrostatic tests of boilers and appurtenances to determine pressure rating.
61.35–5 Proportional limit method.

Subpart 61.40—Markings

61.40–1 Boilers.
61.40–5 Unfired pressure vessels.

Subpart 61.45—Official Forms

61.45–1 Scope.
61.45–5 Form CG–2935; boiler data report; manufacturer's certification.
61.45–10 Form CG–2936; unfired pressure vessel data report; manufacturer's certification.
61.45–15 Form CG–935A; affidavit of manufacturer of class B material or appliances.

AUTHORITY: The provisions of this Part 61 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426–4431, as amended, 4433, as amended, 4434, as amended, 4453, as amended, 4488, as amended, 4491, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 481, 489, 366, 395, 363, 367, 526p, 1333, 390b, 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, Nov. 26, 1954, 19 F.R. 8026; 167–20, June 18, 1956, 21 F.R. 4894; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–38, Oct. 26, 1959, 24 F.R. 8857.

Subpart 61.01—General Requirements

§ 61.01–1 Scope.

The regulations in this part apply to the installations, tests, inspections, and markings of all boilers, pressure vessels and machinery subject to inspection by the Coast Guard.

Subpart 61.05—Installations

§ 61.05–1 Scope.

The regulations in this subpart apply to the installations of machinery and pressure vessels installed on vessels subject to inspection by the Coast Guard.

§ 61.05–5 Foundations.

(a) Drawings showing details of proposed foundations, or saddles, for boilers and the proposed means of bracing boilers in the vessel shall be submitted for approval to the Officer in Charge, Marine Inspection, in the district where the installation is being made.

(b) Provision shall be made in foundations for expansion of the boilers when heated.

(c) Boilers shall be provided with chocks to prevent movement in the event of collision unless a bolted or riveted construction satisfactorily provides for this contingency.

§ 61.05–10 Protection of adjacent structure.

(a) Boilers shall be so placed that all parts may be readily accessible for inspection and repair.

(b) In vessels having a double bottom or other extensive surfaces directly below the boiler, as in the case of keels and girders in wooden vessels, the distance between such surface and a boiler shall in no case be less than 8 inches at the lowest part of a cylindrical boiler and not less than 18 inches under the pans of water-tube boilers.

(c) In certain types of vessels where the boiler foundation forms the ash pit, such foundations shall be efficiently ventilated, except in cases where the ash pit is partially filled with water at all times.

(d) The pans of oil-burning, water-tube boilers shall be arranged to prevent oil from leaking into the bilges and shall be lined with firebrick or other heat resisting material.

(e) In vessels constructed of wood or having wood structure adjacent to boilers or uptakes such structure shall be protected by noncombustible, nonconducting material covered with sheet metal, and the distance between the wooden structure and the uptakes and funnels shall in no case be less than 12 inches.

(f) The distance between a boiler and a compartment containing fuel oil shall not be less than 24 inches at the back end of a boiler and 18 inches elsewhere, except that for a cylindrical part of a boiler or a knuckle in the casing of a water-tube boiler, these distances may be reduced to 18 and 12 inches, respectively, provided the requirements of paragraph (a) are complied with.

(g) All oil-burning boilers shall be provided with oiltight drip pans under the burners and elsewhere where necessary to prevent oil draining into the bilges.

§ 61.05–15 Boiler uptakes.

(a) Where dampers are installed in the uptakes or funnels, the arrangement shall be such that it will not be possible

to shut off the gas passages from the operating boilers.

(b) All main and auxiliary boilers shall be fitted with separate gas passages from each boiler.

§ 61.05–20 Machinery guards.

Gears, couplings, flywheels, and all machinery capable of injuring personnel shall be provided with adequate covers or guards.

§ 61.05–25 Means of stopping machinery.

(a) Machinery driving forced and induced draft fans, fuel oil transfer pumps, fuel oil unit pumps and other similar fuel pumps shall be fitted with remote controls from a readily accessible position outside of the space concerned so that they may be stopped in the event of fire occurring in the compartment in which they are located. These controls shall be suitably protected against accidental operation or tampering.

Subpart 61.10—Initial and Periodic Vessel Inspection

§ 61.10–1 Scope.

(a) Initial and periodic inspection and tests shall be made of the main and auxiliary machinery, boilers and equipment as prescribed in this part. The inspections and tests shall be such as to insure that the main and auxiliary machinery, boilers and their appurtenances, and equipment are in satisfactory operating condition and fit for the service for which they are intended.

§ 61.10–5 Requirements for steam-propelled motorboats.

(a) The requirements covering design of the propelling engine, boiler, and the auxiliary machinery, and the inspection thereof on all motorboats which are more than 40 feet in length and which are propelled by machinery driven by steam shall be in accordance with the applicable provisions of this subchapter.

(b) If the engines, boilers, and auxiliary machinery are found to be in safe operating condition at the initial or annual inspection, the Officer in Charge, Marine Inspection, shall issue a letter to that effect, and such letter shall be posted on the vessel under glass.

Subpart 61.15—Tests and Inspections of Machinery and Equipment

§ 61.15–5 Tests and inspections of steering gear.

(a) Steering gear shall be tested and inspected by the inspector at the regular annual or biennial inspection and oftener if necessary.

(b) All devices employed in the change-over from automatic to manual operation shall be examined and tested.

§ 61.15–10 Trial-trip observance.

The operation of main and auxiliary engines, boilers, steering gear and auxiliaries shall be observed on the trial trip of each new vessel and all deficiencies which affect the safety of the vessel shall be corrected to the satisfaction of the Officer in Charge, Marine Inspection.

§ 61.15–15 Tail shaft survey.

(a) The requirements in this section apply only to ocean and coastwise vessels.

(b) Every vessel having the tail shaft fitted with a continuous liner or having shafts of material resistive to corrosive attack of sea water, or where pressure lubrication is used, shall have the tail shaft drawn at least once in every three years; in all other cases the shaft shall be drawn at least once in every two years, or whenever deemed necessary by the Officer in Charge, Marine Inspection. However, if the circumstances warrant it, the Coast Guard District Commander may extend this time to the next regular drydocking period, but not to exceed four months: *Provided*, That when it is shown that a vessel has had a long period of layup, the Coast Guard District Commander may grant an extension equal to the time the vessel has been out of commission, but in no case shall the extension exceed one year.

(c) Where the propelling machinery is located amidships the after bearing shall be rebushed when it is worn down to ¼ inch clearance for shafts of 9 inches or less in diameter, 5/16 inch clearance for shafts exceeding 9 inches but not exceeding 12 inches in diameter and ⅜ inch clearance for shafts exceeding 12 inches diameter. Where the propelling machinery is located aft the maximum clearance shall be one grade (1/16 inch) less than the above clearance.

§ 61.15–16 Drydock examination.

When any vessel is drydocked, examination shall be made of the propeller, stern bushing, sea connections, and fastenings if deemed necessary by the inspector.

Subpart 61.20—Tests and Inspection of Boilers

§ 61.20–1 Boilers under construction.

(a) When one or more boilers are under construction, manufacturers shall allow inspectors access to such boilers at such times as the inspectors shall deem necessary in order to determine by actual measurements that the boilers are being constructed in all respects in accordance with the approved design, and that the workmanship is good.

(b) Where boilers or pressure vessels are constructed in one inspection zone for installation on a vessel in another inspection zone, the Officer in Charge, Marine Inspection, in the former inspection zone shall, upon request of the Officer in Charge, Marine Inspection, in the latter inspection zone examine and report on such boilers or pressure vessels and ascertain that the proper materials are being used, and that the workmanship is good.

(c) For inspection of welded pressure vessels under construction, see § 61.25–3.

§ 61.20–5 Preparation of boilers for inspection and test.

(a) It shall be the responsibility of the chief engineer to prepare the boilers for inspection. For internal inspection, manhole, and handhole plates, and washout plugs shall be removed as required by the inspector and the furnace and combustion chambers thoroughly cooled and cleaned. Portable obstructions shall be removed as necessary for proper access. In preparing the boilers for the hydrostatic test, they shall be filled with water at not less than 70° F. and not more than 160° F. for water-tube boilers and not more than 100° F. for fire-tube boilers. The safety valves shall be secured by means of gags or clamps.

§ 61.20–10 New boilers.

(a) Each new boiler shall be hydrostatically tested after installation to 1½ times the maximum allowable pressure before the boilers are covered. All accessible parts of the boiler shall be examined while under test. After the test, the boiler shall be emptied, opened up and all interior surfaces shall be examined to ascertain that no defects have occurred due to the hydrostatic test.

(b) In addition to the hydrostatic tests prescribed in this section, automatically controlled packaged auxiliary boilers shall be subjected to the performance test specified in Subpart 162.026, Subchapter Q (Specifications) of this chapter.

(c) Upon completion of the hydrostatic test and the boiler examination prescribed in paragraph (a) of this section, and after the installation of the brick work and lagging, those boilers that are to be operated at a pressure equal to or in excess of 400 pounds per square inch gage, or at a steam temperature equal to or in excess of 700° F., may, at the request of the owner or builder, be given an additional test under steam in accordance with the following:

(1) The steam pressure applied to the boilers and to the main and auxiliary steam piping shall not exceed 1¼ times the maximum allowable pressure. Sufficient steam is to be bled from the superheater outlet, either by operating auxiliary machinery, or discharging to the atmosphere, so that service temperatures will not be exceeded. For this test the regular safety valve springs should be replaced by springs designed to operate at the test pressure. After the conclusion of this test the test springs are to be replaced with springs designed to operate at the maximum allowable pressure.

(2) An examination shall be made of all parts of the system during the test to determine there is no evidence of weakness.

§ 61.20–15 Boilers in service.

(a) Power boilers, superheaters, economizers, and low-pressure heating boilers shall be examined by an inspector at the regular annual or biennial inspection, and oftener if necessary, to determine that the complete unit is in a safe and satisfactory condition. Where hydrostatic tests are required, an inspection shall be made of all accessible parts while under pressure.

(b) Hydrostatic tests shall be applied to all boilers as provided in Table 61.20–15 (b). The owner, master, or person in charge of the vessel shall give an advance notice to the appropriate Officer in Charge, Marine Inspection, in order that an inspector will be assigned to witness the test and make the required inspection.

TABLE 61.20–15 (b)—HYDROSTATIC TESTS

Boiler	Passenger vessels	Cargo, tank and miscellaneous vessels
Fire tube	Annual	Annual.
Water tube	do	Quadrennial.

(c) Fire tube boilers which cannot be entered or which cannot be satisfactorily examined internally, all boilers of lap seam construction and all boilers to which extensive repairs have been made or the strength of which the inspector has any reason to question, shall be subjected to a hydrostatic test of 1½ times the maximum allowable pressure. All other boilers shall be subjected to a hydrostatic test of 1¼ times the maximum allowable pressure.

(d) In applying hydrostatic pressure to boilers, arrangements shall be made to prevent main and auxiliary stop valves from being subjected at the same time to the hydrostatic pressure on one side and steam pressure on the other side.

(e) If the inspector has reason to believe that the boiler has deteriorated any appreciable extent under the bottom where it rests on saddles or foundations, he shall cause the boiler to be lifted to such position that it can be thoroughly examined, provided the examination cannot be made otherwise.

(f) The marine inspector may require any boiler to be drilled or gaged to determine the actual thickness at any time if doubt exists as to its safety. At the first inspection for certification after a Scotch, Western River, or other fire tube or flue boiler has been installed for ten years, and at such other times as the inspector shall deem necessary, such boilers shall be drilled or gaged at or near the waterline and bottom, and at such other places as the inspector considers necessary, for the purpose of gaging the shell to determine the extent of deterioration. Alternatively, a method of nondestructive examination such as the use of ultrasonic or other acceptable means may be used. Prior to the use of nondestructive methods of examination by the above procedure, it shall be demonstrated by the user, in the presence of a marine inspector on specimens similar to those to be examined, that consistent results having an accuracy of plus or minus 4 percent of the measurements secured by micrometers, are obtainable. If the thickness found by actual measurement is less than the original thickness, the maximum allowable pressure shall be recalculated using the thinnest portion of the shell or head material as the minimum thickness to be used in the calculations, and the maximum allowable pressure thus determined shall not exceed the pressure permitted by the application of the boiler design formulas. For the purpose of such recalculations, the design formulas specified in this subchapter in effect at the time the boilers were originally contracted for or built shall be used. The design formulas specified in Subchapter G (Marine Engineering Installations Contracted for Prior to July 1, 1935) of this chapter may be used for boilers made or contracted for prior to July 1, 1935, or alternatively, the design formulas given in this subchapter may be used.

§ 61.20–20 Boiler mountings and attachments.

(a) All valves and boiler mountings and attachments shall be opened up and examined by the marine inspector after each four years of service.

(b) All boiler mounting studs or bolts shall be examined after each 8 years of service.

(c) (1) Boiler mountings shall be removed from the boiler for examination after each eight years of service where any of the following conditions exist:

(i) Boilers having boiler mountings attached directly to the boiler plating by screwed studs and nuts.

(ii) Boilers having boiler mountings attached to a reinforcing pad by screwed studs and nuts; and this pad is attached directly to the boiler plating.

(iii) Boilers having boiler mountings so installed that a satisfactory examination of these mountings or of their attaching studs cannot be made by removing the bonnet and internal parts of the valve.

(2) Where boiler mountings or valves are attached to boiler nozzles and a satisfactory internal examination of these mountings or valves and their attaching studs, bolts, or other means of attachment, can be performed by opening up the valves, such mountings or valves need not be removed from the boiler unless in the opinion of the Officer in Charge, Marine Inspection, such action is necessary.

(d) The Officer in Charge, Marine Inspection, may require the examinations prescribed in this section to be made at more frequent intervals, if in his opinion such action is necessary to be assured of the safety of the boiler and its attachments.

(e) Water columns, gage glasses, and gage cocks shall be examined to determine that they are in satisfactory working order.

(f) Steam gages on boilers or main steam lines shall be examined and checked for accuracy.

(g) The marine inspector shall examine the fusible plugs.

§ 61.20–25 Boilers of foreign-built vessels admitted to American registry.

(a) Where foreign-built vessels are admitted to American registry the Officer in Charge, Marine Inspection, shall endeavor to secure drawings from which the boilers were constructed and a record of the chemical and physical properties of the material entering into the construction of the boilers. Before a certificate of inspection of a vessel is issued by any Officer in Charge, Marine Inspection, the requirements of this section shall be met.

(b) The drawings if available shall be examined to determine the maximum allowable pressure in accordance with the regulations in this subchapter, and the test reports of the material shall be carefully checked to determine whether the material used in the construction of the boilers is safe.

(c) The boiler or boilers shall be measured in order to obtain accurate data, which data shall be embodied in the report of the inspector making the examination. All plates shall be drilled and gaged by the inspector to determine the actual thickness, and upon the thickness thus obtained the maximum allowable pressure shall be based. The furnaces shall be trammed to ascertain if there is any distortion. The safety valves on the boiler and its superheater shall be Coast Guard approved safety valves designed, constructed and flow-tested in conformance with Subpart 162.001 of Subchapter Q (Specifications) of this chapter. The safety valves and mountings shall be thoroughly examined to determine if they are in good working condition and if their capacity is ample.

(d) Each section of the steam pipe shall be drilled and gaged, and, where bends occur in the piping, they shall be drilled in the outer wall of the bends to determine the thickness thereof.

(e) When the inspection is completed and steam is raised on the boilers, an accumulation test shall be conducted, where required, in accordance with the provisions of § 52.65–5 of this subchapter to establish the fact that the safety valves have ample relieving capacity.

(f) Where drawings of the boilers and test reports of the material entering into their construction cannot be obtained, the maximum allowable pressure shall be based on the actual thickness of material found and an assumed tensile strength not to exceed 60,000 p. s. i., together with the general condition of the boilers: *Provided*, That the maximum allowable pressure thus obtained shall not exceed in any case the maximum pressure allowed by the certificate issued by the government under whose flag the vessel formerly operated.

Subpart 61.25—Tests and Inspections of Pressure Vessels

§ 61.25–1 Scope.

For exemption of certain pressure vessels from shop inspection, see § 54.01–1 of this subchapter.

§ 61.25–3 Welded pressure vessels under construction.

(a) The manufacturer shall submit class I welded pressure vessels for shop inspection at such stages of partial completion as may be requested by the inspector.

(b) The first inspection of class II welded pressure vessels shall be performed during the welding of the longitudinal joint. At this time the inspector shall check the material and fit-up of the work, and ascertain that only welders who have passed the required tests are employed.

(c) A second inspection of class II welded pressure vessels shall be made during the welding of the circumferential

joints. At this time the inspector shall check any new material being used which may not have been examined at the time of the first inspection, also the fit-up of the vessel at this stage of fabrication, and in addition, observe the welding to ascertain that only welders who have passed the required tests are employed.

(d) For class III welded pressure vessels, one inspection shall be made during the welding of the longitudinal joint. If there is no longitudinal joint, the inspection shall be made during the welding of a circumferential joint. At this time the inspector shall check the material and fit-up of the work and see that only welders who have passed the required tests are employed.

§ 61.25–5 New pressure vessels.

(a) Except as otherwise provided for in this section, upon completion of a new pressure vessel one of the following applicable hydrostatic tests shall be made in the presence of an inspector:

(1) Riveted construction: 1½ times the maximum allowable pressure. (See § 61.25–10.)

(2) Welded and brazed construction: 1½ times the maximum allowable pressure. (See § 61.25–15.)

(3) Cast construction: 2 times the maximum allowable pressure.

(b) Pressure vessels containing refrigerants shall be leak-tested with gas after installation to the design pressures specified in § 55.13–5 of this subchapter.

(c) Hydraulic accumulators used in engine starting systems shall be leak-tested to the design pressure after installation.

(d) Pressure vessels designed and/or supported so that they cannot be safely filled with water, or which cannot be dried and are to be used in a service where traces of the testing medium cannot be tolerated, shall be pneumatically tested in accordance with § 61.25–16.

§ 61.25–10 Hydrostatic test of riveted pressure vessels.

(a) Riveted pressure vessels shall be hydrostatically tested to not less than 1½ times the maximum allowable pressure for a sufficient time to permit an inspection of all joints and connections.

(b) The tightness of the rivets and the riveted joints shall be tested by tapping the heads with a rivet-testing hammer.

(c) Loose, cracked, and burned rivets shall be replaced.

(d) The inspector shall examine the butt straps and ends of shell plates forming the longitudinal joints to ascertain that they are formed to the proper curvature and that the butt straps are properly fitted at the girth joint intersections.

§ 61.25–15 Hydrostatic test of welded and brazed pressure vessels.

(a) All welded or brazed pressure vessels shall satisfactorily pass the hydrostatic test prescribed by this section, excepting those unfired pressure vessels noted under § 61.25–16.

(b) The hydrostatic test pressure shall be at least equal to 1½ times the maximum allowable pressure stamped on the pressure vessel, multiplied by the ratio of the stress value "*S*" at the test temperature to the stress value "*S*" at the design temperature for the materials of which the pressure vessel is constructed. The values for "*S*" shall be taken from Table 52.05–10(a) in § 52.05–10 for ferrous materials and Table 54.03–10(c) in § 54.03–10 for nonferrous materials. The value of "*S*" at test temperature shall be that taken for the material at the tabulated value of temperature closest to the test temperature. The value of "*S*" at design temperature shall be as interpolated from the appropriate table. No ratio less than one shall be used. The design shall consider the combined stress during hydrostatic testing due to pressure and the support reactions. This stress shall not exceed 90 percent of the yield stress of the material at the test temperature. In addition, the adequacy of the supporting structure, during hydrostatic testing, shall be considered in the design.

(c) The hydrostatic test pressure shall be applied for a sufficient period of time to permit a thorough examination of all joints and connections. The test shall not be conducted until the vessel and liquid are at approximately the same temperature.

(d) Pinholes, cracks, or other defects detected during the hydrostatic test or upon examination shall be repaired as required by Part 58 of this chapter.

(e) Vessels requiring stress relieving shall be stress-relieved after any welding repairs have been made.

(f) After repairs have been made the vessel shall again be tested in the regular way, and if it passes the test, the inspector shall accept it. If it does not pass the test, the inspector can order supplementary repairs, or, if in his judgment the vessel is not suitable for service, he may permanently reject it.

§ 61.25–16 Pneumatic testing of pressure vessels.

(a) Pneumatic testing of welded pressure vessels shall be permitted only for those units which are so designed and/or supported that they cannot be safely filled with water, or which cannot be dried and are to be used in a service where traces of the testing medium cannot be tolerated.

(b) Proposals to pneumatically test shall be submitted to the Commandant for approval.

(c) Pneumatic testing shall be limited to unfired pressure vessels designed and constructed to the requirements of Class I pressure vessels.

(d) The pneumatic test shall be 1.25 (1¼) times the maximum allowable pressure of the vessel.

(e) The pneumatic test of pressure vessels shall be accomplished as follows:

(1) The pressure on the vessel shall be gradually increased to not more than half the test pressure.

(2) The pressure will then be increased at steps of approximately one-tenth the test pressure, until the test pressure has been reached.

(3) The pressure will then be reduced to maximum allowable pressure of the vessel to permit examination.

(f) Pressure vessels pneumatically tested shall also be leak-tested. The test shall be capable of detecting leakage consistent with the design requirements of the pressure vessel. Details of the leak test shall be submitted to the Commandant for approval.

(g) After satisfactory completion of the pneumatic pressure test, the vessel may be stamped in accordance with § 61.40–5. A marine inspector shall observe the pressure vessel in a loaded condition at the first opportunity following the pneumatic test. The tank supports and saddles, connecting piping, and insulation if provided shall be examined to determine they are satisfactory and that no leaks are evident.

(h) The pneumatic test is inherently more hazardous than a hydrostatic test, and suitable precautions shall be taken to protect personnel and adjacent property.

§ 61.25–20 Pressure vessels in service.

(a) At each initial and subsequent inspection for certification the marine inspector shall examine or test all unfired pressure vessels to the extent necessary to determine that their condition is satisfactory and that they are fit for service intended.

(b) Unfired pressure vessels which are fitted with manholes or other inspection openings, so they can be satisfactorily examined internally, except as otherwise exempted by provisions of this section, shall be opened biennially at the regular annual or biennial inspection and thoroughly examined internally and externally. Such pressure vessels are not required to be hydrostatically tested unless defects are found which in the marine inspector's opinion may impair the safety of the pressure vessel. In this case a hydrostatic test shall be applied at a pressure equal to 1¼ times the maximum allowable pressure.

(c) Tubular heat exchangers, hydraulic accumulators, and those pressure vessels used in refrigeration service shall be examined under operating conditions at the regular annual or biennial inspection.

(d) All unfired pressure vessels, other than those exempt by the provisions of this section, shall be subjected to a hydrostatic test 1¼ times the maximum allowable pressure biennially at the regular annual or biennial inspection.

(e) The following unfired pressure vessels will not normally be subjected to a hydrostatic test:

(1) Tubular heat exchangers.

(2) Pressure vessels used in refrigeration service.

(3) Hydraulic accumulators.

(4) Unfired pressure vessels which have been satisfactorily examined internally by a marine inspector and in which no defects have been found which impair the safety of the pressure vessel.

(5) Unfired pressure vessels which have an internal volume of not more than 5 cubic feet and a maximum allowable pressure of not more than 100 pounds per square inch.

(6) Compression tanks containing water under pressure, including those containing an aircushion, subject to pressures not exceeding 100 pounds per square inch and temperatures not exceeding 200 degrees F., except those fitted with permanent air charging lines.

(7) All unfired pressure vessels having a maximum allowable working pressure not exceeding 15 pounds per square inch.

(8) Pressure vessels containing mediums at or below pressures and temperatures specified in Table 61.25–20(e).

TABLE 61.25–20(e)

Service	Pressure p.s.i.	Temperature ° F.
Steam, gas, or vapors	15	
Fuel oil	100	150
Lubricating oil	100	200
Liquids, except fuel oil, and lubricating oil	100	200

(9) Pressure vessels which have been pneumatically tested in accordance with § 61.25–16.

(f) Unfired pressure vessels containing liquefied compressed gases or hazardous liquids shall be inspected and tested as required by the applicable regulations published in Subchapter D (Tank Vessels) and Subchapter N (Dangerous Cargoes) of this chapter.

(g) Bulk storage tanks containing refrigerated liquefied CO_2 gas for use on board vessels as a fire extinguishing agent shall be subjected to a hydrostatic test at the periodic inspection period on the eighth year of the installation and at eight-year intervals thereafter. The hydrostatic test pressure shall be 1½ times the allowable pressure. At the conclusion of the hydrostatic test, the tank shall be drained and an internal examination made. Portions of the jacket and lagging on the underside of the tank shall be removed at the time of the hydrostatic test as deemed necessary by the marine inspector so as to determine the external condition of the tank.

(h)(1) Pressure vessels which have been pneumatically tested shall be thoroughly examined internally and externally biennially at the regular annual or biennial inspection, except in those instances where the inspection interval is prescribed otherwise by the specific regulations applicable to the product carried in Subchapter D (Tank Vessels), Subchapter I (Cargo and Miscellaneous Vessels), or Subchapter N (Dangerous Cargoes) of this chapter. For those tanks the design of which precludes a thorough internal or external examination, the thickness shall be determined by nondestructive method acceptable to the Officer in Charge, Marine Inspection.

(2) Such pressure vessels in service are not required to be pneumatically tested unless repairs have been made to them, or unless defects are found which in the opinion of the marine inspector, may impair the safety of the pressure vessel. If required, the pneumatic test shall be conducted in accordance with § 61.25–16.

Subpart 61.30—Tests and Inspection of Piping, Valves, and Fittings

§ 61.30–1 Scope.

In conducting hydrostatic tests on piping, the required test pressure shall be maintained for a sufficient length of time to permit an inspection to be made of all joints and connections, and the setting of the relief valve or safety valve will be considered as establishing the maximum allowable pressure of the system.

§ 61.30–5 Shop test.

(a) The manufacturer shall test all valves and pipefittings, except pipe flanges, wrought steel welding fittings and welding necks, to a hydrostatic shell pressure as follows:

(1) For steam ratings:

(i) Bronze, malleable iron and cast iron—2 times the primary pressure rating marked on the valve or fitting.

(ii) Steel—The respective test pressure as prescribed in the American Standard for Steel Pipe Flanges and Flanged Fittings (ASA B16.5).

(2) For liquid or gas service not exceeding 150 degrees F.:

(i) Bronze or malleable iron—1½ times the secondary pressure rating marked on the valve or fitting.

(b) Special valves, such as manifolds, scuppers, seacocks and appurtenances, shall be tested to twice the design pressure stamped thereon.

(c) Special welded pipe fittings fabricated with a longitudinal joint which are not manufactured in conformance with the A. S. T. M. Standard specified in Subpart 51.46 of this subchapter shall be tested as required by § 56.01–85 of this subchapter.

(d) Hydraulic piping assemblies and associated hydraulic equipment components, including hydraulic steering gear, in lieu of being tested at the time of installation, may be shop tested by the manufacturer to 1½ the maximum allowable pressure of the system. The required test pressure shall be maintained for a sufficient amount of time to check all components for strength and porosity and to permit an inspection to be made of all connections.

§ 61.30–10 Installation test.

(a) The following piping systems shall be hydrostatically tested in the presence of a marine inspector at a pressure of 1½ times the maximum allowable pressure:

(1) Class I steam, feed-water and blowoff piping. Where piping is attached to boilers by welding without practical means of blanking off for testing, the piping shall be subjected to the same hydrostatic pressure to which the boilers are tested. The maximum allowable pressures of boiler feed-water and blowoff piping shall be the design pressures specified in §§ 55.10–10(a)(3) and 55.10–15(b) in Part 55 of this subchapter.

(2) Fuel oil discharge piping between the pumps and the burners, but not less than 500 pounds per square inch.

(3) High-pressure piping for tank-cleaning operations.

(4) Flammable or corrosive liquids and compressed gas cargo piping, but not less than 150 pounds per square inch.

(5) Any Class I piping not specifically listed in this paragraph.

(6) Cargo oil piping.

(7) Firemains, but not less than 150 pounds per square inch.

(8) Fuel oil transfer and filling piping.

(9) Class I compressed air piping.

(b) Refrigeration piping shall be leak-tested to the design pressures as specified in § 55.13–5 of this subchapter.

(c) Hydraulic piping assemblies and associated hydraulic equipment components which have been tested in conformance with § 61.30–5(d) and so certified by the manufacturer, may be tested after installation as a complete assembly by stalling the driven unit in a safe and satisfactory manner and by blowing the relief valves. Otherwise, these systems shall be hydrostatically tested in the presence of an inspector at a pressure of 1½ times the maximum allowable pressure.

(d) Piping systems not specifically listed in this section shall be tested under working conditions.

(e) Arc- or gas-welded pipe joints of Class I piping which are not examined by radiography shall be given a hammer test as required by § 61.25–15.

§ 61.30–15 Piping in service.

(a) Main steam piping shall be subjected to a hydrostatic test equal to 1¼ times the maximum allowable pressure at the same periods prescribed for boilers in § 61.20–15. The hydrostatic test shall be applied from the boiler drum to the throttle valve. If the covering of the piping is not removed, the test pressure shall be maintained on the piping for a period of ten minutes, and, if any evidence of moisture or leakage is detected, the covering shall be removed and the piping thoroughly examined.

(b) Steam piping subject to main boiler pressure and exceeding 3 inches in diameter, except as otherwise provided for in paragraph (a) of this section, shall be subjected to a hydrostatic test pressure of 1¼ times the maximum allowable pressure after each 4 years of service. If the covering of the piping is not removed, the test pressure shall be maintained on the piping for a period of ten minutes, and, if any evidence of moisture or leakage is detected, the covering shall be removed and the piping thoroughly examined.

(c) The setting of safety valves or relief valves on reduced pressure lines, evaporators, feed water heaters, and other pressure vessels shall be checked by the inspector at each regular annual or biennial inspection.

§ 61.30–20 Sea chests, sea valves and strainers.

(a) Sea chests, sea valves, sea strainers and bilge injection valves shall be opened up for examination at the time of drydocking if deemed necessary by an inspector.

§ 61.45–5 Form CG–2935; boiler data Sec.

Subpart 61.35—Proof Hydrostatic Tests

§ 61.35–1 Hydrostatic tests of boilers and appurtenances to determine pressure rating.

(a) *Scope.* (1) Where it is necessary to test a pressure vessel, or appurtenance, or any pressure part thereof, to determine a pressure rating in accordance with the provisions of § 52.01–70 of this subchapter the procedure specified in this subpart shall be adhered to as closely as practicable.

(2) This method of test is applicable only to materials having a definite proportional or elastic limit such as carbon and alloy steels. It is not applicable to materials with indefinite or indeterminate proportional limits such as cast iron and most nonferrous materials. The principle upon which the test is based assumes that the most highly stressed point in the pressure part will be subjected to a permanent set when the stress at this location reaches the proportional or elastic limit. Since the stress will be directly proportional to the hydrostatic pressure, the determination of the pressure which stresses the weakest point to the proportional limit will permit a calculation of the maximum allowable pressure that will result in a safe stress for the material from which the part is made at the maximum operating temperature.

(b) *Materials.* The structure shall be made from material conforming to the requirements of the appropriate subpart of Part 51 of this subchapter.

(c) *Workmanship.* The dimensions, thickness, and physical properties of the structure to be tested shall not vary materially from those actually used. If possible, the structure to be tested may be selected at random from a quantity of such intended for use.

(d) *Preparation for test.* (1) It is necessary to test only the weakest point of the structure but several points may be checked to make certain that the weakest one is included. The less definite the location of the weakest point, the more points shall be checked.

(2) The movement of the reference points may be measured with reference to a fixed surface, or two reference points may be located on opposite sides of a symmetrical structure and the total deformation between those two points measured.

(3) Indicating micrometer gages accurate to 0.001 inch are most suitable for measuring deformation of the structure at the reference points although any form of accurate micrometer may be used.

(4) A hand-test pump is satisfactory as a source of hydrostatic pressure. Either a test gage or a reliable gage which has been calibrated with a test gage shall be attached to the structure.

(5) The maximum hydrostatic pressure that shall be provided will vary from two or three times the expected maximum allowable pressure for carbon-steel structures.

(6) The location of the weakest point of the structure may be determined by applying a thin coating of plaster of paris or similar material, and noting where the surface coating starts to break off under hydrostatic test. The coating shall be allowed to dry before the test is started.

(e) *Hydrostatic tests.* (1) The first application of hydrostatic pressure shall be approximately the expected maximum allowable pressure, or the tests may be arranged with a view to making not less than 10 applications of pressure in approximately equal increments between the initial test pressure and the final test pressure.

(2) When each increment of pressure has been applied, the valve between the pump and the structure under test shall be closed and the pressure gage watched to see that the pressure is maintained and no leakage occurs. The total deformation at the reference points shall be measured and recorded and the hydrostatic pressure also recorded. The pressure shall then be released and each point checked for any permanent deformation which may be recorded. Only one application of each increment of pressure is necessary. The pressure shall be increased by substantially uniform increments, and readings taken until the elastic limit of the structure has obviously been exceeded.

(3) The pressure part shall not have been subjected to a pressure greater than twice the maximum allowable pressure prior to making the proof hydrostatic test.

§ 61.35–5 Proportional limit method.

(a) *Physical characteristics of metal.* (1) The proportional limit of the material should be determined in accordance with A. S. T. M. Specification E8, Methods of Tension Testing of Metallic Materials. This test shall be made from a number of specimens cut from the part tested, in order to assure that the average proportional limit of the material in the part tested is used to calculate the allowable pressure.

(2) The specimens shall be cut from a location where the stress during the test has not exceeded the proportional limit, so that the specimens will be representative of the material as tested. The specimens shall not be cut with a flame torch.

(b) *Plotting curves.* In plotting curves, a single cross-section sheet may be used for each reference point of the structure. A scale of 1 inch=0.01 inch deformation, and a scale of at least 1 inch equals the approximate test pressure increments have been found satisfactory. Plot two curves for each reference point, one showing total deformation under pressure and one showing permanent deformation when the pressure is removed.

(c) *Determining proportional limit of pressure part.* In determining the proportional limit of pressure parts, the following procedure shall be employed:

(1) Locate the proportional limit on each curve of total deformation as the point at which the total deformation ceases to be proportional directly to the hydrostatic pressure. Draw a straight line that will pass through the average of the points that lie approximately in a straight line. The proportional limit will occur at the value of hydrostatic pressure where the average curve through the points deviates from the straight line.

(2) In pressure parts such as headers, where a series of similar weak points occur, the average hydrostatic pressure corresponding to the proportional limits of the similar points may be used.

(3) The proportional limit obtained from the curve of total deformation may be checked from the curve of permanent deformation by locating the point where the permanent deformation begins to increase regularly with further increases in pressure. Permanent deformations of a low order that occur prior to the point actually corresponding to the proportional limit of the structure, resulting from the equalization of stresses and irregularities in the material, may be disregarded.

(4) It should be made certain that the curves show the deformation of the structure and not slip or displacement of reference surfaces, gauges, or the structure.

(d) *Determining maximum allowable pressure.* (1) Having determined the hydrostatic pressure when the proportional limit of the weakest point of the vessel was reached, the corresponding maximum allowable pressure may be determined by formula (1):

$$P=\frac{HS}{E} \qquad (1)$$

where:

P = maximum allowable pressure, in p. s. i.
H = hydrostatic pressure at the proportional limit of the pressure part, in p. s. i.
S = Maximum allowable stress, 80 percent of the values, as given in Table 52.05–10(a).
E = average proportional limit of the material, in p. s. i.

(2) For carbon steel material, complying with the material specifications in Part 51 of this subchapter and with a minimum tensile strength not over 62,000 p. s. i., the proportional limit may be assumed to be two-fifths of the average tensile strength of the specified range. Where no range is specified, the average tensile strength may be assumed as 5,000 p. s. i. greater than the minimum. This alternate procedure will eliminate the necessity for cutting tensile specimens and determining the actual proportional limit above the normal value. The pressure part shall be normalized after forging or forming.

(e) *Retests.* A retest will be allowed on an additional similar vessel if errors or irregularties are obvious in the results.

Subpart 61.40—Markings

§ 61.40–1 Boilers.

(a) Upon satisfactory completion of the tests and inspection of a new boiler the following data shall be stamped on

the front head of fire-tube boilers and on the drum head of water-tube boilers:

(Name of fabricator and serial number)
(Maximum allowable pressure) p.s.i.
(Hydro test pressure) p.s.i.
(Steam test pressure) p.s.i.
(U.S.C.G. No.)
(C.G. Symbol)
(Inspector's initials)
(Month and year fabricated)

(b) The inscription on the boiler and the boiler nameplate, as required in paragraph (a) of this section, shall contain the following entry for steam tests: "Steam test ------ p. s. i.," which shall follow the notation for hydrostatic test.

(c) The data shall be legibly stamped and shall not be obliterated during the life of the boiler. In the event that the portion of the boiler upon which the data is stamped is to be insulated or otherwise covered, the data shall be transferred to a metal nameplate which shall be attached to the boiler casing or the uptake. The nameplate shall be maintained in a legible condition so that the data can be easily read.

§ 61.40–5 Unfired pressure vessels.

(a) After a marine inspector has examined a new pressure vessel subject to inspection and has determined that the vessel has been constructed in accordance with the applicable parts of this subchapter, and the vessel has satisfactorily withstood the required tests, the following data shall be stamped thereon:

(Name and address of fabricator)
(Maximum allowable pressure) p.s.i.
(Hydro test pressure) p.s.i.
(O.C.M.I. No., inspector's initials, and C.G. symbol)
(Mfr. serial No.)
(Month and year)
(Riveted, brz., welded (class))

(b) Those pressure vessels which must be pneumatically tested shall be stamped with "Pneumatic test pressure ------ p.s.i.".

Subpart 61.45—Official Forms

§ 61.45–1 Scope.

This subpart includes descriptions of the official forms required to be submitted to the Coast Guard by the regulations in this subchapter. Copies of the forms may be obtained upon request from the nearest Officer in Charge, Marine Inspection, or the Commandant (MMT), United States Coast Guard, Washington, D.C., 20226.

§ 61.45–5 Form CG–2935; boiler data report; manufacturer's certification.

The manufacturer of each boiler to be used on vessels subject to inspection by the Coast Guard shall submit to the Officer in Charge, Marine Inspection, at or nearest the place where the manufacturer's plant is located, a data report in triplicate on form CG–2935 together with a certification that the data is correct and that the material and fabrication of this boiler comply with all the regulations applicable thereto.

§ 61.45–10 Form CG–2936; unfired pressure vessel data report; manufacturer's certification.

The manufacturer of unfired pressure vessels to be used on vessels subject to inspection by the Coast Guard shall submit to the Officer in Charge, Marine Inspection, at or nearest the place where the manufacturer's plant is located, a data report in triplicate on form CG–2936 together with a certification that the data is correct and that the material and fabrication comply with all the regulations applicable thereto.

§ 61.45–15 Form CG–935A; affidavit of manufacturer of class B material or appliances.

The manufacturer of either class B materials or appliances for use on vessels subject to inspection by the Coast Guard and to the regulations in this subchapter shall submit to the Commandant (MMT), United States Coast Guard, Washington, D.C., 20226, an affidavit on form CG–935A certifying that certain product(s) of his manufacture furnished directly or through agents or dealers for use on vessels subject to inspection by the Coast Guard will comply with all regulations applicable thereto.

SUBCHAPTER G—MARINE ENGINEERING INSTALLATIONS CONTRACTED FOR PRIOR TO JULY 1, 1935

PART 66—GENERAL

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66.35–25 Finish.

AUTHORITY: The provisions of this Part 66 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426–4431, as amended, 4433, as amended, 4434, as amended, 4453, as amended, 4488, as amended, 4491, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 481, 489, 366, 395, 363, 367, 526p, 1333, 390b, 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, Nov. 26, 1954, 19 F.R. 8026; 167–20, June 18, 1956, 21 F.R. 4894; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–38, Oct. 26, 1959, 24 F.R. 8857.

Subpart 66.01—General Provisions

§ 66.01–1 Authority.

(a) The authority to prescribe regulations generally is set forth in R.S. 4405 and 4462, as amended (46 U.S.C. 375 and 416), as well as in other provisions of Title 52 of the Revised Statutes and acts amendatory thereof or supplemental thereto. Under the provisions of R.S. 4403, as amended (46 U.S.C. 372), the

Commandant, United States Coast Guard, superintends the administration of the vessel inspection laws and is required to produce a correct and uniform administration of the inspection laws, rules, and regulations.

§ 66.01–5 Assignment of functions.

By Reorganization Plan No. 3 of 1946, effective July 16, 1946, the marine inspection functions of the former Bureau of Marine Inspection and Navigation and its officers and employees were transferred to the Commandant, United States Coast Guard. By Reorganization Plan No. 26 of 1950, effective July 31, 1950, 3 CFR, 1950 Supp., p. 178, the functions formerly vested in the Commandant, United States Coast Guard were transferred to the Secretary of the Treasury with certain specific exceptions. The Secretary of the Treasury by an order dated July 31, 1950 (15 F. R. 6521), delegated to the Commandant the functions formerly performed by him under Reorganization Plan No. 3 of 1946.

§ 66.01–10 Purpose of regulations.

The purpose of the regulations in this subchapter is to set forth uniform minimum requirements for marine engineering in accordance with the intent of Title 52 of the Revised Statutes and acts amendatory thereof or supplemental thereto, as well as to implement various International Conventions for Safety of Life at Sea and other treaties which affect the merchant marine. The regulations are necessary to carry out the provisions of law affecting inspected vessels and such regulations have the force of law.

§ 66.01–15 Application of regulations.

(a) The regulations in this subchapter, apply only to installations contracted for or built prior to July 1, 1935, and contain specifications and requirements for materials, design, construction, installation and inspection of boilers, unfired pressure vessels, safety valves and appurtenances, including piping system, upon the strength and efficiency of which safety of life is dependent.

(b) The regulations in Subchapter F (Marine Engineering) of this chapter, apply to installations contracted for or built on or after July 1, 1935.

(c) Where existing vessels are reboilered, the mountings and attachments, including feed and blowoff valves and fittings, shall be renewed in accordance with the regulations in Subchapter F (Marine Engineering) of this chapter in effect at the time such work is contracted for or built. The steam piping shall be gaged and examined by the Officer in Charge, Marine Inspection, and if found to be of the thickness required at the time the piping was installed it may be continued in use so long as the Officer in Charge, Marine Inspection, is of the opinion that the piping may be safely continued in use. Changes in specifications of articles of equipment shall not apply to such articles which have been passed as satisfactory until replacement shall become necessary.

Subpart 66.03—Definition of Terms Used in This Subchapter

§ 66.03–1 Commandant.

The term "Commandant" means the Commandant of the Coast Guard.

§ 66.03–5 Coast Guard District Commander.

The term "Coast Guard District Commander" means an officer of the Coast Guard designated as such by the Commandant to command all Coast Guard activities within his district, which include the inspections, enforcement, and administration of Title 52, Revised Statutes, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

§ 66.03–10 Officer in Charge, Marine Inspection.

The term "Officer in Charge Marine Inspection," means any person from the civilian or military branch of the Coast Guard designated as such by the Commandant and who under the superintendence and direction of the Coast Guard District Commander is in charge of an inspection district for the performance of duties with respect to the inspection, enforcement, and administration of Title 52, Revised Statutes, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

§ 66.03–15 Marine inspector or inspector.

The terms "marine inspector" or "inspector" mean any person from the civilian or military branch of the Coast Guard assigned under the superintendence and direction of an Officer in Charge, Marine Inspection, or any other person as may be designated for the performance of duties with respect to the inspections, enforcements, and the administration of Title 52, Revised Statutes, and acts amendatory thereto, and rules and regulations thereunder.

§ 66.03–20 Requirements.

The term "requirements" refers to process of manufacture, characteristic, physical and chemical properties, tests, workmanship, and finish of materials.

§ 66.03–25 Headquarters.

The term "headquarters" means the Office of the Commandant, United States Coast Guard, Washington, D.C., 20226.

Subpart 66.05—General Material Requirements

§ 66.05–1 Repair or replacement parts.

(a) Plates and steel bars subject to tensile stress used in the repair or replacement of pressure parts of boilers shall be tested, inspected, and stamped by an inspector in accordance with the requirements of Title 52 of the Revised Statutes of the United States, for Class A material, and shall conform to the applicable requirements of Part 51 of Subchapter F (Marine Engineering) of this chapter.

(b) Material used for pressure parts in the repair of pressure vessels other than boilers and in the repair or replacement of boiler tubes, piping, valves and fittings may be of Class B certified material conforming to the applicable requirements of Part 51 of Subchapter F (Marine Engineering) of this chapter.

§ 66.05–5 General classification of materials.

(a) *General.* The materials to be used in the construction and for the repair of boilers and unfired pressure vessels, piping, valves, fittings, and appurtenances shall be of three general classes of which Classes A and B shall be used for pressure parts and Class C may be used for other parts as specified.

(b) *Class A.* Tested materials manufactured under the supervision of the Coast Guard, test of which shall be witnessed by an inspector.

(c) *Class B.* Certified materials tested by the manufacturers, and certified by them as conforming to the requirements.

(d) *Class C.* Materials for nonpressure parts of boilers or unfired pressure vessels such as casing for water-tube boilers, uptakes, furnace fronts, and operating equipment shall be of good commercial quality. No detail requirements are herein specified for material in this class. Class C materials shall be accepted by inspectors without requiring tests or certification by manufacturers.

§ 66.05–10 Basic information requirements.

(a) When ordering Class A material for the repair of boilers or unfired pressure vessels installed on vessels subject to the inspection of the Coast Guard, the manufacturer of the material shall, as far as practicable, furnish the following information to the Officer in Charge, Marine Inspection, at or nearest the place where the boiler or unfired pressure vessel is to be repaired.

(1) Name and location of manufacturer's works.

(2) Type of boiler or unfired pressure vessel.

(3) Manufacturer's slab or plate number.

(4) Design pressure and temperature.

(5) Vessel's name.

§ 66.05–15 Inspection and testing of class A material.

Inspectors shall have free entry at all times to those parts of the works where material subject to the regulations in this part is being manufactured. The manufacturer shall afford inspectors all reasonable facilities to satisfy them that the material is being manufactured in accordance with the requirements of the Commandant. Unless otherwise authorized, tests and inspection shall be made at the place of manufacture prior to shipment and shall be so conducted as not to interfere unnecessarily with the operation of the works. Inspectors shall assure themselves that test specimens are marked for positive identification with the materials which they represent. Unless otherwise specified, tests shall be made at ordinary temperature.

§ 66.05–20 Chemical analyses.

(a) A ladle analysis of each melt of Class A or B materials as specified by Part 51 of Subchapter F (Marine Engineering) of this chapter, shall be made by the manufacturer and a certified report thereof shall be furnished by him to the inspector upon request. This analysis shall be made from a test ingot taken during the pouring of the melt. The chemical composition thus determined shall conform to the specified requirements.

(b) A check analysis may be made at the discretion of the Commandant from test specimens representing material for which chemical composition is specified in any section of this part, in either Class A or B. The chemical composition thus determined shall conform to the requirements.

§ 66.05–25 Certification of class B material.

(a) Certification of chemical analyses and physical tests of materials of Class B shall be an affidavit by the manufacturer certifying that all materials of this class supplied by him for marine service do, or will conform to all the requirments in Subchapter F (Marine Engineering) of this chapter applicable thereto.

(b) Materials in this class are not required to be tested in the presence of an inspector, but whenever deemed necessary by the Commandant he may detail an inspector to witness such tests and satisfy himself that the requirements of the specification for Class B materials are met.

§ 66.05–30 Tension tests.

All tension tests shall be made on standard calibrated machines. The yield point in tension tests shall be determined by the drop of the beam or the halt in the gage of the testing machine. Except where otherwise specified in Part 51 of Subchapter F (Marine Engineering) of this chapter, the speed of the crosshead of the machine shall not exceed $\frac{1}{16}$ inch per minute per inch of gage length up to the yield point, nor shall it exceed $\frac{1}{2}$ inch per minute per inch of gage length beyond the yield point. Any convenient speed of the crosshead may be used from the start of loading the test specimen until a value estimated as one-half of the yield point is reached. In determining the yield strength by use of an extensometer, the crosshead speed shall not exceed 0.025 inch per minute per inch of gage length. In the event the machine is stopped in taking readings, the speed may be exceeded in the take up only. The ends of all test specimens shall be of form to fit the holders of the testing machine in such a way that the load will be axial.

§ 66.05–35 Test reports.

Inspectors shall report the results of official tests on form CG–934. Duplicate copies thereof shall be forwarded through the Coast Guard District Commander in the district where the material was manufactured to the Coast Guard District Commander in the district where the material is to be fabricated.

§ 66.05–40 Retests.

When the result of any of the physical tests specified for any of the materials does not conform to the requirements, two additional specimens may, at the request of the manufacturer be taken from the same lot and tested in the manner specified, but in such case, both of the specimens shall conform to the requirements. In the case of tension tests, this retest shall be allowed if the percentage of elongation obtained is less than required, or if any part of the fracture is outside of the middle third of the gauge length. If any test specimen develops flaws, it shall be discarded and another specimen from the same lot substituted.

§ 66.05–45 Rejections.

Failure of the tests (or retests) specified in the regulations in this subchapter for each particular material shall be cause for rejection. Unless otherwise required, any rejection shall be reported by the inspector within 5 working days from the receipt of the test specimen. Acceptance of material on results of tests at the place of manufacture shall not prejudice the right to reject any of such material in which injurious defects are subsequently discovered. The manufacturer shall be promptly notified of such subsequent rejections, and the records shall be corrected.

§ 66.05–50 Appeals.

In case of dissatisfaction with the results of any test, the manufacturer may appeal to the Coast Guard District Commander from the decision of the Officer in Charge, Marine Inspection, within 30 days. Should the Coast Guard District Commander sustain the Officer in Charge, Marine Inspection, the manufacturer may appeal to the Commandant within 30 days. Tested specimens which represent rejected material shall be retained for at least 30 days. The decision of the Commandant shall be final.

§ 66.05–55 Process of steel manufacture.

Unless otherwise officially authorized by the Commandant, all wrought steel to be used in the repair of boilers or unfired pressure vessels shall be manufactured by the open-hearth, electric furnace, or crucible process.

§ 66.05–60 Stamping plates and specimens.

(a) Class A plates used for repairs to boilers shall be stamped by the manufacturer, before they are tested, with his name or trademark, the word "Marine", the letter indicating the grade of the steel, and the minimum tensile strength of the plate per square inch of cross-sectional area expressed in thousands. Inspectors shall permit cutting a plate into two or more parts before testing, but each part shall be stamped or match-marked for identification before cutting. All plates accepted by the inspector as conforming to the requirements shall be stamped by him near the manufacturer's stamp with the official stamp of the Coast Guard, the initials of his name, and the serial number. All test specimens shall be ring-stamped or match-marked for identification before being detached. Plates shall be stamped lengthwise in two places on one long side about 18 inches from the edges at the corners. Each butt strap shall be stamped lengthwise of the plate about the middle of the strap.

(b) The impression of the official stamp of the Coast Guard for stamping plates and specimens shall be as shown in Figure 66.05–60.



FIGURE 66.05–60—Official stamp.

§ 66.05–65 Stock plates.

Plates may be ordered to be carried in stock ashore or on shipboard for repairs to boilers and unfired pressure vessels. Such plates shall be inspected and tested at the place of manufacture and stamped for identification as stock plates. A test report for such plates shall be furnished to the Coast Guard District Commander of the district where the purchaser is located, with a copy to the purchaser. The Coast Guard District Commander shall furnish a copy thereof to the Officer in Charge, Marine Inspection, where the material is kept in stock, and if the material is to be used by persons other than the original purchaser, they shall also be furnished with a copy of such report, for submittal by them to the Officer in Charge, Marine Inspection, where the repairs are actually to be made before the material may be used. Vessels carrying such stock plates shall obtain and carry identification and test records of each plate. Where such plates are cut into pieces for repairs, the Officer in Charge, Marine Inspection, shall, upon request, stamp each piece so detached for identification with the original plate and a record of such stamping shall be made.

§ 66.05–70 Workmanship and finish.

All materials within the scope of the regulations in this subchapter shall be free from injurious defects and shall have a workmanlike finish.

§ 66.05–75 Heat treatment.

Some of the materials specified in this part require heat treatment. This may consist of annealing, or of normalizing, or of normalizing followed by annealing, or of normalizing followed by a draw back to a temperature below the critical range. Annealing shall consist of allowing material to cool after forging or rolling to a temperature below the critical range, then reheating it to proper temperature to refine the grain and allowing it to cool in the furnace. Normalizing shall consist of allowing material to cool after forging or rolling to a temperature below the critical range, then reheating it to proper temperature to refine the grain and allowing it to cool in still air.

§ 66.05–80 Reclassification of materials.

When more than one grade is specified for any material or purpose and tests of a material of a superior grade fail to meet the requirements, such material may be reclassified and accepted as a specified lower grade if it fulfills the specified requirements for the latter. In such cases, the material shall be restamped or remarked as required for proper identification, and revised records shall be made to cover it.

§ 66.05–85 Alternative materials.

If, in the development of industrial arts, other suitable or improved materials differing from those specified in this part are developed, their use will be given consideration, upon formal application to the Commandant with full information as to the characteristics of the material, and such scientific data and facts as may be necessary to establish the suitability and safety of the material for the use proposed. The material requirements in this subchapter are minimum requirements and are not intended to bar better materials.

Subpart 66.10—Boiler Plate

§ 66.10–1 Inspection and marking.

(a) Every iron or steel plate intended for the construction of boilers to be used on steam vessels shall be stamped by the manufacturer in the following manner, at two diagonal corners, at a distance of about 18 inches from the edges.

(b) Plates to be used in the construction of externally fired boilers, the thickness of which shall not exceed one-half inch for steamers navigated under the provisions of Title 52, Revised Statutes, sections 4399–4500, which will be subject to tensile strain in said boilers, shall be Class A material tested and inspected by an inspector, and such plates shall not be stamped until they have been tested by the inspector, and each of such plates shall then be stamped by the manufacturer in the presence of the inspector with the name of the manufacturer, the place where manufactured, and the minimum number of thousand pounds tensile stress it will bear to the sectional square inch as has been determined by the test.

(c) Plates to be used in the construction of boilers other than the externally fired boilers as described in paragraphs (a) and (b) of this section, for steamers navigated under provisions of Title 52, Revised Statutes, sections 4399–4500, as amended (46 U. S. C. 361–498), which shall be subject to tensile strain in said boilers shall be a material tested and inspected by an inspector and such plates shall be stamped by the manufacturer before same are tested with the name of the manufacturer, the place where manufactured, and the minimum number of pounds the plate will bear to the sectional square inch, expressed in thousands.

(d) Inspectors testing iron or steel plate at the mills where same is manufactured shall allow the mills to shear any plate into butt straps or heads before the coupon from the plate is tested, and they shall accept the statement of the manufacturer that the coupon presented to the inspector for testing was taken from the plate from which the butt straps or heads were cut, and if the coupon meets all the requirements of this subpart the inspector shall stamp, in one place where it is most likely to be left legible after working into the boiler, all heads and butt straps cut from the plate.

(e) All plates which conform to the physical, chemical, and other requirements prescribed in this subchapter shall be stamped by the inspector near the manufacturer's stamp with the official stamp of the Coast Guard, and with the initials of his name and a serial number.

§ 66.10–5 Chemical properties, steel plates.

(a) Steel plates shall be made by open-hearth process, except that steel for plates to be used in the manufacture of boiler tubes may be made by the Bessemer process.

(b) Open-hearth steel shall contain not more than 0.04 percent of phosphorus nor more than 0.05 percent of sulphur.

(c) The manufacturer shall furnish the inspector with each order tested, a certificate stating the process by which the steel was manufactured and a copy of the analysis of each melt. The analysis may, if deemed expedient by the Commandant, be verified at the expense of the manufacturer.

§ 66.10–10 Physical properties, steel plates.

(a) All steel plates tested shall show an elongation of at least 20 percent measured in a gage length of 8 inches.

§ 66.10–15 Physical properties, iron plates.

(a) The tensile strength shall be not less than 45,000 pounds per square inch. The elongation shall be not less than 15 percent. The reduction of area shall be not less than 15 percent for 45,000 p. s. i. tensile strength, and for each increase of 1,000 p. s. i. tensile strength up to 55,000 p. s. i., an addition of 1 shall be made to the required percentage of reduction of area. The bend test specimen shall bend cold through 90 degrees around a curve the radius of which is not greater than one and one-half times the thickness of the specimen.

§ 66.10–20 Tension and bend tests.

(a) All tension test specimens shall be milled to the form as shown in Figure 66.10–20 (a), with the following dimensions: Length at least 16 inches, ends from 1½ to 3½ inches wide by about 3 inches in length, and parallel section at center 1 to 1½ inches wide by 9 inches in length. The percentage of elongation shall be measured in a gage length of 8 inches.

(b) Where specimens are to be tested on the testing machines of the Coast Guard, they shall be 1 inch wide at parallel section in center, and shall not exceed 2 inches in width on the ends.

(c) All bend test specimens shall be at least 12 inches in length and from 1 to 3½ inches in width, and the full thickness as rolled. The edges may be planed. The corners shall not be rounded, but the sharpness may be removed with a fine file. After bending, the specimens shall show no cracks or flaws on the outside of the bent portion.

(d) Two tension tests and one cold-bend test shall be made from each plate as first rolled from a billet, slab, or ingot, the tensile test specimens to be taken from two diagonal corners of the plate, and a cold-bend specimen to be taken transversely from the middle of the top of the plate.

(e) The bend test specimen shall bend cold 180 degrees around a pin without showing any sign of cracking or other injurious defects on the outside of the bent portion, as follows: For plates under 1 inch in thickness the diameter of the pin shall be equal to one and one-half times the thickness of the plate; for plates 1 inch and over, up to and including 1½ inches in thickness, the diameter of the pin shall be equal to three times the thickness of the plate, and for all plates over 1½ inches in thickness the diameter of the pin shall be equal to four times the thickness of the plate.

(f) The finished material shall be free from all injurious defects, and shall have a good and workmanlike finish.

(g) All measurements of test specimens and material shall be made by any standard American gage, and record of tests shall be submitted on Form CG–934.

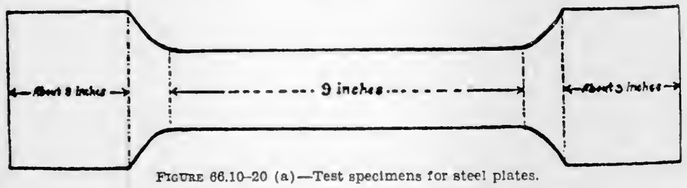


FIGURE 66.10–20 (a)—Test specimens for steel plates.

Subpart 66.15—Steel Bars for Stays and Braces

§ 66.15–1 Tests and inspection.

All steel bars to be used as stays or braces in marine boilers shall be of Class A tested material.

§ 66.15–5 Physical properties.

The minimum tensile strength shall be not less than 58,000 pounds per square inch. The elongation shall be not less than 28 percent in 2 inches or 25 percent in 8 inches.

§ 66.15–10 Tension- and bend-tests.

(a) Two tension-test pieces and two bend-test pieces shall be taken from each heat. The full-size bars within the capacity of the testing machine may be used for tensile tests. Where the full size of the bar is too large for the capacity of the testing machine, the bar may be reduced in size to meet such capacity. To facilitate and insure accurate tests, all bars for tensile and bending tests may be reduced in size.

(b) The minimum tensile strength of each piece shall be not less than 58,000 pounds per square inch of section and each test piece that has been reduced in size shall show an elongation of at least 28 percent in 2 inches. Where the full size of the bar has been used for testing, the test pieces shall show an elongation of at least 25 percent in 8 inches. When the tensile strength of the test piece is more than 63,000 pounds, per square inch of section, each test piece that has been reduced in size shall show an elongation of at least 26 percent in 2 inches. Where the full size of the bar has been used for testing, each test piece shall show an elongation of at least 22 percent in 8 inches.

(c) The pieces for the bend test shall be bent cold to a curve, the inner radius of which is equal to one and one-half times the diameter of the bar without flaws or cracks.

(d) Should any such test bar fail in either the tensile or bending test, no bars from such heat shall be allowed to be used in the construction of any marine boiler. Where a heat of steel bars has been passed by an inspector, separate lots of bars from such heat may be furnished to different boiler manufacturers upon a certificate from the mill that the bars were made from such accepted heat.

§ 66.15–15 Manufacturer's affidavit covering tested stays.

Boiler manufacturers desiring to use tested stays or braces shall be required to furnish the inspectors with the following form of affidavit, duly filled in:

(Form CG–937)

STATE OF _____
County of _____
I hereby certify that I am the _____ of the _____
(State "owner" or name position)
steam boiler works named _____, situated at _____, in the State of _____, and that the lot or lots of steel bars from which the test bars were taken and tested by the inspector on the _____ day of _____, 19____, and allowed for use in the steam boiler to be constructed for the steamer _____, and to be allowed a strain not to exceed _____ pounds per square inch of section as a working steam pressure, will be used in the construction of the boiler ____ for the steamer _____, and no material for any braces, stays, or stay bolts required to be made of tested material and to carry a strain equal to _____ pounds per square inch of section will be used as braces, stays, or stay bolts in the construction of the boiler ____ for the said steamer tested by the inspector and approved by him in accordance with the requirements of law.

(Signature)_____
Subscribed and _____ to before
(Sworn or affirmed)
me this _____ day of _____, 19_____.
[SEAL] (Signature)_____
Notary Public.

Subpart 66.20—Lapwelded Boiler Tubes

§ 66.20–1 Process.

(a) All lapwelded boiler tubes up to and including 4 inches in diameter shall be made of charcoal iron, or mild steel made by any process.

(b) All lapwelded boiler tubes over 4 inches in diameter, up to and including 30 inches in diameter, shall be made of wrought iron or mild steel, made by any process.

(c) Tubes shall be free from defective welds, cracks, blisters, scale, pits, and sand marks.

§ 66.20–5 Tests.

(a) The following tests shall be made on lapwelded boiler tubes up to and including 4 inches in diameter:

(1) A test piece 2 inches in length cut from a tube shall stand being flattened by hammering until the sides are brought parallel and separated by a distance not greater than one-third the outside diameter of the tube, without showing cracks or flaws, the weld being 45 degrees from the bend.

(2) A second tube shall have a flange turned over at right angles to the body of the tube and shall have a width equal to ⅜ inch. Tubes less than 3 inches in diameter shall only be required to have a flange turned equal to one-eighth of the diameter of the tube. This test shall not be applied to threaded stay tubes.

(3) All the work shall be done cold.

(4) Each tube shall stand an internal hydrostatic pressure of 1,000 pounds per square inch and be struck near both ends while under pressure with a 2-pound hammer or its equivalent without showing signs of weakness or defects.

(5) All steel tubes, except those made of open-hearth steel, shall have the ends properly annealed by the manufacturer before shipment.

(6) All tubes shall stand expanding, flanging over on the tube plate, and beading without flaws, cracks, or opening at the weld, except threaded stay tubes.

(b) The following tests shall be made on lapwelded boiler tubes over 4 inches in diameter, up to and including 30 inches in diameter:

(1) A test piece, 2 inches in length, cut from a tube, shall stand being flattened by hammering until the sides are brought parallel and separated by a distance not greater than one-third the outside diameter of the tube, without showing cracks or flaws, with the weld being 45 degrees from the bend.

(2) Each tube shall stand an internal hydrostatic pressure of 500 pounds per square inch and shall be struck near both ends while under pressure with a 2-pound hammer or its equivalent without showing signs of weakness or defects.

(3) All steel tubes except those made of open-hearth steel shall have ends properly annealed by the manufacturer before shipment.

(4) All tubes shall stand drilling, riveting, and calking, and work necessary to install them into the tube head without showing any weakness or defects.

Subpart 66.25—Seamless Steel Boiler Tubes

§ 66.25–1 Process.

The steel shall be made by the open-hearth process.

§ 66.25–5 Finish.

Tubes shall be free from all surface defects. The defects to be particularly avoided in seamless tubes are tears, snakes, checks, slivers, scratches, laps, pits, rings, and sinks.

§ 66.25–10 Heat treatment.

All seamless steel cold-drawn tubes shall be annealed as a final process. One or more tubes shall be selected at random from each charge of annealing furnace, and coupons cut from same for testing.

§ 66.25–15 Tests.

(a) A piece 3 inches long cut from the first tube shall stand being flattened cold by hammering until the sides are brought parallel and separated by a distance not greater than one-third the outside diameter of the tube, without showing cracks or flaws.

(b) A flange shall be turned cold all around the end of the tube to a width equal to ⅜ inch beyond the outside body of the tube. Tubes less than 3 inches in diameter shall only be required to have a flange turned equal to one-eighth of the diameter of the tube. This test shall not be applied to threaded stay tubes.

(c) Where hot-finished tubes are furnished, the tubes shall pass the same manipulating tests as cold-drawn tubes and shall be subject to the same conditions as to gage, but do not have to be annealed.

(d) Each tube shall be subject to an internal hydrostatic pressure of 1,000 pounds per square inch without showing signs of weakness or defects.

(e) All tubes, except threaded stay tubes, shall stand expanding, flanging over on the tube plate, and beading without flaw or crack.

(f) All tubes shall be carefully gaged and shall not be less than the specified thickness.

§ 66.25–20 Statement or certificate of manufacturer of boiler tubes.

When the manufacturers of boiler tubes file with the Commandant a cer-

tificate duly sworn to that all tubes manufactured by them will stand the tests and meet all the requirements of this part, they shall be accepted by inspectors of the Coast Guard and no other affidavit will be required.

Subpart 66.30—Welded Steel and Iron Pipe

§ 66.30–1 Process.

The pipe material shall be made by the open-hearth or the bessemer process. Welded pipe shall be made by the hammer-weld process.

§ 66.30–5 Physical properties.

(a) *Bessemer steel pipe.* Tensile strength, minimum, 50,000 p.s.i. Elongation in 8 inches, minimum, 20 percent.

(b) *Open-hearth steel pipe.* Tensile strength, minimum, 45,000 p.s.i. Yield point, minimum, 25,000 p.s.i. Elongation in 8 inches, minimum, 20 percent.

(c) *Wrought-iron pipe.* Tensile strength, minimum, 40,000 p.s.i. Yield point, minimum, 24,000 p.s.i. Elongation in 8 inches, minimum, 12 percent.

§ 66.30–10 Tension tests.

(a) Tension tests are not required for pipes up to and including 3½ inches in diameter.

(b) For all diameters exceeding 3½ inches, tension tests shall be made from every 50 pieces furnished, or fraction thereof, and shall show the following results:

(1) *For bessemer steel.* Tensile strength, not less than 50,000 pounds per square inch. Elongation in 8-inch specimen, not less than 20 percent.

(2) *For open-hearth steel.* Tensile strength, not less than 45,000 pounds per square inch. Elongation in 8-inch specimen, not less than 20 percent.

(3) *For iron.* Tensile strength, 40,000 to 48,000 pounds per square inch. Elastic limit, 22,000 to 30,000 pounds per square inch. Elongation in 8-inch specimen, not less than 12 percent.

§ 66.30–15 Flattening tests.

(a) Flattening tests are not required for pipe up to and including 3½ inches in diameter.

(b) For all diameters greater than 3½ inches inside, flattening tests shall be made as follows:

(1) *Steel.* A test piece 2 inches in length cut from a pipe shall stand being flattened by hammering until the sides are brought parallel with the curve on the inside at the ends not greater than one-third the outside diameter of the pipe without showing cracks or flaws, the weld being 45 degrees from the curve.

(2) *Iron pipe.* A test ring three times the thickness in length cut circumferentially from lapwelded wrought-iron pipe shall be crushed down to an inner diameter of one-third the outside diameter of the pipe. Wrought-iron pipe will not stand this test without fracture, but no lapwelded wrought-iron pipe shall be accepted where the break is short or crystalline or shows evidence of defective material or bad welding, and in every case the fiber of the iron shall be shown.

§ 66.30–20 Hydrostatic tests.

(a) Pipes ⅛ inch inside diameter up to and including 3½ inches inside diameter shall be tested before shipment to 600 pounds per square inch hydrostatic pressure.

(b) All pipe above 3½-inch diameter shall be tested before shipment to not less than 500 pounds per square inch hydrostatic pressure.

§ 66.30–25 Finish.

(a) The pipe shall be smooth, straight, and free from defects.

Subpart 66.35—Seamless Steel Pipes

§ 66.35–1 Process.

(a) The steel shall be made by the open-hearth process.

§ 66.35–5 Physical properties.

(a) Tensile strength, minimum, 48,000 pounds per square inch. Yield point, minimum, 26,500 pounds per square inch. Elongation in 2 inches, minimum, 40 percent.

§ 66.35–10 Flattening test.

(a) A test piece 2 inches in length cut from a pipe, shall stand being flattened by hammering until the sides are brought parallel with the curve on the inside at the ends not greater than one-third the outside diameter of the pipe without showing cracks or flaws.

§ 66.35–15 Tension tests.

(a) Tension tests shall be made from every 50 pieces furnished, or fraction thereof, and shall show the following results:

(1) Tensile strength, not less than 48,000 pounds per square inch.

(2) Elongation in 8-inch specimen, not less than 12 percent.

§ 66.35–20 Marking.

(a) The name or brand of the manufacturer shall be legibly rolled in raised characters or stamped on the outer surface of each pipe.

§ 66.35–25 Finish.

(a) Pipe shall be free, inside and outside, from all surface defects that would materially weaken it or form starting points of corrosion. The defects to be especially avoided are snakes, checks, slivers, laps, pits, etc. Pipe shall be smooth and straight.

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Subpart 67.55—Evaporators, Feed-Water Heaters, Separators, and Steam Traps Made of Cast Iron and Subject to Boiler Pressure

67.55–1 Computations.
67.55–5 Evaporators.

AUTHORITY: The provisions of this Part 67 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426–4431, as amended, 4433, as amended, 4434, as amended, 4453, as amended, 4488, as amended, 4491, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 481, 489, 366, 395, 363, 367, 526p, 1333, 390b, 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, Nov. 26, 1954, 19 F.R. 8026; 167–20, June 18, 1956, 21 F.R. 4894; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–38, Oct. 26, 1959, 24 F.R. 8857.

Subpart 67.01—Procedure and General Requirements

§ 67.01–1 Definitions.

(a) *Main boiler.* A main boiler is a steam boiler used for generating steam for propulsion purposes on shipboard.

(b) *Auxiliary boiler.* An auxiliary boiler is a steam boiler used for all purposes on shipboard for which steam may be required other than propulsion.

(c) *Donkey boiler.* A donkey boiler is a steam boiler installed on a vessel for occasional use for any purpose for which steam is required other than propulsion.

(d) *Pressure vessel.* A pressure vessel is an unfired vessel containing gases, vapors, or liquids under pressure. (See Part 54 of Subchapter F (Marine Engineering) of this chapter.)

(e) *Water-tube boiler.* A water-tube boiler is a steam boiler in which the boiler tubes contain water and steam, the heat being applied to the outside surface of the tubes and is composed generally of drums, headers, and tubes.

(f) *Internally-fired fire-tube boiler.* (Scotch) An internally-fired fire-tube boiler is a steam boiler containing furnaces, one or more combustion chambers and tubes or flues which are surrounded by water and through which the products of combustion pass from the furnace to the uptake. In such boilers no part of the shell is in contact with the fire or products of combustion.

(g) *Externally-fired fire-tube or flue boilers.* (Horizontal return tubular) An externally fired and fire-tube or flue boiler is a steam boiler, part of the outer shell of which is exposed to fire or to the products of combustion, and containing flues through which such products pass from the furnace to the uptake.

(h) *Porcupine boiler.* A porcupine boiler is a steam boiler consisting of a vertical shell from which project a number of dead end tubes.

(i) *Factor of safety.* Factor of safety is the ratio of the ultimate strength of the material to the stress maximum allowable.

(j) *Pressure of p. s. i.* Pressure of p. s. i. is the gage pressure or the pressure above the atmospheric pressure in pounds per square inch.

(k) *Design pressure.* Design pressure is the theoretical bursting pressure of the weakest part of a boiler, pressure vessel, or piping divided by its factor of safety.

(l) *Maximum allowable pressure.* The maximum allowable pressure of a boiler and superheater shall be considered as the highest setting of the safety valves.

(m) *Repair.* Repair is the restoration of any damaged or impaired part to an effective and safe condition.

(n) *Alteration.* Alteration is a structural modification of or departure from an approved design or existing construction.

§ 67.01–5 Drawings.

(a) The manufacturer of any boiler to be used for marine purposes shall furnish the Officer in Charge, Marine Inspection, where such boiler or boilers are to be inspected duplicate blueprints or tracings fully descriptive of same in detail for his approval, one of which shall be kept on file in the inspection office and the other returned to the manufacturer. Where more than one boiler is made from a similar design, a drawing of which is on file in the inspection office, if made at a different date, a reference to such drawing on file is all that shall be required. The manufacturer shall also furnish the Officer in Charge, Marine Inspection, an affidavit on either Form CG–935 or CG–936.

(b) Duplicate blueprints or drawings of water-tube and coil boilers, with their specifications, shall be submitted for approval of the Commandant (under R. S. 4429, 46 U. S. C. 407), and the design approved by the Commandant, before the boilers will be allowed to be used on any vessel coming under the jurisdiction of the Coast Guard. After the approval of the design by the Commandant, 60 certified sets of the blueprints or drawings shall be furnished the Commandant for the use of the inspectors. The blueprints or drawings necessary to comply with the foregoing provisions shall be supplied by the manufacturers. Manufacturers shall furnish Officers in Charge, Marine Inspection, where boilers are to be installed an affidavit certifying that the boilers are constructed in accordance with the specification approved by the Commandant.

(c) Contractors intending to repair boilers, unfired pressure vessels or appliances installed on vessels subject to inspection by the Coast Guard, shall submit detail drawings in triplicate which shall be fully descriptive of the repair parts of such boilers, unfired pressure vessels, or appliances, to the Officer in Charge, Marine Inspection, having jurisdiction over the vessel. When due to location of the shipyard or design office, such a procedure would result in unnecessary delay in transmission, the drawings may be forwarded directly to the Commandant (MMT), U.S. Coast Guard, Washington, D.C., 20226.

§ 67.01–10 Computations.

It shall be the duty of every Officer in Charge, Marine Inspection, to make, for every new boiler inspected in his district, all computations required by the rules and regulations, and any other necessary computations, from data obtained from blueprints or tracings, boiler manufacturers' affidavits, tensile test reports, and from other reliable sources. A record of such computations in full shall be made on letter sheets and filed with blueprints or tracings of boiler, the first sheet of such computations to be headed with a general description of boiler and with the vessel file number.

§ 67.01–15 Appeals.

In case the repair is disapproved by the Officer in Charge, Marine Inspection, the manufacturer may appeal within 30 days to the Coast Guard District Commander of the district, and should the Coast Guard District Commander sustain the Officer in Charge, Marine Inspection, the manufacturer may further appeal within 30 days to the Commandant. The decision of the Commandant shall be final.

§ 67.01–20 Materials and workmanship.

All materials to be used for repairs, replacements and for alterations shall be free from injurious defects and shall have a workmanlike finish. The work shall be executed in a workmanlike manner with proper tools or equipment and shall be free from defects which would impair strength or durability.

§ 67.01–25 Alternative materials or methods of repair.

If, in the development of industrial arts, improved materials or methods of repair are developed, their use in lieu of those specified will be given consideration upon formal application to the Commandant, with full information as to their characteristics, together with such scientific data and evidence as may be necessary to establish the suitability of such materials or methods of repair for the purpose intended.

§ 67.01–30 Repairs, replacements, or alterations.

(a) No repairs, replacements, or alterations, except emergency repairs, etc., shall be made to boilers, pressure vessels, their mountings or internal fittings, safety valves, piping systems, or pressure appliances without prior approval by the Officer in Charge, Marine Inspection.

(b) Boilers built and installed prior to July 1, 1935, may be repaired with materials and in the same manner specified in this subchapter, except that the use of cast iron valves, mountings, or attachments for repairs, replacements, or alterations on existing boilers operating at pressures exceeding 30 pounds per square inch is prohibited. Emergency repairs, replacements, or alterations shall be reported as soon as practicable to the Officer in Charge, Marine Inspection, at or nearest the first port where the vessel may call after such repairs are made.

§ 67.01–35 Boilers built since February 28, 1872.

Boilers built since February 28, 1872, of material stamped and tested according to the requirements of R.S. 4430 (46 U.S.C. 408), and having a record thereof in the office of the Officer in Charge, Marine Inspection, in the district where the boiler was built or intended to be used, may be used for marine purposes, notwithstanding that such boilers may have been used for other purposes, if in the judgment of the Officer in Charge, Marine Inspection, they are deemed safe.

§ 67.01–40 Inspectors' decisions.

When it becomes necessary for inspectors to make decisions on certain matters covered by the regulations in this subchapter, they shall in making their reports quote the section and paragraph

number on which their decisions are based. Whenever it is necessary to make decisions in matters not specifically covered by the regulations in this subchapter, they shall in making their reports state clearly the reasons which caused them to arrive at such decisions.

Subpart 67.05—Cylindrical Shells

§ 67.05–1 Definitions.

(a) *Cylindrical shell.* The term "cylindrical shell," as used in this subchapter means the cylinder forming the outer envelope of a boiler or other pressure vessel, or of a drum which is a part of a boiler consisting of one or more plates properly riveted, welded, or otherwise joined or of seamless construction as hereinafter specified.

(b) *Course.* A course is a section of a cylindrical shell which comes between circumferential joints.

§ 67.05–5 Materials.

(a) Plates shall be of boiler steel complying with Subpart 66.10 of this subchapter.

(b) Seamless steel pipe or tubing made by the open-hearth process may be used for shells in the construction of steam and water drums for boilers when the inside diameter of such drums does not exceed 24 inches, provided that the material conforms to the requirements of Subpart 66.35 of this subchapter.

(c) Welded steel pipe of material made by the open-hearth process may be used in the construction of drum shells, provided that the joints are made by the hammer-weld process and the material conforms to the requirements of Subpart 66.30 of this subchapter.

(d) Welded wrought-iron pipe may be used in the construction of drum shells, provided the joints are made by the hammer-weld process and the material conforms to the requirements of Subpart 66.30 of this subchapter.

(e) Copper or brass may be used in the construction of steam drums not exceeding 14 inches in diameter, of a thickness of material not less than five-eighths of an inch, and on the construction of steam drums 12 inches in diameter and under having a thickness of material of not less than ½ inch. All tubes and drums referred to in this paragraph shall be made from ingots or blanks drawn down to size without a seam. Water-tube boilers or generators so constructed may be used for marine purposes with none other than liquid fuel.

(f) Manufacturers furnishing steel piping or tubing for the construction of steam or water drums shall submit a certification that the material furnished conforms to the physical requirements specified in Subpart 66.35 of this subchapter.

§ 67.05–10 Computations.

(a) *Riveted cylindrical shells.* (1) The maximum allowable pressure on cylindrical shells of boilers constructed of plates inspected as required by this subchapter when single riveted, shall not produce a stress to exceed one-sixth of the tensile strength of the iron or steel plates of which such boilers are constructed; but where the longitudinal laps of the cylindrical parts of such boilers are double riveted, and the rivet holes for such boilers have been fairly drilled instead of punched, an addition of 20 percent to the maximum allowable pressure provided for single riveting shall be allowed.

(2) The maximum allowable pressure for any dimension of boilers shall be ascertained by the following rule, viz: Multiply one-sixth of the lowest tensile strength found stamped on the plates in the cylindrical shell by the thickness, expressed in inches or parts of an inch, and divide by the radius or half diameter, also expressed in inches; and the result will be the pressure allowable per square inch of surface for single riveting, to which add 20 percent where the longitudinal laps of the cylindrical parts of such boiler are double riveted, when all the rivet holes of such boiler, including steam and mud drums, have been fairly drilled and no part of such holes has been punched. The pressure allowed shall be based on the plate whose tensile strength multiplied by its thickness gives the lowest product.

(b) *Seamless or welded drums.* (1) The maximum allowable working pressure and minimum thickness of seamless or welded drums shall be computed from the following formulas:

$$P=\frac{S\times T\times E}{R\times F} \quad (1)$$

$$T=\frac{P\times R\times F}{S\times E} \quad (2)$$

where:
- P = maximum allowable working pressure, in pounds per square inch.
- T = thickness of shell in inches.
- S = minimum tensile strength of material in pounds per square inch.
- R = inside radius of shell in inches.
- F = factor of safety, which is 6.
- E = efficiency of join or ligament between tube holes, whichever is the least.

(2) Where seamless piping or tubing is used, the value of E shall equal 1, except in cases where the shell is pierced for tube holes, in which case the value of E shall equal the percentage of strength of the ligament between the tube holes as compared with the solid plate.

(3) Where reinforcing plates are used to strengthen the shell at the point where the tube enters, they shall be riveted to the shell and the value of E shall be determined in the following manner:

(i) The efficiency of the plate section or ligament between tube holes, or

(ii) The shearing strength of the rivets securing the plate to the shell, whichever value is the least.

(4) Where welded piping is used for drum shells as specified in preceding paragraphs, the value of E shall be taken at 0.7, except where the shell is pierced for tube holes and the strength of the ligament falls below 70 percent, in which case the value of E shall be the percentage of strength of the ligament between the tube holes as compared with the solid plate.

(5) Where reinforcing plates are used to strengthen the shell of such welded drums at the point where the tube enters, and the efficiency of the ligament between tube holes or the shearing strength of the rivets securing the reinforcing plate to the shell falls below 70 percent of the strength of the solid plate, the value of E shall be determined in the following manner:

(i) The efficiency of the plate section or ligament between tube holes, or

(ii) The shearing strength of the rivets securing the plate to the shell, whichever value is the least.

(c) *Water-tube or coil boilers.* (1) The maximum allowable pressure on cylindrical shells of water-tube or coil boilers, when such shells have a row or rows of pipes or tubes inserted therein, shall be determined by the following formula: *Provided,* That the pressure allowable on such shells shall also be determined by the rule for cylindrical shells of boilers constructed of inspected plates conforming to Subpart 66.10 of this subchapter, and the lower pressure allowable by the two rules shall be taken:

$$P=\frac{(D-d)\times T\times S}{D\times R} \quad (3)$$

where:
- P = maximum allowable pressure, in pounds per square inch.
- D = distance between the tube or pipe centers in a line from head to head, in inches.
- d = diameter of hole, in inches.
- T = thickness of plate, in inches.
- S = one-fourth of the tensile strength of the plate, in pounds per square inch.
- n = radius of shell, in inches.
- R = number of tube holes in a pitch.

(2) When tubes on any one row are pitched unequally, nd must be substituted in the formula (3) for d.

(3) Where rows of tubes are pitched diagonally, each diagonal ligament shall not be less than three-fifths of each longitudinal ligament.

(d) *Porcupine-type Boilers.* (1) The formula for determining the maximum allowable pressure on boilers of the so-called porcupine and similar types shall be in accordance with this paragraph.

(2) Multiply the vertical distance between the centers of the horizontal rows of tubes in inches by one-half the diameter of shell of boiler in inches, which gives the area upon which the pressure is exerted to break a diagonal ligament, then find the sectional area of the ligament at its smallest part and multiply by one-sixth the tensile strength of the material. This result divided by the area upon which the strain is exerted gives the maximum allowable pressure as follows:

$$P=\frac{STE}{CD} \quad (4)$$

where:
- P = maximum allowable pressures, in pounds per square inch.
- E = width of the ligament, in inches.
- T = thickness of the material, in inches.
- S = one-sixth of the tensile strength, in pounds per square inch.
- C = distance between vertical centers, in inches.
- D = one-half the inside diameter of the shell of central column, in inches.

Subpart 67.10—Shell Joints

§ 67.10–1 Approved types of joints.

(a) Joints of shells of boilers or other pressure vessels are classified as follows:

(1) Riveted joints, which may be either lapped or butt-strapped.

(2) Welded joints, which shall be made by the hammer-weld or other approved process.

§ 67.10–5 Workmanship.

(a) Centers or guide holes not to exceed 75 percent of the diameter of the full-size finished hole for tubes and stays may be punched. The remainder shall be cleanly cut, drilled, or reamed to full size. Holes not to exceed 4 inches in diameter in plates five-eighths of an inch thick and under may be punched to within ½ inch of the full diameter of the finished hole; the remainder shall be cleanly cut, drilled, or reamed to full size.

§ 67.10–10 Riveted joints.

(a) The diameter of rivets, rivet holes, distance between centers of rivets, and distance from centers of rivets to edge of lap for different thicknesses of plates for single and double riveting shall be determined by the rules in this section.

(b) The formulas in this section, equivalent to those of the British Board of Trade, are given for the determination of the pitch, distance between rows of rivets, diagonal pitch, maximum pitch, and distance from centers of rivets to edge of lap of single and double riveted lap joints, for both iron and steel boilers.

(c) (1) To determine the pitch for iron plates and iron rivets:

$$p=\frac{d^2\times 0.7854\ X\ n}{T}+d \quad (1)$$

(2) To determine the pitch for steel plates and steel rivets:

$$p=\frac{23\times d^2\times 0.7854\ X\ n}{23\times T}+d \quad (1a)$$

(d) To determine the distance from center of rivet to edge of lap:

$$E=\frac{3\times d}{2} \quad (2)$$

(e) To determine the distance between rows of rivets:

(1) The distance between lines of centers of rows of rivets for double, chain-riveted joints (V) shall not be less than twice the diameter of rivet, but it is more desirable that V should not be less than:

$$\frac{4d+1}{2} \quad (3)$$

(2) For ordinary, double zigzag riveted joints:

$$V=\frac{\sqrt{(11p+4d)\ (p+4d)}}{10} \quad (4)$$

(f) To determine the diagonal pitch for double, zigzag riveted lap joint; iron and steel:

$$p_d=\frac{6p+4d}{10} \quad (5)$$

(g) To determine the maximum pitches for riveted lap joints:

(1) For single-riveted lap joints:
Maximum pitch $=(1.31\times T)+1\frac{5}{8}$ (6)

(2) For double-riveted lap joints:
Maximum pitch $=(2.62\times T)+1\frac{5}{8}$ (7)

where:
- p = greatest pitch of rivets, in inches.
- n = number of rivets in one pitch.
- p_d = diagonal pitch, in inches.
- d = diameter of rivets, in inches.
- T = thickness of plate, in inches.
- V = distance between rows of rivets, in inches.
- E = distance from edge of plate to center of rivet, in inches.

(h) To determine the pitch of rivets from the formulas in this section, use the diameter and area of the rivet holes. The diameter of the rivets is the diameter of the driven rivet.

(i) Any riveted joint shall be allowed when it is constructed so as to give an equal percentage of strength to that obtained by the use of the formula given.

§ 67.10–15 Butt straps.

(a) Where butt straps are used in the construction of marine boilers, the straps for single butt strapping shall in no case be less than the thickness of the shell plates; and where double butt straps are used, the thickness of each shall in no case be less than five-eighths the thickness of the shell plates.

§ 67.10–20 Welded joints.

(a) Where welded drums are used, the joint shall be so located as not to be in contact with the products of combustion, and shall not be pierced for tube holes.

Subpart 67.15—Heads

§ 67.15–1 Definitions.

(a) *Unstayed heads.* Unstayed heads are the ends of a pressure vessel shell. They may be either flat or dished. Heads may be integral with, riveted, welded, or brazed to the shell.

(b) *Unstayed flat heads.* Unstayed flat heads may be used to close shells as permitted by the regulations in this subchapter.

(c) *Dished heads.* Dished heads may be of circular or elliptical section and may be attached to the shell so that the pressure will be either on the concave or on the convex surface.

(d) *Stayed heads.* Stayed heads are heads supported in whole or in part by stays, furnaces, flues, tubes, etc.

§ 67.15–5 Materials and workmanship.

(a) Material used in the construction of all bumped heads shall possess the physical and chemical qualities prescribed by the Commandant for all plates subject to tensile strain, as required by R.S. 4430 (46 U.S.C. 408).

(b) To avoid grooving the flanging shall be well rounded at the bend.

(c) Bumped heads may contain a manhole opening flanged inwardly, when such flange is turned to a depth of three times the thickness of material in the head.

(d) All drums attached to coil, pipe, sectional, or water-tube boilers not already in use or actually contracted for, to be built for use on a steam vessel, and their building commenced at or before the date of this rule, shall be required to have the heads of wrought iron or steel or cast steel flanged and substantially riveted to the drums or secured by bolts and nuts of equal strength with rivets, in all cases where the diameters of such drums exceed 6 inches.

(e) Drums and water cylinders constructed with a bumped head at each or either end, any opening in the shell or heads to be reinforced as required by the rules of the Commandant, the circumferential and horizontal seams to be welded and properly annealed after such welding is completed, and when tested with a hydrostatic pressure of at least double the amount of the steam pressure allowed may be used for marine purposes.

§ 67.15–10 Computations.

(a) *Convex heads.* All plates used as heads, when new and made to practically true circles, and as described below, shall be allowed a maximum pressure in accordance with the following formula:

$$P=\frac{T\times S}{R} \quad (1)$$

where:
- P = Maximum allowable pressure, in pounds per square inch.
- T = thickness of plate, in inches.
- S = one-fifth of the tensile strength, in pounds per square inch.
- R = one-half of the radius to which the head is bumped, in inches.

(b) *Concave heads.* For concave heads the pressure allowable shall be eight-tenths times the pressure allowable for convex heads.

NOTE: To find the radius of a sphere of which the bumped head forms a part, square the radius of head, divide this by the height of bump required; to the result add height of bump, which will equal diameter of sphere, one-half of which will be the required radius.

(c) *Flat heads of wrought-iron or steel plate.* (1) Where flat heads do not exceed 20 inches in diameter they may be used without being stayed, and the maximum pressure allowable shall be determined by the following formula: *Provided,* That flanges are made to an inside radius of at least 1½ inches:

$$P=\frac{C\times T^2}{A} \quad (2)$$

where:
- P = maximum allowable pressure, in pounds per square inch.
- T = thickness of material in sixteenths of an inch.
- A = one-half the area of head, in square inches.
- C = 112 for plates seven-sixteenths of an inch and under.
- C = 120 for plates over seven-sixteenths of an inch.

(d) *Requirements for heads (applicable only to rivers).* (1) All heads employed in the construction of cylindrical externally fired boilers for steamers navigating the Red River of the North and rivers whose waters flow into the Gulf of Mexico shall have a thickness of material as follows:

(i) Over 32 inches and not over 36 inches, not less than ½ inch.

(ii) Over 36 inches and not over 40 inches, not less than $\frac{9}{16}$ inch.

(iii) Over 40 inches and not over 48 inches, not less than ⅝ inch.

(iv) Over 48 inches, not less than ¾ inch.

(2) The heads of steam and mud drums of such boilers shall have a thickness of material of not less than half an inch.

Subpart 67.20—Openings and Reinforcements

§ 67.20–1 Material.

(a) The cover plates for manholes and handholes should be of steel conforming to the specifications and requirements for steel plates.

(b) Cast steel may also be used in the construction of manhole and handhole plates.

§ 67.20–5 Manhole openings.

(a) Manhole openings in front head of externally fired boilers under the flues, as required by R.S. 4434 (46 U.S.C. 412), shall be of dimensions of not less than 8 by 12 inches in the clear. Applicable to steamers navigating rivers only.

(b) All boilers built on and after August 1, 1914, shall have a manhole opening above the flues or tubes of not less than 10 by 16 inches, 11 by 15 inches, or of an equal area, in the clear, and shall have such other manhole openings in other parts of the boiler as may be required by the Officer in Charge, Marine Inspection, when considering blueprints or tracings submitted to him for approval of sufficient dimensions to allow easy access to the interior of the boiler for the purpose of inspection and examination.

§ 67.20–10 Reinforced openings.

(a) When holes exceeding 6 inches in diameter are cut in boilers for pipe connections, manhole and handhole plates, such holes shall be reinforced, either on the inside or outside of boiler, with reinforcing wrought-iron steel rings, which shall be securely riveted or properly fastened to the boiler, such reinforcing material to be rings of sufficient width and thickness of material to fully compensate for the amount of material cut from such boilers, in flat surfaces; and where such opening is made in the circumferential plates of such boilers, the reinforcing ring shall have a sectional area equal to at least one-half of the sectional area of the opening parallel with the longitudinal seams of such portion of the boiler. On boilers carrying 75 pounds or less steam pressure a cast-iron stop valve, properly flanged, may be used as reinforcement to such opening. When holes are cut in any flat surface of such boilers and such holes are flanged inwardly to a depth of not less than 1½ inches, measuring from the outer surface, the reinforcement rings may be dispensed with.

(b) When reinforcing rings as described above are made of wrought-iron or steel, the material shall not be required to be tested.

(c) Seamless forged steel nozzles may be used for reinforcing holes cut in boilers when the amount of material in the flange of the saddle that is secured to the boiler is equal to the amount of material removed from the boiler.

(d) No connection between shell of boiler and mud drum shall exceed 9 inches in diameter and the flange of the mud-drum leg shall consist of an equal amount of material to that cut out of the shell of boiler.

Subpart 67.25—Stays and Stayed Surfaces

§ 67.25–1 Definitions.

(a) *Through stay.* Through stay is a solid bar extended through both heads of a boiler and threaded at the ends for attachment by means of nuts. With this type of stay the ends are usually upset to compensate for the threading. (See Figure 67.25–1(a).)

(b) *Solid staybolt.* Solid staybolt is a threaded bar screwed through the plates, the ends being riveted over or fitted with nuts or welded collars. (See Figure 67.25–1 (b).)

(c) *Hollow staybolt.* Hollow staybolt is a hollow threaded bar screwed through the plates, the ends being riveted over or fitted with nuts or welded collars. (See Figure 67.25–1 (c).)

(d) *Flexible staybolt.* Flexible staybolt is a bar made with ball-and-socket joint on one end, the cup of the socket being screwed into the outside sheet and covered with a removable cap, the plain end of the staybolt being threaded, screwed through the inside sheet and riveted over. (See Figure 67.25–1 (d).)

(e) *Sling stay.* Sling stay is a flexible stay consisting of a solid bar having one or both ends forged for a pin connection to a crowfoot or other structural fitting secured to the stayed plate. (See Figure 67.25–1 (e).)

(f) *Crowfoot.* Crowfoot is a forged fitting with palms or lugs secured to the head to form a proper connection with a sling stay. (See Figure 67.25–1 (f).)

(g) *Crowfoot stay.* Crowfoot stay is a solid bar stay terminating in a forged fork with palms or lugs for attachment to the plate. (See Figure 67.25–1 (g).)

(h) *Diagonal stay.* Diagonal stay is a bar or formed plate forged with palms or lugs for staying the head of the boiler to the shell diagonally. (See Figure 67.25–1 (h).)

(i) *Gusset stay.* Gusset stay is a triangular plate used for the same purpose as a diagonal stay and attached to the head and the shell by angles, flanges, or other suitable means of attachment. (See Figure 67.25–1 (i).)

(j) *Dog stay.* Dog stay is a staybolt, one end of which extends through a girder, dog, or bridge, and is secured by a nut, the other end being screwed through the plate which it is supporting and riveted over or fitted with a nut or welded collar. (See Figure 67.25–1 (j).)

(k) *Girder.* Girder is a bridge, built up of plates or structural shapes separated by distance pieces, a forging, of a formed plate, which spans an area requiring support abutting thereon and supporting the girder stays or staybolts. (See Figure 67.25–1 (k).)

(l) *Welded collar.* Welded collar is a beveled ring formed around the end of a screw stay by means of arc or gas welding. It is used in lieu of a nut. (See Figure 67.25–1 (l).)

(m) *Reinforcement.* Reinforcement is a doubling plate, washer, structural shape, or other form for stiffening or strengthening a plate.

(n) *Stay tube.* Stay tube is a thick-walled tube used in fire-tube boilers to stay the tube sheets.

(o) *Telltale hole.* Telltale hole is a small hole having a diameter not less than 3/16 inch drilled in the center of a solid stay and extending to at least ½ inch beyond the inside surface of the sheet.

(p) *Stayed surfaces.* Surfaces to be stayed or reinforced include the following:

(1) Flat plates, heads, or areas thereof, such as segments of heads, wrapper sheets, furnace plates, side sheets, combustion chamber tops, etc., which are not self-supporting.

(2) Curved plates constituting the whole or parts of a cylinder subject to external pressure which are not entirely self-supporting.

§ 67.25–5 Materials and workmanship.

(a) All steel bars to be used as stays or braces in marine boilers and allowed a stress of 7,000, 8,000, or 9,000 pounds per square inch shall be tested by inspectors at the mills where the material is manufactured in compliance with Subpart 66.15 of this subchapter.

(b) Stay bolts and stays made of the best quality of refined wrought iron may be welded. The lengthening of steel stays by welding shall not be allowed.

(c) All screw stay bolts shall be drilled at the ends with a three-sixteenths-inch hole to at least a depth of one-half inch beyond the inside surface of the sheet. Stays through laps or butt straps may be drilled with larger hole to a depth so that the inner end of said larger hole shall not be nearer than the thickness of the boiler plates from the inner surface of the boiler. Hollow-rolled screw stay bolts may be used.

(d) Flexible stay bolts that are made with a ball in socket on one end, the socket screwed into the outside sheet and covered with a removable cap and bolt screwed into the inside sheet and riveted over, may be used for staying flat surfaces without being drilled with a telltale hole.

(e) Holes for screw stays shall be tapped fair and true, and full thread.

(f) The ends of stays which are upset to include the depth of thread shall be thoroughly annealed after being upset.

§ 67.25–10 Stays.

(a) The maximum allowable pressure for stays used in the construction of marine boilers where same are accurately fitted normal to supported surfaces and

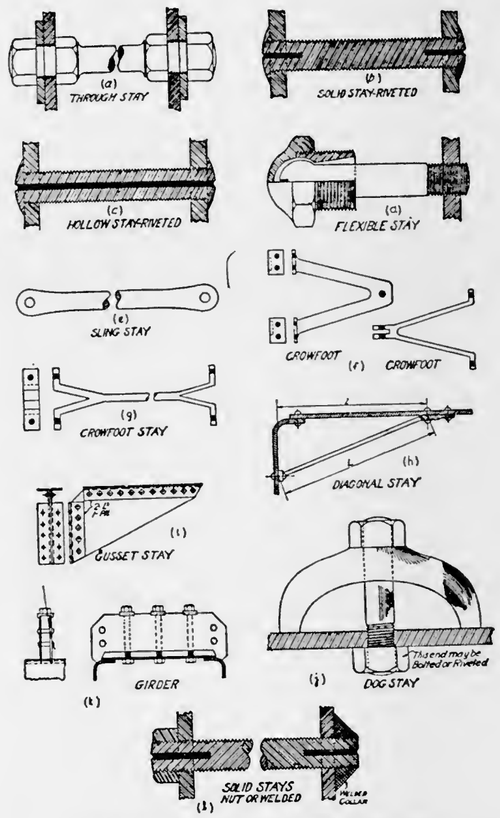


FIGURE 67.25–1—Acceptable types of boiler stays.

properly secured shall be ascertained by the following formula:

$$P=\frac{A\times C}{a} \quad (1)$$

where:

P=maximum allowable pressure, in pounds per square inches.
A=least cross-sectional area of stay, in square inches.
a=area of surface supported by one stay, in square inches.
C=a constant.
C=9,000 for tested steel stays 1 inch and upward in diameter when such stays are not forged or welded. The ends may be upset to a sufficient diameter to allow for the depth of the thread. The diameter shall be taken at the bottom of the thread, provided it is the least diameter of the stay. All such stays after being upset shall be thoroughly annealed.
C=8,000 for a tested Huston or similar type of brace, the cross-sectional area of which exceeds 5 square inches.
C=7,000 for such tested braces when the cross-sectional area is not less than 1.227 and not more than 5 square inches, provided such braces are prepared at one heat from a solid piece of plate without welds.
C=7,500 for wrought-iron stays 1 inch and upward in diameter when made of the best quality of refined iron. The ends may be upset to allow for the depth of the thread. The diameter shall be taken at the bottom of the thread, provided it is the least diameter of the stay. Such stays may be welded.
C=6,000 for welded crowfoot stays when made of best quality of refined wrought-iron, and for all stays not otherwise provided for when made of the best quality of refined iron or of steel without welds.

(b) The required cross-sectional area of a diagonal or gusset stay shall be determined by the following formula:

$$A=\frac{a\times L}{l} \quad (2)$$

where:

A=sectional area of diagonal stay, in square inches.
a=sectional area of direct stay, in square inches.
L=length of diagonal stay, in inches.
l=length of line drawn at right angles to boiler head or surface supported to center of palm of diagonal stay, in inches.

(c) When sling stays are connected by pins to angles secured to shell (see Figures 67.30–10(d) (1) and (2)), said angles shall be of sufficient depth to resist shear. Section to resist shear shall be determined by the following formulas:

$$A=D\times 2T \quad (3)$$

$$D=\frac{A}{2T} \quad (4)$$

where:

A=sectional area of pin, in square inches.
D=depth from edge of pinhole to end of leg in inches.
$2T$=thickness of two angles, in inches.

(d) Minimum diameter of rivets shall be found as follows:

Minimum diameter=

$$\sqrt{\frac{\text{load}}{0.7854\times 12{,}000\times N}} \quad (5)$$

where:

N=number of rivets. Rivets shall be staggered in each leaf.

(e) The sectional area of gusset stays, when constructed of triangular right-handed web plates secured to single or double angle bars along the two sides at right angles, shall be determined by formula for diagonal stays, and shall be not less than 10 percent greater than would be necessary for a diagonal bolt stay.

(f) The diameter of a screw stay shall be taken at the bottom of the thread, provided it is the least diameter of the stay.

(g) For all stays the least sectional area shall be taken in calculating the stress allowable.

(h) The sectional area of pins to resist double shear and bending, accurately fitted and secured in crowfeet, sling, and similar stays, shall be at least equal to eight-tenths of the required sectional area of the brace. Breadth across each side and depth to crown of eye shall be not less than 0.35 of diameter of pin. In order to compensate for inaccurate distribution the forks shall be proportioned to support two-thirds of the load, thickness of forks to be not less than 0.66 of the diameter of pin.

(i) The combined sectional area of rivets used in securing tee irons and crowfeet to shell, said rivets being in tension, shall be not less than the required sectional area of brace. To insure a well-proportioned rivet point, rivets shall be of sufficient length to completely fill the rivet holes and form a head equal in strength to the body of the rivet. All rivet holes shall be drilled. Distance from center of rivet hole to edge of tee irons, crowfeet, and similar fastenings shall be so proportioned that the net sectional areas through sides at rivet holes shall equal the required rivet section. Rivet holes shall be slightly countersunk in order to form a fillet at point and head.

§ 67.25–15 **Stayed surfaces.**

(a) All stayed surfaces formed to a curve the radius of which is over 21 inches, excepting surfaces otherwise provided for, shall be deemed flat surfaces.

(b) (1) The maximum allowable pressure on flat plates supported by stays shall be determined by the following formula:

$$P=\frac{C\times T^2}{p^2} \qquad (1)$$

(2) When pitches of stays are unequal, $\frac{A^2+B^2}{2}$ is to be taken instead of p^2.

where:

P=maximum allowable pressure, in pounds per square inch.
p=pitch of stays when equal space in both directions, in inches.
B=distance between two rows of stays, in inches.
T=thickness of plates in sixteenths of an inch.
C=112 for screw stays with riveted heads, plates 7/16 inch thick and under.
C=120 for screw stays with riveted heads, plates above 7/16 inch thick.
C=120 for screw stays with nuts, plates 7/16 inch thick and under.
C=125 for screw stays with nuts, plates 7/16 inch thick and under 9/16 inch.
C=135 for screw stays with nuts, plates, 9/16 inch thick and above.
C=160 for stays with washers or doubling strips which have a thickness of at least 0.5 of the thickness of the plate and a diameter of at least 0.5 of the greatest pitch of the stay, riveted to the outside of the plates, and stays having one nut inside of the plate and one nut outside of the washer or doubling strip. For T take 72 percent of the combined thickness of the plate and washer or plate and doubling strip.
C=175 for stays with double nuts, having one nut on the inside and one nut on the outside of the plate, without washers or doubling plates.
C=200 for stays fitted with doubling plates which have a thickness equal to at least 0.5 of the thickness of the plate reinforced, and covering the full area braced (up to the curvature of the flange, if any), riveted to either the inside or outside of the plate, and stays having one nut outside and one inside of the plates. Washers or doubling plates to be substantially riveted. For T take 72 percent of the combined thickness of the two plates.
C=200 for stays with plates stiffened with tees or angle bars having a thickness of at least two-thirds the thickness of plate and depth of webs at least one-fourth of the greatest pitch of the stays, and substantially riveted on the inside of the plates, and stays having one nut inside bearing on washers fitted to the edges of the webs that are at right angles to the plate. For T take 72 percent of the combined thickness of web and plate.

Subpart 67.30—Combustion Chambers and Tube Sheets of Fire-Tube Boilers

§ 67.30–1 **Definitions.**

(a) *Combustion chamber.* Combustion chamber, within the meaning of this section, is that part of an internally-fired boiler in which combustible gases may be burned after leaving the furnace.

(b) *Separate combustion chamber.* Separate combustion chamber is a combustion chamber which is connected to one furnace only.

(c) *Common combustion chamber.* Common combustion chamber is a combustion chamber connected to two or more furnaces in a boiler.

(d) *Crown or top plate.* Crown or top plate is the top of a combustion chamber and is usually supported by girder stays or by sling stays or braces.

(e) *Wrapper sheet.* Wrapper sheet is the side plate of any type of combustion chamber and also the bottom plate of a common combustion chamber.

(f) *Curved bottom plate.* Curved bottom plate is the bottom of a separate combustion chamber formed to an arc of a circle and usually designed to be self-supporting.

(g) *Combustion chamber tube sheet.* Combustion chamber tube sheet is the plate, forming the end of a combustion chamber in which the tubes are secured.

(h) *Combustion chamber back sheet.* Combustion chamber back sheet is the plate opposite the tube sheet forming the back of the combustion chamber. It is usually stayed to the back head of the boiler by means of screw stays, or, in the case of double-ended boilers, to the back of the combustion chamber of the other end of the boiler.

(i) *Structural stiffeners.* Structural stiffeners are rolled shapes or flanged plates which are used to stiffen a surface which is not entirely self-supporting.

§ 67.30–5 **Materials.**

All plates forming parts of combustion chambers of fireboxes shall conform to the general specifications for the shell plates.

§ 67.30–10 **Computations.**

(a) *Curved bottom plate with reinforcement.* (1) Where rounded bottoms of combustion chambers are stiffened with single angle-iron stiffeners, such angles shall have a thickness of leaf eight-tenths that of the plate and a depth of at least one-half pitch. Where stiffened with double angle irons or tee bars, such angles or tee bars shall have a thickness of leaf at least two-thirds that of plate and a depth of at least one-fourth of pitch. Said angles or tee bars shall be substantially riveted to the plate supported. Where the bottom of combustion chambers are strengthened by angles or tee irons, the same shall be on the water side of the combustion chambers, as shown in in the sketches in this section.

(2) Where rounded tops of combustion chambers are stiffened with single or double angle-iron stiffeners or tee bars, such angles or tee bars shall be of thickness and depth of leaf not less than specified for rounded bottoms of combustion chambers. Said angles or tee bars shall be supported on thimbles and riveted through with rivets not less than 1 inch in diameter and spaced not to exceed 6 inches between centers.

(3) Maximum allowable pressure on rounded surfaces supported by angle-irons or tee bars shall be determined by the following formula:

$$P=\frac{900\times T^2}{p\times D} \qquad (1)$$

where:

P=maximum allowable pressure, in pounds per square inch.
T=thickness of plate in sixteenths of an inch.
p=pitch of angle or tee stiffeners, in inches.
D=diameter of curve to which plate is bent, in inches.

(b) *Curved bottom plate without reinforcement.* The maximum allowable pressure and the minimum thickness of round bottom of combustion chambers, angles being omitted, shall be computed by the following formulas:

$$P=\frac{50(300T-2L)}{D} \qquad (2)$$

$$T=\frac{P\times D+100L}{15{,}000} \qquad (3)$$

where:

P=maximum allowable pressure, in pounds per square inch.
T=thickness of bottom plate of combustion chamber, in inches.
L=extreme length of plate forming bottom of combustion chamber, in inches.
D=twice outside radius of bottom of combustion chamber, in inches.

(c) *Tube sheets.* (1) Maximum allowable pressure on tube sheets where combustion chambers are not suspended from the shell of the boiler shall be determined by the following formula:

$$P=\frac{(D-d)\,T\times 27{,}000}{W\times D} \qquad (4)$$

where:

P=maximum allowable pressure, in pounds per square inches.
D=least horizontal distance between tube centers, in inches.
d=inside diameter of tubes, in inches.
T=thickness of tube plate, in inches.
W=extreme width of combustion chamber, in inches.

(2) The compressive stress on tube plates, as determined by the following formula, shall not exceed 13,500 pounds per square inch, when pressure on top of combustion chamber is supported by vertical plates of such chamber.

$$S=\frac{P\times D\times W}{2(D-d)\,T} \qquad (5)$$

where:

S=compressive stress on tube sheet, in pounds per square inch.
P=maximum allowable pressure, in pounds per square inch.
D=least horizontal distance between tube centers, in inches.
d=inside diameter of tube, in inches.
W=extreme width of combustion chamber, in inches.
T=thickness of tube sheet, in inches.

(d) *Girders or crown bars.* (1) The maximum allowable pressure for girders or crown bars supporting the tops of

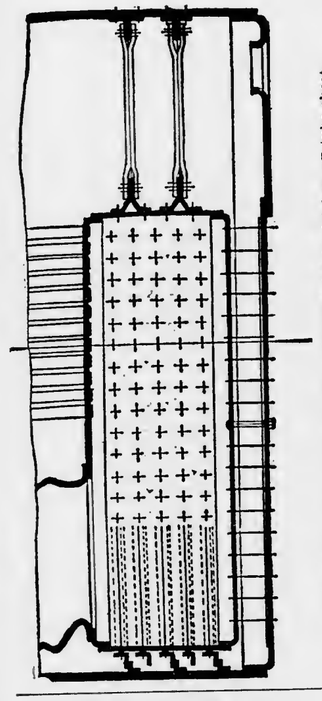


FIGURE 67.30–10 (d3)—Nearly whole compressive load taken off tube sheet.

Top hanging stays take full compressive load off tube sheet and backplate, except that half the load on unsupported portions marked B beyond stays will be taken by the tube sheet and backplate, respectively, and the other half by the last stays.
The bottom stays, whether of screw stays or girders of plates and angles, must be of the same sectional area as the top braces, and no boiler should be built having top stays as shown without having the bottom stays of equal strength.

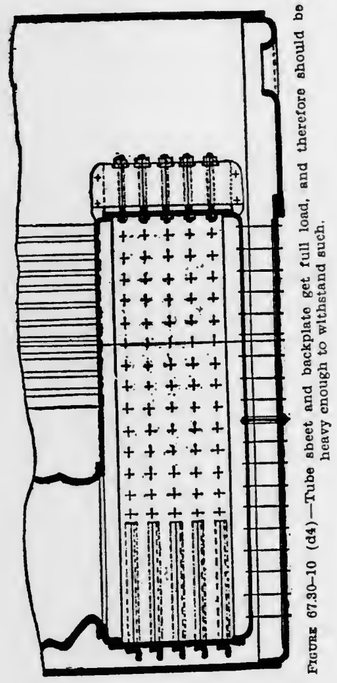


FIGURE 67.30–10 (d4)—Tube sheet and backplate get full load, and therefore should be heavy enough to withstand such.

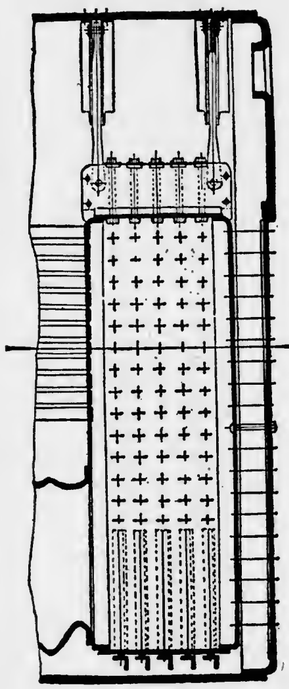


FIGURE 67.30–10 (d1)—Full load on tube sheet and backplate.

Diameter of hangers should be sufficient to carry the weight of combustion chamber and one-half the tubes and furnaces when no water is in boiler. No effect of buoyancy is considered.
These remarks are for separate combustion chambers when they are not secured to the shell at the bottom and therefore liable to bend the small screw stays.
In this case the tube sheet and backplate get the full compressive load in a similar manner to a boiler without hanging stays.

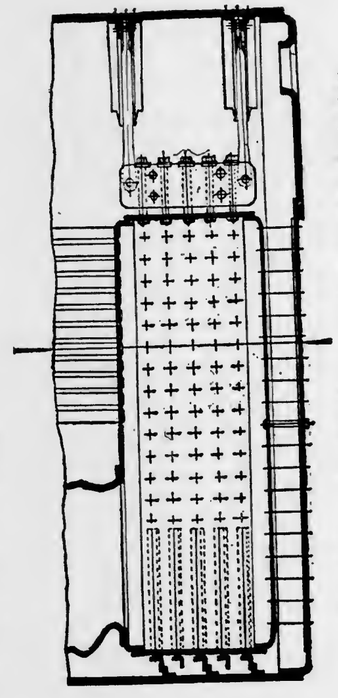


FIGURE 67.30–10 (d2)—Nearly whole compressive load taken off tube sheet.

Top hanging stays take full compressive load off tube sheet and backplate, except that half the load on unsupported portions marked B beyond stays will be taken by the tube sheet and backplate, respectively, and the other half by the last stays.
The thickness of tube sheet and backplate may be materially reduced from what would be required when tube sheet and backplate take full compressive load, providing that combustion chamber is well stayed to take full load at the bottom by screw stays or girders of plates and angles.

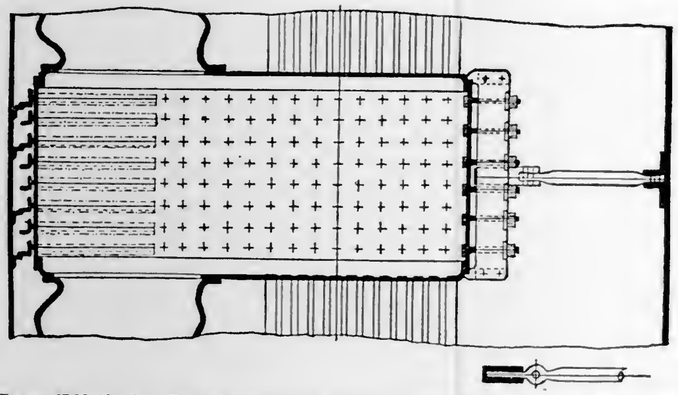


FIGURE 67.30-10 (d5)—Tube sheets each take part of compressive load, the hanging stays taking care of the other part.

The bottom stays, whether of screw stays or girders of plates and angles, must be of the same sectional area as the top braces.

In this case the thickness of the tube sheets may be materially reduced from what would be required when tube sheets together take full compressive load.

combustion chambers shall be determined by the following formula:

$$P=\frac{C\times d^2\times T}{(W-p)\times D\times L} \quad (6)$$

where:
- P=maximum allowable pressure, in pounds per square inch.
- W=extreme width of combustion box, in inches.
- p=pitch of supporting bolts, in inches.
- D=distance between girders from center to center, in inches.
- L=length of girder in feet between supports.
- d=depth of girder, in inches.
- T=thickness of girder, in inches.
- C=550 when the girder is fitted with 1 supporting bolt.
- C=825 when the girder is fitted with 2 or 3 supporting bolts.
- C=917 when the girder is fitted with 4 or 5 supporting bolts.
- C=963 when the girder is fitted with 6 or 7 supporting bolts.
- C=990 when the girder is fitted with 8 or more supporting bolts.

(2) Sling stays may be used in lieu of girders in all cases: *Provided, however,* That when such sling stays are used, girders or screw stays of the same sectional area shall be used for securing the bottom of combustion chamber to the boiler shell.

(3) When girders are dispensed with and the top and bottom of combustion chambers are secured by sling stays or braces, the sectional area of such stays shall conform with the requirements of § 67.25-10.

(4) The following drawings show an excellent practice of constructing combustion chambers with and without sling stays.

Subpart 67.35—Furnaces and Flues

§ 67.35-1 Definitions.

(a) *Furnace.* Furnace, within the meaning of this subpart, is a firebox or a large flue in which the fuel is burned.

(b) *Corrugated furnace.* Corrugated furnace is a cylindrical shell wherein corrugations are formed circumferentially for additional strength and to provide for expansion. (See Figures 67.35-1 (b1), 67.35-1 (b2), 67.35-1 (b3), 67.35-1 (b4), 67.35-1 (b5).)

(c) *Purves ribbed furnace.* Purves ribbed furnace is a cylindrical shell in which ribs or projections are formed circumferentially to provide additional strength. (See Figure 67.35-1 (c).)

(d) *Adamson ring furnace.* Adamson ring furnace is a cylindrical shell made in short sections, the ends of the sections being flanged and riveted together through a reinforcing ring. (See Figure 67.35-1 (d).)

(e) *Plain furnace.* Plain furnace is a cylindrical shell usually made in sections united by means of riveted joints. (See Figure 67.35-1 (e).)

(f) *Flues.* Flues are cylindrical shells made of seamless or welded tubing, or with a riveted longitudinal joint, the ends being attached by rivets. Their purpose is to provide additional heating surface and to form a path for the products of combustion. (See Figure 67.35-1 (e).)



FIGURE 67.35-1 (b1)—Leeds suspension bulb furnace.



FIGURE 67.35-1 (b2)—Morison furnace.

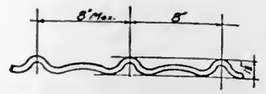


FIGURE 67.35-1 (b3)—Deighton furnace.



FIGURE 67.35-1 (b4)—Fox furnace.



FIGURE 67.35-1 (b5)—Brown furnace.

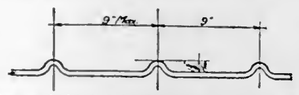


FIGURE 67.35-1 (c)—Purves ribbed furnace.

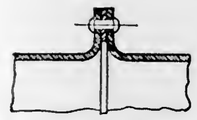


FIGURE 67.35-1 (d)—Adamson ring furnace.

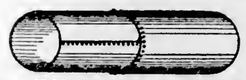


FIGURE 67.35-1 (e)—Circular riveted flue.

§ 67.35-5 Materials.

(a) All furnaces and flues shall be constructed of steel plates conforming to the requirements of Subpart 66.10 of this subchapter.

(b) The tensile strength of steel used in the construction of corrugated or ribbed furnaces shall not exceed 67,000 p. s. i. and be not less than 54,000 p. s. i.; and in all other furnaces the minimum tensile strength shall not be less than 58,000 p. s. i. and the maximum not more than 67,000 p. s. i. The minimum elongation in 8 inches shall be 20 percent.

§ 67.35-10 Computations.

(a) *Corrugated or ribbed furnaces.* All corrugated furnaces having plain parts at the ends not exceeding 9 inches in length (except flues especially provided for), when new, and made to practically true circles, shall be allowed a maximum pressure in accordance with the following formula:

$$P=\frac{C\times T}{D} \quad (1)$$

where:
- P=maximum allowable pressure in pounds per square inch.
- T=thickness in inches, not less than five-sixteenths of an inch.
- D=mean diameter, in inches.
- C=Constant, as follows:

C=17,300, determined from an actual destructive test under the supervision of the Commandant, when corrugations are not more than 8 inches from center to center and not less than 2¼ inches deep, for Leeds Suspension bulb furnace.

C=determined from an actual destructive test under the supervision of the Commandant, when corrugations are not more than 8 inches from center to center and the radius of the outer corrugations is not more than one half of the suspension curve, for Morison furnace. [In calculating the mean diameter of the Morison furnace, the least inside diameter plus 2 inches may be taken as the mean diameter.]

C=15,600 when corrugations are not more than 8 inches from center to center and not less than 1½ inches deep, for Deighton furnace.

C=14,000, when corrugations are not more than 8 inches from center to center and not less than 1½ inches deep, for Fox furnace.

C=14,000, when rib projections are not more than 9 inches from center to center and not less than 1⅜ inches deep, for Purves furnace. [In calculating the allowable pressure for a Purves furnace, the thickness shall be not less than seven-sixteenths, and D shall be taken as the least outside diameter.]

C=14,000, determined from an actual destructive test under the supervision of the Commandant, when corrugations are not more than 9 inches from center to center and not less than 1⅝ inches deep, from Brown furnace. [In calculating the allowable pressure for Brown furnace D shall be taken as the least outside diameter.]

(b) *Corrugated furnaces having sections 18 inches long.* When furnaces are corrugated by sections not more than 18 inches from center to center, the maximum allowable pressure shall be in accordance with the following formula:

$$P=\frac{C\times T}{D} \quad (2)$$

where:
- P=maximum allowable pressure, in pounds per square inch.
- T=thickness in inches, not less than seven-sixteenths.
- D=mean diameter, in inches.
- C=10,000, a constant, when corrugated by sections not more than 18 inches from center to center and not less than 2½ inches deep, measuring from the least inside to the greatest outside diameter of the corrugations and having the ends fitted one into the other and substantially riveted together: *Provided,* That the plain parts at the ends do not exceed 12 inches in length.

(c) *Adamson furnace.* The maximum allowable pressure for Adamson furnaces made in sections of not less than 18 inches in length shall be determined by the following formula:

$$P=\frac{57.6}{D}[(18.75\times T)-1.03\times L)] \quad (3)$$

where:
- P=maximum allowable pressure, in pounds per square inch.
- D=outside diameter of furnace, in inches.
- L=length of section, in inches.
- T=thickness of plate, in sixteenths of an inch.

(d) *Spherical-top furnaces.* The minimum thickness and maximum allowable pressure of furnaces of 20 inches in diameter and over, when tops are portions of spheres and made in one plate, shall be determined by the following formula:

$$T=\frac{P\times R}{10,000}+0.12 \quad (4)$$

$$P=\frac{(T-0.12)\times 10,000}{R} \quad (5)$$

where:
- P=maximum allowable pressure, in pounds per square inch.
- T=thickness of plate when constructed of one plate, in inches.
- R=radius of curvature, in inches.
- E=efficiency riveted joint when end of furnace is constructed of more than one plate, the thickness will be T/E.

(e) *Plain circular riveted flues, furnaces, and cone tops.* (1) The maximum allowable pressure of cylindrical riveted flues and furnaces made in sections of not less than 18 inches in length fitted one into the other and substantially riveted, combustion chambers for vertical submerged tubular boilers in the shape of a frustum of a cone, constructed to a practically true circle, shall be the following formula:

$$P=\frac{51.5}{D}[(18.75\times T)-(1.03\times L)] \quad (6)$$

where:
- P=maximum allowable pressure, in pounds per square inch.
- D=outside diameter of furnaces, or outside mean diameter of cone top, in inches.
- L=length of section or flue, in inches.
- T=thickness of furnace or cone top, in sixteenths of an inch, not to be less than five-sixteenths of an inch.

(2) When diameter of plain furnaces and flues used in vertical type of boilers or mean diameter of cone tops exceed 42 inches, they shall be deemed a flat surface and must be stayed in accordance with rules governing flat surfaces. If a greater working pressure than given by formula is desired for mean diameters under 42 inches, the flues or cone tops shall be substantially stayed for such additional pressure.

(f) *Plain, lapwelded steel flues, 7 to 18 inches in diameter.* (1) Maximum allowable pressures and corresponding minimum thickness of wall for long, plain, lapwelded and seamless steel flues 7 to 18 inches diameter, subjected to external pressure only, shall be determined by the Table 67.35-10 (f) and formula (7).

TABLE 67.35-10 (f)

Outside diameter of flue	Maximum allowable pressure, in pounds per square inch						
	100	120	140	160	180	200	220
	Thickness of flue in inches. Safety factor, 5						
Inches:							
7	0.152	0.160	0.168	0.177	0.185	0.193	0.201
8	.174	.183	.193	.202	.212	.220	.229
9	.196	.206	.217	.227	.237	.248	.258
10	.218	.229	.241	.252	.264	.275	.287
11	.239	.252	.265	.277	.290	.303	.316
12	.261	.275	.289	.303	.317	.330	.344
13	.283	.298	.313	.328	.343	.358	.373
14	.301	.320	.337	.353	.369	.385	.402
15	.323	.343	.361	.378	.396	.413	.430
16	.344	.366	.385	.404	.422	.440	.459
17	.366	.389	.409	.429	.448	.468	.488
18	.387	.412	.433	.454	.475	.496	.516

(2) Thickness in Table 67.35-10 (f) were calculated by formula:

$$T=\frac{[(F\times P)+1,386]\ D}{86,670} \quad (7)$$

where:
- D=outside diameter of flue, in inches.
- T=thickness of wall, in inches.
- P=maximum allowable pressure, in pounds per square inch.
- F=factor of safety.

(3) This formula (7) is applicable to lengths greater than six diameters of flue, to pressures greater than 100 pounds, to outside diameters of from 7 to 18 inches, and to temperatures less than 650° F.

(4) The maximum allowable pressure shall be determined by the following formula:

$$P=\frac{(T\times 86,670)-(1,386\times D)}{D\times F} \quad (8)$$

where:
- P=maximum allowable pressure, in pounds per square inch.
- D=outside diameter of flue, in inches.
- T=thickness of wall, in inches.
- F=factor of safety.

(g) *Riveted flues over 6 and not over 18 inches in diameter, made in sections, and subjected to external pressure only.* The maximum allowable pressure on riveted flues constructed of plates made in sections, not less than 24 inches in length, over 6 and not exceeding 18 inches in diameter, shall be determined by the following formula:

$$P=\frac{8,100\times T}{D} \quad (9)$$

where:
- P=maximum allowable pressure, in in pounds per square inch.
- T=thickness in inches, minimum thickness not less than 0.25 inch.
- D=outside diameter, in inches.

(h) *Riveted, seamless, or lapwelded flues over 18 and not over 28 inches in diameter, made in sections, and subjected to external pressure only.* The maximum allowable pressure on riveted, seamless, or lapwelded flues over 18 inches in diameter up to and including 28 inches in diameter, made in sections not less than 24 inches in length, effi-

ciently riveted together, sections not to exceed 3½ times the diameter of the flue, when subjected to external pressure only, shall be determined by the following formula:

$$P=\frac{51.5}{D}[(18.75\times T)-(L\times 1.03)] \quad (6)$$

where:

P=maximum allowable pressure, in pounds per square inch.
D=outside diameter of flue, in inches.
L=length of flue in inches, not to exceed 3½ diameters of flue.
T=thickness of wall, in sixteenths of an inch.

(i) *Steam chimneys.* (1) When steam chimneys constructed of flues subject to external pressure have a thickness of not less than seven-sixteenths of an inch, and the flue is heated only with the waste gases, and the temperature does not exceed 600 degrees F., the maximum allowable pressure shall be determined by the rules for plain furnaces or flues, corrugated furnaces, and Adamson type.

(2) When flues are strengthened with tee irons, angle irons, or bowling rings the pressure shall be determined by formula for plain furnace flues. When angle or tee bars are used they shall have a thickness of leaf of at least two-thirds that of plate and a depth of at least one-fourth of pitch. Said tee bars shall be substantially riveted to flue. All rivet holes in tees shall be drilled, holes shall be staggered, distance from center of rivet holes to edge of tees shall be not less than 1.5 times diameter of rivet holes, and percentage of plate section shall be not less than rivet section. Bowling rings may be used, as they increase the strength and provide for expansion of flue. For all boilers carrying a steam pressure of over 60 pounds and not over 100 pounds per square inch the flue may be braced with socket bolts in lieu of tee rings. Such bolts shall have heads and the ends shall be threaded for nuts, with plate washers or equivalent on the inside of flue. Pitch of stays and bolts and the maximum stress in pounds allowable per square inch of cross-sectional area for stays and bolts shall be determined by Subpart 67.25.

(3) If a greater allowable stress is desired on flues than that permitted by the formula for flues strengthened with bowling rings or tee irons, the flue may be braced to shell and may be deemed a flat surface, and shall be stayed in strict accordance with the rules for stays.

§ 67.35–15 Detail requirements.

(a) The thickness of corrugated and ribbed furnaces shall be ascertained by actual measurement. The manufacturer shall have said furnaces drilled for a three-eighths inch pipe tap and fitted with a screw plug that can be removed by the inspector when taking this measurement. For the Brown and Purves furnaces the holes shall be in the center of the second flat; for the Morison, Fox, and other similar types, in the center of the top corrugation, at least as far in as the fourth corrugation from the end of the furnace.

(b) (1) When plain horizontal flues are made in sections not less than 18 inches in length, and not less than five-sixteenths of an inch thick, and flanged to a depth of not less than three times the diameter of rivet holes plus the radius at furnace wall (inside diameter of furnace), the thickness of the flanges shall be as near the thickness of the body of the plate as practicable.

(2) The radii of the flanges on the fire side shall be not less than three times the thickness of plate. The distance from the edge of the rivet hole to the edge of the flange shall be not less than the diameter of the rivet hole, and the diameter of the rivets before driven shall be at least one-fourth inch larger than the thickness of the plate.

(3) The depth of the ring between the flanges shall be not less than three times the diameter of the rivet holes, and the ring shall be substantially riveted to the flanges. The fire edge of the ring shall terminate at or about the point of tangency to the curve of the flange, and the thickness of the ring shall be not less than one-half inch.

(c) When lapwelded or seamless flues over 5 inches in diameter are used in externally fired boilers over 20 feet in length, they may be allowed to be made in two pieces joined together by (1) a standard screwpipe coupling or sleeve, or by (2) swelling the end of one section of the flue sufficiently to permit it to lap over the other section not less than 4 inches and be double riveted, or by (3) butting the two sections of the flue together and fitting a band or butt strap not less than 8 inches in length equally divided over the joint of the two sections, and of a thickness of the flue, and double riveted to each section. When any of the above methods are used on more than one flue in a boiler, the couplings or sleeves shall not be allowed to come opposite, and the distance measured between any such flues and between any such flues and the shell shall be made by measuring between the plates in the flues and the plates in the shell. It shall be the duty of the inspectors to see that the flues are well screwed into the couplings or sleeves, so as to have the ends of flues as near together as is practicable.

(d) Drainpipes shall be fitted to steam chimneys in which water is liable to collect. Steam chimneys that are arranged to be disconnected from main boiler shall be provided with a safety valve not less than 3 inches in diameter and with a steam gage, and shall be provided with manholes to enable inspectors to examine every portion of the interior.

Subpart 67.40—Boiler and Superheater Tubes

§ 67.40–1 Definitions.

(a) *Tubes.* Tubes, within the meaning of this subpart, are cylindrical shells of comparatively small diameter constituting the main part of the heating surface of a boiler or superheater.

(b) *Safe end.* Safe end is a short piece of boiler tube which is usually thicker than the ordinary tube and is welded to a tube of lighter gauge for the purpose of lengthening it.

(c) *Seamless tube.* Seamless tube is a tube without any longitudinal joint.

(d) *Lap-welded tube.* Lap-welded tube made with a longitudinal rolled or hammered lap-welded joint.

(e) *Stay tube.* Stay tube is a thick-walled tube, the end of which is usually thickened by upsetting to compensate for threading. Such tubes are used for staying tube sheets into which they are screwed and expanded.

(f) *Expanding.* Expanding is the process of enlarging the end of a tube to make it fit tightly in the tube sheet.

(g) *Beading.* Beading is the process of turning over the protruding end of a tube after expanding to form a supporting collar for the tube sheet.

(h) *Bell-mouthing.* Bell-mouthing is the process of flaring the end of a tube beyond where it is expanded in the tube sheet.

§ 67.40–5 Materials and workmanship.

(a) Seamless steel boiler tubes shall comply with the requirements of Subpart 66.25 of this subchapter.

(b) Lap-welded steel and wrought-iron boiler tubes shall comply with the requirements of Subpart 66.20 of this subchapter for such tubes.

(c) Seamless copper or brass tubes not exceeding three-fourths of an inch in diameter may be used in the construction of water-tube boilers or generators when liquid fuel is used.

§ 67.40–10 Computations.

(a) *Lapwelded and seamless tubes.* Lapwelded and seamless tubes used in boilers whose construction was commenced after June 30, 1910, and having a thickness of material according to their respective diameters, shall be allowed a maximum pressure as prescribed in Table 67.40–10 (a), provided they are deemed safe by the inspectors.

TABLE 67.40–10 (a)

Outside diameter (inches)	Thickness of material, inches	Maximum pressure allowed, p. s. i.	Outside diameter (inches)	Thickness of material, inches	Maximum pressure allowed, p. s. i.
2	0.095	427	3½	0.120	308
2¼	.095	380	3¾	.120	282
2½	.109	392	4	.134	303
2¾	.109	356	4½	.131	238
3	.109	327	5	.148	235
3¼	.120	332	6	.165	199

(b) Where heavier material is used a maximum pressure may be allowed as prescribed in § 67.35–10 (f), for determining the pressure of plain, lap-welded steel flues, 7 to 18 inches in diameter.

(c) Any length of tube is allowable.

§ 67.40–15 Safe-ending.

No tube increased in thickness by welding one tube inside of another shall be allowed for use, but the ends of boiler tubes may be welded on for the purpose of making repairs or new tubes may be welded for the purpose of making them longer: *Provided*, That such welding is not made by any process of autogenous welding.

Subpart 67.45—Safety Valves

§ 67.45–1 Definitions.

(a) *Safety valve.* Safety valve is a valve designed to open automatically to relieve excess pressure in the boiler or pressure vessel to which it is attached.

(b) *Spring loaded safety valve.* Spring loaded safety valve is a safety valve fitted with a spring to hold the valve against its seat and allows it to open at a given pressure. This term applies to pop safety valves of various forms.

(c) *Lever safety valve.* Lever safety valve is a safety valve having the disk held on its seat by the action of a weight hung on a lever which is pivoted on a fulcrum.

(d) *Relief valve.* Relief valve is a valve constructed on the general design of safety valves to relieve excess pressure. It may be used for service where an approved safety valve is not required by the regulations of this subchapter.

§ 67.45–5 General requirements.

(a) After June 30, 1928, no type of safety valve shall be used on any vessel coming under the jurisdiction of this service that has not been approved by the Commandant.

(b) The manufacturers of safety valves shall file an affidavit with the Commandant that the safety valves manufactured by them will be in all respects in accordance with the blueprints and specifications on file in the office of the Commandant, and shall permanently attach a name plate to the valves that shall show the name of the manufacturer, the pressure the casing is guaranteed to stand, diameter, seat area, serial number, and capacity.

(c) The valves shall be so arranged that each boiler shall have at least one separate safety valve, unless the arrangement is such as to preclude the possibility of shutting off the communication of any boiler with the safety valve or valves employed. This arrangement shall also apply to lockup safety valves when they are employed.

(d) The use of two safety valves may be allowed on any boiler, provided the combined area of such valves is equal to that required by rule for one such valve. Whenever the area of a safety valve, as found by the regulations in this subpart, is greater than that corresponding to 4½ inches in diameter, two or more safety valves, the combined area of which shall be equal at least to the area required, shall be used.

(e) Before any safety valve is put into service it shall be subjected to a pressure of one and one-half times the pressure it is to be subjected to when in actual service.

(f) Safety valves when fitted either to the shell of boiler or steam drum may be fitted with internal dry pipes when made of standard steam pipe or of riveted material equal in thickness, and when the combined openings in the dry pipe equal in area at least one and one-half times the opening of the valve.

(g) Where escape pipes for safety valves are installed after July 1, 1926, the area of the escape pipes shall be at least equal to the area of the outlet furnished with the safety valve, and in no case shall the area be less than the area of inlet. The fitting shall be as short and straight as possible, and so arranged as to avoid undue stress upon the valve. Where the escape pipe is used for two or more safety valves, the area of the escape pipe shall equal the combined areas of all the safety valves.

(h) Hereafter no safety valves having a set-screw arrangement on top of the valve casing, designed to hold the valve down while the hydrostatic pressure is being applied, shall be allowed. On such valves now in use, inspectors shall require the set screws to be taken out and the hole permanently closed. This does not apply to any safety valve whose form of construction is such that the hole for the set screw or bolt is securely closed when the valve is locked.

§ 67.45–10 Detail requirements.

(a) (1) The areas of all safety valves on boilers contracted for or the construction of which commenced on or after June 1, 1904, shall be determined in accordance with the following formula and table:

$$a=0.2074\times\frac{W}{P} \quad (1)$$

where:

a= area of safety valve, per square foot of grate surface, in square inches.
W= pounds of water evaporated per square foot of grate surface per hour.
P= absolute pressure, in pounds per square inch=maximum allowable gage pressure 15.

(2) The areas required per square foot of grate surface in the Table 67.45–10 (a) have been computed from the formula by assuming the different valves of W and P.

(3) The areas (a) shown in Table 67.45–10 (a) multiplied by square feet of grate surface give the area of safety valve or valves required. When this calculation results in an off size of safety valve, use next larger standard size.

(b) The area of a safety valve for boilers using oil as fuel or for boilers designed for any evaporation per hour shall be computed by dividing the total number of pounds of water evaporated per hour by any number of pounds of water evaporated per square foot of grate surface per hour (W) taken from, and within the limits of Table 67.45–10 (a). This will give the equivalent number of square feet of grate surface for boiler for estimating the area of valve. Then apply the table for determining the area of the safety valve.

(c) Where safety valves are used with beveled seats, the seats shall have an angle of inclination of 45° to the center of their axes. Flat-seat safety valves may be used under the formula and table prescribed in this subpart. The discharge capacity of a flat-seat valve shall be 1.4 times that allowed for a bevel-seat valve.

§ 67.45–13 Lever safety valves.

(a) All common lever safety valves to be hereafter applied to the boilers of steam vessels shall be constructed in material, workmanship, and principle accordance to the requirements for a safety valve referred to in this section. When this construction of a safety valve is applied to the boilers of steamers navigating rough waters, the link may be connected direct with the spindle valve: *Provided, always,* That the fulcrum or points upon which the lever rests are made of steel, knife, or sharp-edged, and hardened; in this case the short end of the lever shall be attached directly to the valve casing. In all cases the link requires but a slight movement not exceeding ⅛ inch.

(b) All the points of bearing on lever shall be in the same place.

(c) The distance of the fulcrum shall in no case be less than the diameter of the valve opening.

(d) The length of the lever shall not exceed the distance of the fulcrum multiplied by ten.

(e) The width of the bearings of the fulcrum shall be not less than ¾ inch.

(f) The length of the fulcrum link shall be not less than 4 inches.

(g) The lever and fulcrum link shall be made of wrought-iron or steel and the knife-edged fulcrum points and bearings for the points shall be made of steel and hardened. But the chambers and saddle flanges of this and all other types of safety valves attached to boilers may be made of cast iron or other suitable material.

(h) The valve, valve seat, and bushing for the stem or spindle shall be made of composition (gun metal) when the valve is intended to be attached to a boiler using salt water; but when the valve is to be attached to a boiler using fresh water and generating steam of a high pressure the parts named, with the exception of the bushings for the spindle, may be made of cast iron.

(i) The valve shall be guided by its spindle, both above and below the ground seat and above the lever, through supports either made of composition (gun metal) or bushed with it. The spindle shall fit loosely in the bearings or supports.

(j) When the valve is intended to be applied to the boilers of steamers navigating rough waters, the fulcrum link may be connected directly with the spindle of the valve; providing always that the knife-edged fulcrum points are made of steel and hardened, and that the vertical movement of the valve is unobstructed by any lateral movement.

(k) In all cases the weight shall be adjusted on the lever to the pressure of steam allowed in each case by a correct steam gage attached to the boiler. The weight shall then be securely fastened in its position and the lever marked for the purpose of facilitating the replacing of the weight should it be necessary to remove the same, and in no case shall a line or any other device be attached to the lever or weight except in such a manner as will enable the engineer to raise the valve from its seat.

TABLE 67.45-10 (a)—AREA OF SAFETY VALVES REQUIRED PER SQUARE FOOT OF GRATE SURFACE FOR DIFFERENT PRESSURES AND RATES OF EVAPORATION

P, absolute pressure, pounds per square inch	Gage pressure, pounds per square inch	These figures represent evaporation in pounds per square foot of grate surface per hour (W) = pounds water evaporated per pound coal × pounds coal burned per square foot of grate surface per hour													
		100	120	140	160	180	200	220	240	260	280	300	320	340	360	380
		The figures below give (a), the area in square inches required per square foot of grate surface at above rate of evaporation														
65	50	0.319	0.383	0.447	0.510	0.574	0.638	0.702	0.765	0.829	0.893	0.956				
70	55	.296	.355	.414	.474	.533	.592	.652	.711	.769	.828	.888				
75	60	.276	.332	.387	.442	.497	.552	.608	.663	.718	.773	.829				
80	65	.259	.311	.363	.415	.466	.518	.570	.622	.674	.726	.778				
85	70	.244	.292	.341	.390	.438	.487	.536	.585	.634	.682	.731				
90	75	.230	.276	.322	.368	.414	.460	.506	.552	.598	.644	.690				
95	80	.218	.262	.305	.349	.392	.436	.479	.523	.567	.610	.654				
100	85	.207	.249	.290	.332	.373	.414	.456	.497	.538	.580	.622				
105	90	.197	.236	.276	.316	.355	.394	.434	.473	.513	.552	.592				
110	95	.188	.226	.264	.301	.339	.377	.414	.452	.489	.527	.565				
115	100	.180	.216	.252	.288	.324	.360	.396	.432	.468	.504	.540				
120	105	.172	.207	.241	.276	.311	.345	.379	.414	.448	.483	.517				
125	110	.166	.199	.232	.265	.298	.331	.364	.397	.431	.463	.497				
130	115	.160	.192	.223	.255	.287	.319	.351	.383	.415	.447	.479				
135	120	.153	.184	.215	.246	.276	.307	.337	.368	.398	.429	.460				
140	125	.148	.177	.207	.237	.266	.296	.325	.355	.385	.414	.444				
145	130	.143	.172	.201	.229	.258	.287	.315	.344	.372	.401	.430				
150	135	.138	.166	.194	.222	.249	.277	.304	.332	.360	.387	.415				
155	140	.134	.160	.187	.214	.241	.268	.294	.321	.348	.375	.401				
160	145	.130	.156	.181	.207	.233	.259	.285	.311	.337	.363	.389				
165	150	.126	.151	.176	.201	.226	.251	.276	.301	.326	.352	.378				
170	155	.122	.146	.171	.195	.219	.244	.268	.292	.317	.341	.366				
175	160	.118	.142	.166	.189	.213	.236	.260	.284	.308	.331	.355				
180	165	.115	.138	.161	.184	.207	.230	.254	.277	.300	.323	.346				
185	170	.112	.135	.157	.179	.202	.224	.247	.269	.291	.314	.336				
190	175	.109	.131	.153	.175	.196	.218	.240	.262	.284	.306	.328				
195	180	.106	.128	.149	.170	.191	.213	.234	.255	.277	.298	.319				
200	185	.104	.124	.145	.166	.187	.207	.228	.249	.270	.290	.310				
205	190	.101	.121	.142	.162	.182	.202	.223	.243	.263	.283	.303				
210	195	.099	.119	.138	.158	.178	.198	.217	.237	.257	.277	.297				
215	200	.096	.116	.135	.154	.173	.193	.212	.231	.250	.269	.289	0.308	0.327	0.347	0.366
220	205	.094	.113	.132	.151	.170	.189	.208	.226	.245	.264	.283	.302	.321	.340	.358
225	210	.092	.110	.129	.147	.166	.184	.203	.221	.240	.258	.276	.295	.314	.332	.350
230	215	.090	.108	.126	.144	.162	.180	.198	.216	.235	.253	.270	.289	.307	.325	.343
235	220	.088	.106	.124	.141	.159	.176	.194	.212	.229	.247	.264	.282	.300	.318	.336
240	225	.086	.104	.121	.138	.155	.173	.190	.207	.225	.242	.259	.276	.294	.311	.329
245	230	.085	.102	.119	.135	.152	.170	.186	.203	.220	.237	.254	.271	.288	.305	.322
250	235	.083	.100	.117	.133	.149	.167	.183	.199	.216	.233	.249	.266	.282	.299	.315
255	240	.081	.098	.114	.130	.146	.163	.179	.195	.211	.228	.244	.261	.277	.293	.309
260	245	.080	.096	.112	.128	.144	.160	.176	.192	.208	.224	.240	.255	.271	.287	.303
265	250	.078	.094	.110	.125	.141	.157	.172	.188	.203	.219	.235	.250	.266	.282	.298
270	255	.077	.092	.107	.123	.138	.153	.169	.184	.199	.215	.230	.245	.261	.276	.291
275	260	.075	.090	.105	.121	.136	.151	.166	.181	.196	.211	.226	.241	.256	.271	.286
280	265	.074	.089	.104	.118	.133	.148	.163	.178	.192	.207	.222	.237	.251	.266	.281
285	270	.073	.087	.102	.116	.131	.146	.160	.175	.189	.204	.218	.233	.247	.262	.276
290	275	.072	.086	.100	.114	.129	.143	.157	.172	.186	.200	.214	.228	.242	.257	.271
295	280	.070	.084	.098	.112	.127	.141	.154	.169	.182	.196	.210	.224	.238	.253	.267
300	285	.069	.083	.096	.110	.124	.138	.151	.166	.179	.193	.207	.221	.235	.249	.263
305	290	.068	.082	.095	.109	.122	.136	.149	.163	.177	.190	.201	.217	.231	.245	.258
310	295	.067	.080	.093	.107	.120	.134	.147	.160	.174	.187	.201	.214	.227	.241	.254
315	300	.066	.079	.092	.105	.118	.132	.145	.158	.171	.184	.197	.210	.223	.237	.250

§ 67.45–15 Spring-loaded safety valves.

Any spring-loaded safety valve constructed so as to give an increase lift by the operation of steam after being raised from its seat, or any spring-loaded safety valve constructed in any other manner, so as to give an effective area equal to that of the afore-mentioned spring-loaded safety valve, may be used in lieu of the common lever-weighted valve on all boilers on steam vessels, and each spring-loaded valve shall be supplied with a lever that will raise the valve from its seat a distance of not less than that equal to one-eighth of the diameter of the valve opening; but in no case shall any spring-loaded safety valve be used in lieu of the lever-weighted safety valve without first having been approved by the Commandant.

Subpart 67.50—Boiler Mountings and Attachments

§ 67.50–1 Definitions.

(a) *Mountings.* Mountings, within the meaning of this subchapter, are nozzle connections, distance pieces, valves, or fittings attached directly to the boiler.

(b) *Main stop valve.* Main stop valve is a valve usually connected directly to the boiler for the purpose of shutting off the steam from the main steam line.

(c) *Auxiliary stop valve.*—Auxiliary stop valve is a valve usually connected directly to the boiler for the purpose of shutting off the steam from the auxiliary lines (including the whistle lines).

(d) *Manifold.* Manifold is a fitting with two or more branches having valves either attached by bolting or integral with the fitting.

(e) *Feed valve.* Feed valve is a valve in the feed-water line which controls the boiler feed.

(f) *Blow-off valve.* Blow-off valve is a valve connected directly to the boiler for the purpose of blowing out water, scum, or sediment.

(g) *Dry pipe.* Dry pipe is a perforated or slotted pipe placed in the highest part of the steam space of a boiler to prevent priming.

(h) *Water column.* Water column is a fitting or tube equipped with a water glass attached to a boiler for the purpose of indicating the water level.

(i) *Test cocks.* Test cocks are small cocks on a boiler for indicating the water level.

(j) *Salinometer cocks.* Salinometer cocks are cocks attached to a boiler for the purpose of drawing off a sample of water for salinity tests.

(k) *Fusible plugs.* Fusible plugs are plugs made with a bronze casing and a tin filling which melts at a temperature of 450 degrees to 500 degrees F. They are intended to melt in the event of low water and thus warn the engineer on watch.

§ 67.50–5 Detailed requirements.

(a) Where the thickness of the material in the boiler or drum, or the heads thereof, is not less than ½ inch, or where such boiler, drum, or head thereof has been reinforced by having a pad or flange riveted on the same, to make the thickness not less than ½ inch, pipes or fittings of 2 inches in diameter or under may be screwed directly into the same. Where steam or feed pipes of 2 inches in diameter or under are screwed into the boiler, the stop valve shall be connected to the boiler by as short a nipple as it is possible to use, nipples to be of extra-heavy thickness.

(b) All boiler connections of over 2 inches in diameter, except the connections for safety valves, shall be permanently flanged and attached directly to the boiler by bolts, studs, or rivets.

(c) Where the connecting point on the boiler is of circular form, distance pieces shall be allowed in order to square the point of the flanged fittings.

(d) Flanged distance pieces of not more that 8 inches between flanges may be allowed between stopcocks or valves and the boiler when necessary to care for and conveniently handle the valves, when such distance pieces are constructed of wrought material of sufficient thickness and strength to withstand any pressure to which they may be subjected and securely riveted to the boiler.

(e) Cast-steel flanged fittings, when conforming strictly with the requirements for steel castings, may be used for the purpose of connecting main and auxiliary stop valves and other steam outlets, including safety valves, distance from axis of outlets of such fittings to point of connection with boiler to be as short as practicable.

(f) All valves and fittings over 2 inches diameter shall be flanged and properly secured at point of connection with boiler by bolts, studs, or rivets, and no fitting shall be of greater length than specified by the "Manufacturers' Standard."

(g) Cast nozzles shall not be used when exposed to the direct action of the fire.

(h) On all boilers built after July 1, 1896, a stopcock or value shall be placed between all check valves and boiler, and between all steam and water pipes and boiler. Valves of 2 inches diameter or less connected directly to the boiler shall be of cast steel, hard brass, or bronze.

(i) The use of malleable-iron or cast-steel manifolds, tees, return bends, or elbows in the construction of pipe generators shall be allowed, and the pressure of steam shall not be restricted to less than one-half the hydrostatic pressure applied to pipe generators unless a weakness should develop under such test as would render it unsafe in the judgment of the inspector making such inspection.

§ 67.50–10 Superheaters.

(a) The headers of superheaters may be made of semisteel (so-called) in which the constituent part of high-grade uniform steel thereof shall be not less than 25 percent and that the material shall have a tensile strength of not less than 28,000 pounds per square inch. The material shall be soft and close-grained and the castings shall be tight under a hydrostatic pressure of 850 pounds per square inch.

(b) When interdeck superheaters are used in connection with water-tube boilers of approved design, and the fittings and pipes between the drum of the boilers and the header of the superheaters are made of seamless steel and of a thickness in accordance with the rules to withstand any pressure sustained by any part of the boiler, such fittings connecting with pipes of steam drum or superheater shall be either steel forgings or steel castings. The stop valve may be attached to the discharge end of the superheater: *Provided*, That this section shall not apply to safety valves that have been approved by the Commandant.

§ 67.50–15 Feed connections.

Feed water shall not be admitted into any marine boiler at a temperature less than 100 degrees F., and every such boiler, excepting donkey boilers, shall after October 31, 1909, have an independent auxiliary feed appliance for supplying said boiler with water in addition to the usual mode employed, which auxiliary feed shall enter the boiler through an opening and a fitting which are entirely independent of the fitting and opening for the main feed.

§ 67.50–20 Fusible plugs.

(a) Fusible plugs for use in boilers of vessels inspected under this Subchapter shall be manufactured from acceptable heats in accordance with Subpart 162.014 of Subchapter Q (Specifications) of this chapter.

(b) Every boiler other than a boiler of the water-tube type shall be fitted with at least two fusible plugs located as follows:

(1) An upright boiler shall be fitted with two plugs of an external diameter of not less than ⅜ inch pipe tap. The plugs shall be located in separate tubes not more than 2 inches below the lowest gage cock.

(2) An externally heated cylindrical boiler, with flues, shall have one plug in the top of the upper flue, not more than 4 feet from the back end of the flue, and shall also have a plug fitted to the shell of the boiler immediately below the fire line, and not less than 4 feet from the front end: *Provided*, That when the flues are not more than 6 inches in diameter plugs of not less diameter than ⅜ inch pipe tap may be used in such flues.

(3) Fire-box, scotch, and any other type of shell boiler not specially provided for, having a combustion chamber common to all furnaces, shall have two plugs fitted to the crown sheet of the combustion chamber at or near the center of the crown sheet and not more than 12 inches apart.

(4) A double-end boiler with separate combustion chambers, each of which combustion chamber is common to all furnaces in its own end of the boiler, shall have two plugs fitted to the crown sheet of each combustion chamber at or near the center of the crown sheet, and not more than 12 inches apart.

(5) A boiler fitted with a separate combustion chamber for each individual furnace shall be fitted with a plug in the center of the crown sheet of each combustion chamber.

(6) A boiler of any type not herein provided for shall be fitted with at least two plugs of such dimensions and located in such parts of the boiler as will, in the judgment of the Officer in Charge, Marine Inspection, best meet the purposes for which they are intended.

(c) (1) Fusible plugs shall be cleaned and will be examined by the marine inspector at each inspection for certification, and oftener, if necessary. If in the marine inspector's opinion the condition of any plug is satisfactory, it may be continued in use.

(2) When fusible plugs are renewed at other than the inspection for certification and no marine inspector is in attendance, the chief engineer shall submit a written report to the Officer in Charge, Marine Inspection, who issued the Certificate of Inspection informing him of the renewal. This letter report shall contain the following information:

(i) Name and official number of vessel.

(ii) Date of renewal of fusible plugs.

(iii) Number and location of fusible plugs renewed in each boiler.

(iv) Manufacturer and heat number of each plug.

(v) Reason for renewal.

(d) Fusible plugs shall be so fitted that the smaller end of the filling is exposed to the fire, and shall be at least 1 inch higher on the water side than the plate or flue in which they are fitted.

(e) Notwithstanding anything which may be contained in this section, fusible plugs shall be so fitted that the end of the filling on the water end of the plug is not less than 1 inch above the dangerous low-water level.

§ 67.50–25 Gage cocks and water glass.

(a) All boilers, except flash boilers, shall be supplied with at least one reliable water gage, and at least three gage cocks attached directly to each boiler. When the gage glass and gage cocks are connected to the boilers by a water column there shall be three additional gage cocks inserted in the head or shell of boiler. The lower gage cock in boilers more than 48 inches in diameter shall be not less than 4 inches above the top of the flues, tubes, or combustion chambers. In boilers less than 48 inches in diameter the lower gage cock shall be not less than 2½ inches above the top of the flues, tubes, or combustion chambers. A gage glass shall be considered a reliable water gage, and a float such as used on western river steamers shall be considered on such boilers as a reliable water gage: *Provided*, That when water-tube boilers have an efficient water column connected to the steam drum of said boiler at the top and the water manifold at the bottom, and such water column has a gage glass and three gage cocks fitted to same, and also is fitted with a valve or stopcock, both at top and bottom where the column is connected to the boiler, no gage cocks shall be required in the head or shell of the drums of such water-tube boilers.

(b) Double-end boilers shall have at least three gage cocks and one water glass at each end.

(c) In vertical boilers of the water-tube type the location of the lowest gage cock shall be determined by the Officer in Charge, Marine Inspection.

§ 67.50–30 Steam gages.

All boilers or sets of boilers shall have attached to them at least one gage that will correctly indicate a pressure of steam equal to 80 percent of the hydrostatic pressure applied by the inspectors.

Subpart 67.55—Evaporators, Feed-Water Heaters, Separators, and Steam Traps Made of Cast Iron and Subject to Boiler Pressure

§ 67.55–1 Computations.

(a) When evaporators, feed heaters, separators, and steam traps are constructed of cast iron possessing a tensile strength of not less than 20,000 pounds per square inch, the shells being cylindrical and ends flat or convex, the castings sound and of uniform thickness, the maximum allowed pressure shall be determined by the following formulas:

(1) For flat surface:

$$P=\frac{20{,}000\times T^2}{D^2} \quad (1)$$

$$T=\sqrt{\frac{P\times D^2}{20{,}000}} \quad (2)$$

(2) For cylindrical shell:

$$P=\frac{3{,}500\times T}{D} \quad (3)$$

$$T=\frac{P\times D}{3{,}500} \quad (4)$$

where:

P=maximum allowable pressure in pounds per square inch.
T=thickness, in inches.
D=diameter inside, in inches. When the pressure is to be determined for a part of a flat surface which is a square, or rectangle in the flat-surface formula, the value of D used shall be the diagonal of the square or rectangle, and when the ends are bolted to the shell the value of D used shall equal the diameter of the bolt circle.

(b) The thickness of ends of evaporators, feed heaters, and separators shall be not less than ⅜ inch. To the resultant thickness obtained by the formula given above there shall be added, for cylinders having an inside diameter of 1 inch to 6 inches, inclusive, ¼ inch; for cylinders having an inside diameter of over 6 inches to 15 inches, inclusive, ⅛ inch.

(c) All flanges shall be substantial, and there shall be a good fillet all around the root, and when the ends and shell are cast solid there shall be a good and substantial fillet inside all around.

(d) The bolts or studs for the ends or doors shall not have a greater stress than 6,000 pounds per square inch, and the size of bolts or studs shall be not less than ¾ inch in diameter.

§ 67.55–5 Evaporators.

Evaporators shall be provided with an efficient safety valve of approved type, set to blow at the maximum pressure to which the evaporator will be subjected in service, and it shall be the duty of the engineer in charge of the vessel to see that such valve blows off at least once in 30 days.

PART 68—PIPING SYSTEMS

Subpart 68.01—General

Sec.
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68.01–5 Definitions.
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Subpart 68.05—Detail Requirements

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68.05–20 Fuel oil filling and transfer system.
68.05–25 Fuel-oil service systems.
68.05–30 Vent piping.
68.05–35 Sounding pipes.
68.05–40 Welded piping.

AUTHORITY: The provisions of this Part 68 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4460, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426–4431, as amended, 4433, as amended, 4434, as amended, 4463, as amended, 4488, as amended, 4491, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 481, 489, 366, 395, 363, 367, 526p, 1333, 390b, 60 U.S.C. 198; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, Nov. 26, 1954, 19 F.R. 8026; 167–20, June 18, 1956, 21 F.R. 4894; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–38, Oct. 26, 1959, 24 F.R. 8857.

Subpart 68.01—General

§ 68.01–1 Scope.

(a) This part contains requirements for the various ships' piping and appurtenances.

(b) The respective piping systems installed on vessels shall have the necessary pumps, valves, regulating valves, safety valves, relief valves, flanges, fittings, pressure gages, liquid level indicators, thermometers, etc., for safe and efficient operation of the vessel.

§ 68.01–5 Definitions.

(a) *Piping.* The word "piping" within the meaning of this subchapter, refers to fabricated pipes or tubes with flanges and fittings attached, for use in the conveyance of vapors, gases or liquids, regardless of whether the diameter is measured on the inside or the outside.

(b) *Nominal diameter.* The term "nominal diameter" as used in this part, means the commercial diameter of the piping.

(c) *Fitting.* The term "pipe fittings" refers to all hollow cylindrical fittings, and does not apply to flanges or valves.

§ 68.01–10 Affidavit.

(a) When the manufacturers of steam and water pipes file with the Commandant a certificate duly sworn to that all such pipes manufactured by them will stand all the tests and meet all the applicable requirements of this chapter, they shall be accepted by inspectors of the Coast Guard.

(b) The manufacturer of valves and fittings shall file with the Commandant a certificate duly sworn to that all valves and fittings furnished by him for use on steam vessels comply with the requirements of this subchapter.

(c) After July 1, 1911, the Officer in Charge, Marine Inspection, shall refuse to allow the use of any valves or fittings on steam vessels until notified by the Commandant that such certificate is on file in his office. This shall not apply to valves and fittings installed previous to July 1, 1911.

Subpart 68.05—Detail Requirements

§ 68.05–1 Material.

(a) Welded steam and water pipes may be permitted for pipe diameters from ⅛ inch inside diameter up to and including 30 inches inside diameter. The pipe shall be made of wrought iron or mild steel, smooth, straight, and free from defects. Threaded pipe of standard thickness shall be avoided as far as possible. In steam pipes it is a very serious matter and shall not be allowed in any case on standard pipe over 5 inches in diameter. All pipe over 2 inches in diameter shall be lap-welded.

(b) Cast-steel fittings of any size or character and for any pressure and for any temperature may be used for any and all steam and feed-pipe connections, and for valves, cocks, and all appliances subject to steam or water pressure, when made by regular processes and by manufacturers who stamp such fittings and appliances with their trade-mark or identifying stamp and who guarantee the castings to possess the following physical characteristics: Tensile strength, minimum, 50,000; maximum, 78,000 pounds per square inch; elastic limit, minimum, not less than 45 percent of tensile strength; elongation in 2 inches, minimum, 25 percent. There shall be taken from each heat an annealed coupon or coupons, for the purpose of determining the physical tests, and the manufacturers shall furnish coupons to the Officer in Charge, Marine Inspection, for tests when so required. All steel castings shall be thoroughly annealed.

(c) Cast iron, semisteel, or ferrosteel, possessing a tensile strength of not less than 22,000 pounds to the sectional square inch, may be used in the construction of valves and fittings for pressures not exceeding 300 pounds when such valves and fittings of 3 inches diameter or over are stamped with the trade-mark or identifying stamp of the manufacturer.

(d) Malleable iron possessing a tensile strength of not less than 30,000 pounds to the sectional square inch may be used in the construction of valves and fittings up to and including 6 inches in diameter, and for pressures not exceeding 300 pounds. Such valves and fittings of 3 inches diameter or over shall be extra heavy, the fitting beaded or banded, and the valves and fittings stamped with the trade-mark or identifying stamp of the manufacturer.

(e) Hard brass, bronze, and other compositions, of which 95 percent is copper, tin, and zinc, possessing a tensile strength of not less than 30,000 pounds to the square inch, may be used in the construction of all valves and fittings up to and including 12 inches in diameter. All such fittings of 3 inches in diameter or over shall be stamped with the trade-mark or identifying stamp of the manufacturer.

(f) The following material shall be permitted at the allowable temperatures indicated:

(1) Cast iron, malleable iron, semisteel, and ferrosteel may be used in connection with temperatures up to and including 450 degrees F.

(2) Hard brass, bronze, and other compositions, of which 95 percent is copper, tin, and zinc, may be used in connection with temperatures up to and including 470 degrees F., but this temperature may be increased to 550 degrees F. when the manufacturer of the valves or fittings stamps them with the temperature they are guaranteed to stand without disintegration. This paragraph will also apply to any composition meeting the above physical requirements and stamped in accordance therewith.

(3) For temperatures exceeding 550 degrees F. no valves or fittings other than steel or of a composition whose tensile strength has been demonstrated to exceed 50,000 pounds per sectional square inch with an elongation of 10 percent in a length of 2 inches shall be allowed. Such valves and fittings shall be stamped as above required.

§ 68.05–5 Computations.

(a) *Steel and iron pipe.* (1) Thickness of and pressure allowed on main steam pipe constructed of riveted iron or steel plates that have been stamped and tested as required by R.S. 4430 (46 U.S.C. 408), shall be determined in the same manner as required by R.S. 4433 (46 U.S.C. 411), to determine the pressure allowable on boilers.

(2) The thickness of and maximum allowable pressure on all lapwelded or solid-drawn steam pipe of wrought iron or steel shall be determined by the following formulas:

$$T=\frac{P\times D}{10{,}000}+0.125 \quad (1)$$

$$P=\frac{(T-0.125)\times 10{,}000}{D} \quad (2)$$

where:

P=maximum allowable pressure, in pounds per square inch.
T=thickness of pipe, in inches.
D=diameter of pipe, in inches.

(b) *Copper pipe.* (1) The thickness of copper pipe, according to the maximum allowable pressure, shall be determined by the following formulas:

$$T=\frac{P\times D}{8{,}000}+0.0525 \quad (3)$$

where:

T=thickness, in inches.
P=maximum allowable pressure, in pounds per square inch.
D=inside diameter of pipe, in inches.

(2) All copper pipe subject to pressure and installed for use on steam vessels after July 1, 1911, shall have a thickness of material according to the maximum allowable pressure, to be determined by the following formula:

$$T=\frac{P\times D}{6{,}000}+0.0625 \quad (4)$$

where:

T=thickness, in inches.
P=maximum allowable pressure, in pounds per square inch.
D=inside diameter of pipe, in inches.

(c) *Steel fittings.* The minimum thickness of steel fittings shall be determined by the following formula:

$$T=\frac{P\times D}{7{,}000}+0.188 \quad (5)$$

where:

P=maximum allowable pressure, in pounds per square inch.
D=diameter, in inches.
T=thickness, in inches.

(d) *Cast iron fitting.* The minimum thickness of cast iron, semisteel, or ferrosteel fittings shall be determined by the following formula:

$$T=\frac{P\times D}{3{,}000}+0.25 \quad (6)$$

where:

T=thickness of casting, in inches.
P=maximum allowable pressure, in pounds per square inch.
D=internal diameter of the largest opening contained in the cylindrical part of the casting in inches.

(e) *Nonferrous slip joints.* (1) The wearing surface of the male pipe in all slip joints made after June 30, 1908, for use in steam pipes shall be made of copper or composition, and shall be of sufficient length and so adjusted as to prevent accidental withdrawal from the packing box. When made of composition, same shall be of not less than 95 percent copper, tin, and zinc, possessing a tensile strength of not less than 30,000 pounds to the square inch. It may be used for sizes up to and including 12 inches in diameter, and for all pressures not exceeding 300 pounds per square inch.

(2) The minimum thickness of such fittings shall be determined by the following formula:

$$T=\frac{P\times D}{4{,}000}+0.22 \quad (7)$$

where:

P=maximum allowable pressure, in pounds per square inch.
D=diameter, in inches.
T=thickness, in inches.

§ 68.05–10 Valves and fittings.

(a) Valves and fittings of 3 inches and under may be connected by screw threads at their intermediate joints in pipe lines.

(b) Each and every valve for marine service shall have the trade-mark of the manufacturer cast or stamped on the chamber. All such valves of 2 inches diameter and over shall be subjected by the manufacturer before shipment to a hydrostatic pressure of three times the working pressure which the manufacturer guarantees them to stand without distorting, and shall also be stamped with such working pressure and also the letters "M. S." which shall plainly indicate that the valve has met the test requirements for marine service.

(c) All valves of over 2 inches diameter, without regard for the service for which they are intended, installed after April 30, 1917, shall have bolted bonnets.

(d) Screwed bonnets on cast-iron valves of any size and for any character of service are positively prohibited.

(e) All pipe fittings of more than 3 inches internal diameter shall be subjected by the manufacturer to a test of three times the pressure to which they will be subjected in service.

§ 68.05–13 Joints and flanged connections.

(a) *Flanges and connections for wrought-iron and homogeneous-steel feed and steam pipe.* (1) The terminal and intermediate flanges of all wrought-iron and homogeneous-steel feed and steam pipe over 2 inches in diameter, other than on pipe or coil boilers of steam generators, shall be made of wrought iron, homogeneous steel, malleable iron having a tensile strength of not less than 30,000 pounds per square inch of section, or equivalent material.

(2) All such flanges shall have a depth through the bore of not less than one-half of the diameter of the pipe to which the flange is attached.

(3) The bore shall increase slightly toward the face of the flange, and the end of the pipe shall be enlarged to fit the bore of the flange and shall be substantially beaded over or outward into a recess in the face of the flange.

(4) Flanges on extra heavy lap-welded steam pipe up to and including 5 inches diameter may be attached with screw threads and the joints in bends may be made with extra heavy malleable-iron elbows or equivalent material.

(5) Feed and steam pipe up to and including 3 inches diameter may be connected at intermediate joints by being screwed into flanges or extra heavy fittings.

(6) Flanges of cast iron, semisteel, or ferrosteel, having a tensile strength of not less than 20,000 pounds per square inch of section, may be employed in connecting extra heavy lap-welded pipe by screw threads. Such flanges shall be extra heavy and have a depth through the bore of not less than the United States standard length of thread for the pipe to which the flange is attached plus depth of counterbore. The thickness of the flange, excluding hub, shall be not less than three-tenths of the diameter of the pipe plus 0.25 of an inch. The pipe shall fit snugly in the counterbore, which shall be not less than one-fourth the diameter of the pipe in depth.

(7) Flanges of wrought iron or steel grooved in the bore to a depth equal to the thickness of the material in the pipe shall be allowed for use on all steam and feed pipe when the end of the pipe has been thoroughly annealed and expanded into the flange by approved machinery.

(8) Flanges with hubs projecting not less than 1¾ inches from the back of the flange may be shrunk on lapwelded or riveted-iron or steel or seamless-drawn steel steam pipes over 5½ inches diameter where the pipe is brought to a true and parallel circle at the end and beaded over into a recess at the face of the flange, or flared to an angle of approximately 20 degrees or the bore of the flange may be tapered and the pipe expanded into the bore.

(9) Flanges of cast steel, wrought iron, or homogeneous steel, equal in strength to the pipe to which it is attached, may be riveted to the pipe. When pipe is used for steam lines where flanges are riveted on and calked, the ends of the pipe shall be properly annealed before drilling or riveting the flanges on.

(10) Flanges may be secured to pipe by expanding the pipe by proper and approved machinery and flaring the end of the pipe to an angle not exceeding 20 degrees, taken in the direction of the length of the pipe, and having a depth of flare equal to at least one and one-half times the thickness of the pipe.

(11) Flanges of cast steel, forged steel, or wrought iron may be used in any process of expanding the pipe into grooves in the bore of the flange and flaring the end of the pipe to an angle of 20 degrees.

(12) Flanges welded to lapwelded steam pipes of iron or steel may be used when the manufacturer furnishes an affidavit that the pipe has been properly annealed after all work requiring fire has been finished.

(13) All flange connections made by the process of expanding, welding, or shrinking shall be subjected to a hydrostatic test of twice the working pressure without showing signs of weakness.

(b) *Flanges on copper pipe.* (1) The flanges of all copper steam and feed pipe over 3 inches diameter shall be made of brass or bronze composition, forged-iron, or steel or open-hearth steel castings. The end of the pipe shall be flanged over or outward to a width of not less than twice the thickness of the pipe and to a radius of not more than the thickness of the pipe, and the flange securely brazed or riveted to the pipe. If the pipe is properly formed with a full reinforced taper through the flange, the riveting or brazing may be dispensed with. The thickness of flanges shall be not less than four times the required thickness of the pipe plus 0.25 of an inch.

(2) Any form of expanded, grooved, and flared joint will be allowed for copper pipe under the same regulations, restrictions, and tests applying to iron or steel pipe.

(3) All flange joints shall be fitted with such number of bolts or rivets as will make the joint equal in strength to all other parts of the pipe.

(4) Any form of joint which, in the judgment of the Officer in Charge, Marine Inspection, is equal in strength and efficiency to the flange connections required by this section shall be allowed on any and all classes of pipe.

§ 68.05–15 Installation.

(a) Where vent and sounding pipes pass through cargo spaces they shall be protected against damage.

(b) No copper pipe constructed after June 30, 1905, shall have any bend whose radius is less than one and one-half times the diameter of the pipe and such pipe shall be so led and flanges so placed that they may be readily taken down if required. Such pipes shall be protected by iron casings when run through coal bunkers, and shall be clear of the coal chutes.

(c) All sea valves or cocks secured to the skin of the vessel by bolts and connected to the engines or boilers by pipes shall be arranged so as to be accessible at all times, so that if a leak or defect occurs it can be reached. All parts of said valves except the chamber shall be made of brass or bronze when used on wooden-hull vessels navigating salt water; but in the case of vessels of iron or steel the brass or bronze bolts may be dispensed with.

§ 68.05–20 Fuel oil filling and transfer system.

(a) *Ocean and coastwise.* (1) The construction of fuel-oil tanks separate from the hull shall conform to the following requirements: Plating for such tanks shall be not less than 5/16 inch in thickness; seams where the plates are joined shall be double-riveted; all rivet holes shall be fairly drilled, or punched three-fourths diameter and reamed to size; rivet holes shall be spaced not to exceed four diameters; and, where practicable, the tanks shall be caulked inside and out.

(2) Where double bottoms are used for the storage of fuel oil, such double bottoms shall be subdivided with one or more longitudinal watertight bulkheads, except the narrow tanks at the forward and after ends of the vessel. This requirement shall also apply to fuel-oil deep tanks which shall also be fitted with the necessary swash plates. The hatch covers on deep tanks which are used for fuel oil shall be made of steel or iron plating and be fitted oiltight. Fuel-oil tanks in 'tween-deck spaces overhanging the boiler space or adjoining the ship's sides abreast of the boilers shall be avoided as far as practicable, but where found to be necessary, they shall be subdivided into compartments not exceeding 20 feet in length.

(3) The test for fuel-oil tanks that do not form a part of the structure of the hull shall be a hydrostatic test of 15 pounds to the square inch, and all other tanks shall be tested with a pressure that will not be exceeded in practice.

(4) Deep tanks, peak tanks, settling tanks, and tanks separate from the hull used for the storage of fuel oil shall be fitted with internal gate valves where the suction pipe or pipes penetrate the tank, the valves to be fitted with mechanical appliances so arranged that they may be operated from an accessible place on deck outside of the machinery space. Double-bottom fuel-oil tanks shall be fitted with a gate valve on the tank top where the suction pipe penetrates it, or, where the suction pipe leads under the tank tops, the valve shall be placed where the pipe enters the machinery space.

(b) *Great Lakes; lakes, bays, sounds, and rivers.* (1) The fuel-oil tanks on all inland steamers subject to the requirements in this subchapter shall be constructed of material of such thickness and workmanship as, in the judgment of the inspector where the installation is made, is safe.

(2) All pipe connections on fuel-oil tanks and cargo-oil tanks, except the connection or connections on the top of such tank, shall be protected by an internal gate valve operated by an extension rod leading to an accessible point in an open space on a deck outside the engine and fireroom casing, so that the flow of oil may be immediately shut off in the case of failure or rupture of any of the pipes or connections.

(c) No openings are to be cut in the bottoms, ends, or sides of fuel-oil tanks except for suction and heater connections.

(d) All pipes over 2 inches in diameter shall be attached to fuel-oil tanks by flanges, or flanged fittings, riveted to the tanks. Filling pipes for such tanks shall deck, and such pipes shall be led to the extend through the top of the tank to bottoms of the tanks and fitted with U-bends extending upward at least 12 inches above the bottoms; or in lieu of the U-bends the pipes may be led to within one-half of the diameter of the pipes from the bottom of the tanks.

§ 68.05–25 Fuel-oil service systems.

(a) The piping between the service pumps and the stop valve at the burners, when the pressure exceeds 15 pounds per square inch, shall be extra-heavy seamless piping and shall be in sight above the floor or platform. The connections on such piping shall be made with extra-heavy flanges or extra-heavy fittings of forged or cast steel, bronze, or malleable iron. Valves on pipe lines conveying hot oil shall be extra heavy and shall be of the locked-bonnet, bolted-bonnet, or union-nut-bonnet type.

(b) The piping, including connections, shall be tested in place to a hydrostatic test pressure equal to three times the designed maximum working pressure, but in no case less than 150 pounds. All other piping for use in conveying fuel oil, together with valves, and fittings, shall be suitable for a pressure of 125 pounds and all such pipe and fittings between the gate valve within the tank and the pumps shall be tested to a hydrostatic pressure of 250 pounds.

(c) When it is desired to change a low-pressure system to a high-pressure system, it will be necessary to apply a hydrostatic test pressure to the piping and connections from pumps to burners equal to three times the working pressure.

(d) All oil heaters shall be tested to double the working pressure. Continuous pipe or pipes shall be carried through the heads or ends of the heaters, and all joints shall be made on the outside to eliminate the danger of oil being pumped into the boilers in the event of failure of the joints: *Provided,* That this requirement does not apply when the water of condensation from the heaters is led to an observation tank or is not used for boiler-feed water. Heaters may be installed in double-bottoms, if so desired, when vessels are operating in cold waters and may be placed in the most convenient location for heating the oil.

(e) Fuel-oil pumps supplying oil to the burners, also oil strainers, shall be in duplicate, and the discharge of each pump shall be fitted with an efficient relief valve that will return surplus oil to the suction side of the pumps.

(f) Throttle valves on fuel-oil pumps shall be arranged so that they may be operated from some accessible point outside of the pump-room or fireroom inclosure.

§ 68.05–30 Vent piping.

(a) The vent pipes from all fuel-oil tanks shall have a net cross-sectional area equal to that of the filling pipes and shall be led from the top of the tank to the open air in a space where no danger will result from the discharge of oil vapor; the discharge ends to be fitted

with U-bends and a gauze diaphragm, which can be easily removed for cleaning.

(b) Where it is necessary to use bends in the piping, such bends shall not exceed 45 degrees from the vertical.

§ 68.05–35 Sounding pipes.

(a) Sounding pipes or other reliable apparatus shall be fitted to fuel tanks for use in determining the oil level in each tank. Sounding pipes shall be led up through the deck and down to within one diameter of the bottom of the tank, and shall not be perforated.

(b) Sounding pipes in the machinery spaces that do not extend up through a deck shall be fitted with a valve or stopcock that will close automatically to prevent oil overflow.

§ 68.05–40 Welded piping.

(a) Fusion butt welding may be used to join bilge, ballast, fuel-oil overflow, fuel-oil transfer and vent pipes, fire and flushing mains, fresh water distribution, brine piping, and drain suctions from fuel-oil tanks.

(b) Heating coils in fuel-oil tanks may also be joined by fusion welding, provided butt welds are used and the welds protected by a sleeve, fillet welded at the ends of the wall of the pipe.

(c) In all cases, such welding shall comply with the requirements of Subchapter F (Marine Engineering) of this chapter.

PART 69—INSTALLATIONS, TESTS, INSPECTIONS, AND REPAIRS

Subpart 69.01—Installations

Sec.
69.01–1 Protection of adjacent structure.
69.01–5 Dampers.

Subpart 69.05—Tests and Inspections

69.05–1 Test and inspection of new boilers.
69.05–5 Nameplates.
69.05–10 Tests and inspection of boilers and main steam piping in service.
69.05–15 Donkey boilers.
69.05–20 Inspection of foreign-built boilers admitted to American Registry.
69.05–25 Inspection of boilers on existing barges.

Subpart 69.10—Repairs

69.10–1 Welding repairs.

AUTHORITY: The provisions of this Part 69 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426–4431, as amended, 4433, as amended, 4434, as amended, 4453, as amended, 4488, as amended, 4491, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 481, 489, 366, 395, 363, 367, 526p, 1333, 390b, 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, Nov. 26, 1954, 19 F.R. 8026; 167–20, June 18, 1956, 21 F.R. 4894; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–38, Oct. 26, 1959, 24 F.R. 8857.

Subpart 69.01—Installations

§ 69.01–1 Protection of adjacent structure.

(a) Externally heated boilers shall have a clear space between the boiler and the woodwork of not less than 6 inches at the sides and 4 inches at the top.

(b) Internally heated boilers shall have a clear space between the boiler and the woodwork of not less than 4 inches at the sides and 4 inches at the top.

(c) All woodwork or other ignitible substance approaching within 12 inches of the boiler or smokestack (unless such boiler or smokestack is covered with good nonconducting material) shall be suitably sheathed with metal over noncombustible material and all woodwork or other ignitible substance in or around the fireroom shall be properly protected by metal or asbestos sheathing.

(d) All boilers hereafter placed in wooden steamers shall have a clear space of at least 8 inches between the underside of the cylindrical shell and the floor or keelson; and on all other steamers the boilers shall be so placed as to permit of proper inspection of the underside thereof.

(e) All water-tube or coil boilers shall have a clear space of not less than 4 inches between the back end of boiler and bulkhead. All other boilers shall have a clear space of not less than 2 feet between the back end of boiler and bulkhead.

(f) Where fuel-oil tanks are fitted in wooden vessels, lead pans or lining shall be placed under the tanks, the lead to be of a gage weighing not less than 8 pounds per square foot, this precaution being made to prevent oil from getting into the bilges of the vessel.

(g) Suitable drip pans shall be installed to catch the drip from burners, fuel-oil pumps, strainers, or any other place where necessary to prevent oil from reaching the bilges of the vessel.

(h) The boiler room and funnel casings shall be insulated so as to prevent the spread of fire to woodwork or other combustible material adjacent to the casings in the event of an oil fire taking place in the fireroom.

§ 69.01–5 Dampers.

(a) Dampers in funnels or uptakes on oil-burning steamers shall be fitted with a locking device in open position.

Subpart 69.05—Tests and Inspections

§ 69.05–1 Test and inspection of new boilers.

(a) All coil and pipe hereafter made, when such boiler is completed and ready for inspection, shall be subjected at the first inspection to a hydrostatic pressure at a ratio of 150 pounds to a steam pressure of 100 pounds.

§ 69.05–5 Nameplates.

(a) There shall be fastened to each boiler a plate containing the name of the manufacturer of the material, the place where manufactured, the tensile strength, the name of the builder of the boiler, when and where built.

(b) The date of the building of the boiler or boilers shall be determined by the month and year of issue of the first certificate of inspection which covers the boiler or boilers in question: *Provided,* That the boiler or boilers have not been used for any purpose previous to the inspection.

§ 69.05–10 Tests and inspection of boilers and main steam piping in service.

(a) The hydrostatic pressure applied to boilers which can be satisfactorily examined internally shall be in the proportion of 125 pounds to the square inch to 100 pounds to the square inch of the steam pressure allowed; types of boilers which due to design cannot be examined internally shall be subjected to a hydrostatic pressure in the proportion of 150 pounds to the square inch to 100 pounds to the square inch of the steam pressure allowed. The inspector, after applying the hydrostatic test, shall thoroughly examine every part of the boiler. The hydrostatic pressure shall also be applied to the main steam pipe up to the throttle.

(b) In the application of the hydrostatic pressure to boilers, inspectors shall require such arrangements as will guard against main and auxiliary stop valves being subjected to hydrostatic pressure on one side at the same time that steam pressure is exerted on the opposite side.

(c) Steamers on going out of service or laying up in winter quarters and beginning the annual inspection may have the hydrostatic pressure applied to boilers at any time preceding the date of the final completion of the inspection, so that, however, in no instance shall the vessel be navigated to exceed 12 months without the hydrostatic pressure.

(d) Inspectors are required at each annual inspection to carefully inspect the flues of every boiler and subject them to the hammer test where possible or practicable in order that deterioration of material may be detected. If such test indicates thin material, the doubtful place shall be drilled and the material carefully gaged in order that the safe pressure may be determined; or if the flue is found to deviate from the form of a practically true circle, the pressure shall be reduced accordingly. The efficiency and workmanship of the riveted seams shall also be carefully observed at all inspections.

(e) The Officer in Charge, Marine Inspection, in determining the distance between the flues and the shells of externally fired boilers, under provisions of R. S. 4434 (46 U. S. C. 412), shall take the measurements from the plate in the flue to the plate in the shell on vessels in river service only.

(f) The shell of any boiler which has reached the age of 10 years shall, at the first annual inspection thereafter, and at such subsequent periods as the Officer in Charge, Marine Inspection, or Coast Guard District Commander may deem necessary, be drilled near the water line and at such other points in the shell as

may be necessary to determine as nearly as possible the thickness of material, which ascertained thickness, together with the general condition of the boiler, shall govern the maximum allowable pressure. If the thickness found by actual measurement is less than the original thickness, the maximum allowable pressure shall be recalculated using the thinnest portion of the shell plate as the thickness of the shell, and shall not exceed the maximum pressure permitted by the applicable boiler design formulas. For the purpose of such recalculation, the design formulas specified in this subchapter may be used for boilers made or contracted for prior to July 1, 1935, or alternatively the design formulas set forth in Subchapter F (Marine Engineering) may be used.

§ 69.05–15 Donkey boilers.

Donkey boilers shall be inspected in the same manner as the main boilers.

§ 69.05–20 Inspection of foreign-built boilers admitted to American Registry.

(a) Boilers of foreign-built vessels admitted to American registry shall be inspected in the same manner as boilers on American vessels.

(b) The working steam pressure shall be determined by the application of the hydrostatic pressure in the ratio as required by the laws of the United States and by a close observation of the general condition of the boiler.

(c) The working steam pressure under which the boilers are being operated shall be accepted as the basis for determining the allowable working pressure where it is not practicable or possible to secure a record of the tests of the plates entering into the construction of the boiler.

§ 69.05–25 Inspection of boilers on existing barges.

Boilers on existing barges required to be inspected and not constructed according to the specifications prescribed by the Commandant may be considered the same as foreign-built boilers as specified in § 69.05–20, and so treated.

Subpart 69.10—Repairs

§ 69.10–1 Welding repairs.

(a) No repair work by any welding process other than fusion welding shall be allowed on main boilers or unfired pressure vessels until coupons showing the character of the work proposed to be done by the applicant shall have been tested and submitted, with an explanation and report of the test, to the Officer in Charge, Marine Inspection, at or nearest the place where the work is to be done. The Officer in Charge, Marine Inspection, shall then satisfy himself whether or not such process can be used with safety on the boilers or unfired pressure vessels of steam vessels.

(b) In every case where repairs are to be made by these processes on boilers or unfired pressure vessels of steam vessels subject to the inspection of the Coast Guard, the engineer in charge and the parties making the repairs are required to notify the Officer in Charge, Marine Inspection, giving full detailed description of the repairs to be made, the location of the vessel, and the time the repairs are to be begun, so that inspection may be had, if practicable, prior to and during the time the work is being done, which reports must be confirmed in writing to the Officer in Charge, Marine Inspection.

(c) The application for permission to use these processes on boiler or unfired pressure vessel repairs of any particular vessel implies a guaranty on the part of the applicant that the work shall, in material, flux, and workmanship, be equal to that of the samples furnished.

(d) Repairs to marine boilers and unfired pressure vessels by means of fusion welding may be permitted provided such welding conforms to the requirements of Subchapter F (Marine Engineering) of this chapter.

SUBCHAPTER H—PASSENGER VESSELS

PART 70—GENERAL PROVISIONS

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Subpart 70.10—Definition of Terms Used in This Subchapter

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AUTHORITY: The provisions of this Part 70 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4421, as amended, 4426, as amended, 4453, as amended, 4488, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 404, 399, 435, 481, 366, 395, 363, 367, 526p, 1333, 390b, 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, Nov. 26, 1954, 19 F.R. 8026; 167–20, June 18, 1956, 21 F.R. 4894; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–38, Oct. 26, 1959, 24 F.R. 8857, unless otherwise noted.

Subpart 70.01—Authority and Purpose

§ 70.01–1 Purpose of regulations.

(a) The purpose of the regulations in this subchapter is to set forth uniform minimum requirements for passenger vessels in accordance with the intent of Title 52 of the Revised Statutes and acts amendatory thereof or supplemental thereto, as well as to implement various International Conventions for Safety of Life at Sea and other treaties which affect the merchant marine. The regulations are necessary to carry out the provisions of law affecting passenger vessels and such regulations have the force of law.

§ 70.01–5 Assignment of functions.

(a) By Reorganization Plan No. 3 of 1946, effective July 16, 1946, the marine inspection functions of the former Bureau of Marine Inspection and Navigation and its officers and employees were transferred to the Commandant, United States Coast Guard. By Reorganization Plan No. 26 of 1950 (15 F. R. 4935; 3 CFR, 1950 Supp., p. 178; 5 U. S. C. Note under 241), effective July 31, 1950, the functions formerly vested in the Commandant, United States Coast Guard, were transferred to the Secretary of the Treasury with certain specified exceptions. The Secretary of the Treasury by an order dated July 31, 1950 (15 F. R. 6521), delegated to the Commandant the functions formerly performed by him under Reorganization Plan No. 3 of 1946.

§ 70.01–10 Authority for regulations.

(a) *General.* (1) The authority to prescribe regulations generally is set forth in 46 U.S. Code, sections 375 and 416, as well as in certain other provisions in 46 U.S. Code, sections 170, 214, 215, 222, 224, 224a, 226, 228, 229, 230–234, 239, 240, 361, 362, 364, 372, 381, 391, 391a, 392, 393, 399, 400, 402–414, 435, 436, 451–453, 460, 461, 462, 464, 467, 470–482, and 489–498, and acts amendatory thereof or supplemental thereto. Under the provisions of 46 U.S. Code, section 372, the Commandant, United States Coast Guard, superintends the administration of the vessel inspection laws to produce a correct and uniform administration of the inspection laws, rules, and regulations.

(b) *Inspection and certification.* (1) The regulations regarding inspection and certification of passenger vessels interpret or apply 46 U.S. Code, sections 361, 362, 363, 367, 369, 390b, 391, 392, 395, 399, 400, 404, 406–408, 411, 412, 435, 660a, and 1333, and 50 U.S. Code, section 198.

(c) *Construction and arrangement.* (1) The regulations regarding the construction and arrangement of passenger vessels interpret or apply 46 U.S. Code, sections 363, 367, 369, 390b, 391, 392, 404, 481–483, and 1333, and 50 U.S. Code, section 198.

(d) *Subdivision.* (1) The regulations regarding subdivision of passenger vessels interpret or apply 46 U.S. Code, sections 85a, 88a, 363, 367, 369, 390b, 391, 392, 404, 482, 483, and 1333 and 50 U.S. Code, section 198.

(e) *Stability.* (1) The regulations regarding stability of passenger vessels interpret or apply 46 U.S. Code, sections 85a, 88a, 363, 367, 369, 390b, 391, 392, 404, 482, 483, and 1333, and 50 U.S. Code, section 198.

(f) *Lifesaving equipment.* (1) The regulations regarding lifesaving equipment of passenger vessels interpret or apply 46 U.S. Code, sections 367, 390b, 391, 392, 404, 481, 489, 526p, and 1333, and 50 U.S. Code, section 198.

(g) *Fire protection and equipment.* (1) The regulations regarding fire protection equipment of passenger vessels interpret or apply 46 U.S. Code, sections 367, 390b, 391, 392, 404, 470, 481, 526p, and 1333, and 50 U.S. Code, section 198.

(h) *Vessel control and miscellaneous systems and equipment.* (1) The regulations regarding vessel control and miscellaneous systems and equipment of passenger vessels interpret or apply 46 U.S. Code, sections 363, 367, 390b, 391, 392, 404, 526p, and 1333, and 50 U.S. Code, section 198.

(i) *Operations.* (1) The regulations regarding operations of passenger vessels interpret or apply 46 U.S. Code, sections 367, 390b, 391, 392, 404, 435, 526p, and 1333, and 50 U.S. Code, section 198.

Subpart 70.05—Application

§ 70.05–1 United States flag vessels subject to the requirements of this subchapter.

(a) This subchapter shall be applicable to all United States flag vessels indicated in Column 4 of Table 70.05–1(a) that are 100 gross tons or more, except as follows:

(1) Any vessel operating exclusively on inland waters which are not navigable waters of the United States; or,

(2) Any vessel while laid up and dismantled and out of commission; or,

(3) With the exception of vessels of the U. S. Maritime Administration, any vessel with title vested in the United States and which is used for public purposes.

§ 70.05–3 Foreign vessels subject to the requirements of this subchapter.

(a) Except as specifically noted in paragraph (b) of this section, this subchapter shall be applicable to the extent prescribed by law to all foreign vessels of the following classifications indicated in Column 4 of Table 70.05–1(a) that are 100 gross tons or more:

(1) Foreign vessels which carry more than 12 passengers from any port in the United States; or,

(2) Foreign vessels, other than those mentioned in subparagraph (1) of this paragraph, which carry more than 6 passengers from any port in the United States, and which are:

(i) Mechanically propelled vessels of not more than 15 gross tons; or,

(ii) Sailing vessels of not more than 700 gross tons; or,

(iii) Nonself-propelled vessels of not more than 100 gross tons.

(b) The provisions of this subchapter shall not be applicable to those foreign vessels covered by paragraph (a) of this section which are:

(1) Any vessel of a foreign nation signatory to the International Convention for Safety of Life at Sea, 1960, and which has on board a current valid safety certificate; or,

(2) Any vessel of a foreign nation having inspection laws approximating those of the United States together with reciprocal inspection arrangements with the United States, and which has on board a current valid certificate of inspection issued by its government under such arrangements.

(c) Notwithstanding the exceptions previously noted in paragraph (b) of this section, foreign vessels of novel design or construction, or whose operation involves potential unusual risks shall be subject to inspection to the extent necessary to safeguard life and property in United States' ports, as further provided by § 2.01–13 of Subchapter A (Procedures Applicable to the Public) of this chapter.

(R.S. 4472, as amended; 46 U.S.C. 170)

§ 70.05–5 Specific application noted in text.

(a) At the beginning of the various parts, subparts, and sections, a more specific application is generally given for the particular portion of the text involved. This application sets forth the types, sizes, or services or vessels to which the text pertains, and in many cases limits the application of the text to vessels contracted for before or after a specific date. As used in this subchapter, the term "vessels contracted for" includes not only the contracting for the construction of a vessel, but also the contracting for a material alteration to a vessel, the contracting for the conversion of a vessel to a passenger vessel, and the changing of service or route of a vessel if such change increases or modifies the general requirements for the vessel or increases the hazards to which it might be subjected.

§ 70.05–7 Ocean or unlimited coastwise vessels on inland and Great Lakes Routes.

(a) Vessels inspected and certificated for ocean or unlimited coastwise routes shall be considered suitable for navigation insofar as the provisions of this subchapter are concerned on any inland route, including the Great Lakes.

§ 70.05–10 Application to vessels on an international voyage.

(a) Where, in various places or portions of this subchapter, requirements are stipulated specifically for "vessels on an international voyage", it is intended that these requirements apply only to vessels subject to the International Convention for Safety of Life at Sea, 1960, which are mechanically propelled on an international voyage as defined in § 70.10–21, and certificated to carry more than 12 passengers.

(b) In accordance with Regulation 4, Chapter I (General Provisions), of the International Convention for Safety of Life at Sea, 1960, a vessel which is not normally engaged on an international voyage but which, in exceptional circumstances, is required to undertake a single international voyage may be exempted by the Commandant from any of the requirements of the Regulations of the Convention: *Provided*, That it complies with safety requirements which are adequate in his opinion for the voyage which is to be undertaken.

(c) In accordance with Regulation 1(c), Chapter II (Construction), of the International Convention for Safety of Life at Sea, 1960, the Commandant may, if he considers that the sheltered nature and conditions of the voyage are such as to render the application of any specific requirements of Chapter II of this Convention unreasonable or unnecessary, exempt from those requirements individual vessels or classes of vessels which, in the course of their voyage, do not proceed more than 20 miles from the nearest land.

(d) In accordance with Regulation 3(a), Chapter III (Lifesaving Appliances, Etc.), of the International Convention for Safety of Life at Sea, 1960, the Commandant, if he considers that the sheltered nature and conditions of the voyage are such as to render the application of the full requirements of Chapter III of this Convention unreasonable or unnecessary, may to that extent exempt from the requirements of Chapter III individual vessels or classes of vessels which, in the course of their voyage, do not go more than 20 miles from the nearest land.

TABLE 70.05-1(a)

Method of propulsion	Size or other limitations [1]	Classes of vessels (including motorboats) examined or inspected under various Coast Guard regulations [1]			
		Vessels inspected and certificated under Subchapter D—Tank Vessels [1]	Vessels inspected and certificated under either Subchapter H—Passenger Vessels [2] [3] [5] or Subchapter T—Small Passenger Vessels [2] [4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [2] [3]	Vessels subject to provisions of Subchapter C—Uninspected Vessels [2] [4]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Steam	Vessels not over 65 feet in length.	All vessels carrying combustible or flammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	All tugboats and towboats.	All vessels except those covered by columns 3, 4, and 5.[8]
	Vessels over 65 feet in length.	All vessels carrying combustible or flammable liquid cargo in bulk.[8]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels of not over 15 gross tons which carry more than 6 passengers.[7] 3. All other vessels carrying passengers, except: a. Yachts. b. Documented cargo or tank vessels issued a permit to carry not more than 16 persons in addition to the crew. c. Towing and fishing vessels, in other than ocean and coastwise service, may carry persons on the legitimate business of the vessel, in addition to crew, but not to exceed one for each net ton of the vessel.	All vessels except those covered by columns 3 and 4.	None.
Motor	Vessels of not over 15 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	All vessels except those covered by columns 3, 4, and 5.
	Vessels over 15 gross tons except seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or flammable liquid cargo in bulk.[8]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels not over 65 feet in length which carry more than 6 passengers.[7] 3. All other vessels of over 65 feet in length carrying passengers for hire except documented cargo or tank vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels carrying freight for hire except those covered by columns 3 and 4.	All vessels except those covered by columns 3, 4, and 5.
	Seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or flammable liquid cargo in bulk.[8]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels carrying passengers, except: a. Yachts. b. Documented cargo or tank vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels except those covered by columns 3 and 4, and those engaged in the fishing, oystering, clamming, crabbing, or any other branch of the fishery, kelp, or sponge industry.	All vessels except those covered by columns 3, 4, and 5.
Sail	Vessels not over 700 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	None.
	Vessels over 700 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.	All vessels carrying passengers for hire.	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	None.
Nonself-propelled	Vessels not over 100 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	All barges carrying passengers except those covered by column 4.
	Vessels over 100 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.	All vessels carrying passengers for hire.	All seagoing barges except those covered by columns 3 and 4; and those inland barges carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	All barges carrying passengers except those covered by column 4.

[1] Where length is used in this table it means the length measured from end to end over the deck, excluding sheer. This expression "means a straight line measurement of the overall length from the foremost part of the vessel to the aftermost part of the vessel, measured parallel to the centerline."

[2] Subchapters E (Load Lines), F (Marine Engineering), J (Electrical Engineering), and N (Dangerous Cargoes) of this chapter may also be applicable under certain conditions.

[3] Public nautical schoolships, other than vessels of the Navy and Coast Guard, shall meet the requirements of Part 167 of Subchapter R (Nautical Schools) of this chapter. Civilian nautical schoolships, as defined by 46 U.S.C. 1331, shall meet the requirements of Subchapter H (Passenger Vessels) and Part 168 of Subchapter R (Nautical Schools) of this chapter.

[4] Subchapter H (Passenger Vessels) of this chapter covers only those vessels of 100 gross tons or more. Subchapter T (Small Passenger Vessels) of this chapter covers only those vessels of less than 100 gross tons.

[5] Vessels covered by Subchapters H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter, where the principal purpose or use of the vessel is not for the carriage of liquid cargo, may be granted a permit to carry a limited amount of flammable or combustible liquid cargo in bulk. The portion of the vessel used for the carriage of the flammable or combustible liquid cargo shall meet the requirements of Subchapter D (Tank Vessels) in addition to the requirements of Subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter.

[6] Any vessel on an international voyage is subject to the requirements of the International Convention for Safety of Life at Sea, 1960.

[7] The meaning of the term "passenger" is as defined in the Act of May 10, 1956 (sec. 1, 70 Stat. 151; 46 U.S.C. 390).

[8] Boilers and machinery are subject to examination on vessels over 40 feet in length.

§ 70.05-15 Vessels subject to the act of May 10, 1956.

(a) The act of May 10, 1956 (46 U.S.C. 390–390g), applies to vessels which carry more than 6 passengers and which are:

(1) Mechanically propelled vessels of not more than 15 gross tons; or,

(2) Sailing vessels of not more than 700 gross tons; or,

(3) Nonself-propelled vessels of not more than 100 gross tons.

(b) Except as further set forth in this section, all vessels subject to the Act of May 10, 1956, shall meet all of the applicable requirements of this subchapter except that the Certificate of Inspection issued to the vessel shall be valid for a period of three years in lieu of one year, and reinspection will be made annually between inspections for certification.

(c) Vessels in existence as passenger vessels before June 1, 1958, and vessels contracted for as passenger vessels prior to June 1, 1958, which are subject to the act of May 10, 1956, shall meet the applicable requirements of this subchapter insofar as is reasonable and practicable in the opinion of the Officer in Charge, Marine Inspection. In this respect, he may grant departures from specific requirements of this subchapter if in his opinion the circumstances warrant such departure. In any case, the Officer in Charge, Marine Inspection, shall satisfy himself that the vessel and its equipment are in good condition and satisfactory for the purpose intended.

§ 70.05-20 Gross tonnage as a criterion for requirements.

(a) The regulations in this subchapter, as well as referenced requirements in other subchapters in this chapter, take into account the passenger vessel's size, construction, and equipment, as well as its intended service on the routes or waters on which it is desired to be operated or navigated, which are indications of the hazards to which such vessel may be subjected. The Commandant's determinations in this respect for a particular passenger vessel are stipulated in a certificate of inspection, which states certain terms and conditions governing such vessel when in operation.

(b) In applying the laws and regulations to passenger vessels, one criterion for invocation of safety standards is the description of passenger vessels by relative size in gross tons. When it is determined by the Commandant that the gross register tonnage for a particular passenger vessel, which is attained by exemptions, reductions, or other devices in the basic gross tonnage formulation, will circumvent or be incompatible with the application of specific safety requirements in the passenger vessel regulations for a vessel of such physical size, the Commandant shall prescribe the regulations to be made applicable to such vessel.

(c) When the Commandant determines that the gross register tonnage is not a valid criterion for the invocation of safety requirements based on relative size, the parties involved will be informed of the determination and of the regulations applicable to such passenger vessel, and before being permitted to operate such vessel, compliance therewith shall be required. Endorsements or notations on the passenger vessel's certificate of inspection may be made as appropriate.

§ 70.05-25 Portable containers—interpretive rulings.

(a) The phrase "drums, barrels, or other packages," as used in R.S. 4417a, as amended (46 U.S.C. 391a), and in R.S. 4472, as amended (46 U.S.C. 170), is interpreted to mean portable containers having a maximum capacity of 110 U.S. gallons and ICC specification cylinders having a water capacity of not more than 1,000 pounds, which are actually loaded and discharged from vessels with their contents intact.

(b) The phrase "inflammable or combustible liquid cargo in bulk" as used in R.S. 4417a, as amended (46 U.S.C. 391a), and in R.S. 4472, as amended (46 U.S.C. 170), is interpreted to include such cargo in portable containers of a capacity of more than 110 U.S. gallons.

(c) The phrase "liquid cargo" as used in R.S. 4417a, as amended (46 U.S.C. 391a), is interpreted to mean flammable or combustible liquids.

(Interpret or apply R.S. 4417a, as amended, 4472, as amended; 46 U.S.C. 391a, 170)

Subpart 70.10—Definition of Terms Used in This Subchapter

§ 70.10-1 Approved.

This term means approved by the Commandant unless otherwise stated.

§ 70.10-2 Barge.

This term means any nonself-propelled vessel.

§ 70.10-3 Carrying passengers for hire.

The carriage of any person or persons by a vessel for a valuable consideration, whether directly or indirectly flowing to the owner, charterer, operator, agent or any other person interested in the vessel.

§ 70.10-5 Carrying freight for hire.

The carriage of any goods, wares, or merchandise or any other freight for a valuable consideration whether directly or indirectly flowing to the owner, charterer, operator, agent, or any other person interested in the vessel.

§ 70.10-7 Classed vessel.

This term means any vessel classed by the American Bureau of Shipping or other recognized classification society.

§ 70.10-9 Commandant.

This term means the Commandant of the Coast Guard.

§ 70.10-11 Coast Guard District Commander.

This term means an officer of the Coast Guard designated as such by the Commandant to command all Coast Guard activities within his district, which include the inspection, enforcement, and administration of Title 52, Revised Statutes, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

§ 70.10-13 Coastwise.

Under this designation shall be included all vessels normally navigating the waters of any ocean or the Gulf of Mexico 20 nautical miles or less offshore.

§ 70.10-15 Ferry.

Under this designation shall be included those vessels, in other than ocean or coastwise service, having provisions only for deck passengers and/or vehicles, operating on a short run on a frequent schedule between 2 points over the most direct water route, and offering a public service of a type normally attributed to a bridge or tunnel.

§ 70.10-17 Great Lakes.

Under this designation shall be included all vessels navigating the Great Lakes.

§ 70.10-19 Headquarters.

This term means the Office of the Commandant, United States Coast Guard, Washington, D.C., 20226.

§ 70.10-21 International voyage.

(a) The term "international voyage" as used in this subchapter shall have the same meaning as that contained in Regulation 2(d), Chapter I of the International Convention for Safety of Life at Sea, 1960, i.e., "'International voyage' means a voyage from a country to which the present Convention applies to a port outside such country, or conversely; and for this purpose every territory for the international relations of which a Contracting Government is responsible or for which the United Nations is the administering authority is regarded as a separate country."

(b) The International Convention for Safety of Life at Sea, 1960, does not apply to vessels "solely navigating the Great Lakes of North American and the River St. Lawrence as far east as a straight line drawn from Cap de Rosiers to West Point, Anticosti Island and, on the north side of Anticosti Island, the 63d Meridian." Accordingly, such vessels shall not be considered as being on an "international voyage" for the purpose of this subchapter.

(c) For the purposes of this subchapter the term "territory" as used in paragraph (a) of this section shall be considered to include the Commonwealth of Puerto Rico, the Canal Zone, all possessions of the United States, and all lands held by the United States under a protectorate or mandate.

(d) In addition, although voyages between the continental United States and Hawaii or Alaska, and voyages between Hawaii and Alaska are not "international voyages" under the provisions of the International Convention for Safety of Life at Sea, 1960, such voyages are similar in nature and shall be considered as "international voyages" and subject to the same requirements for the purposes of this subchapter.

§ 70.10–23 Lakes, bays, and sounds.

Under this designation shall be included all vessels navigating the waters of any of the lakes, bays, or sounds other than the waters of the Great Lakes.

§ 70.10–25 Marine inspector or inspector.

These terms mean any person from the civilian or military branch of the Coast Guard assigned under the superintendence and direction of an Officer in Charge, Marine Inspection, or any other person as may be designated for the performance of duties with respect to the inspection, enforcement, and administration of Title 52, Revised Statutes, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

§ 70.10–29 Motor vessel.

This term means any vessel more than 65 feet in length, which is propelled by machinery other than steam.

§ 70.10–30 Nuclear vessel.

(a) A nuclear vessel is a vessel provided with a nuclear powerplant for propulsion or any other purpose, or any vessel handling or processing substantial amounts of radioactive material other than as cargo.

§ 70.10–31 Ocean.

Under this designation shall be included all vessels navigating the waters of any ocean or the Gulf of Mexico more than 20 nautical miles offshore.

§ 70.10–33 Officer in Charge, Marine Inspection.

This term means any person from the civilian or military branch of the Coast Guard designated as such by the Commandant and who, under the superintendence and direction of the Coast Guard District Commander, is in charge of an inspection zone for the performance of duties with respect to the inspections, enforcement, and administration of Title 52, Revised Statutes, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

§ 70.10–35 Passenger.

A passenger is every person other than the master and the members of the crew or other persons employed or engaged in any capacity on board a vessel in the business of that vessel. The following special considerations should be noted:

(a) In the case of a vessel on an international voyage a child under one year of age is not counted as a passenger.

(b) For vessels subject to the provisions of the act of May 10, 1956, the term "passenger" means every person carried on board a vessel other than:

(1) The owner or his representative;

(2) The master and the bona fide members of the crew engaged in the business of the vessel who have contributed no consideration for their carriage and who are paid for their services;

(3) Any employee of the owner of the vessel engaged in the business of the owner, except when the vessel is operating under a bareboat charter;

(4) Any employee of the bareboat charterer of the vessel engaged in the business of the bareboat charterer;

(5) Any guest on board a vessel which is being used exclusively for pleasure purposes who has not contributed any consideration directly or indirectly, for his carriage; or,

(6) Any person on board a vessel documented and used for tugboat or towboat service of fifty gross tons or more who has not contributed any consideration, directly or indirectly, for his carriage.

§ 70.10–37 Rules of the Road.

(a) The term "Rules of the Road" means the statutory and regulatory rules governing navigation of vessels. These rules are also published by the Coast Guard in pamphlet form as follows:

(1) Rules of the Road—International—Inland (CG–169).

(2) Rules of the Road—Great Lakes (CG–172).

(3) Rules of the Road—Western Rivers (CG–184).

(b) The current editions of the "Rules of the Road" pamphlets may be obtained from any Marine Inspection Office.

§ 70.10–39 Rivers.

Under this designation shall be included all vessels whose navigation is restricted to rivers and/or canals exclusively, and to such other waters as may be so designated by the Coast Guard District Commanders.

§ 70.10–41 Recognized classification society.

The term "recognized classification society" means the American Bureau of Shipping or other classification society recognized by the Commandant.

§ 70.10–42 Sailing vessel.

This term means a vessel with no mechanical means of propulsion, all propulsive power being provided by sails.

§ 70.10–43 Short international voyage.

For the purpose of this subchapter, the expression "short international voyage" means an international voyage in the course of which a vessel is not more than 200 miles from a port or place in which the passengers and crew could be placed in safety, and which does not exceed 600 miles in length between the last port of call in the country in which the voyage begins and the final port of destination.

§ 70.10–45 Vessel.

Where the word "vessel" is used in this subchapter, it shall be considered to include all vessels indicated in Column 4 of Table 70.05–1(a), which are of more than 65 feet in length measured from end to end over the deck excluding sheer, except as otherwise noted in this subpart.

§ 70.10–47 Western rivers.

For the purposes of this subchapter, the term "western rivers" is as defined in CG–184, "Rules of the Road—Western Rivers."

Subpart 70.15—Equivalents

§ 70.15–1 Conditions under which equivalents may be used.

(a) Where in this subchapter it is provided that a particular fitting, material, appliance, apparatus, or equipment, or type thereof, shall be fitted or carried in a vessel, or that any particular provision shall be made or arrangement shall be adopted, the Commandant may accept in substitution therefor any other fitting, material, apparatus, or equipment, or type thereof, or any other provision or arrangement: *Provided*, That he shall have been satisfied by suitable trials that the fitting, material, appliance, apparatus, or equipment, or type thereof, or the provision or arrangement shall be at least as effective as that specified in this subchapter.

(b) In any case where it is shown to the satisfaction of the Commandant that the use of any particular equipment, apparatus, or arrangement not specifically required by law is unreasonable or impracticable, the Commandant may permit the use of alternate equipment, apparatus, or arrangement to such an extent and upon such conditions as will insure, to his satisfaction, a degree of safety consistent with the minimum standards set forth in this subchapter.

Subpart 70.20—General Marine Engineering Requirements

§ 70.20–1 Marine engineering details.

All marine engineering details such as piping, valves, fittings, boilers, pressure vessels, etc., and their appurtenances installed on the vessel, shall be designed, constructed, and installed in accordance with the provisions of Subchapter F (Marine Engineering) of this chapter.

(R.S. 4418, as amended, 4433, as amended; 46 U.S.C. 392, 411)

§ 70.20–5 Nuclear vessels.

(a) Nuclear vessels shall comply with the applicable requirements in Subpart 57.30 of Part 57 of Subchapter F (Marine Engineering) of this chapter. The regulations covering the transportation and handling of radioactive materials as cargo are contained in Part 146 of Subchapter N (Dangerous Cargoes) of this chapter.

(R.S. 4417, as amended, 4418, as amended, 4472, as amended, sec. 2, 23 Stat. 118, as amended, secs. 2, 633, 63 Stat. 496, 545; 46 U.S.C. 391, 392, 170, 2, 14 U.S.C. 2, 633. Treasury Department Order 167–17, June 29, 1955, 20 F.R. 4976)

Subpart 70.25—General Electrical Engineering Requirements

§ 70.25–1 Electrical engineering details.

All electrical engineering details and installations shall be designed and installed in accordance with Subchapter J (Electrical Engineering) of this chapter.

(R.S. 4418, as amended; 46 U.S.C. 392)

Subpart 70.30—Special Provisions

§ 70.30–1 Vessels acquired or documented under the Act of August 9, 1954.

(a) Vessels acquired or documented under the act of August 9, 1954 (sec. 3, 68 Stat. 675; 50 U.S.C. 198), shall be subject to the applicable provisions of Title 52 of the Revised Statutes, acts amendatory thereof or supplemental thereto and the rules and regulations thereunder.

(b) Unapproved lifesaving, firefighting, and other equipment may be continued in service as long as, in the opinion of the Officer in Charge, Marine Inspection, such equipment is in good and serviceable condition. All replacements shall be in accordance with Coast Guard requirements.

§ 70.30–5 Installations of equipment made during the unlimited national emergency declared by the President on May 27, 1941.

(a) Boilers, pressure vessels, machinery, piping, electrical, and other installations, including lifesaving, firefighting, and other safety equipment, installed on vessels during the Unlimited National Emergency declared by the President on May 27, 1941, and prior to the determination of Title V of the Second War Powers Act, as extended (sec. 501, 56 Stat. 180, 50 U.S.C. App. 635), which do not fully meet the detailed requirements of the regulations in this chapter, may be continued in service if found to be satisfactory by the Commandant for the purpose intended.

Subpart 70.35—American Bureau of Shipping's Standards

AUTHORITY: The provisions of this Subpart 70.35 interpret or apply sec. 25, 41 Stat. 9938, as amended, sec. 5, 49 Stat. 1384, as amended; 46 U.S.C. 881, 369.

§ 70.35–1 Standards to be used.

(a) Where in this subchapter an item, or method of construction, or testing is required to meet the standards established by the American Bureau of Shipping, the current standards in effect at the time of construction of the vessel, or otherwise as applicable, shall be used. The current standards of other recognized classification societies may also be accepted upon approval by the Commandant.

§ 70.35–5 Where obtainable.

(a) The standards established by the American Bureau of Shipping are usually published annually and may be purchased from the American Bureau of Shipping, 45 Broad Street, New York, N.Y., 10004. These standards may be also examined at the office of the Commandant (M), U.S. Coast Guard, Washington, D.C., 20226, or at the office of any Coast Guard District Commander or Officer in Charge, Marine Inspection.

PART 71—INSPECTION AND CERTIFICATION

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71.75–1 Application.
71.75–5 Passenger Ship Safety Certificate or Nuclear Passenger Ship Safety Certificate.
71.75–10 Exemption Certificate.
71.75–15 Posting of Convention certificates.
71.75–20 Duration of certificates.

AUTHORITY: The provisions of this Part 71 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4418, as amended, 4421, as amended, 4426, as amended, 4433, as amended, 4453, as amended, 4488, as amended, 4490, as amended, 4491, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 392, 399, 404, 411, 435, 481, 482, 489, 366, 395, 363, 369, 367, 526p, 1333, 390b, 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, Nov. 26, 1954, 19 F.R. 8026; 167–20, June 18, 1956, 21 F.R. 4894; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–38, Oct. 26, 1959, 24 F.R. 8857, unless otherwise noted.

Subpart 71.01—Certificate of Inspection

AUTHORITY: The provisions of this Subpart 71.01 interpret or apply R.S. 4423, as amended, sec. 12, 35 Stat. 428, as amended; 46 U.S.C. 400, 397.

§ 71.01–1 When required.

(a) Except as noted in this subpart or Subpart 71.05, no vessel subject to inspection and certification shall be operated without a valid certificate of inspection.

§ 71.01–5 Posting.

(a) On vessels of over 25 gross tons, the original certificate of inspection shall, in general, be framed under glass and posted in a conspicuous place where it will be most likely to be observed by the passengers. On vessels not over 25 gross

tons, and on other vessels such as barges, where the framing of the certificate under glass would be impracticable, the original certificate of inspection shall be kept on board to be shown on demand.

§ 71.01–10 Period of validity.

(a) Certificates of inspection will be issued for a period of one year, except for those vessels subject only to the act of May 10, 1956 (46 U.S.C. 390–390g), when the certificates will be issued for a period of three years. Application may be made by the owner for inspection and issuance of a new certificate of inspection at any time within its period of validity.

(b) The certificate of inspection may be revoked or suspended at any time.

§ 71.01–15 Temporary certificate.

(a) If necessary to prevent delay of the vessel, a temporary certificate of inspection, Form CG–854, shall be issued pending the issuance and delivery of the regular certificate of inspection. Such temporary certificate shall be carried in the same manner as the regular certificate and shall in all ways be considered the same as the regular certificate of inspection which it represents.

§ 71.01–20 Expired certificate.

(a) Nothing in this subpart shall prevent a vessel upon a regularly established line from a port in the United States to a port of a foreign country not contiguous to the United States whose certificate of inspection expires at sea or while said vessel is in a foreign port or a port of Hawaii from lawfully completing her voyage without the valid certificate of inspection or temporary certificate required by this subpart: *Provided*, That the voyage shall be completed within 30 days after the expiration of the certificate of inspection. No such vessel shall depart if its certificate of inspection will expire within 15 days of the date of sailing.

Subpart 71.05—Permit To Proceed to Another Port for Repair

§ 71.05–1 When issued.

(a) The Officer in Charge, Marine Inspection, may issue a permit to proceed to another port for repair, Form CG–948, to a vessel, if in his judgment it can be done with safety, even if the certificate of inspection of the vessel has expired or is about to expire.

§ 71.05–5 To whom issued.

(a) Such permit will only be issued upon the written application of the master, owner, or agent of the vessel.

§ 71.05–10 Conditions of permit.

(a) The permit will state upon its face the conditions under which it is issued and whether or not the vessel is permitted to carry freight or passengers. Passengers may not be carried if the certificate of inspection has expired, except as provided under § 71.01–20.

§ 71.05–15 Posting.

(a) The permit shall be carried in a manner similar to that described in § 71.01–5 for a certificate of inspection.

Subpart 71.10—Permit To Engage in Excursions

AUTHORITY: The provisions of this Subpart 71.10 interpret or apply R.S. 4466, as amended; 46 U.S.C. 453.

§ 71.10–1 When issued.

(a) The Officer in Charge, Marine Inspection, may issue a permit to carry additional passengers on an excursion, Form CG–949, if after personally inspecting the vessel, it can, in his judgment, be done with safety.

§ 71.10–5 To whom issued.

(a) Such permit will only be issued upon the written application of the master, owner, or agent of the vessel.

§ 71.10–10 Conditions of permit.

(a) The permit will state upon its face the conditions under which it is issued, the number of extra passengers the vessel may carry, any additional lifesaving or safety equipment which will be required, the route for which the permit is granted, and the dates on which the permit will be valid.

§ 71.10–15 Posting.

(a) The permit when used, shall be carried in addition to the certificate of inspection and shall be carried in a manner similar to that described in § 71.01–5 for a certificate of inspection.

Subpart 71.15—Inspection of Vessels

§ 71.15–1 Standards in inspection of hulls, boilers, and machinery.

(a) In the inspection of hulls, boilers, and machinery of vessels, the standards established by the American Bureau of Shipping, see Subpart 70.35 of this subchapter respecting material and inspection of hulls, boilers, and machinery, and the certificate of classification referring thereto, except where otherwise provided for by the rules and regulations in this subchapter, Subchapter E (Load Lines), Subchapter F (Marine Engineering), or Subchapter J (Electrical Engineering) of this chapter, shall be accepted as standard by the inspectors.

Subpart 71.20—Initial Inspection

§ 71.20–1 Prerequisite of certificate of inspection.

(a) The initial inspection is a prerequisite of the issuance of the original certificate of inspection.

§ 71.20–5 When made.

(a) The original inspection will only be made upon the written application of the owner or builder of the vessel to the Officer in Charge, Marine Inspection, on Form CG–3752, application for inspection of U.S. vessel, at or nearest the port where the vessel is located.

§ 71.20–10 Plans.

(a) Before application for inspection is made and before construction is started, the owner or builder shall have plans indicating the proposed arrangement and construction of the vessel approved by the Commandant. The procedure for submitting plans and the list of plans to be supplied is set forth in Subpart 71.65.

§ 71.20–15 Scope of inspections.

(a) The initial inspection, which may consist of a series of inspections during the construction of a vessel, shall include a complete inspection of the structure, machinery, and equipment, including the outside of the vessel's bottom, and the inside and outside of the boilers. The inspection shall be such as to insure that the arrangements, materials, and scantlings of the structure, boilers and other pressure vessels and their appurtenances, piping, main and auxiliary machinery, electrical installations, lifesaving appliances, fire-detecting and extinguishing equipment, pilot ladders, and other equipment fully comply with the applicable regulations for such vessel and are in accordance with approved plans, and that the radio installations, including fixed and portable radios for lifeboats, are in accordance with the requirements of the Federal Communications Commission. The inspection shall also be such as to insure that the workmanship of all parts of the vessel and its equipment is in all respects satisfactory and that the vessel is provided with lights, means of making sound signals and distress signals as required by applicable regulations and the applicable "Rules of the Road."

(b) For nuclear vessels, the foregoing inspections shall be made except insofar as they may be limited by the presence of radiation. In addition, the inspection shall include any special requirements of the vessel's "Safety Assessment."

§ 71.20–20 Specific tests and inspections.

(a) The applicable tests and inspections relating to annual inspection as set forth in Subpart 71.25 shall be made at this time. In addition, the following specific tests and inspections shall be made by the inspector:

(1) Installation of lifeboats, davits, and winches, see Subpart 75.35 of this subchapter.

(2) Installation of carbon dioxide extinguishing piping, see § 76.15–15 of this subchapter.

(3) For inspection procedures of marine engineering equipment and systems, see Subchapter F (Marine Engineering) of this chapter.

(4) For inspection procedures of electrical engineering equipment and systems, see Subchapter J (Electrical Engineering) of this chapter.

(5) For inspection and testing standards of structural subdivision integrity, see § 72.01–25 of this subchapter.

(6) For inspection and testing of watertight doors, see § 73.35–30 of this subchapter.

Subpart 71.25—Annual Inspection

§ 71.25–1 Prerequisite of reissuance of certificate of inspection.

(a) The annual inspection is a prerequisite of the reissuance of a certificate of inspection.

§ 71.25–5 When made.

(a) The annual inspection will be made only upon the written application of the master, owner, or agent of the vessel on Form CG–3752, Application for Inspection of U.S. Vessel, to the Officer in Charge, Marine Inspection, at or nearest the port where the vessel is to be inspected.

§ 71.25–10 Scope of inspections.

(a) The annual inspection shall include an inspection of the structure, boilers, and other pressure vessels, machinery and equipment. The inspection shall be such as to insure that the vessel, as regards the structure, boilers and other pressure vessels, and their appurtenances, piping, main and auxiliary machinery, electrical installations, lifesaving appliances, fire-detecting and extinguishing equipment, pilot ladders, and other equipment is in satisfactory condition and fit for the service for which it is intended, and that it complies with the applicable regulations for such vessels, and that the radio installations, including fixed and portable radios for lifeboats, are in compliance with the requirements of the Federal Communications Commission. The lights and means of making sound signals and the distress signals carried by the vessel shall also be subject to the above-mentioned annual inspection for the purpose of insuring that they comply with the requirements of the applicable regulations and the applicable "Rules of the Road."

(b) For nuclear vessels, the foregoing inspections shall be made except insofar as they may be limited by the presence of radiation. In addition, the inspection shall include any special requirements of the vessel's "Safety Assessment."

§ 71.25–15 Lifesaving equipment.

(a) At each annual inspection, the inspector shall conduct the following tests and inspections of lifesaving equipment:

(1) It shall be demonstrated that the air tanks of all lifesaving appliances are airtight.

(2) Each lifeboat shall be lowered to near the water and then be loaded with its allowed capacity, evenly distributed throughout the length and then be lowered into the water until it is afloat and be released from the falls: *Provided*, That lifeboats on river ferryboats and on river vessels shall be lowered to the water and afloat before loading. In making this test persons or deadweight may be used. The total weight used shall be at least equal to the allowed capacity of the lifeboat, considering persons to weigh 165 pounds each.

(3) Each life preserver or wood float shall be examined to determine its serviceability. If found to be satisfactory, it will be stamped "Passed," together with the date, the port, and the inspector's initials. If not in a serviceable condition, the life preserver or wood float shall be removed from the vessel. If the life preserver is beyond repair, it shall be destroyed in the presence of the inspector.

(4) All lifeboat winch electrical control apparatus shall be opened up and inspected.

(5) Where gravity davits are installed, it shall be demonstrated that each lifeboat can be swung out and lowered from any stopped position by merely releasing the brake on the lifeboat winch. The use of force to start the davits or the lifeboat winch will not be permitted.

(6) Inflatable liferafts shall be serviced at an approved servicing facility in accordance with Subpart 160.051 of Subchapter Q (Specifications) of this chapter. Inflatable liferafts shall be serviced at an approved servicing facility every 12 months or not later than the next vessel inspection for certification provided the total time since date of last servicing does not exceed 15 months. The period for servicing is computed from date of last servicing. Except in emergencies no servicing should be done aboard vessels. If at any time external damage is found to the container or straps or if the seal is broken, the Officer in Charge, Marine Inspection, shall be notified and the raft shall be serviced by an approved servicing facility.

NOTE: After the raft has been satisfactorily serviced in the presence of a marine inspector at an approved servicing facility, the raft is repacked and sealed and the carrying case stamped "PASSED" together with the date, port, and the inspector's initials.

(7) Where launching devices for inflatable liferafts are installed, the launching device shall be proof tested with a weight equal to the raft and its full complement of persons and equipment.

(8) All other items of lifesaving equipment shall be examined to determine that they are in suitable condition.

§ 71.25–20 Fire-detecting and extinguishing equipment.

(a) At each annual inspection, the inspector shall conduct the following tests and inspections of fire detecting and extinguishing equipment:

(1) All hand portable fire extinguishers and semiportable fire extinguishing systems shall be checked as noted in Table 71.25–20 (a) (1). In addition, the hand portable fire extinguishers and semiportable fire extinguishing systems shall be examined for excessive corrosion and general condition.

TABLE 71.25–20(a)(1)

Type unit	Test
Soda acid	Discharge. Clean hose and inside of extinguisher thoroughly. Recharge.
Foam	Discharge. Clean hose and inside of extinguisher thoroughly. Recharge.
Pump tank (water or antifreeze).	Discharge. Clean hose and inside of extinguisher thoroughly. Recharge with clean water or antifreeze.
Cartridge operated (water, antifreeze or loaded stream).	Examine pressure cartridge and replace if end is punctured or if cartridge is otherwise determined to have leaked or to be in unsuitable condition. Remove liquid. Clean hose and inside of extinguisher thoroughly. Recharge with clean water, solution or antifreeze. Insert charged cartridge.
Carbon dioxide	Weigh cylinders. Recharge if weight loss exceeds 10 percent of weight of charge. Inspect hose and nozzle to be sure they are clear.[1]

TABLE 71.25–20(a)(1)—Continued

Type unit	Test
Dry chemical (cartridge-operated type).	Examine pressure cartridge and replace if end is punctured or if cartridge is otherwise determined to have leaked or to be in unsuitable condition. Inspect hose and nozzle to see they are clear. Insert charged cartridge. Be sure dry chemical is free-flowing (not caked) and chamber contains full charge.
Dry chemical (stored pressure type).	See that pressure gage is in operating range. If not, or if seal is broken, weigh or otherwise determine that full charge of dry chemical is in extinguisher. Recharge if pressure is low or if dry chemical is needed.
Vaporizing liquid [2] (pump type).	Pump a few strokes into clean pail and replace liquid. Keep water out of extinguisher or liquid. Keep extinguisher completely full of liquid.
Vaporizing liquid [2] (stored pressure type).	See that pressure gage is in operating range. Weigh or check liquid level to determine that full charge of liquid is in extinguisher. Recharge if pressure is low or if liquid is needed.

[1] Cylinders shall be tested and marked in accordance with the regulations of the Interstate Commerce Commission, as noted in § 147.04–1 of Subchapter N (Dangerous Cargoes) of this chapter.

[2] Vaporizing-liquid type fire extinguishers containing carbon tetrachloride or chlorobromomethane or other toxic vaporizing liquids shall be removed from all vessels. (See § 76.50–5(e) of this subchapter.)

(2) Fixed fire extinguishing systems shall be checked as noted in Table 71.25–20 (a) (2). In addition all parts of the fixed fire extinguishing systems shall be examined for excessive corrosion and general conditions.

TABLE 71.25–20 (a) (2)

Type system	Test
Foam	Systems utilizing a soda solution shall have such solution replaced. In all cases, ascertain that powder is not caked.
Carbon dioxide	Weigh cylinders. Recharge if weight loss exceeds 10 percent of weight of charge.[1]

[1] Cylinders shall be tested and marked in accordance with the regulations of the Interstate Commerce Commission, as noted in § 147.04–1 of Subchapter N (Dangerous Cargoes) of this chapter.

(3) All fire detecting and extinguishing systems, all piping controls, valves, and alarms shall be checked to ascertain that the system is in operating condition. In this respect, automatic sprinkling systems shall be checked by means of test stations or opening heads, smoke detecting systems shall be checked by introducing smoke into the accumulators, fire detecting and manual alarm systems shall be checked by test stations or actuating detectors or pull boxes, and steam smothering lines shall be checked with at least a 50 p. s. i. air pressure with the ends capped or by blowing steam through the lines at the designed pressure.

(4) The fire main system shall be operated and the pressure checked at the most remote and highest outlets. All fire hose shall be subjected to a test pressure equivalent to the maximum pressure to which they may be subjected in service, but not less than 100 p. s. i.

§ 71.25–25 Hull equipment.

(a) At each annual inspection, the inspector shall conduct the following tests and inspections of hull equipment:

(1) All subdivision bulkheads shall be examined to determine that their watertight integrity has not been impaired.

(2) All watertight doors shall be operated locally by manual power and also by hydraulic or electric power if so fitted. Where remote control is fitted, the doors shall also be operated by the remote control apparatus.

(3) All magnetically controlled fire doors shall be operated locally and by the remote control, and all automatic fire dampers shall be checked to determine that they are in an operable condition.

(4) The remote controls of all valves shall be operated.

(5) An inspection of the cargo gear shall be required. The inspection may consist of tests and examinations to determine the condition and suitability of the cargo gear. Current valid certificates and registers of cargo gear issued by nonprofit organizations or associations approved by the Commandant, may be accepted as prima facie evidence of the condition and suitability of the cargo gear. Cargo gear certificates and registers will not be issued by the Coast Guard.

(b) Every acceptable cargo gear certificate and/or register shall be properly executed by a person authorized to do so and shall:

(1) Certify as to the tests and examinations conducted;

(2) Show the dates on which the tests and examinations were conducted; and,

(3) Indicate that the cargo gear therein described complies with standards equal to or exceeding those set forth in Subpart 71.47.

(c) Competent persons for the purposes of this section and Subpart 71.47 are:

(1) Coast Guard marine inspectors;

(2) Surveyors of the organizations or associations approved by the Commandant;

(3) Such other persons as are authorized by the regulations in Subpart 71.47 as may be required; and,

(4) Responsible officials or employees of the testing laboratories, companies, or organizations who conduct tests of pieces of loose cargo gear, wire rope, or the annealing of gear as may be required.

(d) The registers issued in connection with cargo gear certification must have all required entries fully completed as of the dates indicated, shall be kept current, and shall include the following:

(1) A register of the cargo handling machinery and the gear accessory thereto carried on the vessel named therein;

(2) Certification of the testing and examination of winches, derricks, and their accessory gear;

(3) Certification of the testing and examination of cranes, hoists, and their accessory gear;

(4) Certification of the testing and examination of chains, rings, hooks, shackles, swivels, and blocks;

(5) Certification of the testing and examination of wire rope;

(6) Certification of the heat treatment of chains, rings, hooks, shackles, and swivels which require such treatment; and,

(7) Certification of the annual thorough examinations of gear not required to be periodically heat treated.

(e) It is the responsibility of the master to have a ship's officer inspect cargo gear when required by Subpart 71.47. For those inspected vessels which do not have valid cargo gear certificates and registers as provided by this section, such vessels will be required to have their shipboard cargo gear undergo tests and examinations in accordance with the provisions of Subpart 71.47.

§ 71.25–30 Electrical engineering equipment.

(a) For inspection procedures of electrical engineering equipment and systems, see subchapter J (Electrical Engineering) of this chapter.

§ 71.25–35 Marine engineering equipment.

(a) For inspection procedures of marine engineering equipment and systems, see Subchapter F. (Marine Engineering) of this chapter.

§ 71.25–40 Sanitary inspection.

(a) At each annual inspection the passenger and crew quarters, toilet and washing spaces, galleys, serving pantries, lockers, etc., shall be examined by the inspector to be assured that they are in a sanitary condition.

(Sec. 4, 49 Stat. 1935, as amended; 46 U.S.C. 660a)

§ 71.25–45 Fire hazards.

(a) At each annual inspection, the inspector shall examine the tank tops and bilges in the machinery spaces to see that there is no accumulation of oil which might create a fire hazard.

§ 71.25–50 Inspector not limited.

(a) Nothing in this subpart shall be construed as limiting the inspector from making such tests or inspections as he deems necessary to be assured of the safety and seaworthiness of the vessel.

Subpart 71.30—Reinspection

§ 71.30–1 When made.

(a) In general, at least three reinspections shall be made on each vessel within one year. These reinspections will be made at approximately equal intervals between annual inspections. In the case of vessels with a seasonal schedule, reinspections will be made during the operating season if practicable.

(b) For those vessels subject only to the act of May 10, 1956 (46 U.S.C. 390–390g), reinspections will be made annually between inspections for certification.

§ 71.30–5 Scope.

(a) The inspector shall examine all accessible parts of the vessel's hull, machinery, and equipment to be assured that it is in a satisfactory condition.

(b) In general, the scope of the reinspection shall be the same as for the annual inspection, but will be in less detail unless it is determined that major change has occurred since the last annual inspection.

§ 71.30–10 Inspector not limited.

(a) Nothing in this subpart shall be construed as limiting the inspector from making such tests or inspections as he deems necessary to be assured of the safety and seaworthiness of the vessel.

Subpart 71.40—Inspection After Accident

§ 71.40–1 General or partial survey.

(a) A survey, either general or partial, according to the circumstances, shall be made every time an accident occurs or a defect is discovered which affects the safety of the vessel or the efficacy or completeness of its lifesaving appliances, fire-fighting or other equipment, or whenever any important repairs or renewals are made. The survey shall be such as to insure that the necessary repairs or renewals have been effectively made, that the material and the workmanship of such repairs or renewals are in all respects satisfactory, and that the vessel complies in all respects with the regulations in this subchapter.

(R.S. 4450, as amended; 46 U.S.C. 239)

Subpart 71.45—Sanitary Inspections

§ 71.45–1 When made.

(a) An inspection of passenger and crew quarters, toilet and washing spaces, serving pantries, galleys, etc., shall be made, in general, at least once in every month. If the route of the vessel is such that it is away from a United States port for more than one month, an inspection shall be conducted at least once every trip.

(Sec. 4, 49 Stat. 1935, as amended; 46 U.S.C. 660a)

Subpart 71.47—Inspection of Cargo Gear

§ 71.47–1 When made.

(a) The specific tests and examinations shall be made at the intervals stated in the regulations in this subpart.

(b) A thorough examination of the assembled gear shall be made at least once in every year.

(c) An inspection to determine the condition and suitability of shipboard cargo gear will be made by a marine inspector at each inspection for certification. Inspections may be made at such other times as considered necessary by the Officer in Charge, Marine Inspection.

(d) For vessels fitted with cargo gear, an initial test of the assembled units under proof loads shall be conducted, followed by a complete dismantling or disassembling of such gear and a thorough examination of the parts to ascertain its condition. Subsequent tests of the assembled units under proof loads, followed by a dismantling or disassembling of such gear and a thorough examination shall be made once every 4 years, or oftener if necessary.

§ 71.47–3 Definitions of terms and words used in this subpart.

(a) *Cargo gear.* The term "cargo gear" includes masts, stays, booms, winches, cranes, elevators, conveyors, standing and running gear forming that part of the shipboard cargo gear used in connection with the loading or unloading of a vessel. This term does not include material handling gear and rigging of special design vessels used solely in dredging, pile driving, drilling for mineral deposits, and construction work.

(b) *Dismantling or disassembling of gear.* The "dismantling" or "disassembling" of gear contemplated is the taking apart of units of gear to the extent necessary to determine the suitability of such gear for continued service and as may be specifically required to carry out the intent of a particular regulation in this subpart. After proof load tests the disassembling need not include the sheaves and pins of the blocks included in the test unless there appears to be evidence of deformation or failure.

(c) *Thorough examination.* The "thorough examination" contemplated is a visual examination, supplemented if necessary by other means such as by a hammer test or by a test with electronic or ultrasonic devices.

(d) *Ton.* The word "ton" means a ton of 2,240 pounds.

(e) *Safe working load.* The "safe working load" (SWL) contemplated is the load the gear is approved to lift, excluding the weight of the gear itself.

§ 71.47–5 Tests and examinations of shipboard cargo gear.

(a) For vessels fitted with cargo gear and without valid cargo gear certificates and registers issued by organizations or associations, recognized by the Coast Guard, inspections shall be made by those competent persons described in § 71.25–25(c) (1) and (2), to determine the condition and suitability of the shipboard cargo gear. For the initial and subsequent quadrennial inspections, all the cranes, winches, hoists, derrick booms, derrick and mast bands, and all parts used in loading or unloading cargo shall be assembled in units and such assembled units shall then be tested under proof loads. The proof loads shall be handled for various types of units as required by specific regulations in this subpart. After the proof load tests of the assembled units of gear have been made, such gear shall be disassembled or dismantled so as to permit them to be thoroughly examined. The sheaves and pins of the blocks included in these proof load tests need not be removed unless there appears to be evidence of deformation or failure.

(b) For vessels fitted with cargo gear and holding valid cargo gear certificates and registers issued by organizations or associations recognized by the Coast Guard, the marine inspectors may accept such certificates as prima facie evidence of compliance with the requirements in this subpart. If an Officer in Charge, Marine Inspection, is in doubt as to the condition and suitability of shipboard cargo gear for such a vessel, the tests and examinations, or such portions thereof as deemed necessary, provided for in this subpart will be required.

(c) If any part or portion of the gear fails or becomes defective during such tests, such defective equipment shall be satisfactorily repaired or replaced.

§ 71.47–10 Cargo gear of special design and limited use.

(a) The regulations in this subpart shall apply to cargo gear of special design and limited use (derrick barges rigged for heavy lifts, cargo booms on self unloaders, etc.) only to the extent that it is practicable to do so. These requirements may be modified by the Officer in Charge, Marine Inspection, where the inspection is performed, according to the design characteristics of such cargo gear.

(b) Nondestructive tests, such as radiography, ultrasonic, electronic or other methods, may be utilized to determine the condition of heavy lift gear after it has been unit tested, provided such methods are acceptable to the Officer in Charge, Marine Inspection, having cognizance of the tests. However, no deviations or modifications shall be permitted to lessen the requirements for cargo gear inspection as set forth in § 71.47–70 and the maintenance of the applicable cargo gear records as set forth in § 71.47–75.

§ 71.47–15 Cargo gear plans required when plans are not approved by a classification society.

(a) For a new vessel or a vessel applying for initial inspection, the following plans of cargo gear shall be submitted in triplicate to the Officer in Charge, Marine Inspection, having jurisdiction for approval:

(1) Plans showing a stress diagram with the principal details of the gear.

(2) Plans containing a diagram showing the arrangement of the assembled gear and indicating the safe working load for each component part.

(b) The safe working load on which the design of any component part of the cargo gear is to be based, shall be taken as the maximum resultant load upon the component part in the design conditions assumed. The safe working load of the assembly is the load the gear is approved to lift, excluding the weight of the gear itself.

(c) One approved copy of each set of cargo gear plans shall be retained on the vessel.

§ 71.47–20 Cargo gear plans approved by a classification society.

(a) The plans required by § 71.47–15 (a) need not be submitted to the Officer in Charge, Marine Inspection, for approval if such plans are or have been approved by the American Bureau of Shipping or similar classification society recognized by the Commandant.

(b) One approved copy of each set of cargo gear plans shall be retained on the vessel.

§ 71.47–25 Factors of safety.

(a) In the design of the cargo gear, the safety factors in Table 71.47–25(a), taken in association with suitable design assumptions for actual loading conditions, shall be used and regarded as minima.

TABLE 71.47–25(a)

Safe working loads for component parts	Safety factors based on—		
	Ultimate strength	Yield point	Breaking test load
All metal structural parts, except steel booms:			
When the working load of the assembled gear is 10 tons or less	[1] 5		
When the working load of the assembled gear is 13 tons or over	[1] 4		
Steel booms:			
When the working load of the assembled gear is 10 tons or less		[1] 3	
When the working load of the assembled gear is 13 tons or over		[1] 2½	
Wooden structural parts	8		
Chains	4½		
Wire rope:			
For working loads 10 tons [1] or under			5
For working loads over 10 tons [1]			4
Fiber rope:			
When intended for running rigging	7		
When intended for fixed gears and vangs	5		

[1] For working loads between 10 and 13 tons, intermediate values of safety factors may be used.

(b) The Commandant will give consideration to the use of factors of safety differing from those given in Table 71.47–25(a) where special materials or cargo gear of special design are to be used.

§ 71.47–30 Loose gear certificates and tests.

(a) (1) Evidence of compliance with the proof load test requirements in this section for all chains, rings, hooks, links, shackles, swivels, blocks, and any other loose gear whether accessory to a machine or not, but which is used as ship's cargo gear, shall be listed on an appropriate certificate.

(2) This evidence of test and the recording thereof is required only once with respect to each article of gear so long as each article is identified and the certificates required are available on the vessel.

(3) Proof loads applied to the articles of loose gear shall be as shown in Table 71.47–30(a)(3).

(b) All chains, rings, hooks, links, shackles, swivels, blocks, and any other loose gear whether accessory to a machine or not, but which is used or intended for use as ship's cargo gear, shall bear a mark or number by which each piece can be identified and shall be listed on a loose gear certificate. The safe working load "SWL" shall be marked on all blocks.

(c) The loose gear certificate shall show the distinguishing number or mark applied to the article of gear; a description of the article of gear; the date when the test proof load was applied; and the safe working load. The forms for loose gear certificates shall be as prescribed by and acceptable to associations or organizations approved by the Comman-

TABLE 71.47-30(a)(3)

Article of gear	Proof load
Chains, rings, hooks, links, shackles, swivels	Twice the safe working load.
Single sheave block	Four times the safe working load.[1]
Multiple sheave block with safe working load up to and including 20 tons.[1]	Twice the safe working load.
Multiple sheave block with safe working load over 20 tons up to and including 40 tons.	20 tons in excess of the safe working load.
Multiple sheave block over 40 tons	One and a half times the safe working load.
Roller chains (pitched chains) used with hand operated chain falls, and rings, hooks, shackles, or swivels permanently attached thereto.	Do.
Chain fall blocks used with roller chains (pitched chains), and rings, hooks, shackles, or swivels permanently attached thereto.	Do.

[1] The proof load applied to the block is equivalent to twice the maximum resultant load on the eye or pin when lifting the safe working load attached to a rope which passes around the sheave of the block. The proof load is, therefore, equal to four times the safe working load or twice the safe working load when the load is attached directly to the block instead of a rope passing around the sheave.

dant and shall be suitable for the purposes of this section.

(d) After being tested all of the gear shall be examined to ascertain whether any part has been damaged, permanently deformed by the test or has other visible defects. The pins and sheaves of all tested blocks shall be removed for this purpose. If damaged during these tests, such gear shall be satisfactorily repaired or replaced.

(e) The required examinations as set forth in paragraph (d) of this section may be accomplished by mechanical, electrical, or other means provided the method employed is equal in efficiency to the visual examination of disassembled gear.

§ 71.47-35 Test and certification of wire rope.

(a) All wire rope used as shipboard cargo gear shall be able to withstand a breaking test load of at least five times the safe working load. In the case of gear with a lifting capacity of over 10 tons, the breaking test load of wire rope shall be at least four times the safe working load. All wire rope shall be identified and described in a wire rope certificate. Such certificate shall be furnished and attested to by the manufacturer or a testing agency and shall certify:

(1) The breaking test load of a sample of the wire rope, which should be at least five times the safe working load or at least four times the safe working load if part of gear with a lifting capacity of over 10 tons;

(2) The name and address of the manufacturer;

(3) The diameter of the rope in inches and/or fractions thereof;

(4) The number of strands and the number of wires in each strand;

(5) The quality of the wire (e.g. improved plow steel);

(6) The date of the test; and,

(7) The load at which the sample broke.

(b) The forms for the wire rope certificates shall be as prescribed by and acceptable to associations or organizations approved by the Commandant and shall be suitable for the purposes described in this section.

(c) In addition to the manufacturers' or testing agencies' attestations, a sample of the wire rope may be tested to destruction if required by the marine inspector when a visual inspection indicates an apparent defective condition.

§ 71.47-40 Proof test of cargo gear as a unit.

(a) Winches with their accessory gear, including the derricks and attachments, at least once in each four years, shall be tested as a unit with proof loads exceeding the safe working load as set forth in Table 71.47-40(a).

TABLE 71.47-40(a)

Safe working load of assembled gear	Proof load
Not exceeding 20 tons	25 percent in excess.
Over 20 tons but not exceeding 50 tons.	5 tons in excess.
Over 50 tons	10 percent in excess.

(b) The proof load applied to winches and their gear shall be lifted with the ship's normal tackle, including the winches, and with the boom at an angle which should not be greater than 15 degrees to the horizontal or to the lowest angle approved in association with the design, or when these angles are impracticable to the lowest practicable angle. When the load has been lifted, it shall be swung as far as possible in both directions.

(1) Where electrical winches are fitted with electromagnetic brakes, or where electrohydraulic winches are fitted with electromagnetic or hydraulic brakes at the winch, mechanical brakes for manual operations will not be required, but if so fitted shall be in satisfactory operating condition.

(2) Current for electric winch operation during the test shall be taken from the ship's circuits. Shore current may be used if it passes through the ship's switchboard.

(c) Cranes and other hoisting machines with their accessory gear, at least once in each four years, shall be tested with a proof load which shall exceed the safe working load as set forth in Table 71.47-40(a).

(d) The proof load applied to cranes and hoists shall be lifted, topped and swung (slewed) as far as possible in each direction. If the boom of the crane has a movable radius, it shall be tested with a proof load as set forth in this section at the maximum and minimum radii of the boom. In the case of hydraulic cranes whose capacity is limited by pressure, and with which it is not possible to lift a load 25 percent in excess of the safe working load, the greatest possible load in excess of the safe working load, shall be used. These tests and the amounts of the loads shall be recorded.

(e) After satisfactory completion of the proof load testing of the cargo gear in accordance with paragraphs (a), (b), (c), and (d) of this section, the cargo gear and all component parts shall be given a thorough visual examination, supplemented as necessary by other means such as a hammer test or with electronic or ultrasonic devices, to determine if any of the parts were damaged, deformed, or otherwise rendered unsafe for further use. If found defective, such gear shall be replaced.

(1) When the test is being conducted for the first time on a vessel, accessory gear shall be dismantled or disassembled for examination after the test. The sheaves and pins of the blocks included in this test need not be removed unless there appears to be evidence of deformation or failure.

(2) For subsequent tests such parts of the machinery and gear shall be dismantled and/or disassembled after the test as necessary to determine its suitability for continued service.

(f) Appropriate means shall be provided to prevent the foot of the boom from being accidentally lifted from the socket during the test.

(g) Vessels whose cargo gear has been in use but are without the valid registers and certificates described in § 71.25-25 will be inspected for defective cargo gear. The gear shall then be tested and examined as prescribed in this section. If the movable weights for proof testing are not reasonably available, a spring or hydraulic scale certified for accuracy may be used. Whenever such scales are used, the proof load shall be applied with the boom swung out as far as possible in one direction and then in the other direction, and at such intermediate positions as may be indicated. At any position, the indicator of the scale must maintain a constant reading under the proof load for a period of five minutes.

(h) On all types of winches and cranes efficient means shall be provided to stop and hold the proof load in any position, and the efficiency of such means shall be demonstrated.

(1) Electric winches, electrohydraulic winches fitted with electromagnetic or hydraulic brakes at the winch, or cranes shall be equipped so that a failure of the electric power shall stop the motion and set the brakes without any action on the part of the operator.

(2) Current for electric winch and crane operations during the tests shall be taken from the ship's circuits. Shore current may be used if it passes through the ship's switchboard.

§ 71.47-45 Marking of booms and cranes.

(a) The safe working load (abbreviated "SWL") for the assembled gear shall be marked on the heel of each boom with the minimum angle to the horizontal for which the gear is designed. These letters and figures shall be in contrasting colors to the background and at least one inch in height.

(b) Where booms are rated at varying capacities depending on the radii, tables indicating the maximum safe working loads for the various working angles of the boom and the maximum and minimum radii at which the boom may be safely used shall be conspicuously posted near the controls and visible to the operator when working the gear.

§ 71.47-50 Use of wire rope and chains.

(a) An eye splice made in any wire rope used as cargo gear, with or without a thimble, shall have at least three tucks with whole strands and two tucks with one half of the wire cut from the tucking strand: *Provided*, That this requirement shall not preclude the use of any other form of splice or connection if it is as efficient as the splice specified.

(b) Single wire rope cargo falls, wire rope pendants, topping lifts and preventers shall consist of clear lengths without splices except at the working ends. Wire rope clips shall not be used to form eyes in the working ends of single wire rope cargo falls.

(c) Wire rope shall not be used for shipboard cargo gear if in any length of 8 diameters, the number of broken wires exceeds ten percent of the total number of wires in the rope, or if the rope shows other signs of excessive wear, corrosion, kinking or defect.

(d) Hoisting or sling chains used for shipboard cargo gear shall not be used if a length of chain has been stretched more than five percent of the original length, or the chain has become unsafe through overloading or faulty heat treatment, or whenever other external defects are evident.

(e) Chains used for shipboard cargo gear shall not be shortened by knotting, bolting, or wiring the links. The use of chains having a knot or kink as shipboard cargo gear is prohibited.

§ 71.47-55 Annealing.

(a) Chains, hooks, rings, links, shackles, and swivels of wrought iron used as cargo gear shall be annealed at the following intervals:

(1) Wrought iron chains and gear in general use and of one half inch or less, once at least in every six months.

(2) All other wrought iron chains and gear, including topping lift chains, in general use, at least once in every twelve months.

(b) The annealing shall be done in a suitable closed oven and not over an open fire. Wrought iron shall be annealed at a temperature of between 1100° and 1200° Fahrenheit for a period of between 30 and 60 minutes. After being annealed, the article shall be allowed to cool slowly and shall be then tested completely for defects.

(c) Heat treatment of the cargo gear shall be done only by reputable firms having suitable equipment and personnel trained for this purpose. A certificate attesting to the annealing of all gear heat treated shall be furnished to the vessel.

(d) The heat treatment of chains, hooks, rings, links, shackles, and swivels of materials other than wrought iron used as cargo gear, if required, shall be effected in accordance with the manufacturer's instructions.

§ 71.47-60 Additions to gear.

(a) When articles of loose gear and/or wire rope conforming with the requirements in this subpart are added to installed gear, or used as replacements in such gear from time to time, a record shall be maintained on the vessel which shall identify each article and the certificate accompanying it.

§ 71.47-65 Alterations, renewals, or repairs of cargo gear.

(a) Whenever important repairs, renewals, or alterations are indicated or intended for the masts, booms, and permanent fittings of the cargo gear, such repairs, renewals, or alterations shall be undertaken only after compliance with the applicable provisions of § 71.55-1.

(b) Tests and examinations of the repairs, renewals, or alterations will be in accordance with the provisions of § 71.47-40.

(c) When welding is used to lengthen, alter, or repair chains, rings, hooks, links, shackles, or swivels, they shall be properly heat treated and shall before being again put into use, be tested and examined in accordance with the provisions of § 71.47-30.

§ 71.47-70 Responsibility of ship's officer for inspection of cargo gear.

(a) All wire rope, chains other than bridle chains attached to booms or masts, and all rings, hooks, links, shackles, swivels and blocks used in loading or unloading shall be visually inspected by a ship's officer designated for that purpose by the master.

(b) These inspections by a ship's officer shall be made at frequent intervals, and in any event not less than once in each month.

(c) Immediately after such an inspection by a ship's officer notations of such an inspection shall be made in record form which shall be in or kept with the cargo gear register if carried. In addition, the same notations of inspections together with the dates shall be entered in the Official Logbook for those vessels required to carry this record, or such information shall be kept with the log records maintained on vessels not required to carry the Official Logbook. (See § 71.47-75 for entries required to be kept.)

§ 71.47-75 Records regarding cargo gear.

(a) The cargo gear records described in this subpart shall be maintained on the vessel and shall be made available to Coast Guard officials upon request. These records shall be kept for the periods of time they are valid and, in addition, until the next Coast Guard inspection for certification of the vessel. The certificates of manufacturers and/or testing laboratories, companies, or organizations shall be maintained on the vessel so long as the gear described in such certificates is on board the vessel.

(b) The records of all the inspections of cargo gear made by the ship's officers in accordance with § 71.47-70 shall be maintained on the vessel for periods of time which agree with those periods as covered by the current Coast Guard certificate of inspection issued to the vessel. These records shall show the dates of inspections, identify articles inspected, the conditions observed, and the name of the officer performing the inspection.

(c) The records of all tests and examinations conducted by or under the supervision of surveyors of the organizations or associations approved by the Commandant shall be maintained on the vessel.

(d) The Coast Guard will not issue cargo gear certificates and/or registers. The Coast Guard's records of inspections, tests, and examinations of a particular vessel's cargo gear made by a marine inspector or conducted under the supervision of the Coast Guard will be maintained in the office of the Officer in Charge, Marine Inspection, having jurisdiction over the vessel at the time such work was performed. The original certificates or certified copies of certificates of manufacturers and/or testing laboratories, companies, or organizations for loose cargo gear, wire rope, or the annealing of gear shall be maintained on the vessel.

§ 71.47-80 Advance notice that cargo gear testing is desired.

(a) The owner, agent, or master of a vessel shall give an advance notice when it is desired that the tests and examinations of cargo gear be made by or under the supervision of the marine inspector. This advance notice shall be given to the Officer in Charge, Marine Inspection, in whose marine inspection zone the vessel is available for such inspection and examination.

(b) For the initial inspection and examination of cargo gear by the Coast Guard, the advance notice shall be to the cognizant Officer in Charge, Marine Inspection, as early as possible and shall include sketches and/or drawings showing each unit of cargo gear, the identification of component parts and the safe working loads. Copies of original certificates of manufacturers and/or testing laboratories, companies, or organizations maintained on the vessel may be accepted by the cognizant Officer in Charge, Marine Inspection, when satisfied such certificates properly describe the qualities of the component parts of the gear in question.

§ 71.47-85 Responsibility for conducting required tests and examinations.

(a) The vessel's owners and/or operators shall furnish and pay the expenses required in conducting the tests and examinations prescribed by the regula-

tions in this subpart, including the supplying of all instruments, other equipment, and personnel including personnel supervision for performance of all work required.

(b) The Coast Guard's participation in these required tests and examinations shall be confined to witnessing required tests and examinations with the view to determining whether or not the gear is satisfactory for the purpose intended. In the event it is determined that the gear is defective or unable to meet the standards set forth in this subpart, such gear, or portions thereof, shall be replaced to the satisfaction of the Officer in Charge, Marine Inspection, having jurisdiction over the vessel.

Subpart 71.50—Drydocking

§ 71.50–1 When required.

(a) Except for extensions as authorized by the Commandant, all vessels making international voyages shall be placed in drydock or hauled out for examination at least once every 12 months.

(b) Except for extensions as authorized by the Commandant, all vessels not making international voyages shall be placed in drydock or hauled out for examination within the periods set forth in this paragraph, depending upon the service.

(1) Each vessel shall be drydocked or hauled out at intervals not to exceed 18 months if it operates in salt water an aggregate of more than 9 months in the 18-month period since it was last drydocked or hauled out.

(2) Each vessel shall be drydocked or hauled out at intervals not to exceed 36 months if it operates in salt water an aggregate of 6 months or less in each 12-month period since it was last drydocked or hauled out. When a vessel exceeds this aggregate amount of service in salt water in any 12-month period since it was last drydocked or hauled out, it shall be drydocked or hauled out within 6 months after the end of that period or within the 36-month interval, whichever is earlier.

(3) Each vessel shall be drydocked or hauled out at intervals not to exceed 60 months if it operates exclusively in fresh water.

§ 71.50–5 Notice by owner.

(a) The master, owner, or agent shall notify the Officer in Charge, Marine Inspection, when any vessel is to be placed on a drydock in order that an examination of the underwater portion of the vessel may be made if deemed necessary.

Subpart 71.55—Repairs and Alterations

§ 71.55–1 Permission required.

(a) No repairs or alterations affecting the safety of the vessel with regard to the hull, machinery, or equipment, shall be made without the knowledge of the Officer in Charge, Marine Inspection.

(b) Drawings of alterations shall be approved before work is started, unless deemed unnecessary by the Officer in Charge, Marine Inspection.

(c) Drawings will not be required for repairs in kind.

§ 71.55–5 Inspection required.

(a) An inspection, either general or partial depending upon the circumstances, shall be made whenever any important repairs or alterations are undertaken.

Subpart 71.60—Special Operating Requirements

§ 71.60–1 Inspection and testing required when making alterations, repairs, or other such operations involving riveting, welding, burning or like fire-producing actions.

(a) The provisions of "Standard for the Control of Gas Hazards on Vessels to be Repaired," NFPA No. 306, published by National Fire Protection Association, 60 Batterymarch Street, Boston, Mass., 02110, shall be used as a guide in conducting the inspections and issuance of certificates required by this section.

(b) Until an inspection has been made to determine that such operation can be undertaken with safety, no alterations, repairs, or other such operations involving riveting, welding, burning, or like fire-producing actions shall be made:

(1) Within or on the boundaries of cargo tanks which have been used to carry combustible liquid or chemicals in bulk; or,

(2) Within or on the boundaries of fuel tanks; or,

(3) To pipe lines, heating coils, pumps, fittings, or other appurtenances connected to such cargo or fuel tanks.

(c) Such inspections shall be made and evidenced as follows:

(1) In ports or places in the United States or its territories and possessions the inspection shall be made by a marine chemist certificated by the National Fire Protection Association; however, if the services of such certified marine chemist are not reasonably available, the Officer in Charge, Marine Inspection, upon the recommendation of the vessel owner and his contractor or their representative, shall select a person who, in the case of an individual vessel, shall be authorized to make such inspection. If the inspection indicated that such operations can be undertaken with safety, a certificate setting forth the fact in writing and qualified as may be required, shall be issued by the certified marine chemist or the authorized person before the work is started. Such qualifications shall include any requirements as may be deemed necessary to maintain, insofar as can reasonably be done, the safe conditions in the spaces certified throughout the operation and shall include such additional tests and certifications as considered required. Such qualifications and requirements shall include precautions necessary to eliminate or minimize hazards that may be present from protective coatings or residues from cargoes.

(2) When not in such a port or place, and a marine chemist or such person authorized by the Officer in Charge, Marine Inspection, is not reasonably available, the inspection shall be made by the senior officer present and a proper entry shall be made in the vessel's logbook.

(d) It shall be the responsibility of the senior officer present to secure copies of certificates issued by the certified marine chemist or such person authorized by the Officer in Charge, Marine Inspection. It shall be the responsibility of the senior officer present, insofar as the persons under his control are concerned, to maintain a safe condition on the vessel by full observance of all qualifications and requirements listed by the marine chemist in the certificate.

Subpart 71.65—Plan Approval

§ 71.65–1 General.

(a) The list of required plans is general in character, but includes all plans in § 71.65–5 which normally show construction and safety features coming under the cognizance of the Coast Guard. In the case of a particular vessel, all of the plans enumerated may not be applicable, and it is intended that only those plans and specifications be submitted as will clearly show the vessel's arrangement, construction and required equipment.

(b) In the list of required plans in § 71.65–5 the items which must be approved by the American Bureau of Shipping for vessels classed by that organization are indicated by an asterisk. When prints bearing record of such approval by the American Bureau of Shipping are forwarded to the Coast Guard they will in general be accepted as satisfactory except insofar as the law or the Coast Guard regulations contain requirements which are not covered by the American Bureau of Shipping.

§ 71.65–5 Plans and specifications required for new construction.

(a) *General.* (1) Specifications.

(2) General Arrangement Plan of decks, holds, inner bottoms, etc., and including inboard and outboard profile.

(b) *Hull structure.*[1] (1) *Inner Bottom Plating and Framing.

(2) *Midship Section.

(3) *Shell Plating and Framing.

(4) *Stem, Stern Frame, and Rudder.

(5) *Structural Deck Plans for Strength Decks.

(6) *Pillars and Girders.

(7) *Watertight and Oiltight Bulkheads.

(8) *Foundations for Main Machinery and Boilers.

(9) *Arrangement of Ports, Doors, and Airports in Shell Plating.

(10) *Hatch Coamings and Covers in Weather and Watertight Decks.

(11) *Details of Subdivision Watertight Doors and Operating Gear.

(12) *Scuppers and Drains Penetrating Shell Plating.

(13) *Arrangement of the cargo gear including a stress diagram. The principal details of the gear and the safe working load for each component part shall be shown.

[1] The asterisk (*) indicates items which may require approval by the American Bureau of Shipping for vessels classed by that society.

(c) *Hull calculations, etc.* (1) Lines (for information).

(2) Curves of Form.

(3) Floodable length Curves. Including calculations and construction drawings. (These drawings shall show all watertight subdivision, including inner bottom, bulkheads, flats, shaft tunnels, pipe tunnels, escape tunnels, etc., and the location and type of all subdivision watertight doors.)

(4) Calculations of Stability in Intact and Final Flooding Conditions.

(5) Capacity Plan showing capacities and vertical and longitudinal centers of gravity of cargo spaces, tanks, etc. (for information).

(6) Tank Sounding Tables (for information).

(7) Draft Mark Locations (for information).

(d) *Fire control.* (1) Fire control diagram showing location and type of all required fire-screen insulation, including main fire zone and subdivisions, stairway and elevator enclosures, control space enclosures, etc., and type of all doors in such subdivisions and enclosures.

(2) Comprehensive typical details of fire-screen insulation of both vertical and horizontal surfaces, including deck coverings where used, keyed by reference numbers to the "fire control diagram".

(3) Ventilation diagram including dampers and other fire control features.

(4) Alarm systems.

(5) Detecting systems.

(6) Extinguishing systems, including fire mains, carbon dioxide, foam, and sprinkling systems.

(7) Supervised Patrol Route.

(e) *Marine engineering.* (1) For plans required for marine engineering equipment and systems, see Subchapter F (Marine Engineering) of this chapter.

(f) *Electrical engineering.* (1) For plans required for electrical engineering equipment and systems, see Subchapter J (Electrical Engineering) of this chapter.

(g) *Lifesaving equipment.* (1) These plans are to show the location and arrangement of embarkation decks, all overboard discharges and projections in way of launching lifeboats, weights of lifeboats fully equipped and loaded, working loads of davits and winches, types and sizes of falls, the manufacturer's name and identification for all equipment, and all other relevant and necessary information.

(i) Arrangement of lifeboats.

(ii) Arrangement of davits.

(iii) Location and stowage of liferafts and buoyant apparatus.

(h) *Crew's accommodations.* (1) Arrangement plans showing accommodations, ventilation, escapes, hospital, and sanitary facilities for all crewmembers.

§ 71.65–10 Plans required for alterations of existing vessels.

(a) In the event of alterations involving the safety of the vessel, the applicable plans shall be submitted for approval covering the proposed work, except as modified by § 71.55–1(b). The general scope of the plans shall be as noted in § 71.65–5.

§ 71.65–15 Procedure for submittal of plans.

(a) As the relative location of shipyards, design offices, and Coast Guard offices vary throughout the country, no specific routing will be required in the submittal of plans. In general, one of the following procedures would apply, but in a particular case, if a more expeditious procedure can be used, there will be no objection to its adoption:

(1) The plans may be submitted to the Officer in Charge, Marine Inspection, in the district in which the vessel is to be built. This procedure will be most expeditious in the case of those offices where personnel and facilities are available for examination and approval of the plans locally.

(2) The plans may be submitted directly to the Commandant (MMT), U. S. Coast Guard, 1300 "E" Street, NW., Washington, D.C., 20226. In this case, the plans will be returned directly to the submitter, with a copy of the action being forwarded to the interested Officer in Charge, Marine Inspection.

(3) The plans may be submitted directly to field technical offices:

(i) Commander, 3d Coast Guard District (mmt), 45 Broadway, New York, N.Y., 10006, for geographical area covered by 1st, 3d, and 5th Coast Guard Districts.

(ii) Commander, 8th Coast Guard District (mmt), Room 308, Custom House, New Orleans, La., 70130, for geographical area covered by 2d, 7th, and 8th Coast Guard Districts.

(iii) Commander, 12th Coast Guard District (mmt), 630 Sansome St., San Francisco, Calif., 94501, for geographical area covered by 11th, 12th, 13th, 14th, and 17th Coast Guard Districts.

(4) In the case of classed vessels, upon specific request by the submitter, the American Bureau of Shipping will arrange to forward the necessary plans to the Coast Guard indicating its action thereon. In this case, the plans will be returned as noted in subparagraph (2) of this paragraph.

§ 71.65–20 Number of plans required.

(a) Four copies of each plan are normally required so that one can be returned to the submitter. If the submitter desires additional approved plans, a suitable number should be submitted to permit the desired distribution.

Subpart 71.75—Certificates Under the International Convention for Safety of Life at Sea, 1960

§ 71.75–1 Application.

(a) The provisions of this subpart shall apply to all vessels on an international voyage.

§ 71.75–5 Passenger Ship Safety Certificate or Nuclear Passenger Ship Safety Certificate.

(a) All vessels on an international voyage are required to have a "Passenger Ship Safety Certificate" or a "Nuclear Passenger Ship Safety Certificate," as appropriate.

(b) All such vessels shall meet the requirements of this chapter for vessels on an international voyage.

§ 71.75–10 Exemption Certificate.

(a) A vessel may be exempted by the Commandant from complying with certain requirements of the Convention under his administration upon request made in writing to him and transmitted via the Officer in Charge, Marine Inspection.

(b) When an exemption is granted to a vessel by the Commandant under and in accordance with the Convention, an Exemption Certificate describing such exemption shall be issued through the appropriate Officer in Charge, Marine Inspection, in addition to the Passenger Ship Safety Certificate.

(c) Nuclear vessels cannot be exempted from any requirements of the International Convention for Safety of Life at Sea, 1960.

§ 71.75–15 Posting of Convention certificates.

(a) The certificates described in this subpart, or certified copies thereof, when issued to a vessel shall be posted in a prominent and accessible place on the vessel.

(b) The certificate shall be carried in a manner similar to that described in § 71.01–5 for a certificate of inspection.

§ 71.75–20 Duration of certificates.

(a) The certificates shall be issued for a period of not more than 12 months.

(b) An Exemption Certificate shall not be valid for longer than the period of the Passenger Ship Safety Certificate to which it refers.

(c) The Passenger Ship Safety Certificate or the Nuclear Passenger Ship Safety Certificate may be withdrawn, revoked, or suspended at any time when it is determined the vessel is no longer in compliance with applicable requirements. (See § 2.01–70 of this chapter for procedures governing appeals.)

PART 72—CONSTRUCTION AND ARRANGEMENT

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AUTHORITY: The provisions of this Part 72 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4418, as amended, 4421, as amended, 4426, as amended, 4433, as amended, 4453, as amended, 4488, as amended, 4490, as amended, 4491, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 392, 399, 404, 411, 435, 481, 482, 489, 366, 395, 363, 369, 367, 526p, 1333, 390b, 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, Nov. 26, 1954, 19 F.R. 8026; 167–20, June 18, 1956, 21 F.R. 4894; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–38, Oct. 26, 1959, 24 F.R. 8857, unless otherwise noted.

Subpart 72.01—Hull Structure

§72.01–1 Application.

(a) The provisions of this subpart, with the exception of § 72.01–90, shall apply to all vessels contracted for on or after November 19, 1952, which are not subject to the act of May 10, 1956 (46 U.S.C. 390–390g). Vessels contracted for prior to November 19, 1952, which are not subject to the act of May 10, 1956, shall meet the requirements of § 72.01–90. The application of this subpart to vessels subject to the act of May 10, 1956, shall be in accordance with the policy expressed in § 70.05–15 of this subchapter.

§ 72.01–5 Vessels subject to load line.

(a) For vessels assigned a load line, see Subchapter E (Load Lines) of this chapter, for special requirements as to strength, closure of openings, etc.

(Sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended; 46 U.S.C. 85a, 88a. Treasury Department Order 167–48, Oct. 19, 1962, 27 F.R. 10504)

§ 72.01–10 Vessels using fuel having a flashpoint of 110 degrees F. or lower.

(a) Where liquid fuel having a flashpoint of 110 degrees F. or lower is carried for main or auxiliary machinery or for starting purposes, such machinery and fuel tanks shall be in separate vapor tight compartments separating each from the other and from the remainder of the vessel.

§ 72.01–15 Structural standards.

(a) In general, compliance with the standards established by the American Bureau of Shipping, see Subpart 70.35 of this subchapter, will be considered satisfactory evidence of the structural efficiency of the vessel. However, in special cases, a detailed analysis of the entire structure or some integral part may be made by the Coast Guard to determine the structural requirements.

§ 72.01–20 Special consideration.

(a) Special consideration will be given to the structural requirements for vessels, such as small vessels or vessels of unusual design not contemplated by the standards established by the American Bureau of Shipping, see Subpart 70.35 of this subchapter.

§ 72.01–25 Structural subdivision requirements.

(a) Vessels required by Part 73 of this subchapter to have subdivision bulkheads, double bottoms, etc., shall comply with the following structural subdivision requirements:

(1) Each watertight subdivision bulkhead, whether transverse or longitudinal, shall be constructed in such a manner that it shall be capable of supporting, with a proper margin of resistance, the pressure due to the maximum head of water which it might have to sustain in the event of damage to the vessel, but at least the pressure due to a head of water up to the margin line. The construction of the bulkheads shall be to the satisfaction of the Commandant.

(2) Steps and recesses in subdivision bulkheads shall be watertight and as strong as the bulkhead at the place where each occurs. Decks, trunks, tunnels, duct keels, ventilators, etc., that are made watertight to maintain the subdivision requirements for a vessel shall be of the same strength as the bulkhead at the corresponding levels. The means used for making them watertight and the arrangements adopted for closing openings in them shall be to the satisfaction of the Commandant. Watertight ventilators and trunks shall be carried at least up to the bulkhead deck.

(3) Where frames or beams pass through a watertight bulkhead or deck, such bulkhead or deck shall be made structurally watertight without the use of wood, cement, or similar materials.

(4) Subdivision bulkheads, including steps, recesses, trunks, tunnels, ventilators, etc., which might form part of such bulkheads, shall be thoroughly examined and hose tested upon completion of construction. The water pressure for such tests shall be at least 30 p. s. i. Testing of main compartments by filling them with water is not compulsory.

(5) The forepeak, double bottoms (including duct keels), and inner skins shall be tested with water to-a-head corresponding to the requirements of subparagraph (1) of this paragraph upon completion of construction.

(6) The watertight space enclosing the stern tube shall be tested by filling with water to-a-head up to the deepest subdivision load line.

(7) Tanks which are intended to hold liquids, and which form part of the subdivision of the vessel, shall be tested for tightness upon completion of construction with water to-a-head up to the deepest subdivision load line or to-a-head corresponding to $\frac{2}{3}$ of the depth from the top of the keel to the margin line in way of the tanks, whichever is greater; but in no case shall the test-head be less than 3 feet above the top of the tank.

(8) The tests referred to in the preceding subparagraphs (5), (6), and (7) of this paragraph, are for the purpose of insuring that the subdivision structural arrangements are watertight and are not regarded as a test of the fitness of any compartment for the storage of oil, fuel or for other specific purposes for which a test of a superior character may be required depending upon the height to which the liquid has access in the tank or its connections.

§ 72.01–90 Vessels contracted for prior for November 19, 1952.

(a) Existing structure previously approved will be considered satisfactory so long as it is maintained in good condition to the satisfaction of the Officer in

Charge, Marine Inspection. Minor repairs and alterations may be made to the same standard as the original construction.

Subpart 72.03—General Fire Protection

§ 72.03–1 Application.

(a) The provisions of this subpart shall apply to all vessels.

§ 72.03–5 Fire hazards to be minimized.

(a) The general construction of the vessel shall be such as to minimize fire hazards insofar as is reasonable and practicable.

§ 72.03–10 Woodwork insulated from heated surfaces.

(a) Internal combustion engine exhausts, boiler and galley uptakes and similar sources of ignition shall be kept clear of and suitably insulated from any woodwork or other combustible matter.

§ 72.03–15 Lamp room construction.

(a) Lamp, paint, and oil lockers and similar compartments shall be constructed of steel or shall be wholly lined with metal.

Subpart 72.05—Structural Fire Protection

§ 72.05–1 Application.

(a) The provisions of this subpart shall apply to the following vessels:

(1) All vessels of 100 gross tons and over.

(2) All vessels which carry more than 150 passengers.

(3) All vessels on an international voyage.

(b) The provisions of this subpart, with the exception of § 72.05–90, shall apply to all vessels noted in paragraph (a) of this section contracted for on or after May 26, 1965. Such vessels contracted for prior to May 26, 1965, shall meet the requirements of § 72.05–90.

§ 72.05–5 Definitions.

NOTE: The parenthetical number after each space refers to the applicable column and row number in Tables 72.05–10 (d) through (g).

(a) "Safety areas" will be considered as including the following spaces:

(1) Control stations, i.e., spaces containing the emergency source of power, and those spaces in which a continuous watch is maintained and in which navigating, radio, or fire-control equipment is located. (1)

(2) Passenger and crew stairway and elevator enclosures. (2)

(3) Passenger and crew communicating corridors. (3)

(4) Open decks and enclosed promenades in way of lifeboat embarkation or lowering positions. (4) (See also paragraph (l) of this section.)

(b) "Accommodation spaces" will be considered as including the following spaces:

(1) Public spaces, such as halls, dining rooms, messrooms, lounges, cafes, and other similar spaces normally accessible during the voyage. (5) through (7) (Depending upon size and furnishings.)

(2) Public sales rooms and similar spaces. (6) or (7) (Depending on size.)

(3) Staterooms, including passenger and crew rooms, barber shops, beauty parlors, offices, dispensaries, etc. (5) or (6) (Depending on furnishings.)

(4) Washrooms and toilet spaces, both public and private. (8)

(5) Isolated lockers and small storerooms in accommodation areas. (6)

(6) Isolated serving pantries, etc., in accommodation areas, with incombustible furnishings. (8)

(7) Operating rooms. (8)

(8) Small laundries containing only tubs and washing machines, with no facilities for drying other than small electric driers. (8)

(9) Small cleaning gear lockers containing only slop sinks, and having no room for stowing materials other than a broom, mop, cleaning powder, soap, etc. (8)

(10) Large cleaning gear lockers having considerable stowage space. (6) or (9)

(c) "Service spaces" will be considered as including the following spaces:

(1) Motion picture projection rooms and film stowage rooms. (6) or (9)

(2) Galleys, main pantries, and storerooms, including alleyways and stairs, part of and for the exclusive use of such spaces. (9)

(3) Diet kitchens. (6) or (9) (Depending on furnishing.)

(4) Work shops (not part of machinery spaces, galleys, etc.), large laundries, drying rooms, mail and baggage rooms, etc. (9)

(5) Garbage disposal and stowage rooms, and trash stowage rooms. (9)

(6) Paint and lamp rooms, and similar spaces containing highly combustible materials. (9)

(d) "Machinery spaces" will be considered as including the following spaces:

(1) Main machinery spaces, including trunks and casings, alleyways, gratings, and stairways, part of and for the exclusive use of these spaces, auxiliary machinery spaces containing internal combustion machinery or other oil burning, heating, or pumping units, and fuel oil filling stations. (10)

(2) Auxiliary machinery spaces containing only pumps, tanks, electrical machinery, ventilation or air conditioning equipment, resistors, steering machinery, stabilizer machinery, etc. (12) (Where such spaces contain considerable stowage space for combustibles.) (10)

(e) "Cargo spaces" will be considered as including the following spaces:

(1) Cargo holds, lockers, and trunks, both accessible and inaccessible and including refrigerated cargo spaces and cargo oil tanks intended for the alternate carriage of dry cargo. (11)

(2) Cargo oil tanks if not intended for the alternate carriage of dry cargo. (12)

(f) "Miscellaneous spaces" will be considered as including the following spaces:

(1) Fuel and water tanks and voids. (12)

(2) Open decks and enclosed promenades except in way of lifeboat embarkation and lowering positions. (13) (See also paragraph (l) of this section.)

(3) Shaft alleys when separated from machinery spaces, and containing no space assigned for the stowage of combustibles. (12)

(g) A "standard fire test" is one which develops in the test furnace a series of time-temperature relationships as follows:

5 minutes	1,000° F.
10 minutes	1,300° F.
30 minutes	1,550° F.
60 minutes	1,700° F.

(h) "Main vertical zones" are those sections, the mean length of which does not, in general, exceed 131 feet on any one deck, into which the hull, superstructure, and deckhouses are required to be divided by fire-resisting bulkheads.

(i) Where the term "steel or other equivalent metal" is used in this part, it is intended to require a material which, by itself or due to insulation provided, has structural and integrity qualities equivalent to steel at the end of the applicable fire exposure.

(j) Working spaces will be considered as only those service and machinery spaces where personnel are normally employed as contrasted to those where personnel may occasionally visit or be employed for short periods of time.

(k) Passenger or crew corridors over 8 feet in width will be considered as public spaces for the purpose of this subpart.

(l) Spaces which might be considered as open decks due to the presence of permanent openings to the weather in one or more sides, or where any or all sides may be completely open to the weather, will be considered as interior or enclosed spaces for the purpose of this subpart if any spot on the overhead is more than 15 feet from the nearest opening to the weather. This requirement shall only apply to those portions of the space as are under a deck or canopy, but it shall not be considered as a restriction against permanent opening or a restriction against the materials used for a canopy. This paragraph shall not apply to open or enclosed promenades having a nominal width of 15 feet or less.

(m) Where balconies are installed opening into a space, the following general requirements shall be met:

(1) For the purpose of meeting main vertical zone bulkhead spacing, the length of the space to which the balcony is open will be considered as being increased by an amount equal to the gross area of the balcony divided by the average width of the space.

(2) Where balconies are formed by penetrating one or more decks, the bulkheads in the upper portion of the space are, in effect, part of a stepped or recessed deck and should be treated as such for fire control purposes. In this regard, particular attention should be given to the protection of openings with proper doors of the type indicated in § 72.05–25(b)(9).

(3) Two means of escape shall be provided for each balcony, at least one of which shall be independent of the space to which the balcony is open.

§ 72.05–10 Type, location, and construction of fire control bulkheads and decks.

(a) The hull, structural bulkheads, decks, and deckhouses shall be constructed of steel or other equivalent metal construction of appropriate scantlings.

(b) The hull, superstructure, and deck houses shall be subdivided by suitable structural steel or other equivalent metal bulkheads into main vertical zones, the mean length of which shall not, in general, exceed 131 feet on any one deck. Where practicable, the main vertical zone bulkheads shall be kept in a single vertical plane. However, on vessels designed for special purposes, such as automobile or railroad car ferries, where the installation of such bulkheads would defeat the purpose for which the vessel is intended, equivalent means for controlling and limiting a fire may be substituted if specifically approved by the Commandant.

(c) All bulkheads and decks shall be classed as A–60, A–30, A–15, A–0, B–15, B–0, or C, depending upon the type of space on each side of the bulkhead or above and below the deck.

(1) Bulkheads or decks of the "A" Class shall be composed of steel or equivalent metal construction, suitably stiffened and made intact with the main structure of the vessel, such as shell, structural bulkheads, and decks. They shall be so constructed that, if subjected to the standard fire test, they would be capable of preventing the passage of smoke and flame for 1 hour. In addition, they shall be so insulated with approved structural insulation, bulkhead panels, or deck covering that the average temperatures on the unexposed side would not rise more than 250° F. above the original temperature, nor would the temperature at any one point, including any joint, rise more than 325° F. above the original temperature, within the time listed below:

Class A–60---- 60 minutes.
Class A–30---- 30 minutes.
Class A–15---- 15 minutes.
Class A–0----- 0 minutes (i.e., no insulation requirements).

(2) Bulkheads of the "B" Class shall be constructed with approved incombustible materials and made intact from deck to deck (or to ceiling as provided in paragraph (h) of this section) and to shell or other boundaries. They shall be so constructed that, if subjected to the standard fire test, they would be capable of preventing the passage of flame for ½ hour. In addition, their insulation value shall be such that the average temperature of the unexposed side would not rise more than 250° F. above the original temperature, nor would the temperature at any one point, including any joint, rise more than 405° F. above the original temperature within the time listed below:

Class B–15---- 15 minutes.
Class B–0----- 0 minutes (i.e., no insulation requirements).

(3) Class C bulkheads or decks shall be constructed of approved incombustible materials, but need meet no requirements relative to the passage of flame nor the limiting of temperature rise.

(d) The minimum requirements for the bulkheads between the various spaces, where such bulkheads form the boundaries of main vertical zones, shall be as noted in Table 72.05–10(d).

(e) The minimum requirements for the bulkheads between the various spaces, where such bulkheads do not form the boundaries of main vertical zones, shall be as noted in Table 72.05–10(e).

(f) The minimum requirements for the decks between the various spaces, where such decks form the boundaries of stepped main vertical zones, shall be as noted in Table 72.05–10(f).

(g) The minimum requirements for the decks between the various spaces, where such decks do not form the boundaries of stepped main vertical zones, shall be as noted in Table 72.05–10(g).

(h) Where ceilings or linings are fitted, "B" Class bulkheads, with the exception of those forming passageways, may stop at the ceiling or lining and need not continue to the deck or shell, provided the ceiling and/or lining is erected as indicated in paragraph (j) of this section. However, draft stops meeting at least Class B–O requirements shall be fitted not more than 45 feet apart between the ceiling or lining and the deck or shell. The space behind the linings of stairways and similar trunks shall have similar draft stops at each deck.

(i) Where Class B–15 bulkhead panels are required to go beyond the ceiling to the deck above, or beyond the lining to the shell, the portion of the bulkhead panel within the void space need only meet B–O requirements.

(j) Where "B" Class panels are used, all four edges of the panel shall be retained by continuous steel or equivalent metal flanges on both sides of the panel offering at least ¾ inch coverage. The top and bottom flanges shall be so attached to the structural decks above and below so as to support and restrain the panels in the event of fire. Other methods of construction may be specifically approved by the Commandant if determined to be equivalent.

(k) Any sheathing, furring, or holding pieces incidental to the securing of structural insulation shall be of approved incombustible materials.

TABLE 72.05–10(d)—BULKHEADS—MAIN VERTICAL ZONE

This space → / Adjacent to this space ↓		1 Control stations	2 Stairway and elevator enclosures	3 Corridors	4 Lifeboat embarkation or lowering stations	5 Staterooms and all public spaces with incombustible veneers and trim and fire resistant furnishings	6 Staterooms and public spaces of 500 square feet or less with combustible furnishings and isolated storerooms	7 Public spaces over 500 square feet with combustible furnishings	8 Washrooms, toilet spaces, and isolated pantries with incombustible fittings	9 Galleys, main pantries, storerooms, and workshops	10 Machinery spaces	11 Dry cargo spaces	12 Fuel and water tanks and voids	13 Open decks and enclosed promenades (not safety areas)
Control stations	1	A–60	A–15	A–15	A–0	A–30	A–60	A–60	A–0	A–60	A–60	A–60	A–0	A–0
Stairway and elevator enclosures	2	-----	A–0	A–0	A–0	A–0	A–60	A–60	A–0	A–60	A–60	A–60	A–0	A–0
Corridors	3	-----	-----	A–0	A–0	A–0	A–0	A–60	A–0	A–60	A–60	A–60	A–0	A–0
Lifeboat embarkation or lowering stations	4	-----	-----	-----	C	A–0	A–0	A–60	A–0	A–60	A–60	A–60	A–0	C
Staterooms and all public spaces with incombustible veneers and trim and fire resistant furnishings	5	-----	-----	-----	-----	-----	A–0	A–60	A–0	A–60	A–60	A–60	A–0	A–0
Staterooms and public spaces of 500 square feet or less with combustible furnishings, and isolated storerooms	6	-----	-----	-----	-----	-----	-----	A–60	A–0	A–60	A–60	A–60	A–0	A–0
Public spaces over 500 square feet with combustible furnishings	7	-----	-----	-----	-----	-----	-----	-----	A–0	A–60	A–60	A–60	A–0	A–0
Washrooms, toilet spaces and isolated pantries with incombustible fittings	8	-----	-----	-----	-----	-----	-----	-----	-----	A–0	A–0	A–0	A–0	A–0
Galleys, main pantries, storerooms, and workshops	9	-----	-----	-----	-----	-----	-----	-----	-----	-----	A–0	A–0	A–0	A–0
Machinery spaces	10	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	A–0	A–0	A–0
Dry cargo spaces	11	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	A–0	A–0
Fuel and water tanks and voids	12	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	A–0
Open decks and enclosed promenades (not safety areas)	13	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	C

TABLE 72.05–10(e)—BULKHEADS—NOT MAIN VERTICAL ZONES

This space → / Adjacent to this space ↓		1 Control stations	2 Stairway and elevator enclosures	3 Corridors	4 Lifeboat embarkation or lowering stations	5 Staterooms and all public spaces with incombustible veneers and trim and fire-resistant furnishings	6 Staterooms and public spaces of 500 square feet or less with combustible furnishings and isolated storerooms	7 Public spaces over 500 square feet with combustible furnishings	8 Washrooms, toilet spaces, and isolated pantries with incombustible fittings	9 Galleys, main pantries, storerooms, and workshops	10 Machinery spaces	11 Dry cargo spaces	12 Fuel and water tanks and voids	13 Open decks and enclosed promenades (not safety areas)
Control stations	1	B–0	A–0	A–0	A–0	A–15	A–60	A–60	A–0	A–60	A–60	A–60	A–0	A–0
Stairway and elevator enclosures	2	-----	C	A–0	A–0	A–0	A–60	A–60	A–0	A–60	A–60	A–60	A–0	A–0
Corridors	3	-----	-----	C	A–0	B–0	B–0	A–0	B–0	A–0	A–0	A–0	A–0	A–0
Lifeboat embarkation or lowering stations	4	-----	-----	-----	C	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	C
Staterooms and all public spaces with incombustible veneers and trim and fire-resistant furnishings	5	-----	-----	-----	-----	B–0	B–15	A–15	B–0	A–15	A–15	A–15	A–0	A–0
Staterooms and public spaces of 500 square feet or less with combustible furnishings, and isolated storerooms	6	-----	-----	-----	-----	-----	B–15	A–30	B–0	A–60	A–60	A–60	A–0	A–0
Public spaces over 500 square feet with combustible furnishings	7	-----	-----	-----	-----	-----	-----	A–60	B–0	A–60	A–60	A–60	A–0	A–0
Washrooms, toilet spaces and isolated pantries with incombustible fittings	8	-----	-----	-----	-----	-----	-----	-----	C	A–0	A–0	A–0	A–0	A–0
Galleys, main pantries, storerooms, and workshops	9	-----	-----	-----	-----	-----	-----	-----	-----	C	A–0	A–0	A–0	A–0
Machinery spaces	10	-----	-----	-----	-----	-----	-----	-----	-----	-----	A–0	A–0	A–0	A–0
Dry cargo spaces	11	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	A–0	A–0
Fuel and water tanks and voids	12	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	A–0
Open decks and enclosed promenades (not safety areas)	13	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	C

[1] Class C bulkheads may be used between two similar spaces, such as between two similar storerooms. However, a Class A–0 bulkhead shall be used between dissimilar spaces, such as a storeroom and a dissimilar workshop.

TABLE 72.05–10(f)—DECKS—MAIN VERTICAL ZONES

This space above → / This space below ↓		1 Control stations	2 Stairway and elevator enclosures	3 Corridors	4 Lifeboat embarkation or lowering stations	5 Staterooms and all public spaces with incombustible veneers and trim and fire resistant furnishings	6 Staterooms and public spaces of 500 square feet or less with combustible furnishings and isolated storerooms	7 Public spaces over 500 square feet with combustible furnishings	8 Washrooms, toilet spaces, and isolated pantries with incombustible fittings	9 Galleys, main pantries, storerooms, and workshops	10 Machinery spaces	11 Dry cargo spaces	12 Fuel and water tanks and voids	13 Open decks and enclosed promenades (not safety areas)
Control stations	1	A–60	A–60	A–30	A–0	A–15	A–60	A–60	A–0	A–0	A–0	A–0	A–0	A–0
Stairway and elevator enclosures	2	A–15	A–0	A–0	A–0	A–0	A–0	A–15	A–0	A–0	A–0	A–0	A–0	A–0
Corridors	3	A–30	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	C
Lifeboat embarkation or lowering stations	4	A–0	A–0	A–0	C	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0
Staterooms and all public spaces with incombustible veneers and trim and fire resistant furnishings	5	A–30	A–30	A–15	A–0	A–15	A–15	A–30	A–0	A–0	A–0	A–0	A–0	A–0
Staterooms and public spaces of 500 square feet or less with combustible furnishings, and isolated storerooms	6	A–60	A–60	A–30	A–15	A–15	A–60	A–60	A–0	A–0	A–0	A–0	A–0	A–0
Public spaces over 500 square feet with combustible furnishings	7	A–60	A–60	A–60	A–30	A–30	A–60	A–60	A–0	A–0	A–0	A–0	A–0	A–0
Washrooms, toilet spaces, and isolated pantries with incombustible fittings	8	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0
Galleys, main pantries, storerooms, and workshops	9	A–60	A–60	A–60	A–30	A–30	A–60	A–60	A–0	A–0	A–0	A–0	A–0	A–0
Machinery spaces	10	A–60	A–60	A–60	A–30	A–30	A–60	A–60	A–0	A–0	A–0	A–0	A–0	A–0
Dry cargo spaces	11	A–60	A–60	A–60	A–30	A–30	A–60	A–60	A–0	A–0	A–0	A–0	A–0	A–0
Fuel and water tanks and voids	12	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0
Open decks and enclosed promenades (not safety areas)	13	A–0	A–0	A–0	C	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	C

(3) Two means of escape shall be provided for each balcony, at least one of which shall be independent of the space to which the balcony is open.

§ 72.05–10 Type, location, and construction of fire control bulkheads and decks.

(a) The hull, structural bulkheads, decks, and deckhouses shall be constructed of steel or other equivalent metal construction of appropriate scantlings.

(b) The hull, superstructure, and deck houses shall be subdivided by suitable structural steel or other equivalent metal bulkheads into main vertical zones, the mean length of which shall not, in general, exceed 131 feet on any one deck. Where practicable, the main vertical zone bulkheads shall be kept in a single vertical plane. However, on vessels designed for special purposes, such as automobile or railroad car ferries, where the installation of such bulkheads would defeat the purpose for which the vessel is intended, equivalent means for controlling and limiting a fire may be substituted if specifically approved by the Commandant.

(c) All bulkheads and decks shall be classed as A–60, A–30, A–15, A–0, B–15, B–0, or C, depending upon the type of space on each side of the bulkhead or above and below the deck.

(1) Bulkheads or decks of the "A" Class shall be composed of steel or equivalent metal construction, suitably stiffened and made intact with the main structure of the vessel, such as shell, structural bulkheads, and decks. They shall be so constructed that, if subjected to the standard fire test, they would be capable of preventing the passage of smoke and flame for 1 hour. In addition, they shall be so insulated with approved structural insulation, bulkhead panels, or deck covering that the average temperatures on the unexposed side would not rise more than 250° F. above the original temperature, nor would the temperature at any one point, including any joint, rise more than 325° F. above the original temperature, within the time listed below:

Class A–60---- 60 minutes.
Class A–30---- 30 minutes.
Class A–15---- 15 minutes.
Class A–0----- 0 minutes (i.e., no insulation requirements).

(2) Bulkheads of the "B" Class shall be constructed with approved incombustible materials and made intact from deck to deck (or to ceiling as provided in paragraph (h) of this section) and to shell or other boundaries. They shall be so constructed that, if subjected to the standard fire test, they would be capable of preventing the passage of flame for ½ hour. In addition, their insulation value shall be such that the average temperature of the unexposed side would not rise more than 250° F. above the original temperature, nor would the temperature at any one point, including any joint, rise more than 405° F. above the original temperature within the time listed below:

Class B–15---- 15 minutes.
Class B–0----- 0 minutes (i.e., no insulation requirements).

(3) Class C bulkheads or decks shall be constructed of approved incombustible materials, but need meet no requirements relative to the passage of flame nor the limiting of temperature rise.

(d) The minimum requirements for the bulkheads between the various spaces, where such bulkheads form the boundaries of main vertical zones, shall be as noted in Table 72.05–10(d).

(e) The minimum requirements for the bulkheads between the various spaces, where such bulkheads do not form the boundaries of main vertical zones, shall be as noted in Table 72.05–10(e).

(f) The minimum requirements for the decks between the various spaces, where such decks form the boundaries of stepped main vertical zones, shall be as noted in Table 72.05–10(f).

(g) The minimum requirements for the decks between the various spaces, where such decks do not form the boundaries of stepped main vertical zones, shall be as noted in Table 72.05–10(g).

(h) Where ceilings or linings are fitted, "B" Class bulkheads, with the exception of those forming passageways, may stop at the ceiling or lining and need not continue to the deck or shell, provided the ceiling and/or lining is erected as indicated in paragraph (j) of this section. However, draft stops meeting at least Class B–O requirements shall be fitted not more than 45 feet apart between the ceiling or lining and the deck or shell. The space behind the linings of stairways and similar trunks shall have similar draft stops at each deck.

(i) Where Class B–15 bulkhead panels are required to go beyond the ceiling to the deck above, or beyond the lining to the shell, the portion of the bulkhead panel within the void space need only meet B–O requirements.

(j) Where "B" Class panels are used, all four edges of the panel shall be retained by continuous steel or equivalent metal flanges on both sides of the panel offering at least ¾ inch coverage. The top and bottom flanges shall be so attached to the structural decks above and below so as to support and restrain the panels in the event of fire. Other methods of construction may be specifically approved by the Commandant if determined to be equivalent.

(k) Any sheathing, furring, or holding pieces incidental to the securing of structural insulation shall be of approved incombustible materials.

TABLE 72.05–10(d)—BULKHEADS—MAIN VERTICAL ZONE

This space → / Adjacent to this space ↓		Control stations	Stairway and elevator enclosures	Corridors	Lifeboat embarkation or lowering stations	Staterooms and all public spaces with incombustible veneers and trim and fire resistant furnishings	Staterooms and public spaces of 500 square feet or less with combustible furnishings and isolated storerooms	Public spaces over 500 square feet with combustible furnishings	Washrooms, toilet spaces, and isolated pantries with incombustible fittings	Galleys, main pantries, storerooms, and workshops	Machinery spaces	Dry cargo spaces	Fuel and water tanks and voids	Open decks and enclosed promenades (not safety areas)
		1	2	3	4	5	6	7	8	9	10	11	12	13
Control stations	1	A–60	A–15	A–15	A–0	A–30	A–60	A–60	A–0	A–60	A–60	A–60	A–0	A–0
Stairway and elevator enclosures	2	------	A–0	A–0	A–0	A–0	A–60	A–60	A–0	A–60	A–60	A–60	A–0	A–0
Corridors	3	------	------	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0
Lifeboat embarkation or lowering stations	4	------	------	------	C	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	C
Staterooms and all public spaces with incombustible veneers and trim and fire resistant furnishings	5	------	------	------	------	A–15	A–15	A–15	A–0	A–15	A–15	A–15	A–0	A–0
Staterooms and public spaces of 500 square feet or less with combustible furnishings, and isolated storerooms	6	------	------	------	------	------	A–60	A–60	A–0	A–60	A–60	A–60	A–0	A–0
Public spaces over 500 square feet with combustible furnishings	7	------	------	------	------	------	------	A–60	A–0	A–60	A–60	A–60	A–0	A–0
Washrooms, toilet spaces, and isolated pantries with incombustible fittings	8	------	------	------	------	------	------	------	A–0	A–0	A–0	A–0	A–0	A–0
Galleys, main pantries, storerooms, and workshops	9	------	------	------	------	------	------	------	------	A–0	A–0	A–0	A–0	A–0
Machinery spaces	10	------	------	------	------	------	------	------	------	------	A–0	A–0	A–0	A–0
Dry cargo spaces	11	------	------	------	------	------	------	------	------	------	------	A–0	A–0	A–0
Fuel and water tanks and voids	12	------	------	------	------	------	------	------	------	------	------	------	A–0	A–0
Open decks and enclosed promenades (not safety areas)	13	------	------	------	------	------	------	------	------	------	------	------	------	C

TABLE 72.05–10(e)—BULKHEADS—NOT MAIN VERTICAL ZONES

This space → / Adjacent to this space ↓		Control stations	Stairway and elevator enclosures	Corridors	Lifeboat embarkation or lowering stations	Staterooms and all public spaces with incombustible veneers and trim and fire-resistant furnishings	Staterooms and public spaces of 500 square feet or less with combustible furnishings and isolated storerooms	Public spaces over 500 square feet with combustible furnishings	Washrooms, toilet spaces, and isolated pantries with incombustible fittings	Galleys, main pantries, storerooms, and workshops	Machinery spaces	Dry cargo spaces	Fuel and water tanks and voids	Open decks and enclosed promenades (not safety areas)
		1	2	3	4	5	6	7	8	9	10	11	12	13
Control stations	1	B–0	A–0	A–0	A–0	A–15	A–60	A–60	A–0	A–60	A–60	A–60	A–0	A–0
Stairway and elevator enclosures	2	------	C	A–0	A–0	A–0	A–60	A–60	A–0	A–60	A–60	A–60	A–0	A–0
Corridors	3	------	------	C	A–0	B–0	B–0	A–0	B–0	A–0	A–0	A–0	A–0	A–0
Lifeboat embarkation or lowering stations	4	------	------	------	C	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	C
Staterooms and all public spaces with incombustible veneers and trim and fire-resistant furnishings	5	------	------	------	------	B–0	B–15	A–15	B–0	A–15	A–15	A–15	A–0	A–0
Staterooms and public spaces of 500 square feet or less with combustible furnishings, and isolated storerooms	6	------	------	------	------	------	B–15	A–30	B–0	A–60	A–60	A–60	A–0	A–0
Public spaces over 500 square feet with combustible furnishings	7	------	------	------	------	------	------	A–60	B–0	A–60	A–60	A–60	A–0	A–0
Washrooms, toilet spaces and isolated pantries with incombustible fittings	8	------	------	------	------	------	------	------	C	A–0	A–0	A–0	A–0	A–0
Galleys, main pantries, storerooms, and workshops	9	------	------	------	------	------	------	------	------	C [1]	A–0	A–0	A–0	A–0
Machinery spaces	10	------	------	------	------	------	------	------	------	------	C	A–0	A–0	A–0
Dry cargo spaces	11	------	------	------	------	------	------	------	------	------	------	A–0	A–0	A–0
Fuel and water tanks and voids	12	------	------	------	------	------	------	------	------	------	------	------	A–0	A–0
Open decks and enclosed promenades (not safety areas)	13	------	------	------	------	------	------	------	------	------	------	------	------	C

[1] Class C bulkheads may be used between two similar spaces, such as between two similar storerooms. However, a Class A–0 bulkhead shall be used between dissimilar spaces, such as a storeroom and a dissimilar workshop.

TABLE 72.05–10(f)—DECKS—MAIN VERTICAL ZONES

This space above → / This space below ↓		Control stations	Stairway and elevator enclosures	Corridors	Lifeboat embarkation or lowering stations	Staterooms and all public spaces with incombustible veneers and trim and fire resistant furnishings	Staterooms and public spaces of 500 square feet or less with combustible furnishings and isolated storerooms	Public spaces over 500 square feet with combustible furnishings	Washrooms, toilet spaces, and isolated pantries with incombustible fittings	Galleys, main pantries, storerooms, and workshops	Machinery spaces	Dry cargo spaces	Fuel and water tanks and voids	Open decks and enclosed promenades (not safety areas)
		1	2	3	4	5	6	7	8	9	10	11	12	13
Control stations	1	A–60	A–60	A–30	A–0	A–15	A–60	A–60	A–0	A–0	A–0	A–0	A–0	A–0
Stairway and elevator enclosures	2	A–15	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0
Corridors	3	A–30	A–0	A–0	A–0	A–0	A–0	A–15	A–0	A–0	A–0	A–0	A–0	A–0
Lifeboat embarkation or lowering stations	4	A–0	A–0	A–0	C	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	C
Staterooms and all public spaces with incombustible veneers and trim and fire resistant furnishings	5	A–30	A–30	A–15	A–0	A–15	A–15	A–30	A–0	A–0	A–0	A–0	A–0	A–0
Staterooms and public spaces of 500 square feet or less with combustible furnishings, and isolated storerooms	6	A–60	A–60	A–30	A–15	A–15	A–60	A–60	A–0	A–0	A–0	A–0	A–0	A–0
Public spaces over 500 square feet with combustible furnishings	7	A–60	A–60	A–60	A–30	A–30	A–60	A–60	A–0	A–0	A–0	A–0	A–0	A–0
Washrooms, toilet spaces, and isolated pantries with incombustible fittings	8	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0
Galleys, main pantries, storerooms, and workshops	9	A–60	A–60	A–60	A–30	A–30	A–60	A–60	A–0	A–0	A–0	A–0	A–0	A–0
Machinery spaces	10	A–60	A–60	A–60	A–30	A–30	A–60	A–60	A–0	A–0	A–0	A–0	A–0	A–0
Dry cargo spaces	11	A–60	A–60	A–60	A–30	A–30	A–60	A–60	A–0	A–0	A–0	A–0	A–0	A–0
Fuel and water tanks and voids	12	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0
Open decks and enclosed promenades (not safety areas)	13	A–0	A–0	A–0	C	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	C

TABLE 72.05-10(g)—DECKS—NOT MAIN VERTICAL ZONES

This space above → / This space below ↓		Control stations	Stairway and elevator enclosures	Corridors	Lifeboat embarkation or lowering stations	Staterooms and all public spaces with incombustible veneers and trim and fire resistant furnishings	Staterooms and public spaces of 500 square feet or less with combustible furnishings and isolated storerooms	Public spaces over 500 square feet with combustible furnishings	Washrooms, toilet spaces, and isolated pantries with incombustible fittings	Galleys, main pantries, storerooms, and workshops	Machinery spaces	Dry cargo spaces	Fuel and water tanks and voids	Open decks and enclosed promenades (not safety areas)
		1	2	3	4	5	6	7	8	9	10	11	12	13
Control stations	1	A-30	A-30	A-15	A-0	A-0	A-15	A-30	A-0	A-0	A-0	A-0	A-0	A-0
Stairway and elevator enclosures	2	A-0	C	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0
Corridors	3	A-15	A-0	A-0	A-0	A-0	A-0	A-15	A-0	A-0	A-0	A-0	A-0	A-0
Lifeboat embarkation or lowering stations	4	A-0	A-0	A-0	C	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	C
Staterooms and all public spaces with incombustible veneers and trim and fire resistant furnishings	5	A-15	A-15	A-0	A-0	A-0	A-0	A-15	A-0	A-0	A-0	A-0	A-0	A-0
Staterooms and public spaces of 500 square feet or less with combustible furnishings and isolated storerooms	6	A-60	A-60	A-30	A-15	A-0	A-30	A-60	A-0	A-0	A-0	A-0	A-0	A-0
Public spaces over 500 square feet with combustible furnishings	7	A-60	A-60	A-60	A-30	A-15	A-60	A-60	A-0	A-0	A-0	A-0	A-0	A-0
Washrooms, toilet spaces, and isolated pantries with incombustible fittings	8	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0
Galleys, main pantries, storerooms, and workshops	9	A-60	A-60	A-60	A-30	A-15	A-60	A-60	A-0	A-0	A-0	A-0	A-0	A-0
Machinery spaces	10	A-60	A-60	A-60	A-30	A-15	A-60	A-60	A-0	A-0	O	A-0	A-0	A-0
Dry cargo spaces	11	A-60	A-60	A-60	A-30	A-15	A-60	A-60	A-0	A-0	A-0	A-0	A-0	A-0
Fuel and water tanks and voids	12	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0
Open decks and enclosed promenades (not safety areas)	13	A-0	A-0	A-0	C	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	C

(l) Where linings or bulkhead panels are framed away from the shell or structural bulkheads, the deck within the void space so formed need only meet Class A–O requirements.

(m) Accommodation spaces, other than washrooms and toilet spaces, separated from corridors or other spaces covered by the supervised patrol by bulkheads of the "B" Class shall have a louver in the door. In lieu of the louver in the door, a screened opening approximately one inch in diameter will be accepted. Such opening to permit smoke to be detected by the patrol, shall be located as high as practicable in the bulkhead. In the event of a double bulkhead or similar construction, a suitable hollow sleeve or tube shall connect the inner and outer surfaces of the bulkhead.

(n) Decks within accommodation spaces and inside safety areas may have an overlay for leveling or finishing purposes which need not meet the requirements for an approved deck covering. Such an overlay will not be considered as giving any insulating value and may not in general exceed 3/8 of an inch in thickness. Greater thicknesses may be specifically approved by the Commandant for specific locations.

(o) Rugs and carpets may be used in addition to any deck covering or overlay installed. Rugs and carpets used in stairways or corridors shall be of wool, or other materials having equivalent fire-resistive qualities.

(p) Decking within surgical operating rooms shall be of a type which is acceptably conductive to prevent accumulation of dangerous electrostatic charges, and shall be in general agreement with "Code for Flammable Anesthetics," of issue in effect at the time the construction or alteration of the vessel is contracted for, published by the National Fire Protection Association, 60 Batterymarch Street, Boston, Mass., 02110.

(q) Decks in washrooms and toilet spaces, service, cargo, and machinery spaces, open decks, exterior safety areas, and enclosed promenades may have an overlay in any thickness. This overlay need not meet the requirements for an approved deck covering.

§ 72.05–15 Ceilings, linings, trim, and decorations in accommodation spaces and safety areas.

(a) Ceilings and linings and any furring incidental to their erection shall be of approved incombustible materials. Where such ceilings or linings are given credit for their insulating value in obtaining a bulkhead or deck classification they shall be of Class B–15 bulkhead panel material, and the construction shall be as required by § 72.05–10(j).

(b) Bulkheads, linings, and ceilings may have a combustible veneer within a room not to exceed 2/28 of an inch in thickness. However, combustible veneers shall not be used in passageways or stairway enclosures, or in spaces specifically restricted by Tables 72.05–10 (d) through (g).

(c) The total volume of combustible face trim, moldings, and decorations, including veneers, in any compartment shall not exceed a volume equivalent to 1/10 inch veneer on the combined area of the walls of the compartment. Such trim, molding, or decorations shall not perform any structural function, and shall not be used in corridors or stairway enclosures.

(d) Combustible veneers, trim, decorations, etc., shall not be used in or extend into hidden spaces such as behind linings or ceilings or in the interior of double bulkheads.

(e) Nothing in this subpart shall be construed as prohibiting the covering of any surface with a reasonable number of coats of paint or with a Marine Finish meeting the requirements of Subpart 164.012 of Subchapter Q (Specifications) of this chapter. This includes corridors, stairway enclosures, and hidden spaces.

(f) Partial bulkheads or decks used to subdivide a space for artistic treatment, privacy, etc., shall meet the requirements of Class C bulkheads.

§ 72.05–20 Stairways, ladders, and elevators.

(a) (1) Except as further noted, the provisions of this section apply to all vessels.

(2) For small vessels, special consideration for relief may be given where it is shown to be unreasonable or impracticable to meet the detailed requirements for stairway size, slope, dimensioning, and landing area.

(3) Stairways, ladders, and elevators within main machinery spaces or cargo holds are not covered by the general provisions of this section, but shall meet the requirements of paragraph (b) of this section.

(b) Stairways, ladders, and elevators within main machinery spaces and cargo holds shall meet the following requirements:

(1) All stairways, ladders, and elevators shall be of steel.

(c) Deck penetrations shall meet the following requirements:

(1) Where a continuous vertical deck penetration for a stairway or elevator exceeds one deck, the integrity of all decks involved shall be assured by enclosure bulkheads and decks meeting the applicable requirements of § 72.05–10 (d) through (g), and by doors at all levels meeting the requirements of § 72.05–25 (b)(9).

(2) Where only two decks are served by a stairway or elevator, the integrity of the deck involved may be assured as noted in the preceding paragraph. Alternately, the integrity may be maintained at one level only by means of bulkheads and by doors meeting the requirements of § 72.05–25(b)(9). If the latter method is used, it should be noted

that the integrity of a deck is involved, and accordingly, the bulkhead classifications should be selected from Tables 72.05–10(f) or 72.05–10(g), the spaces above or below being assumed to extend to the bulkheads and doors.

(3) Stairways or elevators to a balcony within a space need not be enclosed, provided the stairway or elevator serves only the space and the balcony within the space.

(d) For the purpose of this section, stairways are identified as follows:

Type 1—Main Vertical Zone enclosed stair towers.
Type 2—Enclosed stairways other than Type 1.
Type 3—Interior stairway not enclosed.
Type 4—Exterior stairways or exterior inclined ladders.

(e) Each Main Vertical Zone shall be served by at least one Type 1 stairway, so that independent of adjoining Main Vertical Zones, escape may be effected from any accommodation space or any other space where persons may be normally quartered or employed, to ALL other decks having any such spaces within the same Main Vertical Zone without coming out of the stair tower enclosure. Each Type 1 stairway shall give access to the Embarkation Deck or, if the Embarkation Deck does not extend to the portion of the vessel in question, to at least one weather deck from which convenient communication to the Embarkation Deck is provided by means of Type 4 stairways. In cases where a Type 1 stairway is accessible from two Main Vertical Zones, it may be considered as the required Type 1 stairway for both zones provided all boundaries of the stairway meet Main Vertical Zone requirements.

(f) Insofar as is reasonable and practicable, Types 1 and 2 stairways, and all elevator enclosures, should not give direct access to accommodations or other enclosed spaces in which a fire may originate.

(g) The furnishings for Types 1 and 2 stairways, and all elevator enclosures, shall be as set forth in § 72.05–55(c).

(h) In general, curved, spiral, or winding stairways will not be permitted. Relaxation from this requirement may be permitted, provided, in the opinion of the Commandant, the proposed stairway is equivalent with respect to safety and dimensions to the stairways covered by this section.

(i) For all types of stairways, the stairs, platforms, and landings shall be of sufficient strength to sustain a load of 100 pounds per square foot with a factor of safety of 4 based on the ultimate strength.

(j) The stringers, treads, and all platforms and landings of all Types 1, 2, and 3 stairways shall be of solid steel construction. Risers shall be of approved incombustible material.

(k) For all types of stairways, handrails shall be fitted on both sides of the stairs. For stairways in excess of 66 inches in width, additional center handrails shall be provided. All handrails shall be fitted at a vertical height above the tread at its nosing of between 33 and 36 inches.

(l) For all types of stairways, the stair width shall be clear of all obstructions other than the handrails.

(m) Handrails and trim for all Types 1, 2, and 3 stairways shall be of approved "incombustible materials."

(n) For all types of stairways, there shall be no variation in the width of the stairs, the depth of the tread, or the height of the risers in any flight. Where variation in height of riser or depth of tread in different flights is necessary, such variations shall be minimized.

(o) For all types of stairways, the sum of the riser height and tread depth shall be at least 17 inches and not more than 18 inches. Types 1, 2, and 3 stairways having treads less than 10 inches in depth shall have a nosing of one inch or other means to provide additional room on the tread.

(p) All stairways shall be dimensioned in accordance with Table 72.05–20(p), depending upon the type of stairway and the number of persons served.

TABLE 72.05–20(p)

Type of stairway	Primary use	Maximum angle of inclination (degrees)	Minimum stair tread width, in inches, based upon number of persons served by the stairway						
			Number of persons						
			1–10	11–20	21–30	31–40	41–50	51–60	Over 60
1	Passenger or crew	40	28	30	32	34	36	40	44
2 or 3	Passenger	40	28	30	32	34	36	36	36
2 or 3	Crew	50	28	30	30	30	30	30	30
4	Passenger or embarkation route.	45	28	30	30	30	30	30	30
4	Crew	55	24	24	24	24	24	24	24

(1) The maximum angle of inclination from the horizontal for any stairway shall be as given in Table 72.05–20(p).

(2) For all types of stairways, the minimum width shall be determined on a deck-by-deck basis. Except as further noted, on any particular deck, only those persons on that deck using the stairway are involved in the width determination. However, once a minimum required width has been established at any one level, that width may not be reduced at any subsequent deck level in the direction of normal escape. This does not prohibit the use of stair widths exceeding the required minimum for any particular flight or flights.

(3) The various spaces shall be considered to have the number of persons in them as follows:

(i) Passenger staterooms—designed capacity.

(ii) Crew staterooms—two-thirds designed capacity.

(iii) Theaters, dining halls, and similar spaces having fixed seating—maximum seating capacity.

(iv) Lounges, club rooms, etc.—1 person for every 20 square feet of deck area.

(v) Working spaces—normal operating capacity.

(4) Type 1 stairways shall be dimensioned on a deck-by-deck basis as described in the previous subparagraphs. In determining the number of persons using a Type 1 stairway, all persons within the Main Vertical Zone or Zones in question are assumed to be using Type 1 stairways. No consideration is given to any Type 2 or 3 stairways that may be available. If more than one Type 1 stairway serves a particular Main Vertical Zone, the persons shall be distributed between the stairways dependent upon the arrangements, and the stairways shall be dimensioned accordingly. If in the normal operation of the vessel, a Type 1 stairway is intended for a greater number of persons than given by the foregoing, the larger number shall be used.

(5) Types 2, 3, and 4 stairways shall be dimensioned on a deck-by-deck basis as described in this paragraph. In determining the number of persons using the stairways, the normal operation of the vessel shall be the determining factor. In this respect, if any particular stairway forms part of a normal debarkation route, the number of persons using the stairway for that purpose shall be considered.

(q) All types of stairways designed with a broken flight between any two decks shall conform to the additional requirements of this paragraph.

(1) Any interruption of the slope or change of direction of the stairway shall be accomplished by means of an intermediate landing of rectangular or nearly rectangular shape based on the actual dimensions of the stairs landing thereon.

(2) Each set of stairs of a broken flight shall be dimensioned independently, and shall conform to the minimum stair widths given in Table 72.05–20(p).

(r) Landings for stairways shall be provided in accordance with the applicable requirements of this paragraph.

(1) For all types of stairways, at the top and bottom of each flight of stairs, there shall be a clear landing having an area at least equal to the square of the actual stair tread width.

(2) For Type 1 stairways, there shall be provided within the enclosure at each deck level a landing having a minimum clear area in square feet, exclusive of the stairs, equal to 1.2 times the number of persons from that deck using the stairway.

(3) Where an aisle around a stairway is required due to the relationship of the flights, such aisle shall have a clear width at all points at least equal to the actual stair tread width.

(s) The total clear width of doors to stairways shall be as set forth in Table 72.05–20(s), and shall meet all of the other applicable requirements of this paragraph.

TABLE 72.05–20(s)

Type of stairway	Primary use	Minimum clear opening, in inches, of doors to stairways based on number of persons served by doors					
		Number of persons (*N*)					
		1–10	11–20	21–30	31–40	41–50	Over 50
1	Passenger or crew	28	30	32	34	36	[1] 0.75*N*
2 or 3	Passenger	28	30	32	34	36	36
2 or 3	Crew	28	30	30	30	30	30

[1] Obtain clear opening in inches by multiplying the number of persons served (*N*) by 0.75.

(1) The dimensioning of doors shall be based on the same fundamentals as described in subparagraphs (p) (2) through (5) of this section for stairways. However, the number of people involved for a particular door shall be determined from the arrangements, each door being calculated independent of any other doors to the stairway at the same level.

(2) In no case shall a clear door width be less than 28 inches.

(3) On the Embarkation Deck, each Type 1 stairway shall provide at least 44 inches of exit door width to each side of the vessel. Exit may be provided directly to the weather or indirectly by passageways and/or corridors which lead to the weather.

§ 72.05–25 Doors, other than watertight.

(a) The general requirement for doors, other than watertight doors, are as follows:

(1) All doors shall be capable of operation from either side by 1 person.

(2) In public spaces, stairway enclosures, corridors, etc., all doors shall open in the direction of escape where practicable.

(3) If it is desired to use decorative doors in addition to those required, they shall be constructed of approved incombustible materials and shall not interfere with the normal operation of the required doors, and shall open in the same direction if the required doors are in a main avenue of escape.

(4) For the purpose of this subpart, all glass permitted in doors shall be at least ¼-inch thick. However, greater thickness may be required for strength purposes in certain locations. Except for hardwood doors permitted by subparagraph (b)(8) of this section, all glass shall be fitted in steel or equivalent metal frames and shall be retained by steel or equivalent metal glazing beads or angles.

(5) Where wire-inserted glass is required, and the single wire type is employed, the strands shall run horizontally and shall be not more than 2 inches apart.

(6) Where hose ports are fitted, they shall be cut in the lower corner of the door on the side opposite the hinge so that if the hose is passed through the doorway when the door is open, it may be closed over the hose. The cut for the hose port should be approximately 6 inches square. A hinged or pivoted steel or equivalent metal cover shall be fitted in the cut, equipped with a bullet catch or similar method of fastening which will permit easy and automatic operation of the hinged cover.

(7) Combustible veneers may be used in doors where permitted for, and subject to the same conditions as, the bulkheads in which the doors are hung.

(8) The locking of doors may be permitted, except as noted in § 72.10–20.

(b) Doors in "A" Class bulkheads shall meet the following requirements:

(1) Doors in bulkheads required to be Class A–60, A–30, or A–15 shall be of hollow steel or equivalent metal construction solidly filled with approved structural insulation capable of meeting the requirements for a Class A–15 bulkhead.

(2) Doors in bulkheads required to be Class A–0 shall be of solid or hollow steel or equivalent metal construction capable of meeting the requirements of a Class A–0 bulkhead.

(3) Doors shall have a latch with a minimum throw of ¾ inch which can be operated from either side of the door. Double swing doors, where permitted for the proper utility of the space, may have the latch normally inoperative.

(4) Except as noted in subparagraph (8) of this paragraph, doors may be fitted with not more than 100 square inches of glass, which shall be of the wire inserted type.

(5) Vent grilles or louvers shall not be used in doors of this type.

(6) The bottoms of doors may be undercut not to exceed ½ inch above the door sill or top of approved deck covering. Rugs, and carpets, shall not pass through doorways, but linoleum and similar coverings may do so.

(7) Door frames shall be of rigid construction, and shall provide at least a ½ inch door stop at the sides and top, except:

(i) Double doors capable of independent operation and latching may have a clearance between the doors not to exceed ⅛ inch. However, if one door must always be closed first, a doorstop of at least ½ inch shall be provided for the second door.

(ii) Double swing doors, where permitted, may have a maximum clearance of ⅛ inch at the tops and sides.

(8) Doors opening out onto open decks shall either meet the applicable requirements of this paragraph, or they may be of hardwood having a minimum thickness of 1¾ inches. In any case, no restriction as to the area of glass will be made for such doors insofar as this subpart is concerned. Only glass of the wire-inserted type may be fitted in such doors opening onto safety areas from accommodation spaces containing combustible type furniture and service, cargo, and machinery spaces.

(9) Doors in stairway enclosures and Main Vertical Zone bulkheads shall, in addition to meeting the requirements of this paragraph, also meet the following requirements:

(i) Doors, other than those which are normally locked, such as, from staterooms, fan rooms, lockers, etc., shall be of the self-closing type capable of closing against a 3½ degree list, and such doors shall be numbered in accordance with § 78.47–35 of this subchapter.

(ii) All doors, except those that are kept normally closed, shall be of a type which are capable of release from the control station and from a position at the door. The release mechanism shall be so designed that the door will automatically close in the event of disruption to the control system; however, approved power operated watertight doors will be considered acceptable for this purpose. Holdback hooks, or other means of permanently holding the door open, not subject to control station release, will not be permitted. When double swing doors are permitted, they shall have a latch arrangement which is automatically engaged by the operation of the door release system.

(iii) Double doors shall be so arranged that either door may be closed and latched independently.

(iv) For additional requirements for stairway doors, see § 72.05–20(s).

(c) Doors in "B" Class bulkheads shall meet the following requirements:

(1) Doors may be of solid or hollow steel or equivalent metal construction or may be of steel or equivalent metal frame with glass panes or may be of approved incombustible materials of such construction as specifically approved by the Commandant.

(2) No restriction as to the area of glass will be made for such doors, but all glass shall be of the wire-inserted type.

(3) The lower half of such doors may contain vent grilles or louvers with a net area not to exceed 2 square feet.

(4) Doors shall have a latch with a minimum throw of ⅜ inch which can be operated from either side of the door. Double swing doors, where permitted for the proper utility of the space, may have the latch normally inoperative.

(5) The bottoms of doors may be undercut not to exceed 1 inch above the door sill or top of approved deck covering. Rugs and carpets shall not pass through doorways but linoleum and similar covering may do so.

(6) Door frames shall be of rigid construction, and shall provide at least a ½ inch doorstop at the sides and top, except:

(i) Double doors capable of independent operation and latching may have a clearance between the doors not to exceed ⅛ inch. However, if one door must always be closed first, a door stop of at least ½ inch shall be provided for the second door.

(ii) Double swing doors, where permitted, may have a maximum clearance of ⅛ inch at the tops and sides.

(d) Doors in bulkheads required to be Class C shall be of approved incombustible materials.

§ 72.05–30 Windows and airports.

(a) For the purpose of this subpart, all glass in windows or airports shall be at least ¼ inch thick. However, greater thickness may be required for strength purposes in certain locations. All glass shall be fitted in steel or equivalent metal frames and shall be retained by steel or equivalent metal glazing beads or angles.

(b) Where wire-inserted glass is required, and the single wire type is employed, the strands shall run horizontally and shall be not more than 2 inches apart.

(c) Windows in Class B–0 bulkheads shall be fitted with wire inserted glass. Such windows opening onto passageways may not extend below the normal height of the storm rails.

(d) Windows in Class B–15 bulkheads shall be fitted with wire inserted glass. In addition, such windows shall be fitted with a suitable steel or equivalent metal shutter capable of being operated manually as well as automatically by means of a fusible link.

(e) Windows in interior "A" Class bulkheads shall be fitted with suitable steel or equivalent metal shutter capable of being operated manually as well as automatically from the control station by the same system used for the fire doors as noted in § 72.05–25(b)(9)(ii). The metal shutter shall be insulated to meet the applicable bulkhead requirements.

(f) Windows or air ports opening onto lifeboat embarkation or lowering spaces from service, cargo, or machinery spaces, or from control or accommodation spaces other than those containing only incombustible veneers and trim and fire resistant furnishings, shall be fitted with wire inserted glass. Other windows or air ports opening onto open decks or enclosed promenades need not have wire inserted glass.

(g) Skylights to spaces containing auxiliary internal combustion machinery having an aggregate horsepower of 1,000 or more, and to boiler and main enginerooms, shall be capable of being closed from outside the space. If glass is fitted in such skylights, it shall be of the wire inserted type. The glass panels shall be fitted with permanently attached shutters of steel or equivalent metal.

§ 72.05–35 Hatch covers and shifting boards.

(a) Wood hatch covers may be used between cargo spaces. Hatch covers in other locations shall meet the requirements for deck construction noted in Tables 72.05–10 (f) and (g).

(b) Tonnage openings in "A" Class bulkheads shall be closed by means of steel plates.

§ 72.05–40 Insulation, other than for structural fire protection.

(a) Any insulation installed for heat and comfort, refrigeration (including air conditioning), or for any other purpose, and all material incidental to its installation, shall be approved Incombustible Materials. This paragraph shall not apply to such insulation installed in cargo spaces, refrigerated storerooms, individual refrigerator boxes, nor to pipe and machinery coverings or laggings within the machinery spaces.

§ 72.05–45 Paint.

(a) An excessive number of coats of paint will be discouraged unless noncombustible paint is used.

(b) Nitrocellulose or other highly flammable or noxious fume-producing paints or lacquers shall not be used.

§ 72.05–50 Ventilation.

(a) Where the term "duct" is used in this section, it shall include trunks, plenums, and any other type of ventilation piping, chambers, or duct work.

(b) Where automatic fire dampers are required, they shall be designed to operate at approximately 165 degrees F. for normal locations, and approximately 212 degrees F. for locations such as galleys. The dampers shall be so designed as to close against the anticipated draft in the duct. The damper shall be made accessible for periodic inspection by means of a hinged or bolted plate in the duct. The damper and the portion of duct containing the damper shall be constructed of at least ⅛ inch steel plate suitably stiffened. No insulation need be applied to the damper blade.

(c) Where ventilation ducts are required to meet bulkhead requirements, the space within the duct shall be considered to be the same as the space served by the ventilator, and the duct shall be insulated to meet the applicable requirements of Tables 72.05–10 (d) and 72.05–10(e).

(d) All ventilation systems shall be designed, where practicable, so that all ducts leading to the various enclosures are kept within the main vertical zones. No duct may serve spaces in more than one main vertical zone.

(e) Where of necessity, ducts pass through main vertical zone bulkheads, automatic fire dampers shall be fitted adjacent to the bulkhead. The duct between the bulkhead and the damper shall meet the applicable bulkhead requirements. The damper shall be fitted on at least one side of the bulkhead with a visible indicator showing whether the damper is in the open or closed position. The indicator may be connected to the manual operating device rather than the damper blade so that it might show as being open when it had automatically closed, but could never be open if the indicator showed it to be closed. The damper shall be capable of being manually closed from both sides of the bulkhead. The operating positions for the damper shall be marked as required by § 78.47–53 of this subchapter.

(f) Vent ducts serving stairway enclosures shall serve no other spaces.

(g) Ventilation ducts serving cargo or main machinery spaces which pass through accommodation spaces or safety areas shall be fitted with an automatic fire damper adjacent to the point of entry. Between the bulkhead or deck and the damper, and in addition, on vertical ducts for a distance of 6 feet above the damper, the duct shall meet the applicable bulkhead requirements.

(h) Exhausts from galleys shall meet the applicable bulkhead requirements. In addition, an automatic damper shall be installed in exhaust ducts over frying vats, etc.

(i) In all ventilation systems, manually operated dampers or other suitable means shall be provided in accessible locations, outside the spaces served by the system, for shutting off the passage of air in the event of fire; however, no dampers shall be placed in exhaust ducts from film lockers or projection rooms.

(j) For information regarding controls of electrically powered ventilation systems, see Subchapter J (Electrical Engineering) of this chapter.

§ 72.05–55 Furniture and furnishings.

(a) For the purpose of this subpart, rooms containing "fire resistant furnishings" will be considered to be those in which:

(1) All case furniture such as desks, wardrobes, dressing tables, bureaus, dressers, etc., shall be constructed entirely of approved incombustible materials; except that a combustible veneer not exceeding ⅛ inch may be used on the top surface of such articles.

(2) All free standing furniture such as chairs, sofas, tables, etc., shall be constructed with frames of approved incombustible materials.

(3) All draperies shall be of approved fire resistant fabrics.

(4) All rugs and carpets shall be of wool or other material having equivalent fire resistive qualities.

(b) Waste paper baskets shall be constructed of approved incombustible materials with solid sides and bottoms.

(c) Passageways and stairway enclosures shall contain only fire resistant furnishings. In addition, all upholstery and padding of chairs, sofas, etc., in these areas, shall be of approved fire resistant materials.

§ 72.05–60 Motion picture projection and equipment.

(a) Inasmuch as only acetate or slow burning film may be used, projection rooms and special film stowage rooms are not required.

§ 72.05–90 Vessels contracted for prior to May 26, 1965.

(a) Vessels of less than 100 gross tons on an international voyage, contracted for prior to November 19, 1952, shall meet the following requirements:

(1) Existing structure, arrangements, and materials previously approved will be considered satisfactory so long as they meet the minimum requirements of this paragraph and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standard as the original construction.

(b) Vessels of 100 gross tons and over, contracted for prior to May 28, 1936, shall meet the following requirements:

(1) Existing structure, arrangements, and materials previously approved will be considered satisfactory so long as they meet the minimum requirements of this paragraph and are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original construction.

(2) All vessels in ocean or coastwise service shall be fitted above the bulkhead deck with fire-resisting bulkheads and doors spaced not more than 131 feet apart which are capable of resisting the passage of flame for a period of at least 1 hour.

(3) All vessels with berth or stateroom accommodations for 50 or more passengers shall be fitted with an approved automatic sprinkling system unless deemed unnecessary by the Commandant. This system shall be so installed as to protect all enclosed parts of the vessel accessible to passengers or crew while the vessel is being navigated, except cargo holds, machinery spaces, and when of fire-resisting construction, toilets, bathrooms, and spaces of similar construction. Where, in the case of particular vessel, the Commandant does not consider the installation of an automatic water-sprinkling system necessary, such vessel shall be protected in such enclosed parts of the vessel as the Commandant shall deem necessary, with an automatic electric or pneumatic fire-detecting and alarm system, used singly or in combination, of a type approved by the Commandant.

(c) The provisions of this paragraph shall apply to vessels of 100 gross tons and over contracted for on or after May 28, 1936, but prior to May 26, 1965; and to vessels of less than 100 gross tons which are on international voyages and which were contracted for prior to May 26, 1965.

(1) Existing structure, arrangements, and materials previously approved will be considered satisfactory so long as they meet the minimum requirements of this paragraph and are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original construction.

(2) The details shall be in general agreement with §§ 72.05–5 through 72.05–60 insofar as is reasonable and practicable.

(d) Vessels of less than 100 gross tons and not on an international voyage which carry more than 150 passengers, and which were contracted for prior to May 26, 1965, shall meet the following requirements:

(1) Existing structure, arrangements, and materials previously approved will be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original construction.

Subpart 72.10—Means of Escape

§ 72.10–1 Application.

(a) The provisions of this subpart, with the exception of § 72.10–90, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 72.10–90.

§ 72.10–5 Two means required.

(a) There shall be at least two means of escape from all general areas accessible to the passengers or where the crew may be quartered or normally employed. At least one of these two means of escape shall be independent of watertight doors. For stairway continuity and general requirements for stairways on any vessel of 100 gross tons and over, or any vessel which carries more than 150 passengers, or any vessel on an international voyage, see § 72.05–20.

(b) Elevators shall not be considered as one of the required means of escape.

(c) Stairways serving only a space and a balcony to a space shall not be considered as one of the required means of escape.

§ 72.10–10 Location.

(a) The two means of escape shall be as remote as practicable so as to minimize the possibility of one incident blocking both escapes.

§ 72.10–15 Vertical ladders not acceptable.

(a) Verticle ladders and deck scuttles shall not in general be considered satisfactory as one of the required means of escape. However, where it is demonstrated that the installation of a stairway would be impracticable, a vertical ladder may be used as the second means of escape.

§ 72.10–20 No means for locking door.

(a) No means shall be provided for locking doors giving access to either of the 2 required means of escape, except that crash doors or locking devices, capable of being easily forced in an emergency, may be employed provided a permanent and conspicuous notice to this effect is attached to both sides of the door. This paragraph shall not apply to outside doors to deckhouses where such doors are locked by key only and such key is under the control of one of the vessel's officers.

§ 72.10–25 Stairway size.

(a) Stairways shall be of sufficient width to satisfactorily accommodate the number of persons having access to such stairs for escape purposes.

§ 72.10–30 Dead end corridors.

(a) Dead end corridors, or the equivalent, more than 40 feet in length shall not be permitted.

§ 72.10–35 Public spaces.

(a) In all cases, public spaces having a deck area of over 300 square feet shall have at least two exits. Where practicable, these exits shall give egress to different corridors, rooms, or spaces to minimize the possibility of one incident blocking both exits.

§ 72.10–40 Access to lifeboats.

(a) The stairways, corridors, and doors shall be so arranged as to permit a ready and direct access to the various lifeboat embarkation areas.

§ 72.10–45 Weather deck communications.

(a) Vertical communication shall be provided between the various weather decks by means of permanent inclined ladders. Where ladders are for the exclusive use of the crew for rapid communication, and do not form part of a normal escape route, vertical ladders may be employed.

§ 72.10–90 Vessels contracted for prior to November 19, 1952.

(a) Existing arrangements previously approved will be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original design provided that in no case will a greater departure from the standards of §§ 72.10–5 through 72.10–45 be permitted than presently exists. Nothing in this paragraph shall be construed as exempting any vessel from having 2 suitable means of escape from all main compartments which are accessible to the passengers or where the crew are normally quartered or employed.

Subpart 72.15—Ventilation

§ 72.15–1 Application.

(a) The provisions of this subpart with the exception of § 72.15–90, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 72.15–90.

§ 72.15–5 Structural fire protection.

(a) See § 72.05–50 for ventilation requirements on vessels of 100 gross tons and over or vessels of any tonnage on an international voyage, pertaining to structural fire protection.

§ 72.15–10 Vessels using fuel having a flashpoint of 110 degrees F. or lower.

(a) Where liquid fuel having a flashpoint of 110 degrees F. or lower is used for main or auxiliary machinery or for starting purposes, the spaces containing such machinery or fuel tanks shall have natural supply and mechanical ventilation as required by this section.

(b) The requirements for the mechanical exhaust system shall be such as to assure the air changes as noted in Table 72.15–10 (b), depending upon the size of the space.

TABLE 72.15–10 (b)

Size of space, cubic feet		Minutes per air change
Over	Not over	
---	500	2
500	1,000	3
1,000	1,500	4
1,500	---	5

(c) Exhaust blower motors shall be outside of the ducts, and if mounted in any compartment required to be ventilated by this section, shall be of the explosion proof type. Blower blades shall be non-sparking with reference to their housings.

(d) Exhaust blower switches shall be located outside of any space required to be ventilated by this section, and shall be of the type interlocked with the ignition switch so that the blowers are started before the engine ignition is switched on. A red warning sign at the switch shall state that the blowers shall be operated prior to starting the engines for a sufficient time to insure at least one complete change of air in the compartments.

(e) The area of the ducts shall be such as to limit the air velocity to a maximum of 2,000 feet per minute. Ducts may be of any shape, provided that in no case shall 1 dimension exceed twice the other.

(f) At least 2 inlet ducts shall be located at 1 end of the compartment and they shall extend to the lowest part of the compartment or bilge on each side. Similar exhaust ducts shall be led to the mechanical exhaust system from the lowest part of the compartment or bilge on each side of the compartment at the end opposite from that at which the inlet ducts are fitted.

(g) All ducts shall be constructed of non-ferrous metal or galvanized ferrous metal not less than No. 22 USSG, intact and gastight from end to end and shall be of substantial construction. The ducts shall lead as direct as possible and be properly fastened and supported.

(h) All supply ducts shall be provided with cowls or scoops having a free area not less than twice the required duct area. When the cowls or scoops are screened, the mouth area shall be increased to compensate for the area of the screen wire. Dampers shall not be fitted in the supply ducts. Cowls or scoops shall be kept open at all times except when the stress of weather is such as to endanger the vessel if the openings are not temporarily closed. Supply and exhaust openings shall not be located where the natural flow of air is unduly obstructed, or adjacent to possible sources of vapor ignition, nor shall they be so located that exhaust air may be taken into the supply vents.

§ 72.15–15 Ventilation for closed spaces.

(a) All enclosed spaces within the vessel shall be properly vented or ventilated. Means shall be provided to close off all vents and ventilators.

(b) Means shall be provided for stopping all fans in ventilation systems serving machinery and cargo spaces and for closing all doorways, ventilators and annular spaces around funnels and other openings to such spaces, from outside these spaces, in case of fire.

§ 72.15–20 Ventilation for crew quarters and passenger spaces.

(a) All crew and passenger spaces shall be adequately ventilated in a manner suitable to the purpose of the space.

(b) On vessels of 100 gross tons and over, except for such spaces as are so located that under all ordinary conditions of weather, windows, ports, skylights, etc., and doors to passageways can be kept open, all crew spaces shall be ventilated by a mechanical system, unless it can be shown that a natural system will provide adequate ventilation. However, vessels which trade regularly in the tropics shall, in general, be fitted with a mechanical ventilation system.

§ 72.15–90 Vessels contracted for prior to November 19, 1952.

(a) Existing arrangements previously approved will be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original design provided that in no case will a greater departure from the standards of §§ 72.15–5 through 72.15–20 be permitted than presently exists.

Subpart 72.20—Accommodations for Officers and Crew

§ 72.20–1 Application.

(a) The provisions of this subpart, with the exception of § 72.20–90, shall apply to all vessels of 100 gross tons and over contracted for on or after November 19, 1952. Vessels of 100 gross tons and over contracted for prior to November 19, 1952, shall meet the requirements of § 72.20–90.

(b) Vessels of less than 100 gross tons shall meet the applicable requirements of this subpart insofar as is reasonable and practicable.

§ 72.20–5 Intent.

(a) It is the intent of this subpart that the accommodations provided for officers and crew on all vessels shall be securely constructed, properly lighted, heated, drained, ventilated, equipped, located, arranged, and where practicable, shall be insulated from undue noise and effluvia.

(b) The crew referred to in this subpart includes all persons, except the licensed officers, regularly employed on board any vessel. Where the requirements for the accommodations of licensed officers are not otherwise specified, they shall be at least equivalent to that indicated for the crew.

(c) For the purpose of this subpart, the term "crew spaces" shall include sleeping rooms, messrooms, recreational rooms, toilet and shower spaces, etc., which are intended for the exclusive use of the crew.

§ 72.20–10 Location of crew spaces.

(a) Crew spaces shall be located, where practicable, so that the maximum amount of fresh air and light are obtainable, having due regard to the service of the vessel and the requirements of other space users.

(b) Crew quarters shall not be located farther forward in a vessel than a vertical plane located at 5 percent of the vessel's length abaft the forward side of the stem at the designed summer load water line. However, for vessels in other than ocean or coastwise service, this distance need not exceed 28 feet. For the purpose of this paragraph, the length shall be as defined in § 43.15–1 of Subchapter E (Load Lines) of this chapter. No section of the deck of the crew spaces shall be below the deepest load line, except that in special cases, the Commandant may approve such an arrangement: *Provided*, That in no case shall the deck head of the crew space be below the deepest load line.

(c) Hawse pipes or chain pipes shall not pass through crew spaces.

(d) There shall be no direct communication, except through solid, close fitted doors or hatches between crew spaces and chain lockers, cargo or machinery spaces.

(e) There shall be no access, vents, or sounding tubes from fuel or cargo oil tanks opening into crew spaces, except that sounding tubes and access openings may be located in corridors.

(f) Where practicable, crew spaces shall be located entirely separate and independent of spaces allotted to passengers or licensed officers.

§ 72.20–15 Construction.

(a) See subpart 72.05 for requirements on vessels of 100 gross tons and over or vessels of any tonnage on an international voyage pertaining to structural fire protection.

(b) All crew spaces are to be constructed in a manner suitable for the purpose for which they are intended. The bulkheads separating the crew space from cargo and machinery spaces, lamp and paint rooms, storerooms, drying rooms, washrooms, and toilet spaces shall be made odorproof where deemed necessary by the Commandant.

(c) Toilet spaces, except when provided as private or semiprivate facilities, shall be so built, fitted, and situated, that no odor from them will readily enter other crew spaces.

(d) Where shell or unsheathed weather decks form boundaries of crew spaces, suitable protective coverings shall be applied to prevent formation or accumulation of moisture.

(e) Where crew spaces adjoin or are immediately above spaces such as galleys, machinery spaces or casings, donkey boilerrooms, etc., they shall be suitably protected from the heat by approved insulation.

(f) The interior sides and deck heads of crew spaces shall be covered with enamel, paint, or other material light in color.

(g) Crew spaces shall be properly drained where considered necessary.

(h) All washrooms and toilet rooms shall be properly drained and so constructed and arranged that they can be kept in a clean, workable, and sanitary condition. The scuppers shall be located in the lowest part of the spaces, due consideration being given to the average trim of the vessel.

§ 72.20–20 Sleeping accommodations.

(a) *Arrangements.* (1) Separate sleeping accommodations are to be provided for the deck, engine, and steward groups of the crew.

(2) Each watch of seamen, firemen, or similar ratings on duty in watches is to be provided with separate sleeping room or rooms unless the total space for accommodations makes this impracticable.

(3) Where practicable, each licensed officer shall be provided with a separate stateroom.

(b) *Size.* (1) Sleeping accommodations for the crew shall be divided into rooms, no one of which shall berth more than 4 persons, except that on passenger ships requiring a large personnel in the steward's department, rooms may be arranged to accommodate not more than 10 such persons.

(2) Each room shall be of such size that there are at least 30 square feet of deck area and a volume of at least 210 cubic feet for each person accommodated, except where more than four persons are berthed in one room, in which case the minimum may be 24 square feet of deck area and a volume of 168 cubic feet for each person. The clear head room shall be not less than 6 feet 3 inches. In measuring sleeping quarters allocated to crews of vessels, any equipment contained therein for the use of the occupants is not to be deducted from the total volume or from the deck area.

(c) *Equipment.* (1) Each person shall have a separate berth and not more than 1 berth shall be placed above another. The berths shall have a framework of metal or other hard, smooth material not likely to corrode or harbor vermin, and shall be so arranged that they provide ample room for easy occupancy. The overall size of a berth shall not be less than 30 inches wide by 76 inches long, except by special permission of the Commandant. Where berths adjoin, they shall be divided by a partition not less than 18 inches in height. Where 2 tiers of berths are fitted, the bottom of the lower must not be less than 12 inches above the deck, and the bottom of the upper must not be less than 2 feet 6 inches both from the bottom of the lower and from the deck overhead. The berths shall not be obstructed by pipes, ventilating ducts, or other installations.

(2) A locker of metal or other hard, smooth material shall be provided for each person accommodated in a room. Each locker shall be not less than 300 square inches in cross section area and 60 inches high. It shall be so placed as to be readily accessible. The interior of the locker shall be so arranged as to facilitate the proper stowage of clothes.

§ 72.20–25 Washrooms and toilet rooms.

(a) There shall be provided at least 1 toilet, 1 washbasin, and 1 shower or bathtub for each 8 members or portion thereof in the crew to be accommodated. The crew to be accommodated shall include all members who do not occupy rooms to which private or semiprivate facilities are attached.

(b) Under the following conditions, the toilet and washing facilities for the specific groups of the crew indicated shall be located in spaces separate from the facilities for other crewmembers; and shall be provided for that group in the ratios required by paragraph (a) of this section.

(1) The members of the engine department, where their number, exclusive of licensed officers, and others separately provided for, exceeds eight.

(2) The members of the steward's department, exclusive of those separately provided for, where their number exceeds eight.

(3) All female members of the crew.

(c) The toilet rooms and washrooms shall be located convenient to the sleeping quarters of the crew to which they are allotted but shall not open directly into such quarters except when they are provided as private or semiprivate facilities.

(d) All washbasins, showers, and bathtubs shall be equipped with proper plumbing, including hot and cold running water. Washbasins may be located in the crew sleeping quarters.

(e) The toilet rooms shall be separate from the washrooms and at least 1 washbasin shall be fitted in each toilet room, except where private or semiprivate facilities are provided and washbasins are installed in sleeping rooms.

(1) All toilets shall be installed with proper plumbing for flushing. Toilets shall be provided with seats of the open front type. Urinals may be fitted in toilet rooms, if desired, but no reduction in the required number of toilets will be made therefor.

(2) Where more than one toilet is located in a space or compartment, each toilet shall be separated by partitions, which shall be open at the top and bottom for ventilation and cleaning purposes.

§ 72.20–30 Messrooms.

(a) Messrooms shall be located as near to the galley or suitably equipped serving pantries as is practicable except where messroom is equipped with a steam table. The messrooms shall be of such size as to seat the number of persons normally scheduled to be eating at one time.

(b) Messrooms shall be properly equipped with tables, seats, and other necessary equipment and shall be so arranged as to permit easy access to each seat.

§ 72.20–35 Hospital space.

(a) Each vessel, which in the ordinary course of its trade makes voyages of more than 3 days duration between ports and which carries a crew of 12 or more, shall be provided with a hospital space. This space shall be situated with due regard to the comfort of the sick so that they may receive proper attention in all weathers.

(b) The hospital shall be suitably separated from other spaces and shall be used for the care of the sick and for no other purpose.

(c) The entrance shall be of such width and in such a position as to admit a stretcher case readily. Berths shall be of metal and may be in double tier, provided the upper berth is hinged and arranged to be secured clear of the lower berth when not in use. At least one berth shall be so arranged that it can be made accessible from both sides when necessary.

(d) The hospital shall be fitted with berths in the ratio of 1 berth to every 12 members of the crew or portion thereof who are not berthed in single occupancy rooms, but the number of berths need not exceed 6.

(e) The hospital shall have a toilet, washbasin, and bathtub or shower conveniently situated. Other necessary suitable equipment of such character as clothes locker, table, seat, etc., shall be provided.

§ 72.20–40 Other spaces.

(a) Sufficient facilities, depending upon the number of the crew, shall be provided where the crew may wash their own clothes. There shall be at least 1 tub or sink, fitted with the necessary plumbing, including hot and cold running water.

(b) Clothes drying facilities or space shall be provided for the needs of the crew.

(c) A space or spaces of adequate size shall be available on an open deck to which the crew has access when off duty.

(d) Recreation accommodations shall be provided. Where messrooms are used for this purpose, they shall be suitably planned.

§ 72.20–45 Lighting.

(a) All crew spaces shall be adequately lighted in accordance with the requirements of Subchapter J (Electrical Engineering) of this chapter.

(b) Berth lights shall be provided for each member of the crew.

§ 72.20–50 Heating.

(a) All crew spaces shall be adequately heated in a manner suitable to the purpose of the space.

(b) The heating system will be considered satisfactory if it is capable of maintaining a minimum temperature of 70 degrees F. under normal operating conditions without undue curtailment of the ventilation.

(c) Radiators and other heating apparatus shall be so placed, and where necessary shielded, as to avoid risk of fire or danger or discomfort to the occupants. Pipes leading to radiators or heating apparatus shall be lagged where the pipes create a hazard to persons occupying the space.

§ 72.20–55 Insect screens.

(a) Except in such areas as are considered to be insect free, provisions shall be made to protect the crew quarters against the admission of insects. This may be accomplished by the fitting of suitable screens to ventilating skylights, air ports, ventilators, and doors to unscreened spaces and the open deck, or by other methods.

§ 72.20–90 Vessels contracted for prior to November 19, 1952.

(a) Vessels of less than 100 gross tons, contracted for prior to November 19, 1952, shall meet the general intent of § 72.20–5 and in addition shall meet the following requirements:

(1) Existing structure, arrangements, materials, and facilities, previously accepted or approved will be considered satisfactory so long as they are maintained in a suitable condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standard as the original construction.

(b) Vessels of 100 gross tons and over, contracted for prior to March 4, 1915, shall meet the requirements of this paragraph.

(1) Existing structure, arrangements, materials, and facilities, previously approved will be considered satisfactory so long as they are maintained in a suitable condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standard as the original construction provided that in no case will a greater departure from the standards of §§ 72.20–5 through 72.20–55 be permitted than presently exists.

(c) Vessels of 100 gross tons and over, contracted for on or after March 4, 1915, but prior to January 1, 1941, shall meet the requirements of this paragraph.

(1) Existing structure, arrangements, materials, and facilities, previously accepted or approved will be considered satisfactory so long as they are maintained in a suitable condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standard as the original construction.

(2) Where reasonable and practicable, a minimum of 1 toilet, shower, and washbasin shall be provided for each 10 members of the crew or fraction thereof.

(3) Crew spaces shall have a volume of at least 120 cubic feet and a deck area of at least 16 square feet for each person accommodated.

(4) Each crewmember shall have a separate berth, and berths may not be placed more than two high.

(5) Each vessel, which in the ordinary course of its trade makes a voyage of more than 3 days' duration between ports and which carries a crew of 12 or more persons, shall be provided with a suitable hospital space for the exclusive use of the sick or injured. Berths shall be provided in the ratio of 1 berth for each 12 members of the crew or fraction thereof, but the number of berths need not exceed 6.

(6) The crew spaces shall be securely constructed, properly lighted, heated, drained, ventilated, equipped, located, and arranged, and where practicable shall be insulated from undue noise and effluvia.

(d) Vessels of 100 gross tons and over, contracted for on or after January 1, 1941, but prior to November 19, 1952, shall meet the requirements of this paragraph.

(1) Existing structure, arrangements, materials, and facilities, previously accepted or approved will be considered satisfactory so long as they are maintained in a suitable condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standard as the original construction.

(2) Washrooms and toilet rooms:

(i) There shall be a minimum of one toilet, shower, and washbasin for each eight members of the crew or fraction thereof who are not accommodated in rooms having attached private or semiprivate facilities.

(ii) Separate facilities shall be provided for the engineroom, deck, or stewards' department when the number of crew in that department, exclusive of officers, exceeds eight.

(iii) Toilet rooms shall be separate from the washrooms. At least one washbasin shall be installed in each toilet room.

(iv) Toilets shall be provided with seats of the open front type. Urinals may be fitted in toilet rooms, if desired, but no reduction will be made in the required number of toilets.

(v) Washbasins, showers, and bathtubs if substituted for showers, shall be equipped with proper plumbing, including hot and cold running water.

(3) Crew spaces shall have a volume of at least 120 cubic feet and a deck area of at least 16 square feet for each person accommodated.

(4) Each crewmember shall have a separate berth, and berths may not be placed more than two high.

(5) Each vessel, which in the ordinary course of its trade makes a voyage of more than 3 days' duration between ports and which carries a crew of 12 or more persons, shall be provided with a suitable hospital space for the exclusive use of the sick or injured. Berths shall be provided in the ratio of 1 berth for each 12 members of the crew or fraction thereof, but the number of berths need not exceed 6.

(6) The crew spaces shall be securely constructed, properly lighted, heated, drained, ventilated, equipped, located, and arranged, and where practicable shall be insulated from undue noise and effluvia.

Subpart 72.25—Passenger Accommodations

§ 72.25–1 Application.

(a) The provisions of this subpart shall apply to all vessels.

§ 72.25–5 Steerage passengers.

(a) Where the total area provided for the exclusive use of a class of passengers is less than 36 square feet per passenger, the provisions of the Steerage Passenger Act of August 2, 1882, as amended, 46 U. S. C. 151, which is administered and enforced by the Bureau of Customs, shall be complied with, for any vessel engaged in a voyage from any port or place in the United States to any port or place in a foreign country or dominion (ports and places in foreign territory contiguous to the United States excepted) or conversely. For the purpose of computing the number of passengers, children under 1 year of age shall not be counted, and two children between the ages of one and eight shall be counted as one passenger.

§ 72.25–10 Location of passenger quarters.

(a) The deck forming the deckhead of passenger quarters between adjacent watertight bulkheads shall not be below the deepest load line at any point within the watertight compartment in question.

§ 72.25–15 Passenger accommodations for excursion boats, ferryboats, and passenger barges.

(a) Except as specifically excluded by this section, separate public toilet spaces shall be provided for male and female passengers with at least the minimum equipment in each based upon the number of passengers permitted to be carried as set forth in Table 72.25–15(a).

TABLE 72.25–15 (a)

Number of passengers		Toilets	Washbasins
Over	Not over		
-------	100	1	1
100	300	2	1
300	500	3	2
500	1,000	4	2
1,000	1,500	5	3
1,500	2,000	6	3
2,000	2,500	7	4
2,500	3,000	8	4
3,000	3,500	9	5
3,500	4,000	10	5
4,000	---------	(1)	(1)

1 Additional facilities by extrapolation.

(b) In the men's spaces, urinals may be substituted for toilets, provided at least one-half the required toilets are fitted.

(c) On ferry boats and barges having a short run, passenger toilet facilities need not be fitted.

Subpart 72.40—Rails and Guards

§ 72.40–1 Application.

(a) The provisions of this subpart, with the exception of § 72.40–90, shall apply to all vessels contracted for on or

after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 72.40–90.

§ 72.40–5 Where rails required.

(a) Rails or equivalent protection shall be installed near the periphery of all weather decks accessible to passengers or crew. The height and construction of such rails shall be as required by this section. The courses of the rails shall be approximately evenly spaced, and on vessels contracted for on or after January 1, 1955, the space between rail courses shall not exceed 18 inches.

(b) Such rails on decks accessible to passengers shall be in at least three courses and shall be at least 42 inches high, except:

(1) Where the height of the rails interferes with the business of the vessel, as in the case of a sport fishing vessel, other arrangements may be specifically approved by the Commandant: *Provided*, That in general the effective rail or bulwark height above the deck on which the passengers stand shall be at least 30 inches.

(c) On the passenger decks of ferry boats, excursion vessels, and vessels of a similar type, the space below the top of the rail shall be fitted with suitable wire mesh or the equivalent. Depending upon the type of construction, the lower rail courses may not be required.

(d) All other such rails shall be at least 36 inches high and shall be in at least three courses, approximately evenly spaced, except that on vessels contracted for prior to January 1, 1957, the rails may be in two courses.

§ 72.40–10 Storm rails.

(a) Suitable storm rails shall be installed in all passageways and at the deckhouse sides where passengers or crew might have normal access. Storm rails shall be installed on both sides of passageways which are 6 feet or more in width.

§ 72.40–15 Vehicular ferries.

(a) On vehicular ferries, suitable chains, cables, or other barriers shall be installed at the ends of the vehicle runways. In addition, suitable gates, rails, or other devices shall be installed as a continuation of the regularly required rails.

§ 72.40–20 Guards in dangerous places.

(a) Suitable covers, guards, or rails shall be installed in way of all exposed and dangerous places such as gears, machinery, etc.

§ 72.40–90 Vessels contracted for prior to November 19, 1952.

(a) Existing structure, arrangements, materials, and facilities previously approved will be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original construction provided that in no case will greater departure from the standards of §§ 72.40–5 through 72.40–20 be permitted than presently exists.

PART 73—WATERTIGHT SUBDIVISION

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Subpart 73.90—Vessels Contracted for Prior to May 26, 1965

73.90–1 Requirements.

AUTHORITY: The provisions of this Part 73 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4488, as amended, 4490, as amended, sec. 3, 24 Stat. 129, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 886, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 481, 482, 483, 395, 363, 85a, 88a, 369, 367, 1333, 390b, 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, Nov. 26, 1954, 19 F.R. 8026; 167–20, June 18, 1956, 21 F.R. 4894; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–38, Oct. 26, 1959, 24 F.R. 8857; 167–48, Oct. 19, 1962, 27 F.R. 10504.

Subpart 73.01—Application

§ 73.01–1 General.

(a) The provisions of this part, with the exception of Subpart 73.90, shall apply to all vessels contracted for on or after May 26, 1965. Vessels contracted for prior to May 26, 1965, shall meet the requirements of Subpart 73.90.

(b) The provisions of this part shall apply to vessels subject to the act of May 10, 1956 (46 U. S. C. 390–390g), in accordance with the policies stated in § 70.05–15 of this subchapter.

Subpart 73.05—Definitions

§ 73.05–1 Subdivision load line.

(a) A subdivision load line is a waterline used in determining the subdivision of the ship.

§ 73.05–2 Deepest subdivision load line.

(a) The deepest subdivision load line is the waterline which corresponds to the greatest draft permitted by the subdivision requirements which are applicable.

§ 73.05–3 Length of the vessel.

The length of the vessel is the length measured between perpendiculars taken at the extremities of the deepest subdivision load line.

§ 73.05–4 Breadth of the vessel.

The breadth of the vessel is the extreme width from outside of frame to outside of frame at or below the deepest subdivision load line. On wood vessels, measurements should be taken to outside of planking.

§ 73.05–5 Bulkhead deck.

The bulkhead deck is the uppermost deck up to which the transverse watertight bulkheads are carried.

§ 73.05–6 Margin line.

(a) The margin line is a line drawn at least 3 inches below the upper surface of the bulkhead deck at side where the bulkhead deck is continuous; where the bulkhead deck is not continuous, an assumed continuous margin line shall be used which at no point is less than 3 inches below the top of the deck at side to which the bulkheads concerned and the shell are carried watertight.

(b) In the case of vessels with continuous bulkhead decks, where the average value of the sheer at bow and stern is less than 12 inches, a modified margin line 3 inches below the top of deck at the ends but lowered amidships to the position indicated in Table 73.05–6(b) is to be used.

TABLE 73.05–6(b)

Average value of sheer at bow and stern (inches)	Required position of margin line below top of deck, at side, amidships (inches)
12	3
6	6
0	9

(1) Interpolation is required for intermediate values not shown in Table 73.05–6(b).

(2) The modified margin line shall be parabolic through the midship and end points indicated in this paragraph. Margin lines so determined are based upon the assumption that the bulkhead deck is continuous and has existing parabolic sheer. Where this is not the case, the margin line shall be such as to give at least a standard of safety equivalent to the standard described in this paragraph.

§ 73.05–7 Draft.

The draft is the vertical distance from the molded base line amidships to the subdivision load line in question.

§ 73.05–8 Permeability.

The permeability of a space is the percentage of that space which can be occupied by water.

§ 73.05–9 Volume.

The volume of a space which extends above the margin line shall be measured only to the height of that line. In all cases, volumes shall be calculated to molded lines; linear dimensions are to be taken in feet and volumes in cubic feet.

§ 73.05–10 Machinery space.

(a) The machinery space is to be taken as extending from the molded base line to the margin line and between the extreme main transverse watertight bulkheads bounding the spaces containing the main and auxiliary propelling machinery, boilers serving the needs of propulsion, and all permanent coal bunkers. In the case of unusual arrangements the Commandant may define the limits of the machinery space.

§ 73.05–11 Passenger spaces.

(a) Passenger spaces are those which are provided for the accommodation and use of passengers, excluding baggage, store, provision and mailrooms. However, for the purpose of § 73.10–5, crew spaces and all other spaces which, in the full load condition, normally contain no substantial quantity of cargo, coal, oil fuel, baggage, stores, provisions, or mail are to be treated as passenger spaces.

§ 73.05–12 Floodable length.

The floodable length at a given point in the length of the vessel is the maximum portion of the length of the vessel, having its center at the point in question, which can be flooded without the vessel being submerged beyond the margin line. The floodable length at any point in the length of the vessel shall be determined by a method of calculation which takes into consideration the form, draft and other characteristics of the vessel, and based on the definite assumptions of permeability as set forth in §§ 73.10–5 or 73.15–1.

Subpart 73.10—Rules for Subdivision—Vessels on International Voyages and Vessels of 150 Gross Tons and Over in Ocean or Coastwise Service

§ 73.10–1 Application.

(a) The provisions of §§ 73.10–3 through 73.10–60 apply to all vessels on international voyages and vessels of 150 gross tons and over in ocean or coastwise service with certain exceptions with respect to vessels on short international voyages and permitted under § 75.10–10 of this subchapter to carry a number of persons on board in excess of the lifeboat capacity provided.

(b) Section 73.10–65 gives the provisions applicable to these latter vessels, which carry a number of persons on board in excess of the lifeboat capacity provided.

§ 73.10–3 General.

(a) Vessels shall be as efficiently subdivided as is possible having regard to the nature of the service for which they are intended. The degree of subdivision shall vary with the length of the vessel and with the service, in such manner that the highest degree of subdivision corresponds with the ships of greatest length, primarily engaged in the carriage of passengers.

§ 73.10–5 Permeability.

(a) *General.* In determining the floodable length, a uniform average permeability shall be used throughout the whole length of each of the following portions of the vessel below the margin line:

(1) The machinery space.

(2) The portion forward of the machinery space.

(3) The portion aft of the machinery space.

(b) *Machinery space.* (1) The uniform average permeability throughout the machinery space shall be determined from the formula:

$$85+10\frac{(a-c)}{v} \qquad (1)$$

where:

a = volume of the passenger spaces, as defined in § 73.05–11, which are situated below the margin line within the limits of the machinery space.

c = volume of between deck spaces below the margin line within the limits of the machinery space which are appropriated to cargo, coal, or stores, except as provided by § 73.05–11.

v = whole volume of the machinery space below the margin line.

(2) Where it is shown to the satisfaction of the Commandant, U.S. Coast Guard, that the average permeability, as determined by detailed calculation, is less than that given by the formula, the calculated value may be substituted. For the purposes of such calculation, the permeabilities of passenger spaces, as defined in § 73.05–11 shall be taken as 95, that of all cargo, coal, and store spaces as 60, and that of double-bottom, oil-fuel, and other tanks at such values as may be approved in each case by the Commandant.

(c) *Portion forward and aft of machinery space.* (1) The uniform average permeability throughout the portion of the vessel before or abaft the machinery space shall be determined from the formula:

$$63 \text{ plus } 35\frac{a}{v} \qquad (2)$$

where:

a = volume of the passenger spaces, as defined in § 73.05–11, which are situated below the margin line before or abaft the machinery space.

v = whole volume of the portion of the vessel below the margin line before or abaft the machinery space.

(d) *Other arrangements.* (1) In the case of unusual arrangements, the Commandant may allow, or require, a detailed calculation of average permeability for the portions before or abaft the machinery spaces. For the purpose of such calculations, the permeability of passenger spaces as defined in § 73.05–11, shall be taken as 95, that of spaces containing machinery as 85, that of all cargo, coal, and store spaces as 60, and that of double bottoms, oil fuel, and other tanks at such values as may be approved in each case by the Commandant.

(e) *'Tween deck compartment.* (1) If a 'tween deck compartment between two watertight transverse bulkheads contains any passenger or crew space, the whole of that compartment, less any

space completely enclosed within permanent steel bulkheads and appropriated to other purposes, shall be regarded as passenger space. If, however, the passenger or crew space in question is completely enclosed with permanent steel bulkheads, only the space so enclosed need be considered as passenger space.

§ 73.10–10 Factor of subdivision.

(a) The maximum permissible length of a compartment having its center at any point in the vessel's length is obtained from the floodable length by multiplying the latter by an appropriate factor called the factor of subdivision. Where the required factor of subdivision is .50 or less, the combined length of any two adjacent main compartments shall not exceed the floodable length.

(b) The factor of subdivision shall depend on the length of the vessel, and for a given length shall vary according to the nature of the service for which the vessel is intended. It shall decrease in a regular and continuous manner as the length of the vessel increases, and from a factor A, applicable to vessels primarily engaged in the carriage of cargo, to a factor B applicable to vessels primarily engaged in the carriage of passengers.

(1) The variations of the factors A and B shall be expressed by the following formulas where L is the length of the vessel in feet as defined in § 73.05–3:

$$A=\frac{190}{L-160}\text{ plus }0.18\ (L=392\text{ and upward}) \quad (1)$$

$$B=\frac{94}{L-85}\text{ plus }0.18\ (L=200\text{ and upward}) \quad (2)$$

§ 73.10–15 Criterion of service.

(a) For a vessel of given length the appropriate factor of subdivision shall be determined by the Criterion of Service Numeral (hereinafter called the "Criterion Numeral") as given by the following formula:

$$C_s=60\frac{M+2P}{V}+30{,}000\frac{N}{L^2} \quad (1)$$

where:

C_s = the Criterion Numeral.

L = length of the vessel in feet, as defined in § 73.05–3.

M = the volume of the machinery space, as defined in § 73.05–10, with the addition thereto of the volume of any permanent oil fuel bunkers which may be situated above the inner bottom and before or abaft the machinery space.

P = the whole volume of the passenger spaces below the margin line, as defined in § 73.05–11.

V = the whole volume of the vessel below the margin line.

N = number of passengers for which the vessel is to be certificated.

§ 73.10–20 Formulas for factor of subdivision.

(a) The subdivision abaft the fore peak of vessels 392 feet or more in length having a Criterion Numeral of 23 or less shall be governed by the factor A given by § 73.10–10(b)(1), of those having a Criterion Numeral of 123 or more by the factor B given by § 73.10–10(b)(1); and of those having a Criterion Numeral between S and 123 by the factor obtained by linear interpolation between unity and the factor B, using the formula:

$$F=A-\frac{(A-B)\times(C_s-23)}{100} \quad (1)$$

(b) The subdivision abaft the fore peak of vessels less than 392 feet, but not less than 200 feet in length, and having a Criterion Numeral equal to S, where

$$S=\frac{10904-25L}{48} \quad (2)$$

shall be governed by the factor unity; of those having a Criterion Numeral of 123 or more by the factor B given by § 73.10–10(b)(1); and of those having a Criterion Numeral between S and 123 by the factor obtained by linear interpolation between unity and the factor B, using the formula:

$$F=1-\frac{(1-B)\ (C_s-S)}{123-S} \quad (3)$$

(c) The subdivision abaft the fore peak of vessels less than 392 feet, but not less than 200 feet, in length and having a Criterion Numeral less than S, and of all ships less than 200 feet in length shall be governed by the factor unity, unless it is shown to the satisfaction of the Commandant to be impracticable to comply with this factor in any part of the vessel, in which case the Commandant may allow such relaxation as may appear to be justified having regard to all the circumstances.

§ 73.10–23 Vessels especially required to have a factor of subdivision not more than 0.5.

(a) Irrespective of the results of application of § 73.10–20, any vessel 430 feet in length or longer shall have a factor of subdivision of not more than 0.5 if the value of "X" as given by either of the following formulae is equal to or exceeds the values given in Table 73.10–23(a), whichever is the greater:

$$X=\frac{(M+2P)}{V}\text{ or }\frac{(M+2P_1)}{V+P_1-P}$$

where:

M = the volume of the machinery space, as defined in § 73.05–10, with the addition thereto of the volume of any permanent oil fuel bunkers which may be situated above the inner bottom and before or abaft the machinery space.

P = the whole volume of the passenger spaces below the margin line, as defined in § 73.05–11.

V = the whole volume of the vessel below the margin line.

P_1 = $0.6LN$, but not more than the sum of P and the whole volume of the actual passenger spaces above the margin line or $0.4LN$, whichever is less.

L = length of the vessel in feet, as defined in § 73.05–3.

N = number of passengers for which the vessel is to be certificated.

TABLE 73.10–23(a)

L[1]	"X"
430	1.336
440	1.285
450	1.230
460	1.174
470	1.117
480	1.060
490	1.002
500	.944
510	.885
520	.826
530	.768
540	.706
550	.645
554 and up	.625

[1] Interpolate for intermediate values.

§ 73.10–25 Stepped bulkhead decks.

(a) Where in a portion or portions of a vessel the watertight bulkheads are carried to a higher deck than in the remainder of the vessel, and it is desired to take advantage of this higher extension of the bulkheads in calculating the floodable length, separate margin lines may be used for each such portion of the ship provided:

(1) The sides of the vessel extend throughout the vessel's length to the deck corresponding to the upper margin line and all openings in the shell plating below this deck throughout the length of the vessel meet the conditions for side openings below the margin line.

(2) The two compartments adjacent to the "step" in the bulkhead deck shall each be within the permissible length corresponding to their respective margin lines and, in addition, their combined length, shall not exceed twice the permissible length based on the lower margin line.

§ 73.10–30 Compartment exceeding permissible length.

(a) A compartment may exceed the permissible length determined by this subpart provided the combined length of each pair of adjacent compartments to which the compartment in question is common does not exceed either the floodable length or twice the permissible length, whichever is the less.

(b) If one of the two adjacent compartments is situated inside the machinery space, and the second is situated outside the machinery space, and the average permeability of the portion of the vessel in which the second is situated differs from that of the machinery space, the combined length of the two compartments shall be adjusted to the mean average permeability of the two portions of the vessel in which the compartments are situated.

§ 73.10–35 Additional subdivision at forward end.

(a) In vessels 330 feet in length and upward, one of the main transverse bulkheads abaft the forepeak shall be fitted at a distance from the forward perpendicular which is not greater than the permissible length.

§ 73.10–40 Stepped bulkheads.

(a) A main transverse bulkhead may be stepped provided that it meets one of the following conditions:

(1) The combined length of the two compartments, separated by the bulkhead in question, does not exceed either 90 percent of the floodable length or twice the permissible length, except that in ships having a factor of subdivision greater than .9, the combined length of the two compartments in question shall not exceed the permissible length.

(2) Additional subdivision is provided in way of the step to maintain the same measure of safety as that secured by a plane bulkhead.

(3) The compartment over which the step extends does not exceed the permissible length corresponding to a margin line taken 3 inches below the step.

§ 73.10–45 Recessed bulkheads.

(a) A main transverse bulkhead may be recessed provided that all parts of the recess lie inboard of vertical surfaces on both sides of the vessel, situated at a distance from the shell plating equal to one-fifth the breadth of the vessel, as defined in § 73.05–4, and at right angles to the centerline at the level of the deepest subdivision load line. Any part of a recess which lies outside these limits shall be dealt with as a step in accordance with § 73.10–40.

§ 73.10–50 Equivalent plane bulkheads.

(a) Where a main transverse bulkhead is recessed or stepped, an equivalent plane bulkhead shall be used in determining the subdivision.

§ 73.10–55 Minimum spacing of bulkheads.

(a) If the distance between two adjacent main transverse bulkheads, or their equivalent plane bulkheads, or the distance between the transverse planes passing through the nearest stepped portions of the bulkheads, is less than 10 feet plus 3 percent of the length of the vessel, or 35 feet whichever is less, only one of these bulkheads shall be regarded as forming a part of the subdivision of the vessel in accordance with the provisions of this subpart and for the application of damaged stability requirements contained in § 74.10–15 of this subchapter.

§ 73.10–60 Allowances for local subdivision.

(a) Where a main transverse watertight compartment contains local subdivision, and it can be shown to the satisfaction of the Commandant that, after any assumed side damage extending over a length equal to the minimum spacing of bulkheads set forth in § 73.10–55, the whole volume of the main compartment will not be flooded, a proportionate allowance may be made in the permissible length otherwise required for such compartment. In such a case the volume of effective buoyancy assumed on the undamaged side shall not be greater than that assumed on the damaged side.

§ 73.10–65 Special standards of subdivision for certain vessels on short international voyages.

(a) Special standards of subdivision apply to certain vessels on short international voyages, which are permitted under § 75.10–10 of this subchapter to carry a number of persons on board in excess of the lifeboat capacity provided. Such vessels shall be subject to the provisions of § 73.10–5 (a), (b), (d), and (e) and §§ 73.10–10 through 73.10–60, inclusive.

(b) Such vessels shall additionally comply with the following provisions:

(1) *Permeability.* (i) The uniform average permeability throughout the portion of the ship before (or abaft) the machinery space shall be determined from the formula:

$$95-35\frac{b}{v} \quad (1)$$

where:

b = volume of the spaces below the margin line and above the tops of floors, inner bottoms, or peak tanks, as the case may be, which are appropriated to and used as cargo spaces, coal or oil fuel bunkers, storerooms, baggage and mailrooms, chain lockers and fresh water tanks, before (or abaft) the machinery space.

v = whole volume of the portion of the ship below the margin line before (or abaft) the machinery space.

(ii) In the case of ships engaged on services where the cargo holds are not generally occupied by any substantial quantities of cargo, no part of the cargo space is to be included in calculating "b".

(2) *Required factor of subdivision.* (i) Subject to the conditions stated in this subparagraph, the subdivision shall be governed by a factor of .50 unless the factor determined by § 73.10–20 is less than .50. In such case the lesser value shall be used.

(ii) In the case of ships less than 300 feet in length, the Commandant, if satisfied that compliance with a factor of .5 or less would be impracticable in a compartment, may allow the length of such compartment to be governed by a higher factor: *Provided*, That the factor used is the lowest that is practicable and reasonable in the circumstances.

(iii) In the case of ships less than 180 feet in length, the Commandant, where considered necessary for practicability, may permit a further relaxation in the standard of subdivision subject to the requirement that the subdivision shall in no case be less than that provided by § 73.15–5.

Subpart 73.15—Rules for Subdivision—Vessels in Services Other Than Ocean or Coastwise and Vessels Under 150 Gross Tons in Ocean or Coastwise Service and Not on an International Voyage

§ 73.15–1 Permeability.

(a) In making subdivision calculations, volumes shall be calculated to the margin line, and the permeability of spaces shall be taken as follows:

(1) Machinery spaces at 85 percent.

(2) Tanks, chain lockers, and spaces normally filled with cargo, stores, mail, or baggage in the full load condition at 60 percent.

(3) All other spaces at 95 percent.

§ 73.15–5 Compartmentation of all vessels other than ferry vessels.

(a) Every mechanically propelled vessel whether or not specifically required by this section to meet at least a one-compartment standard of subdivision shall be fitted as follows:

(1) With not less than three transverse watertight bulkheads, or

(2) If in Great Lakes or limited coastwise service not more than 15 miles from the mouth of bays or harbors, with a collision bulkhead and with sufficient air tankage or other internal buoyancy to float the vessel when completely flooded, or

(3) If in lakes, bays and sounds or river service, with sufficient air tankage or other internal buoyancy to float the vessel when completely flooded.

(4) The use of internal buoyancy shall not permit omission of bulkheads required by other parts of the regulations in this chapter dealing with machinery installations, etc.

(b) Every mechanically propelled vessel of more than 75 gross tons, or carrying more than 49 passengers shall be subdivided so as not to submerge the margin line with any one main compartment flooded.

(c) Every vessel carrying more than 400 passengers shall, in addition to the requirements of paragraph (b) of this section, be subdivided so as not to submerge the margin line with the fore peak and the adjacent main compartment both flooded.

(d) Every vessel carrying more than 600 passengers shall, in addition to the requirements of paragraph (b) of this section, be subdivided so as not to submerge the margin line with any two adjacent main compartments flooded within at least the forward 40 percent of the vessel's length from the forward perpendicular.

(e) Every vessel carrying more than 800 passengers shall, in addition to the requirements of paragraph (b) of this section, be subdivided so as not to submerge the margin line with any two adjacent main compartments flooded within at least 60 percent of the vessel's length from the forward perpendicular.

(f) Every vessel carrying more than 1,000 passengers shall be subdivided by main transverse watertight bulkheads so as not to submerge the margin line with any two adjacent main compartments flooded.

§ 73.15–10 Compartmentation of ferry vessels.

(a) Every ferry vessel 150 feet or less in waterline length shall be subdivided by main transverse watertight bulkheads so as not to submerge the margin line with any one main compartment flooded. However, if sufficient air tankage or

other internal buoyancy is provided to float the vessel when completely flooded, the bulkheads may be dispensed with unless the vessel is in Great Lakes service, in which case the peak collision bulkhead must be retained.

(b) Every ferry vessel over 150 feet in waterline length shall, in addition to one-compartment subdivision, be subdivided so as not to submerge the margin line with either of the peak compartments and its adjacent main compartment both flooded.

(c) Every ferry vessel over 200 feet in waterline length shall be subdivided by main transverse watertight bulkheads so as not to submerge the margin line with any two adjacent main compartments flooded.

§ 73.15–15 Minimum spacing of bulkheads.

(a) To be considered effective, watertight bulkheads abaft the collision bulkhead shall be spaced not less than 10 feet plus 3 percent of the load waterline length. For ferry vessels, this minimum spacing shall be applicable between peak bulkheads.

§ 73.15–20 Stepped bulkheads.

(a) Watertight bulkheads shall not be stepped unless additional subdivision is provided in way of the step to maintain the same measure of safety as that secured by a plane bulkhead. Where a vessel can withstand flooding of the two adjacent compartments separated by a stepped bulkhead and no part of such bulkhead is nearer to either of the other bulkheads bounding the adjacent compartments than is permitted by § 73.15–15, the step will be acceptable.

§ 73.15–25 Recessed bulkheads.

(a) If watertight bulkheads are recessed, the recess shall be inboard from the vessel's side by at least one-fifth the beam amidship measured at right angles to the centerline at the level of the load waterline, otherwise, the bulkhead shall meet the requirements for a stepped bulkhead.

(b) For vessels in other than ocean or coastwise service, where the maximum molded beam at the deck and at the load waterline differ appreciably, the inboard damage penetration may be assumed at a mean position between that corresponding to one-fifth the maximum molded beam at the deck measured inboard at the deck and that corresponding to one-fifth the maximum molded beam at the load waterline measured inboard at the load waterline.

§ 73.15–30 Equivalent plane bulkheads.

(a) Where a main transverse bulkhead is recessed or stepped, an equivalent plane bulkhead shall be used in determining the subdivision.

Subpart 73.20—Peak and Machinery Space Bulkheads, Shaft Tunnels

§ 73.20–1 Collision bulkhead.

(a) Every vessel except as noted herein shall have a fore peak or collision bulkhead, which shall be watertight up to the bulkhead deck. This bulkhead shall be fitted not less than 5 percent of the length of the vessel (5 feet minimum for steam vessels), and not more than 10 feet plus 5 percent of the length of the vessel from the forward perpendicular. For ferry vessels, this is applicable to both peak bulkheads. However, for ferry and other vessels in lakes, bays, and sounds or river service, where internal buoyancy is permitted in lieu of bulkheads, collision bulkheads are not required.

(b) If a vessel in ocean or coastwise service has a long forward superstructure, the fore peak bulkhead shall be extended weathertight to the deck next above the bulkhead deck. The extension need not be fitted directly over the bulkhead below, provided it is at least 5 percent of the length of the vessel from the forward perpendicular and the part of the bulkhead deck which forms the step is made effectively weathertight.

(c) Notwithstanding any other provisions regarding permissible location of openings in bulkheads, watertight doors, portable plates, and similar openings will not be permitted in the collision bulkhead. This will not apply to doors fitted in weathertight bulkheads above the bulkhead deck.

§ 73.20–5 Machinery space bulkheads.

(a) In vessels other than vessels where internal buoyancy is provided to replace subdivision bulkheads, the machinery space as defined in § 73.05–10 shall be divided from the cargo and passenger spaces forward and aft by bulkheads that are fitted watertight up to the bulkhead deck.

§ 73.20–10 After peak bulkhead.

(a) On vessels over 150 gross tons, and all vessels on an international voyage regardless of tonnage, an after peak bulkhead shall be fitted and made watertight up to the bulkhead deck. However, this bulkhead may be stopped below the bulkhead deck provided the degree of safety of the vessel as regards subdivision is not thereby diminished.

§ 73.20–15 Shaft tunnels.

(a) On all vessels over 150 gross tons in ocean, coastwise, or Great Lakes service, and all vessels on an international voyage regardless of tonnage, stern tubes shall be enclosed in watertight spaces of moderate volume. The stern gland shall be situated in a watertight shaft tunnel or other watertight space separate from the stern tube compartment and of such volume that, if flooded by leakage through the stern gland, the margin line will not be submerged.

Subpart 73.25—Double Bottoms

§ 73.25–1 Application.

(a) The provisions of this subpart shall be applicable to all vessels on international voyages and in ocean, coastwise, or Great Lakes service.

§ 73.25–5 Extent of double bottoms.

(a) A double bottom should be fitted extending from the fore peak bulkhead to the after peak bulkhead as far as is practicable and compatible with the design and proper working of the vessel.

(b) In vessels 165 feet and under 200 feet in length a double bottom shall be fitted at least from the machinery space to the forepeak bulkhead, or as near thereto as practicable.

(c) In vessels 200 feet and under 249 feet in length a double bottom shall be fitted at least outside the machinery space, and shall extend to the fore and afterpeak bulkheads, or as near thereto as practicable.

(d) In vessels 249 feet in length and upwards a double bottom shall be fitted amidships and shall extend to the fore and afterpeak bulkheads or as near thereto as practicable.

(e) Where a double bottom is required to be fitted its depth shall be sufficient to provide acceptable protection against grounding. A depth in inches at the centerline of $18+\frac{L}{20}$, where L is the vessel's length in feet will ordinarily be considered acceptable. The inner bottom shall be continued out to the ship's side in such a manner as to protect the bottom to the turn of the bilge. Such protection will be deemed satisfactory if the line of intersection of the outer edge of the margin plate with the bilge plating is not lower at any part than a horizontal plane passing through the point of intersection with the frame line amidships of a transverse diagonal line inclined at 25 degrees to the base line and cutting it at a point one-half the ship's molded breadth from the middle line.

(f) A double bottom need not be fitted in way of watertight compartments of moderate size used exclusively for the carriage of liquids, provided the safety of the ship, in the event of bottom or side damage, is not, in the opinion of the Commandant, thereby impaired.

(g) In the case of vessels to which the provisions of § 73.10–65 apply and which are engaged in regular service within the limits of a short international voyage as defined in § 70.10–43 of this subchapter, the Commandant may permit a double bottom to be dispensed with in any part of the vessel which is subdivided by a factor not exceeding .50, if satisfied that the fitting of a double bottom in that part would not be compatible with the design and proper working of the vessel.

§ 73.25–10 Wells in double bottoms.

(a) Small wells constructed in the double bottom in connection with drainage arrangements of holds, etc., shall not extend downward more than necessary. The depth of the well shall in no case be more than the depth less 18 inches of the double bottom at the center line, nor shall the well extend below the horizontal plane referred to in § 73.25–5 (e). A well extending to the outer bottom is, however, permitted at the after end of the shaft tunnel of screw vessels. Other wells, such as for lubricating oil under main engines, may be permitted by the Commandant, if satisfied that the arrangements give protection equivalent to that afforded by a double bottom complying with this section.

§ 73.25–15 Manholes in double bottoms.

(a) The number of manholes in the inner bottom shall be reduced to the minimum compatible with the design and necessity for access to the double bottom. Efficient covers, capable of being made thoroughly watertight and effectively protected from damage by cargo, or coal, shall be fitted to the manholes.

§ 73.25–20 Watertight floors in double bottoms.

(a) Watertight transverse divisions should be fitted in the double bottom under each main watertight subdivision bulkhead or as near thereto as practicable. Where duct keels are fitted, the transverse divisions need not extend across the duct keel.

Subpart 73.30—Penetrations and Openings in Watertight Bulkheads

§ 73.30–1 General.

(a) The number of openings in watertight bulkheads shall be reduced to the minimum compatible with the design and proper working of the vessel; satisfactory means shall be provided for closing these openings. Lead or other heat sensitive materials shall not be used in systems which penetrate watertight subdivision bulkheads, where deterioration of such systems in the event of fire would impair the watertight integrity of the bulkheads.

§ 73.30–5 Pipes, cables, etc.

(a) Where pipes, scuppers, electric-light cables, etc., are carried through watertight subdivision bulkheads, arrangements shall be made to insure the integrity of the watertightness of the bulkheads.

§ 73.30–10 Valves and cocks.

(a) Valves and cocks not forming part of a piping system shall not be permitted in watertight subdivision bulkheads.

§ 73.30–15 Prohibited locations for access openings.

(a) No doors, manholes, or access openings are permitted in the following locations:

(1) Collision bulkhead below the margin line.

(2) Watertight transverse bulkheads dividing a cargo space from an adjoining cargo space or from a permanent or reserve bunker.

§ 73.30–20 Pipes through collision bulkhead.

(a) For details of piping through collision bulkheads, see Subchapter F (Marine Engineering) of this chapter.

§ 73.30–25 Watertight door limitations.

(a) *General.* (1) Watertight door openings shall be located as high in the bulkhead and as far inboard as practicable. The number of watertight doors shall be reduced to the minimum consistent with the design and proper working of the vessel.

(b) *Machinery space doors.* (1) Within spaces containing the main and auxiliary propelling machinery including boilers serving the needs of propulsion and all permanent bunkers, not more than one door apart from the doors to bunkers and shaft tunnels may be fitted in each main transverse bulkhead. Where two or more shafts are fitted, the tunnels shall be connected by an intercommunicating passage. There shall be only one door between the machinery space and the tunnel spaces where not more than two shafts are fitted and only two doors where there are more than two shafts. Except as provided in § 73.35–5(b), all these doors shall be of the sliding type and shall be located so as to have their sills as high as practicable. The hand gear for operating these doors from above the bulkhead deck shall be situated outside the spaces containing the machinery if this is consistent with a satisfactory arrangement of the necessary gearing.

(c) *Bunker doors.* (1) Watertight doors fitted in bulkheads between permanent and reserve bunkers shall be always accessible except as provided in § 73.35–15 (b) for between deck bunker doors. Satisfactory arrangements shall be made by means of screens or otherwise, to prevent the coal from interfering with the closing of watertight bunker doors.

§ 73.30–30 Trunkways or tunnels.

(a) Where trunkways or tunnels for access from crew's accommodations to the stokehold, for piping, or for any other purpose are carried through main transverse watertight bulkheads, they shall be watertight and in accordance with structural requirements for watertight bulkheads. The access to at least one end of each such tunnel or trunkway, if used as a passage at sea, shall be through a trunk extending watertight to a height sufficient to permit access above the margin line. The access to the other end of the trunkway or tunnel may be through a watertight door of the type required by its location in the ship. Such trunkways or tunnels shall not extend through the first subdivision bulkhead abaft the collision bulkhead.

(b) A short tunnel extending through not more than one main subdivision compartment and which is closed at one end need not be fitted with a door at the other end, provided its sides are not nearer to the shell than is permitted for the sides of a recess in a bulkhead as stated in § 73.15–25 and the volume of the tunnel, if included with the volume of the compartment to which it opens, does not result in the equivalent length of such compartment being in excess of the permissible length.

(c) Where it is proposed to fit tunnels or trunkways for forced draft, piercing main transverse watertight bulkheads, these shall receive the special consideration of the Commandant.

§ 73.30–35 Portable plates.

(a) Openings closed only by portable bolted plates are not permitted in watertight subdivision bulkheads except in machinery spaces. Such plates shall always be in place and made watertight before the vessel leaves port and shall not be removed at sea except in case of urgent necessity.

§ 73.30–40 Openings above margin line.

(a) Where a portion of an assumed margin line is appreciably below the deck to which bulkheads are carried, and it can be shown that the maintenance of complete watertightness will result in undue hardship in the arrangement of the vessel, a limited amount of nontight bulkhead penetrations may be permitted as high as possible immediately under the bulkhead deck. Such penetrations shall be subject to specific approval in each instance and will generally be limited as follows:

(1) Not more than 2 feet below the molded line of the bulkhead deck.

(2) Not less than 9 inches above the margin line.

(3) Not outboard of vertical lines located off the centerline at a distance of ¼ the full breadth of the ship measured on the bulkhead deck at the point in question.

(b) Approved nontight bulkhead penetrations shall be indicated on a suitable plan carried aboard the vessel.

Subpart 73.35—Watertight Bulkhead Doors

§ 73.35–1 Types and classes.

(a) The only types of watertight doors permissible are hinged doors, sliding doors, and doors of other equivalent patterns, excluding plate doors secured only by bolts and doors required to be closed by dropping or by the action of a dropping weight. Sliding doors may have horizontal or vertical motion. The permissible classes of doors are:

Class 1—Hinged doors.
Class 2—Sliding doors, operated by hand gear only.
Class 3—Sliding doors, operated by power and by hand gear.

(b) Where a door of a particular class is specified, a door of a class bearing a lower number may not be fitted, but a door of a class bearing a higher number may be fitted unless otherwise noted.

§ 73.35–5 Class 1 doors, permissible locations.

(a) Class 1 doors within passenger, crew, and working spaces are only permitted above a deck, the molded line of which, at its lowest point at side, is at least 7 feet above the deepest subdivision load line, and they are not permitted in such spaces below such a deck except as permitted in paragraph (b) of this section.

(b) On vessels under 150 gross tons in coastwise or Great Lakes service not proceeding more than 20 miles from shore and on all vessels on other inland waters, Class 1 doors may be permitted within any accommodation and working spaces provided it is practical to keep such doors closed at all times except when actually being used for transit.

§ 73.35–10 Class 2 doors, permissible locations.

(a) Watertight doors, the sills of which are above the deepest loadline and below the line specified in § 73.35–5(a) shall be sliding doors and may be hand operated (Class 2), except as provided in § 73.35–15(d).

(b) When the number of watertight doors which may be sometimes opened at sea, and whose sills are below the deepest subdivision loadline (excluding doors at entrance to shaft tunnels) does not exceed five and the ship has no passenger spaces below the bulkhead deck, these watertight doors and the shaft tunnel doors shall be of sliding type but may be hand operated (Class 2).

(c) When the total number of watertight doors which may be sometimes opened at sea, and whose sills are below the deepest subdivision loadline, does not exceed two and they are into or within the space containing machinery, these two doors shall be of sliding type but may be hand operated (Class 2).

§ 73.35–15 Class 3 doors, required locations.

(a) When the number of watertight doors which may be sometimes opened at sea, and whose sills are below the deepest subdivision loadline (excluding doors at entrance to shaft tunnels) exceeds five, or where the vessel has passenger spaces below the bulkhead deck, all of these doors and those at the entrance to shaft tunnels or ventilation or forced draft ducts shall be power operated (Class 3), and shall be capable of being simultaneously closed from a central station situated on the bridge.

(b) If watertight doors are fitted between bunkers in the 'tween decks below the bulkhead deck and have to be opened at sea for the purpose of trimming coal, these doors shall be of Class 3.

(c) When trunkways, in connection with refrigerated cargo, are carried through more than one main transverse watertight bulkhead and the sills of the trunkway doors are less than 7 feet above the deepest subdivision load line, these doors shall be of Class 3.

(d) In the case of vessels engaged on short international voyages, subject to the provisions of § 73.10–65, and required to have a factor of subdivision of .50 or less, all watertight doors below a deck, the molded line of which, at its lowest point at side, is at least 7 feet above the deepest subdivision loadline shall be power-operated (Class 3).

§ 73.35–17 Cargo space doors.

(a) Where it is proposed to fit doors between cargo tween deck spaces the number and arrangement will be subject to special consideration. Where the Commandant is satisfied that such doors are essential, watertight doors of satisfactory construction may be fitted in bulkheads dividing cargo between-deck spaces. Such doors may be hinged, rolling or sliding doors but shall not be remotely controlled. They shall be fitted at the highest level and as far from the shell plating as practicable but in no case shall the outboard vertical edges be situated at a distance from the shell plating which is less than one-fifth of the breadth of the ship, as defined in § 73.05–4, such distance being measured at right angles to the centerline of the vessel at the level of the deepest subdivision loadline.

(b) Such doors shall be closed before the voyage commences and shall be kept closed during navigation; and the time of opening such doors in port and of closing them before the vessel leaves port shall be entered in the log book. Should any of the doors be accessible during the voyage, they shall be fitted with a device which prevents unauthorized opening.

§ 73.35–20 Door operating requirements.

(a) Hinged watertight doors (Class 1) shall be fitted with quick action closing devices, such as catches workable from either side of the bulkhead so spaced that the door can be made effectively watertight. In the case of a door which is required to be closed before the voyage commences and kept closed all during the voyage, the catches may be fitted to operate from one side only, provided it be shown that under all operating conditions the door shall be always closed from the one side.

(b) Both Class 2 and Class 3 sliding watertight doors shall be provided with hand operating gear, capable of being operated from positions on each side of the door itself and also of closing (but not opening) the door from an accessible position above the bulkhead deck. Hand operating gear shall have an all around crank motion, or some other movement, approved by the Commandant as providing equivalent safety. The time for closing a Class 2 door, with the vessel upright, shall not exceed 90 seconds.

(c) Class 3 sliding watertight doors:

(1) Class 3 sliding watertight doors which are required to be operated from a central control on the bridge shall also be operated by power at the door itself from both sides. The arrangement shall be such that the door will close automatically if opened by local control after being closed from the central control, and also such that any door can be kept closed by local arrangements which will prevent that door from being opened from the central control. Local power control handles shall be provided on each side of the bulkhead and shall be so arranged as to enable persons passing through the doorway to hold both handles in the open position without being able to set the closing mechanism in operation accidentally. The door shall take sufficient time to close to ensure safety.

(2) There shall be at least two independent power sources capable of opening and closing all the doors under control, each of them capable of operating all the doors simultaneously. Operations will be regarded as simultaneous if all doors can be closed in not more than 60 seconds after actuation of a single master control. The power source shall have indicating lights at the central control station to indicate which power source is available for use. The power supply sources for the operation of electric power-operated watertight doors shall meet the requirements of § 111.65–30(c) in Subchapter J (Electrical Engineering) of this chapter. In the case of hydraulic operation, each power source shall consist of a pump capable of closing all doors within the foregoing time limit. In addition, there shall be, for the whole installation, hydraulic accumulators of sufficient capacity to operate all the doors at least three times, i.e., closed-open-closed. In the case of combination electric hydraulic systems utillizing individual electrically-driven hydraulic actuators on each door, a duplication of these actuators and drives is not required. The fluid used in hydraulic systems shall be one which retains adequate operational fluidity at any temperature liable to be encountered by the vessel during its service.

(3) The requirement for operation of Class 3 doors from the central control station on the bridge refers to closing of the doors. Remote opening is not required but, if provided, shall comply with the applicable provision of subparagraph (1) of this paragraph.

(d) The means of operation of any watertight door whether power-operated or not shall be capable of closing the door with the ship listed to 15 degrees either way.

§ 73.35–25 Door indicators and warning signals.

(a) In all classes of watertight doors, indicators shall be fitted, which show, at all operating stations from which the doors are not visible, whether the doors are opened or closed. If any of the watertight doors, of whatever class, is not fitted so as to enable it to be closed from a central control station, it shall be provided with a mechanical, electrical, telephonic, or any other suitable direct means of communication, enabling the officer of the watch promptly to contact the person who is responsible for closing the door in question, under previous orders. Watertight doors and controls shall be marked as provided by § 78.47–37 of this subchapter.

(b) For Class 3 watertight doors, provision shall be made to give warning signal by electric horn or howler when the door is about to be closed; the signal shall precede the movement of the door by a safe interval and shall continue until the door is completely closed.

§ 73.35–30 Doors, design, installation, and tests.

(a) The design of all watertight doors shall be subject to approval by the Commandant.

(b) Each Class 1 door installed on a vessel in ocean or coastwise service shall be tested by water pressure to a head up to the margin line, but in no case less than 10 feet. Such doors on vessels in other services shall be tested in the same manner as the bulkhead in which they are fitted.

(c) Each Class 2 and Class 3 door shall be designed, tested, and installed in accordance with Subpart 163.001 of Subchapter Q (Specifications) of this chapter.

Subpart 73.40—Openings in Vessel's Sides Below the Bulkhead Deck

§ 73.40–1 General.

(a) The requirements of this section apply to all openings in the sides of vessels below the bulkhead deck whether or not such openings give direct access to spaces above or below the bulkhead deck, except as otherwise specified in this subchapter.

(b) In the case of a vessel not having a continuous bulkhead deck it is necessary that special consideration should be given to the application of this section, particularly with regard to openings through the sides of the vessel in way of or leading from spaces below the highest of the trim lines used in the development of the floodable length curves.

(c) The number of openings in vessel's sides below the bulkhead deck shall be reduced to the minimum compatible with the proper design and working of the vessel.

(d) The arrangement and efficiency of the means for closing each opening shall be consistent with its intended purpose and the position in which it is fitted, and shall be to the satisfaction of the Commandant.

§ 73.40–5 Port lights.

(a) Port lights on vessels under 150 gross tons in ocean or coastwise service, and on all vessels in Great Lakes, lakes, bays, and sounds, or river service as follows:

(1) No port lights are permitted in the vessel's side below the bulkhead deck.

(b) Port lights on vessels of 150 gross tons and over in ocean or coastwise service as follows:

(1) If, in a 'tween deck, the sills of any port lights are below a line drawn parallel to the molded line of the bulkhead deck at side and having its lowest point 2½ percent of the breadth of the vessel above the deepest subdivision load line, all port lights in that 'tween deck shall be of a nonopening type.

(2) All port lights, the sills of which are below the bulkhead deck, other than those required to be of a nonopening type shall be of such construction as will effectively prevent any person opening them without the consent of the master of the vessel.

(3) No port lights shall be fitted in spaces which are appropriated exclusively to the carriage of cargo, stores, or coal.

(4) Port lights may be fitted in spaces appropriated alternately to the carriage of cargo or passengers and they shall be of the type required by their location in the vessel, provided dead covers are always fitted when cargo is carried.

(5) Design of port lights below the bulkhead deck as follows:

(i) All port lights are to be of substantial construction subject to approval of the Commandant.

(ii) Nonopening port lights are to be thoroughly watertight and port lights which are capable of being opened shall be so constructed that they can be easily and effectively closed and secured watertight. Port lights capable of being opened shall have fitted to one or more of the bolts a special round slotted or recessed nut requiring a special wrench. The special nuts are to be protected by sleeves or guards so as to render them incapable of being released by the use of ordinary tools, such as pipe wrenches, etc.

(c) *Dead covers.* (1) Hinged inside dead covers shall be fitted to all port lights below the margin line except that dead covers may be portable in passenger accommodations other than for steerage passengers provided they are stowed adjacent to their respective port lights and that all the following conditions are complied with.

(i) Such port lights are above the deck to which the minimum freeboard for the vessel can be obtained.

(ii) Such port lights are abaft one-eighth of the vessel's length from the forward perpendicular.

(iii) Such port lights are above a line drawn parallel to the bulkhead deck at side and having its lowest points at a height of 12 feet plus 2½ percent of the breadth of the vessel above the deepest subdivision load line.

(2) Dead covers shall be of efficient design and arranged so that they can be easily and effectively secured watertight. Where fitted to opening-type port lights, they shall be of such design that it will not be necessary to release the special or locked nut in order to secure the dead cover.

§ 73.40–10 Automatic ventilators.

(a) Automatic ventilators shall not be fitted in vessel's sides below the bulkhead deck without the special sanction of the Commandant.

§ 73.40–15 Side ports.

(a) Gangway, cargo, and coaling ports, and similar openings in the vessel's sides shall be designed and constructed to the approval of the Commandant. Such ports or openings shall be in no case fitted so as to have their lowest point below the deepest subdivision load line.

§ 73.40–20 Piping openings in vessel's sides.

(a) Requirements for inlets and discharges of scuppers, sanitary piping, main and auxiliary machinery piping, and ash and rubbish-chutes, etc., are in § 55.10–70 of Subchapter F (Marine Engineering) of this chapter.

Subpart 73.45—Watertight Integrity Above the Margin Line

§ 73.45–1 General.

(a) All reasonable and practicable measures shall be taken to limit the entry and spread of water above the bulkhead deck. Such measures may include partial bulkheads or webs.

(b) When partial watertight bulkheads and webs are fitted on the bulkhead deck, above or in the immediate vicinity of main subdivision bulkheads, they shall have watertight shell and bulkhead deck connections so as to restrict the flow of water along the deck when the vessel is in a heeled-damaged condition. Where the partial watertight bulkhead does not line up with the bulkhead below, the bulkhead deck between shall be made effectively watertight.

§ 73.45–5 Decks.

(a) The bulkhead deck or a deck above it shall be weathertight in the sense that in ordinary sea conditions water will not penetrate in a downward direction.

(b) All openings in the exposed weather deck shall have coamings of ample height and strength and shall be provided with efficient means for expeditiously closing them weathertight.

(c) Freeing ports, open rails and/or scuppers shall be fitted as necessary for rapidly clearing the weather deck of water under all weather conditions.

§ 73.45–10 Side openings.

(a) All side openings in the vessel's shell above the bulkhead deck and all deck openings in or above the bulkhead deck shall comply with the applicable requirements of Subchapters E (Load Lines) and F (Marine Engineering) of this chapter for type closures and fittings. Port lights, gangway, cargo and coaling ports and other means for closing openings in the shell plating above the margin line shall be of efficient design and construction and of sufficient strength having regard to the spaces in which they are fitted and their positions relative to the deepest subdivision loadline.

(b) Efficient inside dead covers, arranged so that they can be easily and effectively closed and secured watertight, shall be provided for all port lights to spaces below the first deck above the bulkhead deck.

Subpart 73.90—Vessels Contracted for Prior to May 26, 1965

§ 73.90–1 Requirements.

(a) Vessels contracted for prior to May 26, 1965, shall meet the following requirements:

(1) Existing arangements, materials, and facilities previously approved will be considered satisfactory so long as they meet the minimum requirements of this section, and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original installation.

(2) The details and arrangements shall be in general agreement with the applicable provisions of Subparts 73.05 through 73.45 insofar as is reasonable and practicable.

PART 74—STABILITY

Subpart 74.01—Application

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Subpart 74.90—Vessels Contracted for Prior to May 26, 1965

74.90–1 Requirements.

AUTHORITY: The provisions of this Part 74 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4488, as amended, 4490, as amended, sec. 3, 24 Stat. 129, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 481, 482, 483, 395, 363, 85a, 88a, 369, 367, 1333, 390b, 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, Nov. 26, 1954, 19 F.R. 8026; 167–20, June 18, 1956, 21 F.R. 4894; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–38, Oct. 26, 1959, 24 F.R. 8857; 167–48, Oct. 19, 1962, 27 F.R. 10504.

Subpart 74.01—Application

§ 74.01–1 General.

(a) The provisions of this part shall apply to the following vessels:

(1) All vessels on an international voyage.

(2) All vessels carrying more than 49 passengers or of more than 100 gross tons.

(3) All ferry vessels.

(4) Any other vessel whose stability is questioned by the Officer in Charge, Marine Inspection, including any vessel subject to the act of May 10, 1956 (46 U. S. C. 390–390g).

(b) The provisions of this part, with the exception of Subpart 74.90, shall apply to all the vessels noted in paragraph (a) of this section, which are contracted for on or after May 26, 1965. Such vessels contracted for prior to May 26, 1965, shall meet the requirements of Subpart 74.90.

Subpart 74.05—Stability Test

§ 74.05–1 When required.

(a) Except as otherwise provided in this section, each vessel to which this part applies, shall be subjected to a stability test conducted under the supervision of the Coast Guard and the results of the test shall be approved before the vessel is placed in service. Whenever alterations to a vessel are sufficiently extensive to make use of the data obtained from the original stability test questionable in the circumstances, it shall be re-inclined.

(b) The Commandant may allow the stability test of a vessel to be dispensed with provided basic stability data are available from the stability test of a sister vessel and it is shown to the satisfaction of the Commandant that reliable stability information for the exempted vessel can be obtained from such basic data.

(c) Except for vessels on an international voyage, the Commandant may allow the stability test of a vessel to be dispensed with in exceptional cases where it can be shown to his satisfaction that due to the form, construction, and arrangement of the vessel stability calculations can be safely made without a stability test being performed.

§ 74.05–5 Procedure.

(a) Stability tests shall meet the requirements of this section.

(b) Plans required: (1) The following plans are essential for use in conducting the stability test and determining the results, and if these plans have not been previously submitted, they shall be made available at the time of the test:

Lines plan.
Curves of form or hydrostatic curves.
General arrangement plans of decks, holds, inner bottoms, etc.
Outboard profile.
Inboard profile.
Midship section.
Capacity plan showing capacities and vertical and longitudinal centers of gravity of cargo spaces, tanks, etc.
Tank sounding tables.
Draft mark locations.

(c) Stability test preparations: (1) Preparations as noted in this paragraph shall be made to place a vessel in suitable condition for a stability test. The Coast Guard representative supervising the stability test may relax from these standards in a particular instance if, in his opinion, such relaxation is warranted and will not materially affect the reliability of the results of the test.

(2) To obtain dependable stability results, all tanks on the vessel, as far as practicable, shall be either completely empty and dry or fully pressed up and without air pockets. Where this is impracticable, slack tanks may be accepted provided their free surface can be readily and accurately determined for the angles of heel to be obtained during the stability test.

(3) The vessel shall be as nearly complete as practicable when the test is conducted. If additional material or equipment is to be installed after the test, a complete list of such items by weight and location shall be prepared.

(4) All dunnage, tools, and other items extraneous to the completed vessel shall be removed before the test.

(5) The vessel shall be moored in a location reasonably protected from broadside wind, waves and tide. The depth of water shall be sufficient to provide ample clearance under the vessel against grounding. Mooring lines shall be arranged so that they will not interfere with the free rolling or listing of the vessel.

Subpart 74.10—Stability Standards

§ 74.10–1 General.

(a) With the vessel in the intact condition, the net metacentric height at any operating draft, including allowance for normally slack tanks, shall not be less than the standards outlined in this subpart, taken singly, and the most severe requirement shall govern at any particular draft.

§ 74.10–5 Weather criteria.

(a) The required minimum metacentric height (GM) in feet at any particular draft is obtained from the following formula:

$$GM=\frac{PAh}{\Delta \tan \theta} \qquad (1)$$

where:

$P=.005+\left(\frac{L}{14{,}200}\right)^2$ tons/ft² for ocean and coastwise service.

$P=.0033+\left(\frac{L}{14{,}200}\right)^2$ tons/ft² for partially protected waters such as lakes, bays, and sounds, and Great Lakes (summer service).

$P=.0025+\left(\frac{L}{14{,}200}\right)^2$ tons/ft² for protected waters such as rivers, harbors, etc.

L=Length between perpendiculars in feet.
A=Projected lateral area in square feet of portion of vessel above waterline.
h=Vertical distance in feet from center of A to center of underwater lateral area or approximately one-half draft point.
Δ=Displacement in long tons.
θ=Angle of heel to one-half the freeboard to the deck edge or 14 degrees whichever is less. (For vessels having a discontinuous weather deck or abnormal sheer, the angle to one-half the freeboard may be suitably modified.)

§ 74.10–10 Passenger criteria.

(a) The required minimum metacentric height (GM) in feet is obtained from the following formula:

$$GM=\frac{N\times b}{24\Delta \tan \theta} \qquad (1)$$

where:
N=Number of passengers.
b=Distance in feet from the vessel's centerline to the geometrical center of the passenger deck area on one side of centerline.
Δ=Displacement in long tons.
θ=Angle of heel to deck edge or 14 degrees, whichever is less.

§ 74.10–11 Special cases.

(a) The criteria of §§ 74.10–5 and 74.10–10 are generally limited in application to flush deck powered vessels of ordinary proportions and form. In the case of vessels not considered to come within this category, the Commandant may require or accept a modification of these criteria or such additional calculations as may be necessary to demonstrate the limits of safe operation.

§ 74.10–15 Damaged stability standards.

(a) *Application.* (1) The provisions of this section shall apply to all vessels that are required by Subparts 73.10 and 73.15 of this subchapter to have at least a one-compartment standard of subdivision.

(b) *General requirements.* (1) Sufficient intact stability shall be provided in all service conditions so as to enable the vessel to withstand flooding at any place throughout its length due to the assumed side damage as outlined in paragraph (c)(4) of this section.

(2) Where two adjacent main subdivision compartments are separated by a bulkhead which is stepped under the conditions of § 73.10–40 or 73.15–20, the intact stability shall be adequate to withstand the flooding assumed under § 73.10–40 or 73.15–20 of this subchapter, as applicable.

(c) *Damaged stability calculations.* (1) The requirements of paragraph (b) of this section shall be determined by calculations which take into consideration the proportions and design characteristics of the vessel and the arrangement and configuration of the damaged compartments. Where decks, inner skins, or longitudinal bulkheads are to be fitted of sufficient tightness to seriously restrict the flow of water, the Commandant shall be satisfied that proper consideration is given to such restrictions in the calculations. Where it is considered that the range of stability in the damaged condition is doubtful, the Commandant will require the investigation thereof.

(2) In making these calculations the vessel is to be assumed in the worst anticipated service condition as regards stability.

(3) For damaged stability calculations the volume and surface permeabilities shall be in general as indicated in Table 74.10–15(c)(3). Higher surface permeabilities are to be assumed in respect of spaces which, in the vicinity of the damage waterplane, contain no substantial quantity of accommodation or machinery and spaces which are not generally occupied by any substantial quantity of cargo or stores. The maximum surface permeability which must be assumed need not exceed 95.

TABLE 74.10–15(c)(3)

Spaces	Permeability
Appropriated to cargo, coal or stores	60
Appropriated to accommodations	95
Appropriated to machinery	85
Intended for liquids (use value resulting in more severe requirement)	0 or 95

(4) The minimum assumed extent of side damage shall be taken in accordance with Table 74.10–15(c)(4). Where any damage of a lesser extent than provided in the table would result in a more severe condition regarding heel or loss of metacentric height, such damage shall also be considered in the calculations.

TABLE 74.10–15(c)(4)

Vessel category	Longitudinal extent [1]	Transverse extent [2] [3]	Vertical extent
All vessels	10 feet+0.03L or 35 feet (whichever is less) no main bulkhead involved.	⅛B	From base line upward without limit.
Vessels required by Subpart 73.15 to have a two compartment standard of subdivision.	35 feet or 10 feet+0.03L (whichever is less) involving not more than one main bulkhead.	⅛B	From base line upward without limit.
Vessels required by Subpart 73.10 to have a factor of subdivision of 0.50 or less.	10 feet+0.03L or 35 feet (whichever is less) involving not more than one main bulkhead.	⅛B	From base line upward without limit.
	20 feet+0.04L, involving not more than one main bulkhead.	⅛B	Top of double bottom upward without limit.
Vessels required by Subpart 73.10 to have a factor of subdivision of 0.33 or less.	20 feet+0.04L, but in any case long enough to involve two main bulkheads	⅛B	From base line upward without limit.

[1] L equals the length of the vessel as defined in § 73.05–3.
[2] B equals the breadth of the vessel as defined in § 73.05–4.
[3] The transverse extent of damage is measured inboard from the vessel's side and at right angles to the centerline at the level of the deepest subdivision load line. For vessels on inland waters and for ferry vessels, where the maximum molded beam at the deck and at the load water line differ appreciably, the transverse extent of damage may be taken as the mean between the inboard penetration at the deck using the maximum beam at the deck and the inboard penetration at the deepest subdivision load line using the maximum beam at that load line.

(5) Unsymmetrical flooding is to be kept to a minimum consistent with efficient arrangements. Where it is necessary to correct large angles of heel, the means adopted shall, where practicable, be self-acting, but in any case where controls to cross-flooding fittings are provided they shall be operable from above the bulkhead deck. The construction and arrangement of such fittings and of their controls, together with the estimated maximum heel before equalization, is subject to approval by the Commandant. The time for equalization to acceptable heel limits, as provided in subparagraphs (7) and (8) of this paragraph, shall in no case be more than 15 minutes. On vessels under 150 gross tons in ocean or coastwise service and on all vessels in lake, bay, and sound or river service, the equalizing arrangements, where required, shall not be dependent either upon manual or automatic operation of valves or similar appliances.

(6) For symmetrical flooding, or in the case of unsymmetrical flooding, after equalization measures have been taken, there shall be a positive residual metacentric height of at least 2 inches (calculated on the basis of the initial undamaged displacement).

(7) For unsymmetrical flooding with assumed side damage not more than 10 feet plus .03L, the remaining heel due to unsymmetrical moment, after equalization, as provided by subparagraph (5) of this paragraph, shall not exceed 7 degrees. However, where equalization is fully automatic and by open cross connections of large area, or where no equalization is involved, and in any case, the range of stability in the damaged condition is considered adequate, the Commandant may allow a greater heel up to but not in excess of 15 degrees.

(8) For unsymmetrical flooding with assumed side damage in excess of 10 feet plus 0.03L, the remaining heel due to unsymmetrical moment, after equalization as provided by subparagraph (5) of this paragraph shall not exceed 15 degrees.

(9) In no case shall the margin line be submerged in the final stage of flooding. If it is considered that the margin line may become submerged during an intermediate stage of flooding, the Commandant may require such investigations and arrangements as shall be considered necessary for the safety of the vessel.

(d) *Relaxation of requirements.* (1) No relaxation from the requirements for damaged stability may be considered by the Commandant unless it is shown that the intact metacentric height in any service condition necessary to meet these requirements is excessive for the service intended.

(2) Relaxations from the requirements for damaged stability shall be permitted only in exceptional cases and subject to the conditions that the Commandant is to be satisfied that the proportions, arrangements and other characteristics of the vessel are the most favorable to stability after damage which can practically and reasonably be adopted in the particular circumstances.

§ 74.10–20 Special operating conditions.

(a) Where a vessel may be operated under conditions where its stability will be affected by factors not covered by §§ 74.10–5 through 74.10–15 such factors shall be investigated to determine if the vessel has sufficient stability to meet such conditions.

Subpart 74.15—Ballast

§ 74.15–1 When required.

(a) Where it is determined that a vessel does not have sufficient stability to meet the requirements of the stability standard and the characteristics of the vessel cannot be altered to provide the required stability, ballast may be required. This ballast may be solid fixed ballast, liquid ballast, or both.

§ 74.15–5 How installed.

(a) Solid ballast, when required, shall be installed in the vessel under the supervision of the Officer in Charge, Marine Inspection. The amount of installed ballast shall be weighed or otherwise accurately determined and located in a vertical and longitudinal position to meet the stability requirements. This ballast shall be stowed in a satisfactory manner to prevent shifting of position in a seaway. Such ballast required for stability shall not be removed from the vessel or relocated unless approved by the Commandant, except that such ballast may be temporarily moved for examination or repair of the vessel, when done under the supervision of an inspector.

§ 74.15–10 Liquid ballast.

(a) When ballasting with water is necessary the water ballast should not, in general, be carried in tanks intended for oil fuel.

(b) In ships in which it is not practicable to avoid putting water ballast in oil fuel tanks, it will be required that all such ballast necessary to compliance with the stability requirements of this part be carried into port. Discharge of such ballast may then be effected either into sludge barges or shore facilities, or through oily ballast separators. In this latter case the separators shall meet the requirements prescribed in Subchapter F (Marine Engineering) of this chapter.

Subpart 74.20—Stability Instructions for Operating Personnel

§ 74.20–1 Data supplied master.

(a) The master shall be supplied with such reliable information as is necessary to enable him by rapid and simple processes to obtain accurate guidance as to the stability of the ship under varying conditions of service, so as to permit compliance with stability requirements.

(b) This information and necessary related plans and data shall be submitted to the Commandant for approval.

§ 74.20–5 Conditions under which calculations made.

(a) The master of the vessel shall be informed of the conditions under which the damaged stability calculations have been made and advised to what extent the vessels can safely withstand damage under these assumed conditions.

§ 74.20–10 Cross-flooding.

(a) In the case of a vessel requiring cross-flooding, the master shall be provided with the conditions of stability on which the calculations of heel are based and be warned that excessive heel might result should the vessel sustain damage when in a less favorable condition. Suitable information shall be supplied concerning the use of any special cross-flooding fittings.

§ 74.20–15 Type of instructions.

(a) In all ships on international voyages the information called for by this subpart shall be provided in booklet form; at least two copies, one for the master and one for the chief engineer, being supplied each ship. Included as part of these booklets, at suitably reduced scale, shall be plans showing clearly for each deck and hold the boundaries of the watertight compartments, the openings therein with the means of closure and position of any controls thereof, and the arrangements for the correction of any list due to flooding.

(b) Depending upon the extent of necessary information, such booklets may also be required for vessels not on international voyages. In any case, it will be required that any information necessary to compliance with stability and watertight integrity requirements be supplied.

(c) Whenever alterations are made to the vessel so as to materially affect the stability information, amended stability information shall be provided.

Subpart 74.25—Stability Letter

§ 74.25–1 Posting.

(a) Each vessel subject to the requirements of this part shall have posted under glass in the pilothouse a stability letter issued by U.S. Coast Guard before the vessel is placed in service operation. This letter shall indicate, either by specific instructions embodied in the letter or by reference to separate instructions available to the master, the conditions of operation under which the vessel will have satisfactory stability.

Subpart 74.90—Vessels Contracted for Prior to May 26, 1965

§ 74.90–1 Requirements.

(a) Vessels contracted for prior to May 26, 1965, shall meet the requirements specified in this section.

(b) Except as otherwise provided in this section, existing arrangements, materials, and facilities previously approved will be considered satisfactory so long as they meet the minimum requirements of this section and they are maintained in a suitable condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the original standards.

(c) In general, the standards of stability previously attained should be maintained. In this regard, and particularly with respect to § 74.10–15, no change or modification should result in a lowering of stability farther below that required for a new vessel than existed before the change or modification. This is intended to include the normal additions and subtractions which occur over the life of the vessel.

PART 75—LIFESAVING EQUIPMENT

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AUTHORITY: The provisions of this Part 75 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4488, as amended, 4491, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 481, 489, 395, 363, 367, 526p, 1333, 390b, 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, Nov. 26, 1954, 19 F.R. 6521; 167–20, June 18, 1956, 21 F.R. 4694; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–38, Oct. 26, 1959, 24 F.R. 8857.

Subpart 75.01—Application

§ 75.01–1 Details of application.

Except as specifically noted, the provisions of this part shall apply to all vessels.

Subpart 75.05—General Provisions Pertaining to Lifesaving Equipment

§ 75.05–1 Equipment of an approved type.

(a) Where equipment in this part is required to be of an approved type, such equipment requires the specific approval of the Commandant. Such approvals are published in the FEDERAL REGISTER, and in addition, are contained in Coast Guard publication CG–190, "Equipment Lists."

(b) Specifications for many of the items required to be of an approved type have been promulgated and are contained in Subchapter Q (Specifications) of this chapter. In general, such specifications are of interest only to the manufacturer of specific items of equipment.

§ 75.05–5 Equipment installed but not required.

Where items of lifesaving equipment are not required, but are installed, such equipment and its installation shall meet the requirements of this part.

§ 75.05–10 Primary lifesaving equipment.

(a) The term "primary lifesaving equipment" means a lifeboat or an acceptable substitute. Life preservers and ring life buoys are not included in this definition of "primary lifesaving equipment."

Subpart 75.10—Lifeboats, Liferafts, Lifefloats, and Buoyant Apparatus

§ 75.10–1 Application.

(a) Except as otherwise provided in this section, the provisions of this subpart shall apply to all vessels contracted for on or after May 26, 1965.

(b) Vessels contracted for prior to May 26, 1965, shall meet the requirements of § 75.10–90.

§ 75.10–5 Type of lifeboats, liferafts, lifefloats, and buoyant apparatus required.

(a) *Lifeboats.* (1) All lifeboats shall be of an approved type, constructed in accordance with Subpart 160.035 of Subchapter Q (Specifications) of this chapter.

(2) All lifeboats certified to carry 60 or more, but not over 100, persons shall be either motor lifeboats or shall be fitted with an approved type of hand-propelling gear. Lifeboats carrying more than 100 persons shall be motor lifeboats.

(3) A Class 1 motor lifeboat is one that is fitted with a compression ignition engine, is capable of being readily started in all conditions, and has sufficient fuel for 24 hours continuous operation. The speed ahead in smooth water when loaded with its full complement of persons and equipment shall be at least 6 knots.

(4) A Class 2 motor lifeboat shall meet the Class 1 requirements, and in addition, shall be fitted with a search light constructed in accordance with Subpart 161.006 of Subchapter Q (Specifications) of this chapter.

(5) A Class 3 motor lifeboat shall meet the Class 2 requirements, and in addition, shall be fitted with a radio cabin and a radio installation complying with requirements of the Federal Communications Commission.

(6) All lifeboats, except those installed on vessels in river service, shall be fitted with suitable disengaging apparatus consisting of fixed hooks in the lifeboat or mechanical disengaging apparatus. Mechanical disengaging apparatus, if fitted, shall be of an approved type, constructed in accordance with Subpart 160.033 of Subchapter Q (Specifications) of this chapter.

(i) All lifeboats installed on ocean, coastwise, or Great Lakes vessels of over 3,000 gross tons shall be fitted with mechanical disengaging apparatus so arranged as to make it possible for the lifeboats to be launched with their full complement of persons and equipment while such vessels are underway or stopped, and for both ends of the lifeboat to be released simultaneously, under tension or not, by one person. Simultaneous release shall be effected by partially rotating a shaft which shall be continuous and extend from points of contact with the hooks.

(ii) All lifeboats installed on any particular vessel shall be fitted with the same type of releasing gear.

(b) *Liferafts.* (1) All rigid type liferafts shall be of an approved type, constructed in accordance with Subpart 160.018 of Subchapter Q (Specifications) of this chapter. Rigid type liferafts shall not be used as required equipment on vessels on an international voyage.

(2) Type A liferafts shall be stowed on the standard liferaft skids required by § 75.15–10(c)(1) unless specifically noted otherwise.

(3) All inflatable liferafts shall be of an approved type constructed and serviced in accordance with Subpart 160.051 of Subchapter Q (Specifications) of this chapter.

(4) On vessels on an international voyage, each inflatable liferaft shall have a carrying capacity of not less than 6 nor more than 25 persons.

(c) *Lifefloats.* (1) All lifefloats shall be of an approved type, constructed in accordance with Subpart 160.027 of Subchapter Q (Specifications) of this chapter.

(d) *Buoyant apparatus.* (1) All buoyant apparatus shall be of an approved type, constructed in accordance with Subpart 160.010 of Subchapter Q (Specifications) of this chapter.

(e) *Rescue boat.* (1) In general, a suitable rescue boat shall be a small light weight boat of rigid construction, with built-in buoyancy and capable of being readily launched and easily maneuvered. Also it shall be of adequate proportion to permit taking an unconscious person on board without capsizing. A rescue boat and its installation shall be acceptable to the Officer in Charge, Marine Inspection, as suitable for the rescue of persons accidentally falling over the side, or for similar emergency purposes. The size,

shape, installation, and other factors of suitability will be determined with due consideration of the size, arrangement, intended service and crew requirements of the vessel on which it is to be installed.

§ 75.10–10 Requirements for vessels in ocean service.

(a) *Lifeboats.* (1) Except as further noted in this paragraph, all vessels shall be provided with sufficient lifeboats on each side of such aggregate capacity as will accommodate half the total number of persons on board.

(2) Lifeboats shall be not less than 24 feet in length, except where owing to size of the vessel, or for other reasons, the Commandant considers the carriage of such lifeboats to be unreasonable or impracticable. However, in no case shall lifeboats be less than 16 feet in length.

(3) Emergency lifeboats: One of the lifeboats on each side of the vessel shall be of suitable size and design for performing emergency work at sea. Such lifeboats shall be not more than 28 feet in length and the ratio of length to beam shall be not less than 3.3. They shall be kept ready for immediate use while the vessel is at sea.

(4) All vessels shall be provided with the minimum number of motor lifeboats as shown in Table 75.10–10(a)(4). In those cases where at least two motor lifeboats are required, these shall be one on each side. On vessels of over 2,500 gross tons which in the normal course of their voyage are at any point 200 miles offshore, if a Class 3 motor lifeboat is not installed, an approved portable radio unit shall be carried by the vessel in addition to the one required by § 75.55–1.

TABLE 75.10–10(a)(4)

Total number of persons carried		Minimum number Class 2 motor lifeboats	Minimum number Class 3 motor lifeboats
Over	Not over		
------	30	1	----------
30	199	2	----------
199	1,500	1	1
1,500	--------	----------	2

(5) On vessels on an international voyage other than a short international voyage, the Commandant may permit liferafts to be substituted for lifeboats required by subparagraph (1) of this paragraph to the extent that there shall never be less than sufficient lifeboats on each side of the vessel to accommodate 37½ percent of the total number of persons on board. In such cases, there shall be provided approved launching devices for these liferafts in accordance with Subpart 75.27.

(6) Where, in the case of vessels on short international voyages it is shown that the carriage of sufficient lifeboat capacity to accommodate all persons on board, as called for by subparagraph (1) of this paragraph, is impracticable, the Commandant may permit a relaxation from this requirement to the extent permitted by Regulations 27 and 28 of Chapter III of the International Convention for the Safety of Life at Sea, 1960, provided the vessel complies fully with the special watertight subdivision requirements of § 73.10–65 of this subchapter.

(7) Vessels not exceeding 150 feet in length which are under 300 gross tons engaged exclusively in the business of transporting passengers to or from operational sites of exploration, development, removal or storage of resources, or related activities thereof, on the continental shelf of the United States in the Gulf of Mexico, in the Atlantic Ocean south of the thirty-third parallel of north latitude, and in the Pacific Ocean, may use approved lifefloats in lieu of lifeboats if a suitable emergency boat is carried and is adequately installed. For the purpose of this subparagraph the word "passengers" is defined as meaning industry personnel engaged exclusively in the exploration, development, removal and storage of resources, or related activities thereof, on the continental shelf of the United States who are required by the nature of their work to ride such vessels. Vessels subject to this subparagraph may also carry supplies, equipment, and cargo.

(8) For vessels not on an international voyage, inflatable liferafts may be substituted for lifeboats on certain vessels in accordance with § 75.10–25.

(b) *Liferafts, lifefloats, and buoyant apparatus.* (1) Vessels on an international voyage other than a short international voyage shall carry, in addition to any other required equipment, approved liferafts with an aggregate capacity of at least 25 percent of the persons on board together with approved buoyant apparatus with an aggregate capacity of at least 3 percent of the persons on board. However, if the factor of subdivision of the vessel is 0.33 or less, liferafts are not required, but approved buoyant apparatus shall be provided with an aggregate capacity of at least 25 percent of the persons on board.

(2) Vessels on a short international voyage shall carry, in addition to any other required equipment, approved liferafts with an aggregate capacity at least equal to 10 percent of the capacity of the lifeboats. In addition, there shall be carried sufficient approved buoyant apparatus so that the aggregate capacity of the buoyant apparatus and liferafts is at least equal to 25 percent of the persons on board.

(3) All vessels not on an international voyage shall be provided with buoyant apparatus sufficient to accommodate 25 percent of all persons on board. Lifefloats not weighing more than 400 pounds or Type A liferafts may be substituted for the buoyant apparatus required.

(4) Inflatable liferafts may be substituted for liferafts, lifefloats and buoyant apparatus on certain vessels not on an international voyage in accordance with § 75.10–25.

§ 75.10–15 Requirements for vessels in coastwise service.

(a) Except as further modified by paragraphs (b) and (d) of this section, all other vessels to which this section pertains shall be provided with sufficient lifeboats and Type A liferafts to accommodate all persons on board. Not less than 75 percent of the total capacity shall be in lifeboats and the remainder may be in liferafts. Such lifeboats shall have a length of at least 16 feet unless otherwise specifically permitted by the Officer in Charge, Marine Inspection, in cases where the crew is insufficient to properly handle lifeboats of such size or where there is insufficient space to properly stow such lifeboats.

(b) In the case of motor vessels of less than 300 gross tons and, if in the opinion of the Commandant it is unreasonable or impracticable to meet the requirements of paragraph (a) of this section, due to the size and arrangement of the vessel and its intended service, the Commandant may prescribe the size, capacity, and number of lifeboats, or other boats of suitable design and construction, liferafts, lifefloats, and/or buoyant apparatus to be carried as in his opinion is reasonable and practicable. In any case, there shall be sufficient total capacity for all persons on board.

(c) Inflatable liferafts may be substituted for lifeboats, liferafts, lifefloats and buoyant apparatus on certain vessels in accordance with § 75.10–25.

(d) Vessels engaged on international voyages shall meet the applicable requirements of § 75.10–10.

§ 75.10–20 Requirements for vessels in Great Lakes; lakes, bays and sounds; or river service.

(a) *General.* All vessels other than ferryboats and passenger barges shall be provided with lifeboats, liferafts, and lifefloats as required by Table 75.10–20(a), except as specifically noted in this paragraph.

(1) Motor vessels of less than 50 gross tons, navigating in daylight only, need not be fitted with lifeboats, liferafts, or lifefloats, provided:

(i) Such vessels are fitted with sufficient air tanks under the decks that the vessel, in its loaded condition, will remain afloat when full of water; or

(ii) Such vessels are fitted with sufficient bulkheads that the vessel, in its loaded condition, will remain afloat with any two compartments damaged.

(2) In the case of a motor vessel in Great Lakes service of less than 300 gross tons, if in the opinion of the Commandant it is unreasonable or impracticable to install the lifeboats, liferafts, or other equipment required by Table 75.10–20(a) due to the size and arrangement of the vessel and its intended service, the Commandant may prescribe the size, capacity, and number of lifeboats or other boats of suitable design and construction, life rafts, and/or life floats to be carried as in his opinion is reasonable and practicable. In any case, there shall be at least one lifeboat or other suitable boat, and there shall be sufficient total capacity for the percentage of all persons on board required to be accommodated by Table 75.10–20(a).

TABLE 75.10–20(a)

	Vessels operating on the Great Lakes		Vessels operating on lakes, bays, and sounds								Vessels operating on rivers	
	Vessels navigating more than 3 miles off shore and where the depth of water on any part of the route is sufficient to submerge the upper deck of the vessel	1. Vessels navigating not more than 3 miles offshore; or 2. Vessels navigating routes where the water is not of a depth on any part of the route to submerge the upper deck of the vessel	Vessels navigating waters other than those tributary to the Pacific Coast of the continental United States, the Atlantic Coast south of the thirty-third parallel of north latitude, and the Gulf of Mexico				Vessels navigating waters tributary to the Pacific Coast of the continental United States, the Atlantic Coast south of the thirty-third parallel of north latitude, and the Gulf of Mexico				Vessels navigating where the average depth of the channel exceeds 3 feet	Vessels navigating where the average depth of the channel does not exceed 3 feet
			Vessels navigating routes, any point of which is more than 3 miles from land, and—				Vessels navigating routes lying at all points within a distance of 3 miles miles from land		Vessels navigating routes, any point of which is more than 3 miles from land, and—			
			1. Depth of water is sufficient to entirely submerge the vessel in case of disaster		2. Depth of water is not sufficient to entirely submerge the vessel in case of disaster				1. Depth of water is sufficient to entirely submerge the vessel in case of disaster	2. Depth of water is not sufficient to entirely submerge the vessel in case of disaster	Vessels navigating routes lying at all points within a distance of 3 miles from land	
Dates (inclusive)	Winter Sept. 16 to May 14	Summer May 15 to Sept. 15	Winter Sept. 16 to May 14	Summer May 15 to Sept. 15	Winter Oct. 16 to May 14	Summer May 15 to Oct. 15	Winter Nov. 16 to Apr. 14	Summer Apr. 15 to Nov. 15	Winter Nov. 16 to Apr. 14	Summer Apr. 15 to Nov. 15	All year	All year	All year	All year	All year
Percentage of persons (passengers and crew) to be accommodated	Percent 100	Percent 50	Percent 100	Percent 10	Percent [1] 100	Percent [2] 30	Percent 100	Percent 10	Percent 100	Percent 10	Percent [2] 30	Percent 10	Percent 10	Percent 10	Percent None
Percentage of required equipment in lifeboats (minimum)	[3] 75	[4] 60	[5] 25	[5] 25	[3] 25	[3] 25	[3] 25	[3] 25	[3] 25	[3] 25	[3] 25	[3] 25	[3] 25	[5] 25	[5] None
Percentage of required equipment which may be in Type A or Type B liferafts	[3] [6] 25	[3] [6] 60	[3] [6] 75	[3] [6] 75	[3] 75	[3] 75	[3] 75	[3] 75	[3] 75	[3] 75	[3] 75	[3] [6] 75	[3] 75	[3] 75	None

[1] Vessels equipped with radiotelegraph or radiotelephone operating in daylight only and when routes are at all times within a distance of 10 miles from land may, during the interval between the 16th day of October to the 31st day of October, both dates inclusive, carry primary lifesaving equipment to accommodate not less than 30 percent of all persons on board.

[2] Vessels equipped with radiotelegraph or radiotelephone operating in daylight only and whose routes are at all times within a distance of 10 miles from land may, during the interval between the 15th day of May to the 15th day of October, both dates inclusive, carry primary lifesaving equipment to accommodate not less than 15 percent of all persons on board.

[3] Vessels of 200 gross tons and upward shall have 1 working boat with lifeline attached, properly supplied with oars and painter, and kept in good condition at all times and ready for immediate use, in addition to the lifeboats required.

[4] Vessels of 50 gross tons and upward in river service shall have 1 working boat with lifeline attached, properly supplied with oars and painter, and kept in good condition at all times and ready for immediate use, in addition to any lifeboats required.

[5] At least 50 percent of the liferafts shall have a capacity of more than 15 persons each.

[6] Vessels shall have, in addition to all other lifeboats and liferafts required; 1 additional fully equipped Type A or Type B liferaft which shall be stowed (not necessarily on skids) in such a manner that it will float clear in the event of sinking of the vessel. On all vessels of 300 gross tons and over the liferaft shall be not less than 15-person capacity.

[7] Approved lifefloats may be substituted for liferafts on vessels during the interval between May 15 and September 15 in any 1 year, both dates inclusive.

[8] Approved lifefloats may be substituted for liferafts on vessels operated south of the thirty-third parallel of north latitude, and on vessels operated north of the thirty-third parallel of north latitude during the interval between the 15th day of May to the 15th day of October, in any 1 year, both dates inclusive.

[9] Approved lifefloats may be substituted for liferafts.

(3) In the case of vessels of less than 300 gross tons in lakes, bays, sounds, or river service, if in the opinion of the Commandant it is unreasonable or impracticable to install the lifeboats, liferafts, or other equipment required by Table 75.10–20(a) due to the size and arrangement of the vessel and its intended service, the Commandant may prescribe the size, capacity, and number of lifeboats or other boats of suitable design and construction, liferafts, and/or lifefloats to be carried as in his opinion is reasonable and practicable. In any case there shall be at least one lifeboat or other suitable boat, and there shall be sufficient total capacity for the percentage of all persons on board required to be accommodated by Table 75.10–20(a).

(4) Inflatable liferafts may be substituted for lifeboats, liferafts, lifefloats and buoyant apparatus on certain vessels in accordance with § 75.10–25.

(5) Vessels engaged on short international voyages shall meet applicable requirements of § 75.10–10.

(b) *Ferryboats.* (1) Except as otherwise provided in this paragraph, all ferryboats of 50 gross tons and over shall be equipped with lifeboats and liferafts in accordance with Table 75.10–20(b)(1).

TABLE 75.10–20(b)(1)

Size of ferryboat in gross tons		Cubic feet of lifeboatage required [1]
Over	Not over	
----------	150	60
150	300	120
300	600	[2] 240
600	----------	[2] 360

[1] For purposes of determining lifeboat capacity in persons for use in substituting inflatable liferafts in accordance with substitutions permitted by §75.10–25, allow 10 cubic feet of lifeboatage per person.

[2] One-half of the required lifeboatage may be supplied by liferafts of Type A or B.

(2) Except as otherwise provided in this paragraph, ferryboats of less than 50 gross tons shall be equipped with lifeboats or Type A or B liferafts as in the opinion of the Officer in Charge, Marine Inspection, having jurisdiction may be necessary in case of disaster to secure the safety of all persons on board.

(3) Inflatable liferafts may be substituted for lifeboats, liferafts, lifefloats and buoyant apparatus on certain vessels in accordance with § 75.10–25.

(4) Ferryboats engaged on short international voyages shall meet the applicable requirements of § 75.10–10.

(c) *Passenger barges.* (1) Passenger barges shall be provided with lifeboats or other boats of suitable design and construction of a capacity in the same proportion to the number of persons carried as is required by Table 75.10–20(a).

(2) Passenger barges engaged in excursions shall be provided with 2 lifeboats or other boats of suitable design and construction of not less than 60 cubic feet capacity each.

(3) Inflatable liferafts may be substituted for lifeboats, liferafts, lifefloats and buoyant apparatus on certain vessels in accordance with § 75.10–25.

§ 75.10–25 Inflatable liferafts as an alternate for lifeboats, other liferafts, lifefloats, and buoyant apparatus on certain vessels not on international voyage.

(a) (1) On all vessels inflatable liferafts may be permitted as substitutes for other types of liferafts, lifefloats and buoyant apparatus wherever they may be required.

(2) The capacity of inflatable liferafts carried in place of other liferafts, lifefloats, and buoyant apparatus shall be at least equivalent to that required of the equipment for which substitution is made.

(3) The substitution of inflatable liferafts shall not be made without prior approval of the Officer in Charge, Marine Inspection.

(b) On all vessels less than 3,000 gross tons the substitution of inflatable liferafts for lifeboats may be permitted as follows:

(1) (i) On all vessels under 500 gross tons, inflatable liferafts may be substituted for all required lifeboats.

(ii) The total capacity of the inflatable liferafts shall be at least equal to the total number of persons that the lifeboats would have been required to accommodate. Partial substitution is permissible provided the aggregate lifeboat and inflatable liferaft capacity is sufficient to accommodate the required number of persons, as indicated above.

(iii) Where substitution of inflatable liferafts is made, a suitable rescue boat shall be provided. In the case of partial substitution, a lifeboat may serve as the rescue boat.

(2) (i) On all vessels of 500 gross tons and upwards to 1,600 gross tons, inflatable liferafts may be substituted for all required lifeboats provided two approved lifeboats of a size acceptable to the Officer in Charge, Marine Inspection, suitable for rescue purposes, one on each side, are installed.

(ii) The aggregate lifeboats and inflatable liferaft capacity shall be at least equal to the total number of persons that the lifeboats would have been required to accommodate.

(iii) The launching arrangement and location of the two lifeboats to be used as rescue boats shall be such that they can be readily launched and shall be to the satisfaction of the Officer in Charge, Marine Inspection.

(3) (i) On all vessels of 1,600 gross tons and upwards to 3,000 gross tons, inflatable liferafts may be substituted for all except two of the required lifeboats. These lifeboats shall be of a size acceptable to the Officer in Charge, Marine Inspection, and shall be suitable for rescue purposes. In all cases, two approved lifeboats, one on each side, shall be provided.

(ii) The aggregate lifeboat and inflatable liferaft capacity shall be at least equal to the total number of persons that the lifeboats, for which substitutions are made plus those remaining on board, would have been required to accommodate.

(4) The substitution of inflatable liferafts for lifeboats shall not be made without prior approval of the Officer in Charge, Marine Inspection.

(c) The Commandant may give special consideration to the substitution of approved inflatable liferafts for required lifeboats on vessels of 3,000 gross tons and over.

§ 75.10–90 Vessels contracted for prior to May 26, 1965.

(a) Vessels contracted for prior to May 26, 1965, shall meet the following requirements:

(1) Except as specifically modified by this paragraph, the requirements of §§ 75.10–5 through 75.10–25 shall be complied with insofar as the number and general type of lifesaving equipment is concerned. Existing items of lifesaving equipment previously approved, but not meeting the applicable specifications or requirements set forth in §§ 75.10–5 through 75.10–25 may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs, alterations, and replacements may be permitted to the same standards as the original installation. However, all new installations or major replacements shall meet the applicable specifications or requirements in this part.

(2) Vessels certificated for ocean service may comply with this subparagraph in lieu of subparagraph (4) of this paragraph. In this respect, vessels with 13 or less lifeboats shall have at least one motor lifeboat; vessels with over 13 but not over 19 lifeboats shall have 2 motor lifeboats, one of which shall have a searchlight and radio cabin; vessels with over 19 lifeboats shall have 2 motor lifeboats, both of which shall have a searchlight and radio cabin. If a vessel with 13 or less lifeboats is of over 2,500 gross tons and in the normal course of its voyage is at any point 200 miles offshore, the motor lifeboat shall be fitted with a radio cabin, or alternately, an approved portable radio unit shall be carried by the vessel in addition to that required by § 75.55–1. Existing motor lifeboat installations with spark ignition engines may be retained, but replacements shall meet current specifications.

(3) The substitution of liferafts for lifeboats permitted by § 75.10–10(a) (5) and (6) shall not apply.

(4) On vessels of over 3,000 gross tons certificated for ocean, coastwise, or Great Lakes service, all replacements of disengaging apparatus shall meet the requirements of § 75.10–5(a) (6) (i). On all other vessels in any service, all of the lifeboats on a particular vessel shall be fitted with the same type of disengaging apparatus.

(5) Vessels certificated for coastwise service the keels of which were laid prior to July 2, 1915, during the interval between May 15 and September 15 in any one year, both dates inclusive, shall have sufficient lifeboats, liferafts, or buoyant apparatus to accommodate all persons on board, not more than 30 percent of which may be in buoyant apparatus and not more than a total of 65 percent may be in liferafts and buoyant apparatus.

Subpart 75.15—Stowage and Marking of Lifeboats, Liferafts, Lifefloats, and Buoyant Apparatus

§ 75.15–1 Application.

(a) The provisions of this subpart, with the exception of § 75.15–90, shall apply to all vessels contracted for on or after May 26, 1965. Vessels contracted for prior to May 26, 1965, shall meet the requirements of § 75.15–90.

§ 75.15–5 General.

(a) The lifeboats, liferafts, lifefloats, and buoyant apparatus shall be readily available in case of emergency, and shall be kept in good working order and available for immediate use at all times when the vessel is being navigated and, insofar as reasonable and practicable, while the vessel is not being navigated. The emergency lifeboats required by § 75.10–10 (a) (3) shall have their sea painters passed along forward on the vessel when at sea.

(b) The decks on which lifeboats, liferafts, lifefloats, and buoyant apparatus are carried shall be kept clear of freight or any other obstructions which would interfere with the immediate launching of the lifesaving appliance.

§ 75.15–10 Stowage.

(a) Lifeboats, liferafts, lifefloats, and buoyant apparatus shall be stowed in such a manner that:

(1) They are capable of being launched in the shortest possible time.

(2) They shall not impede the launching or handling of other lifesaving appliances.

(3) They shall not impede the marshalling of persons at the embarkation stations, or their embarkation.

(4) They shall be capable of being put in the water safely and rapidly even under unfavorable conditions of list and trim.

(b) Lifeboat stowage shall be as follows:

(1) Every lifeboat shall be attached to a separate set of davits.

(2) Suitable access to the lifeboats shall be provided to enable the crew to prepare the lifeboats for launching.

(3) Lifeboats shall be so stowed that embarkation into them may be made rapidly and in good order.

(4) Lifeboats shall not be stowed in the bows of the vessel nor as far aft as to be endangered by the propellers or overhang of the stern.

(5) Lifeboats shall be so stowed that it shall not be necessary to lift them in order to swing out the davits.

(6) Lifeboats may be stowed on more than one deck, provided proper measures are taken to prevent lifeboats on a lower deck being fouled by those stowed on a deck above.

(7) Means shall be provided for bringing the lifeboats against the ship's side and holding them there so that persons may be safely embarked.

(8) Vessels in ocean or coastwise service shall be fitted with skates or other suitable means to facilitate launching against an adverse list of up to 15 degrees. However, skates may be dispensed with if, in the opinion of the Commandant, the arrangements are such as to insure that the lifeboats can be satisfactorily launched without such skates.

(9) Ocean and coastwise vessels fitted with radial davits shall, when the weather permits, have one of the lifeboats on each side swung out while at sea, griped in to a boom or rail, and ready for immediate use.

(10) On vessels in ocean and coastwise service, where applicable, means shall be provided outside the machinery space to prevent the discharge of water into the lifeboats while they are being lowered. This shall consist of baffles to deflect the water down the vessel's side, or reach rods, or other means to close the discharge openings.

(c) Liferaft stowage shall be as follows:

(1) Liferafts for which approved launching devices are required shall be distributed equally on each side of the ship and shall be stowed so as to be readily accessible to the launching device which serves them. They shall not be stowed in the bows of the vessel nor as far aft as to be endangered by the propellers or overhang of the stern. Such liferafts shall be capable of being put into the water loaded with their full complement of persons and equipment even with unfavorable conditions of trim and a list of 15 degrees either way.

(2) Means shall be provided outside the machinery space to prevent discharge of water into liferafts launched at fixed positions or from approved launching devices.

(3) The liferafts for which approved launching devices are not required shall be capable of being launched even with unfavorable conditions of trim and a list of 15 degrees either way.

(4) On vessels fitted with approved devices for launching liferafts, all liferafts shall be of a size and type which is capable of being launched from such devices.

(5) Type A liferafts shall be stowed on standard skids constructed in accordance with Subpart 160.042 of Subchapter Q (Specifications) of this chapter.

(6) Type B liferafts shall be stowed in such a manner that they may be readily launched.

(7) The additional liferaft required on Great Lakes vessels by Table 75.10–20(a) shall be stowed in such a manner that it will float clear in the event of sinking of the vessel. The requirements of the other subparagraphs in this paragraph need not be complied with for such liferaft.

(8) Inflatable liferafts shall be stowed in such a manner that they will float free in the event of the vessel sinking. Stowage and launching arrangements will be to the satisfaction of the Officer in Charge, Marine Inspection.

(d) Lifefloat and buoyant apparatus stowage shall be as follows:

(1) Lifefloats and buoyant apparatus shall be stowed in such a manner as to be readily launched. Lifefloats and buoyant apparatus exceeding 400 pounds in weight shall be stowed in such a manner as not to require lifting before launching.

(2) Lifefloats and buoyant apparatus shall not be secured to the vessel except by lashings which can be easily slipped. They may be stowed in tiers one above the other, but not more than four high. When stowed in tiers, the separate units shall be kept apart by suitable distance pieces.

(3) Means shall be provided to prevent shifting.

§ 75.15–15 Marking.

(a) Lifeboats, liferafts, lifefloats, and buoyant apparatus shall be marked as required by §§ 78.47–60 and 78.47–63 of this subchapter.

§ 75.15–90 Vessels contracted for prior to May 26, 1965.

(a) Vessels contracted for prior to May 26, 1965, shall meet the following requirements:

(1) The provisions of §§ 75.15–5 through 75.15–15 shall be met except as further set forth in this paragraph.

(2) The requirements of § 75.15–10(b) (8) shall apply unless, in the opinion of the Officer in Charge, Marine Inspection, it is unreasonable or impracticable or the arrangements or construction of the vessel make the use of skates or similar appliances unnecessary.

(3) The requirements of § 75.15–10(b) (10) need only apply if it is deemed reasonable and practicable by the Officer in Charge, Marine Inspection.

(4) Existing vessels having nested lifeboats may continue such arrangements. However, no subsequent modification, replacement, or rearrangement may result in a greater capacity in the nested lifeboats nor a greater number of persons being permitted aboard the vessel.

Subpart 75.20—Equipment for Lifeboats, Liferafts, Lifefloats, and Buoyant Apparatus

§ 75.20–1 Application.

(a) The provisions of this subpart, with the exception of § 75.20–90, shall apply to all vessels contracted for on or after May 26, 1965. Vessels contracted for prior to May 26, 1965, shall meet the requirements of § 75.20–90.

§ 75.20–5 General.

(a) Equipment for lifeboats, liferafts, lifefloats, and buoyant apparatus shall be of good quality, efficient for the purpose they are intended to serve, and kept in good condition.

(b) Lifeboats, liferafts, lifefloats, and buoyant apparatus shall be fully equipped before the vessel is navigated and the equipment shall remain in such lifesaving appliances throughout the voyage. In any case, such lifesaving appliances shall be fully equipped at all times when passengers are on board.

(c) It shall be unlawful to stow in any lifeboat, liferaft, lifefloat or buoyant apparatus, any article not required by this subpart unless such article can be properly stowed so as not to reduce the seating capacity or space available to the occupants and so as not to adversely affect the seaworthiness of such appliances or, in the case of lifeboats, overload the davits or winches.

(d) Loose equipment, except boat hooks in lifeboats, shall be securely attached to the lifesaving appliance to which it belongs.

§ 75.20–10 Required equipment for lifeboats.

(a) The lifeboats for all vessels shall be equipped in accordance with Table 75.20–10(a). For a description of the items contained in this table, and the units comprising the items, see the applicable paragraphs of § 75.20–15. The letter identification prefixing the item in the table corresponds to the paragraph designations in § 75.20–15.

TABLE 75.20–10(a)

Letter identification	Item	Ocean and coastwise	Great Lakes	Lakes, bays and sounds, and rivers
a	Bailer	1	1	None
b	Bilge pump	1 2	None	None
c	Boathooks	2	1	1
d	Bucket	2	1	1
e	Compass and mounting	1	None	None
f	Ditty bag	1	None	None
g	Drinking cups	1	None	None
h	Fire extinguishers (motor-propelled lifeboats only)	2	2	2
i	First aid kit	1	None	None
j	Flashlight	1	1	None
k	Hatchets	2	2	1
l	Heaving line	2	None	None
m	Jackknife	1	None	None
n	Ladder, lifeboat gunwale	1	None	None
o	Lantern	1	1	1
p	Lifeline	1	1	1
q	Life preservers	2	2	2
r	Locker	1	1	None
s	Mast and sail (oar-propelled lifeboats only)	1	None	None
t	Matches (boxes)	2	1	1
u	Milk, condensed (pounds per person)	1	None	None
v	Mirrors, signaling	2	None	None
w	Oars	1	1	1
x	Oil, illuminating (quarts)	1 unit	1 unit	1 unit
y	Oil, storm (gallons)	1	1	None
z	Painter	1	1	None
aa	Plugs	2	2	1
bb	Provisions (pounds per person)	1	1	1
cc	Radio installation	2	None	None
dd	Rowlocks	1	None	None
		1 unit	1 unit	1 unit

See footnotes at end of table.

TABLE 75.20-10(a)—Continued

Letter identification	Item	Ocean and coastwise	Great Lakes	Lakes, bays and sounds, and rivers
ee	Rudder and tiller	1	1	None
ff	Sea anchor	1	1	None
gg	Searchlight	[2] 1	None	None
hh	Signals, distress, floating orange smoke	2	None	None
ii	Signals, distress, red hand flare	[2] 1 unit	[2] ½ unit	None
jj	Signals, distress, red parachute flare	[3] [4] 1 unit	[2] 1 unit	None
kk	Tool kit (motor-propelled lifeboats only)	[2] 1 unit	[2] 1 unit	[2] 1 unit
ll	Water (quarts per person)	3	None	None
mm	Whistle, signaling	1	None	None
nn	Fishing kit	1	None	None
oo	Cover, protecting	1	None	None
pp	Signals, lifesaving	1	None	None
qq	Desalting kit	[5] 1	None	None

[1] Motor-propelled lifeboats, certified for 100 or more persons, shall be fitted with an additional hand bilge pump of an approved type or a power bilge pump.
[2] For description of units, see § 75.20-15.
[3] Required only on motor-propelled lifeboats fitted with radio cabin, see § 76.10-5(a)(5).
[4] Vessels in coastwise service need only carry 1 unit for each 5 lifeboats or fraction thereof.
[5] Optional equipment. See § 75.20-15(11), water.

§ 75.20–15 Description of equipment for lifeboats.

(a) *Bailer.* The bailer shall have a lanyard attached and shall be of sufficient size and suitable for bailing.

(b) *Bilge pump.* Bilge pumps shall be of an approved type, constructed in accordance with Subpart 160.044 of Subchapter Q (Specifications) of this Chapter. They shall be of the size given in Table 75.20–15 (b) depending upon the capacity of the lifeboat as determined by the six-tenths rule as described in § 160.035–8 (b) of Subchapter Q (Specifications) of this chapter.

TABLE 75.20-15 (b)

Capacity of lifeboat cubic feet		Bilge pump size
Over	Not over	
----	330	1
330	700	2
700	----	3

(c) *Boathooks.* Boathooks shall be of the single hook ball point type. Boathook handles shall be of clear grained white ash, or equivalent, and of a length and diameter as given in Table 75.20–15(c).

TABLE 75.20-15 (c)

Length of lifeboat, feet		Boathook handles	
Over	Not over	Diameter, inches	Length, feet
----	23	1¼	8
23	29	1¾	10
29	----	2	12

(d) *Bucket.* The bucket shall be of heavy gage galvanized iron, or other suitable corrosion resistant metal, of not less than 2 gallons capacity, and shall have a 6-foot lanyard of 12 thread manila attached.

(e) *Compass and mounting.* The compass and mounting shall be of an approved type constructed in accordance with United States Coast Guard specification dated December 14, 1944.

(f) *Ditty bag.* The ditty bag shall consist of a canvas bag and shall contain a sailmaker's palm, needles, sail twine, marline, and marline spike.

(g) *Drinking cups.* Drinking cups shall be enamel coated or plastic, graduated in ounces, and be provided with lanyards 3 feet in length.

(h) *Fire extinguisher.* Fire extinguishers shall be of approved Type B–C, Size I (see § 76.50–5 of this subchapter). One shall be attached to each end of the lifeboat.

(i) *First aid kit.* The first aid kit shall be of an approved type, constructed and fitted in accordance with Subpart 160.041 of Subchapter Q (Specifications) of this chapter.

(j) *Flashlight.* The flashlight shall be of an approved Type I, Size No. 3, constructed in accordance with Subpart 161.008 of Subchapter Q (Specifications) of this chapter. Three spare cells (or one 3-cell battery) and two spare bulbs, stowed in a watertight container, shall be provided with each flashlight. Batteries shall be replaced yearly during the annual stripping, cleaning, and overhaul of the lifeboat.

(k) *Hatchet.* Hatchets shall be of an approved type, constructed in accordance with Subpart 160.013 of Subchapter Q (Specifications) of this chapter. They shall be attached to the lifeboat by individual lanyards and be readily available for use, one at each end of the lifeboat.

(l) *Heaving line.* The heaving line shall be of adequate strength, 10 fathoms in length, and 1 inch in circumference. It shall be of such quality as to be buoyant after 24 hours submergence.

(m) *Jackknife.* The jackknife (with can opener) shall be of an approved type, constructed in accordance with Subpart 160.043 of Subchapter Q (Specifications) of this chapter.

(n) *Ladder, lifeboat gunwale.* The lifeboat gunwale ladder shall consist of 3 flat wood steps cut out for hand holds. The steps shall be spaced 12 inches apart and fastened with ⅝ inch-diameter manila rope. Each rope end shall be tied inside the lifeboat at about amidships with the ladder stowed on top of the side benches and ready for immediate use. Other suitable devices may be specifically approved.

(o) *Lantern.* The lantern shall contain sufficient oil to burn for at least 9 hours, and shall be ready for immediate use.

(p) *Lifeline.* The lifeline shall be properly secured to both sides of the lifeboat along its entire length, festooned in bights not longer than 3 feet, with a seine float in each bight, which float may be omitted if the line is of an inherently buoyant material and absorbs little or no water. The lifeline shall be of a size and strength not less than ⅜-inch diameter manila. The bights shall hang to within 12 inches of the water when the lifeboat is light.

(q) *Life preservers.* Life preservers shall be of an approved type, constructed in accordance with the applicable subparts of Subchapter Q (Specifications) of this chapter.

(r) *Locker.* The locker shall be suitable for the storage and preservation of the small items of equipment.

(s) *Mast and sail.* A unit, consisting of a standing lug sail together with the necessary spars and rigging, shall be provided in general agreement with Table 75.20–15 (s). The sails shall be of good quality canvas, colored Indian Orange (Cable No. 70072, Standard Color Card of America). Rigging shall consist of galvanized wire rope not less than 3/10 inch in diameter. The sail and gear shall be protected by a suitable canvas cover.

TABLE 75.20-15 (s)

Length of lifeboat, feet		Standing lug sail							Mast [1]		Yard [1]	
Over	Not over	Area square feet	Luff and head length	Leach length	Foot length	Clew to throat	Ounces per square yard	Commercial designation number	Length	Diameter	Length	Diameter
			ft. in.	ft. in.	ft. in.	ft. in.			ft. in.	in.	ft. in.	in.
----	17	58	5 11	12 1	8 10	10 10	14.35	10	11 2	3	6 11	2
17	19	74	6 8	13 8	10 0	12 2	14.35	10	12 6	3	7 8	2
19	21	93	7 6	15 1	11 2	13 8	14.35	10	13 10	3½	8 5	2½
21	23	113	8 3	16 11	12 4	15 1	14.35	10	15 2	3½	9 3	2½
23	25	135	9 0	18 6	13 6	16 6	14.35	10	16 6	4	10 0	3
25	27	158	9 9	20 0	14 7	17 10	17.50	8	17 10	4	10 9	3
27	29	181	10 5	21 5	15 7	19 1	17.50	8	19 2	4½	11 5	3½
29	31	203	11 0	22 8	16 6	20 3	20.74	6	20 6	4½	12 0	3½
31	[2]	[2]	[2]	[2]	[2]	[2]	[2]	[2]	[2]	[2]	[2]	[2]

[1] Mast lengths measured from heel to center of upper halyard sheave. Mast diameters measured at thwart. Mast and yard shall be of clear grained spruce, fir, or equivalent.
[2] Subject to special consideration.

(t) *Matches.* A box of friction matches in a watertight container stowed in an equipment locker or secured to the underside of the stern thwart if no locker is fitted.

(u) *Milk, condensed.* One pound of condensed milk shall be provided for each person the lifeboat is certified to carry, to be stowed in lockers or other compartments providing suitable protection.

(v) *Mirrors, signaling.* Signaling mirrors shall be of an approved type.

(w) *Oars.* A unit, consisting of a complement of rowing oars and a steering oar, shall be provided for each lifeboat in accordance with Table 75.20–15 (w), except that motor-propelled and hand-propelled lifeboats need only be equipped with 4 rowing oars and 1 steering oar. In any case, the emergency lifeboats shall be provided with the full complement of oars prescribed by the table. All oars shall be buoyant.

TABLE 75.20-15 (w)

Length of lifeboat, feet		Number of oars		Length of oars, feet	
Over	Not over	Rowing	Steering	Rowing	Steering
----	15	4	1	8	9
15	19	6	1	10	11
19	21	6	1	11	12
21	23	6	1	12	13
23	25	8	1	13	14
25	27	8	1	14	15
27	----	8	1	15	16

(x) *Oil, illuminating.* One quart of illuminating oil shall be provided in a metal container.

(y) *Oil, storm.* One gallon of vegetable, fish, or animal oil shall be provided in a suitable metal container so constructed as to permit a controlled distribution of oil on the water, and so arranged that it can be attached to the sea anchor.

(z) *Painter.* Painters shall be of manila rope not less than 2¾ inches in circumference, or equivalent, and of a length not less than 3 times the distance between the deck on which the lifeboat is stowed and the light draft of the vessel. For lifeboats on vessels in ocean, coastwise, or Great Lakes service one of the painters shall have a long eye splice and shall be attached to the thwart with a toggle. The other painter shall be attached to the stem.

(aa) *Plug.* The automatic drain plug required in the lifeboat shall be provided with a cap or plug attached to the lifeboat by a suitable chain.

(bb) *Provisions.* Two pounds of hard bread or its approved equivalent shall be provided for each person the lifeboat is certified to carry. The provisions shall be packaged in hermetically sealed cans of an approved type. The cans shall be stowed in lockers or other compartments providing suitable protection.

(cc) *Radio installation.* The radio installation shall comply with the requirements of the Federal Communications Commission.

(dd) *Rowlocks.* A unit, consisting of sufficient rowlocks and rowlock sockets for each oar required by Table 75.20–15 (w) plus two additional rowlocks. The rowlocks shall be attached to the lifeboat by separate chains so as to be available for immediate use, except that the two additional spare rowlocks shall be carried in the equipment locker or stowed near the stern if no locker is fitted. The rowlocks and rowlock sockets shall be distributed so as to provide the maximum amount of single banked oars practicable.

(ee) *Rudder and tiller.* The rudder and tiller shall be constructed in accordance with § 160.035–3 (t) in Subpart 160.035 of Subchapter Q (Specifications) of this chapter.

(ff) *Sea anchor.* The sea anchor shall be of an approved type.

(gg) *Searchlight.* The searchlight shall be of an approved type, constructed in accordance with Subpart 161.006 of Subchapter Q (Specifications) of this chapter. If installed on a lifeboat equipped with a radio cabin, it shall be securely mounted to the top of the radio cabin and its source of power shall be capable of operating the light intermittently (10 minutes of continuous operation per hour) for a period of at least 3 hours. Where the power for the radio equipment and the searchlight are derived from the same source, it shall be sufficient to provide for adequate operation of both appliances. On lifeboats without a radio cabin, means shall be provided to mount it readily. The mounting may be of a portable type (stanchion type or collapsible type). The source of power shall be connected with watertight electrical fittings as required in Subpart 111.60 of Subchapter J (Electrical Engineering) of this chapter. When not in use, it shall be securely stowed safely, free from any possible damage. Two spare bulbs shall be provided with each installation.

(hh) *Signals, distress, floating orange smoke.* Two approved floating orange smoke distress signals, constructed in accordance with Subpart 160.022 of Subchapter Q (Specifications) of this chapter. The service use of this equipment shall be limited to three years from date of manufacture, and replacement shall be made no later than the first annual inspection of the vessel after the date of expiration.

(ii) *Signals, distress, red hand flare.* A unit, consisting of twelve approved hand red flare distress signals in a watertight container, constructed in accordance with Subpart 160.021 or Subpart 160.023 of Subchapter Q (Specifications) of this chapter. The service use of this equipment shall be limited to three years from date of manufacture, and replacement shall be made no later than the first annual inspection of the vessel after the date of expiration.

(jj) *Signals, distress, red parachute flare.* A unit, consisting of twelve approved parachute red flare distress signals, with an approved means of projecting them, all contained in a portable watertight container; or twelve approved hand-held rocket-propelled parachute red flare distress signals contained in a portable watertight container. Construction shall be in accordance with Subparts 160.024 and 160.028 or Subpart 160.036 of Subchapter Q (Specifications) of this chapter. The service use of this equipment shall be limited to three years from date of manufacture, and replacement shall be made no later than the first annual inspection of the vessel after the date of expiration.

(kk) *Tool kit.* The tool kit shall consist of at least the following tools contained in a suitable container:

(1) One 12-ounce ball peen hammer,
(2) One screwdriver with 6-inch blade.
(3) One pair 8-inch slip joint pliers.
(4) One 8-inch adjustable end wrench.

(ll) *Water.* (1) For each person the lifeboat is certified to carry, there shall be provided 3 quarts of drinking water consisting of nine approved hermetically sealed containers per person constructed and filled in accordance with Subpart 160.026 of Subchapter Q (Specifications) of this chapter. The service life of this equipment shall be limited to 5 years from date of packing, and replacement of outdated containers shall be made at the first annual inspection of the vessel after the date of expiration. Approved desalting kits capable of producing an equal amount of drinking water may be substituted for not more than one-third of the drinking water required to be carried in the lifeboat.

(2) The drinking water containers shall be stowed in drinking water tanks, lockers, or other compartments providing suitable protection.

(mm) *Whistle, signaling.* The whistle shall be of the ball-type, of corrosion-resistant construction, with a 3-foot lanyard attached, and in good working order.

(nn) *Fishing kit.* The fishing kit shall be of approved type constructed in accordance with Subpart 160.061 of Subchapter Q (Specifications) of this chapter.

(oo) *Cover, protecting.* The protecting cover shall be of a highly visible color, and capable of protecting the occupants against injury by exposure.

(pp) *Table of lifesaving signals.* The table shall be in accordance with the provisions of Chapter V, Regulation 16, of the International Convention for Safety of Life at Sea, 1960, and shall be printed on water resistant paper.

(qq) *Desalting kit.* One or more approved desalting kits may be used as a substitute for one-third of the required amount of drinking water per person, and shall be in accordance with Subpart 160.058 of Subchapter Q (Specifications) of this chapter.

§ 75.20–20 Required equipment for liferafts.

(a) The liferafts for all vessels shall be equipped in accordance with Table 75.20–20(a). For a description of the items contained in this table and the units comprising the items, see the applicable paragraphs of § 75.20–25. The letter identification prefixing the item in the table corresponds to the paragraph designation in § 75.20–25.

TABLE 75.20-20(a)

Letter identification	Item	Ocean and coastwise	Great Lakes	Lakes, bays, sounds, and rivers
a	Boathook	1	1	1
b	Drinking cups	1	None	None
c	Jackknife	1	None	None
d	Lifeline	[1] 1	[1] 1	[1] 1
e	Matches (boxes)	1	1	None
f	Mirrors, signaling	2	None	None
g	Oars	[2] 1 unit	[2] 1 unit	[2] 1 unit
h	Oil, storm (gallons)	1	1	None
i	Painter	1	1	1
j	Provisions (pounds per person)	2	None	None
k	Rowlocks	[2] 1 unit	[2] 1 unit	[2] 1 unit
l	Sea anchor	1	1	None
m	Signals, distress	[2] 1 unit	[2] 1 unit	None
n	Water (quarts per person)	1	None	None
o	Water light	1	1	None

[1] Not required on Type A liferafts.
[2] For description of units see § 75.20-25.
[3] 1 unit here means 6 hand red flare distress signals and 6 parachute red flare distress signals with an approved means of projecting them.

(b) Inflatable liferafts shall be equipped with ocean service equipment for vessels on ocean and coastwise routes and with limited service equipment for vessels on Great Lakes, lakes, bays, sounds, and river routes in accordance with Subpart 160.051 of Subchapter Q (Specifications) of this chapter.

NOTE: Subpart 160.051 of Subchapter Q (Specifications) of this chapter requires the servicing of inflatable liferafts at approved servicing facilities. Included in the servicing at an approved servicing facility is a complete inspection of the required equipment by a marine inspector.

§ 75.20-25 Description of equipment for liferafts.

(a) *Boathook.* Boathooks shall be of the single hook ball point type. Boathook handles shall be of clear grained white ash, or equivalent, not less than 8 feet long and 1½ inches in diameter.

(b) *Drinking cups.* Drinking cups shall be enameled and shall be provided with ⅛ inch cotton lanyard, 3 feet in length.

(c) *Jackknife.* The jackknife (with can opener) shall be of an approved type, constructed in accordance with Subpart 160.043 of Subchapter Q (Specifications) of this chapter.

(d) *Lifeline.* The lifeline shall be properly secured around the sides and ends of the liferaft, festooned in bights not longer than 3 feet, with a seine float in each bight, which float may be omitted if the line is of an inherently buoyant material and aborbs little or no water. The lifeline shall be of a size and strength not less than ⅜-inch diameter manila.

(e) *Matches.* A box of friction matches in a watertight container.

(f) *Mirrors, signaling.* Signaling mirrors shall be of an approved type.

(g) *Oars.* A unit, consisting of 4 rowing oars and one steering oar not less than 8 feet in length shall be provided for liferafts for 7 persons or more. For liferafts for 6 persons or less, a unit shall consist of 2 paddles not less than 5 feet in length.

(h) *Oil, storm.* One gallon of vegetable, fish, or animal oil shall be provided in a suitable metal container so constructed as to permit a controlled distribution of oil on the water, and so arranged that it can be attached to the sea anchor.

(i) *Painter.* Painters shall be of manila rope not less than 2¾ inches in circumference and of a length not less than 3 times the distance between the deck on which the liferafts are stowed and the light draft of the vessel.

(j) *Provisions.* Two pounds of hard bread or its approved equivalent shall be provided for each person the liferaft is certified to carry. The provisions shall be packaged in hermetically sealed cans of an approved type. The cans shall be stowed in compartments providing suitable protection.

(k) *Rowlocks.* A unit consisting of 5 rowlocks attached to the liferaft by separate chains and ready for immediate use, together with proper rowlock sockets so arranged as to provide 4 rowing positions and one steering position with the liferaft floating either side up. Rowlocks and rowlock sockets are not required on liferafts for 6 persons or less.

(l) *Sea anchor.* The sea anchor shall be constructed of good quality canvas or other satisfactory material, and shall be not less than 2 feet in diameter.

(m) *Signals, distress.* A unit, consisting of equipment as specified in subparagraphs (1) to (3) of this paragraph. The service use of this equipment shall be limited to three years from date of manufacture, and replacement shall be made no later than the first annual inspection of the vessel after the date of expiration.

(1) Twelve approved hand red flare distress signals in a watertight container and two approved floating orange smoke distress signals, constructed in accordance with Subparts 160.021 and 160.022 of Subchapter Q (Specifications) of this chapter; or

(2) Twelve approved hand red flare distress signals in a watertight container and 12 approved hand orange smoke distress signals, constructed in accordance with Subparts 160.021 and 160.037 of Subchapter Q (Specifications) of this chapter; or

(3) Twelve approved hand combination flare and smoke distress signals, constructed in accordance with Subpart 160.023 of Subchapter Q (Specifications) of this chapter.

(n) *Water.* (1) For each person the liferaft is certified to carry, there shall be provided one quart of drinking water consisting of 3 approved hermetically sealed containers per person constructed and filled in accordance with Subpart 160.026 of Subchapter Q (Specifications) of this chapter. The service life of this equipment shall be limited to five years from date of packing, and replacement of outdated containers shall be made at the first annual inspection of the vessel after the date of expiration.

(2) The drinking water containers shall be stowed in compartments providing suitable protection.

(o) *Water light.* The water light shall be of an approved type, constructed in accordance with Subparts 160.012 or 161.001 of Subchapter Q (Specifications) of this chapter. The water light shall be attached to the liferaft by a 12-thread manila lanyard 3 fathoms in length.

§ 75.20-30 Required equipment for lifefloats and buoyant apparatus.

(a) The lifefloats and buoyant apparatus for all vessels shall be equipped in accordance with Table 75.20-30(a). For a description of the items contained in this table, and the units comprising the items, see the applicable paragraphs of § 75.20-35. The letter identification prefixing the item in the table corresponds to the paragraph designation in § 75.20-35.

TABLE 75.20-30(a)

Letter identification	Item	Number required for each lifefloat and buoyant apparatus: Ocean and coastwise	Great Lakes	Lakes, bays, sounds; and rivers
a	Boathook [1]	1	1	1
b	Lifeline	1	1	1
c	Paddles [1]	4	4	4
d	Painter	1	1	1
e	Water light [2]	1	1	None

[1] Buoyant apparatus need not be equipped with boathook or paddles.
[2] Equipment for 24 persons or less not required to have a water light.

§ 75.20-35 Description of equipment for lifefloats and buoyant apparatus.

(a) *Boathook.* Boathooks shall be of the single hook ball point type. Boathook handles shall be of clear grained white ash, or equivalent, not less than 6 feet long and 1½ inches in diameter.

(b) *Lifeline.* The lifeline shall be properly secured around the sides and ends of the lifefloat or buoyant apparatus, festooned in bights not longer than 3 feet, with a seine float in each bight, which float may be omitted if the line is of an inherently buoyant material and absorbs little or no water. The lifeline shall be of a size and strength not less than ⅜-inch diameter manila.

(c) *Paddles.* Paddles shall be not less than 5 feet long.

(d) *Painter.* (1) The painter for buoyant apparatus shall be of manila rope not less than 2 inches in circumference and of a length not less than 6 feet plus the distance between the deck on which the buoyant apparatus is stowed and the light draft of the vessel.

(2) The painter for lifefloats shall be of manila rope not less than 2¾ inches in circumference and of a length not less than 3 times the distance between the deck on which the lifefloats are stowed and the light draft of the vessel.

(e) *Water light.* The water light shall be of an approved type, constructed in accordance with Subparts 160.012 or 161.001 of Subchapter Q (Specifications) of this chapter. The water light shall be attached to the lifefloat or buoyant apparatus by a 12-thread manila lanyard 3 fathoms in length.

§ 75.20-90 Vessels contracted for prior to May 26, 1965.

(a) Vessels contracted for prior to May 26, 1965, shall meet the following requirements:

(1) Except as specifically modified by this paragraph, the requirements of §§ 75.20-5 through 75.20-35 shall be complied with insofar as the number of items of equipment and the method of stowage of the equipment is concerned. Existing items of equipment previously approved, but not meeting the applicable specifications or requirements set forth in §§ 75.20-5 through 75.20-35 may be continued in service so long as they are maintained in a good condition to the satisfaction of the Officer in Charge, Marine Inspection. All new installations or replacements shall meet the applicable specifications or requirements in this part.

(2) Lifeboats previously approved without automatic drain plugs shall have two plugs or caps attached to the lifeboat by separate chains.

(3) Decked lifeboats shall have no drain holes or plugs, but shall be equipped with two bilge pumps.

(4) On vessels in ocean or coastwise service and contracted for prior to November 19, 1952, unless other approved means are provided to achieve the same purpose, three ½-inch diameter manila grablines shall be fitted extending from gunwale to gunwale under the keel to enable persons to cling to and climb upon the upturned lifeboat. The ends of each grabline shall be securely attached to the side benches or other permanent part of the lifeboat and each grabline shall be made up with figure eight knots spaced approximately 18 inches apart in order to provide hand grips. Means shall be provided for taking up any slack in the grablines.

Subpart 75.25—Davits for Lifeboats

§ 75.25-1 Application.

(a) The provisions of this subpart, with the exception of § 75.25-90, shall apply to all vessels contracted for on or after May 26, 1965. Vessels contracted for prior to May 26, 1965, shall meet the requirements of § 75.25-90.

§ 75.25-5 General.

(a) All gravity and mechanical type davits shall be of an approved type, constructed in accordance with Subpart 160.032 of Subchapter Q (Specifications) of this chapter.

(b) Davits for lifeboats weighing in excess of 5,000 pounds when fully equipped (but without persons), shall be of the gravity type.

(c) All davits shall be so arranged that the lifeboats do not require lifting prior to being swung out.

(d) All davits and necessary gear shall be such as to meet the requirements for the installation test set forth in Subpart 75.35. The design, arrangements, and installation shall be such as to preclude undue delay in getting the lifeboats into the water, and shall be of such strength that the lifeboats can be turned out manned by a launching crew and then safely lowered with the full complement of persons and equipment, with the ship listed to 15 degrees either way and with a 10-degree trim.

(e) Radial davits, where permitted, shall comply with the following requirements:

(1) They shall be fitted with means to prevent them from being jerked from their sockets.

(2) They shall maintain a factor of safety of six based on the weight of the fully equipped and loaded lifeboat, except that the weight of the fully equipped lifeboat alone may be used where the lifeboat is launched before being loaded with passengers and crew.

(3) They shall be fitted with hand gear of sufficient power to insure that the boat can be turned out against a maximum list of 15 degrees.

(4) They shall be shop tested and show no permanent set or undue stress when subjected to a load equal to 2.2 times the working load. In addition, they shall be shop tested with a load equal to 1.1 times the weight of the fully equipped lifeboat with the davit set up to simulate a 15-degree list inboard, and it shall be determined that the hand gear can adequately handle the load in this condition.

(f) Davits shall be so disposed on one or more decks as to permit the lifeboats placed under them to be safely lowered without interference from the operation of any other davits.

(g) On a vessel on which inflatable life rafts have been substituted for lifeboats, a launching device for each lifeboat to be used for rescue purposes shall be installed. Radial type davits or other means may be used in sheltered waters if acceptable to the Officer in Charge, Marine Inspection.

§ 75.25-10 Requirements for vessels in ocean or coastwise service.

(a) All vessels shall be fitted with a set of approved gravity or mechanical davits for each lifeboat carried.

(b) All davit installations shall have two lifelines fitted to a davit span: *Provided*, That the span fitted to the davits which are used to handle the emergency lifeboats required by § 75.10-10(a)(3) shall have four such lifelines. The lifelines shall be of such length as to reach the water at the lightest seagoing draft with the vessel listed 15 degrees either way.

§ 75.25-15 Requirements for vessels in Great Lakes; lakes, bays, and sounds; or river service.

(a) All vessels shall be fitted with a set of approved gravity or mechanical davits for each lifeboat carried, except that on small vessels, radial type davits may be used if specifically approved by the Commandant.

(b) Davit installations on vessels in Great Lakes service shall have at least 2 lifelines fitted to a davit span. The lifelines shall be of such length as to reach the water at the lightest seagoing draft with the vessel listed 15 degrees either way.

§ 75.25-90 Vessels contracted for prior to May 26, 1965.

(a) Vessels contracted for prior to May 26, 1965, shall meet the following requirements:

(1) Except as specifically modified by this paragraph, the requirements of §§ 75.25-5 through 75.25-15 shall be complied with insofar as the number and general type of equipment is concerned. Existing items of equipment previously approved, but not meeting the applicable specifications or requirements set forth in §§ 75.25-5 through 75.25-15 may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs, alterations, and replacements may be made to the same standards as the original installation. However, all new installations or major replacements shall meet the applicable specifications or requirements in this subpart.

(2) On vessels the keels of which were laid after September 1, 1941, all davits for lifeboats weighing in excess of 5,000 pounds when fully equipped (but without persons) shall be of the gravity type.

(3) Existing vessels having nested lifeboats may continue such arrangements.

Subpart 75.27—Inflatable Liferaft Launching Devices

§ 75.27-1 Application.

(a) The provisions of this subpart shall apply to all vessels on an international voyage on which liferafts were permitted to be substituted for lifeboats under the provisions of § 75.10-10(a)(5).

§ 75.27-5 General.

(a) All launching devices for putting liferafts loaded with persons in the water shall be of an approved type.

(b) The design, arrangement, and installation of all launching devices shall be such as to preclude any undue delay in getting the liferafts safely into the water loaded with their full complement of persons and equipment even with unfavorable conditions of trim and a list of 15 degrees either way. The design shall provide a factor of safety of at least 6 in these conditions, based upon the ultimate strength of the materials.

(c) Launching devices shall be so arranged that after the rafts are loaded with persons, they do not require lifting prior to being swung out or lowered.

(d) Launching devices shall be provided with suitable means for detaching the liferafts from the falls which is operable from inside the liferaft, or by an automatic release which shall operate when the weight of the loaded raft is waterborne; however, such an automatic release shall be limited to rafts which are suspended from a single attachment point.

(e) Launching devices shall be provided with means for rapidly retrieving the falls by hand power.

(f) The number of approved liferaft launching devices required to be provided and the number of liferafts allocated to each launching device shall be as determined by the Commandant, and shall be such that fully loaded liferafts and lifeboats of sufficient capacity to accommodate all persons on board can be put into the water in not more than 30 minutes in calm conditions.

(g) On vessels where approved liferaft launching devices are required, they shall be distributed equally on each side of the vessel, and in no case shall there be less than two launching devices, one on each side.

Subpart 75.30—Lifeboat Winches

§ 75.30–1 Application.

(a) The provisions of this subpart, with the exception of § 75.30–90, shall apply to all vessels contracted for on or after May 26, 1965. Vessels contracted for prior to May 26, 1965, shall meet the requirements of § 75.30–90.

§ 75.30–5 General.

(a) All lifeboat winches shall be of an approved type, constructed in accordance with Subpart 160.015 of Subchapter Q (Specifications) of this chapter.

(b) Where ice conditions are likely to be encountered, suitable fabric covers shall be provided for all lifeboat winches, so fitted over exposed mechanism, that ice formations may be readily broken adrift when necessary to operate the winch.

(c) Where lifeboat winches are used, wire falls shall be employed.

§ 75.30–10 Number and type required.

(a) Lifeboat winches shall be fitted for each set of davits on all vessels where the height of the deck on which lifeboats are carried exceeds 20 feet from the lightest seagoing draft.

(b) Lifeboat winches shall be used in all cases where gravity type davits are employed.

(c) Lifeboat winches for use with gravity davits shall have grooved drums of such size that there will be only one layer of wire on the drums. Lifeboat winches for use with mechanical davits need not have grooved drums, and may be designed to take more than one layer of wire.

(d) Lifeboat winches shall be fitted for each set of davits used for the emergency lifeboats, and in addition to meeting all other requirements for winches, the emergency lifeboat winch shall be capable of recovering the emergency lifeboat with its full complement of persons and equipment at a hoisting speed of not less than 20 feet per minute.

§ 75.30–15 Installation.

(a) Lifeboat winches shall be so located that the operator can observe the movement of the lifeboat during the lowering operation. In addition, any electrical controls provided shall meet the requirements of § 111.65–40 of Subchapter J (Electrical Engineering) of this chapter.

(b) The lead of the falls to the lifeboat winches and length and size of wire shall be in accordance with Subpart 75.33.

§ 75.30–90 Vessels contracted for prior to May 26, 1965.

(a) Vessels contracted for prior to May 26, 1965, shall meet the following requirements:

(1) Except as specially modified by this paragraph, the requirements of §§ 75.30–5 through 75.30–15 shall be complied with insofar as the number and general type of equipment is concerned. Existing items of equipment previously approved, but not meeting the applicable specifications or requirements set forth in §§ 75.30–5 through 75.30–15 may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. However, all new installations or major replacements shall meet the applicable specifications or requirements in this part.

(2) Vessels certificated for river service need not comply with the requirements of § 75.30–10(a).

(3) Existing arrangements previously approved, but not meeting the requirements of § 75.30–10(d) or § 75.30–15(a), need not be changed. However, new installations or major alterations should conform with such requirements where reasonable and practicable.

(4) Where lifeboat winches are used with gravity davits, the installation shall comply with the requirements contained in § 160.015–3(k), of Subpart 160.015 (Lifeboat Winches) of Subchapter Q (Specifications) of this chapter.

(5) Lifeboat winches for use with nested lifeboats shall be provided with suitable means for rapidly retrieving the falls by handpower unless separate falls are provided for each lifeboat.

Subpart 75.33—Blocks and Falls for Lifeboats

§ 75.33–1 Application.

(a) The provisions of this subpart, with the exception of § 75.33–90, shall apply to all vessels contracted for on or after May 26, 1965. Vessels contracted for prior to May 26, 1965, shall meet the requirements of § 75.33–90.

§ 75.33–5 General.

(a) All blocks, falls, fairleads, padeyes, shackles, links, fastenings, etc., used in connection with lifeboat gear shall be designed with a minimum factor of safety of six, based on the maximum working load.

(b) Falls shall be of such length that the lifeboat may be lowered to the water with the vessel at its lightest draft listed 15 degrees either way.

(c) Falls, where exposed and subject to damage or fouling, shall be suitably protected.

(d) Such blocks or other fittings shall be fitted as are necessary to permit the falls to lead fair in all positions to the davits.

(e) Means for lubrication shall be provided for all moving parts of blocks, sheaves, fairleads, etc.

§ 75.33–10 Installations where lifeboat winches are used.

(a) All falls shall be of wire rope.

(b) Wire rope falls of 6 x 19 regular lay filler wire construction, prelubricated at the factory with suitable neutral wire rope lubricant, shall be accepted as standard. Any other wire rope, superior or equal to this minimum standard may be used.

(c) Not more than 2-part falls may be used, except in special cases where 3-part falls may be permitted by the Commandant.

(d) The lead sheaves to the drum shall be located so as to provide fleet angles of not more than 8 degrees for grooved drums and not more than 4 degrees for nongrooved drums. By fleet angle is meant the angle included between the wire rope from the lead sheave to the drum (or drum extended) when it is perpendicular to the axis of the drum, and the wire rope from the lead sheave to either extremity of the drum.

(e) Sheaves shall have a diameter at the base of the groove at least equal to 12 times the diameter of the wire rope.

§ 75.33–15 Installations where lifeboat winches are not used.

(a) All falls shall be of manila rope or equivalent. Wire rope may not be used.

(b) All vessels of over 1,000 gross tons shall be provided with covered tubs, boxes, or reels for the stowage and protection of the falls, and cruciform bitts shall be provided for properly lowering the lifeboats. Vessels of 1,000 gross tons and less shall have the falls protected from ice and ready for immediate use, and shall be provided with suitable lowering bitts or cleats.

(c) There shall be ample clearance between the cheeks of all blocks. The width between the cheeks shall be one-half inch greater than the diameter of new rope when rope of 3¾-inch circumference or greater is used. Blocks for smaller rope shall be designed with proportional clearances.

§ 75.33–90 Vessels contracted for prior to May 26, 1965.

(a) Vessels contracted for prior to May 26, 1965, shall meet the following requirements:

(1) Except as specifically modified by this paragraph, the requirements of §§ 75.33–5 through 75.33–15, as applicable, shall be complied with insofar as the general type of equipment is concerned. Existing equipment previously approved, but not meeting the detailed requirements of §§ 75.33–5 through 75.33–15 may be continued in service so long as they

are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs, alterations, and replacements may be made to the same standards as the original installation. However, all new installations or major replacements shall meet the applicable requirements in this subpart.

(2) When nested lifeboats are used, the lower blocks shall be of the nontoppling type unless separate falls are provided for each lifeboat. Separate falls shall be provided for each lifeboat in all nested lifeboat installations not using wire falls.

Subpart 75.35—Installation of Lifeboats, Davits, and Winches

§ 75.35–1 Application.

(a) The provisions of this subpart shall apply to all installations contracted for on or after November 19, 1952, except as set forth in § 78.17–60 (c) of this subchapter.

§ 75.35–5 Tests and examinations.

(a) Upon completion of the installation of lifeboats, davits, or winches, tests and examinations as required by this section shall be made to the satisfaction of the inspector before the vessel may be navigated.

(b) The lifeboat shall be swung out from the chocks and lowered to the embarkation deck. At this point the lifeboat shall be loaded with deadweight equivalent to the number of persons allowed (165 pounds per person) together with weight of equipment, plus 10 percent of the total load including the weight of the lifeboat. No persons shall be permitted in the lifeboat while it is being loaded or lowered. The lifeboat shall then be lowered to the water and disengaged from the falls. If nested lifeboats are installed, both lifeboats shall be launched in the manner noted above. The following determinations shall be made:

(1) None of the equipment or parts thereof nor deck connections shall show signs of permanent set or excessive deflection.

(2) Mechanical and radial type davits shall be capable of being swung out without lifting the lifeboat.

(3) The falls shall be of sufficient length to lower the lifeboat as required by § 75.33–5(b).

(4) Where lifeboat winches are used, the following additional determinations shall be made:

(i) During lowering, the lifeboat shall be stopped at intervals of approximately 6 feet by the action of the counterweight alone. The counterweight shall be capable of stopping and holding the lifeboat. The brake action shall be smooth, but positive.

(ii) Brakes exposed to the weather shall be tested under the load conditions with the braking surfaces both wet and dry.

(iii) The governor brake shall be capable of controlling the speed of lowering of the fully equipped lifeboat with its complement of persons on board to not more than 120 feet per minute. In addition, the speed of lowering of the fully equipped lifeboat without its complement of persons shall be not less than 40 feet per minute. However, emergency lifeboats shall have a minimum lowering speed of 60 feet per minute in the fully equipped condition without persons aboard and a maximum lowering speed of 160 feet per minute in the fully equipped condition with the full complement of persons aboard.

(iv) Emergency lifeboat winches required to meet the provisions of § 75.30–10(d) shall be capable of recovering the emergency lifeboats in the fully equipped condition with the full complement of persons aboard at a hoisting speed of not less than 20 feet per minute.

(v) If nesting lifeboats are used, the hand-operated quick-return mechanism shall be tested. The action shall be easy enough for one man to recover the falls.

Subpart 75.37—Installation of Inflatable Liferaft Launching Devices

§ 75.37–1 Application.

(a) The provisions of this subpart shall be applicable to all installations contracted for on or after May 26, 1965, except as specifically noted.

§ 75.37–5 Tests and examinations.

(a) Upon completion of the installation of liferaft launching devices, tests and examinations as required by this section shall be made to the satisfaction of the marine inspector before the vessel may be navigated.

(b) A fully equipped liferaft shall be inflated at its embarkation position. It shall then be loaded with deadweight equivalent to the number of persons allowed (165 pounds per person), plus 10 percent of the total load, which shall include the weight of the fully equipped raft. The liferaft shall then be lowered to the water and disengaged from the falls. Necessary safety precautions shall be taken for persons engaged in the loading of the liferaft. No person shall be allowed in the liferaft while it is being lowered. The following determinations shall be made:

(1) None of the equipment or parts thereof nor deck connections shall show signs of permanent set or excessive deflection.

(2) Arrangements at the embarkation deck shall be such that persons may be rapidly and safely loaded into the liferaft.

(3) The fully loaded liferaft shall be capable of being swung out from the embarkation deck and lowered without lifting.

(4) The falls shall be of sufficient length to lower the liferaft to the light load line with the vessel heeled 15 degrees inboard and with a 10-degree trim.

(5) During lowering, the liferaft shall be stopped at intervals of approximately 6 feet by the action of the counterweight alone. The counterweight shall be capable of stopping and holding the liferaft. The brake action shall be smooth, but positive.

(6) Brakes exposed to the weather shall be tested under the load conditions with the braking surfaces both wet and dry.

(7) The governor brake shall be capable of controlling the speed of lowering the fully equipped liferaft with its complement of persons on board to not more than 120 feet per minute. In addition, the speed of lowering of the fully equipped liferaft without its complement of persons shall be not less than 40 feet per minute.

(8) The hand-operated quick-return mechanism shall be tested. The action shall be easy enough for one man to recover the falls.

(c) Other methods of testing liferaft launching devices to demonstrate compliance with paragraph (b) of this section, which do not involve the launching of a fully loaded raft may be authorized, if in the opinion of the Commandant, such alternate tests adequately demonstrate compliance with the requirements.

Subpart 75.40—Life Preservers

§ 75.40–1 Application.

(a) The provisions of this subpart, with the exception of § 75.40–90, shall apply to all vessels contracted for on or after May 26, 1965.

(b) Vessels contracted for prior to May 26, 1965, shall meet the requirements of § 75.40–90.

§ 75.40–5 General.

(a) All life preservers shall be of an approved type, constructed in accordance with Subparts 160.002, 160.005, or 160.055 of Subchapter Q (Specifications) of this chapter.

(b) All life preservers on vessels on an international voyage shall be provided with a whistle of the ball-type, of corrosion-resistant construction, with a 3-foot lanyard attached, and in good working order. It shall be attached to the life preserver by the lanyard alone without hooks, snaps, clips, etc., and shall extend not less than 15 inches from the life preserver body. While stowed on the life preserver, the whistle lanyard shall be coiled and stopped-off.

§ 75.40–10 Number and type required.

(a) All vessels shall be provided with an approved type life preserver for each person carried and in addition, shall be provided with a number of life preservers suitable for children equal to at least 10 percent of the persons carried.

(b) In addition to the life preservers required by paragraph (a) of this section, all vessels on an international voyage shall be provided with approved type life preservers for 5 percent of the persons carried.

§ 75.40–15 Distribution.

(a) Life preservers, including those especially provided for children, shall be properly distributed throughout the staterooms, berthings, and other places convenient for passengers and crew.

(b) The additional life preservers required by § 75.40–10(b) shall be stowed in conspicuous places on deck.

§ 75.40–20 Stowage.

(a) Lockers, boxes, and closets in which life preservers are stowed shall not be capable of being locked, shall be plainly marked, and the life preservers contained therein shall be readily available.

(b) Life preservers stowed overhead shall be so supported that they can be quickly released and distributed among the passengers. Where life preservers are stowed at a height greater than 7 feet from the deck below, efficient means shall be provided for their immediate release and distribution to be operated by persons standing on the deck.

§ 75.40–25 Notices.

(a) A printed notice, as described in §§ 78.47–47 and 78.47–50 of this subchapter, shall be posted in every passenger cabin and stateroom and in conspicuous places about the decks, informing passengers of the location of life preservers and describing and illustrating the method of donning and adjusting them.

§ 75.40–90 Vessels contracted for prior to May 26, 1965.

(a) Vessels contracted for prior to May 26, 1965, shall meet the following requirements:

(1) Except as specifically modified by this paragraph, the requirements of §§ 75.40–5 through 75.40–25 shall be complied with insofar as the number of items of equipment and the method of stowage and notice is concerned. Existing items of equipment previously approved, but not meeting the applicable specifications or requirements set forth in §§ 75.40–5 through 75.40–25 may be continued in service so long as they are serviceable and in good condition to the satisfaction of the Officer in Charge, Marine Inspection, except that:

(i) All kapok and fibrous glass life preservers which do not have plastic-covered pad inserts, as required by Subparts 160.002 and 160.005 of Subchapter Q (Specifications) of this chapter, shall be removed from service.

(2) Where prior to November 19, 1952, wood floats were substituted for approved type adult life preservers, such wood floats may be continued in service so long as they are serviceable and in good condition to the satisfaction of the Officer in Charge, Marine Inspection, on steam vessels in river service, barges carrying passengers while in tow of a steam vessel in other than ocean or coastwise service, and river ferryboats propelled by steam. Where permitted, wood floats shall be stowed in the most accessible spaces.

(3) All new installations or replacements shall meet the applicable specifications or requirements, except that:

(i) Cork and balsa wood life preservers, constructed in accordance with the applicable provisions of Subpart 160.003 or 160.004 and manufactured as approved life preservers prior to July 1, 1965, may be accepted as new or replacement equipment required by this subchapter if such life preservers are serviceable and in good condition to the satisfaction of the Officer in Charge, Marine Inspection: *Provided, however,* That such life preservers bearing basic Approval No. 160.003 or 160.004 shall not be considered as approved equipment meeting the requirements for those passenger ships on an international voyage, constructed or contracted for on or after May 26, 1965.

Subpart 75.43—Ring Life Buoys and Water Lights

§ 75.43–1 Application.

(a) The provisions of this subpart, with the exception of § 75.43–90, shall apply to all vessels contracted for on or after May 26, 1965. Vessels contracted for prior to May 26, 1965, shall meet the requirements of § 75.43–90.

§ 75.43–5 General.

(a) All ring life buoys shall be of an approved type, constructed in accordance with Subpart 160.009 or 160.050 of Subchapter Q (Specifications) of this chapter.

(b) All water lights shall be of an approved type, constructed in accordance with Subparts 160.012 or 161.001 of Subchapter Q (Specifications) of this chapter.

(c) All self-activating smoke signals shall be of an approved type, constructed in accordance with the requirements of Subpart 160.057 of Subchapter Q (Specifications) of this chapter which shall be capable of producing smoke of a highly visible color for at least 15 minutes.

§ 75.43–10 Number required.

(a) The minimum number of approved 30-inch ring life buoys, and the minimum number of which shall have water lights attached, shall be in accordance with Table 75.43–10 (a).

TABLE 75.43–10 (a)

Length of vessel in feet	Ocean		All services other than ocean	
	Minimum number of ring life buoys	Minimum number of ring life buoys in column 2 which shall have water lights attached	Minimum number of ring life buoys	Minimum number of ring life buoys in column 4 which shall have water lights attached
Column 1	Column 2	Column 3	Column 4	Column 5
Under 100	8	6	2	0
100 and under 200	8	6	4	2
200 and under 300	8	6	6	2
300 and under 400	12	6	12	4
400 and under 600	18	9	18	9
600 and under 800	24	12	24	12
800 and over	30	15	30	15

(b) One of the ring life buoys on each side of the vessel shall have secured to it a line at least 15 fathoms in length. On vessels on an international voyage, the line shall be of a buoyant type.

(c) On vessels on an international voyage, at least two of the ring life buoys with water lights attached as required by Table 75.43–10(a) shall also be provided with an approved self-activated smoke signal and shall be capable of quick release from the navigating bridge.

(d) On vessels on an international voyage, the ring life buoys required by this section shall be orange in color.

§ 75.43–15 Distribution and securing.

(a) All ring life buoys shall be placed so as to be readily accessible to the persons on board, and their positions plainly indicated so as to be known to the persons concerned.

(b) The ring life buoys shall always be capable of being cast loose, and shall not be permanently secured in any way.

§ 75.43–90 Vessels contracted for prior to May 26, 1965.

(a) Vessels contracted for prior to May 26, 1965, shall meet the following requirements:

(1) Except as specifically modified by this paragraph, the requirements of §§ 75.43–5 through 75.43–15 shall be complied with insofar as the number of items of equipment and the method of stowage is concerned. Existing items of equipment previously approved, but not meeting the applicable specifications or requirements set forth in §§ 75.43–5 through 75.43–15 may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. All new installations or replacements shall meet the applicable specifications or requirements in this subpart.

Subpart 75.45—Line-Throwing Appliances

§ 75.45–1 Application.

(a) The provisions of this subpart, with the exception of § 75.45–90, shall apply to all vessels on an international voyage and all other vessels of 150 gross tons and over certificated for ocean or coastwise service, contracted for on or after November 19, 1952. Such vessels contracted for prior to November 19, 1952, shall meet the requirements of § 75.45–90.

§ 75.45–5 General.

(a) Line-throwing appliances of the impulse-projected rocket type, and the equipment auxiliary thereto, shall be of an approved type, constructed in accordance with Subpart 160.040 of Subchapter Q (Specifications) of this chapter. The service use of rockets shall be limited to four years from date of manufacture, and replacement shall be made no later than the first annual inspection of the vessel after the date of expiration.

(b) Line-throwing appliances of the shoulder gun type, and the equipment auxiliary thereto, shall be of an approved type, constructed in accordance with Subpart 160.031 of Subchapter Q (Specifications) of this chapter.

§ 75.45–10 Type required.

(a) All vessels shall be fitted with an approved line-throwing appliance of the impulse-projected rocket type. However, vessels of less than 500 gross tons and not on an international voyage may substitute a line-throwing appliance of the shoulder gun type.

§ 75.45–15 Equipment for line-throwing appliances.

(a) The equipment enumerated in this paragraph shall be carried for impulse-projected rocket type line-throwing appliances. Except as noted, the equipment and the appliance shall be stowed together in a suitable case or box:

(1) Four rockets, two of which shall be of the buoyant type.

(2) Four primer-ejector cartridges.

(3) Four service lines, each of a length not less than that specified in the approval of the appliance carried, of 7/32-inch to 9/32-inch diameter, of flax or manila, and having a breaking strength of at least 500 pounds, to be kept in faking boxes or on reels. These lines may be kept either in the box or case with the remainder of the equipment, or be stowed in an accessible location nearby.

(4) One cleaning brush, one can of oil, and twelve wiping patches.

(5) One set of instructions furnished by the manufacturer.

(6) One auxiliary line 1,500 feet of 3-inch circumference manila. This line may be kept either in the box or case with the remainder of the equipment or be stowed in an accessible location nearby.

(b) The equipment enumerated in this paragraph shall be carried for shoulder gun type line-throwing appliances. Except as noted, the equipment and the appliance shall be stowed together in a suitable case or box.

(1) Ten service projectiles.

(2) Twenty-five cartridges.

(3) Four service lines, each not less than 400 feet in length, of 3/8-inch circumference flax or cotton and having a breaking strength of at least 250 pounds, or each not less than 600 feet in length of 1/16-inch or more diameter woven or braided nylon, very flexible, having a breaking strength not less than 140 pounds, or equivalent, to be kept in faking boxes or on reels. These lines may be kept either in the box or case with the remainder of the equipment or be stowed in an accessible location nearby.

(4) One cleaning rod with brush, one can of oil, and twelve wiping patches.

(5) One set of instructions furnished by the manufacturer.

(6) One auxiliary line, 500 feet of 3-inch circumference manila.

§ 75.45–20 Accessibility.

(a) The line-throwing appliance and its equipment shall be kept easily and readily accessible and ready for use. No part of this equipment shall be used for any other purpose.

§ 75.45–25 Service recommendations.

(a) In firing the line-throwing appliances, the operating instructions and safety precautions furnished by the manufacturer should be followed.

§ 75.45–90 Vessels contracted for prior to November 19, 1952.

(a) Vessels of 150 gross tons and over in ocean or coastwise service, and vessels of any tonnage on an international voyage, contracted for prior to November 19, 1952, shall meet the requirements set forth in §§ 75.45–5 through 75.45–25. However, if a Lyle gun type line-throwing appliance is already in service on such vessel, it may be continued in use so long as it is in good and serviceable condition, but may not be replaced by a similar installation. Where Lyle guns are used, the following requirements shall be met:

(1) The equipment enumerated in this subparagraph shall be carried for Lyle gun type line-throwing appliances. The equipment and the gun shall be stowed together in a suitable case or box. If the case or box does not meet the requirements of Subpart 160.038 (Portable Magazine Chest) of Subchapter Q (Specifications) of this chapter, the powder shall be separately stowed in a chest meeting such requirements.

(i) Six service projectiles.

(ii) Eighteen bags (2½ ounces each) of black powder marked "One-half normal charge for Lyle gun, 2½ ounces black powder" in a nonferrous metal screw top container.

(iii) One approved firing attachment with accessories consisting of lanyard, wrench, washer to fit between barrel and shoulder of firing attachment, blank plug for screwing into gun when firing attachment is not in place, cartridge extractor, and 25 primers in a watertight metal box.

(iv) Twenty-five paper wads.

(v) Four service lines, each 1,700 feet in length, of 7/32-inch to 9/32-inch diameter flax or manila, and having a breaking strength of at least 500 pounds, to be kept in faking boxes or on reels.

(vi) One ramrod, 1 wire brush, 1 can of light petrolatum, and 12 wiping patches.

(vii) One tapered wooden plug for muzzle of gun when not in use.

(viii) One set of instructions furnished by the manufacturer of the gun.

(ix) One auxiliary line, 1,500 feet of 3-inch circumference manila.

(2) Accessibility requirements are the same as § 75.45–20.

Subpart 75.50—Embarkation Aids

§ 75.50–1 Application.

(a) The provisions of this subpart, with the exception of § 75.50–90, shall apply to all vessels contracted for on or after May 26, 1965. Vessels contracted for prior to May 26, 1965, shall meet the requirements of § 75.50–90.

§ 75.50–5 Ladders.

(a) Vessels certificated for ocean, coastwise or Great Lakes service shall have ladders as follows:

(1) All ladders required by this paragraph shall be of approved types, constructed in accordance with Subpart 160.017 of Subchapter Q (Specifications) of this chapter.

(2) All vessels shall have an approved Type II (chain suspension) ladder for each set of lifeboat davits, but existing ladders previously approved by the Coast Guard may be continued in service so long as they are maintained in good and serviceable condition. Such ladders shall be kept ready and convenient for use on the lifeboat deck, and shall reach from such deck to the vessel's light water line, no heel assumed.

(3) All vessels certificated for ocean or coastwise service, which normally employ a pilot shall have a ladder for the use of the pilot, in addition to the ladders required by subparagraph (2) of this paragraph. Suitable spreaders, a man rope, and a safety line shall be kept readily available for use in conjunction with the pilot ladder whenever circumstances may so require. When used, the ladder shall be secured in a position so that each step rests firmly against the ship's side, and so the pilot can gain safe and convenient access to the ship after climbing not more than 30 feet. Whenever the distance from sea level is more than 30 feet, access from the pilot ladder to the ship shall be by means of an accommodation ladder or other equally safe and convenient means. Arrangements shall be such that the rigging of the ladder and the embarkation of the pilot is supervised by a responsible officer of the ship and handholds are provided to assist the pilot to pass safely and conveniently from the head of the ladder into the ship or onto the ship's deck. At night a light shining over the side shall be available for use, and the deck at the position where the pilot boards the ship shall be adequately lighted.

(b) Vessels certificated for lakes, bays, and sounds service shall be provided with a suitable ladder for each set of lifeboat davits. Such ladders shall be reversible and free from garment-entangling projections. They shall be kept ready and convenient for use on the lifeboat deck, and shall reach from such deck to the vessel's light water line, no heel assumed.

(c) Vessels certificated for river service shall be provided with suitable ladders to enable passengers to descend conveniently to the lifeboats.

§ 75.50–7 Embarkation aids into inflatable liferafts.

(a) Where inflatable liferafts are substituted for lifeboats, unless freeboard at embarkation point is such that embarkation devices are not necessary, suitable arrangements shall be made for embarkation which shall include sufficient ladders or other suitable devices to facilitate embarkation into the inflatable liferafts when waterborne.

§ 75.50–10 Illumination for lifeboat launching operations.

(a) Provisions shall be made on all vessels on international voyages, and all other vessels where the lifeboat deck is more than 30 feet above the light water line, for readily and continuously available illumination from the vessel of lifeboats when alongside and in process of or immediately after being launched. Details of the illuminating system shall be in accordance with Subchapter J (Electrical Engineering) of this chapter.

§ 75.50–15 Illumination for inflatable liferaft launching operations.

(a) On all vessels on an international voyage there shall be provided for any liferafts for which approved launching devices are carried, means for illuminating the liferafts and their launching gear during the preparation for and during the process of launching, and also for illuminating the water into which the liferafts are launched. In addition, there shall be provided means of illuminating the stowage position of liferafts for which approved launching devices are not carried. Details of the illuminating system shall be in accordance with applicable requirements in Subchapter J (Electrical Engineering) of this chapter.

§ 75.50–90 Vessels contracted for prior to May 26, 1965.

(a) Vessels contracted for prior to May 26, 1965, shall meet the following requirements:

(1) Except as specifically modified by this paragraph, the requirements of §§ 75.50–5 through 75.50–15 shall be complied with insofar as the number of items of equipment and the method of stowage is concerned. Existing items of equipment previously approved, but not meeting the applicable specifications or requirements of §§ 75.50–5 through 75.50–15 may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. All new installations or replacements shall meet the applicable specifications or requirements in this subpart.

Subpart 75.55—Portable Radio Apparatus

§ 75.55–1 Required on international voyage.

(a) Any vessel on an international voyage shall be provided with a portable radio apparatus complying with the requirements of the Federal Communications Commission, unless at least one lifeboat on each side of the vessel is fitted with a fixed radio installation. The apparatus shall be so designed that it may be used by an unskilled person. Such apparatus shall be kept in the radioroom, chartroom, or other suitable location ready to be moved to one or other of the lifeboats in the event of an emergency. See also § 75.10–10(a)(4).

Subpart 75.90—Ship's Distress Signals

§ 75.90–1 Application.

(a) The provisions of this subpart shall apply to all vessels, except as specifically noted.

§ 75.90–5 Vessels in ocean or coastwise service.

(a) All vessels in ocean service and all vessels in coastwise service shall carry within the pilothouse or on the navigator's bridge, 12 approved handheld rocket-propelled parachute red flare distress signals constructed in accordance with Subpart 160.036 of Subchapter Q (Specifications) of this chapter.

(b) All vessels under 100 gross tons in coastwise service may carry in lieu of signals required by paragraph (a) of this section within the pilothouse or in other locations considered suitable by the Officer in Charge, Marine Inspection, pyrotechnic signals as follows:

(1) Six hand red flare distress signals and 6 hand orange smoke distress signals; constructed in accordance with Subpart 160.021 and 160.037 of Subchapter Q (Specifications) of this chapter; or

(2) Twelve hand combination flare and smoke distress signals, constructed in accordance with Subpart 160.023 of Subchapter Q (Specifications) of this chapter.

(c) All pyrotechnic signals shall be stowed in a portable watertight container.

(d) The service use of the distress signals shall be limited to a period of 3 years from the date of manufacture, and replacement shall be made no later than the first annual inspection of the vessel after the date of expiration.

§ 75.90–10 Vessels in Great Lakes service.

(a) All vessels of 150 gross tons and over in Great Lakes service shall carry within the pilothouse or on the navigator's bridge, twelve approved handheld red flare distress signals contained in a portable watertight container, constructed in accordance with Subpart 160.021 or Subpart 160.023 of Subchapter Q (Specifications) of this chapter. The service use of the distress signals shall be limited to a period of three years from date of manufacture, and replacement shall be made no later than the first annual inspection of the vessel after the date of expiration.

PART 76—FIRE PROTECTION EQUIPMENT

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AUTHORITY: The provisions of this Part 76 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4488, as amended, 4491, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 481, 489, 395, 363, 367, 526p, 1333, 390b, 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, Nov. 26, 1954, 19 F.R. 8026; 167–20, June 18, 1956, 21 F.R. 4894; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–38, Oct. 26, 1959, 24 F.R. 8857.

Subpart 76.01—Application

§ 76.01–1 General.

(a) The provisions of this part shall apply to all vessels except as specifically noted in this part.

§ 76.01–5 Equipment installed but not required.

(a) Where fire detecting or extinguishing systems or equipment are not required, but are installed, the system or equipment and its installation shall meet the requirements of this part.

Subpart 76.05—Fire Detecting and Extinguishing Equipment, Where Required

§ 76.05–1 Fire detecting systems.

(a) Approved fire detecting systems shall be installed in locations as required by Table 76.05–1(a) on the following vessels:

(1) Any vessel on an international voyage.

(2) Any vessel of more than 150 feet in length having sleeping accommodations for passengers.

(3) Any vessel of 150 feet or less in length, not on an international voyage, having sleeping accommodations for 50 or more passengers. Vessels in this category are not required to have a detecting system in the cargo spaces.

(b) The arrangement and details of the fire detecting systems shall be as set forth in Subparts 76.25 through 76.33.

TABLE 76.05–1(a)

Space	Detecting systems	Fixed extinguishing systems
Safety areas		
Wheelhouse or fire-control room	None required [1]	None required.[1]
Stairway and elevator enclosures	do.[1]	Do.[1]
Communication corridors	do.[1]	Do.[1]
Lifeboat embarkation and lowering stations	do.	Do.
Radio room	do.[1]	Do.[1]
Accommodations		
Staterooms, toilet spaces, isolated pantries, etc.	do.[1]	Do.[1]
Offices, lockers, and isolated storerooms	Electric, pneumatic, or automatic sprinkling.[1]	Do.[1]
Public spaces	None required with 20-minute patrol. Electric, pneumatic, or automatic sprinkling with 1 hour patrol.[1]	Do.[1]
Open decks or enclosed promenades	None required	Do.
Service spaces		
Galleys	do.[1]	Do.[1]
Main pantries	do.[1]	Do.[1]
Motion picture booths and film lockers	Electric, pneumatic, or automatic sprinkling.[1] [2]	Do.[1] [2]
Paint and lamp rooms	Smoke detecting [3]	Carbon dioxide.[4]
Inaccessible baggage, mail, and specie rooms and storerooms.	do	Do.
Accessible baggage, mail, and specie rooms and storerooms.	Electric, pneumatic, or automatic sprinkling.	None required.[1]
Refrigerated storerooms	None required	Do.
Carpenter, valet, photographic, and printing shops, sales rooms, etc.	Electric, pneumatic, or automatic sprinkling.	Do.[1]
Machinery spaces		
Coal fired boilers: Bunker and boiler space	None required	None required.
Oil fired boilers: Spaces containing oil fired boilers either main or auxiliary, their fuel oil service pumps, and/or such other fuel oil units as the heaters, strainers, valves, manifolds, etc., that are subject to the discharge pressure of the fuel oil service pumps, together with adjacent spaces to which oil can drain.	do	Carbon dioxide or foam.
Internal combustion or gas turbine propelling machinery spaces.	do	Carbon dioxide.[5]
Electric propulsive motors or generators of open type	do	None required.
Enclosed ventilating systems for motors and generators of electric propelling machinery.	do	Carbon dioxide (in ventilating system).[7]
Auxiliary spaces, internal combustion or gas turbine	do	Carbon dioxide.[8]
Auxiliary spaces, electric motors or generators	do	None required.
Auxiliary spaces, steam	do	Do.
Trunks to machinery spaces	do	Do.
Fuel tanks	do	Do.[9]
Cargo spaces		
Inaccessible during voyage (combustible cargo), including trunks (excluding tanks).	Smoke detecting	Carbon dioxide.[4]
Accessible during voyage (combustible cargo)	Smoke detecting, electric, pneumatic or automatic sprinkling.	Automatic or manual sprinkling.
Vehicular deck (except where no overhead deck is 30 feet in length or less).	None required	Manual sprinkling.
Cargo oil tanks	do	Carbon dioxide or foam.[4]

[1] Vessels of 100 gross tons and over contracted for on or before May 27, 1936, and having combustible joiner work shall be fitted with an automatic sprinkling system, except in relatively incombustible spaces.
[2] Sprinkler heads may be attached to sanitary system provided electrical or pneumatic detecting is installed.
[3] On vessels contracted for prior to November 19, 1952, electric or pneumatic detecting may be substituted.
[4] On vessels contracted for prior to January 1, 1962, a steam smothering system may be accepted. However, although existing steam smothering systems may be repaired, replaced, or extended, no new system contracted for on or after January 1, 1962, will be permitted.
[5] Protection of auxiliary boilers, fuel oil units, valves and manifolds not required on vessels contracted for prior to November 19, 1952.
[6] Not required on vessels of less than 300 gross tons (except on an international voyage) using fuel with a flashpoint higher than 110° F., where the space is normally manned.
[7] Not required on vessels contracted for prior to November 19, 1952.
[8] Not required on vessels of less than 300 gross tons nor on vessels contracted for prior to November 19, 1952, except where fuel, including starting fuel, has a flashpoint of 110° F. or less.
[9] Where fuel having a flashpoint of 110° F. or lower is used, the space containing the fuel tanks shall be protected by a carbon dioxide system.

§ 76.05–5 Manual alarm system.

(a) An approved manual alarm system shall be installed in all areas, other than the main machinery spaces, which are normally accessible to the passengers or crew on any vessel having sleeping accommodations for passengers or on any vessel on an international voyage.

(b) The arrangement and details of the manual alarm system shall be as set forth in Subpart 76.35.

§ 76.05–10 Supervised patrol system.

(a) A supervised patrol or watchman system shall be provided on all vessels as set forth in §§ 78.30–10 and 78.30–15 of this subchapter.

§ 76.05–15 Fire main system.

(a) Fire pumps, hydrants, hose, and nozzles shall be installed on the following vessels:

(1) On all self-propelled vessels.

(2) After July 1, 1957, on all barges with sleeping accommodations for more than six persons.

(b) The arrangement and details of the fire main system shall be as set forth in Subpart 76.10.

§ 76.05–20 Fixed fire extinguishing systems.

(a) Approved fire extinguishing systems shall be installed, as required by Table 76.05–1(a) on the following vessels:

(1) On all self-propelled vessels.

(2) After July 1, 1957, on all barges with sleeping accommodations for more than six persons.

(b) The arrangements and details of the fixed fire extinguishing systems shall be as set forth in Subparts 76.13 through 76.25.

§ 76.05–25 Hand portable fire extinguishers and semiportable fire extinguishing systems.

(a) Approved hand portable fire extinguishers and semiportable fire extinguishing systems shall be installed on all vessels as set forth in Subpart 76.50.

§ 76.05–30 Sand.

(a) On vessels of over 1,000 gross tons there shall be in each space containing oil fired boilers a metal receptacle containing not less than 10 cubic feet of sand, sawdust impregnated with soda, or other approved dry materials together with a scoop or shaker for distributing the same. On vessels of 1,000 gross tons or less, at least 5 cubic feet of such materials shall be similarly carried.

(b) In lieu of the requirements in paragraph (a) of this section, one B–II fire extinguisher may be substituted.

Subpart 76.10—Fire Main System, Details

§ 76.10–1 Application.

(a) The provisions of this subpart, with the exception of § 76.10–90, shall apply to all fire main installations contracted for on or after May 26, 1965. Installations contracted for prior to May 26, 1965, shall meet the requirements of § 76.10–90.

§ 76.10–5 Fire pumps.

(a) Vessels shall be equipped with independently driven fire pumps in accordance with Table 76.10–5 (a).

TABLE 76.10–5(a)

Gross tons		Minimum number of pumps		Hose and hydrant size, inches	Nozzle orifice size, inches	Length of hose, feet
Over	Not over	International voyage	Other			
------	100	2	1	1½	½	50
100	500	2	1	1½	⅝	50
500	1,500	2	2	1½	⅝	50
1,500	4,000	2	2	1 2½	1 ¾	1 50
4,000	-------	3	3	1 2½	1 ¾	1 50

1 75 feet of 1½-inch hose and ⅝-inch nozzles may be used where specified by §76.10–10(b).

(b) Vessels on an international voyage shall have a minimum total fire pump capacity at least equal to two-thirds of the required total bilge pump capacity, but in no case less than that required by this section. Each of the required fire pumps shall have a capacity not less than 80 percent of the total required capacity divided by the number of required pumps.

(c) Each pump shall be capable of delivering water simultaneously from the two highest outlets at a Pitot tube pressure of approximately 50 p. s. i. Where one or both of these outlets is a 1½-inch siamese fitting, both branches of the siamese fitting at each such outlet shall be utilized for the purpose of this requirement.

(d) Fire pumps shall be fitted on the discharge side with relief valves set to relieve at 25 p. s. i. in excess of the pressure necessary to maintain the requirements of paragraph (c) of this section or 125 p. s. i., whichever is greater. Relief valves may be omitted if the pumps, operating under shutoff conditions, are not capable of developing a pressure exceeding this amount.

(e) Fire pumps shall be fitted with a pressure gauge on the discharge side of the pumps.

(f) Fire pumps may be used for other purposes provided at least one of the required pumps is kept available for use on the fire system at all times. Unless specifically approved by the Commandant, no branch lines shall be connected to the fire mains for other than fire and deck wash purposes. Other discharge lines shall lead from a discharge manifold near the fire pump. In no case shall a pump having connection to an oil line be used as a fire pump.

(g) The total area of the pipes leading from a pump shall not be less than the discharge area of the pump.

(h) On vessels with oil fired boilers, either main or auxiliary, or with internal combustion propulsion machinery, where 2 fire pumps are required, they shall be located in separate spaces and the arrangement of pumps, sea connections, and sources of power shall be such as to insure that a fire in any one space will not put all of the fire pumps out of operation. However, in vessels of less than 300 feet in length, where it is shown to the satisfaction of the Commandant that it is unreasonable or impracticable to meet this requirement due to the size or arrangement of the vessel, or for other reasons, the installation of a total flooding carbon dioxide system may be accepted as an alternate method of extinguishing any fire which would affect the powering and operation of at least one of the required fire pumps.

§ 76.10–10 Fire hydrants and hose.

(a) The size of fire hydrants, hose, and nozzles and the length of hose required shall be as noted in Table 76.10–5 (a).

(b) In lieu of the 2½-inch hose and hydrants specified in Table 76.10–5 (a), on vessels over 1,500 gross tons, the hydrants in interior locations may have siamese connections for 1½-inch hose. In these cases the hose shall be 75 feet in length, and only one hose will be required at each fire station; however, if all such stations can be satisfactorily served with 50-foot lengths, 50-foot hose may be used.

(c) On vessels of 1,000 gross tons and over there shall be at least one shore connection to the fire main available to each side of the vessel in an accessible location. Suitable cut-out valves and check valves shall be provided. Suitable adaptors also shall be provided for furnishing the vessel's shore connections with couplings mating those on the shore fire lines. Such vessels on an international voyage, shall be provided with at least one international shore connection. Facilities shall be available enabling such a connection to be used on either side of the vessel. The international shore connection shall be in accordance with specification Subpart 162.034 of Subchapter Q (Specifications) of this chapter.

(d) Fire hydrants shall be of sufficient number and so located that any part of the vessel, other than main machinery spaces, accessible to the passengers or crew while the vessel is being navigated and all cargo holds may be reached with at least two streams of water from separate outlets, at least one of which shall be from a single length of hose. For the purpose of this requirement, all watertight doors and all doors in main vertical zone bulkheads and stairway enclosures shall be closed, although hose ports may be installed in doors other than watertight doors and doors in main vertical zone bulkheads for the passage of the hose. In main machinery spaces, all portions at such spaces shall be capable of being reached by at least two streams of water, each of which shall be from a single length of hose from separate outlets; however, this requirement need not apply to shaft alleys containing no assigned space for the stowage of combustibles. Fire hydrants shall be numbered as required by § 78.47–20 of this subchapter.

(e) All parts of the fire main located on exposed decks shall either be protected against freezing or be fitted with cut-out valves and drain valves so that the entire exposed parts of such piping may be shut off and drained in freezing weather. Except when closed to prevent freezing, such valves shall be sealed open.

(f) The outlet at the fire hydrant shall be limited to any position from the horizontal to the vertical pointing downward, so that the hose will lead horizontally or downward to minimize the possibility of kinking.

(g) Each fire hydrant shall be provided with a single length of hose with nozzle attached and a spanner. A suitable hose rack or other device shall be provided for the proper stowage of the hose. If the hose is not stowed in the open or behind glass so as to be readily seen, the enclosure shall be marked in accordance with § 78.47–20 of this subchapter.

(h) Fire hose shall be connected to the outlets at all times. However, on open decks where no protection is afforded to the hose in heavy weather, or where the hose may be liable to damage from the handling of cargo the hose may be temporarily removed from the hydrant and stowed in an accessible nearby location.

(i) Fire hose shall not be used for any other purpose than fire extinguishing and fire drills.

(j) Hose nozzle requirements:

(1) All nozzles shall be of good grade bronze or equivalent metal.

(2) Where smooth bore type nozzles are used, they shall have an orifice of the size indicated in Table 76.10–5 (a).

(3) Where combination solid stream and water spray fire hose nozzles are used, they shall be of approved type. New installations and replacements shall be constructed in accordance with Subpart 162.027 of Subchapter Q (Specifications) of this chapter. The detachable applicator shall be stowed adjacent to the fire hydrant, except where combination nozzles are not required, in which case the applicator may be stowed at the discretion of the master.

(4) Except as noted in subparagraph (5), all hose nozzles shall be of either the smooth bore type or the approved type combination nozzle.

(5) On all vessels on an international voyage, and all other vessels of 1,000 gross tons and over, the hose attached to the hydrants in propulsion machinery spaces containing oil-fired boilers, internal combustion machinery, or oil fuel units shall be fitted with an approved combination nozzle. The applicator shall be not more than 6 feet in length.

(6) Where approved combination nozzles are used but not required, the applicator with low velocity fog spray head and the self-cleaning strainer may be fitted but will not be required.

(k) Fire hydrants, nozzles, and other fittings shall have threads to accommodate the hose connections noted in paragraph (i) of this section.

(l) Firehose and couplings requirements:

(1) Couplings shall be of brass, bronze, or other equivalent metal. For installations on vessels contracted for on or after July 1, 1954, National Standard fire hose coupling threads shall be used for the 1½-inch and 2½-inch sizes, i. e., 9 threads per inch for 1½-inch hose and 7½ threads per inch for 2½-inch hose.

(2) Unlined hose shall not be used in the machinery spaces.

(3) All lined and unlined hose installed after January 1, 1961, shall be of fire hose quality, in conformance with Underwriters' Laboratories, Inc., Standard 18 or 19, or Federal Specification JJ–H–571 or ZZ–H–451a. Hose which bears the label of Underwriters' Laboratories, Inc., as inspected lined or unlined fire hose will be accepted as conforming to this requirement.

§ 76.10–15 Piping.

(a) All piping, valves, and fittings shall meet the applicable requirements of Subchapter F (Marine Engineering) of this chapter.

(b) All distribution cut-off valves shall be marked as required by § 78.47–15 of this subchapter.

(c) For vessels on an international voyage, the diameter of the fire main shall be sufficient for the effective distribution of the maximum required discharge from two fire pumps operating simultaneously. This is in addition to § 76.10–5(c). The discharge of this quantity of water through hoses and nozzles at a sufficient number of adjacent hydrants shall be at a minimum Pitot tube pressure of approximately 50 pounds per square inch.

§ 76.10–90 Installations contracted for prior to May 26, 1965.

(a) Installations contracted for prior to May 26, 1965, shall meet the following requirements:

(1) Except as specifically modified by this paragraph, the requirements of §§ 76.10–5 through 76.10–15 shall be complied with insofar as the number and general type of equipment is concerned. Existing equipment previously approved, but not meeting the applicable requirements of §§ 76.10–5 through 76.10–15 may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs, alterations, and replacements may be permitted to the same standards as the original installation. However, all new installations or major replacements shall meet the applicable requirements in this part.

(2) All vessels contracted for prior to November 19, 1952, shall be fitted with fire pumps, hoses, and nozzles in accordance with Table 76.10–90(a)(2).

TABLE 76.10–90(a)(2)

Gross tons		Minimum number of pumps	Minimum hose and hydrant size, inches	Nozzle orifice size, inches	Length of hose, feet
Over	Not over				
100	4,000	2	1 1½	1 ⅝	1 50
4,000	----	3	1 1½	1 ⅝	1 50

1 May use 50 feet of 2½-inch hose with 1⅛-inch nozzles for exterior stations. May use 75 feet of 1½-inch hose with ⅝-inch nozzles for interior station in which case such interior stations shall have siamese connections.

(3) When reasonable and practicable, where two or more fire pumps are required, they shall not all be located in the same space.

(4) The general requirements of §§ 76.10–5 (c) through (h), 76.10–10 (d) through (l), and § 76.10–15 shall be complied with insofar as is reasonable and practicable.

Subpart 76.13—Steam Smothering System, Details

§ 76.13–1 Application.

(a) In accordance with §§ 76.05–1 and 76.05–20, steam smothering systems are not permitted on vessels contracted for on or after January 1, 1962, nor for new installations on vessels contracted for prior to that date.

(b) Where a steam smothering system is installed, the provisions of this subpart shall apply.

(c) This does not preclude the introduction of steam into such confined spaces as boiler casings or into tanks for steaming out purposes. Such installations are not to be considered as part of any required fire extinguishing system.

§ 76.13–90 Installations contracted for prior to January 1, 1962.

(a) Installations contracted for prior to July 1, 1935, shall meet the following requirements:

(1) Existing arrangements, materials, and facilities previously approved will be considered satisfactory so long as they meet the minimum requirements of this paragraph and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standard as the original installation.

(2) The main pipes and their branches to the cargo compartments and similar spaces shall be not less than 1½-inch pipe size and shall emanate from not more than two stations in easily accessible locations. If located on the open deck, the distribution manifolds shall be suitably protected by an enclosing cabinet or casing which shall be marked as required by § 78.47–17 of this subchapter. Each branch line shall have a valve at the manifold which shall be marked as required by § 78.47–15 of this subchapter.

(3) Branches to paint lockers and similar small spaces may be taken from the nearest steam supply line and shall be not less than ¾-inch pipe size. The valve shall be marked as required by § 78.47–15 of this subchapter.

(b) Installations contracted for on or after July 1, 1935, but prior to November 19, 1952, shall meet the following requirements:

(1) Existing arrangements, materials and facilities previously approved will be considered satisfactory so long as they meet the minimum requirements of this paragraph and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs, and alterations may be made to the same standard as the original installation.

(2) Steam shall be available from the main or auxiliary boilers to provide at least one pound of steam per hour for each 50 cubic feet of gross volume of the largest compartment protected. Where reasonable and practicable, the steam pressure shall be at least 100 p. s. i.

(3) The piping system shall meet the general requirements of subparagraphs (5) through (12) of paragraph (c) of this section insofar as is reasonable and practicable.

(4) The minimum size of distribution piping and the number of branches to the various spaces shall be as given in Table 76.13–90 (b) (4) or by the following formula:

$$D=\sqrt{\frac{C}{30,000}} \qquad (1)$$

where:

D=Required diameter of pipe in inches.

C=Volume of compartment in cubic feet.

TABLE 76.13-90 (b) (4)

Volume of compartment in cubic feet		Number of branches to compartment	Pipe size in each branch, inches
Over	Not over		
------	30,000	1	1
30,000	46,000	1	1¼
46,000	67,000	1	1½
67,000	94,000	2	1¼
94,000	135,000	2	1½
135,000	203,000	3	1½

(5) The minimum size of the steam supply line from the boiler to the distribution manifold shall be as given by the following formula:

$$D=\sqrt{\frac{C}{60{,}000}} \qquad (2)$$

where:

D=Diameter of pipe in inches.
C=Volume of all compartments in cubic feet.

(c) Installations contracted for on or after November 19, 1952, but prior to January 1, 1962, shall meet the following requirements:

(1) Existing arrangements, materials and facilities previously approved will be considered satisfactory so long as they meet the minimum requirements of this paragraph and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standard as the original installation.

(2) Steam shall be available from main or auxiliary boilers to provide at least one pound of steam per hour for each 12 cubic feet of the gross volume of the largest compartment to be protected.

(3) Although separate piping shall be led to each cargo hold and 'tween deck, for the purpose of determining the amount of steam required, a cargo compartment will be considered as the space between adjacent watertight or firescreen bulkheads and from tank top or lowest deck to the deck head of the uppermost deck on which cargo may be carried. If a trunk extends beyond such deck, the trunk space shall be included. Tonnage openings shall be considered as sealed for this purpose.

(4) A steam pressure of at least 100 p.s.i. shall be available unless specifically approved otherwise.

(5) All piping, valves, and fittings shall meet the applicable requirements of Subchapter F (Marine Engineering) of this chapter.

(6) The distribution piping shall emanate from not more than three stations in easily accessible locations on the weather deck, and shall lead to the lower portion of each cargo hold, cargo 'tween deck, and other compartments protected. However, lines to paint lockers and similar small spaces may be taken from the nearest steam supply line.

(7) The distribution line to each compartment shall be fitted with a shutoff valve. The valve shall be marked as required by § 78.47-15 of this subchapter.

(8) The manifold steam supply line shall be fitted with a master valve at the manifold.

(9) Provisions shall be made for draining the manifold and distribution lines to prevent them from freezing.

(10) If located on the open deck, the distribution manifolds shall be suitably protected by an enclosing cabinet or casing. In any case, it shall be marked as required by § 78.47-17 of this subchapter.

(11) Piping shall not be led into or through spaces accessible to the passengers or crew while the vessel is being navigated, with the exception of machinery spaces and corridors. However, in special cases, arrangements to run piping through such spaces may be specifically approved by the Commandant, provided all joints are welded, suitable expansion bends are provided, and all piping is extra heavy.

(12) Piping shall be used for no other purpose except that it may be incorporated with the fire detecting system, and where suitable provisions are made, it may be used for steaming out tanks.

(13) The minimum size and number of branches to the various spaces shall be as given in Table 76.13-90(c)(13). The distribution piping from the manifold to the branch lines shall have an area approximately equal to the combined areas of the branch lines served.

TABLE 76.13-90 (c)(13)

Volume of spaces in cubic feet		Number of branches to spaces	Pipe size of each branch, inches
Over	Not over		
------	500	1	¾
500	5,000	1	1
5,000	15,000	1	1¼
15,000	30,000	1	1½
30,000	60,000	2	1½
60,000	100,000	3	1½
100,000	190,000	4	1½

(14) The steam supply line from the boiler to any distribution manifold shall be of sufficient size to supply all the branch lines to the largest compartment and to all adjacent compartments.

Subpart 76.15—Carbon Dioxide Extinguishing Systems, Details

§ 76.15-1 Application.

(a) Where a carbon dioxide extinguishing system is installed, the provisions of this subpart, with the exception of § 76.15-90, shall apply to all installations contracted for on or after November 19, 1952. Installations contracted for prior to November 19, 1952, shall meet the requirements of § 76.15-90.

(b) The requirements of this subpart are based on a "high pressure system", i.e., one in which the carbon dioxide is stored in liquid form at atmospheric temperature. Details for "low pressure systems", i.e., those in which the carbon dioxide is stored in liquid form at a continuously controlled low temperature, may be specifically approved by the Commandant where it is demonstrated that a comparable degree of safety and fire extinguishing ability is achieved.

§ 76.15-5 Quantity, pipe sizes, and discharge rate.

(a) *General.* The amount of carbon dioxide required for each space shall be as determined by the following paragraphs in this section.

(b) *Total available supply.* A separate supply of carbon dioxide need not be provided for each space protected. The total available supply shall be at least sufficient for the space requiring the greatest amount.

(c) *Cargo spaces.* (1) The number of pounds of carbon dioxide required for each space in cubic feet shall be equal to the gross volume of the space in cubic feet divided by 30.

(2) Although separate piping shall be led to each cargo hold and 'tween deck, for the purpose of determining the amount of carbon dioxide required, a cargo compartment will be considered as the space between adjacent watertight or firescreen bulkheads and from the tank top or lowest deck to the deck head of the uppermost space on which cargo may be carried. If a trunk extends beyond such deck, the trunk volume shall be included. Tonnage openings shall be considered as sealed for this purpose.

(3) Branch lines to the various cargo holds and 'tween decks shall not be less than ¾ inch standard pipe size.

(4) No specific discharge rate need be applied to such systems.

(d) *Enclosed ventilation systems for rotating electrical propulsion equipment.* (1) The number of pounds of carbon dioxide required for the initial charge shall be equal to the gross volume of the system divided by 10 for systems having a volume of less than 2,000 cubic feet, and divided by 12 for systems having a volume of 2,000 cubic feet or more.

(2) The piping for the initial charge shall be in accordance with Table 76.15-5 (e) (4), and the discharge of the required amount shall be completed within two minutes.

(3) In addition to the above there shall be sufficient carbon dioxide available to permit delayed discharges of such quantity as to maintain at least a 25 percent concentration until the equipment can be stopped. If the initial discharge is such as to achieve this concentration until the equipment is stopped, no delayed discharge need be provided.

(4) The piping for the delayed discharge shall not be less than ½ inch standard pipe size, and no specific discharge rate need be applied to such systems. On small systems, this pipe may be incorporated with the initial discharge piping.

(e) *Machinery spaces, paint lockers, tanks, and similar spaces.* (1) Except as provided in subparagraph (3) of this paragraph, the number of pounds of carbon dioxide required for each space shall be equal to the gross volume of the space divided by the appropriate factor noted in Table 76.15-5(e)(1). If fuel can drain from the compartment being protected to an adjacent compartment, or if the compartments are not entirely separate, the requirements for both compartments shall be used to determine the amount of carbon dioxide to be provided. The carbon dioxide shall be arranged to discharge into both such compartments simultaneously.

TABLE 76.15-5(e)(1)

Gross volume of compartment, cubic feet		Factor
Over	Not over	
----------	500	15
500	1,600	16
1,600	4,500	18
4,500	50,000	20
50,000	----------	22

(2) For the purpose of the above requirement of this paragraph, the volume of a machinery space shall be taken as exclusive of the normal machinery casing unless the boiler, internal combustion machinery, or fuel oil installations extend into such space in which case the volume shall be taken to the top of the casing or the next material reduction in casing area, whichever is lower. For installations contracted for on or after October 1, 1959, "normal machinery casing" and "material reduction in casing area" shall be defined as follows:

(i) By "normal machinery casing" shall be meant a casing the area of which is not more than 40 percent of the maximum area of the machinery space.

(ii) By "material reduction in casing area" shall be meant a reduction to at least 40 percent of the casing area.

(3) For vessels on an international voyage contracted for on or after May 26, 1965, the amount of carbon dioxide required for a space containing propulsion boilers or internal combustion propulsion machinery shall be as given by subparagraphs (1) and (2) of this paragraph or by dividing the entire volume, including the casing, by a factor of 25, whichever is the larger.

(4) Branch lines to the various spaces shall be as noted in Table 76.15-5(e)(4).

TABLE 76.15-5(e)(4)

Maximum quantity of carbon dioxide required, pounds	Minimum nominal pipe size, inches	Maximum quantity of carbon dioxide required, pounds	Minimum nominal pipe size, inches
100	½	2,500	2½
225	¾	4,450	3
300	1	7,100	3½
600	1¼	10,450	4
1,000	1½	15,000	4½
2,450	2		

(5) Distribution piping within the space shall be proportioned from the supply line to give proper distribution to the outlets without throttling.

(6) The number, type, and location of discharge outlets shall be such as to give a uniform distribution throughout the space.

(7) The total area of all discharge outlets shall not exceed 85 percent nor be less than 35 percent of the nominal cylinder outlet area or the area of the supply pipe, whichever is smaller. The nominal cylinder outlet area in square inches shall be determined by multiplying the factor 0.0022 by the number of pounds of carbon dioxide required, except that in no case shall this outlet area be less than 0.110 square inch.

(8) The discharge of at least 85 percent of the required amount of carbon dioxide shall be complete within 2 minutes.

§ 76.15-10 Controls.

(a) Except as noted in § 76.15-20 (b), all controls and valves for the operation of the system shall be outside the space protected, and shall not be located in any space that might be cut off or made inaccessible in the event of fire in any of the spaces protected.

(b) If the same cylinders are used to protect more than one hazard, a manifold with normally closed stop valves shall be used to direct the carbon dioxide into the proper space. If cylinders are used to protect only one hazard, a normally closed stop valve shall be installed between the cylinders and the hazard except for systems of the type indicated in § 76.15-5 (e) which contain not more than 300 pounds of carbon dioxide.

(c) Distribution piping to the various cargo spaces shall be controlled from not more than two stations. One of the stations controlling the system for the main machinery space shall be located as convenient as practicable to one of the main escapes from the space. All control stations and the individual valves and controls shall be marked as required by §§ 78.47-15 and 78.47-17 of this subchapter.

(d) Systems of the type indicated in § 76.15-5 (e) shall be actuated by one control operating the valve to the space and a separate control releasing at least the required amount of carbon dioxide. These two controls shall be located in a box or other enclosure clearly identified for the particular space. Those systems installed without a stop valve shall be operated by one control releasing at least the required amount of carbon dioxide.

(e) Where provisions are made for the simultaneous release of a given amount of carbon dioxide by operation of a remote control, provisions shall also be made for manual control at the cylinders. Where gas pressure from pilot cylinders is used as a means for releasing the remaining cylinders, not less than two pilot cylinders shall be used for systems consisting of more than two cylinders. Each of the pilot cylinders shall be capable of manual control at the cylinder, but the remaining cylinders need not be capable of individual manual control.

(f) Systems of the type indicated in § 76.15-5 (e), other than systems for tanks, which are of more than 300 pounds of carbon dioxide, shall be fitted with an approved delayed discharge so arranged that the alarm will be sounded for at least 20 seconds before the carbon dioxide is released into the space. Such systems of not more than 300 pounds of carbon dioxide shall also have a similar delayed discharge, except for those systems for tanks and for spaces which have a suitable horizontal escape. This paragraph shall be applicable only to systems installed on or after July 1, 1957.

(g) All distribution valves and controls shall be of an approved type. All controls shall be suitably protected.

(h) Complete but simple instructions for the operation of the system shall be located in a conspicuous place at or near the releasing control device.

(i) If the space or enclosure containing the carbon dioxide supply or controls is to be locked, a key to the space or enclosure shall be in a break-glass-type box conspicuously located adjacent to the opening.

§ 76.15-15 Piping.

(a) The piping, valves, and fittings shall have a bursting pressure of not less than 6,000 p. s. i.

(b) All piping, in nominal sizes not over ¾ inch, shall be at least Schedule 40 (standard weight), and in nominal sizes over ¾ inch, shall be at least Schedule 80 (extra heavy).

(c) All piping, valves, and fittings of ferrous materials shall be protected inside and outside against corrosion unless specifically approved otherwise by the Commandant.

(d) A pressure relief valve or equivalent set to relieve between 2,400 and 2,800 p. s. i. shall be installed in the distributing manifold or such other location as to protect the piping in the event that all branch line shut-off valves are closed.

(e) All dead end lines shall extend at least 2 inches beyond the last orifice and shall be closed with cap or plug.

(f) All piping, valves, and fittings shall be securely supported, and where necessary, protected against injury.

(g) Drains and dirt traps shall be fitted where necessary to prevent the accumulation of dirt or moisture. Drains and dirt traps shall be located in accessible locations where possible.

(h) Piping shall be used for no other purpose except that it may be incorporated with the fire detecting system.

(i) Piping passing through living quarters shall not be fitted with drains or other openings within such spaces.

(j) Installation test requirements:

(1) Upon completion of the piping installation, and before the cylinders are connected, a pressure test shall be applied as set forth in this paragraph. Only carbon dioxide or other inert gas shall be used for this test.

(2) The piping from the cylinders to the stop valves in the manifold shall be subjected to a pressure of 1,000 p. s. i. With no additional gas being introduced to the system, it shall be demonstrated that the leakage of the system is such as not to permit a pressure drop of more than 150 p. s. i. per minute for a 2-minute period.

(3) The individual branch lines to the various spaces protected shall be subjected to a test similar to that described in the preceding subparagraph with the exception that the pressure used shall be 600 p. s. i. in lieu of 1,000 p. s. i. For the purpose of this test, the distribution piping shall be capped within the space protected at the first joint ahead of the nozzles.

(4) In lieu of the tests prescribed in the preceding subparagraphs in this paragraph, small independent systems protecting spaces such as emergency generator rooms, lamp lockers, etc., may be tested by blowing out the piping with air at a pressure of at least 100 p. s. i.

§ 76.15–20 Carbon dioxide storage.

(a) Except as provided in paragraph (b) of this section, the cylinders shall be located outside the spaces protected, and shall not be located in any space that might be cut off or made inaccessible in the event of a fire in any of the spaces protected.

(b) Systems of the type indicated in § 76.15–5 (e), consisting of not more than 300 pounds of carbon dioxide, may have the cylinders located within the space protected. If the cylinder stowage is within the space protected, the system shall be arranged in an approved manner to be automatically operated by a heat actuator within the space in addition to the regular remote and local controls.

(c) The space containing the cylinders shall be properly ventilated and designed to preclude an anticipated ambient temperature in excess of 130 degrees F.

(d) Cylinders shall be securely fastened and supported, and, where necessary, protected against injury.

(e) Cylinders shall be so mounted as to be readily accessible and capable of easy removal for recharging and inspection. Provisions shall be available for weighing the cylinders.

(f) Where subject to moisture, cylinders shall be so installed as to provide a space of at least 2 inches between the flooring and the bottom of the cylinders.

(g) Cylinders shall be mounted in an upright position or inclined not more than 30 degrees from the vertical. However, cylinders which are fitted with flexible or bent syphon tubes may be inclined not more than 80 degrees from the vertical.

(h) Where check valves are not fitted on each independent cylinder discharge, plugs or caps shall be provided for closing outlets when cylinders are removed for inspection or refilling.

(i) All cylinders used for storing carbon dioxide shall be fabricated, tested, and marked in accordance with the regulations of the Interstate Commerce Commission as noted in § 147.04–1 of Subchapter N (Dangerous Cargoes) of this chapter.

§ 76.15–25 Discharge outlets.

(a) Discharge outlets shall be of an approved type.

§ 76.15–30 Alarms.

(a) Spaces which are protected by a carbon dioxide extinguishing system and are normally accessible to persons on board while the vessel is being navigated, other than paint and lamp lockers and similar small spaces, shall be fitted with an approved audible alarm in such spaces which will be automatically sounded when the carbon dioxide is admitted to the space. The alarm shall be conspicuously and centrally located and shall be marked as required by § 78.47–9 of this subchapter. For systems installed on or after July 1, 1957, alarms will be mandatory only for systems required to be fitted with a delayed discharge. Such alarms shall be so arranged as to sound during the 20 second delay period prior to the discharge of carbon dioxide into the space, and the alarm shall depend on no source of power other than the carbon dioxide.

§ 76.15–35 Enclosure openings.

(a) Where mechanical ventilation is provided for spaces other than cargo and similar spaces which are protected by a carbon dioxide extinguishing system, provisions shall be made so that the ventilation system is automatically shutdown with the operation of the system to that space.

(b) Where natural ventilation is provided for spaces protected by a carbon dioxide extinguishing system, provisions shall be made for easily and effectively closing off the ventilation.

(c) Means shall be provided for closing all openings to the space protected from outside such space. In this respect, relatively tight doors, shutters, or dampers shall be provided for openings in the lower portion of the space. The construction shall be such that openings in the upper portion of the space can be closed off either by permanently installed means or by the use of canvas or other material which is normally carried by the vessel.

§ 76.15–40 Pressure relief.

(a) Where necessary, relatively tight compartment such as refrigeration spaces, paint lockers, etc., shall be provided with suitable means for relieving excessive pressure accumulating within the compartment when the carbon dioxide is injected.

§ 76.15–90 Installations contracted for prior to November 19, 1952.

(a) Installations contracted for prior to November 19, 1952, shall meet the following requirements:

(1) Existing arrangements, materials, and facilities previously approved shall be considered satisfactory so long as they meet the minimum requirements of this paragraph and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original installation.

(2) The details of the systems shall be in general agreement with §§ 76.15–5 through 76.15–40 insofar as is reasonable and practicable, with the exception of § 76.15–5 (e) (1), (2) and (4), covering spaces other than cargo spaces, which systems may be installed in accordance with subparagraphs (3) through (6) of this paragraph.

(3) In boilerrooms, the bilges shall be protected by a system discharging principally below the floor plates. Perforated pipe may be used in lieu of discharge nozzles for such systems. The number of pounds of carbon dioxide shall be equal to the gross volume of the boiler room taken to the top of the boilers divided by 36. In the event of an elevated boilerroom which drains to the machinery space, the system shall be installed in the engine room bilge and the gross volume shall be taken to the flat on which the boilers are installed.

(4) In machinery spaces where main propulsion internal combustion machinery is installed, the number of pounds of carbon dioxide required shall be equal to the gross volume of the space taken to the underside of the deck forming the hatch opening divided by 22.

(5) In miscellaneous spaces other than cargo or main machinery spaces, the number of pounds of carbon dioxide required shall be equal to the gross volume of the space divided by 22.

(6) Branch lines to the various spaces, other than cargo and similar spaces, shall be as noted in Table 76.15–90 (a) (6). This table is based on cylinders having discharge outlets and siphon tubes of 3/8-inch diameter.

TABLE 76.15–90 (a) (6)

Number of cylinders		Nominal pipe size	
Over	Not over	Inches	Type
----	2	1/2	Standard.
2	4	3/4	Do.
4	6	1	Extra heavy.
6	12	1 1/4	Do.
12	16	1 1/2	Do.
16	27	2	Do.
27	39	2 1/2	Do.
39	60	3	Do.
60	80	3 1/2	Do.
80	104	4	Do.
104	165	5	Do.

Subpart 76.17—Foam Extinguishing Systems, Details

§ 76.17–1 Application.

(a) Where a foam extinguishing system is installed, the provisions of this subpart, with the exception of § 76.17–90, shall apply to all installations contracted for on or after November 19, 1952. Installations contracted for prior to November 19, 1952, shall meet the requirements of § 76.17–90.

§ 76.17–5 Quantity of foam required.

(a) *Area protected.* (1) For machinery and similar spaces, the system shall be so designed and arranged as to spread a blanket of foam over the entire tank top or bilge of the space protected. The arrangement of piping shall be such as to give a uniform distribution over the entire area protected.

(2) Where an installation is made to protect an oil fired boiler installation on a flat which is open to or can drain to the lower engine room or other space, both the flat and the lower space shall be protected simultaneously. The flat shall be fitted with suitable coamings on all openings other than deck drains to properly restrain the oil and foam at that level. Other installations of a similar nature will be considered in a like manner.

(3) Where a system is installed to protect a tank, it shall be so designed and arranged as to spread a blanket of foam over the entire liquid surface of the tank within the range of usual trim. The arrangement of piping shall be such as to give a uniform distribution over the entire area protected.

(b) *Rate of application.* (1) For spaces other than tanks, the rate of discharge to foam outlets protecting the hazard shall be at least as set forth in this subparagraph.

(i) For chemical foam systems with stored "A" and "B" solutions, a total of at least 1.6 gallons per minute of the two solutions shall be discharged for each 10 square feet of area protected.

(ii) For other types of foam systems, the water rate to the dry powder generators or air foam production equipment shall be at least 1.6 gallons per minute for each 10 square feet of area protected.

(2) For tanks, the rate of discharge to foam outlets protecting the hazard shall be as set forth in subparagraph (1) of this paragraph, except that the value of 1 gallon per minute shall be substituted in both cases for the value of 1.6 gallons per minute.

(c) *Supply of foam producing material.* (1) There shall be provided a quantity of foam producing material sufficient to operate the equipment at the discharge rate specified in paragraph (b) of this section for a period of at least 3 minutes for spaces other than tanks, and for at least 5 minutes for tanks.

(2) A separate supply of foam agent need not be provided for each space protected. The total available supply shall be at least sufficient for the space requiring the greatest amount.

(3) Where pumps are required, the water supply shall be from outside the space protected and shall in no way be dependent upon power from the space protected.

§ 76.17–10 Controls.

(a) The foam agent, its container, and all controls and valves for the operation of the system shall be of an approved type.

(b) The foam agent container and all controls and valves for the operation of the system shall be outside the space protected and shall not be located in such space as might be cut off or made inaccessible in the event of fire in any of the spaces protected. The control space shall be as convenient as practicable to one of the main escapes from spaces protected, and shall be marked as required by § 78.47–17 of this subchapter. Where pumps are required, it shall not be necessary that they be started from the control space.

(c) Complete, but simple instructions for the operation of the system shall be located in a conspicuous place at or near the controls.

(d) The valves to the various spaces served shall be marked as required by § 78.47–15 of this chapter.

§ 76.17–15 Piping.

(a) All piping, valves, and fittings shall meet the applicable requirements of Subchapter F (Marine Engineering) of this chapter.

(b) All piping, valves, and fittings of ferrous materials shall be protected inside and outside against corrosion unless specifically approved otherwise by the Commandant.

(c) All piping, valves, and fittings shall be securely supported, and where necessary, protected against injury.

(d) Drains and dirt traps shall be fitted where necessary to prevent the accumulation of dirt or moisture.

(e) Piping shall be used for no other purpose.

§ 76.17–20 Discharge outlets.

(a) Discharge outlets shall be of an approved type.

§ 76.17–25 Additional protection required.

(a) In order that any residual fires above the floor plates may be extinguished when a foam system is installed for the protection of spaces other than tanks, at least 2 fire hydrants, in addition to those required for the machinery space by Subpart 76.10, shall be installed outside of the machinery space entrances. Such hydrants shall be fitted with sufficient hose so that any part of the machinery space may be reached with at least 2 streams of water, and each hose shall be equipped with an approved combination nozzle, applicator, and self-cleaning strainer as described in § 76.10–10(j) (3).

§ 76.17–90 Installations contracted for prior to November 19, 1952.

(a) Installation contracted for prior to November 19, 1952, shall meet the following requirements:

(1) Existing arrangements, materials, and facilities previously approved shall be considered satisfactory so long as they meet the minimum requirements of this paragraph and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original installation.

(2) The details of the systems shall be in general agreement with §§ 76.17–5 through 76.17–20, with the exception of § 76.17–5 (a) (2), insofar as is reasonable and practicable. A 6-inch blanket of foam in 5 minutes for tanks and 3 minutes for other spaces will be considered as meeting the requirements of § 76.17–5.

Subpart 76.23—Manual Sprinkling System, Details

§ 76.23–1 Application.

(a) Where a manual sprinkling system is installed, the provisions of this subpart, with the exception of § 76.23–90, shall apply to all installations contracted for on or after November 19, 1952. Installations contracted for prior to November 19, 1952, shall meet the requirements of § 76.23–90.

§ 76.23–5 Zoning.

(a) Separate zones may be used for each deck, and on any particular deck, spaces separated by "A" or "B" Class bulkheads may be separately zoned.

(b) On any particular deck, large common areas may be zoned in accordance with Table 76.23–5 (b). All such zones within one common area shall be of approximately the same size. Zones of this type shall overlap in such a manner that the end sprinkler heads of both adjoining zones will cover the identical area.

TABLE 76.23–5 (b)

Square feet of common deck area		Maximum number of zones
Over	Not over	
----	800	1
800	1,800	2
1,800	3,000	3
3,000	5,000	4
5,000	9,000	5
9,000	15,000	6
15,000	30,000	7
30,000	----------	8

§ 76.23–10 Quantity, pipe sizes, and discharge rates.

(a) *General.* (1) The system shall be so designed and arranged that the overhead is effectively sprayed and all portions of the deck are covered. The capacity shall be such that at least 12 gallons of water per minute are applied to each 100 square feet of deck area.

(2) Piping, fittings, sprinkler heads, and pumps installed in accordance with the remainder of this section will be considered as meeting the above requirements. If alternate sizes or arrangements are used, it shall be demonstrated that these minimum requirements have been met.

(b) *Sprinkler heads.* (1) Three-eighth inch open type sprinkler heads shall be used. Sprinkler heads shall be so arranged that no portion of the overhead is more than 7 feet from a sprinkler head.

(c) *Pipe sizes.* (1) The various pipe sizes shall be in proportion to the number of heads served. Minimum pipe sizes shall be as given in Table 76.23–10 (c).

TABLE 76.23–10 (c)

Number of 3/4 inch heads served		Minimum nominal pipe sizes, inches
Over	Not over	
----	1	3/4
1	2	1
2	4	1 1/4
4	6	1 1/2
6	12	2
12	18	2 1/2
18	30	3
30	46	3 1/2
46	66	4
66	120	5

(d) *Fire pumps.* (1) The fire pumps may be used for the sprinkling system provided there is sufficient total capacity to operate the largest zone of the sprinkling system with a Pitot tube pressure of at least 15 p. s. i. at all heads and at the same time to deliver water from the two highest fire hose outlets in a manner similar to that described in § 76.10–5 (c). In addition, on vessels over 750 gross tons, there shall be sufficient pumping capacity to also operate the second largest zone.

§ 76.23–15 Controls.

(a) The controls for the system shall be outside the spaces protected, and shall not be located in such space as might be cut off or made inaccessible in the event of fire in any of the spaces protected. The control space shall be marked as required by § 78.47–15 of this

subchapter. It shall not be necessary to start the pumps from the control space.

(b) Distribution piping to the various zones shall be controlled from one station. Each branch line to the various zones shall be fitted with a stop valve which shall be marked as required by § 78.47–15 of this subchapter.

§ 76.23–20 Piping.

(a) All piping, valves, and fittings shall meet the applicable requirements of Subchapter F (Marine Engineering) of this chapter.

(b) All piping, valves, and fittings of ferrous materials shall be protected inside and outside against corrosion unless specifically approved by the Commandant.

(c) All piping, valves, fittings, and sprinkler heads shall be securely supported, and where necessary, protected against injury.

(d) Drains and dirt traps shall be fitted where necessary to prevent the accumulation of dirt or moisture.

(e) Piping shall be used for no other purpose.

§ 76.23–25 Sprinkler heads.

(a) Sprinkler heads shall be of an approved type.

§ 76.23–90 Installations contracted for prior to November 19, 1952.

(a) Installations contracted for prior to November 19, 1952, shall meet the following requirements:

(1) Existing arrangements, materials, and facilities previously approved shall be considered satisfactory so long as they meet the minimum requirements of this paragraph and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and replacements may be made to the same standards as the original installation.

(2) The details of the system shall be in general agreement with §§ 76.23–5 through 76.23–25 insofar as is reasonable and practicable. Existing piping, pumping facilities, and sprinkler heads or perforated pipes may be retained provided all portions of the overhead are effectively sprayed and all portions of the deck are covered.

Subpart 76.25—Automatic Sprinkling System, Details

§ 76.25–1 Application.

(a) Where an automatic sprinkling system is installed, the provisions of this subpart, with the exception of § 76.25–90, shall apply to all installations contracted for on or after November 19, 1952. Installations contracted for prior to November 19, 1952, shall meet the requirements of § 76.25–90.

§ 76.25–5 Zoning.

(a) The automatic sprinkling system shall be divided into separate zones to restrict the area covered by any particular alarm signal.

(b) No sprinkling zone shall contain more than 250 sprinkler heads.

(c) The sprinkling zone may cover more than one deck, in which case, the boundaries shall be maintained in a vertical line insofar as is reasonable and practicable. The boundaries of the zone shall be coincident with bulkheads of Class "A" construction such as main vertical zone or watertight bulkheads.

(d) Spaces in different main vertical zones shall not be included in the same sprinkling zone.

§ 76.25–10 Size and arrangement of sprinkler heads and pipe sizes.

(a) *General.* (1) The system shall be so designed and arranged that the overhead is effectively sprayed and that all portions of the deck are covered.

(2) One-half inch sprinkler heads shall be used. Sprinkler heads shall be so arranged that no portion of the overhead or vertical projection of the deck is more than 7 feet from a sprinkler head.

(b) *Pipe sizes.* (1) The sizes of branch lines, single cross mains, feed mains, and risers shall be in proportion to the number of sprinkler heads served. The minimum pipe sizes shall be as given in Table 76.25–10 (b) (1).

TABLE 76.25–10 (b) (1)

Minimum nominal pipe size, inches	Maximum number of heads served	
	Vessels whose construction is more combustible than that set forth in §§ 72.05–5 through 72.05–60	Vessels constructed in general agreement with §§ 72.05–5 through 72.05–60
1	2	2
1¼	3	3
1½	5	5
2	10	10
2½	20	40
3	40	250
3½	65	----------
4	100	----------
5	180	----------
6	250	----------

(2) If a complete loop cross main is employed, the size of such cross main shall be in proportion to the number of sprinkler heads served. The minimum pipe sizes shall be as given in Table 76.25–10 (b) (2). The entire loop shall be of the same size pipe.

TABLE 76.25–10 (b) (2)

Minimum nominal pipe size inches	Maximum number of heads served	
	Vessels whose construction is more combustible than that set forth in §§ 72.05–5 through 72.05–60	Vessels constructed in general agreement with §§ 72.05–5 through 72.05–60
1	5	5
1¼	9	9
1½	13	13
2	22	30
2½	40	80
3	80	250
3½	130	----------
4	250	----------

§ 76.25–15 Pumps and water supply.

(a) An automatically controlled pump shall be provided to supply the sprinkling system and shall be used for no other purpose. The size and capacity of the pump shall be governed by the zone having the greatest capacity need for any one deck, and shall be suitable to operate at least the number of heads noted in Table 76.25–15 (a) with a Pitot tube pressure of at least 15 p. s. i. at all heads (approximately 20 GPM per head). There shall also be sufficient pumping capacity available, either from the automatic pump, the fire pumps, or other source, so that in conjunction with the automatic pump the total number of heads noted in Table 76.25–15 (a) may be operated with the same efficiency as noted above, and at the same time to deliver water from the two highest fire hose outlets in a manner similar to that described in § 76.10–5 (c). Intermediate values may be obtained by interpolation.

TABLE 76.25–15 (a)

Maximum number of heads on one deck in one zone	Number of heads automatic pump to supply	Number of heads additional pumps to supply
5	5	----------
10	10	----------
20	10	10
30	12	16
40	15	18
50	15	25
60	20	25
80	20	30
100	20	40
120	20	50
150	20	60
200	20	75
250	20	100

§ 76.25–20 Pressure tank.

(a) A pressure tank or other suitable means shall be installed to permit early action of the system pending the starting of the pump. Sufficient fresh water shall be carried in the tank to fill the piping of the largest zone, and in addition, force out at least 200 gallons at the least effective head in the zone at a Pitot tube pressure of at least 15 p.s.i. Suitable check valves shall be installed to prevent salt water from entering the pressure tank, and low water and low pressure alarms shall be fitted.

§ 76.25–25 Controls.

(a) The controls for the system shall be outside the spaces protected, and shall not be located in such space as might be cut off or made inaccessible in the event of fire in any of the spaces protected. The control space shall be marked as required by § 78.47–17 of this subchapter.

(b) Each supply line to the various zones shall be fitted with a stop valve which shall be marked as required by § 78.47–15 of this subchapter. These valves shall be normally open, and shall indicate by an alarm if they are closed.

§ 76.25–30 Piping.

(a) All piping, valves, and fittings of ferrous materials shall be protected inside and outside against corrosion unless specifically approved by the Commandant.

(b) All piping, valves, fittings, and sprinkler heads shall be securely supported, and, where necessary, protected against injury.

(c) Drains and dirt traps shall be fitted where necessary to prevent the accumulation of dirt or moisture.

(d) Piping shall be used for no other purpose.

§ 76.25–35 Operation and installation.

(a) The system shall be so arranged and installed that a fire in any of the protected spaces will open the affected sprinkler heads. Water from the pressure tank shall be immediately available to the affected sprinkler head and before the supply from the pressure tank is exhausted, the sprinkler pump shall be automatically started and shall supply the system until manually shut off. Suitable test stations shall be installed in each zone to test the operation of the system.

(b) The system shall be so arranged and installed that the presence of a fire in any of the protected spaces will automatically be registered visibly and audibly in the pilothouse or fire control station. The visible notice shall automatically indicate the zone in which the alarm originated. On vessels over 150 feet in length, there shall also be an audible alarm in the engine room.

(c) There shall be not less than two sources of power supply for the sea water pumps, air compressors and automatic alarms. Where the sources of power are electrical, these shall be a main generator and an emergency source of power. One supply shall be taken from the main switchboard, by separate feeders reserved solely for that purpose. Such feeders shall be run to a change-over switch situated near to the sprinkler unit and the switch shall normally be kept closed to the feeder from the emergency switchboard. The change-over switch shall be clearly labeled and no other switch shall be permitted in these feeders.

(d) Where subject to freezing, sprinkler systems shall be of the dry pipe type.

(e) The sprinkler heads, the cabinet, alarms, dry valves and actuating mechanisms shall be of an approved type.

(f) In general, the sprinkler heads shall be rated not lower than 135 degrees F. nor higher than 165 degrees F. However, in spaces where a high ambient temperature may be expected, sprinkler heads rated at 212 degrees F. shall be used.

(g) The automatic sprinkling system and all its components shall be used for no other purpose.

(h) All wiring and electrical circuits and equipment shall meet the applicable requirements of Subchapter J (Electrical Engineering) of this chapter.

(i) All piping, valves, fittings, pressure tanks, etc., shall meet the applicable requirements of Subchapter F (Marine Engineering) of this chapter.

(j) A framed chart or diagram shall be installed in the wheelhouse or control station adjacent to the detecting cabinet indicating the location of the various detecting zones and giving instructions for the operation, maintenance, and testing of the system. This chart, or a separate card or booklet to be kept near the chart, shall have tabulated spaces for the date and signature of the licensed officer of the vessel who shall witness or conduct the periodic tests.

(k) The audible alarms shall be identified as required by § 78.47–13 of this subchapter.

§ 76.25–90 Installations contracted for prior to November 19, 1952.

(a) Installations contracted for prior to November 19, 1952, shall meet the following requirements:

(1) Existing arrangements, materials, and facilities previously approved shall be considered satisfactory so long as they meet the minimum requirements of this paragraph, and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and replacements may be made to the same standards as the original installation.

(2) The details of the system shall be in general agreement with §§ 76.25–5 through 76.25–35 insofar as is reasonable and practicable. Existing piping, pumping facilities, sprinkler heads, and operating devices may be retained provided a reasonable coverage of the spaces protected is assured.

Subpart 76.27—Electric Fire Detecting System, Details

§ 76.27–1 Application.

(a) Where an electric fire detecting system is installed, the provisions of this subpart, with the exception of § 76.27–90, shall apply to all installations contracted for on or after November 19, 1952. Installations contracted for prior to November 19, 1952, shall meet the requirements of § 76.27–90.

§ 76.27–5 Zoning.

(a) The fire detecting system shall be divided into separate zones to restrict the area covered by any particular alarm signal.

(b) All spaces in a fire detecting zone shall be accessible from one to another without leaving the deck involved. All doors in watertight subdivision bulkheads and main vertical zone bulkheads shall be assumed closed for the purpose of this requirement.

(c) The fire detecting zone shall not include spaces on more than one deck, except:

(1) Adjacent and communicating spaces on different decks in the ends of the vessel having a combined ceiling area of not more than 3,000 square feet.

(2) Isolated rooms or lockers in such spaces as mast houses, wheelhouse top, etc., which are easily communicable with the area of the fire-detecting circuit to which they are connected.

(3) Systems with indicators for individual spaces.

(d) The fire detecting zone shall not contain more than 50 protected rooms or spaces.

§ 76.27–10 Location and spacing of detectors.

(a) The detectors shall be located close to the overhead in the space protected. Where liable to physical damage, the detector shall be suitably protected.

(b) Unless specifically approved otherwise, no spot on the overhead of a protected space shall be more than 10 feet from a detector. Where beams or girders extend below the ceiling, or where the ceiling is installed at more than one level, the detectors shall be so located as to be most effective.

§ 76.27–15 Operation and installation.

(a) The system shall be so arranged and installed that the presence of a fire in any of the protected spaces will be automatically registered visibly and audibly in the pilothouse or fire control station. The visible notice shall indicate the zone in which the alarm originated. On vessels over 150 feet in length, there shall also be an audible alarm in the engine room.

(b) The detectors, the detecting cabinet and alarms shall be of an approved type.

(c) In general, the detectors, shall be rated not lower than 135 degrees F. and not higher than 165 degrees F. However, in spaces where a high ambient temperature may be expected, detectors shall be rated not lower than 175 degrees F. and not higher than 225 degrees F.

(d) The fire detecting system shall be used for no other purpose, except that it may be incorporated with the manual alarm system.

(e) All wiring and electrical circuits and equipment shall meet the applicable requirements of Subchapter J (Electrical Engineering) of this chapter.

(f) A framed chart or diagram shall be installed in the wheelhouse or control station adjacent to the detecting cabinet indicating the location of the various detecting zones and giving instructions for the operation, maintenance, and testing of the system. This chart, or a separate card or booklet to be kept near the chart, shall have tabulated spaces for the date and signature of the licensed officer of the vessel who shall witness or conduct the periodic tests.

(g) The audible alarms shall be identified as required by § 78.47–13 of this subchapter.

§ 76.27–90 Installations contracted for prior to November 19, 1952.

(a) Installations contracted for prior to November 19, 1952, shall meet the following requirements:

(1) Existing arrangements, materials, and equipment previously approved shall be considered satisfactory so long as they meet the minimum requirements of this paragraph, and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine

Inspection. Minor repairs and alterations may be made to the same standards as the original installation.

(2) The details of the systems shall be in general agreement with §§ 76.27–5 through 76.27–15 insofar as is reasonable and practicable.

Subpart 76.30—Pneumatic Fire Detecting System, Details

§ 76.30–1 Application.

(a) Where a pneumatic fire detecting system is installed, the provisions of this subpart, with the exception of § 76.30–90, shall apply to all installations contracted for on or after November 19, 1952. Installations contracted for prior to November 19, 1952, shall meet the requirements of § 76.30–90.

§ 76.30–5 Zoning.

(a) The fire detecting system shall be divided into separate zones to restrict the area covered by any particular alarm signal.

(b) All spaces in a fire detecting zone shall be accessible from one to another without leaving the deck involved. All doors in watertight subdivision bulkheads and main vertical zone bulkheads shall be assumed closed for the purpose of this requirement.

(c) The fire detecting zone shall not include spaces on more than one deck, except:

(1) Adjacent and communicating spaces on different decks in the ends of the vessel, having a combined deck area of not more than 3,000 feet.

(2) Isolated rooms or lockers in such spaces as mast houses, wheelhouse top, etc., which are easily communicable with the area of the fire-detecting circuit to which they are connected.

(d) The fire detecting zone shall not include more than 50 protected rooms or spaces.

(e) Individual tubing circuits shall not contain more than 1,000 feet of pneumatic tubing or its equivalent. However, more than one tubing circuit may be included in the same fire detecting zone.

§ 76.30–10 Location and spacing of tubing.

(a) The tubing shall be located on the overhead or within 12 inches of the overhead on the bulkheads. Where liable to physical damage, the tubing shall be suitably protected.

(b) In each enclosed space or separate room there shall be exposed at least 5 percent of the total length of tubing in that circuit, but in no case shall the amount be less than 25 feet.

(c) No spot on the overhead of a protected space shall be more than 12 feet from the nearest point of tubing. Where beams or girders extend below the ceiling, or where the ceiling is installed at more than one level, the tubing shall be so located as to be most effective.

§ 76.30–15 Operation and installation.

(a) The system shall be so arranged and installed that the presence of a fire in any of the protected spaces will automatically be registered visibly and audibly in the pilothouse or fire control station. The visible notice shall automatically indicate the zone in which the alarm originated. On vessels over 150 feet in length, there shall also be an audible alarm in the engine room.

(b) The tubing or detecting devices, pneumatic-electric converting units, detecting cabinets, and alarms shall be of an approved type.

(c) In general, the system shall be adjusted to operate at a temperature rise of approximately 40 degrees F. per minute at the center of the circuit.

(d) The fire detecting system shall be used for no other purpose except that it may be incorporated with the manual alarm system.

(e) All wiring and electrical circuits and equipment shall meet the applicable requirements of Subchapter J (Electrical Engineering) of this chapter.

(f) A framed chart or diagram shall be installed in the wheelhouse or control station adjacent to the detecting cabinet indicating the location of the various detecting zones and giving instructions for the operation, maintenance, and testing of the system. This chart, or a separate card or booklet to be kept near the chart, shall have tabulated spaces for the date and signature of the licensed officer of the vessel who shall witness or conduct the periodic tests.

(g) The audible alarms shall be identified as required by § 78.47–13 of this subchapter.

§ 76.30–90 Installations contracted for prior to November 19, 1952.

(a) Installations contracted for prior to November 19, 1952, shall meet the following requirements:

(1) Existing arrangements, materials, and equipment previously approved shall be considered satisfactory so long as they meet the minimum requirements of this paragraph and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original installation.

(2) The details of the systems shall be in general agreement with §§ 76.30–5 through 76.30–15 insofar as is reasonable and practicable.

Subpart 76.33—Smoke Detecting System, Details

§ 76.33–1 Application.

(a) Where a smoke detecting system is installed, the provisions of this subpart, with the exception of § 76.33–90, shall apply to all installations contracted for on or after November 19, 1952. Installations contracted for prior to November 19, 1952, shall meet the requirements of § 76.33–90.

§ 76.33–5 Zoning.

(a) The smoke detecting system shall be divided into separate zones to restrict the area covered by any particular alarm signal.

(b) The smoke detecting zone shall not include spaces on more than one deck, except the small adjacent spaces mentioned in paragraph (c) of this section.

(c) Each separate space shall be considered as a zone, except that two or three small adjacent spaces having a combined volume not exceeding 5,000 cubic feet may be connected on the same zone.

(d) Where a space is of such size that one accumulator is not sufficient, not more than two accumulators may be combined in one zone.

§ 76.33–10 Location and spacing of accumulators.

(a) Smoke accumulators shall be located overhead in each compartment. Where liable to physical damage, the accumulators and piping shall be suitably protected.

(b) No spot on the overhead of a protected space shall be more than 40 feet from an accumulator.

(c) Accumulators shall not be located closer to the opening of a ventilator than three times the diameter or equivalent diameter of the opening.

§ 76.33–15 Piping.

(a) Individual pipes shall be not less than ¾-inch standard pipe size.

(b) All piping, valves, and fittings of ferrous materials shall be protected inside and outside against corrosion unless specifically approved otherwise by the Commandant.

(c) Where a smoke detecting system serves a space used alternately for liquid and dry cargo, a valve shall be installed between the tank and the detecting cabinet so that the line may be shut off when liquids are carried. When the smoke detecting system is combined with a fire extinguishing system, the operation of the valve shall not affect the operation of the fire extinguishing system.

(d) All piping, valves, and fittings shall be securely supported, and where necessary, protected against injury. The piping shall be installed with as easy bends as practicable, and shall be installed to grade to low points for drainage.

(e) Drains and dirt traps shall be fitted where necessary to prevent the accumulation of dirt or moisture.

§ 76.33–20 Operation and installation.

(a) The system shall be so arranged and installed that the presence of smoke in any of the protected spaces will automatically be indicated visually to an observer directly in front of the detecting cabinet. The visible notice shall automatically indicate the zone in which the smoke originated. The detecting cabinet shall normally be located in the pilothouse or fire control station. On vessels over 5,000 gross tons, there shall also be an automatic audible alarm in the wheelhouse together with an auxiliary audible alarm in the engine room.

(b) If the detecting cabinet is not located in the pilothouse or fire control station, it shall be located in convenient proximity to the valve control station of the extinguishing system. In this case, there shall be in the pilothouse or fire control station automatic visual alarms, one for each zone in which an alarm may originate, as well as an automatic audible alarm. There shall also be an auxiliary audible alarm in the engine room. For installations contracted for on or after January 1, 1962, where detecting cabinets are not located in the pilothouse or an adjacent fire control station having direct access to the pilothouse, an efficient means of direct communication shall be provided between the pilothouse and the stations where the detecting cabinets are located.

(c) A sufficient quantity of exhaust from the detecting cabinet shall be discharged in the vicinity of the cabinet to permit the detection of fire by odor. A valve shall be installed in such space to direct the exhaust, if obnoxious, to the outside.

(d) The smoke detecting system shall be used for no other purpose except that it may be incorporated with the fire extinguishing system to the spaces covered by the smoke detecting system.

(e) The accumulators, detecting cabinet, interconnecting valves with the fire extinguishing system, alarms, and indicating devices shall be of an approved type.

(f) All wiring and electrical circuits and equipment shall meet the applicable requirements of Subchapter J (Electrical Engineering) of this chapter.

(g) A framed chart or diagram shall be installed adjacent to the detecting cabinet and auxiliary panel indicating the location of the various zones and giving instructions for the operation, maintenance, and testing of the system. The chart at the cabinet location or a separate card or booklet to be kept near the chart, shall have tabulated spaces for the date and signature of the licensed officer of the vessel who shall witness or conduct the periodic tests.

(h) The audible smoke detecting alarms shall be identified as required by § 78.47–13 of this subchapter.

§ 76.33–90 Installations contracted for prior to November 19, 1952.

(a) Installations contracted for prior to November 19, 1952, shall meet the following requirements:

(1) Existing arrangements, material, and equipment previously approved shall be considered satisfactory so long as they meet the minimum requirements of this paragraph and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original installation.

(2) The details of the systems shall be in general agreement with §§ 76.33–5 through 76.33–15 insofar as is reasonable and practicable.

Subpart 76.35—Manual Alarm System, Details

§ 76.35–1 Application.

(a) Where a manual alarm system is installed, the provisions of this subpart, with the exception of § 76.35–90, shall apply to all installations contracted for on or after November 19, 1952. Installations contracted for prior to November 19, 1952, shall meet the requirements of § 76.35–90.

§ 76.35–5 Zoning.

(a) The zoning of the manual alarm system shall meet the same requirements as for the electric fire detecting system, § 76.27–5.

§ 76.35–10 Location and spacing of manual alarm boxes.

(a) There shall be at least one manual alarm box in each zone.

(b) Manual alarms shall be located in main passageways, stairway enclosures, public spaces, or similar locations where they will be readily available and easily seen in case of need.

(c) In general, a sufficient number of manual alarm boxes shall be employed that a person escaping from any space would find a manual alarm box convenient on his normal route of escape.

§ 76.35–15 Operation and installation.

(a) The system shall be so arranged and installed that the presence of a fire may be reported from any of the protected spaces and be automatically registered visibly and audibly in the pilothouse or fire control station. The visible notice shall indicate the zone in which the alarm originated. There shall also be an audible alarm in the engine room.

(b) The manual alarm boxes, cabinet, and alarms shall be of an approved type.

(c) The manual alarm system shall be used for no other purpose, except that it may be incorporated with the fire detecting system.

(d) All wiring and electrical circuits and equipment shall meet the applicable requirements of Subchapter J (Electrical Engineering) of this chapter.

(e) A framed chart or diagram shall be installed in the wheelhouse or control station adjacent to the detecting cabinet indicating the location of the various detecting zones and giving instructions for the operation, maintenance, and testing of the system. This chart, or a separate booklet to be kept near the chart, shall have tabulated spaces for the date and signature of the licensed officer of the vessel who shall witness or conduct the periodic tests.

(f) The manual alarm boxes and bells shall be identified as required by § 78.47–10 of this subchapter.

§ 76.35–90 Installations contracted for prior to November 19, 1952.

(a) Installations contracted for prior to November 19, 1952, shall meet the following requirements:

(1) Existing arrangements, materials, and equipment previously approved shall be considered satisfactory so long as they meet the minimum requirements of this paragraph, and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original installation.

(2) The details of the systems shall be in general agreement with §§ 76.35–5 through 76.35–15 insofar as is reasonable and practicable.

Subpart 76.50—Hand Portable Fire Extinguishers and Semiportable Fire Extinguishing Systems, Arrangements, and Details

§ 76.50–1 Application.

(a) The provisions of this subpart, with the exception of § 76.50–90, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 76.50–90.

§ 76.50–5 Classification.

(a) Hand portable fire extinguishers and semiportable fire extinguishing systems shall be classified by a combination letter and number symbol, the letter indicating the type of fire which the unit could be expected to extinguish, and the number indicating the relative size of the unit.

(b) The types of fire will be designated as follows:

(1) "A" for fires in ordinary combustible materials where the quenching and cooling effects of quantities of water, or solutions containing large percentages of water, are of first importance.

(2) "B" for fires in flammable liquids, greases, etc., where a blanketing effect is essential.

(3) "C" for fires in electrical equipment where the use of nonconducting extinguishing agent is of first importance.

(c) The number designations for size will start with "I" for the smallest to "V" for the largest. Sizes I and II are considered hand portable fire extinguishers and sizes III, IV and V are considered semiportable fire extinguishing systems which shall be fitted with suitable hose and nozzle or other practicable means so that all portions of the space concerned may be covered. Examples of size graduations for some of the typical hand portable and semiportable fire extinguishing systems are set forth in Table 76.50–5 (c).

TABLE 76.50–5 (c)

Classification		Soda-acid and water, gallons	Foam, gallons	Carbon dioxide, pounds	Dry chemical, pounds
Type	Size				
A	II	2½	2½		
B	I		1½	4	2
B	II		2½	15	10
B	III		12	35	20
B	IV		20	50	30
B	V		40	100	50
C	I			4	2
C	II			15	10

(d) All hand portable fire extinguishers and semiportable fire extinguishing systems shall have permanently attached thereto a metallic name plate giving the name of the item, the rated capacity in gallons, quarts, or pounds, the name and address of the person or firm for whom approved, and the identifying mark of the actual manufacturer.

(e) Vaporizing-liquid type fire extinguishers, containing carbon tetrachloride or chlorobromomethane or other toxic vaporizing liquids shall be removed from all vessels.

§ 76.50–10 Location.

(a) Approved hand portable fire extinguishers and semiportable fire extinguishing systems shall be installed in accordance with Table 76.50–10 (a). The location of the equipment shall be to the satisfaction of the Officer in Charge, Marine Inspection. Nothing in this paragraph shall be construed as limiting the Officer in Charge, Marine Inspection, from requiring such additional equipment as he deems necessary for the proper protection of the vessel.

(b) Semiportable fire extinguishing systems shall be located in the open so as to be readily seen.

(c) If hand portable fire extinguishers are not located in the open or behind glass so that they may be readily seen, they may be placed in enclosures together with the fire hose, provided such enclosures are marked as required by § 78.47–20 of this subchapter.

(d) Hand portable fire extinguishers and their stations shall be numbered in accordance with § 78.47–30 of this subchapter.

(e) Hand portable or semiportable extinguishers, which are required on their nameplates to be protected from freezing, shall not be located where freezing temperatures may be expected.

TABLE 76.50–10 (a)

Space	Hand portable fire extinguisher and semiportable fire extinguishing systems	
	Classification (see § 76.50–5)	Quantity and location
Safety area [1]		
Wheelhouse or fire control room	A-II, B-II, C-II.	1 of each classification on vessels over 1,000 gross tons. (Not required in both spaces.) (Multiple classification may be recognized.)
Stairway and elevator enclosures		None required.
Communicating corridors	A-II	1 in each main corridor in each main vertical zone. (May be located in stairway enclosures.)
Lifeboat embarkation and lowering stations		None required.
Radio room	C-I [2]	2 in vicinity of exit.[3]
Accommodations [1]		
Staterooms, toilet spaces, isolated pantries, etc.		None required.
Offices, lockers, and isolated storerooms		Do.
Public spaces	A-II	1 for each 2,500 square feet or fraction thereof located in vicinity of exits, except that none required for spaces under 500 square feet.
Open decks or enclosed promenades		None required.
Service spaces		
Galleys	B-II or C-II.	1 for each 2,500 square feet or fraction thereof suitable for hazards involved.
Main pantries	A-II	1 for each 2,500 square feet or fraction thereof located in vicinity of exits.
Motion picture booths and film lockers	C-I [4]	1 outside in vicinity of exit.
Paint and lamp rooms	B-II	1 outside space in vicinity of exit.
Inaccessible baggage, mail, and specie rooms, and storerooms.		None required.
Accessible baggage, mail, and specie rooms, and storerooms.	A-II	1 for each 2,500 square feet or fraction thereof located in vicinity of exits, either inside or outside the spaces.
Refrigerated storerooms	A-II	1 for each 2,500 square feet or fraction thereof located in vicinity of exits, outside the spaces.
Carpenter, valet, photographic, printing shops sales rooms, etc.	A-II	1 outside the space in vicinity of exit.
Machinery spaces		
Coal Fired Boilers: Bunker and boilerspace		None required.
Oil Fired Boilers: Spaces, containing oil fired boilers, either main or auxiliary, or their fuel oil units.	B-II / B-V	2 required.[4] / 1 required.[5]
Internal combustion or gas turbine propelling machinery spaces.	B-II / B-III	1 for each 1,000 B. H. P., but not less than 2 or more than 6. / 1 required.[5]
Electric propulsive motors or generators of open type.	C-II	1 for each propulsion motor or generator unit.
Enclosed ventilating systems for motors and generators of electric propelling machinery.		None required.
Auxiliary spaces, internal combustion or gas turbine.	B-II	1 outside the space in vicinity of exit.
Auxiliary spaces, electric emergency motors or generators.	C-II	Do.
Auxiliary spaces, steam		None required.
Trunks to machinery spaces		Do.
Fuel tanks		Do.
Cargo spaces		
Inaccessible during voyage, including trunks (excluding tanks).		Do.
Accessible during voyage	A-II	1 for each 1,200 square feet or fraction thereof.
Vehicular spaces (covered by sprinkler system).	B-II	1, plus 1 for each 6,000 square feet or fraction thereof.
Vehicular spaces (not covered by sprinkler system).	B-II	1, plus 1 for each 1,500 square feet or fraction thereof.[6]
Cargo oil tanks		None required.

[1] In any case, on vessels of 150 feet in length, and over, there shall be at least 2 A–II units on each passenger deck.
[2] For vessels on an international voyage, substitute 1 C–II in vicinity of exit.
[3] Vessels of less than 1,000 gross tons and not on an international voyage, require 1.
[4] Vessels of less than 1,000 gross tons and not on an international voyage may substitute 1 B–IV.
[5] If oil burning donkey boiler fitted in space, the B–V previously required for the protection of the boilerroom may be substituted. Not required on vessels of less than 300 gross tons if fuel has flashpoint of 110° F. or lower except those on an international voyage.
[6] Not required on vessels of less than 300 gross tons if fuel has flash point higher than 110° F.
[7] 2 B–I units may be substituted for 1 B–II unit.

§ 76.50–15 Spare charges.

(a) Spare charges shall be carried on all vessels for at least 50 percent of each size and each variety, i.e., foam, soda-acid, carbon dioxide, etc., of hand portable fire extinguisher required by §76.50–10(a). However, if the unit is of such variety that it cannot be readily recharged by the vessel's personnel, one spare unit of the same classification shall be carried in lieu of spare charges for all such units of the same size and variety.

(b) Spare charges shall be so packaged as to minimize the hazards to personnel while recharging the units. Acid shall be contained in a Crown stopper type of bottle.

§ 76.50–90 Vessels contracted for prior to November 19, 1952.

(a) Vessels contracted for prior to November 19, 1952, shall meet the following requirements:

(1) The provisions of §§ 76.50–5 through 76.50–15 shall be met with the exception that existing installations in safety areas, accommodations, service spaces, and cargo spaces may be maintained if in the opinion of the Officer in Charge, Marine Inspection, they are in general agreement with the standard of safety prescribed by Table 76.50–10 (a). In such cases, minor modifications may be made to the same standards as the original installation, provided that in no case will a greater departure from the standards of Table 76.50–10(a) be permitted than presently exists.

Subpart 76.60—Fire Axes

§ 76.60–1 Application.

(a) The provisions of this subpart shall apply to all vessels.

§ 76.60–5 Number required.

(a) All vessels except barges shall carry at least the minimum number of fire axes as set forth in Table 76.60–5(a). Nothing in this paragraph shall be construed as limiting the Officer in Charge, Marine Inspection, from requiring such additional fire axes as he deems necessary for the proper protection of the vessel.

TABLE 76.60–5 (a)

Gross tons		Number of axes
Over	Not over	
----------	50	1
50	200	2
200	500	4
500	1,000	6
1,000	----------	8

(b) Covered barges shall carry at least three fire axes and uncovered barges shall carry at least two fire axes.

§ 76.60–10 Location.

(a) Fire axes shall be distributed throughout the spaces available to passengers and crew so as to be most readily available in the event of emergency.

(b) If fire axes are not located in the open or behind glass so that they may be

readily seen, they may be placed in enclosures together with the fire hose, provided such enclosures are marked as required by § 78.47–20 of this subchapter.

PART 77—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

Subpart 77.01—Application

Sec.
77.01–1 General.

Subpart 77.03—Marine Engineering Systems

77.03–1 Installation and details.

Subpart 77.05—Electrical Engineering and Interior Communication Systems

77.05–1 Installation and details.

Subpart 77.07—Anchors, Chains, and Hawsers

77.07–1 Application.
77.07–5 Ocean, coastwise, or Great Lakes Service.
77.07–10 Lakes, bays, and sounds, or river service.
77.07–90 Vessels contracted for prior to November 19, 1952.

Subpart 77.13—Radiotelegraph and Radiotelephone

77.13–1 Required by Federal Communications Commission.

Subpart 77.15—Radio Direction Finder

77.15–1 Application.
77.15–5 Required by Federal Communications Commission.
77.15–90 Vessels contracted for prior to November 19, 1952.

Subpart 77.17—Navigation Lights and Shapes

77.17–1 When required.

Subpart 77.20—Whistles

77.20–1 Vessels other than sailing vessels and barges.

Subpart 77.23—Foghorns

77.23–1 When required.

Subpart 77.25—Fog Sound Signal Devices

77.25–1 When required.

Subpart 77.27—Sounding Equipment

77.27–1 When required.

Subpart 77.30—Emergency Equipment

77.30–1 Application.
77.30–5 General.
77.30–10 Stowage.
77.30–15 Spare charges.
77.30–90 Vessels contracted for prior to November 19, 1952.

Subpart 77.35—Fireman's Outfit

77.35–1 Application.
77.35–5 General.
77.35–10 Fireman's outfit.
77.35–15 Stowage.
77.35–20 Spare charges.
77.35–90 Vessels contracted for prior to May 26, 1965.

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Subpart 77.01—Application

§ 77.01–1 General.

(a) The provisions of this part shall apply to all vessels except as specifically noted.

Subpart 77.03—Marine Engineering Systems

§ 77.03–1 Installation and details.

(a) The installation of all systems of a marine engineering nature, together with the details of design, construction, and installation, shall be in accordance with the requirements of Subchapter F (Marine Engineering) of this chapter. Systems of this type include the following:

Steering systems.
Power for going astern.
Bilge and ballast systems.
Tank vent and sounding systems.
Overboard discharges and shell connections.
Pipe and pressure systems.

Subpart 77.05—Electrical Engineering and Interior Communication Systems

§ 77.05–1 Installation and details.

(a) The installation of all systems of an electrical engineering or interior communications nature, together with the details of design, construction, and installation, shall be in accordance with the requirements of Subchapter J (Electrical Engineering) of this chapter. Systems of this type include the following:

Ship's service lighting and power systems.
Emergency lighting and power systems.
General alarm systems.
Sound powered telephone and voice tube communication systems.
Engine order telegraph systems.
Rudder angle indicator systems.
Emergency loudspeaker systems.
Refrigerated spaces alarm systems.
Miscellaneous machine alarms and controls.
Daylight signaling lamps.

Subpart 77.07—Anchors, Chains, and Hawsers

§ 77.07–1 Application.

(a) The provisions of this subpart, with the exception of § 77.07–90, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 77.07–90.

§ 77.07–5 Ocean, coastwise, or Great Lakes service.

(a) Vessels in ocean, coastwise, or Great Lakes service shall be fitted with anchors, chains, and hawsers in general agreement with the standards established by the American Bureau of Shipping, see Subpart 70.35 of this subchapter.

§ 77.07–10 Lakes, bays, and sounds, or river service.

(a) Vessels in lakes, bays, and sounds, or river service shall be fitted with such ground tackle and hawsers as deemed necessary by the Officer in Charge, Marine Inspection, depending upon the size of the vessel and the waters on which it operates.

§ 77.07–90 Vessels contracted for prior to November 19, 1952.

(a) Vessels contracted for prior to November 19, 1952, shall meet the following requirements:

(1) Installations previously accepted or approved shall be considered satisfactory for the same service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. If the service of the vessel is changed, the suitability of the equipment will be established by the Officer in Charge, Marine Inspection.

Subpart 77.13—Radiotelegraph and Radiotelephone

§ 77.13–1 Required by Federal Communications Commission.

(a) Radiotelegraph and radiotelephone installations are required on certain vessels. Details of the application of this requirement as well as details of the installation shall be as required by the statutes and regulations under the jurisdiction of the Federal Communications Commission.

Subpart 77.15—Radio Direction Finder

§ 77.15–1 Application.

(a) The provisions of this subpart, with the exception of § 77.15–90, shall apply to all mechanically propelled vessels of 1,600 gross tons and over in ocean service or on an international voyage contracted for on or after November 19, 1952. Such vessels contracted for prior to November 19, 1952, shall meet the requirements of § 77.15–90.

§ 77.15–5 Required by Federal Communications Commission.

(a) All vessels shall be fitted with a radio direction finder. Details of the installation shall be as required by the statutes and regulations under the jurisdiction of the Federal Communications Commission.

§ 77.15–90 Vessels contracted for prior to November 19, 1952.

(a) Vessels contracted for prior to November 19, 1952, shall meet the following requirements:

(1) Vessels of over 5,000 gross tons shall meet the requirements of § 77.15–5.

(2) Vessels of from 1,600 gross tons through 5,000 gross tons shall meet the requirements of § 77.15–5 on or before November 19, 1954.

Subpart 77.17—Navigation Lights and Shapes

§ 77.17–1 When required.

(a) All vessels shall be equipped with navigation lights and shapes as prescribed by law and regulation.

Subpart 77.20—Whistles

§ 77.20–1 Vessels other than sailing vessels and barges.

(a) All vessels other than sailing vessels and barges shall be equipped with an efficient whistle or similar appliance to give the necessary whistle signals required by the Rules of the Road applicable to the waters on which the vessel is navigated. The location of the whistle and operating devices shall be as follows:

(1) Means shall be provided to operate the whistle or other appliance from a position adjacent to the main steering station and from the steering station on top of the wheelhouse where such steering station is fitted. Details of the whistle operating device shall be as described in Subchapter J (Electrical Engineering) of this chapter.

(2) In general, the whistle shall be located on the forward side of or above the structure of the vessel so as to be as free of obstructions as possible. Where practicable, it shall be installed at least 6 feet above the wheelhouse, except that on vessels navigating the Western Rivers, and any vessel of less than 100 gross tons, it shall be at least 2 feet above the wheelhouse.

(3) On double ended ferry vessels and similar vessels, where steam whistles are employed, they shall be installed both forward and aft of the stacks or one such whistle on either the port or starboard side of the stack.

Subpart 77.23—Foghorns

§ 77.23–1 When required.

(a) Vessels shall be equipped with an efficient foghorn as prescribed by the Rules of the Road for the waters on which the vessel is navigated. On vessels in ocean or coastwise service, the fog horn shall be sounded by mechanical means.

Subpart 77.25—Fog Sound Signal Devices

§ 77.25–1 When required.

(a) All vessels shall be provided with an efficient fog bell at least 8 inches in diameter. The fog bell shall be located where the sound will be least obstructed.

(b) All vessels of more than 350 feet in length shall be provided with a fog gong which will produce a sound easily distinguishable from the sound of the bell required by paragraph (a) of this section and shall have a range of audibility approximating that of the bell. Vessels operating exclusively on the Great Lakes and the inland waters of the United States shall be exempt from this paragraph.

Subpart 77.27—Sounding Equipment

§ 77.27–1 When required.

(a) All mechanically propelled vessels in ocean or coastwise service of 500 gross tons and over, and all mechanically propelled vessels in Great Lakes service of 1,500 gross tons and over, except paddle wheel vessels, shall be fitted with an efficient mechanical or electronic deep-sea sounding apparatus in addition to the deep-sea hand leads. On Great Lakes vessels, a shallow water alarm may be substituted.

Subpart 77.30—Emergency Equipment

§ 77.30–1 Application.

(a) The provisions of this subpart, with the exception of § 77.30–90, shall apply to all vessels not on an international voyage contracted for on or after November 19, 1952. Such vessels contracted for prior to November 19, 1952, shall meet the requirements of § 77.30–90.

§ 77.30–5 General.

(a) All self-contained breathing apparatus and gas masks shall be of an approved type, constructed in accordance with Subpart 160.011 of Subchapter Q (Specifications) of this chapter.

(b) All gas masks, except the special refrigeration gas masks, shall be of the type approved by the Bureau of Mines as "Type N, Universal Gas Mask".

(c) All flame safety lamps shall be of an approved type, constructed in accordance with Subpart 160.016 of Subchapter Q (Specifications) of this chapter.

(d) All emergency equipment shall be maintained in an operative condition, and it shall be the responsibility of the master and chief engineer to ascertain that a sufficient number of the crew are familiar with the operation of the equipment.

§ 77.30–10 Stowage.

(a) The equipment set forth in Table 77.30–10 (a), together with such other items as the master may deem necessary, shall be stowed in convenient, accessible locations for use in case of emergency.

(b) The refrigeration gas masks shall be stowed convenient to, but outside of the spaces containing the refrigeration equipment.

(c) Half of the remaining equipment set forth in Table 77.30–10 (a) shall be stowed in or near the pilothouse together with a fire axe and the hand portable fire extinguishers required by Table 76.50–10 (a) for that location. The other half of the equipment shall be stowed in a convenient accessible location, remote from the pilothouse, and preferably adjacent to the main entrance to the machinery space. Where only one of an item is required, it shall be stowed in the pilothouse.

TABLE 77.30–10(a)

Service	Number of passenger staterooms	Self-contained breathing apparatus	Additional gas masks or self-contained breathing apparatus	Special refrigeration gas masks[1]	Flame safety lamps
Ocean and coastwise, not on an international voyage.	0 to 49			1	
	50 to 100	1	3	1	
	Over 100	1	5	1	1
Great Lakes, and lakes, bays, and sounds.	0 to 49			1	
	50 to 100	1	1	1	
	Over 100	1	3	1	1
Rivers	0 to 49			1	
	50 to 100	1		1	
	Over 100	1	1	1	1

[1] Required only on vessels equipped with refrigeration, small unit type refrigerators of not more than 20 cubic feet capacity excluded. A gas mask suitable for protection against each refrigerant used shall be provided.

§ 77.30–15 Spare charges.

(a) A complete recharge shall be carried for each gas mask and self-contained breathing apparatus. The spare charge shall be stowed in the same location as the equipment it is to reactivate.

§ 77.30–90 Vessels contracted for prior to November 19, 1952.

(a) Vessels contracted for prior to November 19, 1952, shall meet the following requirements:

(1) The requirements of §§ 77.30–5 through 77.30–15 shall be complied with insofar as the number of items of equipment and the method of stowage of the equipment is concerned. Existing items of equipment previously approved, but not meeting the applicable specifications set forth in § 77.30–5, may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection, but all new installations or replacements shall meet the applicable specifications or requirements.

Subpart 77.35—Fireman's Outfit

§ 77.35–1 Application.

(a) The provisions of this subpart, with the exception of § 77.35–90, shall apply to all vessels on an international voyage contracted for on or after May 26, 1965. Such vessels contracted for prior to May 26, 1965, shall meet the requirements of § 77.35–90.

§ 77.35–5 General.

(a) All flame safety lamps shall be of an approved type, constructed in accordance with Subpart 160.016 of Subchapter Q (Specifications) of this chapter.

(b) All self-contained breathing apparatus shall be of an approved type, constructed in accordance with Subpart 160.011 of Subchapter Q (Specifications) of this chapter.

(c) All flashlights shall be of an approved 3-cell explosion-proof type, constructed in accordance with Subpart 161.008 of Subchapter Q (Specifications) of this chapter.

(d) All lifelines shall be of steel or bronze wire rope. Steel wire rope shall be either inherently corrosion resistant, or made so by galvanizing or tinning. Each end shall be fitted with a hook with keeper having throat opening which can be readily slipped over a ⅝-inch bolt. The total length of the lifeline shall be dependent upon the size and arrangement of the vessel, and more than one line may be hooked together to achieve the necessary length. No individual length of lifeline may be less than 50 feet in length. The assembled lifeline shall have a minimum breaking strength of 1,500 pounds.

(e) All equipment shall be maintained in an operative condition, and it shall be the responsibility of the master and chief engineer to ascertain that a sufficient number of the crew are familiar with the operation of the equipment.

§ 77.35–10 Fireman's outfit.

(a) A fireman's outfit shall consist of one self-contained breathing apparatus with lifeline attached, one flashlight, one flame safety lamp, and one fire ax.

(b) The number of fireman's outfits required are as set forth in Table 77.35–10(b).

TABLE 77.35–10(b)

Gross tonnage		Minimum number of fireman's outfits
Over—	Not over—	
	10,000	2
10,000	20,000	3
20,000		4

§ 77.35–15 Stowage.

(a) The fireman's outfit, together with such other items of equipment as the master may deem necessary, shall be stowed in convenient, accessible locations for use in case of emergency. One outfit shall be stowed in or near the pilothouse. Where additional outfits are required by Table 77.35–10(b), one of the additional outfits shall be stowed preferably adjacent to the main entrance to the machinery space. Other additional outfits shall be stowed in convenient accessible locations remote from the pilothouse.

§ 77.35–20 Spare charges.

(a) A complete recharge shall be carried for each self-contained breathing apparatus, and a complete set of spare batteries shall be carried for each flashlight. The spares shall be stowed in the same location as the equipment it is to reactivate.

§ 77.35–90 Vessels contracted for prior to May 26, 1965.

(a) Vessels contracted for prior to May 26, 1965, shall meet the following requirements:

(1) The requirements of §§ 77.35–5 through 77.35–20 shall be complied with insofar as the number of items of equipment and the method of stowage of the equipment is concerned. Existing items of equipment previously approved, but not meeting the applicable specifications set forth in § 77.35–5, may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection, but all new installations or replacements shall meet the applicable specifications or requirements.

PART 78—OPERATIONS

Subpart 78.01—Application

Sec.
78.01–1 General.

Subpart 78.03—Penalties

78.03–1 General.

Subpart 78.05—Notice to Mariners and Aids to Navigation

Sec.
78.05–1 Duty of officers.
78.05–5 Charts.

Subpart 78.07—Notice of Casualty and Voyage Records

78.07–1 Notice of casualty.
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Subpart 78.10—Persons Allowed in Pilothouse and on Navigation Bridge

78.10–1 Persons excluded.

Subpart 78.13—Station Bills

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78.14–1 Application.
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78.17–1 Application.
78.17–3 Watertight doors.
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78.17–10 Loudspeaker system.
78.17–15 Steering gear, whistle, and means of communication.
78.17–20 Drafts and load line markings.
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78.17–30 Examination of boilers and machinery.
78.17–35 Hatches and other openings.
78.17–40 Line-throwing appliances.
78.17–45 Emergency lighting and power systems.
78.17–50 Fire and boat drills.
78.17–55 Electric power operated lifeboat winches.
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Subpart 78.85—Prevention of Oil Pollution

78.85–1 Prohibited zones.

AUTHORITY: The provisions of this Part 78 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4453, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 435, 395, 363, 367, 1333, 390b, 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, Nov. 26, 1954, 19 F.R. 8026; 167–20, June 18, 1956, CGFR 56–28, July 24, 1956, 21 F.R. 5659, unless otherwise noted.

Subpart 78.01—Application

§ 78.01–1 General.

(a) The provisions of this part shall apply to all vessels except as specifically noted.

Subpart 78.03—Penalties

§ 78.03–1 General.

(a) The marine safety and criminal statutes provide penalties for the violation of the applicable provisions of this subchapter, which penalties, depending upon the gravity of the violation, are as follows:

(1) Assessment and collections of civil monetary penalty.

(2) Criminal prosecution where no loss of life results.

(3) Criminal prosecution for manslaughter where loss of life results from violation of statute or regulation or from misconduct, negligence, or inattention to duty.

(4) Libel against vessel.

(b) In addition to the foregoing, any licensed or certificated personnel committing an act of misbehavior, negligence, unskillfulness, endangering life, violation of marine safety statutes or regulations or requirements thereunder, and incompetency shall be subject to proceedings under the provisions of 46 U. S. C. 239 and regulations thereunder (46 CFR Part 137) with respect to suspension or revocation of license or certificate.

Subpart 78.05—Notice to Mariners and Aids to Navigation

§ 78.05–1 Duty of officers.

(a) Licensed deck officers are required to acquaint themselves with the latest information published by the Coast Guard and the United States Navy regarding aids to navigation. Neglect to do so is evidence of neglect of duty. It is desirable that all vessels have available in the pilothouse for convenient reference at all times a file of the applicable Notice to Mariners.

(1) Notice to Mariners, published weekly by the Coast Guard, contains announcements and information regarding aids to navigation and charts of waters of the United States and is available for free distribution at field offices of the Coast Guard, United States Coast and Geodetic Survey field stations, and the Marine Division, Customhouse.

(2) Notice to Mariners, published weekly by the United States Navy for the correction of charts, sailing directions, light lists, and other publications, and which includes foreign waters and certain waters of the United States, is available for free distribution at the Oceanographic Office, Branch Oceanographic offices, or any of the agencies at seaboard ports, and is also on file in the United States consulates where they may be inspected.

§ 78.05–5 Charts.

(a) All vessels, except barges, ferryboats, and vessels operating exclusively on rivers, shall have charts of the waters upon which they operate available for convenient reference at all times.

Subpart 78.07—Notice of Casualty and Voyage Records

AUTHORITY: The provisions of this Subpart 78.07 interpret or apply R.S. 4450, as amended, 4488, as amended, secs. 13, 17, 54 Stat. 166, as amended, sec. 10, 18 Stat. 128, as amended; 46 U.S.C. 239, 481, 528 1(c), 526p, 33 U.S.C. 361. Treasury Department Orders 167–32, September 23, 1958, 23 F.R. 7605; 167–38, October 26, 1959, 24 F.R. 8857.

§ 78.07–1 Notice of casualty.

(a) The owner, agent, master, or person in charge of a vessel involved in a marine casualty shall give notice as soon as possible to the nearest marine inspection office of the U.S. Coast Guard whenever the casualty results in any of the following:

(1) Damage to property in excess of $1,500.

(2) Material damage affecting the seaworthiness or efficiency of a vessel.

(3) Stranding or grounding.

(4) Loss of life.

(5) Injury causing any person to remain incapacitated for a period in excess of 72 hours; except injury to harbor workers not resulting in death and not resulting from vessel casualty or vessel equipment casualty.

(b) The master of any nuclear vessel shall immediately inform the Commandant in the event of any accident or casualty to the nuclear vessel which may lead to an environmental hazard. The master shall also immediately inform the competent governmental authority of the country in whose waters the vessel may be in, or whose waters the vessel approaches in a damaged condition.

§ 78.07–5 Information required.

(a) The notice required by § 78.07–1 shall show the name and official number of the vessel involved, the owner or agent thereof, the nature and probable occasion of the casualty, the locality in which it occurred, the nature and extent of injury to persons and the damage to property.

§ 78.07–10 Written report.

(a) In addition to the notice required by § 78.07–1, the person in charge of the vessel shall, as soon as possible, report in writing and in person to the Officer in Charge, Marine Inspection, at the port in which the casualty occurred or nearest the port of first arrival. However, if from a distance it may be inconvenient to report in person, it may be done in writing only. The written report required for personal accident shall be made on Form CG–924E and submitted for each individual injured and each loss of life. For all other vessel casualties the written report shall be made on Form CG–2692.

(b) If filed without delay, the Form CG–924E or CG–2692 may also provide the notice required by § 78.07–1.

§ 78.07–15 Retention of records.

(a) The owner, agent, master, or other person in charge of any vessel involved in a marine casualty shall retain such voyage records of the vessel as are maintained by the vessel, such as both rough and smooth deck and engine room logs, bell books, navigation charts, navigation work books, compass deviation cards, gyrocompass records, stowage plans, record of draft, aids to mariners, radiograms sent and received, the radio log and crew and passenger lists. The owner, agent, master, or other officer in charge, shall make these records available to a duly authorized Coast Guard officer or employee for examination upon request.

§ 78.07–20 Aids to navigation.

(a) Whenever a vessel collides with a lightship, buoy, or other aid to navigation under the jurisdiction of the Coast Guard, or is connected with any such collision, it shall be the duty of the person in charge of such vessel to report the accident to the nearest Officer in Charge, Marine Inspection. No report on Form CG–2692 is required unless any of the results listed in § 78.07–1 (a) occur.

§ 78.07–25 Reports when state of war exists.

(a) During the period when a state of war exists between the United States and any foreign nation, communications in regard to casualties or accidents shall be handled with caution and the reports shall not be made by radio or by telegram.

Subpart 78.10—Persons Allowed in Pilothouse and on Navigation Bridge

§ 78.10–1 Persons excluded.

(a) Masters and pilots shall exclude from the pilothouse and navigator's bridge while under way, all persons not connected with the navigation of the vessel. However, inspectors of the Coast Guard, licensed officers of vessels, persons regularly engaged in learning the profession of pilot, officers of the Coast Guard, United States Navy, United States Coast and Geodetic Survey, and the Engineer Department of the United States Army or Maritime Administration personnel, may be allowed in the pilothouse or upon the navigator's bridge upon the responsibility of the officer in charge.

Subpart 78.13—Station Bills

AUTHORITY: The provisions of this Subpart 78.13 interpret or apply R.S. 4488, as amended, 46 U.S.C. 481. Treasury Department Order 167–38, October 26, 1959, 24 F.R. 8857.

§ 78.13–1 Master's responsibility.

(a) A station bill (muster list) shall be prepared by the master of the vessel who shall be responsible to sign such station bill and to ascertain that it is duly posted in conspicuous locations in the vessel, particularly in the crew quarters, before the vessel sails.

§ 78.13–5 Duties of crew.

(a) The station bill shall set forth the special duties and duty station of each member of the crew for the various emergencies. The duties shall, as far as possible, be comparable with the regular work of the individual. The duties shall in general include the following and, in addition, such other duties shall be assigned as are necessary in the case of the particular vessel for the proper handling of the particular emergency:

(1) The closing of airports, watertight doors, fire doors, scuppers, sanitary and other discharges which lead through the vessel's hull below the margin line, etc., the stopping of fans and ventilating systems, and the operation of all safety equipment.

(2) The preparation and launching of lifeboats, life rafts, and buoyant apparatus.

(3) The extinction of fire.

(4) The muster of passengers which shall in general be assigned to the stewards department, and shall include the following:

(i) Warning the passengers.

(ii) Seeing that they are dressed and have put on their life jackets in a proper manner.

(iii) Assembling the passengers and directing them to the appointed stations.

(iv) Keeping order in the passageways and stairways and generally controlling the movement of the passengers.

(v) Seeing that a supply of blankets is taken to the lifeboats.

(5) The custody of the portable radio apparatus required by Subpart 75.55 of this subchapter.

§ 78.13–10 Emergency signals.

(a) *Station bill.* (1) The station bill shall set forth the various signals to be used for the calling of the crew to their stations and for giving instructions while at their stations. These signals shall be as set forth in this section.

(b) *Fire alarm stations.* (1) The fire alarm signal shall be a continuous blast of the whistle for a period of not less than 10 seconds supplemented by the continuous ringing of the general alarm bells for not less than 10 seconds.

(2) For dismissal from fire alarm stations, the general alarm shall be sounded three times supplemented by three short blasts of the whistle.

(c) *Boat stations.* (1) The signal for boat stations or boat drill shall be a succession of more than six short blasts followed by one long blast of the whistle supplemented by a comparable signal on the general alarm bells.

(2) Where whistle signals are used for handling the lifeboats, they shall be as follows:

(i) To lower lifeboats, one short blast.

(ii) To stop lowering the lifeboats, two short blasts.

(3) For dismissal from boat stations, there shall be three short blasts of the whistle.

(d) *River vessels.* (1) In the case of river vessels, the ship's bell may be used in lieu of the whistle signals stipulated in this section.

(e) *Other emergency signals.* (1) The master of any vessel may establish such other emergency signals, in addition to the above, as will provide that all officers, crew, and passengers will have positive and certain notice of the existing emergency.

§ 78.13–15 Emergency squad.

(a) Where the size of the crew permits, the station bill shall include an emergency squad which shall be organized by the master to form the nucleus of the damage control party. This squad should be specially trained in the use of all emergency and rescue equipment and should be made generally familiar with the vessel and fundamentals of damage control.

(b) The nature of the signals or other means for assembling the emergency squad shall be left to the discretion of the master, but such signals shall not conflict with navigational or general alarm signals.

§ 78.13–20 Master to instruct crew.

(a) The master shall conduct such drills and give such instructions as are necessary to insure that all hands are familiar with their duties as specified in the station bill.

Subpart 78.14—Manning of Lifeboats and Liferafts

AUTHORITY: The provisions of this Subpart 78.14 interpret or apply R.S. 4488, as amended; 46 U.S.C. 481. Treasury Department Order 167–38, Oct. 26, 1959, 24 F.R. 8857.

§ 78.14–1 Application.

(a) The provisions of this subpart shall apply to all vessels.

§ 78.14–5 Person in command of lifeboat or liferaft.

(a) For vessels in ocean service, the master shall appoint a first and second in command of each lifeboat and each liferaft who shall be either a licensed deck officer, an able seaman, or a certificated lifeboatman.

(b) For vessels in services, other than ocean service, the master shall appoint a person in command of each lifeboat and each liferaft. Except for vessels in river service, this person shall be either a licensed deck officer, an able seaman or a certificated lifeboatman.

(c) The person in charge of each lifeboat or liferaft shall have a list of its crew, and shall see that the persons under his orders are acquainted with their several duties.

§ 78.14–10 Certificated lifeboatmen.

(a) Except for vessels in river service, there shall be for each lifeboat and each liferaft a number of certificated lifeboatmen equal to that specified in Table 78.14–10(a).

TABLE 78.14–10(a)

Prescribed complement of lifeboat or liferaft		Minimum number of lifeboatmen	
Over	Not over	Ocean service	All services other than ocean [1]
	25	2	1
25	40	2	2
40	60	3	3
60	85	4	4
75	110	5	5
110		6	6

[1] Certificated lifeboatmen not required in river service.

(b) The allocation of the certificated lifeboatmen to each lifeboat and each liferaft shall be at the discretion of the master according to circumstances.

§ 78.14–15 Motor-propelled lifeboat.

(a) The master shall assign to each motor-propelled lifeboat a man capable of working the motor.

§ 78.14–20 Lifeboat carrying a wireless or searchlight.

(a) The master shall assign to each lifeboat carrying wireless and/or searchlight a man capable of operating such equipment.

Subpart 78.15—Doors Closed at Sea

§ 78.15–1 Subdivision bulkheads.

(a) All watertight doors in subdivision bulkheads shall be kept closed during navigation except when necessarily opened for working of the vessel, and in such cases they shall always be ready to be immediately closed.

Subpart 78.17—Tests, Drills, and Inspections

AUTHORITY: The provisions of this Subpart 78.17 interpret or apply R.S. 4488, as amended; 46 U.S.C. 481. Treasury Department Order 167–38, October 26, 1959, 24 F.R. 8857.

§ 78.17–1 Application.

(a) Except as specifically noted, the provisions of this subpart shall apply to all vessels.

§ 78.17–3 Watertight doors.

(a) It shall be the duty of the master to see that all watertight doors in subdivision bulkheads that may be opened at sea, and all mechanisms, remote controls, and indicators connected therewith, shall be periodically inspected at least once in each week that the vessel is navigated to be assured that they are in proper operating condition. On vessels in which the voyage exceeds one week in duration, these doors shall be operated before the vessel leaves port. All such doors shall be operated daily.

(b) The date of the test and the condition of the equipment shall be noted in the official log book.

§ 78.17–5 Valves and closing appliances.

(a) It shall be the duty of the master to see that all valves, including cross connecting valves where fitted, and other appliances such as port lights, closing mechanism of scuppers, ash chutes, and rubbish chutes, the closing of which is necessary to make a compartment watertight, are operated at least once in every week that the vessel is navigated to be assured that they are in proper operating condition. Any remote controls or indicating mechanisms shall be inspected at this time to test their efficiency. Where such valves are accessible, they shall be inspected at this time, otherwise, they shall be inspected at the first opportunity when they are accessible. On vessels in which the voyage exceeds one week in duration, these appliances shall be operated before the vessel leaves port.

(b) The date of the test and the condition of the equipment shall be noted in the official logbook.

§ 78.17–10 Loudspeaker system.

(a) Where fitted, the complete loudspeaker system shall be tested at least once every week. This test shall be made by an officer of the vessel.

(b) The date of the test and the condition of the equipment shall be noted in the official logbook.

CROSS REFERENCE: See § 113.50–35 of Subchapter J (Electrical Engineering) of this chapter for details.

§ 78.17–15 Steering gear, whistle, and means of communication.

(a) On all vessels making a voyage of more than 48 hours' duration, the entire steering gear, the whistle, and the means of communication between the bridge or pilothouse and the engine room shall be examined and tested by an officer of the vessel within a period of not more than 12 hours prior to departure. On all other vessels similar examinations and tests shall be made at least once every week.

(b) The date of the test and the condition of the equipment shall be noted in the official logbook.

§ 78.17–20 Drafts and load line markings.

(a) The master of every vessel on an ocean, coastwise, or Great Lakes voyage shall enter the drafts of the vessel, forward and aft, in the official logbook when leaving port.

(b) On vessels subject to the requirements of Subchapter E (Load Lines) of this chapter, at the time of departure from port on an ocean, coastwise, or Great Lakes voyage, the master shall insert in the official logbook a statement of the position of the subdivision load line mark, port and starboard, in relation to the surface of the water in which the vessel is then floating.

(1) When the draft of the vessel is limited by a seasonal load line located below the subdivision load line, the position of the applicable seasonal load line shall be entered in relation to the surface of the water in which the vessel is floating.

(2) When an allowance for draft is made for density of the water in which the vessel is floating, this density is to be noted in the official logbook.

§ 78.17–25 Sanitation.

(a) It shall be the duty of the master and chief engineer to see that the vessel and, in particular, the passenger and crew quarters are in a clean and sanitary condition. The chief engineer shall be responsible only for the sanitary condition of the engineering department.

§ 78.17–30 Examination of boilers and machinery.

(a) It shall be the duty of the chief engineer when he assumes charge of the boilers and machinery of a vessel to examine them thoroughly. If any parts thereof are in bad condition, or if the safety valve seals are broken, the fact shall immediately be reported to the master, owner or agent, and the Officer in Charge, Marine Inspection.

§ 78.17–35 Hatches and other openings.

(a) It shall be the responsibility of the master to assure himself before leaving protected waters that all exposed cargo hatches of his vessel are closed and made properly tight.

(b) The following doors, portable plates, ports, and other openings shall be kept closed while the vessel is being navigated, and shall be closed before the vessel commences a voyage:

(1) Watertight doors between cargo spaces as provided in § 73.35–17(b) of this subchapter.

(2) Portable plates in watertight bulkheads as provided in § 73.30–35(a) of this subchapter.

(3) Gangway, cargo, and coaling ports fitted below the margin line.

(4) On ocean, coastwise, or Great Lakes vessels of 150 gross tons and over, all opening type port lights in a 'tween deck, if the sill of any port light in that 'tween deck, is below a line drawn parallel to the bulkhead deck at side and having its lowest point 4½ feet plus 2½ percent of the breadth of the vessel above the water when the vessel departs from port. The Commandant may indicate the limiting mean draft which would allow such port lights to be opened at sea.

(5) Port lights that are not accessible during navigation. Dead covers on such port lights shall also be secured.

(6) Port lights in spaces appropriated alternately to the carriage of cargo and passengers, when cargo is carried. Dead covers on such port lights shall also be secured.

(c) The time of opening and closing of hatches and other openings noted in this section shall be entered in the official logbook. In the event that the master at his discretion does not secure the hatches, a notation of this fact shall be made in the official logbook. If it becomes essential for the safety of the vessel to open any of the fittings noted in this section while at sea, the circumstances and the time of opening and closing shall be entered in the official logbook.

(d) The time of opening, closing, and securing, at sea, of watertight doors fitted between bunkers for the purpose of trimming coal, shall be entered in the official logbook.

§ 78.17–40 Line-throwing appliances.

(a) On vessels fitted with a line-throwing appliance, it shall be the duty of the master to drill his crew in the use of such appliance, and require it to be fired at least once in every 3 months. Each drill shall be recorded in the vessel's official logbook. The service line shall not be used for drill purposes. The drill shall be conducted as follows:

(1) For impulse-projected rocket type, by actually firing the rocket with any flexible line of proper size and length, suitably faked or laid out.

(2) For shoulder gun type, by actually firing, using the regular cartridge and projectile with any flexible line of proper size and length, suitably faked or laid out.

(3) For Lyle gun type, by actually firing, using 2½ ounces of powder, the regular service projectile with any flexible line of proper size and length suitably faked or laid out.

§ 78.17–45 Emergency lighting and power systems.

(a) It shall be the duty of the master to see that the emergency lighting and power systems are operated and inspected at least once in each week that the vessel is navigated to be assured that the system is in proper operating condition.

(b) Internal combustion engine driven emergency generators shall be operated under load for at least 2 hours, at least once in each month that the vessel is navigated.

(c) Storage batteries for emergency lighting and power systems shall be tested at least once in each 6-month period that the vessel is navigated to demonstrate the ability of the storage battery to supply the emergency loads for the specified period of time.

(d) The date of the tests and the condition and performance of the apparatus shall be noted in the official logbook.

§ 78.17–50 Fire and boat drills.

(a) The master shall be responsible for conducting a fire and boat drill at least once in every week. In the case of a vessel where the duration of the voyage exceeds 1 week, a fire and boat drill shall be held before the vessel leaves port and at least once a week thereafter. On all vessels on an international voyage other than a short international voyage, a muster of the passengers for fire and boat drill shall be held within 24 hours after leaving port.

(b) The fire and boat drill shall be conducted as if an actual emergency existed. All hands should report to their respective stations and be prepared to perform the duties specified in the station bill.

(1) Fire pumps shall be started and a sufficient number of outlets used to ascertain that the system is in proper working order.

(2) All rescue and safety equipment shall be brought from the emergency equipment lockers and the persons designated shall demonstrate their ability to use the equipment.

(3) All watertight doors which are in use while the vessel is under way and all fire doors shall be operated.

(4) Weather permitting, lifeboat covers and strongbacks shall be removed, plugs or caps put in place, boat ladders secured in position, painters led forward and tended, and other lifesaving equipment prepared for use. The motor and hand-propelling gear of each lifeboat, where fitted, shall be operated for at least 5 minutes.

(5) The passengers shall be encouraged to fully participate in these drills and shall be instructed in the use of the life preservers.

(6) In port, every lifeboat shall be swung out, if practicable, and the unobstructed lifeboats shall be lowered to the water and the crew exercised in the use of the oars and other means of propulsion if provided for the lifeboat. Although all lifeboats may not be used in a particular drill, care shall be taken that all lifeboats are given occasional use to ascertain that all lowering equipment is in proper order and the crew properly trained. The master shall be responsible that each lifeboat is lowered to the water at least once in each 3 months.

(7) When the vessel is under way, and weather permitting, all lifeboats shall be swung out to ascertain that the gear is in proper order.

(8) The person in charge of each lifeboat and liferaft shall have a list of its crew and shall see that the men under his command are acquainted with their duties.

(c) It shall be the duty of the master to ascertain that in connection with the fire and boat drills, or at other times, each member of the crew except female members has been drilled and exercised in pulling oars in lifeboats at least once in each 3 months. In addition, the crew of each motor-propelled lifeboat shall demonstrate their ability in the working of the engine and handling of the lifeboat under power, and the crew of each hand-propelled lifeboat shall demonstrate their ability in the operation of the hand-propelling gear and the operation of the lifeboat under hand power within the same time.

(d) An entry shall be made in the vessel's official logbook relative to each fire and boat drill setting forth the date and hour, length of time of the drill, numbers on the lifeboats swung out and numbers on those lowered, the length of time that motor and hand-propelled lifeboats are operated, the number of lengths of hose used, together with a statement as to the condition of all fire and lifesaving equipment, watertight door mechanisms, valves, etc. If in any week the required fire and boat drills are not held or only partial drills are held, an entry shall be made stating the circumstances and extent of the drills held.

(e) Three copies of certain sections from this part, Form CG–809, shall be framed under glass and posted in conspicuous places about the vessel. These forms may be obtained from the Officer in Charge, Marine Inspection.

§ 78.17–55 Electric power operated lifeboat winches.

(a) It shall be the duty of the master to see that all lifeboat winch control apparatus, including motor controllers, emergency switches, master switches, and limit switches, are examined at least once in each 3 months. The examination shall include the removal of drain plugs and/or the opening of drain valves in such appliances to assure that the enclosures are free of water.

(b) The date of the examinations required by this section and the condition of the equipment shall be noted in the official logbook.

§ 78.17–60 Lifeboats, liferafts, lifefloats, and buoyant apparatus.

(a)(1) It shall be the duty of the master or person in charge to see that the lifeboats, rescue boats, liferafts, lifefloats, and buoyant apparatus are properly maintained at all times, and that all equipment for his vessel required by the regulations in this subchapter is provided, maintained, and replaced as indicated.

(2) The master shall assign to one or more officers the duty of seeing that the lifeboats, rescue boats, liferafts, lifefloats, and buoyant apparatus are at all times ready for immediate use.

(3) The decks on which lifeboats, rescue boats, liferafts, lifefloats, and buoyant apparatus are stowed shall be kept clear of cargo or any other obstructions which would interfere with the immediate launching of such equipment.

(b) Where motor-propelled lifeboats are carried, the motor of each lifeboat shall be operated in the ahead and astern position for a period of not less than 5 minutes at least once in each week.

(c) All lifeboats, rescue boats and rigid type liferafts shall be stripped, cleaned, and thoroughly overhauled at least once in every year. When lifeboats are removed from a vessel for this purpose on a rotational basis, the installation test prescribed by Subpart 75.35 need not be made.

(d) The fuel tanks of all motor-propelled lifeboats shall be emptied and the fuel changed at least once in every year.

(e) All lifefloats and buoyant apparatus shall be cleaned and thoroughly overhauled at least once in every year.

(f) Inflatable liferafts shall be serviced at an approved service facility every 12 months or not later than the next vessel inspection for certification provided the time since date of last servicing does not exceed 15 months. Except in emergencies no servicing shall be done aboard vessels.

§ 78.17–65 Smoke detecting system.

(a) It shall be the duty of the master to see that the smoke inlets in cargo holds are examined at least once in each 3 months by the ship's personnel to determine if the inlets are obstructed by corrosion, paint, dust, or other extraneous matter. Smoke tests shall be made in all holds and the system found or made operable. The date of the test and condition of the system shall be entered in the log.

§ 78.17–70 Radio apparatus for lifeboats.

(a) It shall be the duty of the master to require that all batteries for all fixed and portable radio apparatus for lifeboats are brought up to full charge weekly if the batteries are of a type which require recharging.

(b) In any case, the transmitter shall be tested weekly using a suitable artificial aerial.

§ 78.17–75 Requirements for fuel oil.

(a) It shall be the duty of the chief engineer to cause an entry in the log be made of each supply of fuel oil received on board, stating the quantity received, the name of the vendor, the name of the oil producer, and the flashpoint (closed

cup test) for which it is certified by the producer.

(b) It shall be the further duty of the chief engineer to cause to be drawn and sealed and suitably labeled at the time the supply is received on board, a half-pint sample of each lot of fuel oil. These samples shall be preserved until the particular supply of oil is exhausted.

§ 78.17–80 Firefighting equipment, general.

(a) It shall be the duty of the owner, master, or person in charge to see that the vessel's firefighting equipment is at all times ready for use and that all such equipment required by the regulations in this subchapter is provided, maintained, and replaced as indicated.

(b) It shall be the duty of the owner, master, or person in charge to require and have performed at least once in every twelve months the tests and inspections of all hand portable fire extinguishers, semiportable fire extinguishing systems, and fixed fire extinguishing systems on board, as described in Tables 71.25–20 (a) (1) and 71.25–20 (a) (2) in § 71.25–20 of this subchapter. The owner, master, or person in charge shall keep records of such tests and inspections showing the dates when performed, the number and/or other identification of each unit tested and inspected, and the name(s) of the person(s) and/or company conducting the tests and inspections. Such records shall be made available to the inspector upon request and shall be kept for the period of validity of the vessel's current certificate of inspection. Where practicable these records should be kept in or with the vessel's log book. The conduct of these tests and inspections does not relieve the owner, master, or person in charge of his responsibility to maintain this firefighting equipment in proper condition at all times.

Subpart 78.20—Steering Orders

§ 78.20–1 Method of communicating.

(a) All steering orders shall be given and communicated in terms of "right rudder" where it is intended that the top of the wheel, the rudder blade, and the head of the ship should go to the right, and "left rudder" where it is intended that the top of the wheel, the rudder blade, and the head of the ship should go to the left.

Subpart 78.23—Whistling

§ 78.23–1 Unnecessary whistling prohibited.

(a) The unnecessary sounding of the vessel's whistle is prohibited within any harbor limits of the United States.

Subpart 78.25—Unauthorized Lights

§ 78.25–1 Unauthorized lights prohibited.

(a) The master shall not authorize or permit the carrying of any lights not required by law that in any way will interfere with the distinguishing of the signal lights.

Subpart 78.27—Searchlights

§ 78.27–1 Improper use prohibited.

(a) No person shall flash or cause to be flashed the rays of a searchlight or other blinding light onto the bridge or into the pilothouse of any vessel under way.

Subpart 78.30—Lookouts, Pilothouse Watch, Patrolmen, and Watchmen

AUTHORITY: The provisions of this Subpart 78.30 interpret or apply R.S. 4477, 4488, as amended; 46 U.S.C. 470, 481. Treasury Department Order 167–38, October 26, 1959, 24 F.R. 8857.

§ 78.30–5 Pilothouse watch.

(a) In addition to the licensed deck officer or pilot, there shall be at least one member of the crew also on watch in or near the pilothouse at all times when the vessel is being navigated.

§ 78.30–10 Supervised patrol.

(a) The provisions of this section shall apply to all vessels on an international voyage, and to all other vessels having berthed or stateroom accommodations for passengers. This section shall be applicable at all times when passengers are on board.

(b) Between the hours of 10 p. m. and 6 a. m., a supervised patrol shall be maintained so as to completely cover all parts of the vessel accessible to passengers or crew, excepting occupied sleeping accommodations and machinery spaces and similar spaces where a regular watch is maintained.

(c) Clocks, keys, and recording apparatus shall be of an approved type. The station boxes shall have seals placed over the securing screws in order to leave evidence of removal or tampering.

(d) Clocks or key stations shall be so arranged throughout the vessel so as to assure complete coverage of all accessible spaces required by paragraph (b) of this section. The number and location of recording stations, the order in which they are visited, and the number undertaken by one patrolman shall be specifically approved. The stations shall be numbered as required by § 78.47–23. Sufficient watchmen shall be available so that each space will be covered at least once in every hour except as follows:

(1) On existing vessels not constructed in general agreement with §§ 72.05–5 through 72.05–60, of this subchapter, the supervised patrol shall cover all spaces required by paragraph (b) of this section at least once in every 20 minutes.

(2) Public spaces constructed in general agreement with §§ 72.05–5 through 72.05–60, of this subchapter, shall have either an approved fire detecting system installed in such spaces or the supervised patrol shall cover these spaces at least once in every 20 minutes.

(e) The patrolman shall report to the bridge at least once an hour on vessels where the supervised patrol system is not equipped with a recording apparatus in the control station. In vessels requiring more than one patrol route, one patrolman may contact others and make a joint report to the bridge. Failure of a patrolman to follow a prescribed route, or to record each station within the specified time, shall be entered on the record along with the reason for the irregularity.

(f) The patrolman while on duty shall wear a distinctive uniform or badge, and shall have in his possession at all times an efficient flashlight.

(g) A patrolman on duty shall have no other tasks assigned to him.

§ 78.30–15 Watchmen.

(a) The provisions of this section shall apply to all vessels not required to have a supervised patrol under the provisions of § 78.30–10. This section shall be applicable at all times when passengers are on board.

(b) During the nighttime, a suitable number of watchmen shall be stationed in the passenger accommodation areas on each deck.

(c) Watchmen shall be under the direct charge of the master or officer in command of the vessel, and shall report to such officer at the pilothouse at fixed intervals not exceeding one hour. Watchmen shall not be required to perform any other duties while on watch.

(d) The uniform of the night watchman shall be conspicuously different from other persons so as to be readily distinguished. A rating badge marked "Watchman" shall be worn on the left sleeve and the front of the cap shall also be marked "Watchman".

(e) The watchman shall have in his possession at all times while on duty an efficient flashlight.

§ 78.30–20 Master's and officer's responsibility.

(a) Nothing in this part shall exonerate any master or officer in command from the consequences of any neglect to keep a proper lookout or to maintain a proper fire watch or from any neglect of any precaution which may be required by the ordinary practice of seamen or by the special circumstances of the case. When circumstances require it, additional watches shall be maintained to guard against fire or other danger and to give an alarm in case of accident or disaster.

§ 78.30–30 Reckless or negligent operation prohibited by law.

(a) Subsection 13(a) of the Act of April 25, 1940 (46 U.S.C. 526*l*), reads as follows:

No person shall operate any motorboat or any vessel in a reckless or negligent manner so as to endanger the life, limb, or property of any person. To "operate" means to navigate or otherwise use a motorboat or a vessel.

Subpart 78.33—Reports of Accidents, Repairs, and Unsafe Equipment

AUTHORITY: The provisions of this Subpart 78.33 interpret or apply R.S. 4450, as amended, 4453, as amended, sec. 10, 18 Stat. 128, as amended; 46 U.S.C. 239, 435, 33 U.S.C. 361.

§ 78.33–1 Repairs of boiler and pressure vessels.

(a) Before making any repairs to boilers or unfired pressure vessels, the chief engineer shall submit a report covering the nature of the repairs to the Officer in Charge, Marine Inspection, at or nearest the port where the repairs are to be made.

§ 78.33–5 Accidents to machinery.

(a) In the event of an accident to a boiler, unfired pressure vessel, or machinery tending to render the further use of the item unsafe until repairs are made, or if by ordinary wear such items become unsafe, a report shall be made by the chief engineer immediately to the Officer in Charge, Marine Inspection, or if at sea, immediately upon arrival at port.

§ 78.33–10 Notice required before repairs.

(a) No repairs or alterations, except in an emergency, shall be made to any lifesaving or fire detecting or extinguishing equipment without advance notice to the Officer in Charge, Marine Inspection. When emergency repairs or alterations have been made, notice shall be given to the Officer in Charge, Marine Inspection, as soon as practicable.

§ 78.33–20 Breaking of safety valve seal.

(a) If at any time it is necessary to break the seal on a safety valve for any purpose, the chief engineer shall advise the Officer in Charge, Marine Inspection, at the next port of call, giving the reason for breaking the seal and requesting that the valve be examined and adjusted by an inspector.

(R.S. 4419, as amended; 46 U.S.C. 393)

Subpart 78.35—Cable Traveler

§ 78.35–1 When required.

(a) On vessels where the distance between deck houses is more than 150 feet, a wire cable shall be stretched between the deck houses at all times when the vessel is navigating in other than protected waters. As many loose rings with lanyards shall be attached as deemed necessary by the master. In any case, a properly constructed raised catwalk or raised bridge or a below deck passage may be substituted for the required cable.

(Interprets or applies R.S. 4488, as amended; 46 U.S.C. 481)

Subpart 78.36—Work Vests

AUTHORITY: The provisions of this Subpart 78.36 interpret or apply R.S. 4488, as amended, 4491, as amended, sec. 17, 54 Stat. 166; 46 U.S.C. 481, 489, 526p.

§ 78.36–1 Application.

(a) Provisions of this subpart shall apply to all vessels inspected and certificated in accordance with this subchapter.

§ 78.36–5 Approved unicellular plastic foam work vests.

(a) Buoyant work vests carried under the permissive authority of this subpart shall conform to the specifications contained in Subpart 160.053 in Subchapter Q (Specifications) of this chapter.

§ 78.36–10 Use.

(a) Approved buoyant work vests are considered to be items of safety apparel and may be carried aboard vessels to be worn by crew members when working near or over the water under favorable working conditions. They shall be used under the supervision and control of designated ship's officers. When carried, such vests shall not be accepted in lieu of any portion of the required number of approved life preservers and shall not be substituted for the approved life preservers required to be worn during drills and emergencies.

§ 78.36–15 Shipboard stowage.

(a) The approved buoyant work vests shall be stowed separately from the regular stowage of approved life preservers.

(b) The locations for the stowage of work vests shall be such as not to be easily confused with that for approved life preservers.

§ 78.36–20 Shipboard inspections.

(a) Each work vest shall be subject to examination by a marine inspector to determine its serviceability. If found to be satisfactory, it may be continued in service, but shall not be stamped by a marine inspector with a Coast Guard stamp. If a work vest is found not to be in a serviceable condition, then such work vest shall be removed from the vessel. If a work vest is beyond repair, it shall be destroyed or mutilated in the presence of a marine inspector so as to prevent its continued use as a work vest.

Subpart 78.37—Logbook Entries

§ 78.37–1 Application.

(a) Except as specifically noted, the provisions of this subpart shall apply to all vessels.

§ 78.37–3 Logbooks and records.

(a) Under various statutes or by regulations in this subchapter, vessels engaged in all trades, with the exception of vessels engaged exclusively in trade on rivers of the United States, shall have certain logbooks or records, and, when the occasion arises, it is the duty of the Master or person in charge to place therein specific entries as required by law or regulations in this subchapter.

(b) R.S. 4290, as amended (46 U.S.C. 201), states: "Every vessel making voyages from a port in the United States to any foreign port, or, being of the burden of 75 tons or upward, from a port on the Atlantic to a port on the Pacific, or vice versa, shall have an Official Logbook; • • •." This Official Logbook is furnished gratuitously to masters of United States' flag vessels by the Coast Guard, as Form CG–706B or CG–706C, depending upon the number of persons employed as crew. There is printed in the first several pages of this Official Logbook various acts of Congress relating to logbooks and the entries required to be made therein. When a voyage is completed, or after a specified period of time is completed, the Official Logbooks with required entries therein shall be filed with the Officer in Charge, Marine Inspection, at or nearest the port where the vessel may be.

(c) For vessels other than those required to have Official Logbooks by R.S. 4290, the owners, operators, and/or masters are to supply their own logs or records in any form desired, which will be considered to take the place of the Official Logbooks and may be used for the purpose of making entries therein as required by law or regulations in this subchapter. Such logs or records are not filed with the Officer in Charge, Marine Inspection, but shall be kept available for review by a marine inspector for a period of one year after the date to which the records refer.

§ 78.37–5 Actions required to be logged.

(a) The actions and observations noted in this section shall be entered in the official log book. This section contains no requirements which are not made in other portions of this subchapter, the items being merely grouped together for convenience.

(1) Fire and Boat Drills: Weekly. See § 78.17–50.

(2) Watertight door operation: Daily and Weekly. See § 78.17–3.

(3) Valve and closing appliance operation: Weekly. See § 78.17–5.

(4) Loudspeaker system: Weekly. See § 78.17–10.

(5) Steering gear, whistle, and means of communication: Prior to departure. See § 78.17–15.

(6) Drafts and load line markings: Prior to leaving port, ocean, coastwise, and Great Lakes services only. See § 78.17–20.

(7) Hatches and other openings: All openings and closings, or leaving port without closing, except vessels on protected waters. See § 78.17–35.

(8) Line throwing appliances: Once every 3 months. See § 78.17–40.

(9) Emergency lighting and power systems: Weekly and semiannually. See § 78.17–45.

(10) Electric power operated lifeboat winches: Once every 3 months. See § 78.17–55.

(11) Smoke Detecting System: Once every 3 months. See § 78.17–65.

(12) Fuel oil data: Upon receipt of fuel oil on board. See § 78.17–75.

(13) Cargo gear inspections: At least once a month. See § 71.47–70 of this subchapter.

§ 78.37–10 Official log entries.

(a) In addition to other items required to be entered in the official logbook on every vessel where an official logbook is required, all items relative to the crew and passengers, including the count of passengers carried, and to casualties shall also be entered.

(b) Except as noted in subparagraph (1) of this paragraph, on any vessel where an official logbook is not required, the master shall keep a record of the correct count of all the passengers received and delivered from day to day. This record shall be open to inspection

by the Coast Guard at all times. The aggregate number of the passengers carried shall be furnished to the Coast Guard whenever requested (R. S. 4467, as amended, 46 U. S. C. 460). The information shall be available for a period of one year after the date to which the records refer.

(1) The provisions of the paragraph shall not apply to ferry vessels.

Subpart 78.40—Vehicular Ferries

§ 78.40–1 Stowage of vehicles.

(a) Automobiles or other vehicles shall be stowed in such a manner as to permit both passengers and operators to get out and away from them freely in the event of fire or other disaster. Where there is insufficient clearance to provide for easy egress at all times, both passengers and operators shall be directed to leave their vehicles and to occupy other spaces reserved for them during the crossing. The decks, where necessary, shall be definitely marked with painted lines to indicate the vehicle runways and the aisle spaces.

§ 78.40–5 Securing of vehicles.

(a) The master shall take all necessary precautions to see that automobiles or other vehicles have their motors turned off when the ferry is under way, and the motors shall not be started until the ferry is secured to the landing. In addition, the vehicles at each end shall have their wheels securely blocked, while the vessel is being navigated.

§ 78.40–10 No smoking permitted.

(a) The master shall have appropriate "No Smoking" signs posted and shall take all necessary precautions to prevent smoking or carrying of lighted or smoldering cigars, cigarettes, etc., in the deck area assigned to automobiles or other vehicles.

Subpart 78.43—Railroad Passenger Car Ferries

§ 78.43–1 Precautions for railway passenger cars.

(a) It shall be the duty of the master of any railroad passenger car ferry to see that all of the doors of the cars are unlocked and that the vestibules of the cars are open while the cars are on the ferry, to allow the persons so carried free access at all times.

Subpart 78.45—Display of Plans

§ 78.45–1 When required.

(a) Vessels of 1,000 gross tons and over, and vessels of any tonnage on an international voyage shall have permanently exhibited for the guidance of the officer in charge of the vessel the following plans:

(1) General arrangement plans showing for each deck the fire control stations, the various sections enclosed by fire-resisting bulkheads, the sections enclosed by fire-retarding bulkheads, together with particulars of the fire alarms, detecting systems, the sprinkler installation (if any), the fire extinguishing appliances, means of access to different compartments, decks, etc., and the ventilating systems including particulars of the master fan controls, the positions of dampers, the location of the remote means of stopping the fans, and identification numbers of the ventilating fans serving each section. Alternatively, at the discretion of the Commandant, the aforementioned details may be set out in a booklet, a copy of which shall be supplied to each officer, and one copy at all times shall be available on board in an accessible position.

(2) Plans showing clearly for each deck and hold the boundaries of the watertight compartments, the openings therein with the means of closure and position of any controls thereof, and the arrangements for the correction of any list due to flooding.

(3) Plans and booklets shall be kept up-to-date, any alteration being recorded thereon as soon as practicable.

(R.S. 4488, as amended, sec. 5, 49 Stat. 1384, as amended; 46 U.S.C. 481, 369. Treasury Department Order 167–38, October 26, 1959, 24 F.R. 8857)

Subpart 78.47—Markings for Fire and Emergency Equipment, Etc.

AUTHORITY: The provisions of this Subpart 78.47 interpret or apply R.S. 4488, as amended; 46 U.S.C. 481. Treasury Department Order 167–38, Oct. 26, 1959, 24 F.R. 8857.

§ 78.47–1 Application.

(a) The provisions of this subpart with the exception of § 78.47–90, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 78.47–90.

§ 78.47–3 General.

(a) It is the intent of this subpart to provide such markings as are necessary for the guidance of the persons on board in case of emergency. In any specific case, and particularly on small vessels, where it can be shown to the satisfaction of the Officer in Charge, Marine Inspection, that the prescribed markings are unnecessary for the guidance of the persons on board in case of emergency, such markings may be modified or omitted.

(b) In addition to English, all stateroom notices, directional signs, etc., shall be printed in languages appropriate to the service of the vessel or other action be taken to achieve the same purpose.

(c) Where in this subpart red letters are specified, letters of a contrasting color on a red background will be accepted.

§ 78.47–5 General alarm bell switch.

(a) The general alarm bell switch in the pilothouse, and in the fire control station, if also located there, shall be clearly and permanently identified by lettering on a metal plate or with a sign in red letters on a suitable background: "GENERAL ALARM."

CROSS REFERENCE: See also § 113.25–20 of Subchapter J (Electrical Engineering) of this chapter.

§ 78.47–7 General alarm bells.

(a) All general alarm bells shall be identified by red lettering at least ½ inch high: "GENERAL ALARM—WHEN BELL RINGS GO TO YOUR STATION."

§ 78.47–9 Carbon dioxide alarm.

(a) All carbon dioxide alarms shall be conspicuously identified: "WHEN ALARM SOUNDS—VACATE AT ONCE. CARBON DIOXIDE BEING RELEASED."

§ 78.47–10 Manual alarm boxes.

(a) In all new installations, manual alarm boxes shall be clearly and permanently marked "IN CASE OF FIRE BREAK GLASS." Existing boxes not so marked with the same or equivalent wording, shall be identified either on the box or adjacent bulkhead in at least ½ inch letters "IN CASE OF FIRE BREAK GLASS." All manual alarm boxes shall be numbered in red on the adjacent bulkhead with at least ½ inch figures. The number shall agree with the number of the zone.

§ 78.47–13 Fire detecting and manual alarm, automatic sprinkler, and smoke detecting alarm bells.

(a) The fire detecting and manual alarm automatic sprinkler, and smoke detecting alarm bells in the engine room shall be identified by at least 1 inch red lettering "FIRE ALARM", "SPRINKLER ALARM" or "SMOKE DETECTING ALARM" as appropriate. Where such alarms on the bridge or in the fire control station do not form a part of an easily identifiable alarm cabinet, the bells shall be suitably identified as above.

§ 78.47–15 Fire extinguishing system branch lines.

(a) The branch line valves of all fire extinguishing systems shall be plainly and permanently marked indicating the spaces served.

§ 78.47–17 Fire extinguishing system controls.

(a) The control cabinets or spaces containing valves or manifolds for the various fire extinguishing systems shall be distinctly marked in conspicuous red letters at least 2 inches high—"STEAM FIRE APPARATUS", "CARBON DIOXIDE FIRE APPARATUS", "FOAM FIRE APPARATUS", "WATER SPRAY FIRE APPARATUS", "MANUAL SPRINKLING SYSTEM", or "AUTOMATIC SPRINKLING SYSTEM", as the case may be.

§ 78.47–20 Fire hose stations.

(a) Each fire hydrant shall be identified in red letters and figures at least 2 inches high "FIRE STATION NO 1," "2," "3," etc. Where the hose is not stowed in the open or behind glass so as to be readily seen, this identification shall be so placed as to be readily seen from a distance.

§ 78.47–23 Supervised patrol stations.

(a) Each supervised patrol clock or key station shall be numbered.

§ 78.47–25 Emergency squad equipment.

(a) Lockers or spaces containing equipment for the use of the emergency squad shall be marked "EMERGENCY SQUAD EQUIPMENT."

§ 78.47–27 Self-contained breathing apparatus and gas masks.

(a) Lockers or spaces containing self-contained breathing apparatus or gas masks shall be marked "SELF-CONTAINED BREATHING APPARATUS" or "GAS MASK."

§ 78.47–30 Hand portable fire extinguishers.

(a) Each hand portable fire extinguisher shall be marked with a number and the location where stowed shall be marked with a corresponding number at least ½ inch high. Where only one type and size of hand portable fire extinguisher is carried, the numbering may be omitted.

§ 78.47–33 Emergency lights.

(a) All emergency lights shall be marked with a letter "E" at least ½ inch high.

§ 78.47–35 Fire doors.

(a) All doors in main vertical zone bulkheads or stairway enclosures, except from individual rooms such as staterooms, fan rooms, lockers, etc., shall be numbered conspicuously on an etched plate or equivalent in not less than ⅜ inch letters and figures "F. S. D. 1," "2," "3," etc. If stenciled or similar notice is used, the letters and figures shall be at least 1 inch high. The number shall be conspicuous with the door in the open position.

§ 78.47–37 Watertight doors.

(a) All watertight doors in subdivision bulkheads shall be numbered conspicuously on both sides on an etched plate or equivalent in not less than ⅜ inch letters and figures "W. T. D. 1," "2," "3," etc. If a stencilled or similar notice is used, the letters and figures shall be at least 1 inch high. If the construction is such that the number cannot be seen with the door in the open position, a similar number shall be placed on the frame or other location immediately adjacent to the door. All watertight door remote control stations shall be marked in the same manner, and in addition, the direction of operation of the lever or wheel to open and close the door shall be conspicuously marked.

(b) Class 1 doors fitted in accordance with § 73.35–5(b) of this subchapter shall additionally be marked "RECLOSE AFTER USE."

§ 78.47–38 Valves and closing appliances.

(a) All valves and closing appliances, or other mechanisms which may be required to be operated for damage control purposes in case of emergency shall be conspicuously marked with letters at least 1 inch high identifying the control and the direction of operation. In all cases indication shall be provided to show whether the control is open or closed.

§ 78.47–40 Exit signs.

(a) Illuminated signs bearing the word "EXIT" in red letters shall be installed in such locations throughout the vessel that from any portion of the vessel normally accessible to the passengers or crew, except machinery spaces, and stores and similar spaces where the crew are not normally employed, so that, with all fire doors in stairway enclosures and main vertical zone bulkheads and all watertight doors closed, the direction of escape to the open deck will be apparent. For the purpose of this paragraph, individual staterooms and other similar small rooms will not be required to have such signs, but upon emerging from such rooms the direction of escape should be apparent. The power for the illuminated exit signs shall be from the emergency switchboard.

(b) Small rooms or spaces having a secondary means of escape which is not obviously apparent shall have a suitable sign in red letters "EMERGENCY EXIT" directing attention to such escape.

CROSS REFERENCE: See § 111.50–15(d) of Subchapter J (Electrical Engineering) of this chapter for minimum size.

§ 78.47–43 Embarkation direction signs to lifeboats.

(a) Sufficient embarkation direction signs shall be installed in passageways, stairways, etc., throughout the vessel that from any portion of the vessel normally accessible to the passengers or crew, and with all fire doors in stairway enclosures and main vertical zone bulkheads and all closed watertight doors in subdivision bulkheads, the direction of the shortest route to follow to reach the lifeboats will be apparent. The signs shall be in at least 1 inch letters with arrows of appropriate dimensions:

TO BOATS →

(b) The signs near the exits to the embarkation deck shall be similar to the above, and shall indicate the boat stations nearest to the exit:

TO BOAT STATIONS
NOS. 1, 3, 5
(or 2, 4, 6, etc.) →

(c) Any combination of arrows and one inch lettering which will clearly indicate the direction to be followed will be acceptable.

§ 78.47–45 Lifeboat stations.

(a) There shall be placed on the deck beams or suspended athwartship from overhead at each lifeboat station on the embarkation deck a sign in three-inch letters "LIFEBOAT STATION NO. 1," "2," "3," etc. If there is insufficient head room or no overhead structure at a boat station, a similar sign shall be permanently installed where it will be readily seen.

§ 78.47–47 Stateroom notices.

(a) Framed notices shall be conspicuously posted in the passenger staterooms indicating the following which may be posted separately or together.

(1) Emergency signal:

EMERGENCY SIGNALS

FIRE AND EMERGENCY—CONTINUOUS RAPID RINGING OF THE SHIP'S BELL AND OF THE GENERAL ALARM BELLS FOR A PERIOD OF NOT LESS THAN 10 SECONDS.

ABANDON SHIP (OR BOAT STATIONS)—MORE THAN 6 SHORT BLASTS AND ONE LONG BLAST OF THE WHISTLE SUPPLEMENTED BY THE SAME SIGNAL ON THE GENERAL ALARM BELLS.

THE OCCUPANTS OF THIS ROOM ARE ASSIGNED TO LIFEBOAT NO. ——— ALL PASSENGERS ARE REQUIRED TO PUT ON LIFE PRESERVERS AND GO TO THEIR LIFEBOAT STATIONS WHENEVER GENERAL ALARM BELLS RING.

THE ROOM STEWARD WILL PROVIDE LIFE PRESERVERS FOR CHILDREN AT THE START OF THE VOYAGE.

(2) Life preservers: The location of life preservers together with instructions and pictures showing how they are worn shall be indicated in a framed notice.

§ 78.47–50 Children's life preservers.

(a) The lockers or boxes in which children's life preservers are stowed and also the number contained therein shall be marked in at least two inch letters and figures:

20
CHILDREN'S LIFE PRESERVERS

§ 78.47–53 Automatic ventilation dampers.

(a) The manual operating positions for automatic fire dampers in ventilation ducts passing through main vertical zone bulkheads shall be identified by red letters at least ½ inch high "VENTILATION FIRE DAMPER." In addition, the open and closed positions shall be similarly marked.

§ 78.47–55 Instructions for changing steering gear.

(a) Instructions in at least ½ inch letters and figures shall be posted in the steering engine room, relating in order, the different steps to be taken in changing to the emergency steering gear. Each clutch, gear, wheel, lever, valve or switch which is used during the change-over shall be numbered or lettered on a metal plate or painted so that the markings can be recognized at a reasonable distance. The instructions shall indicate each clutch or pin to be "in" or "out" and each valve or switch which is to be "opened" or "closed" in shifting to any means of steering for which the vessel is equipped. Instructions shall be included to line up all steering wheels and rudder amidship before changing gears.

§ 78.47–57 Rudder orders.

(a) At all steering stations, there shall be installed a suitable notice on the wheel or device or in such other position as to be directly in the helmsman's line of vision, to indicate the direction in which the wheel or device must be turned for "right rudder" and for "left rudder."

§ 78.47–60 Lifeboats.

(a) The name of the vessel shall be plainly marked or painted on each side of the bow of each lifeboat in letters not less than 3 inches high. For vessels on an international voyage, the vessel's port of registry shall be added in similar type letters.

(b) The number of each lifeboat shall be plainly marked or painted on each side of the bow of each lifeboat in figures not less than 3 inches high. The lifeboats on each side of the vessel shall be numbered from forward aft, with the odd numbers on the starboard side. Where nested lifeboats are permitted, the upper lifeboat shall be numbered in the normal manner and the lower lifeboat shall have the same number followed by the letter "A".

(c) The cubical contents and number of persons allowed to be carried in each lifeboat shall be plainly marked or painted on each side of the bow of each lifeboat in letters and numbers not less than 1½ inches high. In addition, the number of persons allowed shall be plainly marked or painted on top of at least 2 thwarts in letters and numbers not less than 3 inches high.

(d) All oars shall be conspicuously marked with the vessel's name.

(e) Where mechanical disengaging apparatus is used, the control effecting the release of the lifeboat shall be painted bright red and shall have thereon in raised letters either the words—"DANGER—LEVER DROPS BOAT", or the words—"DANGER—LEVER RELEASES HOOKS".

(f) The top of thwarts, side benches and footings of lifeboats shall be painted or otherwise colored international orange. The area in way of the red mechanical disengaging gear control lever, from the keel to the side bench, shall be painted or otherwise colored white, to provide a constrasting background for the lever. This band of white should be approximately 12 inches wide depending on the internal arrangements of the lifeboat.

§ 78.47–63 Liferafts, lifefloats, and buoyant apparatus.

(a) Rigid type liferafts, lifefloats, and buoyant apparatus, together with their oars and paddles, shall be conspicuously marked with the vessel's name. For vessels on an international voyage, the vessel's port of registry also shall be similarly marked on lifefloats and buoyant apparatus.

(b) The number of persons allowed on each rigid type liferaft, lifefloat, and buoyant apparatus shall be conspicuously marked or painted thereon in letters and numbers at least 1½ inches high.

(c) There shall be stenciled in a conspicuous place in the immediate vicinity of each inflatable liferaft the following:

INFLATABLE LIFERAFT NO. ------
------ PERSONS CAPACITY

These markings shall not be placed on the inflatable liferaft containers.

NOTE: § 160.051–8(a) of Subchapter Q (Specifications) of this chapter requires permanently attached nameplates on each inflatable liferaft and carrying case. The nameplate contains the following information: The name of manufacturer, approval number, the manufacturer's model number, serial number, and lot number, and the number of persons for which the inflatable liferaft is approved. In addition, the carrying case shall be marked "Ocean Service Equipment" or "Limited Service Equipment" as applicable, together with the marine inspector's initials, the date, and the letters "USCG."

§ 78.47–65 Life preservers, wood floats, and ring life buoys.

(a) All life preservers, wood floats, and ring life buoys shall be marked with the vessel's name. For vessels on an international voyage, the vessel's port of registry shall be added in similar type letters on all ring life buoys.

§ 78.47–67 Fire hose and axes.

(a) All fire hose and axes shall be marked with the vessel's name.

§ 78.47–70 Portable magazine chests.

(a) Portable magazine chest shall be marked in letters of at least 3 inches high "PORTABLE MAGAZINE CHEST—FLAMMABLE—KEEP LIGHTS AND FIRE AWAY".

§ 78.47–90 Vessels contracted for prior to November 19, 1952.

(a) Vessels contracted for prior to November 19, 1952, shall meet the requirements of this paragraph.

(1) The requirements of §§ 78.47–5 through 78.47–70 shall be met with the exception that existing signs and markings containing the same general intent, but not necessarily identical wording or exact letter type, size, or color, may be retained so long as they are in good condition to the satisfaction of the Officer in Charge, Marine Inspection.

Subpart 78.49—Posting Placards of Instructions for Launching and Inflating Inflatable Liferafts

§ 78.49–1 When required.

(a) Every vessel equipped with inflatable liferafts shall have posted in conspicuous places which are regularly accessible to the crew and/or passengers, approved placards containing instructions for launching and inflating inflatable liferafts for the information of persons on board. The number and location of such placards shall be as determined necessary by the Officer in Charge, Marine Inspection.

(b) Under the requirements contained in § 160.051–6(c)(1) of Subpart 160.051 in Subchapter Q (Specifications) of this chapter, the manufacturer of approved inflatable liferafts is required to provide approved placards containing such instructions with each liferaft.

Subpart 78.50—Markings on Vessels

§ 78.50–1 Application.

(a) The provisions of this subpart shall apply to all vessels except as specifically noted in this subpart.

§ 78.50–5 Markings required by customs regulations.

(a) The following markings are required by the Customs Regulations. Details of the application of the requirements as well as details of the required markings will be found in those regulations:

(1) Name of Vessel—On both bows and the stern. On steam vessels the name is also required on both sides of the pilothouse, and on steam paddle wheel vessels on the outer side of each paddle box.

(2) Hailing Port—On the stern.

(3) Official Number—On the vessel's main beam.

(4) Net Tonnage—On the vessel's main beam.

§ 78.50–10 Draft marks.

(a) All vessels 50 gross tons and over, under the jurisdiction of the U.S. Coast Guard, shall have the draft of the vessel plainly and legibly marked upon the stem and upon the sternpost or rudderpost or at any place at the stern of the vessel as may be necessary for easy observance. The draft shall be taken from the bottom of the keel at the marks to the surface of the water, the bottom of the mark to indicate the draft in feet.

(b) In cases where the keel does not extend forward or aft to the location of the draft marks, due to raked stem or cut-away skeg, the datum line from which the draft shall be taken shall be obtained by projecting the line of the bottom of keel forward or aft, as the case may be, to the location of the draft marks.

(c) In cases where a vessel may have a skeg or other appendage extending locally below the line of the keel, the draft at the end of the vessel adjacent to such appendage shall be measured to a line tangent to the lowest part of such appendage and parallel to the line of the bottom of the keel.

§ 78.50–15 Load line marks.

(a) Vessels assigned a load line shall have the deck line and the load line marks permanently scribed or embossed as required by Subchapter E (Load Lines) of this chapter.

Subpart 78.53—Placard of Lifesaving Signals and Breeches Buoy Instructions

§ 78.53–1 Application.

(a) The provisions of this subpart shall apply to all vessels on an international voyage, and to all other vessels of 150 gross tons or over in ocean, coastwise or Great Lakes service.

§ 78.53–5 Availability.

(a) On all vessels to which this subpart applies there shall be posted in the pilothouse and readily available to the deck officer of the watch a placard (Form CG–811) containing instructions for the use of breeches buoys and the lifesaving signals as set forth in Regulation 16, Chapter V, of the International Convention for Safety of Life at Sea, 1960.

These signals shall be used by vessels or persons in distress when communicating with lifesaving stations and maritime rescue units.

(b) A copy of Form CG–811 shall also be conveniently posted in the engineroom and crews quarters of all vessels to which this subpart applies.

Subpart 78.55—Carrying of Excess Steam

§ 78.55–1 Master and chief engineer responsible.

(a) It shall be the duty of the master and the engineer in charge of the boilers of any vessel to require that a steam pressure is not carried in excess of that allowed by the certificate of inspection, and to require that the safety valves, once set and sealed by the inspector, are in no way tampered with or made inoperative except as provided in § 78.33–20.

Subpart 78.57—Routing Instructions

§ 78.57–1 All personnel must comply.

(a) Due to existing mine field dangers, all licensed masters, officers, and certificated seamen on United States vessels shall comply strictly with the routing instructions issued by competent naval authority. Failure to comply with such routing instructions shall be deemed misconduct within the meaning of R. S. 4450, as amended (46 U. S. C. 239). Nothing herein shall be construed as relieving the master of the responsibility for the safety of his vessel.

Subpart 78.60—Compliance With Provisions of Certificate of Inspection

§ 78.60–1 Master or person in charge responsible.

(a) It shall be the duty of the master or other person in charge of the vessel to see that all of the provisions of the certificate of inspection are strictly adhered to. Nothing in this subpart shall be construed as limiting the master or other person in charge of the vessel, at his own responsibility, from diverting from the route prescribed in the certificate of inspection or taking such other steps as he deems necessary and prudent to assist vessels in distress or for other similar emergencies.

Subpart 78.65—Exhibition of License

§ 78.65–1 Licensed officers.

(a) All licensed officers on a vessel shall have their licenses conspicuously displayed as required by R.S. 4446, as amended (46 U.S.C. 232).

Subpart 78.70—De-Energizing of Cargo Hold Lighting Circuits When Grain or Other Combustible Bulk Cargo Is Carried

AUTHORITY: The provisions of this Subpart 78.70 interpret or apply R.S. 4488, as amended, sec. 17, 54 Stat. 166, as amended; 46 U.S.C. 481, 526p. Treasury Department Order 167–38, October 26, 1959, 24 F.R. 8857.

§ 78.70–1 Master's responsibility.

(a) Before loading bulk grain, or similar combustible bulk cargo, the master shall have the lighting circuits to cargo compartments in which the bulk cargo is to be loaded de-energized at the distribution panel or panel board. He shall thereafter have periodic inspections made of the panel or panel board as frequently as necessary to ascertain that the affected circuits remain de-energized while this bulk cargo remains within the vessel.

§ 78.70–5 Warning notice posted.

(a) As a precaution against any subsequent unintentional re-energizing of the circuits specified above, an appropriate notice shall be posted at the location where the control is effected warning against re-energizing these circuits. Such notice shall remain posted while this bulk cargo remains within the vessel.

Subpart 78.75—Motion Picture Film and Equipment

§ 78.75–1 Type required.

(a) Only acetate or slow-burning film may be used. Nitrocellulose film is specifically prohibited.

(b) Projectors shall be of an approved type.

(R.S. 4488, as amended, 46 U.S.C. 481. Treasury Department Order 167–38, October 26, 1959, 24 F.R. 8857)

Subpart 78.80—Power-Operated Industrial Trucks

AUTHORITY: The provisions of this Subpart 78.80 interpret or apply R.S. 4417a, as amended, 4472, as amended, 4488, as amended, 4491, as amended; 46 U.S.C. 391a, 170, 481, 489. Treasury Department Order 167–38, October 26, 1959, 24 F.R. 8857.

§ 78.80–1 Application.

(a) *Power-operated industrial trucks.* (1) Except as provided in subparagraph (3) of this paragraph, power-operated industrial trucks carried on board vessel as part of the vessel's equipment for handling materials of any kind shall be in compliance with the applicable provisions of this subpart.

(2) Except as provided in subparagraph (3) of this paragraph, power-operated industrial trucks placed on board vessels for handling materials of any kind shall be in compliance with the applicable provisions of this subpart when such vessels are within the navigable waters of the United States, its territories and possessions but not including the Panama Canal Zone.

(3) When power-operated industrial trucks are used in spaces not containing dangerous or hazardous articles, as set forth in § 78.80–10(f) of this subpart, the installation of the minimum safety features of § 78.80–7(c) shall be carried out at the earliest opportunity but in any case not later than July 1, 1963.

(b) *Vessels.* (1) Vessels shall be in compliance with the applicable provisions of this subpart during those periods of time when power-operated industrial trucks are on board as part of the vessel's equipment or when such trucks are placed on board for handling materials of any kind.

NOTE: The regulations affecting the use of power-operated industrial trucks on foreign vessels are in Part 146 of Subchapter N (Dangerous Cargoes), or in the case of foreign tank vessels in Subpart 35.70 of Subchapter D (Tank Vessels) of this chapter.

§ 78.80–3 Alternates.

(a) In cases of undue hardship resulting from unavoidable delays in bringing existing power-operated industrial trucks into compliance with the applicable provisions of this subpart, the Commandant may permit the use of alternate equipment, apparatus, or arrangement for such period of time, and to such extent, and upon such conditions as will assure, to the Commandant's satisfaction, a degree of safety consistent with the minimum standards as set forth in this subpart.

(b) The methods and procedures adopted in connection with the modification of existing equipment to meet required laboratory designations will be taken into consideration in granting permission to use alternate arrangements for a limited period of time.

§ 78.80–5 Definitions of terms used in subpart.

(a) Power-operated industrial trucks are considered to be tractors, lift trucks, and other specialized industrial trucks used for material handling on board a vessel.

(b) For the purpose of the regulations in this subpart, the words "flammable" and "inflammable" are interchangeable or synonymous terms.

§ 78.80–7 Approved power-operated industrial trucks.

(a) Where approved power-operated industrial trucks are required by the regulations in this subchapter such approved trucks shall have a specific designation of a recognized testing laboratory. The following laboratories are recognized for the specific type designations listed:

(1) Underwriters' Laboratories, Inc. (Mailing address, P.O. Box 247, Northbrook, Ill., 60062) for trucks having recognized testing laboratory type designations E, EE, EX, G, GS, LP, LPS, D and DS.

(2) Factory Mutual Laboratories, Engineering Division, 1115 Boston-Providence Turnpike, Norwood, Mass., 02062, for trucks having recognized testing laboratory type designations E, EE, EX, G, GS, LP, LPS, D and DS.

(b) Description of recognized testing laboratory type designations are as follows:

(1) The "E" designated units are electrically powered units that have minimum acceptable safeguards against inherent fire hazards.

(2) The "EE" designated units are electrically powered units that have in addition to all of the requirements for the "E" units, the electric motors and all other electrical equipment completely

enclosed. In certain locations the "EE" unit may be used where the use of an "E" unit may not be considered safe.

(3) The "EX" designated units are electrically powered units that differ from the "E" and "EE" units in that the electrical fittings and equipment are so designed, constructed and assembled that the units may be used in certain atmospheres containing flammable vapors or dusts.

(4) The "G" designated units are gasoline powered units having minimum acceptable safeguards against inherent fire hazards.

(5) The "GS" designated units are gasoline powered units that are provided with additional safeguards to the exhaust, fuel and electrical systems. They may be used in some locations where the use of a G unit may not be considered safe.

(6) The "LP" designated units are similar to the "G" units except that they are liquefied petroleum gas engine powered instead of gasoline powered.

(7) The "LPS" designated units are units similar to the "GS" units except that liquefied petroleum gas is used for fuel instead of gasoline.

(8) The "D" designated units are units similar to the "G" units except that they are diesel engine powered instead of gasoline engine powered.

(9) The "DS" designated units are diesel powered units that are provided with additional safeguards to the exhaust, fuel and electrical systems. They may be used in some locations where a "D" unit may not be considered safe.

(c) In addition to the construction and design safety features required in order to obtain a recognized laboratory type designation, approved power-operated industrial trucks shall have at least the following minimum safety features where applicable:

(1) Power-operated industrial trucks shall be equipped with a warning horn, whistle, or gong, or other device that can be heard clearly above the normal shipboard noises.

(2) Wherever power-operated industrial truck operation exposes the operator to danger from falling objects, the truck shall be equipped with a driver's overhead guard. Where overall height of the truck with forks in the lowered position is limited by head room conditions the overhead guard may be omitted.

NOTE: This overhead guard is only intended to offer protection from the impact of small packages, boxes, bagged material, etc., representative of the job application. It is impractical to build a guard of sufficient strength to withstand the impact of a capacity load since such a guard would constitute a safety hazard because its structure would be so large that it might interfere with good visibility and would weigh so much that it might make the truck top-heavy and unstable.

(3) Power-operated fork lift trucks which handle small objects or unstable loads shall be equipped with a vertical load back rest or rack which shall have height, width and strength sufficient to prevent the load, or part of it, from falling toward the mast when the mast is in a position of maximum backward tilt.

(4) The forks on power-operated fork lift trucks shall be secured to the carriage so that unintentional lifting of the toe shall not occur on such application where this lifting may create a hazard. The factor of safety of forks shall be at least 3 to 1, based on the elastic limit of the material.

(5) Fork extensions or other attachments shall be suitably secured to prevent unintentional lifting or displacement on primary forks.

(6) All exposed wheels shall be provided with guards to prevent the wheels from throwing particles at the operator.

(7) Unless the steering mechanism is of a type that prevents road reactions from causing the steering handwheel to spin, the steering knob, if used, shall be of a mushroom type to engage the palm of the operator's hand, or shall be arranged in some other manner to prevent injury. The knob shall be mounted within the perimeter of the wheel.

(8) All steering controls shall be confined within the clearances of the truck, or so guarded that movement of the controls shall not result in injury to the operator when passing obstructions, stanchions, etc.

§ 78.80–10 Use of power-operated industrial truck in various locations.

(a) *Spaces containing explosives.* (1) Except as otherwise provided in this paragraph, power-operated industrial trucks shall not be used in a space in which Class A, Class B, or Class C explosives are stowed.

NOTE: Class A, Class B and Class C explosives are defined in Part 146 of Subchapter N (Dangerous Cargoes) of this chapter.

(2) The Commandant may grant authority for the use of approved power-operated industrial trucks with a recognized testing laboratory designation of EX in spaces in which Class A, Class B or Class C explosives are stowed when it can be shown that such trucks can be used with safety.

(3) In a space in which packaged small arms ammunition without explosive bullets is stowed, only approved power-operated industrial trucks with a recognized testing laboratory designation of EX, EE, LPS, GS and DS may be used for handling cargo including the handling of such packaged small arms ammunition.

(b) *Spaces containing flammable liquids.* (1) In a space in which packaged flammable liquids are stowed, only approved power-operated industrial trucks with a recognized testing laboratory designation of EX, EE, GS, LPS, and DS may be used for handling cargo including the handling of such packaged flammable liquids.

(c) *Spaces containing flammable solids or oxidizing materials.* (1) In a space in which packaged flammable solids or oxidizing materials are stowed, only approved power-operated industrial trucks with a recognized testing laboratory designation of EX, EE, GS, LPS, and DS may be used for handling cargo including the handling of such packaged flammable solids or oxidizing materials.

(2) When flammable solids or oxidizing materials are contained in closed cargo vans or closed containers and no other dangerous cargo is stowed in the hold or compartment, any standard commercial type power-operated industrial truck in safe operating condition and having the minimum safety features of § 78.80–7(c) may be used in the spaces.

(3) When oxidizing materials in bulk are stowed in the holds or compartment, any approved commercial type power-operated industrial truck may be used in the spaces.

(d) *Spaces containing hazardous articles.* (1) In a space in which packaged or baled hazardous articles of a fibrous nature or bulk sulfur are stowed, only approved power-operated industrial trucks with a recognized testing laboratory designation of EX, EE, GS, LPS and DS may be used for handling cargo, including the handling of such packaged or baled hazardous articles of a fibrous nature or bulk sulfur.

(2) When hazardous articles of a fibrous nature are contained in closed cargo vans or closed portable containers and no other dangerous cargo is stowed in the hold or compartment, any standard commercial type power-operated industrial truck in safe operating condition and having the minimum safety features of § 78.80–7(c) may be used in the spaces.

(e) *Spaces containing other dangerous cargoes and hazardous articles.* (1) In a space in which dangerous cargoes or hazardous articles subject to the regulations in Part 146 of this chapter, except those provided for in paragraphs (a), (b), (c) and (d) of this section, any approved power-operated industrial truck may be used to handle cargo including the handling of such dangerous cargoes or hazardous articles.

(f) *Other spaces.* (1) Any standard commercial type power-operated industrial truck in safe operating condition and having the minimum safety features of § 78.80–7(c) may be used in spaces and for handling cargo in spaces not otherwise restricted by regulation in this subpart.

§ 78.80–15 Special operating conditions.

(a) Notification shall be given to the master or senior deck officer on board before placing power-operated industrial trucks in use aboard the vessel.

(b) When power-operated industrial trucks are in use on board vessels subject to the regulations in this subchapter, they shall be in a safe operating condition.

(c) Spaces exposed to carbon monoxide or other hazardous vapors from the exhausts of power-operated industrial trucks shall have adequate ventilation. The concentration of carbon monoxide shall be kept below 100 parts per million in the holds and intermediate decks where persons are working. When necessary, portable blowers of adequate size and location shall be utilized.

(d) The parts and/or equipment of any power-operated industrial truck requiring replacement shall be replaced only by parts and/or equipment equivalent in safety when installed with those used in the original design.

(e) Any truck that emits sparks or flames from the exhaust system shall immediately be removed from service, and not again returned to service until the cause for the emission of such sparks or flames has been eliminated.

(f) When the temperature of any part of the truck is found to be in excess of a safe operating temperature, the truck shall be removed from service until such overheating has been corrected.

(g) Operation of trucks shall be halted immediately and the engines or motors secured, whenever an emergency condition arises aboard the vessel.

(h) Operation of trucks shall be halted immediately and the engines or motors secured in the event of breakage or leakage of containers used for the carriage of flammable liquids, flammable solids or oxidizing materials.

(i) The rated capacity of a truck shall at all times be posted on the truck in a conspicuous place and such capacity shall not be exceeded.

(j) At least one approved 2-pound dry chemical hand portable fire extinguisher, or its approved equivalent, shall be affixed to the truck in a readily accessible position or kept in close proximity available for immediate use.

(k) Vessel's fire-fighting equipment, both fixed (where installed) and portable, in vicinity of space being worked shall be kept ready for immediate use.

§ 78.80–20 Refueling.

(a) *When permitted.* Power-operated industrial trucks are not permitted to be refueled in the hold of a vessel or on the weather deck except under the following conditions:

(1) Trucks using gasoline as fuel may be refueled in the hold or on the weather deck of a vessel only when such refueling is done with an acceptable portable non-spilling fuel handling system of not over 5 gallons capacity. Transfer of gasoline to these portable non-spilling fuel handling devices is not permitted on board the vessel.

(2) Power-operated industrial trucks using liquefied petroleum gas as fuel may be refueled in the hold or on the weather deck of a vessel only when fitted with removable tanks and provided the hand-operated shut-off valve of the depleted tank is closed and the engine is run until it stalls from lack of fuel before the quick disconnect fitting is opened. In addition, the quick disconnect fitting shall be attached to the fuel tank before the hand-operated shut-off valve is reopened.

(3) Power-operated industrial trucks using diesel oil as fuel may be refueled on the weather deck or in the hold of a vessel by means of portable containers of not over 5-gallon capacity. These trucks may also be refueled on the weather deck of a vessel or portable containers refilled from a larger container provided a suitable pump is used for the transfer operation and a drip pan of adequate size is supplied.

(b) *General requirements.* The following conditions must be met when refueling power-operated industrial trucks in the hold of a vessel or on the weather deck under the circumstances listed in paragraph (a) of this section:

(1) Refueling shall be under the direct supervision of an experienced and responsible person specifically designated for such job by the person in charge of the loading or unloading of the vessel.

(2) No refueling shall be undertaken with less than 2 persons specifically assigned and present for the complete operation, at least one of whom shall be experienced in using the portable fire extinguishers required in the fueling area.

(3) At least one approved 4-pound dry chemical hand portable fire extinguisher, or its approved equivalent shall be provided at the scene of the fueling area. This is in addition to portable extinguisher affixed to the truck in accordance with § 78.80–15(j).

(4) The location for refueling trucks shall be designated by the master or senior deck officer on board the vessel. "No Smoking" signs shall be posted in the area and smoking shall be prohibited.

(5) The location designated for refueling shall be adequately ventilated so as to insure against accumulation of a hazardous concentration of vapors. The ventilation requirements of § 78.80–15(c) when trucks are operating shall also apply when trucks are being refueled.

(6) Truck engines of all trucks in the same hold shall be stopped before any truck in that hold is refueled and before any fuel handling devices or unmounted liquefied petroleum gas cylinders are placed in the hold.

(7) All fuel handling devices and unmounted liquefied petroleum gas containers shall be removed from the hold before any truck engine is started and the trucks again placed in operation.

§ 78.80–25 Charging or replacing batteries.

(a) Batteries for electrically-powered industrial trucks and for the ignition systems of internal combustion engine-powered industrial trucks may be changed in the hold of a vessel provided the following conditions are met:

(1) Suitable handling equipment shall be employed.

(2) Adequate precautions shall be taken to avoid damage to the battery, short circuiting of the battery and spillage of the electrolyte.

(b) Batteries of electrically-powered industrial trucks may be recharged in a hold of a vessel provided the following conditions are met:

(1) The batteries shall be housed in a suitable, ventilated, portable metal container with a suitable outlet at the top for connection of a portable air hose, or shall be placed directly beneath a suitable metal hood with a suitable outlet at the top for connection of a portable air hose. The air hose shall be permanently connected to an exhaust duct leading to the open deck and terminate in a gooseneck or other suitable weather head. If natural ventilation is not practicable or adequate, mechanical means of exhaust shall be employed in conjunction with the duct. The air outlet on the battery container shall be equipped with an interlock switch so arranged that the charging of the battery cannot take place unless the air hose is properly connected to the box.

(2) If mechanical ventilation is used, an additional interlock shall be provided between the fan and the charging circuit so that the fan must be in operation in order to complete the charging circuit for operation. It is preferable that this interlock switch be of a centrifugal type driven by the fan shaft.

(3) The hold shall not contain any cargo coming under the regulations in Part 146 of Subchapter N (Dangerous Cargoes) of this chapter.

(4) The charging facilities may be part of the truck equipment or may be separate from the truck and located inside or outside the cargo hold. The supply or charging circuit (whichever method is used) shall be connected to the truck by a portable plug connection of the break-away type. This portable plug shall be so engaged with the truck battery charging outlet that any movement of the truck away from the charging station will break the connection between the plug and receptacle without exposing any live parts to contact with a conducting surface or object, and without the plug falling to the deck where it may become subject to injury.

(c) All unmounted batteries shall be suitably protected or removed from an area in the hold of the vessel before trucks are operated in that area.

§ 78.80–30 Stowage of power-operated industrial trucks aboard a vessel.

(a) Power-operated industrial trucks may be stowed in any location aboard a vessel provided the following conditions are met:

(1) Gasoline powered trucks shall have all the fuel expended from the system.

(2) Liquefied petroleum gas powered trucks shall have the fuel tanks removed and all the fuel expended from the system.

(b) Power-operated industrial trucks not meeting the conditions set forth in paragraph (a) of this section shall be stowed on the open deck except for intervals such as lunch hours, between work shifts, interdock and intraport movements. If stowed in a fixed metal enclosure located on or above the weather deck, such enclosure shall have access from the weather deck only and shall have adequate ventilation, so ar-

ranged as to remove vapors from both the upper and lower portions of the space.

§ 78.30–35 Stowage of fuel handling devices aboard a vessel.

(a) Flammable liquids and gases to be used as fuels for power-operated industrial trucks shall be marked, labeled and stowed as follows:

(1) They shall be stowed in ICC specification containers, A.S.M.E. containers or portable safety containers having the approval of a recognized testing laboratory, which containers are authorized for the contents.

(2) Containers shall be marked with the name of the contents and shall be labeled in accordance with ICC requirements as follows:

(i) Flammable liquids—"Red Label"; or,

(ii) Flammable gases—"Red Gas Label".

(3) Containers shall be stowed on or above the weather deck in locations designated by the master. ICC specification containers, A.S.M.E. containers, or portable safety containers having the approval of a recognized testing laboratory may be stowed below the weather deck in a paint or lamp locker provided such containers do not exceed 5 gallons capacity each.

(b) Diesel fuel shall be stowed in locations designated by the master.

Subpart 78.85—Prevention of Oil Pollution

§ 78.85–1 Prohibited zones.

(a) All passenger vessels shall be so operated as to meet the requirements of the Oil Pollution Act, 1924 (33 U.S.C. 431–437). In addition, all passenger ships shall be so operated as to avoid discharging any oil or oily ballast which may foul the surface of the sea, within any of the prohibited zones set forth in the Oil Pollution Act, 1961 (33 U.S.C. 1001–1015).

(Sec. 8, 75 Stat. 403; 33 U.S.C. 1007. Treasury Department Order 167–46, November 6, 1961, 26 F.R. 10609)

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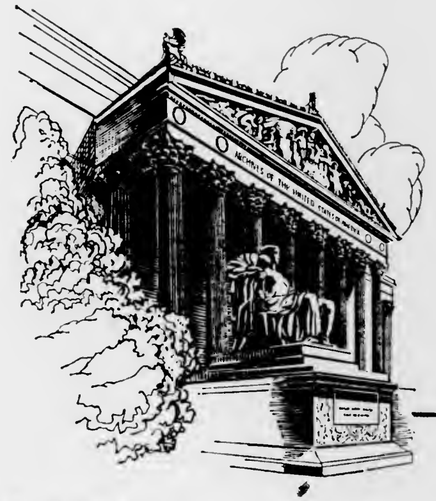
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Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER I—CARGO AND MISCELLANEOUS VESSELS

PART 90—GENERAL PROVISIONS

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AUTHORITY: The provisions of this Part 90 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4426, as amended, 4427, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 404, 405, 366, 395, 363, 367, 526p, 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, Nov. 26, 1954, 19 F.R. 8026; CGFR 56–28, July 24, 1956, 21 F.R. 5659, unless otherwise noted.

Subpart 90.01—Authority and Purpose

§ 90.01–1 Purpose of regulations.

(a) The purpose of the regulations in this subchapter is to set forth uniform minimum requirements for cargo and miscellaneous vessels, as listed in Column 5 of Table 90.05–1(a), in accordance with the intent of Title 52 of the Revised Statutes and acts amendatory thereof or supplemental thereto, as well as to implement various International Conventions for Safety of Life at Sea and other treaties which affect the merchant marine. The regulations are necessary to carry out the provisions of law affecting cargo and miscellaneous vessels and such regulations have the force of law.

§ 90.01–5 Assignment of functions.

(a) By Reorganization Plan No. 3 of 1946, effective July 16, 1946, the marine inspection functions of the former Bureau of Marine Inspection and Navigation and its officers and employees were transferred to the Commandant, United States Coast Guard. By Reorganization Plan No. 26 of 1950 (15 F. R. 4935, 3 CFR, 1950 Supp., p. 178, 5 U. S. C. note under 241), effective July 31, 1950, the functions formerly vested in the Commandant, United States Coast Guard, were transferred to the Secretary of the Treasury, with certain specified exceptions. The Secretary of the Treasury by an order dated July 31, 1950 (15 F. R. 6521), delegated to the Commandant the functions formerly performed by him under Reorganization Plan No. 3 of 1946.

§ 90.01–10 Authority for regulations.

(a) *General.* (1) The authority to prescribe regulations generally is set forth in 46 U.S. Code, sections 375 and 416, as well as in certain other provisions in 46 U.S. Code, sections 170, 214, 215, 222, 224, 224a, 226, 228, 229, 230–234, 239, 240, 361, 362, 364, 372, 381, 391, 391a, 392, 393, 399, 400, 402–414, 435, 436, 451–453, 460, 461, 462, 464, 467, 470–482, and 489–498, and acts amendatory thereof or supplemental thereto. Under the provisions of 46 U.S. Code, section 372, the Commandant, United States Coast Guard, superintends the administration of vessel inspection laws and is required to produce a correct and uniform administration of the inspection laws, rules, and regulations.

(b) *Inspection and certification.* (1) The regulations regarding inspection and certification of cargo and miscellaneous vessels interpret or apply 46 U.S. Code, sections 361, 362, 363, 366, 367, 391, 392, 395, 404, 405, 411, 435, and 481, and 50 U.S. Code, section 198.

(c) *Construction and arrangement.* (1) The regulations regarding the construction and arrangement of cargo and miscellaneous vessels interpret or apply 46 U.S. Code, sections 363, 367, 391, 392, 404, 481, and 482, and 50 U.S. Code, section 198.

(d) *Stability.* (1) The regulations regarding stability of cargo and miscellaneous vessels interpret or apply 46 U.S. Code, sections 85a, 88a, 363, 367, 391, 392, 404, 481, 482, and 483, and 50 U.S. Code, section 198.

(e) *Lifesaving equipment.* (1) The regulations regarding lifesaving equipment of cargo and miscellaneous vessels interpret or apply 46 U.S. Code, sections 363, 367, 391, 392, 404, 481, and 526p, and 50 U.S. Code, section 198.

(f) *Fire protection equipment.* (1) The regulations regarding fire protection equipment of cargo and miscellaneous vessels interpret or apply 46 U.S. Code, sections 363, 367, 391, 392, 395, 404, 481, and 526p, and 50 U.S. Code, section 198.

(g) *Vessel control and miscellaneous systems and equipment.* (1) The regulations regarding vessel control and miscellaneous systems and equipment of cargo and miscellaneous vessels interpret or apply 46 U.S. Code, sections 363, 367, 395, 391, 392, 404, and 435, and 50 U.S. Code, section 198.

(h) *Operations.* (1) The regulations regarding operations of cargo and miscellaneous vessels interpret or apply 46 U.S. Code, sections 363, 367, 391, 392, 395, 404, and 435, and 50 U.S. Code, section 198.

(i) *Special construction, arrangement, and provisions for certain dangerous cargoes in bulk.* (1) The regulations regarding special construction, arrangement, and provisions for certain dangerous cargoes in bulk of cargo and miscellaneous vessels interpret or apply 46 U.S. Code, section 170, and 50 U.S. Code, section 198.

Subpart 90.05—Application

§ 90.05–1 Vessels subject to requirements of this subchapter.

(a) This subchapter shall be applicable to all United States flag vessels indicated in Column 5 of Table 90.05–1(a) and to all such foreign vessels which carry 12 or less passengers from any port in the United States to the extent prescribed by law, except as follows:

(1) Any vessel of a foreign nation signatory to the International Convention for Safety of Life at Sea, 1960, and which has on board a current, valid safety equipment certificate.

(2) Any vessel operating exclusively on inland waters which are not navigable waters of the United States.

(3) Any vessel while laid up and dismantled and out of commission.

(4) With the exception of vessels of the U. S. Maritime Administration, any vessel with title vested in the United States and which is used for public purposes.

(b) Notwithstanding the exception previously noted in subparagraph (a)(1) of this section, foreign vessels of novel design or construction or whose operation involves potential unusual risks shall be subject to inspection to the extent necessary to safeguard life and property in United States ports, as further provided by § 2.01–13 of Subchapter A (Procedures Applicable to the Public) of this chapter.

TABLE 90.05–1(a)

Method of propulsion	Size or other limitations [1]	Classes of vessels (including motorboats) examined or inspected under various Coast Guard regulations [1]			
		Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under either Subchapter H—Passenger Vessels [2] [3] [4] [6] or Subchapter T—Small Passenger Vessels [2] [3] [4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [2] [6]	Vessels subject to provisions of Subchapter C—Uninspected Vessels [2] [3] [6]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Steam	Vessels not over 65 feet in length.	All vessels carrying combustible or flammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	All tugboats and towboats.	All vessels except those covered by columns 3, 4, and 5.[8]
	Vessels over 65 feet in length.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels of not over 15 gross tons which carry more than 6 passengers.[7] 3. All other vessels carrying passengers, except: a. Yachts. b. Documented cargo or tank vessels issued a permit to carry not more than 16 persons in addition to the crew. c. Towing and fishing vessels, in other than ocean and coastwise service, may carry persons on the legitimate business of the vessel, in addition to crew, but not to exceed one for each net ton of the vessel.	All vessels except those covered by columns 3 and 4.	None.
Motor	Vessels of not over 15 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	All vessels except those covered by columns 3, 4, and 5.
	Vessels over 15 gross tons except seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels not over 65 feet in length which carry more than 6 passengers.[7] 3. All other vessels of over 65 feet in length carrying passengers for hire except documented cargo or tank vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels carrying freight for hire except those covered by columns 3 and 4.	All vessels except those covered by columns 3, 4, and 5.
	Seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All other vessels carrying passengers, except: a. Yachts. b. Documented cargo or tank vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels except those covered by columns 3 and 4, and those engaged in the fishing, oystering, clamming, crabbing, or any other branch of the fishery, kelp, or sponge industry.	All vessels except those covered by columns 3, 4, and 5.
Sail	Vessels not over 700 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	None.
	Vessels over 700 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.	All vessels carrying passengers for hire.	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	None.
Nonself-propelled	Vessels not over 100 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	All barges carrying passengers except those covered by column 4.
	Vessels over 100 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.	All vessels carrying passengers for hire.	All seagoing barges except those covered by columns 3 and 4; and those inland barges carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	All barges carrying passengers except those covered by column 4.

[1] Where length is used in this table it means the length measured from end to end over the deck, excluding sheer. This expression "means a straight line measurement of the overall length from the foremost part of the vessel to the aftermost part of the vessel, measured parallel to the centerline."

[2] Subchapters E (Load Lines), F (Marine Engineering), J (Electrical Engineering), and N (Dangerous Cargoes) of this chapter may also be applicable under certain conditions.

[3] Public nautical schoolships, other than vessels of the Navy and Coast Guard, shall meet the requirements of Part 167 of Subchapter R (Nautical Schools) of this chapter. Civilian nautical schoolships, as defined by 46 U.S.C. 1331, shall meet the requirements of Subchapter H (Passenger Vessels) and Part 168 of Subchapter R (Nautical Schools) of this chapter.

[4] Subchapter H (Passenger Vessels) of this chapter covers only those vessels of 100 gross tons or more. Subchapter T (Small Passenger Vessels) of this chapter covers only those vessels of less than 100 gross tons.

[5] Vessels covered by Subchapters H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter, where the principal purpose or use of the vessel is not for the carriage of liquid cargo, may be granted a permit to carry a limited amount of flammable or combustible liquid cargo in bulk. The portion of the vessel used for the carriage of the flammable or combustible liquid cargo shall meet the requirements of Subchapter D (Tank Vessels) in addition to the requirements of Subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter.

[6] Any vessel on an international voyage is subject to the requirements of the International Convention for Safety of Life at Sea, 1960.

[7] The meaning of the term "passenger" is as defined in the Act of May 10, 1956 (sec. 1, 70 Stat. 151; 46 U.S.C. 390).

[8] Boilers and machinery are subject to examination on vessels over 40 feet in length.

(R.S. 4472, as amended; 46 U.S.C. 170)

§ 90.05–5 Specific application noted in text.

(a) At the beginning of the various parts, subparts, and sections, a more specific application is generally given for the particular portion of the text involved. This application sets forth the types, sizes, or services or vessels to which the text pertains, and in many cases limits the application of the text to vessels contracted for before or after a specific date. As used in this subchapter, the term "vessels contracted for" includes not only the contracting for the construction of a vessel, but also the contracting for a material alteration to a vessel, the contracting for the conversion of a vessel to a cargo or miscellaneous vessel, and the changing of service or route of a vessel if such change increases or modifies the general requirements for the vessel or increases the hazards to which it might be subjected.

§ 90.05–7 Ocean or unlimited coastwise vessels on inland and Great Lakes Routes.

(a) Vessels inspected and certificated for ocean or unlimited coastwise routes shall be considered suitable for navigation insofar as the provisions of this subchapter are concerned on any inland routes, including the Great Lakes.

§ 90.05–10 Application to vessels on an international voyage.

(a) Where, in various places or portions of this subchapter, requirements are stipulated specifically for "vessels on an international voyage," it is intended that these requirements apply only to vessels subject to the International Convention for Safety of Life at Sea, 1960, which are mechanically propelled vessels of 500 gross tons and over on an international voyage, as defined in § 90.10–17, other than yachts and fishing vessels.

(b) In accordance with Regulation 4, Chapter I (General Provisions) of the International Convention for Safety of Life at Sea, 1960, a vessel which is not normally engaged on an international voyage, but which in exceptional circumstances, is required to undertake a single international voyage may be exempted by the Commandant from any of the requirements of the Regulations of the Convention: *Provided*, That it complies with safety requirements which are adequate, in his opinion, for the voyage which is to be undertaken.

(c) In accordance with Regulation 1(c), Chapter II (Construction) of the International Convention for Safety of Life at Sea, 1960, the Commandant may, if he considers that the sheltered nature and conditions of the voyage are such as to render the application of any specific requirements of Chapter II of this Convention unreasonable or unnecessary; exempt from those requirements individual vessels or classes of vessels which, in the course of their voyage, do not proceed more than 20 miles from the nearest land.

(d) In accordance with Regulation 3 (a), Chapter III (Lifesaving Appliances, Etc.) of the International Convention for Safety of Life at Sea, 1960, the Commandant, if he considers that the sheltered nature and conditions of the voyage are such as to render the application of the full requirements of Chapter III of this Convention unreasonable or unnecessary, may to that extent exempt from the requirements of Chapter III individual vessels or classes of vessels which, in the course of their voyage, do not go more than 20 miles from the nearest land.

§ 90.05–25 Seagoing barge.

(a) All nonself-propelled vessels of 100 gross tons and over that proceed on voyages on the high seas or ocean are subject to inspection and certification as seagoing barges.

(b) In applying the laws and regulations to manned seagoing barges, one criterion for invocation of safety standards is the description of seagoing barges by relative size in gross tons. When it is determined by the Commandant that the gross register tonnage for a particular manned seagoing barge, which is attained by exemptions, reductions, or other devices in the basic gross tonnage formulation, will circumvent or be incompatible with the application of specific safety requirements in the regulations in this subchapter for a manned seagoing barge of such physical size, the Commandant shall prescribe the regulations to be made applicable to such seagoing barge. When the Commandant determines that the gross register tonnage is not a valid criterion for the invocation of safety requirements based on relative size, the parties involved will be informed of the determination and of the regulations applicable to such manned seagoing barges, and before being permitted to operate such seagoing barges, compliance therewith shall be required. Endorsements or notations on the seagoing barge's certificate of inspection may be made as appropriate.

§ 90.05–30 Portable containers—interpretive rulings.

(a) The phrase "drums, barrels, or other packages," as used in R.S. 4417a, as amended (46 U.S.C. 391a), and in R.S. 4472, as amended (46 U.S.C. 170), is interpreted to mean portable containers having a maximum capacity of 110 U.S. gallons and ICC specification cylinders having a water capacity of not more than 1,000 pounds, which are actually loaded and discharged from vessels with their contents intact.

(b) The phrase "inflammable or combustible liquid cargo in bulk" as used in R.S. 4417a, as amended (46 U.S.C. 391a), and in R.S. 4472, as amended (46 U.S.C. 170), is interpreted to include such cargo in portable containers of a capacity of more than 110 U.S. gallons.

(c) The phrase "liquid cargo" as used in R.S. 4417a, as amended (46 U.S.C. 391a), is interpreted to mean inflammable or combustible liquids.

(Interpret or apply R.S. 4417a, as amended, 4472, as amended; 46 U.S.C. 391a, 170)

Subpart 90.10—Definition of Terms Used in This Subchapter

§ 90.10–1 Approved.

This term means approved by the Commandant unless otherwise stated.

§ 90.10–2 Barge.

This term means any nonself-propelled vessel.

§ 90.10–3 Carrying passengers for hire.

The carriage of any person or persons by a vessel for a valuable consideration, whether directly or indirectly flowing to the owner, charterer, operator, agent or any other person interested in the vessel.

§ 90.10–5 Carrying freight for hire.

The carriage of any goods, wares, or merchandise or any other freight for a valuable consideration whether directly or indirectly flowing to the owner, charterer, operator, agent, or any other person interested in the vessel.

§ 90.10–7 Commandant.

This term means the Commandant of the Coast Guard.

§ 90.10–9 Coast Guard District Commander.

This term means an officer of the Coast Guard designated as such by the Commandant to command all Coast Guard activities within his district, which include the inspection, enforcement, and administration of Title 52, Revised Statutes, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

§ 90.10–11 Coastwise.

Under this designation shall be included all vessels normally navigating the waters of any ocean or the Gulf of Mexico 20 nautical miles or less offshore.

§ 90.10–12 Gas free.

This term means free from dangerous concentrations of flammable or toxic gases.

(Interpret or apply R.S. 4417a, as amended, 4472, as amended; 46 U.S.C. 391a, 170)

§ 90.10–13 Great Lakes.

Under this designation shall be included all vessels navigating the Great Lakes.

§ 90.10–15 Headquarters.

This term means the Office of the Commandant, United States Coast Guard, Washington, D.C., 20226.

§ 90.10–17 International voyage.

(a) The term "international voyage" as used in this subchapter shall have the same meaning as that contained in Regulation 2(d), Chapter I of the International Convention for Safety of Life at Sea, 1960, i.e., " 'International voyage' means a voyage from a country to which the present Convention applies to a port outside such country, or conversely; and for this purpose every territory for the international relations of which a Contracting Government is responsible or for which the United Nations is the administering authority is regarded as a separate country."

(b) The International Convention for Safety of Life at Sea, 1960, does not apply to vessels "solely navigating the Great Lakes of North America and the River St. Lawrence as far east as a straight line drawn from Cap de Rosiers to West Point, Anticosti Island and, on the north side of Anticosti Island, the 63d Meridian." Accordingly, such vessels shall not be considered as being on an "international voyage" for the purpose of this subchapter.

(c) For the purposes of this subchapter the term "territory" as used in paragraph (a) of this section shall be considered to include the Commonwealth of Puerto Rico, the Canal Zone, all possessions of the United States, and all lands held by the United States under a protectorate or mandate.

(d) In addition, although voyages between the continental United States and Hawaii or Alaska, and voyages between Hawaii and Alaska are not "international voyages" under the provisions of the International Convention for Safety of Life at Sea, 1960, such voyages are similar in nature and shall be considered as "international voyages" and subject to the same requirements for the purposes of this subchapter.

§ 90.10–19 Lakes, bays, and sounds.

Under this designation shall be included all vessels navigating the waters of any of the lakes, bays, or sounds other than the waters of the Great Lakes.

§ 90.10–21 Marine inspector or inspector.

These terms mean any person from the civilian or military branch of the Coast Guard assigned under the superintendence and direction of an Officer in Charge, Marine Inspection, or any other person as may be designated for the performance of duties with respect to the inspection, enforcement, and administration of Title 52, Revised Statutes, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

§ 90.10–23 Motorboat.

This term means any vessel indicated in Column 5 of Table 90.05–1(a) 65 feet in length or less which is propelled by machinery (including steam). The length shall be measured from end to end over the deck excluding sheer. This term includes a boat temporarily or permanently equipped with a detachable motor and any such boat when so propelled is subject to the applicable provisions of the Act of April 25, 1940, as amended (secs. 1–22, 54 Stat. 163–167, as amended, 46 U.S.C. 526–526u), and the regulations promulgated thereunder. For the purpose of this subchapter, motorboats are included under the term "vessel" unless specifically noted otherwise. The various classes of motorboats are as follows:

Class A—Any motorboat less than 16 feet in length.
Class 1—Any motorboat 16 feet or over and less than 26 feet in length.
Class 2—Any motorboat 26 feet or over and less than 40 feet in length.
Class 3—Any motorboat 40 feet or over and not more than 65 feet in length.

§ 90.10–24 Nuclear vessel.

(a) A nuclear vessel is a vessel provided with a nuclear powerplant for propulsion or any other purpose, or any vessel handling or processing substantial amounts of radioactive material other than as cargo.

§ 90.10–25 Ocean.

Under this designation shall be included all vessels navigating the waters of any ocean or the Gulf of Mexico more than 20 nautical miles offshore.

§ 90.10–27 Officer in charge, marine inspection.

This term means any person from the civilian or military branch of the Coast Guard designated as such by the Commandant and who, under the superintendence and direction of the Coast Guard District Commander, is in charge of an inspection zone for the performance of duties with respect to the inspections, enforcement, and administration of Title 52, Revised Statutes, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

§ 90.10–29 Passenger.

A passenger is every person other than the master and the members of the crew or other persons employed or engaged in any capacity on board a vessel in the business of that vessel. In the case of a vessel on an international voyage a child under 1 year of age is not counted as a passenger.

§ 90.10–31 Rules of the Road.

(a) The term "Rules of the Road" means the statutory and regulatory rules governing navigation of vessels. These rules are also published by the Coast Guard in pamphlet form as follows:

(1) Rules of the Road—International—Inland (CG–169).

(2) Rules of the Road—Great Lakes (CG–172).

(3) Rules of the Road—Western Rivers (CG–184).

(b) The current editions of the "Rules of the Road" pamphlets may be obtained from any Marine Inspection Office.

§ 90.10–33 Rivers.

Under this designation shall be included all vessels whose naivgation is restricted to rivers and/or canals exclusively, and to such other waters as may be so designated by the Coast Guard District Commander.

§ 90.10–35 Recognized classification society.

The term "recognized classification society" means the American Bureau of Shipping or other classification society recognized by the Commandant.

§ 90.10–36 Seagoing barge.

The phrase "every seagoing barge of one hundred gross tons or over" in subsections 395(a) and 395(b), Title 46, U.S. Code (sec. 10, 35 Stat. 428, as amended), includes every nonself-propelled vessel of 100 gross tons or over, if such vessel will navigate the high seas or ocean. The phrase "nonself-propelled vessel" means a vessel without sufficient means for self-propulsion and is required to be towed.

§ 90.10–37 Vessel.

Where the word "vessel" is used in this subchapter, it shall be considered to include all vessels indicated in Column 5 of Table 90.05–1(a), except as otherwise noted in this subpart.

§ 90.10–39 Western rivers.

For the purpose of this subchapter, the term "western rivers" is as defined in CG–184, "Rules of the Road—Western Rivers."

Subpart 90.15—Equivalents

§ 90.15–1 Conditions under which equivalents may be used.

(a) Where in this subchapter it is provided that a particular fitting, material, appliance, apparatus, or equipment, or type thereof, shall be fitted or carried in a vessel, or that any particular provision shall be made or arrangement shall be adopted, the Commandant may accept in substitution therefor any other fitting, material, apparatus, or equipment, or type thereof, or any other arrangement: *Provided*, That he shall have been satisfied by suitable trials that the fitting, material, appliance, apparatus, or equipment, or type thereof, or the provision or arrangement is at least as effective as that specified in this subchapter.

(b) In any case where it is shown to the satisfaction of the Commandant that the use of any particular equipment, apparatus, or arrangement not specifically required by law is unreasonable or impracticable, the Commandant may permit the use of aiternate equipment, apparatus, or arrangement to such an extent and upon such conditions as will insure, to his satisfaction, a degree of safety consistent with the minimum standards set forth in this subchapter.

Subpart 90.20—General Marine Engineering Requirements

§ 90.20–1 Marine engineering details.

(a) All marine engineering details such as piping, valves, fittings, boilers, pressure vessels, etc., and their appurtenances installed on the vessel, shall be designed, constructed, and installed in accordance with the provisions of Subchapter F (Marine Engineering) of this chapter.

(R.S. 4418, as amended, 4433, as amended; 46 U.S.C. 392, 411)

§ 90.20–5 Nuclear vessels.

(a) Nuclear vessels shall comply with the applicable requirements in Subpart 57.30 of Part 57 of Subchapter F (Marine Engineering) of this chapter. The reg-

ulations covering the transportation and handling of radioactive materials as cargo are contained in Part 146 of Subchapter N (Dangerous Cargoes) of this chapter.

(Sec. 2, 23 Stat. 116, as amended, secs. 2, 633, 63 Stat. 496, 545; 46 U.S.C. 2, 14 U.S.C. 2, 633. Interpret or apply R.S. 4417, as amended, 4417a, as amended, 4418, as amended, 4472, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152; 46 U.S.C. 391, 391a, 392, 170, 1333, 390b. Treasury Department Order 167-17, June 29, 1955, 20 F.R. 4976)

Subpart 90.25—General Electrical Engineering Requirements

§ 90.25–1 Electrical engineering details.

(a) All electrical engineering details and installations shall be designed and installed in accordance with Subchapter J (Electrical Engineering) of this chapter.

(R.S. 4418, as amended; 46 U.S.C. 392)

Subpart 90.30—Special Provisions

§ 90.30–1 Vessels acquired or documented under the act of August 9, 1954.

(a) Vessels acquired or documented under the Act of August 9, 1954 (sec. 3, 68 Stat. 675; 50 U.S.C. 198), shall be subject to the applicable provisions of Title 52 of the Revised Statutes, acts amendatory thereof or supplemental thereto and the rules and regulations thereunder.

(b) Unapproved lifesaving, firefighting, and other equipment may be continued in service as long as, in the opinion of the Officer in Charge, Marine Inspection, such equipment is in good and serviceable condition. All replacements shall be in accordance with Coast Guard requirements.

§ 90.30–5 Installations of equipment made during the unlimited national emergency declared by the President on May 27, 1941.

(a) Boilers, pressure vessels, machinery, piping, electrical, and other installations, including lifesaving, firefighting, and other safety equipment, installed on vessels during the Unlimited National Emergency declared by the President on May 27, 1941, and prior to the termination of Title V of the Second War Powers Act, as extended (sec. 501, 56 Stat. 180, 50 U.S.C. App. 635), which do not fully meet the detailed requirements of the regulations in this chapter, may be continued in service if found to be satisfactory by the Commandant for the purpose intended.

Subpart 90.35—American Bureau of Shipping's Standards

AUTHORITY: The provisions of this Subpart 90.35 interpret or apply sec. 25, 41 Stat. 998, as amended; 46 U.S.C. 881.

§ 90.35–1 Standards to be used.

(a) Where in this subchapter an item, or method of construction, or testing is required to meet the standards established by the American Bureau of Shipping, the current standards in effect at the time of construction of the vessel, or otherwise as applicable, shall be used. The current standards of other recognized classification societies may also be accepted upon approval by the Commandant.

§ 90.35–5 Where obtainable.

(a) The standards established by the American Bureau of Shipping are usually published annually and may be purchased from the American Bureau of Shipping, 45 Broad Street, New York, N.Y., 10004. These standards may be also examined at the Office of the Commandant (M), U.S. Coast Guard, Washington, D.C., 20226, or at the Office of any Coast Guard District Commander or Officer in Charge, Marine Inspection.

PART 91—INSPECTION AND CERTIFICATION

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AUTHORITY: The provisions of Part 91 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416 Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4418, as amended, 4426, as amended, 4427, as amended, 4433, as amended, 4453, as amended, 4488, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 392, 404, 405, 411, 435, 481, 366, 395, 363, 367, 526p, 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-14, Nov. 26, 1954, 19 F.R. 8026; CGFR 56-28, July 24, 1956, 21 F.R. 5659; 167-38, Oct. 26, 1959, 24 F.R. 8857, unless otherwise noted.

Subpart 91.01—Certificate of Inspection

AUTHORITY: The provisions of this Subpart 91.01 interpret or apply R.S. 4421, as amended, 4423, as amended, sec. 12, 35 Stat. 428, as amended; 46 U.S.C. 399, 400, 397.

§ 91.01–1 When required.

(a) Except as noted in this subpart or Subpart 91.05, no vessel subject to inspection and certification shall be operated without a valid certificate of inspection.

§ 91.01–5 Posting.

(a) On vessels of over 25 gross tons, the original certificate of inspection shall, in general, be framed under glass and posted in a conspicuous place where it will be most likely to be observed. On vessels not over 25 gross tons, and on other vessels such as barges, where the framing of the certificate under glass would be impracticable, the original certificate of inspection shall be kept on board to be shown on demand.

§ 91.01–10 Period of validity.

(a) Certificates of inspection will be issued for periods of either 1 or 2 years. Application may be made by the master, owner, or agent for inspection and issuance of a new certificate of inspection at any time during the period of validity of the current certificate. For nuclear vessels, the period of validity shall be 1 year.

(b) Certificates of inspection may be revoked or suspended by the Coast Guard where such process is authorized by law. This may occur if the vessel does not meet the requirements of law or regulations in this chapter or if there is a failure to maintain the safety requirements requisite to the issuance of a certificate of inspection.

(c) (1) In the case of the following vessels, modification of the period of validity of the certificate of inspection will be permitted as set forth in this paragraph:

(i) Nonself-propelled vessels of 100 gross tons and over proceeding on the high seas or ocean for the sole purpose of changing place of employment.

(ii) Nonself-propelled vessels of 100 gross tons and over making rare or infrequent voyages on the high seas or ocean and returning to the port of departure.

(2) The certificate of inspection may be issued for a specific period of time to cover a described situation or for one voyage only but in no case to exceed 2 years. The certificate of inspection will include the conditions under which the vessel must operate. Unless the vessel is in compliance with this Subchapter insofar as it applies to seagoing barges of 100 gross tons and over, such vessel shall not carry any person on board while underway, and the certificate of inspection will be endorsed as an unmanned seagoing barge.

§ 91.01–15 Temporary certificate.

(a) If necessary to prevent delay of the vessel, a temporary certificate of inspection, Form CG–854, shall be issued pending the issuance and delivery of the regular certificate of inspection. Such temporary certificate shall be carried in the same manner as the regular certificate and shall in all ways be considered the same as the regular certificate of inspection which it represents.

§ 91.01–20 Expired certificate.

(a) Nothing in this subpart shall prevent a vessel upon a regularly established line from a port in the United States to a port of a foreign country not contiguous to the United States whose certificate of inspection expires at sea or while said vessel is in a foreign port or a port of Hawaii from lawfully completing her voyage without the valid certificate of inspection or temporary certificate required by this subpart: *Provided*, That the certificate of inspection did not expire within 15 days after the vessel left the last port of the United States, and that the voyage shall be completed within 30 days after the expiration of the certificate of inspection.

Subpart 91.05—Permit To Proceed to Another Port for Repair

§ 91.05–1 When issued.

(a) The Officer in Charge, Marine Inspection, may issue a permit to proceed to another port for repair, Form CG–948 to a vessel, if in his judgment it can be done with safety, even if the certificate of inspection of the vessel has expired or is about to expire.

§ 91.05–5 To whom issued.

(a) Such permit will only be issued upon the written application of the master, owner, or agent of the vessel.

§ 91.05–10 Conditions of permit.

(a) The permit will state upon its face the conditions under which it is issued and whether or not the vessel is permitted to carry freight or passengers.

§ 91.05–15 Posting.

(a) The permit shall be carried in a manner similar to that described in § 91.01–5 for a certificate of inspection.

Subpart 91.15—Inspection of Vessels

§ 91.15–1 Standard in inspection of hulls, boilers, and machinery.

(a) In the inspection of hulls, boilers, and machinery of vessels, the standards established by the American Bureau of Shipping, see Subpart 90.35 of this subchapter, respecting material and construction of hulls, boilers, and machinery, and the certificate of classification referring thereto, except where otherwise provided for by the rules and regulations in this subchapter, Subchapter E (Load Lines), Subchapter F (Marine Engineering), or Subchapter J (Electrical Engineering) of this chapter shall be accepted as standard by the inspectors.

Subpart 91.20—Initial Inspection

§ 91.20–1 Prerequisite of certificate of inspection.

(a) The initial inspection is a prerequisite of the issuance of the original certificate of inspection.

§ 91.20–5 When made.

(a) The original inspection will only be made upon the written application of the owner or builder of the vessel to the Officer in Charge, Marine Inspection, on Form CG–3752, Application for Inspection of U.S. Vessel, at or nearest the port where the vessel is located.

§ 91.20–10 Plans.

(a) Before application for inspection is made, and before construction is started, the owner or builder shall have plans approved by the Commandant indicating the proposed arrangement and construction of the vessel. The procedure for submitting plans and the list of plans to be supplied is set forth in Subpart 91.55.

§ 91.20–15 Scope of inspection.

(a) The initial inspection, which may consist of a series of inspections during the construction of a vessel, shall include a complete inspection of the structure, machinery, and equipment, including the outside of the vessel's bottom, and the inside and outside of the boilers. The inspection shall be such as to insure that the arrangements, materials, and scantlings of the structure, boilers and other pressure vessels and their appurtenances, piping, main and auxiliary machinery, electrical installations, lifesaving appliances, fire-detecting and extinguishing equipment, pilot ladders, and other equipment fully comply with the applicable regulations for such vessel and are in accordance with approved plans, and that the radio installations, including fixed and portable radios for lifeboats, are in accordance with the requirements of the Federal Communications Commission. The inspection shall also be such as to insure that the workmanship of all parts of the vessel and its equipment is in all respects satisfactory, and that the vessel is provided with lights, means of making sound signals and distress signals as required by applicable regulations and the applicable "Rules of the Road."

(b) When equipment is installed which is not required by applicable regulations in this subchapter, that equipment shall be inspected and tested as required for such equipment by applicable regulations in Subchapter H (Passenger Vessels) of this chapter. For example, fire-detecting systems shall be inspected and tested as required by Subpart 71.20 of Subchapter H (Passenger Vessels) of this chapter.

(c) For nuclear vessels, the inspections required by this section shall be made except insofar as they may be limited by the presence of radiation. In addition, the inspection shall include any special requirements of the vessel's "Safety Assessment."

§ 91.20–20 Specific tests and inspections.

(a) The applicable tests and inspections as set forth in Subpart 91.25 of this part shall be made at this time. In addition, the following specific tests and inspections shall be made by the inspector.

(1) Installation of lifeboats, davits, and winches—see Subpart 94.35 of this subchapter.

(2) Installation of carbon dioxide extinguishing piping—see § 95.15–15 of this subchapter.

(3) For inspection procedures of marine engineering equipment and systems, see Subchapter F (Marine Engineering) of this chapter.

(4) For inspection procedures of Electrical Engineering equipment and systems, see Subchapter J (Electrical Engineering) of this chapter.

(5) For inspection and tests of tanks containing certain dangerous cargoes in bulk, see Part 98 of this subchapter.

Subpart 91.25—Inspection for Certification

§ 91.25–1 Prerequisite of reissuance of certificate of inspection.

(a) An inspection for certification is a prerequisite of the reissuance of a certificate of inspection.

§ 91.25–5 When made.

(a) The inspection for certification will be made only upon written application of the master, owner, or agent of the vessel on Form CG–3752, Application for Inspection of U.S. Vessel, to the Officer in Charge, Marine Inspection, at or nearest the port where the vessel is located.

§ 91.25–10 Scope of inspection.

(a) The inspection for certification shall include an inspection of the structure, boilers, and other pressure vessels, machinery, and equipment. The inspection shall be such as to insure that the vessel, as regards the structure, boilers and other pressure vessels, and their appurtenances, piping, main and auxiliary machinery, electrical installations, lifesaving appliances, fire-detecting and extinguishing equipment, pilot ladders, and other equipment, is in satisfactory condition and fit for the service for which it is intended, and that it complies with the applicable regulations for such vessel, and that the radio installation is in compliance with the requirements of the Federal Communications Commission. The lights and means of making sound signals and the distress signals carried by the vessels shall also be subject to the above mentioned annual inspection for the purpose of insuring that they comply with the requirements of the applicable regulations and the applicable Rules of the Road.

(b) For nuclear vessels, the inspections required by this section shall be made except insofar as they may be limited by the presence of radiation. In addition, the inspection shall include any special requirements of the vessel's "Safety Assessment."

(c) When equipment is installed which is not required by applicable regulations in this subchapter, that equipment shall be inspected and tested as required for such equipment by applicable regulations in Subchapter H (Passenger Vessels) of this chapter. For example, fire-detecting systems shall be inspected and tested as required by Subpart 71.25 of Subchapter H (Passenger Vessels) of this chapter.

§ 91.25–15 Lifesaving equipment.

(a) At each inspection for certification, except as modified in subparagraph (2) of this paragraph, the marine inspector shall conduct the following tests and inspections of lifesaving equipment:

(1) It shall be demonstrated that the air tanks of all lifesaving appliances are airtight.

(2) Each lifeboat shall be lowered to near the water and then be loaded with its allowed capacity, evenly distributed throughout the length, and then be lowered into the water until it is afloat, and be released from the falls. In making this test persons or deadweight may be used. The total weight used shall be at least equal to the allowed capacity of the lifeboat considering persons to weigh 165 pounds each. This test shall be made at least once in each two-year period. If practicable it shall be made at the inspection for certification or at a reinspection.

(3) Each life preserver shall be examined to determine its serviceability. If found to be satisfactory, it will be stamped "Passed," together with the date, the port, and the inspector's initials. If not in a serviceable condition, the life preserver shall be removed from the vessel's equipment, and if beyond repair, shall be destroyed in the presence of the inspector.

(4) All lifeboat winch electrical control apparatus shall be opened up and inspected.

(5) Where gravity davits are installed, it shall be demonstrated that the lifeboat can be swung out and lowered from any stopped position by merely releasing the brake on the lifeboat winch. The use of force to start the davits or the lifeboat winch will not be permitted.

(6) Inflatable liferafts shall be serviced at an approved servicing facility in accordance with the provisions of Subpart 160.051 of Subchapter Q (Specifications) of this chapter. Inflatable liferafts shall be serviced at an approved servicing facility every 12 months or not later than the next vessel inspection for certification provided the total time since date of last servicing does not exceed 15 months. The period for servicing is computed from the date of last servicing. Except in emergencies no servicing should be done aboard vessels. If at any time external damage is found to the container or straps or if the seal is broken, the Officer in Charge, Marine Inspection, shall be notified and the raft shall be serviced by an approved servicing facility.

NOTE: After the raft has been satisfactorily serviced in the presence of a marine inspector at an approved servicing facility, the raft is repacked and sealed and the carrying case stamped "PASSED" together with the date, port, and the marine inspector's initials.

(7) All other items of lifesaving equipment shall be examined to determine that they are in suitable condition.

§ 91.25–20 Fire-extinguishing equipment.

(a) At each inspection for certification and at such other times as considered necessary the inspector shall determine that all fire-extinguishing equipment is in suitable condition and may require such tests as are considered necessary to determine the condition of the equipment. The inspector shall determine if the tests and inspections required by § 97.15–60 of this subchapter have been conducted. At each inspection for certification the inspector shall conduct the following tests and inspections of fire-extinguishing equipment:

(1) All hand portable fire extinguishers and semi-portable fire extinguishing systems shall be checked as noted in Table 91.25–20 (a) (1). In addition, the hand portable fire extinguishers and semi-portable fire extinguishing systems shall be examined for excessive corrosion and general condition.

TABLE 91.25–20(a)(1)

Type unit	Test
Soda acid	Discharge. Clean hose and inside of extinguisher thoroughly. Recharge.
Foam	Discharge. Clean hose and inside of extinguisher thoroughly. Recharge.
Pump tank (water or antifreeze).	Discharge. Clean hose and inside of extinguisher thoroughly. Recharge with clean water or antifreeze.
Cartridge operated (water, antifreeze or loaded stream).	Examine pressure cartridge and replace if end is punctured or if cartridge is otherwise determined to have leaked or to be in unsuitable condition. Remove liquid. Clean hose and inside of extinguisher thoroughly. Recharge with clean water, solution, or antifreeze. Insert charged cartridge.
Carbon dioxide	Weigh cylinders. Recharge if weight loss exceeds 10 percent of weight of charge. Inspect hose and nozzle to be sure they are clear.[1]
Dry chemical (cartridge-operated type).	Examine pressure cartridge and replace if end is punctured or if cartridge is otherwise determined to have leaked or to be in unsuitable condition. Inspect hose and nozzle to see they are clear. Insert charged cartridge. Be sure dry chemical is free-flowing (not caked) and chamber contains full charge.
Dry chemical (stored pressure type).	See that pressure gage is in operating range. If not, or if seal is broken, weigh or otherwise determine that full charge of dry chemical is in extinguisher. Recharge if pressure is low or if dry chemical is needed.
Vaporizing liquid[2] (pump type).	Pump a few strokes into clean pail and replace liquid. Keep water out of extinguisher or liquid. Keep extinguisher completely full of liquid.
Vaporizing liquid[2] (stored pressure type).	See that pressure gage is in operating range. Weigh or check liquid level to determine that full charge of liquid is in extinguisher. Recharge if pressure is low or if liquid is needed.

[1] Cylinders shall be tested and marked in accordance with the regulations of the Interstate Commerce Commission, as noted in § 147.04–1 of Subchapter N (Dangerous Cargoes) of this chapter.

[2] Vaporizing-liquid type fire extinguishers containing carbon tetrachloride or chlorobromomethane or other toxic vaporizing liquids shall be removed from all vessels. (See § 95.50–5(e) of this subchapter.)

(2) Fixed fire-extinguishing systems shall be checked as noted in Table 91.25–20 (a) (2). In addition, all parts of the fixed fire-extinguishing systems, shall be examined for excessive corrosion and general conditions.

TABLE 91.25–20 (a) (2)

Type system	Test
Foam	Systems utilizing a soda solution shall have such solution replaced. In all cases, ascertain that powder is not caked.
Carbon dioxide	Weigh cylinders. Recharge if weight loss exceeds 10 percent of weight of charge.[1]

[1] Cylinders shall be tested and marked in accordance with the regulations of the Interstate Commerce Commission, as noted in § 147.04–1 of Subchapter N (Dangerous Cargoes) of this chapter.

(3) On all fire-extinguishing systems, all piping controls, valves, and alarms shall be checked to ascertain that the system is in operating condition. In this respect, steam smothering lines shall be checked with at least a 50 p. s. i. air pressure with the ends capped or by blowing steam through the lines at the designed pressure.

(4) The fire main system shall be operated and the pressure checked at the most remote and highest outlets. All firehose shall be subjected to a test pressure equivalent to the maximum pressure to which they may be subjected in service, but not less than 100 p. s. i.

§ 91.25–25 Hull equipment.

(a) At each inspection for certification, the inspectors shall conduct the following tests and inspections of hull equipment:

(1) All watertight doors shall be operated locally by manual power and also by hydraulic or electric power if so fitted. Where remote control is fitted, the doors shall also be operated by the remote control apparatus.

(2) The remote controls of all valves shall be operated.

(3) An inspection of the cargo gear shall be required. The inspection may consist of tests and examinations to determine the condition and suitability of the cargo gear. Current valid certificates and registers of cargo gear, issued by recognized nonprofit organizations or associations approved by the Commandant, may be accepted as prima facie evidence of the condition and suitability of the cargo gear. Cargo gear certificates and registers will not be issued by the Coast Guard.

(b) Every acceptable cargo gear certificate and/or register shall be properly executed by a person authorized to do so and shall:

(1) Certify as to the tests and examinations conducted;

(2) Show the dates on which the tests and examinations were conducted; and

(3) Indicate that the cargo gear therein described complies with standards equal to or exceeding those set forth in Subpart 91.37.

(c) Competent persons for the purposes of this section and Subpart 91.37 are:

(1) Coast Guard marine inspectors;

(2) Surveyors of the organizations or associations approved by the Commandant;

(3) Such other persons as are authorized by the regulations in Subpart 91.37 as may be required; and,

(4) Responsible officials or employees of the testing laboratories, companies, or organizations who conduct tests of pieces of loose cargo gear, wire rope, or the annealing of gear as may be required.

(d) The registers issued in connection with cargo gear certification must have all required entries fully completed as of the dates indicated, shall be kept current, and shall include the following:

(1) A register of the cargo handling machinery and the gear accessory thereto carried on the vessel named therein;

(2) Certification of the testing and examination of winches, derricks, and their accessory gear;

(3) Certification of the testing and examination of cranes, hoists, and their accessory gear;

(4) Certification of the testing and examination of chains, rings, hooks, shackles, swivels, and blocks;

(5) Certification of the testing and examination of wire rope;

(6) Certification of the heat-treatment of chains, rings, hooks, shackles, and swivels which require such treatment; and,

(7) Certification of the annual thorough examinations of gear not required to be periodically heat-treated.

(e) It is the responsibility of the master to have a ship's officer inspect cargo gear when required by Subpart 91.37. For those inspected vessels which do not have valid cargo gear certificates and registers as provided by this section, such vessels will be required to have their shipboard cargo gear undergo tests and examinations in accordance with the provisions of Subpart 91.37.

§ 91.25–30 Electrical engineering equipment.

(a) For inspection procedures of electrical engineering equipment and systems see Subchapter J (Electrical Engineering) of this chapter.

§ 91.25–35 Marine engineering equipment.

(a) For inspection procedures of marine engineering equipment and systems, see Subchapter F (Marine Engineering) of this chapter.

§ 91.25–37 Tanks containing dangerous cargoes.

(a) For inspection and tests of tanks containing certain dangerous cargoes in bulk, see Part 98 of this subchapter.

(R.S. 4472, as amended; 46 U.S.C. 170)

§ 91.25–40 Sanitary inspection.

(a) At each inspection for certification, the quarters, toilets, and washing spaces, galleys, serving pantries, lockers, etc., shall be examined by the inspector to be assured that they are in a sanitary condition.

(Sec. 4, 49 Stat. 1935, as amended; 46 U.S.C. 660a)

§ 91.25–45 Fire hazards.

(a) At each inspection for certification, the inspector shall examine the tank tops and bilges in the machinery spaces to see that there is no accumulation of oil which might create a fire hazard.

§ 91.25–50 Inspector not limited.

(a) Nothing in this subpart shall be construed as limiting the inspector from making such tests or inspections as he deems necessary to be assured of the safety and seaworthiness of the vessel.

Subpart 91.27—Reinspection

§ 91.27–1 When made.

(a) At least one reinspection shall be made on each vessel holding a certificate of inspection valid for two years. This reinspection will be made, where possible, between the tenth and fourteenth month of the period for which the certificate is valid.

(b) No written application for reinspection will be required.

§ 91.27–5 Scope.

(a) The inspector shall examine all accessible parts of the vessel's hull, machinery, and equipment to be assured that it is in a satisfactory condition.

(b) In general, the scope of the reinspection shall be the same as for the inspection for certification, but will be in less detail unless it is determined that a major change has occurred since the last inspection.

§ 91.27–10 Deficiencies in maintenance.

(a) If the reinspection reveals deficiencies in the maintenance as called for by the regulations in this subchapter, such necessary repairs or improvements shall be made as may be ordered.

§ 91.27–15 Inspectors not limited.

(a) Nothing in this subpart shall be construed as limiting the inspector from making such tests or inspections as he deems necessary to be assured of the seaworthiness of the vessel.

Subpart 91.30—Inspection After Accident

§ 91.30–1 General or partial survey.

(a) A survey, either general or partial, according to the circumstances, shall be made every time an accident occurs or a defect is discovered which affects the safety of the vessel or the efficacy or completeness of its lifesaving appliances, fire-fighting or other equipment, or whenever any important repairs or renewals are made. The survey shall be such as to insure that the necessary repairs or renewals have been effectively made, that the material and the workmanship of such repairs or renewals are in all respects satisfactory, and that the

vessel complies in all respects with the regulations in this subchapter.

(R.S. 4450, as amended; 46 U.S.C. 239)

Subpart 91.35—Sanitary Inspections

§ 91.35–1 When made.

(a) An inspection of quarters, toilet and washing spaces, serving pantries, galleys, etc., shall be made at least once in every month. If the route of the vessel is such that it is away from a United States port for more than one month, an inspection shall be conducted at least once every trip.

(Sec. 4, 49 Stat. 1935, as amended; 46 U.S.C. 660a)

Subpart 91.37—Inspection of Cargo Gear

§ 91.37–1 When made.

(a) The specific tests and examinations shall be made at the intervals stated in the regulations in this subpart.

(b) A thorough examination of the assembled gear shall be made at least once in every year.

(c) An inspection to determine the condition and suitability of shipboard cargo gear will be made by a marine inspector at each inspection for certification. Inspections may be made at such other times as considered necessary by the Officer in Charge, Marine Inspection.

(d) For vessels fitted with cargo gear, an initial test of the assembled units under proof loads shall be conducted, followed by a complete dismantling or disassembling of such gear and a thorough examination of the parts to ascertain its condition. Subsequent tests of the assembled units under proof loads, followed by a dismantling or disassembling of such gear and a thorough examination shall be made once every 4 years, or oftener if necessary.

§ 91.37–3 Definitions of terms and words used in this subpart.

(a) *Cargo gear.* The term "cargo gear" includes masts, stays, booms, winches, cranes, elevators, conveyors, standing and running gear forming that part of the shipboard cargo gear used in connection with the loading or unloading of a vessel. This term does not include material handling gear and rigging of special design vessels used solely in dredging, pile driving, drilling for mineral deposits, and construction work.

(b) *Dismantling or disassembling of gear.* The "dismantling" or "disassembling" of gear contemplated is the taking apart of units of gear to the extent necessary to determine the suitability of such gear for continued service and as may be specifically required to carry out the intent of a particular regulation in this subpart. After proof load tests the disassembling need not include the sheaves and pins of the blocks included in the test unless there appears to be evidence of deformation or failure.

(c) *Thorough examination.* The "thorough examination" contemplated is a visual examination, supplemented if necessary by other means such as by a hammer test or by a test with electronic or ultrasonic devices.

(d) *Ton.* The word "ton" means a ton of 2,240 pounds.

(e) *Safe working load.* The "safe working load" (SWL) contemplated is the load the gear is approved to lift, excluding the weight of the gear itself.

§ 91.37–5 Tests and examinations of shipboard cargo gear.

(a) For vessels fitted with cargo gear and without valid cargo gear certificates and registers issued by organizations or associations recognized by the Coast Guard, inspections shall be made by competent persons described in § 91.25–25(c) (1) and (2) to determine the condition and suitability of the shipboard cargo gear. For the initial and subsequent quadrennial inspections, all the cranes, winches, hoists, derrick booms, derrick and mast bands, and all parts used in loading or unloading cargo shall be assembled in units and such assembled units shall then be tested under proof loads. The proof loads shall be handled for various types of units as required by specific regulations in this subpart. After the proof load tests of the assembled units of gear have been made, such gear shall be disassembled or dismantled so as to permit them to be thoroughly examined. The sheaves and pins of the blocks included in these proof load tests need not be removed unless there appears to be evidence of deformation or failure.

(b) For vessels fitted with cargo gear and holding valid cargo gear certificates and registers issued by organizations or associations recognized by the Coast Guard, the marine inspectors may accept such certificates as prima facie evidence of compliance with the requirements in this subpart. If an Officer in Charge, Marine Inspection, is in doubt as to the condition and suitability of shipboard cargo gear for such a vessel, the tests and examinations, or such portions thereof as deemed necessary, provided for in this subpart will be required.

(c) If any part or portion of the gear fails or becomes defective during such tests, such defective equipment shall be satisfactorily repaired or replaced.

§ 91.37–10 Cargo gear of special design and limited use.

(a) The regulations in this subpart shall apply to cargo gear of special design and limited use (derrick barges rigged for heavy lifts, cargo booms on self unloaders, etc.) only to the extent that it is practicable to do so. These requirements may be modified by the Officer in Charge, Marine Inspection, where the inspection is performed according to the design characteristics of such cargo gear.

(b) Nondestructive tests, such as radiography, ultrasonic, electronic or other methods, may be utilized to determine the condition of heavy lift gear after it has been unit tested, provided such methods are acceptable to the Officer in Charge, Marine Inspection, having cognizance of the tests. However, no deviations or modifications shall be permitted to lessen the requirements for cargo gear inspection as set forth in § 91.37–70 and the maintenance of the applicable cargo gear records as set forth in § 91.37–75.

§ 91.37–15 Cargo gear plans required when plans are not approved by a classification society.

(a) For a new vessel or a vessel applying for initial inspection, the following plans of cargo gear shall be submitted in triplicate to the Officer in Charge, Marine Inspection, having jurisdiction for approval:

(1) Plans showing a stress diagram with the principal details of the gear.

(2) Plans containing a diagram showing the arrangement of the assembled gear and indicating the safe working load for each component part.

(b) The safe working load on which the design of any component part of the cargo gear is to be based, shall be taken as the maximum resultant load upon the component part in the design conditions assumed. The safe working load of the assembly is the load the gear is approved to lift, excluding the weight of the gear itself.

(c) One approved copy of each set of cargo gear plans shall be retained on the vessel.

§ 91.37–20 Cargo gear plans approved by a classification society.

(a) The plans required by § 91.37–15(a) need not be submitted to the Officer in Charge, Marine Inspection, for approval if such plans are or have been approved by the American Bureau of Shipping or similar classification society recognized by the Commandant.

(b) One approved copy of each set of cargo gear plans shall be retained on the vessel.

§ 91.37–25 Factors of safety.

(a) In the design of the cargo gear, the safety factors in Table 91.37–25(a), taken in association with suitable design assumptions for actual loading conditions, shall be used and regarded as minima.

TABLE 91.37–25(a)

Safe working loads for component parts	Safety factors based on—		
	Ultimate strength	Yield point	Breaking test load
All metal structural parts, except steel booms:			
When the working load of the assembled gear is 10 tons or less	[1] 5	----	----
When the working load of the assembled gear is 13 tons or over	[1] 4	----	----
Steel booms:			
When the working load of the assembled gear is 10 tons or less	----	[1] 3	----
When the working load of the assembled gear is 13 tons or over	----	[1] 2½	----
Wooden structural parts	8	----	----
Chains	4½	----	----
Wire rope:			
For working loads 10 tons or under	----	----	5
For working loads over 10 tons	----	----	[1] 4
Fiber rope:			
When intended for running rigging	7	----	----
When intended for fixed gear and vangs	5	----	----

[1] For working loads between 10 and 13 tons, intermediate values of safety factors may be used.

(b) The Commandant will give consideration to the use of factors of safety differing from those given in Table 91.37–25(a) where special materials or cargo gear of special design are to be used.

§ 91.37–30 Loose gear certificates and tests.

(a)(1) Evidence of compliance with the proof load test requirements in this section for all chains, rings, hooks, links, shackles, swivels, blocks, and any other loose gear whether accessory to a machine or not, but which is used as ship's cargo gear shall be listed on an appropriate certificate.

(2) This evidence of test and the recording thereof is required only once with respect to each article of gear so long as each article is identified and the certificates required are available on the vessel.

(3) Proof loads applied to the articles of loose gear shall be as shown in Table 91.37–30(a)(3).

TABLE 91.37–30(a)(3)

Articles of gear	Proof load
Chains, rings, hooks, links, shackles, swivels	Twice the safe working load.
Single sheave block	Four times the safe working load.[1]
Multiple sheave block with safe working load up to and including 20 tons.	Twice the safe working load.
Multiple sheave block with safe working load over 20 tons up to and including 40 tons.	20 tons in excess of the safe working load.
Multiple sheave block over 40 tons	One and a half times the safe working load.
Roller chains (pitched chains) used with hand operated chain falls, and rings, hooks, shackles, or swivels permanently attached thereto.	Do.
Chain fall blocks used with roller chains (pitched chains), and rings, hooks, shackles, or swivels permanently attached thereto.	Do.

[1] The proof load applied to the block is equivalent to twice the maximum resultant load on the eye or pin when lifting the safe working load attached to a rope which passes around the sheave of the block. The proof load is, therefore, equal to four times the safe working load or twice the safe working load when the load is attached directly to the block instead of a rope passing around the sheave.

(b) All chains, rings, hooks, links, shackles, swivels, blocks and any other loose gear whether accessory to a machine or not, but which is used or intended for use as ship's cargo gear, shall bear a mark or number by which each piece can be identified and shall be listed on a loose gear certificate. The safe working load "SWL" shall be marked on all blocks.

(c) The certificate shall show the distinguishing number or mark applied to the articles of gear; a description of the articles of gear; the date when the test proof load was applied; and the safe working load. The forms for loose gear certificates shall be as prescribed by and acceptable to associations or organizations approved by the Commandant and shall be suitable for the purposes of this section.

(d) After being tested all of the gear shall be examined to ascertain whether any part has been damaged, permanently deformed by the test or has other visible defects. The pins and sheaves of all tested blocks shall be removed for this purpose. If damaged during these tests, such gear shall be satisfactorily repaired or replaced.

(e) The required examinations as set forth in paragraph (d) of this section may be accomplished by mechanical, electrical or other means provided the method employed is equal in efficiency to the visual examination of disassembled gear.

§ 91.37–35 Test and certification of wire rope.

(a) All wire rope used as shipboard cargo gear shall be able to withstand a breaking test load of at least five times the safe working load. In the case of gear with a lifting capacity of over 10 tons, the breaking test load of wire rope shall be at least four times the safe working load. All wire rope shall be identified and described in a wire rope certificate. Such certificate shall be furnished and attested to by the manufacturer or a testing agency and shall certify:

(1) The breaking test load of a sample of the wire rope, which should be at least five times the safe working load or at least four times the safe working load if part of gear with a lifting capacity of over 10 tons;

(2) The name and address of the manufacturer;

(3) The diameter of the rope in inches and/or fractions thereof;

(4) The number of strands and the number of wires in each strand;

(5) The quality of the wire (e.g. improved plow steel);

(6) The date of the test; and,

(7) The load at which the sample broke.

(b) The forms for the wire rope certificates shall be presented by and acceptable to associations or organizations approved by the Commandant and shall be suitable for the purposes described in this section.

(c) In addition to the manufacturers' or testing agencies' attestations, a sample of the wire rope may be tested to destruction if required by the marine inspector when a visual inspection indicates an apparent defective condition.

§ 91.37–40 Proof test of cargo gear as a unit.

(a) Winches with their accessory gear, including the derricks and attachments, at least once in each four years, shall be tested as a unit with proof loads exceeding the safe working load as set forth in Table 91.37–40(a).

TABLE 91.37–40(a)

Safe working load of assembled gear	Proof load
Not exceeding 20 tons	25 percent in excess.
Over 20 tons but not exceeding 50 tons.	5 tons in excess.
Over 50 tons	10 percent in excess.

(b) The proof load applied to winches and their gear shall be lifted with the ship's normal tackle including the winches and with the boom at an angle which should not be greater than 15 degrees to the horizontal or to the lowest angle approved in association with the design, or when these angles are impracticable to the lowest practicable angle. When the load has been lifted, it shall be swung as far as possible in both directions.

(1) Where electrical winches are fitted with electromagnetic or hydraulic brakes at the winch, mechanical brakes for manual operation will not be required, but if so fitted shall be in satisfactory operating condition.

(2) Current for electric winch operation during the test shall be taken from the ship's circuits. Shore current may be used if it passes through the ship's switchboard.

(c) Cranes and other hoisting machines with their accessory gear, at least once in each four years, shall be tested with a proof load which shall exceed the safe working load as set forth in Table 91.37–40(a).

(d) The proof load applied to cranes and hoists shall be lifted, topped and swung (slewed) as far as possible in each direction. If the boom of the crane has a movable radius, it shall be tested with a proof load as set forth in this section at the maximum and minimum radii of the boom. In the case of hydraulic cranes whose capacity is limited by pressure, and with which it is not possible to lift a load 25 percent in excess of the safe working load, the greatest possible load in excess of the safe working load shall be used. These tests and the amounts of the loads shall be recorded.

(e) After satisfactory completion of the proof load testing of the cargo gear in accordance with paragraphs (a), (b), (c) and (d) of this section, the cargo gear and all component parts shall be given a thorough visual examination, supplemented as necessary by other means such as a hammer test or with electronic or ultrasonic devices, to determine if any of the parts were damaged, deformed, or otherwise rendered unsafe for further use. If found defective, such gear shall be replaced.

(1) When the test is being conducted for the first time on a vessel, accessory gear shall be dismantled or disassembled for examination after the test. The sheaves and pins of the blocks included in this test need not be removed unless

there appears to be evidence of deformation or failure.

(2) For subsequent tests such parts of the machinery and gear shall be dismantled and/or disassembled after the test as necessary to determine its suitability for continued service.

(f) Appropriate means shall be provided to prevent the foot of the boom from being accidentally lifted from the socket during the test.

(g) Vessels whose cargo gear has been in use but are without the valid registers and certificates described in § 91.25–25 shall be inspected for defective cargo gear. The gear shall then be tested and examined as prescribed in this section. If the movable weights for proof testing are not reasonably available, a spring or hydraulic scale certified for accuracy may be used. Whenever such scales are used, the proof load shall be applied with the boom swung out as far as possible in one direction and then in the other direction and at such intermediate positions as may be indicated. At any position, the indicator of the scale must maintain a constant reading under the proof load for a period of five minutes.

(h) On all types of winches and cranes efficient means shall be provided to stop and hold the proof load in any position, and the efficiency of such means shall be demonstrated.

(1) Electric winches, electrohydraulic winches fitted with electromagnetic or hydraulic brakes at the winch, or cranes shall be equipped so that a failure of the electric power shall stop the motion and set the brakes without any action on the part of the operator.

(2) Current for electric winches and crane operation during the tests shall be taken from the ship's circuits. Shore current may be used if it passes through the ship's switchboard.

§ 91.37–45 Marking of booms and cranes.

(a) The safe working load (abbreviated "SWL") for the assembled gear shall be marked on the heel of each boom with the minimum angle to the horizontal for which the gear is designed. These letters and figures shall be in contrasting colors to the background and at least one inch in height.

(b) Where the boom is rated at varying capacities depending on the radius, tables indicating the maximum safe working loads for the various working angles of the boom and the maximum and minimum radii at which the boom may be safely used shall be conspicuously posted near the controls and visible to the operator when working the gear.

§ 91.37–50 Use of wire rope and chains.

(a) An eye splice made in any wire rope used as cargo gear, with or without a thimble, shall have at least three tucks with whole strands and two tucks with one half the wire cut from the tucking stand: *Provided*, That this requirement shall not preclude the use of any other form of splice or connection if it is as efficient as the splice specified.

(b) Single wire rope cargo falls, wire rope pendants, topping lifts and preventers shall consist of clear lengths without splices except at the working ends. Wire rope clips shall not be used to form eyes in the working ends of single wire rope cargo falls.

(c) Wire rope shall not be used for shipboard cargo gear if in any length of 8 diameters, the number of visible broken wires exceeds ten percent of the total number of wires in the rope, or if the rope shows other signs of excessive wear, corrosion, kinking, or defect.

(d) Hoisting or sling chains used for shipboard cargo gear shall not be used if a length of chain has been stretched more than five percent of the original length, or the chain has become unsafe through overloading or faulty heat-treatment, or whenever other external defects are evident.

(e) Chains used for shipboard cargo gear shall not be shortened by knotting, bolting, or wiring the links. The use of chains having a knot or kink as shipboard cargo gear is prohibited.

§ 91.37–55 Annealing.

(a) Chains, hooks, rings, links, shackles, and swivels of wrought iron used as cargo gear shall be annealed at the following intervals:

(1) Wrought iron chains and gear in general use and of one-half inch or less, at least once in every six months.

(2) All other wrought iron chains and gear, including topping lift chains, in general use, at least once in every twelve months.

(b) The annealing shall be done in a suitable closed oven and not over an open fire. Wrought iron shall be annealed at a temperature of between 1100° and 1200° Fahrenheit for a period of between 30 and 60 minutes. After being annealed, the article shall be allowed to cool slowly and shall be then tested completely for defects.

(c) The heat-treatment of the cargo gear shall be done only by reputable firms having suitable equipment and personnel trained for this purpose. A certificate attesting to the annealing of all gear heat-treated shall be furnished to the vessel.

(d) The heat-treatment of chains, hooks, rings, links, shackles, and swivels of materials other than wrought iron used as cargo gear, if required, shall be effected in accordance with the manufacturers' instructions.

§ 91.37–60 Additions to gear.

(a) When articles of loose gear and/or wire rope conforming with the requirements in this subpart are added to installed gear, or used as replacements in such gear from time to time, a record shall be maintained on the vessel which shall identify each article and the certificate accompanying it.

§ 91.37–65 Alterations, renewals, or repairs of cargo gear.

(a) Whenever important repairs, renewals, or alterations are indicated or intended for the masts, booms, and permanent fittings of the cargo gear, such repairs, renewals, or alterations shall be undertaken only after compliance with the applicable provisions of § 91.45–1.

(b) Tests and examinations of the repairs, renewals, or alterations shall be in accordance with the provisions of § 91.37–40.

(c) When welding is used to lengthen, alter, or repair chains, rings, hooks, links, shackles, or swivels, they shall be properly heat-treated and shall before being again put into use, be tested and examined in accordance with the provisions of § 91.37–30.

§ 91.37–70 Responsibility of ship's officer for inspection of cargo gear.

(a) All wire rope, chains other than bridle chains attached to booms or masts, and all rings, hooks, links, shackles, swivels and blocks used in loading or unloading shall be visually inspected by a ship's officer designated for that purpose by the master.

(b) These inspections by a ship's officer shall be made at frequent intervals, and in any event not less than once in each month.

(c) Immediately after such an inspection by a ship's officer notations of such an inspection shall be made in record form which shall be in or kept with the cargo gear register if carried. In addition, the same notations of inspections together with the date shall be entered in the Official Logbook for those vessels required to carry this record, or such information shall be kept with the log records maintained on vessels not required to carry the Official Logbook. (See § 91.37–75 for entries required to be kept.)

§ 91.37–75 Records regarding cargo gear.

(a) The cargo gear records described in this subpart shall be maintained on the vessel and shall be made available to Coast Guard officials upon request. These records shall be kept for the periods of time they are valid and, in addition, until the next Coast Guard inspection for certification of the vessel. The certificates of manufacturers and/or testing laboratories, companies, or organizations shall be maintained on the vessel so long as the gear described in such certificates is on board the vessel.

(b) The records of all the inspections of cargo gear made by the ship's officers in accordance with § 91.37–70 shall be maintained on the vessel for periods of time which agree with those periods as covered by the current Coast Guard certificate of inspection issued to the vessel. These records show the dates of inspections, identify articles inspected, the conditions observed, and the name of the officer performing the inspection.

(c) The records of all tests and examinations conducted by or under the supervision of surveyors of the organizations or associations approved by the Commandant shall be maintained on the vessel.

(d) The Coast Guard will not issue cargo gear certificates and/or registers. The Coast Guard's records of inspections, tests, and examinations of a particular vessel's cargo gear made by a marine inspector or conducted under the supervision of the Coast Guard will be maintained in the office of the Officer in Charge, Marine Inspection, having jurisdiction over the vessel at the time such work was performed. The original certificates or certified copies of certificates of manufacturers and/or testing laboratories, companies, or organizations for loose cargo gear, wire rope, or the annealing of gear shall be maintained on the vessel.

§ 91.37–80 Advance notice that cargo gear testing is desired.

(a) The owner, agent, or master of a vessel shall give an advance notice when it is desired that the tests and examinations of cargo gear be made by or under the supervision of the marine inspector. This advance notice shall be given to the Officer in Charge, Marine Inspection, in whose marine inspection zone the vessel is available for such inspection and examination.

(b) For the initial inspection and examination of cargo gear by the Coast Guard, the advance notice shall be to the cognizant Officer in Charge, Marine Inspection, as early as possible and shall include sketches and/or drawings showing each unit of cargo gear, the identification of component parts and the safe working loads. Copies of original certificates of manufacturers and/or testing laboratories, companies, or organizations maintained on the vessel may be accepted by the cognizant Officer in Charge, Marine Inspection, when satisfied such certificates properly describe the qualities of the component parts of the gear in question.

§ 91.37–85 Responsibility for conducting required tests and examinations.

(a) The vessel's owners and/or operators shall furnish and pay the expenses required in conducting the tests and examinations prescribed by the regulations in this subpart, including the supplying of all instruments, other equipment, and personnel including personnel supervision for performance of all work required.

(b) The Coast Guard's participation in these required tests and examinations shall be confined to witnessing required tests and examinations with the view to determining whether or not the gear is satisfactory for the purpose intended. In the event it is determined that the gear is defective or unable to meet the standards set forth in this subpart such gear, or portions thereof, shall be replaced to the satisfaction of the Officer in Charge, Marine Inspection, having jurisdiction over the vessel.

Subpart 91.40—Drydocking

§ 91.40–1 When required.

(a) Except for extensions as authorized by the Commandant, all vessels shall be placed in drydock or hauled out for examination within the periods set forth in this paragraph, depending upon the service.

(1) Each vessel should be drydocked or hauled out at intervals not to exceed 18 months if it operates in salt water an aggregate of more than 9 months in the 18-month period since it was last drydocked or hauled out.

(2) Each vessel shall be drydocked or hauled out at intervals not to exceed 36 months if it operates in salt water an aggregate of more than 3 months but not more than 6 months in each 12-month period since it was last drydocked or hauled out. When a vessel exceeds an aggregate of 6 months service in salt water in any 12-month period since it was last drydocked or hauled out, it shall be drydocked or hauled out within 6 months after the end of that period or within the 36-month interval, whichever is earlier.

(3) Each vessel shall be drydocked or hauled out at intervals of 48 months if it operates in salt water an aggregate of more than one month but not more than 3 months in each 12-month period since it was last drydocked or hauled out.

(4) Each vessel shall be drydocked or hauled out at intervals not to exceed 60 months if it operates in salt water an aggregate not exceeding one month in each 12-month period since it was last drydocked or hauled out.

§ 91.40–5 Notice by owner.

(a) The master, owner, or agent shall notify the Officer in Charge, Marine Inspection, when any vessel is to be placed on a drydock in order that an examination of the underwater portion of the vessel may be made if deemed necessary.

Subpart 91.45—Repairs and Alterations

§ 91.45–1 Notice required.

(a) No repairs or alterations affecting the safety of the vessel with regard to the hull, machinery, or equipment, shall be made without the knowledge of the Officer in Charge, Marine Inspection.

(b) Drawings of alterations shall be approved before work is started unless deemed unnecessary by the Officer in Charge, Marine Inspection.

(c) Drawings will not be required for repairs in kind.

§ 91.45–5 Inspection required.

(a) An inspection either general or partial depending upon the circumstances shall be made whenever any important repairs or alterations are undertaken.

Subpart 91.50—Special Operating Requirements

§ 91.50–1 Inspection and testing required when making alterations, repairs, or other such operations involving riveting, welding, burning or like fire-producing actions.

(a) The provisions of "Standard for the Control of Gas Hazards on Vessels to be Repaired," NFPA No. 306, published by National Fire Protection Association, 60 Batterymarch Street, Boston, Mass., 02110, shall be used as a guide in conducting the inspections and issuance of certificates required by this section.

(b) Until an inspection has been made to determine that such operation can be undertaken with safety, no alterations, repairs, or other such operations involving riveting, welding, burning, or like fire-producing actions shall be made:

(1) Within or on the boundaries of cargo tanks which have been used to carry combustible liquids or chemicals in bulk; or,

(2) Within spaces adjacent to cargo tanks which have been used to carry Grade D combustible liquid cargo, except where the distance between such cargo tanks and the work to be performed is not less than twenty-five (25) feet; or,

(3) Within or on the boundaries of fuel tanks; or,

(4) To pipelines, heating coils, pumps, fittings, or other appurtenances connected to such cargo or fuel tanks; or,

(5) On miscellaneous vessels such as cable, salvage, pile driving, and oil drilling rig vessels that have been specially authorized to carry Grade B or Grade C flammable liquid cargo in bulk by the Commandant, within or on the boundaries of such cargo tanks or within spaces adjacent to such cargo tanks.

(c) Such inspections shall be made and evidenced as follows:

(1) In ports or places in the United States or its territories and possessions the inspection shall be made by a marine chemist certificated by the National Fire Protection Association; however, if the services of such certified marine chemist are not reasonably available, the Officer in Charge, Marine Inspection, upon the recommendation of the vessel owner and his contractor or their representative, shall select a person who, in the case of an individual vessel, shall be authorized to make such inspection. If the inspection indicates that such operations can be undertaken with safety, a certificate setting forth the fact in writing and qualified as may be required, shall be issued by the certified marine chemist or the authorized person before the work is started. Such qualifications shall include any requirements as may be deemed necessary to maintain, insofar as can reasonably be done, the safe conditions in the spaces certified throughout the operation and shall include such additional tests and certifications as considered required. Such qualifications and requirements shall include precautions necessary to eliminate or minimize hazards that may be present from protective coatings or residues from cargoes.

(2) When not in such a port or place, and a marine chemist or such person authorized by the Officer in Charge, Marine Inspection, is not reasonably available, the inspection shall be made by the senior officer present and a proper entry shall be made in the vessel's logbook.

(d) It shall be the responsibility of the senior officer present to secure copies of certificates issued by the certified marine chemist or such person authorized by the Officer in Charge, Marine Inspection. It shall be the responsibility of the senior officer present, insofar as the persons under his control are concerned, to maintain a safe condition on the vessel by full observance of all qualifications and requirements listed by the marine chemist in the certificate.

Subpart 91.55—Plan Approval

AUTHORITY: The provisions of this Subpart 91.55 interpret or apply R.S. 4490, as amended, sec. 3, 24 Stat. 129, as amended; 46 U.S.C. 482, 483.

§ 91.55–1 General.

(a) The following list of required plans is general in character, but includes all plans which normally show construction and safety features coming under the cognizance of the Coast Guard. In the case of a particular vessel, all of the plans enumerated may not be applicable, and it is intended that only those plans and specifications be submitted as will clearly show the vessel's arrangement, construction and required equipment.

(b) In the following list of required plans, the items which must be approved by the American Bureau of Shipping for vessels classed by that organization are indicated by an asterisk. When prints bearing record of such approval by the American Bureau of Shipping are forwarded to the Coast Guard they will in general be accepted as satisfactory except insofar as the law or the Coast Guard regulations contain requirements which are not covered by the American Bureau of Shipping.

§ 91.55–5 Plans and specifications required for new construction.

(a) *General.* (1) Specifications.

(2) General Arrangement Plan of decks, holds, inner bottoms, etc., and including inboard and outboard profile.

(b) *Hull structure.*[1] (1) *Inner Bottom Plating and Framing.

(2) *Midship Section.

(3) *Shell Plating and Framing.

(4) *Stem, Stern Frame, and Rudder.

(5) *Structural Deck Plans for Strength Decks.

(6) *Pillars and Girders.

(7) *Watertight and Oiltight Bulkheads.

(8) *Foundations for Main Machinery and Boilers.

(9) *Arrangement of Ports, Doors, and Airports in Shell Plating.

(10) *Hatch Coamings and Covers in Weather and Watertight Decks.

(11) *Details of Watertight Doors and Operating Gear.

(12) *Scuppers and Drains Penetrating Shell Plating.

(13) *Arrangement of the cargo gear including a stress diagram. The principal details of the gear and the safe working load for each component part shall be shown.

(c) *Hull calculations, etc.* Required only when a stability test is to be performed.

(1) Lines (for information).

(2) Curves of Form.

(3) Capacity Plan showing capacities and vertical and longitudinal centers of gravity of cargo spaces, tanks, etc. (for information).

(4) Tank Sounding tables (for information).

(5) Draft Mark Locations (for information).

(d) *Fire control.* (1) General arrangement plans showing for each deck the control stations, the various fire sections enclosed by fire resisting bulkheads, the arrangement of the alarm and extinguishing systems, the fire extinguishers, means of access to different compartments and decks and the ventilation system including location of ventilation shutdowns, positions of dampers and the numbers identifying each system.

(2) Ventilation diagram including dampers and other fire control features.

(3) Details of alarm systems.

(4) Details of extinguishing systems, including fire mains, carbon dioxide, foam and sprinkling systems.

(e) *Marine engineering.* For plans required for marine engineering equipment and systems, see Subchapter F (Marine Engineering) of this chapter.

(f) *Electrical engineering.* For plans required for electrical engineering, equipment and systems, see Subchapter J (Electrical Engineering) of this chapter.

(g) *Lifesaving equipment.* (1) These plans are to show the location and arrangement of embarkation decks, all overboard discharges and projections in way of launching lifeboats, weights of lifeboats fully equipped and loaded, working loads of davits and winches, types and sizes of falls, the manufacturer's name and identification for all equipment, and all other relevant and necessary information.

(i) Arrangement of lifeboats.

(ii) Arrangement of davits.

(iii) Location and stowage of liferafts and buoyant apparatus.

(h) *Crew's accommodations.* (1) Arrangement plans showing accommodations, ventilation, escapes, hospital, and sanitary facilities for all crewmembers.

§ 91.55–10 Plans required for alterations of existing vessels.

(a) In the event of alterations involving the safety of the vessel, the applicable plans shall be submitted for approval covering the proposed work except as modified by § 91.45–1. The general scope of the plans shall be as noted in § 91.55–5.

§ 91.55–15 Procedure for submittal of plans.

(a) As the relative location of shipyards, design offices, and Coast Guard offices vary throughout the country, no specific routing will be required in the submittal of plans. In general, one of the following procedures would apply, but in a particular case, if a more expeditious procedure can be used, there will be no objection to its adoption.

(1) The plans may be submitted to the Officer in Charge, Marine Inspection, in the district in which the vessel is to be built. This procedure will be most expeditious in the case of those offices where personnel and facilities are available for examination and approval of the plans locally.

(2) The plans may be submitted directly to the Commandant (MMT), U. S. Coast Guard, 1300 "E" Street NW., Washington, D.C., 20226. In this case, the plans will be returned directly to the submitter, with a copy of the action being forwarded to the interested Officer in Charge, Marine Inspection.

(3) The plans may be submitted directly to field technical offices.

(i) Commander, 3d Coast Guard District (mmt), 45 Broadway, New York, N.Y., 10006, for the geographical area covered by 1st, 3d and 5th Coast Guard Districts.

(ii) Commander, 8th Coast Guard District (mmt), Room 308, Customhouse, New Orleans, La., 70130, for geographical area covered by 2d, 7th and 8th Coast Guard Districts.

(iii) Commander, 12th Coast Guard District (mmt), 630 Sansome St., San Francisco, Calif., 94501, for geographical area covered by 11th, 12th, 13th, 14th and 17th Coast Guard Districts.

(4) In the case of classed vessels, upon specific request by the submitter, the American Bureau of Shipping will arrange to forward the necessary plans to the Coast Guard indicating its action thereon. In this case, the plans will be returned as noted in subparagraph (2) of this paragraph.

§ 91.55–20 Number of plans required.

(a) Four copies of each plan are normally required so that one can be returned to the submitter. If the submitter desires additional approved plans, a suitable number should be submitted to permit the required distribution.

Subpart 91.60—Certificates Under International Convention for Safety of Life at Sea, 1960

§ 91.60–1 Application.

(a) The provisions of this subpart, with the exception of §§ 91.60–30 and 91.60–40(e), shall apply to all cargo vessels on an international voyage other than nuclear vessels.

(b) The provisions of §§ 91.60–30, 91.60–35 and 91.60–40(e) shall apply to all nuclear cargo vessels on an international voyage.

§ 91.60–5 Cargo Ship Safety Construction Certificate.

(a) All vessels on an international voyage are required to have a Cargo Ship Safety Construction Certificate. This certificate shall be issued by the U.S. Coast Guard or the American Bureau of Shipping to certain vessels on behalf of the United States of America as provided in Regulation 12, Chapter I, of the International Convention for Safety of Life at Sea, 1960.

(b) All such vessels shall meet the applicable requirements of this chapter for vessels on an international voyage.

§ 91.60–10 Cargo Ship Safety Equipment Certificate.

(a) All vessels on an international voyage are required to have a Cargo Ship Safety Equipment Certificate.

(b) A Cargo Ship Safety Construction Certificate shall be issued for a period of not more than 60 months.

(c) A Cargo Ship Safety Radiotelegraphy Certificate and a Cargo Ship Safety Radiotelephony Certificate shall be issued for a period of not more than 12 months.

(d) An Exemption Certificate shall not be valid for longer than the period of the certificate to which it refers.

(e) The Nuclear Cargo Ship Safety Certificate shall be issued for a period of not more than 12 months.

(f) A Convention certificate may be withdrawn, revoked, or suspended at any time when it is determined the vessel is no longer in compliance with applicable requirements. (See § 2.01–70 of this chapter for procedures governing appeals.)

§ 91.60–15 Cargo Ship Safety Radiotelegraphy Certificate.

(a) The application for Cargo Ship Safety Radiotelegraphy Certificate is made on FCC Form 801 to the local office of the Federal Communications Commission.

(b) Where applicable, a Cargo Ship Safety Radiotelegraphy Certificate will be issued by the Federal Communications Commission to a vessel meeting its requirements for a vessel fitted with a radiotelegraph installation.

§ 91.60–20 Cargo Ship Safety Radiotelephony Certificate.

(a) The application for a Cargo Ship Safety Radiotelephony Certificate is made on FCC Form 801 to the local office of the Federal Communications Commission.

(b) Where applicable, a Cargo Ship Safety Radiotelephony Certificate will be issued by the Federal Communications Commission to a vessel meeting its applicable requirements for a vessel fitted with a radiotelephone installation.

§ 91.60–25 Exemption Certificate.

(a) A vessel may be exempted by the Commandant from complying with certain requirements of the Convention under his administration upon request made in writing to him and transmitted via the Officer in Charge, Marine Inspection.

(b) When an exemption is granted to a vessel by the Commandant under and in accordance with the Convention, an Exemption Certificate describing such exemption shall be issued through the appropriate Officer in Charge, Marine Inspection, in addition to other required certificates.

§ 91.60–30 Nuclear Cargo Ship Safety Certificate.

(a) All nuclear cargo vessels on an international voyage are required to have a Nuclear Cargo Ship Safety Certificate.

(b) All such vessels shall meet the applicable requirements of this chapter for nuclear vessels on an international voyage.

(c) Nuclear vessels cannot be exempted from any requirements of the Convention.

§ 91.60–35 Posting of Convention certificates.

(a) The certificates described in this subpart, or certified copies thereof, when issued to a vessel shall be posted in a prominent and accessible place on the vessel.

(b) The certificates shall be carried in a manner similar to that described in § 91.01–5 for a certificate of inspection.

§ 91.60–40 Duration of certificates.

(a) A Cargo Ship Safety Equipment Certificate shall be issued for a period of not more than 24 months.

(Sec. 25, 41 Stat. 998, as amended, sec. 701, 62 Stat. 731, as amended; 46 U.S.C. 881, 18 U.S.C. 701)

PART 92—CONSTRUCTION AND ARRANGEMENT

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AUTHORITY: The provisions of this Part 92 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4488, as amended, 4490, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat.

[1] The asterisk (*) indicates items which may require approval by the American Bureau of Shipping for vessels classed by that society.

1544, 1545, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 481, 482, 395, 363, 367, 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-14, Nov. 26, 1954, 19 F.R. 8026; CGFR 56-28, July 24, 1956, 21 F.R. 5659; 167-38, Oct. 26, 1959, 24 F.R. 8857, unless otherwise noted.

Subpart 92.01—Hull Structure

§ 92.01-1 Application.

(a) The provisions of this subpart, with the exception of § 92.01-90, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 92.01-90.

§ 92.01-5 Vessels subject to load line.

(a) For vessels assigned a load line, see Subchapter E (Load Lines) of this chapter, for special requirements as to strength, closure of openings, etc.

(Sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended; 46 U.S.C. 85a, 88a. Treasury Department Order 167-48, Oct. 19, 1962, 27 F.R. 10504)

§ 92.01-10 Structural standards.

(a) In general, compliance with the standards established by the American Bureau of Shipping, see Subpart 90.35 of this subchapter, will be considered as satisfactory evidence of the structural efficiency of the vessel. However, in special cases, a detailed analysis of the entire structure or some integral part may be made by the Coast Guard to determine the structural requirements.

§ 92.01-13 Sliding watertight doors.

(a) Sliding watertight doors, where fitted, shall be designed, tested, and installed in accordance with Subpart 163.001 of Subchapter Q (Specifications) of this chapter.

§ 92.01-15 Special consideration.

(a) Special consideration will be given to the structural requirements for small vessels or vessels of an unusual design not contemplated by the rules of the American Bureau of Shipping.

§ 92.01-90 Vessels contracted for prior to November 19, 1952.

(a) Existing structure previously approved will be considered satisfactory so long as it is maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standard as the original construction.

Subpart 92.05—General Fire Protection

§ 92.05-1 Fire hazards to be minimized.

(a) The general construction of the vessel shall be such as to minimize fire hazards insofar as is reasonable and practicable.

§ 92.05-5 Woodwork insulated from heated surfaces.

(a) Internal combustion engine exhausts, boiler and galley uptakes, and similar sources of ignition shall be kept clear of and suitably insulated from any woodwork or other combustible matter.

§ 92.05-10 Lamp room construction.

(a) Lamp, paint, and oil lockers and similar compartments shall be constructed of steel or shall be wholly lined with metal.

§ 92.05-15 Segregation of spaces containing the emergency source of electric power.

(a) The provisions of this section shall apply to all vessels contracted for on or after October 1, 1958.

(b) When a compartment containing the emergency source of electric power, or vital components thereof, adjoins a space containing either the ship's service generators or machinery necessary for the operation of the ship's service generators, all common bulkheads and/or decks shall be protected by approved "structural insulation" or other approved material. This protection shall be such as to be capable of preventing an excessive temperature rise in the space containing the emergency source of electric power, or vital components thereof, for a period of at least one hour in the event of fire in the adjoining space. Bulkheads or decks meeting Class A-60 requirements, as defined by § 72.05-10 of Subchapter H (Passenger Vessels) of this chapter, will be considered as meeting the requirements of this paragraph.

Subpart 92.07—Structural Fire Protection

§ 92.07-1 Application.

(a) The provisions of this subpart, with the exception of § 92.07-90, shall apply to all vessels of 4,000 gross tons and over contracted for on or after January 1, 1962. Such vessels contracted for prior to January 1, 1962, shall meet the requirements of § 92.07-90.

§ 92.07-5 Definitions.

(a) *Standard fire test.* A "standard fire test" is one which develops in the test furnace a series of time temperature relationships as follows:

5 minutes—1,000° F.
10 minutes—1,300° F.
30 minutes—1,550° F.
60 minutes—1,700° F.

(b) *"A" Class divisions.* Bulkheads or decks of the "A" Class shall be composed of steel or equivalent metal construction, suitably stiffened and made intact with the main structure of the vessel; such as shell, structural bulkheads, and decks. They shall be so constructed, that if subjected to the standard fire test, they would be capable of preventing the passage of flame and smoke for one hour.

(c) *"B" Class bulkheads.* Bulkheads of the "B" Class shall be constructed with approved incombustible materials and made intact from deck to deck and to shell or other boundaries. They shall be so constructed that, if subjected to the standard fire test, they would be capable of preventing the passage of flame and smoke for one half hour.

(d) *"C" Class divisions.* Bulkheads or decks of the "C" Class shall be constructed of approved incombustible materials, but need meet no requirements relative to the passage of flame.

(e) *Steel or other equivalent metal.* Where the term "steel or other equivalent metal" is used in this subpart, it is intended to require a material which, by itself or due to insulation provided, has structural and integrity qualities equivalent to steel at the end of the applicable fire exposure.

(f) *Approved material.* Where in this subpart approved materials are required, they refer to materials approved under the applicable subparts of Subchapter Q (Specifications) of this chapter, as follows:

Deck Coverings	164.006
Structural Insulations	164.007
Bulkhead Panels	164.008
Incombustible Materials	164.009
Interior Finishes	164.012

§ 92.07-10 Construction.

(a) The hull, superstructure, structural bulkheads, decks, and deckhouses shall be constructed of steel. Alternately, the Commandant may permit the use of other suitable material in special cases, having in mind the risk of fire.

(b) Bulkheads of galleys, paint and lamp lockers, and emergency generator rooms shall be of "A" Class construction.

(c) The boundary bulkheads and decks separating the accommodations and control stations from cargo and machinery spaces, galleys, main pantries and storerooms, other than small service lockers, shall be of "A" Class construction.

(d) Within the accommodation and service areas the following conditions shall apply:

(1) Corridor bulkheads in accommodation spaces shall be of the "A" or "B" Class intact from deck to deck. Stateroom doors in such bulkheads may have a louver in the lower half.

(2) Elevator, dumbwaiter, and other trunks shall be of "A" Class construction.

(3) Bulkheads not already specified to be of "A" or "B" Class construction may be of "A", "B", or "C" Class construction.

(4) The integrity of any deck in way of a stairway opening shall be maintained by means of "A" or "B" class bulkheads and doors at one level. The doors shall be of self-closing type. Holdback hooks will not be permitted. However, magnetic holdbacks operated from the bridge or from other suitable remote control positions are acceptable.

(5) Interior stairs, including stringers and treads, shall be of steel.

(6) Except for washrooms and toilet spaces, deck coverings within accommodation spaces shall be of an approved type. However, overlays for leveling or finishing purposes which do not meet the requirements for an approved deck covering may be used in thicknesses not exceeding 3/8 of an inch.

(7) Ceilings, linings, and insulation, including pipe and duct laggings, shall be of approved incombustible materials.

(8) Any sheathing, furring or holding pieces incidental to the securing of any bulkhead, ceiling, lining, or insulation shall be of approved incombustible materials.

(9) Combustible veneers, trim, decorations, etc. shall not be used in corridors or hidden spaces. This is not intended to preclude the use of an approved Interior Finish or a reasonable number of coats of paint.

(e) Wood hatch covers may be used between cargo spaces or between stores spaces. Hatch covers in other locations shall be of steel or equivalent metal construction. Tonnage openings shall be closed by means of steel plates.

(f) Nitrocellulose or other highly flammable or noxious fume-producing paints or lacquers shall not be used.

§ 92.07-90 Vessels contracted for prior to January 1, 1962.

(a) Existing structure arrangements and materials previously approved will be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standard as the original construction.

Subpart 92.10—Means of Escape

§ 92.10-1 Application.

(a) The provisions of this subpart, with the exception of § 92.10-90, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 92.10-90.

§ 92.10-5 Two means required.

(a) There shall be at least two means of escape from all general areas accessible to the passengers, if carried, or where the crew may be quartered or normally employed. At least one of these two means of escape shall be independent of watertight doors.

§ 92.10-10 Location.

(a) The two means of escape shall be as remote as practicable so as to minimize the possibility of one incident blocking both escapes.

§ 92.10-15 Vertical ladders not accepted.

(a) Vertical ladders and deck scuttles shall not in general be considered satisfactory as one of the required means of escape. However, where it is demonstrated that the installation of a stairway would be impracticable, a vertical ladder may be used as the second means of escape.

§ 92.10-20 No means for locking doors.

(a) No means shall be provided for locking doors giving access to either of the two required means of escape, except that crash doors or locking devices, capable of being easily forced in an emergency, may be employed provided a permanent and conspicuous notice to this effect is attached to both sides of the door. This paragraph shall not apply to outside doors to deckhouses where such doors are locked by key only and such key is under the control of one of the vessel's officers.

§ 92.10-25 Stairway size.

(a) Stairways shall be of sufficient width having in mind the number of persons having access to such stairs for escape purposes.

(b) Vessels contracted for on or after January 1, 1959, shall meet the requirements of this paragraph. Special consideration for relief may be given in the case of small vessels if it is shown to be unreasonable or impracticable to meet the requirements.

(1) All interior stairways, other than those within the machinery spaces or cargo holds, shall have a minimum width of 28 inches. The angle of inclination with the horizontal of such stairways shall not exceed 50 degrees.

§ 92.10-30 Dead end corridors.

(a) Dead end corridors, or the equivalent, more than 40 feet in length shall not be permitted.

§ 92.10-35 Public spaces.

(a) In all cases, public spaces having a deck area of over 300 square feet shall have at least two exits. Where practicable, these exits shall give egress to different corridors, rooms, or spaces to minimize the possibility of one incident blocking both exits.

§ 92.10-40 Access to lifeboats.

(a) The stairways, corridors, and doors shall be so arranged as to permit a ready and direct access to the various lifeboat embarkation areas.

§ 92.10-45 Weather deck communications.

(a) Vertical communication shall be provided between the various weather decks by means of permanent inclined ladders.

§ 92.10-90 Vessels contracted for prior to November 19, 1952.

(a) Existing arrangements previously approved will be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original design: *Provided*, That in no case will a greater departure from the standards of §§ 92.10-5 through 92.10-45 be permitted than presently exists. Nothing in this paragraph shall be construed as exempting any vessel from having 2 means of escape from all main compartments which are accessible to the passengers, if carried, or where the crew are normally quartered or employed.

Subpart 92.15—Ventilation

§ 92.15-1 Application.

The provisions of this subpart, with the exception of § 92.15-90, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 92.15-90.

§ 92.15-5 Vessels using fuel having a flashpoint of 110 degrees or lower.

(a) Where liquid fuel having a flashpoint of 110 degrees F. or lower is used for main or auxiliary machinery or for starting purposes, the spaces containing such machinery or fuel tanks shall have ventilation as required by this section.

(1) At least 2 ventilators fitted with cowls or their equivalent for the purpose of properly and effectively ventilating the bilges of every engine and fuel-tank compartment in order to remove any flammable or explosive gases.

(2) Vessels constructed so that the greater portions of the bilges under the engine and fuel tanks are open or exposed to the natural atmosphere at all times are not required to be fitted with ventilators.

§ 92.15-10 Ventilation for closed spaces.

(a) Except as noted in paragraph (c) of this section, all enclosed spaces within the vessel shall be properly vented or ventilated. Means shall be provided to close off all vents and ventilators.

(b) Means shall be provided for stopping all fans in ventilation systems serving machinery and cargo spaces and for closing all doorways, ventilators and annular spaces around funnels and other openings to such spaces, from outside these spaces, in case of fire.

(c) On unmanned cargo barges not fitted with a fixed bilge system, vents and ventilators may be omitted from void spaces.

§ 92.15-15 Ventilation for crew quarters and, where provided, passenger spaces.

(a) All living spaces shall be adequately ventilated in a manner suitable to the purpose of the space.

(b) On vessels of 100 gross tons and over, except for such spaces as are so located that under all ordinary conditions of weather, windows, ports, skylights, etc., and doors to passageways can be kept open, all crew spaces shall be ventilated by a mechanical system, unless it can be shown that a natural system will provide adequate ventilation. However, vessels which trade regularly in the tropics shall, in general, be fitted with a mechanical ventilation system.

§ 92.15-90 Vessels contracted for prior to November 19, 1952.

(a) Existing arrangements previously approved will be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original design provided that in no case will a greater departure from the standards of §§ 92.15-5 through 92.15-15 be permitted than presently exists.

Subpart 92.20—Accommodations for Officers and Crew

§ 92.20-1 Application.

(a) The provisions of this subpart, with the exception of § 92.20-90, shall apply to all vessels of 100 gross tons and

over contracted for on or after November 19, 1952. Vessels of 100 gross tons and over contracted for prior to November 19, 1952, shall meet the requirements of § 92.20–90.

(b) Vessels of less than 100 gross tons shall meet the applicable requirements of this subpart insofar as is reasonable and practicable.

§ 92.20–5 Intent.

(a) It is the intent of this subpart that the accommodations provided for officers and crew on all vessels shall be securely constructed, properly lighted, heated, drained, ventilated, equipped, located, arranged, and, where practicable, shall be insulated from undue noise and effluvia.

(b) The crew referred to herein includes all persons, except the licensed officers, regularly employed on board any vessel. Where the requirements for the accommodation of licensed officers are not otherwise specified, they shall be of at least equivalent to that indicated herein for the crew.

(c) For the purpose of this subpart, the term "crew spaces" shall include sleeping rooms, messrooms, recreational rooms, toilet and shower spaces, etc., which are intended for the exclusive use of the crew.

§ 92.20–10 Location of crew spaces.

(a) Crew spaces shall be located, where practicable, so that the maximum amount of fresh air and light are obtainable, having due regard to the service of the vessel and the requirements of other space users.

(b) Crew quarters shall not be located farther forward in a vessel than a vertical plane located at 5 percent of the vessel's length abaft the forward side of the stem at the designed summer load waterline. However, for vessels in other than ocean or coastwise service, this distance need not exceed 28 feet. For the purpose of this paragraph, the length shall be as defined in § 43.15–1 of Subchapter E (Load Lines) of this chapter. No section of the deck of the crew spaces shall be below the deepest load line, except that in special cases, the Commandant may approve such an arrangement: *Provided*, That in no case shall the deck head of the crew space be below the deepest load line.

(c) Hawse pipes or chain pipes shall not pass through crew spaces.

(d) There shall be no direct communication, except through solid, close fitted doors or hatches between crew spaces and chain lockers, cargo, or machinery spaces.

(e) There shall be no access, vents, or sounding tubes from fuel or cargo oil tanks opening into crew spaces, except that sounding tubes and access openings may be located in corridors.

(f) Where practicable, crew spaces shall be located entirely separate and independent of spaces allotted to passengers or licensed officers.

§ 92.20–15 Construction.

(a) All crew spaces are to be constructed in a manner suitable to the purpose for which they are intended. The bulkheads separating the crew space from cargo and machinery spaces, lamp and paint rooms, storerooms, drying rooms, washrooms, and toilet spaces shall be made odorproof where deemed necessary by the Commandant.

(b) Toilet spaces, except when provided as private or semiprivate facilities, shall be so built, fitted, and situated, that no odor from them will readily enter other crew spaces.

(c) Where shell or unsheathed weather decks form boundaries of crew spaces, suitable protective coverings shall be applied to prevent formation or accumulation of moisture.

(d) Where crew spaces adjoin or are immediately above spaces such as galleys, machinery spaces or casings, donkey boilerrooms, etc., they shall be suitably protected from the heat.

(e) The interior sides and deckheads of crew spaces shall be covered with enamel, paint, or other material light in color.

(f) Crew spaces shall be properly drained where considered necessary.

(g) All washrooms and toilet rooms shall be properly drained and so constructed and arranged that they can be kept in a clean, workable, and sanitary condition. The scuppers shall be located in the lowest part of the space, due consideration being given to the average trim of the vessel.

§ 92.20–20 Sleeping accommodations.

(a) *Arrangements.* (1) Separate sleeping accommodations are to be provided for the deck, engine, and steward groups of the crew.

(2) Each watch of seamen, firemen or similar ratings on duty in watches is to be provided with separate sleeping room or rooms, unless the total space for accommodations makes this impracticable.

(3) Where practicable, each licensed officer shall be provided with a separate stateroom.

(b) *Size.* (1) Sleeping accommodations for the crew shall be divided into rooms, no one of which shall berth more than four persons.

(2) Each room shall be of such size that there are at least 30 square feet of deck area and a volume of at least 210 cubic feet for each person accommodated. The clear headroom shall be not less than 6 feet 3 inches. In measuring sleeping quarters allocated to crews of vessels, any equipment contained therein for the use of the occupants is not to be deducted from the total volume or from the deck area.

(c) *Equipment.* (1) Each person shall have a separate berth and not more than one berth shall be placed above another. The berths shall have a framework of metal or other hard, smooth material not likely to corrode or harbor vermin, and shall be so arranged that they provide ample room for easy occupancy. The overall size of a berth shall not be less than 30 inches wide by 76 inches long, except by special permission of the Commandant. Where berths adjoin, they shall be divided by a partition not less than 18 inches in height. Where two tiers of berths are fitted, the bottom of the lower must not be less than 12 inches above the deck, and the bottom of the upper must not be less than 2 feet 6 inches both from the bottom of the lower and from the deck overhead. The berths shall not be obstructed by pipes, ventilating ducts, or other installations.

(2) A locker of metal or other hard, smooth material shall be provided for each person accommodated in a room. Each locker shall be not less than 300 square inches in cross section area and 60 inches high. It shall be so placed as to be readily accessible. The interior of the locker shall be so arranged as to facilitate the proper stowage of clothes.

§ 92.20–25 Washrooms and toilet rooms.

(a) There shall be provided at least one toilet, one washbasin, and one shower or bathtub for each eight members or portion thereof in the crew to be accommodated. The crew to be accommodated shall include all members who do not occupy rooms to which private or semiprivate facilities are attached.

(b) Under the following conditions, the toilet and washing facilities for the specific groups of the crew indicated shall be located in spaces separate from the facilities for other crew members; and shall be provided for that group in the ratios required by paragraph (a) of this section.

(1) The members of the engine department, where their number, exclusive of licensed officers, and others separately provided for, exceeds eight.

(2) The members of the steward's department, exclusive of those separately provided for, where their number exceeds eight.

(3) All female members of the crew.

(c) The toilet rooms and washrooms shall be located convenient to the sleeping quarters of the crew to which they are allotted but shall not open directly into such quarters except when they are provided as private or semiprivate facilities.

(d) All washbasins, showers, and bathtubs shall be equipped with proper plumbing, including hot and cold running water. Washbasins may be located in the crew sleeping quarters.

(e) The toilet rooms shall be separate from the washrooms and at least one washbasin shall be fitted in each toilet room, except where private or semiprivate facilities are provided and washbasins are installed in the sleeping rooms.

(1) All toilets shall be installed with proper plumbing for flushing. Toilets shall be provided with seats of the open front type. Urinals may be fitted in toilet rooms, if desired, but no reduction in the required number of toilets will be made therefore.

(2) Where more than one toilet is located in a space or compartment, each toilet shall be separated by partitions, which shall be open at the top and bottom for ventilation and cleaning purposes.

§ 92.20–30 Messrooms.

(a) Messrooms shall be located as near to the galley or suitably equipped serving pantry as is practicable, except where messroom is equipped with a steam table. The mess rooms shall be of such size as to seat the number of persons normally scheduled to be eating at one time.

(b) Messrooms shall be properly equipped with tables, seats, and other necessary equipment and shall be so arranged as to permit access to each seat.

§ 92.20–35 Hospital space.

(a) Each vessel, which in the ordinary course of its trade makes voyages of more than three days duration between ports and which carries a crew of twelve or more, shall be provided with a hospital space. This space shall be situated with due regard to the comfort of the sick so that they may receive proper attention in all weathers.

(b) The hospital shall be suitably separated from other spaces and shall be used for the care of the sick and for no other purpose.

(c) The entrance shall be of such width and in such a position as to admit a stretcher case readily. Berths shall be of metal and may be in double tier, provided the upper berth is hinged and arranged to be secured clear of the lower berth when not in use. At least one berth shall be so arranged that it can be made accessible from both sides when necessary.

(d) The hospital shall be fitted with berths in the ratio of one berth to every twelve members of the crew or portion thereof who are not berthed in single occupancy rooms, but the number of berths need not exceed six.

(e) The hospital shall have a toilet, washbasin, and bath tub or shower conveniently situated. Other necessary suitable equipment of such character as clothes locker, table, seat, etc., shall be provided.

§ 92.20–40 Other spaces.

(a) Sufficient facilities, depending upon the number of the crew, shall be provided where the crew may wash their own clothes. There shall be at least one tub or sink, fitted with the necessary plumbing, including hot and cold running water.

(b) Clothes drying facilities or space shall be provided for the needs of the crew.

(c) Recreation accommodations shall be provided. Where messrooms are used for this purpose, they shall be suitably planned.

§ 92.20–45 Lighting.

(a) All crew spaces shall be adequately lighted in accordance with the requirements of Subchapter J (Electrical Engineering) of this chapter.

(b) Berth lights shall be provided for each member of the crew.

§ 92.20–50 Heating.

(a) All crew spaces shall be adequately heated in a manner suitable to the purpose of the space.

(b) The heating system will be considered satisfactory if it is capable of maintaining a minimum temperature of 70° F. under normal operating conditions without undue curtailment of the ventilation.

(c) Radiators and other heating apparatus shall be so placed, and where necessary shielded, as to avoid risk of fire, danger or discomfort to the occupants. Pipes leading to radiators or heating apparatus shall be lagged where those pipes create a hazard to persons occupying the space.

§ 92.20–55 Insect screens.

(a) Except in such areas as are considered to be insect free, provision shall be made to protect the crew quarters against the admission of insects. This may be accomplished by the fitting of suitable screens to ventilating skylights, airports, ventilators, and doors to unscreened spaces and the open deck or by other methods.

§ 92.20–90 Vessels contracted for prior to November 19, 1952.

(a) Vessels of less than 100 gross tons, contracted for prior to November 19, 1952, shall meet the general intent of § 92.20–5 and in addition shall meet the following requirements:

(1) Existing structure, arrangements, materials, and facilities, previously accepted or approved will be considered satisfactory so long as they are maintained in a suitable condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standard as the original construction.

(b) Vessels of 100 gross tons and over, contracted for prior to March 4, 1915, shall meet the requirements of this paragraph.

(1) Existing structure, arrangements, materials, and facilities, previously approved will be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standard as the original construction: *Provided*, That in no case will a greater departure from the standards of §§ 92.20–5 through 92.20–55 be permitted than presently exists.

(c) Vessels of 100 gross tons and over, contracted for on or after March 4, 1915, but prior to January 1, 1941, shall meet the requirements of this paragraph.

(1) Existing structure, arrangements, materials, and facilities, previously approved will be considered satisfactory so long as they are maintained in a suitable condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standard as the original construction.

(2) Where reasonable and practicable, a minimum of one toilet, shower, and washbasin shall be provided for each 10 members of the crew or fraction thereof.

(3) Crew spaces shall have a volume of at least 120 cubic feet and a deck area of at least 16 square feet for each person accommodated.

(4) Each crewmember shall have a separate berth, and berths may not be placed more than two high.

(5) Each vessel, which in the ordinary course of its trade makes a voyage of more than three days' duration between ports and which carries a crew of 12 or more persons, shall be provided with a suitable hospital space for the exclusive use of the sick or injured. Berths shall be provided in the ratio of one berth for each twelve members of the crew or fraction thereof, but the number of berths need not exceed six.

(6) The crew spaces shall be securely constructed, properly lighted, heated, drained, ventilated, equipped, located, and arranged, and where practicable, shall be insulated from undue noise and effluvia.

(d) Vessels of 100 gross tons and over, contracted for on or after January 1, 1941, but prior to November 19, 1952, shall meet the requirements of this paragraph.

(1) Existing structure, arrangements, materials, and facilities, previously approved will be considered satisfactory so long as they are maintained in a suitable condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standard as the original construction.

(2) Washrooms and toilet rooms:

(i) There shall be a minimum of one toilet, shower, and washbasin for each 8 members of the crew or fraction thereof who are not accommodated in rooms having attached private or semiprivate facilities.

(ii) Separate facilities shall be provided for the engineroom, deck, or stewards department when the number of crew in that department, exclusive of officers, exceeds 8.

(iii) Toilet rooms shall be separate from the wash rooms. At least one washbasin shall be installed in each toilet room.

(iv) Toilets shall be provided with seats of the open front type. Urinals may be fitted in toilet rooms, if desired, but no reduction will be made in the required number of toilets.

(v) Washbasins, showers, and bath tubs if substituted for showers, shall be equipped with proper plumbing including hot and cold running water.

(3) Crew spaces shall have a volume of at least 120 cubic feet and a deck area of at least 16 square feet for each person accommodated.

(4) Each crewmember shall have a separate berth, and berths may not be placed more than two high.

(5) Each vessel, which in the ordinary course of its trade makes a voyage of more than three days duration between ports and which carries a crew of 12 or more persons, shall be provided with a suitable hospital space for the exclusive use of the sick or injured. Berths shall be provided in the ratio of one berth for each 12 members of the crew or fraction thereof, but the number of berths need not exceed six.

(6) The crew spaces shall be securely constructed, properly lighted, heated,

drained, ventilated, equipped, located, and arranged, and where practicable, shall be insulated from undue noise and effluvia.

Subpart 92.25—Rails and Guards

§ 92.25–1 Application.

(a) The provisions of this subpart, with the exception of § 92.25–90, shall apply to all vessels contracted for on or after July 1, 1960. Vessels contracted for prior to July 1, 1960, shall meet the requirements of § 92.25–90.

§ 92.25–5 Where rails required.

(a) Rails at least 36 inches high or equivalent protection shall be installed near the periphery of all weather decks accessible to persons on board. Such rails on decks which extend outboard to the side of the vessel shall be in at least three courses approximately evenly spaced. Such rails on decks which do not extend outboard to the side of the vessel, such as tops of deckhouses and winch houses, shall be in at least two courses approximately evenly spaced. If it can be shown to the satisfaction of the Officer in Charge, Marine Inspection, that the installation of rails of such height will be unreasonable and impracticable, having regard to the business of the vessel, rails of a lesser height or in some cases grab rails may be accepted and inboard rails may be eliminated if the deck is not generally accessible.

§ 92.25–10 Storm rails.

(a) On vessels in ocean and coastwise service, suitable storm rails shall be installed in all passageways and at the deckhouse sides where persons on board might have normal access. Storm rails shall be installed on both sides of passageways which are 6 feet or more in width.

§ 92.25–15 Guards in dangerous places.

(a) Suitable hand covers, guards, or rails shall be installed in way of all exposed and dangerous places such as gears, machinery, etc.

§ 92.25–90 Vessels contracted for prior to July 1, 1960.

(a) Existing structure, arrangements, materials, and facilities previously approved will be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original construction: *Provided*, That in no case will greater departure from the standards of §§ 92.25–5 through 92.25–15 be permitted than presently exists.

PART 93—STABILITY

Subpart 93.01—Application

Sec.
93.01–1 General.

Subpart 93.05—Stability Test

93.05–1 When required.
93.05–5 Procedure.

Subpart 93.10—Stability Information for Operating Personnel

93.10–1 Information supplied to master.

Subpart 93.13—Ballast

93.13–1 When needed.
93.13–5 Fixed ballast.
93.13–10 Liquid ballast.

Subpart 93.15—Stability Letter

93.15–1 Posting.
93.15–5 Information contained in stability letter.

AUTHORITY: The provisions of this Part 93 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4488, as amended, 4490, as amended, sec. 3, 24 Stat. 129, as amended, 41 Stat. 305, as amended, sec. 2, 45 Stat. 1943, as amended, sec. 2, 49 Stat. 888, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 481, 482, 483, 363, 85a, 88a, 367, 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, Nov. 26, 1954, 19 F.R. 8026; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–38, Oct. 26, 1959, 24 F.R. 8857, unless otherwise noted.

Subpart 93.01—Application

§ 93.01–1 General.

(a) The provisions of this part shall apply to the following vessels:

(1) All vessels contracted for on or after November 19, 1952, on an international voyage.

(2) Any other vessel whose stability is questioned by the Commandant or the Officer in Charge, Marine Inspection.

Subpart 93.05—Stability Test

§ 93.05–1 When required.

(a) Except as otherwise provided in this section, each vessel to which this part pertains shall be subjected to a stability test conducted under the supervision of the Coast Guard and the results of the test shall be approved before the vessel is placed in service.

(b) The Commandant may allow the stability test of a vessel to be dispensed with provided basic stability data are available from the stability test of a sister vessel and it is shown to the satisfaction of the Commandant that reliable stability information for the exempted vessel can be obtained from such basic data.

(c) The Commandant may also allow the stability test of an individual vessel or class of vessels, especially designed for the carriage of liquid or ore in bulk, to be dispensed with when reference to existing data for similar vessels clearly indicates that due to the vessel's proportions and arrangements more than sufficient metacentric height will be available in all probable loading conditions.

§ 93.05–5 Procedure.

(a) *Stability tests.* Stability tests conducted on or after November 19, 1952, shall meet the requirements of this section.

(b) *Plans required.* (1) The following plans are essential for use in conducting the stability test and determining the results, and if these plans have not been previously submitted, they shall be made available at the time of the test:

Lines plan.
Curves of form, or hydrostatic curves.
General arrangement plan of decks, holds, inner bottoms, etc.
Inboard and outboard profile.
Midship section.
Capacity plan showing capacities and vertical and longitudinal centers of gravity of cargo spaces, tanks, etc.
Tank sounding tables.
Draft mark locations.

(c) *Stability test preparations.* (1) Preparations as noted in this paragraph shall be made to place a vessel in suitable condition for a stability test. The Coast Guard representative supervising the stability test may relax from these standards in a particular instance if, in his opinion, such relaxation is warranted and will not materially affect the reliability of the results of the test.

(2) To obtain dependable stability results, all tanks on the vessel, as far as practicable, shall be either completely empty and dry or fully pressed up and without air pockets. Where this is impracticable, slack tanks may be accepted provided their free surface can be readily and accurately determined for the angles of heel to be obtained during the stability test.

(3) The vessel shall be as nearly complete as practicable when the test is conducted. If additional material or equipment is to be installed after the test, a complete list of such items by weight and location shall be prepared.

(4) All dunnage, tools, and other items extraneous to the completed vessel shall be removed before the test.

(5) The vessel shall be moored in a location reasonably protected from broadside wind, waves, and tide. The depth of water shall be sufficient to provide ample clearance under the vessel against grounding. Mooring lines shall be arranged so that they will not interfere with the free rolling or listing of the vessel.

Subpart 93.10—Stability Information for Operating Personnel

§ 93.10–1 Information supplied to master.

(a) Based on the results of the stability test, information shall be prepared by the owners, approved by the Commandant, and furnished to the master which sets forth the stability data necessary to permit efficient handling of the vessel. In general, this information shall be such that the master can, for any condition of loading, by rapid and simple process, obtain accurate guidance as to the stability of the vessel and determine the freeboard.

(b) In the case of a vessel which due to its design or type of service, etc., requires special consideration of its stability characteristics, the information shall also include an indication of any operating conditions which must be maintained to assure the safety of the vessel.

(c) Where any alterations are made to a vessel so as to materially affect the stability information supplied to the master, amended stability information shall be provided. If necessary the vessel shall have a new stability test.

Subpart 93.13—Ballast

§ 93.13–1 When needed.

(a) In view of the wide range of cargo weight and distribution placed in a cargo vessel, the use of ballast may be necessary in order to provide satisfactory immersion, trim and stability.

§ 93.13–5 Fixed ballast.

(a) When fixed ballast is installed, its amount and location shall be included in the stability information provided the vessel.

(b) Fixed ballast shall not be removed from the vessel or relocated unless first approved by the Commandant, except that such ballast may be temporarily moved for examination or repair of the vessel and then only under the supervision of a marine inspector.

§ 93.13–10 Liquid ballast.

(a) Liquid ballast may be used when necessary to provide satisfactory draft, trim, weight distribution, or stability.

(b) If it is necessary to put liquid ballast in oil tanks, the oily ballast shall not be discharged overboard within any of the prohibited zones as defined in the Oil Pollution Act, 1961 (33 U.S.C. 1011), except through oily water separators which meet the requirements in § 55.10–25(n) of Subchapter F (Marine Engineering) of this chapter, or directly into sludge barges or shore facilities, or other approved means.

(Sec. 8, 75 Stat. 404; 33 U.S.C. 1007. Treasury Department Order 167–46, Nov. 6, 1961, 26 F.R. 10609)

Subpart 93.15—Stability Letter

§ 93.15–1 Posting.

(a) Each vessel subject to the requirements of this part shall have posted under glass in the pilothouse a stability letter issued by the Coast Guard before the vessel is placed in service.

§ 93.15–5 Information contained in stability letter.

(a) Stability letters issued to vessels subject to the provisions of § 93.05–1(a) or (b) will record approval of the information required by Subpart 93.10 and will set forth the master's responsibility for maintaining satisfactory stability conditions at all times.

(b) Stability letters issued to vessels which are exempted from a stability test in accordance with § 93.05–1(c), will record this fact.

PART 94—LIFESAVING EQUIPMENT

Subpart 94.01—Application

Sec.
94.01–1 Details of application.

Subpart 94.05—General Provisions Pertaining to Lifesaving Equipment

94.05–1 Equipment of an approved type.
94.05–5 Equipment installed but not required.
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Subpart 94.10—Lifeboats, Liferafts, Lifefloats, Buoyant Apparatus, and Rescue Boats

94.10–1 Application.
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94.10–15 Requirements for seagoing barges in ocean or coastwise service.
94.10–20 Requirements for towing, fishing, and wrecking vessels, and pilot boats in ocean or coastwise service.
94.10–25 Requirements for yachts in ocean or coastwise service.
94.10–40 Requirements for vessels in Great Lakes, lakes, bays, and sounds; or river service other than fireboats, wrecking and fishing vessels, pilot boats, and yachts.
94.10–45 Requirements for fireboats, wrecking and fishing vessels, and pilot boats in Great Lakes; lakes, bays, and sounds; or river service.
94.10–50 Requirements for yachts in Great Lakes; lakes, bays, sounds; or river service.
94.10–55 Inflatable liferafts as an alternate for lifeboats, other liferafts, lifefloats and buoyant apparatus on certain vessels not on an international voyage.
94.10–90 Vessels contracted for prior to May 26, 1965.

Subpart 94.15—Stowage and Marking of Lifeboats, Liferafts, Lifefloats, and Buoyant Apparatus

94.15–1 Application.
94.15–5 General.
94.15–10 Stowage.
94.15–15 Marking.
94.15–90 Vessels contracted for prior to May 26, 1965.

Subpart 94.20—Equipment for Lifeboats, Liferafts, Lifefloats, and Buoyant Apparatus

94.20–1 Application.
94.20–5 General.
94.20–10 Required equipment for lifeboats.
94.20–15 Description of equipment for lifeboats.
94.20–20 Required equipment for liferafts.
94.20–25 Description of equipment for liferafts.
94.20–30 Required equipment for lifefloats and buoyant apparatus.
94.20–35 Description of equipment for lifefloats and buoyant apparatus.
94.20–90 Vessels contracted for prior to May 26, 1965.

Subpart 94.25—Davits for Lifeboats

94.25–1 Application.
94.25–5 General.
94.25–10 Requirements for vessels in ocean or coastwise service.
94.25–15 Requirements for vessels in Great Lakes, lakes, bays, and sounds, or river service.
94.25–90 Vessels contracted for prior to May 26, 1965.

Subpart 94.30—Lifeboat Winches

94.30–1 Application.
94.30–5 General.
94.30–10 Number and type required.
94.30–15 Installation.
94.30–90 Vessels contracted for prior to November 19, 1952.

Subpart 94.33—Blocks and Falls for Lifeboats

Sec.
94.33–1 Application.
94.33–5 General.
94.33–10 Installations where lifeboat winches are used.
94.33–15 Installations where lifeboat winches are not used.
94.33–90 Vessels contracted for prior to May 26, 1965.

Subpart 94.35—Installation of Lifeboats, Davits and Winches

94.35–1 Application.
94.35–5 Tests and examinations.

Subpart 94.40—Life Preservers

94.40–1 Application.
94.40–5 General.
94.40–10 Number required.
94.40–15 Distribution and stowage.
94.40–90 Vessels contracted for prior to May 26, 1965.

Subpart 94.43—Ring Life Buoys and Water Lights

94.43–1 Application.
94.43–5 General.
94.43–10 Number required.
94.43–15 Distribution and securing.
94.43–90 Vessels contracted for prior to May 26, 1965.

Subpart 94.45—Line-Throwing Appliances

94.45–1 Application.
94.45–5 General.
94.45–10 Type required.
94.45–15 Equipment for line-throwing appliances.
94.45–20 Accessibility.
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Subpart 94.50—Embarkation Aids

94.50–1 Application.
94.50–5 Ladders.
94.50–7 Embarkation aids into inflatable liferaft.
94.50–10 Illumination for lifeboat launching operations.
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94.50–90 Vessels contracted for prior to May 26, 1965.

Subpart 94.55—Portable Radio Apparatus

94.55–1 Required on international voyage.

Subpart 94.90—Ship's Distress Signals

94.90–1 Application.
94.90–5 Vessels in ocean or coastwise service.
94.90–10 Vessels in Great Lakes service.

AUTHORITY: The provisions of this Part 94 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4488, as amended, 4491, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 481, 489, 395, 363, 367, 526p, 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, Nov. 26, 1954, 19 F.R. 8026; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–38, Oct. 26, 1959, 24 F.R. 8857.

Subpart 94.01—Application

§ 94.01–1 Details of application.

(a) Except as specifically noted, the provisions of this part shall apply to all vessels other than motorboats. Motorboats shall meet the requirements of Sub-

parts 94.01, 94.05, and 94.40, and § 94.10–1(c).

Subpart 94.05—General Provisions Pertaining to Lifesaving Equipment

§ 94.05–1 Equipment of an approved type.

(a) Where equipment in this part is required to be of an approved type, such equipment requires the specific approval of the Commandant. Such approvals are published in the FEDERAL REGISTER and in addition, are contained in Coast Guard publication CG–190, "Equipment Lists."

(b) Specifications for many of the items required to be of an approved type have been promulgated and are contained in Subchapter Q (Specifications) of this chapter. In general, such specifications are of interest only to the manufacturer of specific items of equipment.

§ 94.05–5 Equipment installed but not required.

(a) Where items of lifesaving equipment are not required, but are installed, such equipment and its installation shall meet the requirements of this part.

§ 94.05–10 Primary lifesaving equipment.

(a) The term "primary lifesaving equipment" means a lifeboat or an acceptable substitute. Life preservers and ring life buoys are not included in this definition of "primary lifesaving equipment."

Subpart 94.10—Lifeboats, Liferafts, Lifefloats, Buoyant Apparatus, and Rescue Boats

§ 94.10–1 Application.

(a) Except as otherwise provided in this section, the provisions of this subpart shall apply to all vessels other than motorboats, contracted for on or after May 26, 1965.

(b) Vessels other than motorboats, contracted for prior to May 26, 1965, shall meet the requirements of § 94.10–90.

(c) Inspected motorboats carrying freight for hire shall be provided with such number and size of approved liferafts, lifefloats, or buoyant apparatus as deemed necessary by the Officer in Charge, Marine Inspection. Workboats or skiffs may be permitted by the Officer in Charge, Marine Inspection, if considered suitable.

(d) In the case of special types of vessels subject to the International Convention for Safety of Life at Sea, 1960, which are not specifically treated in this subpart, such as whale factory ships, fish processing and canning ships, etc., the Commandant may give special consideration as to lifesaving equipment requirements to the extent permitted by the International Convention for Safety of Life at Sea, 1960.

§ 94.10–5 Type of lifeboats, liferafts, lifefloats, buoyant apparatus, and rescue boats required.

(a) *Lifeboats.* (1) All lifeboats shall be of an approved type, constructed in accordance with Subpart 160.035 of Subchapter Q (Specifications) of this chapter except as specifically noted in this part.

(2) All lifeboats certified to carry 60 or more but not over 100 persons shall be either motor lifeboats or shall be fitted with an approved type of hand-propelling gear. Lifeboats carrying more than 100 persons shall be motor lifeboats.

(3) A Class 1 motor lifeboat is one that is fitted with a compression-ignition engine, is capable of being readily started in all conditions, and has sufficient fuel for 24 hours continuous operation. The speed ahead in smooth water when loaded with its full complement of persons and equipment shall be at least 6 knots.

(4) Except as further modified in this subparagraph, all lifeboats, except those installed on vessels in river service, shall be fitted with suitable disengaging apparatus consisting of fixed hooks in the lifeboat or mechanical disengaging apparatus. Mechanical disengaging apparatus, if fitted shall be of an approved type, constructed in accordance with Subpart 160.033 of Subchapter Q (Specifications) of this chapter.

(i) All lifeboats installed on ocean, coastwise, or Great Lakes vessels of over 3,000 gross tons shall be fitted with mechanical disengaging apparatus so arranged as to make it possible for the lifeboats to be launched with their full complement of persons and equipment while such vessels are underway or stopped, and for both ends of the lifeboat to be released simultaneously, under tension or not, by one person. Simultaneous release shall be effected by partially rotating a shaft which shall be continuous and extend from points of contact with the hooks.

(ii) All lifeboats installed on any particular vessel shall be fitted with the same type of disengaging apparatus.

(iii) On small vessels, the Commandant may approve means other than those previously mentioned to agree with the needs of a particular vessel.

(b) *Liferafts.* (1) All rigid type liferafts shall be of an approved type, constructed in accordance with Subpart 160.018 of Subchapter Q (Specifications) of this chapter. Type A liferafts shall be stowed on the standard liferaft skids required by § 94.15–10(c)(1) unless specifically noted otherwise. Rigid type liferafts shall not be used as required equipment on vessels on an international voyage.

(2) All inflatable liferafts shall be of an approved type constructed in accordance with Subpart 160.051 of Subchapter Q (Specifications) of this chapter.

(3) On vessels on an international voyage, each inflatable liferaft shall have a carrying capacity of not less than 6 nor more than 25 persons.

(c) *Lifefloats.* (1) All lifefloats shall be of an approved type, constructed in accordance with Subpart 160.027 of Subchapter Q (Specifications) of this chapter.

(d) *Buoyant apparatus.* (1) All buoyant apparatus shall be of an approved type, constructed in accordance with Subpart 160.010 of Subchapter Q (Specifications) of this chapter.

(e) *Rescue boat.* (1) In general, a suitable rescue boat shall be a small lightweight boat of rigid construction, with built-in buoyancy and capable of being readily launched and easily maneuvered. Also it shall be of adequate proportion to permit taking an unconscious person on board without capsizing. A rescue boat and its installation shall be acceptable to the Officer in Charge, Marine Inspection, as suitable for the rescue of persons accidentally falling over the side, or for similar emergency purposes. The size, shape, installation, and other factors of suitability will be determined with due consideration of the size, arrangement, intended service, and crew requirements of the vessel on which it is to be installed.

§ 94.10–10 Requirements for vessels in ocean or coastwise service other than barges; towing, fishing, and wrecking vessels; pilot boats; and yachts.

(a) All vessels shall be provided with sufficient lifeboats on each side of the vessel to accommodate all persons on board.

(b) Lifeboats shall be not less than 24 feet in length, except where owing to the size of the vessel, or for other reasons, the Commandant considers the carriage of such lifeboats to be unreasonable or impracticable. However, in no case shall lifeboats of less than 16 feet in length be used.

(c) All vessels of 1,600 gross tons and over on an international voyage shall carry at least one motor-propelled lifeboat of Class 1.

(d) In addition to the lifeboats required by paragraph (a) of this section, all vessels on an international voyage and all vessels in ocean service shall be provided with liferafts of such aggregate capacity to accommodate at least one-half the total number of persons on board. Those vessels having widely spaced accommodations and/or working spaces shall have at least one liferaft in each such location.

(e) Inflatable liferafts may be substituted for lifeboats on certain vessels not on an international voyage in accordance with § 94.10–55.

§ 94.10–15 Requirements for seagoing barges in ocean or coastwise service.

(a) All manned seagoing barges of 100 gross tons and over shall be provided with a lifeboat of sufficient capacity for all persons on board. All lifeboats shall have a capacity of at least 80 cubic feet.

(b) Inflatable liferafts may be substituted for lifeboats on certain vessels in accordance with § 94.10–55.

§ 94.10–20 Requirements for towing, fishing, and wrecking vessels, and pilot boats in ocean or coastwise service.

(a) All vessels of 500 gross tons and over on an international voyage, other than fishing vessels, shall meet the applicable requirements of § 94.10–10 in lieu of the requirements of this section.

(b) All vessels shall carry sufficient lifeboats or flotation equipment for all persons on board. In lieu of the standard lifeboats required by § 94.10–5 (a), the following types of boats or flotation equipment may be used by the vessels specified:

(1) Vessels engaged exclusively in the business of purse seining may use their seine boats.

(2) Vessels engaged exclusively in the business of hook and line fishing from dories may use their dories provided they are fitted with air tanks of sufficient capacity to meet the requirements of Subpart 160.035 of Subchapter Q (Specifications) of this chapter for lifeboats.

(3) Vessels engaged exclusively in the business of wrecking may use their surf boats.

(4) Vessels engaged exclusively in the business of furnishing pilots to vessels may use their launches and/or yawls.

(5) Vessels not exceeding 150 feet in length which are under 300 gross tons engaged exclusively in the business of transporting supplies, equipment, and cargo to or from operational sites of exploration, development, removal and storage of resources or related activities thereof on the continental shelf of the United States in the Gulf of Mexico, in the Atlantic Ocean south of the thirty-third parallel north latitude and in the Pacific Ocean may use lifefloats in lieu of lifeboats if a suitable emergency boat is carried and is adequately installed. Vessels in this category may carry persons in addition to the crew up to the number specified in the certificate of inspection, but not to exceed 16, and such persons may be only industry personnel engaged exclusively in the exploration, development, removal and storage of resources, or related activities thereof, who are required by the nature of their work to ride such vessels.

(c) All lifeboats shall have a capacity of at least 180 cubic feet. However, the Coast Guard District Commander may, in exceptional cases, permit smaller lifeboats where the crew is insufficient to handle the larger lifeboat or where there is lack of space to carry such larger lifeboat. In no case may lifeboats be used having a capacity of less than 125 cubic feet.

(d) Inflatable liferafts may be substituted for lifeboats, liferafts, lifefloats and buoyant apparatus on certain vessels in accordance with § 94.10–55.

§ 94.10–25 Requirements for yachts in ocean or coastwise service.

(a) All yachts in ocean service shall have an aggregate lifeboat and liferaft capacity for all persons on board. Not less than 75 percent of the required capacity shall be in lifeboats and the remainder may be in Type A or Type B liferafts.

(b) All yachts in coastwise service shall have an aggregate lifeboat and liferaft capacity as required in paragraph (a) of this section, except that during the interval between May 15 and October 15 in any one year, both dates inclusive, they shall only be required to be equipped with lifeboat and liferaft capacity to accommodate 70 percent of all persons on board, not less than 50 percent of the required capacity shall be in lifeboats and the remainder may be in Type A or Type B liferafts.

(c) All lifeboats shall have a capacity of at least 125 cubic feet. However, the Coast Guard District Commander may, if he deems it proper, modify the requirements as to the size of lifeboats.

(d) Yachts may use their launches in lieu of the standard lifeboats required by § 94.10–5 (a), provided the launches are equipped with air tanks of sufficient capacity to meet the requirements of Subpart 160.035 of Subchapter Q (Specifications) of this chapter for lifeboats. Such launches shall be fitted with suitable nameboards or the name of the vessel shall be painted on the bow or stern.

(e) Inflatable liferafts may be substituted for lifeboats and liferafts on certain vessels in accordance with § 94.10–55.

§ 94.10–40 Requirements for vessels in Great Lakes; lakes, bays, and sounds; or river service other than fireboats, wrecking and fishing vessels, pilot boats, and yachts.

(a) All vessels, except those on an international voyage, shall be provided with lifeboats and liferafts as required by Table 94.10–40(a).

(b) Inflatable liferafts may be substituted for lifeboats and liferafts on certain vessels in accordance with § 94.10–55.

(c) All vessels on an international voyage shall meet the applicable requirements of § 94.10–10.

TABLE 94.10–40 (a)—LIFEBOATS AND LIFERAFTS REQUIRED ON VESSELS IN GREAT LAKES; LAKES, BAYS, AND SOUNDS AND RIVER SERVICE OTHER THAN FIREBOATS, WRECKING AND FISHING VESSELS, PILOT BOATS, AND YACHTS

	Great Lakes			Lakes, bays, and sounds		Rivers	
		Other vessels					
	Vessels carrying cargo	50 gross tons and over	Under 50 gross tons	50 gross tons and over	Under 50 gross tons	50 gross tons and over	Under 50 gross tons
Percentage of persons to be accommodated.	100	100	100	100	100	At least one suitable boat with lines attached and supplied with oars.[3]	Only lifeboats or liferafts as in the judgment of Officer in Charge, Marine Inspection, are necessary.
Percentage of required equipment in lifeboats.	[1] 100	[1] 50	Either lifeboats or liferafts.	[2] 50	Either lifeboats or liferafts.	....do....	Do.
Percentage of required equipment which may be in Type A or Type B liferafts.	None	50	....do....	50	....do....	....do....	Do.

[1] When of 300 gross tons and over, vessels carrying cargo having berthing and/or working spaces forward widely separated from messing or recreational spaces aft shall have, in addition to all other lifeboats and liferafts required, two fully equipped approved liferafts of not less than 15-person capacity. These liferafts shall be stowed (not necessarily in skids) so as to float clear in the event of sinking of the vessel. One shall be located forward and the other aft. An approved lifefloat of not less than 15-person capacity may be substituted for the required liferaft aft. When of 300 gross tons and over, vessels carrying cargo (not having berthing and/or working spaces forward widely separated from messing or recreational spaces aft) and towing vessels are required to have only one approved liferaft or lifefloat of not less than 15-person capacity as additional lifesaving equipment.

[2] Harbor towing vessels of less than 150 gross tons may substitute one or more liferafts of Type A or Type B for the lifeboats required if the lifeboats interfere with the practical operation of the vessel and the substitution may be made with safety in the opinion of the Officer in Charge, Marine Inspection.

[3] Vessels navigating waters where the average depth of the channel does not exceed 3 feet shall not be required to be equipped with boats.

§ 94.10–45 Requirements for fireboats, wrecking and fishing vessels, and pilot boats in Great Lakes; lakes, bays, and sounds; or river service.

(a) All vessels of 50 gross tons and over shall have an aggregate lifeboat and liferaft capacity to accommodate all persons on board. Not less than 50 percent of such capacity shall be in lifeboats and the remainder may be in Type A or Type B liferafts.

(b) All vessels of less than 50 gross tons shall have an aggregate lifeboat and liferaft capacity to accommodate all persons on board. The liferafts may be either Type A or Type B.

(c) In lieu of the standard lifeboats required by § 94.10–5 (a) the following types of boats may be used:

(1) Vessels used exclusively as fireboats and connected to or belonging to a regularly organized fire department shall be required to carry only such boats or rafts as in the judgment of the Officer in Charge, Marine Inspection, may be required to carry the crew.

(2) Vessels engaged exclusively in the business of furnishing pilots to vessels may use their launches and/or yawls.

(3) Vessels engaged exclusively in the business of wrecking may use their surf boats.

(4) Vessels engaged exclusively in the business of seine fishing may use their seine boats.

(d) Inflatable liferafts may be substituted for lifeboats and liferafts on certain vessels in accordance with § 94.10–55.

§ 94.10–50 Requirements for yachts in Great Lakes; lakes, bays, and sounds; or river service.

(a) All yachts shall be fitted with lifeboats and liferafts as required by Table 94.10–40(a), depending upon the service. Alternatively, such equipment may be provided as required by Table 75.10–20

(a) of Subchapter H (Passenger Vessels) of this chapter.

(b) Inflatable liferafts may be substituted for lifeboats and liferafts on certain vessels in accordance with § 94.10–55.

§ 94.10–55 Inflatable liferafts as an alternate for lifeboats, other liferafts, lifefloats and buoyant apparatus on certain vessels not on an international voyage.

(a) (1) On all vessels inflatable liferafts may be permitted as substitutes for other types of liferafts, lifefloats and buoyant apparatus wherever they may be required.

(2) The capacity of inflatable liferafts carried in place of other liferafts, lifefloats, and buoyant apparatus shall be at least equivalent to that required of the equipment for which substitution is made.

(3) The substitution of inflatable liferafts shall not be made without prior approval of the Officer in Charge, Marine Inspection.

(b) On all vessels less than 3,000 gross tons the substitution of liferafts for lifeboats may be permitted as follows:

(1) (i) On all vessels under 500 gross tons, inflatable liferafts may be substituted for all required lifeboats.

(ii) The total capacity of the inflatable liferafts shall be at least equal to the total number of persons that the lifeboats would have been required to accommodate. Partial substitution is permissible provided the aggregate lifeboat and inflatable liferaft capacity is sufficient to accommodate the required number of persons, as indicated above.

(iii) Where substitution of inflatable liferafts is made, a suitable rescue boat shall be provided. In the case of partial substitution, a lifeboat may serve as the rescue boat.

(iv) In the exceptional case on a vessel under 100 gross tons, the rescue boat may be omitted when it can be shown to the satisfaction of the Commandant that it is not necessary due to the size, arrangement and maneuverability of the vessel, and its intended service.

(2) (i) On all vessels of 500 gross tons and upward to 1,600 gross tons, inflatable liferafts may be substituted for all required lifeboats provided one approved lifeboat of a size acceptable to the Officer in Charge, Marine Inspection, suitable for rescue purposes, is installed.

(ii) The aggregate lifeboat and inflatable liferaft capacity shall be at least equal to the total number of persons that the lifeboats would have been required to accommodate.

(iii) The launching arrangement and location of the lifeboat to be used as rescue boat shall be such that it can be readily launched and shall be to the satisfaction of the Officer in Charge, Marine Inspection.

(3) (i) On all vessels of 1,600 gross tons and upward to 3,000 gross tons, inflatable liferafts may be substituted for all except two of the required lifeboats. These lifeboats shall be of a size acceptable to the Officer in Charge, Marine Inspection, and shall be suitable for rescue purposes. In all cases, two approved lifeboats, one on each side, shall be provided.

(ii) The aggregate lifeboat and inflatable liferaft capacity shall be at least equal to the total number of persons that the lifeboats, for which substitutions are made plus those remaining on board, would have been required to accommodate.

(4) The substitution of inflatable liferafts for lifeboats shall not be made without prior approval of the Officer in Charge, Marine Inspection.

(c) On all seagoing barges of 100 gross tons and over an inflatable liferaft may be substituted for the required lifeboat, the total capacity of which shall be sufficient to accommodate all persons on board.

(1) On seagoing barges employed as drilling tenders in the offshore oil exploration industry where substitution of inflatable liferafts is made, a suitable rescue boat shall be provided. In the case of partial substitution, a lifeboat may serve as the rescue boat.

(d) The Commandant may give special consideration to the substitution of approved inflatable liferafts for required lifeboats on vessels of 3,000 gross tons and over.

§ 94.10–90 Vessels contracted for prior to May 26, 1965.

(a) Vessels contracted for prior to May 26, 1965, shall meet the following requirements:

(1) Except as specifically modified by this paragraph, the requirements of §§ 94.10–5 through 94.10–55 shall be complied with insofar as the number and general type of lifesaving equipment is concerned. Existing items of lifesaving equipment previously approved, but not meeting the applicable specifications or requirements set forth in §§ 94.10–5 through 94.10–55 may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs, alterations, and replacements may be permitted to the same standards as the original installation. However, all new installations or major replacements shall meet the applicable specifications or requirements.

(2) On vessels of over 3,000 gross tons certificated for ocean, coastwise, or Great Lakes service, all replacement of disengaging apparatus shall meet the requirements of § 94.10–5(a)(4)(i). On all other vessels certificated for any service, all of the lifeboats on a particular vessel shall be fitted with the same type of disengaging apparatus.

(3) The requirements of § 94.10–10(c) shall not apply except for replacements, and then only if it can be done without change to existing davits and arrangements.

Subpart 94.15—Stowage and Marking of Lifeboats, Liferafts, Lifefloats, and Buoyant Apparatus

§ 94.15–1 Application.

(a) The provisions of this subpart, with the exception of § 94.15–90, shall apply to all vessels contracted for on or after May 26, 1965. Vessels contracted for prior to May 26, 1965, shall meet the requirements of § 94.15–90.

§ 94.15–5 General.

(a) The lifeboats, liferafts, lifefloats, and buoyant apparatus shall be readily available in the case of emergency, and shall be kept in good working order and available for immediate use at all times when the vessel is being navigated and, insofar as reasonable and practicable, while the vessel is not being navigated.

(b) The decks on which lifeboats, liferafts, lifefloats, and buoyant apparatus are carried shall be kept clear of freight or any other obstructions which would interfere with the immediate launching of the lifesaving appliances.

§ 94.15–10 Stowage.

(a) *General.* Lifeboats, liferafts, lifefloats, and buoyant apparatus shall be stowed in such a manner that:

(1) They are capable of being launched in the shortest possible time.

(2) They shall not impede the launching or handling of other lifesaving appliances.

(3) They shall not impede the marshalling of persons at the embarkation stations, or their embarkation.

(4) They shall be capable of being put in the water safely and rapidly even under unfavorable conditions of list and trim.

(b) *Lifeboat stowage.* (1) Every lifeboat shall be attached to a separate set of davits.

(2) Suitable access to the lifeboats shall be provided to enable the crew to prepare the lifeboats for launching.

(3) Lifeboats shall be so stowed that embarkation into them may be made rapidly and in good order.

(4) Lifeboats shall not be stowed in the bows of the vessel nor as far aft as to be endangered by the propellers or overhang of the stern.

(5) Lifeboats shall be so stowed that it shall not be necessary to lift them in order to swing out the davits, except on small vessels where such requirement is unreasonable and impracticable in the opinion of the Officer in Charge, Marine Inspection.

(6) Means shall be provided for bringing the lifeboats against the ship's side and holding them there so that persons may be safely embarked.

(7) On vessels certificated for ocean or coastwise service, lifeboats shall be fitted with skates or other suitable means to facilitate launching against an adverse list of up to 15 degrees. However, skates may be dispensed with if, in the opinion of the Commandant, the arrangements are such as to insure that the lifeboats can be satisfactorily launched without such skates.

(8) On vessels in ocean and coastwise service, where applicable, means shall be provided outside the machinery space to prevent the discharge of water into the lifeboats while they are being lowered. This shall consist of baffles to deflect the water down the vessel's side, or reach rods, or other means to close the discharge openings.

(c) *Liferaft stowage.* (1) Type A liferafts shall be stowed on standard skids constructed in accordance with Subpart 160.042 of Subchapter Q (Specifications) of this chapter.

(2) Type B liferafts shall be stowed in such a manner that they may be readily launched.

(3) The additional liferaft required on Great Lakes vessels by Table 94.10–40 (a) shall be stowed in such a manner that it will float clear in the event of sinking of the vessel. The requirements of subparagraphs (1) and (2) of this paragraph need not be complied with for such liferaft.

(4) Inflatable liferafts shall be stowed in such a manner that they will float free in the event of the vessel sinking. Stowage and launching arrangements will be to the satisfaction of the Officer in Charge, Marine Inspection.

(d) *Lifefloat and buoyant apparatus stowage.* (1) Lifefloats and buoyant apparatus shall be stowed in such a manner as to be readily launched. Lifefloats exceeding 400 pounds in weight shall be stowed in such a manner as not to require lifting before launching.

(2) Lifefloats and buoyant apparatus shall not be secured to the vessel except by lashings which can be easily slipped. They may be stowed in tiers one above the other, but not more than four high. When stowed in tiers, the separate units shall be kept apart by suitable distance pieces.

(3) Means shall be provided to prevent shifting.

§ 94.15–15 Marking.

(a) Lifeboats, liferafts, lifefloats, and buoyant apparatus shall be marked as required by §§ 97.37–37 and 97.37–40 of this subchapter.

§ 94.15–90 Vessels contracted for prior to May 26, 1965.

(a) Vessels contracted for prior to May 26, 1965, shall meet the following requirements:

(1) The provisions of §§ 94.15–5 through 94.15–15 shall be met except as further set forth in this paragraph.

(2) The requirements of § 94.15–10(b) (7) shall apply unless in the opinion of the Officer in Charge, Marine Inspection, it is unreasonable or impracticable, or the arrangement or construction of the vessel make the use of skates or similar appliances unnecessary.

Subpart 94.20—Equipment for Lifeboats, Liferafts, Lifefloats, and Buoyant Apparatus

§ 94.20–1 Application.

(a) The provisions of this subpart, with the exception of § 94.20–90, shall apply to all vessels contracted for on or after May 26, 1965. Vessels contracted for prior to May 26, 1965, shall meet the requirements of § 94.20–90.

§ 94.20–5 General.

(a) Equipment for lifeboats, liferafts, lifefloats, and buoyant apparatus shall be of good quality, efficient for the purpose they are intended to serve, and kept in good condition.

(b) Lifeboats, liferafts, lifefloats, and buoyant apparatus shall be fully equipped before the vessel is navigated and the equipment shall remain in such lifesaving appliances throughout the voyage, except as provided in § 97.15–45 (e) of this subchapter.

(c) It shall be unlawful to stow in any lifeboat, liferaft, lifefloat, or buoyant apparatus any article not required by this subpart unless such article can be properly stowed so as not to reduce the seating capacity or space available to the occupants and so as not to adversely affect the seaworthiness of such appliances or, in the case of lifeboats, overload the davits or winches.

(d) Loose equipment, except boathooks in lifeboats, shall be securely attached to the lifesaving appliance to which it belongs.

§ 94.20–10 Required equipment for lifeboats.

(a) The lifeboats for all vessels shall be equipped in accordance with Table 94.20–10(a). For a description of the items contained in this table, and the units comprising the items, see the applicable paragraphs of § 94.20–15. The letter identification prefixing the item in the table corresponds to the paragraph designations in § 94.20–15.

TABLE 94.20–10(a)

Letter identification	Item	Ocean and coastwise		Great Lakes		Lakes, bays and sounds; and rivers
		Other than seagoing barges	Seagoing barges	Vessels carrying cargo	Other	
a	Bailer	1	None	1	None	None
b	Bilge pump	[1] 1	None	None	None	None
c	Boathooks	2	2	1	1	1
d	Bucket	2	1	1	1	1
e	Compass and mounting	1	None	None	None	None
f	Ditty bag	1	None	None	None	None
g	Drinking cups	1	1	None	None	None
h	Fire extinguishers (motor-propelled lifeboats only)	2	2	2	2	2
i	First-aid kit	1	None	None	None	None
j	Flashlight	1	None	1	None	None
k	Hatchets	2	None	2	1	1
l	Heaving line	2	None	None	None	None
m	Jackknife	1	1	None	None	None
n	Ladder, lifeboat, gunwale	1	None	None	None	None
o	Lantern	1	1	1	1	1
p	Lifeline	1	1	1	1	1
q	Life preservers	2	2	2	2	2
r	Locker	1	None	1	None	None
s	Mast and sail (oar-propelled lifeboats only)	1	None	None	None	None
t	Matches (boxes)	2	2	1	1	1
u	Milk, condensed (pounds per person)	1	None	None	None	None
v	Mirrors, signaling	2	None	None	None	None
w	Oars	[2] 1 unit	[2] 1 unit	[2] 1 unit	[2] 1 unit	[2] 1 unit
x	Oil, illuminating (quarts)	1	None	1	None	None
y	Oil, storm (gallons)	1	None	1	None	None
z	Painter	2	1	2	1	1
aa	Plugs	1	1	1	1	1
bb	Provisions (pounds per person)	2	None	None	None	None
cc	Rowlocks	[2] 1 unit	[2] 1 unit	[2] 1 unit	[2] 1 unit	[2] 1 unit
dd	Rudder and tiller	1	1	1	1	None
ee	Sea anchor	1	None	1	None	None
ff	Signals, distress, floating orange smoke	2	None	None	None	None
gg	Signals, distress, red hand flare	[2] 1 unit	None	[2] 1½ unit	None	None
hh	Signals, distress, red parachute flare	[2] 1 unit	None	[2] 1½ unit	None	None
ii	Tool kit (motor-propelled lifeboat only)	[2] 1 unit	[2] 1 unit	[2] 1 unit	[2] 1 unit	[2] 1 unit
jj	Water (quarts per person)	3	1	None	None	None
kk	Whistle, signaling	1	1	None	None	None
ll	Fishing kit	1	None	None	None	None
mm	Cover, protecting	1	None	None	None	None
nn	Signals, lifesaving	1	None	None	None	None
oo	Desalting kit	[4] 1	None	None	None	None

[1] Motor-propelled lifeboats, certified for 100 or more persons, shall be fitted with an additional hand bilge pump of an approved type or a power bilge pump.
[2] For description of units, see § 94.20–15.
[3] Vessels in coastwise service need only carry 1 unit for each 5 lifeboats or fraction thereof.
[4] Optional equipment. See § 94.20–15(jj) water.

§ 94.20–15 Description of equipment for lifeboats.

(a) *Bailer.* The bailer shall have a lanyard attached and shall be of sufficient size and suitable for bailing.

(b) *Bilge pump.* Bilge pumps shall be of an approved type, constructed in accordance with Subpart 160.044 of Subchapter Q (Specifications) of this chapter. They shall be of the size given in Table 94.20–15 (b) depending upon the capacity of the lifeboat as determined by the six-tenths rule as described in § 160.035–8 (b) of Subchapter Q (Specifications) of this chapter.

TABLE 94.20–15 (b)

Capacity of lifeboat, cubic feet		Bilge pump size
Over	Not over	
-------	330	1
330	700	2
700	-------	3

(c) *Boathooks.* Boathooks shall be of the single hook ball-point type. Boathook handles shall be of clear grained white ash, or equivalent, and of a length

and diameter as given in Table 94.20–15 (c).

TABLE 94.20–15 (c)

Length of lifeboat, feet		Boathook handles	
Over	Not over	Diameter, inches	Length, feet
---	23	1¼	8
23	29	1¾	10
29	---	2	12

(d) *Bucket.* The bucket shall be of heavy gage galvanized iron, or other suitable corrosion-resistant metal, of not less than 2-gallon capacity, and shall have a 6-foot lanyard of 12-thread manila attached.

(e) *Compass and mounting.* The compass and mounting shall be of an approved type constructed in accordance with U. S. Coast Guard specification dated December 14, 1944.

(f) *Ditty bag.* The ditty bag shall consist of a canvas bag and shall contain a sailmaker's palm, needles, sail twine, marline, and marline spike.

(g) *Drinking cups.* Drinking cups shall be enamel coated or plastic, graduated in ounces, and be provided with lanyards 3 feet in length.

(h) *Fire extinguisher.* Fire extinguishers shall be of approved Type B–C, Size I (see § 95.50–5 of this subchapter). One shall be attached to each end of the lifeboat.

(i) *First-aid kit.* The first-aid kit shall be of an approved type, constructed and fitted in accordance with Subpart 160.041 of Subchapter Q (Specifications) of this chapter.

(j) *Flashlight.* The flashlight shall be of an approved Type I, Size No. 3, constructed in accordance with Subpart 161.008 of Subchapter Q (Specifications) of this chapter. Three spare cells (or one 3-cell battery) and two spare bulbs, stowed in a watertight container, shall be provided with each flashlight. Batteries shall be replaced yearly during the annual stripping, cleaning, and overhaul of the lifeboat.

(k) *Hatchet.* Hatchets shall be of an approved type, constructed in accordance with Subpart 160.013 of Subchapter Q (Specifications) of this chapter. They shall be attached to the lifeboat by individual lanyards and be readily available for use, one at each end of the lifeboat.

(l) *Heaving line.* The heaving line shall be of adequate strength, 10 fathoms in length, and 1 inch in circumference. It shall be of such quality as to be buoyant after 24 hours' submergence.

(m) *Jackknife.* The jackknife (with can opener) shall be of an approved type, constructed in accordance with Subpart 160.043 of Subchapter Q (Specifications) of this chapter.

(n) *Ladder, lifeboat gunwale.* The lifeboat gunwale ladder shall consist of 3 flat wood steps cut out for hand holds. The steps shall be spaced 12 inches apart and fastened with ⅝ inch diameter manila rope. Each rope end shall be tied inside the lifeboat at about amidships with the ladder stowed on top of the side benches and ready for immediate use. Other suitable devices may be specifically approved.

(o) *Lantern.* The lantern shall contain sufficient oil to burn for at least 9 hours, and shall be ready for immediate use.

(p) *Lifeline.* The lifeline shall be properly secured to both sides of the lifeboat along its entire length, festooned in bights not longer than 3 feet, with a seine float in each bight, which float may be omitted if the line is of an inherently buoyant material and absorbs little or no water. The lifeline shall be of a size and strength not less than ⅜-inch diameter manila. The bights shall hang to within 12 inches of the water when the lifeboat is light.

TABLE 94.20–15 (s)

Length of lifeboat, feet		Standing lug sail							Mast [1]		Yard [1]	
Over	Not over	Area, square feet	Luff and head lengths	Leach length	Foot length	Clew to throat	Ounces per square yard	Commercial designation No.	Length	Diameter, inches	Length	Diameter, inches
			Ft. In.	Ft. In.	Ft. In.	Ft. In.			Ft. In.		Ft. In.	
---	17	58	5 11	12 1	8 10	10 10	14.35	10	11 2	2	6 11	2
17	19	74	6 8	13 8	10 0	12 2	14.35	10	12 6	2	7 8	2
19	21	93	7 5	15 1	11 2	13 8	14.35	10	13 10	3½	8 5	2½
21	23	113	8 3	16 11	12 4	15 1	14.35	10	15 2	3½	9 3	2½
23	25	135	9 0	18 6	13 6	16 6	14.35	10	16 6	4	10 0	3
25	27	158	9 9	20 0	14 7	17 10	17.50	8	17 10	4	10 9	3
27	29	181	10 5	21 5	15 7	19 1	17.50	8	19 2	4½	11 5	3½
29	31	203	11 0	22 8	16 6	20 3	20.74	6	20 6	4½	12 0	3½
31	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)

[1] Mast lengths measured from heel to center of upper halyard sheave. Mast diameters measured at thwart. Mast and yard shall be of clear-grained spruce, fir, or equivalent.
[2] Subject to special consideration.

(t) *Matches.* A box of friction matches in a watertight container stowed in an equipment locker or secured to the underside of the stern thwart if no locker is fitted.

(u) *Milk, condensed.* One pound of condensed milk shall be provided for each person the lifeboat is certified to carry, to be stowed in lockers or other compartments providing suitable protection.

(v) *Mirrors, signaling.* Signaling mirrors shall be of an approved type.

(w) *Oars.* A unit, consisting of a complement of rowing oars and steering oar, shall be provided for each lifeboat in accordance with Table 94.20–15(w), except that motor-propelled and hand-propelled lifeboats need only be equipped with four rowing oars and one steering oar. In any case, the emergency lifeboats shall be provided with the full complement of oars prescribed by the table. All oars shall be buoyant.

TABLE 94.20–15 (w)

Length of lifeboat, feet		Number of oars		Length of oars, feet	
Over	Not over	Rowing	Steering	Rowing	Steering
---	15	4	1	8	9
15	19	6	1	10	11
19	21	6	1	11	12
21	23	6	1	12	13
23	25	8	1	13	14
25	27	8	1	14	15
27	---	8	1	15	16

(x) *Oil, illuminating.* One quart of illuminating oil shall be provided in a metal container.

(y) *Oil, storm.* One gallon of vegetable, fish, or animal oil shall be provided in a suitable metal container so constructed as to permit a controlled distribution of oil on the water, and so arranged that it can be attached to the sea anchor.

(z) *Painter.* Painters shall be of manila rope not less than 2¾ inches in circumference, or equivalent, and of a length not less than 3 times the distance between the deck on which the lifeboat is stowed and the light draft of the vessel. For lifeboats in vessels on ocean, coastwise or Great Lakes service one of the painters shall have a long eye splice and be attached to the thwart with a toggle. The other painter shall be attached to the stem.

(aa) *Plug.* The automatic drain required in the lifeboat shall be provided with a cap or plug attached to the lifeboat by a suitable chain.

(bb) *Provisions.* Two pounds of hard bread or its approved equivalent shall be provided for each person the lifeboat is certified to carry. The provisions shall be packaged in hermetically sealed cans of an approved type. The cans shall be stowed in lockers or other compartments providing suitable protection.

(cc) *Rowlocks.* A unit, consisting of sufficient rowlocks and rowlock sockets for each oar required by Table 94.20–15 (w) plus 2 additional rowlocks. The rowlocks shall be attached to the lifeboat by separate chains so as to be available for immediate use, except that the 2 additional spare rowlocks shall be carried in the equipment locker or stowed near the stern if no locker is fitted. The rowlocks and rowlock sockets shall be distributed so as to provide the maximum amount of single banked oars practicable.

(dd) *Rudder and tiller.* The rudder and tiller shall be constructed in accordance with § 160.035–3 (t) of Subchapter Q (Specifications) of this chapter.

(ee) *Sea anchor.* The sea anchor shall be of an approved type.

(ff) *Signals, distress, floating orange smoke.* Two approved floating orange smoke distress signals, constructed in accordance with Subpart 160.022 of Subchapter Q (Specifications) of this chapter. The service use of this equipment shall be limited to three years from date of manufacture, and replacement shall be made no later than the first annual stripping, cleaning, and overhaul of the lifeboat after the date of expiration.

(gg) *Signals, distress, red hand flare.* A unit, consisting of twelve approved hand red flare distress signals in a watertight container, constructed in accordance with Subpart 160.021 or Subpart 160.023 of Subchapter Q (Specifications) of this chapter. The service use of this equipment shall be limited to three years from date of manufacture, and replacement shall be no later than the first annual stripping, cleaning, and overhaul of the lifeboat after the date of expiration.

(hh) *Signals, distress, red parachute flare.* A unit, consisting of twelve parachute red flare distress signals with an approved means of projecting them, all contained in a portable watertight container; or twelve approved hand-held rocket-propelled parachute red flare distress signals contained in a portable watertight container. Construction shall be in accordance with Subparts 160.024 and 160.028 or Subpart 160.036 of Subchapter Q (Specifications) of this chapter. The service use of this equipment shall be limited to three years from date of manufacture, and replacement shall be no later than the first annual stripping, cleaning, and overhaul of the lifeboat after the date of expiration.

(ii) *Tool kit.* The tool kit shall consist of at least the following tools contained in a suitable container:

(1) One 12-ounce ball peen hammer.
(2) One screwdriver with 6-inch blade.
(3) One pair 8-inch slip joint pliers.
(4) One 8-inch adjustable end wrench.

(jj) *Water.* (1) For each person the lifeboat is certified to carry, there shall be provided 3 quarts of drinking water consisting of nine approved hermetically sealed containers per person, constructed and filled in accordance with Subpart 160.026 of Subchapter Q (Specifications) of this chapter. The service life of this equipment shall be limited to 5 years from date of packing, and replacement shall be made no later than the first annual stripping, cleaning, and overhaul of the lifeboat after the date of expiration. Approved desalting kits capable of producing an equal amount of drinking water may be substituted for not more than one third of the drinking water required to be carried.

(2) The drinking water containers shall be stowed in drinking water tanks, lockers, or other compartments providing suitable protection.

(kk) *Whistle, signaling.* The whistle shall be of the ball-type, of corrosion-resistant construction, with a 3-foot lanyard attached, and in good working order.

(ll) *Fishing kit.* The fishing kit shall be of an approved type constructed in accordance with Subpart 160.061 of Subchapter Q (Specifications) of this chapter.

(mm) *Cover, protecting.* The protecting cover shall be of a highly visible color, and capable of protecting the occupants against injury by exposure.

(nn) *Table of lifesaving signals.* The table shall be in accordance with the provisions of Chapter V, Regulation 16, of the International Convention for Safety of Life at Sea, 1960, and shall be printed on water resistant paper.

(oo) *Desalting kit.* One or more approved desalting kits may be used as a substitute for one third of the required amount of drinking water per person, and shall be constructed in accordance with Subpart 160.058 of Subchapter Q (Specifications) of this chapter.

§ 94.20–20 Required equipment for liferafts.

(a) The liferafts for all vessels shall be equipped in accordance with Table 94.20–20(a). For a description of the items contained in this table and the units comprising the items, see the applicable paragraphs of § 94.20–25. The letter identification prefixing the item in the table corresponds to the paragraph designation in § 94.20–25.

TABLE 94.20–20(a)

Letter identification	Item identification	Ocean and coastwise	Great Lakes		Lakes, bays, and sounds; and rivers
			Vessels carrying cargo	Other vessels	
a	Boathook	1	1	1	1
b	Drinking cups	1	None	None	None
c	Jackknife	1	None	None	None
d	Lifeline	[1] 1	[1] 1	[1] 1	[1] 1
e	Matches (boxes)	1	1	None	None
f	Mirrors, signaling	2	None	None	None
g	Oars	[1] unit	[1] unit	[1] unit	[1] unit
h	Oil, storm (gallons)	1	1	None	None
i	Painter	1	1	1	1
j	Provisions (pounds per person)	2	None	None	None
k	Rowlocks	[1] unit	[1] unit	[1] unit	[1] unit
l	Sea anchor	1	1	None	None
m	Signals, distress	[1] unit	[1] unit	None	None
n	Water (quarts per person)	1	None	None	None
o	Water light	1	1	[4] 1	None

[1] Not required on Type A liferafts.
[2] For description of units see § 94.20–25.
[3] 1 unit here means 6 hand red flare distress signals and 6 parachute red flare distress signals with an approved means of projecting them.
[4] Required only on towing vessels of 300 gross tons and over.

(b) Inflatable liferafts shall be equipped with ocean service equipment for vessels on ocean and coastwise routes and with limited service equipment for vessels on Great Lakes, lakes, bays, sounds, and river routes in accordance with Subpart 160.051 of Subchapter Q (Specifications) of this chapter.

NOTE: Subpart 160.051 of Subchapter Q (Specifications) of this chapter requires the servicing of inflatable liferafts at approved servicing facilities. Included in the servicing at an approved servicing facility is a complete inspection of the required equipment by a marine inspector.

§ 94.20–25 Description of equipment for liferafts.

(a) *Boathooks.* Boathooks shall be of the single hook ball point type. Boathook handles shall be of clear grained white ash, or equivalent, not less than 8 feet long and 1½ inches in diameter.

(b) *Drinking cups.* Drinking cups shall be enameled and provided with ⅛-inch cotton lanyards 3 feet in length.

(c) *Jackknife.* The jackknife (with can opener) shall be of an approved type, constructed in accordance with Subpart 160.043 of Subchapter Q (Specifications) of this chapter.

(d) *Lifeline.* The lifeline shall be properly secured around the sides and ends of the liferaft, festooned in bights not longer than 3 feet, with a seine float in each bight, which float may be omitted if the line is of an inherently buoyant material and absorbs little or no water. The lifeline shall be of a size and strength not less than ⅜-inch diameter manila.

(e) *Matches.* A box of friction matches in a watertight container.

(f) *Mirrors, signaling.* Signaling mirrors shall be of an approved type.

(g) *Oars.* A unit, consisting of 4 rowing oars and one steering oar not less than 8 feet in length shall be provided for life rafts for 7 persons or more. For life rafts for 6 persons or less, a unit shall consist of 2 paddles not less than 5 feet in length.

(h) *Oil, storm.* One gallon of vegetable, fish, or animal oil shall be provided in a suitable metal container so constructed as to permit a controlled distribution of oil on the water, and so arranged that it can be attached to the sea anchor.

(i) *Painter.* Painters shall be of manila rope not less than 2¾ inches in

circumference and of a length not less than 3 times the distance between the deck on which the liferafts are stowed and the light draft of the vessel.

(j) *Provisions.* Two pounds of hard bread or its approved equivalent shall be provided for each person the life raft is certified to carry. The provisions shall be packaged in hermetically sealed cans of an approved type. The cans shall be stowed in compartments providing suitable protection.

(k) *Rowlocks.* A unit consisting of 5 rowlocks attached to the liferaft by separate chains and ready for immediate use, together with proper rowlock sockets so arranged as to provide 4 rowing positions and one steering position with the liferaft floating either side up. Rowlocks and rowlock sockets are not required on life rafts for 6 persons or less.

(l) *Sea anchor.* The sea anchor shall be constructed of good quality canvas or other satisfactory material, and shall be not less than 2 feet in diameter.

(m) *Signals, distress.* A unit, consisting of equipment as specified in subparagraphs (1) to (3) of this paragraph. The service use of this equipment shall be limited to three years from date of manufacture, and replacement shall be made no later than the first annual inspection of the vessel after the date of expiration.

(1) Twelve approved hand red flare distress signals in a watertight container and two approved floating orange smoke distress signals, constructed in accordance with Subparts 160.021 and 160.022 of Subchapter Q (Specifications) of this chapter, or

(2) Twelve approved hand red flare distress signals in a watertight container and 12 approved hand orange smoke distress signals, constructed in accordance with Subparts 160.021 and 160.037 of Subchapter Q (Specifications) of this chapter, or

(3) Twelve approved hand combination flare and smoke distress signals, constructed in accordance with Subpart 160.023 of Subchapter Q (Specifications) of this chapter.

(n) *Water.* (1) For each person the liferaft is certified to carry, there shall be provided one quart of drinking water consisting of three approved hermetically sealed containers per person, constructed and filled in accordance with Subpart 160.026 of Subchapter Q (Specifications) of this chapter. The service life of this equipment shall be limited to five years from date of packing, and replacement shall be made no later than the first annual stripping, cleaning, and overhaul of the liferaft after the date of expiration.

(2) The drinking water containers shall be stowed in compartments providing suitable protection.

(o) *Water light.* The water light shall be of an approved type, constructed in accordance with Subparts 160.012 or 161.001 of Subchapter Q (Specifications) of this chapter. The water light shall be attached to the liferaft by a 12-thread manila lanyard 3 fathoms in length.

§ 94.20–30 Required equipment for lifefloats and buoyant apparatus.

(a) The lifefloats and buoyant apparatus for all vessels shall be equipped in accordance with Table 94.20–30(a). For a description of the items contained in this table, and the units comprising the items, see the applicable paragraphs of § 94.20–35. The letter identification prefixing the item in the table corresponds to the paragraph designation in § 94.20–35.

TABLE 94.20–30(a)

Letter identification	Item	Number required for each lifefloat and buoyant apparatus		
		Ocean and coastwise	Great Lakes	Lakes, bays, sounds, and rivers
a	Boathook [1]	1	1	1
b	Lifeline	1	1	1
c	Paddles [1]	4	4	4
d	Painter	1	1	1
e	Water light [2]	1	1	None

[1] Buoyant apparatus need not be equipped with boathook or paddles.
[2] Equipment for 24 persons or less not required to have a water light.

§ 94.20–35 Description of equipment for lifefloats and buoyant apparatus.

(a) *Boathook.* Boathooks shall be of the single hook ball point type. Boathook handles shall be of clear grained white ash, or equivalent, not less than 6 feet long and 1½ inches in diameter.

(b) *Lifeline.* The lifeline shall be properly secured around the sides and ends of the lifefloat or buoyant apparatus, festooned in bights not longer than 3 feet, with a seine float in each bight, which float may be omitted if the line is of an inherently buoyant material and absorbs little or no water. The lifeline shall be of a size and strength not less than ⅜-inch diameter manila.

(c) *Paddles.* Paddles shall be not less than 5 feet long.

(d) *Painter.* (1) The painter for buoyant apparatus shall be of manila rope not less than 2 inches in circumference and of a length not less than 6 feet plus the distance between the deck on which the buoyant apparatus is stowed and the light draft of the vessel.

(2) The painter for lifefloats shall be of manila rope not less than 2¾ inches in circumference and of a length not less than 3 times the distance between the deck on which the lifefloats are stowed and the light draft of the vessel.

(e) *Water light.* The water light shall be of an approved type, constructed in accordance with Subpart 160.012 or 161.001 of Subchapter Q (Specifications) of this chapter. The water light shall be attached to the lifefloat or buoyant apparatus by a 12-thread manila lanyard 3 fathoms in length.

§ 94.20–90 Vessels contracted for prior to May 26, 1965.

(a) Vessels contracted for prior to May 26, 1965, shall meet the following requirements:

(1) Except as specifically modified by this paragraph, the requirements of §§ 94.20–5 through 94.20–35 shall be complied with insofar as the number of items of equipment and the method of stowage of the equipment is concerned. Existing items of equipment previously approved, but not meeting the applicable specifications or requirements set forth in §§ 94.20–5 through 94.20–35 may be continued in service so long as they are maintained in a good condition to the satisfaction of the Officer in Charge, Marine Inspection. All new installations or replacements shall meet the applicable specifications or requirements in this part.

(2) Lifeboats previously approved without automatic drain plugs shall have two plugs or caps attached to the lifeboat by separate chains.

(3) Decked lifeboats shall have no drain holes or plugs, but shall be equipped with two bilge pumps.

(4) On vessels certificated for ocean or coastwise service and contracted for prior to November 19, 1952, unless other approved means are provided to achieve the same purpose, three ½-inch-diameter manila grablines shall be fitted extending from gunwale to gunwale under the keel to enable persons to cling to and climb upon the upturned lifeboat. The ends of each grabline shall be securely attached to the side benches or other permanent part of the lifeboat and each grabline shall be made up with figure eight knots spaced approximately 18 inches apart in order to provide hand grips. Means shall be provided for taking up any slack in the grablines.

Subpart 94.25—Davits for Lifeboats

§ 94.25–1 Application.

(a) The provisions of this subpart, with the exception of § 94.25–90, shall apply to all vessels contracted for on or after May 26, 1965. Vessels contracted for prior to May 26, 1965, shall meet the requirements of § 94.25–90.

§ 94.25–5 General.

(a) All gravity and mechanical type davits shall be of an approved type, constructed in accordance with Subpart 160.032 of Subchapter Q (Specifications) of this chapter.

(b) Davits for lifeboats weighing in excess of 5,000 pounds when fully equipped (but without persons) shall be of the gravity type.

(c) All davits shall be so arranged that the lifeboats do not require lifting prior to being swung out, except on small vessels where such requirement is unreasonable or impracticable in the opinion of the Officer in Charge, Marine Inspection.

(d) All davits and necessary gear shall be such as to meet the requirements for the installation test set forth in Subpart 94.35. The design, arrangements, and installation shall be such as to preclude undue delay in getting lifeboats into the water, and shall be of such strength that the lifeboats can be turned out manned by a launching crew and then safely lowered with the full complement of persons and equipment, with the ship listed to 15 degrees either way and with a 10-degree trim.

(e) Radial davits, where permitted, shall comply with the following requirements:

(1) They shall be fitted with means to prevent them from being jerked from their sockets.

(2) They shall maintain a factor of safety of six based on the weight of the fully equipped and loaded lifeboat, except that the weight of the fully equipped lifeboat alone may be used where the lifeboat is launched before being loaded with people.

(3) They shall be fitted with hand gear of sufficient power to insure that the boat can be turned out against a maximum list of 15 degrees.

(4) They shall be shop tested and show no permanent set or undue stress when subjected to a load equal to 2.2 times the working load. In addition, they shall be shop tested with a load equal to 1.1 times the weight of the fully equipped lifeboat with the davit set up to simulate a 15-degree list inboard, and it shall be determined that the hand gear can adequately handle the load in this condition.

(f) Davits shall be so disposed on one or more decks as to permit the lifeboats placed under them to be safely lowered without interference from the operation of any other davits.

(g) On a vessel on which inflatable liferafts have been substituted for lifeboats, a launching device for each lifeboat to be used for rescue purposes shall be installed. Radial type davits or other means may be used in sheltered waters if acceptable to the Officer in Charge, Marine Inspection.

§ 94.25–10 Requirements for vessels in ocean or coastwise service.

(a) All vessels shall be fitted with a set of approved gravity or mechanical davits for each lifeboat carried except that on small vessels radial type davits or other means may be used if specifically approved by the Commandant.

(b) All davit installations shall have 2 lifelines fitted to a davit span. The lifelines shall be of such length as to reach the water at the lightest sea going draft with the vessel listed 15 degrees either way.

§ 94.25–15 Requirements for vessels in Great Lakes, lakes, bays, and sounds, or river service.

(a) All vessels shall be fitted with a set of approved gravity or mechanical davits for each lifeboat carried, except that on small vessels, radial type davits or other means may be used if specifically approved by the Commandant.

(b) For vessels in Great Lakes service, all davit installations shall have 2 lifelines fitted to a davit span. The lifelines shall be of such length as to reach the water at the lightest draft with the vessel listed 15 degrees either way.

§ 94.25–90 Vessels contracted for prior to May 26, 1965.

(a) Vessels contracted for prior to May 26, 1965, shall meet the following requirements:

(1) Except as specifically modified by this paragraph, the requirements of §§ 94.25–5 through 94.25–15 shall be complied with insofar as the number and general type of equipment is concerned. Existing items of equipment previously approved, but not meeting the applicable specifications or requirements set forth in §§ 94.25–5 through 94.25–15 may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs, alterations, and replacements may be made to the same standards as the original installation. However, all new installations or major replacements shall meet the applicable specifications or requirements.

(2) On vessels the keels of which were laid after September 1, 1941, all davits for lifeboats weighing in excess of 5,000 pounds when fully equipped (but without persons) shall be of the gravity type.

Subpart 94.30—Lifeboat Winches

§ 94.30–1 Application.

(a) The provisions of this subpart, with the exception of § 94.30–90, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 94.30–90.

§ 94.30–5 General.

(a) All lifeboat winches shall be of an approved type, constructed in accordance with Subpart 160.015 of Subchapter Q (Specifications) of this chapter.

(b) Where ice conditions are likely to be encountered, suitable fabric covers shall be provided for all lifeboat winches, so fitted over exposed mechanism, that ice formations may be readily broken adrift when necessary to operate the winch.

(c) Where lifeboat winches are used, wire falls shall be employed.

§ 94.30–10 Number and type required.

(a) Lifeboat winches shall be fitted for each set of davits on all vessels in ocean or coastwise service where the height of the deck on which lifeboats are carried exceeds 20 feet from the lightest seagoing draft.

(b) Lifeboat winches shall be used in all cases where gravity type davits are employed.

(c) Lifeboat winches for use with gravity davits shall have grooved drums of such size that there will be only one layer of wire on the drums. Lifeboat winches for use with mechanical davits need not have grooved drums, and may be designed to take more than one layer of wire.

§ 94.30–15 Installation.

(a) Lifeboat winches shall be so located that the operator can observe the movement of the lifeboat during the lowering operation. In addition, any electrical controls provided shall meet the requirements of Subpart 111.65 of Subchapter J (Electrical Engineering) of this chapter.

(b) The lead of the falls to the lifeboat winches and length and size of wire shall be in accordance with Subpart 94.33.

§ 94.30–90 Vessels contracted for prior to November 19, 1952.

(a) Vessels contracted for prior to November 19, 1952, shall meet the following requirements:

(1) Except as specifically modified by this paragraph, the requirements of §§ 94.30–5 through 94.30–15 with the exception of § 94.30–10 (a), shall be complied with insofar as the number and general type of equipment is concerned. Existing items of equipment previously approved, but not meeting the applicable specifications or requirements set forth in §§ 94.30–5 through 94.30–15 may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. However, all new installations or major replacements shall meet the applicable specifications or requirements.

(2) Existing arrangements previously approved, but not meeting the requirements of § 94.30–15 (a), need not be changed. However, new installations or major alterations should conform with such requirements where reasonable and practicable.

(3) Where lifeboat winches are used with gravity davits, the installation shall comply with the requirements contained in § 160.015–3(k) of Subchapter Q (Specifications) of this chapter for lifeboat winches.

Subpart 94.33—Blocks and Falls for Lifeboats

§ 94.33–1 Application.

(a) The provisions of this subpart, with the exception of § 94.33–90, shall apply to all vessels contracted for on or after May 26, 1965. Vessels contracted for prior to May 26, 1965, shall meet the requirements of § 94.33–90.

§ 94.33–5 General.

(a) All blocks, falls, fairleads, padeyes, shackles, links, fastenings, etc., used in connection with lifeboat gear shall be designed with a minimum factor of safety of six, based on the maximum working load.

(b) Falls shall be of such length that the lifeboat may be lowered to the water with the vessel at its lightest draft, listed 15 degrees either way.

(c) Falls, where exposed and subject to damage or fouling, shall be suitably protected.

(d) Such blocks or other fittings shall be fitted as are necessary to permit the falls to lead fair in all positions of the davits.

(e) Means for lubrication shall be provided for all moving parts of blocks, sheaves, fairleads, etc.

§ 94.33–10 Installations where lifeboat winches are used.

(a) All falls shall be of wire rope.

(b) Wire rope falls of 6 x 19 regular lay filler wire construction, prelubricated at the factory with suitable neutral wire rope lubricant, shall be accepted as standard. Any other wire rope, superior or equal to this minimum standard may be used if specifically approved.

(c) Not more than two-part falls may be used, except in special cases where three-part falls may be permitted by the Commandant.

(d) The lead sheaves to the drums shall be located so as to provide fleet angles of not more than 8 degrees for grooved drums and not more than 4 degrees for nongrooved drums. By fleet angle is meant the angle included between an imaginary line from the lead sheave perpendicular to the axis of the drum and the line formed by the wire rope when led from the lead sheave to either extremity of the drum.

(e) Sheaves shall have a diameter at the base of the groove at least equal to 12 times the diameter of the wire rope.

§ 94.33–15 Installations where lifeboat winches are not used.

(a) All falls shall be of manila rope or equivalent. Wire rope may not be used.

(b) All vessels of over 1,000 gross tons shall be provided with covered tubs, boxes, or reels for the stowage and protection of the falls, and cruciform bitts shall be provided for properly lowering the lifeboats. Vessels of 1,000 gross tons and less shall have the falls protected from ice and ready for immediate use, and shall be provided with suitable lowering bitts or cleats.

(c) There shall be ample clearance between the cheeks of all blocks. The width between the cheeks shall be ½ inch greater than the diameter of new rope when rope of 3¾ inches circumference or greater is used. Blocks for smaller rope shall be designed with proportional clearances.

§ 94.33–90 Vessels contracted for prior to May 26, 1965.

(a) Vessels contracted for prior to May 26, 1965, shall meet the following requirements:

(1) Except as specifically modified by this paragraph, the requirements of §§ 94.33–5 through 94.33–15, as applicable, shall be complied with insofar as the general type of equipment is concerned. Existing equipment previously approved, but not meeting the detailed requirements of §§ 94.33–5 through 94.33–15 may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs, alterations and replacements may be made to the same standards as the original installation. However, all new installations or major replacements shall meet the applicable requirements.

Subpart 94.35—Installation of Lifeboats, Davits, and Winches

§ 94.35–1 Application.

(a) The provisions of this subpart shall apply to all installations contracted for on or after November 19, 1952, except as set forth in § 97.15–45(c) of this subchapter.

§ 94.35–5 Tests and examinations.

(a) Upon completion of installation of lifeboats, davits, or winches, tests and examinations as required by this section shall be made to the satisfaction of the inspector before the vessel may be navigated.

(b) The lifeboat shall be swung out from the chocks and lowered to the embarkation deck. At this point the lifeboat shall be loaded with deadweight equivalent to the number of persons allowed (165 pounds per person) together with weight of equipment, plus 10 percent of the total load including the weight of the lifeboat. No persons shall be permitted in the lifeboat while it is being loaded or lowered. The lifeboat shall then be lowered to the water and disengaged from the falls.

(1) None of the equipment or parts thereof nor deck connections shall show signs of permanent set or excessive deflection.

(2) Mechanical and radial type davits shall be capable of being swung out without lifting the lifeboat, except on small vessels where such requirement is unreasonable or impracticable in the opinion of the Officer in Charge, Marine Inspection.

(3) The falls shall be of sufficient length to lower the lifeboat as required by § 94.33–5(b).

(4) Where lifeboat winches are used, the following additional determinations shall be made:

(i) During lowering, the lifeboat shall be stopped at intervals of approximately six feet by the action of the counterweight alone. The counterweight shall be capable of stopping and holding the lifeboat. The brake action shall be smooth, but positive.

(ii) Brakes exposed to the weather shall be tested under the load conditions with the braking surfaces both wet and dry.

(iii) The governor brake shall be capable of controlling the speed of lowering of the fully equipped lifeboat with its complement of persons on board to not more than 120 feet per minute. In addition, the speed of lowering of the fully equipped lifeboat without its complement of persons shall be not less than 40 feet per minute.

Subpart 94.40—Life Preservers

§ 94.40–1 Application.

(a) The provisions of this subpart, with the exception of § 94.40–90, shall apply to all vessels contracted for on or after May 26, 1965. Vessels contracted for prior to May 26, 1965, shall meet the requirements of § 94.40–90.

§ 94.40–5 General.

(a) All life preservers shall be of an approved type, constructed in accordance with Subparts 160.002, 160.005, or 160.055 of Subchapter Q (Specifications) of this chapter.

(b) All life preservers on vessels on an international voyage shall be provided with a whistle of the ball-type, of corrosion-resistant construction, with a 3-foot lanyard attached, and in good working order. It shall be attached to the life preserver by the lanyard alone without hooks, snaps, clips, etc., and shall extend not less than 15 inches from the life preserver body. While stowed on the life preserver, the whistle lanyard shall be coiled and stopped-off.

§ 94.40–10 Number required.

(a) All vessels shall be provided with a life preserver for each person on board except as specifically modified by paragraph (b) of this section.

(b) For vessels in Great Lakes service of 3000 tons or over having berthing and/or working spaces forward widely separated from messing or recreational spaces aft there shall be provided in addition to those life preservers required by paragraph (a) of this section sufficient additional life preservers for 50 percent of the total number of persons on board.

(c) In addition to the life preservers required by paragraph (a) of this section, all vessels on an international voyage shall be provided with approved type life preservers for 5 percent of the persons carried. Such vessels carrying persons in addition to the crew shall be provided with life preservers suitable for children when children are aboard.

§ 94.40–15 Distribution and stowage.

(a) *Distribution.* (1) Life preservers shall be properly distributed throughout the crew quarters and other readily accessible places. If passengers are carried in addition to the crew, the additional life preservers shall be placed in the staterooms, berthings, and other places convenient for the passengers.

(2) The additional 50 percent life preservers required by § 94.40–10(b) shall be properly stowed in the vicinity of the lifeboats.

(b) *Stowage.* (1) Lockers, boxes, and closets in which life preservers are stowed shall not be capable of being locked, shall be plainly marked, and the life preservers contained therein shall be readily available.

(2) Life preservers stowed overhead shall be so supported that they can be quickly released and distributed. Where life preservers are stowed at a height greater than 7 feet from the deck below, efficient means shall be provided for their immediate release and distribution to be operated by persons standing on the deck.

§ 94.40–90 Vessels contracted for prior to May 26, 1965.

(a) Vessels contracted for prior to May 26, 1965, shall meet the following requirements:

(1) Except as specifically modified by this paragraph, the requirements of §§ 94.40–5 through 94.40–15 shall be complied with insofar as the number of items of equipment and the method of stowage is concerned. Existing items of equipment previously approved, but not meeting the applicable specifications or requirements set forth in §§ 94.40–5 through 94.40–15 may be continued in service so long as they are serviceable and in good condition to the satisfaction of the Officer in Charge, Marine Inspection, except that:

(i) All kapok and fibrous glass life preservers which do not have plastic-covered pad inserts, as required by Subparts 160.002 and 160.005 of Subchapter Q (Specifications) of this chapter, shall be removed from service.

(2) All new installations or replacements shall meet the applicable specifications or requirements, except that:

(i) Cork and balsa wood life preservers, constructed in accordance with the applicable provisions of Subpart 160.003 or 160.004 and manufactured as approved life preservers prior to July 1, 1965, may be accepted as new or replacement equipment required by this subchapter if such life preservers are serviceable and in good condition to the satisfaction of the Officer in Charge, Marine Inspection: *Provided, however,* That such life preservers bearing basic Approval No. 160.003 or 160.004 shall not be considered as approved equipment meeting the requirements for those cargo ships on an international voyage, constructed or contracted for on or after May 26, 1965.

Subpart 94.43—Ring Life Buoys and Water Lights

§ 94.43–1 Application.

(a) The provisions of this subpart, with the exception of § 94.43–90, shall apply to all vessels contracted for on or after May 26, 1965. Vessels contracted for prior to May 26, 1965, shall meet the requirements of § 94.43–90.

§ 94.43–5 General.

(a) All ring life buoys shall be of an approved type, constructed in accordance with Subpart 160.009 or 160.050 of Subchapter Q (Specifications) of this chapter.

(b) All water lights shall be of an approved type, constructed in accordance with Subparts 160.012 or 161.001 of Subchapter Q (Specifications) of this chapter.

(c) All self-activating smoke signals shall be of an approved type, constructed in accordance with the requirements of Subpart 160.057 of Subchapter Q (Specifications) of this chapter which shall be capable of producing smoke of a highly visible color for at least 15 minutes.

§ 94.43–10 Number required.

(a) The minimum number of approved 30-inch ring life buoys and the minimum number of which shall have water lights attached, shall be in accordance with Table 94.43–10(a): *Provided,* That unmanned barges are exempt from this section.

(b) One of the ring life buoys on each side of the vessel shall have secured to it a line at least 15 fathoms in length. On vessels on an international voyage, the line shall be of a buoyant type.

(c) On vessels on an international voyage, at least two of the ring life buoys with water lights attached as required by Table 94.43–10(a) shall also be provided with an approved self-activated smoke signal and shall be capable of quick release from the bridge.

TABLE 94.43–10(a)

Length of vessel in feet	Ocean[1]		All services other than ocean	
	Minimum number of ring life buoys	Minimum number of ring life buoys in column 2 which shall have water lights attached	Minimum number of ring life buoys	Minimum number of ring life buoys in column 4 which shall have water lights attached
Col. 1	Col. 2	Col. 3	Col. 4	Col. 5
Under 100	8	6	2	0
100 and under 200	8	6	4	2
200 and under 300	8	6	6	2
300 and under 400	12	6	12	4
400 and under 600	18	9	18	9
600 and under 800	24	12	24	12
800 and over	30	15	30	15

[1] Manned barges shall be equipped with 1 ring life buoy at each end of the vessel.

(d) On vessels on an international voyage, the ring life buoys required by this section shall be orange in color.

§ 94.43–15 Distribution and securing.

(a) All ring life buoys shall be placed so as to be readily accessible to the persons on board, and their positions plainly indicated so as to be known to the persons concerned.

(b) The ring life buoys shall always be capable of being cast loose, and shall not be permanently secured in any way.

§ 94.43–90 Vessels contracted for prior to May 26, 1965.

(a) Vessels contracted for prior to May 26, 1965, shall meet the following requirements:

(1) Except as specifically modified by this paragraph, the requirements of §§ 94.43–5 through 94.43–15 shall be complied with insofar as the number of items of equipment and the method of stowage is concerned. Existing items of equipment previously approved, but not meeting the applicable specifications or requirements set forth in §§ 94.43–5 through 94.43–15 may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. All new installations or replacements shall meet the applicable specifications or requirements in this subpart.

Subpart 94.45—Line-Throwing Appliances

§ 94.45–1 Application.

(a) The provisions of this subpart, with the exception of § 94.45–90, shall apply to all mechanically propelled vessels of 150 gross tons and over in ocean or coastwise service. Such vessels contracted for prior to November 19, 1952, shall meet the requirements of § 94.45–90.

§ 94.45–5 General.

(a) Line-throwing appliances of the impulse-projected rocket type, and the equipment auxiliary thereto, shall be of an approved type, constructed in accordance with Subpart 160.040 of Subchapter Q (Specifications) of this chapter. The service use of rockets shall be limited to a period of four years from date of manufacture, and replacement of out-dated items shall be made at the first port of arrival in the United States where such rockets are available, except that replacement shall be made in all cases within twelve months after the date of expiration.

(b) Line-throwing appliances of the shoulder-gun type, and the equipment auxiliary thereto, shall be of an approved type, constructed in accordance with Subpart 160.031 of Subchapter Q (Specifications) of this chapter.

§ 94.45–10 Type required.

(a) All vessels shall be fitted with an approved line-throwing appliance of the impulse-projected rocket type. However, vessels of less than 500 gross tons may substitute a line-throwing appliance of the shoulder-gun type.

§ 94.45–15 Equipment for line-throwing appliances.

(a) The equipment enumerated in this paragraph shall be carried for impulse-projected rocket type line-throwing appliances. Except as noted, the equipment and the appliance shall be stowed together in a suitable case or box:

(1) Four rockets, two of which shall be of the buoyant type.

(2) Four primer-ejector cartridges.

(3) Four service lines, each of a length not less than that specified in the approval of the appliance carried, of 7/32-inch to 9/32-inch diameter, of flax or manila, and having a breaking strength of at least 500 pounds, to be kept in faking boxes or on reels. These lines may be kept either in the box or case with the remainder of the equipment, or be stowed in an accessible location nearby.

(4) One cleaning brush, one can of oil, and twelve wiping patches.

(5) One set of instructions furnished by the manufacturer.

(6) One auxiliary line, 1,500 feet of 3-inch circumference manila. This line may be kept either in the box or case with the remainder of the equipment or be stowed in an accessible location nearby.

(b) The equipment enumerated in this paragraph shall be carried for shoulder-gun-type line-throwing appliances. Except as noted, the equipment and the appliance shall be stowed together in a suitable case or box.

(1) Ten service projectiles.

(2) Twenty-five cartridges.

(3) Four service lines, each not less than 400 feet in length, of ⅜-inch circumference flax or cotton and having a breaking strength of at least 250 pounds, or each not less than 600 feet in length of 1/16-inch or more diameter woven or braided nylon, very flexible, having a breaking strength not less than 140 pounds, or equivalent, to be kept in faking boxes or on reels. These lines may be kept either in the box or case with the remainder of the equipment or be stowed in an accessible location nearby.

(4) One cleaning rod with brush, one can of oil, and twelve wiping patches.

(5) One set of instructions furnished by the manufacturer.

(6) One auxiliary line, 500 feet of 3 inch circumference manila.

§ 94.45–20 Accessibility.

(a) The line-throwing appliance and its equipment shall be kept easily and readily accessible and ready for use. No part of this equipment shall be used for any other purpose.

§ 94.45–25 Service recommendations.

(a) In firing the line-throwing appliances, the operating instructions and safety precautions furnished by the manufacturer should be followed.

§ 94.45–90 Vessels contracted for prior to November 19, 1952.

(a) Vessels of 150 gross tons and over in ocean or coastwise service contracted for prior to November 19, 1952, shall meet the requirements set forth in §§ 94.45–5 through 94.45–25. However, if a Lyle gun-type line-throwing appliance is already in service on such vessel, it may be continued in use so long as it is in good and serviceable condition, but may not be replaced by a similar installation. Where Lyle guns are used, the following requirements shall be met:

(1) The equipment enumerated in this subparagraph shall be carried for Lyle gun type line-throwing appliances. The equipment and the gun shall be stowed together in a suitable case or box. If the case or box does not meet the requirements of Subpart 160.038 of Subchapter Q (Specifications) of this chapter for portable magazine chest, the powder and primers shall be separately stowed in a chest meeting such requirement.

(i) Six service projectiles.

(ii) Eighteen bags (2½ ounces each) of black powder marked "One-half normal charge for Lyle gun, 2½ ounces black powder" in a nonferrous metal screw-top container.

(iii) One approved firing attachment with accessories consisting of lanyard, wrench, washer to fit between barrel and shoulder of firing attachment, blank plug for screwing into gun when firing attachment is not in place, cartridge extractor, and 25 primers in a watertight metal box.

(iv) Twenty-five paper wads.

(v) Four service lines, each 1,700 feet in length, of 7/32-inch to 9/32-inch diameter flax or manila, and having a breaking strength of at least 500 pounds, to be kept in faking boxes or on reels.

(vi) One ram rod, 1 wire brush, 1 can of light petrolatum, and 12 wiping patches.

(vii) One tapered wooden plug for muzzle of gun when not in use.

(viii) One set of instructions furnished by the manufacturer of the gun.

(ix) One auxiliary line, 1,500 feet of 3-inch circumference manila.

(2) Accessibility. Same as § 94.45–20.

Subpart 94.50—Embarkation Aids

§ 94.50–1 Application.

(a) The provisions of this subpart, with the exception of § 94.50–90, shall apply to all vessels other than yachts and fishing vessels contracted for on or after May 26, 1965. Vessels contracted for prior to May 26, 1965, shall meet the requirements of § 94.50–90.

§ 94.50–5 Ladders.

(a) *General.* All ladders required by this section shall be of an approved type constructed in accordance with Subpart 160.017 of Subchapter Q (Specifications) of this chapter.

(b) *Vessels in ocean, coastwise or Great Lakes service.* (1) All vessels in ocean, coastwise or Great Lakes service shall have an approved Type II (chain suspension) ladder for each set of lifeboat davits, but existing ladders previously approved by the Coast Guard may be continued in service so long as they are maintained in good condition. Such ladders shall be kept ready and convenient for use on the lifeboat deck, and shall reach from such deck to the vessel's light water line, no heel assumed.

(2) All ocean and coastwise vessels which normally employ a pilot shall have a ladder for the use of the pilot in addition to the ladders required by subparagraph (1) of this paragraph. Suitable spreaders, a man rope, and a safety line shall be kept readily available for use in conjunction with the pilot ladder whenever circumstances may so require. When used, the ladder shall be secured in a position so that each step rests firmly against the ship's side, and so the pilot can gain safe and convenient access to the ship after climbing not more than 30 feet. Whenever the distance from sea level is more than 30 feet, access from the pilot ladder to the ship shall be by means of an accommodation ladder or other equally safe and convenient means. Arrangements shall be such that the rigging of the ladder and the embarkation and debarkation of the pilot is supervised by a responsible officer of the ship, and handholds are provided to assist the pilot to pass safely and conveniently from the head of the ladder into the ship and onto the ship's deck. At night a light shining over the side shall be available for use, and the deck at the position where the pilot boards the ship shall be adequately lighted.

§ 94.50–7 Embarkation aids into inflatable liferafts.

(a) Where inflatable liferafts are substituted for lifeboats, unless freeboard at embarkation point is such that embarkation devices are not necessary, suitable arrangements shall be made for embarkation which shall include sufficient ladders or other suitable devices to facilitate embarkation into the inflatable liferates when waterborne.

§ 94.50–10 Illumination for lifeboat launching operations.

(a) Provisions shall be made on all vessels on an international voyage and all other vessels where the lifeboat deck is more than 30 feet above the light water line, for readily and continuously available illumination from the vessel of lifeboats when alongside and in process of or immediately after being launched. Details of the illuminating system shall be in accordance with Subchapter J (Electrical Engineering) of this chapter.

§ 94.50–15 Illumination for liferaft stowage areas.

(a) For all vessels on an international voyage, suitable illumination shall be provided for the liferaft stowage areas.

§ 94.50–90 Vessels contracted for prior to May 26, 1965.

(a) Vessels contracted for prior to May 26, 1965, shall meet the following requirements:

(1) Except as specifically modified by this paragraph, the requirements of §§ 94.50–5 through 94.50–15 shall be complied with insofar as the number of items of equipment and the method of stowage is concerned. Existing items of equipment previously approved, but not meeting the applicable specifications or requirements of §§ 94.50–5 through 94.50–15 may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. All new installations or replacements shall meet the applicable specifications or requirements.

(2) The illumination for lifeboat launching operations need not meet the detailed requirements of Subchapter J (Electrical Engineering) of this chapter.

Subpart 94.55—Portable Radio Apparatus

§ 94.55–1 Required on international voyage.

(a) All vessels on an international voyage shall be provided with a portable radio apparatus complying with the requirements of the Federal Communications Commission unless at least one lifeboat on each side of the vessel is fitted with a fixed radio installation. Such portable radio shall be kept in the radioroom, chartroom, or other suitable location ready to be moved to one or other of the lifeboats in the event of an emergency.

Subpart 94.90—Ship's Distress Signals

§ 94.90–1 Application.

(a) The provisions of this subpart shall apply to all manned vessels of 150 gross tons and over as specifically noted.

§ 94.90–5 Vessels in ocean or coastwise service.

(a) All vessels in ocean and coastwise service shall carry within the pilothouse or on the navigator's bridge twelve approved hand-held rocket-propelled parachute red flare distress signals, contained in a portable watertight container, constructed in accordance with Subpart 160.036 of Subchapter Q (Specifications) of this chapter. The service use of the distress signals shall be limited to a period of three years from date of manufacture, and replacement of outdated items shall be made at the first port of arrival in the United States where such distress signals are available, except that replacement shall be made in all cases within twelve months after the date of expiration.

§ 94.90–10 Vessels in Great Lakes service.

(a) All vessels in Great Lakes service shall carry within the pilothouse or on the navigator's bridge, twelve approved hand-held red flare distress signals, contained in a portable watertight container, constructed in accordance with Subpart 160.021 or Subpart 160.023 of Subchapter Q (Specifications) of this chapter. The service use of distress signals shall be limited to a period of three years from date of manufacture, and replacement of out-dated items shall be made at the first port of arrival in the United States where such distress signals are available, except that replacement shall be made in all cases within twelve months after the date of expiration.

PART 95—FIRE PROTECTION EQUIPMENT

Subpart 95.01—Application

Sec.
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95.01–5 Equipment installed but not required.

Subpart 95.05—Fire Detecting and Extinguishing Equipment, Where Required

95.05–1 Fire detecting, manual alarm, and supervised patrol systems.
95.05–5 Fire main system.
95.05–10 Fixed fire extinguishing systems.
95.05–15 Hand portable fire extinguishers and semiportable fire extinguishing systems.
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95.15–5 Quantity, pipe sizes, and discharge rates.
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95.17–1 Application.
95.17–5 Quantity of foam required.
95.17–10 Controls.
95.17–15 Piping.
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Subpart 95.50—Hand Portable Fire Extinguishers and Semiportable Fire Extinguishing Systems, Arrangements and Details

95.50–1 Application.
95.50–5 Classification.
95.50–10 Location.
95.50–15 Spare charges.
95.50–90 Vessels contracted for prior to November 19, 1952.

Subpart 95.60—Fire Axes

95.60–1 Application.
95.60–5 Number required.
95.60–10 Location.

AUTHORITY: The provisions of this Part 95 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4488, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 481, 395, 363, 367, 526p, 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, Nov. 26, 1954, 19 F.R. 8026; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–38, Oct. 26, 1959, 24 F.R. 8857.

Subpart 95.01—Application

§ 95.01–1 General.

(a) The provisions of this part shall apply to all vessels except as specifically noted in this part.

§ 95.01–5 Equipment installed but not required.

(a) Where fire detecting or extinguishing systems or equipment are not required, but are installed, the system or equipment and its installation shall meet the requirements of this part.

Subpart 95.05—Fire Detecting and Extinguishing Equipment, Where Required

§ 95.05–1 Fire detecting, manual alarm, and supervised patrol systems.

(a) Fire detecting, manual alarm, and supervised patrol systems are normally not required. However, if installed, whether required or not, such systems shall meet the applicable requirements of Part 76 of Subchapter H (Passenger Vessels) of this chapter.

(b) In each compartment containing explosives, and in adjacent cargo compartments, there shall be provided a smoke detecting or other suitable type fire detecting system.

§ 95.05–5 Fire main system.

(a) Fire pumps, hydrants, hose, and nozzles shall be installed on the following vessels:

(1) On all self-propelled vessels.

(2) On all barges with sleeping accommodations for more than 12 persons.

(b) The arrangements and details of the fire main system shall be as set forth in Subpart 95.10.

§ 95.05–10 Fixed fire extinguishing systems.

(a) Approved fire extinguishing systems may be used or required in locations delineated in this section on the following vessels:

(1) On all self-propelled vessels other than yachts and fishing vessels.

(2) On all barges with sleeping accommodations for more than 12 persons.

(b) A fixed carbon dioxide or other approved system shall be installed in all cargo compartments and tanks for combustible cargo, except that vessels engaged exclusively in the carriage of coal or grain in bulk need not be fitted with such system. For cargo compartments and tanks fitted with a fixed carbon dioxide or other approved system a deck foam system is not required. The provisions of this paragraph shall not apply to motorboats contracted for prior to November 19, 1952. In lieu of the carbon dioxide or other approved system, the following systems may be used or required in special cases:

(1) A fixed foam system may be used in cargo tanks.

(2) In cases where a cargo compartment is normally accessible and is considered to be a part of the working or living quarters, a water sprinkling system may be required, and the details of such system will be subject to special approval.

(3) On vessels contracted for prior to January 1, 1962, a steam smothering system may be accepted. However, although existing steam smothering systems may be repaired, replaced, or extended, no new systems contracted for on or after January 1, 1962, will be permitted.

(c) On vessels other than motorboats a fixed carbon dioxide or other approved system shall be installed in all lamp and paint lockers, oil rooms, and similar spaces. On vessels contracted for prior to January 1, 1962, a steam smothering system may be accepted in lieu of the carbon dioxide system. However, although existing steam smothering systems may be repaired, replaced, or extended, no new systems contracted for on or after January 1, 1962, will be permitted.

(d) On vessels of 1,000 gross tons and over, contracted for on or after November 19, 1952, or where conversion from coal to oil is contracted for on or after November 19, 1952, a fixed carbon dioxide, foam, or water spray system shall be installed in all spaces containing oil fired boilers, either main or auxiliary, or their fuel oil units, valves, or manifolds in the line between the settling tanks and the boilers.

(e) If a fixed fire extinguishing system is installed to protect an internal combustion propelling machinery installation, the system shall be of the carbon dioxide type.

(f) On vessels contracted for on or after November 19, 1952, where an enclosed ventilating system is installed for electric propulsion motors or generators, a fixed carbon dioxide extinguishing system shall be installed in such system.

(g) The arrangements and details of the fixed fire extinguishing systems shall be as set forth in Subparts 95.13 through 95.17.

§ 95.05–15 Hand portable fire extinguishers and semiportable fire extinguishing systems.

(a) Approved hand portable fire extinguishers and semiportable fire extinguishing systems shall be installed on all

vessels, other than unmanned barges and fishing vessels, as set forth in Subpart 95.50.

§ 95.05–20 Sand.

(a) On vessels of over 1,000 gross tons there shall be in each space containing oil fired boilers a metal receptacle containing not less than 10 cubic feet of sand, sawdust impregnated with soda, or other approved dry materials together with a scoop or shaker for distributing the same. On vessels of 1,000 gross tons or less, at least 5 cubic feet of such materials shall be similarly carried.

(b) In lieu of the requirements in paragraph (a) of this section, one B–II fire extinguisher may be substituted.

Subpart 95.10—Fire Main System, Details

§ 95.10–1 Application.

(a) The provisions of this subpart, with the exception of § 95.10–90, shall apply to all fire main installations contracted for on or after May 26, 1965. Installations contracted for prior to May 26, 1965, shall meet the requirements of § 95.10–90.

§ 95.10–5 Fire pumps.

(a) Vessels shall be equipped with independently driven fire pumps in accordance with Table 95.10–5(a).

TABLE 95.10–5 (a)

Gross tons		Minimum number of pumps	Hose and hydrant size, inches	Nozzle orifice size, inches	Length of hose, feet
Over	Not over				
-----	100	1 1	1 1½	1 ½	1 50
100	1,000	1	1½	⅝	50
1,000	1,500	2	1½	⅝	50
1,500	-----	2	1 2½	1 ⅞	1 50

1 On vessels of 65 feet in length or less, ¾-inch hose of good commercial grade together with a commercial garden hose nozzle may be used. The pump may be hand operated and the length of hose shall be sufficient to assure coverage of all parts of the vessel.

2 75 feet of 1½-inch hose and ⅝-inch nozzle may be used where specified by § 95.10–10 (b) for interior locations and 50 feet of 1½-inch hose may be used in exterior locations on vessels in other than ocean or coastwise service.

(b) On vessels of 1,000 gross tons and over on an international voyage, each required fire pump, while delivering water thru the fire main system at a pressure corresponding to that required by paragraph (c) of this paragraph, shall have a minimum capacity of at least two-thirds of that required for an independent bilge pump. However, in no case shall the capacity of each fire pump be less than that otherwise required by this section.

(c) Each pump shall be capable of delivering water simultaneously from the two highest outlets at a Pitot tube pressure of approximately 50 p. s. i. Where 1½-inch hose is permitted in lieu of 2½-inch hose by footnote 2 of Table 95.10–5 (a), the pump capacity shall be determined on the same basis as if 2½-inch hose had been permitted. Where ¾-inch hose is permitted by Table 95.10–5 (a), the Pitot tube pressure need be only 35 p. s. i.

(d) Fire pumps shall be fitted on the discharge side with relief valves set to relieve at 25 p. s. i. in excess of the pressure necessary to maintain the requirements of paragraph (c) of this section or 125 p. s. i., whichever is greater. Relief valves may be omitted if the pumps, operating under shut-off conditions, are not capable of developing a pressure exceeding this amount.

(e) Fire pumps shall be fitted with a pressure gage on the discharge side of the pumps.

(f) Fire pumps may be used for other purposes provided at least one of the required pumps is kept available for use on the fire system at all times. Unless specifically approved by the Commandant, no branch lines shall be connected to the fire mains for other than fire and deck wash purposes. Other discharge lines shall lead from a discharge manifold near the fire pump. In no case shall a pump having connection to an oil line be used as a fire pump.

(g) The total area of the pipes leading from a pump shall not be less than the discharge area of the pump.

(h) On vessels with oil fired boilers, either main or auxiliary, or with internal combustion propulsion machinery, where 2 fire pumps are required, they shall be located in separate spaces, and the arrangement of pumps, sea connections, and sources of power shall be such as to insure that a fire in any one space will not put all of the fire pumps out of operation. However, where it is shown to the satisfaction of the Commandant that it is unreasonable or impracticable to meet this requirement due to the size or arrangement of the vessel, or for other reasons, the installation of a total flooding carbon dioxide system may be accepted as an alternate method of extinguishing any fire which would affect the powering and operation of at least one of the required fire pumps.

§ 95.10–10 Fire hydrants and hose.

(a) The size of fire hydrants, hose, and nozzles and the length of hose required shall be as noted in Table 95.10–5(a).

(b) In lieu of the 2½-inch hose and hydrants specified in Table 95.10–5 (a), on vessels over 1,500 gross tons, the hydrants in interior locations may have siamese connections for 1½-inch hose. In these cases the hose shall be 75 feet in length, and only one hose will be required at each fire station; however, if all such stations can be satisfactorily served with 50-foot lengths, 50-foot hose may be used.

(c) On vessels of 1,000 gross tons and over there shall be at least one shore connection to the fire main available to each side of the vessel in an accessible location. Suitable cut-out valves and check valves shall be provided. Suitable adapters also shall be provided for furnishing the vessel's shore connections with couplings mating those on the shore fire lines. Such vessels on an international voyage, shall be provided with at least one international shore connection. Facilities shall be available enabling such a connection to be used on either side of the vessel. The international shore connection shall be in accordance with specification Subpart 162.034 of Subchapter Q (Specifications) of this chapter.

(d) Fire hydrants shall be of sufficient number and so located that any part of the vessel, other than main machinery spaces, accessible to persons on board while the vessel is being navigated and all cargo holds may be reached with at least 2 streams of water from separate outlets, at least one of which shall be from a single length of hose. In main machinery spaces, all portions of such spaces shall be capable of being reached by at least 2 streams of water, each of which shall be from a single length of hose from separate outlets; however, this requirement need not apply to shaft alleys containing no assigned space for the stowage of combustibles. Fire hydrants shall be numbered as required by § 97.37–15 of this subchapter.

(e) All parts of the fire main located on exposed decks shall either be protected against freezing or be fitted with cut-out valves and drain valves so that the entire exposed parts of such piping may be shut off and drained in freezing weather. Except when closed to prevent freezing, such valves shall be sealed open.

(f) The outlet at the fire hydrant shall be limited to any position from the horizontal to the vertical pointing downward, so that the hose will lead horizontally or downward to minimize the possibility of kinking.

(g) Each fire hydrant shall be provided with a single length of hose with nozzle attached and a spanner. A suitable hose rack or other device shall be provided for the proper stowage of the hose. If the hose is not stowed in the open or behind glass so as to be readily seen, the enclosure shall be marked in accordance with § 97.37–15 of this subchapter.

(h) Fire hose shall be connected to the outlets at all times. However, on open decks where no protection is afforded to the hose in heavy weather, or where the hose may be liable to damage from the handling of cargo, the hose may be temporarily removed from the hydrant and stowed in an accessible nearby location.

(i) Hose nozzles shall be as follows:

(1) All nozzles shall be of good grade bronze or equivalent metal.

(2) Where smooth bore type nozzles are used, they shall have an orifice of the size indicated in Table 95.10–5 (a).

(3) Where combination solid stream and water spray fire hose nozzles are used, they shall be of approved type. New installations and replacements shall be constructed in accordance with subpart 162.027 of subchapter Q (Specifications) of this chapter. The detachable applicator shall be stowed adjacent to the fire hydrant, except where combination nozzles are not required, in which case the applicator may be stowed at the discretion of the master.

(4) Except as noted in subparagraphs (5) and (6) of this paragraph, all hose nozzles shall be of either the smooth bore type or the approved type combination nozzle.

(5) On all vessels of 1,000 gross tons and over, the hose attached to the hydrants in propulsion machinery spaces containing oil fired boilers, internal combustion machinery, or oil fuel units shall be fitted with an approved combination nozzle. The applicator shall be not more than 6 feet in length.

(6) Where ¾-inch hose is permitted by Table 95.10–5 (a), a good commercial grade garden hose nozzle or equivalent will be accepted.

(7) Where approved combination nozzles are used, but are not required, the applicators with low velocity fog spray heads and the self-cleaning strainers may be fitted, but will not be required.

(j) Firehose shall not be used for any other purpose than fire extinguishing, drills, and testing.

(k) Fire hydrants, nozzles, and other fittings shall have threads to accommodate the hose connections noted in paragraph (i) of this section.

(l) Firehose and couplings shall be as follows:

(1) Couplings shall be of brass, bronze, or other equivalent metal. For installations on vessels contracted for on or after July 1, 1954, National Standard fire hose coupling threads shall be used for the 1½-inch and 2½-inch sizes, i. e., 9 threads per inch for 1½-inch hose and 7½ threads per inch for 2½-inch hose.

(2) Unlined hose shall not be used in the machinery spaces.

(3) Where ¾-inch hose is permitted by Table 95.10–5 (a), the hose and couplings shall be of good commercial grade.

(4) All lined and unlined hose installed after January 1, 1961, shall be of fire hose quality, in conformance with Underwriters' Laboratories, Inc., Standard 18 or 19, or Federal Specification JJ–H–571 or ZZ–H–451a. Hose which bears the label of Underwriters' Laboratories, Inc., as inspected lined or unlined fire hose will be accepted as conforming to this requirement.

§ 95.10–15 Piping.

(a) All piping, valves, and fittings shall meet the applicable requirements of Subchapter F (Marine Engineering) of this chapter.

(b) All distribution cut-off valves shall be marked as required by § 97.37–10 of this subchapter.

(c) For vessels on an international voyage, the diameter of the fire main shall be sufficient for the effective distribution of the maximum required discharge from two fire pumps operating simultaneously. This requirement is in addition to § 95.10–5(c). The discharge of this quantity of water through hoses and nozzles at a sufficient number of adjacent hydrants shall be at a minimum Pitot tube pressure of approximately 50 pounds per square inch.

§ 95.10–90 Installations contracted for prior to May 26, 1965.

(a) Installations contracted for prior to May 26, 1965, shall meet the following requirements:

(1) Except as specifically modified by this paragraph, the requirements of §§ 95.10–5 through 95.10–15 shall be complied with insofar as the number and general type of equipment is concerned. Existing equipment previously approved, but not meeting the applicable requirements of §§ 95.10–5 through 95.10–15 may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs, alterations, and replacements may be permitted to the same standards as the original installations. However, all new installations or major replacements shall meet the applicable requirements in this subpart.

(2) All vessels contracted for prior to November 19, 1952, other than motorboats, shall be fitted with fire pumps, hoses, and nozzles in accordance with Table 95.10–90(a)(2).

TABLE 95.10–90(a)(2)

Gross tons		Minimum number of pumps	Minimum hose and hydrant size, inches	Nozzle orifice size, inches	Length of hose, feet
Over	Not over				
-----	100	1	1 1½	1 ¾ 6	1 50
100	1,000	1	1 1½	1 ⅝	1 50
1,000	----	2	2 1½	2 ⅝	1 50

1 On vessels of 65 feet in length or less, ¾-inch hose of good commercial grade together with a commercial garden hose nozzle may be used. The pump may be hand operated and the length of hose shall be sufficient to assure coverage of all parts of the vessel.

2 May use 50 feet of 2½-inch hose with 2½-inch nozzles for exterior stations. 75 feet of 1½-inch hose with ⅝-inch nozzles may be used for interior station in which case such interior stations shall have siamese connections.

(3) Vessels contracted for prior to July 1, 1935, need not meet the requirements of § 95.10–5(h), and vessels contracted for on or after July 1, 1935, but prior to November 19, 1952, may have a carbon dioxide "bilge" in lieu of "total flooding" system. However, in vessels of both categories where a conversion from coal to oil is contracted for on or after November 19, 1952, the provisions of § 95.10–5(h) shall apply.

(4) The general requirements of § 95.10–5 (c) through (g), § 95.10–10 (d) through (i), and § 95.10–15 shall be complied with insofar as is reasonable and practicable.

Subpart 95.13—Steam Smothering System, Details

§ 95.13–1 Application.

(a) In accordance with § 95.05–10, steam smothering systems are not permitted on vessels contracted for on or after January 1, 1962, nor for new installations on vessels contracted for prior to that date.

(b) Where a steam smothering system is installed, the provisions of this subpart shall apply.

(c) This does not preclude the introduction of steam into such confined spaces as boiler casings or into tanks for steaming out purposes. Such installations are not to be considered as part of any required fire extinguishing system.

§ 95.13–90 Installations contracted for prior to January 1, 1962.

(a) Installations contracted for prior to July 1, 1935, shall meet the following requirements:

(1) Existing arrangements, materials, and facilities previously approved will be considered satisfactory so long as they meet the minimum requirements of this paragraph and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standard as the original installation.

(2) The main pipes and their branches to the cargo compartments and similar spaces shall be not less than 1½-inch pipe size and shall emanate from not more than two stations in easily accessible locations. If located on the open deck, the distribution manifolds shall be suitably protected by an enclosing cabinet or casing which shall be marked as required by § 97.37–13 of this subchapter. Each branch line shall have a valve at the manifold which shall be marked as required by § 97.37–10 of this subchapter.

(3) Branches to paint lockers and similar small spaces may be taken from the nearest steam supply line and shall be not less than ¾-inch pipe size. The valve shall be marked as required by § 97.37–10 of this subchapter.

(b) Installations contracted for on or after July 1, 1935, but prior to November 19, 1952, shall meet the following requirements:

(1) Existing arrangements, materials and facilities previously approved will be considered satisfactory so long as they meet the minimum requirements of this paragraph and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standard as the original installation.

(2) Steam shall be available from the main or auxiliary boilers to provide at least one pound of steam per hour for each 50 cubic feet of gross volume of the largest compartment protected. Where reasonable and practicable, the steam pressure shall be at least 100 p. s. i.

(3) The piping system shall meet the general requirements of subparagraphs (5) through (12) of paragraph (c) of this section insofar as is reasonable and practicable.

(4) The minimum size of distribution piping and the number of branches to the various spaces shall be as given in Table 95.13–90 (b) (4) or by the following formula:

$$D=\sqrt{\frac{C}{30{,}000}} \qquad (1)$$

where:

D=Required diameter of pipe in inches.
C=Volume of compartment in cubic feet.

TABLE 95.13-90(b)(4)

Volume of compartment in cubic feet		Number of branches to compartment	Pipe size in each branch, inches
Over	Not over		
------	30,000	1	1
30,000	46,000	1	1¼
46,000	67,000	1	1½
67,000	94,000	2	1¼
94,000	135,000	2	1½
135,000	203,000	3	1½

(5) The minimum size of the steam supply line from the boiler to the distribution manifold shall be as given by the following formula:

$$D=\sqrt{\frac{C}{60{,}000}} \qquad (2)$$

where:

D=Diameter of pipe in inches.
C=Volume of all compartments in cubic feet.

(c) Installations contracted for on or after November 19, 1952, but prior to January 1, 1962, shall meet the following requirements:

(1) Existing arrangements, materials and facilities previously approved will be considered satisfactory so long as they meet the minimum requirements of this paragraph and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standard as the original installation.

(2) Steam shall be available from main or auxiliary boilers to provide at least 1 pound of steam per hour for each 12 cubic feet of the gross volume of the largest compartment to be protected.

(3) Although separate piping shall be led to each cargo hold and 'tween deck, for the purpose of determining the amount of steam required, a cargo compartment will be considered as the space between adjacent watertight bulkheads and from tank top or lowest deck to the deck head of the uppermost deck on which cargo may be carried. If a trunk extends beyond such deck, the trunk space shall be included. Tonnage openings shall be considered as sealed for this purpose.

(4) A steam pressure of at least 100 p.s.i. shall be available unless specifically approved otherwise.

(5) All piping, valves, and fittings shall meet the applicable requirements of Subchapter F (Marine Engineering) of this chapter.

(6) The distribution piping shall emanate from not more than three stations in easily accessible locations on the weather deck, and shall lead to the lower portion of each cargo hold, cargo 'tween deck, and other compartments protected. However, lines to paint lockers and similar small spaces may be taken from the nearest steam supply line.

(7) The distribution line to each compartment shall be fitted with a shutoff valve. The valve shall be marked as required by § 97.37-10 of this subchapter.

(8) The manifold steam supply line shall be fitted with a master valve at the manifold.

(9) Provisions shall be made for draining the manifold and distribution lines to prevent them from freezing.

(10) If located on the open deck, the distribution manifolds shall be suitably protected by an enclosing cabinet or casing. In any case, it shall be marked as required by § 97.37-13 of this subchapter.

(11) Piping shall not be led into or through spaces accessible to the persons on board while the vessel is being navigated, with the exception of machinery spaces and corridors. However, in special cases, arrangements to run piping through such spaces may be specifically approved by the Commandant, provided all joints are welded, suitable expansion bends are provided, and all piping is extra heavy.

(12) Piping shall be used for no other purposes except that it may be incorporated with the fire-detecting system, if installed, and where suitable provisions are made, it may be used for steaming out tanks.

(13) The minimum size and number of branches to the various spaces shall be as given in Table 95.13-90(c)(13). The distribution piping from the manifold to the branch lines shall have an area approximately equal to the combined areas of the branch lines served.

TABLE 95.13-90(c)(13)

Volume of space in cubic feet		Number of branches to space	Pipe size of each branch, inches
Over	Not over		
------	500	1	¾
500	5,000	1	1
5,000	15,000	1	1¼
15,000	30,000	1	1½
30,000	60,000	2	1½
60,000	100,000	3	1½
100,000	190,000	4	1½

(14) The steam supply line from the boiler to any distribution manifold shall be of sufficient size to supply all the branch lines to the largest compartment and to all adjacent compartments.

Subpart 95.15—Carbon Dioxide Extinguishing Systems, Details

§ 95.15-1 Application.

(a) Where a carbon dioxide extinguishing system is installed, the provisions of this subpart, with the exception of § 95.15-90, shall apply to all installations contracted for on or after November 19, 1952. Installations contracted for prior to November 19, 1952, shall meet the requirements of § 95.15-90.

(b) The requirements of this subpart are based on a "high pressure system," i. e., one in which the carbon dioxide is stored in liquid form at atmospheric temperature. Details for "low pressure systems," i. e., those in which the carbon dioxide is stored in liquid form at a continuously controlled low temperature, may be specifically approved by the Commandant where it is demonstrated that a comparable degree of safety and fire extinguishing ability is achieved.

§ 95.15-5 Quantity, pipe sizes, and discharge rates.

(a) *General.* The amount of carbon dioxide required for each space shall be as determined by paragraphs (b) through (e) of this section.

(b) *Total available supply.* A separate supply of carbon dioxide need not be provided for each space protected. The total available supply shall be at least sufficient for the space requiring the greatest amount.

(c) *Cargo spaces.* (1) The number of pounds of carbon dioxide required for each space shall be equal to the gross volume of the space in cubic feet divided by 30.

(2) Although separate piping shall be led to each cargo hold and 'tween deck, for the purpose of determining the amount of carbon dioxide required, a cargo compartment will be considered as the space between watertight or fire-screen bulkheads and from the tank top or lowest deck to the deck head of the uppermost space on which cargo may be carried. If a trunk extends beyond such deck, the trunk volume shall be included. Tonnage openings shall be considered as sealed for this purpose.

(3) Branch lines to the various cargo holds and 'tween decks shall not be less than ¾-inch standard pipe size.

(4) No specific discharge rate need be applied to such systems.

(d) *Enclosed ventilation systems for rotating electrical propulsion equipment.* (1) The number of pounds of carbon dioxide required for the initial charge shall be equal to the gross volume of the system divided by 10 for systems having a volume of less than 2,000 cubic feet, and divided by 12 for systems having a volume of 2,000 cubic feet or more.

(2) The piping for the initial charge shall be in accordance with Table 95.15-5(e)(4), and the discharge of the required amount shall be completed within 2 minutes.

(3) In addition to the above there shall be sufficient carbon dioxide available to permit delayed discharges of such quantity as to maintain at least a 25 percent concentration until the equipment can be stopped. If the initial discharge is such as to achieve this concentration until the equipment is stopped, no delayed discharge need be provided.

(4) The piping for the delayed discharge shall not be less than ½-inch standard pipe, and no specific discharge rate need be applied to such systems. On small systems, this pipe may be incorporated with the initial discharge piping.

(e) *Machinery spaces, paint lockers, tanks, and similar spaces.* (1) Except as provided in subparagraph (3) of this paragraph, the number of pounds of carbon dioxide required for each space shall be equal to the gross volume of the space divided by the appropriate factor noted in Table 95.15-5(e)(1). If fuel can drain from the compartment being protected to an adjacent compartment, or if the compartments are not entirely separate, the requirements for both compartments shall be used to determine the amount of carbon dioxide to be provided. The carbon dioxide shall be arranged to discharge into both such compartments simultaneously.

TABLE 95.15-5(e)(1)

Gross volume of compartment, cubic feet		Factor
Over—	Not over—	
------	500	15
500	1,600	16
1,600	4,500	18
4,500	50,000	20
50,000	------	22

(2) For the purpose of the requirements of this paragraph, the volume of the machinery space shall be taken as exclusive of the normal machinery casing unless the boiler, internal combustion machinery, or fuel oil installation extend into such space, in which case the volume shall be taken to the top of the casing or the next material reduction in casing area, whichever is lower. For installations contracted for on or after October 1, 1959, "normal machinery casing" and "material reduction in casing area" shall be defined as follows:

(i) By "normal machinery casing" shall be meant a casing the area of which is not more than 40 percent of the maximum area of the machinery space.

(ii) By "material reduction in casing area" shall be meant a reduction to at least 40 percent of the casing area.

(3) For vessels on an international voyage contracted for on or after May 26, 1965, the amount of carbon dioxide required for a space containing propulsion boilers or internal combustion propulsion machinery shall be as given by subparagraphs (1) and (2) of this paragraph or by dividing the entire volume, including the casing, by a factor of 25, whichever is the larger.

(4) Branch lines to the various spaces shall be as noted in Table 95.15-5(e)(4).

TABLE 95.15-5(e)(4)

Maximum quantity of carbon dioxide required, pounds	Minimum pipe size, inches	Maximum quantity of carbon dioxide required, pounds	Minimum pipe size, inches
100	¾	2,500	2½
225	¾	4,450	3
300	1	7,100	3½
600	1¼	10,450	4
1,000	1½	15,000	4½
2,450	2		

(5) Distribution piping within the space shall be proportioned from the supply line to give proper distribution to the outlets without throttling.

(6) The number, type, and location of discharge outlets shall be such as to give a uniform distribution throughout the space.

(7) The total area of all discharge outlets shall not exceed 85 percent nor be less than 35 percent of the nominal cylinder outlet area or the area of the supply pipe, whichever is smaller. The nominal cylinder outlet area in square inches shall be determined by multiplying the factor 0.0022 by the number of pounds of carbon dioxide required, except that in no case shall this outlet area be less than 0.110 square inches.

(8) The discharge of at least 85 percent of the required amount of carbon dioxide shall be complete within 2 minutes.

§ 95.15-10 Controls.

(a) Except as noted in § 95.15-20(b) all controls and valves for the operation of the system shall be outside the space protected, and shall not be located in any space that might be cut off or made inaccessible in the event of fire in any of the spaces protected.

(b) If the same cylinders are used to protect more than one hazard, a manifold with normally closed stop valves shall be used to direct the carbon dioxide into the proper space. If cylinders are used to protect only one hazard, a normally closed stop valve shall be installed between the cylinders and the hazard except for systems of the type indicated in § 95.15-5(e) which contain not more than 300 pounds of carbon dioxide.

(c) Distribution piping to the various cargo spaces shall be controlled from not more than two stations. One of the stations controlling the system for the main machinery space shall be located as convenient as practicable to one of the main escapes from the space. All control stations and the individual valves and controls shall be marked as required by §§ 97.37-10 and 97.37-13 of this subchapter.

(d) Systems of the type indicated in § 95.15-5(e) shall be actuated by one control operating the valve to the space and a separate control releasing at least the required amount of carbon dioxide. These two controls shall be located in a box or other enclosure clearly identified for the particular space. Those systems installed without a stop valve shall be operated by one control releasing at least the required amount of carbon dioxide.

(e) Where provisions are made for the simultaneous release of a given amount of carbon dioxide by operation of a remote control, provisions shall also be made for manual control at the cylinders. Where gas pressure from pilot cylinders is used as a means for releasing the remaining cylinders, not less than two pilot cylinders shall be used for systems consisting of more than two cylinders. Each of the pilot cylinders shall be capable of manual control at the cylinder, but the remaining cylinders need not be capable of individual manual control.

(f) Systems of the type indicated in § 95.15-5(e), other than systems for tanks, which are of more than 300 pounds of carbon dioxide, shall be fitted with an approved delayed discharge so arranged that the alarm will be sounded for at least 20 seconds before the carbon dioxide is released into the space. Such systems of not more than 300 pounds of carbon dioxide shall also have a similar delayed discharge, except for those systems for tanks and for spaces which have a suitable horizontal escape. This paragraph shall be applicable only to systems installed on or after July 1, 1957.

(g) All distribution valves and controls shall be of an approved type. All controls shall be suitably protected.

(h) Complete but simple instructions for the operation of the system shall be located in a conspicuous place at or near the releasing control device.

(i) If the space or enclosure containing the carbon dioxide supply or controls is to be locked, a key to the space or enclosure shall be in a break-glass-type box conspicuously located adjacent to the opening.

§ 95.15-15 Piping.

(a) The piping, valves, and fittings shall have a bursting pressure of not less than 6,000 pounds per square inch.

(b) All piping, in nominal sizes not over ¾ inch shall be at least Schedule 40 (standard weight) and in nominal sizes over ¾ inch, shall be at least Schedule 80 (extra heavy).

(c) All piping, valves, and fittings of ferrous materials shall be protected inside and outside against corrosion unless specifically approved otherwise by the Commandant.

(d) A pressure relief valve or equivalent set to relieve between 2,400 and 2,800 pounds per square inch shall be installed in the distributing manifold or such other location as to protect the piping in the event that all branch line shut-off valves are closed.

(e) All dead-end lines shall extend at least 2 inches beyond the last orifice and shall be closed with cap or plug.

(f) All piping, valves, and fittings shall be securely supported, and where necessary, protected against injury.

(g) Drains and dirt traps shall be fitted where necessary to prevent the accumulation of dirt or moisture. Drains and dirt traps shall be located in accessible locations where possible.

(h) Piping shall be used for no other purpose except that it may be incorporated with the fire-detecting system.

(i) Piping passing through living quarters shall not be fitted with drains or other openings within such spaces.

(j) Installation test requirements are:

(1) Upon completion of the piping installation, and before the cylinders are connected, a pressure test shall be applied as set forth in this paragraph. Only carbon dioxide or other inert gas shall be used for this test.

(2) The piping from the cylinders to the stop valves in the manifold shall be subjected to a pressure of 1,000 pounds per square inch. With no additional gas being introduced to the system, it shall be demonstrated that the leakage of the system is such as not to permit a pressure drop of more than 150 pounds per square inch per minute for a 2-minute period.

(3) The individual branch lines to the various spaces protected shall be subjected to a test similar to that described in the preceding subparagraph with the exception that the pressure used shall

be 600 pounds per square inch in lieu of 1,000 pounds per square inch. For the purpose of this test, the distribution piping shall be capped within the space protected at the first joint ahead of the nozzles.

(4) In lieu of the tests prescribed in subparagraphs (1) through (3) of this paragraph, small independent systems protecting spaces such as emergency generator rooms, lamp lockers, etc., may be tested by blowing out the piping with air at a pressure of at least 100 pounds per square inch.

§ 95.15–20 Carbon dioxide storage.

(a) Except as provided in paragraph (b) of this section, the cylinders shall be located outside the spaces protected, and shall not be located in any space that might be cut off or made inaccessible in the event of a fire in any of the spaces protected.

(b) Systems of the type indicated in § 95.15–5(e), consisting of not more than 300 pounds of carbon dioxide, may have the cylinders located within the space protected. If the cylinder stowage is within the space protected, the system shall be arranged in an approved manner to be automatically operated by a heat actuator within the space in addition to the regular remote and local controls.

(c) The space containing the cylinders shall be properly ventilated and designed to preclude an anticipated ambient temperature in excess of 130 degrees F.

(d) Cylinders shall be securely fastened and supported, and where necessary, protected against injury.

(e) Cylinders shall be so mounted as to be readily accessible and capable of easy removal for recharging and inspection. Provisions shall be available for weighing the cylinders.

(f) Where subject to moisture, cylinders shall be so installed as to provide a space of at least 2 inches between the flooring and the bottom of the cylinders.

(g) Cylinders shall be mounted in an upright position or inclined not more than 30 degrees from the vertical. However, cylinders which are fitted with flexible or bent siphon tubes may be inclined not more than 80 degrees from the vertical.

(h) Where check valves are not fitted on each independent cylinder discharge, plugs or caps shall be provided for closing outlets when cylinders are removed for inspection or refilling.

(i) All cylinders used for storing carbon dioxide shall be fabricated, tested, and marked in accordance with the regulations of the Interstate Commerce Commission as noted in § 147.04–1 of Subchapter N (Dangerous Cargoes) of this chapter.

§ 95.15–25 Discharge outlets.

(a) Discharge outlets shall be of an approved type.

§ 95.15–30 Alarms.

(a) Spaces which are protected by a carbon dioxide extinguishing system and are normally accessible to persons on board while the vessel is being navigated, other than paint and lamp lockers and similar small spaces, shall be fitted with an approved audible alarm in such spaces which will be automatically sounded when the carbon dioxide is admitted to the space. The alarm shall be conspicuously and centrally located and shall be marked as required by § 97.37–9 of this subchapter. For systems installed on or after July 1, 1957, alarms will be mandatory only for systems required to be fitted with a delayed discharge. Such alarms shall be so arranged as to sound during the 20 second delay period prior to the discharge of carbon dioxide into the space, and the alarm shall depend on no source of power other than the carbon dioxide.

§ 95.15–35 Enclosure openings.

(a) Where mechanical ventilation is provided for spaces other than cargo and similar spaces which are protected by a carbon dioxide extinguishing system, provisions shall be made so that the ventilation system is automatically shut down with the operation of the system to that space.

(b) Where natural ventilation is provided for spaces protected by a carbon dioxide extinguishing system, provisions shall be made for easily and effectively closing off the ventilation.

(c) Means shall be provided for closing all other openings to the space protected from outside such space. In this respect, relatively tight doors, shutters, or dampers shall be provided for openings in the lower portion of the space. The construction shall be such that openings in the upper portion of the space can be closed off either by permanently installed means or by the use of canvas or other material which is normally carried by the vessel.

§ 95.15–40 Pressure relief.

(a) Where necessary, relatively tight compartments such as refrigeration spaces, paint lockers, etc., shall be provided with suitable means for relieving excessive pressure accumulating within the compartment when the carbon dioxide is injected.

§ 95.15–90 Installations contracted for prior to November 19, 1952.

(a) Installations contracted for prior to November 19, 1952, shall meet the following requirements:

(1) Existing arrangments, materials, and facilities previously approved shall be considered satisfactory so long as they meet the minimum requirements of this paragraph and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original installation.

(2) The details of the systems shall be in general agreement with §§ 95.15–5 through 95.15–40 insofar as is reasonable and practicable, with the exception of § 95.15–5(e) (1), (2) and (4) covering spaces other than cargo spaces, which systems may be installed in accordance with subparagraphs (3) through (6) of this paragraph.

(3) In boilerrooms, the bilges shall be protected by a system discharging principally below the floor plates. Perforated pipe may be used in lieu of discharge nozzles for such systems. The number of pounds of carbon dioxide shall be equal to the gross volume of the boilerroom taken to the top of the boilers divided by 36. In the event of an elevated boiler room which drains to the machinery space, the system shall be installed in the engineroom bilge and the gross volume shall be taken to the flat on which the boilers are installed.

(4) In machinery spaces where main propulsion internal combustion machinery is installed, the number of pounds of carbon dioxide required shall be equal to the gross volume of the space taken to the under side of the deck forming the hatch opening divided by 22.

(5) In miscellaneous spaces other than cargo or main machinery spaces the number of pounds of carbon dioxide required shall be equal to the gross volume of the space divided by 22.

(6) Branch lines to the various spaces other than cargo and similar spaces shall be as noted in Table 95.15–90 (a) (6). This table is based on cylinders having discharge outlets and siphon tubes of ⅜ inch diameter.

TABLE 95.15–90(a) (6)

Number of cylinders		Nominal pipe size, inches
Over	Not over	
------	2	½—standard.
2	4	¾—standard.
4	6	1—extra heavy.
6	12	1¼—extra heavy.
12	16	1½—extra heavy.
16	27	2—extra heavy.
27	39	2½—extra heavy.
39	60	3—extra heavy.
60	80	3½—extra heavy.
80	104	4—extra heavy.
104	165	5—extra heavy.

Subpart 95.17—Foam Extinguishing Systems, Details

§ 95.17–1 Application.

(a) Where a foam extinguishing system is installed, the provisions of this subpart, with the exception of § 95.17–90, shall apply to all installations contracted for on or after November 19, 1952. Installations contracted for prior to November 19, 1952, shall meet the requirements of § 95.17–90.

§ 95.17–5 Quantity of foam required.

(a) *Area protected.* (1) For machinery and similar spaces, the system shall be so designed and arranged as to spread a blanket of foam over the entire tank top or bilge of the space protected. The arrangement of piping shall be such as to give a uniform distribution over the entire area protected.

(2) Where an installation is made to protect an oil fired boiler installation on a flat which is open to or can drain to the lower engineroom or other space, both the flat and the lower space shall be protected simultaneously. The flat shall be fitted with suitable coamings on

all openings other than deck drains to properly restrain the oil and foam at that level. Other installations of a similar nature will be considered in a like manner.

(3) Where a system is installed to protect a tank, it shall be so designed and arranged as to spread a blanket of foam over the entire liquid surface of the tank within the range of usual trim. The arrangement of piping shall be such as to give a uniform distribution over the entire area protected.

(b) *Rate of application.* (1) For spaces other than tanks, the rate of discharge to foam outlets protecting the hazard shall be at least as set forth in this subparagraph.

(i) For chemical foam systems with stored "A" and "B" solutions, a total of at least 1.6 gallons per minute of the two solutions shall be discharged for each 10 square feet of area protected.

(ii) For other types of foam systems, the water rate to the dry powder generators or air foam production equipment shall be at least 1.6 gallons per minute for each 10 square feet of area protected.

(2) For tanks, the rate of discharge to foam outlets protecting the hazard shall be as set forth in subparagraph (1) of this paragraph, except that the value of 1 gallon per minute shall be substituted in both cases for the value of 1.6 gallons per minute.

(c) *Supply of foam producing material.* (1) There shall be provided a quantity of foam producing material sufficient to operate the equipment at the discharge rate specified in paragraph (b) of this section for a period of at least 3 minutes for spaces other than tanks, and for at least 5 minutes for tanks.

(d) *Separate supply of foam agent.* A separate supply of foam agent need not be provided for each space protected. The total available supply shall be at least sufficient for the space requiring the greatest amount.

(e) *Water supply for required pumps.* Where pumps are required, the water supply shall be from outside the space protected and shall in no way be dependent upon power from the space protected.

§ 95.17–10 Controls.

(a) The foam agent, its container, and all controls and valves for the operation of the system shall be of an approved type.

(b) The foam agent container and all controls and valves for the operation of the system shall be outside the space protected and shall not be located in such space as might be cut off or made inaccessible in the event of fire in any of the spaces protected. The control space shall be as convenient as practicable to one of the main escapes from the spaces protected, and shall be marked as required by § 97.37–13 of this subchapter. Where pumps are required, it shall not be necessary that they be started from the control space.

(c) Complete, but simple instructions for the operation of the system shall be located in a conspicuous place at or near the controls.

(d) The valves to the various spaces served shall be marked as required by § 97.37–10 of this subchapter.

§ 95.17–15 Piping.

(a) All piping, valves, and fittings shall meet the applicable requirements of Subchapter F (Marine Engineering) of this chapter.

(b) All piping, valves, and fittings of ferrous materials shall be protected inside and outside against corrosion unless specifically approved otherwise by the Commandant.

(c) All piping, valves, and fittings shall be securely supported, and where necessary, protected against injury.

(d) Drains and dirt traps shall be fitted where necessary to prevent the accumulation of dirt or moisture.

(e) Piping shall be used for no other purpose.

§ 95.17–20 Discharge outlets.

(a) Discharge outlets shall be of an approved type.

§ 95.17–25 Additional protection required.

(a) In order that any residual fires above the floor plates may be extinguished when a foam system is installed for the protection of spaces other than tanks, at least 2 fire hydrants, in addition to those required for the machinery space by Subpart 95.10, shall be installed outside of the machinery space entrance. Such hydrants shall be fitted with sufficient hose so that any part of the machinery space may be reached with at least 2 streams of water, and each hose shall be equipped with an approved combination nozzle, applicator, and self-cleaning strainer as described in § 95.10–10 (1) (3).

§ 95.17–90 Installations contracted for prior to November 19, 1952.

(a) Installations contracted for prior to November 19, 1952, shall meet the following requirements:

(1) Existing arrangements, materials, and facilities previously approved shall be considered satisfactory so long as they meet the minimum requirements of this paragraph and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original installation.

(2) The details of the systems shall be in general agreement with §§ 95.17–5 through 95.17–20, with the exception of § 95.17–5 (a) (2), insofar as is reasonable and practicable. A 6-inch blanket of foam in 5 minutes for tanks and 3 minutes for other spaces will be considered as meeting the requirements of § 95.17–5.

Subpart 95.50—Hand Portable Fire Extinguishers and Semiportable Fire Extinguishing Systems; Arrangements and Details

§ 95.50–1 Application.

(a) The provisions of this subpart, with the exception of § 95.50–90, shall apply to all vessels, other than uninanned barges and fishing vessels, contracted for on or after November 19, 1952. Such vessels contracted for prior to November 19, 1952, shall meet the requirements of § 95.50–90.

§ 95.50–5 Classification.

(a) Hand portable fire extinguishers and semiportable fire extinguishing systems shall be classified by a combination letter and number symbol. The letter indicating the type of fire which the unit could be expected to extinguish, and the number indicating the relative size of the unit.

(b) The types of fire will be designated as follows:

(1) "A" for fires in ordinary combustible materials where the quenching and cooling effects of quantities of water, or solutions containing large percentages of water, are of first importance.

(2) "B" for fires in flammable liquids, greases, etc., where a blanketing effect is essential.

(3) "C" for fires in electrical equipment where the use of nonconducting extinguishing agent is of first importance.

(c) The number designations for size will start with "I" for the smallest to "V" for the largest. Sizes I and II are considered hand portable fire extinguishers and sizes III, IV, and V are considered semiportable fire extinguishing systems which shall be fitted with suitable hose and nozzle or other practicable means so that all portions of the space concerned may be covered. Examples of size graduations for some of the typical hand portable and semiportable fire extinguishing systems are set forth in Table 95.50–5 (c).

TABLE 95.50-5 (c)

Classification		Soda-acid and water, gallons	Foam, gallons	Carbon dioxide, pounds	Dry chemical, pounds
Type	Size				
A	II	2½	2½	------	------
B	I	------	1¼	4	2
B	II	------	2½	15	10
B	III	------	12	35	20
B	IV	------	20	50	30
B	V	------	40	100	50
C	I	------	------	4	2
C	II	------	------	15	10

(d) All hand portable fire extinguishers and semiportable fire extinguishing systems shall have permanently attached thereto a metallic name plate giving the name of the item, the rated capacity in gallons, quarts, or pounds, the name and address of the person or firm for whom approved, and the identifying mark of the actual manufacturer.

(e) Vaporizing-liquid type fire extinguishers containing carbon tetrachloride or chlorobromomethane or other toxic vaporizing liquids shall be removed from all vessels.

§ 95.50–10 Location.

(a) Approved hand portable fire extinguishers and semiportable fire extinguishing systems shall be installed in accordance with Table 95.50–10(a). The location of the equipment shall be to the satisfaction of the Officer in Charge,

Marine Inspection. Nothing in this paragraph shall be construed as limiting the Officer in Charge, Marine Inspection, from requiring such additional equipment as he deems necessary for the proper protection of the vessel.

TABLE 95.50-10 (a)—HAND PORTABLE FIRE EXTINGUISHER AND SEMIPORTABLE FIRE-EXTINGUISHING SYSTEMS

Space	Classification (see § 95.50-5)	Quantity and location
Safety areas [1]		
Wheelhouse or fire control room		None required.
Stairway and elevator enclosures		Do.
Communicating corridors	A-II	1 in each main corridor not more than 150 feet apart. (May be located in stairways.)
Lifeboat embarkation and lowering stations		None required.
Radio room	C-I [2]	2 in vicinity of exit.[3]
Accommodations [1]		
Staterooms, toilet spaces, public spaces, offices, lockers, isolated storerooms, and pantries, open decks, etc.		None required.
Service spaces [1]		
Galleys	B-II or C-II	1 for each 2,500 square feet or fraction thereof suitable for hazards involved.
Paint and lamp rooms	B-II	1 outside space in vicinity of exit.
Accessible baggage, mail, and specie rooms, and storerooms.	A-II	1 for each 2,500 square feet or fraction thereof located in vicinity of exits, either inside or outside the spaces.
Carpenter shop and similar spaces	A-II	1 outside the space in vicinity of exit.
Machinery spaces		
Coal-fired boilers: Bunker and boiler space		None required.
Oil-fired boilers: Spaces containing oil-fired boilers, either main or auxiliary, or their fuel-oil units.	B-II B-V	2 required.[4] 1 required.[4]
Internal combustion or gas turbine propelling machinery spaces.	B-II	1 for each 1,000 brake horsepower, but not less than 2 nor more than 6.[5]
	B-III	1 required.[6] [7]
Electric propulsive motors or generators of open type	C-II	1 for each propulsion motor or generator unit.
Enclosed ventilating systems for motors and generators of electric propelling machinery.		None required.
Auxiliary spaces:		
Internal combustion or gas turbine	B-II	1 outside the space in vicinity of exit.[7]
Electric emergency motors or generators	C-II	1 outside the space in vicinity of exit.[8]
Steam		None required.
Trunks to machinery spaces		Do.
Fuel tanks		Do.
Cargo spaces		
Inaccessible during voyage, including trunks and cargo tanks.		None required.
Accessible during voyage		Do.

[1] For motorboats, the total number of hand portable fire extinguishers required for safety areas, accommodation spaces, and service spaces shall be 1 B-II for motorboats of less than 50 gross tons and 2 B-II for motorboats of 50 gross tons and over. Two B-I hand portable fire extinguishers may be substituted for 1 B-II.
[2] For vessels on an international voyage, substitute 1 C-II in vicinity of exit.
[3] Vessels of less than 1,000 gross tons require 1.
[4] Vessels of less than 1,000 gross tons may substitute 1 B-IV.
[5] Only 1 required for motorboats.
[6] If oil burning donkey boiler fitted in space, the B-V previously required for the protection of the boiler may be substituted. Not required where a fixed carbon dioxide system is installed.
[7] Not required on vessels of less than 300 gross tons if fuel has a flashpoint higher than 110° F.
[8] Not required on vessels of less than 300 gross tons.

(b) Semiportable fire extinguishing systems shall be located in the open so as to be readily seen.

(c) If hand portable fire extinguishers are not located in the open or behind glass so that they may be readily seen, they may be placed in enclosures together with the fire hose, provided such enclosures are marked as required by § 97.37-15 of this subchapter.

(d) Hand portable fire extinguishers and their stations shall be numbered in accordance with § 97.37-23 of this subchapter.

(e) Hand portable or semiportable extinguishers, which are required on their nameplates to be protected from freezing, shall not be located where freezing temperatures may be expected.

§ 95.50-15 Spare charges.

(a) For all vessels other than motorboats spare charges shall be carried for at least 50 percent of each size and each variety, i.e. foam, soda-acid, carbon dioxide, etc., of hand portable fire extinguisher required by § 95.50-10(a). However, if the unit is of such variety that it cannot be readily recharged by the vessel's personnel, one spare unit of the same classification shall be carried in lieu of spare charges for all such units of the same size and variety.

(b) Spare charges shall be so packaged as to minimize the hazards to personnel while recharging the units. Acid shall be contained in a Crown stopper type of bottle.

§ 95.50-90 Vessels contracted for prior to November 19, 1952.

(a) Vessels contracted for prior to November 19, 1952, shall meet the following requirements:

(1) The provisions of §§ 95.50-5 through 95.50-15 shall be met with the exception that existing installations in safety areas and service spaces may be maintained if in the opinion of the Officer in Charge, Marine Inspection, they are in general agreement with the degree of safety prescribed by Table 95.50-10 (a). In such cases, minor modifications may be made to the same standard as the original installation: *Provided*, That in no case will a greater departure from the standards of Table 95.50-10 (a) be permitted than presently exists.

Subpart 95.60—Fire Axes

§ 95.60-1 Application.

(a) The provisions of this subpart shall apply to all vessels other than motorboats.

§ 95.60-5 Number required.

(a) All vessels except barges shall carry at least the minimum number of fire axes as set forth in Table 95.60-5(a). Nothing in this paragraph shall be construed as limiting the Officer in Charge, Marine Inspection, from requiring such additional fire axes as he deems necessary for the proper protection of the vessel.

TABLE 95.60-5 (a)

Gross tons		Number of axes
Over	Not over	
------	50	1
50	200	2
200	500	4
500	1,000	6
1,000	------	8

(b) Manned barges shall carry at least two fire axes.

§ 95.60-10 Location.

(a) Fire axes shall be distributed throughout the spaces available to persons on board so as to be most readily available in the event of emergency.

(b) If fire axes are not located in the open, or behind glass, so that they may be readily seen, they may be placed in enclosures together with the fire hose, provided such enclosures are marked as required by § 97.37-15 of this subchapter.

PART 96—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

Subpart 96.01—Application

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96.01-1 General.

Subpart 96.03—Marine Engineering Systems

96.03-1 Installation and details.

Subpart 96.05—Electrical Engineering and Interior Communications Systems

96.05-1 Installation and details.

Subpart 96.07—Anchors, Chains, and Hawsers

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96.13-1 Required by Federal Communications Commission.

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96.17-1 When required.

Subpart 96.20—Whistles

96.20-1 Vessels other than sailing vessels, barges, and motorboats.
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Subpart 96.35—Fireman's Outfit

96.35-1 Application.
96.35-5 General.
96.35-10 Fireman's outfit.
96.35-15 Stowage.
96.35-20 Spare charges.
96.35-90 Vessels contracted for prior to May 26, 1965.

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Subpart 96.01—Application

§ 96.01-1 General.

(a) The provisions of this part shall apply to all vessels except as specifically noted in this part.

Subpart 96.03—Marine Engineering Systems

§ 96.03-1 Installation and details.

(a) The installation of all systems of a marine engineering nature, together with the details of design, construction, and installation, shall be in accordance with the requirements of Subchapter F (Marine Engineering) of this chapter. Systems of this type include the following:

Steering Systems.
Bilge and Ballast Systems.
Tank Vent and Sounding Systems.
Overboard Discharges and Shell Connections.
Pipe and Pressure Systems.
Liquefied Petroleum Gas For Cooking and Heating.

Subpart 96.05—Electrical Engineering and Interior Communications Systems

§ 96.05-1 Installation and details.

(a) The installation of all systems of an electrical engineering or interior communication nature, together with the details of design, construction, and installation, shall be in accordance with the requirements of Subchapter J (Electrical Engineering) of this chapter. Systems of this type include the following:

Ship's Service Lighting and Power Systems.
Emergency Lighting and Power Systems.
General Alarm Systems.
Sound Powered Telephone and Voice Tube Communication Systems.
Engine Order Telegraph Systems.
Rudder Angle Indicator Systems.
Refrigerated Spaces Alarm Systems.
Miscellaneous Machinery Alarms and Controls.
Daylight Signaling Lamps.

Subpart 96.07—Anchors, Chains, and Hawsers

§ 96.07-1 Application.

(a) The provisions of this subpart, with the exception of § 96.07-90, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 96.07-90.

§ 96.07-5 Ocean, coastwise, or Great Lakes service.

(a) Vessels in ocean, coastwise, or Great Lakes service shall be fitted with anchors, chains, and hawsers in general agreement with the standards established by the American Bureau of Shipping, see Subpart 90.35 of this subchapter.

§ 96.07-10 Lakes, bays, and sounds, or river service.

(a) Vessels in lakes, bays and sounds, or river service shall be fitted with such ground tackle and hawsers as deemed necessary by the Officer in Charge, Marine Inspection, depending upon the size of the vessel and the waters on which it operates.

§ 96.07-90 Vessels contracted for prior to November 19, 1952.

(a) Vessels contracted for prior to November 19, 1952, shall meet the following requirements:

(1) Installations previously accepted or approved shall be considered satisfactory for the same service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. If the service of the vessel is changed, the suitability of the equipment will be established by the Officer in Charge, Marine Inspection.

Subpart 96.13—Radiotelegraph and Radiotelephone

§ 96.13-1 Required by Federal Communications Commission.

(a) Radiotelegraph and radiotelephone installations are required on certain vessels. Details of the application of this requirement as well as details of the installation shall be as required by the statutes and regulations under the jurisdiction of the Federal Communications Commission.

Subpart 96.15—Radio Direction Finder

§ 96.15-1 Application.

(a) The provisions of this subpart, with the exception of § 96.15-90, shall apply to all mechanically propelled vessels of 1,600 gross tons and over in ocean service or on an international voyage contracted for on or after November 19, 1952. Such vessels contracted for prior to November 19, 1952, shall meet the requirements of § 96.15-90.

§ 96.15-5 Required by Federal Communications Commission.

(a) All vessels shall be fitted with a radio direction finder. Details of the installation shall be as required by the statutes and regulations under the jurisdiction of the Federal Communications Commission.

§ 96.15-90 Vessels contracted for prior to November 19, 1952.

(a) Vessels contracted for prior to November 19, 1952, shall meet the following requirements:

(1) Vessels of over 5,000 gross tons shall meet the requirements of § 96.15-5.

(2) Vessels of from 1,600 gross tons through 5,000 gross tons shall meet the requirements of § 96.15-5 on or before November 19, 1954.

Subpart 96.17—Navigation Lights and Shapes

§ 96.17-1 When required.

(a) All vessels and motorboats shall be equipped with navigation lights and shapes as prescribed by law and regulation.

Subpart 96.20—Whistles

§ 96.20-1 Vessels other than sailing vessels, barges, and motorboats.

(a) All vessels other than sailing vessels, barges, and motorboats, shall be equipped with an efficient whistle or similar appliance to give the necessary whistle signals required by the Rules of the Road applicable to the waters on which the vessel is navigated. The location of the whistle and operating devices shall be as follows:

(1) Means shall be provided to operate the whistle or other appliance from a position adjacent to the main steering station and from the steering station on top of the wheelhouse where such steering station is fitted. Details of the whistle operating device shall be as described in Subchapter J (Electrical Engineering) of this chapter.

(2) In general, the whistle shall be located on the forward side of or above the structure of the vessel so as to be as free of obstructions as possible. Where practicable, it shall be installed at least 6 feet above the wheelhouse, except that on vessels navigating the Western Rivers, and any vessel of less than 100 gross tons, it shall be at least 2 feet above the wheelhouse.

(3) On double ended ferry vessels and similar vessels, where steam whistles are employed, they shall be installed both forward and aft of the stacks or one such whistle on either the port or starboard side of the stack.

§ 96.20–5 Motorboats operating on the high seas.

(a) All motorboats operating on the high seas outside the navigable waters of the United States shall meet the requirements for whistles or similar appliances prescribed by § 96.20–1 for vessels other than motorboats.

(Sec. 17, 54 Stat. 166, as amended; 46 U.S.C. 526p)

§ 96.20–10 Motorboats operating on the navigable waters of the United States.

(a) Motorboats operating on the navigable waters of the United States shall be provided with an efficient whistle or other sound-producing mechanical device as set forth in Table 96.20–10 (a).

(Sec. 17, 54 Stat. 166, as amended; 46 U.S.C. 526p)

TABLE 96.20–10 (a)

Class of motorboat	Type of device
A	None.
1	Mouth, hand or power operated, capable of producing a blast of 2 seconds or more duration and audible for at least ½ mile.
2	Hand or power operated, capable of producing a blast of 2 seconds or more duration, and audible for a distance of at least 1 mile.
3	Power operated, capable of producing a blast of 2 seconds or more duration, and audible for a distance of at least 1 mile.

Subpart 96.23—Foghorns

§ 96.23–1 Vessels other than motorboats.

(a) All vessels other than motorboats shall be equipped with an efficient foghorn as prescribed by the Rules of the Road applicable to the waters on which the vessel is navigated. On vessels in ocean or coastwise service, the foghorn shall be sounded by mechanical means.

§ 96.23–5 Motorboats.

(a) All motorboats operating on the high seas outside the navigable waters of the United States shall meet the requirements for foghorns prescribed by § 96.23–1 for vessels other than motorboats.

(Sec. 17, 54 Stat. 166, as amended; 46 U.S.C. 526p.)

Subpart 96.25—Fog Sound Signal Devices

§ 96.25–1 Vessels other than motorboats.

(a) All vessels other than motorboats shall be provided with an efficient fog bell at least 8 inches in diameter. The fog bell shall be located where the sound will be least obstructed.

(b) All vessels of more than 350 feet in length shall be provided with a fog gong which will produce a sound easily distinguishable from the sound of the bell required by paragraph (a) and shall have a range of audibility approximating that of the bell. Vessels operating exclusively on the Great Lakes and the inland waters of the United States shall be exempt from this section.

§ 96.25–5 Motorboats operating on the high seas.

(a) All motorboats operating on the high seas outside the navigable waters of the United States shall meet the requirements for fog bells prescribed by § 96.25–1 for vessels other than motorboats.

(Sec. 17, 54 Stat. 166, as amended; 46 U.S.C. 526p)

§ 96.25–10 Motorboats operating on the navigable waters of the United States.

(a) When operating on the navigable waters of the United States, motorboats of Classes A and 1 are not required to carry fog bells. However, motorboats of Classes 2 and 3 operating on the navigable waters of the United States shall be provided with an efficient fog bell.

(Sec. 17, 54 Stat. 166, as amended; 46 U.S.C. 526p)

Subpart 96.27—Sounding Equipment

§ 96.27–1 When required.

(a) All mechanically propelled vessels in ocean or coastwise service of 500 gross tons and over, and all mechanically propelled vessels in Great Lakes service of 1,500 gross tons and over, except paddle wheel vessels, shall be fitted with an efficient mechanical or electronic deep-sea sounding apparatus in addition to the deep-sea hand leads. On Great Lakes vessels, a shallow water alarm may be substituted.

Subpart 96.30—Protection From Refrigerants

§ 96.30–1 Application.

(a) The provisions of this subpart, with the exception of § 96.30–90, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 96.30–90.

§ 96.30–5 General.

(a) All self-contained breathing apparatus and gas masks shall be of an approved type, constructed in accordance with Subpart 160.011 of Subchapter Q (Specifications) of this chapter.

(b) All equipment shall be maintained in an operative condition, and it shall be the responsibility of the master and chief engineer to ascertain that a sufficient number of the crew are familiar with the operation of the equipment.

§ 96.30–15 Refrigeration masks.

(a) On all vessels equipped with refrigeration, other than small unit type refrigerations of not more than 20 cubic feet capacity, a gas mask, suitable for protection against each refrigerant used, or a self-contained breathing apparatus shall be provided. The refrigeration gas masks shall be stowed convenient to, but outside of the spaces containing the refrigeration equipment.

(b) A complete recharge shall be carried for each gas mask and self-contained breathing apparatus. The spare charge shall be stowed in the same location as the equipment it is to reactivate.

§ 96.30–90 Vessels contracted for prior to November 19, 1952.

(a) Vessels contracted for prior to November 19, 1952, shall meet the following requirements:

(1) The requirements of §§ 96.30–5 through 96.30–15 shall be complied with insofar as the number of items of equipment and the method of stowage of the equipment is concerned. Existing items of equipment previously approved, but not meeting the applicable specifications set forth in § 96.30–5, may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection, but all new installations or replacements shall meet the applicable specifications or requirements in this subpart.

Subpart 96.35— Fireman's Outfit

§ 96.35–1 Application.

(a) The provisions of this subpart, with the exception of § 96.35–90, shall apply to all vessels on an international voyage contracted for on or after May 26, 1965. Such vessels contracted for prior to May 26, 1965, shall meet the requirements of § 96.35–90.

§ 96.35–5 General.

(a) All flame safety lamps shall be of an approved type, constructed in accordance with Subpart 160.016 of Subchapter Q (Specifications) of this chapter.

(b) All self-contained breathing apparatus shall be of an approved type, constructed in accordance with Subpart 160.011 of Subchapter Q (Specifications) of this chapter.

(c) All flashlights shall be of an approved 3-cell explosion-proof type, constructed in accordance with Subpart 161.008 of Subchapter Q (Specifications) of this chapter.

(d) All lifelines shall be of steel or bronze wire rope. Steel wire rope shall be either inherently corrosion-resistant, or made so by galvanizing or tinning. Each end shall be fitted with a hook with keeper having throat opening which can be readily slipped over a ⅝-inch bolt. The total length of the lifeline shall be dependent upon the size and arrangement of the vessel, and more than one line may be hooked together to achieve the necessary length. No individual length of lifeline may be less than 50 feet in length. The assembled lifeline shall have a minimum breaking strength of 1,500 pounds.

(e) All equipment shall be maintained in an operative condition, and it shall be the responsibility of the master and chief engineer to ascertain that a sufficient number of the crew are familiar with the operation of the equipment.

§ 96.35–10 Fireman's outfit.

(a) A fireman's outfit shall consist of one self-contained breathing apparatus with lifeline attached, one flashlight, one flame safety lamp, and one fire ax.

(b) Every vessel shall carry at least one fireman's outfit.

§ 96.35–15 Stowage.

(a) Equipment shall be stowed in a convenient, accessible location as determined by the master, for use in case of emergency.

§ 96.35–20 Spare charges.

(a) A complete recharge shall be carried for each self-contained breathing apparatus, and a complete set of spare batteries shall be carried for each flashlight. The spares shall be stowed in the same location as the equipment it is to reactivate.

§ 96.35–90 Vessels contracted for prior to May 26, 1965.

(a) Vessels contracted for prior to May 26, 1965, shall meet the following requirements:

(1) The requirements of §§ 96.35–5 through 96.35–20 shall be complied with insofar as the number of items of equipment and the method of stowage of the equipment is concerned. Existing items of equipment previously approved, but not meeting the applicable specifications set forth in § 96.35–5, may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection, but all new installations or replacements shall meet the applicable specifications or requirements.

PART 97—OPERATIONS

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Subpart 97.75—Prevention of Oil Pollution

97.75–1 Prohibited zones.

AUTHORITY: The provisions of this Part 97 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4453, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 435, 395, 363, 367, 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, Nov. 26, 1954, 19 F.R. 8026; CGFR 56–28, July 24, 1956, 21 F.R. 5659, unless otherwise noted.

Subpart 97.01—Application

§ 97.01–1 General.

(a) The provisions of this part shall apply to all vessels except as specifically noted in this part.

Subpart 97.03—Statutory Penalties

§ 97.03–1 General.

(a) The marine safety and criminal statutes provide penalties for the violation of the applicable provisions of this subchapter, which penalties, depending upon the gravity of the violation, are as follows:

(1) Assessment and collection of civil monetary penalty.

(2) Criminal prosecution where no loss of life results.

(3) Criminal prosecution for manslaughter where loss of life results from violation of statute or regulation or from misconduct, negligence, or inattention to duty.

(4) Libel against vessel.

(b) In addition to the foregoing, any licensed or certificated personnel committing an act of misbehavior, negligence, unskillfulness, endangering life, violation of marine safety statutes or regulations or requirements thereunder, and incompetency shall be subject to proceedings under the provisions of 46 U. S. C. 239 and regulations thereunder (Part 137 of this chapter) with respect to suspension or revocation of license or certificate.

Subpart 97.05—Notice to Mariners and Aids to Navigation

§ 97.05–1 Duty of officers.

(a) Licensed deck officers are required to acquaint themselves with the latest information published by the Coast Guard and the United States Navy regarding aids to navigation. Neglect to do so is evidence of neglect of duty. It is desirable that vessels other than motorboats shall have available in the pilothouse for convenient reference at all times a file of the applicable Notice to Mariners.

(1) Notice to Mariners, published weekly by the Coast Guard, contains announcements and information regarding aids to navigation and charts of waters of the United States and is available for free distribution at field offices of the Coast Guard, United States Coast and Geodetic Survey field stations, and the Marine Division, Customhouse.

(2) Notice to Mariners, published weekly by the United States Navy for the correction of charts, sailing directions, light lists, and other publications, and which includes foreign waters and certain waters of the United States, is available for free distribution at the Oceanographic Office, Branch Oceanographic Offices, or any of the agencies at seaboard ports, and is also on file in the United States consulates where they may be inspected.

§ 97.05–5 Charts.

(a) All vessels, except barges, vessels operating exclusively on rivers, and motorboats other than those certificated for ocean and coastwise routes, shall have charts of the waters upon which they operate available for convenient reference at all times.

Subpart 97.07—Notice of Casualty and Voyage Records

AUTHORITY: The provisions of this Subpart 97.07 interpret or apply R.S. 4450, as amended, 4453, as amended, secs. 13, 17, 54 Stat. 165, 166, as amended, sec. 10, 18 Stat. 128, as amended; 46 U.S.C. 239, 435, 526*l*(c), 526p, 53 U.S.C. 361. Treasury Department Orders 167–32, Sept. 23, 1958, 23 F.R. 7605; 167–38, Oct. 26, 1959, 24 F.R. 8857.

§ 97.07–1 Notice of casualty.

(a) The owner, agent, master, or person in charge of a vessel involved in a marine casualty shall give notice as soon as possible to the nearest marine inspection office of the U.S. Coast Guard whenever the casualty results in any of the following:

(1) Damage to property in excess of $1,500.

(2) Material damage affecting the seaworthiness or efficiency of a vessel.

(3) Stranding or grounding.

(4) Loss of life.

(5) Injury causing any person to remain incapacitated for a period in excess of 72 hours; except injuries to harbor workers not resulting in death and not resulting from vessel casualty or vessel equipment casualty.

(b) The master of any nuclear vessel shall immediately inform the Commandant in the event of any accident or casualty to the nuclear vessel which may lead to an environmental hazard. The master shall also immediately inform the competent governmental authority of the country in whose waters the vessel may be in, or whose waters the vessel approaches in a damaged condition.

§ 97.07–5 Information required.

(a) The notice required by § 97.07–1 shall show the name and official number of the vessel involved, the owner or agent thereof, the nature and probable occasion of the casualty, the locality in which it occurred, the nature and extent of injury to persons and the damage to property.

§ 97.07–10 Written report.

(a) In addition to the notice required by § 97.07–1, the person in charge of the vessel shall, as soon as possible, report in writing and in person to the Officer in Charge, Marine Inspection, at the port in which the casualty occurred or nearest the port of first arrival. However, if from a distance it may be inconvenient to report in person, it may be done in writing only. The written report required for personal accident shall be made on Form CG–924E and submitted for each individual injured and each loss of life. For all other vessel casualties the written report shall be made on Form CG–2692.

(b) If filed without delay, the Form CG–924E or CG–2692 may also provide the notice required by § 97.07–1.

§ 97.07–15 Retention of records.

(a) The owner, agent, master, or other person in charge of any vessel involved in a marine casualty shall retain such voyage records of the vessel as are maintained by the vessel, such as both rough and smooth deck and engineroom logs, bell books, navigation charts, navigation work books, compass deviation cards, gyrocompass records, storage plans, record of draft, aids to mariners, radiograms sent and received, the radio log and crew and passenger lists. The owner, agent, master, or other officer in charge, shall make these records available to a duly authorized Coast Guard officer or employee for examination upon request.

§ 97.07–20 Aids to navigation.

(a) Whenever a vesel collides with a lightship, buoy, or other aid to navigation under the jurisdiction of the Coast Guard, or is connected with any such collision, it shall be the duty of the person in charge of such vessel to report the accident to the nearest Officer in Charge, Marine Inspection. No report on Form CG–2692 is required unless any of the results listed in § 97.07–1 (a) occur.

§ 97.07–25 Reports when state of war exists.

(a) During the period when a state of war exists between the United States and any foreign nation, communications in regard to casualties or accidents shall be handled with caution and the reports shall not be made by radio or by telegram.

Subpart 97.10—Persons Allowed in Pilothouse and on Navigation Bridge

§ 97.10–1 Application.

(a) The provisions of this subpart shall apply to all vessels carrying passengers.

§ 97.10–5 Persons excluded.

(a) Masters and pilots shall exclude from the pilothouse and navigator's bridge while under way, all persons not connected with the navigation of the vessel. However, inspectors of the Coast Guard, licensed officers of vessels, persons regularly engaged in learning the profession of pilot, officers of the Coast Guard, United States Navy, United States Coast and Geodetic Survey, and the Engineer Department of the United States Army, or Maritime Administration personnel, may be allowed in the pilothouse or upon the navigator's bridge upon the responsibility of the officer in charge.

Subpart 97.12—Cargo Stowage

§ 97.12–1 Bulk ores and similar cargoes.

(a) The owners or operators of general cargo vessels which carry bulk cargoes such as ore, ore concentrates, and similar cargoes shall furnish to the masters of such vessels guidance information pertaining to the safe stowage of such cargoes.

§ 97.12–5 Manual.

(a) The manual on the "Stowage of Bulk Cargoes Such as Ore, Ore Concentrates, and Similar Cargoes when carried in General Cargo Vessels," 1959,[1] printed and distributed by the National Cargo Bureau, Inc., 99 John Street, New York, N.Y., 10038, is endorsed and recognized by the Coast Guard for use in compliance with the requirements of § 97.12–1(a).

Subpart 97.13—Station Bills

AUTHORITY: The provisions of this Subpart 97.13 interpret or apply R.S. 4488, as amended; 46 U.S.C. 481. Treasury Department Order 167–38, October 26, 1959, 24 F.R. 8857.

§ 97.13–1 Application.

(a) The provisions of this subpart shall apply to all vessels of over 500 gross tons except barges.

§ 97.13–5 Master's responsibility.

(a) A station bill (muster list) shall be prepared by the master of the vessel who shall be responsible to sign such station bill and to ascertain that it is duly posted in conspicuous locations in the vessel, particularly in the crew quarters, before the vessel sails.

§ 97.13–10 Duties of crew.

(a) The station bill shall set forth the special duties and duty station of each member of the crew for the various emergencies. The duties shall, as far as possible, be comparable with the regular work of the individual. The duties shall in general include the following and in addition, such other duties shall be assigned as are necessary in the case of the particular vessel for the proper handling of the particular emergency:

(1) The closing of airports, watertight doors, scuppers, sanitary and other discharges which lead through the vessel's hull below the margin line, etc., the stopping of fans and ventilating systems, and the operation of all safety equipment.

(2) The preparation and launching of lifeboats and liferafts.

(3) The extinction of fire.

(4) The muster of passengers, if carried, which shall in general be assigned to the stewards department, and shall include the following:

(i) Warning the passengers.

(ii) Seeing that they are dressed and have put on their life preservers in a proper manner.

(iii) Assembling the passengers and directing them to the appointed stations.

(iv) Keeping order in the passageways and stairways and generally controlling the movement of the passengers.

(v) Seeing that a supply of blankets is taken to the lifeboats.

(5) The custody of the portable radio apparatus required by Subpart 94.55 of this subchapter.

§ 97.13–15 Emergency signals.

(a) The station bill shall set forth the various signals to be used for the calling of the crew to their stations and for giving instructions while at their stations. These signals shall be as set forth in this section.

(b) (1) The fire alarm signal shall be a continuous blast of the whistle for a period of not less than 10 seconds supplemented by the continuous ringing of the general alarm bells for not less than 10 seconds.

(2) For dismissal from fire alarm stations, the general alarm shall be sounded three times supplemented by three short blasts of the whistle.

(c) (1) The signal for boat stations or boat drill shall be a succession of more than six short blasts followed by one long blast of the whistle supplemented by a comparable signal on the general alarm bells.

(2) Where whistle signals are used for handling the lifeboats, they shall be as follows:

(i) To lower lifeboats, one short blast.

(ii) To stop lowering the lifeboats, two short blasts.

(3) For dismissal from boat stations, there shall be three short blasts of the whistle.

(d) In the case of river vessels, the ship's bell may be used in lieu of the whistle signals stipulated in this section.

(e) The master of any vessel may establish such other emergency signals, in addition to the above, as will provide that all officers, crew, and passengers will have positive and certain notice of the existing emergency.

§ 97.13–20 Master to instruct crew.

(a) The master shall conduct such drills and give such instructions as are necessary to insure that all hands are familiar with their duties as specified in the station bill.

Subpart 97.14—Manning of Lifeboats and Liferafts

AUTHORITY: The provisions of this Subpart 97.14 interpret or apply R.S. 4488, as amended; 46 U.S.C. 481. Treasury Department Order 167–38, October 26, 1959, 24 F.R. 8857.

§ 97.14–1 Application.

(a) The provisions of this subpart shall apply to all vessels equipped with lifeboats and/or liferafts, except unmanned barges.

§ 97.14–5 Person in command of lifeboat or liferaft.

(a) For vessels in ocean service, the master shall appoint a first and second in command of each lifeboat and each liferaft who shall be either a licensed deck officer, an able seaman, or a certificated lifeboatman.

(b) For vessels in services other than ocean service, the master shall appoint a person in command of each lifeboat and each liferaft. Except for vessels in river service, this person in command shall be either a licensed deck officer, an able seaman, or a certificated lifeboatman.

(c) The person in charge of each lifeboat or liferaft shall have a list of its crew, and shall see that the persons under his orders are acquainted with their several duties.

§ 97.14–10 Certificated lifeboatmen.

(a) Except for vessels in river service, there shall be for each lifeboat and each liferaft a number of certificated lifeboatmen equal to that specified in Table 97.14–10(a): *Provided*, That vessels required to carry sufficient lifeboats on each side to accommodate all persons on board need only carry the certificated lifeboatmen required for the manning of the lifeboats on one side.

TABLE 97.14–10(a)

Prescribed complement of lifeboat or liferaft		Minimum number of lifeboatmen	
Over	Not over	Ocean service	All services other than ocean [1]
----------	25	2	1
25	40	2	2
40	60	3	3
60	85	4	4
85	110	5	5
110	----------	6	6

[1] Certificated lifeboatmen are not required on vessels in river service.

(b) The allocation of the certificated lifeboatmen to each lifeboat and each liferaft shall be at the discretion of the master according to the circumstances.

§ 97.14–15 Motor-propelled lifeboat.

(a) The master shall assign to each motor-propelled lifeboat a man capable of working the motor.

§ 97.14–20 Lifeboat carrying a wireless and/or searchlight.

(a) The master shall assign to each lifeboat carrying a wireless and/or

[1] A copy of this manual has been filed with the Office of the Federal Register. Copies are also on file with the various Coast Guard District Commanders for reference purposes.

searchlight a man capable of operating such equipment.

Subpart 97.15—Tests, Drills, and Inspections

AUTHORITY: The provisions of this Subpart 97.15 interpret or apply R.S. 4488, as amended; 46 U.S.C. 481. Treasury Department Order 167-38, October 26, 1959, 24 F.R. 8857.

§ 97.15-1 Application.

(a) Except as specifically noted, the provisions of this subpart shall apply to all vessels other than motorboats, and to all motorboats on an international voyage. Motorboats not on an international voyage shall meet the general intent of this subpart insofar as is reasonable and practicable with the exception that the logging of information is not required.

§ 97.15-3 Steering gear, whistle, and means of communication.

(a) On all vessels making a voyage of more than 48 hours' duration, the entire steering gear, the whistle, and the means of communication between the bridge or pilothouse and the engineroom shall be examined and tested by an officer of the vessel within a period of not more than 12 hours prior to departure. On all other vessels similar examinations and tests shall be made at least once in every week.

(b) The date of the test and the condition of the equipment shall be noted in the official logbook.

§ 97.15-5 Drafts and load line markings.

(a) The master of every vessel on an ocean, coastwise, or Great Lakes voyage shall enter the drafts of the vessel, forward and aft, in the official logbook when leaving port.

(b) On vessels subject to the requirements of Subchapter E (Load Lines) of this chapter at the time of departure from port on an ocean, coastwise, or Great Lakes voyage, the master shall insert in the official logbook a statement of the position of the load line mark, port and starboard, in relation to the surface of the water in which the vessel is then floating.

(1) When an allowance for draft is made for density of the water in which the vessel is floating, this density is to be noted in the official logbook.

§ 97.15-10 Sanitation.

(a) It shall be the duty of the master and chief engineer to see that the vessel, and, in particular, the quarters are in a clean and sanitary condition. The chief engineer shall be responsible only for the sanitary condition of the engineering department.

§ 97.15-15 Examination of boilers and machinery.

(a) It shall be the duty of the chief engineer when he assumes charge of the boilers and machinery of a vessel to examine them thoroughly. If any parts thereof are in bad condition, or if the safety-valve seals are broken, the fact shall immediately be reported to the master, owner or agent, and the Officer in Charge, Marine Inspection.

§ 97.15-20 Hatches and other openings.

(a) (1) With the exception stated in subparagraph (2) of this paragraph, it shall be the responsibility of the master to assure himself that all exposed cargo hatches and other openings in the hull of his vessel are closed, made properly watertight by the use of tarpaulins, gaskets or similar devices, and in all respects properly secured for sea before leaving protected waters.

(2) A vessel engaged in a voyage exclusively on Great Lakes waters and having 6 feet or more of freeboard, measured vertically from the water's edge at the lowest point of sheer to the top of deck at the ship's side, may, at the master's discretion, omit tarpaulins on the ship's hatches from 16 May through 15 September (both dates inclusive). This exemption does not relieve the master of any responsibility for the securing and protection of his hatches during the interval of exemption and, in case of indications of bad weather or other threatening conditions, he shall not leave protected waters until the exposed cargo hatches and other openings in the hull of his vessel are properly covered, secured and protected.

(b) The openings to which this section applies are as follows:

(1) Exposed cargo hatches.

(2) Gangway, cargo and coaling ports fitted below the freeboard deck.

(3) Port lights that are not accessible during navigation including the dead lights for such port lights.

(c) Vessels which, by their design, do not require cargo hatch closing devices and to which § 45.01-20 of Subchapter E (Load Lines) of this chapter applies need not comply with the requirements of this section as to exposed cargo hatches.

(d) The master at his discretion may permit hatches or other openings to remain uncovered or open, or to be uncovered or opened for reasonable purposes such as ship's maintenance while the vessel is being navigated: *Provided*, That in his opinion existing conditions warrant such action.

(e) In the event the master employs the discretionary provisions of this section after leaving port he shall cause appropriate entries to be made in the official log or equivalent thereof setting forth the time of uncovering, opening, closing or covering of the hatches or other openings to which this section applies and the circumstances warranting the action taken.

(f) The discretionary provisions of this section shall not relieve the master of his responsibility for the safety of his vessel, her crew or cargo.

§ 97.15-25 Line-throwing appliances.

(a) On vessels fitted with a line-throwing appliance, it shall be the duty of the master to drill his crew in the use of such appliance, and require it to be fired at least once in every 3 months. Each drill shall be recorded in the vessel's official logbook. The service line shall not be used for drill purpose. The drill shall be conducted as follows:

(1) For impulse-projected rocket type, by actually firing the rocket with any flexible line of proper size and length, suitably faked or laid out.

(2) For shoulder gun type, by actually firing, using the regular cartridge and projectile with any flexible line of proper size and length, suitably faked or laid out.

(3) For Lyle gun type, by actually firing, using 2½ ounces of powder, the regular service projectile with any flexible line of proper size and length suitably faked or laid out.

§ 97.15-30 Emergency lighting and power systems.

(a) Where fitted, it shall be the duty of the master to see that the emergency lighting and power systems are operated and inspected at least once in each week that the vessel is navigated to be assured that the system is in proper operating condition.

(b) Internal combustion engine driven emergency generators shall be operated under load for at least 2 hours, at least once in each month that the vessel is navigated.

(c) Storage batteries for emergency lighting and power systems shall be tested at least once in each 6-month period that the vessel is navigated to demonstrate the ability of the storage battery to supply the emergency loads for the specified period of time.

(d) The date of the tests and the condition and performance of the apparatus shall be noted in the official log book.

§ 97.15-35 Fire and boat drills.

(a) The master shall be responsible for conducting a fire and boat drill at least once in every week. The scheduling of such drills shall be at the discretion of the Master except that at least one fire and boat drill shall be held within 24 hours of leaving a port if more than 25 percent of the crew have been replaced at that port.

(b) The fire and boat drill shall be conducted as if an actual emergency existed. All hands should report to their respective stations and be prepared to perform the duties specified in the station bill.

(1) Fire pumps shall be started and a sufficient number of outlets used to ascertain that the system is in proper working order.

(2) All rescue and safety equipment shall be brought from the emergency equipment lockers and the persons designated shall demonstrate their ability to use the equipment.

(3) All watertight doors which are in use while the vessel is under way shall be operated.

(4) Weather permitting, lifeboat covers and strongbacks shall be removed, plugs or caps put in place, boat ladders secured in position, painters led forward and tended, and other life-saving equipment prepared for use. The motor and hand-propelling gear of each lifeboat, where fitted, shall be operated for at least 5 minutes.

(5) The passengers, if carried, shall be encouraged to fully participate in

these drills and shall be instructed in the use of the life preservers.

(6) In port, every lifeboat shall be swung out, if practicable, and the unobstructed lifeboats shall be lowered to the water and the crew exercised in the use of the oars and other means of propulsion if provided for the lifeboat. Although all lifeboats may not be used in a particular drill, care shall be taken that all lifeboats are given occasional use to ascertain that all lowering equipment is in proper order and the crew properly trained. The Master shall be responsible that each lifeboat is lowered to the water at least once in each 3 months.

(7) When the vessel is under way, and weather permitting, all lifeboats shall be swung out to ascertain that the gear is in proper order.

(8) The person in charge of each lifeboat and liferaft shall have a list of its crew and shall see that the men under his command are acquainted with their duties.

(9) Lifeboat equipment shall be examined at least once a month to insure that it is complete.

(c) An entry shall be made in the vessel's official logbook relative to each fire and boat drill setting forth the date and hour, length of time of the drill, numbers on the lifeboats swung out and numbers on those lowered, the length of time that motor and hand-propelled lifeboats are operated, the number of lengths of hose used, together with a statement as to the condition of all fire and lifesaving equipment, watertight door mechanisms, valves, etc. An entry shall also be made to report the monthly examination of the lifeboat equipment. If in any week the required fire and boat drills are not held or only partial drills are held, an entry shall be made stating the circumstances and extent of the drills held.

(d) A copy of these requirements, Form CG-809, shall be framed under glass and posted in a conspicuous place about the vessel. This form may be obtained from the Officer in Charge, Marine Inspection.

§ 97.15-40 Electric power operated lifeboat winches.

(a) It shall be the duty of the master to see that all lifeboat winch control apparatus, including motor controllers, emergency switches, master switches, and limit switches, are examined at least once in each 3 months. The examination shall include the removal of drain plugs and/or the opening of drain valves in such appliances to assure that the enclosures are free of water.

(b) The date of the examination required by this section and the condition of the equipment shall be noted in the official logbook.

§ 97.15-45 Lifeboats, rescue boats, liferafts, lifefloats, and buoyant apparatus.

(a) (1) It shall be the duty of the master or person in charge to see that the lifeboats, rescue boats, liferafts, lifefloats, and buoyant apparatus are properly maintained at all times, and that all equipment for his vessel required by the regulations in this subchapter is provided, maintained, and replaced as indicated.

(2) The master shall assign to one or more officers the duty of seeing that the lifeboats, rescue boats, liferafts, lifefloats, and buoyant apparatus are at all times ready for immediate use.

(3) The decks on which lifeboats, rescue boats, liferafts, lifefloats, and buoyant apparatus are stowed shall be kept clear of cargo or any other obstructions which would interfere with the immediate launching of such equipment.

(b) Where motor-propelled lifeboats are carried, the motor of each lifeboat shall be operated in the ahead and astern position for a period of not less than 5 minutes at least once in each week.

(c) All lifeboats, rescue boats and rigid type liferafts shall be stripped, cleaned, and thoroughly overhauled at least once in every year. When lifeboats are removed from a vessel for this purpose on a rotational basis, the installation test prescribed by Subpart 94.35 of this subchapter need not be made.

(d) The fuel tanks of all motor-propelled lifeboats shall be emptied and the fuel changed at least once in every year.

(e) Vessels in ocean or coastwise service having a sufficient number of lifeboats on each side to accommodate all persons on board may care for their lifeboats at sea: *Provided*, That a number of lifeboats sufficient to accommodate all persons on board are fully equipped and ready for use at all times.

(f) Inflatable liferafts shall be serviced at an approved service facility every 12 months or not later than the next inspection for certification provided the time since date of last servicing does not exceed 15 months. Except in emergencies no servicing should be done aboard vessels.

§ 97.15-50 Radio apparatus for lifeboats.

(a) It shall be the duty of the master to require that all batteries for all fixed and portable radio apparatus for lifeboats are brought up to full charge weekly if the batteries are of a type which require recharging.

(b) In any case, the transmitter shall be tested weekly using a suitable artificial aerial.

§ 97.15-55 Requirements for fuel oil.

(a) It shall be the duty of the chief engineer to cause an entry in the log to be made of each supply of fuel oil received on board, stating the quantity received, the name of the vendor, the name of the oil producer, and the flash point (closed cup test) for which it is certified by the producer.

(b) It shall be the further duty of the chief engineer to cause to be drawn and sealed and suitably labeled at the time the supply is received on board, a half-pint sample of each lot of fuel oil. These samples shall be preserved until the particular supply of oil is exhausted.

§ 97.15-60 Firefighting equipment, general.

(a) It shall be the duty of the owner, master, or person in charge to see that the vessel's firefighting equipment is at all times ready for use and that all such equipment required by the regulations in this subchapter is provided, maintained, and replaced as indicated.

(b) It shall be the duty of the owner, master, or person in charge to require and have performed at least once in every twelve months the tests and inspections of all hand portable fire extinguishers, semiportable fire extinguishing systems, and fixed fire extinguishing systems on board, as described in Tables 91.25-20 (a) (1) and 91.25-20(a) (2) in § 91.25-20 of this subchapter. The owner, master, or person in charge shall keep records of such tests and inspections showing the dates when performed, the number and/or other identification of each unit tested and inspected, and the name(s) of the person(s) and/or company conducting the tests and inspections. Such records shall be made available to the inspector upon request and shall be kept for the period of validity of the vessel's current certificate of inspection. Where practicable these records should be kept in or with the vessel's log book. The conduct of these tests and inspections does not relieve the owner, master, or person in charge of his responsibility to maintain this firefighting equipment in proper condition at all times.

Subpart 97.17—Steering Orders

§ 97.17-1 Method of communicating.

(a) All steering orders shall be given and communicated in terms of "right rudder" where it is intended that the top of the wheel, the rudder blade, and the head of the ship should go to the right, and "left rudder" where it is intended that the top of the wheel, the rudder blade, and the head of the ship should go to the left.

Subpart 97.20—Whistling

§ 97.20-1 Unnecessary whistling prohibited.

(a) The unnecessary sounding of the vessel's whistle is prohibited within any harbor limits of the United States.

Subpart 97.23—Unauthorized Lights

§ 97.23-1 Unauthorized lights prohibited.

(a) The master shall not authorize or permit the carrying of any lights not required by law that in any way will interfere with the distinguishing of the signal lights.

Subpart 97.25—Searchlights

§ 97.25-1 Improper use prohibited.

(a) No person shall flash or cause to be flashed the rays of a searchlight or other blinding light onto the bridge or into the pilothouse of any vessel under way.

Subpart 97.27—Lookouts

§ 97.27–5 Master's and officer's responsibility.

(a) Nothing in this part shall exonerate any master or officer in command from the consequences of any neglect to keep a proper lookout or to maintain a proper fire watch or from any neglect of any precaution which may be required by the ordinary practice of seamen or by the special circumstances of the case. When circumstances require it, additional watches shall be maintained to guard against fire or other danger and to give an alarm in case of accident or disaster.

§ 97.27–10 Reckless or negligent operation prohibited by law.

(a) Subsection 13(a) of the act of April 25, 1940 (46 U.S.C. 526*l*), reads as follows:

No person shall operate any motorboat or any vessel in a reckless or negligent manner so as to endanger the life, limb, or property of any person. To "operate" means to navigate or otherwise use a motorboat or a vessel.

Subpart 97.30—Reports of Accidents, Repairs, and Unsafe Equipment

AUTHORITY: The provisions of this Subpart 97.30 interpret or apply R.S. 4450, as amended, 4453, as amended, sec. 10, 18 Stat. 128, as amended; 46 U.S.C. 239, 435, 33 U.S.C. 361.

§ 97.30–1 Repairs to boilers and pressure vessels.

(a) Before making any repairs to boilers or unfired pressure vessels, the chief engineer shall submit a report covering the nature of the repairs to the Officer in Charge, Marine Inspection, at or nearest to the port where the repairs are to be made.

§ 97.30–5 Accidents to machinery.

(a) In the event of an accident to a boiler, unfired pressure vessel, or machinery tending to render the further use of the item unsafe until repairs are made, or if by ordinary wear such items become unsafe, a report shall be made, by the chief engineer immediately to the Officer in Charge, Marine Inspection, or if at sea immediately upon arrival at port.

§ 97.30–10 Notice required before repair.

(a) No repairs or alterations, except in an emergency, shall be made to any lifesaving or fire detecting or extinguishing equipment without advance notice to the Officer in Charge, Marine Inspection. When emergency repairs or alterations have been made, notice shall be given to the Officer in Charge, Marine Inspection, as soon as practicable.

§ 97.30–20 Breaking of safety valve seal.

(a) If at any time it is necessary to break the seal on a safety valve for any purpose, the chief engineer shall advise the Officer in Charge, Marine Inspection, at the next port of call, giving the reason for breaking the seal and requesting that the valve be examined and adjusted by an inspector.

(R.S. 4419, as amended; 46 U.S.C. 393)

Subpart 97.33—Cable Traveler

AUTHORITY: The provisions of this Subpart 97.33 interpret or apply R.S. 4488, as amended; 46 U.S.C. 481. Treasury Department Order 167–38, Oct. 26, 1959, 24 F.R. 8857.

§ 97.33–1 When required.

(a) On vessels where the distance between deck houses is more than 150 feet, a wire cable shall be stretched between the deck houses at all times when the vessel is navigating in other than protected waters. As many loose rings with lanyards shall be attached as deemed necessary by the master. In any case, a properly constructed raised catwalk or raised bridge or a below deck passage may be substituted for the required cable.

Subpart 97.34—Work Vests

AUTHORITY: The provisions of this Subpart 97.34 interpret or apply R.S. 4488, as amended, 4491, as amended; 46 U.S.C. 481, 489. Treasury Department Order 167–38, October 26, 1959, 24 F.R. 8857.

§ 97.34–1 Application.

(a) Provisions of this subpart shall apply to all vessels inspected and certificated in accordance with this subchapter.

§ 97.34–5 Approved unicellular plastic foam work vests.

(a) Buoyant work vests carried under the permissive authority of this subpart shall conform to the specifications contained in Subpart 160.053 in Subchapter Q (Specifications) of this chapter.

§ 97.34–10 Use.

(a) Approved buoyant work vests are considered to be items of safety apparel and may be carried aboard vessels to be worn by crew members when working near or over the water under favorable working conditions. They shall be used under the supervision and control of designated ship's officers. When carried, such vests shall not be accepted in lieu of any portion of the required number of approved life preservers and shall not be substituted for the approved life preservers required to be worn during drills and emergencies.

§ 97.34–15 Shipboard stowage.

(a) The approved buoyant work vests shall be stowed separately from the regular stowage of approved life preservers.

(b) The locations for the stowage of work vests shall be such as not to be easily confused with that for approved life preservers.

§ 97.34–20 Shipboard inspections.

(a) Each work vest shall be subject to examination by a marine inspector to determine its serviceability. If found to be satisfactory, it may be continued in service, but shall not be stamped by a marine inspector with a Coast Guard stamp. If a work vest is found not to be in a serviceable condition, then such work vest shall be removed from the vessel. If a work vest is beyond repair, it shall be destroyed or mutilated in the presence of a marine inspector so as to prevent its continued use as a work vest.

Subpart 97.35—Logbook Entries

§ 97.35–1 Application.

(a) Except as specifically noted, the provisions of this subpart shall apply to all vessels other than motorboats and barges. Motorboats on an international or intercoastal voyage may be required to carry a logbook in accordance with § 97.35–10.

§ 97.35–3 Logbooks and records.

(a) Under various statutes or by regulations in this subchapter, vessels engaged in all trades, with the exception of vessels engaged exclusively in trade on rivers of the United States shall have certain logbooks or records, and, when the occasion arises, it is the duty of the master or person in charge to place therein specific entries as required by law or regulations in this chapter.

(b) R.S. 4290, as amended (46 U.S.C. 201), states: "Every vessel making voyages from a port in the United States to any foreign port, or, being of the burden of 75 tons or upward, from a port on the Atlantic to a port on the Pacific, or vice versa, shall have an Official Logbook; * * *." This Official Logbook is furnished gratuitously to masters of United States' flag vessels by the Coast Guard, as Form CG–706B or CG–706C, depending upon the number of persons employed as crew. There is printed in the first several pages of this Official Logbook various acts of Congress relating to logbooks and the entries required to be made therein. When a voyage is completed, or after a specified period of time is completed, the Official Logbooks with required entries therein shall be filed with the Officer in Charge, Marine Inspection, at or nearest the port where the vessel may be.

(c) For vessels other than those required to have Official Logbooks by R.S. 4290, the owners, operators, and/or masters are to supply their own logs or records in any form desired, which will be considered to take the place of the Official Logbooks and may be used for the purpose of making entries therein as required by law or regulations in this subchapter. Such logs or records are not filed with the Officer in Charge, Marine Inspection, but shall be kept available for review by a marine inspector for a period of one year after the date to which the records refer, except for separate records of tests and inspections of firefighting equipment which shall be maintained with the vessel's logs for the period of validity of the vessel's certificate of inspection.

§ 97.35–5 Actions required to be logged.

(a) The actions and observations noted in this section shall be entered in the official log book. This section contains no requirements which are not made in other portions of this subchapter, the items being merely grouped together for convenience.

(1) Fire and Boat Drills. Weekly. See § 97.15–35.

(2) Steering Gear, Whistle, and Means of Communication. Prior to departure. See § 97.15–3.

(3) Drafts and Load Line Markings. Prior to leaving port, ocean, coastwise, and Great Lakes services only. See § 97.15–5.

(4) Hatches and other openings. All openings and closings, or leaving port without closing. Except vessels on protected waters. See § 97.15–20.

(5) Line Throwing Appliances. Once every 3 months. See § 97.15–25.

(6) Emergency Lighting and Power Systems. Weekly and semi-annually. See § 97.15–30.

(7) Electric Power Operated Lifeboat Winches. Once every 3 months. See § 97.15–40.

(8) Fuel oil data: Upon receipt of fuel oil on board. See § 97.15–55.

(9) Cargo gear inspections: At least once a month. See § 91.37–70 of this subchapter.

§ 97.35–10 Official log entries.

(a) On vessels where an Official Logbook is required by R.S. 4290 (46 U.S.C. 201), all items relative to the crew and passengers, as well as with respect to any casualties which may occur, shall be entered in the Official Logbook as required by this law.

Subpart 97.36—Display of Plans

§ 97.36–1 When required.

(a) Barges with sleeping accommodations for more than six persons and all self-propelled vessels shall have permanently exhibited for the guidance of the officer in charge of the vessel, general arrangement plans showing for each deck the various fire retardant bulkheads together with particulars of the fire detecting, manual alarm and fire extinguishing systems, fire doors, means of ingress to the different compartments, and the ventilating systems including the positions of the dampers, the location of the remote means of stopping the fans, and the identification of the fans serving each section.

(R.S. 4488, as amended, 46 U.S.C. 481. Treasury Department Order 167–38, October 26, 1959, 24 F.R. 8857)

Subpart 97.37—Markings for Fire and Emergency Equipment, Etc.

AUTHORITY: The provisions of this Subpart 97.37 interpret or apply R.S. 4488, as amended; 46 U.S.C. 481. Treasury Department Order 167–38, October 26, 1959, 24 F.R. 8857.

§ 97.37–1 Application.

(a) The provisions of this subpart, with the exception of § 97.37–90, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 97.37–90.

§ 97.37–3 General.

(a) It is the intent of this subpart to provide such markings as are necessary for the guidance of the persons on board in case of an emergency. In any specific case, and particularly on small vessels, where it can be shown to the satisfaction of the Officer in Charge, Marine Inspection, that the prescribed markings are unnecessary for the guidance of the persons on board in case of emergency, such markings may be modified or omitted.

(b) In addition to English, all stateroom notices, directional signs, etc., shall be printed in languages appropriate to the service of the vessel or other action be taken to achieve the same purpose.

(c) Where in this subpart red letters are specified, letters of a contrasting color on a red background will be accepted.

§ 97.37–5 General alarm bell switch.

(a) The general alarm bell switch in the pilothouse shall be clearly and permanently identified by lettering on a metal plate or with a sign in red letters on a suitable background: "GENERAL ALARM."

CROSS REFERENCE: See also § 113.25–20 of Subchapter J (Electrical Engineering) of this chapter.

§ 97.37–7 General alarm bells.

(a) All general alarm bells shall be identified by red lettering at least ½ inch high: "GENERAL ALARM—WHEN BELL RINGS GO TO YOUR STATION."

§ 97.37–9 Carbon dioxide alarm.

(a) All carbon dioxide alarms shall be conspicuously identified: "WHEN ALARM SOUNDS—VACATE AT ONCE. CARBON DIOXIDE BEING RELEASED."

§ 97.37–10 Fire extinguishing system branch lines.

(a) The branch line valves of all fire extinguishing systems shall be plainly and permanently marked indicating the spaces served.

§ 97.37–13 Fire extinguishing system controls.

(a) The control cabinets or spaces containing valves or manifolds for the various fire extinguishing systems shall be distinctly marked in conspicuous red letters at least 2 inches high: "STEAM FIRE APPARATUS," "CARBON DIOXIDE FIRE APPARATUS," "FOAM FIRE APPARATUS," or "WATER SPRAY FIRE APPARATUS" as the case may be.

§ 97.37–15 Fire hose stations.

(a) Each fire hydrant shall be identified in red letters and figures at least two inches high "FIRE STATION NO. 1," "2," "3," etc. Where the hose is not stowed in the open or behind glass so as to be readily seen, this identification shall be so placed as to be readily seen from a distance.

§ 97.37–20 Self-contained breathing apparatus and gas masks.

(a) Lockers or spaces containing self-contained breathing apparatus shall be marked "SELF-CONTAINED BREATHING APPARATUS."

§ 97.37–23 Hand portable fire extinguishers.

(a) Each hand portable fire extinguisher shall be marked with a number and the location where stowed shall be marked with a corresponding number at least ½ inch high. Where only one type and size of hand portable fire extinguisher is carried, the numbering may be omitted.

§ 97.37–25 Emergency lights.

(a) All emergency lights shall be marked with a letter "E" at least ½ inch high.

§ 97.37–33 Instructions for changing steering gear.

(a) Instructions in at least ½ inch letters and figures shall be posted in the steering engine room, relating in order, the different steps to be taken in changing to the emergency steering gear. Each clutch, gear, wheel, lever, valve, or switch which is used during the change-over shall be numbered or lettered on a metal plate or painted so that the markings can be recognized at a reasonable distance. The instructions shall indicate each clutch or pin to be "in" or "out" and each valve or switch which is to be "opened" or "closed" in shifting to any means of steering for which the vessel is equipped. Instructions shall be included to line up all steering wheels and rudder amidship before changing gears.

§ 97.37–35 Rudder orders.

(a) At all steering stations, there shall be installed a suitable notice on the wheel or device or in such other position as to be directly in the helmsman's line of vision, to indicate the direction in which the wheel or device must be turned for "right rudder" and for "left rudder."

§ 97.37–37 Lifeboats.

(a) The name of the vessel shall be plainly marked or painted on each side of the bow of each lifeboat in letters not less than 3 inches high. For vessels on an international voyage, the vessel's port of registry shall be added in similar type letters.

(b) The number of each lifeboat shall be plainly marked or painted on each side of the bow of each lifeboat in figures not less than 3 inches high. The lifeboats on each side of the vessel shall be numbered from forward aft, with the odd numbers on the starboard side.

(c) The cubical contents and number of persons allowed to be carried in each lifeboat shall be plainly marked or painted on each side of the bow of each lifeboat in letters and numbers not less than 1½ inches high. In addition, the number of persons allowed shall be plainly marked or painted on top of at

least 2 thwarts in letters and numbers not less than 3 inches high.

(d) All oars shall be conspicuously marked with the vessel's name.

(e) Where mechanical disengaging apparatus is used, the control effecting the release of the lifeboat shall be painted bright red and shall have thereon in raised letters either the words—"DANGER-LEVER DROPS BOAT", or the words—"DANGER—LEVER RELEASES HOOKS".

(f) The top of thwarts, side benches and footings of lifeboats shall be painted or otherwise colored international orange. The area in way of the red mechanical disengaging gear control lever, from the keel to the side bench, shall be painted or otherwise colored white, to provide a contrasting background for the lever. This band of white should be approximately 12 inches wide depending on the internal arrangements of the lifeboat.

§ 97.37–40 Liferafts, lifefloats and buoyant apparatus.

(a) Rigid type liferafts, lifefloats, and buoyant apparatus, together with their oars and paddles, shall be conspicuously marked with the vessel's name. For vessels on an international voyage, the vessel's port of registry also shall be similarly marked on lifefloats and buoyant apparatus.

(b) The number of persons allowed on each rigid type liferaft, lifeboat, and buoyant apparatus shall be conspicuously marked or painted thereon in letters and numbers at least 1½ inches high.

(c) There shall be stenciled in a conspicuous place in the immediate vicinity of each inflatable liferaft the following:

INFLATABLE LIFERAFT NO. ----------
---------- PERSONS CAPACITY

These markings shall not be placed on the inflatable life raft containers.

NOTE: § 160.051–8(a) of Subchapter Q (Specifications) of this chapter requires permanently attached name plates of each inflatable liferaft and carrying case. The name plate contains the following information: The name of manufacturer, approval number, the manufacturer's model number, serial number, and lot number, and the number of persons for which the inflatable life raft is approved. In addition, the carrying case shall be marked "Ocean Service Equipment" or "Limited Service Equipment," as applicable, together with the marine inspector's initials, the date, and the letters "USCG."

§ 97.37–43 Life preservers and ring life buoys.

(a) All life preservers, wood floats, and ring life buoys shall be marked with the vessel's name.

(b) For vessels on an international voyage, the vessel's port of registry shall be added in similar type letters on all ring life buoys.

§ 97.37–45 Fire hose and axes.

(a) All fire hose and axes shall be marked with the vessel's name.

§ 97.37–47 Portable magazine chests.

(a) Portable magazine chests shall be marked in letters at least 3 inches high: "PORTABLE MAGAZINE CHEST—FLAMMABLE—KEEP LIGHTS AND FIRE AWAY."

§ 97.37–90 Vessels contracted for prior to November 19, 1952.

(a) Vessels contracted for prior to November 19, 1952, shall meet the requirements of this paragraph.

(1) The requirements of §§ 97.37–5 through 97.37–47 shall be met with the exception that existing signs and markings containing the same general intent, but not necessarily identical wording or exact letter type, size, or color, may be retained so long as they are in good condition to the satisfaction of the Officer in Charge, Marine Inspection.

Subpart 97.39—Posting Placards of Instructions for Launching and Inflating Inflatable Liferafts

§ 97.39–1 When required.

(a) Every vessel equipped with inflatable liferafts shall have posted in conspicuous places which are regularly accessible to the crew and/or passengers, approved placards containing instructions for launching and inflating inflatable liferafts for the information of persons on board. The number and location of such placards shall be as determined necessary by the Officer in Charge, Marine Inspection.

(b) Under the requirements contained in § 160.051–6(c)(1) of Subpart 160.051 in Subchapter Q (Specifications) of this chapter, the manufacturer of approved inflatable liferafts is required to provide approved placards containing such instructions with each liferaft.

Subpart 97.40—Markings on Vessels

§ 97.40–1 Application.

(a) The provisions of this subpart shall apply to all vessels except as specifically noted.

§ 97.40–5 Markings required by Customs Regulations.

(a) The following markings are required by the Customs Regulations. Details of the application of the requirements as well as details of the required markings will be found in those regulations.

(1) *Name of vessel.* On both bows and the stern (yachts excepted), and on steam vessels the name is also required on both sides of the pilothouse, and on steam paddle wheel vessels on the outer side of each paddle box. Yachts shall have the name on the hull.

(2) *Hailing port.* On the stern.

(3) *Official number.* On the vessel's main beam.

(4) *Net tonnage.* On the vessel's main beam.

§ 97.40–10 Draft marks.

(a) All vessels 50 gross tons and over, under the jurisdiction of the U.S. Coast Guard, shall have the draft of the vessel plainly and legibly marked upon the stem and upon the sternpost or rudderpost or at any place at the stern of the vessel as may be necessary for easy observance. The draft shall be taken from the bottom of the keel at the marks to the surface of the water, the bottom of the mark to indicate the draft in feet.

(b) In cases where the keel does not extend forward or aft to the location of the draft marks, due to raked stem or cut-away skeg, the datum line from which the draft shall be taken shall be obtained by projecting the line of the bottom of keel forward or aft, as the case may be, to the location of the draft marks.

(c) In cases where a vessel may have a skeg or other appendage extending locally below the line of the keel, the draft at the end of the vessel adjacent to such appendage shall be measured to a line tangent to the lowest part of such appendage and parallel to the line of the bottom of the keel.

§ 97.40–15 Load line marks.

(a) Vessels assigned a load line shall have the deck line and the load line marks permanently scribed or embossed as required by Subchapter E (Load Lines) of this chapter.

Subpart 97.43—Placard of Lifesaving Signals and Breeches Buoy Instructions

§ 97.43–1 Application.

(a) The provisions of this subpart shall apply to all vessels on an international voyage, and to all other vessels of 150 gross tons or over certificated for ocean, coastwise or Great Lakes service.

§ 97.43–5 Availability.

(a) On all vessels to which this subpart applies there shall be posted in the pilothouse and readily available to the deck officer of the watch a placard (Form CG–811) containing instructions for the use of breeches buoys and the lifesaving signals as set forth in Regulation 16, Chapter V, of the International Convention for Safety of Life at Sea, 1960. These signals shall be used by vessels or persons in distress when communicating with lifesaving stations and maritime rescue units.

(b) A copy of Form CG–811 shall also be conveniently posted in the engineroom and crews quarters of all vessels to which this subpart applies.

Subpart 97.45—Carrying of Excess Steam

§ 97.45–1 Master and chief engineer responsible.

(a) It shall be the duty of the master and the engineer in charge of the boilers of any vessel to require that a steam pressure is not carried in excess of that allowed by the certificate of inspection, and to require that the safety valves, once set and sealed by the inspector, are in no way tampered with or made inoperative except as provided in § 97.30–20.

Subpart 97.47—Routing Instructions

§ 97.47–1 All persons must comply.

(a) Due to existing mine field dangers, all licensed masters, officers, and certificated seamen on United States vessels shall comply strictly with the routing instructions issued by competent naval authority. Failure to comply with such routing instructions shall be deemed misconduct within the meaning of R. S. 4450, as amended (46 U. S. C. 239). Nothing herein shall be construed as relieving the master of the responsibility for the safety of his vessel.

Subpart 97.50—Compliance With Provisions of Certificate of Inspection

§ 97.50–1 Master or person in charge responsible.

(a) It shall be the duty of the master or other person in charge of the vessel to see that all of the provisions of the certificate of inspection are strictly adhered to. Nothing in this subpart shall be construed as limiting the master or other person in charge of the vessel, at his own responsibility, from diverting from the route prescribed in the certificate of inspection or taking such other steps as he deems necessary and prudent to assist vessels in distress or for other similar emergencies.

Subpart 97.53—Exhibition of License

§ 97.53–1 Licensed officers.

(a) All licensed officers on a vessel shall have their licenses conspicuously displayed as required by R.S. 4446, 46 U.S.C. 232.

Subpart 97.55—De-Energizing of Cargo Hold Lighting Circuits When Grain or Other Combustible Bulk Cargo Is Carried

AUTHORITY: The provisions of this Subpart 97.55 interpret or apply R.S. 4488, as amended; 46 U.S.C. 481. Treasury Department Order 167–38, October 26, 1959, 24 F.R. 8857.

§ 97.55–1 Master's responsibility.

(a) Before loading bulk grain, or similar combustible bulk cargo, the master shall have the lighting circuits to cargo compartments in which the bulk cargo is to be loaded de-energized at the distribution panel or panel board. He shall thereafter have periodic inspections made of the panel or panel board as frequently as necessary to ascertain that the affected circuits remain de-energized while this bulk cargo remains within the vessel.

§ 97.55–5 Warning notice posted.

(a) As a precaution against any subsequent unintentional re-energizing of the circuits specified above, an appropriate notice shall be posted at the location where the control is effected warning against re-energizing these circuits. Such notice shall remain posted while this bulk cargo remains within the vessel.

Subpart 97.60—Motion Picture Film and Equipment

§ 97.60–1 Type required.

(a) Only acetate or slow-burning film may be used. Nitrocellulose film is specifically prohibited.

(b) Projectors shall be of an approved type.

(R.S. 4488, as amended; 46 U.S.C. 481. Treasury Department Order 167–38, October 26, 1959, 24 F.R. 8857)

Subpart 97.70—Power-Operated Industrial Trucks

AUTHORITY: The provisions of this Subpart 97.70 interpret or apply R.S. 4417a, as amended, 4472, as amended, 4488, as amended, 4491, as amended; 46 U.S.C. 391a, 170, 481, 489. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–38, October 26, 1959, 24 F.R. 8857.

§ 97.70–1 Application.

(a) *Power-operated industrial trucks.* (1) Except as provided in subparagraph (3) of this paragraph, power-operated industrial trucks carried on board a vessel as part of the vessel's equipment for handling materials of any kind shall be in compliance with the applicable provisions of this subpart.

(2) Except as provided in subparagraph (3) of this paragraph, power-operated industrial trucks placed on board vessels for handling materials of any kind shall be in compliance with the applicable provisions of this subpart when such vessels are within the navigable waters of the United States, its territories and possessions but not including the Panama Canal Zone.

(3) When power-operated industrial trucks are used in spaces not containing dangerous or hazardous articles, as set forth in § 97.70–10(f), the installation of the minimum safety features of § 97.70–7(c) shall be carried out at the earliest opportunity but in any case not later than July 1, 1963.

(b) *Vessels.* (1) Vessels shall be in compliance with the applicable provisions of this subpart during those periods of time when power-operated industrial trucks are on board as part of the vessel's equipment or when such trucks are placed on board for handling materials of any kind.

NOTE: The regulations affecting the use of power-operated industrial trucks on foreign vessels are in Part 146 of Subchapter N (Dangerous Cargoes) or in the case of foreign tank vessels in Subpart 35.70 of Subchapter D (Tank Vessels) of this chapter.

§ 97.70–3 Alternates.

(a) In cases of undue hardship resulting from unavoidable delays in bringing existing power-operated industrial trucks into compliance with the applicable provisions of this subpart, the Commandant may permit the use of alternate equipment, apparatus, or arrangement for such period of time, and to such extent, and upon such conditions as will assure, to the Commandant's satisfaction, a degree of safety consistent with the minimum standards as set forth in this subpart.

(b) The methods and procedures adopted in connection with the modification of existing equipment to meet required laboratory designations will be taken into consideration in granting permission to use alternate arrangements for a limited period of time.

§ 97.70–5 Definitions of terms used in subpart.

(a) Power-operated industrial trucks are considered to be tractors, lift trucks, and other specialized industrial trucks used for material handling on board a vessel.

(b) For the purpose of the regulations in this subpart, the words "flammable" and "inflammable" are interchangeable or synonymous terms.

§ 97.70–7 Approved power-operated industrial trucks.

(a) Where approved power-operated industrial trucks are required by the regulations in this subchapter such approved trucks shall have a specific designation of a recognized testing laboratory. The following laboratories are recognized for the specific type designations listed:

(1) Underwriters' Laboratories, Inc. (Mailing address, P.O. Box 247, Northbrook, Ill., 60062) for trucks having recognized testing laboratory type designations E, EE, EX, G, GS, LP, LPS, D and DS.

(2) Factory Mutual Laboratories, Engineering Division, 1115 Boston-Providence Turnpike, Norwood, Mass., 02062, for trucks having recognized testing laboratory type designations E, EE, EX, G, GS, LP, LPS, D and DS.

(b) Description of recognized testing laboratory type designations are as follows:

(1) The "E" designated units are electrically powered units that have minimum acceptable safeguards against inherent fire hazards.

(2) The "EE" designated units are electrically powered units that have, in addition to all of the requirements for the "E" units, the electric motors and all other electrical equipment completely enclosed. In certain locations the "EE" unit may be used where the use of an "E" unit may not be considered safe.

(3) The "EX" designated units are electrically powered units that differ from the "E" and "EE" units in that the electrical fittings and equipment are so designed, constructed and assembled that the units may be used in certain atmospheres containing flammable vapors or dusts.

(4) The "G" designated units are gasoline powered units having minimum acceptable safeguards against inherent fire hazards.

(5) The "GS" designated units are gasoline powered units that are provided with additional safeguards to the exhaust, fuel and electrical systems. They may be used in some locations where the use of a "G" unit may not be considered safe.

(6) The "LP" designated units are similar to the "G" units except that they are liquefied petroleum gas engine powered instead of gasoline powered.

(7) The "LPS" designated units are units similar to the "GS" units except that liquefied petroleum gas is used for fuel instead of gasoline.

(8) The "D" designated units are units similar to the "G" units except that

they are diesel engine powered instead of gasoline engine powered.

(9) The "DS" designated units are diesel powered units that are provided with additional safeguards to the exhaust, fuel and electrical systems. They may be used in some locations where a "D" unit may not be considered safe.

(c) In addition to the construction and design safety features required in order to obtain a recognized laboratory type designation, approved power-operated industrial trucks shall have at least the following minimum safety features where applicable:

(1) Power-operated industrial trucks shall be equipped with a warning horn, whistle, or gong, or other device that can be heard clearly above the normal shipboard noises.

(2) Wherever power-operated industrial truck operation exposes the operator to danger from falling objects, the truck shall be equipped with a driver's overhead guard. Where overall height of the truck with forks in the lowered position is limited by head room conditions the overhead guard may be omitted.

NOTE: This overhead guard is only intended to offer protection from the impact of small packages, boxes, bagged material, etc., representative of the job application. It is impractical to build a guard of sufficient strength to withstand the impact of a capacity load since such a guard would constitute a safety hazard because its structure would be so large that it might interfere with good visibility and would weigh so much that it might make the truck top-heavy and unstable.

(3) Power-operated fork lift trucks which handle small objects or unstable loads shall be equipped with a vertical load back rest or rack which shall have height, width and strength sufficient to prevent the load, or part of it, from falling toward the mast when the mast is in a position of maximum backward tilt.

(4) The forks on power-operated fork lift trucks shall be secured to the carriage so that unintentional lifting of the toe shall not occur on such application where this lifting may create a hazard. The factor of safety of forks shall be at least 3 to 1, based on the elastic limit of the material.

(5) Fork extensions or other attachments shall be suitably secured to prevent unintentional lifting or displacement on primary forks.

(6) All exposed wheels shall be provided with guards to prevent the wheels from throwing particles at the operator.

(7) Unless the steering mechanism is of a type that prevents road reactions from causing the steering handwheel to spin, the steering knob, if used, shall be of a mushroom type to engage the palm of the operator's hand, or shall be arranged in some other manner to prevent injury. The knob shall be mounted within the perimeter of the wheel.

(8) All steering controls shall be confined within the clearances of the truck, or so guarded that movement of the controls shall not result in injury to the operator when passing obstructions, stanchions, etc.

§ 97.70–10 Use of power-operated industrial trucks in various locations.

(a) *Spaces containing explosives.* (1) Except as otherwise provided in this paragraph, power-operated industrial trucks shall not be used in a space in which Class A, Class B, or Class C explosives are stowed.

NOTE: Class A, Class B and Class C explosives are defined in Part 146 of Subchapter N (Dangerous Cargoes) of this chapter.

(2) The Commandant may grant authority for the use of approved power-operated industrial trucks with a recognized testing laboratory designation of EX in spaces in which Class A, Class B or Class C explosives are stowed when it can be shown that such trucks can be used with safety.

(3) In a space in which packaged small arms ammunition without explosive bullets is stowed, only approved power-operated industrial trucks with a recognized testing laboratory designation of EX, EE, LPS, GS and DS may be used for handling cargo including the handling of such packaged small arms ammunition.

(b) *Spaces containing flammable liquids.* (1) In a space in which packaged flammable liquids are stowed, only approved power-operated industrial trucks with a recognized testing laboratory designation of EX, EE, GS, LPS, and DS may be used for handling cargo including the handling of such packaged flammable liquids.

(c) *Spaces containing flammable solids or oxidizing materials.* (1) In a space in which packaged flammable solids or oxidizing materials are stowed, only approved power-operated industrial trucks with a recognized testing laboratory designation of EX, EE, GS, LPS, and DS may be used for handling cargo including the handling of such packaged flammable solids or oxidizing materials.

(2) When flammable solids or oxidizing materials are contained in closed cargo vans or closed containers and no other dangerous cargo is stowed in the hold or compartment, any standard commercial type power-operated industrial truck in safe operating condition and having the minimum safety features of § 97.70–7(c) may be used in the spaces.

(3) When oxidizing materials in bulk are stowed in the holds or compartment, any approved commercial type power-operated industrial truck may be used in the spaces.

(d) *Spaces containing hazardous articles.* (1) In a space in which packaged or baled hazardous articles of a fibrous nature or bulk sulfur are stowed, only approved power-operated industrial trucks with a recognized testing laboratory designation of EX, EE, GS, LPS and DS may be used for handling cargo, including the handling of such packaged or baled hazardous articles of a fibrous nature or bulk sulfur.

(2) When hazardous articles of a fibrous nature are contained in closed cargo vans or closed portable containers and no other dangerous cargo is stowed in the hold or compartment, any standard commercial type power-operated industrial truck in safe operating condition and having the minimum safety features of § 97.70–7(c) may be used in the spaces.

(e) *Spaces containing other dangerous cargoes and hazardous articles.* (1) In a space in which dangerous cargoes or hazardous articles subject to the regulations in Part 146 of this chapter except those provided for in paragraphs (a), (b), (c) and (d) of this section, any approved power-operated industrial truck may be used to handle cargo including the handling of such dangerous cargoes or hazardous articles.

(f) *Other spaces.* (1) Any standard commercial type power operated industrial truck in safe operating condition and having the minimum safety features of § 97.70–7(c) may be used in spaces and for handling cargo in spaces not otherwise restricted by regulation in this subpart.

§ 97.70–15 Special operating conditions.

(a) Notification shall be given to the master or senior deck officer on board before placing power-operated industrial trucks in use aboard the vessel.

(b) When power-operated industrial trucks are in use on board vessels subject to the regulations in this subchapter, they shall be in a safe operating condition.

(c) Spaces exposed to carbon monoxide or other hazardous vapors from the exhausts of power-operated industrial trucks shall have adequate ventilation. The concentration of carbon monoxide shall be kept below 100 parts per million in the holds and intermediate decks where persons are working. When necessary, portable blowers of adequate size and location shall be utilized.

(d) The parts and/or equipment of any power-operated industrial truck requiring replacement shall be replaced only by parts and/or equipment equivalent in safety when installed with those used in the original design.

(e) Any truck that emits sparks or flames from the exhaust system shall immediately be removed from service, and not again returned to service until the cause for the emission of such sparks or flames has been eliminated.

(f) When the temperature of any part of the truck is found to be in excess of a safe operating temperature, the truck shall be removed from service until such overheating has been corrected.

(g) Operation of trucks shall be halted immediately and the engines or motors secured, whenever an emergency condition arises aboard the vessel.

(h) Operation of trucks shall be halted immediately and the engines or motors secured in the event of breakage or leakage of containers used for the carriage of flammable liquids, flammable solids or oxidizing materials.

(i) The rated capacity of a truck shall at all times be posted on the truck in a conspicuous place and such capacity shall not be exceeded.

(j) At least one approved 2-pound dry chemical hand portable fire extinguisher, or its approved equivalent, shall be affixed to the truck in a readily accessible position or kept in close proximity available for immediate use.

(k) Vessel's fire-fighting equipment, both fixed (where installed) and portable, in vicinity of space being worked shall be kept ready for immediate use.

§ 97.70–20 Refueling.

(a) *When permitted.* Power-operated industrial trucks are not permitted to be refueled in the hold of a vessel or on the weather deck except under the following conditions:

(1) Trucks using gasoline as fuel may be refueled in the hold or on the weather deck of a vessel only when such refueling is done with an acceptable portable nonspilling fuel handling system of not over 5 gallons capacity. Transfer of gasoline to these portable nonspilling fuel handling devices is not permitted on board the vessel.

(2) Power-operated industrial trucks using liquefied petroleum gas as fuel may be refueled in the hold or on the weather deck of a vessel only when fitted with removable tanks and provided the hand-operated shut-off valve of the depleted tank is closed and the engine is run until it stalls from lack of fuel before the quick disconnect fitting is opened. In addition, the quick disconnect fitting shall be attached to the fuel tank before the hand-operated shutoff valve is reopened.

(3) Power-operated industrial trucks using diesel oil as fuel may be refueled on the weather deck or in the hold of a vessel by means of portable containers of not over 5-gallon capacity. These trucks may also be refueled on the weather deck of a vessel or portable containers refilled from a larger container provided a suitable pump is used for the transfer operation and a drip pan of adequate size is supplied.

(b) *General requirements.* The following conditions must be met when refueling power-operated industrial trucks in the hold of a vessel or on the weather deck under the circumstances listed in paragraph (a) of this section:

(1) Refueling shall be under the direct supervision of an experienced and responsible person specifically designated for such job by the person in charge of the loading or unloading of the vessel.

(2) No refueling shall be undertaken with less than 2 persons specifically assigned and present for the complete operation, at least one of whom shall be experienced in using the portable fire extinguishers required in the fueling area.

(3) At least one approved 4-pound dry chemical hand portable fire extinguisher, or its approved equivalent shall be provided at the scene of the fueling area. This is in addition to portable extinguisher affixed to the truck in accordance with § 97.70–15(j).

(4) The location for refueling trucks shall be designated by the master or senior deck officer on board the vessel. "No Smoking" signs shall be posted in the area and smoking shall be prohibited.

(5) The location designated for refueling shall be adequately ventilated so as to insure against accumulation of a hazardous concentration of vapors. The ventilation requirements of § 97.70–15(c) when trucks are operating shall also apply when trucks are being refueled.

(6) Truck engines of all trucks in the same hold shall be stopped before any truck in that hold is refueled and before any fuel handling devices or unmounted liquefied petroleum gas cylinders are placed in the hold.

(7) All fuel handling devices and unmounted liquefied petroleum gas containers shall be removed from the hold before any truck engine is started and the trucks again placed in operation.

§ 97.70–25 Charging or replacing batteries.

(a) Batteries for electrically-powered industrial trucks and for the ignition systems of internal combustion engine-powered industrial trucks may be changed in the hold of a vessel provided the following conditions are met:

(1) Suitable handling equipment shall be employed.

(2) Adequate precautions shall be taken to avoid damage to the battery, short circuiting of the battery, and spillage of the electrolyte.

(b) Batteries of electrically-powered industrial trucks may be recharged in a hold of a vessel provided the following conditions are met:

(1) The batteries shall be housed in a suitable, ventilated, portable metal container with a suitable outlet at the top for connection of a portable air hose, or shall be placed directly beneath a suitable metal hood with a suitable outlet at the top for connection of a portable air hose. The air hose shall be permanently connected to an exhaust duct leading to the open deck and terminate in a gooseneck or other suitable weather head. If natural ventilation is not practicable or adequate, mechanical means of exhaust shall be employed in conjunction with the duct. The air outlet on the battery container shall be equipped with an interlock switch so arranged that the charging of the battery cannot take place unless the air hose is properly connected to the box.

(2) If mechanical ventilation is used, an additional interlock shall be provided between the fan and the charging circuit so that the fan must be in operation in order to complete the charging circuit for operation. It is preferable that this interlock switch be of a centrifugal type driven by the fan shaft.

(3) The hold shall not contain any cargo coming under the regulations in Part 146 of Subchapter N (Dangerous Cargoes) of this chapter.

(4) The charging facilities may be part of the truck equipment or may be separate from the truck and located inside or outside the cargo hold. The supply or charging circuit (whichever method is used) shall be connected to the truck by a portable plug connection of the break-away type. This portable plug shall be so engaged with the truck battery charging outlet that any movement of the truck away from the charging station will break the connection between the plug and receptacle without exposing any live parts to contact with a conducting surface or object, and without the plug falling to the deck where it may become subject to injury.

(c) All unmounted batteries shall be suitably protected or removed from an area in the hold of the vessel before trucks are operated in that area.

§ 97.70–30 Stowage of power-operated industrial trucks aboard a vessel.

(a) Power-operated industrial trucks may be stowed in any location aboard a vessel provided the following conditions are met:

(1) Gasoline powered trucks shall have all the fuel expended from the system.

(2) Liquefied petroleum gas powered trucks shall have the fuel tanks removed and all the fuel expended from the system.

(b) Power-operated industrial trucks not meeting the conditions set forth in paragraph (a) of this section shall be stowed on the open deck except for intervals such as lunch hours, between work shifts, interdock and intraport movements. If stowed in a fixed metal enclosure located on or above the weather deck, such enclosure shall have access from the weather deck only and shall have adequate ventilation, so arranged as to remove vapors from both the upper and lower portions of the space.

§ 97.70–35 Stowage of fuel handling devices aboard a vessel.

(a) Flammable liquids and gases to be used as fuels for power-operated industrial trucks shall be marked, labeled and stowed as follows:

(1) They shall be stowed in ICC specification containers, A.S.M.E. containers or portable safety containers having the approval of a recognized testing laboratory, which containers are authorized for the contents.

(2) Containers shall be marked with the name of the contents and shall be labeled in accordance with ICC requirements as follows:

(i) Flammable liquids—"Red Label"; or,

(ii) Flammable gases—"Red Gas Label".

(3) Containers shall be stowed on or above the weather deck in locations designated by the master. ICC specification containers, A.S.M.E. containers, or portable safety containers having the approval of a recognized testing laboratory may be stowed below the weather deck in a paint or lamp locker provided such containers do not exceed 5 gallons capacity each.

(b) Diesel fuel shall be stowed in locations designated by the master.

Subpart 97.75—Prevention of Oil Pollution

§ 97.75–1 Prohibited zones.

(a) All cargo vessels shall be so operated as to meet the requirements of the Oil Pollution Act, 1924 (33 U.S.C. 431–437). In addition, all cargo ships shall be so operated as to avoid discharging

any oil or oily ballast which may foul the surface of the sea, within any of the prohibited zones set forth in the Oil Pollution Act, 1961 (33 U.S.C. 1001–1015).

(Sec. 8, 75 Stat. 403; 33 U.S.C. 1007. Treasury Department Order 167–46, November 6, 1961, 26 F.R. 10609)

PART 98—SPECIAL CONSTRUCTION, ARRANGEMENT, AND PROVISIONS FOR CERTAIN DANGEROUS CARGOES IN BULK

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Subpart 98.03—Barges Carrying Dangerous Cargoes

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Subpart 98.01—Application

§ 98.01–1 General.

(a) The provisions of this part shall apply to all vessels which carry in bulk any of the dangerous cargoes specifically noted in this part.

(b) The provisions of Subpart 98.35 shall apply to portable tanks for the transportation of combustible liquids on board cargo vessels described in § 90.05–1 in this subchapter. Certain provisions in Subpart 98.35 apply to United States flag vessels and to foreign vessels when such vessels have on board combustible liquid cargo in portable tanks other than in drums, barrels, or other packages.

§ 98.01–5 Effective date.

(a) The provisions in this part which require inspection and certification of vessels shall be in effect on and after January 1, 1959, for new construction and on and after January 1, 1960, for existing vessels. Vessels in existence on January 1, 1959, and vessels contracted for prior to January 1, 1959, which may carry in bulk any of the dangerous cargoes specifically noted in this part shall meet the applicable requirements of this subchapter or Subchapter D (Tank Vessels) of this chapter, as is reasonable and practicable in the opinion of the Officer in Charge, Marine Inspection, to qualify for certification. In this respect the Officer in Charge, Marine Inspection, may grant departures from specific requirements of this chapter if in his opinion the circumstances warrant such departures. In any case the Officer in Charge, Marine Inspection, shall satisfy himself that the vessel and its equipment are in good condition and satisfactory for the purposes intended.

(b) The other provisions of this part shall be in effect on and after July 1, 1958.

(c) The provisions of Subpart 98.35 regarding portable tanks for combustible liquids shall be in effect on and after March 1, 1963.

Subpart 98.03—Barges Carrying Dangerous Cargoes

§ 98.03–1 Application.

(a) All barges carrying in bulk any of the dangerous cargoes specifically noted in this part shall be subject to the applicable provisions of this subpart.

(b) Barges which are built or converted to conform to the requirements of §§ 98.03–7, 98.03–8, 98.03–15, 98.03–20, 98.03–25 and 98.03–30 will be exempt from compliance with the requirements of § 98.03–10.

§ 98.03–5 Effective dates for certain requirements.

(a) The special operating requirements in § 98.03–10 for all open hopper type barges while carrying in bulk any of the dangerous cargoes specifically noted in this part shall be in effect on and after March 1, 1963.

(b) All barges, the construction or conversion of which is started on or after July 1, 1964, shall conform to the requirements of §§ 98.03–7, 98.03–8, 98.03–15, 98.03–20, 98.03–25, and 98.03–30.

§ 98.03–7 Barge hull classifications.

(a) Each barge constructed or converted in conformance with this subpart shall be assigned a hull type number. The Commandant will designate the barge hull types to be used for carrying cargoes in order to insure that the vessel is designed consistent with the degree and nature of the hazard of the commodity carried.

(b) For this purpose the barge hull types shall be defined as follows:

(1) *Type I barge hull.* Barge hulls classed as Type I are those designed to carry products which require the maximum preventive measures to preclude the uncontrolled release of the cargo to the waterways and/or atmosphere.

(2) *Type II barge hull.* Barge hulls classed as Type II are those designed to carry products which require substantial preventive measures to preclude uncontrolled release to the atmosphere, but whose uncontrolled release to the waterways does not constitute a longlasting public or operating personnel hazard, though local and temporary pollution may occur.

(3) *Type III barge hull.* Barge hulls classed as Type III are those designed to carry products of sufficient hazard to require a moderate degree of control.

§ 98.03–8 Alternative arrangements.

(a) Alternative arrangements, differing from those specifically required by this subpart, may be considered and approved by the Commandant, if it is demonstrated to his satisfaction that a degree of safety is obtained which is consistent with the intent of this subpart.

§ 98.03–10 Special operating requirements for open hopper type barges while carrying dangerous cargoes in bulk.

(a) All open hopper type barges, while carrying in bulk any of the dangerous cargoes specifically noted in this part, shall be operated in conformance with the provisions in this section. However, the provisions in this section are not applicable to such barges when empty (not necessarily cleaned or gas-freed).

(b) (1) Except as otherwise provided in this section, no such open hopper type barge shall be placed as lead barge in any tow. Such barges shall be placed in protected positions within the tow so that the danger from diving or swamping will be minimized. Where, due to operating conditions, compliance with this subparagraph is impossible, the provisions of subparagraph (3) of this paragraph apply. The person in charge of the towing vessel shall be responsible for compliance with this subparagraph.

(2) No such open hopper type barge shall be moved from a loading facility unless all void spaces and bilges are substantially free of water. Periodic inspections and necessary pumping shall be carried out to insure the maintenance of such water-free conditions, in order to minimize the free surface effect in both the longitudinal and transverse directions. Except when otherwise considered necessary for inspection or pumping, all hatch covers and other hull closure devices for void spaces and hull compartments shall be closed and secured at all times. In the case of unmanned barges, the person in charge of the towing vessel shall be deemed to be in charge of the barge, and all requirements to be carried out on the barge shall be carried out by or under the direction of such person.

(3) When an open hopper type barge is in an exposed position, such that protection from swamping provided by adjoining barges cannot be obtained from location within the tow alone, it shall be the responsibility of the person in charge of the towing vessel to control speed so as to insure protection against diving and swamping of the barge, having regard to its design and freeboard, and other operating conditions.

(c) To show that special operating requirements apply to a specific open hopper type barge, additional placards or signs shall be displayed in at least four different locations on the barge when the cargoes subject to this part are carried in any form in the cargo tanks. The placards or signs shall be posted on the barge approximately amidships on each side and near the centerline of each end, facing outboard. Racks, or other suitable means, for mounting such placards or signs shall be so arranged as to provide clear visibility and shall be protected from becoming readily damaged or obscured. The placards or signs shall be at least equal in dimensions to the ICC standard tank car "Dangerous" placard (10¾ inches square or larger), and shall display a circle (10 inches in diameter or larger) with alternating quadrants of white and red, and so mounted that the red quadrants are centered on the vertical axis. The shipper and/or owner of the barge shall be responsible for the installation of the required placards or signs, including maintenance of them while such barge is in temporary storage with cargo aboard. The person in charge of the towing vessel shall be responsible for the continued maintenance of the placards or signs while such barge is in transit.

§ 98.03–15 Rakes and coamings.

(a) Each barge hull shall be constructed with a suitable bow form (length, shape and height of headlog) to protect against diving at the maximum speed at which the barge is designed to be towed. In any integrated tow, only the lead barge need comply with this requirement. In any case, the operator of the towing vessel shall be guided by appropriate speed limitations.

(b) All open hopper type barges shall be provided with coamings around the hopper space and a 36-inch minimum height plowshare breakwater on the forward rake. Coamings shall have a minimum height of 36 inches forward graduated to a minimum height of 24 inches at midlength and 18 inches thereafter.

§ 98.03–20 Subdivision and stability.

(a) *General.* In addition to complying with the requirements of Part 93 of this subchapter as applicable, Types I and II barge hulls shall comply with the provisions of this section.

(b) *Types I and II barge hulls.* (1) Types I and II barge hulls shall be constructed with a complete watertight deck, or if of "open hopper type", with such construction that positive buoyancy and stability will be maintained when the barge is fully loaded and the hopper space is flooded to the level of the main deck. Credit may be given for the buoyancy, if any, of the immersed portion of the full cargo tanks when an effective arrangement for securing the tanks is provided.

(2) (i) Type I barge hulls shall retain positive buoyancy and stability after holing the bottom or side shell plating anywhere on its girth including the intersection of a transverse and a longitudinal watertight bulkhead.

(ii) Type I box barge hulls, specifically designed for operation in an integrated tow, shall retain positive buoyancy and stability after holing the bottom shell plating anywhere on its girth, except in way of a transverse watertight bulkhead, or after holing the side shell plating in way of a transverse watertight bulkhead.

(3) Type II barge hulls shall retain positive buoyancy and stability after holing the bottom or side shell plating anywhere on its girth except in way of a transverse watertight bulkhead.

§ 98.03–25 Hull structure.

(a) *General.* In addition to complying with the structural requirements of Part 92 of this subchapter as applicable, Types I and II barge hulls shall comply with the provisions of this section.

(b) *Types I and II barge hulls.* Under an assumed grounding condition such that the forward rake bulkhead rests upon a pinnacle at the water surface, the maximum hull bending stress shall not exceed the following limits:

(1) Independent tanks may be installed in such a manner so that they do not contribute to the strength and stiffness of the barge. In such case, the hull stress shall not exceed either 50 percent of the minimum ultimate tensile strength of the material or 70 percent of the yield strength when specified, whichever is greater.

(2) The Commandant may consider a reduction in hull stress when independent tanks are installed in such a manner as to contribute to the strength and stiffness of the barge and this is accounted for in determining the effective section modulus of the barge. In such case, the hull stress shall not exceed the percentage stress values prescribed in subparagraph (1) of this paragraph, multiplied by the quantity $\left(1.5-\frac{SWT}{UTS}\right)$, where SWT is the stress calculated without including the effect of the tanks, and UTS is the minimum ultimate tensile strength of the material. The value SWT, however, shall in no case be more than 75 percent of UTS.

§ 98.03–30 Cargo tanks and supports.

(a) *General.* Saddles and hold-down securing straps for independent cargo tanks shall be designed to prevent tank failure due to loads induced in the saddles or straps by barge deflection.

(b) *Collision protection.* (1) All independent cargo tanks installed on Type I and Type II barge hulls shall be protected with suitable collision chocks or

collision straps to withstand a longitudinal collision load of one and one-half times the weight of the tank and cargo. All other independent cargo tanks shall be provided with suitable collision chocks or collision straps to withstand a longitudinal collision load equal to the weight of the tank and cargo.

(2) All cargo tanks shall be so located as to reduce the likelihood of their being damaged in the event of collision. This protection shall be obtained by locating the cargo tanks not less than 4 feet from the side-shell and box-end for Type I barge hulls and 3 feet for Type II barge hulls, and not less than 25 feet from the headlog at the bow for both types.

(c) *Cargo tank design*—(1) *Types I and II barge hulls.* (i) In addition to requirements provided for in applicable regulations for a specific commodity, cargoes subject to the provisions of this subpart shall be transported in cargo tanks meeting the requirements of this paragraph. Pressure vessel type cargo tanks shall have sufficient additional strength so as to limit the maximum combined tank stress, including saddle horn and bending stresses, to 1.5 times the maximum allowable hoop stress in still water, and to the yield strength of the tank material or 70 percent of the minimum ultimate tensile strength of the tank material, if less, in the grounded condition as required by § 98.03–25(b).

(ii) Gravity type cargo tanks shall have sufficient additional strength to limit the maximum combined tank stress, including saddle horn and bending stresses, to the yield strength of the tank material or 70 percent of the minimum ultimate tensile strength of the tank material, if less, in the grounded condition as required by § 98.03–25(b).

(2) *Type III barge hulls.* In addition to the requirements of this paragraph, pressure-vessel-type cargo tanks shall have sufficient additional strength so as to limit the maximum combined stress, including saddle horn and bending stress, to 1.5 times the maximum allowable hoop stress.

§ 98.03–35 Special operating requirements for barges carrying certain dangerous cargoes in bulk.

(a) The requirements of this section shall apply to all barges carrying in bulk any of the dangerous cargoes specifically noted in this part.

(b) All barges constructed or modified in conformance with the requirements of this subpart are exempt from the provisions of § 98.03–10.

(c) When it is necessary to operate box or square-end barges as lead barges of tows, the person in charge of the towing vessel shall control the speed to insure protection against diving and swamping of such barges, having due regard to their design and freeboard, and to the operating conditions.

(d) All barges, while carrying in bulk any of the dangerous cargoes specifically noted in this part, shall be operated in conformance with the provisions of this section. However, the provisions of this section are not applicable to such barges when empty and gas-freed.

(e) Barges shall not be moved from a loading facility unless all bilges and void spaces (except those used for ballasting) are substantially free of water. Periodic inspections and necessary pumping shall be carried out to insure maintenance of such water-free condition in order to minimize the free surface effects, both in longitudinal and transverse directions. Except when otherwise considered necessary for inspection or pumping, all hatch covers and other hull closure devices for void spaces and hull compartments other than cargo spaces shall be closed and secured at all times.

(f) (1) Warning signs shall be displayed on the vessel, port and starboard, facing outboard without obstructions, at all times except when the vessel is gas free. The warning sign shall be rectangular and a minimum of three feet wide and two feet high. It shall be of sufficient size to accommodate the required alerting information, which shall be shown in black block style letters and numerals (characters) at least three inches high on a white background. The minimum spacing between adjacent words and lines of characters shall be two inches. The minimum spacing between adjacent characters shall be one-half inch. All characters shall have a minimum stroke width of one-half inch and shall be a minimum of two inches wide, except for the letters "M" and "W" which shall be a minimum of three inches wide, and except for the letter "I" and the numeral "1" which may be one-half inch wide. The signs shall have a two-inch minimum white border clear of characters. The signs shall be maintained legible. The alerting information shall include the following:

(i) Danger.

(ii) Categories of hazards: (This shall be as listed in the classification column in § 146.04–5, in Subchapter N (Dangerous Cargoes) of this chapter, and additional descriptive terms, as applicable).

(iii) Cargo identification by name: (This name shall be as listed in § 146.04–5 in Subchapter N (Dangerous Cargoes) of this chapter. If not specifically listed by name, the common chemical name as shown on the information card shall be used.)

(iv) Prohibitions: (Necessary prohibitions, such as "No Smoking," etc.).

(2) An information card for each cargo being transported shall be carried on the bridge or in the pilot house of the towing vessel readily available for use by the person in charge of the watch. Such information card shall also be carried aboard the barge when it is not gas free. The minimum card size shall be 7" by 9½". The card shall have legible printing on one side only. The following data shall be listed:

(i) *Cargo identification and characteristics.* Identification of the cargo as listed in § 146.04–5 in Subchapter N (Dangerous Cargoes) of this chapter and its common chemical name if the chemical name is not so specifically listed, its appearance and odor. A statement of the hazards involved and instructions for the safe handling of the cargo and, as applicable, the need for special cargo environments.

(ii) *Emergency procedures.* Precautions to be observed in the event of spills, leaks, or equipment or machinery breakdown and/or uncontrolled release of the cargo into the waterway or atmosphere. Precautions to be observed in the event of exposure of personnel to toxic cargoes.

(iii) *Firefighting procedures.* Precautions to be observed in the event of a fire occurring on or in the vicinity of the barge, and an enumeration of firefighting media suitable for use in case of a cargo fire.

(3) In the event that a barge is or has been loaded with two or more dangerous cargoes and until the tanks containing such cargoes have been gas freed, the following additional requirements shall be met:

(i) A warning sign, meeting the requirements of subparagraph (1) of this paragraph and setting forth the alerting information required by subparagraph (1) (i) and (iv) of this paragraph, shall be located amidships.

(ii) The warning signs for each cargo meeting the requirements of subparagraph (1) of this paragraph and setting forth the alerting information required by subparagraph (1) (ii) and (iii) of this paragraph shall be so located that each sign positively identifies the contents of each tank.

(iii) An information card for each cargo (see subparagraph (2) of this paragraph) shall be carried for ready reference aboard the barge.

(g) During the time the cargo tanks contain dangerous cargoes subject to the provisions of this subpart in any amount, in the liquid or gaseous state, the barge shall be under constant surveillance.

(1) A strict watch of each unmanned barge in tow shall be maintained from the towing vessel while underway.

(2) A towing vessel engaged in transporting such unmanned barges shall not leave them unattended. When a barge is moored, but not gas free, it shall be under the observation of a watchman who may be a member of the complement of the towing vessel, or a terminal employee, or other person. Such a person shall be responsible for the security of the barge and for keeping unauthorized persons off the barge. Such person shall be provided with, read, and have in his possession for ready reference the information cards required by paragraph (f) (2) of this section.

§ 98.03–40 Manning of barges carrying dangerous cargoes in bulk.

(a) Except as provided for in this section, barges need not be manned unless in the judgment of the Officer in Charge, Marine Inspection, such manning is necessary for the protection of life and property and for the safe operation of the vessel: *Provided, however,* That towing vessels, while towing barges which are not required to be manned, shall be provided with and have on board the information card required by § 98.03–35, which card shall be in the possession of the master or person in charge.

(b) At least one member of the crew of barges required to be manned pursuant to paragraph (a) of this section shall be especially qualified in the handling of the specific cargo to be carried. The Officer in Charge, Marine Inspection, shall be furnished satisfactory documentary evidence that such person is trained in, and capable of performing competently, the necessary operations which relate to the carriage and transfer of such cargo.

§ 98.03–45 Cargo handling.

(a) A sufficient number of persons shall be on duty to perform cargo transfer operations. A person especially qualified in the handling of the specific cargo to be transferred shall be on duty to perform or supervise cargo transfer operations, which person shall be considered to be in charge of such operations. The Officer in Charge, Marine Inspection, shall be furnished satisfactory documentary evidence that such person is trained in, and capable of performing competently, the necessary operations which relate to the transfer of such cargo.

(b) The shipper and the owner, charterer, agent, master, or person in charge of any barge carrying dangerous cargoes subject to the provisions of this subpart, shall insure that the requirements of this section and § 98.03–40 are complied with.

Subpart 98.05—Elemental Phosphorus in Water in Bulk

§ 98.05–1 General.

(a) Elemental phosphorus, white or yellow, in water may be carried in bulk only in cargo barges, tank barges, or cargo vessels in accordance with the provisions of this subpart.

(b) Any vessel carrying elemental phosphorus in water in bulk shall be inspected and certificated in accordance with the provisions of this subchapter or Subchapter D (Tank Vessels) of this chapter, as applicable.

§ 98.05–5 Types of cargo tanks.

(a) Tanks in which the vessel's structure forms a part thereof may be employed, provided void spaces are located surrounding the tanks on the sides and bottom.

(b) Tanks independent of the hull either cylindrical or of rectangular design may be employed. The plating of such tanks shall be not less than 5/16 inch thick.

(c) The tanks shall be designed and tested to a head of 8 feet above the tank top or the highest level the lading may rise, whichever is the greater.

(d) When a water displacement method of discharge is used, pressure-vessel type cargo tanks, designed and tested in accordance with Subchapter F (Marine Engineering) of this chapter shall be employed. Such tanks shall be designed for the maximum pressure to which they may be subjected when water pressure is used to discharge the cargo.

§ 98.05–10 Venting.

(a) Each cargo tank shall be fitted with an approved pressure-vacuum relief valve set to discharge at a pressure not exceeding 2 pounds per square inch. The discharge therefrom shall lead overboard above the waterline. When pressure vessel type tanks are used, each tank shall be fitted with a relief valve of suitable size.

§ 98.05–15 Installation.

(a) Adequate clearance shall be provided for the inspection and maintenance of independent cargo tanks, or such tanks shall be made movable.

§ 98.05–20 Openings in tanks.

(a) Openings in tanks are prohibited below deck except for access openings used for inspection and maintenance of tanks. Manholes or access trunks shall be of not less than 20 inches diameter. Openings shall be fitted with bolted cover plates and gaskets resistant to the attack of phosphorus pentoxide.

§ 98.05–25 Outage.

(a) Sufficient outage shall be provided to prevent the tanks from being liquid full at any time, but in no case shall the outage be less than 1 percent. When pressure vessel type tanks are used outage need not be provided.

§ 98.05–30 Cargo discharging.

(a) Pumps shall be employed in the discharge of cargo except when pressure vessel type tanks are used, water displacement method may be employed. The use of compressed air to discharge cargo is prohibited.

§ 98.05–35 Cargo temperature.

(a) Cargo shall be loaded at a temperature not exceeding 140° F., and then cooled until the water above the cargo has a temperature not exceeding 105° F. prior to the movement of the vessel. Upon presentation of satisfactory proof that procedures followed will provide adequate safety in transportation and handling, the Commandant may authorize movement of the vessel following cooling of the water above the cargo to a temperature not exceeding 115° F.

§ 98.05–40 Heating coils.

(a) Coils in which steam or hot water is circulated to heat the cargo so that it may be pumped shall be located outside the cargo tanks.

§ 98.05–45 Void flooding.

(a) A fixed ballast piping system (including a power driven pump of ample capacity), or other means acceptable to the Commandant shall be installed so that any void space surrounding the fixed tanks may be flooded.

§ 98.05–50 General requirements.

(a) All enclosed compartments containing independent cargo tanks and machinery spaces containing cargo pumps for handling liquid phosphorus shall be provided with effective means of ventilation.

(b) Cargo piping shall be of steel or wrought iron. Flanges and pipe fittings shall be of steel or malleable iron. Valves shall be of steel or bronze.

(c) Cargo lines shall be traced with steam piping and secured thereto by lagging to prevent solidification of cargo during transfer operations.

(d) A water hose shall be connected ready for immediate use and any spillage of phosphorus shall be immediately washed down.

(e) At least two fresh air masks or self-contained oxygen breathing apparatus shall be stowed on board the vessel at all times for use of personnel entering the tanks or adjacent spaces.

(f) Authorization from the Commandant (MMT) shall be obtained to transport lading other than phosphorus in the cargo tanks or to have on board any other cargo when phosphorus is laden in the tanks.

(g) Mechanical ventilation of sufficient capacity to insure a change of air every three minutes shall be provided during the inspection and maintenance of the cargo tanks.

(h) During the time elemental phosphorus is laden in the tanks, the barge shall be under constant surveillance. A towing vessel engaged in transporting such barges shall not leave the barge unattended except when the barge is moored at a pier, wharf, dock or other terminal and then only if such facility is provided with watchman or guard service.

(i) The Interstate Commerce Commission standard "Dangerous" placard shall be displayed in four locations on the barge when elemental phosphorus is laden in the tanks. A placard shall be posted approximately amid ships on each side facing outboard, and a placard shall be posted at each end of the barge at about the end of the tanks facing outboard. After unloading and before a tank or tanks are cleaned, the placard shall be reversed to show the "Dangerous—Empty" legend.

(j) While fast to a dock, a vessel during transfer of bulk cargo shall display a red flag by day or a red light by night, which signal shall be so placed that it will be visible on all sides. When at anchor, a vessel during transfer of bulk cargo shall display a red flag by day, which signal shall be so placed that it will be visible on all sides.

§ 98.05–55 Electrical bonding.

(a) Independent cargo tanks shall be electrically grounded to the hull. The barge shall be electrically connected to the shore piping prior to connecting the cargo hose. This electrical connection shall be maintained until after the cargo hose has been disconnected and any spillage has been removed.

§ 98.05–60 Tests and inspections.

(a) Each gravity tank shall be tested before being put into service as prescribed in § 98.05–5(c).

(b) Tanks shall be retested as prescribed in § 98.05–5 eight years after being placed into service and at each four-

year interval thereafter, as well as before being returned to service after extensive repairs.

Subpart 98.10—Sulfuric Acid in Bulk

§ 98.10–1 General.

(a) Sulfuric acid or spent sulfuric acid may be carried in bulk only in cargo barges, tank barges, or cargo vessels in accordance with the provisions of this subpart.

(b) Any vessel carrying sulfuric acid or spent sulfuric acid in bulk shall be inspected and certificated in accordance with the provisions of this subchapter or Subchapter D (Tank Vessels) of this chapter, as applicable.

§ 98.10–5 How acid may be carried.

(a) Sulfuric acid of concentration of 77.5 percent (1.7019 specific gravity) (59.8° Baume) or greater concentrations with or without an inhibitor, provided the corrosive effect on steel measured at 100° F. is not greater than that of 66° Baume commercial sulfuric acid, may be transported in unlined gravity type cargo tanks or unlined pressure-vessel type cargo tanks.

(b) Sulfuric acid of concentration of 65.25 percent (1.559 specific gravity) (52° Baume) or greater concentrations, provided the corrosive effect on steel measured at 100° F. is not greater than that of 52° Baume commercial sulfuric acid, may be transported in unlined pressure-vessel type cargo tanks independent of the vessel's structure.

(c) Sulfuric acid of concentration not to exceed 65.25 percent (1.559 specific gravity) (52° Baume) may be transported in gravity type cargo tanks or pressure-vessel type cargo tanks which are lined with lead or other equally suitable acid-resistant material acceptable to the Commandant.

(d) Sulfuric acid of concentration not to exceed 51 percent (1.408 specific gravity) (42° Baume) and spent sulfuric acid resulting from the use of sulfuric acid in industrial processes may be transported in gravity type cargo tanks which are lined with rubber or other equally suitable acid-resistant material acceptable to the Commandant.

(e) Spent or sludge sulfuric acid resulting from the use of sulfuric acid in industrial processes may be transported in unlined gravity type cargo tanks or unlined pressure vessel type cargo tanks, provided the corrosive effect on steel is not greater than that of commercial sulfuric acid as prescribed in paragraph (a) of this section.

§ 98.10–10 Gravity type cargo tanks.

(a) Gravity type cargo tanks shall be designed and tested to meet the rules of the American Bureau of Shipping for a head of water at least 8 feet above the tank top or the highest level the lading may rise, whichever is the greater. The plate thickness of any part of the tank shall not be less than 3/8 inch. Such tanks may form an integral part of the ship's structure, or may be independent of the ship's structure, or form a part thereof.

(b) Gravity type tanks shall be vented to atmosphere. A vent shall be fitted having a cross-sectional area of not less than that of the filling line unless an ullage opening is provided having a cross-sectional area at least equal to that of the filling line. The minimum size of a cargo tank vent shall be not less than 2½ inches. The outlet end of the vent shall terminate above the weather deck, clear of all obstructions and away from any source of flame. The vent shall terminate in a gooseneck bend and shall be fitted with a single flame screen of at least 30 x 30 mesh; or two screens of at least 20 x 20 mesh, not less than 1 inch nor more than 1½ inches apart. The flame screens shall be corrosion-resistant wire. No shut-off valve or frangible disc shall be fitted in the vent lines.

(c) Compressed air shall not be used to discharge cargo from gravity type cargo tanks.

§ 98.10–15 Pressure-vessel type cargo tanks.

(a) Pressure-vessel type tanks shall be independent of the vessel's structure and shall be designed for the maximum pressure to which they may be subjected when compressed air is used to discharge the cargo, but in no case shall the design pressure be less than 50 pounds per square inch.

(b) Pressure-vessel type cargo tanks shall be designed as Class II or Class III unfired arc-welded cylindrical pressure vessels, inspected and tested as required by Subchapter F (Marine Engineering) of this chapter.

(c) Tanks designed, inspected, and tested as required by Interstate Commerce Commission Specification 103A, 103A–W, 103B, or 103B–W will be accepted as pressure-vessel type cargo tanks, provided the maximum pressure to which the tanks may be subjected does not exceed 30 pounds per square inch, and provided that prior to installing such tanks on a barge or cargo vessel, the owner shall furnish the Commandant with a copy of the inspection report certifying that the tanks and appurtenances comply with Interstate Commerce Commission specifications.

(d) When compressed air is used to discharge the cargo, the tank shall be fitted with a vent led to atmosphere in which shall be installed a rupture disc. The rupture disc shall be designed to burst at a pressure not exceeding the design pressure of the tank. An auxiliary vent to relieve the pressure or vacuum in the tank during filling or discharge of the cargo may be led from the vent line between the tank and the rupture disc. A shut-off valve may be fitted in the auxiliary vent.

(e) Except as otherwise specified in this section, the vents shall conform to the requirements of § 98.10–10 (b).

§ 98.10–20 Installation.

(a) Adequate clearance shall be provided for the inspection and maintenance of independent cargo tanks, or such tanks shall be made movable.

§ 98.10–25 Openings in tanks.

(a) Openings in tanks are prohibited below deck, except for access openings used for inspection and maintenance of tanks, or unless otherwise specifically approved by the Commandant. Openings shall be fitted with bolted cover plates and acid-resistant gaskets.

§ 98.10–30 Cargo piping.

(a) Where special arrangements are approved by the Commandant to permit a pump suction to be led from the bottom of the tank, the filling and discharge lines shall be fitted with shut-off valves located above the weather deck or operable therefrom.

§ 98.10–35 Outage.

(a) Sufficient outage shall be provided to prevent the tanks from being liquid full at any time, but in no case shall the outage be less than 1 percent.

§ 98.10–40 Lining.

(a) The interior surfaces of cargo tanks shall be made smooth, welds chipped or ground smooth, and the surfaces thoroughly cleaned before the lining is applied. All interior surfaces of the tanks shall be maintained free from scale, oxidation, moisture and all foreign matter during the lining process.

(b) The material used for lining or coating the tanks shall be resistive to attack by the sulfuric acid to be carried; homogeneous, nonporous, and imperforate when applied; and not less elastic than the metal of the tank proper. It shall be of substantially uniform thickness, not less than 5/32 inch for lead lining, and not less than 3/16 inch for rubber lining. The lining shall be directly bonded to the tank plating, or attached by other satisfactory means acceptable to the Commandant.

(c) Rubber lining shall be scarfed at the joints to overlap at least 1½ inches, and the faying surfaces shall be beveled to an angle of approximately 45° with vulcanizing being done in place.

(d) Cargo piping, including valves, fittings, and flanges, when subject to the corrosive attack of the acid, shall be lined or coated with corrosion-resistant material. Vent piping, including flanges and fittings, shall be similarly lined or coated at least to the height of the frangible disc, if such is installed.

§ 98.10–45 General requirements.

(a) All enclosed compartments containing sulfuric acid cargo tanks and all machinery spaces containing cargo pumps for handling sulfuric acid shall be fitted with effective means of ventilation.

(b) Cargo pumps, piping, valves, fittings, and flanges used in the handling of sulfuric acid cargo shall be made of material resistive to attack by the sulfuric acid to be carried, or shall be suitably protected against such corrosive attack.

(c) A separator shall be fitted in compressed air lines to the tank when air pressure is used to discharge the cargo.

(d) The use of naked lights and artificial lights, other than electric lights or portable battery lights, is prohibited during the filling and discharge operations. Smoking is prohibited and the master or officer in charge of the vessel shall post "No Smoking" signs during filling and discharging operations. All tools used in the loading or unloading operations shall be of the nonsparking type. Fire or other naked lights shall not be applied to any tank for the purpose of liquefying congealed sulfuric acid. Heating coils will only be permitted as a means of liquefying frozen or congealed sulfuric acid.

(e) A water hose shall be connected ready for immediate use and any leakage or spillage of acid shall be immediately washed down.

(f) Tanks approved for the transportation of sulfuric acid in bulk shall not be used for the transportation of any other commodity, except upon authorization by the Commandant (MMT).

(g) While fast to a dock, a vessel during transfer of bulk cargo shall display a red flag by day or a red light by night, which signal shall be so placed that it will be visible on all sides. When at anchor, a vessel during transfer of bulk cargo shall display a red flag by day, which signal shall be so placed that it will be visible on all sides.

§ 93.10–50 Tests and inspections.

(a) Each gravity type cargo tank shall be tested before being put into service as prescribed in § 98.10–10(a).

(b) Unlined gravity type cargo tanks shall be retested as prescribed in § 98.10–10 (a) eight years after being placed into service and at each four year interval thereafter, as well as before being returned to service after extensive repairs.

(c) Unlined pressure-vessel type cargo tanks shall be subjected to a hydrostatic pressure of one and one-half times the design pressure at any time the marine inspector considers such hydrostatic tests necessary to determine the condition of the tanks.

(d) Each cargo tank shall be subjected to an internal examination at least once in every four years. Where the lining of a cargo tank has deteriorated in service or is not in place, the marine inspector may require such tank to be subjected to the prescribed hydrostatic test if deemed necessary to determine the condition of the tank.

Subpart 98.15—Hydrochloric Acid in Bulk

§ 98.15–1 General.

(a) Hydrochloric acid may be carried in bulk in cargo barges, tank barges, or cargo vessels in accordance with the provisions of this subpart.

(b) Any vessel carrying hydrochloric acid in bulk shall be inspected and certificated in accordance with the provisions of this subchapter or Subchapter D (Tank Vessels) of this chapter as applicable.

§ 98.15–5 How acid may be carried.

(a) Hydrochloric acid shall be carried in gravity or pressure type cargo tanks which are independent of the vessel's structure provided such tanks are lined with rubber or other equally suitable material acceptable to the Commandant.

§ 98.15–10 Gravity type cargo tanks.

(a) Gravity type cargo tanks shall be designed and tested to meet the rules of the American Bureau of Shipping for a head of water at least 8 feet above the tank top or the highest level the lading may rise, whichever is the greater. The plate thickness of any part of the tank shall not be less than 3/8 inch. Such tanks shall be independent of the vessel's structure.

(b) Gravity type tanks shall be vented to atmosphere. A vent shall be fitted having a cross-sectional area of not less than that of the filling line unless an ullage opening is provided having a cross-sectional area at least equal to that of the filling line. The minimum size of a cargo tank vent shall not be less than 2½ inches. The outlet end of the vent shall terminate above the weather deck, clear of all obstructions and away from any source of flame. The vent shall terminate in a gooseneck bend and shall be fitted with a single flame screen of at least 30 x 30 mesh; or two screens of at least 20 x 20 mesh, not less than 1 inch nor more than 1½ inches apart. The flame screens shall be of corrosion-resistant wire. No shut-off valve or frangible disc shall be fitted in the vent lines.

(c) Compressed air shall not be used to discharge cargo from gravity type cargo tanks.

§ 98.15–15 Pressure-vessel type cargo tanks.

(a) Pressure-vessel type cargo tanks shall be independent of the vessel's structure and shall be designed for the maximum pressure to which they may be subjected when compressed air is used to discharge the cargo, but in no case shall the design pressure be less than 50 pounds per square inch.

(b) Pressure-vessel type cargo tanks shall be designed as Class II or Class III unfired arc-welded cylindrical pressure vessels, inspected and tested as required by Subchapter F (Marine Engineering) of this chapter.

(c) Tanks designed, inspected and tested as required by Interstate Commerce Commission Specification 103B or 103B–W will be accepted as pressure-vessel type cargo tanks: *Provided*, That the maximum pressure to which the tanks may be subjected does not exceed 30 pounds per square inch, and: *Provided further*, That prior to installing such tanks on a barge or cargo vessel, the owner shall furnish the Commandant with a copy of the inspection report certifying that the tanks and appurtenances comply with Interstate Commerce Commission specifications.

(d) When compressed air is used to discharge the cargo, the tank shall be fitted with a vent led to atmosphere in which shall be installed a rupture disc. The rupture disc shall be designed to burst at a pressure not exceeding the design pressure of the tank. An auxiliary vent to relieve the pressure or vacuum in the tank during filling or discharge of the cargo may be led from the vent line between the tank and the rupture disc. A shut-off valve may be fitted in the auxiliary vent.

(e) Except as otherwise specified in this section, the vent shall conform to the requirements of § 98.15–10 (b).

§ 98.15–20 Installation.

(a) Adequate clearance shall be provided for the inspection and maintenance of the tanks, or such tanks shall be made movable.

§ 98.15–25 Openings in tanks.

(a) Openings in tanks are prohibited below deck, except for access openings used for inspection and maintenance of tanks, or unless otherwise specifically approved by the Commandant. Openings shall be fitted with bolted cover plates and acid-resistant gaskets.

§ 98.15–30 Cargo piping.

(a) Where special arrangements are approved by the Commandant to permit a pump suction to be lead from the bottom of the tank, the filling and discharge lines shall be fitted with shut-off valves located above the weather deck or operable therefrom.

§ 98.15–35 Outage.

(a) Sufficient outage shall be provided to prevent the tanks from being liquid full at any time, but in no case shall the outage be less than 1 percent.

§ 98.15–40 Lining.

(a) The interior surfaces of cargo tanks shall be made smooth, welds chipped or ground smooth, and the surfaces thoroughly cleaned before the lining is applied. All interior surfaces of the tanks shall be maintained free from scale, oxidation, moisture and all foreign matter during the lining process.

(b) The rubber or other-approved lining material shall be resistive to attack by hydrochloric acid; homogeneous, nonporous, and imperforate when applied; and not less elastic than the metal of the tank proper. It shall be of substantially uniform thickness, not less than ¼ inch for rubber lining. The lining shall be directly bonded to the tank plating, or attached by other satisfactory means acceptable to the Commandant.

(c) Rubber lining shall be scarfed at the joints to overlap at least 1½ inches, and the faying surfaces shall be beveled to an angle of approximately 45 degrees with vulcanizing being done in place.

(d) Cargo piping, including valves, fittings, and flanges, when subject to the corrosive attack of the acid, shall be rubber-lined or coated with other corrosion-resistant material. Vent piping, including flanges and fittings, shall be similarly lined or coated at least to the height of the frangible disc if such is installed.

§ 98.15–45 General requirements.

(a) All enclosed compartments containing hydrochloric acid cargo tanks and all machinery spaces containing cargo pumps for handling hydrochloric acid shall be fitted with effective means of ventilation.

(b) Cargo pumps, piping, valves, fittings, and flanges used in the handling of hydrochloric acid cargo shall be made of material resistive to attack by hydrochloric acid, or shall be suitably protected against such corrosive attack.

(c) A separator shall be fitted in compressed air lines to the tank when air pressure is used to discharge the cargo.

(d) The use of naked lights and artificial lights, other than electric lights or portable battery lights, is prohibited during the filling and discharging operations. Smoking is prohibited and the master or officer in charge of the vessel shall post "No Smoking" signs during filling and discharging operations. All tools used in the loading or unloading operations shall be of the nonsparking type.

(e) A water hose shall be connected ready for immediate use and any leakage or spillage of acid shall be immediately washed down.

(f) Tanks approved for the transportation of hydrochloric acid shall not be used for the transportation of any other commodity, except upon authorization by the Commandant (MMT).

(g) Spent hydrochloric acid or hydrochloric acid adulterated by other chemicals, inhibitors, oils, solvents, water, etc., shall not be transported in bulk cargo tanks except upon authorization by the Commandant (MMT).

(h) While fast to a dock, a vessel during transfer of bulk cargo shall display a red flag by day or a red light by night, which signal shall be so placed that it will be visible on all sides. When at anchor, a vessel during transfer of bulk cargo shall display a red flag by day, which signal shall be so placed that it will be visible on all sides.

§ 98.15–50 Tests and inspections.

(a) Each gravity type cargo tank shall be tested before being placed into service as prescribed in § 98.15–10(a).

(b) Each cargo tank shall be subjected to an internal examination at least once in every four years. Where the lining of the cargo tank has deteriorated in service or is not in place, the marine inspector may require such tank to be subjected to the prescribed hydrostatic test if deemed necessary to determine the condition of the tanks.

Subpart 98.20—Liquid Chlorine in Bulk

§ 98.20–1 General.

(a) Liquid chlorine may be carried in bulk in steel tank barges or steel cargo barges in accordance with the provisions of this subpart.

(b) Any barge carrying liquid chlorine in bulk shall be inspected and certificated in accordance with the provisions of this subchapter or Subchapter D (Tank Vessels) of this chapter, as applicable.

§ 98.20–5 How liquid chlorine may be carried.

(a) Liquid chlorine shall be carried in unfired pressure vessel type tanks independent of the structure of the vessel.

§ 98.20–10 Design and construction of cargo tanks.

(a) The cargo tanks shall meet the requirements of Class I arc-welded unfired pressure vessels and shall be fabricated, inspected and tested in accordance with the applicable requirements of Subchapter F (Marine Engineering) of this chapter.

(b) Tanks shall be designed for a pressure of not less than 300 pounds per square inch. For the maximum allowable pressure of tanks in service see § 98.20–75 (c).

(c) Each tank shall be provided with 15 x 18-inch or 18-inch minimum diameter manhole, fitted with a cover located above the maximum liquid level and as close as possible to the top of the tank.

§ 98.20–15 Markings.

(a) Upon satisfactory completion of tests and inspection, the following markings at least three-eighths inch high shall be stamped into a noncorrodible plate permanently attached to the tank by welding.

(Name and address of fabricator)

(Design pressure) p.s.i.

(Hydrostatic test pressure) p.s.i.

(Maximum allowable pressure) p.s.i.

(Inspector's number, initials and C.G. symbol)

(Manufacturer's serial number)

(Date of manufacture)

(Water capacity) U.S. gallons

(b) In addition to the markings required to be stamped on the tank, the legend "chlorine" shall be conspicuously and legibly marked upon the dome or upper portion of the tank in letters at least 4 inches high.

(c) All tank inlet and outlet connections, except safety relief valves shall be labeled to designate whether they terminate in the vapor or liquid space. Labels of noncorrodible material may be attached to the valves.

(d) All tank markings shall be permanently and legibly stamped in a readily visible position.

§ 98.20–20 Installation of cargo tanks.

(a) Independent tanks shall be arranged in the barge so as to provide a minimum clearance of not less than 24 inches from the barge side and not less than 15 inches from the barge bottom. Where more than one tank is installed in a barge, the distance between such tanks shall not be less than 15 inches, unless otherwise approved by the Commandant. Alternate provisions may be made for moving such tanks to provide for adequate inspection and maintenance of barge structure and the tanks.

(b) The design shall show the manner in which the tanks are to be installed, supported, and secured on board the barge and shall be approved prior to the installation. Tanks shall be supported in steel saddles and securely anchored in place. No appendages shall be welded to the tanks after they have been stress-relieved unless authorized by the Commandant.

(c) Tanks may be installed "on deck" or "under deck" with the tank protruding above deck. On installations where a portion of the tank extends above the weather deck, provision shall be made to maintain the weather tightness of the deck, except that barges operating on protected inland waters may have tanks located in the holds of hopper type barges without water-tightness of the deck being maintained. All tanks shall be installed with the manhole opening and fittings located above the weather deck.

(d) The hold or holds in which tanks are located "under deck" shall be provided with mechanical ventilation of sufficient capacity to assure a change of air every 3 minutes.

§ 98.20–25 Cargo tanks on barges.

(a) Sides of tank barges shall be fitted with suitable guards as added precaution against the cargo tanks being damaged as a result of collision.

§ 98.20–30 Valves, fittings, and accessories.

(a) All valves, flanges, fittings and accessory equipment shall be of a type suitable for use with chlorine and shall be made of forged steel, cast steel, or nonferrous metal corrosion resistant to chlorine in either the gas or liquid phase. Valves, flanges and fittings shall be of the square or round tongue and groove type or of raised face, American Standard Association 300-pound standard minimum, fitted with sheet lead or other suitable gasket material. Welding fittings shall be used wherever possible, and the number of pipe joints held to a minimum. Screwed joints in cargo lines and vapor lines are prohibited in sizes above 1 inch.

(b) Each tank shall be provided with safety relief valves and with liquid and vapor connections fitted with manually operated shutoff valves. All valves shall be bolted to the cover or covers specified in § 98.20–10(c), and shall be protected against mechanical damage by a suitable protective metal housing. Other openings in tanks are prohibited. A drain connection shall be provided from the protective housing and led overboard just above the deepest load line.

(c) All liquid and vapor connections, except safety relief valves, shall be fitted with automatic excess flow valves, which shall be located on the inside of the tank.

(d) Excess flow valves, where required by this subpart, shall close automatically at the rated flows of vapor or liquid as specified by the manufacturer. The piping, including valves, fittings, and appurtenances, protected by excess flow valves shall have a greater capacity than the rated flow of the excess flow valve.

(e) Liquid level gaging devices of any type are prohibited on chlorine tanks.

(f) A pressure gage shall be attached to the vapor shut-off valve or vapor line so as to indicate the pressure in the tank at all times during loading and unloading.

(g) Bypass openings are not permitted in excess flow valves.

§ 98.20–40 Cargo piping.

(a) Piping shall be of seamless drawn black steel of a thickness of not less than schedule 80.

(b) Piping shall be provided with adequate support to take the weight of the piping off the valves and fittings. Where necessary, provision shall be made for expansion and contraction of piping by means of seamless steel pipe expansion bends. Slip-type expansion joints are prohibited.

(c) In multiple tank installations the tanks shall not be interconnected by piping or manifolds. More than one cargo tank may be filled or discharged at a time, provided each tank is filled from or discharged to shore tanks through separate lines.

§ 98.20–45 Safety relief valves.

(a) Each tank shall be fitted with one or more approved safety relief valves, designed, constructed, and flow tested for capacity in conformance with Subpart 162.018 in Subchapter Q (Specifications) of this chapter. The safety valve requirements in this section are based on unlagged tanks. On lagged tanks, the Commandant will give special consideration to safety valves proposed to be used.

(b) Each safety relief valve shall be set to pop at a pressure not in excess of the maximum allowable pressure of the tank and shall be vapor tight at a pressure of not less than 80 percent of the maximum allowable pressure.

(c) The safety relief valve(s) shall have a relieving capacity sufficient to prevent a rise of pressure in the tank of more than 20 percent above the maximum allowable pressure when the safety relief valve(s) is blowing.

(d) The minimum rates of discharge of safety relief valves used on unlagged tanks shall be not less than determined by the following formula:

$$Q = 53.526A^{0.82} \quad (1)$$

where:

Q = minimum required rate of discharge, in cubic feet per minute, of standard air at 120 percent of the maximum set pressure of the safety relief valve. Discharge measured at 60° F. and atmospheric pressure (14.7 p. s. i. a.).

A = total external surface area of the tank, in square feet. $\pi(D \times U)$, for cylindrical tank with hemispherical heads. $\pi D(U + 0.3D)$, for cylindrical tank with spherically dished or semi-ellipsoidal heads. πD^2, for spherical tank.

D = outside diameter of the tank, in feet.

U = external overall length of the tank, in feet.

(e) Safety relief valve(s) shall be attached to the tank near the highest point of the vapor space. Shut-off valves shall not be installed between the tanks and the safety relief valve(s).

(f) Each safety relief valve shall be tested in the presence of an inspector before or after mounting prior to being placed in service. The test shall prove that the safety valve will start to discharge at a pressure not in excess of the maximum allowable pressure of the tank. (For periodic tests see § 98.20–75 (c).)

§ 98.20–50 Filling density.

(a) The filling density, or the percent ratio of the liquefied gas that may be loaded into the tank to the weight of water the tank will hold at 60° F., shall not exceed 125 percent.

§ 98.20–55 Venting.

(a) Cargo tanks of tank barges shall have the safety relief valve outlets connected to individual or common risers which shall extend to a reasonable height above the deck, or, the safety relief valve escape may be led to a common discharge header. Where the escape of vapors from the venting system may interfere with towing operations or the operation of the barge in inland waters would be a hazard to installations extending above deck, an installation acceptable to the Commandant may be used. This arrangement shall be such as to minimize the hazard of escaping vapors.

(b) The capacity of branch vents or vent headers shall depend upon the number of cargo tanks connected to such branch or header as provided in Table 98.20–55 (b).

Table 98.20–55 (b)—Capacity of Branch Vents or Vent Headers

Number cargo tanks:	Percent total valve discharge
1 or 2	100
3	90
4	80
5	70
6 or more	60

(c) Return bends and restrictive pipe fittings are prohibited. Vents and headers shall be so installed as to prevent stresses on safety relief valve mountings.

(d) When vent discharge risers are installed, they shall be so located as to provide protection against physical damage and be fitted with loose raincaps.

(e) Suitable provision shall be made for draining the vent escape piping if liquid can collect therein.

§ 98.20–60 Filling and discharge operation.

(a) The maximum amount of liquid chlorine that may be loaded into the cargo tanks shall be determined by weight and shall not exceed the filling density specified in § 98.20–50. Any chlorine vapors vented during the filling operation shall be disregarded when calculating the maximum amount of chlorine to be loaded into the cargo tanks.

(b) Prior to the start of filling operations, care shall be exercised to insure that the cargo tank(s) is empty and free from foreign matter. After all pipe connections and fittings are made tight, the cargo tank(s) shall be evacuated to at least 20 inches of mercury.

(c) The chlorine shall be loaded through a direct pipe line from the shore tank that is mounted on scales so that an amount of chlorine predetermined by weight is loaded into the cargo tank(s) on board the barge.

(d) After the filling operation is completed the vapor above the liquid chlorine in the cargo tank shall be analyzed to determine the percentage of gaseous chlorine in the vapor space. If it should contain less than 80 percent chlorine, vapors shall be withdrawn through the vent or vapor line until the vapor content in the cargo tanks show at least 80 percent chlorine.

(e) After filling connections are removed, upon completion of the loading of a cargo tank, all connections at the tank shall be tested for leakage of chlorine by the aqua ammonia method.

(f) The chlorine in the cargo tanks shall be discharged by the pressure differential method. Where the vapor pressure of the chlorine is not sufficient to force the liquid out of the tank, compressed air may be used to secure the desired rate of discharge, provided the air is oil-free and thoroughly dried by passing it over activated aluminum oxide, silica gel, or other acceptable drying agent. The compressed air system shall contain a relief valve arranged and set so that the air pressure in the cargo tank cannot exceed 70 percent of the allowable pressure of the tank.

(g) After completion of the filling or discharge operations, the excess liquid chlorine in the cargo piping shall be removed. The filling and discharge piping shall be disconnected at the cargo tanks, except during filling and discharge operations. After disconnecting the cargo piping, both ends of the line shall be closed and all inlet and outlet valves on the tank shall be plugged or fitted with blind flanges.

(h) Plans showing alternate methods of filling and discharging the lading may be submitted for approval.

§ 98.20–65 Cargo hose.

(a) Cargo hose fabricated of Schedule 80 seamless black steel pipe, or corrosion resistant metallic pipe not subject to deterioration by chlorine, having metallic flexible joints, or other types of flexible metallic hose acceptable to the Commandant, shall be fitted to the liquid or vapor lines during filling and discharging of the cargo tanks.

(b) Cargo hose subject to tank pressure shall be designed for a bursting pressure of not less than five times the maximum safety relief valve setting of the tanks.

(c) Before being placed in service, each new cargo hose, with all necessary fittings attached, shall be hydrostatically tested by the manufacturer to a pressure of not less than twice the maximum pressure to which it may be subjected in service. The hose shall be marked with the maximum pressure guaranteed by the manufacturer.

§ 98.20–70 Special operating requirements.

(a) (1) Repairs involving welding or burning shall not be undertaken on the cargo tanks or piping while chlorine in either the liquid or vapor state is present in the system.

(2) Other repairs involving welding or burning equipment may be undertaken on the chlorine barge provided a positive pressure is maintained on the tanks by the vapors remaining after the cargo has been discharged.

(b) During the time chlorine is laden in the tanks the barge shall be under constant surveillance. A towing vessel engaged in towing such barges shall not leave the barge unattended except when the barge is moored at a pier, wharf, dock, or other terminal, and then only if such facility is provided with watchman or guard service. When the barge is at the consignor's or consignee's terminal, watchman or guard service shall be provided by said consignor or consignee.

(c) The Interstate Commerce Commission's standard "Dangerous" placard shall be displayed in four locations on the barge when chlorine is laden in the tanks. A placard shall be posted approximately amidships on each side and facing outboard. A placard shall also be posted on each end of the barge at about the ends of the tanks facing outboard. Racks for mounting such placards shall be so arranged as to provide clear visibility and be protected from becoming readily damaged or obscured. After unloading and before a tank or tanks are gas-freed, the placard shall be reversed to show the "Dangerous—Empty" legend.

(d) (1) At least one approved self-contained breathing apparatus shall be available in a readily accessible location off the barge at all times during the filling and discharge operations. This equipment shall not be considered to be part of the barge equipment, and the barge shall not be required to carry this equipment en route.

(2) The approved self-contained breathing apparatus shall be of a type suitable for starting and operating at the temperatures encountered, and shall be maintained in good operating condition.

(3) Personnel involved in the filling or discharge operations shall be adequately trained in the use of the equipment.

(4) During filling or discharge operations every person on the barge shall carry on his person a respiratory protective device which will protect the wearer against chlorine vapors and provide respiratory protection for emergency escape from a contaminated area which would result from cargo leakage. This respiratory protective equipment shall be of such size and weight that the person wearing it will not be restricted in movement or in the wearing of a life-saving device.

(e) Unless authorized by the Commandant (MMT), no other kind of cargo except liquid caustic soda shall be on board a barge at the same time that chlorine in liquid or vapor state is present in a cargo tank. Chlorine tanks shall not be installed within caustic soda tanks.

(f) Authorization from the Commandant (MMT) shall be obtained to transport lading other than chlorine in tanks of this service.

(g) While fast to a dock, a vessel during transfer of bulk cargo shall display a red flag by day or a red light by night, which signal shall be so placed that it will be visible on all sides. When at anchor, a vessel during transfer of bulk cargo shall display a red flag by day, which signal shall be so placed that it will be visible on all sides.

(R.S. 4491, as amended; 46 U.S.C. 489)

§ 98.20–75 Tests and inspections.

(a) Each cargo tank shall be subjected to an internal and external examination biennially.

(b) Each cargo tank shall be subjected to hydrostatic test biennially of one and one-half times the maximum allowable pressure as determined by the safety relief valve setting.

(c) When periodic inspection indicates that a cargo tank has deteriorated in service, the maximum allowable pressure shall be recalculated, using the minimum thickness found by actual measurement. The recalculated maximum allowable pressure shall be not less than 275 pounds per square inch; otherwise, the cargo tanks shall be withdrawn from service.

(d) The safety relief valves shall be popped in the presence of an inspector by use of water, compressed air, or inert compressed gas at the time of the biennial inspection, or at such time as may be required by the inspector to determine the accuracy of adjustment; and, if necessary, such valves shall be repaired and reset.

§ 98.20–80 Stores on board.

(a) The following substances shall not be used as stores on board barges transporting chlorine in bulk: Hydrogen, methane, liquefied petroleum gases, coal gas, acetylene, ammonia, turpentine, compounds containing metallic powders, finely divided metals or finely divided organic materials.

Subpart 98.25—Anhydrous Ammonia in Bulk

§ 98.25–1 General.

(a) Anhydrous ammonia may be carried in bulk in cargo barges, tank barges, or cargo vessels in accordance with the provisions of this subpart.

(b) Any vessel carrying anhydrous ammonia in bulk shall be inspected and certificated in accordance with the provisions of this subchapter or Subchapter D (Tank Vessels) of this chapter as applicable.

§ 98.25–5 How anhydrous ammonia may be carried.

(a) Anhydrous ammonia shall be carried in unfired pressure vessel type tanks independent of the structure as detailed in this part, except as otherwise provided in paragraph (b) of this section.

(b) When anhydrous ammonia is to be transported at its boiling temperature at or near atmospheric pressure, the Commandant may permit the use of alternate methods of storage if it is shown to his satisfaction that a degree of safety is obtained consistent with the minimum requirements of this subpart.

§ 98.25–10 Design and construction of cargo tanks.

(a) The cargo tanks shall meet the requirements for Class I or Class II arc-welded unfired pressure vessels and shall be fabricated, inspected and tested in accordance with the applicable requirements of Subchapter F (Marine Engineering) of this chapter.

(b) Unlagged cargo tanks subject to atmospheric temperatures shall be designed for a pressure of not less than 250 pounds per square inch gage.

(c) Where unrefrigerated cargo tanks are lagged as required by §§ 98.25–30 and 98.25–60, the tanks shall be designed for a pressure of not less than 215 pounds per square inch gage.

(d) Refrigerated cargo tanks, in which the temperature of the liquid ammonia is maintained below the normal atmospheric temperatures, shall be designed for a pressure of not less than the vapor pressure corresponding to the temperature of the liquid at which the system is to be maintained, plus 25 pounds per square inch gage.

(e) Each tank shall be provided with not less than a 15" x 18" diameter manhole, fitted with a cover located above the maximum liquid level and as close as possible to the top of the tank. Where access trunks are fitted to tanks, the diameter of the trunks shall be not less than 30 inches.

(R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4453, as amended, secs. 1, 2, 49 Stat. 1544, as amended; 46 U.S.C. 391, 392, 404, 435, 367)

§ 98.25–15 Markings.

(a) Upon satisfactory completion of tests and inspection, the following marking, at least ⅜ inch high, shall be stamped into a noncorrodible nameplate permanently attached to the tank by means of welding.

(Name and address of fabricator)

(Design pressure) p.s.i.

(Hydrostatic test pressure) p.s.i.

(Maximum allowable pressure) p.s.i.

(CG inspector's number, initials, symbol)

(Manufacturer's serial number)

(Water capacity) U.S. gallons

(Date of manufacture)

(b) In addition to the markings required to be stamped on the tank, the legend, "Anhydrous Ammonia" shall be conspicuously and legibly marked upon the dome or upper portion of the tank in letters at least 4 inches high.

(c) All tank inlet and outlet connections, except safety relief valves, liquid level gaging devices, and pressure gages shall be labeled to designate whether they terminate in the vapor or liquid space. Labels of noncorrosive material may be attached to valves.

(d) All tank markings shall be permanently and legibly stamped in a readily visible position. If the tanks are lagged, the markings attached to the tank proper shall be duplicated on a corrosion resistant plate secured to the outside jacket of the lagging.

§ 98.25–20 Installation of cargo tanks.

(a) Independent tanks shall be arranged in the barge or vessel so as to provide a minimum clearance of not less than 24 inches from the vessel's side and not less than 15 inches from the vessel's bottom. Where more than one tank is installed in a vessel, the distance between such tanks shall be not less than 15 inches, unless otherwise approved by the Commandant. Alternate provisions may be made for moving such tanks to provide for adequate inspection and maintenance of the vessel's structure and the tanks.

(b) The design shall show the manner in which the tanks are to be installed, supported, and secured in the barge or vessel and shall be approved prior to installation. Tanks shall be supported in steel saddles and securely anchored in place. If the tanks are required to be stress-relieved no appendages shall be welded to the tanks after they have been stress-relieved unless authorized by the Commandant.

(c) Tanks may be located in dry cargo holds or in liquid cargo tanks or may be installed "on deck" or "under deck" with the tank protruding above deck. On installations where a portion of the tank extends above the weather deck, provision shall be made to maintain the weathertightness of the deck, except that vessels operating on protected inland waters may have tanks located in the holds of hopper type barges without the watertightness of the deck being maintained. All tanks shall be installed with the manhole opening and fittings located above the weather deck.

(d) The anhydrous ammonia tanks may be installed in the bulk liquid cargo tanks provided the liquid surrounding the enclosed anhydrous ammonia tanks complies with the following chemical and physical properties:

(1) Boiling point above 125° F. at atmospheric pressure.

(2) Inert to ammonia at 100° F. at atmospheric pressure.

(3) Noncorrosive in the liquid and vapor phase to the ammonia tanks and piping.

§ 98.25–25 Cargo tank barges.

(a) Tanks having a cargo capacity of not more than 60,000 gallons may form part of the structure of a barge where adequate provision is made to prevent damage to tanks in the event of collision or grounding.

(b) Sides of tank barges shall be fitted with suitable guards as an added precaution against the cargo tanks being damaged as a result of collision.

§ 98.25–30 Lagging.

(a) Lagged tanks shall be covered with an incombustible insulation material of a thickness to provide a thermal conductance of not more than 0.075 B.t.u. per square foot per degree F. differential in temperature per hour. The insulating material shall be of an approved type complying with the requirements of Subpart 164.009 of Subchapter Q (Specifications) of this chapter, and shall be given a vapor proof coating with fire retardant material acceptable to the Commandant. Tanks exposed to the weather shall have the insulation and vapor proof coating covered with a removable sheet metal jacket of not less than 0.083 inch thickness and flashed around all openings so as to be weather tight. Materials other than sheet metal may be used to cover the insulation and vapor proof coating when specifically authorized by the Commandant.

(b) Where unlagged tanks are installed in insulated holds or insulated 'tween deck spaces, such tanks shall be considered lagged provided the thermal conductance of the insulation is not less than that required by paragraph (a) of this section.

§ 98.25–35 Refrigerated systems.

(a) Where refrigerated systems are installed to maintain the temperature of the liquid below atmospheric, at least two complete refrigeration plants automatically regulated by pressure variations within the tanks shall be provided, each to be complete with the necessary auxiliaries for proper operation. The capacity of each refrigeration compressor shall be sufficient to maintain the vapor pressure in the tanks during the peak atmospheric temperature conditions below the pressure for which the tanks are designed.

(b) An alternate arrangement may consist of three compressors, any two of which shall be capable of maintaining the vapor pressure in the tanks during peak atmospheric temperature conditions below the pressure for which the tanks are designed, the third compressor acting as a stand-by unit.

(c) Refrigerated tanks shall be insulated in conformance with the requirements of § 98.25–30.

§ 98.25–40 Valves, fittings, and accessories.

(a) All valves, flanges, fittings, and accessory equipment shall be of a type suitable for use with anhydrous ammonia and shall be made of steel, Grade A malleable iron or nodular iron conforming to the requirements of Part 51 of Subchapter F (Marine Engineering) of this chapter. Valves shall be fitted with non-corrosive material suitable for ammonia service. Valves, flanges and pipe fittings shall be of the square or round tongue and groove type or raised-face, American Standard Association 300-pound standard minimum, fitted with suitable soft gasket material. Welded fittings shall be used wherever possible and the number of pipe joints shall be held to a minimum. Screwed joints are not permitted for pipe diameters exceeding two inches. Nonferrous materials, such as copper, copper alloys and aluminum alloys shall not be used in the construction of valves, fittings or accessory equipment. Brazed joints are prohibited.

(b) Each tank shall be provided with the necessary fill and discharge liquid and vapor shut-off valves, safety relief valves, liquid level gaging devices, thermometer well and pressure gage, and shall be provided with suitable access for convenient operation. Connections to tanks installed below the weather deck shall be made to a trunk or dome extending above the weather deck. Tanks installed on hopper barges shall have all pipe connections attached to the top of the tanks. Connections to the tanks shall be protected against mechanical damage and tampering. Other openings in the tanks, except as specifically permitted by this part, are prohibited.

(c) All connections to the tanks, except safety devices and liquid level gaging devices, shall have manually operated shut-off valves located as close to the tank as possible.

(d) Excess flow valves where required by this section shall close automatically at the rated flow of vapor or liquid as specified by the manufacturer. The piping, including valves, fittings and appurtenances, protected by an excess flow valve, shall have a greater capacity than the rated flow of the excess flow valve.

(e) Liquid level gaging devices which are so constructed that outward flow of tank contents shall not exceed that passed by a No. 54 drill size opening, need not be equipped with excess flow valves.

(f) Pressure gage connections need not be equipped with excess flow valves if the openings are not larger than No. 54 drill size.

(g) Excess flow valves may be designed with a bypass, not to exceed a No. 60 drill size opening, to allow equalization of pressure.

(h) Prior to disconnecting shore lines, the pressure in the liquid and vapor lines shall be relieved through suitable valves installed at the loading header.

(i) Relief valves shall be fitted in liquid lines which may be subject to excessive pressure caused by liquid full condition, and the escape from the relief valves shall be piped to the venting system.

(j) The pressure gage shall be located at the highest practical point. The thermometer well shall terminate in the liquid space and be attached to the shell by welding with the end of the fitting being provided with a gas-tight screwed plug or bolted cover.

§ 98.25–45 Liquid level gaging device.

(a) Each tank shall be fitted with a liquid level gaging device of suitable design to indicate the maximum level to which the tank may be filled with liquid at temperatures between 20° F. and 130° F.

(b) Liquid level gaging devices shall be of the following types: magnetic, rotary tube, slip tube, fixed tube, automatic float, or other types acceptable to the Commandant.

(c) Gaging devices that require bleeding of the product to the atmosphere, such as rotary tube, fixed tube, and slip tube, shall be so designed that the bleed valve maximum opening is not larger than a No. 54 drill size, unless provided with an excess flow valve.

(d) Gaging devices shall have a design pressure of at least 250 pounds per square inch.

(e) Gage glasses of the columnar type are prohibited.

§ 98.25–50 Filling and discharge pipes.

(a) Filling connections shall be provided with one of the following:

(1) Combination back pressure check valve and excess flow valve;

(2) One double or two single back pressure check valves; or

(3) A positive shut-off valve in conjunction with either an internal back pressure check valve or an internal excess flow valve.

(b) All other liquid and vapor connections to tanks, except filling connections, safety relief valves, and liquid level gaging devices and pressure gages described in § 98.25–40 (e) and (f) shall be equipped with automatic excess flow valves; or in lieu thereof, may be fitted with quick closing internal stop valves, which, except during filling and discharge operations, shall remain closed. The control mechanism for such valves shall be provided with a secondary remote control of a type acceptable to the Commandant.

(c) The excess flow, internal stop or back pressure check valves shall be located on the inside of the tank or outside where the piping enters the tank. In the latter case, installation shall be made in such a manner that any undue strain will not cause breakage between the tank and the excess flow or internal stop valve.

(d) Where the filling and discharge are made through a common nozzle at the tank, and the connection is fitted with a quick-closing internal stop valve as permitted in paragraph (b) of this section, the back pressure check valve or excess flow valve is not required, provided, however, a positive shut-off valve is installed in conjunction with the internal stop valve.

(e) On tanks installed in barges operating on protected inland waters the suction may be taken from the bottom of the tank provided requirements as follows are met:

(1) A manually operated shut-off valve is attached to the outlet nozzle and a remotely operated internal stop valve is fitted inside the tank.

(2) The remotely controlled valve shall be operable from control stations located at each end of the barge so that the remotely controlled valve on any tank can be closed from either station.

§ 98.25–55 Cargo piping.

(a) Piping shall be of seamless drawn black steel of thickness not less than Schedule 40. In case of piping on the discharge side of the liquid pumps or vapor compressors, the design shall be for a pressure of not less than the pump or compressor relief valve setting; or if the piping is not fitted with relief valves, the design pressure shall not be less than the total discharge head of the pump or compressor.

(b) Where necessary, provision shall be made for expansion and contraction of piping by means of seamless steel pipe expansion bends. Special consideration will be given for packless type expansion joints. Slip type expansion joints are prohibited. Piping shall be provided with adequate support to take the weight of the piping off the valves and fittings.

§ 98.25–60 Safety relief valves.

(a) Each tank shall be fitted with two or more approved safety relief valves, designed, constructed and flow-tested for capacity in conformance with Subpart 162.018 of Subchapter Q (Specifications) of this chapter.

(b) Each safety relief valve shall start to discharge at a pressure not in excess of the design pressure of the tank.

(c) The safety relief valves shall have a combined relieving capacity sufficient to prevent a rise of pressure in the tank of more than 20 percent above the maximum allowable pressure when all the safety relief valves are blowing.

(d) (1) The minimum rates of discharge of safety relief valves for uninsulated tanks shall be not less than that determined by the following formula:

$$Q = 21.633A^{0.82} \quad (1)$$

where:

Q = minimum required rate of discharge in cubic feet per minute of standard air at 120 percent of the maximum set pressure of the safety relief valve. Discharge measured at 60° F. and atmospheric pressure (14.7 p.s.i.a.).

A = total external surface area of the tank, in square feet.

$A = \pi(D \times U)$ for cylindrical tanks with hemispherical heads.

$A = \pi D(U + 0.3D)$ for cylindrical tanks with spherically dished or semiellipsoidal heads.

$A = \pi D^2$ for spherical tanks.

D = outside diameter of the tanks, in feet.

U = external overall length of the tank, in feet.

(2) The minimum rate of discharge of safety relief valves for lagged tanks insulated in conformance with § 98.25–30 need only be 50 percent of the capacity required for uninsulated tanks.

(e) Safety relief valves shall be attached to the tank near the highest point of the vapor space. Shut-off valves shall not be installed between the tanks and the safety relief valves, except manifolds for mounting multiple safety relief valves may be fitted with acceptable interlocking 3-way valves so arranged at all times as to permit at any position of the 3-way valve, an unrestricted flow of vapors through at least one port. When two safety relief valves are mounted in parallel on both the upper outlets of the 3-way valve, the arrangement shall be such as to permit at least one safety relief valve to be operative at all times.

(f) Each safety valve shall be tested in the presence of an inspector at the site of installation before or after mounting prior to being placed in service. The tests shall prove that the safety relief valve will start to discharge at a pressure not in excess of the maximum allowable pressure of the tank.

§ 98.25–65 Filling density.

(a) The filling density, or the percent ratio of the liquefied gas that may be loaded in the tank to the weight of the water the tank will hold at 60° F., shall not exceed 56 percent for unlagged tanks and 58 percent for lagged or refrigerated tanks.

§ 98.25–70 Venting.

(a) Except as provided in paragraph (b) of this section, each safety valve installed on a cargo tank shall be connected to a branch vent of a venting system which shall be constructed so that the discharge of gas will be directed vertically upward to a point at least 10 feet above the weather deck or the top of any tank or house located above the weather deck.

(b) Safety valves on cargo tanks in barges may be connected to individual or common risers which shall extend to a reasonable height above the deck. Where the escape of vapors from the venting system may interfere with towing operations, the installation shall be acceptable to the Commandant and the arrangement shall be such as to minimize the hazard of escaping vapors. Arrangements specially provided for venting cargo tanks forming part of the hull on unmanned barges will be given special consideration by the Commandant.

(c) The capacity of branch vents or vent headers shall depend upon the number of cargo tanks connected to such branch or header as provided in Table 98.25–70 (c).

TABLE 98.25–70 (c)—CAPACITY OF BRANCH VENTS OR VENT HEADERS

Number of cargo tanks:	*Percent of total valve discharge*
1 or 2	100
3	90
4	80
5	70
6 or more	60

(d) In addition to the requirement specified in paragraph (c) of this section, the size of the branch vents or vent headers shall be such that the back pressure in relief valve discharge lines shall not be more than 10 percent of the safety relief valve setting.

(e) Return bends and restrictive pipe fittings are prohibited. Vents and headers shall be so installed as to prevent stresses on safety relief valve mountings.

(f) When vent discharge risers are installed, they shall be so located as to provide protection against physical damage and be fitted with loose raincaps.

(g) No shut-off valve shall be fitted in the venting system between the safety relief valve and the vent outlets. Suitable provision shall be made for draining the venting system if liquid can collect therein.

§ 98.25–75 Ventilation.

(a) All enclosed spaces containing cargo tanks fitted with bottom outlet connections shall be provided with mechanical ventilation of sufficient capacity to assure a change of air every 3 minutes. Where cargo tanks are fitted with top outlet connections, the enclosed spaces containing such tanks shall be fitted with efficient natural or mechanical ventilation.

(b) Enclosed compartments in which machinery such as cargo pumps or vapor compressors are located shall be adequately ventilated.

§ 98.25–80 Cargo hose.

(a) Cargo hose fabricated of seamless steel pipe with swivel joints, wire braided armored rubber or other hose material acceptable to the Commandant, shall be fitted to the liquid or vapor lines during filling and discharging of the cargo tanks.

(b) Hose subject to tank pressure shall be designed for a bursting pressure of not less than five times the maximum safety relief valve setting of the tank.

(c) Hose subject to discharge pressure of pumps or vapor compressors shall be designed for a bursting pressure of not less than five times the pressure setting of the pump or compressor relief valve.

(d) Before being placed in service, each new cargo hose, with all necessary fittings attached, shall be hydrostatically tested by the manufacturer to a pressure of not less than twice the maximum pressure to which it may be subjected in service. The hose shall be marked with the maximum pressure guaranteed by the manufacturer.

§ 98.25–85 Electrical bonding.

(a) Each cargo tank shall be electrically grounded to the hull. The cargo barge or vessel shall be electrically connected to the shore piping prior to connecting the cargo hose. This electrical connection shall be maintained until after the cargo hose has been disconnected and any spillage has been removed.

§ 98.25–90 Special operating requirements.

(a) (1) Repairs involving welding or burning shall not be undertaken on the cargo tanks or piping while anhydrous ammonia in either the liquid or vapor state is present in the system.

(2) Other repairs involving the use of welding or burning equipment may be undertaken on the anhydrous ammonia barge provided a positive pressure is maintained on the tanks by the vapors remaining after the cargo has been discharged.

(b) During the time anhydrous ammonia is laden in the tanks the barge or vessel shall be under constant surveillance. A vessel engaged in towing such barges shall not leave the barge unattended except when the barge is moored at a pier, wharf, dock, or other terminal and then only if such facility is provided with watchman or guard service. When the barge is at the consignor's or consignee's terminal, watchman, or guard service shall be provided by said consignor or consignee.

(c) The Interstate Commerce Commission's standard "Dangerous" placard shall be displayed in four locations on the barge when anhydrous ammonia is laden in the tanks. A placard shall be posted approximately amidships on each side and facing outboard. A placard shall be posted at each end of the barge at about the ends of the tanks facing outboard. Racks for mounting such placards shall be so arranged as to provide clear visibility and be protected from becoming readily damaged or obscured. After unloading and before the tank or tanks are gas-freed, the placard shall be reversed to show the "Dangerous—Empty" legend.

(d) Authorization from the Commandant (MMT) shall be obtained to transport lading other than anhydrous ammonia in the cargo tanks.

(e) Sufficient hose stations shall be installed with adequate water supply so that if leakage of anhydrous ammonia occurs the vapors may be removed by use of a stream of water.

(f) (1) For a manned vessel, at least two units of approved self-contained breathing apparatus, one stowed forward of the cargo tanks and one stowed aft of the cargo tanks, shall be carried on board the vessel at all times.

(2) For an unmanned vessel, at least one approved self-contained breathing apparatus shall be available in a readily accessible location off the vessel at all times during the filling and discharge operations. This equipment shall not be considered to be part of the vessel equipment, and the vessel shall not be required to carry this equipment en route.

(3) All approved self-contained breathing apparatus, masks and respiratory protective devices shall be of types suitable for starting and operating at the temperatures encountered, and shall be maintained in good operating condition.

(4) Personnel involved in the filling or discharge operations shall be adequately trained in the use of the equipment.

(5) For all manned and unmanned vessels, during filling or discharge operations every person on the vessel shall carry on his person or have close at hand at all times a canister mask approved for ammonia; or each person shall carry on his person a respiratory protective device which will protect the wearer against ammonia vapors and provide respiratory protection for emergency escape from a contaminated area which would result from cargo leakage. This respiratory protective equipment shall be of such size and weight that the person wearing it will not be restricted in movement or in the wearing of a lifesaving device.

(g) While fast to a dock, a vessel during transfer of bulk cargo shall display a red flag by day or a red light by night, which signal shall be so placed that it will be visible on all sides. When at anchor, a vessel during transfer of bulk cargo shall display a red flag by day, which signal shall be so placed that it will be visible on all sides.

(R.S. 4491, as amended; 46 U.S.C. 489)

§ 98.25–95 Tests and inspections.

(a) Each cargo tank shall be subjected to an internal examination at least once in each 8 calendar years. Each lagged tank shall be subjected to an external inspection at least once in each 8 calendar years by having the jacket and lagging removed. An external examination of unlagged tanks and the visible parts of lagged tanks shall be made at each biennial inspection.

(b) A hydrostatic test of 1½ times the maximum allowable pressure as determined by the safety relief valve setting shall be made at any time that the inspector considers such hydrostatic test necessary to determine the condition of the tank. If the jacket and lagging are not removed during the hydrostatic tests prescribed in this paragraph, the tank shall hold the hydrostatic test pressure for at least 20 minutes without a pressure drop.

(c) The safety relief valves shall be popped in the presence of a marine inspector by either liquid, gas or vapor pressure at least once every four years to determine the accuracy of adjustment and, if necessary, shall be reset.

Subpart 98.30—Nuclear Energy

§ 98.30–1 Vessels handling radioactive materials.

(a) All vessels handling or processing radioactive materials in substantial amounts other than as cargo shall comply with the applicable requirements in Subpart 57.30 of Subchapter F (Marine Engineering) of this chapter. The regulations covering the transportation and handling of radioactive materials as cargo are contained in Part 146 of Subchapter N (Dangerous Cargoes) of this chapter.

(Sec. 2, 23 Stat. 118, as amended, secs. 2, 633, 63 Stat. 496, 545; 46 U.S.C. 2, 14 U.S.C. 2, 633. Interpret or apply sec. 14, 29 Stat. 690, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152; 46 U.S.C. 366, 367, 1333, 390b.)

Subpart 98.35—Portable Tanks for Combustible Liquids

§ 98.35–1 Scope.

(a) The provisions in this subpart contain requirements for the construction, testing, loading, discharging and stowage of portable tanks for the transportation of combustible liquids on board cargo vessels. The regulations apply to portable tank which are capable of being lifted in a loaded condition on and off the vessel. The portable tanks may be filled ashore and then loaded aboard the vessel, or the portable tanks may be loaded and/or discharged after the portable tanks are secured aboard the vessel.

(b) The provisions of this subpart apply to United States' flag vessels subject to the regulations in this chapter and to all foreign vessels when such vessels are on the navigable waters of the United States, its territories and possessions, but

not including the Panama Canal Zone, and which have on board combustible liquid cargo in portable tanks other than in drums, barrels or other packages.

(c) Foreign vessels from countries having similar or equivalent rules or regulations for the design, construction, testing and inspection of portable tanks containing combustible liquids may have such tanks inspected and certified by their own Governments, and such tanks will be considered as meeting such requirements in this subpart; however, such vessels shall comply with §§ 98.35–25, 98.35–30, and 98.35–35 regarding location and stowage, firefighting equipment, and special operating requirements during the transfer of cargo or during the lifting of portable tanks on or off the vessel.

(d) Special consideration may be given to the approval of existing portable tanks which have been authorized prior to March 1, 1963, by the Coast Guard for use on vessels. The Interstate Commerce Commission's approved tank cars and tank trucks (for flammable liquids) and specification ICC–51 portable tanks are accepted as meeting the provisions of this subpart. Except for the ICC containers, all existing portable tanks shall otherwise meet the requirements for testing, inspection, and marking as set forth in this subpart for new tanks.

(e) The regulations covering the transportation in portable tanks of combustible liquids defined as Class B or C poisons are contained in Part 146 of Subchapter N (Dangerous Cargoes) of this chapter.

§ 98.35–3 Authorization for special commodities.

(a) General authorization is hereby given for paraffinic hydrocarbons to be transported in portable tanks.

(b) Authorization shall be obtained from the Commandant for each seperate commodity, other than paraffinic hydrocarbons, prior to its transportation in portable tanks.

§ 98.35–5 Definitions.

(a) A portable tank, within the meaning of this subpart, is a cargo tank having a capacity greater than 110 gallons and which is independent of the vessel's structure. (See § 90.05–30 of this subchapter for interpretive rulings on portable containers.)

(b) The term "combustible liquids" shall mean any liquid having a flashpoint above 80° F. (as determined in an open-cup tester, as used for test of burning oils).

§ 98.35–7 Plan approval.

(a) Plans in quadruplicate showing the details of construction of portable tanks shall be submitted to the Commandant (MMT), U.S. Coast Guard, 1300 "E" Street NW., Washington, D.C., 20226, for approval.

(b) The plans may be submitted directly to field technical offices.

(1) Commander, 3d Coast Guard District (mmt), 45 Broadway, New York, N.Y., 10006, for the geographical area covered by 1st, 3d and 5th Coast Guard Districts.

(2) Commander, 8th Coast Guard District (mmt), Room 308, Customhouse, New Orleans, La., 70130, for geographical area covered by 2d, 7th and 8th Coast Guard Districts.

(3) Commander, 12th Coast Guard District (mmt), 630 Sansome St., San Francisco, Calif., 94501, for geographical area covered by 11th, 12th, 13th, 14th, and 17th Coast Guard Districts.

(c) A manufacturer desiring to construct a portable tank or tanks which are identical with a portable tank previously approved by the Commandant (mmt) shall not be required to submit plans, but shall submit to the Officer in Charge, Marine Inspection, a certificate that the proposed portable tank conforms in every respect with the plans previously approved. Such certificate shall include the manufacturer's serial number, the drawing number or numbers, and the date of approval. If, upon examination, the Officer in Charge, Marine Inspection, ascertains that the said approved plans meet the current requirements of this subpart, the manufacture of such portable tank(s) shall be authorized.

§ 98.35–10 Construction.

(a) Portable tanks shall be designed to be lifted on and off the vessel with contents or otherwise moved from place to place as a normal part of the vessel's operation.

(b) Gravity type portable tanks intended for "on deck" stowage only shall be designed for a head of liquid to the top of the vent, but in no case less than 4 pounds per square inch. Pressure vessel type portable tanks intended for stowage below the weather deck shall be designed for a pressure of not less than 30 pounds per square inch in addition to the head of the liquid. In addition to the internal pressure and liquid head, tanks and handling arrangements shall be designed to withstand the static and dynamic stresses imposed by support and handling operations. Portable tanks designed for pressures exceeding 10 pounds per square inch shall meet the requirements for unfired pressure vessels in Subchapter F (Marine Engineering) of this chapter. When portable tanks are intended for tiering or cellular loading, the structural support shall be designed to carry the stresses due to external loading.

(c) Portable tanks having a horizontal length or width of over 15 feet shall be fitted with a swash bulkhead for each 15 feet of either dimension. Where considered necessary for stability in handling, additional swash bulkheads may be required. The openings in swash bulkheads shall be small enough to effectively prevent surging of the liquid contents.

(d) Each portable tank shall be fitted with not less than a 15-inch by 23-inch or an 18-inch diameter manhole located on the top of the tank. Special consideration may be given to approval of portable tanks which meet applicable ICC specifications with respect to access openings.

(e) All bottom outlets shall be suitably protected against physical damage.

§ 98.35–13 Venting.

(a) Gravity type portable tanks intended for on deck stowage only shall be fitted with gooseneck vents and corrosion resistant flame screens, or with approved pressure-vacuum relief valves set to relieve at pressures not in excess of 4 pounds per square inch.

(b) Pressure vessel type portable tanks intended for on deck stowage only shall be fitted with gooseneck vents and corrosion resistant flame screens, or with approved pressure-vacuum relief valves, or with approved spring loaded relief valves and vacuum relief valves. The settings of all relief valves shall be not more than the design pressure of the tank.

(c) Pressure vessel type portable tanks intended for stowage below the weather deck shall be fitted with an approved vacuum relief valve and with an approved spring-loaded relief valve set at a pressure of not less than 30 pounds per square inch but not in excess of the design pressure of the tank.

(d) The size of all fittings prescribed in paragraphs (a), (b), and (c) of this section shall be not less than the size of the filling line, but in no case less than 2½ inches nominal pipe size. All venting fittings shall be attached at or near the highest point in the vapor space.

§ 98.35–15 Markings.

(a) Each portable tank shall be fitted with a permanent nameplate containing the following:

(Name and address of owner)

(Name and address of manufacturer)

Capacity ---
(U.S. gals.)

Date built ---
(Month, year)

Maximum filling capacity ---
(U.S. gals.)

Maximum design weight ---- lbs.
Light weight ---- lbs.
Design pressure ---- p.s.i.
Test pressure ---- p.s.i.
Initial inspection ---
(Date)

By ---
(Initials of C.G. inspector)

Manufacturer's serial number ---
Tank material ---
Periodic testing ---
(Date and initials of C.G. inspector)

Periodic testing ---
Periodic testing ---

(b) The material for the nameplate shall be of corrosion resistant metal.

(c) The data shall be legibly stamped or embossed and shall not be obliterated during the life of the portable tank. The nameplate shall be maintained in a legible condition so that the data can be easily read.

(d) Portable tanks shall be marked with the legend "COMBUSTIBLE LIQUID." Such legend shall be of letters not less than 3 inches high on a contrasting background and shall be displayed in a conspicuous location on the portable tank when combustible liquids or vapors are carried therein. When commodities other than paraffinic hydrocarbons are carried, additional markings to indicate the exact material contained in the tank shall be provided.

(e) Pressure vessel type portable tanks designed in accordance with § 98.35–10, vented in accordance with § 98.35–13(c), and specifically approved for stowage below the weather deck in accordance with § 98.35–25(c), shall be marked with the legend "SUITABLE FOR STOWAGE BELOW DECKS." The lettering shall comply with the details of paragraph (d) of this section.

§ 98.35–20 Mounting, lifting and securing arrangements.

(a) *General.* Suitable base, lifting and securing arrangements to withstand service conditions shall be provided.

(b) *Securing devices.* Positive acting securing devices in sufficient number to immobilize the tank unit during any intended passage shall be provided. Due regard shall be given to the dynamic loads imposed by the motion of the vessel while in a seaway. The securing devices shall be sufficient in number and arranged in such a manner that no lashings other than those directly connected to hooks, lugs or padeyes will be necessary.

(c) *Mountings.* (1) Tanks shall be designed and fabricated with mountings to provide a secure base in transit. Skids, saddles, or similar devices shall be deemed to comply with this requirement.

(2) All tank mountings such as skids, fastenings, brackets, cradles, lifting lugs, etc., intended to carry loadings shall be permanently secured to tanks, and shall be designed to withstand static loadings in any direction equal to 1.5 times the weight of the tank and attachments when filled with the lading, using a safety factor of not less than four, based on the ultimate strength of the material to be used.

(3) Lifting lugs or hold-down lugs may be attached to either the tank or tank mountings. If lifting lugs and hold-down lugs are attached directly to the tank, they shall be attached to doubling plates welded to the tank and located at points of support; except that lifting lugs or hold-down lugs with integral bases serving as doubling plates may be welded directly to the tank.

(4) All tank mountings shall be designed so as to prevent the concentration of excessive loads on the tank shell.

§ 98.35–25 Location and stowage.

(a) Except as otherwise provided for in this section, portable tanks shall be stowed on the open weather deck. Portable tanks with open gooseneck vents shall not be located so that their vents, access manholes or other tank openings are within 10 feet of non-explosion proof equipment or openings to spaces containing non-explosion proof equipment.

(b) Tanks containing chemically incompatible cargoes shall be physically separated so that mixing of the cargoes could not occur as a result of a tank failure or an accident during cargo handling.

(c) Upon application to the Commandant, special consideration may be given for the stowage of portable tanks containing combustible liquids below the weather deck, provided the tanks are designed as pressure vessels suitable for a pressure of not less than 30 pounds per square inch and are vented in accordance with § 98.35–13(c).

(d) Combustible liquids transported in Interstate Commerce Commission's approved tank cars and tank trucks (for inflammable liquids) and specification ICC–51 portable tanks (complying with ICC requirements) are considered acceptable for stowage on the open weather deck. Combustible liquids transported in Interstate Commerce Commission's approved tank cars and tank trucks (for inflammable liquids) and specification ICC–51 portable tanks may be stowed below the weather deck, provided it is shown to the satisfaction of the Commandant that a degree of safety is obtained consistent with the minimum requirements of this subpart; and such containers shall meet the requirements of § 98.35–13 for venting and § 98.35–27 for outage.

(e) All tanks located below the weather deck shall be so stowed as to be readily accessible.

§ 98.35–27 Outage.

(a) Sufficient outage shall be provided to prevent the tank from being liquid full at any time, but in no case shall the outage be less than 5 percent for portable tanks intended for on deck stowage and not less than 8 percent for portable tanks intended for stowage below the weather deck.

§ 98.35–30 Firefighting equipment.

(a) The fire hose at each fire hydrant on the cargo vessel in the vicinity of the portable tanks shall be fitted with an approved combination spray nozzle. During loading and unloading operations, the pressure shall be maintained in the fire mains.

(b) The area of the deck in way of each 21,000 U.S. gallons or less of combustible liquids carried at any one time in the portable tanks also shall be protected by one or more approved B–V semiportable foam (40-gals. capacity) or dry chemical (50-lbs. minimum capacity for inside use, 100-lbs. minimum capacity for outside use) fire extinguishers; or alternatively, by a fire hose fitted with an approved portable mechanical foam nozzle with pickup tube and two 5-gallon cans of foam liquid concentrate. When carrying commodities incompatible with the conventional foam system, any foam used shall be of a type suitable for use with the lading. The fire extinguishers shall be located so that the entire area is protected without the need to move the extinguishers, and so as to be accessible in the event of fire occurring in the vicinity of the portable tanks.

§ 98.35–35 Special operating requirements.

(a) *Warning signals.* During transfer of cargo while fast to a dock, a red signal (flag by day and electric lantern at night) shall be so placed that it will be visible on all sides. While transferring cargo at anchor, a red flag only shall be displayed.

(b) *Warning sign at gangway.* A warning placard shall be displayed at each gangway in use while a vessel is fast to a dock during transfer of cargo, to warn persons approaching the gangway. The placards shall state in letters not less than 2 inches high substantially as follows:

WARNING

No open lights

No smoking

(c) *Smoking.* Smoking is prohibited in any open deck or cargo area which is within 50 feet of portable tanks.

(d) *Connecting cargo hose.* Sufficient length of hose shall be used to provide for movement of the vessel whenever a portable tank is filled or discharged while aboard the vessel. Gaskets shall be used in every hose joint and in couplings to pipelines where gasket type couplings are employed; and where bolted flanged joints are used, a sufficient number of bolts shall be used to secure a tight connection. Under no circumstances shall less than three bolts be used in a bolted flanged coupling. When cargo hose is supported by ship's tackle the senior deck officer on duty, or other person in charge when licensed officers are not required, shall see that sufficient tackles are used.

(e) *Inspection prior to transfer of cargo.* Prior to the transfer of cargo the senior deck officer on duty, or other person in charge where licensed officers are not required, shall inspect the vessel to assure himself that the following conditions exist:

(1) Warnings are displayed as required.

(2) No repair work in way of portable tanks is being carried on without his permission.

(3) Riveting, welding, burning or like fire-producing operations shall not be undertaken in the vicinity of portable tanks until an inspection has been made to determine that such operations can be undertaken with safety.

(4) Cargo hose is connected and cargo valves are set, whenever a portable tank is being loaded or discharged while aboard the vessel.

(5) The suitability of cargo handling or lifting gear when a loaded portable tank is being handled.

(f) *Approval to start transfer of cargo.* When the senior deck officer on duty, or other person in charge where licensed officers are not required, has assured himself that the above requirements have been met, he may give his approval to start cargo handling operations.

(g) *Duties of senior deck officer or person in charge.* The senior deck officer on duty, or other person in charge where licensed officers are not required, when a portable tank is loaded or discharged by hose while aboard the vessel, shall control the operations as follows:

(1) Supervise the operations of cargo system valves.

(2) Start transfer of cargo slowly.
(3) Observe hose and connections for leakage.
(4) Observe operating pressure on cargo system.
(5) Observe rate of loading for the purpose of avoiding overflow of tanks.

(h) *Conditions under which transfer operations shall not be commenced or if started shall be discontinued.* Cargo transfer operations shall not be started, or if started, shall be discontinued, under the following conditions:
(1) During severe electrical storms.
(2) If a fire occurs on the wharf or on the vessel or in the vicinity.

(i) *Termination of transfer operations.* When transfer operations involving the transfer of cargo by hose are completed, the cargo hose shall be drained of cargo.

(j) *Maintenance of cargo handling equipment.* The cargo handling equipment shall be maintained in good condition by the vessel's personnel. Cargo hose shall not be used in transfer operations in which the pressures are such that leakage of cargo occurs through the body of the hose.

(k) *Exemptions.* Combustible liquids having a flashpoint of 300° F. or above shall be exempt from the following paragraphs of this section:
(1) Paragraph (b) *Warning sign at gangway.*
(2) Paragraph (e) *Inspection prior to transfer of cargo.*
(3) Paragraph (f) *Approval to start transfer of cargo.*

§ 98.35–40 Electric bonding.

(a) A portable tank, if filled while aboard the vessel, shall be electrically connected to the shore piping, through which the cargo is to be transferred, prior to the connecting of a cargo hose. This electrical connection shall be maintained until after the cargo hose has been disconnected and any spillage has been removed.

§ 98.35–45 Initial tests.

(a) Before being placed in service, each portable tank shall be subjected to a hydrostatic test in the presence of a Coast Guard inspector.

(b) For gravity type cargo tanks, the test head pressure shall be not less than the design head pressure prescribed in § 98.35–10(b). For pressure vessel type cargo tanks, the hydrostatic test shall be made at a pressure not less than one and one-half times the design pressure of the tank or the safety relief valve setting, and shall otherwise be conducted in accordance with the testing and inspection requirements for unfired pressure vessels in Subchapter F (Marine Engineering) of this chapter.

(c) It shall be demonstrated by test of a prototype tank of a particular design prior to initial use, that such tank, when loaded at the maximum design weight and with the lifting arrangements provided, has a behavior when lifted which is stable and controllable. This demonstration test shall be made either in the presence of a Coast Guard inspector or by a testing agency acceptable to the Commandant for this purpose.

§ 98.35–50 Periodic tests and inspections.

(a) At least once every 4 years each portable tank shall be subjected to a hydrostatic test to the test pressure as shown on the nameplate, which shall be made in the presence of a Coast Guard inspector. At such time, the tank shall also be internally examined.

(b) No repairs or alterations affecting the safety of the portable tank shall be made without the prior knowledge of the Officer in Charge, Marine Inspection. Notice shall be in accordance with § 91.-45–1 of this subchapter. An inspection either general or partial depending upon the circumstances shall be made whenever any important repairs or alterations are undertaken. The Officer in Charge, Marine Inspection, may subject the portable tank to the periodic tests as prescribed in paragraph (a) of this section prior to placing such tank back into service.

SUBCHAPTER J—ELECTRICAL ENGINEERING

PART 110—GENERAL PROVISIONS

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110.15–155 Propulsion engine.
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110.15–170 Recognized classification society.
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Subpart 110.20—Equivalents

110.20–1 Conditions under which equivalents may be used.

Subpart 110.25—Special Provisions

110.25–1 Vessels acquired or documented under the Act of August 9, 1954.
110.25–5 Installations of equipment made during the Unlimited National Emergency declared by the President on May 27, 1941.

AUTHORITY: The provisions of this Part 110 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426, as amended, 4427, as amended, 4433, as amended, 4453, as amended, 4488, as amended, 4491, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404, 405, 411, 435, 481, 489, 366, 395, 363, 369, 367, 526p, 1333, 390b, 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, Nov. 26, 1954, 19 F.R. 8026; 167–20, June 18, 1956, 21 F.R. 4894; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–38, Oct. 26, 1959, 24 F.R. 8857.

Subpart 110.01—Basis and Purpose of Regulations

§ 110.01–1 Purpose of regulations.

(a) The purpose of the regulations in this subchapter is to set forth uniform minimum requirements for electrical apparatus and equipment when installed on various types of vessels in accordance with the intent of Title 52 of the Revised Statutes and acts amendatory thereof or supplemental thereto, as well as to implement various international convcntions for safety of life at sea and other treaties which contain requirements regarding electrical apparatus or equipment. The regulations are necessary to implement the various provisions of law promulgated for the purpose of improving or promoting safety of life at sea.

§ 110.01–5 Assignment of functions.

(a) By Reorganization Plan No. 3 of 1946, effective July 16, 1946, the marine inspection functions of the former Bureau of Marine Inspection and Navigation and its officers and employees were transferred to the Commandant, United States Coast Guard. By Reorganization Plan No. 26 of 1950, effective July 31, 1950 (15 F. R. 4935, 5 U. S. C. note under 241), the functions formerly vested in the Commandant, United States Coast Guard, were transferred to the Secretary of the Treasury with certain specified exceptions. The Secretary of the Treasury by an order dated July 31, 1950 (15 F. R. 6521), delegated to the Commandant functions formerly performed by him under Reorganization Plan No. 3 of 1946.

§ 110.01–10 Authority for regulations.

(a) *General.* (1) The authority to prescribe regulations generally is set forth in R. S. 4405 and 4462, as amended (46 U. S. C. 375 and 416), as well as in other provisions of Title 52 of the Revised Statutes and acts amendatory thereof or supplemental thereto. Under the provisions of R. S. 4403, as amended (46 U. S. C. 372), the Commandant, United States Coast Guard, superintends the administration of the vessel inspection laws and is required to produce a correct and uniform administration of the inspection laws, rules, and regulations.

(b) *Tank vessels.* The regulations regarding electrical apparatus and equipment which may be used on tank vessels interpret or apply R. S. 4417a and sec. 3 (c) of Public Law 569, 83d Cong., 68 Stat. 676 (46 U. S. C. 391a, 50 U. S. C. 198), as well as Executive Order 11239, 30 F.R. 9671, 3 CFR, 1965 Supp.

(c) *Passenger vessels.* (1) The regulations regarding electrical apparatus and equipment which may be used on passenger vessels interpret or apply R. S. 4399, 4400, 4417, 4418, 4421, 4426, 4433, 4453, and 4488, as amended, section 14, 29 Stat. 690, section 10, 35 Stat. 428, 41 Stat. 305, 49 Stat. 1384, 1544, section 3, 54 Stat. 346, and sec. 3(c), Public Law 569, 83d Cong., 68 Stat. 676 (46 U.S.C. 361, 362, 391, 392, 399, 404, 411, 435, 481, 366, 395, 363, 369, 367, 1333, 50 U.S.C. 198), as well as Executive Order 11239, 30 F.R. 9671, 3 CFR, 1965 Supp.

(d) *Cargo and miscellaneous vessels.* (1) The regulations regarding electrical apparatus and equipment which may be installed on cargo and miscellaneous vessels interpret or apply R. S. 4399, 4400, 4417, 4418, 4421, 4426, 4427, 4433, 4453, and 4488, as amended, section 14, 29 Stat. 690, section 10, 35 Stat. 428, 41 Stat. 305, 49 Stat. 1544, and sec. 3 (c), Public Law 569, 83d Cong., 68 Stat. 676 (46 U. S. C. 361, 362, 391, 392, 399, 404, 405, 411, 435, 481, 366, 395, 363, 367, 50 U.S.C. 198), as well as Executive Order 11239, 30 F.R. 9671, 3 CFR, 1965 Supp.

(e) *Uninspected vessels.* (1) The regulations regarding electrical apparatus and equipment which may be installed on uninspected vessels interpret or apply section 17, 54 Stat. 166, as amended (46 U. S. C. 526p).

(f) *Exemptions.* (1) Public vessels owned by the United States, other than those engaged in commercial service, are to be exempt from the regulations in this subchapter. Certain other vessels may be exempt from the requirements of the regulations in this subchapter when so provided by law.

Subpart 110.05—Application

§ 110.05–1 Vessels subject to the requirements of this subchapter.

(a) This subchapter shall be applicable to all vessels as indicated in columns 3, 4, and 5 of Table 110.05–1(a) and shall apply to all such United States flag vessels, and to all foreign vessels which carry passengers from any port in the United States to the extent prescribed by law, except as follows:
(1) Any vessel of a foreign nation signatory to the International Convention for Safety of Life at Sea, 1960, and which has on board a current, valid safety certificate.
(2) Any vessel of a foreign nation having inspection laws approximating those of the United States together with reciprocal inspection arrangements with the United States, and which has on board a current, valid certificate of inspection issued by its government under such arrangements.
(3) Any vessel operating exclusively on inland waters which are not navigable waters of the United States.
(4) Any vessel laid up and dismantled and out of commission.
(5) With the exception of vessels of the U. S. Maritime Administration, any vessel with the title vested in the United States and which is used for public purposes.

TABLE 110.05–1(a)

Method of propulsion	Size or other limitations [1]	Classes of vessels (including motorboats) examined or inspected under various Coast Guard regulations [1]			
		Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under either Subchapter H—Passenger Vessels [2 3 4] or Subchapter T—Small Passenger Vessels [2 4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [2 4]	Vessels subject to provisions of Subchapter C—Uninspected Vessels [2 3 4]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Steam	Vessels not over 65 feet in length.	All vessels carrying combustible or flammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	All tugboats and towboats.	All vessels except those covered by columns 3, 4, and 5.[7]
	Vessels over 65 feet in length.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels of not over 15 gross tons which carry more than 6 passengers.[7] 3. All other vessels carrying passengers, except: a. Yachts. b. Documented cargo or tank vessels issued a permit to carry not more than 16 persons in addition to the crew. c. Towing and fishing vessels, in other than ocean and coastwise service, may carry persons on the legitimate business of the vessel, in addition to crew, but not to exceed one for each net ton of the vessel.	All vessels except those covered by columns 3 and 4.	None.
Motor	Vessels of not over 15 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	All vessels except those covered by columns 3, 4, and 5.
	Vessels over 15 gross tons except seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or flammable liquid cargo in bulk.[6]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels not over 65 feet in length which carry more than 6 passengers.[7] 3. All other vessels of over 65 feet in length carrying passengers for hire except documented cargo or tank vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels carrying freight for hire except those covered by columns 3 and 4.	All vessels except those covered by columns 3, 4, and 5.

See footnotes at end of table.

TABLE 110.05-1(a)—Continued

Method of propulsion	Size or other limitations [1]	Classes of vessels (including motorboats) examined or inspected under various Coast Guard regulations [1]			
		Vessels inspected and certificated under Subchapter D-Tank Vessels [2]	Vessels inspected and certificated under either Subchapter H—Passenger Vessels [2] [3] [4] [5] or Subchapter T—Small Passenger Vessels [2] [3] [4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [2] [4]	Vessels subject to provisions of Subchapter C—Uninspected Vessels [2] [6]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
	Seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All other vessels carrying passengers, except: a. Yachts. b. Documented cargo or tank vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels except those covered by columns 3 and 4, and those engaged in the fishing, oystering, clamming, crabbing, or any other branch of the fishery, kelp, or sponge industry.	All vessels except those covered by columns 3, 4, and 5.
Sail	Vessels not over 700 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	None.
	Vessels over 700 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.	All vessels carrying passengers for hire.	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	None.
Nonself-propelled	Vessels not over 100 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	All barges carrying passengers except those covered by column 4.
	Vessels over 100 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.	All vessels carrying passengers for hire.	All seagoing barges except those covered by columns 3 and 4; and those inland barges carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	All barges carrying passengers except those covered by column 4.

[1] Where length is used in this table it means the length measured from end to end over the deck, excluding sheer. This expression "means a straight line measurement of the overall length from the foremost part of the vessel to the aftermost part of the vessel, measured parallel to the centerline."

[2] Subchapters E (Load Lines), F (Marine Engineering), J (Electrical Engineering), and N (Dangerous Cargoes) of this chapter may also be applicable under certain conditions.

[3] Public nautical schoolships, other than vessels of the Navy and Coast Guard, shall meet the requirements of Part 167 of Subchapter R (Nautical Schools) of this chapter. Civilian nautical schoolships, as defined by 46 U.S.C. 1331, shall meet the requirements of Subchapter H (Passenger Vessels) and Part 168 of Subchapter R (Nautical Schools) of this chapter.

[4] Subchapter H (Passenger Vessels) of this chapter covers only those vessels of 100 gross tons or more. Subchapter T (Small Passenger Vessels) of this chapter covers only those vessels of less than 100 gross tons.

[5] Vessels covered by Subchapters H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter, where the principal purpose or use of the vessel is not for the carriage of liquid cargo, may be granted a permit to carry a limited amount of flammable or combustible liquid cargo in bulk. The portion of the vessel used for the carriage of the flammable or combustible liquid cargo shall meet the requirements of Subchapter D (Tank Vessels) in addition to the requirements of Subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter.

[6] Any vessel on an international voyage is subject to the requirements of the International Convention for Safety of Life at Sea, 1960.

[7] The meaning of the term "passenger" is as defined in the Act of May 10, 1956 (sec. 1, 70 Stat. 151; 46 U.S.C. 390).

[8] Boilers and machinery are subject to examination on vessels over 10 feet in length.

§ 110.05-3 Amendments to the regulations.

(a) The regulations in this subchapter are not retroactive in effect unless specifically provided for in the regulation at the time it is amended or added.

(b) The regulations amended or added subsequent to November 19, 1952, are applicable to installations contracted for on or after the effective date of such regulations.

§ 110.05-5 Specific application noted in text.

At the beginning of the various parts, subparts, and sections, a more specific application is generally given for particular portions of the text involved. This application sets forth the types, sizes or services of vessels to which the text pertains, and in many cases limits the application of the text to vessels contracted for before or after a specific date. As used in this subchapter, the term "vessel contracted for" includes not only the contracting for the construction of a vessel, but also the contracting for a material alteration to a vessel, the contracting for the conversion of a vessel to a passenger vessel, and the changing of service or route of a vessel if such change increases or modifies the general requirements for the vessel or increases the hazards to which it might be subject.

Subpart 110.10—Reference Specifications, Standards, and Codes

§ 110.10-1 General.

The following specifications, standards, and codes, to the extent specified in the text, form a part of this subchapter:

(a) Rules for the Classification and Construction of Steel Vessels, of issue in effect on the date the vessel is contracted for, issued by American Bureau of Shipping, 45 Broad Street, New York, N.Y., 10004.

(b) Publications of issue in effect on the date the vessel is contracted for, issued by National Fire Protection Association, 60 Batterymarch Street, Boston, Mass., 02110, as listed in this paragraph.

(1) The National Electrical Code.

(2) Code for Use of Flammable Anesthetics (Safe Practice for Hospital Operating Rooms).

(c) Standards of issue in effect on the date the vessel is contracted for, issued by National Electrical Manufacturers Association, 155 East 44th Street, New York, N.Y., 10017, as listed in this paragraph.

(1) NEMA Standards Publication Molded Case Circuit Breakers.

(2) NEMA Standards for Large Air Circuit Breakers.

(3) NEMA Standards Publication Motors and Generators (MG1).

(d) Standards of issue in effect on the date the vessel is contracted for, issued by the Institute of Electrical and Electronic Engineers, Box A, Lenox Hill Station, New York, N.Y., 14481, as listed in this paragraph.

(1) AIEE Standard No. 45—Recommended Practice for Electrical Installations on Shipboard.

(2) American Standard Definitions of Electrical Terms, ASA C42.

(e) Standards issued by Underwriters' Laboratories, Inc., 207 East Ohio Street, Chicago, Ill., 60011, as listed in this paragraph, each of issue in effect on the date the vessel is contracted for:

(1) Standard for Snap Switches.

(2) Standard for Knife Switches.

(3) Standard for Fuses.

(4) Standard for Industrial Control Equipment.

(5) Standard for Branch-Circuit and Service Circuit Breakers.

(6) Standard for Panelboards.

(7) Standard for Edison-Base Lampholders.

(8) Standard for Marine Type Electric Lighting Fixtures.

(9) Standard for Attachment Plugs and Receptacles.

(10) Standard for Flexible Cord and Fixture Wire.

(11) Standard for Electric-Discharge-Lamp Accessory Equipment.

(12) Standard for Elevator Electric Contacts and Elevator Hoistway Door Interlocks.

(13) Standard for Portable Electric Lamps.

(14) Standard for Wire Connectors and Soldering Lugs.

(15) Standard for Outlet Boxes and Fittings.

(16) Standard for Enclosed Switches.

(17) Standard for Commercial Electric Cooking Appliances.

(f) Specifications and Guides issued by the U.S. Navy Bureau of Ships, Washington, D.C., 20360, of issue in effect on the date the vessel is contracted for, as listed in this paragraph.

(1) MIL-C-915 Interim Specifications Cable, Cord and Wire, Electrical (shipboard use).

(2) MIL-C-2194 Military Specifications Cable, Power, Electrical, Reduced Diameter Type, Naval Shipboard.

(3) MIL-C-23206 Military Specifications Cable, Special Purpose, Electrical (Nuclear Plant).

(4) NavShips 250-660-23, Cable Comparison Guide.

(g) Standards of issue in effect on the date the vessel is contracted for, issued by American Standards Association, 70 East 45th Street, New York, N.Y., 10017.

(1) Safety Code for Elevators, Dumbwaiters, and Escalators.

§ 110.10-5 Copies of specifications, standards and codes.

(a) Copies of the specifications, standards, and codes referred to in this subpart may be obtained from the issuing authority except:

(1) Military specifications may be obtained from the Commanding Officer, Naval Supply Depot, 5801 Tabor Avenue, Philadelphia, Pa., 19120.

(2) NavShips 250-660-23 may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C., 20402.

(b) Copies of the specifications, standards, and codes referred to in this subpart are available for reading purposes at Coast Guard Headquarters upon request.

Subpart 110.15—Definition of Terms Used in This Subchapter

§ 110.15-1 Approved.

This term means approved by the Commandant, United States Coast Guard, unless otherwise stated.

§ 110.15-5 Boat deck.

This term means the deck or decks on which lifeboats are stowed.

§ 110.15-10 Bulkhead deck.

This term means the uppermost deck up to which the transverse watertight bulkheads are carried.

§ 110.15-15 Cable terms.

(a) *Cable.* (1) A cable is either a stranded conductor with or without insulation and other coverings (single conductor cable), or a combination of conductors insulated from one another (multiple-conductor cable).

(b) *Cable designations.* (1) Abbreviations given in Columns 1 to 5, inclusive, of Table 110.10-15 (b) (1) may be employed in connection with lighting and power, interior communication, and telephone cable. Thus, in the abbreviation DRL-4, D=double conductor, light and power (column 1), R=rubber insulated (column 2), L=leaded and steel armored (columns 3 and 4), and—4=No. 14 American wire gage, 4110 circular mils (column 5). In the abbreviation ICTTA-12, IC=interior communication (column 1), T=thermoplastic-asbestos or thermoplastic-glass-asbestos insulated (column 2), I=impervious sheathed (column 3), A=Aluminum armored (column 4), and —12=12 conductor (column 5).

(2) The trade designations given in Table 110.15-15 (b) (2) may be used to designate the type of flexible cord and fixture wire.

TABLE 110.15-15(b)(1)—LIGHTING AND POWER, INTERIOR COMMUNICATION, AND TELEPHONE CABLE SYMBOLS

Column 1	Column 2	Column 3	Column 4	Column 5
Symbol designating cable type	Symbol designating type of insulation	Symbol designating type of outer covering	Symbol designating type of armor	Symbol designating wire size for light and power cable or number of conductors for interior communication or number of pairs of conductors for telephone cable
S=single conductor, light and power. D=double conductor, light and power. T=triple conductor, light and power. F=four conductor, light and power. IC=interior communication. TT=twisted pair, telephone. TTC=twisted pair, inter-cabin telephone.	R=rubber. V=varnished-cambric. AV=asbestos-varnished-cambric. T=thermoplastic-asbestos or thermoplastic-glass-asbestos. MI=mineral insulated.	A=armored only. L=leaded and armored. I=impervious sheathed and armored. S=reinforced sheathed and armored.	None=steel. A=aluminum. B=bronze.	Circular mil size in thousands, or number of conductors, or number of pairs of conductors.

TABLE 110.15-15 (b) (2)—PORTABLE CORD AND FIXTURE WIRE SYMBOLS

Trade name of wire or cord	Designation	Trade name of wire or cord	Designation
Asbestos-covered heat-resistant fixture wire	AF	Rubber-jacketed heater cord	HSJ
Silicone rubber insulated fixture wire	SF-2	Braided heavy duty cord	K
Silicone rubber insulated fixture wire, flexible stranding	SFF-2	Reinforced cord	P, P-2
Asbestos-covered heat-resistant cord	AFC, AFPD	Twisted portable cord	PD
Rubber-jacketed heat-resistant cord	AFS, AFSJ	Moisture-proof reinforced cord	PW, PW-2
Heat- and moisture-resistant cord	AVPD	Rubber-covered stranded fixture wire	RF-2
Lamp cord	C	Heat-resistant rubber-covered stranded fixture wire	RFH-2
Cotton-covered heat-resistant fixture wire, stranded or flexible stranded	CF	Hard service cord	S
Cotton-covered heat-resistant cord	CFC, CFPD	Hard service cord, oil-resistant	SO
Elevator cable	E, EO, ET	Hard service cord thermoplastic covered	ST
Rubber-covered fixture wire, flexible stranding	FF-2	Junior hard service cord	SJ
Heat-resistant rubber-covered fixture wire, flexible stranding	FFH-2	Junior hard service cord, oil-resistant	SJO
Heater cord	HC, HPD	Junior hard service cord, thermoplastic covered	SJT
Jacketed heater cord	HS	Thermoplastic-covered stranded fixture wire	TF
		Thermoplastic-covered fixture wire, flexible stranding	TFF

§ 110.15-20 Coast Guard District Commander.

This term means an officer of the Coast Guard designated as such by the Commandant to command all Coast Guard activities within his district, which includes the inspection, enforcement, and administration of Title 52, Revised Statutes, and Acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

§ 110.15-25 Coastwise.

Under this designation shall be included all vessels normally navigating the waters of any ocean or the Gulf of Mexico 20 nautical miles or less offshore.

§ 110.15-30 Commandant.

This term means the Commandant of the Coast Guard.

§ 110.15-35 Control equipment terms.

(a) *Electric controllers.* An electric controller is a device, or group of devices, which serves to govern, in some predetermined manner, the electric power delivered to the apparatus to which it is connected.

(b) *Basic functions.* The basis functions of a controller are the functions of those of its elements which govern the application of electric power to the connected apparatus.

(c) *Manual controller.* A manual controller is an electric controller having all of its basic functions performed by devices which are operated by hand.

(d) *Full magnetic controller.* A full magnetic controller is an electric controller having all of its basic functions performed by devices which are operated by electromagnets.

(e) *Contactor.* A contactor is a device for repeatedly establishing and interrupting an electric power circuit.

(f) *Starter.* A starter is an electric controller for accelerating a motor from rest to normal speed, and to stop the motor.

(g) *Automatic starter.* An automatic starter is a starter in which the influence directing its performance is automatic.

(h) *Autotransformer starter.* An autotransformer starter is a starter which includes an autotransformer to furnish reduced voltage for starting of an alternating current motor. It includes the necessary switching mechanism, and it is frequently called a compensator or autostarter.

(i) *Overload protection (overcurrent protection).* Overload protection is the effect of a device operative on excessive current, but not necessarily on short circuit, to cause and maintain the interruption of current flow to the device governed.

(j) *Overload relay.* An overload relay is an overcurrent relay which functions at a predetermined value of overcurrent to cause disconnection of the load from the power supply.

NOTE: An overload relay is intended to protect the load (for example, motor armature) or its controller, and does not necessarily protect itself.

(k) *Normally open and normally closed.* The terms "Normally Open" and "Normally Closed" when applied to a magnetically operated switching device, such as a contactor or relay, or to the contacts thereof, signify the position taken when the operating magnet is deenergized. These terms apply only to nonlatching types of devices.

(l) *Temperature compensated overload relay.* A temperature compensated overload relay is an overload relay which functions at any current in excess of a predetermined value essentially independent of ambient temperature.

§ 110.15–40 Corrosion-resistant finishes.

The following treatments listed in this section, when properly done and of sufficiently heavy coating, are considered satisfactory corrosion-resistant finishes:

(a) Electroplating of cadmium, chromium, nickel, silver, or zinc.

(b) Sheradizing.

(c) Galvanizing.

(d) Painting. Thorough cleaning and degreasing, followed by bonderizing or the equivalent, followed by the application of zinc chromate primer or the equivalent, followed by one or more applications of enamel.

§ 110.15–45 Corrosion-resistant or noncorrodible materials.

Silver, corrosion-resisting steel, copper, brass, bronze, copper-nickel, certain copper-nickel alloys, and certain aluminum alloys are considered satisfactory corrosion-resistant or noncorrodible materials.

§ 110.15–50 Electrochemistry.

(a) *Storage battery.* A storage battery is a connected group of two or more electrolytic cells for the generation of electric energy in which the cells after being discharged may be restored to a charged condition by an electric current flowing in a direction opposite to the flow of current when the cell discharges.

(b) *Dry cell.* A dry cell is a cell in which the electrolyte is immobilized.

(c) *Primary cell.* A primary cell is a cell which produces electric current by electrochemical reactions without regard to the reversibility of those reactions. (Some primary cells are reversible to a limited extent.)

§ 110.15–55 Embarkation deck.

This term means the deck or decks from which passengers embark into lifeboats or the deck or decks on which passenger as assembled preparatory to embarking into lifeboats.

§ 110.15–60 Emergency squad.

This term means that part of the crew designated by the station bill to form the nucleus of a damage control party.

§ 110.15–65 Equipment enclosure terms.

(a) *Enclosed (inclosed).* Enclosed means surrounded by a case which will prevent a person from accidentally contacting live parts.

(b) *Nonwatertight equipment.* Nonwatertight equipment means enclosed equipment, the enclosure of which is not sufficiently effective to be classed as either drip-proof or watertight.

(c) *Drip-proof equipment.* Drip-proof equipment means enclosed equipment so constructed or protected that its successful operation is not interfered with when subjected to falling moisture or dirt.

(d) *Watertight equipment.* Watertight equipment means enclosed equipment so constructed that a stream of water from a hose (not less than 1 inch in diameter) under a head of about 35 feet from a distance of about 10 feet, and for a period of 5 minutes, can be played on the apparatus without leakage. The hose nozzle should be adjusted to give a solid stream at the enclosure.

(e) *Explosion-proof equipment.* Explosion-proof equipment means equipment enclosed in a case which is capable of withstanding an explosion of a specified gas or vapor which may occur within it, and of preventing the ignition of the specified gas or vapor surrounding the enclosure by sparks, flashes or explosions of the gas or vapor within.

(f) *Weathertight equipment.* Weathertight equipment means equipment so constructed or protected that exposure to a beating rain will not result in the entrance of water.

(g) *Totally enclosed equipment.* Totally enclosed means so enclosed as to prevent circulation of air between the inside and the outside of the case, but not necessarily sufficiently to be termed airtight.

§ 110.15–70 Equivalent.

This term, when used in connection with a unit, material, process, finish, etc., means the equivalent as determined by the Coast Guard.

§ 110.15–75 Ferry.

Under this designation shall be included those vessels in other than ocean or coastwise service having provisions only for deck passengers and/or vehicles, operating on a short run on a frequent schedule between two points over the most direct water route, and offering a public service of a type normally attributed to a bridge or tunnel.

§ 110.15–80 Flashpoint.

This term indicates the temperature in degrees Fahrenheit at which a liquid gives off a flammable vapor when heated in an open-cup tester.

§ 110.15–85 Generation and distribution terms.

(a) *Connected load.* The connected load is the sum of the continuous ratings of the load consuming apparatus connected to the system or any part thereof.

(b) *Load factor.* Load factor is the ratio of the average load over a designated period of time to the connected load.

(c) *Peak load.* Peak load is the maximum load consumed or produced by a unit or group of units in a stated period of time. It may be the maximum instantaneous load or the maximum average load over a designated interval of time.

NOTE: Maximum average load is ordinarily used. In commercial transactions involving peak load (peak power) it is taken as the average load (power) during a time interval of specified duration occurring within a given period of time, that time interval being selected during which the average power is greatest.

(d) *Ground (earth).* A ground is a conducting connection, whether intentional or accidental, by which an electric circuit or equipment is connected to the earth, or to some conducting body, of relatively large extent, which serves in place of the earth. It is used for establishing and maintaining the potential of the earth (or of the conducting body) or approximately that potential, on conductors connected to it, and for conducting ground current to and from the earth (or the conducting body).

NOTE: On shipboard the "ground" or "earth" is the metal hull and all conductive parts connected thereto.

(e) *Grounded (earthed).* Grounded means that the system, circuit, or apparatus referred to is produced with a ground.

(f) *Ground-return circuit (earth-return circuit).* A ground-return circuit in which the earth is utilized to complete the circuit.

(g) *Ground current.* Ground current is current flowing in the earth or in a grounding connection.

(h) *Voltage to ground.* The voltage to ground is the voltage between any live conductor of a circuit and the earth.

NOTE: Where safety considerations are involved, the voltage to ground which may occur in an ungrounded circuit is usually the highest voltage normally existing between the conductors of the circuit, but in special circumstances higher voltages may occur.

(i) *Ground indication.* A ground indication is an indication of the presence of a ground on one or more of the normally ungrounded conductors of a system.

(j) *Circuit.* A circuit is a conducting part or a system of conducting parts through which an electric current is intended to flow.

(k) *Feeder (in interior wiring).* A feeder is a set of conductors originating at a main distribution center, and supplying one or more secondary distribution centers, one or more branch-circuit distribution centers, or any combination of these two types of equipment.

(l) *Lighting feeder.* A lighting feeder is a feeder supplying principally a lighting load.

(m) *Power feeder.* A power feeder is a feeder supplying principally a power or heating load.

(n) *Branch circuit.* A branch circuit is that portion of a wiring system extending beyond the final overcurrent device protecting the circuit.

(o) *Motor branch circuit.* A motor branch circuit is a branch circuit supplying energy only to one or more motors and associated motor controllers.

(p) *Lighting branch circuit.* A lighting branch circuit is a circuit supplying energy to lighting outlets only. (Lighting branch circuits also may supply portable desk or bracket fans, small heating appliances, motors of ¼ hp and less, and other portable apparatus of not over 660 watts each.)

(q) *Appliance branch circuit.* An appliance branch circuit is a circuit supplying energy to one or more outlets to which appliances are to be connected; such circuits to have no permanently-connected lighting fixtures not a part of an appliance.

(r) *Outlet.* An outlet is a point on the wiring system at which current is taken to supply fixtures, lamps, heaters, motors, or current-consuming equipment generally.

NOTE: The use of the term outlet for a point in the wiring system where a switch is located is deprecated, unless qualified to make the meaning clear.

(s) *Lighting outlet.* A lighting outlet is an outlet intended for the direct connection of a lampholder, a lighting fixture or a pendant cord terminating in a lampholder.

(t) *Receptacle outlet.* A receptacle outlet is an outlet intended to be equipped with one or more receptacles, not of the screw-shell type, or provided with one or more points of attachment within one foot, intended to receive attachment plugs.

(u) *Plug (plug adaptor).* An attachment plug is a device which, by insertion in a receptacle, establishes connection between the conductors of the attached flexible cord and the conductors connected permanently to the receptacle.

(v) *Appliance.* Appliances are current-consuming equipment, fixed or portable; for example, heating, cooking and small motor-operated equipment.

(w) *Portable appliance.* A portable appliance is an appliance, fixed or portable, served by means of a flexible extension cord and/or attachment plug.

(x) *Accessible (as applied to wiring methods).* Accessible means not permanently closed in by the structure or finish of the ship; capable of being removed without disturbing the ship structure or finish.

(y) *Accessible (as applied to equipment).* Accessible means admitting close approach because not guarded by locked doors, elevation or other effective means.

§ 110.15–90 Great Lakes.

Under this designation shall be included all vessels navigating the Great Lakes.

§ 110.15–95 Headquarters.

This term means the office of the Commandant, U.S. Coast Guard, Washington, D.C., 20226.

§ 110.15–100 Instrument and meter terms.

(a) *Instrument.* An instrument is a device for measuring the value of the quantity under observation. An instrument may be an indicating instrument or a recording instrument. The term "instrument" is used in two different senses: (1) Instrument proper consisting of the mechanism and the parts built into the case or made a corporate part thereof, and (2) the instrument proper together with any necessary auxiliary devices, such as shunt, shunt leads, resistors, reactors, capacitors or instrument transformers. The term "meter" is also used in a general sense to designate any type of measuring device, including all types of electric measuring instruments. Such use as a suffix or as part of a compound word (e.g., voltmeter, frequency meter) is universally accepted. Meter may be used alone with this wider meaning when the context is such as to prevent confusion with the narrower meaning of electricity meter.

(b) *Indicating instrument.* An indicating instrument is an instrument in which only the present value of the quantity measured is visually indicated.

(c) *Ammeter.* An ammeter is an instrument for measuring the magnitude of an electric current. It is provided with a scale, usually graduated in either amperes, milliamperes, microamperes or kiloamperes. If the scale is graduated in milliamperes, microamperes or kiloamperes, the instrument is usually designated as a milliammeter, a microammeter or a kiloammeter.

(d) *Frequency meter.* A frequency meter is an instrument for measuring the frequency of an alternating current.

(e) *Power-factor meter.* A power-factor meter is a direct-reading instrument for measuring power factor. It is provided with a scale graduated in power factor.

(f) *Voltmeter.* A voltmeter is an instrument for measuring the magnitude of electric potential difference. It is provided with a scale, usually graduated in either volts, millivolts, or kilovolts. If the scale is graduated in millivolts or kilovolts the instrument is usually designated as a millivoltmeter or a kilovoltmeter.

(g) *Wattmeter.* A wattmeter is an instrument for measuring the magnitude of the active power in an electric circuit. It is provided with a scale usually graduated in either watts, kilowatts, or megawatts. If the scale is graduated in kilowatts or megawatts, the instrument is usually designated as a kilowattmeter or megawattmeter.

(h) *Instrument shunt.* An instrument shunt is a particular type of resistor designed to be connected in parallel with a circuit of an instrument to extend its current range. The shunt may be internal or external to the instrument proper.

§ 110.15–105 International voyage.

(a) The term "international voyage," as used in this subchapter, shall have the same meaning as that contained in Regulation 2(d), Chapter I, of the International Convention for Safety of Life at Sea, 1960; i.e., " 'International voyage' means a voyage from a country to which the present Convention applies to a port outside such country, or conversely; and for this purpose every territory for the international relations of which a Contracting Government is responsible or for which the United Nations is the administering authority is regarded as a separate country."

(b) The International Convention for Safety of Life at Sea, 1960, does not apply to vessels "solely navigating the Great Lakes of North America and the River St. Lawrence as far east as a straight line drawn from Cap de Rosiers to West Point, Anticosti Island and, on the north side of Anticosti Island, the 63d Meridian." Accordingly, such vessels shall not be considered as being on an "international voyage" for the purpose of this subchapter.

(c) For the purpose of this subchapter the term "territory" as used in paragraph (a) of this section shall be considered to include the Commonwealth of Puerto Rico, the Canal Zone, all possessions of the United States, and all lands held by the United States under a protectorate or mandate.

(d) Although voyages between the continental United States and Hawaii or Alaska, and voyages between Hawaii and Alaska are not "international voyages" under the provisions of the International Convention for Safety of Life at Sea, 1960, such voyages are similar in nature and shall be considered as "international voyages" and subject to the same requirements for the purpose of this subchapter.

§ 110.15–110 Lakes, bays, and sounds.

Under this designation shall be included all vessels navigating the waters of any of the lakes, bays, or sounds other than the waters of the Great Lakes.

§ 110.15–115 Locations.

(a) *Corrosive location.* Corrosive locations shall be deemed to be locations exposed to the weather on vessels operating in salt water.

(b) *Damp or wet location.* Damp or wet locations shall be deemed to be locations exposed to the weather, machinery

spaces, cargo spaces, refrigerated spaces, galley, laundry, public washrooms or toilets equipped with baths or showers, and similar locations. Areas directly inside of access doors to a weather deck will also be classed as wet locations where the access door is not suitably protected against entrance of rain or spray by an overhanging deck or by other means.

(c) *Dry location.* Dry locations shall be deemed to be passengers' and crew's quarters, pantries, passageways adjacent to quarters, public washrooms and toilets which are not equipped with baths or showers, radio room, gyro room, and chart room.

§ 110.15–120 Marine inspector or inspector.

These terms means any person from the civilian or military branch of the Coast Guard assigned under the superintendence and direction of an Officer in Charge, Marine Inspection, or any other person as may be designated for the performance of duties with respect to the inspection, enforcement, and administration of Title 52, R.S., and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

§ 110.15–125 Motorboat.

This term means any vessel indicated in Columns 4 or 5 of Table 110.05–1(a), 65 feet in length or less which is propelled by machinery (including steam). The length shall be measured from end to end over the deck excluding sheer. This term includes a boat temporarily or permanently equipped with a detachable motor and any such boat when so propelled is subject to the applicable provisions of the Act of April 25, 1940, as amended (secs. 1 to 22, 54 Stat. 163–167, as amended, 46 U.S.C. 526–526u), and the regulations promulgated thereunder. For the purpose of this subchapter motorboats are included under the term "vessel" unless specifically noted otherwise. The various classes of motorboats are as follows:

Class A—Any motorboat less than 16 feet in length.
Class 1—Any motorboat 16 feet or over and less than 26 feet in length.
Class 2—Any motorboat 26 feet or over and less than 40 feet in length.
Class 3—Any motorboat 40 feet or over and not more than 65 feet in length.

§ 110.15–128 Nuclear vessel.

(a) A nuclear vessel is a vessel provided with a nuclear powerplant for propulsion or any other purpose, or any vessel handling or processing substantial amounts of radioactive material other than as cargo.

§ 110.15–130 Ocean.

Under this designation shall be included all vessels navigating the waters of any ocean or the Gulf of Mexico more than 20 nautical miles offshore.

§ 110.15–135 Officer in Charge, Marine Inspection.

This term means any person from the civilian or military branch of the Coast Guard designated as such by the Commandant and who, under the superintendence and direction of the Coast Guard District Commander, is in charge of an inspection zone for the performance of duties with respect to the inspections, enforcement, and administration of Title 52, Revised Statutes, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

§ 110.15–140 Passenger.

A passenger is every person other than the master and members of the crew or other persons employed or engaged in any capacity on board a vessel in the business of that vessel. In the case of a vessel on an international voyage a child under one year of age is not counted as a passenger.

§ 110.15–155 Propulsion engine.

This term means one or more machines driving a single propeller or paddlewheel shaft for propulsion of the vessel.

§ 110.15–160 Qualified person.

(a) A qualified person is one who by his special knowledge, ability, and experience is able to competently and safely perform the required functions and duties.

§ 110.15–165 Rivers.

Under this designation shall be included all vessels whose navigation is restricted to rivers and/or canals, exclusively, and to such other waters as may be so designated by the Coast Guard District Commander.

§110.15–170 Recognized classification society.

The term "recognized classification society" means the American Bureau of Shipping or other classification society recognized by the Commandant.

§ 110.15–175 Rotating machinery; enclosure, ventilation and protection terms.

(a) *Self-ventilated machine.* A self-ventilated machine is one which has its ventilating air circulated by means integral with the machine.

(b) *Separately ventilated machine.* A separately ventilated machine is one which has its ventilating air supplied by an independent fan or blower external to the machine.

(c) *Enclosed self-ventilated machine.* An enclosed self-ventilated machine is a machine having openings for the admission and discharge of the ventilating air, which is circulated by means integral with the machine, the machine being otherwise totally enclosed. These openings are so arranged that inlet and outlet ducts or pipes may be connected to them.

NOTE: Such ducts or pipes, if used, must have ample section and be so arranged as to furnish the specified volume of air to the machine, otherwise the ventilation will not be sufficient.

(d) *Enclosed separately ventilated machine.* An enclosed separately ventilated machine is a machine having openings for the admission and discharge of the ventilating air, which is circulated by means external to and not a part of the machine, the machine being otherwise totally enclosed. These openings are so arranged that inlet and outlet duct pipes may be connected to them.

(e) *Open machine.* An open machine is one having ventilating openings which permit passage of external cooling air over and around the windings.

(f) *Totally enclosed machine.* A totally enclosed machine is one so enclosed as to prevent exchange of air between the inside and the outside of the case, but not sufficiently enclosed to be called airtight.

(g) *Totally enclosed fan-cooled machine.* A totally enclosed fan-cooled machine is a totally enclosed machine equipped for exterior cooling by means of a fan or fans, integral with the machine but external to the enclosing parts.

(h) *Protected machine.* A protected machine is an open machine in which all openings giving direct access to live or rotating parts (except smooth shafts) are limited in size by the design of the structural parts, or by screens, grilles, expanded metal, etc., to prevent accidental contact with such parts. Such openings are of such size as not to permit the passage of a cylindrical rod ½ inch in diameter, except where the distance from the guard to the live or rotating parts is more than 4 inches they are of such size as not to permit the passage of a cylindrical rod ¾ inch in diameter.

(i) *Drip-proof machine.* A drip-proof machine is one in which the ventilating openings are so constructed that drops of liquid or solid particles falling on the machine at any angle not greater than 15 degrees from the vertical, cannot enter the machine either directly or by striking and running along a horizontal or inwardly inclined surface.

(j) *Explosion-proof machine.* An explosion-proof machine is one enclosed in a case which is capable of withstanding an explosion of a specified gas or vapor which may occur within it, and of preventing the ignition of the specified gas or vapor surrounding the enclosure by sparks, flashes or explosions of the gas or vapor within.

(k) *Waterproof machine.* A waterproof machine is a totally enclosed machine so constructed that a stream of water from a hose (not less than 1 inch in diameter) under a head of 35 feet and from a distance of about 10 feet can be played on the machine from any direction for a period of 15 minutes without leakage, except that leakage which may occur around the shaft may be considered permissible, provided it is prevented from entering the oil reservoir and provision is made for automatically draining the machine. The hose nozzle should be adjusted to give a solid stream at the enclosure. The machine should be provided with a check valve for drainage or a tapped hole at the lowest part of the frame which will serve for application of drain pipe or drain plug.

§ 110.15–177 Rules of the Road.

(a) The term "Rules of the Road" means the statutory and regulatory rules governing navigation of vessels. These rules are also published by the Coast Guard in pamphlet form as follows:

(1) Rules of the Road—International—Inland (CG–169).

(2) Rules of the Road—Great Lakes (CG–172).

(3) Rules of the Road—Western Rivers (CG–184).

(b) The current editions of the "Rules of the Road" pamphlets may be obtained from any Marine Inspection Office.

§ 110.15–180 Short international voyage.

For the purpose of this subchapter, the expression "short international voyage" means an international voyage in the course of which a vessel is not more than 200 miles from a port or place in which the passengers and crew could be placed in safety, and which does not exceed 600 miles in length between the last port of call in the country in which the voyage begins and the final port of destination.

§ 110.15–185 Switching equipment.

(a) *Switches*—(1) *Switch.* A switch is a device for making, breaking or changing the connections in an electric circuit.

(2) *Knife switch.* A knife switch is a form of air switch in which the moving element, usually a hinged blade, enters or embraces the contact clips. In some cases, however, the blade is not hinged and is removable.

(3) *Rated continuous current (of a switch or circuit breaker).* The rated continuous current of a switchgear device, or an assembly, is the maximum direct current, or rms current, in amperes at rated frequency which it will carry continuously without exceeding the limit of observable temperature rise.

(4) *Rated voltage (of a switch or circuit breaker).* The rated voltage of a device, or an assembly, is the voltage to which its operating and performance characteristics are referred.

(5) *General use switch.* A general use switch is a switch intended for use in general distribution and branch circuits. It is rated in amperes and is capable of interrupting the rated current at the rated voltage.

(6) *Isolating switch.* An isolating switch is a switch intended for isolating an electric circuit from the source of power. It has no interrupting rating and is intended to be operated only after the circuit has been opened by some other means.

(7) *Motor-circuit switch.* A motor-circuit switch is a switch intended for use in a motor branch circuit. It is rated in horsepower and is capable of interrupting the maximum operating overload current of a motor of the same rating at the rated voltage.

(8) *"T" rated switch.* A "T" rated switch is a switch intended to control tungsten-filament lamp loads.

(9) *Master switch.* A master switch is a switch which dominates the operation of contactors, relays, or other remotely operated devices.

(b) *Interrupting devices*—(1) *Circuit breaker.* A circuit breaker is a device for closing and interrupting a circuit between separable contacts under both normal and abnormal conditions.

NOTE: Ordinarily circuit breakers are required to operate relatively infrequently, although some classes of breakers are suitable for frequent operation.

NOTE: Normal indicates the interruption of currents not in excess of the rated continuous current of the circuit breaker. Abnormal indicates the interruption of currents in excess of such rated continuous current, such as short circuits.

(2) *Rated interrupting current (rated interrupting capacity).* The rated interrupting current of a circuit breaker is the highest current which the breaker is rated to interrupt at rated voltage and under specified operating duty. (As applied to breakers which allow the current to reach its maximum value, the rated interrupting current is the current at the start of the interrupting process. As applied to breakers which prevent the current from reaching its maximum value, the rated interrupting current is the highest available current of the circuit which the breaker is rated to interrupt).

(3) *Reverse-power tripping.* Reverse-power tripping signifies the tripping of a circuit breaker upon reversal of power in the main circuit.

NOTE: In direct-current practice the terms "reverse power" and "reverse current" are synonymous.

(4) *Undervoltage tripping.* Undervoltage tripping signifies the tripping of a circuit breaker by automatic means when the main circuit voltage decreases to a predetermined value.

(5) *Nonautomatic tripping.* Nonautomatic tripping signifies the tripping of a circuit interrupter only in response to an act of an operator.

(c) *Fuses*—(1) *Fuse.* A fuse is an overcurrent protective device with a circuit opening fusible member which is heated and severed by the passage of overcurrent through it.

(2) *Voltage rating.* The voltage rating of a fuse is the rms alternating or direct voltage for which it is designed.

(3) *Current rating.* The current rating of a fuse is the designated rms alternating, or direct current which it will carry continuously under stated conditions.

(d) *Relays*—(1) *Relay.* A relay is a device that is operative by a variation in the conditions of one electric circuit to effect the operation of other devices in the same or another electric circuit.

NOTE: Where relays operate in response to changes in more than one condition, all functions should be mentioned.

(2) *Current relay.* A current relay is one that functions at a predetermined value of current. It may be an overcurrent relay, an undercurrent relay, a combination of both.

(3) *Overload relay.* An overload relay is an overcurrent relay which functions at a predetermined value of overcurrent to cause disconnection of the load from the power supply.

NOTE: An overload relay is intended to protect the load (for example, motor armature) or its controller, and does not necessarily protect itself.

(4) *Voltage relay.* Voltage relay is one that functions at a predetermined value of voltage. (It may be an overvoltage relay, an undervoltage relay, or a combination of both).

(5) *Instantaneous.* Instantaneous is a qualifying term applied to a relay indicating that no delay is purposely introduced in its action.

(6) *Inverse time.* Inverse time is a qualifying term applied to a relay indicating that its time of operation decreases as the magnitude of the operating quantity increases.

(7) *Overcurrent protection (overload protection).* Overcurrent protection operates to disconnect the protected equipment on excessive current.

(8) *Undervoltage protection (lowvoltage protection).* Undervoltage or lowvoltage protection is the effect of a device operative on the reduction or failure of voltage to cause and maintain the interruption of power in the main circuit.

(9) *Undervoltage release (lowvoltage release).* Undervoltage or lowvoltage release is the effect of a device operative on the reduction or failure of voltage to cause the interruption of power in the main circuit, but not to prevent the reestablishment of the main circuit on return of voltage.

(10) *Overspeed protection.* Overspeed protection operates to disconnect the protected equipment when the speed of rotation is in excess of a predetermined amount.

(e) *Regulators*—(1) *Regulator.* A regulator is a device which functions to maintain a designated characteristic at a predetermined value, or to vary it according to a predetermined plan.

(2) *Generator voltage regulator.* A generator voltage regulator is a regulator which functions to maintain the voltage of a synchronous generator, condenser, motor, or of a direct-current generator, at a predetermined value, or vary it according to a predetermined plan.

(f) *Switchgear assemblies*—(1) *Power switchboard.* A power switchboard is a type of switchboard including main circuit switching and interrupting devices, together with their interconnections.

(2) *Live-front switchboards.* A live-front switchboard is one having exposed live parts on the front.

(3) *Dead-front switchboard.* A dead-front switchboard is one having no exposed live parts on the front, which constitutes a grounded metal barrier between the operator and the apparatus.

(4) *Distribution switchboard.* A distribution switchboard is a power switchboard used for the distribution of electric energy at the voltages common for such distribution within a ship.

NOTE: Knife switches, air circuit breakers, and fuses are generally used for circuit interruption on distribution switchboards, and voltages seldom exceed 600. However, such switchboards often include switchboard equipment for a high tension incoming supply circuit and a stepdown transformer.

(5) *Automatic transfer equipment.* An automatic transfer equipment is one which automatically transfers a load so that a source of power may be selected from two or more incoming lines.

§ 110.15–190 Vessel.

(a) Where the word "vessel" is used in this subchapter, it shall be considered to include all vessels indicated in Columns 3, 4, and 5 of Table 110.05–1(a) except as otherwise noted.

(1) *Cargo vessel.* Where the term "cargo vessel" is used in this subchapter it shall be considered to include all vessels indicated in Column 5 of Table 110.05–1 (a) except as otherwise noted.

(2) *Passenger vessel.* Where the term "passenger vessel" is used in this subchapter it shall be considered to include all vessels indicated in Column 4 of Table 110.05–1 (a) except as otherwise noted.

(3) *Tank barge; tank ship; tank vessel.* For definitions of these terms as used in this subchapter, see § 111.70–5 (i), (j), and (k) of this subchapter.

(4) *Barge.* Where the term "barge" is used in this subchapter, it shall be considered to include all nonself-propelled vessels.

§ 110.15–195 Western rivers.

For the purpose of this subchapter, the term "western rivers" is as defined in CG–184, "Rules of the Road—Western Rivers."

Subpart 110.20—Equivalents

§ 110.20–1 Conditions under which equivalents may be used.

(a) Where in this subchapter it is provided that a particular fitting, material, appliance, apparatus, or equipment, or type thereof, shall be fitted or carried in a vessel, or that any particular provision shall be made or arrangement shall be adopted, the Commandant may accept in substitution therefor any other fitting, material, apparatus, or equipment, or type thereof, or any other arrangement: *Provided,* That he shall have been satisfied by suitable trials that the fitting, material, appliance, apparatus, or equipment, or type thereof, or the provision or arrangement is at least as effective as that specified in this subchapter.

(b) In any case where it is shown to the satisfaction of the Commandant that the use of any particular equipment, apparatus, or arrangement is unreasonable or impracticable, the Commandant may permit the use of alternate equipment, apparatus, or arrangement to such an extent and upon such condition as will insure, to his satisfaction, a degree of safety consistent with the minimum standards set forth in this subchapter.

Subpart 110.25—Special Provisions

§ 110.25–1 Vessels acquired or documented under the Act of August 9, 1954.

(a) Vessels acquired or documented under the Act of August 9, 1954 (sec. 3, 68 Stat. 675, 50 U.S.C. 198), shall be subject to the applicable provisions of Title 52 of the Revised Statutes, acts amendatory thereto and the rules and regulations thereunder.

(b) Unapproved lifesaving, firefighting, and other equipment may be continued in service so long as, in the opinion of the Officer in Charge, Marine Inspection, such equipment is in good and serviceable condition. All replacements shall be in accordance with Coast Guard requirements for new vessels.

§ 110.25–5 Installations of equipment made during the Unlimited National Emergency declared by the President on May 27, 1941.

Boilers, pressure vessels, machinery, piping, electrical, and other installations, including lifesaving, firefighting, and other safety equipment, installed on vessels during the Unlimited National Emergency declared by the President on May 27, 1941, and prior to the termination of Title V of the Second War Powers Act, as extended (sec. 501, 56 Stat. 180, 50 U. S. C., App. Sup. 635), which do not fully meet the detail requirements of the regulations in this chapter, may be continued in service if found to be satisfactory by the Commandant for the purpose intended.

PART 111—ELECTRICAL SYSTEM; GENERAL REQUIREMENTS

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111.90–25 Vessels contracted for between June 2, 1941, and November 18, 1952.

AUTHORITY: The provisions of this Part 111 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426, as amended, 4427, as amended, 4433, as amended, 4453, as amended, 4488, as amended, 4491, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404, 405, 411, 435, 481, 489, 366, 395, 363, 369, 367, 526p, 1333, 390b, 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, Nov. 26, 1954, 19 F.R. 8026; 167–20, June 18, 1956, 21 F.R. 4894; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–38, Oct. 26, 1959, 24 F.R. 8857.

Subpart 111.01—Application

§ 111.01–1 General.

(a) The provisions of this part, with the exception of Subpart 111.90 of this part, shall, unless otherwise indicated, apply to all vessels contracted for on or after November 19, 1952. The provisions of Subpart 111.90 of this part shall apply to all vessels contracted for prior to November 19, 1952.

CROSS REFERENCE: See § 110.05–3 of this subchapter for application of amendments to regulations.

§ 111.01–5 Should; meaning of.

(a) In order to have, wherever possible in this part, the identical wording contained in Section 35 of the American Bureau of Shipping Rules for the Classification and Construction of Steel Vessels, the word "should" has been used instead of "shall". Therefore, in each such instance where this word "should" is used in this part (except §§ 111.05–10 (c), 111.05–10 (d) and 111.05–10 (f)) to describe, or as applicable to, the equipment or installation, this word is to be considered the same as the word "shall" in describing Coast Guard requirements.

Subpart 111.05—General Requirements

§ 111.05–1 Construction and installation.

(a) Electrical apparatus and wiring systems shall be in accordance with the requirements of this part. The requirements of this part are applicable to all vessels but may be modified by the Commandant for vessels certificated for limited service or for vessels less than 300 gross tons. The requirements of this part are minimum requirements and it is recommended that details not covered by the regulations be in general conformity with Standard No. 45 of the American Institute of Electrical and Electronic Engineers. (See § 110.10–1(e) of this subchapter.)

§ 111.05–5 Plan approval.

(a) *General.* (1) The required plans listed in this subpart are general in character, but include all plans which normally show construction and safety features coming under the cognizance of the Coast Guard. In the case of a particular vessel, all of the plans enumerated may not be applicable, and it is intended that only those plans and specifications be submitted as will clearly show the vessel's arrangement, construction and required equipment.

(2) In the list of required plans given in this section, those indicated by an asterisk cover the electrical items necessary for the approval of the installation by the American Bureau of Shipping for vessels classed by that organization. When prints bearing record of such approval by the American Bureau of Shipping are forwarded to the Coast Guard, they will, in general, be accepted as satisfactory except insofar as the law or the regulations in this chapter contain requirements which are not covered by the American Bureau of Shipping.

(b) *Procedure for submittal of plans.* (1) As the relative locations of shipyards, design offices, and Coast Guard offices vary throughout the country, no specific routing will be required in the submittal of plans. In general, one of the procedures outlined in this paragraph would apply, but in a particular case, if a more expeditious procedure can be used, there will be no objection to its adoption.

(2) The plans may be submitted to the Officer in Charge, Marine Inspection, at or nearest the place where the vessel is to be built. This procedure wil be most expeditious in the case of those offices where personnel and facilities are available for examination and approval of the plans locally.

(3) The plans may be submitted directly to the Commandant (MMT), U. S. Coast Guard, 1300 E Street, NW., Washington, D.C., 20226. In this case, the plans will be returned directly to the submitter, with a copy of the action being forwarded to the interested Officer in Charge, Marine Inspection.

(4) The plans may be submitted directly to field technical offices.

(i) Commander, 3d Coast Guard District (mmt), 45 Broadway, New York, N.Y., 10006, for the geographical area covered by 1st, 3d and 5th Coast Guard Districts.

(ii) Commander, 8th Coast Guard District (mmt), Room 308, Customhouse, New Orleans, La., 70130, for geographical area covered by 2d, 7th and 8th Coast Guard Districts.

(iii) Commander, 12th Coast Guard District (mmt), 630 Sansome Street, San Francisco, Calif., 94501, for geographical area covered by 11th, 12th, 13th, 14th and 17th Coast Guard Districts.

(5) In the case of classed vessels, upon specific request by the submitter, the American Bureau of Shipping will arrange to forward the necessary plans to the Coast Guard indicating its action thereon. In this case, the plans will be returned as noted in subparagraph (3) of this paragraph.

(c) *Number of plans required.* (1) Four copies of each plan are normally required so that one can be returned to the submitter. If the submitter desires additional approved plans, a suitable number should be submitted to permit the required distribution.

(d) *Electrical plans required for new construction.*[1] (1) Specifications.

(2) * General Arrangements.

(3) * Switchboard front, rear, end, and section views.

(4) * Switchboard wiring diagram.

(5) * Switchboard material and nameplate list.

(6) Elementary wiring diagram of metering and automatic switchgear.

(7) * Description of operation of propulsion control and bus transfer switchgear.

(8) * Elementary (one line) wiring diagram of power system (supplemented by cable lists, panelboard summaries, etc., if desired) giving:

(i) * Type and size of generators;

(ii) * Type and size of generator cables, bus-tie cables, feeders, and branch circuit cables;

(iii) Power, lighting, and interior communication panelboards showing number of circuits and rating of energy consuming devices;

(iv) Type and capacity of storage batteries; /

[1] The items marked with an asterisk (*) indicate such items may require the approval of the American Bureau of Shipping.

(v)* Rating of circuit breakers and switches, interrupting capacity of circuit breakers, and rating or setting of overcurrent devices.

(9)* Electric plant summary showing connected loads and calculated operating loads for various conditions of operation.

(10)* Isometric or deck wiring plans of power system, including symbol list.

(11) Elementary wiring diagram of steering gear alarm circuits and ventilation shut-down control.

(12) Elementary wiring diagram and isometric or deck wiring diagrams of electric watertight door system, fire screen door holding system, and power operated lifeboat winches.

(13)* Generators, propulsion motors, and vital auxiliary motors. Manufacturer's outline drawing of each giving nameplate data, degree of enclosure, type of insulation, temperature rise above stated ambient temperature, duty cycle, and application or name of auxiliary driven. Vital motors are those essential, or those which are part of a system that is essential, to the safe operation and navigation of the vessel. Examples of such vital auxiliary motors are propulsion auxiliary motors, steering gear motors, fire and bilge pump motors, motors driving emergency M–G sets, etc.

(14)* Motor starters. Manufacturer's enclosure outline drawing, control elementary wiring diagram, and application of each. For lifeboat winch motor starters, see § 111.65–40.

(15) Distribution panelboards, branch boxes, enclosed switches, pushbutton stations, control switches, etc. Manufacturer's outline drawing or suitable identification on deck wiring plan symbol list. For lifeboat winch control switches, see § 111.65–40.

(16) Isometric or deck wiring plan of lighting feeders.

(17)* Deck plans of lighting system showing location of cables, fixtures, and wiring devices, cable sizes and types, and manufacturer's name and identification of fixtures and wiring devices. If manufacturer's name and identification are contained in a symbol list, the corresponding symbol marking should be employed on the deck plans.

(18) Elementary and isometric or deck wiring diagrams of engine order telegraph system, sound powered telephone system, general alarm system, emergency loudspeaker system, rudder angle indicator system, shaft speed indicator system, gyro compass system, gyro pilot system, radio system, radar plan position indicator system, loran system, refrigerated spaces alarm system, etc., with material identified by name of manufacturer and drawing and/or catalog number. If manufacturer's name and identification are contained in a symbol list, the corresponding symbol marking should be employed on the deck plans.

(19) Elementary and deck wiring plans of fire detecting and alarm system, manual alarm system, smoke detecting system, carbon dioxide extinguishing system alarms, and supervised patrol system, with material identified by name of manufacturer and drawing and/or catalog number. If manufacturer's name and identification are contained in a symbol list, the corresponding symbol marking should be employed on the deck plans.

(e) *Electrical plans required for repairs and alterations of existing vessels.* (1) No repairs or alterations affecting the safety of the vessel shall be made without the knowledge of the Officer in Charge, Marine Inspection.

(2) Drawings of alterations shall be approved before work is started unless deemed unnecessary by the Officer in Charge, Marine Inspection. The general scope of the plans shall be as noted in paragraph (d) of this section. Drawings will not be required for repairs in kind.

§ 111.05–10 Testing and inspection.

(a) *Application.* This section shall be applicable to all vessels, both those existing as of November 18, 1952, and those contracted for on and after November 19, 1952.

(b) (1) The general requirements for inspection of vessels are contained in Part 31 of Subchapter D (Tank Vessels), Part 71 of Subchapter H (Passenger Vessels), and Part 91 of Subchapter I (Cargo and Miscellaneous Vessels) of this chapter. The contents of this section supplement the general requirements contained in other parts of this chapter.

(2) In the inspection of electrical equipment and installations, the rules promulgated by the American Bureau of Shipping respecting materials and construction, and the certificate of classification referring thereto, except when otherwise provided for by the rules and regulations of this subchapter, shall be accepted as standard.

(i) The requirements of this paragraph shall not be construed to imply that ship tests or factory inspections of electrical apparatus or equipment of the types regularly conducted by the American Bureau of Shipping will be conducted by the Coast Guard. Shop tests of electrical apparatus or equipment will be conducted by the Coast Guard only when specifically required by the regulations in this chapter, or when specifically requested, either by the manufacturer, shipbuilder, owner, or the Coast Guard, and agreed to by all concerned.

(c) *Initial inspection*—(1) *Scope.* The initial inspection, which may consist of a series of inspections during the construction of the vessel, shall include a complete inspection of the electrical installation and electrical equipment or apparatus. The inspection shall be such as to insure that the arrangement, materials, and installations thereof, fully comply with the applicable regulations in this chapter and are in accordance with approved plans. The inspection shall also be such as to insure that the workmanship of all equipment and apparatus and the installation thereof is, in all respects, satisfactory.

(2) *Inspections required.* The specific inspections described in this paragraph are intended as suggestions to the marine inspector. It is not the intention of this paragraph to require, in the case of any particular vessel, any tests which, in the opinion of the Officer in Charge, Marine Inspection, are unnecessary.

(3) *Electric cable.* Electric cable should be checked during installation for size and type as shown on the approved plans. The adequacy of cable supports should be checked, and it should be ascertained that no cable is installed in the proximity of steam pipes or other hot objects and that the cables have not been damaged during the installation due to excessive pulling force having been applied, or due to sharp bends or sharp or rough edges of cable supports or bulkhead penetrations, etc. Cable penetrations required to be watertight should be checked for proper packing of the terminal or stuffing tubes, including provisions for future take-up of gland nuts.

(4) *Generators.* Generators should be checked for general condition, both electrical and mechanical, voltage regulation, parallel operation, operation of safety devices such as reverse current or reverse power trips, overcurrent trips, overspeed trips, low oil pressure trips, etc.

(5) *Rotating electrical machinery.* Rotating electrical machinery should be checked to assure that rotating and/or uninsulated electrical parts are adequately shielded from accidental contact by personnel.

(6) *Switchboards.* Switchboards should be checked for hand rails, guard rails, working spaces, insulating floor covering, drip covers, and enclosures for backs and ends. Switchboard mounted apparatus should be checked for identifying nameplates. Circuit nameplates should be compared with the rating or setting of the overcurrent devices and with the approved plans. The accessibility of items requiring maintenance or adjustment should be checked. Meters should be checked for proper calibration. The operation of automatic switchgear and mechanical interlocks should be observed.

(7) *Motor starters.* Motor starters should be checked to assure proper starting of the motor under service conditions. A wiring diagram of each motor starter should be secured to the inside of its enclosure door. Each motor starter not completely disconnected from all sources of potential when the disconnect switch is opened (due to electrical interlocked circuits necessary for proper operation of the apparatus or for other valid reasons) should be checked to assure that attention is directed to such conditions by a suitable sign.

(8) *Disconnect switches.* The presence and location of disconnect switches required for motor starters, fuses, etc., should be checked. When a switch or circuit breaker on a switchboard or distribution panel is intended to serve as a motor and controller disconnect switch, it shall be determined that the applicable requirements of the regulations in this subchapter have been met.

(9) *Accessibility.* The accessibility of electrical apparatus for normal inspection and maintenance should be observed. The accessibility of junction boxes and the like in way of paneling should be noted during construction of a vessel. Hinged doors of motor starters and similar apparatus should be checked for interference with adjacent structural parts or apparatus.

(10) *Panelboards.* The rating or setting of the overcurrent devices should be compared with the values given on the circuit directory and with the approved plans. The accuracy of the directory description of loads served by each circuit should be checked.

(11) *Grounding.* It should be determined that metal enclosures for electrical equipment are grounded, either by the method of mounting or by ground leads. Portable equipment should be checked for grounding through the grounding conductor of the supply cable.

(12) *Emergency lighting and exit lights.* The adequacy of emergency lights and exit lights should be checked at night with all general lighting turned off.

(13) *General alarm system.* The general alarm system should be checked with a sound level meter, the sound level of the bells being measured in each stateroom for passengers or crew with doors closed. Where the background noise level is questionable, the background noise level should be measured while the vessel is underway. For the required sound levels, see § 113.25–10 (c) of this subchapter.

(14) *Emergency loudspeaker system.* The emergency loudspeaker system should be checked with a sound level meter, the sound level being measured at several locations in the vicinity of each lifeboat handling station, each lifeboat embarkation station, each passenger assembly station, and throughout crew quarters. Where the background noise level is questionable, the background noise level should be measured while the vessel is underway. For the required sound levels, see Table 113.50–15 in § 113.50–15 of this subchapter. It should be demonstrated that voice reproduction is of good quality and intelligibility is of a high order. It should be demonstrated that grounding or opening either conductor or "shorting" both conductors to a typical lifeboat station loudspeaker or to a typical embarkation deck loudspeaker, each to be selected by an inspector, will not reduce the output of any one of the remaining loudspeakers by more than three decibels.

(15) *Fire detecting systems.* Fire detecting systems should be checked for compliance with the applicable regulations in this chapter and for conformance with the approved plans. Power supply circuits and thermostat circuits should be checked for supervision.

(16) *Communication systems.* All communication systems should be checked for performance and for compliance with the regulations in this chapter.

(17) *Insulation resistance.* All electric power and lighting cable and equipment should be checked for proper insulation resistance to ground and between conductors.

(d) *Inspection for certification—(1) General.* The inspection of electrical installations at the annual or biennial inspection incident to reissuance of a certificate of inspection shall include an inspection of all items enumerated in paragraph (c) of this section to the extent necessary to determine mechanical and electrical condition of performance. Particular note should be made of circuits added or modified after the initial inspection.

(2) *Fire detecting system.* Fire detecting thermostats should be tested at regular intervals (at least 25 percent of those installed tested annually) to detect any change in operating characteristics. A portable hand light with an open end sheet metal shield (such as a No. 3 fruit can) replacing the usual guard and globe would usually serve as a source of heat to operate the thermostat without damage to paint work or to the thermostat itself. Any thermostat requiring a time to operate materially different from the average when covered with the heating device should be suspected of being defective and forwarded to Coast Guard Headquarters for further testing.

(3) *Vital machinery.* Motors, motor starters and control switches used with machinery vital to the safety or propulsion of the vessel should be examined visually and opened for closer inspection when there is evidence of deterioration.

(4) *Storage batteries.* Storage batteries used for emergency lighting, diesel-engine-driven emergency generator starting, general alarm, etc., should be checked for capacity. Storage batteries supplying emergency lighting should be required to carry the connected loads for the prescribed length of time.

(e) *Repairs or alterations.* An inspection, either general or partial, depending upon the circumstances, shall be made whenever any important repairs or alterations are undertaken.

§ 111.05–15 General considerations.

(a) *General.* (1) Electrical installations on vessels shall be such that:

(i) Services essential for safety will be maintained under various emergency conditions; and

(ii) The safety of passengers, crew, and vessel from electrical hazards will be assured.

(2) Electrical equipment should be so placed or protected as to minimize the possibility of mechanical injury or damage from the accumulation of dust, oil vapors, steam, or dripping liquids. Apparatus liable to arc should be ventilated or placed in ventilated compartments in which flammable gases, acid fumes, and oil vapors cannot accumulate. Skylights and ventilators are to be so arranged as to avoid the possibility of flooding the apparatus.

(b) *Protection from bilge water.* All generators, motors, and electric couplings are to be so arranged that they cannot be damaged by bilge water, and if necessary a watertight coaming should be provided to form a well around the base of such equipment with provisions for removing water from the well.

(c) *Accessibility.* The design and arrangement of electrical apparatus should provide accessibility to parts requiring inspection or adjustment. Armature and field coils, rotors and revolving fields should be removable, and where air ducts are used there should be means of access.

(d) *Watertight equipment.* All electrical equipment exposed to the weather or located in spaces where they would be exposed to seas, splashing, or other severe moisture condition, shall be of the watertight type or be protected by means of watertight enclosures which shall be such as to prevent the exposure of the equipment to temperatures in excess of those for which they have been designed.

(e) *Corrosion-resistant parts.* Enclosures, working and other parts of electrical equipment which would be damaged or rendered ineffective by corrosion shall be made of corrosion-resistant materials or of material rendered adequately corrosion resistant.

(f) *Grounding of permanent equipment.* (1) All exposed metal parts of electrical machines or equipment which are not intended to be "live," but are liable to become "live" under fault conditions, shall be grounded and all electrical apparatus shall be so constructed and so installed that danger of injury in ordinary handling shall not exist.

(2) Metal frames of all portable lamps, tools, and similar apparatus supplied as ship's equipment and rated 30 volts or more alternating current or 50 volts or more direct current shall be grounded through a suitable conductor in the supply cable.

(g) *Means for ground detection.* (1) Adequate means for ground detection for ships' power and lighting systems and distribution systems isolated from the ships' power and lighting systems by transformers or motor-generator sets shall be provided.

(2) If lamps are used for ground detection they shall have a rating of not more than 25 watts nor less than 5 watts operating at approximately one-half voltage in the absence of grounds.

(3) For dual-voltage, grounded-neutral, alternating current distribution systems, an ammeter shall be provided to indicate current flowing in the ground connection. The ammeter shall have a full scale range of 10 amperes. An ammeter switch of the spring return to "on" (ammeter read) type shall be provided. Where the ammeter is located remote from the ground connection and a current transformer is used, a suitable protective device shall be provided near the current transformer to prevent high voltage in the event of an open circuit. The ammeter and associated equipment shall be capable of sustaining without damage the maximum fault current available.

(h) *Limitations of porcelain use.* Porcelain should not be used for lamp sockets, switches, receptacles, fuse blocks, etc., where the material is rigidly fastened by machine screws or the equivalent.

§ 111.05–20 Temperature ratings.

(a) In the requirements of this subchapter, except as noted in paragraph (b) of this section, an ambient temperature of 40° C. has been assumed for all locations except boiler and engine rooms, while for these latter spaces 50° C. has been assumed as the ambient temperature. Where the ambient temperature is in excess of these values, the total temperature specified shall not be exceeded. Where equipment has been rated on ambient temperatures less than those contemplated, consideration will be given to the use of such equipment provided the total temperature for which the equipment is rated will not be exceeded.

(b) For the assumed ambient temperature for lighting fixtures, see § 111.60–35 (c) (2). For the assumed ambient temperature for thermal trip circuit breakers, see § 111.55–15(e)(6).

§ 111.05–25 Nature of electrical supply.

(a) *Standard systems.* The following systems of distribution are recognized as standard:

(1) Two-wire with direct current or single phase alternating current;

(2) Three-wire with direct current or single phase alternating current; and,

(3) Three-wire, three-phase alternating current.

(4) Four-wire, three-phase alternating current.

(b) *Standard voltages.* The voltages given in Table 111.05–25 (b) are recognized as standard.

TABLE 111.05–25 (b)—STANDARD VOLTAGES

Equipment	Direct current (volts)	Alternating current (volts)
Lighting	115	115.
Power	115 and 230	115, 220, and 440.
Generators	120 and 240	120, 240, and 450.
Propulsion	1,000 maximum	7,500 maximum.

(c) *Standard frequency.* A frequency of 60 cycles per second is recognized as standard for alternating-current lighting and power systems.

(d) *Others.* Special consideration will be given to systems, voltages, or frequencies differing from the recognized standard.

§ 111.05–30 Insulation materials.

(a) *Class designation.* Insulation material referred to in this subchapter is designated by class as described in this section.

(b) *Class O insulation.* Materials or combinations of materials such as cotton, silk, and paper without impregnation.[1]

(c) *Class A insulation.* Materials or combinations of materials consisting of (1) cotton, silk, paper, and similar organic materials when either impregnated [1] or immersed in a liquid dielectric; (2) molded and laminated materials with cellulose filler, phenolic resins, and sheets of cellulose acetate and other cellulose derivatives of similar properties and (3) varnishes (enamels) as applied to conductors. (ASA–C50.)

(d) *Class B insulation.* Materials or combinations of materials such as mica, asbestos, fiberglass, and similar inorganic materials in built-up form with organic binding substances. A small proportion of Class A material may be used for structural purposes only. Fiberglass or asbestos magnetic wire insulation are included in this temperature class. These may include supplementary organic materials, such as polyvinylacetal or polyamide films. (ASA–C50.)

(e) *Class C insulation.* Materials consisting entirely of mica, porcelain, glass, quartz, and similar inorganic materials. (ASA–C50.)

(f) *Class F insulation.* A Class F insulation system is one which by experience or accepted test can be shown to have suitable thermal endurance when operating at the limiting Class F temperature specified in the temperature rise standard for the machine under consideration. Typical materials used in a Class F system include mica, glass fiber, asbestos and other materials, not necessarily inorganic, with compatible bonding substances having suitable thermal stability. (NEMA Publication No. MG1.)

(g) *Class H insulation.* Materials or combinations of materials consisting of (1) mica, asbestos, fiberglass, and similar inorganic materials in built-up form with binding substance composed of silicone compounds, or materials with equivalent properties; (2) silicone compounds in rubbery or resinous forms, or materials with equivalent properties. A minute proportion of Class A material may be used only where essential for structural purposes during manufacture. (ASA–C50.)

[1] Insulation is considered to be "impregnated" when a suitable substance provides a bond between components of the structure and also a degree of filling and surface coverage sufficient to give adequate performance under the extremes of temperature, surface contamination (moisture, dirt, etc.), and mechanical stress expected in service. The impregnant must not flow or deteriorate enough at operating temperature so as to seriously affect performance in service.

Subpart 111.10—Generators

§ 111.10–1 Power requirements.

(a) *Propulsion.* The power for the main propulsion equipment may be derived from a single generator.

(b) *Ship's service.* (1) All ocean vessels using electricity for ship's service power or light shall be provided with at least 2 ship's service generating sets. The capacity of the generating sets shall be sufficient to carry the necessary sea load under normal operation with any 1 generating set in reserve.

(c) *Emergency power and lighting.* See Part 112 of this subchapter for requirements.

§ 111.10–5 Prime movers.

(a) In general, compliance of prime movers with the rules promulgated by the American Bureau of Shipping will be considered as satisfactory evidence of structural and operational efficiency of prime movers.

(b) Special consideration will be given to the structural and operational features of prime movers for small vessels or of unusual design not contemplated by the rules of the American Bureau of Shipping.

§ 111.10–10 Excitation.

(a) *General.* (1) Direct-current rotating exciters shall conform to all the applicable requirements for direct-current generators.

(b) *Propulsion.* Separately excited propulsion generators should be provided with more than one means of excitation. Exciters may be either direct connected or independent generating sets. Current may be derived from the ship's service power or lighting sets.

§ 111.10–15 Generator construction.

(a) *General.* (1) In general, compliance of generators with the rules promulgated by the American Bureau of Shipping will be considered as satisfactory evidence of the structural efficiency of generators.

(2) Special consideration will be given to the construction of generators for small vessels or of unusual design not contemplated by the rules of the American Bureau of Shipping.

(b) *Circulating currents.* Means shall be provided to prevent circulating currents from passing between the journal and the bearing, where the design and arrangement of the machine is such that damaging current may be expected.

(c) *Moisture condensation prevention.* When the weight of the generator excluding the shaft is over 1,000 pounds, it should be provided with means to prevent moisture condensation in the machine when idle. Where steam heating coils are installed for this purpose, there are to be no pipe joints inside the casings.

(d) *Terminal arrangement.* All generator terminals should be protected against accidental contact, mechanical damage, and where necessary, against dripping moisture by drip shields or dripproof enclosures. Where cables enter dripproof enclosures from the sides or top, they should be provided with terminal tubes.

(e) *Nameplates.* (1) All generators shall be fitted with nameplates of corrosion-resistant material marked with the following information:

(i) Manufacturer's type and frame designations;

(ii) Output;

(iii) Kind of rating;

(iv) Temperature rise at rated load;

(v) Design ambient temperature;

(vi) Revolutions per minute at rated load;

(vii) Voltage;

(viii) Amperes at rated load; and,

(ix) Type of windings for d. c. machines.

(2) For a. c. generators, in addition to the applicable parts listed in subparagraph (1) of this paragraph, the following information shall be set forth:

(i) Number of phases;

(ii) Frequency;

(iii) Power factor;

(iv) Exciter voltage; and,

(v) Exciting current in amperes at rating.

(f) *Temperature detectors.* Alternating-current generators of 500 kva and above, when access to coils is difficult, and all alternating-current propulsion generators, should be provided with means for obtaining the temperatures of the stationary windings. The temperature should be indicated at a convenient location, preferably the control panel.

(g) *Ventilation and protection.* (1) Propulsion and ship's service generators not enclosed ventilated shall have all openings protected with substantial wire or mesh screen to prevent personnel injury, and shall be provided with protection against dripping liquids equivalent to that of a drip-proof machine.

(2) Where the protection of the generator is not the equivalent of a protected machine as defined in § 110.15–175 (h) of this subchapter, the arrangement will require specific approval for each installation.

(3) Dampers shall be provided in ventilation air ducts except where recirculating systems are used.

(h) *Fire extinguishing.* Fire extinguishing systems suitable for fires in electrical equipment are to be fitted to propulsion generators which are enclosed or in which the air gap is not directly exposed. See Part 34 of Subchapter D (Tank Vessels), Part 76 of Subchapter H (Passenger Vessels) and Part 95 of Subchapter I (Cargo and Miscellaneous Vessels) of this chapter for details of the systems.

(i) *Insulation of windings.* Armature and field coils should be treated to resist oil and water.

(j) *Lubrication*—(1) *Ship's service generators.* In general, all generators should be located with their shafts in a fore and aft direction on the vessel and they must lubricate and operate satisfactorily when permanently inclined to an angle of 15 degrees athwartship and 5 degrees fore and aft; the bearings are to be so arranged that they will not spill oil under a momentary roll of 30 degrees. Where it is not practicable to mount the generators with armature shafts in the fore and aft direction, their lubrication will require special consideration. Generators depending on forced lubrication, unless otherwise approved, should be provided with means to shut down their prime movers automatically on failure of the lubricating system. Provision is to be made to prevent oil or oil vapor from passing into the machine windings.

(2) *Emergency generators.* For lubrication of emergency diesel-driven generator sets also see Subpart 112.50 of this subchapter.

§ 111.10–20 Voltage regulation.

(a) *Ship's service generator.* (1) Ships service generator's inherent voltage regulation characteristics shall comply in general with all the applicable requirements contained in Table 111.10–20(a)(1):

TABLE 111.10–20 (a) (1)—GENERATOR VOLTAGE REGULATION

Type of generator	Load variation	Voltage variation (maximum)
D. c. shunt or stabilized shunt wound generator	100 percent to 20 percent (decreasing). 20 percent to 100 percent (increasing).	8 percent voltage rise. 12 percent voltage drop.
D. c. compound wound generator and d. c. shunt wound generator with voltage regulator.	20 percent to 100 percent (increasing). 20 percent to 100 percent (increasing). 100 percent to 20 percent (decreasing).	2½ percent. 3 percent from average of ascending and descending curves.
D. c. 3-wire generator (in addition to the above).	Rated current on either positive or negative and 25 percent rated current on neutral and rated voltage positive to negative.	Negative to neutral and positive to neutral 2 percent of rated positive to negative voltage.
A. c. generator and regulator (no reactive droop compensation).	0 percent to 100 percent (increasing). 100 percent to 0 percent (decreasing). (At rated power factor.)	1 percent of rated voltage from a median value halfway between highest and lowest values attained.[1]
Two or more a.-c. generators and regulators with reactive droop compensation adjusted for a voltage droop of not more than 4 percent of rated voltage for a reactive load change from 0 percent to 60 percent of continuous kilovolt-ampere rating.	0 percent to 100 percent (increasing). 100 percent to 0 percent (decreasing). (At rated power factor.)	Not more than 4 percent droop and no point more than 1 percent of rated voltage from the average curve drawn through a plot of settled voltage versus load for any increasing or decreasing load between zero and full load.

[1] May be 2½ percent for emergency generator.

(2) Generators shall, where practicable, be tested with their own driving units. When tested with temporary driving units, allowance shall be made for the expected speed regulation of the driving units to assure satisfactory voltage regulation, as given in Table 111.10–20 (a) (1) after assembly with the permanent driving units.

(3) Where automatic voltage regulators are not supplied the d. c. ship's service generators should be approximately flat compounded except that, if the load fluctuation does not interfere with the operation of vital auxiliaries, shunt wound generators without voltage regulators or stabilized shunt wound machines may be used.

(4) In general a separate regulator should be supplied for each a. c. generator. When it is intended that 2 or more generators will be operated in parallel, reactive droop compensating means should be provided to divide the reactive power properly between the generators. The regulator in conjunction with the exciter and the generator characteristics should be capable of performing in accordance with conditions set forth in this section.

§ 111.10–25 Parallel operation.

(a) In general, when the installation is such that 2 or more generators are to be operated in parallel, the load on any generator should not differ more than plus or minus 15 percent of its rated kilowatt load from its proportionate share, based on the generator ratings, of the combined load for any steady state condition in the combined load between 20 percent and 100 percent of the sum of the rated loads of all generators. The starting point for the determination of the foregoing load distribution requirements should be at 75 percent load with each generator carrying its proportionate share.

§ 111.10–30 Temperature limitations.

(a) Generators shall be designed for an ambient temperature of 50 degrees C. When tested in accordance with American Standard C50, the temperature rises shall not exceed the values given in Tables 111.10–30 (a1) and 111.10–30 (a2). Where provisions are made for insuring an ambient temperature of 40 degrees C. or less, the temperature rises may be 10 degrees C. higher than the values given in the tables.

TABLE 111.10–30 (a1)—LIMITS OF TEMPERATURE RISES FOR DIRECT-CURRENT GENERATORS BASED ON 50° C. AMBIENT TEMPERATURE [1]

Part of generator	Limits of temperature rises—degrees centigrade (measured by thermometer) [2 3]					
	Class A insulation		Class B insulation		Class H insulation	
	Continuous	At end of 2-hour overload	Continuous	At end of 2-hour overload	Continuous	At end of 2-hour overload
All insulated windings other than items next following	40	55	60	75	80	105
Single-layer field windings with exposed uninsulated surfaces and bare copper windings	50	65	70	85	100	125
Cores and mechanical parts in contact with or adjacent to insulation	40	55	60	75	80	105
Commutator and collector rings	55	65	75	85	95	115
German silver or grid shunts on series field windings	175	----------	175	----------	(4)	----------
Bearings	35	----------	40	----------	(4)	----------

[1] Special consideration shall be given to other parts of the machine such as bearings, etc.
[2] Where other methods are used refer to ASA–C–50 for temperature rise limits.
[3] For Class F insulation refer to NEMA–MG1.

TABLE 111.10-30(a2)—LIMITS OF TEMPERATURE RISES FOR ALTERNATING-CURRENT GENERATORS BASED ON 50° C. AMBIENT TEMPERATURE [1] [2]

Item	Determined by—	Limits of temperature rises, degrees centigrade [3]					
		Salient pole generators			Turbine type generators		
		Class A insulation	Class B insulation	Class H insulation	Class A insulation	Class B insulation	Class H insulation
Armature windings of machines of 1,500 kva. and less.	Thermometer	40	60	100			
Armature windings of machines of 750 kva. and less.	do				40	60	100
Armature windings with 2 coil sides per slot in stators of machines above 1,500 kva.	Imbedded detector	50	70	110			
Armature windings with 2 coil sides per slot in stators of machines above 750 kva.	do				50	70	110
Insulated field windings	Resistance	50	70	110	60	80	120
Collector rings	Thermometer	55	75	115	55	75	115
Cores and mechanical parts in contact with or adjacent to insulation.	do	40	60	100	40	60	100
Bearings	do	35	40	(4)	35	40	(4)

[1] For generators having 25 percent overload rating for 2 hours, the temperature at the end of the overload run when conducted immediately following the continuous run shall not exceed the figures in the table by more than 15° C. except for collector rings which shall be in accordance with the table.
[2] Special consideration shall be given to other parts of the machine such as bearings, etc.
[3] For Class F insulation, refer to NEMA-MG1.

§ 111.10–35 Dielectric strength of insulation.

Generators shall be capable of withstanding without damage a dielectric test in accordance with American Standard C50.

§ 111.10–40 Tests.

(a) Sufficient tests should be made by the manufacturer to insure that the machine is in accordance with these regulations.

Subpart 111.15—Storage Batteries

§ 111.15–1 General requirements.

(a) *Power and light batteries.* Power and lighting batteries may be of the lead acid or alkaline type, or any other approved type, due consideration being given to suitability for any specific application. The cells shall be constructed so as to prevent spilling of electrolyte due to an inclination of 40° from the normal.

(b) *Emergency and general alarm storage batteries.* When batteries are used for emergency lighting and power loads or for general alarm system loads, the requirements of Part 112 of this subchapter are also applicable.

(c) *Categories.* Batteries shall be classified into three types depending upon power output of the battery charger.

(1) *Large.* Large batteries shall be considered those connected to a battery charger whose output is more than 2 kw. (calculated from the maximum obtainable charging current and the normal voltage of the battery).

(2) *Moderate.* Moderate batteries shall be considered those connected to a battery charger whose output is between 0.2 kw. and 2 kw. (calculated from the maximum obtainable charging current and the normal voltage of the battery).

(3) *Small.* Small size batteries shall be considered those connected to a battery charger whose output is less than 0.2 kw. (calculated from the maximum obtainable charging current and the normal voltage of the battery).

(d) *Nameplates.* Each tray shall be provided with a durable nameplate securely attached, bearing the manufacturer's name or trade mark and type designation, the ampere-hour rating at a specific rate of discharge, and the specific gravity of the electrolyte (for a lead acid battery when fully charged). Data molded on the tray case will be acceptable in lieu of a nameplate.

§ 111.15–5 Battery installation.

(a) *Large storage batteries.* Large batteries should be installed in a room assigned to batteries only, but may be installed in a box on deck if a room is not available. Lighting equipment installed in a battery room shall be explosion proof suitable for Class I, Group D, locations. Devices liable to arc, such as switches, battery chargers, etc. shall not be installed in battery rooms. The overload protective device required by § 111.15–25 should be placed in each conductor adjacent to but outside the room. Electric cables other than those serving the battery or battery room lighting should be routed around rather than through the battery room.

(1) A "danger notice" shall be permanently secured to the doors of the battery room or to the covers of battery deck boxes indicating that a naked light or smoking in these rooms or in this vicinity is prohibited.

(b) *Batteries of moderate size.* Batteries of moderate size as described in § 111.15–1(c)(2) should preferably be installed in a battery room or in a box on deck, but may also be installed in a box or locker in some suitable space such as an engineroom, storeroom, etc., or may be installed open if protected from above from falling objects in the engineroom or in a similar well-ventilated compartment. Batteries should not be installed in sleeping spaces. Engine cranking batteries should be located as closely as possible to the engine or engines served.

(c) *Batteries of small size.* Batteries of small size as described in § 111.15–1(c)(3) may be installed in such places as open working spaces and boat engine compartments provided that the space is ventilated.

§ 111.15–6 Arrangement.

(a) *Battery trays.* Battery trays should be chocked with wood strips or equivalent to prevent movement and each tray should be fitted with nonabsorbent insulating supports on the bottom and with similar spacer blocks at the sides or with equivalent provisions to secure air circulation space all around each tray. Battery trays should be so arranged that the trays are accessible and with not less than 10 inches head room.

(b) *Tiers.* When batteries are arranged in two or more tiers, all shelves should have not less than 2 inches space front and back for circulation of air.

§ 111.15–10 Ventilation.

(a) *General.* All rooms, lockers, and boxes for storage batteries should be arranged or ventilated to avoid accumulation of flammable gas.

(b) *Battery rooms.* Natural ventilation may be employed if ducts can be run directly from the top of the room to the open air above with no part of the duct more than 45° from the vertical. These ducts should not contain appliances (e.g., flame arrestors) which may impede the free passage of air or gas mixtures. Rooms containing large battery banks as defined in § 111.15–1(c)(1) shall be ventilated by mechanical exhaust. When mechanical exhaust is required, the system shall be separate from ventilation systems for other spaces, and, if electric, the motor shall be located outside the battery room. Mechanical ventilation systems shall be interlocked with the battery charger so that the battery cannot be charged without ventilation. Adequate openings, whether connected to ducts or not, for air inlet shall be provided near the floor or the bottom of lockers or boxes. In every case the quantity of the air expelled should be at least equal to:

$$(q = 3.89in) \qquad (1)$$

where:

q = quantity of expelled air in cubic feet per hour.
i = maximum charging current during gas formation, however at least one-fourth of the maximum obtainable charging current of the charging facility.
n = number of cells.

(c) *Battery lockers.* Battery lockers should be ventilated, if practicable, similarly to battery rooms by a duct led from the top of the locker to the open air or to an exhaust ventilation duct, but the duct may terminate not less than 3 feet above the top of the locker in machinery spaces and similar well-ventilated compartments. Louvers or equivalent should be provided near the bottom for entrance of air.

(d) *Deck boxes.* Deck boxes should be provided with a duct from the top of the box terminating at least 4 feet above in a gooseneck, mushroom head, or equivalent to prevent entrance of water. Holes for air inlet should be provided on at least two opposite sides of the box. The entire deck box, including openings for ventilation, should be weathertight to prevent entrance of spray or rain.

(e) *Boxes for small batteries.* Boxes for small batteries require no ventilation other than openings near the top to permit escape of gas.

§ 111.15–15 Protection from corrosion.

(a) Shelves in battery rooms or lockers for acid batteries should have a watertight lining of sheet lead of 1/16-inch thickness carried up not less than 3 inches on all sides. For alkaline batteries the shelves should be similarly lined with steel not less than 1/32-inch thick. Alternatively, a battery room may be fitted with a watertight lead pan for acid batteries, steel for alkaline batteries, over the entire deck, carried up not less than 6 inches on all sides. Deck boxes should be lined in accordance with the above alternative method. Boxes for small batteries should be lined to a depth of 3 inches consistent with the methods described above.

(b) Alternate lining materials may be used in lieu of lead or steel if it can be established that the material is corrosion-resistant to the specified electrolyte used in the batteries.

§ 111.15–20 Conductors.

When conductors enter battery rooms the holes shall be made watertight. All connections within battery rooms shall be resistant to the electrolyte. Cables shall be sealed to resist the entrance of electrolyte by spray or creepage. The size of the connecting cable is to be based on current carrying capacities given in Table 111.60–1(c)(1)(i) and the starting rate of charge or maximum discharge rate, whichever is the greater, shall be taken into consideration in determining the cable size.

§ 111.15–25 Overload and reverse current protection.

(a) An overload protective device shall be placed in each battery conductor, except that engine cranking batteries and batteries with a nominal potential of 6 volts or less need not be protected against overload. For location of overcurrent devices with regard to battery rooms, see § 111.15–5(a).

(b) The charging equipment (except when a rectifier is employed) for all batteries with a nominal voltage more than 20 percent of line voltage shall provide automatic protection against reversal of current.

Subpart 111.20—Transformers

§ 111.20–1 General requirements.

(a) All transformer windings should be treated to resist moisture, sea atmosphere, and oil vapors.

§ 111.20–5 Temperature rise.

(a) The temperature rise, based on an ambient temperature of 40° C., shall not exceed the following:

Class A insulation: 55° C.
Class B insulation: 80° C.
Class H insulation: 150° C.

(b) If the ambient temperature exceeds 40 degrees C. the transformer shall be derated so that the total temperature given in this section is not exceeded. Temperatures are to be taken by the resistance method of temperature determination.

Subpart 111.25—Motors

§ 111.25–1 General requirements.

(a) The requirements for generators contained in § 111.10–15 (a), (b), (c), (f), (g), (h), (i) and (j) are also applicable to motors, except that § 111.10–15 (c), (f) and (h) are applicable to propulsion motors only.

§ 111.25–5 Nameplates.

(a) All motors shall be fitted with nameplates of corrosion-resistant material. The nameplates shall be marked with the following information:

(1) Manufacturer's type and frame designation;
(2) Output (hp.);
(3) Kind of rating;
(4) Design ambient temperature;
(5) Temperature rise at rated load;
(6) Revolutions per minute at rated load;
(7) Voltage;
(8) Amperes at rated load; and,
(9) Type of winding (for d. c. machines).

(b) For alternating-current motors, in addition to the applicable parts listed in paragraph (a) of this section, the nameplates shall be marked with the following information:

(1) Number of phases;
(2) Frequency;
(3) Power factor (synchronous motors only);
(4) Exciter voltage (synchronous motors only);
(5) Exciter current (synchronous motors only);
(6) Secondary voltage (polyphase wound-rotor induction motors only);
(7) Secondary amperes at rated load (polyphase wound rotor induction motors only);
(8) For motors rated at 1/2 horsepower or larger, except a polyphase wound-rotor motor, a code letter to show its input in kilovolt-amperes with locked rotor selected from Table 111.25–5 (b)(8); and
(9) For multi-speed motors, amperes at rated load for each winding or winding connection.

TABLE 111.25–5(b)(8)—LOCKED ROTOR INDICATING CODE LETTERS

Code letter	KVA per hp. with locked rotor
A	0 - 3.14
B	3.15- 3.54
C	3.55- 3.99
D	4.0 - 4.49
E	4.5 - 4.99
F	5.0 - 5.59
G	5.6 - 6.29
H	6.3 - 7.09
J	7.1 - 7.99
K	8.0 - 8.99
L	9.0 - 9.99
M	10.0 - 11.19
N	11.2 -12.49
P	12.5 -13.99
R	14.0 -15.99
S	16.0 -17.99
T	18.0 -19.99
U	20.0 -22.39
V	22.4 -and up

(c) For nonvital motors, such as winch motors, refrigeration motors, water cooler motors, galley appliance motors, etc., nameplates with standard commercial markings will be acceptable. Nameplates for motors located in corrosive locations shall be made of corrosion-resistant material.

§ 111.25–10 Temperature limitations.

(a) Motors for use in the engine room or boiler room shall be designed for an ambient temperature of 50 degrees C. Motors for use in locations where the ambient temperature will not exceed 40 degrees C may be designed for an ambient temperature of 40 degrees C. Motors, when tested in accordance with American Standard C50, shall not exceed the limits of temperature rises given in Tables 111.25–10 (a1) and (a2).

TABLE 111.25–10(a1)—LIMITS OF TEMPERATURE RISES FOR DIRECT-CURRENT MOTORS [1]

Part of motor and type of enclosure	Limits of temperature rises; degrees centigrade (thermometer method) [2] [3]					
	Class A insulation		Class B insulation		Class H insulation	
	40° C. ambient temperature	50° C. ambient temperature	40° C. ambient temperature	50° C. ambient temperature	40° C. ambient temperature	50° C. ambient temperature
All insulated windings other than item next following:						
Open and semienclosed	50	40	70	60	110	100
Totally enclosed	55	45	75	65	115	105
Single-layer field windings with exposed uninsulated surfaces and bare copper windings:						
Open and semienclosed	60	50	80	70	130	120
Totally enclosed	65	55	85	75	135	125
Cores and mechanical parts in contact with or adjacent to insulation:						
Open and semienclosed	50	40	70	60	110	100
Totally enclosed	55	45	75	65		
Commutators and collector rings:						
All types	65	55	85	75	125	115
Bearings:						
Open and semienclosed	40	35	45	40	(1)	(1)
Totally enclosed	45	40	50	45	(1)	(1)

[1] Special consideration shall be given to other parts of the machine, such as bearings, etc.
[2] Where other methods are used refer to ASA–C–50 for temperature rise limits.
[3] For Class F insulation refer to NEMA-MG1.

from entering the motor.

(c) *Motors for use on weather decks.* Motors for use on weather decks shall be of the waterproof type or shall be enclosed in waterproof housings, drained as described in § 110.15–175(k) of this subchapter.

(d) *Motors installed below decks.* Motors installed below decks should be located in as dry a place as practicable and proximity to steam, water and oil piping should be avoided.

(e) *Motors for hazardous locations.* Motors for use in hazardous locations shall comply with the requirements of § 111.60–40.

TABLE 111.25–35 (a)—APPROXIMATE FULL-LOAD CURRENTS OF CONTINUOUS DUTY MOTORS [1]

Motor horsepower	Full-load current—amperes							
	D. c. motors		3-phase, a. c. induction motors					
			Squirrel-cage			Wound-rotor		
	115 volts	230 volts	220 volts	440 volts	550 volts	220 volts	440 volts	550 volts
½	2.0	1.0	0.90	0.45				
¾	2.6	1.3	1.16	.58				
1	3.2	1.6	1.4	.70				
1½	4.5	2.3	1.9	.95				
2	6.5	3.3	2.6	1.3				
3	8.5	4.3	3.4	1.7		5.4	2.7	
5	12.5	6.3						
7½	18.5	9.3	5.0	2.6		6.8	3.4	
10	24.5	7.3	6.8	3.8		9.2	3.6	
15	36.3	8.3	6.3	3.1		8.0	4.0	
20	50.5	10.3	7.6	3.8		8.8	4.4	
25	63	12.3	9.0	4.5		10.5	5.3	
30	73	14.8						
40	91	16.8	14.5	7.2		16	8.0	
50	112	20.5	17.2	8.6		18	9	
60	136	23.4	21	10.5		23	11.5	
75	167	28.7	24.8	12.4		26	13	
100	219	34.3	32	13.5		28	14.5	
125	272	36	37	17		40	18	
150	325	47	46	23		49	21	
200	436	59	59	28		58	24	
250	542	75	74	36		72	27	
300	647	89	88	43		85	30	
350	751	105	106	51		100	34	
400	859	118	124	60		120	38	
450	963	132	143	69		138	40	
500	1,076	145	161	78		154	47	
550	1,180	161	178	87		170	52	
600	1,295	178	194	94		187	58	
650	1,402	193	208	104		200	64	
700	1,510	208	221	116		213	67	
750	1,618	220	233	128		225	74	
800	1,726	235	245	138		236	84	
850	1,833	249	258	145		248	94	
900	1,941	263	270	155		260	104	
950	2,049	277	283	165		272	114	
1,000	2,157	292	295	175		284	124	
1,050	2,265	305	307	185		296	134	
1,100	2,372	320	320	195		308	144	
1,150	2,480	334	332	205		320	154	
1,200	2,588	349	345	215		332	164	
1,250	2,696	363	357	225		344	174	
1,300	2,804	378	370	235		356	184	
1,350	2,911	392	382	245		368	194	
1,400	3,019	407	394	255		380	204	
1,450	3,127	421	407	265		392	214	
1,500	3,235	436	419	275		404	224	
1,550	3,342	450	431	285		416	234	
1,600	3,450	465	444	295		428	244	
1,650	3,558	479	456	305		440	254	
1,700	3,666	494	469	315		452	264	
1,750	3,773	508	481	325		464	274	
1,800	3,881	523	493	335		476	284	
1,850	3,989	537	506	345		488	294	
1,900	4,097	552	518	355		500	304	
1,950	4,204	566	530	365		512	314	
2,000	4,312	581	543	375		524	324	

[1] Table 111.25–35 (a) gives values that are approximate, and typical only of motors for usual speeds and frequencies. For low speed and special motors, the full-load currents are somewhat higher than the values shown. For this reason, the values shown should be used only for estimating purposes and the selection of cable. They should not be used in the selection of overload relay heaters and coils.

TABLE 111.25–10(d)—LIMITS OF TEMPERATURE RISES FOR ALTERNATING-CURRENT MOTORS [1 2]

Part of motor and type of enclosure	Limits of temperature rises; degrees centigrade (thermometer method) [3 4]					
	Class A insulation		Class B insulation		Class H insulation	
	40° C. ambient temperature	50° C. ambient temperature	40° C. ambient temperature	50° C. ambient temperature	40° C. ambient temperature	50° C. ambient temperature
Coil windings, cores and mechanical parts in contact with, or adjacent to insulation:						
All except totally enclosed	50	40	70	60	110	100
Totally enclosed	55	45	75	65	115	105
Collector rings, commutators (the class of insulation refers to insulation affected by the heat from the commutator or collector rings, which insulation is employed in the construction of the commutator or collector rings or is adjacent thereto):						
All types	65	55	85	75	125	115
Hot spots:						
Open, not semienclosed	40	35	45	40	(5)	(5)
Totally enclosed	45	40	50	45	(5)	(5)

[1] Squirrel-cage windings and mechanical parts not in contact with or adjacent to insulation may reach such temperatures as will not injure them in any respect.

[2] Special consideration shall be given to other parts of the machine, such as bearings, etc.

[3] Where other methods are used refer to ASA–C–50 for temperature rise limits.

[4] For Class F insulation refer to NEMA–MG1.

§ 111.25–15 Duty cycle.

(a) **Motors shall be rated for continuous duty, except that motors for the applications listed in Table 111.25–15(a) may be short-time rated motors as indicated. Any other motors of similar duty may have consistent short-time ratings.**

TABLE 111.25–15 (a)

Application of motor	Minimum short time rating of motor in hour
Deck winch and direct acting capstan.	½
Deck winch with hydraulic transmission.	Continuous at no load; followed by ½ hour at full load.
Direct acting windlass	½
Windlass with hydraulic transmission.	½ hour idle pump operation followed by ½ hour full load operation.
Steering gear, direct acting.	1
Steering gear, indirect drive.	Continuous operation at 15 percent load followed by 1 hour at full load.
Watertight door operators	½
Lifeboat winches	½

§ 111.25–20 Dielectric strength of insulation.

(a) **Motors shall be capable of withstanding without damage a dielectric test in accordance with American Standard C50.**

§ 111.25–25 Terminal arrangement.

(a) **All motors shall be provided with terminal leads in terminal boxes secured to the frames.** Terminal boxes shall be drip-proof or watertight, consistent with the motor enclosure. The ends of motor terminal leads shall be fitted with connectors. As an alternate to this arrangement, the frames of motors may be fitted with terminal tubes through which the cable shall pass to suitable terminals inside the frame.

§ 111.25–30 Enclosure and protection.

(a) *General.* **Motors for use in the engineroom or spaces where subject to** mechanical injury, or dripping of oil or water, shall be either of the waterproof or dripproof protected type, or they may be of the open type if protected in accordance with § 111.10–15(g). Care shall be exercised in locating motors high enough to avoid bilge water. Motors shall not be located beneath and covered by the floorplates unless otherwise approved by the Commandant.

(b) *Pump motors.* Motors for operating plunger and close coupled pumps should have the driving end entirely enclosed or designed to prevent leakage

Subpart 111.30—Electric Couplings for Propulsion

§ 111.30–1 General requirements.

(a) *Enclosure and ventilation.* Electrical couplings shall be enclosed and ventilated as required for generators. All windings shall be specially treated to resist moisture, oil and salt air.

(b) *Accessibility for repairs.* The couplings should be designed to permit removal as a unit without moving the engine.

(c) *Excitation.* Excitation should be provided as for propulsion generators and motors.

(d) *Nameplates.* All electric propulsion couplings shall be fitted with nameplates of corrosion-resistant material. The nameplates shall be marked with the following information:

(1) Manufacturer's type and frame designation;
(2) Output (hp.);
(3) Kind of rating;
(4) Design ambient temperature;
(5) Temperature rise at rated load;
(6) Revolutions per minute at rated load;
(7) Voltage;
(8) Exciter voltage; and,
(9) Exciting current in amperes at rated load.

(e) *Temperature limitations.* The limits of temperature rise should be the same as for alternating-current generators, except that when a squirrel cage element is used the temperature of this element may reach such values as are not injurious. Depending upon the cooling arrangements the maximum temperature rise may occur at other than full load rating so that heat runs will require special consideration; for this purpose, when an integral fan is fitted the coupling temperatures should not exceed these limits when operated continuously at 70 percent of full load rpm., full excitation and rated torque.

Subpart 111.35—Switchboards and Propulsion Controls

§ 111.35–1 General requirements.

(a) *General.* Controlling appliances for propulsion and ship's service equipment should include the apparatus necessary for starting, stopping, reversing and controlling the speed of motors, together with essential safety devices. All wearing parts are to be readily renewable.

(b) *Switchboard installation and location.* Switchboards shall be installed in as dry a place as possible and shall be accessible from the front and rear. Switchboards shall be secured to a solid foundation, shall clear deck beams by at least 4 inches, and shall be either self-supported or braced to the bulkhead or deck above. In case the latter method is used, means of bracing shall be flexible to allow deflection of the ship's structure without buckling the control cell or assembly structure. Unless otherwise specifically approved, a clear working space of not less than 36 inches shall be provided in front of switchboards and a working space of not less than the values shown in Table 111.35–1(b) shall be provided in the rear of switchboards. In a passenger ship where there is only one main generating station, the main switchboard shall be located in the same main fire zone.

TABLE 111.35–1 (b)—WORKING SPACE IN REAR OF SWITCHBOARDS

Potential between phases or conductors of opposite polarity	Switchboard width	Clear working space in rear of switchboard in inches	
		Accessible from one end only	Accessible from both ends
250 volts or less	Single panel not exceeding 42 inches in width	[1] 24	18
	More than one panel or single panel exceeding 42 inches in width.	[1] 30	24
Over 250 volts but less than 600 volts.	Single panel not exceeding 42 inches in width	[1] 30	24
	More than one panel or single panel exceeding 42 inches in width.	[1] 36	30
600 volts or over	Any width	[1] 38	[1] 38

[1] May be reduced not more than 6 inches in way of stiffeners and frame or by equipment on a single panel in the switchboard.

(c) *Switchboard mechanical protection.* The sides of switchboards shall be enclosed and the space in the rear of switchboards made inaccessible to other than qualified persons. Non-conducting mats or gratings shall be provided on deck in the front and rear of switchboards. Non-conducting hand rails at the front and non-conducting guard rails at the rear shall be provided. Each switchboard shall have a drip-cover over the top. Hinged panels of dead front switchboards shall be provided with positioners and stops.

(d) *Switchboard construction.* Panels should be made of impregnated ebony asbestos, laminated phenolic material, or the equivalent. They may be made of metal if the live parts mounted thereon are properly insulated. The supporting framework for all panels is to be of rigid construction. No wood should be used in the construction of switchboards except that hardwood or nonconducting hand rails and guard rails shall be provided for the protection of personnel from live parts.

(e) *Dead front type switchboard.* Dead front type switchboards shall be used where the voltage between poles or to ground is above 250 volts direct current or 55 volts alternating current.

(f) *Corrosion-resistant parts.* Parts of switchboards and control assemblies liable to damage by corrosion should be made of noncorrodible-material or of material made corrosion resistant.

(g) *Mechanical strength of working parts.* All levers, handles, hand wheels, interlocks and their connecting links, shafts and bearings for the operation of switches and contactors should be of such proportions that they will not be broken or distorted by manual operation.

(h) *Nameplates.* Nameplates shall be provided for each piece of apparatus to indicate clearly its service. Nameplates for feeders and branch circuits shall include the circuit designation, description of the load served, and the rating or setting of the overcurrent protective device.

(i) *Protection of instrument circuits.* Except as otherwise provided in this paragraph, instruments, pilot lights, ground detector lights, potential transformers, and other switchboard devices shall be supplied by circuits protected by overcurrent devices.

(1) Circuits, the opening of which would create a hazard in the operation of the vessel, shall not be protected against overcurrent. Such circuits will usually include electric propulsion control circuits, voltage regulator supply circuits, and ship's service generator circuit breaker tripping control circuits.

(j) *Grounding of instruments, relays, meters, and instrument transformers.* Metal cases of instruments, relays, meters, and instrument transformers and the secondary windings of instrument transformers located on switchboards shall be grounded.

§ 111.35–5 Switchboard bus bars and wiring.

(a) *General.* Buses shall be designed on the basis of generator capacity and feeder loads. For a single generator, the generator bus shall have a capacity not less than the continuous rating of the generator plus any overload rating in excess of 30 minutes' duration. For more than one generator with all generating capacity feeding through one section of the bus, the capacity of the bus for the first generator shall be the same as for a single generator. For each subsequent generator the bus capacity shall be increased by 80 percent of the continuous rating of each added generator. The capacity of connection buses for each generator unit shall be not less than the continuous rating of the generator plus any overload rating in excess of 30 minutes' duration. All other bus bars and bus connections shall be designed for at least 75 percent of the combined full-load rated currents of all apparatus they supply, plus not less than 50 percent of the combined ratings of the spare switches or circuit breaker elements connected to the bus, except that when feeders supply one unit or any group of units in continuous operation they shall be designed for full load, and except that the capacity of feeder buses need not be greater than the generators buses that supply them.

(b) *Bus bar rating.* Bus bar sizes shall be not less than that indicated for the ampere ratings in Table 32 (Appendix) of AIEE Standard No. 45.

(c) *Arrangement of bus bars and wiring.* The arrangement of bus bars and wiring on the back of switchboards shall be such that all lugs are readily accessible. Soldering lugs, where used, should have a solder contact length at least 1½ times the diameter of the conductor and all nuts and connections should be fitted with locking devices to prevent loosening due to vibration.

(d) *Spacing.* Except at switching mechanisms, contactors, pilot lights, and similar switchboard mounted equipment, the spacings in a switchboard shall be not less than those indicated in Table 111.35–5 (d). Spacings at switchboard mechanisms, contactors, pilot lights, and similar switchboard mounted equipment shall conform to the requirements for the respective equipment as required by this subchapter.

TABLE 111.35–5 (d)—SWITCHBOARD SPACINGS

Voltage involved	Minimum spacing in inches between live parts of opposite polarity		Minimum spacing in inches through air or over surfaces between uninsulated live-metal parts and grounded dead metal
	Over surface	Through air	
125 or less	¾	½	½
126 through 250	1¼	¾	½
251 through 600	2	1	1

(e) *Switchboard wiring.* Instrument and control wiring should be of the stranded type not smaller than 4000 CM and should have flame-retarding insulation. Wiring from hinged panels should be of the extra flexible type.

§ 111.35–10 Switchboard mounted equipment.

(a) *General.* Air circuit breaker contacts shall be kept at least 12 inches from the ship's structure unless insulation barriers are installed. For live front switchboards the clearance between current-carrying parts and base channel shall not be less than 4 inches. Voltage regulator element shall be totally enclosed. Where rheostats or other devices that may operate at high temperatures are mounted on the switchboard, they shall be naturally ventilated and so isolated by barriers as to prevent excessive temperature of copper or adjacent devices. When this cannot be accomplished the rheostat or other device shall be mounted separate from the switchboard. In general, all fuses, except for instrument and control circuits, shall be mounted on or be accessible from the front of the switchboard. All wiring on the back of boards for voltmeter, pilot and ground lamps shall be protected by fuses.

(b) *Equipment.* Contactors, relays, switches, circuit breakers, etc., shall conform to the applicable requirements of such devices given in this subchapter.

(c) *Connections.* The connections between a direct-current generator and the bus bars shall be in accordance with Figures 1 to 10, inclusive, appendix, AIEE Standard No. 45. Other connections not less effective will be considered.

§ 111.35–15 Ship's service generator and distribution switchboards.

(a) *General.* Ship's service generator and distribution switchboards must provide adequate control of the generation and distribution of electric power.

(b) *Equipment for direct-current switchboards.* For direct-current switchboards, in addition to equipment required by paragraph (a) of this section, there shall be provided at least the equipment listed in this paragraph.

(1) An unfused generator switch or links which will completely disconnect the generator and its circuit breaker from the bus, except when the generator circuit breaker is of the draw-out type.

(2) For two-wire machines, an ammeter for each generator and, for three-wire machines, an ammeter for each positive and negative lead and a center zero ammeter in the ground connection at the generator switchboard. Ammeters shall be so located in the circuit as to indicate total generator current.

(3) For each two-wire generator, a voltmeter with voltmeter switch for connecting the voltmeter to indicate generator voltage and bus voltage. Where a shore connection is installed, one of these voltmeter switches shall also provide for reading shore connection voltage.

(4) For each three-wire generator, a voltmeter with voltmeter switch for connecting the voltmeter to indicate generator voltage, positive to negative, and bus voltage positive to negative, positive to neutral, and neutral to negative. Where a shore connection is installed, one of these voltmeter switches shall provide also for reading shore connection voltage, positive to negative, positive to neutral, and neutral to negative.

(5) A field rheostat for each generator.

(6) A pilot lamp for each generator connected between generator and circuit breaker.

(7) Adequate means for ground detection shall be provided on the ship's service generator and distribution switchboard for the following systems: ship's main power system, ship's main lighting system, and ship's emergency lighting system. When the ground detection means for these systems are ground lamps, a normally closed spring-return-to-normal switch shall be provided in the ground connection.

(8) A circuit breaker or fused switch for each shore power feeder installed, with a pilot light connected to the shore side thereof.

(c) *Equipment for alternating-current switchboards.* For alternating-current switchboards, in addition to the equipment required by paragraph (a) of this section, there shall be provided at least the equipment listed in this paragraph.

(1) An unfused generator switch or links which will completely disconnect the generator and its circuit breaker from the bus, except when the generator circuit breaker is of the draw-out type.

(2) An ammeter for each generator with a selector switch to read the current of each phase.

(3) A voltmeter for each generator with voltmeter switch for connecting the voltmeter to read generator voltage of each phase and bus voltage of 1 phase; where a shore connection is installed, one of these voltmeter switches shall provide also for reading voltage of each phase of the shore connection.

(4) A synchroscope and synchronizing lamps with selector switch to provide for paralleling in any combination.

(5) Control for prime mover speed for paralleling.

(6) An indicating watt-meter for each generator arranged for parallel operation.

(7) A frequency meter with selector switch to connect to any generator.

(8) A field rheostat for each generator and each exciter.

(9) A double-pole field switch with discharge clips and resistor for each generator.

NOTE. For generators with variable voltage exciters or rotary amplifier exciters, each controlled by a voltage regulator unit acting on the exciter field, the field switch, the discharge resistor and the generator field rheostat may be omitted.

(10) A pilot lamp for each generator connected between generator and circuit breaker.

(11) A voltage regulator complete with all accessories, including a voltage regulator functional cut-out switch.

(12) Adequate means for ground detection. For details see paragraph (b) (7) of this section.

(13) A circuit breaker or fused switch for each shore power feeder installed, with a pilot light connected to the shore side thereof.

§ 111.35–20 Emergency and interior communication switchboards.

Emergency and interior communication switchboards, when fitted, shall comply with the applicable provisions of Subpart 111.35 and of Part 112 of this subchapter.

§ 111.35–25 Electric propulsion control.

(a) *General.* The arrangement of bus bars and wiring on the back of propulsion control assemblies should be such that all parts, including the connections, are accessible. Adequate clearance should be provided between parts of opposite polarity and between live parts and ground to prevent arcing. All nuts and connections should be fitted with locking devices to prevent loosening due to vibration.

(b) *Prime mover control.* Where required by the system of control, means should be provided at the control assembly for controlling the prime mover speed and for mechanically tripping the throttle valve.

(c) *Protection.* The control assembly should be protected at the sides and back by a wire mesh, expanded metal grill, or other means if a bulkhead does not perform this function. The access doors to high voltage compartments should be interlocked to prevent opening unless the main generator field circuit is deenergized. A warning plate giving the maximum voltage inside the enclosure should

be provided on all doors entering the enclosure. Where steam and oil gages are mounted on the main control assembly, provision should be made so that the steam or oil will not come in contact with the energized parts in case of leakage.

(d) *Switches.* All switches are to be arranged for manual operation and so designed that they will not open under ordinary shock or vibration; contactors, however, may be operated pneumatically, by solenoids, or by other means in addition to the manual method which should be provided unless otherwise approved. Generator and motor switches should preferably be of the air-break type but for alternating-current systems, where they should be designed to open full load current at full voltage, oil break switches using non-flammable liquid may be used if provided with leakproof non-spilling tanks. Where necessary, field switches should be arranged for discharge resistors, unless discharge resistors are permanently connected across the field. For alternating-current systems, means should be provided for deenergizing the excitation circuits by the unbalance relay and ground relay.

(e) *Interlocks.* All levers for operating contactors, line switches, field switches and similar devices should be interlocked to prevent their improper operation. Interlocks should be provided with the field lever to prevent the opening of any main circuits without first reducing the field excitation to zero, except that when the generators simultaneously supply power to an auxiliary load apart from the propulsion, the field excitation need only be reduced to a low value.

(f) *Instruments and markings.* The necessary instruments to indicate existing conditions at all times are to be provided and mounted on the control panel convenient to the operating levers and switches. Instruments and other devices mounted on the switchboard are to be plainly labeled and the instruments provided with a distinguishing mark to indicate full load conditions. Metallic cases of all permanently installed instruments and the secondary windings of instrument transformers shall be permanently grounded.

(g) *Locations.* Either wheelhouse or engine room control may be used; however, when wheelhouse control is used an arrangement shall be provided whereby the propulsion equipment can also be controlled from the engine room, except when otherwise approved for small vessels for limited service. When the equipment is arranged for control from two or more stations, a selector switch shall be provided for connecting the control circuit to the delegated station controller. This selector switch shall be interlocked to prevent transfer of the control without removing power and to prevent restarting from the incoming control station until the control is first returned to the "Off" position.

(h) *Indicators.* (1) When two or more control stations are provided, indicating lights should be located at each control to show the station which is in control.

(2) When two or more control stations are provided, additional indicating lights should be located at each control station, except at the engine room control, to show whether the field circuits are energized or deenergized.

(3) A propeller shaft speed indicator should also be provided at each control station.

(i) *Multiple units.* Systems having two or more propulsion generators or two or more motors on one propeller shaft should be so arranged that any unit may be cut out of service without preventing the operation of the remaining units.

(j) *Ground detection and protection from electrical faults.* Ground detection together with means of protecting the propulsion generators and motors from electrical faults should be provided. For alternating-current systems, the grounding arrangement of the generator neutral should limit the current at full load voltage to not more than 20 amperes upon a fault to ground in the propulsion system. Phase unbalance and ground relays should be provided which will open the generator and motor field circuits upon the occurrence of a fault. For direct-current systems the ground detector may consist of a voltmeter or lights. Provision should be made for protection against severe overloads, excessive currents, and electrical faults likely to result in damage to the plant. Protective equipment should be capable of being so set as not to operate on the overloads or overcurrents experienced in a heavy seaway or when maneuvering.

(k) *Features for other services.* If the propulsion generator is used for other purposes than for propulsion, such as dredging, cargo oil pumps, and other special services, overload protection in the auxiliary circuit and means for making voltage adjustments should be provided at the control board. When propulsion alternating-current generators are used for other services for operation in port, the port excitation control should be provided with a device that should operate just below normal idling speed of the generator to automatically remove excitation.

(l) *Electric coupling control equipment.* Electric coupling control equipment should be combined with the prime mover speed and reversing control and should include a two-pole disconnect switch, short circuit protection only, ammeter for reading coupling current, discharge resistor and interlocking to prevent energizing the coupling when the prime mover control levers are in an inappropriate position.

§ 111.35–30 Tests for switchboards and propulsion controls.

(a) Switchboards and propulsion control apparatus shall be capable of meeting the test requirements of section 35, American Bureau of Shipping Rules for the Classification and Construction of Steel Vessels.

Subpart 111.40—Distribution Panelboards (Switchboard and Panelboard Types)

§ 111.40–1 General requirements.

(a) *Location.* Panelboards should be located in accessible positions and not in such spaces as bunkers, storerooms, cargo holds, compartments allotted alternately to passengers or cargo or locations exposed to the weather.

(b) *Enclosure.* The enclosure of distribution panelboards shall be as follows:

(1) *Switchboard type.* Distribution panels of the switchboard type, unless installed in machinery spaces or in compartments assigned exclusively to electric equipment and accessible only to qualified personnel, shall be completely enclosed or otherwise protected against accidental contact and unauthorized operation.

(2) *Panelboard type.* Panelboards not exposed to moisture, and particularly flush mounted panelboards in way of joiner work in passenger and crew accommodations and public spaces, may be of nonwatertight construction. Elsewhere panelboards generally shall be of drip-proof construction.

(3) *Watertight panelboards.* Where panelboards must be located where a watertight enclosure is necessary, the switches shall be externally operative.

(c) *Locking.* The cabinet or enclosing case of panelboards shall be locked closed where accessible to passengers.

(d) *Safety type.* Panelboards for the control of lighting circuits and panelboards containing voltages to ground in excess of 150 volts shall be of the safety type.

(e) *Construction.* Switchboard type panelboards shall conform to the applicable requirements of Subpart 111.35, except that units constructed to be completely serviced from the front need not be accessible from the rear. Unspecified panelboard construction details shall conform with the requirements of Underwriters' Laboratories, Inc., Standard for Panelboards.

(f) *Switching devices.* Panelboards for distribution to motors, appliances, lighting or other branch circuits, except general alarm circuits, shall be fitted with multipole switches or circuit breakers having a pole for each conductor. Overcurrent protection shall be provided for each ungrounded conductor of feeders and each conductor of branch circuits. For setting of overcurrent devices see Subpart 111.55. The rating of the disconnecting device shall be coordinated with the voltage and current requirements of the load, and in no case less than 30 amperes.

(g) *Overcurrent protection of and number of overcurrent devices on one panelboard.* Not more than 60 overcurrent devices of a lighting or appliance branch circuit panelboard shall be installed in any one cabinet. Panelboards supplying lighting and appliance branch circuits and panelboards having switching devices rated at 50 amperes or less shall have overcurrent protection not in excess of 200 amperes.

(h) *Relative arrangement of switches and fuses.* Panelboards having switches on the load side of any type of fuses shall not be installed.

(i) *Directory.* Panelboard switching units shall be numbered and the panelboard provided with a circuit directory card and card holder. After installation the directory card shall be marked for each circuit with the circuit designation, description of load served, and the rating or setting of the appropriate overcurrent protective device.

Subpart 111.45—Motor Circuits and Controllers

§ 111.45–1 Motor controllers, general requirements.

(a) *Suitability.* Each controller shall be capable of starting and stopping the motor which it controls, and for an alternating-current motor shall be capable of interrupting the stalled-rotor current of the motor.

(b) *Rating.* The controller shall have a horsepower rating, which shall not be lower than the horsepower rating of the motor, except as otherwise permitted in this paragraph.

(1) For a stationary motor rated at ⅛ horsepower or less that is normally left running and is so constructed that it cannot be damaged by overload or failure to start, such as clock motors and the like, the branch circuit overcurrent device may serve as the controller.

(2) For stationary motors rated at 2 horsepower or less, and 300 volts or less, the controller may be a general use switch having an ampere rating at least twice the full load current rating of the motor.

(3) For portable motors rated at ⅓ horsepower or less, the controller may be an attachment plug and receptacle.

(4) A branch circuit circuit breaker, rated in amperes only, may be used as a controller. When this circuit breaker is also used for overcurrent protection, it shall conform to the appropriate provisions of this part governing overcurrent protection.

(c) *Need not open all conductors.* Except when the motor controller serves also as a disconnecting means (see § 111.45–30 (l)) the controller need not open all conductors to the motor.

(d) *In grounded conductors.* One pole of the controller may be placed in a permanently grounded conductor provided the controller is so designed that the pole in the grounded conductor cannot be opened without simultaneously opening all conductors of the circuit.

(e) *Adjacent to motor and driven machinery.* Generally a controller shall be located adjacent to the motor and its driven machinery. Where it is desired to group motor controllers at a central location or where, for other reasons, it is not feasible to locate a controller adjacent to the motor and its driven machine, the following conditions shall be complied with:

(1) The motor and controller disconnecting means required by § 111.45–30 shall be capable of being locked in the open circuit position.

(2) Means shall be provided at the motor to start and stop the motor. Where the starting of a motor would be hazardous when not coordinated with other activities, such as the starting of a fuel oil service pump, the requirements of this subparagraph pertaining to the starting means at the motor need not be complied with.

(3) Means shall be provided at the motor to prevent starting the motor from a remote location. This means may be a switch in the control circuit.

(4) An alternative arrangement is specifically approved.

(f) *Number of motors served by each controller.* Each motor shall be provided with an individual controller, except that for motors of 600 volts or less, a single controller may serve a group of motors under any one of the conditions covered in this paragraph.

(1) If a number of motors drive several parts of a single machine or piece of apparatus.

(2) If a group of motors is under the protection of one over-current device as permitted in § 111.45–20 (c) (1).

(g) *Adjustable-speed motors.* Adjustable-speed motors, if controlled by means of field regulation, shall be so equipped and connected that they cannot be started under weakened field, unless the motor is designed for such starting.

(h) *Speed limitation.* Machines of the types listed in this paragraph shall be provided with speed limiting devices, unless the inherent characteristics of the machine, the system, or the load and the mechanical connection thereto are such as safely to limit the speed, or unless the machine is always under the manual control of a qualified operator.

(1) Separately excited direct-current motors.

(2) Series motors.

(3) Motor-generators and converters which can be driven at excessive speed from the direct-current end, as by reversal of current or decrease in load.

(i) *Enclosure*—(1) *General.* All controlling apparatus, except as otherwise permitted below, shall be protected by enclosing cases, either drip-proof or watertight, depending on their location. Cable entrance plates shall be provided on enclosing cases having a volume exceeding 200 cubic inches. Cable entrance plates for watertight enclosures and at the top of drip-proof enclosures shall be at least ⅛ inch thick and be fitted with gaskets. Watertight enclosures shall be provided with external feet or lugs for mounting.

(2) *Open type.* Control apparatus may be of the open type provided it is located in a compartment or enclosure assigned solely to electrical control equipment and accessible only to qualified persons. Where the compartment is used for other apparatus and the location of an open controller is such that it is subject to accidental contact, adequate guard rails or the equivalent shall be provided.

(j) *Hinged doors.* All controller hinged doors having either a height exceeding 45 inches or a width exceeding 24 inches shall be provided with door positioners and stops. Equipment mounted on a hinged door shall be constructed or shielded in such a manner that no live parts of the door mounted equipment will be exposed to accidental contact by a person with the door open and the circuit energized.

(k) *Grounding.* Controller cases, except insulating covers of snap switches, shall be grounded.

(l) *Construction.* The construction of controlling apparatus and their enclosures shall conform to the requirements of Underwriters' Laboratories, Inc. Standard for Industrial Control Equipment, except that sheet metal enclosures for installation in corrosive locations shall not be installed unless 1 of the conditions covered in this paragraph is complied with.

(1) The enclosure is fabricated of corrosion-resistant material.

(2) The enclosure is fabricated of sheet steel not less than ⅛-inch in thickness and hot dip galvanized after fabrication.

(3) The enclosure is fabricated of sheet steel not less than 3/16-inch in thickness and given a corrosion resistant finish in accordance with § 110.15–40 of this subchapter.

(m) *Wearing parts.* All wearing parts of controllers should be readily accessible for inspection and renewal.

(n) *Protection against low voltage.* Motor controllers for motors of 2 horsepower or larger shall be provided with protection against low voltage. Low-voltage release should be provided only on controllers for auxiliaries which are vital to the operation of the propelling equipment where automatic restart after a voltage failure will not be hazardous. Otherwise, low-voltage protection should be used. To permit prompt restoration of service after interruption, the starting current and short time sustained current of all low-voltage release loads shall be within the capacity of one generator.

(o) *Manually-operated controllers.* Manually-operated controllers shall be arranged for operation without opening the enclosing case. In the panel type the starting arm shall be arranged so that the motor will stop if the arm be left on a starting point. In regulating drum controllers the resistor shall be proportioned for the duty cycle.

(p) *Alternating-current manual auto-starters.* Alternating-current manual auto-starters with self-contained auto-transformers should be provided with switches of the quick-make-and-break type and the starter should be arranged so that it will be impossible to throw to the running position without having first thrown to the starting position. Switches should be preferably of the contactor or air-break type. In case oil is necessary, the starter should not leak when tilted to an angle of 15 degrees and should be constructed to prevent the liquid from splashing out due to the rolling of the vessel.

(q) *Identification of controllers.* A controller shall be marked with the maker's name or identification symbol, the voltage, the current or horsepower rating, and such other data as may be needed properly to indicate the motor which it controls. The identification data necessary to indicate the motor which the controller controls shall be on the external surface of the enclosure. A wiring diagram of the controller shall be permanently attached to the inside of the controller door.

§ 111.45–5 Motor overcurrent protection.

(a) *General.* The following provisions in this section specify overcurrent devices intended to protect the motors, the motor control apparatus, and the branch-circuit conductors against excessive heating due to motor overloads.

(b) *Continuous duty motors more than one horsepower.* Each continuous duty motor rated more than one horsepower shall be protected against overcurrent by one of the means covered in this paragraph. For multi-speed motors each separate winding or winding connection shall be considered separately.

(1) A separate overcurrent device which is responsive to motor current. This device shall be rated or set at not more than 115 percent of the motor full-load current rating. For multi-speed motors this device shall be rated or set at not more than 115 percent of the full-load current rating of each separate winding or winding connection. This value may be modified as permitted by paragraph (g) of this section.

(2) A thermal protector integral with the motor, approved for use with the motor which it protects on the basis that it will prevent dangerous overheating of the motor due to overload or failure to start. If the motor current interrupting device is separate from the motor and its control circuit is operated by a protective device integral with the motor, it shall be so arranged that the opening of the control circuit will result in interruption of current to the motor.

(3) For sealed (hermetic-type) refrigeration motors the protective device specified in subparagraph (1) or (2) of this paragraph shall be rated or set to trip at not more than 125 percent of the motor full-load line.

(c) *Continuous duty motors, one horsepower or less, manually started.* Any motor of one horsepower or less which is portable, is manually started, and is within sight from the starter location, shall be considered as protected against overcurrent by the overcurrent device protecting the conductors of the branch circuit. This branch circuit overcurrent device shall not be larger than that specified by Table 111.45–20 (b3), except that any such motor may be used at 125 volts or less on a branch circuit protected at 20 amperes. Any such motor which is out of sight from the starter location and any such motor which is not portable, shall be protected as specified in paragraph (d) of this section for automatically started motors.

(d) *Continuous duty motors, one horsepower or less, automatically started.* Each continuous duty motor rated at 1 horsepower or less which is automatically started shall be protected against overcurrent by the use of one of the means covered in this paragraph.

(1) In the same manner as provided for motors rated at more than 1 horsepower by paragraph (b) (1) or paragraph (b) (2) of this section.

(2) If part of an approved assembly which does not normally subject the motor to overloads and which is also equipped with other safety controls which protect the motor against damage due to stalled rotor current, the motor will be considered to be protected. Where such protective equipment is used, it shall be indicated on the name plate of the assembly where it will be visible after installation.

(3) If the impedance of the motor windings is sufficient to prevent overheating due to failure to start, the motor may be protected as specified in paragraph (c) of this section for manually started motors.

(e) *Wound-rotor secondaries.* The secondary circuits of wound-rotor alternating-current motors, including conductors, controllers, resistors, etc., shall be considered as protected against overcurrent by the motor-running overcurrent device.

(f) *Intermittent and similar duty.* A motor used for a condition of service which is inherently short time is considered as protected against overcurrent by the branch circuit overcurrent device, provided the overcurrent protection does not exceed that specified in Tables 111.45–20 (b1) and 111.45–20 (b2). Any motor is considered to be for continuous duty unless the nature of the apparatus which it drives is such that the motor cannot operate continuously with load under any condition or unless permitted by § 111.25–15.

(g) *Selection or setting of protective devices.* Where the values specified for motor-running overcurrent protection do not correspond to the standard sizes or rating of fuses, nonadjustable circuit breakers, thermal cutouts, thermal relays, the heating elements of thermal trip motor switches, or possible settings of adjustable circuit breakers adequate to carry the load, the next higher size, rating, or setting may be used, but not higher than 130 percent of the full-load current rating of the motor except that for sealed (hermetic-type) refrigeration motors the rating or setting of the protective device shall not be higher than 140 percent of the full-load current rating of the motor. If not shunted during the starting period of the motor (see paragraph (h) of this section), the protective device shall have sufficient time delay to permit the motor to start and accelerate its load.

(h) *Shunting during starting period.* If the motor is manually started (including starting with a magnetic starter having push-button control) the running overcurrent protection may be shunted or cut out of the circuit during the starting period of the motor, provided the device by which the overcurrent protection is shunted or cut out cannot be left in the starting position, and the motor shall be considered as protected against overcurrent during the starting period if fuses or time-delay circuit breakers, rated or set at not over 400 percent of the full-load current of the motor, are so located in the circuit as to be operative during the starting period of the motor. The motor-running overcurrent protection shall not be shunted or cut out during the starting period if the motor is automatically started.

(i) *Fuses; in which conductor.* If fuses are used for motor-running protection, a fuse shall be inserted in each ungrounded conductor, except that a fuse shall also be inserted in a grounded conductor under the circumstances set forth in footnote 1 of Table 111.45–5 (j) for circuits supplied by wye-delta or delta-wye connected transformers.

(j) *Devices other than fuses; in which conductors.* If devices other than fuses are used for motor-running protection, Table 111.45–5 (j) shall govern the minimum allowable number and location of overcurrent units, such as trip coils, relays, or thermal cutouts.

TABLE 111.45–5 (j)—MINIMUM NUMBER AND LOCATION OF MOTOR-RUNNING PROTECTIVE DEVICES

Kind of motor	Supply system	Number and location of overcurrent units, such as trip coils, relays, or thermal cut-outs
1-phase a. c. or d. c.	2-wire, 1-phase a. c. or d. c., ungrounded	1 in either conductor.
1-phase a. c. or d. c.	2-wire, 1-phase a. c. or d. c., one conductor grounded	1 in ungrounded condnetor.
1-phase a. c. or d. c.	3-wire, 1-phase a. c. or d. c., grounded-neutral	1 in either ungrounded conductor.
3-phase a. c.	3-wire, 3-phase a. c. ungrounded	2 in any 2 conductors.[1]
3-phase a. c.	3-wire, 3-phase, one conductor grounded	2 in ungrounded conductors.[1]
3-phase a. c.	3-wire, 3-phase a. c., grounded-neutral	2 in any 2 conductors.[1]
3-phase a. c.	4-wire, 3-phase a. c. grounded neutral or ungrounded	2 in any 2 conductors, except the neutral.[1]

[1] In the case of distribution systems supplying wye-delta or delta-wye connected transformers (having the wye neutral point in the primary ungrounded or not connected to the circuit) three running overcurrent units shall be provided for the protection of 3-phase 3-wire motors.

(k) *Number of conductors disconnected by overcurrent devices.* Motor-running protective devices, other than fuses, thermal cutouts, or thermal protectors, shall simultaneously open a sufficient number of ungrounded conductors to interrupt current flow to the motor.

(l) *Motor controller as running protection.* A motor controller may also serve as the running overcurrent device if the number of overcurrent units complies with Table 111.45–5 (j), and if these overcurrent units are operative in both the starting and running position in

the case of a direct-current motor, and in the running position in the case of an alternating-current motor.

(m) *Thermal cutouts and relays.* Thermal cutouts, thermal relays and other devices for motor-running protection which are not capable of opening short circuits, shall be protected by fuses or circuit breakers with ratings or settings of not over 4 times the rating of the motor for which they are designed, unless approved for group installation, and marked to indicate the maximum rating or setting of the overcurrent device by which they must be protected.

(n) *Rating of protective devices.* Motor-running overcurrent devices other than fuses shall have a rating of at least 115 percent of the full load current rating of the motor.

(o) *Automatic restarting.* A motor-running protective device which can restart a motor automatically after overcurrent tripping shall not be installed.

(p) *Steering gear motors.* Main steering gear motors and motors associated with steering control systems shall not be provided with a motor-running protective device. In lieu of a motor-running overcurrent protection, the motor starter shall be fitted with a protective device responsive to motor current, motor temperature, or to both current and temperature which will operate an indicating light at the propulsion control station in case of overload which would cause overheating of the motor. This device shall follow as closely as practicable the temperature of the motor.

§ 111.45–10 Remote-control, electrical interlock, and indicator circuits.

(a) *General.* The deviations from the general requirements in this subchapter as covered by this section are intended to provide for peculiar conditions governing remote-control, electrical interlock, and indicator circuits.

(b) *Overcurrent protection.* Conductors of control, electrical interlock, and indicator circuits of motor controllers shall be considered as being properly protected against overcurrent by the branch circuit overcurrent device where the conductors are wholly within the controller enclosure. Conductors of control, electrical interlock, and indicator circuits external to the controller enclosure shall be considered as being properly protected against overcurrent under any one of the conditions listed in this paragraph.

(1) If the rating or setting of the branch-circuit overcurrent device is not more than 500 percent of the current-carrying capacity of the control, electrical interlock, or indicator circuit conductors.

(2) By overcurrent devices, in both sides of the line, having a rating or setting of not more than 500 percent of the current-carrying capacity of the control, electrical interlock, or indicator circuit conductors, except that where under operating conditions there is no appreciable difference in potential between the external conductors, overcurrent protection need only be provided at the supply of that side of the line.

(3) If the opening of the control, electrical interlock, or indicator circuit would create a hazard, no overcurrent protection shall be provided.

(4) For overcurrent protection of steering gear control and indicator light circuits see § 111.65–55(d) (2).

(c) *Accidental grounds.* It is recommended that remote control circuits be so arranged that an accidental ground will not start the motor.

(d) *Source of potential.* The potential for a control, interlock, or indicator circuit shall be derived from the load side of the motor and controller disconnect means specified by § 111.45–30, except that where the control functions are such that such circuits must be common to two or more controllers, the switching arrangements specified by paragraph (e) of this section, shall be complied with.

(e) *Switching.* In the design of control, interlock, and indicator circuits, all possible steps shall be taken to eliminate more than one source of potential in an enclosure. Where the control functions are such as to make it impracticable to energize a control, interlock, or indicator circuit from the load side of the motor and controller disconnect means specified by § 111.45–30, one of the following alternative methods of switching shall be employed:

(1) The potential of the control, interlock, or indicator circuits shall be limited to not more than 24 volts, in which case no disconnecting means need be provided.

(2) The conductors of control, interlock, or indicator circuits shall be disconnected from all sources of potential by a disconnect device independent of the motor and controller disconnect device specified by § 111.45–30. The two independent devices shall be located immediately adjacent one to the other, and a sign, warning the operator to open both devices to disconnect completely the motor and controller, shall be permanently attached to the exterior of the door of the main disconnect device.

(3) The conductors of control, interlock, or indicator circuits shall be disconnected from all sources of potential by a disconnect device actuated by the opening of the controller door, this device and its connections (including terminal blocks, when employed, for terminating the ships wiring) being such that there are no electrically uninsulated or unshielded surfaces.

§ 111.45–15 Heater circuits.

(a) Where motors, master switches and similar enclosures, except motor controllers, are fitted with electric heaters located inside the enclosures and energized from a separate circuit, the heater circuits shall be disconnected in the same manner as required for control, interlock and indicator circuits in § 111.45–10(e) (2). In the case of deck machinery, when the location of the motor, master switch, or similar enclosure is remote from the motor and controller disconnect device, a warning sign may be affixed to the unit enclosure warning the operator of the presence of two sources of potential within the unit enclosure and giving the location of the heater circuit disconnect device in lieu of the disconnect arrangement required by § 111.45–10(e) (2). Electric heaters installed within motor controllers and energized from a separate circuit shall be disconnected in the same manner as required by § 111.45–10(e).

§ 111.45–20 Motor-branch-circuit overcurrent protection.

(a) *General.* The provisions covered by this section specify overcurrent devices intended to protect the motor-branch-circuit conductors, the motor control apparatus, and the motors against overcurrent due to short-circuits or grounds. They are in addition to or amendatory of the provisions of Subpart 111.55.

(b) *Rating or setting for individual motors.* The motor-branch-circuit overcurrent device shall be capable of carrying the starting current of the motor. Overcurrent protection shall be considered as being obtained when this overcurrent device has a rating or setting not exceeding the values given in Tables 111.45–20 (b1) and 111.45–20 (b2).

(1) If the values for motor-branch-circuit protective devices given in Tables 111.45–20 (b1) and 111.45–20 (b2) do not correspond to the standard sizes of fuses or ratings of nonadjustable circuit breakers or possible settings of adjustable circuit breakers adequate to carry the load, the next higher size, rating or setting may be used.

(2) Where the overcurrent protection specified in Tables 111.45–20 (b1) and 111.45–20 (b2) is not sufficient for the starting current of the motor, it may be increased but shall, in no case exceed 400 percent of the motor full-load current.

TABLE 111.45–20(b1)—MAXIMUM RATING OR SETTING OF MOTOR BRANCH CIRCUIT PROTECTIVE DEVICES FOR MOTORS MARKED WITH A CODE LETTER INDICATING LOCKED ROTOR KVA

Type of motor [3]	Percent of full-load current [1]	
	Fuse rating (see also Table 111.45–20 (b3))	Circuit breaker setting: time-limit type
All a.c. single-phase and polyphase squirrel cage and synchronous motors with full-voltage, resistor or reactor starting:		
Code Letter A	150	150
Code Letter B to E	250	200
Code Letter F to V	300	250
All a.c. squirrel cage and synchronous motors with autotransformer starting:		
Code Letter A	150	150
Code Letter B to E	200	200
Code Letter F to V	250	200

[1] For certain exceptions to the values specified, see §§ 111.45–5(c), 111.45–20(b), and 111.45–20(g).
[3] For motors not marked with a code letter, see Table 111.45–20 (b2).

TABLE 111.45–20 (b2)—MAXIMUM RATING OR SETTING OF MOTOR-BRANCH-CIRCUIT PROTECTIVE DEVICES FOR MOTORS NOT MARKED WITH A CODE LETTER INDICATING LOCKED ROTOR KVA

Type of motor	Percent of full-load current [1]		
	Fuse rating	Circuit breaker setting	
		Instantaneous type	Time limit type
Single-phase, all types	300	-------	250
Squirrel-cage and synchronous (full-voltage, resistor and reactor starting)	300	-------	250
Squirrel-cage and synchronous (autotransformer starting):			
Not more than 30 amperes	250	-------	200
More than 30 amperes	200	-------	200
High-reactance squirrel-cage:			
Not more than 30 amperes	250	-------	250
More than 30 amperes	200	-------	200
Wound rotor	150	-------	150
Direct current:			
Not more than 50 horsepower	150	250	150
More than 50 horsepower	150	175	150

[1] For certain exceptions to the values specified, see §§ 111.45–5 (c), 111.45–20 (b), and 111.45–20 (g).
[2] Synchronous motors of the low-torque low-speed type (usually 450 r. p. m. or lower) such as are used to drive reciprocating compressors, pumps, etc., which start up unloaded, do not require a fuse rating or circuit breaker setting in excess of 200 percent of full-load current.
[3] For motors marked with a code letter, see Table 111.45–20 (b1).

(3) Table 111.45–20 (b3) tabulates usual values of motor-branch-circuit protection, motor-running protection, and minimum cable size for various motor full-load currents for case of reference.

(c) *Several motors on one branch circuit.* Two or more motors may be connected to the same branch circuit under the conditions covered in this paragraph.

(1) Two or more motors each not exceeding 1 horsepower in rating and each having a full-load rated current not exceeding 6 amperes, may be used on a branch circuit protected at not more than 20 amperes at 125 volts or less, or 15 amperes at 600 volts or less. Individual running overcurrent protection is unnecessary for such motors unless required by the provisions of § 111.45–5 (c) or (d).

(2) Two or more motors of any ratings, each having individual running overcurrent protection, may be connected to one branch circuit provided all of the conditions contained in this subparagraph are complied with.

(i) Each motor-running overcurrent device must be approved for group installation.

(ii) Each motor controller must be approved for group installation.

(iii) The branch circuit must be protected by an overcurrent device having a rating or setting equal to that specified in paragraph (b) of this section for the largest motor connected to the branch circuit plus an amount equal to the sum of the full-load current ratings of all other motors connected to the circuit.

(iv) The branch circuit overcurrent protection must not be greater than that allowed by § 111.45–5 (m) for the thermal cutout or relay protecting the smallest motor of the group.

(v) The conductors of any tap supplying a single motor need not have individual branch circuit protection, provided they comply with either of the following: (*a*) No conductor to the motor shall have a current-carrying capacity less than that of the branch circuit conductors; or (*b*) no conductor to the motor shall have a current-carrying capacity less than one third that of the branch circuit conductors, with a minimum in accordance with paragraph (b) of this section, the conductors to the motor running protective device being not more than 25 feet long and being protected from mechanical injury.

(d) *Combined overcurrent protection.* Motor-branch-circuit overcurrent protection and motor-running overcurrent protection may be combined in a single overcurrent device if the rating or setting of the device provides the running overcurrent protection specified in § 111.45–5 (b), (c), and (d).

(e) *Overcurrent devices; in which conductor.* Overcurrent devices shall comply with the provisions of Subpart 111.55.

(f) *Rating of circuit breakers.* Circuit breakers for motor-branch-circuit protection shall have a continuous current rating of not less than 115 percent of the full-load current rating of the motors.

(g) *Selection or setting of protective devices.* If the values for branch circuit protective devices required by this section do not correspond to the standard sizes or ratings of fuses, nonadjustable circuit breakers, or thermal devices, or possible settings of adjustable circuit breakers, adequate to carry the load, the next higher size, rating, or setting may be used.

(h) *Steering gear motor branch circuits*—(1) *General.* In lieu of the requirements of paragraphs (a) to (f), inclusive, of this section, each steering gear branch circuit shall be protected only by a circuit breaker with instantaneous trip located on the switchboard from which it emanates.

(2) *Direct-current motors.* For direct-current steering gear motors, each circuit breaker shall be of the instantaneous trip type only, set to trip at a current of not less than 300 percent and not greater than 375 percent of the rated full-load current of one steering gear main motor.

(3) *Alternating-current motors.* For alternating-current steering gear motors, each circuit breaker shall be of the instantaneous trip type only, set to trip at a current of approximately 175 percent of the locked rotor current of one steering gear main motor.

(4) *Use of fuses.* On vessels of a size that may be steered by hand, fused switches may be substituted for the instantaneous trip circuit breakers required by this paragraph: *Provided,* That the arrangement of the steering gear is such that it is possible to shift to hand steering without delay: *And provided further,* That the opening of a steering gear branch circuit fuse is indicated in the wheelhouse.

(5) *General considerations.* The requirements of this paragraph contemplate the following conditions:

(i) When two steering gear main motors are provided, one is a standby which normally runs only when started preparatory to change-over, and then without load.

(ii) Auxiliary motors (servo, replenishing and filling pumps, etc.), if and as required, have an aggregate rating of not more than 10 percent of the main steering gear motor rating.

§ 111.45–25 Motor feeder overcurrent protection.

(a) *General.* The following provisions contained in this section specify overcurrent devices intended to protect feeder conductors supplying motors against overcurrents due to short-circuits or grounds.

(b) *Rating or setting, motor loads.* (1) A feeder which supplies motors shall be provided with overcurrent protection which shall not be greater than the largest rating or setting of the branch circuit protective device, for any motor of the group (based on Tables 111.45–20 (b1), 111.45–20 (b2) and 111.45–20 (b3)) plus the sum of the full load currents of the other motors of the group.

(2) If two or more motors of equal horsepower rating are the largest in the group, one of these motors should be considered as the largest for the above calculation.

(3) If two or more motors of a group must be started simultaneously, it may be necessary to install larger feeder conductors and correspondingly larger ratings or settings of feeder overcurrent protective devices.

(4) Where larger capacity feeders are installed to provide for future additions or changes, the feeder overcurrent protection may be based on the rated current-carrying capacity of the feeder conductors.

§ 111.45–30 Disconnecting means.

(a) *General.* The provisions contained in this section are intended to require disconnecting means for motors and controllers capable of disconnecting them from the circuit.

(b) *Type.* The disconnecting means shall be an enclosed, externally operable, motor-circuit switch, rated in horsepower, or a circuit breaker, except as permitted in the paragraphs (c), (d), (e), (f), and (g) of this section. Every switch in the motor branch circuit within sight from the controller location shall comply with these requirements.

(c) *One-eighth horsepower or less.* For stationary motors of ⅛ horsepower or less, the branch-circuit overcurrent device may serve as the disconnecting means.

(d) *Two horsepower or less.* For stationary motors rated at 2 horsepower or less and 300 volts or less, the disconnecting means may be a general-use switch having an ampere rating at least twice the full-load current rating of the motor.

(e) *Over two horsepower to and including 50 horsepower.* The separate disconnecting means required for a motor with an autotransformer type of controller may be a general-use switch if all of the provisions contained in this paragraph are complied with.

TABLE 111.45-20(b3)—CONDUCTOR SIZE AND OVERCURRENT PROTECTION FOR MOTORS

Full load current rating of motor in amperes	Minimum size conductor AWG and MCM: 1-conductor R	1-conductor VC	1-conductor AVC	2-conductor R	2-conductor VC	2-conductor AVC	3-conductor R	3-conductor VC	3-conductor AVC	For running protection of motors (amperes) [1]: Maximum rating of nonadjustable protective devices	Maximum setting of adjustable protective devices	Maximum allowable rating or setting of branch circuit protective devices (amperes) [2]: With code letters F to V, inclusive, or without code letters: Single-phase and squirrel cage and synchronous, full voltage, resistor and reactor starting: Fuses	Circuit breakers (nonadjustable trip)	With code letters B to E, inclusive: Single-phase and squirrel cage and synchronous, full voltage resistor or reactor starting. With code letters F to V, inclusive: Autotransformer starting. Without code letters: Squirrel cage and synchronous, auto-transformer starting; high reactance squirrel cage.[3] (Both not more than 30 amperes): Fuses	Circuit breakers (nonadjustable trip)	With code letters B to E, inclusive: Squirrel cage and synchronous, autotransformer, starting. Without code letters: Squirrel cage and synchronous, auto-transformer starting; high reactance squirrel cage.[3] (Both more than 30 amperes): Fuses	Circuit breakers (nonadjustable trip)	With code letter A: All motors, Without code letters: Direct-current and wound rotor motors: Fuses	Circuit breakers (nonadjustable trip)
[4]1	14	12	14	14	12	14	14	12	14	[5]2	[5]1.15	15	15	15	15	15	15	15	15
[4]2	14	12	14	14	12	14	14	12	14	[5]3	[5]2.3	15	15	15	15	15	15	15	15
[4]3	14	12	14	14	12	14	14	12	14	[5]4	[5]3.45	15	15	15	15	15	15	15	15
[4]4	14	12	14	14	12	14	14	12	14	[5]6	[5]4.6	15	15	15	15	15	15	15	15
[4]5	14	12	14	14	12	14	14	12	14	[5]6	[5]5.75	15	15	15	15	15	15	15	15
6	14	12	14	14	12	14	14	12	14	[5]8	[5]6.9	20	15	15	15	15	15	15	15
7	14	12	14	14	12	14	14	12	14	[5]10	[5]8.05	25	20	20	15	15	15	15	15
8	14	12	14	14	12	14	14	12	14	[5]10	[5]9.2	25	20	20	20	20	15	15	15
9	14	12	14	14	12	14	14	12	14	[5]12	[5]10.35	30	30	25	20	20	15	15	15
10	14	12	14	14	12	14	14	12	14	[5]12	[5]11.5	30	30	25	20	20	15	15	15
11	14	12	14	14	12	14	14	12	14	[5]15	[5]12.65	35	30	30	30	25	30	20	20
12	14	12	14	14	12	14	14	12	14	15	13.8	40	30	30	30	25	30	20	20
13	12	12	14	12	12	14	12	12	14	15	14.95	40	40	35	30	30	30	20	20
14	12	12	14	12	12	14	12	12	12	20	16.1	45	40	35	30	30	30	25	30
15	12	12	14	12	12	14	12	12	12	20	17.25	45	40	40	30	30	30	25	30
16	12	12	14	12	12	12	12	12	12	20	18.4	50	40	40	40	35	40	25	30
17	12	12	12	12	12	12	10	12	12	20	19.55	60	50	45	40	35	40	30	30
18	12	12	12	10	12	12	10	12	12	25	20.7	60	50	45	40	40	40	30	30
19	12	12	12	10	12	12	10	10	12	25	21.8	60	50	50	40	40	40	30	30
20	10	12	12	10	12	12	10	10	12	25	23.0	60	50	50	40	40	40	30	30
22	10	12	12	10	10	12	10	10	10	30	25.3	70	70	60	50	45	50	35	40
24	10	12	12	10	10	12	8	10	10	30	27.6	80	70	60	50	50	50	40	40
26	10	10	12	8	10	10	8	10	10	30	29.9	80	70	70	70	60	70	40	40
28	8	10	12	8	10	10	8	8	10	35	32.2	90	70	70	70	60	70	45	50
30	8	10	10	8	10	10	8	8	10	35	34.5	90	100	80	70	60	70	45	50
32	8	10	10	8	10	10	7	8	8	40	36.8	100	100	80	70	70	70	50	50
34	8	10	10	7	8	10	7	8	8	40	39.1	110	100	90	70	70	70	60	70
36	8	10	10	7	8	10	6	8	8	45	41.4	110	100	90	100	80	100	60	70
38	7	10	10	7	8	8	6	7	8	45	43.7	125	100	100	100	80	100	60	70
40	7	8	10	6	8	8	5	7	8	50	46.0	125	100	100	100	80	100	60	70
42	7	8	10	6	8	8	5	6	7	50	48.3	125	125	110	100	90	100	70	70
44	6	8	8	6	8	8	5	6	7	60	50.6	125	125	110	100	90	100	70	70
46	6	8	8	6	7	8	4	6	6	60	52.9	150	125	125	100	100	100	70	70
48	6	8	8	5	7	8	4	6	6	60	55.2	150	125	125	100	100	100	80	100
50	6	8	8	5	7	7	4	5	6	60	57.5	150	125	125	100	100	100	80	100
52	5	8	8	4	6	7	4	5	6	60	59.8	175	150	150	125	110	125	80	100
54	5	7	8	4	6	7	3	5	5	70	62.1	175	150	150	125	110	125	90	100
56	5	7	8	4	6	7	3	5	5	70	64.4	175	150	150	125	125	125	90	100
58	4	7	8	4	6	6	3	4	5	70	66.7	175	150	150	125	125	125	90	100
60	4	6	7	3	5	6	3	4	5	70	69.0	200	150	150	125	125	125	90	100
62	4	6	7	3	5	6	2	4	5	80	71.3	200	175	175	125	125	125	100	100
64	4	6	7	3	5	6	2	4	4	80	73.6	200	175	175	150	150	150	100	100
66	4	6	6	3	5	5	2	3	4	80	75.9	200	175	175	150	150	150	100	125
68	4	6	6	3	5	5	2	3	4	80	78.2	225	175	175	150	150	150	110	125
70	3	5	6	2	4	5	1	3	4	90	80.5	225	175	175	150	150	150	110	125
72	3	5	6	2	4	5	1	3	3	90	82.8	225	200	200	150	150	150	110	125
74	3	5	6	2	4	5	1	2	3	90	85.1	225	200	200	150	150	150	125	125
76	3	5	6	2	4	5	1	2	3	90	87.4	250	200	200	175	175	175	125	125
78	3	5	5	1	3	4	1	2	3	90	89.7	250	200	200	175	175	175	125	125
80	2	4	5	1	3	4	0	2	3	100	92.0	250	200	200	175	175	175	125	125
82	2	4	5	1	3	4	0	2	2	100	94.3	250	225	225	175	175	175	125	125
84	2	4	5	1	3	4	0	2	2	100	96.6	250	225	225	175	175	175	150	150
86	2	4	5	1	3	4	0	1	2	100	98.9	300	225	225	175	175	175	150	150
88	2	4	5	1	3	3	0	1	2	110	101.2	300	225	225	200	200	200	150	150
90	2	4	4	0	2	3	0	1	2	110	103.5	300	225	225	200	200	200	150	150
92	2	3	4	0	2	3	00	1	2	110	105.8	300	250	250	200	200	200	150	150
94	1	3	4	0	2	3	00	1	2	110	108.1	300	250	250	200	200	200	150	150
96	1	3	4	0	2	3	00	1	1	125	110.4	300	250	250	200	200	200	150	150
98	1	3	4	0	2	3	00	1	1	125	112.7	300	250	250	200	200	200	150	150
100	1	3	4	0	2	2	00	0	1	125	115	300	250	250	200	200	200	150	150

See footnotes at end of table.

TABLE 111.45-20(b3)—CONDUCTOR SIZE AND OVERCURRENT PROTECTION FOR MOTORS—Continued

Full load current rating of motor in amperes	Minimum size conductor AWG and MCM: 1-conductor R	1-conductor VC	1-conductor AVC	2-conductor R	2-conductor VC	2-conductor AVC	3-conductor R	3-conductor VC	3-conductor AVC	For running protection of motors (amperes) [1]: Maximum rating of nonadjustable protective devices	Maximum setting of adjustable protective devices	Maximum allowable rating or setting of branch circuit protective devices (amperes) [2]: With code letters F to V, inclusive, or without code letters: Single-phase and squirrel cage and synchronous, full voltage, resistor and reactor starting: Fuses	Circuit breakers (nonadjustable trip)	With code letters B to E, inclusive: Single-phase and squirrel cage and synchronous, full voltage resistor or reactor starting. With code letters F to V, inclusive: Autotransformer starting. Without code letters: Squirrel cage and synchronous, auto-transformer starting; high reactance squirrel cage.[3] (Both not more than 30 amperes): Fuses	Circuit breakers (nonadjustable trip)	With code letters B to E, inclusive: Squirrel cage and synchronous, autotransformer, starting. Without code letters: Squirrel cage and synchronous, auto-transformer starting; high reactance squirrel cage.[3] (Both more than 30 amperes): Fuses	Circuit breakers (nonadjustable trip)	With code letter A: All motors, Without code letters: Direct-current and wound rotor motors: Fuses	Circuit breakers (nonadjustable trip)
105	1	3	3	00	1	2	000	0	1	125	120.75	350	300	300	225	225	225	175	175
110	0	2	3	00	1	2	000	0	0	150	126.5	350	300	300	225	225	225	175	175
115	0	2	3	00	1	1	000	00	0	150	132.25	350	300	300	250	250	250	175	175
120	0	2	2	000	0	1	4/0	00	0	150	138	400	300	300	250	250	250	200	200
125	00	1	2	000	0	1	4/0	00	0	150	143.75	400	350	350	250	250	250	200	200
130	00	1	2	000	0	1	4/0	00	00	150	149.5	400	350	350	300	300	300	200	200
135	00	1	2	4/0	0	0	4/0	000	00	175	155.25	450	350	350	300	300	300	225	225
140	00	1	1	4/0	00	0	250	000	00	175	161	450	350	350	300	300	300	225	225
145	000	0	1	4/0	00	0	250	000	00	175	166.75	450	400	400	300	300	300	225	225
150	000	0	1	4/0	00	0	300	000	000	175	172.5	450	400	400	300	300	300	225	225
155	000	0	1	4/0	00	00	300	4/0	000	200	178.25	500	400	400	350	350	350	250	250
160	000	0	0	250	000	00	300	4/0	000	200	184	500	400	400	350	350	350	250	250
165	000	0	0	250	000	00	300	4/0	000	200	189.75	500	500	450	350	350	350	250	250
170	4/0	00	0	250	000	00	350	4/0	4/0	200	195.5	500	500	450	350	350	350	300	300
175	4/0	00	0	300	000	000	350	250	4/0	225	201.25	600	500	450	350	350	350	300	300
180	4/0	00	0	300	4/0	000	350	250	4/0	225	207	600	500	450	400	400	400	300	300
185	4/0	00	00	300	4/0	000	350	250	4/0	225	212.75	600	500	500	400	400	400	300	300
190	4/0	00	00	300	4/0	000	400	250	4/0	225	218.5	600	500	500	400	400	400	300	300
195	250	000	00	350	4/0	000	400	300	250	225	224.25	600	500	500	400	400	400	300	300
200	250	000	00	350	4/0	4/0	450	300	250	250	230	600	500	500	400	400	400	300	300
210	250	000	00	350	250	4/0	450	300	250	250	241.5	------	600	600	500	450	500	350	350
220	300	4/0	000	400	250	4/0	500	350	300	300	253	------	600	600	500	450	500	350	350
230	300	4/0	000	450	300	250	550	350	300	300	264.5	------	600	600	500	500	500	350	350
240	300	4/0	000	450	300	250	550	400	350	300	276	------	600	600	500	500	500	400	400
250	350	250	4/0	500	300	250	600	400	350	300	287.5	------	------	------	500	500	500	400	400
260	350	250	4/0	500	350	300	650	450	350	300	299	------	------	------	600	600	600	400	400
270	350	250	4/0	550	350	300	650	450	400	350	310.5	------	------	------	600	600	600	450	500
280	400	250	250	600	350	300	------	500	400	350	322	------	------	------	600	600	600	450	500
290	400	300	250	600	400	350	------	500	450	350	333.5	------	------	------	600	600	600	450	500
300	450	300	250	650	400	350	------	550	450	350	345	------	------	------	600	600	600	450	500
320	500	350	300	------	450	400	------	600	500	400	368	------	------	------	------	------	------	500	500
340	550	350	300	------	500	450	------	650	550	400	391	------	------	------	------	------	------	600	600
360	600	400	350	------	550	450	------	------	600	450	414	------	------	------	------	------	------	600	600
380	650	450	350	------	600	500	------	------	650	450	437	------	------	------	------	------	------	600	600
400	700	450	400	------	650	550	------	------	------	500	460	------	------	------	------	------	------	600	600
420	750	500	450	------	------	600	------	------	------	500	483	------	------	------	------	------	------	------	------
440	800	550	450	------	------	650	------	------	------	600	506	------	------	------	------	------	------	------	------
460	850	600	500	------	------	------	------	------	------	600	529	------	------	------	------	------	------	------	------
480	950	650	550	------	------	------	------	------	------	600	552	------	------	------	------	------	------	------	------
500	1,000	650	550	------	------	------	------	------	------	600	575	------	------	------	------	------	------	------	------

[1] Values may be modified as permitted by § 111.45-5.
[2] Values may be modified as permitted by § 111.45-20.
[3] High-reactance squirrel cage motors are those designed to limit the starting current by means of deep-slot secondaries or double-wound secondaries and are generally started on full voltage.
[4] For the grouping of small motors under the protection of a single set of fuses, see § 111.45-20 (c).
[5] For running protection of motors of 1 horsepower or less, see § 111.45-5 (c).

(1) The motor drives a generator which is provided with overcurrent protection.

(2) The controller is:

(i) Capable of interrupting the stalled rotor current of the motor,

(ii) Provided with a no-voltage release, and

(iii) Provided with running overcurrent protection not exceeding 115 percent of the motor full-load current rating.

(3) Separate fuses or a circuit breaker, rated or set at not more than 150 percent of the motor full-load current are provided in the motor branch circuit.

(f) *Exceeding 50 horsepower.* For stationary motors rated at more than 50 horsepower, the disconnecting means may be a motor-circuit switch also rated in amperes, a general-use switch, or an isolating switch. Isolating and general-use switches for motors exceeding 50 horsepower, not capable of interrupting stalled-rotor currents, shall be plainly marked "Do not open under load."

(g) *Portable motors.* For portable motors an attachment plug and receptacle may serve as the disconnecting means.

(h) *Current-carrying capacity.* The disconnecting means shall have a current-carrying capacity of at least 115 percent of the current rating of the motor.

(i) *Poles; in which conductors.* The disconnecting means shall simultaneously open all conductors.

(j) *To be indicating.* The disconnecting means shall plainly indicate whether it is in the open or closed position.

(k) *To disconnect both motor and controller.* The disconnecting means shall disconnect both the motor and the controller from all supply conductors. The disconnecting means may be in the same enclosure with the controller.

(l) *Switch or circuit breaker as both controller and disconnecting means.* A switch or circuit breaker complying with the provisions of § 111.45–1 (b) may serve as both controller and disconnecting means if it opens all conductors to the motor, is protected by an overcurrent device (which may be the branch circuit fuses) which opens all ungrounded conductors to the switch or circuit breaker, and is one of the types listed in this paragraph.

(1) An air-break switch, operable directly by applying the hand to a lever or handle.

(2) A circuit breaker switch operable directly by applying the hand to a lever or handle.

(3) An oil switch used on a circuit whose rating does not exceed 600 volts or 100 amperes, or on a circuit exceeding this capacity if under expert supervision and by special approval.

(4) The oil switch or circuit breaker specified above may be both power and manually operable. If power operable, provisions shall be made to lock it in the open position. The overcurrent device protecting the controller may be part of the controller assembly or may be separate. A compensator type controller is not included above and will require a separate disconnecting means.

(m) *Panelboard or switchboard devices, as disconnecting means.* A branch circuit switch or circuit breaker may serve as the disconnecting means provided it conforms to all the requirements of this section. When provision for locking in the open circuit position is required by paragraph (n) of this section, accessibility for manual operation of any other switch or circuit breaker on the panelboard or switchboard shall not be interfered with.

(n) *In sight from controller location.* The disconnecting means shall be located within sight of controller location or be arranged to be locked in the open circuit position. A distance of more than 50 feet is considered equivalent to being out of sight. The disconnecting means shall be located in the same ship's compartment with the controller.

(o) *Motors served by a single disconnecting means.* Each motor shall be provided with individual disconnecting means, except that for motors of 600 volts or less a single disconnecting means may serve a group of motors under any one of the conditions covered in this paragraph. The disconnecting means serving a group of motors shall have a rating not less than is required by paragraph (b) of this section for a single motor whose rating equals the sum of the horsepowers or currents of all motors of the group.

(1) If a number of motors drive several parts of a single machine or piece of apparatus such as metal and woodworking machines, cranes, and hoists.

(2) If a group of motors is under the protection of one set of overcurrent devices as permitted by § 111.45–20 (c).

(p) *Readily accessible.* The disconnecting means shall be readily accessible.

§ 111.45–35 Special requirements for over 600 volts.

(a) *General.* The following provisions contained in this section recognize the additional hazard due to the use of high voltage. They are in addition to or amendatory of the other provisions of this subpart.

(b) *Motor overcurrent protection.* Running overcurrent protection for a motor of over 600 volts shall consist of a circuit breaker, or of overcurrent units integral with the controller which shall simultaneously open all ungrounded conductors to the motor. The overcurrent device shall have a setting as specified in § 111.45–5.

(c) *Circuit overcurrent protection.* Each motor branch circuit and feeder of more than 600 volts shall be protected against overcurrent by means of a circuit breaker of suitable rating so arranged that it can be serviced without hazard.

§ 111.45–40 Group control panels.

(a) *General.* The provisions in this section are in addition to and amendatory of the other provisions of this subpart and are applicable to two or more motor controllers grouped into a motor control center and supplied by a common feeder. The provisions of this paragraph are not applicable to the controllers for two or more motors driving several parts of a single machine or piece of apparatus when the controllers are grouped or installed in a single enclosure.

(b) *Arrangement.* Each controller and its associated motor overcurrent protective device, motor-branch-circuit overcurrent protective device and disconnecting means shall be mounted in a common metal enclosure provided with a hinged door.

(c) *Door interlock.* The hinged door required above shall be interlocked with the disconnect device to prevent the door being opened with the circuit energized.

(d) *Working space.* Working space, generally not less than 30 inches and at no point less than 24 inches, shall be provided in front of group control boards. Where access to the rear is required for making connections and for subsequent inspections, or for other purposes, space adequate for the work to be done, and in no case less than 18 inches, shall be provided.

(e) *Nameplates.* Circuit nameplates in accordance with § 111.35–1 (h) shall be provided.

(f) *Motor and motor branch circuit overcurrent protection.* In lieu of the requirements of § 111.45–5(m) and § 111.45–20(b), a motor branch circuit of group control panels may be considered to be protected against overcurrent by an instantaneous trip circuit breaker set to trip at a value not exceeding 1500 percent of the motor full-load current, provided that all the conditions of this paragraph are fulfilled.

(1) The thermal cutout, thermal relay, or other device for motor-running protection shall be capable of operation without damage to itself from a current up to the setting of the branch circuit circuit breaker.

(2) The motor controller shall be capable of opening the circuit without damage to itself resulting from a current up to the setting of the branch circuit circuit breaker.

Subpart 111.50—Distribution and Circuit Loads

§ 111.50–1 Distribution, general requirements.

(a) *General.* The ship's structure shall not be used as a normal current-carrying conductor for a ship's power, heating or lighting system, except when approved for special purposes. Such hull return shall not be used on tankers. Current-carrying parts are to be substantially protected against accidental contact. For current-carrying capacities of conductors, see Tables 111.60-1 (e) (1) (i) and 111.60–1(e) (1) (ii).

(b) *Circuits derived from auto-transformers.* Branch circuits shall not be supplied through auto-transformers (transformers in which a part of the winding is common to both primary and secondary circuits).

(c) *Polarity identification of conductors.* (1) On systems having a grounded conductor, the grounded conductor shall be identified throughout the vessel by means of a white or natural gray conductor outer covering, and any conductor so identified shall not be used as an ungrounded conductor of a circuit unless the conductor is rendered permanently unidentified by painting or other effective means at each outlet. On ungrounded systems, it is recommended that conductor identification be consistent throughout the vessel.

(2) An insulated conductor of a portable cable intended to be used as a grounding conductor shall have a continuous identifying marker readily distinguishing it from the other conductors. The identifying marker shall consist of either a braid finished to show a green color or a green colored insulation. The requirements of this subparagraph shall be effective on vessels contracted for on or after November 19, 1956.

(d) *Connections to screw-shell lampholders.* On branch circuits with a grounded conductor, the screw shell of lampholders shall be connected to the grounded neutral.

(e) *Through feed arrangements.* Where a feeder supplies more than one distribution panel or panelboard, it may be continuous from the switchboard to the farthest panel or it may be severed at any intermediate panel. If the bus bars of any distribution panel or panelboard carry "through" load, the size of the buses should be designed for the

total current. The size of feeder conductors should normally be uniform for the total length but may be reduced at any intermediate distribution panel or panelboard provided that the smallest section of the feeder is protected by the overcurrent device at the distribution switchboard.

(f) *Circuits in vicinity of magnetic compass.* Precautions should be taken in connection with apparatus and wiring in the vicinity of the magnetic compass to prevent disturbance of the needle from external magnetic fields.

§ 111.50–5 Ship's service power circuits.

(a) *Segregation of vital circuits.* Power feeders supplying apparatus required for handling the vessel are not to be used for supplying apparatus which is to be disconnected when the vessel is underway unless the branch circuits for the latter are so arranged that they may be disconnected at panelboards without interfering with the operation or protection of those circuits necessary for the safe operation of the vessel. In general, separate feeders should be run for such groups as engine room and fire room auxiliaries, motors for cargo handling gear, radio transmitters, arc searchlights and ventilation sets.

(b) *Passenger vessels.* On passenger vessels constructed with fire screen bulkheads forming fire zones, distribution systems shall be so arranged that fire in any main fire zone will not interfere with essential services in any other main fire zone. This requirement will be met if main and emergency feeders passing through any zone are separated both vertically and horizontally as widely as is practicable.

(c) *Ventilation systems.* Cargo ventilation fans, machinery spaces ventilation fans, and accommodation ventilation fans shall, if practicable, be supplied by separate feeders. All electrical ventilation systems shall be provided with remote control means for stopping the motors in case of fire or other emergency. For the machinery space ventilation, there shall be provided a control located in the passageway leading to, but outside of, the space. For all other ventilation systems there shall be provided two emergency stop stations. One of these stations shall be in the wheelhouse, fire control room, the inside passageway near the wheelhouse door, or in an accessible position in the passageway leading to, but outside of, the space ventilated. The second emergency stop station shall be located as distant as practicable from the other, except that the ventilation circuit breakers at the main ship's service switchboard may be considered as the second station provided all are grouped together and are conspicuously marked "In Case of Fire Trip To Stop Ventilation." The means provided for stopping ventilation fans from the main ship's service switchboard shall not interfere with power to other circuits. The remote emergency stop stations shall be protected by enclosures with glass paneled doors on the front of which shall be marked "In Case of Fire Break Glass and Operate Switch to Stop Ventilation." Each control switch shall have the "stop" position clearly identified and shall be provided with a nameplate identifying the system with which it is associated. This remote control system shall be of the undervoltage protection type and so arranged that damage to the master switch or cable will automatically stop the fans. For automatic shutdown of mechanical ventilation in spaces protected by a carbon dioxide fire extinguishing system, see Part 34 of Subchapter D (Tank Vessels), Part 76 of Subchapter H (Passenger Vessels), and Part 95 of Subchapter I (Cargo and Miscellaneous Vessels) of this chapter.

(d) *Steering gear circuits.* Electric and electro-hydraulic steering gear shall be served by two circuits from the ship's service switchboard except in special cases where the length of circuit is very short. One of the circuits may be taken from the emergency switchboard if the rating of the emergency generator is sufficient to supply the steering gear in addition to the emergency loads. The circuits shall be separated throughout their length as widely as practicable. Each circuit shall have adequate current-carrying capacity for supplying all motors and control equipment normally connected to it and which operate simultaneously.

(e) *Fuel oil service pump branch circuits.* For remote shut-down requirements for fuel oil service systems, see Part 55 of Subchapter F (Marine Engineering) of this chapter.

(f) *Tank vessels.* For special requirements for tank vessels see Subpart 111.70 of this part.

§ 111.50–10 Lighting feeders.

(a) *Passenger quarters, crew quarters, and public spaces.* On passenger vessels constructed with fire screen bulkheads forming fire zones, the lighting distribution system shall be so arranged that fire in any main fire zone will not interfere with the lighting in any other main fire zone. This requirement will be met if main and emergency feeders passing through any zone are separated both vertically and horizontally as widely as is practicable.

(b) *Machinery spaces.* Lighting for engine rooms, for the boiler rooms, and for the auxiliary machinery spaces shall, where practicable, be supplied from two or more feeders, one of which may be an emergency feeder.

(c) *Cargo spaces.* Separate feeders shall be provided for cargo space lighting. The distribution panels shall be located outside of the cargo spaces.

(d) *Emergency lighting feeders.* (1) For vessels provided with fire screen bulkheads forming fire zones, at least one emergency lighting feeder shall be provided to supply only the emergency lights between two adjacent main vertical fire zone bulkheads. The emergency lighting feeder shall be separated as widely as possible from the general lighting feeder(s) supplying the same space.

(2) On vessels fitted with an automatic emergency lighting and power system, a separate emergency lighting feeder shall be provided for emergency lights located in, or controlled from, the wheelhouse. A distribution panel for these lights with a fused switch or circuit breaker for each branch circuit shall be provided. Circuits to navigation lights not controlled by the navigation light panel, signal lights, and emergency lights on open decks, wheelhouse, chart room and fire control room shall be supplied from this wheelhouse distribution panel. The supply to the navigation light indicator panel shall be either a separate circuit from the emergency switchboard or a through feed, without switch or overcurrent protection, from the feeder supplying the wheelhouse emergency lighting panel. For overcurrent protection of the feeder supplying a navigation light panel see § 111.55–1(b)(9).

(3) On vessels provided with both a temporary and a final emergency lighting source of supply, a separate feeder to the wheelhouse shall be provided for the lifeboat floodlights. This feeder shall supply a distribution panelboard having a fused switch or circuit breaker for each branch circuit. This feeder may be connected to the final emergency lighting source of supply. On vessels without a temporary source of supply, these lights, when provided, may be supplied by the same feeder as other lights controlled from the wheelhouse.

§ 111.50–15 Lighting branch circuits and lighting requirements.

(a) *General requirements, branch circuits*—(1) *Passageways, public spaces, etc.* The supply to lights in passageways, public spaces, and berthing compartments accommodating more than 25 persons shall be divided between 2 or more branch circuits, one of which may be an emergency.

(2) *Machinery spaces.* Where practicable alternate groups of lights in an engine room, a boiler room, and an auxiliary machinery space shall be arranged so that the failure of one branch circuit will not leave large areas in darkness.

(3) *Lifeboat floodlights.* The arrangement of branch circuits to lifeboat floodlights required by paragraph (e) of this section shall be such that the floodlights at adjacent lifeboats are supplied by different branch circuits.

(4) *Signaling lamp circuit.* A separate branch circuit shall be provided to supply the signaling lamp(s) required by Subpart 113.60 of this subchapter. The branch circuit shall be supplied either from the emergency lighting panel required by subparagraph (d)(2) or from the final emergency source of emergency lighting and power as provided for in § 112.15–5(h) of this subchapter, or from a source as approved in the case of vessels not fitted with an emergency lighting and power system.

(b) *General lighting requirements*—(1) *Crew spaces and work spaces.* All spaces where members of the crew are regularly employed or quartered shall be adequately lighted. The minimum standard for natural lighting is that it will be possible on a clear day to read print such as that of an ordinary newspaper in any part of the clear working space. When it is not possible to provide adequate natural lighting, artificial lighting may be accepted on the same basis.

(2) *Washrooms, toiletrooms, etc.* Washrooms, toiletrooms, and hospital spaces are in particular to be well lighted.

(3) *Artificial lighting.* In every space apportioned to the crew, provision shall be made for efficient illumination at night and in dull weather by artificial lighting.

(4) *Berth lights.* Special provisions shall be made for berth lights for each member of the crew.

(c) *Berth lights.* Berth lights shall be permanently mounted and wired without the use of portable cords. The berth light shall have a minimum horizontal projection so that it will be difficult completely to cover the light with bedding.

(d) *Exit lights.* (1) Exit lights are required by § 78.47-40 of Subchapter H (Passenger Vessels) and Part 95 of Subchapter I (Cargo and Miscellaneous Vessels) of this chapter.

(2) The word "Exit" shall be in red block letters not less than 2 inches high and of such type that it can be seen from a distance.

(e) *Lifeboat floodlights.* (1) Illumination for lifeboat launching operations is required by Part 33 of Subchapter D (Tank Vessels), Part 75 of Subchapter H (Passenger Vessels) and Part 94 of Subchapter I (Cargo and Miscellaneous Vessels) of this chapter.

(2) Lifeboat floodlights shall be arranged so that the floodlights may be quickly directed either to the launching gear or to the lifeboat alongside. Means of training the floodlights shall be positive and shall not require the use of tools. The floodlights shall be connected to the supply circuit by means of a short length of heavy duty portable cord, Type S or the equivalent, and no receptacle outlet shall be employed.

(3) Vessels having liferafts, authorized in lieu of lifeboats for which approved launching devices are provided, shall be fitted with floodlights for illuminating the liferafts, launching devices, and water into which the liferafts are launched. Such floodlights shall be arranged as required by subparagraph (2) of this paragraph for lifeboats. Means shall also be provided for illuminating the stowage position of liferafts for which approved launching devices are not provided.

(f) *Receptacle outlets.* (1) A sufficient number of receptacle outlets shall be located throughout crew's accommodations to permit the use of electric razors, radios, and the like without using portable cords of excessive length.

(2) A sufficient number of receptacle outlets shall be located throughout the machinery spaces to permit lighting of any machine vital to the operation of the vessel with a portable light having a 75-foot portable cord. The requirements of this subparagraph shall be effective on vessels contracted for on or after November 19, 1956.

(g) *Pilot ladders.* Means shall be provided and used on all vessels engaged on voyages in which pilots are likely to be embarked at night for illuminating the pilot ladders.

§ 111.50–20 Circuit loads and demand factors.

(a) *General.* Generator, feeder and bus-tie cables shall be selected on the basis of a computed load of not less than the demand load given in Table 111.50–20(a).

TABLE 111.50–20 (a)—DEMAND LOADS

Type of circuit	Demand load
Generator cables	125 percent of continuous generator rating.
Switchboard bus-tie, except ship's service to emergency switchboard bus-tie.	75 percent of generating capacity of the larger switchboard.
Emergency switchboard bus-tie.	125 percent of continuous rating of emergency generator.
Feeder supplying two or more motors.	125 percent of the rating of the largest motor plus 100 percent of the sum of the ratings of all other motors supplied and including 50 percent of the rating of the spare switches or circuit breakers on the distribution panel.[1]
Feeder supplying two or more cargo winch motors arranged for the "Burtoning" method of cargo handling.	125 percent of the rating of the largest motor plus 35 percent of the sum of the ratings of all other motors supplied.[1]
Feeder supplying two or more 'tween deck cargo winch motors, cargo elevator motors, or cargo cranes.	125 percent of the rating of the largest motor plus 50 percent of the sum of the ratings of all other motors supplied.
Galley equipment feeder.	100 percent of either the first 50 KW or one-half the connected load, whichever is the larger, plus 65 percent of the remaining connected load, plus 50 percent of the rating of the spare switches or circuit breakers on the distribution panel.
Lighting feeder	100 percent of the connected load plus the average active circuit load for the spare switches or circuit breakers on the distribution panels.
Grounded neutral of a dual voltage feeder.	100 percent of the capacity of the ungrounded conductors when grounded neutral is not protected by a circuit breaker overcurrent trip, or not less than 50 percent of the capacity of the ungrounded conductors when the grounded neutral is protected by a circuit breaker overcurrent trip.

[1] Where a large number of motors are supplied from one feeder and the character of the load is such that not all motors will be operated simultaneously, a smaller demand load may be approved.

(b) *Motor branch circuits*—(1) *General.* The branch circuit cables for motor loads shall be not smaller than No. 14 AWG.

(2) *Individual motors.* Branch-circuit conductors supplying a single motor shall have a current carrying capacity not less than 125 percent of the motor full-load current rating. Minimum cable sizes are given in Table 111.45–20 (b3).

(3) *Wound-rotor secondary.* The conductors connecting the secondary of a wound-rotor alternating-current motor to its controller shall have a current carrying capacity not less than 125 percent of the full-load secondary current of the motor. Where the secondary resistor is separate from the controller, the current carrying capacity of the conductors between the controller and resistor shall be not less than 110 percent of the full-load secondary current.

(4) *Several motors.* Conductors supplying 2 or more motors shall have a current carrying capacity of not less than 125 percent of the full-load current rating of the highest rated motor in the group plus the sum of the full-load current ratings of the remainder of the motors in the group. Also see Table 111.50–20 (a).

(5) *Individual multi-speed motors.* For multi-speed motors the conductors between the controller and the motor windings or winding connections shall have a current-carrying capacity of not less than 125 percent of the full-load current rating of the associated winding or winding connection.

(c) *Lighting branch circuits*—(1) *General.* Lighting branch circuit conductors shall be not smaller than No. 14 AWG, except that taps to lampholders within a lighting fixture may be not smaller than No. 18 AWG where the branch circuit is protected by an overcurrent device rated or set at not more than 15 amperes.

(2) *15-ampere lighting branch circuits.* The connected load on a lighting branch circuit shall not exceed 12 amperes, computed on the basis of the lamp sizes to be installed, but in no case less than 50 watts per outlet unless the design of the fixture precludes the possibility of installing lamps of a higher wattage than those originally installed. Circuits supplying electric discharge type lamps shall be computed on the basis of ballast input current. Receptacle outlets provided for the convenience of passengers or crew to which no ship's service apparatus, such as room fans, desk lamps, table lamps, etc., will be connected, need not be counted as a connected load.

(3) *20-ampere lighting branch circuits.* Lighting branch circuits supplying only fixed nonswitched lighting fixtures for cargo hold or deck lighting may be supplied by 20-ampere branch circuits wired with not less than No. 12 AWG conductors provided all the following conditions are complied with:

(i) Fixture wire or portable cord, if employed in the lighting fixtures, shall not be smaller than No. 14 AWG.

(ii) The connected load shall not exceed 16 amperes.

(4) *30-ampere lighting branch circuits.* Lighting branch circuits supplying only fixed nonswitched lighting fixtures having only lampholders of the mogul type, or other lampholding devices required for lamps exceeding the maximum rating of medium-base lamps (300 watts), may be supplied by 30-ampere branch circuits wired with not less than No. 10 AWG conductors, provided all of the following conditions are complied with:

(i) Fixture wire, if employed, in wiring the lighting fixtures, shall be not less than No. 12 AWG.

(ii) The connected load shall not exceed 24 amperes.

(5) *Multi-lamp fixtures.* Multi-lamp fixtures employing a large number of low-wattage lamps, where the total load of the fixture exceeds 12 amperes, may be supplied by a polyphase branch circuit provided all the conditions covered in this subparagraph are complied with.

(i) The branch circuit is controlled from the distribution panelboard only by a common closing, common trip, circuit breaker having a pole for each circuit conductor.

(ii) The potential between any 2 conductors of the polyphase circuit does not exceed 120 volts.

(iii) The current in any conductor of the polyphase branch circuit does not exceed 12 amperes.

(d) *Appliance branch circuits.* Branch circuits which supply appliance loads, electric heater loads, and isolated small motor loads may be connected to distribution panelboards supplying lighting provided the required branch circuit capacity does not exceed 30 amperes.

(e) *Low voltage system, 0 to 50 volts*—(1) *Lighting.* Where a low voltage system is used for lighting, standard lamp sockets and receptacles shall be used, and no branch circuit is to be fitted with more than eight lamp sockets or receptacles. Each lighting branch circuit shall be wired with not less than No. 12 AWG conductors, and shall be protected by fuses of no greater capacity than 20 amperes, except that special circuits supplying appliances shall have receptacles of 20 ampere rating and shall be wired with not less than No. 10 AWG. Where a low voltage, low amperage system is used, such as for interior communication, no electrical connection is to be made to a standard voltage system unless specifically approved.

(2) *Engine starting.* Battery systems for engine starting purpose may be of the one-wire system. The ground lead shall be carried to the engine frame. Means shall be provided for removing the ground from the battery while the battery is being charged.

Subpart 111.55—Overcurrent Protection

§ 111.55–1 Installation of overcurrent devices.

(a) *General requirements.* Overcurrent protection for conductors is provided for the purpose of opening the electric circuit if the current reaches a value which will cause an excessive or dangerous temperature in the conductor or conductor insulation. A grounded conductor is considered to be protected from overcurrent if a protective device of a suitable rating or setting is provided in each ungrounded conductor of the same circuit, except as otherwise required by paragraph (d) of this section. For the minimum size of the grounded neutral conductor of a multiwire feeder see Table 111.50–20(a).

(b) *Overcurrent protection of conductors.* Conductors shall be protected in accordance with their current carrying capacities, as given in Tables 111.60–1 (e) (1) (i) and 111.60–1 (e) (1) (ii), except as follows:

(1) *Fuses.* If the allowable current-carrying capacity of the conductor does not correspond to a standard size fuse, the next larger size or rating may be used but not exceeding 150 percent of the allowable current-carrying capacity of the conductor. Plug fuses and fuseholders (see § 111.55–15(b)) shall not be used in circuits exceeding 125 volts between conductors. The screw shell of plug type fuseholders shall be connected to the load of the circuit.

(2) *Circuit breakers.* If the allowable current carrying capacity of the conductor does not correspond to a standard rating of circuit breakers, the next larger rating may be used but not exceeding 150 percent of the allowable current carrying capacity of the conductor. The effect of the temperature on the operation of thermally-controlled circuit breakers should be taken into consideration in the application of such circuit breakers when they are subjected to extremely low or extremely high temperatures.

(3) *Fixture wires or flexible cords.* Fixture wire or flexible cord, size No. 16 or No. 18, AWG, shall be considered as protected by 15-ampere overcurrent devices.

(4) *Motor branch circuits.* The conductors of motor branch circuits shall be considered as protected by the overcurrent protective devices specified by § 111.45–5 (b) through (g), and § 111.45–20.

(5) *Motor feeder circuits.* The conductor of motor feeder circuits shall be considered as protected by the overcurrent devices specified by § 111.45–25 (b).

(6) *Remote-control, electrical interlock, and indicator circuits.* The conductors of remote control, electrical interlock, and indicator circuits of motor controllers shall be considered as protected by the arrangements specified by § 111.45–10(b).

(7) *Appliance branch circuits.* The rating or setting of branch circuit overcurrent devices shall not be in excess of the current-carrying capacity of the circuit conductors except as provided in subparagraphs (1) and (2) of this paragraph. If the circuit supplies only a single appliance or device, the rating or setting of the branch circuit overcurrent device shall not exceed 150 percent of the rating of the appliance or device or 15 amperes whichever is the higher.

(8) *Lighting branch circuits.* Lighting branch circuits shall be protected against overcurrent either by fuses or by circuit breakers rated or set at not more than 15 amperes, except that 20-ampere lighting branch circuits complying with the provisions of § 111.50–20(c)(3) may be protected by overcurrent devices rated or set at no more than 20 amperes, and 30-ampere lighting branch circuits complying with the provisions of § 111.50–20(c)(4) may be protected by overcurrent devices rated or set at not more than 30 amperes, and low voltage lighting branch circuits may be protected in accordance with § 111.50–20(e).

(9) *Navigation light circuits.* The feeder supplying a navigation light panel shall be protected by overcurrent devices rated or set at not less than 30 amperes. The navigation light panel shall be fitted with 10-ampere main fuses and with 3-ampere branch circuit fuses as indicated on Figure 113.55–25 (b) of this subchapter.

(10) *Steering gear.* For overcurrent protection of steering gear branch circuits, see § 111.45–20 (h).

(c) *Thermal devices.* Thermal cutouts, thermal relays and other devices not designed to open short-circuits, shall not be used for protection of conductors against overcurrent due to short-circuits or grounds, but may be used to protect motor branch circuit conductors from overload if said devices are protected in accordance with § 111.45–5 (m).

(d) *Undergrounded conductors.* An overcurrent device (fuse or overcurrent trip unit of a circuit breaker) shall be placed in each undergrounded conductor, except that, on systems having a grounded neutral, a 2-wire branch circuit consisting of one ungrounded conductor and the grounded neutral conductor shall have overcurrent protection in each conductor. In such cases, the grounded neutral overcurrent device shall comply with paragraph (f) of this section. A branch or feeder switch or circuit breaker shall open all conductors of the circuit. Individual single-pole circuit breakers with operating handles yoked together may be used for the protection of each conductor of ungrounded 2-wire circuits.

(e) *Motors.* For motor-running protection the number of overcurrent units shall be as specified in § 111.45–5 (i), (j), and (k).

(f) *Grounded conductor.* No overcurrent device shall be placed in any permanently grounded conductor, except as permitted in this paragraph.

(1) *Simultaneous opening.* When the overcurrent device simultaneously opens all conductors of the circuit.

(2) *Motor-running protection.* For motor-running protection as provided in § 111.45–5 (i) and (j).

(g) *Protection of ship's service generators*—(1) *General.* Each generator of 25 kw. and over, and each generator regardless of size if arranged for parallel operation shall be protected by an individual trip-free air circuit breaker having inverse time overcurrent trips. The pickup setting of the long time overcurrent trip of the circuit breaker shall not exceed 115 percent of the generator rating for continuous rated machines and shall not exceed 15 percent above the overload rating for special rated machines. Each generator of less than 25 kw. not arranged for parallel operation may be protected by individual fuses in lieu of an individual circuit breaker.

(2) *Alternating current generators.* Where three or more generators are arranged for parallel operation, the circuit breakers shall have, in addition to

inverse time trips, instantaneous trips set at a value in excess of the maximum asymmetrical short circuit current available from the associated generator. In order to provide the optimum degree of protection for generators, the short time trips shall be set at the lowest values of current and time which will coordinate with the trip settings of feeder circuit breakers supplied by the generator to provide the continuity of service and high speed clearance specified in § 111.55–25.

(3) *Direct current generators.* In addition to the inverse time overcurrent trips, direct current generator circuit breakers shall be provided with an instantaneous trip set at the lowest value of current which will coordinate with the trip settings of feeder circuit breakers supplied by the generator to provide the continuity of service and high speed clearance specified in § 111.55–25.

(4) *Generator circuits for parallel operation.* Each direct-current generator arranged for parallel operaton shall be provided with a reverse current device. Each alternating-current generator arranged for parallel operation shall be provided with a reverse power relay.

(h) *Three-wire direct-current generators*—(1) *Circuit-breaker poles.* Separate circuit-breaker poles should be provided for the positive, negative, neutral and also for the equalizer leads unless protection is provided by the main poles. When equalizer poles are provided for the three-wire generators, the overload trips should be of the "Algebraic" type. No overload trip should be provided for the neutral pole, but it should operate simultaneously with the main poles. A neutral overcurrent relay and alarm system should be provided and set to function at a current value equal to the neutral rating.

(2) *Equalizer buses.* For 3-wire generators the circuit breaker shall protect against a short-circuit on the equalizer buses.

(3) *Neutral grounding, main switchboard.* The neutral of 3-wire dual-voltage direct-current systems should be solidly grounded at the generator switchboard with a zero center ammeter in the ground connection. The zero center ammeter shall have a full scale reading of 150 percent of the neutral current rating of the largest generator and be marked to indicate the polarity of grounds. The ground connection should be made in such a manner that it will not prevent checking the insulation resistance of the generator to ground before the generator is connected to the bus. The neutral of 3-wire d-c emergency power systems should be grounded at all times when supplied from the emergency generator or storage battery.

(4) *Neutral grounding, emergency switchboard.* No direct ground connection should be provided at the emergency switchboard, the neutral bus or buses being solidly and permanently connected to the neutral bus of the main switchboard. No interrupting device should be provided in the neutral conductor of the bus-tie feeder connecting the two switchboards.

(i) *Three-wire single-phase and four-wire three-phase generators*—(1) *Circuit-breaker poles.* Circuit-breaker poles shall be provided for each generator lead, including the neutral, except that where the generator disconnect switch is operable from the front of the switchboard, no generator circuit-breaker pole need be provided for the generator neutral.

(2) *Neutral grounding, main switchboard.* The neutral of dual-voltage alternating-current systems shall be solidly grounded at the generator switchboard with an ammeter in the ground connection. The ground connection shall be made in such a manner that it will not prevent checking the insulation resistance of the generator to ground before the generator is connected to the bus. The neutral of dual-voltage alternating-current emergency lighting and power systems shall be grounded at all times when supplied from the emergency generator or storage battery.

(3) *Neutral grounding, emergency switchboard.* The neutral bus of the emergency switchboard shall be grounded in the same manner as described for three-wire direct-current systems in paragraph (h) (4) of this section.

(j) *Propulsion circuits.* Overcurrent protection of propulsion motors, generators, and circuits will require special consideration in each case. For general requirements see § 111.35–25(j).

§ 111.55–5 Location of overcurrent protective devices.

(a) *Location in circuit.* Overcurrent devices shall be located at the point where the conductor to be protected receives its supply, except as covered in this paragraph.

(1) The overcurrent protective device for generator conductors shall be located on the generator switchboard.

(2) The overcurrent protection for shore connection conductors shall be located on the switchboard to which connected.

(3) If the overcurrent device protecting the larger conductors also protects the smaller conductors in accordance with Tables 111.60–1(e) (1) (i) and 111.60–1(e) (1) (ii),

(4) If (i) the smaller conductors have a current-carrying capacity of not less than the sum of the allowable current-carrying capacities for the conductors of the one or more circuits or loads supplied, and (ii) the tap is not over 5 feet long and does not extend beyond the switchboard, panelboard, or control device which it supplies.

(5) If the smaller conductors have a current-carrying capacity at least one-third that of the conductor from which they are supplied, and provided the tap is suitably protected from mechanical injury, is not over 25 feet long, and terminates in a single circuit breaker or set of fuses which will limit the load on the tap to that allowed by Tables 111.60–1(e) (1) (i) and 111.60–1(e) (1) (ii). Beyond this point the conductors may supply any number of circuit breakers or sets of fuses.

(b) *Location on vessel.* Overcurrent devices shall be located where they will be readily accessible; not exposed to mechanical injury; not in the vicinity of easily ignitable material nor where explosive gas or vapor may accumulate; and, preferably in combination with distribution panelboards, switchboards, motor controllers, etc.

§ 111.55–10 Enclosures for overcurrent protective devices.

(a) *General.* Overcurrent devices shall be enclosed in metal boxes or cabinets, unless a part of a specially approved assembly which affords equivalent protection, or unless mounted on switchboards, panelboards, or controllers located in compartments or enclosures free from easily ignitible material and accessible only to qualified persons. The operating handle of a circuit breaker may be accessible without opening a door or cover.

(b) *Exposed to weather.* Enclosures for overcurrent devices shall not be installed in locations exposed to the weather, unless unavoidable, in which case the enclosure shall be watertight.

(c) *Disconnection of fuses and thermal cutouts.* Disconnecting means shall be provided on the supply side of and adjacent to all cartridge fuses or thermal cutouts so that each individual circuit containing fuses or thermal cutouts can be independently disconnected from the source of electrical energy except as indicated in this paragraph.

(1) Instrument fuses located on switchboards operating at potentials not exceeding 600 volts need not have a disconnecting device provided a fuse puller is available.

(2) A single disconnecting means may be used to disconnect a group of circuits each protected by fuses or thermal cutouts under the conditions describe in § 111.45–30 (o).

(3) No disconnect means shall be provided for general alarm feeders and branch circuits covered by § 113.25–10(b).

(d) *Arcing or suddenly moving parts.* Arcing or suddenly moving parts shall comply with the requirements of this paragraph.

(1) Fuses and circuit breakers shall be so located or shielded that persons will not be burned or otherwise injured by their operation.

(2) Handles or levers of circuit breakers, and similar parts which may move suddenly in such a way that persons in the vicinity are liable to be injured by being struck by them, shall be guarded or isolated.

§ 111.55–15 Construction and use of overcurrent devices.

(a) *Fuse types prohibited.* Plug fuses of the Edison-base type and renewable link cartridge type fuses shall not be used.

(b) *Plug fuses and fuseholders of type S.* Plug fuses and fuseholders of type S may be employed for applications at not over 125 volts; 0 to 15 amperes, and 16 to 30 amperes.

(c) *Cartridge fuses and fuseholders.* National Electrical Code Standard, nonrenewable cartridge fuses may be used for applications not exceeding 600 volts, 0 to 600 amperes. Special cartridge fuses may be used in instruments and the like when specifically approved.

(d) *Construction and marking of fuses.* Fuses shall be constructed in accordance with Underwriters' Laboratories, Inc., Standard for Fuses. Standard cartridge fuses shall be marked with the label of Underwriters' Laboratories, Inc. Special cartridge fuses shall be inspected under Underwriters' Laboratories, Inc., reexamination service.

(e) *Circuit breakers.* Circuit breakers shall conform to the requirements contained in this paragraph.

(1) *Method of operation.* In general, circuit breakers shall be capable of being closed or opened by hand without employing any other source of power, although normal operation may be by other power, such as electrical, pneumatic, and the like. Large circuit breakers which are to be closed and opened by electrical, pneumatic, or other power shall be capable of being closed by hand for maintenance purposes and shall also be capable of being tripped by hand under load without the use of power.

(2) *Injury to operator.* Circuit breakers shall be arranged and mounted so that their operation is not likely to injure the operator.

(3) *Indication.* Circuit breakers shall indicate whether they are in the open or closed position.

(4) *Non-tamperable.* An air circuit breaker, used for branch circuits, shall be of such design that any alteration of its trip point (calibration), or in the time required for its operation, will be difficult.

(5) *Marking.* Circuit breakers shall be marked with their rating in such a manner that the marking will be visible after installation.

(6) *Construction and interrupting rating.* The construction and rating of feeder and branch-circuit circuit breakers rated not more than 600 amperes and not more than 600 volts shall conform with the requirements of Underwriters' Laboratories, Inc., "Standard for Branch Circuit and Service Circuit Breakers" except as indicated in this subparagraph.

(i) Circuit breakers installed in engine rooms, boiler rooms and auxiliary machinery spaces shall be calibrated for an ambient temperature of 50° C. and circuit breakers so calibrated may be used in other locations.

(ii) Circuit breakers with interrupting ratings of over 10,000 amperes may be rated in accordance with the National Electrical Manufacturers Association's "Large Circuit Breaker Standard" or "Molded Case Circuit Breaker Standard," as applicable.

(7) *Removable from front.* Circuit breakers of the molded case type when installed on generator or distribution switchboards shall be mounted or arranged in such a manner that the circuit breaker may be removed from the front without first disconnecting copper or cable connections or deenergizing the supply.

§ 111.55–20 Interrupting rating of fuses and circuit breakers.

(a) *General.* Any circuit breaker or fuse installed at a point in the circuit where the maximum possible short-circuit current exceeds its interrupting rating shall be backed up by either, a circuit breaker of adequate interrupting rating with an instantaneous trip setting not more than 90 percent of the interrupting rating of the device protected, or by a suitable current limiting fuse. The back-up breaker or fuse nearest the source of power shall have an interrupting rating not less than the maximum short-circuit current available at the point where it is installed.

(1) *Current limiting fuses.* If a fuse is used as a back-up device, its selection and application shall be governed by the following design parameters:

(i) The maximum fuse rating shall be selected which will give adequate protection, on fault currents, to the device it backs up. In no case shall the device being backed up be called upon to interrupt fault currents in excess of 90 percent of its interrupting rating.

(ii) Fault currents cleared by the device backed up shall not cause damage or any change in the time-current characteristics of the current limiting fuse.

(iii) Fuses should be so applied that single phase operation of any three-phase connected motor will be precluded.

(2) *Fused circuit breakers.* Fused circuit breakers with fuses connected to the load side may be used for back-up service provided the fuses and circuit breakers are of coordinated design so that arc restrike in the circuit breaker cannot occur when a fuse blows.

(b) *Generator circuit breaker as back-up circuit breaker.* Generator circuit breaker(s) shall not serve as the back-up circuit breaker(s) for distribution or feeder circuit breakers.

(c) *Calculation of short-circuit currents.* Unless precise calculations are submitted for review, the maximum short-circuit current of a direct-current system will be assumed to be equal to ten times the combined normal rated current of all generators (including a spare) plus six times the combined normal rated current of all motors which may be in operation simultaneously. On alternating-current systems, the maximum short-circuit current will be assumed to be equal to ten times the combined normal rated current of all generators (including a spare) plus three times the combined normal rated current of all motors which may be in operation simultaneously.

§ 111.55–25 System protection.

(a) *General.* Insofar as is possible, the selection, arrangements and performance of the various overcurrent protective devices should be made with the following objectives in mind as described in this paragraph:

(1) *Continuity of service.* Continuity of service under short-circuit conditions through the selective operation of the various protective devices.

(2) *High speed clearance.* High speed clearance of low impedance short-circuits in order that short-circuit currents of large magnitude will cause minimum damage to the system and equipment and minimize the hazard of fire.

Subpart 111.60—Wiring Methods and Materials

§ 111.60–1 Electric cable.

(a) *General.* The intent and purpose of this section is to provide that conductors shall have mechanical strength, insulation, and current-carrying capacity adequate for the particular conditions under which they are used.

(b) *Construction.* Electric cables shall be constructed and tested by the manufacturer in accordance with the requirements of section 18, AIEE Standard No. 45.

(1) *Classes of cables.* The classes of cables covered by this standard are:

(i) Lighting and power cables;

(ii) Interior communication and telephone cable;

(iii) Inter-cabin telephone cable;

(iv) Bell wire; and,

(v) Switchboard wire.

(2) *Cable classes by type of insulation.* The above cables are classed in accordance with the type of conductor insulation as:

(i) Rubber insulated;

(ii) Varnished-cambric insulated;

(iii) Asbestos-varnished-cambric insulated;

(iv) Thermoplastic-asbestos insulated; and,

(v) Mineral insulated, Type MI.

(3) *Cable classes by type of mechanical covering.* The above cables are classed in accordance with the type of mechanical covering as:

(i) Armored;

(ii) Leaded and armored;

(iii) Impervious sheathed and armored;

(iv) Reinforced rubber sheathed and armored;

(v) Braided (applicable only to bell wire and switchboard wire); and,

(vi) Mineral insulated metal sheathed, Type MI.

(c) *Cable marking.* Cable complying with the requirements of this section shall be identified by providing a marker tape under the cable sheath. The marker tape shall give at regular and frequent intervals:

(1) Manufacturer;

(2) Applicable specification; and,

(3) Year of manufacture.

(d) *Cable applications*—(1) *Damp or wet locations.* Electric cable for installation in damp or wet locations shall be leaded and armored, reinforced rubber sheathed, and armored, impervious sheathed and armored, or mineral insulated-metal sheathed. The cable insulation may be either rubber, varnished-cambric, asbestos-varnished-cambric, thermoplastic asbestos or mineral insu-

lated, type MI, except that rubber insulated power and lighting cable shall not be used in locations where the ambient temperature exceeds 50 degrees C.

(2) *Corrosive locations.* The armor of cables in corrosive locations shall be either bronze or aluminum and the sheath on mineral insulated-metal sheathed cables shall be seamless annealed copper.

(3) *Dry locations.* Cables for installation in dry locations shall be either rubber insulated and armored or any of the cables specified in subparagraph (1) of this paragraph for damp or wet locations.

(4) *Power and lighting cable.* Cable for power and lighting applications shall be power and lighting cable of the types described in this subpart except that 600-volt thermoplastic-asbestos insulated interior communication cable may be used in control and indicating circuits of power and lighting equipment.

(5) *Interior communication and telephone cable.* Cable for interior communication apparatus operating on potentials not exceeding 300 volts shall be either interior communication cable, telephone cable, or power and lighting cable of the types described in this subpart.

(6) *Inter-cabin telephone cable.* Inter-cabin telephone cable may be used for telephone systems installed for the convenience of passengers or crew and not essential for the operation of the vessel.

(7) *Bell wire.* Bell wire may be used for call bell circuits of 25 volts or less installed for the convenience of passengers or crew if properly installed in protected raceways.

(8) *Switchboard wire.* Switchboard wire may be used only on switchboards, motor controllers and the like.

(e) *Current-carrying capacity—(1) General.* The maximum current-carrying capacities of electric lighting and power cables for continuous service are given in Tables 111.60–1(e)(1)(i) and 111.60–1(e)(1)(ii). The maximum current-carrying capacity of interior communication cable is 7.5 amperes.

(2) *Conductors in multiple.* Conductors may be run in multiple provided they are of the same length and have the same circular mil area and type of insulation. Where conductors are run in multiple, they shall be arranged and terminated at both ends in such a manner as to insure equal division of the total current between all conductors that are involved.

(f) *Temperature limitation.* No cable shall be used under such condition that its temperature, even when carrying current, will exceed the temperatures specified in Table 111.60–1 (e) (1) (i) for the type of insulation involved.

(g) *Conductor size for varnished-cambric insulated cables.* Varnished-cambric insulated power and lighting cables in sizes smaller than No. 12 AWG shall not be used. Rubber or asbestos-varnished-cambric insulated power and lighting cables may be used in size No. 14 AWG and larger.

TABLE 111.60–1(e)(1)(i)—WIRES AND CABLES[1]—MAXIMUM CURRENT-CARRYING CAPACITIES, DIRECT-CURRENT, FOR CONTINUOUS SERVICE, 50 DEGREES C. AMBIENT[2 3] (CONCENTRIC STRANDING, 600 VOLTS[4] OR LESS, DIRECT-CURRENT), (ALTERNATING-CURRENT RATINGS FOR CABLES ARE THE SAME AS GIVEN FOR DIRECT-CURRENT UP TO 700,000 CIRCULAR MILS; FOR 700,000 CIRCULAR MILS AND ABOVE, SEE TABLE 111.60–1(e)(1)(ii))

Conductor size		Current in amperes											
		1—conductor				2—conductor				3—conductor			
Area (circular mils)	Nearest AWG	R	VC	AVC	MI	R	VC	AVC	MI	R	VC	AVC	MI
2,000,000	.....	1,048	1,380	1,538	.....	.....	.....	.....	.....	.....	.....	.....	.....
1,750,000	.....	934	1,231	1,373	.....	.....	.....	.....	.....	.....	.....	.....	.....
1,500,000	.....	846	1,095	1,228	.....	.....	.....	.....	.....	.....	.....	.....	.....
1,250,000	.....	743	970	1,020	.....	.....	.....	.....	.....	.....	.....	.....	.....
1,000,000	.....	640	831	925	.....	.....	.....	.....	.....	.....	.....	.....	.....
950,000	.....	617	812	904	.....	.....	.....	.....	.....	.....	.....	.....	.....
900,000	.....	592	779	866	.....	.....	.....	.....	.....	.....	.....	.....	.....
850,000	.....	578	752	838	.....	.....	.....	.....	.....	.....	.....	.....	.....
800,000	.....	557	725	807	.....	.....	.....	.....	.....	.....	.....	.....	.....
750,000	.....	538	696	776	.....	.....	.....	.....	.....	.....	.....	.....	.....
700,000	.....	516	666	741	.....	.....	.....	.....	.....	.....	.....	.....	.....
650,000	.....	486	623	694	.....	382	503	560	.....	331	428	476	.....
600,000	.....	466	597	665	.....	363	481	535	.....	317	407	452	.....
550,000	.....	441	563	627	.....	344	462	514	.....	302	386	428	.....
500,000	.....	418	534	594	.....	323	431	480	.....	285	367	408	.....
450,000	.....	392	498	554	.....	306	406	452	.....	265	341	379	.....
400,000	.....	369	464	516	.....	284	377	418	.....	248	319	354	.....
350,000	.....	340	429	477	.....	261	351	390	.....	230	294	327	.....
300,000	.....	301	389	432	.....	238	315	351	.....	209	267	297	.....
250,000	.....	270	348	387	.....	212	281	312	.....	186	238	264	.....
212,000	4/0	241	310	345	308	193	254	283	.....	169	215	239	.....
168,000	3/0	208	273	304	264	167	223	248	.....	148	187	208	.....
133,000	2/0	180	237	264	228	145	194	214	.....	130	163	181	.....
106,000	1/0	155	206	229	196	128	170	189	.....	112	142	158	.....
83,700	1	133	177	197	168	111	148	165	.....	98	122	135	.....
66,400	2	115	152	169	144	96	128	142	.....	86	106	118	.....
52,600	3	99	132	147	124	85	111	124	.....	75	92	102	.....
41,700	4	85	114	127	108	74	97	108	72	66	80	89	72
33,100	5	71	99	110	94	64	85	95	63	57	70	78	63
26,300	6	63	86	96	80	56	74	82	56	49	61	67	56
20,800	7	54	74	82	.....	49	64	71	.....	44	52	58	.....
16,500	8	46	66	73	56	42	55	61	40	39	46	51	40
10,400	10	34	49	54	44	32	42	47	32	29	35	39	32
6,530	12	24	32	35	32	22	27	30	24	21	23	26	24
4,110	14	15	.....	20	24	14	.....	19	20	13	.....	17	20

[1] The values given in this table may be used provided the cable installation is limited to double banking. Where this limitation is exceeded, the values given in this table shall be decreased 5 percent for each additional bank.

[2] The values given in this table are based upon an ambient temperature of 50 degrees C and maximum conductor temperature of:

75 degrees C for rubber (R) insulated cables;
85 degrees C for varnished-cambric (VC) insulated cables; mineral insulated (MI) cables; and
95 degrees C for asbestos-varnished-cambric (AVC) insulated cables.

[3] If ambient temperatures differ from 50 degrees C the value shown above shall be multiplied by the following factors:

Type of cables	Ambient temperature		
	40° C	60° C	70° C
Rubber insulated cables	1.18	.....	.....
Varnished-cambric insulated cables and mineral-insulated cables	1.13	0.84	.....
Asbestos-varnished-cambric insulated cables	1.11	0.88	0.75

[4] For voltages greater than 600 volts, current rating shall be decreased 2 percent for each thousand volts increase over 600 volts.

TABLE 111.60–1 (e) (1) (ii)—WIRES AND CABLES—MAXIMUM CURRENT-CARRYING CAPACITIES, A. C., FOR CONTINUOUS SERVICE (VALUES ARE IN AMPERES—600 VOLTS OR LESS) (ALTERNATING-CURRENT RATINGS FOR CABLES OF LESS THAN 700,000 CIRCULAR MILS ARE THE SAME AS THOSE FOR CABLES GIVEN IN TABLE 111.60–1 (e) (1) (i))

[60-cycle alternating current]

Conductor size	Concentrically stranded conductor			Annular conductor	
Area in circular mils	Rubber insulated	Varnished-cambric insulated	Asbestos-varnished-cambric insulated	Varnished-cambric insulated	Asbestos-varnished-cambric insulated
2,000,000	932	1,229	1,440	1,417	1,590
1,750,000	864	1,125	1,305	1,294	1,450
1,500,000	791	1,023	1,199	1,160	1,315
1,250,000	719	920	1,070	1,021	1,150
1,000,000	631	808	925	877	990
950,000	609	790	899	840	955
900,000	587	760	867	803	920
850,000	568	735	838	777	885
800,000	548	711	803	747	848
750,000	529	683	775	708	810
700,000	509	656	740	675	775

[1] Footnotes 1, 2, 3, and 4 of Table 111.60–1 (e) (1) (i) are applicable to this table.

(h) *Substitute cable.* Electric cable constructed in accordance with Military Specifications MIL–C–915 or MIL–C–2194 may be substituted for the equivalent AIEE type cable specified in this section. The maximum current for any conductor shall not exceed the current-carrying capacities specified in the publication "Cable Comparison Guide," NavShips 250–660–23.

(i) *Special purpose cable—(1) Instrumentation cable.* Electric cable constructed in accordance with Military Specifications MIL–C–915, MIL–C–2194 or MIL–C–23206 of the types TTHFWA, TTRSA, PI, 1SWA, 2SWA, 3SWA, may be used for instrumentation circuits to connect such items as indicator lights, sensors, selector switches, and pushbuttons where the voltage of the circuit does not exceed 100 volts. The maximum current for any conductor shall not exceed the current-carrying capacities specified in the publication "Cable Comparison Guide," NavShips 250–660–23.

(2) *Thermocouple cable.* Electric cable constructed in accordance with Military Specification MIL–C–915 of the types PBJX, PBTM and PBTX may be used as conductors between thermocouple sensors and their registering equipment.

(3) *Other types of cable.* Other types of cable will be given special consideration by the Commandant where the cable does not penetrate a watertight bulkhead and is suitably protected from mechanical damage.

§ 111.60–5 Portable electric cord and fixture wire.

(a) *General.* The construction of portable electric cords and fixture wire shall be in accordance with Underwriters' Laboratories, Inc., Standard for Flexible Cord and Fixture Wire.

(b) *Application, portable cords.* Portable cords may be used only for the connection of portable lamps or appliances and for the connection of stationary lamps or small stationary equipment not suitable for fixed wiring. When used they shall be of the type indicated in Table 111.60–5 (b). Types of portable cords other than those listed in Table 111.60–5 (b) and the uses for the types listed other than those uses permitted by this paragraph shall be subject to special investigation and shall not be employed before being approved.

(1) *Damp or wet locations or for hard service.* Portable cords for use in damp or wet locations or for hard service shall be type S, SO, ST, SJ, SJO, SJT, HS, HSJ, AFS, or AFSJ, and portable cords for use where exposed to oil or oil vapor shall be type SO or SJO.

(2) *Dry locations.* Portable cords for use in dry locations and not for hard services shall be type C, P, P–2, PD, PW, PW–2, K, HC, HPD, AVPD, or one of the types listed for damp or wet locations in subparagraph (1) of this paragraph.

(3) *Extra hard service.* Portable cords for use in damp or wet locations and requiring a length in excess of five feet shall be type S, SO, or ST.

(c) *Allowable current-carrying capacity.* The allowable current-carrying capacities of flexible cord and fixture wire are given in Table 111.60–5 (c).

(d) *Conductor size.* Portable cord or fixture wire shall not be smaller than No. 18 AWG.

(e) *Splices.* Portable cords shall be used only in continuous lengths without splices or taps.

(f) *Pull at joints and terminals.* Portable cords shall be so connected to devices and to fittings that tension will not be transmitted to joints or terminal screws. This shall be accomplished by a knot in the cord, winding with tape, by a special fitting designed for that purpose, or by other equivalent means.

(g) *Fixture wire, application.* Fixture wire may be used in the interior of lighting fixtures, instruments, and the like. When used, fixture wire shall be one of the types covered in this paragraph.

(1) Either type AF, SF–2, or SFF–2 fixture wire shall be used for applications where the temperature will exceed 90° C and for the wiring of all mogul-base screw-shell lampholders.

(2) Either type AF, SF–2, or SFF–2 fixture wire shall be used for wiring lighting fixtures provided with other than mogul-base screw-shell lampholders, except that type CF fixture wire may be used where the temperature does not exceed 90° C, types RFH–2 and FFH–2 fixture wire may be used where the temperature does not exceed 75° C, and types TF, TFF, RF–2, and FF–2 fixture wire may be used where the temperature does not exceed 60° C.

(h) *Fixture wire, voltage limitation.* Fixture wire shall not be used for applications exceeding 300 volts.

(i) *Fixture wire, stranded.* Fixture wire shall be of the stranded type.

(j) *Hook-up wire, application.* Hook-up wire for use within the components of alarm panels, IC equipment, and electronic control equipment shall be in accordance with § 113.05–10 of this subchapter.

TABLE 111.60–5 (b)—Portable Cords

Trade name	Type letter (National Electrical Code)	Maximum voltage	Conductor insulation	Braid on each conductor	Cord outer covering	Maximum temperature° C.	Use	
Lamp cord	C	300	Rubber	Cotton	None	60	Dry places	Not hard usage.
Twisted portable cord	PD	300	do	do	Cotton or rayon	60	do	Do.
Reinforced cord	P-2	300	do	do	Cotton over rubber filler	60	do	Do.
	P	600	do	do				
Moistureproof reinforced cord	PW-2	300	do	do	Cotton, moisture-resistant finish over rubber filler.	60	do	Do.
	PW	600	do	do				
Braided heavy duty cord	K	300	do	do	Two cotton, moisture-resistant finish.	60	do	Do.
Junior hard service cord	SJ	300	do	None	Rubber	[1] 60	Damp places	Hard usage.
	SJO		Thermoplastic or rubber.		Oil-resistant compound			
	SJT				Thermoplastic			
Hard service cord	S	600	Rubber	None	Rubber	60	do	Extra hard usage.
	SO		Thermoplastic or rubber.		Oil-resistant compound			
	ST				Thermoplastic			
Heater cord	HC	300	Rubber and asbestos	Cotton	None	90	Dry places	Not hard usage.
	HPD			None	Cotton or rayon			
Rubber-jacketed heater cord	HSJ	300	do	do	Cotton and rubber	[2] 90	Damp places	Hard usage.
Jacketed heater cord	HS	300	do	do	Cotton, and rubber or neoprene	[2] 90	do	Do.
Heat- and moisture-resistant cord.	AVPD	300	Asbestos and varnished cambric.	do	Asbestos, flame-retardant, moisture resistant.	110	Dry places	Not hard usage.
Rubber-jacketed heat-resistant cord.	AFSJ, AFS	300	Impregnated asbestos	do	Rubber	[2] 150	Damp places	Hard usage.
Elevator cable	E	300	Rubber	Cotton	Three cotton, outer one flame-retardant, moisture-resistant.[3]	60	Elevator lighting and control.	
	EO		Thermoplastic	Rayon	One cotton and neoprene jacket [3]			
	ET				Three cotton, outer one flame-retardant, moisture-resistant.[3]			

[1] The temperature limit for Type SJ, SJO, or SJT cord is 75° C instead of 60° C if both the conductor insulation and jacket employ compounds which are recognized as suitable for use at 75° C. Such cords are recognized specifically for use on electric refrigerators or in similar applications on appliances where cord replacement is not a problem. Such cords shall be marked by having a green thread (which indicates a temperature limit of 75° C) either immediately under the insulation or under the separator of one conductor.

[2] The temperature limit indicated applies only to the individual conductors where the cord is employed within an appliance. [3] The temperature limit on the jacket of Type HS rubber-jacketed heater cord and Type AFS or AFSJ rubber-jacketed heat-resistant cord is limited to 75° C. The temperature limit on the jacket of Type HSJ rubber-jacketed heater cord is limited to 60° C, unless the jacket is marked by means of indent printing or indelible-ink printing at intervals of two feet or less with the value 75° C.

[3] Rubber-filled or varnished-cambric tapes may be substituted for the inner braids.

TABLE 111.60-5 (c)—MAXIMUM CURRENT-CARRYING CAPACITIES IN AMPERES[1, 2]

Size AWG	Portable cord: Rubber types C, E, EO, K, P, P-2, PD, PW, PW-2	Portable cord: Rubber types S, SO, SJ, SJO	Portable cord: Types AFS, AFSJ, HC, HPD, HS, HSJ	Portable cord: Type AVPD	Fixture wire: Rubber types RF-2, FF-2, RFH-2, FFH-2	Fixture wire: Thermoplastic types TF, TFF	Fixture wire: Cotton type CF	Fixture wire: Asbestos type AF	Fixture wire: Silicone rubber type SF-2 SFF-2
	Thermoplastic type ET	Thermoplastic types ST, SJT							
18	5	7	10	17	5	6			
16	7	10	15	22	7	8			
14	15	15	20	28	--------	17			
12	20	20	30	36	--------	----------			
10	25	25	35	47	--------	----------			
8	35	----------	-------	------	--------	----------			
6	45	----------	-------	------	--------	----------			
4	60	----------	-------	------	--------	----------			
2	80	----------	-------	------	--------	----------			

[1] If the number of current-carrying conductors in a cord exceeds three, the allowable current-carrying capacity of each conductor shall be reduced to 80 percent of the values in the table.
[2] In no case shall conductors be associated together in such a way with respect to the kind of circuit, the wiring method employed, or the number of conductors, that the limiting temperature of the conductors will be exceeded.

§ 111.60-10 Wire and cable installation.

(a) *Propulsion cables*—(1) *Splices and terminals.* Propulsion cables are to have no splices or joints except terminal joints and all cable terminals are to be effectively sealed against the admission of moisture or air; similar precautions should be taken during installation by sealing all cable ends until the terminals are permanently attached. Cable supports are to be strong enough to withstand short-circuited conditions; they are not to be spaced more than 36 inches apart and are to be arranged to prevent chafing of the cable.

(2) *Single-conductor alternating-current cables.* Single-conductor alternating-current cables are to be supported on non-fragile insulators and the protective metal covering of each run of cable should be grounded at the middle only. Closed magnetic circuits around individual cables are not permitted and magnetic materials between cables of a group should be avoided. In order to minimize harmful inductive effect, cables in groups of considerable length should be transposed.

(3) *Multi-conductor alternating-current cables.* Multi-conductor alternating current cables are to be mounted on approved supports and the lead sheath grounded at several points.

(4) *Deck and bulkhead penetrations.* Deck and bulkhead penetration shall comply with the requirements of paragraph (b) (4) of this section.

(b) *Ships' service cables*—(1) *Cable joints and sealing.* The cable ends of all feeders and power branch circuits to vital auxiliaries are to be effectively sealed against the admission of moisture by methods such as taping in combination with insulating compound or, in the case of type MI, by fittings designed for that purpose.

(2) *Cable supports and radii of bends.* Where cables are run in groups they shall be supported in metal hangers arranged as far as practicable to permit painting of the surrounding structure without undue disturbance to the installation. Single cable runs may be supported by metal clips screwed directly to deck or bulkhead except on watertight bulkheads. Cables grouped in a single hanger shall be limited to two banks. Supports shall be spaced no more than 18 inches apart where vertical and 14 inches where horizontal. Cables shall be strapped in position at every hanger on vertical runs and at not less than every fourth hanger on horizontal runs, except that at turns of horizontal runs the cable shall be strapped at each hanger. Cables running transversely to and supported by clips or straps on the under side of beams shall be run on backing plates, cable racks, or the equivalent. Metal supports shall be designed to secure cable without damage to insulation or armor and shall be so arranged that the cables will bear over a length of at least ½ inch. Leaded and armored cables shall not be bent to a smaller radius than 8 cable diameters; other cables may be bent to a 6-cable-diameter radius.

(3) *Alternating-current cable installations.* In order to avoid over-heating by induction, all phase wires should be contained within the same armor by use of multiple conductor cables. Single-conductor cables may be used, however, where carrying negligible currents or where there are no closed magnetic circuits around the individual cables.

(4) *Deck and bulkhead penetrations.* Where cables pass through watertight decks or bulkheads, a watertight stuffing tube shall be employed. Where cables pass through nonwatertight bulkheads, beams, or similar structural parts where the bearing surface is less than ¼-inch, the holes shall be fitted with bushings having rounded edges and a bearing surface for the cable of at least ¼-inch in length. Where cables pass through nonwatertight bulkheads, deck beams, or similar structural parts where the bearing surface is ¼-inch or greater in length, all burrs shall be removed in way of the hole and sharp edges shall be eliminated. Where cables pierce main vertical zone bulkheads, arrangements shall be made to ensure that the fire-resistance of the bulkheads is not impaired.

(5) *Grounding of cable metallic covering.* Each metallic-sheathed cable and each armored cable are to have the metallic covering electrically and mechanically continuous and grounded to the metal hull at each end of the run, except that final subcircuits may be grounded at the supply end only.

(6) *Mechanical protection.* All cables in bunkers and where particularly liable to damage such as locations in way of cargo ports, hatches, tank tops, and where passing through decks, shall be protected by removable metal coverings, angle irons, pipe or other equivalent means. All such metallic coverings are to be electrically continuous and grounded to the metal hull. Horizontal pipes or the equivalent used for cable protection should be provided with drainage holes, and, where they are carried through decks or bulkheads, arrangements should be made to insure the integrity of the water-or-gas-tightness of the structure.

(7) *Generator cables.* Generator cables are not to be installed in the bilges.

(8) *Feeder and branch circuit cables.* Cable of every description shall be located with a view to avoiding, as far as practicable, spaces where excessive heat and gases may be encountered as well as spaces where they may be exposed to damage such as exposed sides of deck houses. Electrical conductors shall not enter oil tanks and shall avoid cofferdams adjacent to and extending below the tops of oil tanks except as permitted by §§ 111.70-10 and 111.60-40.

(9) *Cables behind paneling.* Cables may be installed behind paneling provided all connections are readily accessible and the location of concealed connection boxes is indicated.

(10) *Cables behind sheathing.* Cables may be installed behind sheathing but they must not be installed behind nor imbedded in structural insulation; they should pass through such insulation at right angles and should be protected by continuous pipe with a stuffing tube at one end. For deck penetrations this stuffing tube should be at the upper end of the pipe and for bulkhead penetrations it should be on the uninsulated side of the bulkhead. For refrigerated space insulation the pipe should be of a phenolic or similar heat insulating material joined to the bulkhead stuffing tube or a section of such material should be inserted between the bulkhead stuffing tube and the metallic pipe.

(11) *Bell wire.* Bell wire may be run in tubing or moulding or the equivalent. All splices are to be made at outlets or connection boxes.

(12) *Lightning ground conductor.* Lightning ground conductor should be fitted to each wooden mast or topmast. They need not be fitted to steel masts.

§ 111.60-15 General requirements for wiring methods.

(a) *Feeder and branch continuity.* Each feeder and each branch circuit cable supplying a single energy consuming appliance, shall be continuous throughout their lengths, except that a cable of large size or exceptional length may be spliced in a suitable junction box to effect greater ease of installation and except for cables that may be extended as permitted by paragraph (f) of this section.

(b) *Boxes at outlets.* An outlet box shall be installed at each outlet, switch, receptacle, or junction point. In the complete installation, each outlet or junction box shall be provided with a cover unless a fixture canopy, switch cover, receptacle cover, etc., is used.

(c) *Cables entering boxes.* Cables entering boxes or fittings shall be protected from abrasion, and shall conform to the requirements of this paragraph.

(1) Opening through which conductors enter shall be adequately closed.

(2) The cable armor shall be secured to the box or fitting.

(3) In damp or wet locations, the cable entrance shall be made watertight by means of a terminal or stuffing tube, except that cables entering the bottom of drip-proof enclosures need not be made watertight.

(d) *Splices and taps.* (1) Conductors shall be so spliced or joined as to be mechanically and electrically secure without solder and, unless an approved splicing device is used, shall then be either soldered with a fusible metal or alloy, or brazed or welded. All splices and joints shall be covered with an insulation equivalent to that on the original conductor.

(2) If not subjected to a temperature higher than 75 degrees C, a splice or joint shall be covered with rubber or thermosplastic tape secured in place by an outer winding of friction tape, or with a standard combination tape or as specified in subparagraph (3) or (4) of this paragraph.

(3) If subjected to a temperature higher than 75 degrees C but not higher than 90 degrees C, a splice or joint shall be covered with asbestos cord or tape secured in place by an outer winding of friction tape or bonded with water-glass (sodium silicate) or as specified in subparagraph (4) of this paragraph.

(4) If subjected to a temperature higher than 90 degrees C, a splice or joint shall be covered with asbestos cord or tape bonded with water-glass.

(5) Other methods of insulating splices and taps, such as wrapping with layers of varnished-cambric tape followed by painting with insulating varnish, when properly done, are also acceptable.

(6) Rubber and thermoplastic insulating tapes shall be of a type listed as approved by Underwriters' Laboratories, Inc.

(e) *Connections to terminals.* (1) Connection of conductors to terminal parts shall insure a thoroughly good connection without damaging the conductors and shall be made by means of pressure connectors, solder lugs, or splices to flexible leads either soldered, brazed, or welded, except that No. 10 or smaller conductors may be connected by means of clamps or screws with terminal plates having upturned lugs. Terminals for more than one conductor shall be of a type approved for that purpose.

(2) Connectors, or lugs of the set-screw type shall not be used with stranded conductors smaller than No. 14 AWG unless provided with a nonrotating follower traveling with the set screw and making pressure contact with the conductor.

(3) Pressure-type wire connectors, fixture splicing connectors, and lugs shall conform to the requirements of Underwriters Laboratories, Inc., Standard for Wire Connectors and Soldering Lugs, and shall be so listed by Underwriters Laboratories, Inc.

(4) Terminal blocks shall employ terminal screws not smaller than 6-32, and spacings not less than that shown in Table 111.60-15 (e) (4).

TABLE 111.60-15 (e) (4)—Terminal Block Spacings

Voltage involved	Minimum spacings in inches between parts of opposite polarity and between live parts and ground: Through air	Over surface
0-250	½	½
251-600	¾	⅜

(f) *Extending feeder and branch circuit cables.* Existing feeder and branch circuit cables may be extended for vessels receiving major alterations provided the requirements of this paragraph are met.

(1) The cables shall be spliced in suitable junction boxes.

(2) Each vital and emergency circuit shall be spliced in individual, suitable junction boxes.

(3) Circuits of different voltages shall not be extended by means of a common cable or junction box.

(4) Existing cables of less than 25 feet in length shall not be extended but shall be replaced.

§ 111.60-20 Outlet boxes.

(a) *General.* The requirements of this section are applicable to outlet boxes for use with lighting fixtures, wiring devices, and the like, including separately installed connection and junction boxes, having a volume of not more than 100 cubic inches. Boxes of large size will require special consideration.

(b) *Size.* Outlet boxes shall have an internal depth of at least 1½ inches, except that when an outlet box is incorporated in a fixture the depth may be decreased to not less than 1 inch provided the outlet box volume is not less than 20 cubic inches. The free space within an outlet box for each conductor, not counting fixture wires, shall be not less than that given in Table 111.60-20 (b). Table 111.60-20 (b) applies where no fitting or devices, such as cable clamps, hickeys, switches or receptacles are contained in the box. Where one or more such devices are contained in the box, each such device shall count as one conductor. Each conductor terminated in the box is counted as one conductor.

TABLE 111.60-20 (b)—Outlet Box Size

AWG size of conductor, No.	Free space in cubic inches for each conductor within box
14	2.0
12	2.25
10	2.5
8	3.0

(c) *Degree of enclosure.* Outlet boxes for use in damp or wet locations shall be of watertight construction.

(d) *Mounting and grounding.* Outlet boxes shall be securely fastened in place and grounded to the hull of the vessel. Outlet boxes of watertight construction shall have external mounting feet or lugs.

(e) *Penetration of walls.* Holes in the walls of watertight outlet boxes for the purpose of providing means for the attachment of parts on the exterior or interior thereof, or for securing the cover and the like, shall not penetrate the total thickness of the box wall.

(f) *Construction.* The construction of outlet boxes shall conform with the requirements of Underwriters' Laboratories, Inc. Standard for Outlet Boxes and Fittings, except that sheet steel outlet boxes shall not be installed in corrosive locations.

§ 111.60-25 Switches and circuit breakers.

(a) *General requirements*—(1) *Grounded conductor.* No switch or circuit breaker shall disconnect the grounded conductor of a circuit unless the switch or circuit breaker simultaneously disconnects the ungrounded conductor or conductors.

(2) *Three-way and four-way switches.* Three-way and four-way switches shall be so wired that all switching is done only in the ungrounded circuit conductor.

(3) *Enclosures.* Switches and circuit breakers, except pendant and surface type snap switches and knife switches mounted on an open face switchboard or panelboard, shall be of the externally operative type enclosed in metal boxes or cabinets.

(4) *Position of knife switches.* Single-throw knife switches shall be so placed that gravity will not tend to close them. Double-throw knife switches may be mounted so that the throw will be either vertical or horizontal as preferred, but if the throw be vertical a locking device shall be provided which will insure the blade remaining in the open position when so set.

(5) *Circuit connections.* Knife switches, unless of the double-throw type, shall be so connected that the blades are dead when the switch is in the open position. Circuits shall be connected to the fuse end of switches and to the coil end of circuit breakers, except that generators or incoming feeders may

be connected to either end of circuit breakers.

(6) *Accessibility and grouping.* Switches and circuit breakers, so far as practicable, shall be readily accessible and shall be grouped.

(7) *Circuit breakers as switches.* A circuit breaker operable directly by applying the hand to a lever or handle may serve as a switch provided it has the number of poles required for such switch.

(8) *Grounding of enclosures.* Enclosures for switches or circuit breakers shall be grounded.

(9) *Knife switches.* Knife switches rated for more than 1,200 amperes at 250 volts or less, and for more than 600 amperes at 251 to 600 volts shall be used only as isolating switches and shall not be opened under load. To interrupt currents greater than 1,200 amperes at 250 volts or less, or 600 amperes at 251 to 600 volts, a circuit breaker or a switch of special design approved for such purpose shall be used. Knife switches of lower rating may be used as general-use switches and may be opened under load. Motor-circuit switches may be of the knife-switch type. (See § 111.45–30 (d), (e), and (f).)

(10) *Rating of snap switches.* Snap switches shall be rated as described in this paragraph depending upon the load controlled.

(i) *Non-inductive loads.* For non-inductive loads other than tungsten-filament lamps, switches shall have an ampere rating not less than the ampere rating of the load.

(ii) *Tungsten filament lamp loads.* For tungsten-filament lamp loads, and for combined tungsten-filament and non-inductive loads, switches shall have a "T" rating not less than the ampere rating of the load.

(iii) *Inductive loads.* Switches controlling inductive loads shall have an ampere rating twice the ampere rating of the load unless they are of a type approved as part of an assembly or for the purpose employed.

(iv) *Motor-circuit switches.* For switches controlling motors see §§ 111.45–30 and paragraph (b) (4) of this section.

(b) *Detail requirements*—(1) *Circuit breakers.* Circuit breakers shall comply with § 111.55–15 (e).

(2) *Knife switches.* The construction of knife switches shall conform to the requirements of Underwriters' Laboratories, Inc. Standard for Knife Switches.

(3) *Snap switches.* The construction of snap switches shall conform with the requirements of Underwriters' Laboratories, Inc. Standard for Snap Switches and the switches shall be so labeled. The switches when installed in an outlet box and wired shall have a minimum spacing between live parts and ground of ¼-inch through air or over surfaces for potentials of 250 volts or less.

(4) *Enclosed switches.* Enclosed switches shall conform to the requirements of Underwriters' Laboratories, Inc. Standard for Enclosed Switches, except that sheet metal enclosures shall not be employed for use in corrosive locations unless one of the conditions covered in this subparagraph is complied with.

(i) The enclosure is fabricated of corrosion-resistant material.

(ii) The enclosure is fabricated of sheet steel not less than ⅛ inch in thickness and hot dip galvanized after fabrication.

(iii) The enclosure is fabricated of sheet steel not less than 3/16 inch in thickness and given a corrosion-resistant finish in accordance with § 110.15–40 of this subchapter.

§ 111.60–26 Shore connection boxes.

(a) Shore connection boxes shall be of ample size to accommodate the connections of the portable and fixed cables, and shall be of watertight construction when installed in damp or wet locations.

(b) Shore connection boxes for installation in corrosive locations shall not be constructed of sheet metal unless the conditions of § 111.60–25 (b) (4) (i), (ii), or (iii) are met.

(c) The minimum spacing between live parts and between live parts and ground in shore connection boxes shall meet the requirements of Table 111.35–5 (d). Means other than friction between parts shall be provided to prevent cable lugs from rotating.

(d) Shore connection boxes shall be arranged for bottom entrance of portable cable and shall provide a protected enclosure while in use.

§ 111.60–30 Receptacle outlets and attachment plugs.

(a) Receptable outlets and attachment plugs for the attachment of portable lamps, tools, and similar apparatus supplied as ship's equipment and operating at 100 volts or more, shall provide a grounding pole and a grounding conductor in the portable cord to ground the dead metal parts of the portable apparatus. For portable devices made entirely of non-conducting material or so constructed that dead metal parts will not become energized under any conditions, the grounding conductor in the portable cord and the grounding pole of the attachment plug need not be furnished. Portable apparatus shall be deemed to be any apparatus served by means of a flexible extension cord, whether the apparatus is permanently mounted or not.

(b) Receptacle outlets provided for the convenience of, and located in quarters, for, passengers or crew for connecting portable appliances operating at 100 volts or more, shall provide a grounding pole.[1]

(c) Receptacle outlets of the type providing a grounding pole shall be of a distinctive design that will not permit the dead metal parts of portable apparatus to be connected to a live conductor.

(d) Receptacle outlets for use in damp or wet locations shall be so designed that, when the plug is in place, the plug will be held in positive contact and will establish and maintain a watertight integrity of the enclosure.

(e) Receptacle outlets for use in damp or wet locations shall be so designed that, when the plug is not in place, the plug opening may be closed to establish and maintain a watertight integrity of the enclosure. Where threaded caps are used for this purpose, the cap shall be mechanically fastened to the cover or enclosure by a strong link or hinged strap.

(f) Receptacle outlets for use in locations exposed to the weather shall be so designed that with the plug opening uncovered, water will not collect in the interior of the box.

(g) Receptacle outlets for use in locations where accessible to other than qualified persons shall, with the plug opening uncovered, present no live parts. Any screw, rivet, contact, or the like which is accessible and in electrical connection with any live-metal part shall be located in a hole not more than 9/32 inch in diameter and recessed not less than 3/16 inch in the clear.

(h) When it is necessary to transmit current in one direction between two receptacle outlets by means of a portable cable with a plug on each end (such as a battery charging lead between a receptacle outlet on a ship and a receptacle outlet in a lifeboat), the plug which may be energized when not inserted in the receptacle outlet, shall be of the female type. When receptacle outlets may be used as a source of power as well as to receive power (such as the receptacles on barges that may have to supply power to adjoining barges in some make-ups and receive power from the towboat or adjoining barge in other make-ups) the receptacles shall be of the male, reverse service type. Plugs of associated portable cable shall be of the female type and shall be provided at both ends of the portable lead. The female type plug specified in this paragraph shall comply with the requirements of paragraph (g) of this section.

(i) A receptacle outlet installed on a lifeboat for the purpose of connecting it to the ship's electrical system shall be of a type that will permit the plug to pull free should the lifeboat be lowered.

(j) Where receptacle outlets on a ship are connected to different potentials, or to different types of potentials, receptacle outlet types shall be selected so that a portable device cannot be plugged into a receptacle outlet of an unsuitable potential.

(k) Receptacle outlets and plugs for use in damp or wet locations shall be constructed of corrosion-resistant material(s), or of a material(s) with a corrosion-resistant finish(es), except that receptacle outlets and plugs for use in corrosive locations shall be constructed of corrosion-resistant material(s).

(l) Receptacle outlets and plugs when installed and wired shall have a minimum spacing between live parts and ground of ¼ inch through air or over surface for potentials of 250 volts or less.

(m) Interior units of receptacle outlets and plugs shall conform to the requirements of Underwriters' Laboratories, Inc. Standard for Attachment Plugs and Receptacles.

[1] Applicable to vessels contracted for on or after January 1, 1964. Vessels contracted before January 1, 1964 need not provide a type with grounding pole if operating at 125 volts or less.

§ 111.60–35 Lighting fixtures.

(a) *General requirements.* (1) Construction details shall be in accordance with Underwriters' Laboratories, Inc., Standard for Marine Type Electric Lighting Fixtures Subject 595.

(2) Open arc lamps shall not be used for applications other than for searchlights and for motion picture projectors.

(3) Fixture globes shall be protected by guards except in living quarters, wheelhouse, gyro room, radio room, galley, and similar spaces where not subject to mechanical damage.

(4) Fixtures shall be of such construction, or so installed, that the conductors in outlet boxes will not be subjected to temperatures greater than that for which the conductors are approved (75° C. for rubber insulated conductors, 85° C. for varnished-cambric insulated and mineral-insulated conductors, 95° C. for asbestos-varnished-cambric insulated conductors, and 105° C. for MIL–C–2194 type SGA cable). For the purpose of this section, an ambient temperature of 25° C. will be assumed for passenger and crew quarters, public spaces, cargo spaces, and open deck areas, an ambient temperature of 40° C. will be assumed for auxiliary machinery and work spaces, and an ambient temperature of 50° C. will be assumed for the engine and boiler rooms.

(5) Fixtures shall be so constructed, or installed, or equipped with shades and/or guards that combustible material will not be subjected to temperatures in excess of 90° C.

(6) Fixtures shall not be used as connection boxes for circuits other than the branch circuit supplying the fixture except that two or more circuits may supply the fixture when:

(i) One or more lamps of a multilamp fixture are supplied from an emergency lighting circuit; or

(ii) When the number of lamps of a fixture exceeds the capacity of a single circuit. When more than one circuit is employed in a fixture, the circuits shall be as widely separated as possible and the different circuits clearly identified at terminal points. Also see § 111.50–20 (c) (5).

(7) For wiring of explosion-proof equipment see § 111.60–40.

(b) *Lighting fixture installations.* (1) Fixtures installed in locations exposed to the weather and in other locations occasionally exposed to splashing water shall be of watertight construction. Fixtures installed in other wet or damp locations shall be of at least dripproof construction as installed.

(2) Any combustible bulkhead or ceiling finish exposed between the edge of a fixture canopy or pan and the outlet box shall be covered with noncombustible material.

(3) In a completed installation, each outlet box shall be provided with a cover unless it is covered by means of a fixture canopy, lampholder, or similar device.

(4) Fixtures, lampholders, and receptacle outlets shall be securely supported. Fixtures shall not be supported by the screw shell of a lampholder.

(5) Pendent fixtures shall be suspended by, and supplied through threaded rigid conduit stems.

(6) Table lamps, desk lamps, floor lamps, and similar equipment shall be secured in place to prevent displacement by the roll or pitch of the vessel.

(c) Grounding of lighting equipment. (1) Lighting equipment (including fixtures) shall be grounded.

(2) Equipment shall be considered as grounded when mechanically connected in a permanent and effective manner to the metal structure of the ship, the armor of armored cable, or a grounding connector.

§ 111.60–40 Wiring methods and materials for hazardous locations.

(a) *General.* (1) The provisions of this section apply to locations in which equipment and wiring are subjected to the conditions indicated by the classifications covered by subparagraphs (7) through (9) of this paragraph. It is necessary that each compartment or area containing electrical equipment be considered individually in order to determine its hazard classification. Except as modified by this section, all other applicable rules contained in this subchapter shall apply to electrical equipment and wiring installed in hazardous locations.

(2) The term "explosion-proof" as used in this section shall mean enclosed in a case which is capable of withstanding an explosion of a specified gas or vapor which may occur within it, and of preventing the ignition of the specified gas or vapor surrounding the enclosure by sparks, flashes or explosions of the gas or vapor within.

(3) Through the exercise of ingenuity in the layout of electrical installations for hazardous locations, it is frequently possible to locate much of the equipment in less hazardous or nonhazardous areas and thus reduce the amount of special equipment required. The amount of electrical equipment or wiring in hazardous locations shall be minimized.

(4) The intent of this section is to require a form of construction of equipment, and of installation that will insure safe performance under conditions of proper use and maintenance. It is necessary, therefore, that more than ordinary care be exercised with regard to the installation and maintenance of equipment and wiring in hazardous areas.

(5) Explosion-proof switches and switches controlling explosion-proof equipment shall have a pole for each circuit conductor.

(6) The explosive characteristics of various atmospheric mixtures of hazardous gases, vapors and dusts depend on the specific hazardous material involved. It is necessary, therefore, that equipment be designed not only for the class of location but also for the specific gas, vapor or dust that will be present. For the purpose of approval, the following atmospheric mixtures have been grouped on the basis of their explosive characteristics:

Group A: Atmospheres containing acetylene;
Group B: Atmospheres containing hydrogen, or gases or vapors of equivalent hazard, such as manufactured gas;
Group C: Atmospheres containing ethyl ether vapor;
Group D: Atmospheres containing gasoline, petroleum, naphtha, alcohols, acetone, lacquer solvent vapors, and natural gas;
Group E: Atmospheres containing metal dust;
Group F: Atmospheres containing carbon black, coal or coke dust; and
Group G: Atmospheres containing grain dust.

(7) Class I locations are those in which flammable gases or vapors are or may be present in the air in quantities sufficient to produce explosive or ignitible mixtures.

(i) This classification would usually include locations such as cargo pump rooms, cofferdam areas, and in some cases open deck areas, storage and mixing rooms for paint and allied products, storage rooms for oil, oil lamps and the like, battery rooms, and hospital operating rooms in which combustible anesthetics may be administered.

(ii) Special limitations and requirements for electrical installations in hazardous locations on tank vessels are contained in Subpart 111.70.

(8) Class II locations are those in which combustible dust is or may be in the air continuously, intermittently, or periodically under normal conditions, in quantities sufficient to produce explosive or ignitible mixtures.

(i) This classification would usually include the working areas handling bulk grain and similar products, coal pulverizing plants (except where the pulverizing equipment is essentially dust-tight), and the like.

(9) Class III locations are those in which easily ignitible fibers or materials producing combustible flyings are handled or used.

(i) Easily ignitable fibers and combustible flyings will include rayon, cotton (including cotton linters and cotton waste), sisal or henequen, istle, jute, hemp, tow, cocoa fiber, oakum, baled waste, kapok, Spanish moss, excelsior, sawdust, and other materials of similar nature.

(ii) Class III locations will usually include areas where the above products are handled in bulk, and in carpenter shop and similar locations.

(b) *Electrical installations in Class I, Groups A, B, C, and D, hazardous locations*—(1) *Meters, instruments and relays.* Meters, instruments, and relays, including kilowatt-hour meters, instrument transformers and resistors, rectifiers and thermionic tubes, shall be provided with explosion-proof enclosures approved for Class I locations.

(2) *Switches, circuit breakers, motor controllers and fuses.* Switches, circuit breakers, motor controllers and fuses, including pushbuttons, relays and similar devices, shall be provided with enclosures, and the enclosures in each case

together with the enclosed equipment shall be approved as a complete assembly for use in Class I locations.

(3) *Control transformers and resistors.* Transformers, impedance coils and resistors used as, or in conjunction with, control equipment for motors, generators and appliances, together with any switching mechanism associated with them, shall be provided with explosion-proof enclosures approved for Class I locations.

(4) *Motors and generators.* Motors, generators and other rotating electrical machinery shall be of enclosed explosion-proof type approved for Class I locations.

(5) *Lighting fixtures.* Each lighting fixture shall be approved as a complete assembly for class I locations, and shall be clearly marked to indicate the maximum wattage of lamps for which it is approved. Fixtures intended for portable use shall be specifically approved as a complete assembly for that use.

(i) *Mechanical injury.* Each fixture shall be protected against mechanical injury by a suitable guard. Pendent fixtures having rigid conduit stems longer than 12 inches shall have permanent and effective bracing against lateral displacement.

(ii) *Support.* Boxes, box assemblies or fittings used for the support of lighting fixtures shall be approved for the purpose and for Class I location.

(6) *Appliances, fixed and portable.* Appliances, including electrically heated and motor-driven appliances, shall be approved for Class I locations.

(7) *Flexible cords.* A flexible cord may be used only for connections between a portable lamp or a portable appliance and the fixed portion of its supply circuit and where used shall be of a type approved for extra hard usage; shall contain, in addition to the conductors of the circuit, a grounding conductor; shall be connected to terminals or to supply conductors in an approved manner; shall be supported by clamps or by other suitable means in such a manner that there will be no tension on the terminal connections; and shall be provided with suitable seals where the flexible cord enters boxes, fittings, or enclosures of explosion-proof type.

(i) Where flexible cords may be exposed to liquids having a deleterious effect on rubber, they shall be of a type approved for use under such conditions.

(8) *Receptacle outlets and attachment plugs.* Receptacle outlets and attachment plugs shall be of the polarized type providing for connection to the grounding conductor of the flexible cord and shall be approved for Class I locations.

(9) *Signal, alarm, remote-control and communication systems.* Signal, alarm, remote-control and communication systems, irrespective of voltage, shall be approved for Class I locations.

(10) *Wiring methods.* (i) Electric cables shall be leaded and armored, or impervious sheathed and armored, or mineral-insulated metal sheathed.

(ii) The cable entrance to each explosion-proof device shall be sealed to prevent the passage of gases, vapors, or flames from within the explosion-proof enclosure.

(iii) The seal fitting shall be located as close as practicable to, but in no case more than 18 inches from, the enclosure, and shall be connected thereto by means of a short length of rigid metal conduit with threaded explosion-proof joints each having at least 5 full threads engaged. Type MI cables, however, shall enter enclosures directly through explosion-proof fittings especially approved for Class I locations.

(iv) Except for type MI cables, all cable covering except the individual conductor insulation shall be removed in way of the seal fitting, and the seal fitting filled with a sealing compound.

(v) The sealing compound shall be approved for the purpose, shall not be affected by the surrounding atmosphere or liquids, and shall not have a melting point of less than 93 degrees C.

(vi) In the completed seal, the minimum thickness of the sealing compound shall be not less than the trade size of the conduit, and in no case less than 5/8 of an inch.

(vii) Splices and taps shall not be located in the seal-fitting, nor shall other fittings in which splices or taps are made be filled with compound.

(c) *Electrical installations in Class II hazardous locations*—(1) *Switches, circuit breakers, motor controllers, and fuses.* Switches, circuit breakers, motor controllers and fuses, including push-buttons, relays and similar devices, which are intended to interrupt current in the normal performance of the function for which they are installed, or which are installed where dusts of an electrically conducting nature may be present, shall be provided with dust-tight enclosures approved for Class II locations.

(i) Disconnecting and isolating switches containing no fuses and not intended to interrupt current, and which are not installed where dust may be of an electrically conducting nature, shall be provided with tight metal enclosures which shall be equipped with close fitting covers, or with other effective means to prevent the escape of sparks or burning material; and shall have no openings (such as holes for attachment screws) through which, after installation, sparks or burning material might escape, or through which exterior accumulations of dust or adjacent combustible material might be ignited.

(2) *Control transformers and resistors.* Transformers, impedance coils and resistors used as, or in conjunction with, control equipment for motors, generators and appliances, and any overcurrent devices or switching mechanisms associated with them, shall have dust-tight enclosures approved for Class II locations.

(3) *Motors and generators.* Motors, generators and other rotating electrical machinery shall be totally enclosed not ventilated, totally enclosed pipe ventilated, or totally enclosed fan-cooled, and shall be approved for Class II locations.

(4) *Appliances, fixed and portable.* Appliances, fixed and portable, including electrically heated and motor-driven appliances, shall be approved for Class II locations.

(5) *Lighting fixtures.* Each lighting fixture, fixed or portable, shall be approved for Class II locations, and shall be clearly marked to indicate the maximum wattage of the lamp for which it is approved. Each fixture shall be protected against mechanical injury by a suitable guard. Pendent fixtures having rigid conduit stems longer than 12 inches shall have permanent and effective bracing against lateral displacement. Boxes, box assemblies or fittings used for the support of lighting fixtures shall be approved for the purpose and for Class II locations.

(6) *Receptacles and attachment plugs.* Receptacles and attachment plugs shall be polarized type providing for connection to the grounding conductor of the flexible cord, and shall be approved for Class II locations.

(7) *Signal, alarm, remote-control, and communication systems.* (i) Switches, circuit breakers, relays, contactors and fuses which may interrupt other than voice currents, and current-breaking contacts for bells, horns, howlers, sirens and other devices in which sparks or arcs may be produced, shall be provided with dust-tight enclosures approved for Class II locations.

(ii) Resistors, transformers, and choke coils which may carry other than voice currents, and rectifiers, thermionic tubes, and other heat generating equipment or apparatus shall be provided with dust-tight enclosures approved for Class II locations.

(8) *Wiring methods*—(i) *Fittings and boxes.* Fittings and boxes shall be provided with threaded bosses for terminal tubes, shall have close fitting covers, and shall have no openings (such as holes for attaching screws) through which sparks or burning material might escape. Fittings or boxes in which taps, joints or terminal connections are made, or which are used in locations where dusts are of an electrically conducting nature, shall be approved for Class II locations.

(ii) *Electric cables.* Electric cables shall be leaded and armored, impervious sheathed and armored, or mineral-insulated metal sheathed. Cable entrances shall be made dust-tight by terminal tubes or, in case of Type MI cable, by fittings designed for that purpose.

(iii) *Flexible connections.* Where necessary to employ flexible connections, dust-tight flexible connectors, flexible metal conduit, or flexible cord approved for extra hard usage and provided with bushed fittings shall be used, except that where dusts are of an electrically-conducting nature, flexible metal conduit shall not be used, and flexible cords shall be provided with dust seals at both ends. Where flexible cords are subject to oil or other corrosive conditions, the conductors shall be of a type approved for the condition. An additional conductor for grounding shall be provided in the flexible cord.

(d) *Electrical installations in Class III hazardous locations*—(1) *Switches circuit breakers, motor controllers and fuses.* Switches, circuit breakers, motor controllers, and fuses, including push buttons, relays, and similar devices, shall be provided with tight metal enclosures which shall be equipped with close fitting covers, or with other effective means to prevent escape of sparks or burning material; and shall have no openings (such as holes for attachment screws) through which after installation, sparks or burning material might escape, or through which exterior accumulations of fibers or flyings or adjacent combustible material might be ignited.

(2) *Control transformers and resistors.* Transformers, impedance coils and resistors used as, or in conjunction with, control equipment for motors, generators and appliances, shall conform to paragraph (c) (2) of this section.

(3) *Motors and generators.* Motors, generators, and other rotating electrical machinery shall be totally enclosed not ventilated, totally enclosed pipe-ventilated, or totally-enclosed fan-cooled.

(4) *Applicances, fixed and portable.* Appliances, fixed and portable, shall conform to the requirements of this subparagraph.

(i) *Heaters.* Electrically heated appliances shall be provided with dust-tight enclosures and shall be approved for Class III locations.

(ii) *Motors.* Motors of motor-driven appliances shall conform to subparagraph (3) of this paragraph. Appliances which may be readily moved from one location to another shall conform to requirements for the most hazardous location.

(iii) *Switches, circuit breakers, motor controllers and fuses.* Switches, circuit breakers, motor controllers and fuses shall conform to paragraph (c) (1) of this section.

(5) *Lighting fixtures.* Lighting fixtures shall conform to the requirements of this subparagraph.

(i) *Construction.* Each fixture shall be of dust-tight type so designed that in the event of burnout of lamp or lampholder, no spark or hot metal can escape from the fixture. Unless each fixture is so constructed that it will not accept a lamp of larger wattage than that for which it is designed, it shall be clearly marked to indicate the maximum wattage of lamp that should be used.

(ii) *Mechanical injury.* A fixture which may be exposed to mechanical injury shall be protected by a suitable guard.

(iii) *Supports.* Boxes, box assemblies or fittings used for the support of lighting fixtures shall be of a type approved for the purpose.

(iv) *Portable lamps.* Portable lamps shall be dust-tight and shall be protected with substantial guards. Lampholders shall be of unswitched type with no exposed metal parts. Unless the portable lamp is so constructed that it will not accept a lamp of larger wattage than that for which it is designed, it shall be clearly marked to indicate the maximum wattage of lamp that should be used.

(6) *Receptacles and attachment plugs.* Receptacles and attachment plugs shall conform to paragraph (c) (6) of this section.

(7) *Signals, alarm, remote control and communication systems.* Signal, alarm, remote-control and communication systems shall conform to paragraph (c) (7) of this section.

(8) *Wiring methods.* (i) Fittings and boxes in which taps, joints, or terminal connections are made shall be provided with close fitting covers, or other effective means, to prevent the escape of sparks or burning material; and shall have no openings (such as holes for attaching screws) through which, after installation, sparks or burning material might escape, or through which exterior accumulations of fibers or flyings or adjacent combustible materials might be ignited.

(ii) Electric cables shall conform to paragraph (c) (8) (ii) of this section.

(iii) Flexible connections shall conform to paragraph (c) (8) (iii) of this section.

Subpart 111.65—Special Requirements for Certain Locations and Systems

§ 111.65–1 Application.

The requirements of this subpart contain special requirements relative to electrical installations in specific areas and to specific electrical systems. Except as modified by this subpart, all other applicable rules contained in this subchapter shall also apply to such installations and systems.

§ 111.65–5 Special requirements for hospital operating rooms.

(a) *Application.* The requirements of this section are applicable to any area of a hospital in which it is intended to administer to a patient any combustible anesthetic agent in the course of examination or treatment, and to any room used for storage of combustible anesthetic or disinfecting agents.

(b) *General requirements.* The electrical installations and electrical equipment in anesthetizing locations and in storage locations for combustible anesthetic or disinfecting agents shall comply with "Code for Use of Flammable Anesthetics (Safe Practice for Hospital Operating Rooms)" published by National Fire Protection Association. The requirements of "Class I, Group C, Division 1 locations of Article 500 of the National Electrical Code" as referred to in "Code for Use of Flammable Anesthetics (Safe Practice for Hospital Operating Rooms)" shall be be construed to mean the requirements for Class I, Group C locations covered in § 111.60–40(b).

§ 111.65–10 Special requirements for locations where gasoline or other highly volatile motor fuel is carried in vehicles.

(a) *Application.* The provisions of this section are applicable to any area in which gasoline or other highly volatile motor fuel is stored in self-propelled vehicles being transported.

(b) *General requirements.* Electrical equipment which tends to produce arcs or sparks, such as cutouts, switches, receptacles, lampholders, generators, motors, or other equipment having make-or-break or sliding contacts, when installed within 18 inches of the deck, shall be of a type approved for Class I, Group D locations, in accordance with § 111.60–40(b). Electrical equipment installed at or over 18 inches above the deck shall be of the totally-enclosed type or drip-proof protected equipment provided with suitable guards or screens to prevent escape of sparks or hot metal particles.

(1) The reference to a level of 18 inches above the deck shall be construed to mean each deck at or above the weather deck on which vehicles are transported.

(2) Areas below the weather deck on which vehicles are transported shall be deemed to be a hazardous area to a height 18 inches above the weather deck. Where continuous pressure-positive ventilation of areas below the weather deck on which vehicles are transported is provided, the hazardous area may be deemed to extend only up to a height of 18 inches above the deck in each such area: *Provided*, That all the following conditions are complied with:

(i) The quantity of ventilating air shall be not less than 1 cubic foot per minute per square foot of deck area.

(ii) The ventilation system shall be such as to prevent air stratification as well as to prevent the accumulation of air pockets.

(iii) An alarm system shall be provided to indicate in the wheelhouse the loss of the required ventilation.

§ 111.65–15 Special requirements for motion picture projection rooms and projection equipment.

(a) *General*—(1) *Professional type projectors.* The professional type of projectors shall be located in a projector room. Such rooms shall not be considered as a hazardous location as defined in § 111.60–40. (The professional projector employs a 35-millimeter film which is 1 3/8 inches wide and has on each edge 5.4 perforations per inch.)

(2) *Non-professional type projectors.* Projectors of the non-professional or miniature type, if employing only approved slow-burning (cellulose acetate or equivalent) film, may be operated without a projection room.

(b) *Equipment and projectors of the professional type*—(1) *Motor-driven projectors.* Motor-driven projectors shall be approved for the purpose as an assembly or shall comply with all the conditions contained in this subparagraph.

(i) An approved projector shall be used.

(ii) An approved projector lamp shall be used.

(iii) Motors shall be so designed or guarded as to prevent ignition of film by sparks or arcs.

(iv) Projectors shall be under the charge of a qualified person.

(2) *Conductor size.* Conductors supplying outlets for projectors of the professional type shall not be smaller than No. 8 AWG, and shall be of sufficient size for the projector employed.

(3) *Conductor insulation.* Conductors having a maximum operating temperature of 200 degrees C. shall be used on all lamps or other equipment when the ambient temperature at the conductors as installed will exceed 50 degrees C.

(4) *Flexible cords.* Cords approved for hard service shall be used on portable equipment.

(5) *Lamp guards.* Incandescent lamps in projector rooms shall be provided with guards unless otherwise protected by noncombustible shades or other enclosures.

(6) *Location of equipment.* Motor-generator sets, transformers, rectifiers, rheostats, and similar equipment for the supply or control of current to arc lamps on projectors shall, if practicable, be located in separate rooms. If placed in the projector room, they shall be so located or guarded that arcs or sparks cannot come in contact with film. Motor-generator sets shall have the commutator end or ends totally enclosed.

(7) *Equipment prohibited.* No switches, overcurrent devices, or other equipment, not normally required or used for projectors, sound reproduction, flood, or other special effect lamps or other equipment, shall be installed in projector rooms, except remote-control switches for control of auditorium lights.

(c) *Construction of equipment and projectors of the professional type.* (1) Projectors and enclosures for arc or incandescent lamps and associated equipment shall be of a type, listed as approved by Underwriters' Laboratories, Inc.

§ 111.65–20 Special requirements for electric elevators and dumbwaiters.

(a) *Application.* The requirements of this section are applicable to electric elevators and dumbwaiters.

(b) *General requirements.* The electrical control and interlock circuits of elevators and dumbwaiters shall be in accordance with American Standards Association Safety Code for Elevators, Dumbwaiters, and Escalators. The construction of control switches shall conform with the requirements of Underwriters' Laboratories, Inc. Standard for Elevator Electric Contacts and Elevator Hoistway Door Interlocks.

§ 111.65–25 Special requirements for submersible motor-driven bilge pumps.

(a) *Application.* The requirements of this section are applicable to submersible motor-driven bilge pumps required on certain vessels by Subpart 55.10 of Subchapter F (Marine Engineering) of this chapter.

(b) *General requirements.* (1) The electric motor driving the submersible bilge pump shall be installed in an open end air bell of rugged construction and of such proportions that flooding of the compartment, in which it is located to the bulkhead deck will not cause water to enter the motor.

(2) The motor may be of the open type provided it is protected against splashing water from the bottom.

(3) Cables to the motor shall enter through the open bottom of the air bell.

(4) The motor shall be capable of continuous operation at rated load under any condition, dry or with water in air bell at any level up to maximum.

(5) The motor controller shall be located above the bulkhead deck with a master switch at the controller and a master switch at the motor. The master switch at the motor shall be connected in such a manner that it will be completely disconnected from the circuit when the motor is started or stopped from the remote master switch.

(6) The motor shall be energized from the final source of emergency lighting and power.

§ 111.65–30 Special requirements for electric power-operated watertight door system.

(a) *Application.* The provisions of this section are applicable to electric power-operated watertight door systems required by Subpart 73.35 of Subchapter H (Passenger Vessels) of this chapter, except that only paragraph (g) of this section shall be applicable to installations contracted for prior to November 19, 1952.

(b) *General requirements.* The watertight door operating system shall comply with the specification requirements of Subpart 163.001 of Subchapter Q (Specifications) of this chapter.

(c) *Power supply.* The power supply to power operated watertight door systems shall comply with the requirements contained in this paragraph.

(1) The source of power for electric motor-driven door operators shall be the source of the emergency lighting and power system as required by Subpart 112.15 of this chapter.

(2) If the peak current resulting from the simultaneous starting of all doors is too great for the temporary or final source of supply, the control shall be so arranged that when the central master switch is put to "close" the doors will start to close serially at intervals of not more than 3 seconds, preference being given to the doors starting with those in the lowest part of the vessel. The total time for all doors to be closed shall not exceed 60 seconds.

(3) The power supply for hydraulically operated watertight door systems employing a hydraulic system common to more than one watertight door shall be an accumulator tank of sufficient capacity to open all doors twice and to close all doors three times and one or more motor-driven hydraulic pumps capable of being operated from the final source of the emergency lighting and power system.

(i) The motor-driven hydraulic pumps automatically shall maintain the accumulator tank pressure within the design limits, and shall be located and controlled from above the bulkhead deck.

(ii) The accumulator tank capacity required by subdivision (i) of this subparagraph shall be available when the accumulator tank pressure is at the automatic pump "cut-in" pressure.

(4) The source of power for hydraulically operated watertight door systems employing an independent hydraulic system for each door operator shall be as required by subparagraphs (1) and (2) of this paragraph.

(5) The power supply for other types of watertight door operators shall be as approved by the Commandant.

(d) *Distribution.* Distribution of electric power to the watertight door operators shall comply with the requirements covered in this paragraph.

(1) Distribution panelboards used in connection with watertight door systems shall be located above the bulkhead deck and shall be provided with means for locking to prevent unauthorized access to the switching devices or fuses.

(2) Feeders supplying several watertight door operators shall be located above the bulkhead deck.

(3) A separate branch circuit shall be provided for each watertight door operator.

(e) *Overcurrent protection.* Overcurrent devices employed in watertight door system feeders and branch circuits shall be arranged to isolate a fault with as little disruption of the system as possible. The relationship between loads and rating or setting of overcurrent devices shall conform to the requirements covered in this paragraph.

(1) The rating or setting of each feeder overcurrent device shall be not less than 200 percent of its maximum load.

(2) The rating or setting of a branch circuit overcurrent device shall be not more than 25 percent of that of the feeder overcurrent device.

(f) *Cable.* All cable used in connection with watertight door system feeder circuits or branch circuits shall be leaded and armored, impervious sheathed and armored, or mineral-insulated, metal sheathed.

(g) *Existing vessels.* (1) Existing arrangements, materials, and facilities previously approved but not meeting the applicable specifications or requirements set forth in paragraphs (b) through (f) of this section may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and minor alterations may be made to the same standards as the original installation provided that in no case will a greater departure from the standards of paragraphs (b) through (f) of this section be permitted than presently exist.

(2) All new installations or major replacements shall meet the applicable specifications or requirements for new vessels.

§ 111.65–35 Special requirements for fire screen door holding and release systems.

(a) *Application.* When an electric fire screen door holding and release system is installed in compliance with the requirements of Part 72 of Subchapter H (Passenger Vessels) of this chapter, the provisions of this section, with the exception of paragraph (e) of this section shall apply to all installations contracted for on or after November 19, 1952. Installations contracted for prior to November 19, 1952, shall meet the requirements of paragraph (e) of this section.

(b) *Definitions.* (1) The term "fire screen door" will be used in this section to designate any self-closing door required to comply with § 72.05–25 (b) of Subchapter H (Passenger Vessels) of this chapter.

(2) The term "fire screen holding device" will be used in this section to designate any device designed and installed for the purpose of holding open a fire screen door.

(3) The term "local control station" will be used in this section to designate any manually operated device installed adjacent to a fire screen door for the purpose of releasing the door so that the fire screen door self-closing mechanism may close the door.

(4) The term "central control station" will be used in this subpart to designate any manually operated device installed to release the fire screen doors from the wheelhouse or fire control room.

(c) *General.* (1) The fire screen door holding and release system requirements contained in this section presuppose that the fire screen doors will be held open by electromagnets, door release being effected by deenergizing the electromagnets.

(2) The Commandant may accept any other means for fire screen door holding and releasing not less effective than the electromagnetic type covered by this subpart.

(d) *General requirements.* (1) The fire screen door holding and release system shall consist of an electromagnet for each fire screen door, a self-aligning armature plate on each door to be seized and held by the electromagnet when the fire screen door is fully open, a control switch located adjacent to the door to interrupt the supply potential to the electromagnet, and a central control located in the wheelhouse or fire control room to interrupt remotely potential to all holding magnets.

(2) The fire screen door holding circuit shall be arranged so that loss of potential from any cause will release the doors, except that momentary interruptions of the circuit that may result from the operation of automatic bus-transfer devices in connection with the emergency lighting and power system, will not release the doors.

(3) The central control station shall consist of an enclosed switch, circuit breaker, or magnetic contactor of ample rating to interrupt the connected load. The switching unit shall be externally operative and maintaining in both the "hold doors" and "release doors" positions.

(4) The local control station shall consist of an enclosed externally operative fused switch having a rating of not less than 10–T amperes, 125 volts, and may be either the momentary contact type or the maintaining contact type. A single door holding magnet shall be connected to the fuse end of this local control station. Where several doors are in close proximity to each other, a single local control station switch of ample rating may be used to release simultaneously these several doors.

(5) A door holding electromagnet shall be designed for a nominal pull of approximately 200 pounds. When the arrangement of the electrical supply involves transfer relays to transfer the supply from a normal to a temporary source, a door holding electromagnet shall be designed so that, with a pull on the armature of 110 pounds, the armature will be held in the sealed position for approximately ¼ second after the circuit to the electromagnet is opened. The electromagnet shall be designed for continuous duty in an ambient temperature of 50 degrees C. with a temperature rise by thermometer measurement of not more than 55 degrees C. for Class A insulation nor more than 75 degrees C. for Class B insulation. The electromagnet coil shall be vacuum impregnated and the magnet enclosure shall be either drip-proof or watertight.

(6) The source of power for the fire screen door holding and release system shall be the emergency lighting and power system as required by Subpart 112.15 of this subchapter.

(7) On large vessels where the closing of all fire screen doors simultaneously would seriously interfere with fire-fighting operations or with the evacuation of passengers, it is recommended that the fire screen door release system be subdivided into several circuits. The circuits shall be arranged so that it will be possible to isolate any compartment in which a fire is reported by a sufficient number of closed fire screen doors effectively to stop all draft to the fire area. An effective draft stop will entail closing:

(i) All fire screen doors in the area between the main vertical zone bulkheads immediately forward and aft of the fire area;

(ii) All fire screen doors in the main vertical zone bulkheads immediately forward and aft of the fire area; and,

(iii) All fire screen doors in the next adjacent main vertical zones, forward and aft of the fire area. The fire screen door tripping arrangement shall be specifically approved for each vessel.

(e) *Existing vessels.* Fire screen door holding and release systems on vessels contracted for prior to November 19, 1952, shall meet the requirements covered in this paragraph.

(1) Existing arrangements, materials, and facilities previously approved will be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and minor alterations may be made to the same standard as the original installation.

(2) All new installations or major replacements shall meet the applicable specifications or requirements for new vessels.

§ 111.65–40 Special requirements of electric power-operated lifeboat winches.

(a) *Application.* The provisions of this section, with the exception of paragraph (i) of this section, shall apply to all vessels contracted for on or after November 19, 1952. The provisions of paragraph (i) of this section, shall apply to all vessels contracted for prior to November 19, 1952.

(b) *General.* The provisions of this section supplement the requirements of Subpart 160.015 of Subchapter Q (Specifications), Part 33 of Subchapter D (Tank Vessels), Part 75 of Subchapter H (Passenger Vessels) and Part 94 of Subchapter I (Cargo and Miscellaneous Vessels) of this chapter.

(c) *General construction requirements.* (1) Control and power circuit switches and motor controllers installed in conjunction with lifeboat winches shall be of types specifically approved for use with lifeboat winches.

(2) Switches and motor controllers shall be of a design not likely to be adversely affected by corrosion of the working parts. Particular attention shall be given to hinged parts of contactors and relays. Structural parts, such as the enclosing cases, if not constructed of corrosion-resistant materials, shall be given a durable corrosion-resistant finish.

(3) Insulating materials shall be limited to those which exhibit the lowest relative water absorption and/or the least effect of such water absorption upon the dielectric properties consistent with the other necessary characteristics.

(4) Where gaskets are used to provide a water seal between parts of an assembly, the gasket shall be secured in place in such a manner as to prevent its falling out or becoming loose when the unit is disassembled.

(5) Holes in the walls of equipment housings for the purpose of providing means for the attachment of parts on the interior thereof, or for securing covers and the like, shall not penetrate the total thickness of the housing wall.

(6) Totally enclosed units shall be provided with a needle valve or with at least one hole closed by a ¼ inch pipe plug for draining condensed moisture. The valve or hole shall be located at the bottom, or as near the bottom as practicable, of the enclosure in order that it may drain the enclosure satisfactorily.

(7) Main line emergency disconnect switches, when installed in a location accessible to passengers, shall be provided with means whereby the switch can be locked in the open-circuit position by means of a padlock or the equivalent. The switch shall have no provisions for locking in the closed-circuit position.

(d) *Detail construction requirements*—(1) *Enclosures.* Each enclosure for motor controller and switching de-

vices, when installed in locations exposed to the weather, shall be capable of meeting the test requirements of paragraph (e) of this section.

(2) *Electrical clearances.* The minimum creepage and air clearance distance between live parts of different polarity of motor controllers, master switches, and control circuit limit switches shall be not less than the values shown in Table 111.65–40 (d) (2). It is desirable to exceed these values where possible. The electrical clearances for power circuit limit switches and main line emergency disconnect switches shall be not less than the general requirements for such devices given in this part.

(3) *Motors.* Motors shall be of watertight construction in accordance with the general requirements of this part.

TABLE 111.65–40 (d) (2)—MINIMUM SPACINGS IN INCHES

Potential involved in volts		0–150	151–300	301–600
Between any uninsulated live part and an uninsulated live part of opposite polarity, an uninsulated grounded part other than the enclosure, or an exposed metal part.	Through air	½	5/16	⅜
	Over surface	½	⅝	¾
Between any uninsulated live part and the walls of a metal enclosure, including fittings for cable entrance.	Through air	½	½	½
	Over surface	¾	¾	¾

(e) *Spraytight test.* (1) Before conducting this test, all joints that have gaskets or sealing compounds, or that have been painted, shall be broken and reassembled three times; this procedure also applies to doors and to cover plates. There shall be no leakage of water into the enclosure after it has been subjected to one of the following methods of submergence for a period of five continuous minutes:

(i) The enclosure shall be submerged in water to such a depth that the highest point of the enclosure in its normally mounted position is under a three-foot head; or

(ii) The enclosure shall be submerged in water at least 3 inches at the highest point in an open tank. Sufficient vacuum shall then be applied to the inside of the enclosure to produce an external pressure equivalent to a 3-foot head of water.

(2) The following additional test shall be conducted immediately after either of the above tests, and while the enclosure is still submerged. An internal air pressure shall be applied for a period of 5 minutes equal to 1½ pounds per square inch, plus a pressure equivalent to the depth of submergence.

(3) Under these tests the enclosure will be considered spraytight if no water is found inside the enclosure, and if no air bubbles are seen to emerge. Where a shaft enters the enclosure, the shaft shall be operated twice while submerged.

(4) The following formula may be used to determine the necessary vacuum:

$$M = 0.074\ (12H - W) \qquad (1)$$

where:
M = vacuum in inches of mercury,
H = equivalent head of water in feet, and
W = depth of water in inches covering the highest point of the enclosure.

(f) *Wiring of lifeboat winch components.* (1) When the motor controller of a lifeboat winch power unit is located adjacent to the winch, the main line emergency switch shall disconnect all parts of the lifeboat winch power unit, including the motor controller and limit switches, from all sources of potential. Any other power circuit switches employed shall be connected in series with the main line emergency switch and ahead of the motor controller. The main line emergency switch shall serve as the motor and controller disconnect required by the general requirements of this part, and shall have a horsepower rating not less than that of the winch motor.

(2) When the motor controller of a lifeboat winch power unit is remotely located with relation to the winch, a switch shall be provided at the controller arranged to disconnect the entire winch electrical installation from all sources of potential. In such cases, the main line emergency switch shall be connected in series with this circuit disconnect switch and ahead of the power circuit limit switches, when employed, and ahead of the motor controller.

(3) Davit arm limit switches, whether connected in the power circuit or in the control circuit, shall disconnect all ungrounded conductors of the circuit controlled.

(4) Where one motor is used with two winches, a main line emergency switch, a clutch interlock switch, and a master switch shall be provided for each winch, except that a single main line emergency switch located in accordance with subparagraph (5) of this paragraph with respect to both winches will be accepted. The main line emergency switches shall be connected in series ahead of the motor controller. The master switches shall be connected in parallel and each in series with the corresponding clutch interlock switch for that winch. The clutch interlock switches shall open the circuit to its master switch except when the power unit is clutched to the associated winch. Means shall be provided to prevent the power unit from being clutched to both winches simultaneously.

(5) Typical lifeboat winch wiring diagrams and arrangement drawings are shown on Figures 111.65–40 (f) (5) (i) through 111.65–40 (f) (5) (iv), the arrangement of the equipment shown being diagrammatical. The fact that some show direct current motors and some show alternating current motors has no particular significance. In actual installations the main line emergency disconnect switch shall be so located as to be adjacent to the master switch; within reach of the winch operator; in a position accessible to the person in charge of the boat stowage; and in a position, for gravity davit installations, from which the movement of both davit arms can be observed as they approach the final stowed position. Special consideration will be given to other arrangements where complete compliance with these location requirements cannot be met.

(g) *Procedure for approval of lifeboat winch electrical installations and equipment*—(1) *Switches.* Manufacturers of master switches, limit switches, and main line emergency disconnect switches desiring to qualify their products for use in connection with lifeboat winch installations shall submit for review detail assembly drawings of the unit, identifying each part used in the assembly and the material specification, including finish, if any, of each part. After the detail assembly drawings have been reviewed sample units may be requested for testing. Units found to comply with the requirements of this section will be listed by the Coast Guard as being satisfactory for use as lifeboat winch auxiliary equipment.

(2) *Motor controllers.* Manufacturers of motor controllers desiring to qualify their products for use in conjunction with lifeboat winch installations shall submit for review detail assembly drawings and material lists of the enclosing cases to be furnished, and detail assembly drawings and material lists and/or samples of contactors, relays, resistors and other motor controller components to be employed. For each installation of lifeboat winch motor controllers there shall be submitted for approval a drawing showing the enclosure outline, front view assembly, wiring diagram, and material list, together with the name or other identification of the vessel on which the motor controllers will be installed. No general approval of motor controllers will be given.

(3) *Motors.* For each installation of lifeboat winch motors, plans as required by § 111.05–5 shall be submitted, together with the name or other identification of the vessel on which the motor will be installed. No general approval of motors will be given.

(4) *Shipboard installation drawing.* For each shipboard installation of electric power-operated lifeboat winches, an elementary wiring diagram and isometric or deck wiring diagram as required by § 111.05–5 shall be submitted.

(h) *Testing of lifeboat winch electrical equipment.* The electrical equipment shall be given periodic inspections and tests as required by Part 78 of Subchapter H (Passenger Vessels) and Part 97 of Subchapter I (Cargo and Miscellaneous Vessels) of this chapter.

(i) *Electric power-operated lifeboat winches for existing vessels.* (1) The electrical equipment installed in connection with electric power-operated lifeboat winches used with gravity davits on passenger vessels and cargo vessels contracted for prior to November 19, 1952, and on tank vessels contracted for on or after November 19, 1952 shall comply with the requirements of § 160.015–3(k) of Subchapter Q (Specifications) of this chapter and with the wiring arrangements of § 111.65–40(f).

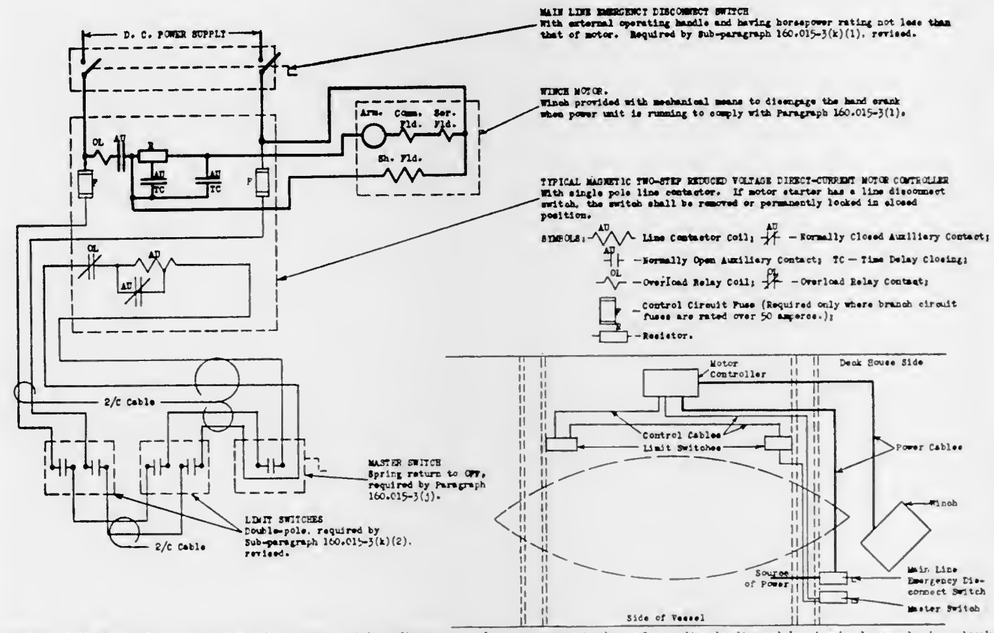


FIGURE 111.65–40(f)(5)(i)—Typical elementary wiring diagram and arrangement plan of gravity davit and boat winch employing double-pole limit switches and main line emergency switch in accordance with Subpart 160.015, Subchapter Q.

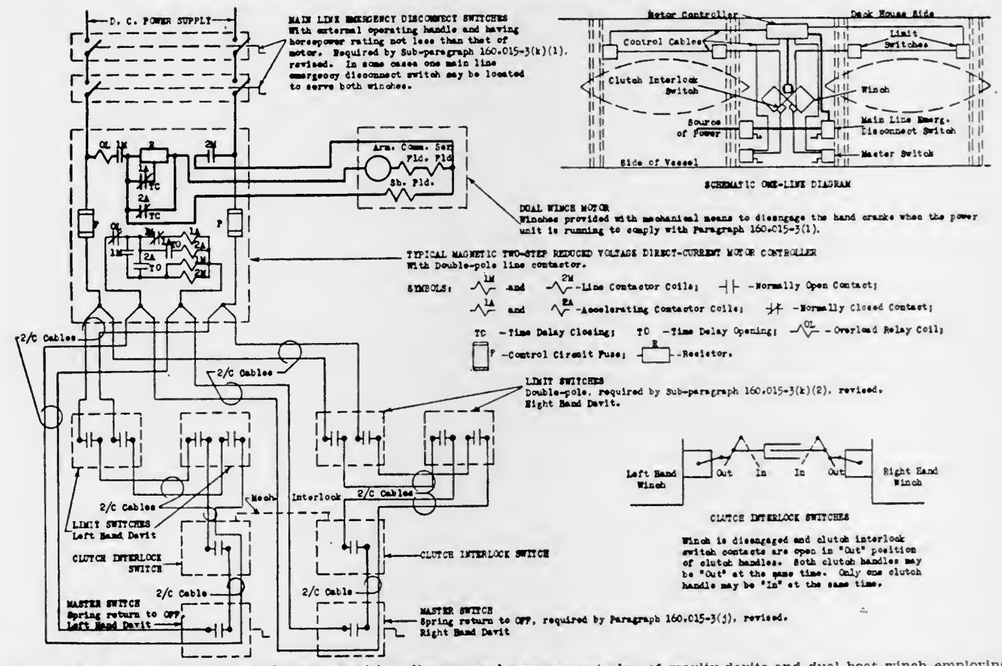


FIGURE 111.65–40(f)(5)(ii)—Typical elementary wiring diagram and arrangement plan of gravity davits and dual boat winch employing double-pole limit switches, clutch interlock switches, and main line emergency switches in accordance with Subpart 160.015, Subchapter Q.

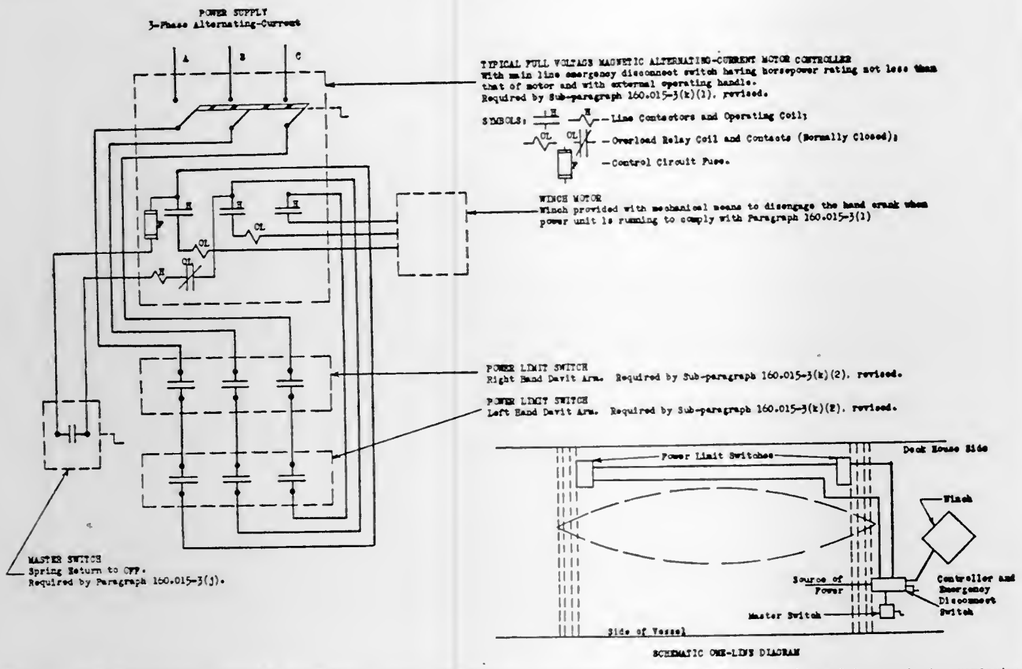


FIGURE 111.65-40(f)(5)(iii)—Typical elementary wiring diagram and arrangement plan of gravity davit and boat winch employing power limit switches and combined starter and main line emergency disconnect switches in accordance with Subpart 160.015, Subchapter Q.

(2) New materials installed to effect compliance with this paragraph shall comply with the applicable requirements of this section. Existing materials continued in service shall comply with the requirements of this section insofar as it is reasonable and practicable.

(3) Modification of existing lifeboat winch electrical installations to effect compliance with this paragraph shall be completed not later than October 1, 1952.

(4) The electrical equipment installed in connection with electric power-operated lifeboat winches used with other than gravity davits on vessels contracted for prior to November 19, 1952, previously approved, but not meeting the applicable specifications or requirements set forth in paragraphs (b) through (f) of this section may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and minor alterations may be made to the same standards as the original installation: *Provided*, That, in no case, will a greater departure from the standards of paragraphs (b) through (f) of this section be permitted than presently exist. All new installations or major replacements shall meet the applicable specifications or requirements for new vessels.

§ 111.65–45 Special requirements for electric air heaters.

(a) *Application.* (1) The provisions of this section, with the exception of paragraph (c) of this section, shall apply to all vessels contracted for on or after November 19, 1952. The provisions of paragraph (c) of this section shall apply to all vessels contracted for prior to November 19, 1952.

(2) The provisions of this section are applicable to electrically energized units or panels to be employed in heating a room or compartment for the comfort of the occupants thereof. The provisions of this section are not applicable to electrically energized units employed to heat the air in enclosed apparatus, such as motors, controllers, or the like.

(b) *General requirements.* (1) Electric heaters shall be so constructed that the risk of fire is reduced to a minimum. Unspecified construction and circuit details shall be in accordance with Underwriters' Laboratories, Inc., Standard for Electric Space-Heating Equipment.

(2) Heaters shall be designed to heat the surrounding air principally by convection. Heater elements shall be of the enclosed type. The heater element case or jacket should be of a corrosion-resistant material.

(3) Heaters shall be provided with a thermal cutout of the manually reset type that will prevent overheating and with a suitable regulating switch.

(4) Heaters for bulkhead mounting shall have their top slanted or otherwise designed to prevent hanging towels, etc., on the heater. When heaters are of the portable type, an acceptable clip or bracket shall be fitted to hold the heater in a fixed position.

(5) The external temperature of the heater enclosing case shall not exceed a temperature of 125 degrees C., except that the external temperature of the enclosing case of flush mounted heaters shall not exceed a temperature of 100 degrees C. When heaters are mounted upon, or adjacent to, the deck or bulkhead, the construction of the heater shall be such that the nearest deck or bulkhead surface will not exceed a temperature of 55 degrees C. For test purposes an ambient temperature of 25 degrees C. will be used.

(c) *Electric air heaters on vessels contracted for prior to November 19, 1952.* (1) Existing arrangements, materials, and equipment previously approved shall be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and minor alterations may be made to the same standard as the original installation.

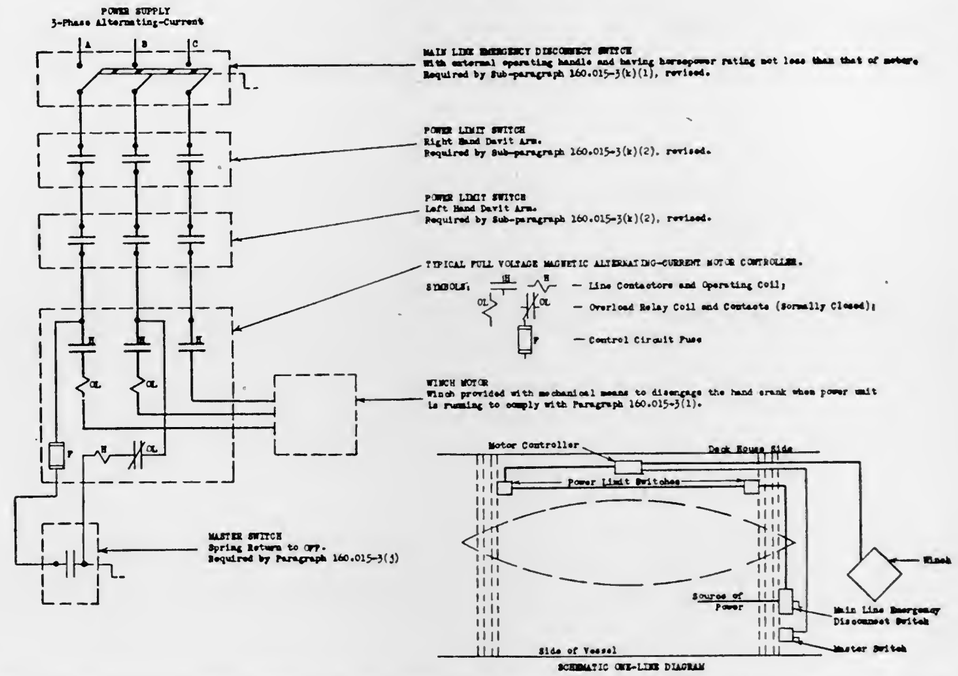


FIGURE 111.65-40(f)(5)(iv)—Typical elementary wiring diagram and arrangement plan of gravity davit and boat winch employing main line emergency switch and power limit switches in accordance with Subpart 160.015, Subchapter Q.

(2) All new installations or major replacements shall meet the applicable specifications or requirements for new vessels.

§ 111.65–50 Special requirements for electric cooking equipment and motor-driven commissary equipment.

(a) *Application.* The provisions of this section, with the exception of paragraph (d) of this section, shall apply to all vessels contracted for on or after November 19, 1956. The provisions of paragraph (d) of this section shall apply to all vessels contracted for prior to November 19, 1956.

(b) *Electric cooking equipment requirements.* (1) All equipment, attachments and devices shall be of rugged construction and so designed as to permit complete cleaning, maintenance and repair with ease.

(2) Doors shall be provided with heavy duty hinges and locking devices to prevent accidental opening in a heavy sea.

(3) Where necessary for safety of personnel, grab rails shall be provided. Ranges shall be provided with sea rails with adjustable barriers to resist accidental cook pot movement.

(4) Means shall be provided to effect positive grease or fat collection and to prevent spillage thereof onto the deck.

(5) All equipment shall be mounted to prevent dislodgment by roll and/or pitch, whether arranged for fixed wiring or for portable wiring.

(6) Each equipment unit shall be provided with means for disconnecting it from all circuit conductors. The disconnecting means shall plainly indicate whether it is in the open or closed circuit position and shall be located in the same compartment with, and within sight of, its associated equipment. The disconnecting means may be an integral part of the equipment provided this device remains unaffected by the heat of the equipment of which it is a part.

(7) Unspecified construction and circuit details shall be in accordance with Underwriters' Laboratories, Inc., Standard for Commercial Electric Cooking Appliances.

(c) *Motor-driven commissary equipment requirements.* (1) All equipment shall be rigidly constructed and self-supporting, and shall be securely mounted whether arranged for fixed wiring or for portable wiring unless such mounting would defeat the utility of the equipment.

(2) The enclosures of motors and controls shall be either watertight or totally enclosed or comparable protection provided.

(d) *Electric cooking equipment and motor-driven commissary equipment on vessels contracted for prior to November 19, 1956.* (1) Existing arrangements, materials, and equipment previously approved shall be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and minor alterations may be made to the same standard as the original installation.

(2) All new installations or major replacements shall meet the applicable requirements for vessels contracted for on or after November 19, 1956.

§ 111.65–55 Special requirements for electrical steering gears.

(a) *General.* This section contains requirements for steering gear installations where the main or both the main and auxiliary steering means is electric power driven and where the steering control means is electric powered. Where two steering gear power motors and two separate and independent means for controlling the rudder from the pilothouse are provided, there will be two steering systems, each consisting of a power motor, control system, and steering gear feeder. In general these two systems are to be separate on a port and starboard basis. For any different arrangement of the steering gear system, special consideration and approval will be required with the intent of obtaining a steering installation which will be equivalent to the one covered in this section.

(b) *Disconnecting and switching means.* (1) The steering gear power motors and control systems shall be connected to the respective steering gear branch circuits in the steering gear room. Separate means shall be provided in the steering gear room for disconnecting the motor and control systems from the power source.

(2) If a means of transfer is provided in the steering gear room so arranged that either steering gear power motor and associated control system can be connected to either of the two steering gear branch circuits, interlocks shall be provided to prevent both steering systems from being connected to the same branch circuit simultaneously.

(c) *Control of steering gear motors and steering control systems.* (1) Means shall be provided in the steering gear room for starting and stopping the steering gear power motors and any motors that are part of the pilothouse control system.

(2) Where two separate and independent steering control systems are installed, the means of switching shall be provided in the pilothouse to select the steering control system which is to be used for steering. This selection shall be accomplished by one operating handle but the switches for each system shall be in separate enclosures or shall be separated by suitable fire-resistant barriers. The handle shall have positions for "port control", "off", and "starboard control" with such an arrangement to necessitate the passing through the "off" position when transferring from one steering system to the other.

(3) The selecting means in the pilothouse shall be so arranged that the steering gear power motor for the steering system selected will automatically be started if not already running. Any ancillary device necessary to activate the selected remote means for controlling the rudder shall be automatically operated upon starting the steering gear power motor.

(d) *Overcurrent protection for steering systems.* (1) Short circuit protection only shall be provided for the control circuits of controllers of steering gear power motors and motors used for control systems. This protection shall be instantaneous and rated at 400–500 percent of the current-carrying capacity of the conductors.

(2) Indicating and alarm circuits associated with steering installations shall be provided with overcurrent protection in accordance with § 111.45–10(b)(2). Pilothouse steering control systems and any other electric means for controlling the rudder remote from the steering gear room shall be provided with short circuit protection only. The protection shall be instantaneous and rated at 400–500 percent of the current-carrying capacity of the control system conductors. The protection means shall be located in the steering gear room just after the disconnecting means required by paragraph (b)(1) of this section.

(e) *Indicating and alarm systems for steering installations.* (1) A pilot light for each steering gear power motor and each auxiliary motor vital to the control of the rudder shall be provided at the propulsion control station, and other locations if desired, to indicate when the motors are energized.

(2) For the requirements pertaining to overload indicating lights for steering gear pilot motors, see § 111.45–5(p).

(3) The opening of a steering gear branch-circuit circuit breaker shall automatically be indicated at the propulsion control station by the sounding of an audible alarm.

Subpart 111.70—Special Requirements for Tank Vessels

§ 111.70–1 Application—TB/ALL.

(a) *General.* The requirements of this subpart contain special requirements relative to electrical installations on tank vessels. Except as modified by this subpart and regulations of Subchapter D (Tank Vessels), all other applicable regulations contained in this Subchapter J shall also apply to tank vessels.

(b) *Symbols.* The vessels and services to which each regulation applies are indicated by letters in the heading of the section or paragraph. The first letter or two letters indicates the type of vessel and the letter or letters following the oblique line indicates the waters in which such vessels may operate. The letters are described as follows:

(1) "T" signifies a tankship.

(2) "B" signifies a tank barge when it precedes an oblique line; or it signifies service on bays, sounds, and lakes other than the Great Lakes when it follows an oblique line.

(3) "ALL" signifies service on all waters.

(4) "O" signifies service on ocean waters.

(5) "C" signifies service on coastwise waters.

(6) "L" signifies service on Great Lakes waters.

(7) "R" signifies service on river waters.

§ 111.70–5 Definitions.

(a) *General—TB/ALL.* Certain terms used in this subpart are defined in this section.

(b) *Cargo—TB/ALL.* The term "cargo" means combustible liquid, flammable liquid, or liquefied flammable gas unless otherwise stated.

(c) *Cofferdam—TB/ALL.* The term "cofferdam" means a void or empty space separating two or more compartments for the purpose of isolation or to prevent the contents of one compartment from entering another in the event of the failure of the walls of one to retain their tightness.

(d) *Combustible liquid—TB/ALL.* The term "combustible liquid" means any liquid having a flash point above 80° F. (as determined from an open-cup tester, as used for test of burning oils). Combustible liquids having lethal qualities are those having the characteristics of class "B" or "C" poisons as defined in §§ 146.25–10 and 146.25–15 of Subchapter N (Dangerous Cargoes) of this chapter. In the regulations of this subchapter, combustible liquids are referred to by grades, as follows:

(1) *Grade D.* Any combustible liquid having a flashpoint below 150° F. and above 80° F.

(2) *Grade E.* Any combustible liquid having a flashpoint of 150° F. or above.

(e) *Flashpoint—TB/ALL.* The term "flashpoint" indicates the temperature in degrees Fahrenheit at which a liquid gives off a flammable vapor when heated in an open-cup tester. For the purpose of the regulations in this subchapter, flashpoints determined by other testing methods will be equivalent to those determined with an open-cup tester, as follows:

TABLE 111.70–5 (e)—EQUIVALENT FLASH POINTS

Open-cup tester	Tag closed-cup tester (A. S. T. M.)	Pensky-Martens closed tester (A. S. T. M.)
°F. 80 150	°F. 75 ----------	°F. ---------- 140

(f) *Gas free—TB/ALL.* The term "gas free" means free from dangerous concentrations of inflammable or toxic gases.

(g) *Flammable liquid—TB/ALL.* The term "flammable liquid" means any liquid which gives off flammable vapors (as determined by flashpoint from an open-cup tester, as used for test of burning oils) at or below a temperature of 80° F. Flammable liquids having lethal qualities are those having the characteristics of class "B" or "C" poisons as defined in §§ 146.25–10 and 146.25–15 of Subchapter N (Dangerous Cargoes) of this chapter. Flammable liquids are referred to by grades, as follows:

(1) *Grade A.* Any flammable liquid having a Reid[1] vapor pressure of 14 pounds or more.

(2) *Grade B.* Any flammable liquid having a Reid[1] vapor pressure under 14 pounds and over 8½ pounds.

(3) *Grade C.* Any flammable liquid having a Reid[1] vapor pressure of 8½ pounds or less and a flashpoint of 80° F. or below.

(h) *Liquefied flammable gas—TB/ALL.* The term "liquefied flammable gas" means any inflammable gas having a Reid[1] vapor pressure exceeding 40 pounds, which has been compressed and liquefied for purposes of transportation.

[1] American Society for Testing Materials Standard D–323 (most recent revision), Method of Test for Vapor Pressure of Petroleum Products (Reid Method).

(i) *Tank barge—B/ALL.* The term "tank barge" means any tank vessel not equipped with means of self-propulsion.

(j) *Tankship—T/ALL.* The term "tankship" means any tank vessel propelled by power or sail.

(k) *Tank vessel—TB/ALL.* The term "tank vessel" means any vessel especially constructed or converted to carry liquid bulk cargo in tanks.

§ 111.70–10 Special requirements for tank vessels contracted for on or after November 19, 1955—TB/ALL.

(a) *Application.* The requirements of this section apply to all tank vessels contracted for on or after November 19, 1955.

(b) *General.* The special installation requirements, in a general manner, are contained in § 32.45–1 of Subchapter D (Tank Vessels) of this chapter, and, in some instances and to some degree, are repeated in this section for completeness of this subchapter.

(1) *Cable location.* Where practicable, electric cable shall be located well inboard from the sides, preferably along or near the centerline, to reduce the risk of injury in the event of collision, but it shall be kept clear of cargo tank openings. Specific additional requirements for cargo pump rooms and enclosed spaces immediately above or adjacent to cargo tanks are covered in paragraph (c) of this section.

(2) *Equipment location.* Except where Grade E liquids only are involved, switchboards, distribution panels, switches, fuses, and other circuit interrupting or power devices shall not be installed in cargo pump rooms nor in enclosed spaces immediately above or adjacent to cargo tanks. Regardless of the grade of liquid cargo handled by a tank vessel, storage batteries shall not be located in cargo pump rooms.

(3) *Explosion-proof installations.* Where explosion-proof equipment is required, the equipment and installation thereof shall comply with § 111.60–40 of this part.

(4) *Portable equipment.* Illumination may be obtained in any compartment by the use of approved explosion-proof, self-contained, battery-fed lamps. Otherwise, no portable electrical equipment of any type shall be used in bulk cargo tanks, fuel oil tanks, cargo pump rooms, or enclosed spaces immediately above or adjacent to bulk cargo tanks unless all the following conditions are met:

(i) The compartment itself is gas-free;

(ii) The compartments adjacent and diagonally adjacent are either (*a*) gas-free, (*b*) inerted, (*c*) filled with water, (*d*) contain Grade E liquid and are closed and secured, or (*e*) are spaces in which inflammable vapors and gases normally are not expected to accumulate; and

(iii) All other compartments of the vessel in which inflammable vapors and gases normally may be expected to accumulate are closed and secured.

(c) *Installation requirements on tank vessels handling Grade A, B, C or D liquid cargo.* The requirements of this paragraph apply only to tank vessels handling Grade A, B, C or D liquid cargo.

(1) *Lighting of cargo pump rooms.* (i) Except as otherwise permitted by subdivision (ii) of this subparagraph, cargo pump rooms shall be lighted through permanently fixed glass lenses fitted in the bulkhead and/or overhead. Each fixed glass lens shall be of rugged construction and arranged to maintain the watertight and gastight integrity of the structure. The fixed glass lens may form a part of a lighting fixture provided that all of the following conditions are complied with: (*a*) No means of access to the interior of the fixture from the pump room is provided; (*b*) The fixture is vented to the engine room or a similar non-hazardous area; (*c*) The fixture is wired from outside the pump room; and (*d*) The maximum observable temperature on the pump room surface of the glass lens based on an ambient temperature of 40° C. shall not exceed 180° C.

(ii) Where the location of a cargo pump room does not permit the lighting arrangement of subdivision (i) of this subparagraph, or where the lighting arrangement of subdivision (i) of this subparagraph, if used, would not provide the required illumination, approved explosion-proof lighting fixtures may be installed. Specific approval by the Commandant is required for the installation of approved explosion-proof lights, associated wiring and accessories.

(2) *Lighting of enclosed spaces.* Lighting of the enclosed spaces immediately above or adjacent to cargo tanks either shall comply with the requirements of subparagraph (1) of this paragraph applicable to cargo pump rooms or may be effected or supplemented by means of explosion-proof fixtures located in these spaces.

(3) *Cable.* Through runs of electric cable, regardless of how they may be protected, are prohibited in cargo pump rooms. In any enclosed space immediately above or adjacent to cargo tanks other than cargo pump rooms, through runs of electric cable are permitted.

(4) *Weather decks.* Motors, their control equipment, and other electrical equipment and installations located on or above the weather decks within 10 feet of the cargo tank openings, cargo pumproom doors or ventilation outlets, or cargo tank vent terminations shall be explosion-proof. Explosion-proof equipment installed in locations exposed to the weather shall be waterproof or shall be enclosed in watertight housings.

§ 111.70–90 Special requirements for tank vessels constructed prior to November 19, 1955—TB/ALL.

(a) *General installation requirements for tank vessels the construction or conversion of which was started on or after November 10, 1936, but prior to November 19, 1955*—(1) *Application.* The requirements of this paragraph shall apply to all tank vessels the construction or conversion of which was started on or after November 10, 1936, but prior to November 19, 1955.

(2) *General.* The electrical installation shall be in compliance with this paragraph, and to the extent that such installation is not covered by this paragraph, it shall be at least equivalent to the Commandant's general requirements.

(3) *Existing arrangements.* (i) Existing arrangements, materials, and facilities previously approved will be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs or minor alterations may be made to the same standard as the original installation.

(ii) Any major change in the electrical installation or any conversion shall comply with the requirements covered by §§ 111.70–1 and 111.70–10.

(4) *Location of cables.* Where practicable, electrical cable is to be located well inboard from the sides, preferably along or near the centerline, to reduce the risk of injury in the event of collision, but it shall be kept clear of cargo tank openings. Except where Grade E liquids only are involved, feeders shall be run as far as practicable to avoid cargo pump rooms and enclosed spaces immediately adjoining cargo tanks.

(5) *Cable armor.* The armor on all cables shall be electrically and mechanically continuous.

(6) *Location of circuit-interrupting devices.* Except where Grade E liquids only are involved, switchboards, distribution panels, switches, fuses, and other current-interrupting devices shall not be fitted in cargo pump rooms or enclosed spaces immediately adjoining cargo tanks.

(7) *Portable equipment.* Portable extension cables and fittings are to be of an approved type.

(8) *Overload protection.* Main distribution circuits shall be protected against overload by circuit breaking devices, the capacity of which shall be marked at each such device.

(9) *Storage batteries.* Storage batteries shall not be located in cargo pump rooms. The space in which they are located shall be well ventilated and they shall be protected against mechanical and electrical injury including short circuiting and overloading. Batteries shall be secured against movement, and acid batteries shall be set in lead-lined trays at least 3 inches deep of at least 4-pound sheet lead.

(10) *Installations made during the Unlimited National Emergency.* Electrical equipment installed during the Unlimited National Emergency as defined in § 110.25–5 of this subchapter and not complying with the requirements of the regulations in this subchapter may be continued in service if found to be satisfactory by the Commandant for the purpose intended.

(11) *Portable equipment.* When the vessel is not gas free, no portable electrical equipment shall be used in the cargo or fuel oil tanks, the cargo pump rooms or any enclosed space immediately above or adjacent to the bulk cargo tanks, except as permitted by § 111.70–10(b)(4).

(b) *Cargo pump rooms and enclosed spaces of tank vessels constructed on or after July 1, 1951, but prior to November*

19, 1955—(1) *Application.* The requirements of this paragraph shall apply to cargo pump rooms and enclosed spaces immediately above the bulk cargo tanks of all tank vessels carrying Grade A, B, C, or D liquid cargo the construction or conversion of which vessels was started on or after July 1, 1951, but prior to November 19, 1955. There are no special restrictions in regard to the electrical installations in cargo pump rooms and enclosed spaces of tank vessels carrying only Grade E liquid cargo.

(2) *Equipment.* No electric lighting or power circuit-interrupting or power devices shall be installed in pump rooms or enclosed spaces immediately above the bulk cargo tanks. Through runs of electrical cable are permitted.

(3) *Lighting.* Lighting of pump rooms or the enclosed spaces immediately above the bulk cargo tanks shall be effected by means of approved explosion-proof or magazine type lighting fixtures. When the vessel is not gas free no portable lighting equipment shall be used except as permitted by § 111.70–10 (b) (4).

(c) *General cargo spaces of tank vessels constructed on or after July 1, 1951, but prior to November 19, 1955.* Regardless of location, general cargo spaces of tank vessels carrying Grade E liquid cargo only and constructed on or after July 1, 1951, but prior to November 19, 1955, shall have no special restrictions in regard to electrical installations.

(d) *Cargo pump rooms and enclosed spaces of tank vessels constructed on or after November 10, 1936, but prior to July 1, 1951*—(1) *Application.* The requirements of this paragraph shall apply to cargo pump rooms for Grade A, B, C or D liquid and to enclosed spaces required to segregate Grade A, B, C or D liquid cargo tanks from other spaces, all on tank vessels the construction or conversion of which was started on or after November 10, 1936, and prior to July 1, 1951.

(2) *Wiring.* Wiring is to be leaded and armored and shall be run through approved gastight fittings having stuffing glands at inlets and outlets.

(3) *Boxes.* Joints in wiring shall be made only in wiring appliances, such as junction boxes, outlet boxes, etc., and such boxes shall be completely metallic and shall be gastight.

(4) *Lighting fixtures.* Lighting fixtures shall be of approved type.

(5) *Motors.* Electric motors shall be of approved type either totally enclosed or ventilated to the atmosphere by suction and discharge air ducts. Separately ventilated motors are to have pressure type ventilation and shall be arranged with an automatic shutoff to open the circuit when the ventilating fan motor stops. The system is to be so interlocked that the pump motor cannot be started prior to a circulation of air. The air ducts are to lead to and from the atmosphere outside the pump room and are to terminate not less than 3 feet above the deck and not less than 6 feet from any cargo tank vent. (See § 32.-60–20 of Subchapter D (Tank Vessels) of this chapter.)

(e) *General installation requirements for tank vessels the construction or conversion of which was started prior to November 10, 1936*—(1) *Application.* The requirements of this paragraph shall apply to all steel hull tank vessels the construction or conversion of which was started prior to November 10, 1936.

(2) *General requirements.* The electrical installation shall be maintained in a safe and in a good mechanical condition, and shall comply with the regulations in effect when the vessel was built, or to the requirements of a recognized classification society. Any major change in the electrical installation or any conversion shall comply with the requirements covered by §§ 111.70–1 and 111.70–10.

(3) *Pump rooms and enclosed spaces.* The electrical installation in pump rooms and enclosed spaces immediately adjoining cargo tanks (except in pump-engine rooms as provided in § 32.70–20 of Subchapter D (Tank Vessels) of this chapter) of steel hull tank vessels handling Grade A, B, C, or D products shall be made to comply with §§ 111.55–1, 111.55–15, 111.60–5, 111.70–10 (b) (1), 111.70–10 (b) (2), 111.70–90 (a) (2), 111.70–90 (a) (9), 111.70–90 (b), and 111.70–90 (d), to the extent that the changes required are, in the opinion of the Officer in Charge, Marine Inspection, necessary in the interest of safety.

(4) *Portable equipment.* When the vessel is not gas free, no portable electrical equipment shall be used in the cargo or fuel oil tanks, the cargo pump rooms, or any enclosed space immediately above or adjacent to the bulk cargo tanks, except that lighting in these spaces may be effected by the use of approved explosion-proof, self-contained, battery-fed lamps.

Subpart 111.90—Electrical Equipment and Installations on Vessels Contracted for Prior to November 19, 1952

§ 111.90–1 General.

The electrical installations on existing vessels shall be maintained in good electrical and mechanical condition to the satisfaction of the Officer in Charge, Marine Inspection.

§ 111.90–5 Major alterations.

(a) Major alterations and major extensions to electrical installations on existing vessels shall be made to the same standard as required for new vessels. Minor repairs and minor alterations may be made to the same standard as the original installation as described in §§ 111.70–90, 111.90–10, 111.90–15, 111.90–20, and 111.90–25: *Provided*, That, in no case, will a greater departure from the standards of this subchapter be permitted than presently exist.

§ 111.90–10 Vessels contracted for prior to July 2, 1937.

(a) Except as otherwise provided for tank vessels in § 111.70–90, the installation on vessels contracted for between June 30, 1928, and July 1, 1937, inclusive, using electricity for any purpose, shall be in keeping with the best modern practice.

(b) Except as otherwise provided for tank vessels in § 111.70–90, the changes or alterations in the electrical installations on vessels contracted for prior to June 30, 1928, shall be in accordance with the requirements of this section.

§ 111.90–15 Vessels contracted for between July 2, 1937, and January 1, 1939.

(a) Except as otherwise provided for tank vessels in § 111.70–90, the electrical installation on vessels contracted for between July 2, 1937, and January 1, 1939, inclusive, shall be in accordance with the "Recommended Practice for Electrical Installations on Shipboard," AIEE Standard No. 45, October 1930, as published by the Institute of Electrical and Electronic Engineers.

§ 111.90–20 Vessels contracted for between January 2, 1939, and June 1, 1941.

(a) Except as otherwise provided for tank vessels in § 111.70–90, the electrical installation on vessels contracted for between January 2, 1939, and June 1, 1941, inclusive, shall be in accordance with the "Recommended Practice for Electrical Installations on Shipboard," AIEE Standard No. 45, December 1938, as published by the American Institute of Electrical Engineers.

§ 111.90–25 Vessels contracted for between June 2, 1941, and November 18, 1952.

(a) Except as otherwise provided for tank vessels in § 111.70–90, the electrical installation on vessels contracted for between June 2, 1941, and November 18, 1952, inclusive, shall be in accordance with the "Recommended Practice for Electrical Installations on Shipboard," AIEE Standard No. 45, July 1940, as published by the Institute of Electrical and Electronic Engineers.

(b) Except as otherwise provided for tank vessels in § 111.70–90, the specification covering electrical installations titled "United States Coast Guard, Merchant Marine Inspection, Specification for Electrical Installations on Merchant Vessels," dated August 31, 1944, revised March 6, 1945, is, during the Unlimited National Emergency, applicable as alternative provisions to those contained in this section for vessels the contract for the construction of which was signed prior to September 2, 1945.

(c) Except as otherwise provided for tank vessels in § 111.70–90, those parts of the specification covering electrical installations titled "United States Coast Guard, Merchant Marine Inspection, Specification for Electrical Installations on Merchant Vessels," dated August 31, 1944, revised March 6, 1945, specified in paragraphs 1, 4 and 5, thereof relating to electric cable, are, during the Unlimited National Emergency, applicable as alternative provisions to those contained in this section for vessels the contract for the construction of which was signed on and after September 2, 1945.

PART 112—EMERGENCY LIGHTING AND POWER SYSTEM

Subpart 112.01—Application

Sec.
112.01–1 General.

Subpart 112.05—General Requirements

112.05–1 Intent.
112.05–5 Emergency source of supply.
112.05–10 Emergency lights.
112.05–15 Emergency lighting system for small passenger vessels.

Subpart 112.10—Classifications of Emergency Lighting and Power Systems

112.10–1 General.
112.10–5 Manual emergency lighting and power system.
112.10–10 Automatic emergency lighting and power system.
112.10–15 Temporary source of emergency lighting and power.
112.10–20 Final source of emergency lighting and power.

Subpart 112.15—Emergency Loads

112.15–1 Temporary emergency source loads.
112.15–5 Final emergency source loads.
112.15–10 Single automatically started source loads.
112.15–15 Manually started source loads.

Subpart 112.20—Operation of Emergency Systems Having Both a Temporary and a Final Source of Emergency Lighting and Power

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112.90–5 Emergency lighting system for ocean and coastwise passenger vessels contracted for prior to November 19, 1952.
112.90–10 Emergency lighting system for passenger vessels other than ocean and coastwise passenger vessels contracted for prior to November 19, 1952.

AUTHORITY: The provisions of this Part 112 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426, as amended, 4427, as amended, 4433, as amended, 4453, as amended, 4488, as amended, 4491, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404, 405, 411, 435, 481, 489, 366, 395, 363, 369, 367, 526p, 1333, 390b, 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, Nov. 26, 1954, 19 F.R. 8026; 167–20, June 18, 1956, 21 F.R. 4894; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–38, Oct. 26, 1959, 24 F.R. 8857.

Subpart 112.01—Application

§ 112.01–1 General.

The provisions of this part, with the exception of Subpart 112.90, shall apply to all vessels contracted for on or after November 19, 1952. The provisions of Subpart 112.90, shall apply to all vessels contracted for prior to November 19, 1952.

CROSS REFERENCE: See § 110.05–3 of this subchapter for application of amendments to regulations.

Subpart 112.05—General Requirements

§ 112.05–1 Intent.

(a) The intent of the provisions in this part is to assure that vessels are provided with a dependable, independent emergency source of electrical power with sufficient capacity to supply all those services that are necessary for the safety of the passengers and/or the crew in an emergency.

(b) Nonemergency loads may be supplied from the emergency source only when the emergency source has adequate capacity to supply all loads that may be connected to the emergency source simultaneously.

§ 112.05–5 Emergency source of supply.

(a) The emergency source of supply shall be of a type and capacity in accordance with Table 112.05–5(a), except as otherwise provided by § 112.05–15.

TABLE 112.05–5(a)

Size of vessel and service	Type or types of emergency source of power	Period of operation and minimum capacity of emergency source of power
Passenger vessels over 65 feet in length		
Ocean and Coastwise, 1,600 g.t. and over, and any passenger vessel, regardless of tonnage or service, where electric power-operated watertight doors are required.	Storage battery with automatic transfer gear for temporary source, and supplemented by diesel generator with automatic starting and transfer gear for final source.	½ hour. 36 hours.
Ocean and Coastwise, over 15 g.t. but less than 1,600 g.t.[1]	Storage battery with automatic transfer gear or diesel generator with automatic starting and transfer gear.	36 hours or twice the time of run, whichever is the smaller.
Other than Ocean and Coastwise, 100 g.t. and over.[1]	Storage battery with automatic transfer gear or diesel generator with automatic starting and transfer gear.	8 hours or twice the time of run, whichever is the smaller.
Other than Ocean and Coastwise, over 15 g.t. but less than 100 g.t.[1]	Storage battery or diesel generator with automatic or manual operation.[2]	8 hours or twice the time of run, whichever is the smaller.
Cargo and miscellaneous self-propelled vessels and tank ships; barges with sleeping accommodations for more than 6 persons.[3]		
All waters, 1,600 g.t. and over.	Storage battery or diesel generator automatic or manual operation.	12 hours.
All waters, 300 g.t. and over, but less than 1,600 g.t.	Storage battery or diesel generator, automatic or manual operation, or approved relay-controlled battery-operated lanterns.[4]	12 hours or twice the time of run, whichever is the smaller.[4]

[1] See also § 112.05–15.
[2] See also §§ 112.35–1 and 112.35–5.
[3] Applicable to barges contracted for on or after November 19, 1958.
[4] Minimum period of operation of relay-controlled, battery-operated lanterns may be less than 12 hours but not less than 6 hours.
[4] Battery-operated lanterns shall have rechargeable batteries, shall incorporate an automatic battery charger that will maintain the battery in a fully charged condition, and shall not be readily portable.

(b) The emergency source of supply shall be independent of the vessels' ship's service lighting and powerplant and propulsion plant.

(c) The complete emergency installation shall function satisfactorily when the ship is inclined 22½ degrees and/or when the trim of the ship is 10 degrees.

(d) The emergency source of supply shall be located aft of the collision bulkhead and outside the machinery casing.

(1) On passenger vessels the emergency source of supply shall be located above the bulkhead deck or above the freeboard deck, whichever is the higher.

(2) On cargo and miscellaneous vessels, including tankships and barges, the emergency source of supply shall be located above the freeboard deck, or above the uppermost continuous deck, whichever is the higher.

(e) When a compartment containing the emergency source of electric power, or vital components thereof, adjoins a space containing either the ship's service generators or machinery necessary for the operation of the ship's service generators, all common bulkheads and/or decks shall be protected by approved "structural insulation" or other approved material. This protection shall be such as to be capable of preventing an excessive temperature rise in the space containing the emergency source of electric power, or vital components thereof, for a period of at least one hour in the event of fire in the adjoining space. Bulkheads or decks meeting Class A–60 requirements, as defined by § 72.05–10 in Subchapter H (Passenger Vessels) of this chapter, will be considered as meeting the requirements of this paragraph.

(f) Except for those cables used to connect equipment located in the engineroom or boilerroom, all cables emanating from the emergency switchboard shall be run so as to avoid penetrating the boundaries of the engineroom, boilerroom or the uptakes and casings of these spaces. All such cables shall be kept clear of the bulkheads and decks forming these boundaries.

(g) The emergency switchboard shall be installed as near as practicable to the emergency source of power.

(h) When the emergency source of power is a generator, the emergency switchboard shall be located in the same space as the emergency source of power, unless the operation of the emergency switchboard would thereby be impaired.

§ 112.05–10 Emergency lights.

(a) Emergency lights supplied by an automatic emergency lighting system shall form a part of the regular lighting system, and shall be continuously lighted at all times passengers or crew are aboard, except as provided by paragraph (b) of this section and § 112.05–15(c), and except when the emergency lights consist of relay-controlled battery-operated lanterns. (See footnote 5 in Table 112.05–5(a).)

(b) Emergency lights for the illumination of boats and embarkation decks, lifeboat launching gear, wheelhouse, chart room, and navigating instruments need not be continuously lighted and, except as provided otherwise in this paragraph, shall be controlled by switches located in the wheelhouse.

(1) On "island type" vessels, such as tankers and Great Lakes' bulk freighters, lighting for illumination of lifeboats, launching gear and embarkation areas remote from the wheelhouse island may be controlled from a central location within the island involved in lieu of from the wheelhouse.

(c) Emergency lights shall be marked with a letter "E" of at least ½-inch in height as required by § 78.47–33 of Subchapter H (Passenger Vessels), and § 97.37–25 of Subchapter I (Cargo and Miscellaneous Vessels) of this chapter.

§ 112.05–15 Emergency lighting system for small passenger vessels.

(a) Small passenger vessels, certificated to operate only between sunrise and sunset, may be permitted to operate without an emergency lighting system.

(b) Small passenger vessels, certificated to operate not more than 15 miles offshore, may be permitted to operate without an emergency lighting system provided all of the conditions, where applicable, contained in this paragraph are complied with.

(1) The source of supply of the general lighting system must be independent of the propulsion plant.

(2) On vessels required to meet at least a one compartment standard of subdivision, the source of supply of the general lighting system must be located above the bulkhead deck.

(c) On small passenger vessels having no sleeping accommodations for passengers and requiring not more than 10 emergency lights, the automatic emergency lighting system need not form a part of the regular lighting system and need not be continuously lighted. Individual storage-battery-operated automatic emergency lighting units will be acceptable for such vessels in lieu of a single source emergency lighting system provided the units incorporate an automatic battery charger, are not readily portable, and have sufficient capacity for not less than 6 hours continuous operation.

Subpart 112.10—Classifications of Emergency Lighting and Power Systems

§ 112.10–1 General.

(a) Emergency lighting and power systems are classified in accordance with the method provided to cause the system to apply potential to the emergency loads and in accordance with the basic function of the system.

§ 112.10–5 Manual emergency lighting and power system.

(a) A manual emergency lighting and power system is one in which a single manual operation, such as the manual operation of a switch from an "off" to an "on" position, is required to cause the emergency lighting and power system to supply power to the emergency loads.

§ 112.10–10 Automatic emergency lighting and power system.

(a) An automatic emergency lighting and power system is one in which a specified reduction in potential from the ship's service power and lighting plant will cause the emergency lighting and power system to supply power to the emergency loads.

§ 112.10–15 Temporary source of emergency lighting and power.

(a) A temporary source of emergency lighting and power is one of limited capacity designed to carry, for a short time, selected emergency loads while an emergency source of larger capacity is being started.

§ 112.10–20 Final source of emergency lighting and power.

(a) A final source of emergency lighting and power is one designed to function subsequent to the termination of the temporary source.

Subpart 112.15—Emergency Loads

§ 112.15–1 Temporary emergency source loads.

(a) The emergency lighting and power loads listed in this section shall be arranged so that they can be energized from the temporary emergency source.

(b) Navigation light indicator panel, if required by § 113.55–25 of this subchapter.

(c) A sufficient number of lights throughout machinery spaces to permit the performance of essential operations and observations under emergency conditions and to facilitate restoration of service.

(d) Lighting for passageways, stairways, and escape trunks in passenger quarters, crew quarters, public spaces, machinery spaces and work spaces, adequate to permit passengers and crew readily to find their way to open decks and to lifeboat embarkation and assembly points with all watertight doors and fire screen doors closed.

(e) Illuminated signs bearing the word "Exit" in red letters shall be installed in such locations throughout a passenger vessel so that from any portion of the vessel normally accessible to the passengers or crew, except machinery spaces, and except stores and similar spaces where the crew are not normally employed, and with all fire doors in stairway inclosures and main vertical zone bulkheads closed and all watertight doors closed, the direction of escape to the open deck will be apparent. For the purpose of this paragraph, individual staterooms and other similar small rooms will not be required to have such signs, but upon emerging from such rooms the direction of escape shall be apparent. (Also see § 111.50–15 (d) of this subchapter.)

(f) General illumination for safe operation of watertight doors, if installed and power operated.

(g) One or more lights in galleys, pantries, steering gear room, emergency power rooms, chart room, wheelhouse, and crews' mess and recreation rooms.

(h) Lighting for boat and embarkation decks and passenger assembly points for safe embarkation into the lifeboats.

(i) Electric communication systems essential under temporary emergency conditions and which do not have an independent storage battery source of power.

(j) Watertight door system, if installed and power operated.

(k) Emergency loudspeaker system, if installed.

(l) Fire screen door holding and release system, if installed.

(m) Supply to motor-generator or other conversion equipment where a temporary emergency source of alternating current is necessary for essential communication systems, emergency or safety requirements.

§ 112.15–5 Final emergency source loads.

(a) The emergency lighting and power loads listed in paragraphs (b) to (l), inclusive, of this section shall be arranged so that they can be energized from the final source. It is recommended that loads listed in paragraphs (j) to (p), inclusive, of this section be arranged so that they can be energized from the final source where the capacity and character of the emergency plant will permit.

(b) All loads listed in § 112.15–1, as indicated.

(c) Illumination for the safe operation of the lifeboat and liferaft launching gear and the lifeboats and liferafts in the process of, and immediately after, being launched.

(d) Charging panels of temporary emergency battery and of starting battery for diesel engine driving emergency generator.

(e) One of the bilge pumps, if dependent upon the emergency generator for its source of power to comply with Part 55 of Subchapter F (Marine Engineering) of this chapter.

(f) One of the fire pumps, if dependent upon the emergency generator for its source of power to comply with Part 34 of Subchapter D (Tank Vessels), Part 76 of Subchapter H (Passenger Vessels), or Part 95 of Subchapter I (Cargo and Miscellaneous Vessels) of this chapter.

(g) Sprinkler system pump or water spray extinguishing system pump, if dependent upon the emergency generator for its source of power to comply with Part 76 of Subchapter H (Passenger Vessels) of this chapter.

(h) Daylight signaling lights, if installed.

(i) Smoke detector system, if installed.

(j) Radio installation, if installed.

(k) Radio direction finder, if installed.

(l) Loran, if installed.

(m) Radar plan position indicator, if installed.

(n) Gyrocompass, if installed.

(o) Depth sounder, if installed.

(p) Electric whistle and siren control, if installed.

§ 112.15–10 Single automatically started source loads.

When only a single automatically started source of emergency lighting and power is installed, the circuits listed in § 112.15–5, as indicated, shall be arranged so that they can be energized from the single emergency source of supply.

§ 112.15–15 Manually started source loads.

(a) When a manually started emergency lighting and power system is installed, the circuits listed in § 112.15–5, as indicated, shall be arranged so that they may be energized from the emergency source of supply.

Subpart 112.20—Operation of Emergency Systems Having Both a Temporary and a Final Source of Emergency Lighting and Power

§ 112.20–1 Emergency loads.

(a) The emergency loads listed in Subpart 112.15, as indicated, shall normally be energized from the ship's service generating plant through automatic transfer switches.

§ 112.20–5 Failure of power from the normal source.

(a) In the event of a reduction of potential of the normal source by 15 to 40 percent of normal value, the loads listed in § 112.15–1 shall automatically be supplied from the temporary source of emergency lighting and power. For systems in which a reduction of frequency of the normal source or final source will adversely affect the emergency system and emergency loads, suitable means shall be provided to transfer the loads listed in § 112.15–1 to the temporary source.

§ 112.20–10 Diesel driven emergency source of power.

(a) Simultaneous with the operation described in § 112.20–5, the diesel engine driving the final source (emergency generator) shall automatically be started with no load connected to the emergency generator.

§ 112.20–15 Potential of final source.

(a) When the potential of the final source (emergency generator) reaches 85 to 95 percent of normal value, the emergency loads listed in Subpart 112.15, as indicated, shall automatically be transferred to this final source.

(b) When potential from the ship's service generating plant has been restored to normal, the emergency loads may be manually transferred to the normal source and the emergency generator manually stopped.

(c) Should the potential of the final source (emergency generator), while supplying the emergency loads, fall below 75 to 85 percent of normal value, the temporary emergency loads shall again be transferred to the temporary source as described in § 112.20–5.

Subpart 112.25—Operation of Emergency System Having an Automatic Starting Diesel-Engine-Driven Emergency Generator as the Sole Source of Emergency Lighting and Power

§ 112.25–1 Emergency loads.

(a) The emergency loads listed in § 112.15–5, as indicated, shall normally be energized from the ship's service generating plant through automatic transfer switches.

§ 112.25–5 Reduction of potential.

(a) In the event of failure of power from the normal source, such as a reduction of potential by 15 to 40 percent of normal value, the engine driving the emergency generator shall automatically be started with no load connected to the emergency generator.

§ 112.25–10 Operation requirements.

(a) When the potential of the emergency generator reaches 85 to 95 percent of normal value, the emergency loads shall automatically be connected to the emergency generator.

(b) When potential from the ship's service generating plant has been restored to normal, the emergency loads may be manually transferred to the normal source and the emergency generator manually stopped.

Subpart 112.30—Operation of Emergency Systems Having an Automatically Connected Storage Battery as the Sole Source of Emergency Lighting and Power

§ 112.30–1 Emergency loads.

(a) The emergency loads listed in § 112.15–5, as indicated, shall normally be energized from the ship's service generating plant through automatic transfer switches.

§ 112.30–5 Reduction of potential.

(a) Upon reduction of potential from the normal source by 15 to 40 percent of normal value, the emergency loads shall automatically be disconnected from the normal source and connected to the emergency storage battery.

§ 112.30–10 Operation requirements.

(a) Upon restoration of potential from the normal source of 85 to 95 percent of normal values, the emergency loads shall automatically be transferred back to the normal source.

Subpart 112.35—Operation of a Manually Controlled Emergency System Having a Storage Battery or a Diesel-Engine-Driven Generator as the Sole Source of Emergency Lighting and Power

§ 112.35–1 Manual operation requirements.

(a) Manually started emergency lighting and power systems shall require only a single manual operation, such as the manual operation of a switch from an "off" to an "on" position, to cause the emergency system to supply its connected loads.

§ 112.35–5 Means for starting.

(a) The starting means shall be located in the wheelhouse or so as to be under the control of the chief engineer.

Subpart 112.40—Installations Requiring an Alternating-Current Temporary Source of Supply

§ 112.40–1 General requirements.

(a) Installations requiring alternating current for the operation of communication equipment or other apparatus essential under temporary emergency conditions shall be provided with the necessary conversion equipment. Where such conversion equipment will be op-

erating both under normal conditions and under temporary emergency conditions, the conversion equipment shall be provided in duplicate.

Subpart 112.45—Visible Indicators and Test Switch

§ 112.45–1 Visible indicators.

(a) Visible indicators shall be provided in the machinery space to indicate when the emergency battery is being discharged and when the emergency loads are being supplied by an automatically controlled emergency source of supply (storage battery or emergency diesel generator).

§ 112.45–5 Test switch.

(a) A test switch shall be provided at the emergency switchboard or other location as may be approved to simulate a failure of potential from the normal source, the operation of which switch will cause the emergency loads to be transferred.

Subpart 112.50—Emergency Diesel-Engine-Driven Generator Sets

§ 112.50–1 General requirements.

(a) The diesel engine of the generator set shall be complete with all accessories necessary for operation and protection of the engine, shall have a self-contained cooling system of size to assure continuous engine operation using 100° F. air, and the fuel used shall have a flash point of not less than 110° F. The room in which the set is located shall be provided with suitable intake and exhaust ducts to supply adequate cooling air. The diesel engine as installed shall be without starting aid except that a thermostatically controlled electric water jacket heater, connected to the final emergency bus, may be employed. The diesel engine as installed shall be capable of carrying its full rated load within 20 seconds after cranking is initiated with the intake air, room ambient, and starting battery all at a temperature of 32° F. The diesel engine shall be electric starting unless otherwise approved, and the starting battery shall be of sufficient capacity to provide six consecutive cycles of cranking, each cycle to consist of approximately one-half minute of cranking at a speed recommended by manufacturer followed by approximately one minute of battery rest, with the intake air, room ambient, and starting battery at a temperature of 32° F. At the end of the sixth cycle of cranking, the battery voltage while cranking the engine, shall be not less than 50 percent of nominal voltage. The diesel-engine-driven generator set shall lubricate and operate satisfactorily when permanently inclined to an angle of 22½ degrees athwartship and 10 degrees fore and aft, and shall be arranged so that it will not spill oil under a vessel roll of 30 degrees each side of the vertical. Units depending on forced lubrication shall be provided with an audible alarm device to sound on loss of oil pressure while running.

(b) Hydraulic means of starting the diesel engine will be considered equally acceptable to the electric means described in paragraph (a) of this section provided all the following conditions are met:

(1) The hydraulic cranking device shall be a self-contained system which will provide the required cranking forces and engine starting RPM as recommended by engine manufacturer.

(2) Electrically operated means shall automatically provide and maintain the stored hydraulic pressure within the predetermined pressure limits.

(3) The means of automatically maintaining the hydraulic system within the predetermined pressure limits shall be energized from the final emergency bus.

(4) Means shall be provided to manually recharge the hydraulic system.

(5) Charging of the hydraulic cranking system shall not create an absence of hydraulic power for engine starting at any time.

(6) The capacity of the hydraulic cranking system shall provide not less than 6 cranking cycles. Each cranking cycle shall provide the necessary number of revolutions at the required RPM to permit the diesel engine to meet the requirements of carrying its full rated load within twenty seconds after cranking is initiated with intake air, room ambient temperature and hydraulic cranking system at 32° F.

(7) Capacity of the hydraulic cranking system sufficient for three starts under conditions of subparagraph (6) of this paragraph shall be held in reserve and arranged so that the operation of a single control by one person will isolate the discharged or initially used part of the system and permit the reserve capacity to be employed.

Subpart 112.55—Storage Battery Installation

§ 112.55–1 General requirements.

(a) Storage batteries for emergency lighting and power systems, including starting batteries for emergency diesel-engine driven generator sets, shall be of a design and construction proven successful in merchant marine service, and capable of withstanding the roll and pitch of a vessel and exposure to salt air. Positive plates of lead-acid batteries shall be at least 0.25 inch thick, and the specific gravity of the electrolyte when fully charged shall be 1.210 to 1.220, both inclusive, at 25° C., except that thin positive plate construction (0.125 inch thick minimum) may be used for engine cranking batteries. The fully charged specific gravity of the electrolyte of lead-acid engine cranking batteries shall not exceed 1.260 at 25° C. for high watering space type batteries or 1.285 at 25° C. for normal watering space type batteries.

§ 112.55–5 Emergency lighting loads.

(a) When supplying emergency lighting loads, the storage battery initial voltage shall not exceed the standard system voltage by more than 5 percent.

§ 112.55–10 Storage battery requirements.

(a) Storage battery installations for emergency lighting and power, including starting batteries for emergency diesel-engine driven generator sets, shall include the necessary apparatus automatically to maintain the battery in a fully charged condition. At all times when the ship's service source of supply is available, the battery shall be furnished a continuous trickle charge, except that after a battery discharge, the battery shall be automatically charged at a higher rate until the battery voltage increases to a predetermined point. Charging operations shall not create an absence of battery power at any time. Instruments to show the rate of charge shall be provided.

§ 112.55–15 Capacity of storage battery.

(a) The capacity of a storage battery shall be ample to close each watertight door three times and to open each watertight door two times, and to carry the remaining emergency loads continuously for the duration of time required by § 112.05–5(a), at the end of which time the potential of the storage battery shall be not less than 87.5 percent of standard system voltage. The nominal potential of a lead-acid storage battery will be taken as 2.0 volts per cell; the nominal potential of nickel-alkaline storage batteries will be taken as from 1.2 to 1.4 volts per cell.

§ 112.55–20 Diesel engine cranking batteries.

(a) Batteries used for starting emergency diesel engine generator sets shall be either the lead-acid or nickel-cadmium type.

Subpart 112.90—Emergency Lighting and Power Systems for Vessels Contracted for Prior to November 19, 1952

§ 112.90–1 General.

(a) Existing arrangements, materials, and facilities previously approved, but not meeting the applicable specifications or requirements set forth in Subparts 112.05 through 112.55, may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and minor alterations may be made to the same standards as the original installation: *Provided*, That, in no case, will a greater departure from the standards of Subparts 112.05 through 112.55 be permitted than presently exist.

(b) All new installations or major replacements shall meet the applicable specifications or requirements for new vessels.

§ 112.90–5 Emergency lighting system for ocean and coastwise passenger vessels contracted for prior to November 19, 1952.

(a) The emergency lighting system for ocean and coastwise passenger vessels contracted for prior to November 19, 1952, shall be in accordance with this section.

(b) Provision shall be made on all passenger vessels for an electric or other system of lighting, sufficient for all requirements of safety, in the different parts of the ship. There shall be a self-contained source capable of supplying, when necessary, this safety lighting system, and placed in the upper parts of the ship above the margin line.

(c) The exit from every main compartment occupied by passengers or crew shall be continuously lighted by an emergency lamp. The power for these emergency lamps shall be so arranged that they will be supplied from the independent installations referred to in paragraph (b) of this section in the event of failure of the main generating plant.

(d) On all passenger vessels contracted for on and after July 1, 1935, or where existing emergency installations operated by internal combustion engines are replaced, the emergency generator shall be driven by a diesel or semi-diesel engine, equipped with means for quick starting. Such emergency equipment shall be located in steel or iron compartments or rooms on the deck above the weather deck and isolated from the passenger and crew quarters. Where existing installations of emergency engines and generators are located in wooden compartments or rooms, such compartments or rooms shall be made fire-resistant by lining same with asbestos board having a thickness of not less than one-quarter inch over which iron or steel sheathing shall be fitted.

(e) Provision shall be made on all passenger vessels, where the boat deck is more than 30 feet above the water line at the lightest seagoing draft, for readily and continuously available illumination from the vessel of lifeboats when along side and in process of, or immediately after, being launched. There shall be a self-contained source capable of supplying, when necessary, this safety lighting system and placed in the upper part of the vessel above the bulkhead deck.

(1) The emergency generating set will ordinarily provide a satisfactory source of illumination, and, where used for this purpose, it shall be of sufficient power to provide for such illumination in addition to other demands made upon the set.

§ 112.90–10 Emergency lighting system for passenger vessels other than ocean and coastwise passenger vessels contracted for prior to November 19, 1952.

(a) The emergency lighting system for passenger vessels other than ocean and coastwise passenger vessels contracted for prior to November 19, 1952, shall be in accordance with this section.

(b) All vessels engaged in the passenger service, which are electrically lighted by dynamos or other electric units, located below the deep-load line of the vessel, shall have on board an emergency electric lighting system located above the deep-load line to light the vessel sufficiently to enable the passengers and crew to find their way to the exits in

contracted for prior to November 19, 1952, shall be in accordance with this section.

(b) Provision shall be made on all passenger vessels for an electric or other system of lighting, sufficient for all requirements of safety, in the different parts of the ship. There shall be a self-contained source capable of supplying, when necessary, this safety lighting system, and placed in the upper parts of the ship above the margin line.

(c) The exit from every main compartment occupied by passengers or crew shall be continuously lighted by an emergency lamp. The power for these emergency lamps shall be so arranged that they will be supplied from the independent installations referred to in paragraph (b) of this section in the event of failure of the main generating plant.

(d) On all passenger vessels contracted for on and after July 1, 1935, or where existing emergency installations operated by internal combustion engines are replaced, the emergency generator shall be driven by a diesel or semi-diesel engine, equipped with means for quick starting. Such emergency equipment shall be located in steel or iron compartments or rooms on the deck above the weather deck and isolated from the passenger and crew quarters. Where existing installations of emergency engines and generators are located in wooden compartments or rooms, such compartments or rooms shall be made fire-resistant by lining same with asbestos board having a thickness of not less than one-quarter inch over which iron or steel sheathing shall be fitted.

(e) Provision shall be made on all passenger vessels, where the boat deck is more than 30 feet above the water line at the lightest seagoing draft, for readily and continuously available illumination from the vessel of lifeboats when along side and in process of, or immediately after, being launched. There shall be a self-contained source capable of supplying, when necessary, this safety lighting system and placed in the upper part of the vessel above the bulkhead deck.

(1) The emergency generating set will ordinarily provide a satisfactory source of illumination, and, where used for this purpose, it shall be of sufficient power to provide for such illumination in addition to other demands made upon the set.

PART 113—COMMUNICATION AND ALARM SYSTEMS AND EQUIPMENT

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Subpart 113.20—Automatic Sprinkler Systems

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Subpart 113.01—Application

§ 113.01–1 Vessels subject to requirements.

(a) The provisions of this part shall apply to all vessels except as specifically noted in this part.

Subpart 113.05—General Provisions

§ 113.05–1 Supplementary requirements.

(a) The provisions of this part are supplementary to the general requirements for electrical systems and apparatus contained in this subchapter.

113.05–5 Equipment of an approved type.

(a) Where equipment in this part is required to be of an approved type, such equipment shall be of a type approved by the Commandant.

(b) Specifications for many of the items required to be of an approved type have been promulgated and are contained in Subchapter Q (Specifications) of this chapter. In general, such specifications are of interest only to the manufacturer of specific items of equipment.

§ 113.05–10 Wiring.

(a) Hook-up wire for use within the components of the equipment specified in this part shall be of soft stranded annealed copper of suitable cross section to provide ample and safe current carrying capacity and mechanical strength. Hook-up wire shall be in accordance with MIL–W–76, MIL–W–16878 types B, C, D, E, EE, and FF, or with Subpart 111.60 of this subchapter.

(b) All external wiring and wiring between components shall be in accordance with Subpart 111.60 of this subchapter.

Subpart 113.10—Automatic Fire Detecting and Alarm Systems

§ 113.10–1 Application.

(a) Where an electric fire detecting and alarm system is installed, the provisions of this subpart, with the exception of § 113.10–90, shall apply to all installations contracted for on or after November 19, 1952. Installations contracted for prior to November 19, 1952, shall meet the requirements of § 113.10–90.

(b) For the vessels on which an automatic fire detecting and alarm system is required see Part 76 of Subchapter H (Passenger Vessels) of this chapter.

§ 113.10–5 General requirements.

(a) Fire alarm annunciators, power supply, fire detectors, test stations, and vibrating bells shall be of a type approved by the Commandant. Systems installed on vessels contracted for on or after November 19, 1959, shall meet the requirements of Subpart 161.002 of Subchapter Q (Specifications) of this chapter.

(b) All electric cables installed in conjunction with fire detecting and alarm system shall be either leaded and armored, impervious sheathed and armored or mineral insulated metal sheathed.

(c) Cable runs between the fire alarm annunciator and fire detecting zones shall be as direct as possible, and shall avoid, where possible, staterooms, lockers, and other enclosed spaces where this cable could be damaged by a localized fire or by other causes.

(d) Conductors for several fire detecting zones may be run in a multi-conductor cable, but a conductor shall not be used as a common return from two or more zones.

(e) Connection boxes containing conductors to more than one fire detecting zone shall be of watertight construction and the cable entrances shall be made tight by means of terminal or stuffing tubes.

(f) Connection boxes for fire detector stations, manual alarm stations, test stations, or other boxes containing the conductors of a single fire detecting zone, may be of nonwatertight construction, if installed in a dry location.

§ 113.10–90 Equipment and installations on vessels contracted for prior to November 19, 1952.

(a) Existing arrangements, materials, and facilities previously approved, but not meeting the applicable specifications or requirements set forth in § 113.10–5, may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and minor alterations may be made to the same standards as the original installation: *Provided,* That, in no case, will a greater departure from the standards of § 113.10–5 be permitted than presently exist. All new installations or major replacements shall meet the applicable specifications or requirements.

(b) All conductors shall conform to specifications for interior communication cable contained in the marine rules as adopted by the Institute of Electrical and Electronic Engineers as regards construction, size, leading, armoring, protection, support, and details of installation, with the following exceptions:

(1) All conductors shall be lead sheathed to protect against moisture and conductors exposed to mechanical injury shall be leaded and armored.

(2) Lead-sheathed conductors may be used for voltages of 60 volts or less.

(3) In single-wire, closed-circuit systems (series) approved metallic sheathed wire shall be used in connecting thermostats in each thermostat zone, but approved multiconductor cable may be used to connect the several individual zones to the annunciator panel.

Subpart 113.15—Manual Fire Alarm Systems

§ 113.15–1 Application.

(a) Where an electric manual fire alarm system is installed, the provisions of this subpart, with the exception of § 113.15–90, shall apply to all installations contracted for on or after November 19, 1952. Installations contracted for prior to November 19, 1952, shall meet the requirements of § 113.15–90.

(b) For the vessels on which a manual fire alarm system is required, see Part 76 of Subchapter H (Passenger Vessels) of this chapter.

§ 113.15–5 General requirements.

(a) Manual fire alarm annunciator, power supply, manual stations, and vibrating bells shall be of a type approved by the Commandant. Systems installed on vessels contracted for on or after November 19, 1959, shall meet the requirements of Subpart 161.002 of Subchapter Q (Specifications) of this chapter.

(b) All electric cables installed in conjunction with manual fire alarm systems shall be either leaded and armored, impervious sheathed and armored or mineral insulated metal sheathed.

(c) Cable runs between the annunciator and fire alarm zones shall be as direct as possible, and shall avoid, where possible, staterooms, lockers, and other

enclosed spaces where the cable could be damaged by a localized fire or by other causes.

(d) Conductors for several fire alarm zones may be run in a multiconductor cable, but a conductor shall not be used as a common return from two or more zones.

(e) Connection boxes containing conductors to more than one fire alarm zone shall be of watertight construction and the cable entrances shall be made tight by means of terminal or stuffing tubes.

(f) Connection boxes for manual stations, or other boxes containing the conductors of a single fire alarm zone, may be of nonwatertight construction if installed in a dry location.

§ 113.15–90 Equipment and installations on vessels contracted for prior to November 19, 1952.

(a) Existing arrangements, materials, and facilities previously approved, but not meeting the applicable specifications or requirements set forth in § 113.15–5, may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and minor alterations may be made to the same standards as the original installation: *Provided,* That, in no case, will a greater departure from the standards of § 113.15–5 be permitted than presently exist. All new installations or major replacements shall meet the applicable specifications or requirements.

(b) All conductors shall conform to specifications for interior communication cable contained in the marine rules as adopted by the American Institute of Electrical Engineers as regards construction, size, leading, armoring, protection, support, and details of installation, with the following exceptions:

(1) All conductors shall be lead sheathed to protect against moisture and conductors exposed to mechanical injury shall be leaded and armored.

(2) Lead-sheathed conductors may be used for voltages of 60 volts or less.

(3) In single-wire, closed-circuit systems (series) approved metallic sheathed wire shall be used in connecting thermostats in each thermostat zone, but approved multiconductor cable may be used to connect the several individual zones to the annunciator panel.

(c) Connection boxes containing conductors to more than one fire alarm zone shall be of watertight construction and the cable entrances shall be made tight by means of terminal or stuffing tubes.

(d) Conductors for several fire alarm zones may be run in a multiconductor cable, but a conductor shall not be used as a common return from two or more zones.

(e) Connection boxes containing conductors to more than one fire alarm zone shall be of watertight construction and the cable entrances shall be made tight by means of terminal or stuffing tubes.

(f) Connection boxes for manual stations, or other boxes containing the conductors of a single fire alarm zone, may be of nonwatertight construction if installed in a dry location.

§ 113.15–90 Equipment and installations on vessels contracted for prior to November 19, 1952.

(a) Existing arrangements, materials, and facilities previously approved, but not meeting the applicable specifications or requirements set forth in § 113.15–5, may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and minor alterations may be made to the same standards as the original installation: *Provided,* That, in no case, will a greater departure from the standards of § 113.15–5 be permitted than presently exist. All new installations or major replacements shall meet the applicable specifications or requirements.

(b) All conductors shall conform to specifications for interior communication cable contained in the marine rules as adopted by the American Institute of Electrical Engineers as regards construction, size, leading, armoring, protection, support, and details of installation, with the following exceptions:

(1) All conductors shall be lead-sheathed to protect against moisture and conductors exposed to mechanical injury shall be leaded and armored.

(2) Lead-sheathed conductors may be used for voltages of 60 volts or less.

(3) In single-wire, closed-circuit systems (series) approved metallic sheathed wire shall be used in connecting thermostats in each thermostat zone, but approved multi-conductor cable may be used to connect the several individual zones to the annunciator panel.

(c) Where a motor-driven sprinkler pump is installed, it shall be capable of being operated from the emergency electrical circuit in case of failure of the main power.

Subpart 113.20—Automatic Sprinkler Systems

§ 113.20–1 Application.

(a) When an automatic sprinkler system is installed, the provisions of this subpart, with the exception of § 113.20–90, shall apply to all installations contracted for on or after November 19, 1952. Installations contracted for prior to November 19, 1952, shall meet the requirements of § 113.20–90.

§ 113.20–5 General requirements.

(a) The general requirements for automatic sprinkler systems are contained in Subpart 76.25 of Subchapter H (Passenger Vessels) of this chapter.

(b) The sprinkler alarm system, including annunciator, power supply, alarm switches, and bells shall be of an approved type.

(c) All electric cable employed in a sprinkler alarm system shall be either leaded and armored, impervious sheathed and armored or mineral insulated metal sheathed.

(d) All connection boxes, alarm switches, pressure switches, or level switches, etc., employed in the system shall be of watertight construction.

§ 113.20–90 Equipment and installations on vessels contracted for prior to November 19, 1952.

(a) Existing arrangements, materials, and facilities previously approved, but not meeting the applicable specifications or requirements set forth in § 113.20–5, may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and minor alterations may be made to the same standards as the original installation: *Provided,* That, in no case, will a greater departure from the standards of § 113.20–5 be permitted than presently exist. All new installations or major replacements shall meet the applicable specifications or requirements.

(b) All conductors shall conform to specifications for interior communication cable contained in the marine rules as adopted by the American Institute of Electrical Engineers as regards construction, size, leading, armoring, protection, support, and details of installation, with the following exceptions:

(1) All conductors shall be lead-sheathed to protect against moisture and conductors exposed to mechanical injury shall be leaded and armored.

(2) Lead-sheathed conductors may be used for voltages of 60 volts or less.

(3) In single-wire, closed-circuit systems (series) approved metallic sheathed wire shall be used in connecting thermostats in each thermostat zone, but approved multi-conductor cable may be used to connect the several individual zones to the annunciator panel.

(c) Where a motor-driven sprinkler pump is installed, it shall be capable of being operated from the emergency electrical circuit in case of failure of the main power.

Subpart 113.25—General Alarm Systems

§ 113.25–1 Application.

(a) The provisions of this subpart, with the exception of §§ 113.25–25 and 113.25–90, shall apply to all manned vessels of over 100 gross tons, except barges, scows, and similar vessels, contracted for on or after November 19, 1952.

(b) The provisions of § 113.25–25 shall apply to all manned ocean and coastwise barges of over 100 gross tons, where the crew is divided into watches for the purpose of steering, contracted for on or after November 19, 1952.

(c) The provisions of § 113.25–30 shall apply to all barges of 300 gross tons and over contracted for on or after November 19, 1958, with sleeping accommodations for more than 6 persons.

(d) The provisions of § 113.25–90 shall apply to all manned vessels of over 100 gross tons, except barges, scows, and similar vessels, contracted for prior to November 19, 1952.

§ 113.25–5 Operation.

(a) The general alarm system shall consist of electric vibrating bells located throughout passengers' and crew's quarters, machinery spaces, and work spaces, and so located as to warn all occupants in an emergency.

(b) The general alarm system shall be operated by means of a manually operated contact maker located in the wheelhouse. On tankships the general alarm system shall also be controlled by means of a manually operated contact maker located in an accessible location in the deck officers' quarters and in the engineroom. On vessels other than tank vessels one additional contact maker may be installed in an accessible location other than the wheelhouse. Except for those installed in the wheelhouse, all contact makers shall be protected against tampering by means of an enclosure provided with a breakable transparent window.

(c) On vessels on which an emergency squad is organized and on vessels having a manual fire alarm system, a second manually operated contact maker shall be located in the wheelhouse and so connected as to operate only the general alarm bells located in crew's quarters and machinery spaces.

§ 113.25–10 General requirements.

(a) *Power supply.* (1) The power supply for the general alarm system shall be a storage battery located above the bulkhead deck or above the freeboard deck, whichever is the higher, and in a protected area outside the machinery casing.

(2) The nominal potential of the general alarm system shall be not less than 6 volts and not more than 120 volts.

(3) The general alarm system supply shall be one of the following types:

(i) One storage battery, used for no other purpose, in combination with an automatic charging panel that will maintain the battery in a fully charged condition at all times except immediately following a discharge. The storage battery shall have sufficient capacity to supply the general alarm system continuously for a period of at least 8 hours without being recharged;

(ii) Duplicate storage batteries, used for no other purpose, and so connected, in combination with a manual two-position transfer switch (having no OFF position), that one battery will be charged while the other battery is available for furnishing power to the system. Each of the two storage batteries shall have sufficient capacity to supply the general alarm system continuously for a period of at least 4 hours without being recharged;

(iii) A circuit connected to the temporary emergency bus of an emergency

switchboard as provided for by § 112.15–1 (i) of this subchapter; or

(iv) A circuit from an interior communication switchboard, the interior communication switchboard being supplied by duplicate storage batteries so connected, in combination with a manual two-position transfer switch (having no OFF position), that one battery will be charged while the other battery is available for furnishing power to the switchboard. The interior communication batteries shall each be of sufficient capacity to supply without recharging the general alarm system continuously for a period of 4 hours and to supply all other connected loads at maximum expected demand for a period of at least 8 hours.

(4) When the general alarm system is the only load supplied by the general alarm system battery or batteries, the battery or batteries shall be protected against overcurrent by enclosed fused switches or circuit breakers, having provisions for locking to prevent either unauthorized operation of the switch or circuit breaker or unauthorized tampering with the fuses. The fused switch or circuit breaker shall be located outside of, but adjacent to, the battery room or battery locker, and the capacity of the fuses or circuit breaker shall be not less than 200 percent of the connected load.

(5) When the general alarm system is supplied from an emergency or interior communication switchboard, the fused switch or circuit breaker supplying the general alarm system shall have provisions for locking to prevent either unauthorized operation of the switch or circuit breaker or unauthorized tampering with the fuses.

(b) *Distribution of general alarm system feeders and branch circuits.* (1) A feeder distribution panel shall be provided to divide the system into the required number or zone feeders. The distribution panel shall afford overcurrent protection for each zone feeder, but no disconnect switches shall be provided. The distribution panel shall be located above the bulkhead deck or above the freeboard deck, whichever is the higher, and outside the machinery casing.

(2) At least one feeder shall be provided for each vertical fire zone in which general alarm bells are located.

(3) One or more branch circuit distribution panels shall be provided for each zone feeder with at least one fused branch circuit for each deck level. The distribution panel shall be located above the bulkhead deck or above the freeboard deck, whichever is the higher, in the zone served, and no disconnect switches shall be provided for the branch circuits.

(4) No more than five general alarm bells shall be connected to one branch circuit, and a branch circuit shall not supply bells on more than one deck level.

(5) On vessels not divided into fire zones by main vertical fire bulkheads, the vessel shall be divided into vertical zones not exceeding 150 feet in length and a general alarm feeder provided for each such zone in which general alarm bells are required.

(6) On vessels where accommodation spaces are located only at the extremities of the vessels, other arrangements of feeders and branch circuits will be considered.

(c) *Location of general alarm bells.* (1) General alarm bells shall be so distributed throughout passengers' and crew's quarters in such number and in such a manner as to obtain in each room with the door closed either:

(i) A sound level of not less than 75 decibels; or

(ii) A sound level of 6 decibels above the ground noise level existing when the vessel is underway in moderate weather, whichever is the higher.

(2) General alarm bells shall be so distributed throughout public spaces, work spaces, and machinery spaces in such number and in such a manner as to warn all occupants in an emergency.

§ 113.25–15 Detail requirements.

(a) *Storage batteries.* (1) Storage batteries shall comply with the requirements of Subpart 112.55 of this subchapter.

(2) At the end of the discharge period specified by § 113.25–10(a), the battery potential shall be not less than 80 percent of nominal potential under load.

(b) *Contact maker.* (1) The contact maker shall be a normally open circuit spring-return-to-normal type of enclosed watertight switch.

(2) The contact maker shall be designed to close its contacts when a substantial operating handle is rotated in a clockwise direction through an arc of approximately 60 degrees.

(3) The switch handle shall have means provided for locking in the ON position by means of a spring loaded locking pin.

(4) The OFF and ON positions of the operating handle shall be indicated by means of prominently raised letters.

(5) The contact maker shall be provided with mechanical stops to limit the rotation of the operating handle.

(6) The contact maker shall have an inductive load rating not less than the connected load. On large vessels, consideration will be given to the use of auxiliary devices to interrupt the load current.

(c) *Vibrating bells.* (1) Vibrating bells installed in conjunction with a general alarm system shall be of a type approved by the Commandant.

(2) General alarm system vibrating bells shall produce a signal of a tone distinct from that of any other bell signals on the vessel.

(d) *Electric cable and distribution fittings.* (1) All cable installed in conjunction with general alarm systems shall be either leaded and armored, impervious sheathed and armored or mineral insulated metal sheathed.

(2) Cable entrances to all bells and distribution fittings shall be made watertight by means of terminal or stuffing tubes.

(3) Distribution panels shall be of watertight construction and shall be of a type requiring the use of a tool to gain entrance to the box.

(4) All fuses employed in a general alarm system shall be 250-volt National Electric Code standard, non-renewable cartridge fuses bearing the approval label of a recognized testing organization.

(5) General alarm system fuse capacities shall be selected to obtain as wide a differential as possible between branch circuit fuses and feeder fuses. The capacity of a feeder fuse shall be approximately 200 percent of the load supplied, and the capacity of a branch circuit fuse shall not exceed 50 percent of the capacity of the feeder fuse.

§ 113.25–20 Marking of equipment.

(a) Each general alarm system fused switch and distribution panel shall be provided with a permanent nameplate on the outside of the door describing its function. The rating of fuses shall also be indicated for fused switches.

(b) The general alarm contact maker shall be marked with lettering on a corrosion-resistant plate or with a sign in red letters on a suitable background "GENERAL ALARM."

(c) A contact maker to operate only the general alarm bells in crew quarters, machinery and work spaces shall be marked as described in paragraph (b) of this section, except with the words "CREW ALARM."

(d) General alarm bells shall be marked in not less than ½-inch red letters "GENERAL ALARM—WHEN BELL RINGS GO TO YOUR STATION."

(e) Each general alarm system distribution panel shall be provided with a directory attached to the inside of the cover giving the designation of each circuit, the area supplied by each circuit, and the rating of all circuit fuses.

CROSS REFERENCES: See also §§ 78.47–5 and 78.47–7 of Subchapter H (Passenger Vessels) and §§ 97.37–5 and 97.37–7 of Subchapter I (Cargo and Miscellaneous Vessels) of this chapter.

§ 113.25–25 General alarm system for manned ocean and coastwise barges.

(a) Each manned ocean and coastwise barge of over 100 gross tons, where the crew is divided into watches for the purpose of steering the vessel, shall be provided with a suitable alarm bell installation.

§ 113.25–30 General alarm system for barges of 300 gross tons and over with sleeping accommodations for more than 6 persons.

(a) Barges of 300 gross tons and over with sleeping accommodations for more than 6 persons shall be provided with a suitable alarm bell installation.

§ 113.25–90 General alarm system for existing vessels.

(a) All vessels of over 100 gross tons the construction of which was begun on or after September 1, 1943, but prior to November 19, 1952, shall have all sleeping accommodations, public spaces, and

machinery spaces equipped with a sufficient number of alarm bells so located as to warn all occupants. The system shall operate from a continuous source of electric energy capable of supplying the system for a period of at least 8 hours without being dependent upon the main, auxiliary or emergency generating plants. Each bell shall produce a signal of a tone distinct from that of other bell signals in the vicinity and shall be independently fused with each of these fuses located above the bulkhead deck. The bells shall be controlled by a manually operated contact maker located in the pilothouse, or, if specific approval is given by the Commandant, in the fire control station. The characteristics of the contact maker shall be such that it possesses:

(1) Positive contact;

(2) Watertightness (when located in open spaces subject to weather);

(3) Means whereby its electrically open or closed position can be determined by sense of touch;

(4) Means to effect a make-and-break circuit for signalling; and

(5) Self-maintaining contacts.

(b) All vessels of over 100 gross tons the construction of which was begun prior to September 1, 1943, shall have all sleeping accommodations equipped with a sufficient number of alarm bells so located as to warn all the occupants. The alarm bells, if electric, shall be operated from an open switch from the pilothouse or bridge. The bells shall be of such size, character, and construction as to provide an alarm throughout the spaces for which they are provided.

(c) Existing arrangements, materials, and equipment previously approved shall be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and minor alterations may be made to the same standard as the original installation. All new installations or major replacements shall meet the applicable specifications or requirements for new vessels.

Subpart 113.30—Sound Powered Telephone and Voice Tube Systems

§ 113.30–1 Application.

(a) The provisions of this subpart, with the exception of § 113.30–90, shall apply to all self-propelled vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 113.30–90.

§ 113.30–5 General requirements.

(a) Vessels shall be provided with an efficient means of communication between each of the following:

(1) Wheelhouse;

(2) Engine room;

(3) Steering gear room, if located outside of engine room; and

(4) After steering station, if required.

(b) Vessels equipped with a gyro-compass system shall be provided with an efficient means of communication between the master gyro-compass and the wheelhouse repeater compass. Whenever the master gyro-compass is located within any compartment adjoining or opening into the wheelhouse, the master gyro-compass shall be considered as being located in the wheelhouse and no communication therewith is required.

(c) Vessels equipped with a radar plan position indicator installation remotely located from the wheelhouse shall be provided with an efficient means of communication between the wheelhouse and the radar plan position indicator.

(d) Where emergency squad equipment is stowed in lockers or spaces remote from the wheelhouse, an efficient means of communication shall be provided between the wheelhouse and the emergency squad equipment stowage space or spaces.

(e) Communication to radio and radio direction-finder shall comply with the requirements of this paragraph. The term "radio installation" shall be construed to mean either the radiotelegraph installation or, where only a radiotelephone is installed, the radiotelephone installation.

(1) Vessels equipped with a radio installation shall be provided with an efficient means of communication between the radio room and the wheel house and one other place, if any, from which the vessel may be navigated under normal conditions, as opposed to other such places established solely for emergency functions, or places used solely for docking or maneuvering, or places used occasionally while navigating the vessel in close quarters. As used in this paragraph only a location which includes the necessary apparatus to steer the vessel, give engine orders, and control the whistle will be considered a place from which the vessel may be navigated.

(i) Where the operating position of the emergency radio installation is not located in the compartment normally used for operating the main radio installation, an efficient means of communication shall be provided between the emergency radio room and the wheel house and one other place, if any, from which the vessel may be navigated under normal conditions, as opposed to other such places established solely for emergency functions, or places used solely for docking or maneuvering, or places used occasionally while navigating the vessel in close quarters.

(2) Vessels equipped with radio direction-finding apparatus shall be provided with an efficient means of communication between the wheelhouse and the direction-finding apparatus.

(i) Whenever the direction-finder receiver is located on the navigating bridge of a ship or within any compartment adjoining or opening onto the wheelhouse of a ship, the direction-finding apparatus shall be considered as being located in the wheelhouse, and no communication is required.

(3) The communication systems required by this paragraph shall be independent of any other system on the ship, and the location of the termination of these systems shall be subject to approval by the Federal Communications Commission.

(f) Vessels equipped with smoke detecting systems contracted for on or after January 1, 1962, where detecting cabinets are not located in the pilothouse shall be provided with an efficient means of direct communication between the pilothouse and the stations where the detecting cabinets are located.

(g) An efficient means of communication shall be provided between the wheelhouse and the bow or forward lookout station. This communication need not be by means of sound powered telephone or voice tube if other suitable means is provided or if the vessel configuration is such that direct voice communication between the wheelhouse and bow or forward lookout station is effective. When a sound powered telephone is installed, the requirements of § 113.30–20(b) are applicable.

§ 113.30–10 Voice tubes, general requirements.

(a) Voice tubes may be employed to comply with the requirements of this subpart where the required length of voice tube as installed will not exceed 125 feet.

(b) Where the length of voice tube as installed is not over 75 feet, the tube used shall be at least 2 inches outside diameter.

(c) Where the length of voice tube as installed is over 75 feet and not over 125 feet, the tube shall be at least 2½ inches outside diameter.

(d) Sound powered telephone equipment may be installed in all cases where voice tube communication is permitted.

§ 113.30–15 Voice tubes, detail requirements.

(a) Voice tubes and voice tube fittings shall be constructed of brass or other corrosion-resistant material having a wall thickness of approximately 0.042 inch.

(b) Voice tubing shall be run as direct as possible, and the cross-section of the tube shall be constant throughout the run. Any constriction in the tube such as a dent; reducer coupling, sharp elbow, T connection, or any flat surface shall be avoided. Flexible tubes or bends shall be used in place of fittings wherever possible. Joints in tubing shall be protected by a close fitting sleeve and the joint soldered or filled with white lead.

(c) Voice tubes shall be supported at least every 8 feet on straight runs and at bends as required.

(d) Voice tubes shall be protected where liable to injury and shall not be run in bunkers, cargo spaces, or through machinery spaces unless unavoidable.

(e) Voice tubes shall be provided with drain plugs at the bottom of each vertical run and at all other places where water can collect.

(f) Each voice tube shall be terminated at each end by a suitable mouthpiece with a whistle indicator. Watertight mouthpieces shall be used in locations exposed to the weather.

(g) All voice tubes shall be provided with designating nameplates.

§ 113.30–20 Sound powered telephone system, general requirements.

(a) Where a voice tube installation would require a length of the tube exceeding 125 feet or where for other reasons efficient communication cannot be obtained by a voice tube installation, approved sound powered telephone equipment shall be installed as the means of communication required by this subpart.

(b) The telephone stations listed in § 113.30–5 (a) through (d), (f), and (g) may be installed on the same circuit. However, when included on the same circuit with other required stations, the bow or forward lookout telephone must be provided with a wheelhouse cut-out switch if the telephone is located in the weather. Other stations which are desirable for the operation of the vessel, such as captain's and chief engineer's office and stateroom, emergency power room, CO_2 control room, fire pumproom, etc., will be considered for inclusion on this circuit.

(c) Sound powered telephone systems may, in all cases, be installed in lieu of voice tube systems.

(d) Except as provided in paragraph (b) of this section, telephone stations not specifically required by this subpart which are located in the weather shall not be included on a telephone circuit which includes any of the required telephone stations.

(e) Jack boxes or headsets shall not be utilized on a telephone installation that includes any of the stations required by this subpart.

§ 113.30–25 Sound powered telephone system, detail requirements.

(a) Sound powered telephone equipment used on a telephone circuit that includes any of the stations required by this subpart shall be of a type approved by the Commandant.

(b) Sound powered telephone stations installed in locations exposed to the weather shall be of watertight construction, and the audible signal shall be mounted external to the station enclosure.

(c) Sound powered telephone stations installed in wheelhouse or machinery spaces shall be of at least drip-proof construction.

(d) In noisy locations, a telephone booth or other suitable auxiliary equipment shall be provided if necessary in order that a telephone conversation can be carried on while the vessel is being navigated.

(e) In noisy locations where the magneto-operated telephone station sound signal cannot be heard throughout the space, the sound signal shall be supplemented by an additional sound signal energized from the vessel's electrical system and magneto actuated. This supplementary sound signal shall not be combined with any other signal or alarm system, such as an engineers' signal and alarm panel.

(f) When two or more telephone stations are located in close proximity to each other, a suitable means shall be provided to indicate the station called.

(g) The sound powered telephone talking circuit shall be electrically independent of the calling circuits. A short circuit, open circuit, or ground on either side of the calling circuit shall not affect the talking circuit in any way. All circuits shall be insulated from ground.

(h) Sound powered telephone circuits shall be run in leaded and armored, impervious sheathed and armored or mineral-insulated metal sheathed cable. All connection boxes employed shall be watertight.

(i) Telephone cables shall be run as close to the fore and aft centerline of the vessel as is practicable and through runs of cable should avoid such spaces as machinery room and galleys.

§ 113.30–90 Sound powered telephone and voice tube systems for existing vessels.

(a) Vessels contracted for prior to November 19, 1952, shall meet the requirements contained in this section.

(b) Except as otherwise required by paragraph (d) of this section, existing arrangements, materials, and facilities previously approved will be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and minor alterations may be made to the same standard as the original installation.

(c) All new installations or major replacements shall meet the applicable specifications or requirements for new vessels.

Subpart 113.35—Engine Order Telegraph Systems

§ 113.35–1 Application.

(a) The provisions of this subpart, with the exception of § 113.35–90, shall apply to all self-propelled vessels contracted for on or after November 19, 1952. Installations contracted for prior to November 19, 1952, shall meet the requirements of § 113.35–90.

§ 113.35–5 General requirements.

(a) All vessels, except as otherwise provided for in this section, shall have installed an efficient means for transmitting engine orders from the wheelhouse to the engine room and of transmitting acknowledgment of engine orders from the engine room to the wheelhouse.

(1) On vessels with more than one propulsion engine, this efficient means of transmitting engine orders shall be provided for each engine.

(2) On double-ended vessels with two wheelhouses, this efficient means of transmitting engine orders shall be provided between the engine room and each wheelhouse.

(3) On vessels provided with a means of steering from the top of the wheelhouse as well as from the wheelhouse, this efficient means of transmitting engine orders shall also be provided between the engine room and the top of the wheelhouse.

(b) The efficient means of transmitting engine orders may be of the engine gong and sound tube type, the mechanical engine order telegraph type, the electric engine order telegraph type, or other types as may be approved.

(c) Small vessels on which the propulsion plant is controlled entirely from the wheelhouse with no means of normal engine control from the engine room, need not be provided with an engine order telegraph system between the wheelhouse and the engine room.

§ 113.35–10 Engine gong systems, general requirements.

(a) An engine gong system shall consist of pull handles located in the wheelhouse mechanically connected by wires and chains to gongs located in the engine room.

(1) A sound tube of proper size shall be run between the wheelhouse and the engine room and so arranged as to return the sound of the gong signals to the wheelhouse.

(2) A speaking tube or other device for the purpose of conversation between the wheelhouse and the engine room shall also be provided.

(b) The sound tube and the speaking tube shall comply with the requirements of § 113.30–15 except that the sound tube shall be terminated by a flared sounder in lieu of whistle mouthpieces and the sound tube size shall be not less than 2½ inches outside diameter.

(c) The engine room gong and the termination of the sound tube and the speaking tube in the engine room shall be at the engine control station.

(d) The gong pull installation shall comply with the applicable requirements of § 113.35–25.

§ 113.35–15 Engine gong systems, application.

(a) Engine gong systems shall not be employed on vessels where the length of sound tube as installed will exceed 40 feet.

§ 113.35–20 Mechanical engine order telegraph systems, general requirements.

(a) Mechanical engine order telegraph systems shall consist of transmitters and indicators mechanically connected to each other by means of chains and wires.

(b) Transmitters and indicators shall be provided with dials divided into sectors or divisions with the various engine orders engraved thereon.

(c) Rotation of the transmitter handle and its associated pointer shall drive the indicator pointer in synchronism. The indicator pointer, always having the same angular position as the transmitter handle and its associated pointer, shall point to the order corresponding to the order on the transmitter.

(d) The engine room indicator shall be equipped with a reply handle and associated pointer driving a reply pointer in the wheelhouse transmitter for acknowledgement of orders.

(e) Each transmitter and each indicator shall be provided with an audible signal device to indicate, in the case of an indicator, the receipt of an order and, in the case of a transmitter, the acknowledgement of an order. The audible signal device shall not be dependent upon any source of power for operation other than that of the movement of the transmitter or indicator handle.

(f) The dials of transmitter instruments shall be illuminated in such a manner as not to interfere with navigating the vessel at night.

(g) Transmitter and indicator operating handles shall be of substantial size so that engine orders may be determined from a distance.

§ 113.35–25 Mechanical engine order telegraph systems, detail requirements.

(a) Telegraph wire shall be No. 10 Stubs Gage (0.134 inch diameter) soft brass wire and shall be stretched approximately 20 percent before installation.

(b) Pulleys shall be provided wherever a bend in the run of the telegraph wire is made, and at each pulley sheave a length of brass telegraph chain shall be employed.

(c) Pulleys shall be in line with the wire and chain.

(d) Turnbuckles shall be provided in each lead at each instrument to adjust the handles and pointers to the central position of the order, and shall be provided at other locations throughout the system as necessary to take up slack in the lead wires and to center the chains at the pulleys.

(e) Where telegraph leads pass through watertight decks or bulkheads, stuffing tubes shall be employed.

(f) On long horizontal runs, the telegraph wire shall be supported on roller bearers at approximately every 5 feet of run. When telegraph leads are run behind sheathing or when subject to mechanical damage, the leads shall be run "in pipe."

(g) All fittings used in telegraph installations shall be constructed of brass, bronze, or other corrosion-resistant materials.

(h) Positive locking devices, such as keys, shall be used in securing handles and similar parts to their associated shafts to ensure continuous operation of the shaft in response to movement of the handle.

(i) Transmitter dials shall be arranged with the "STOP" order at the top vertical position of the operating handle. On ahead orders the operating handle shall be moved toward the bow of the vessel and on astern orders the operating handle shall be moved toward the stern of the vessel.

(j) Indicator dials shall be arranged as specified for transmitter dials except that the "STOP" order shall be at the bottom vertical position of the reply handle.

(l) Indicator dials on double-ended vessels shall not be marked with the designations "AHEAD" and "ASTERN," but the reply handle and indicator arrow shall point in the direction in which it is desired that the engine operate.

§ 113.35–30 Mechanical engine order telegraph systems, operation.

(a) Where more than one transmitter, located in the wheelhouse, the wings of the navigating bridge, and/or the top of the wheelhouse, operate a common indicator in the engine room, all the transmitters shall be mechanically interlocked and operate in synchronism. The method of mechanical interlocking shall be such that a failure of the transmission wire or chain at any transmitter located topside will not interrupt or disable other topside transmitters.

§ 113.35–35 Mechanical engine order telegraph systems, application.

(a) Mechanical engine order telegraph systems may be installed on all vessels to provide the communication required by this subpart where the length of cables or other mechanical limitations will not prevent the efficient operation of the system.

§ 113.35–40 Electric engine order telegraph systems, general requirements.

(a) Electric engine order telegraph systems shall consist of transmitters and indicators electrically connected to each other.

(b) Transmitters and indicators shall be provided with dials divided into sectors or divisions with the various engine orders engraved thereon.

(c) Rotation of the transmitter handle and its associated pointer shall drive the indicator pointer in synchronism. The indicator pointer, always having the same angular position as the transmitter handle, shall point to the order corresponding to the order on the transmitter.

(d) For acknowledgment of orders, the engine room indicator shall be equipped with a handle and generator actuating a motor and pointer on the transmitter, similar to the facilities provided for transmitting orders.

(e) Audible signals associated with the system shall consist of a vibrating bell at each instrument. The vibrating bell at both transmitter and indicator shall ring continuously at all times when the transmitter arrow and the reply arrow do not point to the same order.

(f) The dials of transmitter instruments shall be illuminated in such a manner as not to interfere with navigating the vessel at night.

(g) Transmitter and indicator operating handles shall be of substantial size so that the engine order may be determined from a distance.

§ 113.35–45 Electric engine order telegraph systems, detail requirements.

(a) Telegraph instruments shall form watertight enclosures for the electrical components.

(b) Materials used in the construction of telegraph instruments shall be corrosion-resistant.

(c) Transmitter dials shall be in accordance with § 113.35–25 (i). Indicator dials shall be in accordance with § 113.35–25 (j) except that the "STOP" order may be at the bottom or top vertical position of the reply handle to suit bulkhead or pedestal mounted instruments, respectively.

(d) Electric cable used in conjunction with electric telegraphs shall be leaded and armored, impervious sheathed and armored or mineral-insulated metal sheathed and all connection boxes shall be of watertight construction.

(e) Each system shall be provided with an alarm device which automatically sounds audibly and indicates visually in the event of loss of potential to the system.

(1) This alarm device shall be located in the wheelhouse.

(2) Means shall be provided to silence the audible signal.

(3) Where the supervisory power supply is a dry cell battery or some other low capacity source, there shall be no electric drain on the supervisory power supply after the audible signal has been silenced; the visible indication may be extinguished to effect this. Upon reestablishment of potential to the telegraph system, the audible signal shall sound again until the alarm circuit is returned to normal unless restoration of this alarm circuit is effected automatically.

§ 113.35–50 Electric engine order telegraph system, operation.

(a) Where more than one transmitter, located in the wheelhouse, the wings of the navigating bridge, and/or the top of the wheelhouse, operate a common indicator in the engine room, either the transmitters shall operate in synchronism in accordance with paragraph (b) of this section, or the transmitters shall operate under the control of a transmitter transfer control in accordance with paragraph (c) of this section.

(b) All transmitter handles and pointers and all reply pointers shall operate in synchronism. Where the transmitters are mechanically interlocked to effect synchronous operation, the requirements of § 113.35–30(a) shall be met.

(c) All transmitters shall operate under the control of a transmitter transfer control so that movement of any one transmitter handle automatically connects that instrument electrically to the engine room indicator and simultaneously disconnects electrically all other transmitters. The reply pointers of all transmitters shall operate in synchronism at all times.

§ 113.35–55 Electric engine order telegraph systems, application.

(a) Electric engine order telegraph systems may be installed on all vessels to provide the communication required by this subpart, except that passenger vessels of 20,000 gross tons or over equipped with an electric engine order telegraph system shall be provided with a stand-by system, either electrical or mechanical.

§ 113.35–90 Engine order telegraph systems for existing vessels.

(a) The engine order telegraph installations on vessels contracted for prior to November 19, 1952, shall meet the requirements in this section.

(b) Existing arrangements, materials, and facilities previously approved will be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and minor alterations may be made to the

same standard as the original installation.

(c) All new installations or major replacements shall meet the applicable specifications or requirements for new vessels.

Subpart 113.40—Rudder Angle Indicator Systems

§ 113.40–1 Application.

(a) The provisions of this subpart, with the exception of § 113.40–90 shall apply to all self-propelled vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 113.40–90.

§ 113.40–5 General requirements.

(a) The exact position of the rudder, if power operated, shall be indicated at the principal steering station. When non-follow-up steering control is installed at the after steering station, a separate rudder angle indicator system shall be installed for that station. See Part 57 of Subchapter F (Marine Engineering) of this chapter.

§ 113.40–10 Detail requirements.

(a) The rudder angle indicator system shall consist of a transmitter located at the rudder head and actuated by movement of the rudder, the angular movements of the rudder being transmitted to a remote indicator(s).

(b) The indicator instrument shall consist of a fixed dial with angular positions of the rudder right and left of an amidship position indicated thereon. Indications of rudder angle shall be by means of a moving pointer.

(1) The movement of the indicator pointer shall be consistent with the movement of the steering wheel or control.

(c) The indicator(s) shall be located in direct line of vision of the helmsman and shall be provided with dial illumination in such a manner as not to interfere with navigating the vessel at night.

(d) The method of transmitting rudder movement between the transmitter and the indicator(s) may be either by self-synchronous generator and motor(s), by mechanical telegraphs, or by other equivalent means.

(e) The electric rudder angle indicator system shall comply with the applicable requirements of §§ 113.35–40 and 113.35–45 (a) to (d), inclusive.

(f) Mechanical methods of transmitting rudder angles shall be in accordance with approved installation drawings submitted for each installation.

§ 113.40–90 Rudder angle indicator systems for existing vessels.

(a) Rudder angle indicator systems on vessels contracted for prior to November 19, 1952, shall meet the requirements in this section.

(b) Existing arrangements, materials, and facilities previously approved will be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and minor alterations may be made to the same standard as the original installation.

(c) All new installations or major replacements shall meet the applicable specifications or requirements for new vessels.

Subpart 113.45—Refrigerated Spaces Alarm Systems

§ 113.45–1 Application.

(a) The provisions of this subpart, with the exception of § 113.45–90, shall apply to all vessels contracted for on or after November 19, 1952. The provisions of § 113.45–90 shall apply to all vessels contracted for prior to November 19, 1952.

§ 113.45–5 General requirements.

(a) Each refrigerated space accessible to ship's personnel during a voyage and which can be so locked from the outside that it cannot be opened from the inside, shall be fitted with an alarm system operated from within each refrigerated space.

(b) The alarm system may be either a mechanical pull operating a jingle bell or an electrical push button operating a vibrating bell or other audible device.

(c) The mechanical pull or electrical push button shall be located at the exit from the refrigerated compartment.

(d) The audible signal shall be located where a person is regularly employed.

(e) Where a common audible signal is provided for more than one lockable refrigerated compartment, an annunciator shall be provided to locate the compartment from which the signal was initiated.

§ 113.45–90 Refrigerated spaces alarm systems on existing vessels.

(a) Refrigerated spaces alarm systems on vessels contracted for prior to November 19, 1952, shall meet the requirements in this section.

(b) Existing arrangements, materials, and facilities previously approved will be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and minor alterations may be made to the same standard as the original installation.

(c) All new installations or major replacements shall meet the applicable specifications or requirements for new vessels.

Subpart 113.50—Emergency Loudspeaker System

§ 113.50–1 Application.

(a) The provisions of this subpart, with the exception of § 113.50–90, shall apply to all ocean and coastwise passenger vessels contracted for on or after November 19, 1952. Ocean and coastwise vessels contracted for prior to November 19, 1952, shall meet the requirements of § 113.50–90.

§ 113.50–5 General requirements.

(a) All ocean and coastwise passenger vessels certificated to carry 500 or more persons, including officers and crew, and/or all passenger vessels whose lifeboats are stowed more than 100 feet from the navigating bridge, shall be equipped with an approved loudspeaker system which will enable an officer on the bridge to broadcast separately or collectively to the stations listed in this paragraph.

(1) Lifeboat stations, port.

(2) Lifeboat stations, starboard.

(3) Lifeboat embarkation stations, port.

(4) Lifeboat embarkation stations, starboard.

(5) Public spaces used for passenger assembly stations.

(6) Crew quarters.

(b) The system shall be controlled from a single location on the navigating bridge.

(c) Loudspeakers, as designated by the Commandant, at lifeboat and embarkation stations shall be arranged for two-way conversation with the navigating bridge.

(d) The emergency loudspeaker system shall be of a type approved by the Commandant. Systems installed on vessels contracted for on or after November 19, 1958, shall meet the requirements of Subpart 161.004 of Subchapter Q (Specifications) of this chapter.

§ 113.50–10 Power supply.

(a) The loudspeaker system shall be energized from the source of emergency lighting and power as required by Subpart 112.15 of this subchapter.

(b) Where the loudspeaker system requires a power supply of a character different from that available from the temporary source of emergency lighting and power, conversion equipment as required by Subpart 112.40 of this subchapter shall be provided.

§ 113.50–15 Location of loudspeakers and amplifiers.

(a) *General.* (1) Loudspeakers shall be located with due regard to the intended service and to minimize as much as possible the effect of feedback and other interference.

(2) In general, loudspeakers on open decks shall be directed toward the after end of the vessel and outboard by an angle of approximately 15 degrees.

(b) *Boat deck loudspeakers.* (1) A loudspeaker shall be located at each lifeboat handling station. The axis of the loudspeaker shall be directed aft and outboard in such a manner that the sound level at the lifeboat handling station will be not less than the levels given in Table 113.50–15.

(c) *Lifeboat embarkation and passenger assembly station loudspeakers.* (1) Loudspeakers shall be distributed throughout the lifeboat embarkation deck and locations designated by the vessel's station bill for the assembly of passengers in an emergency, in such number as to provide an even distribution of sound at a level not less than that specified in Table 113.50–15. An even distribution of sound level is considered satisfied if the variation does not exceed plus or minus 3 decibels.

(d) *Crew quarters' loudspeakers.* (1) Loudspeakers shall be distributed in passageways throughout crew quarters in such number as to provide a sound level not less than that specified in Table 113.50–15 in each room with the doors closed.

(e) *Amplifier.* (1) The emergency loudspeaker amplifier, if not located in the same enclosure with the control panel, shall be located in the wheelhouse or in a compartment adjoining or opening into the wheelhouse.

TABLE 113.50–15—MINIMUM SOUND LEVEL REQUIREMENTS FOR LOUDSPEAKER SYSTEMS

[All data given in decibels] [1]

Location	Ground noise level minimum	Signal level		Voice level	
		Above ground noise	Total	Above ground noise	Total
Lifeboat stations	80	20	[2] 100	15	[2] 95
Embarkation deck and exterior passenger assembly points	80	20	[2] 100	15	[2] 95
Interior passenger assembly points	75	20	[2] 95	15	[2] 90
Crew quarters	60	18	[3] 78	12	[3] 72

[1] The zero decibel level shall be 0.0002 dyne per square centimeter.

[2] Measured at a distance of 10 feet from the loudspeaker and on the axis thereof.

[3] Measured in rooms with the doors to the passageways closed.

§ 113.50–20 Distribution of cable runs.

(a) Cable runs to the different loudspeaker groups shall be as widely separated from each other as possible to limit the extent of damage to the system from a single casualty. In addition, the distribution shall be such that a casualty to the port or starboard supplies to loudspeakers on boat and embarkation decks will render not more than half of the loudspeakers in the group inoperative. This may be accomplished by feeding the loudspeakers of a particular group alternately from a port and starboard multiconductor cable.

(b) Cable runs shall, where possible, be located in passageways and shall avoid staterooms, lockers, and other enclosed spaces.

§ 113.50–25 Type of cable and equipment enclosures.

(a) All cable used in connection with the system shall be either leaded and armored, impervious sheathed and armored or mineral insulated metal sheathed.

(b) All junction or connection boxes employed in the distribution system shall be of watertight construction.

§ 113.50–30 Shipboard tests.

(a) The operation of the system shall be observed to determine that voice reproduction is of good quality and intelligibility of a high order.

(b) Sound levels shall be measured with a sound level meter to demonstrate that the levels listed in Table 113.50–15 are met.

(1) Where the ground noise level with the vessel under way in moderate weather is in excess of the values listed in Table 113.50–15, the signal and voice levels shall be increased correspondingly so that the differential between ground noise level and the signal and voice levels shall be not less than the differential given in this table.

(c) It shall be demonstrated that grounding either conductor or "shorting" both conductors to any one lifeboat station loudspeaker, or to an embarkation deck loudspeaker, will not reduce the output of any one of the remaining loudspeakers by more than 3 decibels.

§ 113.50–35 Operation of emergency loudspeaker systems.

(a) The emergency loudspeaker system shall be used at the discretion of the master and shall function entirely independently of any public address or music distribution system.

(b) The emergency loudspeaker system shall not be used for entertainment purposes.

(c) The complete emergency loudspeaker system shall be given an operating test at least once every week. These tests shall be made by a licensed officer and the condition of the equipment entered in the vessel's log.

(d) When a vessel is equipped with a public address or music distribution system, means shall be provided adjacent to the emergency loudspeaker system control panel to silence the public address or music distribution systems.

§ 113.50–90 Emergency loudspeaker systems for existing vessels.

(a) *Existing vessels.* Emergency loudspeaker systems on ocean and coastwise passenger vessels contracted for prior to November 19, 1952, shall meet the requirements of this section.

(b) *General requirements.* (1) All passenger vessels the construction of which was begun prior to January 1, 1937, on which lifeboats are stowed more than 100 feet from the navigating bridge, and all passenger vessels the construction of which was begun prior to November 19, 1952, but on and after January 1, 1937, certificated to carry 1,000 persons or more, including officers and crew, shall be equipped with a loudspeaker system which shall enable an officer on the bridge to broadcast separately or collectively to the stations listed in this subparagraph.

(i) Lifeboat stations, port and starboard. (The deck or decks on which lifeboats are stowed and from which they are launched.)

(ii) Embarkation deck, port and starboard. (The deck or decks, designated by construction design or by the vessel's station bill, used for the embarkation of passengers and crew into lifeboats. If lifeboat stations are used for embarkation purposes, this requirement will be omitted.)

(iii) Main quarters for crew. (The quarters of the emergency squad, deck crew, and stewards assigned to passenger quarters.)

(iv) Public spaces. (The spaces designated by the vessel's station bill where passengers and crew are to assemble in an emergency.)

(2) The Commandant may, in special cases, exempt passenger vessels the construction of which was begun prior to January 1, 1937, having a small number of especially accessible lifeboats stowed more than 100 feet from the bridge: *Provided, however,* That no such vessel certificated to carry more than 200 persons, including officers and crew, shall be so exempted.

(3) Details of the system shall be in general agreement with §§ 113.50–5 through 113.50–35 insofar as is reasonable and practicable.

(4) Existing arrangements, materials, and facilities previously approved, but not meeting the applicable specifications or requirements set forth in §§ 113.50–5 through 113.50–35, may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and minor alterations may be made to the same standards as the original installation provided that, in no case, will a greater departure from the standards of §§113.50–5 through 113.50–35 be permitted than presently exist. All new installations or major replacements shall meet the applicable specifications or requirements, for new vessels.

Subpart 113.55—Navigation Lights

§ 113.55–1 Application.

(a) The provisions of this subpart, with the exception of § 113.55–90, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 113.55–90.

§ 113.55–5 General requirements.

(a) All vessels and motorboats shall be equipped with navigation lights and shapes as prescribed by law and regulation.

§ 113.55–10 Construction of navigation lights.

(a) Navigation lights shall be of an approved type.

§ 113.55–15 Installation of navigation lights.

(a) Navigation lights shall be installed in such a manner that the angles of visibility and the minimum heights above the deck required by the applicable Rules of the Road will be assured.

(b) The light from a navigation light shall not be obscured by any part of the vessel's structure or rigging.

(c) Navigation lights shall be wired by means of a short length of heavy duty portable cable to a watertight receptacle outlet located adjacent thereto. Where the double lens, two-lamp type electric navigation light is installed, each lamp shall be connected to its branch circuit conductors by means of an individual portable cable and receptacle plug.

§ 113.55–20 Light screens.

(a) Light screens required by the Rules of the Road for port and starboard side lights shall be painted with a glossy black paint and shall project not less than three feet forward of the center of the light source.

§ 113.55–25 Navigation light indicator panel.

(a) Self-propelled vessels of 1,600 gross tons and over shall be provided with a navigation light indicator panel located in the wheelhouse to control electric side, masthead, range, and stern lights. The panel shall provide visible and audible indications of the failure of any of the above named navigation lights.

(b) Recommended circuit diagrams for navigation light indicator panels are shown in Figure 113.55–25 (b). Other circuit diagrams may be submitted for approval.

§ 113.55–90 Navigation lights for existing vessels.

(a) Navigation lights on vessels contracted for prior to November 19, 1952, shall meet the requirements covered in this section.

(b) Existing arrangements, materials, and facilities previously approved will be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Office in Charge, Marine Inspection. Minor repairs and minor alterations may be made to the same standard as the original installation.

(c) All new installations or major replacements shall meet the applicable specifications or requirements.

Subpart 113.60—Signaling Lights

§ 113.60–1 Application.

(a) The provisions of this subpart, with the exception of § 113.60–90, shall apply to vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 113.60–90.

§ 113.60–5 General requirements.

(a) Except as modified by § 33.50–1 of Subchapter D (Tank Vessels) of this chapter, all ocean and coastwise self-propelled vessels of over 150 gross tons shall be equipped with an efficient daylight signaling light of the type covered by this subpart.

§ 113.60–10 Detail requirements.

(a) The signaling light shall consist of a device which produces a narrow high-intensity beam of light suitable for daylight blinker communication at speeds up to 9 words (180 dots and/or dashes) per minute.

(b) The axial candlepower of the beam shall be not less than 60,000 candlepower. The beam shall have a total horizontal and vertical divergence of approximately 6 degrees. This divergence is defined as the angular limits of the beam where the candlepower has fallen to one-tenth of the axial candlepower.

(c) In addition to the requirements of paragraph (b) of this section, the candlepower of the beam in every direction within an angle of 0.7 degree from the axial shall not be less than 50 percent of the axial candlepower.

(d) The signaling light shall be fitted with a suitable sighting arrangement capable of directing the beam on to the receiving station.

(e) Signaling may be effected by keying the current through the lamp, by movement of shutters, or by other approved means.

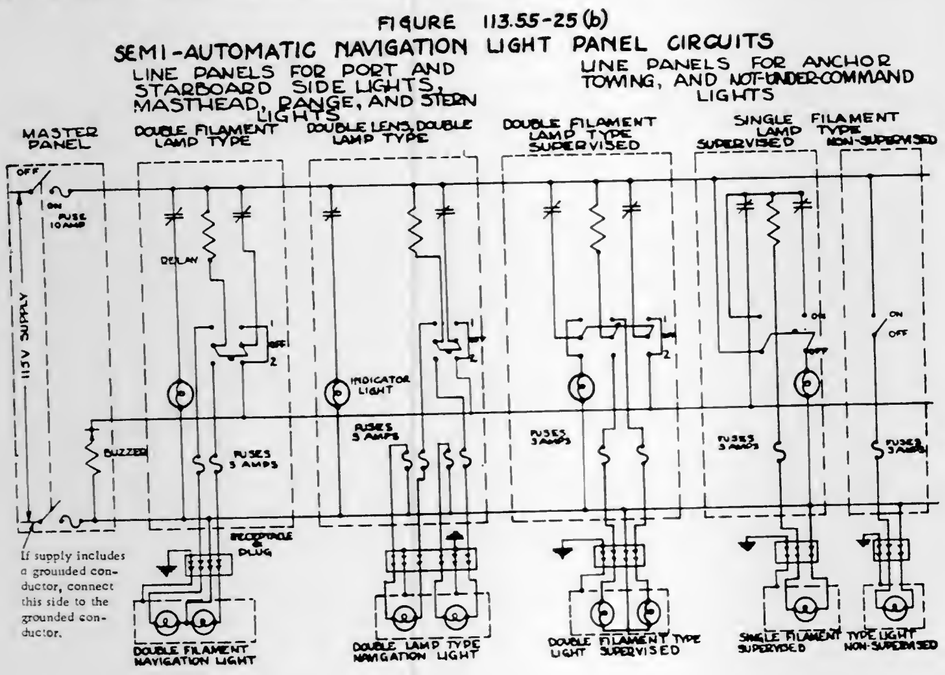
(f) The signaling light may be either a fixed unit mounted on the top of the wheelhouse, a semi-fixed unit with arrangements for quick mounting at either wing of the navigating bridge, or a portable unit.

(g) Fixed or semifixed signaling lights shall be energized from the emergency lighting and power system as required by § 112.15–5(h) of this subchapter. Portable signaling units shall be energized from a self-contained storage battery capable of operating the unit 2 hours continuously without recharging.

§ 113.60–90 Signaling light for existing vessels.

(a) Signaling lights on vessels contracted for prior to November 19, 1952,

FIGURE 113.55-25(b)



shall meet the requirements in this section.

(b) Ocean and coastwise ships over 150 gross tons shall be equipped with an efficient signaling lamp. This lamp shall be permanently fixed above the bridge and equipped with a Fresnel lens and high-speed bulb, operated by a weatherproof key, fitted with a suitable condenser. The lamp shall be so connected that it can be operated from the normal source of ship's current, the emergency source, and other emergency batteries if provided.

(c) Existing arrangements, materials, and facilities previously approved will be considered satisfactory as long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and minor alterations may be made to the same standard as the original installation. All new installations or major replacements shall meet the applicable specifications or requirements for new vessels.

Subpart 113.65—Whistle Operators

§ 113.65–1 Application.

(a) The provisions of this subpart, with the exception of § 113.65–90, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 113.65–90.

§ 113.65–5 General requirements.

(a) The general requirements for whistles, sirens and foghorns are contained in Part 26 of Subchapter C (Uninspected Vessels), Part 32 of Subchapter D (Tank Vessels), Part 77 of Subchapter H (Passenger Vessels), and Part 96 of Subchapter I (Cargo and Miscellaneous Vessels), of this chapter.

(b) Mechanical whistle or siren pull leads shall be as direct as possible and amply protected. When the leads are suspended for more than 15 feet, they should be supported from a corrosion-resistant cable with suitable bearers. The system shall be provided with ample corrosion-resistant springs to relieve all weight on the lever and for the proper functioning of the system.

(c) Materials and mechanical details shall be in general accordance with the requirements for mechanical telegraphs given in § 113.35–25 except that bronze or stainless steel aircraft type wire rope or other means specifically approved may be used in lieu of the brass wire specified.

(d) When electrically operated whistles and sirens are installed, all parts shall be independent of the primary system.

(e) When electrically operated valves for whistles or sirens are located more than 5 feet from the whistle, an automatic drain feature for the steam whistle pipe shall be installed.

(f) The supply for an electrically operated whistle or siren shall be from the emergency lighting and power system as required by Part 112 of this chapter.

§ 113.65–90 Whistle operators for existing vessels.

(a) Whistle operators on vessels contracted for prior to November 19, 1952, shall meet the requirements in this section.

(b) Existing arrangements, materials, and facilities previously approved will be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and minor alterations may be made to the same standard as the original installation.

(c) All new installations or major replacements shall meet the applicable specifications or requirements for new vessels.

Subpart 113.70—Smoke Detector Systems

§ 113.70–1 Application.

(a) Where a smoke detector system is installed, the provisions of this subpart, with the exception of § 113.70–90, shall apply to all installations contracted for on or after November 19, 1952. Installations contracted for prior to November 19, 1952, shall meet the requirements of § 113.70–90.

(b) For the vessels on which a smoke detector system is required, see Part 76 of Subchapter H (Passenger Vessels) of this chapter.

§ 113.70–5 General requirements.

(a) The smoke detector control unit shall be of a type approved by the Commandant. Systems installed on vessels contracted for on or after November 19, 1959, shall meet the requirements of Subpart 161.002 of Subchapter Q (Specifications) of this chapter.

(b) All electric cable installed in conjunction with the smoke detector system shall be either leaded and armored, impervious sheathed and armored or mineral insulated metal sheathed.

(c) Cable runs between the smoke detector control unit and the supply switchboard shall be as direct as possible and shall avoid staterooms, lockers, and other enclosed spaces where the cable could be damaged by a localized fire or by other causes.

§ 113.70–10 Power supply.

(a) On vessels fitted with an automatically started emergency lighting and power system, the smoke detector system shall be supplied by a branch circuit from the emergency switchboard. On vessels fitted with a temporary source of emergency lighting and power, the branch circuit may be connected to the temporary emergency source of supply.

(b) On vessels not fitted with an automatically started emergency lighting and power system, the smoke detector system shall be supplied from a source as approved by the Commandant.

§ 113.70–90 Equipment and installations on vessels contracted for prior to November 19, 1952.

(a) Existing arrangements, materials, and facilities previously approved, but not meeting the applicable specifications or requirements set forth in §§ 113.70–5 and 113.70–10, may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and minor alterations may be made to the same standards as the original installation: *Provided*, That, in no case, will a greater departure from the standards of §§ 113.70–5 and 113.70–10 be permitted than presently exist. All new installations or major replacements shall meet the applicable specifications or requirements for new vessels.

SUBCHAPTER K—MARINE INVESTIGATIONS AND SUSPENSION AND REVOCATION PROCEEDINGS

PART 136—MARINE INVESTIGATION REGULATIONS

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Subpart 136.21—Computation of Time
136.21-1 Computation of time.

Subpart 136.23—Evidence of Criminal Liability
136.23-1 Evidence of criminal liability.

AUTHORITY: The provisions of this Part 136 issued under R.S. 4405, as amended, 4462, as amended, secs. 2, 633, 63 Stat. 496, 545; 46 U.S.C. 375, 416, 14 U.S.C. 2, 633. Interpret or apply R.S. 4450, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 93 (e), (f), 63 Stat. 504, secs. 10-13, 18 Stat. 128, as amended, sec. 15, 38 Stat. 1184, as amended, sec. 4, 67 Stat. 462, sec. 3, 68 Stat. 675; 46 U.S.C. 239, 367, 526p, 1333, 390b, 14 U.S.C. 93 (e), (f), 33 U.S.C. 361-364, 365, 43 U.S.C. 1333, 50 U.S.C. 198. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-14, November 26, 1954, 19 F.R. 8026; 167-15, January 3, 1955, 20 F.R. 840; 167-17, June 29, 1955, 20 F.R. 4976; 67-20, June 18, 1956, 21 F.R. 4894, unless otherwise noted.

Subpart 136.01—Authority and Scope of Regulations

§ 136.01-1 Authority and scope of regulations.

The regulations in this part promulgated pursuant to the provisions of R.S. 4450, as amended (46 U.S.C. 239), shall govern the conduct of investigations relating to:

(a) Marine casualties and accidents; and,

(b) Acts in violation of Title 46, U. S. Code, sections 170, 214, 215, 222, 224, 224a, 226, 228-234, 239, 240, 361, 362, 364, 367, 372, 373, 375-382, 384, 385, 390-390g, 391, 391a, 392, 393, 399, 400, 402-416, 435-440, 451-453, 460-463, 464, 467, 470-481, 482, 489-498, or Title 50, U. S. Code, section 198, or any of the regulations issued thereunder; or,

(c) Acts of incompetency or misconduct committed by any licensed officer or holder of a certificate of service when such acts are committed in connection with any marine casualty or accident.

Subpart 136.03—Definitions

§ 136.03-1 Marine casualty or accident.

(a) The term "marine casualty or accident" shall mean any casualty or accident involving any vessel other than public vessels if such casualty or accident occurs upon the navigable waters of the United States, its territories or possessions, or any casualty or accident wherever such casualty or accident may occur involving any United States' vessel which is not a public vessel. (See § 136.03-40 for definition of "Public Vessel.")

(b) A marine casualty or accident shall include any occurrence involving a vessel which results in damage by or to the vessel, its apparel and gear, and/or cargo, or injury or loss of life of any of its crew or passengers; and includes inter alia, collisions, strandings, groundings, founderings, heavy weather damage, fires, explosions, failure of gear and equipment and any other damage which might affect and/or impair the seaworthiness thereof.

§ 136.03-5 Major marine casualty.

A casualty shall be considered a major marine casualty whenever it indicates serious damage to material and results in loss of life or serious injury to crew and/or passengers. A casualty may also be deemed a major marine casualty when the circumstances or unusual conditions thereof are of such a nature that the proper investigation cannot be accomplished solely by an investigating officer.

§ 136.03-10 Party in interest.

The term "party in interest" shall mean any person whom the Marine Board of Investigation or the investigating officer shall find to have a direct interest in the investigation conducted by it and shall include an owner, a charterer, or the agent of such owner or charterer of the vessel or vessels involved in the marine casualty or accident, and all licensed or certificated personnel whose conduct, whether or not involved in a marine casualty or accident is under investigation by the Board or investigating officer.

§ 136.03-15 Commandant.

The Commandant, U.S. Coast Guard, is that officer who acts as chief of the Coast Guard and is charged with the administration of the Coast Guard.

§ 136.03-20 Coast Guard district.

A Coast Guard district is one of the geographical areas whose boundaries are described in 33 CFR Part 3.

§ 136.03-25 District Commander.

The District Commander is the chief of a Coast Guard district and is charged with the administration of all Coast Guard responsibilities and activities within his respective district, except those functions of examiners under the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1001 et seq.) and activities of independent units of the Coast Guard, such as the Coast Guard Yard and the Coast Guard Academy.

§ 136.03-30 Investigating officer.

An investigating officer is an officer or employee of the Coast Guard designated by the Commandant or the District Commander for the purpose of making investigations of marine casualties and accidents or other matters pertaining to the conduct of seamen.

§ 136.03-40 Public vessels.

Vessels within the statutory exemptions of Title LII of the Revised Statutes of the United States (R.S. 4399-4500) (as amended) relating to the inspection of vessels, are public vessels, and therefore not subject to the regulations in this part. To be deemed public vessels such vessels must:

(a) Be used for a public purpose, not in trade or commercial service; and,

(b) Be owned outright by the United States; it is not sufficient that the United States holds the vessel under a bareboat charter.

Subpart 136.05—Notice of Marine Casualty and Voyage Records

§ 136.05-1 Notice of marine casualty.

The owner, agent, master, or person in charge of a vessel involved in a marine casualty shall give notice as soon as possible to the nearest marine inspection office of the Coast Guard whenever the casualty results in any of the following:

(a) Actual physical damage to property in excess of $1500.00;

(b) Material damage affecting the seaworthiness or efficiency of a vessel;

(c) Stranding or grounding;

(d) Loss of life; or,

(e) Injury causing any persons to remain incapacitated for a period in excess of 72 hours; except injury to harbor workers not resulting in death and not resulting from vessel casualty or vessel equipment casualty.

§ 136.05-5 Substance of marine casualty notice.

The notice required in § 136.05-1 shall show the name and official number of the vessel involved, the owner or agent thereof, and insofar as is practicable, the nature and probable occasion of the casualty, the locality in which it occurred, the nature and extent of injury to personnel and the damage to property.

§ 136.05-10 Report by officer in charge of vessel in person.

(a) In addition to the notice required by § 136.05-1, the person in charge of the vessel shall, as soon as possible report in writing and in person to the Officer in Charge, Marine Inspection, at the port in which the casualty occurred or nearest the port of first arrival: *Provided*, That when from distance it may be inconvenient to report in person it may be done in writing only. The written report required for personal accident shall be made on Form CG-924E and submitted for each individual injured and each loss of life. For all other vessel casualties the written report shall be made on Form CG-2692.

(b) If filed without delay, the Form CG-924E or CG-2692 may also provide the notice required by § 136.05-1.

(Secs. 13, 17, 54 Stat. 166, as amended, 46 U.S.C. 526l(c))

§ 136.05-15 Voyage records, retention of.

(a) The owner, agent, master, or person in charge of any vessel involved in a marine casualty shall retain such voyage records as are maintained by the vessel, such as both rough and smooth deck and engine room logs, bell books, navigation charts, navigation work books, compass deviation cards, gyro records, stowage plans, records of draft, aids to mariners, night order books, radiograms sent and received, radio logs, crew and passenger lists, articles of shipment, official logs and other material which might be of assistance in investigating and determining the cause of the casualty. The owner, agent, master, other officer or person responsible for the custody thereof, shall make these records available upon request, to a duly authorized investigating officer, examiner, officer, or employee of the Coast Guard.

(b) The investigating officer may substitute photostatic copies of the voyage records referred to in paragraph (a) of this section when they have served their purpose and return the original records to the owner or owners thereof.

§ 136.05-20 Report of accident to aid to navigation.

Whenever a vessel collides with a lightship, buoy, or other aid to navigation under the jurisdiction of the Coast Guard, or is connected with any such collision, it shall be the duty of the person in charge of such vessel to report the accident to the nearest Officer in Charge, Marine Inspection. No report on Form CG-2692 is required unless one or more of the results listed in section 136.05-1 occur.

§ 136.05-25 Reports when state of war exists.

During the period when a state of war exists between the United States and any foreign nation, communications in regard to casualties or accidents shall be handled with caution and the reports shall not be made by radio or by telegram.

Subpart 136.07—Investigations

§ 136.07-1 Commandant or District Commander to order investigation.

(a) The Commandant or District Commander upon receipt of information of a marine casualty or accident, will immediately cause such investigation as may be necessary in accordance with the regulations in this part.

(b) The investigations of marine casualties and accidents and the determinations made are for the purpose of taking appropriate measures for promoting safety of life and property at sea, and are not intended to fix civil or criminal responsibility.

(c) The investigation will determine as closely as possible:

(1) The cause of the accident;

(2) Whether there is evidence that any failure of material (either physical or design) was involved or contributed to the casualty, so that proper recommendations for the prevention of the recurrence of similar casualties may be made;

(3) Whether there is evidence that any act of misconduct, inattention to duty, negligence or willful violation of the law on the part of any licensed or certificated man contributed to the casualty, so that appropriate proceedings against the license or certificate of such person may be recommended and taken under Title 46, U.S. Code, section 239;

(4) Whether there is evidence that any Coast Guard personnel or any representative or employee of any other government agency or any other person caused or contributed to the cause of the casualty; or,

(5) Whether the accident shall be further investigated by a Marine Board of Investigation in accordance with regulations in Subpart 136.09.

§ 136.07-5 Investigating officers, powers of.

(a) An investigation of all marine casualties or accidents reported pursuant to § 136.05-1 will be made by an investigating officer designated by the Commandant or the District Commander.

(b) Such investigating officer shall have the power to administer oaths, subpoena witnesses, require persons having knowledge of the subject matter of the investigation to answer questionnaires and require the production of relevant books, papers, documents and other records.

(c) Attendance of witnesses or the production of books, papers, documents or any other evidence shall be compelled by a similar process as in the United States District Court.

§ 136.07-7 Opening statement.

The investigating officer or the Chairman of a Marine Board of Investigation shall open the investigation by announcing the statutory authority for the proceeding and he shall advise parties in interest concerning their rights to be represented by counsel, to examine and cross-examine witnesses, and to call witnesses in their own behalf.

§ 136.07-10 Report of investigation.

(a) At the conclusion of the investigation the investigating officer shall submit to the Commandant via the Officer in Charge, Marine Inspection, and the District Commander, a full and complete report of the facts as determined by his investigation, together with his opinions and recommendations in the premises. The District Commander shall forward the investigating officer's report to the Commandant with an indorsement stating:

(1) Approval or otherwise of the findings of fact, conclusions and recommendations;

(2) Any action taken with respect to the recommendations;

(3) Whether or not any action has been or will be taken under Part 137 of this subchapter to suspend or revoke licenses or certificates; and,

(4) Whether or not violations of laws or regulations relating to vessels have been reported on Form CG-2636, report of violation of navigation laws.

(b) Investigating officers in foreign ports shall forward their reports directly to the Commandant.

§ 136.07-15 Recommendations, action on.

Where the recommendations of an investigating officer are such that their accomplishment is within the authority of the District Commander or any of the personnel under his command, immediate steps shall be taken to put them into effect and his forwarding endorsement shall so indicate.

§ 136.07-20 Transfer of jurisdiction.

When it appears to the District Commander that it is more advantageous to conduct an investigation in a district other than in the district where the casualty was first reported, that officer shall transfer the case to the other district together with any information or material relative to the casualty he may have.

§ 136.07-25 Testimony of witnesses in other districts, depositions.

When witnesses are available in a district other than the district in which the investigation is being made, testimony or statements shall be taken from witnesses in the other districts by an investigating officer and promptly transmitted to the investigating officer conducting the investigation. Depositions may be taken in the manner prescribed by regulations in Subpart 136.12.

§ 136.07-30 Testimony of witnesses under oath.

(a) Witnesses to marine casualties or accidents appearing before an investigating officer may be placed under oath and their testimony may be reduced to writing.

(b) Written statements and reports submitted as evidence by witnesses shall be sworn to before an officer authorized to administer oaths and such statements and/or reports shall be signed.

§ 136.07-35 Counsel for witnesses and parties in interest.

(a) All parties in interest shall be allowed to be represented by counsel, to examine and cross-examine witnesses and to call witnesses in their own behalf.

(b) Witnesses who are not parties in interest may be assisted by counsel for the purpose of advising such witnesses concerning their rights; however, such counsel will not be permitted to examine or cross-examine other witnesses or otherwise participate in the investigation.

§ 136.07-45 Foreign units of Coast Guard, investigation by.

Investigations of marine casualties conducted by foreign units of the Coast

Guard shall be in accordance with the regulations in this part and all actions taken in connection with the investigations of such marine casualties entered in the official log(s) of the vessel(s) concerned.

§ 136.07–50 Marine Board of Investigation, recommendations for.

When the District Commander is of the opinion, as a result of an investigation under § 136.07–1, or otherwise, that a marine casualty or accident is a major marine casualty (see § 136.03–5), that officer shall immediately inform the Commandant by dispatch with his recommendation whether a further investigation by a Marine Board of Investigation shall be conducted.

§ 136.07–55 Information to be furnished Marine Board of Investigation.

When a Marine Board of Investigation is convened in accordance with §136.09–1, the investigating officer shall immediately furnish the board with all testimony, statements, reports, documents, papers, a list of witnesses including those whom he has examined, other material which he may have gathered, and a statement of any findings of fact which he may have determined. The preliminary investigation shall cease forthwith and the aforementioned material shall become a part of the Marine Board of Investigation's record.

Subpart 136.09—Marine Board of Investigation

§ 136.09–1 Commandant to designate.

If as a result of an investigation of any casualty, upon recommendation of a District Commander or upon receipt of information from any other source, it appears to the Commandant that a marine casualty or accident is a major casualty (see § 136.03–5) and that further investigation thereof would tend to promote safety of life and property at sea and would be in the public interest, the Commandant will designate an appropriate Marine Board of Investigation to conduct such investigation forthwith.

§ 136.09–5 Powers of Marine Board of Investigation.

Any Marine Board of Investigation so designated shall have the power to administer oaths, summon witnesses, require persons having knowledge of the subject matter of the investigation to answer questionnaires, and to require the production of relevant books, papers, documents or any other evidence. Attendance of witnesses or the production of books, papers, documents or any other evidence shall be compelled by a similar process as in the United States District Court. The chairman shall administer all necessary oaths to any witnesses summoned before said Board.

§ 136.09–10 Witnesses, payment of.

Any witness subpoenaed under § 136.09–5 shall be paid such fees for his travel and attendance as shall be certified by the chairman of a Marine Board of Investigation or an investigating officer, in accordance with § 136.11–10.

§ 136.09–15 Time and place of investigation, notice of; rights of witnesses, etc.

Reasonable notice of the time and place of the investigation shall be given to any person whose conduct is or may be under investigation and to any other party in interest. All parties in interest shall be allowed to be represented by counsel, to cross-examine witnesses, and to call witnesses in their own behalf.

§ 136.09–17 Sessions to be public.

(a) All sessions of a Marine Board of Investigation for the purpose of obtaining evidence shall normally be open to the public, subject to the provision that the conduct of any person present shall not be allowed to interfere with the proper and orderly functioning of the Board. Sessions will not be open to the public when evidence of a classified nature or affecting national security is to be received.

§ 136.09–20 Record of proceedings.

The testimony of witnesses shall be transcribed and a complete record of the proceedings of a Marine Board of Investigation shall be kept. At the conclusion of the investigation a written report shall be made containing findings of fact, opinions, and recommendations to the Commandant for his consideration.

§ 136.09–25 U.S. Attorney to be notified.

The recorder of a Marine Board of Investigation shall notify the United States Attorney for the District in which the Marine Board of Investigation is being conducted of the nature of the casualty under investigation and time and place the investigation will be made.

§ 136.09–30 Action on report.

Upon approval of the report of a Marine Board of Investigation the Commandant will require to be placed into effect such recommendations as he may deem necessary for the better improvement and safety of life and property at sea.

§ 136.09–35 Preferment of charges.

(a) If in the course of an investigation by a Marine Board there appears probable cause for the preferment of charges against any licensed or certificated personnel, the Marine Board shall, either during or immediately following the investigation and before the witnesses have dispersed, apprise the District Commander of such evidence for possible action in accordance with Part 137 of this subchapter, without waiting for the approval of the report by the Commandant. Such action or proceedings shall be independent and apart from any other action which may be later ordered by the Commandant or taken by other authorities.

Subpart 136.11—Witnesses and Witness Fees

§ 136.11–1 Employees of vessels controlled by Army or Navy as witnesses.

No officer, seaman, or other employee of any public vessel controlled by the Army or Navy (not including the Coast Guard) of the United States, shall be summoned or otherwise required to appear as a witness in connection wtih any investigation or other proceeding without the consent of the Government agency concerned.

§ 136.11–5 Coercion of witnesses.

Any attempt to coerce any witness or to induce him to testify falsely in connection with a shipping casualty, or to induce any witness to leave the jurisdiction of the United States, is punishable by a fine of $5,000.00 or imprisonment for one year, or both such fine and imprisonment.

§ 136.11–10 Witness fees, subsistence, and mileage.

(a) Duly subpoenaed witnesses, other than Government witnesses, in any investigation or other proceeding may apply for payment for their services as witnesses. Upon the submission of such a request for payment (Standard Form 1157), the chairman of a Marine Board of Investigation or the investigating officer will forward the request to the authorized Coast Guard certifying officer together with a statement that:

(1) The witness seeking payment was duly subpoenaed as a witness by the Coast Guard;

(2) The witness appeared pursuant to such subpoena; and

(3) The witness is entitled to the witness fees, and/or subsistence, and/or mileage claimed.

(b) Upon receipt of such claim (Standard Form 1157) with supporting statement, the Coast Guard authorized certifying officer may certify to the propriety of the claim according to the following scale and submit it to the appropriate disbursing officer for payment:

(1) A fee of $4 for each day or fraction thereof of attendance and for the time necessarily occupied in going to and returning from the investigation or hearing in the case of a witness called to testify as to the facts. A witness called to testify as an expert may be paid a higher fee provided such higher fee is approved by the Commandant prior to his appearance at the investigation or hearing.

(2) A subsistence allowance of $8 for each day or fraction thereof if the witness resides at a distance so far removed from the place at which the investigation, hearing or other proceeding was held as to prohibit his returning to his place of residence each day: *Provided*, That the witness was required to remain at the place at which the investigation, hearing or other proceeding was held for more than one day: *Provided further*, That in the case of employed merchant marine personnel their place of residence will be construed to be the vessel upon which they are employed, and in the case of unemployed merchant marine personnel their place of residence will be construed to be their actual place of residence when ashore, rather than the residence of their next of kin. In cases where subsistence allowance is payable, addditional subsistence allowance of $8 per day may be paid for each day necessarily occupied in traveling from the place of residence to attend the investigation, hearing or other proceeding hereunder and return to such residence or place. No subsistence allowance for travel time shall be paid if witness is already present at place of investigation, hearing or other proceeding hereunder. In computing the subsistence allowance due a witness the day shall be regarded as beginning on the hour at which it was necessary for the witness to leave his home in order to arrive at the appointed time at the place where the investigation, hearing or other proceeding is held. The witness is to leave the place of investigation, hearing or other proceeding by the first available transportation after his dismissal.

(3) In computing the witness fee or the subsistence allowance, a fraction of a day will be considered as a whole day.

(4) Travel money at the rate of 8 cents per mile, not to exceed 100 miles, for actual travel from place of residence or place where subpoena was served to place at which the investigation, hearing or other proceeding was held. Travel money at the rate of 8 cents per mile, not to exceed 100 miles, is also allowed for the actual travel involved in return of witness to his place of residence, or if the subpoena was served at a place other than the witness's place of residence, to the place where said subpoena was served. All payments of travel money shall be computed on the basis of mileage by the shortest route. When a witness is furnished transportation by the Government no mileage allowance is authorized. If a witness is unable to furnish funds for transportation charges, Government transportation requests may be issued for his transportation, at the lowest first class rate available, to and from the place of investigation, hearing or other proceeding, in which case the mileage allowance is not authorized. When two or more witnesses are transported at the same time in the same privately owned vehicle, operated by one of the witnesses, the mileage allowance for only one witness is authorized.

(5) The fees provided in this section shall not apply in Alaska. In Alaska such witnesses are entitled to the witness fees and mileage prescribed for witnesses before the United States District Court in the judicial division in which the investigation, hearing or other proceeding is held, as set forth in 28 CFR 21.3.

Subpart 136.12—Testimony by Interrogatories and Depositions

§ 136.12–1 Application, procedure, and admissibility.

(a) Witnesses shall be examined orally, except that for good cause shown, testimony may be taken by deposition upon application of any party in interest or upon the initiative of the investigating officer or Marine Board of Investigation.

(b) Applications to take depositions shall be in writing setting forth the reasons why such deposition should be taken, the name and address of the witness, the matters concerning which it is expected the witness will testify, and the time and place proposed for the taking of the deposition. Such application shall be made to an investigating officer or the Marine Board of Investigation prior to or during the course of the proceedings.

(c) The investigating officer or Marine Board of Investigation, shall, upon receipt of the application, if good cause is shown, make and serve upon the parties an order which will specify the name of the witness whose deposition is to be taken, the time and place of the taking of such deposition and shall contain a designation of the officer before whom the witness is to testify. Such deposition may be taken before any officer authorized to administer oaths by the laws of the United States.

(d) The party desiring the deposition may submit a list of interrogatories to be propounded to the absent witness; then the opposite party after he has been allowed a reasonable time for this purpose, may submit a list of cross-interrogatories. If either party objects to any question of the adversary party, the matter shall be presented to the investigating officer or Marine Board of Investigation for a ruling. Upon agreement of the parties on a list of interrogatories and cross-interrogatories (if any) the investigating officer or Marine Board of Investigation may propound such additional questions as may be necessary to clarify the testimony given by the witness.

(e) The subpoena referred to in Subpart 137.15 of this subchapter together with the list of interrogatories and cross-interrogatories (if any) shall be forwarded to the officer designated to take such deposition. This officer will cause the subpoena to be served personally on the witness. After service the subpoena shall be endorsed and returned to the investigating officer or Marine Board of Investigation.

(f) When the deposition has been duly executed it shall be returned to the investigating officer or Marine Board of Investigation. As soon as practicable after the receipt of the deposition the investigating officer or Marine Board of Investigation shall present it to the parties for their examination. The investigating officer or Marine Board of Investigation shall rule on the admissibility of the deposition or any part thereof and of any objection offered by either party thereto.

Subpart 136.13—Disclosure of Records

§ 136.13–1 General.

(a) Upon oral or written inquiry to the Coast Guard, information as to the time, place, and general subject matter of investigations conducted under this part will be released except when such information is held confidential for security reasons. The inquiry should be made to the Officer in Charge, Marine Inspection, who has cognizance of the investigation.

(b) Other information with regard to such investigations which is required to be kept by the Coast Guard will be released only to the extent and under the conditions provided in this subpart.

§ 136.13–5 Applications.

(a) *Form.* The applications for access to and release of information may be made orally except when the regulations in this subpart require a written application for such record. When a written application is required, the application should be addressed to the Officer in Charge, Marine Inspection, or to the person designated as having authority to grant access to or release of information from such records. The written application shall be executed by the parties desiring the information or by any person designated to represent such party as described in § 136.13–10.

(b) *Contents.* The application shall:

(1) Clearly state or describe the information desired;

(2) Identify the applicant, and if the applicant is a representative of another, specify the nature of the representation and attach proof of designation when required;

(3) Set forth the interest of the applicant in the subject matter;

(4) The purpose for which the information is desired; and

(5) Whether or not the information or record sought is intended for use in prosecuting a claim against the United States.

§ 136.13–10 Designation of representatives.

(a) In any case when access to or release of information from any record is permitted to any party by this subpart, the permission shall extend, when such party is deceased or incompetent, to an executor, administrator, heir, guardian, trustee, or legal representative of such party: *Provided*, That the relationship is established by production of satisfactory documentary evidence.

(b) When access to or release of information from any record is sought by one acting as agent or attorney on behalf of any party recognized by regulations in this chapter, the representation as agent or attorney shall be established by the filing with the Officer in Charge, Marine Inspection, documentary proof of such representation. This proof may be in one of the following forms:

(1) A statement of authority in the handwriting of and signed by the party represented; or,

(2) A notarized statement of authority signed by the party represented; or,

(3) A copy of a contract or retainer signed by the party represented.

(c) This authorization shall contain a statement of the specific matters in which representation is authorized.

§ 136.13–15 Casualties involving loss of life.

(a) Records of investigations involving loss of life resulting from marine casualties are public records available for inspection, upon oral or written inquiry.

§ 136.13–20 Casualty investigation records.

(a) Records of investigation conducted by investigating officers pursuant to the provisions of this part, after

action thereon by the District Commander, will be made available to parties in interest before such investigation upon oral or written inquiry. Such records will be made available to persons otherwise properly and directly concerned upon written application to the District Commander or the Officer in Charge, Marine Inspection, having cognizance of such investigation. If extra copies of the records are available, such copies may be furnished to parties in interest.

(b) The records of investigations of marine casualties made by investigating officers, which will be made available to persons properly and directly concerned, shall include notice of casualty or accident, statements and/or testimony of witnesses, exhibits, and any other evidentiary material presented in the investigations, and the findings of fact as determined by the investigating officers, but shall not include the opinions, conclusions, and recommendations of such officers. However, in casualties involving loss of life, the investigating officer's opinions, conclusions and recommendations will be released after final action thereon has been taken by the Commandant.

(c) The District Commander or his representative, upon inquiry, will advise persons properly and directly concerned as to whether or not further action will be recommended or instituted, such as appropriate suspension and revocation proceedings, citation for violation(s) involving fines or penalties, or a recommendation for referral of the record of investigation to the U.S. Department of Justice for further investigation and possible criminal action.

§ 136.13–25 Records of Marine Boards of Investigation.

(a) The record of investigation made by a Marine Board of Investigation will be made available to parties in interest at any stage of the Board's proceedings upon oral or written inquiry to the chairman: *Provided*, That such request does not, in any way, interfere with the proper and orderly functioning of the Board. After the Board has completed its investigation, the record will be made available to parties in interest upon oral or written inquiry to the District Commander or Officer in Charge, Marine Inspection, having cognizance of such investigation. Also, such records will be made available to persons otherwise properly and directly concerned upon written application to the District Commander or Officer in Charge, Marine Investigation, having cognizance of such investigation.

(b) Records of a Marine Board of Investigation shall include testimony and/or statements of witnesses, exhibits, records of investigation made by an investigating officer, and any other evidentiary material used by the Board in arriving at its determination.

(c) The report of a Marine Board of Investigation, consisting of the findings of fact, conclusions, opinions, and recommendations shall not become public or be made available until final action thereon has been taken by the Commandant. At such time the report will be made available in the same manner as provided for the record of investigation in paragraph (a) of this section.

§ 136.13–30 Records confidential.

(a) Except as specifically set forth in this subpart, all files, records, testimony, documents, reports, or other data pertaining to the internal management of the Marine Board of Investigation or to the investigation or disposition of charges or petitions during the non-public investigative stages of the investigation and before the institution of a Marine Board in the course of investigation, which have not been offered in evidence during the investigation or have not been made a part of the official record by stipulation, in Coast Guard Headquarters or in other offices, are administrative records and are not available to public inspection.

§ 136.13–35 Production upon compulsory process.

(a) When a request for information or material from a marine casualty investigation record is denied for any reason, the applicant shall be advised that the information or material may be produced upon service of a subpena duces tecum or an order from a court of competent jurisdiction if such information or material is not held confidential for security reasons.

§ 136.13–40 Costs.

The access to and release of information, as authorized in this subpart, shall be subject to the payment of costs. (See 33 CFR 1.25.)

Subpart 136.15—Persons in Service of Coast Guard

§ 136.15–1 Persons in service of Coast Guard.

(a) No person in the service of the Coast Guard shall, without prior approval of the Commandant, give any testimony with respect to any investigation or any other official proceedings in any suit or action in the courts. This applies equally to cases in state or Federal courts and to civil as well as criminal cases.

(b) In cases involving (1) civil litigation between private parties; or, (2) criminal matters before state courts; or, (3) civil litigation for or against the United States where Coast Guard personnel are called by parties opposing the United States; an affidavit by the litigant or his attorney setting forth the interest of the litigant and the information with respect to which the testimony of such Coast Guard officer or employee is desired must be submitted before permission to testify will be granted. Permission to testify will, in all cases, be limited to the information set forth in the affidavit, or to such portions thereof as may be deemed proper. In addition to the permission required by this paragraph, the Commandant may insist that the appearance of the Coast Guard officer or employee as a witness be conditioned on the issuance of a subpena or subpena duces tecum (as appropriate) from a court of competent jurisdiction.

(c) In cases where the appearance of Coast Guard personnel is desired by counsel representing the United States to support the affirmative claims or defenses of the United States in civil matters or on behalf of the United States in criminal matters no affidavit as described in paragraph (b) of this section shall be required, but the Commandant's prior approval must nevertheless be obtained, except in those cases where the Coast Guard personnel desired as witnesses file the original complaint or have made original inquiry into the subject matter which resulted in the filing of an original complaint.

Subpart 136.19—Construction of Regulations and Rules of Evidence

§ 136.19–1 Construction of regulations.

The regulations in this part shall be liberally construed to insure just, speedy, and inexpensive determination of the issues presented.

§ 136.19–5 Adherence to rules of evidence.

As hearings under this part are administrative in character, strict adherence to the formal rules of evidence is not imperative. However, in the interest of orderly presentation of the facts of a case, the rules of evidence should be observed as closely as possible.

Subpart 136.21—Computation of Time

§ 136.21–1 Computation of time.

The time, within which any act, provided by the regulation in this subchapter, or an order of the Marine Board of Investigation is to be done, shall be computed by excluding the first day and including the last unless the last day is Sunday or a legal holiday, in which case the time shall extend to and include the next succeeding day that is not a Sunday or legal holiday: *Provided, however*, That where the time fixed by the regulations in this subchapter or an order of the Board is five days or less all intervening Sundays or legal holidays, other than Saturdays, shall be excluded.

Subpart 136.23—Evidence of Criminal Liability

§ 136.23–1 Evidence of criminal liability.

If as a result of any investigation or other proceeding conducted hereunder, evidence of criminal liability on the part of any licensed officer or certificated person or any other person is found, such evidence shall be referred to the U.S. Attorney General.

PART 137—SUSPENSION AND REVOCATION PROCEEDINGS

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Subpart 137.60—Persons in Service of Coast Guard

137.60–1 Testimony by Coast Guard personnel.

AUTHORITY: The provisions of this Part 137 issued under R.S. 4405, as amended, and 4462, as amended, and sec. 633, 63 Stat. 545; 46 U.S.C. 375, 416, 14 U.S.C. 633. Interpret or apply R.S. 4426, as amended, and 4450, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, secs. 7, 17, 54 Stat. 165, 166, as amended, secs. 1 to 12, 60 Stat. 237–244, secs. 1, 2, 68 Stat. 484, sec. 3, 68 Stat. 675, sec. 3, 70 Stat. 152; 46 U.S.C. 239, 239a, 239b, 367, 390b, 404, 526f, 526p, 5 U.S.C. 1001–1011, 50 U.S.C. 198. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–9, August 3, 1954, 19 F.R. 5195; 167–14, November 26, 1954, 19 F.R. 8026; 167–15, January 3, 1955, 20 F.R. 840; 167–17, June 29, 1955, 20 F.R. 4976; 167–20, June 18, 1956, 21 F.R. 4894.

Subpart 137.01—Authority and Scope

§ 137.01–1 Authority for regulations.

(a) The authority to prescribe regulations generally with respect to navigation and vessel inspection is set forth in Title 46, U.S. Code, sections 375 and 416 (R.S. 4405, as amended, 4462, as amended). Under the provisions of Title 46, U.S. Code, section 372 (R.S. 4403, as amended), the Commandant, United States Coast Guard, superintends the administration of the navigation and vessel inspection laws, and is required to produce a correct and uniform administration of such laws, rules and regulations.

(1) Where the provisions in Title 46, U.S. Code, section 239, or other laws or regulations contain a reference to "title 52 of the Revised Statutes or of any of the regulations issued thereunder," or one similar to it, it is deemed to be a general reference to the applicable provisions in Title 46, U.S. Code, sections 170, 214, 215, 222, 224, 224a, 226, 228, 229, 230–234, 239, 240, 361, 362, 364, 372, 375, 391, 391a, 392, 393, 399, 400, 402–414, 416, 435, 436, 451–453, 460, 461, 462, 467, 470–482, and 489–498, and the regulations issued thereunder, which are in this chapter.

(b) The mandatory provisions in Title 46, U.S. Code, section 239, govern suspension and revocation proceedings and are the basic authority therefor; while the Administrative Procedure Act (Title 5, U.S. Code, sections 1001–1011, 60 Stat. 237–244) and Title 46, U.S. Code, section 239b (P.L. 500, 83d Cong., approved July 15, 1954, 68 Stat. 484), re-

quire the hearings in such proceedings to be presided over by an examiner, before the Coast Guard may suspend or revoke a license, certificate, or document issued.

(c) Other marine safety laws and regulations in this chapter also provide authority for suspension or revocation of specific categories of licenses, certificates or documents issued by the Coast Guard or predecessor authorities. For examples, see Title 46, U.S. Code, sections 214, 224a, 226, 228, 229, 229c, 232, 234, 240, 246, 391a, 457, 526f, 672, or Title 33, U.S. Code, sections 153, 412, 435, 442, 1006.

(d) Other authority to promulgate regulations deemed appropriate to carry out the provisions of any law applicable to the Coast Guard or to issue rules, orders, and instructions, not inconsistent with law, is set forth in Title 14, U.S. Code, section 633.

§ 137.01–5 Assignment of functions.

(a) By Reorganization Plan No. 3 of 1946, effective July 16, 1946, the marine inspection functions of the former Bureau of Marine Inspection and Navigation and its officers and employees were transferred to the Commandant, United States Coast Guard. By Reorganization Plan No. 26 of 1950 (5 U.S. Code, Note under 241), effective July 31, 1950, the functions formerly vested in the Commandant, United States Coast Guard, were transferred to the Secretary of the Treasury with certain specified exceptions. The Secretary of the Treasury by a Treasury Department Order 120, dated July 31, 1950 (15 F.R. 6521), delegated to the Commandant the functions formerly performed by him under Reorganization Plan No. 3 of 1946. This included suspension or revocation of any license, certificate, or document issued by the Coast Guard or predecessor authorities under Title 46, U.S. Code, section 239. The Commandant delegates to examiners the authority to suspend or revoke any license, certificate, or document issued to a person by the Coast Guard or predecessor authorities under any navigation or vessel inspection law.

(b) The Acting Secretary of the Treasury in Treasury Department Order 167–9, dated August 3, 1954 (19 F.R. 5195), delegated to the Commandant, United States Coast Guard, the functions vested in the Secretary of the Treasury by Title 46, U.S. Code, sections 239a and 239b (P.L. 500, 83d Cong., approved July 15, 1954, 68 Stat. 484) to revoke a license, certificate, or document of a person convicted of a narcotic drug law violation or otherwise involved with narcotics. The Commandant delegates to examiners the authority to revoke a license, certificate, or document issued to a person by the Coast Guard or predecessor authorities under any navigation or vessel inspection law.

(c) The Secretary of the Treasury by Treasury Department Order 167–20, dated June 18, 1956 (21 F.R. 4894), delegated to the Commandant, United States Coast Guard, the functions vested in the Secretary of the Treasury by Title 46, U.S. Code, sections 390–390g, 404, and 526f (P.L. 519, 84th Cong., approved May 10, 1956, 70 Stat. 151–154). The Commandant delegates to examiners the authority to revoke or suspend a license issued to a person by the Coast Guard under Title 46, U.S. Code, sections 390b, 404 and 526f.

§ 137.01–10 Purpose of regulations.

(a) The regulations establish policies and procedures for remedial action (in respect to licenses, certificates and documents already issued to persons) pursuant to the authority set forth in § 137.01–1, and the regulations prescribed thereunder by the Commandant which are in this part or in Part 1 of this chapter.

§ 137.01–15 Purpose of suspension and revocation proceedings.

(a) The suspension and revocation proceedings are for the purpose of assisting in carrying out the statutory duty of the Coast Guard to promote safety of life and property. This obligation extends to the interest of passengers, crews, cargoes, shipowners and the general public.

§ 137.01–20 Nature of suspension and revocation proceedings.

(a) The suspension and revocation proceedings are remedial and not penal in nature because they are intended to maintain standards of competence and conduct essential to the purpose stated in § 137.01–15 to promote the safety of life and property at sea by insuring that the licensed or certificated persons continue to be qualified to carry out their duties and responsibilities.

§ 137.01–25 Construction of regulations.

(a) The regulations in this part shall be liberally construed so as to obtain just, speedy and economical determination of the issues presented.

§ 137.01–30 Instituting suspension and revocation proceedings.

(a) Suspension and revocation proceedings shall be instituted by an investigating officer in any case in which it appears, as a result of any investigation made under this part or Part 136, that there are reasonable grounds to believe that the holder of a license, certificate or document issued by the Coast Guard or its predecessor authorities, has:

(1) Committed an act of incompetency, misconduct, negligence, or unskillfulness while acting under the authority of his license, certificate or document; or,

(2) Endangered life while acting under the authority of his license, certificate or document; or,

(3) Willfully violated any of the provisions of title 52 of the Revised Statutes or of any of the regulations issued thereunder; or

(4) Been convicted of a narcotic drug law violation, or has been a user of or addicted to the use of a narcotic drug, so as to be subject to provisions of Title 46, U.S. Code, section 239b.

§ 137.01–35 Acting under authority of license, certificate, or document.

(a) A person employed in the service of a vessel is considered to be acting under the authority of a license, certificate or document held by him either when the holding of such license, certificate or document is required by law or regulation or is required in fact as a condition of employment. A person does not cease to act under the authority of his license, certificate or document while ashore on authorized or unauthorized shore leave from the vessel.

§ 137.01–40 Violation of law or regulation.

(a) Under Title 46, U.S. Code, section 239, suspension and revocation proceedings may be conducted, without regard to whether the person charged was in the service of a vessel at the time of the alleged offense, when the charge is a willful violation of any of the provisions of title 52 of the Revised Statutes or of any of the regulations issued thereunder.

§ 137.01–45 Violation of narcotic laws.

(a) Under Title 46, U.S. Code, section 239b, revocation proceedings may be conducted if the person charged holds a valid license, certificate or document issued by the Coast Guard or its predecessor authorities without regard to whether or not the holder was in the service of a vessel at the time of the alleged offense.

Subpart 137.02—Definitions of Terms Used

§ 137.02–1 Commandant.

(a) This term means the Commandant of the Coast Guard.

§ 137.02–5 Coast Guard District.

(a) A Coast Guard District is a geographical area which is assigned to a Coast Guard District Commander.

(b) For descriptions of the Coast Guard districts see 33 CFR Part 3.

§ 137.02–10 District Commander.

(a) This term means an Officer of the Coast Guard designated as such by the Commandant to command all Coast Guard activities within his respective district, which include the inspection, enforcement, and administration of Title 46, U.S. Code, sections 170, 214, 215, 222, 224, 224a, 226, 228, 229, 230–234, 239, 240, 361, 362, 364, 372, 375, 381, 391, 391a, 392, 393, 399, 400, 402–414, 416, 435, 436, 451–453, 460, 461, 462, 464, 467, 470–482, and 489–498, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder, except those functions of examiners under the Administrative Procedure Act (5 U.S. Code 1001–1011).

§ 137.02–15 Examiner.

(a) An examiner shall mean any person designated by the Commandant pursuant to the Administrative Procedure Act (5 U.S. Code 1001–1011) for the purpose of conducting hearings arising under Title 46, U.S. Code, section 239 or 239b.

§ 137.02–20 Investigating officer.

(a) An investigating officer is an officer or employee of the Coast Guard designated by the Commandant or the District Commander for the purpose of making an investigation of marine casualties and accidents or other matters pertaining to the conduct of seamen. An Officer in Charge, Marine Inspection, within his assigned marine inspection zone is an investigating officer without further designation by the Commandant or the District Commander.

§ 137.02–25 Marine inspection zone.

(a) A marine inspection zone is a geographical area within a Coast Guard District which is assigned to an Officer in Charge, Marine Inspection.

(b) For descriptions of marine inspection zone boundaries see 33 CFR Part 3.

Subpart 137.03—Statements of Policy and Interpretations

§ 137.03–1 Effect of Commandant's decisions in appeal or review cases.

(a) The decisions of the Commandant in cases of appeal or review of examiners' decisions shall be officially noticed by and shall be binding upon all examiners. The examiners shall follow the principles and policies enunciated by the Commandant in such decisions unless they are modified or rejected by competent authority.

§ 137.03–3 Offenses for which revocation of licenses or documents is mandatory.

(a) Whenever a charge of misconduct by virtue of the possession, use, sale or association with narcotic drugs, including marijuana, is found proved, the examiner shall enter an order revoking all licenses, certificates and documents held by such a person.

(b) In a hearing held under Title 46, U.S. Code, section 239, on a charge of misconduct involving narcotics, wherever the person charged is shown to have had possession of the narcotic drug, such possession shall be deemed sufficient evidence to authorize the revocation of his license, certificate, or document unless other evidence explains the possession to the satisfaction of the examiner.

§ 137.03–5 Offenses for which revocation of licenses or documents is sought.

(a) The Coast Guard will initiate administrative action seeking the revocation of licenses, certificates or documents held by persons who have been involved in acts of such serious nature that permitting such persons to sail under their licenses, certificates and documents would be clearly a threat to the safety of life or property.

(b) These offenses, which are deemed to affect safety of life at sea, the welfare of seamen or the protection of property aboard ship, are:

(1) Assault with dangerous weapon (injury).

(2) Malicious destruction of ship's property.

(3) Misconduct resulting in loss of life or serious injury.

(4) Molestation of passengers.

(5) Murder or attempted murder.

(6) Mutiny.

(7) Perversion.

(8) Possession, use, sale or association with drugs, including marijuana.

(9) Sabotage.

(10) Serious neglect of duty.

(11) Serious theft of ship's property or stores.

(12) Smuggling of aliens.

§ 137.03–7 Effect of court actions.

(a) Except for the serious offenses referred to in §§ 137.03–3, 137.03–5, and 137.03–10, the Coast Guard in other situations will take into consideration court convictions when determining whether or not to initiate administrative action seeking the suspension or revocation of licenses, certificates or documents.

§ 137.03–10 Court convictions in narcotic cases.

(a) After proof of a narcotics conviction by a court of record as required by Title 46, U.S. Code, section 239b, whether or not further court action is pending, the Coast Guard may take action based upon this conviction. After proof of alleged conviction or plea of "guilty," the examiner shall enter an order revoking the seaman's licenses, certificates, and documents. A conviction becomes final when no issue of law or fact determinative of the seaman's guilt remains to be decided by the trial court.

(b) An order of revocation will be rescinded by the Commandant if the seaman submits satisfactory evidence that the court conviction on which the revocation is based has been set aside for all purposes (see § 137.20–190(b)). An order of revocation will not be rescinded as the result of the operation of any law providing for the subsequent conditional setting aside or modification of the court conviction, in the nature of the granting of clemency or other relief, after the court conviction has become final.

(c) After the conviction has become final within the meaning of paragraph (a) of this section, the conditional setting aside or modification of the conviction will not act as a bar to the subsequent revocation of a seaman's document under Title 46, U.S. Code, section 239b.

§ 137.03–15 Court of record.

(a) In the administration of Title 46, U.S. Code, section 239b, and this part, a "court of record" means a court:

(1) Which conforms with the common law principles in that it has a clerk, a seal, keeps a record of its proceedings, and has the power to fine and imprison; and,

(2) Where its proceedings are, by law or usage in the State, District of Columbia, or Territory where rendered, recognized as conclusive evidence in other courts of that jurisdiction.

§ 137.03–20 Maritime labor disputes.

(a) Under no circumstances shall the statutory machinery of the Coast Guard be used for the purpose of favoring any party to a maritime or other labor controversy. However, if a situation affecting the safety of the vessel or persons on board is presented, and a complaint in writing is lodged, the matter shall be thoroughly investigated and when a violation of existing statutes or regulations is indicated appropriate action shall be taken.

§ 137.03–25 Physician-patient privilege.

(a) For the purpose of these proceedings, the physician-patient privilege is not considered to exist between a ship's physician and a seaman employed on the same ship.

Subpart 137.05—Investigations

§ 137.05–1 Investigations made by investigating officer.

(a) Investigations will be made by an investigating officer of:

(1) All acts in violation of any of the provisions of Title 46, U.S. Code, sections 170, 214, 215, 222, 224, 224a, 226, 228, 229, 230–234, 239, 240, 361, 362, 364, 372, 375, 381, 391, 391a, 392, 393, 399, 400, 402–414, 416, 435, 436, 451–453, 460, 461, 462, 464, 467, 470–482, and 489–498, whether or not committed in connection with any marine casualty or accident; and

(2) All acts in violation of any regulation in this chapter or in 33 CFR Chapter I, whether or not committed in connection with any marine casualty or accident; and

(3) All acts of incompetency, negligence or misconduct, whether or not committed in connection with any marine casualty or accident, when committed by persons holding licenses, certificates or documents.

§ 137.05–5 Powers of investigating officer.

(a) In the conduct of an investigation, the investigating officer shall have the power to administer oaths, subpena witnesses, require persons having knowledge of the subject matter of the investigation to answer questions and require the production of relevant books, papers, documents, licenses, certificates, or other records.

§ 137.05–10 Advising person of complaint.

(a) The investigating officer conducting an investigation under this part will, where the person whose conduct is being investigated is available, advise such person informally of the substance of the complaint against him and afford him an opportunity to make such comment as he may desire.

§ 137.05–15 Courses of action available.

(a) During or at the conclusion of an investigation, the investigating officer shall take appropriate action as follows:

(1) *Prefer charges.* The investigating officer may prefer charges if he finds reasonable grounds to believe that a person holding a license, certificate or document has committed some offense or act, or has been convicted for a narcotic offense, or has failed to perform some duty, or is incompetent.

(2) *Recommend closing the case.* The investigating officer may recommend closing the case and taking no action on alleged acts if he finds that there is no:

(i) Basis for the complaint; or,

(ii) Jurisdiction; or,
(iii) Reasonable expectation that corrective measures could be accomplished.

(3) *Refer cases to others for further action.* The investigating officer may refer the case to the Commandant or to an Officer in Charge, Marine Inspection, at any port for completion of administrative action if he finds adequate basis for action and the person under investigation and/or witnesses are not then available.

(4) *Accept voluntary deposit of license, certificate or document.* The investigating officer may accept a voluntary deposit of a license, certificate or document from a person under investigation when there is evidence of physical or mental incompetence from any cause other than the use of, or addiction to narcotics.

(5) *Accept voluntary surrender of license, certificate or document.* The investigating officer may accept the voluntary surrender of a license, certificate or document when the person under investigation desires to avoid a hearing.

(6) *Give a warning.* The investigating officer may give a warning in writing to any person holding a license, certificate or document and recommend closing the case. Upon refusal to accept the written warning at the time the warning is given, it shall be withdrawn and the investigating officer may prefer charges. An unrejected warning will become a part of the person's record.

(b) When required, the investigating officer will also submit a report of investigation.

§ 137.05–17 Charges and specifications.

(a) A "charge" is a designation of an offense in general terms. The offense must be one within the purview of Title 46, U.S. Code, section 239 or 239b. A "charge" must be supported by one or more "specifications." Under no circumstances does a "charge" constitute evidence of guilt nor may any inference of guilt be drawn from the fact that the holder of a license, certificate, or document has been the subject of a "charge."

(b) A "specification" sets forth the facts which form the basis of the "charge." The purpose of a "specification" is to enable the person charged to identify the offense so that he will be in a position to prepare his defense. Each specification shall state:

(1) Basis for jurisdiction;
(2) Date and place of offense; and,
(3) A statement of the facts constituting the offense.

§ 137.05–20 Types of charges.

(a) *General.* In lieu of or supplementary to the charges described in paragraphs (b) and (c) of this section, the charges may be:

(1) *Misconduct.* "Misconduct" is a human behavior which violates some formal, duly established rule, such as the common law, the general maritime law, a ship's regulation or order, or shipping articles. In the absence of such a rule, "misconduct" is human behavior which a reasonable person would consider to constitute a failure to conform to the standard of conduct which is required in the light of all the existing facts and circumstances.

(2) *Negligence or inattention to duty.* "Negligence" and "inattention to duty" are essentially the same and cover both the aspects of misfeasance and nonfeasance. They are therefore defined as the commission of an act which a reasonably prudent person of the same station, under the same circumstances, would not commit, or the failure to perform an act which a reasonably prudent person of the same station, under the same circumstances, would not fail to perform.

(3) *Incompetence.* "Incompetence" is the inability on the part of a person to perform required duties, whether due to professional deficiencies, physical disability, mental incapacity, or any combination of same.

(b) *Violation of law or regulation.* Where the proceeding is based exclusively on that part of Title 46, U.S. Code, section 239, which refers to a willful violation of any of the provisions of title 52 of the Revised Statutes or of any of the regulations issued thereunder, the "charge" shall be "violation of statute" or "violation of regulation." The "specification" shall state the specific statute or regulation by title and section number, and the particular manner in which it was allegedly violated.

(c) *Narcotic drug law violation or use or addiction to use of narcotics.* Where the proceeding is based exclusively on the provisions of Title 46, U.S. Code, section 239b, the "charge" will be "conviction for a narcotic drug law violation" or "use of narcotics" or "addiction to use of narcotics," depending upon the circumstances. The "specification" will allege jurisdiction by stating the elements as required by Title 46, U.S. Code, sections 239 and 239b, and the approximate time and place of the offense.

§ 137.05–23 Time limitations for service of charges and specifications.

(a) The time limitations for service of various charges and specifications are as follows:

(1) For a charge and specification based exclusively on Title 46, U.S. Code, section 239b, service shall be within the time as set forth in this law; namely, 10 years after date of conviction in a court of record subsequent to July 15, 1954, or at any time if a user of or addicted to the use of a narcotic drug after July 15, 1954.

(2) For a charge and specification describing one of the more serious types of offenses specified in § 137.03–5, service shall be within five years after the commission of the offense alleged therein.

(3) For a charge and specification describing an offense not otherwise provided for, the service shall be within three years after the commission of the offense alleged therein.

(b) When computing the period of time specified in this section there shall be excluded any period or periods of time when the person could not attend a hearing by reason of being in a foreign country or by reason of being in prison or asylum.

§ 137.05–25 Procedure preparatory to hearing.

(a) To institute hearing proceedings preparatory to hearing, the investigating officer shall prepare charges and specifications, as required, together with a notice of the time and place of the hearing.

(b) The notice of the time and place of the hearing and the original of the charges and specifications shall be served upon the person charged, either by personal service or by certified mail with return receipt requested, notice to be signed by the addressee only.

(c) When service is by mail, it shall be sufficiently in advance of the time set for the hearing so as to give the person charged a reasonable opportunity to prepare his defense.

(d) When service is made personally upon the person charged, the person making such service shall give the original of the notice of the hearing, the charges and the specifications to the person charged, shall read them to such person if he cannot read, and shall make a record of the time and date of service. When personal service is made, the written acceptance on the reverse side of the form containing the charges and specifications shall be sufficient to show service as of the date on the face of the form unless otherwise indicated by separate notation thereon by the person effecting such service.

(e) Further, at the time of such service, whether personal or by registered mail, the person charged will be also advised with respect to:

(1) The nature of suspension and revocation proceedings and the possible results thereof.

(2) His right to have counsel represent him at the hearing, and that counsel may be a lawyer or any other person he desires to represent him.

(3) His right to have witnesses and/or records subpenaed in his behalf.

(f) If the offense alleged involves mental incompetence, the person charged shall be advised (when the service of the charge and specification and notice of hearing is made) to procure counsel to represent him.

§ 137.05–30 Evidence of criminal liability.

(a) If, as a result of any investigation, evidence of criminal liability on the part of any holder of a license, certificate or document, or any other person is found, such evidence shall be referred to the Attorney General, or his local representative.

(b) The investigating officer shall determine whether to institute suspension and revocation proceedings under Title 46, U.S. Code, section 239 or 239b, for use or addiction to the use of narcotics, before criminal action may be initiated or completed against the holder of a license, certificate or document, or to defer instituting such proceedings pending the outcome of the criminal action in a Federal or State court. One controlling factor will be whether or not the witnesses will be available if the hearing is delayed.

Subpart 137.10—Deposit or Surrender of License, Certificate or Document

§ 137.10–1 Voluntary deposit in event of mental or physical incompetence.

(a) A person may deposit his license, certificate or document with an investigating officer in any case where there is evidence of mental or physical incompetence for any reason other than when caused by use of, or addiction to, narcotics.

(b) A voluntary deposit is accepted on the basis of a written agreement which specifies the conditions accompanying the deposit. The original or a copy will be given to the person making the deposit. The Coast Guard agrees to return the license, certificate or document deposited by the person described therein when he obtains a certificate from the U.S. Public Health Service, or other authorized medical officer showing the person is considered to be fit for sea duty.

(c) Where the mental or physical incompetence of a holder of a license, certificate or document is caused by use of, or addiction to, narcotics, such person may only surrender such license, certificate or document in accordance with § 137.10–10.

§ 137.10–10 Voluntary surrender to avoid hearing.

(a) Any person may surrender his license, certificate or document to an investigating officer in preference to appearing at a hearing.

(b) Whenever a person voluntarily surrenders his license, certificate or document, he shall sign a written statement containing the following stipulations that:

(1) This surrender is made voluntarily in preference to appearing at a hearing;
(2) All title to the license, certificate or document surrendered is permanently relinquished; and,
(3) His rights with respect to a hearing, appeal, and review are waived.

(c) A voluntary surrender of a license, certificate or document to an investigating officer in preference to appearing at a hearing should not be accepted by an investigating officer unless the investigating officer is convinced that the seaman fully realizes the effect of such surrender.

Subpart 137.13—Issuance of New Licenses, Certificates or Documents After Revocation or Surrender

§ 137.13–1 Time limitations.

(a) Any person whose license, certificate or document has been revoked or surrendered for one or more of the offenses described in §§ 137.03–3, 137.03–5, and 137.03–10, or for mental or physical incompetence resulting from use of, or addiction to, narcotics may after three years apply by letter and the application form requesting the issuance of a new license, certificate or document.

(b) Any person whose license, certificate or document has been revoked or surrendered for one or more offenses which are not specifically described in §§ 137.03–3 and 137.03–5 may after one year apply by letter and the application form requesting the issuance of a new license, certificate or document.

§ 137.13–5 Application.

(a) The letter and application shall be addressed to the Commandant, U.S. Coast Guard, Washington, D.C., 20226, but should be filed in person with the nearest Officer in Charge, Marine Inspection, since this officer will submit a preliminary evaluation and recommendation.

(b) The letter shall be an informal request for the issuance of a new license, certificate or document and shall transmit the following:

(1) A letter from each employer during time applicant was without a license or document, stating dates of employment and attesting to the satisfactory work record. (Times or periods of unemployment shall be satisfactorily explained in the letter.)

(2) At least three character references from responsible persons and stating how long they have known him.

(c) The Officer in Charge, Marine Inspection, will forward the letter and application, together with a preliminary evaluation and recommendation, to the Commandant.

§ 137.13–10 Commandant's decision on application.

(a) Every letter and application received, as well as the preliminary evaluation and recommendation of an Officer in Charge, Marine Inspection, will be referred to a special board appointed by the Commandant. The board will examine all the material submitted with the application and such other information as may, in the judgment of the board, be considered necessary. The board shall submit its findings and recommendations to the Commandant.

(b) The Commandant shall determine whether or not the issuance of a new license, certificate or document shall be made.

Subpart 137.15—Subpenas and Service of Process

§ 137.15–1 Authority for subpenas.

(a) There is delegated to investigating officers and examiners authority to issue subpenas under Title 46, U.S. Code, section 239, to command attendance of witnesses or the production of books, papers, documents, or any other evidence necessary.

§ 137.15–5 Form of subpena.

(a) Every subpena shall bear at least the name "United States Coast Guard", the word "subpena", and local Coast Guard address from which issued. It may be a letter or Form CG–2639B.

(b) Every subpena shall command the person to whom it is directed to attend at a specified time and place to give testimony or to produce books, papers, documents, or any other evidence, which shall be described with such particularity as necessary to identify what is desired.

§ 137.15–10 Issuance of subpenas.

(a) During the investigation and prior to the hearing, the investigating officer shall issue subpenas for the attendance of witnesses or for the production of books, papers, documents, or any other relevant evidence that he may need or that may be needed by the person charged.

(b) During the hearing, the examiner shall issue subpenas for the attendance and the giving of testimony by witnesses or for the production of books, papers, documents, or any other relevant evidence, either upon his own motion or upon a request of either of the parties.

§ 137.15–15 Service of subpenas.

(a) Any person capable of reading and writing may serve a subpena upon the person named therein. Service of a subpena upon a person named therein shall be made by delivering such subpena to such person by personal service, or by certified mail with return receipt to be signed by the addressee only.

(b) The investigating officer shall serve or have served every subpena that he issues in his own behalf, or on behalf of the person charged when feasible.

(c) The person charged or his counsel is responsible for serving subpenas issued at his request by an examiner. However, if the examiner finds that the person charged or his counsel is physically unable to effect the service, despite diligent and bona fide attempts to do so, and if the examiner further finds that the existing impediment to the services of the subpena is peculiarly within the authority of the Coast Guard to overcome, the examiner will have the subpena delivered to such person as the District Commander may designate for the purpose of effecting service.

§ 137.15–20 Proof of service.

(a) The person serving a subpena shall make a written statement setting forth the date, time and manner of service and shall return such report with or on a copy of the subpena to the investigating officer or examiner who issued it. In case of failure to make service of a subpena, the person assigned to serve such subpena shall make a written statement setting forth the reasons, which statement should be on the subpena or attached to it.

(b) When service of a subpena is made by certified mail with return receipt to be signed by the addressee only, the person mailing the subpena shall make a written statement on a copy of the subpena or attached to it, setting forth the date, time and place of Post Office where mailed, and Post Office number assigned thereto. If delivered, the receipt requested shall be returned to the investigating officer or examiner who issued the subpena. In case the subpena is not delivered, any information reported by the Post Office regarding non-delivery shall be given to the in-

vestigating officer or examiner who issued the subpena.

§ 137.15–25 Quashing a subpena.

(a) The person to whom a subpena is directed may, prior to or during the hearing, apply in writing to the examiner conducting the hearing a request that the subpena be quashed or modified. The examiner will notify the party for whom the subpena was issued.

(b) The examiner shall rule on the matter promptly. He may quash the subpena if it is unreasonable or requires evidence not relevant to any matter in issue, or he may deny the request.

§ 137.15–30 Enforcement.

(a) Upon application and for good cause shown, or upon its own initiative, the Coast Guard will seek judicial enforcement of subpenas issued by investigating officers or examiners. This may be done by making application to the United States District Court to issue an order compelling the attendance of, and/or the giving of testimony by, witnesses.

Subpart 137.17—Witness Fees

§ 137.17–1 Witness's request for payment of fees.

(a) Duly subpenaed witnesses, other than government employees, may apply for payment for their services as witnesses by submitting a request for payment (Standard Form No. 1157) to the examiner presiding over the hearing or to the investigating officer (28 U.S. Code, section 1821). The examiner or investigating officer will forward the request to the Coast Guard authorized certifying officer together with a statement that:

(1) The witness seeking payment was duly subpenaed as a witness by the Coast Guard;

(2) The witness appeared pursuant to such subpena, the name of the person charged or under investigation, and the name of city and state where investigation or hearing was held; and,

(3) The witness is entitled to witness fees, and/or subsistence, and/or mileage allowance claimed.

(b) Upon receipt of the witness's claim (Standard Form 1157) with supporting statement, the Coast Guard authorized certifying officer may certify to the propriety of the claim according to the scale of fees, subsistence, and mileage in § 137.17–5, and submit it to the appropriate disbursing officer for payment.

(c) Government employees who are witnesses at a hearing or investigation may be paid travel expenses as provided by the Standardized Government Travel Regulations. Coast Guard personnel may be paid travel expenses as provided in the Coast Guard Travel Manual.

§ 137.17–5 Scale of fees, subsistence, and mileage.

(a) A subpenaed witness may be paid a fee of $4.00 for each day or fraction thereof of attendance and for time necessarily occupied in going to and returning from the place of hearing or investigation (28 U.S. Code, section 1821). A witness called to testify as an expert may be paid a higher fee provided such higher fee is approved by the Commandant prior to his appearance.

(b) A subsistence allowance of $8.00 for each day or fraction thereof may be paid if the subpenaed witness resides at a distance so far removed from the place at which the hearing or investigation was held so as to prohibit his returning to his place of residence each day, and if such witness was required to remain at the place where the hearing or investigation was held for more than one day. In a case where subsistence allowance is payable under this paragraph and the subpenaed witness is required to travel, a subsistence allowance of $8.00 per day may be paid for each day necessarily occupied in traveling from the place of residence to attend the hearing or investigation and return to such place: *Provided*, That no subsistence allowance for travel time shall be paid if the witness is already present at place of investigation or hearing at time of service of subpena.

(c) In computing the witness fee or the subsistence allowance, a fraction of a day will be considered as a whole day, the day will be considered as consisting of 24 hours, and a day will be regarded as beginning on the hour at which the witness had to leave his residence in order to arrive at the appointed time at the place where the investigation or hearing was held. After dismissal, the witness is assumed to leave the place of the investigation or hearing for his residence by the first available transportation, and the period of time will be terminated at the time of arrival at his residence.

(d) Travel money at the rate of 8 cents per mile, not to exceed 100 miles, for actual travel from place of residence or place where subpena was served to place at which the investigation or hearing was held may be paid to a subpenaed witness. Travel money at the rate of 8 cents per mile, not to exceed 100 miles, is also allowed for the actual travel involved in return of witness to his place of residence, or if the subpena was served at a place other than the witness's place of residence, to the place where said subpena was served. All payments of travel money shall be computed on the basis of mileage by the shortest route. When a witness is furnished transportation by the Government, no mileage allowance is authorized. If a witness is unable to furnish funds for transportation charges, Government transportation requests may be issued for his transportation, at the lowest first class rate available, to and from the place of hearing, in which case the mileage allowance is not authorized. When two or more witnesses are transported at the same time in the privately owned vehicle, operated by one of the witnesses, the mileage allowance for only one witness is authorized.

(e) The fees provided in paragraphs (a), (b), and (d) of this section shall not apply in Alaska. In Alaska subpenaed witnesses are entitled to the fees, subsistence, and mileage allowances to the same extent as may be prescribed for witnesses before the United States District Court in the judicial division in which the hearing is held. (See 28 CFR 21.3 for schedule of fees and allowances of witnesses in the District of Alaska.)

(f) In the case of employed merchant marine personnel their place of residence will be construed to be the vessel upon which they are employed, and in the case of unemployed merchant marine personnel their place of residence will be construed to be their actual place of residence when ashore at time of the investigation or hearing rather than the residence of their next of kin.

Subpart 137.20—Hearings

§ 137.20–1 General.

(a) A hearing in a suspension and revocation proceeding conducted under Title 46, U.S. Code, section 239 or 239b, is the adjudication of the case. It is presided over and is conducted under the exclusive administrative control of a civilian examiner in accordance with applicable requirements in Title 5, U.S. Code, sections 1001–1011, inclusive (Administrative Procedure Act), and the regulations in this part. The examiner shall regulate and conduct the hearing in such a manner so as to bring out all the relevant and material facts, and to insure a fair and impartial hearing.

(b) An examiner shall not consult with any one concerning any fact in issue in a suspension and revocation proceeding unless, after notice, all parties are permitted to participate. An examiner shall not informally obtain advice or opinions from the parties or their counsel or from any officer or employee of the Coast Guard as to the weight or interpretation to be given to evidence. The examiner may at any time consult with or receive instructions from the Commandant.

(c) The procedure usually followed in a hearing is:

(1) Examiner's opening statement.

(2) Appearances of persons at the hearing.

(3) Verification of currently valid license, certificate and/or document held by person charged.

(4) Examiner advises person charged of his rights.

(5) Exclusion of witnesses from the hearing room.

(6) Preliminary motions, objections and/or corrections to the charges and specifications.

(7) Arraignment and plea of person charged.

(8) Opening statement of investigating officer.

(9) Opening statement by or on behalf of person charged or statement in mitigation if there has been a "guilty" plea.

(10) Submission of evidence.

(11) Argument by the investigating officer and argument by or on behalf of the person charged.

(12) Submission of proposed findings and conclusions by the investigating officer and/or by or on behalf of the person charged.

(13) Findings and conclusions of the examiner.

(14) Prior record of the person charged.

(15) The complete decision of the examiner.

(16) Service of the order or complete decision.

(17) Obtain or return the license, certificate or document, as appropriate.

(18) Advise the person charged of his right of appeal.

(19) Examiner's declaration that the hearing is closed.

§ 137.20–5 Public access to hearings.

(a) Every hearing conducted by an examiner shall be open to the public except when the examiner finds that subject matter to be or being brought out in the evidence concerns classified matter relating to national security, or when other circumstances exist which court decisions have held to warrant a limitation or exception to the right of a public hearing.

(b) Representatives of the press shall not be excluded from a hearing unless the hearing concerns classified matter relating to national security.

§ 137.20–10 Continuance of a hearing.

(a) The examiner may, for good cause to be shown in the record, either on his own motion or the motion of the investigating officer or person charged, continue the hearing from day to day or adjourn such hearing to a later date or to a different place by announcement at the hearing or by other appropriate notice. In making such determination, consistent with the rights of the person charged to a fair and impartial hearing, the examiner shall give careful consideration to the future availability of witnesses and to the prompt dispatch of the vessel or vessels on which the person charged and/or witnesses may be employed.

§ 137.20–15 Disqualification of examiner.

(a) In any suspension and revocation proceeding conducted under this part, an examiner may withdraw voluntarily from a particular case when he deems himself unqualified. In such event the examiner shall immediately notify the Commandant of his desire to withdraw and his reasons.

(b) In any case the person charged or the investigating officer may, in good faith, request the examiner to withdraw on the grounds of personal bias or other disqualification. The person seeking the examiner's disqualification shall file with the examiner a timely affidavit or statement sworn to before a Coast Guard officer or official authorized to administer oaths setting forth in detail the facts alleged to constitute the grounds for disqualification. The examiner may file a response thereto and shall rule whether or not he considers himself disqualified.

(c) If the person seeking disqualification takes exception to the ruling of the examiner, he may appeal such ruling to the Commandant. The examiner shall immediately forward the affidavit or sworn statement with his decision. If the examiner believes himself not disqualified and he so rules, the examiner shall also have all matters relating to such claims of disqualification affirmatively appear in the record. The examiner shall then proceed with the hearing unless it can be shown that a delay in the hearing pending a determination of the appeal will not interfere with the future availability of the person charged and witnesses, or the prompt dispatch of the vessel or vessels on which the person charged and/or witnesses may be employed.

§ 137.20–25 Failure of person charged to appear at hearing.

(a) In any case in which the person charged, after being duly served with the original of the notice of the time and place of the hearing and the charges and specifications, fails to appear at the time and place specified for the hearing, a notation to that effect shall be made in the record and the hearing may then be conducted "in absentia."

(b) The examiner shall also cause to be placed in the record all the facts concerning the issuance and service of the notice of hearing and the charges and specifications.

§ 137.20–27 Person charged may be required to submit to medical examination.

(a) In a hearing in which the physical or mental condition of the person charged is in controversy, the examiner on his own motion may order the person charged to submit to a medical examination, or the investigating officer may submit a written petition requesting such person to be required to submit to a medical examination by a physician. The examiner shall decide from the evidence or information submitted to him by the investigating officer whether or not to order the person charged to submit to an examination before a physician of the U.S. Public Health Service, and also to an examination before another physician if the person charged so desires and pays for the required examination.

(b) If the person named in the examiner's order fails or refuses to submit to such duly ordered examination, such failure shall receive due weight in determining the facts alleged in the specifications.

§ 137.20–30 Time and place of hearing.

(a) The hearing shall be held at the time and place specified in the notice of the hearing served upon the person charged by or under the direction of the investigating officer.

§ 137.20–35 Opening the hearing.

(a) The examiner shall open the hearing at the time and place specified in the notice, administer all necessary oaths, and cause a complete record of the proceedings to be kept.

(b) The examiner shall open the hearing with appropriate identification of the proceeding and announce the statutory jurisdiction under which the hearing is being conducted. The examiner shall describe the nature of the proceedings and state that it is concerned solely with the rights of the person charged to continue holding specific license, certificate, and/or document, and any endorsement thereon, as the case may be, issued by the Coast Guard or by any predecessor authority.

§ 137.20–37 Appearances.

(a) The appearances of persons at the hearing shall be entered in the following order:

(1) The investigating officer;

(2) The person charged; and,

(3) The counsel for the person charged, if any.

§ 137.20–40 Verification of license, certificate or document.

(a) Since the proceeding involves a license, certificate or document issued by the Coast Guard, the examiner shall require the person charged to produce and present to him at the opening of the hearing and on each day the hearing is in session thereafter, all valid licenses, certificates, and/or documents issued to the person charged. In the event that the person charged alleges he has lost any such license, certificate or document, the examiner shall require the person charged to execute a lost document affidavit (Form CG–719E). The examiner shall warn the person charged that a willful misstatement of any material item in such affidavit is punishable as a violation of a federal criminal statute.

(b) When a hearing is continued or delayed, the examiner shall return the license, certificate, and/or document to the person charged upon demand: *Provided*, That such action shall not be taken if a prima facie case has been established that the person charged committed an offense which shows that he has such propensities and proclivities as to constitute a definite danger to the safety of life or property at sea.

§ 137.20–45 Rights of person charged.

(a) The examiner shall advise the person charged of his rights to:

(1) Be represented by professional counsel, or any other person he may desire;

(2) Have witnesses and relevant evidence subpenaed;

(3) Examine witnesses, cross-examine witnesses testifying against him, and introduce relevant evidence into the record; and,

(4) Testify in his own behalf or remain silent.

(b) All matters on which the examiner is required to advise the person charged shall affirmatively appear in the record.

§ 137.20–60 Witnesses excluded from hearing room.

(a) All witnesses shall be excluded from the hearing room prior to the taking of their testimony and the examiner may separate government witnesses if he deems it desirable.

§ 137.20–63 Preliminary motions or objections.

(a) Any preliminary motion or objection shall be heard and disposed of by the examiner.

§ 137.20–65 Correction or amendment of charges and/or specifications.

(a) The examiner shall examine the charges and specifications to determine their correctness as to form and legal sufficiency.

(b) The examiner may, on his own motion or the motion of the investigating officer or person charged, permit the amendment of charges and specifications to correct harmless errors by deletion or substitution of words or figures: *Provided*, That a legal specification is left remaining. Broad and liberal discretion shall be exercised by examiners in permitting such amendments.

(c) When errors of substance are found in charges and specifications, the examiner shall rule that the defective charge or specification is withdrawn. The investigating officer may then prepare and serve a new charge and specification on the person charged.

§ 137.20–75 Arraignment and plea.

(a) The examiner shall read each charge and specification to the person charged and shall obtain from him or counsel a definite plea to each charge and specification. If the person charged does not make a definite plea, the examiner shall enter a plea of "not guilty" and proceed with the hearing.

(b) If the person charged fails to appear at the hearing, the examiner will comply with the procedures in § 137.20–25. If no valid reason to the contrary appears, the examiner shall enter pleas of "not guilty" to all the charges and specifications, and shall then proceed with the hearing.

§ 137.20–77 Burden of proof.

(a) The investigating officer has the burden of proof and shall present his evidence first.

§ 137.20–80 Opening statement of investigating officer.

(a) If the person charged pleads "not guilty," the investigating officer shall make a brief statement outlining the basis for the preferment of the charges; particulars incident to the substance of the complaint; and a summary of matters expected to be proved.

(b) If the person charged pleads "guilty," the opening statement of the investigating officer shall contain a summary of the evidence upon which the charge and specification are based.

§ 137.20–85 Opening statement by or on behalf of the person charged.

(a) The person charged or his counsel shall be afforded an opportunity to state what he intends to establish. This may be waived or deferred at the option of the person charged.

(b) If the person charged pleads "guilty," he may present evidence or mitigating circumstances believed to be material. Should this presentation be inconsistent with a "guilty" plea, the examiner shall reject the plea, change the plea to "not guilty" and proceed with the hearing.

§ 137.20–87 Coercion of witnesses.

(a) Any attempt to coerce any witness or to induce him to testify falsely, is an offense which may be punishable by fine of $5,000 or imprisonment for 5 years, or both fine and imprisonment. (See 18 U.S.C. 1505, 46 U.S.C. 239.)

§ 137.20–90 Witnesses.

(a) All witnesses shall be sworn, duly examined, and may be cross examined. At any time a witness is on the stand he may be questioned by an examiner.

(b) The investigating officer or person charged who calls a witness shall begin his direct examination by identifying the witness. When possible, the witness will be required to identify the person charged.

(c) In any case where the person charged has entered a "guilty" plea, witnesses may be called to establish matters of aggravation or matters of mitigation.

§ 137.20–93 Witness's personal counsel.

(a) Any witness may have personal counsel to advise him as to his rights, but such counsel may not otherwise participate in the hearing.

§ 137.20–95 Evidence.

(a) In these administrative proceedings, strict adherence to the rules of evidence observed in courts is not required. All relevant and material evidence, oral or written, shall be received except that hearsay evidence shall be rejected if the declarant is readily available to appear as a witness. In deciding whether the declarant's testimony should be obtained, the importance of such evidence shall be balanced against the difficulty of producing the witness. Hearsay evidence shall be accorded such weight as the circumstances warrant, including consideration of whether it is opposed by other evidence. Irrelevant, immaterial and unduly repetitious evidence should be excluded.

(b) Findings must be supported by substantial evidence of a reliable and probative character. By this is meant evidence of such probative value as a reasonably prudent and responsible person is accustomed to rely on when making decisions in important matters. It is not limited to evidence which is considered to be competent evidence for the purpose of admissibility under the jury-trial rules.

(c) In conducting a hearing the examiner will extend reasonable latitude to the person charged who does not have professional counsel to represent him. Investigating officers and counsel should be required to conform to the rules of evidence to a greater degree than persons charged without counsel.

§ 137.20–100 Documentary evidence generally.

(a) Except as modified by the regulations in this part, documentary evidence shall be admissible in accordance with the applicable rules of evidence, as set forth in § 137.20–95.

§ 137.20–102 Official notice by Commandant and examiners.

(a) The Commandant and the examiners shall consider the following without requiring the person charged or the Coast Guard to submit them in evidence:

(1) *Federal law.* The Constitution; Congressional Acts, Resolutions, Records, Journals and Committee Reports; Decisions of Federal Courts; Executive Orders and Proclamations; and all rules, regulations, orders and notices published by the Treasury Department or United States Coast Guard in the FEDERAL REGISTER.

(2) *State law.* The Constitution and public laws of each State.

(3) *Governmental organizations.* The organization, territorial limitations, officers, departments, and general administration of the Government of the United States, its territories, possessions, and the Commonwealth of Puerto Rico; the several States; and foreign nations.

(4) *Coast Guard organization.* The Coast Guard's organization, administration, officers, personnel, and official publications pertaining to organization.

(5) *Commandant's decisions.* The Commandant's decisions in all appeal and review cases under this part. (See § 137.03–1.)

(b) The Commandant and examiners may, upon request, take official notice of those matters of which the courts usually take judicial notice, and matters which adjudicated cases recognize may be officially noticed by administrative agencies. However, the matters thus officially noticed by the examiner shall be specified on the record. Either party shall be afforded an opportunity, on the record, to rebut such matters.

§ 137.20–105 Certification of court records.

(a) A copy of a court record, such as the court conviction or judgment, shall be certified to be a true copy by the clerk or deputy clerk of the court and under the seal of the court, with or without the certification of the judge that the attestation by the clerk is in proper form.

§ 137.20–106 Certification of extracts from shipping articles, logbooks, etc.

(a) Extracts from records in the custody of the Coast Guard, shipping articles, and logbooks, shall be certified by an investigating officer or custodian of such records.

(b) Any commissioned officer of the Coast Guard is authorized to certify extracts from Coast Guard records, shipping articles, and logbooks as being true copies of the original by certifying that he has seen the original and compared the copy with it and found it to be a true copy. The officer so certifying shall subscribe his name, rank, and duty station.

§ 137.20–107 Admissibility and weight of entries from Official Logbooks.

(a) The Official Logbook of a vessel, or a duly certified copy of an entry made therein, shall be admissible in evidence, under authority of Title 28, U.S. Code, section 1732.

(b) An entry in an Official Logbook of a vessel made in substantial compliance with the requirements of Title 46, U.S. Code, section 702, in addition to being admissible in evidence, shall constitute prima facie evidence of the facts therein recited. However, an entry not made in substantial compliance with the requirements of Title 46, U.S. Code, section 702, while admissible in evidence, does not constitute prima facie evidence of the facts therein recited.

§ 137.20–110 Use of judgments of conviction.

(a) The judgment of conviction by a Federal court is conclusive in proceedings under Title 46, U.S. Code, section 239, where acts forming the basis of the charges in a Federal court are the same. The person charged may not challenge the jurisdiction of a Federal or State court in proceedings under Title 46, U.S. Code, sections 239 and 239b.

(b) Where the acts involved in a judgment of conviction of a State court are the same as those involved in proceedings under Title 46, U.S. Code, section 239, the judgment of conviction is not conclusive of the issues decided. However, such judgment of conviction is admissible in evidence in the latter proceedings and constitutes substantial evidence adverse to the person charged.

(c) The judgment of conviction for a narcotic drug law violation by a Federal court or a State court of record is conclusive in proceedings under Title 46, U.S. Code, section 239b.

§ 137.20–115 Admissibility of reports of consul.

(a) The original or a duly authenticated copy of a report made by a consul or a vice consul of the United States shall be admissible in evidence.

§ 137.20–117 Admissibility of records of proceedings at Coast Guard investigations.

(a) The records of proceedings at Coast Guard investigations, including testimony and statements of witnesses and all exhibits received, are admissible in hearings conducted under this part, pursuant to stipulation by the investigating officer and the person charged.

(b) The stipulation shall be in writing, shall describe the specific portions of the record to be submitted as evidence, and shall be signed by the investigating officer and the person charged or his counsel. The stipulation and the portions of the records referred to therein shall upon presentation be made a part of the record of the hearing.

§ 137.20–118 Admissibility of seaman's Coast Guard records.

(a) The prior negative disciplinary record of the person charged is admissible as character evidence of his general good reputation.

(b) A commendatory record pertaining to the specific trait of character in question is admissible.

(c) No part of a prior disciplinary record may be used to show particular acts in order to refute directly evidence as to the good character of the person charged. However, it is admissible for the limited purposes of:

(1) Impeaching the credibility of the person charged on cross-examination after he has testified, on direct examination, that he has no prior disciplinary record.

(2) Impeaching the credibility of the person charged by showing offenses of such a nature as to indicate his general lack of veracity.

(3) Testing the qualifications of character witnesses who express opinions concerning the general good reputation of the person charged.

(4) Proving prior conduct tending to show guilty knowledge, design, intent, motive, or the like, which is relevant to the offense alleged.

§ 137.20–120 Admissions by person charged during a Coast Guard investigation.

(a) No person shall be permitted to testify with respect to admissions made by the person charged during or in the course of a Coast Guard investigation except for the purpose of impeachment.

§ 137.20–125 Other admissions by person charged.

(a) Any person other than a Coast Guard investigating officer may testify as to admissions voluntarily made by the person charged in the presence of the witness other than during or in the course of an investigation by the Coast Guard.

§ 137.20–130 Impeachment of witnesses.

(a) A witness, including the person charged if he voluntarily testifies in his own behalf, may be impeached by proof of prior inconsistent statements, whether oral or written, which were made by him. However, before evidence of such inconsistent statements is admissible in evidence, a proper foundation must be established.

(b) Evidence of prior inconsistent statements by a witness is admissible for the limited purpose of impeaching the credibility of the witness.

(c) A party calling a witness or otherwise making a witness his own may, after orally pleading surprise, be permitted to impeach him in the discretion of the examiner.

§ 137.20–135 Testimony of absent witnesses.

(a) The testimony of a witness other than the person charged taken under oath during a Coast Guard investigation may be received in evidence in lieu of the appearance of the witness when it is established to the satisfaction of the examiner that:

(1) Whereabouts of the witness is unknown after diligent search; or,

(2) Witness is non compos mentis; or,

(3) Witness is deceased; or,

(4) Witness is ill or incapacitated to such an extent that neither his testimony nor a deposition can be taken; or,

(5) Witness is more than 100 miles from the place of hearing and at a place so remote and inaccessible as to make it impracticable to take his deposition.

(b) In considering the admissibility and credibility of the testimony taken under oath during an investigation and offered in evidence under paragraph (a) of this section, the examiner shall consider the apparent trustworthiness of the testimony, and shall take into consideration whether or not the parties were represented or afforded the right to be present and to cross examine the witness.

§ 137.20–140 Testimony by deposition.

(a) Testimony may be taken by deposition upon application, and for good cause shown, by any party or upon the initiative of the examiner.

(b) The application to the examiner shall be in writing, setting forth the reasons why it should be taken, the name and address of the witness, the matters concerning which it is expected the witness will testify, the time and place proposed for the taking of the deposition and whether it shall be by oral examination or written interrogatories.

(c) The examiner will for good cause shown, serve upon the parties an order specifying the name of the witness, the time and place for taking the deposition, and a designation of a person before whom the witness is to testify. Such deposition may be taken before any person authorized to administer oaths.

(d) The party desiring a deposition by written interrogatories shall submit a list of interrogatories to be propounded to the absent witness; then the opposite party after he has been allowed a reasonable time for this purpose, may submit a list of cross-interrogatories. If either party objects to any question, the matter shall be presented to the examiner for a ruling. Upon agreement of the parties on a list of interrogatories and cross-interrogatories (if any) the examiner may propound additional questions.

(e) The subpena referred to in Subpart 137.15, of this part together with the list of interrogatories and cross-interrogatories (if any), shall be forwarded to the person designated to take such deposition. This person will cause the subpena to be served personally on the witness, and a copy shall be endorsed and returned to the examiner.

(f) When the deposition has been transcribed, it shall be presented to the witness for examination and correction and then shall be subscribed by him. The person taking the deposition shall certify the signature of the witness. If for any reason the deposition or interrogatory is not subscribed by the witness, then the person taking the deposition shall recite under oath thereon the reason it is not subscribed.

(g) When the deposition has been duly executed it shall be returned to the examiner. As soon as practicable after the receipt of the deposition the examiner shall present it to the parties for their examination. The examiner shall rule on the admissibility of the deposition or any part thereof and on any objections.

(h) In the event one party files interrogatories, the other party, in lieu of filing cross-interrogatories, may attend the taking of the deposition and cross-examine the witness.

§ 137.20–145 Argument.

(a) After all the evidence has been presented the parties may present oral and/or written argument in the following order:

(1) Opening argument by the investigating officer;

(2) Argument by the person charged or his counsel; and,

(3) Closing argument by the investigating officer.

§ 137.20–150 Submission of proposed findings and conclusions.

(a) The examiner shall afford the investigating officer and the person charged reasonable opportunity to submit, either orally or in writing, proposed findings and conclusions with supporting reasons. If either party desires to submit such matter, the examiner shall fix the time within which it shall be filed. Failure to comply within the time so fixed by the examiner shall be regarded as a waiver of the right.

§ 137.20–155 Examiner's decision.

(a) The examiner shall render a decision consisting of:

(1) "Findings of Fact," including necessary evidentiary and ultimate facts pertaining to each specification;

(2) "Conclusions" as to whether or not the charges and specifications are found proved;

(3) "Rulings" on proposed findings and conclusions;

(4) "Opinion," discussing the reasons, precedents, legal authorities, or other basis for the findings, conclusions and order on all material issues of fact, law, or discretion, with such specificity as to advise the parties of their record and legal basis; and,

(5) "Order," reciting disposition of the case. The order is only given after consideration of the prior record of the person charged as provided in § 137.20–160.

(b) A separate conclusion shall be made by the examiner on each charge and specification. A specification may alternately be found "not proved," "proved in part," "proved," or "proved by plea."

§ 137.20–160 Prior record.

(a) Except as provided for in § 137.20–118, the prior commendatory and/or disciplinary record of the person charged will not be disclosed to the examiner until after he has made the conclusions as to each charge and specification, and then only if at least one charge has been found "proved."

(b) In order to expedite the examiner's decision, if prior record is not available at the hearing, the person charged, if he consents, may be questioned under oath as to his prior record. Erroneous information given by the person charged shall be grounds for the examiner to reopen the case and amend his order.

§ 137.20–165 Table of average orders.

(a) The Table 137.20–165 is for the information and guidance of examiners. The orders listed for the various offenses are average only and should not in any manner affect the fair and impartial adjudication of each case on its individual facts and merits.

(b) The Table 137.20–165 is divided into seven groups. In the table, the first numeral indicates the period of suspension in months and when followed by a zero means an outright suspension. For example, 1–0 means a one-month suspension without probation. Where the first numeral is followed by a numeral other than zero, a probationary suspension is indicated. For example, 6–12 means a six-month suspension, with a twelve-month period of probation.

TABLE 137.20–165—SCALE OF AVERAGE ORDERS

Type of Offense	Number of times committed				
	First	Second	Third	Fourth	Fifth
Group A (1) (offenses committed within 3 years are to be considered as repeated):					
Absent over leave	[1] Adm.	1–0	3–0	6–0	[2] Rev.
Absent without leave	Adm.	1–0	3–0	6–0	Rev.
Failure to join (domestic)	Adm.	1–0	3–0	6–0	Rev.
Inattention to duty (unintentional)	Adm.	1–0	3–0	6–0	Rev.
Violation of a regulation (unintentional)	Adm.	1–0	3–0	6–0	Rev.
Group A (2) (offenses committed within 3 years are to be considered as repeated):					
Creating a disturbance aboard ship due to intoxication	Adm.	2–0	4–0	Rev.	
Failure to join (foreign)	Adm.	2–0	4–0	Rev.	
Failure to perform duty	Adm.	2–0	4–0	Rev.	
Group B (time between offenses not to have any bearing when considering whether man is repeater):					
Attempt to illegally take or smuggle property ashore	6–12	6–0	Rev.		
Desertion (domestic)	6–12	6–0	Rev.		
Failure to report marine casualty	6–12	6–0	Rev.		
Failure to manifest	6–12	6–0	Rev.		
Neglect of duty	6–12	6–0	Rev.		
Possession of intoxicating liquor	6–12	6–0	Rev.		
Possession of firearms	6–12	6–0	Rev.		
Sleeping on watch	6–12	6–0	Rev.		
Use of profane and threatening language to superior	6–12	6–0	Rev.		
Violation of a regulation (intentional)	6–12	6–0	Rev.		
Willful disobedience of a lawful order	6–12	6–0	Rev.		
Group C (time between offenses not to have any bearing when considering whether man is repeater):					
Assault	1–0	4–0	Rev.		
Group D (time between offenses not to have any bearing when considering whether man is repeater):					
Inattention to duty (intentional)	3–0	12–0	Rev.		
Illegal possession of cargo or ship's property	3–0	12–0	Rev.		
Neglect of duty; damage to vessel, cargo or personnel (ordinary negligence)	3–0	12–0	Rev.		
Pilfering cargo or ship's equipment	3–0	12–0	Rev.		
Refusing to perform duty	3–0	12–0	Rev.		
Sale of ship's property	3–0	12–0	Rev.		
Theft	3–0	12–0	Rev.		
Group E (time between offenses not to have any bearing when considering whether man is repeater):					
Assault and battery	6–0	Rev.			
Assault with dangerous weapon (no injury)	6–0	Rev.			
Destruction of ship's cargo or property	6–0	Rev.			
Desertion (foreign)	6–0	Rev.			
Continued disobedience of lawful order	6–0	Rev.			
Embezzling ship's cargo or property	6–0	Rev.			
Neglect of duty; damage to ship, cargo or persons (gross or willful)	6–0	Rev.			
Interference with master, ship's officer, or Government official in performance of official duties	6–0	Rev.			
Smuggling of property	6–0	Rev.			
Sale of intoxicating liquor	6–0	Rev.			
Group F:					
Assault with dangerous weapon (injury)	Rev.				
Malicious destruction of ship's property	Rev.				
Misconduct resulting in loss of life or serious injury	Rev.				
Molestation of passengers	Rev.				
Murder or attempted murder	Rev.				
Mutiny	Rev.				
Perversion	Rev.				
Possession, use, sale or association with drugs, including marijuana	Rev.				
Sabotage	Rev.				
Serious neglect of duty	Rev.				
Serious theft of ship's property or stores	Rev.				
Smuggling of aliens	Rev.				

[1] Abbreviation for "Admonition."
[2] Abbreviation for "Revocation."

§ 137.20–170 Order.

(a) If no charge is found "proved," the order of the examiner shall state that the charge or charges are "dismissed."

(b) If a charge is found "proved," the examiner shall order an admonition, suspension with or without probation, or revocation.

(c) An order shall be directed against all licenses, certificates, and/or documents, except that in cases of negligence or professional incompetence, the order may be made applicable to specific licenses or documents in qualified ratings.

(d) When an examiner determines that the person charged is professionally incompetent in the grade of the license, certificate or document he holds, but is considered competent in a lower grade, the examiner may revoke the license, certificate or document and order the issuance of one of a lower grade.

(e) In a decision rendered in the United States, an order of revocation or outright suspension shall direct the person charged to surrender his license, certificate and/or document immediately. Any domestic order should state that it is effective on service and that the license, certificate and/or document affected is:

(1) Revoked; or,

(2) Suspended outright until a specified period after surrender; or,

(3) Suspended for a specified period subject to a specified period of probation; or,

(4) A combination of subparagraph (2) of this paragraph and a probationary suspension, as indicated in subparagraph (3) of this paragraph, extending from the beginning of the outright suspension until a specified period after the termination of the outright suspension.

(f) In a decision rendered outside of the United States, an order shall differ only in that a revocation or outright suspension is not to be effective until the date of arrival of the person charged in the United States.

§ 137.20–175 Delivery of order and complete decision.

(a) Whenever possible, the examiner shall prepare in writing his complete decision, including the order, and personally deliver it to the person charged or his authorized representative at the final session of the hearing. The decision, including the order, is effective on the date of such delivery.

(b) If it is not possible for the examiner to deliver his complete written decision at the final session of the hearing, he shall render his oral decision on the record, then prepare the order in writing and personally deliver it to the person charged or his authorized representative. The decision, including the order, is effective upon such delivery of the written order. When the written decision is available, the examiner will cause it to be delivered to the person charged or his authorized representative.

(c) If it is not possible for the examiner at the conclusion of the hearing to render an oral decision on the record and to follow the procedures provided for in paragraph (a) or (b) of this section, the written decision, including the order, shall be delivered to the person charged or his authorized representative, at the earliest possible date, either personally or by certified mail with return receipt required to be signed only by the person charged or his authorized representative. The signed acknowledgement or the affidavit of personal delivery, or the return receipt shall be made a part of the record and shall determine the effective date of the decision, including the order, unless good cause is shown why this date should not apply.

(d) As used in this section, the phrase "authorized representative" means any person who has been authorized, as shown by the hearing record, to receive service and take an appeal on behalf of the person charged.

§ 137.20–180 Notification of right to appeal.

(a) The person charged shall be advised by the examiner of his right to appeal in accordance with Subpart 137.30 of this part. The examiner shall also advise the person charged that if such appeal is not taken within the time limit specified in Subpart 137.30 of this part it will not be accepted.

§ 137.20–185 Completion of the hearing.

(a) Upon completion of the procedures in this subpart, the hearing is completed.

§ 137.20–190 Modification of examiner's order and decision.

(a) After an examiner renders his order and decision, it may be modified or changed pursuant to procedures set forth in paragraph (b) of this section, or in Subpart 137.25 of this part for reopening of hearings, or in Subpart 137.30 of this part for appeals, or in Subpart 137.35 of this part for review of examiner's decisions. In the absence of any such procedures, the decision of the examiner is final and binding.

(b) When the proceeding under the provisions of Title 46, U.S. Code, section 239b, is based on a narcotics conviction as referred to in § 137.03–10, rescission of the revocation of a license, certificate or document will not be considered, unless the applicant submits a specific court order to the effect that his conviction has been unconditionally set aside for all purposes. The Commandant reserves the personal right to make the determination in such case.

Subpart 137.25—Reopening of Hearings

§ 137.25–1 Petition to reopen hearing.

(a) At any time prior to a final decision on appeal or within one year from the date of service of the examiner's decision, a person found guilty of any offense may petition to reopen the hearing on the basis of newly discovered evidence.

(b) If at the time the petition is filed an appeal to the Commandant from the examiner's decision has not been filed, the petition to reopen the hearing shall be considered by an examiner. If an appeal to the Commandant has been filed, the petition to reopen the hearing shall be considered by the Commandant.

§ 137.25–5 Form of petition.

(a) The petition shall be in letter form, typewritten or written in a legible hand, and addressed to the examiner or the Commandant, as appropriate.

(b) The petition shall contain the following:

(1) A descriptive identification of the hearing desired to be reopened, including place of hearing, full name of person found guilty, number and description of license and/or document involved, the name of the examiner and date of the decision.

(2) An affirmative declaration that no appeal has been taken pursuant to Subpart 137.30 of this part, or if an appeal has been taken, the date and with whom such appeal was filed.

(3) A statement setting forth why the evidence would probably produce a different result favorable to the person found guilty.

(4) A statement as to whether or not the additional evidence was known to the petitioner at the time of the hearing, and if applicable, reasons why the petitioner, with due diligence, could not have discovered such new evidence prior to the date the hearing was completed.

(5) A statement setting forth briefly and specifically:

(i) The precise nature and purpose of such additional evidence; and,

(ii) The names and addresses of persons to be called as witnesses and the time and place when such witnesses will be available to testify personally or by deposition.

§ 137.25–10 Action on petition.

(a) After the receipt of the petition, an investigating officer shall be afforded a reasonable time within which to file an answer in writing on the merits of the petition. The decision on the petition will be based on a consideration of the petition, the record of the hearing, and the answer, if any.

(b) The petition shall only be granted when new evidence is described which has a direct and material bearing on the issues, and when valid explanation is given for the failure to produce this evidence at the hearing.

(c) The examiner or the Commandant shall render a decision in writing, either granting or denying the petition.

(d) If the examiner grants the petition, he shall reopen the hearing to permit the offer of new evidence described in the petition.

(e) If the petition is granted by the Commandant, he will remand the case to an examiner with directions to reopen the hearing.

(f) On the basis of the record of the original hearing and the new evidence received, the examiner shall either affirm the original decision or withdraw the original decision and render a new one.

(g) The petition, and answer, if any, the examiner's or Commandant's decision, and the additional evidence will be added to the original record.

(h) The filing of a petition to reopen the hearing shall not stay an existing order of the examiner.

(i) If a petition to reopen a hearing is filed within 30 days after the service of the examiner's decision, it will toll or defer the running of the 30-day statutory period of appeal as provided in Subpart 137.30 of this part until an examiner has acted on the petition.

§ 137.25–15 Appeal from action on petition.

(a) If the petition to reopen the hearing is denied by the examiner, the per-

son found guilty may appeal to the Commandant within 30 days from the date of service of the denial of the petition. The review by the Commandant on this appeal will be limited to the issue raised by the petition. Other grounds for appeal must be in accordance with Subpart 137.30 of this part.

(b) If the petition to reopen the hearing is granted and a previous finding of "proved" is affirmed by the examiner, the person found guilty may appeal the decision as provided for in Subpart 137.30 of this part.

Subpart 137.30—Appeals

§ 137.30–1 Time for filing, contents, etc.

(a) A person found guilty by an examiner may, within 30 days after the date of the order of the examiner is effective, take an appeal to the Commandant. This appeal shall be taken by filing a notice of appeal with the District Commander of the district in which the hearing was held.

(b) The notice of appeal shall:

(1) Be typewritten or written legibly;

(2) Be addressed to the Commandant; and,

(3) Set forth the name of the appellant, the number and description of license, and/or document involved, nature of the charge, the order, and the examiner who made the decision.

(c) The notice of appeal may contain a statement of grounds for appeal and/or exceptions. The appellant may file with the notice of appeal a brief or memorandum in elaboration of the matters set forth in the notice of appeal. The notice of appeal may contain a request for transcript of the hearing. No request for such transcript will be accepted unless it is submitted with the notice of appeal.

(d) The District Commander shall transmit this material and a complete transcript of the hearing to the Commandant.

(e) After the appellant or his counsel has received a transcript of the record, any exceptions submitted shall be identified by specific citations to pages in the transcript and shall contain legal and other authorities relied upon to support such exceptions.

(f) The only matters which will be considered by the Commandant on appeal are:

(1) Exceptions properly raised by the appellant as indicated in paragraph (e) of this section;

(2) Clear errors in the record; and,

(3) Jurisdictional questions.

(g) In the preparation of an appeal, neither the investigating officer nor the examiner will assist the appellant beyond the point of informing him of the proper form to be used and the applicable regulations.

§ 137.30–3 Time in which to complete appeal.

(a) Appellant may submit grounds for appeal and exceptions to the examiner's decision, whether or not any such matter was filed with the notice of appeal. This matter must be submitted within 60 days after receipt of the transcript of the hearing record, or, if no transcript was requested, within 60 days of the date of effective service of the decision. Nothing further will be received and considered as a part of the appeal record after the applicable time has elapsed unless it is extended by the Commandant.

(b) Prior to the expiration of the applicable 60-day period of extension thereof as set forth in paragraph (a) of this section, at least one ground for appeal or exception to the examiner's decision must be filed in support of the notice of appeal. Failure to do so will result in one of the following:

(1) Termination of the case by written notice to the appellant or his counsel, that the decision of the examiner constitutes the final agency action on the merits of the case; or,

(2) Consideration of the appeal on the merits of the case and publication of the Commandant's decision without prior notice to the appellant or his counsel. This will only be done when some clear error appears in the record, or when the case presents some novel policy consideration.

§ 137.30–5 Record for decision on appeal.

(a) The transcript of hearing, together with all papers and exhibits filed, shall constitute the record for decision on appeal.

§ 137.30–10 Action on appeal.

(a) The Commandant may affirm, reverse, alter, or modify the decision of the examiner, or he may remand the case for further hearing. The decision of the Commandant on appeal shall be final in the absence of a remand.

§ 137.30–15 Temporary documents.

(a) Any person who has appealed from a decision suspending or revoking his document may file a written request for a temporary document with the Examiner who rendered the decision or with any Officer in Charge, Marine Inspection, for forwarding to such Examiner. The request will be granted by the Examiner except (1) when the hearing transcript has been forwarded to the Commandant, or (2) when, in the opinion of the Examiner, the order of suspension or revocation rests upon a finding of guilty for a serious offense of such a character that the presence of the person charged on board a vessel, either immediately or for the indefinite future, would be incompatible with the requirements of safety of life or property at sea, or for a serious offense found by the Examiner to have been committed willfully.

(b) If the transcript has been forwarded to the Commandant, or if the request is denied by the Examiner, the request shall be forwarded by the Examiner to the Commandant for final action. A temporary document may be issued in the discretion of the Commandant, except where such action, in the opinion of the Commandant, would be incompatible with the requirements of safety of life or property at sea.

(c) A temporary document shall be subject to such terms and conditions as the Commandant or Examiner may prescribe. However, all such documents shall provide that they expire not more than six months after issuance or upon service of the Commandant's decision on appeal, whichever occurs first. If a temporary document expires before the Commandant's decision is rendered, it may be renewed, after authorization by the Commandant, by the issuance of a new temporary document by an Officer in Charge, Marine Inspection.

(d) Copies of the temporary documents issued shall become a part of the record on appeal.

§ 137.30–20 Appeal cases remanded for further proceedings.

(a) When the Commandant renders a decision remanding a case for further proceedings, the remand is directed to the examiner. The examiner shall notify the parties and set a date for continuance of the proceedings. In the absence of specific directions from the Commandant, the examiner shall either reopen the former hearing or conduct a new hearing.

(b) If the hearing is reopened, the evidence in the prior hearing shall be evaluated together with the new evidence submitted.

(c) In a new hearing, the evidence in the prior hearing may be used for purposes of impeachment. Evidence in the prior hearing may be stipulated as a part of the record of the new hearing.

(d) The examiner shall render either an entirely new decision or a decision incorporating by reference his original decision as necessary.

Subpart 137.35—Review of Examiners' Decisions in Guilty Cases

§ 137.35–1 Commandant's review.

(a) Any decision of an examiner, in which there has been a guilty finding, may be called up for review by the Commandant on his own motion or direction, within sixty (60) days, after the decision is announced or has been made effective, whichever date is later. On occasion, such action may be taken upon recommendation of the District Commander within whose jurisdiction the decision of the examiner was announced. As used in the regulations in this part the phrase, "on his own motion" means by the Commandant's direction or order, without other procedural formality.

(b) The processes in effect with respect to the preparation and presentation of the record on appeals by merchant seamen, shall apply to the consideration of cases brought up on review by the Commandant.

§ 137.35–5 Record for decision on review.

(a) The transcript of hearing, together with all papers and exhibits filed, shall constitute the record for consideration on review.

§ 137.35–10 Scope of review.

(a) The review will be restricted to questions of law, fact, and policy.

§ 137.35–15 Action on review.

(a) In no case will the review by the Commandant be followed by any order increasing the severity of the examiner's original order.

(b) The Commandant may adopt in whole or in part the findings, conclusions, and basis therefor stated by the examiner, or he may make entirely new findings on the record, or he may remand the case to the examiner for further proceedings.

(c) The decision of the Commandant, on review, shall be final in the absence of a remand.

Subpart 137.50—Disclosure of Information

§ 137.50–1 Public information.

(a) Upon inquiry information may be released as to whether an investigation of a specified complaint is in progress, or that charges have been preferred, or that an investigation has been closed.

(b) Upon inquiry information may be released as to scheduled times of hearings and the substance of charges to be considered.

(c) Upon inquiry information disclosed at public hearings before examiners may be released so long as the cases have current public interest. Such information regarding cases no longer having current public interest will not be released unless otherwise provided for in this subpart or Subpart 137.55 of this part.

§ 137.50–5 Public records.

(a) There shall be maintained as public records available for inspection at Coast Guard Headquarters, in each district office, and in each marine inspection office, a file of the Commandant's Decisions on Appeal or Review.

(b) There shall be maintained as public records available for inspection at Coast Guard Headquarters a file of the decisions of examiners.

(c) There shall be maintained as public records available for inspection in the Office of the District Commander a file of copies of decisions of examiners rendered within such district.

§ 137.50–10 Administrative records.

(a) All files, records, testimony, documents, reports, or other data pertaining to an investigation to determine whether or not a hearing should be instituted, are administrative records. They are not public records available for inspection.

Subpart 137.55—Release of Records

§ 137.55–1 Public records.

(a) Upon written application, copies of public records referred to in Subpart 137.50 of this part may be obtained by persons properly concerned because of litigation or other reasonable collateral interest in the proceedings.

§ 137.55–5 Hearing transcript to appellant.

(a) A copy of the complete hearing transcript will be given to an appellant when it is requested in accordance with § 137.30–1.

§ 137.55–10 Hearing transcript to other persons.

(a) Upon written application, a complete copy of, or excerpts from, a hearing record may be obtained by persons properly concerned because of litigation or other reasonable collateral interest in the proceedings: *Provided*, That the record has been transcribed and copies are available.

§ 137.55–15 Written applications.

(a) A written application required by this subpart shall be addressed to the person in charge of the office where such records are maintained. The application shall be made by the party desiring the record or his authorized representative and shall:

(1) Identify the applicant (submit proof if representing another person);

(2) Specify the material desired;

(3) State the reason for the request; and,

(4) State whether or not the material is intended for use in litigation involving the United States.

§ 137.55–20 Action on written applications.

(a) The person to whom a written application for the release of records is addressed shall comply with the request if it meets the requirements of this subpart. Otherwise, the request shall be denied or, in doubtful cases, referred to the Commandant for determination.

§ 137.55–25 Authorized representatives.

(a) When the release of records is provided for in this subpart, such records may be obtained by an agent or attorney whose authority to act on behalf of another person is established by:

(1) A signed statement by the party represented; or,

(2) A statement, on the hearing record, by the party represented; or,

(3) A copy of a contract of retainer signed by the party represented.

(b) When the release of records is provided for in this subpart, such records may be obtained by an executor, administrator, heir, guardian, trustee or other legal representative of a deceased or incompetent person: *Provided*, That proof of the relationship is submitted.

§ 137.55–30 Production upon compulsory process.

(a) When a request for records is denied for any reason, the applicant shall be advised that the records may be obtained by service of a subpena duces tecum or an order from a court of competent jurisdiction. However, if the information desired is classified for security reasons or by virtue of a specific law or executive order the applicant shall also be advised that such subpena or court order should be addressed to the Commandant.

§ 137.55–35 Persons directly concerned.

(a) Appellants in these proceedings are the only persons considered to be directly concerned and, therefore, entitled to free copies of these records as a matter of right upon proper request.

§ 137.55–40 Costs.

(a) The release of records authorized by this subpart shall be subject to the payment of costs prescribed in 33 CFR 1.25 with the exception of hearing transcripts furnished to appellants.

Subpart 137.60—Persons in Service of Coast Guard

§ 137.60–1 Testimony by Coast Guard personnel.

(a) Except as provided in paragraph (c) of this section, no person in the service of the Coast Guard shall, without prior approval of the Commandant, give any testimony with respect to any investigation or any other official proceedings in any suit or action in the courts. This applies equally to cases in State or Federal courts and to civil as well as criminal cases.

(b) In cases involving (1) civil litigation between private parties; or, (2) criminal matters before State courts; or, (3) civil litigation for or against the United States where Coast Guard personnel are called by parties opposing the United States; an affidavit by the litigant or his attorney setting forth the interest of the litigant and the information with respect to which the testimony of such Coast Guard officer or employee is desired must be submitted before permission to testify will be granted. Permission to testify will, in all cases, be limited to the information set forth in the affidavit, or to such portions thereof as may be deemed proper. In addition to the permission required by this paragraph, the Commandant may insist that the appearance of the Coast Guard officer or employee as a witness be conditioned on the issuance of a subpena or subpena duces tecum (as appropriate) from a court of competent jurisdiction.

(c) In cases where the appearance of Coast Guard personnel is desired by counsel representing the United States to support the affirmative claims or defenses of the United States in civil matters or on behalf of the United States in criminal matters, no affidavit as described in paragraph (b) of this section shall be required, but the Commandant's prior approval must be nevertheless obtained, except in those cases where the Coast Guard personnel desired as witnesses file the original complaint or have made original inquiry into the subject matter which resulted in the filing of an original complaint.

SUBCHAPTER L—OVERTIME SERVICES

PART 143—EXTRA COMPENSATION FOR OVERTIME SERVICES

Sec.

143.1 Extra compensation; Coast Guard civilian personnel.
143.2 Payment although no actual service performed.
143.3 Overtime earnings not basis for overtime under Federal Employees Pay Act of 1945.
143.4 Waiting time; actual report for duties.
143.5 Night, Sunday, and holiday, defined.
143.6 Rate for night service.
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Sec.
143.8 Broken periods.
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143.10 Waiting time.
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143.13 Congressional appropriations necessary.
143.14 Assessment and collection of fees.
143.15 Application form.
143.16 Billing for services.
143.17 Protests.

AUTHORITY: The provisions of this Part 143 issued under R.S. 4462, as amended; 46 U.S.C. 416. Interpret or apply sec. 6, 49 Stat. 1385, as amended; 46 U.S.C. 382b. Treasury Department Order 120, July 31, 1950, 15 F.R. 6521.

§ 143.1 Extra compensation; Coast Guard civilian personnel.

Civilians assigned to the duties formerly assigned to local inspectors and their assistants, United States shipping commissioners and their deputies and assistants prior to Reorganization Plan No. 3 of 1946 (3 CFR, 1946 Supp.), and customs officers and employees, while performing duties in connection with the inspection of vessels or their equipment, supplying or signing on or discharging crews of vessels, at night or on Sundays and holidays, shall receive extra compensation to be paid by the master, owner, or agent of the vessel to the local United States collector of customs or his representative. (See § 143.16.)

§ 143.2 Payment although no actual service performed.

The rates of extra compensation are payable in cases where the services of officers or employees have been duly requested and the officers or employees have reported for duty, even though no actual service may be performed.

§ 143.3 Overtime earnings not basis for overtime under Federal Employees Pay Act of 1945.

Overtime, Sunday, and holiday services which are covered by payments under this part shall not also form a basis for overtime or extra pay under the Federal Employees Pay Act of 1945.

§ 143.4 Waiting time; actual report for duties.

Extra compensation for "waiting time" will not be allowed unless and until an officer or employee actually reports for duty.

§ 143.5 Night, Sunday, and holiday defined.

(a) For the purpose of this part the word "night" shall mean the time between 5 p.m. of any day and 8 a.m. of the following day.

(b) The term "holiday" shall mean only national legal public holidays, viz., January 1, February 22, May 30, July 4, the 1st Monday in September, November 11, the 4th Thursday in November, December 25, and such other days as may be declared legal public holidays by an act of Congress or by an Executive order of the President of the United States.

(c) The term "Sunday" shall include the first day of each calendar week.

§ 143.6 Rate for night service.

The rate of extra compensation for authorized overtime services performed at night on any week day is hereby fixed at one-half the gross daily rate of regular pay of the employee who performs the services for each 2 hours of compensable time, any fraction of 2 hours amounting to at least one hour to be counted as 2 hours. In computing the amount earned, each 2 hours is the time period for the purpose of computation, at least one hour means the minimum service in each period for which extra pay may be granted. If service continues beyond a 2 hour period, it must extend for at least one hour into the following 2 hour period to be entitled to extra pay for the second period. When the overtime extends beyond 5 p.m., payment of extra compensation from 5 p.m., for services consisting of at least one hour is authorized, even though such services may not actually begin until 7 p.m., 9 p.m., or later: *Provided*, That the officer rendering the service remained on duty from 5 p.m., in which case the time between 5 p.m., and the time of beginning the actual service shall be computed as waiting time; and where the actual services begin as late as 9 p.m., there should be an affirmative statement that the officer was required to remain on duty between 5 p. m., and 9 p. m., if a charge for waiting time is made. The maximum amount of extra compensation which may be paid an employee for services during one night shall not exceed two and one-half times the gross daily rate of his regular pay.

§ 143.7 Rate for Sunday or holiday services.

The rate of extra compensation for Sunday or holiday services is hereby fixed at twice the gross daily rate of regular pay of the employee who performs the service, for any and all services totaling an aggregate of not more than nine hours, with one hour for food and rest, during the 24 hours from midnight to midnight of the Sunday or holiday including actual waiting time and time required for travel between posts of duty but not including other time not spent at the post of duty. This rate shall apply regardless of the length of time served within the aggregate of the aforesaid 9 hours, whether it is served continuously or in broken periods, and whether it is served for one or more applicants. Services in excess of an aggregate of the aforesaid 9 hours performed during the 24 hours of a Sunday or holiday shall be compensated on the same basis as overtime services performed at night on a week day, the time between the completion of the aggregate of the aforesaid 9 hours and midnight being considered as the hours of a night. The maximum amount which may be paid an employee for services performed during the 24 hours of a Sunday or holiday shall not exceed four and one-half times the gross daily rate of his regular pay.

§ 143.8 Broken periods.

In computing extra compensation where the services rendered are in broken periods and less than 2 hours intervene between such broken periods, the time served should be combined with the waiting time and computed as continuous service.

§ 143.9 Two hours between broken periods.

Where 2 hours or more intervene between broken periods, one-half day's extra pay will be allowed for each distinct 2-hour period or part of a 2-hour period, if waiting time and actual service rendered within each period consists of at least 1 hour.

§ 143.10 Waiting time.

The same construction should be given the act when charging for waiting time as governs the charge for services actually rendered. No charge should be made unless after having reported for duty the waiting time amounts to at least one hour.

§ 143.11 Proration of charges.

If services are performed for two or more applicants during one continuous tour of overtime duty, the charge for the extra compensation earned shall be prorated equitably according to the time attributable to the services performed for each applicant.

§ 143.12 Travel status overtime.

When employees are in travel status, overtime shall apply the same as at official station.

§ 143.13 Congressional appropriations necessary.

Payment of extra compensation for overtime services shall be subject to appropriations being made therefor by Congress.

§ 143.14 Assessment and collection of fees.

Assessment and collection of fees against steamship companies for overtime services shall be made even though the payment to employees for such services may not be made until funds are appropriated for that purpose.

§ 143.15 Application form.

An application on a form prescribed by the Commandant of the Coast Guard, shall be filed with the office being requested to furnish overtime services before such assignment can be made.

§ 143.16 Billing for services.

Overtime services shall be billed to the steamship companies on collection voucher provided for that purpose. Remittance shall be made by postal money order or certified check payable to the "Collector of Customs, Treasury Department" and forwarded to that officer at the port indicated on the voucher, who shall in turn deposit such remittance to a properly designated receipt account.

§ 143.17 Protests.

Protests against the exaction of extra compensation shall be forwarded to the Commandant of the Coast Guard.

SUBCHAPTER M—BULK GRAIN CARGOES

PART 144—LOADING AND STOWAGE OF GRAIN CARGOES

Subpart 144.01—Preface

Sec.
144.01–1 Purpose.

Subpart 144.10—General Requirements

144.10–1 Scope.
144.10–10 Application to vessels.
144.10–20 Definitions.
144.10–25 Certification by National Cargo Bureau, Inc.
144.10–30 Shifting boards.
144.10–40 Uprights.
144.10–50 Shores.
144.10–60 Stays.
144.10–70 Feeders, bins, and bulkheads.
144.10–80 Security of hatches.
144.10–90 Equivalents.
144.10–95 Responsibility of owner or master.

Subpart 144.20—Detailed Loading and Stowage Requirements

144.20–1 Trimming and filling.
144.20–2 Bagged grain.
144.20–10 Stowage of full holds and compartments.
144.20–20 Feeders required.
144.20–22 Stowage of partly filled holds and compartments.
144.20–24 Exceptions to the requirements for longitudinal bulkheads.
144.20–26 Trimming and bagging of end spaces.
144.20–28 Common loading.
144.20–30 Bulk grain in tween decks and superstructures.
144.20–32 Stowage of specially suitable ships.
144.20–34 Stability conditions.
144.20–36 Grain loading plans.

Subpart 144.30—Vessels Shifting Ports

144.30–1 Shifting vessels with part cargoes of loose grain in bulk.

AUTHORITY: The provisions of this Part 144 issued under R.S. 4405, as amended, 4462, as amended, sec. 632, 63 Stat. 545; 46 U.S.C. 375, 416, 14 U.S.C. 632. Interpret or apply R.S. 4417, as amended, 4426, as amended, sec. 1, 49 Stat. 1544, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 404, 367, 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, Nov. 26, 1954, 19 F.R. 8026; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–36, Oct. 26, 1959, 24 F.R. 8857.

Subpart 144.01—Preface

§ 144.01–1 Purpose.

(a) The purpose of the regulations in this subchapter is to promote safety in the handling, stowage and transportation of grain on board vessels within the limits of the jurisdiction of the United States, including its territories and possessions excepting only the Panama Canal Zone, and to make more effective the provisions of the International Convention for Safety of Life at Sea, 1960, relative to the carriage of grain.

Subpart 144.10—General Requirements

§ 144.10–1 Scope.

(a) The regulations in this part contain the minimum requirements for the handling, stowage, and transportation of loose grain in bulk on board vessels.

§ 144.10–10 Application to vessels.

(a) Except as specifically provided otherwise in this section, the regulations in this part apply to every cargo vessel of 500 gross tons or over and every passenger vessel, which:

(1) Loads loose grain in bulk within the limits defined in § 144.01–1(a) for an ocean or coastwise voyage, including such a voyage originating at a United States Great Lakes grain loading port; or,

(2) Is of United States registry and carries loose grain in bulk on an ocean or coastwise voyage, including such a voyage originating at a Great Lakes grain loading port.

(b) The regulations in this part do not apply to vessels engaged on voyages solely between ports within the limits of the Great Lakes and the St. Lawrence River as far east as a straight line drawn from Cap de Rosiers to West Point, Anticosti Island, and on the north side of Anticosti Island following the 63d meridian.

§144.10–20 Definitions.

(a) For the purpose of the regulations in this part the definitions in this section shall apply.

(b) "Grain" shall include wheat, maize (corn), oats, rye, barley, rice, pulses, and seeds.

(c) "Light grain" means oats, light barley or cottonseed.

(d) "Light barley" means barley which weighs:

(1) 50 pounds or under per full bushel of 1.2445 cubic feet (U. S. A.); or,

(2) 51.575 pounds or under per full bushel of 1.2837 cubic feet (U. K.).

(e) "Heavy grain" means all grain other than oats, light barley, or cottonseed.

(f) "Bin" means a section of the cargo space in the 'tween decks or superstructure completely enclosed on all sides.

§ 144.10–25 Certification by National Cargo Bureau, Inc.

(a) Certificates of loading of the National Cargo Bureau, Inc., may be accepted as prima facie evidence of compliance with the requirements in this subchapter.

§ 144.10–30 Shifting boards.

(a) Shifting boards shall be of good sound timber of minimum thickness of 2 inches, and fitted grain-tight.

(b) The maximum unsupported span to be allowed for shifting boards of various thicknesses shall be as set forth in Table 144.10–30 (b).

TABLE 144.10–30 (b)

Thickness	Span	Housing of bulkhead
		Inches
2-inch planks.....	Unsupported span not to exceed 8 feet.	3
2½-inch planks...	Unsupported span not to exceed 11 feet.	3
3-inch planks.....	Unsupported span not to exceed 13 feet.	3

(c) Shifting boards shall be securely housed at bulkheads, and where permanent angle bars are not available for this purpose, wood cants shall be fitted not less than 6 inches in width and 3 inches in thickness and suitably shored.

(d) Where 2½ inch or 3 inch shifting boards are used the boards may be butt-jointed in way of the uprights and at least 4 inches of plank shall be supported. Where 2 inch shifting boards are used the joints shall overlap by at least 9 inches in way of the uprights.

(e) Where no special arrangements are made for grain-tight filling between the beams, wood filling pieces of the same thickness as the shifting boards shall be fitted grain tight between the beams, and shall be secured in place by cleats or scabs at both ends and fitted both sides. The cleats or scabs shall be at least 2 inches by 4 inches and shall extend the full depth of the filling piece and to an equal distance thereunder, and shall be securely spiked or bolted to the shifting boards and filling pieces.

§ 144.10–40 Uprights.

(a) Uprights shall be of wood or steel.

(b) Wood uprights shall not be less than 10 inches in width and 2 inches in thickness.

(c) Uprights shall be cleated to the tanktop or ceiling where fitted, and when an upright is not securely housed at the top the uppermost supporting shores or stay shall be not more than 18 inches below the deck or top of the upright.

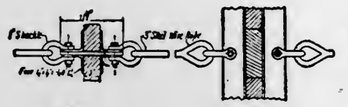
(d) (1) Where a tier of closely spaced pillars in a hold or compartment is utilized for supporting the shifting boards at the middle line, the sizes of the pillars shall be in accordance with the rules of approved classification societies for deck beam pillars.

(2) Where the pillars are not reeled or staggered, additional support shall be provided by means of hook-bolts and vertical tieplates or uprights secured to the pillars. Such tieplates shall consist of plates not less than 3 inches in width and ½ inch in thickness and shall be through-bolted at intervals of not more than 3 feet.

(e) The horizontal distances between the centers of uprights shall be specified in § 144.10–30 (b). Wood uprights used in association with wire stays, spaced as in § 144.10–60, shall be not less than 11 inches in width and 3 inches in thickness.

(f) The construction and dimensions of angle bar uprights used in association with wire stays shall conform to, or be equivalent to, the following:

(1) *Type I.* Each upright shall consist of 4 angle bars 4 by 4 by 0.40 inches and steel plate 11½ inches wide by .50 inch thick riveted to form one complete structure allowing 4-inch housings on both forward and after sides. Equivalent brackets riveted to head and heel shall be fitted, each to take five ⅞-inch bolts with corresponding lugs and/or angles on tank top, tunnel top, and hatch webs. See Figure 144.10–40 (f) (1) for illustration.



— Plan. — — Elevation. —

FIGURE 144.10–40 (f) (1)

(2) *Type II.* Metal uprights in accordance with Table 144.10–40 (f) (2). Vertical angle bars shall be connected at head and heel to the tank top, tunnel top, deck beams, and hatch webs by angle lugs having two ⅞-inch bolts in each angle bar upright and equivalent fastenings to tanktop, tunnel top, deck beams, and hatch webs. The vertical angle bars shall be bolted together through the shifting boards by ⅞-inch bolts not more than 4 feet apart. See figure 144.10–40 (f) (2) for illustration with overlap of shifting boards.

TABLE 144.10–40 (f) (2)

Horizontal distance between centers of uprights	Vertical spans supported by each stay	Sizes of angle bars
	Feet	*Inches*
8′ (2″ shifting boards)	8	3 x 3 x 0.38
8′ (2″ shifting boards)	11	3½ x 3½ x 0.38
8′ (2″ shifting boards)	14	4½ x 3½ x 0.44
11′ (2½″ shifting boards)	8	3 x 3 x 0.38
11′ (2½″ shifting boards)	11	4 x 3½ x 0.40
11′ (2½″ shifting boards)	14	6 x 3½ x 0.40
13′ (3″ shifting boards)	8	3 x 3 x 0.38
13′ (3″ shifting boards)	11	4 x 3½ x 0.42
13′ (3″ shifting boards)	14	6 x 3½ x 0.40

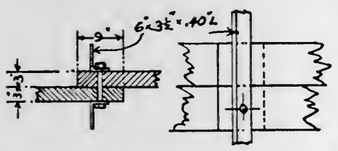


FIGURE 144.10–40 (f) (2).

(g) Wood uprights shall be supported by steel wire rope stays set up at the ship's side, or by wood shores securely heeled against the permanent structure of the ship, or by other approved means.

§ 144.10–50 Shores.

(a) All wood shores shall be of good sound timber in a single piece. Spliced shores shall not be used.

(b) The vertical spacing of wood shores shall be as follows:

(1) Except as provided in § 144.10–40 (c), the uppermost shore shall be not more than 7 feet below the top of the upright and succeeding shores shall be spaced 7 feet apart measured vertically from the uppermost shore downwards, except that a distance of 8 feet may be allowed between the lowest shore and the heel support.

(2) Shores may be heeled on the tanktop or ceiling provided the heels are secured by cleats or cants and efficiently braced against the permanent structure.

(3) Shores shall not be heeled directly against the ship's side plating.

(c) The sizes of wood shores shall be set forth in Table 144.10–50 (c).

TABLE 144.10–50 (c)

Length of shores	Minimum sizes	
	Rectangular section	Circular section diameter
	Inches	*Inches*
Not exceeding 16 feet	4 x 6	5½
Over 16 feet and not exceeding 20 feet	6 x 6	7
Over 20 feet and not exceeding 24 feet	6 x 8	7½
Over 24 feet and not exceeding 28 feet	[1] 6 x 8	8
Over 28 feet	[1] 6 x 8	8½

[1] Securely bridged at about midlength.

(d) Where the spacings of the shores or uprights are less than those prescribed by §§ 144.10–30 (b) and 144.10–50 (b), the sizes of the shores may be reduced in proportion, and where, in special circumstances, the spacings of the shores or uprights are increased, additional strength shall be provided as may be prescribed by the District Commander of the United States Coast Guard or his authorized representative.

(e) Shores should normally be fitted at an angle not exceeding 10 degrees from the horizontal; where this angle is exceeded the next larger size of shore to that required by its length shall be used. The angle between any shore and the surface to be supported shall not exceed 45 degrees from the horizontal.

§ 144.10–60 Stays.

(a) Where uprights are secured as approved at both head and heel, one stay on each side of each upright will be accepted in holds 20 feet and under in depth, to be placed at approximately ⅓ of the distance below the deck. Where the hold is more than 20 feet deep, 2 stays on each side of each upright shall be required, the upper stays to be placed at approximately ¼ of the distance below the deck and the lower stays at half the depth of the hold. Depths shall be measured to top of floor, inner bottom or tunnnel top.

(b) Where wire stays are used the following provisions shall apply:

(1) The stays shall be of at least 3-inch circumference flexible steel wire rope and shall be fitted horizontally;

(2) The rigging screws shall be at least 1¼-inch diameter and shall be fitted in accessible positions;

(3) The shackles shall be at least 1 inch;

(4) The eye bolts through the wood or angle bar uprights shall be at least 1¼ inches;

(5) At least ⅞-inch screw bolts and nuts shall be provided as may be necessary for securing the wood uprights or steel angle bars;

(6) Eye plates of at least 1 inch thickness shall be securely riveted to the side stringers or frames, or at least 1 inch shackles passed through the frames.

(c) Where in accordance with § 144.20–20 shifting boards do not extend the full depth of the hold, the shifting boards and their uprights shall be supported or stayed as provided for in the regulations in this part or to the satisfaction of the District Commander of the United States Coast Guard or his authorized representative.

§ 144.10–70 Feeders, bins, and bulkheads.

(a) Feeders, bins, and bulkheads shall be of sufficient strength to withstand the pressure of the head of grain contained therein and shall be made grain tight. When the height of the 'tween decks is greater than normal, special attention should be given to the stiffening and support of feeders and bins.

(b) Wood feeders and bin bulkheads may be constructed:

(1) Of planks worked vertically not less than 2½-inch thickness, but where the vertical unsupported span exceeds 8 feet the thickness of the planks shall be increased, or additional stiffening fitted; or,

(2) Of studding and lined with grain-tight boards 2 inches in thickness or two 1 inch layers of shiplap, laid horizontally with broken joints. Studding where possible shall be placed inside the hatch coamings and shall be not less than 4 inches by 6 inches on edge spaced not more than 2 feet centers.

(c) Wing feeders may be constructed in a similar manner around trimming hatches. In all cases the planks at the corners shall be well secured to substantial vertical cants.

(d) Where the depth of the hatch end beams or coamings exceeds 15 inches below the surface of the deck, feeding holes shall be provided to allow the grain to flow through the coamings into the hold or 'tween decks; where the depth of the coamings below the surface of the deck exceeds 15 inches and is not more than 18 inches feeding holes 2 inches in diameter shall be provided. Where the depth exceeds 18 inches feeding holes of 3½-inch diameter shall be provided. Feeding holes shall be spaced approximately 2 feet apart.

(e) Engine room, boiler room, stokehold bulkheads and donkey boiler recesses where subjected to heat shall be sheathed with wood and made grain tight. An air space of at least 6 inches shall be left between the bulkhead and the sheathing and a box trunk ventilator 6 inches by 8 inches shall be provided from the top of the air space to a ventilator or hatchway, or other equal and approved means of ventilation adopted. Sheathing shall be supported on vertical runners spaced not more than 2 feet centers and shall consist of 2 inch planks or two thicknesses of 1 inch boards laid to break joint. Other approved means of insulation may be accepted.

(f) Feeders or bin bulkheads may be constructed of bagged grain: *Provided,* That:

(1) The bags are tightly stowed and interlocked.

(2) Whenever practicable the bags are so stowed as to engage firmly with the vessel's sides, bulkheads, and other convenient structures. Where this is not possible, the bagged bulkheads are to be not less than 11 feet (mean) in thickness and stepped.

(3) Transverse bagged bulkheads not in way of hatchways or forming feeders but supporting grain on one side only are to be not less than 11 feet (mean) in thickness and stepped.

(4) In place of bagged grain, as required by this section, cased, baled, or other suitable cargo may be used provided it is equally strongly supported and made grain-tight with strong separation cloths.

§ 144.10–80 Security of hatches.

(a) Vessels carrying loose grain in bulk shall have suitable means of securing hatchways and other weather deck openings. Hatch covers and their supports shall be in good condition and properly battened down using good and sufficient tarpaulins, cleats and wedges where necessary.

§ 144.10–90 Equivalents.

(a) Where the regulations in this part require a particular fitting, appliance or apparatus or type thereof, shall be fitted or carried in a ship, or that any particular provisions shall be made, the District Commander of the United States Coast Guard or his authorized representative may allow any other fitting, appliances or apparatus, or type thereof, to be fitted or carried, or any other provision to be made, if it is satisfactorily shown that such other fitting, appliance or apparatus, or type thereof, or provision is at least as effective as that required by the regulations in this part.

(b) In any case where it is shown to the satisfaction of the Commandant that the use of specified loading and stowage requirements in this part are unreasonable or impracticable, the Commandant may permit the use of equivalent loading and stowage requirements in lieu of those described in this part to such extent and upon such conditions as will insure to his satisfaction a degree of safety consistent with the minimum standards set forth in Subparts 144.10 to 144.30, inclusive.

§ 144.10–95 Responsibility of owner or master.

(a) The loading of bulk grain in accordance with the regulations in this part is a responsibility of the master, who shall designate a competent responsible person to be in constant attendance during loading operations. Nothing in the regulations in this part shall be deemed to relieve the owner or master of a ship from taking all necessary and reasonable precautions to prevent grain from shifting.

Subpart 144.20—Detailed Loading and Stowage Requirements

§ 144.20–1 Trimming and filling.

(a) The safe loading of grain, in accordance with the regulations in this part, is vitally dependent upon compartments which are treated as entirely filled, being actually well trimmed so as to fill all the spaces between the beams and in the wings and ends. It is equally important that the feeders be loaded and trimmed so as to contain at least the minimum percentage of grain required by the regulations in this part.

(b) Spaces which are to be partly filled and bagged off, or equivalent, must be levelled for proper bagging.

§ 144.20–2 Bagged grain.

(a) Bagged grain stowed in a hold, compartment or bin with loose grain in bulk shall be in sound bags, well filled and securely closed.

§ 144.20–10 Stowage of full holds and compartments.

(a) Subject to the provisions of § 144.20–22, any hold or compartment which is entirely filled with bulk grain shall be divided either by a longitudinal bulkhead or by a shifting board in line with, or not more than 5 percent of the molded breadth of the vessel from the center line; or by longitudinal bulkheads or shifting boards off the centerline of the vessel, port and starboard, provided the distance between them shall not exceed 60 percent of the molded breadth of the vessel, and that in this latter case trimming hatches of suitable size shall be provided in the wings at longitudinal intervals of not more than 25 feet with end trimming hatches placed not more than 12 feet from transverse bulkheads. In every case the longitudinal bulkheads or shifting boards shall be properly constructed and fitted grain-tight with proper fillings between the beams. In holds such longitudinal bulkheads or shifting boards shall extend downwards from the underside of the deck to a distance of at least one-third of the depth of the hold or 8 feet, whichever is the greater. In compartments in tween decks and superstructures they shall extend from deck to deck. Except as provided otherwise in this section, longitudinal bulkheads or shifting boards shall extend to the top of the feeders of the hold or compartment in which they are situated.

(b) In the case of vessels loaded with bulk grain other than linseed, in which a metacentric height (after correction for the free surface effects of liquids in tanks and as otherwise noted in this part) is maintained throughout the voyage of not less than 1¾ percent of the vessel's beam but not less than 12 inches in the case of one or two deck vessels, and not less than 2 percent of the vessel's beam but not less than 14 inches in the case of other vessels, longitudinal bulkheads or shifting boards need not be fitted in the following locations and subject to the following conditions:

(1) Below and within 7 feet of a feeder, but only in way of a hatchway, if that feeder contains, or all the feeders collectively feeding a compartment contain, not less than 5 percent of the quantity of grain carried in that compartment.

(2) In feeders which meet the requirements of subparagraph (1) of this paragraph and which have such dimensions that the free grain surface will remain within the feeders throughout the voyage, after allowing for a settling of grain amounting to 2 percent of the volume of the compartment fed and a shift of the free grain surface to an angle of 12 degrees to the horizontal. In calculating the net minimum metacentric height, the heeling moment due to such a grain shift shall be allowed for by taking a deduction equal to this moment divided by the product of the displacement and the sine of 5 degrees.

(3) In way of the hatchway where the bulk grain beneath the hatchway is trimmed in the form of a saucer hard up to the deckhead beyond the hatchway and is topped off with bagged grain or other suitable bagged cargo extending to a height in the center of the saucer of not less than 6 feet above the top of the bulk grain (measured below the deck line). In this case, the bagged grain or other suitable bagged cargo shall fill the hatchway and the saucer below and shall be stowed tightly against the deckhead, the longitudinal bulkheads, the hatchway beams and the hatchway side and end coamings. For the purposes of this subparagraph suitable packaged general cargo having a stowage factor of not less than 25 cubic feet or not more than 70 cubic feet per ton, and of such unit dimension that it can be stowed tightly to completely fill the saucer, may be used in place of bagged cargo provided a tarpaulin or separation cloth is used between the cargo and the grain.

§ 144.20–20 Feeders required.

(a) Except as otherwise provided in § 144.20–10(b)(3) and as subsequently otherwise provided in this section, any hold or compartment which is entirely filled with bulk grain shall be fed by suitably placed and properly constructed feeders so as to secure a free flow of grain from the feeder to all parts of that hold or compartment. Each feeder shall contain not less than 2½ percent nor more than 8 percent of the quantity of grain carried in that part of the hold or compartment that it feeds, except as provided in § 144.20–10(b)(1). Feeders which do not extend to the weather deck but which instead open up into a tween deck shall either be of such dimensions and filling level that a shift of grain free surface to an angle of 12 degrees to the horizontal cannot spill out of the feeder, or the grain free surface shall be secured against such shifting and spillage.

(b) When bulk grain is carried in deep tanks primarily constructed for the carriage of liquids, or in other spaces of comparable size, location, arrangement, and construction, of breadth not exceeding half the vessel's beam, or that are divided by one or more permanent steel longitudinal divisions fitted grain-tight, feeders to these spaces may be omitted if the tanks and tank hatchways are completely filled and the hatch covers secured.

§ 144.20–22 Stowage of partly filled holds and compartments.

(a) Subject to the provisions of § 144.–20–24, if any hold or compartment is

partly filled with bulk grain, it shall comply with both of the following conditions:

(1) It shall be divided by a longitudinal bulkhead or shifting boards, in line with, or not more than 5 percent of the molded breadth of the vessel from the center line or by longitudinal bulkheads or shifting boards off the center line of the vessel port and starboard, provided that the distance between them shall not exceed 60 percent of the molded breadth of the vessel. In every case the longitudinal bulkheads or shifting boards shall be properly constructed and shall extend from the bottom of the deck, as the case may be, to a height of not less than 2 feet above the surface of the bulk grain. In the case of vessels loaded with bulk grain other than linseed, in which a metacentric height (after correction for the free surface effects of liquids in tank) is maintained throughout the voyage of not less than 1¾ percent of the vessel's beam but not less than 12 inches in the case of one or two deck vessels, and not less than 2 percent of the vessel's beam but not less than 14 inches in the case of other vessels, longitudinal bulkheads or shifting boards may be omitted in way of the hatchway.

(2) The bulk grain shall be levelled and topped off with bagged grain or other suitable cargo tightly stowed and extending to a height of not less than 4 feet above the top of the bulk grain within spaces or portions of spaces divided by such longitudinal bulkheads or shifting boards, and not less than 5 feet within portions of spaces not so divided. The bagged grain or other suitable cargo shall be supported on suitable platforms laid over the whole surface of the bulk grain. Such platforms shall consist of bearers spaced not more than 4 feet apart and 1 inch boards laid thereon spaced not more than 4 inches apart, or of strong separation cloths with adequate overlapping.

(b) Unless stability data indicates that the metacentric height maintained throughout the voyage (after correction for the free surface effects of liquids in tanks) is at least 1¾ percent of the vessel's beam but not less than 12 inches in the case of one or two deck vessels, and not less than 2 percent of the vessel's beam but not less than 14 inches in the case of other vessels, not more than two holds or compartments shall be partly filled with bulk grain; except that other holds or compartments may be partly filled with bulk grain if they are filled up to the deckhead with bagged or other suitable cargo. For the purpose of this paragraph the following conditions apply:

(1) Superimposed tween decks shall be regarded as separate compartments and separate from any lower hold below them.

(2) Feeders and partly filled spaces, referred to in § 144.20–30(a)(2) shall not be regarded as compartments.

(3) Holds or compartments provided with one or more grain-tight longitudinal divisions shall be regarded as one hold or compartment.

§ 144.20–24 Exceptions to the requirements for longitudinal bulkheads.

(a) The fitting of longitudinal bulkheads or shifting boards in accordance with the provisions of § 144.20–10 and 144.20–22 is not required under the following conditions:

(1) In a lower hold (which term also includes the lower part of the hold of a single deck vessel) if the bulk grain therein does not exceed one-third of the capacity of the hold, or where such lower hold is divided by a shaft tunnel, one-half the capacity of that lower hold; or,

(2) In any space in a tween deck or superstructure provided that the wings are tightly stowed with bagged grain or other suitable cargo to a breadth on each side of not less than 20 percent of the breadth of the vessel in way thereof; or,

(3) In those parts of spaces where the maximum breadth of the deckhead within the said spaces does not exceed one-half of the molded breadth of the vessel.

§ 144.20–26 Trimming and bagging of end spaces.

(a) When the distance, measured in a fore and aft line, from any part of a hold or compartment to the nearest feeder exceeds 25 feet, the bulk grain in the end spaces beyond 25 feet from the nearest feeder shall be levelled off at a depth of at least 6 feet below the deck, and the end spaces filled with bagged grain built up on a suitable platform constructed as required in § 144.20–22(a)(2).

§ 144.20–28 Common loading.

(a) For the purpose of §§ 144.20–10 and 144.20–20 lower holds and tween deck spaces over them may be loaded as one compartment under the following conditions:

(1) The hatches to spaces so treated as common spaces shall be of such proportions and shall have sufficient volume within their coamings and above deck so as to serve as feeders, based upon the total volume of the common spaces served.

(2) Longitudinal bulkheads or shifting boards shall be fitted deck to deck, and in all cases for the full length of the space, in the tween deck of a vessel having two decks; in all other cases the longitudinal bulkheads or shifting boards shall be fitted for the upper third of the total depth of the common spaces.

(3) In order to secure an adequate flow of grain all spaces shall comply with the requirements of § 144.20–26. Additionally, openings shall be provided in the wings of the deck immediately below the uppermost deck forward and aft of the ends of the hatchways so as to provide in combination with the hatchways a maximum fore and aft feeding distance of 8 feet. Such openings shall be located approximately on the diagonal line between the hatch corners and the corners of the tween deck spaces.

(4) The metacentric height maintained throughout the voyage (after correction for the free surface effects of liquids in tanks) shall not be less than 1¾ percent of the vessel's beam but not less than 12 inches in the case of one or two deck vessels and not less than 2 percent of the vessel's beam but not less than 14 inches in the case of other vessels.

§ 144.20–30 Bulk grain in tween decks and superstructures.

(a) Bulk grain shall not be carried above deck, in the tween deck of a two-deck vessel, or in the upper tween deck of a vessel having more than two decks except under the following conditions:

(1) The bulk grain or other cargo shall be stowed so as to ensure maximum stability. The metacentric height maintained throughout the voyage (after correction for the free surface effects of liquids in tanks) shall not be less than 1¾ percent of the vessel's beam but not less than 12 inches in the case of one or two deck vessels, and not less than 2 percent of the vessel's beam but not less than 14 inches in the case of other vessels. Where specific data on metacentric height is not available, grain loaded above deck, in the tween deck of a two deck vessel, or in the uppermost tween deck of a vessel having more than two decks, shall not exceed 28 percent by weight of the total cargo below the space concerned; except that this limitation shall not apply when the grain carried above deck or in the uppermost tween deck is oats, barley, or cotton seed. The conditions in this subparagraph are in all cases subject to the additional condition that the master is satisfied that the ship will have adequate stability throughout the voyage.

(2) The deck area of any portion of the spaces referred to in this section which contains bulk grain and which is only partly filled shall not exceed 1,000 square feet.

(3) All spaces referred to in this section in which bulk grain is stowed shall be subdivided by transverse bulkheads at intervals of not more than 100 feet. When this distance is exceeded the excess space shall be entirely filled with bagged grain or other suitable cargo.

§ 144.20–32 Stowage of specially suitable ships.

(a) Ships which are generally of self-trimming type, specially designed and constructed for the carriage of bulk cargoes and having two or more vertical or sloping grain-tight longitudinal divisions suitably disposed to limit the effect of any transverse shift of grain, may carry bulk grain without regard to the requirements of §§ 144.20–10 through 144.20–30 subject however to compliance with the following requirements:

(1) As many holds and compartments as possible shall be full and trimmed full.

(2) For any specified arrangement of stowage the metacentric height at any stage of the voyage (after correction for the free surface effects of liquids in tanks) shall be sufficient so that the list resulting from the heeling moment due to the following assumed shift of grain shall not exceed 5 degrees or the angle at which one-half the freeboard is immersed, if less.

(3) In all holds and compartments, grain surfaces are assumed to settle 2 percent by volume and at a slope of 30 degrees under all surfaces which have an inclination of less than 30 degrees to the horizontal. All resulting grain free surfaces except those sloping opposite to the direction of list (i.e., sloping towards the high side after list) are assumed to shift to an angle of 12 degrees with the original horizontal.

(4) However, any grain surfaces which are overstowed in accordance with § 144.20–22 shall be assumed to shift after settling, to an angle of 8 degrees with the original horizontal.

(5) Where the metacentric height necessary to compliance with the provisions of this section is considered to be excessive, the design of vessel will be required to be suitably modified or stowage in accordance with §§ 144.20–10 through 144.20–30 will be required.

(6) Where acceptance under the provisions of this section is desired, calculations relative to the anticipated loading and to the foregoing stability requirements shall be submitted to the Commandant, U.S. Coast Guard, for approval prior to commencement of construction. These will be subject to confirmation by a stability test as provided in § 93.05–1 of Subchapter I (Cargo and Miscellaneous Vessels) of this chapter.

(b) Where considered necessary, supplementary conditions shall be required either with respect to the vessel's design and construction, or with respect to particular loading precautions to prevent shifting of grain.

§ 144.20–34 Stability conditions.

(a) It is a condition of acceptance of loading based upon the stability limits specified in this subpart that the vessel shall be supplied with plans and stability data, approved by the Commandant, including the following information:

(1) A capacity plan, including grain capacities and centers.

(2) The minimum acceptable GM when carrying grain.

(3) Stability data applicable to typical loading conditions for grain and other homogeneous cargoes when loaded at stowage factors of 45, 55, 65, 75 cubic feet per ton. Such data shall be given, in each case, both for typical departure and arrival conditions. Where an arrival condition includes salt water ballast, and an intermediate tankage condition results in a lesser GM, such intermediate condition shall also be given. In calculating the available GM, free surface allowance shall be made for all slack liquids, but in no case shall the free surface correction used be less than that corresponding to maximum free surface for the pair of tanks, port and starboard, of each type, having the largest free surface, plus the fuel oil settlers, plus the virtual free surface at 5 degrees heel for all nominally full fuel oil tanks (taken 98 percent full).

(4) To provide for conditions wherein shifting boards may be omitted, as provided by § 144.20–10(b)(2), grain free surface applicable to feeders not fitted with shifting boards shall be given. In order to provide flexibility in the subsequent selection of feeder arrangements, this free surface shall be presented as a function of the aggregate length of feeders, grain density, and vessel displacement rather than as just applying to any specific grain stowage arrangement.

(b) The stability information supplied specially suitable ships shall, in general, comply with this section subject to such modification as is necessary, having regard for their special arrangements.

(c) Double bottom tanks having a width measured at half length in excess of 60 percent of the vessel's molded breadth shall in no case be permitted. Such tanks shall therefore be divided by a watertight longitudinal division.

§ 144.20–36 Grain loading plans.

(a) Vessels carrying grain shall be loaded in accordance with grain loading plans bearing the approval of the National Cargo Bureau, Inc., or of another agency otherwise officially designated. A grain loading plan shall take into account the applicable requirements of this subchapter and shall indicate the main characteristics of the fittings used to prevent the shifting of cargo. It shall indicate the distribution and the circumstances of loading. Additionally, in all cases where approval is dependent upon the stability limits specified in this subpart, it shall, in conjunction with the information called for by § 144.20–34, indicate the applicable minimum GM and associated tankage conditions.

(b) A grain loading plan, in addition to the language in which it is given, shall be annotated in at least one other of the following languages: English, French, Spanish, or Russian.

(c) A copy of the grain loading plan shall be maintained at all times on the vessel. The master, if so required, shall produce it for the inspection of the appropriate authority of the port in which loading takes place.

(d) A grain loading plan and associated stability information approved for a vessel belonging to a country which is a party to the effective International Safety of Life at Sea Convention, issued either under the authority of the government of that country or under the authority of another government which is a party to that Convention upon the request of the first government, will be accepted by the United States. Other contracting governments have agreed to accept such information as evidence that the vessel, when loaded in accordance with this grain loading plan, meets the applicable grain loading requirements of the effective Convention.

(e) Vessels not having a grain loading plan approved in accordance with the paragraph (d) of this section may expect to be required to comply in detail with the rules of the country in which the loading port is situated.

Subpart 144.30—Vessels Shifting Ports

§ 144.30–1 Shifting vessels with part cargoes of loose grain in bulk.

(a) The regulations in this subpart shall apply to vessels loaded with part cargoes of loose grain in bulk shifting between ports for the purpose of loading additional cargo and modify certain requirements under Subpart 144.20. Masters of all vessels shifting ports under these modified requirements shall check with the Weather Bureau to ascertain the forecast of the weather to be encountered on the voyage and shall not proceed under these conditions when unusually adverse weather conditions are indicated.

(b) Vessels subject to the regulations in this part, moving between ports totally within the inland waters of the United States, may load any amount of loose grain in bulk without securing the grain provided shifting boards extend above the grain in each hold at least 2 feet. Vessels that have no longitudinal bulkheads or shifting boards in the lower holds shall comply with § 144.20–24(a)(1).

(c) Vessels shifting between United States ports along the east coast as far south as Cape Henry, between Gulf ports, between Puget Sound ports and West Coast Canadian ports, between Puget Sound ports and Columbia River ports, between San Francisco, Los Angeles Harbor and San Diego, or between Great Lakes ports and St. Lawrence River ports as far east as a straight line drawn from Cap de Rosiers to West Point, Anticosti Island, and on the north side of Anticosti Island following the 63d meridian may load the following amounts without securing the grain provided the grain is covered with dunnage boards placed fore and aft and athwartship:

(1) Any hold with less than 50 percent of its bulk grain capacity provided shifting boards extend above the grain in each hold at least 2 feet.

(2) One hold with more than 50 percent of its bulk grain capacity and one other hold with less than 50 percent of its bulk grain capacity provided shifting boards extend above the grain in each hold at least 2 feet.

(3) Where no longitudinal bulkheads or shifting boards are required to be erected, only two slack holds not exceeding the capacities specified in § 144.20–24(a)(1).

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PART III

Small Business Administration

System of Account Classifications for Small Business Investment Companies



THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

Rules and Regulations

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 2]

PART 111—SYSTEM OF ACCOUNT CLASSIFICATIONS FOR SMALL BUSINESS INVESTMENT COMPANIES

Pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85–699, 72 Stat. 694, as amended, there is revised, as set forth below, Part 111 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations, as published in 30 F.R. 4016–4040.

Information and effective date. On October 22, 1965, notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 13486–13501) concerning the revision of the System of Account Classifications for Small Business Investment Companies (Part 111).

After due and careful consideration of the comments received, the Administration has determined to adopt Revision 2 of Part 111, set forth below, as being in furtherance of the best interests of the SBIC program.

The present revision, which shall become effective April 1, 1966, incorporates the text of the proposals published on October 22, 1965, except for the following changes:

1. Four principal accounts have been added and one eliminated, thus causing the final reduction in the number of principal accounts to be from 172 in Revision 1 to 118 in Revision 2.

2. The series of account numbers for deposits in banks has been changed from 100–102 to 100–108.

3. The accounts for time deposits in banks, evidenced by time certificates of deposit, have been moved from the category of cash on hand and in banks to the category of investments in U.S. Government securities, insured savings accounts, and time certificates of deposit.

4. The wording of the texts of accounts Nos. 151, Allowance for Uncollectible Notes and Accounts Receivable, and 171, Allowance for Uncollectible Loans (section 305), has been amended to conform with the other allowance for losses accounts by indicating that the accounts will reflect the best available estimate of probable losses on the related assets.

5. A credit item has been added to each of the asset accounts for loans and debt securities to be contra to debit item (a) of the respective accounts for loans and debt securities sold with recourse.

6. The accounts for capital stock subscriptions receivable have been included in the capital stock category of accounts.

7. Account No. 354, Estimated Income Taxes Accrued, has been provided with subaccounts to permit separate accounting for accruals of Federal, State, city, and other income taxes. Related accounts Nos. 720, Income Taxes—Net Income, and 722, Income Taxes—Net Realized Gain on Investments, have also been provided with subaccounts to permit separate accounting for Federal, State, city, and other income tax expenses.

8. Separate accounts provided for unearned discount, fees, and other charges on loans, and on debt securities, have been moved from the category of other liabilities and deferred credits to the categories for loans and for debt securities, respectively.

9. Debit item (c) of account No. 425, Retained Earnings, has been changed to indicate that stock dividends may be issued at a per share value representing the higher of fair value or average paid-in capital per share, rather than at not less than average paid-in capital per share.

10. Account No. 534, Investigation and Service Fees Charged Other Lenders, has been amended to include compensation for financial services rendered in connection with participations sold.

11. Debit item (a) of account No. 579, Gain on Other Assets, and credit item (a) of account No. 709, Loss on Other Assets, have been changed to indicate that these accounts are closed into the realized gain and loss summary at the end of the fiscal year, rather than into the profit and loss summary.

12. The title and text of account No. 651 have been changed to exclude financial service costs from this operating account. The new title is "Appraisal and Investigation Costs."

13. Separate accounts for insurance and for advertising and promotional costs, proposed to be eliminated, have been restored.

14. The separate account for miscellaneous services and supplies has been eliminated, with the information previously recorded therein now to be reflected in account No. 679, Miscellaneous Operating Expenses. The text of the latter account has been amended further to provide for expenses incurred under contracts for management of the company, and for dues, subscriptions, donations, etc.

15. In the October 22, 1965, proposals the eight expense accounts providing for losses were combined into one account. In this finalized revision, the following two accounts are established: No. 680, Estimated Losses on Receivables, and No. 682, Estimated Losses on Loans, Investments, and Other Assets.

16. A new nominal asset account has been added to the Memorandum Records to reflect undisbursed commitments from SBA.

Dated: December 23, 1965.

ROSS D. DAVIS,
Executive Administrator.

General Instructions

1. This system of account classifications for small business investment companies (effective April 1, 1966) is adaptable to manual or machine accounting procedures employing the double-entry method, and is otherwise designed to meet the specific needs of companies licensed in accordance with the provisions of the Small Business Investment Act of 1958, as amended.

2. Account classifications in use by companies licensed prior to issuance of this revised system shall be converted to the classifications set forth herein as of April 1, 1966. A small business investment company which considers that it needs one or more additional accounts may submit a detailed description of the proposed account(s) to SBA for consideration, and, upon receipt of written approval thereof, may incorporate such additional accounts into its accounting system.

3. Subdivisions of any account in this system of account classifications may be kept in the general ledger without the prior approval of SBA, provided that such subaccounts do not impair the integrity of the accounts set forth in the prescribed system. All such subaccounts shall refer by number and title to the accounts of which they are subdivisions, and a description of such subaccounts shall be furnished to SBA promptly upon their establishment. Use of a decimal system is required for extending the account numbers to identify such subaccounts.

4. This account classifications system provides for two-digit number designations for major categories under which accounts are listed, and three-digit number designations for individual general ledger accounts. The first two digits of an individual account number refer to the major category under which the account is classified and the third digit identifies the specific account. Digits from zero through nine are used to identify specific accounts. For example, the first deposit bank account established will be designated "100" and the second "101." It will be noted that some categories encompass individual accounts in sufficient number to require assignment of more than one two-digit number to identify the category. For example, "Cash on Hand and in Banks" has been assigned category numbers "10," "11," and "12."

5. Books of account shall be maintained on an accrual basis and, at the end of each month, all transactions and accruals applicable to the month, as nearly as may be ascertained, shall be entered in the books.

6. It is very important that complete and accurate records of all nominal assets and contingent liabilities be maintained. This is especially true with respect to outstanding commitments (1) to finance small business concerns through loans to them or the acquisition of their equity securities, and (2) to make funds available to other lenders through deferred participations. A section providing for the maintenance of appropriate memorandum records is included herein, covering nominal assets, contingent liabilities, and options on the capital stock of the small business investment company.

7. Each small business investment company shall keep its books of account, and all other books, records, and memoranda which support in any way the entries in its books of account, in such manner as to be able readily to furnish full information on any item included in any account. The books and records referred to herein include not only accounting records in a limited technical sense, but all other records, such as minute books, capital stock records, reports, correspondence, and memoranda which may be useful in developing the history of, or facts regarding, any transaction.

8. Nothing contained in this system of account classifications can or is intended to authorize or approve any operation or action by a Licensee, or any other, not authorized or approved by the Small Business Investment Act of 1958, as amended.

ASSET AND VALUATION ACCOUNTS

10–12—Cash on Hand and in Banks

100–108 Deposits in _____ bank.
110–112 Deposits in imprest account in _____ bank.
118 Cash items in process of collection.
120 Petty cash fund.

13—Investments in U.S. Government Securities, Insured Savings Accounts, and Time Certificates of Deposit

130 U.S. Government obligations, direct and fully guaranteed.
131 Insured savings accounts.
135–137 Time deposits in _____ bank.

14–15—Notes and Accounts Receivable

140 Notes receivable.
150 Accounts receivable.
151 Allowance for uncollectible notes and accounts receivable.

16—Accrued Interest Receivable

160 Accrued interest receivable.
161 Allowance for uncollectible interest receivable.

17—Loans to Small Business Concerns

170 Loans (section 305).
171 Allowance for uncollectible loans (section 305).
173 Unearned discount, fees, and other charges on loans (section 305).
179 Funds in escrow pending closing of financing.

18—Debt Securities of Small Business Concerns

180 Debt securities, convertible, and with stock purchase warrants or options (section 304).
184 Debt securities divested of stock rights (section 304).
185 Allowance for losses on debt securities (section 304).
187 Unearned discount, fees, and other charges on debt securities (section 304).

19—Capital Stock and Stock Rights of Small Business Concerns

190 Capital stock of SBCs, convertible, and with stock purchase warrants or options.
192 Capital stock of SBCs—other.
198 Allowance for losses on capital stock of SBCs.
196 Warrants, options, and other stock rights acquired from SBCs.
197 Allowance for losses on warrants, options, and other stock rights acquired from SBCs.

20—Assets Acquired in Liquidation of Loans and Debt Securities

200 Assets acquired in liquidation of loans and debt securities.
201 Allowance for losses on assets acquired in liquidation of loans and debt securities.
203 Accumulated depreciation on assets acquired in liquidation of loans and debt securities.

22—Prepaid Expenses and Deferred Charges

220 Prepaid expenses and deferred charges.

23—Furniture and Equipment

230 Furniture and equipment.
231 Accumulated depreciation on furniture and equipment.

24—Corporate Premises Owned

240 Corporate premises owned.
241 Accumulated depreciation on corporate premises owned.
242 Leasehold improvements.

25—Other Assets

255 Amounts due from directors, officers, and employees.
256 Organization costs.
257 Other assets.

LIABILITY ACCOUNTS

30—Notes and Other Obligations Payable to SBA for Funds Borrowed

300 Notes payable to SBA.
302 Debentures payable, subordinated, issued to SBA.

31—Notes and Other Obligations Payable to Other than SBA for Funds Borrowed

310 Loans sold with recourse.
312 Debt securities, convertible, and with stock purchase warrants or options sold with recourse.
314 Debt securities divested of stock rights sold with recourse.
315 Notes payable to other than SBA—guaranteed by SBA.
316 Notes payable to other than SBA—not guaranteed by SBA.
317 Mortgages payable for funds borrowed.
318 Mortgages payable on assets acquired in liquidation of loans and debt securities.

32—Notes Payable—Other

320 Notes payable—other.

34—Accounts Payable

340 Accounts payable.

35—Accrued Expenses Payable

350 Accrued interest payable.
351 Accrued taxes on payroll.
354 Estimated income taxes accrued.
358 Other accrued expenses.

36—Dividends Payable

360–364 Dividends payable on _____ (Type and class) _____ capital stock.

37—Deposit Liabilities

370 Employee taxes withheld.
374 Unapplied receipts.
378 Miscellaneous trust receipts.

38—Other Liabilities and Deferred Credits

381 Other liabilities.
383 Other deferred credits.

CAPITAL STOCK AND SURPLUS ACCOUNTS

40–41—Capital Stock

400–404 _____ capital stock authorized. (Type and class)
405–409 _____ unissued capital stock. (Type and class)
410–411 _____ capital stock subscribed. (Type and class)
413–414 Capital stock subscriptions receivable _____ (Type and class)
415–419 Treasury stock _____ (Type and class)

42—Surplus

420 Paid-in surplus.
425 Retained earnings.
427 Appropriated retained earnings.
429 Profit and loss summary.
430 Realized gain and loss summary.

INCOME ACCOUNTS

50—Commitment Income

500 Commitment income.

51–52—Interest Income

504 Interest on invested idle funds.
512 Interest on loans.
516 Interest on debt securities.
520 Interest income—other.

53—Fee Income

532 Management consulting service fees.
534 Investigation and service fees charged other lenders.
536 Application and appraisal fees.

54—Dividends and Other Earnings

540 Dividends on capital stock of SBCs.
541 Sharings in income of SBCs.

57—Gain on Securities and Other Assets

570 Gain on U.S. Government securities.
572 Gain on debt securities (section 304).
576 Gain on capital stock of SBCs.
577 Gain on warrants, options, and other stock rights acquired from SBCs.
578 Gain on assets acquired in liquidation of loans and debt securities.
579 Gain on other assets.

58—Miscellaneous Income

582 Income from assets acquired in liquidation of loans and debt securities.
584 Other income.

EXPENSE ACCOUNTS

60—Commitment Expense

600 Commitment expense.

61–62—Interest Expense

610 Interest on obligations payable to SBA.
622 Interest on obligations payable to other than SBA.

64—Stock Record and Other Financial Expenses

642 Stock record and other financial expenses.

85–67—Operating Expenses

650–679 Operating expenses.
650 Advertising and promotional costs.
651 Appraisal and investigation costs.
652 Auditing and examination costs.
653 Communications.
654 Cost of space occupied.
655 Depreciation of corporate premises owned, furniture, and equipment.
657 Directors' and stockholders' meetings costs.
658 Insurance.
660 Investment adviser costs.
661 Legal services.
663 Salaries.
664 Taxes, excluding income taxes.
665 Travel.
670 Employee benefits expense.
672 Organization expense.
679 Miscellaneous operating expenses.

68—Estimated Losses on Receivables, Investments, and Other Assets

680 Estimated losses on receivables.
682 Estimated losses on loans, investments, and other assets.

70—Loss on Securities and Other Assets

700 Loss on U.S. Government securities.
702 Loss on debt securities (section 304).
706 Loss on capital stock of SBCs.
707 Loss on warrants, options, and other stock rights acquired from SBCs.
708 Loss on assets acquired in liquidation of loans and debt securities.
709 Loss on other assets.

71—Miscellaneous Expenses

710 Expense on assets acquired in liquidation of loans and debt securities.
715 Other expenses.

72—Income Taxes

720 Income taxes—net income.
722 Income taxes—net realized gain on investments.

MEMORANDUM RECORDS

Nominal Assets

NA–10 Stock purchase warrants or options on stock of SBC's.
NA–12 Undisbursed commitment from SBA.

Contingent Liabilities

CL–16 Commitments outstanding.
CL–17 Other contingent liabilities.

Options on Company's Stock

OCS–1 Options on company's stock.

ASSET AND VALUATION ACCOUNTS

100–108 Deposits in _____ bank.

These accounts will represent funds on demand deposit in banks which are members of the Federal Deposit Insurance Corporation.

Debit: (a) With amount of funds deposited.

Credit: (a) With amount of funds withdrawn, and charges made by bank for such items as dishonored checks, transfer of funds by wire, collection, exchange, etc.

110–112 Deposits in imprest account in _____ bank.

These accounts will represent funds on demand deposit in imprest bank accounts to be drawn upon for the payment of operating expenses and to be reimbursed periodically through deposit therein of a check requiring dual signatures and drawn on the company's general funds bank account.

Debit: (a) With amount of funds deposited.

Credit: (a) With amount of funds withdrawn.

118 Cash items in process of collection.

This account will represent the amount of cash items placed with banks for collection.

Debit: (a) With amount of such items placed with banks for collection.

Credit:
(a) With amount of items collected.
(b) With amount of uncollected items returned or withdrawn.

120 Petty cash fund.

This account will represent the imprest petty cash fund maintained for the purpose of making small disbursements.

Debit:
(a) With amount placed in the fund when established.
(b) With amount of increase in the fund.

Credit: (a) With amount of decrease in the fund.

NOTE: The petty cash fund may be reimbursed and expenditures recorded as often as circumstances require, but must be reimbursed at the close of the company's fiscal year. Checks to replenish the fund will be drawn on a general fund bank account and include "petty cash" as a payee. Debits totaling the amount of this replenishment should be made concurrently to the appropriate accounts.

130 U.S. Government obligations, direct and fully guaranteed.

This account will represent the cost of temporary investments made from general cash funds in direct obligations of the U.S. Government and obligations guaranteed as to principal and interest by the U.S. Government. When U.S. Savings Bonds redeemable at par value on maturity are purchased at less than face value, the increase in redemption value may be periodically charged to this account with concurrent credit to account No. 504—Interest on invested idle funds.

Debit:
(a) With cost of such securities acquired.
(b) With increase in redemption value of U.S. Savings Bonds.

Credit:
(a) With redemption value of U.S. Savings Bonds redeemed.
(b) With cost of such securities sold or disposed of otherwise.

NOTE: Increase in value over cost of U.S. Treasury bills, which are issued at a discount and are noninterest bearing, will not be reflected in this account but will be debited at the end of each month to account No. 160—Accrued interest receivable, with concurrent credit to account No. 504—Interest on invested idle funds.

(See accounts Nos. 570 and 700)

131 Insured savings accounts.

This account will include the balances in subaccounts Nos. 131.1, 131.2, etc.

131.1 Insured savings in _____.

This account will represent funds invested in an insured savings account in an institution the accounts of which are insured by the Federal Savings and Loan Insurance Corporation.

Debit:
(a) With amount of funds invested.
(b) With amount of dividends earned on such invested funds.

Credit: (a) With amount of funds withdrawn.

135–137 Time deposits in _____ bank.

These accounts will represent funds on time deposit in banks which are members of the Federal Deposit Insurance Corporation.

Debit: (a) With amount of funds deposited.

Credit: (a) With amount of funds withdrawn.

140 Notes receivable.

This account will represent the unpaid balance of miscellaneous notes receivable, including notes representing amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities.

Debit: (a) With amount of such miscellaneous notes received.

Credit:
(a) With amount collected on principal of such miscellaneous notes.
(b) With unpaid principal balance written off or disposed of otherwise.

NOTE: Recording as income of amounts entered in this account should be discontinued with respect to any small business concern which is in bankruptcy, or on the verge thereof, or otherwise considered to be insolvent. The amounts in question should be credited as deferred income in account No. 383—Other deferred credits, pending determination of the appropriate accounting. In less serious situations, when the debtor small business concern has not earned the amount of the receivable, or the fair value of its debt or equity instruments held by the company, as determined by the Board of Directors, is less than cost, or recovery thereon is doubtful, an addition to the allowance for uncollectible notes and accounts receivable should be made in an amount equivalent to the receivable entered in this account, or, as an alternative, the receivable recorded as an asset should be concurrently credited as deferred income to account No. 383 as above indicated.

(See account No. 151)

150 Accounts receivable.

This account will represent the amount due on open account for advisory, consulting, appraisal, and miscellaneous services rendered; declared dividends receivable on capital stock of small business concerns; amounts receivable representing sharings in the income of small business concerns; amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities; amounts representing "participating" companies' portions of accrued principal and interest receivable from financed small business concerns; and miscellaneous current receivables.

The account also will include the amount of accrued compensation receivable for services rendered to "participating" companies and the amount of accrued commitment fees receivable for making funds available on a deferred basis to small business concerns and to "initiating" companies in connection with the latter's financing of small business concerns.

Debit: (a) With amount due the company.

Credit:
(a) With amount collected.
(b) With amount written off or disposed of otherwise.

NOTE: Recording as income of amounts entered in this account should be discontinued with respect to any small business concern which is in bankruptcy, or on the verge thereof, or otherwise considered to be insolvent. The amounts in question should be credited as deferred income in account No. 383—Other deferred credits, pending determination of the appropriate accounting. In less serious situations, when the debtor small business concern has not earned the amount of the receivable, or the fair value of its debt or equity instruments held by the company, as determined by the Board of Directors, is less than cost, or recovery thereon is doubtful, an addition to the allowance for uncollectible notes and accounts receivable should be made in an amount equivalent to the receivable entered in this account, or as an alternative, the receivable recorded as an asset should be concurrently credited as deferred income to account No. 383 as above indicated.

(See account No. 151)

151 Allowance for uncollectible notes and accounts receivable.

This account will represent the valuation reserve provided for estimated losses on notes and accounts receivable and should be maintained in an amount not less than a conservative estimate of probable losses. This valuation reserve will be adjusted as occasion demands, so that this account will reflect the best available estimate of probable losses on notes and accounts receivable.

Debit:
(a) With amount of decreases in such reserve.
(b) With amount of notes and accounts receivable written off.

Credit:
(a) With amount of such reserve established.
(b) With amount of increases in such reserve.
(c) With amount of recoveries on notes and accounts receivable written off.

NOTE: When a note receivable or an account receivable is recorded with respect to any debtor small business concern which has not earned the amount thereof, or the fair value of whose debt or equity instruments held by the company, as determined by the Board of Directors, is less than cost, or recovery thereon is doubtful, an addition to the allowance for uncollectible notes and accounts receivable reflected in this account should be made in an amount equivalent to the recorded receivable, or, as an alternative, the amount of the receivable recorded as an asset should be concurrently credited as deferred income in account No. 383—Other deferred credits, pending determination of the appropriate accounting.

(See accounts Nos. 140, 150, and 680)

160 Accrued interest receivable.

This account will represent the amount of interest accrued on loans to and debt securities of small business concerns, United States Government obligations direct and fully guaranteed, notes receivable, sales contracts, and other interest-bearing amounts due from debtors, including funds placed in escrow pending the closing of financing.

Debit:
(a) With amount of accrued interest purchased, at date interest-bearing obligations are acquired.
(b) At the end of each month, with amount of interest accrued on all items covered by this account on that date.
(c) With amount of interest accrued during the month on such items disposed of during the month.

Credit:
(a) With amount of interest payments received.
(b) With amount of accrued interest transferred to assets acquired in liquidation of loans and debt securities.
(c) Upon disposition of interest-bearing obligations, with amount of accrued interest thereon included in this account.
(d) With amount of accrued interest written off or disposed of otherwise.

NOTE 1: At the option of the company, interest payments received in cash from debtors prior to the interest maturity date may be credited to account No. 374—Unapplied receipts, until the maturity date.

NOTE 2: Accrual of interest receivable should be discontinued with respect to any loan or debt security financing a small business concern which is in bankruptcy, or on the verge thereof, or otherwise considered to be insolvent. Any interest payments received from such a debtor should not be treated as interest income, but should be either credited as payments on principal of the debt or credited as deferred income in account No. 383—Other deferred credits, pending determination of the appropriate accounting. In less serious situations, when interest receivable is accrued under circumstances in which the financed small business concern has not earned the amount thereof, or the fair value of the loan or debt security as determined in good faith by the Board of Directors is less than cost, or recovery thereon is doubtful, an addition to the allowance for uncollectible interest receivable should be made in an amount equivalent to the accrual of interest receivable, or, as an alternative, the interest income should be deferred in account No. 383 as above indicated.

(See account No. 161)

161 Allowance for uncollectible interest receivable.

This account will represent the valuation reserve provided for estimated losses of accrued interest receivable, and should be maintained in an amount not less than a conservative estimate of probable losses. This valuation reserve will be adjusted as occasion demands, so that this account will reflect the best available estimate of probable losses of accrued interest receivable.

Debit:
(a) With amount of decreases in such reserve.
(b) With amount of accrued interest receivable written off.

Credit:
(a) With amount of such reserve established.
(b) With amount of increases in such reserve.
(c) With amount of recoveries of accrued interest receivable written off.

NOTE: When interest receivable is accrued under circumstances in which the financed small business concern has not earned the amount thereof, or the fair value of the loan or debt security as determined in good faith by the Board of Directors is less than cost, or recovery thereon is doubtful, an addition to the allowance for uncollectible interest receivable reflected in this account should be made in an amount equivalent to the accrual of interest receivable, or, as an alternative, the interest income should be deferred in account No. 383—Other deferred credits, pending determination of the appropriate accounting.

(See accounts Nos. 160 and 680)

170 Loans (section 305).

This account will represent the unpaid principal balance of loans made to small business concerns pursuant to section 305 of the Small Business Investment Act of 1958, as amended.

Debit:
(a) With face amount of direct loans.
(b) With portion retained by company of loans in which participations are sold to others.
(c) With amount of participations in loans of others.
(d) With unpaid principal of loans represented by renewal notes accepted or notes taken in substitution for those held.
(e) With reversal of prior credits when checks received representing repayments are dishonored, etc.

Credit:
(a) With amount collected on face amount of direct loans.
(b) With company's share of amount collected on principal of loans in which participations are sold to others.
(c) With amount by which participations in loans of others are reduced by repayments transmitted by the "initiating" company.
(d) With amount collected on principal of loans sold with recourse as reported to the company by the purchaser (contra debit will be made to account No. 310).
(e) With unpaid principal of loans represented by notes renewed or for which other notes have been substituted.
(f) With amount transferred to assets acquired in liquidation of loans and debt securities.
(g) With unpaid principal of loans written off or disposed of otherwise.

NOTE 1: A participation is defined as an undivided interest shared with one or more other lenders or investors in a note, debenture, certificate of stock, or other instrument evidencing a loan to, or equity financing of, a small business concern.

NOTE 2: It is assumed that in all loan participation arrangements the "initiating" company will service the loans.

NOTE 3: It is recommended that individual loan ledger cards or sheets be maintained for all loans. Such ledger cards or sheets should contain the detailed information needed for account No. 173—Unearned discount, fees, and other charges on loans (section 305), and for activities pertaining to participations purchased or sold.

(See accounts Nos. 171 and 310)

171 Allowance for uncollectible loans (section 305).

This account will represent the valuation reserve provided for estimated losses on loans (section 305) and should be maintained in an amount not less than a conservative estimate of probable losses. This valuation reserve will be adjusted as occasion demands, so that this account reflects the best available estimate of probable losses on loans to small business concerns.

Debit:

(a) With amount of decreases in such reserve.

(b) With amount of such loans written off.

Credit:

(a) With amount of such reserve established.

(b) With amount of increases in such reserve.

(c) With amount of recoveries on such loans written off.

(See accounts Nos. 170 and 682)

173 Unearned discount, fees, and other charges on loans (section 305).

This account will represent the amount of unearned discount, fees, and other charges included in the face amount of loans made to small business concerns pursuant to section 305 of the Small Business Investment Act of 1958, as amended, and which is withheld from disbursements to such small business concerns.

Debit:

(a) With amount of unearned discount, fees, and other charges included in the face amount of loans, but withheld from disbursements to debtor small business concerns, which becomes earned through collection or passage of time.

(b) With amount earned of that portion of unearned discount, fees, and other charges included in the face amount of loans, but withheld from disbursements to debtor small business concerns, which is retained by the company in connection with loans participated in by other lenders (the amount to be recorded becomes earned through collection or passage of time).

(c) With amount earned of that portion of unearned discount, fees, and other charges included in the face amount of loans, but withheld from disbursements to debtor small business concerns, which is assigned to the company in connection with its participations in loans of other lenders (the amount to be recorded becomes earned through collection or passage of time).

(d) With amount of unearned discount, fees, and other charges included in the face amount of loans, but withheld from disbursements to debtor small business concerns, which is rebated to borrowers upon early repayment of loans, or is closed into the asset account upon liquidation of loans at less than full amount.

Credit:

(a) With amount of unearned discount, fees, and other charges included in the face amount of loans but withheld from disbursements to debtor small business concerns.

(b) With portion retained by the company of total amount of unearned discount, fees, and other charges included in the face amount of loans, but withheld from disbursements to debtor small business concerns, in connection with loans participated in by other lenders.

(c) With portion assigned to the company of total amount of unearned discount, fees, and other charges included in the face amount of loans, but withheld from disbursements to debtor small business concerns, in connection with its participations in loans of other lenders.

NOTE 1: A participation is defined as an undivided interest shared with one or more other lenders or investors in a note, debenture, certificate of stock, or other instrument evidencing a loan to, or equity financing of, a small business concern.

NOTE 2: Unearned discount in this account will be transferred, as appropriate, to account No. 512—Interest on loans, as it becomes earned, and unearned fees and other charges will be transferred to account No. 536—Application and appraisal fees, under similar circumstances.

NOTE 3: Any fees and other charges considered earned immediately upon closing of loans will be recorded in the income account at once without first being entered in this account.

NOTE 4: Appropriate subsidiary records should be maintained for all unearned amounts included in this account to permit identification of such amounts with the particular loans to which they relate.

179 Funds in escrow pending closing of financing.

This account will represent the amount of funds placed in escrow pending the closing of financing for small business concerns.

Debit: (a) With amount of funds placed in escrow.

Credit: (a) With amount of funds withdrawn from escrow.

180 Debt securities, convertible, and with stock purchase warrants or options (section 304).

This account will represent the unpaid principal balance of small business concerns' debt securities, convertible, and with attached stock purchase warrants or options, acquired by the company pursuant to section 304 of the Small Business Investment Act of 1958, as amended. If the stock purchase warrants, options, or other stock rights have a separate purchase cost, or if a separate cost has otherwise been determined for them, the warrants, options, or other stock rights will be reflected at such cost in account No. 196.

Debit:

(a) With face amount of debt securities, convertible, and with stock purchase warrants or options, acquired.

(b) With portion retained by company of debt securities, convertible, and with stock purchase warrants or options, in which participations are sold to others.

(c) With amount of participations in purchases by others of debt securities, convertible, and with stock purchase warrants or options.

(d) With reversal of prior credits when checks received representing repayments are dishonored, etc.

Credit:

(a) With amount collected on face amount of debt securities, convertible, and with stock purchase warrants or options.

(b) With company's share of amount collected on principal of debt securities, convertible, and with stock purchase warrants or options, in which participations are sold to others.

(c) With amount by which participations in purchases by others of debt securities convertible, and with stock purchase warrants or options, are reduced by repayments transmitted by the "initiating" company.

(d) With unpaid principal balance of debt securities, convertible, and with stock purchase warrants or options, sold with recourse paid on maturity as reported to the company by the purchaser (contra debit will be made to account No. 312).

(e) With unpaid principal of debt securities, convertible, and with stock purchase warrants or options, or portions thereof, converted into capital stock.

(f) With unpaid principal of debt securities, convertible, and with stock purchase warrants or options, which have been divested of stock rights through (1) the expiration of the conversion privilege, (2) the exercise or the expiration of rights conveyed by nondetachable or detachable stock purchase warrants or options, or (3) the detachment of detachable stock purchase warrants or options.

(g) With unpaid principal of debt securities, convertible, and with stock purchase warrants or options, transferred to assets acquired in liquidation of loans and debt securities.

(h) With unpaid principal of debt securities, convertible, and with stock purchase warrants or options, written off or disposed of otherwise.

NOTE 1: A participation is defined as an undivided interest shared with one or more other lenders or investors in a note, debenture, certificate of stock, or other instrument evidencing a loan to, or equity financing of, a small business concern.

NOTE 2: It is assumed that in all arrangements for participation in the purchase of debt securities, convertible, and with stock purchase warrants or options, the "initiating" company will service the financing.

NOTE 3: It is recommended that individual ledger cards or sheets be maintained for all debt securities, convertible, and with stock purchase warrants or options. Such ledger cards or sheets should contain the detailed information needed for account No. 187—Unearned discount, fees, and other charges on debt securities (section 304), and for activities pertaining to participations purchased or sold.

(See accounts Nos. 184, 185, 312, and memorandum record No. NA-10)

184 Debt securities divested of stock rights (section 304).

This account will represent the unpaid principal balance of small business concerns' debt securities which have been divested of stock rights through (1) the expiration of the conversion privilege of convertible debt securities, (2) the exercise or the expiration of rights conveyed by nondetachable or detachable stock purchase warrants or options of debt securities, or (3) the detachment of detachable stock purchase warrants or options, obtained in connection with the acquisition of debt securities pursuant to section 304 of the Small Business Investment Act of 1958, as amended.

Debit:

(a) With unpaid principal of debt securities divested of stock rights through (1) the expiration of the conversion privilege, (2) the exercise or the expiration of rights conveyed by nondetachable or detachable stock purchase warrants or options, or (3) the detachment of detachable stock purchase warrants or options.

(b) With company's retained portion of debt securities participated in by others which have been subsequently divested of stock rights.

(c) With amount of participations in purchases by others of debt securities which have been subsequently divested of stock rights.

(d) With reversal of prior credits when checks received representing repayments are dishonored, etc.

Credit:

(a) With amount collected on face amount of debt securities divested of stock rights.

(b) With company's share of amount collected on principal of debt securities participated in by others which have been subsequently divested of stock rights.

(c) With full amount by which participations in purchases by others of debt securities which have been subsequently divested of stock rights are reduced by repayments transmitted by the "initiating" company.

(d) With unpaid principal balance of debt securities divested of stock rights sold with recourse paid on maturity as reported to the company by the purchaser (contra debit will be made to account No. 314).

(e) With unpaid principal of debt securities divested of stock rights transferred to assets acquired in liquidation of loans and debt securities.

(f) With unpaid principal of debt securities divested of stock rights written off or disposed of otherwise.

NOTE: It is recommended that individual ledger cards or sheets be maintained for all debt securities which have been divested of stock rights. Such ledger cards or sheets should contain the detailed information needed for account No. 187—Unearned discount, fees, and other charges on debt securities (section 304), and for activities pertaining to participations purchased or sold.

(See accounts Nos. 180, 185, and 314)

185 Allowance for losses on debt securities (section 304).

This account will represent the valuation reserve provided for estimated losses on debt securities, convertible, and with stock purchase warrants or options, and debt securities divested of stock rights (all such securities section 304) and should be maintained in an amount not less than a conservative estimate of probable losses. This valuation reserve will be adjusted as occasion demands, so that this account will reflect the best available estimate of probable losses on debt securities of small business concerns.

Debit:

(a) With amount of decreases in such reserve.

(b) With amount of reserve established in this account for debt securities which are written off, sold, or disposed of otherwise (contra credit for any portion representing an excess over losses actually incurred will be made to account No. 682).

(c) With amount of write-down of such debt securities, not to exceed the amount of reserve established therefor in this account.

Credit:

(a) With amount of such reserve established.

(b) With amount of increases in such reserve.

NOTE: When debt securities of small business concerns are sold by the company or disposed of otherwise, cash or other appropriate asset account will be debited for the amount received, this account will be debited for the amount of the reserve which has been established therein for such debt securities, and the appropriate investment account will be credited for the related cost value carried therein. If there is no loss, or it is less than the amount reserved for loss on the debt securities disposed of, the excess portion of the amount reserved will be credited to account No. 682. If a gain over cost is realized, such gain will be credited to account No. 572. If a loss in relation to cost is sustained which is in excess of the amount reserved therefor, that portion above the amount of the reserve provided will be debited to account No. 702.

(See accounts Nos. 180 and 184)

187 Unearned discount, fees, and other charges on debt securities (section 304).

This account will represent the amount of unearned discount, fees, and other charges included in the face amount of small business concerns' debt securities acquired pursuant to section 304 of the Small Business Investment Act of 1958, as amended, and which is withheld from disbursements to such small business concerns.

Debit:

(a) With amount of unearned discount, fees, and other charges included in the face amount of debt securities, but withheld from disbursements to debtor small business concerns, which becomes earned through collection or passage of time.

(b) With amount earned of that portion of unearned discount, fees, and other charges included in the face amount of debt securities, but withheld from disbursements to debtor small business concerns, which is retained by the company in connection with loans participated in by other investors (the amount to be recorded becomes earned through collection or passage of time).

(c) With amount earned of that portion of unearned discount, fees, and other charges included in the face amount of debt securities, but withheld from disbursements to debtor small business concerns, which is assigned to the company in connection with its participations in purchases of debt securities by other investors (the amount to be recorded becomes earned through collection or passage of time).

(d) With amount of unearned discount, fees, and other charges included in the face amount of debt securities, but withheld from disbursements to debtor small business concerns, which is rebated to borrowers upon early repayment of debt securities, or is closed into the asset account upon liquidation of debt securities at less than full amount.

Credit:

(a) With amount of unearned discount (including that equivalent to the determined cost of warrants, options, and other stock rights, as explained in Note 2 of account No. 196), fees, and other charges included in the face amount of debt securities but withheld from disbursements to debtor small business concerns.

(b) With portion retained by the company of total amount of unearned discount, fees, and other charges included in the face amount of debt securities, but withheld from disbursements to debtor small business concerns, in connection with purchases of debt securities participated in by other investors.

(c) With portion assigned to the company of total amount of unearned discount, fees, and other charges included in the face amount of debt securities, but withheld from disbursements to debtor small business concerns, in connection with its participations in purchases of debt securities by other investors.

NOTE 1: A participation is defined as an undivided interest shared with one or more other lenders or investors in a note, debenture, certificate of stock, or other instrument evidencing a loan to, or equity financing of, a small business concern.

NOTE 2: Unearned discount in this account will be transferred, as appropriate, to account No. 516—Interest on debt securities, as it becomes earned, and unearned fees and other charges will be transferred to account No. 536—Application and appraisal fees, under similar circumstances.

NOTE 3: Any fees and other charges considered earned immediately upon closing of financing through purchase of debt securities will be recorded in the income account at once without first being entered in this account.

NOTE 4: Appropriate subsidiary records should be maintained for all unearned amounts included in this account to permit identification of such amounts with the particular debt securities to which they relate.

190 Capital stock of SBC's, convertible, and with stock purchase warrants or options.

This account will represent the value at cost of small business concerns' capital stock, convertible, and with attached stock purchase warrants or options, acquired by the company pursuant to section 304 of the Small Business Investment Act of 1958, as amended. If the stock purchase warrants, options, or

other stock rights have a separate purchase cost, or if a separate cost has otherwise been determined for them, the warrants, options, or other stock rights will be reflected at such cost in account No. 196.

Debit:

(a) With cost of such capital stock of SBC's, convertible, and with stock purchase warrants or options, acquired.

(b) With portion retained by company of the capital stock of SBC's, convertible, and with stock purchase warrants or options, in which participations are sold to others.

(c) With amount of participations in acquisitions by others of capital stock of SBC's, convertible, and with stock purchase warrants or options.

Credit:

(a) With cost of such capital stock of SBC's, convertible, and with stock purchase warrants or options, which has been divested of stock purchase rights through (1) the expiration of the conversion privilege, (2) the exercise or the expiration of rights conveyed by nondetachable or detachable stock purchase warrants or options, or (3) the detachment of detachable stock purchase warrants or options.

(b) With cost of such capital stock of SBC's, convertible, and with stock purchase warrants or options, converted to another class of capital stock.

(c) With cost of such capital stock of SBC's, convertible, and with stock purchase warrants or options, written off or disposed of otherwise.

NOTE 1: A participation is defined as an undivided interest shared with one or more other lenders or investors in a note, debenture, certificate of stock, or other instrument evidencing a loan to, or equity financing of, a small business concern.

NOTE 2: It is assumed that in all arrangements for participation in the acquisition of capital stock of SBC's, convertible, and with stock purchase warrants or options, the "initiating" company will service the financing.

NOTE 3: It is recommended that individual ledger cards or sheets be maintained for all capital stock of SBC's, convertible, and with stock purchase warrants or options.

(See accounts Nos. 192, 193, and memorandum record No. NA-10)

192 Capital stock of SBC's—other.

This account will represent the value at cost of small business concerns' capital stock acquired by the company without conversion privileges or stock purchase warrants or options, or existing on the books as the result of (1) the expiration of the conversion privilege of convertible capital stock of SBC's, (2) the exercise or the expiration of rights conveyed by nondetachable or detachable stock purchase warrants or options, or (3) the detachment of detachable stock purchase warrants or options, obtained in connection with the acquisition of capital stock of small business concerns pursuant to section 304 of the Small Business Investment Act of 1958, as amended.

Debit:

(a) With cost of such capital stock of SBC's—other acquired through (1) purchase, (2) conversion of convertible debt securities or convertible capital stock of SBC's, or (3) exercise of rights conveyed by stock purchase warrants or options issued by small business concerns in connection with their debt securities or capital stock acquired by the company.

(b) With cost of such capital stock of SBC's—other resulting from (1) the expiration of the conversion privilege of convertible capital stock of SBC's, (2) the expiration of rights conveyed by nondetachable or detachable stock purchase warrants or options, or (3) the detachment of detachable stock purchase warrants or options, obtained in connection with the acquisition of capital stock of small business concerns.

(c) With portion retained by company of the capital stock of SBC's—other in which participations are sold to others.

(d) With amount of participations in capital stock of SBC's—other acquired by or subsequently existing on the books of others without conversion privileges or stock purchase warrants or options.

Credit: (a) With cost of such capital stock of SBC's—other written off or disposed of otherwise.

NOTE 1: It is recommended that individual ledger cards or sheets be maintained for all capital stock of SBC's—other acquired or subsequently existing without conversion privileges or stock purchase warrants or options.

NOTE 2: In acquisitions of capital stock through exercise of rights conveyed by stock purchase warrants or options issued by small business concerns in connection with their debt securities or capital stock previously acquired by the company, the amount of the expenditure made by the company in the current acquisition of the capital stock will be considered the cost of the stock in those instances when the stock purchase rights surrendered have only a nominal value; otherwise, the cost of the stock will comprise the current expenditure plus the cost of the warrants or options surrendered.

NOTE 3: In conversions of convertible debt securities of small business concerns into capital stock, or in conversions of convertible capital stock of SBC's into another class of capital stock, the value at cost of the particular convertible security should be considered the cost of the capital stock received in the conversion.

(See accounts Nos. 190, 193, and 196)

193 Allowance for losses on capital stock of SBC's.

This account will represent the valuation reserve provided for estimated losses on capital stock of SBC's, convertible, and with stock purchase warrants or options, and capital stock of SBC's—other, and should be maintained in an amount not less than a conservative estimate of probable losses. This valuation reserve will be adjusted as occasion demands, so that this account will reflect the best available estimate of probable losses on capital stock of SBC's.

Debit:

(a) With amount of decreases in such reserve.

(b) With amount of reserve established in this account for capital stock which is written off, sold, or disposed of otherwise (contra credit for any portion representing an excess over losses actually incurred will be made to account No. 682).

(c) With amount of write-down of such capital stock, not to exceed the amount of reserve established therefor in this account.

Credit:

(a) With amount of such reserve established.

(b) With amount of increases in such reserve.

NOTE: When capital stock of SBC's is sold by the company or disposed of otherwise, cash or other appropriate asset account will be debited for the amount received, this account will be debited for the amount of the reserve established therein for such capital stock, and the appropriate investment account will be credited for the related cost value carried therein. If there is no loss, or it is less than the amount reserved for loss on capital stock disposed of, the excess portion of the amount reserved will be credited to account No. 682. If a gain over cost is realized, such gain will be credited to account No. 576. If a loss in relation to cost is sustained which is in excess of the amount reserved therefor, that portion above the amount of the reserve provided will be debited to account No. 706.

(See accounts Nos. 190 and 192)

196 Warrants, options, and other stock rights acquired from SBC's.

This account will represent the value at purchase price or at cost as otherwise determined of warrants, options, and other stock rights acquired by the company from small business concerns pursuant to section 304 of the Small Business Investment Act of 1958, as amended. The account will include conversion rights for which a separate cost has been determined.

Detachable stock purchase warrants or options on stock of SBC's for which no consideration is given distinct from that surrendered for the debt securities or capital stock which they accompany, or for which no separate cost has been determined, will be reflected in memorandum record No. NA-10, if retained after the financing instruments which they accompanied have been disposed of. (Reference should be made to Treasury regulations concerning the treatment of options acquired by lenders or investors in connection with investments.)

Debit:

(a) With cost of such warrants, options, or other stock rights acquired.

(b) With portion retained by company of the warrants, options, or other stock rights in which participations are sold to others.

(c) With amount of participations in acquisitions by others of warrants, options, or other stock rights.

Credit:

(a) With cost of such warrants, options, or other stock rights surrendered in exercising the stock rights.

(b) With cost of such warrants, options, or other stock rights written off or disposed of otherwise.

(c) With cost of such warrants, options, or other stock rights for which the exercise period has expired.

NOTE 1: It is recommended that individual ledger cards or sheets be maintained for all warrants, options, or other stock rights acquired from SBC's.

NOTE 2: The cost of warrants, options, and other stock rights acquired from SBC's for a separate consideration will be charged to this account, with a credit to cash. If warrants, options, or other stock rights are acquired from SBC's without a separate consideration and a cost thereof is otherwise determined, such cost will be established in this account. (The determined cost of warrants, options, and other stock rights acquired with debt securities without a separate consideration therefor shall be arrived at giving full consideration to the grade of the debt security.) The payment for the debt security or capital stock certificate which accompanied the stock rights will be allocated between the obligation or stock and the stock rights. Cash will be credited for the determined cost of the stock rights. Cash also will be credited for the amount of the debt security or stock received less the amount withheld from disbursement in relation to the debt security or stock received, which is equivalent to the determined cost of the stock rights plus (in the case of a debt security) any other withholding from net funds advanced. In the purchase of a debt security the deduction equal to the determined cost of the stock rights, plus any other withholding from net funds advanced, will be treated as unearned discount on the debt security and credited to account No. 187—Unearned discount, fees, and other charges on debt securities (section 304). In the case of a purchase of capital stock, the deduction equal to the determined cost of the stock rights will serve to reduce the cost of the stock to be recorded in account No. 190—Capital stock of SBC's, convertible, and with stock purchase warrants or options.

(See accounts Nos. 197, 577, and 707)

197 Allowance for losses on warrants, options, and other stock rights acquired from SBC's.

This account will represent the valuation reserve provided for estimated losses on warrants, options, and other stock rights acquired from SBC's, and should be maintained in an amount not less than a conservative estimate of probable losses. This valuation reserve will be adjusted as occasion demands, so that this account will reflect the best available estimate of probable losses on warrants, options, and other stock rights acquired from SBC's.

Debit:

(a) With amount of decreases in such reserve.

(b) With amount of reserve established in this account for warrants, options, and other stock rights acquired from SBC's which are written off, sold, or disposed of otherwise (contra credit for any portion representing an excess over losses actually incurred will be made to account No. 682).

(c) With amount of write-down of such warrants, options, and other stock rights acquired from SBC's, not to exceed the amount of reserve established therefor in this account.

Credit:

(a) With amount of such reserve established.

(b) With amount of increases in such reserve.

NOTE: When warrants, options, and other stock rights acquired from SBC's are sold by the company or disposed of otherwise, cash or other appropriate asset account will be debited for the amount received, this account will be debited for the amount of the reserve established therein for such warrants, options, and other stock rights acquired from SBC's, and the appropriate investment account will be credited for the related cost value carried therein. If there is no loss, or if it is less than the amount reserved for loss on the stock rights disposed of, the excess portion of the amount reserved will be credited to account No. 682. If a gain over cost is realized, such gain will be credited to account No. 577. If a loss in relation to cost is sustained which is in excess of the amount reserved therefor, that portion above the amount of the reserve provided will be debited to account No. 707.

(See account No. 196)

200 Assets acquired in liquidation of loans and debt securities.

This account will represent the company's investment in assets acquired by foreclosure, or otherwise, in liquidation of loans (section 305) and debt securities (section 304). Judgments, sheriffs' certificates (including property acquired subject to redemption), etc., will be reflected in this account.

The investment in property at the date of acquisition by the company should be determined by the Board of Directors on the most suitable of the following bases, but not to exceed the total amount of the related loan or debt security involved: (1) Bid-in price of the property; (2) agreed consideration for the property; (3) fair appraised value of the property. Any remaining indebtedness will be written off unless the company expects further liquidation of the debt from other sources. Insofar as practicable, investment values will be determined for each individual asset, or unit, at the time such assets are recorded in this account, and when an asset is sold only an amount equal to the investment in such asset will be credited to this account.

The company's investment in real property acquired in liquidation of loans and debt securities should be recorded at gross value as determined by the Board of Directors. The amount of any existing mortgage on such property acquired by the company will be reflected in account No. 318.

The balance of the latter account will not be treated as a liability on the balance sheet but will be deducted from the asset account.

The company's investment in judgments should be recorded at the face amount of the judgment. When the company acquires the underlying security to the related loan or debt security outright or subject to redemption, the investment in the property should be determined in accordance with the bases set forth in the second paragraph.

Debit:

(a) With amount of the company's investment in the property at the time of acquisition.

(b) With amount of the company's investment in the property at the date of judgment, sheriff's certificate, etc.

(c) With amount of participation in assets acquired by others in liquidation of loans and debt securities.

Credit:

(a) With proceeds of partial sale of property.

(b) With amount of the company's investment at date of sale, or other disposition of property.

(c) With amount written off.

NOTE 1: Collateral notes receivable acquired in the liquidation of loans and debt securities will be reflected in this account; but notes receivable that are subsequently accepted in connection with the disposition of assets acquired in the liquidation of loans and debt securities will be included in account No. 140—Notes receivable.

NOTE 2: It is recommended that subsidiary records be maintained in sufficient detail to disclose for report and tax purposes all transactions affecting assets acquired in liquidation of loans and debt securities.

(See accounts Nos. 170, 180, 184, 201, and 203)

201 Allowance for losses on assets acquired in liquidation of loans and debt securities.

This account will represent the valuation reserve provided for estimated losses on assets acquired in liquidation of loans (section 305) and debt securities (section 304), and should be maintained in an amount not less than a conservative estimate of probable losses. This valuation reserve will be adjusted as occasion demands, so that this account will reflect the best available estimate of probable losses on assets acquired in liquidation of loans and debt securities.

Debit:

(a) With amount of decreases in such reserve.

(b) With amount of reserve established in this account for assets acquired in liquidation of loans and debt securities which are written off, sold, or disposed of otherwise (contra credit for any portion representing an excess over losses actually incurred will be made to account No. 682).

(c) With amount of write-down of such assets acquired in liquidation of loans and debt securities, not to exceed the amount of reserve established therefor in this account.

Credit:

(a) With amount of such reserve established.

(b) With amount of increases in such reserve.

NOTE: When assets acquired in liquidation of loans and debt securities are sold by the company or disposed of otherwise, cash or other appropriate asset account will be debited for the amount received, this account will be debited for the amount of the reserve established therein for such assets acquired in liquidation of loans and debt securities, and account No. 200 will be credited for the related cost value carried therein. If there is no loss, or it is less than the amount reserved for loss on the acquired assets disposed of, the excess portion of the amount reserved will be credited to account No. 682. If a gain over recorded investment in the assets acquired in liquidation is realized, such gain will be credited to account No. 578. If a loss in relation to recorded investment value is sustained which is in excess of the amount reserved therefor, that portion

above the amount of the reserve provided will be debited to account No. 708.

(See account No. 200)

203 Accumulated depreciation on assets acquired in liquidation of loans and debt securities.

This account will represent the valuation reserve provided for depreciation of depreciable property acquired by foreclosure, or otherwise, in liquidation of loans (section 305) and debt securities (section 304). This account should be maintained in an amount not less than a conservative estimate of the expired service life of such property while owned by the company.

Debit: (a) With amount of depreciation accumulated, when such an asset is sold or disposed of otherwise.

Credit: (a) At the end of each month, with the monthly amount necessary to depreciate the cost of such assets over the estimated service life.

(See accounts Nos. 200 and 710)

220 Prepaid expenses and deferred charges.

This account will represent the unexpired or unconsumed portion of expenses expressly applicable to future periods for which no specific accounts have been provided. Such expenses should be amortized over the appropriate period.

Debit: (a) With amount of prepaid or deferred expenses.

Credit: (a) At the end of each month, with the proportional amount of such expenses applicable to the current month.

NOTE: Subsidiary records should be maintained to identify the items reflected in this account and to facilitate their monthly amortization.

230 Furniture and equipment.

This account will represent the cost of furniture, fixtures and equipment, including automobiles, owned by the company. The cost of freight, drayage, cartage, express, etc., in connection with the purchase of such items of furniture and equipment, will be included in this account.

Debit: (a) With cost of such assets purchased.

Credit: (a) With cost of such assets at the time of sale or other disposition.

NOTE: An inventory record should be maintained for all such assets and each item should be tagged or numbered to facilitate ready identification.

(See account No. 231)

231 Accumulated depreciation on furniture and equipment.

This account will represent the valuation reserve provided for depreciation of furniture, fixtures, and equipment, including automobiles, owned by the company. This account should be maintained in an amount not less than a conservative estimate of the expired service life of such assets while owned by the company.

Debit: (a) With amount of depreciation accumulated, when such an asset is sold or disposed of otherwise.

Credit: (a) At the end of each month, with the monthly amount necessary to depreciate the cost of such assets over the estimated service life.

(See accounts Nos. 230 and 655)

240 Corporate premises owned.

This account will represent the actual cost of acquisition of the land and building used as the company's office quarters. The account also will include the actual cost of any improvements, such as street, sidewalk and other benefits, applicable to the land, and any improvements applicable to the building.

Debit:

(a) With actual cost of acquisition of the land and building.

(b) With actual cost of any improvement to the land and/or building.

Credit: (a) With the acquisition cost of the land and/or building, plus the cost of improvements made thereto, when the land and/or building is sold or disposed of otherwise.

(See account No. 241)

241 Accumulated depreciation on corporate premises owned.

This account will represent the valuation reserve provided for depreciation of the building and other depreciable improvements of corporate premises owned and used as the company's office quarters. This account should be maintained in an amount not less than a conservative estimate of the expired service life of such building and improvements while owned by the company.

Debit: (a) With amount of depreciation accumulated, when such an asset is sold or disposed of otherwise.

Credit: (a) At the end of each month, with the monthly amount necessary to depreciate the cost of such assets over the estimated service life.

(See accounts Nos. 240 and 655)

242 Leasehold improvements.

This account will represent the actual cost of improvements to leased property used as the company's office quarters. The amount of this account will be amortized through account No. 654—Cost of space occupied, over the life of the lease or the life of the improvements, whichever is the shorter.

Debit: (a) With actual cost of improvements to leasehold.

Credit: (a) At the end of each month, with the monthly amount necessary to amortize the cost of leasehold improvements.

255 Amounts due from directors, officers, and employees.

This account will represent the unpaid balance of amounts advanced to directors, officers, and employees.

Debit: (a) With amount of such advances made.

Credit:

(a) With amount collected on such advances.

(b) With amount transferred to appropriate expense classification upon proper authorization.

(c) With amount written off or disposed of otherwise.

(See account No. 709)

256 Organization costs.

This account will represent the amount of legal fees, promotional expense, stock certificate costs, incorporation fees, taxes, and other related costs incurred in organizing the company.

Debit: (a) With amount of such costs incurred.

Credit: (a) At the end of each month, with the monthly amount necessary to amortize the organization costs in accordance with Treasury regulations.

(See account No. 672)

257 Other assets.

This account will represent the amount of assets of the company not specifically provided for in other accounts, including recoverable amounts advanced for the protection and preservation of the company's investments (such as the payment of taxes on mortgaged property), but not including short-term loans or debt securities issued to protect the company's interests in previously issued long-term loans or equity securities.

Debit: (a) With amount of the company's investment in such assets.

Credit: (a) With amount of such assets sold or disposed of otherwise.

(See account No. 709)

LIABILITY ACCOUNTS

300 Notes payable to SBA.

This account will represent the unpaid principal balance of notes payable (1) for funds borrowed and received directly from the Small Business Administration and (2) for funds borrowed from others through guaranteed loans which subsequently have been purchased by the Small Business Administration.

Debit: (a) With amount of principal payments made on such notes.

Credit:

(a) With amount of funds borrowed.

(b) With unpaid principal balance of guaranteed loans purchased by SBA (contra debit will be made to account No. 315).

302 Debentures payable, subordinated, issued to SBA.

This account will represent the unpaid principal balance of funds received by the company under its subordinated debentures payable issued to the Small Business Administration for funds borrowed pursuant to section 302(a) of the Small Business Investment Act of 1958, as amended.

Debit: (a) With amount of principal payments made on such debentures.

Credit: (a) With amount of funds received under such debentures.

NOTE: The subordinated debentures purchased by the Small Business Administration under section 302(a) of the Small Business Investment Act of 1958, as amended, shall be deemed a part of the capital and surplus of the company for purposes of sections 302 (a), 303(b), and 306 of the Act.

310 Loans sold with recourse.

This account will represent the unpaid principal balance of loans outstanding to small business concerns which have been sold to individuals, banks, insurance companies, or other financial institutions with recourse upon the company in the event of default.

Debit:

(a) With amount collected on principal of such loans as reported to the company by the purchaser (contra credit will be made to account No. 170).

(b) With unpaid principal balance of such loans repurchased.

Credit: (a) With unpaid principal balance of such loans sold.

NOTE: This account is contra to account No. 170—Loans (section 305). For balance sheet purposes account No. 310 will be deducted from account No. 170.

312 Debt securities, convertible, and with stock purchase warrants or options sold with recourse.

This account will represent the unpaid principal balance of unmatured debt securities, convertible, and with stock purchase warrants or options, issued by small business concerns to the company, which are sold to individuals, banks, insurance companies, or other financial institutions with recourse upon the company in the event of default.

Debit:

(a) With unpaid principal balance of such debt securities, convertible, and with stock purchase warrants or options paid on maturity as reported to the company by the purchaser (contra credit will be made to account No. 180).

(b) With unpaid principal balance of such debt securities, convertible, and with stock purchase warrants or options repurchased.

Credit: (a) With unpaid principal balance of debt securities, convertible, and with stock purchase warrants or options sold with recourse.

NOTE: This account is contra to account No. 180—Debt securities, convertible, and with stock purchase warrants or options (section 304). For balance sheet purposes account No. 312 will be deducted from account No. 180.

314 Debt securities divested of stock rights sold with recourse.

This account will represent the unpaid principal balance of small business concerns' unmatured debt securities divested of stock rights which are sold to individuals, banks, insurance companies, or other financial institutions with recourse upon the company in the event of default.

Debit:

(a) With unpaid principal balance of such debt securities divested of stock rights paid on maturity as reported to the company by the purchaser (contra credit will be made to account No. 184).

(b) With unpaid principal balance of such debt securities divested of stock rights repurchased.

Credit: (a) With unpaid principal balance of such debt securities divested of stock rights sold with recourse.

NOTE: This account is contra to account No. 184—Debt securities divested of stock rights (section 304). For balance sheet purposes account No. 314 will be deducted from account No. 184.

315 Notes payable to other than SBA—guaranteed by SBA.

This account will represent the unpaid principal balance of notes payable for funds borrowed from other than the Small Business Administration and guaranteed by the Small Business Administration.

Debit:

(a) With amount of principal payments made on such notes.

(b) With unpaid principal balance of guaranteed loans purchased by SBA (contra credit will be made to account No. 300).

Credit: (a) With amount of funds borrowed.

316 Notes payable to other than SBA—not guaranteed by SBA.

This account will represent the unpaid principal balance of notes payable for funds borrowed from other than the Small Business Administration and not guaranteed by the Small Business Administration.

Debit: (a) With amount of principal payments made on such notes.

Credit: (a) With amount of funds borrowed.

317 Mortgages payable for funds borrowed.

This account will represent the unpaid principal balance of mortgages payable for funds borrowed on corporate premises or other real estate owned by the company. Purchase money mortgages, conditional sales contracts, or similar documentary evidence of indebtedness given by the company in the acquisition of real property will be included in this account.

Debit: (a) With amount of principal payments made on such indebtedness.

Credit: (a) With amount of funds borrowed.

318 Mortgages payable on assets acquired in liquidation of loans and debt securities.

This account will represent the unpaid principal balance of existing mortgages payable on assets acquired by the company in liquidation of loans and debt securities. The balance of this account will not be treated as a liability on the balance sheet but as an offset to the asset account.

Debit: (a) With amount of principal payments made on such indebtedness.

Credit: (a) With amount of such indebtedness.

(See account No. 200)

320 Notes payable—other.

This account will represent the unpaid principal balance of notes payable in evidence of amounts owed by the company other than for funds borrowed. Notes payable, conditional sales contracts, and liens for the acquisition of furniture, fixtures, equipment, and automobiles will be included in this account.

Debit: (a) With amount of principal payments made on such notes.

Credit: (a) With amount of unpaid principal of such notes executed.

340 Accounts payable.

This account will represent amounts payable on open account, including amounts representing "participating" companies' portions of accrued principal and interest receivable from financed small business concerns. The account also will include accrued compensation payable for services rendered to the company on its participations in financing transactions, and accrued commitment fees payable for having funds made available on a deferred basis by "participating" companies in connection with the financing of, or commitments to finance, small business.

Debit: (a) With amount of such indebtedness paid, or disposed of otherwise.

Credit: (a) With amount of such indebtedness incurred.

NOTE 1: A participation is defined as an undivided interest shared with one or more other lenders or investors in a note, debenture, certificate of stock, or other instrument evidencing a loan to, or equity financing of, a small business concern.

NOTE 2: A deferred participation is defined as a commitment under a participation agreement whereby the "participating" company will make funds available on a deferred basis to the "initiating" company in connection with the latter's financing of, or commitment to finance, a small business concern, or in connection with an "initiating" small business investment company's acquisition of loans or equity securities from other such companies.

(See accounts Nos. 150, 600, and 715)

350 Accrued interest payable.

This account will represent the amount of liability for interest accrued on the company's notes, mortgages and debentures payable, and on loans (section 305) and debt securities (section 304) of small business concerns sold with recourse upon the company in the event of default. The account also will include accrued interest payable on other interest-bearing obligations of the company.

Debit: (a) With amount of such interest paid or disposed of otherwise.

Credit:

(a) At the end of each month, with amount of interest accrued on all interest-bearing obligations covered by this account on that date.

(b) With amount of interest accrued during the month on such obligations paid in full or disposed of otherwise during the month.

351 Accrued taxes on payroll.

This account will represent the balance of accrued taxes on payroll, such as the company's portion of social security taxes, which have not been remitted to the appropriate collectors of such taxes.

Debit: (a) With amount of such taxes paid.

Credit: (a) With amount of such taxes accrued during the month.

(See account No. 664)

354 Estimated income taxes accrued.

This account will include the balances in subaccounts Nos. 354.1, 354.2, 354.3, etc.

354.1 Estimated Federal income taxes accrued.

This account will represent the balance of estimated Federal income taxes accrued which have not been remitted to the Internal Revenue Service.

Debit: (a) With amount of such taxes paid.

Credit: (a) With amount of such taxes accrued during the month.

(See subaccounts Nos. 720.1 and 722.1)

354.2 Estimated State income taxes accrued.

This account will represent the balance of estimated State income taxes accrued which have not been remitted to the appropriate collector of such taxes.

Debit: (a) With amount of such taxes paid.

Credit: (a) With amount of such taxes accrued during the month.

(See subaccounts Nos. 720.2 and 722.2)

358 Other accrued expenses.

This account will represent the amount of the company's liability as of the end of the month for accrued expenses, such as salaries, not provided for in other accounts.

Debit: (a) With amount of such expenses paid or disposed of otherwise.

Credit: (a) With amount of such expenses accrued during the month.

NOTE: Increases or decreases in the liability for accrued expenses, through accruals or adjustments, will be offset by increases or decreases, respectively, in the appropriate expense accounts.

360–364 Dividends payable on ------ (Type and class) capital stock.

These accounts will represent the company's liability for dividends declared by the company's Board of Directors on the respective types and classes of capital stock issued and outstanding. A separate account should be used to reflect the dividends payable for each type and class of capital stock outstanding.

Debit: (a) With amount of such dividends paid.

Credit: (a) With amount of such dividends declared payable by the company's Board of Directors.

370 Employee taxes withheld.

This account will represent the amount of income and social security taxes withheld from employees' salaries which have not been remitted to the appropriate collectors of such taxes.

Debit: (a) With amount of such taxes remitted.

Credit: (a) With amount of such taxes withheld.

374 Unapplied receipts.

This account will represent the amount of funds received by the company which have not been applied to loans (section 305), debt securities (section 304), interest receivable, etc. This account will be used only in instances when the funds received cannot be applied promptly.

Debit: (a) With amount of such funds applied or disposed of otherwise.

Credit: (a) With amount of funds received which cannot be applied promptly.

378 Miscellaneous trust receipts.

This account will represent the liability of the company for funds withheld or received in trust, for which no specific account is provided, including earnest money deposits, and funds withheld from employees' salaries for the purchase of U.S. Savings Bonds, payment of group life insurance premiums, payment of pension fund contributions, etc.

Debit: (a) With amount of such funds disbursed or disposed of otherwise.

Credit: (a) With amount of such funds withheld or received.

381 Other liabilities.

This account will represent the amount of liabilities of the company not specifically provided for in other accounts.

Debit: (a) With amount of such liabilities paid or disposed of otherwise.

Credit: (a) With amount of such liabilities incurred.

383 Other deferred credits.

This account will represent the amount of deferred credits of the company not specifically provided for in other accounts.

Debit: (a) With amount of such deferred credits transferred to income or gain, or disposed of otherwise.

Credit: (a) With amount of such deferred credits established.

NOTE 1: Accrual of interest receivable should be discontinued with respect to any loan or debt security financing a small business concern which is in bankruptcy, or on the verge thereof, or otherwise considered to be insolvent. Any interest payments received from such a debtor should not be treated as interest income, but should be either credited as payments on principal of the debt or credited as deferred income in this account, pending determination of the appropriate accounting. In less serious situations, when interest receivable is accrued under circumstances in which the financed small business concern has not earned the amount thereof, or the fair value of the loan or debt security as determined in good faith by the Board of Directors is less than cost, or recovery thereon is doubtful, an addition to the allowance for uncollectible interest receivable should be made in an amount equivalent to the accrual of interest receivable, or, as an alternative, the interest income should be deferred in this account as above indicated.

NOTE 2: This account may be used, at the option of the company, to defer gain arising from sales of assets on an installment-payment basis. Deferred gain in this account will be transferred to appropriate gain accounts as it is realized.

CAPITAL STOCK AND SURPLUS ACCOUNTS

400–404 ------ (Type and class) capital stock authorized.

These accounts will represent the total par or stated value of the capital stock authorized, as provided for in the company's charter. A separate account should be provided for each type and class of capital stock authorized.

Debit: (a) With amount of reductions of such capital stock authorized.

Credit:

(a) With original amount of such capital stock authorized.

(b) With additional amounts of such capital stock authorized.

(See accounts Nos. 405–409 and "Note" of accounts Nos. 415–419)

405–409 ------ (Type and class) unissued capital stock.

These accounts will represent the total par or stated value of unissued capital stock of the company. A separate account should be provided for each type and class of unissued capital stock.

Debit:

(a) With original amount of such unissued capital stock, as provided for in the company's charter.

(b) With additional amounts of such unissued capital stock authorized.

(c) With par or stated value of capital stock retired.

Credit:

(a) With amount of such capital stock issued (contra debit will be made to accounts Nos. 410–412).

(b) With amount of reductions of capital stock authorized.

(See accounts Nos. 400–404 and "Note" of accounts Nos. 415–419)

410–411 ------ (Type and class) capital stock subscribed.

These accounts will represent the total amount at the subscription price of the company's capital stock subscribed. A separate account should be provided for each type and class of capital stock subscribed. These accounts will reflect the company's responsibility to issue shares of its stock to subscribers who have made final payment of their capital stock subscriptions.

Debit:

(a) With amount at the subscription price of such subscribed capital stock issued (contra credits will be made to accounts Nos. 405–409 and, as appropriate, No. 420).

(b) With amount at the subscription price of such subscribed capital stock canceled or disposed of otherwise.

Credit: (a) With amount at the subscription price of such capital stock subscribed.

(See accounts Nos. 413–414 and "Note" of accounts Nos. 415–419)

413–414 Capital stock subscriptions receivable— ------ (Type and class)

These accounts will represent the total unpaid balances of capital stock subscriptions receivable from subscribers of the company's authorized capital stock. A separate subscriptions receivable account should be provided for each type and class of capital stock subscribed.

Debit: (a) With amount of such capital stock subscriptions received.

Credit:

(a) With amount collected on such capital stock subscriptions.

(b) With amount of such capital stock subscriptions canceled or disposed of otherwise.

(See accounts Nos. 410–411 and "Note" of accounts Nos. 415–419)

415–419 Treasury stock ------ (Type and class)

These accounts will represent the total amount of the company's issued capital stock which has been reacquired through purchase or donation and has not been retired. A separate account should be provided for each type and class of such capital stock held by the company.

Debit:

(a) With cost of such capital stock acquired through purchase.

(b) With amount of fair market value or par value of such capital stock acquired through donation (contra credit will be made to account No. 420).

Credit:

(a) With cost of such capital stock acquired through purchase, when sold or disposed of otherwise.

(b) With amount of fair market value or par value of such capital stock acquired through donation, when sold or disposed of otherwise.

NOTE: Appropriate subsidiary records should be maintained as deemed necessary.

420 Paid-in surplus.

This account will represent the amount of surplus arising from (1) sales initially of the company's capital stock at a price in excess of par value (including amounts transferred from capital stock subscribed at a price above par, when shares are issued); (2) donations to the company of its issued capital stock carried as treasury stock at fair market value or par value; (3) retirements of capital stock purchased at less than the par value thereof; (4) sales of treasury stock in excess of its carrying value on the books of the company; (5) donations or gifts to the company of assets carried at not in excess of fair market value; and (6) other capital equity transactions with stockholders.

Debit:

(a) With amount of loss on treasury stock sold which was acquired through purchase, but not to exceed the total of credits residing in this account relating to previous gains on treasury stock sold or retirement of capital stock at amounts less than the amounts previously paid in with respect thereto (any amount of loss in excess of the total of such credits will be charged to retained earnings, account No. 425).

(b) With amount received by the company below fair market value, or par value, whichever applicable, for treasury stock sold which was acquired through donation.

(c) With amount paid by the company in excess of par value, but not to exceed the premium received initially, for shares of capital stock retired (any amount paid in excess of par plus initial premium received will be charged to retained earnings, account No. 425).

Credit:

(a) With amount paid in (including stock dividends from retained earnings), or transferred from capital stock subscribed, representing the excess (after deduction of underwriters' fees and commissions) over par value of the company's capital stock, when shares are issued.

(b) With amount of fair market value or par value of the company's capital stock acquired through donation.

(c) With amount of discount below par value of the company's capital stock acquired through purchase, when such stock is retired.

(d) With amount received by the company in excess of cost, or in excess of fair market value or par value, whichever applicable, for treasury stock sold.

(e) With amount not to exceed fair market value of donations or gifts of assets to the company.

425 Retained earnings.

This account will represent the accumulated balance of the company's undistributed net income since incorporation.

Debit:

(a) At the end of the fiscal year, with any debit balance reflected in the profit and loss summary account, No. 429, and/or the realized gain and loss summary account, No. 430.

(b) With amount of dividends, other than stock dividends, declared payable out of retained earnings by the company's Board of Directors.

(c) With amount of stock dividends, at a per share value representing the higher of fair value or the average paid-in capital per share existing at the time that the dividend is declared (par or stated value of capital stock issued plus paid-in surplus divided by the number of shares of capital stock issued), which are declared by the company's Board of Directors and paid out of retained earnings.

(d) With appropriate amount of loss on treasury stock sold which was acquired through purchase, representing the excess of such loss over the total of credits residing in paid-in surplus, account No. 420, relating to previous gains on treasury stock sold or retirement of capital stock at amounts less than the amounts previously paid in with respect thereto.

(e) With appropriate amount paid by the company in excess of par plus initial premium received on the type and class of shares of capital stock retired.

(f) With amounts transferred to appropriated retained earnings upon approval by the Board of Directors.

Credit:

(a) At the end of the fiscal year, with the credit balances of the profit and loss summary account, No. 429, and the realized gain and loss summary account, No. 430.

(b) With amounts returned from appropriated retained earnings.

(See account No. 427)

427 Appropriated retained earnings.

This account will represent the amount of retained earnings restricted from dividend distribution and thus earmarked for some future purpose.

Debit: (a) With amounts returned to the retained earnings account after purpose has been served.

Credit: (a) With amounts transferred from retained earnings upon approval by the Board of Directors.

(See account No. 425)

429 Profit and loss summary.

This account will be used as a clearing account through which all income and expense accounts on the books of the company will be closed.

Debit:

(a) At the end of the fiscal year, with the debit balances of all expense and income accounts.

(b) At the end of the fiscal year, with the credit balance of the account (transfer to retained earnings).

Credit:

(a) At the end of the fiscal year, with the credit balances of all income and expense accounts.

(b) At the end of the fiscal year, with the debit balance of the account (transfer to retained earnings).

(See account No. 425)

430 Realized gain and loss summary.

This account will be used as a clearing account through which all accounts for realized gains and losses on investments on the books of the company will be closed.

Debit:

(a) At the end of the fiscal year, with the balances of all accounts for losses on investments.

(b) At the end of the fiscal year, with the credit balance of the account (transfer to retained earnings).

Credit:

(a) At the end of the fiscal year, with the balances of all accounts for gains on investments.

(b) At the end of the fiscal year, with the debit balance of the account (transfer to retained earnings).

(See account No. 425)

INCOME ACCOUNTS

500 Commitment income.

This account will represent the amount of income earned during the month on commitments to small business concerns for loans (section 305) and equity securities (section 304). This account, on the books of the "participating" company, will include the amount of commitment income during the month on deferred participations.

Debit: (a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit: (a) With amount of income earned during the month on commitments and deferred participations.

NOTE 1: A deferred participation is defined as a commitment under a participation agreement whereby the "participating" company will make funds available on a deferred

basis to the "initiating" company in connection with the latter's financing of, or commitment to finance, a small business concern, or in connection with an "initiating" small business investment company's acquisition of loans or equity securities from other such companies.

NOTE 2: Recording as income in this account of accrued commitment fees receivable should be discontinued with respect to any small business concern which is in bankruptcy, or on the verge thereof, or otherwise considered to be insolvent. The amounts in question should be credited as deferred income in account No. 383—Other deferred credits, pending determination of the appropriate accounting. In less serious situations, when the small business concern has not earned the amount of accrued commitment fees, or the fair value of its debt or equity instruments held by the company, as determined by the Board of Directors, is less than cost, or recovery thereon is doubtful, an addition to the allowance for uncollectible notes and accounts receivable should be made in an amount equivalent to the accrued commitment fees taken into income in this account, or, as an alternative, the commitment income should be deferred in account No. 383 as above indicated.

(See account No. 151)

504 Interest on invested idle funds.

This account will represent the amount of interest earned during the month on (1) time deposits in banks which are members of the Federal Deposit Insurance Corporation, (2) U.S. Government obligations, direct and fully guaranteed, owned by the company, and (3) funds of the company in insured savings accounts in institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation.

Debit: (a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) At the end of each month, with amount of interest earned during the month on invested idle funds existing on that date.

(b) With amount of interest earned during the month on invested idle funds withdrawn during the month.

512 Interest on loans.

This account will represent the amount of interest earned during the month on loans (section 305) to small business concerns.

Debit: (a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) At the end of each month, with amount of interest earned during the month on loans outstanding to small business concerns on that date.

(b) With amount of interest earned during the month on loans to small business concerns paid in full during the month.

NOTE: Accrual of interest receivable should be discontinued with respect to any loan to a small business concern which is in bankruptcy, or on the verge thereof, or otherwise considered to be insolvent. Any interest payments received from such a debtor should not be credited to this account as interest income, but should be either credited as payments on principal of the debt or credited as deferred income in account No. 383—Other deferred credits, pending determination of the appropriate accounting. In less serious situations, when interest receivable is accrued under circumstances in which the financed small business concern has not earned the amount thereof, or the fair value of the loan as determined in good faith by the Board of Directors is less than cost, or recovery thereon is doubtful, an addition to the allowance for uncollectible interest receivable should be made in an amount equivalent to the accrued interest receivable taken into income in this account, or, as an alternative, the interest income should be deferred in account No. 383 as above indicated.

(See accounts Nos. 160, 161, 170, and 173)

516 Interest on debt securities.

This account will represent the amount of interest earned during the month on debt securities of small business concerns owned by the company pursuant to section 304 of the Small Business Investment Act of 1958, as amended.

Debit: (a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) At the end of each month, with amount of interest earned during the period on such debt securities owned on that date.

(b) With amount of interest earned during the month on such debt securities paid in full or converted to capital stock during the month.

NOTE: Accrual of interest receivable should be discontinued with respect to any debt security of a small business concern which is in bankruptcy, or on the verge thereof, or otherwise considered to be insolvent. Any interest payments received from such a debtor should not be credited to this account as interest income, but should be either credited as payments on principal of the debt or credited as deferred income in account No. 383—Other deferred credits, pending determination of the appropriate accounting. In less serious situations, when interest receivable is accrued under circumstances in which the financed small business concern has not earned the amount thereof, or the fair value of the debt security as determined in good faith by the Board of Directors is less than cost, or recovery thereon is doubtful, an addition to the allowance for uncollectible interest receivable should be made in an amount equivalent to the accrued interest receivable taken into income in this account, or, as an alternative, the interest income should be deferred in account No. 383 as above indicated.

(See accounts Nos. 160, 161, 180, 184, and 187)

520 Interest income—other.

This account will represent the amount of interest earned during the month on miscellaneous notes receivable, funds in escrow pending closing of financing, and interest-bearing receivables not otherwise classified.

Debit: (a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) At the end of each month, with amount of interest earned during the period on such receivables on that date.

(b) With amount of interest earned during the month on such receivables paid in full during the month.

(See accounts Nos. 140, 160, and 179)

532 Management consulting service fees.

This account will represent the amount of fees charged during the month for management consulting services rendered to small business concerns and other small business investment companies pursuant to section 308(b) of the Small Business Investment Act of 1958, as amended.

Debit: (a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit: (a) With amount of such fees charged.

NOTE: Recording as income in this account of accrued management consulting service fees receivable should be discontinued with respect to any small business concern which is in bankruptcy, or on the verge thereof, or otherwise considered to be insolvent. The amounts in question should be credited as deferred income in account No. 383—Other deferred credits, pending determination of the appropriate accounting. In less serious situations, when the small business concern has not earned the amount of accrued management consulting service fees, or the fair value of its debt or equity instruments held by the company, as determined by the Board of Directors, is less than cost, or recovery thereon is doubtful, an addition to the allowance for uncollectible notes and accounts receivable should be made in an amount equivalent to the accrued management consulting service fees taken into income in this account, or, as an alternative, the management consulting service income should be deferred in account No. 383 as above indicated.

(See accounts Nos. 140, 150, and 151)

534 Investigation and service fees charged other lenders.

This account will represent the amount of fees charged during the month for investigation and services rendered to banks or other lenders or investors, pursuant to section 308(a) of the Small Business Investment Act of 1958, as amended. The account will include compensation for financial services rendered in connection with participations sold.

Debit: (a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit: (a) With amount of such fees charged.

(See accounts Nos. 140 and 150)

536 Application and appraisal fees.

This account will represent the amount of fees charged during the month for application, appraisal, investigation, and related services rendered to small business concerns.

Debit: (a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit: (a) With amount of such fees charged.

(See accounts Nos. 173 and 187 and "Note" of accounts Nos. 140, 150, and 532)

540 Dividends on capital stock of SBC's.

This account will represent the amount of income from dividends on capital stock of small business concerns.

Debit: (a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit: (a) With amount of income from such dividends.

(See "Note" of accounts Nos. 140, 150, and 532)

541 Sharings in income of SBC's.

This account will represent the amount of sharings or participations in the income of small business concerns from which the company has acquired debt securities (section 304).

Debit: (a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit: (a) With amount of such sharings.

(See "Note" of accounts Nos. 140, 150, and 532)

570 Gain on U.S. Government securities.

This account will represent the amount of gain on the sale or other disposition of U.S. Government obligations, direct and fully guaranteed, carried in account No. 130.

Debit: (a) At the end of the fiscal year, with the balance of account (transfer to realized gain and loss summary).

Credit: (a) With amount of gain on such securities sold or disposed of otherwise.

NOTE: Increase in value over cost of United States Treasury bills, which are issued at a discount and are noninterest bearing, will not be reflected in this account but will be credited at the end of each month to account No. 504—Interest on invested idle funds, with concurrent debit to account No. 160—Accrued interest receivable.

572 Gain on debt securities (section 304).

This account will represent the amount of gain on the sale or other disposition of debt securities (section 304) of small business concerns carried in accounts Nos. 180 and 184, and will include recoveries on debt security losses previously charged to the loss account.

Debit: (a) At the end of the fiscal year, with the balance of account (transfer to realized gain and loss summary).

Credit:

(a) With amount of gain on such debt securities sold or disposed of otherwise.

(b) With amount collected on portions of debt securities previously charged to the loss account.

(See accounts Nos. 383 and 702)

576 Gain on capital stock of SBC's.

This account will represent the amount of gain on the sale or other disposition of capital stock of small business concerns carried in accounts Nos. 190 and 192, and will include recoveries on capital stock losses previously charged to the loss account.

Debit: (a) At the end of the fiscal year, with the balance of account (transfer to realized gain and loss summary).

Credit:

(a) With amount of gain on such capital stock sold or disposed of otherwise.

(b) With amount realized on capital stock of SBC's previously charged to the loss account.

(See accounts Nos. 383 and 706)

577 Gain on warrants, options, and other stock rights acquired from SBC's.

This account will represent the amount of gain on the sale or other disposition of warrants, options, and other stock rights acquired from SBC's, and will include recoveries on stock rights losses previously charged to the loss account.

Debit: (a) At the end of the fiscal year, with the balance of account (transfer to realized gain and loss summary).

Credit:

(a) With amount of gain on such warrants, options, and other stock rights acquired from SBC's sold or disposed of otherwise.

(b) With amount realized on warrants, options, and other stock rights previously charged to the loss account.

(See accounts Nos. 196, 383, 707, and memorandum record No. NA-10)

578 Gain on assets acquired in liquidation of loans and debt securities.

This account will represent the amount of gain on the sale or other disposition of assets acquired in liquidation of loans (section 305) and debt securities (section 304) of small business concerns carried in account No. 200, and will include recoveries on losses on assets acquired in liquidation previously charged to the loss account.

Debit: (a) At the end of the fiscal year, with the balance of account (transfer to realized gain and loss summary).

Credit:

(a) With amount of gain on such assets acquired in liquidation of loans and debt securities sold or disposed of otherwise.

(b) With amount realized on assets acquired in liquidation of loans and debt securities previously charged to the loss account.

(See accounts Nos. 383 and 708)

579 Gain on other assets.

This account will represent the amount of gain on the sale or other disposition of assets not specifically provided for in other accounts, and will include recoveries on losses on other assets previously charged to the loss account.

Debit: (a) At the end of the fiscal year, with the balance of account (transfer to realized gain and loss summary).

Credit:

(a) With amount of gain on such assets sold or disposed of otherwise.

(b) With amount realized on other assets previously charged to the loss account.

(See accounts Nos. 383 and 709)

582 Income from assets acquired in liquidation of loans and debt securities.

This account will represent the amount of income earned during the month on assets acquired in liquidation of loans (section 305) and debt securities (section 304), including the operation of properties, carried in account No. 200.

Debit: (a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit: (a) With amount of such income earned during the month.

NOTE: In instances when a liquidating agent is employed to supervise the disposition of the assets, appropriate subsidiary accounts should be maintained by the agent. Cash collected from the sale of assets by the liquidating agent should be remitted immediately to the company. The company should maintain a local depository bank account, in which all receipts of the agent are deposited when direct remittances to the company are not feasible. Deposit balances in this account should be subject to withdrawal by check only by the company and should be reflected on the company's records in the same manner as other bank accounts.

Any advances to a liquidating agent for expenses incident to the operation or the disposition of assets acquired in the liquidation of loans and debt securities should be charged to account No. 220—Prepaid expenses and deferred charges.

584 Other income.

This account will represent the income earned during the month not specifically provided for in other accounts.

Debit: (a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit: (a) With amount of such income earned during the month.

EXPENSE ACCOUNTS

600 Commitment expense.

This account will represent the amount of commitment expense during the month on commitments from the Small Business Administration and on commitments from lending institutions other than the Small Business Administration.

On the books of the "initiating" company, this account also will include the amount of commitment expense during the month on deferred participations.

Debit: (a) With amount of expense incurred during the month on commitments and deferred participations.

Credit: (a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

NOTE: A deferred participation is defined as a commitment under a participation agreement whereby the "participating" company will make funds available on a deferred basis to the "initiating" company in connection with the latter's financing of, or commitment to finance, a small business concern, or in connection with an "initiating" small business investment company's acquisition of loans or equity securities from other such companies.

(See account No. 340)

610 Interest on obligations payable to SBA.

This account will represent the amount of interest expense accrued during the month on obligations payable to the Small Business Administration for funds borrowed.

Debit: (a) With amount of such interest accrued during the month.

Credit: (a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

(See accounts Nos. 300, 302, and 350)

622 Interest on obligations payable to other than SBA.

This account will represent the amount of interest expense accrued during the month on obligations payable to other than the Small Business Administration for funds borrowed.

Debit: (a) With amount of such interest accrued during the month.

Credit: (a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

(See accounts Nos. 310, 312, 314, 315, 316, 317, 320, and 350)

642 Stock record and other financial expenses.

This account will represent the amount of charges to the company by the transfer agent and the registrar for services rendered in connection with the issuance and transfer of the company's capital stock, and will include other financial expenses not provided for elsewhere.

Debit: (a) With amount of such expenses incurred during the month.

Credit: (a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

650–679 Operating expenses.

The accounts under this caption will represent the amounts of operating expenses incurred.

Debit appropriate account: (a) With amount of operating expenses incurred during the month.

Credit appropriate account: (a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

650 Advertising and promotional costs.

This account will represent the cost of advertising and promoting the company's services, including the cost of entertaining prospective borrowers and clients.

651 Appraisal and investigation costs.

This account will represent the amount of charges made by outside firms and individuals for appraisal, investigation, and related services rendered to the company.

652 Auditing and examination costs.

This account will represent the amount of charges for auditing, examination, and bookkeeping services rendered by accountants not on the company's payroll, and charges for services rendered by SBA examiners.

653 Communications.

This account will represent telephone, telegraph, and postage expense.

654 Cost of space occupied.

This account will represent the cost of space occupied such as rent, alterations, amortization of leasehold improvements, light, heat, power, janitor service, maintenance and repair expense on buildings, furniture, and equipment (other than automobiles), etc.

655 Depreciation of corporate premises owned, furniture, and equipment.

This account will represent the amount of provision applicable to the fiscal year for depreciation of the building and other depreciable improvements of corporate premises owned and used as the company's office quarters. The account also will include the amount of provision applicable to the fiscal year for depreciation of furniture and equipment (other than automobiles) owned by the company.

657 Directors' and stockholders' meetings costs.

This account will represent directors' fees and travel expense for attendance at directors' and stockholders' meetings. The account also will include the cost of holding stockholders' meetings, such as rental of the meeting hall and related expenses.

658 Insurance.

This account will represent fire, theft, employee group life insurance, and other insurance expense, including fidelity bond premiums and insurance on automobiles. The portion, if any, of employee group life insurance premiums withheld from salaries or received from employees will be reflected in account No. 378. Insurance premiums to be amortized will be charged to account No. 220.

660 Investment adviser costs.

This account will represent the amount of charges made by outside firms and individuals for furnishing consultation and advice to the company with respect to the desirability of investing in, purchasing, or selling loans, debt securities, and capital stock of small business concerns and other property.

661 Legal services.

This account will represent the cost of legal services rendered to the company.

663 Salaries.

This account will include the balances in subaccounts Nos. 663.1 and 663.2.

663.1 Salaries of officers.

This account will represent the salary cost of all officers of the company, including directors' salaries, if any, but not directors' fees for attendance at meetings.

663.2 Salaries of employees.

This account will represent the salary cost of all employees other than officers, including salaries of any temporary or part-time employees engaged for specific assignments.

664 Taxes, excluding income taxes.

This account will represent the cost of all taxes, including those on corporate premises owned, motor vehicle, and personal property, social security taxes (company's portion), and other taxes charged to the company, exclusive of income taxes.

665 Travel.

This account will represent all travel expense, including transportation charges, automobile maintenance, operating expense, and depreciation expense, meals, lodging, telephone, telegraph, and other company costs incurred by officers and employees while in a travel status.

670 Employee benefits expense.

This account will represent the cost assumed by the company in contributing to funds providing for employee retirement benefits and other types of employee benefits, except group life insurance. The portion, if any, of the cost of employee benefits withheld from salaries or received from employees will be reflected in account No. 378.

672 Organization expense.

This account will represent the amount of legal fees, promotional expense, stock certificate costs, incorporation fees, taxes, and other related costs incurred in organizing the company, which are charged to expense (this account) as incurred or are transferred to this account periodically through the amortization of organization costs established as an asset in account No. 256.

679 Miscellaneous operating expenses.

This account will represent the amount of operating expenses not specifically provided for in other accounts. There will be included expenses incurred under contracts for management of the company; amounts paid in connection with dues, subscriptions, donations, and similar items; charges made to the company for custodial or safekeeping services in connection with its portfolio securities; and bank service charges, exchange on checks, protest fees, etc., and the cost of office supplies such as stationery, accounting forms, binders, pencils, etc.

680 Estimated losses on receivables.

This account will represent the amount of estimated losses applicable to the fiscal year on notes and accounts receivable, and interest receivable.

Debit: (a) With amount of such estimated losses incurred during the month.

Credit: (a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

682 Estimated losses on loans, investments, and other assets.

This account will represent the amount of estimated losses applicable to the fiscal year on loans (section 305); debt securities (section 304); capital stock of small business concerns; warrants, options, and other stock rights acquired from SBCs; and assets acquired in liquidation of loans and debt securities.

Debit: (a) With amount of such estimated losses incurred during the month.

Credit: (a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

700 Loss on U.S. Government securities.

This account will represent the amount of loss on the sale or other disposition of United States Government obligations, direct and fully guaranteed, carried in account No. 130.

Debit: (a) With amount of loss on such securities sold or disposed of otherwise.

Credit: (a) At the end of the fiscal year, with the balance of account (transfer to realized gain and loss summary).

702 Loss on debt securities (section 304).

This account will represent the amount of loss in excess of that provided for in account No. 185 on the write-down or sale or other disposition of debt securities (section 304) of small business concerns carried in accounts Nos. 180 and 184.

Debit: (a) With amount of loss in excess of that provided for in account No. 185 on such debt securities written down or sold or disposed of otherwise.

Credit: (a) At the end of the fiscal year, with the balance of account (transfer to realized gain and loss summary).

(See account No. 572)

706 Loss on capital stock of SBC's.

This account will represent the amount of loss in excess of that provided for in account No. 193 on the write-down or sale or other disposition of capital stock of small business concerns carried in accounts Nos. 190 and 192.

Debit: (a) With amount of loss in excess of that provided for in account No. 193 on such capital stock written down or sold or disposed of otherwise.

Credit: (a) At the end of the fiscal year, with the balance of account (transfer to realized gain and loss summary).

(See account No. 576)

707 Loss on warrants, options, and other stock rights acquired from SBC's.

This account will represent the amount of loss in excess of that provided for in account No. 197 on the write-down or sale or other disposition of warrants, options, and other stock rights acquired from SBC's.

Debit: (a) With amount of loss in excess of that provided for in account No. 197 on such warrants, options, and other stock rights written down or sold or disposed of otherwise.

Credit: (a) At the end of the fiscal year, with the balance of account (transfer to realized gain and loss summary).

(See accounts Nos. 196, 577, and memorandum record No. NA–10)

708 Loss on assets acquired in liquidation of loans and debt securities.

This account will represent the amount of loss in excess of that provided for in account No. 201 on the write-down or sale or other disposition of assets acquired in liquidation of loans (section 305) and debt securities (section 304) of small business concerns carried in account No. 200.

Debit: (a) With amount of loss in excess of that provided for in account No. 201 on such assets written down or sold or disposed of otherwise.

Credit: (a) At the end of the fiscal year, with the balance of account (transfer to realized gain and loss summary).

(See account No. 578)

709 Loss on other assets.

This account will represent the amount of loss on the sale or other disposition of assets not specifically provided for in other accounts.

Debit: (a) With amount of loss on such assets sold or disposed of otherwise.

Credit: (a) At the end of the fiscal year, with the balance of account (transfer to realized gain and loss summary).

(See account No. 579)

710 Expense on assets acquired in liquidation of loans and debt securities.

This account will represent the amount of expense incurred during the month on assets acquired in liquidation of loans (section 305) and debt securities (section 304), including the operation and depreciation of properties, carried in account No. 200. The account also will include the amount of interest expense accrued during the month on mortgages payable on assets acquired in liquidation of loans and debt securities.

Debit: (a) With amount of such expense incurred during the month.

Credit: (a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

NOTE: In instances when a liquidating agent is employed to supervise the disposition of the assets, appropriate subsidiary accounts should be maintained by the agent.

Cash collected from the sale of assets by the liquidating agent should be remitted immediately to the company. The company should maintain a local depository bank account, in which all receipts of the agent are deposited when direct remittances to the company are not feasible. Deposit balances in this account should be subject to withdrawal by check only by the company and should be reflected on the company's records in the same manner as other bank accounts.

Any advances to a liquidating agent for expenses incident to the operation of or in the disposition of assets acquired in the liquidation of loans and debt securities should be charged to account No. 220—Prepaid expenses and deferred charges.

715 Other expenses.

This account will represent the amount of nonoperating expenses not specifically provided for in other accounts, including, on the books of the "participating" company, the amount of compensation expense during the month for financial services received from "initiating" companies in connection with participations purchased.

Debit: (a) With amount of such expenses incurred during the month.

Credit: (a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

(See account No. 340)

720 Income taxes—net income.

This account will include the balances in subaccounts Nos. 720.1, 720.2, 720.3, etc.

720.1 Federal income taxes—net income.

This account will represent the amount of Federal income taxes applicable to net income for the current fiscal year.

Debit: (a) With amount of such taxes accrued during the month.

Credit: (a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

(See subaccount No. 354.1)

720.2 State income taxes—net income.

This account will represent the amount of State income taxes applicable to net income for the current fiscal year.

Debit: (a) With amount of such taxes accrued during the month.

Credit: (a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

(See subaccount No. 354.2)

722 Income taxes—net realized gain on investments.

This account will include the balances in subaccounts Nos. 722.1, 722.2, 722.3, etc.

722.1 Federal income taxes—net realized gain on investments.

This account will represent the amount of Federal income taxes applicable to net realized gain on investments for the current fiscal year.

Debit: (a) With amount of such taxes accrued during the month.

Credit: (a) At the end of the fiscal year, with the balance of account (transfer to realized gain and loss summary).

(See subaccount No. 354.1)

722.2 State income taxes—net realized gain on investments.

This account will represent the amount of State income taxes applicable to net realized gain on investments for the current fiscal year.

Debit: (a) With amount of such taxes accrued during the month.

Credit: (a) At the end of the fiscal year, with the balance of account (transfer to realized gain and loss summary).

(See subaccount No. 354.2)

MEMORANDUM RECORDS

Nominal Assets

NA–10 Stock purchase warrants or options on stock of SBC's.

This record will show the company's ownership of detachable stock purchase warrants or options on stock of SBC's, retained after the accompanying financing instruments have been disposed of, for which no consideration was given distinct from that surrendered for such fi-

nancing instruments and for which no separate cost has otherwise been determined.

Each such detachable stock purchase warrant or option certificate should be entered in this record, upon detachment, at a nominal value of one dollar ($1.00). Upon sale of such a detached stock purchase warrant or option, upon exercise or expiration of rights conveyed by such a detached stock purchase warrant or option, or upon the determination of a cost to be recorded for such a detached stock purchase warrant or option, the entry establishing such certificate in the memorandum records is to be discharged through an equivalent credit.

Debit: (a) With nominal value of such detachable stock purchase warrants or options upon their detachment from capital stock certificates or debt securities.

Credit:

(a) With nominal value of such detached stock purchase warrants or options upon exercise or expiration of rights conveyed by such warrant or option certificates.

(b) With nominal value of such detached stock purchase warrants or options sold or disposed of otherwise.

(c) With nominal value of such detached stock purchase warrants or options for which a separate cost has been established.

(See accounts Nos. 180, 190, and 196)

NA–12 Undisbursed commitment from SBA.

This record will show the amount of the undisbursed commitment by the Small Business Administration to provide capital and surplus to the company, arising from SBA's purchase of subordinated debentures issued by the company. When funds are received against commitments, appropriate entry will be made in this record.

Contingent Liabilities

CL–16 Commitments outstanding.

This record will show the amount of financing commitments made and outstanding to small business concerns, including commitments for loans and for the acquisition of small business concerns' capital stock and debt securities. This record also will show the amount of deferred participations. A deferred participation is defined as a commitment under a participation agreement whereby the "participating" company will make funds available on a deferred basis to the "initiating" company in connection with the latter's financing of, or commitment to finance, a small business concern, or in connection with an "initiating" small business investment company's acquisition of loans or equity securities from other such companies. When funds are advanced against commitments, appropriate entry will be made in this record.

CL–17 Other contingent liabilities.

This record will show the amount of miscellaneous contingent obligations not otherwise classified.

Options on Company's Stock

OCS–1 Options on company's stock.

This record will show details of outstanding options on the company's capital stock granted in lieu of salary or in payment for services actually rendered to the company. The following data will be included:

1. Identification of person or entity holding options.
2. Number of shares optioned.
3. Type and class of stock called for by options.
4. Dates of grant and of expiration of options.
5. Price or prices at which options exercisable, with dates they apply.
6. Fair market value, per share, of stock called for at date each option was granted.
7. Price of each option as percent of fair market value of optioned stock at date option was granted.
8. Provisions for termination of options in case of death or retirement of optionees, or other circumstances.
9. Details of authorization, shares reserved for, issuance, exercise, lapse, and forfeiture of options provided for under the company's stock option plan.

[F.R. Doc. 65–13880; Filed, Dec. 29, 1965; 8:45 a.m.]

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THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

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How To Find U.S. Statutes and U.S. Code Citations

[Revised Edition—1965]

This pamphlet contains typical legal references which require further citing. The official published volumes in which the citations may be found are shown alongside each reference—with suggestions as to the logical sequence to follow in using them. Additional finding aids, some especially useful in citing current legislation, also have been included. Examples are furnished at pertinent points and a list of references, with descriptions, is carried at the end.

This revised edition contains illustrations of principal finding aids and reflects the changes made in the new master table of statutes set out in the 1964 edition of the United States Code.

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Title 3—THE PRESIDENT

Proclamation 3694

PROCLAMATION OF TRADE AGREEMENT WITH CANADA PROVIDING COMPENSATORY CONCESSIONS

By the President of the United States of America

A Proclamation

1. WHEREAS, pursuant to Section 350 of the Tariff Act of 1930, the President, on October 30, 1947, entered into, and by Proclamation No. 2761A of December 16, 1947 (61 Stat. (pt. 2) 1103), proclaimed, the General Agreement on Tariffs and Trade (hereinafter referred to as "the General Agreement"), including a schedule of United States concessions, designated as Schedule XX, annexed thereto (61 Stat. (pt. 5) A1157), which Agreement, schedule, and proclamation have been supplemented by subsequent agreements, schedules, and proclamations;

2. WHEREAS, after compliance with the requirements of Section 102 of the Tariff Classification Act of 1962 (76 Stat. 73), the President by Proclamation No. 3548 of August 21, 1963 (77 Stat. 1017), proclaimed, effective on and after August 31, 1963, the Tariff Schedules of the United States, which reflected, with modifications, and, in effect, superseded, Proclamation No. 2761A and proclamations supplementary thereto insofar as they relate to Schedule XX to the General Agreement;

3. WHEREAS, pursuant to Sections 221 and 224 of the Trade Expansion Act of 1962 (19 U.S.C. 1841 and 1844), the President, on October 21, 1963, published and furnished to the Tariff Commission lists of articles which may be considered for modification or continuance of duties or other import restrictions, or continuance of duty-free or excise treatment, in the negotiation of trade agreements, including the trade agreement with Canada identified in the eighth recital of this proclamation, compensating other nations for modifications or withdrawals of United States trade agreement concessions (48 CFR Part 180), and the Tariff Commission, after holding public hearings, has advised the President with respect to each such article of its judgment as to the probable economic effect of such modifications;

4. WHEREAS, pursuant to Sections 223 and 224 of the Trade Expansion Act of 1962 (19 U.S.C. 1843 and 1844) and in accordance with Section 3(g) of Executive Order No. 11075 of January 15, 1963 (48 CFR 1.3(g)), the Special Representative for Trade Negotiations, appointed by the President pursuant to Section 241(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1871(a)), on April 23, 1963, designated the Trade Information Committee to afford an opportunity, through public hearings and other means, for any interested person to present his views concerning any article on the lists identified in

the third recital of this proclamation or any other matter relevant to the trade agreement negotiations, including the negotiation of the trade agreement with Canada identified in the eighth recital of this proclamation (48 CFR Part 202), and the Trade Information Committee has furnished the President with a summary of its hearings;

5. WHEREAS, pursuant to Section 222 of the Trade Expansion Act of 1962 (19 U.S.C. 1842), the President has received information and advice with respect to the trade agreement with Canada identified in the eighth recital of this proclamation, from the Departments of Agriculture, Commerce, Defense, Interior, Labor, State, and the Treasury, and from such other sources as the President has deemed appropriate, and, pursuant to Section 241(b) of the Trade Expansion Act of 1962 (19 U.S.C. 1871(b)), the Special Representative for Trade Negotiations has received information and advice with respect to that agreement from representatives of industry, agriculture, and labor, and from such agencies as he has deemed appropriate;

6. WHEREAS, pursuant to Section 201(a)(1) of the Trade Expansion Act of 1962 (19 U.S.C. 1821(a)(1)), the Special Representative for Trade Negotiations has conducted negotiations on behalf of the President with Canada and other contracting parties to the General Agreement, in accordance with Article XXVIII of that Agreement (8 U.S.T. (pt. 2) 1790), with a view to the establishment of a new consolidated Schedule XX to that Agreement in terms of the Tariff Schedules of the United States;

7. WHEREAS, pursuant to Section 201(a) of the Trade Expansion Act of 1962, the President has determined that certain existing duties or other import restrictions of the United States or of foreign countries which are contracting parties to the General Agreement, were unduly burdening and restricting the foreign trade of the United States and that one or more of the purposes stated in Section 102 of the Trade Expansion Act of 1962 (19 U.S.C. 1801) would be promoted by entering into the trade agreement with Canada identified in the eighth recital of this proclamation;

8. WHEREAS, pursuant to Section 201(a)(1) of the Trade Expansion Act of 1962, I, through my duly empowered representative, on December 17, 1965, entered into a trade agreement with Canada entitled the "Interim Agreement Between the United States and Canada Relating to the Renegotiation of Schedule XX (United States) to the General Agreement on Tariffs and Trade" (a copy of which is Appendix A to this proclamation), which embodies the results of the negotiations with Canada as part of the negotiations under Article XXVIII of that Agreement for the establishment of a new consolidated Schedule XX thereto in terms of the Tariff Schedules of the United States;

9. WHEREAS the trade agreement with Canada identified in the eighth recital of this proclamation, which is an agreement supplementary to the General Agreement, contains in annex II a schedule of new concessions, to take effect on January 1, 1966, in compensation for the impairment, arising out of the entry into force of the Tariff Schedules of the United States, of the rights of Canada in concessions in Schedule XX to the General Agreement, and provides that such new concessions shall be applied as if they were included in a Schedule XX to the General Agreement pending the formal effectiveness of a new consolidated Schedule XX;

10. WHEREAS, pursuant to Section 254 of the Trade Expansion Act of 1962 (19 U.S.C. 1884), I have determined that, in the case of those modifications of existing duties proclaimed in this proclamation which reflect decreases in duties exceeding the limitations specified in Section 201(b)(1) or 253 of the Trade Expansion Act of 1962 (19 U.S.C. 1821(b)(1) or 1883), such decreases will simplify the computation of the amount of duty imposed with respect to the articles concerned;

11. WHEREAS, pursuant to Section 256(7) of the Trade Expansion Act of 1962 (19 U.S.C. 1886(7)) and Section 5(a) of Executive Order No. 11075 of January 15, 1963 (48 CFR 1.5(a)), the Tariff Commission has taken the requisite steps in determining the ad valorem equivalent of a specific rate of duty (or of a combination of rates including a specific rate) in the case of each modification of an existing duty proclaimed in this proclamation for which such a determination was relevant; and

12. WHEREAS, pursuant to Section 201(a)(2) of the Trade Expansion Act of 1962, I determine that the modification or continuance of existing duties or other import restrictions, and the continuance of existing duty-free or excise treatment, provided for in the schedule in annex II to the trade agreement with Canada identified in the eighth recital of this proclamation, will be required or appropriate to carry out such trade agreement on and after January 1, 1966, and that the Tariff Schedules of the United States should be appropriately modified to reflect the concessions contained in such schedule:

NOW, THEREFORE, I, LYNDON B. JOHNSON, acting under the authority vested in me by the Constitution and the statutes, including Section 201(a)(2) of the Trade Expansion Act of 1962, do proclaim that:

(1) Subject to the applicable provisions of the trade agreement with Canada identified in the eighth recital of this proclamation and of the General Agreement and other agreements supplementary thereto, the modification or continuance of existing duties or other import restrictions, and the continuance of existing duty-free or excise treatment, provided for in the schedule in annex II to such agreement with Canada shall be effective on and after January 1, 1966, and, as a result thereof,

(2) The Tariff Schedules of the United States shall be modified, effective on and after January 1, 1966, as provided for in Appendix B to this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 27th day of December in the year of our Lord nineteen hundred and sixty-five, and of the Independence of the United States of America the one hundred and ninetieth.

[SEAL]

LYNDON B. JOHNSON

By the President:
DEAN RUSK,
Secretary of State.

APPENDIX A

Interim Agreement Between the United States and Canada Relating to the Renegotiation of Schedule XX (United States) to the General Agreement on Tariffs and Trade

Note: Text of this Appendix A is filed as part of the original document. Annex II thereto reads as follows:

Annex II

General Agreement on Tariffs and Trade

Article XXVIII Renegotiations of Schedule XX

United States Compensatory Concessions to Canada

General Notes

1. The provisions of this Schedule are subject to the pertinent notes appearing at the end of Schedule XX (Geneva–1947) annexed to the General Agreement on Tariffs and Trade, as authenticated at Geneva on October 30, 1947.

2. The bracketed language in the description column of this Schedule has been inserted only in order to clarify the scope of the numbered concession items, and such language is not itself intended to describe articles on which concessions have been granted.

3. For the purpose of applying the one-year intervals provided for in the rate columns in this schedule:

(a) The rate of duty specified in any rate column relating to an item shall be considered as being in effect even though there is being applied to an article provided for under such item either no duty or a lower rate of duty; and

(b) There shall be excluded any time during which a rate of duty higher than that specified in a rate column relating to an item is being applied to an article provided for under such item.

Annex II—Compensatory Concessions

TSUS item	Description	Rates of duty, effective January 1—				
		1966	1967 [1]	1968 [1]	1969 [1]	1970 [1]
	Lumber and wood siding, drilled or treated; and edge-glued or end-glued wood not over 6 feet in length or over 15 inches in width, whether or not drilled or treated:					
	[Softwood lumber and siding, drilled, or pressure treated with creosote or other wood preservative, or both, but not otherwise treated.]					
	[Hardwood, edge-glued or end-glued, not drilled or treated.]					
202.54	Other	9% ad val.	8% ad val.	7% ad val.	6% ad val.	5% ad val.
	Hardboard, whether or not face finished:					
	[Not face finished; and oil treated, whether or not regarded as tempered, but not otherwise face finished.]					
245.30	Other	28% ad val.	26% ad val.	24% ad val.	22% ad val.	20% ad val.
	Building boards not specially provided for, whether or not face finished:					
	[Laminated boards bonded in whole or in part, or impregnated, with synthetic resins.]					
245.90	Other boards of vegetable fibers (including wood fibers)	4% ad val.	4% ad val.	3% ad val.	3% ad val.	2.5% ad val.
	Crepe paper, including paper creped or partly creped in any manner:					
	[Creped as a secondary converting process after paper has been made.]					
253.20	Other	1.35¢ lb.+3% ad val.	1.2¢ lb.+3% ad val.	1.05¢ lb.+3% ad val.	0.9¢ lb.+2% ad val.	0.75¢ lb.+2% ad val.
	Iron compounds:					
	[Sulfide (pyrites).]					
	[Sulfate (ferrous) (copperas).]					
418.94	Other	9% ad val.	8% ad val.	7% ad val.	6% ad val.	5% ad val.
	Nickel compounds:					
	[Chloride.]					
	[Oxide.]					
	[Sulfate.]					
419.76	Other	9% ad val.	8% ad val.	7% ad val.	6% ad val.	5% ad val.
	Selenium compounds:					
	[Dioxide.]					
	[Salts.]					
420.54	Other	9% ad val.	8% ad val.	7% ad val.	6% ad val.	5% ad val.
	Stone chips and spalls, and stone, crushed (otherwise than merely to facilitate shipment to the United States) or ground:					
513.34	Limestone	18¢ short ton	16¢ short ton	14¢ short ton	12¢ short ton	10¢ short ton.
	Ferroalloys:					
	Ferrosilicon:					
607.50	Containing over 8 percent but not over 60 percent by weight of silicon	0.76¢ lb. on silicon content.	0.72¢ lb. on silicon content.	0.68¢ lb. on silicon content.	0.64¢ lb. on silicon content.	0.6¢ lb. on silicon content.
607.51	Containing over 60 percent but not over 80 percent by weight of silicon	0.92¢ lb. on silicon content.	0.84¢ lb. on silicon content.	0.76¢ lb. on silicon content.	0.68¢ lb. on silicon content.	0.6¢ lb. on silicon content.
	Locks and padlocks (whether key, combination, or electrically operated), luggage frames incorporating locks, all the foregoing, and parts thereof, of base metal; lock keys:					
	[Padlocks.]					
	[Cabinet locks.]					
	[Luggage locks, and parts thereof, and luggage frames incorporating locks.]					

See footnotes at end of table.

Annex II—Compensatory Concessions

TSUS item	Description	Rates of duty, effective January 1—				
		1966	1967 [1]	1968 [1]	1969 [1]	1970 [1]
646.92	Other	18% ad val.	17% ad val.	17% ad val.	16% ad val.	15% ad val.
	Hangars and other buildings, bridges, bridge sections, lock-gates, towers, lattice masts, roofs, roofing frameworks, door and window frames, shutters, balustrades, columns, pillars, and posts, and other structures and parts of structures, all the foregoing of base metal:					
	[Of iron or steel:]					
	[Door and window frames.]					
	[Columns, pillars, posts, beams, girders, and similar structural units.]					
652.98	Other	17% ad val.	15% ad val.	13% ad val.	11% ad val.	9.5% ad val.
660.10	Steam and other vapor generating boilers (except central heating hot water boilers capable also of producing low pressure steam), and parts thereof	13% ad val.	13% ad val.	12% ad val.	12% ad val.	11% ad val.
	Producer gas and water gas generators, with or without purifiers; acetylene gas generators (water process) and other gas generators, with or without purifiers; all the foregoing and parts thereof:					
	[Apparatus for the generation of acetylene gas from calcium carbide, and parts thereof.]					
660.22	Other	13% ad val.	13% ad val.	12% ad val.	12% ad val.	11% ad val.
661.20	Air-conditioning machines, comprising a motor-driven fan and elements for changing the temperature and humidity of air, and parts thereof	11% ad val.	11% ad val.	10% ad val.	10% ad val.	9.5% ad val.
	Parts of the foregoing machines [i.e., machines for making cellulosic pulp, paper, or paperboard; machines for processing or finishing pulp, paper, or paperboard, or making them up into articles]:					
668.04	Bed plates, roll bars, and other stock-treating parts for pulp or paper machines	12% ad val.	11% ad val.	10% ad val.	8% ad val.	7% ad val.
	Taps, cocks, valves, and similar devices, however operated, used to control the flow of liquids, gases, or solids, all the foregoing and parts thereof:					
	Hand-operated and check, and parts thereof:					
	[Of copper.]					
680.22	Other	20% ad val.	18% ad val.	16% ad val.	13% ad val.	11% ad val.
	Gear boxes and other speed changers with fixed, multiple, or variable ratios; pulleys, pillow blocks, and shaft couplings; torque converters; chain sprockets; clutches; and universal joints; all the foregoing (except parts of agricultural or horticultural machinery and implements provided for in item 666.00 and parts of motor vehicles, aircraft, and bicycles) and parts thereof:					
680.50	Pulleys, pillow blocks, shaft couplings, and parts thereof	17% ad val.	15% ad val.	13% ad val.	11% ad val.	9.5% ad val.
680.54	Chain sprockets, clutches, universal joints, and parts thereof	17% ad val.	15% ad val.	13% ad val.	11% ad val.	9.5% ad val.
	Radiotelegraphic and radiotelephonic transmission and reception apparatus; radiobroadcasting and television transmission and reception apparatus, and television cameras; record players, phonographs, tape recorders, dictation recording and transcribing machines, record changers, and tone arms; all of the foregoing, and any combination thereof, whether or not incorporating clocks or other timing apparatus, and parts thereof:					
	[Television cameras, and parts thereof.]					
	[Radiotelegraphic and radiotelephonic transmission and reception apparatus; radiobroadcasting and television transmission and reception apparatus, and parts thereof.]					
	[Radio-phonograph combinations.]					
	[Record players, phonographs, record changers, turntables, and tone arms, and parts of the foregoing.]					
	[Tape recorders and dictation recording and transcribing machines, and parts thereof.]					
	Other: [1]					
[685.42	Radio-television-phonograph combinations	14% ad val.	13% ad val.	12% ad val.	11% ad val.	10% ad val.
692.60	Vehicles (including trailers), not self-propelled, not specially provided for, and parts thereof	14% ad val.	13% ad val.	11% ad val.	10% ad val.	8% ad val.
	Aircraft and spacecraft, and parts thereof:					
	[Balloons and airships.]					
	[Gliders.]					
	[Kites, and parts thereof.]					
	[Airplanes.]					
	[Spacecraft.]					
694.60	Other parts	9% ad val.	9% ad val.	8% ad val.	8% ad val.	7.5% ad val.
734.20	Game machines, including coin or disc operated game machines and including games having mechanical controls for manipulating the action, and parts thereof	11% ad val.	10% ad val.	10% ad val.	9% ad val.	9% ad val.

[1] Subject to General Note 3(b) to this Schedule.

[1] Existing TSUS item 685.50.

[1] New item carved out of existing TSUS item 685.50.[1]

APPENDIX B

MODIFICATIONS OF THE TARIFF SCHEDULES OF THE UNITED STATES RESULTING FROM THE PROCLAMATION OF THE INTERIM AGREEMENT BETWEEN THE UNITED STATES AND CANADA RELATING TO THE RENEGOTIATION OF SCHEDULE XX (UNITED STATES) TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE, SIGNED DECEMBER 17, 1965

1. Item 685.50 of the Tariff Schedules of the United States shall be superseded by the following, the article descriptions therein being subordinate to the primary superior article description immediately preceding item 685.10, and the first five rate columns being sub-columns of rate column 1:

		If entered during calendar year—				If entered after calendar year 1969	
		1966	1967	1968	1969		
685.42	Other: Radio-television-phonograph combinations	14% ad val.	13% ad val.	12% ad val.	11% ad val.	10% ad val.	35% ad val.
685.50	Other	15% ad val.					35% ad val.

2. The rate in column 1 in each item of the Tariff Schedules of the United States having the same number as an item in the schedule in annex II to the agreement with Canada, other than the item numbers set forth in the modification made by paragraph 1 of this appendix, shall be superseded by the rates in the rate-of-duty columns in such schedule, set forth in five sub-columns of rate column 1, the first four such sub-columns being subject to the general heading "If entered during calendar year --" and to individual sub-column headings "1966", "1967", "1968", and "1969", respectively, and the fifth such sub-column being subject to the single heading "If entered after calendar year 1969".

[F.R. Doc. 65-14022; Filed, Dec. 30, 1965; 1:02 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Small Business Administration

Section 213.3332 is amended to show that the positions of Director, Office of Procurement Services; Assistant Deputy Administrator for Procurement Assistance; Assistant Administrator for Management Assistance; Deputy Assistant Administrator for Management Assistance, and Director, Office of Procurement Assistance, are no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraphs (k), (z), (aa), and (ff) of section 213.3332 are revoked and paragraph (v) is amended as set out below.

§ 213.3332 Small Business Administration.

• • • • •

(v) Three Assistant Deputy Administrators.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65-13977; Filed, Dec. 30, 1965; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—U.S. Standards for Grades of Rhubarb (Field-Grown) [1]

On October 26, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 13580) regarding the issuance of U.S. Standards for Grades of Rhubarb (Field Grown) (7 CFR, §§ 51.3665–51.3683).

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

Statement of considerations leading to the issuance of the grade standards. The existing U.S. Standards for Rhubarb (Field Grown) have have been in effect since March 10, 1933, but have not been codified in accordance with the Administrative Procedure Act of 1946. This revision serves to codify the standards and to improve them in certain respects.

No changes have been made in the basic requirements, but some definitions have been made more precise and the statement of tolerances has been clarified.

No comments or objections have been received since the publication of the proposed revised standards.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following U.S. Standards for Grades of Rhubarb (Field Grown) are hereby promulgated pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

GRADES

Sec.
51.3665 U.S. Fancy.
51.3666 U.S. No. 1.
51.3667 U.S. No. 2.

UNCLASSIFIED

51.3668 Unclassified.

TOLERANCES

51.3669 Tolerances.

APPLICATION OF TOLERANCES

51.3670 Application of Tolerances.

DEFINITIONS

51.3671 Similar varietal characteristics.
51.3672 Very well colored.
51.3673 Well colored.
51.3674 Fairly well colored.
51.3675 Fresh.
51.3676 Straight.
51.3677 Well trimmed.
51.3678 Pithy.
51.3679 Damage.
51.3680 Diameter.
51.3681 Length.
51.3682 Fairly straight.
51.3683 Serious damage.

AUTHORITY: The provisions of this subpart issued under Secs. 203, 205, 60 Stat. 1067, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

GRADES

§ 51.3665 U.S. Fancy.

"U.S. Fancy" consists of stalks of rhubarb of similar varietal characteristics which are very well colored, fresh, tender, straight, clean, well trimmed and not pithy; which are free from decay, and free from damage caused by scars, freezing, disease, insects, or mechanical or other means. (See § 51.3669.)

(a) The diameter of each stalk is not less than 1 inch, and the length not less than 10 inches. (See § 51.3669.)

§ 51.3666 U.S. No. 1.

"U.S. No. 1" consists of stalks of rhubarb of similar varietal characteristics which are well colored, fresh, tender, straight, clean, well trimmed and not pithy; which are free from decay, and free from damage caused by scars, freezing, disease, insects or mechanical or other means. (See § 51.3669.)

(a) Unless otherwise specified, the diameter of each stalk is not less than three-fourths inch, and the length not less than 10 inches. (See § 51.3669.)

§ 51.3667 U.S. No. 2.

"U.S. No. 2" consists of stalks of rhubarb of similar varietal characteristics which are fairly well colored, fresh fairly straight, clean, well trimmed and not pithy; which are free from decay, and free from serious damage caused by scars, freezing, disease, insects or mechanical or other means. (See § 51.3669.)

(a) Unless otherwise specified, the diameter of each stalk is not less than one-half inch, and the length not less than 8 inches. (See § 51.3669.)

UNCLASSIFIED

§ 51.3668 Unclassified.

"Unclassified" consists of rhubarb which has not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards, but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES

§ 51.3669 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by count, are provided as specified:

(a) *For defects.* 10 percent for stalks of rhubarb in any lot which fail to meet the requirements of the designated grade, including not more than one-tenth of this amount, or 1 percent, for stalks affected by decay.

(b) *For size.* 5 percent for stalks of rhubarb in any lot which fail to meet the specified minimum diameter, and 5 percent for stalks of rhubarb in any lot which fail to meet the specified minimum length.

APPLICATION OF TOLERANCES

§ 51.3670 Application of tolerances.

The contents of individual packages in the lot are subject to the following limitations:

(a) For a tolerance of 10 percent, individual packages may contain not more than one and one-half times the tolerance: *Provided,* That the average for the entire lot is within the tolerance specified for the grade.

(b) For a tolerance of 5 percent or less, individual packages may contain not more than double the tolerance specified: *Provided*, That at least one stalk which is defective and one stalk which is undersize may be permitted in any package: *And provided further*, That the averages for the entire lot are within the tolerances specified for the grade.

DEFINITIONS

§ 51.3671 Similar varietal characteristics.

"Similar varietal characteristics" means that the rhubarb stalks are alike in general characteristics.

§ 51.3672 Very well colored.

"Very well colored" means that a pink or red color predominates on three-fourths or more of the length of the stalk.

§ 51.3673 Well colored.

"Well colored" means that a pink or red color predominates on one-half or more of the length of the stalk.

§ 51.3674 Fairly well colored.

"Fairly well colored" means that a pink or red color predominates on one-fourth or more of the length of the stalk.

§ 51.3675 Fresh.

"Fresh" means not limp or wilted.

§ 51.3676 Straight.

"Straight" means that the stalk has not more than a slight concave curvature of the face, and not more than slight twisting along the longitudinal axis of the stalk.

§ 51.3677 Well trimmed.

"Well trimmed" means that the top has been neatly knife-trimmed so that not more than 2 inches of the midribs and thin leaf tissue remains, and that most of the basal husk has been removed.

§ 51.3678 Pithy.

"Pithy" means that the stalk has an open texture with air spaces in the central portion.

§ 51.3679 Damage.

"Damage" means any defect or any combination of defects which materially detracts from the appearance, or the edible or shipping quality of the stalk.

§ 51.3680 Diameter.

"Diameter" means the greatest distance across the flat face of the stalk at the center of its length.

§ 51.3681 Length.

"Length" means the overall length after the stalk has been well trimmed.

§ 51.3682 Fairly straight.

"Fairly straight" means that the stalk is not badly twisted or crooked.

§ 51.3683 Serious damage.

"Serious damage" means any defect or any combination of defects which seriously detracts from the appearance, or the edible or shipping quality of the stalk. Broken, badly bruised, and crushed stalks shall be considered as serious damage.

The U.S. Standards for Grades of Rhubarb (Field Grown) contained in this subpart shall become effective February 1, 1966.

Dated: December 27, 1965.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 65-13978; Filed, Dec. 30, 1965; 8:45 a.m.]

PART 62—INTERNATIONAL COTTON CALIBRATION STANDARDS PROGRAM

Pursuant to authority contained in the Agricultural Marketing Act of 1946, as amended (60 Stat. 1087, as amended; 7 U.S.C. 1621 et seq.), 7 CFR Part 62, §§ 62.1 through 62.3, entitled "International Cotton Calibration Standards Program" is hereby abolished in its entirety, effective upon publication of this document in the FEDERAL REGISTER.

The primary purpose of the regulations contained in Part 62 was to explain the availability and cost of the International Calibration Cotton Standards. For the convenience of users of these standards, information on the availability and cost of these standards is now given in § 28.956 of the regulations for Cotton Fiber and Processing Tests. Since Part 62 is now obsolete, it is found upon good cause that notice of rule making and other public procedures are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making this abolishment of regulations effective upon publication in the FEDERAL REGISTER.

(Sec. 205, 60 Stat. 1090; 7 U.S.C. 1624)

Dated: December 27th, 1965.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 65-13979; Filed, Dec. 30, 1965; 8:45 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER D—PROVISIONS COMMON TO MORE THAN ONE PROGRAM

PART 790—INCOMPLETE PERFORMANCE BASED UPON ACTION OR ADVICE OF AN AUTHORIZED REPRESENTATIVE OF THE SECRETARY

Sec.
790.1 Applicability.
790.2 Action.
790.3 Delegation of authority.
790.4 Filing of request for consideration.

AUTHORITY: The provisions of this Part 790 issued under sec. 326, 76 Stat. 631, 77 Stat. 47, 79 Stat. 1192.

§ 790.1 Applicability.

This Part is applicable to all programs set forth in this Title 7, administered by the Agricultural Stabilization and Conservation Service, hereinafter referred to as "ASCS," under which price support is extended or payments are made to farmers.

§ 790.2 Action.

Notwithstanding any other provision of law, performance rendered in good faith in reliance upon action or advice of any authorized representative of a county committee or State committee, as defined in Part 719 of this Chapter, may be accepted by the Administrator, ASCS (Executive Vice President, CCC), the Associate Administrator, ASCS (Vice President, CCC), or the Deputy Administrator, State and County Operations, ASCS (Vice President, CCC), as meeting the requirements of the applicable program and price support may be extended or payment may be made therefor in accordance with such action or advice to the extent it is deemed desirable in order to provide fair and equitable treatment.

§ 790.3 Delegation of authority.

The authority contained in this Part may be redelegated in whole or in part.

§ 790.4 Filing of request for consideration.

Any person who feels that he is entitled to consideration under the provisions of this Part may file a request therefor with the county committee.

Signed at Washington, D.C., on December 27, 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-13980; Filed, Dec. 30, 1965; 8:45 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

PART 812—SUGAR REQUIREMENTS AND QUOTAS: HAWAII AND PUERTO RICO

Establishment of Quotas for Local Consumption in 1966

On page 15373 of the FEDERAL REGISTER of December 14, 1965, there was published a notice of proposed rule making to issue a regulation determining sugar requirements for 1966 and establishing quotas for Hawaii and Puerto Rico for the calendar year 1966. Interested persons were given until December 20, 1965, to submit written data, views or arguments for consideration in connection with the proposed regulation.

No views or comments were received relative to the proposed regulation.

The proposed regulation is hereby adopted without change.

Effective date. January 1, 1966.

Signed at Washington, D.C., this 28th day of December 1965.

ORVILLE L. FREEMAN,
Secretary.

Sec.
812.1 Sugar requirements and quota—Hawaii.
812.2 Sugar requirements and quota—Puerto Rico.
812.3 Restrictions on marketing.

AUTHORITY: The provisions of this Part 812 issued under sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 201, 203, 209, 210, 412; 61 Stat. 923, as amended, 925, 928; 7 U.S.C. 1111, 1112, 1119, 1112.

§ 812.1 Sugar requirements and quota—Hawaii.

It is hereby determined, pursuant to section 203 of the Act, that the amount of sugar needed to meet the requirements of consumers in Hawaii for the calendar year 1966 is 50,000 short tons, raw value, and a quota of 50,000 short tons, raw value, is hereby established for Hawaii for local consumption for the calendar year 1966.

§ 812.2 Sugar requirements and quota—Puerto Rico.

It is hereby determined, pursuant to section 203 of the Act, that the amount of sugar needed to meet the requirements of consumers in Puerto Rico for the calendar year 1966 is 130,000 short tons, raw value, and a quota of 130,000 short tons, raw value, is hereby established for Puerto Rico for local consumption for the calendar year 1966.

§ 812.3 Restrictions on marketing.

Pursuant to section 209 of the Act, for the calendar year 1966 all persons are hereby prohibited from marketing, pursuant to Part 816 of this chapter (23 F.R. 1943, 27 F.R. 1450), in Hawaii or in Puerto Rico, for consumption therein, any sugar or liquid sugar after the quota for the area for the calendar year 1966 has been filled. Pursuant to section 211(c) of the Act, the quota for each area may be filled only with sugar produced from sugarcane grown in the respective area.

[F.R. Doc. 65-13996; Filed, Dec. 30, 1965; 8:48 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 94]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.394 Navel Orange Regulation 94.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 29, 1965.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., January 2, 1966, and ending at 12:01 a.m., P.s.t., January 9, 1966, are hereby fixed as follows:

(i) District 1: 500,000 cartons;
(ii) District 3: 65,000 cartons;
(iii) District 3: 65,000 cartons;
(iv) District 4: 25,000 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: December 30, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-14019; Filed, Dec. 30, 1965; 11:37 a.m.]

[Grapefruit Reg. 1]

PART 913—GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT IN FLORIDA

Limitation of Handling

§ 913.301 Grapefruit Regulation 1.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 913 (7 CFR Part 913; 30 F.R. 15204), regulating the handling of grapefruit grown in the Interior District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Interior Grapefruit Marketing Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Interior grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such Interior grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 29, 1965.

(b) *Order.* (1) The quantity of grapefruit grown in the Interior District which may be handled during the period beginning at 12:01 a.m., e.s.t., January 3, 1966, and ending at 12:01 a.m., e.s.t.,

January 10, 1966, is hereby fixed at 242,500 standard packed boxes.

(2) As used in this section, "handled," "Interior District," "grapefruit," and "standard packed box" have the same meaning as when used in said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 29, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–14013; Filed, Dec. 30, 1965; 8:48 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 44]

PART 1044—MILK IN MICHIGAN UPPER PENINSULA MARKETING AREA

Order Amending Order

§ 1044.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Michigan Upper Peninsula marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than January 1, 1966. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The decision of the Assistant Secretary of Agriculture containing all amendment provisions of this order was issued December 21, 1965. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective January 1, 1966, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least three-fourths of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Michigan Upper Peninsula marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

In § 1044.51(a) the introductory text preceding subparagraph (1) is revised to read as follows:

§ 1044.51 Class prices.

* * * * *

(a) *Class I milk price.* The Class I milk price for plants located in Zone 1 during the specified periods shall be the following amounts plus or minus a supply-demand adjustment of not more than 24 cents computed pursuant to this paragraph except that the Class I price for January through June 1966 shall not exceed the November 1965 Class I price: January and February 1966, $4.51; March through June 1966, $4.31; July 1966 and thereafter, the basic formula price for the preceding month plus $0.75 in March through June; plus $1.15 in August through November; and plus $0.95 in all other months. For plants located in Zone 1(a) the price shall be the price specified for Zone 1 less 10 cents; for plants located in Zone 2 the price shall be the price specified for Zone 1 plus 20 cents; and for plants located outside of the marketing area and west of Lake Michigan, the price (subject to § 1044.53) shall be that specified for Zone 1 and for plants located outside the marketing area and east of Lake Michigan, the price (subject to § 1044.53) shall be that specified for Zone 2. The supply-demand adjustment shall be computed as follows:

* * * * *

(Sec. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. January 1, 1966.

Signed at Washington, D.C., on December 28, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 65–13998; Filed, Dec. 30, 1965; 8:47 a.m.]

[Milk Order 45]

PART 1045—MILK IN NORTHEASTERN WISCONSIN MARKETING AREA

Order Amending Order

§ 1045.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the northeastern Wisconsin marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than January 1, 1966. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The decision of the Assistant Secretary of Agriculture containing all amendment provisions of this order was issued December 21, 1965.

The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective January 1, 1966, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Northeastern Wisconsin marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

In § 1045.51(a) the introductory text preceding subparagraph (1) is revised to read as follows:

§ 1045.51 Class I milk price.

* * * * *

(a) During the specified periods, the following amounts plus or minus a supply-demand adjustment of not more than 24 cents computed pursuant to this paragraph except that the price for January through June 1966 shall not exceed the November 1965 Class I price: January and February 1966, $4.30; March through June 1966, $4.10; July 1966 and thereafter, the basic formula price for the preceding month plus $0.54 during the months of March, April, May, and June, $0.74 during January, February, July and December, and $0.94 during all other months. The supply-demand adjustment shall be computed as follows:

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. January 1, 1966.

Signed at Washington, D.C., on December 28, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 65–13999; Filed, Dec. 30, 1965; 8:47 a.m.]

[Milk Order 101]

PART 1101—MILK IN KNOXVILLE, TENN., MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Knoxville, Tennessee, marketing area (7 CFR Part 1101), it is hereby found and determined that:

(a) In § 1101.12, the provision of the order which reads: "(a) Any day during the months of March through August, or (b) on not more than 10 days during the month in any of the other months of the year," does not tend to effectuate the declared policy of the Act for the period of January and February 1966.

(b) Thirty days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order is necessary to enable handlers to divert unlimited excess milk supplies during the effective period to manufacturing outlets without causing any dairy farmer to lose his producer status under the order or to lose credit in the computation of his base on his milk deliveries during such period.

(4) Interested parties were afforded opportunity to file written data, views or arguments concerning this suspension (30 F.R. 15811). None were filed in opposition to the proposed suspension.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the period January and February 1966.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. January 1, 1966.

Signed at Washington, D.C., on December 27, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 65–13981; Filed, Dec. 30, 1965; 8:45 a.m.]

[Milk Order 102]

PART 1102—MILK IN FORT SMITH, ARK., MARKETING AREA

Order Amending Order

§ 1102.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Fort Smith, Ark., marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than the date of issuance. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The decision of the

Assistant Secretary containing all amendment provisions of this order was issued December 23, 1965. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective on the date of issuance, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least three-fourths of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Fort Smith, Ark., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

In § 1102.51(a), subparagraph (3) is revised to read as follows:

§ 1102.51 Class prices.

• • • • •

(a) • • •

(3) For a "minus deviation percentage" the Class I price shall be increased and for a "plus deviation percentage" the Class I price shall be decreased as follows: *Provided,* That the adjustment shall be plus 25 cents for each month from the effective date of this order through June 30, 1966;

• • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. Upon issuance.

Signed at Washington, D.C., on December 27, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 65–13982; Filed, Dec. 30, 1965; 8:45 a.m.]

[Milk Order 136]

PART 1136—MILK IN GREAT BASIN MARKETING AREA

Order Amending Order

§ 1136.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Great Basin marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to:

(i) Producer milk (including that classified pursuant to § 1136.40(b) but excluding, in the case of a cooperative association which is a handler pursuant to § 1136.9(c), milk which was received at the pool plant of another handler) and such handler's own production;

(ii) Other source milk allocated to Class I pursuant to § 1136.44(a) (3) and (7) and the corresponding step of § 1136.44(b); and

(iii) Class I milk disposed of from partially regulated distributing plants on routes in the marketing area that exceeds Class I milk received during the month at such plants from pool plants and other order plants.

(b) Additional findings. It is necessary in the public interest to make this order amending the order effective not later than January 1, 1966. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued October 1, 1965, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued December 6, 1965. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective January 1, 1966, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011).

(c) Determinations. It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Great Basin marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended, as follows:

1. Section 1136.6 is revised to read as follows:

§ 1136.6 Great Basin marketing area.

"Great Basin marketing area" hereinafter called the "marketing area" means all the territory, including all government reservations and installations and all municipalities, within the places listed below:

UTAH COUNTIES

Box Elder.	Rich.
Cache.	Salt Lake.
Carbon.	Sanpete.
Daggett.	Sevier.
Davis.	Summit.
Duchesne.	Tooele.
Emery.	Uintah.
Grand.	Utah.
Juab.	Wasatch.
Millard.	Weber.
Morgan.	

NEVADA COUNTIES

Elko.	White Pine.

IDAHO COUNTIES

Franklin (city of Preston only).
Oneida (Malad City only).

WYOMING COUNTY

Uinta (town of Evanston only).

2. Section 1136.7 is revised to read as follows:

§ 1136.7 Producer.

"Producer" means a dairy farmer (except a producer-handler or a producer-handler under another Federal milk order) who produces milk in compliance with the inspection requirements of a duly constituted health authority for fluid consumption (as used in this subpart, compliance with inspection requirements shall include production of milk acceptable for fluid consumption of agencies of the United States Government located in the marketing area) which milk is delivered to a pool plant during the month or diverted to a nonpool plant within the limits set forth in § 1136.13. The term shall not include such person with respect to milk diverted to a pool plant from an other order plant if the operator of both the transferor plant and the transferee plant have requested Class III classification in the reports of receipts and utilization filed with their respective market administrators.

3. In § 1136.8, paragraph (b) is revised to read as follows:

§ 1136.8 Producer-handler.

• • • • • •

(b) Receives either at such plant or for disposition on routes (1) milk from his own farm production, (2) fluid milk products from pool plants, and (3) nonfluid other source milk: *Provided,* That the sum of the quantity specified in § 1136.8(b)(2) and the quantity specified in § 1136.8(b)(3) which is reconstituted into a fluid milk product during the month is not in excess of the larger of 3,000 pounds or 5 percent of such person's Class I sales.

• • • • •

4. Section 1136.10 is revised to read as follows:

§ 1136.10 Approved plant.

"Approved plant" means a plant which either receives milk from dairy farmers or possesses the approval of any duly constituted health authority for the processing or packaging of Grade A fluid products, and (a) in which milk or milk products are processed or packaged and from which any fluid milk product is disposed of during the month on routes in the marketing area, or (b) in which milk is received or processed and from which milk or skim milk is shipped during the month to a plant described in paragraph (a) of this section.

5. In § 1136.11, paragraph (a) is revised to read as follows:

§ 1136.11 Pool plant.

• • • • • •

(a) An approved plant, except the plant of a producer-handler as described in § 1136.8, from which during the month there is disposed of on routes fluid milk products equal to not less than 50 percent of the receipts during the month at such plant of producer milk, producer milk diverted therefrom by the plant operator and receipts at the plant of fluid milk products from plants described pursuant to paragraph (b) of this section, and there are disposed of on routes in the marketing area fluid milk products equal to not less than 15 percent of the total fluid milk product disposition from the plant on routes. If any cooperative association operating an approved plant as defined in § 1136.10(a) causes producer milk to be delivered to a pool plant pursuant to this paragraph operated by another handler, such producer milk shall be included for the computations made pursuant to this paragraph for such cooperative association's plant along with the receipts of producer milk at such cooperative association's plant, and the quantity of such milk calculated as Class I milk pursuant to § 1136.22(h) shall be included for such computations along with the fluid milk products disposed of on routes from such cooperative association's plant. If such a cooperative association operates more than one approved plant as defined in § 1136.10(a), such producer milk and Class I milk shall be included in the computation for whichever plant the cooperative association requests in writing to the market administrator. If no such written request is made, such producer milk and Class I milk shall be prorated among the plants. If a handler operates more than one approved plant, the combined receipts and disposition of any of such plants may be used as the basis for qualifying the respective plants pursuant to the preceding computations specified in this paragraph if the handler in writing so requests the market administrator.

• • • • •

6. Section 1136.13 is revised to read as follows:

§ 1136.13 Producer milk.

"Producer milk" means only that skim milk and butterfat contained in milk from producers (in an amount determined by weights and measurements for individual producers, as taken at the farm in the case of milk moved from the farm in a tank truck) which is:

(a) Received from producers at a pool plant but not including milk of producers for which another person is the handler pursuant to § 1136.9(c): *Provided,* That milk received at a pool plant by diversions from a plant at which such milk would be fully subject to pricing and pooling under the terms and provisions of another order issued pursuant to the Act shall not be producer milk.

(b) Diverted by a handler from a pool plant to a nonpool plant or to a receiving facility not approved for handling milk for fluid consumption located at another pool plant. Such handler may divert the milk of any producer from whom at least three deliveries of milk have been received at a pool plant during the month in an amount equal to not more than the following:

(1) For a handler pursuant to § 1136.9(a) 25 percent of the producer milk received from producers who are not members of a cooperative association. Diversions in excess of such percentage shall not be considered producer milk, and the diverting handler shall specify the dairy farmers whose milk is ineligible as producer milk; or

(2) For a cooperative association which is a handler, 25 percent of the producer milk of members of such cooperative association: *Provided,* That such diverted milk shall be accounted for as a receipt of producer milk by the handler diverting the milk. Diversions in excess of such percentage shall not be considered producer milk, and the diverting cooperative shall specify the dairy farmers whose milk is ineligible as producer milk;

(3) Two or more cooperative associations may have their allowable diversions computed on the basis of the combined deliveries of milk by their member-producers if each association has filed such a request in writing with the market administrator on or before the first day of the month the agreement is effective. This request shall specify the basis for assigning over-diverted milk to the producer members of each cooperative according to a method approved by the market administrator; and

(c) Received by a cooperative association which is defined as a handler pursuant to § 1136.9(c).

7. In § 1136.14, paragraph (b) is revised to read as follows:

§ 1136.14 Other source milk.

• • • • •

(b) Products (except Class II products received from pool plants), other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the

month, and any disappearance of products other than fluid milk products which are in a form in which they may be converted into fluid milk products and which are not otherwise accounted for pursuant to § 1136.33.

8. Section 1136.40 is revised to read as follows:

§ 1136.40 Responsibility of handlers.

(a) Except as provided in paragraphs (b) and (c) of this section, all skim milk and butterfat shall be classified as Class I milk unless the handler who first received (or diverted) such skim milk and butterfat establishes that it should be classified otherwise.

(b) For the purposes of §§ 1136.41 through 1136.45, 1136.50 through 1136.54, and 1136.70 through 1136.74, milk delivered by a cooperative association in its capacity as a handler pursuant to § 1136.9(c) shall be classified and allocated as producer milk according to the use or disposition by the receiving handler and the value thereof at class prices shall be included in the receiving handler's net pool obligation pursuant to § 1136.70.

(c) In the case of milk received from producers by a cooperative association handler pursuant to § 1136.9(c), the cooperative association shall be responsible for proving that skim milk and butterfat in such milk which was not received at a pool plant should be classified other than as Class I and the operator of a pool plant receiving skim milk and butterfat from a cooperative association handler pursuant to § 1136.9(c) shall be responsible for proving that such skim milk and butterfat shall be classified other than as Class I

9. Section 1136.41 is revised to read as follows:

§ 1136.41 Classes of utilization.

Subject to the conditions set forth in §§ 1136.42 through 1136.45, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of from a plant in the form of a fluid milk product except:

(i) Those classified pursuant to paragraph (c) (3), (4), and (7) of this section; and

(ii) Any product fortified with added solids shall be Class I in an amount equal only to the weight of an equal volume of a like unmodified product of the same butterfat content; or

(2) Not otherwise specifically accounted for as Class II or Class III utilization.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat used to produce cottage cheese.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product or a Class II product;

(2) Contained in inventories of fluid milk products on hand at the end of the month;

(3) Contained in fluid milk products disposed of for livestock feed (skim milk portion only);

(4) Contained in fluid milk products dumped (skim milk portion only) after prior notification to and opportunity for verification by the market administrator;

(5) In shrinkage of skim milk and butterfat, respectively, at each pool plant, or for which a cooperative association is the handler pursuant to § 1136.9(c), assigned pursuant to § 1136.45(b)(1), but not to exceed the following:

(i) Two percent of producer milk (except diverted milk); plus

(ii) One and one-half percent of milk received in bulk tank lots from other pool plants; plus

(iii) One and one-half percent of milk received from a cooperative association which is the handler for such milk pursuant to § 1136.9(c) (except that if the handler operating the pool plant files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage shall be 2 percent); plus

(iv) One and one-half percent of receipts of fluid milk products in bulk from an other order plant, exclusive of the quantity for which Class III utilization was requested by the operator of such plant and the handler; plus

(v) One and one-half percent of receipts of fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class III utilization was requested by the handler; less

(vi) One and one-half percent of milk disposed of in bulk tank lots to other pool plants (except when the exception specified in subdivision (iii) of this subparagraph applies, the applicable percentage shall be two percent).

(6) In shrinkage assigned pursuant to § 1136.45(b)(2);

(7) Disposed of in bulk to a commercial candy manufacturer who does not dispose of fluid milk products for consumption either on or off the premises; and

(8) Contained in any fortified fluid milk product in excess of the pounds classified as Class I milk pursuant to paragraph (a)(1)(ii) of this section.

10. In § 1136.42, paragraphs (a) and (b) are revised to read as follows:

§ 1136.42 Transfers.

• • • • • •

(a) Except as provided in § 1136.40(b) if transferred to a pool plant of another handler (or other pool plants, if applicable) as fluid milk products shall be classified as Class I milk unless the operators of both plants claim utilization thereof in another class in their reports submitted pursuant to § 1136.30 subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to any class shall be limited to the amount thereof remaining in such class in the plant(s) of the transferee handler after computations pursuant to § 1136.44(a)(8) and the corresponding step of § 1136.44(b);

(2) If the transferor handler received during the month other source milk to be allocated pursuant to § 1136.44(a)(3) and the corresponding step of § 1136.44(b), the skim milk and butterfat so transferred shall be classified so as to allocate the lowest possible classification to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1136.44(a)(7) and (8) and the corresponding steps of § 1136.44(b), the skim milk and butterfat so transferred shall be classified so as to assign to producer milk the greatest possible Class I utilization at both plants;

(b) If transferred to the plant of a producer-handler or to an exempt plant as defined in § 1136.60a in the form of fluid milk products shall be classified as Class I milk;

• • • • • •

11. Section 1136.43 is revised to read as follows:

§ 1136.43 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and other obvious errors, the reports of receipts and utilization submitted pursuant to § 1136.30. The skim milk contained in any product utilized, produced or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids. The market administrator shall compute the skim milk and butterfat in each class as follows:

(a) If no fluid milk products to be assigned pursuant to § 1136.44(a)(7) or (8) were received at any pool plant of the handler, allocation pursuant to § 1136.44 and computation of obligation pursuant to § 1136.70 shall be made separately for each pool plant of a handler operating two or more pool plants;

(b) Unless the conditions specified in paragraph (a) of this section apply, the market administrator will compute the pounds of skim milk and butterfat in each class at all pool plants of such handler, exclusive of any classification based upon movements between such plants, and allocation pursuant to § 1136.44 and computation of obligation pursuant to § 1136.70 shall be based upon the combined utilization so computed; and

(c) Producer milk for which a cooperative association is the responsible handler pursuant to § 1136.9(b) or (c) shall be treated separately from the operations of any pool plant(s) operated by such cooperative association for the purpose of allocation pursuant to § 1136.44 and computation of obligation pursuant to § 1136.70.

12. Section 1136.44 is revised to read as follows:

§ 1136.44 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1136.43, the market administrator shall determine each month the classification of milk received from producers by each cooperative association handler pursuant to § 1136.9(b) and (c) which was not received at a pool plant and the classification of milk received from producers and from cooperative association handlers pursuant to § 1136.9(c) by each handler (or pool plant, if applicable) as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk classified as Class III pursuant to § 1136.41(c)(5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class III milk, the lesser of the pounds remaining or the quantity associated with such receipts and classified as Class III pursuant to § 1136.41(c)(8) plus two percent of such receipts (weight of an equal volume of a like unmodified product of the same butterfat content);

(ii) From Class I milk, the remainder of such receipts; and

(iii) In the event that packaged other order milk receipts are in excess of the total amount subtracted pursuant to § 1136.44(a)(2)(i) and (ii), the remaining quantity shall be subtracted from the utilization remaining in Class III and then Class II;

(3) Subtract, in the order specified below, the pounds of skim milk in each of the following:

(i) From the pounds of skim milk remaining in each class, in series beginning with Class III:

(a) Other source milk in a form other than that of a fluid milk product;

(b) Receipts of fluid milk products not qualified for fluid consumption, or which are from unidentified sources; and

(c) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order, and from exempt plants as defined in § 1136.60a;

(ii) From the pounds of skim milk remaining in Class II and Class III, beginning with Class II, receipts from pool plants of other handlers (or other pool plants, if applicable) in the form of cottage cheese;

(4) Subtract, in the order specified below in sequence beginning with Class III, from the pounds of skim milk remaining in Classes II and III but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant for which the handler requests Class III utilization;

(ii) Receipts of fluid milk products from an unregulated supply plant which are in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I by 1.25; and

(b) Subtract from the result the sum of the pounds of skim milk in producer milk, in receipts from pool plants of other handlers (or other pool plants, if applicable), and in receipts in bulk from other order plants;

(iii) Receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, if Class III utilization was requested by the transferee handler and the operator of the transferor plant requests the lowest class utilization under the other order;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated plants which were not subtracted pursuant to subparagraph (4)(i) or (ii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraph (4)(iii) of this paragraph:

(i) In series beginning with Class III, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II and Class III utilization of skim milk announced for the month by the market administrator pursuant to § 1136.22(l) or the percentage that Class II and Class III utilization remaining is of the total remaining utilization of skim milk at the pool plant (or pool plants, if applicable) of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers (or other pool plants, if applicable) according to the classification assigned pursuant to § 1136.42(a);

(10) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

13. Section 1136.45 is revised to read as follows:

§ 1136.45 Shrinkage.

The market administrator shall assign shrinkage at each pool plant to receipts at such plant as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively; and

(b) Prorate each resulting amount computed in paragraph (a) of this section between the amounts of skim milk and butterfat, respectively, contained in:

(1) Receipts specified in § 1136.41(c)(5); and

(2) Remaining receipts of other source milk received in bulk form as fluid milk products.

14. A new § 1136.60a is added and reads as follows:

§ 1136.60a Exempt plants.

None of the provisions of this part shall apply to a governmental agency, to Brigham Young University, or to any approved plant from which the total route disposition of fluid milk products is to individuals or institutions for charitable purposes and is without remuneration from such individuals or institutions. Sales of fluid milk products from a pool plant to such an agency or institution shall be Class I and receipts of fluid milk products at a pool plant from such an agency or institution shall be Class III.

15. In § 1136.62, subdivision (i) of subparagraph (1) of paragraph (a) and subparagraph (4) of paragraph (b) are revised to read as follows:

§ 1136.62 Obligations of handler operating a partially regulated distributing plant.

• • • • • •

(a) • • •

(1)(i) The obligation that would have been computed pursuant to § 1136.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class III (or Class II) milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1136.70(e) and a credit in the amount specified in § 1136.82(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph;

• • • • • •

(b) • • •

(4) From the value of such milk at the Class I price applicable at the location of this nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class III price).

16. In § 1136.70, the introductory text preceding paragraph (a) is revised to read as follows:

§ 1136.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler (at each pool plant, if applicable) and of each cooperative associa-

tion handler pursuant to § 1136.9 (b) and (c) shall be a sum of money computed each month by the market administrator as follows:

17. In § 1136.71, paragraph (f) is revised to read as follows:

§ 1136.71 Computation of uniform price.

* * * * *

(f) Subtract not less than 5 cents nor more than 6 cents per hundredweight. The result shall be known as the uniform price.

18. In § 1136.73, paragraph (b) is revised to read as follows:

§ 1136.73 Location differentials to producers and on nonpool milk.

* * * * *

(b) For purposes of computations pursuant to §§ 1136.82 and 1136.83 the uniform price shall be adjusted at the rates set forth in § 1136.53 applicable at the location of the nonpool plant from which the milk was received.

19. Section 1136.80 is revised to read as follows:

§ 1136.80 Time and method of payment for producer milk.

(a) Except as provided in paragraph (b), (d), or (e) of this section, each handler shall make payment to each producer from whom milk is received as follows:

(1) On or before the last day of each month, for producer milk received during the first 15 days of the month, at not less than 1.2 times the Class III price for the preceding month; and

(2) On or before the 17th day of the following month, for producer milk received during the month, at not less than the uniform price pursuant to § 1136.71 adjusted by the butterfat and location differentials to producers, subject to the following adjustments:

(i) Less marketing service deductions made pursuant to § 1136.85;

(ii) Less the payment made pursuant to subparagraph (1) of this paragraph;

(iii) Plus or minus adjustments for errors made in previous payments to such producer and proper deductions authorized in writing by such producer; and

(iv) If by the date specified, such handler has not received full payment from the market administrator pursuant to § 1136.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator.

(b) In the case of a cooperative association which is authorized by its members to collect payment for their milk and which has requested such payment from any handler in writing and has so notified the market administrator, payment for milk received during the month by such handler(s) from producer-members of such association shall be accomplished as follows:

(1) On or before the third day prior to the last day of each month such handler shall pay to such cooperative association not less than 1.2 times the Class III price for the preceding month for the hundredweight of such milk received during the first 15 days of the month;

(2) On or before the 16th day of the following month such handler shall pay to such cooperative association the sum of the payments computed at the appropriate uniform price with respect to deliveries by producer-members of such association to handlers from whom payments have been requested, less the amounts of payments made to such association pursuant to subparagraph (1) of this paragraph, and less the amount retained by handlers as authorized deductions.

(c) Each handler who received milk from producers for which payment is to be made to a cooperative association pursuant to paragraph (b) of this section shall report to such cooperative association and to the market administrator on or before the 7th day of the following month, as follows:

(1) The total pounds of milk received during the month, and if requested, the pounds received from each member-producer;

(2) The amount of payment made pursuant to paragraph (b)(1) of this section and the quantity of milk to which such payment applied; and

(3) The amount or rate and nature of any proper deductions authorized to be made from payments.

(d) Each handler shall pay a cooperative association for milk received by him from such cooperative which is classified pursuant to § 1136.40(b) as follows:

(1) On or before the second day prior to the last day of each month, for milk received during the first 15 days of the month an amount per hundredweight not less than 1.2 times the Class III price for the preceding month; and

(2) On or before the 15th day of the following month for milk received during the month, not less than the value of such milk at the applicable uniform price, less payment made pursuant to subparagraph (1) of this paragraph.

(e) Each handler shall pay a cooperative association for milk received by him from a pool plant operated by such association as follows:

(1) On or before the second day prior to the end of each month, for milk received during the first 15 days of the month an amount per hundredweight not less than 1.2 times the Class III price for the preceding month; and

(2) On or before the 15th day of the following month for milk received during the month, not less than an amount computed by multiplying the minimum prices for milk in each class subject to the applicable location adjustment provided in § 1136.53 and the butterfat differential provided by § 1136.52, by the hundredweight of milk in each class pursuant to § 1136.44, such amount to be reduced in the amount of the payment made pursuant to subparagraph (1) of this paragraph.

20. Section 1136.82 is revised to read as follows:

§ 1136.82 Payments to the producer-settlement fund.

On or before the 14th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amount (for each pool plant, if applicable) specified in paragraph (a) of this section exceeds the amounts specified in paragraph (b) of this section:

(a) The sum of:

(1) The total of the net pool obligation computed pursuant to § 1136.70 for such handler; and

(2) In the case of a cooperative association which is a handler, the minimum amounts due from other handlers pursuant to § 1136.80 (d) and (e).

(b) The sum of:

(1) The value of milk received by such handler from producers and from cooperative association handlers pursuant to § 1136.9(c) at the uniform price adjusted by applicable differentials pursuant to §§ 1136.72 and 1136.73; and

(2) The value at the uniform price(s) applicable at the location of the plant(s) from which received (not to be less than the value at the Class III price) with respect to other source milk for which a value is computed pursuant to § 1136.70 (e).

21. In § 1136.85, paragraph (a) is revised to read as follows:

§ 1136.85 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to producers for milk pursuant to § 1136.80 (other than milk of his own production) shall deduct 6 cents per hundredweight, or such lesser amount as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 14th day after the end of the month. Such money will be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such services from a cooperative association;

* * * * *

22. Section 1136.86 is revised to read as follows:

§ 1136.86 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 14th day after the end of the month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to:

(a) Producer milk (including that classified pursuant to § 1136.40(b) but excluding, in the case of a cooperative association which is a handler pursuant to § 1136.9(c), milk which was received at the pool plant of another handler) and such handler's own production;

(b) Other source milk allocated to Class I pursuant to § 1136.44(a) (3) and (7) and the corresponding steps of § 1136.44(b); and

(c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

(Sec. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. January 1, 1966.

Signed at Washington, D.C., on December 27, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 65–13983; Filed, Dec. 30, 1965; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 19,608]

PART 545—OPERATIONS

Determination Date

DECEMBER 28, 1965.

Resolved that, notice and public procedure having been duly afforded (30 F.R. 15174, 15236) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration and of determination by it of the advisability of amendment of § 545.1–1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.1–1) to provide for the payment of dividends from the date of investment on funds invested subsequent to the 10th of the month, and for the purpose of effecting such amendment, hereby amends said § 545.1–1 as hereinafter set forth, effective December 31, 1965:

Paragraph (d) of § 545.1–1 is hereby amended to read as follows:

§ 545.1–1 Distribution of earnings on bases, terms, and conditions other than those provided by charter.

* * * * *

(d) *Determination date.* For the purpose of computing earnings for distribution on savings accounts, the board of directors of a Federal association which has a charter in the form of Charter N or Charter K (rev.) may, after adoption of a resolution so providing and while such resolution remains in effect, fix a date, not later than the 20th of the month, for determining the date of investment of payments on savings accounts or designated classes thereof: *Provided*, That, prior to July 1, 1966, no such Federal association may fix as such date a date later than the 10th of the month if it is a date which building and loan or savings and loan associations, homestead associations, cooperative banks, and mutual savings banks in the State, district, or territory (including Puerto Rico, Guam, and the Virgin Islands) in which the home office of such Federal association is located are prohibited by the laws of such State, district, or territory from fixing as such date, except that such a Federal association may fix as such date a date not later than the 15th of the month if its home office is located in a State, district, or territory the laws of which expressly provide that building and loan or savings and loan associations, homestead associations, cooperative banks, or mutual savings banks may fix as such date a date not later than the 10th business day of the month. Payments received by the association on or before such determination date shall receive earnings as if invested on the first of such month; payments received subsequent to such determination date shall receive earnings as if invested on the first of the next succeeding month, except that, after adoption by the association's board of directors of a resolution so providing and while such resolution remains in effect, payments received subsequent to a determination date which is not later than the 10th of the month shall receive earnings from the date of receipt.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that, inasmuch as the foregoing amendment relieves restriction, the Board hereby finds that postponement of the effective date under the provisions of § 508.14 of the general regulations of the Federal Home Loan Bank Board and section 4(c) of the Administrative Procedure Act is not required and the Board hereby provides that the above said amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 65–14004; Filed, Dec. 30, 1965; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8032 o.]

PART 13—PROHIBITED TRADE PRACTICES

Dean Milk Co. and Dean Milk Co., Inc.

Subpart—Cutting prices arbitrarily: § 13.665 *Cutting prices arbitrarily, to stifle competition:* 13.665–90 Under Clayton Act, sec. 2(a). Subpart—Discriminating in price under sec. 2, Clayton Act—Price discrimination under 2(a): § 13.725 *Cumulative quantity discounts and schedules;* § 13.790 *Trade areas.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1526; 15 U.S.C. 13)

[Cease and desist order, Dean Milk Co. et al., Franklin Park, Ill., Docket 8032, Oct. 22, 1965]

Order requiring a large dairy company with executive offices in Franklin Park, Ill., and its wholly owned subsidiary in Louisville, Ky., engaged in the processing and sale of fluid milk and other dairy products in a number of States, to cease violating section 2(a) of the Clayton Act by discriminating in price between competing purchasers of its dairy products through a quantity discount system which permitted large retailers to purchase its products for lower prices than smaller retailers in the same market, and by engaging in unlawful territorial price discriminations.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondents, Dean Milk Co. and Dean Milk Co., Inc., corporations, and their officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the sale or distribution in commerce of fluid milk and milk products, do forthwith cease and desist from discriminating, directly or indirectly, in the price of fluid milk and milk products of like grade and quality:

1. By selling any of these products to any purchaser in any city or definable market area in which respondents are in competition with another seller at a price which is lower than the price for such products charged any other purchaser at the same level of distribution in that or any other city or definable market area served by the same processing plant, where such lower price undercuts the lowest price offered to that purchaser by any other seller having a substantially smaller annual volume of sales of milk and milk products than respondents' annual volume of sales of those products.

2. By selling any of these products to any purchaser at a price which is lower than the price for products of like grade and quality charged any other purchaser who competes in the resale of such products with the purchaser paying the lower price.

It is further ordered, That the hearing examiner's initial decision, as above modified and as modified by the accompanying opinion, be, and it hereby is, adopted as the decision of the Commission.

It is further ordered, That the respondents, Dean Milk Co. and Dean Milk Co., Inc., shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

By the Commission.

Issued: October 22, 1965.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 65–13968; Filed, Dec. 30, 1965; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56556]

PART 9—IMPORTATIONS BY MAIL

Mail Matter; Communist Political Propaganda

On May 24, 1965, the U.S. Supreme Court held section 305(a) of the Postal Service and Federal Employees Salary Act of 1962 (39 U.S.C. 4008) to be unconstitutional, Lamont v. Postmaster General and Fixa v. Heilberg, 381 U.S. 301 (1965). Thereafter, the customs examination of certain mail to detect Communist political propaganda was halted. The several special customs examination units established to receive mail from the Post Office Department were abolished.

As a consequence, the provisions of § 9.13 of the Customs Regulations, directing and authorizing collectors of customs to perform certain functions required by said section 305(a) are obsolete.

Therefore, § 9.13 and footnote "9" thereto are hereby deleted.

(R.S. 161, as amended, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 1624)

[SEAL] LESTER W. JOHNSON,
Commissioner of Customs.

Approved: December 20, 1965.

TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 65-13975; Filed, Dec. 30, 1965; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 27—CANNED FRUITS AND FRUIT JUICES

Orange Juice Products; Notice of Objections to and Stay of Portions of Order of November 19, 1965, and Further Postponement of Effective Date of Certain Labeling Requirements

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919; 72 Stat. 948; 21 U.S.C. 341, 371) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90), it is announced that objections were filed to the order published in the FEDERAL REGISTER of November 19, 1965 (30 F.R. 14491), ruling on proposed amendments to the standards for orange juice products published in the FEDERAL REGISTER of February 6, 1965 (30 F.R. 1296).

Objections have been filed by nine members of the National Orange Juice Association and by Sunkist Growers to certain of the rulings made in the order of November 19, 1965. Rulings to which the objectors took exceptions are as follows:

1. It had been proposed to amend paragraph (a) of § 27.107, the standard for pasteurized orange juice, to raise the minimum requirement for orange juice soluble solids from 10.5 to 11.0 percent, and paragraph (b) to raise from one-fourth to one-third the maximum proportion for such solids supplied by adding orange juice in concentrated form. These proposals were not adopted and objections were taken to this adverse ruling.

2. It had been proposed to amend paragraph (e) of § 27.107 to require label declaration for any frozen orange juice used. This proposal was not adopted and objection was taken to this adverse ruling.

3. It had been proposed to amend paragraph (a) of § 27.108, the standard for canned orange juice, to reword the recital limiting the amount of optional sweetening ingredients permitted. Sunkist Growers filed a comment on this proposal and suggested that the recital should also prescribe a specific limit of 4 percent for any sweetener solids added. The order adopted the amendment as published in the proposal. Sunkist Growers object to the failure to include the specific 4-percent limit that they had suggested.

4. It had been proposed to amend § 27.111, the standard for orange juice from concentrate, to delete the alternative name "reconstituted orange juice." The order adopted this proposal and the objections from Sunkist Growers protest this ruling.

5. It had been proposed to amend paragraph (c) of § 27.111 by adding a sentence concerning the optional use of the word "pasteurized" to precede the name "orange juice from concentrate." This proposal was not adopted and objections were taken to the adverse ruling.

No objections were filed to the other rulings made in the order. The amendment adopted by the order of November 19, 1965, deleting the alternative name "reconstituted orange juice" in § 27.111 is stayed pending the outcome of the hearings requested. As soon as practicable a notice will be published announcing the time, place, and issues for the hearing.

By an order published March 25, 1964 (29 F.R. 3701), the effective date of the labeling requirements prescribed by specified paragraphs of the standards for orange juice products were stayed. The order of November 19, 1965, announced that this stay would terminate 40 days following publication. In consideration of the objections filed: *It is ordered*, That the labeling requirements prescribed by §§ 27.107 (d) and (e) and by 27.111 (c) and (d) are further postponed until September 30, 1966.

Dated: December 28, 1965.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 65-14007; Filed, Dec. 30, 1965; 8:48 a.m.]

SUBCHAPTER C—DRUGS

PART 146d—CERTIFICATION OF CHLORAMPHENICOL AND CHLORAMPHENICOL-CONTAINING DRUGS

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

Miscellaneous Amendments

Effective on the date of publication of this order in the FEDERAL REGISTER, the following editorial changes are made in Parts 146d and 146e:

1. In § 146d.308(c), the second subparagraph (2) and subparagraph (3), which were inadvertently included in the reissuance of December 29, 1962 (27 F.R. 13002), are deleted.

2. In § 146e.419, paragraph (b) was inadvertently omitted in the reissuance of December 29, 1962, and is reinserted reading as follows:

(b) *Packaging.* It shall be packaged in accordance with the requirements prescribed by § 146e.403(b).

Since the changes in this order are editorial in nature, notice and public procedure and delayed effective date are not necessary prerequisites to this promulgation.

(Sec. 507, 701(a), 52 Stat. 1055, 59 Stat. 463, as amended; 21 U.S.C. 357, 371(a))

Dated: December 22, 1965.

WINTON B. RANKIN,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 65-14010; Filed, Dec. 30, 1965; 8:48 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6889]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

PART 16—TEMPORARY REGULATIONS UNDER THE REVENUE ACT OF 1962

Election by Individuals To Be Subject to Tax at Corporate Rates

Sections 1.962 to 1.962-4 of the Income Tax Regulations (26 CFR Part 1) as set forth in Treasury Decision 6858, approved October 21, 1965 (30 F.R. 13694), supersede §§ 16.5 and 16.5-1 as set forth in Treasury Decision 6703 (26 CFR Part 16), approved January 29, 1964 (29 F.R. 1616).

Because this Treasury decision is procedural in nature, it is hereby found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of said Act.

(This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).)

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

Approved: DECEMBER 27, 1965.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 65-13991; Filed, Dec. 30, 1965; 8:46 a.m.]

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

[T.D. 6870]

PART 301—PROCEDURE AND ADMINISTRATION

Property Exempt From Levy—Undelivered Mail

In order to conform the Regulations on Procedure and Administration (26 CFR Part 301) under section 6334 of the Internal Revenue Code of 1954, relating to property exempt from levy, to changes made by section 812 of the Excise Tax Reduction Act of 1965, such regulations are amended as follows:

PARAGRAPH 1. Section 301.6334 is amended by adding a new paragraph (5) to section 6334(a) and by revising the historical note. The added and revised provisions read as follows:

§ 301.6334 Statutory provisions; property exempt from levy.

SEC. 6334. *Property exempt from levy*—(a) *Enumeration.* There shall be exempt from levy—

• • • • •

(5) *Undelivered mail.* Mail, addressed to any person, which has not been delivered to the addressee.

• • • • •

[Sec. 6334 as amended by sec. 406, Social Security Amendments 1958 (72 Stat. 1047); as amended by sec. 812, Excise Tax Reduction Act of 1965 (79 Stat. 170)]

PAR. 2. Paragraph (a) of § 301.6334-1 is amended by adding at the end thereof the following new subparagraph:

§ 301.6334-1 Property exempt from levy.

(a) *Enumeration.* There shall be exempt from levy—

• • • • •

(5) *Undelivered mail.* Mail, addressed to any person, which has not been delivered to the addressee.

• • • • •

Because this Treasury decision amends existing regulations merely by adding an additional item to the list of items of property exempt from levy to conform such regulations to the amendment made by section 812 of the Excise Tax Reduction Act of 1965 (79 Stat. 170), it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

(Sec. 7805 of the Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

Approved: December 27, 1965.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 65-13992; Filed, Dec. 30, 1965; 8:46 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 516—RECORDS TO BE KEPT BY EMPLOYERS

PART 778—OVERTIME COMPENSATION

PART 785—HOURS WORKED

Miscellaneous Amendments

Pursuant to the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), I hereby make the corrections in 29 CFR Chapter V set forth below.

As these amendments constitute nonsubstantive corrections in the Code of Federal Regulations, good cause is found to, and I do hereby, make them effective upon publication in the FEDERAL REGISTER without notice of proposed rule making or public participation in their adoption.

§ 516.2 [Amended]

1. Subparagraph (12) of 29 CFR 516.2 (a) is amended by deleting the last two words, "except that", therefrom.

2. Subparagraph (13) of 29 CFR 516.2 (a) is deleted.

§ 778.313 [Amended]

3. The table in 29 CFR 778.313 is amended by changing the number "5" where it appears under "M" to number "6".

4. 29 CFR 785.51 is amended to read as follows:

§ 785.51 Location of offices of the Wage and Hour and Public Contracts Divisions.

Offices of the Wage and Hour and Public Contracts Divisions are located in:

Region I—(Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont), Regional Office: Boston, Mass.
Region II—(New Jersey, New York), Regional Office: New York, N.Y.
Region III—(Delaware, District of Columbia, Maryland, Pennsylvania), Regional Office: Chambersburg, Pa.
Region IV—(Alabama, Arkansas, Louisiana, Mississippi), Regional Office: Birmingham, Ala.
Region V—(Michigan, Ohio), Regional Office: Cleveland, Ohio.
Region VI—(Illinois, Indiana, Minnesota, Wisconsin), Regional Office: Chicago, Ill.
Region VII—(Colorado, Iowa, Kansas, Missouri, Nebraska, North Dakota, South Dakota, Wyoming), Regional Office: Kansas City, Mo.
Region VIII—(New Mexico, Oklahoma, Texas), Regional Office: Dallas, Tex.
Region IX—(Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington), Regional Office: San Francisco, Calif.
Region X—(Kentucky, Tennessee, Virginia, West Virginia), Regional Office: Nashville, Tenn.
Region XI—(Florida, Georgia, North Carolina, South Carolina), Regional Office: Atlanta, Ga.
Puerto Rico: Santurce.

Signed at Washington, D.C., this 27th day of December 1965.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 65-13973; Filed, Dec. 30, 1965; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER A—GENERAL

PART 101-5—CENTRALIZED SERVICES IN FEDERAL BUILDINGS

Subpart 101-5.2—Centralized Field Duplicating Services

OPERATION BY OTHER AGENCIES

The following material sets forth additional procedures under which centralized field duplicating services are provided to occupying agencies in Federal buildings.

1. The table of contents for Part 101-5 is amended by the addition of the following entries:

Sec.
101-5.205 Designation of other agencies to operate plants.
101-5.205-1 General.
101-5.205-2 Prerequisites to designation of other agencies.
101-5.205-3 Actions prior to operation of plant.
101-5.205-4 Plant inspections and customer evaluations.

2. Subpart 101-5.2 is amended by the addition of new §§ 101-5.205, 101-5.205-1, 101-5.205-2, 101-5.205-3, and 101-5.205-4, as follows:

§ 101-5.205 Designation of other agencies to operate plants.

§ 101-5.205-1 General.

The Administrator of General Services, in accordance with § 101-5.105(b),

may designate an agency other than GSA to operate a centralized field duplicating plant. Such designation will be made only by mutual agreement with the agency head concerned.

§ 101–5.205–2 Prerequisites to designation of other agencies.

The following conditions are to be met by an agency designated by GSA to operate a centralized field duplicating plant:

(a) Generally, prices charged to Government agencies utilizing the centralized field duplicating service should be no higher for identical services than those specified on the currently effective nationwide uniform General Services Administration Reproduction Services Price Guide. In special circumstances, deviations from such Price Guide may be developed jointly by GSA and the designated agency.

(b) The designated agency will accept responsibility for implementing the determination of the Administrator of General Services to establish a centralized field duplicating plant, issued in accordance with §§ 101–5.104–7 and 101–5.203–7, including the provisions for transfer of personnel, plant size, equipping of the plant, transfer of excess equipment, and other procedures and conditions specified in such determination. Necessary deviations from the determination may be developed jointly by GSA and the designated agency.

§ 101–5.205–3 Actions prior to operation of plant.

The following actions are to be taken by an agency designated by GSA to operate a centralized field duplicating plant prior to operations of such plant:

(a) The designated agency will assist the appropriate GSA regional office in the determination of firm space needs, including any special requirements. Space needs will be furnished by the GSA regional Administrative Services Division to the Public Buildings Service, GSA, prior to preparation of final working drawings for the Federal building in which the plant is to be located.

(b) Arrangements shall be made by the designated agency, in cooperation with GSA, for the pooling of equipment and the necessary absorption of those employees of affected agencies engaged in duplicating work, as prescribed in § 101–5.203–6.

(c) The designated agency, after coordination with GSA, shall announce the availability of the centralized field duplicating plant in the manner prescribed in § 101–5.204–2.

§ 101–5.205–4 Plant inspections and customer evaluations.

Periodic plant inspections and customer evaluations will be performed jointly by GSA and the designated agency in order to appraise the continuing effectiveness of the centralized facility.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated: December 23, 1965.

J. E. MOODY,
Acting Administrator of General Services.

[F.R. Doc. 65–12640; Filed, Dec. 30, 1965; 8:48 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

PART 55—GRANTS FOR WATER POLLUTION CONTROL

PART 81—PUBLIC HEARINGS UNDER THE FEDERAL WATER POLLUTION CONTROL ACT

Continued Effectiveness

Public Law 89–234 establishes a Federal Water Pollution Control Administration within the Department of Health, Education, and Welfare, effective December 31, 1965, and directs that the administration of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 et seq.), be carried out through such Administration.

The regulations currently in effect under the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 et seq.), in Part 55—"Grants for Water Pollution Control" and in Part 81—"Water Pollution Control; Hearing Procedures" 42 CFR, heretofore issued by the Surgeon General of the Public Health Service and approved by the Secretary of Health, Education, and Welfare are hereby continued in effect until modified or repealed, except that effective December 31, 1965, all references therein to the Surgeon General shall be deemed to be references to the Commissioner of the Federal Water Pollution Control Administration.

Notice of proposed rule making, public rule making procedures and delay in effective date have been omitted as impracticable, unnecessary, and contrary to the public interest. I find that the orderly and effective administration of the water pollution control program requires that these regulations continue in effect without interruption.

(Sec. 10, 70 Stat. 506; 33 U.S.C. 466l, as amended by P.L. 87–88 and P.L 89–234)

Dated: December 27, 1965.

[SEAL] JOHN W. GARDNER,
Secretary.

[FR. Doc. 65–14011; Filed, Dec. 30, 1965; 8:48 a.m.]

Title 42—PUBLIC HEALTH INTERIOR

Subtitle A—Office of the Secretary of the Interior

PART 18—RECREATION FEES

The Land and Water Conservation Fund Act of 1965, 78 Stat. 897 (1964), authorizes the President to provide for the establishment of entrance, admission, and user fees at designated Federal recreation areas. Executive Order 11200 provided for the designation of areas at which such fees shall be charged (hereinafter referred to as Designated Areas) and directed the Secretary of the Interior to prescribe a schedule of fees which shall be charged at such areas. A revised Part 18 providing for a new schedule of such fees is published below. This revision shall become effective on April 1, 1966.

Part 18 of Subtitle A of Title 43 is amended by deleting all of Part 18 and inserting in its place the following:

Sec.
18.1 Application of fees.
18.2 Types of fees.
18.3 Fee for annual permit.
18.4 Fee for temporary permit.
18.5 Fee for day use permit.
18.6 Production, distribution, sale, validation, and display of entrance permits.
18.7 User fees.
18.8 Effective dates of fees.
18.9 Duration of recreation season.
18.10 Exceptions, exclusions, and exemptions.
18.11 Public notification.
18.12 Revision of recreation fees.

AUTHORITY: The provisions of this Part 18 issued under sec. 2, 78 Stat. 897; E.O. 11200.

§ 18.1 Application of fees.

This part is promulgated pursuant to the Land and Water Conservation Fund Act of 1965, approved September 3, 1964 (78 Stat. 897), and Executive Order 11200. Any recreation fee which may be charged by the National Park Service, the Bureau of Land Management, the Bureau of Sport Fisheries and Wildlife, the Bureau of Reclamation, the Forest Service, the Corps of Engineers, the Tennessee Valley Authority, and the U.S. Section of the International Boundary and Water Commission (United States and Mexico) shall be selected from the schedule of fees according to the criteria set forth in this part.

§ 18.2 Types of fees.

There shall be two general types of fees: Entrance or admission fees and user fees. There shall be three types of entrance or admission fees: A fee for an annual permit, a fee for a temporary permit which may be paid in lieu of a fee for the annual permit, and a fee for a day use permit which may be paid in lieu of the fee for the annual or temporary permit. One of such permits shall be required for the entrance or admission of all persons 16 years of age or older to all Designated Areas at which entrance or admission fees are charged.

§ 18.3 Fee for annual permit.

(a) The annual permit shall be valid for a period of 1 year at all Designated Areas at which entrance or admission fees are charged. The fee for the annual permit for the period April 1, 1966, through March 31, 1967, and each 12-month period thereafter shall be $7.

(b) Payment of the fee for the annual permit shall admit without further payment during the year for which it was paid, the individual paying such fee, regardless of such person's mode of transportation, and, in addition, all those who accompany such person in a private noncommercial vehicle shall be admitted to Designated Areas commonly entered by motor vehicles. Individuals who choose not to pay the fee for the annual permit shall pay a fee for a temporary permit or a day use permit.

§ 18.4 Fee for temporary permit.

(a) A temporary permit shall be valid for 30 consecutive days at the Designated Area indicated on the permit.

(b) Payment of a fee of $3 to $6, inclusive, for a temporary permit shall admit to such Designated Area the individual paying such fee, regardless of such person's mode of transportation, and, in addition, all those who accompany him in a private noncommercial vehicle shall be admitted to Designated Areas commonly entered by motor vehicles. Such fee normally would exceed one-half the fee for the annual permit.

(c) Payment of a fee of $1.50 to $3, inclusive, for a temporary permit shall admit to Designated Area the individual paying such fee.

(d) The exact fee within the range set forth in (b) and (c) of this section shall be selected by the head of the agency or department administering the Designated Area at which it will be applicable, in accord with the following criteria:

(1) The direct and indirect cost to the United States of establishing and maintaining the area;

(2) The quality and variety of recreation opportunities offered in the area;

(3) The amount charged for admission to or the use of comparable Federal, State, local, and private areas;

(4) The impact of the fee on potential development or other outdoor recreation areas and facilities in the locality by State and local governments and by private investors;

(5) The contributions of State and local governments and private organizations to the maintenance and development of the area.

§ 18.5 Fee for day use permit.

(a) A day use permit shall be valid for the calendar day it is purchased at all Designated Areas.

(b) Payment of a fee of $1 for a day use permit shall admit to such Designated Areas the individual paying such fee, regardless of such person's mode of transportation, and, in addition, all those who accompany such person in a private noncommercial vehicle shall be admitted to Designated Areas commonly entered by motor vehicles.

(c) Payment of a fee of $0.50 for a day use permit shall admit to such Designated Areas the individual paying such fee.

§ 18.6 Production, distribution, sale, validation, and display of permits.

(a) The Director, Bureau of Outdoor Recreation, shall issue from time to time to the heads of the agencies and departments administering the Designated Areas, as well as other concerned parties, instructions with respect to the production, distribution, and sale of permits.

(b) All annual and temporary permits shall be validated by the signatures of their owners on the face of the permits at the time of their receipt. All permits shall be nontransferable.

(c) Each permit shall be kept on the person of its owner except that whenever a person enters a Designated Area by private noncommercial vehicle, the permit shall be displayed on the sun visor or the dashboard on the left-hand side of such vehicle in such manner as to be readily visible to persons outside the vehicle.

§ 18.7 User fees.

(a) User fees are payable for the use of sites, facilities, equipment, or services provided by the United States especially for recreationists in Designated Areas, which include, but are not limited to, well-developed campsites, picnic areas, bathhouses, lockers, boat launching facilities, boats, other marine equipment, guide services, firewood, and winter sport facilities. User fees may be charged at Designated Areas singly or in addition to entrance or admission fees.

(b) User fees shall be selected from within the range of fees set forth below in accord with criteria in § 18.4(d). User fees may be charged for additional types of sites, facilities, equipment, and services not listed below, in such amounts as are recommended by the Secretary of the Interior.

RANGE OF USER FEES

SITES

Camp and trailer sites	$1 to $3 for overnight use.
Picnic sites	$0.50 to $0.75 per site per day[1]

	Persons in group	Fee range per group per day [1]
Group camping and picnicking sites.	Up to 50	$5.00 to $10.00.
	51 to 100	$10.00 to $20.00.
	101 to 200	$20.00 to $40.00.
	201 to 300	$30.00 to $60.00.
	301 to 400	$40.00 to $80.00.
	401 to 500	$50.00 to $100.00.
Boat launching sites	$0.50 to $1.50 daily fee.	

No such site shall be the subject of a user fee unless it contains or is within a reasonable distance of the following facilities:

Basic facility required	Camp and trailer sites	Picnic sites	Boat launching sites
Access and circulatory roads [2]	X	X	X
Parking [2]	X	X	X
Drinking water	X	X	
Toilet facilities	X	X	X
Refuse containers	X	X	X
Picnic tables [2]	X	X	
Firegrates [3] or fireplaces	X	X	
Adequate tent or trailer spaces	X		
Boat launching ramps or facilities			X

[1] Any fee within the range may be charged the group if the number of persons 16 years of age and older falls within the relevant group size limits set for that fee. This fee may be selected in lieu of the above "Camp and trailer sites" fee or the above "Picnic Sites" fee, or both.
[2] Except at campsites accessible only by boat.
[3] Not applicable to trailer sites.

FACILITIES

Lockers	$0.25 per locker daily.
Boat storage and handling	To be established at a daily, weekly, monthly or annual rate in accord with the criteria set forth in § 18.4(d).
Vehicle and trailer parking	To be established at a daily, weekly, or monthly rate in accord with the criteria set forth in § 18.4(d).
Elevators	At least $0.10 per person per round trip.
Ferries or other means of transportation.	To be established at a rate in accord with the criteria set forth in § 18.4(d).
Bathhouses	$0.25–$0.50 per day per person 6 years or over.
Swimming pools	To be established at a daily rate in accord with the criteria set forth in § 18.4(d).

EQUIPMENT

Boats, row	A minimum of $1 per boat per day or fraction thereof.
Boats, motorized	A minimum of $5 per boat per day or fraction thereof.

SERVICES

Firewood	To be established at a rate in accord with the criteria set forth in § 18.4(d).
Guided tours	To be established at a rate in accord with the criteria set forth in § 18.4(d).

§ 18.8 Effective dates of fees.

All recreation fees in effect on the date of this order, or on the last day when a charge was payable for public visitor use at the respective recreation area, shall continue in effect through March 31, 1966. Effective April 1, 1966, at least one of the fees set forth in this part shall be charged at every designated area during the recreation season.

§ 18.9 Duration of recreation season.

The administering agency or department shall determine the duration of the recreation season for which recreation fees shall be charged. Such season should be of sufficient length to include all heavy visitations, especially weekend visitation regardless of the month of the year in which it occurs.

§ 18.10 Exceptions, exclusions, and exemptions.

In the application of the provisions of this part, the following exceptions, exclusions, and exemptions shall apply:

(a) Nothing contained herein shall authorize Federal hunting or fishing licenses or fees;

(b) No fee shall be charged for the use of any waters;

(c) No fee shall be charged for travel by private noncommercial vehicle over any National Parkway, any road or highway established as part of the national Federal-aid system, or any road within the National Forest System or a public

land area, which, although it is part of a larger area, is commonly used by the public as means of travel between two places either or both of which are outside the area;

(d) No fee shall be charged any person in the exercise of a right of access to privately owned lands;

(e) No short-term entrance or admission fee shall be charged at any area where more than 50 percent of the land within such area has been donated to the United States by a State, unless the Governor of such State or his designee has been advised of such fee at least 60 days prior to its establishment and unless any recommendation of such Governor and all legal and other obligations of the United States to such State with respect to such areas have been taken into consideration;

(f) No fee shall be charged for access to waters or shorelines by those classes of persons which have rights thereto under treaty or law;

(g) No fee shall be charged for commercial or other activities not related to recreation;

(h) No entrance or admission fee shall be charged any person conducting State, local or Federal Government business;

(i) No entrance or admission fee shall be charged at any entrance to Great Smoky Mountains National Park unless such fees are charged at main highway and thoroughfare entrances.

§ 18.11 Public notification.

The administering agency or department shall notify the public of the specific recreation fees and of the recreation season during which the fees will be charged for each designated area under its jurisdiction. Such notification shall be accomplished by posting such information at each area and by local public announcements, press releases, and other suitable means.

§ 18.12 Revision of recreation fees.

The Director, Bureau of Outdoor Recreation, shall consider recommendations from the heads of the agencies and departments administering the designated areas concerning revision of §§ 18.4, 18.5, 18.7, and 18.9, and based upon justifications received, make such revisions as he deems appropriate.

STEWART UDALL,
Secretary of the Interior.

DECEMBER 23, 1965.

[F.R. Doc. 65-13924; Filed, Dec. 30, 1965; 8:45 a.m.]

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3906]

[Fairbanks 013100-013618]

ALASKA

Partial Revocation of Public Land Order No. 1570

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order 1570 of December 24, 1957, withdrawing lands for recreational purposes is hereby revoked so far as it affects the following described lands:

PAXSON LAKE AREA

A tract of unsurveyed land located on the south shore of an unnamed lake commonly known as "Seven Mile" Lake at approximate latitude 63°05'40" N., longitude 145°37'00" W., described as follows:

Beginning at a point on the south shore of the lake, thence,
Westerly, 7.50 chains along the shore line of the lake:
South, 7.50 chains;
East, .50 chains;
North, 7.50 chains to the point of beginning.

The tract described contains 5 acres.

BIG DELTA AREA

A tract of land between Lost Lake and Quartz Lake, approximately 4 miles north of Big Delta, latitude 64°12' N., longitude 146°50' W., described as follows:

Beginning at a point on the east shore of Lost Lake from which the northeast corner section 26, T. 8 S., R. 9 E., Fairbanks Meridian bears west 1½ miles, thence,
East, 24 chains to a point on the southwest shore of Quartz Lake;
Northwesterly, 24 chains along the southwest shore of said Lake;
West 20 chains;
South, 12 chains to a point on the north shore of Lost Lake;
Southeasterly, 12 chains along the shore of Lost Lake to point of beginning, which when surveyed will probably be Fairbanks Meridian.

T. 8 S., R. 10 E.,
Sec. 19, SW¼SE¼, E½SE¼SW¼ (fractional).

The tract described contains 45 acres.

FAIRBANKS MERIDIAN

Richardson Hill Canyon Area

T. 7 S., R. 6 E.,
Sec. 24, lots 5 and 11.

The areas described aggregate 15.35 acres.

Shaw Creek Area

T. 8 S., R. 9 E.,
Sec. 26, lot 11.

The area described contains 6.92 acres.

The areas described aggregate 72.27 acres.

2. Until 10 a.m. on March 28, 1966, the State of Alaska shall have a preferred right to select the lands as provided by the act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR 2222.9. After that time the lands shall be open to the operation of the public land laws generally, including the mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on March 28, 1966, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The lands have been open to application and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Manager, District and Land Office, Bureau of Land Management, Fairbanks, Alaska.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

DECEMBER 27, 1965.

[F.R. Doc. 65-13964; Filed, Dec. 30, 1965; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Chapter VIII—United States Civil Service Commission

PART 801—VOTING RIGHTS PROGRAM

Appendix A; Mississippi

Appendix A to Part 801 is amended under the heading "Dates, Times, and Places for Filing" by the addition, under the subheading "Mississippi," of reference to four additional counties as set out below:

MISSISSIPPI

County; Place for Filing; Beginning Date

• • • • • •

Carroll; Carrollton—Post Office Building, Main Street; January 4, 1966.

Newton; Newton—Post Office Building; January 4, 1966.

Simpson (1) Mendenhall—Post Office Building; January 4, 1966; (2) Magee—Post Office Building, Ninth Avenue (between Eighth and Ninth Streets); January 10, 1966.

Warren; Vicksburg—Post Office and Courthouse Building, Crawford and Monroe Streets; January 4, 1966.

(Secs. 7 and 9 of the Voting Rights Act of 1965; P.L. 89-110)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65-13976; Filed, Dec. 30, 1965; 8:45 a.m.]

PART 801—VOTING RIGHTS PROGRAM

Appendix A; Mississippi

Appendix A to Part 801 is amended under the heading "Dates, Times, and Places for Filing," by the addition of a new place for filing in Hinds County, Mississippi, and the closing of the present place for filing in that county. The amendment is set out below:

MISSISSIPPI

County; Place for Filing; Beginning Date

• • • • • •

Hinds; (1) Jackson—301 Building, 301 North Lamar Street; November 8, 1965, through January 2, 1966; (2) Jackson—Post Office Building, 245 East Capitol Street; January 3, 1966.

(Secs. 7, 9, Voting Rights Act of 1965; P.L. 89-110)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65-12954; Filed, Dec. 30, 1965; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[No. MC-C-258]

PART 170—COMMERCIAL ZONES

Kansas City, Mo.-Kansas City, Kans., Commercial Zone

DECEMBER 23, 1965.

Notice to the parties regarding order of November 12, 1965 (30 F.R. 14853): The outstanding order in the above-captioned proceeding not yet having become effective, and an appropriate petition for reconsideration, having been filed by opposing rail carriers on December 20, 1965, such order pursuant to section 17(8) of the Interstate Commerce Act, is stayed pending disposition of the matter.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 65-14012; Filed, Dec. 30, 1965; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[27 CFR Part 5]

LABELING AND ADVERTISING OF DISTILLED SPIRITS

Notice of Hearing

Notice is hereby given, pursuant to the provisions of section 5 of the Federal Alcohol Administration Act (49 Stat. 981 as amended; 27 U.S.C. 205), of a public hearing to be held at 10 a.m., e.s.t., on February 1, 1966, Committee Room B, Room 1107 State Department Building, 2201 C Street NW., Washington, D.C., at which time and place all interested parties will be afforded opportunity to be heard, in person or by authorized representative, with reference to proposals, the substance of which are stated below, to elicit information concerning the aging effect of storage in reused cooperage on neutral spirits and to consider amendment of regulations relating to the labeling and advertising of distilled spirits (27 CFR Part 5) with respect to whisky and neutral spirits.

Written data, views, or arguments relevant and material to these proposals may be submitted in duplicate for incorporation into the record of hearing (1) by mailing the same to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington, D.C., 20224, provided they are received prior to the termination of the hearing, or (2) by presenting the same at said hearing. At the conclusion of the hearing, a reasonable opportunity will be afforded interested parties for examination of the record and for submission of briefs.

A petition and proffer of evidence has been submitted by Joseph E. Seagram & Sons, Inc., for reconsideration of a denial of label approval for "Calvert Extra" in support of the following proposed labeling statement:

Calvert Extra was begun years ago when these spirits and whiskies were put aside. The grain neutral spirits in this product contribute a unique, delightful taste of their own, the result of a special distillation process and of storage for at least 4 years in specially selected used cooperage—barrels which were previously used for aging our fine whiskies.

Substance of proposals. 1. To elicit information pertaining to the truth or falsity of statements as to an aging effect on alleged specially distilled neutral spirits resulting from storage in "reused cooperage" and as to whether a labeling or advertising claim representing that such spirits have a "unique" taste resulting from storage in used cooperage for a stated period of time would be likely to mislead the consumer; and

2. To consider the amendment of the distilled spirits labeling and advertising regulations (27 CFR Part 5) so as

(a) To permit age claims or representations with respect to the storage in used cooperage of neutral spirits as a class (or as to neutral spirits specially distilled for such storage); or

(b) To amend the standards of identity for neutral spirits so as to provide that such spirits shall not be stored in wood or subjected to treatment with wood, and to include in the standards of identity for "whiskey" spirits distilled from grain at 190° proof, or more, which have been stored in oak containers;

and to elicit information as to an appropriate effective date if the regulations should be amended in either of these respects.

In view of the nature of the subjects to be considered at the hearing it is suggested that those who desire to be heard be prepared to offer for the record, in support of their respective views, such technical and scientific data as may be available. Evidence as to studies indicative of consumer understanding in the areas covered by the notice are of particular importance as are the results of research into the constituents of neutral spirits and the effect, if any, on the storage of such spirits in wood. Mere statements of opinion which are not supported are not likely to serve as a basis for conclusions as to the disposition to be made of these proposals.

[SEAL] HAROLD A. SERR,
Director, Alcohol and Tobacco Tax Division, Internal Revenue Service.

[F.R. Doc. 65-14005; Filed, Dec. 30, 1965; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 51]

FRESH ASPARAGUS [1]

U.S. Standards for Grades

Notice is hereby given that the U.S. Department of Agriculture is considering the revision of U.S. Standards for Asparagus (fresh) pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621-1627).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposal should file the same in duplicate, not later than January 20, 1966, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, where they will be available for public inspection during official hours of business (paragraph (b) of § 1.27, as amended at 29 F.R. 7311).

Statement of considerations leading to the proposed revision of the grade standards. The existing U.S. Standards for Asparagus (fresh) have been in effect since February 15, 1941, and have not been codified in accordance with the Administrative Procedure Act of 1946. In addition to such codification, a revision of the standards is designed to make the application of tolerances more applicable to current packing practices. The proposed revision would provide in the Application of Tolerances section that small packages could contain 4 times the tolerance or at least 2 defective and 2 off-size stalks provided not more than 1 stalk is affected by decay. The present Application of Tolerances section adequately covers large containers but not the recently developed 1½ lb. display cartons. The proposal would not relax present average requirements but is designed to provide for these small containers in which a few defective spears would exceed the present percentage tolerance for individual packages. This is in line with current standards.

Also, under the heading "Stalk Length" the second paragraph would be omitted. The fact that various lengths of stalks are packed is recognized. Since stalk length is not a grade factor, the explanatory paragraph is considered unnecessary.

The proposed standards, as revised, are as follows:

GRADES

Sec.
51.3720 U.S. No. 1.
51.3721 U.S. No. 2.

UNCLASSIFIED

51.3722 Unclassified.

APPLICATION OF TOLERANCES

51.3723 Application of tolerances.

DIAMETER CLASSIFICATIONS

51.3724 Diameter classifications.

AMOUNT OF GREEN COLOR

51.3725 Amount of green color.

STALK LENGTH

51.3726 Stalk length.

DEFINITIONS

51.3727 Fresh.
51.3728 Well trimmed.
51.3729 Damage.
51.3730 Diameter.
51.3731 Fairly well trimmed.
51.3732 Badly Misshapen.
51.3733 Serious damage.

AUTHORITY: The provisions of this subpart issued under secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

GRADES

§ 51.3720 U.S. No. 1.

"U.S. No. 1" consists of stalks of asparagus which are fresh, well trimmed, and fairly straight; which are free from decay and free from damage caused by spreading or broken tips, dirt, disease, insects, or other means.

(a) *Size.* Unless otherwise specified, the diameter of each stalk is not less than one-half inch.

(b) *Color.* Unless otherwise specified, not less than two-thirds of the stalk length is of a green color.

(c) *Tolerances.* In order to allow for variations incident to proper grading and handling the following tolerances, by count, are provided as specified:

(1) *For defects.* 10 percent for stalks in any lot which fail to meet the requirements of this grade other than for trimming, including therein not more than 5 percent for defects causing serious damage: *Provided,* That not more than one-fifth of this latter amount, or 1 percent, shall be allowed for stalks affected by decay. In addition, not more than 10 percent of the stalks in any lot may fail to meet the trimming requirement.

(2) *For off-size.* 10 percent for stalks in any lot which fail to meet the specified diameter or length requirements.

§ 51.3721 U.S. No. 2.

"U.S. No. 2" consists of stalks of asparagus which are fresh, fairly well trimmed, and not badly misshapen; which are free from decay and free from serious damage caused by spreading or broken tips, dirt, disease, insects or other means.

(a) *Size.* Unless otherwise specified, the diameter of each stalk is not less than five-sixteenths inch.

(b) *Color.* Unless otherwise specified, not less than one-half of the stalk length is of a green color.

(c) *Tolerances.* In order to allow for variations incident to proper grading and handling the following tolerances, by count, are provided as specified:

(1) *For defects.* 10 percent for stalks in any lot which fail to meet the requirements of this grade other than for trimming, including therein not more than one-tenth of this tolerance, or 1 percent, shall be allowed for stalks affected by decay. In addition, not more than 10 percent of the stalks in any lot may fail to meet the trimming requirement.

(2) *For off-size.* 10 percent for stalks in any lot which fail to meet the specified diameter or length requirements.

UNCLASSIFIED

§ 51.3722 Unclassified.

"Unclassified" consists of stalks of asparagus which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

APPLICATION OF TOLERANCES

§ 51.3723 Application of tolerances.

The contents of individual packages in the lot are subject to the following limitations:

(a) Packages which contain more than 50 stalks shall have not more than 1½ times a specified tolerance of 10 percent or more, or not more than double a specified tolerance of less than 10 percent: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade.

(b) Packages which contain 50 stalks or less shall have not more than 4 times the tolerance specified, except that at least 2 defective and 2 off-size stalks may be permitted in any package: *Provided,* That not more than 1 stalk which is affected by decay may be permitted in any package: *And provided further,* That the averages for the entire lot are within the tolerances specified for the grade.

DIAMETER CLASSIFICATION

§ 51.3724 Diameter classification.

The following terms are provided for describing the diameters of any lot:

Very Small.. Less than 5/16 inch.
Small..... 5/16 inch to less than 5/16 inch.
Medium..... 5/16 inch to less than 11/16 inch.
Large..... 11/16 inch to less than 14/16 inch.
Very Large.. 14/16 inch and up.

AMOUNT OF GREEN COLOR

§ 51.3725 Amount of green color.

When the asparagus in a lot has less or more green color than is specified in the grade it may be described as ¼ stalk length green, ¾ stalk length green, etc., in accordance with the facts.

STALK LENGTH

§ 51.3726 Stalk length.

There is no minimum stalk length specified in the grades but the minimum stalk length may be stated in terms of whole inches or whole and half inches in connection with the grade designation as "U.S. No. 1, 8½-inch minimum", "U.S. No. 1 Large, 7-inch minimum", "U.S. No. 1 Large, 10½-inch minimum", etc., in accordance with the facts.

DEFINITIONS

§ 51.3727 Fresh.

"Fresh" means that the stalk is not limp or flabby.

§ 51.3728 Well trimmed.

"Well trimmed" means that at least two-thirds of the butt of the stalk is smoothly trimmed in a plane approximately parallel to the bottom of the container and that the butt is not stringy or frayed.

§ 51.3729 Damage.

"Damage" means any defect, or any combination of defects, which materially detracts from the appearance, or the edible or shipping quality of the stalk.

§ 51.3730 Diameter.

"Diameter" means the greatest thickness of the stalk measured at a point approximately 1-inch from the butt.

§ 51.3731 Fairly well trimmed.

"Fairly well trimmed" means that at least one-third of the butt of the stalk is smoothly trimmed in a plane approximately parallel to the bottom of the container and that the butt is not badly stringy or frayed.

§ 51.3732 Badly misshapen.

"Badly misshapen" means that the stalk is so badly flattened, crooked or otherwise so badly deformed that its appearance is seriously affected.

§ 51.3733 Serious damage.

"Serious damage" means any defect, or any combination of defects, which seriously detracts from the appearance, or the edible or shipping quality of the stalk.

Dated: December 27, 1965.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 65-14000; Filed, Dec. 30, 1965; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 39]

[Docket No. 1078]

AIRWORTHINESS DIRECTIVES

Vickers Viscount Models 744, 745D, and 810 Series Airplanes

Amendment 416 (27 F.R. 3377), AD 62-9-5 as amended by Amdt. 529 (28 F.R. 366) requires inspection of the landing gear cross tube end fittings on Vickers Viscount 745D and 810 Series airplanes. Subsequent to the issuance of Amendment 529, the Agency has determined that Viscount Model 744 Series airplanes are also subject to the same failures. Therefore, it is proposed to amend Part 39 of the Federal Aviation Regulations by amending Amendment 416 to apply to Viscount Model 744 Series airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before January 31, 1966, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before

and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations, by further amending Amendment 416 (27 F.R. 3377), AD 62-9-5 as amended by Amendment 529 (28 F.R. 366) as follows:

1. By amending the applicability statement to read: "Applies to Viscount Models 744, 745D, and 810 Series airplanes."

2. By amending paragraph (b) by striking the words "PTL234 (for Model 745D) or PTL100 (for Model 810) of" and inserting the words "PTL234 (for Models 744 and 745D) or PTL100 (for Model 810) or" in place thereof.

3. By amending paragraph (b) by striking the words "745D" from the first column of the table and inserting the words "744 and 745D" in place thereof.

4. By amending paragraph (c) by striking the words "PTL Issue 3 dated May 4, 1962" and inserting the words "PTL Issue 5 dated June 1, 1965" in place thereof.

5. By amending paragraph (f) by striking the words "Chief, Engineering and Manufacturing Branch, International Division, Washington 25, D.C." and inserting the words "Chief, Aircraft Certification Staff, European Region" in place thereof.

6. By amending the parenthetical reference statement to read: "(British Aircraft Corp. (Operating) Ltd. Preliminary Technical Leaflets No. 234 Issue 5 or later ARB-approved issue of 700 series (for 744 and 745D aircraft), No. 100 Issue 5 or later ARB-approved issue (for 810 series aircraft) cover this subject)."

Issued in Washington, D.C., on December 23, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-13962; Filed, Dec. 30, 1965; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 89, 91, 93]

[Docket No. 16385; RM-695; FCC 65-1137]

PUBLIC SAFETY, INDUSTRIAL, AND LAND TRANSPORTATION RADIO SERVICES

Evidence of Frequency Coordination With Certain Applications Involving Modifications of Facilities

1. Notice of proposed rule making in the above-entitled matter is hereby given.

2. The Commission has before it for consideration a petition for rule making filed by the National Committee for Utilities Radio (NCUR), on December 4, 1964 (RM-695). The NCUR would have us amend our rules, insofar as they pertain to the Power Radio Service, to require that evidence of frequency coordination be submitted with applications involving modifications of facilities pertaining to (1) any change in location of an existing base or fixed transmitter (including the antenna), (2) an increase of 25 feet or more in the height above sea level of the tip of the antenna of an existing base or fixed station, and (3) the addition of any new base or fixed station in the applicant's existing area of operations.

3. The NCUR has noted some of its members' experiences with interference occasioned by the uncoordinated, though authorized (by this Commission), modification or expansion of a neighboring mobile radio system. Thus, to cite one typical example, a licensee may, under our present Industrial Radio Services Rules, apply for, and obtain, a license modification involving an increase in antenna height—without resort or prior notice to, the Power Radio Service frequency coordinating committee that serves the area within which the licensee operates. As an increase in antenna height may result in a substantial increase in a licensee's signal coverage area, it has, therefore, the potential of interfering with neighboring co-channel and, in certain circumstances, adjacent channel systems. In some areas, the net effect of such a modification of facilities may be the disruption of a delicately balanced frequency sharing arrangement.

4. Our proposal in this proceeding encompasses the relief requested by the NCUR. It goes beyond that relief however, in that we propose to require that any increase, not just an increase in excess of 25 feet, in the height of a licensee's antenna, and any change in specified authorized power, be coordinated with the licensee's service frequency coordinating committee. Moreover, we propose to make these requirements applicable to all of our so-called "coordinated" Industrial Radio Services, not just the Power Radio service; and to the Public Safety and Land Transportation Radio Services as well. Thus, to paraphrase the proposed rules contained in the appendix to this notice:

Evidence of coordination shall accompany all applications requesting modifications of facilities involving any—

(1) Increase in specified authorized power,

(2) Increase in antenna height,

(3) Change in station location, including the antenna,

(4) Addition of a base station within a licensee's existing area of operations.

5. The additional coordination requirements proposed in this proceeding are not entirely novel to the Commission's rules. The first three of the categories of modifications noted in the preceding paragraph were written into the Public Safety Radio Services' frequency coordination rule (§ 89.15) slightly more than a year ago. They were found to be necessary in the Public Safety Services for essentially the same reasons that the NCUR has called to our attention with regard to the Power Radio Service. Our experience in administering these additional coordination requirements in the Public Safety Services has shown that a more efficient and equitable use of frequencies is realized when licensees coordinate their proposed modifications of facilities. In view of this, and the likelihood that problems similar to those experienced in the Power and Public Safety Services are being, or may be, encountered in other of our Land Mobile Services, we are proposing that all of the coordinated constituent radio services within the Industrial, Land Transportation, and Public Safety Radio Services be required to submit evidence of coordination with respect to applications involving any of the categories of modifications of facilities enumerated in paragraph 4 above. For the Public Safety Radio Services, this means the addition of one more category, namely, applications proposing the addition of a Base station to a licensee's existing area of operations, whereas, in the Industrial and Land Transportation Services, the rules amendments proposed include all four of the categories of applications enumerated in paragraph 4.

6. The proposed amendments which are contained in the appendix hereto are issued under authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

7. Pursuant to the applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before February 7, 1966, and reply comments on or before March 1, 1966. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

8. In accordance with the provisions set forth in § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: December 22, 1965.

Released: December 27, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

1. Section 89.15(a)(1) is amended to read as follows:

§ 89.15 Frequency coordination procedures.

(a) • • •

(1) All requests for new radio stations (including the addition of base stations in an existing system).

• • • • • •

2. In § 91.8(a), the introductory text is amended and subparagraph (1)(i) is deleted, as follows:

§ 91.8 Policy governing the assignment of frequencies.

(a) The frequencies which normally may be assigned to stations in any one of the several Industrial Radio Services are listed in the applicable subpart of this part. All licensees of stations in these services shall cooperate in the use of the frequencies assigned in order to minimize interference, and thereby obtain the most effective use of the authorized facilities. Each frequency or band of frequencies listed in this part is available on a shared basis only and will not be assigned for the exclusive use of any one licensee. The use of any frequency may be restricted as to specified geographical areas, maximum power, or such other operating conditions as are contained in this part or in the station authorization. Except for applications listed in subparagraph (1) of this paragraph, any application requesting assignment of a frequency or modification of an existing authorization to increase power input in excess of that set forth in the authorization and/or raise the height of the antenna and/or move the station location (including the antenna) to a site other than that authorized and/or to add a base station shall be accompanied by evidence of frequency coordination in the form set forth in either subparagraph (2) or (3) of this paragraph.

(1) • • •

(i) [Reserved]

• • • • • •

3. Section 93.9(a) is amended to read as follows:

§ 93.9 Frequency coordination.

(a) Each application requesting assignment of a frequency in the bands 30–50, 150.8–162, or 450–470 Mc/s not currently authorized for use by that station and each application requesting the modification of an existing authorization to increase power input in excess of that set forth in the authorization and/or raise the height of the antenna and/or move the station location (including the antenna) to a site other than that authorized and/or to add a base station shall be accompanied by a statement as evidence that applicant is aware of and has complied with the requirement that he cooperate with other licensees in the selection of a frequency. This statement may be submitted in any one of the following forms, but any recommendations submitted in connection therewith are purely advisory in character and cannot be considered as binding upon the Commission:

• • • • • •

[F.R. Doc. 65-14001; Filed, Dec. 30, 1965; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

DEFINITION OF RETAIL GROCERY CONCERN

Notice of Hearing for Purpose of Financial Assistance; Correction

The above notice was published on December 17, 1965, in the FEDERAL REGISTER (30 F.R. 15596). The time and place of the hearing as published is hereby corrected and amended to read as follows: "The hearing will take place on January 26, 1966, at 10 a.m., e.s.t., in Room 442, 811 Vermont Avenue NW., Washington, D.C."

Dated: December 23, 1965.

PADRAIC P. FRUCHT,
Assistant Administrator for Economics.

[F.R. Doc. 65-13970; Filed, Dec. 30, 1965; 8:45 a.m.]

Notices

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 241]

[Delegation of Authority No. 102–1]

DEPUTY UNDER SECRETARY OF STATE FOR ADMINISTRATION

Delegation of Authority To Act as Authorized Representative of the Secretary of State in Department of State Foreign Buildings Construction Contracts

By virtue of the authority vested in me by Public Law 73, 81st Congress, and the Foreign Service Buildings Act, 1926, and laws amendatory thereto, there is hereby delegated to the Deputy Under Secretary of State for Administration the authority to act as my authorized representative to determine any disputes appealed from the decision of a contracting officer under the Disputes Clause in Department of State Foreign Buildings Construction Contracts. For all other purposes under Department of State Foreign Buildings Construction Contracts, the Director of Foreign Buildings Operations shall be my authorized representative.

This Delegation of Authority supersedes and cancels Delegation of Authority No. 1C2 dated May 24, 1961 (Public Notice No. 191, 26 F.R. 5329, June 14, 1961).

Dated: December 20, 1965.

[SEAL] DEAN RUSK,
Secretary of State.

[F.R. Doc. 65–13961; Filed, Dec. 30, 1965; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

National Park Service

CONCESSION CONTRACTS AND PERMITS

Notice of Intention To Extend Time Period

Pursuant to the provisions of section 5, Public Law 89–249, public notice is hereby given that the Department of the Interior, through the Director of the National Park Service, proposes, thirty (30) days after the date of publication of this notice, to extend for the period October 1, 1965, through September 30, 1966, the concession contract under which Best's Studio, Inc., provides concession facilities and services for the public in Yosemite National Park and the following authorizations for the period January 1, 1966, through December 31, 1966:

Babbitt Brothers Trading Co., Grand Canyon National Park.
Hot Springs Mountain Observatory Co., Hot Springs National Park.
Majestic Hotel Co., Hot Springs National Park.
National Baptist Convention, U.S.A., Inc., Hot Springs National Park.
Ozark Bath House Co., Hot Springs National Park.
S. G. Leoffler Co., National Capital Region, Washington, D.C.
Sisters of Mercy of Saint Joseph's Hospital, Hot Springs National Park.
Overton Resort, Inc., Lake Mead National Recreation Area.
C. W. and M. E. Anderson, Lake Mead National Recreation Area.
Louise M. Bertschy, Grand Teton National Park.
Leo N. Levi Memorial Hospital Association, Hot Springs National Park.
Quapaw Bath House Co., Hot Springs National Park.
Evelyn Hill, Inc., Statue of Liberty National Monument.
Verkamp's Grand Canyon National Park.
Katherine Clever, Muir Woods National Monument.
Cottonwood Cove Corp., Lake Mead National Recreation Area.
Signal Mountain Lodge, Inc., Grand Teton National Park.
C. W. Gary, Natchez Trace Parkway.

The foregoing concessioners have performed their obligations under prior contracts or permits to the satisfaction of the National Park Service and, therefore, pursuant to the act cited above are entitled to be given preference in the renewal of contracts or permits and in the negotiation of new contracts and permits. However, under the act cited above the Service is also required to consider and evaluate all proposals received as a result of this notice.

Dated: December 22, 1965.

A. C. STRATTON,
Acting Director.

[F.R. Doc. 65–13965; Filed, Dec. 30, 1965; 8:45 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Order 165–18; T.D. 56555]

COMMISSIONER OF CUSTOMS

Delegation of Authority Involving Communist Political Propaganda Mail; Revocation

DECEMBER 20, 1965.

The Supreme Court of the United States having held in Lamont v. Postmaster General and Fixa v. Heilberg, 381 U.S. 301 (1965) that section 305 of Public Law 87–793 (39 U.S.C. 4008) is unconstitutional, Treasury Department Order No. 165–14 (T.D. 55796, 28 F.R. 168), which delegated to the Commissioner of Customs the functions vested in the Secretary of the Treasury by section 305 of that law, is hereby revoked.

[SEAL] TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 65–13974; Filed, Dec. 30, 1965; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

MARKETING QUOTA REVIEW COMMITTEE PANELS

Notice of Establishment of Areas of Venue

Pursuant to section 3(a) (1) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1002) which requires that the field organization be published in the FEDERAL REGISTER and § 711.12 of the Marketing Quota Review Regulations (26 F.R. 10204, as amended) which provides for establishment of areas of venue for marketing quota review committee panels, notice is hereby given of areas of venue established by ASC State Committees effective January 1, 1966, as listed herein. This notice supersedes previous notices respecting areas of venue (28 F.R. 236, 460, 3891, 4464, 5025, 5026, 13794, 30 F.R. 595).

ALABAMA

Counties of:
Area I—Colbert, Franklin, Lauderdale, Lawrence.
Area II—Jackson, Limestone, Madison, Morgan.
Area III—Blount, Cherokee, Cullman, De Kalb, Etowah, Marshall.
Area IV—Fayette, Lamar, Jefferson, Marion, Walker, Winston.
Area V—Calhoun, Chambers, Clay, Cleburne, Randolph, St. Clair, Talladega, Tallapoosa.
Area VI—Greene, Hale, Marengo, Pickens, Sumter, Tuscaloosa.
Area VII—Autauga, Bibb, Chilton, Dallas, Perry, Shelby.
Area VIII—Bullock, Elmore, Lee, Lowndes, Macon, Montgomery, Russell, Coosa.
Area IX—Butler, Coffee, Covington, Crenshaw, Pike.
Area X—Barbour, Dale, Geneva, Henry, Houston.
Area XI—Baldwin, Choctaw, Clarke, Mobile, Washington.
Area XII—Conecuh, Escambia, Monroe, Wilcox.

ARIZONA

Area—Entire State.

ARKANSAS

Counties of:
Area I—Clay, Conway, Craighead, Faulkner, Greene, Independence, Jackson, Lawrence, Mississippi, Poinsett, Randolph, White.
Area II—Arkansas, Crittenden, Cross, Lee, Lonoke, Monroe, Phillips, Prairie, Pulaski, St. Francis, Woodruff.
Area III—Ashley, Bradley, Calhoun, Chicot, Cleveland, Dallas, Desha, Drew, Grant, Jefferson, Lincoln, Union.
Area IV—Clark, Columbia, Garland, Hempstead, Hot Spring, Howard, Logan, Miller, Montgomery, Nevada, Ouachita, Perry, Pike, Polk, Saline, Scott, Sevier, Yell, Lafayette, Little River.
Area V—Baxter, Benton, Boone, Carroll, Cleburne, Crawford, Franklin, Fulton, Izard, Johnson, Madison, Marion, Newton, Pope, Searcy, Sebastian, Sharp, Stone, Van Buren, Washington.

CALIFORNIA

Counties of:
Area I—Del Norte, Humboldt, Lassen, Modoc, Plumas, Shasta, Sierra, Siskiyou, Tehama, Trinity.
Area II—Contra Costa, Mendocino, Sonoma, Napa, Solano, Lake, Marin.
Area III—Alpine, Amador, Butte, Colusa, El Dorado, Glenn, Inyo, Mono, Nevada, Placer, Sacramento, Sutter, Yolo, Yuba.
Area IV—Calaveras, Madera, Mariposa, Merced, San Joaquin, Stanislaus, Tuolumne.
Area V—Alameda, Monterey, San Benito, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz.
Area VI—Fresno, Kern, Kings, Tulare.
Area VII—Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Ventura.

CONNECTICUT

Counties of:
Area I—Fairfield, Hartford, Litchfield, Middlesex, New Haven, New London, Tolland, Windham.

FLORIDA

Counties of:
Area I—Alachua, Baker, Clay, Columbia, Duval, Gilchrist, Hendry, Hillsborough, Lake, Lee, Levy, Marion, Nassau, Orange, Palm Beach, Polk, Putnam, Seminole, St. Johns, Sumter, Union, Volusia.
Area II—Bradford, Dixie, Hamilton, Lafayette, Madison, Suwannee, Taylor.
Area III—Calhoun, Gadsden, Gulf, Jackson, Jefferson, Leon, Liberty, Wakulla.
Area IV—Bay, Escambia, Holmes, Okaloosa, Santa Rosa, Walton, Washington.

GEORGIA

Counties of:
Area I—Bartow, Carroll, Catoosa, Chattooga, Cherokee, Clayton, Cobb, Coweta, Dade, Dawson, De Kalb, Douglas, Fannin, Fayette, Floyd, Forsyth, Fulton, Gilmer, Gordon, Gwinnett, Haralson, Heard, Henry, Lumpkin, Murray, Newton, Paulding, Pickens, Polk, Rockdale, Spalding, Union, Walker, Whitfield.
Area II—Banks, Bartow, Burke, Clarke, Columbia, Elbert, Franklin, Glascock, Greene, Habersham, Hall, Hancock, Hart, Jackson, Jefferson, Jenkins, Lincoln, McDuffie, Madison, Morgan, Oconee, Oglethorpe, Putnam, Rabun, Richmond, Screven, Stephens, Taliaferro, Towns, Walton, Warren, White, Wilkes.
Area III—Baldwin, Bibb, Bleckley, Butts, Chattahoochee, Crawford, Crisp, Dodge, Dooly, Harris, Houston, Jasper, Jones, Lamar, Laurens, Macon, Marion, Meriwether, Monroe, Muscogee, Peach, Pike, Pulaski, Schley, Sumter, Talbot, Taylor, Troup, Twiggs, Upson, Washington, Wilcox, Wilkinson.
Area IV—Baker, Ben Hill, Berrien, Brooks, Calhoun, Clay, Colquitt, Cook, Decatur, Dougherty, Early, Grady, Irwin, Lee, Lowndes, Miller, Mitchell, Quitman, Randolph, Seminole, Stewart, Telfair, Terrell, Thomas, Tift, Turner, Webster, Worth.
Area V—Appling, Atkinson, Bacon, Brantley, Bryan, Bulloch, Camden, Candler, Charlton, Chatham, Clinch, Coffee, Echols, Effingham, Emanuel, Evans, Glynn, Jeff Davis, Johnson, Lanier, Liberty, Long, McIntosh, Montgomery, Pierce, Tattnall, Toombs, Troutlen, Ware, Wayne, Wheeler.

ILLINOIS

Counties of:
Area I—Boone.
Area II—Adams.
Area III—Alexander, Hamilton, Massac, Pulaski, Union.

INDIANA

Counties of:
Area I—Carroll, Cass, Elkhart, Fulton, Howard, Kosciusko, Marshall, Miami, St. Joseph, Wabash.
Area II—Clay, Daviess, Greene, Knox, Lawrence, Martin, Monroe, Morgan, Owen, Sullivan, Vigo.
Area III—Benton, Jasper, Lake, La Porte, Newton, Porter, Pulaski, Starke, Tippecanoe, White.
Area IV—Boone, Clinton, Fountain, Hendricks, Marion, Montgomery, Parke, Putnam, Vermillion, Warren.
Area V—Clark, Dearborn, Floyd, Harrison, Jefferson, Jennings, Ohio, Ripley, Scott, Switzerland, Washington.
Area VI—Crawford, Dubois, Gibson, Orange, Perry, Pike, Posey, Spencer, Vanderburgh, Warrick.
Area VII—Blackford, Delaware, Hamilton, Hancock, Henry, Jay, Madison, Randolph, Tipton, Wayne.
Area VIII—Bartholomew, Brown, Decatur, Fayette, Franklin, Jackson, Johnson, Rush, Shelby, Union.
Area IX—Adams, Allen, De Kalb, Grant, Huntington, Lagrange, Noble, Steuben, Wells, Whitley.

KANSAS

Counties of:
Area I—Atchison, Brown, Doniphan, Jackson, Jefferson, Leavenworth.
Area II—Allen, Anderson, Bourbon, Coffey, Linn, Miami.
Area III—Cherokee, Crawford, Labette, Montgomery, Neosho.

KENTUCKY

Counties of:
Area I—Ballard, Caldwell, Calloway, Carlisle, Fulton, Graves, Hickman, Livingston, Lyon, McCracken, Marshall, Trigg.
Area II—Butler, Christian, Crittenden, Daviess, Henderson, Hopkins, Logan, McLean, Muhlenberg, Todd, Union, Webster.
Area III—Adair, Allen, Barren, Casey, Cumberland, Green, Hart, Metcalfe, Monroe, Simpson, Taylor, Warren.
Area IV—Breckinridge, Bullitt, Edmonson, Grayson, Hancock, Hardin, Larue, Marion, Meade, Nelson, Ohio, Washington.
Area V—Bell, Clay, Clinton, Harlan, Knox, Laurel, Leslie, McCreary, Pulaski, Russell, Wayne, Whitley.
Area VI—Anderson, Boyle, Clark, Estill, Garrard, Jackson, Lincoln, Madison, Mercer, Montgomery, Powell, Rockcastle.
Area VII—Bourbon, Fayette, Franklin, Harrison, Henry, Jessamine, Nicholas, Robertson, Scott, Shelby, Spencer, Woodford.
Area VIII—Boone, Bracken, Campbell, Carroll, Gallatin, Grant, Jefferson, Kenton, Oldham, Owen, Pendleton, Trimble.
Area IX—Bath, Boyd, Carter, Elliott, Fleming, Greenup, Johnson, Lawrence, Lewis, Mason, Menifee, Rowan.
Area X—Breathitt, Floyd, Knott, Lee, Letcher, Magoffin, Martin, Morgan, Owsley, Perry, Pike, Wolfe.

LOUISIANA

Parishes of:
Area I—Bienville, Bossier, Caddo, Claiborne, DeSoto, Jackson, Lincoln, Red River, Union, Webster.
Area II—Caldwell, Concordia, East Carroll, Franklin, Madison, Morehouse, Richland, Tensas, West Carroll, Ouachita.
Area III—Avoyelles, Beauregard, Catahoula, Grant, La Salle, Natchitoches, Rapides, Sabine, Vernon, Winn.
Area IV—Acadia, Allen, Calcasieu, Cameron, Evangeline, Jefferson Davis, Lafayette, St. Landry, St. Martin, Vermilion.
Area V—East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. Tammany, Tangipahoa, Washington, West Baton Rouge, West Feliciana.
Area VI—Ascension, Assumption, Iberia, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John, St. Mary, Terrebonne, St. James.

MARYLAND

Counties of:
Area I—Calvert, Charles, St. Marys.
Area II—Anne Arundel, Frederick, Montgomery, Prince Georges.

MASSACHUSETTS

Area—Entire State.

MINNESOTA

Counties of:
Area I—Fillmore, Freeborn, Houston.
Area II—Meeker, Stearns.

MISSISSIPPI

Counties of:
Area I—Alcorn, Benton, Itawamba, Lafayette, Lee, Marshall, Pontotoc, Prentiss, Tippah, Tishomingo, Union.
Area II—Calhoun, Carroll, Chickasaw, Choctaw, Clay, Grenada, Lowndes, Monroe, Montgomery, Oktibbeha, Webster, Yalobusha.
Area III—Attala, Kemper, Leake, Neshoba, Noxubee, Winston.
Area IV—Clarke, Jasper, Lauderdale, Newton, Scott, Smith.
Area V—Forrest, George, Greene, Harrison, Hancock, Jackson, Jones, Perry, Stone, Wayne.
Area VI—Covington, Jefferson Davis, Lamar, Lawrence, Marion, Pearl River, Simpson, Walthall.
Area VII—Adams, Amite, Franklin, Lincoln, Wilkinson, Pike.
Area VIII—Claiborne, Copiah, Hinds, Jefferson, Madison, Rankin, Warren.
Area IX—Holmes, Humphreys, Issaquena, Leflore, Sharkey, Sunflower, Washington, Yazoo.
Area X—Bolivar, Coahoma, De Soto, Panola, Quitman, Tallahatchie, Tate, Tunica.

MISSOURI

Counties of:
Area I—Andrew, Atchison, Buchanan, Clay, Clinton, Daviess, De Kalb, Gentry, Harrison, Holt, Nodaway, Platte, Worth.
Area II—Caldwell, Carroll, Chariton, Grundy, Jackson, Lafayette, Linn, Livingston, Mercer, Putnam, Ray, Saline, Sullivan.
Area III—Adair, Clark, Knox, Lewis, Macon, Marion, Monroe, Ralls, Randolph, Schuyler, Scotland, Shelby.
Area IV—Audrain, Boone, Callaway, Howard, Lincoln, Montgomery, Pike, St. Charles, St. Louis, Warren.
Area V—Bates, Benton, Cass, Cole, Cooper, Henry, Johnson, Miller, Moniteau, Morgan, Pettis.
Area VI—Barton, Camden, Cedar, Dade, Dallas, Hickory, Laclede, Polk, Pulaski, St. Clair, Vernon, Webster, Wright.
Area VII—Crawford, Dent, Franklin, Gasconade, Jefferson, Maries, Osage, Phelps, St. Francois, Texas, Washington.
Area VIII—Bollinger, Cape Girardeau, Madison, Mississippi, New Madrid, Perry, Ste. Genevieve, Scott, Stoddard.
Area IX—Butler, Carter, Dunklin, Howell, Iron, Oregon, Pemiscot, Reynolds, Ripley, Shannon, Wayne.
Area X—Barry, Christian, Douglas, Greene, Jasper, Lawrence, McDonald, Newton, Ozark, Stone, Taney.

NEVADA

Counties of:
Area I—Clark, Lincoln, Nye.

NEW MEXICO

Counties of:
Area I—Chaves, Curry, De Baca, Eddy, Lea, Quay, Roosevelt.
Area II—Dona Ana, Grant, Hidalgo, Luna, Otero, Sierra, Socorro, Valencia.

NOATH CAROLINA

Counties of:
Area I—Alleghany, Ashe, Avery, Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Swain, Transylvania, Watauga, Yancey.
Area II—Alexander, Anson, Burke, Cabarrus, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Polk, Rutherford, Stanly, Union.
Area III—Davidson, Davie, Forsyth, Guilford, Montgomery, Randolph, Rockingham, Rowan, Stokes, Surry, Wilkes, Yadkin.
Area IV—Alamance, Caswell, Chatham, Durham, Franklin, Granville, Harnett, Lee, Orange, Person, Vance, Wake, Warren.
Area V—Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Edgecombe, Gates, Halifax, Hertford, Hyde, Martin, Nash, Northampton, Pasquotank, Perquimans, Pitt, Tyrrell, Washington, Wilson.
Area VI—Carteret, Craven, Duplin, Greene, Johnston, Jones, Lenoir, Onslow, Pamlico, Wayne.
Area VII—Blanden, Brunswick, Columbus, Cumberland, Hoke, Moore, New Hanover, Pender, Richmond, Robeson, Sampson, Scotland.

OHIO

Counties of:
Area I—Crawford, Delaware, Fayette, Franklin, Licking, Madison, Marion, Morrow, Pickaway, Union, Wyandot.
Area II—Allen, Auglaize, Defiance, Hancock, Hardin, Logan, Mercer, Paulding, Putnam, Shelby, Van Wert.
Area III—Butler, Champaign, Clark, Clinton, Darke, Greene, Hamilton, Miami, Montgomery, Preble, Warren.
Area IV—Adams, Brown, Clermont, Gallia, Highland, Jackson, Lawrence, Pike, Ross, Scioto.
Area V—Athens, Fairfield, Guernsey, Hocking, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Vinton, Washington.

OKLAHOMA

Counties of:
Area I—Beaver, Cimarron, Custer, Dewey, Ellis, Harper, Roger Mills, Texas, Woods, Woodward.
Area II—Alfalfa, Garfield, Grant, Kay, Major, Noble, Osage.
Area III—Adair, Cherokee, Craig, Delaware, Mayes, Muskogee, Nowata, Okmulgee, Ottawa, Rogers, Tulsa, Wagoner, Washington.
Area IV—Blaine, Canadian, Creek, Hughes, Kingfisher, Lincoln, Logan, Okfuskee, Oklahoma, Pawnee, Payne, Pottawatomie, Seminole.
Area V—Beckham, Greer, Harmon, Jackson, Kiowa, Tillman, Washita.
Area VI—Caddo, Carter, Cleveland, Coal, Comanche, Cotton, Garvin, Gardy, Jefferson, Johnston, Love, McClain, Marshall, Murray, Pontotoc, Stephens.
Area VII—Atoka, Bryan, Choctaw, Haskell, Latimer, Le Flore, McCurtain, McIntosh, Pittsburg, Pushmataha, Sequoyah.

PUERTO RICO

Counties of:
Area I—North Area.

SOUTH CAROLINA

Counties of:
Area I—Abbeville, Anderson, Greenville, Greenwood, Laurens, Oconee, Pickens, Spartanburg.
Area II—Aiken, Edgefield, Fairfield, Lexington, McCormick, Newberry, Saluda.
Area III—Bamberg, Barnwell, Calhoun, Clarendon, Orangeburg, Richland, Sumter.
Area IV—Allendale, Beaufort, Berkeley, Charleston, Colleton, Dorchester, Hampton, Jasper.
Area V—Darlington, Dillon, Florence, Georgetown, Horry, Marion, Marlboro, Williamsburg.
Area VI—Cherokee, Chester, Chesterfield, Kershaw, Lancaster, Lee, Union, York.

TENNESSEE

Counties of:
Area I—Carter, Cocke, Greene, Hamblen, Hawkins, Jefferson, Johnson, Sullivan, Unicoi, Washington.
Area II—Anderson, Campbell, Claiborne, Hancock, Grainger, Knox, Scott, Sevier, Union.
Area III—Blount, Bradley, Loudon, McMinn, Meigs, Monroe, Morgan, Polk, Rhea, Roane.
Area IV—Bledsoe, Clay, Cumberland, Fentress, Jackson, Overton, Pickett, Putnam, Van Buren, Warren, White.
Area V—Cannon, Coffee, De Kalb, Franklin, Grundy, Hamilton, Marion, Rutherford, Sequatchie.
Area VI—Cheatham, Davidson, Macon, Robertson, Smith, Sumner, Trousdale, Williamson, Wilson.
Area VII—Bedford, Giles, Lawrence, Lewis, Lincoln, Marshall, Maury, Moore, Wayne.
Area VIII—Benton, Decatur, Dickson, Hickman, Houston, Humphreys, Montgomery, Perry, Stewart.
Area IX—Chester, Crockett, Fayette, Hardeman, Hardin, Haywood, McNairy, Madison, Shelby, Tipton.
Area X—Carroll, Dyer, Gibson, Henderson, Henry, Lake, Lauderdale, Obion, Weakley.

TEXAS

Counties of:
Area I—Armstrong, Carson, Castro, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler.
Area II—Balley, Baylor, Briscoe, Childress, Cochran, Cottle, Crosby, Dickens, Floyd, Foard, Garza, Hale, Hall, Hardeman, Hockley, King, Knox, Lamb, Lubbock, Lynn, Motley, Terry, Wilbarger, Yoakum.
Area III—Archer, Callahan, Clay, Comanche, Eastland, Erath, Fisher, Haskell, Hood, Jack, Jones, Kent, Mitchell, Montague, Nolan, Palo Pinto, Parker, Scurry, Schackelford, Somervell, Stephens, Stonewall, Taylor, Throckmorton, Wichita, Wise, Young.
Area IV—Bell, Bosque, Collin, Cooke, Dallas, Denton, Ellis, Falls, Fannin, Freestone, Grayson, Hill, Hunt, Johnson, Kaufman, Leon, Limestone, McLennan, Madison, Navarro, Robertson, Rockwell, Tarrant.
Area V—Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Delta, Franklin, Gregg, Harrison, Henderson, Hopkins, Houston, Lamar, Marion, Morris, Nacogdoches, Panola, Rains, Red River, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upahur, Van Zandt, Wood.
Area VI—Andrews, Borden, Brewster, Crane, Culberson, Dawson, Ector, El Paso, Gaines, Glasscock, Howard, Hudspeth, Irion, Jeff Davis, Loving, Martin, Midland, Pecos, Presidio, Reagan, Reeves, Sterling, Terrell, Upton, Ward, Winkler.
Area VII—Bandera, Brown, Coke, Coleman, Concho, Coryell, Crockett, Edwards, Gillespie, Hamilton, Kendall, Kerr, Kimble, Lampasas, Llano, McCulloch, Mason, Menard, Mills, Real, Runnels, San Saba, Schleicher, Sutton, Tom Green.
Area VIII—Atascosa, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Hidalgo, Jim Hogg, Jim Wells, Kenedy, Kinney, Kleberg, La Salle, McMullen, Maverick, Medina, Nueces, Starr, Uvalde, Val Verde, Webb, Willacy, Zapata, Zavala.
Area IX—Aransas, Bastrop, Bee, Blanco, Burleson, Burnet, Caldwell, Calhoun, Comal, De Witt, Fayette, Goliad, Gonzales, Guadalupe, Hays, Karnes, Lee, Live Oak, Milam, Refugio, San Patricio, Travis, Victoria, Washington, Williamson, Wilson.
Area X—Austin, Brazoria, Brazos, Chambers, Colorado, Fort Bend, Galveston, Grimes, Hardin, Harris, Jackson, Jasper, Jefferson, Lavaca, Liberty, Matagorda, Montgomery, Newton, Orange, Polk, San Jacinto, Trinity, Tyler, Walker, Waller, Wharton.

VIRGINIA

Counties of:
Area I—Accomack, Amelia, Brunswick, Chesapeake, Chesterfield, Dinwiddie, Greensville, Isle of Wight, Nansemond, Northampton, Nottoway, Powhatan, Prince George, Southampton, Surry, Sussex, Virginia Beach.
Area II—Amherst, Appomattox, Bedford, Botetourt, Buckingham, Campbell, Charlotte, Craig, Cumberland, Franklin, Halifax, Henry, Lunenburg, Mechlenburg, Nelson, Patrick, Pittsylvania, Prince Edward, Roanoke.
Area III—Bland, Buchanan, Carroll, Dickenson, Floyd, Giles, Grayson, Lee, Montgomery, Pulaski, Russell, Scott, Smyth, Tazewell, Washington, Wise, Wythe.
Area IV—Caroline, Charles City, Essex, Fluvanna, Gloucester, Hanover, Henrico, James City, King and Queen, King George, King William, Lancaster, Louisa, Mathews, Middlesex, New Kent, Northumberland, Richmond, Spotsylvania, Stafford, Westmoreland, York.
Area V—Albemarle, Alleghany, Augusta, Bath, Clarke, Culpepper, Fairfax, Fauquier, Frederick, Greene, Highland, Loudoun, Madison, Orange, Page, Prince William, Rappahannock, Rockbridge, Rockingham, Shenandoah, Warren.

WEST VIRGINIA

Counties of:
Area I—Barbour, Berkeley, Braxton, Brooke, Doddridge, Gilmer, Grant, Hampshire, Hancock, Hardy, Harrison, Jefferson, Lewis, Marion, Marshall, Mineral, Monongalia, Morgan, Ohio, Pendleton, Pleasants, Pocahontas, Preston, Randolph, Ritchie, Taylor, Tucker, Tyler, Upahur, Webster, Wetzel.
Area II—Boone, Cabell, Calhoun, Clay, Fayette, Greenbrier, Jackson, Kanawha, Lincoln, Logan, McDowell, Mason, Mercer, Mingo, Monroe, Nicholas, Putnam, Raleigh, Roane, Summers, Wayne, Wirt, Wood, Wyoming.

WISCONSIN

Counties of:
Area I—Columbia, Dane, Dodge, Green, Iowa, Jefferson, Kenosha, Lafayette, Milwaukee, Ozaukee, Racine, Rock, Walworth, Washington, Waukesha.
Area II—Barron, Buffalo, Chippewa, Crawford, Dunn, Eau Claire, Grant, Jackson, Juneau, La Crosse, Monroe, Pepin, Pierce, Polk, Richland, St. Croix, Sauk, Trempealeau, Vernon.

(Sec. 3, 60 Stat. 238; 5 U.S.C. 1002; sec. 363, 52 Stat. 63, as amended; 7 U.S.C. 1363)

Effective date. January 1, 1966.

Signed at Washington, D.C., on December 27, 1965.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65-13997; Filed, Dec. 30, 1965; 8:47 a.m.]

Office of the Secretary

ARIZONA AND MAINE

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Arizona and Maine natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ARIZONA

Cochise.

MAINE

Aroostook.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1966, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 27th day of December 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-13984; Filed, Dec. 30, 1965; 8:45 a.m.]

MISSOURI

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Missouri natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MISSOURI

Bollinger.	Pemiscot.
Butler.	Ripley.
Dunklin.	Scott.
Livingston.	Stoddard.
Mississippi.	Wayne.
New Madrid.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1966, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 27th day of December 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-13985; Filed, Dec. 30, 1965; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 65-1153]

STANDARD BROADCAST FACILITIES INVOLVING SUBURBAN COMMUNITIES

Policy Statement on Section 307(b) Considerations

DECEMBER 27, 1965.

1. On July 9, 1965, we released our Memorandum Opinion and Order (1 FCC 2d 319, 5 R.R. 2d 547) stating that oral arguments would be held in three separate proceedings in order to consider the question of what standards should be applied to determine which application would better serve the public interest by providing a fair, efficient, and equitable distribution of standard broadcast service when one or more of the proposed stations is to be located in a suburban community and would serve adjacent urbanized areas. Those oral arguments were scheduled, in part, as a result of the opinion of the U.S. Court of Appeals for the District of Columbia Circuit in Miners Broadcasting Service, Inc. v. Federal Communications Commission, 349 F. 2d 199, 5 R.R. 2d 2086 (1965), in which the Court stated that we should establish or clarify the standards used to distinguish between two suburban applicants, both of whom propose to serve some parts of their central city and urbanized area. Additionally, we have been aware that a number of cases involving the same problem are in various stages of our hearing processes.

2. The briefs and arguments of the parties in the oral arguments on October 8, 1965, have been valuable in ascertaining the scope of the suburban question and in clarifying our thinking on that question. We appreciate the assistance of all of the parties who participated in those arguments and who provided many helpful comments. Most of the parties were in agreement that our standards for suburban applications should be specified so that each applicant would be on notice of what general standards would be applied to his application and so that the applicant would have an opportunity during the course of the hearing to show how these general standards should be applied to his application. Upon consideration of all of the relevant material presented at those oral arguments, we are of the view that the public interest would be better served by the promulgation of a new policy, specified herein, which would hereafter provide assistance in the allocation of AM stations in suburban communities.

The present problem concerning suburban applications. 3. In our notice of proposed rule making regarding AM station assignment standards, FCC 63-468, 25 R.R. 1615, we redefined our historic goals for allocation of AM broadcast service. As redefined, our objectives, listed in descending order of priority, are, insofar as each is consistent with those preceding it: (a) To provide unimpaired service within the normally protected contours of new and existing standard broadcast facilities; (b) to provide a primary aural service to areas lacking that service; (c) to provide a first, local aural service to as many independent communities as possible; and (d) to provide multiple, local aural services to as many independent communities as possible. We have previously indicated that, when two or more applications for different communities are mutually exclusive, a choice among them, pursuant to section 307(b) of the Communications Act, requires comparative consideration of such factors as: (a) The areas and populations to be provided a new transmission and reception service, and (b) the number of existing transmission and reception services available to those areas and populations. See, for example, Kent-Ravenna Broadcasting Co., FCC 61-1350, 22 R.R. 605 (1961).

4. In Kent-Ravenna, we noted that the implementation of the above criteria had become increasingly complicated because of the rising number of applications for suburban communities, which would be entitled to a first transmission service preference in a comparative hearing. Pointing out that competing applicants often sought to show that the suburb was not a community separate from its central city and thus did not have that identity of interest to deserve a first transmission service, we held that such questions would be part of the overall 307(b) issue. This approach permitted the presiding Examiner to determine which facets of the suburban problem should be explored in the hearing, and to compare the applications under the usual 307(b) criteria, if each of the applicants proposed to serve separate communities. However, it soon became apparent that the suburban problem could not be resolved by the simple determination of whether the proposed suburb was a separate community from its central city, since virtually all suburban communities have their own political, civic, and social institutions. Radio Crawfordsville, Inc., 34 F.C.C. 996, 25 R.R. 533 (1963).

5. In Crawfordsville, we held that the threshold question requiring resolution is whether the needs of the suburban community are to be considered apart from those of its nearby central city or the urbanized area as a whole, in light of the class, frequency, power, and coverage proposed by the suburban applicant. Thus, a high-powered suburban proposal with substantial coverage of the central city and surrounding area was held to be an application for the central city in the 307(b) comparison. However, we also indicated that the needs of a suburb would be considered apart from those of the central city, if the applicant proposed low power and only minimal coverage of the central city and surrounding area.

6. At the same time, as part of our proposed revision of the AM station as-

signment standards, supra, we considered another approach to the suburban problem. Noting that we wish to encourage new stations which will provide a genuine local service for growing suburban communities, while discouraging new suburban facilities which are merely substandard central city stations, we proposed a rule which would have precluded grants providing a multiple service for a large community while ostensibly providing a first local service for a nearby suburb. As proposed, the rule provided that no new AM station would be authorized for a community under 50,000 persons, if the proposal would place a signal of 2 mv/m or greater over more than 25 percent of the area within any other community of 50,000 or more persons. After receiving comments from interested parties, we concluded that the proposed solution to the suburban problem would produce undesirable results in too many cases to justify its adoption. FCC 64–609, 2 R.R. 1658 (1964). Pointing out that new stations assigned on low frequencies, in areas of high ground conductivity, would have to be located an unreasonably long distance from urbanized areas in order to avoid the adverse thrust of the rule, we stated that suburban applications would be closely examined on a case-by-case basis to determine whether they should be regarded as proposing a new service for their nominal communities or their central cities.

7. After considerable reflection, however, we have become convinced that the Crawfordsville approach to the suburban problem as summarized in paragraph 5, supra, is not satisfactory either. As applicants for suburban communities have argued, the Crawfordsville rationale requires that their high-powered proposals be considered as ones for the central city even though they do not comply with the principal city service provisions of § 73.188(b), which would be demanded of applications for that city. At the same time, it may be clear that such a suburban applicant will provide main studios and some local programming for his specified community, even though it may be regarded by us as an application for the central city. Since the suburban applicant will fulfill, in some measure, that community's need for a local transmission service, we are now persuaded that the provision of a proposed transmission service for his specified suburban community cannot be overlooked in the 307(b) comparison of competing applications. Each of these factors reinforces our conclusion that a new approach to the suburban problem must be explored.

New policy concerning suburban applications. 8. We are convinced that the objective evidence of an applicant's proposed coverage, which reflects the engineering factors of ground conductivity, frequency, and power, is sufficient to raise a question as to whether the proposal will be a realistic local transmission service for its specified community or merely another reception service. Our experience compels us to conclude that as their power and coverage are increased to serve larger numbers of persons, stations in metropolitan areas often tend to seek out national and regional advertisers and to identify themselves with the entire metropolitan area rather than with the particular needs of their specified communities. For these reasons, it will be our policy in the future under section 307(b) to examine every application for new or improved standard broadcast facilities to determine: (1) Whether the applicant's proposed 5 mv/m daytime contour would penetrate the geographic boundaries of any community with a population of over 50,000 persons and having at least twice the population of the applicant's specified community. When such a condition is found to occur, a presumption will arise that the applicant realistically proposes to serve that larger community rather than his specified community. Where the test described above indicates penetration of each of two or more larger communities, the presumption will apply with respect to the largest of those communities. If that presumption cannot be rebutted on the basis of the material included within the application, an evidentiary hearing will be held to determine whether the application should be treated as a proposal for the applicant's specified community or for some larger community.

9. This new policy is intended to provide an accommodation of heretofore apparently conflicting allocation considerations. While we still wish to discourage any proposal that will be merely a substandard central city station, we are persuaded that many developing and deserving suburban communities should be afforded an opportunity to obtain a first local transmission service. Moreover, while we wish to encourage each applicant to propose as much power as he will need to comply with our allocation rules, every applicant who fails within our test will be required to demonstrate that his proposal is designed to provide a realistic local transmission service for his specified community. We are convinced that reliance upon the applicant's proposed coverage is a reasonable basis for initiating inquiry into that applicant's intent, since the propagation of a 5 mv/m daytime signal into a community of at least 50,000 persons and over twice as large as the applicant's specified community generally results in the propagation of a competitive signal over a heavily populated area of substantial size, and since service to such an area has often led to our licensees' serving the transmission and reception needs of that area rather than the transmission needs of their specified communities.

10. During the course of an evidentiary hearing to determine, inter alia, whether an applicant will realistically serve his specified community or another, larger community, that applicant will be required to rebut the presumption that will have arisen because of his proposed coverage. Thus, in addition to the usual 307(b) evidence concerning the independence of a suburb from its central city, an applicant will be expected, under our new policy, to adduce evidence at the hearing showing the extent to which he has ascertained that his specified community has separate and distinct programming needs. The parties will then be permitted to show the extent to which that community's needs are being met by existing standard broadcast stations, and the applicant will be expected to show the extent to which his program proposal will meet the specific, unsatisfied programming needs of his specified community. At the same time, although it would not necessarily be determinative, such an applicant would be expected to adduce evidence as to whether the projected sources of advertising revenues within his specified community are adequate to support his proposal as compared with the sources from all other areas.

11. If an applicant sustains his burden under the specified issues and rebuts the presumption, he will be treated as an applicant for his specified community and accorded all of the 307(b) considerations which flow therefrom. However, if the applicant fails to rebut the presumption, he will be treated as an applicant for the larger community and required to meet all of the technical provisions of our rules, including §§ 73.30, 73.31, and 73.188(b) (1) and (2), for stations assigned to that larger community.[1] An applicant who meets those technical requirements will be permitted to prosecute his proposal as if he were an applicant for that larger community. However, he will be accorded only the 307(b) preference to which that larger community is entitled and will be granted only upon the condition that he amend his application to specify the larger community as his station location. The application of an applicant who fails to rebut the presumption and fails to meet all of the technical requirements for that larger community will be denied.

12. We are persuaded that the public interest requires the application of this policy to all pending applications as well as to those filed in the future, whether opposed or not, since it will materially assist us in making fair, efficient, and equitable allocations of standard broadcast facilities in metropolitan areas. In those instances when the presumption would not arise, because the applicant's proposed contours do not extend far enough or because the larger community lacks the required population, interested parties may, of course, petition to designate the application for hearing or to enlarge the issues of an already scheduled hearing, and such petitions will receive favorable consideration, if the petitioner makes a threshold showing that the proposal will realistically serve primarily a community other than his specified community.

Adopted: December 22, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65–14002; Filed, Dec. 30, 1965; 8:47 a.m.]

[1] When an applicant for community A, who falls within our test of presumed service, set forth in paragraph 8, supra, for larger community B and also for still larger community C, fails to establish that he will realistically serve his specified community A, but demonstrates that he will realistically serve larger community B, he will be required to meet the technical provisions of our rules and the other requirements of this paragraph only for larger community B, not also for still larger community C.

[Docket No. 14040; FCC 65–1142]

UNITED STATES OF AMERICA AND AMERICAN TELEPHONE & TELEGRAPH CO.

Order Regarding Supplemental Complaint Requesting Additional Damages

Order. United States of America by the Administrator of General Services, complainant, v. American Telephone & Telegraph Co., et al., defendants; Docket No. 14040.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 22d day of December 1965;

The Commission having before it:

(a) A Memorandum Opinion and Order adopted on June 9, 1965, ordering that a public hearing be held to resolve the issues presented in the above-entitled formal complaint filed by the Administrator of General Services (GSA) on behalf of the United States requesting damages from the American Telephone & Telegraph Co. (A.T. & T.) and 30 other communications carriers for alleged unlawful charges for services furnished to complainant since September 1, 1956;

(b) A supplemental complaint filed August 10, 1965, by GSA requesting additional damages;

(c) An answer to the supplemental complaint filed September 15, 1965, by A.T. & T. incorporating by reference the second affirmative defense to the original complaint requesting that the complaint be dismissed for failure to state a claim upon which relief can be granted:

It is ordered, That the proceedings with respect to the original complaint and the answers thereto shall also encompass the matters contained in the supplemental complaint and answer.

Released: December 28, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65–14003; Filed, Dec. 30, 1965; 8:48 a.m.]

[1] Commissioner Wadsworth absent.

FEDERAL POWER COMMISSION

[Docket No. G–3783, etc.]

CONTINENTAL OIL CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

DECEMBER 22, 1965.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 19, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G–3783 C 12–3–65	Continental Oil Co., Post Office Box 2197, Houston, Tex., 77001.	El Paso Natural Gas Co., San Juan Basin (Allison Unit), San Juan County, N. Mex., and La Plata and Archuleta Counties, Colo.	[2] 13.0	15.025
G–11181 C 12–7–65	Gas Gathering Corp., Post Office Box 519, Hammond, La.	Transcontinental Gas Pipe Line Corp., Bayou Henry Field, Iberville Parish, La.	18.5	15.025
G–14916 D 12–10–65	Socony Mobil Oil Co., Inc., Post Office Box 2444, Houston, Tex., 77001 (partial abandonment).	Warren Petroleum Corp., Panhandle, East Field, Wheeler County, Tex.	(?)	-------
G–19315 D 12–9–65 [3]	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex.	El Paso Natural Gas Co., North Lindrith (Mesaverde) Field, Rio Arriba County, N. Mex.	Assigned	-------
G–19316 D 12–9–65 [4]	----do----	El Paso Natural Gas Co., North Lindrith (Pictured Cliffs) Field, Rio Arriba County, N. Mex.	Assigned	-------
CI62–600 C 11–26–65 [5]	Sohio Petroleum Co., (Operator), et al., 970 First National Office Building, Oklahoma City, Okla.	El Paso Natural Gas Co., Spraberry Field, Upton County, N. Mex.	[6] 13.984	14.65
CI63–337 (CI61–524) C 12–13–65 [7]	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla., 74102.	Michigan Wisconsin Pipe Line Co., Woodward Gas Area, Major County, Okla.	[6] 21.545	14.65
CI63–1241 C 12–13–65	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif., 90017.	Michigan Wisconsin Pipe Line Co., acreage in Major County, Okla.	15.0	14.65
		Acreage in Woodward County, Okla.	17.0	14.65
CI64–1035 C 12–13–65	Tenneco Oil Co. (Operator), et al., Post Office Box 2511, Houston, Tex., 77001.	Mississippi River Transmission Corp., Woodlawn Field, Harrison County, Tex.	15.0	14.65
CI65–130 E 12–9–65	Kerr-McGee Corporation [8] (successor to Patrick J. O'Hornett), Kerr-McGee Bldg., Oklahoma City, Okla., 73102.	Cities Service Gas Co., Mocane Morrow Gas Pool, Beaver County, Okla.	16.0	14.65
CI65–578 C 12–13–65	Warren Petroleum Corp., Post Office Box 1589, Tulsa, Okla., 74102.	El Paso Natural Gas Co., Caliche Plant, Lea County, N. Mex.	16.0	14.65
CI66–40 C 12–13–65	Roger K. Gray, et al., c/o Earl Q. Gray, attorney, Post Office Box 308, Ardmore, Okla.	Cities Service Gas Co., South Bishop Field, Ellis County, Okla.	17.0	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI66-129 C 12-10-65	Joseph E. Seagram & Sons, Inc., d. b. a. Texas Pacific Oil Co., Post Office Box 747, Dallas, Tex., 75221.	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	13.0	15.025
CI66-442 B 11-26-65	Sohio Petroleum Co., 970 First National Office Bldg., Oklahoma City, Okla., 73102.	El Paso Natural Gas Co., Spraberry Field, Upton County, Tex.	(10)	------
CI66-483 (G-9465) F 12-6-65	Humble Oil & Refining Co., (successor to R. O. Mangum (Operator), et al.), Post Office Box 2180, Houston, Tex., 77001.	Texas Eastern Transmission Corp., West George West Field, Live Oak County, Tex.	13.8733	14.65
CI66-484 A 12-9-65	Texaco Inc., Post Office Box 52332, Houston, Tex., 77052.	American Louisiana Pipe Line Co., West Cote Blanche Bay Field, St. Mary Parish, La.	21.25	15.025
CI66-485 A 12-9-65	Woods Petroleum Corp., 4900 North Santa Fe, Oklahoma City, Okla., 73118.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	[11] 17.0	14.65
CI66-487 A 12-10-65	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla., 74102.	Arkansas Louisiana Gas Co., Ames Area, Major County, Okla.	15.0	14.65
CI66-489 A 12-9-65	Phillips Petroleum Co., Bartlesville, Okla., 74004.	Panhandle Eastern Pipe Line Co., Selling Field, Dewey and Woodward Counties, Okla.	17.0	14.65
CI66-490 A 12-10-65	Gandy-McAuley, Inc., et al., 826 Fidelity Union Tower, Dallas, Tex.	United Gas Pipe Line Co., Webb, North (5650') Field, San Patricio County, Tex.	12.0	14.65
CI66-491 A 12-13-65	Monsanto Co., 1300 Main St., Houston, Tex., 77002.	Texas Gas Transmission Corp., Chenlere Area, Ouachita Parish, La.	18.25	15.025
CI66-492 A 12-1-65	Burnham Gas Co., Rural Delivery No. 1, Corsica, Pa., 15829.	United Natural Gas Co., Limestone Township, Clarion County, Pa.	(12)	------
CI66-493 A 12-13-65	John L. Cox (Operator), et al., 305 V & J Tower, Midland, Tex.	El Paso Natural Gas Co., Spraberry Trend Area Field, Reagan County, Tex.	14.5	14.65
CI66-494 A 12-10-65	Sinclair Oil & Gas Co., Post Office Box 521, Tulsa, Okla., 74102.	Texas Gas Transmission Corp., Hell Hole Bayou Field, Vermilion Parish, La.	20.025	15.025
CI66-495 B 12-13-65	Sunray DX Oil Co., Post Office Box 2039, Tulsa, Okla., 74102.	Panhandle Eastern Pipe Line Co., Leslie Field, Meade County, Kans. and Beaver County, Okla.	Depleted	------
CI66-496 B 12-13-65	....do.....	Arkansas Louisiana Gas Co Carthage Field, Panola County, Tex.	Depleted	------
CI66-497 B 12-10-65	The British-American Oil Producing Co., Post Office Box 749, Dallas, Tex., 75221.	United Gas Pipe Line Co., Bolton Field, Hinds County, Miss.	(13)	------
CI66-498 A 12-8-65	Phillips Petroleum Co., Bartlesville, Okla., 74004.	Florida Gas Transmission Co., East White Point and Nueces Bay Fields, San Patricio and Nueces Counties, Tex.	17.5	14.65
CI66-499 A 12-13-65	Dee Forehand, Post Office Box 49, Crockett, Tex., 75835.	El Paso Natural Gas Co., Blanco Mesa Verde Field, San Juan County, N. Mex.	[14] 13.0	15.025
CI66-500 A 12-15-65	Phillips Petroleum Co., Bartlesville, Okla., 74004.	Lone Star Gas Co., North Henderson Area, Rusk County, Tex.	16.56	14.65
CI66-502 A 12-15-65	Jack H. Choate, 116 South Main, Hennessey, Okla., 73742.	Cities Service Gas Co., Bishop Area, Roger Mills County, Okla.	15.0	14.65
CI66-503 (G-13633) F 12-15-65	Siesta Oil & Exploration Co., Inc. (successor to Union Producing Co.), 2036 Beck Bldg., Shreveport, La.	United Gas Pipe Line Co., Carthage Field, Panola County, Tex.	10.8876	14.65
CI66-504 B 12-13-65	Ashland Oil & Refining Co., Post Office Box 1503, Houston, Tex., 77001.	Southeastern Gas Co., Henry District, Clay County, W. Va.	(15)	------
CS66-1 11-15-65 [16]	Apco Oil Corp. (Operator), et al., Post Office Box 1841, Oklahoma City, Okla., 73101.	El Paso Natural Gas Co. and Northern Natural Gas Co., various fields, Lea County, N. Mex., and Pecos County, Tex. (Permian Basin Area).	(15)	------

[1] Includes 1.0 cent per Mcf minimum settlement for liquids.
[2] Last well on lease (described in Letter Agreement dated Oct. 21, 1965) has been plugged and abandoned and there are no plans for additional gas development as to the acreage covering this lease.
[3] Deletes acreage assigned to J. Gregory Merrion and Robert L. Bayless; represents that portion of acreage for which certificate was filed for in Docket No. CI66-451.
[4] Deletes acreage assigned to J. Gregory Merrion and Robert L. Bayless; represents that portion of acreage for which certificate was filed for in Docket No. CI66-450.
[5] Adds acreage previously certificated under Docket No. CI62-850.
[6] Effective rate subject to refund in Docket No. G-16477. Increase in rate to 18.243 cents suspended in Docket No. R166-25, but has not been made effective.
[7] Adds acreage acquired from Shell Oil Co.—Docket No. CI61-524.
[8] Includes 1.0 cent adjustment for B.t.u. content and 1.045 cents per Mcf tax reimbursement.
[9] Formerly Kerr-McGee Oil Industries, Inc.
[10] Applicant seeks to abandon service from his ½ interest in the Hobby Six lease covered under certificate in Docket No. CI62-850, to combine with the ½ interest in same lease covered under the certificate issued in Docket No. CI62-850.
[11] Subject to upward B.t.u. adjustment.
[12] When deliveries a month average under 25 Mcf per day, rate shall be 26.0 cents per Mcf; from 25 to 49 Mcf per day, rate shall be 27.0 cents per Mcf; from 50 to 99 Mcf per day, rate shall be 28.0 cents per Mcf; from 100 to 249 Mcf per day, rate shall be 29.0 cents per Mcf; from 250 to 499 Mcf per day, rate shall be 30.0 cents per Mcf; from 500 Mcf per day or over, rate shall be 31.0 cents per Mcf.
[13] Gas reserves are depleted to the point that the pressure is insufficient for gas to enter Purchaser's line, and remaining gas reserves must be utilized for field operations.
[14] Includes 1.0 cent per Mcf minimum guarantee for liquid products.
[15] Only producing lease was assigned.
[16] Application for Small Producer certificate filed pursuant to Commission Order No. 308, issued Oct. 29, 1965. Applicant heretofore authorized to render subject sales in Docket Nos. G-7753, G-9371, G-9436, G-10448, G-10459, G-10647, G-14919, G-17202, G-18087, G-18161, G-19449, CI61-958, and CI64-718.

[F.R. Doc. 65-13909; Filed, Dec. 30, 1965; 8:45 a.m.]

[Docket No. RI66-199, etc.]

C. L. CRAIG ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

DECEMBER 21, 1965.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Chapter I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 10, 1966.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser, and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI66-199	C. L. Craig, Post Office Box 790, Plainview, Tex.	1	4	Colorado Interstate Gas Co. (Keyes Field, Cimarron County, Okla.)	$126	11-22-65	[1] 12-23-65	5-23-66	[2] 15.0	[3] [4] 17.0	
RI66-200	Frederick C. and Ferris F. Hamilton, d.b.a. Hamilton Brothers, Ltd., 1517 Denver Club Bldg., Denver, Colo., 80202.	10	1	Panhandle Eastern Pipe Line Co. (North Hansford (Tonkawa) Field, Hansford County, Tex.) (R.R. District No. 10).	271	12-2-65	[5] 1-2-66	6-2-66	16.5	[4] [6] 17.5	
RI66-201	Sohio Petroleum Co., 970 First National Annex, Oklahoma City, Okla., 73102.	118	3	Northern Natural Gas Co. (Northeast Camrick Field, Beaver County, Okla.) (Panhandle Area).	420	12-3-65	[5] 1-3-66	6-3-66	[7] 16.5	[4] [6] [7] 17.5	
RI66-202	General American Oil Co. of Texas, Meadows Bldg., Dallas, Tex., 75206.	42	[13] 15	United Gas Pipe Line Co. (Crescent Farms and Hollywood Fields, Terrebonne Parish, La.) (South Louisiana).	17,090	11-30-65	[8] 1-1-66	6-1-66	[11] 22.75	[9] [10] [11] 22.8917	RI64-431.
RI66-203	....do.....	43	[13] 7	....do.....	685	11-30-65	[8] 1-1-66	6-1-66	[11] 22.75	[9] [10] [11] 22.8917	RI64-450.
		2	5	Trunkline Gas Co. (Quick Sand Creek Field Area, Newton County, Tex.) (R.R. District No. 3).	10,000	12-1-65	[8] 1-1-66	6-1-66	[12] 17.0	[4] [6] [12] 18.0	
RI66-204	Tenneco Oil Co., Post Office Box 2511, Houston, Tex., 77001.	86	9	United Gas Pipe Line Co. (Burnell and North Pettus Fields, Bee, Goliad, and Karnes Counties, Tex.) (R.R. District No. 2).	3,146	12-3-65	[5] 1-3-66	6-3-66	13.999	[8] [9] 15.485	

[1] The stated effective date is the 1st day after expiration of the required statutory notice.
[2] Renegotiated rate increase.
[3] Pressure base is 14.65 p.s.i.a.
[4] Subject to upward and downward B.t.u. adjustment.
[5] Periodic rate increase.
[6] Subject to a downward B.t.u. adjustment.
[7] The stated effective date is the effective date requested by Respondent.
[8] Redetermined rate increase.
[9] Pressure base is 15.025 p.s.i.a.
[10] Includes 1.75 cents per Mcf tax reimbursement.
[11] Includes Letter Agreement dated Oct. 6, 1965, providing for the redetermined rate during the 5-year period commencing Jan. 1, 1966.
[12] Includes 0.25 cent per Mcf dehydration charge paid by buyer.

C. L. Craig requests a retroactive effective date of January 1, 1964, the contractually provided effective date, for his proposed rate increase. Frederick C. and Ferris F. Hamilton doing business as Hamilton Brothers, Ltd., and Sohio Petroleum Co. request that their proposed rate increases be permitted to become effective on January 1, 1966. Tenneco Oil Co. requests a retroactive effective date of October 1, 1965. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for the aforementioned producers' rate filings and such requests are denied.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, § 2.56).

[F.R. Doc. 65-13910; Filed Dec. 30, 1965; 8:45 a.m.]

[Docket No. G-2648, etc.]

PAUL E. DAUGHERTY ET AL.

Findings and Order After Statutory Hearing

DECEMBER 23, 1965.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC Gas Rate Schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are either equal to or below the ceiling prices established by the Commission's Statement of General Policy 61-1, as amended, or involve sales for which permanent certificates have been previously issued.

W. Rinehart Miller and Hewitt B. Fox doing business as Miller & Fox (Operator), et al., and Busmore Oil & Gas Co. (Operator), et al., Applicants in Docket Nos. CI65-978 and CI65-981, respectively, propose to abandon the sales of natural gas authorized in Docket Nos. CI62-624 and CI61-1641, respectively. Unconditioned temporary certificates were issued March 30, 1962, authorizing Applicants to commence the subject sales at an initial rate of 16.0 cents per Mcf at 14.65 p.s.i.a. The certificate applications were consolidated with Amerada Petroleum Corp., et al., Docket No. CI62-1544, et al., and certificates were issued in the order accompanying Opinion No. 422 (31 FPC 623) at the "in-line" rate of 16.0 cents per Mcf. The order issued in Docket No. CI62-1544, et al., is presently being litigated and therefore, the abandonments will be permitted and approved in Docket Nos. CI65-978 and CI65-981 and Docket Nos. CI62-624 and CI61-1641 will remain consolidated with Docket No. CI62-1544, et al.

After due notice, a petition to intervene by the Long Island Lighting Co. was filed on September 15, 1965, in Docket No. CI66-157. Notice of withdrawal of the intervention by intervener was filed on November 1, 1965, in said docket. No other petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on December 16, 1965, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sales of natural gas by the respective Applicants, together with the construction and operation of any facili-

ties subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G–2648, G–7000, G–7424, G–12544, G–17106, G–17791, G–18070, CI61–737, CI63–265, CI63–608, CI64–69, CI64–746, CI64–1238, and CI65–688 should be amended as hereinafter ordered.

(6) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the tabulation herein and in the respective applications, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of public convenience and necessity heretofore issued to the respective Applicants herein relating to the abandonments hereinafter permitted and approved should be terminated.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Docket Nos. G–14055 and RI62–348 should be severed from the proceeding in Docket No. AR61–2, et al., and the rate suspension proceedings in Docket Nos. G–14055 and RI62–348 should be terminated.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the respective related rate schedules and supplements as designated or redesignated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after April 15, 1965, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d) of the Commission's Statement of General Policy 61–1, as amended, shall be filed prior to the applicable dates, as indicated by footnotes 3 and 7 in the attached tabulation.

(E) The certificates heretofore issued in Docket Nos. G–17106, G–17791, G–18070, CI61–737, CI64–1238, and CI65–688 are amended by adding thereto or deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(F) The certificates heretofore issued in Docket Nos. CI63–265 and CI63–608 are amended to include the sales of natural gas from the additional acreage and such authorizations are subject to the conditions set forth in paragraphs (C), (D), and (E) of the order accompanying Opinion No. 353 (27 FPC 449).

(G) Applicant in Docket CI63–608 is required to file a billing statement reflecting the conditioned rate of 17.0 cents per Mcf at 14.65 p.s.i.a. plus B.t.u. adjustment.

(H) The certificate heretofore issued in Docket No. CI64–69 is amended to include the sale of natural gas from the additional acreage and such authorization is subject to the conditions set forth in paragraphs (E), (F), and (G) of the order accompanying Opinion No. 350 (27 FPC 35).

(I) The certificates heretofore issued in Docket Nos. G–2648,[1] G–7000, G–7424, G–12544, and CI64–746 are amended by changing the certificate holders to the respective successors in interest as indicated in the tabulation herein.

(J) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described and as more fully described in the respective applications herein are granted.

(K) Permission for and approval of the abandonment of service by Applicants in Docket Nos. CI65–978 and CI65–981 are granted and Docket Nos. CI62–624 and CI61–1641 shall remain consolidated with the proceeding in Docket No. CI62–1544, et al.

(L) The certificates heretofore issued in Docket Nos. G–8926, G–20058, G–20331, G–20355, G–20356, G–20357, G–20360, and CI62–894 are terminated.

(M) Docket Nos. G–14055 and RI62–348 are severed from the proceeding in Docket No. AR61–2, et al., and the rate suspension proceedings in Docket Nos. G–14055 and RI62–348 are terminated.

(N) The respective related rate schedules and supplements as indicated in the tabulation herein are accepted for filing; further, the rate schedules relating to the successions herein are redesignated and accepted, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates as indicated in the tabulation herein.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G–2648 E 10–11–65	Paul E. Daugherty, et al.,[1] Estate of F. Julius Fohs, et al. (successor to F. Julius Fohs, et al.).	Tennessee Gas Transmission Co., East Bay City Field, Matagorda County, Tex.	F. Julius Fohs, et al., FPC GRS No. 4.	4	------
			Supplement Nos. 1–4	4	1–4
			Notice of succession (undated).[2]		
			Effective date: 1–19–65		
G–7000 E 10–11–65	Estate of F. Julius Fohs, et al. (successor to F. Julius Fohs, et al.).	Texas Eastern Transmission Corp., South Range Field, Karnes and Goliad Counties, Tex.	F. Julius Fohs, et al., FPC GRS No. 2.	2	------
			Supplement Nos. 1–5	2	1–5
			Notice of succession (undated).[2]		
			Effective date: 1–19–65		

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[1] Docket No. G–2648 is amended only insofar as it pertains to the interests of F. Julius Fohs, et al., to reflect the Estate of F. Julius Fohs, et al.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI65–979 (G–20355) B 4–5–65	East White Point Gathering Co.	Ben Bolt Gathering Co., Midway Field Area, San Patricio County, Tex.	Notice of cancellation 4–5–65.[1][3]	1[1]	2
CI65–980 (G–20356) B 4–5–65	Engeo Gathering Co.	do	Notice of cancellation 4–5–65.[1][3]	1[1]	2
CI65–981 (CI61–1641) B 4–5–65	Busmore Oil & Gas Co. (Operator), et al.	Ben Bolt Gathering Co., Alice Field, Jim Wells County, Tex.	Notice of cancellation 4–5–65.[3]	2	1
CI65–1193 (G–20331) B 4–6–65	Carl Oil, et al.	Ben Bolt Gathering Co., Pettus Field, Bee County, Tex.	Notice of cancellation 4–5–65.[3]	3	2
CI65–1194 (G–20357) B 4–6–65	Engeo Oil & Gas Co. (Operator), et al.	Engeo Gathering Co., Midway Field Area, San Patricio County, Tex.	Notice of cancellation 5–11–65.[3][4]	3	1
CI65–1195 (G–20360) B 5–11–65	Burdette Graham (Operator), et al.	East White Point Gathering Co., Midway Field Area, San Patricio County, Tex.	Notice of cancellation 5–11–65.[3][4]	3	2
CI66–157 A 9–24–65[7]	Hunt Oil Co.	American Louisiana Pipe Line Co., Cascadeu Lake Field, Cameron Parish, La.	Contract 7–1–65	63	------
CI66–327 A 10–19–65[5]	Sesco Production Co.[14] (Operator), et al.	Lone Star Gas Co., Henderson Field, Rusk County, Tex.	Contract 8–9–65[5]	1	------
CI66–347 (G–8926) B 10–25–65	E. Max Beren, et al.	Cities Service Gas Co., Hilltop Field, Barber County, Kans.	Notice of cancellation 10–22–65.[3][4]	1	1
CI66–340 A 10–22–65[5]	Dunn-Mar Oil & Gas Co.	Pennzoil Co., Huey Lease, Mannington District, Marion County, W. Va.	Contract 6–13–64.[14] Assignment 10–1–64.[14]	20 20	1 ------
CI66–353 A 10–29–65[5]	Edwin G. Bradley (Operator), et al.	Panhandle Eastern Pipe Line Co., acreage in Meade County, Kans.	Contract 9–15–65[5]	10	------
CI66–357 A 11–1–65[5]	American Petrofina Co. of Texas.	El Paso Natural Gas Co., acreage in San Juan County, N. Mex.	Contract 10–13–65[5]	45	------
CI66–360 A 10–24–65[14]	Ashland Oil & Refining Co.	Texas Gas Transmission Corp., Midland Gas Field, Muhlenberg County, Ky.	Contract 8–5–63 Effective date: 11–29–65	174	------
CI66–361 A 11–1–65[5]	George Moses	Consolidated Gas Supply Corp., Washington District, Calhoun County, W. Va.	Contract 8–18–65.[5][12]	12	------
CI66–362 A 11–1–65[5]	Herman C. Warner, et al., d.b.a. W & J Oil & Gas Producers, et al.	Consolidated Gas Supply Corp., Troy District, Gilmer County, W. Va.	Contract 7–27–65[5]	2	------
CI66–363 A 11–1–65[5]	Central Gas Co.	do	Contract 7–28–65[5]	3	------
CI66–365 A 11–1–65[5]	Howard W. Sharpley, et al.	Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va.	Contract 8–12–65[5]	4	------
CI66–372 (CI62–894) B 11–3–65	Midhurst Oil Corp.	Texas Vue Gas Co., East Hereford Creek Field, Beauregard Parish, La.	Notice of cancellation 10–29–65.[3][4]	2[10]	6

[1] Original filing made by Tennessee Production Co., et al. By order issued Dec. 15, 1964, Tennessee Gas Transmission Co. succeeded Tennessee Production Co. (making Paul E. Daugherty, et al. the certificate holder). F. Julius Fohs is one of the et al. parties covered under this certificate. The rate schedule is being redesignated in the name of Fohs.

[2] Letters testamentary dated Apr. 7, 1965, whereby Cora B. Fohs was appointed executrix submitted as Exhibit "A" to the notice of succession.

[3] Jan. 1, 1966, moratorium date pursuant to Commission's Statement of General Policy 61–1, as amended.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G–7424 E 10–11–65	do	Arkansas Louisiana Gas Co., Ada Field, Webster Parish, La.	F. Julius Fohs, et al., FPC GRS No. 1.	1	------
			Supplement Nos. 1–5	1	1–5
			Notice of succession (undated).[2]		
			Effective date: 1–19–65		
G–12544 E 10–11–65	Estate of F. Julius Fohs (Operator), et al. (successor to F. Julius Fohs (Operator), et al.).	Tennessee Gas Transmission Co., Marisak Field, Lavaca County, Tex.	F. Julius Fohs (Operator), et al., FPC GRS No. 3.	5	------
			Supplement Nos. 1–2	5	1–2
			Notice of succession (undated).[2]		
			Effective date: 1–19–65		
G–17106 C 11–3–65[7] D 11–3–65	Allegheny Land & Mineral Co.	Consolidated Gas Supply Corp., Various Districts, Various Counties, W. Va.	Supplemental agreement 2–19–65.[4]	3	17
			Letter agreement 1–22–65.[4]	3	18
G–17791 C 10–22–65[7]	Bohio Petroleum Co. (Operator), et al.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	Amendatory agreement 9–14–65.[4]	47	24
G–18070 C 11–3–65[7]	The Atlantic Refining Co.	Transcontinental Gas Pipe Line Corp., Live Oak Field, Vermilion Parish, La.	Letter agreement 4–15–65.[4]	195	5
CI61–737 C 11–3–65[7]	Shell Oil Co. (Operator), et al.	Transwestern Pipeline Co., Canadey Field, Ellis County, Okla.	Letter agreement 5–27–65.[4]	242	6
CI63–265 C 6–8–65[7]	Forest Oil Corp., et al.[15]	Michigan Wisconsin Pipe Line Co., Wheelock Unit, Woodward County, Okla.	Amendatory agreement 5–21–65.[4]	27	7
CI63–608 C 10–28–65[7]	Oklahoma Natural Gas Co.[16]	Michigan Wisconsin Pipe Line Co., Chief-Pringey Field, Woodward County, Okla.	Amendatory agreement 9–17–65.[4]	23	4
CI64–69 C 11–3–65[7]	Shell Oil Co. (Operator), et al.	Panhandle Eastern Pipe Line Co., Avard Field, Woods County, Okla.	Supplemental agreement 7–22–65.[4][11]	291	8
CI64–746 A 11–1–65	Oil Industries Associates (Operator), et al. (successor to Hays & Co., agent for D. E. Brown, et al.).	Consolidated Gas Supply Corp., Beech Creek Field, Ritchie County, W. Va.	Hays & Co., agent for Oil Industries, et al., FPC GRS No. 207.[13]	1	------
			Notice of succession 10–29–65.		
			Assignment 7–30–65.[13]	1	1
			Assignment 8–3–65.[13]	1	2
			Assignment 8–30–65.[13]	1	3
			Assignment 8–30–65.[13]	1	4
			Assignment 8–2–65.[13]	1	5
			Assignment 8–20–65.[13]	1	6
			Assignment 8–20–65.[13]	1	7
			Assignment 9–7–65.[13]	1	8
			Assignment 9–7–65.[13]	1	9
CI64–1238 C 10–28–65[7]	R. J. Braden, et al. d.b.a. Elder Gas Co.	Consolidated Gas Supply Corp., Troy District, Gilmer County, W. Va.	Letter agreement 4–8–65.[4]	12	1
CI65–688 C 10–28–65[7]	F. M. Chisler and Harry C. Boggs.	Consolidated Gas Supply Corp., Washington District, Calhoun County, W. Va.	Supplemental agreement 4–8–65.[4]	1	1
CI65–977 (G–20058) B 4–5–65	Associated Oil & Gas Co. (Operator), et al.	Ben Bolt Gathering Co., Various Fields in Nueces, Duval, and Jim Wells Counties, Tex.	Notice of cancellation 4–5–65.[3][4]	7	4
CI65–978 (CI62–624) B 4–5–65	W. Rinehart Miller and Llewitt B. Fox d.b.a. Miller & Fox (Operator), et al.	Ben Bolt Gathering Co., Alice Field, Jim Wells County, Tex.	Notice of cancellation 4–5–65.[3][4]	1	1

See footnotes at end of table.

[4] Effective date: Date of initial delivery.
[5] Deletes nonproductive acreage.
[6] Effective date: Date of this order.
[7] July 1, 1967, moratorium date pursuant to Commission's Statement of General Policy 61-1, as amended.
[8] Adds interest of Sun Oil Co.; agreement filed Nov. 2, 1965.
[9] Omitted.
[10] Applicants have stated that they are willing to accept authorization for the additional acreage conditioned similarly to the certificates issued in Opinion No. 353.
[11] Adds interest of Joel S. Price.
[12] D. E. Brown, et al., FPC GRS No. 1 was redesignated as Hays and Co., agent for D. E. Brown, et al., FPC GRS No. 207 by letter dated Aug. 10, 1965.
[13] Transfer of interest from predecessor and et al. parties to Oil Industries Associates (Operator), et al.
[14] Effective date: Date of transfer of properties.
[15] Source of gas depleted.
[16] Resells gas purchased from Burdette Graham's FPC GRS No. 3 in Docket No. CI65-1195.
[17] Resells gas purchased from affiliate, Engeo Oil & Gas Co., FPC GRS No. 3 in Docket No. CI65-1194.
[18] Applicant has stated that the rate of 14.0896 cents per Mcf filed for in the contract summary was in error and that the rate for this sale is 14.49 cents per Mcf.
[19] Contract between Maxton Oil and Gas Co. and South Penn Oil Co. (now Pennzoil Co.); predecessor never filed for authorization to render service.
[20] Transfer of interest from Maxton Oil and Gas Co. to Dunn-Mar Oil and Gas Co.
[21] Applicant filed for a certificate to cover himself; he is presently covered by certificate issued to Milton S. Yunker (Operator), et al., in Docket No. CI64-234, FPC GRS No. 1.
[22] The contract summary certificate application incorrectly stated the date of the contract as Sept. 22, 1965.
[23] Rate of 18.7 cents per Mcf is effective subject to refund in Docket No. R162-348 (effective Aug. 8, 1962) from an underlying 17.9-cent rate which is effective subject to refund in Docket No. G-14055 (effective Feb. 5, 1962). The last rate not subject to suspension proceedings is 17.7 cents per Mcf. Applicant states that deliveries ceased in November, 1961 and that no sales have been made under either suspended rate; therefore, the rate suspension proceedings in Docket Nos. G-14055 and RI62-348 will be terminated.

[F.R. Doc. 65-13911; Filed, Dec. 30, 1965; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

BRISTOL DYNAMICS, INC.

Order Suspending Trading

DECEMBER 23, 1965.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and warrants to purchase common stock of Bristol Dynamics, Inc., otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 4 p.m., e.s.t., December 23, 1965, to 4 p.m., e.s.t., January 2, 1966.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 65-13966; Filed, Dec. 30, 1965; 8:45 a.m.]

[File No. 1-4556]

FOTOCHROME, INC.

Order Suspending Trading

DECEMBER 23, 1965.

The common stock, $1 par value, and 5½ percent convertible subordinated debentures of Fotochrome, Inc., being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 4 p.m., e.s.t., December 23, 1965, to 4 p.m., e.s.t., January 2, 1966.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 65-13967; Filed, Dec. 30, 1965; 8:45 a.m.]

[File No. 1-4062]

NORAMCO, INC.

Order Suspending Trading

DECEMBER 23, 1965.

The common stock, $1.25 par value, of Noramco, Inc., being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934, and warrants to purchase common stock of Noramco, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 4 p.m., e.s.t., December 23, 1965, to 4 p.m., e.s.t., January 2, 1966.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 65-13968; Filed, Dec. 30, 1965; 8:45 a.m.]

[File No. 1-3393]

VTR, INC.

Order Suspending Trading

DECEMBER 27, 1965.

The common stock, $1 par value, of VTR, Inc., being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 28, 1965, through January 6, 1966, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 65-13969; Filed, Dec. 30, 1965; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30 (Rev. 1)]

KANSAS CITY, MO., REGIONAL OFFICE

Delegation of Authority To Conduct Program Activities

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30, Midwestern Area, 30 F.R. 3252, as amended by 30 F.R. 13556 and 30 F.R. 14062, the following authority is hereby redelegated to the specific positions as indicated herein:

A. *Size determinations (delegated to the positions as indicated below).* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

B. *Eligibility determinations (delegated to the positions as indicated below).* To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

C. *Chief, Financial Assistance Division (and Assistant Chief, if assigned).* 1. Item I.A. (Size Determinations for Financial Assistance only.)

2. Item I.B. (Eligibility Determinations for Financial Assistance only.)

3. To approve business and disaster loans not exceeding $350,000 (SBA share).

4. To decline business and disaster loans of any amount.

5. To disburse unsecured disaster loans.

6. To enter into business and disaster loan participation agreement with banks.

7. To execute loan authorizations for Washington and Area approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator,*
By _____
(Name)
Title of person signing

8. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

9. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

10. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

11. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

12. To take all necessary actions in connection with the administration, servicing, collection and liquidation of all loans and other obligations or assets, including collateral purchased; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privileges under the loan guaranty plan.

D. *Working Supervisor or Chief, Loan Processing.* 1. Item I.C.3.

2. To decline business and disaster loans of any amount.

3. Items I.C.6 through 10.

4. Item I.A. (Size Determinations for Financial Assistance only.)

5. Item I.B. (Eligibility Determinations for Financial Assistance only.)

E. *Working Supervisor or Chief, Loan Administration.* 1. To approve the amendments and modifications of loan conditions for loans that have been fully disbursed.

2. Item I.C.12 (only the authority for servicing, administration and collection, including subitems a. and b.).

F. Reserved.

G. Reserved.

H. *Chief, Procurement and Management Assistance.* 1. Item I.A. (Size Determinations on PMA Activities only.)

2. Item I.B. (Eligibility Determinations on PMA Activities only.)

I. *Regional Counsel.* To disburse approved loans.

J. *Administrative Assistant.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. Attorney in foreclosure cases.

2. To (a) purchase all office supplies and expendable equipment, including all desk top items, and rent regular office equipment; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of Disaster Loan Offices, to (a) obligate Small Business Administration to reimburse General Services Administration for the rental of office space; (b) rent office equipment; and (c) procure (without dollar limitation) emergency supplies and materials.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

II. The authority delegated herein cannot be redelegated.

III. The authority delegated herein to a specific position may be exercised by any SBA employee designated as acting in that position.

IV. All previously delegated authority is hereby rescinded without prejudice to actions taken under such delegations of authority prior to the date hereof.

Effective date. December 15, 1965.

C. I. MOYER, *Regional Director, Kansas City, Mo.*

[F.R. Doc. 65-13971; Filed, Dec. 30, 1965; 8:45 a.m.]

[Delegation of Authority 30-6 (Rev. 1), Southwestern Area, Dallas, Tex.]

REGIONAL OFFICES OF SOUTHWESTERN AREA

Delegation of Authority To Conduct Program Activities

I. Pursuant to the authority delegated to the Area Administrator by Delegation of Authority No. 30 (Revision 10), 30 F.R. 972, dated January 29, 1965, Amendment 1, 30 F.R. 2742, dated March 3, 1965, Amendment 2, 30 F.R. 11984, dated September 18, 1965, and Amendment 3, 30 F.R. 12434, dated September 29, 1965, the following authority is hereby redelegated to the Regional Directors of Dallas, Tex., San Antonio, Tex., Lubbock, Tex., Marshall, Tex., Houston, Tex., Little Rock, Ark., New Orleans, La., Oklahoma City, Okla., and Albuquerque, N. Mex., within their regions:

A. *Financial assistance.* 1. To approve business and disaster loans not exceeding $350,000 (SBA share).

2. To decline business and disaster loans of any amount.

3. To disburse approved loans.

4. To enter into business loan and disaster loan participation agreement with banks.

5. To approve section 502 loans as follows:

a. Direct loans not exceeding $50,000.

b. Participation loans when the bank's share is 10 percent or more—not to exceed $100,000.**

6. To decline loan applications in the categories described in Item I.A.5. above.**

7. To execute Loan Authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator,*
By _____
(Name)
Regional Director.
(City)

8. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

9. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

10. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

11. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

12. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices.**

13. To take all necessary actions in connection with the administration, servicing, collection and liquidation of all loans and other obligations or assets, including collateral purchased; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or war-

ranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. To take final action on an offer of compromise of any claim provided such claim is in concurrence with the majority recommendation of the appropriate Regional Office Claims Review Committee on claims not in excess of $5,000 (including CPC advances but excluding interest) or the unanimous recommendation of said committee on claims in excess of $5,000 but not exceeding $100,000 (including CPC advances but excluding interest).**

B. Reserved.

C. *Procurement and Management Assistance (only to the Regional Directors of Dallas and Oklahoma City).* 1.a. The Regional Director, Dallas Regional Office to approve applications for Certificates of Competency received from small business concerns which are located within the geographical jurisdiction of the area office when the total value of the contract to be awarded as a result of the issuance of a COC does not exceed $350,000.**

1. b. The Regional Director, Oklahoma City Regional Office to approve applications for Certificates of Competency received from small business concerns which are located within the geographical jurisdiction of the Oklahoma City Regional Office when the total value of the contract to be awarded as a result of the issuance of a COC does not exceed $100,000.**

2. To deny an application for a Certificate of Competency when the regional director agrees with an adverse survey report as to production or credit, unless application for an SBA loan is being filed, which if approved, might change the credit aspects of the case.**

D. *Administration.* 1. To advertise regarding the public sale of (a) collateral in connection with the liquidation of loans, and (b) acquired property.**

2. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by United States Attorneys in foreclosure cases.

3. To (a) purchase all office supplies and expendable equipment, including all desk top items, and rent regular office equipment; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

4. In connection with the establishment of Disaster Loan Offices, to (a) obligate Small Business Administration to reimburse General Services Administration for the rental of office space; (b) rent office equipment and (c) procure (without dollar limitation) emergency supplies and materials.

5. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

E. *Eligibility determinations.* To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

F. *Size determinations.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

III. The specific authority delegated in subsections I.A.5. and 6; subsection I.A.12; subsection I.A.13.d.; subsections I.C.1.a., 1.b., and 2; and subsection I.D.1., herein cannot be redelegated. These are indicated by asterisks (**). The specific authority in the remaining subsections may be redelegated to appropriate subordinate positions within the regions.

IV. All authority delegated herein may be exercised by any Small Business Administration employee designated as Acting Regional Director.

V. All authority previously delegated is hereby rescinded without prejudice to actions taken under such previous delegations of authority prior to the date hereof.

Effective date. December 20, 1965.

ROBERT E. WEST,
Area Administrator,
Southwestern Area.

[F.R. Doc. 65-13972; Filed, Dec. 30, 1965; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

KEITH H. LYRLA

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (20 F.R. 10086, 21 F.R. 3475, 21 F.R. 9198, 22 F.R. 3777, 22 F.R. 9450, 23 F.R. 3798, 23 F.R. 9501, 24 F.R. 4187, 24 F.R. 9502, 25 F.R. 102, 26 F.R. 1692, 26 F.R. 6284, 27 F.R. 634, 27 F.R. 6409, 28 F.R. 197, 28 F.R. 7059, 29 F.R. 585, 29 F.R. 8388, 30 F.R. 769, and 30 F.R. 8145) during the period from July 1, 1965, through December 31, 1965.

No change.

Dated: December 9, 1965.

KEITH H. LYRLA.

[F.R. Doc. 65-13987; Filed, Dec. 30, 1965; 8:46 a.m.]

[Notice 862]

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

DECEMBER 28, 1965.

The following application is governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIER OF PROPERTY

No. MC-F-9308. Authority sought for purchase by EAZOR EXPRESS, INC., Eazor Square, Pittsburgh 1, Pa., of the operating rights and property of PITTSBURGH - CLARKSBURG EXPRESS, INC., Post Office Box 226, Clarksburg, W. Va., and for acquisition by THOMAS A. EAZOR, also of Pittsburgh, Pa., of control of such rights and property through the purchase. Applicants' attorneys: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill., and Harold H. Goldman, Law & Finance Building, Pittsburgh, Pa., 15219. Operating rights sought to be transferred: *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier,* over regular routes, between Pittsburgh, Pa., and Clarksburg, W. Va., serving all intermediate points in West Virginia and serving the off-route points of Grafton, Van Vorhis, Sabraton, Star City, Nutter Fort, Grant Town, and Monongah, W. Va., and all intermediate and off-route points in Pennsylvania within 20 miles of Pittsburgh. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, Illinois, Ohio, West Virginia, Indiana, Wisconsin, Massachusetts, Connecticut, Rhode Island, and New Jersey. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 65-13988; Filed, Dec. 30, 1965; 8:46 a.m.]

[Notice 1276]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 28, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-68361. By order of December 21, 1965, the Transfer Board approved the transfer to Day Transfer Co., a corporation, Cape Girardeau, Mo., of the operating rights issued May 6, 1949, to Charles Wulfers and Hazel E. Wulfers, a partnership, doing business as Day Transfer Co., Cape Girardeau, Mo., in Certificate No. MC-72958, authorizing the transportation, over irregular routes, of coal, in truckloads, rough lumber, in truckloads, livestock and farm products, and household goods, from, to, and between points in Illinois, Indiana, Kentucky, Alabama, Arkansas, Maryland, Michigan, Mississippi, Missouri, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia, varying with the commodities transported. Herman W. Huber, 101 East High Street, Jefferson City, Mo., 65101, attorney for applicants.

No. MC-FC-68362. By order of December 22, 1965, the Transfer Board approved the transfer to Sea-Cold Service, Inc., Gloucester, Mass., of the operating rights in Certificate No. MC-125141 issued August 24, 1965, to J. M. Collins & Sons, Inc., Quincy, Mass., authorizing the transportation, over irregular routes, of: General commodities, with the usual exceptions, between Boston, Mass., and points within 10 miles, and points in Massachusetts. Frank J. Weiner, Forbes Road, Braintree, Mass., 02184, attorney for transferor; William J. Augello, Jr., 2 West 45th Street, New York, N.Y., 10036, attorney for transferee.

No. MC-FC-68375. By order of December 23, 1965, the Transfer Board approved the transfer to Orleans Express Co., Inc., East Boston, Mass., of the operating rights in Certificate of Registration No. MC-120944 (Sub-No. 1) issued May 7, 1965, corresponding to the grant of intrastate authority to transferor in Irregular Route Common Carrier Certificate No. 4983, issued February 7, 1961, by the Massachusetts Department of Public Utilities. Gerard J. Donovan, 37 Leighton Road, Hyde Park, Mass., 02136, representative for applicants.

No. MC-FC-68381. By order of December 22, 1965, the Transfer Board approved the transfer to W. L. Murphey, Bill R. Murphey and O. C. Murphey, a partnership, doing business as Sunset Stages, Abilene, Tex., of Certificate No. MC-84780 issued July 26, 1963, to W. L. Murphey and Mrs. Sue Murphey, W. L. Murphey, Independent Executor, a partnership, doing business as Sunset Stage, Abilene, Tex., authorizing the transportation of passengers and their baggage, and express, mail, and newspapers, in the same vehicle with passengers, between Abilene, Tex., and Childress, Tex., serving all intermediate points and between San Angelo, Tex., and Abilene, Tex., serving all intermediate points. Dan M. Fergus, 405 Citizens Bank Building., Abilene, Tex., 79604, representative for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 65-13989, Filed, Dec. 30, 1965; 8:46 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 28, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA 40209—*Anhydrous ammonia to western truckline points.*—Filed by Union Pacific Railroad Co. (No. 129), for and on behalf of itself and other interested carriers. Rates on anhydrous ammonia, in tank carloads, from Don and Pocatello, Idaho, also Geneva, Utah, to points in North Dakota, South Dakota, and Minnesota.

Grounds for relief—Market competition.

Tariff—Supplement 98 to Union Pacific Railroad Co., tariff ICC 5557.

FSA 40210—*Synthetic plastic materials from Aberdeen, Miss.*—Filed by O. W. South, Jr., agent (No. A4820), for interested carriers. Rates on synthetic plastic materials, in carloads and tank carloads, from Aberdeen, Miss., to Chicago, Ill., and points grouped therewith.

Grounds for relief—Carrier competition.

Tariff—Supplement 100 to Southern Freight Association, agent, tariff ICC S-272.

FSA 40211—*Grain and grain products from Davenport, Iowa.*—Filed by Southwestern Freight Bureau, agent (No. B-8801), for interested carriers. Rates on grain, grain products, and related articles, also seeds, in carloads, from Davenport, Iowa, to points in Oklahoma.

Grounds for relief—Market competition.

Tariff—Supplement 72 to Southwestern Freight Bureau, agent, tariff ICC 4475.

FSA 40212—*Woodpulp and woodpulp screenings to Lock Haven, Pa.*—Filed by Traffic Executive Association-Eastern Railroads, agent (No. E.R. 2816), for interested carriers. Rates on woodpulp and woodpulp screenings, in carloads, from Tupper, Nova Scotia, Canada, to Lock Haven, Pa.

Grounds for relief—Foreign water and rail competition.

Tariff—Supplement 39 to Canadian National Railways, tariff ICC E. 517.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 65-13990; Filed, Dec. 30, 1965; 8:46 a.m.]

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FEDERAL REGISTER

VOLUME 30 • NUMBER 252

Friday, December 31, 1965 • Washington, D.C.

PART II

Department of Health, Education, and Welfare

Office of the Secretary

•

Control of Air Pollution From Motor Vehicles and New Motor Vehicle Engines

Proposed Rules



THE NATIONAL ARCHIVES OF THE UNITED STATES * 1934 *

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[45 CFR Part 85]

CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Notice of Proposed Rule Making

Notice is hereby given that the Secretary of Health, Education, and Welfare proposes to amend Subtitle A of Title 45, Code of Federal Regulations by adding a new Part 85, as set out below, applicable to the control of air pollution from new motor vehicles and new motor vehicle engines. The standards adopted by the regulations represent the application of current technology to the control of emissions from new motor vehicles and new motor vehicle engines which in the judgment of the Secretary cause or contribute to, or are likely to cause or contribute to, air pollution which endangers the health or welfare of any persons.

Taking into consideration the technological feasibility and economic costs of meeting these standards, and the lead-time necessary under current manufacturing processes to conform to these requirements, the regulations will become effective on republication and will be applicable to new motor vehicles and new motor vehicle engines beginning with the 1968 model year. These regulations are subject to revision and additional standards may be prescribed applicable to subsequent model years as may be necessary to prevent or control emissions which in the judgment of the Secretary cause or contribute to, or are likely to cause or contribute to, air pollution which endangers the health or welfare of any persons.

Interested persons may submit written data, views, or arguments (in quadruplicate) in regard to the proposed regulations to the Secretary of Health, Education, and Welfare, Washington, D.C., 20201. All relevant material received not later than 30 days after the publication of this notice, will be considered.

Subpart—General Provisions

Sec.
85.1 Definitions.
85.2 General standards: increase in emissions; unsafe conditions.
85.3 Abbreviations.

Subpart—Crankcase Emissions

85.10 Applicability.
85.11 Standards for crankcase emissions.
85.12 Standards for crankcase emission control systems and devices.

Subpart—Exhaust Emissions

85.20 Applicability.
85.21 Standards for exhaust emissions.
85.22 Standards for exhaust emission control systems and devices.

Subpart—Certification of Motor Vehicles and Motor Vehicle Engines

Sec.
85.60 Applicability.
85.61 Application for certification.
85.62 Certification.

Subpart—Test Procedure for Vehicle Exhaust Emissions (Gasoline Engines)

85.70 Introduction.
85.71 Fuel specifications.
85.72 Dynamometer operation cycle.
85.73 Dynamometer procedure.
85.74 Three-speed manual transmissions.
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85.77 Engine starting.
85.78 Sampling and analytical system.
85.79 Information to be recorded on charts.
85.80 Calibration and instrument checks.
85.81 Cold start test run.
85.82 Chart reading.
85.83 Calculations.
85.84 Test vehicles.
85.85 Test conditions.
85.86 Mileage accumulation and emission measurements.
85.87 Compliance with emission standards.

AUTHORITY: The provisions of this Part 85 issued under sec. 301(a), sec. 1, Pub. Law 88-206 as amended, 77 Stat. 400; 42 U.S.C. 1857g(a). Interpret or apply secs. 202, 203, 206 and 207, Title I, Pub. Law 89-272, 79 Stat. 992-994, inclusive.

Subpart—General Provisions

§ 85.1 Definitions.

(a) As used in this part, all terms not defined herein shall have the meaning given them in the Act.

(b) "Act" means the Motor Vehicle Air Pollution Control Act (Title II of the Clean Air Act as added by Public Law 89-272), 42 U.S.C. 1857, et seq.

(c) "Secretary" means the Secretary of Health, Education, and Welfare.

(d) "Surgeon General" means the Surgeon General of the Public Health Service, Department of Health, Education, and Welfare.

(e) "Exhaust emission" means substances emitted to the atmosphere from any opening downstream from the exhaust port of a motor vehicle engine.

(f) "Model year" means the annual production period of new motor vehicles or new motor vehicle engines designated by the calendar year in which such period ends, provided that if the manufacturer does not so designate vehicles and engines manufactured by him, then the model year with respect to such vehicles and engines shall mean the 12-month period beginning January 1 of the year specified herein.

(g) "System or device" includes any motor vehicle engine modification which controls or causes the reduction of substances emitted from motor vehicles or motor vehicle engines.

(h) "Lifetime emissions" means the average level of exhaust emissions from a new motor vehicle engine equivalent to 100,000 miles of normal operation in a motor vehicle in an urban area.

§ 85.2 General standards: increase in emissions; unsafe conditions.

(a) In addition to all other standards or requirements imposed by this part, any system or device installed on or incorporated in a new motor vehicle or new motor vehicle engine to prevent or control air pollution therefrom in compliance with regulations in this part:

(1) Shall not in its operation or function increase or cause the emission into the ambient air from such motor vehicle or motor vehicle engine of any noxious or toxic matter except as specifically permitted by regulations; and

(2) Shall not in its operation or function, or malfunction result in any unsafe condition endangering the motor vehicle, or its occupants, or persons or property in close proximity to the vehicle.

(b) The manufacturer of any new motor vehicle or new motor vehicle engine on or in which a system or device is installed or incorporated to comply with the regulations in this part shall, prior to any of the actions specified in section 203(a)(1) of the Act, test, or cause to be tested, such motor vehicle or engine in accordance with good engineering practice to ascertain that vehicles or engines so equipped will meet the requirements of this section for not less than 50,000 miles as measured in accordance with mileage accumulation provisions of the Test Procedures for Vehicle Exhaust Emissions (Gasoline Engines) of this part.

(c) An engine and transmission combination need not be tested in more than one car model except that where either the weight or power train characteristics or both, of any car model may reasonably be expected to affect emissions, the engine and transmission combination shall also be tested in such model.

§ 85.3 Abbreviations.

The abbreviations used in this part have the following meanings in both capital and lower case:

AMA—Automobile Manufacturers Association.
Accel—Acceleration.
CO—Carbon Monoxide.
CO_2—Carbon Dioxide.
Conc—Concentration.
Decel—Deceleration.
EP—End Point.
Evap—Evaporated.
F—Fahrenheit.
Gal—Gallon(s).
HC—Hydrocarbon(s).
Hi—High.
HP—Horsepower.
ID—Internal Diameter.
Lb—Pound(s).
Max—Maximum.
Min—Minimum; also minute(s).
ML—Millilitre(s).
MPH—Miles per hour.
Mm—Millimeter(s).
Mv—Millivolt(s).
N_x—Nitrogen.
No—Number.
Ppm—Parts per million (parts by volume).
Psi—Pounds per square inch.
Psig—Pounds per square inch gauge.
RPM—Revolutions per minute.
RVP—Reid Vapor Pressure.
Sec—Second(s).
SS—Stainless Steel.
TEL—Tetraethyl Lead.
TML—Tetramethyl Lead.
V—Volt(s).
Vs—Versus.
WOT—Wide open throttle.
Wt—Weight.
'—Feet.
"—Inches.
°—Degree(s).
%—Percent.

Subpart—Crankcase Emissions

§ 85.10 Applicability.

The provisions of this subpart are applicable to all gasoline powered new motor vehicles and new motor vehicle engines beginning with the model year 1968 for such vehicles or engines.

§ 85.11 Standard for crankcase emissions.

No crankcase emissions shall be discharged into the ambient atmosphere from any new motor vehicle or new motor vehicle engine subject to this subpart.

§ 85.12 Standards for crankcase emission control systems and devices.

The manufacturer of any new motor vehicle or new motor vehicle engine on or in which a system or device is installed or incorporated to comply with the requirements of § 85.11 shall, prior to any of the actions specified in section 203(a)(1) of the Act, test, or cause to be tested, such motor vehicle or engine, in accordance with good engineering practice to ascertain that vehicles or engines so equipped and maintained in accordance with the manufacturers' recommendations can be expected to meet the requirements of § 85.11 for not less than 1 year after sale and delivery to the ultimate purchaser.

Subpart—Exhaust Emissions

§ 85.20 Applicability.

(a) The provisions of this subpart are applicable to all gasoline powered new motor vehicles and new motor vehicle engines beginning with the model year 1968 for such vehicles or engines except (1) motorcycles and motorcycle engines; (2) commercial vehicles over one-half ton or equivalent and engines installed in such vehicles; i.e., vehicles whose design capacity is in excess of one-half ton or equivalent; and (3) motor vehicles with an engine displacement of less than 50 cubic inches.

(b) As used in this section:

(1) "Commercial vehicle" means a vehicle designed primarily for the transportation of persons for hire or for the transportation of property.

(2) "Motorcycle" means any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels (including any tricycle wheel arrangement) in contact with the ground and weighing less than 1,500 pounds.

§ 85.21 Standards for exhaust emissions.

(a) Exhaust emissions from new motor vehicles and new motor vehicle engines subject to this subpart shall not exceed:

(1) Vehicles with an engine displacement of 140 cubic inches or less:

(i) Hyrocarbons—375 parts per million as hexane (0.165 mole percent carbon atoms);

(ii) Carbon monoxide—2.0 percent by volume.

(2) Vehicles with an engine displacement in excess of 140 cubic inches:

(i) Hydrocarbons—275 parts per million by volume as hexane (0.165 mole percent carbon atoms);

(ii) Carbon monoxide—1.5 percent by volume.

(b) The standard set forth in paragraph (a) of this section refers to a composite sample representing the driving cycles set forth in the Test Procedure for Vehicle Exhaust Emissions (Gasoline Engines) of this part and measured in accordance with those procedures.

§ 85.22 Standards for exhaust emission control systems and devices.

The manufacturer of any new motor vehicle or new motor vehicle engine on or in which a system or device is incorporated or installed to comply with the requirements of § 85.21 shall, prior to any of the actions specified in section 203(a)(1) of the Act, test or cause to be tested such motor vehicle or engine in accordance with the Test Procedure for Vehicle Exhaust Emissions (Gasoline Engines) of this part to ascertain that the lifetime emissions of motor vehicles or engines so equipped, as measured and calculated in accordance with those procedures, and tested for durability as therein set forth, will meet the requirements of § 85.21.

Subpart—Certification of Motor Vehicles and Motor Vehicle Engines

§ 85.60 Applicability.

The provisions of this subpart are applicable to new motor vehicles and new motor vehicle engines subject to the standards prescribed in this part.

§ 85.61 Application for certification.

(a) An application for a certificate of conformity to regulations applicable to any new motor vehicle, new motor vehicle engine, or new motor vehicle engine-transmission combination may be made to the Secretary by any manufacturer.

(b) The application shall be in writing, signed by an authorized representative of the manufacturer, and shall include the following:

(1) Identification and description of the vehicles and engines with respect to which certification is requested.

(2) Durability data on such vehicles and engines tested in accordance with applicable test procedures in Test Procedure for Exhaust Emissions (Gasoline Engines) of this part, or demonstrably equivalent procedures and in such numbers as there specified, which will show the performance of the system or device installed on or incorporated in the vehicle or engine for extended mileage, as well as a record of all pertinent maintenance performed on the test vehicles.

(3) Emission data on such vehicles and engines tested in accordance with the applicable exhaust emission test procedures or demonstrably equivalent procedures and in such numbers as there specified which will show the low mileage performance on all the engines for which certification is requested.

(4) A description of tests performed to ascertain compliance with the general standards of 85.2 and the data derived from such tests.

(5) A statement of recommended maintenance and procedures necessary to assure that the vehicle and engine in operation conform to the regulations, a description of the program for training of personnel for such maintenance, and the equipment required.

(6) A statement that the vehicles and engines with respect to which data are submitted have been tested in accordance with the applicable test procedures, that they meet the requirements of such tests, and that, on the basis of such tests, they conform to the requirements of the regulations in this part. If such statements cannot be made with respect to any vehicle or engine tested, the vehicle or engine shall be identified, and all pertinent test data relating thereto shall be supplied.

(7) An agreement that any one or more of the test vehicles or engines, as selected by the Surgeon General, will be made available at the manufacturer's facility, or will be supplied to him for such testing as he may require.

(8) An agreement that a reasonable number of vehicles which are representative of the engines and transmissions offered and typical of production models available for sale to the public, covered under section 206(b) by a certificate of conformity issued with respect to such vehicles or their engines, and selected from time to time by the Surgeon General will be supplied to him after availability for public sale for testing for such reasonable periods as he may require.

§ 85.62 Certification.

(a) If, after a review of the test reports and data submitted by the manufacturer and data derived from such additional testing as the Secretary may conduct, the Secretary determines that a new motor vehicle or new motor vehicle engine conforms to the regulations of this part, he will issue a certificate of conformity with respect to such vehicle or engine.

(b) Such certificate will be issued for such period not less than 1 model year as the Secretary may determine and

upon such terms as he may deem necessary to assure that any new motor vehicle or any motor vehicle engine meeting the requirements of section 206(b) of the Act will meet the requirements of these regulations relating to durability and performance.

Subpart—Test Procedure for Vehicle Exhaust Emissions (Gasoline Engines)

§ 85.70 Introduction.

The following procedure will be used in the testing program under section 206 of the Act to determine the conformity of new motor vehicles and new motor vehicle engines with the standards set forth in this part.

(a) The test consists of a prescribed sequence of vehicle operating conditions on a chassis dynamometer with continuous sampling of the exhaust gases through an analytical train. The test is applicable to vehicles equipped with catalytic or direct-flame afterburners, induction system modifications, or to uncontrolled vehicles. The test applies to all passenger cars and light trucks up to and including one-half ton or equivalent.

(b) The basic test is designed to determine hydrocarbon and carbon monoxide concentrations for an "average" trip in a metropolitan area of about 17 minutes from a cold start. The test consists of two parts; 4 seven-mode warmup cycles and 3 seven-mode hot cycles (5th cycle not read). The average concentrations for the warmup cycles and the hot cycles are combined to yield the reported values.

(c) It will be noted that this test procedure yields single values for hydrocarbon and carbon monoxide concentrations from a given vehicle for comparison with the standards. However, the finding that the vehicle or engine operates within the standards is not judged on the basis of a single vehicle or single engine. Performance is judged on the emissions of groups of test vehicles.

§ 85.71 Fuel specifications.

(a) The following fuel specifications, or substantially equivalent specifications approved by the Surgeon General, will be used in emission testing.

Item		
Octane, Research Min	103.0	
TEL, ML/per gallon	3.0	
Distillation Range, % Evap.		
105–140° F	10	
195–240° F	50	
300–360° F	90	
420° F Max		E.P.
Sulfur, % Wt	0.10	
Phosphorus, % theory	0	
RVP, lb	8.0–9.0	
Hydrocarbon Composition [1]		
Olefins, % Max	10	
Aromatics, % Max	40	
Saturates	Remainder	

(b) The following fuel specifications, or substantially equivalent specifications approved by the Surgeon General, will be used in mileage accumulation. The type fuel recommended by the vehicle or engine manufacturer shall be used.

Item	Regular	Premium
TEL, TML, ml/gal	2.0–3.0	2.0–3.0
Sulphur, % wt	0.05–0.10	0.05–0.10
Phosphorus, % theory	Nil	0.10–0.20
Hydrocarbon composition:		
Olefins, % max	30	15
Aromatics, % max	40	40
Saturates	Remainder	Remainder

§ 85.72 Dynamometer operation cycle.

(a) The following seven mode cycle will be followed in dynamometer operation tests:

Sequence No.	Mode	Acceleration mph/sec.	Time in mode seconds	Cumulative time seconds	Weighting factor
1	[1] Idle		20	20	0.042
2	(0–25)	2.2	11.5)	31.5	.244
	( )		)14		
3	(25–30)	2.2	2.5	34	(3)
4	30		15	49	.118
5	30–15	−1.4	11	60	.062
6	15		15	75	.050
7	(15–30)	1.2	12.5)	87.5	.455
	( )		)29		
8	(30–50)	1.2	16.5)	104	(3)
9	50–20	−1.2	25	129	0.29
10	20–0	−2.5	8	137	(3)

[1] On first cycle only idle engine in neutral at 1,000 to 1,200 rpm for 40 seconds. All subsequent idle periods will be as specified: in gear, at normal speed, and for 20 seconds.
[2] Data not read.

(b) The following equipment shall be used for dynamometer tests:

(1) Chassis Dynamometer—equipped with power absorption unit and flywheels.

(2) Fan having sufficient capacity to maintain engine cooling during sustained operation on dynamometer.

§ 85.73 Dynamometer procedure.

(a) The vehicle will be tested from a cold start. 4 warmup cycles and 3 hot cycles make a complete test. (The fifth cycle is not read.)

(b) Special considerations:

(1) On rolls less than 20 inches in diameter, the rear tires shall be overinflated to 45 p.s.i. pressure in order to prevent casing damage.

(2) The vehicle shall be nearly level when tested in order to prevent unusual fuel distribution from that normally observed.

(3) Test shall be made with hood up. Fan should be directed at radiator. (Exception: air-cooled engines.) Alternate: hood down, proportional air blowing.

(4) Flywheels giving equivalent inertia as shown in the following table shall be used.

Loaded vehicle Weight, lb.[1]	Equivalent Inertia Wheels, lb.
Up to 1750	1500
1751 to 2250	2000
2250 to 2750	2500
2751 to 3500	3000
(3251—3750	[2] 3500)
3501 to 4500	4000
(4251—4750	[2] 4500)
4501 to 6000	5000

[1] To obtain car or ½-ton truck loaded weights, add 400 pounds to the published shipping weight. If published weight is unknown, add 300 pounds to the actual vehicle weight to determine weight category.
[2] 500-pound increments may be optionally used if applied consistently.

(c) The power absorption unit shall be adjusted to produce road load at 50 m.p.h. or 8 h.p. To originally determine the horsepower setting on a particular dynamometer the following procedure shall be used:

(1) Select three vehicles of the appropriate loaded weight (American cars and ½-ton trucks, 4000 lb.; Small foreign cars, 2000 lb.).

(2) Determine intake manifold vacuum on each car at 50 m.p.h. on a level road (average of both directions, stabilized for a minimum of 15 sec.).

(3) Read the horsepower for each car at the determined intake manifold vacuum and 50 m.p.h. on the particular dynamometer.

(4) Average the three horsepowers measured and use this average for setting dynamometer road load for all vehicles in the appropriate category (see subparagraph (1) of this section).

(d) Practice cycles shall be run to find the correct throttle action to allow completion of the accelerations in the specified time at the constant rates of acceleration specified. A manifold vacuum gauge or an acceleration meter may be used as driving aids. Preferably a tape recorded instruction playback or a pretraced speed vs. time recorder should be followed. Care should be taken to avoid throttle closures in the transition from acceleration to 30 cruise.

(e) The car speed (m.p.h.) as measured from the dynamometer rolls shall be used for all conditions.

§ 85.74 Three-speed manual transmissions.

(a) All test conditions except accelerations starting from zero speed shall be run in highest gear.

(b) Cars equipped with overdrive units shall be tested with overdrive locked out of operation.

(c) Idle: Idle shall be run with transmission in gear and with clutch disengaged.

(d) Cruise: The vehicle shall be driven at a constant throttle position to maintain the cruising speed. An engine tachometer and vacuum gauge may be used as driving aids.

(e) Acceleration: Modes shall be run at nearly constant acceleration with the shift speeds as indicated below (where possible; if not cut into time of next mode). Shifting shall be accomplished rapidly to minimize closed-throttle time.

Mode	Shift speed
0–25 accel	Shift at 15 and 25.
15–30 accel	Use highest gear.

(f) Deceleration: The modes shall be run at closed throttle in high gear with clutch engaged, maintaining a constant deceleration rate by using the vehicle brakes. For those modes which decelerate to zero, the clutch should be depressed when speed drops below 15 m.p.h.

If the vehicle decelerates more rapidly than required with no braking, the decelerations should be made at closed throttle even though less than the specified time is required. Indicate the end of the (50–0 or 30–15) deceleration, continue at that speed until the specified time has elapsed, then proceed with the next sequence.

(g) Vehicles with unusual gearing: Use second gear for 15 m.p.h. cruise, and for up to 25 m.p.h. during 15–30 acceleration in the following cases:

Loaded vehicle wt., lbs.	R.p.m. in high gear at 15 m.p.h.
(a) less than 4500	Less than 600.
(b) greater than 4500	Less than 700.

§ 85.75 Four-speed manual transmissions.

(a) Use the same procedure as 3-speed manual transmissions with the following exceptions:

Mode	Shift speed or gear used
0–26 accel	15 and 25.
30 cruise	3d gear.
30–15 decel	3d gear.
15 cruise	3d gear.
15–30 accel	3d gear.
30–50 accel	3d to 4th gear at 40 m.p.h.
50–20 decel	4th gear.

(b) If transmission ratio in first gear exceeds 5.0, follow the procedure for three-speed manual transmission vehicles as if the first gear did not exist.

(c) If an acceleration cannot be made within the specified time, reduce the time in the next steady speed mode to the extent necessary to compensate for time lost.

§ 85.76 Automatic transmissions.

(a) All test conditions should be run with the transmission in "Drive" (highest gear).

(b) Idle: Idle should be run with the transmission in "Drive" and the wheels braked (except first idle; see starting instructions).

(c) Cruise: The vehicle should be driven at constant throttle position to maintain specified speed in highest gear.

(d) Accelerations: Modes should be run at nearly constant acceleration allowing the transmission to shift automatically through the normal sequence of gears.

(e) Decelerations: These modes should be run at closed throttle, maintaining a constant deceleration by using the vehicle brakes. If the vehicle decelerates more rapidly than required, the test should be run as for Standard Transmission Vehicles (See § 85.74(f)).

§ 85.77 Engine starting.

(a) The engine is to be started according to the car manufacturer's recommended starting procedure and run in the neutral position at about 1,100 r.p.m. for a total of 40 seconds.

(b) Put the transmission in gear so that the first acceleration can be started at the end of 40 seconds. The emissions for the first idle are to be read the last 3 seconds in neutral. This initial idle replaces the idle in the first 7-mode cycle.

(c) To start manual choke vehicles, pull the choke out to ½ of its full manual travel. Immediately after the start, push the choke in until the idle speed is about 1,100 r.p.m. If the choke has no substantial effect on r.p.m., push the choke in to the ¼-out position. Near the end of the first 15–50 acceleration run, push choke in all the way.

(d) In all of these sequences, the operator may use more choke, more r.p.m., and decreased rate of acceleration, etc., in the first cycle, where necessary to keep the engine running.

§ 85.78 Sampling and analytical system.

(a) Schematic drawing: The following figure (Figure 1) is a schematic drawing of the exhaust gas sampling and analytical system.

(b) Equipment: The following equipment is used in the system:

Exhaust gas sampling line to coarse filter: Stainless steel tubing (8.18" ID).

Sampling lines to instruments: Stainless steel 0.18" ID with closely butted hydrocarbon resistant joints.

Filters:

(1-Coarse filter, glass wool in glass holder).

(2-Paper extraction thimble filter, single thickness, 19 x 90 mm in glass holder).

Condenser—4–5' Coil 0.18" ID S.S. Tubing in water bath: An ice bath may be used in condenser measuring low hydrocarbons. The water bath in condenser measuring high hydrocarbons shall be at room temperature.

Solenoid valves—115 V, 60 cycle, ⅛" bore.

Pumps, two: Capacity sufficient to meet test requirements.

Manometers, two.

Condensate traps, two.

Analyzers, four: Nondispersive infrared type. (A useful reference on exhaust gas content measurement has been issued by Automobile Manufacturers Association, AMA Engineering Notes 634, October 1963.)

2 Hydrocarbon analyzers (detectors sensitized with 50 mm n-hexane); stacked sample cells, 1¼" and 10" in each analyzer; one cell used as sample cell while other cell, filled with CO_2, acts as filter cell. (Exception: Some analyzers have separate filter cells for CO_2.)

1 Carbon monoxide analyzer—¼" sample cell.

1 Carbon dioxide analyzer—¼" sample cell. (For best accuracy in 10–15% CO_2 range of usual operation, higher than usual detector pressure is preferred.)

Rotameters, two—0–25 liters per minute capacity.

Recorders, two dual.

Valves, stainless, 3-way for calibrating gases.

Meter Relay, one 50 mv full scale.

(c) Assembling equipment:

(1) The components are assembled as shown in Figure 1. There are two parallel sampling trains, one supplying exhaust to the low range hydrocarbon analyzer and the other to the carbon dioxide, carbon monoxide, and high range hydrocarbon analyzers. While these are shown connected in series, parallel flow is also acceptable. Each train has its own secondary filter and pumps. These pumps are downstream from the analyzers to minimize hangup. Provision is also made for introducing nitrogen and calibrating gas into each train.

(2) The train containing the low range hydrocarbon analyzer is equipped with a solenoid valve to shut off the exhaust flow during decelerations and to allow purge air to enter the sampling train. The instrument operator should anticipate high deceleration hydrocarbons and trigger the valve manually. As a safeguard the meter relay is set to trigger the valve automatically at 1,750 to 2,000 r.p.m. on the high range hydrocarbon analyzer.

(3) Provision shall be made (not shown in Figure 1) for the following:

(i) Maintaining pressure constant at entrance to instruments, particularly when running tailpipe device inlets (e.g. backpressure regulation by controlled bleed off);

(ii) Maintaining constant flow rate through instruments (e.g. pressure drop regulator).

(d) The following points shall be carefully followed when assembling the equipment:

(1) Minimize length of all connecting lines, using stainless steel line and closely-butted hydrocarbon resistant joints.

(2) Locate instrumentation as close as possible to tailpipe.

(3) Check system for leaks.

(4) Ground all units electrically.

(e) Initial check of assembled equipment.

(1) Turn on power and warm up analyzers (minimum 2 hours). (As a matter of good practice, power is left on continuously; but, when instruments are not in use, chopper motor is turned off and should be turned on 30 min. before testing.)

(2) Check out all equipment according to manufacturer's specifications.

(3) Flow-through time for exhaust gas sampling line should not exceed 1 second.

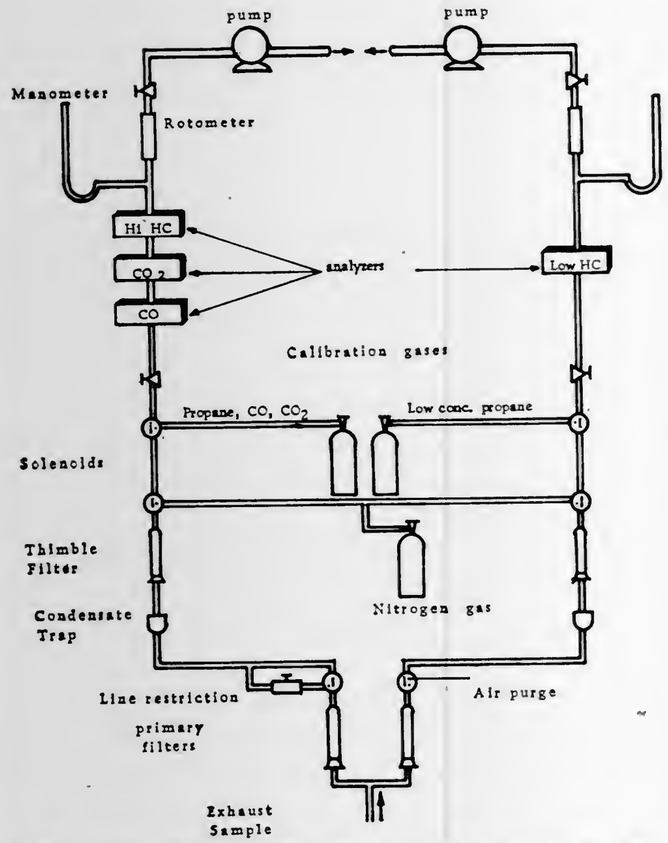
(4) Turn on analyzer pumps and adjust the flow rate through the low HC instrument to 7 liters per minute and through the high HC instrument 3 liters per minute. Record manometer pressures while drawing air from the tailpipe end of sample line using analyzer pumps.

(5) Determine "hangup" in system as described in § 85.81.

(f) Preventive Maintenance. This includes cleaning sampling system, servicing pumps, filters, recorders, and analyzers. Servicing frequency depends on total operating time. (See discussion of hangup.)

Figure 1

FLOW DIAGRAM Typical Instrument Train



§ 85.79 Information to be recorded on charts.

The following information shall be recorded with respect to each test:

(a) Test Number.
(b) Purpose (e.g. make of device).
(c) Date and time of day.
(d) Instrument Operator.
(e) Driver.
(f) Vehicle: Make—Vehicle Identification Number—Year—Transmission type—Odometer reading—Engine displacement—Carburetor barrels—Idle rpm in Drive range—position of idle mixture screws.
(g) Analyzer Tuning—Gain—Detector number.
(h) Identity zero traces, steady-state traces, calibration traces, and start and finish of each test.
(i) Record sample cell pressure.
(j) Ambient temperature (i.e. air in front of radiator).

§ 85.80 Calibration and instrument checks.

(a) Calibrate following assembly, and repeat every 30 days thereafter. Use the same flow rate as when sampling exhaust. Adjust to the same pressure setting on the manometer as observed during sampling. Proceed as follows:

(1) Clean cells and tune analyzers.

(2) Zero on nitrogen. Check each cylinder of N_2 for contamination with hydrocarbons. Set the instrument gain to give the desired range. Normal operating ranges are as follows:

Low Range Hydrocarbon Analyzer.	0–1,750 ppm hexane.
High Range Hydrocarbon Analyzer.	0–10,000 ppm. hexane.
CO Analyzer	0–12% CO.
CO_2 Analyzer	0–16% CO_2.

(3) Calibrate with the following gases. The concentrations given indicate nominal concentrations and actual concentrations should be known to within ±2% of true value. Dry N_2 is used as the diluent.

Low range HC analyzer	High range HC analyzer	CO analyzer	CO_2 analyzer
		Percent	*Percent*
100 ppm hexane	1000 ppm hexane (1100 p.s.i.g. max. pressure) [1]	1	5
200 ppm hexane	2000 ppm hexane (500 p.s.i.g.) [1]	2	9
500 ppm hexane	5000 ppm hexane (300 p.s.i.g.) [1]	5	12
750 ppm hexane	7500 ppm hexane (200 p.s.i.g.) [1]	10	16
1000 ppm hexane	9000–10,000 ppm hexane (150 p.s.i.g.) [1]		
1750 ppm hexane			

[1] The above are the maximum suggested pressures to prevent cylinder wall adsorption errors, etc.

Minimum use temperature of the cylinders should be 70° F.

(4) Compare values with previous curves. Any significant change reflects some problem in the system. Locate and correct problem, and recalibrate. Use best judgment in selecting curve for data reduction.

(5) Check response of hydrocarbon analyzer to 100% CO_2. If response is greater than 0.5% full scale, refill filter cells with 100% CO_2 and recheck. Note any remaining response on chart. If response still exceeds 0.5%, replace detector.

(6) Check response of hydrocarbon analyzers to air saturated with water at ambient temperature. Record ambient temperature. If the low range instrument response exceeds 5% of full scale with saturated air at 75° F., replace the detector. If the high range response exceeds 0.5% of full scale, check detector on low range instrument, then reject if response exceeds 5% of full scale at 75° F.

(b) Daily instrument check: Allow a minimum of 2 hours warmup for infrared analyzers. (Power is normally left on continuously; but, when instruments are not in use, chopper motor is turned off.) The following should be done before each series of tests:

(1) Zero on clean nitrogen introduced at analyzer inlet. Obtain a stable zero on the amplifier meter and recorder. Recheck after test.

(2) Introduce normalizing gas and set gain to match calibration curve. In order to avoid a correction for sample cell pressure, normalize and calibrate at the same cell pressure determined in § 85.78

(e)(4). Normalizing or span gases: See § 85.80(a)(3) for allowable variation.

Low Range Hydrocarbon Analyzer.	1,500–1,700 ppm hexane or propane equivalent for the instrument.
High Range Hydrocarbon Analyzer.	5,000 ppm hexane or propane equivalent for the instrument.
CO Analyzer	10% CO in N_2.
CO_2 Analyzer	12 to 16% CO_2 in N_2.

If gain has shifted significantly, check tuning. If necessary then check calibration. Recheck after test. Show actual concentrations on chart.

(3) Check nitrogen zero, repeat (1) and (2) if required.

(4) Check flow rates and pressure as described in § 85.78(e) (3) and (4).

§ 85.81 Cold start test run.

(a) The car and device are allowed to stand long enough to reach ambient temperature (at least 12 hours). The vehicle is to be stored prior to the test in such a manner that precipitation (rain or dew) does not occur on the vehicle and the minimum ambient temperature in the vicinity of the engine during the soak period is 60° F. During the run the ambient temperature should be between 68° and 86° F.

(b) The following steps shall then be taken for each test. (Special procedures may be required for certain cars; for example, those equipped with dual exhaust systems. These problems must be handled on an individual basis, and a procedure agreed to by the Surgeon General established.)

(1) Place car on dynamometer without starting engine.

(2) Clean condensate traps and change filter thimbles.

(3) Purge entire sampling system by allowing air to enter at probe.

(4) Purge the instruments with nitrogen. Turn on chart drive and adjust the zero. Check span.

(5) Stop the nitrogen purge and switch the analyzers to the exhaust sampling train. Adjust each flow rate. Note and record the sample system pressures on chart.

(6) Insert the sampling line at least 2 feet into the tailpipe. If this is not possible, a tailpipe extension should be used. Break connection to train.

(7) With car hood up, start the cooling fan.

(8) Start the car. After the engine has run 20 seconds, connect sample line to train.

(9) Run 7 seven-mode cycles.

(10) Change glass wool in coarse filter during idle following cycle 2.

(11) Record manifold vacuum during 50 m.p.h. cruise.

(12) Record on the dynamometer data sheet the engine idle r.p.m.: In drive range for automatics, in neutral for manuals.

(13) Remove probe from exhaust and determine air response (hangup). As a guide, the hydrocarbon concentrations should drop to 5% of scale in 10 seconds and 2–4% of scale in 2–3 minutes. If it does not, the test is questionable.

(14) Record nitrogen zero, and check span. If zero and span drift is in excess of 3% of the span concentration during the run, the results are questionable.

§ 85.82 Chart reading.

The recorder response for measuring exhaust gas concentrations will always lag the engine's operation because of a variable exhaust system delay and a fixed sample system delay. Therefore, the concentrations for each mode will not be located on the charts at a point corresponding to the exact time of the mode. For each warmup cycle to be evaluated, proceed as follows:

(a) Determine whether the cycle was driven in accordance with the specified cycle timing by observing either chart pips, speed trace, manifold vacuum trace, or concentration traces. Deviation by more than 2 seconds from the specified time for each mode will make the data of questionable value.

(b) Time correlate the hydrocarbon, carbon monoxide, and carbon dioxide charts. Use all clues available to determine the location on the chart of concentrations corresponding to each mode. Use judgment in recognizing and compensating for trace abnormalities.

(c) Locate on each chart the last three (3) seconds before HC, CO and CO_2 concentration changes indicate the beginning of the 0–25 acceleration. From this last three (3) second period determine the integrated or time average concentration for the idle concentration.

(d) Mark off the 11.5 seconds following the point located in step c. Integrate or time average the concentrations in this interval for the 0–25 acceleration concentrations.

(e) Locate the last three (3) seconds before concentration changes indicate the beginning of the 30–15 deceleration. Integrate or time average the concentrations for the cruise 30 values.

(f) Locate chart scale reading (ordinate) where peak width equals eleven (11) seconds for 30–15 deceleration. Integrate or time average the concentrations between the intersections of this scale reading with the curve for the 30–15 deceleration values.

(g) Locate the last three (3) seconds before concentration changes associated with the beginning of the 15–30 acceleration and integrate or time average the concentrations for the cruise 15 value.

(h) From the initiation of the 15–30 (50) acceleration located in step g, measure 12.5 seconds forward in time and evaluate the integrated or time average concentration for the 15–30 value.

(i) Locate chart scale reading where peak width equals 25 seconds for the 50–20 deceleration mode. Integrate or time average the concentrations between the intersections of this scale reading with the curve for the 50–20 deceleration values. The "time average concentrations" equal the sum of the concentration values for each second of time divided by the number of seconds. The concentration at any second is determined by:

(1) Reading recorder deflection.
(2) Subtracting water plus CO_2 response.
(3) Referring to the calibration curve to determine concentration. (A table corresponding to the calibration curve is a useful aid.)

Integration of the area under the curves has been found to be an acceptable approximation of the more rigorous "time average concentration" method.

(j) Record data for the first four warmup cycles and the sixth and seventh hot cycles.

NOTE: The time correlation of the various chart traces is emphasized. The peak spanning method of locating the deceleration modes is appropriate only for the hydrocarbon traces. Corresponding CO and CO_2 values should be located by time correlation.

§ 85.83 Calculations.

The final reported tests results are derived through the following steps:

(a) Exhaust gas concentrations shall be adjusted to a dry exhaust volume containing 15 percent by volume of carbon dioxide plus carbon monoxide.

(b) Determine composite hydrocarbon and carbon monoxide concentrations for the first four seven-mode warmup cycle.

(c) Determine composite hydrocarbon and carbon monoxide concentrations for the sixth and seventh (hot) cycles.

(d) Combine (b) and (c) according to the formula 0.35(b) and 0.65(c).

Example: The following example illustrates the calculation of reported values from raw data. The raw concentrations used in the warmup portion of the example represent the average mode concentrations for the first four cycles.

Since hydrocarbons, carbon monoxide, and carbon dioxide are all measured with the same moisture content, no moisture correction is required to convert the results to a dry basis. The correction factor

$$\frac{15}{CO+CO_2}$$

is applied to the measured concentrations of hydrocarbons and carbon monoxide for each load mode and the idle mode. For the deceleration modes the measured concentrations are multiplied by

$$\frac{15}{6HC+CO+CO_2}$$

(HC expressed as % hexane).[1] This modification is necessary to compensate for the large percentage of carbon atoms which remain in organic form during these modes. (Special treatment will be necessary for cases involving fuel shutoff during deceleration in accordance with a substantially equivalent procedure agreed to by the Surgeon General.)

[1] The average concentration for each mode for the first four warmup cycles is determined, and then the CO plus CO_2 correction factor is applied to this average for each mode.

EXAMPLE: WARMUP CALCULATION

Mode	Average as measured			Correction factor	Corrected		Weighing factor	Weighed	
	HC	CO	CO_2		HC	CO		HC	CO
Idle	650	5.2	10.1	15 / 15.3	640	5.1	0.042	27	0.22
0–25	430	2.0	12.1	15 / 14.1	460	2.1	.244	112	.51
30	390	2.5	12.1	15 / 14.6	400	2.6	.118	47	.31
30–15	2,600	4.6	8.6	[1] 15 / 14.8	2,600	4.7	.062	161	.28
15	470	3.7	11.4	15 / 15.1	470	3.7	.050	23	.18
15–30	350	1.3	12.5	15 / 13.8	380	1.4	.455	173	.64
50–20	4,600	3.9	6.3	[2] 15 / 13.0	5,300	4.5	.029	154	.13
Sum								697	2.27

[1] $\frac{15}{6X0.26+4.6+8.6}$

[2] $\frac{15}{6X0.46+3.9+6.3}$.

By a similar procedure the hot portion of the test yields composite values of 680 and 2.21. The reported overall composite values are:

0.35 (697) + 0.65 (680) = 686 ppm HC.
0.35 (2.27) + 0.65 (2.21) = 2.24% CO.

§ 85.84 Test vehicles.

(a) *Emission data vehicles.* (1) Four vehicles of each engine displacement will be run for emission data. Where an engine displacement projected sales volume represents less than one half of one percent of the last full year's total United States sales of all vehicles, then a total of two vehicles would be required for that displacement. Each manufacturer, however, must accumulate data on a minimum of four vehicles to qualify for certification.

(2) Vehicles shall be selected so as to be equipped as nearly as possible with transmission and carburetors in proportion to the manufacturer's percentages thereof sold in the United States during latest full model year for which sales statistics are available.

(b) *Durability data vehicles.* The durability data vehicles shall comprise a minimum of 4 and a maximum of 10, the number being determined by selection of those combinations of engine displacement and transmission options (automatic and manual) which represent at least 70 percent of the manufacturer's total sales in the United States during the latest full model year for which sales statistics are available, selected in order of sales volume; *Provided, however,* That when such manufacturer's total latest full model year sales in the United States represent less than 10 percent of all domestic sales, the number of durability data vehicles will be determined by the number of engine displacement and transmission options comprising at least 50 percent of domestic sales by the manufacturer during such model year, but in no event shall there be less than 4 vehicles unless a lesser number is agreed to by the Surgeon General as meeting the objectives of this procedure.

§ 85.85 Test conditions.

(a) Maintenance: (1) A complete record of all pertinent maintenance performed on the test vehicles will be supplied with the application for certification.

(2) Maintenance on the durability vehicles will be performed only as a result of part failure or gross vehicle malfunction with the following exceptions:

(i) Only one major engine tuneup may be performed (at approximately 25,000 miles of schedule driving).

(ii) Spark plugs may be changed if misfire is detected at 35 m.p.h. or below during the 0–70 m.p.h. WOT acceleration in the modified AMA driving schedule. (See § 85.86.)

(iii) Normal vehicle lubrication services (engine and transmission oil change and oil, fuel, and air filter servicing) will be allowed at recommended mileage intervals.

(iv) Chankcase emission control system will be serviced at 12,000 mile intervals.

(v) Adjust choke or idle settings only if there is a problem of stalling at stops.

(b) Complete cycle exhaust emission tests (see §§ 85.71 through 85.83) will be run from a cold start before and after any vehicle maintenance which can be expected to affect emissions.

§ 85.86 Mileage accumulation and emission measurements.

The route for mileage accumulation should be representative of urban driving with an average speed of 32 m.p.h. or less. The AMA city route (Appendix A) or modification thereof approved by the Surgeon General will meet this requirement. An example of an approved modification is shown in Appendix B.

(a) *Emission data vehicles.* Each vehicle will be driven a minimum of 4,000 miles with the exhaust control system installed. The results of all exhaust emission tests conducted after 4,000 miles will be supplied with the application for certification to establish the low mileage emission level of each vehicle.

(b) *Durability data vehicles.* Each vehicle will be driven 50,000 miles. Exhaust emission measurements from a cold start will be made at least every 4,000 miles.

(c) *Fuel.* Fuel for mileage accumulation and emission testing shall meet the applicable requirements of § 85.71.

§ 85.87 Compliance with emission standards.

(a) The emission standards in the regulations in this part apply to the lifetime emissions of equipped vehicles in public use. Prior to certification, of course, lifetime emissions can only be obtained by projection of test data to lifetime normal service in the hands of the public. Normal service in an urban area or its equivalent for 100,000 miles is taken as the basis for "lifetime emissions."

(b) Data available indicates that, after the first few thousand miles (where cylinder deposits, etc., are building up), emission control deterioration for a group of cars is linear with mileage. This would make the emissions corresponding to around 50,000 miles in normal service the average emission of vehicles over their lifetime. (With some cars, due to exhaust valve life, or other factors, emission deterioration rate could conceivably be greater in the second 50,000 miles. Unless normal service data with particular equipped vehicles after long service indicates to the contrary, however, it will be assumed that 50,000 miles of normal service is the proper average for the whole 0–100,000 period.)

(c) The basic procedure for determining compliance with emission standards of systems or devices, installed on or incorporated in vehicles or engines, is as follows:

(1) Emission deterioration factors will be determined from the emission results of the durability data vehicles.

(i) All emission results for each vehicle will be averaged for the following mileage intervals: 4000–12,000; 12,000–24,000; 24,000–36,000; 36,000–50,000.

(ii) Emission results for all durability test vehicles will be averaged together for these same mileage intervals. Each vehicle to get equal weighting.

(iii) The best fit straight line will be placed through the averaged data.

(iv) The deterioration factor will be calculated as follows:

$$\text{factor} < \frac{\text{emissions extrapolated to 50,000 miles}}{\text{emissions extrapolated to 4,000 miles}}$$

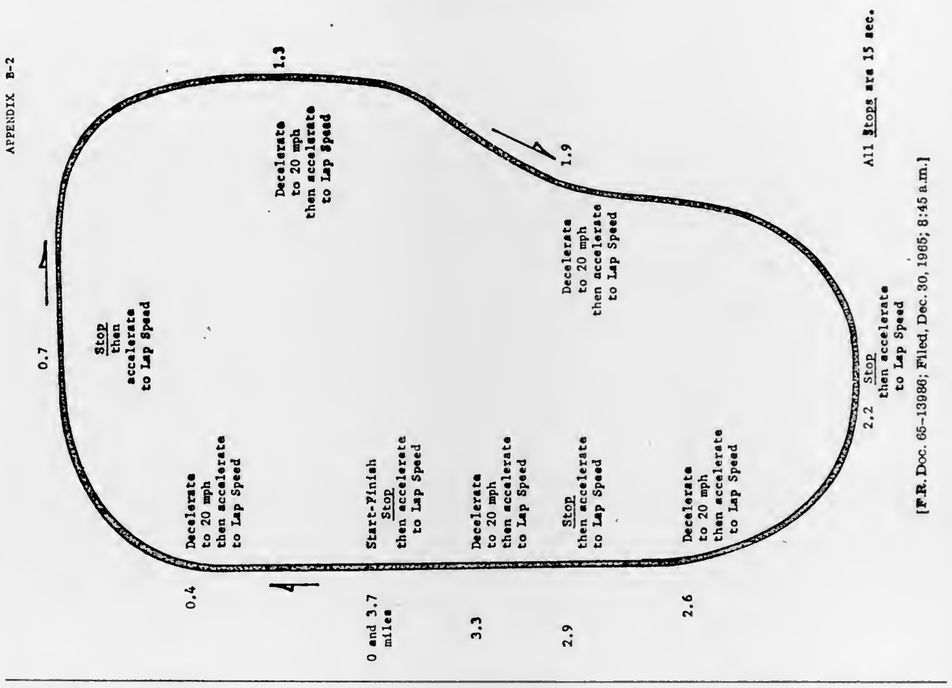
(2) The emission test results from the emission data vehicles for each engine displacement will be averaged together with equal weighting to each test vehicle.

(3) The emissions to compare with the standards will be the emissions of paragraph 2 multiplied by the factors of paragraph 1.

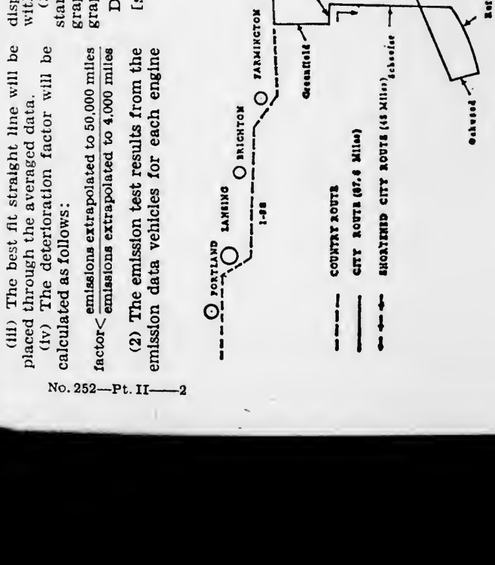
Dated: December 28, 1965.

[SEAL] JOHN W. GARDNER,
Secretary.

APPENDIX B-2



[F.R. Doc. 65-13986; Filed, Dec. 30, 1965; 8:45 a.m.]



NOTE:
1. Observe all speed limits.
2. Drive at the speed limit wherever possible.

AMA TEST ROUTE - DETROIT AND VICINITY
(Average Speed 32 mph)
APPENDIX A

APPENDIX B-1
MODIFIED AMA CITY DRIVING SCHEDULE

The schedule consists basically of 11 laps of 3.7 mile course. The basic vehicle speed for each lap is listed below:

Lap	*Speed-m.p.h.*
1	40
2	30
3	40
4	40
5	35
6	30
7	35
8	45
9	35
10	65
11	70

During each of the first nine laps there are 4 stops with 15 second idle. Normal accelerations and decelerations are used. In addition, there are 5 light decelerations each lap from the base speed to 20 m.p.h. followed by light accelerations to the base speed.

The 10th lap is run at a constant speed of 55 m.p.h.

The 11th lap is begun with a wide open throttle acceleration from stop to 70 m.p.h. A normal deceleration to idle followed by a second wide open throttle acceleration occurs at the mid-point of the lap.

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PART III

Department of Justice

Standards of Conduct

[Order No. 350–65, December 28, 1965]



Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order No. 350–65]

PART 45—STANDARDS OF CONDUCT

Prescribing standards of conduct for officers and employees of the Department of Justice in conformity with sections 201 through 209 of Title 18 of the United States Code, Executive Order No. 11222 of May 8, 1965, and Title 5, Chapter I, Part 735, of the Code of Federal Regulations.

By virtue of the authority vested in me by section 161 of the Revised Statutes (5 U.S.C. 22) and section 2 of Reorganization Plan No. 2 of 1950 (64 Stat. 1261), Part 45, Chapter I of Title 28 of the Code of Federal Regulations is hereby revised to read as follows:

Sec.

45.735–1 Purpose and scope.
45.735–2 Basic policy.
45.735–3 Definitions.
45.735–4 Conflicts of interest.
45.735–5 Disqualification arising from private financial interests.
45.735–6 Activities and compensation of employees in claims against and other matters affecting the Government.
45.735–7 Disqualification of former employees in matters connected with former duties or official responsibilities; disqualification of partners.
45.735–8 Salary of employees payable only by United States.
45.735–9 Private professional practice and outside employment.
45.735–10 Improper use of official information.
45.735–11 Investments.
45.735–12 Speeches, lectures, and publications.
45.735–13 Misuse of official position and coercion.
45.735–14 Gifts, entertainment, and favors.
45.735–15 Employee indebtedness.
45.735–16 Misuse of Federal property.
45.735–17 Gambling, betting, and lotteries.
45.735–18 Conduct prejudicial to the Government.
45.735–19 Partisan political activities.
45.735–20 Dual Federal and State office-holding.
45.735–21 Miscellaneous statutory provisions.
45.735–22 Reporting of outside interests by persons other than special Government employees.
45.735–23 Reporting of outside interests by special Government employees.
45.735–24 Reviewing statements of financial interests.
45.735–25 Supplemental regulations.
45.735–26 Publication and interpretation.
Appendix.

AUTHORITY: The provisions of this Part 45 issued under R.S. 161, 5 U.S.C. 22; Reorg. Plan 2 of 1950, 15 F.R. 8773, 64 Stat. 1261; E.O. 11222, 30 F.R. 6469, 3 CFR, 1965 Supp.; 5 CFR Part 735, unless otherwise noted.

§ 45.735–1 Purpose and scope.

(a) In conformity with sections 201 through 209 of title 18 of the United States Code (as enacted by Pub. Law No. 87–849) and other statutes of the United States, and in conformity with Executive Order No. 11222 of May 8, 1965, and Title 5, Chapter I, Part 735, of the Code of Federal Regulations, relating to conflicts of interest and ethical standards of behavior, this part prescribes policies, standards and instructions with regard to the conduct and behavior of employees and former employees (as defined in § 45.735–3 (b) and (d) respectively) of the Department of Justice.

(b) This part, among other things, reflects prohibitions and requirements imposed by the criminal and civil laws of the United States. However, the paraphrased restatements of criminal and civil statutes contained in this part are designed for informational purposes only and in no way constitute an interpretation or construction thereof that is binding upon the Department of Justice or the Federal Government. Moreover, this part does not purport to paraphrase or enumerate all restrictions or requirements imposed by statutes, Executive orders, regulations or otherwise upon Federal employees and former Federal employees. The omission of a reference to any such restriction or requirement in no way alters the legal effect of that restriction or requirement and any such restriction or requirement, as the case may be, continues to be applicable to employees and former employees in accordance with its own terms. Furthermore, attorneys employed by the Department are subject to the canons of professional ethics of the American Bar Association.

(c) Any violation of any provision of this part shall make the employee involved subject to appropriate disciplinary action which shall be in addition to any penalty which might be prescribed by statute or regulation.

§ 45.735–2 Basic policy.

Employees shall:

(a) Conduct themselves in a manner that creates and maintains respect for the Department of Justice and the U.S. Government. In all their activities, personal and official, they should always be mindful of the high standards of behavior expected of them;

(b) Not give or in any way appear to give favored treatment or advantage to any member of the public, including former employees, who appear before the Department on their own behalf or on behalf of a nongovernmental person; and

(c) Avoid any action which might result in, or create the appearance of—

(1) Using public office for private gain;

(2) Giving preferential treatment to any person;

(3) Impeding Government efficiency or economy;

(4) Losing complete independence or impartiality;

(5) Making a Government decision outside official channels; or

(6) Affecting adversely the confidence of the public in the integrity of the Government.

(d) Be guided in all their actions by the Code of Ethics for Government Service adopted by House Concurrent Resolution No. 175 of the 85th Congress (Appendix).

(e) Employees should discuss with their immediate superiors any problems arising in connection with matters within the scope of this part. Supervisors should ascertain all pertinent information bearing upon any such problem coming to their attention and shall take prompt action to see that problems that cannot be readily resolved are submitted to the Department counselor or deputy counselors referred to in § 45.735–26(b) to provide guidance and assistance with respect to the interpretation of this part.

§ 45.735–3 Definitions.

(a) *Division.* "Division" means a principal component of the Department of Justice, including a division, bureau, service, office or board.

(b) *Employee.* "Employee" means an officer or employee of the Department of Justice and includes a special Government employee (as defined in paragraph (c) of this section) in the absence of contrary indication. Presidential appointees shall be deemed employees for the purposes of this part. In situations in which this part requires an employee to report information to, or seek approval for certain activities from, the head of a division, an employee who is the head of a division or who is an appointee of the Attorney General not assigned to a division, shall report to, or seek approval from, the Deputy Attorney General, and the Deputy Attorney General shall report to, or seek approval from, the Attorney General.

(c) *Special Government employee.* "Special Government employee" means an officer or employee of the Department of Justice who is retained, designated, appointed, or employed to perform, with or without compensation, for not more than 130 days during any period of 365 consecutive days, temporary duties either on a full-time or intermittent basis.

(d) *Former employee.* "Former employee" means a former Department of Justice employee or former special Government employee, as defined in paragraph (c) of this section.

(e) *Person.* "Person" means an individual, a corporation, a company, an association, a firm, a partnership, a society, a joint stock company, or any other organization or institution.

§ 45.735–4 Conflicts of interest.

(a) A conflict of interest exists whenever the performance of the duties of an employee has or appears to have a direct and predictable effect upon a financial interest of such employee or of his spouse, minor child, partner, or person or organization with which he is associated or is negotiating for future employment.

(b) A conflict of interest exists even though there is no reason to suppose that the employee will, in fact, resolve the conflict to his own personal advantage rather than to that of the Government.

(c) An employee shall not have a direct or indirect financial interest that conflicts, or appears to conflict, with his Government duties and responsibilities.

(d) This section does not preclude an employee from having a financial interest or engaging in a financial transaction to the same extent as a private citizen not employed by the Government so long as it is not prohibited by statute, Executive Order 11222, this section or § 45.735–11.

§ 45.735–5 Disqualification arising from private financial interests.

(a) No employee shall participate personally and substantially as a Government employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, in a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest or other particular matter in which, to his knowledge, he, his spouse, minor child, partner, organization in which he is serving as officer, director, trustee, partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest, unless authorized to do so in accordance with the following described procedure:

(1) The employee shall inform the head of his division of the nature and circumstances of the matter and of the financial interest involved and shall request a determination as to the propriety of his participation in the matter.

(2) The head of the division, after examining the information submitted, may relieve the employee from participation in the matter, or he may submit the matter to the Deputy Attorney General with recommendations for appropriate action. In cases so referred to him, the Deputy Attorney General may relieve the employee from participation in the matter or may approve the employee's participation in the matter upon determining in writing that the interest involved is not so substantial as to be likely to affect the integrity of the services which the Government may expect from such employee.

(b) The financial interests described below are hereby exempted from the prohibition of 18 U.S.C. 208(a) as being too remote or too inconsequential to affect the integrity of an employee's services in a matter:

The stock, bond, or policy holdings of an employee in a mutual fund, investment company, bank or insurance company which owns an interest in an entity involved in the matter, provided that in the case of a mutual fund, investment company or bank the fair value of such stock or bond holding does not exceed 1 percent of the value of the reported assets of the mutual fund, investment company, or bank.

(18 U.S.C. 208)

§ 45.735–6 Activities and compensation of employees in claims against and other matters affecting the Government.

(a) No employee, otherwise than in the proper discharge of his official duties, shall—

(1) Act as agent or attorney for prosecuting any claim against the United States, or receive any gratuity, or any share of or interest in any such claim in consideration of assistance in the prosecution of such claim;

(2) Act as agent or attorney for anyone before any department, agency, court, court-martial, office, or any civil, military, or naval commission in connection with any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest or other particular matter in which the United States is a party or has a direct and substantial interest; or

(3) Directly or indirectly receive or agree to receive, or ask, demand, solicit or seek, any compensation for any services rendered or to be rendered either by himself or another, before any department, agency, court, court-martial, officer, or any civil, military, or naval commission, in relation to any matter enumerated and described in subparagraph (2) of this paragraph.

(b) A special Government employee shall be subject to paragraph (a) of this section only in relation to a particular matter involving a specific party or parties (1) in which he has at any time participated personally and substantially as a Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, or (2) which is pending in the Justice Department: *Provided,* That clause (2) shall not apply in the case of a special Government employee who has served in the Justice Department no more than 60 days during the immediately preceding period of 365 consecutive days.

(c) Nothing in this part shall be deemed to prohibit an employee, if it is not otherwise inconsistent with the faithful performance of his duties, from acting without compensation as agent or attorney for any person in a disciplinary, loyalty, or other Federal personnel administration proceeding involving such person.

(d) Nothing in this part shall be deemed to prohibit an employee from acting, with or without compensation, as agent or attorney for his parents, spouse, child, or any person for whom, or for any estate for which, he is serving as guardian, executor, administrator, trustee, or other personal fiduciary, except in those matters in which he has participated personally and substantially as a Government employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, or which are the subject of his official responsibility, as defined in section 202(b) of title 18 of the United States Code, provided that the head of his division approves.

(e) Nothing in this part shall be deemed to prohibit an employee from giving testimony under oath or from making statements required to be made under penalty for perjury or contempt.

(18 U.S.C. 203, 205)

§ 45.735–7 Disqualification of former employees in matters connected with former duties or official responsibilities; disqualification of partners.

(a) No individual who has been an employee shall, after his employment has ceased, knowingly act as agent or attorney for anyone other than the United States, in connection with any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, or other particular matter involving a specific party or parties in which the United States is a party or has a direct or substantial interest and in which he participated personally and substantially as an employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, while so employed.

(b) No individual who has been an employee shall, within 1 year after his employment has ceased, appear personally before any court or department or agency of the Government as agent, or attorney for, anyone other than the United States in connection with any matter enumerated and described in paragraph (a) of this section, which was under his official responsibility as an employee of the Government at any time within a period of 1 year prior to the termination of such responsibility.

(c) No partner of an employee shall act as agent or attorney for anyone other than the United States in connection with any matter enumerated and described in paragraph (a) of this section in which such Government employee is participating or has participated personally and substantially as a Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, or which is the subject of his official responsibility.

(18 U.S.C. 207)

§ 45.735–8 Salary of employees payable only by United States.

(a) No employee, other than a special Government employee or an employee serving without compensation, shall receive any salary, or any contribution to or supplement of salary, as compensation for his services as an employee of the Department of Justice, from any source other than the Government of the United States, except as may be contributed out of the treasury of any State, county, or municipality.

(b) Nothing in this part shall be deemed to prohibit an employee from continuing to participate in a bona fide pension, retirement, group life, health, or accident insurance, profit-sharing, stock bonus, or other employee, welfare, or benefit plan maintained by a former employer.

(18 U.S.C. 209)

§ 45.735–9 Private professional practice and outside employment.

(a) No professional employee shall engage in the private practice of his profession, including the practice of law, except as may be authorized by or under paragraph (c) of this section. Acceptance of a forwarding fee shall be deemed to be within the foregoing prohibition.

(b) Paragraph (a) of this section shall not be applicable to special Government employees.

(c) The Deputy Attorney General may make specific exceptions to paragraph

(a) of this section in unusual circumstances. Application for exceptions must be made in writing stating the reasons therefor, and directed to the Deputy Attorney General through the applicant's superior. Action taken by the Deputy Attorney General with respect to any such application shall be made in writing and shall be directed to the applicant.

(d) No employee shall engage in any employment outside his official hours of duty or while on leave status if such employment will:

(1) In any manner interfere with the proper and effective performance of the duties of his position;

(2) Create or appear to create a conflict of interest, or

(3) Reflect adversely upon the Department of Justice.

§ 45.735–10 Improper use of official information.

No employee shall use for financial gain for himself or for another person, or make any other improper use of, whether by direct action on his part or by counsel, recommendation, or suggestion to another person, information which comes to the employee by reason of his status as a Department of Justice employee and which has not become part of the body of public information.

§ 45.735–11 Investments.

No employee shall make investments (a) in enterprises which it is reasonable to believe will be involved in decisions to be made by him, (b) on the basis of information which comes to him by reason of his status as a Department of Justice employee and which has not become part of the body of public information, or (c) which are reasonably likely to create any conflict in the proper discharge of his official duties.

§ 45.735–12 Speeches, lectures, and publications.

(a) No employee shall accept a fee from an outside source on account of a public appearance, speech, lecture, or publication if the public appearance or the preparation of the speech, lecture, or publication was a part of the official duties of the employee.

(b) No employee shall receive compensation or anything of monetary value for any consultation, lecture, teaching, discussion, writing, or appearance the subject matter of which is devoted substantially to the responsibilities, programs or operations of the Department, or which draws substantially on official data or ideas which have not become part of the body of public information.

(c) No employee shall engage, whether with or without compensation, in teaching, lecturing or writing that is dependent on information obtained as a result of his Government employment except when that information has been made available to the general public or when the Deputy Attorney General gives written authorization for the use of nonpublic information on the basis that the use is in the public interest.

§ 45.735–13 Misuse of official position and coercion.

(a) No employee shall use his Government employment (1) for a purpose that is, or gives the appearance of being, motivated by the desire for private gain for himself or another person, or (2) to coerce, or give the appearance of coercing, a person to provide financial benefit to himself or another person.

(b) No employee shall accept free transportation for official or unofficial purposes from persons doing business with the Department of Justice when the offer of such transportation might reasonably be interpreted as an attempt to affect the impartiality of the employee.

§ 45.735–14 Gifts, entertainment, and favors.

(a) Except as provided in paragraph (c) of this section, an employee other than a special Government employee shall not solicit or accept, for himself or another person, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from a person who:

(1) Has, or is seeking to obtain, contractual or other business or financial relations with the Department;

(2) Conducts operations or activities that are regulated by the Department;

(3) Is engaged, either as principal or attorney, in proceedings before the Department or in court proceedings in which the United States is an adverse party; or

(4) Has interests that may be substantially affected by the performance or nonperformance of the employee's official duty.

(b) Except as provided in paragraph (c) of this section, a special Government employee shall be subject to the prohibition set forth in paragraph (a)(1) of this section.

(c) Paragraphs (a) and (b) of this section shall not be construed to prohibit:

(1) Solicitation or acceptance of anything of monetary value from a friend, parent, spouse, child or other close relative when the circumstances make it clear that the motivation for the action is a personal or family relationship.

(2) Acceptance of food and refreshments of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting or other meeting.

(3) Acceptance of loans from banks or other financial institutions on customary terms of finance for proper and usual activities of employees, such as home mortgage loans.

(4) Acceptance of unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars and other items of nominal intrinsic value.

(5) Receipt of bona fide reimbursement, unless prohibited by law, for actual expenses for travel and such other necessary subsistence as is compatible with other restrictions set forth in this part and for which no Government payment or reimbursement is made. However, an employee may not be reimbursed, and payment may not be made on his behalf, for excessive personal living expenses, gifts, entertainment or other personal benefits.

(6) Participation in the affairs of or acceptance of an award for a meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal or nonprofit educational, recreational, public service or civic organization.

(d) No employee shall receive from any foreign government any present, decoration, or other thing, unless authorized by act of Congress and tendered through the Department of State. (Art. 1, Sec. 9, Clause 8, the Constitution; 5 U.S.C. 115)

(e) No employee shall solicit contributions from other Government employees for a gift or present to anyone in a superior official position. No employee in a superior official position shall receive a gift or present offered or presented to him as a contribution from Government employees receiving a lesser salary than himself. No employee shall make any donation as a gift or present to any official superior.

(5 U.S.C. 113)

§ 45.735–15 Employee indebtedness.

The Department of Justice considers the indebtedness of its employees to be essentially a matter of their own concern. The Department of Justice will not be placed in the position of acting as a collection agency or of determining the validity or amount of contested debts. Nevertheless, failure on the part of an employee without good reason and in a proper and timely manner to honor debts acknowledged by him to be valid or reduced to judgment by a court or to make or to adhere to satisfactory arrangements for the settlement thereof may be the cause for disciplinary action. In this connection each employee is expected to meet his responsibilities for payment of Federal, State, and local taxes.

§ 45.735–16 Misuse of Federal property.

No employee may use Federal property for other than officially approved activities. Each employee is responsible for protecting and conserving Federal property, including equipment and supplies.

§ 45.735–17 Gambling, betting, and lotteries.

No employee shall participate, while on Government property or while on duty for the Government, in the operation of gambling devices, in conducting an organized lottery or pool, in games for money or property, or in selling or purchasing numbers tickets.

§ 45.735–18 Conduct prejudicial to the Government.

No employee shall engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct or other conduct prejudicial to the Government.

§ 45.735–19 Partisan political activities.

(a) While certain political activities are prohibited by the criminal statutes of the U.S. (see 18 U.S.C., Chap. 29), the basic restrictions on political activity of employees are set forth in section 9(a) of the Hatch Act. An explanation of the restrictions are set forth in U.S. Civil Service Commission Pamphlet No. 20 and in the Federal Personnel Manual.

(b) Most employees are subject to both statutory and Civil Service restrictions upon partisan political activities although employees of the Federal Government in some geographical areas may take part in certain local political activities. Employees have the right to vote as they choose and to express opinions on political subjects and candidates. Detailed information may be obtained through administrative and personnel offices.

(5 U.S.C. 1181, et seq.)

§ 45.735–20 Dual Federal and State officeholding.

(a) Executive Order No. 9 of January 17, 1873, prohibits Federal employees from holding any office or position under a State, Territorial, or Municipal government at the same time they hold a Federal office. Certain exceptions have been authorized by later Executive orders. The text of the 1873 order and a summary of the exceptions may be found in U.S. Civil Service Commission Pamphlet No. 20, edition of September 1958. Later editions do not contain these orders.

(b) Civil service employees and persons serving in excepted appointments are subject only to the following rules (Title 5, Part 734 of the Code of Federal Regulations):

(1) Full-time Federal employees may hold positions under a State or local government on other than a full-time basis; and

(2) Federal employees employed on other than a full-time basis may hold positions under a State or local government, whether full-time or otherwise:

Provided, That the Federal agency determines in advance that the holding of the State or local office will not interfere with the regular and efficient discharge of an employee's Federal duties.

(3) Federal employees may hold full-time positions under a State or local government while on leave without pay. The employing agency shall be the sole judge of whether it is in its interest to grant leave without pay for this purpose.

(4) Employees of State or local governments who are on leave without pay may be given temporary appointments to full-time Federal positions.

§ 45.735–21 Miscellaneous statutory provisions.

Each employee should be aware of the following statutory prohibitions against:

(a) Lobbying with appropriated funds (18 U.S.C. 1913).

(b) Disloyalty and striking (5 U.S.C. 118p and 118r).

(c) Employment of a member of a Communist organization (50 U.S.C. 784).

(d)(1) Disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783); and (2) disclosure of confidential information (18 U.S.C. 1905).

(e) Habitual use of intoxicants to excess (5 U.S.C. 640).

(f) Misuse of a Government vehicle (5 U.S.C. 78c).

(g) Misuse of the franking privilege (18 U.S.C. 1719).

(h) Use of deceit in an examination or personnel action in connection with Government employment (5 U.S.C. 637).

(i) Fraud or false statements in a Government matter (18 U.S.C. 1001).

(j) Mutilating or destroying a public record (18 U.S.C. 2071).

(k) Counterfeiting and forging transportation requests (18 U.S.C. 508).

(l)(1) Embezzlement of Government money or property (18 U.S.C. 641); (2) failing to account for public money (18 U.S.C. 643); and (3) embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

(m) Unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

§ 45.735–22 Reporting of outside interests by persons other than special Government employees.

(a) Not later than 90 days after the effective date of this order, each employee occupying a position designated in paragraph (c) of this section shall submit to the head of his division a statement, on a form made available through division administrative officers, setting forth the following information:

(1) A list of the names of all corporations, companies, firms, or other business enterprises, partnerships, nonprofit organizations, and educational or other institutions with or in which he, his spouse, minor child or other member of his immediate household has—

(i) Any connection as an employee, officer, owner, director, member, trustee, partner, adviser or consultant; or

(ii) Any continuing financial interest, through a pension or retirement plan, shared income, or other arrangement as a result of any current or prior employment or business or professional association; or

(iii) Any financial interest through the ownership of stock, stock options, bonds, securities, or other arrangements including trusts.

(2) A list of the names of his creditors and the creditors of his spouse, minor child or other member of his immediate household, other than those creditors to whom any such person may be indebted by reason of a mortgage on property which he occupies as a personal residence or to whom such person may be indebted for current and ordinary household and living expenses such as those incurred for household furnishings, an automobile, education, vacations or the like.

(3) A list of his interests and those of his spouse, minor child or other member of his immediate household in real property or rights in lands, other than property which he occupies as a personal residence.

For the purpose of this section "member of his immediate household" means a resident of the employee's household who is related to him by blood.

(b) Each employee designated in paragraph (c) of this section who enters upon duty after the date of this order shall submit such statement not later than 30 days after the date of his entrance on duty or 90 days after the effective date of this order, whichever is later.

(c) Statements of employment and financial interests are required of the following:

(1) Employees paid at a level of the Federal Executive Salary Schedule established by the Federal Executive Salary Act of 1964, as amended.

(2) Employees in grade GS–16 or above of the General Schedule established by the Classification Act of 1949, as amended, or in comparable or higher positions not subject to that Act.

(3) Hearing examiners except hearing officers appointed in connection with the responsibilities of the Department under or pursuant to section 6(j) of the Universal Military Training and Service Act (50 U.S.C. App. 456(j)).

(4) Employees occupying the following positions, regardless of grade:

(i) Administrative Division:

Chief, Administrative Services Office.

(ii) Office of the Deputy Attorney General:

United States Attorneys.
United States Marshals.

(iii) Civil Division:

Chief, Foreign Litigation Unit.
Attorney-in-Charge, New York Field Office, Admiralty & Shipping Section.
Attorney-in-Charge, San Francisco Field Office, Admiralty & Shipping Section.
Chief, Claims Unit, Office of Alien Property.
Chief, Property Liquidation Unit, Office of Alien Property.

(iv) Tax Division:

Chief, Refund Trial Section No. 1.
Chief, Refund Trial Section No. 2.
Chief, Refund Trial Section No. 3.

(v) Bureau of Prisons:

Chief, Business and Fiscal Branch.
Budget Officer.
Chief, Research and Statistics Branch.
Chief, Jail Inspection Service.
Each Warden of a Federal penal or correctional institution.
Director, Springfield Medical Center.
Superintendent, National Training School for Boys.

(vi) Immigration and Naturalization Service:

Associate Deputy Regional Commissioners, Management, for Northeast, Southeast, Northwest and Southwest Regions.

(vii) Antitrust Division:

Chief, Special Trial Section.
Chief of the Cleveland Office.
Chief of the Los Angeles Office.
Chief of the Philadelphia Office.
Chief of the San Francisco Office.

(viii) Internal Security Division:

Chief, Registration Section.

(ix) Office of the Attorney General, Office of Law Enforcement Assistance:

Director.
Associate Director.
Assistant Director (Law Enforcement).
Program Managers.

(d) Changes in, or additions to, the information contained in an employee's statement of employment and financial interests shall be reported in a supplementary statement at the end of the quarter in which the changes occur. Quarters end March 31, June 30, September 30, and December 31. If there are no changes or additions in a quarter, a negative report is not required. However, for the purpose of annual review, a supplementary statement, negative or otherwise, is required as of June 30 each year.

(e) If any information required to be included on a statement of employment and financial interests or supplementary statement, including holdings placed in trust, is not known to the employee but is known to another person, the employee shall request that other person to submit information in his behalf.

(f) Paragraph (a) of this section does not require an employee to submit any information relating to his connection with, or interest in, a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or a similar organization not conducted as a business enterprise. For the purpose of this section, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in an employee's statement of employment and financial interests.

(g) The Department shall hold each statement of employment and financial interests in confidence, and each statement shall be maintained in confidential files in the immediate office of the division head. The Department may not disclose information from a statement except as the Civil Service Commission or the Deputy Attorney General may determine for good cause. Upon termination of the employment in the Department of any person subject to this section, statements which he has submitted in accordance with paragraph (a) of this section shall be disposed of in accordance with established Department procedures applicable to confidential records. In the event an employee subject to this section is transferred within the Department, statements which he has filed pursuant to paragraph (a) of this section shall be transferred to the head of the division to which the employee is reassigned.

(h) The statements of employment and financial interests and supplementary statements required of employees are in addition to, and not in substitution for, or in derogation of, any similar requirement imposed by law, order or regulation. The submission of a statement by an employee does not permit him or any other person to participate in a matter in which his or the other person's participation is prohibited by law, order, or regulation.

§ 45.735–23 Reporting of outside interests by special Government employees.

(a) A special Government employee shall submit to the head of his division a statement of employment and financial interests which reports (1) all other employment, and (2) any financial interest which relates either directly or indirectly to his Government duties and responsibilities.

(b) A statement required under this section shall be submitted at the time of employment and shall be kept current throughout the period of employment by the filing of supplementary statements in accordance with the requirements of § 45.735–22(d). Statements shall be on forms made available through division administrative officers.

(c) This section shall not be construed as requiring the submission of information referred to in § 45.735–22(f).

(d) Paragraphs (g) and (h) of § 45.735–22 shall be applicable with respect to statements required by this section.

§ 45.735–24 Reviewing statements of financial interests.

(a) The head of each division shall review financial statements required of any of his subordinates by §§ 45.735–22 and 45.735–23 to determine whether there exists a conflict, or possibility of conflict, between the interests of a subordinate and the performance of his service for the Government. If the head of the division determines that such a conflict or possibility of conflict exists, he shall consult with the subordinate. If he concludes that remedial action should be taken, he shall refer the statement to the Deputy Attorney General, through the Department Counselor, with his recommendation for such action. The Deputy Attorney General, after such investigation as he deems necessary, shall direct appropriate remedial action if he deems it necessary.

(b) Remedial action may include, but is not limited to:

(1) Changes in assigned duties.

(2) Divestment by the employee of his conflicting interest.

(3) Disqualification for a particular action.

(4) Exemption pursuant to § 45.735–5.

(5) Disciplinary action.

§ 45.735–25 Supplemental regulations.

The heads of divisions may issue supplemental and implementing regulations not inconsistent with this part.

§ 45.735–26 Publication and interpretation.

(a) The Administrative Assistant Attorney General shall provide that the provisions of this part and all revisions thereof shall be brought to the attention of and made available to:

(1) Each employee at the time of issuance and at least annually thereafter; and

(2) Each new employee at the time of employment.

(b) The Assistant Attorney General in charge of the Office of Legal Counsel, designated as Department Counselor in accordance with § 735.105 of Title 5 of the Code of Federal Regulations, and, subject to his supervision, such deputy counselors as may be designated to assist him in accordance with the aforesaid regulation, shall provide legal advice, guidance and assistance with respect to the interpretation of this part and in matters relating to ethical conduct, particularly matters subject to the provisions of the conflict of interest laws and Executive Order No. 11222 of May 8, 1965.

This order was approved by the Civil Service Commission on December 28, 1965, and shall be effective upon publication in the FEDERAL REGISTER. This order supersedes Order No. 300–63.

Dated: December 28, 1965.

NICHOLAS DEB. KATZENBACH,
Attorney General.

Appendix

[H. Con. Res. No. 175, 85th Cong.]

CODE OF ETHICS FOR GOVERNMENT SERVICE

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the following Code of Ethics should be adhered to by all Government employees, including officeholders:

CODE OF ETHICS FOR GOVERNMENT SERVICE

Any person in Government service should:

1. Put loyalty to the highest moral principles and to country above loyalty to persons, party, or Government department.

2. Uphold the Constitution, laws, and legal regulations of the United States and of all governments therein and never be a party to their evasion.

3. Give a full day's labor for a full day's pay; giving to the performance of his duties his earnest effort and best thought.

4. Seek to find and employ more efficient and economical ways of getting tasks accomplished.

5. Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept, for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.

6. Make no private promises of any kind binding upon the duties of office, since a Government employee has no private word which can be binding on public duty.

7. Engage in no business with the Government, either directly or indirectly, which is inconsistent with the conscientious performance of his governmental duties.

8. Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit.

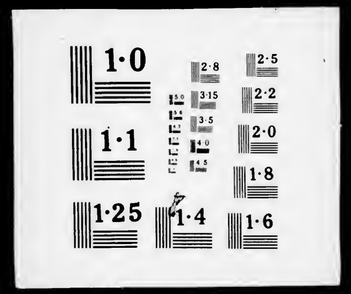
9. Expose corruption wherever discovered.

10. Uphold these principles, ever conscious that public office is a public trust.

Passed July 11, 1958.

[F.R. Doc. 65–13995; Filed, Dec. 30, 1965; 8:45 a.m.]

RESOLUTION CHART



100 MILLIMETERS

INSTRUCTIONS Resolution is expressed in terms of the lines per millimeter recorded by a particular film under specified conditions. Numerals in this chart indicate the number of lines per millimeter in adjacent "L-shaped" groupings.

In microfilming it is necessary to determine the reduction ratio and multiply by the number adjacent to the group in which it can be decerned that the lines are either horizontal or vertical. As an aid in determining the reduction ratio the line below is 100-millimeters in length. Measuring this line in the film image and dividing the length into 100 gives the reduction ratio. Example: the line is 10 millimeters long in the film image and 100/10 = 10.

Examine the "L-shaped" line groupings in the film with a forty power microscope and note the number adjacent to the group in which it is possible to decern that the lines are either horizontal or vertical. It is only necessary to determine that there are lines in both directions regardless of the number of lines. Under these conditions it is considered that the group in question is resolved. Example: the lines in 7.9 group are discernible horizontally and vertically while the lines in the 8.9 group are not discernible. Reduction ratio is 10 and 7.9 × 10 = 79 lines per millimeter recorded satisfactorily. 8.9 × 10 = 89 lines per millimeter which are not recorded satisfactorily. Under the particular conditions maximum resolution is between 79 and 89 lines per millimeter.

In order to check the camera for vibration several exposures should be made with the chart in the center of the field in one orientation and then turn it through an angle of 45° and make several more exposures. If the lines in both directions at both orientations are equally resolved the camera is free from vibrations.

Resolution as measured on the film, is a test of the entire photographic system, including lens, exposure, processing, and other factors. It is recommended the resolution charts be placed on every roll of microfilm, at the beginning of the roll or preferably at both ends of the roll. This practice will provide a convenient means of continually checking both the operation and performance of the system which can be referred to at any time.

THE END